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Black Market for Brides?

Wednesday, March 9th, 2011

Indian legislation has revolutionized property rights – equalizing women’s rights to inherit land and other ancestral property as of 2005. What is the impact of this legal revolution on women and Indian society as a whole?

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The most interesting facet of contemporary marriage negotiations often occurs in secret. Take one case related to me during fieldwork: a mother pulls her daughter aside on the day of her engagement. She whispers to her daughter: “We’re giving you property in your name because we love you”. The daughter and her fiancée are both extremely well-educated, modern, and newly in love. The boy’s uncles inquire subtly about the dowry they will receive. The mother speaks a weight of gold and then is silent.

What is surprising about this example? Is it the public discussion of illegal transactions, the privacy of the legal exchange, or the equation of property with love? In India, the only shock may be the equation of property with love for one’s daughter. Hindi aphorisms cited during Rajya Sabha debates suggest otherwise: “An unfortunate man’s cow dies; a fortunate man’s daughter dies”.

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India’s laws relegate dowry to the black market of illegal transactions, whereas property distribution is the newest form of legally-equitable wealth transfer across both gender and generation. The Hindu Succession (Amendment) Act (HSAA) of 2005 provides all Hindu daughters and sons with equal rights to inherit their parents’ property – both ancestral and private – upon the household head’s death without a will.

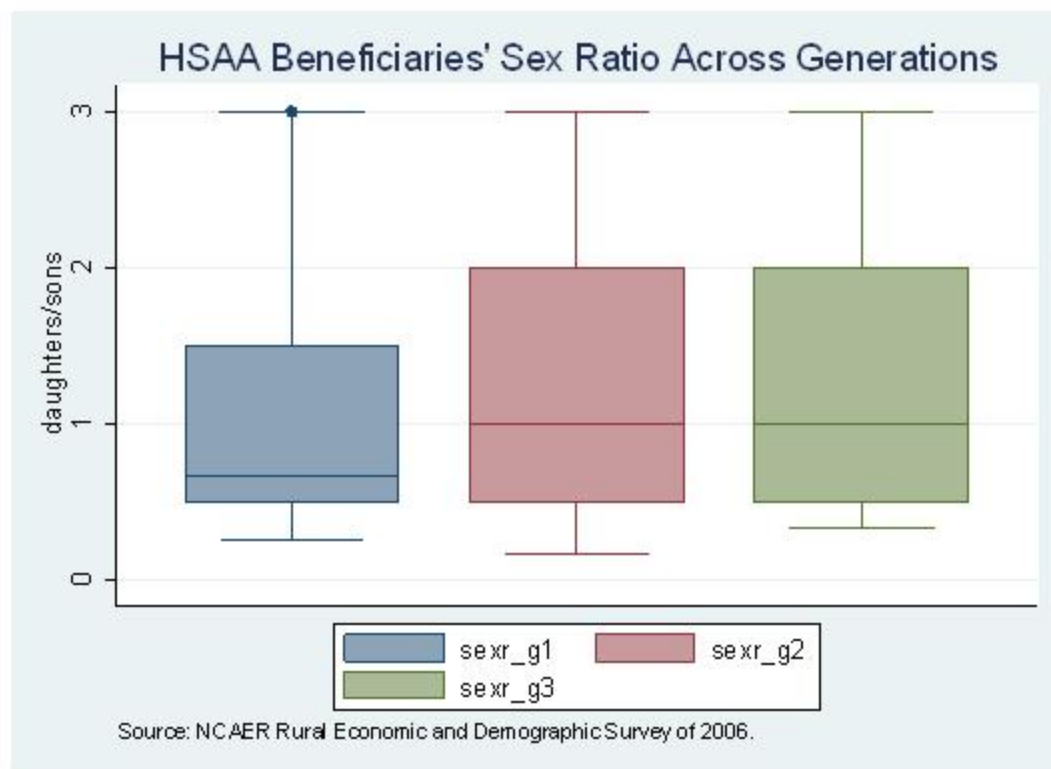
Critics of the HSAA cited its dire potential consequences in Rajya Sabha debates: spikes in female infanticide, uncontrollable spirals of land fragmentation, and the breakdown of the Hindu Family. Proponents of the legislation argue that the quality of the nation must be judged by the welfare of the weakest citizens, who, in India are often women. Proponents suggest that without equal property rights, women cannot be equal participants in and beneficiaries of India’s expanding economic activity. My fieldwork focuses on understanding this “socially precocious” law’s impact in the state with the longest reform legacy: Andhra Pradesh.

Andhra Pradesh implemented the first version of this law in 1986. Studies by Klaus Deininger, Aparajita Goyal and Hari Nagarajan evaluate the law's effect on women's land ownership in the nearby states of Karnataka and Maharashtra. Additional work by Sanchari Roy finds a correlation between the law and women's self-assessed health. Yet no study evaluates whether or not the HSAA altered women's intra-household bargaining power and net welfare in Andhra Pradesh.

I present two simple measures of the Hindu Succession Act Amendment's effect in Andhra Pradesh: sex ratios for HSAA beneficiaries across the pre- and post-reform period, and women's assessment of the law's impact on their intra-household bargaining power and welfare.

Critics of the HSAA argue that the conflict between the Act and social norms is so great as to convince families that female infanticide is their only option. They claim that granting daughters rights to their parent's ancestral land is equivalent to an assault on the patriarchal Hindu family. Critics cite widespread traditions whereby daughters sever ties with their natal family to join their marital family. As a result, Families who agree to transfer land to adult daughters would cede their familial identity, status, and wealth in the process. Thus, critics argue that traditional Hindu families would rather prevent the birth of daughters than raise women who will eventually destroy their natal families' honor and wealth.

We can test the accuracy of critics' claims via NCAER's Rural Economic and Demographic Survey (REDS) of 2006, which provides data on 1,805 individuals from randomly-selected households across Andhra Pradesh. Does the ratio of living daughters to sons alter for the families with daughters to whom the HSAA applies? As Figure 1 shows, the ratio of daughters to sons *increases* from generation one (average age: 61 years) to generation two (average age: 42). We would expect that the HSAA is most likely to impact the child-bearing decisions of individuals in generations two and three, who married at or after the time of the HSAA's passage. The mean sex ratio for generation two and generation three (average age: 25 years) is 1. In other words, Andhra Pradesh's beneficiaries of child-bearing age have an equal number of daughters and sons. This suggests that female infanticide has *not* increased post HSAA passage.



How do women assess the law's impact on their intra-household bargaining power? Even in the most economically-backward regions of Andhra Pradesh, interviewed women say they are aware of legal rights "but no one is courageous enough to stand up for themselves amongst women". When I ask why they will not demand legal rights, they explain: "Relations are more important than money. Money is needed now, but relations are important in the *future*. This is why we don't fight with our parents. We lose our security if we fight with our parents, [which matters] if we have problems with in-laws. This is why everyone keeps quiet". In sum, most women in rural Andhra Pradesh do not consider their legal rights a source of bargaining power.

However a small but growing subset of women may experience higher welfare due the HSAA. 20 per cent of Andhra Pradesh's women surveyed in REDS own land. Out of this population, 98.7 per cent received this land after the HSAA's passage. However, only 1.8 per cent of this population (10 out of 557 women landholders) inherited this land. Analysis in several forthcoming papers suggests that a woman's status as an HSAA beneficiary is a significant predictor of land ownership, and women's land ownership is correlated with high welfare. Yet the direct relationship between the HSAA and women's inheritance remains tenuous.

What determines which women experience welfare increases following legal reform? Women are most likely to benefit if they are willing to negotiate for the fulfillment of their legal rights "behind the curtain", that is away from extended families' prying eyes. In private, women can discuss their interests directly with mothers, husbands, and/or brothers. However these negotiations generally occur around the time of marriage, when families give women "their

share” of the family wealth as dowry. This explains why women do not label the land they own as “inheritance”, and suggests a complex relationship between legal reform and social change.

Initial analysis indicates three predictors of women’s likelihood of initiating successful, welfare-improving negotiations for legal property rights: (1) strong outside options for self-advancement, e.g. high socio-economic mobility *outside* the traditional Hindu Joint Family; (2) proximity to district centers, where women’s legal rights are most likely to be discussed and enforced; and (3) high socio-economic equality, which lowers imagined barriers to gender-equitable property distribution. As women’s outside options and socio-economic status increase, society’s collective ability to embrace and advance reform also improves.

In sum, fieldwork suggests that the Hindu Succession Act Amendment can be an effective, welfare-enhancing tool for development. Legislative goals are most likely to be met where individuals can access government enforcement resources and use alternative socio-economic resources to leverage legal rights. Yet bridging the gap between incremental and large-scale implementation of “socially precocious” legislation requires high levels of socio-economic mobility and equality. Without these conditions, legislation such as the Hindu Succession Act Amendment may be irrelevant at best.



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