
SOCIO-LEGAL ANALYSIS OF THE GENDER GAP IN LAND OWNERSHIP

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ABSTRACT

The gender gap in Indian land ownership persists due to a disconnect between legal rights and societal realities. Though the status of women improved from the restrictive “women’s estate” to full ownership, entrenched patriarchal norms continue to limit their true access and inheritance of land. The initial reforms effectively abolished feudal intermediaries but did not advance gender equality. Achieving real gender equality demands not just legal reform, but robust enforcement and cultural change to overcome deep-rooted social barriers. By analysing the overlap between historical legacies and today’s laws, this study examines why women remain excluded from land ownership despite progressive legal frameworks.

Keywords: Land ownership, Group farming, Land reforms, Gender, Discrimination.

Introduction

Land is the most important economic resource in farming communities, yet gender-skewed ownership persists as a structural barrier to women's economic empowerment. This paper argues that despite legal reforms, historical biases and current personal laws maintain significant gender disparities in land rights. If trends continue, closing the global gender gap will take 123 years, a delay tied to economic participation¹. In India, the mid-20th-century agrarian reforms primarily envisioned the farmer as male², limiting women's property rights, a legacy that continues to affect current law³.

Barriers

Women face complex social and structural barriers that block secure land tenure⁴. Discriminatory laws, patriarchal norms, economic exclusion, and institutional biases all stand in the way. Even when laws claim to guarantee equality, a clear gap remains between legal rights and reality.

Legal Pluralism

One of the most profound structural barriers is legal pluralism, where statutory law, religious law, and customary law coexist. Across jurisdictions, constitutional guarantees of equality are often undermined by personal or customary laws that govern inheritance and marriage. In many developing nations, statutory laws that promise gender equality are often superseded by customary or religious laws in practice⁵. This results in a situation where a woman may own land on paper but is unable to exercise her rights over it. In Bangladesh, despite government attempts at gender-equal inheritance policies, opposition based on interpretations of Sharia law

¹ World Economic Forum. Global Gender Gap Report 2025. June 2025. https://reports.weforum.org/docs/WEF_GGGR_2025.pdf

² M. L. Dantwala, Land Reforms in India, 66 Int'l Lab. Rev. 419 (November-December 1952). <https://heinonline-org.elibrary.siu.edu.in/HOL/P?h=hein.journals/intlr66&i=433>

³ J. Vijayalakshmi & S. Arockiam, Women and Property Rights in India Present Position of Hindu Women, 5 Int'l J.L. Mgmt. & Human. 592 (2022). <https://heinonline-org.elibrary.siu.edu.in/HOL/P?h=hein.journals/injlolw6&i=3325>

⁴ Working Group on the issue of discrimination against women in law and in practice. Insecure land rights for women threaten progress on gender equality and sustainable development. July 2017. <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/Womenslandright.pdf>

⁵ Giovarelli, Renee; Wamalwa, Beatrice; and Hannay, Leslie. Land Tenure, Property Rights, and Gender. July 2013. https://tenuresecurity.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Gender_Brief_061214-1.pdf

has stalled progress⁶. This creates a conflict between secular constitutional principles and religious personal codes.

Moreover, inheritance is the primary method of land acquisition in South Asia and Africa, yet it remains highly unequal⁷. In many cultures, land is passed down through patrilineal lines to keep property within the clan. As a result, daughters are often pressured to relinquish their inheritance to their brothers to maintain family relations.

In India, the Hindu Succession (Amendment) Act, 2005⁸, grants daughters' equal coparcenary rights. However, social norms favouring widows over daughters still persist. This means women are far more likely to inherit land only after a husband's death, rather than as a daughter. State land reforms and titling programs often assign ownership to the 'head of household', a role socially and legally ascribed to men⁹. This bias renders women invisible in official records.

Patriarchal Norms

Socially, land is frequently constructed as a "masculine" domain, where men are viewed as the managers and owners, while women are seen merely as labourers or caretakers. In many communities, the idea of women owning land is culturally taboo. Gujarat highlights that women themselves often internalize patriarchal norms¹⁰, viewing land ownership not as an individual right but merely as a tool for family sustenance to be accessed only in the absence of men. Research in the Luhya community in Kenya found that nearly half the population considered it immoral for women to own land. Similarly, in Tanzania, women who attempt to claim land rights risk being labelled "stubborn" or disrespectful, which serves as a powerful social deterrent¹¹.

Women's access to land is often secondary and mediated through their relationships with male relatives; fathers, husbands, or sons. These are known as usufruct rights, which refer to the

⁶ Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (Book Review/Excerpts). 1994. <https://file.pide.org.pk/pdf/PDR/996/Volume2/191-196.pdf>

⁷ Marks, Katriel and Phillips, Rhonda. *Analysing Non-Legal Barriers to Women's Land Ownership*. (n.d.). https://ag.purdue.edu/departments/agecon/_docs/undergraduate/thesis/marks-agec-499-marks-analyzing-non.pdf

⁸ THE HINDU SUCCESSION (AMENDMENT) ACT, 2005 No. 39 OF 2005

⁹ Shah, Mahiya and Soumya S. *Gender Data Gaps in Agriculture and Land Ownership: Uncovering the Blind Side of Policymaking*. 2022. Link: <https://doi.org/10.55496/CFKH3156>

¹⁰ Rajgor, Gouthami, and Meena Rajgor. "Women's Perceptions of Land Ownership: A Case Study from Kutch District, Gujarat, India." *Gender and Development*, vol. 16, no. 1, 2008, pp. 41–54. JSTOR, <http://www.jstor.org/stable/20461248>. Accessed 17 Jan. 2026.

¹¹ *Supra* n7.

right to use land but not to own it. Usufruct rights are insecure because they can disappear upon the dissolution of the relationship, such as through divorce or the death of a spouse¹².

Marriage and Family Structure

Marital status significantly dictates a woman's ability to secure land, creating specific vulnerabilities for widows, divorcees, and those in informal unions. Women in informal or unregistered marriages often lack legal protection. Additionally, Widows face acute insecurity. In many contexts, 'property grabbing' occurs when in-laws evict a widow from her deceased husband's land, claiming it belongs to his lineage¹³. In cultures that practice dowry, the dowry given at marriage is socially regarded as the daughter's share of the inheritance, effectively precluding her from claiming a share of the landed estate later in life.

Institutional and Economic Barriers

Institutional and economic structures further reinforce barriers to women's land rights.¹⁴ The institutions responsible for land administration, combined with broader economic constraints, perpetuate exclusion and limit women's access to secure tenure.

High rates of illiteracy among rural women hinder their ability to navigate the complex legal bureaucracies required for land registration, a formal process that records ownership or use rights in official records¹⁵. A significant structural barrier is the lack of sex-disaggregated data. Without accurate data on the amount of land women own, policymakers cannot effectively design or monitor interventions. In India, major national surveys often fail to capture accurate data on gendered ownership, thereby obscuring the severity of the inequality¹⁶.

¹² Bina Agarwal, "Gender and Land Rights Revisited: Exploring New Prospects via the State, Family and Market" *Journal of Agrarian Change*, Vol. 3 Nos 1 and 2, January and April 2003, pp. 184-224.

¹³ Narinder Khubber & Pardeep Singh, *Women and Land-Holding Rights in India: Gender Discrimination Riddled with Agony*, 12 *Indian J.L. & Just.* 193 (Summer 2021).

<https://heinonline-org.elibrary.siu.edu.in/HOL/P?h=hein.journals/ijlj12&i=529>

¹⁴ Nidhi Sharma & Shiv Raman, *Gender Equitable Land Governance in India*, 4 *Indian J.L. & Legal Rsch.* 1 (2022). <https://heinonline-org.elibrary.siu.edu.in/HOL/P?h=hein.journals/injlolw6&i=3325>

¹⁵ International Development Law Organization (IDLO). *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment*. 2013.

https://namati.org/wp-content/uploads/2023/09/Womens_Access_to_Justice_Full_Report.pdf

¹⁶ Rakesh Kumar Mahato & Arindam Das & Bheemeshwar Reddy A, 2025. "Gender Inequality in Land Ownership in India: Evidence from National Sample Survey," *Journal of Development Studies*, Taylor & Francis Journals, vol. 61(10), pages 1623-1641, October.

Furthermore, Macro-level economic policies often favour privatization and large-scale land acquisitions, primarily for agribusiness or climate-related projects. These policies disproportionately displace women¹⁷. Because women often hold informal or communal rights rather than formal titles, they are often excluded from compensation and negotiation when land is sold or leased to investors. Women often lack the financial resources to purchase land or the collateral (which is often land itself) to access credit for agricultural inputs, trapping them in a cycle of asset poverty¹⁸.

Violence and Intimidation

Physical safety threats compound the barriers to secure land tenure for women. Gender-based violence, harassment, and ostracization deter women from asserting or defending their land rights, making violence an additional mechanism undermining land security. Women land rights defenders face threats and assassination. In 2021, 60% of human rights defenders killed were defending land, environmental, or Indigenous rights¹⁹. Unfortunately, the threat of domestic violence can prevent women from asserting control over household assets or participating in land governance. Conversely, secure land tenure has been shown to reduce a woman's vulnerability to domestic violence by increasing her bargaining power²⁰.

Positive Impacts

Ownership of productive assets, especially land, is pivotal to women's social and economic well-being. It is a key driver for gender equality, poverty reduction, and food security, directly influencing women's autonomy, bargaining power, and their families' welfare²¹.

¹⁷ UN Women and OHCHR. *Realizing Women's Rights to Land and Other Productive Resources* (Second Edition). 2020.

<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Realizing-womens-rights-to-land-and-other-productive-resources-2nd-edition-en.pdf>

¹⁸ Halim, Daniel; Ubfal, Diego; and Wangchuk, Rigzom. *Policy Lessons on Women's Land Titling*. February 2023. <http://hdl.handle.net/10986/39431>

¹⁹ UN Women. *Gender equality in 2025: Gains, gaps, and the USD 342 trillion choice*. September 2025. <https://www.unwomen.org/en/articles/explainer/gender-equality-in-2025-gains-gaps-and-the-342t-choice>

²⁰ McDougal, Lotus; Raj, Anita; and Singh, Abhishek. *What does NHFS-5 tell us about women's status, safety, and economic positioning in India?*. January 2022.

https://www.iipsindia.ac.in/sites/default/files/What_does_NHFS-5_tell.pdf

²¹ Apurva Latiyan & Khaleeq Ahmad, *Women Empowerment through Property Rights in India*, 7 Int'l J.L. Mgmt. & Human. 190 (2024).

<https://heinonline-org.elibrary.siu.edu.in/HOL/P?h=hein.journals/ijlmhs29&i=220>

Economic Well-being and Poverty Reduction

Land is often the most valuable asset for agriculture and food security, making its ownership critical for reducing women's poverty. Without access to land and resources, women remain vulnerable to economic shocks, trapped in persistent poverty. Women who own land frequently use it as collateral to obtain credit and loans. Without land titles, financial systems often exclude women, limiting their capacity to invest in businesses or agricultural inputs²². When women hold secure property rights, they participate more in informal trading and gain greater access to higher-income markets.

Secure land tenure strongly encourages women to invest and boost agricultural productivity. Although women make up a significant share of the agricultural labour force, unequal access to inputs often results in lower output per unit of land than that of men²³. Providing women with equal access to productive resources could help them increase farm yields by 20 to 30 percent²⁴. Asset ownership provides a buffer against economic crises. During the COVID-19 lockdowns²⁵, women in group farming arrangements reported greater food security and resilience than individual farmers, highlighting the shared benefits of pooled resources. Group farming is an effective strategy for addressing gender disparities in agriculture. By pooling land and resources, women can overcome economic and social barriers while achieving greater productivity and market influence²⁶. All-women group farms outperform individual, male-managed farms and gain better access to markets and contracts.

Bypassing Inheritance Barriers

Family inheritance is usually the main path to land, but women face social and legal barriers. Group farming offers an alternative, market-driven route for women to access land independently. Women who lack sufficient financial resources to purchase land often pool

²² FAO / CGIAR. The gender gap in land rights. 2018.

<https://openknowledge.fao.org/server/api/core/bitstreams/4966d50c-233b-43a9-8fa7-8d43263dd082/content>

²³ Anderson, C. L., Reynolds, T. W., Biscaye, P., Patwardhan, V., & Schmidt, C. (2021). Economic Benefits of Empowering Women in Agriculture: Assumptions and Evidence. *The Journal of Development Studies*, 57(2), 193–208. <https://doi.org/10.1080/00220388.2020.1769071>

²⁴ Supra 19? FAO / CGIAR. The gender gap in land rights. 2018.

<https://openknowledge.fao.org/server/api/core/bitstreams/4966d50c-233b-43a9-8fa7-8d43263dd082/content>

²⁵ Neha and Kumar, K. (2021) "The impact of COVID-19 on food security and income of women farmers in South and Southeast Asia", *Journal of Agriculture, Food Systems, and Community Development*. Ithaca, NY, USA, 10(2), pp. 269–271. doi: 10.5304/jafscd.2021.102.013.

²⁶ Bina Agarwal, *Achieving Gender Equality in Access to Land and Assets: The Transformative Potential of Group Farming*. June 2023.

https://ecoinsee.org/lib_docs/pub_t20/T20_PolicyBrief_TF6_Group-Farming-Bina%20Agarwal.pdf

assets and collectively lease and cultivate land²⁷. In certain contexts, states subsidize loans that allow economically disadvantaged women to purchase land in groups. Individual registration helps these women secure ownership of assets.

By taking on managerial roles, women acquire technical agricultural skills, build proficiency in navigating administrative systems, and gain experience in market negotiations. When women work in groups, they challenge restrictive social norms, including constraints on physical mobility and public engagement. Women who engage in group farming raise their social status. When women own land, they gain stronger negotiating power within relationships and families. This ownership enables them to take a substantive role in household decisions, while the absence of such rights often diminishes their status²⁸. Women with secure land rights also more frequently participate in public life and community decision-making bodies. Women are more likely than men to use income from their assets for their children's needs, such as education, healthcare, and nutrition. As a result, children whose mothers own land are significantly less likely to experience severe underweight or malnutrition.

Comparative Performance: Evidence from Kerala.

Annual value of output for all women group farms is 1.8 times higher than individual family farms. Moreover, annual net returns per farm are 5.1 times higher i.e. Rs. 121,048.5 for all women group farms and Rs. 23,578.3 for individual family farms²⁹.

Group farming increases resilience to economic shocks by enabling risk-sharing among members. During the COVID-19 lockdowns in Kerala, 87% of group farms remained viable, while many individual farmers suffered significant losses³⁰. Accurate measurement enables progress assessment on the Sustainable Development Goals (SDGs), particularly Goal 5³¹. Without precise, gender-disaggregated data, policymakers often overlook the specific economic vulnerabilities of the female workforce. This invisibility leads to developmental interventions that ignore the "invisible" contributors to the agrarian economy. The NFHS-5

²⁷ ICRW, Property Ownership & Inheritance Rights of Women for Social Protection- The South Asia Experience, Synthesis report of three studies. <https://www.icrw.org/wp-content/uploads/2016/10/Property-Ownership-and-Inheritance-Rights-of-Women-for-Social-Protection-The-South-Asia-Experience.pdf>

²⁸ Supra n26.

²⁹ Ibid.

³⁰ Shoba Arun. "Does Land Ownership Make a Difference? Women's Roles in Agriculture in Kerala, India." *Gender and Development*, vol. 7, no. 3, 1999, pp. 19–27. JSTOR, <http://www.jstor.org/stable/4030407>.

³¹ United Nations Department of Economic and Social Affairs. "Goal 5: Achieve gender equality and empower all women and girls." Sustainable Development Goals. <https://sdgs.un.org/goals/goal5>.

reports that 43 percent of women own a house and/or land, but this is misleading.³² Many women report perceived interests without legal ownership, and older women are excluded from the survey. This skews statistics and hides the reality that women often work land they do not own, making them invisible as economic actors.

Personal Laws and Reforms

Inheritance serves as the primary mechanism for land acquisition. Consequently, the evolution of inheritance law, and the temporal variations in its implementation is the most significant determinant of female landholding. Time is required for social norms to shift, and longer exposure to progressive reforms³³, such as the amendment to Hindu Succession Act³⁴, positively correlates with ownership.

However, legal parity on paper is frequently subverted. Land administration systems are historically masculinized, designed to reduce socially complex tenure systems to simplistic, male-headed ownership frameworks³⁵. This “maleness” of the land profession is not merely a staffing issue but an epistemic one; wherein male-biased views may translate into digital land records, effectively de-legitimizing female claims during the registration process³⁶. Furthermore, the persistence of “Personal Laws” based on religious frameworks creates a secondary layer of complexity, often depriving women of titleholder rights even when secular statutes suggest equality³⁷. Legal parity in the statute books does not equal parity in the field if the administrative technology remains structurally biased.

International and Regional Frameworks: International instruments set the standard for national laws, obligating states to eliminate discrimination. **CEDAW:** The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)³⁸ mandates that states take measures to eliminate discrimination against rural women and ensure equal treatment in

³² United Nations Population Fund (UNFPA) and International Institute for Population Sciences (IIPS). Asset Ownership by Women in India: Insights from NFHS Data (Analytical Paper Series # 6). December 2023.

https://india.unfpa.org/sites/default/files/pub-pdf/analytical_paper_6_-_asset_ownership_among_women_in_india-insights_from_nfhs_data-final_1.pdf

³³ *supra* n16.

³⁴ *Supra* n8.

³⁵ Ho, Serene; Tanyag, Maria; and Scalise, Elisa. Women’s land rights, gendered epistemic tensions, and the need for a feminist approach to land administration. 2023.

<https://ideas.repec.org/a/eee/lauspo/v132y2023ics0264837723003071.html>

³⁶ *Ibid.*

³⁷ *Supra* n6.

³⁸ *Supra* n17.

land and agrarian reform. **SDGs:** Sustainable Development Goal 5³⁹ specifically urges reforms to give women equal rights to economic resources, including ownership and control over land.

National Legal Provisions and Statutory Reforms: The Hindu Succession Amendment Act (2005)⁴⁰ was a landmark reform that made daughters coparceners (joint heirs) by birth in joint family property, giving them equal rights with sons. Prior to this, Andhra Pradesh⁴¹ was the first state to explicitly make the daughter a “coparcener” by birth. Following this progressive change, Kerala in 1975⁴², abolished the Joint Hindu Family system, ending the “right by birth” for men as well, standardising inheritance for children. Subsequently, Tamil Nadu in 1989⁴³, and Maharashtra⁴⁴ and Karnataka⁴⁵ in 1994, followed the Andhra model. The success of the *Bhoomi Nyaya Sahaya Kendram*⁴⁶ program in Andhra Pradesh serves as a benchmark model. By providing para-legal assistance and institutional guidance, the program helped women navigate the masculinized bureaucracy to secure recorded titles. Without such interventions, the "feminization of agriculture" remains a predatory trend; where women perform 70-90% of the labour but lack the security and bargaining power that only documented title provides⁴⁷.

Conclusion

Despite legal progress granting women full ownership rights over land, the gender gap in India remains wide due to the disconnect between policy and practice. Patriarchal traditions continue to limit women’s actual inheritance and control over land. Early reforms removed feudal middlemen, but they did not address gender equality. While India may appear to meet SDG indicators on paper, effective implementation on the ground remains weak. The proven benefits of female land ownership, such as improved household nutrition and increased bargaining power, are largely ignored.

³⁹ Supra n31.

⁴⁰ Supra n8.

⁴¹ The Hindu Succession (Andhra Pradesh Amendment) Act, 1986 (Andhra Pradesh Act 13 of 1986).

⁴² The Kerala Joint Hindu Family System (Abolition) Act, 1975 (Kerala Act 30 of 1976)

⁴³ The Hindu Succession (Tamil Nadu Amendment) Act, 1989, Section 2 (Tamil Nadu Act 1 of 1990)

⁴⁴ The Hindu Succession (Maharashtra Amendment) Act, 1994 (Maharashtra Act 40 of 1994).

⁴⁵ The Hindu Succession (Karnataka Amendment) Act, 1994 (Karnataka Act 23 of 1994)

⁴⁶ Reddy, T. P. (2019). Land Rights of Women: A Study of Andhra Pradesh and Telangana States, India. *Journal of Land and Rural Studies*, 8(1), 1-21. <https://doi.org/10.1177/2321024919883113>

⁴⁷ Agarwal, Bina; Anthwal, Pervesh; and Mahesh, Malvika. How Many and Which Women Own Land in India? *Inter-gender and Intra-gender Gaps*. 2021. https://www.binaagarwal.com/downloads/apapers/How_many_women_own_land_india_2021.pdf

To close this gap and achieve genuine equality, policymakers must enforce stronger measures, including faster inheritance claim processes and anti-discrimination tribunals, alongside grassroots campaigns to challenge entrenched cultural biases. Ultimately, empowering women as landowners is not only an economic necessity but also a catalyst for broader social change, fostering stronger families and fairer communities across India.