

**WOMEN'S LAND RIGHTS AND ASSOCIATED VULNERABILITIES IN  
RURAL WEST BENGAL: A CASE STUDY OF SUBHIPUR VILLAGE,  
DISTRICT HOOGHLY**

*Dissertation submitted to Jawaharlal Nehru University*

*for award of the degree of*

**MASTER OF PHILOSOPHY**

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**DECLARATION**

I, Soumi Chatterjee, hereby declare that the dissertation entitled " WOMEN'S LAND RIGHTS AND ASSOCIATED VULNERABILITIES IN RURAL WEST BENGAL: A CASE STUDY OF SUBHIPUR VILLAGE IN DISTRICT HOOGHLY" submitted by me for award of the degree of MASTER OF PHILOSOPHY is my bonafide work and that has not been submitted so far in part or in full, for any degree or diploma of this university.

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**CERTIFICATE**

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## **ABBREVIATIONS**

<b>CSW</b>	Commission on Status of Women
<b>DHDR</b>	District Human Development Report
<b>DLHS</b>	District Level Household Survey
<b>GOI</b>	Government of India
<b>HDI</b>	Human Development Index
<b>HUF</b>	Hindu Undivided Family
<b>HSA</b>	Hindu Succession Act
<b>ICRW</b>	International Centre for Research on Women
<b>ICT</b>	Information and Communication Technology
<b>MDG</b>	Millennium Development Goal
<b>MHRD</b>	Ministry of Human Resource Development
<b>NFHS</b>	National Family and Health Survey
<b>NSSO</b>	National Sample Survey Organisation
<b>OECD</b>	Organization for Economic Co-operation
<b>RDI</b>	Rural Development Institute
<b>SIDA</b>	Swedish International Development Agency
<b>SRS</b>	Sample Registration System
<b>TFR</b>	Total Fertility Rate
<b>UNCSD</b>	United Nations Conference on Sustainable Development
<b>UNCHR</b>	United Nations Commission on Human Rights

<b>UNCHS</b>	United Nations Commission on Human Settlement
<b>UNDESA</b>	United Nations department of Economic and Social Affairs
<b>UNDP</b>	United Nations Development Programme
<b>UN FAO</b>	Food and Agriculture Organization of the United Nations
<b>UNSAID</b>	United States Agency for International Development
<b>WPR</b>	Work Participation Rate



# Chapter 1

## *INTRODUCTION*

Land as a productive asset has been considered as the potential means of livelihood generation which participate in the economic growth indirectly. Not only are lands in rural areas the source of power but also status in the society. Thus, access to land is basically the key variable which implies the ability to have the power to access the land mainly rural land, the most important asset for the villagers on which their means of livelihood and status in the society as well is dependent on. Studies have found out that productive land as a physical capital occupy a larger portion of family endowment among rural households and act as a source of both livelihood and old-age security (Agarwal, 1994). These benefits of land are even more evident in the traditionally patriarchal societies, especially for women who are excluded from access to all forms of capital, but specifically agricultural land. Women's land rights area is being increasingly considered as means of promote development though empowering women and improving welfare. Inequality in women's inheritance right is a common phenomenon in the developing countries like India. In India, near about 10% women have titled agricultural land in their name while 83 % women from rural areas are engaged in agricultural labour (Ministry of Rural Development, 2011). The issue related to women's access to property in India has been identified as a social problem very recently i.e. from sixth five year plan though it was hidden but existed in the society from long back<sup>1</sup>. However, the World Bank Development Report (2012) has focused on this current issue as they conceive equality as the precondition for developmental policies. Though in recent years the gender gap in land ownership shows a declining trend, but the women's control of over even their own land is really questionable. In practice, women's own land either in the form of individual holding or joint holding but the land is controlled by the male members of the family. FAO (2011) has identified that a negative correlation exists in-between women's control over agricultural land and gender gap in access to

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<sup>1</sup> Sixth five year plan aimed at giving joint title of land to the spouse and redistribution of both arable land and homestead to the landless poor. The eight five year plan was the first in the policy provisions in India which was in favor of women. It aimed at the increasing status of women in the society and suggested inheritance right is the only way to achieve women's good status through equal share of property.

productive resources. This study is relevant in the broader research areas of gender inequality in distribution of resources within household and decision-making process; productive asset building through feminization of agriculture and initiation of micro-credit organizations and lastly gender inequalities in access to education, land and capital and their impact on women's ability to use economic opportunities (World Bank, 2001; Agarwal, 1994).

### **1.1. Statement of the Problem**

The third of eight MDGs has focused on gender equality and women's empowerment in respect to education and wage employment mainly in non-agricultural sector (Kabeer, 2010); however property right is totally neglected from the list. In the recent times, access to communal land has declined in India, which may have resulted into conflict over private property where women are lagging behind men due to gender inequality (Agarwal, 1994). In the most countries worldwide, as identified by UN, women hardly have legal right to productive land (UNDP, 2015). The property rights for women were accorded legally in India as early as in 1956 for the un-married daughters and 2005 for married daughters. However, these laws lack implementation, due to limited social acceptability in a society driven by strong patriarchal norms. Hindu Succession Act (1956) and its amendment (2005) determine inheritance laws in India the latter allow provisions for married daughter, who were earlier in the most vulnerable position with respect to land rights, though in most cases, they can hardly make claims to their legal rights to property inheritance. Inheritance is the major source of property rights especially for women but as it is also 'a key element of family and kinship relations', and influences the structure of social relation in the grass root level (Dube, 1997). Land is a valuable productive property with symbolic value of status, identity and hierarchy of a particular social milieu. The progressive legal changes and policies hardly entered into the social vacuum, which in turn remains ineffective to rule out the social conflict (Gupta, 1993). Even with legal provisions which guarantee equal right to every citizen in respect to inheritance, many countries have their gender biased customary laws working to shape land transfer (Cooper, 2010). Women's right to property is associated with marriage under the patriarchal regulatory concept of joint Hindu family which hinder women from their independent right thus, create difficulty to ensure women's de facto control over property (Kodoth, 2004). As land and other property is

considered as family assets whose entitlement remain in the name of male head of household, women in the family remain subordinated in socially constructed role being dependent mothers and wives (Rao, 2011). Women can't claim right to agricultural land during marital breakup as it is considered to be the property of marital family (Yunxian, 2010). Only widows get some right to land in a particular period of their life though it is primarily as a caretaker capacity to take care of the property to pass it on to the male members in the next generation (Agarwal, 1998; Rao, 2008). Women's property right provisions thus, have questioned the gender-based policy silence about women's ownership right and control over agricultural land which hinder their ability to overcome marital violence and economic distress thus, disallowing them to avoid violent relationships (Kelkar, 2011). Gender gap in access to productive asset like land in terms of both ownership and control is considered to be the most influential factor of gender gap in socio-economic wellbeing and empowerment of women (Agarwal, 1994). Agarwal (1994) has identified that women generally lack their right on productive land in India which is the main cause of women's disadvantage position in the economy in respect to men. Only legal provisions for gender equality could not guarantee women's access to productive land (Rao, 2011). According to Agarwal, "women's economic dependency is a critical constituent of the material basis of gender oppression" (1994:13). During the land reforms in India, instance has been found from several literature that land owned by women was considered as surplus land in the family (as very less women owned land at that time) and their land had been taken over by the government but the land in the name of their husbands remained intact (Saradamoni, 1983)<sup>2</sup>. Thus, study of the social norms and cultural practice in gender distribution of productive land is crucial to understand better the gender equality constraints and related developmental issues of women (Kelkar, 2011).

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<sup>2</sup> In Agarwal, 1994.

## **1.2. Concepts Used in the Study**

### **Land**

Land seems to be the most important physical assets for rural communities. However, due to restricted productive use, this land only could be resulted into non-assets. Hence, effective use of land is always necessary for its better productivity (Rao, 2005). Land is embedded directly in social relationships like in-between households and kinship networks (Knight, 2010). In rural India, mainly among agrarian communities, land is not only the source of livelihood but also the major source of transfer of wealth through generations.

### **Rights**

The term right refers to the legitimate prescription of particular role to a person. Agarwal (1994) has defined right as the claims that is both socially and legally recognized which has been enforced by an external legal authority. However, in the present context, we will be dealing with ownership right which means legal entitlement to the property. According to Knight,

“Rights are derived primarily from accepted membership of a social unit, and can be acquired via birth, affiliation or allegiance to a group and its political authority, or transactions of various kinds including gifts, loans and purchases” (2010:25).

### **Property Rights (Land and Resource)**

Right to land and any other property consist of ownership right, usability, effective control, decision making ability about inputs and outputs of agricultural production, inheritance and transfer with only own willingness (Gomes and Tran, 2012). Right to property for land includes both family and individual rights to arable land and residential land while right to resources mainly focus on the common property resources like forest, grazing land and water and their access by both individual and community (Knight, 2010). Three terms communal property, household property and women’s property as private property need to be distinguished. Communal property simply includes common property resource which is conditionally open to

all or some times restricted<sup>3</sup>. Household property includes the household assets like homestead land, dwelling house or arable land and other consumptive assets whose bequest is either dependent upon all members' consent or in decision of head or elderly person. Women's property comes under private property of a person which includes decision making power of that person only with single authorization. Women can have private property both independently or jointly with the entitlement to spouse; from the perspective of empowerment, it is better to have independent right than joint right for women<sup>4</sup>.

### **Access to Land (Right and Control)**

The concept access to land comes to existence with the tenure system. It differs from land right as the former includes the right to use while the latter includes right to own (FAO, 2011). Access to land not only includes the legal ownership of land but also the control over it through authority. Control thus, can be referred as the medium through which access to land can be guaranteed through enforcing legal rights; and access can be redistributed later. Land right, on the other hand, simply includes ability to transfer through inheritance, will or gift, lease, sale and loan (FAO, 2011).

Secure land rights refers to clearly defined right which include proper enforceability along with ability to ultimate transfer without consultation of others and both socially and legally legitimate (Gomes and Tran, 2012).

Entitlement to any resource simply means the ownership of assets is in the paper with legal authorization. However, Rao has found out that it also includes the secondary right for the use of assets, what is needed in women's better bargaining power to redeem that. "An 'Entitlements' approach is at its core a political struggle over negotiating power relations, whether through legal recognition or manipulation of custom" (Rao, 2005:4703).

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<sup>3</sup> The common property resources are seemed to be conditionally open for common and are a part of community property. However, the managerial control remains effective under the dominance of men in the patriarchal society though women are the one who collect CPR (Agarwal, 1994).

<sup>4</sup> However, men are the one in India who hold the control over wealth generating property both private and ancestral (Agarwal, 1994).

## Source of Property Right

**Inheritance:** This is the traditional way of getting land on the hierarchy basis as the male do. Generally in the patriarchal family, land usually got transferred from one male person to another male person of generally younger in hierarchy<sup>5</sup>. Hence, maximum amount of gender biasness can be seen in this picture<sup>6</sup>.

**State Transfer:** This is basically transfer of land from government to individual as a part of land reform programs, resettlement schemes for displaced by large dams and other projects, or antipoverty programs etc. In this case, the land is allotted almost exclusively to males, even in communities with traditionally practiced matrilineal inheritance. Thus, government land transfer is totally male biased with gender discrimination towards female<sup>7</sup>.

**Market:** The last source of land for women is lease or purchase. But it also depends on the financial, institutional and infrastructural support to women. However, for both sexes, the land purchase opportunity is very limited in rural areas where arable lands are considered as source of income, livelihood as well as status and power with women being especially constrained.

Access to land is governed by statutory laws and customary laws both. Statutory laws<sup>8</sup> are simply legal provisions made by government to influence the social issues equally to every citizen while customary laws<sup>9</sup> are socially formed cultural norms depending upon different

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<sup>5</sup> Inheritance is the medium through which parental wealth got transferred inter generation which may contribute to the ultimate development. According to Blinder 1973, the intergenerational transfer of material wealth from parents to children is the most determining factor of source of earning and thus, wealth of household (Deiningger K., Goyal, A and Nagarajan, H,2010).

<sup>6</sup> The concept of Hindu Undivided Family is very important in the context of gender equality inland ownership in India. One can say this belongs to one of the reasons why there are social norms for gender inequality in land ownership. Actually HUF concept has been used to mean that the land ownership should remain within the family itself without any division. In rural areas the land ownership is the source of status and power which no one are interested to transfer or divide. In West Bengal and Assam, HUD has been followed in the name of 'Dayabhaga' where land division is not possible until and unless their father died. On the other hand in rest part of India, 'Mitakshara' has been practiced where the division of land is not possible at all

<sup>7</sup> As for example, during the era of communist party in West Bengal, 'Operation Barga' was carried out to secure land rights of tenants through registrations. But it was primarily on men's name. Land distributed to the landless also went almost entirely to men except single women household, widow and divorced without adult son etc. in history, women were not considered as independent claimants to land.

<sup>8</sup> Statutory laws has been widely covered in the discussion in the next chapter.

<sup>9</sup> Besides the existing personal laws of different religions, women's ownership right through inheritance gets influenced by existing customary laws which govern both family and social relations (RDI report, 2009). Customary laws are simply referred as the norms, different from legal rules, but acting in a society. However, as defined by Knight (2010), customary land is not 'communal' rather they have a major difference i.e. land is held under the

religious rituals to influence the same social issues locally thus, sometimes create social taboos against deprived section in the local level. Thus, the customary laws in general are largely gendered biased against women in terms of inheritance which is considered to be the sole avenue for accessing productive land.

Agarwal (1994) has identified three major consequences of women's land ownership which are as follows:

### **Welfare**

Women's land rights reduce household's risk of poverty and distribution. It also reduces anti-female bias within the household. With same amount of income women generally spend more on children's nutrition and educations and family whereas male spend more on their necessities like for addictions. Land rights also matters for women who belong to rich family mainly after breakup of marriage for security and welfare.

### **Efficiency**

Without land rights, women work in their family field as unpaid family labour. They don't have title of their cultivated land. They have full responsibility to cultivate the land and also maintaining the family. Recent surveys show that women are more informative than the male members of cultivator about the agricultural efficiency. So they become less recognized in agriculture and also lack the decision making ability in agriculture. During male selective out migration, women act as facto heads but still they won't get any ownership rights even cultivating for so long time. However it is argued that granting land titles to women leads to fragmentation of land holdings which reduces output. But studies have also suggested that the redistribution of land from big to small farmers will increase output.

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system called custom while communal is the through which land is used. In the present context, customary laws influence the inheritance practice of land ownership. According to Alden Wily, "Customary domains are territories over which the community possesses jurisdiction and often root title [...] within the domain, a range of tenure arrangements typically apply" (2005:7). This laws are more important with its large implications in the process of land ownership as in India, the major source of obtaining land right is inheritance not state transfer or market (Rosenblum, 2013). However, because of the gender biased customary laws existed in the Indian society, women even with legal right to own, lease, rent and inherit property, got prohibited from claiming the right in practice (Rao, 2012).

## **Equality or Empowerment**

Equality refers to earning the capacity to challenge the existing power relations which place them in an inferior position to that of men. Gender equality is necessary to achieve social justice. Empowerment is a process of gaining power to reduce the restrictions on women's development. It is actually the agency which promotes ability to make choice. Women with land rights are treated better in their family. Land rights increase the economic security of women as well.

### **1.3. Review of Literatures**

According to the constitution of India, every citizen has right to equality and equal protection of laws irrespective of race, caste and gender. Rights for women are the source of women's social status and power along with economic independence and autonomy (Gomes and Tran, 2012). Women's equal social status includes their right to hold and inherit property as well. But inequalities in this field is experienced since past. The major constrain is from the side of socio-cultural norms which control gender relations in the society and thus, form gender related constraints (UN DESA, 2009). The gender related norms is referred by Wiklander (2010) act as a determining factor of women's empowerment and analysis of division of power in the Indian society. Nonetheless, policies in recent years targeted towards the improvement of women's position same as men in the ground of equality and efficiency (Duflo, 2003). Historical analysis shows that women in Indian society lacked status in society, economy, culture and polity. According to Gomes and Tran, "Without the basic recognition of women's capacity and right to make fundamental decisions about their lives, women will remain relegated to the sidelines of society" (2012:2). Land is considered as key asset for livelihood purpose mainly at low level of development. As a result of what long developed societal rules govern the inter-generational transfer of the land (Platteau & Baland, 2001). Extensive studies have considered land, the productive asset as essential source of livelihood in the lower level of development (Agarwal, 1994). As for example, Land is referred as fundamental asset for food production and community development (FAO, 2008). On the other hand, Land is a crucial property which establish power relation within family and also in society at large (Garikipati, 2009). "Land is



more than a physical entity; it has been, and continues to be, the economic backbone of the agrarian system and the rural power structure” (Bhandari, 2001:168). Thus, Land seems to be the productive asset along with source of material wealth, from the economic point of view, as well as the source of future security and status and recognitions for both men and women in the society (Rao, 2011). As a result of that, social institutions (pre-existing norms and structures) has been developed since long to govern the generational transfer of immovable property, i.e. land (Platteau and Baland, 2001). Behrman and Rosenzweig’s (2004) study shows that the developed world experiences more or less equal allocation laws of property than the developing one. However, in the developing countries, the norms governing inheritance of land across different societies shows a tremendous diversity (Baker and Miceli, 2005). Literatures dealing with ‘land rights’, broadly focused on the legal claim for land as a natural resource and the benefits incurred from it (Schlager and Ostrom, 1992), while the development goal is interested in the effectiveness of the land. They include social recognitions too beside legal one in the conceptual framework (Agarwal, 1994). Ideally the question should focus not only on ownership rights but also on control over land.

Women in developing countries generally lack the ownership rights to productive land, and also its effective control (Nzioki, A, 2007). Since land is considered as family property, the distribution of this outcome resource varies within household due to heterogeneous gender preferences which in turn affect the economic outcome of each individual (Anderson & Eswaran, 2009). Vast literatures have dealt with the causes for property rights being important for women. Authors explained that women can improve their socio-economic status only by undertaking socially recognized property right and visible work (Agarwal, B., 1988). However, even with legal right to own property, women failed to claim the control over land effectively (Rao, 2012). Many studies has pointed that male preference in inheritance has contributed to gender inequality in land rights as male being the ‘successful buyer’ acquire land by state transfer and market too (Deere, C. D. and Leon, M.,2003). Several studies support that low awareness among the women regarding the property rights restrict them to claim and own land (Platteau and Baland, 2001; Behrman and Rosenzweig, 2004), however this argument was criticized by Agarwal (1994). Moreover, women from peasant background generally works in field without recognition of their labour which is extremely important for *de facto* ownership in case of divorce, death or male migration (RDI report, 2009). Kodoth (2004) has done a Kerala based study of women’s

property right in which it has been argued that due to the high incidence of male selective migration from agriculture, the burden of cultivation of family land comes over women which they operate without *de facto* entitlement. Women generally get a part of their share from natal property through the system of dowry; however, they are not directly entitled, rather that portion of the property gets transferred directly to the in-laws and they ( in-laws) hold the ownership right of women's paternal property (Eapen and Kodoth, 2001; RDI report, 2009). As a result women lack economic security even when they are given a portion of land as dowry. Hence forth, women's right to inheritance of productive land becomes very important for them, so as to guard them against any economic crisis. Therefore, as identified by Agarwal (1994), women's land right can enhance women's position in three area i.e. welfare, efficiency and empowerment.

The World Bank has adopted a rural strategy in 2003 which suggested that enhancement of socio-environmental as well as productive assets of a poor can improve their well-being. Literatures have pointed out the necessities of women's inheritance rights which affect intra-household bargain of power and the socio-economic outcomes of the individuals in addition to that (Udry 1996; Goldstein and Udry, 2008; Anderson and Eswaran, 2009; Panuzzi et al, 2009). Supporting the finding, Roy (2008) further argued that increase in autonomy in the marital family as caused by women's ownership right, led to increased bargaining power within the household. Again, women's contribution to family income has been found to improve their bargaining position in the household mainly after marriage (Mathur and Slavov, 2013). However, it has been criticized by Sen (1990) who is with the view that women's economic contribution to marital family alone cannot increase their bargaining power in that family, rather, perception is the most influential factor for the visibility and recognition of women's work and economic contribution. As women's role get recognized in the eyes of spouse, family and community, women's decision making ability within the family increases. Moreover Kodoth also has criticized that "while women's bargaining position in their marital family could vary with the property they bring as a dowry, even a large dowry is no guarantee of security" (2004:1917). According to Rao (2005), women without any entitlement to assets are subjected to 'allocational inequalities within the households'. Some studies proved the increase of girl's educational attainment due to amendment in Hindu Succession Act, 2005 as a sign of better socio-economic status of women (Deininger K., Goyal, A and Nagarajan, H,2010). A list of literatures are dealing with the welfare approach of women's land rights and justified that women's ability to

access and control the productive resources is positively correlated with the development of children education, child and mother healthcare and family welfare (Dyson and Moore, 1983; Thomas, 1990; Agarwal, B., 1994; Luke and Munshi, 2007; Qian, 2008). Several studies have supported women's asset holding as the source of their improved working condition and active role in household decision-making, however it has been strongly criticized by Garikpati (2009) that not necessarily it can contribute to welfare of women themselves. Thus, women's ownership of land not only favors the formal equality between male and female but it's a sign of women's well-being and empowerment too (Deere, C. D. and Leon, M., 2003) as it also improves the status of women in the society (Roy, K. C. and Tisdell, C. A., 2000). Various literatures argued women's right to property must be protected and enforced in equality to men so that women can play important role in the lives of their relatives (Gomes and Tran, 2012). Agarwal (2003) considered women's land ownership as a source of their self-confidence with the help of which they are able to demand health care facilities and education provisions for them. However, Rosenblum (2013) criticized that, due to inheritance rights, the cost of daughters increases which in turn resulted into decreasing interest of parents to invest their resources in health of their daughter and along with higher son preference therefore leading to high female mortality rates.

Literatures dealing with efficiency as an outcome of women's property right are very limited. However, many studies have found out that women's resource endowment can increase agricultural productivity (Udry et al, 1995; Quisumbing, 1996; Behrman et al, 2012). As a result of that, women's negotiation power within the household especially among the married couples increases with effective access and control over productive assets like land (Cooper and Bird, 2012; Rosenblum, 2013). Agarwal (2002) has pointed out that legal ownership of land increase access to credit through mortgage; which in turn not only increases access to inputs and education related to cultivation but also increases output. Moreover, tenure security provides better extension service and input (Quisumbing, 1996). Agarwal (2002) also explains that women are better informed about traditional seeds and have, greater knowledge about use than male which contribute to increasing productive efficiency. This has been supported by several scholars who are with the opinion that lack of land rights for women affect their tenure security which in turn is responsible for productivity losses resulted by lower bargaining power (Udry, 1996; Glodstein & Urdy, 2008)

The social construct of home maker, which implies that women should concentrate only in reproduction spaces, are not socially recognized economy. But women as hired labor or property owner are socially visible as they entered into production spaces<sup>10</sup> (Roy, K. C. and Tisdell, C. A., 2000). Sen (1990) further added that women's participation in economic activity is the source of inclusive growth for the society as it involves each and every person in the working age group thus, whole society benefits. According to Agarwal, "effective rights in property especially land, are of critical importance for women's economic and social empowerment in India" (1995: A.39). The literatures on 'Women in Development' consider property rights as 'fundamental prerequisite to women's empowerment' (Baruah, 2007; Raju, 2011). Authors have argued that that it is more important to have the 'capability to exercise property rights' than only having ownership rights for the empowerment of rural women in India (Roy, K. C. and Tisdell, C. A., 2000). Thus, Women's secured land right is very important to ensure sustainable human development through gender equality along with women's empowerment in global level (Gomes and Tran, 2012). Land right for women is a source of elevated status in the eyes of both family and society which creates a sense of self-worth that helps women to reduce their livelihood dependency (RDI report, 2009). Women's right to productive land can lead to gender equality through addressing the material deprivation (Rao, 2011). "Women in developing countries rarely hold rights to land, which can provide physical safety and psychological security" (RDI report, 2009:3). Lists of literatures are dealing with the economic point of view about the significance of women's property right. This secure right to land is very crucial for the effective use of that land thus, productivity contributes to socio-economic development of rural household in terms of source of income as well as source of status and power (Deininger, K, 2003). But as land is considered a joint family property not of an individual, the persons within the household having the right to access, is the most economically benefited person from the land. In this aspect generally elderly male member as the head of the family is important where women's profit is unseen. Thus, World Bank has proposed that "only independent or joint ownership can ensure that women have access to control over land-based

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<sup>3</sup> Two type of generational transfer of property could be seen in India namely Mitakshara where property rights are by survivorship and Dayabhaga where by birth. Dayabhaga was practiced in West Bengal and Assam whereas Mitakshara was in the rest of India (Carroll, 1991). Dayabhaga consider property ownership as separate or individual property and Mitakshara considers both separate and joint (Coparcenary). Attempts had been made to convert the states practicing Mitakshara to Dayabhaga.

earnings” (2005:2). Thus, Agarwal (1994) has suggested women’s independent land right as the most effective way to women’s empowerment due to its flexibility. However, Deere and Leon (2003) have furthermore suggested that joint ownership for women can be the initial step to surmount male resistance to women’s ownership.

Women’s property ownership reduces risk of marital violence as well as increase old-age support and status as referred by authors too (Agarwal, 1994; Manimala, 1983). This statement has been supported by Panda and Agarwal, (2005) and also Rao, (2005). UNDP has identified that women’s inheritance right to property is “a crucial factor in reducing women’s vulnerability to violence [...] as well as empowering women to cope with the social and economic impact of the epidemic at the household level” (2008:5). Duvvury (2006) has found out that women’s entitlement to productive land are less likely to be affected by domestic abuse mainly from spouse and generally subjected to helpful in case of victimization (ICRW<sup>11</sup> 2006). Again, Gupta has added to this study that women’s property ownership can influence their ability to voice up their opinion, decision making and controlling the workload (2006). However, Kelkar, (2013) is with the view that Women’s lack of control over property would result into their lower wages and lower decision making ability over property. Sacks stated,

“Although property ownership seems important for women’s domestic position vis-à-vis a husband, the exercise of domestic power, particularly in class societies, is limited by whether or not women have adult status in the social sphere. This in turn is determined by their participation in social production” (1974:222).

Secure land right for women is very necessary especially in case of female headed households resulted by husband’s death, divorce or male out migration only to independently possess own land and became self-reliant. Hence, women’s lack of independent land rights can make them more vulnerable during divorce, separation or widowhood (Bird and Shinyekwa, 2005; Rao, 2005). This finding is also supported by Agarwal (1989), who considered that land, being a permanent asset, creates security for women in case of poverty, separation, divorce and widowhood. According to FAO,

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<sup>11</sup> International Center for Research on Women

“Gender Inequalities in land rights are pervasive. Not only do women have lower access to land than men. They are often also restricted to so-called secondary land rights, [...] Women thus risk losing entitlements in case of divorce, widowhood or their husband’s migration” (2010:1).

A report by UN habitat has found out that “right in, access to, and control over land, housing and property...is essential to women’s everyday survival, economic security and physical safety” (UNCHS, 1999). Thus, women with right to productive land will be subjected to less vulnerability in terms of economy in their future by tendering land as a source of women’s future security. Without effective secure land right, women are subjected to lack of social status and thus, more vulnerable to violence and poverty (Gomes and Tran, 2012). The recent studies made by, as for example Agarwal (1994), considers the ownership of land of women is a source their empowerment and self-dependence. According to Sarkar,

“In order to attain the comprehensive development of women it is extremely important for them to be economically independent. The new Hindu woman is therefore, a person with professional and economic opportunities, secure property ownership, legal rights to ensure them and some amount of political power to enforce these rights” (1991:2062).

Individual right to property especially land for women can reduce the risk of income and consumption in the family (Agarwal, 1994). Resenblium’s (2013) study has revealed that women’s inheritance right to land can improve their source of income generation along with access to credit thus, contributing to better status in the household. Women’s entry into families economy through paid work has been found as the main source of their better status within the household; however, for women’s entry in that economic activity, women’s land right play a crucial role initially to strengthen women’s condition, so that they can opt of higher-earning employment through access to skill and education (Agarwal, 2003). On the other hand, inheritance of property is fundamental for transferring wealth within a society; hence, women’s inheritance right is directly related to their economic livelihood and security in the long term (Gomes and Tran, 2012). Widows with land title were found to be treated with greater care and respect by their adult sons (Agarwal, 1994). Thus, widow’s ownership secures their care by children during old age (Caldwell et al, 1988).

Even if women own some portion of land, it is typically controlled by the male members of family as customary duty (Jones, 1981). Here, women's independent land right can make women able to question the 'local world of male dominance' (Kelkar, 2011). Kelkar (2011) has identified that women lacks ownership of productive land and also its control which has been linked with the negative development outcome especially about women's empowerment and gender relation in the society. Though women's land right is crucial for development, in many part of the world, it remained unequally divided between men and women, with insufficient enforcement and protection of the rights (Gomes and Tran, 2012).

These three benefits i.e. Welfare, efficiency and Agency for women from having land right are interlinked. As for example, a study by Wiklander (2010) has found that reduction in gender bias within the family can lead to women empowerment which increases not only the possibility of income generation but also decline in mortality and fertility. Women's ownership right of productive land contribute an acceptable amount of income to the family which in turn increases women's control in agricultural income as a source of credit and thus women, gain the ability to have final say in the family decisions (Allendorf, K, 2007). According to World Bank (2008), women's right to productive land increases their negotiating power within the family which could result into increasing household welfare through proper allocation of household resources. Women's empowerment through engagement in income generating activities leads to increase in investment in child education (Luke and Munshi, 2007) and also survival rates of girl child (Qian, 2008).

Scholars like Kelkar (2013) has found women's independent ownership rights to property and effective control over it as closely linked with existing structure of patriarchy and gender ideologies within household and society. Duflo (2012) has studied in Africa which reveals that there is both legal and social provision in Africa for both men and women to retain property right on productive land separately even sometime women do own individual land holding within the marriage. Women's ability to control the productive land has been regarded as more efficient than that of men; the independent possessing of land contributes source of income for the individuals, a source of agency for women which in turn positively impacts the welfare of household like higher investment in children's education, long term reduction in fertility, and wellbeing of future generations (Dyson & Moore, 1983; Agarwal, 1994; Deininger, et all, 2010;

Luke & Munshi, 2007). Again, Community perceptions has been considered as more influential factor in women's access to land, as social norms and cultural practices are considered to be more crucial to understand gender equality in land right and thus, women's independence (Kelkar, 2013). However, Walsh, D. M. (2011) made a very interesting study which concludes that, advancement in women's right only could be achieved through good democratic characteristics of a country where exchange of ideas have the opportunities to flow inclusively regarding the issues of common, but in general all democratic countries lack those ideals. A strong opposition arose against women's land right as to increase the land fragmentation and thus, reduce size of land. However, this has been critically elaborated by Agarwal (1994) that with the initiation of the concept of private property, the land fragmentation is already common which will not increase much for women's demand alone. Moreover, green revolution has made the relationship between farm size and productivity negative.

Roy (2008) in her study has focused on how the state-level reforms regarding women's inheritance right has contributed to better women's autonomy. According to Lambert et al (2011), inheritance can be referred as the means of reallocation of land which can provide 'lumpy boost to individual wealth that can allow new investment opportunities to be pursued'. The impact of same reform has been studied for Maharashtra and Karnataka by Deininger, Goyel and Nagarajan (2010) who have found out that the reform has increased the possibility of women getting inheritance right which has resulted into women's better status in the family by increasing their age at marriage and educational level. However, this finding has been strongly criticized by Anderson and Genicot (2015) who has concluded that this reform has resulted into increasing conflict within the family and thus, suicide rate for both men and women increased. Both Agarwal (1994) and World Bank (2005) have supported only the independent ownership right of women as the key to their emancipation. However, as identified by Knight (2010), women do have lack of knowledge about inheritance right which is the basic hindrance in the way of women's access to land. He has included expense of legal support; remoteness of rural areas and their distance from government offices, residing in urban areas; lack of time for poor wage labour or peasant in village and their language as communication barrier etc are the basic restrictions to navigate the complex system of legal provisions by the poor. The studies made by Deera and Leon (2003) in Mexico has found out a huge preference existed among parents in giving their land title to their sons than their daughters which has also been supported by



Agarwal (1994) in her in-depth study about women's inheritance and the resistance to them. Parents in Indian society are economically more dependent on their sons as son stay with their parents in joint family system (Rosenblum, 2013) while daughters are married off to other family from whom they can't ask economic help. The study by Foster and Rosenzweig (2011) also found out that the parent's preference towards son for inheritance existed in the Indian society due to the 'economies of scale in farming' where sons are considered to be more productive farmers who would maximize the agricultural returns from their parent's land than daughters. The survivorship of father's immovable property to male heirs was not in Vedic tradition but a product of subsequent development. Initially with ample availability of land, sons used to move out of family to be settled in another land but with explosive growth of population, surplus land started shrinking and sons remained in the family property while daughters stayed ousted. Thus, male by birth got right to this undivided joint property <sup>12</sup>. In the later Vedic literatures it was clear that the daughters lacking in fitness became non-sharer of property right (Singhal, S., 2007). Thus, Boserup postulated that higher population density in a given area can increase the scarcity of available land as a result of which, it will act as a driving force to enforcement of land rights and also increase investment. Moreover, the changes in land-use pattern of 'labor saving technology' resulted by the scarcity can explain well the women's land right pattern (Platteau, 1996)<sup>13</sup>. As the entitlement include not only ownership in papers but also the secondary rights, it is necessary for women to develop other sources of assets only to strengthen their position in the family thus, increasing their negotiating power to redeem that secondary access right. As suggested by Rao (2005), different assets may have different meaning for men and women; as for example, jewelry for women and land for men and as entitlement for women to jewelry is easier than to productive land, strengthening women's other assets like jewelry can increase their bargaining power in the family.

In India, the source of owning land is three types like inheritance, state transfer and market. Except few north eastern and southern states, inheritance is patrilineal while other

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<sup>12</sup> Singhal has explained the process in his paper by which male members of the family got the property right by birth. The model include four stages in which first stage demarks that the sons have no property right before father's death, second stage that the limitations for father aloe to maintain the property, third stage that father's absolute right over immovable property is in its end and the final stage that brought sons as co-ownership of father in property .

<sup>13</sup> Under the labour intensive shifting cultivation, agriculture was female –dominated with land abundance. Widow always retain their land right after husband's death. With increasing scarcity of land along with mechanization in agriculture as 'labor saving technology', significance of women's labour in production system tend to be decline.

two show hundred percent gender biasness. Literatures support that the female have land rights but only in relation to men like widows from husband and unmarried daughters from father (Allendorf, 2007). As land is more than a resource and source of power in rural society, they basically don't want to transfer land ownership to other family (Agarwal, 1994). In the North Indian belt, people not only prefer daughter's marriage outside gotra as a way to discriminate daughters from property rights, but also they are highly interested in dowry system at marriage. This dowry system is even supported from bridal side and the natal family invests some amount of property so that no one can question that daughters have been neglected. In reality, daughters have been used as a thing, as some medium of wealth transfer and thus, negotiated (Nakkeeran, N., 2003). Thus, women's inheritance rights and its improvement through legal provisions can reduce gender discrimination easily in the society and develop 'socio-economic outcomes for women' (Deininger *et al*, 2010). Scholars like Whitehead A, and Tsikata, D (2003) have found out in their study that legal provisions about women's land rights has led to women's socio-economic empowerment which in turn has questioned the existing customary laws against women. Socio-cultural norms are found to influence women's control over productive land (Kelkar, 2011, Gomes and Tran, 2012; Rao, 2012; Agarwal, 1994). To eliminate gender discrimination, vigorous campaign was held before the law was amended nationally which southern states already had experienced earlier. Deininger K., Goyal, A and Nagarajan, H, (2010) stressed on the significance of amendment of Hindu Succession Act, 2005 which increased women's likelihood to inherit land but not compensated for the underlying biases in existing gender spaces. Here the culturally sanctioned custom in the form of dowry during marriages in Indian society is considered as the transfer of their inheritance from immovable property to movable property even if the legal rights are present. Several literatures like Roy and Tisdell, (2000) has discussed about the effectiveness of the already implemented land laws and stated that legal rights act ineffectively with absence of customary laws which is further gets affected by the institutional impediment. Agarwal, B. (1988) has referred three factors namely historical, cultural and economic as acting as the barrier for women's right. In Indian society, north-south division exists in gender space (Raju, 2011). In the north India, historically high dowry expenditure and prevention of land fragmentation restricts women's right while marriage pattern in north India is exogamy<sup>14</sup> and in South India endogamy<sup>15</sup> has been practiced culturally.

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<sup>14</sup> Exogamy refers to the marriage outside gotra and the village as a result of which daughters are sent far after

Economically parents in North India remains less dependent on married daughters for material support. Property rights are sometimes unclear and interceded by family and kinship ties; hence, strong control over legal rights may threaten women's access to property right, (Rao, 2005). Moreover, legal provisions in developing countries for women's right became a subject of global rethinking which in turn made the shift towards 'locally negotiated rights' and itself created difficulty for women to access resources (World Bank, 2001). On the other hand market, the other source women's land ownership, is considered as an ineffective method to transfer property right to women, as it is a vicious cycle in effect where women can't buy land due to economic compulsion and this economic situation can't be overcome without property rights or effective employment.

Gender refers to the social construct, the sanctioned roles of individuals as male and female by the society where it is mutually dependent on 'sex', the biological difference between men and women (Raju, S. and Dutt, K. L., 2011). However, Beckwith, (2005); Hawkesworth, (2005); Htun, (2005) have considered gender as the pattern of individual's behavior, structure and institution which create, challenge and reproduce the unequal power relations in the society. The gendered spaces can be of two types namely private space (within household) and public space (society).<sup>16</sup> In West Bengal, the educated middle class women called as '*Bhadramahila*' were very famous in the colonial period that have contributed to the establishment of girl's school and in expanding women's education (Sil, P., 2011). Later, women's involvement in freedom struggle and the powerful presence of women leaders after communist movement gave birth to good gendered-space in modern West Bengal (Raju, 2011). But some of the districts now show limited asset entitlement leading to low Gender Development Index (Samanta, 2009). However, the upper caste and middle caste women are conscious about old values too as a result of which low WPR can be associated with high education among the upper caste in Bengal where the lower caste shows the opposite situation due to forced employment by economic compulsion even with low education contributed to greater women's autonomy. Raju and Bagchi, (1993) has pointed out that the restrictions on

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marriage from where she can't control or operate land.

<sup>15</sup> Endogamy refers to cross cousin marriage within same village which allow land ownership to be remained within same family even after giving right to married daughter.

<sup>16</sup> Raju, 2011 has referred that the boundary between public and private space for women is not clear always. As for example the agricultural work done by women within household premises.

women are greater in higher caste households than lower one. Tisdell and Roy, (2000) have extensively studied in West Bengal about women's ownership right and found higher incident of restrictions over women's mobility. Thus, in general Women's work participation rate (WPR) is low even with high poverty incidence (Raju, 2011). Thus women's position in West Bengal some with positive and some with negative had let it to the actual gendered space in the State. For the land rights in West Bengal, Dayabhaga was prominent where only separate land rights for individual are considered. Agarwal, (1994) has pointed out that in this custom of separate rights, widow and daughters are in better position than *Mitakshara* to have some amount of land. Recent studies reflect that due to the development in information and communication technology (ICT), spread of adult education, intra-family gender discrimination is reducing gradually in poor households in West Bengal. The studies on Santhals in West Bengal contain a different picture of widows with some control over property as here the de jure land title goes to sons only with mother's consent that women will be looked after by son after husband's death ( Roy, K. C. and Tisdell, C. A., 2000). In West Bengal, as indicated in RDI report (2009), a new government program has been launched to allocate land to the landless and homeless families through purchasing from large land owners. The interesting fact in this allocation program is that, the landless families got legal entitlement in the name of the wife.

## **International Scenario**

In the global level, Millennium Development Goals (MDG) does not address the issues related to women's land right directly in the recent times. The third one of eight MDGs has focused on promoting gender equality through empowering women but not in respect to these rights. On the other hand, the first one of MDGs deals with poverty and hunger reduction but again do not target to property right. Thus, women's access to resources and control over it has been considered as 'missing dimensions' of the eight MDGs by OECD development centre which can 'shed light on the bottlenecks that hamper further progress across all the MDG targets' (SIDA). In 1997, 'United Nations Sub-Commission on the Promotion and Protection of Human Rights' dealt with the issue of women's land right internationally for the first time

(Gomes and Tran, 2012). In 1998, the 'Commission on Status of Women' also addressed the issue of women's land right in its first resolution (Gomes and Tran, 2012). 'United Nations Center for Human Settlement' has published a report which says "Right in, access to and control over land [...] is essential to women's everyday survival, economic security and physical safety" (UNCHS, 1999:1). In 2000, 'United Nations Commission on Human Rights' (UNCHR) adopted women's equal right to access land and control over it in its series of resolutions (Gomes and Tran, 2012). The World Food Security Committee in 2012 has included the tenure of land and other common property resources in the guideline of National Food Security where gender equality has been addressed to eradicate hunger and poverty and support sustainable environment (FAO, 2012). This in turn ensure women's right and access to land and other common property resources independent of their marital status through non-discriminatory legal framework to promote social equity. Later, in 2012 only, the 'United Nations Conference on Sustainable Development' (UNCSD) also addressed the significance of women's right to property and land. The UN Committee on Economic Social and Cultural Rights (2005) has included women's right to own and control property like land and housing on equal basis to men and also women's equal right to inheritance has been highlighted. The United Nations Human Right Committee (UNHRC), (1999) also proposed women's equal inheritance right to that of men but conditional to widowhood after husband's death. Later this committee has eliminated restriction through marital status in its provision of women's inheritance right (UNHRC, 2000).

#### **1.4. Literature Gap**

In the late 20<sup>th</sup> century, due to higher rate of maternal mortality, the studies on 'Gender Balancing' had mainly focused on women's health ; this, reinforces women's role as mother but hardly covered the issues related to ideological and material constraints, women faces in production and market (Rao, 2008). The gender inequality and other issues related to women have been addressed in a spectrum of literature called 'gender and development' and gender-sensitive ethnographies which mainly focus on women's position in the economy as the indicator of gender gap in economic development. Growing concern among the scholars has mainly

focused on the impact of ownership right on female autonomy as the fundamental goals of development. However, they lack the analysis of women's ownership rights and its existence in reality. Moreover, distinction between women's land ownership and control has not been made extensively base on empirical evidences. Beside the area of consequences of women's ownership, inheritance has been studied deeply as the main source of land right for women and, thus, source of socio-economic power also for women in rural India. Thus, from the available literature, analyzed above, it is clear that they mainly focused the basis on which women should get land right and the consequences of women's land ownership on themselves, family, economy or development. Fewer studies have dealt with the reasons of lack of women's access to land. Most importantly, very few studies has been done on the women's status in West Bengal and the contesting gender space in the state in shaping the socio-cultural norms, acting in the local level in the state to result into present women's position in the society. Therefore, the present study aimed at the short-comings among the existing literature and addresses those with the help of fulfilling the main objective of the study i.e. status of women's property right in the study area.

## 1.5. Objective

The main objective of this is to deconstruct the gender relation with respect to agricultural land rights and associated issues in West Bengal.

The specific objectives of the study are as follows:

- Analyze the evolution of laws with respect to Hindu Succession and the subsequent changes that have been brought about in the legal environment as the step towards increasing women's access to land in rural India.
- Contextualize West Bengal in overall gender space of the country, particularly with respect to women's access to agricultural land. The contradictions of the gender spaces in West Bengal would be analyzed and historically traced.
- Explore the conditions under which women have legal and/or *de facto* control over agricultural land in West Bengal.

## 1.6. Research Question

- a. What are the social and political contexts in which the 1956 Hindu Succession Act and the Amendment to it in 2005 were framed? Has the enabling changes in the legal environment of according land rights to women made a difference in increasing social legitimacy of women's land rights in rural India?
- b. What is the extent to which gender space in West Bengal favors according land access to women?
- c. What is the status of agricultural land rights in West Bengal? What are the different ways in which legal and social land rights of women are perceived by men and women? What are the major obstacles to implementation of the 2005 amendments in Rural West Bengal?

## 1.7. Database

**Primary data:** Individual and household level survey for both women and men in Subhipur Village, Hooghly district, West Bengal.

Sample size: Women 145 and Men 60: Structured questionnaire.

16 women: In depth Interviews.

**Secondary data source:** Census of India, 2001 &2011 (Child sex ratio, Literacy rate for both men and women, women's Work Participation rate, and Women in higher education)

Abstract of selected Educational Statistics 2009-10, Ministry of Human Resource Development, GOI (Dropout Rates)

District Level Household and Facility Survey -3, 2007-08 (Age at Marriage)

Sample Registration System, 2010 (Total Fertility Rate)

Agricultural Census, 2000&2010 (Gender wise and size group wise breakup of individual operational holding both No. of holding and area of holding)

The Gazette of India (Hindu Succession Act, 1956)

Bengali literatures: Short stories and Novels (Mahasweta Devi, Ashapura Devi, Rabindranath Tagore, Aruna Chakraborty, Chitra Dev, Sarat Chandra Chattopadhyay, Bankim Chandra Chattopadhyay, Begam Rokeya)

Autobiography (Taslima Nasrin, Baby Halder)

Modern epics (N.D. Sen, Chitra Banerjee Divakurani)

## **1.8. Methodology**

As the purpose of the study includes assessing women's right and control over agricultural land in rural Bengal, the legislative provisions in India has been identified first to analyze women's legal right and then, the social context has been drawn in Indian society with the help of analysis of secondary data. Next, women's ownership in reality as influenced by legal and social provisions has been studied for whole India with the help of secondary data sources. Primary survey has been conducted with the help of semi structured questionnaire in one village in district Hooghly, West Bengal. The survey was aimed at understanding the extent of ownership of agricultural land by gender and the socio-economic factors contributing to status of ownership of land for women.

Sampling design: To choose the study area, multistage purposive sampling method has been used where total five stages have been identified. However, the sample from strata has not been



chosen as random, rather with some reasons the sample has been identified through purposive sampling. In the first stage, a state has been chosen in India i.e. West Bengal on the basis of three factors as follows:

In the legal provision of India, West Bengal has been found among the two states having Dayabhaga as legal doctrine to control Inheritance right. It is more favorable for women's ownership right than the others with less gender discriminative character and existed from long back.

Also, West Bengal has been found to be a state which has contradictory gender space characteristics with some elements from the Southern progressive characteristics and some from the more restrictive characteristics of the North in the north-south divide of gender relation in India.

In the second stage, Hooghly district has been selected on the basis of an analysis done by District Human Development Report (DHDR), 2010 which shows that Hooghly district represents the state average of West Bengal in terms of Human Development Index (HDI), and Gender Parity Index (Calculated with Sex index, Education index, Economic index and Health index).

In the third stage, Singur block has been selected as it has high portion of arable land along with higher sex ratio, lower gender gap in literacy and better gender parity index (DHDR, 2010). Here this block also been selected because it has a higher share of women having land ownership than other blocks

In the fourth stage, village Subhipur has been identified purposively on the basis of proximity of the village to the urban centers like Chandannagar, Chinsurah, Srirampur; simply for better accessibility and personal convenience based on it.

In the final stage strong stratified sampling has been followed to choose the households for questionnaire survey. First of all a house-listing has been conducted along with information like name of head of household, primary occupation agriculture or not, caste, religion, land owned in the family or not and women own separate land or not. Total 201 household has been found in the village with 145 household having cultivation as primary

occupation and rest of them having other occupations as principal activity. So, after that stratification of the households, census has been done for cultivator families where all 145 households have been selected as sample for household survey. In the next level, within each household, one female member either married or widows<sup>17</sup> have been chosen for individual survey. Again, from each household, one male has been selected as sample. However, due to unavailability of male cultivator, only 60 of them were covered in the sample.

Survey method: Both qualitative and quantitative survey has been conducted with help of semi-structured and open ended questionnaire. The case study include two methods for gathering information: one is household survey along with personal level questionnaire survey to 145 households and individual survey to 145 women, one from each household and 60 men, maximum one from each household (depend upon their availability) and second one is in-depth personal interview of 15 women who are identified as land owner to trace their life history for analyzing their ownership to land.

Limitations of the sampling method for the primary survey: First of all, the present study has not followed a proper method of sampling but a mixture of two methods i.e. multi stage purposive sampling upto village level and census in household level. Thus, this purposive sampling may result into the biased result. Secondly, the male samples size is smaller than women due to their unavailability i.e. only 60 households (one male from each).

Statistical Tools: While analyzing the gender relations in different states in India with the help of secondary data source, Child Sex Ratio, normal Growth Rate, Literacy Rate, Work Participation rate and normal percentages has been calculated.

**Child Sex Ratio** = (total female population in 0-6 age group / total male population in 0-6 age group) \* 1000

**Normal Growth Rate** = [(Value of latest year – value of base year) / value of base year] \* 100

**Female Literacy Rate** = (total female literate population / total female population) \* 100

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<sup>17</sup> Widows have been chosen to analyze property right of women from husband. And married women are chosen to analyze property right from paternal family after marriage. Unmarried daughters are assumed to have their father alive. Moreover, they are settled in their paternal dwelling house. So, right to agricultural land of un married daughter has not been analyzed here.

**Male Literacy Rate** = (total male literate population / total male population) \* 100

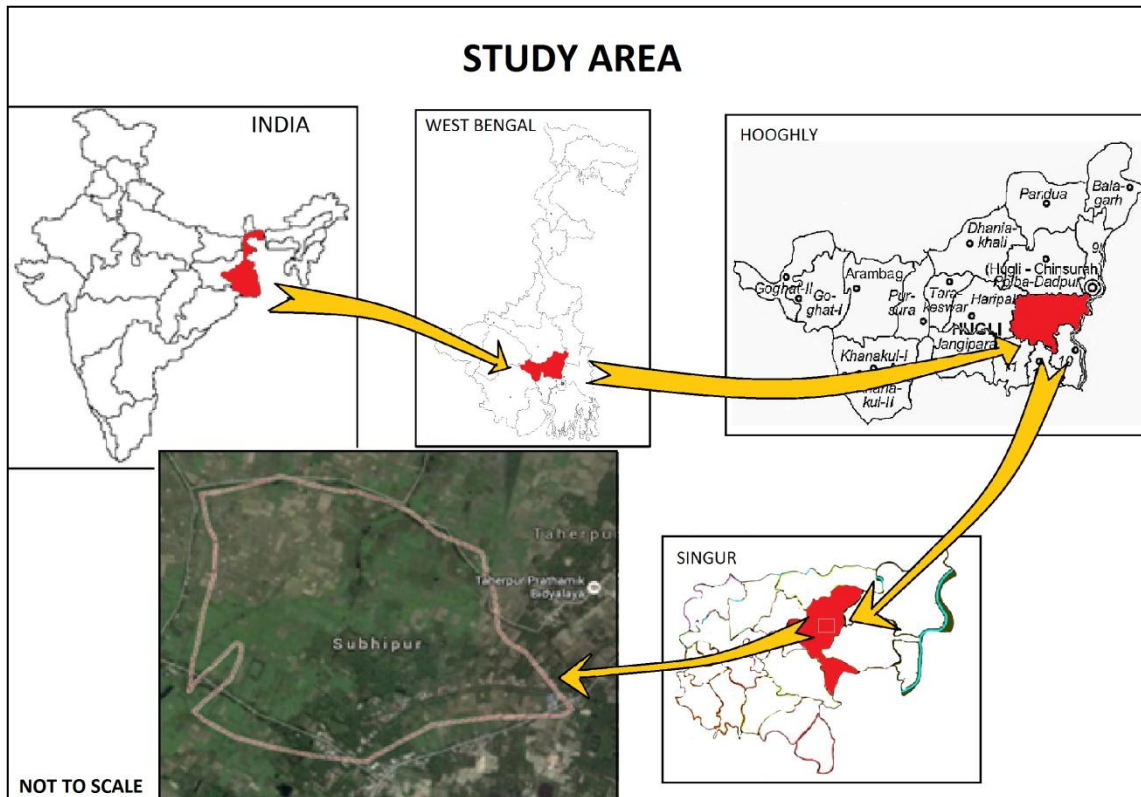
**Gender Parity in Literacy Rate** = (Female literacy rate / male literacy rate).

**Women's Work Participation Rate** = (total women worker / total female population) \* 100

## **1.9. Study Area**

Subhipur is a primarily agricultural village with a geographical area of 137.35 hectares. It is located beside the Saraswati River in the interfluvial zone of Ganges and Damodar River. Agricultural is the main economic activity in the village and the agricultural land is considered to be fertile. The major cropping pattern of the village includes paddy cultivation, potato cultivation and to some extent vegetables like brinjal, cauliflower, cabbage etc. This village has a linear pattern of settlement along the River Saraswati which is the source of irrigation for the village. The houses in the village are mostly pucca with some kaccha houses. Only one primary school is situated in the village. Both girls and boys commute daily to the adjoining villages for their education after primary level which is one of the concerning situation of the village as it hinders the attainment of higher education by mainly adolescence girls and increase their dropout rate in above the primary level. The village totally lacks tap water supply though the village has numerous hand pumps. The village is well equipped with electricity supply. This village's location is in the proximity and major sub-cities like Chandannagar, Chinsurah, Srirampur etc, while its location is only 5.7 km away from Singur, sub-district head quarter.

### **Map No. 1.1. Study Area**



Source: Google Image (India<sup>18</sup>, West Bengal<sup>19</sup>, Hooghly District<sup>20</sup>, Singur Block<sup>21</sup>) and Google Earth (Subhipur Village)

There are 201 households present in the village with a total population of 881, 447 male and 434 female (Census of India, 2011). The child sex ratio of the village is 1140 females per 1000 males however the number does not symbolize the level of development in terms of gender because both the numbers of male children and female children are very less. The general literacy rate of the village is 79.12 % while male and female literacy rates are 83 % and 75.11 % respectively. Among the total 201 households, there are 3 scheduled caste households and rest of them are from the general category belonging to land-owning caste i.e. *Mahishya* including a few i.e. 5 Brahmin households. 145 households are engaged in cultivation as their main activity. Among them, 91 households have land and 54 households have no land. Among the landed households, 30 households are small farmer, 30 households are medium farmer and 31 households are large farmer<sup>22</sup>. The 16 landed women, have been surveyed are

<sup>18</sup> [www.coachingindians.com](http://www.coachingindians.com)

<sup>19</sup> [www.d-maps.com](http://www.d-maps.com)

<sup>20</sup> [www.onefivenine.com](http://www.onefivenine.com)

<sup>21</sup> [www.hooghlydistrict.info](http://www.hooghlydistrict.info)

<sup>22</sup> This division has been made on the basis of amount of land available to each owner cultivator in the village.

from owner cultivator background. Women irrespective of their land ownership status participate in cultivation process except few large farming families. The main works of cultivation done by women are post harvesting works and livestock caring. However, women in this village hardly participate in the field work of cultivation while the works are done by the hired labourers from outside village.

## **1.10. Identification of Chapters**

The present study, in an effort to fulfill the objectives of the present study, has been organized in five chapters, three of which, excluding the introductory chapter and conclusion, have dealt with a single objective.

The first chapter includes, over and above a background to the study, the statement of problem, concepts used in the study, a review of literature, objective, research questions and methodology.

The second chapter includes an analysis of legal provisions related to women's access to land has been done. This chapter traces the history of evolution of these laws with respect to Hindu Succession and the changes has been brought about in the legal environment as the step towards increasing women's access to land in rural India.

The third chapter focuses on the gender related demographic and socio-economic differences in India as the key to gender space in the Indian society. This has been analyzed with the help of secondary sources of data like Child Sex Ratio, Gender Parity in Literacy Rate, Women's Work participation Rate, Girl's Dropout rate from Primary Education, Women in Higher Education, Women's age at marriage, Total Fertility rate and Women's ownership to individual holding of operational land in an effort to locate West Bengal in the gender space variation within the country. The gender space in West Bengal has been elaborated historically with the help of Bengali literary works.

The fourth chapter, based on the primary survey of a village in the Hooghly district of West Bengal, has dealt with the conditions under which women have legal and/or *de*

*facto* control over agricultural land in West Bengal. It also identifies the constraints that restrict access of agricultural land of women.

The fifth and the final chapter includes the summary of the main findings of the study and attempts to tie up the findings from the different chapter. The chapter ends with a few policy implications that emerge directly from the study.

## Chapter 2

### ***THE EVOLUTION OF PROPERTY LAWS IN INDIA***

The constitution of India secures entitlement of every single person to equality after independence<sup>23</sup>. It contributes to equality of women as well as reduces gender discrimination against women with the help of the separate laws of states<sup>24</sup>. However, while dealing with the issue of women's access to property in India as stated in the earlier chapter<sup>25</sup>, scholars have identified that the main source of the discrimination against women lies in the drawback of laws related to property and its provision for women in India (Agarwal, 1994). The gender gap observed in the provision of laws along with its implementation remained as the major constraint in the women's access to property. Though initiatives have been taken by the Indian government with the aim to consider women equal to men, very few laws were implemented in favor of women. The historical evolution process of each property laws of 20<sup>th</sup> century in India remain valid evidence against women. The religious personal laws were the part of Indian legislation which act in the state level over the central statutory laws and thus, shape the ownership of property right with gender biases (Nagaranjan & Parashar, 2013). The laws that have been framed are aimed at betterment of men, and women have been assumed as dependent on male relatives. As a result of the discriminated position of women in the legal domain in recent years, women came in the focal point of policy maker's concern and laws got amended in favor of women but property rights remain in favor of men. Thus, the main objective of the chapter is to review of all laws related to property right in India whose provision for women is the first and crucial condition for women to get legal authority to property. In this chapter the legal pluralism<sup>26</sup> in respect to property right for women will be analyzed first which will include the historical evolution of different property laws of different religion i.e. Hindu Succession Act,

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<sup>23</sup> Article no. 14, 15 and 16 specify the equality in the fundamental right to each Indian citizen. According Article No. 14, Constitution of India, 'The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India'. According to Article no. 15, 'The State shall not discriminate against any citizen on grounds of religion, race, Caste, Sex, place of birth or any of them'.

<sup>24</sup> First time in the constitution of India (Article no. 15), women have been identified as vulnerable to discrimination and provision for their protection from it.

<sup>25</sup> Chapter no. 1, part: statement of the problem.

<sup>26</sup> Legal pluralism as defined in the earlier chapter no. 1 is the presence of multiple laws and numerous time of their amendment for a single issue.

Muslim personal laws etc. and their amendments, followed by different legal doctrines under Hindu religious laws like Mitakshara and Dayabhaga, working in different states in India.

## **2.1. Women's Property Right and its Significance in Explaining Women's Status in India**

Property rights are understood to be the source of power and self-confidence for a person both men and women. As the property right of women is basically the direct consequence of the status of women in the household as well as their marital status, the analysis regarding the existence of property ownership for women as well as their sources can let the reader to understand better the social status of women. Thus, the women's social status can be determined by the type of women inherit, like ancestral or self-acquired property of husband, paternal property both ancestral and personal, matrimonial property or dwelling houses and also their share. The legal provisions are considered to be the entry point for women in the doctrine of property ownership. With the help of legal rights women can demand their right to property legally which may secure their entitlement to the property irrespective of whether they owned or not. Agricultural land is productive assets and provides not only a source of livelihood for household but also is an indestructible resource that can be passed on over generations. Moreover, in rural India, land is the most important source of power for a person in the society. The individual ownership of agricultural land may contribute to the enhancement of women's status in the family and society both because women cultivating their personally owned land may contribute to the household income. Moreover, land ownership is crucial for an unemployed woman during the time of marital breakup or their widowhood. As stated in the preceding chapter, women's right to land is significant in respect to welfare, efficiency and empowerment, postulated by Agarwal (1994); scholars have identified that women's land ownership is positively correlated with welfare of household as the income from the same is mainly confined to better child health, higher children education as well as better food consumption of the household (Dyson and Moore, 1983; Thomas, 1990; Behrman, 1990; Agarwal, B., 1994; Luke and Munshi, 2007; Qian, 2008). Moreover, women with land entitlement become economically



self-dependent and self-confident which may contribute to their better position in the family along with decision making ability.

The differential social status of women across regions has led to a diverse position of women in rural India. In recent times, the legal provisions as stated earlier have been made in favor of women's empowerment in India though it is lacking in its applicability due to existing customary laws. The customary laws are working through histories to shape the heterogeneous<sup>27</sup> women's status in the society which in turn contribute to the gender gap in legal property right. These customary laws thus, are not the result of recent social behavior towards women rather those are formed by religious practices acting for long in Indian society. Therefore, to understand the legal provisions of women's property right in recent times, it is important to look back at the history of women's position in the society.

## **2.2 Historical Background**

The existing studies focus on the impact of the existing social institutions<sup>28</sup> on women's social status in ancient times, have found that the religious practices were most powerful to shape the social behavior and contributed to the severe form of women's subordination in Indian society (Chakravorti, 1993). Women's position in ancient India can be traced from sacred writings like Vedas, Upanishad, Manusmriti etc. which evidently stated that women were treated with greatest respect which portrayed the feminine embodiment of power. Some examples of female rishis in the Vedic period like Lopamudra, Gargi, Visvavara, Maitreyi, Ghosha, Apala, Shashvati and Aditi has been used as evidence of women's freedom as well as their confinement to higher education. From the above sources, the instances of women's decision making power in education and marriage<sup>29</sup> along with no seclusion can be traced easily. The evil practices like child marriage, 'Sati' was not common (Thapar, R, 1988; Yang, 1989;

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<sup>27</sup> Women's position varies temporarily from good to bad since they are perceived as significant in one society and negligible in another. Thus, the role of women deviates due to diversity in caste, class, religion and social customs across the regions though it was primarily shaped by Indian tradition. Hence women's status has been referred as heterogeneous.

<sup>28</sup> Like women's property right, their marriage laws and women in religious practices

<sup>29</sup> Both age at marriage and choosing the groom

Nandal & Rajnish, 2014)<sup>30</sup>. Thus, better social status of women had contributed to their entitlement to property. But on the other hand, scholars have pointed out that they were not deprived of their property rights though they had shortage of property (Halder and Jaishankar, 2008). The ancestral property rights were primarily transferred to next generations through the male heirs. Also in case of matrimonial property, women were discriminated from the right to inherit (Modak, 2011). In case of dwelling house, wives along with their husbands had the joint ownership right. According to that, unmarried daughters had the right to father's property but not the married one. Married daughters only possessed a limited set of property in the form of 'Streedhan', gained as gift during marriage though they lacked the absolute ownership of the same as wives along with their assets which belonged to their husbands (Halder & Jaishankar, 2008). In absence of son, daughter possessed the full legal right on father's property. In case of mother's property, it would be divided equally to sons and unmarried daughters. During husband's life time, wives had no direct right on husband's property though after husband's death, widow would be entitled to some amount of right (Nandal & Rajnish, 2014). Thus, the picture of women's right to property was not that satisfactory as they were not free from typical patriarchal mentality in ancient society even. With the increase in socio-economic status of male members in the family, the position of women started declining due to the dependency of women on their male relatives.

From post Vedic period itself the position of women started degrading. The post Vedic literatures become significant evidence of the marginalized status of Aryan women's who became restricted in household work (Chakravarti, U., 1993). The texts like Smriti also witness women's lack of independence as they were under the control of their male counterpart which in turn shows low status of women in the other hand (Halder & Jaishankra, 2008). Women lost their right to education as pre-puberty marriages were launched along with imposition of male selection during marriage. Women had property ownership right but no right to control or manage it for their own purposes. Manusmriti witness the son preference in the ancient society to look after ancestral property and not to leave it to the female heir. Thus, the conflict with women

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<sup>30</sup> Among the Aryans, the ritual of 'Sati' did not exist before 400 BC but after that it got its popularity as customary law but not compulsory among ruling classes as revealed by Rig Veda and Atharva Veda. The instances can be found in epic like Mahabharata.

with respect to property ownership had contributed to emergence of many social crimes, not legally, but in the name of religious rituals against women (Halder & Jaishankar, 2008).

During medieval era, around 700 BC, with the emergence of class and caste hierarchy, the private control over land was established which followed the rules of patrilineal succession for cross generational transfer of property right. As a result of that, women's position deteriorated where women started to be under the control of male (Chakravarti, 1993)<sup>31</sup>. This oppressive position of women worsened under the Mughal dynasty with the launch of 'Purdah' system<sup>32</sup> and the denied right to education for rigid practice of women's seclusion followed by unacceptable practices like Sati<sup>33</sup>, female infanticides, male polygamy etc . But in case of absence of male heirs as full owner of ancestral property, women were given a limited ownership right only to protect the joint Hindu family property from the snap of Muslim ruler (Halder & Jaishankra, 2008). Thus, before 12<sup>th</sup> century, women from different religious background like Hinduism, Buddhism or Jainism, were subjected to the menace of religious sacrifices which in turn contributed to degradation of women in gender inequality.

In modern India, the 'Bhakti' Movement in 15<sup>th</sup> century has led to initiation of women's education again where women received better religious and social life but their economic status remained unchanged. In the 19<sup>th</sup> century, the British colonial rules was in favor of equality but it also took time for them to enhance women's position in Indian patriarchal society. To abolish those practices, legislations had been made first under British rules. With the huge conversion to Christianity, Britishers actually enforced their own laws which were favorable to women. But the Britishers were not interested in interfering with any religious or personal law or any regional customary laws, and women's property right remained inferior to men for decades (Mukhopadhyay, 1994).

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<sup>31</sup> Both daughters and wives have been protected from economic insecurity as disinherited from property right and controlled for caste purity

<sup>32</sup> 'Purdah' system was being launched among Hindu families for the first time, borrowed from Muslim society only to protect the sexual purity of women from Muslim investors.

<sup>33</sup> Sati ritual was introduced in the medieval Indian society to maintain the virtue of Hindu women from the foreign invaders. Moreover this heinous ritual got reestablished in 17<sup>th</sup> century to restrict the widow's right to her deceased husband's property (Halder & Jaishankar, 2008).

### 2.3. The Evolution of Property Laws in India

In the legal doctrine, the battle over property right came partially and indirectly in 1856. In the year the Hindu Widow's Remarriage Act was passed in which two concepts related to property right was used. One is 'streedhan'<sup>34</sup> where women receive gift at the time of marriage in the form of money or land or house from both bride's family and groom's family (Jain, PC, 2003). Second one is 'women's estate'<sup>35</sup> where women could act as a limited owner of the property where she lacks right to alienate the property and also the property would be transferred to next coparcener of last full owner after her death. The law related to inheritance of property in India had been grounded in 1925 for the first time though it had gone through several changes till date. By this law, each Indian citizen got entitlement to equal share of property while inheriting the same after father's death though it includes exception of Hindus, Muslims, Buddhist, Sikhs and Jains as they have their own personal laws of succession. It was mainly applicable for Christians, Jews and Parsis. It brought women into the inheritance practice which included son's daughter, sister and daughter's daughter in the female heirs (Nagarajan and Parashar, 2013). But under this law, the concept of 'streedhan' continued and got modified in which the daughter of a dead land owner would be given Rs. 5000 or one-fourth share of property of son's share to restrict women from further property rights. The right of women on immovable property had been converted to right of movable property mainly in the form of gift (Halder & jaishankar, 2008). Subsequently the concept got converted into dowry which led to losing control over father's property. Thus, the daughters being excluded from coparcenary property right became subjected to hardship and discrimination and dependent on male heirs.

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<sup>34</sup> 'Streedhan' is of two types one is Saudayika which is the gift received from both paternal relatives and in-laws during her widowhood over which women has full right to possess and another one is Non-Saudayika which is the gift received by persons not belong to family for married women over which women has no absolute right unless the husband's consent but husband alone has the full power to use that (Halder & jaishankar, 2008).

<sup>35</sup> Also known as 'Limited Estate'.

## **Schools Governing the Inheritance Practice in India**

The major schools governing the inheritance practices in India are Dayabhaga in Bengal, Mayukha in Bombay, Konkan in Gujarat, Nambudri and Marumkkatyam in Kerala and Mitakshara in rest of India. They are known as legal doctrines, which was common to Hindus for governing the inheritance practice. Mitakshara, founded by Vijaneswara, belongs to school of survivorship which was applicable in north, west and south Indian states while Dayabhaga, founded by Jimutvahana, belongs to school of succession in eastern India (Halder & jaishankar, 2008). Both the schools came under practice in medieval Hindu law. Since these laws, emerged from the text learned by sage Manu, are simply different interpretations of same formal exposition though their approaches are radically unlike (Halder and Jaishankar, 2008). However the reason of their confinement to the particular region is unknown and subjected to further research. These schools hence influence the law practiced locally for inheritance of property and made the practice to be more complicated.

### **Dayabhaga**

Dayabhaga is the school which supports inheritance by one mode succession instead of right by birth or survivorship though this school also recognizes the concept of joint family property. This was prevailing in Bengal and adjoining areas of eastern undivided Indian sub-continent. This succession was there in Benares, Bengal and Mithila before Hindu Law of Inheritance (amended), 1929 in which beside the males, the females in the heir are widow, daughter, mother, paternal grandmother and paternal great grandmother but for only **separate property**. The unmarried daughters have the provision here to demand one-fourth share of the **undivided family property**. Under this law female members of the undivided family not only become successor of joint family property but they also can act as kartas, and also have the ability to manage property like other male successors. Dayabhaga system deals with the property right after father's death where the type of property i.e. joint or self-acquired does not matter. Before father's death, neither both the daughter and son have any right on ancestral property nor do they become coparceners at birth. The rules of inheritance remain same for all type of

property and for both daughter and son. The move of devolvement or succession either followed one mode of succession as stated earlier which exclude survivorship or right by birth or followed religious efficacy where spiritual benefit used to be considered as medium of gift, the property. Moreover, in case of **self-acquired property**, father has the absolute right to dispose the right on his own wish without considering both daughter and son which cannot be done for **joint family property**. He only has the power to decide about the number of successors to be given, the division of property and also the amount of share which can be unequal. So it also can create a problem related to gender biases either in **separate property** right transfers during lifetime of parents or by means of gift. If a property owner wills to divide his **ancestral property** during his lifetime, it is necessary to consider both sons and wife as successor. Wife will get equal share to son except a receiver of 'streedhan' where wife will get the half of son's share<sup>36</sup>. Here it is important to note that in case of **joint property** right among brothers, once one brother die, the property gets transferred to next heir i.e. widow of the brother as inheritance following the rules of succession not survivorship<sup>37</sup>. In fact sons actually get their right after the death of both father and mother .It is said that though the sons are in the preferable position in father's inheritance, the mother actually gets absolute right in the husband's **self-acquired property** after his death, whereas the sons get property right after father's death but it in effect gets postponed till the death of mother. The sons can however, divide the property among themselves with the consent of their mother during mother's life time. If a property successor leaves more than one widow after his death, his property share will be divided among the widows equally, not equally to all sons<sup>38</sup>. The property right will then transfer to sons from each widow.<sup>39</sup> Thus, though right by birth concept is not applicable in Dayabhaga School but the share of property right for all sons is already determined within the lifetime of father in case of **ancestral property** because each one is considered to have a right on undivided portion. Consequently, the sons also get equal right along with their fathers (in case of dead) in the **ancestral property**. Sons can claim their father's

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<sup>36</sup> Here provisions of property right are only for the married women who can get property within the lifetime of property owner through his will.

<sup>37</sup> Survivorship here include only surviving brothers as coparcener which is practiced in Mitakshara Law.

<sup>38</sup> Centre for Urban Research: Hindu Succession Act, 1956

<sup>39</sup> Thus sons from same mother will get equal share of property but sons from different mother but same father may not get equal property right as property partition will be as per the widows not the sons. Here widows will take equal share of property right and act as a medium to pass-on the rights to the next generations upon her death.

share (deceased brother's share in the joint property) if any brother die leaving any son as successor.

## **Mitakshara**

Before the application of Hindu Succession Act (HSA), 1956, which was partly favorable to women's property right, the Mitakshara coparcenary was practiced in most parts of this country. Coparcenary<sup>40</sup> is considered to be a legal institution which refers to the heir ship or joint inheritance up to the three next generations. After women's Right to Property Act, 1937 where widow got entitlement to right on **personal property** for the first time, Mitakshara started to follow that. Here widow's position in the family got strengthened by giving **personal property** right though female heirs also got recognized as testamentary succession, which applies instead of survivorship if there remains any female heir without male with the view not to disinherit her. Widow have the absolute property right on the 'streedhan' she received in her marriage but also right to inherit other property with limited control only to act as a medium to transfer it to next male heir thus, converting her 'Streedhan' to 'Women Estate' (Halder & Jaishankar, 2008). Mitakshara School distinguishes a difference between right of personal or self-acquired property and ancestral property. The property belongs to joint family i.e. **ancestral** property is devolved with the help of survivorship within coparceners and no means of succession is under the rules. Thus, unlike Dayabhaga school, the all undivided brothers are considered as joint tenants where each one have the unascertained interest in the undivided property and after death of any brother the property right will remain with the survivors only (Gisserot, 2007). Thus, the picture of women revealed much narrowed down as the chance of inheritance of widow from husband is nil if the husband died before gaining joint property right. With the birth of male child, the ancestors lose their property right and the property is deemed to be transferred directly from father to son without involving mother or widow and will be divided among all male coparceners equally. The devolvement of Mitakshara School is in the form of either Joint Family Property or Separate Property from the last full owner. Here it especially

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<sup>40</sup> Property right by birth is the key feature of coparcener.

deals with cross generational transfer of **joint property** rights through male heirs i.e. son, grandson, great grandson and great-great grandson from the owner up to next three generations as it was before 1956. According to this tradition, no female members in the family had the right to be the coparcener of joint inheritance. Sons are considered to be the successor of the ancestral property eliminating daughter's right to be a karta. In case of **separately owned property** or individual property, inheritance by succession will be applicable where females are also included among the heirs.<sup>41</sup> Sons have the autonomous right to the ancestral property where daughter got right of separate property by her father. And father also has the right to will against daughter or disown her to avoid the share of property right (Desai, 1994). Thus, both widow and daughter under Mitakshara coparcenary got impacted by the law of 1937 and got the ownership right of separate property but remain unauthorized from joint family property ownership till that time.

## **2.4. Property Laws in Colonial India**

### ***2.4.1. Hindu Inheritance (Removal of Disabilities) Act, 1928***

In 1928, the Hindu Inheritance (Removal of Disabilities) Act was framed which was applicable in whole of India except Jammu and Kashmir. This law was primarily applied to Hindus under any other school other than Dayabhaga i.e. Mitakshara. According to the law, the Hindu persons with physical disabilities would be excluded from any right on joint property. In 1929, the Hindu law of Inheritance was amended. It was applicable to **Dayabhaga** School in which property, neither held in coparcenaries nor transferred or gifted by any will. It followed the law of succession for cross generational transfer of **joint family property** right where right would be given to father's father followed by daughter's daughter, sister, son's daughter and

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<sup>41</sup> Unlike Dayabhaga, sons have the property right (Self-acquired) by birth in Mitakshara as a result of what; father can't gift his separate property by will without considering his next heirs.



sister's son. It mainly focused on the conversion of single heir succession of joint family property of deceased Hindu man to more than one heir. It also signified that the property right cannot go to any sister's son if the son got adopted after sister's death. After 1929, Dayabhaga included cognates i.e. the female members of the family, mainly widows to inherit freely the **joint property** and also they can enforce partition (Halder & Jaishankar, 2008). Later, Muslim Personal Law i.e. Shariat got applied in 1937 which worked in the state of Mumbai, Madras and West Bengal.

#### ***2.4.2. Hindu Women's Right to Property Act, 1937***

In 1937, Hindu Women's Right to Property Act also came into existence with the attempt made by the Britishers. Due to the eradication of 'Sati' system from the society, the number of living widows got increased and to secure their life, legal provision were made in favor of women for the first time in 1937 so that widows could have the right to enjoy property during her life span called 'women estate' (Halder & Jaishankar, 2008). This act has been considered as revolutionary in the Indian society as it brought changes in coparcenary along with law of inheritance and adoption, alienation of property and law of partition for the widows in case of **separate property**.

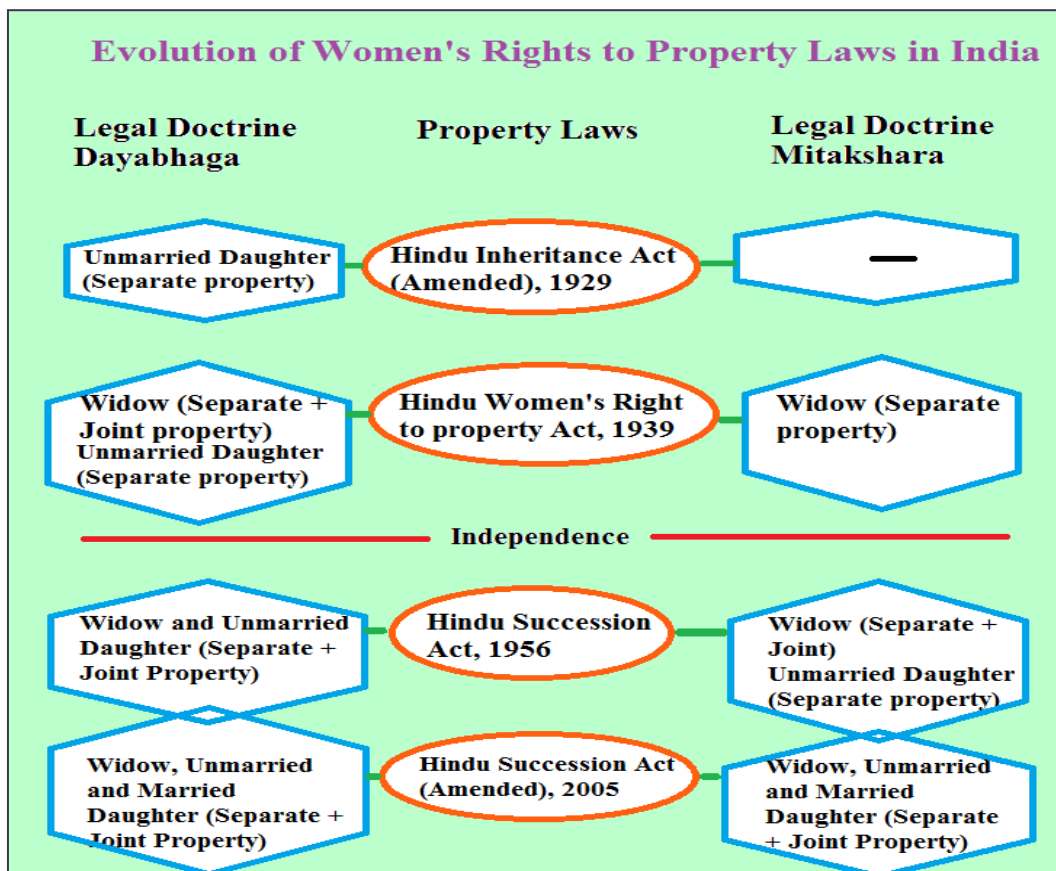
1. This was the law according to which widow or all widows together from same husband got the right to inherit property with equal share to that of her son when a property owner dies intestate (GOI, 2008). It was applicable for the Hindus who are governed under the law of **Dayabhaga** school for both **joint** and **separate property** and the any other school under Hindu law i.e. **Mitakshara** or any customary law for only **separate property**.
2. If any heir died before the generational transfer of joint family property right to him, his widow will be given the same share of **joint family property** which he might have if he didn't died. This is also applicable to any Hindus under any customary law or Hindu law other than Mitakshara i.e. **Dayabhaga** etc.
3. Any Hindu widow will get the same right to demand partition in the joint family property as a male owner.

- This law will not be applicable to the properties under the law of 1925 or under a customary law or under other succession rules.

The main drawback of the act lies in the fact that till that time the inheritance right of a daughter remained negative. Besides, widows get entitlement to the husband’s property only for maintenance purposes where they had limited right to possess the common assets (Gisserot, 2007). It also did not include the inheritance law of agricultural land rather it focused only on the ownership right of dwelling property (Halder & Jaishankar, 2008).

In 1954, a Special Marriage Act had been launched as a law of succession for inter-faith marriages. Thus, before 1956, all property laws were in favor of benefiting men exclusively and women have been dependent on male’s support.

**Diagram No. : 2.1. Evolution of Women’s Rights to Property in India**



Source: Conceptualized by The Researcher.

### **2.4.3. Hindu Succession Act, 1956**

Hindu Succession Act had been initiated in 1956 mainly for intestate<sup>42</sup> succession to Hindus, Buddhist, Sikhs and Jains. Hindus includes 'Virashaiva, a Lingayat or a fellow of the Brahmo, Prarthana or Arya Samaj'<sup>43</sup>. This was applicable in whole India except Jammu and Kashmir. According to the law, if a land owner has not made any will of his joint family property ownership during his life time, the widow along with her unmarried daughters and sons will get equal share of **joint family property**. So, the law seemed to be really appreciable as it secured widow's position but the law had been critically reviewed though. The intestate succession excludes the part of India, regulated by Indian Succession Act, 1925, and any will or enactment passed before the act started. There was a chance that by that law a land owner easily can neglect his wife from property rights by making a will favorable to son. Hence the rights of women and daughters remain questionable in the application of this law. B. N. Rao committee was the one who had gone against the Mitakshara law and right by birth too and proposed its abolition but due to strong patriarchal demand it continued even after Hindu Succession Act (HSA), 1956 where the widow would be given full ownership right (right to partition and sell) of **joint property** (Gisserot, 2007) and unmarried daughter would be given smaller portion of joint family property in respect to son after the initiation of Hindu Succession Act (HSA), 1956<sup>44</sup>. According to this custom, the joint family property shall be devolved by survivorship to the living members of coparcenary as they got the right by birth. But this survivorship is only applicable to prime heirs<sup>45</sup> like mother, widow, son, daughter and other<sup>46</sup> in the same linear chain

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<sup>42</sup>A person got died intestate of property, without making any will or testamentary disposition.

<sup>43</sup> Hindu Succession Act (HSA), Act no. 30, 1956

<sup>44</sup> This law does not enable female's right to be a coparcener of joint family property rather with the help of gift of smaller portion of property it actually made some provision for compensation (Gisserot, 2007).

<sup>45</sup> A person, irrespective of gender, entitled to property right of an intestate.

<sup>46</sup> Others include son and daughter of predeceased daughter or son, widow of pre-deceased son, son and daughter of pre-deceased son of pre-deceased son, and widow of pre-deceased son of pre-deceased son.

excluding the other relatives for whom succession will be followed instead of survivorship. In case of devolution of coparcenary property, survivorship will be applicable after father's death except intestate succession will be applicable instead of survivorship if only female relatives survive or anybody claim right through female heirs. Here in the succession, the preferred heirs are first son, daughter and widow (class I), if are not present then relatives of class II<sup>47</sup>, if even they are also absent then agnates<sup>48</sup> and finally cognates<sup>49</sup>. Thus, it seemed to be a first step for daughters to get statutory recognitions of their rights in their father's property.<sup>50</sup> The distribution of **ancestral property** will take place in such a way that all the widows of intestate will jointly get one share, mother, son and daughter each will get one share, and the children of pre-deceased son or daughter of intestate will get all total one share. In this custom, Hindu Succession Act, i.e. Hindu Succession Act (HSA), 1956 is applicable where unmarried daughters get equal share of property to son from **father's personal ownership** but got excluded from the coparcenary of **Hindu undivided family (HUF) property** of ancestral which basically gets hold off by the son (Carroll, 1991). As for example unmarried daughters, divorced daughter, and widowed daughter can stay in the ancestral residence (Gisserot, 2007; Nagaranjan & parashar, 2013) but could not have the ownership rights. In case of intestate succession from female Hindu, the preference for property rights are sons and daughters followed by children of pre-deceased son or daughter, heirs of husband, mother, father, heirs of father and finally heirs of mother.

The major drawbacks of the Hindu Succession Act (HSA), 1956 according to GOI (2008), are as follows:

1. The law makes a distinction between married daughter and unmarried daughter as if unmarried daughters should get property right as married daughter already got dowry though it was movable property<sup>51</sup>.

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<sup>47</sup> Father, son's daughter's son, son's daughter's daughter, brother, sister, daughter's son's son, daughter's son's daughter, daughter's daughter's son, daughter's daughter's daughter, brother's son, sister's son, brother's daughter, sister's daughter, father's father, father's mother, father's brother, father's sister, father's widow, brother's widow, mother's father, mother's mother, mother's brother, mother's sister.

<sup>48</sup> Agnates refers to the person with blood relations and adoption by male relatives.

<sup>49</sup> Cognates refers to the person with blood relation and adoption by female relatives.

<sup>50</sup> See Singhal, S.(2007), 'Woman as Coparceners: Ramifications of the Amended Section 6 of the HAS, 1956'

<sup>51</sup> The reason for the restriction of married daughter's right to paternal property is being married daughter become part of another property after her marriage and if they demand for property right then it will lead to injustice for her

2. The law retained the concept of survivorship in which property right may go to husband's heir in absence of any child. As a result of that there will be a chance for the principle of joint undivided property to get diluted (Ideally, under the joint Hindu family system, the ancestral property never gets divided and transferred to the heirs of other joint family; if it is so, then the concept of joint Hindu family will get affected).

In the central and southern states, the Hindu Succession Act was successful in making the daughters full coparceners but in the northern states on the contrary, strong objection was raised against women's ownership mainly in agricultural land as a result of which property ownership of agricultural land followed the state laws instead of Hindu Succession Act jurisdictions, known as 'land Act' issue (Gisserot, 2007).

Mitakshara coparcenary had retained the tradition of ancestral property right excluding the females which in turn has contributed to gender discrimination in the ground along with negation and oppression of women's fundamental right of equality, justified by constitution of India. Thus, to end up with the long drawn legal battles, Mitakshara coparcenary had been criticized and its conversion to Dayabhaga system along with abolition of right by birth has been proposed<sup>52</sup>. Here the changes will favor the equal distribution of both separate or self-acquired property rights and undivided interests too. Irrespective of women's economic and social status and marital designations, women are deemed to have full right to inherit property like a son of the family. But it has faced strong objections from the patriarchal society against daughter's equal right. So as a result of that parliament took almost fifty years for the conversion of the law in favor of daughters.

#### ***2.4.4. Hindu Succession Act (Amended), 2005***

Before the amendment of Hindu Succession Act, 1956 the legal reforms, all had taken place in the independent India were in favor of protecting the property rights of the wives

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brother. moreover her right to dwelling house will introduce her husband's right to daughter's paternal property as property right can be transferred along husband's heir according to Hindu Succession Act, 1956 (Nagaranjan & parashar, 2013; Halder & Jaishankar, 2008).

<sup>52</sup> Agarwal, B. , 1988

where daughters have been excluded. The inclusion of daughters in the **joint family property** right was proposed as early as in 1945 but the Hindu Succession Act (HSA), 1956 did not incorporate. To avoid the loopholes of the legislation and the discriminations against women, though the law got amended in Kerala and included daughters for the first time and followed by Andhra Pradesh in 1985, Tamil Nadu, Karnataka and Maharashtra still remain under the dark shades of Mitakshara system. In these states, unmarried daughters have been made coparceners but the married daughter have been left out; the reason is because she as a member of her husband's family will be a coparcener entitled to only widow inheritance<sup>53</sup>. Till 2005, the main drawback of the situation is that daughter's equal right was applicable in those states only where the law was amended, in favor of the married daughters, not in India as a whole. In 2005 the Hindu Succession Act (HSA) was amended all over India in which several inequalities have been covered like ownership right of agricultural land and paternal dwelling house, Mitakshara joint family property right and right of certain widows. The major change in the amendment has been recognized through the full abolition of concept of survivorship from the property right for men and women; but the concept of right by birth remains unchanged and continuing even today (Nagaranjan & parashar, 2013)<sup>54</sup>.

According to GOI(2008), the amendment of Hindu Succession Act (HSA), 2005 has brought in the following changes in Mitakshara system:

1. Daughter got ownership right by birth in **joint family property** as the son does and they will have equal share of right same as son but also will be subjected to same responsibilities and liabilities as the son.
2. There was no clear-cut mention that the entitled females have to hold the coparcenary ownership with her, which may have resulted into property disposed by her with the help of testament.
3. In case of father's death after 2005, the ownership right will be devolved by intestate succession or testamentary instead of survivorship. Hence daughter will get equal share

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<sup>53</sup> See Halder, D. & Jaishankar, K. (2008), 'Property Rights of Hindu Women: A Feminist Review Of Succession Laws of Ancient, Medieval and Modern India', Journal of Law and Religion, Vol. XXIV, pp. 663-687.

<sup>54</sup> With the abolition of survivorship, property transfer through succession has been introduced in all over India irrespective of the prevailing legal doctrine either Mitakshara or Dayabhaga, governing different states.

as to son and the child of pre-deceased son or pre-deceased daughter will get the right irrespective of gender.

4. Daughters have the right to challenge any gift or will made by her father to others during her lifetime.
5. No law will be applicable to clear out any doubt about property devolve by father before 2005 against son.
6. Partitioning of rights which already been devolved prior to 2005 is not permitted.
7. Now the provision for men and women both have been opened, permitting them to dispose their property rights to the next heir.<sup>55</sup>

This amendment of Hindu Succession Act (HSA) in 2005 has two major achievements in terms of making women's right for operational holding legally at par with that of men in all over India and removing gender inequalities in property inheritance of agricultural land especially from Jammu & Kashmir, HP, UP, Punjab, Haryana and Delhi and secondly making married daughters the coparceners of joint family property, it actually supported women economically<sup>56</sup> and symbolically<sup>57</sup>. In the former case, the inclusion of agricultural land ownership right in the law for the first time was aimed at benefiting millions of women from rural India who are dependent on agriculture for their survival (Agarwal, B., 1988; Nagaranjan & Parashar, 2013). In case of house wives, it gives them freedom and self-dependency to invest in child care or in child education. Women's lives become secure and offer some protection from domestic violence in the in-law's house if they are not interested in being dependent on paternal male counterparts. It also secures women's life in marital breakup. Another direction arise from the review of the amendment to Mitakshara, which follows the rules of right by birth, and as a result of that, the daughter is protected even against the property will by her father; however this also means that the widow's share will decrease in the property (Agarwal, 1994). The powers given to the daughters in the amendment are as follows:

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<sup>55</sup> 'Disposed of by him' will be replaced by 'disposed of by him or by her', Ministry of Law and Justice, The Gazette of India, 2005.

<sup>56</sup> Economically it secures the livelihood of women; the security can't be taken off by father with the help of wills.

<sup>57</sup> Symbolically it shows the gender equality in the society, not only that but also question the notion of women's belongings to in-laws family after marriage and helps to continue relationship with paternal family.

## **Daughter as Karta**

Karta refers to the power of owner of coparcenary property to have *de facto* control over it. Thus, according to traditional Hindu law, coparceners only have the right to become a karta but in case of daughters, their *de jure* control over joint family property is lacking. The reasons for the diluted *de jure* rights is that daughters is married off to place other than their native ones, as per most Hindu customs in the North India, and though they can retain their legal ownership right, control over ancestral property remains problematic. The sons settled elsewhere, however retain control and thus this problem has to be understood as an extension of the same social structure that defined the law in the earlier periods.

## **Daughter in Partition of Dwelling House**

In the amendment of Hindu Succession Act of 2005 daughters irrespective of their marital status not only are entitled to equal share to property right as the son, they also have the power to claim the partition of dwelling house which can be pre-occupied by her paternal joint family; she can do so even if it was chosen not to be divided by the male heirs.

## **Daughter in Reunion**

In Mitakshara school, a male coparcener separated from his family, can reunite with his father, paternal uncle and brother whereas women did not get any property right; with the amendment of Hindu Succession Act (HSA) in 2005, women both married and unmarried daughter along with widow get their right in the joint undivided property. But in the law, it is not clear whether reunion is possible between daughter and father, sister and brother or niece and uncle.



## 2.5. Conclusion

Gender related constraints in the property laws in modern India are not a recent outcome of women's status in society rather lack of property right of women exists from ancient times. Even with women's better status in ancient Indian society, their lack of property right has been identified where unmarried daughter have right to hold a smaller portion of property along with son but not the married one. The concept of 'sreedhan' was initiated from ancient times where daughters were gifted a portion of their share to paternal property in marriage thus, no more land right. With invasion of Muslim rulers in medieval India, women's seclusion had resulted into their dependence on male relatives thus; men become source of security for women for what women's need of property right got diluted. In modern India for the first time in 1937 women's property laws for widows (separate property for Mitakshara dominating areas and both separate and joint property for Dayabhaga) has been grounded with perseverance of Britishers as abolitions of Sati left numerous insecure widows in the society but it neither included daughter nor about agricultural land; only included dwelling house. In 1956, another property law includes the property right for unmarried daughter but not married one where widow got both separate and joint property in whole India; unammraied daughters get unequal share of joint property and equal share of separate property in Mitakshara dominating areas and equal share in both properties in Dayabhaga but again neglect agricultural land. In 2005, the law was amended and included widow and both married and unmarried daughter's equal share to both the properties in whole India and succession rules was started to follow instead of survivorship in whole India. Finally agricultural land has been included in property right. However, radically the amendment of Hindu Succession Act (HSA), 2005 has challenged the customs of different social institutions called as 'ideal household' like Hindu Joint Family which follows the rules of patrilineal structure as a result of that strong objection arose from the most powerful section of the society against women's property right.

## CHAPTER 3

### ***GENDER SPACE IN INDIA: POSITIONING WEST BENGAL IN THE INDIAN CONTEXT***

Though modern India is generally regulated by legal doctrines, initiated during the colonial period, it is not free from the social and cultural norms which were acting through the histories to shape the gender-related constraints (UN DESA, 2009). Women in Indian society have the responsibility of reproduction and taking care of household works while men are the soul decision makers. In India, the diversity among the population or the states in terms of caste, religion and social institution has led to the differential behaviors towards women in different spaces. The informal institutions govern the Indian society and its gender relations especially in rural areas where 68.86 percent population live in (Census of India, 2011). The religious practice driven patriarchal norms affect the life of women in the male dominated society and women are subjected to discriminations against them which varies from north to south, east to west in the India-subcontinent, producing a varied mix of gender spaces. Thus, it is possible to identify different cultural districts<sup>58</sup> of women's status in the country that often transition smoothly into one another, and at times is characterized by sharp changes over space. The gender-based demographic characteristics in different states across India enable us to understand better the gender relations in a particular cultural district. This can be considered as a precondition for women's emancipation facilitating a condition of access to equal rights vis-à-vis men. As mentioned above, since the socio-cultural norms are deep-rooted in Indian societies along with the legal doctrines, a huge gap has been identified between the legal provisions for women's property rights and practices in reality. While dealing with women's *de jure* and *de facto* access to productive land in particularly West Bengal as a case study, it is important to conceptualize the gender space in the state which shapes the norms and attitudes in this society and in turn, women's access to property right both legally and socially.

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<sup>58</sup> Cultural district refers to the distinct bordered area with homogenous cultures within the area but separate from outside the boundary.

This chapter attempts to locate a broad north-south divide of gender space in India using social and demographic gender-related indicators. It also tries to locate the position of West Bengal in terms of cultural differentiation, in a more specific sense. This demographic analysis has been done with the help of secondary quantitative data.

**Table No.: 3.1. Name of the Variables Used with Source and Year**

Details of Secondary Data	Indicator				
	Demographic	Social (Education)	Social (Women)	Economic	
Variable	Child Sex Ratio	Women's Literacy Rate	Women's Mean Age at Marriage	Women's Work Participation Rate	Women's Ownership of Land
Year	2001 & 2011	2001 & 2011	2002-03 & 2007-08	2001 & 2011	2000 & 2010
Source	Census of India	Census of India	District Level Household Survey 2 & 3	Census of India	Agricultural Census of India
Variable		Girl's Dropout Rate from Primary Education	Total Fertility Rate		Average Size of Holding under Women's Ownership
Year			2010		2000 & 2010
Source		Ministry of Human Resource Development, Government of India	Sample Registration System		Agricultural Census of India
Variable		Women in Higher Education			
Year		2001 & 2011			
Source		Census of India			

Source: Created by the researcher

However, the recent trend in gender-related demographic behaviors along with changes in their characteristics in the last decade is not enough to sketch the socio-cultural norms as informal institution which hinders the applicability of laws in favor of women in the society. Rather these practices are the result of social forces acting through histories. Therefore, without a discussion of the historical background of gender relations in the India society, the study would lack the basis to root the socio-cultural patterns that shape the land rights and related practices in West Bengal in the recent times. The second objective of the chapter hence, focuses on the historical evolution of gender space in West Bengal with the help of qualitative sources which heavily depends on Bengali literature written over time. The temporal variation for this analysis has been used to understand deepening of the phenomena under consideration over space rather than to understand its growth.

While dealing with the socio-demographic and economic indicators in India, scholar have identified a north-south division of gender relations across Indian states as demarked by the pattern of development (Sopher, 1980; Millar, 1981; Dyson & Moore, 1983; Raju, 1988) where north is broadly characterized by low gender development with lower child sex ratio, higher dropout rate among girls in primary education, lower gender parity in literacy rate, and higher total fertility rate. Higher fertility rate resulted into short birth spacing which affect inversely both the health of mother and child which makes the northern India less developed in terms of gender (Murthi, Guio & Dreze, 1995). On the other hand, south demonstrates exactly the opposite situation where the above said indicators have gender progressive characteristics. This differential gender relations in India is largely governed by the institution of marriage; in north India the dowry practice is most common where the bride's family gift either money or land or gold to the daughter which actually holds by the head of the in-laws house<sup>59</sup>. The situation in south India obviously is different from that of north India where the prevalence of dowry practice in the former is less than the later. Even if bride's family give dowry in marriage, the wealth remain within the family as cross-cousin marriages are generally preferred. Thus, two broad demographic regimes have been identified according to aggregate demographic variation In India in which location of West Bengal is essential to

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<sup>59</sup> Some exceptions are there mainly in extreme north where groom's family pays bride price at the time of marriage to the bride's family (Berreman, 1962).

understand better the social forces which acting over the spaces to shape Women's emancipation and thus, access to equal right to men Dyson & Moore, 1983).

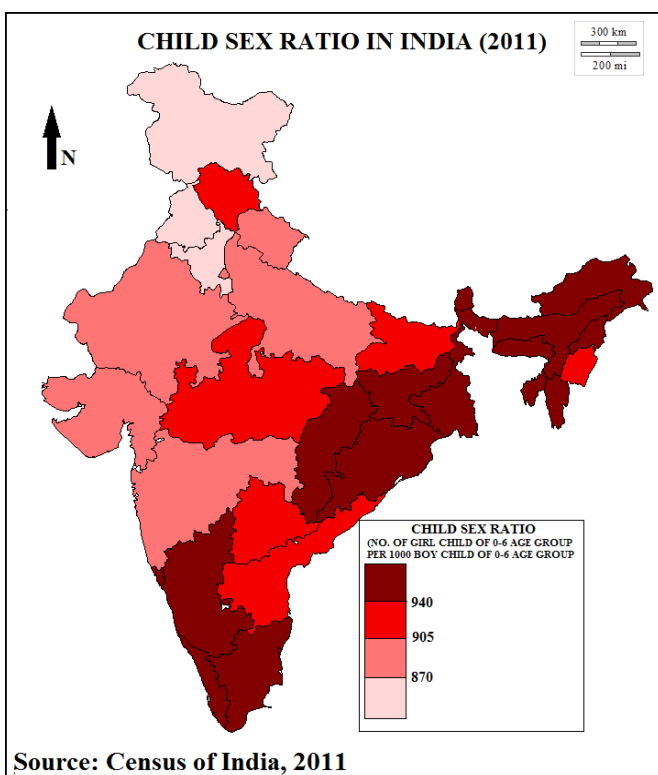
### **3.1. Spatialities of Social and Demographic Characteristics in India**

An attempt has been made in this section to analyze the spatial variations of a set of socio-demographic factors in India to understand the position of West Bengal with respect to the rest of the country. To meet this end, a set of indicators has been considered to reveal the patterns of discrimination among female infants and children. These are essentially rooted in the cultural contexts, access to education, marriage spaces and reproductive characteristics of women in India. While some of the indicators enable us to compare gender relations, others help us to perceive women's position exclusively. One of the basic demographic characteristic in this context is sex ratio which determines the gender parity in population composition in a given place. In India, sex ratio can be calculated as the total number of female population to 1000 male population. However, the male selective migration for both education purpose and employment can result in a low sex ratio in an area which will not represent the gender discriminatory practices operative in the socio-cultural domain of a region. Therefore, to avoid the influence of other factors, child sex ratio has been taken as a major indicator to map the gender space in the country. To analyze the parity in the education arena as social indicator, literacy rate, ranging from 0-1 has been considered as an indicator of gender development. The analysis has also considered the presence of women in higher education (above the graduation level) as only a favored few, particularly in rural India enters this level. Girl's dropout rate from primary education has been considered as negative indicator for the gender purpose. Next the work participation rate has been used as an economic indicator to show gender space at work. A set of demographic factors for women like mean age at marriage and total fertility rate have also been analyzed as indicative of gender development in an area. Thus, on the basis of demographic, social and economic factor, an overall north-south pattern has been identified in India which is not a recent pattern rather existing for long. This has been referred as the 'deeply rooted' socio-demographic characteristics by Dyson and Moore (1983).

## Child Sex Ratio

Child sex ratio is referred to as the number of female child within 0-6 years of age group to 1000 of male child within the same age group. Child sex ratio reveals the sex differential preferences at birth and also incorporates in it the possible discrimination of the girl child as expressed in terms of their survival relative to boys. The changes in child sex ratio can be regarded as consequences of underlying socio-economic pattern of the society and differential attitude towards girl child and boys.

Map No. 3.1: Child Sex Ratio in India, 2011



As Figure No. 3.1 shows, a clear-cut demarcation of north-east / south-west demographic divide has been observed in Indian sub-continent with respect to child sex ratio in recent times (Millar, 1981; Raju, 1988). The states from comparatively gender progressive south<sup>60</sup> along with east and north-east India have higher child sex ratio as compared to that of the states belong to north and west. The latter states have low child sex ratio as resulted by strong son preference followed by sex selective abortions (Kishor, (1993); Arnold, Kishor and Roy, (2002); and higher girl child mortality (Visaria, 1971; Das Gupta,

1987; Murthi, Guio & Dreze, 1995; Arnold, Choe & Roy, 1998) However, from the decadal analysis it has been observed that the pattern of child sex ratio had followed typically the north-south divide in India during 2001 as postulated by Sopher (1980). However, in this one decade, child sex ratio in Maharashtra has declined which has resulted into the north-east / south-west pattern of demography. West Bengal though comes under the categorization within southern states have

very marginal decline in child sex ratio as it already has a good ratio. This finding in West Bengal can be explained as the result of decline in gender bias in child survival rate due to either higher female work participation rate or higher female literacy rate as explained by Murthi, Guio & Dreze, (1995). However, the pattern is not a recent phenomenon; similar pattern has been retained throughout the last decade in case of child sex ratio.

**Table No.: 3.2. Position of West Bengal in Broader North/South Divide in India on the Basis of Child Sex Ratio**

Child Sex Ratio		Growth in Child Sex Ratio 2001-2011	
		Positive (>0)	Negative (<0)
In 2001	Higher than National Average (> 927)	Kerala, Karnataka, Goa, Tamil Nadu, Arunachal Pradesh, Mizoram, Puducherry, Andaman & Nicobar Island	Jammu & Kashmir, Bihar, Sikkim, Nagaland, Manipur, Tripura, Meghalaya, Assam, <b>WEST BENGAL</b> , Jharkhand, Orissa, Chhattisgarh, Madhya Pradesh, Andhra Pradesh, Dadra & Nagar Haveli, Lakshadweep
	Lower than National Average (< 927)	Himachal Pradesh, Punjab, Haryana, Delhi, Gujarat, Chandigarh	Uttaranchal, Rajasthan, Uttar Pradesh, Maharashtra, Daman & Diu

Source: Census of India, 2001 & 2011.

### **Women in Education**

Access to education is a very crucial factor in determining the status of women in the patriarchal society. As it has been already mentioned in the 2<sup>nd</sup> chapter, in ancient India, women's access to education has declined over medieval and early modern society. According to Mohiuddin, "In the developing countries, women's lower status is reflected not only in their work being underpaid, unrecognized, but also in their limited access to productive resources and support services such as health and education" (1995: 1026). In the recent era, the betterment of

women's position in both family and society has contributed to the access to education which is claimed as medium of gaining empowerment rather agency (Agarwal, B. 1994). The awareness hence achieved along with enhanced mobility within the 'men's' world that education brings with it in turn is expected to improve autonomy to possess land. Women's literacy rate, women in higher education and dropout rates among women in primary education etc are indicators that have been considered of this analysis.

### Literacy Rate

Literacy rate refers to the percentage of literate population above seven years of age to corresponding total population. Literacy defined as the ability to read and write with understanding. From the quantitative analysis of women's literacy rate in India, a typical north-south divide emerges on the basis of state level patterns (Raju, 1988); where southern states except Andhra Pradesh, had favorable women's literacy rate, and along with north-eastern states, remained at this advantage position throughout the last decade. On the other hand, the low women's literacy rates, observed in the north Indian states, have contributed to clear-cut demarcation of north-south pattern. Interestingly, West Bengal from east, follows the characteristics of gender progressive south as per literacy rate is concerned. This pattern in West Bengal through has slightly lower growth in the last decade, but the trend remained almost the same even since last four decades where Raju's (1988) study on cities had identified West Bengal to have higher literacy from the north.

**Table No.: 3.3. Position of West Bengal in Broader North/South Divide in India on the Basis of Female Literacy Rate**

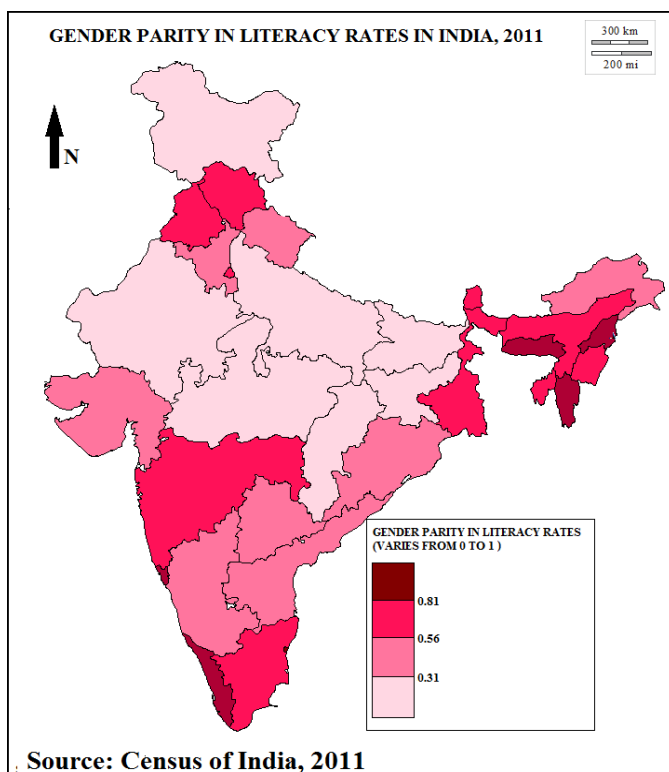
Women's Literacy Rate		Growth in Female Literate Population 2001-2011	
		Higher than National Average (> 46.72 % )	Lower than National Average (< 46.72 % )
In 2001	Higher than National Average ( > 45.15 )	Sikkim, Haryana, Tripura, Manipur, Meghalaya, Assam, Gujarat, Daman & Diu,	Himachal Pradesh, Punjab, Chandigarh, Uttaranchal, Delhi, Mizoram, Nagaland, <b>WEST BENGAL</b> , Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Puducherry, Andaman & Nicobar Island, Lakshadweep



<b>Lower than National Average (&lt; 45.15 )</b>	Jammu & Kashmir, Rajasthan, Uttar Pradesh, Bihar, Jharkhand, Orissa, Chhattisgarh, Madhya Pradesh, Arunachal Pradesh, Dadra & Nagar Haveli	Andhra Pradesh
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Source: Census of India, 2001 & 2011.

**Map No.: 3. 2: Gender Parity in Literacy Rates in India, 2011**



Source: Census of India, 2011

Gender parity in literacy rate has been calculated as female literacy rate to male literacy rate only to analyze the gender relation in respect to education across the states in India<sup>61</sup>. The value varies from 0 to 1. Greater the gender parity index value, better the gender relation in the society. From this analysis, again southern states with West Bengal from east and north-eastern states have higher gender parity in literacy rate which can easily be distinguishable from the north with lower gender parity in literacy rate except Punjab and Himachal Pradesh. Thus, the north-south divide also prevails

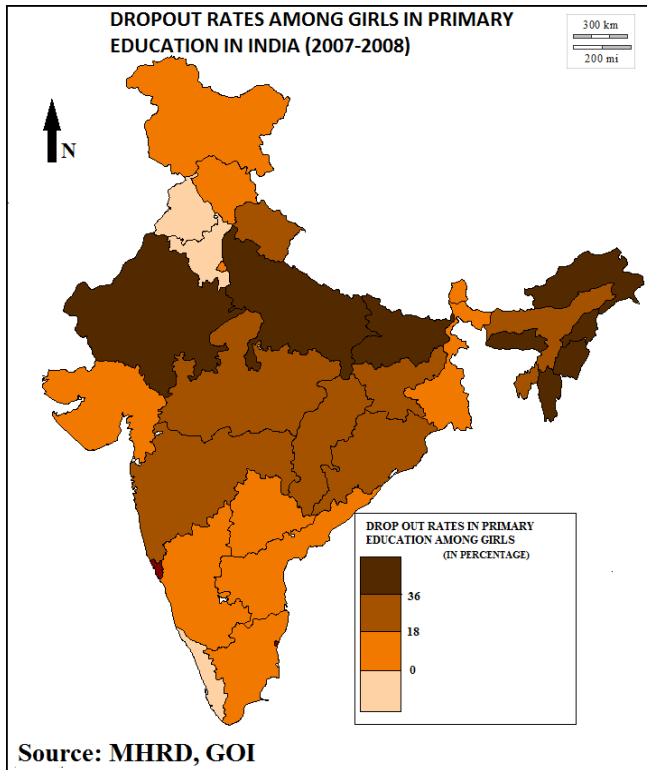
in terms of gender parity in literacy rate in India where West Bengal have higher parity as stated above.

### Girl's Drop Our Rates from Primary Education

<sup>61</sup> It has been observed that higher female literacy is likely to diminish the gender biasness in the society (Bourne & Walker, 1991).

Dropout rate refers to the percentage of population within given age group, dropout their educational attainment in a particular period. Here the dropout rates among girls have been taken for primary education (i.e. 6-11 age groups) as a negative indicator for gender

**Map No.: 3.3 Dropout Rates Among Girls in Primary Education in India, 2007-08**



development. From the analysis of dropout rate across states the pattern reveals that in overall India, the dropout rate among girls are as high as 27.25 % which is very alarming and a concerning situation for whole of India ( Chimombo, 1999; Agarwal, 2002). Except the extremities, dropout rate follow the pattern of north-south divide though it is not clear as such. The north and middle Indian states with north-east have quite higher dropout rate among girls mainly led by poverty (Mitra & Singh, 2008), followed by child labour (Weiner, 1991, Chakraborty & Chakraborty, 2010) and thus, with household burden (Sengupta & Guha, 2002; Ersado, 2005). In the states

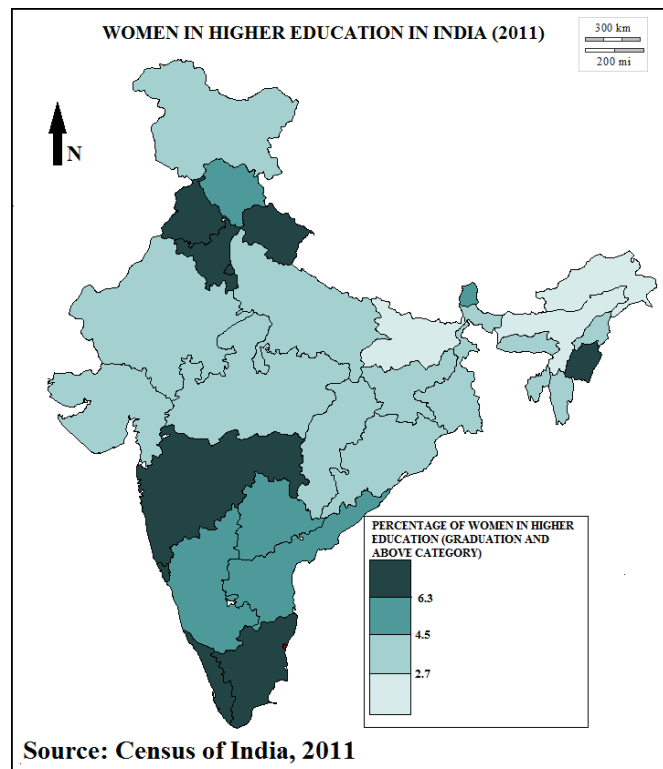
like Uttar Pradesh, Rajasthan and Bihar, women do have lower status in the conventional Hindu society which may contribute to the less interest for the girls in educational attainment within the families (Mitra & Singh, 2008)<sup>62</sup>. Except that huge belt of higher dropout rate among girls, The southern states with West Bengal from the east and Gujarat from west have lower dropout rate among girls however Himachal Pradesh from the gender regressive north also follows the same trend.

<sup>62</sup> Holcamp (2009) also observed that rural girl has higher dropout rate from primary education as parents consider lower return from the investment in girl's education in the same family as girls got married off to different house . Similar kind of observations has been found out by Glick& Sahn, 2000; Kingdon, 2005; Leung & Zhang, 2008 which support that the gender bias in parent's resource investment in children's education has led to girls leaving out the school early (Fuller & Liang, 1999). Several studies also found that the dropout rate among girls is high due to the practice of taking care of younger siblings by elder sister (Brock & Cammish, 1997; Canagarajah & Coulombe, 1997).

## Women in Higher Education

The factor, Women in higher education is the percentage of women who are enrolled in graduation or above level. In a society even if women are allowed for their elementary education,

**Map No.: 3.4. Women in Higher Education in India, 2011**



they hardly participate in higher education without social support. Thus, higher the percentage of women in higher education, better the position of women in the society with less restrictions in their mobility. The overall percentage of women who are engaged in higher education is very less in overall India i.e. near about 4.5 percent in 2011. However, the situation in the southern states with higher percentage of women in higher education can clearly be distinguished from the situation in northern, eastern and north-eastern states and thus, follow the broad demographic regime designed by Sopher (1980). Nevertheless, the pattern is also with

anomaly as for example Punjab, Uttaranchal and surprisingly Haryana have higher percentage of women in higher education mainly caused by low fertility rate (Mari Bhat, 2002). These states along with southern states except Andhra Pradesh follow the same pattern in the last decade with even considerable positive growth.

**Table No.: 3.4. Position of West Bengal in Broader North/South Divide in India on the Basis of Women in Higher Education.**

Percentage of Women in Higher Education	Growth in Women in Higher Education 2001-2011	
		Higher than National Average (> 115.61 %)

<b>In 2001</b>	<b>Higher than National Average (&gt; 2.44)</b>	Himachal Pradesh, Uttaranchal, Haryana, Karnataka, Tamil Nadu, Puducherry, Daman & Diu,	Punjab, Chadigarh, Delhi, Manipur, Gujarat, Maharashtra, Goa, Kerela, Andaman & Nicobar Island
	<b>Lower than National Average (&lt; 2.44)</b>	Jammu & Kashmir, Rajasthan. Uttar Pradesh, Sikkim, Arunachal Pradesh, Mizoram, Dadra & Nagar Haveli, Andhra Pradesh	Bihar, Nagaland, Meghalaya, Tripura, Assam, Orissa, <b>WEST BENGAL</b> , Jharkhand, Chhattisgarh, Madhya Pradesh

Source: Census of India, 2001 & 2011.

Since, West Bengal shows an unsatisfactory percentage even lower than the states of lower women's status in India, the incident of lower age at marriage has been regarded as responsible factor for the pattern (Bagchi (ed.), 2005; Bandyopadhaya and Subhramanian, 2008). Moreover, the situation is very concerning for West Bengal which has a trend of having very low numbers of women in higher education throughout the last decade where the state even experienced a growth in women in higher education, lower than national average; thus, locating the state among the states with worst category in the north-south divide in India.

## Work

Work participation rate among female are the percentage of female population in working category for both main and marginal to total female population.<sup>63</sup> In the modern India, women occupies a subordinated position to men even in the working space in terms of working category, place of work or the wage rate<sup>64</sup>. As a result of that in the recent times, the analysis of female work participation rate in India, it has been observed that the percentage of women at

<sup>63</sup> Chakraborty & Chakraborty (2010) found that women's participation in work is a source of well being and empowerment which in turn reduce gender inequality. Participation in paid work is an important requirement for economic independence of women (Bennet, 1992; Bardhan, 1985)

<sup>64</sup> The gender division of labour in terms of work not only affect the access to capital and future security but also the status of women within the household (Modak, S., 2011). Kingdon (1998)found that the gender division of labour is most influential factor in low female work participation rate. Scholars have pointed out that men are considered to be the bread earner for the family thus, hold the authority of household resources.

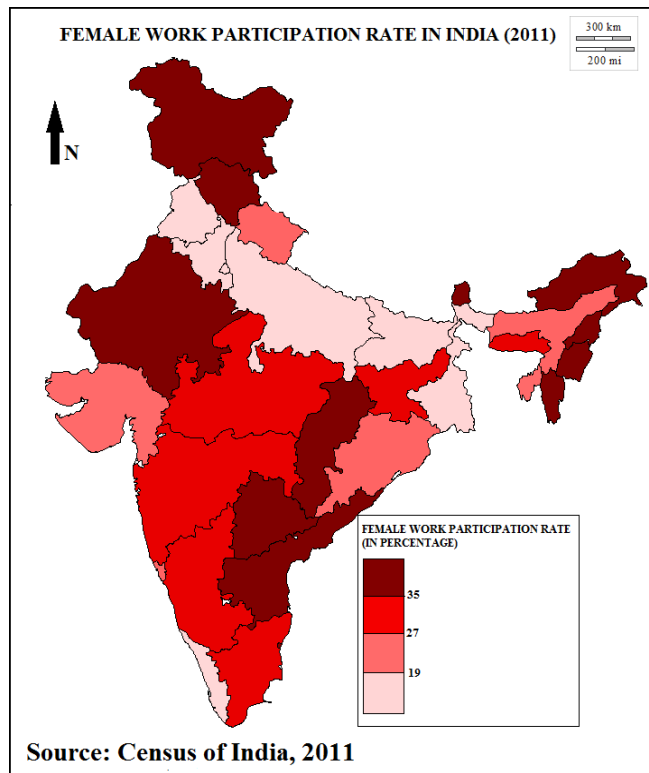
work is very less i.e. near 25 % in overall India as compared to that of men. Generally the southern states have lower dropout rate of girls in primary education associated with higher female work participation rate which can be regarded as women in regular activity thus increasing their social status. On the other hand Uttar Pradesh along with whole northern riverine plain have very low female work participation rate due to the proximity of conventional Hindu society where female's mobility outside household is being restricted. Within the southern states, the most gender progressive state i.e. Kerala has low female work participation rate as resulted by the fact that women are mostly confined to the attainment in higher education but they generally avoid engagement in employment (Lakshmy Devi K. R., 2002) and thus, created a major anomaly. In case of north India again, except the states in indo-gangetic belt, all states have high female work participation rate which is seem to be against the gender relations in the north. Thus, as per female work participation rate is concerned, the proper north-south pattern is very difficult to found out in India.

**Table No.: 3.5. Position of West Bengal in Broader North/South Divide in India on the Basis of Women's Work Participation Rate**

Women's Work Participation Rate		Growth in Total Female Worker 2001-2011	
		Higher than National Average (> 17.87 % )	Lower than National Average (< 17.87 % )
In 2001	Higher than National Average (>25.63)	Himachal Pradesh, Rajasthan, Sikkim, Nagaland, Manipur, Tripura, Maharashtra, Karnataka, Tamil Nadu	Uttaranchal, Haryana, Arunachal Pradesh, Mizoram, Meghalaya, Jharkhand, Chhattisgarh, Gujarat, Madhya Pradesh, Dadra & Nagar Haveli
	Lower than National Average (<25.63)	Chandigarh, Delhi, Uttar Pradesh, Bihar, Orissa, Assam, Kerala, Puducherry, Andaman & Nicobar Island, Lakshadweep	Jammu & Kashmir, Punjab, Daman & Diu, Goa, <b>WEST BENGAL</b>

Source: Census of India, 2001 & 2011.

**Map No.: 3.5. Female Work Participation rate in India, 2011**



West Bengal from east follows the characteristics of indo-gangetic plain with conservative background against women. Several studies have pointed out that female work participation rate in West Bengal is lower in rural areas than urban areas (Sinha, S., 2005). With the shift of economy, the agricultural employment has declined worsening the condition of women over men for marginal category. Due to the shift in agricultural economy followed by male selective out migration from agricultural occupation to casual job in urban areas, the burden of agricultural work remains within the work load of women in the household without recognitions

(Agarwal, 1994). Sudarshan & Bhattacharya (2009) have added to that finding that women have less decision making ability about their own participation in work rather it depends upon the decision of the total household where women’s work outside their home is needed or not has been determined. The control over capital and the social construction of men to work has formed hegemony of male dominancy over female in the state which has restricted women’s work place only to households (Nakkeeran, N., 2003). Moreover, the marital status of women also controls their participation in work where he found that work participation among single women is greater than the married women. Thus, women’s low age at marriage in Bengal has contributed to low female work participation rate (Panda, 2006). Since, irrespective of economic development, female work participation rate is comparatively very low to men in the State, it is not seemed to be a good indicator for the productive contribution of women to economy as their work is just being neglected by the mainstream social perceptions<sup>65</sup>. Thus, female work

<sup>65</sup> However, women in the society are allowed to work outside proves that the society is less rigid and less conventional about the women’s mobility. Women’s work participation is always not a good factor as the educated women have more kind of regular employability whereas in maximum cases intra-household poverty has forced the women in casual job category

participation rate does not follow any broader demographic regime resulted into north-south divide as designed by Sopher (1980).

## **Marriage**

Marriage is considered to be an institution through which women's position not only got restricted within households but also women are considered to be a medium of wealth transfer from one family to another. The ritual of marriage follows a simple north south differential pattern where north is characterized by village exogamy<sup>66</sup>, caste endogamy<sup>67</sup> and gotra exogamy<sup>68</sup> (Gould, A., 1960). In the North India, the daughters are married of outside the village from where they could not operate any land or control it. The parents are not willing to give property right to the daughters as they belong to other family after marriage thus, the property would be transferred to another family. Therefore, village exogamy works as a social taboo to disinherit daughters from property right and to keep property in the name of male member of the family only to retain the entitlement of the resources within the household; but the customs prevailed in south India are exactly opposite to that of north India. The studies on South India show an interesting fact which seemed to be absent in North India is that the daughters from marginal land-owning households and landless households are married to nearby areas mainly within the village only with the view that daughters after marriage can exchange labour and resources with women of paternal home during emergency (Nakkeeran, N., 2003). Moreover, the cross cousin marriage prevails in the south India where mother's brother become father-in-law after marriage thus, the property entitlement remained within the close family. The marriage institution in Indian society therefore can be well understood with the help of mean age at marriage.

## **Mean Age at Marriage**

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<sup>67</sup> According to Gauld, (1960) 'Agricultural land and hereditary occupations are the chief forms of "property" in the villages'. Therefore, to maintain the purity of one caste group marriages are restricted within the same caste

<sup>68</sup> Thus, the people within same gotra are considered to be the descendant from same ancestral group or closely related to them and the marriages within family or close relations are not allowed in North India

Mean age at marriage for women demarks the average age in which women get married. This is a type of women indicator rather than gender indicator which determines women's role in the society and thus, their productive contribution to the society. India on an average has 19.8 years as mean age at marriage for women. However, from the state-wise pattern of women's mean age at marriage, no clear-cut demarcation of demographic north-south divide can be done. The states from extreme north and extreme southern peninsula along with north-eastern states have higher women's mean age at marriage while rest of the states mainly from middle India have low mean age at marriage for women. This pattern of women's age at marriage existed throughout the last decade roughly where the former states had same late marriage age for women except Karnataka and Gujarat<sup>69</sup> and the later states had earlier age at marriage for women.

**Table No.: 3.6. Position of West Bengal in Broader North/South Divide in India on the Basis of Women's Age at Marriage**

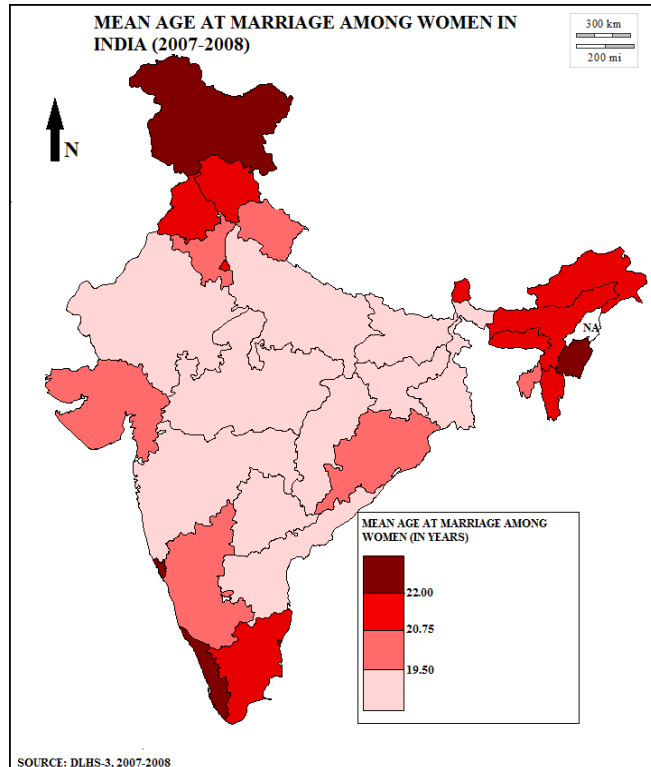
Women's Mean Age At Marriage		Growth in Women's Age at Marriage 2002-2008	
		Higher Than National Average (> 1.54 %)	Lower Than National Average (< 1.54 %)
In 2002	Higher Than National Average (> 19.5)	Punjab, Chandigarh, Delhi, Arunachal Pradesh, Goa, Lakshadweep, Tamil Nadu	Jammu & Kashmir, Uttaranchal, Himachal Pradesh, Sikkim, Manipur, Mizoram, Tripura, Meghalaya, Assam, Orissa, Daman & Diu, Dadra & Nagar Haveli, Kerala, Puducherry, Andaman & Nicobar Island
	Lower Than National Average (< 19.5)	Haryana, Rajasthan, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Karnataka	Bihar, <b>WEST BENGAL</b> , Jharkhand, Chhattisgarh, Gujarat, Maharashtra

Source: District Level Household Survey, 2002-2003 & 2007-2008.

<sup>69</sup> With the increasing concern of daughter's parents about the economic security of son-in-law as well as concept of self dependency for the daughters, a sharp rise in age marriage can be observed among women (Caldwell, Reddy & Caldwell, 1983).



**Map No.: 3.6. Mean Age at Marriage among Women in India, 2007-08**



Since, the mean age at marriage for women is very low in West Bengal in recent years, it creates a concerning situation for the state where earlier age at marriage for women is seemed to be resulted by lower attainment to higher education among women ( Jain & Nag, 1986; Agarwala, 1957). Women in higher education generally symbolize later age at marriage in case of unmarried daughter which is mostly lacking in West Bengal (Bandyopadhaya and Subhramanian, 2008)<sup>70</sup>. Moreover, the growth pattern of the variable in last six years clearly notify that the state also had lower age at marriage for women along with very low growth which

has resulted into recent status of age at marriage in the state. Scholars have pointed out that with the daughters reaching adolescence; early marriage for daughters becomes a crucial factor in the states like West Bengal to maintain her honor and chastity (Arnold, Choe & Roy, 1998). Thus, the pattern of mean age at marriage for women hardly follows the broader north-south divide where West Bengal is mainly located among the north Indian states of gender conservative background.

### **Total Fertility Rate**

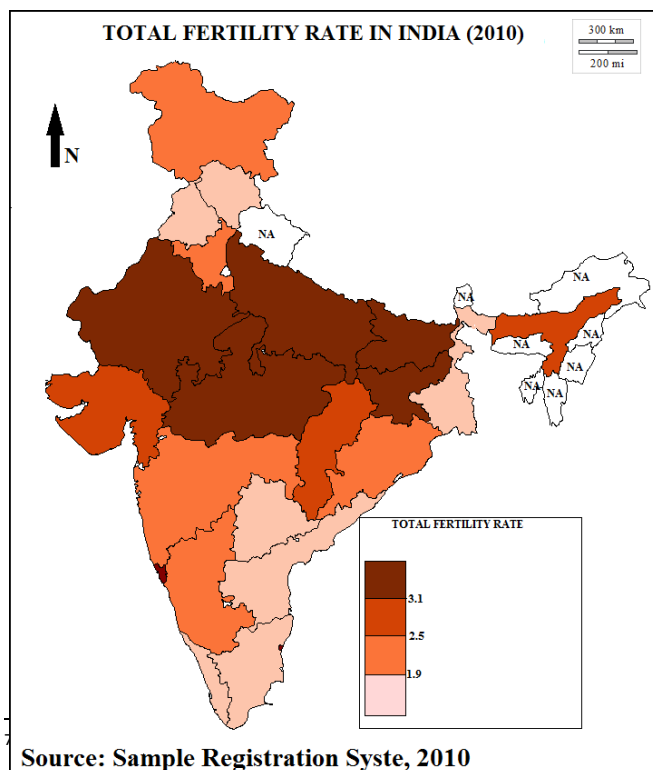
Total fertility rate (TFR) refers to the number of birth per women in the child bearing age group from 15 to 49 in the given period. According to Bagchi (ed.), “TFR refers to

<sup>70</sup> According to Bandyopadhaya & Subhramanian, “While gender inequalities intensify with poverty, caste inequalities and geographical location (particularly in under developed rural areas), particular gender-differentiated ideologies cut across all social groups, explaining why in all social groups, girls lag behind boys in access to and participation in education. These include specific views on the appropriate roles to be played by women in family and society and the underlying controls placed on female mobility and chastity” (2008: 10).

the average number of children expected to be born per women if age specific fertility rate continues to be the same” (2005: 22). Here, in the state level analysis of India, the pattern of TFR shows an interesting picture where it almost follows the north-south division of gender development i.e. low TFR in the gender progressive south and high in north Indian plain. However, the extreme northern states like J & K, Himachal Pradesh, Punjab, Haryana and West Bengal from east make the exceptional cases<sup>71</sup>. An interesting study by Dyson and Moore (1983) has revealed that during 1961 & 1971, the northern India have very high TFR around 6-7 child/mother while southern states have comparatively lower TFR. However, in recent times, from the SRS data, 2010 it’s become very clear that the southern India along with the West Bengal (only from east) exhibits exactly same pattern, established by Dyson and Moore (1983) where lower total fertility rate has been observed which has been resulted by the greater influence of higher mean age at marriage to lower down the marital fertility rate (Dyson, Moore, 1983; Jain & Nag, 1986).

Murthi et al (1995) on the other hand, have explained how women’s higher educational level and higher female literacy rate followed by higher female work participation rate in the south has contributed to lower child bearing time thus, lower fertility rate which has

**Map No.: 3.7. Total Fertility Rate in India, 2010**



been supported by Jain & Nag (1986); Sengupta & Guha (2002); while Dreze and Murthi (2001) have added to this findings that higher fertility rate in the north is simply shaped by the high level of son preference which has been further supported by Das Gupta & Mari Bhat (1997). But this was not the case for West Bengal. Scholars have found that in the state, even with low age at marriage among women, low work participation rate among women and less women in higher education, low Total Fertility Rate is a

Result of greater family planning and use of traditional method of contraception even with lower age at marriage (Bongaarts, 1997; Bagchi,(ed), 2005). Moreover, rural West Bengal experiences a certain level of poverty which contributes to the family planning and thus, the number of desirable child is less (Coale & Banister, 1996).

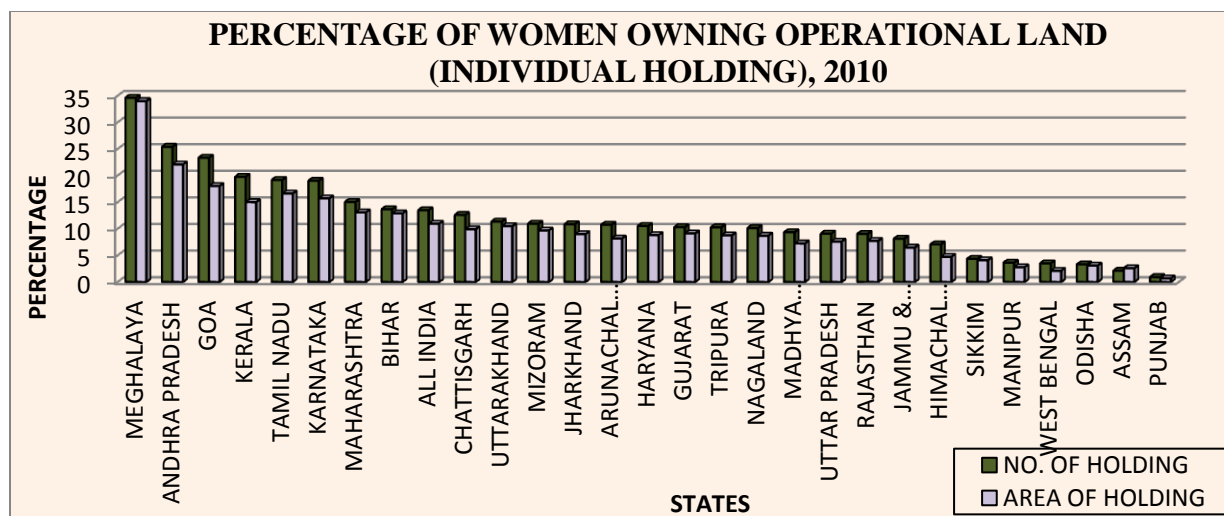
### **Women's Ownership of operational land**

Women's ownership to operational land simply means their legal entitlement to agricultural land, they cultivate. Since, the data source has been used here i.e. agricultural census gives us only household level data even with gender break up, it is not possible to trace women's ownership right in personal level<sup>72</sup>. However, this source at least gives some estimate of women having access to land which is totally absent in other data sources like National Sample Survey (NSSO). Hence, women's ownership to operational holding will enable us to understand the gender gap in India with reference to agriculture. Since, women's ownership to individual holding has been considered by many scholars as the only attribute of women's emancipation (Agarwal, 1994), only the individual holding of land has been analyzed here excluding joint holding of land.

### **Figure No. 3.1. Women's ownership to Operational Land in India, 2010**

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<sup>72</sup> In the data collection method for agricultural census, the land ownership has been considered as the family property. So, data has been collected in household level not in personal level. From each household, land ownership for individual holding has been defined in the name of either male or female depending upon the head of the family in whose name the land is registered. It may be in male name for male headed family and female for widow as female headed family. While both husband and wife from a family having land jointly registered in their name, the household will be counted under the category of joint holding. Thus, it neglect the individual land ownership of each person from the household may be married women or unmarried daughter who got land through dowry or market respectively.



Source: Agricultural Census of India, 2010

From the analysis in figure 3.1., women’s lower ownership right in operational holding in all over India has been brought into the concern. However, among the states a clear north-south divide can be traced where states from comparatively progressive gender background i.e. south have percentage of women owning operational holding higher than national average (Sen, 2016) with the exceptional cases of Meghalaya and Bihar; the former state has higher percentage of landed women throughout the last two decades while the incorporation of the later state among the states with high percentage of landed women is the result of higher growth rate of landed women in the state in last decade. Except that, all states from north Indian plain, east, west and north-east India have landed women lower than national average. Thus, this clear demarcation of north-south divide exactly follows the pattern as designed by Sopher (1980) and Dyson et al (1983).

**Table No.: 3.7. Position of West Bengal in Broader North/South Divide in India on the Basis of Women’s Ownership of Operational Holding.**

Percentage of Women Own Operational Land		Growth in Number of Female Own Operational Land 2001-2011	
		Higher Than National Average (> 32.18 %)	Lower Than National Average (< 32.18 %)
In 2001	Higher Than National Average (> 11.6)	Andhra Pradesh, Meghalaya,	Goa, Karnataka, Kerala, Maharashtra, Tamil Nadu

<b>Lower Than National Average (&lt; 11.6)</b>	Bihar, Chhattisgarh, Haryana, Madhya Pradesh, Mizoram, Nagaland, Rajasthan, Sikkim, Uttaranchal	Arunachal Pradesh, Assam, Gujarat, Himachal Pradesh, Jammu & Kashmir, Manipur, Orissa, Punjab, Tripura, Uttar Pradesh, <b>WEST BENGAL</b>
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Source: Agricultural Census in India, 2000 & 2010

In recent years, West Bengal having lower number of operational holding under women's ownership along with lower area of holding clearly comes among the northern states in the broader north-south division of Indian subcontinent and also proves that women are confined to ownership of marginal land holdings in the state. However, this is not an outcome of recent gender relations in the state rather the pattern existed through the last decade where women's share in operational land holding even had a declining trend over the period of time. Due to the lack of literature supporting agricultural census as proper source of data related to women's land ownership, the reasons of this pattern across India is very hard to explain and subjected to further research which could not been covered in the present study.

**Table No.: 3.8. Female Land Owner in Different Size Group Of Operational Holding in West Bengal**

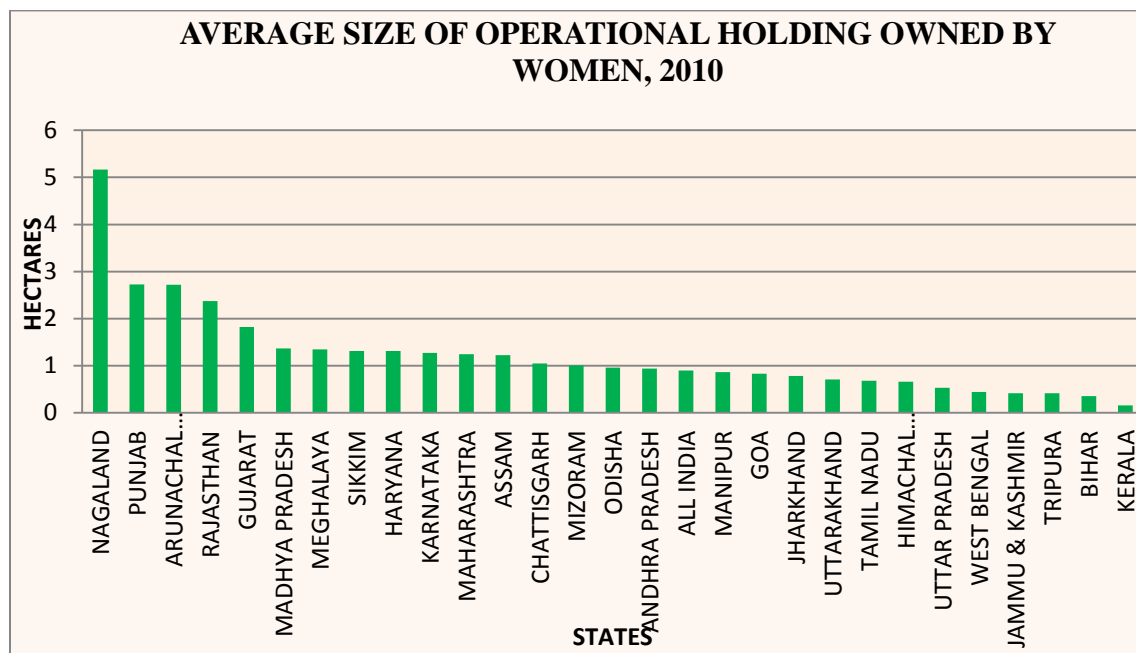
West Bengal	No. Of Holding	Area Of Holding
Size Of Holding	% of Female Owning Operational Land	
Marginal	3.94	2.76
Small	1.50	1.31
Semi Medium	1.27	1.20
Medium	1.60	1.53
Large	0.00	0.00
All Classes	3.50	2.01

Source: Agricultural Census of India, 2010.

The average sizes of operational holding under women's ownership have been found to be higher than national average in Western India and among the North-eastern States where the characteristics of broader North-South divide in India are lacking. This anomaly is tend to be created by the states like Punjab and Rajasthan having higher average size of operational holding under women's ownership than the national average albeit belong to north Indian Hindu Plain. Kerala and Tamil Nadu on the other hand, from comparatively gender progressive south have much lower size of operational holding under women's ownership than

national average. Thus, in this pattern it is quite difficult to locate West Bengal whether the state comes under gender progressive south or not, having very low average size of operational holding.

**Figure no. 3.2. Average Size of Operational Holding Owned by Women**



Though, the state is not following a particular pattern in case of average size of holding under women’s ownership, very few women actually owned operational holding in recent times as has been discussed in the previous section. These two factors jointly have represented a strong gender gap in property right in the state. While socio-demographic analyses support the better gender space in West Bengal like southern India, property right is the only

regime in which women are lacking mainly because of overall scarcity of land for both the gender followed by higher man-land ratio. In India, the percentage of women owning land is very limited as stated above. However, percentage of female main cultivator is not less<sup>73</sup>. In West Bengal the number of female cultivator is obviously higher than the number of female land owner but the difference is not much which makes clear that women have some short of control over the land they own.

### **Summing Up**

From the above demographic analysis, if all characteristics can be overlaid, a broad overall north-south pattern can be distinguished across Indian states as designed by Sopher (1980), Dyson and Moore, (1983) where southern states portray progressive gender relations and northern states shows conservative gender relations and therefore less gender development. If we avoid the overlaying of all the characteristics and deal with it individually, the pattern become interesting as it partly encounter the theory given by Sopher (1980). It is said partly as some of the characteristics like child sex ratio, gender parity in literacy almost follow the north-south divide rather northeast – southwest divide as stated by him. But the other characteristics like mean age at marriage, women in higher education, work participation rate etc hardly follow the north-south pattern rather small Custer in both north and south shows the difference from the middle zone. As for example, Kerala is considered as the most perfect southern state with all its gender progressive characteristics whereas Punjab being a northern state exhibits the characteristics of southern states where anomaly lies (Dyson & Moore, 1983). The reason may be the impact of other influential factors which contribute to the differential gender space far from the proper pattern. Moreover, the pattern has been classified into broad north and south division where west and east demarcations are subjected to ambiguity. The north Indian system is characterized by women's no inheritance for themselves rather for transferring to next generation; dowry as marriage transaction; dominance of senior housewives on junior one;

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<sup>73</sup> In the joint family system in rural India, land has been considered as family property not the individual one where women do work in the field as a cultivator whole year irrespective of their ownership status (Agarwal, 1994). As a result of that, women cultivate ancestral land with/without entitlement. On the other hand, in mainly agricultural states, women were forced to work outside due to economic condition. The lack of education among women in the rural India left no option for regular job other than cultivation. Consequently, large number of female cultivator can be seen which exceeds the women having land ownership.

control of women sexuality with the help of *Purda*; male's power to maintain female's chastity etc. the south Indian system on the other hand characterized by cross-cousin marriage; women's property inheritance; concept of Bride wealth; less rigid control on mobility and sexuality of women. Thus, within the broader north-south divide, West Bengal being an eastern state represent a contesting gender space.

### *The Contesting Gender Space in West Bengal*

The characteristics of north like lower age at marriage, low percentage of women in higher education and lower female WPR has been found in West Bengal. On the contrary, West Bengal have the characteristics from south like higher child sex ratio, higher gender parity in literacy rate, lower girl's dropout rate from primary education, lower total fertility rate which make the position of West Bengal as most contested gender space in India.

Even with lower fertility rate, the reason for lower female WPR in West Bengal can be the social construct in which a section of women who join the low paid casual labour like agricultural labour or domestic helper who are only exposed to labour market<sup>74</sup>. Other than that, upper class women maintain their seclusion in mainstream Bengali society by remaining in the Interior of the House who are not exposed to outside world for casual labour. They are employed to regular salaried jobs which can be getting through attaining higher education. But empirical study on women in higher education in West Bengal highlighted the lower percentage of women in Bengal who are in education above graduation. Consequently the availability of job to Bengali women other than casual labour is very low. As a result of that, overall female WPR is low in West Bengal. In West Bengal, unlike the southern states, the practice of cross cousin marriage is totally absent. However, the village exogamy, caste endogamy and *gotra* exogamy is dominant but not extremely rigid where lots of exceptional examples are there. Even Dyson & Moore pointed out that West Bengal practice short distance at marriage where high instances of village endogamy can be found (1983). But surprisingly with lower age at marriage, the total fertility rate is also very low

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<sup>74</sup> With higher fertility rate women generally lack the time for employment and also health condition thus female WPR declines.



in Bengal due to the effective birth control to avoid unwanted pregnancy where use of contraception was found very high (Bongaarts, 1997). According to Bagchi, “West Bengal’s women in general are more capable of controlling their fertility than their all Indian counterparts” (2005: 19). He also continued that West Bengal comes under top three states where different methods of family planning have been used. High levels of traditional methods like abstinence, rhythm or withdrawal are common in West Bengal where use of modern method is very less (NFHS 2). Among the modern method female sterilization was most common but recent trends have portrayed the shift towards use of pills (Bagchi, 2005). Thus, lower fertility rate contributes to better maternal health (Bagchi (ed.), 2005). Along with lower fertility level, the gender bias in the society also decline (Basu, 1992). As a result of that, West Bengal defines the gender regime of south with a little exception.

### **3.2. Contextualizing Gender Space in Bengal: An Analysis from Frictional and Non-Frictional Bengali Literary Work**

Bengal is the state where women had a relatively favorable status in the society as the socio-economic and demographic indicators period reveals though it varies regionally. In Bengal, the space for women can be found as narrowed and subverted for social restrictions within which women do raise their voices and express their thoughts through literatures written in artistic style to present the so called unseen truth of their private sphere (Nowshin, A., 2014). An attempt has been made in this section to draw from existing Bengali fictional and non-fictional literary work that deal with women’s position in Bengal. The reason why fictional work has also been included is because the authors over time have drawn from the society their inspiration to create their stories within which they have located women. While such literature cannot be treated as evidence, they portray the broad societal constructs, in many cases, drawn from their experiences around them, and such an understanding is important to appreciate the constraints under which women operated historically. The works that this section draws from have been written by Ashapura devi, Mahashweta devi, Sharatchandra Chattopadhyay, Rabindranath Tagore, Tashlima Nashrin, Bankim Chandra Chattopadhyaya, Begam Rokeya,

Aruna Chakraborti, Chitra Dev and others<sup>75</sup>. Much of this work traces life histories of women and at times has strikingly similar context and differs only by situation and definitions or pronunciations (Nowshin, A., 2014).

### **Women's Life Struggle in the Patriarchal Society**

While tracing the status of ancient women through the eyes of Bengali female writers, the authors have described the larger Bengali society at different time periods. Bengali women did find relief from patriarchal oppressions through their writings and creativity and thus, broke the restriction of her social cage (Dasgupta, 2013). The gendered division of work, attitude, behavior and learning was very dominant throughout history which got reflected in Palace of Illusion (Divakurani, 2008)<sup>76</sup>. It emerges that patriarchal society has formed the norms in the name of rituals of different religious groups and women became victims of discrimination in the name of continuity of these familial norms, imposed by the male dominated society (Chattopadhyaya, 2012). Women's mobility was highly restricted and allowed only with their male counterpart. For example, cross generational analysis of women's seclusion has been portrayed well in the Bengali literature through the 'Trilogy' by Ashapura Dev (Devi, 1988, 1989). Consequently, purda system as a symbol of women seclusion prevailed in nineteenth century and to some extent twentieth century as referred by Aruna Chakraborty among the upper class Bengali women i.e. '*Bhadramahila*' in the name of preserving family pride<sup>77</sup>. The Muslim

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<sup>75</sup> Ashapura devī in her writing focused on the struggle of middle class women whose lives are constrained of walls of social construct and how the cross generational changed through silent struggle has gave birth to independent women in terms of education and economy. On the other hand Mahashweta Devi's focus is on marginalized women but they are not confined to the wifely duties as Ashapura Devi's women are, rather they struggle for existence and justice in their life along with the men counterpart. Another sets of stories written by Devi symbolized different shades of motherhood among Bengali women. The lifestyle of upper class Bengali women can easily be traced from the writings of Chitra Dev and Aruna Chakraborti. The Muslim writers like Begam Rokeya and Taslima Nasrin has portrayed well the picture of women's subjugation in the Muslim society while Nasrin's and Baby Halder's autobiography are the direct evidence of author's own life struggle. Nabanita Dev Sen and Chitra Banerjee Divakurani has written the modern epics like Ramayana and Mahabharata respectively and highlighted the life struggle of women which remained unseen in the original epics. Among the male writers, Rabindranath Tagore has created women character in his writings as emotionally strong desperate in nature which was common in contemporary Bengal. Sarat Chandra Chattopadhyaya and Bankim Chandra Chattopadhyaya has created powerful women in the society who can show individuality in their fight against gender based inequality (Dutta, 1990).

<sup>77</sup> The word '*Bhadromahila*' literally means gentle women which has been defined as women who is well educated and filled with good culture, remain inside house always and support parda system, who don't have any relation with outside world especially males and don't go for job.

women's life struggles appear to be extremely vulnerable. Writings of Begam Rokeya and Taslima Nasrin reveal to us how women's seclusion in the Bengali Muslim society has restricted women's emancipation (Murshid, G., 1983). Overall, the patriarchal society acts as social guardians of women, is the main obstructer in women's development of individuality. Since, from this conservative family structure, Jnanadanandini married into the famed and upper-class Tagore family in the *Brahmo* (Chakraborti, 2013) Society was the first married woman who stepped out of 'Andarmahal' (interior of the house) albeit with husband's consent and support and went to foreign country<sup>78</sup>. It is notable that, even these upper class women's mobility required that stamp of approval their male counterpart which in turn was often guided by British influence. Though this male view, rare as it was, was many a times driven by an effort to fit into a society that found favor with the British, it would be uncharitable to state that in any of such cases it was not driven with a spirit of progressiveness. Satyendranath Tagore, Jnanadanandini's husband was a case in point. Such cases, however, were rare and looked on with disapproval of the society, the primary brunt of which was borne by the women. Contrarily, in all cases, the identity of women was known by their male counterparts<sup>79</sup>.

“In spite of the reversal of the liberal movement for the upliftment of women, women who were partially emancipated could neither go back into the *Purdah* nor commit themselves totally to domestic roles. They were also unable to give up the personal autonomy, the taste of which they had already enjoyed. As a result of all this, the conflict between men and these 'liberated' women widened and these women became increasingly conscious of their rights” (Murshid, 1983: 46).

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<sup>78</sup> Bengali women never stepped out of house for what they did not need stitched cloth. Moreover, it is the climate of Bengal which makes the women comfortable in unstitched Saree. However as Janadanandini stepped out for the first time, she used stitched cloth like jacket, petticoat, blouse etc. against the restriction of women as women are considered as sign for maintaining rituals (Sarkar, 1987). Janadanandini followed the Parshi style of wearing a saree and thus taught them in household first and then to society. She also introduced b day celebration, afternoon handout to women. She was the one who first created nuclear family.

<sup>79</sup> It was not that all people from *Thakur Bari* (Tagore House) got emancipated rather maximum of them was expert in cooking and other household work. Thus, women's liberation is not in the hand of social reformist but on the willing of own self and support from family. The upper class Bengali Women i.e. 'Bhadramahila' never participated in singing or dancing however the subsequent evolution of art and culture in the 'Andarmahal' has resulted into the women's performance in public space in front of unknown men which got further extended to subsequent generations where Sharmila Tagore, one of the descendant joined modeling and thus, film industry.

However, women's subjugation within the dominated space by men has resulted into their intentional compromising with ongoing hegemony which they are even conscious about. In Rural Bengal, women's emancipation was often recognized as a path breaking step, while female upbringing was most conservative. However, Bengal writers have portrayed the image of women who made themselves heard and actively participated in decision-making within household, though the direct resistance to this appear to come from other women in the household, in a bid to retain a subsidiary power structure within the household in a patriarchal system (Chattopadhyaya, 2012). Women's life in Bengali society is juxtaposed between the edge of sufferings and their power of resistance. These women, as designed by Mahashweta Devi, are shattered by triple marginalization of burden of caste, poverty and gender who are well known as 'others' within the nation state (Devi, 1995). Devi has revealed in her writing the social, economic and political oppressions that a Bengali women suffers which got multiplied for women from lower caste background<sup>80</sup>. However, as seen above from the case of Tagore family, upper caste women are not free from gender exploitation either, though the forms of subjugation are different and less overt and the liberties at their disposal are more. Instances of upper caste women being sexually exploited within the patriarchal society can be found in the stories of Mahasweta Devi<sup>81</sup> and N.D. Sen (Devi, 1987 and Sen 1997)<sup>82</sup>. Among the economically backward classes, instances have been found where unmarried daughters have been given in unsuitable and oppressive marriages as the source of family income<sup>83</sup>; sometimes their male guardians including fathers sold the daughters to wealthy and powerful males of the village only to overcome poverty<sup>84</sup>. In mid-nineteenth century, Bengali women including Bengali Muslims looked up to the British women which provided them with a benchmark of women's emancipation, which may not have been the case in other states where direct British influence was much less (Sarkar, 2004). We get possibilities of women actually standing up to take part in a struggle in the form of a silence protest to deal with the patriarchy-led oppressions against women for multiple generations, in '*Pratham Pratisruti*' or in a more direct form to have won in

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<sup>80</sup> This 'others' are refers to the dominated group of people who live in extremity of living, usually are not visible in the common world . They are discriminated from the authorization power even on their own body and hence got controlled by the superior male relatives of them. Thus, women are considered as socially and culturally disrupted binary group in respect to men (Vandana et al, 2007)

<sup>81</sup> Chinta and Outcast

<sup>82</sup> Story of Sita who got coerced to prove her fidelity through 'Agnipariksha'.

<sup>83</sup> Sindhubala by Mahashweta Devi.

<sup>84</sup> Sanchari by Mahasweta Devi

the end as described by Mahashweta Devi (Devi, 1988 and Devi, 1987). As reflected by Ashapura Devi, the protagonist women in Bengal don't accept the identities, gifted to them rather they make their own identities through their own struggle.

## WOMEN AND MARRIAGE

The marriage system as portrayed by Bengali literatures has abundant example of both marriages as per family elders' choice and '*Swayambar*' system in ancient Bengali society where the bride and groom both can on the face of it know each other before marriage appears to give rise to contradictions in gender spaces in Bengal. However, the '*Swayambar*' system when analyzed in-depth was where option were strictly guided by elders' choice that effectively weeded out 'unsuitable' options. This incident symbolizes that daughters had no decision-making ability in the marriage as portrayed in *Palace of Illusion* (Divakurani, 2008). The instances of child marriages as the traditional institution of marriage in colonial Bengal can be found among the economically backward families<sup>85</sup> as well as the upper class people<sup>86</sup>. According to N. D. Sen, "A mere child, who is not yet even physically capable of taking care of her own self, is being forced to take up the social responsibility of wifhood"<sup>87</sup>(Sen,1988 :22 ). Sarat Chandra Chattopadhyaya revealed in '*Debdas*'(Chattopadhyaya, 1917) the presence bride price in the society in which parents actually sold their daughters to the in-laws while love marriages were not allowed in the contemporary Bengal because of both inter-caste and inter-class cleavages as highlighted by the author. During the time of peak influence of the *Jorasanko Thakur Bari* (Tagore's house in Jorasanko, Kolkata), the choice of marriage by women was initiated among '*Bhadrolok*' led by the *Brahmo Samaj* which was publicized well during the

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<sup>85</sup> Bankim Chandra Chattopadhyaya revealed in '*Devi Chadhurani*' that in the contemporary Bengal, the child marriage was most prevalent for both the boys and girls. Baby Halder got married off when she was only 12 years old. Mahashweta Devi pointed out that the age at marriage was as early as 14 years in case of '*Giribala*'. Rabindranath Tagore in '*Strir Patra*' also pointed out the girl's marriage is in 12 years old.

<sup>86</sup> Ashapura Devi in '*Pratham Pratisruti*' revealed in marriage of girl from rural Bengal in 7 years age. Child marriage was also prevailing in *Jorasanko Thakur Bari* (Tagore House in Jorasanko, Kolkata). The second daughter-in-law of Debendranath Tagore got married in 7 years age. Later Rabindranath Tagore also married off his daughter Madhuri in 14 years age only not to lose good groom and Renuka in 11 years age without his wife's consent (Murshid, 1983; Dev, C.1983.). Sarat Chandra Chattopadhyaya also referred in '*Debdas*' the lower age at marriage of a middle class village girl when she was near 13 years old.

<sup>87</sup> The author has connected this fact with marital rape of a girl child as claimed by her father which was common in rural Bengal.

time of freedom movement. *Brahmo Samaj* was formed by the people who adopted *Brahmo* religion and got out of conservative rigidity of Hindu religion. The people, belong to this group were more liberated about women's emancipation thus, all social reforms in favor of women in the nineteenth century, took place through the active participation and willingness of people from *Brahmo Samaj*. Eventually, in the generation after Rabindranath Tagore, instances of inter-state marriage, inter-religious marriage, marriage separation followed by second marriages and divorces can be located within the society of colonial Bengal. The dowry system was prevalent though in more suppressed forms compared to the North Indian Belt; Rabindranath Tagore, a progressive icon of the Bengali society of his time and later, was persuaded to pay dowry in his daughters' marriages. And here it is important to note that Mrinalini Devi, wife of Rabindranath Tagore also acted as an example of women with quite and ineffective protest against hegemony of contemporary patriarchy. The ideal female and an ideal wife who would serve the patriarchal Brahminical system and stand as a symbol of a woman on a pedestal, which is glorified on the premise that she silently bears the injustice meted out to her which has been more generally portrayed by 'Sita' (Sen, 1988). The stark lack of their own social identity and their position in the society through husbands and sons (by implication, also ability to give birth to sons) is starkly portrayed in the utterly regressive way in which widowhood was practiced in Bengal. "The supreme, traditional virtues of the Hindu women are fidelity, sincerity and self-sacrificing love. A wife subordinates her wishes to those of her husband" (Dev, 1983:153). Unlike the other states in India, West Bengal had not only lower age at marriage for girl children but also they were married to much older men. Moreover, dominance of male polygamy in the society would leave large numbers of widows after the immediate death of their husbands. The widows suddenly lost their social respect as they were not allowed to be present in any social and religious holy functions along with their deteriorating status within the household (Modak, 2011). The customs associated with widowhood were indeed glaringly regressive in Bengal, (having to shave of their hair, with an extremely limited diet with a stark reduction in protein sources, being restricted to a corner of the household with little or no contact with male members of the household, having to wear white *saree* etc.) which continues in parts of Rural Bengal even today. The widow remarriage which was common in Vedic period, was first restricted among the upper caste families and eventually followed by the whole society. Therefore widows did not

have other options except to commit 'Sati'<sup>88</sup>. In the late 18<sup>th</sup> century, the incident of 'Sati' has been found to be rise sharply among the upper-class Bengali society as the '*Bhadromahila*' were compelled to resort 'Sati' only to 'maintain their purity and commitment to traditional rich cultures' (Nandy, A., 1984 in Yang, 1989). These examples can be found in Rabindranath Tagore's *Chokher Bali* (Tagore, 1903) and Ashapura Devi's *Pratham Pratisruti* (Devi, 1988), among others. Dutta (1990) has well explained the level of subjugation, a widow had faced in the nineteenth century through the stories of '*Binodini*' in *Chokher Bali*. "An educated, intelligent and witty woman, she burns with fierce resentment at being deprived of love and every grace in life; there is a great need to be loved in her" (Dutta, 1990:172).

## WOMEN AND MOTHERHOOD

In Bengal, women irrespective of their level of empowerment, have that stems from their motherhood. In the early decades of 19<sup>th</sup> century, several attempts were made to improve the status of women in the society which elevated the status of motherhood as a culturally privileged position in Bengal through history. Bengali women have two different discourses to explain their motherhood. This was a way through which female body and sexuality was honored and is the counter point of the same female body and her sexuality being subjected to insult. The traditional exaltation of motherhood not only denied women from their right to achieve their individuality but also subjugated women within hidden social role, prescribed for them as reflected in the writings of Ashapura Devi and Mahashweta Devi<sup>89</sup>

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<sup>88</sup> 'Sati' is a practice in which widows were burnt together their husbands in the same funeral pyre which is referred as 'Sahamarana'. This practice is not applicable if the widow is pregnant or husband died in distant places. Thus, in case of later, 'Anumarana' was practiced in which widow wait for some time (either to be mother or upto the time the husband's ashes reach to her) and then got burnt along with husband's ashes or cloths (Thompson, 1928). The strong social pressure had provoked the occurrence of 'Sati' and it got established as so called Hindu ritual for widows. In 1798, the first legal attempt to abolish 'Sati' was made in Kolkata (Former Calcutta) by Raja Ram Mohan Roy and in 1829; it got banned from whole India. According to Sati Regulation act No. 17, "The practice of suttee, or of burning or burying alive the widows of Hindus, is illegal and punishable by the criminal courts" (Yang, 1989). According to Thapar, R., the hyponymy of women in the conventional patriarchal Hindu society, along with kinship structure and inheritance practice and 'control over female sexuality' has led to the existence of 'Sati' in the society. On the other hand this practice got wide spread especially during medieval period to preserve the chastity of Hindu widow from Muslim investors (Yang, 1989). In the 18<sup>th</sup> century, the incident of 'Sati' was less control by tradition rather it was a result of psychological, cultural and political forces (Nandi, A, 1984).

<sup>89</sup> 'Trilogy' by Ashapura Devi and stories like 'Giribala', etc. by Mahashweta Devi.

(Devi, 1988 and Devi, 1987 respectively). “Motherhood was seen as the ‘ultimate identity’ of Bengali women” (Bagchi, 1990: ws-66).

“The mother image that was projected by the anti-colonialist uprising was a combination of the affective warmth of a quintessentially Bengali mother and the mother goddess Shakti, known under various names as Durga, Chandi or Kali, who occupies a very important position in mainstream religious practices” (Bagchi, 1990: ws--66).

Another image of mother in the colonial Bengal was symbolically the source of nationalist aspiration (Bagchi, 1990). Motherhood was considered as the ‘spiritual essence of national selfhood’. In the nationalist era, the country has been referred to as the Hindu mother to provoke the struggle in the mind of every citizen where the concept of motherhood became politicized and self-contradictory due to the patent notion of self-sacrifice. However, the ‘motherland’ belongs to the male deity and women play the role to restore the land and bring honor back to the males. The contribution of Abanindranath Tagore in shaping Bengali women’s image as Bharat Mata is significant to look at as the image of women, as designed by him, is not as a symbol of power to be used by males, but kindness and inductiveness. This conceptualization was specific to Bengal. On the other hand, the writings by Mahasweta Devi, Ashapurna Devi (Subarnalata) & Rabindranath Tagore (Ghare Baire) easily explain that women did participate in the struggle where there were hardly any gendered derivation existed.

## **WOMEN AND EDUCATION**

Initially in Bengali society women did not have the access to education which was true for the people who belonged to both lower sections and upper class of the society as revealed by Ashapurna Devi and Mahasweta Devi (Devi, 1988 and Devi, 1987 respectively). This had changed with enhancement of educational capabilities among women in the 19<sup>th</sup> century especially for middle class women who were not interested to accept the control of mainstream



Hindu society over women<sup>90</sup>. According to Chitra Dev, “Impact of education didn’t contribute to increase women’s awareness about gender inequality but the cultivation of mind and personhood” (1983). At that point of time, education among girls was considered as a necessary condition for familial mobility and finally it led to the evolution of advanced Bengali society (Karlekar, 1986). Thus, the struggle for equal rights of women gave birth to individuality which do present even in the so called ‘*Bhadralok*’ society is referred in contemporary literatures (Dutta, 1990). Ishwar Chandra Vidyasagar made several attempts to empower women by leading the light of education to them. He has written preliminary books to spread education among women in 19<sup>th</sup> century who never used to come out of their interior of the household. He always considered that women’s education is the key for developing their condition and empowerment. As a result of that he has established numerous girls school in Bengal to encourage female education. Moreover, he was the first person in Bengal who postulated Widow remarriage in the colonial society. However, it hardly reached to remote villages in Bengal. According to Bagchi,

“It was also supposed to encourage women in becoming immodest, undisciplined and un-controllable, especially when it became clear to the patriarchs that western education and school as the recognized institution of learning had come to stay [.....]. The basic fear was that of girls losing their submissiveness through education” (1993:2217).

However, in spite of enormous efforts of social reformer from *Brahmo Samaj* like Raja Rammohan Ray, Inshwar Chandra Vidhyasagar, Debendranath tagore etc; women’s education was highly criticized mainly for institutional education. The contemporary Bengali mindset spread a fear among the common people that education for women will lead to their enhanced empowerment and mobility which can badly effect their obedience under the control of male dominancy. However, daughters from Bramho families were allowed for their institutional education not in the early stage of social reform rather in the later stage as resulted by subsequent development in the necessity of women’s education within the family. however, access to education was not balanced among women from all social strata (Basu, 1989). The daughters

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<sup>90</sup> This only got initiated in Jorasanko thakur bari due to enough support of their male guardians who follow *Bramha* religion and less cared about society.

from conservative Hindu background and mainly marginalized group were more neglected from their access to basic education.

## **WOMEN AND WORK**

The concept of women's work was not there in ancient Bengal. However, in the colonial time, women's work was first introduced in society for mainly economic compulsion. While the upper class and middle class women remained in seclusion within the interiors of the household i.e. '*Andarmahal*', while the lower class women were exposed to outside world for their economic compulsions. They were employed as low paid casual labour who served the upper and middle class women. Mahashweta Devi (Devi, 1995) in '*Giribala*' also depicts that the economic compulsion to rear a child has driven the women to work as a domestic maid. Baby Halder's autobiography (Halder, 2006) revealed same short of her life history where she, being a single mother worked as a maid to rear her all children properly. For upper class women, women to remained within the domains of the households. The women's unpaid household work was neither valued not respected as contributing to the wellbeing, particularly narrowly economic wellbeing of the family. It has remained at best glorified as a sacrificial status that can be worshipped can be worshipped from a far but not put at par with the status that men attained by earning for the household. Gainful employment was not allowed for women especially middle-class one in Bengal. Ashapura Devi has portrayed in her 'Triology' how the educated women participated in teaching others, but not for economic purposes but for social reform. Since, the cross generational struggle had let *Bakul* to be an economically independent women who was compelled to hide her economic identity. With the progress of social reform by the women from Tagore household, paid job for women became acceptable in late nineteenth century. It has to be remembered though that this was initiated by the *Brahmo Samaj*, a societal offshoot from Hinduism in Bengal from 1859, representing a reformist movement against the rigidities of Hinduism. Later such developments became acceptable to the society at large (Chitra dev, 1983).

## **WOMEN AND LAND RIGHTS:**

The instance of women's land ownership in Bengali literature is very limited which reveal that women generally did have access to any property ownership in colonial Bengal. The contemporary Bengal women had no inheritance right to father's or husband's property which enabled the social reformist in 19<sup>th</sup> century to focus on women's freedom in terms of these rights as revealed by Aruna Chakraborti (Jorasanko) (Chakraborti, 2013). Tagore's writing, 'Dena-Paona' which also depicted that during late nineteenth century, property laws were not in favor of daughters. Bankim Chandra Chattopadhyaya has illustrated in 'Devi Chaudhurani' the life struggle of a poor widow without any ownership right of Husband's property(Chattopadhyaya, 1884). On the other hand, Taslima Nasreen, has portrayed the family politics in the contemporary times when married daughter residing in paternal dwelling house was considered to be the matter of discredit in the Muslim society (Nasreen, 2005). Since, rare instances of women's access to inherit paternal property among upper class family can be found as for example in 'Pratham Pratisruti' by Ashapura Devi, though, women tended to transfer it to the next generation male heir. According to Bagchi (1990), the abolition of private property only could lead to the emancipation of women from reproduction space to social production space.

### **3.3. Conclusion**

Since, in terms of gender development, the position of West Bengal is ridden with contradictions from the broad socio-economic and demographic parameters we analyzed to place the state in the larger north-south divide in India. West Bengal as per a large number of indicators follows the trends of the more progressive southern gender-space, with some distortions. Unlike southern states, it has a low age at marriage for girl child, and also a lower share of women in higher education. Also, the share of agricultural land which has women as the primary cultivator, is far lower than even the Indian average and lower than states where the other gender indicators are worse than West Bengal. This being the primary concern of the study, needs to be understood in context, and opens up directions to examine in the field survey analysis.

The five major issues that colonial Bengali women faced were low female education, child marriage, *Kulin* (male) polygamy, restriction in widow remarriage and Sati among which girl's child marriage was most pronounced in Bengal. However, during the social reform era, while women's education and widow remarriage were initiated on the one hand and *Kulin* Brahmin polygamy and child marriage got restricted on the other hand, the lower class women apparently enjoyed greater mobility compared to the upper class women, albeit driven by distress. However, they also suffered subjugation and discrimination of the worst kind in the job domain that they entered, which can be seen through a gender-caste-class intersectionality. In the Bengali literature, two dimensions or images of women existed in parallel manner. One type of women acceded to patriarchy and did not protest, while the other struggled throughout her life against the same patriarchy and succeeded at the end, though with limited outcomes (Chattopadhyaya, 2012). However, women's emancipation has been critically questioned as it was initiated by men (Murshid, 1983). Among, the men from upper castes and classes, there are examples of ones that broke the rigid rules in favour of the women's seclusion, though such examples cannot be isolated from the British influence and will to gain approval from the select British society in Bengal. Thus, the attempts made by men within patriarchal society did not necessarily focus on women's welfare<sup>91</sup>. Unfortunately, this situation in turn adversely impacted women as the extent of education among women have built their individuality and altered the role played by women within house and in the society. By end of 19<sup>th</sup> century, the struggle for the betterment of women had suffered a setback. Thus, pivotal women characters concentrated on their will power as the key by which they sought to change their societal environment rather than it taking the form of a social movement, commonly, though the examples of the later are also present in subsequent periods. With these contradictions observed in the gender space in the state, it needs to be analyzed whether it is the individual agency of women that work in the state to gain agricultural land rights, and more importantly, the circumstances under which they get alienated and cope with the lack of access of agricultural land in rural Bengal.

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<sup>91</sup> As for example, Gyanadanandi got advanced due to her husband's wish that Satyendranath wanted his wife's image as an example for women in the society.

## CHAPTER 4

### *WOMEN AND THEIR CONTROL OVER AGRICULTURAL LAND: A CASE STUDY OF SUBHIPUR VILLAGE, WEST BENGAL*

One of the roots of gender related inequalities in India is their lack of access to agricultural land, which is observed across the length and breadth of rural India. The dominant view as stated in Agarwal (1994), is that women are dependent on men while men are the 'breadwinners', which influences women's socio-economic independence through right to agricultural land. Even though multiple legal provisions are there since the colonial period, the social construct of gender space in the state within the larger context of rural India influences ownership right of productive assets for women. This social construct of gender space is not a recent phenomenon but deep seated in the society since long. The recent amendment of Hindu Succession Act (HSA) in 2005 has included women's right to inheritance to agricultural land irrespective of their marital status in whole India. However, the implementation of the law is not successful in most places in India even after eleven years after that the law came into being.

Hence, there is a dearth of literature dealing with the effect of HSA implementation. Moreover, the secondary source of data related to women's land ownership is not available in India; National Sample Survey (NSSO) provides land ownership data at household level while agricultural census of operational holding provides gender wise break up for ownership but this is also available at the household level. Due to lack of secondary data, conducting a primary survey is necessary in order to get information about women's land ownership. Thus, the main objective of the present chapter lies in identification of landed and landless women along with both quantitative and qualitative analysis of socio-economic background of the study area i.e. Subhipur village to understand better the contemporary gender space and how it influences women's access to agricultural land. The indicators like education, work, mobility etc. have been used here to trace the socio-economic background because the level of education, allowance in women's mobility and participation in work indicate their apparent position within the household which has been found by scholars as the most determining factor of their land right and control over it (Agarwal, 1994). Hence, after analysing these basic socio-economic indicators, women's ownership status of agricultural land and associated vulnerabilities will be discussed.

#### **4.1. Women's Socio-Economic Status in the Village, Subhipur**

The socio-cultural norms have been working through histories to shape gender-related behaviour in the society and these are apparent in the differential attitudes towards men and women which can be easily traced from the socio-economic status of men and women. It includes social construct about gender differential in education, work, age at marriage and mobility. With the dominant social practice, dowry, daughter's parents are likely to be less interested to spend their resources in their daughter's education which results into lower educational level for girls than boys. Moreover, control over women's sexuality as revealed by Engel (1884) and Agarwal (1994), not only restricts their mobility and prospects for work outside house but also their higher education which are supposed to be in an outside village. As a result of that, women are married off earlier than men having multiple restrictions which men don't have.

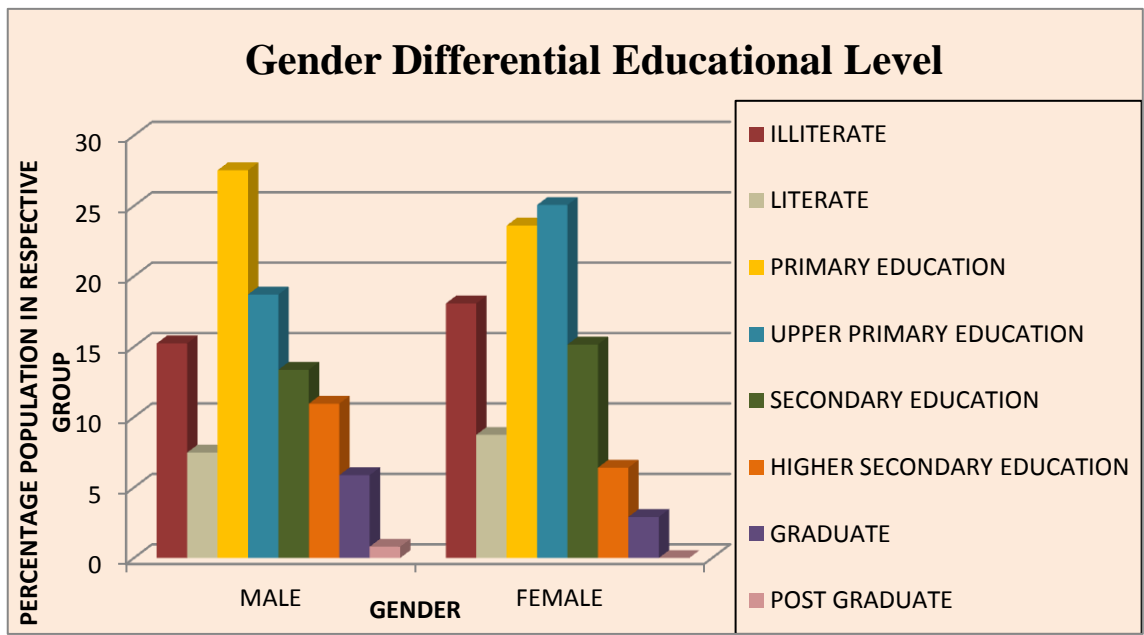
##### **Education**

In the village, unlike men, women irrespective of their age, mainly attain primary to upper primary education though their share in illiterate group is not less. Interestingly, women with higher education in the village are very negligible. The reason may be lower age at marriage<sup>92</sup> which disrupts women’s ongoing education thus; they often end up with lower educational attainment (Subramanian, 2008).

*“My father did not allow me to continue my education after primary level and married me off, I regret it and wished my daughter could have continued her education but society again did not allow me to fulfil my dream. Since, my daughter is beautiful, her going to school alone raised security issues among members of the household many times; she also, like me, had to be married off early” (A mother of married daughter, 44 years old).*

However, as women are valued in the patriarchal society due to their reproductive role, their education is generally promoted to a certain level as a measure either to get a suitable husband or to be a good wife or mother (Kabeer, 2010). That is why women’s average age at marriage in the village is near about 15-16 years and it successfully explains women's educational attainment up to primary or upper primary level only.

**Figure No. 4.1. Gender Differential Educational Level**



Source: Primary Field Work, 2016

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<sup>92</sup> Will be explained in the next to next section

only about educational level but also about distance traversed for education. The education provisions for women in the gender biased society are curtailed by mainly restrictions on their mobility (Kabeer, 20010). Consequently, restrictions in mobility resulted by restriction in women's sexuality has ended up with very few women attaining higher education in the village (Agarwal, 1994). Since, the village has only a primary school and the secondary school is still nearer to the village, girl's education has been prompted but not higher education as women, unlike men have no permission for going far to the educational institutions. Adolescent girls' physical maturity coincides with their transition to higher education as a result of which, subsequent marriage conversations followed by fear of sexual scandal forces them to end up their education and marry early.

### **Paid and Unpaid Work**

The lower educational level among women as a result of the restriction imposed on their mobility not only hampers women's personal development but the effect is wider as it also decreases their economic role in the society (Subramanian, 2008; Kabeer, 2010). As a result of that, merely 12.4 % of total women in working age group (15-59) in the village are engaged in paid work. In the study area, two type of working category of women directs us towards different characteristics of their empowerment. While formal, semi skilled paid work increase women's access to credit thus, have greater decision making power within the household (Kabeer, 2010); the educational disadvantages among rural women lead them to end up engaging in a wide range of unskilled low paid work like bidi binding, cooking in mid-day meal school etc. Among the casual work in rural Subhipur, bidi binding is mostly dominating. Though the work is very low paid i.e. Rs. 50 / day; but it allows married women to work from home which is supported by the gender conservative rural society to restrict women's mobility.

### **Photograph No. 4.1. & 4.2. Women Engaged In Home Based Paid Work**



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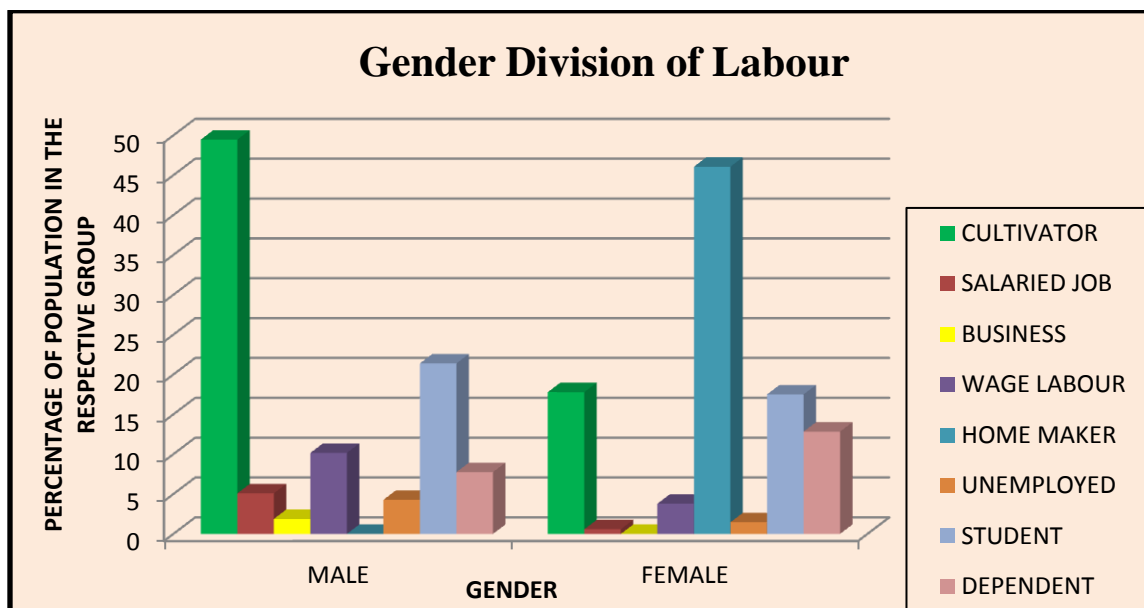


low paid work keep the women busy for whole day and increases the burden of house work for women. The casual unskilled wage labour among women doesn't improve their condition as their work is for economic compulsion as a result of which their income generally gets involved in the family expenditure while they get nothing but erosion of their health condition and exploitation of their labour (Kabeer, 2009). Sometimes adolescence daughters also help their mother neglecting their education.

*“I sit for whole day to bind bidi but get only Rs. 40-50 /day; hardly gets 6 hours a day to take rest because I also need to do the household work and then cook and then finally do this work. I started the work for supplementary income of my own however with increasing expenditure of family consumption, I need to spend the whole money for my children’s education” (A Housewife, 51 years old)*

Among the total women in working age group, 87.6 % of women have referred themselves as non worker. However, they are not free from work; they only lack recognition of their work. The women, under the category of home maker, do the maximum work a day as that includes both works inside and outside household.

**Figure No. 4.2. Gender Division of Labour in Subhipur Village**



Source: Primary Field Work, 2016

The ideological differences between public and private sphere has increased the restriction of women in the public domain and along with a capitalist labour system in which women moved outside house to work for economic compulsion; it has made women's restricted role in the public sphere more visible (Walsh, 2011).

**Photograph No. 4.3. & 4.4. Women's Engagement in Collection of Water (Left) And Fuel (Right)**



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women who are engaged in the casual work like bidi binding are recognized as only 'housewives'. Except the old dependent (> 60 age group) and child dependent (0-6 age group) population, women besides their household work, are significantly associated with the work of child care, care of elderly, fuel and water collection and food production like homestead gardening, livestock care etc. which has been elaborated further in the last section of the chapter (Rao, 2005).

### **Mobility**

Mobility is a direct indicator of gender construct of a society which can be easily identified whether it is a village or an urban centre, on the basis of restrictions imposed upon women's mobility. Women's freedom of mobility is constrained especially to market areas where the personal interview with women revealed that they are totally restricted to go to market, a male dominated public space.

**Table No. 4.1. Women's Mobility**

To Market	No. of Ever Married Women Surveyed (Percentage)	To Relative's House	No. of Ever Married Women Surveyed (Percentage)
Freedom <sup>93</sup> of Women's Mobility in Marital House		Freedom of Women's Mobility in Marital House	
Not Permitted at All to go alone	68 (46.90)	Not Permitted at All to go alone	4 (2.76)
Permitted to go alone	55 (37.93)	Permitted to go alone	96 (66.21)
Accompanied By Husband	14 (9.66)	Accompanied By Husband	23 (15.86)
Accompanied By Mother-In-Law	1 (0.69)	Accompanied By Mother-In-Law	1(0.69)
Accompanied By Male Child	7 (4.83)	Accompanied By Male Child	21 (14.48)
Total Married Women	145 (100)	Total Married Women	145 (100)

Source: Primary Field Work, 2016

As far as going to relative's house is concerned, women's restriction on their mobility varies. In this village, most married women's paternal house is located in the adjoining villages or even within the village<sup>94</sup>. As a result of that, women are allowed to visit their paternal homes frequently though not alone, but accompanied by someone like husband or a male child.

*"I have never have gone to market to buy vegetables or other consumer items. My husband usually buys all that is needed from the market. He even buys my personal requirements; I am happy to wear clothes as per to my husband's choice. Sometimes, hawkers come to our house to sell saree, cosmetics and also cooking utensils when I get an opportunity to directly buy from them. I lead my daily life fulfilling my duties, remaining within the confines of my home" (A Married Woman, 39 years old).*

<sup>93</sup> The following "freedoms" were selected from among the available series of questions to form a mobility scale: a woman's reported ability to go to visit her parents, natal family, and maternal family and out of the village. Each of these potentially strengthens her level of family support and autonomy from her husband, as well as serves as reflections of both (see also Panda, ICRW Study 2006).

<sup>94</sup> This village have enough instances of village endogamy too along with village exogamy for what the customs of the village is unlike north India where strong village exogamy is followed.

*“I never go to market to buy vegetable and all but for buying my clothes, either my mother-in-law or my husband takes me to the market not more than once in a month” (A married woman, 35 years old).*

Thus, though the rigidity of the norm of maintaining women’s purity and safety got diluted over time, but the traces of it very much remain in a modified form. Again for visiting some relatives from the maternal family, always women are accompanied by someone, in most cases by their mother-in-law.

*“I am free to go alone to my uncle-in-law’s house very frequently but that is located within the village. For going to relatives house outside village, my mother-in-law always accompanied me” (A Married Woman, 42 years old).*

women hardly have decision making power about where they want to go, when and with whom. Women’s lower age at marriage acts as an important determinant of mobility thus, in turn, the decision-making ability in the marital house (Wiklander, 2010).

### **Age at Marriage**

The instances of post-puberty marriages for girls were very common in West Bengal through history. To prohibit child marriage in India, ‘The Prohibition of Child marriage Act’ was passed in 2006 which prohibits marriage below 18 years of age for girls and below 21 years for boys (UNICEF India, 2010). However, in recent times, unlike boys, girls are being married before their legal age of marriage i.e. below 18 years and this is not uncommon especially in rural areas. The Subhipur village is also not an exception where women’s marriage before legal age is mostly preferred than the marriage after crossing legal age. The determining factors may include social pressure, girl’s youth and beauty, education and economics of dowry. Just after entering teenage, girls are subjected to a lot of social pressure about their marriage, which is deemed to be desirable to keep their ‘purity’ intact.

**Table No. 4.2. Age At Marriage For Women In The Subhipur Village**

Age at Marriage	Percentage of Ever Married Women
Very Low Age (<15)	26.90
Below Legal Age (16-18)	45.52
Above Legal Age (19-21)	20.69
Higher Age (>22)	6.90

Source: Primary Field Work, 2016

Norms in the rural areas often become more restrictive for women than that of the urban areas. Increasing social force the parents to get their daughters married off early. Also, rather than investing in higher education for the daughter, it was observed that the parents, often the fathers preferred saving the money for paying dowry, as the latter was not considered as optional. As a result of that, girls that are not going to schools are married off early. Secondly, economics of dowry again work where educated bride need educated groom. But as amount of dowry increases with educational level of groom, parents keep their girl child less educated (Agarwal, 1994).

#### **4.2. Women's access to Agricultural Land in West Bengal and Subhipur Village**

West Bengal with fertile alluvial land (the source of livelihood for maximum population) is primarily an agrarian state. Since long term battles over ownership of productive land coupled with issues arising out of higher population density has resulted into land scarcity for the whole population irrespective of caste, class and gender. However, these three categories become over affected within the society. As our concern will not be to cover caste and class marginalization, only gender discriminations will be highlighted here. Since, the density of population in West Bengal was 903 persons per sq. km in 2001 which again got increased to 1028 persons per sq. km. in 2011 (Census of India, 2001 & 2011); the availability of land per person is very less because the density in West Bengal is very high than national average. Subhipur village is not an exception to land situation of West Bengal where total of 33.08 hectares of agricultural land is located but the total population including both cultivator family and non-cultivator family is 881 persons. Thus, the concerning man land ratio in the village i.e.

0.038 (in person/hectare) has direct influence on the land availability for the total household where women are potentially even more deprived than they might have been otherwise. The village is consisting of mainly marginal farmer with no large farmer at all while all landed women have less land. However, it is clear from the literature that women's access and control of land has much more to do with the societal constructs and little to do with availability of land.

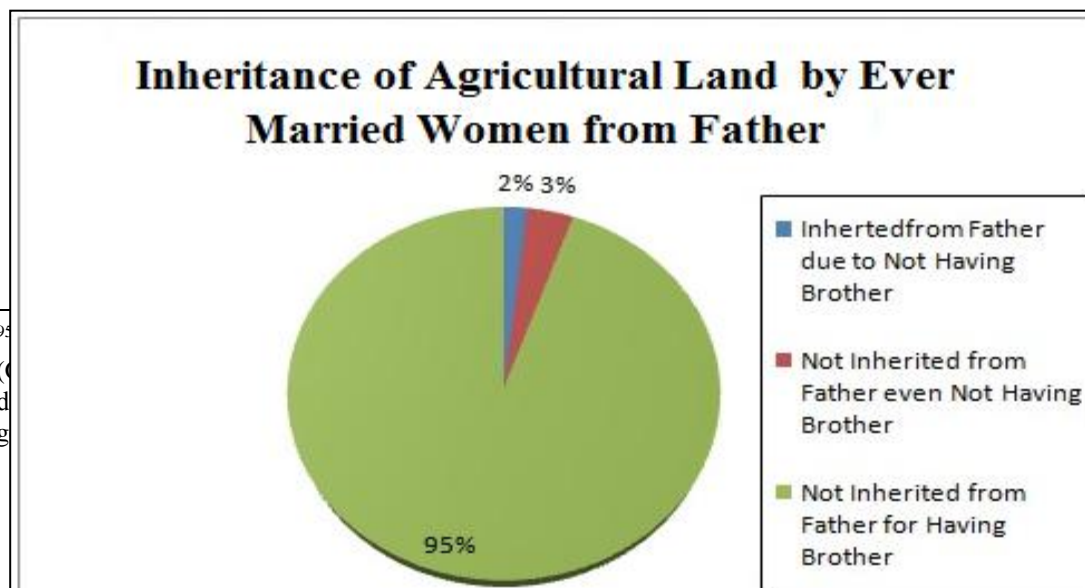
### **4.3. Women's Legal Ownership Right to Agricultural Land and Its Deviation in Practice**

As stated above, due to lack of implementation of laws related to inheritance of agricultural land for women, the cases where they actually own land is an exception, whereas owning no land is the accepted and existing rule. The socio-cultural norms and their gender related constraints shape women's ownership status of land in reality. In the study area, total 145 women has been surveyed out of what, only 15 women (3.46 % to total female population in the village) are landed who belong to only cultivator landed families. Thus, women from landed household have some chance to hold land while women from landless household are most vulnerable in this field. According to Agarwal, "A woman's class position defined through that of a man- father, husband, etc. – is more open to change than that of man: a well placed marriage can raise it, divorce or widowhood can lower it" (1994:14). Among the sources of land, inheritance is the only option open for women while other two i.e. state transfers and market is almost absent due to lack of government provisions and lack of credit respectively (Agarwal, 1994). Though the options are available for women through market routes, their lack of access to credit leads to their husbands-buying land the women's name. This situation does not necessarily represent higher women's position in the marital family, since the reason for purchasing it in their name is to overcome legal ceiling or having to pay lower taxes. In case of inheritance the result is surprising because women, who received gold and money in dowry during their marriage, did not get inheritance from father; when they receive no gold and money but land in dowry, the land got transferred directly to marital family and women have again no land. Thus, dowry but not women's better status in both paternal and marital house has been found to be closely linked with land ownership of married women which has been explained later in the coming sections.

### 4.3.1. Inheritance of Agricultural Land by Ever Married Women from Father

Women's inheritance right to agricultural land from father has been found to be a very rare case in numerous literatures like Agarwal (1994), Roy & Tisdell (2000), etc., Subhipur village was also not make an exception. Since, leaving the daughters of landless cultivator or those with parents alive<sup>95</sup>, only 56 ever married women in the village are legally entitled to land right through inheritance from father these are women that are included in this analysis. However, among them, only one instance has been found where the woman inherited agricultural land from father which account for only 1.79 % of total legally entitled women of the village. Even in this case, the woman did not have any male siblings. Within the entitled ones, association of several factors together curtails women's inheritance right one by one and therefore, women would end up without implementation of their right to inheritance. When individual women in the village were asked the reason for their not having inheritance right, the answer that dominated most was 'we have our brother in paternal house; why should we demand land right?'. Out of the 55 women that have been denied inheritance of land right, 53 women have brother/s in their paternal house but 2 women do not even have brothers. Among the primary reasons for women not having inheritance right from father, two issues emerged: one is daughters had gave up their share to paternal relatives either by social pressure or to maintain good relationship with paternal house and another one is daughters are not given the land due to prevailing dowry practices or father's unwillingness to let the land go out of the family. Moreover, lack of land ownership of mother, restrict their bequest to daughter which continues for generations. Consequently, women then would hardly have land to transfer to their next generation women i.e. daughters which will make the mother-daughter inheritance rare.

**Figure No. 4.3. Inheritance Status of Ever Married women from Father**

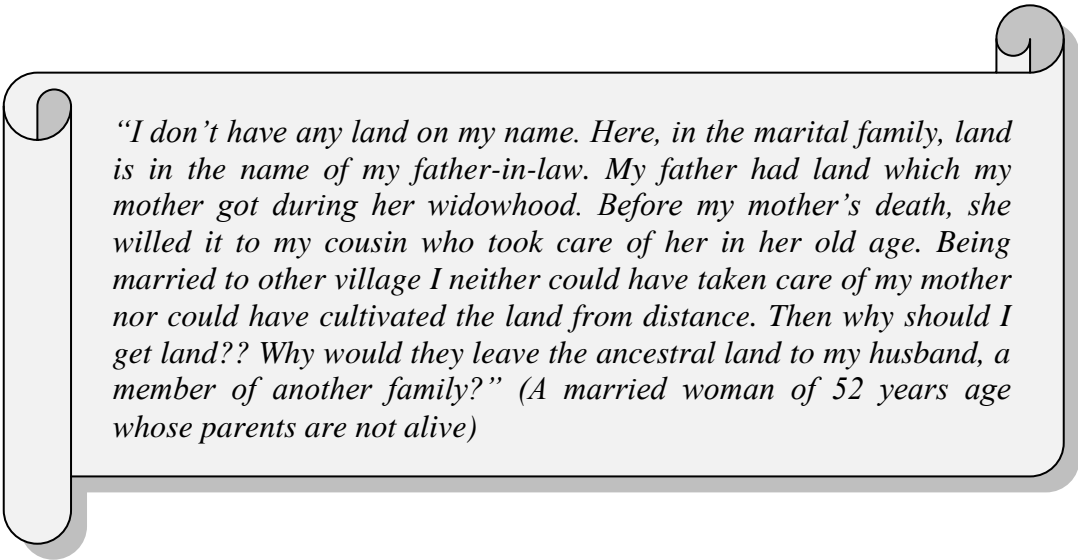


Source:  
Primary  
Field  
Work,  
2016

*"I don't have any thrice a day to me willed her all propert in Mumbai, I and n don't have legal er old).*

So even mothers are interested in transferring the property to male child who, they feel, would have taken care of her in old age. Thus, women sometimes become victim of parent's will of property against them. Except these three factors, maximum women do not inherit land as they have brothers who are seemed to take care of parents, so are the owner of family land which they cultivate too.

The situation is even more depressing where women did not get inheritance even though they have no male sibling but their parent's property got transferred to their male cousins who take care of old parents thus; family property also remained within the family only (Agarwal, 1994).



*“I don't have any land on my name. Here, in the marital family, land is in the name of my father-in-law. My father had land which my mother got during her widowhood. Before my mother's death, she willed it to my cousin who took care of her in her old age. Being married to other village I neither could have taken care of my mother nor could have cultivated the land from distance. Then why should I get land?? Why would they leave the ancestral land to my husband, a member of another family?” (A married woman of 52 years age whose parents are not alive)*

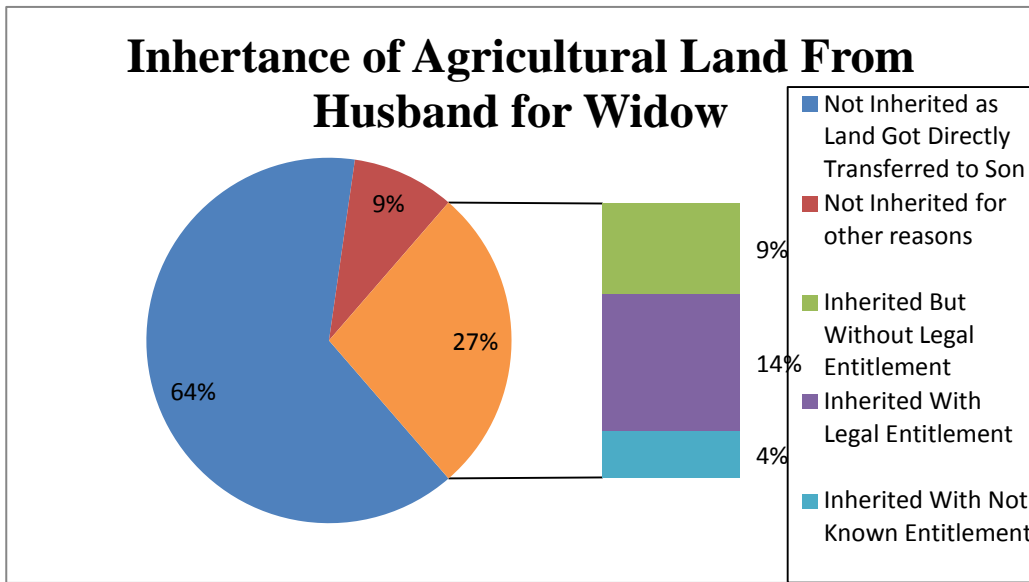
#### **4.3.2. Inheritance from Husband for Widow**



The sources of inheritance right for widow includes both father and husband; the former has been already discussed in the previous section as the widow also come under the category of ever married women. Husband's property ownership as a source of widow's inheritance thus, will be discussed here. The case study of widows in Subhipur village is likely to satisfy the observer as they have comparatively better ownership status of agricultural land than unmarried and married daughters (Agarwal, 1994). Except some factors like landless marital family, widows generally owned land after husband's death. However, slight distortions from this norm can also be experienced in the village where some of the widows are also without land right; even the proportion is higher. These widows, without land right, have hardly control over the land, thus, remain dependent on their sons. Among the total surveyed women, 29 are widows; 22 widows are legally entitled to land while 7 widows are not due to by virtue of their belonging to landless families. Among the 22 entitled widows, only 6 (27.27 %) widows have entitlement of land as they perceive, and the legal entitlement in these cases had existed in practice even having adult male child, 16 widows did not get inheritance from husband. Among the 6 landed widows, only 3 widows have land entitlement in the papers while 2 of them are just being allowed to practice their legal entitlement without credentials and 1 of landed widow not even knows about her entitlement to marital family are in the papers or not. Thus, lack of education among women makes them vulnerable and the awareness of that they even don't have any idea about the entitlement of the land, they cultivate. Among the 16 widows, the entitlement of land of 14 widows (87.5%) is with their adult son while entitlement of 2 women (12.5 %) is with the brother-in-laws. In these cases, the ancestral property did not get divided; as a result of that women lack the legal entitlement to land which remains in the name of her father-in-laws or their ancestors.

*“My husband died at a very young age. I was just 27 then, leaving behind me and our two young children. Because of my early widowhood, my father-in-law gave me 0.5 Bigha land to cultivate; though it was not any form of kind but my husband's share of property. Being a woman I can't go to field; therefore I have hired a labourer to cultivate in my land. Nonetheless, I have no idea about my legal entitlements; the papers are with my brother-in-law who never showed it to me even after asking him so many times for it” (A Widow, 38 years old)*

**Figure No. 4.4. Inheritance Status For Widow from Husband**



Source: Primary Field Work, 2016

In most cases, land got directly transferred from husband to son without involving widow in the process. As a result of that, sometimes widow’s situation becomes Vulnerable when their son doesn’t take care of her; sometimes even with no entitlement to land, widows participate in both cultivation and decision making in agriculture side by side with sons. Thus, experience from the personal interview to women revealed that women do have greater chance of getting higher control over land and associated resources during their widowhood, rather than before that.

**4.3.3. Reason for No Inheritance for Ever Married Women**

From the Figure No. 4.3. it is very clear that among the reasons for women’s lack of inheritance right, relationship with brother dominates most. It is not necessary that claiming inheritance right from father will result in a breaking up of relationship with her brother rather a fear of getting eliminated from good relation with brother works here.

**Table No. 4.3. Reasons for Lack of Inheritance for Ever Married Women**

Type	Women	Women Voluntarily Given Up	Women Not Been Given
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of Property	's Not Having Access to Land	Fear of Being Alienated from Relationship with Brother	In-Law's are Against Inheritance of Paternal Family	Voluntarily Given to Support Brother's Economic Needs	Total Women that have given up	Dowry Given		Parents are Against it	Directly Given to Son	Held by Brother-in-law	Total Women Having Legal Entitlement
						Gold and/or Money	Land				
Paternal Property	No. of Women	33	2	10	45	42	3	8	2		55
	Percentage of Women	73.33	4.44	22.22	100.00	76.36	5.45	14.55	3.64		100.00
Marital Property	No. of Women								14	2	16
	Percentage of Women								87.5	12.5	100.00

Source: Primary Field Work, 2016

#### 4.3.3.1. Women Not Been Given Inheritance to Land

Irrespective of women's willingness to inherit both paternal property and marital property, women are alienated from land rights irrespective of the laws favouring the same. Among the reasons here, dowry, parent's unwillingness and direct transfer to any other men are most important particularly in the study area.

#### **Dowry<sup>96</sup> (Transfer of both immovable property to movable property and immovable property itself)**

Dowry is the pre-payment of expenses of daughter to the marital family and is one of the most influencing factors of women's lack of inheritance right as already discussed in earlier section. Although legal provisions against dowry existed from as far back as 1987, the cultural norms, prevailing in the local level mainly in rural areas have resulted into the lack of applicability of this dowry law. The legal provisions related to prohibition of dowry in India have

<sup>96</sup> Dowry refers to the transfer of wealth at the time of marriage from daughter's parents to in-laws. According to Nagarajan, "Dowry is viewed as Pre-mortem Bequests where parents transfer their inheritance to daughter at the time of marriage. [...] in virilocal societies, dowry may emerge as a culturally sanctioned method of bequest". It is considered to be the pre-paid expenses of daughter's maintenance for rest of the life. However, in recent times, rural society conceives it as financial help to the groom's family for bearing the wedding expenses.

been deeply criticized for their ineffectiveness in their practice and their coincidence with a period of highly relevant transfer (Anderson, 2003). Parents of daughters are likely to invest less in daughter's education and pay dowry which also includes the share of daughter in the paternal property. As per the field work, both men and women consider that women should not inherit property equal shares vis-à-vis brothers<sup>97</sup>. By and large, women in the village are of the view that daughters should not inherit property because father is paying her share of property in dowry and moreover, parents are choosing suitable groom for the daughter who can bear all expenses of that daughter.

*"I did not have any titled land earlier; but I got gold and money both in my marriage. The money has been used by my marital family at the time of marriage only but my gold also did not remain intact. When my husband asked me for my gold for economic distress, I gave him. When he became better off, i asked my gold back but he bought land in my name. I opposed it saying i will not use the land; but he was with the view that gold has no contribution in the family income but with more land, family will be affluent"(A Married Woman, 59 years old).*

However, the dowry is hardly ever owned by the daughter after marriage but typically gets directly transferred to marital family. As the Table No. 4.3. reveals, 76.36 % ever married women in the study area did not get inheritance right as they had been paid gold and/or money as their share of paternal property during their marriage; while 5.45 % ever married women were not being given inheritance right of land from father as the share of the land already has been transferred to daughter's marital family during her marriage. Thus dowry is considered either as a token given to the groom's family to carry out the marriage expenses or is symbolized as to carry out the lifetime expenditure incurred by the daughters after their marriage. This on the contrary would help in improving the entitlement rights of the daughters at their in-laws house

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<sup>97</sup> In the last few decades of 20<sup>th</sup> century, the tight monitoring on state transfer and land market, land transfer from one family to another happened only through the system of dowry which include the demand in cash or land as studied by Gupta (1997). This situation has led to more pressure thus, land loss for paying dowry for the landed households.

(RDI report, 2009), though the fair chances of it is very rare and the daughters get hold of land at later age – the time when they would already cross half of their life. Till that time they remain economically vulnerable and dependent on husband. In the rural Bengal, poor people with limited land ownership, only consider their land as the source of dowry they will pay during daughter's marriage for which they either need to sell the land or directly gift the land to daughter's in-laws. As a result of that, there is a strong son preference, in rural India, and West Bengal, in spite of some features of a gender progressive society, is no different.

### **Parents Unwillingness towards Daughters' Inheritance of Paternal Property**

Sometimes, parents of women are unwilling to give the share of paternal family land to their daughters. First of all, it is assumed that they can't take care of parents while sons will remain in the household and look after parents. Hence sons are looked on as old age security. Secondly, daughters are not considered to be the primary cultivator, thus, in this case the paternal property, if at all, the land is directly transferred to grandson without involving the daughters, if parents are without son. Moreover, it is conceived that giving daughters land right will result in transferring the control of the land to the son-in-laws. Also, this will lead to land transfer to another family and since ownership of land is looked on as a social status in rural areas, this symbolizes transfer of this status to another family, further tilting the balance of power in favor of the daughters' in-laws families. Thus, the paternal property is willed in favor of male cousins, typically who are agnatic descendants.

### **Lack of Legal Entitlement**

The productive land is rarely considered as the individual property for either men or women but a type of joint family property. However, its legal ownership remains in the name of male head of the family where women lack their legal entitlement to it.

As proposed by Rao, entitlement also include secondary rights and women do have that in some cases which is subjected to matter of intra-household negotiations (2005). The personal interview with women revealed that as land is a source of power in village, the joint families are less interested to divide the ancestral property in individual's name as a result of that these widows are allowed to cultivate land but without their ownership right i.e. legal entitlement in the paper.

#### 4.3.3.2. Voluntary Renunciation of Rights to Land

Even with the legal support and less restrictions imposed from the parental side, women hardly do own land due to their voluntary sacrifice of their share to relatives (natal), which is the result of the hidden fear created by patriarchal norms. First of all, even if the woman has access to productive land, she hardly possesses it as she believes in the social concept that 'women's don't cultivate land' rather she allows her male counterpart, mainly husband or brother to cultivate their land<sup>98</sup>. Secondly, due to the contingent of women's relationship with their brother or husband, they never claim any independent land right until and unless relationship breaks down (Rao, 2005). Sometimes, sisters have given their share to their brothers due to the poor economic condition of the brothers.

Instance of marital breakup in the study area is absent. However, women even after their widowhood never claim their inheritance right from their paternal home only to keep good relations with their brother and not to lose the relationship. The personal interviews with women in Subhipur village explains how women even with right to inherit property, just gift their share to the male kin for the sake of good relations with them which can provide economic safety net to women in future (Agarwal, 1994; RDI report,2009).

<sup>98</sup> W  
found  
status

*"I have no land and I don't need too because what I will do with land?; being a women I can't cultivate it. My brothers asked me to take share of paternal property but I didn't otherwise my brother would have been discriminated because my parents already paid dowry in my marriage. In future if they force me to take then I will take but share will be lesser than that of my brother"(A Married Woman, 43 years old)*

opportunities as  
challenge to their

**Table No. 4.4. Women’s Gendered Preferences about Transferring Their Land to Next Generations**

Women’s Gendered Preferences about Transferring Their Land to Next Generations		
Gender	No. of Women (Percentage)	Reason
Male	115 (79.3 %)	Boy Remain In The Paternal Home And Care for Parents
Female	0 ( 0%)	Girls Got Married Off To In-Law's House From Where They Can't Care for Parents
Both	29 (20 %)	Girls And Boys Are Equal
	1 (0.7 %)	Parents Have Enough Property To Give It To Girls as well as Boys

Source: Primary Field Work, 2016

When women in the village were asked whom they will leave their property to, maximum of them responded that they will give it to their male child because daughters will be married of to another family while sons remain in the household and will care for parents in their old age. Some of the mothers are of the view that if parents have affluent economic condition and enough property then they will give some share to their daughters too along with sons.

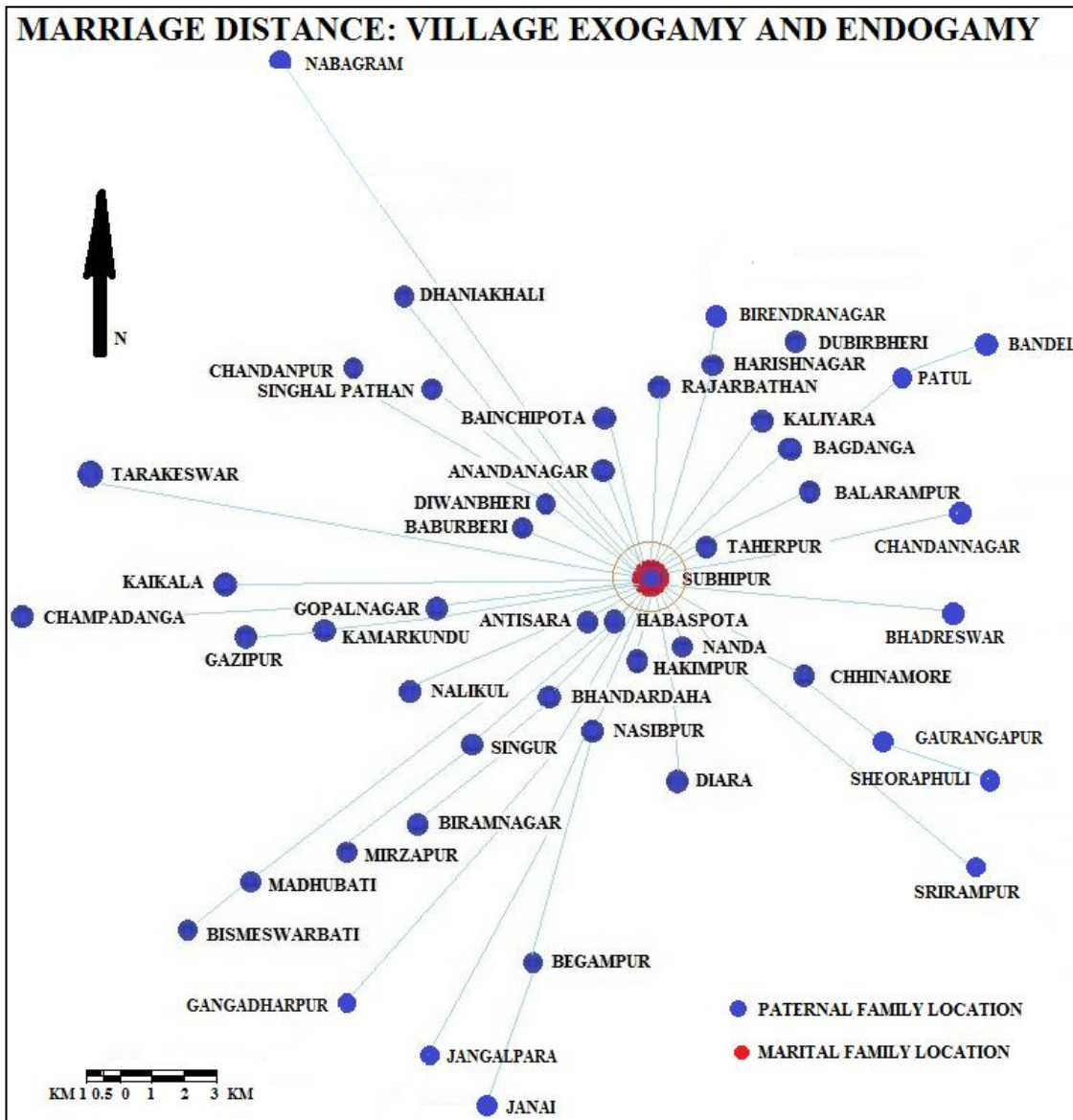
*“Neither have I taken any paternal property, nor will I give it to my daughter. My sons will remain in the household and will take care of both ancestors and ancestral property” (A Married Woman, 52 years old).*

#### **Marriage Distance and Relationship with Paternal Family**

Maximum married women in the village belong to nearby native places like the village itself or the adjoining villages or slightly far off villages which can be reached within an hour. Thus, both village exogamy and endogamy have been found unlike north India. Proximity of women’s post marital residence to the paternal house act as a mental support for them to be

taken care well from domestic violence. Thus, daughters are totally unwilling in the village to hamper the relationship with the paternal family at any cost. That's why they leave their inheritance right to people in paternal family only.

**Map No. 4.1. Marriage Distance of Women**



Source: Primary Field Work, 2016

Relationship with Father

women in the

rural society are very attached to the paternal dwelling house and the members. Paternal dwelling house gives them a space to take rest for a while which women lack in the marital house because rural livelihood in agricultural *families* hardly allow women to have free time rather they remain busy in agricultural work along with household work. Not only that, but paternal dwelling house is also emotionally connected with the married daughter which they never want to lose the access



to (Agarwal, 1994). Sisters in the rural society respect their relationship with their brothers because of the Bengali cultural rituals where brother's presence is mandatory. As for example, a woman in the study area has revealed that she needs to continue good relation with her brother even though her brother never takes care of her only because when somebody in her marital family will die, presence of her brother from paternal family is needed in the funeral ceremony; otherwise women's status in both marital family and society will fall down.

*“My brother hardly visits my place to meet me; if I asked him for inheritance right, then he will definitely stop coming to my house on ‘Bhai Phota’, the only day he comes per year, then what will society think about me?? That I am greedy and hence lost my brother’s care!” (A Married Woman, 39 years old).*

During ‘Bhai Phota’<sup>99</sup> ceremony, presence of brothers make sisters status better in the marital family. In both the cases the presence of members from parental family do not necessarily mean that the women is cared by her parental family members, but that at least acts as a source of mental support for the married daughters who would have otherwise been subjected to marital violence being alone. Thus, sister's emotions about her brother and her concern about societal norms make her inheritance rights appear not achievable and even undesirable to her. Sometimes sisters just gift their property rights to their poor brothers due to economic reason where sisters are in better off position.

### **Brother as a Source of Economic Dependency**

Women's relationship with their brother has an economic side which acts as an economic security for the sisters. Women irrespective of their marital status ask financial help from their paternal relatives mainly brothers during their economic compulsion (Agarwal, 1994). As a result of that, brother's help never allows sisters to claim inheritance of paternal property on the one hand and on the other sisters always maintain good relation with brother by not claiming inheritance right to keep the space where women can ask help from brother.

*“I will never demand for my inheritance right to paternal property. My brothers are very caring. Whenever I needed something, they always gave me more than that without any hesitation” (A Widow, 44 years old).*

<sup>99</sup> Where sister put sandalwood mark on the head of brother and prays for his long and healthy life

**Table No. 4.5. Women Getting Financial Help from Father and/or Brother**

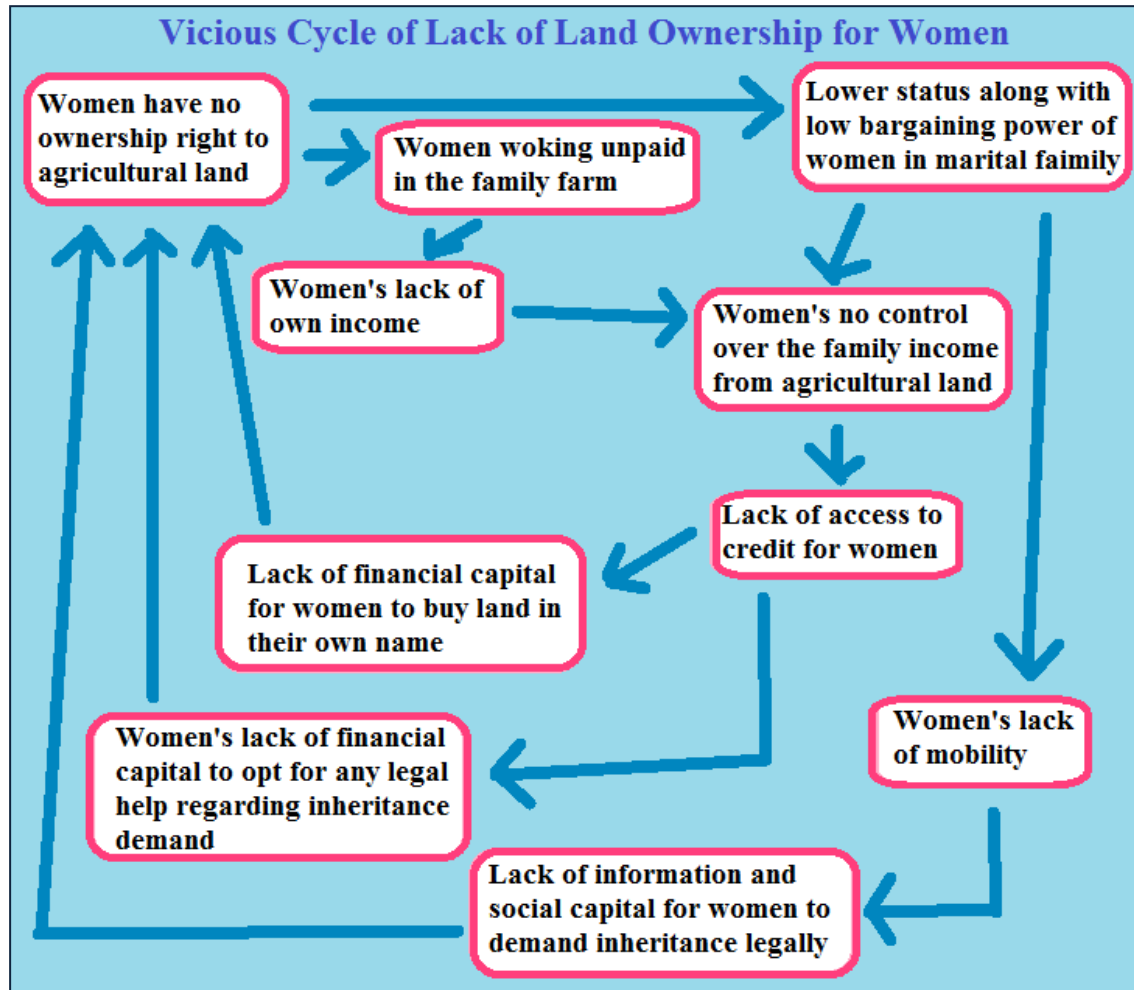
Percentage of Women Who Get Financial Help from Father and/or Brother			
Women Got Financial Help from Brother and/or Father	Women Are Comfortable to Ask Financial Help from Father and/or Brother during Emergency		
	Yes	No	Total
Yes	55 (37.9 %)	0	55 (37.9 %)
No	48 (33.1 %)	42 (28.97 %)	90 (62.1 %)
Total	103 (71 %)	42 (28.97 %)	145 (100 %)

Source: Primary Field Work, 2016

### **Bargaining Power and Women's Status**

Women's status within both paternal family and marital family determine their bargaining power which is most crucial for their access to rights in a patriarchal society. However, women's status gets reflected through their engagement with education, work and their mobility which directly influences the pattern of women's inheritance rights. Even though education increases women's ability to deal with the government officials in the public space, (Kabeer, 2010), but women's lack of education in the study area has been found to act as a hindrance to their access to legal services. The laws are written in English language which is not readable for most of the less educated rural women. They generally get the idea of inheritance laws by listening from other people but hardly can claim the right and deal with legal provisions. Moreover, due to lack of paid work for the rural women, the access to legal services for claiming land right is very hard because legal process needs lots of money. The most important constraint in the process of inheritance demand is the restrictions in women's mobility.

**Diagram No. 4.1.: Vicious Cycle of Lack of Land Ownership for Women**



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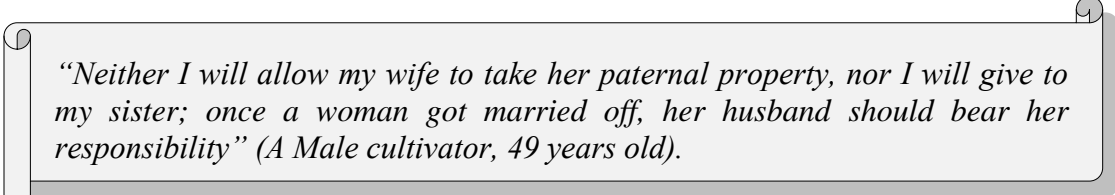
relative's house but accompanied by someone but not allowed to go male dominated market areas at all<sup>100</sup>. According to RDI report, "Women's lack of mobility and lack of financial security may influence whether a woman will claim any legal right to inherit she may possess" (2009). As a result of that, women's seclusion results into lack of their confidence to go out and discuss issues with unknown men outside household (Agarwal, 1994). Again, restrictions on women's mobility has created obstacle on their access to social capital i.e. access to panchayat persons,

<sup>100</sup> Women from the rural areas adjoining to developed urban centres are engaged in marketing of the agricultural product, the commute to the city early morning came back before noon cook and then do tending livestock and post harvesting work in the afternoon. Here one can argue that mobility is not restricted may be due to the effect of proximity of urban centre. Whereas rural women far from urban centre can commute regularly to city thus not engaged in marketing more over social construct of rural area far from city also conservative about women's mobility.

which is important for claiming legal services for land right (Roy & Tisdell, 2000). Thus, women's lower status results into lower bargaining power which in turn restricts their claim on land. An interesting study by Panda (2006) has revealed that women with ownership of land have lesser restrictions on their mobility. However in my study area only widow cultivator have greater mobility. Married women with property have greater respect but not mobility.

### **Dominance of In-Law's Decision on Inheritance of Paternal Property**

Women's lower age at marriage in the rural society hardly give any change to their status in the family to improve. Moreover, along with women's lack of education and lack of employment, they are subjected to subjugation in male dominance where they have hardly any say in any decisions related to them. As a result of that unwillingness of members in marital family, mainly husband, most women's inheritance claim gets restricted. While surveying the male cultivators in the village, they revealed their perception that they have no interest in wife's paternal property. Thus, they don't want their wives to claim any inheritance from paternal house irrespective of the economic situation of women's marital house.



*“Neither I will allow my wife to take her paternal property, nor I will give to my sister; once a woman got married off, her husband should bear her responsibility” (A Male cultivator, 49 years old).*

### **Male's Support as a Social Mediator**

Women's lack of access to education, lack of access to credit due to unemployability and lack of mobility together form a social taboo in which women can't claim legal land right without help from any social mediator (Agarwal, 1994). For secluded women, except family person mainly husband, no one can be good mediator as them. Help of a male person is needed to talk to officials or take any legal step for land right. For claiming inheritance right from brother, husband's help is needed and for getting right to husband's property, brother's or son's help is needed. Without willingness of male mediator, women's access to land right becomes quite difficult for rural women.

## **4.4. Women's Decision-making about Agricultural Land**

Women's right to agricultural land through the legal entitlement as discussed above is rarely found in the village. For those rare cases, even with the legal right, women's position in the family doesn't necessarily improve. Thus, only legal right can't be a source of social and economic security for women. Rather along with legality, women's control over the land is most important which is totally influenced by household norms and thus, inter-household bargaining power (Agarwal, 1994).

**Table No. 4.6 . Women's Decision Making Ability in the Marital House according to Head of the Household and Presence of Adult Son/s**

Type of Head of the Household	Women With/Without Adult Son	Who Decide About Agricultural Production					Total Women In Landed Marital Family
		Husband and Wife Together	Male Head of the Family	Women Alone	Son	Mother and Son Together	
Male Headed Household	Women with Adult Son	22 (30.56 %)	44 (61.11 %)		6 (8.33 %)		72 (100 %)
	Women without Adult Son	17 (36.96 %)	29 (63.04 %)				46 (100 %)
Female Headed Household	Women with Adult Son	0		1 (2.17 %)	14 (30.43 %)	3 (6.52 %)	18 (100 %)
	Women without Adult Son	0		2 (100 %)			2 (100 %)

Source: Primary Field Work, 2016

Women's control over agricultural land (both working and decision making) in the marital family, unlike inheritance right is less affected by women's marital status but marital status at least explains where the women is currently located in her life span. Women's power in a particular period of their life is not earned independently rather it has been derived from specific sets of social relations which impelled the role over women under patriarchal norms (Rao, 2008). Within the male headed family, the decisions related to agricultural is largely taken by male head of the household. However, women not having adult son are more likely to decide about cultivation along with their husbands while women with adult son are expected to be

dependent on son's decisions along with husbands. Since, in case of female headed household, the maximum land are entitled to the sons, the decisions related to agricultural are solely taken by them for the widows having adult son. Among the other widows having adult son, only one widow i.e. 2.17 % of them decide about agriculture alone as she own land. Among the other landed widows, 6.52 % of them decide together with son while 2 of landed women decide along as she does not have any male child.

#### **4.4.1. Factors Affecting Women's *De Facto* and/or *De Jure* Control over Agricultural Land**

Numerous factors together influence women's control over agricultural operation and land which slightly defers from the factors of their ownership right of same land. As identified by Kelkar (2011), women are lagging behind men in respect to access to, ownership of and control over productive land as they have poorer access to government services, credit and agricultural technologies. But the situation is not only that but women's age, duration of marriage, economic affluence of marital family etc. shape their status in marital family which influence negotiating power thus, control over decision making ability.

##### **Women's Age and Duration of marriage**

In the study area, it already has been found that widows and mature women who had been married for long i.e. > 20 years in the marital family, have a greater say in the household process and decisions related to cultivation. This power increases when women themselves own the land and cultivate to along with their male counterpart. But without working in agricultural land rather without recognitions of their work in cultivation, this power decreases.

*"I have some amount of land to cultivate what, I have hired a labourer to cultivate as women don't cultivate land. He decides everything and gives me the output." (A widow, 39 years old).*

*"I have some land but not in my name, that is in the name of my father-in-law. I and my son together cultivate the land. Thus, all the decisions related to cultivation are taken by both of us" (A widow, 55 years old).*

From the narratives above a salient characteristic in respect to women's control over agricultural land became clear that all widows are not in better off position than other women rather their age matters. Thus, both maturity and widowhood together establishes women's say in the household which was lacking during the lifetime of their husband in the patriarchal society.

### **Type of Women's Marital Family**

From the personal interview with women in the village, it has been found out that widows having entitlement to husband's property have greater decision making power in cultivation while lack of division of joint Hindu family property, male successor i.e. only sons have the power to decide about cultivation. It also has been derived from interview with women that for married women, type of family influence their decision making ability in cultivation. In the nuclear family, both husband and wife work in the field and decide together about inputs and output of agriculture. But, in case of joint family due to availability of enough male cultivator in the household like father-in-law, husband and sons; women's say in cultivation remains neglected irrespective of that fact that they do the post harvesting work or not.

### **Socially Constructed Gender Division of Labour**

In rural society, gender division of work has been formed through social construct which forces women to engage in various agricultural works without recognitions. Both men and women rarely act as an individual owner in relation to productive land. Rather, each one have their 'gendered role to play' within the process of cultivation (Rao, 2005).

**Photograph No. 4.5., 4.6. & 4.7. Gender Division of Labour in Cultivation: Male Dominancy over the Use of Machinery in Cultivation (left), Both Men and Women sowing**

**in field (right above) and Hired Labour irrespective of Gender working in the process of trashing paddy**



Source: Primary Field Work, 2016

The male dominance over agricultural technology as for example ploughing in cultivation give men the recognition as a cultivator while women doing most of the post harvesting works like helping in thrashing paddy, boiling paddy, frying rice to make other paddy products, livestock caring etc. are solely done by women but they are still called housewives not cultivator as they themselves consider the post harvesting work as a part of their household job in rural areas. Thus, women are not recognized as farmer without land title even they are engaged in cultivation (Kelkar, 2011).

### **Absentee Landlordism**

Sometimes, women even without land right have the right to cultivate the land and also take decisions about cultivation only because of absentee landlordism. The male selective migration from agriculture has left numerous rural women without legal entitlement to land who are cultivating though.

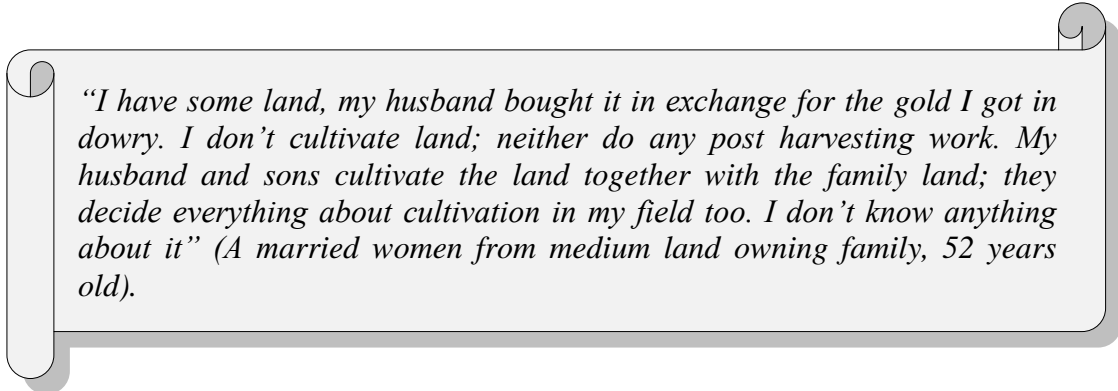
*“I don’t have land. My mother directly transferred it to my sons who don’t live here. I cultivate the land and take all decisions without the legal entitlement to the land” (A married woman, 54 years old)*



The control over agricultural land without owning land is not necessarily always good indicator of women's better position in the family rather women's compulsion which may lead to more vulnerability for women during any emergency case.

### **Economic Affluence of marital family and amount of land owned**

Thus, too many factors and their association as discussed above influence women's control over agricultural land but even then some of the stories of village women remained unexplained through these factors discussed above. As of now, different shades of women's social role play the key role in shaping their decisions making power in cultivation. However, that's not enough for the mature married women in the village who own land but do not have any control over it. Further analysis through in-depth interview helped me to come to the point where women from large farmer families are less likely to be associated with decisions in cultivation even if they own land.



*"I have some land, my husband bought it in exchange for the gold I got in dowry. I don't cultivate land; neither do any post harvesting work. My husband and sons cultivate the land together with the family land; they decide everything about cultivation in my field too. I don't know anything about it" (A married women from medium land owning family, 52 years old).*

In maximum cases, economic affluence in highly landed households favors women to buy land in their name rather than the husband gifting them the land. But women's seclusion is totally maintained among middle class families, thus; as a result of that women's

participation in cultivation is very minimal in highly landed households than small land owner families.

**Photograph No. 4.8. & 4.9. Widow (Left) and Married Women (Right) Doing Post Harvesting Work**



Source: Primary Field Work, 2016

The large farmers always involve hired agricultural labour from outside village to be entrusted with the huge work load of cultivation of large amount of land whereas marginal farmers have very less land so work load of cultivation is also less which can be done by the family members and moreover, they lack economic affluence to involve hired labour.

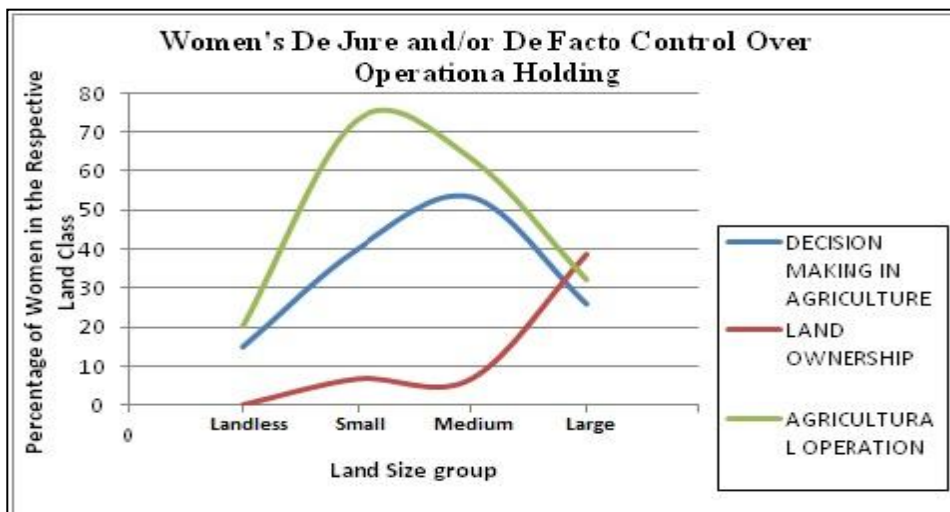
**Photograph No. 4.10. & 4.11. Women Engaged in Post Harvesting Work (left) and making the rice products (right)**



Source: Primary Field Work, 2016

As a result of that, women from poor peasant background are found to be working in field and taking part in the decision making process of cultivation than women from large farming background in the study area. However, the situation is not always uniform rather its more complicated for women from landless family background as they have limited participation in cultivation as compared to what their husbands do on other's land. Thus, for the households with moderately owned land, women even with lack of land entitlement, have greater decision making power in cultivation thus, effective control over agricultural land resulting from their active participation in cultivation. While, women from highly landed households, seems to have lesser say in cultivation process even if they own land. For marginally landed and landless households, women have very less land or no land; though their participation in agriculture is not much but at least higher than their power to take decisions about that which makes them more vulnerable without both land right and effective control over it than other women.

**Figure No. 4. . Women's De Facto and De Jure Control Over Agricultural Land<sup>101</sup>**



Source: Primary Field Work, 2016

<sup>101</sup> The land size group has been classified on the basis of the availability of operational holding in the study area. Thus, landless women working the cultivation process are mainly from tenant cultivator families. The small size land varies from 0.1 to 1.0 hectares, medium from 1.1 to 3.0 hectares and large is above 3.1 hectares. Thus, in the study area, landless consisted for 54 household, small is for 30, medium is for again 30 and large is for 31 households.

**Photograph No. 4.12. & 4.13. Widow (Left) is associated with livestock caring and Married Women (Right) Doing Post Harvesting Work**



Source: Primary Field Work, 2016

**Women's Independent Land Rights and Control over It**

While the above said factors influence women's control over agricultural land along with their husbands, there are some more influencing factors which hinder women's independent access to land. This is most important for women cultivating land without legal entitlement to that land, resulted by absentee landlordism. For cultivating land independently, women do need access to credit and other facilities like rent of machineries. Women's lack of paid employment in the village resulted into lack of capital to invest in cultivation. Moreover, women's lack of education and their seclusion act as an obstruction in the process of building their social capital which is needed to be a part of male dominated farming society to get information related to cultivation (Agarwal, 1994). Women's seclusion also makes them less confident about taking help like rent machinery or loan money from other farmer or trust for cultivation. This seclusion again restricts them to go to field and cultivate. Their inaccessibility of market also hinders the source of agricultural input for women. For selling output too, women's restriction to go to market creates an issue. In each step of cultivation, women do need help from a social mediator, mainly their male relatives which actually questions women's independent land access and make it male dependent. In such cases women might be more

subjected to vulnerability as for example, absence of husband make women dependent on brother-in-law for cultivation without legal entitlement where brother-in-law can easily exploit economically and cheat her.

#### **4.5. Conclusion**

Women's land right as discussed in the chapter has been very rarely found in the study area which followed the exact pattern found out by several scholar like Agarwal, (1994); Roy and Tisdell (2000); Rao (2005) etc. in India. First of all, women themselves are a part of larger patriarchal structure and appear to be uninterested to have land right due to the dominant concept 'women can't cultivate land' (Agarwal, 1994). Secondly, parents are not interested in giving right to daughters because they are already paid their share of property through dowry though that's directly paid to marital family and rarely remain under the control of daughter. Women only need their land right after husband's death for economic security in future. Thus, mothers also don't want to give property to daughters who can't care for parents being a part of another family and residing in another house. Rather sons will get property as they will stay in the house and take care of parents. Women thus, leave their property right to brothers only to keep relationship and ask for economic help if needed. The situation is even more depressing for women when they don't have land right even they have no brother and also their parents are not alive. The paternal property in that case gets transferred to women's cousin for two reasons: firstly, male cousins from the father's side remain in the joint family and therefore are expected to take care of women's parents and secondly, the ancestral property remains within the house instead of getting transferred to another family i.e. women's marital house and control under their husbands. If the woman is interested in demanding her inheritance rights, they need the help of male mediator to do the legal and official proceedings due to their lack of education, lack of financial capital and higher seclusion. In case of widows, marital family property got directly transferred to sons without involving the mother. But here some of widow's position is better where they have land right. Even if married women get any form of land right, it is very hard for them to control it independently without help of male relatives specially in case of absentee landlordism widow's position here also is slightly better than other women who both cultivate and decide about land along with sons but that's also in nuclear family. In case of joint family

due to availability of enough male cultivator, women control over land is negligible rather women's seclusion has been maintained specially for large land owners while women from marginally landed household are engaged in whole post harvesting work but without any recognitions. However, the analysis of women's social role in the study area has followed the findings by Agarwal (1994) that women's land ownership and effective control on it can improve their socio-economic situation and then women will be less vulnerable to male dominance in a patriarchal society.

## **Chapter 5**

### ***CONCLUSION***

Arable land is not only a source of economic security but also an important source of social status and political power for both men and women in rural areas. However, with increasing scarcity of land, the probability of women gaining control over productive land is reducing day by day, though scarcity of land was not the primary reason of women's alienation from agricultural land. In spite of a larger recognition of the need to alleviate women from their significantly unequal status vis-à-vis men, and advances in respect of their education, work and mobility, three issues make the objective of the study significant; first, the social advancement of women has stayed restricted largely to urban India, and that too in a selective manner, though a few regions of rural India are better than others; second, access to property, and in particular, land, that is so intrinsically linked to the family status and honour in the rural society, is still mostly remains in men's domains, despite the changes in the legal front, which have made the provisions more progressive that they were; thirdly, West Bengal, being a social space that is full of contradictions in terms of status of women, represents an interesting expressions of women's position in the patriarchal society.

The modern era symbolizes the time for women to move from being dependent on men to their independent economic position through land right. Legal entitlement to land in

comparison to merely employment opportunities brings economic security along with women's empowerment (Agarwal, 1994). Women's land rights can provide economic security to escape from poverty and domestic violence thus, woman's independent earnings from her own assets increases her bargaining power within the household. As a result, strong oppositions arise against women's land access in the patriarchal society in order to continue the ongoing hegemony against women and ensure that women remain in a subservient status to men. The most important source of land for women is inheritance while other two sources of land i.e. state transfer and market, though apparently neutral, have been observed to be very gender biased against women, as per the literatures (Agarwal, 1994). State transfers give land entitlement to male head of the family, whereas women can't buy land through market due to lack of access to credit. Thus, for securing women's land access, legal provisions for inheritance are mandatory and act as a crucial factor for giving women legal right to claim land. However, in India, the laws related to women's property right came into the picture in modern period during the 20<sup>th</sup> century. Earlier, before the laws were implemented, women's access to property was controlled by the social norms. As the law makers even today are themselves a part of larger patriarchal society, the influence of ancient and medieval gender relations in the society continue to shape the legal provisions for women's land right in the modern era.

The review of ancient history of India reveals that women's position in ancient society had two fold characteristics which existed in association but distinct from each other. Along with women's better position resulting from their spiritual and divine nature, women were respected like goddesses but still they were not free from male dominance in the patriarchy which is clearly reflected through status of women's land right at that time. Thus, the patriarchy led social constraints against women are not a recent phenomenon but existed through histories to influence the provisions of women's land right. Even though women were greatly respected in ancient times, there are still several instances of women's lack of property right. Women have been considered to be the property of their male relatives and property right got transferred through the male heirs. Sacred texts from the ancient period direct men as source of women's security where women were supposed to be protected by their male relatives. Thus, women's right to property seemed as needles where unmarried daughters have been give to hold a property but the share was smaller than that of sons while married daughters have been neglected totally from property rights. The concept of 'streedhan' was initiated from ancient times where

daughters were gifted a portion of their share to paternal property in marriage thus, they did not get entitlement to any form of property. During medieval period in India, women's seclusion was maintained strongly to gain control over women's sexuality and maintain their chastity. In modern India, since the British period, property right for women has been considered as essential for them. With the abolition of 'Sati' system, numerous widows were left who were economically insecure. For the first time in 1937, women's property laws for widows were grounded with perseverance of Britishers where women were to hold separate property for Mitakshara dominating areas and both separate and joint property where Dayabhaga was prevailing in India. The major shortcomings of this law was that it did not give any property right to both unmarried and married daughter and also did not include property right for agricultural land but only about restricted itself to dwelling house. Thus, right to dwelling house for widows only secured their shelter but not economic condition as agricultural land is the type of property with which they can generate income. In 1956, another property law was brought in which included right to property for both widows and unmarried daughter where widows got right of both separate and joint property in whole of India. Though the law was favorable for widows, the major drawbacks of the law were associated with property right of daughters. Unmarried daughters were given right to share of joint property which is smaller than that of sons and equal share of separate property in Mitakshara dominating areas and equal share for both properties in Dayabhaga. The issues related to this law are such that married daughters were not given right to any type of property and again property right of agricultural land was not included. Moreover, unmarried daughters were given right to land but that was only to hold the land without independent right to sell, mortgage, partition etc. of the property. In 2005, the law was amended and included widow and both married and unmarried daughter's equal share to both the properties in whole India and succession rules were started to be followed instead of survivorship. Finally, agricultural land was included in property right in 2005 with the view that property right now can secure women economically where women's independent ownership right has been initiated to become a *Karta*. Since, this was the one part of story where legal rights were the fundamental provision for women to get land right. However, we also needs to focus on the other side of the story where even with legal provisions, women hardly get access to land due to existing socio-cultural norms through histories which shapes women's position in the society thus, women's land right.



To analyze the impact of these socio-cultural norms shaping women's right to agricultural land in the selected study area, an attempt has been made to study gender space in overall West Bengal. The position of West Bengal in terms of gender development is ridden with contradictions from broad demographic and socio-economic parameter and is in variance from the usual conception of the state, which places it within the more progressive southern gender-space in the larger north-south divide in India. Some anomalies have been found in the generally accepted pattern and West Bengal has lower age at marriage for girls and lower share of women in higher education unlike southern states. Moreover, the share of agricultural land which has women as the primary cultivator is far lower than national average; even lower than the states where other gender indicators have been found to be worse than West Bengal. Thus, this contradictory gender space in West Bengal become the matter of concern while understanding the socio-cultural norms against women, which is mainly driven by these kind of gender relations in the state.

The historical account of gender space in West Bengal through the light of Bengali literary works revealed that colonial Bengal had five social issues related to women's development namely low female education, child marriage, male polygamy, restrictions in widow remarriage and Sati among which girl's child marriage and Sati were most pronounced in Bengal. However, during the social reform era, under the *Bramha Samaj*, provision for women's education and widow remarriage were initiated in Bengali Society where contribution of Ishwar Chandra Vidyasagar and Debendranath Tagore is unavoidable. Moreover, the male polygamy and child marriage for girls were also prevented through the perseverance of Britishers and some social reformists like Raja Rammohan Roy. This is interesting to know that, since the initiation, though education was provided to the people from the upper strata in colonial Bengal, the seclusion women was well maintained through all economic classes. However, women from lower strata apparently enjoyed greater mobility compared to the upper class gentle women, albeit driven by economic distress. The lack of educational attainment for the marginalized women has left less economic options for them. Consequently, the lower class women suffered subjugation and discrimination of the worst kind in the job domain that they entered, which can be seen through a gender-caste-class inter-sectionality. Thus, from the Bengali literary works which has been portrayed by the writers through their own experiences of the surroundings, two dimension or images of women existed in parallel terms. One type of women acceded to

patriarchy and did not protest, while the other struggled throughout their life against the same patriarchy and succeeded at the end, though with limited outcomes (Chattopadhyaya, 2012). Among, the men from upper castes and classes, there are examples of ones that broke the rigid rules in favor of women's seclusion, though such examples cannot be isolated from the British influence and will to gain approval from a few British societies in Bengal. Thus, the attempts made by men within patriarchal society did not necessarily focus on women's welfare<sup>102</sup>. As a result of that, women's emancipation, as initiated by men, has been critically questioned whether it will lead to women's overall development or not (Murshid, 1983). Unfortunately, this situation in turn adversely impacted women to the extent that education among women has shaped their individuality and altered the role played by women within house and in the society. The willingness to change the gender related constraints within Bengali society led to the women resisting such norms, and they went against the such gender biased practices in the name of socio-cultural norms, though by end of 19<sup>th</sup> century, the struggle for the betterment of women had suffered a setback. Thus, pivotal women characters (like Draupadi as designed by Mahashweta Devi (Devi, 1987) and Satyabati as designed by Ashapura Devi (Devi, 1988)), concentrated on their will power as the key through which they sought to change their societal environment rather than it taking the form of a social movement, commonly, though the examples of the later are also present in subsequent periods. Within these prevailing contradictions observed in the gender space in West Bengal, only women's individual agency can play an important role to gain agricultural land rights, and more importantly, questions the circumstances under which they get alienated and cope with the lack of access of agricultural land in rural Bengal. However, the concern arising here is whether individual agency of women succeeded in the state to gain right to agricultural land even within the control of patriarchy or not. Radically, the amendment of Hindu Succession Act (HSA), 2005 has challenged the customs of different social institutions called as 'ideal household' like Hindu Joint Family which follows the rules of patrilineal structure as a result of which strong objections arose from the most powerful section of the Bengali society against women's property right.

Even after one decade after the latest amendment in property law in favor of women, the empirical study in Subhipur village, West Bengal provides very rare instances of

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<sup>102</sup> As for example, Janadanandini got advanced due to her husband's wish that Satyendranath wanted his wife's image as an example for women in the society.

women's land ownership which followed exactly the same pattern found out by several scholars like Agarwal, (1994), Roy and Tisdell (2000), Rao (2005) etc. in other parts of India. With the findings of this study reveals that women in the study area has proved that the latest amendment of the property law in 2005 seems to increase the likelihood for women to inherit land but it lacks its applicability in practical ground which became unsuccessful to balance the underlying gender inequalities (Deininger et al, 2010). The major constraints against women's property rights arise from the patriarchy which has created some customary laws in local level to shape women's access to land irrespective of legal provisions. Thus, women's contestation is not in favor of the social and ideological impediments which control the legal administration in the local level thus, creating barrier to implementation of property laws. This gap in the process of women's access to land is a result of the differences in legal provisions to realize the claims for women, followed by differences in right to practice and ownership to effective control (Agarwal, 1994).

In the period of transition, characterized by legislative pluralism along with massive socio-economic changes in India in the last century, women's ownership status of land should have become better off but the existing patriarchy strongly expressed itself, at times, ironically through women themselves. First of all women themselves being a part of larger patriarchal structure appear to be not interested to claim land rights due to the dominant concept 'women can't cultivate land' (Agarwal, 1994). The important thing that was observed in this study was that subservience and exploitation of women, while there, went unnoticed, as women themselves often played an active role in this process, often justifying and forgoing their legal claim on the land for a variety of reasons, ranging from fear of alienation from parents and brothers to their conviction that since they cannot cultivate the land, their brothers should continue to cultivate it. The worrying trend thus is, as per the findings of the study, women in rural Bengal accept status of subservience in terms of immovable property ownership, are hence unlikely to take initiatives to change it, in spite of the legal provisions that state otherwise.

Women, however, in mature age are observed to occupy a position of power, though not vis-à-vis men, but than other younger women within the household and such relations is very much rooted within the traditional forms of patriarchy. Thus, in-laws willingness about women's inheritance rights also matters, and there are evidences that such transfers are not looked

on favorably, either due to fear of a loss of status or that of perception of potential change in the gender 'balance' within the marital household. Moreover, women are unwilling to give rise to any situation that would lead to conflict, even though they are conscious about forgoing rights that are fundamentally theirs.

The difference in right and practice is mainly created by the male relatives who control women's ownership right to land through inheritance. In the recent times the concept of 'streedhan' got converted into dowry which is paid at the time of marriage. In spite of the progressive character of the state, dowry was found to be common in the village under study. It is perceived that the daughter are paid a portion of their property share through dowry by the parents, and though this is movable property often not transferred in the name of the daughter and often not at par with the value of land that are theirs by entitlement, the parents feel justifies in not giving their daughters their inheritance rights. Women's dowry is more of a payment of wedding expenses to the marital family who utilizes the whole assets without daughter's consent. Hence, married women end up with no property or asset at all to pass on to the next generation which hinders mother-daughter inheritance (Agarwal, 1994). Besides that, women are of the view that they will only need their land right after husband's death for economic security in future. Thus, mothers also don't want to give property to daughter that are not perceived to be able care for parents, being a part of another family and residing in another house. Moreover, parents conceive that giving land right to daughters simply means transfer of property to another family and under the control of son-in-law which is against the norms of Hindu joint Family property. As a result, sons are mostly preferred to get property as they will stay in the house and take care of parents. Women thus, leave their property right to brothers only to keep relationship and ask for economic help, if needed. The situation is even more depressing for women when they don't have land right even if they have no brother. The paternal property in that case gets transferred to women's male cousin from agnatic side for two reason: one, the cousin remains in the joint family house and takes care of women's parents and second, the ancestral property remains within house and does not get transferred to another family. If some of them are interested to demand inheritance right, the local governmental institutions sometimes creates restriction to the official proceedings to bar the woman from claiming land. For that, they need the help of male mediators to do the legal and official dealings due to their lack of education, lack of access to financial capital and high seclusion leading to lack of mobility. This status

within both paternal family and marital family creates a cyclic process of women's subjugation where due to lack of women's land right, the education level gets hampered in the next generation as well. Lack of education creates lack of employability for women thus lack of financial capital to demand land right or buy land and the process continues for next generations. The social construct of low education for women and marrying off them early creates a separate restricted zone for women to breathe in- the "private sphere"- from where women are not allowed or even they are less confident to step out to male dominated public sphere to fight for inheritance right to agricultural land. In case of widows, marital family property gets directly transferred to sons without involving mother. But here some of widow's position is better where they have land rights in the event of their husband's death. However, the control over this land is limited in most cases as their sons, if present, are the primary decision-maker, and looked on the widow as her old-age security. This situation thus, also brings forward the uncomfortable reality that the landed widows are more likely to be taken care of by their sons than the landless.

Even if women get any form of land right, it is very hard for them to control it independently without help of male relatives especially in case of absentee landlordism. Women even with control over land remain a victim of socially constructed gendered norms in the patriarchal society which is deep seated and subjugate women in every aspect related to their socio-economic status. With the initiation of mechanization in agriculture, use of machineries is mainly done by men. The situation has led to men's control over agricultural technology with men's recognition as primary cultivator and women's doing maximum post harvesting job and livestock care are recognized as housewives. Married women in joint family have negligible control over their land as the land gets cultivated together with marital family land by the male members of the family. Here as joint family has a higher number of male cultivator; women hardly participate in cultivation process and decision making in agriculture especially for large land owner households rather their seclusion is being maintained well. For the nuclear families, both men and women participate in cultivation process but sometimes they are recognized and have a say in decision making in agriculture; sometimes they are not even recognized. Moreover, women's seclusion in rural areas supports the gender ideologies that women don't go to field and therefore, they can't cultivate land. Thus, women even with land ownership are subjected to have no effective control over the land. This has been suggested by Agarwal (1994) as crucial to improve women's socio-economic situation and vulnerability to male dominance in patriarchal

society. Widow's position here also is only slightly better than other women who both cultivate and decide about land along with sons but that's also in nuclear family. However, the field work reveals that most of the times widows are subjected to violence by male relatives for acquiring land right. Under the system of joint Hindu family, ancestral property hardly gets divided rather brothers cultivate their share but property remains in the name of ancestor owners only. Thus, in this case widows claiming land to own and cultivate are subjected to violence by brother-in-laws and cheated by them. Widows thus having a somewhat better status than married daughters, are only seen as a caretaker for the land to be passed on to the next rightful male heir of the family.

This whole picture of women's right to own and control land, based on this empirical study proves that the legal initiatives are not sufficient to deal with the social hierarchies inbuilt in it for years and are incapable of superseding social customary laws which dominates most at the local level. This is the arena where all policy researches after getting a considerable development get stuck and opens vast space for further research. The following suggestions have been made here which will tend to contribute some good insights to women's access to land.

- a. Inheritance laws should also focus on issues related to dowry and provision for penalty against dowry should be initiated.
- b. Restriction on willing away property by the parents against daughter should be included in inheritance law.
- c. Legal literacy about women's land right should be spread to cover both men and women.
- d. Women's source of land other than inheritance i.e. state transfer should also include women. For that legal provisions should be grounded securing women as owner of land transferred through state.
- e. Women's de facto controlling over the property in the marital family should be instigated with legal provision on women's co-ownership in marital property so that both husband and wife can cultivate land with recognitions and take decisions related to agricultural together (Brown et al, 2002).
- f. Women's engagement in production process should be prompted to question the gender ideologies against women that women can't cultivate land which will in turn increase women's realization of claiming land and forgo their renunciation.

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## APPENDIX

### Appendix I: Child Sex Ratio In India, 2001 & 2011 (0-6 Age Group Population) And Growth In Child Sex Ratio (2001-2011).

States	2001	2011	2001-2011
	Child Sex Ratio	Child Sex Ratio	Growth In Child Sex Ratio
India	927	918	-0.95
Jammu & Kashmir	941	862	-8.43
Himachal Pradesh	896	909	1.52
Punjab	798	846	6.04
Chandigarh	845	880	4.12
Uttaranchal	908	890	-1.89
Haryana	819	834	1.85
Delhi	868	871	0.37
Rajasthan	909	888	-2.25
Uttar Pradesh	916	902	-1.44
Bihar	942	935	-0.75
Sikkim	963	957	-0.59
Arunachal Pradesh	964	972	0.81
Nagaland	964	943	-2.11
Manipur	957	930	-2.82
Mizoram	964	970	0.57
Tripura	966	957	-0.90
Meghalaya	973	970	-0.32
Assam	965	962	-0.27
West Bengal	960	956	-0.42
Jharkhand	965	948	-1.84
Orissa	953	941	-1.19
Chhattisgarh	975	969	-0.59
Madhya Pradesh	932	918	-1.55
Gujarat	883	890	0.77
Daman & Diu	926	904	-2.33
Dadra & Nagar Haveli	979	926	-5.50
Maharashtra	913	894	-2.06
Andhra Pradesh	961	939	-2.27

Karnataka	946	948	0.27
Goa	938	942	0.49
Lakshadweep	959	911	-5.02
Kerala	960	964	0.40
Tamil Nadu	942	943	0.13
Pondicherry	967	967	0.06
Andaman & Nicobar Islands	957	968	1.19

Source: Census of India, 2001 & 2011.

**Appendix II: Female Literacy Rates In India, 2001 & 2011 And Growth In Female Literate Population (2001-2011).**

State	2001	2011	2001-2011
	Female Literacy Rate	Female Literacy Rate	Growth In Female Literate Population
India	45.15	55.97	46.72
Jammu & Kashmir	36.52	47.50	60.45
Himachal Pradesh	58.97	67.61	29.71
Punjab	55.52	63.12	30.98
Chandigarh	66.18	71.63	30.52
Uttaranchal	50.36	60.97	43.89
Haryana	47.17	57.39	47.50
Delhi	63.49	71.06	39.83
Rajasthan	35.64	44.21	51.08
Uttar Pradesh	34.11	48.42	72.13
Bihar	26.32	41.94	99.68
Sikkim	51.23	67.37	49.82
Arunachal Pradesh	35.04	48.69	79.69
Nagaland	52.19	64.84	25.68
Manipur	52.01	61.29	55.93
Mizoram	72.50	75.60	31.58
Tripura	55.97	72.43	49.58
Meghalaya	47.57	59.06	60.25
Assam	45.24	56.40	47.76
West Bengal	51.00	62.34	40.39
Jharkhand	31.62	46.37	80.26
Orissa	43.24	56.13	48.54
Chhattisgarh	43.07	51.70	47.30

Madhya Pradesh	41.24	50.48	48.29
Gujarat	49.39	60.86	46.89
Daman & Diu	55.73	68.60	74.18
Dadra & Nagar Haveli	32.13	53.82	154.16
Maharashtra	57.62	67.05	35.53
Andhra Pradesh	43.76	52.93	35.27
Karnataka	49.22	60.20	42.00
Goa	67.31	76.41	23.65
Lakshadweep	68.34	78.25	21.60
Kerala	77.76	83.04	13.34
Tamil Nadu	57.14	66.09	34.33
Pondicherry	65.17	72.38	44.81
Andaman & Nicobar Islands	65.15	73.10	22.20

Source: Census of India, 2001 & 2011.

### **Appendix III: Gender Parity Index In Literacy Rate In India, 2011**

<b>States</b>	<b>Gender Parity Index</b>	<b>States</b>	<b>Gender Parity Index</b>
India	0.46	Assam	0.61
Jammu & Kashmir	0.26	West Bengal	0.65
Himachal Pradesh	0.63	Jharkhand	0.20
Punjab	0.73	Orissa	0.42
Chandigarh	0.75	Chhattisgarh	0.30
Uttaranchal	0.49	Madhya Pradesh	0.30
Haryana	0.42	Gujarat	0.50
Delhi	0.73	Daman & Diu	0.54
Rajasthan	0.01	D & N Haveli	0.23
Uttar Pradesh	0.26	Maharashtra	0.65
Bihar	0.19	Andhra Pradesh	0.44
Sikkim	0.67	Karnataka	0.54
Arunachal Pradesh	0.42	Goa	0.83
Nagaland	0.83	Lakshadweep	0.85
Manipur	0.61	Kerala	1.00
Mizoram	0.96	Tamil Nadu	0.62
Tripura	0.79	Pondicherry	0.75
Meghalaya	0.98	A & N Islands	0.78

Source: Census of India, 2011.

**Appendix IV: Drop Out Rates Among Girls (6-11 Age Group) In Primary Education (Class I-iv) In India, 2009-2010.**

States	Drop Out Rates Among Girls	States	Drop Out Rates Among Girls
Andhra Pradesh	15.24	Nagaland	39.78
Arunachal Pradesh	39.23	Orissa	26.18
Assam	32.67	Punjab	-10.67
Bihar	40.97	Rajasthan	52.11
Chhattisgarh	24.94	Sikkim	11.98
Goa	-4.29	Tamil Nadu	0.42
Gujarat	6.52	Tripura	24.97
Haryana	-2.24	Uttar Pradesh	41.7
Himachal Pradesh	1.17	Uttaranchal	31.33
Jammu & Kashmir	6.82	West Bengal	16.15
Jharkhand	26.41	A & N Island	2.98
Karnataka	10.61	Chandigarh	-18.06
Kerala	-11.02	D & N Haveli	19.95
Madhya Pradesh	20.49	Daman & Diu	4.27
Maharashtra	22.54	Delhi	17.07
Manipur	40.08	Lakshadweep	8.06
Meghalaya	54.51	Puduchery	-3.12
Mizoram	47.46	India	27.25

Source: Abstract of Selected Educational Statistics 2009-10, Ministry Of Human Resources Development, GOI.

**Appendix V: Women In Higher Education (Graduation And Above Level) In India, 2011 And Growth In Women Population In Higher Education (2001-2011).**

State / Union Territories	2001	2011	2001-2011
	% Of Women In Graduation & Above Educational Level	% Of Women In Graduation & Above Educational Level	Growth In Women Population In Higher Education
India	2.44	4.45	115.61
Jammu & Kashmir	2.15	4.28	145.37
Himachal Pradesh	2.55	5.78	155.91
Punjab	3.75	6.77	108.23

Chandigarh	15.07	18.89	51.22
Uttaranchal	4.16	8.05	129.75
Haryana	2.89	6.53	174.07
Delhi	11.63	15.66	68.27
Rajasthan	1.42	2.96	153.36
Uttar Pradesh	1.76	3.72	156.50
Bihar	0.94	1.48	97.86
Sikkim	1.82	4.65	191.67
Arunachal Pradesh	1.26	2.56	163.68
Nagaland	1.97	3.85	97.19
Manipur	5.08	6.39	66.34
Mizoram	2.06	3.71	127.46
Tripura	2.02	2.73	56.42
Meghalaya	1.92	3.00	101.54
Assam	1.59	2.44	81.44
West Bengal	2.57	3.91	75.09
Jharkhand	1.54	2.63	110.12
Orissa	1.76	2.94	91.14
Chhattisgarh	1.62	2.83	113.99
Madhya Pradesh	2.08	3.35	95.33
Gujarat	2.81	4.43	87.64
Daman & Diu	2.64	4.71	152.28
Dadra & Nagar Haveli	2.38	4.63	195.49
Maharashtra	3.68	6.41	102.96
Andhra Pradesh	2.11	4.62	145.11
Karnataka	2.71	5.16	120.62
Goa	6.71	10.11	64.11
Kerala	4.54	8.06	88.37
Tamil Nadu	2.60	6.49	190.45
Pondicherry	5.10	9.84	151.75
Andaman & Nicobar Islands	3.68	5.93	75.68

Source: Census of India, 2001 & 2011.

**Appendix VI: Female Work Participation Rate in India, 2011.**

STATE	2001	2011	2001-2011
	Female Work Participation Rate	Female Work Participation Rate	Growth In Total Female Worker
India	25.63	25.52	17.87
Jammu & Kashmir	22.45	19.11	5.01
Himachal Pradesh	43.67	44.82	16.10
Punjab	19.05	13.91	-15.88
Chandigarh	14.22	16.00	35.67
Uttaranchal	27.33	26.68	16.04
Haryana	27.22	17.79	-20.74
Delhi	9.37	10.58	41.00
Rajasthan	33.49	35.12	27.76
Uttar Pradesh	16.54	16.75	22.81
Bihar	18.84	19.07	26.85
Sikkim	38.57	39.57	16.90
Arunachal Pradesh	36.54	35.44	25.41
Nagaland	38.06	44.74	18.93
Manipur	39.02	39.88	35.22
Mizoram	47.54	36.16	-4.01
Tripura	21.08	23.57	29.24
Meghalaya	35.15	32.67	19.98
Assam	20.71	22.46	28.51
West Bengal	18.32	18.08	13.35
Jharkhand	26.41	29.10	35.50
Orissa	24.66	27.16	26.02
Chhattisgarh	40.04	39.70	21.66
Madhya Pradesh	33.21	32.64	19.04
Gujarat	27.91	23.38	-0.17
Daman & Diu	18.61	14.89	13.21
Dadra & Nagar Haveli	38.74	25.25	-1.09
Maharashtra	30.81	31.06	17.38
Andhra Pradesh	35.11	36.16	15.16
Karnataka	31.98	31.87	15.70
Goa	22.36	21.92	6.82
Lakshadweep	7.28	10.96	59.77
Kerala	15.38	18.23	25.78
Tamil Nadu	31.54	31.80	17.10



Pondicherry	17.23	17.63	33.40
Andaman & Nicobar Islands	16.60	17.81	16.81

**Appendix VII: Mean Age At Marriage Among Women In India, 2002-03 And 2007-08.**

STATES	2002-2003	2007-2008	Growth In Women's Mean Age At Marriage
	Women's Mean Age At Marriage	Women's Mean Age At Marriage	
India	19.5	19.8	1.54
Jammu & Kashmir	22.8	22.2	-2.63
Himachal Pradesh	21.7	21.9	0.92
Punjab	20.9	21.3	1.91
Chandigarh	22.8	23.2	1.75
Uttaranchal	20.5	20.6	0.49
Haryana	19	19.7	3.68
Delhi	20.6	21.6	4.85
Rajasthan	17.3	17.7	2.31
Uttar Pradesh	18.1	18.4	1.66
Bihar	17.4	17.6	1.15
Sikkim	21.9	21.5	-1.83
Arunachal Pradesh	19.5	21.7	11.28
Manipur	24.1	23.6	-2.07
Mizoram	21.6	21.7	0.46
Tripura	20.9	20.2	-3.35
Meghalaya	20.8	21.1	1.44
Assam	20.7	20.8	0.48
West Bengal	18.5	18.5	0.00
Jharkhand	18.3	18.3	0.00
Orissa	20.5	20.5	0.00
Chhattisgarh	19	18.9	-0.53
Madhya Pradesh	18.2	18.5	1.65
Gujarat	19.4	19.6	1.03
Daman & Diu	23	20.8	-9.57
Dadra & Nagar Haveli	19.7	19.5	-1.02
Maharashtra	19.1	19.3	1.05
Andhra Pradesh	18.4	19	3.26

Karnataka	19.1	19.8	3.66
Goa	24.4	25.1	2.87
Lakshadweep	20.7	22	6.28
Kerala	21.9	22.1	0.91
Tamil Nadu	20.7	21.3	2.90
Pondicherry	22.4	22.5	0.45
Andaman & Nicobar Islands	21.4	21.6	0.93

Source: District Level Household And Facility Survey-3, 2007-2008

### **Appendix VIII: Total Fertility Rate In India, 2010**

<b>STATES</b>	<b>TFR</b>	<b>STATES</b>	<b>TFR</b>
ANDHRA PRADESH	1.8	KERALA	1.8
ASSAM	2.5	MADHYA PRADESH	3.2
BIHAR	3.7	MAHARASHTRA	1.9
CHHATTISGARH	2.8	ORISSA	2.3
DELHI	1.9	PUNJAB	1.8
GUJARAT	2.5	RAJASTHAN	3.1
HARYANA	2.3	TAMIL NADU	1.7
HIMACHAL PRADESH	1.8	UTTAR PRADESH	3.5
JAMMU AND KASHMIR	2	UTTARANCHAL	
JHARKHAND	3	WEST BENGAL	1.8
KARNATAKA	2	INDIA	2.37

Source: Sample Registration System, 2010

### **Appendix IX: Percentage Of Female Own Individual Operational Land Holding In 2000 And 2010.**

	Percentage Of Female Own Individual Operational Land Holding			Percentage Of Female Own Individual Operational Land Holding	
STATES	No. Of Holding	Area Of Holding	STATES	No. Of Holding	Area Of Holding
Andhra Pradesh	25.41	22.08	Maharashtra	15.03	13.08
Arunachal Pradesh	10.74	8.18	Manipur	3.64	2.77
Assam	2.11	2.58	Meghalaya	34.62	33.99
Bihar	13.67	12.88	Mizoram	10.94	9.68
Chhattisgarh	12.60	9.89	Nagaland	10.14	8.69
Goa	23.34	18.03	Orissa	3.29	3.08
Gujarat	10.31	9.11	Punjab	0.92	0.67
Haryana	10.52	8.81	Rajasthan	9.03	7.72
Himachal Pradesh	7.06	4.73	Sikkim	4.34	4.09
Jammu & Kashmir	8.13	6.46	Tamil Nadu	19.18	16.61
Jharkhand	10.85	8.98	Tripura	10.28	8.77
Karnataka	19.01	15.70	Uttar Pradesh	9.07	7.59
Kerala	19.77	15.01	Uttarakhand	11.34	10.47
Madhya Pradesh	9.34	7.24	West Bengal	3.50	2.09
			All India	13.48	10.94

Source: Agricultural Census Of India, 2010.

#### **Appendix X: Average Size Of Individual Operational Holding, Owned By Female, 2010.**

STATES/UT	Average Size Of Holding	STATES/UT	Average Size Of Holding
Andhra Pradesh	0.94	Maharashtra	1.25
Arunachal Pradesh	2.72	Manipur	0.87
Assam	1.23	Meghalaya	1.35
Bihar	0.35	Mizoram	1.01
Chhattisgarh	1.05	Nagaland	5.16
Chandigarh	0.48	Orissa	0.96
Goa	0.83	Punjab	2.73

Gujarat	1.82	Rajasthan	2.38
Haryana	1.31	Sikkim	1.31
Himachal Pradesh	0.66	Tamil Nadu	0.68
Jammu & Kashmir	0.42	Tripura	0.42
Jharkhand	0.79	Uttar Pradesh	0.53
Karnataka	1.28	Uttaranchal	0.71
Kerala	0.16	West Bengal	0.44
Madhya Pradesh	1.37	All India	0.90

Source: Agricultural Census of India, 2010.

### **Appendix XI: Growth in Women's Land Ownership From 2000 To 2010**

<b>STATES</b>	<b>No. Of Female Owning Operational Holding In 2000</b>	<b>% Of Female To Total Holding In 2000</b>	<b>Growth Rate In Female's Ownership 2000-2010</b>	<b>STATES</b>	<b>No. Of Female Owning Operational Holding In 2000</b>	<b>% Of Female To Total Holding In 2000</b>	<b>Growth Rate In Female's Ownership 2000-2010</b>
Andhra Pradesh	2342159	20.4	42.80	Manipur	4248	2.8	29.00
Arunachal Pradesh	10861	10.3	5.19	Meghalaya	46899	22.6	54.15
Assam	52772	2	8.05	Mizoram	6884	9.1	45.77
Bihar	995346	9.7	90.03	Nagaland	11282	7.9	59.77
Chhattisgarh	338733	10.5	38.91	Orissa	121651	3	25.93
Goa	14041	22.4	25.72	Punjab	7640	0.8	26.69
Gujarat	251381	9.4	21.81	Rajasthan	172456	4.1	178.68
Haryana	42244	7.4	32.21	Sikkim	733	1.2	337.24
Himachal Pradesh	62864	6.9	7.78	Tamil Nadu	1397880	18.1	10.34
Jammu & Kashmir	77367	7.8	4.95	Tripura	48039	10.4	20.21
Karnataka	1120390	16.1	31.73	Uttar Pradesh	982146	7.6	24.27
Kerala	1371134	20.9	-2.42	Uttaranchal	52375	7.8	56.27
Madhya Pradesh	455809	6.6	69.96	West Bengal	225729	3.3	10.46

Maharashtra	1860064	15.5	4.75		All India	12090328	11.6	32.18
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Source: Agricultural Census Of India, 2000 & 2010