

Gender and the Challenges for Equal Property Rights – A Study of Cuddalore District, Tamilnadu

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Abstract

This paper critically examines gender and the challenges it faces relating to property rights. Women's lack of property rights has been increasingly linked to other development-related problems including low-levels of education, hunger and poor health.

Women in every religion and legal system are now discriminated to inherit the property only on the basis of sex. When only men have rights of inheritance or family succession, women have little opportunity to improve their status or living conditions within the family and community. Equal rights to both men and women, equal share of property etc. are discussed every day in public life, newspaper and television. But the reality which bites is that these issues are still "unresolved". The issue of lack of property rights of women is raised in public forum; it is usually understood as being the lack of legal rights. However, for poor women in rural India, customary rights may also be as important as legal rights.

Under the Hindu Succession Act of 1956, daughters were given equal rights as sons in their father's self-earned property if the father died intestate. They, however, had no rights to ancestral property. The Rajya Sabha on August 16, 2005, passed the Hindu (Amendment) Act 2005, which is now a law and it says that any woman, irrespective of the marital status, has full right to inherit ancestral property just like a son of the family. However, as a result of certain inherent conditions which have remained in the legal system, developed out of the socio-religious-cultural norms which dictate the behaviour of men and women in society, these laws do not tend to be operative in practice. Moreover in many families' implementation property rights with gender equality is still in discourse. Of course, Daughters, being sensitive to family traditions, do not want to make an issue of this right in their families. Sons may not be so

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generous in distributing the property to their sisters. In some families parents having traditional set up in their mind, do not want to share their property with girl child on par with male child. In this paper, the researchers make an attempt to examine property rights of gender in the present situation and in the context described above.

Introduction and Statement of the Problem

‘Gender’ is the social construct of sex. Unlike sexual identity, which results from the differing physiological makeup of men and women, gender identity results from the norms of behaviour imposed on men and women by culture and religion. Hence, at the start of the twenty-first century traditionalist culture and religion remain bastions of patriarchal values and practices, and both the culture defense claims and the claim of religious freedom are employed in an attempt to stem the tide of women’s equality (Bonny Ibhawoh, 2001).

Land and housing assets represent a large share of the total value of assets held by households across the world. In developing countries the corresponding numbers are often much higher at 45% of urban wealth in China, 80% of rural wealth in China, 78% of urban wealth in India, and 87% of rural wealth in India (Shing-Yi Wang, 2012).

This paper demonstrates that property rights affect household decision making, including the investments, labour market choices and residential decisions (Field & Evica 2005, Galiani and Schargrodsky 2010). However, the economics literature on property rights has generally focused on the household as a single agent.

Gender and Property Rights

Women are deprived of many human rights, often as a matter of tradition. In rural areas women are generally not perceived to have any meaningful income generation capacity, and hence, they are relegated mainly to household duties and cheap labour. Gender inequality exists in different forms but the most harmful one is in the field of property rights. In most Indian families, women do not own any property in their own names and do not get a share of parental property. The women in every religion and legal system are now discriminated to inherit the property only on the basis of sex. There are numerous cultural, racial, political and legal factors

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that influence women's lack of property and inheritance rights and specific patterns of ownership and disenfranchisement that vary widely (Besley & Timothy 1995)

The Hindu personal laws of mid-1950s (applied to Hindus, Buddhists, Sikhs and Jains) gave women rights to inheritance. However, the sons had an independent share in the ancestral property, while the daughters' shares were based on the share received by their father. Hence, a father could effectively disinherit a daughter by renouncing his share of the ancestral property, but the son will continue to have a share in his own right. Additionally, married daughters, even those facing marital harassment, had no residential rights in the ancestral home. After amendment of Hindu laws in 2005, now women have been provided the same status similar to that of son.

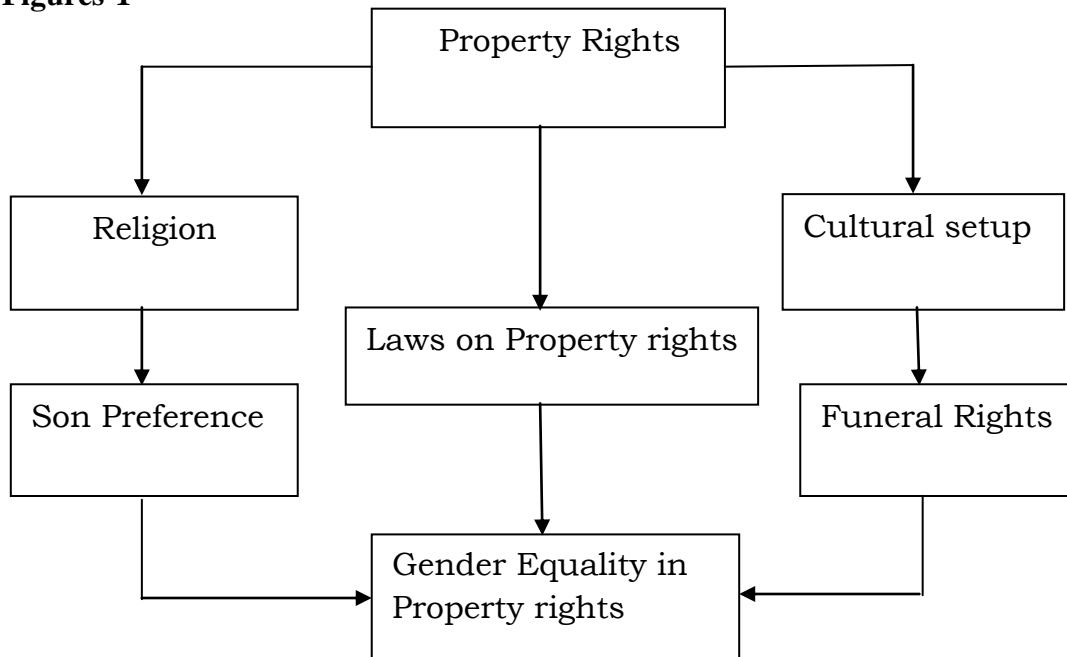
Development-related problems faced across the globe have been increasingly linked to women's lack of property and inheritance rights, especially in regards to land and property ownership, encompassing areas such as low levels of education, hunger and poor health. Thus land and property rights, through their impact on patterns of production, distribution of wealth as well as market development, have evolved as one of the prerequisites of economic growth and poverty reduction for women. The social and economic condition of rural women could become better if they own or control land, individually or jointly, and have the benefit of legally recognized use and inheritance rights (Wang 2011).

While globally there has been a push for women's property and inheritance rights following the UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW), commitment to equal access to land and other property in 1979, progress has been slow. In most of south Asia, women do have legal rights guaranteed by the Constitutions of these nations, yet such rights are not enforced usually (Nitya Rao, 2005).

The challenges of gender equality in property rights is depicted in a flowchart as below.

The challenges of gender equality in property rights

Figures-1



Source: Researchers

Focal Theme

The focal theme of the paper is to explore the challenges in implementing property rights of rural women.

Hypothesis

Funeral rights excel over the level of literacy in determining gender equality in property rights.

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Methodology

This study is mainly based on primary data. Secondary data have been used for the selection of Districts, Blocks and villages in Tamilnadu. Sex ratio is one of the instruments for assessing women's status. According to 2011 census report, sex ratio in Cuddalore District is low (984 per 1000). Its position has been shifted from 14th place (2001) to 27th place (2011) in Tamil Nadu. Its GDI value (0.643) is also less than the state average (0.654). In this context, Cuddalore District has been selected for the study.

Cuddalore Block, which has the lowest sex ratio, has been selected. One Block in Cuddalore District, three (Arisi Periyar Kuppam, Maruthadu, Periyakanganan kuppam) villages have been selected according to the lower sex ratio. On the whole, 250 sample respondents have been interviewed.

Concepts

Property Rights

Property rights include the legal rights to acquire, own, sell, physical & financial assets and how individuals can control, benefit from and transfer property.

Gender

"Gender" refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.

Results and Discussion

The challenges of gender and property rights have been discussed with reference to the effect of education on property rights, awareness on property rights, bargaining power of females in the family and funeral rights in the family.

Effect of Education on Property Rights of Women

Education plays an important role in bringing about awareness on women's rights. Educated women could have awareness on property rights. An increase in female inheritance rights may provide parents with direct incentives to invest more in the education of their daughters, due to the existence of complementarity between education and female inheritance rights in relation to able management of household property that directly affects their future

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household income. In patriarchal and virilocal societies, sons are typically expected to take in and care for parents in old age (Levine and Kevane, 2003). According to National Human Development Report (2001), if women don't have access to education, their job opportunities and their economic contribution are also constrained, reinforcing the concept of the male breadwinner and women dependency.

It is surprising to note that (Table 1) 73.6% of respondents from village I (Arisi Periyankuppam) said that education is not the main criterion to develop awareness of property rights of rural women among rural women and that 61.1% of the respondents from village II (Maruthadu) also said that education is not the significant factor for the development of the awareness of the property rights of rural women. Moreover, 53.3% of the respondents from village III (Periyakanganankuppam) also said that education is not related to the development of the awareness of the property rights of rural women. On the whole, 65.2% of the respondents from the villages (I, II, and III) (Arisi Periyankuppam, Maruthadu, Periyakanganankuppam) are against the views that the education will help develop the awareness of property rights for rural women. Remaining 34.8% of the respondents alone accepted that the education is the significant factor to help develop the awareness of property rights of rural women.

Table 1: Effect of Education on Property Rights of Women

Villages	Education		Total
	No	Yes	
Arisi Periyankuppam	81 (73.6)	29 (26.4)	110 (100)
Maruthadu	58 (61.1)	37 (38.9)	95 (100)
Periyakanganankuppam	24 (53.3)	21 (46.7)	45 (100)
Total	163 (65.2)	87 (34.8)	250 (100)

Source: Computed from primary data

Note: Figures in brackets show percentage to row total

Awareness on Property Rights

Women are often not aware of their legal rights to own and inherit land due to a general lack of awareness of existing programmes, often related to limited literacy (India 1997_a). “Women are both psychologically insecure and physically distressed with house, land mortgaging arrangements and being residents on other’s land. With no land or house, men and women find it difficult to borrow capital which is scarce expensive and not provided on easy terms”. Table 2 shows that 49.1% of respondents from village 1 (Arisi Periyankuppam) have

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awareness of property rights and 56.8% of the respondents from village II (Maruthadu) have awareness of property rights. Moreover, 57.6% of the respondents from village III (Periyakanganankuppam) have awareness of property rights. 57.6% of the respondents from the villages (I, II, III) (Arisi Periyankuppam, Maruthadu, Periyakanganankuppam) have awareness of property rights. Remaining 42.4% of the respondents never have awareness towards property rights of rural women.

Table 2: Awareness on Property Rights

Villages	Awareness on Property Rights		Total
	No	Yes	
Arisi Periyankuppam	56 (50.9)	54 (49.1)	110 (100)
Maruthadu	41 (43.2)	54 (56.8)	95 (100)
Periyakanganankuppam	9 (20.0)	36 (80.0)	45 (100)
Total	106 (42.4)	144 (57.6)	250 (100)

Source: Computed from primary data

Note: Figures in brackets shows percentage to row total

Bargaining Power of Females in the Family

The outcomes of bargaining weakening a person's fallback position could affect the outcomes of bargaining at a later point in time. For instance, assets accumulated in one round of bargaining would affect the treat point and therefore, outcomes in the next round. Such 'iterative' bargaining could be between the same parties, or between different parties (e.g., a property settlement favouring a widow or divorce in one marriage could strengthen her bargaining power in a subsequent marriage); and it could apply to both the short and the long term (Sen, 1990).

Table 3 depicts that relation between bargaining power of the family and property rights of rural women. It is interesting to note that 76.4% of respondents from village I (Arisi Periyankuppam) replied that bargaining power of females in the family is not the main criterion for determining property rights of rural women and 88.4% of the respondents from village II (Maruthadu) also replied that bargaining power of females in the family is not the significant factor on the property rights of rural women. Moreover, 88.9% of the respondents from village III (Periyakanganankuppam) also replied that bargaining power of females in the family is not the significant factor on the property rights of rural women.

Table 3: Bargaining Power of Females in the Family

Villages	Bargaining Power of Females in the Family		Total
	No	Yes	
Arisi Periyankuppam	84 (76.4)	26 (23.6)	110 (100)
Maruthadu	84 (88.4)	11 (11.6)	95 (100)
Periyakanganankuppam	40 (88.9)	5 (11.1)	45 (100)
Total	208 (83.2)	42 (16.8)	250 (100)

Source: Computed from primary data

Note: Figures in brackets show percentage to row total

Overall, 83.2% of the respondents from the villages (I, II, III) (Arisi Periyankuppam, Maruthadu, Periyakanganankuppam) are against the view that the bargaining power of females in the family is the criterion for determining property rights of rural women. Remaining 16.8% of the respondents alone accepted that the bargaining power of females in the family is the significant factor for determining property rights of rural women.

Equal share of Property for Both Son & Daughters

The social acquisition of existing traditional ideas about the values and place of women in their societies does not generally help women. The notion that women are entitled to, and only deserve unequal share of resources, as well as other forms of discrimination are learnt from

childhood, and perpetuated as women themselves accept this valuation of themselves and their contribution to a family and their position in the family (Papanek, 1990).

Table 4 shows that 71.8% of respondents from village I (Arisi Periyankuppam) accept the position that equal share of their property be given to both male & female children in the family and 90.5% of respondents from village II (Maruthadu) also accept the position that equal share of their property be given to both male & female children in the family. Moreover, 82.2% of the respondents from village III (Periyakanganankuppam) also accept the position that equal share of their property be given to both male & female children in the family. On the whole, 80.8% of the respondents from the villages (I, II, and III) (Arisi Periyankuppam, Maruthadu, Periyakanganankuppam) alone accept the position that equal share of their property be given to both male & female children in the family. Remaining 19.2% of the respondents rejected the position that equal share of their property be given to both male & female children in the family.

Table 4: Equal share for both sons and Daughters

Villages	Equal share for both sons and Daughters		Total
	No	Yes	
Arisi Periyankuppam	31 (29.2)	79 (71.8)	110 (100)
Maruthadu	9 (9.5)	86 (90.5)	95 (100)
Periyakanganankuppam	8 (17.8)	37 (82.2)	45 (100)
Total	48 (19.2)	202 (80.8)	250 (100)

Source: Computed from primary data

Note: Figures in brackets show percentage to row total

Testing of Hypothesis

Funeral right excels over the level of literacy in determining gender equality in property rights.

Table 5: Logit Model for determining factors of gender equality in property rights

Variables	β	Std. error	Z	P. value
Funeral right	-0.768106	0.300177	-2.559	0.0105**
Illiteracy	0.515642	0.370733	1.391	0.1643

Source: Computed from primary data

The Model- Logit Model

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + e$$

β_0 = constant parameter

β_1, β_2 = Slope parameters

Y = Gender Equality in Property Rights (dependent variable)

Explanatory variables

X_1 = Funeral Right

X_2 = Illiteracy of women

Y = 0.626456** - 0.768106 X_1 * + 0.515642 X_2

Note: * Indicates significant at 5% level of significance

** Indicates significant at 1% level of significance

The result shows that the funeral right plays an important role in not adopting gender equality in property rights. The level of literacy does not have significant influence on gender equality in property rights. One can observe that funeral right of men dominate the society and act as a constraint in getting gender equality in property rights.

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Suggestions

- The Governmental policies, plans, projects and programmes must focus on the expansion empowerment of women in all areas to ensure better quality of life.
- Equal rights to both men and women, equal share of property, etc., are discussed every day in public life, newspaper and television. But the reality is that these issues are still “unresolved”.
- Traditional mindset of the parents should be changed through awareness camps for parents.

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