Chapter VI

Gender Relations, Land Rights and Empowerment

The twin concepts of 'equality' and 'empowerment' inform almost every discourse at the global, regional and national levels to improve the status of women. Equality refers to equal opportunities in terms of access to resources of livelihood, health, education as well as social, economic and political participation without discrimination.¹ Gender inequalities stem from relations of power and authority, class-caste hierarchies and socio-cultural traditions, customs and norms. Empowerment is the process of transforming these structures and institutions thereby ensuring equality. The term 'empowerment' has multidimensional connotations which include and range from "development of personal instrumental competencies and skills to the process of challenging existing power relations, to household decision-making, to access and control over resources like credit, income, land, knowledge etc as well as to subjective variables like the sense of personal power of self-efficacy."²

Gender relationships are power relationships because they imply 'force relations', 'ceaseless struggles and confrontations', 'non-egalitarian relations', 'mobile relations', 'chains' or 'systems', 'disjunctions' and 'contradictions', and 'strategies', in the relationships between men and women.³ But power also implies cooperative relationships, and then bargaining power takes place in a constant process where women and men conflict and cooperate within the household. This has implications not only for gender differences and inequalities but also for gender solidarities and complementarities, in terms of access to and decision-making about resources and assets (e.g. land), the addressing of interests and needs, and the contributions to the household well-being, among other issues. Such a gender analysis of can reveal the 'different forms of patriarchy' and the 'patriarchal bargains' which 'are susceptible to historical transformations that open up new areas of struggle and renegotiation of the relations between gender'.⁴

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¹ N Kabeer, Reversed Realities: Gender Hierarchies in Development Thought, Kali for Women, New Delhi, 1994.
The process of empowerment changes power equations in gender relations in favour of those who have exercised little power over their own lives. Definitions of 'empowerment' encompass change in material and ideological arenas and women's collective power to bring about these changes externally as well as their power within to believe in their ability to do so. Transformation of consciousness, in addition to, control of different resources is important. There are three inter-related dimensions that can make this possible: access to and control over resources to create preconditions for the exercise of choice, active agency to exercise choices and achievements that are the outcome of the choices.  

The dimension of resources or preconditions includes both access and future claims to material, human and social resources. Agency or process includes decision-making, negotiation, deception, and manipulation. Achievements or bargaining outcomes can be seen as well-being outcomes. The three dimensions of power are indivisible because “it is not possible to establish the meaning of an indicator, whatever dimension of empowerment it is intended to measure, without reference to the other dimensions of empowerment”. In other words, the three dimensions are indivisible in determining the meaning of an indicator and hence its validity as a measure of empowerment. Access to resources shows potential rather than actual power, and hence an indicator of access can indicate a potential choice but is not valid to directly signify real agency or positive outcomes. Similarly, to evaluate the achievement indicator as an indicator of power it is necessary to see to what extent this achievement has transformed, reinforced or has left unaffected inequalities in resources and agency. In terms of an indicator of agency, its effect on both access and future claims to resources, and on final power achievements has to be considered.

In this chapter, the concept of ‘empowerment’ is defined as effective bargaining power. Transformations in bargaining power between men and women regarding land in rural households are an aspect of changes in gender relationships. Gender relations, like all social relations, have both material and ideological dimensions: “They are revealed not only in the division of labor and resources between women and men, but also in ideas and representations – the ascribing to women and men of different abilities, attitudes,
desires, personality traits, behavior patterns, and so on." This chapter looks at some elements of both to understand the reworking of bargaining power within rural households in West Bengal and Bihar. The complex nature of gender relations is sought to be understood by analyzing –

1. How property rights affect bargaining power? What is the relationship between the two?

2. What is the role of social norms and social perceptions in bargaining power? In this case, what are the social controls that affect the access and control property rights? Here, also looks at changes in the actual and perceived contributions of women and men within households.

3. What is the link between intra-household and extra-household bargaining? What are the intersections between gender relations and state in relation to property rights of Hindu women?

The context of analyzing the relationship between property rights and bargaining power is the field work research in West Bengal and Bihar. The term 'property' is interchangeably used for land. Here, the main concern is to look at land as property. All the different dimensions of empowerment as elaborated, are important aspects of how the bargaining position of women gets strengthened with land emerging as a strong fall-back support. The principal indicators of empowerment are selected on the basis of the major issues that women related to in their discussion on land rights in the field research and which encapsulated dimensions of empowerment. Land is a vital determinant of a person’s bargaining power vis-à-vis other resources, and needs itself to be bargained for. Here, it is significant to emphasize that land-owning women would have a stronger fall-back position and therefore greater bargaining power than landless women vis-à-vis the allocation of household subsistence. The importance of land ownership to a person’s quality of life cannot be underestimated. But, to gain a share in arable land may itself require bargaining. Such patterns of ‘sequentially interlinked bargaining’ show the inter-relationship between bargaining for land and bargaining for other factors. For instance, when a person owns land he/she can access both ‘material resources’ (e.g. credit, income

8 Ibid, pp.7.
from agriculture and livestock) and 'non-material resources' such as personal and social recognition and status.

In the first section, the debates about bargaining framework is explored so that it facilitates in understanding the way gender relations are shaped by bargaining or vice-versa. In the second section women's empowerment through property rights is examined. The central focus is to explore the ways in which property ownership gives women the potent ability to meaningfully transcend structures of inequality and also renegotiate the power dynamics circumscribed by systems of kinship, family and household. Here, a relationship between ownership of property and other empowerment variables like mobility, violence, decision making are established. The main argument is that with property ownership women gain the agency to negotiate with issues such as domestic violence, mobility, decision-making, reproductive choice etc. Here, the link between agency and social change is established. The bargaining is between agency and institutions. In the third section, an evaluation of their claims to land, their conceptualization and understandings of their role as peasants, perceptions of their work and contribution to agriculture and their perceived claim to land is interrogated. This is situated in understanding how ideological constructs like self perception and social perceptions determine aspects of women’s bargaining power. In a larger context, it also determines how aspects of such constructs are used in social policy to negotiate claims made by women.

Women's relationship with property, particularly land is highly gendered. Gender based domination is complex in this regard. These relations of domination have typically been both personal and community based. Scott's captures this relationship when he observes that joint reproduction in the family and home without any control over productive resources have meant that "imagining an entirely separate existence for women as a subordinate group requires a more radical step than it has for poor peasants, working class or slaves." Empowering agency and expanding capability space is essential to redefine gender roles that structure women’s position in inferiority.

The relationship between property rights and women’s empowerment has to be contextually situated. Evidence shows that disparities between women and men in access and control over property, particularly land are associated with women’s systematic exclusion and marginalization in multiple political, social and economic processes. In all these ways, unequal social and political circumstances give women unequal human
capabilities. Property rights can be an axis to negotiate with such discrimination and also provide and strengthen women's fall back position to exercise rights.

**THE BARGAINING FRAMEWORK: SOME CRITICAL ISSUES**

Economics has analyzed how decisions on assets are made in the households. The traditional neoclassical economists held that decision-making on both gender division of labour and the allocation of commodities and provisions in the family is based on the free optimum choice made by the family in order to maximise members' joint welfare, depending on the signs of markets. One of the main assumptions of these models is that the family is a 'harmonic unit' with an altruistic family head, where the members contribute in a voluntary way and where the family's preference/utility function is identical to that of the family head. Furthermore, using the opportunity costs, the model takes comparative advantages as the explanation of the family labour division. Criticism of this approach focuses on four aspects. First, the concept of the family as a harmonic unit does not take into account either the differences (power, interests, perceptions, contributions, etc.) between the family members or the social norms (not just the market) affecting individual decisions. Second, there are empirical refutations of the assumptions of welfare maximisation and joint utility function. Third, the comparative advantages are not a sufficient explanation of family labour division, because their ideological roots are not clear in the model (how are opportunity costs determined?) and the final factors that push men to specialize in paid work and women in domestic activities are not well defined. Furthermore, the model does not take into account the fact that male and female labour is not fully substitutable among them. Fourth, the main aspects of the simultaneity of cooperation and conflict in gender divisions are avoided by these traditional household models.

Bargaining models, developed first by John Nash offer useful perspectives for capturing the coexistence of conflicts and cooperation in household arrangements by analyzing the relative fallback positions and the ability to threaten and to exert pressure and coercion that a person has in front of others in a negotiation. The technological interdependences are favourable for the parties' cooperation, but also bring conflict when the time comes for the 'division of fruits'. However, following Sen these models have

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two problems: they have an inadequate informational base and they do not take into
account the influence of perceived interests and contributions. 11 The informational base
of the bargaining models is limited for two reasons: first, their focus is exclusively on
individual interests; and second, there is a problem with the formulation of the bargaining
problem itself, by assuming that the perceptions of individual interests are clear and
unambiguous, thus missing key elements of the gender divisions within and outside the
family. On the contrary, the study of bargaining processes needs to take a wider view of
the perceptions of interests and contributions, including their ambiguities, and perceived
notions of legitimacy and deserving. Furthermore, Sen states the need to distinguish
between the perception of interest and welfare and the objective aspects of these
concepts, suggesting a focus on the capabilities of a person — what a person is able to do
and be. The fact that a woman or man does not have the corresponding self-perception
about his or her welfare does not mean that the actual welfare does not exist and that
people can do nothing for their wellbeing.

Sen developed the Cooperative Conflicts Model, which is used in my research
study in order to analyze the changes in rural intra-household bargaining dynamics
between men and women concerning land. He states that "...the members of the
household face two different types of problems simultaneously, one involving
cooperation (adding to total availabilities) and the other conflict (dividing the total
availabilities among the members of the household). Social arrangement regarding who
does what, who gets to consume what, and who takes what decisions can be seen as
responses to this combined problem of cooperation and conflict. The sexual division of
labor is one part of such a social arrangement, and it is important to see it in the context
of the entire arrangement". 12 The bargaining power of different members within the
household is reflected by the final selection between alternative outcomes. Sen specifies a
set of directional features related to three responses: breakdown well-being response;
perceived interest response; and perceived contribution response. The ‘breakdown well-
being response’ is a general qualitative property of cooperative conflicts which occurs in
bargaining when the person’s ability to secure a favourable outcome weakens. ‘The
breakdown position indicates the person’s vulnerability or strength in the ‘bargaining’.

11 A. Sen, ‘Gender and Cooperative Conflicts’, in I. Tinker, Persistent Inequalities, Women and World
12 Ibid, pp. 129.
13 Ibid, pp.135.
The ‘perceived interest response’ states that the perception of self-interest of a person in the bargaining in relation to attaching less or more value to their own well-being influences the outcome of their cooperation. From the ‘perceived interest response’, ‘false consciousness’ could be explained by saying that the ‘deprived may accept inequalities…and may also be instrumental in perpetuating and maintaining oppressive ideologies’. Feminists have critiqued the notion of false consciousness, observing that women have agency and are not passive victims. For example, Folbre examines gender coalitions, specifically the collective efforts in which women have engaged to redefine, for example, family rights and responsibilities, as a contest over alternative institutional arrangements. Fraser focuses on discourses and interpretations of need with a non-functionalist perspective which allows female agency to be revealed. Sen not only examines perceived interests but also perceived contributions, by stating that the informational base of cooperative conflicts ‘must include information regarding perceptions of who is “contributing” how much to the overall family prosperity’. The ‘perceived contribution response’ indicates how the perceived contributions of a person influence the outcome. Furthermore, it is important to differentiate between perceived and actual contributions, because they are hardly ever the same. This differentiation is relevant to gender discussions in that it helps to clarify not only perceived but also actual women’s work and productive contribution, and how both affect women’s bargaining power within the household. Kabeer holds that the relationship between women’s earned income and their ability to bargain is systematic and varies in different contexts. She gives some illustrations of this. For instance, a study in Brazil shows that ‘the effect on the probabilities of child survival was nearly twenty times greater when non-earned income accrued to women rather than to men’. Some studies in Kenya confirm that ‘women-controlled income had significant and positive effects on household food consumption’. The contributions (perceived and actual) are related to the transformation

17 A. Sen, op. cit, pp.134.
18 N. Kabeer, op. cit., pp.143.
20 N. Kabeer, ibid, pp.104.
of access and control over assets and resources (e.g. land and money), the allocation of activities (productive and reproductive), and intra-household bargaining power.

Feminism critiques the bargaining models in general by considering the relevance of ideological factors, power relations and social norms affecting the bargaining process in general and the fallback position in particular. First, Papanek focuses on both the importance of studying material, social and cultural entitlements on resources, and the necessity of uncovering the implicit priorities and the moral basis of the group and its members in the distribution process of resources.\(^{21}\) Second, Kandiyoti introduces the concept of patriarchal bargains to widen the discussion on the forms of patriarchy.\(^{22}\) She argues that ‘women strategize within a set of concrete constraints that reveal and define the blueprint of...the patriarchal bargain of any given society’.\(^{23}\) Third, Folbre pays special attention to the structures of constraint which influence the belonging of people to groups.\(^{24}\) She defines structures of constraint as ‘sets of asset distributions, rules, norms, and preferences that empower given social groups’, and adds that ‘these structures locate certain boundaries of choice, but do not assign individuals to a single position based on ownership of productive assets. People occupy multiple, often contradictory positions, because they belong to multiple groups’.\(^{25}\) She emphasizes the latter aspect and states that there are frequently conflicts between the interests of these groups (gender, class, race, age, etc.). Fourth, Whitehead examines how the conflicts of interests and power between women and men in the household influence the terms on which the exchange, distribute and consume assets, goods, income, and services, including labour.\(^{26}\)

**PROPERTY RIGHTS OF WOMEN AND BARGAINING POWER**

Property rights of Hindu women is a complex issue. As it is evident from the discussion in the previous chapters, property rights involve a complex engagement with state (through social policy on land such as land reforms), law (succession law) and politics (interaction between society and state to institutionalize discriminatory gender practices).


\(^{23}\) D. Kandyoti, Ibid, pp.275.

\(^{24}\) Folbre, op. cit. ,pp. 21.

\(^{25}\) Folbre, op. cit. , pp. 51.

Here, the focus is on the indicators that evaluate bargaining through property rights of Hindu women.

The understanding of gender inequality and the sites for negotiation and bargaining for one’s rights and identities are not uniform across societies or within societies. There can be divergent levels of differentiation. In the way that Foucault conceives of power relations as they operate in everyday social practices, it is possible to understand the nature and forms that strategies of resistance takes. When women’s resistance takes the form of overt negotiation, it brings ‘the personal is politics’ to the forefront. The nature of gender relations and inequality can be understood through the study of such dimensions of power relations. The relationship that property rights shares with the variables of empowerment shows how such a relationship is the site for contestation of power relations. Following the bargaining framework, this relationship is explored in terms of women’s perceived interest response, their perceived interest contribution and fall-back position.

Relation between Property Rights and Domestic Violence
The most graphic expression of unequal household power relations is physical violence against subordinate family members. The link between property ownership of women and domestic violence is an important measure for women’s empowerment. Violence against women is the most pervasive violation of human rights which is so deeply embedded in patriarchal cultures that it is not only almost invisible but also a masculine prerogative. Domestic violence has implications for well-being within the family and plays an important role in intra-household resource allocation. Domestic violence is pervasive across all castes and classes across both the states. On questions regarding property ownership and domestic violence, it was found that women property owners were likely to face less violence in their marital relationship than the non property owners.

Other than property ownership, the other key factors that influenced domestic violence included social support systems that women were embedded in, particularly power relationship with the natal family and community perception of ‘violence’ as a crime. These factors are negatively related to violence. Husband’s unemployment and childhood experience of family violence are factors that legitimized domestic violence
against women in Bihar and West Bengal. In fact such factors were positively related to violence.

In West Bengal, married women faced high rates of domestic violence and in Bihar the rates were even higher. Among propertied women, psychological violence was higher in West Bengal while in Bihar physical violence was higher. Sexual violence was also alarmingly high. The case for non-propertied woman was worse in both Bihar and West Bengal. The prevalence of spousal physical or sexual violence is much higher among women in the poor non propertied households than among women in the wealthier landed households. The resilience of an abusive relationship, gave women a lower perceived interest response that tied them to an inferior status within the family and household.

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<thead>
<tr>
<th>Table 6.1</th>
<th>Property Ownership and Domestic Violence</th>
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<tbody>
<tr>
<td></td>
<td>West Bengal</td>
</tr>
<tr>
<td></td>
<td>Property (%)</td>
</tr>
<tr>
<td>Physical violence</td>
<td>16.8</td>
</tr>
<tr>
<td>Psychological violence</td>
<td>27.0</td>
</tr>
<tr>
<td>Sexual Violence</td>
<td>22.6</td>
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</table>

Source: Field Survey conducted in select Blocks of North 24 Parganas and Burdwan District in West Bengal and Nalanda and Patna district in Bihar, between 2008 and 2010.

As reported in Table 6.1, women property owners were subject to less domestic violence as compared to women who owned no property. Property ownership acts as a protection against domestic violence. Violence had a grave impact on the physical and mental well-being of women. Loss in confidence and self worth affect victims of domestic violence in various ways. Women reported that an enduring abusive relationship also created a sense of threat to their lives. The reasons for violence varied. The most frequent causes were unemployment, alcoholism and dowry demands. In Bihar, women were often harassed for ever-increasing dowry demands. Dowry is the most significant correlate of the incidence of wife-beating. The smaller the size of the dowry brought into the marriage by the wife, the greater the probability that she will be beaten.
In Bihar, there were many instances of wife-beating as men resorted to gambling and drinking of ‘tari’ (kind of intoxicating fermented fruit drink). According to the National Family Health Survey of 1998-99, “at least one in four ever married women in Bihar has experienced domestic violence since the age of 15, and at least one in five has experienced violence in 12 months preceding the survey.”

It is found that despite such high rates of domestic violence, women had almost no exit option or fall back position. Their bargaining power within the household is so restricted that they consider is to be more favourable to compromise in a violent marital relationship than be worse off outside such a marital relationship. The lack of options for women outside the marriage makes passivity the optimal response. The ‘perceived interest response’ was low and created a false consciousness that facilitated to internalize violence as an everyday aspect of life. Low perceived interest response among victims of violence is evident from the fact that only 1 percent of non-propertied women walked out of such relationship and never returned. This extraordinary capacity to resist and fight for dignity even among women who validate the exit option is an aspect of the way women strategise to retain self respect.

The lack of meaningful alternative to family constrained women from exercising their right to complaint and take police action against their husbands. The lack of support from the natal family in terms of provision of resources after divorce, unwillingness to take responsibility of a married daughter, fear of taking care of children alone, lack of employment-In the absence of institutions that equalize men’s and women’s access to resources and property, women are frequently unable to divorce or leave abusive partners especially if they have children to support. The lack of support from the natal family in terms of provision of resources after divorce, unwillingness to take responsibility of a married daughter, fear of taking care of children alone, lack of employment related skills and no viable livelihood option made the fall back position of women palpable. Gender inequality is strongly co-related with poverty. When poverty combines with gender inequality there is acute failure of central human capabilities. Women therefore are de'errerred from reporting such a crime as also internalizing such treatment as their “fate”.

21 Government of India, National Family Health Survey-2, 2001, pp..56.
This was yet another indication of how inability to bargain led to devaluation of the self and sense of well-being.

A respondent, Rekha Sinha said, “We are a burden on our parents’ shoulders. Parents grow us so that we can prosper with our husbands’ progress. But when the dream shatters and we are beaten up everyday; how can we prosper? We cannot go back to our parent’s home. After all, we are daughters; it is our duty to bear with everything till we die”. Another respondent elaborated that “our ‘doli’ has come to our matrimonial house, now only our ‘arthi’ will go from here”. Often women’s compliance to male dominance results from the fear of insult and physical assault. The gendered ideologies that were internalized by women added to their helplessness and low perception about their own self interest. Such structural vulnerability of women stems from their position in patriarchal marriages and societies.

Question on women’s perception about property ownership and violence, shows that women value property, especially land for the opportunities it creates with its productive and diversified use and income generating ability. 62 percent of women respondents recognized that property acts as a barrier to domestic violence. A propertied woman respondent, Shila Barui of Palshit in Bardhdhman district, observed that the income she earns from cultivating the land she inherited from her father helps her run her family and also pay for her son’s school fees. Her contribution to the family income gives her the space to voice her opinion too. She thinks that such economic independence deters her husband from beating her. Similarly, Vimla Devi of Chandi Block in Nalanda district confronts the issue by saying that property ownership makes a man salute his wife as he fears that she can find her own way if she is troubled. She also adds that if a woman is propertied, her worth is not underestimated. She is loved by her in-laws and in times of marital distress, the in-laws stand for her rights. Women were confident that their physical situation would improve with property rights. Such narratives point out that power relations in a family are less unequal for a woman who own some form of property. It is interesting to note that with ownership rights women not only strengthen their bargaining space but also have a substantive fall back position within the marital family itself in case of conflict.

While the lack of productive assets like land, can put women at a structural disadvantage and can thus contribute to violence, there is at the same time considerable
evidence of violence against women who are making claims to property rights. Such violence was not necessarily within the parameters of the legal definition of 'domestic violence'. References were made by women respondents about the treatment that women are meted out with when they challenge established norms of daughter’s disinherited position with regard to property rights. In Bihar, 9 percent of women respondents expressed their fear of being poisoned to death if they claimed their rights in land. There is a caste dimension to the perpetration of such violence. There were 4 percent who were threatened and verbally abused by their brothers for having dared to discuss their claim to land. There was 1 cited case in the Patna district, where a widow was branded as a 'witch' for making claims to property rights. In West Bengal, 23 percent of women were suspicious that if they would have property in their names their husbands would kill them and get them transferred in his name. Thus, violence had multiple manifestations in its relationship to property rights. A woman respondent in Parwalpur Block in Nalanda district emphasized that her perceived interest was in relinquishing her rights. Coercive ideologies internalised by her, guarded her from crossing the “laksmanrekha” of her “mariada”. The National Family Health Survey states, “Women are socialized in norms that give husbands the right to use force to discipline wives who are perceived to be violating traditional gender norms”.24 It is interesting to note how subtle as well as overt threats to coercion redefine women’s perceived interest response

Property Ownership and Dowry

The complex understanding of property as dowry is articulated in customary practices in both West Bengal and Bihar. It was a widely prevalent notion that the daughter’s inheritance share in property was equivalent to the dowry that was given at the time of marriage. Such an obscured line of demarcation between dowry and inheritance needs to be challenged. Dowry and inheritance rights are fundamentally different. Where women inherit, they exercise rights like those enjoyed by men but where women receive dowries, their rights to inherit are restricted and their status is markedly lower than that of men. This implies that when women do not get dowry in their marriages like in some upper castes in West Bengal, their share in patrimony is defined and legitimized. In comparison,

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24 National Family and Health Survey, Ibid, op. cit. pp. 52

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in Bihar where dowry is widespread, inheritance rights are embodied in the concept of ‘dowry’.

The widespread prevalence of dowry practice can be attributed to its social acceptability as an opportunity to make status claims and to ensure good treatment of their daughters by their new husbands' families. Dowry is a historically rooted and customarily evolved practice that is a part of marriage in Bihar in the form of ‘tilak’ ceremony which takes places few weeks before the marriage. Therefore, despite dowry being outlawed by the government, women respondents in Bihar support it as they conceptualize it as the only means through which they have can have notional share in property of the father. In Kandiyoti’s terms, this could be a classic case of ‘patriarchal bargain’ where women strategise to use resources in their favour in constraining situations. This would be applicable when dowry like land or any other immovable property is transferred in the name of women. Only 3 percent of propertied women respondents in West Bengal and Bihar, had got land as dowry. The paradox is that the control of women over that dowry is marginal. Usually, it is controlled by the members of the matrimonial family, such as the husband. There are times when the daughter-in-laws’ dowry is given to the daughter as dowry. In such a case dowry merges as a complex system where women’s rights are transferred without their access and control over it. The incomparability between the value of dowry and a share in property such as land is recognized by many respondents.

Relationship between Property Rights and Decision-making

A defining aspect of empowerment is ability to make decisions. Decision-making is an important indicator of power relations in the society. Who controls and makes decision significantly reveals the social position of an individual or group vis-à-vis other individuals or groups. Decision-making is a prerequisite to gender equality and development. It is a point of intersection between ‘agency’ and ‘achievement’ Intra-household decision making determines women’s ability to make choices about their well being. Such choices are then translated into the goals that are aspired to be achieved.

Decisions regarding the use of household resources and income often form part of a cooperative strategy pertaining to common goals of maintaining the household and
improving standards of living. Household members frequently resort to "complex negotiations of mutual gain and shared interest". Yet household members often have dramatically different and sometimes competing goals. When goals are in conflict, access to household resources and "shares in family income are determined in part by individuals' bargaining power within the household". In this bargaining model of household decision-making, a person's ability to enhance his or her well-being is seen to be directly related to endowments-what is initially owned-and entitlements-possibilities that exist through production and trade. In agrarian societies, an individual's position at the bargaining table is enhanced by direct contributions to production and household income, in particular, via labor and land. But pinpointing underlying causal factors and understanding household decision-making is no easy task and is complicated by the fact that households are not bounded units and that individual household members are not necessarily concerned only with their own well being and that separating material from socio-cultural factors is nearly impossible. As Sen notes, "our actual agency role is often overshad- owed by social rules and by conventional perceptions of legitimacy".

Property ownership, control, and transmission, like division of labor, are parts of complex and dynamic systems, affected by both state and local customary law.

Household outcomes depend on decisions made by spouses who may often disagree. Given these potential differences in preferences, the particular conditions under which intra-household decisions are taken may matter a great deal for household outcomes. The bargaining power of women can improve if they own property. Women's inferior status within the household can allow them lower leverage to decide on vital issues that affect the household's well-being. Women located within households with no ownership of economic assets such as land, working in unpaid family activities are assigned lower economic worth. This together with already defined lower status that they wield in social contexts within patriarchal structures leaves them disempowered.

27 A. Sen, op cit., pp. 140-141.
28 Ibid.
Chapter VI

Table 6.2
Decision making and Property Ownership Status in West Bengal

<table>
<thead>
<tr>
<th>Decision Making</th>
<th>Propertied women (%)</th>
<th>Non-propertied Women (%)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Woman</td>
<td>Joint</td>
</tr>
<tr>
<td>Taking loan</td>
<td>12(9.6)</td>
<td>82(65.6)</td>
</tr>
<tr>
<td>Mortgage land</td>
<td>16(12.8)</td>
<td>94(75.2)</td>
</tr>
<tr>
<td>Savings</td>
<td>19(15.2)</td>
<td>90(72.0)</td>
</tr>
<tr>
<td>Reproductive decision</td>
<td>11(8.8)</td>
<td>56(44.8)</td>
</tr>
<tr>
<td>Investment for the renovation/improvement of property</td>
<td>10(8.0)</td>
<td>85(68.0)</td>
</tr>
</tbody>
</table>

Source: Field Survey conducted in select Blocks of North 24 Parganas and Burdwan District in West Bengal and Nalanda and Patna district in Bihar, between 2008 and 2010.

The main indicators of women's empowerment through decision-making is envisaged through their ability to take loan, ensure savings, take reproductive decision and make appropriate investment. Tables 6.2 and 6.3 examines the extent property ownership is a determinant in the transformation of agency into achievement Property ownership is a positive correlate to women’s decision making ability. The percentage of women who take part in decision making, either individually or collectively with their husbands, increases significantly with the ownership of property. Women who do not have property are less likely to secure favorable outcomes for themselves in decision making processes. In West Bengal, women in their independent status as property owners have not been able to wield much bargaining power through decision making. Women who have independent property rights have largely decided on their savings. Table 4 shows that joint decisions are more likely to be taken in matters related to loan, mortgage, savings and investment. Reproductive decisions are usually taken by the husbands. This is an indication that women have very restricted reproductive freedom. Their control over bodily integrity is limited. Women are looked upon as 'property' to be controlled by their husbands when it comes to deciding how many children to have, spacing of children, whether to use contraceptive or not, etc. Therefore, low levels of access to contraception and lack of control over reproductive choices and health decision-making restrict women’s 'perceived interest response' and by implication their well being.
quotient. Such was their low sense of well-being that 3 percent of women conceded that their long term security lies in subordinating their well being to that of male members.

Women, who have no property rights, have less decision making power. Husbands played an important role in taking intra-household decisions and thus, weakening women’s autonomy and bargaining power within the household. A significant pattern in decision-making reflects that in property-less households most decisions were taken by husbands in independent capacity. Even joint decisions were not frequent. In their individual capacity, women had low decision-making power (between 0.8 and 4 percent). Propertied women have almost twice the ability to make decisions in their own capacities when compared to their non-propertied counterparts. But the reservation is that women strive for joint decision making rather than autonomy and control. They seek greater equality, strengthened interdependence and men’s recognition of their contribution rather than autonomy in an individualistic sense. In other words, women strategise to unburden the responsibility of taking decisions alone and therefore also bear the consequences of any failed decisions alone.

Table 6.3
Decision making and Property Ownership Status in Bihar

<table>
<thead>
<tr>
<th>Decision Making</th>
<th>Propertied women (%)</th>
<th>Non-propertied Women (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Woman</td>
<td>Joint</td>
</tr>
<tr>
<td>Taking loan</td>
<td>11(8.8)</td>
<td>75(60.0)</td>
</tr>
<tr>
<td>Mortgage land</td>
<td>13(10.4)</td>
<td>81(64.8)</td>
</tr>
<tr>
<td>Savings</td>
<td>17(13.6)</td>
<td>70(56.0)</td>
</tr>
<tr>
<td>Reproductive decision</td>
<td>11(8.8)</td>
<td>53(42.4)</td>
</tr>
<tr>
<td>Investment in agriculture</td>
<td>9(7.2)</td>
<td>75(60.0)</td>
</tr>
</tbody>
</table>

Source: Field Survey conducted in select Blocks of North 24 Parganas and Burdwan District in West Bengal and Nalanda and Patna district in Bihar, between 2008 and 2010.

Table 4.1 delineates the pattern of decision making in intra-households in Bihar. West Bengal and Bihar have showed similar patterns of decision-making. Bargaining power of women is apparent through their decision making power over distribution of material and social resources. To compare women property owners with non owners, it is found that husband’s role of the latter households was more dominant. Joint
responsibility in decision making is prominent in households where women own property. Kamala, who held a part of her ancestral land in her name, said that she was consulted by her husband in making many economic decisions including monthly expenditure and savings, taking loans, buying jewellery etc. In Kamala’s case, it is found that perceived self interest is also higher as was her fall back position. Contrastingly, another respondent from Nalanda District, Sujata Devi said that, the role of women who had no property in decision making in the household was limited to matters in the kitchen. A grey area where women did not share adequate decision making equation with men was reproductive decisions. Reproductive decisions were by and large still the prerogative of the men and even the majority of propertied women did not have a say in the matter. Spouses, partners and mother-in-laws often made decisions for women on contraceptive choice and use. Women are also financially weak to pay for needed family planning and health services. The relationship between empowerment and women’s use of services of family planning is complex and problematic. Asymmetrical power relationships in decision-making accentuate the processes by which patriarchies permeate women’s lives.

The scope for ‘patriarchal bargain’ in the case of decision making in the household emerges in the struggles of women in manipulating their husband’s decisions regarding the welfare of children, their school admission, their school fees, their medical care etc. Women in both propertied and non-propertied households conceded that in collaboration with senior women members of the household, they would try to effect decisions relating to children. Generally, in case a male child was in question, such decisions were readily open for negotiation.

Relationship between Property Rights and Mobility

Access to mobility is central to women’s capability to exercise choice and thereby agency. Personal mobility is an important process indicator that facilitates women’s ability to carry out activities of their choice. Mobility was linked with women’s well-being as many respondents said that social restrictions on women's mobility also contributed to lesser healthcare for women and children. Socio-cultural practices based on strong patriarchal traditions have served to curtail mobility of women in both West
Bengal and Bihar. In traditional agricultural societies women follow a code when and for what reasons they may leave their homes. The illusion of protection within the four walls of the home reinforces seclusion of women. Often women are restricted from entering public spaces unescorted by male kin. This was more apparent when they had to travel beyond their known boundaries of their village of residence. Such seclusion can be understood as a normative convention that is enforced by the household. Women also forgo economically viable options like selling their produce directly in the market instead of selling it to the middleman, when the husband has left for work in the town. The perceived interest response is that it keeps with their respectable and protected domestic roles, without realizing that it in turn makes them more exploitable. The honour of patrimony (‘izzat’) is invoked to define the space that a woman can have access to. The household embodies the site for reproduction of such practices that curtail women’s fundamental right to move freely and engage in activities that require mobility.

Table 6.4
Mobility and Property Ownership

<table>
<thead>
<tr>
<th></th>
<th>West Bengal (%)</th>
<th></th>
<th>Bihar (%)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Propertied</td>
<td>Non-propertied</td>
<td>Propertied</td>
<td>Non-propertied</td>
</tr>
<tr>
<td>Visit natal relatives</td>
<td>68(54.4)</td>
<td>47(37.6)</td>
<td>66(52.8)</td>
<td>43(34.4)</td>
</tr>
<tr>
<td>Visit marital relatives</td>
<td>72(57.6)</td>
<td>49(39.2)</td>
<td>74(59.2)</td>
<td>47(37.6)</td>
</tr>
<tr>
<td>Attend political and social meetings</td>
<td>38(30.4)</td>
<td>27(21.6)</td>
<td>46(36.8)</td>
<td>24(19.2)</td>
</tr>
<tr>
<td>Travel outside the village</td>
<td>18(23.2)</td>
<td>16(12.8)</td>
<td>29(23.2)</td>
<td>13(10.4)</td>
</tr>
</tbody>
</table>

Source: Field Survey conducted in select Blocks of North 24 Parganas and Burdwan District in West Bengal and Nalanda and Patna district in Bihar, between 2008 and 2010.

Table 6.4 identifies the effect that property ownership can have on women’s mobility. The correlation between ownership of asset and mobility is evident when it is found that 54.3 percent propertied women in West Bengal and 52.9 percent of propertied women in Bihar can visit their natal families easily. However, on a closer understanding it is reported that visit to marital relatives is considered to be more legitimate ground to move out of the house than any other reason. Women were not able to access much mobility in case they were keen to attend party based mobilization or social meetings.
The reasons for such restriction was that such meetings diverted women’s attention for domestic chores and would at one point turn them into revolutionaries. The realization here is that patriarchal controls over mobility were indeed an appropriate and effective instrument to perpetuate relations of exploitation. Self consciousness attained through such mobilization was a potential threat to continue such a relationship. Mobility in the neighbourhood was a site for women to strategise their needs through other women. Discussions on health, income generating opportunities, sharing of indigenous knowledge systems were ways in which women could raise their consciousness and also their value of self perception.

Mobility is also an important dimension of work. The obvious relationship between the two was affected in case of restrictions on free movement. Women’s work was largely restricted to their own fields. Going to the market to buy new varieties of high yielding seeds or for purchasing agricultural manure was a man’s job. Even migrating with the husband to the city was rare. Even when men in the family migrated, women depended on other male kins for any market related work.

The mobility differentials between women property owners and property non-owners are very stark in both West Bengal and Bihar. Focused group discussion with non- propertied women revealed that often mother-in-laws were reluctant to send their daughter-in-laws to their natal homes. Only during festivals were women easily allowed to visit kins. Some women suggested that the greed for gifts permitted women to go to their natal homes during ‘parab’ (festivals). In Bihar, women narrated that gifts were showered on the daughter whenever she visited her father’s house during the first few years of her marriage. Later such transaction took place during festivals. However, reciprocal activity was not prevalent in the matrimonial home of the daughter when her parents visited her. This was an aspect of power relationship where the natal family was lower in hierarchy than the marital family.

Relationship between Property Rights and Political Participation

Women’s political participation has been considered a major measure of women’s empowerment. Political participation in decision making processes is one mechanism through which they could negotiate structural change. In fact, it could undercut the force of gender in politics and alter the nature of power itself. Women’s participation in political processes is impeded due to various social, economic, historical, geographical,
politicall and cultural factors, thereby resulting in their minimal participation and even their exclusion. Illiteracy, patriarchal values, lack of access and control over income and other resources, restrictions to public spaces and complex legal systems continue to impair their effective political participation. This is compounded by the absence/inadequate availability of infrastructural facilities and support services to facilitate their participation. Pateman has argued that the restrictions on women’s mobility and ideological assumptions about ‘appropriate’ women’s roles have a direct impact on their public capabilities.\textsuperscript{30} Although all citizens have the right to participate, women’s private responsibilities and social stereotyping of women’s public roles which arise from these make it difficult for women to participate as equals in the public sphere.

Table 6.5
Political Participation and Property Ownership

<table>
<thead>
<tr>
<th>Forms of Political Participation</th>
<th>West Bengal (%)</th>
<th>Bihar (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Propertied Women (N=125)</td>
<td>Non-Propertied Women (N=125)</td>
</tr>
<tr>
<td>Voting</td>
<td>67 (53.6)</td>
<td>55 (44.0)</td>
</tr>
<tr>
<td>Attend Gram Sabha Meetings</td>
<td>40 (32.0)</td>
<td>26 (20.8)</td>
</tr>
<tr>
<td>Willingness to be panchayat member</td>
<td>61 (48.8)</td>
<td>53 (42.4)</td>
</tr>
<tr>
<td>Participation in SHGs</td>
<td>63 (50.0)</td>
<td>62 (49.6)</td>
</tr>
<tr>
<td>Participation in women’s groups</td>
<td>(40)</td>
<td>(37)</td>
</tr>
<tr>
<td>Participation in Peasant groups</td>
<td>(37)</td>
<td>(36)</td>
</tr>
</tbody>
</table>

Source: Field Survey conducted in selected Blocks of North 24 Parganas and Burdwan District in West Bengal and Nalanda and Patna district in Bihar, between 2008 and 2010.

Gender differentiated access to land is an effective barrier to women’s participation. Table 6 shows the relationship between property ownership and women’s everyday participation in political processes. Women who have property rights have an advantage in this respect. The political participation of propertied women in the political

\textsuperscript{30} C. Pateman, \textit{The Disorder of Women: Democracy, Feminism and Political Theory}, Stanford University Press, Stanford, 1989
process was significantly higher than the non propertied women. It must be conceded that the landed elites in India have often wielded political power. However, it would be unfair to assume that women have equal access to resources in such landed families. Electoral participation of women has been higher among propertied women in both West Bengal (48.7 percent among property owners and 42.1 percent among non-property owners) and Bihar (57.3 percent among property owners and 51.5 percent among non-property owners).

However, when the question of female participation in Panchayat activities is raised, rates of political participation decline. This is related to the cultural perception that women have to prioritize their domestic roles over political roles. Contrastingly, when asked about their aspiration to become Panchayat member, women expressed their desire to hold leadership posts. In Bihar women were more enthusiastic and eager about their political aspirations than in West Bengal. This was a pointer that despite women’s keenness in exercising their citizenship rights, social barriers prevented them to become active political agents.

There are negative attitudes towards women’s participation among men respondents and the existing expectations of traditional and cultural roles for women. Furthermore, women’s capacity to participate at leadership levels is restricted due to overburden of family responsibilities, cultural expectations and stereotyping that ‘a woman’s place is in the home’.

In the recent years, self-help groups have emerged as an important strategy for empowering women and alleviating poverty. Self-help groups are based on the idea of dialogic small groups, which function to develop collective consciousness. Linked with micro credit, these groups are able to access credit and subsidy to meet crisis needs as well as developmental needs reducing their dependence on money lenders. There is fair amount of evidence to suggest that self help groups have successfully ensured people’s entitlements including women. As a source of employment, the micro-enterprise has a lot of potential because of its ease of entry and low start up capital. It also plays a significant role in self-employment when employment in organized sector or even wage employment is scarce. The micro-credit support extended to the self help groups for women together
with other extension support such as skill upgradation, enhancing entrepreneurial abilities along with providing necessary infrastructure and marketing support helps the SHGs to cross the barriers that keep them below the poverty line. In West Bengal, party based self-help groups called ‘Swambar Goshthi’ are widely prevalent in all the blocks of both Bardhaman and North 24 Parganas districts.

The positive implication of self groups on women’s empowerment is also recognized by the state. Self help groups help women peasants make use of credit facilities to change crop patterns and use land more effectively for higher agricultural production. The West Bengal government has also taken steps to encourage self help groups among poor households. The provision that 50 percent of such groups formed in each block should be exclusively for women makes participation of landless women possible. The Agriculture Department organizes self-help groups to impart trainings to them. A respondent in Nima Mouza elaborated that training was provided to the self help groups. “If women were land holders they were treated to be more important than non land holders and often designated the “sardar” (head) of the self help group. Land acted as a collateral and economic security to avail bank loan”. Also their independent effort made them realize the importance of land as an asset and the benefits related to land ownership. The Agriculture Development Office in Amdanga Block at Kamdevpur further corroborated that in compliance to the Memo Number 575 (6) dated 3.10.2008, various training programmes have been organized for women farmers on agriculture. Kalpana Ghosh, Women Development Officer in the Block office of Amdanga Block, explained that the government has been encouraging small entrepreneurship in the growth of ‘rongin’(coloured) vegetables. Similarly, in Chandigarh Mouza in Amdanga Block, women took land on lease and did onion farming. This effort of self entrepreneurship which involved decision making, availing credit facilities and interaction with the government machinery gave them the confidence and sense of security about cultivating on their own land. In fact, such involvement of women in self help group activities provided women the space to merge the private and public domain.
Similarly, in Bihar self-help groups have been formed by the initiative of the
government. In Bihar, propertied women have greater access to participation in self-
group activities than non-propertied women. This shows an unequal relationship between
the propertied and non-propertied classes. It is largely because propertied classes have an
advantage in having better access to state resources than the rest. In West Bengal, the
approach of the self-group has been more inclusive. The party based self-groups have
been working extensively at the block level in the state. Institutionalized political and
social structures have therefore democratized society in West Bengal more than in Bihar.

Interviews and focused group discussions have indicated that when women own
assets and have some experience in management of such assets, they stand out to gain
more from the self-help group activities. Women who were members of such groups had
more confidence in speaking to outsiders and their interest in village and community
matters had increased. Women irrespective of their property ownership expressed that
they had discovered their voices after getting involved in self-help groups. They
conceded that self-help groups provided them with new avenues of negotiation with the
state. In fact, it was a space where women’s political agency had emerged outside the
framework of democratic electoral politics. Women have actively taken loans from self-
help groups for reducing the deficiency in agricultural investment and expenditure on
food and health. Women’s loans from self-help groups were spent towards agricultural
investment (34 percent), household consumption (40 percent) and income earning
activities (26 percent). On the whole, self help groups act as extra household forms of
cooperation that improve women’s fall back position vis-à-vis other household members.

Women’s groups and peasant organization were important forums of political
participation of women. Since in West Bengal, these groups were institutionalized,
women’s participation rates were high. In fact the both propertied and non-propertied
women participated in such organizations. Paschim Banga Mahila Samiti, the women’s
wing of the CPI (M) was largely active in the area. It was seen that though the women’s
groups speak much of individual rights of women in land, they concentrated more on
employment generation schemes, self help groups etc. The focus was on gender
component of development policies and schemes involving employment generation rather than issues of the family like property rights or land rights of women. An exception was domestic violence issues. These women’s groups actively negotiated for improving women’s perceived interest response by linking their individual well-being in health with the health of the children. Women’s groups participated in ‘Gram Shalishi’ (informal forums of dispute settlement in villages) to deal with cases of wife-beating, multiple marriages etc. Peasant groups in the region were concerned about wage employment, subsidies, agriculture related schemes. They did not recognize the gender effect of differentiation in the nature of agricultural work. A critique was that often such party based groups and organizations were that they were bypassed by the agendas of the party they were affiliated to. Their demands were often neutralized by larger class concerns. Folbre’s idea of conflict of interest between gender and class is particularly important here.

In Bihar where the state was less institutionalized the women’s groups were largely invisible. Peasant groups were actively involved in bargaining with the state for better deals for the peasant. Gender was marginalised in their agenda. Since the gendered subjectivity of women was more or less defined within the households rather than at institutional sites, women were more or less apathetic to peasant organizations issues. When women’s issues like sexual exploitation by landowners, equal wages for women were raised women expressed their interest.

Relationship between Property rights and Socio-economic Empowerment

The socio-economic dimension of empowerment can be encapsulated by subjective indicators like social prestige in marital home, community and participation in social network groups. These qualitative indicators are intrinsically connected to women’s well being. Property rights can be an effective tool for empowering women in these dimensions.
Chapter VI

Table 6.6
Socio-economic Empowerment and Property Ownership

<table>
<thead>
<tr>
<th>Forms of Social Empowerment</th>
<th>West Bengal (%)</th>
<th>Bihar (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Able bargaining position in family</td>
<td>61(48.8)</td>
<td>20(16.0)</td>
</tr>
<tr>
<td>Social prestige within marital home</td>
<td>71(56.8)</td>
<td>16(12.8)</td>
</tr>
<tr>
<td>Social prestige in the community</td>
<td>72(57.6)</td>
<td>13(10.4)</td>
</tr>
<tr>
<td>Participation in social network activities</td>
<td>69(55.2)</td>
<td>20(16.0)</td>
</tr>
</tbody>
</table>

Source: Field Survey conducted in select Blocks of North 24 Parganas and Burdwan District in West Bengal and Nalanda and Patna district in Bihar, between 2008 and 2010.

The relationship between property right and socio-economic empowerment of women can be understood in terms of women’s bargaining power not only within the household but also beyond it in public spheres such as participation in social networks and recognition of social status through social prestige. Effective bargaining power in the household therefore becomes a determinant of bargaining in the state and other social and political institutions. Household is a primary site where patriarchy is created, sustained and reinforced. Its role as a norm enforcement institution is primary but is informed by the household’s social location within the broader community. The dominant norms of appropriateness sustain patriarchy. Property ownership acts as a mediator for mitigating such inequalities. Property acts as a protective security and strengthens women’s fall back position in unequal bargaining positions.

As high as 56.4 percent of women respondents in West Bengal and 58.8 percent in Bihar, recognized the intrinsic prestige and respect that owning of land gave as also a higher status in the marital home. There a small percent of women who brought property into the marital home as dowry, mostly land. It is critical to understand that women who inherited land from their natal family were treated superior to women whose husband’s bought land in their names. In Bihar there is a growing trend of men (husbands) buying...
land in their wives’ names. This creates and expands such women’s capability space. Subhadra Pal in North 24 Parganas’ Amdanga Block, explained that her husband and in-laws respect her because of the land she inherited. She is consulted in all decisions taken in the family. Another respondent in Rayan Mouza in Bardhaman district said that her husband never objected to her using a part of the money earned from the cultivation for personal consumption. She attributed this independence to her inheriting 2 bighas of land from her father. In Bihar, 76 percent of non-propertied women agreed that their status within the family would improve with property ownership. Such is a case of cooperative bargain where land ownership affects the outcome in a positive way. The modes of acquisition of land, whether inheritance or market, affects the degree of differentiation in social recognition as owners.

With male out-migration and feminization of agriculture, land had often become a supplementary source of income for rural households. Women who have even a small plot of land cultivate it for meeting daily needs. Promita Das in Budh Budh Mouza observed that when her husband migrated to the Durgapur town, she started a small poultry farm on her land. Initially, it was a source of income but it has also made her confident as an entrepreneur. In such cases, the impact of land ownership has been positive on women’s welfare. In North 24 Parganas in West Bengal and in Patna district in Bihar, migration is very high. In North 24 Parganas, men migrated to the nearby town-Naihati or to Kolkata in search of gainful employment opportunity. Similarly, in Patna district the migration was directed to Patna city. In both the states, the migrant rural population was engaged in the unorganized sector, largely as construction workers. The direct impact of such migration was that women were left to fend for themselves in their rural settings. Women worked on their own land were less susceptible to exploitation than the ones who worked as agricultural labourers in other’s land. In Bihar, a woman agricultural labourer earned around Rs.30 per day (men earned around Rs.38) and in West Bengal, they earned about Rs.34 per day. (men earned around Rs.40). The wage differentials between women and men agricultural workers are based on a pre-assumed gender character. Employers and contractors offer lower wages to women, regardless of their performance on the job. In the given situation of social and economic neglect, women have no better options. Women as agricultural labourer also face sexual violence
as well, particularly in physical absence of their husbands who have moved to the town. More than half of the women propertied respondents in West Bengal and Bihar identified the social recognition in the community that they got if they owned land. The term that was frequently used to denote such respect in West Bengal was “samiha” (meaning respect with a cultural connotation). In Bihar, propertied women were acknowledged in the community through invitation in community functions, festivals like “teej” etc.

The role of social capital in women’s lives is as likely to empower as it is to constrain. The household’s access to social capital and its engagement with community is coterminous with constraints placed on women’s behaviour and mobility. It was seen that women who were property owners, were able to negotiate in spaces of social capital better than their non-propertied counterparts. In West Bengal, 55.1 percent and in Bihar, 44.1 percent of women were able to participate in social network activities easily. Though the embeddedness of social inequalities in social capital is a well known, women respondents nonetheless recognized that participation in social networks gave them the space for interaction beyond the household. Since women are most disadvantaged in their access to state and market mechanisms and resource distribution, social networks offer them possibly the only route to material resources and claims. Therefore, such networks leverage to challenge gender hierarchies within the domestic arena is curtailed where norms of seclusion and segregation restrict women’s ability to participate in community based networks. Gendered roles within social networks also reflect existing gender inequalities. Property is a medium through which women are able to overcome such obstacles. This is evident from the fact that non-propertied women’s access to social networks in West Bengal and Bihar is lesser than the women property owners.

The intrinsic value that land has can be understood in terms of the social prestige which it confers on women who are landowners. Sharmila Biswas, a 33 year old respondent, who did not have any formal education, in Bishnupur Mouza of the Barasat Block, cited the importance of land in the lives of women as ‘jomi mane bukbol’ (Land means strength of the heart’). Such a symbolic interpretative value of land was also expressed by Mintoo Karmakar, 48 year old agricultural labourer in Keukepara in Deganga Block that with land ownership rights, women can stand on their own feet and fight against injustice done to them and their daughter. In exploring the relationship
between socio-economic empowerment and property-ownership, it was found to be not only complex but also intersecting with various other dependent variables.

**EXPLORING THE INTERFACE BETWEEN PROPERTY RIGHTS OF WOMEN AND GENDER RELATIONS**

The inquiry into the relationship between property rights and empowerment can be further explored through the understanding of women’s cultural construction of identity and their identity as a major contributor to production from land. Such an exercise is being done so that a more nuanced framework emerges that in addition to establishing a direct relationship between control over economic resources and women’s autonomy both in household decision-making and in public participation, will also incorporate the perspective of granting women greater agency, allowing for a greater degree of negotiation and interdependency in household relations.

Gender relationships, like all social relations, have both material and ideological dimensions. “They are revealed not only in the division of labor and resources between women and men, but also in ideas and representations – the ascribing to women and men of different abilities, attitudes, desires, personality traits, behavior patterns, and so on”. 31 The cultural myths about the position, role and nature of women have informed the customary practices that are prevalent in agricultural societies in West Bengal. The politics of an evolving narrative of gender within the politics of patriarchies is evident in the multi-layered gendered ideologies that restrict women’s property rights in land. The subterranean articulation of the complex normative codes for appropriate behaviour of women has led to the resilience of patriarchies. Such patriarchies have worked in conjunction with other systemic forms of oppression.

The legal provisions of the Hindu Succession Act and the amendment therein, have addressed women as the daughter in respect of her interest vis-à-vis the father, a sister in relation to her right in conjunction with the sons and the widow. Field research at the Block level in the districts of West Bengal and Bihar show that the Act has not been able to improve the conditions of women in a substantive way in respect to their rights in property, particularly inheritance. The traditional patterns of land ownership by male

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members of the family have been perpetuated through various cultural myths and systems of subordination.

**Gendered Identities and Cultural Myths**

There is systematic socialization of women into the traditional norm of voluntarily forgoing the claims to property rights. Many women among those interviewed, had forgone their shares in parental land in favour of their brother. In the absence of effective social security system, brothers are seen as an important source of social support in times of marital dispute. Cultural construction of gender is relevant here. Often the story of the “bhalo meye” (good girl) was invoked to privilege male interests in West Bengal. In fact the gender regimes that operate in the cultural context of Bengal draw heavily on the concept of the “bhalo meye”, an ideological construct of the ideal woman through constructions, representations, images, norms, practices, activities and ideas about behaviour and qualities and characteristics that are desirable in a girl whose destined role in life is to become a wife and mother. Culturally, the concept is a repository of all aspirations and idealization of the Bengali patriarchal structures that project women into an exalted status as a mother while constraining and subjugating her in the private domain and relegating her to a secondary status within the home and society. In the lived experiences of the respondents, it emerged that the ideology of the “bhalo meye” was repeatedly used to socialize, restrain, discipline and control women’s personhood. So, women offered to relinquish their property rights to maintain their image as a “bhalo meye”. Where women did not forgo their rights voluntarily, male relatives have been known to file cases, forge wills or resort to threat and even physical violence. The fear for violation of dignity and equal personhood has also acted as a deterrent for many women to even express their interest in property ownership. A comparable myth of womanhood is also invoked in Bihar. It was articulated as a “sanskari larki”. This conception was posited in the context of virtuous woman who is sacrificing and dutiful. Till she is unmarried she assumes her ideal role towards her parents and when she is married her duty shifts towards her matrimonial home than affinal family. Daughters are typically married into villages outside the natal village; often at great distances. In-village marriages are prohibited and are a taboo. They do not have the sanction of the community.
and are illegitimate in the eyes of the people. Parents are reluctant to seek monetary support from the married daughter's family and such is the conservatism that they do not even prefer to take food and water from the daughter's marital home. The subordinate status of the women can be further understood if we consider the peculiar customary practice in Bihar where the mother of the son and other female relatives are not a part of the “barat” (marriage ceremonial procession). Villages have reported violence in marriages when women have come as ‘barati’. Women are looked down upon if they involve themselves in the son’s marriage by going to the bride’s house. This is a typical incident that is common in all the sample villages. Similarly, after marriage, parents of the daughter visit the daughter's marital home only in times of festivals to give her “bhet” (gifts) or some ceremony to which they have been invited. Casual visits are rare.

Under such prescribed boundaries of customary behaviour, the women’s role within and outside the family are defined. Strangely, not many are non-conformists. Women’s rights to property are often viewed as being “modern” and feminist demand. Some young women who dared to think otherwise were often termed as “shehari” (influenced by the cities). A distinction was often made between the cultures of the village and the city in the narratives. The presumption was that the indigenous practices of ‘the rural’ were more Bihari than the ‘nuevo’ urban practices. A framework of ‘essentialised’ identity of the ‘true Bihari’ emerged which was distinct from the Bihari who was detached from the rural and embedded in the culture of the big cities. The feeling of alienation as expressed was an important signifier in this context. Many older generations of the respondents were scornful of the convenient changing of customs including right to claim property. Apparently, women who claimed their property right were condemned to have had no traditional and moral values (“sanskriti ka avabh”).

In the entire discourse on property rights of Hindu women, identity of a Hindu woman evolves out of the particulars of her life cycle and the relationship she shares with her natal and matrimonial families. The traditional ideals of womanhood are implicated in multifarious ways in her interaction with other members of the family. Although in most societies, a woman’s identity is defined in relation to other people, this is singularly true of Indian women. First, she is a daughter to her parents. Next is her role as a wife and third, that of a mother. The ideals of womanhood in each of these roles and the
achievement of these ideals, primarily through acquiescence and submissiveness, docility at the risk of sacrificing her own will and interest are both aspects that reinforce and support one another. As Kakar points out: “...In addition to the virtues of self-effacement and self-sacrifice, the feminine role in India also crystallizes a woman’s connection to others, her embeddedness in a multitude of familial relationships”. 29

Cultural Understanding about Daughter’s Claims to Property Rights

By leaving her share to her brothers, a daughter reaffirms and strengthens her ties with her closest male kin, her brother. Such ties are of great importance to women as they both identify with their father’s house and lineage and are dependent on it. Even after marriage women continue to feel special closeness to their natal household. Leaving her share in her father’s estates to her brothers, a woman at once enhances their status and by implication her own and accentuates their obligations towards her. The relation between giving up a claim to land and maintaining kinship ties is also embodied in the gifts a man is obliged to present to his sister on a number of occasions. Therefore, women, who waived their property rights in favour of the interests of the male relatives, often did so to protect their perceived interests in the natal families. The perception was that such a sacrifice would be recognized by the brother and his wife and thereby, she would retain her “izzat” (honour of patrimony) and love. Also, such women were confident that their brothers in lieu of such “tyag” would stand by them in times of contingencies. The understanding that underpinned such a discourse was that performance of duties and familial responsibilities was important to maintain status within the family and such duties in turn were premised upon the unquestioning sacrificial service that women rendered without optimizing their self-interest and getting implicated in patriarchal practices.

That renouncing her inheritance rights is central to brother-sister relation is evident from what happens if a woman demands her share. Then her kinship ties with her brothers are usually disrupted at once and she is no longer able to invoke their help and

support. As the position of a woman in her husband’s house often depends on the support she can count on from her own kin, this would simultaneously undermine her position vis-à-vis her husband and in-laws. Women perceive that neither is this easily compensated by her newly gained access to land.

The related notion that the natal home should continue to be prosperous is another widely articulated belief. Women want to be passive contributors to their natal family’s wealth and resources by “not taking” their share in property. As Poonam Devi in Rukhai Mouza in Nalanda district put it, “mera naihar bana rahe” (“my natal family remains well-endowed”). Here, women negotiate by giving up their rights to strengthen their fall back position.

Gender specific tasks in agriculture, includes ploughing, which is considered to be men’s work. A woman needs male labour for cultivating her land. In particular, when a woman is no longer able to ask her brothers to help her, she becomes increasingly dependent on her husband. If women then take land from the brothers, they do so under very specific circumstances. In some cases, husbands press his wife to claim his share rather than she acting on her own initiative. A woman respondent, Bimla Kumari in Rukhai Mouza in Nalanda district reported that the husband forced her to ask share from her brother because the former wanted to take revenge of a fight with the latter.

A daughter without brothers usually has good reason to try to claim her land. She knows that her father’s kins like his brothers will generally be less concerned about her well-being and less dependable in providing for her than her brothers would have been. So, even if her husband would profit most from the inheritance, it was sanctioned as a sensible strategy for brotherless women to take their share. In a few cases, the daughter directly transferred her inheritance share in land to her husband.

The kinship position of women in social stratification and marital status are important pointers for women’s access to land. The presence or absence of contending heirs is central to whether women can claim their inheritance share or not. It is daughters without brothers and to a lesser extent widows without sons who show most interest in inheriting. Whether or not women inherit land is tied with the structures of production, in particular the nature of property holding unit. Women seem to stand a better chance to inherit land if it is individually owned rather than held as joint property.
Chapter VI

The record of rights as well as survey in several blocks in the two districts in West Bengal shows that inheritance rights of the daughter have been very limited. Interviews with women respondents depicted that rarely women have taken their legal share from their parental homes unless they were voluntarily given. Though many women in the villages were aware of the new amendment to the Hindu Succession Act, they expressed their strong reluctance to claim property rights from their parental homes. To many, it would be a risk of ruining family relations. They argued that the opportunity cost is high as parental support is required in case of dispute in matrimonial home. Suman Choudhury, a woman belonging to a landed family in Bishnupur in Barasat Block I, says that the respect that she gets from her brother when she visits him cannot be measured. In a self contradictory way, she also observes that the price for her brother's love is the property right that she has forgone. Interviews also point out that good relation with the natal family act as a security in the matrimonial family. One such case where the woman benefited from the brother in Chandigarh Mouza, where inability to meet dowry demands resulted in the married daughter having to live in her parental home. Such instances reinforce the idea of not claiming property rights in land from the parental property as most women consider support from brother at the time of matrimonial discord or divorce as essential. And if the affinal family is belongs to a landed class, the risks of marital violence are low. Even when the property was in the daughter's name, the effective control lay in the hands of the brother as matrimonial homes were distantly situated. Nirmala Devi of Jaganathpur logically contextualizes the issue by citing proximity to natal village as a necessary condition to benefit from the use of inherited agricultural land. However, since daughters were traditionally married far away from their parental home, inheritance of agriculture land is not encouraged. She says, “To cultivate agriculture land, it is essential to be closer to the fields”.

Again, there was a consensus that inheritance of land also depended on old age care for parents. The case of Nayantara Moral in Rayasn Mouza in Bardhaman district was cited where the married daughter got a share in the property as the brother was a drunkard. The implication of daughter’s inheritance in land was linked with fragmentation of land. Customary practices prohibit fragmentation of land and thus,
exclude women from inheriting as daughters. It is not realized that division of property among brothers would also lead to fragmentation of land too.

The brother-sister relationship was used to retain asymmetries in property rights between men and women in Bihar. Women, who waived their property rights in favour of the interests of the male relatives, often did so to protect their perceived interests in the natal families. The perception was that such a sacrifice would be recognized by the brother and his wife and thereby, she would retain her "izzat" (honour of patrimony) and love. Also such women were confident that their brothers in lieu of such "tyag" would stand by them in times of contingencies. The understanding that underpinned such a discourse was that performance of duties and familial responsibilities was important to maintain status within the family and such duties in turn were premised upon the unquestioning sacrificial service that women rendered without optimizing their self-interest and getting implicated in patriarchal practices. Daughter's gender specific normative assumptions about roles of women are interpolated even in some judicial decisions. In such cases legal entitlement is superseded by gendered ideologies. Kline observes: "Ideology is in part, a representational process whereby beliefs, images, attributions and explanations are constructed historically in conjunction with, and in relation to, material and cultural conditions and power relations, but are presented as natural, inevitable and necessary in the current conjuncture". Theoretically, this is also a classic case of constraints on women's rights that can emerge as a space for bargaining for strong fall back position. The breakdown position of each member of cooperative bargaining unit is an important determinant of her bargaining power. When a sister forgoes her share in property, she in ways strengthens her fall back position which may be needed in case of marital discord, divorce or desertion.

Dowry Payment and Inheritance Rights of Daughters: An Equivalence?

Myths hold that dowry at the time of marriage constitutes women's share of inheritance and that women's right to family property is transferred to the affinal household at the time of marriage, that sons deserve greater because of their care for parents and that

daughters can rely on the lifelong financial support of their natal families are used by women to explain women's disinheription from natal family. The same rationale used by women interviewed is reflected in the analysis of appellate legal cases dealing with women and property. Such are women's micro-level motivations which militate against women taking advantage of legal reforms.

The idea of equivalence between dowry and pre-mortem inheritance is a widely contested issue. Goody stated: “Dowry can be seen as a form of pre-mortem inheritance to the bride”.\textsuperscript{34} Comparing dowry payments with the total wealth shows that the two may not be equal. Only when a father sells his land to get a daughter married, there can be a possibility that dowry matches inheritance. Such cases are very rare. In case of landless families, even a small amount of property was more worth than the high priced dowries.

The importance of dowry in the lives of women was immense. Without realizing that dowry is prohibited and illegal, women considered dowry as legitimate. Largely, they believed that dowry was their only monetary relief as daughters claim to property was an imaginative disaster. Women were internalized to believe that dowry was the equivalent to their legitimate claim to parental property. In West Bengal, dowry practice was widespread. For many, dowry represented the daughter's right to property given the exclusion of daughters as heirs to property of their father. There was almost a consensus among most respondents, both men and women, that dowry is equivalent to inheritance share in father’s property. As daughters, they were reluctant and desired voluntary giving up of their property rights as they believed that the father had borne their marriage costs and given them in “kanyadaan” to their husbands. They expressed their gratitude to their brothers and male relatives for having borne the burden of having a daughter. In Bihar too, dowry was a persistent problem. Women pointed out that consumerism had strengthened the roots of dowry in all castes. Historically, dowry was practised among upper castes but now the practice has permeated all castes and classes of the society. The notion of dowry as property was legitimized by customary practices.

Even if one considers dowry as property share, women do not get any advantage out of it. Women become a medium through whom exchange of wealth takes place. Here, a distinction between notional and actual perceived interest response can be made.

\textsuperscript{34} Goody, 1973, pp.17.
Though the daughter may find herself respected in the marital family because of the dowry she brought, in real terms she would not even be able to have independent access to it. For eg. Mostly such dowry constituted cash or consumer goods like motorcycle, scooter etc. The material benefits of the dowry directly affected the husband. When land is transferred as part of dowry it is not registered in the name of the daughter but in the name of the son-in-law or the father-in-law. Several cases were reported that dowry had added to the wealth of the matrimonial family. Women had no independent access to their dowry. The idea of women receiving natal property in addition to dowry plus affinal resources invoked a fear that women would thereby, get “doubly endowed”. This would happen at the cost of the brothers' impoverishment. The larger question that needed to be addressed was whether enforcing property rights of women can lead to dowry harassment. Coercion could be used to exact inheritance from the natal corpus of resources to meet dowry harassment. This is a serious engaging question which the feminist movements would have to debate.

Many respondents were anxious that if they got a right to the property in their father’s endowments, their husbands would also have to give a share to their sister-in-law. This was not considered a profitable proposition. The reason outlined was that dowry being a prevalent practice in Bihar, as a norm the father always wed the daughter to a man whose status was higher than his. Therefore, the daughter’s share in the father’s property would be lesser in value than the sister-in-law’s share in the father-in-law’s property. This was a problematic relationship based on calculation of ‘opportunity cost’ which could perpetuate the doctrine of disinheritance of women.

Absence of sons in the natal family gave women a fair opportunity to claim their property rights. Among some caste groups in Bihar and West Bengal daughter’s full inheritance in sonless families is explicit in customary law. In many other communities, this practice is rooted in the family histories of uxorilocal residence. It strengthened the practice of inviting the son-in-law to be ‘gharjamai’. Traditionally, the practice of gharjamai was not popular as it meant that the son would lose the closeness with his own family. His “unmanly” and “unusual” residential situation is not welcomed in many communities. But when property ownership was in question, men often legitimised the practice in the name of ‘seva’ (service) to the aged in-laws. Therefore, eventually, where
the son in law is invited in, the land finally is inherited by him. In the present study
brotherlessness was indeed of the rare situations in which women enhanced their chances
of gaining property rights. There were 39 brotherless respondents who had either already
inherited or were expecting to inherit. The frequent reference to the brotherless
daughters' as being son-like is problematic. Treating the daughter as "surrogate son"
measures her against the dominant male standards and perpetrates patriarchy. Though one
cannot deny the apparent empowering potential but one needs to place it in context of
denial of personhood to women.

Widows' Claims to Property: Conditionalities for Legitimacy

Widows have been marginal recipients of inheritance rights in land in their independent
capacities. The unitary household model which endorses household interests as inclusive
of independent interests is followed. Traditionally, widows prefer not to claim their share
in their deceased husband's land because they believe that their sons will naturally take
care of them. Also there is a fear that their interest and good relationship with son and
daughter-in-law may be jeopardized with such a claim. There is suspicion among many
widow respondents that even if they own land it would be controlled by their sons.
Generally, widows claimed their property rights in land when they felt threatened by the
differences in interest of the son. Customary practices favour widows' claim to their
husband's land but it is conditional on forfeiture of remarriage; continued residence in the
village, dependence on a son etc.

Self denial and reclusivity are the ideals for widowhood. She faces double
alienation from her parents and her in-laws. In such a situation, her reliance is largely
upon children and she is dependent on upon their support, physical, material and
emotional. Whether widows could actually exercise their rights depended on a number of
factors such as the age of the widow, whether she had children, the sex and age of the
children, the attitude of the in-laws towards her, the status of her parental family, whether
the land had been partitioned before her husband's death, whether she had remarried and
where she lived.

While exploring the local practices regarding property rights of widows in land, it
was found that the Hindu community in West Bengal follows customary laws that are not
consistent with statutory laws. For instance, widows with young sons are entitled to trusteeship rights until their sons mature. Again widows with adult sons are entitled to maintenance by their sons. Childless widows who have only daughters often forfeit whatever tenuous rights they have in their husband’s village to return to their natal village. They conclude: “What ever may be the legal rights, actual legal ownership of land by a widow is a rarity and even where use rights have been established control lies elsewhere”.

In Bihar, it was found that widows with adult sons typically forfeit their property rights to their sons. Widows with minor sons are generally able to claim use rights over her husband’s land but childless widows are hardly capable of getting a share in the husband’s property. The entire system of giving widows’ property rights was based on the understanding that she would use it to meet the needs of her sons. The idea was to maintain the patriarchal lineage. Communities sanctioned the sale of widows’ land only when it was in the interest of the family, for instance, for her daughter’s marriage or to meet education costs of her son. Finally, widows who went back to the ‘naihar’ (parental home) lost their claims to ownership or even usufructory rights in land. The low recording of widow’s names in the record of rights was largely because property was usually partitioned orally.

Land in the name of the wife: Practical Gains?

Women had land in their names where husband bought land in the names of their wives. In all blocks of North 24 Parganas and Bardhman districts, there is a growing trend towards purchasing land in the favour of wives. This is largely to avail government benefits of schemes and income tax provisions. Husbands also bought land in the names of their wives to get long term benefits of ‘separate property’ in case of division of property. Many landowner women observed that long years of marriage made them eligible for landownership through land market. Husbands of such women commented that they were sure that their wives would never leave them and therefore, there was no risk in buying land in their wives land. This provides a good case for intervention in favour of empowerment of women through their rights to access land.
Social Construction of Vulnerability of Women

Community leaders supported women's rights in land if they were widows without sons or were destitute. Their legitimacy to the claim was recognized if their vulnerability was apparent. This interesting to note that such a gendered ideology also pervades in the judiciary and the land reform legislation. Sulekha Biswas, a respondent in Panchgara Mouza said that women's rights to inheritance would be justified only if they were needy or in grave financial crisis. Men respondents agreed to help their sisters in financial emergencies through monetary support but were not willing to give them rights in land. Destitution, distress, widowhood were widely recognized instances of vulnerability that became a ground for granting property rights to Hindu women. The Hindu cultural ideology makes a woman subservient and dependent familial role normative to the extent women's interests as individuals is realized.

Recognition of Empowerment Potential of Land Rights

The interviews pointed out that women participated in all agricultural activities other than ploughing. Women who belonged to peasant households but did not have to work as agricultural labourers, also pointed out that they bear all the responsibility for agricultural produce once it is brought home from the field, yet they are not considered cultivators and only their husbands are recorded as cultivators. They felt that ownership in their direct name would help them have greater access and control over the resources of the household. The role of women as independent earners from the effective use of their agricultural was understood to secure a brighter future for themselves. Extensive interviews reflected the conflictual pulls and pressures that women felt in recognizing their individual self interest on one hand and the constructed image of a "devoted sacrificing traditional Bengali" wife that they all idealized on the other hand.

Given a choice, 62 percent of women felt that they should have independent access to ownership of land to have an independent status. They were sure that property rights would enhance their capabilities and give them a choice to live life on their own terms especially in times of widowhood. On the question of right to property and what property meant to them 69 percent of women agreed that ownership and effective control over property meant social and economic empowerment. They also conceded that entitlement
to land rights would provide them greater security and control over productive resources and enhance their capabilities for fundamental functioning.

Socialization and the socialized ideas of an idealized Bengali womanhood were predominant in the narratives captured in the interviews. The normative status of women within her pre-marital and marital homes was encapsulated in local dialect proverbs which impressed the girl about the hardships she would face in ‘sasurbari’ (husband’s home). “A girl child born”, goes one proverb, “to marriage or death, she is already gone”. She is a “treasure possessed by others” and “travels in another’s boat”. From birth she is viewed as already a member of another household, someone who hold a transient membership within the family. Therefore, the incentive to educate her is less as also to give her legal rights.

The idea of daughter as a transitory member of the affinal household, the issue of fragmentation of land and gendered construction of vulnerability are important motifs that are articulated even in our judicial decisions on Hindu Succession Act. Property as a social construct is embedded in a multilayered understanding of ways in which patriarchy permeated the lives of women and to a great extent also decided their capabilities and efficient functioning. Land rights of women are crucial for their empowerment. However, the differential life experiences of women as daughters, wives and widows are intersected by other forms of oppression from caste, class, religion and the like. The ideologies that create gendered spaces in which women contest for their rights have found support not only in agrarian cultures but also in our legal system.

Perception of Self-Interest

Women’s individual self interest was juxtaposed against the family interest. Many respondents were critical about such individual notions. Though one cannot draw a conclusive relationship between women and their husband’s class in terms of well bring, yet one finds that respondents were in favour of improving their families’ economic situation and their status within the family. One finds a reflection of such notion of women’s self-interest in unitary household model that informs development interventions in India. Feminists have often questioned the link between self-interest and personhood.
In West Bengal more than in Bihar, it was found that women’s identities were invariably tied either to their husbands or their children. This is many ways estranged women from exercising their rights. At the same time such undemanding loyalty towards family interest was a fertile ground for long term gain for many women in term of well-being.

Perception of Women’s Contribution to Work and Bargaining Power

With the increasing feminization of agriculture, it becomes important to explore the crucial gender-divisions within and outside the family that impact women’s ‘perceived contribution response’. As Sen observes: “The sense of appropriateness that goes hand in hand with ambiguities of perceptions of interests, and with certain perceived notions of legitimacy regarding what is deserved and what is not”. 36 The sexual division of labour allocates tasks based upon social construction of gender and that such construction typically allows males to do the work of ‘acquiring food’, while females are involved in other activities. This weakens the perception of importance of bringing food home. 46 percent of the women in West Bengal and 58 percent of women in Bihar were of the opinion that their men worked harder than them as they had to earn from outside. Similar observation is made by Boserup that women fare relatively better in societies where they play a major role in bringing food from outside. 37 In fact women’s role in providing for the family from the external means is valued more than their engagement in the household. The perception of the status of a provider is intrinsically linked with their perception about themselves. The underlying assumption is that women’s role in paid labour force and her control over her generated income can negotiate her socio-economic status in the household. One such observation is: “Whether one views the increase in female agriculture labourers as an indicator of growing rural poverty or as a positive sign that more agricultural work is available for women, its effect in terms of our third criterion (that is, decision making) should be examined separately. Evidence suggests that

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36 A. Sen, ‘Gender and Cooperative Conflicts’, WIDER Working Papers, WP, UN University, UN, July 18, 1987, pp. 17
the increased paid employment outside the home may actually improve the women's bargaining position within the family”.

In the small and marginal households in West Bengal and Bihar, it was found that land provided security against poverty as well as food security. In fact with high migration of male members, households had often become the site for subsistence production. For example, many women grew vegetables when their husbands had migrated during the lean period, for household consumption and earn some money from the residual production. The relegation of women to the 'domestic' sphere particularly, in the higher caste agrarian households, alienated them from the sense of their contribution to the productive labour within the household. In their eyes, productive labour was associated with work outside the home. One respondent in Bardhman district summed up by observing that as a peasant she works as hard as her husband. But when her husband sells the produce in the market he says 'I' cultivated it. The lack of acknowledgement of woman peasants' contribution to agricultural production of her own household was a cultural norm in most agrarian societies. She further commented that her contribution is linked to her role as a wife and not recognized but if he would have employed agricultural labourer he would value their work. In Bihar, women pointed out that women's productive role was subsumed in their role as the nurturer. Such devaluation of women's work was linked to their role as dutiful wives in the matrimonial households. Padma Devi, in Parwalpur Block in Nalanda district said, “It my duty to do all the domestic chores and help in the field. I wake up at 4 in the morning but even then at the end of the day some things are still left to be done. I work as hard as my husband and sometimes even more. I also have to take care of my three children. But in our society, women are treated as inferior to men. When I come back from the field with my husband, I have to make tea for him. Why can't he make some tea for me? We are both tired then.... Men have higher position because they are men and this is our culture.” Women debated that land ownership is a crucial tool to the recognition of their work. As a landowner, working in their own field gave them a sense of pride and made them positive.

contributors to the household’s well-being. In other cases, they are reduced to unpaid labourers who are obligated to work.

The division between the ‘domestic sphere’ and the ‘productive sphere’ as defined in the customary practices is not easy to demarcate. Though sexual division of labour within most societies predicates that women are located within this ‘domestic sphere’ while men go out of it to do ‘productive work’, it is a complex issue. For women who are associated with self-help groups their ‘domestic sphere’ is also their ‘productive sphere’. For instance, in North 24 Parganas, self-help groups involved women in home based production like basket weaving. Thus the separated spheres of work in the relations of production merge. The perception of women’s contribution to production plays an important role is ascribing legitimacy to gendered practices, in customary practices the separation between the two is a normative precursor for recognition of women’s labour as productive.

This brings us to the question of understanding the way cultural ideology that shapes women’s perception about their work and contribution as also perception of others regarding their work. From the field research, it was found that women’s perception of the contribution of work varied according to the type of agricultural work they engaged in. Generally, manual Among high caste women land owners, manual work in the fields is considered it be degrading. Instead, the work of supervision and management of agricultural produce was considered to be ‘hard work’ as it required skills of leadership. Among non-propertied women and agricultural labourers, sowing of seeds was a difficult task. It required physical strength to be in the field for long hours. Ploughing was strictly men’s work. Constructing of certain occupations as masculine, genders institutions which sustain subordinate relations between women and production processes. Customary beliefs associate ploughing as a sacred task and only men are allowed to do it. By implication, women who are impure as they menstruate and pollute are not permitted to use the plough. Here, one has to note that development policies of the state too, identify ‘ploughing’ as the most important task. Therefore, the theoretical premise of any land reform programme is “land to the tiller”. This exacerbates women’s invisibility as ‘equal peasant’ and marginalizes their land entitlement claims.
It is therefore critical that definition of work is a basis for the legitimacy of ownership and other forms of control. To the extent the ownership of assets, particularly land is predominantly male, it is supported by the legitimacy of male ‘work’ and the delegitimisation of women’s ‘work’. Any social policy that seeks to equalize the gender gap in ownership of assets would involve the process of including women’s work and contribution.

From the above analysis it is clear that gender relations are shaped by both cooperation and conflict. Women cooperate as along as cooperative arrangements make then better-off than non cooperation. Since membership to the family is central to women’s lives, women do not pot for exit in abusive relationships. Lack of familial and institutional support reinforce women’s patriarchal domination and weaken their fall back position. Their low perception about their self interest affects policy response of institutions as evident in land reform legislations and policies in West Bengal and Bihar. Such conceptions of altruism are reinforced by unitary household models that inform policy decisions of resource distribution of the state.

**Politics of Exclusion and Gender Relations: Intersection between Household, Community, State and Beyond**

The household, society and the state intersect each other on the axis of gender. In collusion, they act in manifold ways to exclude or marginalize women. In both West Bengal and Bihar, democratic institutions by themselves do not guarantee gender quality though emphasis on gender equality has been an important aspect in the process of democratization. In many ways, the micro unit of analysis, households are the nucleus of subordination, a condition that may have changed in form but which has survived the shifts from agriculture to industrial societies and from feudal to capitalist modes of production. But there are “extra-household parameters” like the state, community, market and social movements that impinge upon relative degree of bargaining power of women in the context of property rights of women.

These externalities are important determinants of the way propertied women can exercise their bargaining power at the household and other arenas. Women’s relationship with the state is a variable for consideration here. As Agarwal conceives of the state not
as a monolithic structure but as a differentiated structure through which gender relations get constituted, through a process of contestation and bargaining. 37 The state has the power to enact laws such as the Hindu Succession Act, 2005, can formulate development policies like the land reforms in West Bengal, improve women’s access to resources through policies such as the Mahadalit Land Policy in Bihar, provide protection from gender violence etc. at the same time, the state can use its power of coercion to reinforce gender-regressive biases to create a situation of conflict. Both cooperation and conflicts can become integral processes that constitute the nature of the state.

On the question of property right of Hindu women, there is an informal activation of gendered ideologies and underlying politics that influence disinheritance of women. The state imbibes such exclusionary visions not only in its development policies but also legal reform projects. Though the Hindu Succession Act 2005 has substantially improved the condition of women with regard to inheritance rights, its substantive interpretation in judicial decision has been limited. Law has produced complex and multilayered subjects implicated in the understandings of culture and the identity of the nation state. Such construction of gender identities find its articulation are community generated and often find place judicial decisions. Implementation of progressive state land legislations can also bridge the gender gap in property rights between men and women. Land reform is an important instrument to address such gender inequalities among the landless. Gender has to be placed at the centre-stage of the development discourse so that exclusionary practices are marginalized and women get a fair chance to enhance their capabilities through land ownership. An equally important role is that of administrative machinery of the state in implementing laws.

West Bengal and Bihar are two states with divergent levels of democratization. While in West Bengal, the state has been pro-active towards rural development through land reforms, in Bihar the state has been soft on the land issue. In fact, in Bihar there is a nexus between the landowning class and the state in maintaining status-quo in land relations. The state has been largely shaped by the ruling power and its agenda for development. In West Bengal, the Left Front government influenced by its disciplined

organizational structure, has broadened its political base and created an effective power bloc among the middle and lower classes. Its penetration into the rural hinterland through party activities have reinvented a political culture that has greatly impacted democratic practices. For example, party based women's groups in West Bengal are very active. They have not only been effective in negotiating women's rights but also have brought women into the mainstream through various policies like self-help groups, micro-credit facilities etc. Engaging women into economic and social processes have institutionalized the party and brought political stability. In Bihar, though social mobilization of the middle and lower castes have been a prominent feature of the politics, it is poorly institutionalized. Women's issues are treated as additive category to mainstream policies. The development intervention of the state in Bihar has been largely exclusionary in terms of women's interests. Though many have conceded that rule bound party institution as have gender biases that are difficult to change, in Bihar one does not find disorganized parties to provide greater opportunities to women. Indeed, improvement in women's status is possible with their integration into the public sphere. Parties are the gatekeepers to women's advancement to political power. The effects of political institutions on women's bargaining power to make political demands is immense. In West Bengal, women's movement has been more or less active. There has been active participation of women's groups in Gram Shalishi to mitigate women's rights. In Bihar, women's groups were marginalized to such an extent that their demands were not channelised to the appropriate authorities. In the Jan Sunwais and village dispute settlement mechanisms, women's voices were largely suppressed. By enabling citizen groups and institutions to mobilize and express their views, democracy opens the doors to both liberal and illiberal influences on gender policy. Women's voices bring liberal and feminist perspectives to decision making. At least they gain the space to contend with forces opposing change and with political institutions reluctant to prioritise gender policy issues. In Bihar, women are silenced. On the other, in West Bengal autonomous women's groups have been influential in negotiating women's rights. It is found that sometimes, party based women's groups are neutralized as larger issues are prioritized in party agendas.

In both West Bengal and Bihar, the state's relationship with civil society organizations has been that of cooperation and conflict. While the state seeks cooperation
with non-government organizations on issues of health and education, it has been non-ambivalent towards them for programmes that call for major redistribution of resources. The main reason for such a relationship is the fact that redistribution of resources could adversely affect the interests of the state’s political constituencies. Independent activities of non-government organizations have created the space of bargaining of women’s rights in both Bihar and West Bengal. Adithi Vigyan Kendra of Muzzafurpur in Bihar has enabled women to have access to leased land for profitable agricultural production. The concerned women admit that this could be the seeds of a women’s movement in Bihar.

The various social and political movements have also defined the contours of democracy in India. Both West Bengal and Bihar have witnessed people’s movements and popular struggles. Some of the major tenancy struggles in Bihar took place under the leadership of All India Kisan Sabha in the 1930s. Comparatively, in West Bengal, the Left Front government played a significant role at the state government by putting land reform on the forefront of their agenda for agrarian reform in the state. Those states with more dense social and political movements tend to experience a more vibrant democracy, both because these movements act as a check, feedback and a resource for the political parties and also because civil society organizations draw their vibrancy from these movements. There are, of course, states that have witnessed social and political movements and yet await their turn to a qualitatively better democratic environment such as Bihar and states that have maintained a vibrant legacy of movements and civil society like that in West Bengal. Each in its own ways has shaped state-society relations and have developed a perspective to accommodate gender issues in its development discourse. While in West Bengal, we find that gender issues have sometimes gained prominence and other times have been neutralized for larger political issues; in Bihar, women’s issues have largely been marginalized. Even in political parties, representation of women have been marginal in Bihar.

In conclusion, democratic impulses can lead to vibrant political culture that resists patriarchies and sustains gender sensitive regimes. Bargaining for property rights is not limited to the household alone. It is dependent on state-society relations and many other extra-household factors like institutionalization of social and political structures, nature of social movements, negotiating capabilities of women’s groups etc. On the whole in all
these spheres of bargaining, women have to be treated as ends in their own rights. On the contrary, their personhood is often challenged by patriarchal controls. They are objectified and glorified in their instrumental role of serving the family. They are considered as mere instruments of the ends of others—reproducers, caregivers, sexual outlets, agents of family's general prosperity.  

In the field study, women have unambiguously expressed their reluctance, as Hindu women, to substantiate their claim to parental property through succession. To what extent can their significant role within the material structures of subsistence production and survival strategies provide for the basis upon which such legitimacy may be argued. Given that these women are fully aware of their role and contribution to agricultural production, through what processes may this be translated into establishing effective bases to promote their claim to land? In the case of women and ownership of land within the agrarian sector, a gendered access to land requires law to create legitimacy on both cultural and socio-economic counts. A critical approach to understand the dynamics of construction of gender relations and the way it is constituted by the state, community, household and other factors can be useful for analyzing the politics of gender domination. The state has to democratize its processes to create new frameworks for recognizing social inequalities based on gender. The agency that women have in challenging, resisting and subverting the processes of production has to be understood for any gender planning. Typically, the contradictions inherent in women’s location within various structures can also become the effective sites for political action and strategies for empowerment can be devised.

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