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Working Paper No. 14

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Property Rights in Women's Empowerment in Rural India: A Review *

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ABSTRACT

This paper examines the importance of property rights in women's empowerment in rural India. Arguments justifying the need for granting property rights to women are presented and the distinction is made between legal (formal) and customary (informal) rights. The ineffectiveness of legal right in absence of customary rights has been discussed. Customary rights also become ineffective due to other institutional impediments. These impediments have been discussed. The results of extensive field work in rural West Bengal and Orissa have been presented to illustrate the pattern of development process that poor rural women want and in which the property right is only one component, not the only component.

Property Rights in Women's Empowerment in Rural India: A Review *

INTRODUCTION

In the literature¹ on “women in development” property right has been recognised as the most fundamental prerequisite to women's empowerment. Property rights facilitate women's economic independence which facilitates their progress to empowerment. However the concept of property rights has much wider connotation in India than in the West. In the West, the legal right or ownership right to a private property also implies the owner will be able to exercise that right and to have unhindered access to that property. In India that may not always be the case. Even if a person may have ownership right to a private property such as land he or she may be prevented from exercising that right in absence of customary rights. Hence legal rights in absence of customary rights do not serve any useful purpose to the owner. But when the issue of the 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.

During a recent field work, in a tribal area in Midnapore District in West Bengal, one of the present authors (K. C. Roy) found that tribal women did not have any idea of what ownership rights are. They said that all members of a family use and cultivate the land. In other words they were implying that they all have access rights and customary rights. But sometimes women may even have difficulty to exercise the customary rights to cultivate the land.

This paper discusses some of the relevant issues in women's property rights and argues that for women's empowerment in rural India, the capability to exercise property rights is more important than ownership rights to land, that the property right has to be viewed in the wider context of women's economic independence and that the guided participatory system can greatly facilitate women's empowerment.

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¹ Agarwal 1989; Chen 1989; Duvvury 1989; Roy and Tisdell (1993a,b); Roy and Clark (1994); Agarwal (1994 a,b); Agarwal 1997

Why Property Rights are Important?

Women's socio-economic status can improve if they undertake economic activities which are socially recognised. To be socially recognised, economic activities ought to be socially visible as well. For activities to be socially visible, they must not be undertaken within the confines of one's home. Hence, although many household chores undertaken by women contribute to the family's sustenance, they are not recognised as economic activity. A person's work in the field whether as the owner of the property or as a hired labour is socially visible and therefore recognised as economic activity. A person's social status in rural India is judged by the number of Bighas (1 Bigha = 1/3 acre) of land that person owns. No other assets such as cows or goats or jewellery etc are as important as land because land is a more permanent source of income than all other assets. Ownership of larger amounts of land as property means that the person's income will be higher and the capacity to spend on consumption of food, other necessities such as education, health care and housing and so on will be higher. Also a person owning a property has the long term interest in preserving the fertility of the land and therefore, in investing in that land. If women simply work on someone's land as paid hired labour or in family land as unpaid labour, they do not have any opportunity to invest on the plot of land and cannot have a significant voice in the family's expenditure plan.

For sustainable development of agriculture and preservation of forests and other natural resources, the granting to women of ownership rights to land is important. Women are generally conserving and not destructive of nature. Therefore the chance of the adoption of sustainable agricultural practices are greater under female than male ownership of land. Also property rights enable women to reduce their reliance on forests for providing sustenance to their families. Lesser use of forests, therefore slows down the pace of degradation of forests. About 20 percent of India's households are female headed. Without property rights such heads will find it difficult to maintain their families. Since there is no social security system in India, property rights will enable aged and infirm to survive. Agarwal's (1994) arguments in support of property rights for women can be grouped into three broad categories:

- (a) Welfare argument
- (b) Efficiency argument
- (c) Equality and empowerment argument

(a) Welfare argument

As mentioned earlier, land rights reduce women's own as well household's risk of poverty and distribution. It also can reduce the severity of anti-female bias that exists in households in varying degrees in the distribution of food and other necessities across all regions in India. According to Harris (1990), intra family gender bias can be noticed in terms of one or a few such indicators as malnourishment, mortality, hospital admissions, healthcare expenditures. However gender discrimination against women and female children in intra-family distribution of food and other necessities seems to be gradually lessening in poor families in rural areas in Eastern India, due to the spread of television, spread of adult education (community education), women's employment, women's active participation in women's employment generation committees, (DOCWRA committee) and in Anchal Panchayats.³ Various studies also reveal that while men keep a sizeable portion of their income for their personal consumption on liquor, tobacco, clothes etc women spend almost the whole of their income on family's needs. (Mencher and Saradmoni 1982, Mencher 1988, Dasgupta and Maity 1986). However, the situation seems to be changing slowly. In Orissa in some areas tribal women under the Development of Women and Children in Rural Areas (DOCWRA) scheme keep a certain portion of their income as savings and also spend something for her own needs.⁴ Nevertheless women continue to spend most of their income on their family needs. Kumar (1978) and Gulati (1978) find that the positive relationship between income and children's nutritional status appears to be stronger for mother's income than for fathers income. Among the marginal farmer households, the mother's income from the output from her home garden appears to have a strong positive effect on child nutrition (Agarwal 1994). Hence to ensure that the physical well being of a woman and her children will be well looked after, a woman needs direct access to income and that direct access is not greatly facilitated by indirect access through others such as husband or other male members in the family.

Hence, for direct access to income, land right is of crucial importance. While creation of other employment opportunities is also necessary for women's access to income, land is a permanent asset and therefore acts as a permanent security against poverty and in case of

³ Revealed through personal interviews with females and males in Kandh tribes in Fullbari district in Orissa in January 2000.

⁴ Revealed through personal interviews with females in Kandh tribe in fullbani district in Orissa in January 2000

divorce, desertion, separation or widowhood (Agarwal 1989). During a recent interview⁵ with adult males in a Kandh tribe in Phullbani district in Orissa, the adult males said that the land titles are held by male head and it is passed on, after his death, to the eldest son and not to the wife. When asked, “what happens to the wife of the head?” They answered, “sons take care of their mother.” When asked, “What guarantee is there that they will take care of all her needs and look after her?” They answered, “yes, they will take care of her”. In other words, there is no security in absence of land for the aged and the infirm. In other words without property, children do not look after their parents well (Caldwell et al, 1988). A slightly different picture emerges among Santals in west Bengal. The de jure land title may be held by one male head, but after his death, the landed property is passed on to his sons with their mother’s consent. The son who looks after the mother usually gets a larger share of the land. In this case, the mother can exercise some control over the property.⁶ The owner can use a plot of land for multifarious activities such as growing crops, fodder, trees, keeping livestock, practising sericulture or using it as a collateral to obtain loans from the banks. (Agarwal 1994). While land rights are important for women in poorer household, in richer household also it is important for women to have land rights particularly after the marital breakdown. Even if the plot of land given to a woman is small, on welfare grounds women need to be given land rights.

Efficiency Argument

Women in India do cultivate land but the titles are held by others. Female heads of households have the full responsibility of cultivating the land and performing other tasks for maintaining the family. In West Bengal, one village in the Sundarban region consisted of all female heads who became widows due to the killing of all male heads (husbands) by Royal Bengal Tigers. The village is known as widow village. If the original title of the land is in the name of the husband, then in absence of succession certificates issued by the court, the de facto title goes to the eldest son. Agarwal (1994) found that in Rajasthan widows were cultivating plots given to them out of joint family estates as part of their inheritance claims to their deceased husband’s land. Out migration of male labourers to work as hired labour during planting and harvesting seasons forces women to act as de facto heads. Also, tribal women cultivate communal land but do not have land titles. Efficient cultivation of land

⁵ Field work January, 2000

requires investment which requires money. Land titles enable them to be used as collaterals to obtain credit from the financial institutions. Also with land titles females can have greater access to technology and information on productivity increasing agricultural practices and inputs, all of which are not easily available to women due to the gender bias in the delivery of these (Dasgupta 1977, Byre 1972, Agarwal 1985).

However it is argued that granting land titles to women leads to the fragmentation of land holdings which reduces output. But the existing evidence suggests that land redistribution from big to small farmers would probably increase output (Agarwal 1994). If the loan is in men's names, a sizeable part of it can be spent on drinks and other unnecessary items of consumption. But this does not happen if it is in women's names. This implies that a woman will spend much of the income from land on family's welfare and this also will improve children's' health and nutritional status and labour productivity. Since the land use patterns of men are usually more destructive of nature, than that of women who are directly concerned with the protection and regeneration of forest for fuel, fodder and other non-timber forest produce, land in women's name will lead to the greater preservation of ecology and environment (Agarwal 1991, 1992). Since lack of women's employment is a primary factor in the decision of poor rural families to migrate to cities (Roy, Tisdell, Alauddin 1982) land rights to women can slow down the pace of such migration and reduce the pressure on urban infrastructure and other resources.

Equality and Empowerment Arguments

Empowerment is a process by which women can gain power to significantly reduce the forces of institutional deterrents to their development (Agarwal 1994; Bookman and Morgan 1988). Equality is achieved when women earn the capacity to challenge the existing power relations which place them in an inferior position to that of men. Gender equality is necessary to achieve social justice. The progress towards gender equality and empowerment can be greatly justified if women attain economic independence. Granting land titles to women can help them attain such economic independence. The demand for women's land rights is justified as it provides them with economic security and respectability in their marital

⁶ Field work in Pirakata and Groaltore areas in Midnapore District in West Bengal, January 2000

relations. In absence of land rights, women can be badly treated by their husbands. (Manimala 1983).

Women with land titles are given better treatment by other male members of the family as well. Agarwal (1994) noted that widows with land living with their adult sons were treated with much greater respect and consideration than those who were landless and economically dependent. During their recent field work in Orissa and West Bengal, the present authors⁷ were told that irrespective of whether the mother has land titles in her name or not, sons, treat their mother with respect and take care of her needs after their father's death. Due to the penetration of market forces in the rural areas, the role of family as a social safety net for the widowed, aged and infirm is disappearing at a faster rate from the upper caste families than from scheduled caste families. But this role of family still exists among the tribal families. Thus within the family, land titles help women attain empowerment and equality in status with their husbands. Outside the confines of their homes, their relationship with the rest of the society also improves (Mises et al. 1986). As far as women's effective participation at the village level decision making process is concerned, land right alone may not be enough. Nevertheless it may facilitate that participation. Thus it appears that property right, particularly land right is a far more important pre requisite than all others for women's empowerment.

In this section we have reviewed the essence of current debate on the need for women's property rights. Much of the discussion has been concentrated on women's legal rights to land as land is considered to be the most important form of property. The next section examines what kind of property rights is important.

What kind of Property Rights?

The legal right to land in absence of customary right has no teeth. The customary right imparts social recognition to the legal right. Hence the legal right to land needs to be accompanied by the customary right. In South Asian countries, inheritance practices are mostly patrilineal except among certain small communities such as Garos, Khasis and Lalungs in north east India, Niyars and Tiyyars in South India in which these practices are

⁷ Field work among Kandh tribes in fulbani district in Orissa and among Santals in Goaltore and Pirakata

matrilineal. We briefly trace below how the legal right is made ineffective by the absence of the customary right. Amongst the Garos, the customary ownership of properties including movables and ancestral house, but excluding land, are passed from the mother to the youngest daughter. No man has inheritance right to any property. The property acquired by an unmarried man belongs to his mother and that acquired by a married man belongs to his wife or her female descendants. Garo women are the principal gatherers of forest produce and producers of crops. They work much longer hours than men in jhumming and possess immense knowledge of indigenous crop varieties (Agarwal 1994). Unlike in other communities, the surplus food of the household remains at their disposal and they can keep the money from the sale of small items in the village or in the market. It appears that Garos are the most egalitarian in terms of land access in that all clan members have user rights to land under their use.

In another group of communities which includes the Khasis, land is inherited in female lines but held as joint family property and women do not possess individual rights of alienation. While the land is managed by men, the decision regarding alienation of it is taken jointly by men and women.

But in another group of communities both men and women possess inheritance rights in land which can be held individually. However these traditional practices have undergone changes in both the pre and post independence period. In those cases where women have customary rights, such rights usually have been conditional on them residing in the natal village and often in their natal homes. In general, in India as well as in other parts of South Asia, legal rights and control rights on land have been vested in men. Although women in rich patrilineal families (northern, North West, Central, Western, Eastern, and South eastern India) sometimes owned and had dealings in land, their degree of control was rather limited. This is because the support of the local communities which evolve and transform such customary rights is vital to the enforcement of such rights. Although the state is recognising the inheritance rights of females as individuals, the marriage customs which grant customary rights to females are governed by local communities. Such customs have not changed.

regions in Midnapore district in West Bengal, January 2000.

Current State of Customary Access to Land

Agarwal's (1989) study presents an interesting picture of the extent of women's customary access to land. The study comprising 145 village communities across all regions of India found that in 131 or 90.34 percent of communities the land access pattern is patrilineal. The result of this highly significant study are presented in Table 1.

Table 1: Customary Access of Women to Land

Aspect/Region	Northern		Central		Eastern		North Eastern		Southern		Total cases	
	No	%	No	%	No	%	No	%	No	%	No	%
<u>1. Norms of Land inheritance</u>												
Communal ownership	-	-	-	-	-	-	2	10	1	2	3	2
Patrilineal	53	100	16	100	14	100	14	74	34	79	131	90
Matrilineal	-	-	-	-	-	-	3	16	7	16	10	7
Bilateral	-	-	-	-	-	-	-	-	1	2	1	1
<u>2. Access Via Specific customs under patriline</u>												
As daughters in sonless families	16	30	7	44	6	43	-	-	5	12	34	23
As widows	4	8	2	12	2	14	-	-	-	-	8	6
usufructuary rightly only	3	6	2	12	2	14	2	10	3	7	12	8
As dowry	-	-	-	-	-	-	-	-	6	14	6	4
<u>3. Mention of actual Possession under patriline</u>												
As daughters in sonless families	1	2	2	12	-	-	-	-	2	5	5	3
As widows	4	8	2	12	-	-	-	-	2	5	8	6
usufractuary rights only	-	-	-	-	1	7	-	-	-	-	1	1
4. Total Number of communities examined	53	100	16	100	14	100	19	100	43	100	145	100

Source: Agarwal B (1989), "Rural Women, Poverty and Natural Resources, Sustenance, Sustainability and Struggle for Change", Economic and Political Weekly, 24 (43).

It can be seen from this table that under the norms of land inheritance (aspect No. 1), only in 10 communities as matrilineal customs determine women's access to land and in only one community bilateral custom determines that. These two account for only 8 percent of the total of 145 communities examined. Under aspect number 3 which illustrates the pattern of actual possession under patriline, it can be seen that out of 145 communities only in 5 communities, daughter in son-less families and in 8 communities, wives as widows came into actual possession of land. These account for only 9 percent of the total communities studies.

Impediments to Exercising Land Rights

According to the ancient Hindu law, women at best could enjoy a lifelong interest in ancestral property only as a widow or as a daughter in a son-less family. Islamic law gives only partial recognition to women's inheritance rights to land but customary law prevents women from exercising their rights in agricultural land (Agarwal 1988).

Even in those cases where women's inheritance right to land is recognised, the condition that a woman must stay in her parental home or her husband must visit her regularly cannot be met if her marital home is too far away from her natal home. Hence even if the right exists, it cannot be exercised. Hence such long distance marriages which are most commonly seen in northern India, prevents a woman from exercising her customary rights to land. Furthermore, the need to maintain a good relationship with her brother in her natal home to seek help and support in times of need, the woman usually hands over claim to the property to her brother.

During recent field work among Santals in Sadanandapur village in Midnapore District in West Bengal, the present authors were told that if a widow has land in her name, and has a son and a daughter, she gives a share of the property to her daughter. But the daughter after her marriage usually gives up her right to land in favour of her brother, particularly in case of village exogamy.

In a case where a woman decides to exercise her right to land by taking legal action, male members in her natal home, may take various courses of action such as finding loopholes in the current law, forcing her father to disinherit her, or forging her fathers will after his death. (Parry, 1979). They can also try to convince the revenue officer that her marital home where she lives is too far away from her natal home and therefore she cannot exercise her right (Mayer 1960).

In other cases when a woman wants to exercise her right, male members in her natal home may try to harass her and may also start against her expensive legal proceedings which can force her to give up her right. (Agarwal 1989).

In still other cases, particularly in Bihar women have been beaten and even murdered under the false pretext of witchcraft to prevent them from exercising their rights to land (Mintern and Hitchcock 1966; Kishwar 1987). The male bias in official policies and programs strongly affects legal decisions and new policy formulation by the government. As Manimala (1983) observes, that even after receiving the government's permission to have land titles in their names, women in two Rajasthani villages were prevented by the officials from formally registering land in their names on the pretext that land titles can be granted to men only as they are the heads of the families. It is also surprising to note that such a bias also has been found among some matrilineal communities such as the Garos in the north east – especially after the land privatisation program began to be implemented (Majumdar 1978).

Other Difficulties in Exercising Land Rights

Even when women do possess legal and customary rights to land, they may still find it difficult to exercise those rights for the following reasons:

(i) Women living too far away from their natal homes under village exogamy do find it difficult to exercise their customary rights of inheritance as daughters in their natal villages.

(ii) The ideology of seclusion by restricting women's movements to the surroundings of their homes prevents them from obtaining necessary information on agricultural politics, obtaining inputs and selling outputs (Agarwal 1989). Although Santal women are also bound to some extent, by the ideology of seclusion, they are free to go to the market to purchase inputs and to sell their outputs.

(iii) The number of villages to be covered by an extension agent is usually quite large and these agents normally visit quite infrequently those villages which are within a short distance from the Block Development Office. Hence, those villages which are located in remote areas, usually miss out on the services of extension agents.

(iv) Even where the force of “classic patriarchy” are weak and the information on agricultural practices are easily available, large number of women due to their illiteracy would not be able to utilise this information.

(v) Also female’s access to extension agents is further limited by the fact that the number of female extension agents within the country is very small.

(vi) Without loans, women would experience difficulties in obtaining inputs but loans cannot be obtained from the banks without land as collateral. Even the village money lender refuses to lend money to women because men are perceived as having greater capability to repay the loan (Agarwal 1989, Roy and Tisdell 1993).

(vii) Taboos which prevent women from ploughing the land, greatly limit the capacity of a poor woman or of a female head to cultivate the land independently. The force of this taboo is quite strong among all tribals and non-tribal communities in India. Among the Oraon tribals there is a taboo that if women plough the field, there would be serious consequences (Dasgupta and Maity 1986)

(viii) Hence, women would have to rely on male labour to effectively exercise their legal and customary rights to land, but male labour may not be available at the right time and in right number because they are usually accessed first by male headed families. Hence, by the time male labour becomes available for ploughing and other tasks, the appropriate time for cropping might have passed.

The discussion, therefore, has shown that the customary right appears to be more important than ownership right. In a patrilineal community, land titles are held by male heads. Where such heads died a long time ago, in absence of succession certificates, male children usually have customary access to the land. As we have noted, where female children do have customary access to land, they usually give up such rights in favour of their brothers. Granting women, legal rights to land, would require a generational change in the cultural environment within which we live. Parliament, judiciary and law enforcement agencies which can change the institutional environment affecting women, are all male dominated. Laws passed by members of Parliament reflect their own social perception of women and of their land rights. The judiciary simply gives validity to that law and the law enforcement agents simply implement these laws. Such institutional impediments can not be removed so

easily. Even when a women's legal right to land is upheld by the court, she may even be required to pay sufficient bribes to law enforcement agents to enforce her legal right.

In such a situation what seems to be more important is to ensure that measure are taken to remove the impediments to women exercising their customary rights. What also should be noted is that the issue of property rights (legal and customary rights) has to be examined and understood in the wider context of women's economic independence.

Land Rights in the Wider Context of Economic Independence

Very few women possess land rights and very few women have the ability to exercise those rights because of gender restrictions and lack of financial capacity to invest in land. One way of overcoming the problem of lack of financial capacity is for owners of adjacent plots of land to jointly undertake investment (Agarwal 1997). Unfortunately such a proposal may not work, if all the owners of adjacent plots are not females. Even if all owners are females, the group action may not take place if owners belong to different castes or come from different villages. One way of overcoming the problem of lack of legal ownership of land, as Agarwal (1997) suggests, would be for women to jointly purchase or take lease in land and jointly cultivate it. However, for such a scheme to work, women need to have some savings of their own and the help of some organisations. In south India, where the scheme has been successful, the Decan Development Authority and an NGO helped the women. But there are other parts of rural India, where very few women's cooperatives exist and very few NGOs operate. What seems to be more feasible for the government is to grant group rights to poor rural women. Under this scheme, each woman in the group would have use rights in the land but would not be able to sell it individually. Usufractory rights would be enjoyed by daughters and daughters-in-law who live in the village. Daughter who get married and go to their marital homes can establish similar rights there. It is clear from this discussion that for these schemes to be successful, the following two factors must be present:

- (a) Social dynamics (group action) and
- (b) Help of an outside agency (NGO)

However as mentioned before, group action can only be initiated relatively easily if the poor women come from the same caste and from the same locality (para) of the village.

While the importance of property rights in women's empowerment is extremely important the reality is that millions of poor women, particularly of scheduled tribes may never get any land rights simply because very few tribal families have sufficient land. For the economic empowerment of these women, non-agricultural land based opportunities for employment will have to be created. Tribal women use forests to collect non-timber forest products. They manufacture plates and bowls from sal leaves. Their method of collection of raw materials, the process of production and their method of marketing their production need to be more organised and efficient. Tribal families make various kinds of baskets from bamboos, but since each family buys only a small number of bamboos, the cost is quite high. When selling their products, the tribal women compete with each other in the market thereby forcing their prices down. There is no group action in buying raw materials, in producing and selling output. Similarly, the process of collecting leaves from date trees, of making mats and of selling the mats in the market are the responsibility of individual tribal woman. These women need loans at low interest rates. No attempt has been made to adopt a group approach in all these activities. These are the traditional employment generating activities that tribal women are engaged in. Apart from these, more sustainable employment generating activities need to be found. Adopting group approach in each type of such activities is crucial to the success of any employment generation program. NGOs play an invaluable role in all these activities. Thus if helping women to attain economic independence is our goal, then acquiring property rights is only one means to that end and the importance of property rights in the wider context of women's economic independence and empowerment lessens somewhat.

Fieldwork 1999-2000

Therefore to find out what other institutional impediments are affecting poor rural women's progress towards economic independence and how important they are in the wider context of women's empowerment, a field survey was conducted in late 1999 and early 2000 in four villages – Bandhgora, Janakpur, Banskona and Sadanandapur in Midnapore district in West Bengal. A sizeable proportion of the total population of this district which borders Bihar and Orissa belongs to scheduled caste and scheduled tribe households with very little assets including land. This border region is also one of India's most well known tribal belts. Of the four villages, Bandhgora and Janakpur consist of Santal families, Banskona consists of scheduled caste families and Sandandapur consists of Santals (scheduled tribe), Schedules caste and upper caste families. The survey covered all families of each village. The wife or

the mother of the male head of the family was interviewed. The results of the survey are presented in table 2.

Table 2:
Relevant Issues in Women's Empowerment in Rural India, Midnapur, West Bengal, 1999

Questions	Total Respondents	No of yes responses	Percent
<u>Property Rights</u>			
1) Do male members of the family own land?	64	39	60.94
2) Do you still have customary right to collect forest produce?	102	59	57.84
3) Is the quantity of forest produce collected now less than what was collected five years ago?	111	72	64.68
4) Does the decline in the quantity of forest produce collected undermine your power and influence in the family?	112	70	62.50
<u>Credit</u>			
5) How much interest does the village money lender charge per month for a loan of Rs100?	111	(NA)	Rs 11.65 (mean)
6) Do you borrow from the bank?	111	50	45.05
7) Which of the following are the reasons for not borrowing from the bank?			
(a) The bank is located in a town far away from my home	78	22	28.21
(b) Banks do not extend small loans	80	55	68.75
(c) Bank interest rate is high and repayment is difficult	80	16	20.00
(d) I don't have any assets	80	50	62.50
(e) I am illiterate and unable to fill out the forms	80	33	41.25
(f) I cannot repay the loan because of low return from the output	80	25	31.25
(g) I cannot organise production without help from an organisation	80	44	55
(h) other reasons	80	17	21.25
8) If these difficulties are removed, would you like to take loans from the bank?	106	86	81.13
9) If yes, what would be your preferred interest rate?	75	(NA)	Rs 9.51 (mean)
10) Does any organisation provide help to you with loans at low interest rate, purchasing inputs, assistance in production and selling the produce?	115	9	7.83
11) Do you need any such help?	111	94	89.1
<u>Social Dynamics</u>			
12) Have active female members of the village ever tried to adopt a group approach to solve their problem?	112	23	20.54
13) If not which of the following are the reasons?			
(a) Families may belong to different castes in the same village or in different villages?	109	60	55.05
(b) No one takes the leadership role	109	91	83.49
(c) Permission of the family head may be difficult to obtain	109	35	32.11

Questions	Total respondents	No of yes response	Percent
(d) It is easier to organise group action on a para basis	109	88	80.73
(e) No one told us about it	109	86	78.90
(f) Being females our movements are restricted	109	27	24.77
14) Is the family head a male person?	114	77	67.5
15) Do you feel that the restriction on your freedom of movement is a gender restriction?	116	63	54.31
<u>Education</u>			
16) Would the community education of adult members of the families facilitate the process of removal of restrictions affecting females and of obtaining employment?	117	83	70.69
17) Would an education scheme consisting of formal, community and skill based education be helpful to you for your empowerment?	117	60	51.28
18) Are female instructors more suitable for implementing comprehensive education scheme?	114	61	53.51
<u>Empowerment</u>			
19) Would you like to participate in a total empowerment package consisting of (i) comprehensive education, (ii) production organisation and (iii) credit and marketing facilities	116	89	76.72
20) Would the development of community institutions help develop group action and facilitate the guided participatory system of development process?	112	104	92.86
21) Do you have a panchayat?	117	62	53.06
22) Do you think that women's participation is necessary for your empowerment?	102	99	97.06
23) Do you think that your opinion should be taken into account in the families decision making process?	45	39	86.67

Source: ARC Large Grant Field Work, 1999, Midnapore, West Bengal, India.

Altogether female respondents from 117 families were interviewed. Only 64 females responded to the questions: Do male members of the family own land? The reason for such a low response is that these poor illiterate rural women have no idea of what land title and property rights imply.

It can be seen from this table that about 61 percent of females answering the question said that land titles are held by male members of the family. However nearly 58 percent of the respondents said that they had customary rights to collect forest produce. About 65 percent of those responded said that they are now unable to collect as much forest produce as they

used to 5 to 10 years ago and 62.5 percent of the respondents admitted that the decline in the quantity of forest produce collected undermine their power and influence in the family. The existence of customary right to use the forest and the preservation of forest resources are important to poor women's empowerment when they do not have ownership rights to land. Lack of land asset forces women of tribal families to make greater use of forest than before. It is also difficult for women to undertake some other productive activities because of lack of finance. The interest rate charged by the village money lender is very high. The mean interest rate charged per month for 111 respondents for 100 Rupees appear to be Rs11.65. This means that for a loan of Rs100 at 11.65 percent interest rate the total interest payment at the end of the year would be about Rs140. Out of 111 respondent only 45.05 percent said that they borrow from the bank. Of the various reasons given for not borrowing from the bank, the two most important reasons they agree with are (i) banks do not extend small loans (68.75 percent out of 80) and (ii) they don't have any assets (62.50 percent of 80). The two other reasons of some importance are that (iii) they cannot organise production without some help from some organisation (55 percent out of 80); (iv) they cannot repay the loan, even if they borrow, due to low return received from the output produced. (31.25 percent), and (v) they can't fill out the form due to illiteracy (41.25 percent out of 80). Number (iii) and (iv) are interlinked. These women are incapable of carrying on productive activities individually in an organised way without the help from an outside agency. Therefore they do not want to get into debt by borrowing. The help of an outside organisation (NGO) is also essential to obtain raw-materials for production at a low cost and to obtain a fairer price for their output. However now in absence of group effort, the return they get from producing and selling the output is low because of high price of input and low price of output. Hence they individually do not want to borrow money. One other reason of some importance is: (v) the bank is located in a town far away from their home.

Around 81 percent of the total of 106 respondents said that they would like to take loans from the bank if these difficulties are removed. When asked about their preferred rate of interest, the preferred mean annual bank interest rate appeared to be 9.51 percent from 75 responses. When asked whether any organisation has been helping them with loans at low interest rate, purchasing inputs, assistance in production and selling the produce, only 7.83 percent of 115 respondents answered 'yes'. About 89 percent of 111 respondents said that they needed such help. However only 20.54 percent of 112 respondents tried to take group action to solve their problem. The major reason for not adopting such an approach are :

- (i) the absence of a person to take the leadership role (83.49 percent of 109 respondents).
- (ii) the group action can be organised relatively easily on a para basis (80.73 percent of 109 respondents).
- (iii) absence of information regarding developing group approach (78.90 percent out of 109);
- (iv) the absence of homogeneity in their castes (55 percent of 109 respondents).

About 67.50 percent of the 114 respondents said that the family head is a male person. This result is not surprising. Over 54 percent of 116 respondents said that the restriction on their freedom of movement is a gender restriction. In response to the question as to whether the community education of adult members of the families would facilitate the process of removal of restrictions and thereby of obtaining employment, 71 percent of 117 responded in the affirmative.

Again when asked whether an education scheme consisting of formal, community and skill based education be helpful to them for their empowerment, slightly over 51 percent of 117 said 'yes'. Slightly over 53 percent of 114 respondents agreed with the view that female instructors are more suitable for implementing comprehensive education scheme.

In regard to the process of empowerment, when asked whether they would like to participate in a total empowerment package consisting of (i) comprehensive education, (ii) production organisation and (iii) credit and marketing, nearly 77 percent of 116 said that they would.

Again when asked whether the creation of community institutions would help develop group action (social dynamics) and facilitate the guided participatory system of development process, nearly 93 percent of 112 said 'yes'. About 53 percent of 117 respondents said that they do have a Panchayat (government) and 97 percent of 102 respondents said that women's participation is necessary for women's empowerment. Almost 87 percent of 45 respondents were also of the view that their opinions should be taken into account in the family's decision making process.

Differences in Responses on the Basis of Caste: Tribals and Non Tribals

Total respondents were categorised into two groups – tribals and non tribals. Within the non-tribals both upper caste and scheduled caste families have been included. ANOVA test was

carried out to examine the significance of the difference in relative frequencies of yes responses to the questions considered between tribals and non-tribals. Some important results are presented in Table 3.

Table 3:
Selected Issues in Women's Empowerment in Rural India (by tribals and non-tribals).

Questions	Relative frequency of Yes responses		F statistic for ANOVA
	Non – Tribals	Tribals	
<u>Property Rights</u>			
1) Do male members of the family own land?	65.52 (29)	57.14 (35)	0.456
2) Do you still have customary right to collect forest products?	66.67 (48)	50.00 (54)	2.92*
3) Is the quantity of forest produce collected now less than what was collected 5 years ago	76.00 (50)	55.74 (61)	5.088**
4) Does any organisation provide help to you with loans at low interest rate, Purchasing inputs, assistance in production and selling the produce?	2.00 (51)	12.50(64)	4.464***
<u>Social Dynamics</u>			
5) Reasons for not adopting group approach			
(a) Families belong to different castes	65.22 (46)	47.62 (63)	3.369*
(b) Permission of the family head is difficult to obtain	17.39 (46)	42.86 (63)	8.37***
(c) It is easier on a para basis	71.74 (46)	87.30 (63)	4.224***
6) Do you feel that restriction on your freedom of movement is a gender restriction	42.31 (52)	64.06 (64)	5.64**
<u>Education</u>			
7) Would the community education for adult members facilitate the process of removal of restrictions	57.69 (52)	80.00 (65)	7.16***
8) Would the creation of community institutions help develop group action and facilitate the guided participatory system of development	86.00 (50)	98.39 (62)	6.670**

Note: * significant at 10 percent level;

** significant at 5 percent level

*** significant at 1 percent level

The numbers in parentheses indicate the number of respondents within the category in which females responded to the question.

As this table shows, there is no significant difference in land ownership pattern between tribal and non-tribal communities surveyed. It is surprising to find that the proportion of those who reported that they still have customary right to collect forest products was significantly higher (66.67 percent) for non-tribals than for tribals (50 percent). Similarly, the proportion of the respondents who told that the quantity of forest produce collected was less than before is also

significantly higher for non-tribals (76 percent) than for tribals (55.74 percent). It is usually expected that the non-tribals (both upper and scheduled castes) because of their greater economic and political power are in better position than tribals to obtain help for getting low interest loans, purchasing inputs, etc. However, our analysis of survey data indicates that proportion of females getting such help is significantly higher (12.5 percent) for tribals than for non-tribals (2 percent).

Proportion of females saying yes to some of the reasons for not adopting group approach are significantly different between the tribals and non tribals. A significantly high proportion of non-tribals (65.22 percent against 47.62 percent) said yes to the reason that since families belong to different castes they do not adopt the group approach. It indicates that caste difference acts as a greater hindrance to the process of enhancing economic and social status of non-tribal women than that of their tribal counterparts. Proportion of those who stated that they could not adopt the group approach because the permission of the head of the family is difficult is significantly higher for tribal respondents (42.86 percent) than that for non-tribal respondents. This also does not support the common belief that tribals have less restriction to women. It may be due to two reasons: (a) as the tribal people are living together with non-tribal Hindus they may have been influenced by the Hindu culture of gender restriction on women, and (b) the majority of respondents (81 percent) in our non-tribal sample are from schedule caste and they may have less restrictions to women than the general caste families. Proportion of those who said that group approach could not be adopted because they found it easier to organise group action on a para basis were significantly higher (87.3 percent) for tribals than that (42.31 percent) for non-tribals.

The proportion of respondents who felt that restrictions on their freedom on movement are a gender restriction was significantly higher (64.06 percent) for tribals in comparison to that (42.31 percent) for non-tribals.

Tribal respondents have a significantly higher proportion (80 percent) of those who agreed that the community education for adult members facilitate the process of removal of restriction in comparison to the proportion of them among non-tribals (57.69 percent). The proportion of respondents who agreed to the statement that the creation of community institution would help develop group action and facilitate the guided participatory system of development is also significantly higher (98.39 percent) for tribal respondents than for non-tribals (86 percent).

Except for these differences, there were no significant differences between tribals and non-tribals in all other issues interviewed.

A Clear Pattern of Empowerment Process

Despite such differences in responses of tribals and non-tribals, a reasonably clear pattern of the process of women's empowerment in rural India emerges. Although only a small number of women responded to the question and only 61 percent of them said that land titles are held by men, it is universally recognised that in South Asia, land titles are held mostly by men. Hence, for women's empowerment, customary rights are quite important. It appears that poor women in rural India still do possess customary rights to collect forest produce and they are experiencing decline in the supply of forest produce. For their economic independence, it is important for them to undertake some income earning activities. But it is difficult for them to engage in production activities as the interest rate for the loan from the village money lender is exceedingly high. While some borrow from the bank, the major reasons for not borrowing from the bank for production activities are:

- (a) Lack of availability of small loans
- (b) Lack of assets for use as collateral and
- (c) inability to organise production without the help from others.

If these difficulties that prevent them from taking bank loans are removed, a majority would be willing to take loans at an interest rate of around 10 percent. These women require the support of NGOS to provide help to them to obtain low interest loan, to purchase inputs, to organise production and to sell their products. If women could develop group action, it could help them solve some of these problems noted above. Unfortunately they have not been able to do so because the development of such group action, would require the joint efforts of women of several villages. But women of different villages may not easily join hands because of ideology of seclusion, caste differences, difficulty in getting the permission of the family head, absence of someone to take the leadership role, and lack of knowledge about the power of group action (social dynamics). Hence the restriction on women's freedom of movement needs to be lifted. This process of lifting of gender restriction would be facilitated by implementing programs of community education of elders and adult members of rural families. However these women also need formal education and skill based education along with community education in a comprehensive education scheme. They would like to

participate in empowerment process consisting of (a) comprehensive education, (b) help with organisation of production and (c) credit and marketing facilities. For implementing such an empowerment package, women need a guided participatory system of development. In other words, the program can be implemented by women with the guidance from NGOs and help from the state. Women also need female extension agents for knowledge and technology transfer.

Concluding Remarks

Thus it would appear that ownership rights to property are important, but customary rights to access the property are more important for women's empowerment. In India land titles are mostly held by men. In a family, the title to a land might have been held by a forefather many years ago but the male children and male grand children jointly cultivate the land in a joint family system or customarily divide the land among the members when the joint family breaks down. If female children exist in that family, then it has to be ensured that they have equal access to the land. This is important. However, millions of poor families in rural India do not have landed properties. For the empowerment of these women, land rights is considerably less important than the creation of employment opportunities in non agricultural activities on a sustainable basis. We also have noted that even where land rights (both legal and customary rights) exist for women, because of the force of ideology of seclusion, derogatory customs, absence of social dynamics, and of anti female bias in economic, political and legal institutions, women cannot attain their empowerment. We have also illustrated the empowerment process that poor women in rural India would like to follow. In the broader context of this process of empowerment, property rights for women therefore, constitutes only an important, and not the only component.

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