

Evidence for policy



Picture: Dharm Joshi, COLARP

Land and the Empowerment of Dalit Women in Nepal

Key Policy Messages

- Dalits, treated as untouchable, are placed at the bottom of the social-ladder in a Hindu system of caste hierarchy. Dalit women in Nepal face double discrimination based on caste and gender.
- The disconnect exists between access, ownership, and control, in the land tenure of women, where women can have access but lack ownership, have ownership but lack control, or have access but lack control, etc.
- When Dalit members do acquire land ownership, women hardly get benefits from such ownership as they are rarely involved in decision-making process. Dalit women gain legal access but lack control over production, such ownership does not change their previous condition significantly. The gap between access and control for women's land ownership is a critical area that must be addressed to fully promote women's empowerment through land ownership (Kabeer, 2001).
- Violence against women is a significant problem in Dalit community which entails forced inhuman labor intensive work
- Land ownership of Dalit women for full access, control and utilization reduces instances of violence they face through various form of empowerment.
- Policies that can raise Dalit communities out of poverty play pivotal role in creating conducive environment for overall National development.
- Increased land ownership incentives can provide one avenue through which to achieve such goals.

The Context

Dalit women in Nepal are a uniquely vulnerable group, facing double-discrimination for both their gender and caste denomination. Within social hierarchies, Dalit occupy the lowest rung on the social ladder; however, in terms of intra-caste hierarchies, Dalit women are in the lowest position, effectively placing Dalit women at the absolute lowest position possible, often making them the victims of both inter- and intra-caste discrimination and violence (The Guardian, 2011).

Within this context, this policy brief aims to demonstrate the need for greater women's empowerment, particularly within Dalit communities. One of the proposed solutions is empowerment through land ownership, by reforming current policies to incentivizing women's land ownership to raise women's socio-economic status and reduce incidents of violence against women (VAW). This analysis focuses on four specific aspects of land, such as, access, ownership, control, and productive use of land. For the purpose of this analysis, these four aspects will collectively be referred to as "land ownership" – note land ownership is not restrictive to agricultural lands and includes ownership of house in both rural and urban settings. There is a disconnect between access, ownership, and control, that exists when considering land and women, where women can have access but lack ownership, have ownership but lack control, or have access but lack control, etc. Likewise, regarding productivity of land use and control coincide, as women can have access or ownership of land but no control over productivity. Therefore, this policy brief aims to propose pathways for empowerment of Dalit women.

The Gender and Empowerment nexus:

Women's empowerment can come in many forms, from agency and independence, to the preservation of dignity. Dalit women in Nepal have largely been disempowered— where disempowerment is defined as the lack of power and denial of choice (Kabeer, 2001). As such, empowerment is just opposite of the disempowerment. Agency is not only limited to the actionable outcomes but also encompasses bargaining power, cognitive reflection, ability to protest or resist, etc. (IOM, 2016) Increased agency is a fundamental aspect of women's empowerment. Independence directly correlates to agency through the ability to divorce oneself from dependency on another. In the case of women's empowerment, the critical aspect of independence is reducing or removing women's dependency on males. Ultimately, independence requires woman to be recognized as a full and able member of society, equal to men, where their societal and economic value is neither dependent on, nor inferior to males.

Empowerment can be achieved through various policies and processes, from financing and micro-credit programs, to land-related programs (Rao, 2011). In many respects, land ownership schemes have similar goal; that is to empower women, as that of widely practiced education, and micro-financing/credit programs, however, this approach is perhaps more applicable in predominantly agrarian societies such as, Nepal. Land ownership, as a path to women's empowerment, is a sustainable and renewable form of socio-economic investment, as it privileges individuals, families, and communities at large, while also contributing to poverty alleviation and economic growth within Nepal.

Empowerment for Dalit women can reduce incidents of violence against women, the major challenges faced worldwide in the area of women's rights, which is also a significant problem within Dalit communities.. When women are empowered, the gender-based power dynamics will equalize, thereby reducing incidents of violence against women. However, this problem of VAW, while prevalent across Nepal, disproportionately affects Dalit women and girls. As mentioned previously, Dalit women are a particularly vulnerable population due to the marginalization that results from the intersectionality of gender and caste.

In order to gain a comprehensive understanding of the women's empowerment through land ownership scheme, understanding of the unique challenges of Dalit women must first be analyzed. As mentioned above, the extremely low status of Dalit women is particularly problematic. The Dalit caste on the whole are greatly discriminated and often called 'untouchables'

and broadly considered the servant class (The Guardian, 2011). There are two overarching themes that pervade this discussion on the marginalization of Dalits: first, **discrimination against Dalit and Dalit women**, and second, **the poverty-trap. The marginalization of Dalits can be seen both at structural and functional level that** comes in many forms, through legal discrimination, lack of access to services, inaccessibility to land, etc. Availability of employment is uniquely problematic to the Dalit community due to perceptions of caste-oriented employment sectors (Nepali & Ramtel, 2012) and lack of education. The labour prescribed to Dalit caste members is poorly compensated, physically demanding, and in the case of manual scavenging, unsanitary, degrading, and arguably, inhumane (Pasic, 2014). These occupations provide little income and inter-caste discrimination often prevents entry into more profitable occupations— thereby trapping many Dalits in the cyclical nature of extreme poverty (Nepali & Ramtel, 2012) which offers bottleneck to their upward mobility. Caste-based work prescriptions reinforce social hierarchies and effectively subjugate lower caste members by curtailing access to more lucrative employment opportunities such as, entrepreneurship, sales, and industry (Agarwal, 2003).

In terms of land acquisition, Dalits again occupy marginalized spaces despite many Dalits being engaged in agricultural work. The problem of landlessness becomes particularly problematic given agrarian social structures that privilege landowners and denote status through land ownership consequently Dalits lacking land remain at the bottom of the socio-economic hierarchy. The insecurity that results from lacking ownership adds another dimension to the challenges Dalits face in Nepal. When Dalit members do acquire land ownership, women are still frequently unable to access the benefits of such ownership because they are generally not permitted or involved in decision-making capacities (IOM, 2016). Rather, Dalit women gain legal access but lack control over production; their conditions effectively unchanged from pre-ownership because of social hierarchies and patriarchal systems that discriminate Dalit women.

Regarding gender-based violence (GBV), Dalit women are again, particularly vulnerable, as they are often denied access to justice, disregarded within society, and stigmatized for their caste denomination. Such vulnerabilities often result in Dalit women and girls subject to situations of bonded labour, slavery, forced prostitution, and human trafficking. Within Dalit caste, sub-caste groupings can be further discriminatory, with Badi Dalit's often branded as sex workers by virtue of birth (AFP News Agency, 2010). Such caste-based labeling

subjugates these groups ultimately forcing them into the very professions for which they are stigmatized, due to the inaccessibility of other livelihood options. One community of such Badi Dalits within Nepal has collectively and deliberately eradicated prostitution in their community, (Tamang, 2015). However, in cases of trafficking and forced prostitution, such measures are not easily undertaken, and with Dalit women so thoroughly disenfranchised and un-empowered, avenues of access must be created to reduce the prevalence of systemic VAW. Ultimately, the empowerment of women, educationally, economically, and socially can translate into a reduction of GBV and VAW.

Land: the path to empowering Dalit women

As Govind Kelkar says, "land ownership provides dignity, autonomy, and agency to women" (Kelkar, 2016) – this statement particularly true with respect to Dalit women, who occupy the lowest position in the socio-economic hierarchy of South Asia. Land ownership for women can provide security on numerous fronts, empowering them socially, economically and psychologically, from providing financial/economic security to physical security (Rao, 2011), finally leading them towards the road to autonomy. For a woman's name to be on the title for land or house gives her a place at the negotiating table, a place that is usually reserved for men, both within the family and within the community.

These benefits are broadly applicable to all women, though the specificity of this proposed program is focused on Dalit women, as they are an especially vulnerable group who lack access to the various employment and livelihood prospects that non-Dalit women are privileged to access. Increased women's land ownership will improve the situation in three distinct ways: *improving gender equality* in Dalit communities, *reducing incidents of VAW*, and *reducing landlessness* for Dalit communities thereby providing economic sustainability.

Agarwal notes that many agrarian communities have undergone a shift and drop in rural workers due to male workers shifting to non-agricultural work. However, women have continued to pursue agricultural work. With such trends, it is even more critical that land titling is accessible and inclusive to women who continue to rely on agriculture for their livelihoods (Agarwal, 2003). This is particularly relevant to Nepal given the high rural male migration rate that results in many women-headed households (IOM, 2016). Land and housing ownership also has many tangible benefits for women, opening avenues of access to financing and credit, documentation

acquisition, use as collateral, access to supplementary wage employment, etc. (Agarwal, 2003). However, caste also plays a role in the breakdown of land ownership, with IOM statistics showing that in a survey of 3 districts, of households under a woman's title, less than 8% were of Dalit caste while 36.5% were of high caste (Brahmin and Chhetri) (IOM, 2016). Women's land ownership raises the station of more than women, but families and communities. In the case of India, Agarwal's study has shown that children of women with assets were more likely to attend school and receive medical attention (Agarwal, 2003). Such trends indicate the community-level benefits that women's empowerment can bring, creating a healthier and more productive society.

The intersection of gender and caste compounds the challenges Dalit women face. Durable solutions to these problems are critical for the development and empowerment of these communities. With trafficking and violence against women being significant problems within the Dalit community, land ownership provides physical security to women through the legitimacy and bargaining power that titling endows. Women's land ownership can balance gender power providing them with tangible control over physical assets. For Dalit women, the official ownership of house or land can protect them from various harms, by giving them independence and reducing their reliability on male household members. Such ownership can protect them from intra-household disputes by granting them a form of legitimacy. It can also provide a feasible alternative to engaging in demeaning or undesirable work by providing their families subsistence means. Land ownership can provide physical security and safety from trafficking and sex work— a particular problem within Dalit communities. It would be disadvantageous to the community to traffic a woman who owns land, as title transference is a difficult process (IOM, 2016). Furthermore, such women would not be economically forced into sexual trafficking/work if they have the means to provide for their families. The acquisition of land can alleviate the social stigma by increasing their station in familial contexts as well as within the broader community context.

Factors such as socio-economic security and psychological security are inextricably linked to issues of violence against women. VAW reduction requires the empowerment of women, not only of their knowledge and access to justice, but also in their access to independent livelihoods and autonomy. Land ownership fulfills both aspects of empowerment, giving women landowners access to justice through the legitimacy afforded through their claim to land, and likewise, access to independent livelihoods as

women landowners have the ability to extricate themselves from abusive situations with the security of being able to subsist without reliance on male family members.

Such schemes have been shown to reduce incidents of VAW, for example, in Kerala, India, 49% of women lacking property rights experienced VAW, whereas only 7% of women with land ownership experienced violence (Landesa, 2012). In cases where a woman is abandoned by her husband she can be in a position where she has dependents but no means of providing for them. In such cases, if a woman has land ownership, she has access to a viable livelihood and can thus provide for her children (Bulankulame, 2006). While the ICRW report noted that land ownership does empower women, even if it is only in the capacity of addressing violence if not always reducing the violence. Land ownership provides women agency; how they exercise that agency is a query for a different study. In terms of broader-scale trends, studies in Pakistan have suggested that losses of livelihood and food insecurity are some of the underlying causes of violence (Nepali & Ramtel, 2012). Incidents of VAW often leave women vulnerable not only to the abuse they face, but to the inability to leave a harmful situation due to lack of sustainable livelihood options, forcing women to remain in unhealthy and damaging relationships. Land rights would give women the ability to leave or even threaten to leave. Fear of eviction is pervasive among rural women, often a significant factor in silencing women; however, even joint titling would significantly alleviate such fears. This is one way of equalizing the power dynamic as mentioned previously.

Providing access to, and encouraging, women's land ownership can also result in a more productive and profitable community and society. Women in the developing world are estimated to be responsible for approximately 60-80% of food production, with titling and control over production, significant economic gains could be made. In Nepal, only 19.7% of women have ownership over, house, land, or both; a figure that is still far too low despite 73% of women being engaged in agricultural work (IOM, 2016).

Significance of women's empowerment:

The benefits and desirability of increased women's land ownership described above cannot be achieved without reformations and improvements to current policies and incentives. This is particularly relevant as the second-highest percentage of cases registered in Nepali courts are land-related, approximately 24% (IOM, 2016). The land ownership incentive scheme enacted from 2007-2010 saw measurable success with

women's land ownership rates rising from a meagre 10.8% in 2001 to 19.7% by 2011, through the implementation of a sound policy (IOM, 2016). However, this success is not sufficient to the overall improvement of gender equality and reduction of VAW. Further action and policy improvement is required to create observable and sustainable reduction of VAW.

Firstly, further research is required and necessary to fully understand the situation of Dalit women in Nepal and the status of VAW. Current data is insufficient to adequately understand the complexities of VAW as it pertains to land ownership. Additionally, aggregated data for Dalit women is currently unavailable. This category should be included in census and survey initiatives. Only with greater knowledge and awareness can effective programs be put in place to improve the quality of life for Nepali women. The recently published IOM report on the barriers to women in Nepal has been informative in elucidating the challenges women in Nepal face and the problems observed with the land ownership scheme. Such reports and studies are critical for exploring more effective implementation methods and understanding the types of reforms required at a policy level. Policies that can raise Dalit communities, approximately 3-4.5 Million Nepalis, out of poverty and provide space for them to develop into productive and income generating communities will result in economic and social boons for Nepal on the whole. As such, increased land ownership incentives can provide one avenue through which to achieve such goals.

The struggle for women's empowerment and reduction of VAW is global phenomena not unique to Nepal. Countries such as, India, Pakistan, and Uganda have employed similar strategies. Leading scholars in this field such as Bina Agarwal and Nitya Rao have noted the relationship between women's land ownership and women's empowerment (Rao, 2011). Countries such as those mentioned above have explored various means of empowering women and promoting land ownership. India's strategy has been to adopt collective farming groups and support programs that enable women to engage in this type of farming. Such measures have allowed women to work together and through these collective means, formerly impoverished women have gained access to a sustainable livelihood (wnn, 2014). These programs are particularly beneficial to Dalit women who are victims of severe discrimination; enabling them to access collective farming provides economic ability and self-sustainability which is difficult for Dalit-caste members to achieve. The importance of promoting women's land ownership is perhaps best described by a Dalit

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woman in India who was able to purchase land, where she described the power ability that land ownership availed her noting that even the government could not dismiss her easily now that she was a legitimate land owner (Agarwal, 2003).

The way forward:

There are a few key recommendations based on gaps identified in land ownership implementation programs that we would like to propose in this policy brief. The focal point of our recommendations is: improving Dalit women's productive use, access, control, and ownership of land through financial incentives. Other recommendations are:

- **Women's titling incentives:** should be increased up to 100% tax exemption and bearing of other administrative and transportation costs for Dalit women by state.
- **Provision of Land purchase loan incentives:** it enables Dalit women to access low interest rates may encourage women to invest in land ownership with conditional provisions as disincentives for land re-sale. There is an opportunity for policy intervention in banking and financing strategies. If banks and co-operatives could provide the minimum interest rate for land held as collateral, land under joint or single ownership of women, it could provide a multitude of benefits such as: access to credit services for women; reduction of debt defaulting; and joint responsibility within the family for income-generating opportunities.
- **Information dissemination:** Lack of knowledge and awareness are the primary barriers to women's empowerment as it fundamentally limits access to services and programs. Policy prescriptions and program design is pointless without proper information dissemination to the appropriate target audience. This is particularly important for Dalit communities where land ownership is uncommon and where women are most discriminated against.
- **Increase in the number women paralegals:** It would be beneficial in creating women-friendly spaces. Women paralegals for processing and completing land transfer processes will better serve the needs of women seeking land ownership. Increasing women's presence will add to the sense of security a rural woman may feel, knowing there is access to facilities for women and being able to engage in equal negotiations.
- **Collective farming strategies** should be facilitated in Nepal for groups of Dalit women (e.g. in public land), it can provide greater access to land purchase and lending agencies. Such a program may be a useful strategy for empowering Dalit women.

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Disclaimer

The views expressed in this policy brief belong to the author(s) concerned and do not necessarily reflect the opinions of COLARP.

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For more detail



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