

# ASSET OWNERSHIP AND WOMEN: EXAMINING THE HINDU SUCCESSION AMENDMENT ACT, 2005

TANVI VIPRA and SAMVID UDAY\*  
Ramjas College, University of Delhi

## Abstract

*This paper aims to verify whether the Hindu Succession Amendment Act, 2005, has improved the position of women in a household via an increase in asset ownership. The implications of women having a claim to ancestral assets are observed through four different perspectives: the effect on health, education, quality of domestic life, and the financial freedom of women. Due to the nature of the law, it is expected that an increase in personal assets would directly and positively influence the position of a woman in a household. However, a deeper analysis reveals that this is not the case. While an improvement in health and education indicators is noticed, a steady decline in the quality of domestic life has also been observed. This could be due to hesitancy on part of women to have a legal battle with their families, increased instances of dowry-related violence, and social boycott of women who assert their rights over the property. It is expected that these factors would contribute to the worsening of women's physical and mental health, which would further inhibit their prospects in the future. This paper aims to verify whether an amendment meant for women has benefitted them or not.*

*JEL Classification: K360, K10, K15, K380*

*Keywords: Asset Ownership, Amendment, Family, Productivity*

## 1. INTRODUCTION

Feminist literature has long recognised the rights of women, their position in society, and how these affect their status within a household. The existence of power structures between genders and the dynamics that drive such social differences have been examined at length in feminist analyses. However, to conduct an economic analysis of feminist issues, we need to look at the economic implications of any change in the status quo. Development processes have highlighted that a higher endowment of resources or wealth leaves a country or an individual better off than with a lower endowment. However, whether this is the case for women in a traditional Indian familial structure is what we seek to examine.

The position of women in a traditional Indian familial structure has always been inferior to men for millennia. Discrimination within households, not just in the form of domestic violence, dowry demands, and sex-selective abortion but also in the form of unequal claim over shared assets and restrictions over

financial decisions is a common theme in the institution of the family. A major hindrance in elevating the status of women as equals in the family has been that most women actually do not have claims of ownership over shared assets of a family. While it is widely recognized that financial independence is necessary to escape marital violence (Panda and Agarwal, 2005), it may not be enough. So while we see more women joining the labour force, without strong claims to ownership over family assets, it may not be of much use. Most schools of economic thought directly link the importance of endowments to economic prosperity or the ownership of the means of production to economic security.

Efforts have been made through legislation to bring about financial independence among women via a claim over ancestral property. One such legislation is the Hindu Succession Act, 1956. It aimed to codify unwilled succession among communities of Hindus, Jains, Buddhists, and Sikhs. The act granted ownership of property acquired by women before and after the passing of the law and put an end to

---

\*Corresponding author's email address: samviduday@gmail.com

their “limited owner” status. But it was only after the 2005 amendment that daughters were given equal share in the property as sons. The 2005 amendment was seen as a major step towards equalising the rights of sons and daughters making them coparceners to the property of their parents. Having acknowledged the Act, its amendment, the situation of gender dynamics in the Indian society, and the importance of asset ownership as an intervention to equalising the status of men and women in the society, the authors wish to study whether it has translated into an improved position of women in a household.

This paper seeks to examine whether the Hindu Succession Amendment Act, 2005 has improved the life of Indian women within the patriarchal institution of the family.

The paper is structured as follows, Section 2 contains a Review of Literature, Section 3 specifies the Data and Methodology used, Section 4 deals with the analysis, and Section 5 gives the conclusion to the paper. Lastly, Section 6 of the paper deals with the limitations of this study.

## 2. LITERATURE REVIEW

Ownership of assets is a huge determinant of women’s domestic wellbeing in terms of their exposure to violence and decision-making within a household. In Kerala, 49 per cent of women without any claim to ownership of property faced domestic physical violence whereas the corresponding figure among women owning some property was only 7 per cent (Panda and Agarwal, 2005). A preliminary review of the literature indicates that the Hindu Succession Act, 1956, although a step in the right direction was not enough. The 1956 Act prevented women from complete ownership of certain property, did not allow for coparcenary, and was only meant for unmarried daughters of a family. The idea was that married women now belong to a different family and another man (the husband) is responsible for her.

<sup>1</sup> Under the 2005 amendment, the daughter and the son by birth share the same right over their ancestral property of the Hindu undivided family. This amendment also repeals Section 23 of the Hindu Succession Act which disentitled a female heir to ask for partition in respect of a dwelling house, wholly occupied by a joint family, until the male heirs choose to divide their respective shares. Section 24 of the Act which denied the rights of a widow to inherit her husband’s property upon her re-marriage has been repealed.

<sup>2</sup> The independent variables taken together predicted the dependent variable by yielding a coefficient of multiple regression of 0.683 and a multiple regression square of 0.467.

However, the 2005 amendment extended the scope of ancestral property and made it available equally to daughters, irrespective of their marital status<sup>1</sup>. Since then, the daughter and the son share the same right over the ancestral property in the Hindu undivided family (Halder and Jaishankar, 2008). The gaps in the law have been recognised by certain southern states, which had customs very different from those in a typical Hindu upper-caste patriarchal North Indian family (Menon 2012, 23). Based on this recognition of gaps, some states have passed their own succession laws. Andhra Pradesh passed a succession law in 1985 which stated that under any circumstances, the rights of a daughter are equal to that of a son. States such as Tamil Nadu, Maharashtra and Kerala also amended the law to include women as members of the coparceners. (Halder and Jaishankar, 2008). However, this is not applicable throughout the country. This situation was changed when the Hindu Succession Act, 1986 was amended in 2005.

While domestic violence is a horrible practice in and of itself, its effect on a woman’s productivity is also an area of legitimate concern. A study conducted in Nigeria indicates that instances of domestic violence lead to absenteeism, loss of work time, a higher labour turnover and low productivity. The study indicated that domestic violence variables such as physical, psychological and sexual abuse strongly predict the performance of workers in industries<sup>2</sup>. Instances of sex-selective abortion are also indicative of discriminatory practices towards women to the end that they are not even allowed to be born. This could be because of worry over paying huge sums as dowry. The ratio of males to females in a population, i.e., the sex ratio indicates the level of sex-selective abortion in a society. It is assumed that 106 is the natural sex ratio and any number above 107 or below 103 is suggestive of sex-selective abortion (Ranjan and Sheetal 2013). While in India, this has been a problem since 1789 (Vishwanath, L. S. 2007) the sex ratio has remained around 92 from the period 2001 to 2014.

It was noted that most national surveys such as the NFHS (The National Family Health Survey) do not include questions that indicate whether a woman or man in a family owns a particular asset. It is therefore difficult to establish a direct link between women's claim to the property and an improvement in their household life. Hence, to work around this, the authors assume that the Hindu Succession Amendment Act, 2005 led to an increase in the ownership of assets of women. What we then look at is whether this increase has led to an improvement in their domestic life in terms of better health, education, financial freedom and a reduction in violence and dowry-related deaths.

Most literature that was reviewed for this study indicated separate links between ownership of property and economic well-being or instances of domestic violence and productivity in the workplace. However, except for the localised study conducted in Kerala, no nationwide study has indicated how providing claim to the ownership to the family will benefit women, not just in terms of more resources, but also in terms of reduced instances of violence, more bargaining power in a family and higher control over decisions of the self. This paper seeks to examine these implications of the law and whether they translate into a fair distribution of resources in a household.

### 3. DATA AND METHODOLOGY

The data for this study was compiled by the authors from various sources: (1) National Family Health Survey of India to analyse the educational and nutritional indicators of women between rounds 2, 3 and 4. (2) The World Bank data set to analyse labour force participation data which covers data from 1990 to 2020; and (3) The annual publication of crime statistics by the National Crime Records Bureau to analyse data on total crime against women, cases of domestic violence and dowry-related deaths from the period 2001 to 2014.

Comparisons were made to study any improvements in the educational and nutritional indicators of women between rounds 2, 3 and 4 of the NFHS keeping in mind that round 3 occurred in the year in which the amendment was passed and round 4 occurred in 2014-15.

Trends of domestic violence, dowry-related deaths and their share in the total crime against women was observed via means of graphs computed by the authors with 2005 being the point of special interest.

## 4. ANALYSIS

The NFHS fact sheet at national level provides data of the nutritional and educational indicators among women between the period 2005-06 and 2015-16.

### 4.1 Financial Independence

We first look at indicators of financial independence among women. These suggest if women have control over their own and their family's wealth and income. To make this assessment, we look at savings accounts registered solely in the name of women. We believe that having a separate savings account allows women to make financial decisions independently. It was found that the percentage of women with their own savings account has risen by more than three times, from 15.1 per cent to 53 per cent. Data on the share of women taking household decisions indicate that this indicator rose from 76.5 per cent to 84 per cent between rounds 3 and 4 of the NFHS. This suggests that having financial independence, in fact, does give more decision-making power to women in a household.

### 4.2 Health Indicators

We now turn to trends of health and nutritional indicators in women. To understand their relevance, we need to see how an average family makes decisions in a patriarchal society. As the resources, such as income and value of assets of a family increase, the wellbeing of all family members increases. However, this increase in wellbeing is not proportional because the allocation of resources within a family is not equal. Resources are allocated first to the head of the family, typically a male, then the children, elders (if any), and finally the woman. This means that even if a rise in the income of most families between 2001 and 2014 was observed, it may not have adequately translated into better health indicators of women. To that end, we believe that a claim to ownership of assets changes the position of a woman in a household. She now commands more bargaining power and can decisively contribute to decisions of resource allocation. We focus on nutritional indicators such as the a) Body Mass Index

(BMI), b) Fertility Rates, and c) Deaths per Live Births. More than 50 per cent of all adult women surveyed in 1998-9 (NFHS-2) were found to be anaemic with 36 per cent having a BMI below 18.5, which is the cutoff (Dreze 2012). The percentage of women with a BMI below the cutoff only fell 0.5 percentage points between 1998 and 2005 but saw a substantial decline from 35.5 per cent to 22.9 per cent between 2005-6 and 2015-16.<sup>3</sup> This has been coupled with a fall in total fertility rates, from 0.5 per cent to 0.2 per cent between NFHS-2 and NFHS-3. A substantial fall in deaths per 1000 live births from 54 to 41 between NFHS-4 and NFHS-3 was also noted. The prevalence of anaemia came down from 55.3 per cent to 53.1 per cent. A very small fall in the BMI of women was noticed between 1998 and 2005, however, the fall was quite steep between 2005-06 and 2015-16. Moreover, we saw a large fall in both fertility rates and death per 1000 live births during this period. As women have greater control over resources, they are also able to make decisions of family planning (hence a decline in fertility rates) and the ability to choose decent healthcare (hence the decline in deaths per 1000 live births). These trends could be attributed in part, to the Hindu Succession Amendment Act, 2005.

### 4.3 Education Indicators

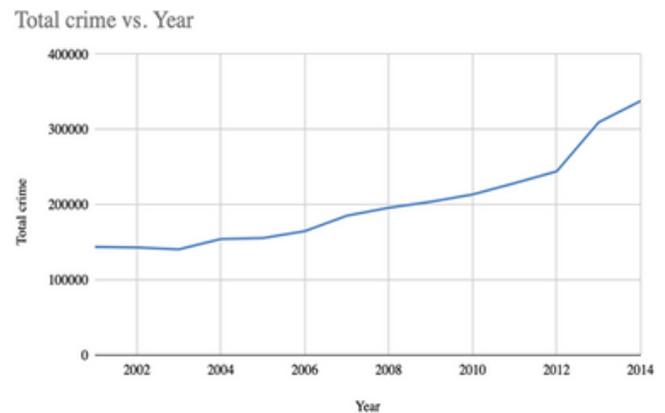
In terms of education, it is observed that there is a significant upward trend in the rate of gross enrollment ratios at primary and tertiary levels. We naturally expect the primary enrolment ratio to increase due to a generational effect, i.e., daughters of financially independent women are more likely to attend schools just like their male siblings as opposed to a financially dependent woman. This suggests that there has been a major change in the intra-household distribution of resources since 2005-06. Moreover, it is also expected that those women who are not married but have acquired a claim to the ancestral property will have more freedom to make decisions about their higher education. Thus, an increase in both primary and tertiary education may have been influenced by the Hindu Succession Amendment Act, 2005, among other factors.

### 4.4 Domestic Violence and Dowry Deaths

We now look at indicators of violence against women in a household, i.e., dowry-related deaths

and domestic violence. Data suggests that crime against women has been on a rise since 2003 and only in recent years has the rate of increase come down (Figure 1).

**Figure 1:** Total Crime in India against time between 2001 and 2014.



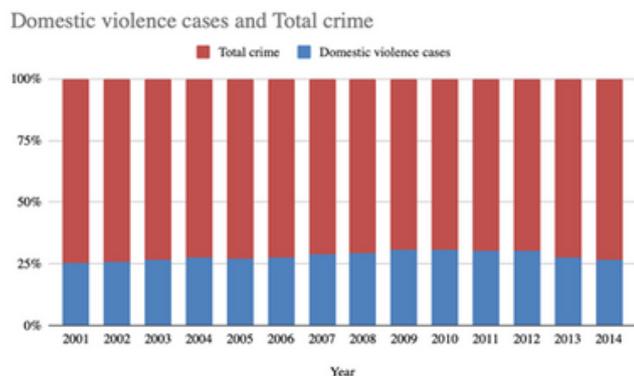
*Source:* Authors' compilation based on crime statistics (2001-2014)

One would expect the numbers to fall with time, as society progresses and becomes more aware of individual rights and women empowerment. We expect that as women now have a claim to assets and have an increased contribution to household decisions, instances of domestic violence against women to reduce. Intuitively it seems like the only plausible course of things. However, since the passing of the 2005 Amendment, no change in the trend of total crime against women in India has been observed. In fact, it has been on a consistent rise. However, these crime numbers include crime against women both within and without households. An inspection of violence against women either by their natal families or their marital families is more important to assess the intra-household situation for women. Therefore, we shall turn to figures depicting cases of domestic violence. Domestic violence in Indian households has been a common practice. This violence mainly comes from marital families, for reasons related to dowry or to establish power dynamics. If we are to take these two as the main reasons behind domestic violence, then if a woman has a claim to her ancestral property (from her natal family), may threaten the superior position enjoyed by her husband and her marital family. This threat to their superior position, therefore may not lead to a fall in domestic violence. A review of the data suggests that the cases of domestic violence as a proportion of total crime against women averaged out to be around 25 per cent from the period 2001 to 2012 with some increase around 2009-10. In the post-2005 period, this

<sup>3</sup> NFHS-2, NFHS-3 and NFHS-4

percentage showed no fall and the figures came down to their initial levels (2001) only in recent years. However, the numbers showed no immediate response to the 2005 Amendment.

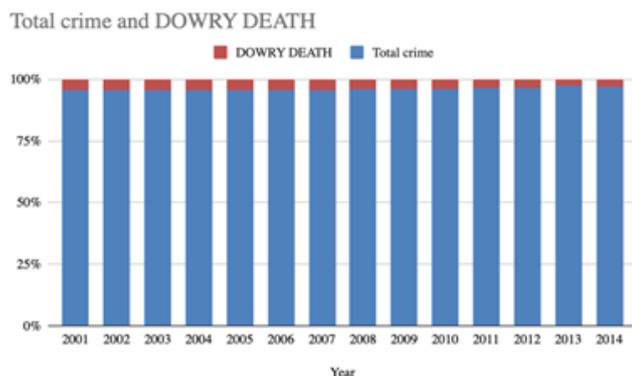
**Figure 2:** Domestic violence cases in India as a percentage of total crime between 2001 and 2014



Source: Authors' compilation based on crime statistics (2001-2014)

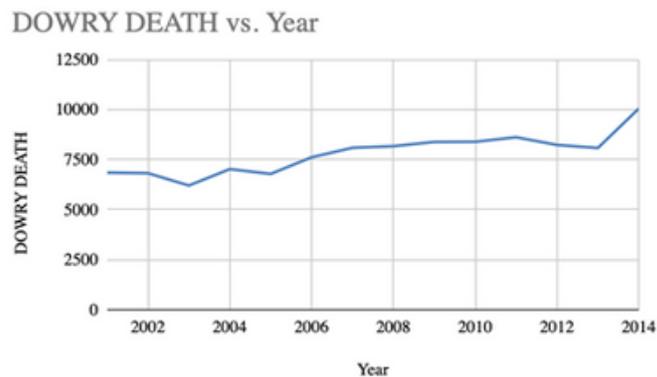
Although the practice of dowry has been outlawed in India, it continues unchecked. Dowry is a practice where the family of the bride provides the husband with either a sum of money or an asset such as a house or a car or both. Families are sometimes unable to fulfil these dowry demands, which lead to violence against the woman in her marital home which may even lead to the death of the victim. A review of the data suggests the following story. A decline in the percentage of dowry-related deaths in proportion to total crime in India was seen between 2001 and 2014 (Figure 3). It should be noted, however, that an increase in the absolute number of dowry deaths was noted (Figure 4). This increase in the absolute number could be explained through an overall increase in the total crime against women. This means that although the law was passed to improve the position of women, their social condition may not have really improved. Positive change on this front is yet to be realised.

**Figure 3:** Dowry deaths in India as a percentage of total crime between 2001 and 2014



Source: Authors' compilation based on crime statistics (2001-2014)

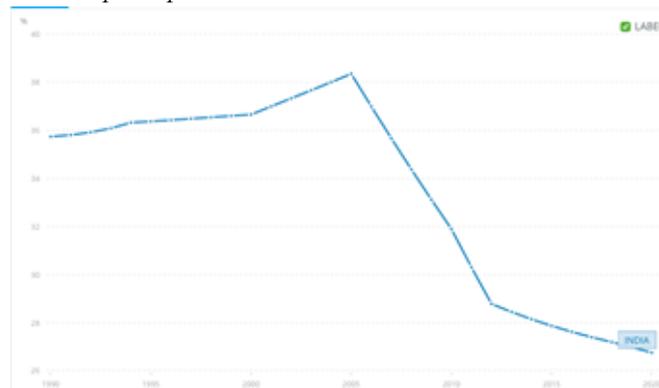
**Figure 4:** Trend of dowry deaths in India between 2001 and 2014



Source: Authors' compilation based on crime statistics (2001-2014)

India has noticed an uptick in the participation of women in the labour force which has largely contributed to the growth of the economy. To sustain this growth, it is important that women continue to be a part of the workforce and do not leave due to socially unfavourable factors. We observe data on the labour force compiled by the International Labour Organisation. The estimates modelled for India show a steep decline in the ratio of female to male labour force participation rate. A plausible explanation could be that the increased wealth of households due to redistribution of ancestral property to women along with men may have made them better off but this is not the case as the Gini coefficient for India has been steadily increasing. Instead, what has happened is that due to a rise in the cases of domestic violence, there has been increased absenteeism among female workers. This was also proved empirically in the study conducted in Nigeria, where instances of domestic violence led to absenteeism. Although this only partly explains a low rate of female labour force participation, other macro-economic factors are also important in its determination.

**Figure 5:** Trend of ratio of male to female labour force participation in India between 1990 and 2020



Source: World Bank

We have observed a huge rise in the number of savings accounts of women and with it, an increase in their decision-making ability in the household. There has been a large fall in the prevalence of anaemia, total fertility rate, deaths per live births coupled with the number of women with BMI below cutoff since 2005. Cases of dowry-related deaths showed an upward trend, even though their share in the total crime against women fell and the share of domestic violence cases averaged out around 25 per cent. A significant upward trend in primary and tertiary enrollment was observed along with a sharp decline in the female labour force participation right after 2005. While we do see an improvement in some development indicators of women such as health and education, social indicators such as domestic violence do not see any improvement. Consequently, this ensures that the passing of the law puts India in the spotlight as an adverse performer in treating women with equity and dignity which has serious repercussions for their productivity and contribution to overall economic growth and development.

## 5. CONCLUSION

A focus on the rights of women from the perspective of economic growth and development demands that we see the implications of an increase in the ownership of assets by women on their immediate material condition. For this purpose, the Hindu Succession Amendment Act, 2005 which provided daughters with an equal claim to the ancestral property and made them coparceners was analysed. The effects of this provision on the position of women in a household, where resources are not distributed equally were examined. A preliminary analysis of data from NFHS-2, NFHS-3 and NFHS-4 suggests that indicators of financial freedom, health and education of women significantly improved. These indicators can be categorised as depicting the socio-economic status of women. While this could be a direct consequence of having increased claims over ancestral property, it should be kept in mind that these indicators are also affected by an increase in income levels, which were witnessed after 2005 in India. Indicators that may have a more direct effect

from the legislation, such as domestic violence and dowry deaths did not see an improvement. Their instances rose in absolute numbers even after the passing of the amendment. These indicators can be categorised as purely social in nature. However, their economic implication lies in the inability of women to participate in the labour force and contribute to productive activities. A primary study was conducted in Kerala which examined how ownership of assets affects domestic violence. The results of the study indicate that instances of domestic violence were far lower in cases where women had a claim to the property and were much higher where they did not. This finding is in contradiction to the results of this paper. We believe that due to a lack of primary survey, which can establish a direct link between the two, the results may be skewed. Moreover, it is also acknowledged that most nationwide household surveys in India do not ask questions that indicate who owns which assets in a family. Only the head of the household is identified via the survey, which serves as the basis for determining ownership of all family assets.

The results of this paper point to the fact that an amendment meant to improve the position of women in a household may have achieved that in terms of 'socio-economic' indicators, however, it fails to achieve that in terms of 'social' indicators. To that end, it may be possible that the legislation needs rework.

## 6. LIMITATIONS

There are several limitations of this study that the authors would like to acknowledge. First, this study does not use a regression model to explain the behaviour of the chosen indicators. Therefore, the exact causation and the significance of the amendment cannot be ascertained statistically but only intuitively. Second, the data from the NFHS is not available in a continuous manner and the only years of interest are 1998-9, 2005-6 and 2014-15 so there is a large gap between points before and after the year of interest. Third, the absence of micro-level data makes it difficult to ascertain the exact effect of the amendment on the desired target group.

**REFERENCES**

1. Ajala, E.M. "Impact of Domestic Violence on the Workplace And Workers' Productivity in SELECTED Industries in Nigeria." *The Anthropologist* 10, no. 4 (2008): 257–64. <https://doi.org/10.1080/09720073.2008.11891059>.
2. Debarati Halder and K. Jaishankar, "Property Rights of Hindu Women: A Feminist Review of Succession Laws of Ancient, Medieval, and Modern India," *Journal of Law and Religion* 24, no. 2 (2008): pp. 663-687, <https://doi.org/10.1017/s0748081400001740>.
3. "Hindu Succession Act, 1956" (PDF). Archived from the original (PDF) on 1 August 2014. Retrieved 23 September 2014.
4. Jean Dreze, 2012, 'Food and Nutrition' in Basu. K and A.Maertens (ed), *The New Oxford Companion to Economics in India*, OUP
5. Nivedita Menon, *Seeing like a Feminist* (New Delhi: Zubaan in collaboration with Penguin Books India, 2012).
6. Panda, P. and Agarwal, B., 2021. Marital violence, human development and women's property status in India.
7. Ranjan, Sheetal (2013), "Crimes Against Women in India", in Unnithan, N. Prabha (ed.), *Crime and Justice in India*, SAGE Publications, ISBN 978-8-13210-977-8.
8. Vishwanath, L. S. (2007), "Female Infanticide, Property and the Colonial State", in Patel, Tulsi (ed.), *Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies*, SAGE, ISBN 978-0-76193-539-1

Births. More than 50 per cent of all adult women surveyed in 1998-9 (NFHS-2) were found to be anemic with 36 per cent having a BMI below 18.5, which is the cutoff (Dreze 2012). The percentage of women with a BMI below the cutoff only fell 0.5 percentage points between 1998 and 2005 but saw a substantial decline from 35.5 percent to 22.9 percent between 2005-6 and 2015-16. This has been coupled with a fall in total fertility rates, from 0.5 per cent to 0.2 per cent between NFHS-2 and NFHS-3. A substantial fall in deaths per 1000 live births from 54 to 41 between NFHS-4 and NFHS-3 was also noted. Prevalence of anemia came down from 55.3 per cent to 53.1 per cent. A very small fall in the BMI of women was noticed between 1998 and 2005, however the fall was quite steep between 2005-06 and 2015-16. Moreover, we saw a large fall in both fertility rates and death per 1000 live births during this period. As women have a greater control over resources, they are also able to make decisions of family planning (hence a decline in fertility rates) and the ability to choose decent healthcare (hence the decline in deaths per 1000 live births). These trends could be attributed in part, to the Hindu Succession Amendment Act, 2005.

### 4.3 Educational Indicators

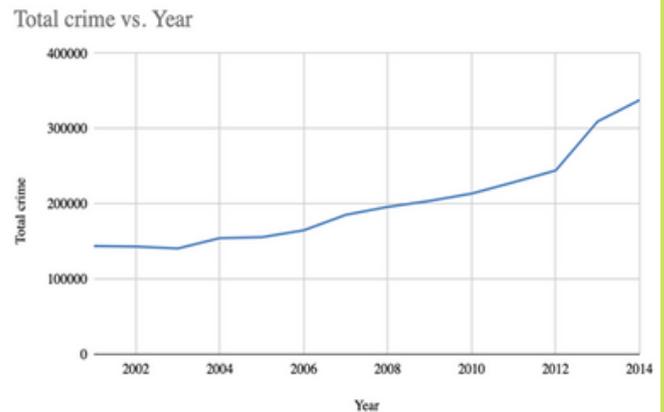
In terms of education, it is observed that there is a significant upward trend in the rate of gross enrollment ratios at primary and tertiary levels. We naturally expect the primary enrolment ratio to increase due to a generational effect, i.e., daughters of financially independent women are more likely to attend schools just like their male siblings as opposed to a financially dependent woman. This suggests that there has been a major change in the intra-household distribution of resources since 2005-06. Moreover, it is also expected that those women who are not married but have acquired a claim to the ancestral property will have more freedom to make decisions pertaining to their higher education. Thus, an increase in both primary and tertiary education, may have been influenced by the Hindu Succession Amendment Act, 2005, among other factors.

### 4.4 Domestic Violence and Dowry Deaths

We now look at indicators of violence against women in a household, i.e., dowry-related deaths and domestic violence. Data suggests that crime against women has been on a rise since 2003 and

only in recent years has the rate of increase come down (Figure 1).

**Figure 1: Total Crime in India against time between 2001 and 2014.**

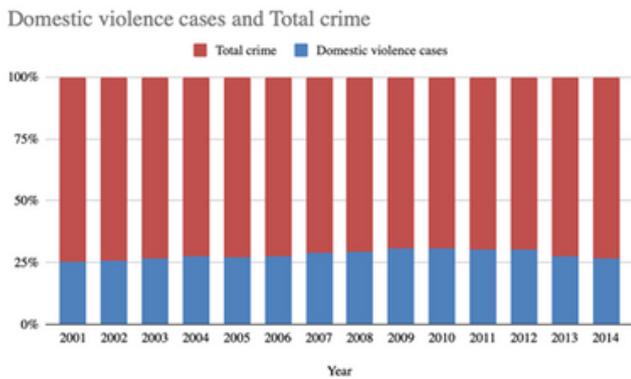


Source: Authors' compilation based on crime statistics (2001-2014)

One would expect the numbers to fall with time, as society progresses and becomes more aware of individual rights and women empowerment. We expect that as women now have a claim to assets and have an increased contribution to household decisions, instances of domestic violence against women to reduce. Intuitively it seems like the only plausible course of things. However, since the passing of the 2005 Amendment, no change in the trend of total crime against women in India has been observed. In fact, it has been on a consistent rise. However, these crime numbers include crime against women both within and without households. An inspection of violence against women either by their natal families or their marital families is more important to assess the intra-household situation for women. Therefore, we shall turn to figures depicting cases of domestic violence. Domestic violence in Indian households has been a common practice. This violence mainly comes from marital families, for reasons related to dowry or to establish power dynamics. If we are to take these two as the main reasons behind domestic violence, then in the event that a woman has a claim to her ancestral property (from her natal family), may threaten the superior position enjoyed by her husband and her marital family. This threat to their superior position, therefore may not lead to a fall in domestic violence. A review of the data suggests that the cases of domestic violence as a proportion of total crime against women averaged out to be around 25 percent from the period 2001 to 2012 with some increase around 2009-10. In the post-2005 period, this percentage showed no fall and the figures came

down to their initial levels (2001) only in recent years. However, the numbers showed no immediate response to the 2005 Amendment.

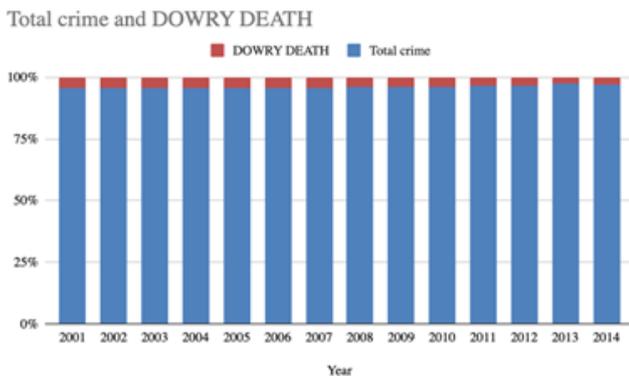
**Figure 1:** Domestic violence cases in India as a percentage of total crime between 2001 and 2014



Source: Authors' compilation based on crime statistics (2001-2014)

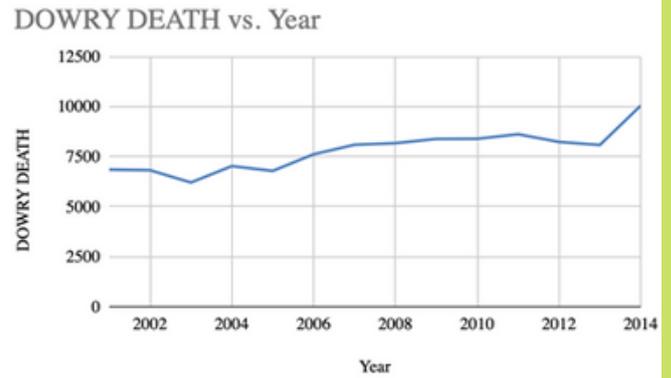
Although the practice of dowry has been outlawed in India, it still continues unchecked. Dowry is a practice where the family of the bride provides the husband with either a sum of money or an asset such as a house or a car or both. Families are sometimes unable to fulfill these dowry demands, which lead to violence against the woman in her marital home which may even lead to death of the victim. A review of the data suggests the following story. A decline in the percentage of dowry related deaths in proportion to total crime in India was seen between 2001 and 2014 (Figure 3). It should be noted, however, that an increase in the absolute number of dowry deaths was noted (Figure 4). This increase in the absolute number could be explained through an overall increase in the total crime against women. This means that although the law was passed to improve the position of women, their social condition may not have really improved. Positive change on this front is yet to be realised.

**Figure 1:** Dowry deaths in India as a percentage of total crime between 2001 and 2014



Source: Authors' compilation based on crime statistics (2001-2014)

**Figure 4:** Trend of dowry deaths in India between 2001 and 2014



Source: Authors' compilation based on crime statistics (2001-2014)

India has noticed an uptick in the participation of women in the labour force which has largely contributed to the growth of the economy. In order to sustain this growth, it is important that women continue to be a part of the workforce and do not leave due to socially unfavourable factors. We observe data on the labour force compiled by the International Labour Organisation. The estimates modeled for India show a steep decline in the ratio of female to male labor force participation rate. A plausible explanation could be that the increased wealth of households due to redistribution of ancestral property to women along with men may have made them better off but this is not the case as the Gini coefficient for India has been steadily increasing. Instead, what has happened is that due to a rise in the cases of domestic violence, there has been increased absenteeism among female workers. This was also proved empirically in the study conducted in Nigeria, where instances of domestic violence led to absenteeism. Although this only partly explains a low rate of female labour force participation, other macro-economic factors are also important in its determination.

**Figure 4:** Trend of ratio of male to female labour force participation in India between 1990 and 2020



Source: World Bank

We have observed a huge rise in the number of savings accounts of women and with it, an increase in their decision-making ability in the household. There has been a large fall in the prevalence of anemia, total fertility rate, deaths per live births coupled with the number of women with BMI below cutoff since 2005. Cases of dowry related deaths showed an upward trend, even though their share in the total crime against women fell and the share of domestic violence cases averaged out around 25 per cent. A significant upward trend in primary and tertiary enrollment was observed along with a sharp decline in the female labour force participation right after 2005. While we do see an improvement in some development indicators of women such as health and education, social indicators such as domestic violence do not see any improvement. Consequently, this ensures that the passing of the law puts India in the spotlight as an adverse performer in treating women with equity and dignity which has serious repercussions for their productivity and contribution to overall economic growth and development.

## 5. CONCLUSION

A focus on the rights of women from the perspective of economic growth and development demands that we see the implications of an increase in the ownership of assets by women on their immediate material condition. For this purpose, the Hindu Succession Amendment Act, 2005 which provided daughters with an equal claim to the ancestral property and made them coparceners was analysed. The effects of this provision on the position of women in a household, where resources are not distributed equally were examined. A preliminary analysis of data from NFHS-2, NFHS-3 and NFHS-4 suggests that indicators of financial freedom, health and education of women significantly improved. These indicators can be categorised as depicting the socio-economic status of women. While this could be a direct consequence of having increased claims over ancestral property, it should be kept in mind that these indicators are also affected by an increase in income levels, which were witnessed after 2005 in India. Indicators that may have a more direct effect

from the legislation, such as domestic violence and dowry deaths did not see an improvement. Their instances rose in absolute numbers even after the passing of the amendment. These indicators can be categorised as purely social in nature. However, their economic implication lies in the inability of women to participate in the labour force and contribute to productive activities. A primary study was conducted in Kerala which examined how ownership of assets affects domestic violence. The results of the study indicate that instances of domestic violence were far lower in cases where women had a claim to the property and were much higher where they did not. This finding is in contradiction to the results of this paper. We believe that due to a lack of primary survey, which is able to establish a direct link between the two, the results may be skewed. Moreover, it is also acknowledged that most nationwide household surveys in India do not ask questions that indicate who owns which assets in a family. Only the head of the household is identified via the survey, which serves as the basis for determining ownership of all family assets.

The results of this paper point to the fact that an amendment meant to improve the position of women in a household may have achieved that in terms of 'socio-economic' indicators, however, it fails to achieve that in terms of 'social' indicators. To that end, it may be possible that the legislation needs rework.

## 6. LIMITATIONS

There are several limitations of this study that the authors would like to acknowledge. First, this study does not use a regression model to explain the behaviour of the chosen indicators. Therefore, the exact causation and the significance of the amendment cannot be ascertained statistically but only intuitively. Second, the data from the NFHS is not available in a continuous manner and the only years of interest are 1998-9, 2005-6 and 2014-15 so there is a large gap between points before and after the year of interest. Third, the absence of micro level data makes it difficult to ascertain the exact effect of the amendment on the desired target group.

**REFERENCES**

1. Ajala, E.M. "Impact of Domestic Violence on the Workplace And Workers' Productivity in SELECTED Industries in Nigeria." *The Anthropologist* 10, no. 4 (2008): 257–64. <https://doi.org/10.1080/09720073.2008.11891059>.
2. Debarati Halder and K. Jaishankar, "Property Rights of Hindu Women: A Feminist Review of Succession Laws of Ancient, Medieval, and Modern India," *Journal of Law and Religion* 24, no. 2 (2008): pp. 663-687, <https://doi.org/10.1017/s0748081400001740>.
3. "Hindu Succession Act, 1956" (PDF). Archived from the original (PDF) on 1 August 2014. Retrieved 23 September 2014.
4. Jean Dreze, 2012, 'Food and Nutrition' in Basu. K and A.Maertens (ed), *The New Oxford Companion to Economics in India*, OUP
5. Nivedita Menon, *Seeing like a Feminist* (New Delhi: Zubaan in collaboration with Penguin Books India, 2012).
6. Panda, P. and Agarwal, B., 2021. Marital violence, human development and women's property status in India.
7. Ranjan, Sheetal (2013), "Crimes Against Women in India", in Unnithan, N. Prabha (ed.), *Crime and Justice in India*, SAGE Publications, ISBN 978-8-13210-977-8.
8. Vishwanath, L. S. (2007), "Female Infanticide, Property and the Colonial State", in Patel, Tulsi (ed.), *Sex-Selective Abortion in India: Gender, Society and New Reproductive Technologies*, SAGE, ISBN 978-0-76193-539-1