



Legal Provisions for Social and Economic Empowerment of Women with Special focus on Property Rights- An Overview

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Abstract

In a country like India where 73.2% of rural women workers are engaged in agriculture, women own only 12.8% of land holdings. Land serves as security and shelter. The land ownership changes the position of women as decision maker thus whole family will be benefited. Children will be much safer, healthier, educated. Anita Pagare, a women's rights activist based in Nashik said 'Land acts as a bargaining tool for women'. "With no land to their name, women are completely at the mercy of their husbands or their family." The 2005 Hindu Succession Act was legislated to protect women's rights to an equal share in ancestral property, including land. But in reality, land is not at all registered in the name of women.

With this backdrop this paper focuses on 'de jure and de facto' of women's property rights, its opportunities and challenges for women's empowerment, assessing both secondary and primary data.

Key Words: Women Workers, Agriculture, Land Ownership, Bargaining Tool, De Jure and De Facto, etc.

Introduction

Land ownership acts as a bargaining tool for women. Findings of different studies established that women who own land have better economic and social security. According to United Nations Report 2013 “By diminishing the threat of forced eviction or poverty, direct and secure land rights boost women’s bargaining power in the home and improve their levels of public participation”. “With no land to their name, women are completely at the mercy of their husbands or their family.” The 2005 Hindu Succession Act was legislated to protect women’s rights to an equal share in ancestral property, including land. But in reality, land is not at all registered in the name of women. That means De Jure of women’s property rights.

There is a view which is widely prevalent that, inequality between the sexes never existed in the age of hunting, in the period of domestication of animals, in the times of fruit gathering and even during the centuries of agriculture with weed. But a look at various socio-economic indicators reveals that continuation of inequalities and vulnerability of women on all fronts, was in survival in work, health, education, decision making or violence. When once the male domination has had its origin, it spread to the arenas of family, society, culture, economics and politics. It oppressed the women and fixed Dos and Don’ts of women in different fields. A view of the existing gender scenario in India reveals some glaring lacunae in the status of women in India. This finds its most visible manifestation in the imbalanced sex ratio which has declined from 972 in 1901 to 933 in 2001. The imbalanced sex ratio is equally indicative of the prejudices faced by women very survival. Discrimination or rather neglects in health care cuts short the lives of unwanted girl children.

Objectives of the Study

The study is executed with the following objectives;

1. To study the significance of property rights to women.
2. To study the legal provisions of women property rights.
3. To study the property rights and empowerment of women.
4. To study the barriers in implementation of Laws of Property Rights to Women.

Methodology

The study is based on the primary as well as secondary data. For the purpose of the study relevant official reports, websites, de facto i.e., the documentation of property rights in practice of in the family and society are considered.

Enactments

Nations can make laws but it is very difficult to implement them. This is the situation in respect of women. Some people praised the women and raised her to the level of Goddess. Many persons have turned the women as slave. All of them do not look upon her as a human being. It is denied them knowledge and wisdom even while describing them as goddesses of motherhood. Women are being

pushed into prostitution. They are being killed for dowry. They are being raped by men to satisfy their lust. For generations the society has been dominated by them. Almost all the religions have accepted male domination and have ordained duties and responsibilities to women resulting in their slavery to men.

The Constitution of India which came into force on 26th January 1950 is the fundamental law in India. The Constitution provides for affirmative action and for positive discrimination by empowering the State to make special provisions for women. Besides Constitution, the IPC (1860), Cr.P.C. (1973), Indian Evidence Act (1872), etc provides special rights to women. Among many Acts which have bearing on women, 'Married Women's Property Act, 1874' is one which provides property rights to women. The other acts are Hindu Succession Act 1956, Hindu Adoption and Maintenance Act 1956, Hindu Marriage Act 1955, etc.,

Changing Scenario

Times are changing. Men and women are becoming wiser day by day as they are getting by education. Their knowledge is growing. Women have achieved expertise and excellence in many arts, sciences and skills. Even though, women have been excluded from the main human rights discourse: from its precepts, its praxis. The parameters that have defined the discourse have been drawn blinded and mind less to gender. Political paradigms that determine political thinking and institutions in our times have been based on the legislative discrimination and degradation of women. These political paradigms have denied, excluded and erased the women. If we must look for a new understanding of Human rights, then we must look with new eyes.

Reasons for the poor status of women

In society lens, it may begin with the assumption that women do not know what their legal rights are aside from the common ones, viz franchise, citizenship and the like. Since they are ignorant, they do not supposed to exercise the legal measures. Women's equality with men is still an idea which is beyond the stretch of imagination and women as well as men both abhor the idea of equality of sex.

The following are the various factors act as barriers in the awareness of rights among the women.

1. Lack of Economic freedom
2. Lack of Education
3. Lack of Legal awareness
4. Lack of Social freedom
5. Lack of Physical freedom
6. Lack of Psychological freedom
7. Customs and traditions
8. Caste and class divisions in the society

Property rights and Empowerment of women

In the socio-economic situation in the country the contribution of the wife to the family's economy is not recognised. A large number of them participate in the family's effort to earn a livelihood; and even when they do not do so, the economic value of their effort in running the house, assuming all domestic responsibilities, and thus freeing the husband for his avocation is not accept in law, either directly or indirectly.

Empowerment is a process which helps people to gain control over their lives through raising awareness, taking action and working in order to exercise greater control. In other words, empowerment facilitates, change and enables a person to do what one wants to do. Empowerment is the feeling that activates the psychological energy to accomplish one's goals.

With the property rights the women become

1. Economically empowered (due to economic independence)
2. Socially empowered (due to economic independence)
3. Physically empowered (by taking care of personal health)
4. Psychologically empowered (due to financial security)
5. Educationally empowered (can opt higher education)
6. Dowry deaths can be reduced (as wife gets share in the property)
7. Atrocities against women can be reduced (due to financial independence)
8. Gender inequalities can be reduced (within the family)

Thus, women get financial security with property rights by which she can become;

1. Self confident
2. Self reliant
3. Self sufficient
4. Self dependent/Self supportive

Findings of the Study

From the above discussion the findings are given below.

1. It has been found, as a whole, around 79% of households in India have land titles. But, just nearly 6% of households have land titles registered in women's names in West Bengal.
2. It is noticeable that only 2%–3% of households in Bihar, Odisha, and Uttar Pradesh have women's names on the land titles. Therefore, the share held by Indian women is very small, which implies that they remain largely excluded from land ownership despite amendments in inheritance law. In other words, significant gender inequalities in land ownership in India continue to exist.

3. Women's land title ownership must have positive effects on their participation in decisions about farming, livelihood, and household activities. However, the signs and magnitudes of the impacts differ across the states and diverse social and economic norms.
4. The realization of women's housing and land rights is intricately linked to the realization of several other human rights, including the rights to food, water, work/livelihood, health and security of the person and home, and affects their social and economic security and empowerment in many ways.
5. Ensuring that women have access to, and control over, vital resources such as housing and land is essential to challenging and changing gender power structures and patterns of gender inequality. Securing women's rights to adequate housing and to land ultimately ensures greater autonomy for women in all areas of their lives.
6. Advocating for women's human right to adequate housing and land acknowledges that gender as a social construct fundamentally impacts the ways in which women and men experience differently, women's needs must be understood and made visible within the framework.
7. Personal religious law governs ownership of land, which is under state jurisdiction, not governed by the constitution under a uniform law that guarantees fundamental rights of equality to all citizens, and thus inheritance rights tend to discriminate against women.
8. Land ownership by women in India's patriarchal societies is prevented by the deep-rooted cultural ethos. Laws are a first important step, but they are not enough. It requires States Parties to pursue both de jure and de facto equality. To address these challenges States Parties should not limit themselves to amending legislative frameworks, but should proactively engage in promoting social change through positive discrimination, including by targeting resources and developing specific policies that promote and protect women's land rights and gender justice in land governance.

Suggestions

1. Parents mind set should be changed. Because, parents have mindset that their daughters stay with them temporarily less time in their home and more time in in-law's house obeying their orders, though she spends much time of her life with parents. Thus, women are rootless, before as well as after marriage. Being submissive they are facing a lot of discrimination and violence but taking that as granted and even honoured to sacrifice.
2. In countries where agriculture plays a predominant role and participation of women contributes for export earnings and source of employment, the ownership of land is directly associated with women which gives power.
3. When women are denied equal property rights, they experience reduced social, economic, and political status. By contrast, land rights increase rural women's power in the above areas.
4. Access to land may have the benefit of recognizing women's management skills, which may translate into other entrepreneurial activities facilitates women's bargaining power within their

household, as well as their representation and participation in decision making processes at the community level.

Conclusion:

The Government of India enacted the 2005 Hindu Succession Amendment Act (HSAA), which ensured an equal share in ancestral property for men and women. This was a significant move toward gender equality since land tenure rights were heavily biased against women in India. Previous studies found that the likelihood of inheriting land for women slightly increased, while a significant gender bias remains. The progress in girls' education and women's also increases the self-confidence among women and girls with in the family as well as in society to question about de jure and de facto.

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