

Not in Her Name

Women's Property Ownership in India

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There have been insistent calls for collection of sex-disaggregated asset data, particularly with respect to landownership, but the government's data collection efforts leave much to be desired. This article presents national level estimates of men and women's incidence of agricultural landownership for the first time, using the India Human Development Survey, 2011–12. Evidence shows that property in women's name is empowering and can have a transformative effect on their lives and of their families and children.

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1 Introduction

How much property do women really own? Since the 1970s, the inaccurate but riveting statistic that women the world over own 1% of all property has been used widely (Kessler 2015). This myth has survived, thanks to the near absence of data on women's property ownership. In India, scholars and activists have been vocal in their advocacy for collection of sex-disaggregated asset data, particularly with respect to landownership, but this has not materialised within government data collection efforts.

One of the first state-representative efforts to collect sex-disaggregated asset and wealth data in India was the Karnataka Household Asset Survey (KHAS), 2010–11. KHAS results paint a depressing picture of the gender gap in property ownership with men's ownership incidence and wealth substantially exceeding that of women's (Swaminathan et al 2012). This article presents national-level estimates of men and women's incidence of agricultural landownership for the first time, using the India Human Development Survey (IHDS) II, 2011–12. Women's ownership of house is also examined based on IHDS I, 2004–05, and IHDS II.

2 Results

Land

The incidence of landownership among rural households in India was 54.8% in 2011–12, a marginal decline from 57.5% in 2004–05. Landed households were requested to list up to three household members whose names were on the land documents. This individual information reveals a vast gender gap; 24.1% of all adult men owned land in 2011–12, while only 3.9% of all adult women were owners (Table 1, columns 1 and 2). The highest incidence of ownership by women was in Uttarakhand

(11.5%), the only state where it was more than 10%.¹

Examining individual incidence within landed households accentuates the gender differences (Table 1, columns 3 and 4). Only 6.5% of women in these households were owners compared to 42.7% of men. Some regional variation is seen, but even the southern region with the highest incidence for women (9.5%) shows a gap of 31 percentage points with men's incidence of landownership at 40.5%. The central region shows the highest gender gap with a 40 percentage point difference in ownership incidence between men and women.

Table 1: Incidence of Agricultural Landownership in Rural India by Sex of Owner, 2011–12 (%)

Regions/States ^a	Incidence of Landownership		Incidence of Landownership (Conditional on Household Ownership)	
	Men (1)	Women (2)	Men (3)	Women (4)
Central	33.8	4.2	46.4	6.0
Rajasthan	29.1	2.6	40.6	3.7
Uttar Pradesh	34.4	4.4	46.8	6.2
Madhya Pradesh	37.2	5.6	51.3	7.9
East	23.4	2.5	40.4	4.4
West Bengal	19.9	1.5	47.1	3.8
Jharkhand	19.3	4.1	31.7	6.7
Odisha	22.2	2.1	34.8	3.4
Bihar	24.6	2.0	41.3	3.5
Chhattisgarh	37.8	4.4	46.7	5.5
North	25.5	5.3	41.2	8.3
Jammu and Kashmir	30.5	3.6	35.8	4.3
Himachal Pradesh	41.7	7.6	47.8	8.8
Punjab	15.6	3.7	37.6	9.2
Uttarakhand	40.9	11.5	49.1	13.7
Haryana	17.7	1.7	39.2	3.9
North-east	18.6	2.1	37.2	4.3
South	20.2	4.5	40.6	9.5
Kerala	17.3	5.4	50.2	16.5
Tamil Nadu	13.3	2.1	39.1	6.5
Karnataka	23.6	3.7	35.7	5.9
Andhra Pradesh	23.2	6.3	43.6	12.1
West	28.8	5.1	43.5	7.9
Gujarat	21.5	3.9	33.1	6.2
Maharashtra	33.2	5.9	48.9	8.8
India	24.1	3.9	42.7	6.5

^a The sample sizes for the north-eastern states are too small to be disaggregated. This is also true for Goa, Daman and Diu, and Puducherry.

Source: Authors' calculations, IHDS II (2011–12).

At 4.3%, the north-east region shows the lowest incidence of landownership by women in landed households, although Meghalaya, within this region, not only had the highest women's incidence among all states (20.9%) but is also the only state with a reverse gender gap

with men’s incidence at 11.1% (numbers not presented here). The IHDS state samples for this region are quite small but useful nonetheless to illustrate the heterogeneity here. The picture in Meghalaya is presumably due to the matrilineal culture of the Khasi and Garo tribes. The tribes in the other states (Kukis, Mizos, Nagas, for example) are mainly governed by customary laws where inheritance norms are patrilineal.

Overall, the state estimates reveal that in 16 of the 19 states presented here, less than 10% of women in landed households are landowners. Not surprisingly, given the tradition of *Marumakkattayam* (matrilineal inheritance among certain communities in Kerala), women are more likely to own land compared to other states. At 16.5%, this is the highest in the country although the gender gap is high even here at 33.7 percentage points.

An examination of how land is acquired strengthens the narrative of gender discrimination in landownership. Almost 85% of household land is acquired through inheritance flowing mainly to men (Table 2). Inheritance to women accounts for land acquisition in less than 2% of households—a strikingly low figure given it is a decade since the implementation of the amended Hindu Succession Act (HSA), 1956, applicable to a majority of households, whereby daughters were given the same coparcenary rights as sons for all types of property including agricultural land. Although the four southern states and Maharashtra had effected amendments to the HSA (1956) favourable to women’s inheritance even earlier, this excluded agricultural property. Kerala was the only state which allowed for agricultural land to be devolved equally to sons and daughters, but even here a marked gender difference is seen in inheritance. A limitation

in this context is that the question on modes was phrased as “How did the household acquire most of its land?,” giving us trends in the dominant modes of acquisition, but not for each parcel of land. This could lead to some underestimation of women’s inheritance, as their land is unlikely to account for most household land.

It is likely that a substantial proportion of observed women’s inheritance in the data reflects widows inheriting from their husbands and not daughters from their parents. It is not possible to identify the specific source of inheritance for the owners as data was collected for household land. KHAS which has acquisition data for owners shows that for women landowners in rural Karnataka, inheritance on death of spouse dominates all other means, with their natal inheritance considerably lower than that of men (Swaminathan et al 2011). Focus group discussions from KHAS and results from other studies (Landesa 2013; Saxena 2013) suggest that women seldom choose to exert their inheritance rights fearing alienation from their natal family.

Undivided family property refers to unpartitioned Hindu coparcenary property, where daughters and sons have equal rights. However, given the predominance of patrilocal marriages, the coparcenary rights of married daughters in particular may not have relevance unless partition is effected to give them their rightful shares. The southern, western, and north-eastern states show a relatively higher incidence of such undivided family property compared to the other regions.

Table 3 shows a life-cycle effect in asset accumulation with a high proportion of both women and men owners being in the older age cohorts. Women owners, however, are more likely to be widowed (56.1%) while men owners

are mostly married (95.1%). The overrepresentation of widows among women suggests they inherit mainly on the death of their spouse.

Table 3: Profile of Rural Landowners by Sex, 2011–12 (%)

Characteristics of Landowners	Women	Men
Age		
17–25	1.4	2.2
26–35	7.6	9.7
36–50	35.0	34.5
> 50	56.0	53.5
Marital status		
Married	41.7	95.1
Widowed	56.1	7.7
Separated/divorced	1.4	2.7
Never married	7.7	2.3

Source: Authors’ calculations, IHDS II (2011–12).

House

We now examine trends in home ownership for eligible women respondents (ever married women between 15 and 49 years of age) by asking if their names appeared on house documents.² Since this information was collected in both rounds of the survey, a temporal comparison is possible.

More than 90% of the households across the country own their residences, with little change over the inter-survey period. Among these households, however, only 14.9% had the names of the interviewed women on the house documents in 2004–05, which increased minimally to 16.3% in 2011–12 (Table 4). In not a single state do more than a third of households have the women respondents as owners. At 31%, this incidence was highest in Karnataka and Tamil Nadu in 2011–12.

The southern region showed the highest incidence in 2011–12 with 25.9%

Table 2: Modes of Acquisition of Land for Rural Households, 2011–12 (%)

Modes	Inherited by Men	Inherited by Women	Undivided Family Land	Purchased	Received as Gift	Other
Central	85.8	1.0	6.5	1.5	3.3	1.8
East	87.0	1.4	6.8	2.3	1.6	0.9
North	91.8	1.4	3.3	1.9	0.8	1.0
North-east	70.2	9.1	13.4	2.6	3.2	1.5
South	69.3	3.2	13.3	11.0	1.8	1.4
West	80.8	0.9	12.5	4.4	1.1	0.2
India	82.9	1.8	8.4	3.7	2.1	1.2

Source: Authors’ calculations, IHDS II (2011–12).

Obituaries

The EPW has started a monthly section, “Obituaries”, which will note the passing of teachers and researchers in the social sciences and humanities, as also in other areas of work.

The announcements will be in the nature of short notices of approximately a hundred words about the work and careers of those who have passed away.

Readers could send brief obituaries to edit@epw.in.

of households having women home owners, up from 19% in 2004–05. One of the reasons could be the favourable inheritance legislations enacted by these states since the early 1990s. Women's overall labour force participation rates are also relatively higher in the south (Lahoti and Swaminathan 2015), which could imply better ability to purchase assets including immovable property.

Table 4: Percentage of Residence Owning Households with Women Respondents as Owners

Regions/States	2004–05	2011–12
Central	13.2	13.6
Rajasthan	7.9	10.9
Uttar Pradesh	13.9	14.2
Madhya Pradesh	16.4	14.7
East	8.5	12.9
West Bengal	8.6	19.4
Jharkhand	8.5	6.9
Odisha	3.0	5.2
Bihar	14.0	13.1
Chhattisgarh	3.2	10.8
North	15.8	17.1
Jammu and Kashmir	11.4	5.8
Himachal Pradesh	18.5	19.1
Punjab	5.6	15.4
Chandigarh	3.6	18.5
Uttarakhand	34.9	25.2
Haryana	7.9	12.8
North-east	9.6	17.2
South	19.0	25.9
Kerala	20.2	23.2
Tamil Nadu	14.9	31.1
Karnataka	30.6	31.2
Andhra Pradesh	15.0	19.7
West	23.2	12.1
Gujarat	51.3	16.8
Maharashtra	9.9	10.1
India	15.0	16.3

Source: Authors' calculations, IHDS I (2004–05) and IHDS II (2011–12).

The north-eastern and northern regions had around 17% of households with women respondents as home owners, with the north-east showing the steepest increase from 2004–05 (9.6%). Overall, home ownership by women recorded marginal to substantial increases in 16 out of the 20 states/union territories presented here, which could be on account of lower stamp duties on properties registered in women's names in several of these states.³ Government housing programmes like the Indira Awaas Yojana also mandate registration in both women's and men's names, which could have improved women's ownership in some states.

The West presents a puzzling picture. It is the only region where the percentage of households with women respondents dropped to nearly half across the two survey rounds. This is entirely on account of Gujarat, where this was an unusually high 51.3% in 2004–05, which declined to 16.8% in 2011–12. Using IHDS I, Desai and Andrist (2010) posit that placing the home in a woman's name could be an economic strategy to prevent foreclosure in case of business reversals and bankruptcy. Another explanation could be the pivotal role played by the Self Employed Women's Association (SEWA) and other non-governmental organisations in enabling low-cost housing finance to poor and informal sector women (Obino 2013). Neither of these, however, accounts for the drastic fall in ownership.

Since comparable data is not available for men, it is not possible to explore the gender gap in residence ownership. Placing the housing ownership question in the individual section instead of in the household questionnaire (similar to land-ownership) is a missed opportunity to provide estimates of both men and women's incidence of home ownership at the national level. Results from KHAS show that fewer women than men are home owners and on an average, their homes are of lower value than men's homes (Swaminathan et al 2011).

3 Conclusions

Measuring discrimination and developing indicators to monitor and track progress are essential to the goal of gender equality. Here, we are arguing specifically for collection of systematic sex-disaggregated data on immovable property. The importance of women's property ownership is not in doubt. Evidence shows that property in women's name is empowering and can have a transformative effect on their lives and of their families and children (Oduro et al 2015; Doss 2013; Swaminathan et al 2011). Disaggregated data is critical to track the efficacy of policies and programmes aimed at strengthening women's rights to own property.

Collecting individual-level data is quite a formidable task; in addition to being

resource intensive, there are other challenges as well in defining ownership (does it include use rights, access rights, and control over property in addition to nominal ownership?), deciding whom to interview within a household and so on. The experiences of KHAS and IHDS demonstrate that these challenges can be overcome. What we need is commitment from our policymakers to enable such data to be collected by our statistical agencies.

NOTES

- 1 IHDS is not a state representative survey, but sample sizes for major states are sufficient to make broad inferences and interstate comparisons.
- 2 The surveys asked whether the woman's name is on house ownership papers or rental agreements. The analysis presented here is restricted to ownership documents.
- 3 <https://www.commonfloor.com/guide/stamp-duty-and-registration-fee-in-states-41750.html>; <http://content.magicbricks.com/industry-news/benefits-of-being-a-woman-property-buyer/65303.html>; http://articles.economic-times.indiatimes.com/2012-08-13/news/33182693_1_joint-property-tax-benefits-duty-in-such-cases, accessed on 6 October 2015.

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