

# CHAPTER - I

## Introduction

### 1.1 Background

The total population of Nepal is 2,31,51,423 out of which 1,15,8,502 are women constituting 50.5 percent of the population. However, women face discrimination on the basis of sex and gender in various walks of life. The overall literacy rate of women is only 42.5% that is grossly low than that of men, which is 65.1 percent. Studies on women's status in Nepal reveal their secondary status and resulting oppression because of dominant Hindu religion and prevailing social and cultural norms in the country. (The Central Bureau of Statistics; 2003).

Nepal is still running under strong feudalistic social values and norms. There were no clear provisions regarding Nepalese women and property rights until 1975. Following the UN Declaration of 1975, which was International Women's year, the Nepali government began to celebrate International Women's day on the 8<sup>th</sup> of March. That same year, the Civil Code was amended a clause on women's inheritance and property rights included.

The clause states that if a woman remains unmarried upto 35 years of age, she would have a right to inherit property. However, the amendment limits itself as it continues if she gets marriage after having property that should be returned back to the brothers by deducting the marriage cost.

In Nepal female's property right is very delicate and burning issue. It has been related to women's movement to get their rights on property for gender equality. In Nepal, legal status of women to inherit property was determined in terms of their marital or sexual status. As we know, Country Code is the main substantive law in regard to partition on ancestral property, women's share on property as well as entestate property. Daughter was denied equal inheritance right simple because once married her status changes. In contrast, such rights were inherent birth rights of sons. Limited and conditional inheritance right is given to daughter, wife, and widow or divorced. (FWLD; 2006:1-2)

There are preconditions attached for women to get a share in parental as well as husband's property. Even when they do receive their share women do not have a full and complete ownership. The battle for equal rights to parental property has been one of the main gender issues fought for last 11 years.

The constitution of the kingdom of Nepal, 1990 is a document based on the principles of non-discrimination and equality and human rights. But even after more than one decade of its promulgation and the restoration of democratic political order in 1990, the new constitution guaranteed that no one should be discriminated against on the basis of sex.(FWLD;2006:1-2)

Furthermore, in 1991, the government ratified the UN convention on the elimination of all forms of discrimination against Women (CEDAW-1979). The nation's women's movement demanded that all inequalities in Nepali law be eliminated and focused attention on the equal right of women to inherit property.

The eleventh Amendment Bill of Country Code has brought some positive changes; it says that women in Nepal can enjoy their equal right to inherit property from birth. Furthermore, it states, a wife's equal right to her husband's property immediately after marriage. She can also claim her right on husband's property in case of divorce on death of her husband from joint family and to use this property even if she gets remarried is now also established 2006 in law.

But on the other hand, opponents are of the view that it is time that women should come in mainstream. Property right will create more disputes in the family. It will be better to focus more on equal opportunities and education to empower women than on demanding property. Another view pointed out if there is battle for property a family may not even educate girls.

Another major problem pointed out is recognizing property right will mean legalizing dowry system. This may create criminalization. In future, it might be almost like a business where women will marry and divorce for property and men will marry for girl's property. (Majupuria; 2007:723)

Lots of conventions and seminars have been conducted to eliminate all forms of discrimination against women in developing countries like Nepal which could be a pathway to gender equality and one of them is property right. Thus, above mentioned efforts and evidences from the governmental and non-governmental organizations are really doing their good job for pathway to gender equality in Nepal, after all it's about human right and dignity.

## **1.2 Statement of the problem**

“This property is my property and I am a woman”. Female's status is very pathetic in Nepal especially in the area of education, social, economic and decision making. The rules and regulations of Nepali society are based on patriarchal thinking and it is important to remember that judges are a product and a part of this dominant hegemony.

Despite, the negative interpretation of female within the law and the perception of their inferiority in society, challenging existing discriminatory laws have provided an opportunity to empower female. After the Supreme Court decision in the inheritance right case, the entire nation was found into rethinking the patriarchal structure of society, male supremacy and the status of individual freedom of female. Female has begun to be more vigilant about monitoring the status of individual issues and rights and linking them to broader issues of equality.

In earlier, laws itself have been made in a discriminatory ways but now some gradual changes have been seen from the constitution of 1990 and interim constitution of 2005 and 11<sup>th</sup> amendment of country code as well have expressed its commitments to guarantee all citizen's fundamental rights for equality.

From the various studies, there is a wide gap between the male and female in each and every field and one of them is property right. Therefore, the main issue for this study, requires the bridge to fulfill the gap. Thus, the study will be headed towards finding the following questions;

Whether or not women's property right will be eligible for the pathway to gender equality?

What are the problems still existing for gender equality?

### **1.3 Objective of the study**

#### **1.3.1 General objective**

The general objective of this study is to analyze the pathway of gender equality through property right.

#### **1.3.2 Specific Objectives**

The specific objectives of the study are as follows:

To find out the level of awareness regarding female's property right in the study area.

To evaluate the perception of different age group on female's property right.

To identify the constraints on female's property right for gender equality.

To provide recommendation whether to give or not to give parental property.

### **1.4 Conceptual framework**

The issue female's property right raises a question like whether it could be a pathway to gender equality or not? Since, the issue is very delicate and sensitive that may embrace the people to come and discuss on the subject matter both in its favor as well as against. So, to get the answer of very beginning question, researcher will try to study the following factors.

) Socio-culture factor

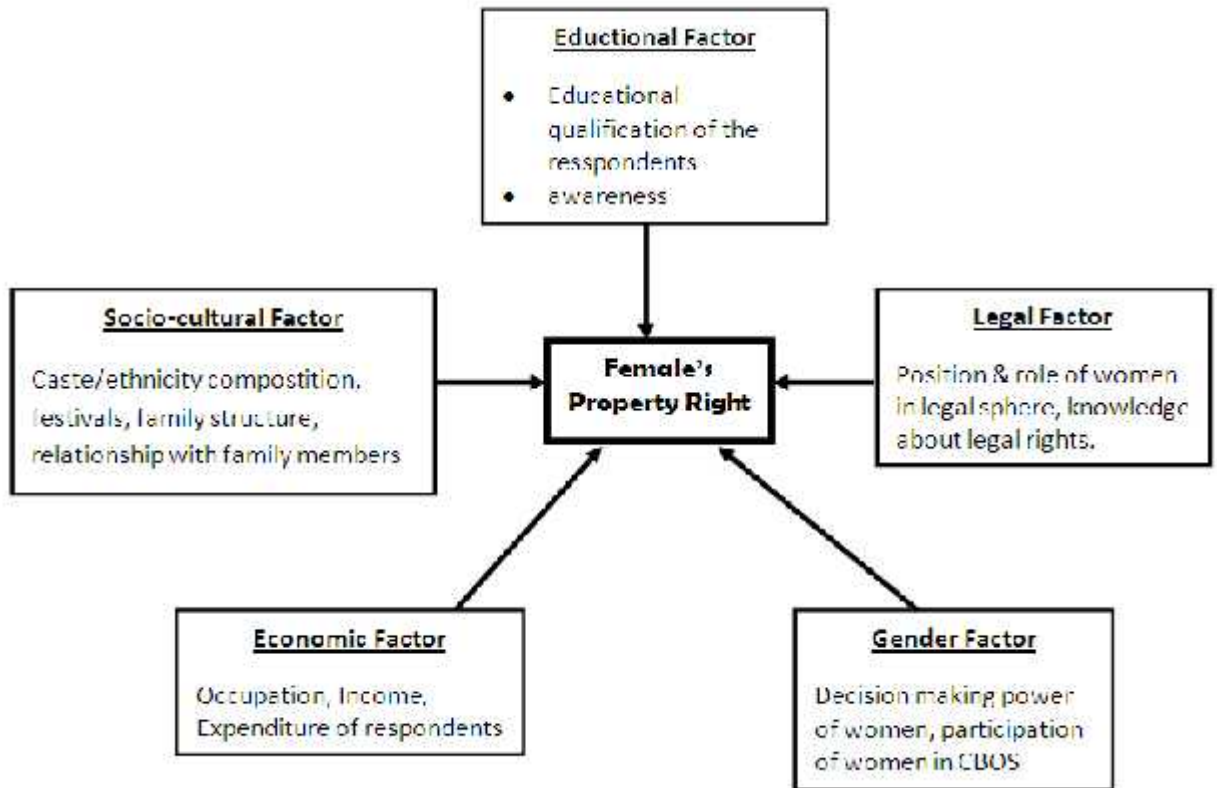
) Educational factor

) Economic factor

) Gender factor

) Legal factor

**Fig. 1: Conceptual Framework**



## **1.5 Rationale of the study**

The main justifications of this study are as follows:

- ) Male and female are equal in laws but paradoxically it is not like that. The reality is different in practice which has widened a huge gap between two genders. Nepalese females are discriminated in every sphere i.e. in economic, socio-cultural, political and legal. Most of the equal right activists agree that legal discrimination is the main source of other discrimination which still prevails even after the 11<sup>th</sup> amendment of the Country Code.
- ) This study might be helpful to government officials, women's activists, gender experts and other researchers to contribute in eliminating gender discrimination.
- ) Furthermore, this study would help the movement for gender equality to streamline its advocacy for gender equality effectively.

## **1.6 Limitation of the Study**

The study has been mainly concentrated in the subject of female's property right, not other subjects.

- ) The sample size and area was not sufficient to represent for this research.
- ) Age, Sex, Caste, education, economic status and other variables might affect the study. These variables are neither control in sampling nor in data analysis; it might require a huge amount of sample for better analysis.
- ) The findings might not be sufficient to generalize throughout the Nepal since the study was focused only in the study area.
- ) Time, Budget and Human resources might not be sufficient for the study.

## **1.7 Organization of the study**

The study has included five chapters which refers Introduction, Literature review, Research methodology, data analysis, summery with major finding, Conclusion and recommendation.

The first chapter contains the background of study by identifying the problems related to property rights. The objectives are based to proof the research problem. The study has its own importance although there are some limitations.

Similarly the second chapter discusses previous studies and other significant information related to this research.

The third chapter is for research methodology which is necessary to solve the research problem because it is also the way of systematic investigation to find answers to the problems and to create knowledge. It helps to analyze, examine and create interest on various aspect of research such as data and information collection analysis and presentation.

The fourth chapter discusses the socio-economic and demographic analysis of the respondents. Also there is discussion about distribution of respondents on basis of age, sex, religion, occupation, education and other information gathered from questionnaires.

The concluding chapter that is chapter fifth summarizes the findings that are derived from data analysis. Recommendation are forwarded based on the findings and conclusion .

## **CHAPTER -II**

### **Literature Review**

#### **2.1 Understanding Gender**

Gender refers to the different roles that men and women play in society and the relative power they wield. Gender roles vary from one country to another, but almost everywhere. Women face disadvantages relative to men in the social, economic and political sphere of life. Where men are viewed as the principal decision makers, women often hold a subordinate position in negotiation about limiting family size, contraceptive use, managing family resources, protecting family health or seeking jobs.

Inequalities between men and women are closely linked to women's health- making the issue of gender pertinent to discussions on how to improve reproductive health. Gender differences affect women's health and well- being throughout the life cycle:

- ) Before or at birth, parents who prefer boys may put girls at risk of sex- selective abortions (where technology is available to identify the sex) or infanticide.
- ) Girls may be less likely than boys to receive health care when they are ill.
- ) In some counties, mainly in Africa, girls are subjected to female genital cutting.
- ) Adolescent girls may be pressured into sex at an early age within an arranged marriage by adolescent boys proving their virility by older men looking for partners not infected with STIs.

Married women may be pressured by husbands or families to have more children than they prefer and women may be unable to seek or use contraception. (Ashford; 2001:22)

The overall system of gender relations in a society is sometimes called the "gender order". Women's and men's lives are shaped by gender relations or the gender order in many ways, including through the gender division of labor and different socio- cultural norms and expectations. The gender order determines what is accepted, encouraged and



allowed for women and men. When the gender order privileges men, the social accepted of male domination and female subordination may be sustained by many formal and informal institutions and practices.

Gender equality refers to the goal of achieving equal rights, responsibilities and opportunities of women and men and boys and girls. Equality does not mean that women and men will become the same, but that their rights, responsibilities and opportunities will not depend on whether they male or female. Gender equality is not a women's issue, but should concern and fully engage men as well as women. Equality between women and men is both a human right and a precondition for and indicator of sustainable, people centered development. Achieving gender equality requires that the interests, needs, priorities and contributions of both women and men are taken into consideration, where fully recognizing the diversity of different groups of women and men. (Women 2000 and beyond; 2008:4-5).

It is important to keep in mind that the distribution of power between women and men through the system of gender relations interacts with other systems of power relations and privilege. There are significant differences in power among men (and among women) based on other determinants of inequality (for example, class, race, ethnicity and age.) (ibid)

## **2.2 What happened in the World Regarding Women?**

In 1910, the women of China, Brazil, The Dominican Republic and the United States gathered informally in London, raised their voices demanding that women be given social, economical and political rights equal to men in 1910. The United States has made several works for women when it established in 1945. As a result of continuous effort, the United Nations formed a commission to study the situation of women status in 1946. Then the UN passed the various conventions regarding the women's right. In 1974, the UN decided to convene the first world conference related to women and the UN declared 1975 as women's year in accordance with the policy of observing women's year. The same year, 1975-85 was declared as the women's decade. The second conference of women held in Copenhagen in 1980, third conference of women was held in Beijing in

1995. The fourth world conference of women was decided to prepare an action plan for ten important sectors that had been identified. Since 1985 the UN formed Women's Development Fund. (UNIFEM)

### **2.3 The CEDAW: An International Treaty for Women's Rights**

A very important stimulus was the UN General Assembly resolution of December 1972, declaring 1975 as the International Women's Year. In 1975, the first UN world conference on women held in Mexico City, declared 1975 to 1985 as the United Nations Decade for women. The intensive efforts and actions undertaken during the Decade included organizing more conferences on women, the creation of specialized agencies, such as the United Nations Development Fund for Women (UNIFEM) and the UN International Research and Training Institute for the Advancement of Women (INSTRAW), elevating the Branch of the Advancement of women to a "Division" status and putting women's rights and concerns on the agenda of other conferences and organizations. Arguably, the most important development that took place during the Decade was the preparation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was adopted by the Assembly in 1979.

CEDAW was the culmination of a long process, but was given impetus in 1973 by the UN Commission on the Status of Women (CSW). In its working paper, the commission stated that neither the Declaration on the Elimination of Discrimination Against Women (1967) nor the legally binding human rights treaties had been effective in advancing the status of women. It also argued for a single comprehensive convention that would legally bind states to eliminate discriminatory laws, as well as de facto discrimination. With 30 articles organized in six parts, CEDAW defines "discrimination against women" in its first article : For the purposes of the present convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (ARAT; 2008:10)

A report, A situation analysis of Children and Women describes under the heading 'Convention on the Elimination of all forms of Discrimination against Women' constitute a formidable code of rights for women. The convention should be an essential framework for a forward looking strategy to promote and protect the rights of girls and women and decisively eradicate inequality and discrimination.

CEDAW was adopted by the United Nations General Assembly in December 1979 and came into force on September 3, 1981. To date, 139 countries have acceded to the treaty. Nepal fully ratified CEDAW in April 1991.

CEDAW is essentially an international bill of rights for women. It sets out in legally binding form measures to achieve equal rights for all women, regardless of marital status, in all fields of political, economic, social and cultural life. (A Situation Analysis of Children and Women, 1996:9)

## **2.4 The Role of Men and Boys in Achieving Gender Equality**

Gender equality refers to the goal of achieving equal rights, responsibilities and opportunities of women and men and boys and girls. Equality does not mean that women and men will become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality is not a women's issue, but should concern and fully engage men as well as women.

Men's power over women in many contexts necessitates working with men to change the condition of women's lives. "Men play a key role in bringing about gender equality since, in most societies, men exercise preponderant power in nearly every sphere of life ranging from personal decisions regarding the size of families to the policy and program decisions taken at all levels of government".

A further very practical reason for engaging men in work on gender equality is that men often control the resources needed for this work, in particular because of the underrepresentation of women in all areas of decision making. The existing pattern of gender inequality men predominant control of economic assets, political power, cultural

authority and armed forces- means that men control most of the resources required to implement women's claims for justice.

Findings from historical and cross-cultural research are that gender identities and roles are not fixed. Men in many different contexts have changed their attitudes and behaviors over time, often leading to a shift to more equitable gender relations. The evidence that men have a capacity for change is helping to build the momentum for working with men to promote gender equality. (Women 2000 and beyond, 2008:4-6)

## **2.5 The United Nations and the Human Rights of Women**

Equality of rights for women is a basic principle of the United Nations. The Preamble to the charter of the United Nations sets as a basic goal "to reaffirm faith in fundamental human rights of, in the dignity and worth of the human persons, in the equal rights of men and women." Furthermore, Article 1 of the charter proclaims that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all people "without distinction as to race, sex, language or religion."

The International Bill of Human Rights strengthens and extends this emphasis on the equal rights of women. The International Bill of Human Rights is a term used to refer collectively to three instruments: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two optional Protocols. Taken together, these instruments form the ethical and legal basis for all of the human rights work of the United Nations and provide the foundation upon which the international system for the protection and promotion of human rights has been developed.

One of the first and most significant achievements of the organization in the field of human rights was the Universal Declaration of Human Rights, which was adopted by the General Assembly in 1948. Based on the equal dignity and rights of every human being, the Declaration proclaims the entitlement of everyone to enjoy human rights and fundamental freedoms ' without distinction of any kind, such as race, colour, sex,

language, religion, political or other opinion, national or social origin, property, birth or other status.”

Immediately following the adoption of the Universal Declaration, work began on expanding upon the rights and freedoms proclaimed therein and codifying them in binding legal form. From this process emerged the two Covenants mentioned above, which were unanimously adopted by the General Assembly in 1966 and entered into force 10 years later. The Covenants are international legal instruments. It undertakes to guarantee to all individuals in its territory or under its jurisdiction, without any discrimination, all the rights specified by that covenant and to provide for effective remedies in cases of violations.

The covenants clearly state that the rights set forth therein are applicable to all persons without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In addition, states parties specially undertake to ensure the equal right of men and women to the enjoyment of all rights set forth in each covenant. The Committee on Economic, Social and Cultural Rights and the Human Rights Committee, set up to monitor the implementation of each of the two covenants, are therefore complete to deal with issues of gender-based discrimination raised under the provisions of their respective instruments. The Human Rights Committee has been particularly active in the area of discrimination against women.

Despite the fact that there are two covenants, each guaranteeing a separate set of human rights, the interdependence and indivisibility of all rights is a long accepted and consistently reaffirmed principle. In practice, this means that respect for civil and political rights cannot be separated from the enjoyment of economic, social and cultural rights and on the other hand that genuine economic and social development requires the political and civil freedoms to participate in this process.

Universality is another important principle which guides the vision of human rights and fundamental freedoms advocated by the United Nations. While historical, cultural and religious differences must be borne in mind, it is the duty to every state, regardless of its

political, economic and cultural systems, to promote and protect all human rights, including the human rights of women.

The validity of these principles- interdependence, indivisibility and universality was most recently affirmed in the Vienna Declaration and Program of Action adopted by the World Conference on Human Rights in 1993.(Discrimination Against Women: The Convention and the Committee; 1993: 2-4)

## **2.6 Equal Property Rights for Men and Women**

About the equal property rights for men and women in the context of Nepal few native scholars have thrown light in their own perspectives which can be observed followingly.

Kusum Saakha in her study entitled” Property Right of Women found that Nepalese women have very few rights regarding the property. This will not be tradition Nepalese view of the matter because they would claim that head of the family just controls the property which the family owns. To the extent if we view Nepalese family as a collection of individuals each entitled to rights, the Nepalese system is very unfair particularly to women (Saakha; Date?: P 21)

Dr. Puspa Shrestha describes about the equal property rights for men and women in economic perspectives. According to shrestha, despite constitutional guarantees for equal rights for all, women suffer injustice of all kinds social, economic, religious, legal and political. The existing property rights laws are against the spirit of the constitution of the kingdom of Nepal which guarantees equal for women. And the deprivation of rights parental property one of the major causes of women’s backwardness ( Shrestha: parental Property, Equal Rights to Daughter and son, ILLR, 1996: 25)

Dr. G. S. Nepali observes his proper “Daughter’s share in parental property” in sociological point of view. According to Nepali, every society is an integrated system Nepalese society is not a unified society. It is a melting pot of many cultures and customs- socio- cultural and religious. Many odds of traditional Hindu culture are still prevailing in the Nepalese society. Some of laws such as the Muslim laws are rigorously governed women’s rights and parental property does not coincide with the spirit of

proposed bill. Unless laws are made compatible with the existing social norms and values and rituals and customs, no change could be expected to do any good to the society (Nepali: Parental Property; Equal Rights to Daughter and Son, ILLR,1996:26-27)

Yuba Raj Sangroula describes his paper on “search for Appropriate and Adequate Legislation for Equal Property Rights for Men and Women” with an objective analyzing the issue in legal perspective. According to him, in respect of granting equal property rights to women, the existing laws are silent about modalities of giving rights. The Hindu law in respect of property rights is different from other laws and laws in the western countries. Flexible in nature, there is sufficient room in the Hindu law for its amendment to address new social problems. In order to get rid of traditional religious and cultural values, which are basically characterized by negative values of social thinking we should into things objectively ( Sangroula: Parental Property; Equal Rights to Daughter and Son, ILLR,1996:27)

Women are deprived of all rights- socio-cultural, economic, legal and political, economic discrimination against women is the root cause of all kinds of backwardness-socio-cultural, legal, educational and political. The existing laws are gender based. (Thapaliya : Parental Property; Equal Rights to Daughter and Sons ILLR, 1996; 26)

## **2.7 Women’s Property**

In Nepal, women play a very important role in economy of country. But the ideology of male domination pervades our lives. It hampers development in all sectors. Now it is changing slowly.

According to Acharya and Bennette (1981) and Courung( 1919), it is well recognized that there is large difference between Indo-Aryan and Tibeto – Burman groups. Even within each of these groups in social relations governing gender relations there is difference.

In spite of this diversity, land is inherited universally in all communities from father to son. Women lag far behind men in access to economic resources, knowledge and modern awareness of employment.

On considering information on ownership of property by women from census of 2001, it is evident that 11% households reported some land in female legal ownership. Similarly, only 55% households had some houses in the name of women.

Various arguments are made against granting full inheritance rights to daughters. Acharya (2003) points out that one argument is that a large number of Nepalese girls are married to Indians and Property will go to India. However figures point out that only about 12000 Nepalese girls were married outside country. Out of them, slightly less than 11,000 were married to Indians.

The learned scholar mentions, “ Therefore, arguments so often cited against full citizenship rights to mothers or inheritance rights to daughters seems to be without much ground. However, resistance to any change in the inheritance system is strong.

The recently promulgated amendments to the law on property rights of women do not change to parental property substantially. However, it does provide easier access to property if a girl is unmarried and in her parents’ household. Statistically data shows that in Nepal, almost majority of girls have married status, so women get very little property.(Majupuria; 2007:438-440)

## **2.8 Reforms Made by Country Code 11<sup>th</sup> Amendment Bill**

Major reforms made by Country Code 11<sup>th</sup> amendment bill regarding Property and inheritance rights are as follows:

- ) Daughters are accepted as heir of the family from birth.
- ) Parents are made liable to maintain daughters as they would a son.
- ) A wife share must be provided to her before the decree of divorce.
- ) Full right to widow in inheritance property.
- ) Provision of sentence introduced to address the problems that may arise in the execution of the judgment relating to partition and to make such execution effective.



Equal right in intestate property to unmarried daughters as of son.(Majupuria; 2007:713)

## **2.9 Existing Discriminatory Laws and their Impact on Women**

Human rights do not allow continuation of discrimination based on sex in any of its forms. Such discrimination is not only country to the United Nations charter and various international human rights instruments including CEDAW, but also against the basic principle of non- discrimination, one of the guiding philosophies of every democratic society. Moreover, any discrimination based on sex as a consequence of law made by the state itself is a gross violation of basic human rights. Although the constitution of Nepal is base on the principle of non- discrimination, there are several laws including the constitution itself, which explicitly discrimination against women. Discriminatory laws in every aspect of the legal system, including:

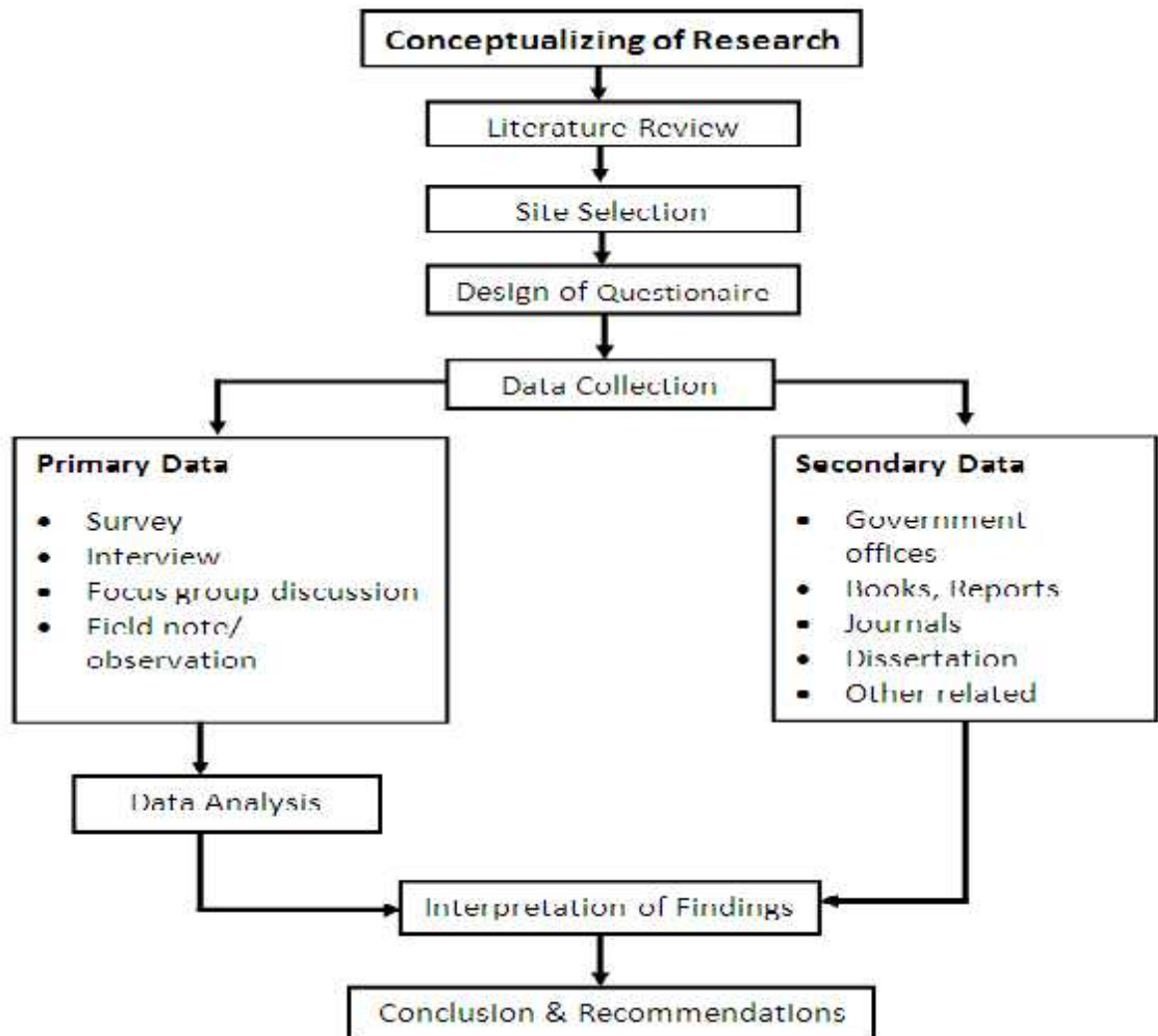
- ) Nationality.
- ) Property.
- ) Trafficking in person and sexual abuse.
- ) Education.
- ) Women and Employment
- ) Health including Reproductive Health (FL:DW; 2006:21)
- ) Marriage and Family.
- ) Legal and Court Proceedings.
- ) Identity.
- ) Use of language.

## CHAPTER -III

### Research Methodology

The general approach and methodology for the study starts from literature review, discussion with key personal from concerned organizations, selection of site, preparation of questionnaire, collection of relevant data from field using structured questionnaire, compiling/ processing/ analyzing of data.

**Fig. 2: Methodology of the Study**



### **3.1 Study site Description and Rationale**

This study has been carried out in Purano Bhanjyang VDC ward no.1, Naikap, to fulfill the objective. In general observation of the study area, most of the residents are found Brahmin, Chhetri and Newar which is located nearby Kathmandu Metropolitan City. The researcher has chosen this area to collect the data from different age group and caste/ethnicity above the age of 18 residing in rural area. No baseline survey has been conducted before to acquire the information about the topic so the site is beneficial to know the views of rural people on the behalf of that VDC. According to the data of CBS, the total population of this ward is 509 among 247 is male and 262 is female and number of household is 102. (CBS, 2001).

### **3.2 Research Design**

Since, the research is survey type in its nature so descriptive and analytical approaches have been used for this study.

### **3.3 Nature and Source of Data**

This study is based primarily on primary data. Both qualitative and quantitative data has been collected by field survey. Secondary data has also been integrated to complete the study.

### **3.4 Sampling procedure**

Naikap Purano Bhanjyang VDC was selected purposively as the study area because the targeted respondents were only women. The Naikap VDC has been divided into several wards. But the present study has been concentrated only in ward no. 2. From the total of 102 households, 40 respondents have been selected as a sample size. While selecting samples, the respondents have been selected from women on the basis of purposive

sampling of different caste/ ethnicity above the age of 15 including married and unmarried.

### **3.5 Data collection Techniques/ Instruments**

#### **3.5.1 Primary Data Collection**

Primary data has been collected from field survey with structured questionnaire, focus group discussion and in-depth interview has been conducted using check list with the concerned authorities/ individuals and field note of important evidences has been recorded.

#### **3.5.2 Secondary Data collection**

Secondary data has been collected from related journals, books, newspapers, dissertations and e-sources.

### **3.6 Methods of Data Analysis**

The obtained data has been analyzed and presented through quantitative and qualitative methods. The quantitative method includes different tables, charts, graphs and qualitative methods have been used to describe and analyze the facts and feelings of the respondents.

## CHAPTER IV

### Data Analysis and Presentation

#### Empirical context

When it comes to human ethicality, especially women who are deprived, isolated, voiceless in every aspects of social, cultural and economic spheres. Despite we are in the process of modernization but still we forget to go to the grass root level to uplift the jeopardy people. So this very study focuses to grab the answer of wide gap between men and women and try to fulfill those gaps by providing recommendation to the policy makers, decision makers and also further research regarding this topic.

This section covers the detailed information of the respondents including their ethnographical study, their level of awareness, constraints on property rights, and their views/attitude on the topic

**Table 4.1: Respondents by age group**

Age group	Number	Percentage
15-25	11	27.5
25-35	10	25
35-45	9	22
45-55	7	17
55 & above	3	7.5
Total	40	100

Source: Field survey, 2010

Age is an important factor to determine their knowledge, skill and practice on the topic. The collected samples are categorized into five major groups, each keeping the interval of ten. The first category starts from 15 and last from 55 and above. Above table shows that majority belongs to the age group 15-25 which is 11 i.e. 27.5% Out of 40. Similarly, the second largest group is 35-45 which constitutes 9 i.e. 22% and rest are 45-55, 55 and above which has 7 and 3 (17% and 7.5%) respectively.

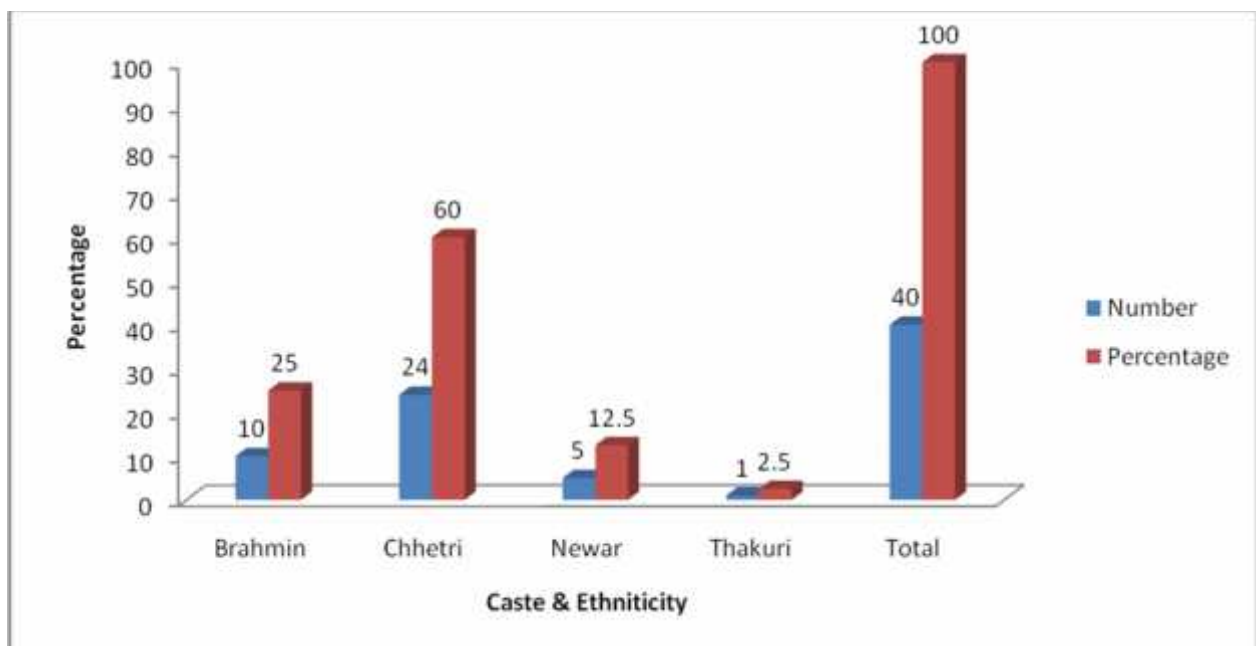
**Table 4.2: Respondents by caste and ethnicity:**

S.N.	Caste/Ethnicity	Number	Percentage
1	Brahmin	10	25
2	Chhetri	24	60
3	Newar	5	12.5
4	Thakuri	1	2.5
Total		40	100

Source: Field survey, 2010

Caste and ethnicity also play a key role to know the attitude of respondents on the topic. This gives information about source of respondent and their view regarding women's property right. According to this table maximum number of respondents belongs to chhetri cast. Chhetri occupies 60% of total respondents whereas Brahmin, Newar, thakuri occupies 25%, 12.5%, and 2.5% of total respondents respectively.

**Fig 3: Respondents by caste and ethnicity**



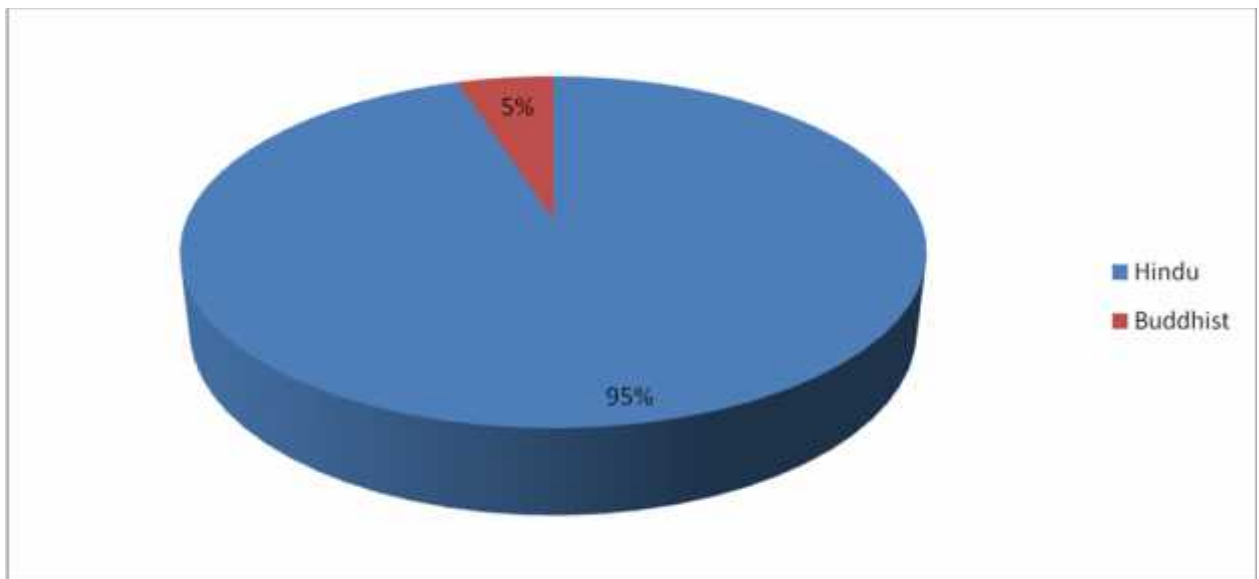
**Table 4.3: Respondents by religion**

S.N	Religion	Number	Percentage
1	Hindu	38	95%
2	Buddhist	2	5%
Total		40	100

Source: Field survey, 2010

Different religion has got its own culture and belief. So, their view on women's property right might be influenced by their religious belief. In his study views of only two religious group, namely Hindu and Buddhist are found. Hindu respondents are found to be prevalent in that population. 95% of the respondents are Hindu whereas remaining 5% are Buddhists.

**Fig. 4: Respondents by Religion**



**Table 4.4: Respondents by family structures**

S.N.	Family Structure	Number	Percentage
1	Joint	15	37.5
2	Nuclear	25	62.5
Total		40	100

Source: Field Survey, 2010

Two types of family have been found in the field survey i.e. joint family and nuclear family. From above table we can observe that 62.5% of total respondents are from nuclear family whereas remaining 37.5% are from joint family. So majority of respondents in this study are from nuclear family.

**Table 4.5: Respondents by Educational Status:**

S.N.	Educational Status	Number	Percent
1	No Education	13	32.5%
2	Below S.L.C	6	15%
3	S.L.C. & Intermediate	11	27.5%
4	Graduation & above	10	25%
Total		40	100

Source: Field survey 2010

Note: No education:- only some of them who can just read and write who were above the age of 40.

Education is the bulwark of the society. It is one of the basic needs of the people. Level of education reflects the overall configuration of the community. Higher education level determines the holistic perfection in the circumstance i.e. health, sanitation, per-capita income, level of awareness and ultimately standard of living. However these all are inter-

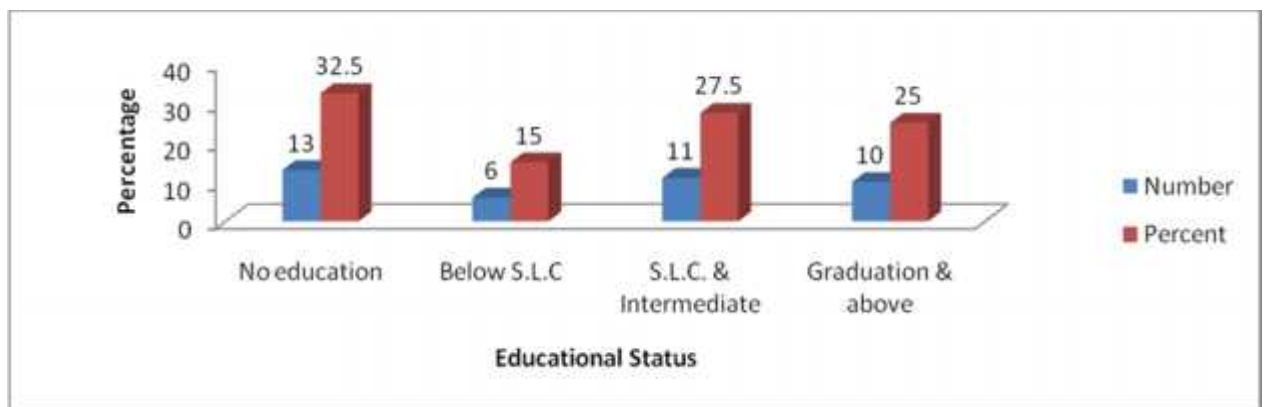


related the overall literacy rate in 2001 census was 54.1% for both sexes, and 65.5% for male and 42.8% for female.

Views regarding women’s property right are somehow influenced by educational status.

In this study, both educated and uneducated respondents have been taken. Among total respondents 32.5% are uneducated. 15% of respondents are educated but not passed S.L.C. 27.5% are either S.L.C. passed or intermediate passed. Finally 25% of total respondent are graduate and above.

**Fig. 5: Respondents by Educational Status**



**Table 4.6: Marital Status**

S.N.	Marital Status	Number	Percentage
1	Married	32	80%
2	Unmarried	8	20%
Total		40	100%

Source: Field survey, 2010

On the basis of marital status, in this survey majority of respondents are married i.e. 80% of total respondents. Only 20% are unmarried.

**Table 4.7: Respondents by Occupation**

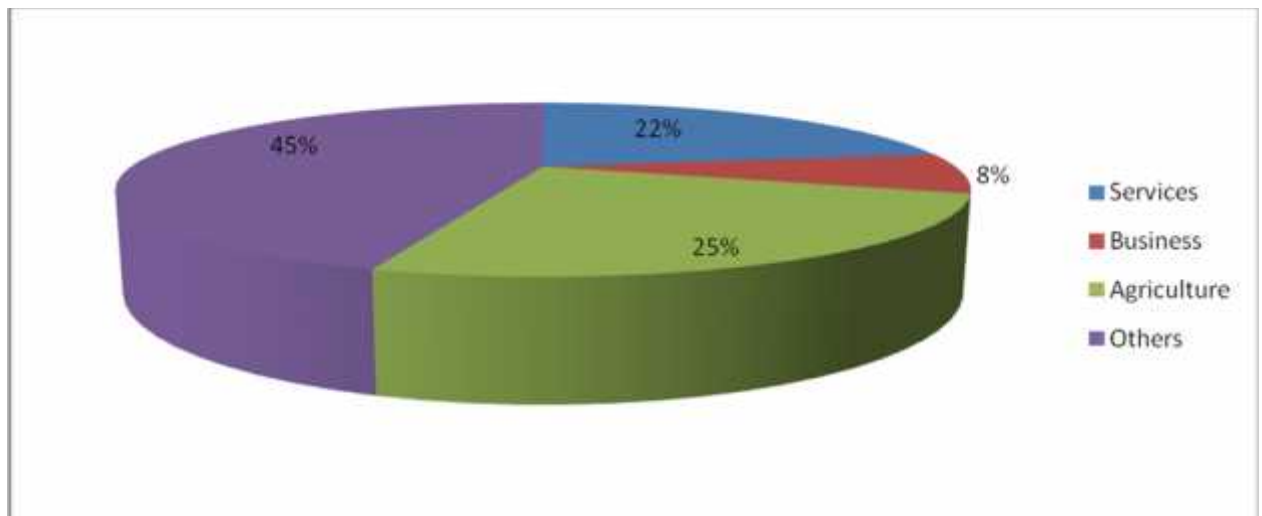
S.N.	Occupation	Number	Percent
1	Services	9	22.5%
2	Business	3	7.5%
3	Agriculture	10	25%
4	Others	18	45%
Total		40	100

Source: Field survey, 2010

Note: other includes labour, students and homemaker.

Occupation also plays a key role to hit the issue. Table 7, shows the information about their occupation. Out of 40 respondents, 22.5% women are engaged in services, whereas 7.5% are engaged in business. Similarly, 25% women are engaged in agriculture and women who are engaged in other are 45%. These shows larger number of respondents are engaged in other like; labor, student and housewives whereas least number of respondents are engaged in business. The population volume of the different occupation group is presented in the following pie-chart too.

**Fig. 6: Respondents by Occupation**



**Table 4.8: Views of respondents on legal provision to both male and female towards equal rights.**

S.N.	Respondents	Number	Percentage
1	Yes	16	40%
2	No	19	47.5%
3	Cannot say	5	12.5
Total		40	100%

Source: Field survey 2010

Even the law has given rights to women, there are still some cases where the society has not given any attention to the law and the women are being affected by such practices than men. Table 8 shows that out of 40 respondents, 40% women said yes on legal provision toward equal rights for both male and female. 47.5% women said No and 12.5% women said nothing. This shows, majority of women replied that they are not satisfied on legal provision for giving equal rights to women as men have.

**Table 4.9: Respondent's participation in the program advocating rights of women**

S.N.	Respondents	Number	Percentage
1	Yes	9	22.5%
2	No	31	77.5%
Total		40	100%

Source: Field survey, 2010

As we know that there are lots of programs have been conducting to raise the voice and right of women. According to this table, out of 40 respondents 22.5% respondents have participated in the program advocating rights of women but remaining 77.5% respondents have never participated in the program advocating rights of women.

This shows that most of the women are still suppressed, subordinated and dominated. There is still prevailing culture of silence in our society.

**Table 4.10: Perception on equal right for son and daughter to parental property**

S.N.	Perception	Number	Percentage
1	Positive	36	90%
2	Negative	4	10%
Total		40	100%

Source: Field survey, 2010

Despite the law has given equal right to women to their parental property but there are some cases where the society has not given any attention to the law.

According to this table, 90% respondents have positive perception on equal right for son and daughter to parental property whereas 10% respondents have negative perception on equal right for son and daughter to parental property.

This analysis shows that majority of the respondents have positive attitude towards equal right for son and daughter to parental property.

**Table 4.11: Effect of participation on Girls Education**

S.N.	Respondents	Number	Percentage
1	More participation	29	72.5%
2	Less participation	11	27.5%
Total		40	100%

Source: Field survey, 2010

Above table shows that 72.5% respondents have said that giving property to daughters would not affect on girl's education rather it will enhance their participation. But 27.5% respondents said less participation.

**Table 4.12: Views of respondents on the issue of Women's property right**

S.N	Response	Number	Percentage
1	Agree	33	82.5%
2	Disagree	4	10%
3	Uncertain	3	7.5%
Total		40	100%

Source: Field survey, 2010

According to this table, 82.5% of the respondents are agreed with the issue of property right whereas 10% of the respondents are disagreed with the issue of women's property right and rest 7.5% of the respondents are uncertain about this issue. It can be said that majority belongs to agree so this issue is effective for women.

**Table 4.13: Ownership of property**

S.N.	Response	Number	Percentage
1	Yes	15	37.5%
2	No	25	62.5%
Total		40	100%

Source: Field survey, 2010

From the above table, 37.5% of the respondents have said that they have their own property that is registered in their names on the contrary 62.5% of the respondents have said that they do not have their own property in their names.

**Table 4.14: Views of respondents on right given by society and law to women**

S.N.	Response	Number	Percentage
1	Social right are not adequate as per law	22	55%
2	Society has given more right to women	1	2.5%
3	There is no value to the rights given to women	17	42.5%
Total		40	100%

Source: Field survey, 2010

According to this table, large number of respondents i.e. 55% have said social right are not adequate as per law on the contrary 2.5% of the respondents have said society has given more right to women and rest 42.5% of the respondents said there is no value to the right given to women.

**Table 4.15: Respondents views on gender equality through property**

S.N.	Response	Number	Percentage
1	Yes	17	42.5%
2	No	8	20%
3	To some extent	15	37.5%
Total		40	100%

Source: Field survey 2010

From the above table, 42.5% of the respondents said property right could be a pathway to gender equality whereas 20% of the respondents said property right could not be a pathway to gender equality and rest 37.5% of the respondents said to some extent it could be a pathway to gender equality. It can be said that majority said yes to achieve gender equality through property.

**Table 4.16: Respondents view on giving equal property right to women as equal affect the society.**

S.N.	Response	Number	Percentage
1	Yes	16	40%
2	No	14	35%
3	Do not know	10	25%
Total		40	100%

Source: Field survey, 2010

According to this table, out of 40 respondents, large number of respondents said giving rights to women as equal to men affect the society but on the contrary 35% of the respondents said giving right to women as equal to men would not affect the society and rest 25% of the respondents did not mention their opinion.

**Table 4.17: View's of respondents on women exploitation due to property**

S.N.	Response	Number	Percentage
1	Increase	14	35%
2	Decrease	12	30%
3	No idea	14	35%
Total		40	100%

Source: Field survey, 2010

Above table shows that out of 40 respondents, 35% of the respondents have said if women got property, women exploitation will be increased. 30% of the respondents have said women exploitation will be decreased and 35% of the respondents have mentioned nothing about this issue. In the conclusion, it can be said that if women get property exploitation will be high rather than low. There could be more male domination in the case of property. It might bring social evils and crime too.

**Table 4.18: Impact on family relationship**

S.N.	Response	Number	Percentage
1	Positive	11	27.5%
2	Negative	16	40%
3	No effect	13	32.5%
Total		40	100%

Source: Field survey, 2010

According to this table, 27.5% of the respondents have said positive impact on family relationship but 40% of the respondents have said negative impact on family relationship and rest 32.5% of the respondents have said no effect on family relationship. Analyzing the views of majority, property could bring negative impact on family relationship.

**Table 4.19: Respondent's View to overcome the constrains for gender equality**

S.N.	Response	Number	Percentage
1	We should change our attitude	22	55%
2	Bring a change to our conservative thoughts	18	45%
3	Your opinion	----	----
Total		40	100%

Source: Field survey, 2010



Out of 40 respondents, 55% of the respondents have said that they should change their attitude to overcome the constraints for gender equality whereas 45% of the respondents have said bring a change to our conservative thoughts but no one has given their own opinion about this.

**Table 4.20: patriarchy society is a constraint for giving equal right**

S.N.	Response	Number	Percentage
1	Yes (It is the main cause)	24	60%
2	No	4	10%
3	Cannot say	12	30%
Total		40	100%

Source: Field survey, 2010

According to this table, 60% of the respondents are of the views that patriarchy society has become a constraint for giving equal right to women but on the contrary, 10% of the respondents are of the views that patriarchy society has not become a constraint for giving equal right and rest 30% of the respondents are not sure about whether patriarchy society has become a constraint for giving equal right to women or not.

**Table 4.21: Difficulties due to lack of property**

S.N.	Response	Number	Percentage
1	Educational access	10	25%
2	Economic dependency	16	40%
3	Domination	14	35%
4	Others		
Total		40	100%

Source: Field survey, 2010

Out of 40 respondents, majority (40%) of the respondents have mentioned the difficulty of economic dependency due to lack of property. 25% of the respondents have said difficulty in education due to lack of property and 35% of the respondents have said domination due to lack of property.

**Table 4.22: Access to credit**

S.N.	Response	Number	Percentage
1	Yes (Bank)	9	22.5%
2	No	31	77.5%
Total		40	100%

Source: field survey 2010

Above table shows that 22.5% of the respondents have got the access to credit. On the contrary, 77.5% of the respondents have not got access to credit. This shows that most of the women do not have access even to credit. So it can be said that access to and control over to property is beyond their imagination.

**Table 4.23: suggestion to bring out gender equality**

S.N.	Response	Number	Percentage
1	Property	1	2.5%
2	Creating awareness	14	35%
3	Giving equal opportunities in every sphere of life	25	62.5%
Total		40	100%

Source: Field survey, 2010

According to this table, 62.5% of the respondents have said equal opportunities should be given in every sphere of life to bring out true gender equality. 35% of the respondents have said creating awareness and 2.5% have said property. So, it can be said that property cannot solve all the problems of gender discrimination. Creating awareness and giving equal opportunities in every sphere of life is also essential to improve women's positive in the society.

## **CHAPTER V**

### **5.1 Summary, Conclusion and Recommendation**

This chapter presents overall summary of the study and its conclusion and recommendation which could be a resource for future studies.

### **5.2 Summary with major findings**

Human rights are rights claimed against the state and society by virtue of being a human being. However, the human rights of most people have been continuously violated all around the world. Since all civilizations have been patriarchal, regardless of the overall human rights conditions maintained in a society, women have been subject to more human rights violations than men. Women constitute the poorest and the least powerful segments of their communities. They are denied equal access to education, job, training, employment, leisure time, income, property, health care, public office, decision-making power and freedoms as well as control over their own body and life. Cultural norms, laws and philosophies, including those that are considered progressive and emancipator, have usually discriminated against women.

Inequalities between men and women exist in both developed and developing countries. In case of Nepal, gender inequality exists in every sector such as education, health, economic and political participation etc. Therefore, the participation of men and women is very unequal in these sectors while men are highly enjoying in these sectors and women are depriving.

Inequality between men and women limits the potential of individual, families, communities and nations so gender inequality hampers in every aspect of development. The United Nations has been doing several works for women since its establishment, 1945. Nepal is also confined in the UN members in 1955. Therefore UN conventions have been adopted in the national policy and programs. After the political change of 1951, various laws were excluded as sati-system, polygamy and unequal marriage.

Women's property right was adopted under 6<sup>th</sup> amendment of civil code, 1975, but such property was codified for the first time in 1832 during the regime of king Surendra Bikram Shah. The constitution of kingdom of Nepal, 2047 has also preserved the women's property right but that property could get only after the age of 35 years that she should be unmarried or after the 15 years duration of marriage when she separates with husband. But, 11<sup>th</sup> amendment of Muluki ain, 2058 B.S (2001 AD) has provided equal property from birth.

The main objective of this study was to generate the views of women whether property could be a pathway to gender equality or not which was also moving around its specific objectives. Descriptive as well as analytical research design was followed in this study. To select the respondents, purposive sampling was used because the targeted respondents were women. The study was primarily based on the information collection during the field survey by administering questionnaire and interviews and focus group discussion which was conducted in ward no. 2, Naikap, Purano Bhanjyang. Altogether 40 respondents were selected to generate their attitude towards the subject matter.

In this study, total respondents were divided into five categories keeping the interval of ten. While talking about its socio-economic compositions, four types of caste/ethnicity were found in the study area and most of them belonged to chhetri (60%). Majority of the respondents were Hindu (95%) and few were Buddhist (5%). Similarly, majority of the respondents were literate and few respondents were illiterate (32.5). The number of respondents lives in nuclear family (62.5%) and rest 37.5% live in joint family. In marital status, 80% female were married and 20% were unmarried.

Occupationally, most of the respondents did not have their outside earning because most of the respondents were students and housewives which has been indicated as others i.e. 45%, 25% belongs to agriculture, 22.5% respondents have been engaged in services and rest 7.5% have been involved in business.

From the findings of the analyzed data which has been achieved through the questionnaires shows that most of the respondents agreed with the issue of property right

i.e. 82.5% but some reacted negatively thinking that it might destroy family relationship and create social evil.

In the ownership of property, most of the respondents do not have their property in their name (62.5%). Only 37.5% have their property in their name. Majority of the respondents expressed we should change our attitude and thoughts to overcome the constraints for gender equality.

Most of the respondents have faced economic dependency due to lack of property i.e. 40%, 35% faced domination and 25% faced difficulty in education. Majority of the respondents have suggested giving equal opportunities in every sphere of life i.e. 62.25%, 14% suggested for creating awareness for other intangible property rather than tangible property.

### **5.3 Conclusion**

The civil code of 1964 (Muluki Ain) guaranteed increased rights to women by abolishing untouchability, caste and sex discrimination, child marriage, polygamy and incompatible marriage. However, gender discrimination still persists widely both within the law and in its customary application. They lack access to the “outside world” of information, knowledge and resources.

Though, most of the respondents agreed with the issue of property right especially younger generation that belongs to the age group of 15-45 responded with a positive view towards this issue. For example, they do not have to face the difficulty in education, domination and economic dependency while the older generation that belongs to the age group of 45 and above reached negatively e.g. it might create social disorder, more preference would be given to property rather than individual.

From the overall study, a conclusion has been drawn that most of respondents are in favour of giving equal rights to women but not the property right. They think that Nepalese level of acceptance could not reach far to accept this issue so easily for which

more awareness and proper education system is required. It can be said that property could be a pathway to gender equality to some extent but cannot resolve the problem of gender inequality. Only giving right to property could not settle the problem of gender discrimination. To bring out true gender equality most of the respondents said that we should change our attitude and equal opportunities should be given in every sphere of life.

Most of respondents prefer to get intangible property like right to education, knowledge, skill, employment, health, right to marriage and family life, equal treatment in legal and court proceeding rather than tangible property to eliminate a big gap of gender inequality.

## **5.4 Recommendations**

Based on the above conclusion of the study, following recommendations are made;

### **5.4.1 Recommendation for Government**

**Uplift women's status:** since women's status in health, education, political participation, income generation is very poor and they lack self confidence, decision making, access to policy making and human rights, the concerned agencies need to develop programs on the above issues making special focus to women.

**Introduce Gender Sensitive Curriculum:** To change the mindset of Nepalese society, which is by and large dominated by conservative patriarchal norms based on religion and custom, a gender sensitized curriculum should be developed from school to university level, as well as for various training programs for the police, judiciary, and administrative college.

**Women participation in Law making process:** To ensure gender neutral laws, women's participation in the law making process should be ensured by reservation of seats in house of representatives and National Assembly. Moreover, women should also be involved in decision-making at the level of local self government.

**Investigation Procedure:** Nepal's investigation and prosecution systems are far below the minimum standards accepted by the standard norms of criminal justice. Use of

Forensic Science has not been developed adequately. Hence, the state has to provide an effective investigation mechanism in cases related to violence against women.

#### **5.4.2 Recommendation for the civil society**

**Increase Sensitization/Awareness Programs:** Sensitization and Awareness campaigns should be needed to overcome practices (both de jure and de facto) that discriminate against women and to eliminate discriminatory laws. Gender sensitization programs for policy makers, planners, political leaders, high level government officials, judges, legal professionals, police, law makers, and media professional should be launched in a massive way.

#### **Organize Periodic Training for Law Enforcement Agencies:**

Periodic training is a must for law enforcement agencies to make them aware of new laws, precedents and new development in the national and international arena in the field of feminist jurisprudence development and other aspects.

#### **Study of Impact of Affirmative Actions:**

As a few corrective initiatives have been taken under the constitution, Labor Act (LA), Civil Services Act (CSA), Local Self Governance Act (LSGA) and Country Code (CC) of Nepal to eliminate historical and existing discrimination against women, a study has to be conducted to see the impact of such a substantive approach of equality on women's lives and the areas that need to be addressed with affirmative action.

#### **Capacity Building:**

Capacity building of women should be conducted to create an enabling environment for them to access opportunities to participate in every sector. This also includes capacity building for gender analysis for planning, implementation and monitoring programs.



### **5.4.3 Recommendation for Further Research**

This study is confined to small sample size and small part of the Naikap VDC. It has not covered all the scenario of national level as well as Naikap VDC. So, this study can not generalize the views on this issue as a whole. Therefore it would be suggested for the further research that it would be better to take all parts of the society like urban and rural and should be included all type of respondents like men and women. On the other hand, this study has included limited variables to know the views about the issue. Thus, it is also essential to cover other influencing variables to study more deeply about this issue.

## REFERENCES

- Agrawal, B. (1994). *Household Property and Women's Property: Gender and Land Rights in South Asia*, New Delhi.
- Civil Code of Law, (1963). *Women's Inherited Property: Clause 14 Civil Code*, Kathmandu.
- FWLD, (2006). *Discriminatory Laws in Nepal and their Impact on Women*, Kathmandu: Forum for women, Law and Development.
- HMG, (2002). *The Tenth Plan*, Kathmandu: National Planning Commission.
- HMG/ NPC/ UNICEF (1996). *Children and Women of Nepal: A situation analysis*, Kathmandu.
- HMG\NPC. (2003). *Nepal in Figure: The Central Bureau of Statistics*.
- ILLR. (1996). *Institute for Legal Research and Resources: Parental Property, Rights to Daughter and son*.
- Interim Constitution of Nepal (2063). *Third Amendment: 2064*, Kathmandu, Baudhik Darpan Prakashan.
- Jagaran Nepal (2007). *Status of Women in Political Parties: A Research Report*, Kathmandu.
- Loris Ashford, (March 2001). *Population Bullatein, New Population Policies: Advancing Women's Health and Rights*, vol. 56, No. 1.
- Majupuria, I. (2002). *Nepalese Women: Major Reforms by 11<sup>th</sup> Amendment Bill*, India: Meerut University.
- Majupuria, I. (2007). *Nepalese Women: Women's Property*, India: Meerut University.

Shrestha, G.B. (2057 B.S.). *Law of Property: of Women's Property*, Kathmandu: Pairavi Prakashan.

U.N. (2008). *Women 2000 and Beyond: The role of Men and Boys in Achieving Gender equality*.

UN. (1993). *Human Rights, Discrimination Against Women: The Convention and the Committee*, Fact Sheet, No. 22.

UNDP, (2004). *Nepal Human Development Report: Improvement and Poverty Reduction, Nepal*.

*Women's property Movement in Nepal*, available at: <http://www.gefont.org>.

Zehra F. Kabasakal Arat. (2008). *Women's Rights as Human Rights: The Promotion of Human Rights as a Counter- culture*.

Annex

**Women's Property Right: A Pathway to Gender Equality**  
**(A study of Purano Bhanjyang, Naikap, ward no. 2, Kathmandu)**

**Field Survey Questionnaires**

Name of the Interviewee:

Age:

Caste\Ethnicity:

Religion:

Family Structure:

Educational Status:

Marital Status: Married \ Unmarried

Occupation: Service\ Business\ Agriculture\ Others

1. Do you think the legal provisions have given equal rights to both male and female?

- (i) Yes
- (ii) No
- (iii) Can not say

2. Have you ever participated in the program advocating the rights of women?

- (i) Yes
- (ii) No

3. What is your perception on equal right for son and daughter to parental property?
  - (i) Positive
  - (ii) Negative
  
4. How will it effect on girl's education?
  - (i) More participation.
  - (ii) Less participation.
  
5. Do you agree with the issue of women property right?
  - (i) Agree
  - (ii) Disagree
  - (iii) Uncertain
  
6. Do you have your own property?
  - (i) Yes (i) House (ii) Land (iii) Bank Balance (iv) Cattle (v) Others
  - (ii) No
  
7. Does our society give equal right to women as being given by law?
  - (i) Social rights are not adequate as per law.
  - (ii) Society has given more right to women.
  - (iii) There is no value to the rights given to women.
  
8. Do you think property right could be a pathway to gender equality?
  - (i) Yes
  - (ii) No

(iii) To some extent

9. Do you think giving rights to women as equal to men affect the society?

(i) Yes

(ii) No

(iii) Do not know

10. How would it affect the prevailing women exploitation?

(i) Increase

(ii) Decrease

(iii) No idea

11. What is its impact on family relationship?

(i) Positive

(ii) Negative

(iii) No idea

12. What should we do to overcome the constraints on women property right for gender equality?

(i) We should change our attitude

(ii) Bring a change to our conservative thoughts

(iii) Your opinion

13. Do you think patriarchy society has become a constraint for giving equal right to women?

(i) Yes

- (ii) No
- (iii) Cannot say

14. What are the difficulties you face due to lack of property?

- (i) Education
- (ii) Economic Dependency
- (iii) Others

15. Have you got access to credit?

- (i) Yes (i) Bank (ii) Cooperative (iii) NGO\ INGO (iv) Others
- (ii) No

16. What is your suggestion to bring out the gender equality?

- (i) Property
- (ii) Creating awareness
- (iii) Giving equal opportunities in every sphere of life.