

Perception and Practices of Parental Property Right To Women in Nepal

A Dissertation

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Submitted By

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LETTER OF RECOMMENDATION

We certify that this dissertation entitle **Perception and Practices of Parental Property Rights To Women in Nepal (A Sociological Study from the Students (LLM and BALLB) of Different Law Colleges of Kathmandu Valley)** submitted to the office of Dean, Faculty of Humanities and Social Sciences, Department of Sociology/Anthropology, Tribhuvan University, Kirtipur, to fulfillment of the requirement for the Ph.D. Degree in Sociology is and original record of independent research work carried out by Mr. Chiranjivi Acharya under our supervision and guidance. It has not been previously submitted anywhere else for the award of any Degree of for any other similar title. To the best of our knowledge, the study is original, carries very much useful information in the field of Perception and Practices of Parental Property Rights to Women in Nepal. We hereby, wish all the best for his bright future and success in forthcoming days.

.....
Prof. Dr. Keshav Kumar Shrestha
Supervisor

.....
Dr. Chandra Kanta Gyawali
Co-supervisor

DECLARATION

I hereby declare that this Ph.D. Dissertation entitle **Perception and Practices of Parental Property Rights To Women in Nepal (A Sociological Study from the Students (LLM and BALLB) of Different Law Colleges of Kathmandu Valley)** submitted by me to the office of Dean, Faculty of Humanities and Social Sciences, Tribhuvan University (T.U.), Nepal is an entirely original work prepared under the supervision and guidance of Prof. Dr. Keshav Kumar Shresta, and Co-guide Dr. Chandra Kanta GyawaliI have made due acknowledgements to all ideas and information borrowed from different sources in the course of writing this dissertation. The result presented in this dissertation has not ever been presented or submitted any where else for the award of any degree of for any other purposes. No part of the contents of this dissertation has ever been published in the form or a part of any book. I am solely responsible if any evidence is found against me declaration.

Chiranjivi Acharya

March 2015

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It is my pleasure to illustrate here that, I have accomplished my Ph.D. dissertation on **Perception and Practices of Parental Property Rights To Women in Nepal (A Sociological Study from the Students (LLM and BALLB) of Different Law Colleges of Kathmandu Valley)**. During the period, many prominent individuals and Institutions have supported me to obtain adequate information and knowledge related to my research work. I am thankful to all of them. At first, I would like to express my heartfelt gratitude to Prof. Dr. Chintamani Pokharel, Dean, Faculty of Humanities and Social Science, Tribhuvan University for his precious suggestions and necessary support. My sincere and heartfelt thanks goes to Prof. Dr. Keshav Kumar Shrestha for his guidance and invaluable suggestions as a supervisor to complete this dissertation. Likewise, I would like to express my warm gratitude to Dr. Chandra Kanta Gyawali who helped me as a co-guide to complete my Ph.D. dissertation. Similarly, I would like to express my gratitude to all Assistant Deans of Dean Office, Faculty of Humanities and Social Science for their valuable suggestion and help and cooperation

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Abstract

The “Property is a set of social relations. Embedded in these are social behaviour and gender relations”. Since the capacity to act is circumscribed to a large extent by the forms of familial, conjugal and kinship relations, the degree of women's independence in rural world and another hand the right, in any form of property, are claims that are legally and socially recognized and enforceable by external legitimized authority. The property can be acquired through gifts, through inheritance, and through work/earnings. The last also presupposes the ability to work and earn which requires some level of skill/education, and/or access to productive resources (land, capital). For women, these prerequisites are also decided and defined through social-cultural prescriptions. Property rights matter for their effects on economic inequality and economic performance, and they unfold at the intersection of law, the state, politics, and the economy.

Historical parental property rights systems are different systems of property rights among various people. Anthropological and sociological studies have been made about customs of parental property, inheritance, where only male children can inherit or have rights of parental property. Some cultures also employ matrilineal succession, where property can only pass along the female line, most commonly going to the sister's sons of the decedent; but also, in some societies, from the mother to her daughters. Some ancient societies and most modern states employ egalitarian inheritance, without discrimination based on gender and/or birth order. Western societies around the world, finds consistent correlations between the gender and birth order of a child and his or her outcome in life, and these include differences in the degree of property control: the first son, in comparison to other sons, has more control of property.

Scholarly defined that the parental property equal rights is the rights of son and daughter upon parents’ properties, rights to ownership into the parents’ properties, rights to get properties earned by parents, rights of properties acquired in accordance with the inheritance, ownership rights to house, money, land and other properties earned by parents and forefather.

This dissertation is prepared on the basis of social theory, economic theory, political theory, distributive justice theory, labour theory of property, women development theories (WIN, WAD, GAD and GEA). Cultural theory, Dependency theory and basic needs approach, capability approach and eco-feminism approach theories.

This Ph.D. Dissertation entitle “**Perception and Practices of Parental Property Right To Women in Nepal {A study from the students of different Law Colleges of Kathmandu Valley}**” is carried out with objectives to find out the perception and practices of parental properties distribution system between son and daughter, to explore the cause and factors to enhancing unequal property distribution system between son and daughter, to examine the consequences of equal rights on parental property between son and daughter and to analyze the changes in parental property distribution systems after Democracy restoration 2046 B.S. The appropriate research questionnaires were set out according to the objectives

This study will be significant reference source for the person and institution that are associated in concerned field and also will be useful to Nepal government for further formulation of the necessary policy program on parental property rights. This study has been widely coverage issues of parental property rights’ ie concept, definition, practice, perception, policy and programs by global, continental regions, SAARC regions and nations self. There has been restricted till some points to collect and analyzed the irrelevant information which means researcher has been not collected the information besides parental property equal rights. This small sample size can not generalized to whole nation. But it will be helpful to conceptualize the importance of issues to formulation the part of policy programs for intervene of the present problems regarding parental property equal distribution between son and daughters. The study has been organized into 10 chapters.

This study is based on cross sectional descriptive and analytical types of research design and it has been carried out the qualitative and quantitative information from primary and secondary sources. The study has been analyzed the perception and practice of people, socio cultural, economic and political influence in the parental property equal rights of male and female. The qualitative information was collected from focus group discussion and micro level observation of non human being creature’s communities and reviewed different publications, national and international

journal, empirical research reports, report of national and international conventions' declaration, scholars articles, focus group discussion and direct interview of respondent and quantitative information was generation the basis of research questions. The required information were collected through census methods in the law campuses of the Kathmandu Valley using the purposive sampling methods. Furthermore, 12 people were selected from same study population for focus group discussion. The non human community members were selected as purposively to observation of their creativity sharing and demanding the properties owned by their family members or members of homogenous communities. Total 293 students of LLM, and BALLB level from Law Campuses of Kathmandu Valley were directly interviewed using pre-structured questionnaires. The focus group discussion was done according to certain pre-planned framework in the specific issues. Micro level observation was done into three different non human creature communities. The collected data was edited (data entry, processing, scrutiny, tabulation etc), post code and process in the computer. The data were analyzed by used of statistical data management software program- SPSS, P4C by generating frequency table and cross tables to describe the basic characteristic and examine the relationship between independent and depended variables.

Among the study population. 53.9 percent were male and rest were female. 53.9 percent population were from age group 20-24 years. Major 4 caste/ethnic group namely Brahmin, Chhetri, Newar and Gurung were recognized highest percent (93.2%) were Hinduism.

There is no similarity in the meaning of parental property perceiving by culturally different people. The gender discrimination is the biasness in holistic rights and achievement on the basis of gender. Basically, socio-culture, norms, value, belief, culture transformation, generation transformation, low education level, joint family system, son preference society, male dominant society, agricultural occupation, dowry system, unequal property distribution between son and daughter, ignorance are the main reasons of gender discrimination. The exiting parental property equal rights act, law and policy programs are rightful by various reason but needs to be strongly implemented. Furthermore, monitoring and evaluation part need to be conducted to measures the level of its effectiveness. The parental property equal rights for women

is more appropriated by various dimensions. However, the parental property equal rights system could be helpful to reduce the poverty. The majority of the study populations have recommended for the equal education opportunity to both sons and daughters rather than distribution of the equal properties of parents. The urban residential women are highly facilitated and enjoying of their rights comparing to rural women so which is not justice to compare the urban - rural women's life style in Nepal.

The society people are very afraid with possibility of un-intimacy between sisters and brotherhood, family clash and division of properties into small pieces after providing the equal parental property. The equal demand of properties owned by family members of homogenous groups, and semi homogenous group is also in practice in non human being creatures communities for their equal existing, equal prestige and equal dignity within their respective communities. Therefore, the parental properties equal rights for female are also the demand of female for their equal existing, equal prestige and equal dignity within their respective societies. So the existing parental property equal rights need to be strongly implemented with effective and respective ways as a fundamental right for basic needs. But equal distribution system of parental property should be used until not properly implementation or practices for the provision of equal sustainable education for son and daughter. Thereafter, the provision of parental property equal rights does not need like developed countries.

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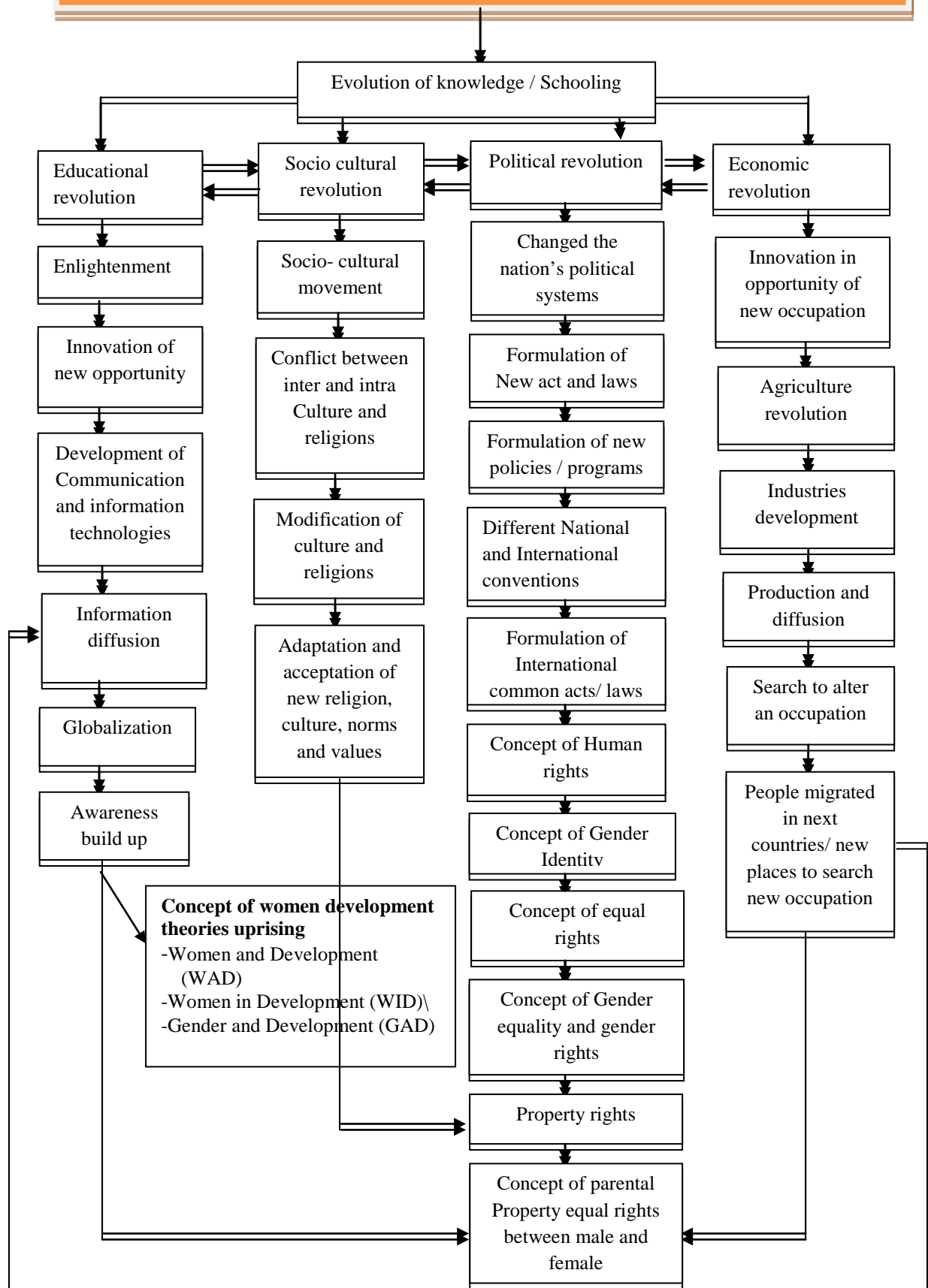
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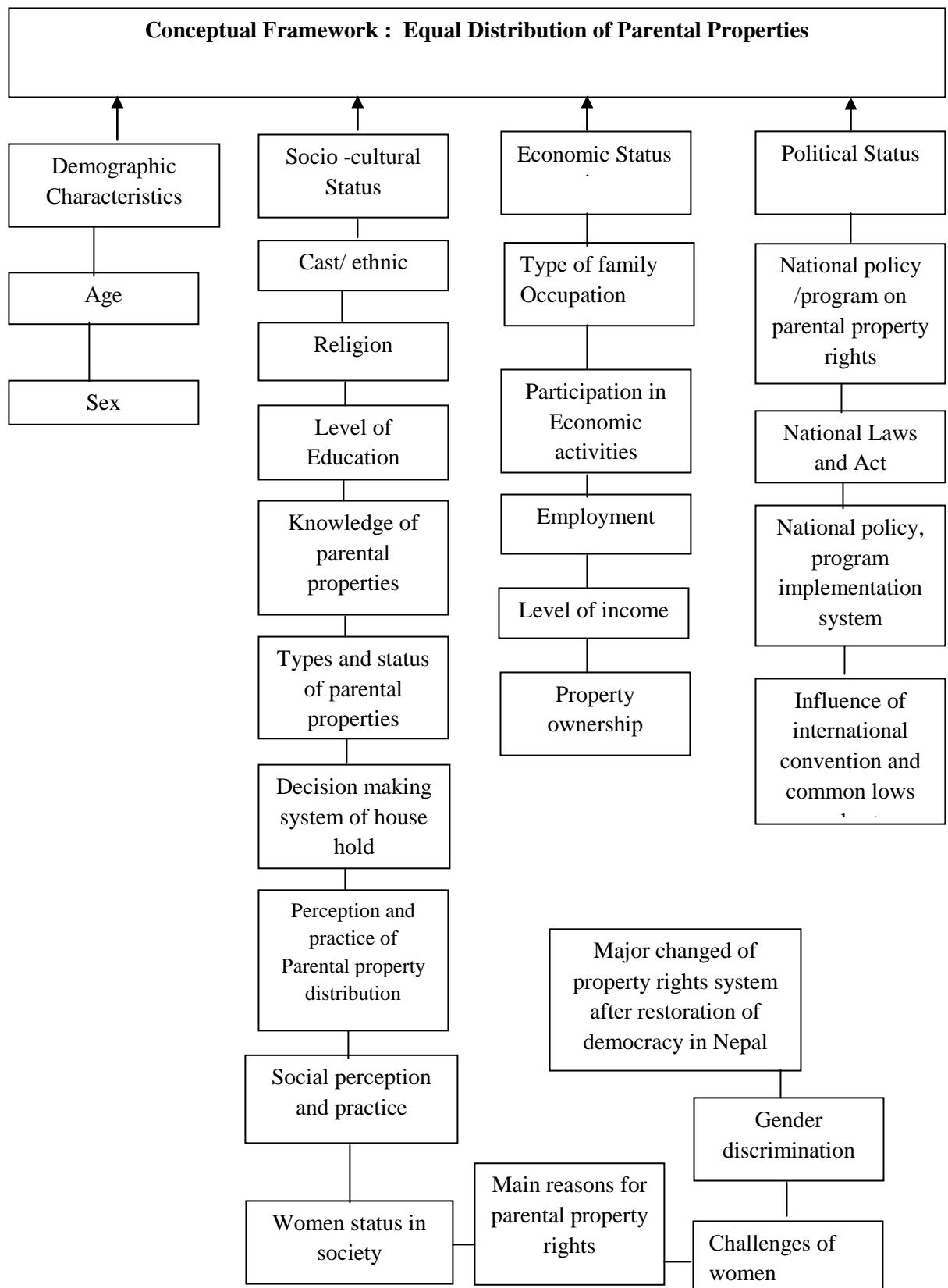
AC HPR	:	African Commission on Human and People Rights
BALLB	:	Bachelor in Arts of Law
BBC	:	British Broadcast Channel
BC	:	Before Christ
BPA	:	Beijing Plate form Action
BS	:	Bikram Sambat
CBS	:	Centre Bureau of Statistics
CEDAW	:	Committee on the Elimination of Discrimination Against Women
CEDAW	:	Convention on Elimination of all forms of Discrimination Against Women
CNN	:	Cable News Network
CPN (ML)	:	Communist Party of Nepal, Marxist Leninist
CPN (UML)	:	Communist Party of Nepal, United –Marxist Leninist
CSA	:	Civil Service act
CSRC	:	Community Self Reliance Center
ECOSOC	:	Economic and Social Council
FAO	:	Food and Agricultural Organization
FWLD	:	Forum for Women Law and Development
FWLD	:	Forum for Women, Law and Development
GAD	:	Gender and Development
GEA	:	Gender Equality Act
GN	:	Gender-neutral / non-discriminatory
GO	:	Governmental Organization
HRTMCC	:	Human Rights Moot Court Competition
ICCPR	:	International Convention on Civil and Political Rights
ICESCR	:	International Convention on Economic Social and Cultural Rights
ICESCR	:	International Covenant on Economic, Social and Cultural Rights
INGO	:	International Non Governmental Organization
IPR	:	Intellectual Property Rights
IPU	:	Inter-Parliamentary Union
J/D De	:	Jure Direct Discrimination

J/I De	:	Jure Indirect Discrimination
JICA	:	Japanese International Cooperation Agency
LLB	:	Bachelor in Law
LLM	:	Master In Law
MDG	:	Millennium Development Goal
NC	:	Nepali Congress
NCA	:	Nepal Citizenship Act
ND	:	Non-discrimination / equal-rights principle explicitly stated
NGO	:	Non Governmental Organization
NLC	:	Nepal Law Commission
NPC	:	National Planning Commission
RPP	:	Rastriya Prajatantra Party
SAARC	:	South Asian Association for Regional Cooperation
SM	:	Special measures to advance women
TAFPPRU	:	Theoretical Analytical Framework of Parental Property Rights Uprising
UDHR	:	Universal Development for Human Rights
UK	:	United Kingdom
UN	:	United Nations
UNDP	:	United Nation Development Programme
UNDR	:	United Nation Development Regions
UNFPA	:	United Nation Fund for Population Activities
UNHR	:	United Nation Human Rights
UNICEF	:	United Nations Children's Fund
UNSCR	:	United Nations Security Council Resolution
UNTC	:	United Nations Treaty Collection
UNUDHR	:	United Nation Universal Development for Human Rights
UNUDHR	:	United Nation, Universal Development for Human Rights
UNWCWR	:	United Nation and World Conference on Women Rights
US	:	United State
USA	:	United State of America
WAD	:	Women and Development
WEF	:	World Economic Forum
WID	:	Women in Development

Theoretical Analytical Framework of Parental Property Equal Rights

Ideology Shifted of Human Being From the Very Beginning of Human Civilization





CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Rights, in any form of property, are claims that are legally and socially recognized and enforceable by external legitimized authority (Agrawal, 2002). Broadly defined, land and property rights can be understood as a variety of legitimate claims to land and the benefits and products produced on that land (Schlager & Elinor, 2002). Inheritance, transfers from the State, tenancy arrangements, and land purchase are all constructs of land rights (Allendorf, 2007). These rights can be in the form of actual ownership or usufruct, the rights of use.

Jahangir (1987) defined that the “Property is a set of social relations. Embedded in these are social behaviour and gender relations”. Since the capacity to act is circumscribed to a large extent by the forms of familial, conjugal and kinship relations, the degree of women's independence in rural world.

Historical parental property rights systems are different systems of property rights among various people; Anthropological and sociological studies have been made about customs of parental property, inheritance, where only male children can inherit or have rights of parental property. Some cultures also employ matrilineal succession, where property can only pass along the female line, most commonly going to the sister's sons of the decedent; but also, in some societies, from the mother to her daughters. Some ancient societies and most modern states employ egalitarian inheritance, without discrimination based on gender and/or birth order. Western societies around the world, finds consistent correlations between the gender and birth order of a child and his or her outcome in life, and these include differences in the degree of property control: the first son, in comparison to other sons, has more control of property. The Ethnographic Atlas (Patric 1998, George, 2009, Dounge, 2006, Dounge, 2006 and Dyck, 2000) gives the following figures regarding land distribution: primogeniture predominates in 247 societies, while ultimo geniture prevails in 16. In 19 societies land is exclusively or predominantly given to the one adjudged best qualified, while equality predominates in 301 societies. Regarding land inheritance

rules, in 340 societies sons inherit, in 90 other patrilineal heirs (such as brothers), in 31 sister's sons, in 60 other matrilineal heirs (such as daughters or brothers), and in 98 all children. In 43 societies land is given to all children, but daughters receive less. It is also noteworthy that in 472 societies distribution of inherited land follows no clear rules or information is missing, while in 436 societies inheritance rules for real property do not exist or data is missing; there are many societies where there is little or no land to inherit (Paul & Skoogberg 1974).

Agrawal B. (1994) explained that the property can be acquired through gifts, through inheritance, and through work/earnings. The last also presupposes the ability to work and earn which requires some level of skill/education, and/or access to productive resources (land, capital). For women, these prerequisites are also decided and defined through social-cultural prescriptions. Property rights matter for their effects on economic inequality and economic performance, and they unfold at the intersection of law, the state, politics, and the economy. Five dimensions of property are need to be discuss: the objects of property (what can be owned), (the subjects of property (who can own), the uses of property (what can be done with it), the enforcement of rights (how property rules are maintained), and the transfer of property (how property moves between different owners). This examples are the how property rights systems vary along these dimensions and how they change over time.

Property is ubiquitous. The idea of private property suffuses classic liberal thought. Property rights lie at the intersection of law, economy, the state, and culture. For example, intellectual property rights (IPR) concern leading-sector industries like biotechnology and computers; property constitutes the foundation for many kinds of inequality; and property rights preoccupy scholars studying the transition economies of Eastern and Central Europe. And yet contemporary sociology has said much less about property than its centrality warrants, largely ceding the topic to economics and law. Ownership involves socially recognized economic rights. Property is that over which such rights obtain, and owners are those who possess the rights. In a sense, property concerns the dyadic relationship between people and things. Blackstone (1766) famously defined property as: "... that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe". Blackstone (1766) definition poses

private ownership as an individual's exclusive control over property. Yet despite its ideological power, this dyadic conception misses the social and political dimensions of property). The right to control, govern, and exploit things entails the power to influence, govern, and exploit people (Fligstein, 2001).

Women's rights to inherit, own and control property are determined primarily by the values and norms which are socially acceptable, as well as the mechanisms of intra-household decision-making and distribution. Economic theory seems to have little to offer in understanding these forces. Institutional economics is, by and large, concerned with how institutions develop and decisions are made outside of market forces. The 'old' school of institutional economics, especially, "concentrates on law, property rights and organizations, their evolution and impact on legal and economic power, economic transactions and the distribution of income. Here, institutions are seen largely as the outcome of formal and informal processes of conflict resolution, the criterion of success being whether the institution has generated a 'reasonable value' or 'workable mutuality' out of conflict". One obvious criticism of such theoretical models where the focus is on 'rational' behavior and optimality is that they ignore the role of power. Even when the concept of 'power' is incorporated into the analysis, it is more in the sense of 'force' rather than of power relations. Thus, economists who have enlarged on this start with the premise that property rights may evolve from a state when no prior institutions exist, and how then a workable accommodation of accepted property rights is arrived at to control a given resource. The basic argument that, in any society, customary property rights are evolved to lessen transaction costs to individuals is perhaps quite valid in as far as it goes. But this ignores the ideology of gender which places differential values on male vs female ownership and rights. The primary objective in inheritance systems in Indian society has been to preserve property, especially landed property, intact for male heirs (Kanakalatha, 1999).

The importance of property rights protection for economic performance has long been recognized. The rule of law, political stability, and the protection of property rights enhance economic growth (Mark, 2007).

The important ways in which property varies, but property's importance stems from its consequences. Two in particular have been of interest to sociologists: inequality

and economic performance. Inequality Property rules govern access and control over things of value, and consequently undergird social inequality. Most stratification research focuses on occupational and income differences, although (Sorensen, 2000) and Wright (2002) make property rights the centre of their class analysis. Property rights matter most for wealth inequality, which tends to be more extreme and stable than income inequality. Inheritance concerns how unequal accumulations of property are transmitted down through succeeding generations. Unequal ownership of certain kinds of property engenders other inequalities. Secure title over land allows it to function as collateral for loans and hence generates access to credit. U.S. racial differences in the level and composition of household wealth have been a topic of recent interest. Racial patterns in home ownership lead to other differences because education and jobs are tied to residential geography (Islam & Hasan, 2000).

(Stuart, 2003). Although de jure property rights are now formally equal between whites and blacks persistent differences in wealth and home ownership show how substantially de facto property rights can diverge from the ideal of equality (Munnell, 1996). Sometimes, property rights are used to alter patterns of social inequality. Dramatic changes like mass privatization in the transition economies of the 1990s, or the abolition of feudal property during the French Revolution, were clearly intended to alter the social distribution of wealth. Other manipulations have been more specific. In the early eighteenth century, England's parliament imposed partible inheritance on Catholic Ireland and forbade land sales from Protestants to Catholics. By prohibiting primogeniture, the chief strategy for reproducing aristocratic landholdings, and by proscribing land purchases, the English hoped that within two or three generations their opponents, the Irish aristocracy, would have so subdivided their estates among their heirs as to be reduced to yeoman farmer status. The extent to which wealth depends on inheritance (as opposed to savings) is a matter of some debate, but by most estimates a considerable proportion of wealth is inherited. The reproduction of inequality depends on the heritability of assets, which in turn depends on rules of inheritance, demographic and economic circumstances (number of surviving children, divisibility and liquidity of assets), strategies of inheritance, and the unit of social reproduction (nuclear families, patrilineages, villages, etc.). shows how Mennonites adapted their inheritance practices to reproduce their community as they migrated from Russia to the United States. Describes the use of formal trusts to

maintain elite Galveston families through multiple generations. shows that venal offices in old regime France were part of the family patrimony, to be passed down through the generations. Intergenerational transmission of wealth also depends on formal and informal rules governing the legitimacy of inequality and the ability of the wealthy to pass on their assets. In the United States, estate taxes influence how wealthy families make their bequests, whereas Islamic economies grapple with Koranic strictures against excessive wealth inequality. Intergeneration conflict occurs as testators try to restrict the rights enjoyed by inheritors so as to preserve the estate for subsequent generations Family trusts are designed not only to avoid taxes, but also to protect wealth from spendthrift heirs. Inheritance rules that treat heirs unequally facilitate the accumulation and preservation of capital. Differences in property ownership beget different political interests (Alexander, 1997).

The transformation of property rights in transition economies illustrates our analysis. It reveals the political and institutional foundations of property because transition governments have deliberately attempted to create the property rights appropriate for a market economy. In most transition economies, privatization remains a central aspect of reform: Individuals and private organizations gained ownership over state-owned property. Transition economies involve new property arrangements and means of enforcement, with various consequences for economic performance and social stratification. Understanding property arrangements in transition economies requires untying the bundle of property rights. King (2001) concludes that rights to take residual profits, to control and organize production, and, to a lesser extent, to sell property "are mostly with 'non state' actors." But private ownership in Eastern Europe often differs from that in the West: Control belongs to managers embedded in networks, but ownership resides in the firms themselves. By early 1996, 77.2% of large and mid-size Russian enterprises had been privatized. The result, however, was often a fragmented ownership structure and the consolidation of insider control (Heller, 2001). By contrast, in China there has been little outright privatization. But extensive change of property rights created new ownership forms, including reformed state firms, government management partnerships, leased public assets, and private companies (Wilder, 1999).

In the United States, the police powers of government allow it to impinge on private property to protect public safety, health, and morals. Eminent domain gives government the right to condemn and seize private property (subject to due process and just compensation). Use of some property requires that owners be properly qualified: One cannot drive a car, fly an airplane, or operate a medical hospital without a license. Such licensing is a long-standing American practice (Novak, 1996). Ownership may also involve an obligation to pay taxes. All regulations shape how owners use their property (in intended and unintended ways), and government intervention in markets can repose not in visible regulatory agencies but in the details of property rights (Campbell & Lindberg, 1990). Some view such regulation as necessary for market stability (Polanyi, 1944). Not all restraints are imposed externally through formal government regulation. Informal and internal restrictions on the use of corporate property by shareholders are reflected in stakeholder models of the firm (Donaldson, 1995). In the Anglo-Saxon corporate model, owner-shareholders ultimately control the firm, although they cede control to their agents, the managers. Stakeholder models, in contrast, recognize the importance of other constituents of the firm (employees, creditors, customers, suppliers, etc.), who also influence what a firm does (Freeland, 2001). What owners do with their property is constrained by these other constituencies, whether or not the latter play a formal role in governance.

Patriarchy and property are closely connected. Under traditional common law, ownership rights varied by gender, and upon marriage a wife's property became her husband's (marital status did not matter for men). Marriage was not just a liability for women, however, because widows had special claims on family property, and marriage settlements also offered wives some protection. Only during the nineteenth century did legal reforms bestow full property rights on American married women. The English practice of primogeniture favored sons over daughters in inheritance. In early modern China, property rights also favored men. In general, differences over property rights have been a central axis of gender inequality and remain so in much of the developing. Since the late nineteenth century, general laws of incorporation have helped to make fictive individuals like corporations increasingly important as owners world (Agrawal, 2002).

Enforcement of Rights the social rules that constitute property are neither self-evident nor self-enforcing. Specializing in coercion, the state is uniquely qualified to ensure compliance with all kinds of rules, including property. For North, the state specifies rules serving its own fiscal interests in tax revenues. This linkage between government and property has long been recognized (e.g., by Adam Smith in the *Wealth of Nations*), and implies that property and politics are necessarily connected. Enforcement varies with property. Enforcement of private property is more intensive than for communal property (because the latter involves open access). The means for protecting private land will not work when used to protect intangible property, like patents. Weak or failing states often cannot maintain property rights, and so citizens who wish to protect their property and transfer it securely often rely on "private" enforcement services. Informal coercion is common in contemporary Russia, and "protection" can turn into "control" as racketeers take over the firms they protect (Volkov, 2002). North focuses on formal legal enforcement, but many rules are enforced informally, and some compliance occurs voluntarily. Voluntary compliance depends on the perceived legitimacy of the rules, and without legitimacy enforcement is difficult. As Thompson (1975) argued, much resistance in eighteenth-century England to private ownership of the former commons stemmed from the perception that it was illegitimate. The authorities increased coercion by turning many property crimes into capital crimes, but people continued to resist. De facto property rights also diverge from de jure rights in the developing world, where on paper women often possess property rights equal to men, but in practice they have substantially weaker rights (Agrawal, 2002). Smart's (1986) discussion of squatter housing in Hong Kong demonstrates the effectiveness of informal enforcement. Morales (1993) found that community norms and sanctions were effective in enforcing informal property rights over space in an urban flea market. The formalization of property does not just "crystallize" claims but offers significant opportunities for redistribution. The land registries introduced during the early modern era and in today's developing world formalized property claims, but they also allowed opportunistic individuals to expand their claims. Complex customary rights were seldom translated perfectly into the new system (Scott; 1998).

Transfer of Rights Property rights are established and extinguished, and they move between owners. Today, many transfers are accomplished through market exchanges,

but other types also occur. Consider the establishment of property, when objects not subject to rights become owned by someone. Physical property, like land, which "belongs" nominally to the king, ruler, or government (by treaty, conquest, fiat, or some other method) may be distributed to settlers, political supporters, or clients. More interesting are situations in which individuals unilaterally seize land as squatters rather than receive it in a grant. Much of Australia was settled via squatting and encroachment by white settlers, whose illegal actions could not be controlled by a distant government. The state played catch-up, giving de jure status to defacto "facts on the ground." Intangible property does not precede the property rights that govern it (Lerner, 2002).

1.2 Statement of the Research Problems

When a family's property was divided, the basic shareholders might decide to set aside some part of the property to provide their unmarried sisters with dowries but they were not legally obliged to do so. Widows of men who had no sons were legally required to adopt sons for them, and only if no possible heirs were available would a widow receive her husband's share of the family property in her own right. A widow who remarried lost her right both to her first husband's share of his family's property and also to the dowry, if any, which she had brought to her first marriage (Tai, 1963). Women, as such, were expected to marry out. If a woman's father had no sons he might, instead of adopting a son, arrange for an in-marrying son-in-law with the hope that his daughter would produce a grandson to continue his line. As we have seen, the uxori locally marrying man was only an optional share- holder. If her father died before her son was old enough to become family head and assume control of the family property, the woman herself might act as trustee. She was, however, expected to transmit the property intact to her son and was not free to dispose of it however she pleased. We should also note that when a man died leaving no sons but several daughters, only one of the daughters would marry an in-marrying son-in-law to continue the father's line. The others would marry out in the usual way (Tai, 1963). We can now summarize the legal position of women in relation to family property. As unmarried daughters or as widows they were only optional shareholders who legally might be given nothing at all over and above bare subsistence when the men who were basic shareholders divided the family property. In this respect their rights were

subordinate even to those of illegitimate sons. As wives or as mothers they had no legal claims on family property in their own rights, unless as widows they had no sons and none might be adopted. So far, however, we have only considered family property. There is still the question whether or not women, as individuals, could own personal property distinct from family property.

The Patriarchal system is the root cause of social injustice in Nepal. Sons are preferred over daughters. Sons are considered economic insurance in old age. They carry the family name, perform death rituals and rites. Girls are considered as other's property to be given away in marriage. They are unwanted, neglected and overworked. They are seen as auxiliary contributors to the household. Thus, the women are caught in the corrupt circle of the family system of exploitation and deprivation. The socialization pattern of Nepalese society is very discriminative. From the childhood, boys are groomed towards productive work and decision making and girls are confined to an "inside world" conditioned to be home makers, dutiful wives, loving mothers and service providers. A woman is subjected to the protection of man and has no mobility. Women are controlled by men and are considered as a property of men. Hence they do not have their own property. Even religion, education and rituals are denied to women. A woman's life is not for herself.

Women comprise more than half of Nepal's 26.4 million people. They are less educated and work larger hours than men. Son preference is very high in the predominantly patriarchal, Hindu kingdom in a society where social security does not exist and property is passed on to male descendants. The constitution of the kingdom of Nepal 1990, under chapter 3, guarantees **right to equality** to all the citizens as a fundamental right. It states that the state shall not discriminate amongst citizens on grounds of race, caste and sex.

Effects of disparities in relation to unequal inheritance on women is envisaged to be deep-rooted in their life cycle in various aspects which have impaired their overall self-development as well as their capability in family, community and national development. Impact on overall development of women and violation of Human Rights of Women the lack of equal inheritance right to women has disabled (without power) them in various fields. Malla (2011) has been broadly categorized the affects in various aspects of a woman's life as follows;

Economic dependency :Due to economic dependency, women have to face problems like domestic violence, psychological domination, polygamy, no decision making power in the family, harassment for dowry which in many cases, leads women to accept prostitution as a way of life. They have to bear all these problems as they are denied any financial security. They have hardly any choice during their marriage, which in many a cases, results in unequal or child marriage. As a daughter is taken as an obligation and a liability only, there is also no expectation from her, hence priority is given to male family members, as they are expected to take care of the family.

No independent identity: The fact that women have no independent identity, can be seen from the discriminatory provisions in the Citizenship Act, 1963, and Constitution of the Kingdom of Nepal where father is the natural guardian of children. As a woman does not have an independent identity, she can not transfer citizenship to her children and husband, hence she is not recognized as an independent citizen of the country.

Low social preference: As women do not have any inheritance right, they face discrimination right from childhood in matters of nutrition, health, education and distribution of family resources. This discrimination continues against them all throughout their life till death. Hence one can firmly say that women face discrimination arising out of unequal right to inheritance which affects various aspects of a woman's life which ultimately hinders their overall development. The state has made commitments to guarantee right to equality to both man and women in all sphere of their life including right to property in different policies, plan, constitution and international conventions. Daughters are required to return the remaining property to the other co-heirs on their parents side, if they marry. Married daughters are not included while defining the co-heirs. Court grants wife a share of husband's property before a divorce: It makes an attempt to eliminate women's unequal access to property by authorizing the court to grant a share of the husband's property (matrimonial property) to the wife before granting a divorce, as well as entitling the wife to a monthly or annual maintenance from the husband till the process of partition is complete. The wife is entitled to a share of her husband's property only if the cause of the divorce is the husband or if the divorce is by mutual consent.

Complete authority of widow in her property: The proposed Bill removes the age restriction placed on widows to claim property and live separately. It also entitles her

to have complete authority over her property. However, she must return her remaining assets to the heirs of her first husband if she remarries. Unmarried daughters are included in the line of succession: In the case of a woman's exclusive property, even though an unmarried daughter has been included, a married daughter has been placed last in the line of succession. A woman's Daijo and Pawa, unless otherwise stated, must pass in the following order: son or daughter, husband, and then only to the married daughter. The Chapter on Succession also placed the married daughter last in the line of succession. Recognition of discrimination on inheritance right in the Initial Report to CEDAW In the Initial Report submitted by Nepal to CEDAW, the Government recognized the legal discrimination against women prevailing in the country. It also accepted the fact that girls are assigned unequal legal status in comparison to boys, that the law is silent on the maintenance right of daughter and that in regard to property rights, a male child is entitled to inheritance right from birth while a girl child acquires such property right only if she remains unmarried until the age of 35 years. However, it has not specified initiatives and constraints to guarantee equal inheritance right to the daughter as well as fail to explain limitations of widows, wife and divorcee women to get a share of husbands property.

All the political parties have been making various commitments towards women's upliftment and equality in their manifestos since the restoration of democracy. However, no substantially effective programs have been undertaken to bring about such reforms as yet. **Presently, in the second constitution assembly all parties have made commitments for the equal rights of women.** But how much of these grandiloquent speeches and commitments are actually carried out by these political parties remain to be seen.

As mentioned by Malla (2011) the proposed Bill accepted the daughter as an their of the family. However, the married daughter has been excluded. If an unmarried daughter gets married after succession or partition, the remaining property must be returned to the maternal relatives. A widow may undergo separation and take away the share of property she receives on behalf of her deceased husband if she so wishes. If she remarries, the remaining property must be returned to the heirs of her former husband. Married daughters are excluded from equal succession right. The proposed Bill provides that once a woman files an application for divorce, the court should

direct partition and should provide one share of the family property to her but it applies only in cases in which the cause of the divorce is the husband

As Manandhar and Bhattachan (1995) the society provides the secondary status to women. So the women are not well by making them able to grab opportunity for education. Research studies have identified that one of the main causes of domination to women is the absence of their property right. As we are practicing the partition system of the parental property, it plays a major role in economic factor of the family. Because of this right the male population inherits the economic rights and other final authorities of the family.

Effects of disparities in relation to unequal inheritance on women is envisaged to be deep-rooted in their life cycle in various aspects which have impaired their overall self-development as well as their capability in family, community and national development. Impact on overall development of women and violation of Human Rights of Women. The lack of equal inheritance right to women has disabled (without power) them in various fields. Furthermore, Nepal's patriarchy has resulted in injustice and discrimination against women, which delays their success and development. Their lack of access to decision making in the home or society and their limited control over economic access is a key obstacle to their empowerment. For instance, even the minimum property owned by women, known as '**pewa**' is not under her sole control; she must first ask her father or husband if she wants to sell any of it. While the country's civil code has provisions that '**pewa**' and 'dowry' are the property of women and they have control over that property, in effect this control is limited due to social customs. Although the government has made provisions to encourage women's access to property—land registered in a woman's name has a 25 percent cheaper registration fee—and a lot of land has subsequently been registered in women's names, men continue to exert effective control over management of the land. Similarly, women can now claim their parental property whether married or not, whereas earlier the law stated that only unmarried women after the age of 35 could make the claim. While the law is changing and becoming more protective of women's property rights, progress in the law unfortunately does not mean equal progress in reality. The fact that women have no independent identity, can be seen from the discriminatory provisions in the Citizenship Act, 1963, and Constitution of the

Kingdom of Nepal where father is the natural guardian of children. As a woman does not have an independent identity, she can not transfer citizenship to her children and husband; hence she is not recognized as an independent citizen of the country. As women do not have any inheritance right, they face discrimination right from childhood in matters of nutrition, health, education and distribution of family resources including parental property. The Nepalese government has formally announced that men and women have equal rights, but this announcement has not been translated into reality as perceptions. On the basis of these problems, the research questions are set out as follows.

1. What are the perception and practices of people on parental property distribution system, perception on positive & negative effect, and perception and attitude of people towards the parental property equal rights of women?
2. What are the leading factors of rising the parental property equal rights of women and opposite factors against parental property rights?
3. What are the consequences of parental property equal rights between son and daughter?
4. What are the changes in parental property distribution system after the restoration of democracy in Nepal (2046)?

1.3 Objectives of the Study

The overall objectives of this study is to know how people acknowledge, perceive and mean on inherit property and its transformation system from one generation to another generation, and to find out the affecting factors of unequal distribution of parental property and consequences of its on women's life. And another objective is to show the present status of distribution system and practice of parental properties between son and daughter. The specific objectives are follows;

- To find out the perception and practices of parental properties distribution system between son and daughter
- To explore the leading factors to enhance unequal property distribution system between son and daughter.

- To examine the consequences of equal rights on parental property between son and daughter.
- To analyze the changes in parental property distribution systems after the restoration of democracy 2046, in Nepal.

1.4 Rational of the study

The property right is a national issue and it is also related to economy, which is one of the important factors for the development of the country. Unless it would not identify the property related issue because it effort to change in society will be meaningless. This study is important to highlight such hidden issues in society and the importance of this study can be explained as;

1. To point out the issue of property right of women in the county.
2. It helps to know the perception and attitude of people toward parental property right of women
3. To explore the issues related to parental property rights of women.
4. It will help to find out the real root cause of the demand of parental property right.
5. The findings may be the significant reference source for the person and institution that are associated in concerned field and also will be useful to Nepal government for further formulation of the necessary policy program on parental property rights.

1.5 Organization of the study

The study has been organized into Nine chapters including pre introductory which is described below for the better understanding:

Chapter one is the introductory chapter which contains the background of the study and assumption along with the theme of the study. This chapter has discussed what kinds of problems they are facing and what the research problems associated with the study area. Similarly, research questions are raised to achieve the goals and objective for the study which wish to accomplish in its undertakings. Further this chapter has

described the rationale of the study with very clearly. This chapter also describes the limitation of the study.

Similarly, chapter second relates to **literature review** that contains a meaning of parental property rights, definition of parental property, types of rights, theoretical review of parental property on socio-economic, socio-cultural, religious perspectives, social and customary practices since ancient period to present time. Here is also the presence of law and policy programs related to equal distribution of parental property between son and daughters. The information has been widely covered i.e. by global, continental, SAARC regional and including Nepal. Furthermore, this chapter formulates and describes the theoretical and conceptual frameworks too.

In the same way, **chapter three** has contained the study methods. It consists the justification of the cross sectional and non experimental research design, and this has further contained the research design, study population, type of study, sampling methods, universal and sample size, tools and techniques for data collection, validity and reliability of the research, and data management techniques

Chapter four contains the discussion of an information related to **demographic variables, cause and factors for enhancing inequality property rights between male and female**. The contained information was generated through direct interview with the students of different law campuses of Kathmandu valley using the pre structure research tools (questionnaires). Furthermore, this chapter has also contained the discussion of an information related to perception and practices of parental properties. The researcher discussed this information generating through direct interview with the respondents. Here, it is basically focused on what are the perception and practice of parental property distribution system in society.

Chapter five contains the discussion of an information related to **Cause and factors for enhancing the unequal property distribution between son and daughter**. This information was generated from direct interview with as above mentioned target population. Moreover, this chapter has carried out information related to cause and factors for enhancing unequal property distribution system between son and daughter in existing society of Nepal.

Chapter six contains the discussion of an information regarding consequences of parental property equal rights between son and daughters. This chapter basically carried out the information related to consequences after enactment of the policy program of parental property rights in Nepal. However, both positive and negative consequences are analyzed.

Chapter seven is contained the discussion of an information related to **changes in parental property distribution system after democracy restoration 2046 B.S.** This chapter carries out whether the parental property distribution system between son and daughter has changed the existing Nepalese society.

The Chapter eight has contained the information obtained from **focus group discussion within the study population.** This chapter further analyzes the information finding from observation of practices of property sharing system within homogenous and semi-homogenous community of non human being creatures.

Chapter nine has presented the major findings of the whole study. It has also been compared the recent findings with previous work as mentioned in previous literature. Furthermore, this chapter has also drawn the conclusion and recommendations for conducting further the same type research program in other places. And it is hoped to recommend to Nepal government for policy formulation and it's well implementation in the society.

CHAPTER TWO

REVIEW OF THE RELATED LITERATURES

2. Background

This chapter contained the quality information including meaning, definition, types, dimensions, religious views of the parental property rights and its distribution system between son and daughters. Here, also contained the historical status of parental property distribution system, research findings, scholars article, national and international journals, laws and acts of developed and developing countries by global and continental, declaration of international conventions, national practices, local practice, law and acts, and also described the theoretical and conceptual framework based on literatures reviewed. This chapter also provided the information of tendency, trend, pattern as well as overall situation of parental property distribution system between son and daughters. Here, the Information described through ancient period to modern era.

2.1 Review Related to Rights

2.1.1 Meaning of Rights

"Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory (Henry, 2007). Rights are of essential importance in such disciplines as law and ethics, especially theories of justice and deontology. Rights are often considered fundamental to civilization, being regarded as established pillars of society and culture and the history of social conflicts can be found in the history of each right and its development. According to the Stanford Encyclopedia of Philosophy, "rights structure the form of governments, the content of laws, and the shape of morality as it is currently perceived" (Henry, 2009).

2.1.2 Defining the Property Rights

Rights, in any form of property, are claims that are legally and socially recognized and enforceable by external legitimized authority (Agrawal, 2002). Broadly defined, land and property rights can be understood as a variety of legitimate claims to land

and the benefits and products produced on that land (Schlager & Elinor 2002). Inheritance, transfers from the State, tenancy arrangements, and land purchase are all constructs of land rights (Allendorf, 2007). These rights can be in the form of actual ownership or usufruct, the rights of use.

Property is ubiquitous. The idea of private property suffuses classic liberal thought. Property rights lie at the intersection of law, economy, the state, and culture. For example, intellectual property rights (IPR) concern leading-sector industries like biotechnology and computers; property constitutes the foundation for many kinds of inequality; and property rights preoccupy scholars studying the transition economies of Eastern and Central Europe. And yet contemporary sociology has said much less about property than its centrality warrants, largely ceding the topic to economics and law. Ownership involves socially recognized economic rights. Property is that over which such rights obtain, and owners are those who possess the rights. In a sense, property concerns the dyadic relationship between people and things. Sir William Blackstone famously defined property as: "... that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe". His definition poses private ownership as an individual's exclusive control over property (Allendorf, 2007).

2.1.3 Types of Rights

Rights are widely regarded as the basis of law, but what if laws are bad? Some theorists suggest civil disobedience is, itself, a right, and it was advocated by thinkers such as Thoreau, Martin Luther King, Jr., and Mohandas Karamchand Gandhi. There is considerable disagreement about what is meant precisely by the term rights. It has been used by different groups and thinkers for different purposes, with different and sometimes opposing definitions, and the precise definition of this principle, beyond having something to do with normative rules of some sort or another, is controversial. One way to get an idea of the multiple understandings and senses of the term is to consider different ways it is used. Many diverse things are claimed as rights (Henry, 2007).

“Right to life, a right to choose; a right to vote, to work, to strike; a right to one phone call, to dissolve parliament, to operate a forklift, to asylum, to equal treatment before

the law, to feel proud of what one has done; a right to exist, to sentence an offender to death, to launch a nuclear first strike, to carry a concealed weapon, to a distinct genetic identity; a right to believe one's own eyes, to pronounce the couple husband and wife, to be left alone, to go to hell in one's own way (Henry, 2007).

“Who is alleged to have the right: Children's rights, animal rights, workers' rights, states' rights, the rights of peoples. What actions or states or objects the asserted right pertains to: Rights of free expression, to pass judgment; rights of privacy, to remain silent; property rights, bodily rights. Why the right holder (allegedly) has the right: Moral rights spring from moral reasons, legal rights derive from the laws of the society, customary rights are aspects of local customs. How the asserted right can be affected by the right holder's actions: The inalienable right to life, the forfeitable right to liberty, and the available right that a promise be kept”. There has been considerable debate about what this term means within the academic community, particularly within fields such as philosophy, law, deontology, logic, and political science (Henry, 2007).

2.1.3.1 Natural Rights Versus Legal

Natural rights are rights which are "natural" in the sense of "not artificial, not man-made", as in rights deriving from demonic- logic, from human nature, or from the edicts of a god. They are universal; that is, they apply to all people, and do not derive from the laws of any specific society. They exist necessarily, inhere in every individual, and can't be taken away. For example, it has been argued that humans have a natural right to life. They're sometimes called moral rights or inalienable rights (Henry, 2009).

Legal rights, in contrast, are based on a society's customs, laws, statutes or actions by legislatures. An example of a legal right is the right to vote of citizens. Citizenship, itself, is often considered as the basis for having legal rights, and has been defined as the "right to have rights". Legal rights are sometimes called civil rights or statutory rights and are culturally and politically relative since they depend on a specific societal context to have meaning (Henry, 2009).

Rights in only one sense while others accept that both senses have a measure of validity. There has been considerable philosophical debate about these senses throughout history. For example, Jeremy Bentham believed that legal rights were the essence of rights, and he denied the existence of natural rights; whereas Thomas Aquinas held that rights purported by positive law but not grounded in natural law were not properly rights at all, but only a facade or pretense of rights (Henry, 2009).

2.1.3.2 Claim Rights Versus Liberty Rights

A deed is an example of a claim right in the sense that it asserts a right to own land. This particular deed dates back to 1273. A claim right is a right which entails that another person has a duty to the right-holder. Somebody else must do or refrain from doing something to or for the claim holder, such as perform a service or supply a product for him or her; that is, he or she has a claim to that service or product (another term is thing in action). In logic, this idea can be expressed as: "Person A has a claim that person B do something if and only if B has a duty to A to do that something." Every claim-right entails that some other duty-bearer must do some duty for the claim to be satisfied. This duty can be to act or to refrain from acting (Henry, 2009).

A liberty right or privilege, in contrast, is simply a freedom or permission for the right-holder to do something, and there are no obligations on other parties to do or not do anything. This can be expressed in logic as: "Person A has a privilege to do something if and only if A has no duty not to do that something." For example, if a person has a legal liberty right to free speech, that merely means that it is not legally forbidden for them to speak freely: Liberty rights and claim rights are the inverse of one another: a person has a liberty right permitting him to do something only if there is no other person who has a claim right forbidding him from doing so. Likewise, if a person has a claim right against someone else, then that other person's liberty is limited (Henry, 2009).

2.1.3.3 Positive Rights Versus Negative Rights

In one sense, a right is a permission to do something or an entitlement to a specific service or treatment, and these rights have been called positive rights. However, in another sense, rights may allow or require inaction, and these are called negative

rights; they permit or require doing nothing. Positive rights are permissions to do things, or entitlements to be done unto. One example of a positive right is the purported "right to welfare." Negative rights are permissions not to do things, or entitlements to be left alone. Often the distinction is invoked by libertarians who think of a negative right as an entitlement to "non-interference" such as a right against being assaulted (Henry, 2009).

2.1.3.4 Individual Rights Versus Group Rights

The general concept of rights is that they are possessed by individuals in the sense that they are permissions and entitlements to do things which other persons, or which governments or authorities, can not infringe. This is the understanding of people such as the author Ayn Rand who argued that only individuals have rights, according to her philosophy known as Objectivism (Rand, 2009). However, others have argued that there are situations in which a group of persons is thought to have rights, or group rights. Individual rights are rights held by individual people regardless of their group membership. Group rights have been argued to exist when a group is seen as more than a mere composite or assembly of separate individuals but an entity in its own right. But there is another sense of group rights in which people who are members of a group can be thought of as having specific individual rights because of their membership in a group. For example, workers who are members of a group such as a labor union can be thought of as having expanded individual rights because of their membership in the labor union, such as the rights to specific working conditions or wages. As expected, there is sometimes considerable disagreement about what exactly is meant by the term "group" as well as by the term "group rights" (Rand, 2009).

2.1.3.5 Patriarchal Property Rights

Women who are potentially able to meet their subsistence needs on their own may threaten to leave the household if they are not given a large share of the surplus. However, due to patriarchal property rights, husbands control over the allocation of wives' labor time, husbands can make decisions that reduce the value of their wives' alternatives to marriage (Braunstein, & Nancy, 2001).

2.1.3.6 Male Dominance Parental Property Rights

Because of the worldwide prevalence of patrilineal inheritance customs, both productive resources and property such as household goods have ended up in the hands of men and not women. When only men have rights of inheritance or family succession, women have little opportunity to improve their status or living conditions within the family and community. Consequently, they are rendered dependent on male relatives for survival and have little say over how property is used to generate income or to support families. Additionally, within patrilineal communities, there is a strong resistance by men towards endowing women, especially daughters, with rights to parental property access (Agrawal, 2002).

2.1.4 Rights and Other Disciplines

2.1.4.1 Rights and Politics

Rights are often included in the foundational questions that governments and politics have been designed to deal with. Often the development of these socio-political institutions have formed a dialectical relationship with rights. Rights about particular issues, or the rights of particular groups, are often areas of special concern. Often these concerns arise when rights come into conflict with other legal or moral issues, sometimes even other rights (Rand, 2007).

2.1.4.2 Rights and Philosophy

In philosophy, meta-ethics is the branch of ethics that seeks to understand the nature of ethical properties, statements, attitudes, and judgments. Meta-ethics is one of the three branches of ethics generally recognized by philosophers, the others being normative ethics and applied ethics. While normative ethics addresses such questions as "What should one do?", thus endorsing some ethical evaluations and rejecting others, meta-ethics addresses questions such as "What is goodness?" and "How can we tell what is good from what is bad?", seeking to understand the nature of ethical properties and evaluations. Rights ethics is an answer to the meta-ethical question of what normative ethics is concerned with. Rights ethics holds that normative ethics is concerned with rights. Alternative meta ethical theories are that ethics is concerned with one of

Duties (deontology)

Value (Axiology)

Virtue (virtue ethics)

Consequences (consequentialism, e.g. utilitarianism)

Rights ethics has had considerable influence on political and social thinking. The Universal Declaration of Human Rights gives some concrete examples of widely accepted rights (Rand, 2007).

2.1.5 Theories of Rights

2.1.5.1 Social Theory

The property right brings fragmentation in social harmony and family relation especially in siblings and it also has direct relation of poverty, social crime (Allen, 1996) Women's rights are the rights and entitlements claimed for women and girls of many societies worldwide. In some places these rights are institutionalized or supported by law, local custom, and behaviour, whereas in others they may be ignored or suppressed. They differ from broader notions of human rights through claims of an inherent historical and traditional bias against the exercise of rights by women and girls in favour of men and boys (Hosken, 1981).

2.1.5.2 Economic Theory

Understanding the determinants of parental property transfers is crucial for a wide range of economic issues. Some of these are the possible effects of fiscal policy, the determinants of savings and wealth, the equality of opportunity, and the optimal design of tax systems. In macroeconomics, for example, the Ricardian equivalence predictions about fiscal policy inefficiency, rest on the assumption of dynastic, altruistic, behavior (Henry, 2009).

Property rights arrangements can reduce transactions costs in exchange and production, and encourage investments to promote overall economic growth, such property rights have public goods aspects. As with all public goods, though, there are economic hazards in attempting to change property rights (Libecaps, 1989).

2.1.5.3 Political Theory

"Civilization and Christianity have restored to the woman her just rights. Meanwhile the wife is the actual bondservant of her husband; no less so, as far as the legal obligation goes, than slaves commonly so called" (Mill, 1869).

2.1.5.4 Distributive Justice Theory

Property generally refers to the economic goods and services opportunities which can be exchanged, moreover the labor power of the person is also considered as property. The life, liberty and right to gain and dispose economic goods and services that are all considered as property (Lichman, 1975).

2.1.5.5 Labor Theory of Property

The labor theory of property or labor theory of appropriation or labor theory of ownership is a natural law theory that holds that property originally comes about by the exertion of labor upon natural resources. It is also called the principle of first appropriation or the homestead principle. When a person works, that labor enters into the object. Thus, the object becomes the property of that person (Marx, 1729).

2.1.5.6 Cultural Theory

Cultural theory in women development Culturally determined gender ideologies define rights and responsibilities and what is 'appropriate' behaviour for women and men. They also influence access to and control over resources, and participation in decision-making. These gender ideologies often reinforce male power and the idea of women's inferiority. Culture is sometimes interpreted narrowly as 'custom' or tradition', and assumed to be natural and unchangeable. Despite these assumptions, culture is fluid and enduring (Wilson, 1982).

2.1.5.7 Dependency Theory

Dependency theorists opposed that liberal development models, including the attempt to incorporate women into the existing global capitalism, was in fact nothing more than the "development of underdevelopment." This view led them to propose that

delinking from the structural oppression of global capitalism is the only way to achieve balanced human development. In the 1980s, there also emerged "a sustained questioning by post-structuralism critics of the development paradigm as a narrative of progress and as an achievable enterprise (Frank, 1969).

2.1.5.7.1 Basic Needs Approach, Capability Approach, and Eco-Feminism

Within the liberal paradigm of women and development, various criticism have emerged. The Basic Needs (BN) approach began to pose questions to the focus on growth and income as indicators of development. It was heavily influenced by Sen and Nussabaum's capability approach, which was more gender sensitive than BN and focused on expanding human freedom. The BN particularly proposed a participatory approach to development and challenged the dominant discourse of trickle down effects. These approaches focused on the human freedom led to development of other important concepts such as human development and human security. From a perspective of sustainable development, eco-feminists articulated the direct link between colonialism and environmental degradation, which resulted in degradation of women's lives themselves (Merchant, 1980).

2.1.5.8 Women Development Theory

Basically, three theories are initiated under the women development theory ie Women in development, Women and Development (WAD) and Gender and Women (GAD). The validity of the basic assumptions of the WID approach have been criticized by some, while other consider that it does not go far enough. The latter group says it ignores the larger social processes that affect women's lives and their reproductive roles. The approach does not address the root causes of gender inequalities. The Gender and Development (GAD) approach in the 1980s attempted to redress the problem, using gender analysis to develop a broader view. The approach is more concerned with relationships, the way in which men and women participate in development processes, rather than strictly focusing on women's issues (Gollier, 1998).

2.1.5.8.1 Women in Development (WID)

Women in Development approach calls for greater attention to women in development policy and practice, and emphasizes the need to integrate them into the development process.

Theoretical Approach The term “women and development” was originally coined by a Washington-based network of female development professionals in the early 1970s who sought to put in question the trickle down theories of development by contesting that modernization had identical impact on men and women. The Women in Development movement (WID) gained momentum in the 1970s, driven by the resurgence of women's movement in northern countries, whereby liberal feminists were striving for equal rights and labour opportunities in the United States. Liberal feminism, postulating that women's disadvantages in society may be eliminated by breaking down stereotyped customary expectations of women by offering better education to women and introducing equal opportunity programmes, had a notable influence on the formulation of the WID approaches, whereby little attention was given to men and to power relations between genders. The translation of the 1970s feminist movements and their repeated calls for employment opportunities in the development agenda meant that particular attention was given to the productive labour of women, leaving aside reproductive concerns and social welfare. Yet this focus was part of the approach pushed forward by advocates of the WID movement, reacting to the general policy environment maintained by early colonial authorities and post-war development authorities, wherein inadequate reference to the work undertaken by women as producers was made, as they were almost solely identified as their roles as wives and mothers. The WID's opposition to this “welfare approach” was in part motivated by the work of Danish economist Ester Boserup in the early 1970s, who challenged the assumptions of the said approach and highlighted the role women by women in the agricultural production and economy (Razavi, and Miller 1995).

A dominant strand of thinking within WID sought to link women's issues with development, highlighting how such issues acted as impediments to economic growth; this “relevance” approach stemmed from the experience of WID advocates which illustrated that it was more effective if demands of equity and social justice for

women were strategically linked to mainstream development concerns, in an attempt to have WID policy goals taken up by development agencies. The Women in Development approach was the first contemporary movement to specifically integrate women in the broader development agenda and acted as the precursor to later movements such as the Women and Development (WAD), and ultimately, the Gender and Development approach, departing from some of the criticized aspects imputed to the WID (Razavi & Miller, 1995).

Criticism: The WID movement faced a number of criticisms; such an approach had in some cases the unwanted consequence of depicting women as a unit whose claims are conditional on its productive value, associating increased female status with the value of cash income in women's lives. Furthermore, the WID, although it advocated for greater gender equality, did not tackle the unequal gender relations and roles at the basis of women's exclusion and gender subordination rather than addressing the stereotyped expectations entertained by men. Moreover, the underlying assumption behind the call for the integration of the Third World women with their national economy was that women were not already participating in development, thus downplaying women's roles in household production and informal economic and political activities. The WID was also criticized for its views on the fact that women's status will improve by moving into "productive employment", implying that the move to the "modern sector" need to be made from the "traditional" sector to achieve self-advancement, further implying that "traditional" work roles often occupied by women in the developing world were inhibiting to self-development (Koczberski, 1998).

2.1.5.8.2 Women and Development (WAD)

Women and Development (WAD) is a theoretical and practical approach to development. It was introduced into gender studies scholarship in the second half of the 1970s, following its origins, which can be traced to the First World Conference on Women in Mexico City in 1975, organized by the UN. It is a departure from the previously predominant theory, WID (Women in Development) and is often mistaken for WID, but has many distinct characteristics (Koczberski, 1998).

Theoretical Approach: WAD arose out of a shift in thinking about women's role in development, and concerns about the explanatory limitations of modernization theory.

While previous thinking held that development was a vehicle to advance women, new ideas suggested that development was only made possible by the involvement of women, and rather than being simply passive recipients of development aid, they should be actively involved in development projects. WAD took this thinking a step further and suggested that women have always been an integral part of development, and did not suddenly appear in the 1970s as a result of exogenous development efforts. The WAD approach suggests that there be women-only development projects that were theorized to remove women from the patriarchal hegemony that would exist if women participated in development alongside men in a patriarchal culture, though this concept has been heavily debated by theorists in the field. In this sense, WAD is differentiated from WID by way of the theoretical framework upon which it was built. Rather than focus specifically on women's relationship to development, WAD focuses on the relationship between patriarchy and capitalism. This theory seeks to understand women's issues from the perspectives of neo-Marxism and dependency theory, though much of the theorizing about WAD remains undocumented due to the persistent and pressing nature of development work in which many WAD theorists engage (Rathgeber, 1990).

Practical Approach: The WAD paradigm stresses the relationship between women, and the work that they perform in their societies as economic agents in both the public and domestic spheres. It also emphasizes the distinctive nature of the roles women play in the maintenance and development of their societies, with the understanding that purely the integration of women into development efforts would serve to reinforce the existing structures of inequality present in societies overrun by patriarchal interests. In general, WAD is thought to offer a more critical conceptualization of women's position that does WID (Koczberski, 1998).

The WAD approach emphasizes the distinctive nature of women's knowledge, work, goals, and responsibilities, as well as advocating for the recognition of their distinctiveness. This fact, combined with a recognized tendency for development agencies to be dominated by patriarchal interests, is at the root of the women-only initiatives introduced by WAD subscribers (Koczberski, 1998).

Criticism: Some of the common critiques of the WAD approach include concerns that the women-only development projects would struggle, or ultimately fail, due to

their scale, and the marginalized status of these women. Furthermore, the WAD perspective suffers from a tendency to view women as a class, and pay little attention to the differences among women (such as feminist concept of intersectionality), including race and ethnicity, and prescribe development endeavors that may only serve to address the needs of a particular group. While an improvement on WID, WAD fails to fully consider the relationships between patriarchy, modes of production, and the marginalization of women. It also presumes that the position of women around the world will improve when international conditions become more equitable. Additionally, WAD has been criticized for its singular preoccupation with the productive side of women's work, while it ignores the reproductive aspect of women's work and lives. Value is placed on income-generating activities, and none is ascribed to social and cultural reproduction (Koczberski, 1998).

2.1.5.8.3 Gender and Development (GAD)

Gender and Development approach focuses on the socially constructed basis of differences between men and women and emphasizes the need to challenge existing gender roles and responsibilities.

Theoretical Approach: Gender and Development approach focus on the socially constructed basis of differences between men and women and the need to challenge existing gender roles and relations. This approach was majorly influenced by writing of academic scholars such as Oakley (1972) and Rubin (1975) which emphasize the social relationship between men and women. These relationships they argue have systematically subordinated women. This departs from WID which perceived women's problem in terms of their biological differences rather than gender. Influenced by this work, by the late 1970s, some practitioners working in the development field stated questioning the adequacy of focusing on women in isolation. GAD challenged the WID focus on women as important 'target group' and 'untapped resources' for development. GAD marked a shift in thinking about the need to understand how women and men are socially constructed and how 'those constructions are powerfully reinforced by the social activities that both define and are defined by them.' GAD focus primarily on gender division of labor and gender as a relation of power embedded in institutions. Consequently, two major frameworks 'Gender roles' and 'social relations analysis' are used in this approach. Gender role

focus on social construction of identities within the household, it also reveals the expectations from 'maleness and femaleness' in their relative access to resources. Social relations analysis exposes the social dimensions of hierarchical power relations imbedded in social institutions; also its determining influence on 'the relative position of men and women in society. This relative position tends to discriminate against women (Bertrand, 2006).

Unlike WID, the GAD approach is not concerned specifically with women, but with the way in which a society assigns roles, responsibilities and expectations to both women and men. GAD applies gender analysis to uncover the ways in which men and women work together, presenting results in neutral terms of economics and efficiency. In an attempt to create gender equality, (denoting women having same opportunities as men, including ability to participate in the public sphere; GAD policies aims to redefine traditional gender role expectations. Women are expected to fulfill household management tasks, home based production as well as bearing and raising children and caring for family members. The role of a wife is largely interpreted as 'the responsibilities of motherhood' Men however, are expected to be breadwinners whom are associated with paid work, and market production. In the labor market, women's overall financial related payment tend to be lower usually earning less. For instance, 'a study by the Equality and Human Rights Commission found massive pay inequities in some United Kingdom's top finance companies, women received around 80 percent less performance-related pay than their male colleagues.' In reaction to inequalities between gender, Beijing Platform for Action established gender mainstreaming in 1995 as a strategy across all policy areas at all levels of governance for achieving gender equality (Prügl, 2012).

Caroline Moser developed the Moser Gender Planning Framework for GAD-oriented development planning in the 1980s while working at the Development Planning Unit of the University of London. Working with Caren Levy, she expanded it into a methodology for gender policy and planning. The Moser framework follows the Gender and Development approach in emphasizing the importance of gender relations. As with the WID-based Harvard Analytical Framework, it includes collection of quantitative empirical facts. Going further, it investigates the reasons and processes that lead to conventions of access and control. The Moser Framework

includes gender roles identification, gender needs assessment, disaggregating control of resources and decision making within the household, planning for balancing the triple role, distinguishing between different aims in interventions and involving women and gender-aware organizations in planning (Smyth, 1999).

Criticisms: GAD has been criticized for emphasizing the social differences between men and women while neglecting the bonds between them and also the potential for changes in roles. Another criticism is that GAD does not dig deep enough into social relations and so may not explain how these relations can undermine programs directed at women. It also does not uncover the types of trade-off that women are prepared to make for the sake of achieving their ideals of marriage or motherhood. Another criticism is that GID perspective is theoretical distinct from WID, but in practice, a program seem to have the element of the two. Whilst many development agencies are now committed to a gender approach, in practice, the primary institutional perspective remains as WID. There is a slippage in reality where gender mainstreaming is often based in a single normative perspective as synonymous to women. Development agencies still advance gender transformation to mean economic betterment for women (Reeves, 2000).

2.1.6 Religious Perspectives of the Women's Rights

2.1.6.1 Women's Rights in the Bible

"And Adam called his wife's name Eve, because she was the mother of all living."
"Now Deborah, a prophet, the wife of Lappidoth, she judged Israel at that time" (Judges 4:4). God chose a woman, Deborah, to guide Israel. "Mary Magdalene went and said to the disciples, "I have seen the Lord"; and she told them that he had said these things to her." The first person to see Jesus after his crucifixion was a woman (Stuart, 1969).

According to Islamic inheritance jurisprudence, sons inherit twice as much as daughters. The complete laws governing inheritance in Islam are complicated and take into account many kinship relations, but in principle males inherit twice as much as females with some exceptions. However, the Indonesian Minangkabau people (from western Sumatra), despite being Muslim, employ only complete matrilineal succession with property and land passing down from mother to daughter (Stuart, 1969).

2.1.6.2 Women's Rights in Quran

In Quran, there is no discrimination against female heir under the Islamic system of inheritance because the Islamic system of inheritance shows wide distribution of property among family members where daughters and wife also inherit half share of the property but statutory laws does not in line with Quran and discriminate women from property inheritance (Khan, 2008).

From 610 and 661, known as the early reforms under Islam, the Qur'an introduced fundamental reforms to customary law and introduced rights for women in marriage, divorce and inheritance. By providing that the wife, not her family, would receive a dowry from the husband, which she could administer as her personal property, the Qur'an made women a legal party to the marriage contract (Esposito, Delong & Natana, 2001).

While in customary law inheritance was limited to male descendants, the Qur'an introduced rules on inheritance with certain fixed shares being distributed to designated heirs, first to the nearest female relatives and then the nearest male relatives (Esposito; et.al). According to Annemarie Schimmel "compared to the pre-Islamic position of women, Islamic legislation meant an enormous progress; the woman has the right, at least according to the letter of the law, to administer the wealth she has brought into the family or has earned by her own work" (Esposito, Delong & Natana 2001).

2.1.6.3 Women's Rights in Hindu Religion

In the Hindu tradition, a woman is entitled to her husband's property making equal property rights irrelevant (Malla, 2011). In another hand, the Hindu inheritance practices among matrilineal groups are usually traced to the ancient legal treaties the Dharmashstras where property is divided into two forms i.e. joint family property and separate property based on Mitakshara system and widow women can claim the separate property but only limited in the absences of son or men heirs and also women could not claim the joint family property which is not divided into family. In Dayabhaga system, man is absolute owner of all his property so he have right to

dispose all property as he wants and the inheritance of property takes place only at the man's death where rights for property directly goes to his sons (Agarwal, 1998).

Manusmriti mentions that the inheritance of family property passes to male member of family but brother should share his property with his unmarried sister and unmarried daughters also have rights to get jewelers of mother after the death of mother but married women cannot collect the property from other relatives however; if she wants to collect the property from her own income then she must take permission from her husband (Luitel, 2004).

2.1.6.4 Women's Rights in Buddhism

The Buddhism is a moral way of life for the peace and happiness of every living being, categories and before Buddhism, women were restricted within kitchen activity only and are not allowed to go temple or to participate in any religious activities but Buddha provided religious freedom for women, emphasized gender equality in every aspects and also stated that there is discrimination on women property right but Buddhism highlights that it is not justifiable to regard women as inferior (Dhammananda, 1993).

2.2 Review Related to Sociological and Feminist Perspectives on Parental/property Rights

The Many sociologists (scholars) have states about the property inheritance rights of women and I have find out the different sociologists' and feminisms' perspective on property inheritance rights to women these are;

2.2.1 Sociological Perspective of Property Rights

Women's rights to inherit, own and control property are determined primarily by the values and norms which are socially acceptable, as well as the mechanisms of intra-household decision-making and distribution. Economic theory seems to have little to offer in understanding these forces. Institutional economics is, by and large, concerned with how institutions develop and decisions are made outside of market forces. The 'old' school of institutional economics, especially, "concentrates on law, property rights and organizations, their evolution and impact on legal and economic power, economic transactions and the distribution of income. Here, institutions are

seen largely as the outcome of formal and informal processes of conflict resolution, the criterion of success being whether the institution has generated a 'reasonable value' or 'workable mutuality' out of conflict." (Rutherford, 1996). One obvious criticism of such theoretical models where the focus is on 'rational' behavior and optimality is that they ignore the role of power. Even when the concept of 'power' is incorporated into the analysis, it is more in the sense of 'force' rather than of power relations. Thus, economists who have enlarged on this start with the premise that property rights may evolve from a state when no prior institutions exist, and how then a workable accommodation of accepted property rights is arrived at to control a given resource. Would-be violators of this accommodation consensus would have to face the consequences because costs would be imposed on such individuals. Equally, if through a more effective use of force an individual can gain more than his share, he will do so, and "...potential force is the relevant constraint underlying any initial agreements ... which allocate wealth among competitors ... i.e. no one will accept less than they can gain by the use of force" (Papandreou, 1994). The basic argument that, in any society, customary property rights are evolved to lessen transaction costs to individuals is perhaps quite valid in as far as it goes. But this ignores the ideology of gender which places differential values on male vs female ownership and rights. The primary objective in inheritance systems in Indian society has been to preserve property, especially landed property, intact for male heirs. Bina Agarwal (1994) however cautions that "In this emphasis on the ideological, the possible material basis of this subordination, or the dialectical link between the material context and gender ideology, is seldom recognized. And, culture is often characterized as 'given' rather than in the process of constant reformulation, or as an arena of contestation." Further, the concept of 'private' or 'individual' property rights in economic theory essentially relates to a household unit rather than to intra-family arrangements which is what women's property rights are all about, and also assumes that intra-household transactions are usually optimal and equitable (Kanakalatha, 1999).

Assets can prevent non owners from using them, and thereby shape non owners' life-chances. Furthermore, what separates ownership from mere possession is the fact that others recognize ownership rights, either directly or through a formal legal system. If private property appears to be dyadic, in reality it always involves triadic relationships. Swed berg observes that property has not been much studied by

sociologists. Property rights are discussed by some (Fligstein 2001) and they figure into studies of transition economies, class analysis, comparative capitalisms and specific types of property but they have not received an encompassing sociological treatment. By contrast, economists have long been interested in property rights. Sociology's neglect is unfortunate, for the founders of sociology knew that property rights have great sociological relevance (Weber M., 1946). The most obvious connection, Marx recognized, is with social stratification. Ownership constitutes one of the most enduring dimensions of inequality (Earle, 2000). Property in modern societies is maintained by the legal system, and so directly implicates law and the state, but informal property rights emerge as practices decouple from formal institutions. Many instances of dramatic political change involved shifts in property rights. In addition, to exchange property rights is the elemental market transaction, and so property grows in importance with expanding markets. Property involves a bundle of rights, including the rights of usufruct, exclusivity, and alienability. The entire bundle can be held by one person or divided among multiple parties. Property rights confer power. They are rules that constrain and enable, and they locate decision-making power over assets. Property rights vary over time and between countries in terms of who can be an owner. Similarly, they differ according to what may be owned, and what constitutes legitimate "use" of property. Property also varies in how it is transferred, alienated, or enforced, and in its exclusivity (Kanakalatha, 1999).

2.2.2 Dimensions of Property Rights

The founder of sociologists have mentioned the dimensions of property rights as follows

“Property systems often cluster into familiar types (e.g., private versus communal property, contingent versus absolute property), and recombination’s among these produce.” Objects of Property what can be owned Different societies give different answers, but none permits everything to be owned. The inclusion of new objects or the exclusion of old ones is a process variably shaped by political, cultural, economic, and technological factors. Changes in the objects of property depend on commodification and decommodification, and on permeable boundaries between legal and illegal markets. In agrarian societies, land is key for production. Common law

property rights reflect the importance of land during the Middle Ages when the law originated. Law developed for tangible property had to be adapted to accommodate new forms of intangible property (Kanakalatha, 1999).

2.2.3 Founders of Sociology and Their Versions for Property Rights

2.2.3.1 August Comte

Comte developed two words that are still important today-sociology and positivism. Comte is often cited as the father of **sociology** because he coined the term and held the belief that this new, special science could combine the findings of other sciences to form more whole ideas about the world (Biscaia & Cacerda, 2009).

Comte's **positivism**, then, came out of this belief that human society could be studied scientifically. The theory of positivism holds that there is only real truth in scientific knowledge. However, sensory experiences, gathered by humans about the world, are included in this category. Things like intuition are not considered scientifically derived and, therefore, not valid truths (Biscaia & Cacerda, 2009).

Comte is also known for his three stages of social evolution, called the law of three stages. First, a society passes through the **theological stage**, in which society is based on the laws of God. Then, a society enters the **metaphysical stage**, which involves going above the laws of God and finding universal rights of man. Finally, in the **positive or scientific stage**, a society could view itself with scientific inquiry, using the scientific method to solve problems, rather than moral or humanistic tenets. He also mentioned the good and faire society. Finally, Comte has not described about property rights directly but he mentioned that people could become better and make the world a more positive place and good & faire society which gives sense indirectly of property rights too (Biscaia & Cacerda, 2009).

2.2.3.2 Karl Marx

As a Marx “Religion is the sign of the oppressed creature, the sentiment of a heartless world and soul of soulless conditions. It is the opium of the people”. Religion acts as a mechanism of social control, which maintains the existing system of exploitation and reinforcing class relationships because religion is a misguided attempt adopted by

ruling classes to justify their position in society and to make life more bearable (Haralambos, 2006).

2.2.3.3 Max Weber's Sociological Theory of Property

Property has been fundamental to political theory since its inception, widespread application of "neo-liberal" principles in the context of international development finance-which have emphasized the importance of stable, private property rights - has motivated political scientists, development economists, and public policy theorists to direct increasing attention to property rights regimes. Within the social sciences, recent attention to property is evident in anthropology and economic sociology. Max Weber's sociological theory of property has much to offer to the sociology, law and economics of today (Laura, 2010).

2.2.3.4 Talcott Parson

Talcott Parsons believed that stable, supportive families are the key to successful socialization. Parsons saw the family as operating most efficiently with clear-cut sexual divisions of labor, and in turn creates a complementary set of roles that links men and women together. From this perspective, women should carry out expressive roles, providing care and security to children while offering them emotional support. Men, on the other hand, would perform an instrumental role - most importantly, being the breadwinner for the family. In other words, women would take the role of managing the household and raising children, while men provide financial support by working outside the home. According to Parsons, this complementary division of labor would ensure stability of the family which he indirectly expressed gender equality and rights (Biscaia & Cacerda, 2009).

2.2.3.5 Robert K. Merton

According to Merton's perception of "functionalism", all standardized social and cultural beliefs and practices are functional for both society as a whole as well as individuals in society. This outlook maintains that various parts of social systems must show a high level of integration, but Merton argues that a generalization like this cannot be extended to larger, more complex societies. The second claim has to do with universal functionalism. This claim argues that all standardized social and

cultural structures and forms have a positive function. Morton has not directly described regarding the rights and property rights system but we could link with the standardized social and cultural structures form because rights/parental property rights system is also one of the elements to buildup the standardized social and cultural structure of each every state as international arenas (Ritzer, 2007).

2.2.3.6 John Stuart Mills

John Stuart Mill's attempt to replace the term 'man' with 'person', i.e. give women the right to vote. John Stuart Mill's addressed of women write. He argued for Franchise Females voting rights. Then a member of parliament, Mill argued that women should be given the right to vote, though his proposal to replace the term "man" with "person" in the second Reform Bill of 1867 was greeted with laughter in the House of Commons and defeated by 76 to 196 votes. His arguments won little support amongst contemporaries but his attempt to amend the reform bill generated greater attention for the issue of women's suffrage in Britain. Initially only one of several women's rights campaigns, suffrage became the primary cause of the British women's movement at the beginning of the 20th century (Van & Sophia, 1999). At the time the ability to vote was restricted to wealthy property owners within British jurisdictions. This arrangement implicitly excluded women as property law and marriage law gave men ownership rights at marriage or inheritance until the 19th century. Although male suffrage broadened during the century, women were explicitly prohibited from voting nationally and locally in the 1830s by a Reform Act and the Municipal Corporations Act. Millicent Fawcett and Emmeline Pankhurst led the public campaign on women's suffrage and in 1918 a bill was passed allowing women over the age of 30 to vote (Phillips, 2004).

2.2.3.7 Plato

Plato acknowledged that extending civil and political rights to women would substantively alter the nature of the household and the state. Aristotle, who had been taught by Plato, denied that women were slaves or subject to property, arguing that "nature has distinguished between the female and the slave", but he considered wives to be "bought". He argued that women's main economic activity is that of safeguarding the household property created by men. According to Aristotle the

labour of women added no value because "the art of household management is not identical with the art of getting wealth, for the one uses the material which the other provides" (Gerhard, 2001).

2.2.4 Feminism Perspective of Women Property Rights

The feminist theory claims that ideologies set the role of gender and create the social inequalities between men and women which are applied by both privileged and the oppressed groups. These ideologies are challenged only when oppressed group gain the resources necessary to do so. Feminism is the movement to create equality for women in society which collects the perceptions and experiences of women to make the strategies for fighting the gender inequalities (Lindsey, 2011).

Social Feminism argues that women are oppressed, also put in subordinate position due to patriarchy system and unpaid labor of women at home which is counted as unproductive work from economic perspective by patriarchal family in capitalistic societies therefore socialist feminism claim that capitalism and patriarchal system need to eliminate and must adapt the socialist principle at both home and workplace to uplift the women's position with men (Lindsey, 2011).

2.2.5 Ethnological Prospective of Women Property Rights

Goody and Tambiah (1973) have provided a major contribution to our understanding of marriage as a social institution. Of particular importance is the way in which these authors draw our attention to the economic aspects of marriage and the ways in which they affect the status of women. They have pointed out that bride wealth is associated with lack of social stratification, important economic roles for women, and relatively weak controls over women's sexuality. In contrast dowry is associated with social stratification, restriction of women to the roles of housewife and mother, and emphasis on chastity as a female virtue. However, in drawing their contrasts between bride wealth and dowry, Goody and Tambiah-and more especially Goody-have obscured rather than clarified the relationship between women's property rights and dowries: Goody suggests that dowry be treated as a form of inheritance. In fact, I argue, dowry and inheritance are fundamentally different. Where women inherit they exercise rights like those enjoyed by men, but where women receive dowries their

rights to inherit are either restricted or non-existent, and their status is markedly lower than that of men (Yalman, 1967). Goody (1973) has stated that "dowry can be seen as a form of pre-mortem inheritance to the bride" and as part of a woman's property complex. It is, he says, women's ability in many parts of Asia to acquire the same kinds of property as men (and often from men) which he and Tambiah, S.J.T., (1973) want to contrast with the situation associated with bride wealth in Africa in which male and female property are sharply segregated. What Goody seems to be saying is that dowries can only occur where women have rights to the same kinds of property as men. Because of their rights women either inherit shares of their parents' property or receive them as dowries. Inheritance and dowry are only different ways of implementing the same basic rights. It has been argued, however, that in China, where dowry was customarily a part of marriage, "Chinese women had practically no property rights" (Lang; 1946). They might legally own property but usually had no right to inherit property. Whatever they owned was received by them as gifts or as wages. Men had rights to inherit, but women did not. To consider dowry as a form of pre-mortem inheritance and as part of a woman's property complex would, in the case of China, blur an important distinction between the definite legal rights to inherit enjoyed by men and the privilege of receiving a dowry which might or might not be enjoyed by women at their parents' or brothers' discretion. In this case it makes no sense to consider dowry a form of pre-mortem inheritance based on the same set of rights as other forms of inheritance. The case of China demonstrates that dowries may not be related to rights to inherit, and thus suggests the need for a closer look at women's property rights and how they relate to whether or not women receive dowries in any society where dowries are given. The scope of this paper is, however, more modest. I first describe women's property rights and how they relate to dowry according to the Ch'ing Code, the statute law of China's last imperial dynasty. I then compare the relevant provisions of the Ch'ing Code to the Indian legal systems described by Tambiah, S.J.T., (1973) and the Sinhalese law described by Tambiah, S.J.T., (1973) and Yalman (1967). My discussion will be confined to these bodies of law. In each case we are dealing with legal statutes formulated by members of ruling elites which may differ in some respects from the customs of particular communities.

According to the Ch'ing Code a family's property belonged to its head and that no other member of the family could use or dispose of its property without his consent.

Only a male could occupy the position of family head, and thus women, excluded from becoming family heads, were also excluded from ownership of family property (Tai; 1961). Only in exceptional circumstances were women allowed to inherit. The law decreed that after the death of a family head his property should be divided equally among his sons. If he had no sons, one of his brother's sons should be appointed his heir. Only if neither sons nor brothers' sons were alive to assert their rights might his daughters inherit. Widows who did not remarry and unmarried daughters were customarily entitled to maintenance from their husband's or father's estate, but ordinarily they had no right to inherit (Tai, 1963). These arguments are based, however, on a highly schematic conception of Chinese law and the social structure defined by it. Their underlying assumption is that the family was the basic property holding unit, and its property was owned by the family head who was free to dispose of it as he pleased. In fact, legally as well as customarily, individuals, including individual women, might own personal property distinct from family property. Moreover, only a family head who was also the direct ascendant of all of the other family members' was free to dispose of its property as he pleased. If, as was often the case, the family head was either junior to some of the family's members or, if senior, only a collateral relative, his power to dispose of the family property was limited by law as well as by custom. More sophisticated analyses can be found in the papers by McAleavy (1955) and Tai (1963) on which the following discussion is based. According to these authors, a woman might become a family head, but only if there were no competent male to occupy the position. Moreover, a female family head's authority was limited. In particular she was not free to dispose of the family's property in the same way as a male family head who was also the direct ascendant of the family's other members. A family head's authority varied depending upon his relationships with other family members. His authority included three possible components, rights which belonged to any senior member of a clan in relation to his juniors, rights reserved for direct ascendants, and rights attached to the status of family head *per se* (McAleavy, 1955). A clan was a group of agnates among whom seniority was based, first, on generation and, second, within a generation on relative age. Its membership was defined by matrilineal descent from a common ancestor, and in principle the rights attached to seniority were not dependent on residence or property. The relationship of seniors and juniors was one of "authority and obedience" (Tai, 1963). Seniors had the right to issue commands and demand their juniors'

obedience. Their authority was supported by laws which, with a few exceptions, prohibited juniors' taking their seniors to court and punished juniors more severely for offenses against seniors than vice-versa. Except for the specific exceptions discussed below a senior's authority was limited primarily by his own junior position relative to still more senior persons. The law provided no specific regulations, but in principle if two seniors' commands conflicted, the more senior's wishes would have to be obeyed (Tai, 1963). A direct ascendant's authority was virtually absolute. He could not be taken to court by a junior under any circumstances, and offenses against him were the most severely punished. If a family head, a direct ascendant was free to dispose of family property as he saw fit. In contrast a family head who was not a direct ascendant could be taken to court to demand the family property's division or to accuse him of malfeasance in his management or disposal of it. To divide, sell, or pawn the family's property he needed his junior's consent. Thus, while a father's or grandfather's wishes could not be challenged, an uncle's authority was limited (McAleavy, 1955). A person's direct ascendants included his father and mother, his paternal grandparents, his paternal grandfather's parents and, potentially, any ancestor related to him through a direct matrilineal line of descent. Consequently a number of different individuals might possess a direct ascendant's authority over him. In contrast, the rights specific to a family head were concentrated in a single individual (McAleavy, 1955). The family head's principal right and duty was to manage the family's property. He controlled income and expenditures, decided the division of labor and settled disputes among the family's members (Tai, 1963). If the family head were also the most senior direct ascendant of all of the family's other members, his authority was limited only by laws prohibiting willful murder. If, however, the family included persons senior to him or juniors who were not his direct descendants, the family head's authority was limited. He would still have to obey the commands of his seniors and, as we have seen, could not dispose of the family's property without the consent of his juniors to whom he was not a direct ascendant.

Concerning the family head's qualifications the law was specific: "Males first, females later; among the males the most senior is appointed" (Tai, 1963). A woman could not be family head if any competent male were available (McAleavy, 1955). A widow with a son too young to be family head might act in his stead, but only until he came of age. As a daughter or wife a woman could not be family head and thus could not

freely dispose of family property. A daughter was doubly excluded from the family head's position by being both junior and female. A wife's relationship to her husband and his parents was likened to that of a child to her parents and grandparents (Tai, 1963). If a male family head had died and neither his son nor his grandson were old enough to succeed him, his wife would manage the family property. To pawn or sell it, however, she would have to secure her son or grandson's agreement. She was not free to dispose of the property as her husband had been (Tai, 1963). In any case, if the family head were the owner of the family's property, then women, who ordinarily could not be family heads, would usually not be the owners of family property. Whether or not the family head was the owner of the family property is, however, a debatable question. It has been argued that family property was collectively owned by the family as a corporate group and was not the personal property of the family head. If that were the case then women might have had some property rights as family members, even if they could not become family heads. The theory that the property belonged to the family head was embodied in Taiwan Shihō, the Japanese government's official compilation of the Chinese law and custom in effect in Taiwan when Japan assumed control of the island after the Sino-Japanese War in 1895. Published in 1905, Taiwan Shihō, has been one of the basic sources of Japanese scholarship dealing with Chinese law (McAleavy, 1955). More recently the theory that the family property was the personal property of the family head has been defended by Shiga Shuzo (1967). To my mind, however, the family head's personal ownership of the family's property has been decisively refuted by Tai (1963). Tai points out that the same terminology is applied to division of the family's property both before and after the family head's death. More importantly the theory of the family head's personal ownership fails to explain three points. First, if a family head's son or grandson entered another family by adoption or by uxorilocal marriage he lost the right to share in the division of his natal family's property. If the kinship relation between the son or grandson and his father or grandfather were decisive, then his right to share in the property's division would not have been affected by his leaving one group to enter another. What was decisive was his relationship to the group as a whole, not his relationship to the family head as an individual. Second, if a family head died and a son or grandson who had entered another family left that family and returned to his natal family before its property was divided, his right to share in the division of its property was restored to him. Third, even if a family head already had

sons and grandsons, if after his death his wife or concubine adopted another son, that adopted son, too, would share in the division of the family's property.

In these two cases, as well, the relationship of the individual to the group as a whole is decisive in determining rights to family property, while his relationship to the family head as an individual is not. If, however, family membership rather than personal relationship to the family head was decisive, then the family property could not have been the family head's personal property in the first place. Tai also observes that the theory of the family head's personal ownership is based on the ideal case in which the family head is also the direct ascendant of all of the other family members. In that case his authority to command, admonish and punish his juniors and his own immunity of prosecution would allow him to act arbitrarily in disposing of the family's property. These rights, however, were attached to his status as a clan senior and direct ascendant and not to his status as family head *per se*. As noted above, his authority was limited if the family members included persons who were either his seniors or not his direct descendants. Then the legal rights of other persons, based on their membership in the family as a corporate group, emerged clearly. We may now turn to the questions whether or not women had rights to the same kinds of property as men and whether or not they had the same kinds of rights. There was no legal classification of property which restricted the kinds of property to which women might have rights. There were, however, laws which implied that the rights of most women were radically different from the rights of most men. Family members were divided into two categories, "basic shareholders" whose rights to family property were legally defined and "optional share-holders"² who might or might not receive property at the basic shareholders' discretion. As a general rule the basic shareholders were men, the direct descendants of a common male ancestor, entitled to shares of their family's property because they, and only they, were qualified to continue the ancestral sacrifices. All of a man's legitimate sons, regardless of whether their mothers were his principal wife or his concubine, were entitled to equal portions of their father's share of the family property. Their rights were divided *per stripes*, not *per capita*. Women were not permitted to continue the ancestral sacrifices and thus were excluded from being basic shareholders (Tai, 1963). These general rules were qualified in certain cases. An illegitimate son, i.e., a son whose mother was neither his father's principal wife nor his concubine, was entitled only to half a basic

shareholder's portion. Adopted sons were divided into two distinct categories. Those adopted to continue their father's line of descent were basic shareholders. Others, whose adoptions were acts of charity, were only optional shareholders (Tai, 1963). Men who married uxorilocally were, like women, not entitled to continue the ancestral sacrifices of the families into which they married and thus could not be basic shareholders with definite rights to family property. Such rights as they had were established by contracts at the time of their marriages. None were attached to their status *per se* (Tai, 1963). Women were customarily entitled to maintenance and to a trousseau when they married but they had no definite legal rights to them, except for the implicit right implied by the criminal law prohibiting deliberate murder. The law prohibited even parents from willfully starving their daughters to death.

When a family's property was divided, the basic shareholders might decide to set aside some part of the property to provide their unmarried sisters with dowries but they were not legally obliged to do so. Widows of men who had no sons were legally required to adopt sons for them, and only if no possible heirs were available would a widow receive her husband's share of the family property in her own right. A widow who remarried lost her right both to her first husband's share of his family's property and also to the dowry, if any, which she had brought to her first marriage (Tai, 1963). Women, as such, were expected to marry out. If a woman's father had no sons he might, instead of adopting a son, arrange for an in-marrying son-in-law with the hope that his daughter would produce a grandson to continue his line. As we have seen, the uxorilocally marrying man was only an optional shareholder. If her father died before her son was old enough to become family head and assume control of the family property, the woman herself might act as trustee. She was, however, expected to transmit the property intact to her son and was not free to dispose of it however she pleased. We should also note that when a man died leaving no sons but several daughters, only one of the daughters would marry an in-marrying son-in-law to continue the father's line. The others would marry out in the usual way (Tai, 1963). We can now summarize the legal position of women in relation to family property. As unmarried daughters or as widows they were only optional shareholders who legally might be given nothing at all over and above bare subsistence when the men who were basic shareholders divided the family property. In this respect their rights were subordinate even to those of illegitimate sons. As wives or as mothers they had no

legal claims on family property in their own rights, unless as widows they had no sons and none might be adopted. So far, however, we have only considered family property. There is still the question whether or not women, as individuals, could own personal property distinct from family property. The Li Chi, the classical Book of Rites, had stated the principle that children could not own private property while their parents were alive. In particular, sons and their wives were forbidden to possess their own goods, livestock or implements. As part of the Confucian canon the Li Chi had moral authority throughout much of China's history. Nonetheless, personal property is mentioned in historical records as early as the Han dynasty (206 BC) (Tai, 1963). A T'ang dynasty (618-906 AD.) statute implied that rewards for distinguished service to the government, even if given to a family's junior members, were not to be included in the property collectively owned by the family as a corporate group (McAleavy, 1955). Another T'ang statute specifically excluded from family property not only the personal items included in a bride's trousseau but also any goods, including land, brought with her as dowry, and the statutes of later dynasties followed this precedent (McAleavy, 1955). Ethically speaking, the management and disposal of a wife's property were supposed to be entrusted to her husband, but the husband's control was not legally necessary (Tai, 1963). A distinction was usually made, however, between the personal items (e.g., clothing and jewelry) which constituted a bride's trousseau and the land or other property provided as a dowry. The trousseau was always considered the bride's personal property, but generally the dowry was given not to the bride herself, but instead to the branch of her husband's family composed of herself, her husband and their descendants. Only rarely was the bride's personal ownership stipulated in the marriage agreement (McAleavy, 1955). Usually land or other goods given as dowry were kept apart from a family's common property until the family was divided. Then the dowry was merged with the husband's share of his family property and became the collectively owned property of the new family headed by the husband and wife (McAleavy, 1955). It is clear, however, that women could possess private property.

2.3 Review Global and Continental Wise Related to Practice on Property Distribution System, Policy Program and Empirical Information Since Ancient Period to Till Date

2.3.1 Background

Historical parental property rights systems are different systems of property rights among various people. Anthropological and sociological studies have been made about customs of parental property. inheritance, where only male children can inherit or have rights of parental property. Some cultures also employ matrilineal succession, where property can only pass along the female line, most commonly going to the sister's sons of the decedent; but also, in some societies, from the mother to her daughters. Some ancient societies and most modern states employ egalitarian inheritance, without discrimination based on gender and/or birth order. While in many ancient cultures males seem to have dominated, there are some exceptions. For instance in the Nigerian Aka culture women may hunt, even on their own, and often control distribution of parental resources. Ancient Egypt had female rulers, such as Cleopatra. Legal rights of women in history and Timeline of women's rights.

2.3.2 Global Review

2.3.2.1 Global Review of Socio-cultural Dimension, Systems of Parental Property Rights/inheritance

Paul, (1974), studying 39 non-Western societies around the world, finds consistent correlations between the gender and birth order of a child and his or her outcome in life, and these include differences in the degree of property control: the first son, in comparison to other sons, has more control of property. The Ethnographic Atlas 1998 (Dounge, 2006 and George, 2009), gives the following figures regarding land distribution: primogeniture predominates in 247 societies, while ultimo geniture prevails in 16. In 19 societies land is exclusively or predominantly given to the one adjudged best qualified, while equality predominates in 301 societies.

Regarding land inheritance rules, in 340 societies sons inherit, in 90 other matrilineal heirs (such as brothers), in 31 sister's sons, in 60 other matrilineal heirs (such as daughters or brothers), and in 98 all children. In 43 societies land is given to all children, but daughters receive less. It is also noteworthy that in 472 societies distribution of inherited land follows no clear rules or information is missing, while in

436 societies inheritance rules for real property do not exist or data is missing; there are many societies where there is little or no land to inherit (such as in hunter gatherer societies, pastoral societies or forager societies). Patrilineal primogeniture, also called male primogeniture (eldest son inherits), was customary among Japanese, Okinawan, Korean, Vietnamese, Ancient Egyptian, Ancient Mexican (Choco, Hazara, Zenaga, Lakher or Mara, Kukis, Akha, Tai Dam, Bamar) Tibetan (Khmu, Phunoi, Aimol, Muong, Khumi, Mog, Paite, Pawi, Gangte, Tripuri, Simte, Wancho, Deccanese, Mikir or Karbi), Indian (Munda, Rajput, Kharwars, Nambudiri Brahmin, Khond), Scotland-Scottish, Sweden-Swedish, Norway-Norwegian, Iceland-Icelandic, Denmark-Danish, Timor, Bali Highlands, German-Germany, Turkey-Turkish, Central Asia, Armenian, Nepal-Nepalese, Srilank.

Figure 2.1: World Map with Different Countries and Local Area



Source : Patric 1998, George 2009, Doung 2006, Doungel 2006, and Dyck 2006). The Etnnographic Atlas

Bali lowlands, Mekeo, Monguor, Kabyle, Naga, Khevsur, Rwandan, Nakh, Yami), Central Italian- (Hutsul, Buduma, Tupi, Guarani, Mon, Soninke, Fulbe, Oraon), Ukrainian- (*Telugu, Druze, Tlaxcalan, Cagaba, Mam, Enga, Purari, Yana, Burusho, Attawapiskat, Turu, Masai, Pahari, Sindhi, Nuri, Kodava, Lese, Herzegovina, Gusii, Shambaa, Chibcha, Tarascan, Chenchu, Dard, Kwoma, Sunuwar, Kimam, Hakka, Meithei, Iraqw, Hani, Havasupai, Miao, Papago, Riffian, Belarusian, Arapesh, Wogeo, Wantoat, Sonjo, Bassari, Katab, Matakam, Chilcotin, Kaibab, Madan, Minchia, Topotha, Darasa, Jukun, Kadara, Kagoro, Bwaka, Madi, Tira, Banyun, Bena, Ameru, Wameru, Baiga, Bhuiya, Poto, Soga, Jat, Mapuche, Aymara*), Indian - (*Tamil, Quiche, Popoluca, Kimam, Amhara, Azerbaijani, Ho, Kwoma, Naxi, Omaha, Pumi, Punjabi, Kashmiri*), Romanian, Hungarian, Russian, Somali, Bulgarian, Slovak,

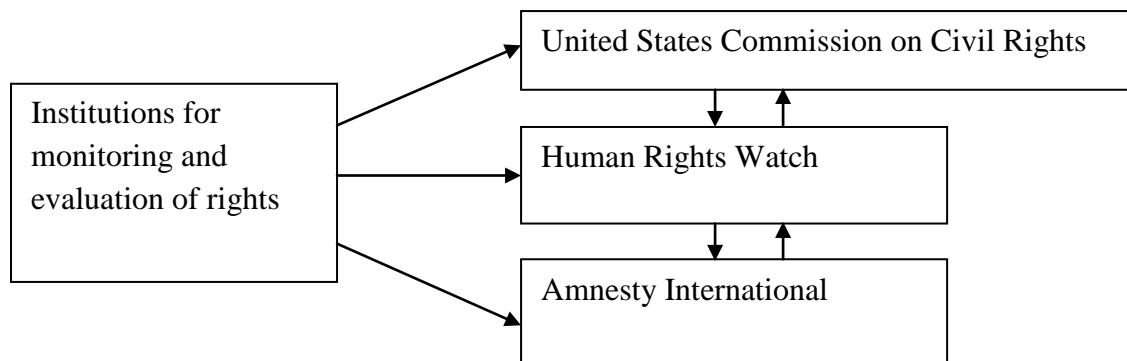
Serbian, Bosnian, Han Chinese, gave more or less equal shares of land to sons, but excluded daughters.

Roman, Malaysia-Malay, Southern Italian, Portuguese, Northern French, Haitian, Dominican, and Cuban, and Thai peasants gave relatively equal shares to both sons and daughters, while the Songhay and the Gilbertese gave less land to daughters, and the same system prevails in contemporary Egypt, most non-Arab Muslims, with some exceptions-Caucasians, Iranians-, historically followed their own inheritance customs, not those of the Ancient Egypt, the eldest son inherited twice more than the other sons. Among the Lao, the Aceh and the Minangkabau, for example, all daughters inherited equal shares of land, There have been other, rarer customs of parental property rights / inheritance, like bilateral primogeniture (eldest son inherits from the father, eldest daughter inherits from the mother). In the Greek island of Karpathos, where the family's house was transmitted from mother to eldest daughter, while the family's land was transmitted from **father to eldest son** (Venier,1984). Among the **Igorot** of Greek, the father's land is inherited by his eldest son and the mother's land is inherited by her eldest daughter (Lorelei, 1997). Land inheritance customs, thus, greatly vary across cultures. However, inheritance customs are sometimes considered a culturally distinctive aspect of a society; for example, the customs of primogeniture predominant among many North-eastern Indian tribes have been considered as possible proof of the possible remote Jewish or Semitic origin of some of them (Laiu, 2007). Although it is many times said that Mizos employ ultimo geniture, where the youngest son inherits all, this is because the customs of Lushais or Lusheis are confused with those of all Mizos; indeed, Mizo and Lushai have been sometimes used as interchangeable terms. Among most non-Lushai Mizos, primogeniture predominates, just as among Kukis (Doungel, 2006). In general there is great confusion about the ethnic identity of the many North-eastern Indian tribes. Some regard the generic term Zomi as most appropriate. The same disparity is seen regarding parental property rights of movable property. Most nomadic peoples from Asia, like for example the Khalka Mongols, give a more or less equal share of the herd to each son as he marries, typically letting the youngest remain behind caring for the parents and inheriting his father's tent after their death in addition to his own share of the herd (Adas,1987) (there is no agriculture in steppe environments such as that of most of Central Asia); And some pastoral peoples from other geographical areas also

practice unequal wealth transfers, although customs of equal male inheritance are more common among them than among agriculturalists. Tswana people, for example, the dominant ethnic group of Botswana and parts of South Africa, whose main source of wealth was livestock, although they also practiced agriculture, practiced patrilineal primogeniture with regards to both livestock and land.

2.3.2.2 Review of Human Rights Activist Institutions

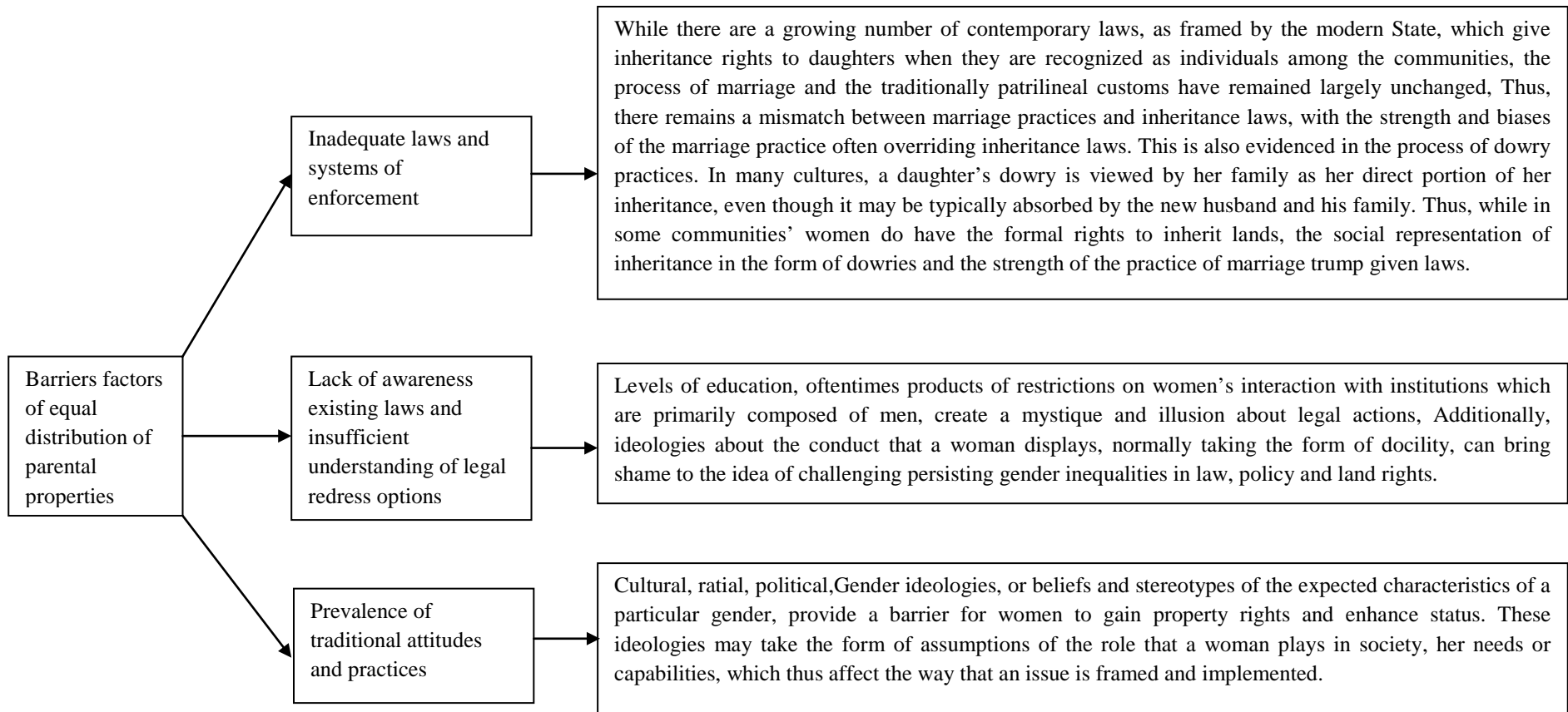
Figure 2.1: Human Rights Activist Institutions



Based on review of articles of different international conventions

2.3.2.3 Review of Barriers Factors of Equal Distribution of Parental Properties

Figure 2.3: Barriers Factors of Equal Distribution of Parental Properties



(Based on articles of Bina Agrawal 1994, 2003, Giovarelli, Renne and Beatrice Wamalwa, 2011 and McCreery and John L. 1976)

2.3.2.4 Review of Global Situation: Rights of Women for Holistic Achievement

In the 26 September 2011 issue of Newsweek magazine (Streib, 2011) a study was published on the rights and quality of life of women in countries around the world. The factors taken into account were legal justice, health and healthcare, parental property, education, economic opportunity, and political power. The rankings were determined by Lauren Streib by uniform criteria and available statistics. According to the study, the best and worst were (Streib, 2012).

Figure 2.4 : Top Ten Countries of Holistic Rights for Women

Rank	Country	Overall	Justice	Health	Education	Economics	Politics
1	Iceland	100.0	100.0	90.5	96.7	88.0	92.8
2	Sweden	99.2	90.8	94.8	95.5	90.3	93.1
3	Canada	96.6	100.0	92.7	92.0	91.0	66.9
4	Denmark	95.3	86.1	94.9	97.6	88.5	78.4
5	Finland	92.8	80.2	91.4	91.3	86.8	100.0
6	Switzerland	91.9	87.9	94.4	97.3	82.6	74.6
7	Norway	91.3	79.3	100.0	74.0	93.5	93.9
8	United States	89.8	82.9	92.8	97.3	83.9	68.6
9	Australia	88.2	80.7	93.3	93.9	85.3	65.1
10	Netherlands	87.7	74.0	95.0	99.0	83.0	68.4

Figure 2.5: Bottom Ten Countries of Holistic Rights for Women

Rank	Country	Overall	Justice	Health	Education	Economics	Politics
1	Chad	0.0	20.7	0.0	0.0	70.9	22.2
2	Afghanistan	2.0	8.4	2.0	41.1	55.3	16.6
3	Yemen	12.1	36.2	44.4	34.1	48.8	0.0
4	Democratic Republic of the Congo	13.6	6.5	11.4	45.1	67.8	27.2
5	Mali	17.6	22.7	29.9	25.8	64.3	49.8
6	Solomon Islands	20.8	0.0	53.6	86.5	46.0	1.9
7	Niger	21.2	26.5	32.9	47.5	58.6	31.3
8	Pakistan	21.4	49.7	49.6	34.0	50.7	19.3
9	Ethiopia	23.7	18.6	27.2	29.9	79.7	37.4
10	Sudan	26.1	21.1	29.4	70.6	54.5	40.8

2.3.2.5 Global Review Related to Women and Property Rights

Women play an integral part in the production of food and goods, from work in fields, factories, and home-based business across the globe (Kevane & Leslie, 1999). There is a critical relationship in the role that women play and the sustenance provided for families, communities, and nations (Kevane, & Leslie, 1999). Globally, an estimated 41% of women headed households live below the locally defined poverty line, with one-third of the world's women either homeless or living in inadequate housing facilities (Benschop, 2004). The additional exclusion of women from access to land pushes them towards cities, where they often join the ranks of increasing number of women-headed households in slum areas (Benschop, 2004). However, through the processes of globalization and industrialization, there has been a noted increase in the numbers of women entering in the waged labor sectors (UN, 2000). Rural women are solely responsible for half of the world's food production, and in developing countries, as much as 80% of food crops (UN, 1997). More recent estimates claim that half of the world's food and in developing countries, between 60-80% of food crops are the results of growth from seeds that have been planted by a woman's hand (Gupta, 2009). This persistence of traditional divisions of labor, in which women hold primary responsibility for producing food, as well as other labor intensive tasks such as gather water and fuel, contributes to the large percentage of women informally working in rural areas (Doss, 2011). The roles that women play differ significantly by region, with an average of 43% of the agricultural labor force in developing countries, ranging from 20% in Latin America to 50% in Eastern Asia and sub-Saharan Africa (UN, 2011). Thus, in addition to increasing vulnerability and reducing status, exclusion of women from the decision making process and the control and transfer of land has also led to a decrease in food security and sustainable development (Agrawal, 2002).

2.3.2.6 Global Review Related to Shifting Dimensions of Property Rights Systems

Though women's lack of formal control over land and resources has long persisting historical roots, economies and societies undergoing extensive change have created deep implications for ownership rights (Lastarria & Susanna, 2005). In subsistence production systems, access to land was determined by status within the family rather

than actual ownership rights; resulting in both men and women having “user rights” to produce food for their families (UN, 2005).

2.3.2.7 Global Review Related to Systems of Social Stratification of Parental Property Rights

The Zulus allowed only minimal grants of land to younger sons. In cases of polygamy, "The eldest son of the in dlunkulu, to the exclusion of all others, succeeds to the property and status of the kraal head. Should he be dead, his eldest son will succeed. Failing such eldest son and all male lineal descendants through him, the second son of the in dlunkulu succeeds and failing him his male lineal descendants in due order of seniority. Failing a third and all other sons of the in dlunkulu and all male lineal descendants there, the succession will devolve upon the eldest son of the house first affiliated to the in dlunkulu (Roux & Coetzee, 1998).

As Hoernlé states, "among the children a strict hierarchy prevails, based on the seniority which serves as a fundamental principle of Bantu society. The elder brother always takes precedence between brothers and so too between sisters." Van Varmelo writes, "Bantu social structure knows no equals, as with whole sibs, so with individuals. The first-born of the same parents is always superior to those born after him, and this superiority is extended to his descendants, with varying consistency (Wilson, 1961).

2.3.2.8 Global Review Related to Impact of Gender Bias on Property

The typical process of agrarian transformation under which labor shifts from agriculture to nonagricultural has occurred slowly and with heavy gender-bias (Agrawal, 2002). Because women's property rights are often assumed through the security of the oftentimes, male, household head, some inheritance laws allocate less property to female heirs than male heirs (Blau, Maria & Anne 1992). Ongoing adherence to male-dominated traditions of property ownership has generally meant that women cannot take advantage of the wide range of benefits associated with ownership and control of property. According to the Land Tenure Service at FAO, poverty is inversely correlated with household land ownership and direct access to land minimizes women's risk of impoverishment and improvements the physical well-being and prospects for children (Crowley, 2001).

2.3.2.9 Global Review Related to Laws/Act and Policies Programs on Women/parental Property Equal Rights

Roman law didn't recognize primogeniture, but in practice Romans favored the eldest son. In Ancient Persia, succession to the family headship was determined by matrilineal primogeniture (Carr, 1807).

2.3.2.9.1 International Commitment on Women's Right in Property

Far-reaching commitments to gender equality and women's human rights are encapsulated in core international human rights instruments, including the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as in the Beijing Platform for Action and UN Security Council Resolutions 1325, 1820, 1888 and 1889. Together with the commitments in the Millennium Declaration and the 2005 World Summit, the 2008 Accra Agenda for Action and Doha Declaration, and the ILO Conventions on working women's rights, they offer a road map for strengthening action, investments and accountability to advance gender equality and women's rights in countries worldwide (UN, 2010).

2.3.2.9.2 Universal Declaration of Human Rights (UNHR), 1948

The Universal Declaration of Human Rights, adopted in 1948, enshrines "the equal rights of men and women", and addressed both the equality and equity issues. In 1979 the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for legal implementation of the Declaration on the Elimination of Discrimination against Women. Described as an international bill of rights for women, it came into force on 3 September 1981. The UN member states that have not ratified the convention are Iran, Nauru, Palau, Somalia, Sudan, Tonga, and the United States. Niue and the Vatican City, which are non-member states, have also not ratified it (UN, 1979) which stated as follows;

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. It also establishes an agenda of action for putting an end to sex-based discrimination for which states ratifying the Convention are required to

enshrine gender equality into their domestic legislation, repeal all discriminatory provisions in their laws, and enact new provisions to guard against discrimination against women. They must also establish tribunals and public institutions to guarantee women effective protection against discrimination, and take steps to eliminate all forms of discrimination practiced against women by individuals, organizations, and enterprises.

2.3.2.9.3 International Covenant on Civil and Political Rights (ICCPR) 1966

International Covenant on Civil and Political Rights, 1966, Articles 26 states that all person is equal before the law and is entitled without any discrimination to the equal protection of law. International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR), Articles 1, 2 and 3 states that everyone is free to decide his or her destiny by pursuing his or her economic, social and cultural development, everyone is entitle for his/her own ends, to freely dispose of his or her natural wealth and resources (Shrestha, 2003).

2.3.2.9.4 Hillary Rodham Clinton Speaks Out for Women's Rights

During the eight years that Ms. Clinton was First Lady of the United States (1993-2001), she traveled to 79 countries around the world (Healy, 2007). A March 1995 five-nation trip to South Asia, on In September 1995 speech before the Fourth World Conference on Women in Beijing, Clinton argued very forcefully against practices that abused women around the world and in the People's Republic of China itself declaring "that it is no longer acceptable to discuss women's rights as separate from human rights" (Tyler, 1995). Delegates from over 180 countries heard her say: "If there is one message that echoes forth from this conference, let it be that human rights are women's rights and women's rights are human rights, once and for all" (Lemmon, 2011).

2.3.3.9.5 Maputo Protocol and Women Rights

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, better known as the Maputo Protocol, was adopted by the African Union on 11 July 2003 at its second summit in Maputo, AfricanUnion, Mozambique,

on 25 November 2005, having been ratified by the required 15 member nations of the African Union, the protocol entered into force. The protocol guarantees comprehensive rights to women including parental property rights and the right to take part in the political process, to social and political equality with men, and to control of their reproductive health, and an end to female genital mutilation (UNICEF, 2006).

2.3.3.9.6 United Nations Security Council Resolution 1325

On 31 October 2000, the United Nations Security Council unanimously adopted United Nations Security Council Resolution 1325, the first formal and legal document from the United Nations Security Council that requires all states respect fully international humanitarian law and international human rights law applicable to the rights and protection of women and girls during and after the armed conflicts (UN, 2000).

2.3.2.9.7 Important Documents of Different Rights Related Including Parental Property Rights

- The Constitution of Medina (622 AD) Arabia instituted a number of rights and responsibilities for the Muslim, Jewish and pagan communities of Medina, establishing freedom of worship for non-Muslims (in return for extra taxes-the jizya), the security of women, a system for granting protection to individuals, and a judicial system.
- The Magna Carta (1215-England) required the King of England to renounce certain rights and respect certain legal procedures, and to accept that the will of the king could be bound by law.
- The Declaration of Arbroath (1320- Scotland) established the right of the people to choose a head of state (see Popular sovereignty).
- The Henrician Articles (1573-Poland-Lithuania) or King Henry's Articles were a permanent contract that stated the fundamental principles of governance and constitutional law in the Polish-Lithuanian Commonwealth, including the rights of the nobility to elect the king, to meet in parliament whose approval was required to levy taxes and declare war or peace, to religious liberty and the right to rebel in case the king transgressed against the laws of the republic or the rights of the nobility.

- The Bill of Rights (1689; England) declared that Englishmen, as embodied by Parliament, possess certain civil and political rights; the Claim of Right (Scotland, 1689) was similar but distinct.
- The Virginia Declaration of Rights (1776) by George Mason declared the inherent natural rights and separation of powers.
- United States Declaration of Independence (1776) succinctly defined the rights of man as including, but not limited to, "Life, liberty, and the pursuit of happiness" which later influenced "liberté, égalité, fraternité" (liberty, equality, fraternity) in France[37] The phrase can also be found in Chapter III, Article 13 of the 1947 Constitution of Japan,[38] and in President Ho Chi Minh's 1945 declaration of independence of the Democratic Republic of Vietnam.[39] An alternative phrase "life, liberty and property", is found in the Declaration of Colonial Rights, a resolution of the First Continental Congress. Also, Article 3 of the Universal Declaration of Human Rights reads, "Everyone has the right to life, liberty and security of person."
- The Declaration of the Rights of Man and of the Citizen (1789, France), one of the fundamental documents of the French Revolution, defined a set of individual rights and collective rights of the people.
- The Virginia Statute for Religious Freedom (1785-United States) Written by Thomas Jefferson in 1779, the document asserted the right of man to form a personal relationship with God without interference by the state.
- The United States Bill of Rights (1789-1791-United States), the first ten amendments of the United States Constitution specified rights of individuals in which government could not interfere, including the rights of free assembly, freedom of religion, trial by jury, and so forth.
- The Universal Declaration of Human Rights (1948) is an overarching set of standards by which governments, organizations and individuals would measure their behaviour towards each other.[citation needed] The preamble declares that the "...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..."
- The European Convention on Human Rights (1950-Europe) was adopted under the auspices of the Council of Europe to protect human rights and fundamental freedoms.
- The International Covenant on Civil and Political Rights (1966), a follow-up to the Universal Declaration of Human Rights, concerns civil and political rights.

- The International Covenant on Economic, Social and Cultural Rights (1966), another follow-up to the Universal Declaration of Human Rights, concerns economic, social and cultural rights.
- The Canadian Charter of Rights and Freedoms (1982-Canada) was created to protect the rights of Canadian citizens from actions and policies of all levels of government.[citation needed]
- The Charter of Fundamental Rights of the European Union (2000) is one of the most recent proposed legal instruments concerning human rights.

2.3.2.9.8 Global Review Related to Outline of Existing Rights

Contractual rights	Fundamental Laws of England
Constitutionalism	History of citizenship
Constitutional economics	Inheritance
Rule according to higher law	Jurisprudence
Deed	Law
Droit	Law of obligations
Duty	Social contract
Equal rights (disambiguation), various meanings	Wesley Newcomb Hohfeld
Exclusive rights	Right to food
Freedom	Right to housing
Freedom of religion	Right to water
Freedom of speech	Right to an adequate standard of living
Freedom of the press	Right to health
	Right to social security

2.3.2.9.9 Law and Act on Access of Equal Property Rights

Under international human rights law, women have a right to own and administer property without discrimination (UDHR; arts. 2 and 17, CEDAW, art. 15), and to an “equal treatment in land and agrarian reform” (CEDAW, art. 14 (2) (g). Within the family, both spouses have equal rights in the “ownership, acquisition, management, administration, enjoyment and disposition of property” (CEDAW, art. 16). Women’s water rights are protected by article 14(2)(h) of the CEDAW (right to adequate living

conditions, including in relation to water supply); rights to potable water are also linked to the right to adequate food recognized, without discrimination, in article 25 of the UDHR and article 11 of the ICESCR.

Soft-law instruments have been adopted by the human rights bodies of the United Nations. For instance, Resolution 15 (1998) of the Sub-Commission on the Promotion and Protection of Human Rights (entitled “Women and the Right to Land, Property and Adequate Housing”) stated that discrimination against women with respect to acquiring and securing land constitutes a violation of human rights law, and urged governments to amend and/or repeal discriminatory laws and policies and to encourage the transformation of discriminatory customs and traditions.

Women’s rights to natural resources have also been addressed in soft-law documents adopted by other international conferences. The Beijing Platform for Action envisages legislative and administrative reforms to ensure gender equality in access to natural resources, including inheritance and ownership rights. Similarly, the World Food Summit Plan of Action affirms the objective of ensuring gender equality and women empowerment and envisages measures to enhance women’s access to natural resources.

Figure 2.6 Women’s Rights to Land and Other Natural Resources

Countries	Property law	Family law	Succession law	Land law	Water law	Forestry law
Brazil	GN	ND; GN	ND	ND; SM; F		
Burkina Faso	GN	GN	ND; J/D;	ND; GN	GN	GN
Fiji			GN; F	GN; F		
India	GN		GN; J/D	GN; J/D; SM; F		GN; F
Italy	GN	ND; GN	GN	GN	GN	GN
Kenya	GN	GN	GN; F	GN; F	GN; F	
Mexico	GN	ND; GN	GN; F	ND; SM; F	GN; SM; F	GN
Philippines	GN	GN; J/D	GN; J/D	ND	GN	GN; SM
South Africa	GN	GN	ND; GN	GN; ND; F	GN; SM; F	ND; GN
Tunisia	GN	GN; J/D	J/D	GN		

Source: Women’s rights to land and other natural resources, (FAO 2005)

GN Gender-neutral / non-discriminatory

ND Non-discrimination / equal-rights principle explicitly stated

SM Special measures to advance women

J/D De jure direct discrimination

J/I De jure indirect discrimination

F De facto discrimination reported in the literature reviewed

2.3.2.9.10 United Nations and World Conferences on Women's Rights (UNWCWR; 1946)

In 1946 the United Nations established a Commission on the Status of Women. Originally as the Section on the Status of Women, Human Rights Division, Department of Social Affairs, and now part of the Economic and Social Council (ECOSOC). Since 1975 the UN has held a series of world conferences on women's issues, starting with the World Conference of the International Women's Year in Mexico City. These conferences created an international forum for women's rights, but also illustrated divisions between women of different cultures and the difficulties of attempting to apply principles universally. Four World Conferences have been held, the first in Mexico City (International Women's Year, 1975), the second in Copenhagen (1980) and the third in Nairobi (1985). At the Fourth World Conference on Women in Beijing (1995), The Platform for Action was signed. This included a commitment to achieve "gender equality and the empowerment of women". In 2010, UN Women is founded by merging of Division for the Advancement of Women, International Research and Training Institute for the Advancement of Women, Office of the Special Adviser on Gender Issues Advancement of Women and United Nations Development Fund for Women by General Assembly Resolution

2.3.2.9.11 Convention on the Elimination of All Forms of Discrimination Against Women CEDAW (1979)

The convention has adopted constructed 16 articles related to equal rights of women / gender as follows under the **part one**;

Article 1: Article One adapted the “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.

Article 2: Article Two mentioned that to take all appropriate measure to eliminate discrimination against women by any person, organization or enterprise. Furthermore this article mentioned that to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women and to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

Article 3: Article 3 has been mentioned that to ensure politically, economically socially and culturally for full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4: Article 4 mentioned that equal opportunities and treatment between men and women. This article also aimed at protecting maternity.

Article 5: Article 5 mentioned the common responsibility of men and women in the upbringing and development of their children, elimination of prejudices between men and women.

Article 6: Article 6 mentioned to take appropriate measures including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Article 7: Article 7 mentioned the elimination of discrimination against women political and public life of the country and equal opportunity to perform and participation of women in policy making and development field.

Article 8: Article 8 mentioned of equal opportunity of men of women to represent their governments at the international level and to participate in the work of international organizations.

Article 9:Article nine mentioned that the women equal rights with men to acquire, change or retain their nationality and equal rights with men with respect to the nationality of their children.

Article 10: Article ten mentioned of the equal rights with men in the field of education and continuity of schooling, physical education, family education, participation in school's functions, attainment in vacation training as equal base with men and equal access of information achievement.

Article 11: Article eleven mentioned of equality of men and women the same rights of opportunity employment, equal rights to chose occupation, rights to work, equal wage, rights to social security particularly in cases of retirement, rights to equal facilities in work.

Article 12: Article twelve mentioned the equal access of quality health care services including maternity health care services.

Article 13: Article thirteen mentioned the equal rights of financial activities particularly, the rights to family benefits and rights to bank loan and recreational activities, sports and all aspects of cultural life.

Article 14: Article Fourteen mentioned the equal participation in implementation of development planning all levels and organize self help groups and cooperatives in order to obtain equal access to economic opportunities through employment. Furthermore, an access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.

Article 15: Article Fifteen mentioned the equal rights to conclude contracts and to administer property and men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16: Article Sixteen mentioned to eliminate discrimination against women in all matters relating to marriage and family relations. The article also mentioned the equal rights for parental property rights, rights to involve in decision making, human

rights, equal rights to health services achievement, equal rights to participation and information achievement rights.

2.3.2.9.12 Natural Law and Women's Rights

17th century natural law philosophers in Britain and America, such as Thomas Hobbes, Jean-Jacques Rousseau and John Locke, developed the theory of natural rights in reference to ancient philosophers such as Aristotle and the Christian theologian Aquinas. Like the ancient philosophers, 17th century natural law philosophers defended slavery and an inferior status of women in law (Morey, 2010). Relying on ancient Greek philosophers, natural law philosophers argued that natural rights were not derived from god, but were "universal, self-evident, and intuitive", a law that could be found in nature. They believed that natural rights were self-evident to "civilized man" who lives "in the highest form of society" (Morey, 2010). Natural rights derived from human nature, a concept first established by the ancient Greek philosopher Zeno of Citium in Concerning Human Nature. Zenon argued that each rational and civilized male Greek citizen had a "divine spark" or "soul" within him that existed independent of the body. Zeno founded the Stoic philosophy and the idea of a human nature was adopted by other Greek philosophers, and later natural law philosophers and western humanists (Morey, 2010). Aristotle developed the widely adopted idea of rationality, arguing that man was a "rational animal" and as such a natural power of reason. Concepts of human nature in ancient Greece depended on gender, ethnic, and other qualification and 17th century natural law philosophers came to regard women along with children, slaves and non-whites, as neither "rational" nor "civilized" (Morey, 2010). Natural law philosophers claimed the inferior status of women was "common sense" and a matter of "nature". They believed that women could not be treated as equal due to their "inner nature. The views of 17th century natural law philosophers were opposed in the 18th and 19th century by evangelical natural theology philosophers such as William Wilberforce and Charles Spurgeon, who argued for the abolition of slavery and advocated for women to have rights equal to that of men. Modern natural law theorist, and advocates of natural rights, claim that all people have a human nature, regardless of gender, ethnicity or other qualifications, therefore all people have natural rights (Morey, 2010).

2.3.2.9.13 Conclusion

The norms do not formally discriminate against women. For instance, the Registered Land Act does not exclude women from possible titleholders, and uses gender neutral words like “proprietor”. However, the land tenure reform has affected women’s land rights. The reform intervened in a context where customary law was evolving towards increasing individualization, with an erosion of women’s customary land right. In this context, the implementation of the land registration programmes, carried out in a period in which gender was not in the development agenda, accelerated the individualization process and further curtailed women’s land rights. Among many peoples who divide their land and movable property equally among all sons or children, the youngest son, daughter or child inherits the house or parental dwelling after caring for his or her parents until their death, since each of the sons or children will receive his or her share of land and movable property as he or she marries.

2.3.3 Europe

2.3.3.1 Ancient culture of Europe

2.3.3.1.1 Greece

The status of women in ancient Greece varied from city state to city state. Records exist of women in ancient Delphi, Gortyn, Thessaly, Megara and Sparta owning land, the most prestigious form of private property at the time (Gerhard, 2001). In ancient Athens, women had no legal personhood and were assumed to be part of the oikos headed by the male kyrios. Until marriage, women were under the guardianship of their father or other male relative, once married the husband became a woman’s kyrios. As women were barred from conducting legal proceedings, the kyrios would do so on their behalf (Blundell, 1995). Athenian women had limited right to property and therefore were not considered full citizens, as citizenship and the entitlement to civil and political rights was defined in relation to property and the means to life (Gerhard, 2001). However, women could acquire rights over property through gifts, dowry and inheritance, though her kyrios had the right to dispose of a woman’s property (Blundell, 1995).

2.3.3.1.2 Rome

Freeborn women of ancient Rome were citizens who enjoyed legal privileges and protections that did not extend to non-citizens or slaves. Roman society, however, was patriarchal, and women could not vote, hold public office, or serve in the military (McGinn, 2004). Women of the upper classes exercised political influence through marriage and motherhood. During the Roman Republic, the mother of the Gracchus brothers and of Julius Caesar were noted as exemplary women who advanced the career of their sons. During the Imperial period, women of the emperor's family could acquire considerable political power, and were regularly depicted in official art and on coinage (Walter, 2000). Both daughters and sons were subject to patria potestas, the power wielded by their father as head of household (paterfamilias). At the height of the Empire (1st-2nd centuries), the legal standing of daughters differs little if at all from that of sons. Girls had equal inheritance rights with boys if their father died without leaving a will (David, 1999).

2.3.3.1.3 Sweden

In Sweden, from the thirteenth century until the nineteenth century, sons inherited twice as much as daughters. This rule was introduced by the Regent Birger Jarl. Even after the introduction of these laws, however, the eldest son still usually inherited the land of his parents in exchange for taking care of them in their old age (predominance of matrilineal primogeniture). His siblings received only monetary compensation for giving up their claims on the family land (Arbor, 2005).

2.3.3.1.4 Spain

In Spain, it was typical that all children (both men and women) had a part of the inheritance, but one child (the one who inherited the house and a larger share of the land) inherited one-third of all the inheritance. This child was called the mellorado (literally, "improved upon"). In some villages the mellorado even received two-thirds of all the inheritance. This two-thirds would be all the family's lands, while other children received their part in money. In Galicia's coastal areas, the youngest daughter was often the privileged inheritor, while in Galicia's inner areas the privileged inheritor was often the eldest son. Male primogeniture was also common among peasants in Asturias, Cantabria, Catalonia, Huesca and other minor zones of Aragon,

and parts of the Balearic Islands and Valencia (Massana, 2010). Peasants in the rest of the country divided the inheritance between all children (the aristocracy employed patrilineal primogeniture-mayorazgo).

2.3.3.1.5 Norway

In Norway, male primogeniture traditionally predominated, probably even since the Viking Age. However, in the northernmost part of the country where the Lapp (also called Sami) people lived, male primogeniture prevailed among Norwegian families, while male ultimo geniture prevailed among Sami families ([http://www. Stanford.edu](http://www.Stanford.edu)).

2.3.3.1.6 German

In western Germany, there are still laws of primogeniture (Ältestenrecht) and ultimogeniture (Jüngstenrecht) regulating the inheritance of farms. A comprehensive map of the traditional distribution of peasant customs of male primogeniture and male ultimogeniture in the western parts of Germany was elaborated by Dultzig (Sorensen; 1986). Historically, male ultimogeniture was more common than male primogeniture in Germany (Prendergast, 2005).

2.3.3.1.7 Belgium

In Belgium, inheritance among peasants was patrilineal: daughters could inherit only in the absence of sons. However, in some regions all sons inherited, while in others (Principality of Liege, Duchy of Limburg, county of Loon), male primogeniture prevailed, and in others (Brabant, Fauquemont) male ultimogeniture prevailed. Male primogeniture also prevailed in Luxembourg, and in the department of Nord (France), customs of ultimogeniture and primogeniture were also common In the Netherlands, the Saxon system of stem families and single-heirship prevailed among peasants in inner areas. Official surveys demonstrated that the designated heir was either the eldest son or the last marrying child, often the youngest (Erwin, & Richard, 2011).

2.3.3.2 Review of the Middle Ages' Situation of the Women's Rights of Europe

According to English Common Law, which developed from the 12th century onward, all property which a wife held at the time of a marriage became a possession of her husband. Eventually English courts forbade a husband's transferring property without

the consent of his wife, but he still retained the right to manage it and to receive the money which it produced. French married women suffered from restrictions on their legal capacity which were removed only in 1965 (Bad, 1984). In the 16th century, the Reformation in Europe allowed more women to add their voices, including the English writers Jane Anger, Aemilia Lanyer, and the prophetess Anna Trapnell. English and American Quakers believed that men and women were equal and there should share the parental property equally to son and daughter. Many Quaker women were preachers (Rorabaugh, 2004). Despite relatively greater freedom for Anglo-Saxon women, until the mid-19th century (Latitau, 1967).

2.3.3.3 Women Status in 18th and 19th Century of Europe

The Magna Carta or "Great Charter" was one of England's first documents containing commitments by a king to his people to respect certain legal rights. It reduced the power of the monarch. The Declaration of the Rights of Man and of the Citizen in 1789 in France. The woman, victim of male social conventions, is tied to the wall, made to sew and guarded by governesses. The picture reflects Mary Wollstonecraft's views in *A Vindication of the Rights of Woman*, published in 1792 (Tomory, 1972).

Starting in the late 18th century, and throughout the 19th century, rights, as a concept and claim, gained increasing political, social and philosophical importance in Europe. Movements emerged which demanded freedom of religion, the abolition of slavery, rights for women, rights for those who did not own property and universal suffrage. In the late 18th century the question of women's rights became central to political debates in both France and Britain. At the time some of the greatest thinkers of the Enlightenment, who defended democratic principles of equality and challenged notions that a privileged few should rule over the vast majority of the population, believed that these principles should be applied only to their own gender and their own race. The philosopher Jean Jacques Rousseau for example thought that it was the order of nature for woman to obey men. He wrote "Women do wrong to complain of the inequality of man-made laws" and claimed that "when she tries to usurp our rights, she is our inferior". In 1791 the French playwright and political activist Olympe de Gouges published the Declaration of the Rights of Woman and the Female Citizen, modelled on the Declaration of the Rights of Man and of the Citizen of 1789. The Declaration is ironic in formulation and exposes the failure of the French Revolution,

which had been devoted to equality. It states that: "This revolution will only take effect when all women become fully aware of their deplorable condition, and of the rights they have lost in society" (Lauren, 2003).

2.3.3.4 Review Related to Women Property Rights of Modern Europe

In Europe, however, although property was inherited by son in many cases, his brothers were often allowed to remain in the household work. But now it has been changed and siblings are treating equally all over the European countries (Chinwe, 2011)

2.3.3.5 Properties Rights/Inheritance Customs as a Cultural Dimension in European Countries

Inheritance customs do not follow clear ethnic, linguistic or geographical patterns. Equality between all sons and a subordinate position of women (with the exclusion of daughters from inheriting) are prominent aspects of Hungarian in European countries (Vintilă, 1987).

2.3.3.6 The Evolution of Parental Property Rights/inheritance Practices in European Countries

The right of patrilineal primogeniture, though widespread during medieval and modern times in Europe, doesn't seem to have prevailed so extensively in ancient times. In Athens, according to Demosthenes, the eldest son inherited the house and with it the cult to family ancestors. Aristotle speaks about matrilineal primogeniture during his time in some Greek cities (Thebes, Corinth), as well as the revolts that put an end to it in some others (Massalia, Istros, Heraclea Cnido). While he was opposed to this right, Plato wanted it to become more widespread. However, the nature of inheritance practices in ancient Sparta is hotly debated among scholars. Ancient Greeks also considered the eldest son the avenger of wrongs done to parents- "The Erinyes are always at the command of the first-born", they said (Shaw, 1997).

Among Celtic and German peoples, the predominant custom during ancient times seems to have been to divide the land in equal parts for each of the sons but not into the daughters. (Velazquez, 2011). The British custom of male primogeniture became also prevalent in some British colonies, most strongly in Australia. The contrary development occurred in South Africa, where the colonizers, who practiced portable

inheritance, were always opposed to the custom of male primogeniture prevalent among indigenous black peoples. In New Zealand, European colonizers chose any son to succeed to the family farm, without regards to his fraternal birth order, while seniority of birth and of patriline organized and structured the indigenous Maori society (Hayden, 2000). In parts of Northern France, giving a slightly larger share to the eldest son was common among peasants even before the 10th century (Guzowski, 2009).

2.3.3.7 Overview of Women Rights, Property Rights and Voting Rights Initiated for Women in European Countries

During the 19th century the right to vote and property rights of women was gradually extended in many European countries and women started to campaign for their right to vote in 1893 under the Convention on the Elimination of All Forms of Discrimination Against Women. Following European countries were initiated the women rights, property rights and voting rights in following listed date (CNN, 2005)

Finland in 1906	Denmark in 1915
Norway in 1913	
Iceland in 1915	Sweden in 1918
Netherlands in 1917	Germany and Luxembourg in 1919
Austria in 1995	Spain in 1931
Azerbaijan in 1995	France in 1944
Russia in 1995	Belgium in 1946
Azerbaijan in 1995	Italy in 1946
Canada in 1918	Romania in 1946
Czechoslovakia in 1918	Yugoslavia in 1946
Georgia in 1918	Switzerland in 1971
Poland in 1918	Liechtenstein in 1984

2.3.3.8 Rights of Equal Pay for Equal Work

In the subsequent decades women's rights again became an important issue in the English speaking world. By the 1960s the movement was called "feminism" or "women's liberation." Reformers wanted the same pay as men, equal rights in law,

and the freedom to plan their families or not have children at all. Their efforts were met with mixed results (Waves, 2011).

2.3.3.8.1 United Kingdom

In the UK, a public groundswell of opinion in favour of legal equality had gained pace, partly through the extensive employment of women in what were traditional male roles during both world wars. By the 1960s the legislative process was being readied, tracing through MP Willie Hamilton's select committee report, his equal pay for equal work bill the creation of a Sex Discrimination Board, Lady Sear's draft sex anti-discrimination bill, a government Green Paper of 1973, until 1975 when the first British Sex Discrimination Act, an Equal Pay Act, and an Equal Opportunities Commission came into force (BBC, 2000).

U.K system is totally based upon the common law system. UK law has accepted husband, wife & child as co-partner. By this system, British law has accepted daughter as a co-partner in her paternal property. In this system the daughter even she may be married can revoke the will paper made by her father or mother. In British property system the main forms of transferring property are will paper but person must look after his/her family in financial matter before making such type of will paper (UN, 2005).

2.3.3.8.2 Italy

General property and contract law (contained in the Civil Code and in special legislation) is gender neutral: women can acquire, own and administer property on the same conditions as men (although the terminology is either gender neutral or masculine; e.g. “proprietario”, art. 832). While systematic sex-disaggregated data on land reform beneficiaries is scarce, available evidence indicates that only a very small percentage of women benefited from land redistribution programmes or parental property distribution (between 4 and 15 percent in Chile, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Nicaragua, and Peru) (FAO, 2005).

2.3.3.9 Review of International Law and Act on Access of Equal Property Rights of European Countries

Article 14 of the ECHR prohibits sex discrimination in the enjoyment of the rights and freedoms recognized in the Convention. The right of “every person” to “the

peaceful enjoyment of his [sic] possessions” is protected under article 1 of Protocol I to the Convention. In most European countries, norms on parental property rights are enshrined in civil codes, as well as in special legislation. These usually do not refer to gender e.g. French Civil Code, art. 544. (FAO, 1996).

Family law has evolved throughout Europe, passing from women’s subordinated position to equality of rights and duties of the spouses. The French Code Napoleon (1804), which provided the model for the civil codes of many European countries, is an interesting example. In its original 1804 text, it adopted a patriarchal model of family. Subsequent legislation (1938, 1942, 1965, 1970, 1975, etc.) granted equal rights and duties to both spouses, (FAO, 1996).

In Central and Eastern Europe, property, family and succession law usually does not discriminate against women (e.g. Romania, Articles 16, 41(2) and 42 of the Constitution and the Family Code, arts. 1, 2, 25, 26 and 30; Croatia, the Law on Property and Other Rights of 1996, art. 1, and Inheritance Law of 1955, as amended in 1978). As for agrarian relations, a comprehensive process of liberalization took place in the 1990s after the demise of communism, and land reform programmes have been adopted in several countries. Land reforms include land restitution to those dispossessed during the Soviet era, state land allocation and/or privatisation (e.g. Latvia), combinations of both (e.g. Czech Republic; Estonia, and distribution of shares of state or collective farms among state employees and collective members (e.g. Russia, Ukraine). This land legislation usually does not discriminate against women, who can benefit from land reform programmes, receive shares of restructured state and collective farms, and purchase and lease land. However, while data on the percentage of women actually acquiring land rights are rare, there are reports that men are the main beneficiaries of land reform programmes and hold most of the land (FAO, 1996).

General property and contract law (contained in the Civil Code and in special legislation) is gender neutral: women can acquire, own and administer property on the same conditions as men. Women’s position within the family has deeply evolved since the Civil Code of 1942 was first adopted. The Civil Code vested the direction of family affairs in the husband. Marriage property relations were governed by the separation of property regime; the wife administered her separate property, unless she

delegated the husband to do so (art. 212), and the husband exclusively administered dowry, arts. 182 and 184, (FAO, 1996).

The 1948 Constitution states the principle of gender equality within marriage, although “within the limits determined by law to guarantee the unity of the family” (art. 29(2)). Many provisions of the Civil Code were inconsistent with this principle. In more than one occasion, the Constitutional Court intervened on the issue of gender equality in matrimonial relations. For instance, in an orbiter dictum of Judgment 187 (1974), the Court called for the legislator to reform the family property rules embodied in the Civil Code; the Court argued that under the regime of separation of property the contribution of women’s domestic work to the household economy was not adequately protected, as it was difficult to evaluate in monetary terms, (FAO, 1996)

2.3.3.10 Conclusion

Women’s rights may be limited by indirect discrimination. For instance, the criteria for land distribution under agrarian reform programmes, while not referring to gender explicitly, often refer to male-dominated categories like permanent agricultural workers (while women are concentrated in the seasonal and temporary agricultural labour force) and smallholders (while women rarely own land). Moreover, under land redistribution and titling programmes, land titles are often issued in the name of the household head, who is usually (de jure or de facto) the husband/father).

2.3.4 America

2.3.4.1 Properties Rights/Inheritance Customs as a Cultural Dimension in Latin America

Most Slavic or Latin American cultures, for example, while many studies show the privileged position that the eldest son traditionally enjoyed in Slovene/ Parental properties (Handa, 1985)

2.3.4.2 Overview of Women Rights, Property Rights and Voting Rights for Women in America and Latin American Countries

During the 19th century the right to vote and property rights of women was gradually extended in many American countries and women started to campaign for their right to vote in 1893 under the Convention on the Elimination of All Forms of

Discrimination Against Women. Following listed countries were initiated of the women's holistic rights as a following date (CNN, 2005).

United States in 1920

Ecuador in 1929

Brazil in 1932

Salvador in 1939

Dominican Republic in 1942

Guatemala in 1956

Argentina in 1946

2.3.4.3 Rights of Equal Pay for Equal Work

In the subsequent decades women's rights again became an important issue in the English speaking world. By the 1960s the movement was called "feminism" or "women's liberation." Reformers wanted the same pay as men, equal rights in law, and the freedom to plan their families or not have children at all. Their efforts were met with mixed results (Waves, 2011).

2.3.4.4.1 United States

In the USA, the National Organization for Women (NOW) was created in 1966 with the purpose of bringing about equality for all women. NOW was one important group that fought for the Equal Rights Amendment (ERA). This amendment stated that "equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex." But there was disagreement on how the proposed amendment would be understood. Supporters believed it would guarantee women equal treatment. (UK, 2011).

2.3.4.5 Property Rights Women during 19th Century

During the 19th century some women in the United States and Britain began to challenge laws that denied them the right to their property once they married. Under the common law doctrine of covertures husbands gained control of their wives' real estate and wages. Beginning in the 1840s, state legislatures in the United States (US,

2011) and the British Parliament (UK, 2011) began passing statutes that protected women's property from their husbands and their husbands' creditors. These laws were known as the Married Women's Property Acts (US, 2011). Courts in the 19th-century United States also continued to require privy examinations of married women who sold their property. A privy examination was a practice in which a married woman who wished to sell her property had to be separately examined by a judge or justice of the peace outside of the presence of her husband and asked if her husband was pressuring her into signing the document (US, 2011).

In several Latin American countries, women have been actively involved in social movements struggling for access to parental property (land), both general agrarian movements (e.g. Movimento dos Trabalhadores Sem Terra, in Brazil) and specifically women's movements (e.g. Federación de Mujeres Campesinas, in Cuba; Asociación de Mujeres Nicaragüenses, in Nicaragua; Federación Hondureña de Mujeres Campesinas, in Honduras; Association Nacional de Mujeres Campesinas e Indigenas, in Colombia (FAO, 1996).

2.3.4.6 International Common Law and Act on Access of Equal Property Rights

The ACHR states the right of everyone to the use and enjoyment of parental property, without discrimination on the basis of sex (arts. 1 and 21), and the principle of equality of rights and “adequate balancing of responsibilities” of the spouses within marriage (art. 17(4)). However, in Latin America, rural women rarely own and administer land, due both to legal and socio-cultural obstacles. As for legal obstacles, family law may recognize the husband as household head or representative (e.g. Nicaragua, article 151 of the Civil Code; Dominican Republic, article 213 of the Civil Code; Honduras, article 167 of the Civil Code), and grant him exclusive administration rights over family property (e.g. Dominican Republic, Civil Code; art. 1421, Honduras, Family Code, art. 82) and even over the personal property of the wife (Dominican Republic, Civil Code, art.; 1428) (Galan, 1998).

2.3.4.6.1 Nicaraguan

The Nicaraguan Agrarian Reform Act of 1981 does not apply the household head criterion for land allocation, and specifically recognizes women as direct beneficiaries

of the land reform regardless of their family status. However, women gained little access to land under the redistribution programme due to cultural factors; in practice, when land was required by a household (which was usually the case), title was issued in one name only, usually the name of the husband/father (Galan; 1998). Land redistribution halted in the 1990s, and a land titling programme was adopted. Law 209 of 1995 states that men and women have equal rights to obtain land titles (art. 32), and allows joint titling for couples. Joint titling for couples (whether married or not) was made compulsory by article 49 of Law 278 (1997), whereby titles issued in the name of the household head are considered as issued to both spouses/partners. This titling programme has led to a considerable increase of women landowners.

2.3.4.6.2 Brazil

In the last century, Brazilian civil law has had a profound evolution, with considerable improvement in women's legal status. In its original formulation, the Civil Code of 1916 adopted a hierarchical model of household: the husband was the household head, exclusively administering both family property and the separate property of the wife (art. 233); the wife was "partially incapable" (art. 6), and needed the authorization of the husband to contract obligations, sell property, and accept inheritance (art. 242). These norms were amended by Law 4121 of 1962 ("Statute of the Married Woman"), which abrogated the provisions on the "partial incapability" of the wife and reduced the number of acts requiring marital authorization. The husband was confirmed as the household head administering family property, although this function was to be performed "in collaboration with the wife". In 1977, legislation on divorce introduced the partial community of property regime, whereby each spouse has equal rights to administer common property and administers his/her separate property. The 1988 Constitution states that the rights and duties concerning the conjugal society are equally exercised by the husband and the wife (art. 226-5), thereby repealing all the remaining discriminatory provisions of the Civil Code.

A new Civil Code was adopted in January 2002, and will enter into force in January 2003. The Code provides for the equality of rights and duties of the spouses, son and daughters (arts. 1511 and 1567). The matrimonial regime is determined by prenuptial agreements, and in the absence of which the partial community of property regime applies (arts. 1639-1688).

Succession norms do not discriminate on the basis of gender. The Civil Code of 2002 lists the surviving spouse among the intestate heirs (provided that there is no separation; articles 1829-1832) and among the necessary heirs (arts. 1845, 1846 and 1789). On the other hand, there are reports that discriminatory succession practices continue to be

2.3.4.7 Conclusion

Latin American cultures and succession norms do not discriminate on the basis of gender. During the 19th century the right to vote and property rights of women was gradually extended in many American countries and women started to campaign for their right to vote in 1893 under the Convention on the Elimination of All Forms of Discrimination Against Women.

2.3.5 Africa

2.3.5.1 Ancient Cultural of Africa

As regards Africa, it can be seen that patrilineal societies were most common in East Africa and Southern Africa (a term which encompasses not only South Africa, but the whole region south of Angola, Congo and Malawi), while matrilineal societies were usually found in Central Africa and West Africa, though even in these regions they were an small minority (most societies in all four major regions of Sub-Saharan Africa were patrilineal). In matrilineal societies, the (maternal) brothers or the sister's sons of the decedent were his inheritors. In cases where brothers were the inheritors of the decedent, maternal brothers succeeded each other in order of seniority, and when the line of brothers was extinguished, the eldest son of the eldest sister succeeded, and so on. However, fraternal succession was predominant also in some patrilineal societies (brothers succeeding each other in order of seniority, the eldest son of the eldest brother becoming the successor when the line of brothers was extinguished, and so on). The main reason for this type of succession was a very low life expectancy. According to the Ethnographic Atlas, there are 90 societies around the world where patrilineal heirs other than sons inherited the property, and in many of these societies the brothers of the decedent inherited his property before his sons (Chinwe, 2011).

2.3.5.1.1 Nigeria

In Nigeria, an extensive survey across 18 diverse states conducted by the Women's Rights Project of the Civil Liberties Organization between 1995-1997 revealed that 37 percent of the people practiced patrilineal primogeniture (inheritance by the eldest son), while 51 percent divided the inheritance between all sons or children. Parental property rights customs can also differ greatly by social class. In Pre-industrial England, the nobility and the gentry were characterized by their strict adherence to male primogeniture; among peasants, however, there was no clearly prevalent inheritance pattern (Heithofer, 1978).

2.3.5.2 Overview of Women Rights, Property Rights and Voting Rights for Women

During the 19th century the right to vote and property rights of women was gradually extended in African countries and women started to campaign for their right to vote in 1893 under the Convention on the Elimination of All Forms of Discrimination Against Women. Following countries were initiated the women rights, property rights and voting rights for women as mentioned date (CNN, 2005).

Liberia in 1947

Uganda in 1958

Nigeria in 1960

Kuwait in 16 May 2005 (CNN, 2005)

2.3.5.3 Social Approaches to Parental Property Rights and Inheritance Customs

The degree of acceptance that a society may show towards an inheritance rule can also vary. In South Africa, for example, the influence of more modern, western social ideas has caused strong opposition, both civil and official, to the customary law of patrilineal primogeniture traditionally prevalent among black peoples, and inheritance customs are gradually changing. J. Bennett explains the customary law of South African indigenous tribes in detail in his book "Customary Law in South Africa". In Zambia, Namibia and Cameroon, the customary law of patrilineal primogeniture prevalent in these countries is also beginning to be challenged in court. In South Sudan (Sibanda, 2004). Uganda and Gambia, however, the custom of patrilineal

primogeniture predominant in all these nations hasn't yet caused much opposition. In South Korea, favouring the eldest son has been predominant almost up to this day, despite laws of equal inheritance for all children, and even in 2005, in more than half (52.6 per cent) cases of inheritance the eldest son was the main heir (Sibanda, 2010) Sibanda, (2010). Social approaches to parental property rights and inheritance customs in south African countries. ([http://www, inheritance customs in south africa. com](http://www.inheritancecustomsinthesouthafrica.com))

Social transformations can also modify inheritance customs to a great extent. For example, the Samburu are pastoralists who have traditionally practiced an attenuated form of patrilineal primogeniture, with the eldest son receiving the largest share of the family herd and each succeeding son receiving a considerably smaller share than any of his seniors, (Taberer1, 1905). The Amhara, who divide their property between all sons and do not leave most or all of the land to only one of them, show nevertheless biases in inheritance favouring the eldest son, and so do the Dinka in a stronger manner. Among the Shona, "the eldest son inherits first and obtains the largest and/or most productive piece of land". The oldest accounts of the Shona already speak about patrilineal primogeniture as their inheritance custom (Hunter & Wire, 2012).

2.3.5.4 International Law and Act on Access of Equal Property Rights in African Countries

The ACHPR guarantees without discrimination the right to property arts. 2 and 14), and mandates states to eliminate every discrimination against women and to protect women's rights (art. 18(3)). On the other hand, differently from other international human rights instruments, the ACHPR does not explicitly state the equality of spouses during and after marriage, and places particular emphasis on the promotion and protection of African "traditional values" recognized by the community (arts. 17(3) and 18 (2)). The Draft Protocol on the Rights of Women in Africa (not yet adopted) provides for the integration of a gender perspective in national legislation (art. 2(1)(c), for equality of rights of the spouses within marriage, including in relation to property (art. 7), for the right of married women to acquire and freely administer separate property (art. 7), for equality of property-related rights upon divorce or annulment of marriage (art. 8(c), for equality in inheritance rights (art. 21), and for women's access to land (art. 15(a)). In much of sub-Saharan Africa, few rural women hold land. For instance, women hold 11 percent of agricultural land in Benin, 25 percent in Congo,

and 25 percent in Tanzania; in Zimbabwe, women hold 3 percent of agricultural land in the smallholder sector and 10 percent in the large-scale commercial sector (FAO, 1995). Moreover, where women hold land, their plots are generally smaller than those held by men: for instance, the average size of women's landholdings is 0.98 hectares (compared to 1.76 for men) in Benin; 0.53 hectares (compared to 0.73 for men) in Tanzania; and 1.86 hectares (compared to 2.73 for men) in Zimbabwe (FAO, 1995). This limited access to natural resources is caused by both legal and socio-cultural factors. Legal obstacles relate both to family and succession law and to natural resource law.

As for the former, some countries have improved women's rights by adopting family and succession laws abrogating discriminatory customary norms (e.g. Ghana's Intestate Succession Law of 1985; Tanzania's Law of Marriage Act of 1971).

In Ethiopia, the Revised Family Code of 2000 grants spouses equal rights in the management of the family (art. 50-1); provides (with some exceptions) for community of property in relation to property acquired after marriage, creating a presumption of common property for goods registered in the name of one spouse and requiring the consent of both spouses for property transfers (arts. 58, 62, 63 and 68); and envisages joint administration of family property (art. 66). The Ethiopian Code also envisages community of property for de facto unions lasting for not less than three years (art. 102). In Malawi, the 1995 Constitution grants women equal legal capacity to enter into contracts and acquire and maintain property rights, regardless of their marital status. In other cases, however, discriminatory norms remain. For instance, in Lesotho family property is administered exclusively by the husband, and in *Shuping v. Motsoahae* the court upheld the alienation of a joint estate decided by the husband without consulting the wife (Ankumah, 1996).

Under the Ugandan Land Act of 1998, customary land right certificates are to be issued recording all interests in land not amounting to ownership, including customary use rights (usually enjoyed by women in their husband's land) (sec. 6(1)(e). Moreover, while decisions on land adjudication are to be made according to customary law, decisions denying women access to ownership, occupation or use are null and void (sec. 28). Specific provisions ensure women's representation in the Uganda Land Commission (at least one member; section 48-4), in Land District

Boards (at least one third of the members; section 58-3) and in parish-level Land Committees (at least one member; sec. 66-2). While selling, leasing or giving away land requires the consent of the spouse a clause introducing presumption of spousal co-ownership, initially included in the Act passed by the Parliament, was excluded by the President from the gazetted text (FAO, 2005).

The Tanzanian Land Act of 1998 includes among its fundamental principles the facilitation of “an equitable distribution of and access to land by all citizens” explicitly affirms the equality of men’s and women’s land rights. Moreover, a “fair balance” of men and women is to be ensured in the appointment of the National Land Advisory Council (FAO, 2005).

In Nigeria, the Enugu Division of the Court of Appeal invalidated customary norms providing for inheritance by male family members only (Mojekwu, 1997), and subjecting inheritance by daughters to their undertaking to remain unmarried (FAO, 2005). Customary land tenure remains widespread in Africa even where land ownership is formally nationalised or privatised. Moreover, women’s inheritance rights are severely limited, not only in patrilineal systems (where property devolves along the male line, to the exclusion of women), (FAO, 2005). On the other hand, women enjoy important natural resource rights under customary law. For instance, women’s tree rights often include the right to collect fruit and fuel wood from trees planted in men’s fields or in men-controlled commons (FAO, 2005).

2.3.5.4.1 Kenya

In present, Kenyan parental property law does not discriminate on the basis of sex/gender. Moreover, under the Contract Act, women have contractual capacity to acquire and administer property. Family law varies according to religious belonging (Marriage Act; Mohammedan Marriage, Divorce and Succession Act; Hindu Marriage and Divorce Act; African Christian Marriage and Divorce Act; customary marriages are recognized under section 37 of the Marriage Act). However, the property provisions are contained in the Married Women’s Property Acts of 1870-1884, which are English statutes now having general application. Under the Law of Succession Act of 1972 (into operation in 1981), female and male children have the

same succession rights, and widows have a life interest in the intestate estate (which they lose with remarriage) (FAO, 2005).

2.3.5.4.2 Burkina Faso

As for general property law, article 15 of the Constitution, guaranteeing the right to property, makes no distinction on the basis of sex/gender. The norms of the Civil Code concerning property (arts. 544 ss.) are gender neutral. Burkina Faso has had several agrarian reforms in the last two decades (1984, 1991, and 1996). Under Law 14/96 of 1996, land ownership is vested with the state (arts. 2-4), but can be transferred to private persons (art. 5). Under the law, men and women have equal property rights. State-owned land is allocated to physical persons without distinction based on sex or marital status (art. 62). Article 68, concerning land alienation to private persons, does not explicitly state the principle of non-discrimination but is gender neutral. (FAO; at. al). Thus, legislation does not formally discriminate against women. In rural areas, however, it is customary law that is in practice mostly applied (FAO, 2005).

2.3.5.4.3 South Africa

The property-related provisions of South African family law were amended in the 1980s and 1990s to improve women's position. For centuries, Roman-Dutch common law granted the husband a "marital power" whereby he exclusively administered family property (parental property) and, unless otherwise specified in the ante nuptial contract, the separate property of the wife. Marital power was progressively restricted by statutory norms (e.g. the Matrimonial Affairs Act of 1953). Under the Matrimonial Property Act of 1984, the spouses can choose the matrimonial regime they prefer (community of property; separation of property; partial community; or "accrual" system, whereby properties remain separated during marriage, but the spouses share "accruals" upon termination of marriage); in the absence of explicit choice, community of property applies. Under this regime, the spouses equally own and administer common property; marital power is abolished. The General Law Fourth Amendment Act of 1993 repealed the last surviving norms on marital power. Statutory succession law (Maintenance of Surviving Spouse Act of 1990 and Intestate Succession Act of 1987) recognizes women's inheritance rights. However, customary

law and regulations made on the basis of customary law under section 23 of the Black Administration Act severely restrict women's succession rights by providing for inheritance by the eldest son (principle of primogeniture) (FAO, 2005).

2.3.5.4.4 Northern Africa and the Middle East

Some countries are not parties to the CEDAW (e.g. United Arab Emirates), while others have ratified it with reservations for the application of Shari'a law, either as general reservations or with regard to specific articles, particularly article 16 on family relations (Egypt, Kuwait, Libya, Morocco and Saudi Arabia). The Arab Charter on Human Rights recognises the right of every citizen to own private property without discrimination between men and women (arts. 25 and 2), but it is not in force, (FAO, 2005).

At national level, family and succession laws usually follow Shari'a norms. The status of women under Shari'a law varies considerably according to the country and the prevailing school of jurisprudence. For instance, women enjoy greater rights under the Hanafi school (traditionally based in Kufa, Iraq) than under the Maliki school (traditionally based in Medina). However, generally speaking, Shari'a norms are usually interpreted so as to vest family direction in the husband/father (e.g. verse 34 of Sura an-Nisaa of the Quran). Women's inheritance share is usually half that of men in a similar succession position. For instance, daughters usually get half of what sons get. Moreover, there are reports of rural women renouncing even to their limited inheritance rights in favor of male relatives, (FAO; at) Very little data is available on the amount of land owned by women. However, reports indicate that land ownership by women is rare throughout the region, although great intra-regional variation exists. Women own 28.6 percent of the land in Jordan, 4.9 percent in the United Arab Emirates, and 0.4 percent in Oman. Even where land is owned by women, women's plots are often smaller than men's, and remain under the control of male family members (FAO, 1995b).

2.3.5.4.5 Tunisia

Succession law is based on Shari'a law (particularly the Malekite tradition), which severely limits women's inheritance rights. Widows and daughters are among the

necessary heirs (“héritiers réservataires”; art. 91). Generally speaking, women inherit half of the share inherited by equally related men. For example, a widow gets a quarter of the estate if there are no children, and an eighth if there are children, while a widower gets a half or a quarter of the estate, respectively (arts. 93-95). In case of only child, the son is “universal heir” (art. 114), while the daughter is entitled to half the estate (art. 93). Moreover, some family members have inheritance rights only if they are male, e.g. uncle and cousins, art. 90. The negative effects of the discriminatory succession norms on women’s land rights are particularly acute, as inheritance is the primary means of acquiring land rights in Tunisia; for instance, a village-level study in the Sidi Bou-Zid region found that inheritance accounted for over 70 percent of land acquisitions in most covered villages, and in some cases even for 100 percent (e.g. in Mliket). Property law (“Code des Droits Réels”) and contract law (“Code des Obligations et des Contrats”), particularly article 3) are gender neutral: men and women can equally acquire and own property (FAO, 1995b).

2.3.5.4.6 Conclusion

The women’s natural resource rights may be determined by the interaction between norms of different nature coexisting in a context of legal pluralism (e.g. customary and statutory law). Gender struggles for access to and control of natural resources may be fought by men and women relying on both statutory and customary norms. In this context, customar norms may be invoked by women to claim rights not recognized under statutory law (e.g. in the case of the Kenyan registration programme), and by men to limit women’s inheritance rights under statutory law. Similarly, statutory law may be relied upon by men to limit women’s unregistered land rights (e.g. Kenya), and by women to challenge the constitutionality of discriminatory customary norms (e.g. the Pastory case in Tanza Conclusion. In Burkina Faso, now some of the nongovernmental organizations and women activates are fighting for equal rights on parental properties and others rights.

2.3.6 Australia

2.3.6.1 Cultural Dimension on Property Inheritance of Women in Australia

Australian women's rights were lampooned in this 1887 Melbourne Punch cartoon: A hypothetical female member foists her baby's care on the House Speaker. “All citizens

including women are equally admissible to all public dignities, offices and employments, according to their capacity, and with no other distinction than that of their virtues and talents". De Gouges also draws attention to the fact that under French law women were fully punishable, yet denied equal rights (Naish; 1991). Mary Wollstonecraft, a British writer and philosopher, published *A Vindication of the Rights of Woman* in 1792, arguing that it was the education and upbringing of women that created limited expectations (Pantheon: 1983). attacked gender oppression, pressing for equal educational opportunities, and demanded "justice!" and "rights to humanity" for all (Lauren; 2003). Wollstonecraft, along with her British contemporaries Damaris Cudworth and Catherine Macaulay started to use the language of rights in relation to women, arguing that women should have greater opportunity including parental property because like men, they were moral and rational beings (Sweet, 2003)

2.3.6.2 Overview of Women Rights, Property Rights and Voting Rights for Women in Australia

During the 19th century the right to vote and property rights of women was gradually extended in Australia and women started to campaign for their right to vote and property rights in 1902 under the Convention on the Elimination of All Forms of Discrimination Against Women.

2.3.7 Asia

2.3.7.1 Socio-cultural Perspective of Women Property Rights in China and South Asia

Goody and Tambia (1973) have pointed that the economic aspects of marriage and the ways in which they affect the status of women. They have also pointed out that bride wealth is associated with lack of social stratification, important economic roles for women, and relatively weak controls over women's sexuality. In contrast dowry is associated with social stratification, restriction of women to the roles of housewife and mother, and emphasis on chastity as a female virtue. However, in drawing their contrasts between bride wealth and dowry, Goody and Tambiah-and more especially Goody-have obscured rather than clarified the relationship between women's property rights and dowries: Goody suggests that dowry be treated as a form of inheritance. In fact, I argue, dowry and inheritance are fundamentally different. Where women inherit they exercise rights like those enjoyed by men, but where women receive

dowries their rights to inherit are either restricted or non-existent, and their status is markedly lower than that of men (Yalman; 1967). Goody (1973) has stated that "dowry can be seen as a form of pre- mortem inheritance to the bride" and as part of a woman's property complex. It is, he says, women's ability in many parts of Asia to acquire the same kinds of property as men (and often from men) which he and Tambiah (1973) want to contrast with the situation associated with bride wealth in Africa in which male and female property are sharply segregated. What Goody seems to be saying is that dowries can only occur where women have rights to the same kinds of property as men. Because of their rights women either inherit shares of their parents' property or receive them as dowries. Inheritance and dowry are only different ways of implementing the same basic rights. It has been argued, however, that in China, where dowry was customarily a part of marriage, "Chinese women had practically no property rights" (Lang; 1946). They might legally own property but usually had no right to inherit property. Whatever they owned was received by them as gifts or as wages. Men had rights to inherit, but women did not. To consider dowry as a form of pre-mortem inheritance and as part of a woman's property complex would, in the case of China, blur an important distinction between the definite legal rights to inherit enjoyed by men and the privilege of receiving a dowry which might or might not be enjoyed by women at their parents' or brothers' discretion. In this case it makes no sense to consider dowry a form of pre-mortem inheritance based on the same set of rights as other forms of inheritance. The case of China demonstrates that dowries may not be related to rights to inherit, and thus suggests the need for a closer look at women's property rights and how they relate to whether or not women receive dowries in any society where dowries are given (Goody, 1973).

Women property rights and the Ching Code family

It has been argued that according to the Ch'ing Code a family's property belonged to its head and that no other member of the family could use or dispose of its property without his consent. Only a male could occupy the position of family head, and thus women, excluded from becoming family heads, were also excluded from ownership of family property (Ch'u 1961: 29-31, 103-104). Only in exceptional circumstances were women allowed to inherit. The law decreed that after the death of a family head his property should be divided equally among his sons. If he had no sons, one of his

brother's sons should be appointed his heir. Only if neither sons nor brothers' sons were alive to assert their rights might his daughters inherit. Widows who did not remarry and unmarried daughters were customarily entitled to maintenance from their husband's or father's estate, but ordinarily they had no right to inherit (Chiu; 1966). These arguments are based, however, on a highly schematic conception of Chinese law and the social structure defined by it. Their underlying assumption is that the family was the basic property holding unit, and its property was owned by the family head who was free to dispose of it as he pleased. In fact, legally as well as customarily, individuals, including individual women, might own personal property distinct from family property. Moreover, only a family head who was also the direct ascendant of all of the other family members' was free to dispose of its property as he pleased. If, as was often the case, the family head was either junior to some of the family's members or, if senior, only a collateral relative, his power to dispose of the family property was limited by law as well as by custom (Goody, 1973).

Concerning the family head's qualifications the law was specific: "Males first, females later; among the males the most senior is appointed" (Tai, 1963). A woman could not be family head if any competent male were available (McAleavy, 1955). A widow with a son too young to be family head might act in his stead, but only until he came of age. As a daughter or wife a woman could not be family head and thus could not freely dispose of family property. A daughter was doubly excluded from the family head's position by being both junior and female. A wife's relationship to her husband and his parents was likened to that of a child to her parents and grandparents (Tai, 1963). If a male family head had died and neither his son nor his grandson were old enough to succeed him, his wife would manage the family property. To pawn or sell it, however, she would have to secure her son or grandson's agreement. She was not free to dispose of the property as her husband had been (Tai, 1963). In any case, if the family head were the owner of the family's property, then women, who ordinarily could not be family heads, would usually not be the owners of family property. Whether or not the family head was the owner of the family property is, however, a debatable question. It has been argued that family property was collectively owned by the family as a corporate group and was not the personal property of the family head. If that were the case then women might have had some property rights as family members, even if they could not become family heads. The theory that the property

belonged to the family head was embodied in Taiwan Shiho, the Japanese government's official compilation of the Chinese law and custom in effect in Taiwan when Japan assumed control of the island after the Sino-Japanese War in 1895 (Goody, 1973).

More recently the theory that the family property was the personal property of the family head has been defended by Shiga Shuzo (1967), whose work is cited by Meijer (1975). To my mind, however, the family head's personal ownership of the family's property has been decisively refuted by Tai (1963). Tai further points out that to division of the family's property both before and after the family head's death. More importantly the theory of the family head's personal ownership fails to explain three points. **First**, if a family head's son or grandson entered another family by adoption or by uxorilocal marriage he lost the right to share in the division of his natal family's property. If the kinship relation between the son or grandson and his father or grandfather were decisive, then his right to share in the property's division would not have been affected by his leaving one group to enter another. What was decisive was his relationship to the group as a whole, not his relationship to the family head as an individual. **Second**, if a family head died and a son or grandson who had entered another family left that family and returned to his natal family before its property was divided, his right to share in the division of its property was restored to him. **Third**, even if a family head already had sons and grandsons, if after his death his wife or concubine adopted another son, that adopted son, too, would share in the division of the family's property (Goody 1973).

2.3.7.2 Properties Rights/Inheritance Customs as a Cultural Dimension in Asian Countries

Finnish or Tibetan culture, for example. The Jaintia, the Garo and the Khasi, on the other hand, traditionally privileged the youngest daughter. (Handa, 1985). Some peoples, like the Dinka, the Arakanese, the Chins of Myanmar, the Maasai or the Karen, frequently show a compromise between primogeniture and ultimogeniture in their inheritance patterns (although among the Maasai and many Chins of Myanmar, the advantage that the eldest and the youngest son have over other sons is really small, so it is not correct to speak of a true pattern of mixed primogeniture and ultimogeniture (Handa, 1985).

Romans valued sons more than daughters and Thais and Shan showed the reverse pattern, though all practiced equal land inheritance between all children. In fact, Shan people, who live mostly in Northern Thailand and north eastern Myanmar, are markedly matrilineal. In Han Chinese tradition, the eldest son was of special importance. He received the family headship in cases where the family held together as a single unit, and the largest share in cases of family division, since he also inherited the cult to family ancestors. (this is still practiced in Taiwan nowadays), though Chinese peasants have practiced partible inheritance since the time of the Han Dynasty. In some cases, the eldest son of the eldest son, rather than the eldest son, was favored. Ritual primogeniture was emphasized in the Lineage organizations of North China. During the time of the Zhou dynasty, patrilineal primogeniture predominated. Confucius says that the elder brother must be in a higher position than the younger brother. It has been usually stated that among Mongols, on the other hand, the youngest son had a special position because he cared for his parents in their old age and on their death inherited the parental tent, which was connected with the religious cult in Mongol traditions, though all sons received more or less equal shares of livestock as they married. In contrast to this popularly held notion, however, more rigorous and substantiated anthropological studies about kinship and family in Central Asian peoples strongly indicate that elder sons and their lines of descent had higher status than younger sons and their lines of descent in these societies. In Central Asia, all members of a lineage were terminologically distinguished by generation and age, with senior superior to junior. The lineage structure of Central Asia had three different modes. It was organized on the basis of genealogical distance, or the proximity of individuals to one another on a graph of kinship; generational distance, or the rank of generation in relation to a common ancestor, and birth order, the rank of brothers in relation to each other. The paternal descent lines were collaterally ranked according to the birth of their founders, and were thus considered senior and junior to each other. Of the various collateral patrilineal lines, the senior in order of descent from the founding ancestor, the line of eldest sons, was the most noble. Furthermore, at least among Mongols, the elder son inherited more than the younger son, and this is mandated by law codes such as the Yassa, created by Genghis Khan (Yu-Hsu & Connie, 2013).

2.3.7.2.1 China

The status of women in China was low, largely due to the custom of foot binding. About 45% of Chinese women had bound feet in the 19th century. For the upper classes, it was almost 100%. In 1912, the Chinese government ordered the cessation of foot-binding. Foot-binding involved alteration of the bone structure so that the feet were only about 4 inches long. The bound feet caused difficulty of movement, thus greatly limiting the activities of women.

2.3.7.2.2 Myanmar

In Pre-colonial Myanmar, Parental property rights/ inheritance customs among the Bamar or Burmese, who Pre-revolutionary France is an excellent example of a culture where parental property rights/ inheritance customs can be very diverse. Although patrilineal primogeniture prevailed among the nobility, as in most other European countries, with respect to plebeian custom there were two general patterns: in the southern half of the country, where testamentary freedom was allowed, a system of "stem" families and patrilineal primogeniture emerged, while in the northern half, where inheritance processes were fixed by law, a system of "nuclear" families and relatively egalitarian inheritance emerged (Dainow Joseph) However, within these two regional patterns there was high local variation, and historians and sociologists often disagree about the details of the different family forms. Focusing only on the Pyrenees, for example, in its western parts primogeniture regardless of sex prevailed in the French Basque Country, while in Bearn, male primogeniture predominated (Arrizabalaga, 2006).

2.3.7.2.3 Vietnam

In Vietnam, male primogeniture has been predominant since the time of the Lê dynasty as a result of Sinicization and Confucianization. However, in some places other customs, like male ultimogeniture or even female unigeniture, also exist (Khuat, 2009).

2.3.7.2.4 Mexico

In Mexico, the high historical prevalence of male primogeniture among upper classes around the world has been subject to some evolutionary theories, such as those

elaborated by Betzig (1993) Patrilineal primogeniture was generally more common among the wealthy landowners, as in pre-industrial Europe, where it prevailed among aristocrats, but wasn't that widespread among peasants. However, there have also been societies where patrilineal primogeniture was used by common peasants, but ignored by aristocrats and rulers; such was the case in Pre-Colonial Mexico, for example, to the surprise of Spanish chroniclers. The conical clan was a concept created by Kirchoff to describe the ayllu, the basic form of social organization in Pre-Colonial Inka society. He realized that all Spanish documents spoke about a system of ranked lines of descent; the senior most male from the senior most patriline provided the chief, and people were degraded in rank with decreasing seniority of birth and of patriline (Jenkins, 2001).

2.3.7.2.5 Japan

In Japan, during the Tokugawa era (1603-1867 final period of traditional Japan), in approximately 61 per cent of cases the successor to the family property was the eldest son, while in 4 per cent of cases a younger son succeeded, in 3 percent a cousin was the successor, in 15 percent an adopted son (including sons-in-law) succeeded and in 16 per cent other person succeeded. During the Postwar period, the eldest son was seven times likelier than other sons to co-reside with his parents and inherit their property property across the whole country, in spite of the fact that the Civil Code of 1947 imposes forced heirship, and official surveys conducted during the 1950s demonstrated a predominant approval and practice of the custom among the Japanese population, even in the southwest part of the country (66 per cent of the people between sixteen and fifty-nine years of age supported and approved male primogeniture across the whole nation. In urban areas 60 per cent and in rural areas 71 per cent of the people between 16 and 59 years of age supported and approved male primogeniture. When only agricultural households were considered, this percentage rose to 77 per cent (Takashi Motoyasu, 2013). Although co-residence of seniors aged 65 and above with a child has decreased from 86.8 percent in 1960 to 46.8 percent in 2005, partly due to the increase in the number of childless people, in most regions, such as Yamanashi prefecture, the first son has almost always inherited all the land even up to this day (Midori & Horioka 2004).

2.3.7.2.6 Israel

Among ancient Israelites, the inheritance is patrilineal. It comes from the father, who bequeaths only to his male descendants (daughters don't inherit). The eldest son received twice as much as the other sons. The father gives his name to his children; for example: the sons of Israel are called Israelites, because the land belonged to the father, and every one of his twelve sons gave his name to his descendants. Example: the sons of Judah are called Yehudi (which is translated into Latin as Judaeus and into English as Jew.)

2.3.7.3 Overview of Women Rights, Property Rights and Voting Rights for Women in Asian Countries

During the 19th century the right to vote and property rights of women was gradually extended in Asian countries and women started to campaign for their right to vote in 1893 under the Convention on the Elimination of All Forms of Discrimination against Women. Following countries were initiated the women rights, property rights and voting rights for women as mentioned date.

- India 1935
- Japan (1945)
- China (1947)
- Indonesia in 1955

2.3.7.4 Rights of Equal Pay for Equal Work

In the subsequent decades women's rights again became an important issue in the English speaking world. By the 1960s the movement was called "feminism" or "women's liberation." Reformers wanted the same pay as men, equal rights in law, and the freedom to plan their families or not have children at all. Their efforts were met with mixed results (Waves, 2011).

2.3.7.4.1 Mexico

Field studies on inheritance practices reveal that land inheritance by the male eldest son is very common in rural areas, as is inheritance by all male children (while daughters tend to inherit only when they do not receive dowry at marriage) (on Sierra Norte de Puebla). Women members usually obtain their status through succession

from their husbands rather than through direct land allocation under the land reform (FAO, 1994). This gender-unequal distribution of land rights is partly due to the historical evolution of the Mexican land reform. The 1920 ejido law provided for the allocation of ejido rights to household heads (Jefes de Familia); although this expression per se was gender neutral, the husband/father was considered the household head. The recent substantial male out-migration has provided new opportunities for women. In some cases, women (mainly daughters of Ejidatarios) have acquired the status of Ejidatario and gained access to plots due to the lack of male applicants (FAO, 1994).

Law and act on access of equal property rights in Mexico

In Mexico, civil law varies from state to state. The Federal Civil Code of 1928 applies to the whole federation for matters within the federal responsibility, and to the Federal District (Mexico City) for matters within state responsibility (art. 1). Under this Code, parental property law does not differentiate on sex/gender grounds (arts. 830-853). Within the family, the spouses have equal authority in the management of family affairs, including in the administration of property (art. 168). Family property is held under either community or separation of property, depending on the agreement reached by the spouses (arts. 178 and 179). Under community of property, it is the matrimonial agreement that determines the modalities for the administration (arts. 189 (VII) and 194). Each spouse exclusively administers his/her separate property, without need for the authorization of the other spouse (art. 172). Under the 1992 Agrarian Law, both men and women may be ejidatarios (art. 12). Therefore, despite the fact that the law adopts a masculine terminology (e.g. “Ejidatario”), men and women have equal rights to obtain individual land parcels (art. 76), to use common lands (art. 74) and water resources (art. 52), to obtain definitive property title over ejido parcels (art. 82), to sign agrarian contracts (Aparceria, Medieria, etc.; art. 79), to participate in ejido institutions applied in rural areas, particularly with regard to the exclusion of daughters from inheritance of land (Guivant, 2001).

2.3.7.5 Social Approaches to Parental Property Rights/inheritance Customs

Employing differing forms of succession can affect many areas of society. Gender roles are profoundly affected by inheritance laws and traditions. Impartible

inheritance has the effect of keeping large estates united and thus perpetuating an elite. With partible inheritance large estates are slowly divided among many descendants and great wealth is thus diluted, leaving higher opportunities to individuals to make a success.. Inheritance customs can even affect gender differences in cognitive abilities: a recent study (Government of Korea, 2009), showed that among the Karbis, who employ male primogeniture, men perform significantly better than women in tasks of spatial abilities, while there are no significant differences in the performance of men and women among the Khasis, who employ female ultimo geniture.

2.3.7.6 Review of Related to International Law and Act on Access of Equal Property Rights

The Asian continent includes extremely different environmental, political, social, cultural and economic realities. Natural resource legislation is also extremely diverse, encompassing state ownership (Viet Nam, ownership by peasant collectives (post-1978 China), comprehensive agrarian reform programmes involving transition to market economy (Central Asia), private ownership (e.g. Philippines), and systems influenced by Islamic law (e.g. Pakistan, Bangladesh). In South and Southeast Asia, owner cultivation and tenancy (particularly sharecropping) are dominant, although plantations are also present. This diversity is reflected in a great intra-regional variation in women's rights to parental property including other natural resources (FAO, 1995).

In socialist countries, legislation granting farmers land use rights on state - or collective- owned land usually does not discriminate against women; however, entrenched customary norms and patriarchal culture constrain women's access to land (Q. Do and Lyer, 2000).

In some Central Asian states (e.g. Kyrgyz Republic and Uzbekistan), the holder of land rights is the household, and land titles are issued in the name of the household head usually the eldest man, (Giovarelli and Duncan, 1999). Therefore, women have access to land only through their husbands and/or male relatives (FAO, 1995).

In some predominantly Muslim countries (Pakistan and Bangladesh), Shari'a norms limiting women's inheritance rights (usually to half of men's share) are incorporated

into statutory law (e.g. for Pakistan, the West Punjab Muslim Personal Law (Shariat) Application Act 1948 (FAO, 1995).

In most countries, the enforcement of statutory legislation is scarce, especially in rural areas, and customary and religious law are mostly applied. Customary law systems are extremely diverse in Asia. In some cases, they are patrilineal and prevent women from gaining direct land rights (e.g. the customary law systems of the Punjab). In other cases, women can own, inherit, acquire and dispose of property in their own right (e.g. in matrilineal and bilateral systems in Thailand and the Philippines).

2.3.7.6.1 India

In India, personal law varies according to religious belonging. While reforms have been brought about, particularly to improve the position of women, statutory law mainly reflects religious norms. The Indian Succession Act Article 44 of the Indian Constitution (included among the Directive Principles of State Policy) states that “the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”, thereby ending the regime of differentiated personal laws (FAO, 1995).

Traditional Hindu law (codified in legal treatises - the shastras - between 200 BC and 300 AD) was divided in two main legal doctrines, Dayabhaga (mainly applied in Bengal and Assam) and Mitakshara (applied in the rest of the country). Under the Mitakshara system, property was divided in two categories: joint family (“coparcenary”) property, belonging to the extended family, and separate property. Only male family members were coparceners in joint family property, while women (wives and unmarried daughters) had a right to maintenance. Separate property entailed full ownership rights, and was held by men (in the absence of male descendants, women could only inherit usufruct rights). The Dayabhaga system did not envisage joint family property. Property belonged to men individually, and, in the absence of male descendants, women could inherit lifelong use rights. Under both systems, women could own property (“stridhan”, acquired e.g. through purchases), although it is controversial whether land could be held by women as stridhan (Agarwal, 2011). Women had wider control powers under Dayabhaga (including the right to sell and gift) than under Mitakshara. In practice, the shastras were not

followed literally, and local customary law was applied instead. While in some areas customary and shastric norms converged, in others they differed and women enjoyed greater rights, especially in matrilineal communities e.g. among the Garos, land traced through the female line, and while the husband administered the land, he could not alienate it without spousal consent (FAO, 1995).

In the 20th century, Hindu law was codified into statutory law. In this process, women's position has been considerably improved. The Hindu Succession Act of 1956 applies to Hindus, Sikhs, Jains and Buddhists of all Indian states except for Jammu and Kashmir (secs. 1(2) and 2(1); here the Jammu and Kashmir Hindu Succession Act of 1956 applies), and covers both the Mitakshara and the Dayabhaga systems. The Act grants in principle equal inheritance rights to men and women. On the other hand, some states have adopted legislation complementary to the Hindu Succession Act, further improving the position of women. For instance, the Kerala Joint Hindu Family System (Abolition) Act of 1976 abolished coparcenary property, subdividing the estates, while in Andhra Pradesh and Tamil Nadu unmarried daughters have been given coparcenary rights equal to sons (FAO, 1995).

2.3.7.6.2 Philippines

Philippine property law (embodied in the Civil Code) as well as family and succession law (Family Code) are gender neutral, and men and women have equal property rights. Assets acquired during cohabitation without marriage are jointly owned, and can be encumbered or disposed of by one partner only with the consent of the partner (Family Code, art. 147). Within marriage, the property regime is determined by the marriage settlement; in absence the community of property regime is applied, with both spouses jointly administering family property (Family Code, arts. 75 and 96). However, "in case of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for proper remedy, which must be availed of within five years from the date of the contract implementing such decision" (FAO, 1995).

2.3.7.6.3 Nepal

The provision severely limited daughters' inheritance rights, by entitling them to a inheritance share only after they reached unmarried the age of 35, and by providing

for land restitution to the family if they subsequently married. The Supreme Court, while recognising that the norm discriminated against women, did not invalidate it, but directed the government to amend it in the light of the equality provision enshrined in the Constitution (art. 11). Following intense lobbying activities by women's organizations, in 1996 the government introduced a Civil Code Amendment Bill inter alia recognizing daughters' equal right to inherit parental property. However, the Bill confirms the norm whereby women lose the land they inherit if they subsequently marry. Debates over the Bills were stalled for years. In March 2002, the Bill was finally approved by the Parliament (Government of Nepal, 2002).

2.3.8 SAARC Region

2.3.8.1 SAARC Countries' Situation of Rights and Parental Property Equal Rights

2.3.8.1.1 Bangladesh

Marriage negotiations for Bangladeshi Muslims involve various financial transactions including primarily the religiously sanctioned dower (mahr). Added to mahar, the practice of dowry or joutuk, demands made by the husband's side to the bride's side, have in the last few decades become a widespread practice supported neither by state law nor personal laws, but apparently designed to strengthen traditional patriarchal assumptions. ... For most Bangladeshis, the practice of dowry has thus become an unpleasant but necessary ... The self-perception of married women, however, differed enormously from case to case. ... her and often the daughter is deprived of her legal rights of inheritance to parental property (Shahnaz, 2006).

2.3.8.1.2 India

India legal system is in harmony with religious system of law. India has two kinds of general code i.e. Hindu and Muslim In the sphere of family law system. Due to the British colonization India system either Hindu or Muslim, both are affected by the common law system and new development of British laws .As the common laws system. Also doesn't recognize woman as independent .India laws has also the same effect .India has mainly two kinds of laws governing property.

Women's property rights in India takes us into a world where the past merges into the present, and straddles the disciplines of sociology, law and economics within a

framework of gender studies. This paper concentrates on south India because this is a region where, historically, women had enjoyed some property rights in contrast to women in north India. The issues raised in this review relate to customary rights - that is the property rights allowed to women in different regions of south India under customary practices, as compared to the rights allowed under the traditional legal systems, the historical evolution of these rights and how interventions from the state and other agencies have redefined these at several points of time. We conclude with an analysis of the changing face of 'dowry' in present-day social arrangements (Kanakalatha, 1999).

Hindu law

India Hindu legal system is as per the traditional Hindu scripture. Indian Hindu succession Act 1956 which governs all the Hindu personal laws, is made as the combined form of Mitakshara & Dayabhaga school of Hindu scripture Hindu succession Act of India has categorized daughter as the heir & successor of first class. According as the provision of section 8,9, & 10 of Hindu succession Act 1956 & successor of first class. According as the provision of section 8,9, & 10 of Hindu succession Act 1956 daughters are also entitled to get equal right on the interested property of her dead father. Hindu succession act has classified heirs as under.

First-son & daughter (spouse of son & daughter if son & daughter is died Second -heirs of husband.

Third-father & mother.

Fourth-heirs of father.

Fifth- heirs of mother

However, in the case of Aputali (not in exact Indian sense) the property shall go to the respective side (father mother & husband, father in law from where it was came). According to the provision of same Hindu succession act The father is liable to provide adequate standard of living and adequate access to education to his daughter till she got married in accordance to the provision Hindu marriage women's right to separate resident if her husband is adulterate or cruel or remarriage or changed to another religion the same act also guarantee right of widow to get maintenance with her father-in-law mother in law or another joint co-partner. Even Indian Hindu law

system is totally based on the ancient Hindu scripture, Hindu woman in India has all access to her property in the matter of administering her property there is no restriction to women either as daughter, wife or widow to dispose or otherwise use her property.

Muslim law

Muslim law of India is totally based upon the rules of Quran and this system has made some discrimination between son and daughter. In the matter of granting property right. The system of Muslim law in this regard is similar to Pakistani system (mentioned here in under).

2.3.8.1.3 Pakistan

Pakistan is the Muslim country and its legal system is also based upon the Muslim customs. There are two different customs of Muslim namely Sunni & Shia. The property law system of Pakistan also accepts both the Muslim customs. According to property law system of Pakistan husband, wife, son & daughter are entitled to get share in their respective paternal property. The division of property is as per Holy Quran; according to which daughter's share in her father's property is half of the son. Muslim law has classified the heirs into three categories of the heirs is spouse, residuary dynasts are 2nd and third are other. In the case of division of the property and share of the heirs, the law is little bit more flexible toward female than Hindu system. According to this law a female as wife mother daughter etc. are entitled to get share in the respective property but practice is somehow different, most of the Muslim society follow the Hindu tradition. In practice, a daughter is either totally excluded from the inheritance of landed property or came very low in order of heirs. As Pakistan has adopted Muslim system of law, in general women their inheritance in immovable property, although it is unequal to men these rights are positive.

2.3.8.1.4 Sri Lanka

Superficially Sinhalese law would seem to offer an ideal case in support of Goody's interpretation of dowry. At least in the Dry Zone of Ceylon, both men and women were individually owners of private property, and their private property might include land as well as personal effects. The owner of property, whether male or female, was

free to dispose of it however he or she saw fit, even to give it or to leave it after their deaths to persons other than their legal heirs (Yalman, 1967). If a parent died intestate, sons and daughters shared equally in their parent's property, regardless of their parent's marital history. Women as well as men retained their rights no matter how often they married, divorced, and married again.

Srilankan laws have adopted equal measure on male and female in general but the legal system operating in general but the legal system operating in Sri Lanka reflects the cross community differences. There are separate systems relating to property inheritance, these systems are completely based on the customs of different community's. Among these customs, the Singhalese costumes are known as Kandyan laws and these laws provide right to daughter in her paternal property as their brother. In the case of non-Kandyan Singhalese who is governed by the general laws of Sri-lanka 'woman (irrespective of married and unmarried) have same right as their brother in their father's estates. In addition, children of both sexes have equal inheritance right in the mother's property when either spouse dies interested the surviving spouse inherit the half share of the property. However, in case of widow, a widow can inherit the whole if the husband leaves no Descendant and ascendant or collateral capable of inheriting his property. She can also dispose the property by this system; adwoman has complete freedom to acquire, posses and dispose of her separate property.

The Jafna Tamils has a different customs and these costumes are also recognized by laws i.e. Jaffna matrimonial rights and inheritance ordinances 1911. According to this ordinance parent could succeed before sibling, grandparents before parents brother s and sister s are equally entitled to get when the shares are decided. In this custom the basic principle of this custom is that each spouse's ancestral property returns to its sources neither spouse succeed interested to others ancestral property The window holds a life interest in the husband's property but the inheritance right is vested with the husband ' share while administering the property a woman s need her husband's consent to dispose her immovable property but a man has full power to dispose his ancestral property without his wife's consent.

The matrilineal Moors also called Muslim Moors' system are little different that of other law. This system of laws is made on the basis of Mohammedan customs. Moreover it becomes now a recognized law these systems are based on the sunny sect

of the Islamic religion under which daughter are eligible to get half of the property, which her brother gets. Under this system women can dispose her property as she wish irrespective of her husband; consent. Thus the general law of Srilanka provides both sexes equal right in land and other ancestral property but personal laws discriminate and embody inequality.

2.3.8.1.5 Nepal

Nepalese legal systems are said to be recorded from 1910 B S. Muluki Ain enacted are the time of Surendra Bir Bikram shah was the first recorded National Code in the civil law system of Nepal. This national code was enacted in the context of Hindu religion and said to accept Brahmanism In the case of co-partner. This National code accepts husband wife, son and unmarried daughter of 35 yrs. old as co-partner, this code had provided that any unmarried daughter who has crossed the age of 35 yr. and is living in her matrimonial house is entitled to get equal share in ancestral property. The administration of property was also flexible. The same provision of the code also provides that the property in which a daughter get as share can be still remain after getting share in her ancestral property.

According to the 11th Amendment of the Civil Code the women can claim for their parental properties as equally to man as the amendment has entitled significant rights to women. This amendment also provided equal inheritance rights to unmarried daughters and sons (where previously an unmarried daughter had inheritance rights only if she was over 35 years of age) and removed discriminatory conditions that prevented women from having full access to property. Women were granted the right to their husband's property upon divorce and the provision of receiving monthly or yearly support in lieu of property. Widows were given full rights to their property allowing them to use it even if they remarry (where previously they were required to return property to the deceased husband's household upon remarriage (Malla, 2011).

2.3.8.1.6 Bhutan

Bhutanese women have traditionally had more rights than men in surrounding cultures, the most prominent being the presumptive right of land ownership. The property of each extended Bhutanese family is controlled by an "anchor mother" who

is assisted by the other women of the family in running affairs. As she becomes unable to manage the property, the position of anchor mother passes on to a sister, daughter or niece. This pattern of inheritance is known by anthropologists as matrilinearity. Men and women work together in the fields, and both may own small shops or businesses. Men take a full part in household management, often cook, and are traditionally the makers and repairers of clothing (but do not weave the fabric). In the towns, a more "western" pattern of family structure is beginning to emerge, with the husband as breadwinner and the wife as home-maker. Both genders may be monks, although in practice the number of female monks is relatively small (Lubow, 2008).

2.3.8.1.7 Conclusion

There is no formal discrimination, women's rights may be restricted in practice. For instance, even where land legislation is gender neutral, most land may be in practice held by men (e.g. Fiji). Moreover, rural women may lack the documents required by laws and regulations to benefit from agrarian reform programmes (as documented for Brazil). In some cases, formally gender neutral norms may allow discrimination in practice; for example, norms granting absolute freedom of will may be used to disinherit widows and daughters (as documented e.g. for India under the Hindu Succession Act). In other cases, socio-cultural factors, such as perceptions on women's role in the family and in society and/or female seclusion practices, constrain the meaningful participation of rural women in natural resource management institutions (e.g. in Indian panchayats and village forest committees and in Mexican ejidos). Moreover, socio-economic factors (particularly women's dependence on their male family members) may pressurize women to renounce to their statutory land rights in favour of male relatives (as documented for Burkina Faso and India).

2.3.9 Nepal

2.3.9.1 Background

The status of women is defined in terms of their marital or sexual status; the right to ansha is fragile, temporary and imperfect. A woman is entitled to her husband's property not as an independent co-parcener but because she is his wife. What she receives in terms of ansha from her husband is governed by the continuation of the marital relation with her husband. She can only continue to hold the right to ansha

until she remains chaste or sexually faithful to the husband. She is uncompromisingly and strictly prohibited to have sexual relation with any man other than her husband, failure to maintain which deprives her of the right to ansha. A daughter is not entitled to ansha because she gets her status changed by marriage. Yet, under the existing legal system, once she reaches an age of 35 years, she is entitled to ansha because the general presumption is that the chance of changing her status through marriage then becomes almost rare (Malla, 2000).

Nepal is endowed with a diverse and rich cultural, artistic and natural heritage and has the unique distinction of being a reservoir of the treasure of traditional knowledge and being a one of the prospective notion of economic development in the century with specific reference to the biogenetic resources and being trade bridge between the giant nations of the south Asia. It is in relation to this reality that a real need is felt for the development of modern intellectual property Juris Prudence in order to recognize and protect the property rights of the peoples in Nepal (Sen, 1981).

Property is any physical or intangible entity that is owned by a person or jointly by a group of people. Depending on the nature of the property an owner of property has the right to consume, sell, rent, mortgage, transfer, exchange or destroy it, or to exclude others from doing these things. In another hand the property is the exclusive authority to determine how a resource is used, whether that resource is owned by government or by individuals. Society approves the uses selected by the holder of the property right with governmental administered force and with social ostracism. Private property rights have two other attributes in addition to determining the use of a resource. One is the exclusive right to the services of the resources. The right to life is the source of all rights and the right to property is their only implementation. Without property rights, no other rights are possible. Since man has to sustain his life by his own effort, the man who has no right to the product of his effort has no means to sustain his life. Just as man cannot exist without his body, so no rights can exist without the right to translate one's right into reality to think, to work and to keep the results which means the right of property. The modern mystics of muscle who offer is the fraudulent alternative of "human rights" versus "property rights" as if one could exist without the other, are making a last grotesque attempt to revive the doctrine of soul versus body. Only ghost can exist without material property. The equal property

ownership issue and even it is totally related on economy, which is the most important factor for the development. It is true that without balance socio-culture environment, the domestic socio-economic status cannot be improved in the society. Now a days people are feeling very high the need of “equal property right to uplift the condition of society as well as economic status, lack of equal property right, women are suffering from various kind of exploitation and inequalities (Sen, 1981).

UN (2005) has illustrated that the Nepal is still running strong feudalistic social values and norms. There were no clear provisions regarding Nepalese women and property rights until 1975, which was international women’s year, the Nepali government began to celebrate international women’s day on the 8th of March. That same year, the civil...was amended and a clause on women’s inheritance and property rights included with the restoration of multiparty democracy in 1990, the new constitution guaranteed that no one should be discriminated against on the basis of sex furthermore, in 1991, the government ratified the U.N 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. In 1995, the Supreme Court issued a directive to the government to introduce a bill in parliament that would guarantee women’s rights to inherit property (UN, 2005).

Kansakar (1995) has described that the Nepalese society is not yet prepared to embrace equal property rights. Nepalese social structure would be badly disturbed by equal property rights. Hindu religion would be wonder if equal property right is given. Parental Property right to Women is a much talked and discussed issue Academic discussion and various inter action have been already held mostly in the Urban areas. Since the introduction of a bill in parliament, it is being an issue of much concern among the people of all strata. Nepali society is a patriarchal society. Son is the successor to his parental property though daughter may claim for the property right after the age of 35, if she did not marry but the son by birth preserves the rights to his parental property. Religious scriptures also strongly plead for the requirement of the son to each religions works and beyond the death of his parents. The higher importance of male in our society has placed them in a higher social status.

In Nepal the issue of relevant to women right is coming up mostly after the Beijing conference in 1995. The voices for equal opportunities and the equal rights are also rising now days in each sector. As the parental property right to women results to generate other right inconsistent to the existing social systems and practices. It is an issue having a great debate. The debate over the issue in political level deserves a significant role, as primarily. It is the political matter to decide before to enact the law authorizing the right to property to women. In our context, a bill is regards to the parental property right to women is pending in the parliament. As discussed earlier, the economic right to women plays a vital role in national development, the bill is supposed to pass by dismantling the earlier practices and social systems. Generation of a pressure is needed for the positive outcome of the bill even after passing the bill, awareness, among the female as well as in male population and the positive implementation would be required. It is not worthy that the total population is larger in rural areas than in the Urban, in such a situation, more awareness among the rural peoples is needed for the effectiveness of parental property right to women. Most of the local levels leaders possess an influential role in their community. The constitution of the kingdom of Nepal 1990, guaranteed the right to all citizens to earn property, to use it to sell it, and enter into other property related transaction under the law of the land HMG 1990 (Sangraula, 1997).

Acharya and Acharya (1997) mentioned that the women carry a triple burden in society as a producer/worker she contributed directing to subsistence and income, as a mother and wife cares for the family members and the children's, as a community workers, she gives all her leisure hours and labor to society. As for as women's access to property and modern avenues of education, and knowledge is concerned, Nepalese women is general lag far behind men.

Nepalese women have very limited property ownership; families are largely deprived of culturally, socially and economically, and politically. They have very little rights to decide even about their own homeland affairs which are required to property. The constitution of Nepal 1990 guarantees legal equality to all its citizen, many of existing provisions are discriminatory towards women in many dimensions. One of the most of seen dimensions is inheritance rights of women and their share in property owning. Absence of legal share of property and property obtained either from the partition

prohibits women to all better opportunities in their overall development, such as education attainment, health care facilities, better occupation social and political participation as well as the decision making power (Acharya & Acharya 1997).

Women's equal right on parental property is a great leap forward in the history of women movement in Nepal. Property owning and decision making power directly affect to the process of women empowerment. Achieving equality between men and women is essential to realize their full potential to involve women fully in policy and decision making in all aspects of social cultural and political life (UNFPA, 1994).

The property inheritance discrimination has been identified as one of the major indicators of son preference in our society and voices to end the distinction have become louder, louder and louder the issue of property right is not have issue in Nepal. But it has been subject of discussion, now days also the issue of the women's property right is passing through a very article stage of confusion and contradictions. Though, this is a very critical and sentimental issue that concern not only to the faith of the half of the country's population. Property ownership generally refers to the authority of a person to gain utilize and dispose the property (economic, goods, service and properties) which the person has in endowed. Empowerment refers to ownership of assets and individual's labor power. However, entitlement is the command that an individual can exert over goods and services by two ways: Using their own resources in direct production and or by using them to buy and sell on the market. Thus a person can be entitled to the property ownership if she has the right to gain utilize as well as dispose over that property (Sen, 1981).

In most of the developing countries women are subjected to discrimination in the form of deep rooted fundamental and patriarchal socio cultural set up of the societies. The gender based discrimination originates at home and gets institutionalized in every aspect of life and elsewhere in the society. Though the constitution of the kingdom of Nepal 1990 guarantees legal equality to its entire citizen (constitution; 1990) many of the existing legal provision are discriminatory toward women in many dimensions. One of the most of such dimensions is inheritance rights of women and their share in property owning. Absence of legal share of property and property obtained either from the parents or from husband are both mercy-based. This situation prohibits

women to avail better opportunities in their overall development such as educational attainment, health care facilities, better occupation, social and political participation as well as the decision making power. Due to the economic dependency, women are subjected to experience domestic violence, psychological domination, polygamy and malnutrition (FWLD, 2000). Similarly, lower utilization of health services in general and reproductive health services in particular often becomes a serious hazard to their lives. Moreover, harassment for dowry especially in Terai, which in many cases has found to be translated into the life of women at stake or circumstantially involvement of young women in trafficking and consequently in prostitution. Now share in property rights of women also leads to many other problems like low age at marriage, low age at child birth, shorter birth spacing, frequently childbearing and unsafe abortion. Worldwide networks of women's groups are working to achieve women's empowerment and improve their socio-economic status in total through grassroots activism and lobbying at a political level to change discriminatory policies and practices, many NGOs are also working in Nepal to install a greater sense of entitlement among women viz. human rights education, legal literacy programs gender training and other small group efforts especially they have influence on advocacy and awareness rising (Sancharika Samuha, 2001).

2.3.9.2 Son and Daughter/male and Female are Perceiving by Nepalese Socio-cultural

1. Dhilo paye, Chhora paye ("Let it be late, but let it be a son")
2. Chhora paye swarga jaane ("The birth of a son paves the way to heaven")
3. Chhori ko janma hare ko karma ("A daughter is born with a doomed fate")
4. Chhora paye khasi, Chhori paye Pharsi ("If a son is born, it is celebrated by sacrificing a goat, if it's daughter, a pumpkin is enough")
5. Chhora bhaiye sansar ujyalo, Chhori bhaiye bhanchha ujyalo ("Son brightens the whole world, whereas a daughter brightens only the kitchen")
6. Kanya Daan ("a daughter should be given away as a gift")
7. Mare paap, pale punya ("It's a sin if the groom kills the bride, charity if nurtured")

8. Srimati bhaneko paitalako dhulo ho (“Wife is the dust of the foot”)
9. Chhori mari, thulo ghar pari (“If a daughter dies, we can say she has been married into a rich home”)
10. Pothi base ghar mahscha (“A woman ruled house is sure to be destroyed”)
11. and Swasni mancheko buddhi pachhadi hunchha (“Women are always shortsighted”) (Malla, 2000).

2.3.9.3 Women, Culture and Society

Nepal’s cultural landscape is recklessly diverse and is composed of more than 125 dialects speaking groups and sub-groups. They are divided mainly into two major groups on the basis of language and socio-cultural practices, i.e. Indo-Aryan and Tibeto-Burman. The politically and culturally predominant Indo-Aryan group mostly lives in the hills and Terai.

In terms of attitudes towards women, there are some conservative communities in Indo-Aryan group, which do not allow women to move freely outside the household. Women wear purdah (veil) and they may not mix openly with the opposite sex. Although other sub-groups within the Indo-Aryan culture do not necessarily practise purdah. Sexual purity of women is extremely important for Indo-Aryan group. Child marriage, a restriction on widows remarrying and arranged marriages are still followed widely (Acharya et al. 1981). Property is inherited only through male line and therefore women’s economic status both in the household and in the workplaces is lower than that of men.

The Tibeto-Burman group live in the hills and the mountain regions. In contrast to general practice in the Indo-Aryan group, women from this group have relative freedom. They have freedom in their choice of marriage partners, premarital sexual relations and social mixing. Child marriages are rarer. Women also engage in outdoor income-generating activities and business however their contributions to the household and national economy is yet to be recognized by the economic yardsticks.

In spite of this cultural diversity, land resource is universally inherited in all communities from father to son with women lagging far behind men in terms of access to knowledge, economic resources and modern avenues of employment. These

clearly indicate that women in both groups of society and culture are deprived in all social spheres and restricted to household activities.

Across the cultural diversity, the majority of communities in Nepal are patriarchal - a women's life is strongly influenced by her father and husband - as reflected in the practice of patrilocal residence, patriarchal descent and by inheritance systems and family relations. Such patriarchal practices are further reinforced by the legal system. Marriage has an overwhelming importance in a woman's life. The event of marriage determines almost all her life options and subsequent livelihood. According to the predominant Hindu tradition, marriage is essential for all whether man or woman. While a man's life is not considered complete without a wife, a woman has no option but to marry. Early marriages are rooted on both the concept of purity of the female body and the need for helping hands in farm and households. The traditional concern over the purity of women's body limits female's mobility. Marriage is understood as a social contract between two clans rather than the personal affairs of the bride and groom. In addition polygyny, though outlawed can still be observed especially in the rural areas of the Terai.

The socio-culturally constructed son preference and dowry system also look at women from minus lens in Nepal. The idea that women can achieve salvation only through sons compels them to marry at an early age and couples to breed as many sons as possible. Consequently there are high rate of child marriage and pregnancy among adolescent women. The heavy burden of pregnancy and childcare at early age seriously limit female's chances to receive education and confine women's role within the household as wives and mothers. It also hinders women's participation in decision-making and politics. The dowry system also creates serious barriers for women. Many young women are mentally and physically tortured by their husbands, in-laws and others by arguing of insufficient dowry from their parents (LWSDC, 2005).

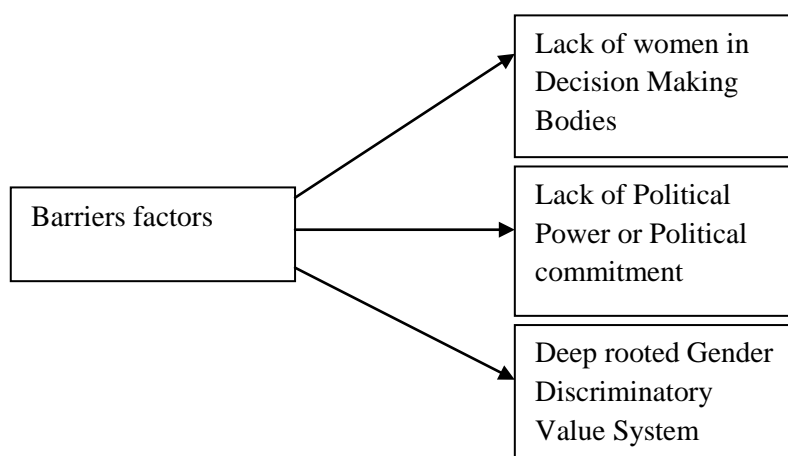
2.3.9.4 Evidence of Discrimination and Disparities between Son and Daughter

- a) A daughter is denied from equal inheritance rights,
- b) Daughter is denied the right to maintenance,

- c) Discrimination in the line of succession (The line of succession gives a right to inheritance to the daughter only after mother and brother),
- d) Discrimination on dolaji property,
- e) Discrimination against Married Women to get the Property,
- f) Divorcee Woman without Property Right (only conditional maintenance right),
- g) Unfaithfulness loses the right in the husband's property,
- h) A victim of rape is considered as ex wife by the law,
- i) Discriminatory Property Right of a Widow,
- j) Discrimination on tenancy right,
- k) Discrimination on Transaction, and
- l) Consent needed to dispose of immovable property

2.3.9.5 Barriers Factors of Equal Inheritance Rights for Women in Nepal

Figure 2.7: Barriers Factors of Equal Inheritance Rights



(Based on Sapana Pradhan Malla's Article 2011)

2.3.9.6 Nepal's Situation on Property Ownership

For preserving and protecting the women rights, there are separate entities of ministry as well as National Women Commission. The both organizations' goal is to protect the women rights, develop the policy, strategies and action plan to empower the women and legitimize the policy in ground level. In agriculture sector, 89% female are involving in agriculture as profession and out of total, only 4.4% female have

property ownership. The data shows that female role is less in economic areas (Government of Nepal, 2061).

The dominant patriarchal psyche still heavily prevalent in Nepal sees women's rights as a „conflict“ between men and women rather than an issue of gender equity, thus making the issue a contested one. The societal value system continues to emphasize the obligations of a woman, but fails to establish or uphold her rights. Gender biases, unequal socialization processes and prejudice have conditioned a majority of women to feel silenced and disempowered. The social and judicial systems still have a long way to go in support of realizing women's rights. It can be stated that despite the impressive material achievements in the expansion of education and health facilities and the growth of various forms of media, coupled with the advent of a multi-party democratic political system and increment in disposable income, impressive participation in decision making, the roles and lived experiences of women in Nepal today have actually changed little when compared with previous studies especially on substantive issues such as gender roles and relations (Shtrii Shakti, 2003).

In terms of economic progress, without accounting for inflation or changes in purchasing power, the average household income has increased over the past 30 years. Current trends show households diversifying their income generating activities and moving away from a reliance on subsistence agriculture and cash crops to business/trade, salaries and remittances (Shtrii Shakti, 2010).

Disparities in decision making abilities are observed in dichotomous settings; i.e. urban-rural, educated-less educated, conservative-liberal and wealthy poor, across all sites. Those in urban areas with a good education, a strong economic base and liberal community background, for example women in the Kathmandu valley, urban towns and among the Lohurung, Rai and Thakali/Baragoanle, Gurung communities, have more decision making powers, possibly due to their increased mobility and their greater involvement in trade and business (Shtrii Shakti, 2010).

In 2011, Community Self Reliance Center (CSRC) studied on different forms of land registration in women's name by covering three ecological areas (Terai/Inner Terai, Hill, & Mountain) in 16 districts of Nepal. The study shows that nearly one-third (32.7%) of the households inherited land as their parental property, 39.7% households

through their own income (own income may also partly imply the income of their husbands) and 11.1% through the parental gifts (daijo) during or after marriage whereas, 18.4% of the households stated that land was acquired through more than one source (CSRC, 2011).

2.3.9.6.1 Female Ownership on Property in Nepal

Altogether, 19.71% of households reported the ownership of land or house or both in the name of female member of the household. In urban areas, 26.77% of the households show female-ownership of fixed assets while the percentage stands at 18.02% in rural areas (Central Bureau of Statistics (CBS, 2012). The following table also shows the status of property ownership of women in Nepal.

Figure 2.8 Property Ownership Status of Women in Nepal

Region	Total	Property ownership by Female			Not stated
		Both house and land	Land only	Neither house or land	
Nepal	5423297	580757	488314	4310560	43666

Source: Government of Nepal, 2012

Out of total 5,423,297 households, 580,757 households reported the ownership of land and house (both) in the name of female member of the household. Similarly, 488,314 households reported female-ownership in land only while 4,310,560 households reported neither house nor land ownership among women

Figure 2.9 : Property Ownership Status of Women by Ecological Development Region of Nepal

Ecological development region	Total	Property ownership by women			Not stated
		Both house and land	Only land	Neither house or land	
Mountain	363698	19836	20320	321376	2166
Hill	2532041	251108	2018422	2061677	17414
Terai	2527558	309813	266152	1927507	24086

Source: Government of Nepal, 2012.

Regarding ecological belt, there are 363,698 total households in mountain region. Among them 5.45% household reported women have ownership in both i.e. land and house, 5.59% household reported that women have ownership in land only and 88.36% household reported that women do not have ownership in land/house. Likewise, there are 2,532,041 total households in hilly region. Out of total household, 9.92% household reported that women have ownership in both i.e. land and house, 7.97% household reported that women have ownership in land only and 81.42% household reported that women do not have ownership in land/house. Among the total 2,527,558 households in terai region, 12.26% household reported that women have ownership in both i.e. land and house, 10.53% household reported that women have ownership in land only and 76.26% household reported that women do not have ownership in land and house. This data shows the less female property ownership in mountain region and high in Terai region but the data shows that there is still male domination in property ownership in all regions.

Figure 2.10 Property Ownership Status of Women by Development Regions of Nepal

Regions	Total	Female Ownership			Not stated
		Both land and house	Only land	Neither land or house	
Eastern development	1230743	155140	156356	909780	9287
Center development	1962238	218221	181482	1541887	20648
Western development	1065599	130861	93434	833801	7530
Mid western development	695014	54192	42094	595010	3718
Far western development	469703	22343	14768	430082	2570

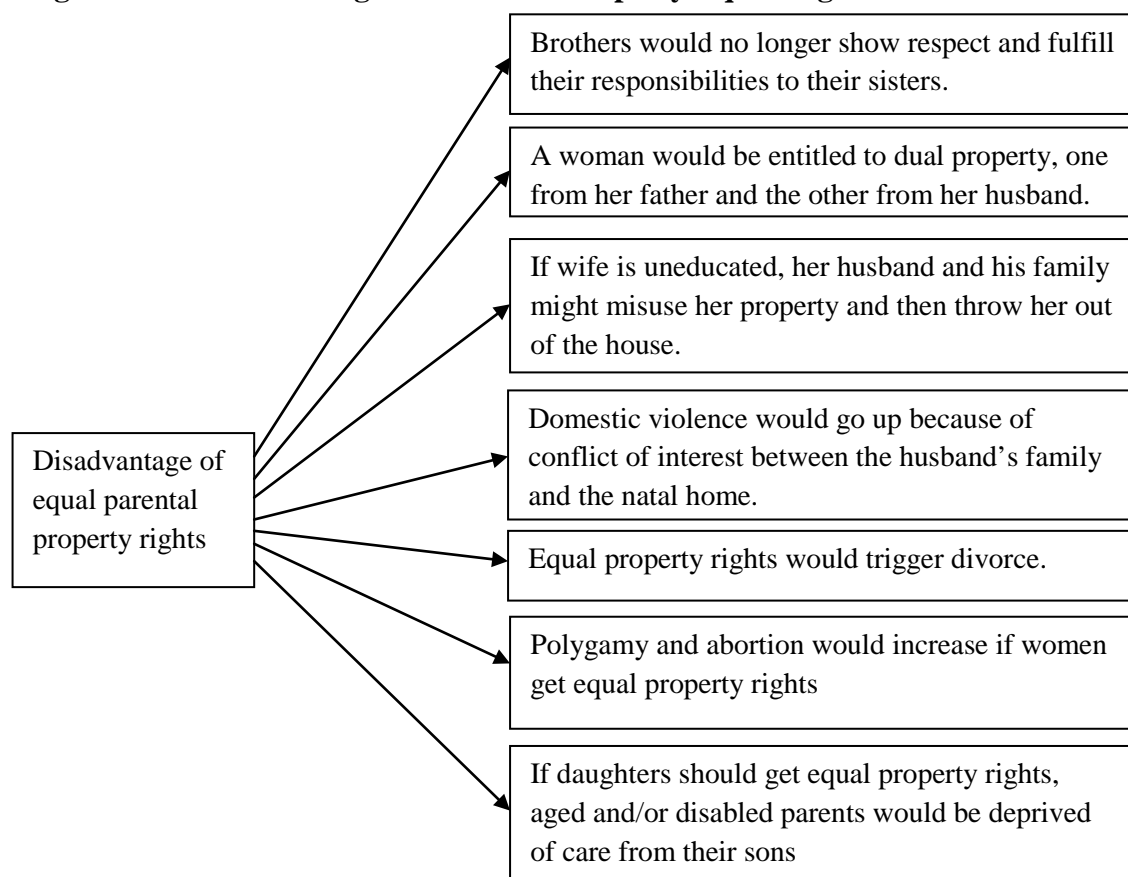
Source: Government of Nepal, 2012.

Regarding five development regions, there are total 1,230,743 households in eastern development region. Out of total household, 12.61% household reported that women have ownership in both i.e. land and house, 12.72% household reported that women have ownership in land only and 73.92% household reported that women do not have ownership in land and house. Likewise, out of total 1,962,238 households in central development region, 11.12% household reported that women have ownership in both i.e. land and house, 9.25% household reported that women have ownership in land only and 78.58% household reported that women do not have ownership in land and house. Among the total 1,065,599 households in western development region, 12.28% household reported that women have ownership in both i.e. land and house, 8.77%

household reported that women have ownership in land only and 78.25% household reported that women do not have ownership in land and house. Likewise, out of total 695,014 households in mid-western development region, 7.80% household reported that women have ownership in both i.e. land and house, 6.06% household reported that women have ownership in land only and 85.61% household reported that women do not have ownership in land and house. Among the total 469,703 households in far western development region, 4.76% household reported that women have ownership in both i.e. land and house, 3.14% household reported that women have ownership in land only and 91.56% household reported that women do not have ownership in land and house. Out of total regions, the data also shows less female property ownership in far western region and more property ownership in eastern development region. However, property ownership among female in both land and house western development region is higher than central development region. But in total, there is less than 25% property ownership among women in all regions and hold property ownership by men.

2.3.9.6 People Perception: Some Disadvantages of Parental Property Equal Rights

Figure 2.11: Disadvantages of Parental Property Equal Rights



(Based on Article of Malla, 2011)

2.3.9.7 Nepal's Laws, Acts and Policy Programs on Parental Property Rights

2.3.9.7.1 History of Nepal Regarding the Parental Property Rights

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 8th of March. That same year, the Civil Code was amended and a clause on women's inheritance and property rights included. The clause states that if a woman remains unmarried up to 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" (Pandey, 2002).

In 1993, a case was finally filed in the Supreme Court with a demand to amend the Civil Code to give women equal rights over property. After two years, in 1995, the Supreme Court issued a directive to the government to introduce a Bill in parliament that would guarantee a woman's rights to inherit property.

The Supreme Court directive, the Ministry of Women and Social Welfare drafted a Bill, popularly known as the "Women's Property Rights Bill" in order to amend the existing Civil Code. It was tabled for discussion in the 11th session of Parliament. It took almost six years more to be passed through parliament, despite a number of other Bills being adopted in this time parliament. During this period, different political parties and parliamentary committees have made a number of changes to the original Bill. On July 17, 2001, a parliamentary committee unanimously declared that women should have equal rights to inherit property. However, the ruling Nepali Congress party expressed some disagreement and proposed that inherited property "should be returned back to respective brother/s if she gets marriage". The ruling party passed the Bill with a majority vote in the Lower House of Parliament in October 2001. But, the Upper House - National Assembly, which is dominated by the opposition party, failed the Bill and it was sent back to the Lower House for reconsideration. After all these turning points, the bill was finally passed in parliament on March 14, 2002. It was sent to the King for his seal of approval and came into effect from September 27, 2002. Today, women in Nepal can enjoy their right to inherit property from birth. But

when they marry any property will be returned to the parent's family. The new law establishes a wife's equal right to her husband's property immediately after marriage, rather than after she reaches 35 years of age or has been married for 15 years as before. A widow's right to claim her share of property from the joint family after the death of her husband, and to use this property even if she gets re-married, is now also established in law (Pandey, 2002).

2.3.9.7.2 Development Plan and Women Rights of Nepal

The development plan of Nepal have not addressed the women rights till sixth development plan and only started to prioritize women from seventh development plan but there is no specific issues addressed by development plan (National Planning Commission. NPC, 1987). When we see the eighth, ninth, tenth and interim three year development plans, all plans have only focused on women participation, empowerment, improving gender development, review and monitor existing laws, policies and also established separate entity as National Women Commission for protecting women"s rights and developed National Action Plan based on CEDAW and also focused to empower the women from indigenous and marginalized groups too but development plan have not addressed the property inheritance rights to women till now (NPC, 1992, 1997, 2002, 2007). Based on development plan, it is found that Nepal government prepares development plan to implement program in country but there was no special focus to women issues till sixth development plan. From seventh development plan, government has tried to incorporate the women issues in plan and also make program to empower women to claim their rights.

Equal rights for women in marriage, divorce, and property/land ownership and inheritance are essential for gender equality. CEDAW has called for the end of discriminatory family laws. In 2013, UN Women stated that "While at least 115 countries recognize equal land rights for women and men, effective implementation remains a major challenge" (Rankin, 2001).

Laws regulating marriage and divorce continue to discriminate against women in many countries. For example, in Yemen, marriage regulations state that a wife must obey her husband and must not leave home without his permission. In Iraq husbands have a legal right to "punish" their wives. The criminal code states at Paragraph 41

that there is no crime if an act is committed while exercising a legal right; examples of legal rights include: "The punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom". In the 1990s and the 21st century there has been progress in many countries in Africa: for instance in Namibia the marital power of the husband was abolished in 1996 by the Married Persons Equality Act; in Botswana it was abolished in 2004 by the Abolition of Marital Power Act; and in Lesotho it was abolished in 2006 by the Married Persons Equality Act (Rankin, 2001).

Violence and mistreatment of women in relation to marriage has come to international attention during the past decades. This includes both violence committed inside marriage (domestic violence) as well as violence related to marriage customs and traditions (such as dowry, bride price, forced marriage and child marriage). Violence against a wife continues to be seen as legally acceptable in some countries; for instance in 2010, the United Arab Emirates's Supreme Court ruled that a man has the right to physically discipline his wife and children as long as he does not leave physical marks. The criminalization of adultery has been criticized as being a prohibition, which, in law or in practice, is used primarily against women; and incites violence against women (crimes of passion, honor killings). A Joint Statement by the United Nations Working Group on discrimination against women in law and in practice in 2012 stated: "the United Nations Working Group on discrimination against women in law and in practice is deeply concerned at the criminalization and penalization of adultery whose enforcement leads to discrimination and violence against women." UN Women also stated that "Drafters should repeal any criminal offenses related to adultery or extramarital sex between consenting adults"

2.3.9.7.3 State Commitments to Guarantee Equal Property Right

State has made commitments to guarantee right to equality to both man and women in all sphere of their life including right to property in different policies, plan, constitution and international conventions (Malla, 2011).

Nepal's legal system does a poor job of protecting women's rights, and this is largely because the Nepali society continues to be based on traditions, maintaining the belief that women are inferior to men and must live in accordance with the wishes of their

fathers, husbands and sons. Although many laws have been adopted in recent years to protect women's rights, the individuals responsible for implementing the laws are mostly men. Administrative and police offices are overwhelmingly male-dominated, and the voices of women are rarely listened to in such places. Similarly, in local communities public officers are reluctant to side with the woman against her husband or other male members of the community. Despite people being more educated and legally aware today, such superstitions targeting women are so deeply-rooted that they continue unabated while the perpetrators are rarely held accountable. Furthermore, women's access to justice from violence is minimized by their own families on the pretext of 'reputation'. This is particularly troubling in cases of domestic violence (Paudel, 2011).

According to the 11th Amendment of the Civil Code the women can claim for their parental properties as equally to man as the amendment has entitled significant rights to women. This amendment also provided equal inheritance rights to unmarried daughters and sons (where previously an unmarried daughter had inheritance rights only if she was over 35 years of age) and removed discriminatory conditions that prevented women from having full access to property. Women were granted the right to their husband's property upon divorce and the provision of receiving monthly or yearly support in lieu of property. Widows were given full rights to their property allowing them to use it even if they remarry (where previously they were required to return property to the deceased husband's household upon remarriage (Malla, 2011).

The Gender Equality Act (2006) has also ensured the property rights of women and removed and amended discriminatory language and provisions. It entitled women to use property freely without the permission of male family members which was required previously and included daughters within the definition of family under the act related to land (Government of Nepal, 2006).

Nepal is also party to various international conventions and platforms such as the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action (BPA, 1995), the Millennium Development Goals (MDG, 2000), and the United Nations Security Council Resolution (UNSCR) 1325, all of which underline the government's responsibility to promote and realize the rights of women. Over the past several years, significant changes have been made through

legal and policy reform concerning women's rights. The 11th Amendment of the Civil Code (2002), the Gender Equality Act (GEA, 2006), and the Nepal Citizenship Act (NCA, 2006) repealed several discriminatory provisions that limited the rights of women. Amendments to the Civil Service Act (CSA, 2005) have aimed to increase the representation and capacity of women and socially excluded groups in government service, (HRTMCC, 2008). In addition to government action, there have been many other efforts and positive contributions to protect and liberate women from risk and difficult situations, and ensure physical, mental, educational, social and psychological development of children. In order to change the depressing picture of women, NGOs are working through education, empowerment and social mobilization initiatives. The Ministry of Women, Children and Social Welfare has also been extending its support to programs being carried out by NGOs. NGOs also extend direct support in the forms of residential care, emergency support, educational support and support for capacity building to girls at risk. These initiatives cater to the needs of survivors of torture and physical abuse, sex abuse and exploitation, trafficking, labor exploitation, girls affected by armed conflict and street girls. Special programs to address education of girls and programs for adolescent girls have also been initiated with the support of UN agencies and others (UN, 2006).

2.3.9.7.4 Civil Code 2020 (1963)

The National Code of Nepal is the first unified law enacted in the 20th Century, more specifically, on 2020 Bhadra 1 (1963) with the objective of maintaining peace and fostering good relations among people irrespective of class, caste or region. Procedural, criminal, civil, and penal provisions are incorporated in the law. The National Code has been amended many times due to changing social, political, and economical situation of Nepal. Here, we have described only the chapters related to women's rights, that is, chapters on parental property rights, marriage, abortion, and sexual offences. The 11th and 12th amendments to the National Code by the Act to Amend Some of the Nepal Acts for Maintaining Gender Equality, 2063 (2006) could be considered as landmark amendments for ensuring rights of women in Nepal.

Section 2 of the Chapter on Women's Exclusive Property (Stridhan) (National Code): An Act to Amend some of the Nepal Acts for Maintaining Gender Equality, 2063 (2006) has guaranteed Exclusive property rights for women repealing or

amending some discriminatory legal provisions of National Code. The amended act stated that "the unmarried girl, married women or a widow living separate from her family may enjoy any movable and immovable property on her own".

2.3.9.7.5 11th Amendment in Civil Code-2020 (1963)

The bill was finally passed in parliament on March 14, 2002. It was sent to the King for his seal of approval and came into effect from September 27, 2002. The major achievements of this amendment are as follows: Today, women in Nepal can enjoy their right to inherit property from birth. But when they marry any property will be returned to the parent's family. The new law establishes a wife's equal right to her husband's property immediately after marriage, rather than after she reaches 35 years of age or has been married for 15 years as before. A widow's right to claim her share of property from the joint family after the death of her husband, and to use this property even if she gets re-married, is now also established in law (Pandey, 2002).

The transfer of property Act was amended in 2006 granting right to equal share in ancestral property for all children, irrespective of sex. But women hardly claim their rights. As per the existing law, both son and daughter have equal rights to ancestral property and the daughter does not have to return the share after marriage unlike in the past. "But the law is not known to many people, while others fear to challenge the existing practice," comments Meera Dhungana, an advocate and human rights activist. "For daughters, demanding share in parental property is more of a moral battle than a legal one" (Subedi, 2012).

Act to Amend Some of the Nepal Acts for Maintaining Gender Equality, 2063 (2006) (amendment of some provisions of the National Code and others law of Nepal to make gender equality): Repealed sections 16 and 19A of the Chapter of Partition of the National Code and established exclusive property rights for daughters and married women to use and transfer property obtained through inheritance (The Equal Right Trust, 2010)

2.3.9.7.6 Political Commitment through the Party Manifestos on Equal Parental Property Right

All the political parties have been making various commitments towards women's upliftment and equality in their manifestos since the restoration of democracy. However,

no substantially effective programs have been undertaken to bring about such reforms as yet. The two communist parties, CPN (UML) and CPN (ML) both issued whips to their Parliamentarians to favour the Country Code (11th Amendment) Bill in Parliament in 1998. Three major political parties, the Nepali Congress, CPN (UML) and CPN (ML) have pledged to bring about social, economic, legal and other reforms for women, in their party manifestoes for the 1999 general elections for Parliament. The Nepali Congress and two communist parties have made commitments for the equal inheritance rights of women. How much of these grandiloquent speeches and commitments are actually carried out by these political parties remain to be seen.

2.3.9.7.7 Weaknesses in the Government Bill--Discriminatory Inheritance Provision in the Country Code (11th Amendment) Bill, 1999

The proposed Bill accepted the daughter as an heir of the family. However, the married daughter has been excluded. If an unmarried daughter gets married after succession or partition, the remaining property must be returned to the maternal relatives.

A widow may undergo separation and take away the share of property she receives on behalf of her deceased husband if she so wishes. If she remarries, the remaining property must be returned to the heirs of her former husband. Married daughters are excluded from equal succession right. The proposed Bill provides that once a woman files an application for divorce, the court should direct partition and should provide one share of the family property to her but it applies only in cases in which the cause of the divorce is the husband. It is still discriminatory against women as it fails to deal with the important issue of equality in relation to inheritance right and the problem of different forms of violence against women (Malla, 2011).

2.3.9.7.8 Interpretation of the Court

The Court only declared that the existing provisions for daughters to inherit paternal property is conditional as a daughter has to remain unmarried until the age of 35 to do so, whereas son is entitled to inherit right after his birth. Thus, instead of declaring the laws void, the court passed a directive to the Government to introduce a Bill in the legislature within a year, reviewing laws related to property rights. At the same time,

the court also asked the Government to take into consideration the patriarchal nature of the society, social structure, and fears of positive discrimination against men (Malla, 2011).

2.3.9.8 Initiative by Civil Society

No serious efforts from the Government sector to formulate appropriate legislation were observed following the Supreme Court's verdict. Therefore several NGOs got together to formulate appropriate Bill. There have been arguments that the Bill, if adopted, may upset the social and cultural milieu. It may be true that once the Bill is introduced some upheaval might occur in society as is inevitable with all kinds of changes and transition. Democracy was reinstated in the country in 1990 and even now the country is still undergoing a lot of instability and disorders (Malla, 2011).

2.3.9.9 Negative Campaign in the Media

Negative Campaign in the Media have had the following messages: The Nepalese society is not yet prepared to embrace equal property rights. Nepalese social structure would be badly disturbed by equal property rights. Hindu religion would be wounded if equal property right is given.

2.3.10 Gender Equality Act (GEA) in Nepal

2.3.10.1 Social Institutions

The Interim Nepalese Constitution of 2007 guarantees all citizens basic human rights and fundamental freedoms, and lists women's rights as fundamental rights. However, statutory laws that discriminate against women still exist in the areas of property rights and family law, and the constitution does not specifically prohibit discrimination against women (CEDAW; 2003). In its concluding comments on Nepal's 2010 submission, the Committee on Discrimination Against Women (CEDAW) notes that discriminatory attitudes regarding gender roles remain deeply entrenched in the social, cultural, religious, economic and political institutions and structures of Nepalese society and in the media (CEDAW, 2011). Nepalese women have only limited access to education; as a result, they have very few opportunities to engage in activities that would provide a greater degree of economic freedom. In addition, violence against women and early marriage remain pervasive problem, and

women remain underrepresented in politics and other positions of leadership, particularly Dalit women and women from other socially marginalized groups. Nepal ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1991, and the Optional Protocol in 2007. Nepal has a Human Development Index score of 0.458 for 2011, placing it in 157th place (out of 187 countries) (UNDP, 2011). The country's Gender Inequality Index rating is 0.558 (113 out of 146 countries) Nepal is ranked in 126th place in the Global Gender Gap Index for 2011, with a score of 0.5888 (where 1 is equal to equality, and 0 to inequality) (WEF, 2010).

2.3.10.2 Discriminatory Family Code

Recent amendments to the chapter on Marriage in the Country Code have raised the age of marriage to 20 for both sexes. Although the rate of early marriage is declining, there is evidence that it is still practiced widely in Nepal. In 2006, 32.3% of girls between 15 and 19 years of age were married, divorced or widowed, compared to 10.5% of men. Between 1996 and 2006, the median age of a woman at marriage rose from 16.4 to 17.2. Polygamy is illegal in Nepal and is subject to two months' imprisonment and a fine, but the law does not invalidate the second marriage itself. The 2006 DHS estimated that 4.4% of married women in Nepal aged 15-49 were living in polygamous marriages, slightly fewer than the figure recorded in the 2001 census (5.7%). The 2010 CEDAW report notes that polygamous marriages, the first wife occupies a very low status in the family, leaving her more vulnerable to domestic violence than second wives. Legally, parental authority rests with both parents. However, according to a 2003 CEDAW report, "the conventional assumptions on women's role and position have not changed very much in Nepal. Traditionally, women are supposed to hold an inferior position at home and in the society. Their primary role is to take care of the children and perform household work." However, in child custody cases following divorce, changes to the Country Code Chapter on Marriage mean that courts now give preference to the mother. Legally, women and men have the same rights to divorce, following amendments to the legislation that had previously made it more difficult for women to obtain a divorce. Under the current interim constitution, Nepalese women have gained the right to pass Nepalese citizenship onto their children. Recent legal amendments have improved inheritance

rights for women in Nepal: daughters, widows and divorced women are now recognised as being rightful inheritors of family and ancestral property, and the discriminatory provisions of the Country Code that forced daughters to return property upon marriage has been amended. It is unclear whether the law is being effectively implemented (CEDAW, 1998).

2.3.10.3 Restricted Physical Integrity

For the first time, the Gender Equality Bill of 2006 has redefined the definition of rape to include instances of marital rape, and included it as grounds for divorce, although the maximum penalty for marital rape is still only six months' imprisonment. This law has also increased the criminal penalties for all other forms of rape to between five and twelve years imprisonment. In 2009 Nepal passed its first law against domestic violence, the Domestic Violence and Punishment Act 2065. However, criminal sanctions are weak. The maximum penalty is 25,000 rupees (US\$330) and six months' imprisonment, punishments that double for repeat offenders. Sexual harassment is a criminal offence, with punishments of a fine of up to 10,000 rupees and prison sentences of up to one year. According to the United States Department of State, the law is poorly enforced, and confusion regarding what constitutes sexual harassment means that few cases are reported. According to the US Department of State human rights report, in the financial year 2009-10, 376 cases of rape and 101 cases of attempted rape were filed in the court, according to the Women's Police Cell, a special unit of the NP that investigates crimes against women. Most rape cases went unreported however. A report by UNFPA notes that women who report sexual violence are often then ostracised for having brought shame onto the family and community, acting as a strong disincentive for women to report sexual assaults. In addition, a culture of perceived impunity for perpetrators of sexual crimes, as well as poor policing in regard to handling rape cases sensitively and professionally are also disincentives (UNFPA, 2007).

Accurate data as to the number of women experiencing domestic violence was not available, but anecdotally, prevalence rates are considered to be high. In addition, the police are often unwilling to treat domestic violence as a criminal offence, even though police directives instruct all officers to treat cases of domestic violence as crimes. Police and victims themselves also often fail to pursue prosecution. According

to the 2006 DHS, when presented with a list of five reasons why a husband may be justified in beating his wife, 23.2% of women and 20.7% of men agreed with at least one reason. In-depth interviews with a small sample of women by UNFPA found that 25 of the 55 had been beaten by their husbands, and alcohol misuse on the part of the husband was cited as the main trigger for violence. Elsewhere, the US Department of State reports that conflict over unpaid dowries is also a trigger cited in many cases of domestic violence. Among the UNFPA sample, there was also common acceptance of forced marital sex. Women's rights NGOs were active in providing training to police and government officials on domestic violence, and promoting wider awareness of the issue (US Department of State, 2010).

Sexual violence was widely used as a weapon of war by all sides during the 1996-2006 civil conflict in Nepal, while at the same time, the conflict aggravated women's and girls existing vulnerability to gender-based violence, including rape and other forms of sexual assault and trafficking, according to UNFPA. It is difficult to know exactly how many people were affected by sexual violence during the conflict, but UNFPA notes, in one year of the conflict - 2004 - 1040-1200 women are thought to have been raped, abducted, assaulted or killed. A report by a Spanish think-tank claims that while Maoists were also responsible for sexual violence, in the majority of cases it was perpetrated by government security forces while women accused of having links to the Maoists were in custody or were held up at checkpoints. There is no evidence to suggest that female genital mutilation is practiced in Nepal. Abortion is available on request in Nepal. Women and men have the right to access contraception, and to access information about different family planning methods. Overall rates of contraceptive knowledge and usage are comparable with neighboring South Asian nations. According to the 2006 DHS, contraceptive knowledge is universal. Among currently married women, 65% report having ever used a modern method of contraception, and 44% report current use. This represents a nearly 20% increase in the number of current users over ten years. However, more than half of married women were not using contraception at the time of the survey. 22% of these women did not intend to use contraception in the future. Of these women, more than two-thirds reported reasons related to infertility as their primary concern. Overall, nearly a quarter of married women reported an unmet need for family planning services. Fifteen percent, concentrated among women aged 20-44, had a strong desire

to limit the number of children they bore; the remaining ten percent, falling primarily in the 15-24 age range, wanted to space the births of their children farther apart. However, the level of unmet need has been falling in Nepal steadily over the last ten years as measured by DHS, while the percentage of women whose family planning needs are met has risen consistently (Arino, 2008).

2.3.10.4 Restricted Resources and Entitlements

The 2006 Gender Equality Bill amended several Nepalese laws to remove discrimination relating women's property ownership and inheritance rights, but a lack of finances often prevents them from achieving full autonomy. Women make up more than 65% of the agricultural labour force, but the majority work as unpaid workers on family farms. The 2003 CEDAW report concludes that women's access to land is consequently limited. Women account for only 6% of total landowners and hold a combined share of only 4% of arable land. In Nepal, economic decisions are usually made by the head of the household, but only 15% of families in Nepal are female-headed. Recent amendments to the Country Code of Nepal have improved women's access to property other than land. Unmarried daughters now have the right to inherit ancestral property irrespective of age, whereas previous conditions required that they be above the age of 35. The CEDAW reports ongoing restrictions in relation to women's independent use of their property, such as requiring women to receive permission from a male relative before disposing of any immovable property. Women in Nepal have legal access to bank loans and other forms of financial credit, however the 2010 CEDAW report notes that women's access to institutional credit remains limited, due to lower levels of literacy among women, and bias against women borrowers on the part of banks. The Ministry of Local Development and the Ministry of Agriculture offer loan programmes that target women, and the Contract Act (enacted in 2000) allows women to enter into financial contracts of any form. As of mid-2005 over 400,000 women had been organized into groups for cooperative projects and the disbursement of credit (CEDAW, 2003).

2.3.10.5 Restricted Civil Liberties

There are no legal restrictions on women's freedom of movement, but cultural traditions sometimes dictate a woman's personal experiences. For example, women

belonging to the Tibeto-Burman group enjoy a relatively high degree of freedom of movement, whereas their counterparts in the Indo-Aryan group often face restrictions on their movements outside of the household. Overall, 18.7% of married women aged 15-49 questioned for the 2006 DHS reported that their husbands had the final say as to whether they could travel to visit family and relatives. Media and freedom of expression/freedom of association/women's movements - NOTE ONLY REPORT IF THERE IS A GENDER DIMENSION One area where the government has noticeably improved the situation for women is in the realm of their participation in the political process. The interim Constitution of 2007 mandated that women must comprise 33% of the candidates for the Constituent Assembly (Government of Nepal, 2007). As a result of these new procedures, the number of women represented has skyrocketed from 6% of the total in 2005 to 33.1% at present, or 197 of the 594 seats. Women also hold 6 of 44 seats in the Cabinet (IPU, 2010).

Nepalese law grants women fifty-two days of paid maternity leave, which is funded by her employer at 100% of her wages. However there are few provisions that protect women from discrimination, and Nepal has not set up the administrative or regulatory structures to enforce the law (US Department of State, 2010). Further, the vast majority of working women are employed in the agricultural sector, and thus not covered by existing law (JICA, 2007).

2.3.11 Conclusion

In order to combat patriarchy, it is important to work on a social and legal level combined. Beginning at home for instance and instilling the idea that not only sons, but even daughters can look after their aging parents if given similar opportunities. To allay the effects of discrimination, we should provide opportunities for females in every sector of life and change our expectations. Similarly it is also the state's responsibility to investigate and monitor its policies on behalf of women's rights and implement them in the best way to support women. In addition to this, it is essential to create awareness in society that the differences between men and women exist only in our minds, but not empirically in regard to work competence, intelligence and skill. It is not that women are inferior to men, but that traditional religious practice formed over time by and for men, discounts women's rights. The most important factor in overcoming the prevalent patriarchy is bringing out women from their homes and

letting them establish their independent identity. Their families must support them, with the thought that a daughter is a child like a son, and can take part in the country's development along with being symbols of devotion and tolerance. Therein, we can think about the creation of a new world of freedom and justice.

2.3.12 Case Study of Meera Kumari Dhungana's: Case File for Parental Property Equal Rights

After completing a bachelor's course in Law in 1993, Meera Dhungana decided to work against the existing discriminatory laws for women in Nepal. In the course of her study she learned that most of the country's laws discriminate against women and the laws in place don't count women as human beings.

Since childhood, Dhungana was aware of the reality that women are backward in Nepali society on account of their subordination to men and a general lack of control. As a woman advocate she decided to lobby for equal property rights for women, through which she could help change the status of women in Nepal.

Dhungana was born in a middle-class family in Hetauda of Makwanpur district. As a daughter she used to help her mother in the kitchen as well as going to school with her brother. She had never seen her father working in the kitchen, which made her aware of the roles all women take. After passing her SLC (School Leaving Certificate), she was willing to study Law but her family was afraid to send her away from home.

Dhungana borrowed two thousand rupees from a friend's mother and completed entrance formalities in a college in Narayanghat without permission from her family. It was only after she was admitted to college she asked her parents to permit her to complete further studies. Her father was not happy with her decision, but she fasted for several days until she was allowed to go to the Law Campus in Narayanghat. When she went to Kathmandu to join a bachelor's course of Law her family showed no objection.

She was confident even when choosing her life partner. When Baburam Neupane, a friend of her cousin, proposed, at first she refused. But she finally accepted five years later when he proposed again. However, her family did not accept Neupane. They were unhappy with their daughter for choosing him herself. But she did not listen to

others, followed her own decision and married him. Dhungana continues to be happy with her husband, who would later become her family's most liked son-in-law.

After her 1993 graduation from the Law Campus, Dhungana worked as a payroll lawyer for six months in the Supreme Court. She started her career by challenging the discriminatory provision of the Country Code, which requires a daughter be unmarried and over 35 years old in order to receive her share of parental property. In its verdict, the Supreme Court issued a directive to the government to introduce an appropriate bill within a year. As a result, the Nepal government introduced the eleventh amendment bill of the Country Code, which was approved on September 26, 2002. Thanks to this provision, for the first time women were legally accepted as heirs of parents, and unmarried daughter were ensured an equal property right. The newly-enacted law has also guaranteed equal rights for married women, widows or divorcees.

Dhungana and her colleague Meera Khanal were in their mid 20s when they first filed a case in the Supreme Court for equal property rights for women in 1995. Their case was ignored by the court for almost a year. Upon the advice of senior colleagues they came up with a writ. It was only after this the issue was discussed in court.

They visited each and every political party's office and requested politicians support their campaign, as well as visiting various organizations and carrying out a door-to-door campaign to make both men and women aware of it. Dhungana struggled to bring this case to light. People warned her that if daughters began to claim parental property, the relationship among family members would grow worse. She had to face various kinds of harassment as well. Those who opposed the idea of giving equal rights to women asserted that because of this provision poor people would try to marry their daughters off. Some came up with the idea that if women received property from their parents they would have problems returning to their parent's home. Despite strong attacks from conservative members of the society Dhungana never lost courage as she was confident with what she was doing.

The happiest moment Dhungana remembers was the day the Supreme Court gave the directive order to the government to introduce an appropriate bill within a year to amend related family laws on property rights. However, this amendment was unable

to provide full equal rights to women, so Dhungana again challenged the provision of the Country Code on Intestate Property, by which (according to Clause 12) daughters had to return their parental property after they married. Her argument was that it was discrimination on the basis of gender and marital status. Dhungana is still struggling to amend this clause.

Dhungana joined the Forum for Women, Law and Development (FWLD), an NGO established on May 29, 1995, to work for the protection, promotion and enjoyment of women's human rights. In order to eliminate all forms of discrimination, the Forum uses law as an instrument and ensures women's, children's and minority's rights. Through FWLD Dhungana was able to file many cases against discriminatory laws and customs for women.

More than 90 laws and rules in Nepal are still discriminatory to women and Dhungana and her colleagues continue to fight to lower this figure. She said, "Wide disparities between men and women cannot be narrowed down only through inclusion of formal law. A long history of women's exclusion, both socially and culturally, brought a deep gender gap. So, inclusion of substantive equality in laws, policies and programs are essential."

Dhungana broke a barrier by talking openly about social taboos and working confidently on legal discrimination against women. She is happy as, at the very least, state organizations and political parties seem to now recognize the reality and appreciate that women's rights should be assured through law. She believes her struggle has not yet come to an end as there are still so many laws considered to be discriminatory against women. If all women followed Dhungana's determination, women in Nepal could create a society free from all kinds of discrimination (FWLD, 2009).

2.4 Practices of Sharing the Properties among the Non Human Being Creatures' Communities

2.4.1 Observation Made upon Semi Homogenous Communities of Bears and Jackals

Figure 2.12: Picture of Bears and Jackal are Living Together and Crying the Jackal for Demanding His Equal Rights within His Semi Homogenous Community Members



Source: Observed by researcher in Animal planet, May 15, 2014.

Deer and Jackal are semi homogenous types of wild animal and they live in their own respective community. Sometime they live close to each other and share the food whatever they have for their equal existence. But jackal is quite a dominated animal compared to Bear. Till a few hours ago, Deer was grazing innocently and Bear and Jackal were doing nothing care because deer was no body property until then. After some while, the Bear has killed the Deer and took ownership as his personal property and started to eat as his wish. Then jackal has concerned his rights to have a portion of deer's meat (crying loudly for demand his rights portion of meat from Bears personal property) for his equal existence within the semi homogenous community while his semi homogenous community members (Bear) made his personal property killing the Deer.

2.4.2 Observation Made upon Homogenous Communities of Chickens

Figure 2.13 Chickens are Fighting for Equal Share of Food for their Equal Existing



Source: www.youtube.com

The numbers of chicken were searching food on the ground. The one chicken has found the pieces of food and take ownership and made her personal property and started to eat as her wishes. But another chicken came and asked to share the food as equal base being the same family as well as homogenous community members. But the chicken who has found the pieces of food she denied to share. After then, the chicken that is not getting share, she did the struggle to get pieces of food as equal base for her equal existing within the family as well as homogenous community.

2.4.3 Observation Made upon Homogenous Communities of Dogs

Figure 2.14 Dogs Fighting for Equal Share Pieces of Bon for their Equal Existing



Sources: www.youtube.com

The number of dogs were trying to get the pieces of Bon and other food on dirty ground. The normal size pieces of Bon was lying done on the ground but they dogs were not caring of that piece of Bon. But one dog has suddenly pickup that piece of Bon and took under his ownership making his persona property and run way from the group. Then the other dogs also followed him and asked for share the piece of Bon equally as being the same family members as well as Homogenous community. But dog who has pickup the piece of Bon he denied to share equally then other dogs did fight for equal share for their equal existing within the homogenous community.

2.4.4 Conclusion

The equal demand of properties owned by family members of homogenous groups, and semi homogenous group is also in practice in non human being creatures communities for their equal existing, equal prestige and equal dignity within their respective communities. Therefore, the parental properties equal rights for female are also the demand of female for their equal existing, equal prestige and equal dignity within their respective societies. So the existing parental property equal rights need to be strongly implemented with effective and respective ways.

2.5 Theoretical Analytical Framework of Parental Property Rights Uprising (TAFPPRU)

According to the theory of rights, through the activity of hunting, men learned the technique of impregnation, and used it to establish their power over women. This exploitative power facilitated to build a patriarchal society. The husband acquired the right to use the labour power of his wife. The right of the father was established through domestication, confinement and control of the sexuality of women. Control of women's labour allowed men to control women's access to productive resources. According to Bhagawat, cattle breeding, working upon metals and weaving produced more wealth. The arrogance of wealth pushed men further towards the front, while women took second position. The patriarchal family which followed led to the beginning of civilization (www.parentalpropertytheory.org).

Theoretical analytical framework of parental property equal rights between male female presented in the based on the review of many literatures related to parental property distribution system, trends and pattern and different socio cultural, religious,

laws, acts and policy programs paradigms. The parental property rights system was not suddenly evolution in the human societies. It has been in practiced in human societies after many socio- cultural exercise, research experiences, and people demanding as time being. The research paradigm shows that an ideology/schooling shifted of human being since beginning of human civilizations and which motivated to revolution of education, social, political and economic paradigm. These, four pillar revolutions supported to positive revolution in holistic behavior of human being.

Education revolution

Particularly, education evolution reflected in human being to be enlightenment and which supported to innovation of new opportunities, development of communication and information and which has been globally diffused and this has been created the people awareness It has also directly linked to support to buildup the concept of human rights, gender identity, equal rights, gender equality and gender rights, property rights and concept of parental property equal rights between son and daughters.

Socio cultural revolution

Education revolution directly supported to revolution of socio culture and which reflected to socio-culture movement. The being conflict between inter and intra culture and religious conflict while being of culture movement and those supported to modification the socio-culture and religious. Finally, the societies people have been adapted and accepted the modified new socio-culture, religious, norms, values, new policy program, laws and acts by modified societies which eventually linked to support emerging of parental properties rights system (Act and law) between son and daughter.

Political revolution

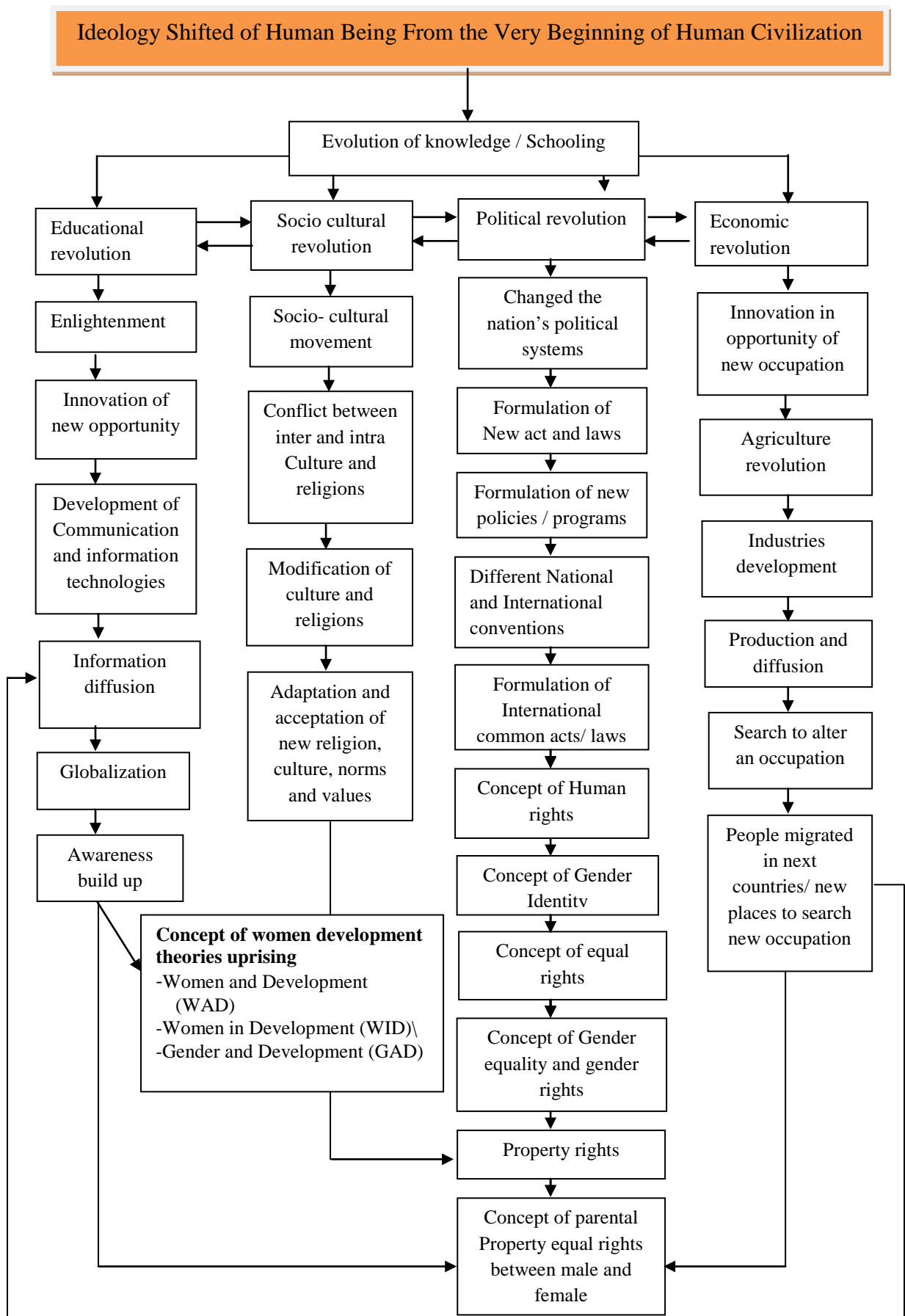
Evolution of knowledge /schooling also became supportive elements of political revolution which changed the political systems of each and every nations of the world and this has been supported to formulation of necessary new act, laws, policy program, initiation of national and international conventions, formulation of international common low, acts and these played vital role to emerging of the human

rights concept. Globally, the concept of gender identity, equal rights, gender equality, gender rights, property rights system emerged as byproduct of human rights concept and which supported to initiation of parental property equal rights between son and daughters basically in the developing countries like Nepal.

Economic revolution

Evolution of knowledge/ schooling was become milestone in the economic revolution which made support in agriculture revolution, innovation of new opportunity of new occupation, industries development, production and diffusion, searching alternative occupation and people started to migrate inter and intra countries/ new places to search new occupation and opportunities and while people moved one country to next country and one place to next place the new ideas and information also were diffused which was supportive to globalization of an information and which helped to conceptualize the economic rights, equal wage rights, human rights, property rights and parental property rights.

Figure 2.15: Theoretical Analytical Framework of Parental Property Rights Uprising



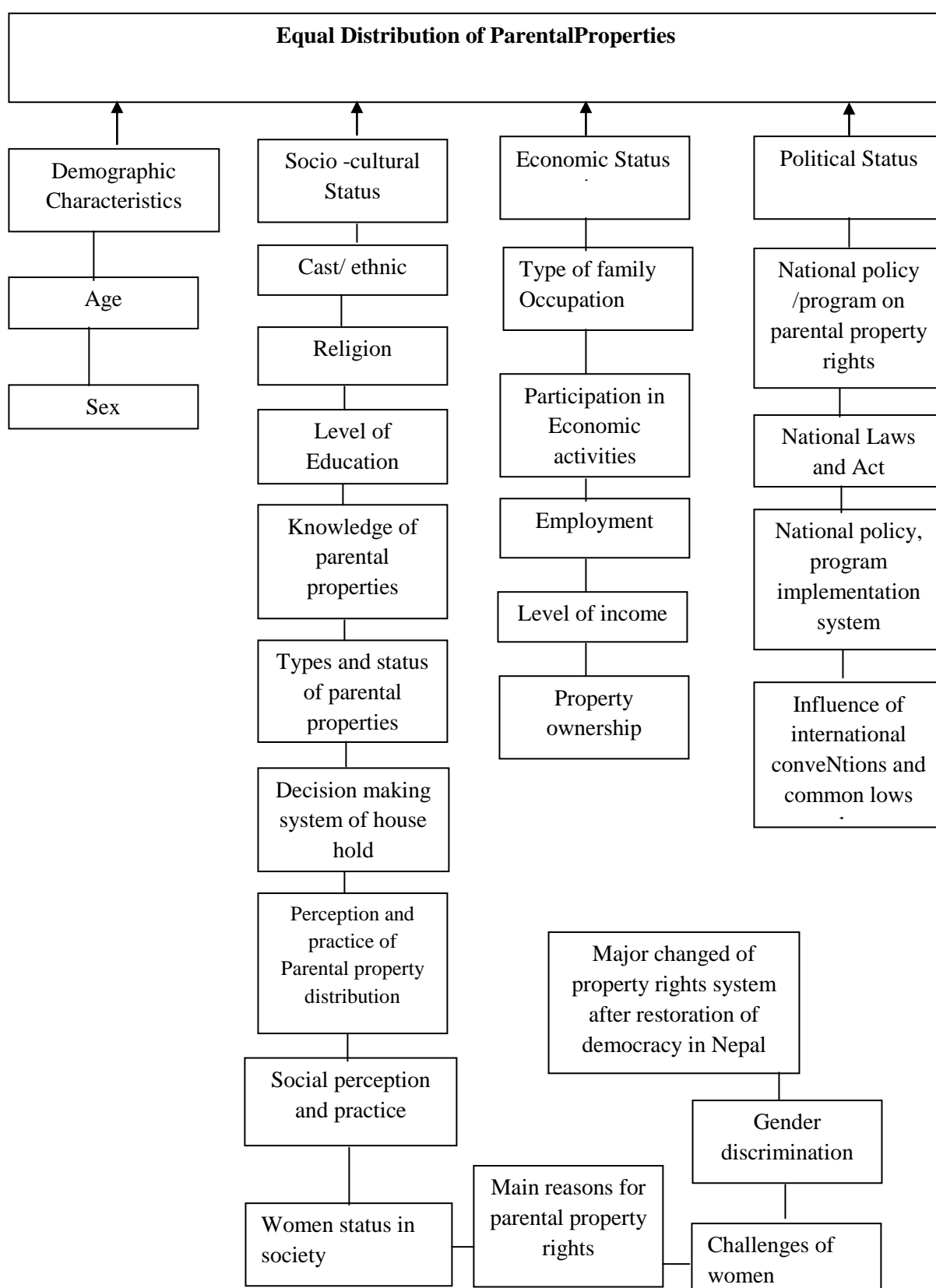
2.6 Conceptual Framework of Parental Property Equal Rights

There are numerous cultural, racial, political, and legal factors that influence women's lack of property and inheritance rights, and specific patterns of ownership and disenfranchisement that vary widely. The lack of control over both productive and non-productive resources that is apparent in both rural and urban settings places women at a reduced level of advantage in areas of security of home, maintaining a basis for survival, and accessing economic opportunities. Development-related problems faced across the globe have been increasingly linked to women's lack of property and inheritance rights, especially in regards to land and parental property ownership, encompassing areas such as low levels of education, hunger, and poor health.

The status of women is defined in terms of their marital or sexual status; the right to ansha is fragile, temporary and imperfect. A woman is entitled to her husband's property not as an independent co-parcener but because she is his wife. What she receives in terms of ansha from her husband is governed by the continuation of the marital relation with her husband. She can only continue to hold the right to ansha until she remains chaste or sexually faithful to the husband. She is uncompromisingly and strictly prohibited to have sexual relation with any man other than her husband, failure to maintain which deprives her of the right to ansha. A daughter is not entitled to ansha because she gets her status changed by marriage. Yet, under the existing legal system, once she reaches an age of 35 years, she is entitled to ansha because the general presumption is that the chance of changing her status through marriage then becomes almost rare.

Conceptual framework of the Parental Property equal rights between male and female presented in the research paradigm is based on the review of existing literature. The research paradigm shows demographic characteristics; socio-cultural, economic and political situation affects the equal distribution of parental properties between male and female. Such a research paradigm has not been adequately conducted in detail previously within the area. Hence, this study builds upon it themes based on the findings of other research studies conducted in other countries.

Figures 2.16.: Conceptual Frame Work



CHAPTER THREE

RESEARCH METHODS

3.1 Introduction

This chapter deals with the research methodology in which the researcher has collected the necessary quantitative and qualitative data for the study. This chapter specially discusses the rationale of the study, justification of the study area, justification of the research design of research, question setting for interview, research designing, the universe and sampling size, method of data collection, tool and technique for data collection, source of data and information, analysis of the information obtained from the field work etc. There are various types of data collection methods in research. It is the nature of the study which determines the appropriate and proper methods for data collection, wherever possible.

In this study, relevant data have been collected mostly with the help of primary data collection methods. For primary data collection, focus group discussion, micro observation of non human creature communities and in-depth interview with the selected study population. For the secondary data, various relevant articles, publications, research reports, journals and books are consulted. Review of literature has helped to make a systematic research to explore the problems faced by the respondents along with the reasons of not practicing the equal distribution of parental property between son and daughter.

3.2 Research Site and it's Rational

The reasons of selecting the respondents from different law campuses of the Kathmandu valley as research sites are; the students from the law faculty have wide knowledge of law and policy on parental property equal right issue and who can be more authentic and appropriate agents to provide the perception on parental property equal distribution practices issue in Nepal. But, the researcher has not been able to study in the single campus due to the lack of sufficient number of students as the target size required. So, I have selected all the law campuses located in Kathmandu Valley. And another reason is that, it was easily accessible for the researcher to study in the college because of long experience on how to share information and interact

with the students. Furthermore, the three non human creatures' communities were observed in micro level to identify whether equal demand and sharing the parental properties practices are implemented within the non human creatures' communities or not. However, there is highly significant value and practices of equal demand of the property owned by their family members or homogenous community members and they always demand the property right within their family members or homogenous community for their equal existence.

The data for indicators that I have chosen in the study is variation between people's perception and its implication in reality of parental properties equal right between son and daughter, were collected from different sources i.e. Scholar's articles, academic and non academic journals, governmental and nongovernmental publications, published and non published documents from various national and international institutions, authentic report of international conventions, findings of empirical research, cross sectional and longitudinal survey. However, my objectives are to compare between people's perception and it's implication in reality of equal distribution of parental properties between son and daughter. Data on perception and its implication in reality are not available from the records and publications of any institutions, so it was not possible to collect the more accurate data from other sources including pre conducted longitudinal and cross sectional empirical research. Between these two research methods, a longitudinal empirical research is better way to collect more accurate data on perception and practice of people on (Equal Right) equal distribution of parental properties between male and female, for my study it was not practical to design a longitudinal methods. Therefore, the researcher designed a cross sectional survey within the students of BALLB, and LLM (Master Degree of Law) of Law campuses of Kathmandu Valley to study the perception and practice of parental properties (Equal Rights) equal distribution between male and female.

3.3 Entry in the Study Site (Law Colleges)

At first, researcher directly visited the central department of Law studies, Tribhuvan University, Bhrikutimandup, and Kathmandu without reference and met with the head of the department, administrator and other faculty members and found out how many law colleges are located in the Kathmandu valley. The other law colleges were individually visited myself and met with campus chief as well as administrator and

shared the purpose of visiting the college then they had happily cooperated to provide the numbers and type (gender and level) of students.

3.4 Rapport Building with the Respondents

In each college, I met the campus chiefs, administrators and faculty members at first, and visited class by class along with respected teachers and introduced with students. I shared my purpose of visiting and explained the importance of their information in the completion of my PHD thesis and I also explained them sample collection procedure in details because there would not be problems from students those who are not selected in sample frame. Very tactfully, I met and talked with four to five students of each class individually after their classes which made closer with them and they also helped me to convince their friends and this could help to bridge the gap between us. The focus group discussion made us very close.

3.5 Research Design

This study is based on cross sectional descriptive and analytical types of research design. This study has carried out the qualitative and quantitative information from primary and secondary sources, and the study analyzes the perception and practice of people, socio cultural, economic and political influence in the parental property equal rights of male and female. The qualitative information has been collected from micro level observation of non human being creature's communities and reviewed different publications, national and international journal. empirical research reports, report of national and international conventions' declaration, scholars articles, focus group discussion and direct interview of respondents and quantitative information has been generated on the basis of research questions “ What are the causes and factors for enhancing unequal property rights between male and female?, What could be consequences of equal parental property rights to women? And what are the changes in parental property distribution system & practice after the Democracy restoration in Nepal in 2046 BS? ” For this all, at first I identified the research topic and research problems, set out the research questions and objectives, prepared the questionnaires and pre tested it, collected the information through direct interview with targeted people, and finally I analyzed and interpreted the collected information and made the meaningful presentation. Focus groups were conducted to collect the quality

information. And furthermore, the four different homogenous non human creature's groups were observed in very micro level to identify whether they have practice or not in sharing the parental property. The information was checked using the different tools to make its consistency and reliability as research's norms and value.

3.6 Study Population

In this primary based study, the study population were selected from the Students of BALLB and LLM (Master Degree of Law) from different Law campuses of Kathmandu valley and researcher self interviewed them directly using pre structured questionnaires. Furthermore, 12 people from same study population were selected for focus group discussion to generate the quality information. Researcher also conducted the micro level observation of non human creatures' communities to analyze how they demand the property rights and practice of sharing the property within their family/community for their equal existence.

3.7 Nature of Data

This cross sectional study has included both descriptive and analytical type of information. The both qualitative and quantitative information are collected from both primary and secondary sources by using the different research tools, i.e. micro level observation of events, direct interview with the target population and organized the focus group discussion to generate the primary information, and reviewed the related different empirical research reports, articles, national and international journals, books, national and international laws and acts, International declarations, country report, common laws declared by international convention, and treaty and here also concerned the web pages to generate the secondary information.

3.8 Universe and Sampling Procedure

In this primary based study, firstly three law campuses namely, Nepal law Campus (government campus), National Law Campus and Chakrawarti Law Campus (private campus) were purposively selected from whole Nepal. Secondly, 300 (58%) students of LLM and BALLB were selected as study population out of 520 students through non probability **accidental** sampling method from Law Campuses of Kathmandu Valley (Nepal Law Campus-310, National Law Campus 110, and Chakrawarti Law

College 100) but 7 students have given incomplete information, so 293 students were analyzed. 12 people from same study population group were purposively selected for focus group discussion. Likewise 3 non human creatures' communities were purposively selected for micro observation of their nature on equal demanding and sharing the properties owned by their family members.

3.9 Method of Data Collection

The information was collected from both primary and secondary sources using the best and latest model to fulfill the objectives of the research;

3.9.1 Primary Data Collection Method

The primary data was collected through direct interview with the Students of Law Campus of Kathmandu Valley using the pre-structured questionnaires set. Likewise, focus group discussion was conducted according to certain pre-planned framework of the issues i.e. knowledge of policy, program, reasons of mal implementations, weakness of policy program, advantages and disadvantages of parental property equal distribution system, perception, and existing practices in the community. The information was collected through direct micro level observation of three different non human creature communities (i.e. chicken, dog, Bear and Jackal) but this third community was observed in the TV channels and other two communities were selected from web page ([www. Youtube.com](http://www.Youtube.com)) etc.

3.9.2 Secondary Data Collection Methods

The secondary data were collected through different published and non published reports of government and non government organizations, national and international journals, publication, laws, acts and policies, scholarly articles, individual research report, thesis, declarations of international and universal conventions and searching from different web sites etc.

3.10 Information Management

Collected data was edited (data entry, processing, scrutiny, tabulation etc), post code and process in the computer. The data were analyzed by used of statistical data

management software program- SPSS, P4C by generating frequency table and cross tables to describe the basic characteristic and examine the relationship between independent and depended variables. The variables were tabulated and plotted in different graphs (bar, pie etc) during the period of data management but those graphs have not been used in the thesis but those were used for maintenance the consistency of obtained information. Moreover, the information generated through focus group discussion and micro level observation are directly described, and prepared the statement with appropriate manner.

3.11 Limitation of the Study

This study has widely coverage issues of parental property right i.e. concept, definition, practice, perception, policy and programs by global, continental regions, SAARC regions and the nations themselves. There have been restrictions to collect and analyze the irrelevant information which means researcher has not collected the information besides parental property equal rights. Here, the researcher can't claim that this small sample size can generalize the whole nation. But somehow, it will be helpful to conceptualize the importance of issues to formulate the part of policy program and to intervene the present problems regarding parental property equal distribution between son and daughter. The study population is another limitation of this study because researcher has interviewed with only **students** of Law Campuses of Kathmandu valley.

CHAPTER FOUR

PERCEPTION TOWARD PRACTICES OF PARENTAL PROPERTIES DISTRIBUTION SYSTEM BETWEEN SON AND DAUGHTER

4. Background

This chapter has been highlighted for the socio-demographic characteristics of the study population i.e. age composition, sex composition, caste/ethnic and religion composition, and level of education, marital status of the respondents. Furthermore, this chapter is also trying to find out the meaning and perception of parental properties distribution system between son and daughter in Nepalese society. Furthermore, this chapter is describing the practice of parental properties equal distribution system between son and daughter.

4.1 Socio-Demographic Characteristics of Respondents

4.1.1 Age and Sex Composition of Study Population

Age and sex both are demographic composition. According to the 2011 census of Nepal, the age composition has been presented in 5 years age group 0-4 up to 95+ years. As a sex composition, 2011 census recorded 49 percent male and 51 percent female which shows the number of female population is more than male. Age and sex composition give the overall scenario of the socio-economic and other development of the nation. Here table 4.1.1 describes the age and sex composition of the population in which I study the perception of the students of Law campuses of Kathmandu valley on practices of parental property equal distribution system.

Table 4.1.1 Age and Sex Composition of Study Population

Age group	Sex				Total	
	Male		Female			
Below 20 years	23	8.7%	37	12.6%	60	20.5%
20-24 years	91	31.1	67	22.9%	158	53.9%
25-29 years	24	8.2%	18	6.1%	42	14.3%
30 years and above	20	6.8%	13	4.4%	33	11.3%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

As above mentioned, 53.9 percent population are age group of 20-24 years and which is very high in comparison to national level. 20.5 percent people are below the age of 20 years, 14.3 percent people are in the age group of 25-29 years and remaining 11.3 percent are age group of 30 years and above. It is not a matter of surprise that the number of active age people is increasing as the researcher has selected the students from Bachelor level's beginning to final years of Master degree level of different law colleges.

4.1.2 Caste/ethnic Composition of Study Population According to Sex

Caste/ethnic group is the social composition of the population that gives the socio-cultural identification of the nation. According to the 2001 census of Nepal, 103 caste/ethnic groups have been identified and that number is found to be increased up to 126 caste/ethnic groups in 2011. The tendency of recognizing their own caste/ethnic is developed increasing to improve the socio-cultural norms, value and belief for equality. The national policy has also facilitated the minority groups in terms of particular caste/ethnic groups. The table 4.1.2 has described the caste/ethnic group of respondents which was recorded during the study of population from the Law campuses of Kathmandu valley for their point of view on the practice of parental property's equal distribution system within their family.

Table 4.1.2 Caste/Ethnic Composition of Study Population According to Sex

Caste/ethnic group	Sex				Total	
	Male		Female			
Brahmin	61	20.8%	70	23.9%	131	44.7%
Chhetri	56	19.1%	35	11.9%	91	31.1%
Newar	30	10.2%	21	7.2%	51	17.4%
Gurung	1	0.3%	3	1.0%	4	1.4%
Others	10	3.4%	6	2.0%	16	5.5%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Major 4 caste/ethnic groups are recognized among the student of law campuses of Kathmandu valley. Some of the caste/ethnic groups are recognized under other

categories but they are not clearly describing in which caste/ethnic groups are they belonged to. Among four major caste/ethnic groups, the number of Brahmin is the highest (44.7%), Chhetri is the second highest (31.1%), Newar is the third highest (17.4 %), 1.4 percent are Gurung and the rest of them are from other categories. As a sex wise analysis, the males are 53.9 percent and females are 46.1 percent.

4.1.3 Educational Level of Study Population According to Sex

Education is the one of the curtail incidents of social composition that indicates the overall development of the nation. Education has a very close relationship with other disciplines. Educational development affects population trends through promotion of full acceptance of family planning, and delay in age at marriage. Nepal has made significant progress in education at all levels during the past 4 decades. According to the census 2011 census of Nepal, total literate population were 16.1 millions out of 26.94 millions total population. Among of the 0.63 million were just literate whose grade has been not stated, 6.2 millions were attained primary level education, 3.26 millions people attained the lower secondary level, 1.82 millions people attained the secondary level, 1.63 millions population attained the SLC and equivalent level , 1.03 millions attained the Intermediate and equivalent level, 0.46 million people attained the graduate level and 0.16million people attained the graduate equivalent and above. The table 4.1.3 describes the level of education of the respondents. But it is not matter of surprise that among 293 the study population all are educated since they are selected from the Law campuses of Kathmandu Valley.

Table 4.1.3 Educational Level of Study Population According to Sex

Level of education	Sex				Total	
	Male		Female			
Under Bachelor	111	37.9%	92	31.4%	203	69.3%
Bachelor degree	13	4.4%	17	5.8%	30	10.2%
Doing post graduate	11	3.8%	8	2.7%	19	6.5%
Master degree and doing post graduation in Law	23	7.8%	18	6.1%	41	14%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

As mentioned in the table 4.3, higher number (69.3%) of students are from under bachelor degree, 14 percent students are from master degree and completing the post graduate in Law, 10.2 percent students are from the bachelor degree, 6.5 percent are completing the post graduate degree. As sex wise description, 37.9 percent male and 31.4 percent female are under bachelor degree, 4.4 percent male and 5.8 percent female are from the bachelor degree. 3.8% male and 2.7% female are completing the post graduate and 7.8 percent male and 6.1 percent female are from master degree and completing the post graduation in Law. However, the number of male students are more than female in all level except bachelor degree.

4.1.4 Marital Status of Study Population by Their Sex

Marriage is one of the socio-cultural phenomena and it is a social authority for adult male and female living together as being husband and wife, to have sexual relationship, to generate the children. The appropriate age of marriage for male is 25 years and female is 20 years because during the ages they are developed physically, mentally and socially. But the tendency of early age marriage is still high in Nepal. Moreover, the age for marriage and level of fertility are directly associated between each other. The level of fertility depends on age of marriage in female and this also indicates the overall scenario of socio-cultural status of the society. According to 2011 census of Nepal, 0.43 percent female got married below age 10 out of total population 26494504. Likewise, 4.16 percent female got married between age 10-14 years and 16.38 female are got married age between the age of 15-19 years. Which shows the tendency of early child marriage and it is still high in Nepal. Table 4.1.4 shows the level of marital status of the respondents in terms of gender.

Table 4.1.4 Marital Status of Respondents by Their Sex

Marital status	Sex				Total	
	Male		Female			
Married	36	12.3%	29	9.9%	65	22.2%
Unmarried	122	41.6%	106	36.2%	228	77.8%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

While analyzing the table 4.4, I found that 22.2 percent respondents are married and rest of them are unmarried that means most of the study population are on carrier development phase. As sex wise description, 12.3% are male and 9.9 percent are female. Whereas 41.6 percent male and 35.2 percent female are unmarried. However, this status indicates the tendency of early age marriage system is gradually decreasing among the educated people.

4.1.5 Occupational Status of the Study Population by Their Sex

Occupation is a socio-economic phenomenon which gives the socio-economical status of people in the nation. In Nepal, the economical status of the nation can be analyze on the basis of occupational nature of the people. As the 2011 census of Nepal, describes around 80 percent of population are involving in agriculture and rest of others are doing non agricultural occupation. Table 4.1.5 has described the occupational status of respondents.

Table 4.1.5 Occupation Status of the Study Population by Their Sex

Occupation	Sex				Total	
	Male		Female			
Studies	127	43.3%	123	42.0%	250	85.3%
Studyand Business	11	3.8%	3	1.0%	14	4.8%
Study and Services	20	6.8%	9	3.1%	29	9.9%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

As mentioned in table 4.5, 85.3 percent study population study is noticed as their main occupation. 9.9% population have business and another 4.8 percent populations have jobs. While analyzing by sex, 43.3 percent male and 42.0 percent female have granted studied as their main occupation, and 3.8 percent male and 1 percent female have applied business as their main occupation. Whereas 6.8 percent male and 3.1 percent female are involving in both occupations study and service. Here we can conclude that the around 15 percent students are involving in other occupation except study.

4.1.6 Religious Status of the Study Population by Their Sex

Religion is social component of demographic variables that shows the socio-cultural status of Nation. As 2011 census, ten types of religious categories have been reported. Hinduism is followed by 81.3 percent, Buddhism 9.0 percent, Islam 4.4 percent, Kirat 3.1 percent, Christianity 1.4 percent, Prakirti 0.5%, Bon (13006), Jainism (3214), Bahai (1283) and Sikhism (609). However new religions are gradually identified because of national policy to provide some incentives to the caste/ethnic and religious groups. There are major three religious group are identified among the respondents but other categories has not been described (table 4.1.6)

Table 4.1.6 Religious Status of Study Population by Their Sex

Religions	Sex				Total	
	Male		Female			
Hindu	146	49.8%	127	43.3%	273	93.2%
Buddhist	7	2.4%	5	1.7%	12	4.1%
Christian	4	1.4%	3	1.0%	7	2.4%
Others	1	0.3%	0	0.0%	1	0.3%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among three religious groups, Hinduism is followed by the highest percentage (93.2%), of respondents. Buddhist are 4.1percent, Christianity are 2.5 percent and 0.3 percent followed the other categories but it has not defined which religious group are attained. Assex wise description, 49.8 percent male and 43.3 percent female followed the Hinduism, 2.4 percent male and 1.7 percent female are found to be Buddhism, 1.4 percent male and 1.0 percent female are found to be following the Christianity.

4.1.7 Summary

Age and sex composition give the overall scenario of the socio-economic and other development of the nation. It is not a matter of surprise that the number of active age people is increasing as the researcher has selected the students from Bachelor level's beginning to final years of Master degree level of different law colleges.

Caste/ethnic group is social composition of the population that gives the socio-cultural identification of the nation. According to the 2001 census of Nepal, 103 caste/ethnic groups have been identified and it has been increased up to 126 caste/ethnic groups in 2011. The tendency of recognizing their own caste/ethnic is increasing to improve the socio-cultural norms, value and belief for equality, and national policy is also up-graded to provide some facilities to the minority caste/ethnic group as they are being from particular caste/ethnic groups. Major 4 caste/ethnic group are recognized among the student of law campuses of Kathmandu valley.

Education is the one of the crucial component of social composition that indicates the overall development of the nation. Education has a very close relationship with other disciplines. Educational development affects population trends through promotion of overall acceptance of family planning. Nepal has made significant progress in education at all levels during the past 4 decades. According to the census 2011, the total literacy rate has been recorded 65.9% (male 75.1% and female 57.4%). While analyzing of the students in terms of gender. The number of male students is more than female in all levels except bachelor degree.

Marriage is one of the socio-cultural phenomena and it is a social authority for adult male and female living together as being husband and wife, to have sexual relationship, to generate the children. Physically, mentally and socially the appropriate age of marriage is after age 20 years for female and 25 years for male. But tendency of early age marriage is still high in Nepal. Moreover, the age of marriage and level of fertility are directly associated between each other. The level of fertility in female depends on the age of marriage and this also indicates the overall social trends and tradition of the society. The finding shows that the tendency of early age marriage system is gradually decreasing in only the educated family. Occupation is a socio-economic phenomenon that gives the socio-economical status of people in the nation. In Nepal, the economical status of the nation can be analyze on the standard and nature of occupation. As 2011 census of Nepal, around 80 percent of population are involving in agriculture and rest of them are involving in agro-based economic activities. However, 85 percent study population have study as their main occupation and 15 percent population have engaged in other occupations besides study and agriculture.

Religion is a social component of demographic variables which shows the socio-cultural status in relation to the tradition and culture of the Nation. According to the 2011 census, there are reported ten types of religious categories. When I analyzed the study population the major three cast/ethnic groups mainly Hindu, Buddhist and Christianity were recognized.

4.2 Perception and Practices of Parental Property Distribution System between Son and Daughter

4.2.1 Perception of Study Population in Parental Property

People are motivated by different socio-cultural, religious, norms, values and beliefs of the societies. Therefore, people can have different perception in terms of the meaning of parental property as their socio-cultural practice. Here table 4.2.1 is describes how the respondents perceive the meaning of parental property.

Table 4.2.1 Perception of Study Population in Parental Property

Perceived the meaning of parental property	Sex				Total	
	Male		Female			
Properties owned by family	43	14.7%	47	16.0%	90	30.7%
Properties could transfer on succession to another	25	8.5%	19	6.5%	44	15.0%
House, land and vehicle are called parental properties	29	9.9%	19	6.5%	48	16.4%
Properties controlled by parent which can transfer to their off springs	34	11.6%	28	9.6%	62	21.2%
Properties occupied by father and mother	20	6.8%	18	6.1%	38	13.0%
Properties collected by forefather	7	2.4%	4	1.4%	11	3.8%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

More than one third (30.7%) people perceive the meaning of parental property means the property of their family specially the property owned their parents. Among the respondents, 21.2 percentage of them perceive parental property as it is controlled by the parents that can be transferred to their off springs. Whereas, 16.4 percent perceive the stable possessions; like house, land, vehicle and other many things as parental properties. Likewise 13 percent of them perceive the meaning of parental property

that is occupied by father and mother and 3.8 percent perceive the meaning of parental property as fund and land collected by the forefather. Here the researcher would like to conclude that, there is no similar meaning of parental property because the perception of is different from one cultural group to another. This table is based on distributive justice theory because the distributive justice theory mentions that the life, liberty and rights to gain and dispose economic goods and services that are all considered as property.

4.2.2 Status of Study Population having Parental Property

Majority of the people of Nepal except the poor (absolute poverty) have different types of property. According to the living standard Survey report 2011 of CBS, 29 percent people are still below the poverty line. So, the researcher supposes that the people might not have given property right although almost people have other types of property i.e land, house, vehicle, education, occupation, income, rights, industries and many more. People who do not have any types of property as mentioned above are called people below the poverty line. However, the table 4.2.2 is explaining the status of having the parental property to the respondents.

Table 4.2.2 Status of Study Population having Parental Property

Status of having parental properties	Sex				Total	
	Male		Female			
Yes	152	51.9%	128	43.7%	280	95.6%
No	6	2.0%	7	2.4%	13	4.4%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2014

Most of the (95.6%) respondents have the parental property and only 4.4 percent do not have parental property. While analyzing in terms of gender, 51.9 percent women and 43.7 percent female have the parental property. Likewise, 2 percent male and 2.4 percent female do not have any types of property. The research finds that, the status of property ownership of study population is satisfactory because few members of study population have no property in their ownership. This table is based on Labour theory of property because it mentions that the ownership of the property is a natural law

theory that believes that property originally comes from the exertion of person/ labour upon natural resources and which is also called the principle of first appropriation or the homestead principle.

4.2.3 Type of Parental Property among the Study Population

Basically people have the parental properties in practice, like house, land, vehicle, ornaments, live stocks, different metal dishes and cash etc.. The property has been transferred from forefather to the parents in any quantities. In the developed countries, a child does not care of parental property because he/she doesn't care whatever their parents have, it is because they have their own culture of self dependents after the age of 18 years old. But in developing countries like Nepal, there is a practices of parental property and the people do not have any practice of self dependents in terms of getting parental property. So far as the division of parental property is concerned the children live together along with their parents and grants parents live with according their like. If the grants parents would like to live separately, they could use the property for their needs. Here, table 4.2.3 has described the types of parental properties which is taken as ownership by the respondents.

Table 4.2.3 Types of Parental Property among the Study Population

Types of parental properties	Sex				Total	
	Male		Female			
House	31	11.0%	34	12.1%	65	23.0%
Land	36	13.1%	21	7.4%	57	20.6%
Vehicle	6	2.1%	5	1.8%	11	3.9%
Bothhouse and land	79	28.4%	68	24.1%	147	52.5%
Total	152	54.6%	128	45.4%	280	100%

Source: Field study 2013 (This table is filtered from table 5.2)

More than one fifth (23%) percent of respondents have house, 20.6 percent have land, 3.9 percent have vehicle and 52.5 percent have both house and land as a parental property. While analyzing by gender, 11 percent male and 12.1 percent female have house, 13.1 percent male and 7.4 percent female have a land, 2.1 percent male and 1.8 percent female have vehicle and 28.4 percent male and 24.1 percent female have both

house and land as parental property. However, it seems that the more than 96 percent people have house and land as their parental property. This table is based on basic needs approach theory because basic need approach theory mentions that the type of property distribution is depends on peoples' needs.

4.2.4 Sex Wise Ownership of Parental Property

According to 2011 census, 2.19 percent female have house and land ownership and 1.84 percent female have only land ownership that seems the largest number of male are taking ownership of the parental properties in their household. The practices of female ownership in parental property are still found in Nepalese context. Furthermore, it has not been transferred in reality as a policy programs set out by the government in terms of gender equality and women's right on parental properties. The injustice of parental property distribution is found to be occurred due to lack of knowledge, séance of male supremacy, socio-culture norms, value and belief and social dogmatism.

Table 4.2.4 Sex Wise Ownership of Parental Property

Owner of household parental properties	Sex				Total	
	Male		Female			
Grand parents	36	13.1%	19	6.7%	55	19.9%
Father	93	33.3%	80	28.4%	172	61.7%
Mother	23	8.2%	28	9.9%	51	18.1%
My self	0	0.0%	1	0.4%	1	0.4%
Total	152	55.6%	128	45.4%	280	100.0%

Source: Field study 2013

Nearly one fifth percent of study population, parental property is taken as ownership by their grants parents. 61.7 percent is taken by father, 18.1 percent is taken by mother and only 0.4 percent is taken by the respondents themselves. Here seems that in the most of the family, fathers are found to be taking main ownership of the parental property. But very few of the study population are taking the ownership of the parental property. Here the study confirmed that practice of taking ownership of parental property by female is still in a very low level practices. This table is

described on the basis of Women and Development theory (GAD) since it has focused primarily gender division of labor , GAD theory focused primarily on gender division, and gender as a relation of power embedded in institutions.

4.2.5 Status of Cultivable Land Ownership According to Sex

Status of land cultivating ownership depends on family structure, family size and area of land. Basically the Terai resident who have large area of land, are found to be giving their land for cultivation with the provision of partial division of production. But the people who have middle and small area of land are bound to be cultivating the land by themselves. Whereas the people in the hilly and mountains regions the status of land cultivating system is practice in the same way of the Tarai region. Table 4.2.5 has described the land cultivation ownership system of the study population.

Table 4.2.5 Status of Cultivable Land Ownership According to Sex

Land cultivating ownership	Sex				Total	
	Male		Female			
Given to other farmers based on partial division of production	64	31.0%	52	25.6%	116	56.7%
Cultivating by own family	52	25.6%	36	17.7%	88	43.3%
Total	115	56.7%	88	43.3%	204	100.0%

Source: Field study 2013(this table is filtered from 5.3)

Majority (56.7%) of the respondents have given their land cultivation ownership to other people in the agreement of partial division of production, and 43.3 percent of respondents are taking ownership by themselves and producing food by themselves. Here, the researcher conclude that the tendency of giving land cultivation ownership to other people is gradually increasing in Nepalese society, due to occupational change and socio-economic transformation from agriculture to non agricultural occupation. As the occupational changes are appeared among the study population, searching for foreign employment by active age people(every day 400 active people go to foreign countries to work, (Government of Nepal, 2012), and parents are depends on the money send by their young family members. This table is described on the base of Labour Theory of property because this theory mentions that the labor

forms his quality into the object as property. Thus, the object becomes the property of that person.

4.2.6 Involvement of Family Members in Farming Activities Interm of Sex

Nepal Living Standard Report 1995/96 reported 70.7 percent, 2003/04 report reported 64.3 percent and 2011 report reported 61.3 percent people are self employment in agriculture (farming work) out of total population the Nepal. Among them, more than 80 percent female are involving in agricultural work comparing to male. However, more female are involving in agriculture work. The table 4.2.6 shows the involvement of family members of respondents in farming work by their gender.

Table 4.2.6 Involvement of Family Members in Farming Activities Interm of Sex

Involvement in farming work	Sex				Total	
	Male		Female			
Male	4	4.4%	7	7.8%	11	12.2%
Female	12	13.3%	6	6.7%	18	20.0%
Both	26	28.9%	17	18.9%	43	47.8%
Hired a person for wage	10	11.1%	8	8.9%	18	20.0%
Total	52	57.8%	38	42.2%	90	100.0%

Source: Field study 2013 (this table is filtered from table 5.1)

Among the self cultivation of land, 12.2 male, 20 percent female and 47.8 percent both male and female are involving in agriculture farming work. There has been hiring 20 percent people for the same purpose. The percent of female involvement in agricultural activities is found to be higher than the male. Among male, father and grandfather are involving in the farming. Likewise, among the female, mother, grandmother, daughters and daughter in laws are involving in farming, and among the hiring labors, both male and female are equal involved. This table is described on the basis of Women and Development (WAD) theory because it emphasizes the distinctive nature of women's work and responsibility as well, and it focused primarily on gender division of labor.

4.2.7 Main Earning Person in their Household According to Sex

In Nepalese culture generally there has been a practice of occupation that is confined by the gender in connection with social practices, belief and trends. In the practice the male respondents go to office for earning whereas female are busy on taking care of family members especially children and elders. Table 4.2.7 is describing practices of earning among the respondents.

Table 4.2.7 Main Earning Persons in their Household According Sex

Main earning persons in household	Sex				Total	
	Male		Female			
Male	94	32.1%	64	21.8%	158	53.9%
Female	3	1.0%	3	1.0%	6	2.0%
Both	61	20.8%	68	23.2%	129	44.0%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Most of the (53.9%) household run by the males' earning where the very least percent of female (2.0%) run their household, and 44 percent household is run by both male and females are earning (table 4.2.7). The practice of male goes to outside to earn to fulfill the family needs and females role to take the family is still existing in Nepalese culture. The study shows that even in the advance and educated family, females are engaged in domestic activities because of influence of tradition, socio cultural value, beliefs and male dominated society. This table is described on the basis of Basic Need Approaches Theory because it focuses on growth and income as indicators of development, and it further focuses on human development and human security for sustainable development.

4.2.8 Status of Parental Support by Sex

Every parent provides the support to their children but the way of supporting is quietly different in developed and developing countries. In developed countries, the parents provide all kinds of support to their children until their age is 18. The policy of the developed countries to the children is very fair as there is no discrimination in terms of gender. But in developing countries, the parents provide all kids support to

their children even they are separated from them and the parents are treating the children with discrimination by gender and order of birth. The level of discrimination differs from one society to another society in terms of socio- culture norms, value, socialization system of children and economic status of the family. The table 4.2.8 describes whether the parents' support is available or not to the study population.

Table 4.2.8 Status of Parental Support by Sex

Status of supports available from parents	Sex				Total	
	Male		Female			
Yes	146	49.8%	125	42.7%	271	92.5%
No	12	4.1%	10	3.4%	22	7.5%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

The largest (92.5%) percent of children are getting supports of monetary, decision making, schooling, farming, business, job seeking and moral support from their parents. Only 7.5 percent do not get the support from their parents. While analyzing in terms of gender, 49.8 percent male and 42.7 percent female are getting support from their parents, but 4.1 percent male and 3.4 percent female are not getting such types of support from their parents. Here seems that the male and female are equally getting parental support. This table is described on the basis of Development and Women (GAD) theory because this theory focuses on social relation of gender and level of supports granted by the children from their parents.

Table 4.2.8a Type of Parental Support According to Sex

Type of supports available	Sex				Total	
	Male		Female			
Monetary and schooling supports	27	10%	26	9.6%	53	19.6%
Household decision making support	14	5.2%	15	5.5%	29	10.7%
Business support	15	5.5%	14	5.2%	29	10.7%
Supporting in all (Moral support, monetary support, schooling support, household decision making support, support in business, support in farming, support for seeking job)	90	33.2%	70	25.8%	160	59.0%
Total	146	53.9%	125	46.1%	271	100.0%

Source: Field study 2013 (this table is filtered from table 5.8)

Among the 271 respondents who perceived any types of supports from their parents, 19.6 percent are receiving monetary and schooling supports, 10.7 percent are receiving the household decision making support, 10.7 percent are receiving business support, and 59 percent are receiving all types of support including moral support, monetary support, schooling support, household decision making support, support in farming and support for seeking job etc. The study conclude that the parents are providing all types of supports to their son and daughters for their better future developments. This table is described on the basis of Women and Development (GAD) theory because it focuses on relative position of men and women in the society.

4.2.9 Main Role and Responsibility of Female in their Household Activities

Role and responsibility of female are different in Nepalese society. Basically, caring and bearing of children and family members, washing, cooking, cleaning, water fetching are the main responsibilities of female. But this tendency is gradually improving urban area and some of the rural area too. The household works are conducted in sharing base. Mainly both male and female in educated family are engaging in any types of job. Table 4.2.9 is describing the role and responsibility of female in household among the study population.

Table 4.2.9 Main Role and Responsibility of Female in their Household Activities

Main responsibilities of female	Sex				Total	
	Male		Female			
Main bread winner	11	3.8%	8	2.7%	19	6.5%
Household decision maker	9	3.1%	15	5.1%	24	8.2%
Clean house and yard, washing cloths	4	1.4%	0	0.0%	4	1.4%
Caring and bearing of children and family members	1	0.3%	3	1.0%	4	1.4%
Cookingfood	6	2.0%	0	0.0%	6	2.0%
Water fetching	1	0.3%	4	1.4%	5	1.7%
Above all except main bread winner and household decision making	126	43.0%	105	35.8%	231	78.8%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

As mentioned in the table 4.2.9, 6.5 percent women have their role and responsibilities as bread winner, 8.2 percent have household decision making, 1.4 percent have house cleaning, washing clothes. Whereas, 1.4 percent have caring and bearing children, 2 percent are cooking food, 1.7 percent have water fetching work and 76.8 percent have all responsibilities except earning. The researcher concludes that the almost 86 percent women have their main role and responsibilities in terms of reproductive and domestic activities. This table is described on the basis of Gender and Development (GAD) theory because it focus on role of male and female in the social construction.

4.2.10 Main Role and Responsibility of Male in their Household Activities

As Nepalese society and culture, main role and responsibilities of male are household decision making, main bread winners, seeking job outside home and earn money. They have to provide support to female in agricultural activities like; plugging, plantation and harvesting for the fulfillment of the basic needs of family. But in the developed countries, the male and female have equal responsibilities and do their household work and outside work equally. Table 4.2.10 is describing the main role and responsibilities of male among the study population.

Table 4.2.10 Main Role and Responsibility of Male in their Household Activities

Main responsibilities of male	Sex				Total	
	Male		Female			
Main bread winner	32	10.9%	42	12.3%	74	25.3%
Household decision making	34	11.6%	26	8.9%	60	20.5%
Washing cloths dishes	2	0.7%	1	0.3%	3	1.0%
Caring of live stocks	1	0.3%	4	1.4%	5	1.7%
Cooking food	0	0.0%	3	1.0%	3	1.0%
Above all except washing cloths and cooking	89	30.4%	59	20.1%	148	50.5%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Majority (25.3%) of male have their main role and responsibilities as bread winners, 20.5 percent have household decision making, 1 percent have washing cloths and

dishes, 1.7 percent have caring of live stocks, another 1 percent have cooking food and 50 percent have above all responsibilities except washing cloths and cooking (table 4.2.10). Furthermore, more than 95 percent male have their main household responsibilities as bread winner and household decision making. It indicates that the male supremacy is still existing in the society. It also seems that the important role is taken by male in household decision making process in comparison to the females. This table is described on the basis of Gender and Development (GAD) theory because it has focused on the role of male and female in the society.

Table 4.2.10a The Main Role in Household Decision Making Process

Important role in household decision making process	Sex				Total	
	Male		Female			
Male	58	19.8%	36	12.3%	94	32.1%
Female	16	5.5%	10	3.4%	26	8.9%
Both	84	28.7%	89	30.4%	173	59.0%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

4.2.11 Reasons of Important Role of Male in Decision Making Process

Basically male supremacy, male dominant society, socio-culture, norms, value, belief, level of education, type of family, system of family, social composition, social practices and treating behavior towards female in the societies are the main reasons for the male to have important role in household decision making process. The table 4.2.11 describes the reasons of the important role of male in household decision making process within the family and society of study population.

Table 4.2.11 Reasons of Important Role of Male in Decision Making Process

Reasons of important role of male in decision making process	Sex				Total	
	Male		Female			
Male bears the more responsibilities and earning persons of family	4	4.3%	6	6.4%	10	10.6%
Male are more educated	18	19.1%	23	24.5%	41	43.6%
Patriarchal values in the society	28	29.8%	4	4.3%	32	34.0%
Male look after all and makes right decision which is always good and fair	5	5.3%	2	2.1%	7	7.4%
Social norms, values, social practice and trend since forefathers	3	3.2%	1	1.1%	4	4.3%
Total	58	61.7%	135	46.1%	94	100.0%

Source: Field study 2013 (this table is filtered from table 10a)

Among the 94 males who are involving in the household decision making process, 10.6 percent are playing important role because they have to bear the more responsibilities in terms of earning and caring the family. Whereas 43.6 percent are being more educated, 34 percent are being patriarchal valued in the society. Likewise, 7.4 percent thinks that male look after all and make right decision which is supposed to be always good and fair, and 4.3 percent male are playing important role in decision making process. The base of doing so are; social norms, values of social practices and trend since their forefathers. The reasons of important role of male in the decision making process is directly associated with socio-cultural phenomenon. This table is described on the basis of Gender and Development (GAD) theory because it focuses on role of gender in decision making and gender as a relation of power embedded in institution.

4.2.12 Reasons of Important Role of Female in Decision Making Process

The reasons of providing importance role to the family are; the changed beliefs of socio-cultural values, norms and beliefs, level of education, international common laws, equal participatory approaches, communication development, globalization, increment of female education level (female literacy rate is increased more than four fold within four decade ie. 12 percent in 1981, 25 percent in 1991, 42.8 percent in 2001 and 57.4 percent in 2011), change of occupational profession like household to

non household work and other reasons are associated for important role to the females for decision making process in their family. Table 4.2.12 is describing reasons of important role to the female for decision making process in their family.

Table 4.2.12 Reasons of Important Role of Female in Decision Making Process

Reasons of important role of female for decision making process	Sex				Total	
	Male		Female			
Brave and have endurance capacity	6	25.0%	5	17.9%	11	42.9%
Female is main members of the family and she take care of family with good manner	6	21.4%	1	3.6%	7	25.0%
Female play important role and male and female equally treat in my family	5	17.9%	3	14.3%	8	32.1%
Total	17	64.3%	9	46.1%	26	100.0%

Source: Field study 2013 (this table is filtered from table 10a)

Among the 26 female respondents who are playing important role for decision making process in their family, 42.9percent of female are playing important role for decision making process in their family because of being brave and have endurance capacity,25 percent female are playing important role for decision making process in their family because they are well care takers with very good manner to the family members, likewise, 32.1 percent females take care of family with good manner, and 32.1 percent female are playing important role because of their sense of equality to the female in the households of study population. This table shows the reasons of important role of women in social development according to the Women and Development (WAD) theory.

4.2.13 Practice of Land Registration System in Female's Name

In the past, in Nepalese society, the practice of land registration in females name was found to be very rare. But now a days, the land registration system has been gradually increased as the government has provided 20 percent incentives in registration charge. Registering the land in the female is supposed to be social security to the women on the one hand and security of the property on the other. Table 4.2.13 is describing

whether the study population have practice on land registration system in females' name or not.

Table 4.2.13 Practice of Land Registration System in Female's Name

Status of land registration in female name	Sex				Total	
	Male		Female			
Yes	84	28.7	90	30.7%	174	59.4%
No	58	19.8%	23	7.8%	81	27.6%
Don't know	16	5.5%	22	7.5%	38	13.0%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 study population, 59.4 percent have registered the land in females name and 27.6 percent study populations have not practiced on of land registration system in females' name, and 13 percent don't know whether they have to practice or not (table 4.2.13). The tendency of land registration system in females' name is gradually increasing in Nepalese societies because of consideration in registration charge, to given female better financial security as equal to male. It is believes that women are more trustworthy and more cooperative than male. This table is described the on the basis of Gender and Development (GAD) theory because it focuses on gender as a relation of power embedded in institutions so house is also one of the social institution.

Table 4.2.13a Reasons of Land Registration in Women's Name

Reasons	Sex				Total	
	Male		Female			
Consideration in registration charge	12	6.9%	16	9.2%	28	16.2%
To given her better financial security equal as male	27	15.6%	31	17.3%	58	32.9%
Women is more trusty than male	32	18.5%	21	12.1%	53	30.6%
For co ownership between male and female	12	6.9%	23	13.3%	35	20.2%
Total	83	48.0%	90	52.0%	174	100.0%

Source: Field study 2013(This table is filtered from table 4.13)

4.2.14 Reasons of Practice of not Registering the Land in Female's Name

Socio-cultural, norms, value, belief, social practices, level of education, male dominant, feelings, ignorance, and male supremacy and social dogmas are the main reasons of not registering the land in female's name in Nepalese society. But in developed countries there has been a practice of equal registration system of land in males' and females' name. Table 4.2.14 is describing the reasons why the land has not been registered in females' name in the Nepalese society.

Table 4.2.14 Reasons of Practice of not Registering of the Land in Female's Name

Reasons	Sex				Total	
	Male		Female			
Male dominated society and male centric household behavior	12	14.8%	3	3.7%	15	18.5%
Female are not given more importance in patriarchal norms	20	24.7%	6	7.4%	26	32.1%
Property is earned by male (father)	16	19.8%	11	13.6%	27	33.3%
Property is inheritance	4	4.9%	1	1.2%	5	6.2%
Social norms, values and social practices	6	7.4%	2	2.5%	8	9.9%
Total	58	71.6%	23	28.4%	81	100.0%

Source: Field study 2013 (this table is based on table 4.13a, 28+53=81)

Among the 81 respondents, 18.5 percent have not registered the land in females' name because of the sense of male centric ideology in the male dominated society. Likewise 32.1 percent have not registered land in female name due to patriarchal beliefs, whereas, 33.3 percent have not registered the land in females' name because of property is earned by male earned by male, and 9.9 percent have not registered the land in females' name reasons due to social norms, values and practice. In most of the households, there is still a less practice of the land registration system in females' name in the Nepalese societies because of many hidden reasons. This table 4.2.14 is described on the basis of Social theory of parental property because it has described that the property rights bring fragmentation in social harmony and family relation.

4.2.15 Summary

This chapter has described different theories on the basis of principle related to women and gender development. People are motivated by different socio-culture, religious, norms, values and beliefs. Therefore, people could differently perceive the meaning of parental property as their socio-cultural environment and practices within their local territory. While analyzing the researched matters, there is no similar meaning of parental property perceived by culturally different people. The status of property ownership of study population is satisfactory because only few number of people have no property in their ownership. More than 96 percent people have house and land as their parental property. The practice of taking ownership of parental property by female are still in minimal level of practice in Nepalese context. The tendency of giving land cultivation ownership to other people is gradually increasing in Nepalese society due to occupational change and socio-economic transformation from agriculture to non agriculture type of occupation i.e. searching for foreign employment by active age population. The female involvement in agriculture farming work is higher in comparison to male involvement. The practices of male going outside to earn for family needs, and females live at home for household work and totake care family. The practice as females as take cares of the family is still existing in Nepalese context. It is because of the social practices, cultural values, norms and beliefs of the male dominated society. The male and female are equally getting parents' support so there is no discrimination in terms of gender. However, the parents are providing all types of supports to their children for their better future. Reproductive activities and domestic works are the main role and responsibility of the almost 86 percent women from the study population. The reasons of important role of male in the decision making process is directly associated with socio-cultural phenomenon. Majority of the females are playing important role because they are found to be treated equal behaviors in their household activities. The tendency of land registration system in females' name is gradually increasing in Nepalese context because of consideration in registration charge. Giving the females better financial security as equal as male is due to females' trustworthy nature in terms of financial activities.

CHAPTER FIVE

CAUSE AND FACTORS FOR ENHANCING UNEQUAL PROPERTY RIGHTS BETWEEN SON AND DAUGHTER

5. Background

This chapter has explored the leading factors to enhance unequal property distribution system between son and daughter. This chapter is also describing the knowledge of gender discrimination, meaning of gender discrimination, leading factors of gender discrimination, reasons to give more preference to son, leading factors to enhance inequality in property rights, necessary action for strong implementations of existing law and policy program related to equal property rights, meaning of parental property rights, knowledge of parental property rights system in Nepal, perception for appropriate and non appropriate of parental property equal distribution system, the most benefited persons from parental property equal rights and present social practices of equal sharing system of parental property between son and daughters.

5.1 Knowledge on Gender Discrimination among the Respondents

The gender discrimination refers to the unequal practice or treatment to the human being in terms of gender or sex. Basically injustice treatment to the human being socially, mentally and physically on the basis of gender is known as the gender discrimination. General people innocently understand the gender discrimination as injustice between son and daughter or male and female for education, work, wage, food intake, different working hours, type of occupation, practice of medical treatment, socializing process and so on. Therefore, directly or indirectly many people have knowledge of the gender discrimination. Table 5.1 is describing whether respondents have knowledge or not regarding the gender discrimination.

Table 5.1 Knowledge on Gender Discrimination among the Respondents

Knowledge	Sex				Total	
	Male		Female			
Yes	153	52.2%	131	44.7%	284	96.9%
No	3	1.0%	1	0.1%	4	1.4%
Don't know	2	0.7%	3	1.0%	5	1.7%
Total	158	61.7%	135	46.1%	293	100.0%

Source: Field study 2013

Among 293 respondents, 96.9 percent have knowledge of gender discrimination and 1.4 percent do not have knowledge about it, and another 1.7 percent don't know about the issues. As sex wise analysis, 52.2 percent male and 44.7 percent have knowledge and 1.0 percent male and 0.1 percent female do not have knowledge. However, almost study people have knowledge of the gender discrimination through social practices or by formal and informal education. This table is described on the basis of political theory because the political theory has described that the civilization has restored the rights for the women to empower herself being female in the society.

5.2 Meaning of Gender Discrimination Perceived by Sex

Discrimination is a sever injustices in holistic rights due to unequal distribution of goods and opportunities on the basis of gender. Meaning of gender discrimination is depend on socio-cultural, norms and value of social practices. The role and responsibility of male and female is different in the community because of social trends as defined by different national and international laws, policy, treaty, international conference, global practices. Table 5.2 is describing the meaning of gender discrimination perceived by the respondents

Table 5.2 Meaning of Gender Discrimination Perceived by Sex

Meaning	Sex				Total	
	Male		Female			
Discrimination in parental property distribution	10	3.4%	4	1.4%	14	4.8%
Discrimination in education achievement	10	3.4%	8	2.7%	18	6.1%
Discrimination in gettingbalance food (balance diet)	6	2.0%	3	1.0%	9	3.1%
Discrimination in getting clothing	5	1.7%	3	1.0%	8	2.7%
Discrimination to get wage	5	1.7%	2	0.7%	7	2.4%
Discrimination in work	1	0.3%	1	0.3%	2	0.7%
Above all	121	41.3%	114	38.9%	235	80.2%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013.

Among 293 respondents, 4.8 percent perceived the meaning of gender discrimination as inequality in parental property distribution, 6.1 percent perceived as the inequality in education achievement, 3.1 percent perceived the inequality in getting balance diet, 2.7 percent perceived the biasness in getting the cloths, 2.4 percent perceived the inequality to get wage, 0.7 percent perceived the inequality in work and 80.2 percent perceived the above mentioned all inequality. Analysis by sex, 2.4 percent male and 1.4 percent female perceived the inequality in parental property distribution, 3.4 percent male and 2.7 percent female perceived the inequality in education achievement, 2 percent male and 1 percent female perceived the inequality in getting balance food/diet, 1.7 percent male and 1 percent female perceived inequality in getting clothing, 1.7 percent male and 0.7 percent female perceived the inequality to get wage, 0.3 percent male and 0.3 percent female perceived the inequality in work and 41.3 percent male and 38.9 percent female perceived the all as above mentioned inequality. The research study could conclude that, the gender discrimination is the inequality in holistic rights and achievement on the basis of gender that is related to the social theory because it believes that the property right brings the fragmentation in social harmony.

5.3 Leading Causes of Gender Discrimination

Basically, Socio-cultural, norms, values, beliefs, culture transformation, generation transformation, low education level, joint family system, son preference society, male dominant society, agricultural occupation, dowry system, injustice in property distribution between son and daughter, non education, and other many more reasons are associated with gender discrimination in Nepal. Here, table 5.3 has described the leading causes of gender discrimination in the society of study population.

Table 5.3 Leading Causes of Gender Discrimination

Leading causes	Sex				Total	
	Male		Female			
Generation and cultural transformation	7	2.4%	2	0.7%	9	3.1%
Socio cultural value, norms and belief	17	5.8%	9	3.1%	26	8.9%
Joint family systems	10	3.4%	6	2.0%	16	5.5%
Son preference society	7	2.4%	8	2.7%	15	5.1%
Low level education in women	4	1.4%	0	0.0%	4	1.4%
Male dominated society	6	2.0%	3	1.0%	9	3.1%
Above all	107	36.5%	107	36.5%	214	73.0%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013.

Among 293 respondents, 3.1 percent perceived that the leading cause of gender discrimination as generation and cultural transformation, 8.9 percent perceived socio cultural norms, values, and beliefs, 5.5 percent perceived joint family systems, 5.1 percent perceived son preference society, 1.4 percent perceived lower level of education of women, 3.1 percent perceived male dominated societies and 73 percent perceived the above all reasons are the leading causes of gender discrimination. While analyzing by gender, 2.4 percent male and 0.7 percent female perceived generation and cultural transformation as the leading cause of gender discrimination, 5.8 percent male and 3.1 percent female perceived socio-cultural value, norms and belief, 3.4 percent male and 2 percent female perceived the joint family system, 2.4 percent male and 2.7 percent female perceived the son preference society, 1.4 percent

male perceived the lower level education of women, 2 percent male and 1 percent female perceived the male dominated societies and 36.5 percent male and 36.5 percent female perceived the above all reasons as the leading factors of gender discrimination. There are many reasons, they are associated with the leading factors of gender discrimination. This table is described on the basis of political theory because of political theory has described the wife as the actual bondservant of her husband.

5.4 Reasons to give more Preference to Son in Comparison to Daughter in Nepalese Society

There are many reasons to give more preference to son in the Nepalese context such as, socio-cultural, norms, value, belief, religious, ritual attachment, level of education, conservation society, poverty, poor and dependent economic status of the family, lack of old age security system of government, system of daughter sending to other home after marriage, ignorance or no awareness of the people, traditional trends and male dominated society, no equal distribution system of parental property. Furthermore, the reason of giving emphasis to the son is weak and unfavorable government policies, agriculture as main occupation where daughters are supposed to go to the field for agriculture activities and son is supposed to go to school or college. The table 5.4 has described reasons to give more preference of sons rather than daughters.

Table 5.4 Reasons to give more Preference to Son in Comparison to Daughter in Nepalese Society

Reasons to preference of son	Sex				Total	
	Male		Female			
Socio-cultural, norms of society and religious and ritual attachment with son	28	9.6%	20	6.8%	48	14.4%
Daughter goes to her husband house after marriage	48	16.4%	37	12.6%	85	29.0%
Son takes old age security	53	18.1%	43	14.4%	96	32.8%0
Traditional trend and male dominated society	16	5.5%	14	4.8%	30	10.2%
Patriarchal phenomenon and weak economic condition of daughter	13	4.4%	21	7.2%	34	11.6%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 respondents the reasons of son preference society are found to be different. 14.4 percent of the respondents perceived the reasons as socio-cultural norms of societies, religious and ritual attachment with son are the main reasons of preference to the son in Nepalese society. Likewise, 29 percent respondents believed that daughters should go their husband's house after marriage, 32.8 percent believed son can provide old age security, 10.2 percent perceived the reasons are traditional trend and male dominated societies, 11.6 percent believed that the patriarchal phenomenon and weak economic condition of daughter. However, socio-cultural related system is the main reason to prefer the son in Nepalese context. This table is analyzed on the basis of cultural theory because it has described that the gender ideology defines rights and responsibility of male and female and furthermore it often reinforces males' power and women's inferiority. Culture is sometimes interpreted narrowly as custom or tradition and assumed to be natural and unchangeable.

5.5 Cause Factors in Enhancing the Gender Inequality in Property Right

There are many factors associated with gender inequality as; socio-cultural, norms, value, belief, low level of female education, low value of daughters in ritual and religious function, types of family, ignorance or no awareness of the people, no social security system in old age, traditional trends and practices, male dominant society, poor and ill implementation of existing policy program, lack of female participation in decision making process, poor economic status of female, female involvement in agricultural occupations to enhancing the gender inequality in property rights. Table 5.5 is describing the cause factors to enhance the gender inequality in property rights which perceived by the respondents.

Table 5.5 Cause Factors in Enhancing the Gender Inequality in Property Right

Causes factors	Sex				Total	
	Male		Female			
Socio cultural values norms and beliefs	13	4.4%	8	2.7%	21	7.2%
Traditional society and low level of female education	16	5.5%	10	3.4%	26	8.9%
Poor and mal implementation of existing policy program on gender equality	1	0.3%	1	0.3%	2	0.7%
Male dominated society	5	1.7%	4	1.4%	9	3.1%
Lack of female participation in decision making process	2	0.7%	1	0.3%	3	1.0%
Above all	121	41.3%	111	37.9%	232	79.2%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 respondents, 7.2 percent perceived the cause factors to enhance the gender inequality in property rights is socio-culture, value, norms and belief, 8.9 percent perceived the traditional type of society and low level of female education, 0.7 percent perceived the poor and mal implementation of the existing policy program regarding gender equality, 3.1 percent perceived the male dominant society, 1 percent perceived the lack of female participation in decision making process and 79.2 percent perceived the above all factors which are enhancing the gender inequality property rights. While analyze by sex, 4.4 percent male and 2.7 percent female perceived the socio-culture value, norms and belief are the main enhancing factors for gender inequality in property rights. Likewise, 5.5 percent male and 3.4 percent female perceived the traditional types of society and low level of female education, 0.3 percent male and 0.3 percent female perceived the poor and mal implementation of existing policy program on gender equality, 1.7 percent male and 1.4 percent female perceived the male dominant society, 0.7 percent male and 0.3 percent female perceived the lack of female participation in decision making process and 41.3 percent male and 37.9 percent female perceived the above all factors are associated to enhancing the unequal parental property rights. There are so many factors are associated in enhancing the

unequal parental property rights system in Nepal. This table is described on the basis of social theory because it brings fragmentation in social harmony and family relation.

5.5a and 5.5b Socio-cultural, Norms, Belief and Traditional Society are Enhancing Inequality in Parental Property Rights Interm of Sex

While analyzing the study populations view on parental property, there are two major factors i.e. Socio-cultural, norms, value, belief and traditional types of society are playing the vital role in enhancing of inequality of parental property rights in Nepal. The table 5.5a and 5.5b are describing how socio-cultural, norms, value, belief and traditional types of society enhancing inequality in parental property rights in the context of Nepalese society.

Table 5.5a Socio-cultural, Norms, Belief and Traditional Society are Enhancing Inequality in Parental Property Rights Interm of Sex

Reasons of socio-cultural, norms and belief	Sex				Total	
	Male		Female			
Males are treated as a brave and intelligent	14	5.6%	21	8.3%	35	13.9%
People cannot go far from socio-cultural, norms and beliefs	50	19.8%	37	14.3%	87	34.1%
Son is old age security	34	13.5%	26	10.3%	60	23.8%
Daughters go to their husband house	25	9.9%	11	4.4%	36	14.3%
People believe that son only can run the generation, socio-cultural, norms and ethnicity	11	4.4%	24	9.5%	35	13.9%
Total	134	53.2%	119	46.8%	253	100%

Source: Field study 2013(this table is based on table 5.5, 21+232 =253)

Under the reasons of socio-cultural, norms, value and belief, 13.9 percent perceived the male are treated as brave and intelligent, 34.1 percent perceived people cannot go far from socio-cultural, norms and belief, 23.8 percent perceived the son are old age security, 14.3 percent perceived the daughter go to their husband house, 13.9 percent believe that son is only a person who run the generation, socio-cultural norms and ethnicity are the main causes factors to enhancing the unequal property rights (table 5.5a). However, there are many reasons are associated under the socio-cultural, norms, value and belief to enhance the unequal property rights. This table is described

on the basis of social theory because it believes that the property rights brings fragmentation in social harmony.

Table 5.5b Reasons of Traditional Society in Enhancing unequal Parental Property Right

Reasons of traditional type of society	Sex				Total	
	Male		Female			
Traditional society does not believe in modern activities	29	11.3%	15	5.8%	44	17.1%
Stereotypical thinking that women get married and go to their husband house	40	15.6%	42	16.3%	82	31.9%
In traditional society, male is considered as bread winner and decision maker	44	17.1%	37	14.4%	81	31.5%
In traditional type society, son and daughters are treated differently	10	3.9%	15	5.8%	25	9.7%
Traditional society thinks that son is old age security	14	5.4%	11	4.3%	25	9.7%
Total	137	53.3%	120	46.7%	257	100.0%

Source: Field study 2013(this table is filtered from table 5.5, 26 + 232= 257)

Among the 257 respondents who perceived the main reasons in unequal in parental property rights is traditional type of society to enhance unequal property rights, 17.1 percent perceived that the traditional type of society does not believe modern type of activities they are enhancing unequal parental property rights. Likewise 31.9 percent perceived the women get married and go to their husband house, 31.5 percent perceived that the male are bread winner and decision maker of household, 9.7 percent perceived the son and daughters are treated differently by society, and 9.7 percent perceived that the son are the old age security found the main reasons while I analyze the reasons of traditional type of society to enhance unequal in parental property rights. This table is described on the basis of social theory because it believes that bring the fragmentation in family relationship.

5.6 Action need to be Applied for Strong Implementation of Existing Policy Program in equal Parental Property Right in Nepal

Proper monitoring and evaluation should be done properly in time according to the implemented policy program related to the equal parental property rights. Furthermore, stable government, female education, women empowerment, awareness

campaign in the whole nation could be the milestone to properly enactment of the existing policy programs related to parental property equal rights in Nepal. In other hand, incentives and punishment system need to be strongly announced for good manner employees and bad manner employees which could encouraged them to fulfillment their responsibilities in time with right way. And beside this the different political influence is being another obstacle to enactment the policy program related to parental property equal rights and which need to be strongly stop forever.

Table 5.6 Action need to be Applied for Strong Implementation of Existing Policy Program in equal Parental Property Right in Nepal

Actions	Sex				Total	
	Male		Female			
Women education should be given more emphasis for women empowerment	76	25.9%	58	19.8%	134	45.7%
Prefer to have a stable government in the country	31	10.6%	27	9.2%	58	19.8%
Need to have public awareness about existing laws, polices and programs	22	7.5%	19	6.5%	41	14.0%
Proper enactment of parental property laws	29	9.9%	31	10.6%	60	20.5%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Majority (45.7%) percentage of respondents perceived that the women education needs to be given more emphasis for women empowerment. Likewise, 19.8 percent preferred to stable government in the country, 14 percent preferred for public awareness campaign, and 20.5 percent preferred for properly enactment of the existing law and policy programs related to parental property equal rights. While analyzing in terms of gender 25.9 percent male and 19.8 percent female preferred women education, 10.6 percent male and 9.2 percent female preferred the stable government in the nation, 7.5 percent male and 6.5 percent female preferred the public awareness campaign and 9.9 percent male and 10.6 percent female preferred the well enactment of the existing law, policy programs related to the parental property equal rights. However these four factors need improvement to make strong

implementation of existing policy program related to equal parental property rights in Nepal.

5.7 Meaning of Parental Property Rights Perceived by Sex

Simply, son and daughter claim upon the property owned by parents either father or mother, that is earned by the mselves or that is granted by parents is called the parental property rights. The study population perceived the meaning of parental property right is a rights of son and daughter upon parents' properties, rights to ownership into the parents' properties, rights to get properties earned by parents, rights of properties acquired in accordance with the inheritance, ownership rights to house, money, land and other properties earned by parents and forefather.

Table 5.7 Meaning of Parental Property Rights Perceived by Sex

Meanings	Sex				Total	
	Male		Female			
Rights of son and daughter upon parents’ property	56	19.9%	62	21.2%	118	40.3%
Rights to ownership into parents’ property	43	14.7%	26	8.9%	69	23.5%
Rights to get property earned by parents	23	7.8%	12	4.1%	35	11.9%
Rights of property acquired in accordance with the inheritance	6	2.0%	10	3.4%	16	5.5%
Ownership right to house, money, land and other property earned by parents and forefather	30	10.2%	25	8.5%	55	18.7
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Majority (40.3%) of the respondents perceived the meaning of the parental property right as rights of son and daughters upon parents' properties, 23.5 percent perceived the rights to ownership into the parents' properties, 11.9 percent perceived the rights to get properties earned by parents, 5.5 percent perceived the rights of properties acquired in accordance with the inheritance, and 18.7 percent perceived the ownership rights to house, money, land and others properties earned by parents and forefather.

Here the researcher tried to conclude that the meaning of the parental property is rights to demand by son or daughter upon their parental property which earned or owned by either parents or properties shifted from forefather.

5.8 Knowledge on Parental Property Rights System in Nepal

Many people have knowledge of parental property rights system in Nepal but they do not have practices for equal distribution between son and daughters because of various factors. They are influences of ignorance, socio-cultural, norms, value, belief, traditional type of society, transformation of culture, religion, son preference society, weak and mal implementation of laws and policy programs related to parental property rights. Table 5.8 is describing whether the study population have knowledge or not about the parental property rights system in Nepal.

Table 5.8 Knowledge on Parental Property Rights Systems in Nepal

Knowledge of parental property rights systems	Sex				Total	
	Male		Female			
Yes	114	38.9%	118	40.3%	232	79.2%
No	44	15.0%	17	5.8%	61	20.8%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Majority (79.2%) of the respondents have knowledge on the parental property rights and only 20.8 do not have. While analyzing by gender, 38.9 percent male and 40.3 percent female have knowledge and 15.0 percent male and 5.8 percent female do not have. However, almost four fifth of study population have knowledge but less in practices in distributing the parental property to their son and daughter in equally on the base reasons mentioned above.

5.9 Perception on Appropriate Distribution of the Parental Property Rights System in Nepal

The system of providing parental property equally to son and daughter is appropriate due to various reasons. As it empowers females in different social streams, such as equal economic participation, decision making process, personality development and other social activities. Likewise, son and daughter both are equally to their parents

property as there is no more discrimination by birth. The government is also treating son and daughter equally on the basis of law of gender. The table 5.9 has described the appropriate reasons of parental property to be distributed equally according to the existing law.

Table 5.9 Perception on Appropriate Distribution of the Parental Property Rights System in Nepal

Perception on appropriateness	Sex				Total	
	Male		Female			
Yes, it is appropriate to provide the parental property equally to son and daughter	134	45.7%	116	39.6%	250	85.3%
No, it is not appropriate to provide the parental property equally to son and daughter	24	8.4%	19	6.5%	43	14.7%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among 293 respondents, 85.3 percent perceived that the parental property equal distribution between son and daughter is an appropriate reason, and 14.7 percent perceived it as an inappropriate practice. While analyzing in terms of gender, 45.7 percent male and 39.6 percent female perceived it as an appropriate practice, whereas 8.4 percent male and 6.5 percent female perceived it as not relevant practice. However, researcher concludes that more than four fifth percent of population responded it as positive and advocated for providing the parental property equally to son and daughter as an appropriate practice because of various reasons. This table is described on the basis of Women and Development (WAD) theory it emphasizes the distinctive nature of the role women to play in the maintenance and development of the society.

Table 5.9a Reasons of being Appropriate to Provide the Parental Property to Son and Daughter Equally

Appropriate reasons	Sex				Total	
	Male		Female			
Son and daughter both are equal	10	4.0%	13	5.2%	23	9.2%
Son and daughter are children of parents	35	14.0%	41	16.4%	76	30.4%
It is fundamental right and time of equality and justice	40	16.0%	25	10.0%	65	26.0%
Both gender are equally treated by Laws	32	12.8%	26	10.4%	58	23.2%
Son and daughters have equal rights over parental property	13	5.2%	10	4.0%	23	9.2%
Government has made equal provision between son and daughter	4	1.6%	1	0.4%	5	2.0%
Total	134	53.6%	116	46.4%	250	100.0%

Source: Field study 2013(this table is filtered from table 5.9)

Among 250 respondents perceived, providing the parental property equally to son and daughter is a appropriate reason. 9.2 percent perceived the reason of providing the parental property to son and daughter equally is appropriate because they are equally born from their parents. Likewise, 30.4 percent perceived the both son and daughter are children of parents, 26 percent perceived it as fundamental rights of equality and justice, 23.2 percent perceived the both genders are equally treated by laws, 9.2 percent perceived the son and daughters have equal rights over parental properties, 2 percent perceived that the government has made equal provision between son and daughter. Furthermore, more than one fourth population understand that granting the parental property equally is of every citizens. This table is described on the basis of Gender and Development (GAD) theory because it has described the gender role and social relation of gender.

5.10 Reasons of not being Appropriate to Provide the Parental Property to Son and Daughter as Equally

Some of the respondents have an opposite concept in providing the parental property equally to son and daughter due to various reasons. They think that it could create disharmony between sister and brother, break socio-cultural, norms and values,

increase a gap between their mutual understanding. So the table 5.10 has described the reasons equally providing parental property is an inappropriate practice in the society.

Table 5.10 Reasons of not being Appropriate to Provide the Parental Property to Son and Daughter as Equally

Reasons	Sex				Total	
	Male		Female			
It breaks the relationship between sisterhood and brotherhood	2	4.7%	3	7.0%	5	11.6%
It is not allowed by social norms, value, belief and culture	10	23.3%	9	20.9%	19	44.2%
Daughters go to husband house andget the rights there	12	27.9%	7	16.3%	19	44.2%
Total	24	58.8%	19	44.2%	43	100.0%

Source: Field study 2013 (this table is filtered from table 5.9)

Among 293 respondents, 43 (14.7%) have put their opposite concept on equal distribution of parental property between son and daughter. Out of 43 people, 11.6 percent perceived that the parental property should not be distributed equally to son and daughter because it breaks the social harmony between brother and sister. Likewise, 44.2 percent perceived that it is not allowed by social norms, value, belief and cultural practices, and another 44.2 percent perceived that the distribution of parental property between son and daughter is inappropriate because daughter has to go to her husband's after marriage and she will get property from their to. So, it not necessary to give her parental property since she is rightful to get property from husband's house. This table is described on the basis of social theory because it has described the property right brings fragmentation in social harmony and family relation especially, among siblings and it also increases poverty and social crime.

5.11 Most Benefited Gender from the Parental Property equal Distribution System

However, male is the most benefited gender from the parental properties equal distribution system because, he gets half of the properties from his own parents and his wife also brings some property from her maternal side. But only few numbers of female who are educated, employer, self employers and active women will be

benefited from equal parental property rights because they are able to demand their rights even with their husbands but it also breaks family relation because our society is still in transitional phase (Traditional to modern). Because, the table 5.11 has described the most benefited gender from the equal parental property distribution system.

Table 5.11 Most Benefited Gender from the Parental Property equal Distribution System

Most benefited persons	Sex				Total	
	Male		Female			
Male	116	39.6%	103	35.2%	219	74.7%
Female	2	0.7%	3	1.0%	5	1.7%
Both	40	13.7%	29	9.9%	69	23.5%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Almost the third fourth respondents perceived that the male will be most benefited from the parental properties equal distribution system and, only 1.7 percent perceived the female and 23.5 percent perceived the both male and female. While analyzing by gender, 39.6 percent male and 35.2 percent female perceived that most of males are benefited, 0.7 percent male and 1 percent female perceived female are the most benefited and 13.7 percent male and 9.9 percent female perceived that both male and female are benefited from the parental properties equal distribution system in Nepal. Here the researcher concludes that the most of the male are benefited in comparison to female from the parental properties equal distribution system, because of various reasons such as; social practices of property transformation into male's name rather than female's name and another reason is male gets the larger proportion of the property in comparison to female. Where as male respondents are free from responsibilities of parental care to their old age parents and they are not equally sensible to their parents' problems although they have taken parental property. This table is analyzed on the basis of Gender and Development (GAD) theory because it has described the relative position of men and women in society.

Table 5.11a Reasons of Male to be More Benefited from Parental Property equal Distribution

Reasons	Sex				Total	
	Male		Female			
Male can transfer and hold the parental property	20	9.3%	18	7.9%	38	17.3%
Male will get more part of the parental property because of patriarchal tendency	40	18.2%	31	14%	72	32.2%
Male will be free from responsibilities of parents’ care in their old age	35	16.4%	30	13.6%	65	29.9%
Male should worry about their parents	21	9.8%	24	10.7%	45	20.6%
Total	115	53.7%	103	46.3%	219	100.0%

Source: Field study 2013(this table is filtered from table 5.11)

Among the 214 respondents who perceived the reasons that the male are benefited from parental properties equal distribution system. The majority (32.2 %) perceived the males get more part of the parental property because of social tendency and practice of property distribution system. Likewise 29.9 percent perceived that males are free from responsibilities to take care their parents in their old age, 20.6 percent perceived the male should not be worried about their parents and 17.3 percent perceived that the male can transfer and hold the parental property so they will be more benefited from parental properties equal distribution (table 5.11a). However, social factors are still playing vital role to enhance unequal distribution of the parental properties between son and daughters even in advance and educated family. Furthermore, it seems to be taking still more than decade to change the attitude of the Nepalese people to come in real practices. This table is analyzed on the basis of political theory because the theory has described the wife is the bondservant of husband and no more than that in terms of economic activities although the males only want to be bold in economic part rather than females.

5.12 Reasons of Female to be More Benefited from the Parental Property Equally

There are many reasons of female to be benefited from the parental properties equal distribution between son and daughters in terms of economic and social security of female, female empowerment and female autonomous identity, to be educated as their

desire. Table 5.12 has described the females to be benefited from parental properties equal distribution between son and daughters in Nepalese society.

Table 5.12 Reasons of Female to be More Benefited from the Parental Property Equally

Reasons	Sex				Total	
	Male		Female			
Women will be secured in their future	1	20.0%	1	20.0%	2	40.0%
Women won't be suffering from money	1	20.0%	1	20.0%	2	40.0%
Women will be empowered and autonomous	0	0.0%	1	20.0%		20.0%
Total	2	40.0%	3	60.0% %	5	100.0%

Source: Field study 2013(this table is filtered from table 5.11)

Among 5 respondents, 40 percent perceived that the female will be secured socially and economically in future from the parental property equal distribution system. Likewise, another 40 percent perceived that women won't worry and suffer from money for their education attainments and in other expenses, and 20 percent perceived that the women will be empowered and autonomous from the parental properties equal distribution. There could be many others reasons but they have not explained in detail due to few social circumstances that cause equal distribution of parental property as a source of social conflict and family disharmony. This table is analyzed on the basis of Gender and Women (GAD) theory because the theory emphasizes to bring the women in mainstream by providing them parental property as an icon of development.

5.13 Practice of Equal Sharing of Parental Property

In the developed countries, the trend of equal sharing of parental property is not in practice because there is no discrimination between son and daughter. Parents support them until they are 18 years. Both son and daughters live separately from parents after the age of 18 years. The free education and other facilities are provided by government as the social security. In Nepalese context, neither government has provision of free education nor has social security. Sons live with parents as their wish but daughter live until they get married. The tarit of sharing parental property was not exercised few years ago. But now the practice has been gradually increasing

for few years after the initiation of policy and laws in 2063. Here, table 5.13 is describing whether we have the practices of parental properties sharing system in society of study population or not.

Table 5.13 Practice of Equal Sharing of Parental Property

Practices	Sex				Total	
	Male		Female			
Yes	97	33.1%	88	30.0%	185	63.1%
No	61	20.8%	47	16.0%	108	36.9%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Majority, (63.1%) of the respondents have a practice of sharing the parental properties, and 36.9 percent do not have this practice. While analyzing by sex, 33.1 percent male and 30 percent female have the practice and 20.8 percent male and 16 percent female do not have the practice of equal sharing, of the parental properties between male and female. However, the practice of equal sharing the parental properties is gradually increasing due to influences of laws and policy, increment of education level, buildup of awareness, transformation of socio-culture and other phenomenon. This table has described on the basis of Women and Development (WAD) theory because it has emphasized the distinctive nature of women's knowledge, work, goal and responsibilities in terms of advocating for their recognition.

5.14 Reasons of not Practicing of Equal Sharing of Parental Property

There are many reasons associated with equal sharing of parental properties which is not essentially important to be divided between son and daughter. The reasons are mainly; socio-cultural norms, values, customary laws, level of female education, lack of awareness, attitudes and many others reasons like peoples' belief that the daughters goes to their husbands' house after marriage and they will get property rights with her husband. Son centric society is also the main reason that gives more priority to son, and transformation of culture, norms, values and beliefs. Table 5.14 has described the reasons of not practicing of the equal sharing of parental properties in their family.

Table 5. 14 Reasons of not Practicing of Equal Sharing of Parental Property

Reasons of not practicing of the equal sharing of parental properties	Sex				Total	
	Male		Female			
Daughter goes to their husband house after marriage	5	4.7%	6	5.6%	11	10.3%
Do not have daughter and sisters	11	10.3%	8	7.5%	19	17.8%
Male are given more priority	34	30.8%	28	26.2%	61	57.0%
Due to the cultural transformation, norms, values and believes	7	6.5%	4	3.7%	11	10.3%
Supports of grandparents and patriarchy	4	3.7%	1	0.9%	5	4.7%
Total	61	56.1%	47	43.9%	108	100.0%

Source: Field study 2013(this table is filtered from table 5.13)

Among the 108 respondents, who perceived that the reasons of not practicing of the equal sharing of parental properties in their family, 10.3 percent perceived the main reasons of not practicing of the equal sharing of parental properties because of daughters' fate to go their husbands' house after marriage and she gets the property in her husbands' house. Whereas, 57 percent perceived the male are given more priorities, 10.3 percent perceived the cultural transformation, norms, values and beliefs, and 4.7 percent perceived the supports of grandparents and patriarchal society are the reasons of not practicing of the equal sharing of parental properties in their family. The researcher could conclude that the main reasons are of not practicing of the equal sharing of parental properties are; socio-cultural, norms, values, belief and son preference societies. This table is analyzed on the basis of social theory because it mentions that the property right brings fragmentation in social harmony and family relation.

5.15 Chapter Summary

Gender discrimination is the biasness in holistic rights and achievement on the basis of gender. Generally most of the people have knowledge of the gender discrimination through social practices, formal and informal education and values of society. The main reasons of gender discrimination are; socio-cultural values, norms, belief, culture transformation, generation transformation, low education level, joint family

system, son preference society, male dominant society, agricultural occupation, dowry system, property unequal distribution between son and daughter, lack of knowledge. Socio-cultural, norms, value, belief, religious, ritual attachment, level of education, conservation society, poverty, poor and dependent economic status of the family, lack of old age security system of government, system of daughter sending to other home after marriage, ignorance or no awareness of the people, traditional trends of male dominant society, un equal distribution system of parental property, agricultural background of the majority of people, weak and irrelevant government policies, son preference society are also the factors enhancing the gender inequality in property rights.

The implemented policy program related to the equal parental property rights needs proper monitoring and evaluation time in again. Furthermore, Furthermore, stable government, female education, women empowerment, awareness campaign in the whole nation could be the milestone for proper enactment of the existing policy programs related to parental property equal rights. The parental property right is a rights to demand parental property by their son and daughter. Almost four fifth study populations have knowledge of parental property whereas the practices of equal distribution of parental property is found to be very less in implementation. More than 4th fifth percent population agreed to provide the parental property equally to son and daughter because of various reasons. However, male will be most benefited gender from the parental properties equal distribution system as son gets half of the properties from his own parents. Similarly his wife brings some properties from her maternal home as her personal possession. The social factors are still playing vital role to enhance unequal distribution of the parental properties between son and daughters even in advance and educated family. Furthermore, it is supposed to be taken a long time (more than decade) to change the attitude of the Nepalese people to come in real practices. The practice of equal sharing of the parental properties is gradually increasing due to influence of laws and policy, increment of education level, public awareness, transformation of socio-culture and other phenomenon.

CHAPTER SIX

CONSEQUENCES OF PARENTAL PROPERTY EQUAL RIGHTS BETWEEN SON AND DAUGHTER

6. Background

This chapter has examined the various reasons and consequences of parental property equal rights distribution between son and daughter. Furthermore this chapter is also examining the types of consequences, changing factors of socio-cultural as consequences, perception of study population on parental properties equal sharing system, reason to preference of son for parental property rights in Nepalese society, and reasons of seeking parental property rights by Nepalese women.

6.1 Types of Consequences may Arise Reasons of Parental Property equal Right System

Various types of consequences may arise during the parental property equal right reasons of parental properties equal rights in case of distribution of the parental properties equal distributed between son and daughters including no intimacy between sisterhood and brotherhood, possibilities of family division the property into small pieces, may possible both son and daughter could be ignore of their parents. Number of divorce case may rise, cases may increase in the judiciary, possibilities of change the socio-cultural pattern and practices and could be develop of socio-culture. Table 6.1 has described the types of consequences may arise due to parental property equal rights between son and daughters.

Table 6.1 Types of Consequences may Arise Reasons of Parental Property equal Right System

Types of consequences	Sex				Total	
	Male		Female			
Lack intimacy between sisterhood and brotherhood	31	10.6%	18	6.1%	49	16.7%
Possibilities of division of property into small pieces	1	0.3%	4	1.4%	5	1.7%
Both son and daughter ignore the parents	7	2.4%	3	1.0%	10	3.4%
Increment in divorce cases	1	0.3%	5	1.7%	6	2.0%
More cases in judiciary regarding property	0	0.0%	3	1.0%	3	1.0%
Change the socio-cultural pattern and practice	18	6.1%	20	6.8%	38	13.0%
Social and cultural development	10	3.4%	6	2.0%	16	5.5%
Above all	90	30.7%	76	25.9%	166	56.7%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 respondents who acknowledged the types of consequence may arise due to parental property equal rights between son and daughters, 16.7 percent perceived that there is no intimacy between sister and brother incase of distributing the parental property equally between son and daughter. likewise, 1.7 percent perceived that the property could be divided into small amounts, 3.4 percent perceived that both son and daughter will ignore the parents, 2 percent perceived that the increment of the divorce cases due to parental property, 1 percent perceived that the more cases will be filed in judiciary regarding property, 13 percent perceived that the change the socio-cultural pattern and practices, 5.5 percent perceived that the social and cultural trend has been developed and 56.7 percent perceived that there will be all the consequences as above mentioned. There are both positive and negative consequences from the equal parental property distribution system in Nepal. But we should support the positive one because people will change their traditional type concept after some times, they will understand the reality and benefit of positive consequences. This table is analyzed on the basis of social theory because it

mentioned that the property rights brings fragmentation in social harmony and family relation especially in siblings.

6.2 Changing Factors of Socio-cultural Pattern and Practice as Consequences

There are many factors of socio-cultural pattern and practices to be changed as consequences. The factors are; social regulation, increment of equality, changed belief of discrimination of people on the basis of gender, self help husband and wife. Likewise, freedom of female to choose her husband and decision making practices of her won marriage. The increasing number of school enrollment of female and total increment of literacy rate. Similarly, equal participation in decision making process of female has been increased, the number of women in non agricultural occupation is increased, and foreign employment of female is increased. Table 6.2 has described the changing factors of socio-cultural pattern and practice as consequences.

Table 6.2 Changing Factors of Socio-cultural Pattern and Practice as Consequences

Changing factors	Sex				Total	
	Male		Female			
Change the social regulation	3	1.5%	8	3.8%	11	5.4%
Increase equality	60	29.4%	51	25.0%	111	54.4%
Long and strong social norms, value and belief could be weak	26	12.7%	11	5.4%	37	18.1%
Will be change the socio-culture pattern and practices of discrimination of people on the basis of gender	14	6.9%	12	5.9%	26	12.7%
Both husband and wife should not be dependent on each other	5	2.5%	14	6.9%	19	9.3%
Total	108	53.9%	96	47.1%	204	100.0%

Source: Field study 2013(this table filtered from table 6.1, 166+38 =204)

Among the 204 respondents who perceived the changing factors of socio-cultural pattern and practices as consequences, 5.4 percent perceived the change in the social regulation, 54.4% percent perceived the increasing belief equality, 18.1 percent perceived the long and strong social norms, value and belief are an weak and dogmatic, 12.7 percent perceived that the socio-culture pattern and practices of discrimination of people on the basis of gender has been changed. Likewise, 9.3

percent perceived the both husband and wife should not be dependent each other after marriage. However, socio-culture, norms, value and believes are positively changed and on the other hand, minimization of the gender discrimination, female dependency and improvement in the economic status of female. This table is analyzed on the basis of dependency theory because it describes the changing of social arena that depends on development models and patterns of incorporating women into the existing global development process.

6.3 Impact in Women due to Parental Property equal Rights System

The parental property equal right system has brought the both positive and negative impact in society specially in female. Change of the socio-culture, norms, value and beliefs, and minimization of the gender discrimination, female dependency, women empowerment in decision making, economically sound women, and improvement of the female education status, are the positive impact of parental property equal rights system. On the other hand it has negative impacts; as lack of intimacy between sister and brother, family clash, degradation of socio-culture, norms and values of society. Table 6.3 has described the impact on respondents from the parental property equal rights system.

Table 6.3 Impact in Women due to Parental Property equal Rights System

Impact to Women	Sex				Total	
	Male		Female			
Women will be more empowered in decision making process	24	8.2%	28	9.6%	52	17.7%
Women will be economically sound and independent	51	17.4%	27	9.2%	78	26.6%
It occurs socio-cultural impact	1	0.3%	4	1.4%	5	1.7%
It breaks the family relation	2	0.7%	0	0.0%	2	0.7%
Above all	80	27.3%	76	25.9%	156	53.2%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 respondents who perceived the impact to women due to parental property equal rights system, 17.7 perceived the women will be more empowered in

decision making process, 26.6 percent perceived the women will be economically sound and independent, 1.7 percent perceived the occurs socio-cultural impact, 0.7 percent perceived the disharmony of the family relation, and 53.2 percent perceived that the above all impact will be occurred due to the parental property equal rights. There are both positive and negative impacts from the parental property equal rights system. But, positive impacts are more than negative impact. This table is analyzed on the basis of Gender and Development (GAD) theory because it primarily emphasizes gender mainstream in the development process and impact analysis of gender related program activities.

6.4 Perception of Respondents Whether the Parental Property Rights is only the Women's Issue or Common Issue

Parental property equal rights system is related to different issues of societies like; socio- economic development, socio-cultural development and transformation of cultures, norms, value and beliefs, women empowerment, quality of life, improvement of family life, family education development, social and family development, women employment, minimization of gender discrimination, family health, social welfare, family welfare and holistic development of the nation. So parental property equal rights is not only of women's issues that is a common issues. Its need to be supported from all. Table 6.4 has described whether parental property is only women's issue or common issue.

Table 6.4 Perception of Respondents whether the Parental Property Rights is only the Women's Issue or Common Issue

Perceptions	Sex				Total	
	Male		Female			
Yes, it is only the women’s issue	23	7.8%	20	6.8%	43	14.7%
It is not only women’s issue it is common issue	135	46.1%	115	39.2%	250	85.3%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 respondents, only 14.7 percent perceived that the parental property rights are only women's issue, and 85.3 percent perceived that the parental property rights are not only women's issue and it is common issue. More than four fifth study population perceived that the parental property right is common issue (table 6.4).

Therefore, we must support the parental property right system for justices and overall development of women. This table is analyzed on the basis of Gender and Development because this theory emphasizes the development of both male and female (gender) without discrimination.

6.5 Reasons of Parental Property Rights to be the only Women's Issue

There are some reasons to be considering parental property as women's issue because women are found to be suffering from discrimination in terms of having parental property ownership and family relation. The table 7.5 has described the reasons of parental property is only the women's issue.

Table 6.5 Reasons of Parental Property Rights to be the only Women's Issue

Reasons	Sex				Total	
	Male		Female			
Only women are suffering from discrimination in having parental property ownership	23	53.5%	20	46.5%	43	100.0%
Total	23	53.5%	20	46.5%	43	100.0%

Source: Filed study 2013(this table is filtered from table 6.4)

There is no other reason to be pointing parental property rights is only the right of women and their issue as women are suffering from discrimination of not getting parental property ownership. Among the 43 respondents out of 293 supported this as only the women's issues. This table is analyzed on the basis of Women in Development (WID) theory because it emphasizes to bring women in the mainstream of the development..

6.6 Reasons of Parental Property Rights not to be only Women's Issue

There are many reasons of parental property right to be called it is not only women's issue because parental property rights is concerned with all in the society. It affects male and female, social activities would not be completed without male and female. Both male and female want to live quality of life which is considered as one of the

symbol of success. Good family relation with sound economic status reflects the quality of life.

Table 6.6 Reasons of Parental Property Rights not to be only Women's Issue

Reasons	Sex				Total	
	Male		Female			
It is concerned with everyone in society	80	32.0%	81	32.4%	161	64.4%
Both male and female should be careful in it because parental property affects both male and female	40	16.0%	27	10.8%	67	26.8%
Social activities cannot be completed without male and female	11	4.4%	5	2.0%	16	6.4%
Male and female have equal value for success	4	1.6%	2	0.8%	6	2.4%
Total	135	54.0%	115	46.0%	250	100.0%

Source: Field study 2013(this table is filtered from table 6.4)

Among 250 respondents who perceived the reasons of parental property rights is not only women's issues, 64.4 percent perceived the parental property right is concerned with all in the society. Therefore this is not only women's issues, 28.8 percent perceived the both male and female should be aware of parental property because it affects both male and female during their life long process, 6.4 percent perceived the social activities are not completed without male and female, and 2.4 percent perceived the male and female have equal value for success (table 6.6). However, parental property with concerned to all society members who are equally important to be success in the social activities. This also concerned with the public and individual life to maintain the quality of life. So, property right of public issue rather than an issue of single woman . This table is analyzed on the basis of Gender and Development (GAD) theory because it does not only emphasize it only a women's issue.

6.7 Types of Needy Women to Receive Parental Property

There is no discrimination to provide the parental property by laws in terms of different physical activeness and social status of the women. But a social person acknowledges that the women should have been given the parental property right

in terms of social values and status of the women in the society. Table 6.7 has described types of women need to be getting parental property right.

Table 6.7 Types of Needy Women to Receive Parental Property

Perception	Sex				Total	
	Male		Female			
By all women	117	39.9%	118	40.3%	235	80.2%
Physically disabled women	24	8.2%	6	2.0%	30	10.2%
Economically deprived women	14	4.8%	5	1.7%	19	6.5%
Socially deprived women	3	1.0%	5	1.7%	8	2.7%
Others types of women	0	0.0%	1	0.3%	1	0.3%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 respondents, 80.2 percent followed the parental property right should be given to all types of women, 10.2 percent thought that physically disabled women need to be given, 6.5 percent followed the economically deprived women to be given, 2.7 percent followed the social deprived women and 0.3 percent followed other types of women should be given the parental property rights but the other types of women has not been defined in their categories (table 7.7). However, most study population has been voted that all women should be prior to the parental property right rather than categorizing' women in any specific group. This table is analyzed on the basis of Women in Development (WID) theory because it has emphasized to bring women in mainstream of the development after the women received the parental property right.

6.8 Reasons of Preference to the Son on Parental Property Right in Nepalese Society

There are many reasons associated with the preference of the son towards parental property in Nepalese society. The first reason is the parental property makes the son feel secured upto his old age, the second reason is the social norms and values that have denied women to take part religious functions and the last reasons is social belief where a daughter is suppose to go to her husband's house after she gets married. The male centric ideology is one of the vital reasons to give son more preference than

daughter. The table 6.8 has described the reasons of preference to the son on the parental property rights in Nepalese society.

Table 6.8 Reasons of Preference to the Son on Parental Property Right in Nepalese Society

Reasons	Sex				Total	
	Male		Female			
Old age security	121	41/3%	98	33.4%	219	74.7%
No involvement of daughter in religious functions after parents’ death	1	0.3%	1	0.3%	2	0.7%
Socially and culturally not acceptable for a daughter to live at maternal home after marriage	14	4.8%	13	4.4%	27	9.2%
Male dominated society	22	7.5%	23	7.8%	45	15.4%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Majority (74.7%) of the respondents, have followed the reasons of preference to the son on parental property rights for their old age security, 0.7 percent followed for no involvement of daughters in religious functions after parents' death, 9.2 percent followed the social and cultural trend of not accepting daughters to live at maternal home after they get married, and 15.4 percent followed that the male dominated society are the main reasons to prefer to son on parental property rights in Nepalese society (table 7.8). The old age security of the people is being a very complex global issue, and it has influenced even the Nepalese society. The parental property equal right is greatly associated with the old age security of the people. Therefore, the Nepal government should have strongly addressed the policy program on old age security system to make success of the parental property equal rights law, policy and program in Nepal. There also seems misconception and lack of knowledge among the people in the preference of son on parental property equal right. This table is analyzed on the basis of cultural theory because cultural theory in women development has culturally determined gender ideologies and it defines rights and responsibilities. Furthermore son is culturally accepted to inheritance.

6.9 Reasons of Seeking Parental Property Rights by Nepalese Women

There have been many reasons in cooperation to seek parental property right by Nepalese women in terms of being empowered, level of education, gender awareness, globalization and rapid development of Information Technology (IT), transformation of the women role, increment of women participation in decision making, for their future security, transformation of tradition concept to modern and socio culture, value and belief. Furthermore, influence of international common law, international seminar and conference, and involvement in non agricultural type of occupation, national policy program have also played the vital role for the women to seek parental property right. Here, table 6.9 is described what are reasons of seeking parental property rights by Nepalese women.

Table 6.9 Reasons of Seeking Parental Property Rights by Nepalese Women

Reasons of seeking parental property rights by Nepalese women	Sex				Total	
	Male		Female			
Women are become more empowered	9	3.1%	9	3.1%	18	6.1%
Level of education and more awareness	13	4.4%	9	3.1%	22	7.5%
Globalization and rapid development of information technology	0	0,0%	3	1.0%	3	1.0%
Transformation of the women’s role	7	2.4%	0	0.0%	7	2.4%
Increment of women participation in decision making	0	0.0%	3	1.0%	3	1.0%
For future security	31	10.6%	11	3.8%	42	14.3%
Above all	98	33.4%	98	33.4%	196	66.9%
Others	0	0.0%	2	0.7%	2	0.7%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among 293 respondents, 6.1 percent perceived the reasons of seeking parental property rights by Nepalese women is more empowered, 7.5 percent perceived the increment of level of education, and awareness buildup, 1 percent perceived the globalization and rapid development of information technology, 2.4 percent perceived the transformation of women's role, 14.3 percent perceived increment of women

participation in decision making, 66.9 percent perceived the above all reasons, and 0.7 percent perceived others reasons but they have not described about this categories in detail. However, above mentioned all reasons are associated to seek parental property rights by Nepalese women. This table analyzed on the basis of Women and Development (WAD) theory because this theory emphasized to bring women in the development process making them capable so parental property equal rights is one of the key instruments to become the capable therefore they women seek the parental property as equal base.

6.10 Perception of Respondents on Parental Property equal Distribution

Both positive and negative reasons are associated with parental property equal sharing between son and daughter, and that supports women empowerment, to be independent, to have economic establishment, able to have decision making power, able to eliminate gender discrimination of the society, able to participate in household decision making for future security, able to establish non agricultural occupation and daughters are able to achieve good education, are the major positive reasons. Unable to provide the old age security by daughters, possible to break the relation between sister and brother are some of the negative factors as reasons of equal sharing system of parental property. Table 6.10 describes whether parental property equal sharing is good ideas or not.

Table 6.10 Perception of Respondents on Parental Property equal Distribution

Perception of respondents	Sex				Total	
	Male		Female			
It is a good to share parental property equally	143	48.8%	124	42.3%	267	91.1%
It is not good to share equally	15	5.1%	11	3.8%	26	8.9%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

More than ninety percent of the respondents have perceived the parental property equal sharing between son and daughter is a good idea because daughter becomes independent, economically established, she will not be backward, she would be empowered interms of building capacity in decision making, support to eliminate

gender discrimination in the society (table 7.10a) But 8.9 percent have perceived that the parental property equal rights between son and daughter is not good idea because daughter does not give old age security, probably it can break the relationship between brother and sister. This table is analyzed on the basis of Gender and Development (GAD) theory because it emphasizes on development of both male and female because development is only possible when both male and female become equal.

Table 6.10a Good Reasons of Parental Property equal Distribution

Reasons	Sex				Total	
	Male		Female			
Daughters become independent and economically established	28	10.5%	38	14.2%	66	24.7%
Women would not be backward	47	17.6%	34	12.7%	81	30.3%
Women could be empowered and build capacity in decision making	32	12.0%	21	7.9%	53	19.9%
To support elimination of gender discrimination form in our society	36	13.5%	31	11.6%	67	25.1%
Total	143	53.6%	124	46.4%	267	100.0%

Source: Field study 2013(this table is filtered from table 6.10)

Nearly one fourth (24.7%) of respondents perceived that the parental property equal sharing between son and daughter is good idea because daughter can be independent and economically established. Whereas, 30.3 percent perceived that the women will not be backward, 19.9 percent perceived the women can be empowered and able to build-up their capacity in decision making, 25.1 percent perceived that parental property equal rights can support in eliminating the gender discrimination formour society. However, parental property equal right has more advantages to female. This table is analyzed on the basis of Women in Development (WAD) theory because it emphasizes women to come in the mainstream of development and decision making process. Furthermore, it can be helpful to women to be in mainstream of the development and decision making process.

Table 6.10.b Reasons, if it is not Good to Share the Parental Property Equally

Reasons	Sex				Total	
	Male		Female			
Daughters do not give old age security	8	30.8%	1	3.8%	9	34.6%
Not necessary to share parental property because they both son and daughter have to earn by themselves	7	26.9%	6	23.1%	13	50.0%
It may break the relationship between brothers and sisters	0	0.0%	4	15.4%	4	15.4%
Total	15	57.7%	11	42.3%	26	100.0%

Source: Field study 2013(this table is filtered from table 6.10)

Among 26 study population, 34.6 percent have perceived that the parental property equal sharing system is not good idea because daughter can not give old age security. Likewise 50 percent perceived that the parental property equal sharing is not necessary between son and daughter because both son and daughter have to earn by themselves, and 15.4 percent perceived that the relation between sister and brother can be broken (table 6.10b). However, the parental property equal sharing system has many disadvantages from various points of views. This table is analyzed on the basis of Social Theory because it assumes that the parental property brings fragmentation in social harmony and family relation specially among siblings.

6.11 Chapter Summary

There are both positive and negative consequences in the equal parental property distribution system in Nepal. But we should support the positive one since people must change their traditional concept after they understand the reality and benefits of positive consequences. Changes of the socio-culture, norms, value and beliefs and minimization of the gender discrimination, female dependency, women empowerment in decision making, women are economically sound, improvement of the female educational status, are the positive impact of parental property equal rights system. Lack of intimacy between sister and brother, family clash, degradation in socio-culture, norms, value of society are the negative impacts of parental property equal rights system. So, there are both positive and negative impacts of the parental property equal rights system. But, positive impacts are more than negative. However,

parental property equal right system is related to socio- economic development, socio-cultural development and transformation of cultures, norms, value and belief. Furthermore, women empowerment, quality of life, improvement of family life, family education development, social and family development, women employment, minimization of gender discrimination, family health, social welfare, family welfare, and holistic development of the nation are linked as positive impact of the system. So, parental property equal a right is not only women's issue but it is public issue as it needs to be supported by all.

There is no discrimination in providing the parental property by law and policy on the basis of different physical and social activities and status of women. While studying all events, it seems that there no need to provide parental property equally to all kinds women i.e. Physically, economically, socially challenged and other ordinary women. Old age security has been a very complex global issue and that has influences Nepalese society too. Therefore, the Nepal government should have strongly addressed the policy programs advocating on old age security, parental property equal rights law, policy and program in Nepal. There seems to have misconception and lack of knowledge with people to prefer son to daughter on parental property. Women's empowerment, level of education, more awareness, globalization and rapid development of Information Technology (IT), transformation of the women's role, increment of women participation in decision making, future security, transformation of tradition concept to modern, socio culture, value and belief, influence of international common law, international seminar and conference, involvement in non agricultural type of occupation, national policy program are the main influencing factors to seek the parental property rights by Nepalese women. However, most of the people have positive response on parental property equal sharing between son and daughter is based on right, and they respondents that equal sharing system is good due to many more advantages in the life of Nepalese women if parental property rights is properly addressed by the government.

CHAPTER SEVEN

CHANGE IN PARENTAL PRPROPERTY DISTRIBUTION SYSTEM AFTER RESTORATION OF DEMOCRACY (2046) IN NEPAL

7. Background

This chapter has analyzed the changing patterns of parental property sharing system after the restoration democracy (2046) in Nepal. It has also analyzed the reasons of changing concept of parental property equal sharing system after the moment. It further analyses the status of Nepalese women's life style after the enactment of parental property equal rights act and action policy in September 27, 2002 in Nepal. It also studies people's perception on relevance of existing, act, laws, policy program related to parental property rights in Nepal, justifiable reasons of existing act, laws, policy programs related to parental property equal rights, role of existing parental property equal sharing system on gender related issues, people's perception on relevance of existing act, law and policies programs regarding the parental property equal rights, reasons of Nepalese women depriving from achieving holistic rights including parental property rights. Furthermore, it has also explanation of appropriateness of parental property equal rights for married women, effective solution for equal access of parental property equal rights, role of parental property rights to reduce the poverty in Nepal, reasons of exiting parental property rights laws and policies implementation is less in practices in Nepal, the major influencing factors to make women aware for ensuring the women's property equal rights and social reflection upon parental property equal rights system in Nepal, reasons of failure of the gender mainstream program in Nepal, the relationship between rural urban socio cultural structure and parental property rights of women in Nepal.

7.1 Status of Changing Pattern of Parental Property Sharing System after Restoration of Democracy (2046) in Nepal

There has been a lot of changes in various sections in terms of, parental property equal sharing system between son and daughter, women empowerment, school attainment of female, women participation in household decision making and holistic development process of nation Similarly, women participation in non agricultural occupation, property ownership rights, parental property ownership rights, abortion

rights, divorce rights, and rights of decision in getting married, child bearing. Furthermore, the socio-cultural, norms, values and belief also have been changed after the restoration of democracy 2046 in Nepal. Table 7.1 has described whether the parental property sharing system has been changed or not after restoration of democracy (2046) in Nepal.

Table 7.1 Status of Changing Pattern of Parental Property Sharing System after Restoration of Democracy (2046) in Nepal

Perception of respondents	Sex				Total	
	Male		Female			
Yes it is some changed	106	36.2%	104	35.5%	210	71.7%
No, it is not changed	27	9.2%	7	2.4%	34	11.6%
Do not know	25	8.5%	24	8.2%	49	16.7%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Filed study 2013

More than two third (71.7%) of respondents have perceived that the pattern of parental property sharing system has been changed as mentioned above after the restoration of democracy (2046). Among the respondents, 11.7 have perceived that there has not been changed. But 16.7 percent population do not know about this issue. However, there have been a lot of changes in the patterns of parental property sharing system after restoration of democracy 2046BS in Nepal. This table is analyzed on the basis of Gender and Development (GAD) theory because its main aim is to change the society people and bring them into the mainstream of development process without discrimination between male and female. This GAD approach was raised after the restoration of democracy (2046) in Nepal.

7.2 Reasons to Change the Parental Property equal Sharing System after the Restoration of Democracy 2046 BS in Nepal

There are many reasons to change the concepts of parental property as; the influence of formal and informal education, formulation of the law and policy regarding provision of sharing equal of parental property, people's consciousness, women empowerment, and changes in socio-cultural, norms, value, and belief, sense of equality between son and daughter, increment of women's participation in parents' religious functions, and increment of female's education level in order to change the

parental property equal sharing system after the restoration of democracy 2046 BS in Nepal. Table 7.2 has described in detail about the reasons of change in the parental property equal sharing system after the restoration of democracy (2046) in Nepal.

Table 7.2 Reasons to Change the Parental Property equal Sharing System after the Restoration of Democracy 2046 BS in Nepal

Reasons	Sex				Total	
	Male		Female			
Women are empowered and they demand equally	13	6.2%	25	6.2%	38	18.1%
Provision of sharing equal property is improved	20	9.5%	20	9.5%	40	19.0%
People are more conscious on parental property equal distribution	30	14.3%	18	8.6%	48	22.9%
Mostly parents are treating son and daughter equally	34	16.2%	31	14.8%	65	31.0%
Women also get parental property	7	3.3%	9	4.3%	16	7.6%
Increment of women’s participation in parents’ religious functions	2	1.0%	1	0.5%	3	1.4%
Total	106	50.5%	104	49.5%	210	100.0%

Source: Field study 2013 (this table is filtered from table 8.1)

Nearly one fifth (18.1%) of respondents perceived that the main changing reasons of parental property system after restoration of democracy are; the women empowerment and their ability to demand parental property equally. Likewise, 19 percent perceived the provision of sharing parental property equally is improved, 22.9 percent perceived that the people are more conscious on parental property equal distribution, 31 percent perceived that the most parents are treating equally for both son and daughter, 7.6 percent perceived that the women are also getting parental properties, and 1.4 percent believed that women's participation in parents' religious functions has been increased. It has been a great change in parents' attitudes toward equal treating of son and daughter after the restoration of democracy (2046). Because of wide diffusion of information, development of communication sources, sensitization of gender equality and equity, globalization, influences of international seminar and conference regarding gender development, establishment of the different non government organizations, civil society, increment of women's participation in decision making

and development process etc. This table is analyzed on the basis of Gender and Development (GAD) theory because it emphasizes on the gender status to bring them in the development process.

7.3 Status of Nepalese Women's Life Style after the Enactment of Parental Property equal Rights act and Action Policy in September 27, 2002 in Nepal

There have been a lot of changes in women's life style after the enactment of parental property equal rights act enacted on September 27, 2002 in Nepal. The changes are women empowerment, increment of the level of women education, enable to participate in policy formulation, planning and decision making process. Women are become able to fight for rights compulsorily as 33 percent in any sectors even in participation in parliament has been reserved. Furthermore girl's enrolment in school is also increased. The gender discrimination is being minimized. Women have rights of decision making for their marriage, child bearing, using means of family planning, household decision making and ownership of household property, participation in non agriculture occupation, getting equal wage for equal work. The valuation of household work of women is also being recorded as monitory value of their contribution in GDP. Table 7.3 has described the status of Nepalese women's life style after the enactment of the parental property equal rights in Nepal.

Table 7.3 Status of Nepalese Women Life Style after the Enactment of Parental Property equal Rights Act and Action Policy in September 27, 2002 in Nepal

Status of Nepalese women life style changes	Sex				Total	
	Male		Female			
Yes, there is a change in women’s life style	124	42.3%	101	34.5%	225	76.8%
No, there is not change in women’s life style	29	9.9%	21	7.2%	50	17.1%
Do not know	5	1.7%	13	4.4%	18	6.1%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

When the researcher asked questions to 293 respondents regarding status of Nepalese women's life style after the establishment of parental property equal rights in Nepal.

Among them maximum number of people (76.8 percent) said that there have been a great change in women's lifestyle. But 17.1 percent had just opposite opinion and said 'NO'. There response showed that there is no change in women's lifestyle after the restoration of democracy and parental property equal rights act and action policy in Nepal. But 6.1 percent respondents do not know at all about this issue due to different reasons such as; lack of knowledge, less interest in the issue and so on. This table is analyzed on the basis of Women and Development (WAD) theory because it emphasizes to change the women's life style bringing them into the mainstream of the development and decision making process.

7.4 Basic Changes of Nepalese's Life Style after the Enactment of Parental Property equal Rights Act and Action Policy in Nepal

Basically, women are enjoying equal human rights after the enactment of the parental property rights Act and Policy in September 27, 2002. Furthermore, the women have been able to be independent in terms of social and economic activities. As they are become economically sound, and able to improve their capacity for self decision making in development process. Here, table 7.4 has described the basic changes of Nepalese women's lifestyle after the enactment of parental property equal rights Act and Action Policy, September 27, 2002 in Nepal.

Table 7.4 Basic Changes of Nepalese Women Life Style after the Enactment of Parental Property equal Rights Act and Action Policy in Nepal

Basic changes	Sex				Total	
	Male		Female			
Women are enjoying equality of human rights	29	12.9%	19	8.4%	48	21.3%
Women are independent with her husband	37	16.6%	25	11.1%	62	27.6%
Women have been economically empowered	13	5.8%	12	5.3%	25	11.1%
They are able to improving themselves	32	14.2%	16	7.1%	29	12.9%
Female are feeling free, safe and getting chance to involve in decision making	124	55.1%	29	12.9%	61	27.1%
Total	124	55.1%	101	44.9%	225	100.0%

Source: Field study 2013 (this table is filtered from table 8.3)

Out of 225 respondents, 21.3 percent study population has perceived that the women are enjoying equality of human rights, 27.6 percent perceived that the women are independent. Likewise, 11.1 percent perceived that the women are economically empowered, 12.9 percent perceived that the women are able to empower themselves, 27.1 percent perceived that the women are feeling free, safe and getting chance to involve in decision making process of household and other women welfare development. There are lots of positive changed of Nepalese women's life style after the enactment of the parental property equal rights Act and action policy on September 27, 2002 in Nepal. This table is analyzed on the basis of Women and Development (WAD) theory because its main aim is to make women capable, so the they could demand their rights for their equal existence in the society.

7.5 People's Perception on Justice of Existing Act, Laws, Policy-Program Related to Parental Property equal Rights in Nepal

Perception of people on justice of existing Act, laws, policy-program related to parental property equal rights is depend on their socializing process, cultural adaptation, norms, social value, beliefs, religious, personal behavior and attitudes, level of education, family environment and other so many things. The table 7.5 has described the perception of people on the existing Act, policy program of the parental property equal rights in Nepal is justifiable or not.

Table 7.5 Perception on Justice of existing, act, laws, policy program related to parental property rights in Nepal

Justifiability	Sex				Total	
	Male		Female			
Yes, these are justifiable	109	37.2%	92	31.4%	201	68.6%
No. these are not justifiable	33	11.3%	26	8.9%	59	20.1%
Do not know	16	5.5%	17	5.8%	33	11.3%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013.

More than two third (68.6%) of study population have perceived the existing act, laws, policy program related to parental property rights are justifiable because women can keep parental property in their ownership, women could economically sound, there would be injustice so son and daughter can hold the parental property equally,

and there is equal power of son and daughter and other more reasons (table 7.5a). One fifth populations perceived that the existing act, laws, policy and program related to parental property equal rights are not justifiable because of the existing act; laws; policy and program are mal-implemented so there is no significance at all. There are many restrictions and limitations in the act, laws, policy i.e, the women have to refund the property once she got from parent incase she got married, women have to wait until 35 years to get the parental property equally, there is no provision to get parental property in equal base for married women (table 7.5b), which is against the fundamental right of human being so these key barrier elements need to be amended from the act, laws and policy programs. This table is analyzed on the basis of Dependency Theory which opposes the liberal development model and tries to attempt to incorporate women into the existing global capitalism.

Table 7.5a Justifiable Reasons of the Existing Act, Laws, and Policy Programs Related to Parental Property equal Rights

Reasons of justifiable	Sex				Total	
	Male		Female			
Women also can keep property in their ownership	24	12.2%	22	10.9%	46	23.1%
Women could economically sound	29	14.4%	27	13.4%	56	27.8%
Son and daughter can hold equal property so there is no discrimination	44	21.8%	33	16.4%	77	38.2%
There is equal power of son and daughter	12	5.9%	10	5.0%	22	10.9%
Total	109	54.3%	92	45.7%	201	100.0%

Source: Filed study 2013 (this table is filtered from table 8.5)

Out of 201 respondents, 23.1 percent perceived that the women also can keep property in their ownership, likewise, 27.8 perceived that the women could economically sound, 38.2 percent perceived that the both son and daughter can hold equal property. So, there is should not be injustice between son and daughter, and 10.9 percent perceived that the there is equal right to son and daughter. There are many direct and indirect reasons having the justifiable logics on the exiting parental property equal rights act, law and policy programs and these policy programs need to be strongly implemented. Furthermore, monitoring and evaluation need to be conducted to measure the level of its effect. This table is analyzed on the basis of

Women and Development (WAD) theory because it emphasizes to bring women into the mainstream of development process in getting equal right as men.

Table 7.5b Reasons of the Existing Laws, Policy Programs Related to Parental Property Equal Rights not to be Justifiable

Reasons of not justifiable	Sex				Total	
	Male		Female			
Laws and policy programs are mal implemented	12	20.3%	4	6.8%	16	27.1%
Women have to wait until 35 years to get parental property	14	23.7%	6	10.2%	20	33.9%
Women have to refund the parental property if they will get married after receiving the equal property	5	8.5%	12	20.3%	17	28.8%
Married women have no provision to get parental property	2	3.4%	4	6.8%	6	10.2%
Total	33	55.9%	26	44.1%	59	100.0%

Source: Field study 2013 (this table is filtered from table 8.5)

Among the 59 respondents, 27.1 percent perceived that the act, laws and policy program are mal-implemented. Likewise, 33.9 percent perceived that the women have to wait until 35 years to get parental property, 28.8 percent perceived that the women have to refund the parental property if they will get married after receiving the equal properties. 10.2 percent perceived that the married women have no provision to get parental property. There are some obstacles and interventions in the act, laws and policy program related to parental property equal rights for not being justifiable so they need to be amended. This table is analyzed on the basis of cultural theory because it is sometimes interpreted narrowly as custom or tradition, and assumed to be natural and unchangeable so the parental property equal right is not justifiable.

7.6 Role of Existing Parental Property Equal Sharing System on Gender Related Issues

The existing act, laws and policy program related to parental property equal rights have a great role to reduce the gender inequality. Furthermore, women empowerment, and enhancement of the women's life style are also being supportive elements in holistic development of Nepalese women. Table 7.6 has described whether existing act, law and policy programs are concerning to reduce the gender inequality or not.

Table 7.6 Role of Existing Parental Property Equal Sharing System on Gender Related Issues

Role of existing parental property equal rights system	Sex				Total	
	Male		Female			
Yes, it is concerned to reduce the gender inequality	112	38.2%	113	38.%	225	76.8%
No, It is not concerned to reduce the gender inequality and it is worthless	28	9.6%	17	5.8	45	15.4%
Do not know	18	6.1%	5	1.7%	23	7.8%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

The highest (76.8%) number of study population perceived that the existing act, law and policy program related to parental property equal rights are concerned and supportive to reduce the gender inequality, and 15.4 percent have opposed and said 'No', it is not concerned to reduce the gender inequality and this is worthless. 7.8 percent people do not have knowledge about the issues. However, the parental property equal rights have very wide concern to reduce the gender inequality and supportive elements to enhance the women's life style and holistic improvement of women. This table is analyzed on the basis of Women and Development (WAD) theory because its main aim is to bring women in to the development process as parental property equal rights is also related to bring women into the mainstream of the development.

7.7 Concerning Reasons of Existing Parental Property Sharing System to Reduce the Gender Inequality

There are associated many reasons with the existing parental property sharing system to reduce the gender inequality. The very first reason is it maintains good relationship of a married woman with husband and his family members. Likewise, women could be socially empowered and economically sound. Furthermore, the society people could more aware in the issues, women do not need to be independent family members are become aware and they start treating son and daughter equally in terms of school enrollment and in the increment of female educational level. Table 7.7 has described reasons of existing parental property sharing system to reduce the gender inequality.

Table 7.7 Concerning Reasons of Existing Parental Property Sharing System to Reduce the Gender Inequality

Reasons to concern	Sex				Total	
	Male		Female			
Husband and family do not mistreat	18	8.0%	14	6.2%	32	14.2%
Women becomes more empowered by socially and economically	40	17.8%	28	12.4%	68	30.2%
Society could be more aware on the issues	25	11.1%	22	9.8%	47	20.9%
Women are not depended on men	27	12.0%	38	16.9%	65	28.9%
Parents gradually start giving equal chance for education attainment	2	0.9%	11	4.9%	13	5.8%
Total	112	49.8%	113	50.2%	225	100.0%

Source: Field study 2013 (this table is filtered from 8.6)

Among 225 respondents the researcher has acknowledged that existing parental property sharing system is helpful to reduce gender inequality in many ways. As 14.2 percent perceived that the existing parental property sharing system is helpful to mistreatment of husband and family to the married women. Likewise, 30.2 percent perceived that women become more empowered socially and economically, 20.9 percent perceived the society is being more aware on the parental property equal sharing system, 28.9 percent perceived that the women are being independent and 5.8 percent perceived that parents have gradually begun to give equal chance to daughters for educational attainment. The existing parental property equal sharing system is excessively helpful to reduce the gender inequality because of various reasons and it needs to be well implemented rationally. This table is analyzed on the basis of Gender and Development (GAD) theory because its aim is to reduce the gap between male and female, and the parental property equal distribution system also concerns to minimize the gender discrimination gap.

7.8 Reasons not to Concern on Existing Parental Property Sharing System to Reduce the Gender Inequality

Age bar, marital status of female, traditional concepts of societies, existing concept of gender discrimination, socio-cultural norms, value, belief, and other many reasons are found to be associated in concerning the parental property that doesn't support to reduce gender inequality. Table 7.8 has described the reasons not concerning to the existing parental property sharing system to reduce the gender inequality.

Table 7.8 Reasons not to Concern on Existing Parental Property Sharing System to Reduce the Gender Inequality

Reasons not to concern	Sex				Total	
	Male		Female			
There is age bar and marital status of daughters to get parental property equally	3	6.7%	7	15.6%	10	22.2%
People still have some traditional concepts in the societies	8	17.8%	5	11.1%	13	28.9%
There is still existing the discrimination between son and daughter	17	37.8%	5	11.1%	22	48.9%
Total	28	62.2%	17	37.8%	45	100.0%

Source: Field study 2013 (this table is filtered from table 8.6)

Out of 45 who have accepted the reasons not to concern to the exiting parental property sharing system to reduce the gender inequality, 22.2 percent internalized the age bar and marital status of daughters are the main reasons for not concerning the existing parental property sharing system to reduce the gender inequality. Likewise, 28.9 percent people have internalized that the society people still have traditional concepts and which is being barrier factor to reduce the gender inequality. This table is analyzed on the basis of cultural theory because culture is sometimes interpreted narrowly as custom or tradition, and assumed to be natural and unchangeable.

7.9 Adequate Perception on Existing Act, Law and Policies Programs Regarding Parental Property Equal Rights

There are both adequate and inadequate perception on the exiting Act, laws and policy programs regarding the parental property equal rights. There needs to add and omit some provisions i.e. awareness campaign, monitoring and evaluation need to be added and the provision of age bar (35years) of female and marital status of women need to

be omitted and amended from the existing Act, Laws and policy programs related to Parental property equal rights. It also needs to be reformed in the policy implementation system. On the other hand, monitoring and evaluation system of implemented policy programs are extremely under the adequate level that needs to be urgently improved. The role and responsibility of son and daughter haven't been defined by parental property equal rights Act, laws, policy and programs that seem to be needed to add in the Act and Laws and to be strongly implemented by law. Here, table 7.9 has described the perception of study population whether existing Law, policy and program are adequate or not for parental property equal rights. Likewise, table 7.9a has described the inappropriateness of existing Act, Laws, policy and programs related to existing parental property equal rights.

Table 7.9 Adequate Perception on Existing Act, Law and Policies Programs Regarding Parental Property Equal Rights

Perception on adequateness of existing Act, law and policies	Sex				Total	
	Male		Female			
Yes, existing laws and policies are adequate	66	22.5%	47	16.0%	113	38.6%
No, existing laws and policies are not adequate and need to reform in certain level	92	31.4%	88	30.0%	180	61.4%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Nearly two third (61.4%) of the respondents have acknowledged that the exiting Act, Laws and policy program related to parental property equal rights is inadequate because of various reasons as mentioned in the table 8.9a. But minority (38.6%) of population said that the existing Act, Laws and policy program are adequate and there needn't to be added anything in the Laws, policy and programs. This table is analyzed on the basis of Labour theory because it emphasizes on the appropriateness of the exiting rights systems.

Table 7.9a Reasons of Existing Laws and Policies Regarding Parental Property to be Reformed

Reasons to be inadequate	Sex				Total	
	Male		Female			
Provision of age bar and married women is need to be omitted from existing laws	20	10.9%	13	7.6%	33	18.5%
Awareness campaigns need to be included in Acts, Laws and policies	31	16.9%	37	20.8%	68	37.6%
Monitoring and evaluation of policies implementation system need to be introduced strongly	19	10.7%	23	12.9%	42	23.6%
Policy implementation systems need to be reformed	18	9.5%	15	9.0%	33	18.5%
Role and responsibilities of son and daughter towards parents should be defined by law and policies	4	2.2%	0	0.0%	4	2.2%
Total	92	50.9%	88	49.2%	180	100.0%

Source: Field study 2013

Out of 178 respondents who have acknowledged that the exiting Act, Laws and policy program related to parental property equal rights system is not adequate and need to be reformed, 18 percent study population have perceived the provision of age bar and married women need to be omitted from existing Act and Laws. Likewise, 37.6 percent perceived the awareness campaign needs to be included in Acts, laws and policies, 23.6 percent perceived the monitoring and evaluation of policy implementation system need to be introduced strongly, 2.2 percent perceived the policy program implementation system needs to be reformed and 2.2 percent study population perceived the role and responsibility of son and daughters for parents' care should be defined by law and policy. However, the existing Act, Laws and policy programs related to parental property equal rights are not adequate for proper implementation, so it needs to amend some of the portion immediately. This table is analyzed on the basis of cultural theory because it relates to traditional behavior and it believes on socio cultural belief, norms and value and similarly it denies adopting the modern policy and program.

7.10 Reasons of Nepalese Women to be Deprived of Achieving Holistic Rights in Parental Property Rights

Exclusion of educational enrollment, unequal power distribution, discriminatory laws and constitutional provision, low will power of women and less interest to have equal participation of women in decision making process are the major reasons for depriving the Nepalese women from achieving their holistic rights including parental property rights. Until and unless the woman are motivated they will not be independent in getting their holistic rights like property and other social rights .Table 8.10 has described the reasons of depriving Nepalese women from achieving their rights.

Table 7.10 Reasons of Nepalese Women to be Deprived of Achieving Holistic Rights in Parental Property Rights

Reasons	Sex				Total	
	Male		Female			
Educational exclusions	44	15.0%	15	5.1%	59	20.1%
Unequal power distribution	3	1.0%	16	5.5%	19	6.5%
Discriminatory laws and constitutional provision	15	5.1%	6	2.0%	21	7.2%
Low will power of women	0	0.0%	6	2.0%	6	2.0%
Do not will in equal participation	4	1.4%	0	0.0%	4	1.4%
Above all	92	31.4%	92	31.4%	184	62.8%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 respondents, 20.1 percent followed the educational exclusions, 6.5 percent followed the unequal power distribution, 7.2 percent followed the discriminatory laws and constitutional provision, 2.0 percent followed the low will power of women, 1.4 percent followed the no will to equal participation of women, and 62.8 percent followed the above all reasons are associated to deprive of achieving holistic rights including parental property rights. However, educational exclusions is the main reason of Nepalese women to be depriving from achieving holistic rights because level of education is associated to all the discipline. This table is analyzed on the basis political theory because it believes that the wife is the actual bondservant of her husband and family.

7.11 Major Challenge to get Parental Property Equal Rights by Nepalese Women

The major challenges to get parental property equal rights by Nepalese women are as such;. Patriarchal value of society, socio-cultural value, norms, and belief, traditional thought, joint family system, parents mistreatment toward son and daughters, mal implementation of exiting policy program related to parental property equal rights, lack of monitoring and evaluation of implemented policy programs, lack of strong commitment of politicians, less participation of women in decision making process, and low level of female education. The Table 7.11 has described the level of major challenges to get parental property equal rights.

Table 7.11 Major Challenges to get Parental Property Equal Rights of Nepalese Women

Major challenges	Sex				Total	
	Male		Female			
Patriarchal value of societies	13	4.4%	27	9.2%	40	13.7%
Socio-cultural values, norms and belief	13	4.4%	5	1.7%	18	6.1%
Existing traditional thought	51	17.4%	47	16.0%	98	33.4%
Joint family system	0	0.0%	3	1.0%	3	1.0%
Parents do not realize equality between son and daughter	12	4.1%	6	2.0%	18	6.1%
Mal implementation and lack of supervision and monitoring of existing law and policy programs	9	3.1%	8	2.7%	17	5.8%
Lack of strong commitment of politicians	8	2.7%	2	0.7%	10	3.4%
Above all	52	17.7%	37	12.6%	89	30.4%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Out of 293 study population, 13.7 percent acknowledged that the major challenge of parental property equal right is patriarchal value of society. Likewise, 6.1 percent acknowledged socio-cultural values, norms and belief, 33.4 percent acknowledged existing traditional thought, 1.0 percent acknowledged the joint family system, 6.1 percent acknowledged that the parents' ignorance about the sense of equality between son and daughter, 5.8 percent acknowledged the lack of supervision and

implementation of the existing law of property equal rights, 3.4 percent acknowledged the lack of strong commitment of politicians and 30.4 percent acknowledged that the all are the challenging factors of parental property equal rights of Nepalese women. This table is analyzed on the basis of culture theory because it believes that traditional value; norms and belief have been the challenging factors to access parental property equal rights.

7.12 Effective Solution for Equal Access of Parental Property Equal Rights

Equal educational access between son and son and daughter, equal behavior of parents, increasing awareness in parental property equal rights, women's involvement in economic activities, well implementation of exiting policy program related to parental property equal rights, women's participation in decision making process, changing conception in socio cultural value ,norms, beliefs provision of moral education, and access of job opportunity to women can be the effective solutions for equal access of parental property rights. Table 7.12 has described the perception of study population for effective solution of equal access of parental property rights.

Table 7.12 Effective Solutions for Equal Access of Parental Property Equal Rights

Effective solutions	Sex				Total	
	Male		Female			
Parents should treat son and daughters equally	38	13.0%	25	8.5%	63	21.5%
Education access should be equal between son and daughters	11	3.8%	19	6.5%	19	6.5%
People need to be massively aware on parental property equal rights	3	1.0%	6	2.0%	6	2.0%
Women need to be involved in earning income activities besides household work	4	1.4%	5	1.7%	5	1.7%
Existing policy program need to be strongly implemented	3	1.0%	10	3.4%	10	3.4%
Above all	99	33.8%	91	33.1%	190	64.8%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

More than one fifth (21.5%) respondents acknowledged that the parent should treat son and daughter equally for the effective solution of parental property equal rights. Likewise, 6.5 percent acknowledged the access of equal education for son and daughters, 2.0 percent acknowledged the massive awareness campaign is essentially relevant to parental property equal rights, 1.7 percent acknowledged the importance of women's involvement in income activities rather than household work, 3.4 percent acknowledged the need of strong implementation of existing policy program related to parental property rights, and rest of the study population acknowledged the above all activities are the effective solution for equal access of parental property rights. However, there are many types of solution for the equal access of parental property equal rights. This table is analyzed on the basis of Gender and Development (GAD) theory because it emphasizes on equal treatment between male and female. This theory concerns with the policy program related to gender equality.

7.13 Appropriateness of Parental Property Equal Rights for Married Women

Parental property equal right system has been both relevant and irrelevant issue for the married women. Keeping good relationship between husband and wife, able to do any types of business, improvement of economic status, to be empowered for decision making , and women's independents in terms of utilizing the property received from two sides (maternal and husband's side). Family conflict, lack of intimacy between brother and sister, double standard of women in terms of getting parental property, break of social and cultural trend are some of the disadvantages of parental property equal rights for married women. Table 7.13 has described providing married woman parental property equal right is appropriate or not

Table 7.13 Appropriateness of Parental Property Equal Rights for Married Women

Perceptions	Sex				Total	
	Male		Female			
Yes, it is appropriate	74	25.3%	87	29.7%	161	54.9%
No, it is not appropriate	54	18.4%	26	8.9%	80	27.7%
Do not know	30	10.2%	22	7.5%	52	17.7%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Out of 293 respondents, majority (54.9%) percent have recognized that the parental property equal rights is an appropriate for married women and 27.7 percent perceived it is not appropriate. But, 17.7 percent study population didn't know about the matter. This table is analyzed on the basis of Women and Development (GAD) theory and it emphasizes economic goods and services opportunities as it is based on the distributive justice theory

Table 7.13a Appropriateness of Parental Property Equal Rights to Married Women

Reasons	Sex				Total	
	Male		Female			
It builds up good relationship between husband and wife	13	8.1%	18	11.2%	31	19.3%
Married women are also part of their parent so they also should get parental property equally as son	25	15.5%	32	19.9%	57	35.4%
Married women can do any business if she can get the parental properties	22	13.7%	26	16.1%	48	29.8%
Women status can be improved after her marriage	8	5.0%	5	3.1%	13	8.1%
If married women have some property and sources of income then it will make them capable in decision making process	6	3.7%	6	3.7%	12	7.5%
Total	74	46.0%	87	54.0%	161	100.0%

Source: Field study 2013(this table is filtered from table 7.13)

Out of 161 respondents, 19.3 percent acknowledged that the parental property equal rights for married women could build up the relationship between husband and wife, 35.4 percent acknowledged the married women are also part of their parents so married women also should get parental property equally as son. Likewise, 29.8 percent acknowledged the married women could do any business if she could get the parental properties, 8.1 percent acknowledged that the women status could be improved in her husband's home and 7.5 percent acknowledged that the parental property equal right enables married woman to be involved in decision making process. However, the parental property equal right for women is more appropriate due to various reasons as mentioned above. This table is analyzed on the basis of Gender and Development (GAD) theory because it focuses on equal rights of service

and goods without discrimination in terms of gender equality. So this theory advocates equality between male and female in terms of social activities.

7.14 The Probable Persons to be Benefited from the Parental Property Equal Rights

People from all categories such as; male, married women, unmarried women, divorced women, single and widow women are found to be benefited from equal parental rights. But female are more benefited in comparison to male from the parental property equal rights. Male can be benefited because his wife brings some amount of property from her maternal home and male himself gets the parental properties from his parents . Eventually, male shouldn't bear any economical burden due to economic freedom of his family. The table 7.14 has described the probable people to be benefited from the parental property equal rights.

Table 7.14 The Probable Persons to be Benefited from the Parental Property Equal Rights

The probable benefited persons	Sex				Total	
	Male		Female			
Male	6	2.0%	8	2.7%	14	4.8%
Married women	29	9.9%	10	3.4%	39	13.3%
Unmarried women	5	1.7%	6	2.0%	11	3.8%
Divorced women	6	2.0%	0	0.0%	6	2.0%
Single (widow) women	6	2.0%	8	2.7%	14	4.8%
Above all	106	36.2%	103	35.2%	209	71.3%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among 293 respondents, 4.8 percent perceived that the males are probably the more benefited person, 13.3 percent perceived the married women, 3.8 percent perceived the unmarried women, 2.0 percent perceived the divorced women, 4.8 percent perceived the single women and 71.3 percent perceived the all type persons as above mentioned could be more benefited from the parental property equal rights. It seems that the married women could be more benefited in comparison to male, unmarried women, divorced and single women because married women could get moral and additional economic support from her husband. This table is analyzed on the basis of

economic theory because this theory has emphasized an equal opportunity for the rights, services and goods.

7.15 Types of Women to be More Benefited from Parental Property Equal Rights System

Basically, women who are sound and bold could be more benefited because they could demand their right either their economic right or any right of the society like; political right, right for participating in decision making and right for finding job as their basic need. Similarly, right of health, educational right, reproductive right, right for married, right to choose her life partner, right to decide to child bearing, right of freedom, and right for self development. The table 7.15 has described the type of women who could be more benefited from parental property equal rights.

Table 7.15 Type of Women to be More Benefited from Parental Property Equal Rights Systems

Type of women	Sex				Total	
	Male		Female			
Educationally sound women	15	5.1%	10	3.4%	25	8.5%
Socially and culturally sound women	8	2.7%	5	1.7%	13	4.4%
Economically sound women	18	6.1%	2	0.7%	20	6.8%
Empowered women	3	1.0%	2	0.7%	5	1.7%
Above all	114	38.9%	113	38.6%	227	77.5%
Others	0.0	0.0%	3	1.0%	3	1.0%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among the 293 respondents, 8.5 percent perceived the educationally sound women could be more benefited from parental property. Likewise, 4.4 percent perceived the socially and culturally sound women, 6.8 percent perceived the economically sounds women, 1.7 percent perceived the empowered women, and 77.5 percent women perceived that the all women as mentioned above could be benefited from parental property equal rights system because these women could be more active to involve in decision making process and in other community activities. However the women who are more sounds and active as above mentioned could be more benefited from the parental property equal rights in comparison to other ideal women. This table is

analyzed on the basis of Women and Development (WAD) theory because it basically emphasizes women related development and to bring women in mainstream of development process.

7.16 Role of Parental Property Rights to Reduce the Poverty in Nepal

The parental property equal right has been playing the great role to reduce the poverty in Nepal. Many research and even living standard survey report 2011 published by Center Bureau of Statistics (CBS) shows that healthy and happy family is being there where the women are taking leading role for household decision making. The research study finds the level of education among the women since they have joined school and the power of getting social responsibilities is found to be fully developed interms of ownership and decision making process. In the patriarchal society, the male or husband has been actively playing role in economic decision since all the property is registered in his own name and economic crisis can be fallen if he only decides the economic decision without consulting his family. The table 7.16 has described whether parental property equal right could be supportive to reduce the poverty or not.

Table 7.16 Role of Parental Property Rights to Reduce the Poverty in Nepal

Perceptions	Sex				Total	
	Male		Female			
Yes, parental property right reduces the poverty in Nepal	86	29.4%	85	29.0%	171	58.4%
No, parental property right does not reduce the poverty in Nepal	72	24.6%	35	17.1%	122	41.6%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Majority (58.4%) of the respondents perceived that the parental property equal right reduces the poverty (table 7.16) because women can be more powerful and make good decision, family members will be more educated and earn money and maintain the basic needs, women can be more economically sounds. Once they get the parental property as equal and it finally helps to reduce the poverty. Equal opportunity finally supports to reduce the poverty. The 41.6 percent of the study population perceived the opposite view of the previous respondents since all the people are not equally holding

the property. Many parents do not have sufficient/enough property where around 30 percent Nepalese people are still under the absolute poverty line. So these type people are not able to provide the property to their children. Furthermore, only parental property is not the cause of poverty and there has been associated many other factors for the poverty too. This table is analyzed on the basis of distributive justice theory because this theory generally refers to the economic goods and service opportunities and it emphasizes on well and equal economic condition of the society.

Table 7.16a Reasons of Parental Property Equal Rights and its Role in Reduction of Poverty

Reasons	Sex				Total	
	Male		Female			
Women can be more powerful and make good decision and family members will be more educated and supportive to reduce the poverty	9	5.3%	11	6.4%	20	11.7%
Women can be more economically sound that finally helps to reduce the poverty	40	23.4%	38	22.2%	78	45.6%
It reduces the poverty rate by providing equal opportunity	20	11.7%	16	9.4%	36	21.1%
Women who get the parental property, they can use in their livelihood provision	10	5.8%	14	8.2%	24	14.0%
Parental property can help in economic development	7	4.1%	6	3.5%	13	7.6%
Total	86	50.3%	85	46.1%	171	100.0%

Source: Field study 2013(this table is filtered from table 7.16)

Out of 171 study population who perceived the reasons of parental property equal rights and its role in reduction of the poverty in different ways, 11.7 percent perceived the women could be more powerful and make good decision, and family members will be more educated which could be supportive to reduce the poverty, 45.6 percent perceived that the women could be more economically sound that finally helps to reduces the poverty, 21.1 percent perceived the parental property reduces the poverty rate by providing the equal opportunity. Likewise, 14 percent perceived that the woman who gets the parental property, that could be used in their livelihood provision, and 7.6 percent perceived that the parental property could help in economic development that finally reduces the poverty rate. The parental property equal right

system and poverty reduction have some inter relationship in some points as it helps directly and indirectly to reduce the poverty. This theory is analyzed on the basis of economic theory because this theory has encouraged investments to promote overall economic growth which is directly related to poverty management and parental property equal right.

Table 7.16b Reasons of Parental Property Rights not to Reduce the Poverty Rate in Nepal

Reasons	Sex				Total	
	Male		Female			
All people are not holding equal amount of property	19	15.5%	11	9.0%	30	24.6%
Many parents do not have sufficient/ enough property	27	22.1%	15	12.3%	42	34.4%
Rural women are still not empowered	18	14.8%	8	6.6%	26	21.3%
Only parental property is not the cause of poverty, there are associated many other factors	4	3.3%	12	9.8%	16	13.1%
Poverty and parental property are different issues	4	3.3%	4	3.3%	8	6.6%
Total	72	59.0%	50	41.0%	122	100.0%

Source: Field study 2013(this table is filtered from table 7.16)

Out of 122 study population many of them have perceived the parental property equal rights does not reduce the poverty rate in Nepal, 24.6 percent perceived that all people are not holding equal amount of property therefore the parental property equal rights does not help to reduce the poverty. Likewise, 34.4 percent perceived that the many parents do not have sufficient property in their ownership to share their children, 21.3 percent perceived the rural women are still not empowered due to lack of education and poverty. Likewise, 13.1 percent study population perceived that only parental property is not the cause of poverty further there are many other factors in terms of creating poverty. However, 6.6 percent study population perceived that the poverty and parental property are different issues even though they are related between each other up to some extent but these two factors need to be analyzing separately. This table is analyzed on the basis of socio-cultural theory because it mentions that the there have not been distributed equally among all type people. This table is analyzed

on the basis of Distributive justice theory because it basically emphasizes the equal distribution of services, power and capital in the society.

7.17 Perception on First Priority on Equal Distribution of Parental Property and Education

Providing education equally to son and daughter is better than providing the parental property because education is more important than property but this philosophy is applied only in the developed countries. In the More developed countries the parents nurture equally and provide equal education as their wish until their age is 18 years. After then the parents become free from upto date responsibility of the children but in developing country like Nepal the children are dependent on their parents until their economically self sustainable. The table 7.17 has described the nature of distributing parental property and equal education.

Table 7.17 Perception on First Priority on Equal Distribution of Parental Property and Education

Perceptions	Sex				Total	
	Male		Female			
Education	121	41.3%	104	35.5%	225	76.8%
Parental properties	4	1.4%	9	3.1%	13	4.4%
Both	33	11.3%	22	7.5%	55	18.8%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Majority (76.8 %) of respondents acknowledged that the equal education should be given rather than providing parental property equally but 4.4 percent have perceived that they should be given parental property. 18.8 percent perceived they should be given both equal education and parental property. However, majority of the study population have been recommended for the equal education opportunity for sons and daughters rather than distributing equal properties of parents. This table is analyzed on the basis of Distributive Justice theory because it indirectly emphasizes to give priority of service besides education attainment and parental property.

7.18 Reasons of Exiting Parental Property Rights Laws and Policies Less Implementation and Practices in Nepal

Basically, lack of strong policy implementation mechanism, lack of stable government, unfavorable issue of society and culture, lack of strong mechanism of monitoring and evaluation systems, political pressure in implementation mechanism, knowledge gap between rural urban women, lack of well knowledge and practices, influence of traditional concept, socio-cultural, norms, value and belief and other many more factors are playing vital role to affect for implementation of the existing laws and policies related to parental property equal rights between son and daughters. Table 7.18 has described the reasons of existing parental property equal right law and policy but implementation is very rare in Nepal.

Table 7.18 Reasons of Exiting Parental Property Rights Laws and Policies Less implementation and Practices in Nepal

Reasons	Sex				Total	
	Male		Female			
Lack of strong policy implementation mechanism	18	6.1%	9	3.1%	27	9.2%
Lack of stable government	0	0.0%	6	2.0%	6	2.0%
Socio-cultural unfavorable issues	1	0.3%	5	1.7%	6	2.0%
Lack of strong mechanism of monitoring and evaluation systems	3	1.0%	0	0.0%	3	1.0%
Political pressure in implementation mechanism	7	2.4%	4	1.4%	11	3.8%
Educational gap between rural urban women	9	3.1%	2	0.7%	11	3.8%
Above all except socio-cultural unfavorable issues	120	41.0%	109	37.2%	229	78.2%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Out of 293 respondents, 9.2 percent perceived that the lack of strong policy implementation mechanism, 2.0 percent perceived the lack of stable government, another 2 percent perceived the socio-cultural unfavorable issues, 1 percent perceived the lack of strong mechanism of monitoring and evaluation systems, 3.8 percent perceived the political pressure in implementation mechanism, another 3.8 percent

perceived the knowledge gap between rural and urban women, and 78.2 percent perceived the above all reasons except socio-cultural unfavorable issues which are the main reasons of existing parental property rights laws and policies to be less implemented in Nepal. There is no single reason is associating for less implementation of the existing laws and policy related to parental property equal rights enacted in 2002. This table is analyzed on the basis of social and cultural theories because it believes that the property rights brings the fragmentation in social harmony and cultural theory believes the norms, value of society which directly affects in the implementation of newly introduced policy programs.

7.19 More Responsible Agencies for Proper Implementation of Parental Property Equal Rights Laws and Policies

There are many agencies established for the implementation of parental property rights laws and policies programs i.e. women themselves, family, society, state, politicians, activists of different disciplines, and more others agencies. Table 7.19 has described the responsible agencies for proper implementation of parental property equal rights laws and policies.

Table 7.19 More Responsible Agencies for Proper Implementation of Parental Property Rights Law and Policies in Nepal

More responsible agencies	Sex				Total	
	Male		Female			
Women themselves	8	2.7%	3	1.0%	11	3.8%
Family	16	5.5%	5	1.7%	21	7.2%
Societies	13	4.4%	9	3.1%	22	7.5%
State	45	15.4%	19	6.5%	64	21.8%
Above all	76	25.9%	99	33.8%	175	59.7%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Out of 293 respondents, 3.8 acknowledged that the women themselves are the more responsible agencies for proper implementation of parental property equal rights laws, policy programs because the women should be active themselves for monitoring and evaluation in the implementation process. Likewise, 7.2 percent perceived the family is more responsible agency, another 7.5 percent perceived the society, 21.8 percent perceived the state, and majority (59.7%) percent perceived the above all agencies are

more responsible agencies for proper implementation of parental property equal rights. This table is analyzed on the basis of Gender and Development (GAD) theory because it came after the concept of Women in Development theory, Women and Development theory, and Gender and Development theory.

7.20 The Major Influencing Factors to Aware Women in Property Equal Rights

Basically formal education, non formal education, transmission of socio-cultural, value, norms and belief of society people, role of different medias like print media, electronic media, women participation in decision making process, development of information technology, different awareness campaign organized by different GOs, NGOs and INGOs , globalizations, different international conventions related to women's rights and development and people's self motivations are the major influencing factors were women for ensuring the women property equal rights. The table 7.20 has described the major factors to aware women for ensuring the women equal property right.

Table 7.20 The Major Influencing Factors to Aware Women in Property Equal Rights

The major factors	Sex				Total	
	Male		Female			
Formal education	22	7.5%	19	6.5%	41	14.0%
Informal education	8	2.7%	8	2.7%	16	5.5%
Print media	2	0.7%	1	0.3%	3	1.0%
Electronic media	8	2.7%	1	0.3%	9	3.1%
Global events	0	0.0%	3	1.0%	3	1.0%
Above all	118	40.3%	103	35.2%	221	75.4%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Out of 293 respondents, 14.0 percent perceived that the formal education is the major influencing factors to aware women for ensuring the women's property equal rights. Likewise, 5.5 percent perceived the non formal education, 1 percent perceived the print media, 3.1 percent perceived the electronic media, 1 percent perceived the global events and 75.4 percent perceived the above all factors are the major influencing factors to aware for ensuring the women's property equal rights. However, education

is the most influencing factors to make female aware in comparison to other factors. So, the female education attainment need to be improved in any custom. This table is analyzed on the basis of Women and Development (WAD) theory because it has advocated to bring women in mainstream of the development process using different modalities of awareness campaigns.

7.21 Social Reflection upon Parental Property Equal Rights System in Nepal

Society people have presented different views upon parental property equal rights system according to their societies where they have been socialized with different socializing factors such as; socio cultural, norms, value and belief and presently practicing culture. As their views, only educated people can support, urban –rural women will be more benefited, sense of hierarchy to get married with the women poor family, lack of implementation of the exiting policy program especially in traditional type of family of rural areas may not accept the existing law and policy related to parental property equal rights enacted in 2002 because of various reasons; as their view, family relation can be broken and the patriarchal thinking of community people could be positively changed. The table 7.21 has described the social perception upon parental property equal rights system in Nepal.

Table 7.21 Social Reflection upon Parental Property Equal Rights System in Nepal

Social reflection	Sex				Total	
	Male		Female			
Only educated people can support it	13	4.4%	14	4.8%	27	9.2%
Urban and advanced family can enjoy	38	13.0%	21	7.2%	59	20.1%
Difficult to convince to the old age people	14	4.8%	37	12.6%	51	17.4%
Difficult to get married with poor family	35	11.9%	25	8.5%	60	20.5%
It is very hard to implement the policy and law in traditional family	47	16.0%	24	8.2%	71	24.2%
Policy and law many not be accepted policy and law in rural poor family	0	0.0%	7	2.4%	7	2.4%
It breaks family relationship	9	3.1%	6	2.0%	15	5.1%
Patriarchal thinking of community people will be positively changed	2	0.7%	1	0.3%	3	1.0%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Among 293 respondents, 9.2 percent perceived the only educated people would support the parental property equal rights. Likewise, 20.1 percent perceived that the urban and advanced family could facilitate from the parental property equal rights, 17.4 percent perceived the difficulties to convince the old age people, 20.5 percent perceived the difficulties to get married to poor family, 24.2 percent perceived that, it is very difficult to implement the laws, policy and program in traditional family, 2.4 percent perceived the rural poor family as they do not have enough property to share equally between son and daughter. Similarly, 5.1 percent perceived it may break the family relationship and 1.0 percent perceived the patriarchal thinking of community people will be positively changed. The community people have presented both negative and positive perception upon the laws, policy and program related to parental property equal rights systems. This table is analyzed on the basis of cultural theory because the perception of people is depend on culture and they perceive events as their schooling of culture.

7.22 Reasons of the Gender Mainstreaming Program in Nepal to be Failure

There are many reasons associated with the failure of the gender mainstreaming program in Nepal. They are basically, patriarchal thinking of the society people, defective policy and program related to gender equity and equality, traditional types of socio-cultural perceptions, gender biased political and legal system, socio-cultural, value, norms and beliefs, son preference society, no provision of old age security, low level of female education and lack of political commitment, unstable government, and lack of people's awareness. Table 7.20 has described the reasons of failure of the gender mainstreaming program in Nepal.

Table 7.22 Reasons of the Gender Mainstreaming Program in Nepal to be Failure

Reasons	Sex				Total	
	Male		Female			
Patriarchal thinking of society people	9	3.1%	6	2.0%	15	5.1%
Defective policy and programs	3	1.0%	8	2.7%	11	3.8%
Traditional socio-cultural perception	6	2.0%	7	2.4%	13	4.4 %
Gender biased political and legal system	6	2.0%	3	1.0%	9	3.1%
Above all	134	45.7%	111	37.9	145	83.7%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Out of the 293 respondents, 5.1 perceived the patriarchal thinking of the society people, 3.8 perceived the defective policy and programs, 4.4 percent perceived the traditional types of socio-cultural perception, 3.1 percent perceived the gender biased political and legal system and 83.7 perceived that the above all reasons are associated to failure the gender mainstreaming program in Nepal. However, there are many reasons associated to being failure the gender mainstreaming program in Nepal. This table is analyzed on the basis of social and cultural theory because social theory believe that the parental property equal rights system brings the fragmentation in social harmony and cultural theory believed the custom, norms and value so this things are being barrier to properly implementation of the policy programs.

7.23 Relationship Between Rural Urban Socio-cultural Structure and Parental Property Equal Rights of Women in Nepal

There are vast different relation between urban socio-cultural structure and parental property equal rights of women in Nepal because urban women are more familiar with the issues of property equal rights. Furthermore, there are socially, culturally, and economically differences between urban and rural women. So, there is no meaning to compare these two categories of women since it has been taken numbers of decade for rural women to come in decision making stage. The level of education and understanding capacity in rural women is lower than the women of urban community. So the parental property equal right is secondary matter for the traditional women who wan to break the relation with their brothers maternal home. The life styles of these two rural urban women have extremely different because mostly urban women are highly facilitated and enjoying their rights but rural women are deprived of these facilities. The table 7.23 has described the relationship between rural urban socio-cultural structure and parental property rights of women in Nepal.

Table 7.23 The Relationship Between Rural Urban Socio-cultural Structure and Parental Property Rights of Women in Nepal

Perceptions	Sex				Total	
	Male		Female			
Urban women are more familiar with the issue of parental property equal rights	11	3.8%	16	5.5%	27	9.2%
Social, cultural and economical different between urban and rural women	23	7.8%	14	4.8%	37	12.6%
It takes long time for the rural women to be on decision making process	15	5.1%	18	6.1%	33	11.3%
Level of education and understanding is far different between urban and rural women	36	12.3%	18	6.1%	54	18.4%
Parental property right is secondary thing to the traditional women of rural resident	26	8.9%	20	6.8%	46	15.7%
Life style of rural and urban women is extremely different	13	4.4%	10	3.4%	23	7.8%
Most of the urban women are facilitated and using their rights but rural women are depriving	34	11.6%	39	13.3%	73	24.6%
Total	158	53.9%	135	46.1%	293	100.0%

Source: Field study 2013

Out of 293 respondents, 9.2 percent acknowledged that the urban women are more familiar with the issue of parental property equal rights in comparison to rural women. Likewise, 12.6 acknowledged that the urban rural women are socially, culturally and economically different so these two different residential settlement women cannot be compared. Furthermore, 11.3 percent acknowledged that it will take a number of decades for the rural women to be in decision making stage, 18.4 percent acknowledged that the level of education and understanding capacity of these two urban rural women is far different. Likewise, 15.7 percent acknowledged that the parental property equal right is secondary thing, 7.8 percent acknowledged that the life style of urban rural women is extremely different. Finally, 24.6 percent acknowledged that the most of urban women are more facilitated and getting their right but rural women are deprived of these facilities and enjoyment of the rights.

However, the relationship between rural urban socio cultural structure and parental property equal rights system is far different. The urban women are highly facilitated and enjoying of their rights but rural women are depriving from all those facilities and enjoyment of the rights. So, there will not be justice to compare the urban - rural women's life style in Nepal. This table is analyzed on the basis of cultural theory because the cultural in urban and rural are vast different in terms of women's development practice since the culture has determined and influenced the access of women in development process.

7.24 Chapter Summary

There has been a lot change in various sections in terms of parental property equal sharing system between son and daughter, women empowerment, school attainment of female, women participation in decision making of household and holistic development process of nation, women participation in non agricultural occupation, property ownership rights, parental property ownership rights, abortion rights, divorce rights, and rights for decision of marriage, child bearing. Furthermore, the socio-cultural, norms, values and belief have been also changed since the restoration of democracy 2046 in Nepal. Because of wide diffusion of information, development of communication sources, sensitization of gender equality and equity, globalization, influences of international seminar and conference regarding gender development, establishment of the different non government organizations, civil society, increment of women participation in decision making and development process etc. There have been lots of things changed in women's life style after enactment of parental property equal rights act enactment in September 27, 2002 in Nepal, like; women empowerment, increment the level of women education, women able to participation in policy formulation, planning and decision making process and further more women became able to fight for rights and compulsorily 33 percent in any sectors even in participation in parliament, and participation in other development process. However, the girl's enrolment in school is also increased. The gender discriminations is being minimized. Women have rights of decision making for their marriage, child bearing, using of family planning, household decision making and ownership of household property, participation in non agricultural occupation, getting equal wage for equal work. The valuation of household work of women is also being considered and

evaluated as contribution of monetary value in GDP. The women are enjoying equality of human rights, and they are also being independent, economically, empowering themselves in different social phenomenon. The females are feeling free, safe and getting chance to involve in decision making process of household and other women welfare development after enactment of the parental property equal rights Act and action policy in September 27, 2002 in Nepal.

There are many direct and indirect reasons having justified the existing parental property equal rights act, law and policy programs and this policy program needs to be strongly implemented. Furthermore, monitoring and evaluation need to be conducted to measure the level of its effects. The parental property equal right is widely concerned to reduce the gender inequality and to enhance the women's life style and holistic improvement of women.

However, there are both adequate and inadequate virtues in the existing Act, laws and policy programs and this policy program and they need to be added and omitted some of the provisions i.e. awareness campaign, monitoring, evaluation parts need to be added and the provision of age bar (35years) of female and marital status of women needs to be omitted and amended. There also needs to be reformed on the policy implementation system. On the other hand, monitoring and evaluation system of implemented policy programs are extremely inadequate that needs to be urgently improve. The parental property equal rights for women is more appropriated from various perspectives. The parental property equal rights system and poverty reduction have some interrelationship that could directly and indirectly help to reduce the poverty. The majority of the study populations have recommended both genders for the equal educational opportunity rather than distributing the equal properties of parents. Basically, lack of strong policy implementation mechanism, lack of stable government, lack of strong mechanism of monitoring and evaluation systems, political pressure in implementation mechanism, knowledge gap between rural urban women, lack of well knowledge and practices, influence of traditional concept, socio-cultural, norms, value and belief, and other many more factors are playing vital role to affect in implementing the existing laws and policies related to parental property equal rights between son and daughter.

Basically formal education, non formal education, transmission of socio-cultural, value, norms and belief of society people, role of different medias like print media, electronic media, women participation in decision making process, development of information technology, different awareness campaign organized by different GOs, NGOs and INGOs, globalizations, different international conventions related to women's rights and development and people self motivations are the major influencing factors to aware women for insuring the property equal rights.

There are many reasons associated with the failure of the gender mainstreaming program in Nepal, such as; patriarchal thinking of the society people, defective policy and program related to gender equity and equality, traditional types of socio-cultural perceptions, gender biased political and legal system, socio-cultural, value, norms and beliefs, son preference society, no provision of old age security, low level of female education and lack of political commitment, unstable government, lack of people awareness. While analyzing the relationship between rural urban socio cultural structure and parental property equal rights system, the researcher found very vast different between these two resident settlement women because the urban women are highly facilitated and enjoying of their rights but rural women are depriving of all these facilities and enjoyment of the rights. So there is no justice to compare the urban - rural women's life style in Nepal.

CHAPTER EIGHT

ANALYSIS OF FINDING FROM FOCUS GROUP DISCUSSION AMONG THE RESPONDENTS

8. Background

This chapter highlights the findings from the focus group discussion. The focus group discussion has been conducted among the group of study population through interaction to collect the necessary information about the view of parental property equal distribution system. Furthermore, this chapter is also containing the information regarding practice of property sharing system in non human being creature Communities. The information has been collected from kin and deep observation of different non human being creatures' communities.

8.1 Focus Group Discussion

8.1.1 Objectives

The basic objective of this focus discussion is to find the quality information regarding existing policy of parental property equal rights system in Nepal.

8.1.2 Methodology

The half day focus group discussion was organized to find out the quality information related to existing parental property equal rights policy programs and its impact in women's development. The program was organized in the premise of Open space of Bhrikutimondup, Kathmandu. The total number of participants was 12, from the Law campuses of Kathmandu valley from their different academic level i.e. LLM, and BALLB final year. The different pre-listed issues related to existing parental property equal rights policy were kept by researcher among the participants and the issues were widely discussed by participants and concluded each issue according to their view on the topic.

8.2.3 Major Discussed Issues and Conclusion

8.2.3.1 Leading Cause of Gender Discrimination

Focus group had conducted long discussion on leading cause of gender discrimination in Nepal. They concluded that the socio-culture, norms, value, belief, culture

transformation, generation transformation, low education level, joint family system, son preference society, male dominant society, agricultural occupation, dowry system, property unequal distribution between son and daughter, ignorance and other many more reasons are associated with gender discrimination in Nepal.

8.2.3.2 The Meaning of Parental Property Rights

The participants have deeply discussed on the meaning of parental properties rights and they have conclude that the property rights in which son and daughter can claim the property possessed by parents or earned by themselves is called the parental property rights. The population perceived the meaning of parental property right is right of son and daughter upon parents' properties, rights to ownership into the parents' properties, rights to get properties earned by parents, rights of properties acquired in accordance with the inheritance, ownership rights to house, money, land and other properties earned by parents and forefather.

8.2.3.3 Reasons to give more Preference of Son Compare to Daughter in Nepalese Societies

The participants have deeply discussed on the reasons to give more preference to son in Nepalese society, and they have concluded that there are many reasons associated with parental property right to be given more to son i.e. socio-cultural, norms, value, belief, religious, ritual attachment, level of education, conservation society, poverty, poor and dependent economic status of the family, lack of old age security system of government, system of daughter to go to her husband's house after marriage, lack of awareness of the people, traditional trends and male dominant society, no equal distribution system of parental property, agriculture as main occupation and weak and unfavorable government policies to give more preference to son in comparison to daughters in Nepalese societies.

8.2.3.4 Cause Factors to Enhancing the Gender Inequality in Property Rights

The focus group has also concerned and discussed very widely and decided that the socio-cultural norms, value, belief, traditional types of society, low level of female education, low value of daughters in ritual and religious function, types of family, ignorance or no awareness of the people, no social security system in old age,

traditional trends and practices, male dominant society, poor and mal implementation of existing policy program, lack of female participation in decision making process, poor economic status of female, majority of female involvement in agricultural occupations are major causes to enhance the gender inequality in property rights.

8.2.3.5 Action need to be Apply to make Strong Implementation of Existing Policy Program for Equal Parental Property Rights in Nepal

The focus group has concluded that implemented policy program related to the equal parental property right needs to have proper monitoring and evaluation. Furthermore, stable government, female education, women's empowerment awareness campaign in the all over the country could be more effective for proper enactment of the existing policy programs related to parental property equal rights in Nepal. On other hand, incentives and punishment system need to be strongly announced for employees on the basis of their manner. Another obstacle for the enactment of policy program is a political influence which needs to be strongly opposed.

8.2.3.6 Knowledge of Parental Properties Rights System in Nepal

Most of the people have knowledge of parental property rights system in Nepal but they do not have practices for equal distribution between son and daughters because of various factors such as; influences of ignorance, socio-cultural, norms, value, belief, traditional society, transformation of culture, religion, son preference society, weak and mal implementation of laws and policy programs related to parental property rights and on the another hand the policy program has been found to be formulated without social interest.

8.2.3.7 Practices of Equal Sharing of the Parental Properties in the Societies

The focus group had made long discussion on practice of equal sharing of the parental properties in the society and concluded that, in the developed countries, the trend of equal sharing of parental property is not inpractice because there is no gender wise discrimination between son and daughter as the parents support them until their age of 18. The free education and other facilities have been provided by government as the social security. In the Nepalese context, either government has provision of free education or has social security. Sons live with parents as their wish but daughters

live with them until they get married of them. The provision of practice of sharing the parental property between son and daughter was not in practice few years ago. But, now we have legal provision but less in practice because the government has been formulating the policy without social conscience. The decisions of the government has been really unsuitable because Nepal is socio-culturally dominated country since ancient period. The majority of the society people even females are not ready to accept the policy. They also mentioned that the policy should be socially accepted for it's well implementation. Finally, they have concluded that the practice of equal sharing of parental properties is gradually increasing only in advanced and well educated family.

8.2.3.8 Consequences of Parental Property Equal Rights between Son and Daughters

The focus group discussed on the consequences of parental property equal rights between son and daughters. They concluded that there will be no intimacy between brother and sister, possibility of family division, division of the property into the small pieces, ignoring nature of the children towards their parents and the number of divorce case may increase in ratio.

8.2.3.9 Concerned of Parental Property Rights Issues

The participants have made long discussion whether parental property equal rights system is only women's issue or public issues. The focus group finally concluded that the parental property equal right is related to socio- economic development, socio-cultural development and transformation of cultures, norms, value and beliefs, women empowerment, quality of life, improvement of family life, family education development, social and family development, women employment, minimization of gender discrimination, family health, social welfare, family welfare as well as holistic development of the nation. So, parental property equal right is not only women's issue this is public and concerning issue of all.

8.2.3.10 Reasons to Preference of the Son on Parental Property Rights in Nepalese Society

The focus group concluded that there are many reasons associated with the preference to the son on parental property right in Nepalese context. The purpose of this concept

is developed due to the sense of old age security. The socio-cultural has denied women's enrolment in religious functions, daughter has not been accepted to live at maternal home after they get married, male dominated society, dominated by customary laws, and social value, norms and belief. However, the parental property equal right is greatly associated with the old age security of the people. So, the Nepal government should have strongly addressed the policy program on old age security system to make success of the parental property equal rights law, policy and program in Nepal. There seems to have been misconception and lack of knowledge which promotes the preference to the son on parental property equal right.

8.2.3.11 Status of Changing Pattern of Parental Property Sharing System after Restoration of Democracy (2046) in Nepal

The participants of focus group discussion have concluded that there has been a lot of lot in various sections in terms of parental property equal sharing system between son and daughter, women empowerment, school attainment of female, women participation in decision making of household, holistic development process of nation, women participation in non agricultural occupation, property ownership rights, parental property ownership rights, abortion rights, divorce rights, and rights for decision of marriage, and child bearing. Furthermore, the socio-cultural, norms, values and belief have also been changed after restoration of democracy in 2046 in Nepal. Furthermore, diffusion of an information, development of communication sources, sensitization of gender equality and equity, globalization, influences of international seminar and conference regarding gender development, establishment of the different non government organizations, civil society, and increment of women participation in decision making and development process etc.

8.2.3.12 Status of Nepalese Women Life Style after Enactment of Parental Property Equal Rights Act and Action Policy in September 27, 2002 in Nepal

The focus group discussion concluded that there have been a lot of changes in women's life style after enactment of parental property equal rights act enactment in September 27, 2002 in Nepal. It has facilitated women in terms of; women empowerment, increment of the level of women education, women able to participation in policy formulation, planning and decision making process. Women became able to fight for rights compulsorily 33 percent in any sectors even in

participation in parliament, and participation in other development process. Furthermore girl's enrolment in school has also been increased. The gender discriminations is being minimized. Women have rights of decision making for their marriage, child bearing, using of family planning, household decision making and ownership of household property, participation in non agriculture occupation, and getting equal wage for equal work. The valuation of household work of women is also being recorded as a monetary activity as their contribution in GDP.

8.2.3.13 Major Challenge to get Parental Property Equal Rights by Nepalese Women

Patriarchal value of society, socio-cultural value, norms, and belief, traditional thought, joint family system, parents mistreatment toward son and daughters, mal implementation of exiting policy program related to parental property equal rights, lack of monitoring and evaluation of implemented policy programs, lack of strong commitment of politicians, less participation of women in decision making process, and low level of female education are the major challenge to get parental property equal rights by Nepalese women.

8.2.3.14 Effective Solution for Equal Access of Parental Property Equal Rights

The focus group discussion made decision when they discussed on effective solution for equal access of parental property equal rights. An equal educational access between son and daughter, equal treatment behavior of their parents, peoples' awareness related to parental property equal right, women's involvement in economic activities, mechanism development of well implementation of exiting policy program, to provide the opportunities for women participation in decision making process, to bring changes in socio-cultural value, norms, value and belief, provision of moral education, access of women employment opportunity could be the effective solutions for equal, and access of parental property rights.

8.2.3.15 Roles of Parental Property Rights to Reduce the Poverty in Nepal

The participants made a long discussion on the role of parental property right to reduce the poverty in Nepal but they concluded that parental property equal rights has been playing a great role to reduce the poverty in Nepal. Many research and even

living standard survey report 2011 published by Center Bureau of Statistics (CBS) shows the healthy and happy families are found in the society where the women are taking leading role for household decision making. We also could found the education enrolment of female children is much satisfactory where women are taking ownership of household head. In the patriarchal society the female's do not have property in their ownership. The poverty can be appeared if the husband sells the property without consulting with his family and spends as his wish then the family turns into the poverty. If the women is given right to register the property in her name then she can be more powerful and make good decision and family member will be more educated and earns money and which can be helpful maintain the basic needs and women could be more economically sounds once they gets the parental property as equal base so which helps to reduce the poverty. Furthermore, the equal opportunity could be milestone of supportive instruments to reduce the poverty and women could use the parental properties for their livelihood provision and which helps in reducing the poverty. Finally the parental property can also be supportive instruments for economic development of the family.

8.2.3.16 Priority on Parental Property Equal Distribution and Equal Education

The focus groups have been deeply discussed on whether education or parental properties need to be given for son and daughter as equal but the group has concluded that the equal education for son and daughter is better than providing the parental property equal to them because this is the universal practices except the developing world especially in Nepal. In the More developed countries the parents does nurture equally to their son and daughters and provides the equal education as their wish to both but when their children's age become 18 years old then they lives separately and they does themselves for their livelihood. So need to be follow up the same system in Nepal too.

8.2.3.17 Reasons of Exiting Parental Property Rights Laws and Policies Implementation is Less in Practices in Nepal

The people have deeply discussed on the reason of existing parental property rights laws and policies implementation is less in practices during the focus group discussion, and finally they conclude that the lack of strong policy implementation mechanism, lack of stable government, the issue is socially, culturally unfavorable

and unaccepted properly, lack of strong mechanism of monitoring and evaluation systems, political pressurize in implementation mechanism, knowledge gap between rural urban women, lack of well knowledge and practices, influence of traditional type of concept, socio –cultural, norms, value and belief and other many more factors are playing vital role to affecting for implement the existing laws and policies related to parental property equal rights between son and daughters.

8.2.3.18 Social Perception upon Parental Property Equal Rights System in Nepal

The participants have widely discussed on social perception upon parental property equal right system in Nepal and they concluded that only the educated people would support, urban women to have been benefited, women are feeling difficult to get married in poor family especially of Terai regions where Dowry system has been extremely in practice. Furthermore, the traditional type of family, poor family of rural areas are not ready to accept the existing law and policy related to parental property equal rights because of possibilities of breaking the family relation, influence of patriarchal thinking of community people and other many reasons. However, the society people are not ready properly to accept the exiting parental property because of the policy program is supposed to have been formulated without social perception. Finally, they concluded that the policy program would be automatically failure when the government formulated the policies programs without the society's interested.

8.2.3.19 Relationship between Rural Urban Socio-cultural Structure and Parental Property Equal Rights of Women in Nepal

When the participants made discussion on the relationship between rural –urban socio-cultural structure and parental property equal rights of women in Nepal they concluded that there is a vast different between these two rural and urban residential women because the urban residential women are highly facilitated and enjoying of their rights but rural women are deprived of all those facilities and enjoyment of the rights. So, there will not be justice to compare the urban - rural women's life style in Nepal.

8.2.3.20 Conclusion

There have been lots of changes in women's life style after initiating the parental property equal right system in Nepal. The policy program is highly appropriate and

welfare for equal existence of women in the society. But some of the socio-cultural phenomenons are still being the major challenging factors of gender discrimination. Likewise preference of son is also being influencing factor for the less implementation of the exiting policy related to parental properties equal right. The society people are very afraid with possibility of un-intimacy between sister and brother, family clash and division of properties into small pieces after providing the equal parental property. Here equal educational access for both son and daughter can be the alternative solution of properly implementation of the exiting parental property equal right. The parental property equal right policy can be milestone to reduce poverty to some extent, even though these two factors are not related directly; the old age security of society people and rural-urban settlement are also being the major factors for the less implementation and practice of the policy.

CHAPTER NINE

MAJOR FINDINGS, CONCLUSION AND RECOMMENDATIONS

9. Background

Findings, conclusion and recommendation are the key components of research and that are explained as follows;

9.1 Major Findings

9.1.1 Socio-Demographic Characteristics of Study Population

While analyze the socio-demographic characteristics of study population, majority (53.9%) of the population were aged group 20-24 years and second highest percent (20.5%) were below aged 20 years and rest were aged 25 and above. As a caste/ethnic groups, major 4 caste/ethnic group namely Brahmin, Chhetri, Newar and Gurung were recognized among the student of law campuses of Kathmandu valley. Some of the caste/ethnic groups are recognized under other categories but which are not clearly described which caste/ethnic groups are belong them. The majority (69.3%) of the study population were doing the bachelor degree, 14 percent students are attained master degree and completing the post graduate in Law, 10.2 percent students are attained the bachelor degree, 6.5 percent are completing the post graduate degree. Among the 293 study population 22.2 percent were married and rest are unmarried. There are 85.3 percent study populations were their main occupation is study., 9.9% population has business and another 4.8 percent populations have services. Among three religious groups, Hinduism followed the highest percent (93.2%), Buddhist are 4.1 percent, Christianity are 2.5 percent and 0.3 percent followed the other categories but it has not defined which religious group are attained.

9.1.2 Perception and Practices of Parental Properties Distribution System

Nearly one third (30.7%) people perceives the meaning of parental property is owned the property by their family, 21.2 percent perceives controlled by parent which can transfer the property to their off springs, 16.4 percent perceives the house, land, vehicle and other many things are the parental properties, 13 percent perceives the properties occupied by father and mother and 3.8 percent perceives the meaning of

parental property is collected by the forefather. Likewise, 95.6 percent of the study population have the parental property and only 4.4 percent have not.

More than one fifth (23%) percent study population have house, 20.6 percent have land, 3.9 percent have vehicle and 52.5 percent have both house and land as a parental properties. Nearly one fifth percent of study population's parental properties are taking ownership by their grandparents, 61.7 percent are taking by father, 18.1 percent are taking by mother and only 0.4 percent are taking themselves. Majority (56.7%) of the study population have given their land cultivation ownership to other people based on partial division of production and 43.3 percent of study population are taking ownership by themselves and making production food by themselves. Among the 293 study people. 53.9% of the household followed the male are main earner persons comparing to female (2.0%) and 44 percent household have both male and female are earning. The largest (92.5%) percent children are getting supports of monetary, decision making, schooling, farming, business, job seeking and moral support from their parents. Only 7.5 percent are not available the support from their parents without discrimination. Among the 271 study population who perceived type of supports available from their parents, 19.6 percent are receiving monetary and schooling supports, 10.7 percent receiving the household decision making support, 10.7 percent receiving business support, and 59 percent are receiving all types of support including moral support, monetary support, schooling support, household decision making support, support in farming and support for seeking job etc. Out of 293 study population, 6.5 percent women have her role and responsibilities is bread winner, 8.2 percent have household decision making, 1.4 percent have clean house, yard and washing clothes, 1.4 percent have caring and bearing of children and family members, 2 percent have cooking food, 1.7 percent have water fetching and 76.8 percent have all responsibilities except main bread winner and household decision making. Out of 293 study population, 59.4 percent have registered the land in female name and 27.6 percent study populations have not practices of land registration system in female name.

9.1.3 Cause and Factors for Enhancing Inequality Property Rights Between Son and Daughter

Among the 293 study population, 96.9 percent have knowledge of gender discrimination and rest of them do not have knowledge in it. However, 4.8 percent perceived the meaning gender of discrimination is an unequal division of parental property, 6.1 percent perceived the inequality in educational achievement, 3.1 percent perceived the inequality in getting balance food and diet, 2.7 percent perceived the prejudice in getting the cloths, 2.4 percent perceived the exploitation in work to get wage, 0.7 percent perceived the biasness in work and 80.2 percent perceived the above mentioned all biased form of activities in gender discrimination. While analyze the cause of gender discrimination, 3.1 percent perceived that the leading cause of gender discrimination is generation and cultural transformation, 8.9 percent perceived socio cultural value, norms and belief, 5.5 percent perceived joint family systems, 5.1 percent perceived son preference society, 1.4 percent perceived lower level of education of women, 3.1 percent perceived male domination societies and 73 percent perceived the above all reasons.

Out of 293 study population, 14.4 percent reasons are socio-culture, norms of societies and religious, ritual attachment with son due to son preference society. Likewise, 29 percent reason is the trends of daughter to go to their husband house after marriage, 32.8 percent perceived that son can take old age security, 10.2 percent believed that traditional trend and male dominated society, and 11.6 percent perceived that patriarchal phenomenon and weak economic condition of daughter.

7.2 percent perceived the cause factor to enhancing the gender inequality in property right is socio-cultural value, norms and belief, 8.9 percent perceived the traditional society and low level of female education, 0.7 percent perceived the poor and mal implementation of the existing policy program regarding gender equality, 3.1 percent perceived the male dominant society, 1 percent perceived the lack of female participation in decision making process, and 79.2 percent perceived the above all factors which are enhancing the gender inequality property rights. Majority (45.7%) percent of the study population perceived that the women education needs to be given more emphasis on women empowerment. Likewise, 19.8 percent preferred to stable government in the country, 14 percent preferred for public awareness campaign

program, and 20.5 percent preferred to proper enactment of the existing law and policy programs related to parental property equal rights.

Majority (40.3%) of the study population perceived the meaning of the parental property right is a right of son and daughters upon parents' properties, 23.5 percent perceived it as a right to have ownership on the parents' properties, 11.9 percent perceived as the right to get properties earned by parents, 5.5 percent perceived it as the right of properties acquired in accordance of the inheritance, and 18.7 percent perceived it as the ownership right in terms of house, money, land and others properties earned by parents. Furthermore, 79.2 percent of the study population have knowledge of the parental property right. Likewise, 85.3 percent perceived that the parental property equal distribution between son and daughter is appropriate and 14.7 percent perceived it as not appropriate. Almost third fourth study population perceived that male will be more benefited from the parental properties equal distribution system, only 1.7 percent perceived the female and 23.5 percent perceived the both male and female. However majority (63.1%) of the population have practice of sharing the parental properties whereas 36.9 percent do not have practice of it.

9.1.4 Consequences of Parental Property Equal Rights

Among the 293 study population, 16.7 percent perceived that there will be no intimacy between sister and brother incase the parental property is distributed equally. Likewise, 1.7 percent perceived that the property could be divided into small pieces, 3.4 percent perceived that both son and daughter would ignore the parents, 2 percent perceived that there will be increment of divorce cases, 1 percent perceived that more cases will be filed in judiciary regarding property, 13 percent perceived that it will change the socio-cultural pattern and practices, 5.5 percent perceived that it will develop social and cultural practices and 56.7 percent perceived that all factors above mentioned are the consequences of parental property equal right. While analyzing the impact of women due to parental property equal rights system, 17.7 percent perceived that the women will be more empowered in decision making process, 26.6 percent perceived that the women will be economically sound and independent, 1.7 percent perceived that it occurs socio-cultural impact, 0.7 percent perceived that it would breaks the family relation, and 53.2 percent perceived that above all impact could be occurred due to the parental property equal rights.

Out of 293 study population, only 14.7 percent perceived that the parental property right is only the women's issue, and 85.3 percent perceived that the parental property rights is not only the women's issue rather it is public issue. Parental property affects both male and female where both of them have equal value for success. Likewise, 80.2 percent followed that the parental property right should be given to all types of women, 10.2 percent followed that the physically disabled women are to be given, 6.5 percent followed the economically deprived women are to be given, 2.7 percent followed the social deprived women, and very small percent (0.3%) followed other types of women should be given the parental property right but there is no identification of other types of women.

Majority (74.7%) of the study population have followed the reasons of preference to the son on parental property rights for the old age security, 0.7 percent followed that the lack of involvement of daughter in religious functions after parents death, 9.2 percent followed the social and cultural trend that does not accept daughter to live at maternal after she gets married, 15.4 percent followed that the male dominated society is the main reason for the preferences to son on parental property rights in Nepalese society.

Similarly, 6.1 percent perceived that the reason of seeking parental property rights by Nepalese women is due to their empowerment in social activities, 7.5 percent perceived the increment of level of education, and awareness buildup, 1 percent perceived the globalization and rapid development of information technology, 2.4 percent perceived the transformation of women's role, 14.3 percent perceived increment of women participation in decision making, 66.9 percent perceived the above all reasons, and 0.7 percent perceived others reasons but they have not described about the categories in detail.

More than nine tenth percent of the respondents has perceived the parental property equal sharing between son and daughter as a right based is a good idea. Nearly one fourth (24.7%) study population perceived that the parental property equal share between son and daughter is a good idea because daughters could be independents and economically established, 30.3 percent perceived that the women would not be backward, 19.9 percent perceived the women could be empowered and capable in

decision making, and 25.1 percent perceived that the parental property equal right can support elimination of gender discrimination form in our society.

9.1.5 Changes in Parental Property Distribution System after Democracy Restoration (2046) in Nepal

More than two third (71.7%) have perceived that the pattern of parental property sharing system has been changed as mentioned above after restoration of democracy (2046), and 11.7 have perceived that there has not been any change in it.

Nearly one fifth (18.1%) study population perceived that the main changing reasons of parental property system after restoration of democracy are the women empowerment and their ability to demand of parental property equally . Likewise, 19 percent perceived that the provision of the sharing parental property equally is improved, 22.9 percent perceived that the people are more conscious on parental property equal distribution, 31 percent perceived that the most parents are treating equally for both genders. Likewise 7.6 percent perceived that the women are also getting parental property and 1.4 percent increment of women participation in parents' religious activities. However, 76.8 percent perceived that there have been greatly change in women's life style. But 17.1 percent had just opposite opinion and replied 'No' as their response.

Out of 225 study population, 21.3 percent have perceived the women are enjoying equality of human right, 27.6 percent perceived that the women are independent. Likewise, 11.1 percent perceived that the women are economically empowered, 12.9 percent perceived that the women are able to empower themselves, 27.1 percent perceived that the females are feeling free, safe and getting chance to involve in decision making process of household and other women welfare development. Likewise, 68.6% study population have acknowledged that the existing act, laws, policy program related to parental property rights are justifiable because women can keep parental property in their ownership, women could economically sound, there would be no bias in terms of gender.

The highest (76.8%) percent of study population perceived that the existing act, law and policy program related to parental property equal right is concerned and supportive to reduce the gender inequality and 15.4 percent have been opposed.

Nearly two third (61.4%) of the study population acknowledged that the exiting Act, Laws and policy program related to parental property equal rights is inadequate that's why provision of age bar and married women need to be omitted, awareness campaign need to be included in policy. There should be proper monitoring and evaluation which are to be introduced in policy and role of son and daughter should be defined in it.

Similarly, 20.1 percent followed the educational exclusions, 6.5 percent followed the unequal power distribution, 7.2 percent followed the discriminatory laws and constitutional provision, 2.0 percent followed the low willing power of women, 1.4 percent followed the no will power to equal participation of women and 62.8 percent followed the above all reasons are associated in depriving women of achieving holistic rights including parental property rights.

Furthermore, 13.7 percent acknowledged that the major challenge of parental property equal rights is patriarchal value of society, 6.1 percent acknowledge socio-cultural values, norms and belief, 33.4 percent acknowledges existing traditional thought, 1.0 percent acknowledge the joint family system, 6.1 percent acknowledge that the parents don't understand the equal value of son and daughter, 5.8 percent acknowledge the mal implementation and less monitoring and supervision of exiting policy programs related to parental property equal rights, 3.4 percent acknowledge the lack of strong commitment of politicians and 30.4 percent acknowledge that the all factors are the challenging factors of parental property equal rights of Nepalese women.

More than one fifth (21.5%) study population acknowledges that the parent should treat son and daughter equally for the effective solution of parental property equal right, 6.5 percent acknowledge that the access of equal education for son and daughter, 2.0 percent acknowledge that the massive awareness campaign related to parental property equal right is essential, 1.7 percent acknowledge that the women involvement in income activities rather than household work, 3.4 percent acknowledge the strong implementation of existing policy program related to parental property right. Likewise, 54.9% percent have recognized that the parental property equal rights is an appropriate for married women and 27.7 percent support for vice versa.

Among the 293 study population, 4.8 percent perceived that probably male are more benefited, 13.3 percent perceived the married women, 3.8 percent perceived the unmarried women, 2.0 percent perceived the divorced women, 4.8 percent perceived the single women and 71.3 percent perceived the all type persons as above mentioned can be more benefited from the parental property equal.

Similiary, 8.5 percent perceived that educationally sound women can be more benefited from parental property, 4.4 percent perceived the socially and culturally sound women, 6.8 percent perceived the economically sound women, 1.7 percent perceived the empowered women and 77.5 percent women perceived that the all women as mentioned above can be benefited from parental property equal rights system because those women can be more active to involve in decision making process and in other community activities. Majority (58.4%) of the study population perceived that the parental property equal rights reduces the poverty.

Out of 171 study population, 11.7 percent perceived the women can be more powerful and make good decision in family activities where the members will be more educated and supportive to reduce the poverty. Likewise, 45.6 percent perceived that the women can be more economically sound that finally helps to reduce the poverty, 21.1 percent perceived that the parental property reduces the poverty rate by providing the equal opportunity, 14 percent perceived that the woman who gets the parental property, they can use for their livelihood provision, and 7.6 percent perceived that the parental property can help in economic development that finally reduce the poverty rate.

Majority (76.8%) of the study population acknowledged that the equal education should be given rather than providing the parental property equally but 4.4 percent have perceived the vice-versa idea in equal sharing of the property. Furthermore 18.8 percent perceived that they should be given both education and parental property equally.

Likewise, 9.2 percent perceived that the lack of strong policy implementation mechanism, 2.0 percent perceived the lack of stable government, another 2 percent perceived the socio-cultural unfavorable issues, 1 percent perceived the lack of strong mechanism of monitoring and evaluation systems, 3.8 percent perceived the political

pressure in implementation mechanism, another 3.8 percent perceive the knowledge gap between rural and urban women, and 78.2 percent perceived the above all reasons except socio-cultural unfavorable issues are the main reasons of existing parental property rights laws and policy implementation to be less in practice in Nepal .

Furthermore, 3.8 percent acknowledged that the women themselves are the more responsible agencies for proper implementation of parental property equal rights laws, policy programs because the women should be active by themselves for monitoring and evaluation of the implementation phase. Likewise, 7.2 percent perceived the families are more responsible agencies, another 7.5 percent perceived the society, 21.8 percent perceived the state, and majority (59.7%) percent perceived the above all agencies are the more responsible factors for proper implementation of parental property equal right.

As such, 14.0 percent perceived that the formal education is the major influencing factor to make women aware for ensuring the women's property equal right. Likewise, 5.5 percent perceived that informal education, 1 percent perceived the print media, 3.1 percent perceived the electronic media, 1 percent perceived the global events and 75.4 percent perceived the above all factors are the major influencing factors to aware for ensuring the women's property equally.

However, 9.2 percent perceived the only educated people would support to the parental property equal right. Likewise, 20.1 percent perceived that the urban and advanced family can enjoy from the parental property equal right, 17.4 percent perceived that the difficult to convince to the old age people, 20.5 percent perceived that the difficult to get married to poor family, 24.2 percent perceived the difficulties in implement the laws, policy and program in traditional family, 2.4 percent perceived that the rural poor family because they do not have enough property to share equally between son and daughter. So, they will face difficult to get married of daughters. In the same way, 5.1 percent perceived that the fragmentation of family relationship, and 1.0 percent perceived the patriarchal thinking of community should be positively changed.

Similarly, 5.1 perceived the patriarchal concept of the society people, 3.8 perceived the defective policy and programs, 4.4 percent perceived the traditional types of

socio-cultural perception, 3.1 percent perceived the gender biased political and legal system, and 83.7 percent perceived that the above all reasons are associated with failure of the gender mainstreaming program in Nepal. In the same way, 9.2 percent acknowledged that the urban women are more familiar with the issue of parental property equal right in comparison to rural women, 12.6 percent acknowledged that the urban and rural women are socially, culturally and economically different. So, these two different residential settlement women cannot be compared between each other. Furthermore, 11.3 percent acknowledged that it will take number of decades for the rural women to be on decision making stage, and 18.4 percent acknowledged that the level of education and understanding capacity of these two categories of women are far different.

As such, 15.7 percent acknowledged that the parental property equal right is a secondary thing, 7.8 percent acknowledged that the life style of urban and rural women is extremely different. Finally, 24.6 percent acknowledged that the most of urban women are more facilitated and enjoying their right but rural women are depriving of those facilities and utility of the right.

9.2 Conclusions

The concept of parental property equal right is the latest concept of women development. It was emerged after 2000 on the basis of Gender and Development (GAD) perspective. The Women in Development (WIN) approaches was emerged around in 1970s but this approach did not able to address whole issues of women. Then after, the concept of Women and Development (WAD) approach was developed in the middle of the 1970s but this approach did not able to respond the whole issues of women. These both approaches emphasized only women's issues rather than addressing for both gender. It became imbalance in the society then after the concept of Gender and Development (GAD) approach was developed after 2000 with the main objectives of equal treatment for male and female (gender equality).

In the beginning when the concept of parental property equal right appeared in 2000 A.D, the society people denied and thought that it would bring fragmentation in the social harmony especially in fraternity. After long exercise and different awareness campaigning by different agencies the people are gradually become aware and they started practicing of equal distribution parental property right. But, socio-cultural norms, value, believe and so many other factors including government policy

programs are being the vital barrier element to its well implementation and practices because the old age security is mainly associated with the parental property equal distribution between son and daughter. The society still believes on son centric ideology as only the son could provide the old age security to parents. So, parental property needs to be provided to son rather than equal distribution to daughters.

The equal demand of properties owned by family members of homogenous groups, and semi homogenous group is also in practice in non human being creatures communities for their equal existing, equal prestige and equal dignity within their respective communities. Therefore, the parental property equal right for female is also the demand of feminine gender for their equal existence, equal prestige and equal dignity within their respective societies. So, the existing parental property equal right needs to be strongly implemented with effective and respective ways as a fundamental right as basic need. But parental property equal distribution system cannot be properly implemented until the government provides the provision of an equal sustainable education for son and daughter and well provision of old age security system to the community people.

9.3 Recommendations

9.3.1 Area for further Research

There are still so many area to study on the parental property equal right, i.e. perception of rural-urban difference, difference between development regions, ecological regions, by caste/ethnic groups, by religious compositions, difference between advance and poor family, educated and uneducated groups, occupational wise difference, difference between migrant and non migrants groups, difference between political and non political, healthy person and unhealthy person, difference between different ideological persons, and difference and inter-relationship between parental properties equal right policy programs, others policy programs, and many other areas. So I would like to recommend to all related agencies and individuals to conduct the further study on above suggested areas for well implementation of the policy programs related to parental property equal right.

9.3.2 Suggestion for Further Policy Formulation

1. Parental property equal right and old age security is highly co-related each other, so the government of Nepal needs to be initiating the strong policy program formulation related to the old age security.
2. The provision of age (35 years) bar and marital status (after married the women will not illegible to get parental property) of women to get parental property need to be amended from existing policy programs related to parental property equal right.
3. The main reason of continuously being failure of the government policy programs is; the lack of the provision of conducting the pre- social survey to collect people's perception whether society is agreed or not on the formulation of policy program. Therefore, the Nepal government needs to be initiating the provision of pre survey before applying any policy program for it's well and effective implementation.
4. The exiting parental property equal right policy is directly related to equal exiting theory. The Nepalese women are also fighting for parental property equal right for their equal existence within their respective society. Therefore, the Nepal government needs to initiate the existing parental property equal right policy on the basis of the universal fundamental right of basic need of human being for equal existence of human being without discrimination on the basis of gender and race.
5. The access of equal education between son and daughter can be the milestone for the well implementation of the existing policy program related to any discipline. Therefore, the Nepal government needs to be initiating the provision of public awareness programs for the equal access of education.

9.3.3 General Recommendations

1. Socio-cultural phenomenon has been a major obstacle factor in the implementation of the exiting policy program related to parental property equal right. Therefore, the government of Nepal and concerning agencies needs to conduct the nationwide awareness campaigns for people's awareness.
2. The society people are giving more preference to son because of socio-cultural and economic reasons. Therefore the Nepal government and sensible individual need to make people aware on the equality of the gender.

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Annex One

Research Tools (Questionnaires)

Perception and Practices of Property Rights to Women in Nepal

The purpose of this questionnaire is to collect information on *Perception and Practices of Property Rights to Women in Nepal* as the fulfillment of the requirements for Ph. D. Degree in Sociology in Tribhuvan University. The information supplied in this questionnaire will be used for the above purpose. No information from the respondents will be made available to others.

A. Demographic Information (Please right mark (✓) in the box)

Date:-----

Name: -----

Age:-----years

Gender:.....

Caste/Ethnicity:.....

Education:.....

Marital Status :

Occupation :

Religion:.....

Questionnaires as Objective One

To explore the causes and factors for enhancing unequal property rights between male and female			
Q. N	Questions	Probable answer	Answer code
1	What do you mean by parental property?	1..... 2..... 3..... 4.....	Write exactly what respondent s says.
2	Do you have parental property?	1. Yes 2. No	1 2 -> Q4
3	If yes, what are those ?	1. House 2. Land 3. Vehicle 4. Others please specify.....	1 2 3 4
4	Who owns your household property?	1. Grand parents 2. Father 3. Mother 4. My self 5. Others Please specify-----	1 2 3 4 5
5	Who cultivates your land?	1. Given to other farmers based on partial division of production 2. Cultivating by our own family	1 -> Q9 2
6	If Cultivating by your own family, mostly who involves in farming works?	1. Male 2. Female 3. Both 4. Hire a people for wage	1 2 3 4
7	If male are involving, basically who are they?	1. Grand father 2. Father 3. Brothers 4. Others please specify.....	1 2 3 4
8	If female are involving, who are they?	1 Grand mother 2. Mother 3. Daughters 4. Daughter in laws 5. Others Please specify.....	1 2 3 4 5
9	If people are hired, who	1. Male	1

	might be available?	2 Female	2
10	Who are the earning persons in your family?	1. Male 2. Female 3 Both	1 2 3
11	Do you get support from your family?	1. Yes 2. No	1 2 → Q13
12	If yes, what types of support they provides you	1. Moral support 2. Monetary support 3. Schooling support 4. Supports in household decision 5. Supports in business 6. Supports in farming 7. Supports for seeking job 8. Supports in others Please specify.....	1 2 3 4 5 6 7 8
13	What are the main duties of women in your family?	1. Main bread winners 2. Household decision making 3. Washing cloths 4. Clean of Dices 5. Clean of house and yard 6. Caring of children and family members 7. Caring of live stocks 8. Schooling of children 9. Cooking food 10 Water Fetching 11. Above all 12. Others Please specify.....	1 2 3 4 5 6 7 8 9 10 11 12
14	What are the main duties of men in your family?	1. Main bread winners 2. Household decision making 3. Washing cloths 4. Clean of Dices 5. Clean of house and yards 6. Caring and bearing of babies and family members 7. Caring of live stocks 8. Schooling of children 9. Cooking 10. Above all 11. Others Please specify.....	1 2 3 4 5 6 7 8 9 10 11
15	Who plays the important role in decision	1. Male 2. Female	1 2

	making process in your family?	3. Both with compromise	3 -> Q18
16	If male, Please explain the reasons why male plays importance role in decision making ?	1..... 2..... 3..... 4.....	
17	If female, Please explain the reasons why female plays importance role in decision making ?	1..... 2..... 3..... 4.....	
18	Is land registered under the ownership of female members of your family?	1. Yes 2. No 8. Don't know	1 2 3 -> Q21
19	If yes, please explain the reasons why land is registered under the female ownership?	1..... 2..... 3..... 4.....	
20	If no, please explain the reasons why land is not registered under the female ownership?	1..... 2..... 3..... 4.....	

		
21	Do you know about gender discrimination ?	1. Yes 2. No 8 . Don't know	1 2-> 23 3-> 23
22	If yes, what is the gender discrimination ?	1. Biasness in parental property distribution 2. Biasness in Education achievement 3. Biasness in getting food 4. Biasness getting clothing 5. Biasness in wage 6. Biasness in work 7. Above all 8. Biasness in others (specify.....)	
23	In your opinion, what are the leading causes of the gender discrimination in Nepal?	1. Generation culture transformation 2. Socio- culture values, norms and belief 3. Joint family system 4. Son preference society 5. Low level of women education 6. Mal practice of national laws and policies 7. Agricultural occupation 8. Male dominant societies 9. Old age insecurity 10. Above all 11. Others Please specify.....	1 2 3 4 5 6 7 8 9 10 11
24	Why Nepalese people given more preference to son comparing to daughter?	1..... 2..... ... 3..... ... 4.....	
25	What do you mean by parental property rights?	1..... . 2..... . 3..... . 4..... .	
26	Do you know parental property rights system	1. Yes 2. No	1 2

	daughters in your family?		
34	If yes, what the portion based?	1. Equally base between son and daughter 3. Proportionally based between son and daughter	1 2
35	Since when it is in practice in your family ?	1. Before democracy established in Nepal (2046 BS) 2. After Democracy established in Nepal (2046 BS) 3. After people movement in Nepal (2062/063 BS)	1 2 3
36	If No, please explain the reasons why do you have no practice in your family ?	1..... 2..... 3..... 4.....	
37	Do you think it is appropriate practice to share equal parental property between son and daughter?	1. Yes 2. No 8. Don't know	1 2 3 →Q 40
38	If yes, please explain the reasons why it is appropriate?	1..... 2..... 3..... 4.....	
39	If No, please explain the reasons why it is not appropriate?	1..... 2..... 3..... 4.....	
40	In your opinion what are the cause factors enhancing for gender	1. Socio- culture values norms and belief 2. Traditional type of societies 3. Poor implementation of existing policy program 4. Lack of political commitment 5. Level of education	1 2 3 4 5

	inequality in property rights?	6. Lack of awareness 7. No provision of old age security by government 8. Male dominant society 9. Lack of female participation in decision making 10. Above all 11. Others	6 7 8 9 10 11
41	If socio-culture values norms and belief, explain how it is enhancing for inequality in property rights?	1..... 2..... 3..... 4.....	
42	If traditional type society, how it is enhancing for inequality in property rights?	1..... 2..... 3..... 4.....	
43	In your opinion, what action need to be apply to make strong implementation of existing policy programs of equal parental property rights in Nepal?	1..... 2..... 3..... 4.....	

Questionnaires as a objective two

To examine the consequences of equal parental property right to women			
44	In your opinion what types of consequence may arise by equal property rights between male and female?	1. No intimacy between sisters and brothers 2. Possibilities of factoring the property into small pieces 3. Both son and daughter ignores the parents and family 4. Increase the divorce case 5. Encourages to live single 6. More cases in judiciary regarding property 7. Change the Socio - cultural pattern and practice 8. Social and cultural development 9. Above all 10. Others..... please specify	1 2 3 4 5 6 7 8
45	If change the socio cultural pattern and practice what could be those?	1..... 2..... 3..... 4..... 5.....	
46	What types of impact may occurs if women get equal parental property rights?	1. Women will be more empowered for decision making 2. Women will be economically sound and independent 3. Occurs socio - cultural impact 4. Breaks family relation 5. Above all 6. Others Please specify.....	1 2 3 4 5 6
47	Do you agree parental property right of women is only women's issue?	1. Yes 2. No	1 2 →50
48	If yes, please explain why it is only women's issues?	1..... 2..... 3..... 4.....	
49	If No, please explain why it is	1..... 2..... 3.....	

	not only women's issues?	4.....	
50	In your opinion, what types of women is most likely to get parental property?	1. To all women 2. Physically disabled women 3. Economically deprived women 4. Socially deprived women 5. Others Please specify-----	1 2 3 4 5
51	What are the main reasons preferences of the Son toward parental property rights in Nepalese Society?	1. Old age insecurity 2. No involvement of daughter in religious functions after parents death 3. Socially and culturally not acceptable to live maternal home after get married of daughters 4. Male dominant society 5. Others please specify.....	1 2 3 4 5
52	Why Nepalese women seek to get the share of parental property?	1. Women are more empowered 2. Level of education and more aware 3. Globalization and rapid development of IT 4. Transformation of the women's role 5. Increment of women participation in decision making 6. For future security 7. Feelings of insecurity in economic conditions 8. Above all 9. Others Please specify.....	1 2 3 4 5 6 7 8 9
53	What do you think about parental property equally sharing between son and daughter as a right base?	1. It is a good 2. It is not good 3. Others (specify.....)	1->55 2 3
54	If good, please explain why ?	1..... 2..... 3..... 4.....	

55	If not good, please explain why?	1..... 2..... 3..... 4.....	
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Questionnaires as a objective three

To find out the changes in the parental property distribution system and practices after Democracy 2046			
56	Do you think some system have been changed in parental property sharing in Nepal after restoration of democracy 2046 BS ?	1. Yes 2. No 8. I don't know	1 2 →Q58 8 →Q58
57	If yes, please explain what are the changes?	1..... 2..... 3..... 4.....	
58	Are you feeling that the Nepalese women life style have been changed after established the provision of parental Property sharing system in Nepal?	1. yes 2. No 8. I don't know	1 2 →Q60 8 →Q60
59	If yes, please explain what are the changed	1..... 2..... 3..... 4.....	

	in Nepalese women's life styles?		
60	Do you feel the current law of parental property rights is justifiable?	1. Yes 2. No 8. I don't know	1 2 →Q63 8 →Q63
61	If yes, why it is justifiable?	1..... 2..... 3..... 4.....	
62	If No, why it is not justifiable?	1..... 2..... 3..... 4.....	
63	Do you think the existing parental property sharing system can help to reduce the gender inequality in Nepal?	1. Yes 2. No 8. I don't know	1 2 →Q66 8 →Q66
64	If yes, how it help to reduce the gender inequality in Nepal?	1..... 2..... 3..... 4.....	
65	If No, why it couldn't help to reduce the gender inequality in Nepal?	1..... 2..... 3..... 4.....	
66	Do you feel that the existing law and policy of equal property	1. Yes , It is adequate 2. No, It is not adequate and need to be reform	1->68 2

	right system is adequate or need to be reform in certain areas?		
67	If not adequate and need to be reform, what should be reformed ?	1..... 2..... 3..... 4.....	
68	Do you believe that the equal parental property rights reduce the poverty rate in Nepal?	1. Yes, I believe it 2. No, I don't believe it	1 2 ->Q71
69	If yes, how it reduce the poverty rate?	1..... 2..... 3..... 4.....	
70	If No, why it does not reduce the poverty rate?	1..... 2..... 3..... 4.....	
71	In your understanding, which should be first priority for women's empowerment?	1. Education 2. Sharing equal parental property 3. Others (If other specify.....)	1 2
72	What are the main reasons of depriving the Nepalese women?	1. Educational exclusion 2. Unequal power distribution 3. Discriminatory Laws and constitutional provision 4. Low willing power of women 5. No willing to equal participation 6. Above all	1 2 3 4 5 6

		7. Others Please specify.....	7
73	In your opinion, what is the major challenge to get equal property rights for Nepalese women?	1. Patriarchal value of society 2. Socio - cultural values, norms and belief 3. Existing traditional thought 4. Low level of women education 5. Joint family system 6. Parent would not understand the son and daughter both are equal 7. Existing law and policy are not strongly implemented 8. Lack of strong commitment of politicians 9. Others Please specify-----	1 2 3 4 5 6 7 8 9
74	Do you know what could be an effective solution for equal access of parental property rights of Nepalese women?	1. Parent should treat son and daughter equally 2. Education access should be equal between son and daughter 3. People need to be make massively aware 4. Women need to be involve in cash income activities beside household work 5. Women should be empowered themselves 6. Excising policy program need to be strongly implement 7. Above all 8. Others Please specify-----	1 2 3 4 5 6 7 8
75	Equall parental property rights to married women is good idea?	1. Yes 2. No 8. Don't know	1 2 ->Q78 8 - >Q78
76	If yes, why it is good idea?	1..... 2..... 3..... 4.....	
77	If No, why it is not good idea?	1..... 2..... 3..... 4.....	
78	Do you think there will be some changes in social status of Nepalese women once they	1. Yes 2. No 8. Don't know	1 2 ->Q80 8 ->Q80

	get parental property rights?		
79	If yes, what might be changes?	1..... 2..... 3..... 4.....	
80	Who will be more benefited from the equal parental property rights?	1. Male 2. Married women 3. Unmarried women 4. Separated women 5. Divorced women 6. Single (widow) women 7. Above all 8. Others Please specify.....	1 2 3 4 5 6 7 8
81	Which of the following women get more benefit from equal parental property sharing system?	1. Educationally sounds women 2. Socially and culturally sounds women 3. Politically sound women 4. Economically sounds women 5. Empowered women 6. Above all 7. Others Please specify.....	1 2 3 4 5 6 7
82	Which area will be most affected once women get parental property rights?	1.Social sectors 2. Political sectors 3.Cultural sectors 4.Economic sectors 5.Education sectors 6.Above all 7. Others Please specify.....	1 2 3 4 5 6 7
83	In your opinion, why existing parental property rights law and policy implementation is less in practice?	1. Lack of strong policy implementation mechanism 2. Lack of stable government 3. Socio –cultural un-favorable issues 4. Lack of in-counter system 5. Political pressure in implementation mechanism 6. Knowledge gap between rural urban women 7. Lack of monitoring and evaluation system 8. Information is not widely dissemination 9. Living Joint family system 10. Above all 11. Others please specify.....	1 2 3 4 5 6 7 8 9 10 11

84	Who should be more responsible for proper implementation of parental property right law?	1. Women themselves 2. Family 3. Society 4. State 5. Above all 6. Others Please specify.....	1 2 3 4 5 6
85	Which of the following factor is playing an important role to make aware of women ensuring their property rights?	1. Formal education (School, college and University) 2. Non formal education (GO, NGOs/INGOs activites) 3. Teachers and health workers 4. Political leaders 5. Print medias 6. Electronic medias 7. Global events 8. Above all 9. Others Please specify.....	1 2 3 4 5 6 7 8 9
86	Are Socio - Cultural and religious belief are playing a role for women's exclusion in parental property sharing system in Nepal	1. Yes 2. No 8. Don't know	1 2 8
87	Write your opinions on societal reflection about the parental property rights to Nepalese women?	1..... 2..... 3..... 4.....	
88	In your ideas, what are the main reasons of	1.Patriarchal thinking 2. Defective policy and programs 3 Mal implementation mechanism of existing policy programs	1 2 3

	failure the gender mainstreaming program in Nepal?	4.Traditional type of socio-cultural perceptions 5. Low level of women education 6. Lack of awareness 7. Gender biased political and legal system 8. Above all 9. Others Specify.....	4 5 6 7 8 9
89	Please express your views about the relationships between rural-urban socio cultural structure and parental property rights of Women in Nepal?	1..... 2..... 3..... 4.....	

Thank you very much for your kind co-operation and help providing me yours valuable time!

Name of interviewer: Signature of interviewer:.....

Date :.....

Annex 2

Pictures

Pictures Of Researcher Along With Participants In Focus Group Discussion

Source: FDG, 2014. The researcher and participants are making hot discussion related to parental property.



The focus group discus was conducted in Garden of Nepal Law Campus, Bhrikutimundop, Kathmandu on March 17, 2014.