



India—Gender impact of land interventions

Narrative Report

1. Summary

Based on far-reaching changes in legislation, a number of countries have made progress in improving land administration to recognize a greater variety of informal land rights in line with a continuum of rights. However, even in cases where constitutional provisions (or relevant legislation) guarantee gender equality, inheritance for land remains heavily biased against women. As any change in this respect will require long time, India's experience, where some states have reformed inheritance legislation through the Hindu Succession Act Amendment (HSAA) in the 1980s and 1990s before a 2005 amendment that extended the scope of this nationally, is thus of particular interest for other (African) countries where efforts in this respect are still in their infancy. The challenges confronted are both methodological and substantive.

The activity contributed to addressing these challenges in a number of ways:

- It provides an in-depth analysis of the impact of the HSAA using of gender-disaggregated household level data. The analysis finds very positive outcomes in a number of dimensions (including children's and partners' education, age at marriage, and autonomy), highlighting that legal change in this direction is an effective way to empower females.
- It has designed an in-depth survey module that will allow to assess the impact of this reform and that has already been applied in a number of settings in India, including Karnataka, and beyond.
- It has developed an agreement on a campaign to systematically inform women's self help groups of their rights and is currently working on an agreement with grassroots organizations and government in Andhra Pradesh and Karnataka to do so.

2. Introduction

The gender-bias intrinsic to India's inheritance laws was considered to be one of the main barriers to women equality and empowerment in the country. By limiting women's ability to inherit land, these laws severely constrained opportunities for women, limiting their access to assets, education and markets. Changes to inheritance legislation, by state-level amendments to the Hindu Succession Act, were seen to redress these inequalities by allowing women to inherit land, thus granting them access to social and economic spheres previously denied to them.

In addition to antiquated legislation, India's strong tradition of rural land administration faces serious challenges. Meeting these will be critical to allow well-functioning land markets to underpin the rapid structural change which India is currently undergoing. At the same time, the land registration system in urban areas shows serious defects that undermine urban growth and effective service provision. Likewise,

the country is experimenting with models of e-governance that could show the way for other parts of the world.

The activity focused on two States, namely Karnataka and Maharashtra, and made use of a set of disaggregated household-level data to gauge the impacts of amendments to inheritance legislation by examining (i) basic individual attributes including age, education, number of children, year of marriage, (ii) spousal characteristics, (iii) land bequests, (iv) patterns of land ownership and (v) whether and if the generation I male head had passed away.

A number of expectations were tested through the activity, including the extent to which changes in inheritance legislation can boost (i) women's ownership of assets (ii) educational attainment and (iii) women's age at marriage thus increasing their overall wellbeing.

The activity met its objectives through (i) a rigorous and more detailed assessment of the impact of changes in inheritance legislation on women's socioeconomic status, (ii) the development of a survey module to assess these impacts, and (iii) an initial agreement for the development of a campaign to inform women's self-help groups of their rights.

The remainder of this document is organized as follows: firstly, an overview of the background to this project including links to other GLTN tools, cross-cutting issues, and values is presented, followed by a brief description of the partnerships among the World Bank, the Government of Maharashtra and Andhra Pradesh, GLTN and bilateral donors. Achievements of the project will then be presented before a discussion of key challenges and recommendations for taking the work forward. The report will conclude with an overview of the work's impacts, as well as lessons learnt, next steps, and key references produced.

3. Background

There is a widespread recognition that inheritance may not only perpetuate but intensify women's inequality. This is of particular relevance when it comes to women's ability to inherit land which is restricted in many societies. The lack of women's land rights increases their vulnerability in terms of land conflicts, lowers productivity, negatively affects their household bargaining power and limits livelihood opportunities. The fact that inheritance legislation is, in many countries, strongly biased against women serves only to exacerbate the problem.

India has had a long history of legal activity aimed at overcoming historical legacies of discrimination against women and high inequality, even if these attempts with varying levels of success. Inheritance legislation was amended in 2005 to eliminate gender discrimination that had thus far prevailed in all but a few southern states that had amended the Act earlier. Specifically, the states of Maharashtra and Karnataka amended the act in 1994 granting daughters equal shares in inheritance relative to sons, previously denied to them in the past. The results of the reform could provide potentially important lessons for India and for countries where inheritance rights remain severely biased against women.

This activity was designed to evaluate impacts of legislative amendments on women's access to land and on their overall socioeconomic status, with a view towards refining a number of GLTN tools related to Theme 1: Land Rights, Records, and Registration and particularly socially appropriate adjudication (1d), and Theme 4: Land Law and Enforcement and the Cross-Cutting Theme of Gender.

4. Partnership

India is engaging only with a limited number of bilateral donors, in particular DFID and USAID who focus on work with specific states, mostly backward ones. Both are very interested in property rights issues and recognize the potential complementarities with the Bank's work at national level.

Given that the activity requires access to a number of documents and official records, the partnership with the Government of Andhra Pradesh and Maharashtra was instrumental to the successful delivery of the activity. The documentation of impacts of legislative amendments requires substantial financial and advisory support from GLTN and other donors, particularly since such research can have important implications for other Indian states that have yet to amend the Hindu Succession Act and other countries where women's rights are severely hindered by the law.

5. Achievements

By examining the impact of legal amendments to land inheritance laws and providing initial evidence as to its long-term beneficial impact on women's status, the activity contributes to the GLTN Output 1.2 of documenting and evaluating innovative land programs consistent with GLTN values. It further contributes to the design of impact evaluation methodologies that, while resonant with the local contexts, allow for cross-country comparison.

6. Key Challenges and Recommendations/Way Forward

While the activity has made a promising start, it will be important to (i) complement the assessment of impacts of amendments to the Hindu Succession Act by examining its effects on women's household bargaining power; (ii) analyze the dowry response to this legal amendment and (iii) examine the role of information dissemination and other potential mechanisms that would help enforce these legal arrangements. The most important demand at this time is to explore ways in which the potential of the HSAA to benefit women can be more fully realized, something that is likely to require an experimental intervention.

7. Impacts

The work contributes to GLTN Outcome 1 by enhancing knowledge of India's unique efforts at amending gender biased laws, including its resulting effects on women's access to human capital. In particular, it contributes to output 1.2, namely to evaluate innovative land programs consistent with GLTN core values of equity and gendered sensitiveness.

8. Lessons learnt

While administratively demanding, amendments to inheritance legislation that hinders women's rights and opportunities can represent a low cost mechanism for boosting women's socioeconomic status. While passing a law in itself is not sufficient, it can have significant impact and provide a basis for operational changes and policy actions needed to ensure full effectiveness of such measures.

9. Next steps

In coordination with local and international partners, the World Bank will provide follow-up assessment of the impact of changes to the Hindu Succession Act in Karnataka and Maharashtra, including in terms of patterns of land use and land-related investments.

The activities described above will result in a number of policy notes prepared jointly by the partner institutions involved that will then form the basis for publications. In addition, it is expected that the dissemination of findings will be strengthened through stakeholder and regional workshops, 2012 Land Conference and technical missions. Dissemination of results in national fora and to different stakeholder groups is seen as a critical next step.

10. Key references

The following papers were produced as a result of this project (attached):

K. Deininger, A. Goyal and H. Nagarajan (2010) "Inheritance Law Reform and Women's Access to Capital: Evidence from India's Hindu Succession Act"

Hindu Succession Act: household survey, village profile and inheritance module.