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## Are the Dispossessed More Battered?

By Yamini Virginia<sup>1</sup> John, Moly Kuruvilla<sup>2</sup>

### Abstract

Intimate partner domestic violence hinders the well-being and development of women and transfers its ill effects intergenerationally. It is widely reported that economic fallback options help women escape intimate partner violence (IPV), enhance their ability to recuperate, and enable economic opportunity and independence. This study attempts to understand and re-examine the link between intimate partner domestic violence and the ownership of property among women in 14 districts of the Southern Indian state, Kerala. The Women Protection Officers of Kerala (WPO) served as resourceful informants. These officers are the first action force to facilitate domestic violence complaints under the Protection of Women from Domestic Violence Act, 2005 India. Primary data has been collected through interviews with WPOs. Six practising advocates shared information on the cases where they restored ownership of assets and facilitated locating the women for the twelve case studies. The findings reveal how women get dispossessed of their assets and are further subjected to domestic violence for want of assets. Women who managed to hold on to their assets were found to overcome and recuperate from domestic violence, and autonomous ownership of these assets boosted their self-esteem and recovery. The paper highlights the need for revisiting policy decisions regarding the property rights of women.

*Keywords:* Intimate Partner Domestic Violence, Effective property rights, Women's empowerment in India, Personal laws

### Introduction

Global statistics from the World Economic Forum revealed that despite women constituting half of the world population, they own less than 20% of its land property. A similar study among developing countries by the United Nations Food and Agriculture Organisation reveals the numbers to be less than 10%. The Sustainable Development Goals (SDGs) have targeted equal rights of men and women to ownership and control over land by 2030 (Villa, 2017). Effective rights of property is a critical determinant of women's social, emotional, economic, and political empowerment. Ownership and effective control over the property for women means command over productive resources (like land) and liquefiable assets (like gold and silver) untied to male control and ownership. This enables women to bargain and choose the life they wish to lead while providing

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them with a buffer against poverty and deprivation. In the case of married women, effective property rights are shown to improve women's bargaining power in all matters within marriage. However, this path to autonomy and self-determination is not well paved as there continues to be unequal and differential access and control over productive resources like land and other assets for women and men.

The importance of women's rights to assets and property are increasingly being recognised, both as human rights and as fundamental building blocks for economic development (Doss, 2016). Bina Agarwal (1995) has identified three broad categories of advantages for women having independent land rights:

- **Welfare effects:** Giving women economic resources independently is likely to reduce poverty and destitution of households. Women tend to spend proportionately more resources on family sustenance, and hence women's earnings will have a positive effect on household nutrition, mortality, and morbidity.
- **Efficiency effects:** Giving women direct ownership can increase their access to credit and technological help, and this will ensure better returns because women tend to be better at paying back loans and at environmental preservations.
- **Equality and empowerment criteria:** Recognising women as equal heirs has symbolic value, which is likely to affect women's participation in the political and social arena. Arguing along the same line of thought, feminists too have come out strongly in favour of women's ownership of property as it has a positive effect on women's well-being and its immediate economic benefit.

Findings from a study from Sub Saharan Africa indicate that in communities where women have substantial property and inheritance rights, women are more resilient and prosperous and earn 3.8 times more income and their individual savings are higher from employment outside the home and self-employment (Peterman, 2011). Autonomy and security in property rights present a substantial opportunity for women and their households to help achieve myriad development goals.

Marital violence hinders the well-being and development of women and transfers its ill effects intergenerationally. Drawing upon household asset surveys of Ghana and Ecuador, it is concluded that women's share of wealth in a household is significantly associated with lower odds of physical violence in Ecuador and emotional violence in Ghana. Moreover, this link between women's share in a household's wealth and violence is dependent on the household's position in the wealth distribution (Oduro et al., 2015). Modelling marital violence upon the presence and absence of resources and assets have varied across communities, and socio-economic inequalities render women vulnerable to the risk of abuse. Different studies in poverty contexts have identified conflicts over money as a trigger for violent episodes within couples (Rabbaniet al., 2008; Antai et al., 2014; Fehringer & Hindin, 2014). Yildirim et al., (2014) also report financial constraints as the reason for conflicts that resulted in Intimate Partner Violence (IPV). Direct receipt and ownership of assets increase financial autonomy and contribute to enhanced self-efficacy and confidence, potentially shifting the balance of power between the woman and her male partner (Buller et al., 2018). Ownership and control of assets may empower women in the home and the community, reducing their risk of violence. Previous studies have pointed to a strong linkage between a married woman's asset ownership and susceptibility to domestic violence and propounded that women who own property and assets are less likely to experience violence in their marital homes (Agarwal, 1995; Agarwal & Panda, 2005).

Women possessing independent assets improve the household's economic status, thereby providing a buffer against poverty and deprivation and improving mental and emotional well-being (Fox et al., 2002; Ellsberg et al., 2015; Vyas & Watts, 2009). Having autonomous ownership over assets for individual women can be utilised for various income generating activities like collateral security for credit needs of entrepreneurial ventures. Angeles (2012) reports that women in Uganda who have ownership of assets or savings reported a decrease in fights due to competition over scarce resources. It is widely accepted that economic fallback options enhance women's ability to recuperate and enable economic opportunity and independence. Research highlights how women's autonomous uncontrolled rights to land and assets lead to better health and education for children (Allendorf, 2007; Menon et al., 2014).

Household bargaining models suggest that having secure rights to assets ensures more bargaining power for women within marriage relationships. An increase in a woman's income (either inherited, earned, or unearned as with cash transfers) improves her bargaining power within the household and may decrease violence (Agarwal & Panda, 2005; Farmer & Tiefenthaler, 1997; Tauchen et al., 1991). However, Eswaran and Malhotra (2011) report that when women own more assets, untied to male ownership, they might provoke men to dominate and control these assets to reassert their authority and power within a relationship, thereby putting women at a disadvantage and at a greater risk of violence. Bloch and Rao (2002) add that cash and other transfers of assets and giving sole ownership to women may also put them at risk if men use violence to extract these resources.

From childhood, a young girl is socialised into believing that her life is dependent on a male figure and her assets belong to her husband and his family. Women find themselves economically dependent on their partners after marriage, and they are quick to give up their assets for the needs of the household and the demands of their partners. This is sanctioned by social institutions and further reinforced by customary laws, and these women are more predisposed to violence as male authority controls female behaviour in such communities (Vyas & Watts, 2009). Within patriarchal contexts, Hughes et al., (2015) observed that women's empowerment is a threat and will lead to increased conflict and IPV. The study noted that the relative status of women and men within households in terms of decision-making capabilities and access to resources determine increased incidences of violence. The potential shifts in the power dynamics and women's freedom from marital dependence within the household may lead to the husband feeling threatened in his role as breadwinner and provider, in which case he might reassert his control, surveillance, and authority and use violence as a measure (Hautzinger, 2003; Heise & Garcia Moreno, 2002). A woman's autonomy due to asset ownership might trigger a crisis of male identity, and violence may be resorted to express power that is otherwise not enforceable (Jewkes, 2002). A higher income and assets in the name of women intimidate men's status, prompting husbands with patriarchal gender values to reclaim their control by resorting to violence. However, gradual changes in men's attitudes and broader social transformations may pave the way to accommodate women's financial and social autonomy and lead to a decline of IPV (Ahmed, 2005). A recent study that used mixed methods to study IPV concluded that the presence of assets in the form of cash transfers among women in low and middle-income countries secure economic stability and emotional well-being and thereby exclusively reduce IPV. However, it also notes that in some instances, additional cash can aggravate or soothe relationships that have conflict and determine how men respond to women's increased empowerment (Buller et al., 2018). These factors heavily depend on the specific intrahousehold dynamics determined by socio-economic constructions of gender in the community and how the society and culture perceive gender in those countries.

## **Gendered Property Rights in India**

The current status of women's property rights in India is not completely clear. This arises due to both conceptual and data related reasons. No mechanisms or census specifically collects sex segregated data on land ownership in India. The basic unit for analysis of this data only goes until the household level and no further. Although the disaggregation accounts for male vs female-headed households, it is not enough to debate the ownership of property by women. One cannot measure the progress of land ownership by keeping the female head as a proxy for all women. It is entirely possible that a woman does not have ownership rights to the land held by the household and it is controlled by a male member, a son, or a relative (Agarwal, 1995).

In India, women's property rights are governed by personal laws based on the religious affiliation of individuals and other factors like marital status, region of the country, and tribal association. Other factors related to the status of a woman in the family are also considered: whether the woman is a daughter, mother, wife, married, unmarried, deserted, or a widow; the kind of property to be partitioned, i.e. whether the property is hereditary/ancestral or self-acquired, land or dwelling or property acquired through marriage determine the nature and extent of property ownership is considered as well. To problematise it further, the Indian Constitution has authorised both the Central and the State governments to enact laws on matters of succession, and hence some states can and have enacted their variations of property laws within each personal law. The constitutional mandate of a Uniform Civil Code (UCC)<sup>3</sup> under Article 44 remains a distant dream.

As per a report in Times of India (2014), based on the three state surveys done in Bihar, Madhya Pradesh, and Andhra Pradesh by UN Women and the organisation, LANDESA, a member of the International Land Coalition, only 13% of women whose parents own land have inherited or expect to inherit land. The most prominent opposition to women inheriting land comes from the brothers followed by parents. Over 60% of the women renounced their rights to inherit the land by signing no-objection certificates. The 2011 Census shows that, at end-March 2011, only 21% of the total bank deposit accounts, constituting merely 12% of total deposits, were held by women. Similarly, women availed only 18% of the total small credit from banks in 2011. Women entrepreneurship is also discouraged due to this handicap. Numerous women are disabled to avail credits from banks due to the lack of collateral security.

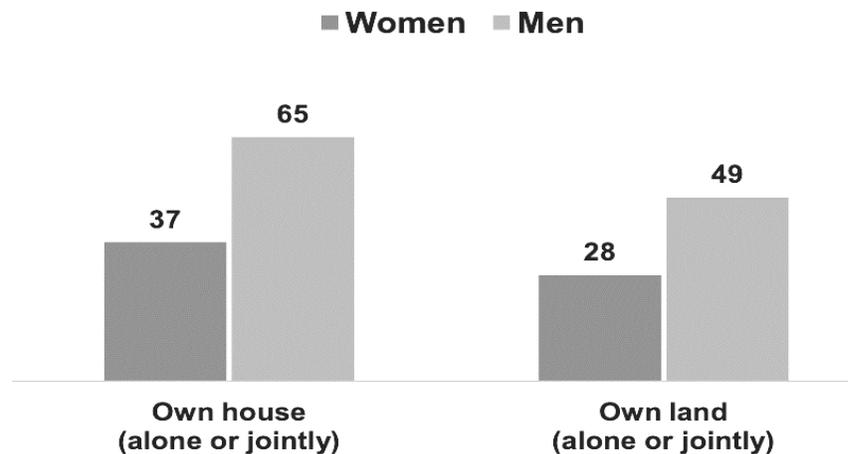
The National Family Health Survey (NFHS 4) data pointed towards the ownership of assets of women and men in the form of a house or land, but it is not disaggregated in the form of individual ownership of the mentioned asset. The decisions on this jointly owned land or house are often under male control, and women are not consulted regarding its use and sale.

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<sup>3</sup>UCC The Uniform Civil Code (UCC) calls for the formulation of the same set of secular civil laws to govern all people in India irrespective of their religion, caste and tribe in matters such as marriage, divorce, inheritance, and adoption

**Figure 1: Women's Ownership of Property in Comparison to Men in India**

*Percentage of women and men age 15-49*



Source: National Family Health Survey (NFHS-4) (2015-16)

Several social and cultural factors contribute to the meagre property ownership of women in India (Natural Justice, 2014):

- Dowry, typically in the form of gold/cash as a substitute for land and other assets in inheritance, is one fundamental way the patriarchal society denies women social and economic equality within the family. The practice of dowry is so engrained in society that women seldom feel that it is their moral or legal right to claim inheritance rights in their parents' property once they have been given a dowry.
- Most women are reluctant to demand their share in assets and inheritance, and those who ask for it will have to face social ridicule.
- Women also lack awareness regarding the inheritance laws and processes of claiming it.
- Even when the women receive land in inheritance, it is invariably much less than an equal share.
- Women are forced to give up their share of parental property in favour of their brothers for various reasons, like the fear of breaking relations and familial bonds.
- The notions of family lineage as passing through sons and the practice of marrying off daughters to other families encourage parents to pass on their entire property and assets to sons only.
- Even when women get land in their names by inheritance, through dowry, or purchase by their marital family in their name (this is often done to take advantage of reduced stamp duty on property purchased in a woman's name), the ownership by women is only notional. Women seldom possess the land, title, and the Record of Rights (ROR) that make it a

secured tenure. The decision making power on the use of the land remains firmly in the grip of men – father, brother, husband, or father-in-law.

The research on property rights in India takes one into a world where the past merges into the present and straddles the disciplines of sociology, law, and economics within a framework of gender studies (Mukund, 1999). Traditionally property can be acquired through gifts from family and relatives, through inheritance of ancestral land, and through earnings/ work, which already assumes that a woman has access to education (thereby locating her in a privileged class group) to earn her living or by government distribution. In her seminal work on land rights in India, Agarwal (1995) defines women's land rights as rights untied to male ownership or control, in other words, excluding joint titles with men. She further notes that adequate land and property rights in the hands of women mean that women have direct access to productive resources and decision making, thus ensuring family welfare, gender equity, and women's empowerment and national development.

### **Contextualising the Study**

Historically in South India and Kerala specifically, women enjoyed some property rights compared to women in North India. Being a predominantly matrilineal society in the 19<sup>th</sup> century, Kerala characteristically gives a unique prospect to study women's actual position and status in a non-patriarchal system that gradually gave way to a rigid brahminical patriarchal one. Since 1956, successive governments in Kerala have been instrumental in introducing radical land reforms. While discussing women's land ownership in Kerala, Shobha Arun remarks:

Women who own land may still lack control over it. Despite claims that women enjoy high status in Kerala, economic, social, and cultural factors reinforce gender differences in ownership, control over, and access to critical agricultural resources, including land. (Arun, 1999, p. 20)

Praveena Kodoth (2004) critiques the social development approach to looking at Kerala's high gender equality indices; it was built and structured within a patriarchal conjugal framework of property relations. She also says that education and employment can be helpful for women to be able to negotiate patriarchal regulations and claim the property. The patriarchal ideologies, which are deep-rooted in Indian society, have marginalised women from acquiring property through inheritance or dowry (Mathew, 2010).

Arun (1999) also points to greater male occupational mobility and out-migration and says it becomes a burden on women to remain home, manage the property, and care for a family. Although women may gain access to land through inheritance and marriage, it does not necessarily translate to having command over it. In the present day, coupled with this, is the crisis of confidence in agriculture, whereby women are de alienated from their land, and it is now becoming male-controlled dowry. She also points towards the ostracism women face within the community if they go after their inheritance. Agarwal and Panda (2007) have explored the link between women's property status and their risk of marital violence. A household survey-based in Kerala (India), controlling for a range of factors that tend to affect the incidence of marital violence-e.g., economic status, education, employment, consumption of alcohol, found that women owning immovable property (land or a house) face a significantly lower risk of marital violence than

property-less women. For instance, they note, "as high as 49% of the women who owned neither land nor house reported long-term physical violence. In contrast, the figure was 18% for those owning land, 10% for those owning a house, and 7% for those owning both" (372). Thus, property ownership contributes to a woman's bargaining power with her husband in two ways: not only as a deterrent to marital violence, effectively lowering the incidence of violence on her, but as a tangible exit option—a woman who owns the property is more likely to leave home and stay away if violence does occur, since, unlike dispossessed women, she has somewhere to go (Paydar, 2012).

Women in Kerala, irrespective of their religion and family economic status, are often married off with a fixed amount of cash or gold or sometimes both as their share in parental property. The transfer of assets that happens at marriage is dowry. Customarily dowry is known as *streedhanam*. As per Hindu customary practices, *streedhanam* connoted the bride's property conferred on her by her natal group, such as parents and brothers, as a token of their love (Caplan, 1993; Mukund, 1999). According to Goody and Tambiah (1973), the notion of *streedhanam* corresponded to the pre-mortem inheritance, which presupposed compensatory wealth for inheritance. Though it represented a certain amount of economic security to a woman, the value of *streedhanam* could not be compared with that of the inheritance share of a son. Moreover, over the years, there has been a transition of *streedhanam* to the dowry demanded by the groom's family with the social objectives of achieving 'quick-money' to satisfy material greed.

The dowry, which is meant to be an asset of the woman, often flows into the hands of the husband and his family, and the woman is unaware of the asset being handed over. It needs to be reiterated that unlike in other states or countries elsewhere, women in Kerala are incomeless and dependent due to the reduced workforce participation. In Kerala, especially in situations where a man cannot fulfil his gender-ascribed role as "breadwinner", and a woman begins to contribute relatively more to family maintenance, or where a woman takes a job that defies prevailing social conventions, risks of IPV is significantly high. Despite the high literacy and educational standards, women's labour force participation in Kerala is lower than the national average. National Family and Health Survey (NFHS-5) recorded that in Kerala, women owning a house and land (alone or jointly with others) is estimated to be 25.3% in urban areas and 29.2% in rural areas with an average of 27.3% in 2019-20. Thus women in Kerala who have no control over their assets received at the time of marriage and denied further share in the parental property become asset less and dependent on their husbands.

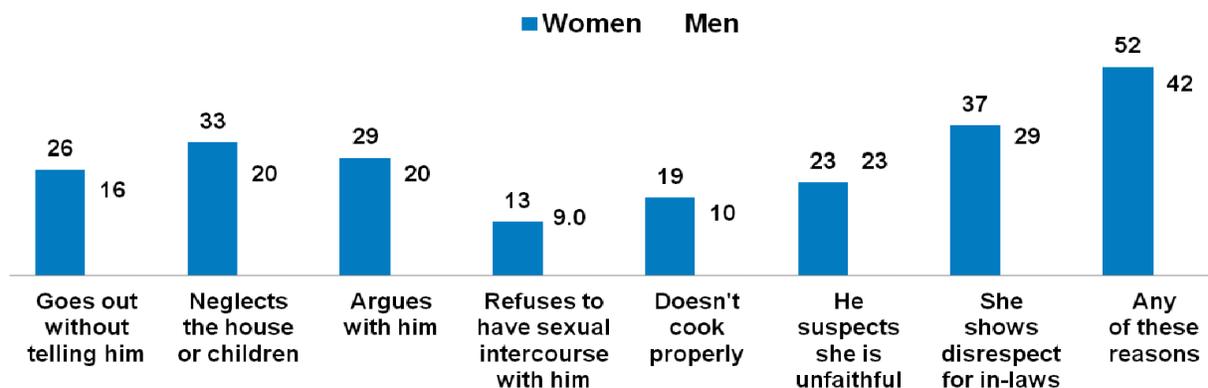
### **Domestic Violence in India**

In India, despite the enactment of the Protection of Women from Domestic Violence Act (PWDV Act, 2005), domestic violence cases are on the rise. The COVID-19 pandemic has further escalated the IPV rates. At the same time, most domestic violence (DV) cases continue to be unreported. As reported by Ambika Pandit (2021), reasons like personal (embarrassment, fear of retaliation, economic dependency, fear of losing kids or home); societal (imbalanced power relations for men and women in society, privacy of the family, victim-blaming attitudes, lack of acceptance and support from natal families); and institutional (humiliation by police, entrenched patriarchal practices within courts, inadequate shelter and short-stay homes and one-stop centres) lead to large scale underreporting of DV cases.

Interestingly the NFHS 4 (2015-16) survey data reveal that many women agree that a husband beating his wife for specific reasons is justified, as given in Figure 2.

### **Figure 2: Percentage of Women and Men in India Who Justify Wife Battering**

*Percentage of women and men age 15-49 who agree that a husband is justified in beating his wife for specific reasons*



Source: National Family Health Survey (NFHS-4) (2015-16)

In a complex interweaving of the web of property rights and domestic violence, it is significant to expose the lived realities of women in Kerala. Furthermore, an exploratory study was undertaken to estimate the link between marital violence and women's property rights in Kerala.

### **Methodology of the Study**

Triangulation was followed with qualitative methods in collecting the required information. The PWDV Act of India 2005 stipulates the service of personnel called Women Protection Officers (WPOs) to facilitate the effective implementation of the Act. Initial data regarding the extent and features of domestic violence and the ownership issues involved were collected through in-depth interviews from the WPOs of all the 14 districts of Kerala. The WPOs, with their close interactions with the complainants during the entire process of filing a complaint and securing justice for aggrieved women, had a deeper understanding of the socio-economic conditions of the aggrieved women.

Six practising advocates were interviewed as informants on the nature of women's property issues and their direct linkage with domestic violence incidents. The advocates provided information to locate the ten aggrieved women for in-depth interviews. The case studies revealed subjective feelings of helplessness, survival, and rare triumphs of the battered women. Two additional case studies are written based on newspaper reports and proceedings of the dowry/asset related domestic violence incidents in the state during the lockdown period of the pandemic.

All 14 WPOs, the six advocates, and the ten women who had to face DV were invited to participate in the study based on their informed choice. Prior sanctions were obtained from the concerned official authorities of the state government of Kerala.

### **Asset Ownership and Domestic Violence among Women of Kerala**

The property–DV linkage was analysed from the data provided by the protection officers of all the districts in Kerala. During the pandemic, though the WPOs were receiving complaints over the telephone, formal official filing of complaints was few and challenging due to restrictions

on women's mobility. The WPOs were asked to provide information for the three years from 2017-2020.

**Table 1: Ownership of Assets among Complainants of Domestic Violence**

SI No	Description	Approximate percentage in the category
1.	Women who possessed any asset at the time of marriage (including those given by parents)	90-95%
	(a) Assets in the form of gold	95%
	(b) Assets in the form of land	15-20%
	(c) Assets in the form of cash	50%-60%
	(d) Possessed no assets/ Not given any by parents	4-5%
2.	Women who had handed over assets to partner/ in-laws after marriage	85%
3.	Women who had to face DV to bring more assets from natal family	60-65%
4.	Women who had to face DV to bring income from other sources	10-20%
5.	Women who were entirely dispossessed before the commencement of DV	85-90%
6.	Women who possessed any assets while filing a complaint under DV Act	10%
7.	Women who got divorced after filing a complaint	20-30%
8.	Women who got assets returned after getting separated/divorced	5-10 %

Source: Primary Data

Almost 90% of the women who approached the Protection Officers with domestic violence complaints had possessed assets in the form of gold at the time of marriage. Women from better economic backgrounds were reported to have received cash and/or land in joint names with their husbands. Very few women had retained sole ownership rights over assets received at marriage, except in gold or jewellery. The protection officers narrate that this joint ownership has often resulted in difficulty during restoration and restitution of the ownership to women. As reported by the WPOs, women were never returned any of their lost assets after filing the complaint and even rarer were the chances of getting any after separation/divorce. In the case of assets in joint names, the final settlement of cases takes several years.

Another interesting finding is that the dowry or *streedhanam* given as an asset to a woman is hardly considered her own, even by the women themselves. It is regarded as a payment made to the groom's family. Moreover, in cases where women possessed monetary assets at marriage, they were usually misappropriated by their husbands or families. In most cases, the husband or the mother-in-law takes over the safekeeping of the gold ornaments of the bride. One of the WPOs opined:

*It is almost as if we raise women to accept that they cannot be responsible for their assets. It has to be under watchful protection and consultation with the higher authority figure, a male preferably. If the woman is gainfully employed at the time of marriage, she is asked to discontinue her work. Moreover, if she continues to be employed after marriage, her salary would also be a part of the common family income controlled by the man.*

#### CASE STUDY 1

***Radhika** was married young at nineteen years to a doctor and had two children from this marriage. She had a share in the inheritance, and her husband compelled her to claim it and grant him power of attorney. After selling it, he invested in two houses, one for them and another for his parents. After the birth of their second child, he started working late and would not come home for days on end. Slowly he shifted base to the clinic and started having extramarital relations with the nurses in his clinic. When confronted, he started behaving violently towards her and their kids. He withheld intimate relations with her and restricted all their comforts at home, including AC, telephone, television etc. She tried to seek employment at her previous workplace, which offered her a meagre sum of INR 5000 as a salary that would not suffice even for her children's fees at school. She has no other choice than to sustain a battered relationship.*

Radhika's story is typical of the majority of battered women in Kerala. Eight women out of the twelve case studies undertaken have gone through similar processes of dispossession. The life they live is for children's sake and because there is no other option. Married women are rarely welcome in their natal families, which add to their vulnerabilities and trauma. Furthermore, when women report issues of violence and trauma with their natal families, they are told to keep silent

#### CASE STUDY 2

*With an M. Com degree and married to a workshop owner, Sophie shares a similar story of dispossession that happened at the hands of her husband. Monitored constantly and treated with suspicion, she recalls how he took over her bank account. "If my parents would gift me anything in secret, he would immediately force me to sign cheque leaves for claiming whatever is in the account". At her wit's end, Sophie was dehumanised and forced to work, cook, and clean for the paying guest facility that the family had opened. She had a miscarriage, and the reason is unknown.*

#### CASE STUDY 3

***Uttara**, a twenty-five-year woman, mother to a one-year-old, died due to a snake bite during the lockdown period of the COVID-19 pandemic. Though Uttara was subjected to domestic violence and dowry harassment threats during her two-year marriage, her family continued to persuade and coerce her to reconcile with her husband. Police investigation revealed that Uttara's bank locker was emptied of all the gold before the date of her first snakebite (for which she was under treatment), a month before the one that took her life. Her husband confessed and stated that he bought two snakes, Russell's viper and Indian Cobra, for*

*₹10,000 each (135USD) from a snake catcher. He and his family conspired to take ownership of her dowry in gold and her life insurance policy (which he forced her to take a month before the murder) along with ₹10 lakh cash (13,670 USD) and the new car that was gifted to them at the time of marriage.*

about it or bear it for the sake of their children or the family's prestige.

While Uttara's story depicts an extreme case of apathy from her natal family. Vismaya met her unfortunate end after multiple accounts of violence regarding insufficient dowry, which her natal family was well aware of.

#### CASE STUDY 4

*During the pandemic, Vismaya, a 24-year-old committed suicide 13 months into marriage after dowry-related cruelty and violence; she had informed her parents about the constant harassment and how the 1.2 acres of land, 80 sovereigns of gold and car that was given to her at the time of marriage was not sufficient for her husband and his family. Unable to sustain the injuries from beating and trauma, she resorted to suicide at her matrimonial home.*

#### Fall-back Options for Women Subjected to Domestic Violence

Ownership of assets and support of the natal family/friends as a safety net is a significant theme emerging in the lives of women who have managed to overcome the abuse happened. In the case of Linda and Rajam, their ownership of assets helped them survive the violence.

#### CASE STUDY 5

*Linda owned a three-storied apartment complex and some gold given at the time of marriage. The building came to her as an inherited asset when her father died. She planned on converting a room in it as a beauty parlour. However, soon, her husband wanted to sell it. When her husband began drinking, and incidences of domestic violence increased, she managed to gain a residence order under the DV Act. Now she is going ahead with the parlour project. Now she has filed a complaint under the DV Act for protection orders.*

#### CASE STUDY 6

*Rajam is a 65-year-old woman in possession of 40 cents of land. Her husband had been trying every trick in the book to gain control of this land. She was beaten black and blue, but she had battled on until her two girl children married. When he continued harassing her by throwing objects at her, she asked him to leave the house. Now she has filed a complaint under the DV Act for protection orders.*

The support from family and friends helped Jasmine overcome the trauma she had to suffer at the hands of her husband and in-laws.

#### CASE STUDY 7

*Jasmine was a naive young woman when she married at the age of twenty while completing her education. She was customarily asked to hand over all her gold (50 sovereigns and INR 2 Lakhs) for safekeeping with her mother-in-law, and the cash was handed over to her husband. He was an IT professional in a neighbouring state. Apart from the arduous household work, she was forced to have unprotected sex, take an emergency contraception pill multiple times a week, and suffer its ill effects. He was addicted to pornography and would coerce her to engage in sexual acts without her consent. In a couple of years, she discovered that he was having affairs with multiple women at his workplace, and when confronted, he began the violence and battering. The firm support of her parents, friends and teachers, along with the learning from the Women's Studies course she was pursuing, encouraged her to file for divorce and restitution of her assets. Now she is trying to forget the past and fully engage with the PhD programme to become independent and live a life with dignity.*

The five other case studies, apart from the ones narrated above, all share a common thread, the conditions and experiences of the women are very similar and hence not detailed here. Several women who face violence exit marriages if they have solid ties with the natal family and own assets in their name. Nevertheless, most women handed over their assets to their husbands and in-laws and failed to control what they received from their natal family or earned from their work. Contradictory to this, recently, there have also been cases where the natal family is unwilling to believe that IPV has occurred and asks the women to adjust and make the marriage work and finally, when faced with repeated instances, these women have resorted to ending their lives.

Almost all women receive some asset irrespective of their economic background unless it is a self-choice marriage against the parents' wishes. In such cases, women are deprived of receiving assets or shares and have difficulties returning to the natal families who shame them away when faced with violence and abuse. Many such women face difficulties coping with domestic violence and do not know where to turn for support.

The Protection Officers from all 14 districts of Kerala observe that the women who come to them are mostly dispossessed of their assets by the time they file domestic violence complaints. For women who have been married for three to six months, assets in the form of dowry will be entirely under the possession/control of the husband. In some cases, they might be mortgaged or sold out for the requirements of the spousal family.

A noted exception was when the woman was employed; she would possess some of her self-earned assets when filing domestic violence complaints. However, there were cases where women had no idea how much they earned or what investments were made with their money. Older women beyond age 60 who inherited the share of their deceased husband's property have reported asset ownership in the form of a house they lived in with small landholdings while filing the complaint under the DV Act and are being abused at the hands of their children for the possession of these assets.

After marriage, most women succumb to the patriarchal customary traditions and norms and willingly hand over their assets to the partners when they express requirements of paying loans, starting a business, buying more assets, building a house, or improving the standard of living. The WPOs report how women lose cash/gold without their knowledge. Sometimes, assets

in the form of land are often handed over to others with their knowledge either willingly or out of coercion. There is also the case of joint ownership of assets received at marriage, which later gets transferred in the spouse's name and control. The protection officers note that regaining control of such assets is tedious as most men refuse to return them.

In several instances, women themselves become responsible for their lack of property, irrespective of their religion and caste, education, and employment status. They give up their rights as daughters, wives, daughters-in-law, mothers or sisters. Women are lured or trapped to transfer property to brothers or husbands immediately before or after marriage. Their lack of knowledge regarding the importance and benefits of asset ownership and their compliance to the deeply entrenched patriarchal norms is why this occurs. In such cases, the dependency of women on their husbands increases manifold.

### **Conclusion**

In a patriarchal society like India, women's ownership of property and assets appears to reduce physical and sexual intimate partner violence more significantly than emotional abuse, verbal abuse, or controlling behaviours. Economic security for women through asset ownership supports women's empowerment, but it is a delicate balance that might yield mixed results depending on how deeply embedded the traditional gender norms are in a society. Reforms related to property ownership and inheritance are the most difficult to pass, especially in countries where social norms dictate how land is acquired and passed to future generations (Arekapudi & Almodovar-Reteguis, 2020). The lack of a single code pertaining to marriage, divorce, succession and other family matters has not been implemented in India. The laws that govern the succession and inheritance of assets, determine how much share is entitled to a woman among communities in India, are determined by religion's personal laws. The personal laws of many religious groups in India vary widely in their sources, philosophy and application. Therefore, there is resistance in bringing equality in property division when different religions and personal laws govern them.

The Supreme court, in a landmark judgement, conferred equal rights to daughters on their father's property from birth, and the inheritance is an equal share with retrospective effect among Hindus of India. The Christians in India have been following the Indian Succession Act 1925, which confers equal rights to both daughters and sons. Among Muslims, the Muslim Personal Law (Shariat) Application Act, 1937 dictates that daughters are entitled to half the son's share. However, there is a mismatch between the law and practice in reality.

The 2030 Agenda for Sustainable Development contains land-related targets and indicators under Sustainable Development Goals.<sup>4</sup> 1, 2, 5, 11 and 15. These goals emphasise the urgency to ensure women's equal access to and control over land and natural resources and free them from the deeply embedded patriarchal values that control women's earnings, savings and assets. Since laws regarding property ownership and assets are already in place, some are repealed, and amendments to judgements regarding asset ownership are underway, there is a need to strengthen and proactively improve women's ownership rights. This needs to begin by changing mindsets and improving awareness of why women's property rights remain non-negotiable. From childhood, the

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<sup>4</sup>Sustainable Development Goals were set up in 2015 by the United Nations General Assembly intended to be achieved by the year 2030; of which secure and equitable land rights of women form one of the key indicators (Indicator 5 under Goal 1) and has strong linkages in ending poverty(Goal 1), ensuring food security (Goal 2), achieving gender equality and empowering women (Goal 5), and making cities and human settlements inclusive (Goal 11).

socialisation of girls is moulded not to question gender disparities and hierarchies. Even when women get their due share in parental property or husband's property, they fail to understand the worth of ownership of land and assets and often give up their rights over assets to their wards, either brother, husband, children, or relatives and fail to maintain them in their names.

Both men and women need to be made aware of women's property rights and inheritance laws. Massive campaigns from the grass-root level are required to raise consciousness among women about the importance of property ownership and to make the parents aware of the impacts of denying share to girls in parental property. There is a stigma and social ridicule associated with women who bargain for their property rights. They are labelled as being greedy and harbingers of discord within the family. This situation needs to be revised through appropriate interventions and awareness generation. The patriarchal misconceptions that men are the owners of land and assets and women are incapable of handling property need immediate correction. In heavily patriarchal communities, gradual shifts in traditional gender norms are less likely to prompt violence (Peterman et al., 2017). Likewise, programs that generate minor shifts and challenges to power relations appear more readily accepted by men than those catalysing larger disruptions (Slater & Mphale, 2008). The methods to redress women's poor profile of land ownership, financial incentives may be provided, which encourage families to register land or houses in women's names.

An example is the lower stamp duties for property registered in women's names – a measure that has seen considerable success in the Indian state of Delhi. As an ultimate measure, the enactment of the Uniform Civil Code is to gain momentum through sensitisation of the religious groups. The code will simplify the complex laws around marriage ceremonies, inheritance, succession, adoptions, making them applicable to all citizens irrespective of their faith.

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