

Property Ownership
& Inheritance Rights
of Women for
Social Protection—
The South Asia
Experience

*Synthesis
report
of three
studies*

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Property Ownership and Inheritance Rights of Women for Social Protection – The South Asia Experience

Synthesis Report of Three Studies

Domestic Violence and Women's Property Ownership: Delving Deeper into the Linkages in Kerala

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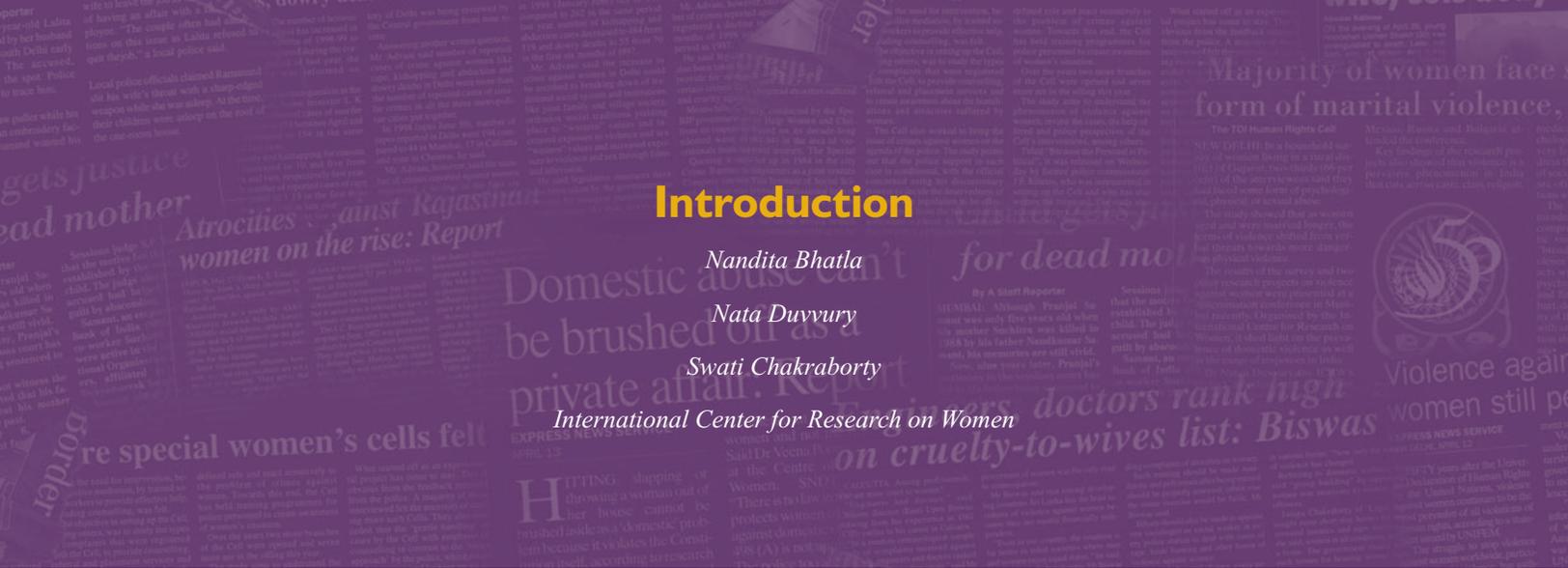
Property Ownership and Inheritance Rights of Women as Social Protection from Domestic Violence: Cross-site Analysis

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Introduction

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Discourse on social protection has gained currency in the recent decades, given the rapid economic transition in many developing countries across the world, including those in South Asia. While there is no single definition of social protection, it is widely understood as a combination of policies and programs aimed to reduce vulnerability and enhance capacity to manage risk in times of social and economic crisis, and reduce poverty.

Over the years, the definition of social protection itself has undergone change. According to the ILO definition of 1984, social protection comprised economic measures to protect workers against work related problems, such as death, old age, and injury. Recent literature records a shift and broadening of social protection from an essentially economic concept centered on provision of simple social security to incorporate other socio-economic indicators of vulnerability, such as gender, age, migratory status (Cook, Kabeer and Suwannarat 2003). Different aid agencies have added their specific perspectives to the core definition of social protection. For example, while the Asian Development Bank views it as “a design aimed at reducing poverty by making growth more efficient and equitable”, for UNICEF it is a human rights based approach with a specific focus on addressing vulnerabilities of children. WHO emphasizes the reduction of risk factors that pose a threat to human health and those beyond the domain of the health field, such as environmental degradation, inadequate housing, and lack of education. Overall, social protection is now viewed as a policy frame-

work that in the short term reduces vulnerability and enhances the capacity to manage economic risk, and in the long term enhances human potential and promotes equality of opportunity.

Social protection is essentially of two types – formal and informal. The term “formal” is used to describe social protection provided by the State and market based actors (private insurance firms), while “informal” covers individual and collective arrangements (arrangements by family/ kin/aid societies). Formal measures, such as social security and insurance schemes, though relatively more visible, are often available to a negligible proportion of the population in many developing countries. As Moghadam puts it “In developing countries, social security programs cover a relatively small part of the population, and are uneven in their scope and are especially problematic in their coverage of women” (Sabates and Kabeer 2003). Evidence suggests that poor households in these countries scarcely benefit from direct state support, relying more on informal arrangements (Norton, Conway and Foster 2001; Cook, Kabeer and Suwannarat 2003). This lack of access has led to questions about the methods of provision of social protection. Cook (2003) argues that it would be wiser to provide social protection through investment in health and education sectors, as it would help the vulnerable to take necessary steps for protecting themselves from shocks in the short as well as the long run.

A review of literature indicates numerous problems and challenges in existing social protection interven-

tions as well as additional components that need to be incorporated within existing frames and design of social protection. Studies of social protection interventions carried out in China, India, Indonesia, Malaysia, Philippines and Republic of Korea show that these schemes suffered from various weaknesses such as inadequate funds, few beneficiaries, leakages in targeting, inadequate monitoring of output and insufficient coverage.

Studies also underscore the need to meet challenges posed by growing insecurity and inequality. With expanding definitions of social protection, focus is shifting to sociocultural processes, demographic changes, and political processes that need to be addressed for social protection measures to be truly beneficial. In this discussion, gender is identified as a critical dimension to the success and relevance of social protection programs.

Gender within the social protection framework

The inherent inequality faced by women within households, communities and society, forms a critical barrier to their access to social protection. Their unequal status, reflected in various social and economic indicators, highlights specific vulnerabilities they face. Gender influences what constitutes risk, the capacity to manage risk and the outcomes of crisis. Women and men are exposed to different risks, or may experience different degrees of vulnerability, depending on their capacity to have resources to manage risk effectively. Thus, an *understanding of gender dynamics is essential while addressing the question of social protection.*

During economic crisis, women workers are usually first to be laid off. An analysis of the South East Asia crisis (Suwannarat 2003) reveals that while overall employment figures indicate that women fared relatively better than men during the crisis, in reality this was not indicative of lower vulnerability or risk. Women fared better, only because they adopted measures such as working for lower paid jobs, working more hours, taking on increasingly informal or home based work, which together cannot be seen as faring

“better” or indicating that they are less vulnerable or more “protected.”

Women are also affected by the inherent gender bias in informal systems of social provisioning. Within informal systems of social provisioning, the family and community act as primary means of social protection in developing, low income countries. Literature records that the burden of social security provisioning by families falls heavily and disproportionately on women. Moreover, these informal systems are rooted in gender norms, often maintain the status quo with respect to women, and inherently contribute to increased vulnerability of women by denying them social support in particular circumstances such as widowhood.

Further, most of the traditional social protection programs consider the household as the unit of benefit of the measures or schemes, with the implicit assumption that women automatically benefit. Evidence suggests that undue focus on the household or family (without attention to intra-household dynamics, inequities, and processes that generate these) compromise the efficiency, equity and effectiveness of social protection programs (Ezemenari, Chaudhury and Owens 2002). This study also concludes that the most important factor that mitigates consequences of adverse shocks is household level assets.

While asset base of household is important, there is little empirical evidence to establish whether differential access to assets by men and women within the household results in differences in investment decision and behavior of men and women. What has been established, however, is that greater control over assets by women lead to more expenditure on child’s health, education and food of the household. According to a study by Quisumbing and Maluccio (1999), in Bangladesh, Ethiopia and Indonesia, households with larger proportion of assets under the control of women spend more on children’s education. This study also finds that bargaining power within the household depends a lot on the type of asset the person owns.

Some of the above-mentioned concerns and analyses have placed gender within the current debates of social protection. Importance of incorporating gender issues in the social protection programs of the poor countries where women in general have fewer rights, limited voice and less access to resources and assets, is now increasingly recognized.

En-gendering social protection further – incorporating violence as a specific risk faced by women

Furthering the analysis of risk through a gender lens requires mapping the different risks women face. Such a mapping would highlight that women, on-account of their gender, face an intertwining of social and economic risks. Domestic violence is a particularly clear manifestation of the social and economic risks that many women worldwide face on the basis of their gender. Social protection programs targeting economic risks, thus, only partially address women's vulnerability.

Domestic violence, though usually unrecognized, is a prevalent and pervasive risk that affects a large majority of women across the world, and more so in the developing countries. A World Bank study estimated that rape and domestic violence are “a significant cause of disability and death among women of reproductive age in both the industrial and the developing world.” These account for 5 per cent of the healthy years of life lost to women of reproductive age in demographically developing countries. At a global level, the health burden from gender-based victimization among women age 15 to 44 is comparable to that posed by other risk factors and diseases already high on the world agenda, including the human immunodeficiency virus (HIV), tuberculosis, sepsis during childbirth, cancer, and cardiovascular disease (World Bank 1993). Similarly, WHO recognizes that violence against women causes more death and disability in the 15–44 age group than cancer, malaria, traffic accidents and war combined (World Health Organization 1997). The

same report also states, “recent studies suggest that between 16 and 52 per cent of women worldwide were physically assaulted by an intimate partner at least once in their lives.”

Findings from ICRW's first phase of research on domestic violence¹ demonstrate that domestic violence is a widespread problem in India, with an extensive but inadequate response. In the multi-site household survey, with nearly 10,000 respondents, almost one in two women reported experiencing at least one form of domestic violence, and over 40 per cent reported physical violence (being slapped, hit, kicked or beaten) by their husbands (INCLLEN-ICRW 2000).

Inter-spousal violence can be seen as the most fundamental and prevalent form of gender inequality and a grave manifestation of the low status that women occupy in society and the household. Domestic violence is also a form of vulnerability that is heightened during any form of crisis that the household or community faces. In economic terms, the direct costs of domestic violence for a household include loss of income, productivity, health care costs and costs of accessing other services. While there are a few available estimates of the cost for a household, a preliminary estimate in rural Nagpur – taking into account only missed days of paid work, household work and health care costs – totaled to about Rs. 2000 per incident of domestic violence with physical injury (INCLLEN-ICRW 2000).² In-depth interviews of women who reported severe injury revealed ongoing health problems and a pervasive loss of enthusiasm, resulting in lower productivity and irregular work patterns. Thus, domestic violence has particularly serious repercussions for households already economically vulnerable and seriously undermines the ability of women experiencing such violence to manage economic risks.

Women's economic vulnerability is particularly heightened in a situation of domestic violence, due

¹Domestic Violence, in this document and in all the quoted ICRW studies, specifically refers to violence in the inter-spousal relationship.

²Interestingly, in this study, 42 per cent of women reporting injury due to domestic violence also reported that their husbands missed work, on average, for 9.84 days and others left home for an average of 7.58 days after an incident of violence, indicating serious consequences for the household economy.

Domestic Violence as a specific risk faced by women, to be included in SP programs

- ✓ Compromises personal security – no shelter
- ✓ Compromises household security
- ✓ Compromises ability to be gainfully employed
- ✓ Compromises household income /productivity
- ✓ Increases the risk of destitution
- ✓ Contributes to lack of access, control, decision making
- ✓ Reduces negotiation and bargaining power over resource allocation
- ✓ Limits mobility, access
- ✓ Decreases women's access and participation in overall development programs (including Social Protection)

to the actual or threatened loss of shelter. Deprivation of basic needs, including food (and shelter), are commonly reported in situations of domestic violence. Data from a study in West Bengal indicates that over 90 per cent of women facing domestic violence report deprivation of food and shelter (SMS-ICRW 2002).

Analysis of records of service providers in India has found fear of loss of shelter and lack of economic options are the reasons why women continue in abusive relationships (Dave and Solanki 2000). In the event a woman is thrown out of the house, she faces risk of destitution and, possibly, loss of the site of employment or production. Violence compromises not only her ability to be gainfully employed, but also the possibility of her accessing any employment or formal social protection program.

Domestic violence, thus, has repercussions for the household dynamics, including bargaining, decision-making, and mobility of women, impacting woman's say in resource allocation or household assets. It is a manifestation, in many senses, of the intra-household inequities and, thus, forms an important

reality to be considered for increasing the efficacy of social protection programs.

An alternative framework: domestic violence and property ownership

A gender-sensitive social protection framework *needs to recognize the centrality of domestic violence in women's lives*. Through its research on various aspects of domestic violence, ICRW has established that violence is not only a woman's issue, or even a health issue, but an issue that impacts the development process as a whole. Domestic violence costs development, obstructs participation in development processes and contradicts the goals of development. (Burton, Duvvury and Varia 2000). Underlying domestic violence are gender norms that result in differential power between men and women, particularly in access to and control of productive immovable assets. Women experience gender-based disadvantage in access to and control of productive resources and assets, which severely limits their ability to manage economic shocks and social risks. In many developing countries, including those in South Asia, laws, policies and/or customary practices, which restrict women's ability to own or inherit property, contribute to their vulnerability. A report by the United Nations Center for Human Settlements (U.N. Habitat) observes that "rights in, access to, and control over land, housing and property... is essential to women's everyday survival, economic security, and physical safety. (UNCHS 1999). In order to enable women to gain social protection to manage risk and social and economic instability, the right to own and inherit property is critically important. In the West Bengal study (SMS-ICRW 2002) mentioned earlier, women facing violence identified ownership of land as a significant factor that would have enabled them to protest against domestic violence sooner than they did. The vulnerability of women, thus, is critically dependent on the immediate social environment in which they live. Domestic violence imposes impossible choices for women between security of shelter, economic dependence or continued abuse. Ownership of property (including land or house or both) by women may provide them with a means of sustained economic and social security, which, unlike shock-

Immovable productive property as the specific household level asset that has potential to mitigate economic and social shocks for women

At household level

Not affected by vagaries of market

- ✓ house as shelter
- ✓ form of insurance - collateral for loans, sold
- ✓ secure site of production
- ✓ contribute to equality, empowerment – enhance capacities- negotiation, bargaining power, role in decision making of self, children and household
- ✓ increase mobility – employment, access to social support networks, ability to pool risks, access to/ participation in development programs

At community level

Positively influence norms in favour of women – particularly those around gender roles and around access, control and ownership of resources /assets

Long term - Impact intergenerational security, accumulation of social capital by women, contribute to gender equality

specific safety nets (such as employment schemes, disaster aid), influences social and cultural norms, gender attitudes, and family and community networks.

Thus, an alternative framework also needs to recognize that intra-household dynamics and gender inequities influence women's access and control over resources/assets. Measures that seek to lessen this inequity and reinforce positive social norms are essential-not only to reduce risk, but also to build social capital for women to deal with risk in the long run. Thus, it maybe hypothesized that enabling women's right's over ownership and control of property and inheritance would be protective for women from social and economic shocks, particularly those arising from the experience of domestic violence.

A recently conducted household level survey in Kerala suggests that the conceptual framework is relevant –i.e. ownership of property does act as a pro-

TECTIVE measure against the specific risk experienced by women, namely domestic violence. The study found that ownership of property was the strongest predictor of reduced risk for women's experience of both physical and psychological violence. The study found a strong negative or inverse relationship between women's experiences of both physical and psychological violence and their ownership of property. This was maintained *even after* controlling for a host of other well-known correlates, including woman's education, per capita income, level of social support, husband's risk behavior and a history of violence in wife's family during her childhood (Panda and Agarwal 2005). Thus, while demonstrating an empirical relationship between women's ownership of property and reporting of domestic violence, the study did not delve into *how* women's property ownership could result in reduced reporting of domestic violence, or explore issues such as the nature of ownership, the form of ownership, control over property, and so on.

Multi-site study on property ownership and domestic violence

ICRW undertook this current research initiative, seeking to extend the concept of social protection beyond traditional economic and social instruments provided by public and private sectors, to include property ownership as a rights-based resource claimed by individuals and protected by law.³ This multi-site research project, funded by the Ford Foundation, explored “*whether*” and “*how*” women's ownership and control of land and/or house act as a form of social protection against a specific vulnerability, namely the experience of domestic violence. The central argument is that women's ownership of property extends their capabilities, expands their negotiating power, and enhances their ability to address vulnerability, therefore serving as a critical factor of social protection for them against domestic violence.

Specifically, the objectives of the study were to:

- ▶ Generate empirical data to document the association between experience of domestic violence and women's ownership of property across different cultural contexts;

³ This research study was funded by the Ford Foundation

- ▶ Document the ways in which property ownership reduces women’s vulnerability to and enhances their ability to deal with domestic violence;
- ▶ Explore community perceptions, attitudes and practices around women’s property ownership; and
- ▶ Promote dialogue in the region on women’s property ownership to broaden the conceptualization of social protection

This multi-site, comparative study was conducted in two states of India (West Bengal and Kerala) and Sri Lanka –two South Asian countries with diverse contexts in terms of women’s access to and ownership of property, i.e. land and/or house.

This report brings together the results of the three site studies and a cross-site analysis that points to certain similarities and differences that emerge from the analysis of the three sites. The cross-site report also proposes a potential framework of pathways, *and* accompanying factors by which women’s ownership of property influences their experience of domestic violence.

Methods

Rationale for the selection of sites and sub-sites

The sites for the study were chosen to get a mix of the different customary practices and state laws by which women own property, specifically land and/or house. Additionally, within each site, both rural and urban study areas were selected. Within India, Kerala implements an inheritance law of equal division between daughters and sons and has a history of customary recognition of women’s rights over property. Similarly, one of the regions chosen in Sri Lanka has a high proportion of Sinhalese population, who traditionally follow bilateral rules of land ownership and inheritance, whereby married women have independent rights to own and control land. Conversely, West Bengal follows the Dayabhaga system of inheritance

and is also one of the Indian states having the highest government figures of land distribution to women. Ownership of property through state initiatives could have a differential impact on their status, when compared to inheritance. To explore deeper the comparison between state and customary provisions on property, a land redistribution site was chosen in Sri Lanka as well.

The study design comprised a mix of qualitative and quantitative methods to gather information. Qualitative methods were used in all three sites to map the specific context of each site and explore in-depth community attitudes and existing practices around women’s property ownership and domestic violence. Further, through qualitative methods, the pathways and processes through which women’s property ownership impacted reporting of experience of domestic violence, were explored. A quantitative household survey was undertaken in West Bengal and Sri Lanka to empirically verify the association between women’s ownership of land and/or house and reporting of domestic violence, as was found in the study undertaken in Kerala, as described above.

At each site, the study comprised 3 phases:

1. The pre-quantitative phase:

Qualitative methods, such as focus group discussions with men and women, and key informant interviews, explored the existing practices – formal and customary, supportive and discriminatory – around women’s property ownership and community’s perception and attitudes towards these practices. Further, the context of domestic violence and existing community norms towards domestic violence were also mapped. This phase, besides helping to develop the context of the specific sites, contributed to rapport building (and in Kerala to introduce the quantitative re-survey) and aided the culture-specific modifications of the instruments.

⁴ Dr. Pradeep Panda had already undertaken the survey in 2001 as an independent project with funding from Kerala Research Program on Local level development, CDS, Kerala, India. The modules on domestic violence in the survey instrument were from the INCLEN-ICRW instrument of a prior study on the prevalence on violence, which also formed the basis of the current research study. Hence comparability was possible across the sites. The domains of information explored in the narratives and FGDs were common across sites.

2. *The quantitative phase:*

In Sri Lanka and West Bengal, the partners implemented a primary household survey with currently married women, 15 years and older⁴. ICRW worked with partners to redesign its exiting questionnaire on violence to include new modules on details regarding the property ownership of the woman respondent, her husband, and family details. In Kerala, a re-survey of all women who were part of the initial survey (2001) was undertaken to gather information on the additional property modules. Additionally, in each site, some context-specific sections were included. Sri Lanka added a section on middle-east employment, while in Kerala, a section on matriliney was included. Approximately 450 women, randomly sampled within the chosen locations, were surveyed per site.⁵

3. *Post-quantitative (in-depth narratives):*

To map ways in which ownership of land and/or house impacts women's vulnerability to experiencing domestic violence, and delve further into the "how", 30 in-depth qualitative interviews per site were conducted with select groups of women, identified from the respondents surveyed.⁶ A narrative method was used to gather the woman's marriage experiences, relationships with natal family, experience of violence and responses to it, and the enabling and constraining factors. Common domains of information identified across the sites included women's exercise of effective control over property, impact on the nature of household gender dynamics, overall decision-making patterns, women's experience of personal, economic and social security. The focus was understanding the pathways by which property ownership translated into decreased vulnerability to violence, or increased capability to deal with the repercussions of violence.

Description of the studies

The Kerala study: In Kerala, this study focused on understanding the strong negative correlation between property ownership and domestic violence pre-

viously established by the 2001 study. Data collection included a re-survey of women in the original sample to elicit more detailed information on property ownership and in-depth narratives to explore how and why property ownership may be making a difference to the lives of women.

The study found that there was a striking overall similarity in the pattern of property ownership between men and women, with about 36 per cent of men and women each owning immovable property (either land or a house or both). Regardless of sex, the ownership of a house was greater than the ownership of land, but more women reported ownership of both land and house than men. This overall equality in property ownership could perhaps be a reflection of equality of inheritance rights of sons and daughters over parental property. The receiving of property at the time of marriage, as dowry was a dominant trend, thus giving the woman a "propertied" status as she entered in the marital relationship. Another striking feature in Kerala was the reporting of ownership of non-agricultural land by some women, which was typically purchased.

Women who owned property and did not face violence mentioned the role of owning property in protecting them from potential violence. They recognized the current and future expectations from property for a better quality life (e.g., financial independence), enhanced status, and greater respect in marital family and involvement in decision-making in marital family. They also report that they control the use of the property, and it provides regular income. However, there are additional factors that impinge on the experience of violence despite property ownership, such as the husband's employment status and the gender gap in property ownership. Significantly, the woman's access and control over her property seems to determine how protective the property is for her in times of need. However, property does play a role in helping women deal with the situation effectively or escape,

⁵ The exact total for final analysis has varied across each site due to certain constraints such as exclusion of women who were deserted, incomplete data, etc.

⁶ The common criteria for selection of women for narratives across sites was based on the following parameters: a. experienced violence/did not; b. own property/no property (land/house/both) c. response to violence (left home/did not; returned/did not). In addition, each site also identified its specific criteria.

if violence does occur. Thus, women with property were more likely to leave and not return if they faced violence, and all of them reported residing in their own house after leaving, a feature that is unique to Kerala. For women who did not own property, social support, and in particular the support from parents, was a critical factor.

The West Bengal study: Among women in the sample, approximately 34 per cent reported owning property, land or house. Inheritance from the natal family was the most common source of property acquisition, followed by purchase. Purchase as a form of property acquisition was reported more in urban areas. However, women typically received their property a few years after marriage (average being 9 years), and thus its impact on violence and her status can be seen only after its acquisition.

The extent of violence experienced by women was very high for all forms of violence – physical, psychological and sexual. It is striking that in spite of active panchayats and community groups, the response towards violence is so low and unsatisfactory. Women reported severe health and economic consequences of violence, and also highlighted the social and economic factors that fueled violence – unemployment and irregular employment, economic insecurity of the household as a whole, and alcoholism. The lack of alternative shelter (reported by 94 per cent of the women), viable livelihoods and social support were identified as the main constraints that prevented women from dealing effectively with the violence that they face.

In West Bengal, too, ownership of property by women did act as a factor that protected them from domestic violence. Overall, house ownership appeared to be more protective than land, and land is more protective when it was productive and accessible. Thus, the quality and use of land were critical factors determining its relative impact on the experience of domestic violence. Despite the difference in socio-cultural contexts, the women who owned property reported higher confidence, ability to take decisions and respect from both the family and community. Further, women who faced violence did report a change

in their situation after coming into property. Given that the most common source of property acquisition is inheritance, the role of the fathers in ensuring their daughters' right to property seems to be significant.

The West Bengal report emphasizes the need to view violence and the questions of women's property rights within today's changing scenarios and the larger socio-political contexts, in general, but specifically within the changes in West Bengal. Given that the land situation is undergoing major changes, questions such as ownership, nature of ownership, control and access to land and house, need to be considered within the changing frames of the agrarian situation. Similarly, efforts to address and actually curb violence need to point towards structural and behavioral changes. The apathy to the continuing violence that women face, the weak implementation of laws and policies, inherent biases in economic, social and political programs and policies that perpetuate and worsen the situation for women, are some of the factors that need to come within the ambit of review. Finally, the role of social biases and patriarchal systems that limit and constraint women and perpetrate systemic violence, cannot be over emphasized.

The Sri Lanka study: The Sri Lanka study reported several findings that were different from the other two studies. The study sample was the Sinhalese community that follows a bilateral system of inheritance, under which sons and daughters inherit equally. One-third of the sample women reported owning land and/or house. However, the expectation of dowry or assets to be brought in by the woman was not reported. Dowry was not seen as a pre-requisite to marriage by women across the three study sites within Sri Lanka.

Significantly, the prevalence of domestic violence in Sri Lanka reported was low as compared to the other sites of study in India, with the reporting of physical violence being strikingly low at approximately 13 percent. However, the study highlights notions of patriarchy and social norms that operate in the context of the Sri Lankan society, making women passive subjects to the violence inflicted on them. The silence

around domestic violence is perpetuated through strong social-cultural norms and stigma. The taboo on talking about “such private” matters, the sense of “shame” and “embarrassment” to the family, especially if they have children, takes precedence over personal feelings or even personal safety. Escaping a situation of domestic violence becomes even more problematic when women are financially insecure.

The women linked violence to economic insecurity, alcoholism, and sexual infidelity. Many women spoke of the impact that violence had on their lives and that of their children. Women highlighted the mental stress from being in a violent relationship, even if it consisted primarily of verbal abuse. The lack of support from parents and kin and poverty, along with limited livelihood options were viewed as major deterrents for women in dealing effectively with violence.

In Sri Lanka, the study does not find an association between the ownership of property and domestic violence, i.e. women with property and those without (irrespective of the type of property owned) were found to be equally likely to report violence. Thus, while women did not report that having property protected them from the experience of domestic violence, they did mention the advantages of property in helping women deal with a violence situation – namely that of providing economic security. Women perceived the status and respect that ownership of property accorded to them. Ownership of property in their own name was seen as a critical element of social status and economic protection. The majority of women agreed that property ownership by women increased their status within the marital family, gave a great sense of self-worth and enhanced their ability to speak out. Interestingly, a majority also reported that ownership of property could prevent marital conflict and was also a protection in case of such conflict. Among propertied women who experienced violence, the majority indicated that, in fact, they attempted to change the situation within their

relationship. On the other hand, non-propertied women experiencing violence highlighted that the lack of ownership of property “meant she could not walk out of the abusive relationship.” The critical advantage of property was seen primarily as economic – as a form of protection in times of economic crisis, old age, and widowhood, a type of insurance and something that increased options for income generation.

Commenting on the complexity of pathways by which property and violence are linked in Sri Lanka, given its different context, both historically and the current economic and political changes, the report stresses the need for further research on this issue.

This is true, in some senses, for the overall study as well. This research initiative is an initial exploration of the linkages between women’s ownership of a particular type of asset and their experience of inter-spousal violence. The study findings point to the role that ownership of land and/or house can play in both preventing domestic violence, as well as helping women to negotiate violence. Ownership, access and control over immovable assets by women thus emerges as a significant area that needs to be incorporated within any discourse seeking to impact women’s economic or social security, status and enhancing their capacities to deal with risk. Thus, the findings of this research underscore the importance of focussing attention on women’s ownership of land and/or house in gender sensitive social protection policies. The study also highlights how this interplay between property ownership and domestic violence is influenced by various social, cultural and economic factors, and cautions against adopting a unilateral approach to the response against domestic violence. It further stress on the need for continuing research and analysis to further enhance and enrich the understanding of this property ownership-domestic violence in the lives of of women from differing social and economic backgrounds.

Domestic Violence and Women's Property Ownership: Delving Deeper into the Linkages in Kerala

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Background

Kerala is considered one of India's most progressive states, because of exceptionally high female literacy and life expectancy and related health indicators, which are comparable to those of many other developed countries. However, there is also a less rosy side to this picture, reflected in rising consumerism, escalating dowry demands, high unemployment, and persisting pockets of poverty. Modern Kerala, thus, represents a paradox with dynamic social movements, Dalit emancipation, high emigration (indicating exposure to other cultures), political decentralization (recent times), on the one hand, and high suicide rates, unemployment, male dominance and gender-based violence, on the other. Several recent studies have attempted to understand the phenomenon of gender-based violence, dowry and other related issues in Kerala. (INCLLEN 2000; Panda 2003; Panda and Agarwal 2005; Devika 2002; Eapen and Kodath 2003; Jananeethi Institute 2004; Kodath 2005). An analysis of data collected by the researcher, Pradeep Panda, in 2001 for Thiruvananthapuram district, for instance, shows that women's access to and control of economic resources, especially immovable assets like land and house, play a critical role in protecting women from marital violence (Panda 2003; Panda and Agarwal 2005).

The Current Study

The current study conducted in 2004-5 is a follow-up of the earlier research conducted in 2001. In the earlier study, data were collected for 502 ever-married women aged 15-49 years, randomly selected from three rural and three urban settings in Thiruvananthapuram district of Kerala.⁸ These settings represent different geographical areas in the district. A total of 10 wards (6 rural and 4 urban) were selected from these six settings. From each ward, 50 households were selected at random. Thus, the final sample comprised 502 women (302 rural and 200 urban) from these households, with a participation rate of 92 per cent, similar across the rural and urban areas. The findings from the 2001 survey provide a background to the findings from the current survey. This survey probes some of the aspects in greater depth. For instance, in the earlier work, data were not collected on the source of the woman's property, her control over that property, her participation in decision-making relating to property and on other household matters, and the husband's property status. Also, there was no recording of narratives to understand how property ownership could be making a difference to the lives of the women, and the specific pathways by which property could act as protective against domestic violence.

7 The author would like to especially acknowledge the substantial inputs by Bina Agarwal in the design and implementation of the Kerala re-survey. The author is also most grateful for detailed comments provided by Bina Agarwal, Nata Duvvury and Nandita Bhatla on two earlier versions of this report. He is also grateful to ICRW and Ford Foundation for funding this research, the research investigators and C. Robin for their hard work, and the respondents whose co-operation was highly valuable.

8 The researcher undertook the 2001 survey for a research project on 'Domestic Violence against Women in Kerala,' with funding from Kerala Research Programme on Local Level Development, Centre for Development Studies, Kerala (Panda, 2004). The project had utilised a revised version of the INCLLEN-ICRW questionnaire.

The present study is designed as a panel survey, supplemented by narratives from a sub-sample of the women, as well as focus group discussions with community members. This re-survey, undertaken in 2004, contains both quantitative and qualitative information. The qualitative data, in particular, enriches our understanding of the results obtained from the 2001 data. The broad objectives of the re-survey are given below:

Objectives of the re-survey

1. To conduct a follow-up survey to collect additional information on property, decision-making and physical mobility.
2. To conduct qualitative research through focus group discussions and narratives, to collect in-depth data on attitudes to domestic violence, factors that contribute to domestic violence, community norms and attitudes towards women's property ownership, current practices regarding the transfer of property and the impact of property ownership on domestic violence.

Data and methods

The findings given below are based on data drawn from both the original 2001 survey and the 2004 re-survey. The 2001 survey generated empirical data, which helped us to analyze the prevalence and correlates of domestic violence. The survey aimed at examining the prevalence of physical and psychological violence (long-term and current) as well as identifying the factors that serve as a form of economic and social protection, by reducing women's risk of marital violence, including the effect of women's ownership of immovable property (land or house or both). In 2004, a cross-sectional quantitative and qualitative panel re-survey was done by revisiting all the women of the 2001 survey. Elements of the common questionnaire, developed in collaboration with ICRW and other partners, were implemented in the re-survey.

The sample size of the 2001 survey was 502 and that of the current 2004 survey is 402. This gives us an overall re-survey response rate of 80 per cent. The

reasons for the inability to reach 20 per cent of the respondents for the re-survey include permanent migration from the area, temporary non-availability of respondents, the respondent's death, inability to locate some respondents due to wrong addresses, and widowhood or divorce. Both the surveys were carried out in three rural and three urban settings in Thiruvananthapuram district of Kerala.

To facilitate the interpretation of the survey findings and permit triangulation and validation of findings, two types of qualitative data were collected: (a) Fourteen focus group discussions (FGDs) and (b) Thirty-three narratives with women respondents. Skilled and experienced female investigators administered a structured questionnaire. Five individual teams made up of 10 female investigators and a supervisor collected the data. Trained and experienced researchers conducted focus group discussions and narratives.

2001 Analysis: Major Findings

Violence and property ownership links⁹

- ▶ ***Violence is pervasive even in Kerala:*** The 2001 data indicated that 35.7 per cent of women reported having experienced at least one incident of physical violence after marriage, and most reported several incidents. Violence during pregnancy was also alarmingly high – 38 per cent reported this. Psychological violence was even more common: 64.9 per cent reported having experienced it.
- ▶ ***A fair number of women own immovable property:*** Of the 502 women surveyed in the initial round of data collection, 34.1 per cent owned property (land, house, or both). The proportion owning only a house (14.1 per cent) or owning both house and land (14.5 per cent) was much greater than those owning only land (5.6 per cent).
- ▶ ***Women's property ownership is linked with a substantially lower risk of marital violence:*** Women who own land or a house are at significantly lower risk of physical and psychological violence both long-term and current. For instance, among the propertyless, 49.1 per cent

9 For a detailed discussion of these findings see Panda and Agarwal (2005).

experienced long-term physical violence and 84.2 per cent experienced long-term psychological violence. In contrast, those who owned both land and house reported dramatically less physical as well as psychological violence (6.8 and 16.4 per cent respectively). Even when a woman owned only land or house, the incidence of violence was much lower than if she owned neither. This indicates that if a woman owns a house or land, it serves as a deterrent to violence.

- ▶ ***Domestic violence is also influenced by individual, familial and community factors:*** Apart from women's property status, other key factors significantly associated with a lower risk of marital violence are woman's social support from natal family and neighbors and the household's economic status (both of which are negatively related to violence). In contrast, factors that increase women's risk of marital violence are the husband's unemployment and the husband or the respondent witnessing the father beat the mother in childhood (all of which are positively related to violence).
- ▶ ***Propertied women face less dowry harassment by marital family:*** Property owning women were found to be less subjected to dowry-related violence. While a fair proportion of women (propertied and without property) faced dowry demands, only 3.3 per cent of the propertied women faced dowry-related beatings by the marital family compared with 44.3 per cent of the women without property.
- ▶ ***Women's ownership of property is an escape option from violence:*** Propertied women were also better able to escape further violence. For example, out of the 179 women experiencing long-term physical violence, 43 left home. The percentage leaving home was much greater among the

propertied (70.6 per cent) than among those without property (19.1 per cent). Also, a few of the propertied women returned to the marital home (3 out of 12 women).

2004-05 Re-survey Analysis: Major Findings

The discussion in this section is based on the results from the re-survey 2004-05, except where comparisons are made with the earlier survey. The following section also presents the major findings of the narratives and the focus group discussions. Where applicable, the results of the re-survey and narratives are presented for four categories of women: G1 (No Violence, Own Property), G2 (Violence, Own Property), G3 (No Violence, No Property) and G4 (Violence, No Property). In order to identify each narrative quote, the category, followed by the serial number of the woman respondent is presented.¹⁰ Similarly, to identify each FGD quote, the category of FGD is presented in the following sequence, i.e., low or high socio-economic status (Low SES/High SES), male or female (M/F) and type of the community group (Hindu Nair/Hindu Non-Nair/Christian/Muslim).¹¹

(a) Nature and extent of property ownership¹²

As shown in Table 1, there is striking overall similarity in the pattern of property ownership between men and women. About 36 per cent of men and women each own immovable property (either land or a house or both). Regardless of sex, the ownership of a house is greater than the ownership of land. The ownership of both a house and land is greater for women as compared to men (15 per cent vs 10 per cent). On the other hand, a higher proportion of men compared with women own only a house (20 per cent vs. 16 per cent). About 5 per cent of men as well as women own only land. This equality in property ownership is perhaps a reflection of equality of inheritance rights of sons and daughters in parental property.

10 Thirty-three narratives with women respondents included: G1 (8 cases), G2 (8 cases), G3 (4 cases) and G4 (13 cases). Criteria for selection of narratives included: (a) experience of violence/property ownership (by dowry and inheritance), (b) social support, (c) decision-making on property and (d) response to violence (leaving home/returning). The criteria were drawn partly from the re-survey (dowry/inheritance and decision-making on property) and partly from the previous survey (violence/property ownership and leaving home/returning).

11 Fourteen FGDs (eight among males and six among females) included: Four High SES/M (one in each community group), Four Low SES/M (one in each community group), Two High SES/F (one Hindu Nair and one Hindu Non-Nair group) and Four Low SES/F (one in each community group).

12 Findings from this point on are from the current 2004-05 study led by ICRW and funded by Ford Foundation

Table 1: Gender differences in the forms of property ownership (percentage)

| Ownership of property | Women (N=402) | Men (N=402) |
|-----------------------|------------------|----------------|
| None | 64.2 (258) | 64.4 (259) |
| House only | 15.7 (63) | 20.4 (82) |
| Land only | 5.2 (21) | 5.7 (23) |
| House & land | 14.9 (60) | 9.5 (38) |
| Total | 100.0 | 100.0 |

Note: Figures in brackets give the absolute numbers

Table 2 provides various combinations in the forms of property ownership of husband-wife pairs, for an accurate comparison of the gender gap. Overall, in the case of 47 per cent, neither husband nor wife owns property. On the other hand, nearly 19 per cent of both husband and wife own property. The proportion of cases where wife owns no property and husband owns property is similar to that where husband owns no property and wife owns property: 17 per cent. When the wife owns no property, the husband is more likely to own only a house or land, as com-

pared to wives when husbands own no property (10 per cent versus 8 per cent for house and 3 per cent and 2 per cent for land). A striking gender differential is in the ownership of both house and land: wives are two times more likely to own both house and land, as compared to husbands, when spouse is propertyless (8 per cent vs 4 per cent). In addition, when husband owns a house, 3 per cent of the wives are likely to own both house and land. In other words, women are more likely to own both house and land compared with their husbands, when spouse is propertyless or husband owns only a house. Of the women who own property, 44 per cent own agricultural land. The average size of land holdings is about 16 cents. A great majority of agricultural land is irrigated: 59 per cent fully irrigated, 36 per cent partly irrigated and the remaining 5 per cent unirrigated. Nearly 90 per cent of the land-owning women reported earning an income from agricultural land. The average annual income from agricultural land works out to be Rs. 22, 579. In contrast, none of the 18 women who own non-agricultural land earn any income. The purpose of having non-agricultural land is future investment.

Table 2: Combinations of forms of property ownership by husband and wife (percentage)

| Sr. No. | Combinations of forms of property ownership by husband and wife | % (N) |
|--------------|---|--------------------|
| 1 | Neither husband nor wife owns property | 47.3 (190) |
| 2 | Wife owns no property, husband owns house | 10.0 (40) |
| 3 | Wife owns no property, husband owns land | 2.7 (11) |
| 4 | Wife owns no property, husband owns both house & land | 4.2 (17) |
| 5 | Husband owns no property, wife owns house | 7.7 (31) |
| 6 | Husband owns no property, wife owns land | 2.0 (8) |
| 7 | Husband owns no property, wife owns both house & land | 7.5 (30) |
| 8 | Wife owns house, husband owns house | 5.5 (22) |
| 9 | Wife owns house, husband owns land | 2.5 (10) |
| 10 | Wife owns land, husband owns house | 2.5 (10) |
| 11 | Wife owns land, husband owns land | 0.5 (2) |
| 12 | Wife owns land, husband owns both house & land | 0.2 (1) |
| 13 | Wife owns both house & land, husband owns house | 2.5 (10) |
| 14 | Wife owns both house & land, husband owns both house & land | 5.0 (20) |
| Total | | 100.0 (402) |

Note: Figures in brackets give the absolute numbers.

Out of the 123 women owning a house, 29 per cent reported earning income from renting the house. On average, women reported an annual income of Rs. 16, 055 from house rent.

The two main sources of property acquisition by women are dowry followed by inheritance. For example, 51 per cent of women who own a house reported dowry as the source, as compared to 36 per cent of women whose source was inheritance. In case of agricultural land, inheritance (51 per cent) is the main source of property acquisition followed by dowry (44 per cent). Purchase and inheritance are the main sources of property acquisition in case of non-agricultural land (56 per cent and 39 per cent respectively).

Women typically own property independently, and also prefer to own property independently. For instance, more than 85 per cent of women who own either a house or agricultural land have it in their individual names. Joint ownership between husband and wife is much higher as compared to individual ownership (55.6 per cent vs. 44.4 per cent) in case of non-agricultural land. Since dowry and inheritance are the main sources of property acquisition, the natal family, in most cases, prefers to transfer the property in the daughter's name. If women purchased a house or non-agricultural land, the preferred option is joint ownership between husband and wife, and invariably the time of acquisition is a few years after the marriage.

Dowry at the time of marriage has now become a common practice in Kerala. For instance, while 43 per cent of women received land as dowry at the time of marriage, only 14 per cent inherited land immediately after the marriage. Similarly, more than half of women (51 per cent) reported receiving a house as dowry at the time of marriage, as compared to only 8 per cent of women who reported inheriting a house immediately after marriage. The timing of property acquisition is a critical factor, as far as its link with violence is concerned. Since getting a house, with or without land as dowry at the time of marriage is the predominant form of women's property ownership, it

serves as a protection from violence due to various factors as subsequently discussed in this report.

(b) Pathways of property ownership and domestic violence

► Property ownership provides protection against marital violence

Immovable property (a house or land) not only creates opportunities to diversify its use and generate income (Agarwal 1994), it can also act as a cushion for women against marital violence.

Women who owned property and did not face violence explicitly said that owning property protected them from potential violence. They recognized the current and future expectations from property for a better quality life (e.g., financial independence), greater respect in marital family and involvement in decision-making in marital family. The following narratives provide women's perceptions regarding the role of property (land and house) in preventing marital violence.

I think it is very good for women to own property so that it gives them autonomy to decide about the household and future. Also, I have a right to property. Since I have a large good quality house, I could decide to start a business. I am also able to save rent. We are able to manage well financially. I also know that I can make a better life due to my property. Better living is possible if one owns a house. My husband is very happy that I have this property, and he respects me. He involves me in all decisions. There is no scope for violence.

G1: No Violence, Own Property (No. 3)

I think that the income from land is an important contribution to providing a livelihood to the family. I think all people in the family recognize this aspect. Therefore, I think that my husband and in-laws respect me for this, and there is no question of violence or conflicts.

G1: No Violence, Own Property (No. 7)

I think that owning property is good, and it protects women from violence up to an extent.

G1: No Violence, Own Property (No. 1)

The results from FGDs also support the preventive role of property in relation to marital violence.

A woman with property is loved by all and faces no harassment. Generally, they will be very contented in life.

High SES/M, Christian (FGD)

Women are unable to protect themselves because they are dependent on men, as they do not own property on their own or do not earn a regular income from their work. They lack decision-making ability and do not protest/raise voice to injustice. A propertied woman or an employed woman will be more confident and will prefer not to depend on her husband financially.

High SES/F, Hindu Nair (FGD)

Everyday stress and conflicts can be avoided due to basic needs by earning income from land and house. Can start business/petty trade.

Low SES/M, Hindu Non-Nair (FGD)

... violence is less from husband if women have property rights ..women with property will have less marital conflicts, and men will consult them in decisions.

Low SES/F, Muslim (FGD)

However, in a few cases, aside from property, women also perceived the role of effectively “running the household” (that is fulfilling their role expectations) as a protective factor for violence and for equal status. A woman narrates this aspect:

I do not think it is because of my property that he is not troubling me. I also run the home and care for the children effectively. My husband also helps me in running the home. I think these factors are responsible for our good marital relationship.

G1: No Violence, Own Property (No. 8)

This is also reflected in one FGD of low socio-economic status males from Muslim community.

Woman has to be a very good house manager. She should be a pleasing personality: care and look after the children and elders in the family. This efficiency aspect of her is more important than property for equal status in husband's family.

Low SES/M, Muslim (FGD)

► **Propertied women are less likely to tolerate violence**

Many women owning property but not experiencing violence, explicitly told that they would not like to tolerate violence from husband in future “in case it occurred”, and they would seek alternatives. Women narrated:

If violence occurs in our relationship, I won't like to suffer abuse. I am young and my life is ahead of me.

G1: No Violence, Own Property (No. 1)

I have not faced any problems in my life. In case I face any violence, I can make myself free of violence. I have income from my property and therefore I do not need to depend on him for my needs.

G1: No Violence, Own Property (No. 5)

In addition to property, support from women's parents and friends were also perceived as an additional strength for social protection and for taking action against husband's violence. As one woman said:

My husband never beats me or abuses me verbally. In my own marital life, I think I have the courage and power to stop violence. Support from my parents and friends are an additional strength that will help me to take action.

G1: No Violence, Own Property (No. 4)

In FGDs, women across communities, especially from the low socio-economic status group, perceived these

protective aspects of property against husband's violence.

Property owned by woman is a means for future livelihood, even if husband leaves her one day.

High SES/F, Hindu Nair (FGD)

... but if one has land/house she can say if you don't want you go... I can live...land and house has such a benefit.

Low SES/F, Muslim (FGD)

A woman is also afraid that the husband will abandon her one day, or will throw her out from his house. If the house where they stay is in woman's name, she can say... you go or if you want to stay here, stop abusing.

Low SES/F, Hindu Nair (FGD)

Land and house have another advantage for women. Since they have multiple responsibilities (purchasing food, maintaining the households, taking care of the children, go out and work and earn money), they don't have to go out of the house and do wage labor if they have land/house. They can start petty business, homestead gardening, etc. Even if the husband leaves her one day, she can maintain herself.

Low SES/F, Hindu Non-Nair (FGD)

► **Property ownership enhances women's status in marital family**

Many of the women bring property into the marital family as dowry, mostly land and/or house. Among women who owned a house and faced no violence, 51.6 per cent acquired the property as dowry compared to only 37.5 per cent for those who faced violence. In addition, another 21 per cent of women not facing violence purchased the house they owned, as compared to none among those facing violence. Another important difference between propertied women who faced violence and who did not, was that the latter had non-agricultural land, which was typically purchased. From the narratives of women with property, it is evident that owning property gives

the woman status and protection in the new marital family.

It (owning property) provides status and decision-making power in the marital household. It also provides wider choices for women in the form of livelihood options.

G1: No Violence, Own Property (No. 1)

I think it is very good for women to own property since it helps in times of need and gives confidence to take decisions in life. As is known, all major decisions in life are economic, and money occupies a central place. If there is property, one can use it for any purpose.

G1: No Violence, Own Property (No. 2)

I am happy that there is this property (house and land) in my name. It is a sense of self-esteem and personal pride. I also think that economic dependency will be less if one owns property. I believe that inherited property provides a woman more independence and self-determination than a woman without property. Both property and earnings from my job provided me the ability to negotiate with my husband and I can voice my opinion.

G1: No Violence, Own Property (No. 4)

My husband and in-laws respect me because I inherited land. They appreciate my involvement in cultivation and did not show any dissatisfaction over my decision on retaining the money from cultivation. I have a say in all decisions in the family. It surely gives me a social status too.

G1: No Violence, Own Property (No. 5)

Land is an important resource. It provides greater power and security in the family. I have a greater influence over decisions in the family, as I am the manager of the land. It provides investment opportunities.

G1: No Violence, Own Property (No. 6)

Men and women from the high socio-economic status group across communities perceived increased

status of propertied women in marital households, as reflected from the following FGDs:

Husband will care for a propertied woman. He will involve her in decisions.

High SES/M, Hindu Nair (FGD)

Property is a symbol of status in husband's house, it provides social security for the woman and her children.

High SES/F, Hindu Nair (FGD)

Woman with property will get more respect from husband and husband will involve her in family decisions.

High SES/M, Hindu Non-Nair (FGD)

...propertied woman has a higher status in in-law's household and less propertied woman has a lower status there ...

High SES/F, Hindu Non-Nair (FGD)

► **Women's property makes an important contribution to the family resource base**

Many women mentioned that the property they own contributed to the economic security of their marital family. They took independent decisions on property and controlled the money that was received. In terms of decisions on currently held property, nearly half the women with property and not facing violence (48 per cent) reported that they took decisions on renting or staying in the house independently. Of those that reported that the decision was by someone else, 56 per cent said that their involvement in the decision was very high. Similarly, 31 per cent reported decision-making on agricultural land, and 47 per cent reported that their involvement was very high when someone else took the decision.

I have full control over the property I own. My husband never interferes in my decisions. I have never sort any financial help from my parents or any other persons. Income from the teashop and coconut plantation was enough for our living, including education of children.

G1: No Violence, Own Property (No. 2)

I use the income from my property (land obtained as inheritance) for all my needs... I look after the rubber plantations and the investment of the earnings that are obtained.

G1: No Violence, Own Property (No. 5)

Coconuts are planted in that area (inherited land). I decided to have coconut plantation since it is a high yielding crop. The income that we get from the coconut plantation is saved for future. The decision to save the income for future is mine. My husband does not interfere.

G1: No Violence, Own Property (No. 6)

His (husband) earnings are not enough to run the family. I decided to put the land that I have received as dowry for cultivation. My mother-in-law advised that we should do some tapioca and coconut cultivation. I also feel that it is yielding and therefore we have placed about 15 cents of land for this purpose. I am keeping the income that I get from the cultivation so that I can use it in times of need.

G1: No Violence, Own Property (No. 7)

In some cases, the property brought by them was used by the marital family to expand its asset base, that is "provide investment opportunities". As one woman said:

My husband and I planned together to use the shop attached to this house [her property] and we decided to open it as a tailoring shop.

G1: No Violence, Own Property (No. 3)

If the property remains with the natal family, women receive income either regularly or occasionally, which supplements their household income. For example one woman noted:

My father takes decision on land-related matters, and he keeps the income from the land in a savings account in my name. It was my decision to keep the money in the bank. He consults me and informs me about these matters.

G1: No Violence, Own Property (No. 8)

Another woman noted:

My parents look after the cultivation in my land. I have no control over my property and my parents take decisions relating to property, and husband does not interfere in those matters. Sometimes, the rent is given to me to spend for my children and I am happy about it.

G1: No Violence, Own Property (No. 1)

Women who owned property and did not face violence reported higher and regular income from their land and house than those who experienced violence despite having property. While 29 per cent of the women who owned property and did not face violence earned money from renting out the house (Rs. 16, 055 per annum), none of the women who owned property and faced violence received any income from house rent. In addition, the average annual income from agricultural land was relatively higher among propertied women who did not face violence, than propertied women who faced violence (Rs. 23, 163 vs. Rs. 19, 000).

Women and men in FGDs also recognized the role of women's property to the family resource base. Income earned from women's property was primarily seen to complement rather than substitute for male income in the family.

A man's happiness of ownership differs from that of wife. From a man's point of view, her property will be a supplement to maintain his family. He will definitely feel happy when his wife also possesses some property. From a woman's point of view, her property will be a supplement to her family including a support to her husband.

High SES/M, Christian (FGD)

if we have some property ... its advantage is that since it is physical in nature, we can convert it into cash ... but care should be taken to manage it otherwise it will be lost ...

High SES/F, Hindu Non-Nair (FGD)

...women can be self-employed. Can earn income at home and look after the children also. We can save time by not going to work outside.

Low SES/F, Christian (FGD)

...a woman's biggest merit is a house ...because having a house is a dream...husband will be very happy.

High SES/F, Hindu Non-Nair (FGD)

► **Propertied women have a role in husband's property matters**

Propertied women not only manage their own property, some of them also have a role in matter related to their husband's property.

My husband got as his share a piece of property (5 cents of land) and he sold that property. This money was used as the initial investments for the tailoring shop. He consulted with me before selling that property.

G1: No Violence, Own Property (No. 3)

I have full control over my property and the property that my husband owns as well. I look after the rubber plantations and the investment of the earnings that are obtained.

G1: No Violence, Own Property (No. 5)

I also look after the cultivation in his (husband's) land.

G1: No Violence, Own Property (No. 6)

► **Propertied women are able to save money for the future**

The women save income earned from the property for future use, e.g., for daughter's marriage.

Income obtained from the coconut plantation is kept as savings. We have a daughter and I have kept that money for her marriage and for purchasing gold at the time of marriage.

G1: No Violence, Own Property (No. 2)

The income that we get from the coconut plantation is saved for future. The decision to save the income for future is mine. My husband does not interfere.

G1: No Violence, Own Property (No. 6)

I am saving the money (cultivation) for future, especially for daughter's marriage.

G1: No Violence, Own Property (No. 7)

► **Propertied women are able to give property to daughter or are able to use property at the time of marriage**

Propertied women, following the tradition in Kerala, are able to transfer their property to daughter at the time of marriage. In addition, they are able to sell part of the property as a last resort (e.g., land) in emergencies (e.g., marriage of daughter).

I have got 15 cents of land and 10 sovereigns of gold as dowry. We sold 5 cents of land and that money will be consumed for our daughter's marriage.

G1: No Violence, Own Property (No. 2)

Out of the 5 cents of land, about 4 cents was given to my daughter at the time of her marriage. I am happy that my husband did not sell my property. This property helped me in my daughter's marriage.

G2: Violence, Left marital home and did not return, Own Property (No. 11)

► **Propertied women are more confident about their future and future of their children**

Propertied women are less likely to depend on husband to look after themselves and their children. The financial independence and possession of a house give them confidence for future emergencies.

Although my parents are staying in the house, which is given as dowry, I know that they will give me in times of need and adversity. It is a sense of confidence for me, since I feel that I can always

go there and stay. I am also confident that I can provide better education for my children in future from the income generated from the property. I don't worry about the future of my daughters.

G1: No Violence, Own Property (No. 1)

I can recover any difficulties. I am confident. I can decide for myself.

G1: No Violence, Own Property (No. 2)

Property provides me self-confidence and self-esteem.

G1: No Violence, Own Property (No. 4)

I think owning property is very good for women, as it is helpful during times of crisis, especially in the case of husband's death. Sometimes it is useful to have property for children's future.

G1: No Violence, Own Property (No. 5)

I am confident that I can use my land in financial emergencies.

G1: No Violence, Own Property (No. 8)

Given the fact that women as compared to men face special constraints in life, FGDs with men and women across communities reflect the community's perceptions about the special advantages that owning property provides to the woman and her children.

Woman can look after the children and herself if husband dies...loses income...for marriage of children.

High SES/F, Hindu Non-Nair (FGD)

Helps in education and marriage related expenditures.

Low SES/M, Hindu Non-Nair (FGD)

Someone falls sick, unable to provide better education for boys and girls, income earnings reduces – land and house is a defense against all these.

Low SES/F, Hindu Nair (FGD)

Table 3: Women’s mobility to visit natal and marital relatives, and to go out of village/town (percentage)

| Refused permission to: | Women with property (N= 144) | | Women without property(N=258) | |
|-------------------------|------------------------------|-------------|-------------------------------|-------------|
| | Refused permission | Not refused | Refused permission | Not refused |
| Visit natal relatives | 22.9 (33) | 77.1 (111) | 55.8 (144) | 44.2 (114) |
| Visit marital relatives | 22.9 (33) | 77.1 (111) | 55.8 (144) | 44.2 (114) |
| Go out of village/town | 22.2 (32) | 77.8 (112) | 41.5 (107) | 58.5 (151) |

Note: Figures in brackets give the absolute numbers.

She will be able to cope well if she has land and house. She will be more confident.

High SES/M, Hindu Nair (FGD)

Women can handle financial emergencies.

High SES/F, Hindu Non-Nair (FGD)

► **Women with property have greater mobility and social support**

An important indicator of mobility is whether a woman is ever refused permission to go outside the house. A woman can access social support from natal family and marital family if she is not refused permission to meet with these people and even to go outside the village or town. Table 3 presents results on these aspects of mobility across the two groups of women, i.e., property and propertyless. The results suggest that the number of propertied women likely to be refused permission to visit natal and marital relatives, and to go out of the village/town, is half of that for propertyless women. Propertied women face fewer restrictions from husband or in-laws to visit natal and marital relatives, and to go outside the village/town.

A clear pattern emerging from the narratives is that women with property are quite mobile and receive social support from their natal families. In fact women are able to visit their natal family as often as they want, sustaining their bonds of affection and support. Propertied women not facing violence often talked of their close relationships with the natal family.

My parents are a great source of support for me. If I fall sick, my mother comes and takes care of my daughters. My father takes me to a doctor. My father helps me to pay our telephone, electricity and water bills. I have a friend who is my neighbor – we share each other’s joys and difficulties. My daughter goes to her house to play with her daughter.

G1: No Violence, Own Property (No. 1)

I have strong personal links with my natal family. My two sisters are like my friends. I have also intimate links with my neighbors, and I have many friends. They all help me to gain confidence. I have some relatives who live nearby and very good neighbors with whom I have a good relationship. They take care of my children when there is a crisis and whenever I need help.

G1: No Violence, Own Property (No. 4)

I am not frightened with my husband or in-laws. I can express my needs to them. I talk openly with others and I have freedom in the house.

G1: No Violence, Own Property (No. 4)

My parents have always been supportive of me, and I have followed my father’s advice. I take advice from my father on cultivation, income and investment matters. He is like a friend. He is very supportive. He listens to me carefully. Whenever I face difficulties, I share with him and he provides me guidance. I rely on him. Parents have provided me encouragement throughout.

G1: No Violence, Own Property (No. 6)

► **In-laws are also a source of support.**

They (in-laws) give me all the support I need emotionally. My mother-in-law helps me in cooking and taking care of the children. If I fall sick, she will even cook for everyone in the family. My father-in-law goes to the market and buys household items for me. The family also knows my neighbors since several years and therefore we are all like one family.

G1: No Violence, Own Property (No. 5)

Even the propertied women who faced violence emphasized natal family support, which enabled them to access their share of property and leave the relationship.

I told my brothers that I cannot bear anymore with the situation, and he took me back to my natal home. Later they got a house constructed in the 5 cents of land that was left out from my inherited property. Now, I live peacefully in the house with my children. I have to work hard for the daily expenses and for my children's education. I am happy with this life. I will never go to my marital home.

G2: Violence, Left marital home and did not return, Own Property (No. 10)

► **Propertied women have a greater role in household decision-making**

An important pathway can be the impact property ownership has on women's participation in household decision-making. Many areas of decision-making are strongly dictated by gender norms about what men or women bear responsibility and authority.

Compared to the propertyless women, more propertied women reported that they took final decisions on a number of financial matters and reproductive matters in the household in the last one year, as seen in Table 4. For instance, more than one-third of the propertied women took final decision on household savings, taking loans, and investment in improving property. Compared to this, less than one-fifth of the propertyless women took decisions on savings and

taking loan, and even a negligible proportion (3 per cent) reported taking decision on investment in improving property. Also, nearly half the women with property reported taking these three financial decisions jointly with husband. In contrast, nearly half the women without property reported that husband takes such decisions. Reproductive decision-making is substantially higher among propertied women, as compared to propertyless women. For instance, 56 per cent, 28 per cent and 22 per cent of propertied women took final decision on use of contraception, number of children to have and 'to have or not to have sex', respectively. In contrast almost all propertyless women reported taking such decisions jointly with husband.

Table 4: Person taking final decisions on various aspects of financial and reproductive decisions in last twelve months (percentage).

| Final decisions on various aspects of household decisions in last 12 months | Women with property (N=144) | Women without property (N=258) |
|---|-----------------------------|--------------------------------|
| Financial decisions | | |
| <i>Savings</i> | | |
| Woman alone | 34.7 (50) | 18.6 (48) |
| Husband alone | 9.7 (14) | 53.5 (138) |
| Husband & wife Jointly | 55.6 (80) | 11.6 (30) |
| In-laws | 0.0 (0) | 16.3 (42) |
| Total | 100.0 (144) | 100.0 (258) |
| <i>Taking loan</i> | | |
| Woman alone | 34.7 (50) | 17.8 (46) |
| Husband alone | 9.7 (14) | 53.5 (138) |
| Husband & wife Jointly | 55.6 (80) | 10.1 (26) |
| In-laws | 0.0 (0) | 18.6 (48) |
| Total | 100.0 (144) | 100.0 (258) |

| <i>Investment in improving property</i> | | |
|---|--------------------|--------------------|
| Woman alone | 38.9 (56) | 2.5 (4) |
| Husband alone | 6.3 (9) | 49.7 (78) |
| Husband & wife Jointly | 41.7 (60) | 38.2 (60) |
| In-laws | 3.5 (5) | 4.5 (7) |
| Others (Natal family) | 9.7 (14) | 5.1 (8) |
| Total | 100.0 (144) | 100.0 (157) |
| Reproductive decisions | | |
| <i>Use of contraception</i> | | |
| Woman alone | 55.5 (61) | 1.6 (3) |
| Husband & wife Jointly | 44.5 (49) | 98.4 (180) |
| Total | 100.0 (110) | 100.0 (183) |
| <i>Number of children to have</i> | | |
| Woman alone | 28.3 (30) | 1.1 (2) |
| Husband & wife Jointly | 71.7 (76) | 96.7 (177) |
| In-laws | 0.0 (0) | 2.2 (4) |
| Total | 100.0 (106) | 100.0 (183) |
| <i>To have or Not to have sex</i> | | |
| Woman alone | 22.0 (27) | 0.4 (1) |
| Husband & wife Jointly | 78.0 (96) | 99.6 (233) |
| Total | 100.0 (123) | 100.0 (234) |

Note: Figures in brackets give the absolute numbers.

► **Property enables women to escape violence if it occurs**

A clear finding quantified from the 2001 survey and reinforced by the 2004 narratives is that many of the women who own property and face violence are able to leave the situation of violence. More importantly women who own a house in their own name outside of the marital home, whether or not they have land, are less likely to return to situations of conflict and

more likely to re-establish a life independent of their husbands. Ownership of a house provides confidence to women to walk out of an abusive relationship, as it provides an immediate access to women and children to escape violence.

Table 5 shows that a substantially higher proportion of women with property and facing violence left marital home and did not return, as compared to women without property and facing violence (58 per cent and 6 per cent respectively). On the other extreme, a large majority of women not owning property and experiencing violence did not leave marital home as compared to a relatively smaller proportion of women owning property and experiencing violence (81 per cent vs. 29 per cent).

Table 5: Left home, returned among women experiencing physical violence by group (property/violence) (percentage)

| Left home, returned | Violence and Own property (G2) (N= 14) | Violence and No property (G4) (N= 128) |
|------------------------------|---|---|
| Left home and did not return | 57.1 (8) | 6.3 (8) |
| Left and returned | 14.3 (2) | 12.5 (16) |
| Did not leave | 28.6 (4) | 81.3 (104) |
| Total | 100.0 | 100.0 |

Note: Figures in brackets give the absolute numbers.

Source: 2001 Survey

Table 6 shows that women who left home and did not return, either owned a house (37.5 per cent) or both house and land (62.5 per cent). All women who owned both house and land left marital home and did not return. In other words, an important finding is that women who own both house and land are not likely return, once they decide to leave the marital home. This implies that for this group of women, they not only have a place to stay but also a means to earn income from land.

Table 6: Left home and returned, among women experiencing physical violence and owning property (percentage)

| Left home, returned | Violence and Own property (G2) (N= 14) | | | |
|------------------------------|--|---------------|------------------|------------|
| | House only (6) | Land only (3) | House & land (5) | Total (14) |
| Left home and did not return | 37.5 (3) | — | 62.5 (5) | 100.0 (8) |
| Left and returned | 50.0 (1) | 50.0 (1) | — | 100.0 (2) |
| Did not leave | 50.0 (2) | 50.0 (2) | — | 100.0 (4) |

Note: Figures in brackets give the absolute numbers.

Source: 2001 Survey

What is the current living arrangement of the women who left home and did not return? Table 7 shows that all women who own property are living in their own houses after leaving the marital home. On the other hand, a large majority of propertyless women who left marital home and did not return (7 out of 8) are living with their parents, and one woman (1 out of 8) lives with her relatives. It suggests that natal family support could be an important protection against violence, whether or not the woman owns any property.

Table 7: Women’s current living arrangements (those who left and did not return) (percentage)

| Left and not returned | Current living arrangements | | | Total |
|--------------------------------|-----------------------------|---------------|-------------------------|-----------|
| | Women’s own house | Parents house | Women’s relatives house | |
| Violence and Own property (G2) | 100.0 (8) | — | — | 100.0 (8) |
| Violence and No property (G4) | — | 87.5 (7) | 12.5 (1) | 100.0 (8) |

Note: Figures in brackets give the absolute numbers.

Source: 2001 Survey & 2004-5 Re-survey

Let us look at the narratives to understand more in-depth about the escape route.

My strong opinion is that owning property is a powerful shield for women. It was because of this little land and this small house that I could escape from my in-laws place (three years after marriage) when life became a nightmare. I got courage to survive alone with my children. Since I am staying in my house, there is positive change in his attitude towards me.

G2: Violence, Left marital home and did not return, Own Property (No. 9)

I got 15 sovereigns of gold and a house at the time of my marriage... I got this property inherited from my mother...He used to punish me very cruelly. He once sent me out at 12 am in the night. I left that house and returned after few days. The torture repeated again. I could not tolerate his suspicious nature and I left my husband’s house. He has ego and inferiority complex. Now I am staying in my house for last 15 years... My son is 18 years old. My son studied up to plus two and is working in a nearby workshop to help me meet the daily expenses.

G2: Violence, Left marital home and did not return, Own Property (No. 14)

A woman had inherited a house and 16 cents of homestead land at the time of marriage. The husband and wife were staying together in the wife’s house from the very beginning. This case is unique where husband left home instead of the wife, which is the usual scenario. The woman is managing the land and taking care of the children alone. As narrated by this woman:

My husband was unemployed and did not like to work for low income. I had to work in my homestead land to meet the food requirements of the house and also needs of our children. I also sell a portion of the vegetables for some earning towards children’s education. I take care of my children and simultaneously cultivate my land. I don’t have to go for wage work or travel far away to a workplace. I don’t have to worry about where to keep my children. Due to unemployment the hus-

band is frustrated, as he is unable to provide for the family. In the process he punished me very much... My husband owned 9 cents of land, which was sold and spent by him. He also wanted to sell my property. I did not agree. That was the reason for him to leave me... Now he has left home for last 15 years.

G2: Violence, Husband left wife's home and did not return, Own Property (No. 12)

After escaping violence from the marital family, women were able to survive alone or with support from the natal family. They were not worried about children's future.

I want to educate my children so that they can stand on their own feet. If necessary, I will sell this land or take a loan for their education. I do not want my daughters to suffer like me in future.

G2: Violence, Left marital home and did not return, Own Property (No. 9)

Women in the FGDs were of the view that women were now confident to leave violent husbands due to their asset ownership and financial independence.

Compared to the older generation, women are now more confident to leave abusive relationships. This is due to asset ownership and independent source of income. Although not much has changed, the society is slowly accepting this fact.

High SES/F, Hindu Nair (FGD)

During FGDs with the high socio-economic status groups, Hindu Nair women, acknowledged pressure on women to transfer their property to joint owner-

ship or to husbands after marriage.

.... even in my case I didn't change the property ownership title (land) to his name, because he was such a man, that's why I was sent back to natal house ...and since I have something here, I escaped unhurt ...I have no regrets.

High SES/F, Hindu Nair (FGD)

Citing a case of the servant maid's daughter, a participant said that joint ownership was negotiated even before wedding, after wedding the in-laws demanded transferring the ownership to groom's name. But, she did not agree. Torture followed leading to a near divorce situation at the time of the survey. High SES/F, Hindu Nair (FGD)

(c) Additional factors that impinge on violence despite property ownership

► Husband's employment status

Among women who own property, if the husband is unemployed or has irregular employment there is greater likelihood that the woman would face violence despite owning property. For instance, 21 per cent of the propertied women who experienced violence had unemployed husbands, compared with 5 per cent of the propertied women who did not face violence, as seen in Table 8. It is also interesting to note that husband's employment status is also an important factor in explaining violence in case of propertyless women. For instance, 14 per cent of the propertyless women who experienced violence had unemployed husbands, compared with 2 per cent of the propertyless women who did not face violence.

Table 8: Husband's employment status by groups (property/violence) (percentage)

| Husband's employment status | No violence and own property (G1) (N= 130) | Violence and own property (G2) (N= 14) | No violence and no property (G3) (N= 130) | Violence and no property (G4) (N= 128) |
|-----------------------------|---|---|--|---|
| Unemployed | 5.4 (7) | 21.4 (3) | 2.3 (3) | 14.1 (18) |
| Regular employment | 86.9 (113) | 64.3 (9) | 86.2 (112) | 69.5 (89) |
| Seasonal employment | 4.6 (6) | 14.3 (2) | 3.1 (4) | 5.5 (7) |
| Irregular employment | 3.1 (4) | — | 8.5 (11) | 10.9 (14) |
| Total | 100.0 | 100.0 | 100.0 | 100.0 |

Note: Figures in brackets give the absolute numbers.

I think it is because of his frustration out of his unemployment that he is mistreating me, he gets annoyed when he has no money to spend. He is not an alcoholic.

G2: Violence, Left marital home and returned, Own Property (No. 13)

I think the main reason for violence is financial crisis.

G2: Violence, Left marital home and did not return, Own Property (No. 10)

My husband is a laborer.... My husband harasses me whenever I ask him for money. If I don't ask for money, he does not harass me. If he does not have money, he gets mad.

G2: Violence, Did not leave, Own Property (No. 16)

According to some women, the stress induced by this economic insecurity leads to higher consumption of alcohol precipitating violence against the wife.

Financial difficulties are the main reason for the quarrel (physical and psychological abuse)... He doesn't have a regular job and regular income. If he has money, he will spend most part of it on liquor, and if he doesn't have money, again he will blame me. Problems started as early as six months after marriage.... After being severely beaten by my husband, I once left home and went to my natal home... After a few days, he came and convinced me to return... Then I decided to return after thinking about my children's future.... I believe that things will be all right after he gives up drinking and our financial position improves. I still love my husband. I am not able to escape from my husband, because I still love him and I am emotionally attached.

G2: Violence, Left marital home and returned, Own Property (No. 11)

► Gender gap in property ownership

When wives own property and the husbands own none, there seems to be a greater likelihood of violence than when both own property. Among house-

holds where the woman owned property and experienced violence, the husband had no property in 71 per cent of the cases. In contrast, in households where the woman owned property and did not face violence, 45 per cent of the husbands did not own property, as seen in Table 9. This proposition, however, would need more testing by controlling for other factors that could also affect violence.

Table 9: Gender gap in property ownership and violence among women owning property (percentage)

| Property ownership | No violence and own property (G1) (N= 130) | Violence and own property (G2) (N= 14) |
|-----------------------------------|---|---|
| Husband – No | | |
| Wife – Yes | 45.4 (59) | 71.4 (10) |
| Husband – Yes | | |
| Wife – Yes | 42.3 (55) | 28.6 (4) |
| Husband – Yes (own separately) | | |
| Wife – Yes | 12.3 (16) | 0.0 (0) |
| Husband – Yes (own jointly) | | |
| Total | 100.0 | 100.0 |

Note: Figures in brackets give the absolute numbers.

Table 10 provides the incidence of violence among various combinations of the relative property status between husband and wife. First, the incidence of violence is the highest (59 per cent) when neither husband nor wife owns property. In contrast, when both husband and wife own property (separately/jointly) women's experience of violence is the lowest (5 per cent). Second, property ownership acts as protective for the woman, irrespective of who owns it – the man or the woman. However, if the woman owns property, it is more protective for her than if her husband owns it. For instance, 10 per cent of the women experience violence among all propertied women as compared to 14 per cent of women among all propertied men. Also, the proportion of women

experiencing violence is relatively less when wives own property and the husbands own none as compared to when husbands own property and the wives own none (15 per cent vs 24 per cent).

Table 10: Gender gap in property ownership by women’s experience of violence (percentage)

| Property ownership | No violence (G1 + G3) | Violence (G2 + G4) | Total (G1 + G2 + G3 + G4) |
|---|-----------------------|--------------------|---------------------------|
| Wife – Yes Husband – No | 85.5 (59) | 14.5 (10) | 100.0 (69) |
| Wife – Yes Husband – Yes (own separately) | 93.2 (55) | 6.8 (4) | 100.0 (59) |
| Wife – Yes Husband – Yes (own jointly) | 100.0 (16) | 0.0 (0) | 100.0 (16) |
| Wife – No Husband – Yes | 76.5 (52) | 23.5 (16) | 100.0 (68) |
| Wife – No Husband – No | 41.1 (78) | 58.9 (112) | 100.0 (190) |
| Total | 64.7 (260) | 35.3 (142) | 100.0 (402) |

Note: Figures in brackets give the absolute numbers.

► **Woman’s immediate access to and control over her property can be important**

Whether or not the property a woman owns provides her protection can also depend on whether she has ready access to and control over it.

I inherited a house from my mother, while gold and money were given as gift at the time of my marriage... She (mother) is staying in the house (thatched roof), which I have inherited... I came back to my natal house, as I did not have any money for the daily expenses at my marital home. But seeing my mother’s difficulties, I went back to my marital home after 6 months. She also told me that she does not want other people to know about it, as she has already faced the difficulties in her life. She is also afraid that my husband may abandon me one day, and I will face a similar position

like her.

G2: Violence, Left marital home and returned, Own Property (No. 13)

I got 51 sovereigns of gold and 90 cents of land and 25 cents of paddy field. I got more than what my in-laws demanded... I have no control over my property. My in-laws take all decisions relating to the property, and it is not known as to what they do.

G2: Violence, Did not leave, Own Property (No. 15)

I got five sovereigns of gold and 5 cents of land as dowry on their demand. We are living in mother-in-law’s house... I do not take any income from the 5 cents of land. I know that we have cultivated tapioca in my land, but that is my mother-in-law’s decision.

G2: Violence, Did not leave, Own Property (No. 16)

(d) Views from women not owning property and not facing violence

► **Women perceive a need to own property**

I wish that I had owned some property. Although my husband gives me everything and provides me with all support, who knows about future. I do not earn anything and it is too late for me to go out to work also. If any calamity arises, there is absolutely no kind of support. My husband never understands this situation. Whenever I ask him about some immovable property, he ignores my thoughts and feelings. Sometimes I feel I could have been more independent and autonomous if I had any earnings or property in my name.

G3: No Violence, No Property (No. 17)

I have no property in my own name because of which I am very disappointed... My husband takes all major decisions in the house... Though he meets all our expenses, I feel bad as I do not have any property. If I have enough financial backup, I would not have to seek money from husband to buy something that I wish or to do something independently. Also, what is important is a sense of security. I also feel that he could consult me some-

times for decisions, which he never does.

G3: No Violence, No Property (No. 20)

► Perceived causes of violence

Women cited dowry harassment, lack of social support, male unemployment, financial difficulties and unfaithfulness as causes of violence against women they knew.

I know one case of wife beating. The cause of violence is dowry harassment. Parents should not have agreed for this marriage or the woman should have objected to this marriage, as there was dowry demand. In-laws had demanded dowry and her dowry was less than what was promised at the time of marriage. Physical and mental torture started from day one and continued for a very long time. Also, there was no one to help her. Her parents are staying far away. So there is no support from them, and she is isolated and is tolerating everything.

G3: No Violence, No Property (No. 17)

When men are unemployed and they depend on wife's earnings or her parents for household maintenance, they get agitated. The inability to provide for the family leads to anger and an act of violence. If husband is employed and has a regular income, violence is less.

G3: No Violence, No Property (No. 18)

I know several women who are being ill-treated by their husbands. My sister-in-law got divorced from her husband when she was pregnant. He used to physically torture her a lot. I do not know the actual cause of violence, but my husband told me that the man was of a suspicious nature and he did not trust anyone... Violence is related to the behaviour and attitude of men and women. A husband should trust a wife, and he should not be suspicious about her nature.

G3: No Violence, No Property (No. 19)

I have seen my sister-in-law being tortured by her husband. Her husband always quarrels with her.

He is frustrated due to his low status occupation and low earnings. I know one or two other cases from low-income families where husbands beat their wives. Low socio-economic status of the family is the cause of all conflicts... Financial difficulties are the reason for their fight.

G3: No Violence, No Property (No. 20)

(e) Views from women not owning property and facing violence

► Perceived causes of violence

The narratives clearly suggest various causes of violence experienced by women not owning property. These include: mismatch between dowry demand and dowry received, poverty, financial difficulties and husband's unemployment and associated alcohol consumption by husband, husband witnessing violence as a child, and husband's suspicion over women's fidelity. The following narratives by women reflect vividly the perceived causes of violence.

Violence started sometime after the marriage. They demanded property after the marriage to meet the expenses of his sister's marriage. My parents did not have the financial backup to provide any more property apart from the gold given to me at the time of marriage. So my husband sold my ornaments and utilised it for her marriage. I protested, and that was the reason for the clash.

G4: Violence, Left and returned,
No Property (No. 21)

Violence towards me started on the very first day of marriage. My mother-in-law harassed me very much for bringing little dowry. They demanded gold and property, at the time of marriage, only gold was given to me. My parents told that the land would be given to me later only. It is only my mother-in-law who abuses me for fewer dowries. Earlier, my husband did not oppress me. Gradually, he also started punishing me on his mother's words. My husband is an alcoholic, and he regularly hurts me when drunk.

G4: Violence, Left and returned,
No Property (No. 22)

They demanded dowry. I got some gold at the time of marriage. I did not get the land that was promised at the time of marriage. My parents do not have such a financial situation to give me the property. That is the reason for violence. My mother-in-law harasses me in front of my relatives for not bringing more dowry... At times of financial difficulty, he harasses me for more dowry.

G4: Violence, Left and returned,
No Property (No. 23)

Violence started soon after the birth of my second child. Till then, we lived very happily. He denied fatherhood of the second child and became very suspicious about my fidelity. He quarreled and punished me very cruelly for this reason. He even hit me when I was carrying the baby.

G4: Violence, Did not leave, No Property (No. 25)

My husband beats me in front of my children, and he beats them when they cry also. I think that the violence towards me is happening because of his drinking habit. I quarreled with him twice or thrice. I told him that he has no right to beat me, that too in front my children. He was a fair person till six months ago, and life was not problematic till then. Along with the new job, he developed the habit of drinking. Initially, it was for keeping company with friends only and now he has become addicted to alcohol.

G4: Violence, left marital home and did not return, No Property (No. 27)

My husband witnessed violence during his childhood. I think this is the reason behind his nature. His father tortured his mother; so violence has been part of his personality. His situation was different from others.

G4: Violence, left marital home and did not return, No Property (No. 28)

My husband is frustrated due to low earnings, and he beats me and quarrels with me.

G4: Violence, Did not leave,
No Property (No. 31)

If he has no money to spend, he talks about the dowry and beats me.

G4: Violence, Did not leave, No Property (No. 33)

In FGDs, poor women from all communities mentioned male unemployment and associated alcohol consumption as main causes of violence.

Men are earning less nowadays. They are frustrated due to less money. Demands for more money cause marital conflicts.

Low SES/F, Hindu (FGD)

Alcohol abuse and male unemployment are the important causes of violence. Women do not drink and save money for the household. They can do any type of work. Men are choosy about the type of work.

Low SES/F, Christian (FGD)

The earnings of men have declined. Many are unemployed. All women are working and earning now. Man thinks that his status, respect have reduced in the community. He shows his anger and frustration at home by beating the woman and children.

Low SES/F, Hindu Non-Nair (FGD)

Poor women also collectively blamed dowry for violence in marriage, as shown below in one of the FGDs.

No good girl can lead a comfortable life – can never escape from its clutches. Laws are there, but when will prohibition reach our place? Not even the Gods can prevent this curse...no man today has the courage to take the hand of a girl without dowry and lead a comfortable life – both in my daughter's and in my case, dowry problems exist even today. It is a secret social arrangement, which eventually goes public – a never-ending issue.

Low SES/F, Hindu Non-Nair (FGD)

► Perceived effects of violence

The effects of violence are devastating in the lives of women, children and family. A number of women suffer in silence and there is little recourse for them. The experience of domestic violence is quite distressing and sometimes terrifying. Also, pervasive is a sense

of powerlessness and low self-esteem. Women are concerned about the negative effects of violence at home on the well-being of their children: inability to give time and guidance to them, worries about their education and marriage, husband's inability to care for the children, and long-term effects of witnessing violence. Women express sorrow, grief and trauma of physical and psychological violence, as reflected in the following narratives.

I was expecting a peaceful married life. But the life I got was full of troubles... Violence happens frequently. It is a normal behaviour from him. He will hit me, slap me, and kick me. He has insulted me many times in front of the children and my mother-in-law... I have suffered a lot.

G4: Violence, Left and returned,
No Property (No. 21)

I do not want my daughter in-law to bring any dowry. I have suffered a lot and do not want anyone else to suffer for the same reason.

G4: Violence, Left and returned,
No Property (No. 23)

My in-laws are harassing me for dowry. They always blame me and quarrel with me, which causes great mental tension. Not only this, they also have told the people around that my moral character is bad. I feel humiliated. They do not treat me as human being. My mother-in-law is very powerful and dominating in the household. She tries to control me all the time.

G4: Violence, Did not leave, No Property (No. 24)

He asked me not to participate in the self-help group (SHG). He threatened me also. I had to stop my petty trade and stopped participating in the SHG. I lost my little earnings. A husband should respect his wife, he should not see his wife with suspicion...Mentally I suffered a lot. I feel I am a powerless victim.

G4: Violence, Did not leave, No Property (No. 25)

Hitting, punching, slaps are common...He comes home late, and if food is not ready or food is not tasty, he just gets angry. If I reply and give explanation, he even beats me... he prevents me some-

times if I want to go to my parent's house.

G4: Violence, Did not leave, No Property (No. 29)

I suffered a lot of violence from my husband...My husband always beat the children... No specific reason or time needed for him to torture me... Quarrels and torture became regular in my life... When my children saw him beating me, they felt very sad. My house was in a bad condition.

G4: Violence, left marital home and did not return, No Property (No. 30)

He destroys all kitchen utensils when he is in anger. He quarrels with our neighbors also...If I try to control him, he beats me. Later I stopped bothering about his quarrels with neighbors...People in the society did not help us because of his nature. He would beat his mother even, if she tried to stop him... My sons have also got his fighting nature. I have become a patient due to his physical violence.

G4: Violence, Did not leave, No Property (No. 31)

I have no complaint about his violence. But I cannot tolerate the mental harassment by his parents. It is unfair. In my own house, I cannot talk to anyone freely. I have no freedom to take decisions also.

G4: Violence, Did not leave, No Property (No. 32)

Violence creates tremendous insecurity and fear in a woman, mainly due to her dependence on the husband and continuous abuse. As one woman experiencing violence said:

I had never thought of living a life this way.

G4: Violence, Did not leave, No Property (No. 33)

► Women's response to violence

Social support, especially from natal family, helps women escape violence.

I told my worries to my mother. I told that it is unbearable, and I would like to come back. My mother encouraged me to come back. I got

strength.... I am happy that I could escape a violent husband. Although life is hard to maintain the family, there is peace. My children are also out of fear. I wish to provide good education to my children.

G4: Violence, left marital home and did not return, No Property (No. 27)

I never thought of leaving this house, because I have no place to go and no one to support. In the recent months one of my distant relatives had asked me to come and stay with her in the nearby town. She runs a small cooperative store and felt that I could provide my labor and earn some money. She also promised to provide me shelter, and this gave me lots of hope. I went there along with the children and started working there. My son also started helping in the cooperative. I am relieved to have been able to escape from the violence. My children also are feeling much better, and they never ask for him also.

G4: Violence, left marital home and did not return, No Property (No. 28)

Now I returned to my mother's house with my children. It was done as per his relative's advice. Now I have peace, even if there is poverty.

G4: Violence, left marital home and did not return, No Property (No. 30)

In FGDs, all the participants were of the opinion that husband and wife should talk to each other and try to solve the conflicts/violence between them. If it does not work, they should look for other options. Men and women, especially from the better socio-economic status group, viewed social support from natal family as a protection for women from violence.

After it fails, she can take action and seek help from brothers, sisters and parents. They provide help in most cases and their interventions work.

High SES/M, Hindu Nair (FGD)

Women look for immediate escape: if her parents stay nearby it is easier for her to go. Parents normally help and provide her support.

High SES/F, Hindu Nair (FGD)

After trying all sorts of solutions, suppose she fails, she will seek the help from her own parents to sort out the issue by any means.

High SES/M, Christian (FGD)

Some women left the marital home, but subsequently returned because of the children, lack of social support, or because the natal family or husband urged them to return. They returned for the benefit of the children, as they would not have been able to provide a house and family life to them. The narrative accounts of women reveal the following responses to violence:

I left home many times, the pressure from my parents and the thoughts about my children's future forced me to come back to my marital house after a week or so. I also think that if I go back to my natal home forever, it may cause disgrace to my parents.

G4: Violence, Left and returned, No Property (No. 21)

I left my marital home twice or thrice because of the mistreatment. My husband never called me back. But my parents motivated me to go back for the sake of my children's future.

G4: Violence, Left and returned, No Property (No. 22)

I left my marital house twice or thrice but returned later having thought of my children. My neighbors also advised me to suffer everything and continue here for the sake of my children's future.

G4: Violence, Left and returned, No Property (No. 23)

As shown in the excerpts of narratives given below, many women did not attempt to leave marital home due to lack of social support, lack of earnings and a fear of abandonment by husband. They had little choice and few avenues of escape.

I am bearing the violence and never gone back to my parents, because if I leave this house once, my in-laws would not allow me to come back. I have

not received any help from the society.

G4: Violence, Did not leave, No Property (No. 24)

But I never leave the house because I have no other place to go. I was under fear, when my children were young, if he abandons me where shall I go?

G4: Violence, Did not leave, No Property (No. 29)

I am still living here suffering the violence, as I have no other place to go.

G4: Violence, Did not leave, No Property (No. 32)

If I had any earnings of my own, I should have left this place and lived peacefully.

G4: Violence, Did not leave, No Property (No. 33)

It is true that leaving an abusive relationship reduces violence, but it has costs: fewer resources on which to call upon, and additional responsibilities to start an independent life and the ability to draw support from the social networks. Many women do not consider divorce as an option for reasons expressed in a FGD among poor women.

A divorced woman face lots of constraints/difficulties: she has to struggle and try to live on her own; she will lose her property or all investments in husband's house; she will ask for help from friends and families; it will affect children's future adversely; A divorced man will marry again easily and enjoy all the property and wealth in his house. His family members will accept him easily.

Low SES/F, Muslim (FGD)

► **Women perceive property as an escape route to be free from violence**

Many women who do not own property and face violence perceive that ownership of property, especially a house, would have protected them from violence.

I think owning property is very good for women. Property should have protected me from violence or at least I could have escaped from this house

with my children if I had a house of my own.

G4: Violence, Left and returned, No Property (No. 21)

I think that owning property would help woman to be independent and protect her from violence.

G4: Violence, Left and returned, No Property (No. 22)

I did not get any land from my parents. If I have a small house in my name, I would have left this house with my children. I think that owning property will protect women from violence. My parents have a small house and all of them are staying there. I cannot take my children and stay with them.

G4: Violence, Left and returned, No Property (No. 23)

Though he doesn't physically punish me too much, sometimes he puts me in mental pressure by not talking to me. I am sure if I have the property in my name he will stop doing this too. He has property, power and money. I have nothing.

G4: Violence, Did not leave, No Property (No. 24)

If I had a house I would have moved out with my children long ago.

G4: Violence, Did not leave, No Property (No. 29)

One of my neighbor friends was beaten up by her husband. When it became a regular event, she decided to leave the husband one day and has never returned. She went to her own house and she is staying there happily. In my case, where shall I go? Who will provide me shelter?... If I had some land, I could grow vegetables and use for food consumption. If I can grow vegetables, I can earn some money by selling them also.

G4: Violence, Did not leave, No Property (No. 32)

In FGDs, poor women recognize the critical role the government could play to provide land and house, and other assistance to women to protect them from violence.

Women do not leave the husband and stay in abusive relationships for a very long time. Some

women also think that they are the reasons for violence and they deserve it. Some others feel depressed, tensed and under threat. Where will they go? Parents and neighbors should support such women. Government should help by providing shelter and give loans or monetary assistance to earn income. Land and house should be given so that women can live with their children.

Low SES/F, Hindu Non-Nair (FGD)

► Perceived effect of access to and control over property

Women's access to and control over property at the time of need is a critical protective factor against violence. A few such cases are narrated below.

A woman had received land as dowry at the time of marriage. But, husband sold the land and bought another piece of land in his name. The woman has no control over the land, as husband owns it now. As shown below, she mentions explicitly that had she owned the land, she would have left the house and the violent husband:

I got 60 cents of land as dowry on my in-laws demand. All my property was sold by my husband and bought property in his name. I no longer have anything in my name. If I leave this house my in-laws will capture the property from my husband. Therefore, I am not leaving. Had I owned the land and not allowed my husband to sell it, I would have left this house with my children.

G4: Violence, Did not leave, No Property (No. 25)

Another woman had received land (25 cents) and a house as dowry, but in husband's name. In-laws demanded dowry, but there was no harassment from in-laws or husband for dowry. Physical and psychological violence began (13 years after the marriage) due to husband's failed business, increasing debt, inability of the husband to utilize the dowry, and the transfer of property in the woman's name. In spite of violence, the woman could transfer the property in her name and retain full control over the property. As her

narrative reveals, women should own property that would be of help during financial troubles and to revive a deteriorating family life:

I sold my property to help my husband to pay off his debts and medical expenses. I think that owning property is very good for women. I had property, so I could help my husband and could take care of our smooth life. He stopped abusing me... I don't have any regrets that I do not own any property now. I could bring peace and happiness in the family due to my decisions on property.

G4: Violence, Did not leave, No Property (No. 26)

In another case, parents promised 10 cents land and a house to the woman, but could not give it, since they were living in that house. The woman felt if the property was given to her as promised there would not have been violence. She is unable to leave house or husband since there is no other support. Her narrative is presented below:

My parents promised to give their house and whole 10 cents of land in my name. Since they were staying in that house, I could not insist them to vacate the house for me... If the property was given to me in time, I would not have to face any problems in my life from my husband or in-laws.

G4: Violence, Did not leave, No Property (No. 24)

(f) Insights from focus group discussions

► Both men and women from a higher socio-economic status reported that single rather than joint ownership of property is more prevalent and preferred. Among the lower socio-economic class, however, joint ownership was reported to be preferred form. There were differences in the opinions of men and women. While the men preferred joint ownership, the women favored single ownership.

Joint ownership is better. Men should get a share of the dowry.

Low SES/M, Hindu Nair

Single ownership is better. It gives women the right to decide on property.

Low SES/F, Hindu Nair

- ▶ Most of the men and women across socio-economic class and different communities felt that violence was not justified. The only exceptional circumstance mentioned by those from lower socio-economic classes was sexual liaisons outside marriage. Verbal abuse was felt to be more tolerable than physical violence.

The norm is that women are supposed to adapt and accept any minor conflicts in relationships. Sometimes, conflicts may be due to the woman. Parents also want their daughters to reconcile in such cases. However, if husband is using force to solve the conflict, or insulting in front of others repeatedly, women do not accept such behavior from the husbands.

High SES/F, Hindu Nair

If the woman has an immoral character (sexually attracts other men and keeps a relationship with him), it is fine if husbands beat. She will realize her mistakes after that.

Low SES/M, Hindu Nair

If she is a 'bad' woman and does not listen to the advice of husband at all and repeat the same mistakes, what will the husband do? He has to beat her to control her behaviour. She will get a chance to overcome her weaknesses/ shortcomings.

Low SES/M, Hindu Non-Nair

If a woman is not pure sexually and cheats a husband due to her relation with another man, husband will beat. It is natural and not wrong.

Low SES/M, Christian

It is true unless the wife has any sexual relation with another man. Beating is justified in this extreme case.

Low SES/M, Muslim

Under no circumstances there should be physical violence except immoral activities (extra marital affairs).

Low SES/F, Hindu Non-Nair

If a woman has a negative relationship with an-

other man. There is no problem if the husband beats his wife.

Low SES/F, Muslim

- ▶ Men and women from all communities across socio-economic status acknowledge some social support to women victims of violence from natal families, friends and neighbors. However, they mentioned that effective support comes from woman's natal family. Christians and Muslims mentioned drawing on the support of religious leaders.

- ▶ All of them cited positive effects of women having property.

- ▶ Dowry is important among all communities. Even Nairs demanded dowry, the non-fulfillment of which can lead to the marriage alliances being broken off.

...My sister-in-law's daughter's alliance broke due to the demand from the groom party of for 25 cents of land and 101 sovereigns and property in their joint ownership. They could not meet their dowry demand ...

High SES/F, Hindu Nair

- ▶ There are strong differences across communities in the practice of property division between sons and daughters. The practice among Nairs is equal share of property between sons and daughters. Normally, Nairs give a house to daughter. In other communities, house goes mostly to sons. If there is dowry demand, daughters receive more property in all communities.

Present practice is equal share of property between son and daughter.

High SES/M, Hindu Nair

Normally property is equally divided in our families.

High SES/F, Hindu Nair

Sons and daughters get equal share.

Low SES/M, Hindu Nair

Parents prepare a will and divide the property equally between children.

Low SES/F, Hindu Nair

Sometimes daughters get a better share if there is more demand for dowry.

Low SES/F, Hindu Nair

Daughters will get more if parents decide to give more and brothers do not object to it or if in-laws ask for more dowry.

Low SES/M, Hindu Nair

Parents also look for the security of their daughters. If there is huge dowry demand and parents can afford them, they will be ready to forgo a larger part of property for the benefits of their daughters.

High SES/F, Hindu Nair

A house is normally given to the daughter as her share of property. If not house, the equivalent money so that she can purchase a house wherever they prefer to.

High SES/F, Hindu Nair

The daughters get dowry (gold and cash) at the time of marriage. Till parents are alive they don't get any property. When partition takes place, if parents have land, daughters get a share of it.

High SES/F, Hindu Non-Nair

Sons get a larger share of the property. But whatever they get is very little (one old house) and a few cents of land. Daughters get cash and gold as dowry. So, it becomes equal.

Low SES/M, Hindu Non-Nair

The practice is that girls normally get dowry (gold and cash) at the time of marriage. After that, her share to parental property is over. In rich families, parents give some share (not equal) to the daughters upon partition. The house and land normally go to the sons.

High SES/M, Christian

We give cash/gold to our daughters at the time of their marriage. Our sons also help monetarily and contribute to the marriage. Therefore, sons get

the property, whatever little we have, after the partition.

Low SES/M, Muslim

- ▶ None mention dispute over women's property.

Conclusions and Policy Recommendations

The results of this study suggest various pathways by which immovable property acts as a social protection for women against marital violence in Kerala. The incidence of marital violence is found to be much lesser among women who own land or house, as compared to propertyless women. The quantitative and qualitative data (narratives and FGDs) suggest the following key pathways by which ownership of property impacts women's experience of violence.

First, women who owned property and did not experience violence explicitly said that owning property protected them from potential violence due mainly to income generation, livelihood security, greater respect and decision-making autonomy in marital family.

Second, many women who owned property but did not experience violence explicitly said that they would not like to tolerate violence from husband in future 'in case it occurred', and they would seek alternatives.

Third, property ownership enhances women's status in the marital family, as a high proportion of women bring property into the marital relationship as dowry at the time of marriage, mostly land and/or a house.

Fourth, women's property makes an important contribution to the family resource base thereby contributing to the economic security of their marital family. Women who owned property and did not face violence reported higher and regular income from their land and house than those who experienced violence despite owning property.

Fifth, propertied women not only manage their own property, some of them also have a role in husband's property.

Sixth, propertied women are able to save money for the future.

Seventh, propertied women are able to transfer their property to daughter at the time of marriage. They are also able to sell part of the property as a last resort in emergencies.

Eighth, propertied women are less likely to depend on husband to look after themselves and their children. The financial independence and possession of a house give them confidence for future emergencies.

Ninth, women with property have greater mobility and social support.

Tenth, propertied women have a greater role in household decision-making, such as financial decisions and reproductive decisions.

Finally, property enables women to escape violence if it occurs. More importantly, women who own a house in their name outside of the marital home, whether or not they have land, are less likely to return to situations of conflicts and more likely to re-establish a life independent of their husbands. All women who own both house and land left their marital home and did not return. In other words, they not only have an immediate place to escape, they also have a means to earn income from land.

The results also suggest three additional factors that impinge on violence despite property ownership. First, among women who own property, if husband is unemployed or has irregular employment, there is greater likelihood that the woman faces violence despite owning property. Second, when wives own property and husband owns none, there seems to be a greater likelihood of violence when both own property. Third, whether or not the property a woman owns provides her protection can also depend on whether she has ready access to and control over it. Among those who did face violence, the narratives suggest various factors including the desire to control her property or sell it off.

The propertyless women, facing or not facing violence, cited dowry harassment, lack of social support, male unemployment and associated alcohol consumption, husband witnessing violence as a child and husband's suspicion over the wife's fidelity as the perceived causes of violence. Women who did not own property and faced violence narrated the devastating effects of violence, including a sense of powerlessness, low self-esteem, insecurity, fear and negative effects of violence on the well-being of their children. Most of these women never attempted to leave the marital home due to lack of social support, lack of earnings and fear of abandonment by husband. They had little choice, and there were few avenues to escape. Some women left their marital home, but subsequently returned, as they could not have been able to provide a house and family life for their children. Also, natal family or husband urged them to return. Many women who did not own property and faced violence perceived that ownership of property, especially a house, would have protected them from violence. Moreover, women's access to, and control over property at the time of need was perceived as a critical protective factor against violence. Very few women, who had strong natal family support, could escape violence, despite not owning any property.

In terms of strategies, the following may be considered:

The general climate of employment and poverty should be addressed in the Kerala context. Providing regular employment opportunities for both men and women should be a priority that would reduce the occurrence of violence. Also, the specific constraints and obstacles to women's employment should be removed. Avenues for self-employment (homestead land) can help them cope better with their multiple roles and responsibilities.

The implementation of recent legal reforms, such as the Protection of Women from Domestic Violence Act 2005, and the Hindu Succession (Amendment) Act 2005 would make a considerable difference to women's ability to deal with spousal violence.

Implementation of these reforms would require as first steps, campaigns for legal literacy and awareness and legal aid support. In this process, a key role would need to be played by women and men who are leaders, community representations, civil society organizations, panchayat and municipality members, and women's organizations so that they in turn would diffuse the information in the community. The media could also play a very important role in spreading awareness on these counts.

A general campaign is also needed for measures and policy initiatives to enhance women's housing and land access in both rural and urban areas, including a campaign for low cost housing for women.

Attention should be paid to developing and implementing pilot interventions to promote women's property rights taking advantage of the current conducive environment in this respect within the government, among civil society members and also among international agencies.

Property Ownership of Women as Protection for Domestic Violence: The West Bengal Experience

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Background

The discussion on property rights of women in India has to begin within the agrarian context, as land is still the main form of wealth dictating status, rights and privileges, and power. The restructuring of this main form of wealth in the 50's, which continues even today, was not in accordance with any personal law and determines, to a large extent, women's rights in India. In fact, the issue of women's land rights has received little attention in policy formulation till the 1980s. It is in the Sixth Five Year Plan (1980-85) that women's need for land received some State recognition. The plan stated that the government would 'endeavor' to give joint titles to 'spouses' in programs involving distribution of land and home sites to the landless. In the Seventh Plan (1985-90), this directive on joint titles was not restated. However, the Eighth Plan (1992-97) does mention two specific points in relation to women and agricultural land. First, 'one of the basic requirements for improving the status of women' is to change inheritance laws so that women get an equal share in parental property. This was directly the propertyed class. The second concerned a redistributive process for the existing resources. For this, the central government asked states to allot 40 per cent of surplus land (i.e. land acquired by the government from rural households owning more than the specified holding amount) to women, and the rest jointly to both spouses. The irony of the situation is that in reality about 1.04 million hectares of surplus land remained to be distributed, constituting a mere

0.56 per cent of the country's arable land; and even within this limited sphere of redistribution, women as individuals were restricted to only 40 per cent of the resources.

Property as Social Protection from Marital Violence

There exists a vast body of literature on the status of property ownership, non-ownership, rights to property – inherited, marital, customary and state distributed – and the legal and customary practices and laws that deny women access to property because of their being 'women'. There are also studies that explain the necessity and urgency of addressing the question of women's right to property. What is critical, given the rapidly changing economic context, is the need to explore what constitutes 'property' per se. In one of the focus group discussions (FGD) with men and women from one of the sub-sites in West Bengal, there was a discussion on the meaning of property, and what property ownership by women would translate to, at the level of the village economy, rural families, familial networks, class caste and religious community and the interrelations between them. One of the women said, "property can be house, land, business, fixed deposit in the bank, a salaried job, hens, ducks, pigs, cattle on share, fish-farm, tenancy rights, rent from house or shop...." Her answer highlights the fact that the perception of property had extended features and is very much a reflection of the dynamism operative in the economy and society. It points to the fact that the perception of land as

property is undergoing major changes, and the question of ownership, nature of ownership, control and access to land and house are questions that need to be considered within the changing frames in the agrarian scenario in West Bengal.

Though the discourse on property and property rights in general is important, it cannot be discussed in abstraction and requires structural analysis. The issue of marital violence, too, requires analysis that is structural as well as behavioral. There exist several studies on violence, including those focusing on marital violence. However, there is scant literature on the relationship that women's rights to ownership of property, or its denial, have with marital violence. This study attempts to address both these factors – women's right to property and the pathways that actual property ownership establishes to features of independence, autonomy and freedom – to build upon the hypothesis that property ownership by women may work as social protection against marital violence.

Women's Access to Property in West Bengal

West Bengal was one of the first states to recognize a woman's right to property within its land redistribution program, through the 1992 government circular on joint titling for distribution of all land. Despite this, data do not seem to reflect that women have benefited to any large extent from such progressive policies. The official figures on land allotments prior to the joint title circular do not reflect any allotments made to women. As for allotments made after the circular was issued, **no** district-level official record of women recipients of land titles could be traced in the study sites, except being informed (by officials) that 400,000 allotments have been made in joint titles. The *pattas* are for both agricultural land and homestead land.

Through the course of prior research work, it was possible to interact with some women who had “officially” received joint titles to land in other locations

in West Bengal. Most of the women were not aware that they held land and/or house jointly with their husbands. Thus, even though women's entitlement to land was recognized on paper through this circular, in reality women continued to have little control over what was received by them due to lack of information.¹³ **Further, the circular does not clearly spell out the rights of the woman on land and/or house with joint titles, in situations of marital discord.** As the land under distributive measure cannot be legally alienated, and as “joint” entails only married couples, women have articulated that they also find it difficult to plan their livelihood from joint holdings. In a majority of the cases, the joint property is where the husband's family resides, which makes it very difficult for a married woman to have independent access or control over that joint property, on being divorced or separated.

There appears to be some confusion among some of the leaders of the women's movement about the total amount of land to be distributed under a joint title. The concept of joint title to property, albeit with regard to state distributed land, provides us some clues about working towards equal matrimonial property rights. In West Bengal, the *pattas* that have been distributed subsequent to the circular have been given for three types of land: agricultural land, (land on which paddy is grown), home sites, and forest, orchard or plantation land. The major part of those for distribution under joint titles are orchard land, plantations and homestead lands that were not under ceiling in the first round of identification of ceiling surplus lands. The earlier phase of land distribution and registration of sharecroppers included land that was mainly for agricultural use. The 1979 order of land distribution had not made provisions for women to be included in the general category of either the landless or the *bargadars* (sharecroppers). This order was complemented by the Left Front government's political slogan, “the one who ploughs the land, owns the land.” The plough was a symbol of the program – land to the tiller. There is a social

13 For a critique and detailed discussion on the circular on joint titling, and the specific ways in which land reform policies have failed to actually benefit women in West Bengal, see Annexure 1. This is based on current and previous work done by the author, and forms the discussion and information shared during the FGDs of the current study.

taboo on women ploughing land, though they perform all other agricultural work. Because of this, women were automatically excluded from being beneficiaries of the program, even if they were landless or land poor. Women gained little from that phase of distribution, and their status as sharecroppers was clearly overlooked. The women's movement can make a direct intervention in this area. (See Annexure I for detailed discussions).

Apart from state-led efforts, women can acquire property primarily through inheritance – as widows in their marital homes and daughters from their natal family. Some communities in West Bengal have traditionally recognized the right of a daughter to inherit property. Various studies in West Bengal have shown inheritance from the natal family to be the most secure route to property for women. Inheritance of marital property is difficult, as the legal framework ensuring the wife's rights to matrimonial property is not well established. Overall, women's right and access to property stands divided across caste, class and religion as all matters of inheritance, marriage, custody, maintenance, and divorce are considered under Personal Law. Against this background, the current study attempts to explore the extent and nature of property ownership and women's experience of domestic violence, within certain communities in West Bengal.

Aim of the Study

This study explores community perceptions on issues of women's property ownership and domestic violence as well as the relationship between women's ownership of property and domestic/marital violence. Several factors, both at the macro level and at the level of the individual, have been considered in the exploration of the pathways of this relationship. The study has been successful in detailing many of the contextual factors, as well as the experience of women themselves.

Site of the Study

District 24 Pergunnahs (N), one of the largest districts in West Bengal, was selected as the study site, given its historical importance as the fulcrum of the Tebhaga movement of the 1940s, in which women

played a key role in realizing occupancy and tenurial rights of the peasantry. It is also one of the districts where land reform has been a success, and official records indicate that a large number of plots have been distributed to women, especially in the Sunderbans region.

Within this district, the study was conducted in three sub-sites, representing rural/urban, Hindu/Muslim and tribal/ non-tribal divisions. Two sites, one rural and one urban, are located in the Barasat block. Barasat is the district headquarters. Social and political awareness, as well as the recognition of inheritance and property rights, are known to be very high in this area. The third site is in the Hingalganj block.

- ▶ **Sub-site 1: Pakda Gram Panchayat in Barasat** – This sub-site is predominantly rural and has a high concentration of Muslim households. Women have received land or a share in the land, either in their own names or joint names with husbands. These lands are being cultivated or used as aqua farms. Women are very vocal about both property and violence issues.
- ▶ **Sub-site 2: Barasat Municipality Ward Number 15** – This site represents a growing phenomenon in rural India – the development of semi-urban clusters. The ward's population is primarily Hindu. It is well represented by way of middle-class households, an extensive slum dwelling and two clusters of resettlement colonies. Our study was conducted across all these areas. The occupational profile of the households was varied, but it represented the typical small-town settlement profile – government jobs at lower levels, informal-sector labor dominated by tertiary-sector employment, small business, school teaching, etc.
- ▶ **Sub-site 3 Sandeleribill Gram Panchayat, Hingalganj Block, gateway to the Sunderbans** – This site is a rural, mono-crop area, located on the Bangladesh border. It has both Muslim, and scheduled caste and tribe populations. Women in particular, as well as men, are engaged in home-based production, especially rolling of *bidis*. This block

has received an award for having the highest turnover from self-help groups. The block also has the highest concentration of women and children engaged in fishery.

The Sample

The study design involved an initial qualitative phase in which the study was introduced through a series of informal discussions and meetings in the community, followed by focus group discussion with men and women at the specific study sub-sites aimed at gathering community perceptions. This was followed by a quantitative survey with married women to gather data on experience of violence and property ownership. The final qualitative phase involved in-depth narratives with select women to gather details about how property ownership may be making a difference to women's lives, specifically in relation to the experience of domestic violence.

The process of introducing the study was a lengthy one at all the sites. There were extensive discussions with several categories of people. One of the first observations made by the research team was that in West Bengal, people at all levels are politically organized, either formally in party organizations, or informally in mass organizations of peasants, women, students, youth and workers. Any study to be conducted demands discussions at length, which include the purpose of the study, its immediate applicability to the respondents, and the village as a whole, whether it is being carried out by a government self-help group or political party etc. However, this process helped in building immense interest and a sense of ownership among communities and the local panchayat officials, thereby ensuring that the data collection could be carried out smoothly.

One hundred and fifty women in each sub-site were chosen for the survey. A voters' list for the wards was acquired, from which women aged 19-49 were identified. Their marital status was established through household visits to arrive at a final list of women to

be included in the population, from which the sample was drawn through random selection.

Out of the total sample of 450, there were 56 women who were widows and another 14 who had property, but had disposed of it. These women are not included in the final analysis presented here. The findings are based on information from 380 survey respondents, 30 narratives and 6 focus group discussions.¹⁴

Findings from the Study

A. *Perceptions on Women's Property Ownership and Domestic Violence - Reporting focus group discussions (FGDs)*

The focus group discussions tried to address and understand the existing social norms, values about women's ownership of property, the practices among the communities chosen for the study, and the communities' perceptions on marital violence. The discussions also sought suggestions from the community members about ways and means of intervening in situations of marital violence.

Property ownership: Most of the women who participated in the focus group discussions were articulate on the question of right to property and what property meant to them. However, in focus group discussions among households who have never owned property as a social group or class, women could not relate to the notion of property per se, as a measure of social protection. To conceive of property ownership in the name of women was even more difficult for them. In Pakda site more women cited different forms of ownership – such as property owned in terms of share of land that is being cultivated on a cooperative basis as aqua farms, as compared to women in Hingaljanj. Also, many of the women from Pakda, predominantly a Muslim area, were aware of their legal rights with regard to their share in the marital property.

¹⁴ The major criteria for selection of the narratives are broadly common across sites. Property ownership, experience of violence and response to violence (leaving home/returning) were the major criteria for selection, spread equally over all the areas, thus including rural/urban and Hindu/Muslim representations. Span of property ownership, type of property owned were also included as sub-criteria.

On the issue of ownership of productive resources, women complained of their lack of security in their matrimonial homes, as they did not have any legal right to property, be it land, cattle or house. They also pointed out that, as they spent a major part of their lives as married women, they should have equal legal entitlements from their matrimonial property.

Preferred forms and type of ownership: In the circumstances that governed their lives, women felt what could give them security was owning land, house or having regular and productive employment. However, **more women spoke of house and employment as security than land.** In these areas, women traditionally did not supervise the work on the land, or engage in related dealings in the public sphere, such as with the court, the settlement office, the registrar's office, etc. Women who did own land, (many of these were Muslim women), shared that they often did not know where their land was, or exactly how much they owned. They were usually consulted at the time of the sale of the land, as their signatures were probably required at that time.

In discussions on the government's move to provide titles, either independently or joint, in the names of women, most women spoke in one voice – “we want land in our own names”. Even in situations where the option of joint ownership of land existed, **women expressed their desire to own a piece of land in their own names, i.e. in single titles.** Women did not rule out the benefit of joint land ownership, which was that husbands would not be able to sell or mortgage the land without their permission or knowledge. Women from families that have had to sell/mortgage the land that the family owned for dowry payments, felt that if they had been aware of the decision, they would have tried several ways to protect the land.

Advantages of property ownership for women : Apart from the benefit of security, both economic and social (specially in old age), women articulated that when a woman owned property, she had a higher status within a joint family set up and would be exempt from performing the more pressing chores. However, while

women spoke of the security that a house could accord them, they were not very clear on the relationship between their thoughts on property ownership and their experience of violence at home. Violence was something they accepted as part of marital life and tried “not to think too much about”. In fact, they said that this study was the first where the women and members of the community were being asked to publicly discuss the issue of violence, especially marital violence. As women spoke about their experiences, it was clear that the prevalence of violence, and the level of tolerance to it, were both very high. The two strong aspects in women's perceptions of violence were restricted mobility and dowry-related violence.

In deliberating on what would enable women to have a better life i.e one free of violence, women spoke of the many “social markers” that accord status to married women. **It was not clear to them as to what would give them a better status – being propertied, being educated, being a working-woman, or being the mother of a male child. This plurality of factors associated with her status and her own perception of her status as an individual is where most of the problem lies in determining what factors can act as social protection for women against violence.**

Community perceptions of women's property ownership: While women themselves spoke of the security property and employment could give them, other community members and men, from all the three sites, laid stress on employment as a more important source of livelihood for women than house or land. The community expressed less interest in women owning house or land in their independent capacity, as women and as individuals. **As the marital framework was dominant, the issue of women's ownership of property remained subsumed within the frame of protection of the institution of marriage and the security of the marriage.** Other explanations more commonly aired were those of women's inability to supervise and organize production at the field level, their immobility, weak health, inability to deal with public contracts and exchanges, their illiteracy, and so on. The responsibility of the domestic sphere and maintain-

ing social norms were seen to bind them to the private sphere of life and, therefore, as deterrents to their independent ownership of land and/or house.

The experience of violence and women's response to it:

The violence that women experienced was both physical and psychological. Violence seemed to go almost unexplained and unquestioned in most discussions. It was as if it was a male privilege and norm to be violent with their wives, to keep them in their rightful places. Most women saw tolerance as the most acceptable option. Two factors were identified as critical for their acceptance of the situation: **The lack of an alternative shelter and some skill, or continued work experience, left them with sources of income that were of little economic value or stability – such as being housemaids or doing home-based production – neither of which provided the security of food and shelter that they required to walk out of a violent situation.** The reality for women in rural areas was bleaker than that of those in urban areas. Many of the women did not want to leave their marital home, as they felt they could not ensure that would be able to feed their children. At the same time, they did not want to leave without them. Out of the two possible options, home-based production was not always a feasible or productive alternative, in comparison to regular work, or to running a small business, when there was no home of their own to base the production. Women feared starvation, begging, prostitution, and their inability to set out on their own. **The fear of starvation and begging were most frightening and pressing for them.**

Men's perceptions of domestic violence: In some of the focus group discussions, men were keen to discuss the reasons for their own behavior, and many have subsequently asked for more meetings to discuss this issue at greater length. The male members present at these meetings were not very keen to discuss all types of violence – mental, physical, and sexual. Hingalganj was the only site where the local political leadership, i.e., the panchayat members who were also present at these FGDs, were keen that the discussion on violence, especially marital violence, be elaborated upon. A few men requested that they would themselves like to understand the phenom-

enon of marital violence, something with which they had to cope as children. The most common reason for violence by the husband was explained (in public) as a reaction to wife's disrespect of his wishes, or defiance of the way he would expect her to do certain things within the household. Violence against the wife was also perceived as a kind of intervention by the husband in the daily disputes between the wife and other members of the husband's family. The violent nature of the intervention was, more often than not, to establish within the family his control of his wife, who was perceived as his property, and also an expression of kin solidarity against the 'deviant' behavior by an outsider.

However, in both site 1 and 3, the relationship between dowry transactions and violence appeared to have some patterns. Women perceive that the dissatisfaction with the dowry received had led to the experience of violence. The reasons were either that the wife's family had failed to keep their promise of fulfilling the requirement, or the inability to comply with the demands by the husband's family in face of the need for money – for the girl's treatment during childbirth, or for bailing out the husband in times of trouble.

Role of community in instances of domestic violence:

The community viewed marital violence predominantly as a private affair. In one of the focus group discussions on the community's acceptance of marital violence, the clear response was that only in extreme situations, such as total incapacitation of the woman or extreme neglect, would neighbors intervene. In Pakda, community members felt that wife beating had reduced because of interventions by political organizations such as the peasant unions and women's organizations. However, the intervention was more because of the influence of the political party in the area, and not due to a general improvement in the actual conditions triggering violence, or awareness on the status of women in society. With the weakening of the political influence of the dominant party, there had been a reduction in the number of family disputes that were brought before the party organization or its mass organizations for negotiation, arbitration and mediation. The party or-

ganizations also refrained from any intervention, if they felt their decisions were not going to be respected by the community. It was found that marital disputes were increasingly being referred to formal legal setups, such as the district legal aid cells, or the legal aid program established by the courts. However, the legal framework did not help in addressing the problem of marital violence. There had been no systematic community interventions in the sphere of marital violence till date.

It appears that the issue of marital violence is far more complex than what law alone can hope to reflect appropriately and handle through its regime of interventions. Social structures, family and kinship systems and norms cause and reinforce marital violence, with patriarchy and patrilocality being quite central to these. ***Patriarchy is systemic and encompasses economic, social, religious/political, and legal structures. Therefore, an effort at that scale is required in order to address the issue of marital violence effectively.*** A group of individuals or a few women alone cannot address the problem in its scale and content.

Overall, women related to property ownership more in terms of current security for themselves. However, when they referred to income, it was in futuristic terms, such as income for children, their education, marriage, etc. Many women articulated the constraints that prevented them from being actively involved in the production process. When it came to independent right and access, ownership of house was the most preferred form, as revealed in the FGDs. In matters of land and cultivation, women typically spoke in the collective, including either their husbands or their children, especially the male children. In many contexts, women also stressed the need for an independent and stable source of earning. However, the process of sanskritization and the consequent rise in the household income, dominated the decision to withdraw women from employment outside the home. Women resented this confinement and their restricted mobility. What emerges out of these focus group discussions is that though community perceptions are not against the need for better security for women,

there is hesitation to stress on women's right to own property independently of husband, brother, or father. Thus, the task of establishing the pathways between property ownership by women and their social protection against domestic violence, is not easy. Moreover, these FGDs were the first public forums in which men and women thought and deliberated on the issue of violence and women's right to property, which added to the difficulty.

B. Findings on the prevalence, nature and extent of domestic violence

An analysis of the survey data reveals disturbing trends on the prevalence of domestic violence, its reasons, impact and women's response to it. Given below are some of the main findings on domestic violence in West Bengal:

- 1. Violence is pervasive across caste, socioeconomic status, and community:** In West Bengal, the reporting of violence by currently married women is extremely high, with 64 per cent women experiencing violence at some point of time in their lives. 55 per cent report physical violence, 60 per cent report psychological and 45 per cent report sexual violence at some point in time. The reporting of current violence is also high, at 49 per cent. 31 per cent of the women report current physical violence and 42 per cent report current emotional violence.

Violence during pregnancy is also alarmingly high at 41 per cent.

- 2. Reporting of sexual violence is disturbingly high:** Out of all the different forms of violence, the reporting of sexual violence is of a disturbingly high proportion. Among women reporting current violence, approximately 31 per cent report sexual violence, including behaviors such as forced sex (95 per cent), threatening the woman into complying (16 per cent) and refusal to have sex (21 per cent).
- 3. Violence is frequent and women experience multiple forms:** A disturbing feature of the high level of violence reported is its multiple forms. Of the women reporting violence currently, 35 per cent

report all forms – physical, psychological and sexual. The violence is also frequent, with 53 per cent reporting being slapped, 27 per cent kicked, 21 per cent beaten up, 27 per cent hit more than three times in the last 12 months. So far as sexual violence is concerned, 52 per cent report that they have had sex when not willing and 7 per cent report being forced into having sex, by using physical force, more than three times in the last 12 months.

4. Violence has severe health and economic consequences and fuels a cycle of violence: Violence often has a grave impact on the physical and mental well-being of women. Women report a variety of ways in which violence affects their health, to the extent that they begin to feel worthless, wish to end their lives and suffer from chronic health problems that weaken them. Such conditions also make them more vulnerable to violence. Persistent violence creates a sense of fear among them (31 per cent). **Among the women reporting violence currently, nearly 54 per cent report having injuries needing external attention.** The mental health consequences are also severe, with 59 per cent reporting thoughts of ending life, and an alarmingly high proportion (61 per cent) having tried it already. Many women experiencing violence also report missing work, or being unable to do their household work. **30 per cent report missing work after an incident of violence for an average period of 2.7 days.** The strain on household resources is another source of conflict that results in increased violence.

5. A range of reasons fuel violence: In the narratives, multiple factors are reported as triggers for violence. **The two most consistent themes are insecurity of employment and livelihood options, particularly for men, and alcoholism.** Another recurring theme is insufficient dowry, or non-compliance with demands for more, which is most pronounced at a time when the marital household is facing an economic crisis. Issues of sexuality, particularly protests by women about their husbands' extra-marital affairs, husbands' suspicion of wives' infidelity, and sexual incompatibility also result in violence.

The quantitative analysis indicates that there are clear risk factors, including husbands' employment status, dissatisfaction of in-laws over dowry, alcoholism of husband, witnessing of violence in his childhood.

6. Women report several constraints in responding to violence: Of the 51 per cent women facing violence currently, only 1 per cent have been able to leave the marital home never to return. Some of them (25 per cent) had left home, but returned subsequently. In fact, the majority (57 per cent) suffer and continue in the relationship.

A few critical factors are responsible for women's inability to negotiate and deal with marital violence and look for alternatives for themselves: no safe shelter of her own (94 per cent), conflicting emotions about leaving the children behind (77 per cent), no options of livelihood (48 per cent) and lack of support from natal family (30 per cent).

When faced with the possibility of taking charge of the family as provider, as well as nurturing the young single-handedly, the option of walking out of a violent marital context becomes a distant dream. The natal family has been found to be lacking in resources, unwilling to take on the responsibility of the married daughter, especially if she has walked out of the marriage with children. Moreover, the natal family plays a critical role in negotiation and convincing her (60 per cent) to go back to the marital family. Of the women who are facing violence currently, only 10 per cent feel they can always depend on their natal family, whereas 80 per cent feel they can count on them sometimes. 41 per cent report that neighbors are somewhat concerned about their well-being, and 53 per cent report that they can talk very little about their problems to people. According to the study, 59 per cent are able to talk to their mothers about their problems, 34 per cent to their fathers and, interestingly, 32 per cent can talk to influential persons.

7. Women identify certain factors that are supportive and enable them to deal with the violence in their lives: In spite of all the constraints, it is significant to note that for the women who have been

able to leave, the following have been the enabling factors: natal family support (64 per cent), neighbor's support (43 per cent), community leader support (32 per cent). Another interesting finding is that the possibility of not experiencing violence is higher when one is a member of an economic group. The two groups that seem to have a positive effect on establishing social protection from violence are economic labor and savings. The economic labor groups can be those of agricultural wage-workers or home-based producers (such as *bidi* workers in Hingalganj, the fisherwomen of Hingalganj, the housemaids of Barasat and the embroidery workers of Pakda). Of all the categories, perhaps the strongest protectors are economic groups of agricultural workers, the *bidi* makers and the fisherwomen. This is so, because men too work in these three sectors, while the embroidery work employs mainly women, pays less, and therefore is not a good option for social protection. The savings group goes a long way in meeting the requirements of the household in general.

C. Findings on property ownership

1. **Property ownership is higher than expected:** Surprisingly, 35 per cent of the total sample report owning property. Among the propertied women, nearly 47 per cent own house, 36 per cent own land and 9 per cent own both. In fact, house ownership is found primarily in one study site, namely Barasat municipality.
2. **Inheritance is the primary source of property ownership, while the urban sites also report purchase:** The data on the source of ownership of property reveals that among the various avenues available to women, inheritance still dominates. **Women's visibility as beneficiaries of government-allotted land and house is still negligible.** Only 6 per cent have got a house through government allocation, while the figure for land is 3 per cent.

In the urban site where house ownership is dominant, the majority has got it through purchase (62 per cent). The time taken to acquire the property is generally a few years after marriage. In Bengal,

property is rarely a part of dowry, so women do not bring it into the marriage. Therefore, the revision of the bill on property rights for women, especially the terms of inheritance, seems apt. However, as the majority of women live in their marital homes, it is time that the issue of marital property is addressed.

D. Links between property ownership and domestic violence

The quantitative association between women's ownership of property and their experience of domestic violence reveals that property ownership, specifically ownership of house, is protective from the experience of domestic violence. In order to understand the connections between women's ownership of property and their ability to negotiate marital violence in greater depth, several narratives were recorded from each site. Given below are the key findings on the overall quantitative association and the links between property ownership and domestic violence. Also presented is a detailed discussion on select trends emerging from the narratives, which provide insights into women's experiences of violence and on the various enabling and constraining factors in dealing with it.

1. **Overall, property ownership is protective against violence:** The study clearly indicates that property plays a protective role against violence. Among the property-less women, 57 per cent experience some form of current violence, compared to 35 per cent of women who own property. Thus, with property ownership, there is a drop in the overall violence reported. This is also true across particular forms of violence. While 40 per cent of women with no property report physical violence, the figure drops to 15 per cent for those who do. Similarly, 50 per cent of non-propertied women report psychological violence and the figure stands at 28 per cent among propertied women.
2. **House ownership appears to be more protective than land:** Women who own houses experience significantly less violence. In fact, only 13 per cent report current violence. The proportion reporting physical violence is 4.8 per cent for women own-

ing house, and 30 per cent for women who own land.

The reason appears to be that in case of house, the benefits are immediate, visible and **tangible**, and that the house can easily enter the exchange market. The fact that she owns a house also gives the woman an immediate, accessible and secure shelter in situations of domestic violence, which guards her against “*being on the streets and begging for survival*”. Ownership of a house, specially if it is the site where the marital family resides, gives women a more stable living condition and status within the marital home. A house also has the potential of being used as a production site for home-based job work, which can provide the woman with livelihood opportunities. For women who do not own property and have not been able to negotiate the violence, the need for owning a house is voiced strongly. As one woman says, “*if I had owned even one small room either at my natal house, or marital house, I would have definitely got rid of my husband and in-laws. I did not have to bear such torture and humiliation everyday.*” Although land is an equally productive resource, most women find it difficult to control it independent of other related resources of the marital family, such as their lands. The lack of direct and independent control over the use and decisions regarding her own land weakens her ability to negotiate a violent situation and fall back on her property as social protection. Thus, ownership of land becomes protective only if it is productive, accessible and sufficient to contribute to the earning of the household.

- 3. Property ownership influences women’s ability to voice their opinion, gain respect and make decisions. In some cases, it also influences the workload:** A consistent trend seen is the elevation of the woman’s status in the marital family, because of ownership of property. As one woman who owns property and does not experience violence states, “*I have got all the property of my father and that is why I get respect in the marital family, and husband does not torture me.*”

The following excerpt from another narrative of a woman who does not have property and also experiences violence highlights the dynamics that ownership of property can result in – “*My mother had come from a poor family, and her parents could not give many things. As a result, my mother had to do more household chores than others and, even after the death of my grandmother, she had to obey my senior aunt. That aunt’s father had given 2 bighas of paddy land for her, and hence she carried the respect of all and had to do lesser work than mother. From the very childhood, I used to do work in the fields. But my aunt’s daughter used to enjoy the afternoon, going here and there in good clothes and make-up*”.

Further Insights from Narratives

The narratives provide detailed accounts of women’s experiences of early married life, the violence faced by them, and their inability to deal with such situations in their lives. It is critical to understand and appreciate the confluence of social, relational and economic factors that impinge on an individual woman’s situation, and her ability to react to it. It is obvious that violence emerges from traditionally defined and accepted expectations and roles. The ownership of property and the potential impact it can have on women’s lives, specially domestic violence, has to be viewed within this larger socio-economic canvas.

Early married life and women’s experiences of violence:

What is most disturbing about the findings is women’s inability to take corrective steps at an early stage of marital violence. The narratives also highlight what had given them strength over time to cope or meet the challenges of the situation.

It is found that most of the women are married at an early age, with little or no education and no special skills to enable them to eke out an independent livelihood. Further, from an early age, they are mentally and socially prepared for marriage as a mandatory institution and marital life as their duty. Women marry with many expectations of what an ideal married life would be, with dreams of what they can expect from

their marital home, especially their husbands. They are also trained to be aware of what the in-laws would expect of them. Says A,¹⁵ a Muslim woman, *“due to poverty, I had to say goodbye to studies. More than poverty, the custom in my particular community did not encourage education of girls, except to learn to read the Koran and pray. We learnt at an early age that girls are ‘paraya dhan’ (other’s property) and therefore have to bear many responsibilities like looking after in-laws, obeying and serving the husband and the in-laws, which would be her route to heaven.”* Variables that can trigger violence feature nowhere in this scheme, nor is there any preparation for dealing with conflicts in relationships. However, they realize one factor immediately – they have to fight the battle on their own. In her narrative, A continues, *“In any situation, even when she is tortured, burnt, beaten, denied food or is forced to even attempt suicide, parents advise girls to return to their husbands. At that moment, your own parents become like strangers and your siblings, especially brothers, become different people. Women are made to feel like a burden whose responsibility nobody wants to take. Women cannot expect anything as a matter of right. They cannot see anybody as their own. I personally have smelt avoidance in the air. You are only expected to give and expect nothing.”*

A woman’s reality often is in sharp contrast with her expectations of a married life, and specially her relationship with her husband. Irrespective of class, caste and community, all narratives report similar thoughts with respect to the expectations of women from marriage and from their husbands: the husband would love her, help in all situations, not impose anything on her, would share decisions and opinion, not do anything she did not like, would respect her feelings in sexual life, would not beat or quarrel unnecessarily, would not torture her on complaints from in-laws, and that he would not restrain her from visiting her natal home. Some “mild” forms of violence, such as slapping and scolding are to be tolerated from the husband.

The reasons for violence are not always a one-shot incident or provocation. It happens consistently over

the years, sometimes starting as soon as a few months after marriage. Many women view psychological violence as the worst form, as it heightens the feeling of immobility and helplessness. Though women have not shared at length about sexual violence, they mention the sense of violation accompanying it as most humiliating. Over and above these forms, is denying permission to visit the natal family, warnings against speaking with neighbors about ‘family matters’ and expecting the natal family to contribute financially, from time to time. What is recurrent, but not well explained is the women’s deep sense of shame in exposing the husband’s bad behavior and his financial status to her natal family. **This silence delays the reporting of violence.** As women are viewed as ‘property’ that is being handed over to the rightful owners – the husband and the in-laws, the woman’s family expects that she will be well taken care of. However, as owners of the ‘property’, the in-laws’ expectations are servility, obedience and an avenue to enhance their social value. Therefore, some women also report pressures of how in-laws expect that the daughter-in-law will produce as many sons as they desire! Others want the daughter-in-laws’ parents to set up their sons’ business. Yet others want the woman’s parents to continuously bail out the husband and his family from financial difficulties. The woman, thus, becomes a medium of extraction.

The loneliness and helplessness of the woman because of her inability to share her experience with anyone outside her family does little to help her to deal with marital violence in any effective manner. The natal family’s intervention is often not forthcoming and is not appreciated by the marital family. The community in which she lives as a married woman considers her an outsider. This absence of social support makes it difficult for her to bring matters to the knowledge of the larger community, the natal family, or even friends. Reaching out to the legal system is almost impossible for most women. The law expects the woman, who is the victim, to take the first step in reporting violence, before any intervention can be planned. The issue of marital violence needs to be

15 Names have not been given to maintain confidentiality.

brought out of the sphere of the private to the level of the social, thereby creating a social responsibility. More inherent systemic changes in infrastructure also need to be planned to enable women to deal effectively with the violence in their lives.

The impact of owning property :

It is in cases where the woman directly owns property, house or land, that she is found to have a say in the demands or expectations from her in-laws or husband, or can expect support from her natal family or the community at large. Women who own property also gain in terms of respect and voice within the household and confidence within themselves to share their opinions and participate in decision-making. Many of them also report changes in their relationship with their husband, mentioning that it is relatively more “equal”, and both of them as a unit plan for their children, their future and economic security.

In all the narratives where women own some property, they are also able to make a certain amount of personal savings. Narratives also reveal that only if land and/or house and the income from it make a visible contribution to the running of the household does it make any difference to the violence experienced by the women. One woman who did not inherit any land, but worked as a *bidi* worker and has received some land from the government as part of the distribution program, said, *“other than bidi-making, only owning land has helped. The torture continued, even though I was earning as a bidi-worker. But, the land that I have received matters to my husband, and it makes a visible contribution to the running of the household. It is an important piece of ownership, and it has given me the confidence to walk out of the marriage and eke out a living independently. House and land are both important types of property. House is more important, as it serves as an immediate alternative for the woman, but land is important for long-term security.”* On being asked whether gift of money can play an important role in her life, she disagreed and said, *“Cash is fluid, and the husband would have spent it and it would have made no difference to the violence that I experienced. Land ownership will help me to leave a violent situation or use it to*

threaten to leave. Land ownership gives me courage to walk out.”

Another woman, H, pointed out, *“women who do not own land or house become victims of suffering. Such women do not even get treated when they are ill and become believers in the supernatural to the extent that they even resort to female foeticide as sacrifice for a son in the future that will give her some status at home.”* Another narrative spoke of cheating by the brothers who skipped listing the sisters as successors to the father’s property. She showed courage and filed a legal application, upon which her share was bestowed on her. Such acts are, however, rare. Women also point out that multiple sources of income, from land and/or house in their names, as well as wage earnings, help them to save. Wage earnings alone do not allow them any personal savings, as they are not allowed to keep any money aside for themselves.

The socio-economic profile of the sample in the survey reveals that only 11.4 per cent of the households have regular salaried income. Employment in the informal sector and irregular employment characterize many of the households. In particular, the work situation of the head of the household (in most cases the husband) contributes to the fragile and poor economic status of the household. Uncertainty of work, income and the inability to cope with the rising costs, work together to create tensions at home. As stated earlier, this also serves as a trigger for demands of the natal family, subsequent harassment and violence on the woman. This feature of irregular employment status has emerged as a critical component contributing to the instability of the households and the relations of individual within those.

Dowry and property:

Women recognize that parents are unable to look after the daughter and her children in distress, as they spend a substantial amount at the time of marriage, a part of which is in the form of dowry. Dowry becomes synonymous with her share in the property, in the eyes of the community, when in reality such is not the case.

Women strongly articulate that even jewelry cannot be equated with a share in land and/or house. Many women have, in fact, voiced the need to distinguish between marriage-related expenditure and her rightful inherited share, something which they feel should not be either converted to cash as part of dowry, or given in the hands of the husband or the in-laws.

H, in her narrative mentions how her father gave her a substantial amount of jewelry. As the marital house did not have enough security, she had kept her jewelry with her father, which was stolen. Her father consoled her by saying that he would “give her more valuable and better assets than what she had lost in jewelry.” He gave her agricultural land and a plot for her homestead. She points out how happy the in-laws were, and so was the community around her marital home. Interestingly, all of them are happy not for the woman, but for her husband who they realized would come into property through his wife. H says that she takes decision about what is to be grown on the land she owns and also regarding the running of the household. Her husband did harass her earlier, but she took that in her stride and considered it “normal” in a family. She says that her confidence comes from ownership of her property. She has more respect from others because of her ownership of property that even if there are “*some small incidents of disagreement and harassment by her husband*”, she feels confident of handling them. The respect she gets from others, because of the property, counters other minor issues.

It has also been found that if women are able to contribute to the creation of wealth in the form of property, such as purchase of property after marriage, they can often demand that their names be included in the title.

Conclusion

The narratives recorded delve deep into various aspects of a woman’s life. They trace her experiences from childhood, through early married life to the present. The women specifically talk about the problems and conflicts, as well as other major events in their lives, such as acquisition of property. In West Bengal, property acquired through inheritance does

not usually become a part of the dowry, or any transaction at the time of marriage. However, ownership of property, especially house, emerges as a protection against the experience of domestic violence, as it positively influences the woman’s status within the household. Overall, the analysis of women’s experience of violence points to the fact that changes are required at many levels and in various aspects of the women’s lives, in order to deal with this issue effectively. There is a need to address the social norms that govern attitudes of natal and marital families, and the community at large. Systems that continue to treat violence with apathy and indifference cannot be ignored, either. Finally, the potential of an immovable productive asset such as property to provide social status and economic stability to an individual and their household, demands wider appreciation and recognition.

Recommendations

Presented below are the broad recommendations emerging from the study in West Bengal. Also summarized are some of the main demands that women respondents articulated in the course of focus group discussions and other group discussions.

Overall Recommendations Emerging from the Study in West Bengal

1. Third-party intervention in the form of reporting witnessing of violence should be entertained by the police and be admitted as evidence.
2. Village dispute mediation should be recognized and placed within the forum of Gram Sansad (the fourth tier of the panchayat) and the police, and the judiciary should consider their evidence and give them powers to deal with the dispute at the primary level of the village. This, however, should not deter the disputants from moving the courts directly. Women often find it difficult to move the courts and prefer to discuss the matter at the village level. Even that may be difficult for them, as they may feel hesitant to discuss ‘private’ matters in ‘public’. It is under extreme conditions that a woman would bring her problems to be discussed in public. Village Dispute Mediation Forums need to be formalized, to

Demands articulated by the women

- ✓ Equal rights in inheritance and a clear state direction on marital property.
- ✓ Recognition as individuals, as cultivators and heads of households, as well as with their husbands.
- ✓ Direct access to productive resources, i.e. land and/or house instead of selling or mortgaging the same to pay dowry. This was specially aimed at parents and articulated by young unmarried girls.
- ✓ The right to own property independent of their brothers, fathers, husbands and sons, so that they are able to take decisions about control and management, minus any encumbrances.
- ✓ Demand for both joint *patta* (title) and single *patta*, depending on the circumstances, form of property, and its ease of disposal. Individual ownership of house was preferred, while joint *patta*, was desirable for landed property, to enable women to exercise some control over the husband's decision to sell the land.
- ✓ Some form of restriction on the right to will away property to the sons only.
- ✓ Equal rights to the homestead of their parents, so that they do not feel hesitant to return on being divorced, separated or deserted. This right is to be clearly defined in legal terms, so that the woman does not feel obligated to her brothers for allowing her to reside in their natal home. The brothers should only be given usufruct right to sister's share of property in her absence, and not ownership rights.
- ✓ Stricter legislation to deal with multiple marriages by the men.
- ✓ Statewide campaign to counter the practice of dowry.
- ✓ The state to work out ways of recognizing women's contribution to agriculture and their share in the total wealth of the household.
- ✓ Family planning measures to be directed at the male members of the family, as women on their own have restricted rights to exercise reproductive choice.

ensure that community responsibility and participation become an integral part of the enforcement regime.

3. Women who are victims of violence are more likely to report their plight to their nearest ones. As most of the women are illiterate, or do not have the requisite level of education to maintain a diary, the government, as part of the enforcement regime, can take certain institutional measures towards a process of documentation. For example, women teachers, or teachers appointed with the ICDS program, can be made to act as scribes to whom the women can narrate their experiences. Such records should be used as part of the F.I.R. (First Information Report), in the event of a dispute or calamity.
4. The state needs to acknowledge and implement policies to ensure housing for women. One of the safest housing options, presently, is the natal home. Although all households do not have enough space for several families, considering that daughters would wish to stay in their natal homes only if they are left with no choice, women's right to stay in their natal home should be constructed as a legal right.
5. Lawyers and policy makers should seriously debate and arrive at some framework to ensure that women have full control over their property and are not denied their rights, or forced to sell/transfer the same in the name of the husband or the brother. In addition, serious efforts need to be undertaken to shape norms on women's ownership of and rights to property, with families and communities.
6. In the state-led land reform efforts, there should be clear directives on what should be the procedure for jointly held property, in the event of dissolution of the unit.
7. Economic policies that threaten the economic security of the family as a whole need to be reviewed. In the fast-changing economic scenario, protective measures need to be institutionalized, both for the family as a whole, and women in particular.

A number of factors have jointly contributed to an ever-increasing state of insecurity for the majority of the households. These include: insecurity of employment opportunities, lack of a political will to carry out land reform for the majority who are land-poor or landless, but dependent on agriculture for their livelihood; and failure to recognize women as producers, and the absence of a legal framework to deal with adequate wage regulation for home-based production and informal labor. This depressed state is compounded by the lack of definite rights of women, as individuals, to productive resources, such as land or house. As shelter has become a major factor in enabling women to negotiate marital violence, this factor has to be specifically addressed by state governments. **One of the starting points should be that property acquired post-marriage should be jointly registered.** Also, there is an urgency to secure women's rights in marital property, by including the husband as well as the woman's inheritance and share (as in the case of the house that the husband lives in) as joint property.

The community's perceptions of women's ownership of property do not necessarily complement the provisions of the recent Bill on inheritance. There remains a wide gap between the tenor and intent of the Bill and the social norms, perceptions and practices on the ground. Whether the interface will happen, how will it happen, and to what extent the public sphere of law will be allowed to enter the private or family level decisions, are issues that need to be worked out. Can there be intervention prior to the issue appearing in the form of a dispute? The duality between the written law on inherited property and the freedom to violate it, as in the case the freedom of testation, should be addressed within the provision of the new Bill. Both the intent and the procedure would have to be combined and developed to intervene in social practices at the level of the family, and in the perceptions that guide and influence decisions. An extensive campaign needs to be organized, by the state machinery as well as organizations within the civil society who support the Bill.

Final Thoughts on Social Protection

The context of the study, the findings, and the de-

mands articulated by women, reflect a **congruence of vulnerabilities**. What can be the new mechanisms for addressing the question of social protection in the face of the challenges faced by poor, excluded and vulnerable groups of women? How can the work of researchers, civil society groups and government agencies be coordinated to face these challenges? What can be highlighted from the study as new forms of vulnerability following the impact of globalization, i.e. the global trade regime? How can the findings negotiate the process of growth and social change? Can the market and the government come together to work out a viable framework of social protection?

The study has succeeded in making visible some critical forms of vulnerability for women, such as the lack of safe housing and ownership of property, low paid insecure employment, illiteracy, and high rate of marital violence, especially sexual violence.

One of the critical factors working as a **deterrent** to building women's capacity to negotiate or move out of a violent marital situation is the failure of the natal family to act as a source of social protection. This corresponds to a larger frame of the relative decline in the capacity of family networks or informal mechanisms to provide support for vulnerable people. Issues involved in the context of West Bengal are those of class, community, poverty, which include regressive social attitudes and economic backwardness, the lack of structural dynamism required to combat institutional blockages to development and integration with the global trade regime. Equally relevant is the deep rooted gender bias in property relations and property ownership that keeps half the population from effectively participating in the long-term advantages envisaged from rapid economic growth, economic reform, and globalization.

Innovative ways will have to be worked out to negotiate both long-term growth and short-term damage control. Some of the crises have arisen due to incomplete institutional reforms that have resulted in a failure to develop shock-resisting powers or adequately replace a scenario of declining provision of welfare and social safety nets through collective systems and the reduced capacity of governments to develop wel-

fare services. The concept of social protection has moved out of the “developmentalism phase”, which had ended in the late seventies internationally, but had continued in India until the mid-eighties. The present frame is that of ‘fee for service’, resulting in pressure on individuals to make provisions for themselves. Under these circumstances, the need is to explore the potential for NGOs and the civil society to respond to social protection needs. The expectation from NGOs and the civil society is that they perform within the space of local governance, following the path of decentralization and devolution in government systems.

Challenges that Need to be Met

► Creation of vulnerable groups, such as ethnic minorities, migrant workers, the destitutes who fall outside the formal social protection systems. Among these groups, the severest social exclusion is related to ethnicity, socio-economic status, gender, age and migrant status. Exclusion is also often correlated with poor education and health status, limited fluency in the national language, undocumented civil status and low levels of political empowerment and organization. Vested interests and systemic challenges often stand in the way of innovation.

- The changing nature of work and employment, such as flexible labor entry and exit requirements, multiple skill requirements within the same ‘body’, casualisation of labor and increasing market risks. The ways in which these impact upon the working class and their families need to be explored.
- Inability of informal systems of social support to deal with risks of liberalization –the informal sector, contract and piece workers (including those whose products or services are purchased by formal sector enterprises), and farmers rely on informal protection mechanisms, which provide an unreliable and incomplete safety net.
- Re-visiting family and community support structures and their capacity to perform a protective role from women.

In conclusion, it needs to be emphasized that effective social protection for women requires institutionalization as a regular entitlement, in contrast to social safety nets that are meant for times of crisis. It is within this new frame that measures of social protection for women will have to be worked out and performed by multiple actors – the state, civil society groups, in some cases the family, and the community.

Annexure I

The Problem with the Joint *patta* as discussed in focus group discussions (FGDs)

Explanation of the concept of joint

The term ‘joint’ in the context of the circular denotes ‘husband and wife’. No other relationship has been considered as joint, for example, father and daughter, mother and daughter, brother and sister, two sisters, two brothers, father and son, or mother and son.

What is *Patta*

The term *patta* has been used in two senses. One *patta* means receipt. Two, when the word is used in relation to land, it means land that has been distributed by the government free of cost to select beneficiaries. Such lands/allotments cannot be sold, mortgaged or transferred or even divided. On the death of the *patta* holder (in the case where *patta* has been issued in the name of a single person usually the head of the household) the next in line (usually one next of kin member) has to inform the land record office at the Block level and request for the record to be changed. What however happens is that the family members decide to partition the land unofficially and continue with the same. The usual practice is to change the record in the name of the surviving spouse first, in the absence of which other members are entitled to lay claim having sorted out amongst themselves who would be the heir eligible. *Patta* lands cannot be partitioned arbitrarily as the government holds the right to resume control over the land so distributed for any public purpose or if the government finds that the *patta* holder is unable to continue cultivation of the said plot.

Who are the beneficiaries of *pattas* in West Bengal according to the compendium of instruction on Land Reform by the Board of Revenue order No 6225(18)-GE dated 26.5.79?

- a) A landless person/household
- b) Landless agricultural worker households who belongs to the Scheduled Tribe.
- c) Landless *bargadar* (sharecropper) household who belongs to the Scheduled Tribe.

- d) Landless *bargadar* household who belongs to the Scheduled Caste.
- e) Landless *bargadar* other than the above (meaning in order of priority)

It is to be noted here that in 1979, the list of beneficiaries was gender neutral, i.e no special provision/ mention/ or consideration was made for ‘women beneficiaries’ in any specific terms. There were certain criteria by which the beneficiaries were further defined and that is in terms of their nature of participation in agricultural activities. This was done with the intention of protecting people who were personally involved in cultivation and to ensure that *bargadars* (barga being a tenurial category and does not say anything about whether the *bargadar* is otherwise landless, or a landholding person with substantial land other than the area he/she cultivates on *barga* contract) could not take undue advantage of the land distribution program. In the process of identification of beneficiary households attention had to be paid to their participation in four major aspects of agricultural work - ploughing, sowing, weeding and harvesting. Ploughing has been, and still is, perceived as a primary activity in agriculture, and the one who ploughs becomes synonymous with the concept of a tiller. The thrust of the land distribution program was land to the tiller. Traditionally women of West Bengal do not plough. While today this absence may be explained in terms of women being weak - bodied and that they do not sow (which is not an explanation really), the absence is closely associated with the notion of fertility. Land therefore symbolises the woman’s biological function of reproduction and refrain from ploughing the soil. This is not true for all countries, but those are considered exceptions. The point is, as a result of the requirement of all four functions by the beneficiary, men quite naturally were identified as tillers, and allotments were made in their names. Women were only considered as beneficiaries, if they were widows, deserted and single. Widows

with adult sons were often asked if they would prefer the *pattas* to be given in their son's names. According to the tenancy reform laws of this country, tenancy is no longer legally supported. Tenancy means a contract (there are different kinds of contracts and therefore tenancies are known by different names) between an owner of the land and one who will cultivate the land other than the owner on payment of a rent to the owner. While tenancies no longer enjoy legal support from the states, exceptions are made for men in services, disabled persons and women. So even if the women of West Bengal do not plough, they could be considered for land allotments, as they could have cultivated the lands through different tenancy arrangements. Women lost out in three distinct ways from their independent rights to land allotments. Lands were given to households but in the name of the husbands. Married women lost out. Adult men, even if they were bachelors, were entitled to *patta*. Unmarried adult women were not considered as adults, as the idea was that women would marry and leave their natal homes. The state did not think that even when married, women could have access to an independent source of income, in this case from land. Widows only received land in their name in the absence of an adult son, but wherever there were adult sons in the family, allotments often went to the sons. The joint title circular, since 1992, has, to a large extent, included women in the scheme of right and access to resources, and the joint *patta* recognises only married couples. The land reform measure of land distribution still leaves a large number of women, be it unmarried adult girls or otherwise single women (usually in the status of widows, deserted or divorced), outside the frame of land distribution.

What property falls within the purview of the joint patta circular?

Lands that have been declared as surplus over and above the ceiling that is allowed for each cultivating household, declared as such by the government, and taken over by the government. Once taken over, such land is declared as vest land and is kept for distribu-

tion as *pattas* to the beneficiaries. The circular does not apply to lands already owned by households and therefore leaves women outside the advantage of holding titles with their husband's jointly. The concept of joint therefore has created a certain degree of division between women of already propertied households and women who belong to the class of agricultural labourers and land poor households. Land that fall under the purview of joint titles can be for agricultural purposes as well as for constructing houses, i.e. homestead lands.

Does the jointly held property have presumption of 50:50 share?

Patta lands, in the name of one person or in the name of husband and wife, are small plots. The purpose of distributing *pattas* is to provide the landless and the land poor partial support to eke out a livelihood and to provide shelter to those who are without a roof. The entire program is geared towards people who have a marginal existence on a resource poor base. The size of the property thus is so small that any further division may make it unviable. The state does not distribute land to take care of intergenerational needs. As a result, in the event of a separation, divorce of a married couple who have received joint *patta*, the demarcation of independent 50:50 share of the partners is difficult. The circular on joint *patta* does not provide any clarification about the fate of a property that has joint title to it, especially if it is a *patta* land. Several constraints have shown up in this context in the realisation of the right to access and control over such property by the women. They are as follows:

- ▶ As the concept of joint is only applicable to a husband and wife relationship, women who are the wives are usually outsiders to the village where the property is located. They come to stay in their husband's property/home/village leaving behind their natal home. Often their natal homes are in different villages, towns, districts or even states.
- ▶ In the event of a break up of marriage, or informal separation or violence against her by her in-laws

or her husband, what option does the woman have in terms of social, economic and physical protection? In a majority of such circumstances, the woman returns to her parent's or brother's home, or she tries to work out an independent source of living. Given the socio-economic profile of the section of population that fall within the purview of joint title, alternative and independent life by the women can be realistically speaking ruled out. They are not skilled to afford an earning that can allow them to live independently; in the villages her living independently may not be socially acceptable or even safe; she may not be able to return to her parent's home, as she is not welcome there by her brother's, or there is not enough there for her to consider as an option; she often lacks an independent share of her parent's home/house; and she has no right to live in her husband's house, once she is separated or divorced; she cannot live in the same house with her husband in a situation of conflict, as she feels physically threatened, and as there is no legal framework to help her live in the same house even for an interim period – until the marriage is dissolved. Under these constrained fallback options, what happens when there is a joint property, i.e., joint *patta*? More often than not, in the absence of any legal framework for half share of a marital property or any share of marital property in any of the existing frames of Personal Codes of any religion in matters pertaining to marital property, women can be offered a share of the valuation of the joint *patta*. As *pattas* cannot be sold or mortgaged or transferred, valuation becomes difficult. Sometimes it is concluded that half the share of the joint *patta* be given to the woman as maintenance towards her and her children. There can be many local flavors to such decisions but the circular/order does not provide any clear guideline about independent access and control of such joint titles, in the event of a break up of a marriage. **A clear guideline is urgently required.** Security of women cannot be assured at the cost of risk to social protection and their freedom to live independently, as and when necessary.

What is the legal status of the order on joint title?

The government order on joint title is an order and not an act or a clause within the Land Reform Act. It remains an intent, and its success is based on the goodwill of the authorities that are responsible for distribution of *pattas*; the alertness of various mass organizations/ unions that work amongst the landless and the land poor and eligible beneficiaries of joint *patta*; and alertness of the women's organizations in the concerned areas. The status of the order is that it is non-justiciable, that is, if in some cases of distribution *pattas* are not given in joint names, the failure in the implementation cannot be challenged in court. Several excuses can be forwarded to avoid distribution of joint *patta*. One that is often used is that the amount of land for distribution surpassed the number of married couples entitled to *patta* land. While the government order hints at distribution of land to single women or rather women of the households along with joint titles, the former is not revived in the absence of sufficient number of households entitled to joint *patta*. In fact, in the absence of sufficient number of beneficiaries of joint titles surplus *patta* lands are widely distributed to single adult males and is rarely or never given to unmarried adult girls from the families of beneficiaries.

Demands to widen the social base of the provision of joint patta and to ensure security, access and control over such property by women.

- ▶ Make the joint title provision applicable to all *pattas* since 1979, especially in situations where both the partners in marriage of original allottees are alive. This can easily be done from the record office at the block level although dependent on an order from the government.
- ▶ Workout legal guidelines for independent access and control over a joint *patta* in case of dissolution of marriage.
- ▶ Expand the notion of joint beyond married couples to be more inclusive of women especially unmarried girls.

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- ▶ Prioritise beneficiaries by making provision of single *pattas* to women who are deserted, widowed, divorced after exhaustion of joint *pattas* and where surplus lands remains available for distribution.
 - ▶ Make the provision of joint *patta* a part of the LR Act.
 - ▶ Make the flow of information more inclusive and democratic so that women get to know that the property the family holds has a joint title.
 - ▶ Update records immediately after distribution of joint *pattas*.
 - ▶ Make women's signature compulsory on documents that state that the *patta* is jointly held.
 - ▶ Work out the process of devolution of jointly held *pattas* clearly so that the daughter's right to parent's property is equally protected.

Property Ownership and Domestic Violence: A Perspective from Sri Lanka

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Sri Lanka is well known for a better status of women, as compared to many other developing countries. Sri Lankan women share equitable norms with men, especially in relation to inheritance rights. Therefore, they enjoy greater accesses to property ownership. The percentage of domestic violence experienced by women in Sri Lanka is also lower compared to that in its neighboring countries. However, despite these indicators, domestic violence remains a significant predicament in Sri Lanka. This research attempts to explore the interrelation between domestic violence and ownership of property, accentuating the comparative perspectives in relation to the other two study sites – Kerala and West Bengal.

Explorative Questions¹⁶

The primary concerns of the research were to

- ▶ explore the extent of women's legal rights to own land and property
- ▶ determine the actual prevalence of property ownership among women in the study areas
- ▶ examine the prevalence of domestic violence in the study areas and the impacts of such violence on women
- ▶ determine the co-relation between women's ownership of property and their capacity to deal with problems of domestic violence

- ▶ identify other factors, if any, that may impact on the ways in which women may deal with domestic violence, such as social norms and attitudes.

Domestic violence, in the context of this research, refers only to inter-spousal violence, i.e **any form** of violence perpetrated by husbands on their wives.

Methodology

CENWOR selected three areas from within the provinces of Sri Lanka, to conduct this research. In order to cover a wide spectrum of locations, the areas included a rural site, an urban site and an irrigation resettlement scheme on State land. The diversity of sites also took into account the different marriage systems and laws that exist within the Sri Lankan legal system. A total of 450 women, 150 from each site, were selected for the study. However, since the focus of the analysis was on married women in the reproductive age group, women aged over 55, divorcees and widowed women were excluded from the final analysis.

Tools of research

In keeping with the objectives of the study, and to ensure comparability across sites, both qualitative and quantitative methods were used for data gathering. The three tools used included:

16 The author wishes to acknowledge the names of the following individuals who were responsible for doing the fieldwork and compiling the first draft : Cameena Guneratne, Ramani Jayasundere and Asha Abeyasekera- Van Dort. She also wishes to acknowledge the statistical department of CENWOR for tabulating the data and Prof. Swarna Jayaweera for her inputs.

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- A. A primary household field survey
 - B. Narratives based on interviews with women
 - C. Focus group discussions

A. The primary household field survey

The survey aimed at exploring the empirical association between women's property ownership and the reporting of domestic violence experienced by them. A detailed questionnaire was administered, which gathered information on the household and demographic characteristics, property ownership, employment and other sources of income, marriage, decision-making and mobility, marital violence, and characteristics of the natal family.

The common questionnaire, prepared across sites, was modified substantially for the Sri Lanka survey. It consisted of both structured questions and open-ended questions, which gave the respondents an opportunity to describe their experiences and to articulate their perceptions and points of view. While the broad themes were kept comparable across the three sites, certain site-specific questions were also included, such as on ethnicity or middle-east employment.

B. Narratives based on in-depth interviews

Ten respondents were selected from each site for an in-depth exploration into their experiences of property ownership, violence and how they felt the interplay of the two had impacted their lives. The four categories included women who had experienced violence, who had not, those who owned property and those who did not. Though these categories were adhered to uniformly in the other sites, they could not be applied to the State land site of Badulla, owing to the minimal reporting of property therein. The researchers were given guidelines as to what they should probe for with the selected respondents. However, while exploring the issues set out in the guidelines, researchers were to permit the respondents to also talk freely about issues of concern to them.

C. Focus group discussions (FGDs)

Focus group discussions played a major role in

gathering the perspectives of the communities around domestic violence and women's property ownership. Two FGDs were conducted in each location – one with men and one with women. The participants were drawn from a wide age range and, except for a few exceptions, were married. Both groups were also questioned on perceptions on inheritance rights. The issue of *alcohol* as a significant reason for violence in the home was also addressed with men. They were also asked how they would respond if they were aware that any female relative such as a daughter or sister was being abused by her husband.

A team consisting of 5 researchers carried out the research in each site, totaling to 15 researchers who were involved in data gathering.

Contextual Background

Sri Lanka is a country with over two thousand five hundred years of history. Since the early days, a system of agriculture and feudal kinship has governed its ways, norms and culture. Sri Lanka has a predominantly Buddhist identity. The Sinhalese constitute the majority of the population. Tamils are the second largest minority group, who had settled there following conquests and inter-marriages, or had come to work in the tea plantation owned by the British. Concurrently, Muslim traders also settled in Sri Lanka, when the colonial masters came to rule – the Portuguese in 1505, followed by the Dutch and finally the British until independence in 1947. Thus, culture in Sri Lanka has been re-interpreted, re-organised and re-defined within a spectrum of time. Agriculture still remains predominantly the main livelihood and lifestyle of the people. Free education and health services have contributed significantly to uplift the human development index, especially in comparison with other developing countries. Tea continues to be the main export product. However, ever since the adoption of the open economy policy in 1977, the garment sector provides mass employment especially to women, which has gone to not only uplifting the economy but as well as the family unit and the status of women. The new economic policy also opened doors to overseas employment for women, bringing foreign exchange to the country. It

is noteworthy to highlight here that both garment and agriculture sectors are the products of tedious effort and labour of women.

However, the country's economy, as well as its development in general terms, has been affected by the conflict with the Tamil rebels in the north (now under an Memorandum of Understanding negotiating a peace deal) and the insurgency faced by the south in the late 1980s. Conflict has destabilized the morale of the people, and peace is a much sought-after commodity.

Marriage, Ideology and Kinship

As an important context of our research, it is important to highlight the patterns of marriage that have existed in Sri Lanka for several years. Though geographically Sri Lanka is fairly small, its populous is widely diverse in terms of culture. Often, local norms and values differ across localities. There are three distinctly identified marriage patterns within the current social structure:

- ▶ The Deega – patriarchial
- ▶ The Binna – matriarchial
- ▶ Cross-cousin marriage

Deega marriage: It is the more common form of marriage in Sri Lanka and is essentially patrilocal. In this type of marriage, the bride leaves her conjugal family and goes to live with the husband's family. Today, the family structure is that of nuclear family.

Binna marriage: In this instance, the groom comes to live with the bride's family in their village. The bride receives wealth, which is predominantly land, from her parents. This kind of situation is more conducive when there is no male line of descent, though is not exclusively limited to this. There is a saying that in this type of marriage, the man has to be ready with his parasol at all times in the event he is chased off the wife's premises. The land, although not exclusively, is usually inherited from the wife's mother's line of decent.

Cross-cousin marriage: Common even today, is a

marriage arranged between the children of a brother and a sister. *Avvassa-massina* and *nana* are accepted forms of cross-cousin marriage. The primary intention behind cross-cousin marriages is to keep the land within the family and not protect caste affiliations or strengthen kinship ties.

Caste & Status of Women

Rajakariya was a serviced-based caste system defined in terms of profession. The hierarchy within this system is as per the services rendered to the king/queen and the royal courts. The king/queen was at the apex of society. However, he/she too had to render his/her services and answer in turn to the people. These services were in the form of granting agricultural land, or engaging services to the royal court. The system, in its own way, had a certain agency and mobility for all members of the society. *Rajakariya* was made virtually defunct by the British, which has had a lasting impact on **land inheritance**, especially in the central part of the country. The caste system is still in existence, in moderation, and has a special role to play in marriage. Same caste affiliations are respected, and often a daughter or, to a lesser extent, a son is disinherited of family property, if they marry against their parents' wishes.

Buddhism too has had a major impact on inheritance and on women. While it rejects caste, Buddhism encourages women to share equal rights with men. These factors contribute to Sri Lankan women having a better overall status, as compared to women from the subcontinent or from other developing countries (Munasinghe 1998, Kiribamuna 1992, Vimaalsekere 2003). Kapila Wimalandarama says in this regard:

One factor in the predominantly Buddhist countries is that largely due to the influence of Buddhism, there is a greater gender equality in intellectual pursuits, religious life and ownership of property (2003:11).

Laws on Marriage and Inheritance

It is important to place here the marriage laws that exist in Sri Lanka, as they reflect both on marriage and inheritance rights. For the Sinhalese community, two

basic laws are in operation, based fundamentally on geographical differences. These are, the General and the Kandyan laws. The others that operate are the Tesawalami for the Tamils, and the Muslim law for the Muslims. Since the research was focused on the Sinhalese community, the 2 laws pertaining to them are explained in greater length.

The general law: This law does not differentiate between female and male siblings of a family, and they share all rights equally. To quote Savitri Goonesekere again:

Today women marry before the Married Women's Property Act and the Matrimonial Rights and Inheritance Ordinance. They were given the same rights in respect of property, which includes control over her dowry (Goonesekere 1961:5).

The Kandyan law: This law is for Kandyans who live in the central and other areas of the hinterland. Both partners have to be Kandyan, for this law to be effective. The Kandyan law recognizes *deega* or *binna* marriages mentioned earlier. However, in the case of a *deega* marriage, the bride ceases to possess the rights to inheritance to her paternal property, as she becomes a part of the husband's family. Even then, if she reconnects with her paternal family at some point (due to divorce, separation), then her rights can be resumed, despite dowry given at the time of marriage.

Dowry in Sinhalese Marriages

It is contextually important to note here the significance and importance of "dowry" in the cultural framework of the Sinhalese.

In fact, it appears to be considered essentially as a gift to the woman, distinguishable as such from a free will gift to a man by the bride's parents, which he takes absolutely. As part of a woman's separate estate, dowry becomes subject to her own control and management. (Goonesekere 1981:30)

At the time of marriage, the bride is given assets that include jewelry, furniture and land. The dowry is not seen as a pre-requisite to marriage. It is mostly a gift

given by the parents for the security of their child. *It is in this context that in all three locations in this research, women were unconcerned with dowry per se.*

Domestic Violence and Women in Sri Lanka

Despite having a context rather conducive to women's rights, Sri Lanka does experience severe domestic violence. However, there is no significant or specific law to address domestic violence, though the Criminal law, Constitutional law and Civil law have some provisions to seek legal redress for victims of domestic violence. The last decade has seen some important legislations being introduced in this regard. For example, rape has been made a criminal offense and a 'Domestic Violence Act' was introduced in August this year. This Act establishes procedures and mechanisms to enable women and other victims of domestic violence to obtain protection orders for immediate protection from further violence.

Domestic violence is gender-based and is reinforced by notions of patriarchy that operate in the context of Sri Lankan society. Potential victims of domestic violence include wives, girl friends, female relatives, neighbors, homosexual partners and domestic workers. In this research, however, the focus is only on violence inflicted by the husband. Women, who become victims of such violence, often become passive subjects, who tolerate all forms of violence inflicted on them. There is an old saying that "a woman should not talk about her own family to outsiders, and all problems must be solved within it." This context operates to a large extent in Sri Lanka. Sri Lankan women are concerned, because of these strong cultural and social norms, of "shame" and "embarrassment" to the family, especially if they have children. This social sense takes precedence over personal feelings or even personal safety. Thus, many victims are unwilling to leave an abusive relationship, due to social stigma, the burden of which is heavier when it involves children and their place in society. Escaping a situation of domestic violence becomes even more problematic when women are financially insecure. The institutional response to domestic violence

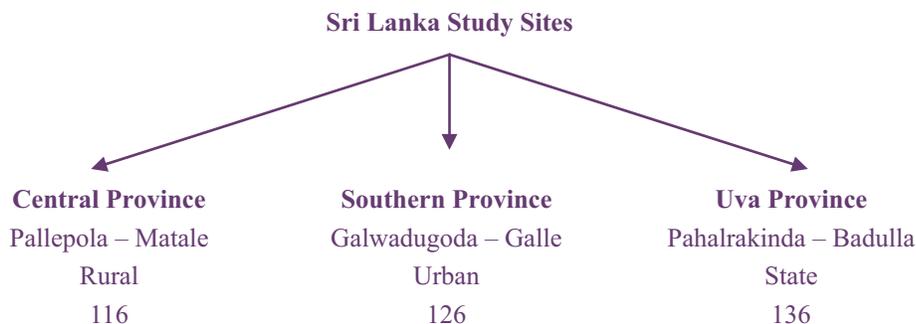
mirrors the same social norms. The approach of the police demonstrates a trivialization of violence committed within the private sphere, and domestic violence is not treated with the same gravity as violence in the public sphere. The tendency is to treat such violence as “private matters” that need to be resolved within the privacy of the homes. The police appear to believe their role is that of mediators rather than law enforcers, and that their primary obligation is to persuade the parties concerned to “resolve their quarrels” and resume their marital relationship. However of late there is a special desk for women handled by policewomen in every police station and sub police station. Thus, the records on domestic violence are becoming more significant. Hospitals also reflect the same attitude. When women are admitted with injuries caused by domestic violence, apart from the necessary medical treatment, there is no further investigation or follow-up, nor are the relevant authorities notified. These sets of circumstances are not only aggravated by an attitude problem, but also by the lack of resources and trained personnel to handle such situations.

Female Ownership of Immovable Property

Countrywide sex disaggregated statistics for land ownership in Sri Lanka are not available with regard to either private property or distribution of State land. While it is probably difficult to maintain such statistics for private property, it is unfortunate that even the State institutions involved with land distribution have not maintained records on women’s ownership of property. Studies by individual researchers provide some information, but there is a distinct lack of reliable data.

The Study Sites

- ▶ **Site 1 : Pallepola** – This is a rural site located in the Pallepola Divisional Secretariat in the Matale district of the Central Province. It has an ethnic mix, with 67.4 per cent Sinhalese, 26.7 per cent Tamil, 8.2 per cent Moors and 0.3 per cent other ethnic groups. Marriage rites and inheritance laws are therefore diverse – a mix of the Kandyan and General laws, with the Muslims and Tamils using their own personal laws. However, this research focused only on Sinhalese women and was conducted across three locations, namely - Ehelepola, Aluthgama and Bomeruwa.
- ▶ **Site 2 : Galwadugoda** – The second study site focused on a large urban area, namely Galwadugoda, which is the closest AGA division to the city of Galle (Southern Province). Galle lies 72 km from Colombo and is one of the largest urban centers in the south, with the Galle harbor playing a major role in business. This area is highly urbanized and populated. Sinhalese make the majority and Muslims are the second largest percentage in terms of ethnicity. The area has a high percentage (22.9) of female-headed households.
- ▶ **Site 3 : Pahalrakinda** – The third study site selected was in Badulla in the Uva district, which lies south-east to Colombo. The village Pahalrakinda is situated in the Mahaweli settlement scheme. This site was selected for its particular nature of state land distribution and ownership. Land rights in these schemes are governed by the Land Development Ordinance, under which State land is distributed to the landless. In the case of the site village, the people were relocated here after their



land was acquired for the Yala National Park. The relocation site is not very far from where they currently live. However, this site has a rural economy and is the least developed, having access to limited resources compared to the other two sites.

Major Findings

The key findings of this research with regards to domestic violence and property ownership in the Sri Lankan context are presented as follows. First the discussion highlights the analysis of the data with respect to the two variables, property ownership and domestic violence. This is followed by an analysis of the links between ownership of property and its impact on women, specifically on the experience of violence. This is organised under four themes:

- A. Property ownership among women → enhances social status within the family and community
- B. Property ownership among women → increases income and reduces insecurities
- C. Property ownership among women → reduces or eliminates domestic violence
- D. Property ownership among women → empowers women to negotiate or walk out on a marriage

Findings on property ownership

The overall findings from the three sites indicate 30.4 per cent of women surveyed reported owning some form of property at present. The highest reporting of ownership of property was in Galle, the urban site, with 44.4 per cent reporting current ownership.

Among all the women who owned property, nearly 54 per cent of them own only house. An additional 13 per cent own house and land. Finally, 32.2 per cent own land only, and one woman owns house and shop.

The majority of women received property – house, land or both – primarily through inheritance. The other main source of property, surprisingly, was purchase, especially in the urban site. A few women in the Mahaweli settlement had received property in their name through the government program.

Site specific findings

Matale: Is a rural site, where 116 households were sampled. The reporting of physical violence in this site is 17.2 per cent; psychological violence is 32.8 per cent and 5.2 per cent of women reported experiencing economic violence.

The 38 women (32.7 per cent of the sample) who owned property at present cited a total of 40 properties. Out of the 40 properties reported, 28 were inherited, while 8 were purchased and 3 received as gift. 5 properties were received at the time of marriage and 12 before marriage. Half of the properties were acquired after marriage.

There is considerable ownership of property among men. Almost 80 per cent of the households reported that husbands also owned property. Thus, while women own property, their ownership is at a much lower level in comparison to that of their husbands. The types of property owned were similar between men and women and included land, agricultural land, houses and shops. The patterns of ownership between men and women were similar. Most had inherited property, particularly from their parents.

Most properties provided income with no difference between properties owned by men and women. Women, generally have a say in the way in which the property is being used and also in decisions to dispose of it. As far as their own property is concerned, they appear to be exercising considerable control over it. In terms of disposal of property, none of the women respondents decided by themselves on the disposal. One decision was by the husband and others a joint decision. All stated that the disposal of property had no effect on the marital relationship.

Galle: Galle was the urban site for the study and has reported the maximum property ownership by women. A total of 126 households were surveyed in the site. 10.3 per cent of the women surveyed reported experiencing physical violence in their married lives. 56.9 per cent reported experiencing psychological violence and 14.3 per cent experienced economic violence.

Here, 56 women, i.e. 44.4 per cent, reported ownership of property at present. They cited a total of 61 properties. 46 respondents stated that they owned the property individually, while 13 said that they owned it jointly.

The property included agricultural land (9 women), land (12 women) and mostly houses (40 women). In terms of acquiring, 22 of the properties had been inherited, 19 gifted and 17 purchased. *Only one property (a house) was given as dowry.* As such, 31 properties were acquired after marriage, 19 before and 9 at marriage. 40 respondents derived an income from the property, comprising agriculture land, land and renting houses.

Of the 126 households, 90 (71.4 per cent) reported that husbands owned property. Women's property ownership was only marginally less than that of men. Over half of the women respondents owned property, at present or in the past. Again, the type and form of acquisition of property revealed similar patterns for both men and women. Most properties provided income with no difference between properties owned by men and women. In terms of disposal of property, all women stated that the disposal of property had no effect on the marital relationship.

Badulla: A total of 136 households were surveyed in Badulla, which is a resettlement site. Here again, the reporting of lifetime physical violence was 10.3 per cent, psychological violence was 23.5 per cent and economic violence reported was 3.7 per cent.

Only 15.4 per cent (21 women) reported ownership of property at present. Total properties reported were 28. Twenty-one respondents stated that they owned the property individually, while 8 said that they owned it jointly. Twenty-five respondents derived an income from the property comprising agriculture land and houses, and this comprised renting agriculture land, occupying houses and harvesting land and property.

69.1 per cent of households reported that the husbands owned property, and most reported income from it. Ownership of property was generally low among men and women. Half of the men and only 15 per cent of the women owned property. Women's property ownership, in terms of ownership of residential home, was very low, with only 0.3 per cent owning the home, in contrast to a much larger number of men owning the marital home.

One woman stated that property was received as dowry and both men and women derived an income from the properties.

Findings on Domestic Violence

The overall data from the three sites indicate 138 or 36.5 per cent of the total of 378 women were subjected to some form of domestic violence by their spouse. Among the women who reported violence, 90 per cent reported psychological violence, 34 per cent reported physical violence and 21 per cent reported economic violence (This form of violence included primarily the denial of resources by husband to meet basic economic needs of the household and the women's needs). These figures also indicate that women experience multiple forms of violence. 88 per cent of these women also said that the violence was continuing. It must be also noted that relative to many other nations in South Asia, domestic violence in Sri Lanka reads a relatively low figure. However, this does not necessarily mean that the intensity of violence is less.

As reported earlier, Sri Lanka has very strong cultural norms around domestic violence, which is perceived as a matter of shame and not to be articulated in public. However, this varies in degree within different social classes. In a general sense, domestic violence, if it occurs within a marriage, is assumed to be primarily the fault of the woman. If the violence results in the break up of the marriage, the shame is experienced by the woman. This leads to great pressure not to name the problem – as women said, “one should not mix the outside and what is internal.” Thus, an

unwillingness to discuss the issue of domestic violence was found to be widespread.

The sense of shame around domestic violence also limits women's ability to respond effectively. The shame operates at two levels: on the one hand, women who experience it are unwilling to share their experiences with other women or their families and would rather keep it out of public discourse. On the other hand, even if women share with other women who experience domestic violence, or concerned members of the community, they are reluctant to leave their husbands, due to shame. This shame can be ascribed to the social norms and expectations of enduring suffering that women have internalized. While a publicly violent man's behaviour is condemned by society, a woman who does not have the patience to endure private violence is condemned more. The shame is also indirectly related to fear – that a woman without a husband would acquire a very low status in society. The status of a married woman without a husband, but with children would be, perhaps, even lower in the social hierarchy, and she would be considered as having betrayed her role of retaining her husband

Violence is fueled by economic insecurity, alcoholism, and sexual infidelity: Economic insecurity was a sub-text of the narratives of women experiencing violence. One woman talked about how each time she questioned her husband about the lack of food for her child, the beatings became more severe. Poverty on the whole seemed to disempower men constraining their ability to fulfill their roles as providers and heads of the household. This tension seemed to fuel drinking, after which they exert their power by way of beating their wives. Another major trigger for violence across all three sites was extra-marital affairs, especially by the husband. Arguments about sexual infidelity often led to beatings, shoutings, and sometimes abandonment. Women also talked about men

indulging in violence when their sexual needs were not met.

Violence impacts well-being of women and children:

Domestic violence has a direct impact on women's physical and mental well-being. Women highlighted the mental stress they experienced of being in a violent relationship, even if it consisted of primarily verbal abuse. One woman said she could tolerate the beatings, but not the psychological trauma. Women also highlighted the impact on children – mainly depression and shame. In one particular narrative in Galle, a woman talked with great remorse about a child who left home due to the constant violence.

Lack of social support limits options for women:

Many women did not report support from either natal family or neighbors. This relates back to the norms that domestic violence is a private matter, somehow the woman's fault, and acceptance and patience is a woman's virtue. In the FGDs, one group did talk of the presence of older children as a deterrent to violence – these children express the shame of being in violent households more openly leading parents to 'control' themselves.

In the narratives too, the incidence of domestic violence was reported to be most intense when the children were younger and lesser as they grew older. The physical and emotional demands of young children, along with general household chores, perhaps leave women physically and mentally exhausted at the end of the day to fulfill their husband's needs.

How property ownership impacts women's lives – the links with domestic violence

The following analysis was arrived at by assessing the responses to 12 statements that were put across to the women, which they ranked in the order of importance. The findings across the four main themes outlined above are discussed.

Number of women agreeing with statements relating to property ownership

| Statement | Per cent agreeing | | |
|--|-------------------|-------|---------|
| | Matale | Galle | Badulla |
| Ownership of property increases social status | 88.8 | 65.1 | 77.2 |
| Ownership – increases status within marital family | 84.5 | 68.3 | 56.6 |
| Ownership – gives a greater sense of security in widowhood/old age | 97.4 | 81.0 | 81.6 |
| Ownership – gives a greater sense of self-worth | 69.0 | 68.3 | 77.9 |
| Ownership – is a form of insurance | 82.8 | 70.6 | 86.8 |
| Ownership – is a form of protection in times of economic crisis | 98.8 | 82.5 | 86.8 |
| Ownership – gives protection in marital conflict | 78.4 | 65.1 | 56.6 |
| Ownership – increases ability to speak out | 66.4 | 57.1 | 56.6 |
| Ownership – increases options for income generation | 93.1 | 80.2 | 83.8 |
| Ownership – prevents violence from marital family | 76.7 | 61.1 | 60.3 |
| Ownership – can lead to increased threat of violence | 25.0 | 24.6 | 35.3 |
| Ownership – makes no difference | 9.5 | 8.7 | 22.8 |

A. Property ownership among women enhances social status within the family and community

| Statements relating to marital relationship | Galle | | Badulla | | Matale | | | | |
|---|-----------------------------------|---|-----------------------------------|---|-----------------------------------|---|----|------|---|
| | No. of women = 126 | | No. of women = 136 | | No. of women = 116 | | | | |
| | Women agreeing with the statement | Women who ranked the statement as the first among the 12 statements | Women agreeing with the statement | Women who ranked the statement as the first among the 12 statements | Women agreeing with the statement | Women who ranked the statement as the first among the 12 statements | | | |
| | No. | % | No. | % | No. | % | | | |
| Ownership increases status in marital family | 86 | 68.3 | 5 | 77 | 56.6 | 15 | 98 | 84.5 | 2 |

This table indicates that in connection with “ownership increases the status in the family”, 68.3 per cent women in Galle, 56.6 per cent in Badulla and 84.5 per cent in Matale have placed high emphasis on status in correlation to property. However, they have not ranked it as the first among the twelve statements. The women ranked “ownership as protection” as third highest, “with protection in times of crisis second” and “ownership gives greater security in widowhood and old age” coming first among the 12 statements. Ownership does increase status and empower women

from the above context. However, the ranking has suffered because the women are not capable of assessing its impact in terms of domestic violence, which may be due to the fact that some do not currently own land or house. Even then, women perceived ownership of property as giving status to the family and said that it should ideally create a pleasant atmosphere within the family. However, they emphasized the fact that it was not seen as a way of preventing, reducing or eliminating domestic violence.

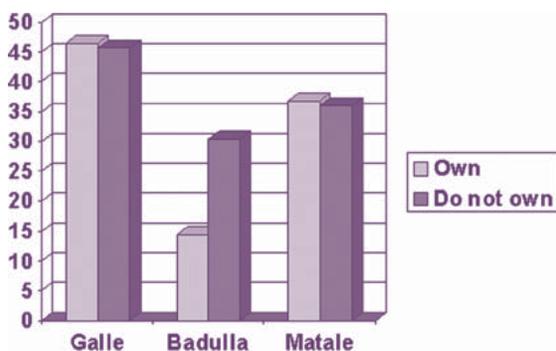
| Statements relating to marital relationship | Galle | | Badulla | | Matale | | | | |
|---|-----------------------------------|---|-----------------------------------|---|-----------------------------------|---|----|------|---|
| | No. of women = 126 | | No. of women = 136 | | No. of women = 116 | | | | |
| | Women agreeing with the statement | Women who ranked the statement as the first among the 12 statements | Women agreeing with the statement | Women who ranked the statement as the first among the 12 statements | Women agreeing with the statement | Women who ranked the statement as the first among the 12 statements | | | |
| | No. | % | No. | % | No. | % | | | |
| Ownership as protection in marital conflict | 82 | 65.1 | 14 | 77 | 56.6 | 6 | 91 | 78.4 | 4 |
| Ownership prevents violence from marital family | 77 | 61.1 | 1 | 82 | 60.3 | 0 | 89 | 76.7 | 0 |

B. Property ownership among women reduces or eliminates domestic violence

The table below addresses responses to two statements, “ownership of property as protection” and “ownership prevents domestic violence”. Both statements appear to make an average of 71.32, a relatively higher value in comparison to responses to the other statements. Yet, once again, the ranking is not high. The main contributing factor towards this low assessment is that it is hard to imagine the impact of ownership ON domestic violence for women who, by and large, have never owned property.

This is further confirmed by the analysis of the table below. Out of 378 women, 138 experienced violence, 115 owned property and 263 did not own property. Out of the 138 who experienced violence, 43 owned and 95 did not own property.

Property Ownership and Domestic Violence



However, if one looks more closely at the data on a site-by-site basis, one finds some differences in ownership, especially in the case of women in Badulla. This is due to the fact that the land was given by the State, and the spouse was made the owner of the land. In Galle, the number of women who owned property was marginally higher than those who did not, and in Matale the differences were marginal. There are some specific issues relating to these sites that need to be highlighted here. Pallepolla in Matale Province is a very rural, very low-income area. They also retain kinship ties and patterns, and many houses are extended family households. Many women elaborated on the violence inflicted on them, while others did not even respond to this question. This is due to the strong local values and norms. Galwadugoda in Galle Province is in close proximity to the Galle town, and the informants were from different walks of life, mostly literate, educated and middle class. Many had rented houses to enable them to send their children to prestigious public schools in Galle. The community plays a marginal role in this site. Incidentally, no one here said they inherited land as dowry. Whereas in Matale, 13 women received land as dowry. One was given in the husband’s name, 7 were in her name and 5 were in joint names. Even then, only 4 women received property via dowry and only 2 received land. This village of Pahalarakinda in Badulla Province, as mentioned earlier, was resettled after their land was acquired for the Yala National Park. They were resettled in the Mahawali agricultural scheme. Therefore, unlike other

settlers who came from the center of the country, Pahalarakinda managed to retain their kinship ties, as the whole village was relocated in the same area. They income levels are low, mainly derived from chenna (chickpea) cultivation, manual labor and cash crops. The livelihood and economic patterns of both partners were equal when they married.

At the outset, the figures indicate that there is no correlation between land ownership or non-ownership and violence. Also, the limited case studies and the focus group discussions, further confirms this. There are a number of reasons for this:

- ▶ Both husband and wife individually and as a family have parallel economic status
- ▶ Therefore, expectations of securing dowry are minimal. Many women also have jewelry or cash as part of their dowry
- ▶ Men believe that if the traditional role as male provider and female caregiver is maintained, there is no need for property ownership by women
- ▶ Women on the same line believe ownership of property can cause marital disharmony
- ▶ Women show greater autonomy in utilizing their earning, which contributes to daily survival

Many of the women do not state a direct link between property rights and domestic violence. There is an overwhelming feeling that alcohol is the primary cause for men's violence in the home. In fact, one of the women who did not experience domestic violence explicitly talked about how the fact that her husband neither drank nor smoked contributed to family harmony. Economic deprivation is closely linked with alcoholism. Women described poverty as one of the main causes for men's alcoholism, which in turn transformed into domestic violence. This is also the main community perception across most areas covered in the focus group discussions.

Analysis of the focus group discussions across the sites reveal strong social norms for both violence

and property ownership, and hint at the strong need to maintain status quo. Both men's and women's attitudes towards property ownership of women are informed by gender role stereotypes. Man the breadwinner and woman the caregiver, is the norm on which attitudes are shaped and ideas expressed. As the financial responsibilities of the family are borne by the man, and a woman's traditionally perceived role is to "cook, clean, and look after the children", neither men nor women see why women should own property. They feel if the status quo or the "ideal relationship" is maintained, then women do not require property.

Gender role stereotypes also inform attitudes regarding violence. If a woman subscribes to social expectations of the ideal woman and fulfils her role as caregiver, then men feel domestic violence need not exist. In fact, the perception is that the woman's behaviour is the primary reason for the prevalence of domestic violence in society. Additionally, there is a complex interaction between the public and private spheres in defining what is socially acceptable. There is no public condemnation of domestic violence. Men were reluctant to admit to domestic violence in their own homes; none of the men admitted to wife-beating or physical abuse. In contrast, a third of the women respondents had experienced some form of violence in their homes. Some women talked about it as something they've experienced from childhood, whereby the father beat the mother, and it merely continued in their own marriages. Many women shared personal stories of experiencing extreme violence in the home and others in the group were moved to tears by some of the stories. However, some women felt that there was no solution but to be tolerant, as a woman would be publicly condemned if she left her husband. That domestic violence is common and widely practiced was universally accepted and unanimously viewed as an inevitable characteristic of marriage by both men and women.

The socio-economic status of the participants, perhaps, influenced their attitude towards property ownership of women. When asked whether men and women should have equal rights to property, all six groups talked about equal distribution between sons

and daughters “if there was enough”. The concept of property as a form of social security to women was not accepted even by the women. Property was said to be useful only in the event of death, divorce, or desertion. However, there seems to be tension between customs and traditional practices and what is considered “right” by the children, especially daughters. While it is the accepted custom that sons would inherit property, and people continued to adhere to this practice, there is also a parallel feeling that daughters should be given property as well.

C. Property ownership among women increases income and reduces insecurities

Women saw that ownership of land, especially agricultural land, as a source of income, a contribution to the family. The loss of this land was problematic for their survival and for the unity of the family.

Figures indicate, around 90 per cent of the women in the sample were consulted for their opinion and consent when the land was disposed of. It is noteworthy that the majority of these women did not assess property in terms of renting or leasing the land as security, or as an extra source of income, or as an alternate source of protection over their husband. Thus, they were keen on agricultural land, which could be utilised to bring an income to the family. Women work on these lands themselves. One woman who was abused by the husband said, “it would be good to have a piece of land to get over this *duka* (suffering).” However, this wishful thinking was not directed towards economic empowerment, so as to get out of a bad marriage, but towards enhancing family income and acquiring what was needed for a comfortable life. This was the opinion held by most women in the sample.

D. Property ownership among women empowers women to negotiate or walk out on a marriage

From the finding so far presented, the most crucial is whether empowerment of women with property ensures protection from domestic violence. Moreover, is it a tool that could be used to negotiate differences between the two spouses? Can it, in such an event, be exercised to absolve the marriage?

Indeed women with property are able to negotiate or exit a violent relationship. Among propertied women who experience violence, the majority indicated that they had made attempts to change the situation within their relationship. Women without property reported the reverse – the majority did not make any attempt. In fact, women who experienced violence and were without property highlighted that the lack of ownership of property meant she “could not walk out of the abusive relationship.” Moreover, some talked about how the lack of owning property was still a source of violence within the family, especially when other daughters-in laws owned property.

Impact of property ownership – further insights from narratives

One woman talked about how owning property enabled her to take care of her children when her husband abandoned her. Violence had been intense, because she questioned him about his extra-marital affair, and after some time he left her. It is noteworthy that she had not asked him to leave, and she described his leaving as “abandonment”. Another woman talked about how despite her husband leaving, she was able to marry off her daughters, because of the property she owned. In this case, the ownership of property had mitigated the social discrimination she and her daughters might have faced when the husband left them.

Property ownership did not obviously affect violence. Out of the women who faced violence at home, the number of those who owned property was similar to those who did not. **But there was significant impact of property ownership in the way women responded to the violent situations.** Of the women who tried to deal with the violence, more than half owned property, while of the women who did not try to deal with the violence, only a small percentage owned property.

The statements tabulated above, and the overall research results, indicate positive indicators of empowering women with property rights. With respect to negotiation, if the property owned by the woman generates income, then she is in a better position to negotiate with her spouse on household income, as

well as on evils such as alcoholism and promiscuity. However, in the context of this research, which was conducted in rural and semi-urban areas, ownership of a house was not revealed as a complete deterrent to domestic violence. Given their low-income status, these women, men or the family unit are not in a position to own a second house that would generate an income. Therefore, at present, house is not seen as an income-generating asset. However, whether or not it is a deterrent to domestic violence has to be further investigated using comparative and controlled group analysis.

Limitations And Issues Of Ethics

There were a few limitations of the present research, which need to be considered in future work on this issue. There are a few specific considerations around methodology, such as ensuring experienced researchers and assessment of the time required to probe deeper into women's personal lives. The questionnaire should be strengthened to take into account the local context as well as the non-committing women, who have many cultural boundaries to cross before they are able to open their private domain to complete outsiders. As domestic violence is something inherently personal, many women were reluctant to express their feelings and concerns to outsiders in a short time span. Longer interviews, using methods of participant observation, would be more successful in gathering more in-depth data on sensitive issues such as violence. It is important that the interviews are conducted such that they do not restrict generation of rich ethnographic narratives. It is important to include men in the main questionnaire as to avoid been alienated in the focus group discussions.

Older women must be a category as far as Sri Lanka is concerned. As this research, as well as several other researches on older women, indicates, **many women experience violence until they or their spouses die.** Field researchers found such instances even in this research. Divorcees should also come within the fold of this research, as domestic violence related to ownership of land could have been an underlying determinant for divorce or separation for these women.

Conclusion And Recommendations

Much of the women who were interviewed did not have the economic power to secure land. They also had similar natal backgrounds, and, therefore, dowry has had no role to play, especially with regard to land ownership. Some women married partners of their choice, of which their parents did not approve. This category of women did not have any land or economic support from their parents at the start of their marriage. However, subsequently, many parents gave these children what was legally theirs. Even then, with regard to domestic violence, this ownership did not make much difference. Statistics indicate even the women who had property at the time of their marriage or subsequently acquired property also experience domestic violence.

It was clear from the data among the three categories of violence investigated, psychological violence was highest. Women, however, have come to believe shouting, threatening, disagreeing and even beating to be a natural part of martial life. These were also high irrespective of women's ownership of property. One of the main and underlying causes of domestic violence within these sites was alcoholism. This was found in every class in the three sites, be it women who owned property or those who did not. One woman said that when her husband was drunk, she and her children were often thrown out of her "own" house. They also said, in such a situation, they would go and stay with a relative, friend or parents, depending on their closeness to them, but not for long periods of time. Another said that if they owned land, the husband would probably sell it over time to buy himself alcohol, making them propertyless and poorer. Therefore, they felt having property would work more or less against them.

Clearly, other socio-cultural and economic factors that underlie and contribute to domestic violence also need to be investigated thoroughly, to have a comprehensive and in-depth understanding of the issue in the context of Sri Lanka. Many field researchers consider the individual characteristics, socialization and the localized culture as reasons for the husband to inflict violence upon his wife.

In another research carried out by the author (Bluankulame, 2005) women who experienced political violence indicated that women were subjected to domestic violence induced by the husband's family. When residing with the husband's family, if women commit an act that is not desirable to the in-laws, they are quick to remind her that she is living in "their house", thus also provoking the son, which results in violent disputes. This shows the importance of speaking to other members of the family, to enhance understanding of the overall nature and forms of violence that women may face.

It is clear that women from all three sites are of the view that property ownership elevates status and prestige among the community, although they still do not see its direct link to reducing domestic violence. This aspect should be investigated in-depth, along with other indicators mentioned earlier. An increase in income against the high cost of living and inflation (currently at 8 per cent in Sri Lanka), a change of attitude followed by economic security for both partners, will have a direct bearing on domestic violence and, in turn, on ownership of property. Men seeing their women earn respect, status and prestige within the community can, in the long run, be a deterrent to domestic violence.

Overall, this research indicates positive elements to suggest that ownership may well mean reduction or prevention of domestic violence for women. In the case of Sri Lankan women, this presents itself (as indicated above) from a micro perspective, which is localized. Prevalent norms, values and the cultural context, especially in the more rural areas where these perceptions are still very strong, play a significant role. The research indicates that it is useful perhaps to use a strategy that is conducive and easily accepted by the community (which in turn will reflect on the abusive husbands), thus achieving the underlying objective of women's ownership of property and the reduction of domestic violence.

Some recommendations for future research

- ▶ In-depth studies to be carried out on the 138 women who experienced violence. These should also be probed for other indicators, such as problems with in-laws, isolating those especially that concern with property, how this impacts on the spouse and in turn, results in violent disputes.
- ▶ Isolate the underlying causes of domestic violence in women who owned land. This should be explored quantitatively. This research indicated a number of ways that domestic violence is triggered. These, at the outset, may not seem related to property, but have to be investigated, as the research clearly indicates links to property ownership, which may be related to income generation.
- ▶ Probe other factors, such as alcoholism and other reasons for domestic violence – these may be linked to property ownership. In the context of Sri Lanka, it is necessary to understand the possible correlation between alcoholism and domestic violence. Much of the rural economy suffers from alcohol abuse, and domestic violence is highest in these situations.
- ▶ Other family members should be interviewed to understand social stigma, which can precipitate domestic violence, as well as to understand local forms of norms and values.
- ▶ It is strongly recommended that a comprehensive qualitative survey be undertaken on middle and upper class families on "ownership of property" and "domestic violence", so as to further strengthen the objectives of this research. For this category of women, economic power is high and therefore negotiating power may also be high, which needs to be determined through investigations. An analysis of this component will also give the results of the other three sites more insight and meaning.
- ▶ Use a strategy (may be something original to the Sri Lankan context) that is accepted by both men and women locally – i.e. conducive to their own specific needs – in order to achieve the objectives of this research.

Property Ownership and Inheritance Rights of Women as Social Protection from Domestic Violence: Cross-site Analysis

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Studies have long established the widespread prevalence of domestic violence in the lives of married women across the globe. Intimate partner violence and its impact upon women have been widely documented. However, it is hypothesized that there are factors that empower women to negotiate domestic violence in their lives, as much as there are factors that increase their vulnerability to violence. The three site-specific studies presented in this report indicate that property ownership is one such factor that has a protective influence against the experience of intimate partner violence or in negotiating such violence. In this cross-site analysis, we have attempted to understand ‘how’ – i.e. the pathways by which property ownership exerts its protective influence.

The first section of this chapter presents overall findings on the prevalence and nature of violence and also of property ownership among women in the three sites. The major findings on violence are presented first, followed by findings on the extent and nature of property ownership. The second section discusses the quantitative association between women’s ownership of property and the experience of domestic violence, for the three study sites. The third section explores the how the ownership of property impacts women’s experience of violence. Through the analysis of trends emerging from the qualitative data gathered from the three sites, a detailed discussion on how specific factors contribute to this link, is presented. This discussion on the relationship between property ownership and domestic violence suggests certain pathways, which are then summarized and pre-

sented as a model framework of potential pathways in section four. This section ends with a brief description of how the model works for the different sites (including the results of an empirical verification for the West Bengal data). The concluding section of the chapter highlights the salient outcomes of the cross-site analysis and presents recommendations based on the same.

Section 1: Overall Findings on Domestic Violence and Property Ownership

1.1 Domestic violence:

The findings from this multi-site study reflect what we already know from earlier international research and ICRW studies on domestic violence in India – that violence is fairly high, pervasive across caste and class. Further, once domestic violence begins, it forms a pattern of behavior in the marital relationship. In other words, domestic violence is not an “adjustment” issue in the early years of marriage, but becomes an established pattern of a relationship. However, when one takes the experience of women by site, it was found that the reporting of lifetime prevalence of violence (any form at least once in married life) in Sri Lanka is lower, at 36 per cent, as compared to 64 per cent reported in West Bengal and 65 per cent in Kerala.

This is also true for the various forms of violence reported, as is reflected in Table 1. Physical violence reported in Sri Lanka was significantly low, at 12.4 per cent.

Table 1. Prevalence of violence across sites

| Type of violence (Ever) | Sri Lanka (%) | West Bengal (%) | Kerala %* |
|-------------------------|---------------|-----------------|-----------|
| Physical violence | 12.4 | 55.0 | 35.7 |
| Psychological violence | 32.8 | 60.0 | 64.9 |

* From the earlier study in 2001.

Violence during pregnancy, which took the forms of specific physical and sexual behaviours, was high in both Kerala and West Bengal – 38 per cent women in Kerala and 41 per cent women in West Bengal reported it.¹⁷ In Sri Lanka, the reporting of any form of violence experienced during pregnancy was 14.6 per cent.

Sexual violence was also explored in depth in West Bengal. Among all women reporting current violence, approximately 31 per cent reported sexual violence.

1.2 Property ownership

Extent: Overall ownership of property reported by women is significant across sites

The ownership of property is high among men in West Bengal and Sri Lanka. Of the women who were surveyed, 75.3 per cent in West Bengal reported that their husbands owned property, and 72.3 per cent reported the same in Sri Lanka. However, in Kerala, the ownership of property by husbands of respondent is lower than in the other two sites, at 35.5 per cent. This lower ownership in Kerala is probably due to the customary matrilineal practice among several communities, whereby familial property is inherited through the female line.

The overall ownership of property (land and/or house) reported among the women surveyed¹⁸ was also sub-

stantial. In Kerala and West Bengal, approximately 34 per cent of the women surveyed reported ownership of property, while in Sri Lanka, the figure stood at 30 per cent. Both Kerala and West Bengal have traditionally enjoyed laws that are more favorable to women's property ownership. Kerala follows the law of equal inheritance, while West Bengal follows the *dayabhaga* system of inheritance (see box). Kerala and West Bengal, although with a Hindu majority, do not fall under the *mitakshara* system of inheritance of the Hindu Succession Act 1956, which limits women's rights to family property. Nevertheless, the fact that more than one-third of women surveyed actually owned property, is noteworthy, since the dominant impression is that the existing laws on property do not always translate into actual ownership for women.

Forms of Property Owned

The main forms of property explored in the study were land and/or house, properties that are immovable, productive and assets of value. Interestingly, more women reported ownership of house (either alone or with land) than of land. Only in Kerala was there higher prevalence of ownership of both assets, as compared to other sites, as seen in Table 2.

Table 2. Forms of property owned across site

| Type of Property | Sri Lanka (%) | West Bengal (%) | Kerala (%) |
|-------------------------|---------------|-----------------|------------|
| Own house only | 54 | 47 | 40 |
| Own land only | 32 | 36 | 17 |
| Own both house and land | 13 | 9 | 43 |

In addition, a few women across the three sites also reported other forms of property ownership such as owning a shop.

17 Data on violence during pregnancy is as reported for specific physical and sexual behaviors

18 The survey in each specific study site was among randomly selected samples of currently married women aged 15 years and older. Details of site and sample selection are described in the individual site reports.

BOX: Different Systems of Inheritance¹⁹

Mitakshara (Property devolves as cited in the Hindu Succession Act 1956): It gives daughters, wives and mothers an equal right in a Hindu man's self-acquired property, if he died without making a will. However, as far as joint family (ancestral) property is concerned, daughters could only inherit a share in their father's share of the property. Sons, on the other hand, inherited a share equal to that of their father from birth. After the father dies, the sons once again inherit from the father's share.²⁰

There is significant difference with regard to rights of women, in the 4 states where this system is followed (Andhra Pradesh, Tamil Nadu, Maharashtra and Karnataka). In these states, an amendment to the Hindu Succession Act provided that a daughter by birth shall become a coparcener in her own right in the same manner as a son and have the same rights to coparcenary property, including the rights to claim by survivorship. Further, on partition of a joint Hindu family, the coparcenary property will be divided so as to allot a daughter the same share as is allotable to a son. This property will be held by her and be capable of being disposed of by her by will or other testamentary.

Dayabhaga (Property devolves as cited in the Hindu Succession Act, 1956): This 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. Women had wider control powers under *dayabhaga* (including the right to sell and gift) than under *mitakshara*.

Kerala had earlier abolished the joint Hindu family system by the Kerala Joint Hindu Family (Abolition) Act, 1975, that is, Act 30 of 1976, as amended by Act 15 of 1978. It provided that joint tenancy would be replaced by tenancy in common, as if a partition had taken place among all the members of the undivided Hindu family in respect of their property as and from the date of the Act. This, thus, provided equal inheritance to all men and women.

Under Muslim law (Property devolves as per the 1937 Shariat Act), a man can only will away 1/3rd of his property. A widow is entitled to 1/8th of her husband's property if there are children, and to 1/4th, if there are none. If a man has two widows, they would inherit 1/8th or 1/4th, depending on whether or not there are children. A daughter is entitled to half of her father's property, if she has no brother. If she has a brother, she will get half of whatever share the brother gets. The mother is entitled to 1/3rd of her son's property, if there are no children and 1/6th if there are children.

Sources of acquisition of property

How a woman acquires property is not only reflective of how community norms and legal rights get translated in practice, but also point to the resources that are available and accessed by women. Across the sites, inheritance was reported as the main source of acquisition of property by women. The second most common source of acquiring property by women was purchase,²¹ which was higher for house than for land. In Kerala, receiving property as part of dowry needs to be viewed as a form of inheritance, because the women typically get their share at the time of marriage.

In both Sri Lanka and Kerala, women also report ownership of non-agricultural land. However, women who report ownership of non-agricultural land in Kerala report acquiring it primarily through purchase, followed by inheritance. In Sri Lanka, interestingly, inherited natal and gifted (by parents) still remains the dominant source of acquiring this property. In West Bengal, there was no reporting of ownership of non-agricultural land.

The tables 3a, 3b & 3c show the source of acquisition by the kind of property reported.

19 This box gives basic information on how the Hindu Succession Act of 1956 applies former *dayabhaga* and *mitakshara* followers (prior to the *Hindu Succession (Amendment) Act 2005*). For detailed discussion on different inheritance laws governing Hindu and Muslim women, see Agarwal, Bina "Women and Legal Rights in Landed Property" Kali for Women, 1996; or EPW, March 1995.

20 The recent amendment passed in 2005 gives daughters an equal share in the *mitakshara* joint family property.

21 The findings from this study reveal that a significant number of women have reported having acquired the property through purchase. This aspect needs to be probed further to understand how women acquire the finance for this.

Table 3a. Source of Acquisition : House across sites

| Source of acquisition | Sri Lanka (%) | West Bengal (%) | Kerala (%) |
|-----------------------|---------------|-----------------|------------|
| Inherited – natal | 36.6 | 21 | 30.0 |
| Purchased | 26.8 | 48 | 18.6 |
| Govt allocation | 9.9 | 6 | — |
| Gifted | 21.1 | 10 | 1.4 |
| Part of dowry | 1.4 | 2 | 50.0 |
| Encroached | 4.2 | 1 | |
| Inherited marital | — | 12 | |

Table 3b. Source of Acquisition : Agricultural Land, across sites

| Source of acquisition | Sri Lanka (%) | West Bengal (%) | Kerala (%) |
|-----------------------|---------------|-----------------|------------|
| Inherited – natal | 59.3 | 40.0 | 50.8 |
| Purchased | 3.7 | 16.7 | 1.6 |
| Govt allocation | 11.1 | 3.3 | 3.2 |
| Part of dowry | — | 8.3 | 44.4 |
| Gifted | 18.5 | 18.3 | — |
| Encroached | 7.4 | 1.7 | — |
| Inherited marital* | — | 11.7 | — |

Table 3c. Source of Acquisition : Non- Agricultural Land , across sites *

| Source of acquisition | Sri Lanka (%) | Kerala (%) |
|-----------------------|---------------|------------|
| Inherited –natal | 58.8 | 38.9 |
| Purchased | 23.5 | 55.6 |
| Govt allocation | — | |
| Part of dowry | — | 5.6 |
| Gifted | 17.6 | — |

* Sometimes the husband's share of inheritance is given in the name of the wife, though he is alive. At times this is because the husband is involved in extra-marital affairs, and the panchayat or the husband's family decides to make the land in the wife's name. In other cases, it could be a strategy to overcome land ceiling laws.

*Note- In West Bengal land ownership reported is only for agricultural land, whereas in the other two sites women also report ownership of non- agricultural land

What is striking, however, is the negligible reporting of government allocation as a mode of ownership, particularly in West Bengal. Of the women reporting ownership, only 6 per cent got a house through government allocation, while the figure for land is 3.3 per cent. West Bengal had been included as a site for the study given its record in distribution of joint titles to women following the 1994 government circular that re-emphasized the emphasis of joint *pattas*.²² The district chosen for the study has been hailed as one where land reform has been a success and official records indicate that a large number of plots have been distributed to women, especially in the Sunderbans region. In that context, this finding raises concerns about the governments' land distribution records.

Property ownership: Rural – urban differences

There is a considerable rural – urban difference in the ownership of property by women. In urban areas across the three sites, higher proportion of women reported property ownership compared to women in rural areas as indicated in Table 4. This can be partly attributed to the fact that a majority of the ownership of house that was reported was from women in the urban areas. The major source of house ownership was purchase.

Table 4. Rural-urban prevalence of property ownership across sites

| Ownership of property | Sri Lanka (%) | West Bengal (%) | Kerala (%) |
|-------------------------------|---------------|-----------------|------------|
| Currently own property | | | |
| Rural | 23.0 | 26.0 | 29.1 |
| Urban | 44.0 | 50.0 | 47.5 |
| Do not own | | | |
| Rural | 77.0 | 74.0 | 70.9 |
| Urban | 56.0 | 50.0 | 49.4 |

Form of property ownership – Joint and individual ownership

Whether the ownership of property is individual or joint is often seen as indicative of the measure of autonomy or control that a woman can exercise over her property. Literature records numerous debates around what is the best form of ownership for women, wherein women's rights groups have usually articulated a preference for property being individually owned by women, for it to make a difference in their lives. In this study, across the three sites, most women report individual ownership of property, as seen in Table 5.

There are some interesting observations to be made with regard to joint ownership of property. In Kerala, the ownership of the non-agricultural land (which is mostly through purchase) is more likely to be held jointly in the names of husband and wife than individually. This trend is similar for purchased house – of the 13 women reporting purchased house, 10 women report joint ownership with husband. On the other hand, in West Bengal, where the woman has reported purchase of house, the ownership is more likely to be individual.

Time of acquisition of property

Time of acquisition is an important variable to consider while investigating the link between property ownership and domestic violence, as both may not co-exist at all points in a woman's life. Thus, *the point at which the woman actually comes into property* is a critical factor to examine for tracking shifts and changes in family dynamics. Across the three sites there is considerable variation in the time of acquisition of property.

The study in West Bengal shows that women usually do not come into property at the time of marriage. Typically they report receiving their property “a few years after marriage.”

²² The government order of 1979 was followed by a circular on joint titles in 1992 and in 1994, another government memo was circulated to emphasize the issue of joint *patta*. As Jayoti Gupta states in her article “Women Second in the Land Agenda”, *EPW*, May 4th, 2002, “West Bengal is one of the first states to have introduced a government circular on joint title on the lands to be distributed. The problem with the program was that it was introduced in 1992, 14 years after the commencement of the distribution program.”

Table 5. Type and form of property ownership across sites

| Type of property | Sri Lanka* (%) | | West Bengal (%) | | Kerala (%) | |
|---------------------|----------------|------------|-----------------|------------|------------------|------------|
| | Joint | Individual | Joint | Individual | Joint | Individual |
| House | 21.1 | 78.9 | 30.5 | 69.4 | 25.8 | 74.2 |
| | | | 12.9 husband | | 22.9 husband | |
| | | | 17.6 others | | 2.9 parent | |
| Agr land | 30.8 | 69.2 | 28.4 | 71.7 | 12.7 | 87.3 |
| | | | 11.7 husband | | 9.5 husband | |
| | | | 16.7 others | | 3.2 brother | |
| Non agr land | 37.5 | 62.5 | — | — | 55.6 | 44.4 |
| | | | | | all with husband | |

* Only a few women have responded to ‘joint ownership with whom’ in Sri Lanka, hence figures are not presented

Of the women reporting ownership of house, 74.4 per cent acquire it after marriage. Among women owning land, 84.5 per cent acquire the property few years after marriage. Thus, in most of these cases, women do not enter marriage as “propertied”.

Since most women come into property after more than 5 years of marriage, (the average time after marriage when women come into property is 9 years) the patterns of behavior, control and family dynamics may already have been set, and changes in self and relationships have already occurred. It seems that during this time after marriage, the consciousness of a right to property usually does not even exist, or enter their frame of life, as they are just coping with too much. There is violence, which is almost a norm, economic insecurity and other family dynamics. Property of the woman comes into the discourse usually *if* there are specific demands to get a share of the property from their natal home (usually triggered by some financial crisis), or there is some negotiation for getting help from the natal family (usually father), in the face of an economic need. The following excerpt illustrates this:

On the plea to go to Bangalore in search of a job, my husband mortgaged a plot of land (7 katta) adjacent to the homestead for Rs. 3000 only and spent the money in drinking with friends and in being in love with another person’s wife. Then, he began to put pressure on me to bring money from father so that he could get the land back. As he

began to harass me day after day in such a fashion that finally I had to sell out father’s land to bring Rs. 3000 (which was used to regain the mortgaged land) and then the land was transferred in my own name.

Woman having property and facing violence from West Bengal

At the time of this incident, which occurred six years after her marriage, this woman did not have any property in her name. After this incident, her father intervened and got the land which was regained from mortgage in her name.

Overall in West Bengal, very few women (2 per cent for house and 8.3 per cent for land) report that their property was part of the dowry negotiated at the time of marriage. This is in sharp contrast to Kerala where property in the form of dowry is reported at 50 per cent for house and 44 per cent for agricultural land. Given the established social norm that girls have right to equal inheritance, most women get their share as dowry. Thus, for many women in Kerala, their status is already propertied when they enter marriage. However, 33 per cent women owning house and 38 per cent women owning agricultural land report getting the property a few years after marriage²³. Consequently for many women in Kerala, the changes and dynamics (including situation of violence) in her married life can be directly influenced by her property status. In that sense, the findings on linkages between

property and violence are much “neater” and direct, and can show a definite pattern.

In Sri Lanka, the striking feature is the low prevalence of dowry related negotiations and consequent transaction reported around marriage.²⁴ *10.1 per cent women owning house, 11 per cent women owning agricultural land and 6 cent women owning non-agricultural land report getting the property at the time of marriage.* While some women do bring in dowry or “gifts” at the time of marriage (33 per cent of women report getting some dowry or gift from their parents), the demands and negotiations, that are such a part of the marriage in Kerala, are missing. The reference to this phenomenon in the narratives, even if there is violence, is conspicuous in its absence. In fact, one woman states *“I hate the idea of dowry, and if a man demands dowry, the woman should refuse him. But parents will fulfill their duty by sharing their wealth with their children to ensure protection and independence.”* (Narrative of woman with property and not facing violence from Galle, Sri Lanka).

In fact, this notion of dowry is equally disdained by men as evident from the following quote:

Dowry is not so widespread. The vast majority just give gifts in marriage. Arranged marriages are not so common.

FGD with men in an urban site

Even more significant is that the dowry or gift given at the time of marriage is usually not in the form of property, as can be seen in Table 6. Only 1 woman reports getting property as dowry, while 23 report getting it as a gift from their parents.

What is interesting is that the practice of giving dowry seems more to be a feature when parents arrange the marriage, which in turn is more likely when the women is older (past a certain acceptable marriageable age). Among 42 women who report arranged marriage, with dowry, only 8 women are below 22 years, while 34 women are in the age group of 22 and above. On the other hand, among 64 who report arranged marriage without dowry, 52 are below 22 years of age.

Table 6. Source of Acquisition of Property by type of property in Sri Lanka

| Property she owns | Source of Acquisition | | | | | | Total (n) |
|-------------------|-----------------------|--------------|--------------|-------------|-------------------|--------------|------------|
| | Gift | Inheritance | Purchase | Dowry | Government scheme | Encroachment | |
| Only house | 12 (19.4) | 24 (38.7) | 16 (25.8) | 1 (1.6) | 6 (9.7) | 3 (4.8) | 62 |
| Only land | 7 (18.9) | 24 (64.9) | 4 (10.8) | — | — | 2 (5.4) | 37 |
| House & land | 4 (26.7) | 3 (20.0) | 4 (26.7) | — (26.7) | 4 | — | 15 |
| House & shop | — | 1 (100) | — | — | — | — | 1 |
| Total | 23 | 52 | 24 | 1 | 10 | 5 | 115 |

23 For non-agricultural land, most women – 74.4 per cent report acquiring it a few years after marriage. This is concurrent with the earlier explanation that this seems to be the form of property usually purchased after marriage and more likely to be registered in the joint names of the husband and the wife.

24 As we know from literature, in contexts where dowry does not have legality, gifts on marriage become hidden dowries. However, it is important to note the significance of “dowry” in the cultural framework of the Sinhalese, as detailed in the Sri Lanka site report. It appears that dowry is usually not demanded in Sri Lanka in the way it is in India. The context necessitates a distinction between types of gifts and dowry, but even if both are considered together to mean any transaction at the time of marriage, the per cent reported is comparatively lower.

Another unique feature of Sri Lanka is that women earn and accumulate assets to bring into the marriage. 26.5 per cent women report bringing in assets earned by them into marriage. This is relatively higher when women report arranging their own marriages.

These findings mirror the community perceptions among the Sinhalese around the absence of dowry expectations as a part of most marriages.²⁵ The focus group discussions also show strong community perceptions of marriage as “between two partners working hard to build their lives together.” Following are the excerpts from two focus group discussions from Sri Lanka:

Women need not bring land into marriage. It is not expected. You should earn by your own efforts.

FGD with women in rural site

In marriage should women take their property? Certainly not!

FGD with women in resettlement site

Section 2: The Quantitative Association between Women’s Property Ownership and Experience of Violence

The study from Kerala has found a strong inverse quantitative association between women’s ownership of property and experience of violence. To quote, “Among the property-less, 49.1 per cent experienced long-term physical violence and 84.2 per cent experienced long-term psychological violence. In contrast, those who owned both land and house reported dramatically less physical as well as psychological violence (6.8 and 16.4 per cent respectively). Even when a woman owned only land or house, the incidence of violence was much lower than if she owned neither. This indicates that if a woman owns a house or land, it serves as a deterrent to violence.” (Panda and Agarwal 2005)

This clear and dramatic relationship between women’s property ownership and experience of intimate partner violence is not however evident in the other two sites.

Table 7 shows the overall relationship in Sri Lanka and West Bengal.

Table 7. Prevalence of violence according to property status

| | Sri Lanka (%) | West Bengal (%) |
|-----------------------------|---------------|-----------------|
| Non-propertied women | | |
| Any violence any time | 35.4 | 71.3 |
| Any violence in last 12m* | --- | 57.6 |
| Propertied women | | |
| Any violence any time | 37.4 | 51.4 |
| Any violence in last 12m | --- | 34.8 |

* Information on current violence was collected in a different way in Sri Lanka, as compared to Kerala and West Bengal, and hence this data is not presented.

In Sri Lanka, there is no declining trend and in fact even a small increase with ownership. At the same time, the level of violence overall is much lower in Sri Lanka. The socio- cultural and economic context of Sri Lanka has several specific features, that could be contributing to this. For example, the fact that more marriages are self arranged, there is less dowry expectations, and overall acceptance of women’s inheritance rights historically may be contributory factors. The site report of Sri Lanka delineates the context and discusses the findings within it. These aspects and their potential fall out in the relationship between women’s ownership of property and experience of violence will be referred to again in the section analyzing the pathways (section four).

On the other hand, in West Bengal, there is a decline in reporting of violence between propertied and non-propertied women, regardless of whether any violence or current violence is considered. Among the property-less women, 57 per cent experience some form of current violence, compared to 35 per cent of women who own property. However the extent of decline is not as sharp as in Kerala. This is partly due to the fact that women, by and large, do not come into marriage with property, but acquire it after some point in the marriage. As stated earlier, this would imply that violence as a pattern of behavior may have become established.

25 For details refer the Sri Lanka site report.

If the experience of violence is further disaggregated by the different forms of violence, there is a drop in all forms reported among the women owning property, as is shown in Table 8.

Table 8. Type of violence according to property status in West Bengal

| Type of violence (current) | Non propertied women (%) | Propertied women (%) |
|----------------------------|--------------------------|----------------------|
| Physical violence | 38.5 | 15.2 |
| Psychological violence | 50.0 | 28.0 |
| Sexual violence | 35.0 | 20.5 |

Furthermore, the form of property owned also seems to be a critical factor. Women who own houses experience significantly less violence. In fact, only 13 per cent report current violence. The proportion reporting physical violence is 4.8 per cent for women owning house, and 30 per cent for women who own land. The same trend is evident across both psychological and sexual violence, as seen in Table 9.

Table 9. Type of violence according to different forms of property owned in West Bengal

| Type of violence (current) | Land Only (%) (n=43) | House Only (%) (n=62) |
|----------------------------|----------------------|-----------------------|
| Any form | 61.0 | 13.0 |
| Physical violence | 30.2 | 4.8 |
| Psychological violence | 53.5 | 9.7 |
| Sexual violence | 27.9 | 8.1 |

Overall, in West Bengal, property ownership is protective and the relationship is particularly strong in the case of current violence. As in Kerala, house ownership appears to be more protective than land. This relationship between women's property ownership

and experience of violence seems to hold *even when controlling for some of the other widely accepted risk and protective factors* referred to in the empirical literature on violence. Some of the widely researched correlates of violence include factors such as socio-economic status, spousal difference in education and resources, husband's risk behavior, childhood exposure to violence and level of social support available to the woman. Earlier research by ICRW in India has elaborated on the relationship of some of these factors with domestic violence.²⁶ For example, husband's alcoholism and husband's witnessing of abuse in the childhood are risk factors for violence – i.e. if the husband drinks, or has seen abuse in his childhood, then he is more likely to indulge in violent behaviors. In Kerala, findings of the multi-logistic analysis show that ownership of property is significantly and negatively associated with both forms of violence – physical and psychological; and for both current and lifetime prevalence of violence.²⁷ Thus, ownership of property emerges as protective over and above the effect of other significant co-relates of violence.

The same is true if we do the multivariate analysis of the West Bengal data. The analysis was done for current violence (both physical and psychological) only, given that women come into property at various points in their lives, as explained in the preceding section. In West Bengal, while property ownership **per se is significant, the ownership of current house emerges as the most significant** and negatively associated variable, and this result holds across both types of violence. (See Annexure 1 for detailed table) What emerges clearly across both sites is that property ownership by women is protective even when controlling for other variables. Education is also a significant factor, but only if it is secondary and above. Other important protective factors are husband's regular employment, social support (particularly being able to talk to neighbors) and respondent not witnessing abuse in childhood.

26 For detailed discussion see "A Summary Report of a Multi-site Household Survey", INCLIN-ICRW, May 2000.

27 For detailed tables and discussion, see "Marital Violence, Human Development and Women's Property Status in India" Panda and Agarwal 2005

Section 3: Pathways of the Links between Property Ownership and Domestic Violence

This section explores the pathways of how property ownership impacts women’s experience of domestic violence, and is based on an independent analysis of the qualitative data gathered from the three sites.

Overall, 26 Focus Group Discussions²⁸ from across the three sites were analyzed. In addition, 34 in-depth narratives of women respondents in Kerala, 30 in West Bengal and 29 in Sri Lanka were analyzed to understand “how” property ownership was making a difference in women’s lives, and particularly in the experience of violence. For this, the content analysis focused on examining 4 groups across each site –

- ▶ **Women owning property – those facing violence and those who were not**
- ▶ **Women not owning property – those facing and not facing violence**

The initial round of analysis highlighted certain patterns and defining variables, such as closeness to natal family, frequency of visiting natal family, kind of property owned, kind and regularity of husband’s employment, dowry-related negotiations and harassment and so on. Based on this, systematic tables for each of the 4 groups, across each site were made to see what individual women in each group reported on each specific variable.²⁹

The comparison between characteristics reported by women of these four groups has shown certain trends that point to the pathways by which ownership of property can be protective from domestic violence.³⁰ The analysis of the narratives suggests that there are 6 aspects that define a woman’s profile, or her vulner-

ability or relative strength. **What is noteworthy is that it is the interplay of these factors together, and not merely whether the woman owns property or not, that impacts her situation and the overall association between her ownership of property and experience of domestic violence.**

These factors are:

1. The economic condition of her family (both natal and marital)
2. The husband’s employment status; related alcoholism
3. The harassment around dowry
4. Bonds and support from her parents
5. The nature of property ownership (land /house) and
6. The impact on the woman’s status and decision-making ability within the household.

Women who report ownership of property and **do not** report violence, are more likely to – report ownership of house – whether only house or house with land. If they report ownership of land, then they also report that their land makes a substantial contribution to the household income. The sentiment that is echoed again and again through the FGDs and narratives is - “land is land only if you can earn from it.” Additionally, they have *control over this land* - either have access and decision making over the land or have full knowledge of the decisions made by others. These women are also likely to report very strong bonds with natal family, signaled by regular interactions and sharing. In West Bengal, the fathers play a key supportive role. Women also report greater economic security of the household including more regular employment of the husband and less likelihood of alcoholism. They

28 14 FGDs from Kerala, 6 each from West Bengal and Sri Lanka, with men and women of different communities. For details, please see individual site reports.

29 For examples of qualitative analysis tables of narratives, see Annexure 2.

30 Since the overall association does not hold in Sri Lanka, the section below draws mainly from the data of west Bengal and Kerala. While the narratives were subjected to a similar analysis in Sri Lanka, consistent and common trend did into emerge strongly in the analysis of the 4 groups. An analysis of how these pathways play out , or do not, in Sri Lanka is explained at the end of this section. This section also explores how ownership of property nevertheless helps women to deal with violence, if it occurs, even though it may not be significant in protecting against its occurrence. Additionally, as explained earlier in this chapter, the findings of relatively low prevalence of violence in Sri Lanka and the specificities of the context could be influencing this relationship in more ways than was captured or can be explained by the scope of this study.

Characteristics of women who own property and do not experience violence

More likelihood of

- ✓ Owning house or both land and house,
- ✓ When owning only land, then
 - Ownership of undisputed land
 - Land is such that it contributes substantially to the household income
 - The woman has access, knowledge/control over its use
- ✓ strong bonds with a supportive natal family - the interaction is regular, constant. In West Bengal, **the ability and role** of the father in ensuring her rightful share in the inheritance and ensuring her protection is striking
- ✓ more regular employment of husband

Less likelihood of

- ✓ husband's alcoholism
- ✓ reporting dowry related harassment (irrespective of demand)

also report higher satisfaction by the in-laws with respect to the dowry received and lesser dowry related harassment.

On the other hand, women, who own property but face violence, do not report one or more of the above characteristics. For example, there are women who report regular employment of the husband, ownership of substantial land, but for whom the social support and closeness with the natal family is missing. These women often report - "I have nowhere to go." Or there are women who report regular employment of the husband, supportive natal family, but own land over which they have no control. Some women who own property and report violence may report alcoholism and irregular employment despite owning property or having natal family support. Many of these women then decide to leave and, with the help of their natal family, move into the property that they own. Thus, while the permutations reported maybe different, overall, this group of women is likely to not

report one or more of the six characteristics mentioned above.

For women who do not face violence and do not own property, they are likely to report regular employment of husband, a supportive family and more stable asset base.

For the purpose of the detailed discussion below across the four categories of women, the multiple factors are clubbed under the following broad heads –

1. Economic status of the natal and marital family, in particular the husband's employment status; husband's alcoholism and dowry related harassment.
2. Relationship with the natal family
3. The impact of property ownership on the woman's status
4. Nature of property ownership

1. Property rights and the economic status of the family

The economic status of the natal family – The realization of property rights for women is mediated by several factors. One of them, as is obvious is the discrimination, or the constraint and bias that women may face in accessing or owning property on account of their gender. Another important factor that emerges from the narratives across West Bengal and Kerala is the **economic condition and asset base of woman's natal family**. Property is one significant element of this asset base and the woman is expected to claim her share. This manifests itself in many ways.

Firstly, for poor families, the asset base is restricted. It emerges clearly that in West Bengal, and specially in the rural sites, the family composition, size of land holding; social obligations all determine the dynamics around inheritance. Thus, for a family with limited employment options and low capital, the piece of land that the father holds acts not only as a means of sustenance for the natal family, but also as the *only* productive asset that can serve as a collateral for loans in crisis, or for fulfilling family social obligations such as repeatedly mortgaging it to get money

to give dowry for the daughters' marriages.³¹ If the family is in such a situation, for the woman to even think of her claim to the property (which is also usually not at the time of marriage) can become extremely difficult.

In Kerala, it is a social practice that property (even if it is over and above her inherited share) is expected at the time of marriage. This expectation seems to heighten the difference between those families that have the assets to fulfill the "expectations" and those who do not. When the natal family is economically better off, they report the means to have enough property (as dowry) to give to all the siblings. These are the women who get property and report no dowry related harassment or dissatisfaction (even though there maybe dowry demands at the time of negotiating the marriage and consequent transactions).

I have got 15 cents of land and 10 sovereigns of gold as dowry. We are 8 sisters and 2 brothers. We daughters all got 15 cents of land each at the time of marriage.

Woman with property, no violence from Kerala

I was given a house and seven cents of land. My father also gave my two sisters land. My elder sister got 20 cents of land and 25 sovereigns' ornaments. My youngest sister got 50 sovereigns of gold ornaments and 10 cents of land. My sisters got that property at the time of their marriage. My house has eight rooms and a kitchen. There was no dowry demand by my in-laws and husband. My younger sister got married to an army jawan. My father gave land and gold to her.

Woman with property, no violence from Kerala

On the other hand, the women whose families have limited means may not be able to fulfill dowry demands 'satisfactorily' or provide her the share of inheritance at the time of marriage itself. Many of these are women who report facing violence. As mentioned

in the Kerala report, *In the Kerala context, this is borne out by the fact that – “ among women who own house and face no violence, 51.6 per cent acquire the property as dowry compared to only 37.5 per cent of those who report facing violence.”*³²

Sometimes, as in West Bengal, the demands are triggered by some economic need in the woman's marital family, while in others, the parents are not in the economic condition to give the daughter's share immediately. In the case of ownership of house, it may be that the parents and her siblings are still residing there.

While my husband was working abroad, he got into huge debt, for reasons not known to me. My mother in-law sold my gold and paid the debts. Then they wanted to sell my property. I was given the property, which I inherited at the time of my marriage. According to my parent's deed, I will have full right on the property only after my parent's death. My in-laws and husband wanted to have immediate transaction rights on the property. I did not agree with that and therefore my husband started torturing me.

Woman having property, facing violence, Kerala

Violence started sometime after the marriage. They demanded property after the marriage to meet the expenses of his sister's marriage. My parents did not have the financial backup to provide any more property apart from the gold given to me at the time of marriage. So, my husband sold my ornaments and utilised the money for her (husband's sister) marriage. I protested, and that was the reason for the clash. He listens to me when not drunk. But later when he is drunk, he tortures me.

Woman not having property and facing violence, Kerala.

Her husband is a coolie worker, with irregular income.

Thus the existing economic level of the family, including employment, property status and security

31 This trend is similar to what is reported in that article "Women Second in the Land Agenda" by Jayoti Gupta *EPW*, May 4 2002. She states " the dowry transactions involve extreme steps resorted to by the girls' families. Many have to sell their owned land with standing crop to meet the dowry payment. The general practice is to mortgage land ..."

32 From the site-specific report, Kerala.

Table 10. Relation of dowry and experience of violence among propertied and non- propertied women in West Bengal (across 4 sub- categories of analysis)

| | Property Violence (%) | Property No violence (%) | No property Violence (%) | No property No Violence (%) |
|--------------------------|--------------------------|-----------------------------|-----------------------------|--------------------------------|
| Dowry demanded | 39.7 | 18.8 | 65.9 | 10.8 |
| Dowry related harassment | 41.1 | 6.3 | 45.6 | 12.2 |

of financial status, decides how significant a role property or the dowry they get plays in protecting the woman from violence. What is clear from Table 10 is that women who do not face violence, regardless of whether they have property or not, are less likely to report either dowry demand during marriage negotiations or dowry related harassment in the marriage.

As one woman, who did not receive dowry and faces no violence states – “My husband and in-laws did not demand any dowry at the time of marriage or afterwards. This reflects the attitude of their family – They wanted me in their family as a human being, not as property”.

Another significant factor qualifying the potential protective impact of property on the experience of violence seems to be **the economic viability of the woman’s property or her share of the inheritance**. This trend emerges strongly from across the narratives. Specifically in one of rural site of West Bengal, which is predominantly Muslim and women have a legal share in natal family’s property, several women articulate that **only if the land is enough, is accessible and is an economically viable or profitable option, are women in a stronger position to improve their situation and status, including the situation of violence**. Many women have shared in the focus group discussion that the legal share they may get is often land that is barren, in dispute, or located too far to be accessible to them. Many report that they have actually never seen the land that is supposed to be their share. Often the land is usually too little to make any substantial difference economically to the marital family, and thus to her overall status. For poor families, which form the bulk of the population, property becomes one of the assets that increase the eco-

nomie base of the family, and if it comes through the woman, then it has obvious repercussions on her status. As one woman from West Bengal states, “If the land was 1-2 kattas and not 10 kattas, my husband would have left it. He would not have fought for (retaining) it in the panchayat... because [if] the cost of land and the earnings from it are such that I can run my household from it, only then can I exercise my rights.” In spite of all the constraints and correlated factors, what emerges as a key finding from the above is that **when the woman does get property, there is a marked difference in her situation**. There is increased status, increased voice, increased power to negotiate and decreased violence. Consider the following section from the narratives of a woman from a rural site in west Bengal that sums up the various aspects of the discussion above:

Eleven to twelve months after her marriage, a problem cropped up over the 6-satak pond of her father-in-law between them and her brother-in-law... At this her husband decided to take another pond on lease and insisted that she brought Rs. 1000 from her father. He used harsh language and told her that it was due to his great heart only that he did not demand or receive dowry or gifts at the time of their marriage. ... Then she requested her father for help and he gifted her Rs. 1000. After this her husband demanded off and on to bring something whenever they faced hardship.(Finally) her father asked her husband to cultivate paddy in one bigha of land.Then onwards, their hardship was overcome, and they could arrange for their food. At this her husband’s demand for dowry also vanished in the blue. After 2 years of their marriage, her parents gifted her that one bigha land by making deed in her name. As a result, her fam-

ily got rid of poverty and good relations prevailed between her and her husband. Since then her husband began to give her more weight.

Woman with property and faced violence, West Bengal

We observe the same trend in Kerala, despite the difference in the quality of land, and economic status of the family. Land appears to be more protective if it has the potential of being cultivated and economically useful to the family:

My husband is working in a company nearby. His earnings are not enough to run the family. I decided to put the land that I have received as dowry for cultivation. I am keeping the income that I get from the cultivation so that I can use it in times of need.

Woman with property and facing no violence, Kerala.

Thus, the narratives from across both Kerala and West Bengal point to the fact that **property makes a difference when it is productive and contributes to the economic security of the marital family, thus acting as the factor that has the ability to mitigate the risk of economic insecurity of the household and stabilize the vagaries of the employment status of the family.**³³

Husband's alcoholism and employment status

In the discussions of the situation in West Bengal, the economic fragility of the woman's family situation and the role of the husband's employment

are reflected clearly. The help or transfer of property by the "supportive" natal family also emerges clearly. The quantitative data also substantiates this trend, as seen in Table 11.

In the Kerala narratives as well, many of the women who already have property at the time of marriage, but still experience violence, report husband's irregular employment.

At the time of my marriage my husband, his parents and two sisters were staying at my marital home. I was looking forward to a peaceful married life. What I got was just the reverse of that. My husband was unemployed and did not like to work for low income. Due to unemployment [he] is frustrated as he is unable to provide for the family. In the process he [has] punished me very much."

Woman with property, facing violence, Kerala

My husband loved me very much. Now I have some problems in my life. My husband started the habit of drinking and when he is drunk he punishes me very cruelly. My husband earns Rs.100/- daily. But he gives only Rs.10/- or Rs.20/- to me. The cause of violence is his alcoholism. He goes to work every day and gets money. He spends that money in liquor shop. I know that we have cultivated tapioca in my land, but that is my mother-in-law's decision. I do not [get] any income from the 5 cents of land.

Woman with property, facing violence, Kerala

Table 11. Employment type of Husband and experience of violence among propertied and non-propertied women in West Bengal (across 4 sub- categories of analysis)

| Employment type of husband | Property | Property | No property | No property |
|----------------------------|--------------|-----------------|--------------|-----------------|
| | Violence (%) | No violence (%) | Violence (%) | No Violence (%) |
| Regular ongoing employment | 31.7 | 68.3 | 41.7 | 58.3 |
| Irregular employment | 59.4 | 40.6 | 77.2 | 22.8 |

³³ Data on land size and quality is not uniformly available for all women at all sites to enable a quantitative assessment of this trend, or to assess whether ownership of any land, even if barren, small-sized or of less value as compared to family owned land also makes a difference to women's lives. This is an significant area for research emerging from the findings of this study - to ascertain what type, how much land actually makes a difference to women's lives, and in what socio-economic and cultural situations. In the narratives of this study, women have laid stress on the productive value of the land that they own.

Similarly, if we examine the group of women who do not have property, and do not experience violence, we see that they are more likely to report regular employment and financial sufficiency.

My parents did not give me any land. My father deposited Rs.50,000/- in the bank in my name at the time of marriage. It was a gift and my husband or in-laws did not demand dowry. My parents were a big source of support for me. He (husband) is working in a private firm. I have no financial problems. If at all there is any, I can always tell him and he (husband) is there to solve my problems.

Woman with no property, not facing violence, Kerala

In West Bengal and Kerala, the overall economic levels vary. Though employment and job security are still issues, the levels of poverty experienced are different. However, the trends are similar. Unemployment of husband continues to be a risk factor, house retains importance as a protective factor; the kind and amount of land and the woman’s control over it decides whether it is protective or not. It is obvious that property does act as a critical element to increase or stabilize the family’s asset base, and therein lies its significance and potential to be protective for women.

2. Relationship with the natal family

Ability to have close relations and unrestricted contact – The earlier discussion reveals that women who report– property ownership and do not face violence are also more likely to report stronger bonds with their families than women who face violence. The bonds are stronger, not only in terms of feeling confident, of sharing about themselves and their lives

with their natal family, but also in terms of not requiring permission to visit the natal family. Even from the point of view of women, many of them repeatedly voice that one of the expectations they have from their marital family is being allowed to visit their natal family at will. The following quote illustrates this “expectation” aptly, “(what I expected was that) whenever I thought of my parents, I could visit my father’s house and that there would be good relations with my father’s family.”

Women facing violence, on the other hand, state that they are “not allowed to visit the natal family at will”, that is, they always have to seek permission. In West Bengal, it is clear that women who do not experience violence are able to visit their natal family without permission, as indicated in the table below. On the other hand, women with property and facing violence are more restricted, as more than one-third can visit their natal families only with permission, as seen in Table 12.

The distance between the two houses was only on hour, but I could not visit my parental house at will.

Woman with property, facing violence, West Bengal.

I can always go to my parental house, relative’s house, hospital and to the market at will

Woman with property, facing no violence, West Bengal.

Interestingly, many of these women also report another form of restriction – that their in-laws expect “that I would not talk too much to my neighbors” and “would immerse myself in household work.”

Table 12: Permission to visit natal family and experience of violence among propertied and non-propertied women in West Bengal (across 4 sub- categories of analysis)*

| Permission to visit natal family | Property Violence (%) | Property No violence (%) | No property Violence (%) | No property No Violence (%) |
|--|-----------------------|--------------------------|--------------------------|-----------------------------|
| Can visit without needing permission or by informing | 58.8 | 80.9 | 74.4 | 86.4 |
| Can visit only with permission | 32.3 | 3.1 | 23.8 | 4.0 |

*Figures don’t always add to 100, as some cases are not applicable, such as when parents are not alive

Thus, overall propertied women who do not face violence seem to report more social support (family and community) as compared to the women who report violence. In Kerala, while the role of the father is not singled out in the narratives (the brothers, mothers, and sisters find equal mention), in West Bengal, the striking feature is the role of the father in supporting the woman at the time of need or consciously negotiating with the marital family for her safety. Almost in all the narratives of women who have property and report no violence, the supportive role of the father emerges as striking. The earlier quotes have highlighted this also. In addition, consider the two quotes of women below.

My father gave me consolation. One day he called me and said – “(The) dacoits have stolen everything. I will give you more assets than that, which the dacoits can never steal.” He gave me 7 bigha of land (which is very good for paddy cultivation) and homestead land and registered it in my name. Consequently, I got dignity, respect and security in my in-laws’ house. ... They thought that I was a wise daughter of a wise father. Whatever I wanted, I got them. I used to buy things – both small and big things. Sometimes, we discussed before buying something. I used to keep some money with me.

Woman with property facing no violence,
West Bengal

My father told if he (her husband) is in good behavior, he will transfer the land in my name or else he will take me away to his own home. After that incident, there was no mental tension at all.

Woman with property facing no violence,
West Bengal

Recognition of the woman’s “rights”

The role of the father in West Bengal is also reflective of the community norms that recognize the right of the woman to own property. It is not surprising that women with property who face no violence consistently report strong bonds with the natal family. A deeper connection hints at a mental shift – **a natal family that gives the woman her inheritance is also one that is more likely to recognize and respect her**

rights as an individual, with value and one who is entitled to a secure life. Even women who face violence and are able to negotiate their situation, do so because they have “some place to go” which is more often than not, the natal family home.

At this, I became upset and went to my father’s house (nearby) and spent 2 days. My father and brother rebuked my husband and told him not to repeat such behavior (slapping) in the future. Then my husband came to take me but I said –I have my own house and land- why should I bear your torture? Next time, he came with a local elder and admitted his guilt. I agreed, but said I could not leave, as my father was not in the house

Woman with property, facing violence,
West Bengal

Similar findings emerge from the focus group discussions. Many women talk of their awareness of their right, but also speak of the various constraints in the **realizing of the right to property**. While the economic capacity of their natal family would be one, another equally strong constraint is the norm that a woman must continue in her marital family house despite all odds. This norm acts as a significant constraint, and many women do not consider it worth the risk to alienate the natal family. Returning to stay ‘forever’ in the father’s house, being divorced, or being alone on the streets fending for themselves are also unacceptable options. There are very few women who leave the husband to stay elsewhere. One Muslim woman facing violence says “*When my daughter was 5 months old, I left him (husband) and settled in my parental house. I made one room house on one katta land that was in my grandmother’s name. Now she (grandmother) also lives with me.*” This woman subsequently sought Talaq (divorce) from her husband.

In West Bengal, a difference in the woman’s situation is perceptible depending on who is the head of the natal household (married brothers versus father). As is obvious from the narrative below, in many families where the father is no longer the head, and has already divided his property, the woman loses all hope of support from her natal family.

After the incident, I went to my father's house and stayed there for 15 days. Then my husband threatened to divorce me, so my father sent me back. After that, I lost all hope of getting shelter in my father's house and never went back. My father was totally dependent on my brothers (he had also divided his property), hence I had no place in my father's house.

Woman with no property facing no violence,
West Bengal

Family support and the response to violence

The above discussion highlights the significance of family support and “a place to stay” in influencing a woman's response to violence. This, in turn, is also influenced by the families' ability to do something and the social norms that permit the woman to access the natal family, or return to it at the time of need. Here again, there is a difference between Kerala and West Bengal. In Kerala, the support of natal family can directly translate into her returning to the natal home and/or exercising her claim over her property. The Kerala report notes a difference among propertied and non-propertied women who actually leave and do not return. **Further, the narratives in Kerala seem to suggest that patrilocality is not the only acceptable form of residence**, as is evident from the quotes below.

I got this house later on as inheritance. My husband did not demand any dowry. At the time of my marriage, my parents told my husband that they would give this house in my name. Later we moved to this house to stay with my parents

Woman with property and facing no violence, Kerala

I lived with my husband in his mother's house for four years. Now I am staying with my husband and children in our own house (my house that is obtained as inheritance) and during the children's school vacation, we visit my husband's house.

Woman with property and facing no violence, Kerala

When I told this to my mother and brother, they advised me to come and live here. Now I am living in the outhouse (thatched roof) attached to this

house. This outhouse is given to me with 10 cents of land attached to it. It was three years after the marriage I left my marital home along with my two children. Few months later, my husband also joined us. Since I am staying in my house, there is positive change in his attitude towards me.

Woman with property and facing violence, Kerala

Across the sites, the women clearly recognize the potential of property in helping them in situations of violence. Women who have property, but do not leave, usually cite the major constraints as being: economic condition of the natal family (the inability to provide shelter), and to some degree, the pressures of conforming to accepted norms, as one woman says – “to avoid any disgrace.”

My parents have a small house and all of them staying there. I cannot take my children and stay with them. There is hardly any space... I have four brothers and no sisters. My parents did not give any share to them because there was very little property.

Woman with no property and facing violence, Kerala

Once I came back to my natal house, as I did not have any money for the daily expenses at my marital home. But seeing my mother's difficulties, I went back to my marital home after 6 months. She also told me that she does not want other people to know about it as she has already faced the difficulties in her life. She is also afraid that my husband may abandon me one day, and I will face a similar position like her.

Woman with property and facing violence, Kerala

This fluidity of residential arrangements seen in Kerala is a totally non-acceptable practice or norm in West Bengal. In West Bengal, as noted earlier, the natal family support is more in terms of the help and support needed to negotiate with her marital family to make her situation better within that house itself. The taboo around returning to the natal home seems to be too strong to enable women to leave and start a life elsewhere than the marital home. Thus, owning property does not seem to translate into the woman leaving and *not returning*. In West Bengal, of all the

women facing violence, 28.3 per cent mention leaving home due to the violence. Most of them cite the support of their natal family (36.1 per cent), followed by neighbor (22.9 per cent) or community (16.9 per cent) as factors that enabled them to do so. But all of them, except for one, return. This is also why in the focus group discussions, women strongly articulated the need to secure their rights within the natal home during their lifetime. Another striking and unusual trend is the **tendency of women to demand that their inheritance be kept intact and not transferred into cash during the time of marriage**. Consider the opinion of the two women, one with property and one without on this.

It is better to give land (during marriage), as it increases your income and it is there for a lifetime. Moreover, it does not come under dowry. This is your own share, you deserve it and can use it for your own family.

Woman with property and not facing violence,
West Bengal

If I had been given money, my husband would have spent it within a few days and then again started harassing me. But if it is property then you can earn from the land or leave and stay in your own house.

Woman with property and facing violence
(not current), West Bengal

3. Impact of property ownership on the woman's status

The ownership of property by women shows an impact on their status in three clear ways:

- Overall, women with property report an enhanced status and respect within the family.
- They also report increased status within the community.
- Propertied women also have a greater role in decision-making and have greater mobility of certain kinds (as discussed in the earlier sections).

The discussion above and the narratives clearly suggest that a woman bringing property is more respected by the marital family. This enhanced respect is visible in many forms – increased confidence to voice opin-

ions, increased value being given to her opinions, increased decision making ability and of course, a more equitable relationship with the husband. Community perceptions also point to the potential of property in “*reducing husband-wife conflicts (as) a woman with property is loved by all and will face no harassment.*” These trends are similar across sites.

My husband listens to my opinions and decisions. If your husband is poor, then getting land of your share from father's house can solve many problems. Wife's social position also increases. After getting property, I can put my opinions strongly, and my husband also agrees to them. My husband's love has also increased after that. In matters related to ploughing the field my decisions are taken into consideration.

Woman with property, facing no violence,
West Bengal

I have more confidence of putting my decisions forward. In matters related to the family, my decision is always effective. My husband gives importance to my decisions in matters related to my and children's health.

Woman with property, facing no violence,
West Bengal

In Kerala, the ownership of property as a “right” is articulated strongly by women.

I think it is important for women to inherit property. It is their right. Property provides me self-confidence and self-esteem. I also think that economic dependency will be less if one owns property. I believe that inherited property provides a woman more independence and self-determination than a woman without property.

Woman with property, facing no violence, Kerala

I have full control over the property (house), which I inherited. In fact the tailoring shop that we plan to establish is my idea. I think it is very good for women to own property so that it gives them autonomy to decide about the household and future. Also, I have a right to property.

Woman with property, facing no violence, Kerala

The perception that a woman with property will earn more respect within the marital family, and will have a husband who will give her more respect and take her opinion in all decisions is also resonated in the focus group discussions in Kerala.

Impact on Decision making

It is important to examine in depth, one more aspect of the woman’s life that property influences – decision making, and in particular financial decision making. There is a common perception that women may have property only in “name” – that they are unlikely to have control over it. The narratives do provide evidence that propertied women tend to have a certain degree of say and control over general decisions, and decisions regarding their property in particular, as indicated in the previous discussion.

The tables 13a & 13b show that property does seem to impact women’s decision making, even in realms that are not seen as within “traditional gendered roles.” These tables focus on current financial decision-making (i.e. decisions taken in the last one year).

In West Bengal we see that out of all women reporting making decisions to do savings, 11 per cent propertied women say they made the decisions alone, 70 per cent made it jointly with their husbands and about 16 per cent said their husbands alone made it. Among non-propertied women, only 4.5 per cent said they took decisions alone, 62 per cent took them jointly, and a much higher percentage said their husband alone took the decisions. Across all financial decisions, the clear trend in both West Bengal and Kerala is that propertied women are more likely to report either taking decision alone or jointly with the husbands (perhaps reflecting a more “equal” relation-

Table 13a. Women’s financial decision making ability according to property status in West Bengal

| Decision area | Propertied women (%) | | | Non Propertied women (%) | | |
|-----------------------------|----------------------|-------|---------|--------------------------|-------|---------|
| | Woman | Joint | Husband | Woman | Joint | Husband |
| Savings | 11.1 | 70.4 | 15.7 | 4.5 | 62.4 | 25.6 |
| Taking loan | 9.4 | 62.5 | 26.0 | 2.0 | 38.6 | 52.9 |
| Invest to improve property | 7.5 | 68.2 | 22.4 | — | 59.6 | 33.7 |
| Buying/ selling property | 9.3 | 83.3 | 7.4 | — | 50.0 | 45.8 |
| Pawning prop/utensil/ jewel | 6.1 | 83.7 | 6.1 | 8.7 | 78.3 | — |
| Mortgage land / house | 10.3 | 75.9 | 10.3 | — | 20.0 | 65.0 |

Table 13b. Women’s financial decision making ability according to property status in Kerala

| Decision area | Propertied women (%) | | | Non Propertied women (%) | | |
|-----------------------------|----------------------|-------|---------|--------------------------|-------|---------|
| | Woman | Joint | Husband | Woman | Joint | Husband |
| Husband | | | | | | |
| Savings | 34.7 | 55.6 | 9.7 | 18.6 | 11.6 | 53.5 |
| Taking loan | 34.7 | 55.6 | 9.7 | 17.8 | 10.1 | 53.5 |
| Invest to improve property | 38.9 | 41.7 | 6.3 | 2.5 | 38.2 | 49.7 |
| Buying/ selling property | — | 97.1 | 2.9 | — | 1.3 | 98.8 |
| Pawning prop/utensil/ jewel | — | 2.9 | — | 98.8 | — | — |
| Mortgage land / house* | — | — | — | 98.8 | — | — |

*100 per cent by in laws

The blanks are where “n” is small and so may not be relevant.

ship). On the other hand, husband making the decision alone across various decisions is reported consistently by a higher proportion of women who do not own property.

Thinking of the Future

In both West Bengal and Kerala, another trend that emerges is that most women who own property not only take decisions around this asset, but also talk about their plans for the future, of securing their economic status or even expanding their property base. This can be gauged from the following excerpts of narratives from West Bengal, of women who have now acquired property, irrespective of whether they experienced violence prior to the ownership of the property or not.

Of course, I have told my husband to have the property in my name for future security for that reason, I have opened a bank account to deposit 1000 every month for registration fee and my husband has also agreed for it.

Woman with property, facing violence,
West Bengal

As I have land, we can think of buying land nearer to my husband's work place. We may sell a part of the property and buy it and for building the house, my husband will take loan. Because of the meetings (during the study) it is easier to make my husband understand that the property (the new house they plan to make) should be registered in my name. He has agreed to it.

Woman with property, facing no violence,
West Bengal

We have built up a new house consisting of two rooms on the roadside, but the doors and windows have not been fitted and the latrine is yet to be constructed. After completing the remaining works we shall shift to the new house in this year only. That house is on the roadside. Next year, I shall try to start some business to recover our financial health. I won't allow my business talent to be finished in such a fashion –she smiled.

Woman with property, facing no violence,
West Bengal

In Kerala, we have seen that women with property and not facing violence are more likely to report purchase of assets a few years after marriage. As reported in the Kerala site report "...In addition, another 21 per cent of women not facing violence purchased the house that they own, compared to none among those facing violence. Another important difference between the propertied women who face and do not face violence is that the latter had non-agricultural land which is typically purchased."³⁴

Women acquiring property through purchase has also been a feature reported from the urban site in West Bengal. Here, the form and mode of acquisition are sharply divergent from rural areas – most women have houses, and they are purchased. It seems that there is another dynamic that allows women, when in the urban context, to get property in their names. When families decide to relocate and settle in an urban locality, it signals a break in the existing family structure and a shift to nuclear family. In many ways, this presents a window of opportunity for change from a situation where the woman's place is restricted by patriarchal norms of extended or joint families. Thus, when couples move, the property that is acquired, is "new". Here what becomes critical is whose money is sourced or used by the couple to purchase the property. It emerges that usually the woman's family steps in to help financially, and in that bargain the ownership goes in her name. Sometimes she also uses her income or savings, and thus can stake a claim in the ownership.

A reflection of this trend is captured in the rural sites as well – *when the natal family steps in to help with money, and, if it is for purchase /paying of mortgage, etc. of property, the ownership comes to the woman.* It is something the natal family usually insists on. It also definitely helps that family unit consolidate their financial position.

Status within the community

(After receiving property) I was called upon on occasions to resolve many petty matters of the neighbors. They accepted my suggestions.

Woman with property, facing no violence,
West Bengal.

34 See site specific report, Kerala

(After receiving property) there was a change in my neighbors also. (Now) My neighbors also tell my husband that you should be happy because you have your wife's land with you.

Woman with property, facing no violence,
West Bengal.

Many of the women who receive property mention the consequent increase in their social status. There are glimmers of another interesting fallout of the property status reported in the West Bengal case studies. As is well known, In West Bengal, the panchayat and other community organizations are an active component of everyday life. Thus, they too can form a constituency that can act as a source of support for the women. However, the narratives suggest that they are more likely to intervene in situations of violence when she has property, as then she is also seen as someone with “value”.

After I got the land (registered in both their names), if there was any problem, I complained to the panchayat pradhan, and they came and told him that if he continued with this, the ownership will be taken away from him. I also got the confidence to confront him. I have also got my freedom (to go out to different places).

Woman with property and facing violence,
West Bengal

The ownership of property according social status to an individual is a strong theme emerging from the focus group discussions in Kerala. Apart from its importance as a financial asset, the respect and status that an owner of a property commands in society is consistently articulated by men and women across religions in the higher socio-economic status. However, what is striking is that the economic benefits in terms of employment, investment and meeting marriage related expenses are more vociferously articulated as benefits by communities of lower socio-economic status. Consider the following quotes from the focus group discussions:

(Importance of land/house is) self respect, respect from others, prestige, earnings and economic independence

FGD with High socio-economic status
Hindu Nair men

Property gives respect, dignity, prestige and self-worth

FGD with High socio-economic status
Hindu Nair women

Land/house are very important livelihood assets

FGD with low socio-economic status
Christian men

Someone falls sick (if we are), or is unable to provide better education for boys and girls, income (from earnings) reduces – land and house are a defense against all these

FGD with low socio-economic status
Hindu Nair women

... through out the life will have to pay rent if one don't have a home of his own. Also it will add to other financial problems ...

FGD with low socio- economic status
Muslim women

When talking of the special advantages property can have for women, all groups and religions cite the following four - self respect, respect from others, self-confidence and security.

4. The kind of property owned – Significance of owning a house³⁵

The West Bengal report elaborates some reasons for why ownership of house emerges as more protective for women from the experience of violence than owning only land. The discussion till now, inherently, underscores the immense importance of “having a place to go to” when the women are facing violence and want an exit option. The fear of being on the streets equals none other, for women who are facing violence, and it is this realization that informed the fundamental argument of this study – that immovable

³⁵ The unit of analysis for this study is “ownership of house”. In West Bengal this house, is usually the one the woman and her family live in, but the pattern of residence and ownership is more complicated in Kerala, as is suggested in the section on fluidity of residence. Here, women may not necessarily be living in the house they own, as often the parents or mother are still living in the house the woman has inherited. In a couple of narratives, the non-availability of the house to the woman for immediate use has become a factor for violence on her. However, the overall finding that emerges is that ownership of house (irrespective of current residential house or house in another place) serves as a protective factor. This finding points to the need for further research and exploration on this aspect – i.e. is ownership of current house more critical than ownership of any house, by giving the woman more authority or negotiation power ; or does ownership of other house provide her with alternate shelter. Overall, the study points to the need for more in-depth exploration of some of the findings to gain a more comprehensive understanding of the specificities of which property makes what difference, when and for which kind of woman.

assets can act as social protection for women facing violence. This is corroborated by the findings. Women in West Bengal, who have never left their homes in spite of violence, cite “having no house of their own” as one of the main reasons for not leaving the abusive relationship.

Many women from West Bengal, in their narratives, speak eloquently on what would make the most difference to their lives. They explore the pros and cons of the various forms of economic security – employment, land, and house. To quote one-

House is most important to have. If you have the house in your own name, then your husband can never throw you out. In that case even if you don't get to stay in your father's house, you can live by earning from wage labour, bidi making, working on other peoples house etc. But they (village women) work as wage labourers or bidi making. With these jobs we can run a household at the most, but cannot build our own house. Whenever, you have house in a place, you have acquaintance with people, who can help you and help to get a job to run a household. Moreover, (if the house is in your name) husband cannot pressurize to sell off the house, as it is the only shelter. In case he puts more pressure, you should understand that he wants to leave you and you have to strongly protest.

Woman with property and facing no violence, West Bengal

Apart from the irrefutable argument of physical shelter **for both the household and for the woman in the event of violence**, this excerpt also highlights another feature of property ownership – that of providing “physical stability” and the opportunity to form community bonds. This is significant, as we have seen that a responsive environment – the neighbors particularly,

do form a support for women facing violence. Further, women voice that, if a house is available, it can also serve as a site to earn or supplement the existing family income:

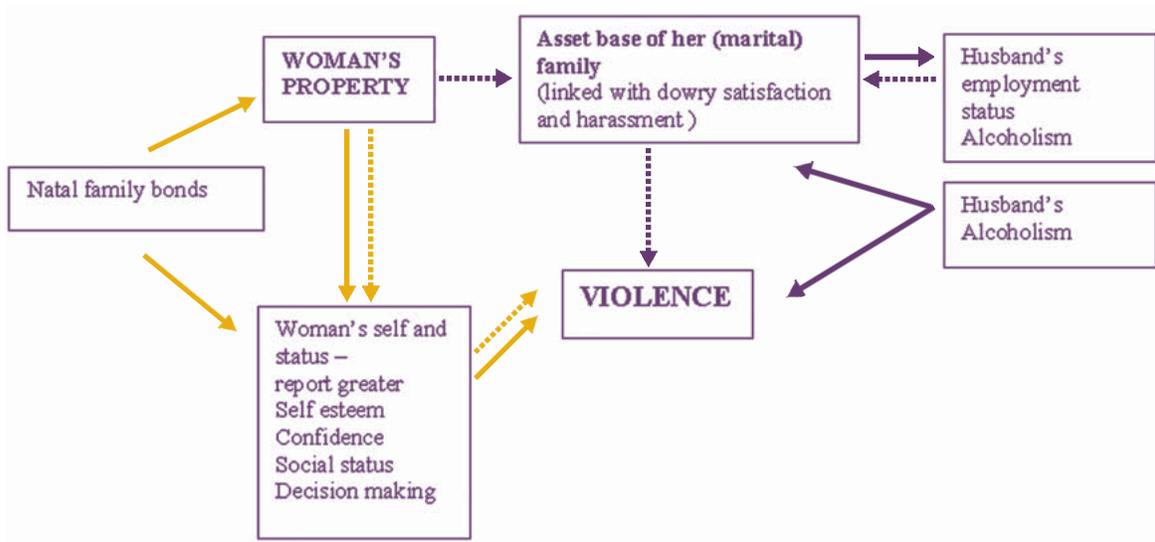
Since I have a large good quality house, I could decide to start a business. I am also able to save rent. We are able to manage well financially. I also know that I can make a better life due to my property. Better living is possible if one owns a house. My husband is very happy that I have this property, and he respects me. He involves me in all decisions. There is no scope for violence.

Woman with property and facing no violence, Kerala

On the other hand, as stated in the beginning, ownership of land being protective from violence is contingent on many ifs – its productivity, woman's access to it, ability to control and make decisions on it. Thus, in a situation of violence, when it comes to shelter, a house has a direct physical benefit. On the other hand, land's impact is more indirect through its influence through other pathways of enhancing her status or ensuring support.

Section 4: Potential Pathways – A Framework

The factors that emerge from the discussion of the findings across the three sites in the section above, suggest certain overall pathways that can be postulated as the potential pathways by which women's ownership of property is likely to influence her experience of domestic violence. **The following framework captures the interplay of all the factors that impinge on the relationship between women's ownership of property and her experience of violence.**



1st Pathway (pathway marked in dotted purple) Impact of woman's property on the Household Asset Base –

One of the key pathways by which women's property ownership seems to impact experience of violence is by its influence on the asset base of the woman's marital family (irrespective of whether it is her nuclear family, or extended, with in-laws etc. The unit of analysis is the family she is living with). When she has property, it serves to make the family more secure (a house to live in that is a shelter for the whole family, saving of rent, a land that contributes to family income), thus directly impacting her status within the family and thereby her experience of violence. As one woman stated, *"the earnings from the land my father gave is almost the same as that from my husband's, though he has three times more land. We get a major proportion of our income from this land. This has also helped us in making a pucca house after meeting the family expenses."* This linkage can be extended to put forth the argument that if the economic base of the family is more secure, then women are also less likely to report that in-laws were satisfied with the dowry that they brought, consequently resulting in less dowry related harassment. The asset base of the household is also independently influenced by the husband's employment status as well as husband's alcoholism.¹

Irregular employment and alcoholism have the potential of undermining the asset base (which is often

the case in the group of women who own property but face violence), whereas regular employment may counter balance alcoholism. Thus, we find that the women who report property and no violence are more likely to show a combination of all these 3 factors – property ownership, secure husband's employment and absence of alcoholism. Additionally, alcoholism has an independent direct impact on violence, it is widely recognized as a critical risk factor for violence, controlling for economic status of the family. Another way that property could not be protective for some women is if the property is not accessible to them, not viable or not productive enough – in all of these cases, the property does not actually influence the asset base.

2nd Pathway (pathway marked in ochre) Woman's property and the relationship with the natal family.

The second critical and interesting factor is the woman's bonds with her natal family. A sense of support has always been a critical factor in the experience of violence, and within that the role of supportive parents and supportive communities has been given immense significance. Here, we see how the factor of property ownership may play a role within creating a sense of support. Women owning property and not facing violence, almost consistently report close bonds with the natal family. Within this, it is important to unpack and study the concept of "support". The narratives provide some leads on this.

Women report closeness, being able to visit the family often, being able to discuss their lives (whether with or without problems) with them and knowing that they will help her if there is any problem. A potential construct is that a natal family that is supportive and close, is not only one that gives the woman property “physically”, but is also likely to be one that, by virtue of recognizing a daughter’s rights, is mental recognition of her as an individual. This then can potentially translate into an increased sense of self worth in the woman herself, who would have more confidence and self-esteem in herself, and also be more confident of having a family that places value on her as an individual, and thus would actively help her in any problem. Thus, for women who do not have property, and do not experience violence, the pathways that override the potential benefits of property could be – strong natal family support and (as discussed earlier) regular employment of the husband.

The role of the natal family also has to be considered in the backdrop of the community norms and practices, especially in two regards – firstly, whether they support women’s ownership of property and secondly, whether there is acceptance of the woman’s leaving her marital home in the wake of violence. The earlier section explained how supportive families are also less likely to encourage the woman to tolerate or go back to an unchanged situation. They do try and help her, both mentally and physically (providing land or house to stay in). However, natal families are also bound by other social norms that they may not be able to negotiate, for example, the pressure to pay big dowry, as in Kerala; or the stigma associated with a married daughter staying in the natal family house, as in West Bengal. Thus, it could be this pathway that needs to be examined more closely when we explore the role of property in helping women deal with the violence, once it occurs.

3rd Pathway (pathway marked in dotted ochre) Impact of woman’s property on the woman’s self.

The third critical pathway by which property influences violence is by having a direct impact on the woman’s self. Women who report property owner-

ship are also more likely to report enhanced status and a feeling of being more valued. This in turn is influenced by the earlier two pathways – that their property is making the family base more secure, and that they also have support from parents. These women are more likely to report greater voice and greater confidence to voice opinions, feeling valued and taking decisions, a critical one being financial decision making. Women who have property, but also report violence, on the other hand, are more likely to report that their property is either not accessible to them, or that they have no control over the decisions taken around it.

What needs to be underscored is that it is the “**inter-play**” of all these different factors that need to be accounted for when talking of women’s experience of violence, and whether or not ownership of property has any impact on it. Women’s ownership of property is undoubtedly a factor that influences violence (whether as a deterrent or an exit option or both), but it may not be the only or most significant one to do so. Within property ownership, factors such as the kind of property, source of acquisition, time of acquisition have to be viewed against the backdrop of other household and contextual factors – both economic and social. Additionally, the importance of community norms, of some form of social support, whether familial or neighborhood cannot be undermined. The extent to which property is protective and in which way it is protective is influenced by the interplay of other factors in the pathways delineated earlier, and by the specificity of the context (the cultural, social economic and legal contexts) of the sites within which these operate.

Testing the Pathways Framework for West Bengal – Factor Analysis

To test whether the above-mentioned framework of pathways is substantiated by quantitative analysis, we had done a factor analysis for one site – West Bengal.

Based on the critical factors influencing the pathways from property ownership to protection from violence, we have included the following factors for this analysis:

1. Earning income from property
2. Husband's current employment status
3. Husband's consumption of alcohol
4. People's concerns about her welfare
5. Dependence on natal family for help
6. A composite index of her self-esteem, that is computed based on her decision making ability, her mobility, visiting natal family easily and her employment status and her ability to talk to people about her problem.

These factors individually reflect some of the potential pathways outlined in the model above. First, ownership of property by women alone is not enough, but needs to contribute to economic security (or asset base) of the marital family. However, we do not have a direct measure of the contribution of the woman's property to the household asset base. A proxy measure used here is the variable 'earning from property', for capturing the productivity of the property. A cautionary note is that this variable in fact does not capture the impact of ownership of house on the asset base of the family. There is no way of calculating the rent saved or the stream of potential income generated from income earning activities, with the house as a site of production.

The employment status of the husband also affects the asset base of the family independently, as irregular employment reduces the asset of the family. Alcohol consumption of husband is equally disadvantageous for the family, because even if the woman owns property, the alcoholism of the husband depletes the asset base of the family. Alcoholism also undermines the effects of employment. Social support, often a strong protective factor against the experience of violence, has two dimensions. The first is neighborhood support, which is captured here in the variable "people are concerned about her". The second is natal family support represented by the variable "can depend on natal family". Close bonding with the natal family is often critical to deal with difficult situations. Moreover, a supportive natal family increases the confidence of the woman, which can help her to make deci-

sions. These aspects of confidence, decision-making, etc. are captured in the variable "index of self esteem". The index is a composite measure computed based on her decision-making ability, her mobility, visiting natal family easily, her employment status and her ability to talk to people about her problem.

Factor Analysis Communalities

| | Initial | Extraction |
|-------------------------------------|---------|-------------|
| Husband is currently employed | 1.000 | .271 |
| Husband drinks alcohol | 1.000 | .917 |
| Can depend on natal family for help | 1.000 | .604 |
| Earning from property | 1.000 | .703 |
| Index of self esteem | 1.000 | .669 |
| People concerned about her welfare | 1.000 | .525 |

Communalities measure the per cent of variation in a given variable explained by all the factors. Extracted communalities is the percentage of variance in a given variable explained by the factors which are extracted. Higher the communalities the better the variance is explained by the factor. We can see that significant variance in each variable is accounted for in the total variance in the variable. Except one, all are quite inter-related. So, it is not only one factor, but a group of factors together, that make a difference.

The initial extraction of the factors does not make it clear which variables belong most closely to which factors. For this, we need to look at the Component Matrix, which shows the factor loading. Loading above 0.6 is generally considered as high association among the two, and loading below 0.4 is considered low. For the component matrix sign of the loading does not show the strength between the variable and the factor. It only indicates that the variable is related to the factor in the opposite direction. The standard method of computation of the component matrix is the Varimax rotation method.

Rotated Component Matrix

| | Component | | |
|-------------------------------------|--------------|--------------|-------------|
| | 1 | 2 | 3 |
| Husband is currently employed | .126 | .503 | -4.327E-02 |
| Husband drinks alcohol | 2.597E-02 | -5.314E-02 | .956 |
| Can depend on natal family for help | -.774 | -5.639E-02 | 2.887E-02 |
| Earning from property | .193 | -.756 | -.308 |
| Index of self esteem | .816 | 4.913E-02 | 3.175E-02 |
| People concerned about her welfare | 9.406E-02 | .688 | -.209 |

The rotated component matrix above helps us to verify two pathways of the three pathways proposed in the model outlined earlier. For example, from the matrix it can be inferred that both dependence on natal family and index of self-esteem are associated. In the model it was suggested that an important pathway by which property ownership may impact on the experience of violence is that through strong bonding with natal family, which increases the self-esteem of the woman and creates a sense of security of a real exit option. Thereby, she is able to express her feelings, share her problems and eventually find a solution. In the rotated matrix, we find that the first factor has strong association with natal family support and self-esteem.

Another potential pathway outlined earlier is the interrelation between property ownership, neighborhood support and self-esteem. As has already been mentioned, having property increases the social status of the woman, and increases her respect in the community. The narratives indicated, however, that it is really the women who have “property of value” who have support of neighbors and local leaders. In the rotated component matrix, we find a strong association of earning from property and neighborhood support with the second component. The lack of association with index of self-esteem is interesting in that neighborhood support alone may not be a sufficient condition.

In the rotated component matrix, the factor that stood out independently is alcoholism. In fact, in the literature on risk and protective factors globally, alcohol-

ism is a significant risk factor controlling for demographic and socio-economic variables. Here also, alcoholism has emerged as a large independent factor.

Component Score Covariance Matrix

| Component | 1 | 2 | 3 |
|-----------|-------|-------|-------|
| 1 | 1.000 | .000 | .000 |
| 2 | .000 | 1.000 | .000 |
| 3 | .000 | .000 | 1.000 |

From the component score covariance matrix, we can say that the three factors (alcoholism, earning from property and self esteem) have no covariance with each other. It means that each one of them is independent of all other factors and the correlation between the factors is zero.

This table reconfirms what we have stated in the pathways section. The first pathway is that if women’s property ownership can influence the economic base of the family, then it impacts the experience of violence. But, at the same time, alcoholism of the husband can deplete the family asset base and emerge as the reason for violence. Emergence of alcoholism and earning from property as independent factors through factor analysis confirms the first pathway. The second pathway - the relationship with the natal family, is absorbed in the first pathway and in the third pathway, i.e. the women’s self esteem. Even in the absence of property ownership, women with high self-esteem can deal with violence in a better way and are able to voice their problems. The earning from property and self-esteem together re-confirm what the path-

ways state – that women of ‘value’ have more support socially, and this impacts their self esteem.

Examining the Pathways in the Sri Lankan Situation

If we examine the potential of the woman’s property contributing to the family asset base, we have to consider a strong cultural trend – the absence of the expectation that women get “something from their parents” at the time of marriage.

Let us re-examine some of the responses from across different locations in Sri Lanka.

Focus group discussions with women:

Women need not bring land into marriage. It is not accepted. You should earn by your own efforts. Women leave their parents to treat husbands well and lead a family life. So, when we have such responsibilities to perform, why should we take dowry with us? But in case of fight or harassment, it’s better to have property as security.

Some women feel that owning property does not help them – the man’s masculinity gets reduced, if they feel their wives own land – bina marriages are outdated because of this.

Focus group discussions with men:

Dowry and gifts are the same, but it is not asked here

Yes, (a woman may gain more respect if she gets property), but then such a woman will usually marry a man who also owns property, so it will not really matter.

The sections above on quantitative findings have already mentioned that 33 per cent of women report getting some dowry or gift from their parents; and only 1 woman reports getting property as dowry (while 23 report getting it as a gift from their parents). It seems, thus, that dowry, per se, and definitely property as dowry, is not a norm in Sri Lanka. By extension then, the **expectation** that the woman will bring in material assets (in the form of dowry/gifts at the time

of marriage), which will necessarily enhance the asset base of the family, is not there. Thus, it could be that property of the woman will not be seen as a factor that will impact violence, particularly if it is dowry related harassment (either due to dowry demands or dissatisfaction with dowry received). In Sri Lanka, only 7 women report that there were disputes because of the dowry/gifts that they brought during marriage.

Even in the narratives, the mention of property related expectation and harassment is strikingly missing. In fact, some of the women who are facing violence explicitly state that their bringing or not bringing dowry/property has never been raised at any time of conflict, or otherwise. Occasionally, the mention of property surfaces during times when there is an economic crisis. But, the economic crisis is usually and more obviously seen as due to unemployment, and co-existent with alcoholism, which leads to violence. The reason for violence is thus attributed directly to the economic crisis and women do not extend the relation back or beyond that to whether her owning property or not could be an associated factor. Thus, in Sri Lanka, property ownership by women does not appear in the forefront as a factor influencing the occurrence of violence.

However, In Sri Lanka, the reporting of a low(er) incidence of domestic violence, specially physical violence, hints at the need to understand national social and economic processes that could have historically contributed to this phenomenon. The extent of domestic violence can be seen as a powerful indicator of the gender equality norms that exist within a society. It could be postulated that in Sri Lanka, the sense of equality is more internalized within the marital relationship. The absence of the expectation of dowry from the woman’s side, the notions of both partners entering into a relationship where they make their life together, and the importance given to a woman as an individual (even at the expense of fulfilling a certain kind of prescribed gender role) are all pointers in that direction. A historical context of equal property rights may be one of the aspects that has contributed to this, and has been a protective factor historically. However, it could be one of the

factors and the exploration of this is beyond the scope of the current study.

Within violence, the role of risk and protective factors needs to be viewed along a continuum. Risk factors increase and protective factors decrease the possibility of women facing violence. However, these factors work within contexts and enhance or decrease the possibility of experiencing violence to an extent. The other critical factors that influence violence are the social norms and community perceptions. These are at the core of the issue, and these, defined through the community, operate at the household level and permeate the psyche and lives for the individual. One has to target both these, i.e. the risk-protective factors, and the inner core of social norms, if one has to reduce violence.

Examining this in Sri Lanka, it seems that it may well be that the external risk and protective factors have been operating over time to actually reduce the overall incidence of violence. However, in certain contexts (though to a lesser degree), many of the traditional correlates and notions of more prescribed and stereotypical gender roles are still mediating the context of violence in Sri Lanka.

However, some of the other factors that have emerged as important in the framework of pathways retain their significance in Sri Lanka as well. One of them is the economic condition of the woman's marital family. The subtexts of poverty, of unemployment and alcoholism accompany most of the narratives of women facing violence. The Sri Lanka report states "the relationship between property ownership acting as a protective factor... is complicated by poverty and unemployment." Community perceptions of violence are also centered around not drinking, being employed and not having affairs. Women who do not face violence cite these as the main reasons for having a good understanding and joint decision-making. In the context of violence, when women do not have property, they talk of its potential in mitigating the impact of violence on them.

From the beginning, my husband started drinking. When children were small, we had minor dis-

putes, but slowly it increased. I don't have property. If I had, I would have been able to live in peace by having some place to stay. If I had received land from my father, I would have been able to cultivate vegetables and make profit.

Woman with no property, facing violence,
Sri Lanka

My husband has deceived me when I was sixteen and started beating me severely after alcohol. The property I own is that only means by which I have been able to survive

Woman with property, facing violence,
Sri Lanka

If we examine, the other factors, such as the role of parents or natal family support, retain their importance in helping the woman negotiate violence. As one woman in states, "A woman will get most protection from her parents and not from land". Another strong trend is that in Sri Lanka norms of silence and non-interference around violence are very strong. The narratives repeatedly mention the taboo and shame around talking about violence they experience. Such is this taboo, that women will not often admit this to their parents. Thus, few women actually conceive of the option of leaving an abusive marriage. Retaining the status of a married woman is more desirable. *Women's state, "Ownership of property may give the woman power to leave the home, or fight back, but this would be pointless as it would lead to the breakdown of marriage." "Property cannot prevent violence, a good understanding and respect is essential for a good relationship."*

In Sri Lanka, it can be concluded, while the relative importance of property ownership is negated in protecting a woman from experiencing violence, it does retain its importance as a factor enabling her to be economically secure and thereby negotiate violence.

Section 5: Conclusions and Recommendations

This report has explored the relationship between women's property ownership and domestic violence in depth across different cultural contexts. The individual site reports and the cross-site analysis have highlighted the complexity of the relationship. The

cross-site analysis has moved the discussion of the relationship between women's property and domestic violence by suggesting a framework to understand the specific pathways by which property ownership acts as a protective influence.

Overall, the individual site report and the cross-site analysis indicate that nearly one-third of all currently married women surveyed report ownership of current property across all three sites. Inheritance from natal family is the most common source of acquiring property, followed interestingly, by purchase. The prevalence of domestic violence is also high, with overall violence reported being close to 60 per cent in both West Bengal and Kerala, but half of that in Sri Lanka. The extent of physical violence reported in Sri Lanka is strikingly low at 12.4 per cent.

Property ownership was found to be a statistically significant protective factor in both West Bengal and Kerala; however, a statistical relationship was not established in Sri Lanka. The ownership of house emerges as relatively more protective for the experience of domestic violence than the ownership of land, which is mediated by factors such as size of land holding, productivity, accessibility and whether or not the land is under dispute. It appears that this maybe so because of the tangible and visible security that shelter offers to a woman. Land too emerges as protective, but it appears to make more difference when it is productive, accessible to the woman and has the ability to contribute to the economic base of the family. While property is protective, its form, time of entry, and control over it are critical factors in determining its effectiveness as a protective measure against domestic violence.

To summarize, the effects of property on a woman's life and on her experience of violence are mediated by certain critical factors, such as the role of the women's property in making the household economically secure, her ability to have access and control over the property and the social support that she has. Social norms and support and the role of the natal family are also critical factors that emerge as protective against her experience of domestic violence and her response to the same.

The woman, her family and the larger community recognize that ownership of property by women enables them to have greater voice and confidence in participating "more equally" in overall decision-making within the family, including those related to financial matters. Having immovable assets or property (land and/or house) in the name of the woman also enables her to have a better status within the household and the community. This, in turn, translates into increased "value" and respect laying the basis for self-esteem.

The effect of the ownership of property on the woman's sense of self and empowerment depends upon the capacity that the property gives her to negotiate situations in her life. In as much as property arrives into her life at the time that it meaningfully establishes her position as one of strength in the marital family's hierarchy, it most definitely increases her sense of self. Simultaneously, it serves to establish the economic status of her natal household as also to enhance the economic status of her marital household.

The other important conclusion that the cross-site analysis draws is the importance of the economic status of both the natal families and the marital families. Economic status of the natal family, along with social norms and natal family support, influences the capacity of the natal family to provide inheritance and a fallback in situations of violence. Further, if the economic status of the marital family is good, then the husband's employment status alone is not enough to push the family to the brink of deprivation.

Apart from being protective from the likelihood of experiencing violence, property also serves as an exit option for women facing violence. Women facing violence, who have property can negotiate and respond to the situation more effectively and are more likely to leave and seek support or shelter. In Sri Lanka, where no clear quantitative association between property ownership and domestic violence has emerged, the importance and significance of property in enabling a woman to deal more effectively with the violence, when it occurs, is clearly established.

The association between women's property ownership and her experience of domestic violence can be concluded by highlighting the following:

- ▶ Property ownership, especially the ownership of house, is protective for women from the experience of domestic violence through the following three pathways – property has the potential of making the woman's household more economically secure, it enhances her self-confidence, self-esteem and decision-making, and helps her garner more social, familial and community support.
- ▶ Property enables women to have greater voice and confidence in participating “more equally” in family decision-making, including financial decisions. Property also enables women to negotiate their response to violence, as they have an “exit option”.
- ▶ Property ownership is protective for women from domestic violence, but is not the only solution. Three individual factors are important to take into account to effectively deal with domestic violence – social/natal family support; economic stability of the woman's household and her sense of self-confidence and self-worth.
- ▶ Social support and norms play a crucial role as protective factors in domestic violence and in mediating her response to violence. Further, the natal family's support and recognition of a daughter's right as an individual is critical in fostering her decision-making ability and agency. Parents of the woman (particularly fathers) play an important role in not only shaping her self-esteem and confidence, but also ensuring her ability to inherit property.

Recommendations for policy and programmatic interventions and suggestions for future research

The conclusions from this study provide definite pointers for policy and programmatic interventions that can promote women's property ownership and realize their property and inheritance rights. The study findings provide invaluable data on the extent, na-

ture and impact of women's ownership in specific contexts, but point to the need for further, more extensive and in-depth research into this issue. The key recommendations that emerge from the research study are:

Policy related

- ▶ Promote and support all policies, schemes, acts and legal amendments that encourage the realization of women's right to property and inheritance.
- ▶ Initiate and support collection of sex-disaggregated data of land and housing at all levels of governance.
- ▶ Support improvements in State-led land reform efforts and housing benefit schemes, specially in terms of infrastructure, effective implementation, periodic reviews and information sharing.
- ▶ Ensure that housing for women receives attention through consolidated efforts by the state and non-state actors, to make housing accessible to women.
- ▶ Encourage financial institutions to design schemes and provide credit and loans towards better, affordable and accessible asset building for women, specially housing.
- ▶ Initiate efforts and schemes that explore creative ways to ensure women's sustained access to productive land; by paying attention to factors governing its purchase, access and control over the production process.
- ▶ Encourage livelihood programs for sustained economic stability of the household, to ensure that families not only do not get into desperate situations of deprivation, but also have the means to accumulate property so that women and girl children realize their right. Livelihood generation should not just be enough for subsistence, but should aim to generate surplus that can be invested and converted into assets.
- ▶ Ensure gender equal laws for women of all communities and effective implementation of all existing laws governing women's legal rights.

- ▶ Make legal provisions that restrict the freedom to will away property and protect women's right to reside in the natal home.
- ▶ Undertake harmonization of *all laws*, policies and acts that impinge on different aspects of women's property rights.

Program related

- ▶ Use the study findings as a basis for community-based interventions that influence social norms around domestic violence and women's property ownership through formation of women's collectives and sensitization of various sections of society including local government officials, youth groups, school students, media, etc.
- ▶ Use the study's evidence as the basis to design interventions to promote fathers as key stakeholders in reducing violence and realizing girls' property and inheritance rights.
- ▶ Support interventions that seek to spread awareness around women's legal rights, including her property and inheritance rights and challenge dowry as the end and only form of the right of a girl to property.

Future research

- ▶ Replicate this study in other states of India to gain a comprehensive understanding of the extent, nature and impact of women's ownership of property and inheritance rights.
- ▶ Replicate this study among different communities and socio-economic groups to enrich understanding of how differing contexts impinge upon women's ownership and control over property, and

the effect they have upon women's lives.

- ▶ Undertake more in-depth exploration through micro-studies to gain more insights in specific factors that aid and constraint women's access, control and effective ownership over different forms of assets, including property

This study has explored the potential of property ownership by women as a protective factor from the experience of domestic violence. The study establishes the significance of property and inheritance rights in the lives of women, and its potential to serve as a protective factor from the experience of domestic violence. However, the findings also caution against adopting a unilateral approach to the response against domestic violence. The right to property translates into different realities for different women, and it becomes protective in different circumstances. More comprehensive and in-depth research is required to enrich this understanding. Further, for an effective response to domestic violence, the realization of the rights of a woman as an individual needs to be accompanied by the "value" families and communities attribute to women and a change in the social norms of acceptance of violence. Economic forces, which enhance vulnerability, insecurity or economic deprivation, further act as risk factors. In scenarios where larger legal, economic, political and social forces continue to underplay the status of women, or fail to recognize the prevalence or impacts of violence, the realization of the right to property or its protective impact can only be limited. The current legal bills³⁷ that hope to address both these aspects – making inheritance laws (though only for Hindu women) more gender-equal, and challenging the "normality" of domestic violence – need rigorous and effective implementation and co-occurring changes in social norms, to make a real difference to women's lives.

37 Hindu Succession (Amendment) Act 2005 and then Protection of women from Domestic Violence Act, 2005.

ANNEXURE I

Logistic regression of women's experience of current violence by select risk and protective factors in West Bengal

| Variable | Any physical violence (current) | | Any psychological violence (current) | |
|---|---------------------------------|---------|--------------------------------------|---------|
| | Odd Ratio | p Value | Odd Ratio | p Value |
| Education | | | | |
| Below primary | 1.27 | | 0.52 | ** |
| Completed primary | 0.75 | | 0.45 | * |
| Upper primary & above | 0.27 | * | 0.24 | *** |
| Property ownership | | | | |
| Own property | 0.28 | *** | 0.40 | *** |
| Own current house only | 0.08 | *** | 0.11 | *** |
| Own land only | 0.68 | | 1.16 | |
| House & land | 0.31 | | 0.73 | |
| Husband's childhood & drinking habit | | | | |
| Husband witness abuse in childhood | 2.61 | *** | 1.62 | * |
| Husband drinks alcohol | 2.28 | ** | 2.25 | ** |
| Respondent witnessing abuse | 0.65 | | 1.17 | |
| Husband's employment | | | | |
| Irregular employment of husband | 3.32 | *** | 2.95 | *** |
| Seasonal employment of husband | 2.82 | *** | 3.11 | *** |
| Salaried employment of husband | 0.68 | | 0.67 | |
| No Demand for dowry before/ after marriage | 0.24 | *** | 0.30 | *** |
| Somewhat talk to neighbour about her problem | 0.21 | *** | 0.19 | *** |

* —significant at 10% level; **—significant at 5% level; ***—significant at 1% level

ANNEXURE II

Examples of tables of qualitative analysis of narratives

Table I. West Bengal—characteristics of women with property and facing no violence.

| S. No | Natal family residence + relation | Property | Time | Dowry demand | Dowry Harass | Husband employ | Family type | SES natal fly | Hus prop | role of property |
|-------|---|---------------------------------------|--|---|--|----------------------------|----------------------|---|--|--|
| 1. | Live near Close Can visit | Half bigha land + money to start shop | 2 yrs after marriage- she asked father | None | None – father unwilling | Panchayat Member Biri shop | Nuclear Family (NF) | Quite good Husband poorer | House on 5 katta home stead | Land from family, given respect, husband in Panchayat so scared of doing wrong Pref property instead of dowry |
| 2. | Live nearby close | 3 bigha land income 3000 | 1 yrs after marriage as gift | None But gave jewels | None | Primary school teacher | NF | Quite good Higher than husband | House and land | Father helps in tilling land, has confidence and income so takes own decisions – wants to maintain respect in community |
| 3. | Nearby Close Visit freely +freq | 6-7 bigha- gets paddy share +house | | None gave jewels promise of land | None | Primary school teacher | Now NF | Higher than husband | Home stead + pond | Father has promised to give her land and that's why she gets care and no problems |
| 4. | Nearby Close supportive father + visit freq no restriction | Land | 2 yrs – after marriage ploughing rights, 10 yrs after m transferred land | None Gave utensil, cash etc. Promise of land promised | None But once argument over getting land | Farmer | NF | Good Higher in all ways than husband | Three times more land than her but less productive | Given importance, decision on her own land, with earnings made pucca house, plans to make it joint |
| 5. | Very near Close, financially supportive also Visit often , without permission | Land + money to build house | Many years after she had to stay in rented houses | None | None | Factory, daily wages, | NF Poor | O.K. | None | Mother helped buy giving land and money coz they were struggling – security, self respect status and stability |
| 6. | Far But close, visit them often , at will , no need for permission on no father but brothers supportive | Land | few years after marriage financial help from sister | None – but lots of dowry given | None | Factory | NF Poorer than natal | Good, rich business man Higher in most ways than marital family | None | Respected in in-laws coz of family, education and dowry she got, land given her hope to build her assets, wants to do business because of her talent |

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