

## EMPOWERING WOMEN THROUGH PROPERTY RIGHTS: A COMPARATIVE STUDY OF GENDERED PROPERTY REGIMES AND DOMESTIC VIOLENCE PERPETRATION ACROSS SOUTH ASIA

*EMPODERANDO AS MULHERES ATRAVÉS DOS DIREITOS DE PROPRIEDADE: UM ESTUDO COMPARATIVO DOS REGIMES DE PROPRIEDADE COM BASE NO GÊNERO E DA PERPETRAÇÃO DE VIOLÊNCIA DOMÉSTICA NO SUL DA ÁSIA*

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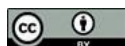
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### Abstract

Property rights have evinced to be the leading factor in the economic development of every nation. Limited access, unequal distribution of property rights amongst the dwellers of the society leads to the dawn of the factors ensuing into the rise of violation of other rights of women. More significantly domestic violence has always been a pervasive concern for the administrators across the South Asia. This in turn affects the women's physical as well as mental wellbeing beyond the transnational borders. Through this research paper the researcher delves the interest of the readers into the potential aspect of the equal distribution of the property rights regardless to the gender discrimination by accomplishing as an extenuating facet in domestic violence perpetration. This research paper traces the paradigms of gender empowerment, economic security, and decision-making powers across the territorial boundaries in South Asian countries and thereby reflecting the vulnerability of subjection of women to violence within their domestic spheres. This research paper will also through the light upon the legal frameworks, customary rules, cultural norms that are playing the significant role in governing the aspects of ownership and inheritance rights of women across the region. The impact of these disparities in the asset distribution amongst the male and female over

### Resumo

*Os direitos de propriedade têm se mostrado o principal fator determinante no desenvolvimento econômico de todas as nações. O acesso limitado e a distribuição desigual dos direitos de propriedade entre os membros da sociedade levam ao surgimento de fatores que levam ao aumento da violação de outros direitos das mulheres. Mais significativamente, a violência doméstica sempre foi uma preocupação constante para os administradores em todo o Sul da Ásia. Isso, por sua vez, afeta o bem-estar físico e mental das mulheres além das fronteiras transnacionais. Por meio deste artigo de pesquisa, a pesquisadora aprofunda o interesse dos leitores no aspecto potencial da distribuição equitativa dos direitos de propriedade, independentemente da discriminação de gênero, atuando como um fator atenuante na perpetração da violência doméstica. Este artigo de pesquisa traça os paradigmas de empoderamento de gênero, segurança econômica e poderes de tomada de decisão além das fronteiras territoriais nos países do Sul da Ásia, refletindo, assim, a vulnerabilidade da sujeição das mulheres à violência em suas esferas domésticas. Este artigo de pesquisa também abordará os arcabouços jurídicos, as regras consuetudinárias e as normas culturais que desempenham um papel significativo na regulação dos direitos de propriedade e herança*



the economic autonomy and the decision-making powers in the various countries across the South Asia. Last but not the least, this research will be ominously contributing to raise the voice against the domestic violence by highlighting the potential of economic empowerment through the equal distribution of rights and promoting the norms of gender equality as a strategy for indorsing the concerns for the rights of women in South Asia.

**Keywords:** Gender Discrimination. Property Rights. Domestic Violence Perpetration. South Asia. Women's Empowerment. Equal Rights.

*das mulheres em toda a região. O impacto dessas disparidades na distribuição de bens entre homens e mulheres sobre a autonomia econômica e os poderes de tomada de decisão nos diversos países do Sul da Ásia. Por último, mas não menos importante, esta pesquisa contribuirá significativamente para a luta contra a violência doméstica, destacando o potencial do empoderamento econômico por meio da distribuição equitativa de direitos e promovendo as normas de igualdade de gênero como estratégia para endossar as preocupações com os direitos das mulheres no Sul da Ásia.*

**Palavras-chave:** Discriminação de Gênero. Direitos de Propriedade. Perpetração de Violência Doméstica. Sul da Ásia. Empoderamento das Mulheres. Igualdade de Direitos.

## 1 INTRODUCTION

The rising concern of the administrators of modern scenario with respect to the social protection of every citizen has paved the way for the rapid economic transition in developing as well as developed countries, including those that are also falling within the boundaries of the South Asia. The widely accepted definition of the social protection includes the amalgamated blend of the policies of the different countries also focusing on the programs that are aimed to reduce the vulnerability of the weaker section of the society.

This describes that every nation has proposed its own theory of social protection of the dwellers of the country. To achieve the balance of equilibrium within the global community each country is working progressively to enhance the capability of managing the risks during the peak hours of the social and economic crises and thereby upholding the primary ideals of the preamble of every sovereign nation granting the equal status and ensuring the equal distribution of the rights amongst all the dwellers regardless to any gender discrimination.

Various research studies have observed that 75% of women both developing and developed countries are persistently subjected to violence. It is extremely unacceptable rendering unequal treatment in every field. The major cause of the ameliorated condition of women in every country is due to the lack of equal distribution of the property rights

and adherence to the traditional norms that is entirely constraining the women's contribution in the development of the country.

The norms of social protection have been effectively described by the definition given by ILO in the year 1984, that Compass, the aspects of the economic stability can be achieved by providing the adequate opportunities and the equitable distribution of resources amongst all the members of the society concerning the social security in the country (Kapur, 2023).

As per the resources provided by the Asian development bank, it has provided the revised definition of the social protection considering it to be a design specifically aiming to reduce the factors leading to the poverty by making the growth effective and equitable allocation of the claims amongst all the members of the society regardless to any form of gender discrimination. It is the duty of every state in the norms of the international law to provide the stable and sustainable platform inhibiting the attributes of the social protection in a formal manner (Alshaibi, 2023).

Simultaneously, it is the duty of every citizen of the country to carry forward the obligations and respect the rights of the other individuals by making the collective arrangements, leading to the informal nature of social protection. Not only within the affairs of the ethical considerations, but the women have also been subjected to the violence, ranging from several health expenditures, including intergenerational, negative effects, leading to lower intra household productivity, and consequently ending up with the distorted investment incentives.

Many research theories have been advocating the benefits of providing the equitable treatment by allocating the equal shares to all the members of the society.

Regardless to any form of discrimination on the basis of gender will be enabling to promote the gender specific programs that are meant to specifically target the allocation of the resources to each stratum of women class, which has an implication on raising the female empowerment within the householder means, leading to the higher fertility and higher infant survival rates, and lastly contributing to the improved norms of gender equality. Supporting the women on the economic grounds within the four walls of the intra household, domestic affairs will not only bring the positive efforts in contributing to the development of the nation, but also mitigates the levels of violence committed against the women. As per the survey conducted by world health organisation in the year 2021, it has been estimated that one and every third woman in the South Asian region will be

subjected to some sort of physical, sexual or emotional violence during their entire period of lifetime.

The consistent violence against the women perpetuates the cycles of poverty inequality, resulting into the restrictions over the participation of the women into the economic and social domains of the country. It is equally important to determine the potential role of the gender property regime in upgrading the status of women in the global community (Mukund, 1999). Distribution of the inheritance rights associated with the family property were found to be not equally distributed amongst men and women in the South Asian countries.

Despite of enactment of various legal frameworks, prevalence of the various customary practises and cultural norms create a barrier in the system whereby a limited excess has been given to women to seek the control over the property. This has led to the economic vulnerability and living the women across the South Asia susceptible to the domestic violence, because of the reason of not having the adequate resources or leverage so as to escape from the liabilities incurred through the abusive relationships (Nasrawin, 2017).

## 2 LITERATURE REVIEW

Extensive scholarly discourse on property rights legislation in South Asian Nations concerning women's empowerment underscores the complexities within legal frameworks and societal structures. In India, seminal works by Bina Agarwal, such as "A Field of One's Own: Gender and Land Rights in South Asia," delineate the significance of legal reforms, notably the Hindu Succession Act of 1956, in granting daughters equal inheritance rights. However, these works emphasise persistent challenges arising from deeply ingrained patriarchal norms, revealing the intricate web of cultural practices and societal expectations that obstruct women's practical assertion of property rights.

Ratna Kapur's scholarship in "Gender, Alterity and Human Rights: Freedom in a Fishbowl" further accentuates the gendered nature of property rights shedding light on how limited awareness among women and prevailing cultural norms curtail their access to and control over property, perpetuating gender disparities.

Conversely, studies in other, as illustrated in Martha Chamallas's "Introduction to Feminist Legal Theory" and Dorothy Brown's "Critical Race Theory: Cases, Materials,

and Problems," trace the historical evolution of property rights laws. These works recognize pivotal legal milestones such as the Married Women's Property Acts, which dismantled restrictions on married women's property ownership. Nevertheless, these studies elucidate disparities faced by marginalised groups, particularly single women and women of colour, exposing systemic biases and socio-economic factors influencing property ownership patterns and valuation. The discourse underscores the intersectional nature of property rights issues, wherein race, socio-economic status, and gender intertwine, shaping diverse experiences and opportunities in property ownership.

Visaria's work in *Violence against Women: A Field Study* describes specifically, the historical context of property rights in South Asian Nations is deeply intertwined with cultural, social, and legal evolutions spanning centuries. Traditionally, property ownership was heavily influenced by societal norms and religious customs. Property rights were often patriarchal, with inheritance predominantly favouring male heirs.

In synthesising this literature, it becomes apparent that while legal reforms have marked significant strides in promoting women's property rights in both countries, persistent challenges emanating from societal norms, cultural expectations, and systemic biases hinder the practical realisation of gender equality in property ownership. Understanding these complexities is essential for formulating inclusive policies that bridge the gap between legal provisions and the lived realities of women, ultimately fostering gender equity and empowerment in property rights.

### **3 RESEARCH METHODOLOGY**

This research paper employs the combination of both doctrinal and non-doctrinal research to profoundly determine the nexus between the gendered property regimes and the domestic violence perpetration across the South Asian countries. Both qualitative and quantitative data collection method shall be used. Furthermore, the reliance shall be placed upon the secondary data collection methods including fetching the information from the existing data bases through the observation method on the aspects of the ownership rights of women in the family property through the various national and the international organizations.

## **4 RESEARCH OBJECTIVES**

The present research study focuses on

The certain variations in the gendered property regimes extended across the South Asian countries.

It also highlights the nexus between equal allocation of the property rights and the rising cases of domestic violence perpetrations.

It further describes the effective policies aimed at preventing the repetitive occurrences of domestic violence against women in South Asian countries.

Last but not the least it will this research study reflects the extent of effectiveness of the implementation of existing legal framework and policies to uplift the status of women in South Asian countries.

## **5 RESEARCH QUESTIONS**

What is the degree of variation of the Property regimes across the South Asian Countries?

How do the correlation between unequal distribution of the property rights and domestic violence varies?

What is the effectiveness of the policies that prevent the domestic violence across the South Asian Countries?

What is the role of the legal frameworks in uplifting the status of the women?

## **6 ORIGINALITY/VALUE**

This research study is unique in its essence and will be ominously contributing to raise the voice against the domestic violence by highlighting the potential of economic empowerment through the equal distribution of rights and promoting the norms of gender equality as a strategy for indorsing the concerns for the rights of women in South Asia. More significantly domestic violence has always been a pervasive concern for the administrators across the South Asia. This in turn affects the women's physical as well as mental wellbeing beyond the transnational borders. Through this research paper the researcher delves the interest of the readers into the potential aspect of the equal

distribution of the property rights regardless to the gender discrimination by accomplishing as an extenuating facet in domestic violence perpetration. This research paper traces the paradigms of gender empowerment, economic security, and decision-making powers across the territorial boundaries in South Asian countries and thereby reflecting the vulnerability of subjection of women to violence within their domestic spheres.

## **7 EVOLUTION OF THE PROPERTY RIGHTS FOR WOMEN IN SOUTH ASIAN COUNTRIES**

Ownership rights with respect to the feminine wing of the society in the South Asian nations have always been since ages persuaded by the patriarchal norms and regulations. Historically every woman across the globe was subjected to the limited inheritance rights and customary norms and practices tends to favour male dominated society. South Asian countries are also sailing in the same boats with respect to allocation of the property rights to women of the respective countries. This unfair allocation of the inheritance rights has been deeply immersed into the roots of South Asian part of the world community.

The framework of the social structures of these countries relies upon the familial property system for the distribution of the succession rights that are disseminated amongst the male lineage of the family perpetuating the gender inequalities within the spheres of the ownership rights with respect to the women class in the countries of South Asian region.

By tracing the origin of the ownership rights in the South Asian communities, various factors will be found to have contributed in the rise of the norms of the gender inequalities leading to the violation of the ideals of the supreme law of the land. These components include the various legal contexts, cultural norms and historical parameters highlighting the ameliorated condition of women in the territories across the borders in the region in the South Asian region.

The aspects of the matrilineal form of descendent system in the southern part of Indian societies, the property is passed through the female line of descendants, this system offers the women dignified status in the global community. However, there is one more system favouring the male wing of the society. This is termed as Patrilineal societies, as

per this system in most of the South Asian nations the ownership rights and responsibilities associated with the land both the agricultural and residential property are carried forward by the men in the society (Yount, 2006). The access to the women for the rights and liabilities coupled with the family property in the South Asian region is limited and therefore she has been given ownership to self-owned property such as Stridhan as if in India. The Britishers have known to expand their empire across the entire globe.

The colonial legacies have known to impose their rules and regulations in the countries, where they set up their colonies. Under these rules and regulations, women have been known to fall within the ambit of the marginalized sections of the society prone to the unequal access to the asset distribution and the ownership rights following the succession norms.

Under the British regime, in every British colony there had been the application of the common law. By virtue of this system, they completely negate the acknowledgement of the customary norms regarding the allocation of the property rights to women under the legal framework. Due to the non-recognition of the customary laws the women have been subjected to the unfair treatment in the present times legal system (Carrera, 2006).

Due to the reliance of the common laws in the colonies set up by the British empire in most of the South Asian region, women tend to occupy the hooded corner in the society. Codification of the laws has given a ray of hope for uplifting the status of women in the society. But unfortunately, in the initial decades of the British rule the codification majorly focuses on the existing patriarchal structures placing the male class on a podium above to that of female wing in the society in the South Asian region.

Furthermore, several independence struggles initiated by the nations such as Bangladesh, India, have evinced to raise the voice for the preservation of the women's right including the right to inherit the share in the family property. After attaining the liberation from the clutches of the Britishers, several nations have paved the ways for the enactment of the legal frameworks with the goal to grant the equivalent status to women in terms of succession rights. In Pakistan, The Muslim Family Law Ordinance, 1961, secured the interest of the daughters in the family property by granting the half share to females equivalent to the male members of the family. In India, The Hindu Succession Act, 1956 read with the Amendment of 2005, enabled the Hindu women over the territory to claim the share in the family property and has a right to carry forward the rights and

liabilities equivalent to sons in the family associated with the aspects of the family property.

Every country in the South Asian region, be it, prominently, Bangladesh, India, Pakistan etc. has been struggling till date to ensure the effective implementation of the laws across their land respectively (Manjoo, 2016). The most common cause has been found to be the lack of awareness amongst the stakeholders, who are unaware about the legal rights recognised by the legal administrations of their countries respectively.

In addition to this, the traditional attitude of giving the preference to the patriarchal wing of the society, coupled with the other societal pressure has been projected as challenge to the effective implementation of the laws leading to the unequal allocation of the succession rights to women. Last but not the least, adherence to the personal laws also adds fuel to fire leading to the ineffective implementation of the laws.

In a secular country like India, people belong to different communities, gives adherence to their respective personal norms. By rolling the eyes on the historical contexts it is evident enough in the current state of the gendered property regimes in the various South Asian countries. It further throws the light upon the persistent challenges faced by the various countries in the South Asian nations, it further asserted the paradigms of the unequal allocation of the ownership rights to the women. These historical aspects enable the law makers to understand the existing problems and highlight the contemporary issues leading to the gender inequality and domestic violence (Gopal, 2011).

## **8 COMPREHENDING THE INTRICACIES OF DOMESTIC VIOLENCE DYNAMICS AND ITS NEXUS OWNERSHIP RIGHTS OF WOMEN**

The pervasive presence of the paragons of domestic violence in every country is the development of the nation's resulting into the limited social economic growth and growing cultural divisions. The multifaceted dynamics of the domestic violence has been projected as a persistent challenge for the researchers, policy makers and lawmakers. It is often characterised as shrouded in the silence and stigma.

The major central discourse of the dynamics of domestic violence has a direct nexus with the various social legal constructs primarily involving the ownership rights of the women with respect to the family property. The manifestation of the domestic

violence can be traced in the numerous branches that has spread its range beginning from the physical abuse running up till the psychological manipulation of thoughts and opinions of both the victim and perpetrator. However, its replications can be measured beyond the immediate effect, causing the victimisation that in return and compasses the broader societal structures.

The indicated connection between the dynamics of the domestic violence and the ownership rights of the women in association with the family property has been to be a crucial aspect but unfortunately left unexploded within the present discourse. Women has been associated with the patterns of abuse that are profound in the dynamics of domestic violence and consequently, leading to the unequal, assess to the resources and the avenues for seeking the repatriations for the victims.

The administration has in the presence scenario, nuanced various mechanisms through which the impact on the property rights and the degree of vulnerability to the abuse against the women can be traced by the various pathways leading up to the empowerment of the survivors. law has been enacted to uplift the status of the stakeholders in an affirmative manner and simultaneously a dynamic approach is found to be reflected on the surface of the society within the norms of social and cultural aspects. Several factors such as unequal access, leading to the unequal distribution of powers among the elite class, causing the abuse of the vulnerable section, degrading the economic dimensions for the country.

Several nations in the South Asian region namely, India, Bangladesh et cetera found to be grappled with the stark disparity found among the allocation of the property rights based upon the gender inequality. Traditional customary norms and the modern-day legal framework have not proved to be advantages, inclusive of both agricultural, residential and others forms of assets (Konyana, 2018).

This results into the economic dependence of certain classes of women upon the partners results into the significant imbalance of the power both within the domains of the household practises and leaving the women more vulnerable to the abuse in the community and the society at large. In most of the South Asian countries, domestic violence is prominent in the form of physical harm to which the women are subjected.

Such physical abuse encompasses into a form of the economic abuse. The perpetrator often weaponize the ownership rights with respect to the property against the women to coerce and control the lives of their victims. Threats to evict the property or

throwing out of the jointly owned property, manipulation of the succession rights has become a prominent instrument for intimidation and silence dissent against the women to trap her into the situation of abuses that are even beyond the physical form, consequently, making the women more economically, weaker and susceptible to the other forms of abuses following within the ambit of the domestic violence.

In the regions of the South Asia, the developing countries such as India, Sri Lanka, Nepal Pakistan has been reflecting the cleared matters of unequal distribution of ownership rights with respect to the property against the women making it a significant barrier for the victim to escape the abuse subjected under the domestic violence. Financial insecurity and economic dependence as feather to the further challenges, making it unsafe for the women to survive within the society.

Further, resisting the women to seek the excess through the systems provided by the government in the form of legal aid, so as to rebuild their lives from the scratch. However, equal distribution of the property rights amongst all the genders, regardless to any form of discrimination, can arrange to be an effective tool for breaking the vicious web of the domestic violence.

Providing victims of the domestic violence the adequate opportunities for effective financial security by opening up the employment pathways in the form of entrepreneurship and certain platforms, providing the overtures to grow and will boost up the confidence of the weakest strata of the society and providing them the necessary resources that are required to build the secure future for such women's and for their associated families.

Such equal allocation of the resources, regardless to the any form of gender disparity will enable the women to enhance their bargaining power to seek the share in the property and leading to the potential victims of abuse and empowering her prospectively to escape the life-threatening situations (Kaur, 2009).

## **9 EFFICACY OF LEGAL FRAMEWORKS IN COMBATING GENDERED PROPERTY DISPARITIES AND DOMESTIC VIOLENCE IN SOUTH ASIA**

Across the globe. In the present scenario, domestic violence has crouched to take a particular complex form in the countries falling within the ambit of South Asian region. Across the boundaries of India, Bangladesh, Pakistan, Sri Lanka, and Afghanistan and

intersection with respect to the critical issue of gender disparity in terms of unequal allocation of the property rights among the members of the country has been profoundly known to be the immense area of research in the present hour.

However, beyond the boundaries, every nation has developed various legal frameworks and enacted certain policies that have been enforced to address and mitigate the disparities leading to the persistent challenges with respect to the significant implications amongst the economic well-being and empowerment of the women.

The aim of the legal policies is to ensure the norms of gender, equality and emulate the plight of the women with respect to the protection of rights associated with the family property (Rao, 1997). Despite of the diversity in the South Asian region, comprising the countries on the basis of the social and cultural norms, variation in the legal administration and governing powers, have influenced the common challenge resisting the effective implementation of the legal framework that enacted with the objective to promote the norms of gender equality and combating the domestic violence.

This stability of the women to the domestic violence drags control over the commercial land, residential property, agricultural property and other assets. in Pakistan, the fate of the women is governed by the provisions and shined in the Muslim family laws. Ordinance of 1961, grants half of the share equivalent to the sons of the family with respect to the inheritance of the succession rights in the family property.

These norms Are limited up to their existence within the four walls of these enactments only. The practical implementation of these laws at the grass-root level has not been able to mitigate the rising suffering of the women in the said country. other countries have taken up the efforts to represent the patchwork of the progress in terms of Achieving the balance between the equal allocation of the property rights amongst all the genders and combating the rising cases of domestic violence.

The landmark legislation in India to measure the balance between the general equality and inheritance rights was found to be amended in the Hindu Succession Amendment Act of 2005. Prior to the enforcement of the said act, the class of women particularly daughters were completely excluded from holding a place in the succession. Rights incorporated in the favour of co-partners in the joint Hindu family property.

With the advent of the said act, daughters have been given equal inheritance rights, coupled with the right to carry forward the liabilities associated with such family property and is remarked as a crucial initiative towards the prosperity of the women in the

developing country. In 2015, Bangladesh has been able to recognise a connection between the economic empowerment and gender equality by adopting the Women's Development Policy.

It is a comprehensive policy specifically focusing in promoting the ownership rights of the women and giving them equal access to the certain other resources available to the other strata in the society (Paglione, 2006). This policy has encouraged to women to claim the share in the land holdings, inclusive of both agriculture and residential property, the businesses both Cell and family and other assets.

The major aim of this policy is to strengthen the economic independence of the country and giving their remarkable share to the power of decision-making policies, beginning within the four walls of their household capacity, and potentially leading to the community, ranging up to the society, and lastly, including the entire country.

By the end of the 18th century, the women of Sri Lanka have begun to raise their voice to uphold the status of gender equality in terms of allocation of property rights. The country had enacted the legislation almost a century ago where by granting the legal right to women so as to claim the complete ownership over the share in the family property independent to their husbands.

This rule found its place in the enactment, namely, The Married Women's Property Act, 1890. This legislation has against to be a first milestone towards the independence of the women's right to gain a control over the assets and providing them with the greater leverage within their wedded relationship.

Afghanistan has led behind in achieving the advancements in comparison with the other countries in the South Asian region. Though the legal framework guarantees the equivalent status to the daughters with respect to the equitable allocation of the resources, but the implementation is often restrained by the traditional patriarchal norms that has been dictated by the customary practises, consequently, till date, women has been given a limited excess, even to the basic education symbolising the weak judicial system of the country.

It has further brought several disadvantages to the fate of the women leading to the lack of awareness with respect to the equitable sharing of the resources in the society and thereby unable to pursue their legal claims. Even if the women claim her rightful incorporated legal inheritance, right, still subjected to utmost social pressure to relinquish

her in order to maintain the family harmony. Similar situation has found to be existing in Nepal. In this country.

Women waves of her right with the practice of dowry. The right-thinking members of the society treats this custom as a traditional norm, giving them the sense of obligation and creating the power imbalance amongst the genders in the country. Under the persisted practice of dowry, women tend to become hesitant to claim her inheritance, right with the fear back in her mind of financially burdening, and jeopardising her matrimonial harmony.

It has become clearly evident by hoping from one country to another that women in some countries have struggled persistently to gain the recognition while in are still struggling. In some countries, the women have been given a right to seek the share in the succession rights of the property in the family with terms and conditions while in others, it has been completely limited by the legal interventions. This intern calls out to adopt the holistic approach so as to advocate the scope of improvement in the ameliorated condition of women.

This gives rise to the need to adopt the stronger enforcement mechanism stressing upon the aspects of increasing the knowledge about the legal field amongst the women across the boundaries of the various countries, coupled with the concerted efforts to eradicate the social and cultural barriers that are restraining the realisation of the implementation of gender equality norms in the distribution of the property rights equally (Bhat, 1996).

## **10 EMPIRICAL FINDINGS AND ANALYSIS OF ENTRENCHED BARRIERS TO WOMEN'S EQUITABLE PROPERTY OWNERSHIP IN SOUTH ASIA**

Remarkable advancements have been retrieved in the recent decades in the countries falling within the ambit of the South Asian region in the legal framework and policy enactments to grapple with the rising issues of gender disparity in allocation of the equivalent property rights to women susceptible to the domestic violence.

It is a duty of every nation to secure the claims of the dwellers of their country. Specifically, the ownership rights with respect to the property, hold a fundamental aspect of economic empowerment of every nation leading to the foster advancement in the decision-making process. The animato of legal reforms is aimed in achieving the norms

of gender equality and in this realm, it faces the major hindrance from the complexity of the implementation of these enactments at the grass-root level to bring the benefit for the stakeholders of the country.

Along with these rising change in the legal structures of every country as simultaneous adherence to the traditional practises has further projected to be a major obstacle, that had to historically bring the disadvantages for the women in claiming the property ownership (Ray 2006).

The presence of the matters of gender dysphoria in the society consequently leads to the power imbalance profound on the fundamentals of unequal distribution of the rights to the women beginning from their families, reaching up to the community and affecting the overall growth of the country often leads to placing the women in a more vulnerable position in comparison with the men. Considering the scenario in India, where by the strata of women, particularly daughters have been legally, granted the right to inherit the family property and carry forward the rights and liabilities associated with the said property equivalent to the sons in the family.

But in reality, faces the complete resistance, primarily from her own family whenever such daughter attempts to claim a share in the ancestral property. This unequal distribution of rights and claims based upon the aspects of gender. Discrimination leaves very limited options for the women making her more susceptible concerns of domestic violence that are perhaps to be the clear matters of daily headlines of every nation beyond the boundaries in the South Asian region. The affirm tree measures are often enacted to encompass with the adherence to the legal rules, granting the equivalent rights and following the primary ideals of the preamble of the supreme law of land. This includes the equitable distribution of rights allowing the independent property ownership and providing the legal records and remedy to the victims of domestic violence.

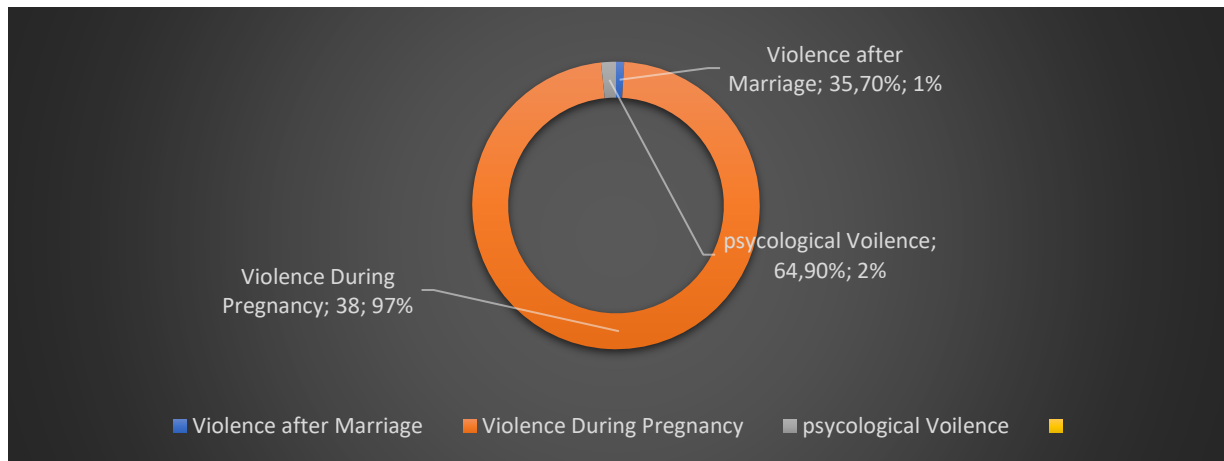
This research paper represents the several case studies gathered with the combined study from the various South Asian countries that will be eliminating the persisting challenges and systematic barriers that are projected as a resistance. In the pathway of the effective implementation of the legal reforms meant for the prosperity of the women and providing them protection against the domestic violence (Badarinath, 2011).

### 10.1 Staggering proportion of domestic violence cases

As per the survey conducted in the year 2022 by National Institutes of Health, it has been brought into the light That there has been the instance of every third women experiencing the physical violence after marriage up to the proportion of 35.7%. This further adds to additional percent wherein it has been observed across the various South Asian nations subjecting to the forms of domestic violence During her pregnancy at an alarming rate of 38%. The proportion of psychological violence even grows double the counts of physical violence holding the account for 64.9%.

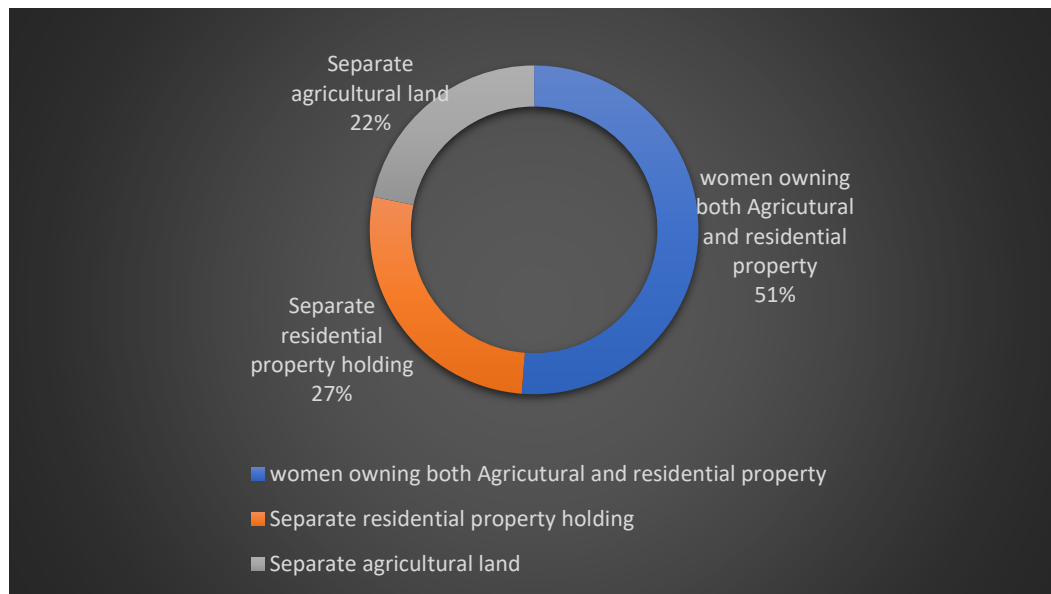
**Figure 1**

*Proportion of domestic violence cases*



### 10.2 Disproportionate rates of women's participation in property ownership

The proportion of women owning the property inclusive of both agricultural and residential property accounts for 51%. However, this division further lowers down in terms of residential property holding 27% and for agricultural land reaching close to the count of 22% in the South Asian region of the globe.

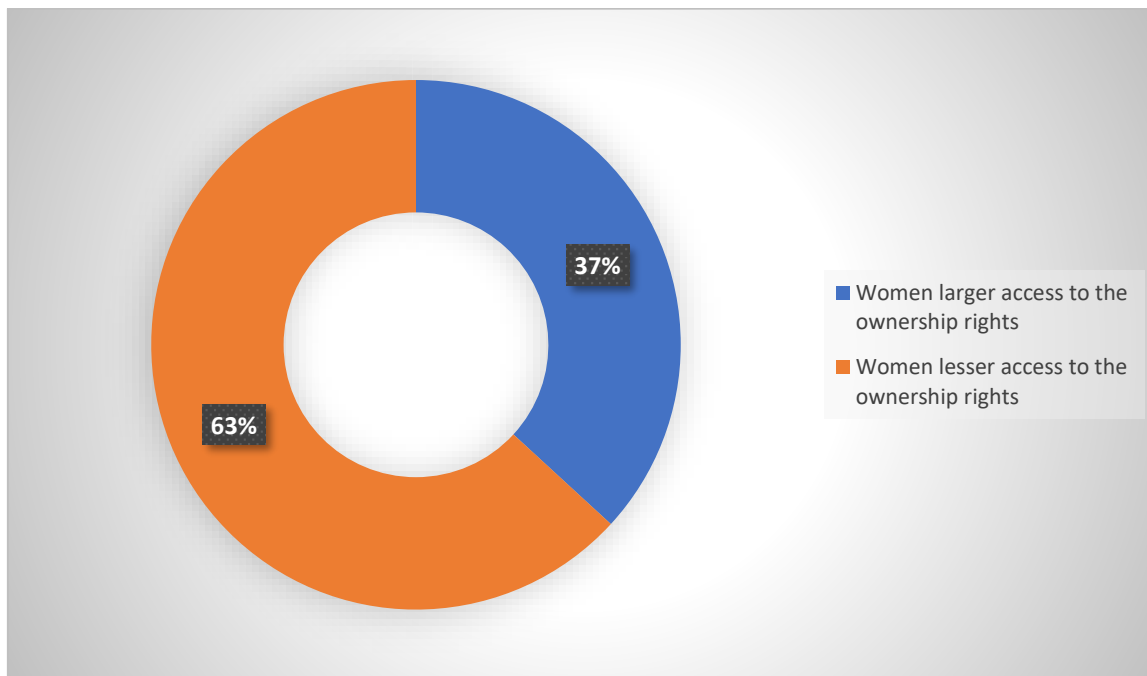
**Figure 2***Rates of women's participation in property ownership*

### 10.3 Ownership property correlates with a marked decrease in the likelihood of domestic violence against women

It has been determined as per the report by the International Centre for Research on Women (ICRW) 2021, narrates that woman having the larger access to the ownership rights with respect to property inclusive of both agricultural and residential, are potentially placed at a lower risk of susceptible to physical or psychological form of domestic violence both for the short and long-term duration. However, on the other hand, those who has been found to be neglected in terms of allocation of property rights has a likelihood of being subjected 37% of physical violence and it doubles to the amount of 63% of psychological violence (Reece, 2006).

**Figure 3**

*Ownership property correlates with a marked decrease in the likelihood of domestic violence against women*



#### **10.4 The perpetration of domestic violence stems from a multifaceted nexus of individual psychology, disintegrated family units, and dominant cultural beliefs**

The women's property rights are affected with numerous factors that are significantly associated with lower risk of subjecting women to marital violence. The women's social status is determined with the other social supporters inclusive of both natal family and neighbours also contributing to determine the economic factor, that in return subsidizes to shoot up the cases in a negative manner.

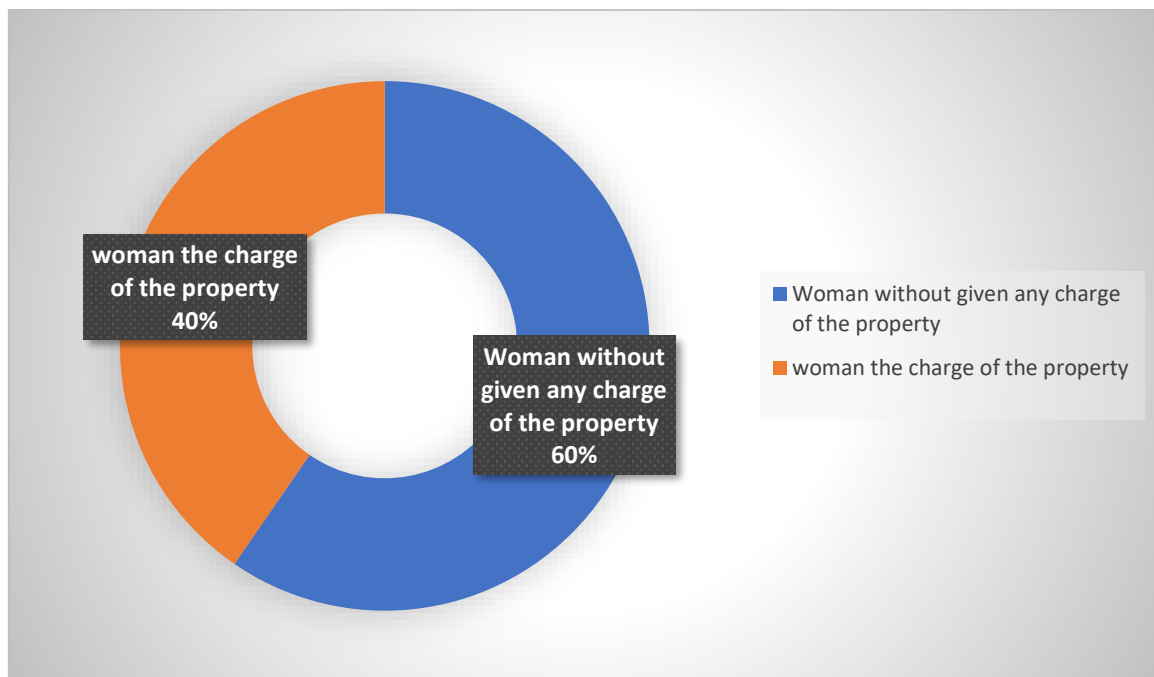
#### **10.5 Economic independence mitigates the prevalence of dowry-related abuse against women**

It has been recorded that the women given a charge as an owner of a property where the movable or movable found to be less susceptible to the dowry related violence in her marital family. On a contrary, a woman without given any charge of the property account for the proportion of 60% of violence, including beating by the marital family, in

comparison with only 40% against the propertied women. In addition to the atrocities suffered by a woman forced them to leave the house accounts for 70.6% giving out the range of three out of every 12 women. However, women given the equivalent ownership rights in the family property accounts for 19.1% of ratio of leaving their matrimonial house in comparison with those who have not been given any claim in the family property.

**Figure 4**

*Economic independence mitigates the prevalence of dowry-related abuse against women*

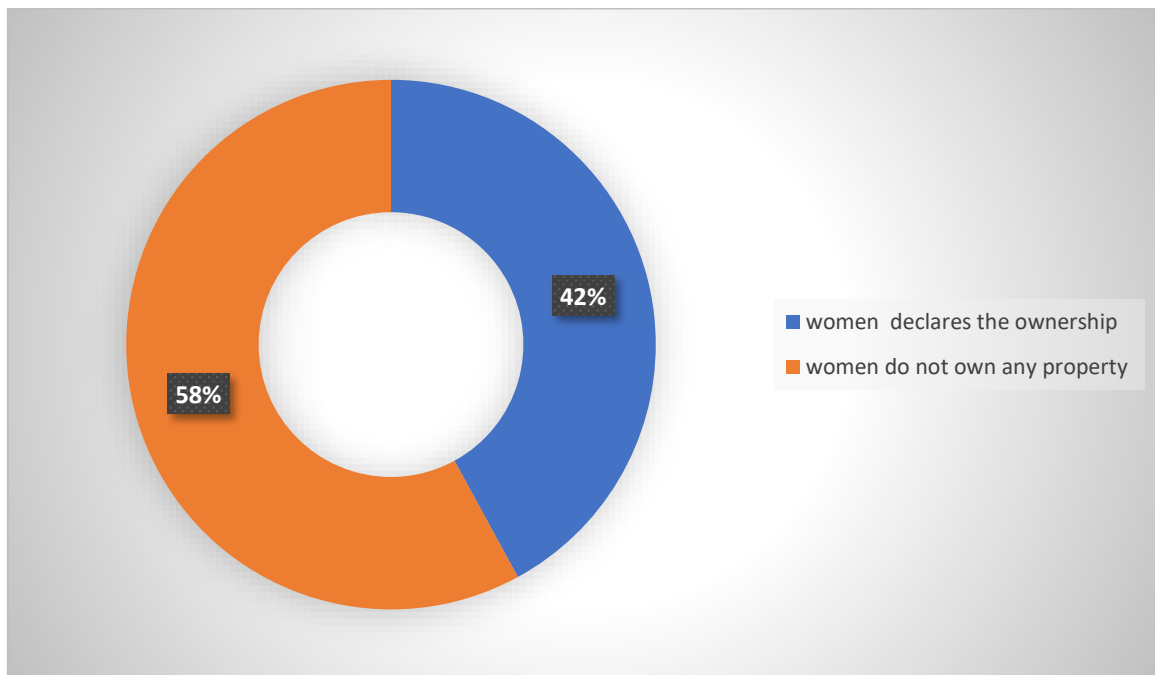


### 10.6 Asset ownership elevates women's social standing within the marital union

Stridhan in India has known to be a property where the women completely declare the ownership and has a complete right to carry along with her into her family. Such women have been subjected to violence recorded up to 42% in comparison to those who do not own any property in their name, either in the form of Stridhan, or any other legalised property under the shade of self-acquired holds for approximate 58% of the violence in physical form.

**Figure 5**

*Asset ownership elevates women's social standing within the marital union*



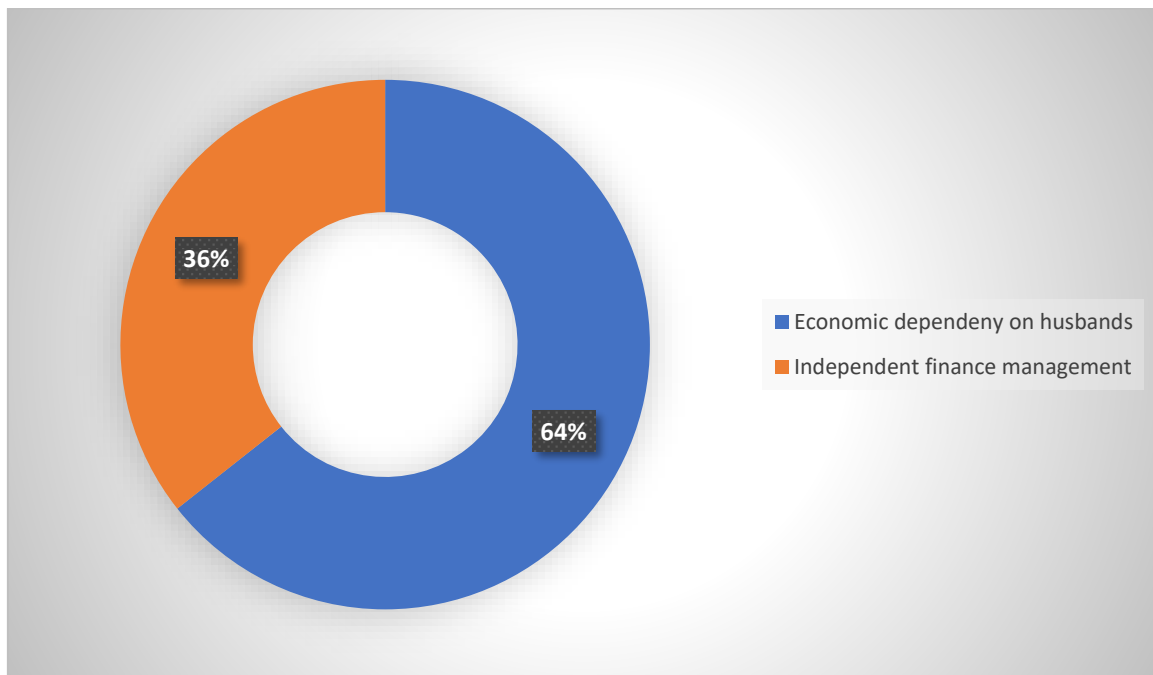
### **10.7 Financial independence of women augments the family's economic foundation**

After comparing with the various legal frameworks followed in the different countries of the South Asian region it has been found that the quantum of property owned by women contributes to the economic security in their marital family. Such women have been given an independent charge to contribute in the decision-making Policies of the household and have the approximate control over the money that she receives.

At present in Sri Lanka, Bangladesh, Nepal, and Bhutan, women who have actively taken the decisions of renting or staying in the house independently, not depending upon their husbands for managing their finances, have not been subjected to any sort of violence. Contributing 64% to the family's economic stability, whereas those who have not been financially independent and largely depend upon their male members in their marital family for managing their economic security and finances contribute to 36% of the economic well-being (Kelkar 2015).

**Figure 6**

*Financial independence of women augments the family's economic foundation*



However, it cannot be denied that the journey of the enforcement of the legal enactments in various nations across the South Asian region is tangible to the change to such an extent that it brings in the significant changes in the lives of the women so as to overwrite the fraught with the persisting complexities.

## 11 DISCUSSION

**RQ 1:** The present research study focuses on the diversity and disparity in the laws governing the property rights of the women in the South Asian countries including, India, Pakistan, Bangladesh, Bhutan and Sri Lanka. It refers to the legal, customary and the religious framework governing the laws giving the right to inheritance, and dispose of the property. Both India and Nepal are governing the inheritance rights under the codified laws but at times, customary norms often override the legal rulings. In addition to this Pakistan and Bangladesh shares the Islamic rulings governs the property rights.

**RQ 2:** The major reason of the unequal distribution of the property right is the action of voluntary denial or the renunciation of the legally recognised rights of the women. Such women in every South Asian nation is vulnerable to constant abuse in every

aspect. However, in each country the cultural norms play a significant role towards the gender dysphoria, availability of the legal recourse, income inequalities and the economic variations also contributes towards the unbalanced correlation between the property rights and domestic violence.

**RQ 3:** Effectively each country under the South Asian regions has constituted the laws that varies significantly. This includes the minute observation of the policies describing the preventive, protective and rehabilitative laws for the equal distribution of the rights.

**RQ 4:** Each country has the duty to mark their steps towards the welfare of the country. It is also meant to uplift the social, economic and political status of the women in each nation of the South Asian region. Legislature. Along with the support of the judiciary actively constitutes the laws and policies for the betterment of the status of the women in the society.

## **12 STRATEGIES TO STRENGTHEN WOMEN'S ECONOMIC SECURITY IN SOUTH ASIAN REGION**

The worldwide empowerment of the women has always been a critical challenge for the societies more particularly in South Asian region. The entire social fabric within the wings of the countries of South Asian region has been deeply woven with the immense potential and persistent atrocities affecting the women at large. This region in the world map reflects the boosted cultural traditions and vibrant spirits but also grim. The reality of domestic violence that has been a pervasive issue (Marsden, 2014).

Disproportionately impacting the women in the said region. Democratic countries such as India, Bangladesh, Nepal, Bhutan, Sri Lanka etc., has been progressively working to eradicate the genesis of gender inequality but yet the number of women subjected to the systematic barriers, limiting their rights and opportunities with respect to the equal access to the ownership rights and their susceptibility to the domestic violence has been largely rising. Struggling with the power imbalances in the society aliment tent of hope emerges with the potential breakdown of this vicious cycle through the empowerment of women by acknowledging the existence of ownership rights to the women respectively.

By granting the equal status and giving them the legal and financial inclusion in the programs a to bring the social change will work in tandem to dismantle the

centralisation of the power that fuels the perpetuation of domestic violence and making up the possible pavements for the future generation to be free from any sort of abuse. This section of the research paper focuses upon the multifaceted relationship between the various countries intersectionality to recognise the persistent issues projecting as a challenge for the development of each country within the region of South Asia.

Through the acknowledgement of the various strategies adopted by the different nations, each country can learn from the initiative taken up by another country to resolve the persistent challenges that are particularly pronounced to hinder the equitable allocation of the rights amongst all the members in the society. Furthermore, it cannot be ignored that the prevailing legal frameworks have against not to be so productive to adequately protect the women's right. Women in the South Asian region. Specifically in the countries like India, Pakistan, Bangladesh, Nepal and Sri Lanka.

Woman has been recorded with the highest rates of discrimination in terms of allocation of the rights to be specific property rights associated with the family. The reason for the same has been deeply and trenced Within the cultural and societal norms that has been following the customer practice of prioritising the male inheritance and control over the assets in comparison with women.

The unequal allocation of the resources leads to the economic dependence of women over the men, reinforcing the gender disparities more, evidently in the decision-making, power, education and social status. The major form of domestic violence that has remained to be pervasive issue in most of the South Asian countries with the highest rates is the violence, marital rape and other forms of abuse of the intimate partners.

At this backdrop, it becomes significantly crucial to explore the imperative strategies that are simultaneously meant to address the empowerment goals for women by adhering to the norms of the equal distribution of the resources amongst all the members and tackling the root cause of the domestic violence in the South Asian societies.

### **12.1 Legal reformatory measures**

Providing these strong legal reforms and policy implication mechanism will enhance the guarantee for the women's equal inheritance rights within their marriage and helps them to seek the protection against the rising domestic violence cases. The lawmakers not only ensure the enactment of the revised inheritance laws but also simplify

the registration process and ensuring the effective enforcement and implementation mechanism at the grass-root level, thereby fostering the sense of shared responsibility by both men and women in the society and thereby reducing the economic dependence on a single individual partner in a marital relationship.

Bangladesh has taken an initiative in the beginning of the 20th century with the enactment of the succession laws for both the communities of Hindus and Muslims and revising the existing laws for the Muslim women in 2019, giving them the equal status within the inheritance norms alongside, opening up the doors for the legal aid programs for empowering them to claim their rightful sharing the family property.

## **12.2 Economic development through the lenses of financial inclusion**

Giving the micro-opportunities to give a start-up to the small businesses, allowing the women to seek the credit and invest to generate further income will enable the country to gain the financially independence status for the women and making them less vulnerable to the economic abuse. Promoting the vocational training and skill development opportunities will further had a feather to the economic independence of the women, thereby providing them opportunities to generate the income and foster the economic independence and making their reliance less on their husbands financially.

Financial illiteracy has not been a challenge in the rural regions of the South Asian part but also the women residing in the urban areas with the efficient literacy level. Still lack the financial literacy training, making them less to contribute in the financial decisions and build their safe financial security. In Bangladesh, several banks in the rural region of the country. Pioneer the aspects of the micro finance by giving them the credit opportunities to the women to build their financial security.

The several programs and vocational training schemes in India for an instance The Self-Employed Women's Association (SEWA), has a tendency to equip the women of the rural areas to generate the income liabilities by tailoring their production in the handcrafts, and thereby contributing in the economic stability of the country. Several non-governmental organisations in Sri Lanka have been promoting the norms of making the women, self-employed and providing them.

Adequate literacy workshops, guiding them the rules and regulations to manage their finances, including the savings and budgeting, making them well informed about their financial decisions and enabling them to build the financial security (Visaria 2000).

### **12.3 Aiming the social change with the community contribution**

Making the public well aware by highlighting the benefits of giving the equal status to the women in every field will play a significant role in reducing the rising counts of domestic violence across the South Asian region. These awareness scams should not be focusing the women's strata of the society, rather guiding the men also to change the traditional gender norms and open up the doors for the progressive Approach in creating a supportive network and fostering the social acceptance of the women's ownership rights. In India education has been considered to be a major aspect to bring the revolutionary change in the society focusing upon educating the girl child has raised the immense awareness, giving them the equal opportunity to study and thereby paying up the parts for allocating equal rights including the ownership rights.

In Nepal, several organisations prominently working with the local communities to upgrade the status of women and advocating them the benefits of bringing the equality norms in the society through "SAHELPI" program policy (Omvedt 2005).

### **12.4 Building the society on the dowry less norms**

Effective mechanism is required for the efficient implementation of the laws, prohibiting the dowry demands and violence arising out of the same. Severe punishment has to be granted to the perpetrators. Normalised approach towards the dowry acceptance and the practises should be prohibited and communities should be encouraged to enter into the wedlock without any financial burden placed upon the price family. An alternative supportive system has to be constituted to keep a check upon the effective implementation of the dowry prohibition laws.

## 13 CONCLUSION

The legislation enacts the laws but due to the ineffective implementation of these laws leads to the gap in the cultural stigmatisation and with the inadequate support service, it continues to hinder the adoption of the efficient administrative governance through the various strategies. Furthermore, the comparative study of the various countries in the South Asian region reveals the comprehensive connection between the ownership rights of the women and the atrocities in this affair of domestic violence.

It has projected the direct relationship with the equivalent sharing of the resources by both men and women will enable, to reach the maximum level of mitigation of the domestic violence in the society of every country. The major challenge projected by each country in the South Asian region has been the lack of awareness amongst both men and women with respect to the benefits of achieving the equivalent status in every field irrespective of any discrimination.

In addition to this the implementation gaps in the legal reformatory measures deeply in grain, the complex interplay of the factors largely depending upon the cultural norms contributing majorly to the domestic violence in the South Asian region. Drawing the competent insides over the successful initiatives and policies. Efforts of the social workers and community. Leaders had tailored the strategies to cope up with the rising issues and bringing the radical change in the society.

### 13.1 Suggestions

To achieve the equality in the status the following suggestions are proposed:

Empowering the women with the equivalent status in the society will bring the multi-faceted benefits in the society with the potential breakdown of the vicious web of rising domestic violence cases in the South Asian Region.

The amalgamation of the legal norms, financial security, equal treatment will bring the radical change in the society of each South Asian country.

This combination will also bring the shift from the gender disparity aspects to the gender equality norms.

The constant efforts of the law makers, policy framers, effective implementation of the laws, individual effort of the community dweller and vigilant population in the

South Asian Region will be creating a better future for the residents of each country capable of becoming self-reliant and decreasing the economic dependency upon the western world.

There has been dire need for the adoption of the sustained efforts at the various level beginning from the enactment of the legislation contributing majorly to the economic empowerment programmes, focusing upon the social challenge campaigns, and guiding the affirmative path for the effective community mobilisation.

Economic empowerment has been a potential tool to shift the dynamics of the power beginning from the household decision making processes reaching out to the country's progressive growth over the global platform. The ultimate goal is to foster the economic development of the country by decreasing the financial dependence of females over the male members of the society, making them self-reliant, self-capable of earning, the financial security, dignity and equal participation in every decision-making policy. lastly, the closing remarks focuses upon the aspect of promoting the equitable sharing of the resources amongst the members of the society will enable the South Asian countries to unlock several future benefits and raising up the bars of the potential for all the individuals regardless to any form of discrimination, particularly on the basis of gender, and to contribute in the growth of the overall development of the countries.

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