



Exploring Empowerment and Women Property Rights in Gujarat as a Critical Capability

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Abstract

Manifold deprivations like that of land and property entitlement, political and social freedoms have led to limited development of capabilities among the women in India. The Capabilities Framework (Sen, 1984) advocates the access to physical resources as one quintessential capability for human development. Inherent inequalities in the system of ownership or formal and legal entitlement of resources have led to further unequal growth of some sections of the society and spurs marginalisation. Particularly, empowerment of women has been a setback in the course of the exponential economic growth. There are many facets to it with patriarchy being a major culprit which is appallingly deep-seated even in the fabric of the modern Indian society. Nussbaum (2000) in the Central Capabilities framework for well-being of women points out that resource and property right is an important capability that propels the development of a human being. Nussbaum (2003) clearly states control over ones political and material environment paves way to various other capabilities leading to human development. The current paper attempts to explore the relation between women property rights and empowerment from the lens of Capability Approach. A study of 55 women was conducted through in-depth interview with the help of a structured questionnaire. The findings from the study show that women in general have very limited or no property rights. Those who have some rights may actually not be controlling those properties for various reasons. One has to time and again evaluate the progress in these trends through the Capability framework to monitor women empowerment in true sense. Mobility and education

can be critical capabilities that lead to create empowerment of women and encouraging property rights of women.

Key words: Capabilities; Property Rights; Women; Empowerment

Exploring Empowerment and Women Property Rights in Gujarat as a Critical Capability

Manifold deprivations like that of land and property entitlement, political and social freedoms have led to limited development of capabilities among the women in India. The Capabilities Framework (Sen, 1984) advocates the access to physical resources as one quintessential capability for human development. Inherent inequalities in the system of ownership or formal and legal entitlement of resources have led to further unequal growth of some sections of the society and spurs marginalisation. Particularly, empowerment of women has been a setback in the course of the exponential economic growth. There are many facets to it with patriarchy being a major culprit which is appallingly deep-seated even in the fabric of the modern Indian society. Osella and Osella (2000) summed up this position in a study pointing out that patriarchy gradually set in the culture and then many women no longer had land to pass on to their daughters and mother-daughter inheritance became rare. Kodoth (2004) found out that the extreme gender-based disparity in land holding is more likely than not to be a reflection of women's lack of independent rights over land and the value attached to their 'invisibility'.

Nussbaum (2000) in the Central Capabilities framework for well-being of women points out that resource and property right is an important capability that propels the development of a human being. Nussbaum (2003) clearly lists Control over Ones Environment: - Political-Material as a significant capability for women. Control over ones political and material environment paves way to various other capabilities leading to human development.

If one refers to the table below, it strikes immediately that ownership of house or land was almost a non-issue till 2005-06 as no data seems to have been collected in that regard. Subsequently in 2015-16, data collected on a national level shows the status of ownership of house and/or land both in rural and urban areas of India. The trend visible in Gujarat is a bit different than that of aggregate of India. In Gujarat the urban areas have 29.7 percentage of

women ownership while the rural is only at 25.2 percentage whereas the aggregate figures of India indicate having 35.2 percentage in urban areas while its rural doing better at 40.1 percentage. This contradiction, can be explained through historically unfavourable social norms for women in Gujarat while some other Indian states are much more aware and gender inclusive. Though in general the Gujarati society is one of the most progressive and inclusive in many ways but there are many indicators like that of sex ratio, school drop-out rates, workforce participation which are not very impressive with respect to human development. Certainly, if one observes the figures in NFHS-5 as compared to NFHS-4 for Gujarat, the ownership of property figures has increased considerably as against the same for India. However, as we use the below stated information, the caution prevails that the figures used are those where women may be only joint owners, which essentially may mean no control at all.

Table 01: Select Women Empowerment Indicators of Gujarat and India

Women's Empowerment Indicators (age 15-49 years)- India								
		NFHS-5 (2019-21)			NFHS-4 (2015-16)			NFHS-3 (2005-06)
		Urban	Rural	Total	Urban	Rural	Total	Total
1	Women owning a house and/or land (alone or jointly with others) (%)	38.3	45.7	43.3	35.2	40.1	38.4	Na*
2	Women having a bank or savings account that they themselves use (%)	80.9	77.4	78.6	61.0	48.5	53.0	15.1
3	Women having a mobile phone that they themselves use (%)	69.4	46.6	54.0	61.8	36.9	45.9	Na
Women's Empowerment Indicators (age 15-49 years)-Gujarat								
1	Women owning a house and/or land (alone or jointly with others) (%)	41.3 (home) 31.3 (land) #	42.8 (home) 37.6 (land) #	42.05 (home) 34.45 (land) #	29.7	25.2	27.2	Na*
2	Women having a bank or savings account that they themselves use (%)	Na	Na	70	56.5	42.2	48.6	19.9

3	Women having a mobile phone that they themselves use (%)	66.0	36.2	49	63.5	35.4	47.9	Na
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Source: Compiled from India Fact Sheet, NFHS, India (<http://rchiips.org/nfhs/pdf/NFHS4/India.pdf>)

[*Na: Not available; # ownership data of land and house available separately]

Therefore, it becomes inevitable to get first hand data in order to investigate the following research objectives:

- To understand the property rights of women is a critical capability as per the Capabilities Approach (CA).
- To get insights on property ownership rights of women in Gujarat.
- To understand if relation exist between property rights available to women and their empowerment.
- To explore ways of empowerment through improved property rights for women.

Research Methodology

The data required in the current research may have many intersections that lead to a deeper understanding of achievements under the Capabilities framework. Thus, the findings of this paper are based on primary data collected 55 women through in-depth interviews regarding property rights with the help of structured questionnaire. Data was collected from two tribes of Gujarat for paucity of time and the data from non-tribal section is taken from both urban and rural (non-tribal) areas of Gujarat, India. If studies are conducted in other regions of the country the findings may vary as some tribes in north-east India still follow matrilineal property rights. The secondary data is taken from National Family Health Survey (NFHS), other portals, reports and research papers recording data relevant for current research.

Research Findings

The research findings are interesting from the perspective of policy makers since many nuances about property rights of women were explored and some women do exhibit agency over property owned by them while many still do not. There are some patterns emerging which are also insightful to take a deep look into how women empowerment is shaping at intersections.

Demographic profile of the respondents

Figure no. 1: Age Profile

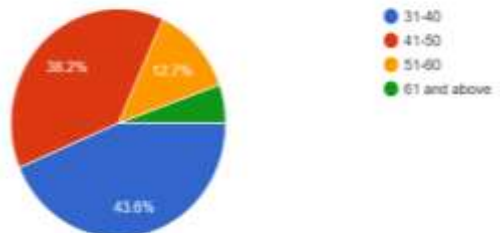
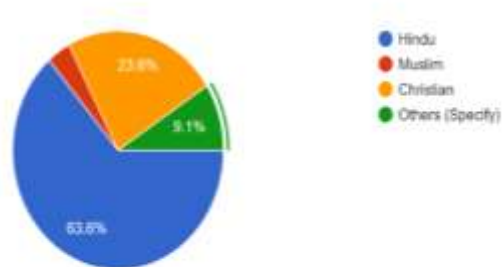


Figure no. 1: Religious Profile



The age group of the respondents was deliberately kept as 30 and above so that it is possible to get more reliable information from mature women who have lived through an age group which might have experiences of patriarchy in various forms (if at all). Also many of the women who may have wanted to work would be doing so and could indicate whether they could purchase any assets of their choice from their savings. Almost 44 percent respondents were in the age group of 31 to 40 years of age, 38 percent in 41 to 50 years, 13 percent in 51 to 60 age group and 5 percent above 60 years. The respondents were from diverse religions with Hindus being almost 64 percent, Christians 24 percent followed by Muslims and others.

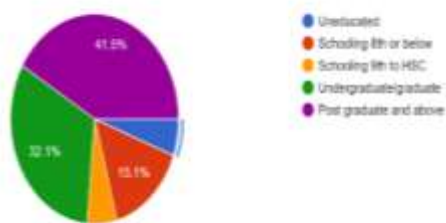


Figure no. 3: Education profile

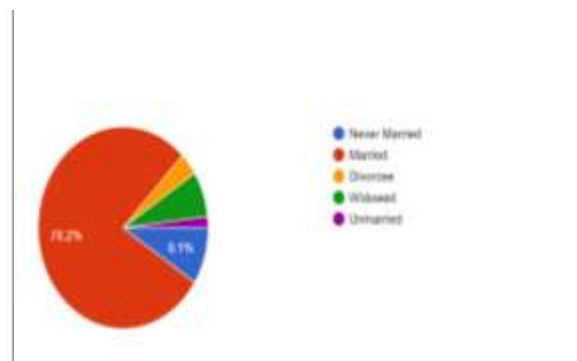


Figure no. 4: Marital Status

More than 41 percent of respondents were having postgraduate qualification, 32 percent have attained graduate degrees though there are approximately 5 percent each of uneducated and respondents who only have less than secondary schooling. From among the respondents, 78

percent of them are married at present, 9 percent are never married and remaining 12 percent approximately are either divorced, widowed or having other living arrangements.

Figure no. 5: Income profile

income either profits/wages/salary:

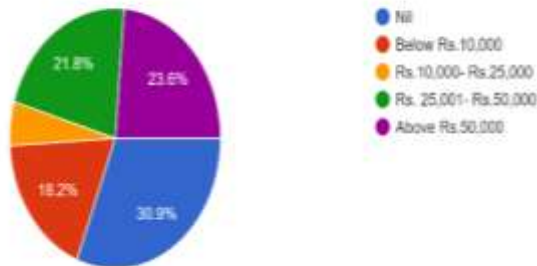
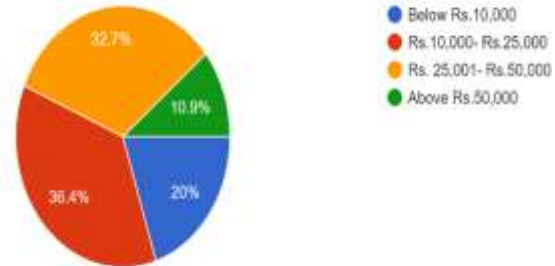


Figure no. 6: Expenditure profile

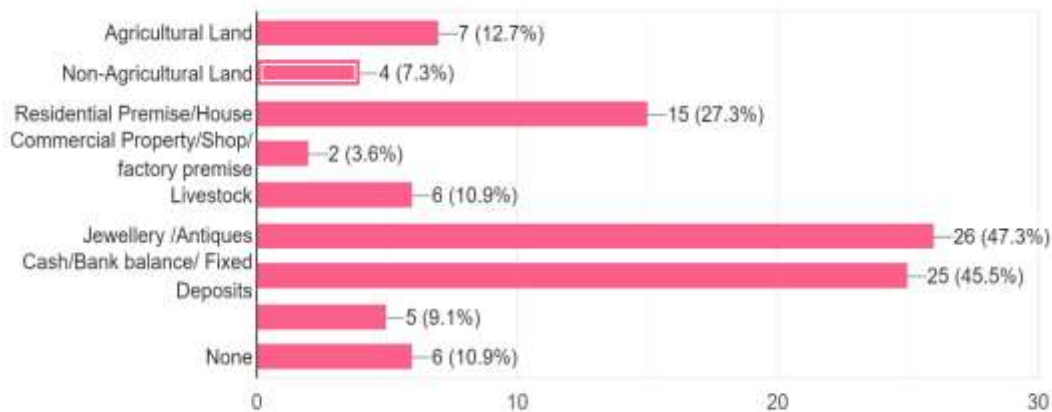
expenditure:



Approximately 31 percent of respondents are not having any income of their own which means they are totally dependent on somebody for all their financial and connected needs. Almost 18 percent are also having a meagre monthly income of less than Rs.10,000 but maintaining the diversity of economic background there are almost 22 percent respondents have a monthly income of above Rs.25,000 and 24 percent approximately earn above Rs. 50,000. In that backdrop, if one has a look at the monthly family expenditure only 20 percent of respondents have it below Rs. 10,000, about 36 percent have a family expenditure of Rs.10,000 to 25,000, 33 percent Rs.25000 to 50,000 and almost 11 percent have it above Rs.50,000. It is for certain that the women contribute a great extent to meet the monthly family expenditures providing a cushion to the co-habitants.

Nussbaum (2000) in the Central Capabilities framework for the well-being of women points out that resource and property right is an important capability that propels the development of a human being. Capabilities of various kinds are very critical to the attainment of certain functioning in the life of every human like education and health among many others. Education about one’s rights is a significant capability whether it is received from homes or from formal schooling or university is will have great impact on the functioning that women would value. Nussbaum (2003) clearly lists Control over Ones Environment: - Political-Material as a significant capability for women. Control over ones political and material environment paves way to various other capabilities leading to human development.

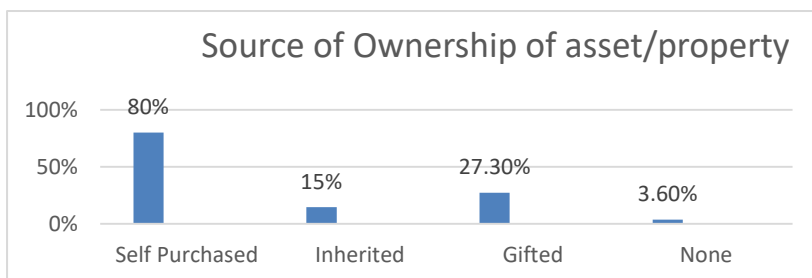
Figure 07: Ownership of assets by respondents



Source: Primary Survey conducted by author

As one can see from the above figure, only a little above 27 percent own a residence in their own name. Approximately 13 percent own agricultural land and 7 percent own non-agricultural land. About 11 percent own some livestock in their name. But the majority of asset ownership is in the form of Jewellery (47 percent appx.) and Cash/Bank balance/Fixed deposits (46 percent appx.). This confirms the general Indian belief that we have regarding only giving away girls of the families with some jewellery or money and be freed of any other responsibilities and liabilities particularly that of giving any kind of immovable property rights. It should be noted that 11 percent of women have indicated that they do not own any kind of resources which is extremely terrible as this situation is one among many reasons that does not surely permit a woman to take her own decisions and lead into conversion of capabilities into attainments of value. (Figures may not total up to 100 percentage due to multiple options marked.)

Figure no. 07: Sources of Asset Ownership



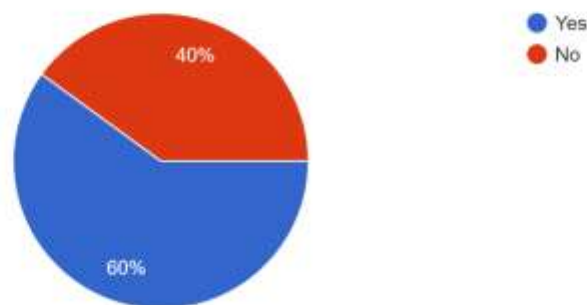
Source: Primary Survey conducted by author.

It is essential to understand what is the source of ownership of asset/property for women as that signals how times are changing but the reason for change may primarily be women themselves who may be trained to stand up for themselves and not depending on anybody else. 80 percentage of women who have some title to property or resources have purchased the property on their own. While only 15 percent have inherited and approximately 27 percent have been gifted some property in their name. This is the inequality that the study intends to signal, which if addressed will enable women to share similar spaces as men do and also add to their capabilities to make their own choices in social, cultural and economic spheres in attaining the intended functioning.

Figure 08: Independent Decision Making

For assets owned by you, do you take independent decisions regarding the usage and disposal of these assets (major consulting is understandable but do you take the final call) ?

55 responses



Source: Primary survey conducted by author

It is heartening to see women demonstrating independent decision making with respect to the assets that they own. Some consulting may be done with family members which generally even many male members also tend to do, but largely 60 percent of the women who own property consent that they take independent decisions about the properties owned by them. However, 40 percent of the respondents do not take any major decisions regarding property on their own. This certainly throws up questions regarding their agency towards the owned property.

In the survey conducted for the present study, Women Empowerment (WE) is taken as a key Functioning as understood under the Capabilities Framework and Property Rights (PR) is hypothesised as Capability that could lead to attainment of WE. Some essential conjectures around WE are also tested to build a better understanding into the major hypothesis tested.

Hypothesis testing and results

Women empowerment was taken as a score based on the responses received on the agreement or disagreement to the following statements obtained on a 5- point Likert scale : Participation in financial/economic decisions of the family; participation in health care decisions of the family; participation in decisions pertaining to children's education; participation in all decisions regarding various social celebrations; status inside my home; status outside in the community; feeling of vulnerability to external shocks; confidence in dealing with issues inside my home. This was then tested for its relation with Ownership of resources/title to property.

H1₀: There is no significant relation between Ownership of resources/title to property and Women Empowerment.

Based on the data available, when a t-test was run to find out the relation between ownership of resources and women empowerment, the statistic failed to reject the null hypothesis. Which essentially means that Ownership of Resources (Property Rights PR) and Women Empowerment (WE) may not have a common thread of reason. There are other more stronger variables that may lead to women empowerment than just ownership of resources. This leads one back to the thought that ownership alone does not lead to empowerment as control still lies in the hands of the men of the home and women remained othered as would have been referred by De Beauvoir in *The Second Sex* (Parsley, 1953).

However, a conjecture that strongly tested positive was the issue of mobility. The correlation coefficient between Mobility of Women and Women Empowerment is 0.7 which is a very strong positive correlation.

H2₀: There is no correlation between Mobility of women and Women Empowerment.

The null is rejected and it can be safely construed that mobility of women can be a commendable source of empowerment.

So, it is extremely important to allow women to move out of their homes freely in order for them to feel empowered. It can be well assumed from this that mobility gives exposure to women and awareness about their rights. They talk to many educated, aware and empowered people and that brings a change in the attitude and women have an agency of their own.

One more significant finding was that those who were more educated, those who were post graduates had self-purchased property in their own names as against those who were lesser education. Others if have properties are proportionately more due to gifts or inheritance and only some who have self-purchased (inheritance is again less; some due to inclusion of jewellery as an asset). Hence, greater access to education will also bring about change in the trends of women's property rights and equip them with greater capability.

Conclusion and Implication:

The findings from the study show that women in general have very limited or no property rights in the region. Even in a modern progressive society people are largely influenced by their faith and practices in religions that they follow. Further, there are already issues of forest land rights, over and above that whatever rights are available, are in the names of the men and therefore, the condition of tribal women is even worse compared to the non-tribal women. Whereas, traditionally tribal communities were more gender equitable both socially and economically due to the matrilineal community living ways. Therefore, one way to assist in building capabilities of women and bringing greater gender equality is to encourage matrilineal communities or ways of living. The outcomes are extremely critical as they impact time, income, nutrition, livelihood, social networks and indigenous knowledge of the tribal (Agarwal 1992). It can be noted that most personal religious laws do not encourage matrilineal practices. These laws generally discourage passing on property, agricultural or otherwise, to women for fear of fragmentation of land holding or losing it once the woman got married. Hence, the property is inherited or similarly acquired in the name of the men in the household. Lately, an incentive in revenue reforms was brought about in order to encourage registering properties in the name of women by giving them rebates in paying registration duties on purchase of properties which worked well to some extent but largely the ultimate control of property still lied in the hands of the men. The Supreme Court of India, very recently, conferred daughters with equal right to father's property even prior to codification of Hindu personal laws and enactment of the Hindu Succession Act in 1956 (Times of India, 2022). These are encouraging legal provisions that pave way for a greater

inclusion of women with respect to their property rights. Law is certainly a major instrument that can bring a paradigm shift in the existing structures of the society. Another more impactful way is having stricter real estate legislations promoting property registrations in the name of the women.

However, the most gruesome task remains to enable women to gain complete autonomy and control to take independent decisions on the property. One has to, time and again, evaluate the progress in these trends through the Capability framework to monitor women empowerment in true sense.

Works Cited

1. Agarwal, Bina. "The Gender and Environment Debate: Lessons from India." *Feminist Studies*, vol. 18, no. 1, Spring 1992, pp. 119–158.
2. Alkire, S., Meinzen-Dick, A., Peterman, A., Quisumbing, G., Seymour, A., and Vaz. "The Women's Empowerment in Agriculture Index." *World Development*, vol. 52, 2013, pp. 71–91.
3. De Beauvoir, Simone. *The Second Sex*. Translated and edited by H. M. Parsley, Jonathan Cape, 1953.
4. Drèze, Jean, and Amartya Sen. *India: Development and Participation*. Oxford University Press, 2002.
5. *India Fact Sheet. 2015-16. National Family Health Survey (NFHS-4)*. International Institute of Population Studies, Mumbai. Accessed at <http://rchiips.org/nfhs/pdf/NFHS4/India.pdf>.
6. Kodoth, Praveena. "Gender, Property Rights and Responsibility for Farming in Kerala." *Economic & Political Weekly*, vol. 39, no. 19, 8–14 May 2004, pp. 1911–1920.
7. Mahapatra, Dhananjay. "Supreme Court Extends Women's Right to Parents' Property Prior to 1956." *Times of India*, 21 Jan. 2022. Accessed at <https://timesofindia.indiatimes.com/india/supreme-court-extends-womens-right-to-parents-property-prior-to-56/articleshow/89026076.cms>.
8. Ministry of Health and Family Welfare. *National Family Health Survey-05*. International Institute of Population Sciences, 2021. Accessed at https://dhsprogram.com/pubs/pdf/FR374/FR374_Gujarat.pdf.
9. Nussbaum, Martha C. "Capabilities as Fundamental Entitlements: Sen and Social Justice." *Feminist Economics*, vol. 9, no. 2–3, 2003, pp. 33–59.
10. Nussbaum, Martha C. *Women and Human Development: The Capabilities Approach*. Cambridge University Press, 2000.
11. Osella, Filippo, and Caroline Osella. *Social Mobility in Kerala: Modernity and Identity in Conflict*. Pluto Press, 2000.

12. Sen, Amartya. "Capability and Well-Being." In *The Quality of Life*, edited by Martha Nussbaum and Amartya Sen, Clarendon Press, 1993.
13. Sen, Amartya. "Rights and Capabilities." In *Resources, Values, and Development*. Harvard University Press, 1984.
14. Sen, Amartya. *Development as Freedom*. Anchor Books, 2000.