



INCREASING WOMEN'S PROPERTY OWNERSHIP THROUGH RURAL HOUSING PROGRAMS IN INDIA

A summary report of the study conducted by
the International Center for Research on Women (ICRW)
and the Rural Development Institute (RDI) entitled:
*Women's Property Ownership: An Examination of the Process and Impact of
Karnataka's Rural Housing Program Titling Directive*

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SUMMARY REPORT

This report summarizes the contents comprehensive project report, which can be obtained from either the Rural Development Institute (“RDI”) or the International Center for Research on Women (“ICRW”). This summary is intended to provide an abbreviated and accessible report, and, to that end, has eliminated footnotes and citations contained in the comprehensive report. The sources used in the report are identified in the Bibliography, and more specific references available in the comprehensive report.

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**SUMMARY REPORT
TABLE OF CONTENTS**

Section	Page
Glossary	3
Preface	6
I. Introduction	7
II. Description of study	9
III. Karnataka's rural housing programs	11
IV. Legislative and policy framework	13
V. The challenge of implementation	15
VI. Impact of titling requirement	17
VII. Recommendations	21
VIII. Conclusion	25
Bibliography	26

GLOSSARY

Ashraya Programme (aka Rural Ashraya)	A government scheme to provide house sites and/or houses to siteless and/or houseless beneficiaries in rural areas.
Ashraya Samithi	The committee that selects beneficiaries for Ashraya and Ambedkar schemes from list prepared by gram sabha.
Below Poverty Line (“BPL”)	As of the date of this report, households in Karnataka state with less than Rs 11,800 annual income are considered BPL. See Government Order No HUD HAH (1) 95, dated August 4, 1995.
Calamity Relief Fund (“CRF”)	A national fund administered by the Ministry of Agriculture, providing assistance in the event of natural calamities. Funds are released to states on a cost-sharing basis.
Economically Weaker Sections (“EWS”)	A term often used interchangeably with Below Poverty Line (“BPL”).
Golden Jubilee Rural Housing Finance Scheme of Banks	A Rajiv Gandhi Housing Corporation scheme that links beneficiaries of housing benefits with bank loans to assist with housing construction costs.
Government Order (“GO”)	A state government directive.
Hakku patra	“Site title.” Name of the document given to beneficiaries of housing benefits evidencing ownership of a house site, house, or both. A copy of the form is attached as Appendix A.
Individual tenure	A person holds some form of land right as an individual.
Joint tenure	A person holds land rights jointly with another person or persons. The most common type of joint tenure is land owned

Navagrama Ashraya Housing Schemes (NAHS)	by both a husband and wife. Karnataka's "new village" extension projects.
Panchayat Raj Institution ("PRI")	The three-tiered system of democratic governance operating at village, subdistrict, and district levels in all states.
Rajiv Gandhi Housing Corporation ("RGHC" or the "Housing Corporation")	Entity established by the State of Karnataka in 2000 to manage the schemes providing housing benefits to the rural and urban poor.
Sampoorna Gram Swarozgar Yogana ("SGSY")	National poverty alleviation programme with objective to raise families above the poverty line through mix of self-employment measures, government subsidies, and bank credit.
Self-Help Group ("SHG")	Groups of approximately 8-12 individuals from the same village or locale formed for the purpose of saving, income generation activities, capacity building, and other activities. Most groups are comprised of women.

Preface

This summary report is prepared for an India-wide audience of policymakers, government officials, and NGOs who are considering concrete steps that they can take to increase women's property rights and reduce rural poverty. Karnataka's rural housing program, which is the subject of the underlying study, provides a model for one low-cost, feasible, and potentially highly effective step. Through a series of policy directives that require the state to title government housing benefits (houses and house plots) in women's names, Karnataka officials have provided rural women in the state with assets of enormous potential. Particularly where title to the housing benefit is coupled with capacity building and includes linkages to sources for credit and income-generation activities, women's receipt of property rights have proved to have significant positive impacts the lives of the women, their households, and their communities. Perhaps most significantly, the early examination of the program's impact on the women beneficiaries records a growth in assurance and self-reliance among women that suggests the beginning of a significant shift in self-perception, a precursor to behavioral, and ultimately societal, change.

The study underlying this summary report had a narrow focus: the examination of the gender-specific titling directive of Karnataka's rural housing program. The study reviewed the implementation and early impact of the directive with relation to its objective of increasing the property rights of women. The study's comprehensive report, which offers specific recommendations for strengthening the program's effectiveness, was designed for an audience of state policymakers, program implementers, and non-governmental organizations working in Karnataka's rural areas.

This summary report has a more general focus and is intended for a wider audience. The summary briefly reviews the problems relating to gender inequality in land rights in rural India and the potential benefits in providing rural women with house plots and houses. Thereafter, the report overviews the terms of Karnataka's rural housing program, including its gender-specific titling directive. The summary reviews issues regarding the design of the program, its implementation, and some early evidence of impact in the hope that policymakers, government officials, and NGOs and others will be encouraged to take up similar programs in their own states. Any effort expended by governments and members of civil society will be extremely well placed.

I. Introduction

Women worldwide have unequal access to and control of resources and assets because of their gender. Particularly in rural areas of developing countries, deeply entrenched patterns of gender discrimination restrict and often exclude women from ownership and control of assets, including rights to property. The cost of exclusion is enormous: inequality of property rights increases women's economic vulnerability, threatens their wellbeing and physical security, and diminishes their status within their households and communities.

The cost of the inequality is not only borne by women, but also by their families and their communities. When provided with rights to resources and the tools to use them, women will tend to look beyond their immediate personal interests and act to meet the basic nutritional, welfare, and educational needs of their children and family. When women control resources and income, children are most likely to be fed, educated, and to receive necessary medical attention, and the family's physical and economic well-being prioritized over the needs of a single individual. Women with rights to household assets tend to participate more substantively in their households, communities, and government.

India's challenge

India's Constitution and recent amendments to the Hindu Succession Act establish standards of gender equity in property rights. However, women's actual realization of those rights has been constrained by lack of political will supporting policies of non-discrimination, poor implementation of legislation and programs, restrictive economic and social environments, and entrenched social norms and customary practices.

Not surprisingly, therefore, while women in India have the legal right to own property, few do. Rural women experience the adverse impact of unequal rights most severely. While men increasingly migrate to urban centers for employment, women usually remain behind, their opportunities limited by lower levels of education, responsibilities for children and elderly family members, and social and religious constraints. The women rely on land for security, yet few have legal rights to that land, including the plots on which they live and raise their children.

Domestic violence

Another significant and related manifestation of gender inequality is the prevalence of domestic violence. In a recent multi-site household survey with nearly 10,000 respondents, almost one in two Indian women reported experiencing at least one form of domestic violence. Over 40 percent reported physical violence -- being kicked, beaten, and slapped -- by their husbands. In the communities that served as a focus for this study, both women and men voiced attitudes and described behavior suggesting that violence against women is often considered an inevitable part of marriage.

Domestic violence has enormous social, economic, and health consequences. Violence against women causes more death and disability in women aged 15 to 44 years old than cancer, malaria, traffic accidents, and war combined. In economic terms, the direct costs of domestic violence for a household include loss of income and productivity, cost of health care, and costs of accessing other services.

Most direct and unrelenting is the effect of violence on women's well being. Domestic violence can deprive women of their basic needs for survival. Meals, clothing, and a safe place to sleep are too often under the control of the abuser. If a woman's spouse or relative evicts her from the house, she may be separated from her children, deprived of sources of food and shelter, denied opportunities to earn income, and left destitute. Women lacking access to and control of property who experience domestic violence face impossible choices: security of shelter and basic welfare often carries the price of continued abuse.

The importance of houses and house sites

Property ownership can change women's options. Specifically, ownership of a house site or a house can play a critical role in increasing women's property rights and her experience of the benefits flowing from those rights, including security and personal empowerment. A house provides shelter from the elements, and a place in which to sleep, eat, and store food and possessions. A house may sit on land that can produce vegetables, house livestock, store fuel wood, and engage in income-generating activities. A house can serve as collateral for credit and as insurance in old age.

Moreover, early research indicates that women's property rights -- particularly rights to a house or homestead plot -- may positively impact women's status in the household, provide them with enhanced bargaining power within their marriages, and may ultimately contribute to a lessening or cessation of domestic violence. A recently concluded ICRW study exploring the association between women's property ownership and experience of domestic violence found that women's ownership of property (specifically ownership of a house) protects them against violence perpetrated by their husbands. Another study exploring the impact of joint titles to houses on intra-household gender relations concluded that joint property rights increase women's security, their access to information on public matters, their participation in decision making, and the amount of respect that women receive.

Women's access to houses and house plots

Since Independence, India has tackled the fundamental human need for shelter using a variety of methods: allocating state government land, granting ownership of house plots to tenants, and regularizing possession of illegally occupied land. Through an assortment of acronym-heavy programs, the country focused in the last few decades on financing house construction and improvements on existing plots, government land, and in some areas, on government-purchased land. In most states, men received title to the vast majority of the house plots and houses.

Recognizing that housing programs provide a means of providing women with property rights, in 1985 and again in 1992 India's central government directed the states to title government-distributed land jointly in the names of husbands and wives, or in the names of women individually. A handful of states responded with directives to give women joint or individual title to government-distributed agricultural land, house sites, and houses. In most cases, gender-specific titling directives were new procedural requirements superimposed on existing programs. Governments engaged in land distribution programs added titling components to enhance the value of the distribution by granting women a measure of control over the asset through titling it in their names, either jointly with their husbands or individually.

Karnataka's housing program

Karnataka is among a small group of Indian states that has attempted to increase women's ownership of government-distributed housing benefits. The state's effort began with a 1993 government order that required officials to title housing benefits jointly in the names of both husband and wife. In 2000, the state attempted to increase women's rights further by requiring officials to title housing benefits in the name of women individually, with limited exceptions. During the period in which these gender-specific titling directives have been effective, the state distributed housing benefits to hundreds of thousands of beneficiaries.

With consideration of Karnataka State's rural housing program as a focus, this study evaluated the ability of programs to take meaningful steps toward equalizing property ownership and improving rural livelihoods through titling benefits in the name of women. This summary report begins with a description of the study in Section II, provides an overview of Karnataka's housing programs in Section III, followed by a review of the relevant legislative and policy framework in Section IV. Sections V and VI chronicle issues relating the program implementation and recorded impacts of the titling directive. The report concludes with a summary of the recommendations proposed from each section. Throughout these sections and the report in general, one theme emerges and remains a constant: titling rural housing benefits in women's names can provide rural women with assets of enormous potential. Moreover, women's receipt of property rights can have significant, positive impacts the lives of the women, their households, and their communities and ultimately contribute to creating a more equitable society.

II. Description of study

Study objectives. During the course of the study, ICRW and RDI examined the titling component of Karnataka's rural housing distribution program, looking at the legal framework for rights granted, the implementation process, and the impact of ownership on the status of the women beneficiaries and their families. The specific objectives of the study were to:

- Analyze Karnataka’s policies and other relevant legislation governing the issuance of title to houses and house sites to women beneficiaries and other documentation governing land rights;
- Study the process of implementing the policies in order to identify strengths, shortcomings, and strategies for improvement;
- Chronicle early experiences of beneficiaries of the titling program;
- Explore the positive and negative impacts of women’s ownership of property on their status within the family, and especially on their experience of domestic violence;
- Identify critical constraints at household and community levels impeding women’s effective control over and ownership of property; and
- Present recommendations for improving the housing program’s ability to meet its objectives.

RDI analyzed the policy and legislative framework and assessed the implementation process to identify gaps and areas for attention. ICRW focused on the impact, and the positive and negative outcomes of receiving the title, for women, households, and the community. ICRW gave particular consideration to issues of, and possible impact on, the experience of domestic violence.

Methodology. The analysis of the legislation and policies focused on national and state-level policies and laws. The examination of program design and implementation was limited to Karnataka, with specific attention to implementation in Davangere and Gulbarga districts. The fieldwork was undertaken at the district, taluks, and village levels. The researchers selected taluks that were included in a social audit conducted with relation to a larger study that predated this study. Three local NGOs were involved in the social audit work: REACH (Harapanahalli, Harihara taluks of Davangere district), SIRE (Yadgiri taluks, Gulbarga district), and Samarasa (Chincholli taluk, Gulbarga district). Representatives of the NGOs assisted ICRW and RDI in identifying taluks, villages, and specific households for concentration.

Researchers used qualitative methods to gather information to meet the study objectives. These included:

- Interviews with state, district, and local level officials regarding program design and implementation;
- 16 focus group discussions at the village level to explore the attitudes of men and women regarding women’s ownership and control of property, the state’s titling directive, and perceptions on domestic violence;

- 54 case studies, consisting of interviews with beneficiaries, their husbands, and other household members regarding the impact of the housing benefits and receipt of property rights; and
- 34 supplementary interviews with beneficiaries to explore issues regarding the beneficiaries' understanding of legal rights and program requirements and processes.

III. Karnataka's rural housing programs

Potential in housing programs. Programs distributing homestead plots and housing benefits and granting women title to those benefits are one of the most feasible and promising means by which India's state governments can have a positive and sustained impact on the lives of the rural poor. House and house plot programs can provide significant benefits with limited land. If the plot is sufficiently large to allow for a garden, livestock, and income generating activities, women's management and control of the plot -- whether jointly with other family members or individually -- can provide the household with the benefits of those uses and also provide women with valuable skills and experience.

Rajiv Gandhi Housing Corporation. Since 2000, the Rajiv Gandhi Housing Corporation has been responsible for designing, implementing, and overseeing Karnataka's housing programs. In its first four and a half years of operation, the Housing Corporation reports responsibility for 770,000 new houses, with another 204,000 in process. Each of the housing schemes has separate terms and criteria, but most include the following requirements: (1) beneficiaries must be below poverty line ("BPL"); (2) title (hakku patra) to houses granted must be placed in the name of women individually, with limited exceptions; and (3) members of scheduled tribes or scheduled castes are entitled to receive Rs 20,000 as a grant or subsidy; all other beneficiaries receive up to Rs 10,000 as a grant or subsidy and can borrow up to Rs 10,000. In addition, in 2002, the Housing Corporation issued a memo noting that if the state issues housing sites, they should be given in the name of women.

Joint or individual title?

Most commonly, government programs grant benefits either individually (to the man or the woman), or jointly to a husband and wife. Whether joint or individual title is better suited to achieve the objectives of increasing the number of women with land rights and positioning them to take advantage of the benefits of those rights depends in large measure on the legal effect of the type of title granted.

The housing program beneficiaries, their husbands, and members of the communities interviewed in the course of the study expressed both views of the question of title. Muslim and Lambani women were at one end of the spectrum, stating a strong preference

for individual title. Muslim personal law permits women to own property, and the Muslim women interviewed stated that the ownership should be theirs alone. The Lambani women interviewed expressed a similar preference. As stated by one Lambani woman, individual title is the “*only way for property to be of real use of her and the children.*” Both groups believed that joint ownership can lead men to pressure women to renounce their rights to the property.

Christian men who joined in a focus group discussion expressed a similar preference for individual title -- but held in the name of the man. The men expressed concerns that women who received property would desert their husbands or elope.

In contrast, most Hindu men and women and Christian women interviewed prefer joint ownership. Some prefer joint title because they are concerned about giving too much power over the property to one spouse, regardless of sex; joint title is considered the most effective security: *Property will be safe if it is in joint name; it secures property as both parties have to agree for disposal—in single ownership man may lose the entire property under evil habits; for the sake of property children take proper care of both parents.* Others expressed a belief that joint title maintains family harmony, cordial relationships, and security for both parents: *A joint title keeps husband and wife in tune and complementary to each other for the welfare and wellbeing of the family and property.* Almost all women who prefer joint title believe all assets held by a married couple should be titled jointly in both names.

Interestingly, however, the majority of women interviewed also stated that the main benefit they receive from ownership of the house -- and the benefit they value above all other potential benefits -- was physical security. The extent to which women value personal security may be a basis for considering individual title in designing titling components, despite women’s stated preference for joint title. A house can reduce a women’s physical vulnerability, and individual title to a house provides the highest level of legal protection (assuming the woman has the practical ability to obtain and retain possession). Individual title gives a woman the right to the entire property and puts her in the strongest legal position for retaining her right under pressure from other interests. A weakness of joint title (particularly where it is unclear whether it includes a right of survivorship) appears precisely in the circumstances when women feel the most vulnerable -- when their relationships with their husbands and other male family members are severed. As one focus group participant noted,

House should be in single name. Only this provides women security and safe shelter. If husband quarrels with wife and deserts her, where will she go? Safe shelter is her security. She will labour and live a safe life.

IV. Legislative and policy framework

The legislative and policy framework governs the state's ability to grant rights to housing benefits and a woman's ability to exercise rights to those benefits. The government order issued by the Karnataka Housing Department dated August 3, 2000, states that housing benefits shall be titled in the name of the women, with exceptions for unmarried men and widowers. The power of the directive to increase the property rights of women in a meaningful manner depends on: (1) the extent to which the legislative and policy framework supports the legal rights resulting from application of the government order; (2) social recognition of those rights; and (3) enforcement of those rights.

Support is found in the Constitution, which provides that all citizens have equality of status and opportunity and the right to equitable treatment under the law. The Constitution further prohibits the government from discriminating against any person because of gender, and expressly permits the State to make special provision for women and treat them more favorably than men. Not surprisingly, however, the constitutional pronouncements of gender equity and the policies that reflect those pronouncements have little impact on daily lives in rural India.

Religious and customary laws and practices, not constitutional principles, dictate the property rights of women. As a technical matter, the laws governing Hindu, Muslim, and Christian property rights uniformly allow women to obtain land as a sole owner or a joint tenant through a government distribution program. Women have the legal right to enjoy all the rights and privileges of ownership, including the right to possession of the property, to exclude people from the property, to use and improve the property as she sees fit, to control of income and production from the property, to alienate (mortgage, lease, sell) it, and to bequeath the property according to her wishes.

Rural reality

However, rural reality often provides little support for a woman's privileges of property ownership. Principles governing the Hindu joint family property, inheritance, the practice of dowry, the management of property at separation and divorce, and the norms of patriarchal society combine to constrict the areas in which a woman can freely exercise property ownership rights. The constraints fall on a continuum. At one end of the continuum are constraints created by typical and expected issues related to managing multiple people and activities in limited space. At the other end of the continuum are severe forms of rights' deprivation.

Some examples illustrate the range of constraints. In Suragondanakoppa village in Davangere district, a woman beneficiary operates a hotel (restaurant) from her house. Her husband decided she should also run a small shop and selected the items for sale in the shop. The beneficiary does not like the shop, and would have preferred to expand the hotel. However, despite her ownership of the property, she does not believe it was her decision to make. A similar lack of control is found in Mundargi village in Gulbarga district, where a widow with ownership of her house is sharing the space with her son and

daughter in law, who recently moved in with her. The widow does not get along with her son and daughter in law (“*We are cooking separately*”), but she shares her house nonetheless. She does not believe she has the power to ask them to leave.

In some cases, the constraints are more significant. In Gajarakot village in Gulbarga District, a beneficiary’s in-laws applied for a house in the beneficiary’s name. The house was constructed according to her in-laws wishes, and the beneficiary has never resided there. She and her husband continue to live with his parents; her husband’s brother has possession of her new house. The beneficiary does not expect to live in her house and makes no decisions regarding the property.

As these examples demonstrate, a male family member may be the greatest obstacle to a woman beneficiary’s ability to exercise the privileges of ownership. Granting joint rather than individual title is, therefore, unlikely to create a more advantageous situation for the exercise of the female beneficiary’s privileges. In addition, the potential to increase property rights for women through a concept of marital property (joint ownership of property gained by a couple in the course of the marriage) is, based on interviews conducted for the study, favored by both women and men.

The Case for Marital Property

Despite these examples of the limited impact legal requirements may have on rural society, some form of legislated marital property rights is worth pursuing. First, current practices regarding ownership of assets earned by a man and women during their marriage are inequitable. Second, when questioned about their ideal models for marital property, most women interviewed in the study wished for circumstances in which husband and wives own and manage the household assets and income earned by the couple jointly. Some form of community property rights would support that model. Third, while legislation may not in itself change rural practices, laws establishing equality of rights to assets received in the course of a marriage create a foundation for community education and support for test cases, and ultimately, the legal space for social change.

In summary, the legislative and policy framework establishes a foundation for women to receive housing rights and the ability to exercise the privileges of ownership. However, despite favorable terms supporting the equality of rights, legislation and policy pronouncements often fail to penetrate the surface of rural lives. More often than not, the patriarchal currents (supported by religious and customary law and practice) running through rural society prove far more influential and persistent than any law or policy. In order to facilitate social change, the institutions involved in the distributing the housing benefits must actively engage in promoting the rights of women.

V. The challenge of implementation

Since its inception in the year 2000, the Housing Corporation has made significant and beneficial changes to Karnataka's housing programs. At the state level, the Corporation is staffed with professionals committed to ensuring that the intended benefits reach the neediest members of the population. The systems for disseminating policies and communications and collecting data are well designed, and information is readily available to the public.

The district and taluk level officials responsible for implementing the housing program express similar commitment to the program. Those interviewed in the course of the study have a solid understanding of various components of the program, their responsibilities and obligations, and the documentation and reporting requirements. All officials at the district and taluk levels had received notification of the titling requirement and had implemented the requirement, albeit in one case less than three months prior to our interviews in 2005.

Understanding of purpose of gender-specific titling

Although the local officials had implemented the titling requirement, none received any specific education on the purposes of the gender-specific titling requirement. None of the officials interviewed identified goals of increasing gender equality in property rights, empowering women socially and economically, creating a base for credit and investment, enhancing household nutrition, or diversifying livelihood opportunities for rural households. Instead, the officials simply understood the titling directive to be one of many requirements of the program and without any specific objectives.

Many of the beneficiaries interviewed in Davangere and Gulbarga districts demonstrated a similar lack of knowledge about the nature of their rights to housing benefits and the potential contained in those rights. Every beneficiary interviewed by RDI researchers in the course of the study reported that the reason why she had received title to the house plot or house was that the project required the benefits to be titled in the name of a woman. Every beneficiary questioned about her husband's attitude toward the prospect of her ownership of the housing benefits stated that her husband had no objection. The husbands interviewed confirmed their acquiescence. However, based on the discussions with those interviewed it appears that the titling requirement caused no dissension or controversy not because they understood the objectives of the directive and understood and accepted the need to grant women title, but because title must be in the women's name as a condition of receiving the benefit. The titling requirement was simply another box to check off on the list of eligibility criteria, and had no independent meaning for the husbands of beneficiaries or, indeed, for some of the beneficiaries themselves.

This discovery is hardly surprising. In order for a law or policy such as a titling directive to impact an individual or household's understanding or behavior, the officials involved in the project, the beneficiaries and their households, and the public must be educated as

to the purpose of the directive. Absent the most basic understanding of what the goals of the program are, the titling directive is unlikely to have the desired impact.

When program officials do not explain the titling requirement, and intended benefits of property rights leak away, unrecognized by beneficiaries. In Davangere and Gulbarga district, several of the women interviewed about the titling project's impact on them were unaware of their ownership rights, or dismissive of their importance. As one woman stated, it hardly matters what the hakku patra says; her husband is in charge of the family, the house, and the marriage. The woman was resigned to her position: *"if he asks me to leave this place, I will go."* The woman's legal ownership of her house is of no consequence to her; in her mind, title to a house is incapable of changing the balance of power in her marriage.

Where education is prioritized, the result is markedly different. In Bidar District, a local NGO, Samarasa, has organized women into self-help groups for the housing project. Samarasa staff provided capacity building to the women and their households on the purpose of the titling directive and requirements of the housing project. Women and men who received this capacity building are well versed in the privileges and responsibilities of ownership of a house plot and house. The women actively contemplate how their housing rights may enlarge their possible livelihood options, including using their plots for income-generation activities and joining with neighboring women to lobby local officials regarding the use of the village's common land. The women not only recognize that holding title to the house improves their personal and financial security, they understand that the plot and house are assets that provide them with opportunities to benefit their households.

The achievements of the housing program in areas such as where Samarasa is operating highlight the potential for Karnataka's housing program. The lack of knowledge witnessed in the course of the study at the district, taluk, and village levels dilutes the impact of the gender-specific titling requirement and the value of the property rights granted. If, however, that gap in knowledge is filled, the Karnataka program will have the potential to have an enormous impact on the livelihoods of beneficiaries and their families statewide.

Additional areas where the program can be strengthened are:

- **Community knowledge of the program.** In many areas, the panchayats did not share information about the scheme with the gram sabha or in any other systematic fashion designed to reach all village residents. In addition, women in communities with housing benefit programs were far less likely to know of the existence of the program and its terms than men in the same communities.
- **Beneficiary selection process.** At local levels, many officials failed to adhere to Housing Corporation procedures for the selection of beneficiaries. The study found many beneficiaries did not meet eligibility requirements, such as BPL

status, and beneficiaries were often selected because of their relationship to members of the panchayat.

- **Financial benefits received.** The Rs 20,000 grant provided under the state's Ashraya scheme was not sufficient in most of the cases to complete a house or pay for the costs of obtaining program benefits (such as the cost to travel to the taluk office), and the majority of beneficiaries took out loans or used savings to complete the house. The debt incurred, which was viewed by many as a debt for which the husband is responsible, led many women to devalue their ownership rights.
- **Additional payments to panchayat.** The beneficiaries interviewed in both districts almost uniformly paid between Rs 1,000 to Rs 5,000 to the panchayat in order to have their names included on the list of those eligible for housing benefits. In some areas the beneficiaries (either knowingly or not) also gave the panchayat a percentage of each incremental payment that they received for the house construction.
- **Dissemination of title.** Many of the beneficiaries had not received hakku patra or believed they had the title document but upon review, researchers determined the document was not a title document.
- **Ownership of the house site.** Less than half of the beneficiaries interviewed owned both the house and house site; the majority of the house sites were owned by the government (under the Navagrama scheme) or held in the beneficiary husband's or father-in-law's name. The split ownership between the house and house site dilutes the impact of the woman's ownership of the house and creates a vulnerability to loss of the house in the event of divorce or death of the husband.

VI. Impact of titling requirement

Most women interviewed in the course of the study received title (or understood that they had received title) to the housing benefits in 2003 or thereafter. In a majority of those cases, the women received little or no education regarding the nature of their rights and the privileges of ownership. Accordingly, at this stage of the housing benefits program, less impact was recorded during the 2005 fieldwork than will likely be evident as time passes. That recognized, evidence of several impacts is emerging. Women, their husbands, and community members reported the following impacts from the housing program and the receipt of ownership rights:

- ✓ **Increased sense of physical security.** The vast majority of women interviewed recognize that a house provides them with physical security, and they place a very high value on that security. Many of the women believe that in the event their husbands died, abandoned them, or divorced them, the women have a right to stay in their houses. They attribute that right of possession to their ownership of the house.

- ✓ **Increased economic security, including diversification of sources for income and food.** Several beneficiaries and their families derive a sense of psychological and economic security from the house. The house provides a secure base from which to explore earning options, a sense of stability and security when work is irregular, and several rented-out rooms in their houses or themselves experienced direct savings of rent payments when they became homeowners. One beneficiary opened a small shop in her house, and in a village with active SHGs, some women use their plots for vegetables, have greater food security, and are able to direct their cash assets to other purchases. As one beneficiary stated,

I feel secure after getting this house. Critical situations can be faced boldly with this asset behind you... Women can go out and labour and earn livelihood and sleep peacefully in her own house.

- ✓ **Increased comfort and experience of wellbeing.** Many of the case study narratives mention the ease with which the beneficiaries can live because they have a pucca house, or a house with more space.
- ✓ **Increased status and enhanced self image.** Many of the women who knew they had rights to their houses expressed pride in being owners of a valuable asset. Women expressed happiness, confidence, and reported that they have the courage to resist if their husbands try to sell the house:

I feel strong and secure after getting this house. This is the first thing that I own in my life. This dream of having a house which is on my name has come a reality thanks to the government... My social status has undergone a change. I can move in society with my head held high.

Some of the husbands interviewed agree that the women have a better image and receive respect as a result of their ownership status. Others state that they must now include women in any decision to be made around the house, especially decisions regarding sales and mortgages. Where women are less involved in the process of obtaining the house and where loans have been taken to construct the house in addition to the grant from the government, the positive impact of ownership of house is significantly reduced. One woman confessed:

I do not know any details of the house. I did not see any allotment list. I was not involved in the house building process. I accompanied my father-in-law to sign the papers. I know nothing more... I don't know where the documents and records are... There is no difference in me or my family. My father-in-law takes all the decisions and this is so now also.

In happy contrast, at a Navagrama site (a separate new colony of house sites), women appear to be the most vocal about the change that they perceive in their

status. These beneficiaries were also more likely to have seen the hakku patra for the house and report more details around the process of acquiring the benefit:

I am happy to have this house on my name. There is a difference now. I had to ask my husband earlier, even for going out. But now the house is in my name, and that is a security for me...None can tell me to get out.

- ✓ **Increased confidence and courage to address violence.** Thirty-three of the 54 women interviewed by ICRW researchers reported having experienced violence during their marriages. Women reported all forms of domestic violence, with moderate physical violence (being “beaten up”) most common. Men confirmed the prevalence of beatings. One husband admitted that he has “*beaten [my] wife whenever she has stepped out of line.*” Another reported: “*I have beaten my wife at least or eight times. I did not beat her for not working but when I was angry.*” A few women spoke of incidents of severe violence or being beaten “very badly.” Four women also reported experiences of sexual violence. Most community members interviewed considered domestic violence a matter to be tolerated rather than acted upon, although they also stated the community should intervene. Disturbingly, some men in focus discussion groups mentioned suicide as an option for women. Some women reported past suicide attempts, but the majority were more likely than men to mention other options of coping with violence, such as the possibility of taking legal action or leaving home. However, while women mentioned possibilities such as leaving their homes, very few acted on those options.

Most of the women beneficiaries who faced violence in the course of their marriages reported that, as a result of receiving the housing benefit, they now have increased confidence to face the problem and the courage to protest the violence. This growth of assurance and self-reliance suggests the beginning of a significant shift in self-perception, a precursor to behavioral change. The evolution is remarkable given the high level of acceptance of (or resignation to) domestic violence in the communities in which the beneficiaries reside.

- ✓ **In a few cases, cessation of domestic violence.** Of the twenty women who were experiencing some form of violence at the point of receiving the benefit, four women beneficiaries directly stated that violence ceased completely after they received the house, or after the couples moved into the house. For the remaining sixteen women, violence continued, although in some cases the women reported it had lessened somewhat after receipt of the house.

While only four women stated unequivocally that violence ceased upon receipt (or possession) of the housing benefit, almost all of the women report a new or increased sense of confidence and courage to protest problems, including violence. The emergence of this self-assurance was especially true for the women who had faced violence at some point in their marriages.

- ✓ **Husband's insecurity.** One change noted in the course of the case studies is an often unstated but nonetheless evident insecurity felt by the beneficiaries' husbands because their wives received housing benefits. The appearance of feelings of insecurity is one indication of change in the power structure within a marriage, and thus evidence of a desired evolution toward a more equal relationship. Rarely do important changes occur in relationships without this type of response. In this study, researchers did not receive reports of any significant negative actions by husbands and other family members as a result of the beneficiaries' receipt of housing benefits. However, the risk is always present; individuals often respond to fear with expressions of insecurity, which can include combative behavior and violence.

Factors influencing empowerment and beneficial change through receipt of property rights

Some of the factors recognized in the course of the study as influencing women's empowerment with relation to receipt of property rights include:

- **Community attitude toward traditional gender roles.** In communities where both women and men's attitudes reflect belief in traditional gender roles, the dominance of men in the marital relationship, and the women's obligation to accept even violent expressions of that dominance, the mere receipt of property rights is less likely to alter perceptions and behavior. In these communities, the titling requirement of the housing programs was most often dismissed as a mere technical program requirement. Women received little or no education regarding their rights, were not usually involved in the process of obtaining the benefit, and, not unexpectedly, researchers recorded little impact on women and the household.
- **The source of the property right.** The source of the housing benefit influences its ultimate impact. A recent ICRW study found that ownership of property, especially a house, serves to protect women from violence beginning in the marriage. However, the women in that study usually acquired the houses through inheritance, a process that indicates fundamental social support for the rights of women that is reflected in a transfer of property that is of accepted value to the family. In contrast, in this study, women received the property right through a government program. The terms of the program, including the titling directive, do not originate from within the family or the community. As such, the women's receipt of the asset does not reflect or reinforce the values of a community, but rather a value superimposed on the community through the program. Absent specific education regarding the objectives of the program and titling directive, the women's receipt of title is simply the playing out of a program requirement. In that case, titling houses in the women's name will have less beneficial impact for the women and the communities and is less likely to inspire social change.
- **Nature and scope of property right received.** Where women do not receive hakku patra for their house and thus have no evidence of their property right, the

right is less effective and less impact is evident. Where households incur debt to complete house construction, women have a reduced sense of ownership. Similarly, where women receive ownership of a house but the house plot is owned by their husbands or third parties, the property right is diminished in value in the minds of the women, their families, and the community. In addition, the split ownership creates a legal ambiguity that is likely to present unnecessary problems for the woman in the event of separation, divorce, or death of the husband.

VII. Recommendations

The study resulted in a series of recommendations to strengthen the Karnataka housing program and enhance the program's ability to meet the objectives of the titling directive. While the recommendations are presented with relation to the Karnataka program, the concepts are relevant to the design of other gender and land-based programs in Karnataka and in other Indian states.

Recommendations regarding Karnataka Housing Program design:

- **Increase plot size.** The Housing Corporation programs that involve obtaining new land (either through existing government land or purchase of private land) limit the size of house plots to 30 x 40 feet, or 1,200 square feet. In some areas, the plots are 20 x 40 feet, or 800 square feet. These plot sizes substantially limit the non-housing benefits (including improved nutrition, increased income, and diversification of income sources) derived from the schemes. In order to provide the beneficiaries with an asset of significant value, the state should consider enlarging the size of the plots to approximately 50 x 60 feet, or 3,000 square feet.
- **Establish additional procedures to ensure beneficiary selection criteria met.** The study suggests that some additional procedural safeguards are warranted in the selection of beneficiaries to reduce the possibility that some eligible residents are overlooked and ineligible residents included.
- **Require adherence to directive regarding titling of house plots to ensure complete ownership.** Consistent with its own policy, the Housing Corporation should require evidence of titling of any existing house plot in the name of the female beneficiary before housing benefits are granted.
- **Grant title to house plot in Navagrama sites and under Ambedkar scheme.** In some Navagrama sites, officials report that they are not granting title to house plots, only houses. Officials express some confusion whether the denial of landownership is related to the period of loan repayment, or inherent to the program. The matter should be clarified, and beneficiaries granted title to the house plots and houses. The Ambedkar scheme, which is an all grant scheme, does not provide beneficiaries with hakku patra for a period of 15 years. Hakku patra should be granted immediately, with an appropriate restriction on alienation (five years is suggested below), if needed.

- **Consider relaxing the restriction on alienation.** The requirements of the housing programs restrict the beneficiaries from alienating their land and houses for the period of any loan repayment and, once a beneficiary receives title, for 20 years. The requirement, which secures the government's loan and protects the beneficiary's asset from ill-considered transfer also forecloses the beneficiary from one of the benefits of the asset – its transferability for value. Consideration might be given to limiting the ban on transfer to the period of loan repayment, or for five years in the event of a grant.
- **Consider eliminating the restriction on renting out the house and house plot.** The hakku patra form includes a blanket prohibition on beneficiaries renting out the property. The prohibition limits the value of the property for households who may wish to diversify income sources by renting out the house.

Recommendations relating to the legal framework

India's legal and policy framework provides a relatively firm foundation for women to receive and retain rights to property. Concrete progress toward gender equity, led by the 2005 amendment to the Hindu Succession Act, 1956, has been made. Additional suggestions that support ownership rights of women to housing benefits and to property rights in general are:

- **Codify government orders and circulars.** The gender-specific titling directives will carry greater authority if they are included in the state land reform act or rules (or other legislation), with an enforcement provision and penalties attaching for non-enforcement.
- **In the event of death of spouse during the loan repayment period, grant ownership of house or house site to surviving spouse.** In the event that one spouse dies during the loan repayment period, the burden of repayment on the surviving spouse (whether man or woman) is automatically doubled and repayment is less likely. Widows and widowers are a section of the population in need of security and support from the community. As a matter of policy, the government should forgive the debt and grant widows and widowers ownership of the house and house site.
- **In the event of abandonment or divorce during the term of the loan, the woman beneficiary should receive possession of the house.** Under the housing programs, if a beneficiary takes a loan for housing benefits, her name is on the loan documents. In the event of divorce, her husband could potentially claim a right to the house based on any loan payments made during the course of the marriage. The woman remains liable on the loan document, and as a matter of policy, the state should award her possession.

- **Establish minimum property settlements in the event of divorce.** Laws governing property rights in the event of divorce should identify minimum rights of the parties to property, so the terms are no longer wholly discretionary and anyone asserting legitimate rights is entitled to some recovery. The poorest citizens may never avail themselves of the formal legal system but the existence of legal standards will provide a foundation for community education and a standard that village elders and others can reference for support of their decisions.

Recommendations regarding program implementation

- **Educate officials (including panchayat officials), communities, and beneficiaries regarding the purposes of the tiling requirement and benefits of gender equity in property rights.** The ability of Karnataka's titling component to achieve its objectives is compromised by inadequate attention to the goals of the titling component. Particularly at local levels, few officials were able to articulate any larger purpose served by titling the housing benefits in the name of women. A pilot designed by the NGO, Samarasa, has demonstrated that education of officials, communities, and beneficiaries and their households has proved to be a very effective means of ensuring that granting title to women has some of the desired positive impacts on rural livelihoods. A plan for education of government officials and village-level stakeholders (including beneficiaries, their families, village elders, panchayat officials, and community leaders) should be added to the state program.
- **Require procedures for transparency in decision making and greater accountability of the implementing agency and panchayat for failure of achieving scheme objectives and targets.** Implementing agencies and panchayats often do not adhere to standard processes in decision making and have little obligation to account for not achieving scheme objectives. Effective functioning of gram sabhas is critical to ensuring access to information to all and inclusion of women in public processes. Both formal and community-led accountability mechanisms should be instituted.
- **Require timely disbursement of the monetary resources to beneficiaries.** Failure to disburse resources in a timely fashion can undermine the beneficiaries' ability to realize the benefit of the scheme.
- **Ensure easy access to information.** Beneficiaries, NGOs, and others should have full access to program information (including program benefits, eligibility requirements, and procedures) without reliance on connections with local officials.
- **Assert greater control over beneficiary selection.** The program design should be refined to place greater controls on the selection of beneficiaries, ensure the proposed list of beneficiaries is communicated effectively to the community, and provide reasonable opportunities for comment and challenge.

- **Confront practice of additional payments.** Beneficiaries consistently report making payments to the panchayat for housing benefits and in some areas, receiving only a percentage of the amounts sanctioned for a loan or grant. How this practice is effectively controlled is best decided by those with significant experience with local conditions and issues, but should be addressed without delay.
- **Require evidence that officials give the hakku patra to the beneficiary.** The Housing Corporation requires officials to give the beneficiary the hakku patra and to register the site in her name before it can be counted as a benefit granted. However, this requirement does not appear to be enough in itself to motivate the panchayat to complete the process. The Housing Corporation should consider further means of ensuring compliance with this requirement.
- **Invest in monitoring and evaluating the housing programs, with attention to the titling directive.** The Housing Corporation has implemented some measures for monitoring and evaluating its programs, but these remain limited in their access and ability to include systematic collection of data regarding the impact of the programs.
- **Support programs that link beneficiaries with NGOs for education and capacity building.** Beneficiaries who are in areas where there are active local NGOs engaged in capacity building and other activities often have the best opportunities to realize the potential of the ownership of a plot or house site for themselves and their families. Local NGOs often have detailed information about the population and have established relationships with residents. NGOs can be used to identify beneficiaries, assist with awareness building, and ensure that information is disseminated to everyone in a community.
- **Support complementary community programs with objectives of empowerment, acceptance of women's property rights, and reduction in the tolerance of violence.** Sensitization of community members, elders, and natal and marital family (including husbands of the potential beneficiaries) on women's property ownership rights should complement state initiated schemes. Officials, program managers, and NGOs should also be aware of the possibility of adverse reactions by husbands and male household members and be prepared to intervene. Training and community-level processes that enable both men and women to adjust and accept major changes in social structures should be essential parts of programs with directives for titling benefits in the name of women.

VIII. Conclusion

Secure rights to a house and house plot are of enormous importance to the physical and psychological security of women. Even in areas where programs may be imperfectly designed or implemented (such as the recognized gaps in the areas of education, the

failure to involve women in the program processes, and often spotty adherence to procedures), the positive impact of the presumed ownership is substantial. This finding is not only of inherent value and interest with regard to Karnataka's program; the finding is an indication of the enormous untapped potential in housing and small plot programs that include gender-specific titling components. With appropriate education, well designed programs, and well executed projects, program benefits can provide for the physical, psychological, and economic security of women and their households.

Karnataka has developed a solid foundation for success in its existing programs, many of which include gender-specific titling components. Moreover, the state maintains a visionary outlook that has led to innovative programs that support the purchase of land for new colonies and the establishment of bank linkages for self-help group loans. As the state moves forward, some attention should be directed to the design of the programs, the legal framework, and the implementation methods in order to ensure that benefits are tailored to the needs of the poor, that they reach the intended population, and that the poor can realize the full potential in the benefits granted. Once that attention is given, the beneficiaries and their households will be in a position to realize the security, enhanced well being, income and investment potential, and empowerment that property rights can create.

The vision is already becoming a reality through small, well designed, and carefully implemented pilot projects. The next step is to capture and model the practices developed and lessons learned in order that all the state's rural poor (and ultimately the rural poor across India) can benefit. The state has already made the financial commitment through its housing and small plots programs. All that remains is to add the necessary time, energy, and dedicated action. It is difficult to imagine a more promising investment.

Bibliography

- Agarwal, Bina, 1994. *A FIELD OF ONE'S OWN: GENDER AND LAND RIGHTS IN SOUTH ASIA* (Cambridge: Cambridge University Press).
- , 1998. *Disinherited Peasants, Disadvantaged Workers: A Gender Perspective on Land and Livelihood*, ECONOMIC AND POLITICAL WEEKLY, March 28, 1998
- , 2002. *Are We Not Peasants Too? Land Rights and Women's Claims in India*, SEEDS paper for the Population Council, November 21, 2002, at 3.
- Awasthi, S.K., 2000. *JOINT FAMILY PROPERTY AND PARTITION* (New Delhi: Orient Publishing Co.)
- Brown, Jennifer, Kripa Ananthpur, and Renee Giovarelli, 2002. *Women's Access and Rights to Land in Karnataka State*, RDI REPORTS ON FOREIGN AID AND DEVELOPMENT NO. 114.
- Brown, Jennifer, and Sujata Das Chowdhury, 2002. *Women's Land Rights in West Bengal: A Field Study*, RDI Reports on Foreign Aid and Development No. 116.
- Das, Sakmar 2000. *A Critical Evaluation of Land Reforms in India (1950-1995)*, in *LAND REFORMS IN INDIA: AN UNFINISHED AGENDA*, Sinha and Pushpende, eds.
- Datta, Namita, n.d. *Joint titling – A win-win policy ? Gender and property rights in urban informal settlements in India*. <http://yale.edu/ycias/iac/wwpapers/Datta.doc>.
- Deere, Diana and Magdalena Leon, 2001. *EMPOWERING WOMEN* (Pittsburgh: University of Pittsburgh Press).
- Divekar, G.M. 1999. *LAW OF HINDU CO-PARCENARY 2D* (Pune: Hind Law House)
- Gopal, Gita, 1993. *Gender and Economic Inequality in India: The Legal Connection*, BOSTON COLLEGE THIRD WORLD LAW JOURNAL.
- Government of India (GOI), Ministry of Rural Development, *ANNUAL REPORT 2000-2001*.
- GOI, Ministry of Rural Development, Government of India, *ANNUAL REPORT 2002-2003*.
- GOI, Ministry of Rural Development's *Guidelines for Indira Awaas Yojana (IAY)*, effective April 1, 2004 (on file at RDI).
- Gupta, Jayoti, 2002. *Women Second in Land Agenda*, ECONOMIC AND POLITICAL WEEKLY, May 4, 2002
- Hanstad, Tim, Jennifer Brown, and Roy Prosterman, 2002. *Larger Homestead Plots as Land Reform: International Experience and Analysis from Karnataka*, ECONOMIC AND POLITICAL WEEKLY (July 20, 2002).
- ICRW, 2006. *Property Ownership and Inheritance Rights of Women for Social Protection- The South Asia Experience: Synthesis report of three studies*.

Ikdahl, Ingunn, Anne Hellum, et al., 2005. *Human Rights, Formalisation and Women's Land Rights in Southern and Eastern Africa*, Studies in Women's Law No. 57 (Oslo: University of Oslo)

Kodoth, Praveena, 2005. *Fostering Insecure Livelihoods: Dowry and Female Seclusion in Left Development Contexts in West Bengal and Kerala*, ECONOMIC AND POLITICAL WEEKLY (June 18, 2005).

Madan, Vishwa Lochan, 2002. *SALE & PURCHASE OF PROPERTIES: A LEGAL GUIDE* (Delhi: Universal Law Publishing)

Mukund, K., 1999, *Women's Property Rights in South India: A Review*, ECONOMIC AND POLITICAL WEEKLY (May 29, 1999).

Quisumbing Agnes R., et al, 1995. *Women the Key to Food Security*, Food Policy Report: International Food Policy Research Institute. *Father's Money, Mother's Money, and Parental Commitment: Guatemala and Nicaragua*, in *ENGENDERING WEALTH AND WELL-BEING: EMPOWERMENT FOR GLOBAL CHANGE*, Rae Blumberg, et al., eds. (Boulder: Westview);

Rajan, M.S., 1986. *LAND REFORMS IN KARNATAKA: AN ACCOUNT BY A PARTICIPANT OBSERVER* (New Delhi: South Asia Books)

Rao, Nitya, 2005. *Women's Rights to Land and Assets*, ECONOMIC AND POLITICAL WEEKLY, October 29, 2005

Sen, Amartya K., 1990. *Gender and Cooperative Conflicts*, in *PERSISTENT INEQUALITIES: WOMEN AND WORLD DEVELOPMENT*, Irene Tinker, ed. (New York: Oxford University Press)

SMS-ICRW, 2002. *The Shalishi in West Bengal: A Community Response to Domestic Violence*.

Sridevan, Srinath, 2004. *Property Plus: The Muslim Law of Succession*, THE HINDU, August 7, 2004 and August 21, 2004.

UNDP, 1997. *HUMAN DEVELOPMENT REPORT*

Walker, Cheryl, 2003. *Piety in the Sky? Gender Policy and Land Reform in South Africa*, in *AGRARIAN CHANGE, GENDER AND LAND RIGHTS*, ed. Shahra Razavi (UNRISD Publication) (Oxford: Blackwell Publication).

World Bank (Klaus Deininger), 2003. *LAND POLICIES FOR GROWTH AND POVERTY REDUCTION*, World Bank Policy Research Report (Washington D.C.: World Bank).