

# Land Governance in an Interconnected World

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## WOMEN'S PROPERTY RIGHTS THROUGH THE HOUSEHOLD LIFE CYCLE EVIDENCE FROM NEPAL

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**INTRODUCTION** Property, especially land and livestock, is widely recognized as an important resource for empowering women. However, the relationship between property and women's empowerment is more complex than generally assumed. What kind of rights, to what kinds of property, do women need for their empowerment? Drawing on ethnographic research conducted for the "Evaluation of the Welfare Impacts of a Live-stock Transfer Program in Nepal," we show how women's property rights change over the life cycle with shifts in household structure and social relations. From daughter to daughter-in-law, wife of household head to widowhood, women strategically exercise rights over joint and personal property as they negotiate household relations, in ways that do not always align with state law provisions for their property rights.

**TYPES OF PROPERTY** It is important to consider the full range of property rights, including joint and personal property. Land is usually part of joint family property. Although this is generally the most valuable and controlled by men, personal property (*pewa* and *daijo*) can be very important to women.



**JOINT PROPERTY** belongs to all members of the household, including ancestral property inherited by the male head of household and property acquired by the household through purchase or gift. It usually comprises land, house, savings, agricultural implements, livestock, food grains, and household goods—virtually everything except the assets that are expressly recognized as personal property. Women's property rights are secondary to men's: They have rights to the ancestral and household property, not on their own standing but through their husbands and fathers.

**PERSONAL PROPERTY** belongs to individual members of the household and is not explicitly recognized as joint property. Personal property can be self-earned using one's skills and resources, or received as gifts. There are two kinds of specifically women's personal property: *pewa* and *daijo*.

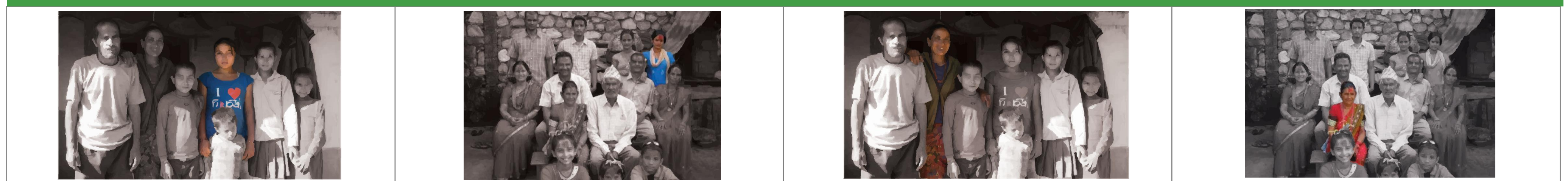


**Pewa** includes gifts given to daughters or sisters, usually before their weddings and women's self-earned income. *Pewa* is usually cash or livestock.



**Daijo** (dowry) is all property, usually household goods, jewelry and cash, given to a woman by her natal family and their friends at her wedding.

### HOUSEHOLD RELATIONS OVER THE LIFECYCLE



Unmarried daughter in joint household

Daughter-in-law in joint household

Wife/mother in nuclear household

Widow/old woman, living with son or in daughter's household

- Seen as a temporary state, as girls are expected to marry and join husband's household
- Parents save up for dowry for girls

*"Daughters do not have rights to property...If there are sons, daughters do not get (inheritance). Daughters are loved, that is all. They are like guests for a few days."* (Indra Maya Tamang, 45)

- Newly married bride moves into husband's family home with parents-in-law
- Period of hardship (*dukha*) with little control over their lives, labor, mobility, or joint property

*"I did whatever my mother-in-law ordered me to do, went wherever she asked me to go. I was never allowed to do what I wanted. I could only go out freely when I wanted to urinate and defecate."* (Maya Lhayo, 80, Magar widow)

- Husband and wife split off from joint household, taking possession of their personal property that has not been merged with family joint property
- Women's well-being, autonomy and property rights improve as the wife of the male head of household (instead of daughter-in-law)

*"After we separated (from the joint household), we consult with each other, whatever we do. Neither he nor I make decisions alone."* (Phulkumari Mahato, Nawalparasi)

- In the latter stages of their lives, women, especially widows, plan for old age, when they are no longer able to work and earn

*"You think that life will be easier after your children grow up but your life is still full of hardship. This is why old people say, 'Despite twelve sons and thirteen grandsons, the old man continues to carry the wicker basket on his shoulder.'" (Maya Lhayo, 80, living with her daughter)*

### PROPERTY RIGHTS

**PEWA:** While an unmarried daughter's rights to her household's joint property is rather weak, she has stronger and more robust rights—over her personal property, given to her as gifts by her parents or which she earned herself.

**DAIJO (DOWRY):** Not yet received ( gifts, usually household goods, jewelry and cash, given upon marriage).

**JOINT PROPERTY:** Unmarried daughters have rights to maintenance and inheritance according to current state law. According to customary law, sons, not daughters, inherit from their parents. Common justification is that daughters receive dowry, while sons receive inheritance, although dowry is usually much less. Daughters say they do not claim rights to inheritance to avoid straining relations with brothers and sisters-in-law.

**PEWA:** Although *pewa* is considered women's personal property under state and customary law, it is not uncommon for the joint household to treat *pewa*, especially livestock, as part of the household property, slaughtering it without her permission or taking the income it generates.

*"I had boars, a cow and goats...I used the *pewa* as pocket money because my husband did not give me any money... You could not keep all the income of the *pewa* only for yourself. You had to give them [parents-in-law] half"* (Dilmaya Nepali, Dalit woman, Palpa)

Women often hide *pewa* from their in-laws or keep it with their parents to retain control over this source of income.

**DAIJO:** Despite state law granting absolute rights to women over their personal property, parents-in-law usually decide what is to be done with the dowry and who may use it. Parents help their newly married daughters retain control over dowry by giving cash in addition to goods, depositing cash in the daughter's account without informing the in-laws, and giving some dowry in the form of cash or land only after the daughter has shifted to a nuclear household.

**JOINT PROPERTY:** Daughters-in-law acquire rights to joint property of the household through their husbands in both state and customary laws but in practice rights are often limited to maintenance rights.

**PEWA:** Some women say: "There is no need to keep *pewa* when one manages the household affairs." (Dilmaya Nepali, 50, Dalit woman). However, this same woman saved some income from *pewa* for her own use: "Wear the clothes one wants to wear, eat the food that one wants to eat, that is *pewa*."

Less well-off women need to use *pewa* for family expenses:

*"What is the use of 'keeping' *pewa* when your husband or children need money?"*

Some husbands have power to decide whether wife's *pewa* can be sold or not.

**DAIJO:** Now common for women to take most if not all dowry to new home. "That bed, carpet, and rice cooker are my dowry," women say even many years after marriage, and others would agree.

**JOINT PROPERTY:** Although state law grants wives rights to a share of joint household property, under customary law they retain these rights only as long as they remain married to their husbands, or if they are widowed or separated, but not if they are divorced. Some women in strained relationships want formal title to land in case of separation, while others, dependent on their husband for economic security, fear individual titling signals potential dissolution of the marriage.

*"Do you think I am so stupid that I would transfer land to a woman, only to have her 'eat' the land (sell the land) and elope with another man?"*

**PEWA AND DAIJO:** By this stage in life, women, especially those who have good relations with their husbands and/or have to manage the household expenses, do not distinguish between joint and personal property, except perhaps for a few items, such as jewelry or land to which they are emotionally attached.

**JOINT PROPERTY:** Sometimes parents retain some land for themselves as *juni*, of which they live, and transfer the title of the rest of the property to the sons.

*"If you have land in your name when you are old, the sons would vie with each other to care for you because the person who looks after you will inherit the land...If you do not have land, your sons will despise you (hela garchha) whereas they will love you if you have *juni*."* (Manmaju Tamang, 45, widow who transferred joint property to her name after her husband died)

Another woman explained why she bought and registered land in her name:

*"Well, what should I do if I am not looked after later? I do not know whether they will feed me or not. Now if they do not look after me, I can sell it to buy food. They will feed me because of the land...When I am no longer able to work, I will give the land to whoever looks after me."*

While title to the land is rarely transferred to the wife, the right to transfer or sell property becomes important either to leverage elder care or provide income to live off of if children do not provide care

**CONCLUSION** Legal categories of property rights in Nepal fail to account for nuanced rights to assets shared within households, which change over time. Individual, formalized control over assets is not always the approach women prioritize, but it can be strategic in certain life stages and relationships. Programs need to examine the social relations around property to understand which rights women value and want, and be careful to distinguish between voluntary and involuntary sharing of personal property.