

Asset Acquisition among Matrilineal and Patrilineal Communities: A Case Study of Coastal Karnataka

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The Gender Asset Gap Project is a joint initiative of an international research team that was formed in 2009 with four objectives: 1) to collect individual-level asset data from three different countries (Ecuador, Ghana and India) in order to demonstrate the importance and feasibility of collecting data on women's access to and ownership of property; 2) to identify the minimal set of questions on individual level asset ownership that are needed in multi-purpose household surveys to calculate the gender asset and wealth gaps; 3) to develop various measures of gender asset and wealth gaps that can be used by national governments to track progress toward Millennium Development Goal 3 on gender equality and women's empowerment; and 4) to identify the critical enabling or constraining social, economic, and institutional factors affecting women's asset ownership in order to help policymakers and others to improve women's claims to productive assets.

The project is housed at the Centre of Public Policy (CPP) at the Indian Institute of Management Bangalore (IIMB). The project team leaders are Hema Swaminathan, IIMB; Abena D. Oduro, University of Ghana; Carmen Diana Deere, University of Florida; Cheryl Doss, Yale University; and Caren Grown, American University. FLACSO-Ecuador hosted the field work in Ecuador.

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Asset Acquisition Among Matrilineal and Patrilineal Communities: A Case Study of Coastal Karnataka

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Abstract

While it is increasingly recognised that ownership, access, and control over productive assets are important determinants of a woman's wellbeing, there is little empirical data on how much and what kinds of assets women own. This paper presents the preliminary findings of an on-going study aiming to measure the gender-asset gap in India. This research is being conducted in nine districts in the state of Karnataka, including the coastal districts of Dakshina Kannada and Udupi. In these districts, some communities have customarily practiced matrilineality in contrast to the rest of the state which is largely patrilineal. This paper examines the patterns of asset acquisition by women in matrilineal and patrilineal communities in these two districts using qualitative data collected in 2009. Our preliminary findings suggest that women from matrilineal communities continue to enjoy their traditional rights to own and inherit land and other physical and financial assets. In addition to ownership, they also exercise a greater degree of decision-making powers over their assets. Both these factors contribute to a greater sense of empowerment among women from the matrilineal communities in comparison to women from the patrilineal communities.

I. Introduction

Gender and Assets

Assets serve several functions which are particularly significant for poor households. In their productive capacity, assets generate income and facilitate access to capital and credit. They strengthen the households' ability to cope with, and respond to shocks (aggregate or idiosyncratic) by enhancing their ability to diversify their income, and ease liquidity constraints. Assets are also a store of wealth which can be sold to generate income. It is increasingly recognised that ownership, access, and control over productive assets is an important determinant of a woman's wellbeing. Indeed a woman's assets not only contribute to her individual wellbeing but also to outcomes of the entire household, especially the future of her children.

Policy initiatives and research analysis that have examined implications of asset ownership for wellbeing and poverty reduction traditionally use the household as the unit of analysis. However, literature over the last decade has conclusively established that individual wellbeing and household wellbeing do not necessarily move together with gender being one of the main differentiating factors (Haddad et al. 1997; Lundberg et al. 1997).

In comparison with men, women are more likely to be poor, less likely to own assets, and more likely to be adversely impacted by shocks. However recent evidence also suggests that assets in the hands of women empowers them, improves wellbeing at an individual, household, and community level, significantly enhances her decision-making capabilities (Agarwal 1994, 1998, 2002a) and has a greater impact on the health and welfare of children (Duflo 2000; Katz and Chamorro 2003). A few studies suggest it may also reduce women's experience of domestic violence (ICRW 2006; Panda and Agarwal 2005; Friedemann-Sánchez 2006). Improving women's claim to assets under these circumstances is an important policy lever to protect women from becoming marginalized.

India's Eleventh Five Year Plan (2007-2012) discusses a vision and strategy for inclusive growth and identifies gender inequality as a pervasive problem. The Task Force reports feeding the Eleventh Plan specifically mentions the need for a sex-disaggregated data base to guide policy formulation and programme implementation. The report further notes that while almost 75% of all female workers are employed in agriculture (as opposed to 53% of all men workers), women do not own or have effective rights over land. Women's lack of ownership of or control over productive assets is not documented or monitored because the agricultural census does not collect sex disaggregated data by assets nor does it record the source of acquisition. The task force calls upon the Indian National Sample Survey Organisation to enable such data collection.

Evidence on the Gender Asset Gap

The evidence on the gender distribution of wealth within households is relatively thin. While national level surveys do not routinely collect sex disaggregated asset data, some evidence is available from

smaller surveys and qualitative research. Broadly, the data suggest that women are less likely than men to own and control assets, especially productive assets. Studies have also shown that men bring more assets to marriage than women and that this asset gap widens over time (Quisumbing and Maluccio 2003; Quisumbing and Hallman 2003; Breza 2005). The composition of men and women's assets are also likely to be different. A recent study of low income households in Bangkok has shown that women are more likely to own jewellery whereas men are more likely to own transport vehicles (Antonopoulos and Floro 2005). It is important to understand patterns underlying asset composition as women's assets that are relatively more liquid may be sold off first in response to shocks, exposing them to greater insecurity in the future.

The information on the gendered distribution of land ownership is better than that on assets in general. The data suggest that women typically own less land than men and their land is usually found to be inferior in quality when compared to men's land. Studies by Deere and Leon (2003) show that there is a significant gender asset gap in land ownership in Latin America. National rural household surveys conducted in early 2000's show that landowners who are female ranged from 11 percent in Brazil to 27 percent in Paraguay (Deere and Leon 2003). The data on land ownership in Asia is very scanty. Few studies have been conducted – a 2001 household survey in Pakistan found that women owned less than 3 percent of the plots (Mason and Carlsson 2004). A recent study in India found that of 402 women respondents in Kerala, 36 percent owned immovable property (land or a house) while in West Bengal, this figure was 35 percent out of a sample of 450 women (ICRW 2006). The system of land rights is particularly complex in Africa, but the available evidence indicates women's limited access to and ownership of land.

Bina Agarwal has argued that '...in India, the single most important factor affecting women's situation is the gender gap in command over property' (Agarwal 1994). Over the past couple of decades, there have been initiatives aimed at increasing women's property ownership. For instance, the Hindu Succession Amendment Act, 2005 removed the discrimination against women in inheriting joint family property. Several central and state government housing schemes have made efforts to target women, either individually or jointly. Under Karnataka's state housing programmes (Ashraya Yojana and Dr. Ambedkar Housing Scheme), joint titling in the name of husband and wife is mandatory.

Independent of these broad policy initiatives at the national and state levels, there exist a few castes, tribes and communities in some pockets of the country which have resisted the dominant system of patriarchy, and practise matriarchy². Agarwal (1994) broadly documents these across the country and notes that in South India, certain communities in the Western coastal regions have customarily practised matriarchy for centuries, and are governed by their own schools of law. These groups are largely concentrated in the state of Kerala and two of the three coastal districts of Karnataka – Dakshina Kannada and Udupi.

² Patriarchy is a social system in which the father or eldest male is head of the household, having authority over women and children. Patriarchy also refers to a system of government by males, and to the dominance of men in social or cultural systems. It usually includes title being traced through the male line. Matriarchy refers to a gynocentric form of society, in which the leading role is taken by the women and especially by the mothers of a community.

In this paper, we examine the practice of *Aliya Santana*, the school of matriarchy and matrilineality in these two districts in Karnataka and observe the pattern of asset accumulation by women among the communities practising this custom. We compare this with the patriarchal and patrilineal system called *Makkala Santana* in the same districts. In the next section, we present the data used for discussion, the methodology employed to collect this data and a broad description of the study areas. The subsequent section presents the broad legal framework on prevailing inheritance regimes under the Hindu personal laws, which forms the backdrop for our discussion of *Aliya Santana* and *Makkala Santana*. This is followed by the description of the two customary practices, and how men and women acquire and accumulate assets over their life cycle under these two systems. Finally, we look at their current status in the study districts before concluding the paper.

II. Methodology and Data

This paper is based on qualitative data collected for an ongoing study attempting to measure the Gender Asset Gap in three countries - India, Ecuador and Ghana. In India, this study is focused on nine districts across the four agro-economic zones in the state of Karnataka. The districts of Dakshina Kannada and Udupi represent the coastal areas and are of particular interest as it is only in these districts that one finds communities practising *Aliya Santana*.

Dakshina Kannada and Udupi are both characterised by high human development indicators. Data from various sources including the Census of 2001, the Karnataka Human Development Report (2005), reports of the Directorate of Economics and Statistics (2004), etc., indicate that among the 29 districts of Karnataka, these two districts are ranked among the top five on the Human Development Index (HDI), the Gender Development Index (GDI), female literacy, sex ratio and agricultural wages for women. A study conducted on land ownership by women across four districts in Karnataka showed that the land ownership by women in Dakshina Kannada was higher than the average of the four districts, which was around 12 per cent (RDI 2002). The study suggests that an important reason for this could be the women's right to inherit ancestral property, which is an integral feature of the custom of *Aliya Santana*.

In this paper, we attempt to develop and qualify these findings further using our data. While much of the literature on gender and assets focuses on the importance of land ownership for women, we look at the broad spectrum of physical assets (including housing, land, agricultural equipment, businesses and other economic activities, consumer durables) and financial assets of different types.

The data was collected in 2009 through focus group discussions with two women's groups and two men's group in these two districts. Three were in villages (one in Bantwala block of Dakshina Kannada district and two in Kundapur block of Udupi district) and one in the city of Mangalore. One women's and one men's group each were among the Scheduled Castes and Tribes (SC and ST) in rural areas, while the other two groups were among other general castes including the traditionally matrilineal communities. One of the groups in the rural areas was among the affluent sections of the village populace, while the remaining three covered the lower and lower-middle economic classes in their respective areas. The

data we have thus gives us glimpses across different categories of individuals across different landscapes in the districts.

The focus groups sought information around broad themes including the livelihoods of men and women, and transitions therein over a period of time; how men and women perceive assets and to what extent they are aware of and participate in the asset markets; modes through which men and women acquire and accumulate assets through the different stages of their lifetimes; and on decision making with specific reference to physical and financial assets, and how empowered this makes women.

The participants of the focus groups were all above the age of 18. Although there was no upper age bar as a criterion for participation, in all four groups, there were no participants above the age of 60. The average age of participants across the women's groups was around 35 while the average of participants in the men's groups was around 40. The major livelihoods pursued by the participants were agriculture – both as cultivators and labourers, construction work, factory employment (*beedi* [small hand-rolled cigarette] industry, bricks industry, cashewnut processing, areca nut factories, etc. An interesting livelihood pursued by some of the participants of a men's group was performing as folk artistes. There was some livestock rearing activity as well, although not many of the study participants had livestock. In the focus group among lower economic strata women in the city of Mangalore, some women were housewives and entirely dependent on their husbands financially, phenomena not encountered among the rural area groups.

In addition to the four focus groups, the discussion in this paper also draws from interviews conducted by the study team with several key informants such as the *Gram Panchayat*³ secretary, a social worker and a school teacher in the two districts, as well as from an interview conducted with a legal expert in Bangalore.

III. Legal framework

Mitakshara and the Hindu Succession Act

In India, there is no uniform civil law. The personal laws pertaining to one's marriage, property/assets and inheritance are governed by the religion to which one belongs. There are thus Hindu, Muslim, Christian and Parsi personal laws. From the legal standpoint, a 'Hindu' is defined in the negative – as one anyone who is not a Muslim, Christian or a Parsi, *i.e.*, the Hindu personal laws are applicable to those who are born into the Hindu religion, as well as those belonging to certain other religions such as Buddhism, Jainism, Sikhism and anyone else who does not belong to the former three religions. Since the main focus of this paper is on the Hindu communities practising *Aliya Santana* and *Makkala Santana*

³ A Grama Panchayat is a constitutionally created body of local self-governance with elected representatives at the village levels. In Karnataka, the 73rd Amendment of the Indian Constitution which allowed for the devolution of funds and several administrative and programmatic functions to the lowest regional level in the rural areas came into force with the passing of the Karnataka Panchayati Raj Act in 1993. There are currently over 5300 Grama Panchayats in the state.

in the study areas, we provide a brief background on the inheritance regimes under the Hindu personal laws.

Hindu personal laws are largely patriarchal with two dominant schools – the Mitakshara and the Dayabhaga. The Dayabhaga school is prevalent in the states of West Bengal, Tripura, Assam and most parts of Orissa, while the Mitakshara school prevails in the rest of the country. The Mitakshara is further divided into the Mithila, Banaras, Mayukha (Bombay) and the Dravida (Southern) schools. Our study being set in the southern state of Karnataka, the Dravida school is the patriarchal law in practice (in the districts of Dakshina Kannada and Udupi, it has the name of '*Makkala Santana*'). Other minor schools in the southern states include the matriarchal law practised in Kerala namely the Murumakkattayam, *Aliya Santana* in coastal Karnataka, the *Namboodri* laws in Kerala, etc. These schools of law are highly localized and are often thought of more as customs⁴, and are not all codified.

The distinction between ancestral (also referred to as joint family property or coparcenary property) and self-acquired property is critical to the understanding of the Hindu succession laws. Ancestral property is that which an individual receives as inheritance from her or his parents or other ancestors, while self-acquired property is that which an individual acquires with her or his own earnings and/or initiative. Under all Hindu schools of law, only the self-acquired property of an individual can be bequeathed by way of a will, while ancestral property cannot.

Under the patriarchal schools, the main difference between the Mitakshara and the Dayabhaga is the differential treatment to ancestral property. Under the Mitakshara, there are strict rules regarding the set of individuals who can have the right to a share (coparcenary rights) in an individual's ancestral property. These are codified under the Central Government's Hindu Succession Act (HSA) of 1956⁵. As per this Act, only sons (including sons' sons and their sons and so on) were hitherto entitled to be coparceners in the ancestral property, and such entitlement would commence with effect from their birth⁶.

Until the HSA of 1956 was amended by the Central Government in 2005, the Mitakshara law was entirely unfavourable to women as only men were entitled to a share in the joint family property while women were not. The law by excluding the daughter from participating in the coparcenary ownership not only contributed to her discrimination on the ground of gender but also led to oppression and negation of her fundamental right of equality guaranteed by the Constitution. Acknowledging the need to render social justice to women, the states of Andhra Pradesh, Tamil Nadu, Karnataka and Maharashtra made some changes in their state laws giving equal right to daughters in Hindu Mitakshara

⁴ A custom is defined as something that has been practiced by a group/community for several generations without any break in between, and it needs to be well-established as to who the members of this group/community are.

⁵ Similarly, there are rules in the Act as to who has the right to an individual's self-acquired property should the individual die intestate. Rules pertaining to Hindu testamentary succession are codified under the Indian Succession Act, 1925.

⁶ Under Dayabhaga, however, there is no concept of a coparcenary; and ancestral property and self-acquired property are not treated differently with respect to inheritance and succession. An individual is regarded as the absolute owner of his/her property whether it is self-acquired or inherited from his/her ancestors. An heir cannot make claims on either type of property belonging to his/her ancestor when that ancestor is alive.

coparcenary property. In Karnataka, since the early 1990s, women have been entitled to be coparceners in joint family property.

The HSA amendment of 2005 has buttressed these legislations by widening the spectrum of property governed under it as well as the range of rights accorded to women. Most of the features of this amendment are to do with the treatment to the Mitakshara coparcenary property⁷. This amendment allows for women to be '*kartas*' (managers) of the Mitakshara joint family property, giving them the right to seek partition of the same on par with men, and sharing equally in the profits (or losses) of such partitioning. Another important feature is the right to residence in and right to seek partition of the joint family property for *all* daughters, whether married or otherwise. Under the HSA 1956, married daughters (unless separated, deserted or widowed) did not have even residence rights in the parental home, while unmarried daughters had residence rights but could not demand partition. The amendment also removed other gender biased clauses in the 1956 Act such as the one that stipulated that widows of pre-deceased sons could not have a share in the joint family property if they remarried. Finally, agricultural land (hitherto not covered by the Karnataka legislation) was also brought within the purview of the central Act.

Aliya Santana and Makkala Santana

Aliya Santana, also known as *Aliya Kattu*, is the system of matriarchy, matrilinearity and matrilocality that is customarily practised by the communities of *Bunts*, *Billavas* and *Pujaris* in the two districts under study. In Karnataka, besides the districts of Dakshina Kannada and Udupi, incidence of this custom extends to Bhatkal taluk⁸ of Uttara Kannada district which borders Udupi district.

Our discussion of *Aliya Santana* in this paper is entirely based on the information we collected through the focus group discussions – what has been and is customarily practised as *Aliya Santana* as reported by the study participants is not entirely in alignment with what was briefly codified under the Madras *Aliya Santana* Act of 1949. This Act was subsequently superseded by the provisions of the Hindu Succession Act of 1956, which attempted to convert the matrilineal inheritance regime of the *Aliya Santana* customs into the dominant patrilineal regime. There was, however, resistance from the communities practising *Aliya Santana* in the coastal districts in Karnataka, in response to which the Karnataka government in 1961 passed the Madras *Aliya Santana* (Karnataka Amendment) Act. From our focus group discussions, however, it was not clear that the people were aware of either these legislations or their ramifications for their customary practices. Our discussions **do not** draw on the features and provisions under either the Madras *Aliya Santana* Act of 1949 or the Madras *Aliya Santana* (Amendment) Act of 1961.

We present here the main features of the *Aliya Santana* customs relating to the marital and inheritance regimes followed by the communities. Upon marriage, the bride-groom leaves his parental home and

⁷ With respect to self-acquired property, the only change the HSA Amendment of 2005 effected was to widen the spectrum of what are known as 'Class 1 heirs' to the self-acquired property of an individual who dies intestate. The heirs of both pre-deceased sons and daughters up to two generations are now accorded equal status and rights in this aspect, while under the original HSA 1956, the latter were not considered Class 1 heirs.

⁸ Taluk is the sub-district geographical and administrative unit.

moves into his wife's parental home and becomes a member of that household. At the wife's home, the oldest female member (usually her grandmother, mother or oldest sister) is the head of the household or the matriarch, and is the key decision-maker. If the matriarch's husband is alive, he is then most important male member of the household, followed by the oldest son-in-law, the second son-in-law and so on. If there is an unmarried adult son of one of the daughters in that household, he is also considered important among the male members, but only second in importance to the sons-in-law of that household. Until he gets married, a man will be in charge of looking after his mother's/parental property. After marriage, the man has to give equal attention to maintaining his wife's property and also assist in maintaining his mother's/sisters' properties. This is more so among the agriculturists, where the man has to work on the farm of his wife's home as well as has a duty to help out on the farm of his mother and sisters.

The marital regime described above clearly contrasts with what is followed under the *Makkala Santana*, the patriarchal and patrilocal system in these two districts, which resembles the Mitakshara school. In this regime, upon marriage, the bride moves into the household of the bridegroom and becomes a member of that household. The head of patriarchal household is the oldest male member, and in general men have greater control over the household's resources, greater say on how to use them, and make all decisions regarding the assets. Women in patriarchal households are relegated to a secondary position, and are traditionally expected to be subservient to the male members.

The inheritance regime under the *Aliya Santana* is also different from that under *Makkala Santana*. The latter being a part of the Mitakshara school of law, the difference between ancestral property and self-acquired property is obviously important. Interestingly, the *Aliya Santana* also differentiates between ancestral property and self-acquired property. Under *Aliya Santana* customs, as reported by the study participants, male children did not inherit ancestral property from their parents. All such property was inherited by female children; ancestral property was thus generally owned by women and registered in the women's names independently. Customarily these households lived as joint/undivided families; however, the matriarch could choose to partition her property among her daughters and bequeath them with pieces of land on which they could build their own homes and live independently. Notwithstanding this, the matriarch still wielded considerable power over all her daughters and their households. On the death of a woman, her ancestral property would not go to her husband, but directly go to her daughters.

In Karnataka, given the amendment to the state succession law in 1994, women in *Makkala Santana* communities are also entitled to a share in their ancestral properties. However, whether or not this right is actually exercised by them is a different matter altogether, which we examine in the subsequent sections. An important point of difference between *Aliya Santana* and *Makkala Santana* is that the lineage in the former is traced through the female line while in the latter it is through the male line. With this background, we now look at the main study findings pertaining to asset acquisition under the two systems. We begin our discussion on the study findings by looking at the different livelihood activities of men and women in the study sites, and what assets the participants of the focus groups perceived as important to men and women.

III. Study Findings

Livelihoods

We found agriculture to be the main occupation being followed in the study sites – particularly in the rural areas. Other forms of employment were masonry, construction, *beedi* rolling, carpentry, vegetable vending, employment in cashew nut and areca nut factories. There are a few activities that are considered to be exclusively male activities while there are some considered to be exclusively female. These differences are determined by a combination of several factors – tradition (for example, men generally do not undertake *beedi* rolling except as a secondary activity), need for physical strength (jobs involving lifting/carrying/working with heavy material – such as construction work, driving, carpentry, etc., were largely done by men), different skills (tailoring was largely a female activity) and lower remuneration for certain jobs. Men do not contribute their labour to low-paying employment activities such as *beedi* rolling and areca and cashew nut processing. The last set of activities can also be conducted at home and are hence more attractive to women.

We found evidence of intra-sector gender differences as well. Among agricultural activities, for instance, women's roles are largely restricted to weeding and transplanting, both of which are not considered to be high-skill activities (and therefore low-paying), which involve the workers to stand stooped in the muddy fields for hours on end. Men do not supply themselves in the agricultural labour market for these jobs. They are involved in supposedly more skilled operations such as ploughing and tilling the land, applying fertilisers and pesticides, etc. Since these two districts are marked by a lot of coconut and areca nut plantations, the produce has to be plucked from the trees by climbing them, which is an exclusively male job. In the construction sector, high-skilled activities like masonry, stone-cutting, carpentry, etc., are done only by men, while women are typically employed only as helpers – work that does not require much skill and is low-paying.

Most rural respondents were familiar with the Mahatma Gandhi Rural Employment Guarantee Act (MGREGA), more commonly known as 'getting the job card'. This is a central government programme that guarantees 100 days of employment to any rural household that demands it. In Dakshina Kannada and Udupi, the MGREGA was however not very popular. It usually involves developing village infrastructure such as construction of roads, desilting of tanks, tank bund strengthening, etc., and much of the work is unskilled in nature. The *grama panchayat* leader we spoke to reported that it was very difficult to get workers under the scheme as the wage rates offered by MGREGA were lower than the prevailing market wages – an indication of a well-developed labour market with a high demand for labour.

The coastal districts have always been characterised by out-migration both within and outside the country. This trend has intensified over the last 10-15 years. Some of it is linked to increasing educational levels that have caused migration to cities/towns in search of better opportunities. From

two of the villages covered, seasonal migration of men and male children to Bangalore and Mangalore for employment was reported.

Meaning of Assets

The study conceptualized assets as belonging to the two broad categories: physical and financial. However, in the focus groups, we found that the participants' understanding of assets was partly in terms of human capital and social capital. A common response from the participants was that their labour, jobs/employment, education, good health, 'good' spouse (typically qualified as non-alcoholic husband, respectful wife), supportive family, children, safe and clean environment, etc., were all important assets to them. They viewed human capital as important because it is necessary to carry on one's life and pursue one's livelihood. Social capital was seen as important because an enabling environment is important in one's pursuit to earn a living. These were all 'intransient' in nature, considered to be of greater actual/practical value than physical assets which were said to be transient.

Only when the moderators stressed on the fact that this study was more focused on physical and financial assets did the groups then list out items belonging to these categories. The explanation given was that physical and financial assets were considered to be 'useful and/or productive' things, but of a temporary nature. Human and social capital on the other hand, were real 'assets', which would be with them for life and they could draw upon them at any point.

Consumer durables in particular were considered as items desired by households for their use but didn't necessarily merit being called 'assets'. In some sense, our participants groups made a distinction between goods/properties whose values appreciate and properties whose values depreciate. Consumer durables by and large belong to the latter category, while productive assets (especially land) belong to the former category. Therefore, among physical assets, productive assets were said to be more important than consumer durables. For example, one of the participants of the higher economic category male group in the rural area said, 'What is there in a TV? Everyone's house has a TV now. Is that an asset? In some years, it will be worth nothing'.

When the focus of the discussions was drawn to physical assets in particular, in rural areas, land, agricultural implements, irrigation, etc., were considered to be important assets. In the two districts, most dwellings have anywhere between a few cents to a third of an acre⁹ of garden area around them, where people typically have a few coconut trees, some banana or other fruit plants, etc. These also earn them some income from time to time. The coconut trees, in particular, were reported to be important assets.

Since livestock rearing was not very prevalent among the study participants, not a single participant mentioned livestock without some prompting. For most of them, livestock rearing was usually a supplementary source of income or in many cases, just one cow and some poultry for household consumption. House/dwelling was mentioned by most of the groups as the primary and most important

⁹ 2.4 acres make a Hectare; 100 cents make an Acre.

asset. Gold jewellery was also mentioned as important assets, though several participants didn't talk about gold until prompted.

The term 'business' was interpreted by most groups as something that was big, set up in an office and had a touch of formality to it. So the initial response to non-farm business activities was simply that there were no such activities taking place in their areas. Only on indicating that we meant any kind of formal/semi-formal/informal economic activity did the listing of such activities come up. In rural areas, these included barber shop, tailoring unit, moneylending/chit fund/other informal banking, petty shops and eateries, sale of small household and personal items (buckets, mugs, bangles, comb, beads), etc. The range of non-farm formal/informal economic activities in urban areas was much more with construction contractors, auto drivers, real estate brokers, shops, hotels, vegetable vendors, and several other service providers.

In the study districts, we did not find much gender differences in the way that participants categorized assets. Productive assets were considered equally important for men as for women¹⁰, although human and social capital were more incident in the case of women's groups and also men's view of important assets for women. Women participants felt that with education and employment, they could be independent and didn't have to rely on their husbands for every small expense. Financial assets reported were mostly bank accounts, self-help group (SHG) savings and life insurance investments. SHG savings were said to be important for women; in these two districts, the money that the women saved in SHGs were largely from their own earnings and they had autonomy over it. This was also one of the means through which women were able to participate in asset markets, particularly small livestock and jewellery.

Asset acquisition through inheritance

The main channels of asset acquisition are through inheritance/succession, purchase, gifts and government transfers. We examine the processes of acquisition through inheritance under the *Aliya Santana* and the *Makkala Santana*. Under the former, there is no rule forbidding men's property ownership. They are at liberty to earn their own incomes and build up their own assets with their incomes. This becomes their self-acquired property and it is up to them to decide whom they want to bequeath it to, and men do bequeath their self-acquired property to their sons too.

As mentioned earlier, these coastal districts experience out-migration, both within and outside the country for employment. While in some cases, entire households migrate, in most cases, it is the male members who go out to work in order to remit money to their households. It is seen in some situations that men who had migrated previously return to their communities where they either own property by themselves (acquired through their earnings) or live on and use their wives' properties.

Equally, women are also at liberty to acquire their own properties, which they have the right to bequeath to anybody of their choice. For self-acquired property, there is no binding under *Aliya Santana*

¹⁰ This is in contrast to what we found in other parts of the state – where productive assets were reported as more important for men as compared to women.

customs to bequeath it only to daughters. But, the incidence of women themselves acquiring physical and financial property under *Aliya Santana* is low, and even when they do, the majority of them do bequeath it to their daughters only, thereby making it ancestral for the subsequent generations, and ensuring that these properties will go down the female line. The reason that women practising *Aliya Santana* do not go out and try to acquire property for themselves is because their custom guarantees them full rights to their ancestral property. Since they have this traditional protection, they do not perceive the need to acquire their own property.

An interesting insight we captured was on the perception on conflicts around assets. Both male and female groups feel that *Aliya Santana* is not as fraught with property/asset conflicts as *Makkala Santana* is. The reason given for this was that sisters tend to be emotionally closer to each other, do not fight over either control or decision making of their properties and are generally much more cohesive by nature. Therefore, the joint family remains a joint family much more under *Aliya Santana*, and these tend to be conflict-free. Brothers, on the other hand, are keener to delineate properties as 'mine' and 'yours' and at the first opportunity, would like to partition the joint family property and take their shares out. The groups felt that more conflicts occur among joint family property that is owned by brothers as compared to that which is owned by sisters, though we didn't get any evidence of such conflicts having occurred from our other FGDs.

It emerged that of late, there have been cases, although few and far between, of sons seeking their share in the ancestral property and having disputes with their sisters over this, although there was no evidence of any such cases having come to fruition in favour of the brothers.

Asset acquisition through other means

In the study sites, asset acquisition and accumulation by women through means other than inheritance was quite low, and did not differ very much across *Aliya Santana* and *Makkala Santana*. Incidence of women purchasing assets was quite low, and as mentioned earlier, restricted to small livestock and jewellery. Such purchase of assets, in particular jewellery, was not related to their marital status as many women irrespective of age and marital status invested in it. According to the participants of the SC women's group in the rural area, when they bought any such items of worth using their own money, this was considered as their own exclusively and they could use it and make decisions about it as they pleased. Interestingly, this same group of women said that if men bought any assets, for instance a cycle or a motor-cycle, using their own earnings, these would be considered as 'family assets' rather than as belonging only to the men. One of the women in the group had worked in a factory, taken a loan and constructed a house – such cases of women involving themselves in the 'large' asset markets were however few and far between.

Men's participation as active agents in the large asset markets such as agricultural land, other real estate and large livestock such as cattle, buffaloes, oxen, herds of goat and sheep was reported to be far greater than that of women. This was clearly the case in *Makkala Santana* households, where male household members are key decision-makers and agents with respect to all aspects of the household economy. The main reason women in these households do not participate in the markets on their own is

because they are conditioned from a young age that these are 'men's domains' and there will always be some man in their lives who will look after these aspects for them. Even if women actually own the assets, most often, they become owners only to the extent that their signatures are important for transactions.

In *Aliya Santana* households, however, as we see below, the major decision-makers were often women (typically the matriarch, in consultation with other household members), even though the agents transacting in the markets for these assets would be men. In a sense, we find that women, while actually owning the property, are still somewhat dependent on men for the maintenance and transactions of these assets. Still, this system is far more empowering to women; a participant of one of the men's groups said that the men go to the markets and do exactly what they have been told to do by the women.

Government transfers were an important source of asset acquisition for poor households. Government housing programmes mandate that the houses provided under them should be registered in the name of at least one woman from that household. Due to the existence of *Aliya Santana* in these districts, men and women alike are used to the property being held in women's names and said that it was a good system. The women's groups tended to talk about alcoholism among men, which even led them to gamble away their houses. Therefore they felt that the government mandating that title should be in the women's names was sound.

The practice of dowry was prevalent among both *Aliya Santana* and *Makkala Santana* households. Among *Aliya Santana* households, this is one of the few practices disempowering for women. The house, land and any other ancestral property that the daughter of an *Aliya Santana* household would inherit from her mother are not considered in lieu of her dowry at the time of marriage. Once the dowry exchanges hands, in *Makkala Santana* households, the father of the bridegroom primarily has control over it, followed by his older sons and sometimes the bridegroom himself. In *Aliya Santana* households, the mother and father of the bridegroom together followed by their daughters and sons-in-law have control over it.

Gold jewellery is the most common item that is given as dowry, and this practice cuts across economic classes. This is the very minimum that is expected as dowry. Affluent households also give money, land, vehicles and other large assets as dowry. Participants of the focus groups stated that the type and amount of dowry given is linked to both the caste of the person and the kind of employment that the bridegroom is engaged in. An example given was that among the community of Bunts (an *Aliya Santana* community), if the groom was a high-school teacher, the typical amount of dowry expected would be around Rupees Five Lakhs (Five Hundred Thousand).

Besides the dowry, parents of the bride under both systems are at will to give her any other gifts at the time of marriage. Under *Makkala Santana*, there is no guarantee that such gifts given to the bride would be considered her exclusive property and that she would have complete rights over them. Usually, her husband and his parents also have say in these items. *Aliya Santana* households are different in this respect in that any gifts given to the bride at the time of marriage remain her own and she can use them

and dispense of them as she wills. This stands to reason because matrilocality prevails under this regime.

Decision-making

Decision-making under *Aliya Santana* is an interesting mixture. Traditionally, the matriarch is considered the head of the household and takes all major decisions. She may or may not choose to consult others in her decision making process. Usually, for agriculture-related activities, for most decisions pertaining to sale or purchase of land, what to grow, what fertilizers to apply, how much produce to sell, etc., she consults the other male members of the household since they do most of the work on the land and transact much more in the markets. However, in many households, the women themselves have good knowledge and awareness on these matters, so they are capable of taking independent decisions as well. The matriarch has the final decision on agricultural activities.

Activities like live-stock rearing are entirely women's activities under *Aliya Santana*. Here again, the matriarch takes all the major decisions pertaining to the sale, purchase, sale of produce, etc. The actual execution of these in the markets can be done by either men or women. Usually, the day-to-day sale of produce is taken care of by women, while sale and purchase of the livestock themselves is undertaken by the men. Elderly men, retired men, take the livestock out for grazing, and their role is restricted to just that. They generally have little say in the decision-making. Most other household decisions are left to the matriarch. She may or may not consult other household members in these.

Current status of *Aliya Santana* in Dakshina Kannada and Udupi

Traditionally, the custom of *Aliya Santana* is practised by certain castes and communities in Dakshina Kannada and Udupi as mentioned earlier. It appears that over the centuries, some form of this customary practice might have crept into other castes/communities living in these two districts, which were not traditionally matriarchal in nature. Evidence of this emerges from the two Scheduled Caste (SC) groups that we covered in these districts. SC households across the country are governed by the Hindu Mitakshara/Dayabhaga laws and a majority of these follow patriarchy, unless specified under a different custom. In Dakshina Kannada and Udupi, we found that they follow a somewhat ad-hoc system of locality and inheritance depending on the choice and convenience of the individuals involved.

In two of the focus group discussions, it was stated that between 60 to 70 per cent of the households in Dakshina Kannada and Udupi still practise *Aliya Santana*, and the rest practise *Makkala Santana*. These numbers are, however, are quite subjective and may be more reflective of the situations in the places that we visited rather than the entire districts. There is a need to verify them at the macro level. This is also borne out by the kind of mixed responses we got from the other two groups, as described below.

For instance, in one of the FGDs in Udupi district with a group of Scheduled Caste (SC) women, it emerged that they practise what could be described, at best, as a watered down system of *Aliya Santana*. The participants of this group were fairly confused about which exactly they belonged to. They *said* that they were governed by the *Aliya Santana*, but that they (women) leave their parental homes and come and live in their husband's houses after marriage. The husbands have a choice in the decision

on which of the parental homes to stay in with their wives. So if and only if the husband decides that they can live in the wife's parental home, do they stay back in their parents' home.

Most of the participants of this group said that their natal houses and lands were in their mother's names, but they could bequeath these to either their sons or daughters, depending on who lived with them and took care of them. They also said that in their parts of the district, the incidence of strictly *Aliya Santana* joint families was less, *i.e.*, married daughters resisted living in the joint family with their mothers and sisters and asked for the partitioning of the joint family properties.

In this case, there seems to be a mixture of patrilocality and matrilocality – the choice being left to the married couple, or only the husband. The choice of bequeathing one's assets, similarly, seems to be a question of choice exercised by the parents rather than a set system as under either strict *Aliya Santana* or *Makkala Santana*. Similar information was shared by the male participants from the FGD of SC men in the rural area. The men indicated that they practised *Aliya Santana*, but the married couple had a choice in deciding which parental home to live in or whether to live as a nuclear family. Their inheritance practices also did not seem to indicate that property was bequeathed only to daughters.

Among the traditionally *Aliya Santana* communities, however, the participants reported that while there is not much dilution in the inheritance practices with respect to ancestral property, the marital regime of matrilocality has been transforming over time with increasing nuclearisation of households.

IV. Concluding Remarks

This paper is based on the findings of an ongoing study attempting to measure the gender asset gap in the countries of India, Ghana and Ecuador. In India, the study is being undertaken across nine districts in the state of Karnataka, and this paper draws on the insights drawn from the qualitative data collected in 2009. We have looked at the data from four focus groups in the coastal districts of Dakshina Kannada and Udupi, where there is the prevalence of the matriarchal system of *Aliya Santana*, in order to compare it with the patriarchal system of *Makkala Santana*. Our paper focuses on how the marital and inheritance regimes differ in these two systems and how men and women acquire assets under them.

Among our main results, we find that under *Aliya Santana*, women have greater ownership over the household's resources and also greater say in how these resources are used. Men are not entitled to a share in joint family property as all such property is customarily inherited only by women. The *Aliya Santana* as a system is thus inherently favourable toward women's acquisition and accumulation of assets. Women in *Aliya Santana* households have relatively greater control over household resources as compared to women under *Makkala Santana* households. While this was reported to be an empowering process, it is important to acknowledge that the former are still not entirely independent decision-makers, especially with respect to large assets such as land. Men are also consulted in the decision-making, and depended upon considerably for conducting the market transactions. Further, as was reported by the participants of one of the male groups, the man under *Aliya Santana* had a responsibility towards his mothers/sisters' properties as well as his wife's.

Under the *Makkala Santana*, all of these rights are with men, and women have very little say in most matters. Even with the amendment to the Hindu Succession Act (2005), which allows for women to inherit ancestral property equally with their brothers, in actual practice, women do not actively seek their rights to the property because it is not considered appropriate. The common perception is that it will lead to conflicts among families and to their breakdown. In fact, it was common for women participants belonging to *Makkala Santana* households to state that while they were aware of the law granting women rights to parental property, they would not go out and seek their rights. The wedding expenses incurred by their parents are often considered in lieu of their inheritance. This underscores the fact that the enactment of progressive laws alone is not sufficient to promote gender equality. The social contexts within which legislations are interpreted are critical for effective implementation of laws aimed at empowering women. The only way these women are then able to acquire assets is through gifts on time of marriage, on which, however, they don't always have full control – this is because patriarchy is designed in such a way as to allow them as little control over resources as possible.

Participation in asset markets by women under both of these systems is less. This is still very much in the male domain. As discussed in the earlier section, under *Aliya Santana*, women do not feel the need to participate in the land and housing markets because their custom guarantees them ancestral property. Under *Makkala Santana*, most decisions are undertaken by men; therefore, the decision to participate in asset markets itself is made by men, which, predictably, creates barriers for women to enter and transact in these markets.

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