

GenderTalk



Welcome to the second issue of GenderTalk from the NCAER-National Data Innovation Centre's Gender Hub. In this issue of GenderTalk, we discuss about gender inequality in land rights. We bring you articles by researchers that highlight some of the challenges, followed by conversation with an ex-policymaker. GenderTalk is a space where scholars, policymakers, and civil society members can engage with each other on a theme vital to women's well-being in India.

Photo: Indian Human Development Survey (IHDS)

In this edition, we bring you the following:

1. **Gender Gap in Land Rights** by Dr Pallavi Choudhuri (NCAER)
2. **Gender imbalance in land ownership and the need for digitising land records** by Dr Charu Jain (NCAER) and Mr Deepak Sanan (Ex-Additional Chief Secretary of Himachal Pradesh)
3. **Women's access to parental agricultural land: the gap between law and practice** by Dr Manjistha Banerji (NCAER)
4. **Gender and Generation: Land Ownership and Older Indians' Autonomy** by Hope Xu Yan (University of Maryland), Dr Sonalde Desai (University of Maryland and NCAER) and Dr Debasis Barik (NCAER)
5. **Conversation** with Mr Deepak Sanan (Ex-Additional Chief Secretary of Himachal Pradesh)



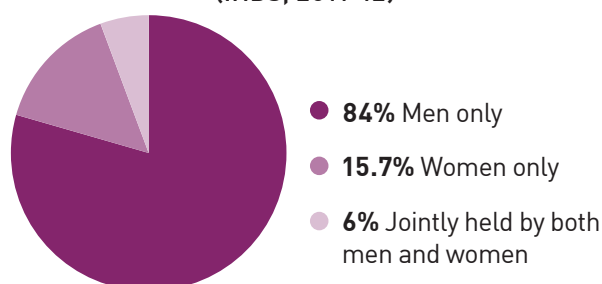
I. Gender Gap in Land Rights

Dr Pallavi Choudhuri (NCAER)

India is 69% rural (2011-12), and agriculture remains the dominant form of employment playing a pivotal role in the rural economy, although its share has been

declining. Land is an important productive resource in agriculture, but what do we know about land ownership?

Figure 1: Very few women own land (IHDS, 2011-12)



Official statistics such as the 2015-16 Agricultural Census indicate that women farmers comprise only 13.9% of operational holders. However, operational land is used by anyone for agricultural production - with or without land rights, and hence, is not reflective of the ownership pattern of arable land. This makes survey data the only fall-back option for examining distributional patterns in land ownership.

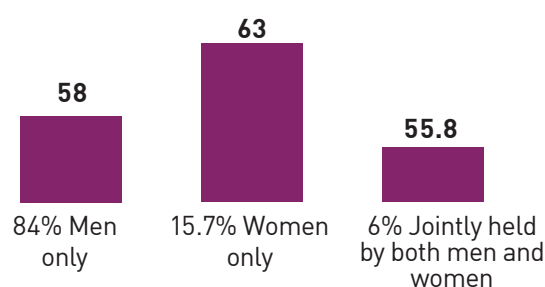
Data from the Indian Human Development Survey (IHDS, 2011-12) show that 60% of rural households own agricultural land. But as Figure 1 shows, ownership rights are heavily skewed, with the majority of arable land owned by men only.

With increased non-farm employment for rural men, farm work often falls to women. As of 2011-12, the IHDS data show 45% of working-age women working in the agricultural sector - 36.5% in household farms and 16% hired as agricultural labour. Disaggregation by ownership pattern, we find that women work in 58% of households where only men hold land (84% of all land-owning households – see Figure 1). In households where women own land, work participation in family farms is 63% in households where only women hold land ownership and 55.8% in households with joint ownership (see Figure 2).

Arable land is an important input in the agricultural production process and women's property rights can ensure their social security by enhancing nutrition and household food security, along with providing access to institutional credit, inputs and productive resources, and enhancing their bargaining power both within and outside the household (Agarwal 1998). Secure land rights for women have been recognized as an important pillar for achieving Sustainable Development Goals in its references to poverty, hunger, and gender equality, and is recognised under two SDG indicators (SDG 1 and SDG 5).

The National Policy for Farmers (2007) recommended

Figure 2: But a majority of male owned plots have women workers (IHDS, 2011-12)



adopting a broader definition of farmers to include agricultural labourers, tenants, etc. However, the government confers the status of a “farmer” based on ownership rights, more specifically on land title records. Lack of land titles, thus, may prevent women from accessing agricultural extension programs such as government offers of subsidized seeds and fertilizers, irrigation facilities, and other services such as crop insurance, when the land they till is not in their name; this may even leave women farmers vulnerable to shocks from a natural disaster or climate change. Further, women's land rights are not always recognised in village land records, with gender-disaggregated data often unavailable in official records.

Registration of land titles is often a clumsy and onerous process, and women often lack knowledge of inheritance laws. A 2013 study carried out by UN Women and RDI in the states of Andhra Pradesh and Bihar noted that only 60% of the plots reported in the survey were formally documented with a title. Around 25% of the plots lacked any type of document, while around 7% of the plots had only informal documentation. Further, women held titles in less than 10% of households with formal documentation. The study also noted that overall, more than 61% of women have never visited the local revenue office for land-related paperwork, while another 18% visited only with a male relative. Such issues highlight the fact that the challenge of bridging the gender gap in land rights needs a multi-faceted approach. These issues are further highlighted in articles presented in this measurement brief. In particular, this brief discusses the following:

1. Current status of land ownership in India from household surveys
2. Data from land titling records
3. Qualitative information on why women do not claim their share in parental property

4. Consequences of omission from land ownership and clear titles on women's well being
5. Interview with Deepak Sanan, Ex-Additional Chief Secretary (IAS) of Himachal Pradesh

Pallavi Choudhuri is a Senior Fellow at the National Council of Applied Economic Research. Her primary research interests

are in the area of poverty, social protection, labour, and gender. At NCAER, her recent work has focused on measurement gaps in the income and consumption data and women's paid and unpaid work. Prior to joining NCAER, Choudhuri taught courses in Economics at the Grand Valley State University as a Visiting Assistant Professor. She has a PhD. in Economics from the University of Wyoming.



II. Gender imbalance in land ownership and the need for digitising land records

Dr Charu Jain (NCAER) and Mr. Deepak Sanan (Ex-Additional Chief Secretary of Himachal Pradesh)

Women play critical roles in agricultural operations, yet they have limited access, control, and ownership over the land. The Gender and Land Rights Database (GLRD) of the Food and Agriculture Organization (FAO, 2018) shows that the share of women agricultural landholders globally is less than 15%. The Landesa report (2016) shows that in as many as 90 countries, customs inhibit women's access to land. India's story is very much in line with the international picture. As per Agriculture Census 2015-16, only 14% of women were operational landholders in India, despite the fact that 73 % of rural women workers were engaged in the agriculture sector.

Broadly, women can acquire land through inheritance, gift, purchase, or government transfers, but as Agarwal (1998) mentions all these sources are structurally and operationally skewed against equal participation of women. Land possession through inheritance is most prominent, especially in South Asia, including India, but these provisions are often governed by religious laws which are not favourable towards women. Furthermore, prevailing patriarchal norms adversely affect the implementation of even progressive laws and policies on the ground, contributing to the dismal situation.

Evidence suggests that secure titles can increase women's access to agricultural inputs such as credit and technology. This can both strengthen women economically, increase food security, and enhance farm productivity (Peterman et al., 2010; Goldstein, et al., 2015; Bezabih et al., 2016). Producing an updated database at regular intervals can at the very least enable an understanding of the distribution patterns and continuing inequities in landholding, and

possibly encourage public policy discourse at securing equitable gender outcomes.

In this direction, using a sample of digital land record copies (12,208) for 12 States/UTs in India (extracted during NCAER's Land Records and Services Index Study- N-LRSI 2020-21), we examine different dimensions of discrimination that women face in ownership of agricultural land in rural India. We also look at these facets in the context of the laws and provisions that attempt to improve the situation of women's land rights in these states.

- Findings from NCAER-LRSI data 2020-21 reveal that not only women have limited access to land titles, but even when they own land titles, they remain disadvantaged in several ways.
- In most cases, women hold the land title under joint ownership. Within joint titles, the average holding size of their holding is smaller. In most cases, women land holders own inferior (non-irrigated) land.

—Charu Jain and Deepak Sanan

The findings not only confirm that women have limited access to land titles but also bring out the fact that even when they own land titles, they remain disadvantaged in several ways. First, women rarely own land individually on their own. Individual ownership, documented through the

proportion of land titles owned by women alone, ranges from as low as 4.5% in Jharkhand to a high of merely 17% in Maharashtra among the sample States (and reaching 25% in the case of one of the Union Territories). In most cases, women hold the land title under joint ownership with men. Within joint titles, it is not just that fewer women hold titles within the same land parcel, but even when they own land, the share of land size held by women is also smaller compared to men. Further, a larger proportion of women landowners are found to own non-irrigated land which is not as productive as irrigated land. Even in cases where women own irrigated land, the average size of their holding is comparatively smaller than that of men.

The government has tried to increase women's land ownership through a reduction in stamp duties on property registration by women, spousal ownership provisions and changes in inheritance laws. However, these legal changes have not resulted in a significant increase in women's land ownership. Nevertheless, there is some evidence that these provisions seem to be relatively more effective in States like Uttarakhand, Himachal Pradesh, Gujarat, Madhya Pradesh, and Maharashtra, possibly as a result of efficacy in the governance of local administrative units in these areas, which caused the laws to be enacted and implemented.

Mainstream society does not see women's ownership of land (and possibly other assets) in rural India as an issue of consequence. Legal measures that result in tax-related benefits for women (in both registration and property taxes) can help in at least conferring formal titles. However, making a large-scale dent in this critical sphere that has the potential to empower women economically, can only occur with changes in social attitudes and customs. While both men and women need sensitisation on these issues, demand from women is likely to play a greater role in bringing about change. Education and dissemination of information will greatly assist such endeavours. In this context, digitisation of property records enhances the ready availability of data which can serve to focus attention on the gap in women's ownership of assets that are critical to a sense of economic empowerment.

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Deepak Sanan is a former Indian Administrative Service officer (Ex-Additional Chief Secretary of Himachal Pradesh). He held senior positions in public finance, land governance, and the water and sanitation sectors at both the state and national levels. During his career, he was associated with various international and bilateral donor organisations as a consultant. He also served as the India Country Team Leader in the Water and Sanitation Program (South Asia) at the World Bank. After his retirement he has advised NCAER, CPR and IIHS on issues related to land governance, public finance, state capacity, water and sanitation.





III. Women's access to parental agricultural land: the gap between law and practice

Dr Manjitha Banerji, NCAER

Currently governed by the Hindu Succession Act of 2005, inheritance laws in the country have undergone unprecedented changes from the *Mitakshara* and *Dayabhaga* doctrines that formed the basis of inheritance systems in colonial India. Under these systems, inheritance was primarily patrilineal. Women had weak inheritance rights, with widows enjoying more rights than unmarried daughters, who, in turn, had more rights than married daughters (Agarwal 1998). The Hindu Succession Act was first enacted in 1956 with the objective that sons and daughters and brothers and sisters have equal succession rights. However, several limitations persisted, which defeated the purported objective of gender equality. The Hindu Succession (Amendment) Act passed in 2005 has removed most of these inequalities (EPW Editorial 2005).

Despite a law that mandates equal inheritance rights for men and women, the overall incidence of land ownership by women remains low. As per the 2011-12 round of the India Human Development Survey, only about 2% of surveyed households reported that female members “inherited” or were “gifted” agricultural land, the corresponding percentage for male members stood at 83%. There is, thus, a gap between the law and practice that needs to be examined.

However, existing data sources do not shed much light on the reasons behind this gap. In fact, there is a paucity of national-level statistics on land ownership and other assets (Kieran et al, 2015). For example, data on asset ownership collected by NSSO All India Debt and Investment Surveys (AIDIS) is limited because asset ownership is measured at the household rather than at the individual level (Swaminathan et al 2012).

To understand the factors, normative or otherwise, that discourage women from claiming their share of parental land, a team at the NCAER-National Data Innovation Center conducted focus group discussions and in-depth interviews in 2021 in a couple of villages in western Uttar Pradesh as part of the Delhi Metropolitan Area Study (DMAS). These discussions were held among the

land-owning *Jaat* community and also the historically marginalized *Jatav* community. While not exhaustive, they provide glimpses as to why women's access to agricultural land remains low in the country.

- In-depth interviews and focus group discussions conducted in 2021 reveal that even though awareness about inheritance law pertaining to daughters exist, participants were unanimous that there was no rationale for this inclusion.
- Existing national surveys remain inadequate in terms of both providing sufficient data on land ownership by women along with shedding light on why they refrain from claiming their share of parental agricultural land.

—Manjitha Banerji, NCAER

It appeared from the discussions that there is awareness about the law entitling daughters to a share of their parent's property. Yet the daughter's name is typically not included in the property and the participants were unanimous that there was no rationale for the inclusion. On the question as to whether a married daughter ought to claim her parents' property, the participants were yet again unanimous that they should not. Participants, particularly the elderly in the group, felt that daughters ought to be “happy” with whatever parents give them both before and after marriage. This caveat also holds in instances where not enough dowry was given at the time of the wedding. Younger participants felt that if the daughter is “capable” and “stands on her own two feet”, she will not claim the parental property. Otherwise, she will. Educated daughters are likely not to claim parental property, but those who are not might make a claim. Indeed, the current practice appears to be that at the time of marriage, daughters sign affidavits forgoing their claim to parental property.

Another participant hinted at land fragmentation that would result if she were to claim her share of her parents' agricultural land (of around 2- 3 bighas). She has two brothers. Sub division of the land into 3 equal parts would make it unviable for cultivation.

What if the parents had no sons and only daughters? Was it okay in this situation for the daughters to claim her share of the property? Participants agreed that in this scenario daughters could claim their share, but they thought that in this instance too it was better if the property was given (sold or otherwise) to the other male cousins of the family. We came across only two cases where daughters had claimed their share of the parental property. In one instance, the elderly informant told us that she was pressured to do so by her husband and in-laws who had fallen on hard times and needed the extra cash. In another instance, there were two daughters who inherited their parents' property (there were no sons). While one of the daughters sold off her share, the other one gave her share of the property to her nephew. Overall, it was difficult for the participants to hypothesize any situation where it was justified for the daughter to claim her parents' property. The only exception was if the daughter was not yet married at the time of the parent's death.

None of the reasons are new and have been highlighted in the literature before. On the other hand, land ownership by women may be higher in other parts of the country where women marry within their extended kin network or in the same village. However, existing national surveys remain inadequate in terms of both providing sufficient

data on land ownership by women along with shedding light on why they refrain (or not) from claiming their share of parental agricultural land. This gap needs to be plugged.

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Manjitha Banerji, a social demographer, is a Fellow at National Council of Applied Economic Research. Her broad areas of research are family, migration and education, which she studies employing the lenses of gender and social stratification. She is trained in quantitative methods but she also uses qualitative methods to better understand the findings emerging from survey research.



IV. Gender and Generation: Land Ownership and Older Indians' Autonomy

Ms. Hope Xu Yan (University of Maryland), Dr Sonalde Desai (University of Maryland and NCAER) and Dr Debasis Barik (NCAER)

Land ownership is an important source of old age security, particularly in developing countries like India, where public transfers for old age support are limited (Lee & Mason, 2012). Controlling

durable assets such as agricultural land can bring older people more say in household decisions, more access to household resources and support, and better well-being (Dharmalingam, 1994; Sudha et al., 2004). However, little

attention has been paid to how gender inequalities may complicate the relationship between older adults' asset ownership and intra-household bargaining power. In this context, it would be interesting to explore if older women and older men benefit equally from land ownership.

Agricultural land in India is typically controlled by the patriarchy. Although legislations in 1956 and 2005 have partially established women's rights to inherit land, in practice, very few Indian women own or control household land (Agarwal, Anthwal, and Mahesh 2021). This is because, first, granting women legal rights to inherit land does not guarantee their actual land ownership when the law is not enforced by the local community and family members. Second, women may only have nominal claims over the land or hold claims only jointly with the male family members. Hence, their claim could be fragile and they could lose their share in the event of an acrimonious property partition. Third, even with sole ownership, women may still be restricted from controlling the land when there are adult men in the household (Agarwal, 1994, 1998). The gender inequality in land ownership suggests that the generational power conferred on older men with land ownership may not apply to older women to the same degree, particularly if older women's control over land is not formally codified or operationally established.

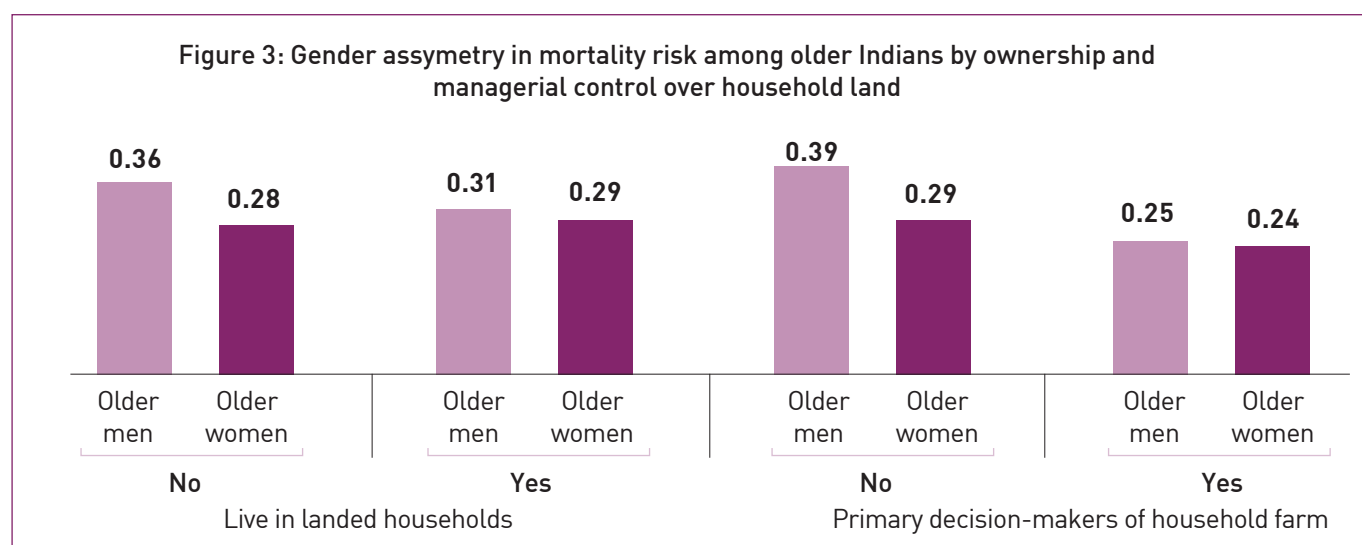
In a forthcoming paper in *Feminist Economics*, we use data from the India Human Development Survey to explore the gender asymmetry in how older people's autonomy and well-being vary according to their ownership of and managerial control over households' agricultural land. Specifically, we focus on variations based on a) ownership of land at the household level, b) individuals having

their names on the land title, c) individuals having sole ownership of the household land, and d) individuals having managerial control over farm-related decision-making.

Decision-making power at home: Our results suggest that land ownership at the household level is associated with more decision-making power at home for older men. With most land in India being inherited through the male lineage, older men often control land and have substantial decision-making power at home. Their power is absolute and not contingent on whether their names are listed on the land title or whether they play an important operational role in farm management.

For older women, living in landed households does not necessarily mean greater decision-making power at home. Older women have power only when their land ownership is documented through land titling or operational control of the land. Ironically, older women who live in landed households but do not have their names on the land title appear to be the most disadvantaged. They have even less say in household decisions than those living in landless households.

Mortality: Living in landed households is associated with a lower likelihood of dying between two waves of the survey for older men, but not for older women. Older women residing in landed households tend to face a marginally higher risk of mortality than those residing in landless households (Figure 1). However, for both older men and women, being the primary decision-makers in household farms have lower odds of mortality than those who are not.



Source: Authors' calculation based on IHDS 2004-05 and IHDS 2011-12 data.

Although it is evident that owning key household assets brings older people more bargaining power at home and greater well-being, we have found the existence of gender asymmetry in this relationship. Households owning agricultural land are associated with granting greater accord and respect to older men but not to older women. The entrenched gender inequality limits older women's ability to crystalize this power.

The women's movement in India has lobbied extensively to ensure that wives and daughters are considered at par with husbands and sons in land inheritance. Our findings suggest that granting older women legal land rights is a welcome step, but not sufficient to increase their bargaining power at home. The formal recognition and exercise of this power by registering the land under women's names and letting women exercise their control over the land are also important.

Highlights:

- Land ownership is an important source of old age security in India.
- Due to gender inequality in land ownership, the generational power conferred on older men with land ownership does not apply to older women to the same degree.
- It is crucial to register household land under women's names and recognize women as actual landowners.

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Sonalde Desai is a Distinguished University Professor at the University of Maryland, and Professor at NCAER and Director of NCAER's National Data Innovation Centre. She is a demographer whose work deals primarily with social inequalities in developing countries with a particular focus on gender and class inequalities in human development. While much of her research focuses on South Asia, she has also engaged in comparative studies across Asia, Latin America, and Sub-Saharan Africa. She has published articles in a wide range of sociological and demographic journals including *American Sociological Review*, *Demography*, *Population and Development Review*, and *Feminist Studies*. Dr Desai leads the India Human Development Survey and is serving as President for the Population Association of America for 2022.

Debasis Barik is a Fellow at NCAER. His research revolves around issues on public health, demography, migration, gender, labour, and social security. Debasis holds a Ph.D. in Demography from International Institute for Population Sciences, Mumbai. He is an active member of various national and international organizations, working in areas of demography and social sciences. He has published his research in a number of reputed journals including *World Development*, *Health Economics*, etc. He has been serving as Associate Editor and Review Editor in some reputed international journals.





V. Conversation on Women's Land Rights

with Mr. Deepak Sanan (Ex-Additional Chief Secretary of Himachal Pradesh)

1. What are the challenges that restrict Indian women's access to equal and secure land rights?

Ownership rights are overwhelmingly recorded in men's names- close to 88%. Even when women may be tilling the land, they may not have their names on the record. Even amongst those small numbers recorded as owners, women own proportionately less land than men. The explanation for this lies mainly in patriarchy. Families as well as communities have preconceptions about women's place that do not see them as independent producers. This is compounded by the lack of focus on their education and role allocation.

2. What administrative reforms are needed to ensure that women's share in land titles is recorded correctly?

I think it is most important that revenue officials receive intensive repeated training on the subject: the prevailing laws regarding women's rights to property and the officials' responsibility to ensure an accurate record in this context.

3. Do you think that a regular and updated database can help in better understanding the situation of women's land ownership in India? Are currently available datasets sufficient to address this issue? If not, what are the gaps in your view?

I think there are two issues here. One relates to the general issue of updating of records and ensuring they are more in tune with the real-time situation. The second is of ensuring that the law is respected in updating the record. Succession rights are often not conferred on daughters as per the law. Both need closer attention from those responsible but from a gender perspective, the second is crucial.

4. What are the progressive steps that the Indian government has taken so far in this direction and where are the gaps?

The Hindu Succession Act applies across the country to confer equal rights of inheritance on women. Various states have taken two additional steps: conferring joint ownership in the issue of pattas of ownership or lease on those given rights on government-owned land and reducing stamp duty rates if the transferee is a woman in

case of registration of a property transaction. Both have value in enhancing the formal ownership of women. The limitation remains the actual act of updating records to reflect women as owners and of course, patriarchy which is difficult to overcome even with statutory or economic incentives.

5. What do you think are some of the reasons behind the difference in the percentage of female land ownership between the states?

Primarily, it is a difference in the extent of patriarchal attitudes and role allocation. It is responsible for the historical skew and also impacts the actual implementation of laws and schemes which seek to redress the balance.

6. What would it take to strengthen women's land rights in practice?

Social movements and progressive change in attitudes are key to bringing change. Rapid economic change, urbanization, women's education, and entry into the labour force at a higher level, all have an impact. However, it could do with a greater push-through emphasis on more conscious efforts at implementation of the law and proactive steps. For this, capacity building of concerned officials, which has received limited attention, could help. We need much more research to highlight the evidence of the extremely skewed situation on ownership and rights on the one hand and also at the same time to bring out how a greater balance also reflects better social and economic outcomes for society in various ways.

Deepak Sanan is a former Indian Administrative Service officer (Ex-Additional Chief Secretary of Himachal Pradesh). He held senior positions in public finance, land governance, and the water and sanitation sectors at both the state and national levels. During his career, he was associated with various international and bilateral donor organisations as a consultant. He also served as the India Country Team Leader in the Water and Sanitation Program (South Asia) at the World Bank. After his retirement, he has advised NCAER, CPR, and IIHS on issues related to land governance, public finance, state capacity, water, and sanitation.





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This measurement brief is part of the Gender Hub led by Dr. Pallavi Choudhuri and Dr. Sonalde Desai. The Gender Hub initiative is a part of the National Data Innovation Centre at the National Council of Applied Economic Research. GenderTalk, is a space where scholars, policymakers, and civil society members can engage with each other on a theme vital to women's well-being in India.

Our website can be found at <https://ndic.ncaer.org/research-theme/gender-data-hub/>.

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