




Women Inheriting Land: Rights and Realities

A Webinar Report



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The webinar on Women Inheriting Land: Rights and Realities took place on 22 February, 2019. The objective of this webinar was to discuss the significance of owning land through inheritance, the challenges that prevent women from inheriting land, the opportunities offered through the best practices and the possible actions that can be taken at different levels.

Broad Areas of discussion:

Women's rights to inherit land in the context of human rights and global commitments

Legal and policy environment pertaining to inheritance by women in India

Socio cultural barriers to inheritance of land by women

Good Practices and progress made to ensure women's right to inherit land

The webinar was co-organized by Landesa and the Working Group for Women and Land Ownership (WGWLO) with support from the NRM Center for Land Governance and the Land Portal Foundation.

Moderator: Ms. Shipra Deo, Director, Women Land Rights, Landesa – India

Panelists:

- Dr. Govind Kelkar, Senior Advisor -women, Land and Productive Assets, Landesa -India.
- Dr. Hema Swaminathan, Associate Professor, Center for Public Policy IIM – Bangalore.
- Ms. Niti Saxena, Activist and Researcher, Uttar Pradesh.
- Dr. Varsha Bhagat-Ganguly, Researcher & former Convener, Working Group on Women and Land Ownership (WGWLO), Gujarat.

A complete recording of the webinar is available on YouTube: <https://youtu.be/KJ1MXU-sjXw>



Key Takeaways

- Despite a hoard of international and national commitments, ownership of land continues to be an area with appalling disparities between men and women. An overlapping web of legal, structural, socioeconomic, and cultural factors prevent women from realizing their right to inherit land.
- Inheritance laws, policies, and regulations while not overtly discriminating against women, are gravely insufficient to ensure them an equal right to inheritance.
- The plurality of laws and huge ambiguities further undo progressive moves of the law. Even when the laws entitle equal rights to women, the social norms and institutions constrain women from claiming their inheritance rights.
- Although the Hindu Succession Amendment Act of 2005 improved inheritance rights, it has neither been effectively implemented nor monitored.

Webinar Summary

1) WHY DOES IT MATTER FOR WOMEN TO OWN LAND, AND WHY IS IT IMPORTANT TO TALK ABOUT INHERITANCE IN THE CONTEXT?

- Women should own land as a matter of social justice. It is instrumental not only for themselves, but for households and communities. Further, land ownership enhances women's own well being and that of households and communities. Inheritance is a primary way in which women are able to acquire land or stake their ownership claims over land.

2) WHAT IS THE CONNECTION BETWEEN THE SUSTAINABLE DEVELOPMENT GOALS AND WOMEN'S RIGHTS TO INHERIT LAND?

- In terms of the SDGs, it's relevant for several goals. including goal 1 for poverty reduction, goal 4 of achieving zero hunger and goal 5 for gender equality and women's economic empowerment. The SDGs are quite clear in terms of talking about ownership and access of property and economic resources for women.

3) WHAT ARE THE BARRIERS TO WOMEN'S INHERITANCE?

- First, the Hindu Succession Amendment Act leaves out women who are not Hindus. Laws that are dictated by religion do not give women equal inheritance to land. Also, if a woman dies and she has no class I heir, then her property goes to her in-laws first rather than her parents, and the same is not true for men. There are many such inconsistencies in the law that need to be eliminated.

4) WE HAVE OFTEN HEAR PEOPLE SAYING THAT WOMEN THEMSELVES WRITE OFF THEIR SHARE TO BROTHERS AND THAT 'IT WILL BREAK HOMES, IF DAUGHTERS START CLAIMING FOR LAND'. TO WHAT EXTENT DO YOU THINK IS THIS TRUE?

- A study of 34 villages in 7 districts by WWGLO found that around 23% of the daughters who had received inheritance had written off their title deeds to family members. Studies in non-tribal areas show that 2-12% of tribal women are giving up their share. Patriarchal values are closely intertwined with livelihood and survival concerns, where land rights are primarily associated with men. A fear of losing support of the natal family, and thus signing away rights to avoid conflict, and violence, results from the vulnerable position of women.

5) WHAT ARE THE GAPS BETWEEN THE CONSTITUTIONAL GUARANTEE OF EQUALITY TO WOMEN AND THE REAL LIFE MARGINALIZATION IN INHERITING LAND?

- Lack of information and poor awareness level among women and men about land-related legal provisions and administrative processes, which are complex and cumbersome, is commonplace. Poor maintenance of documentation and land records also pose challenges for women. Culturally, women are not seen as land owners, which leads to state's complicity in denial of land rights to women, particularly in the North Indian belt, which is extremely patriarchal in nature.

6) WHAT ARE BEST PRACTICES THAT HAVE WORKED TOWARDS ENSURING WOMEN'S INHERITANCE?

- Dialogue with high-level government officials to change their minds on government notifications and resolutions that cover land rights from a gender perspective is crucial; as directives from top officials become a mandate for the land revenue officials to implement those notifications proactively. Moreover, sensitizing men through community level meetings has proven effective. This must be complemented by mobilizing local governance and the political power structure.

7) WHAT ARE THE MONITORING MECHANISMS TO TRACK WOMEN'S INHERITANCE AND LAND RIGHTS AT THE NATIONAL LEVEL, AND WHERE THEY NEED TO BE STRENGTHENED?

- Generally, policies are not monitored, with few exceptions. Government forms should be standardized so that sex disaggregated data can be collected at all levels, including during registration or recording details of property after a death in the household. Also, individual level ownership information and primary mode of acquisition for immoveable property should be provided in all NSS surveys that record assets.

8) WHAT ARE YOUR SUGGESTIONS TO BRING ABOUT CHANGES AT THE POLICY LEVEL?

- Panelists proposed many actions to bring about changes at the policy level, including the better training of members of judiciary is needed, as they are embedded in the patriarchal social system and have the same mindset and prejudices, giving priority to marginalized women and single women in distribution of public land, and designing better data recording and collection mechanisms and ensure that all data collected is sex-disaggregated.

Notable Quotes from the Panelists



“A COLLECTIVE EFFORT BY NGOS, INDIVIDUALS, COMMUNITIES AND GOVERNMENT CAN GO A LONG WAY IN ENSURING THAT WOMEN RECEIVE THEIR INHERITANCE RIGHTS AND THAT THE EQUALITY ENSHRINED IN THE CONSTITUTION IS NOT COMPROMISED.” - MS. SHIPRA DEO, DIRECTOR, WOMEN LAND RIGHTS, LANDESA – INDIA



“ALTHOUGH THE GOVERNMENT OF INDIA AMENDED THE LAWS OF INHERITANCE RIGHTS IN 2005, I WOULD CALL THIS A FOG OF ENTITLEMENT BECAUSE IT HAS NEITHER BEEN MONITORED NOR IT HAS BEEN IMPLEMENTED.” - DR. GOVIND KELKAR, SENIOR ADVISOR -WOMEN, LAND AND PRODUCTIVE ASSETS, LANDESA INDIA



“WOMEN SHOULD HAVE THE SAME OPPORTUNITIES AS EVERYBODY ELSE TO ENJOY THE FRUITS THAT OWNERSHIP BRINGS ALONG WITH IT. THEY ARE A VERY IMPORTANT STAKEHOLDER IN ALL PROCESSES.” - DR. HEMA SWAMINATHAN, ASSOCIATE PROFESSOR, CENTER FOR PUBLIC POLICY, INDIAN INSTITUTE OF MANAGEMENT



“SUPPORT MECHANISMS AT THE LOCAL LEVEL PLAY A CRUCIAL ROLE IN ENSURING WOMEN TO CLAIM THEIR RIGHTS. WE REALLY NEED TO FOCUS ON SINGLE WOMEN, WHO MAY BE DESTITUTE, DESERTED OR DIVORCED. THEY ARE THE MOST VULNERABLE GROUP AMONG WOMEN.” - MS. NITI SAXENA, ACTIVIST AND RESEARCHER, UTTAR PRADESH



“IT IS IMPORTANT TO RECOGNIZE THE EFFORTS OF THOSE MEN WHO PROVIDE SUPPORT TO WOMEN IN THE FAMILY AND COMMUNITY. THIS CREATES ROLE MODELS, MEN WHO THEN IN TURN REACH OUT TO OTHER VILLAGES AND COMMUNITIES.” - DR. VARSHA BHAGAT-GANGULY, RESEARCHER & FORMER CONVENER, WORKING GROUP ON WOMEN AND LAND OWNERSHIP (WGWLO)



LAND PORTAL FOUNDATION
Postbus 716, 9700 AS Groningen, the Netherlands
www.landportal.org | hello@landportal.org