

## Where Are the Women?

### *Investigating Reform's Roots*

Reform does not drop fully formed from the sky, but rather emerges from a constellation of political, social, and economic interests of stakeholders, legislators, and opponents. We can learn a great deal about the design, enforcement, and impact of reform based on its origins. This chapter considers the dynamic relationships between actors, interests, and shifting sources of power and constraint through the perspective of the individuals and coalitions that shape legislation. The focus is on three states situated at unique points in the spectrum of gender, caste, and land inequality. We will examine how each legislated rights for women on par with men. We will conclude with a study of the constitutional amendment mandating quotas for women's political representation.

We begin with Kerala, which entered Independent India with one of the highest levels of caste and landholding inequality, along with small perches of matrilineal communities in which women experienced greater autonomy than nearly anywhere else in the subcontinent. Here, women's rights to land were weaponized as a source of injustice (to men). Those in favor of change – mainly men excluded from inheritance in matrilineal communities – worked to shame women with the greatest economic and social autonomy as uncivilized and exploitative. For them, inheritance reform promised the opportunity to rise in the colonial system by liquidating female wealth to benefit their own careers and build nuclear families. The result was a reform to ostensibly facilitate “gender equality” by dispatching with the Hindu joint family – including matrilineal women's traditional, exclusive entitlements to own ancestral property – in favor of a patriarchal model of male-headed nuclear families that enabled well-educated men to fragment ancestral property and quickly consolidate nearly exclusive control over land.

We move next to Andhra Pradesh (AP), which also entered independence with high caste and landholding inequality, yet without the strong tradition of

women's autonomy notable in pockets of Kerala. Activism by radical, caste-based movements to undercut traditional caste dominance enabled rethinking of power in other domains. In this "moderate" example of reform – which became the nationwide model for equalizing women's inheritance rights – legislation was largely symbolic, with little hope of enforcement but resonant with newly pivotal female voters. Within AP, women were neither "dangerous" (i.e., entitled) enough to merit attempts to redistribute their traditional sources of autonomy – as was the case in Kerala – nor powerful enough to merit redistribution of traditional authority in their favor – as occurred in Karnataka. Yet women's potential as an electoral coalition that could provide decisive victories encouraged a first round of legislation with the potential, once widespread, to yield foundational economic rights. In AP, agrarian agitation forced the reduction of caste and landholding inequality, which led to a reconsideration of property rights for women, albeit in a way intended to increase their power more on paper than in reality.

In one of the last states to reform women's inheritance rights, Karnataka, moderate levels of caste and landholding inequality enabled a newly empowered party and its chief minister to legislate and enforce redistribution of political power in favor of marginalized groups, including women and members of lower castes. Here, two factors were at play, women's enhanced status as pivotal voters (as was true in AP) and the promise of a fundamental restructuring of political agency. Thanks to Karnataka's uniquely low levels of landholding inequality, this resulted in meaningful political reform: the creation of local elected governments with quotas for women. Once in possession of local political agency, women were able to translate this power into economic and social currency. Thus, while Karnataka's inheritance reform was intended to be symbolic, as in AP, its timing *after* women received real political power led Karnataka to experience the highest level of reform enforcement across all states, which legislated change in advance of national policy.<sup>1</sup>

A very different picture of reform emerges in the run-up to the constitutional amendments mandating nationwide elected local governments with reservations for women and members of Scheduled Castes and Tribes (SCs and STs). Unlike the tepid activism around earlier inheritance reform, women now mobilized in powerful local and national movements to debate the value of quotas for their political representation. While the multifaceted women's movement was never defined by a single, unified position, a growing infrastructure of highly articulate, determined, powerful women committed to changing exploitative hierarchies of caste, community (religion), and gender burgeoned across India from the nineteenth century onward. Women's increasingly pivotal role as well-informed voters willing to reward and punish parties for their demonstrated commitments to political, economic, and social empowerment made reform an attractive tool for national figures such as Rajiv Gandhi

<sup>1</sup> See Chapter 8, Table 8.2 for details.

and Narasimha Rao to amass new sources of political authority independent of the Congress Party's traditional local intermediaries: landed, upper caste élites.<sup>2</sup> Overall, this chapter explores the diverse forms of female agency required to renegotiate inequalitarian authority structures across historical and contemporary India.

#### 4.1 ON THE ORIGINS OF INHERITANCE REFORM

To illuminate the political dynamics of legislation, I commissioned the first translations of debates concerning the passage of reforms in three state legislative assemblies. These debates stretch from the earliest to the latest state amendments. In this chapter, I combine analysis of debates with first-hand interviews of individuals involved in the legislative process, electoral dynamics, and contemporaneous discussion and interpretation of reforms by scholars of history, gender, political economy, and the media. I conclude this section with comparative analysis of the reform processes across states to pinpoint critical variation in each state's capacity and interest in enforcing – versus blocking – inheritance reform.

I develop case studies for three Indian states: the first two reformers, Kerala (1976) and AP (1986), and the final state to legislate gender equalizing land inheritance reform, Karnataka (1994). I consider the three states as models for the range of political processes through which reform was legislated. The content and scope of their reforms are diverse, yet all possess the political infrastructure necessary to support implementation. In each state, divergent social coalitions promoted reform and aligned to advance or block progressive content in the legislative process. However, this did not include women's political mobilization for inheritance reform. This paucity of female political pressure translated into minimal incentives for politicians to ensure the existence of robust enforcement mechanisms, despite explicit concerns raised in each legislative process.

First, in Kerala, a “vulnerable minority” of élite, English-educated Nair men stood to gain from the dismantling of matrilineal family structures. This group was visible as the prime movers and authors of reform from precolonial times until the final round of legislation in 1976. Legislators possessed a clear understanding of the disadvantages reform was likely to create for women from matrilineal families. However, in the legislation they made no attempts to include formal systems to enforce women's rights.

In AP, women actively mobilized to eradicate dowry in the years preceding inheritance reform. Yet, this did not include demands for gender equal inheritance reform. The governing Telugu Desam Party (TDP), cognizant of this disinterest in inheritance reform, perceived no incentives to design and implement the costly legal and bureaucratic mechanisms necessary for

<sup>2</sup> See, in particular, masterful analysis of decentralization by Bohlken (2015).

substantive enforcement. With neither agitation nor oversight provided by women, the party's self-propelled move to pass reform was sufficient to produce significant political capital with immediate benefits. This legislation formed a crucial foundation for the TDP's reputation as a progressive party with deep commitment to improving women's welfare. Widespread publicity gave the TDP credit as a "revolutionary" party likely to "transform" women's role in society. In addition, the party relied upon visual imagery to maintain this reputation, even producing an illustrated booklet of the programs it had initiated for women between 1984 and 1988 to win subsequent elections.

In Karnataka, Chief Minister Ramakrishna Hegde proposed inheritance reform in line with the "Andhra" model in form and strategy: garnering female votes to transform a regionally based political upstart into a victorious governing party. This strategy was explicit; Rajasekhariah et al. (1987, 591) attribute the decisive victory of Hegde and his Janata Party in the Assembly Elections of March 1985 to their last-minute supplementary manifesto, which targeted populist-style resources directly to women, who voted decisively for Hegde. Hegde also successfully claimed credit for his prior work to benefit women's welfare, most notably securing the first reservation of seats for women through an early version of *Panchayats* in 1987.

Congress wrested power back from Hegde's Janata Party in 1989. Under the leadership of S. Bangarappa, they proposed the inheritance reform that Hegde had initially advocated. As the next round of elections loomed large, Chief Minister Veerappa Moily successfully shepherded inheritance reform through to passage. This had taken two iterations of leaders to achieve, but yet it was not enough to keep Congress in power. Hegde's Janata Dal won subsequent elections thanks to his identification with effective use of quotas (reservations) to advance the interests of women and a broader, deeper coalition of castes.<sup>3</sup>

Thus, across states, early reform equalizing women's inheritance rights appears to have been an effective means to mobilize female votes to bolster new parties. However, such reform was motivated by elite male politicians rather than female agriculturalists or voters more generally. Nor did it include follow-through in the form of effective enforcement mechanisms.

## 4.2 KERALA

### 4.2.1 Historical Context: Caste, Land, and Gender

Kerala, occupying India's southernmost tip, is oft viewed as synonymous with social, economic, and political equality, distinct from the rest of India. Yet precolonial and colonial sources suggest that society in what now comprises

<sup>3</sup> India Today (1994); Gould (1997, 2343), Raghavan and Manor (2009, 267).

Kerala – the Princely States of Travancore and Cochin and British-administered Malabar<sup>4</sup> – was organized around a fine-grained social hierarchy with elaborate restrictions for the lowest ranks. Indeed, the nineteenth century reformer Vivekananda called Kerala's system a “madhouse of caste.”<sup>5</sup> As of an 1875 survey, Travancore had 420 relevant Hindu castes, with social inequality directly tied to landownership inequality.<sup>6</sup> Those at the bottom of the hierarchy were prohibited not only from direct contact with upper tiers (untouchability) but also from mere proximity (unapproachability), and many were tied to upper caste families as bonded labor.<sup>7</sup>

With British rule, those at the top of the caste hierarchy, *Brahman janmis* were declared absolute landowners, making the system more exploitative.<sup>8</sup> Even with “radical” land reform in 1969, agricultural land inequality was worse in Kerala than in all but two other Indian states.<sup>9</sup>

Amidst its once-rigid caste system, Kerala's distinctive versions of gender egalitarian social organization are particularly striking. Records of matrilineal society amongst the *nair* caste exist from at least 300 years prior to British rule over Malabar.<sup>10</sup> Matrilineal groups across Kerala followed versions of *marumakkattayam*, defined broadly as a system of “vest[ing] property in the females of the family.”<sup>11</sup> The kinship group or *taravad*, traced through a common female ancestor, held property jointly. The *taravad's* head, known as the *karanavan* was widely considered responsible for property management; because this role was usually male, Kerala's matrilineal systems are not considered matriarchal – that is, run politically by women.<sup>12</sup>

<sup>4</sup> Contemporary Kerala also comprises the Madras Presidency's South Canara district, in which the same broad historical patterns discussed in the larger colonial units of Malabar and the princely states apply.

<sup>5</sup> See Franke and Chasin (1994, 75).

<sup>6</sup> Report on the Census of Travancore (1875) Trivandrum, 185; c.f. Vasudhevani (2002, 9).

<sup>7</sup> See Thomas (2004, 6–7).

<sup>8</sup> Nair (1996, 153).

<sup>9</sup> Thomas (2004, 56). Statistics from a 1971 survey conducted prior to land reform's full implementation.

<sup>10</sup> See Miller (1954, 416), cited in Kodoth (2002, 17).

<sup>11</sup> Kodoth (2002, 12) notes that the later terminology was used to harmonize *marumakkattayam* and *aliyasantana* systems. The former is defined as inheritance by one's sister's children; the latter is also matrilineal and recognizes women (rather than men) as customary family heads. I cannot do justice to the “plurality of practice” in Kerala's matrilineal societies alluded to by Kodoth (2002, 11), but point readers to Kodoth as well as to Schneider and Gough (1962); Arunima (1995); Thomas (2004); and Jeffrey (1993, 2010). Kodoth (2002, 23–4) notes that studies of matrilineal practices are drawn from central Kerala, where Nambudiri Brahmins are concentrated, a patrilineal group that traditionally dominated in the region socially and economically, as the largest landholders, and whose marital relationships with matrilineal groups were the subject of much critique by social reformers.

<sup>12</sup> In contrast, female *karanavan* operated in *aliyasantana* systems, mainly concentrated in South Canara. Gough notes that senior women had significant control over property and kin in some *marumakkattayam* systems, with variation in seniority's origin. (“Nayars: Central Kerala,” 338–41, c.f. [Kodoth, 2002, 25]).

Matriliny had clear benefits for women: despite hierarchical, increasingly formalized male control over de jure property rights, women wielded a great deal of de facto influence over the use of property and the distribution of its benefits.<sup>13</sup> However, matriliney remained tied to a broader, patriarchal system of caste dominance with many sources of exploitation.

In particular, “liaisons” between Kerala’s matrilineal castes and the patrilineal, *Brahman nambudiri* men drew attention and scorn from outside observers.<sup>14</sup> These relationships, known as *sambandham* alliances, were hypergamous, linking *nair* women to *nair* or *nambudiri* men for any mutually agreed upon length of time.<sup>15</sup> This was often beneficial for a *nair* woman, who gained status from *sambandham* with *nambudiris*, had all children born of unions accepted into and raised by her mother’s *taravad*, and ended relationships as she wished by putting a man’s sleeping mat outside the door of her house.<sup>16</sup> Such alliances were less kind to *nambudiri* women, who were barred from formal marriage to anyone except *nambudiri* eldest sons. As families’ sole inheritors, eldest sons were also permitted to practice polygamy. This limited *nambudiri* women’s options to intracaste polygamy or celibacy and – most importantly for catalyzing reform – barred *nambudiri* younger sons from marriage and inheritance.

Notably, the rulers of Cochin and Travancore’s princely states hailed from matrilineal castes. Within this structure, men held political authority.<sup>17</sup> Roughly one-third of Malabar’s population followed *marumakkatayam* law as of 1881, and another 20 percent followed versions of matrilineal inheritance; 56 percent of Travancore’s population was classed as matrilineal in 1891.<sup>18</sup> Matrilineal practices were highly flexible and varied at the advent of colonial rule, after which British judges and jurists assembled an increasing rigid body of law, which made customary partition and management particularly challenging.<sup>19</sup> Coordination that had worked in the past no longer did.

<sup>13</sup> See Kodoth (2002).

<sup>14</sup> See Jeffrey (2010, 93) and Thomas (2004, 9–12).

<sup>15</sup> As Jeffrey (2010, 93) notes, relationships could be for life but changing partners was not stigmatized.

<sup>16</sup> See Thomas (2004, 11–12), and Jeffrey (2010, 93) for the details of ending *sambandham* alliances.

<sup>17</sup> Heirs were sons of the ruler’s sister, with sisters of deceased rulers acting as state caretakers until heirs were old enough to rule. Female regents ruled Travancore in 1809–29 and 1924–31 (Jeffrey (2004, 648).

<sup>18</sup> *Nair*, *Mapilla*, and *Tiyya* communities all followed *marumakkathayam* matrilineal law (Nair 1996, 150). On Malabar, see Thomas (2004, 12); on Travancore, see the Census of India (1893, 252), c.f. Jeffrey (2004, 649).

<sup>19</sup> In Madras High Court Judge P. R. Sundara Aiyar’s words, “While the law of property among the *marumakkatayis* was based entirely on usages, British exponents of the law allowed little weight to the views of the people and were guided by their own notions of a perfect system of *marumakkatayam* law” (Variar, 1969, 13). The direction of change was significantly biased against matrilineal practices (Kodoth 2002, 7).

#### 4.2.2 Inheritance Reform's Origins

By 1869, a combination of economic and political incentives had created a “vulnerable minority demanding changes in the existing system” of matrilineal inheritance in Kerala.<sup>20</sup> Elite, English-educated *nair* men who stood to gain from dismantling the Hindu joint family became the prime movers of inheritance legislation from pre-colonial times until the last round of reform in 1976.

Colonial education, the opportunities associated with it, and the economy's monetization were particularly central to catalyzing legal reform. English language education was a prerequisite for entrance into Malabar's colonial administration. This became more relevant as growing monetization increased incentives to sell land and work in urban colonial centers. Because salaries associated with such professions quickly eclipsed those from traditional livelihoods tied to agriculture, colonial position became an increasingly important determinant of social status.<sup>21</sup>

Pursuit of this education required young members of the *taravad* to study in colonial administrative centers, increasing their exposure to colonial values and prestige at the cost of the *taravad's* resources and influence. This fostered internal competition that further weakened *taravads*, which could only afford to send a few members for this grooming. Eldest males were most likely to receive the privilege, bringing a wife with them when possible. With their education complete, these young men looked increasingly to nuclear patrilineal families and careers in colonial administration as the definition of success. In comparison, reliance on jointly owned, landed matrilineal wealth held by others appeared much less enticing, and thus easy to denigrate as the relic of a premodern system.<sup>22</sup>

With a burgeoning market for well-educated, high-caste colonial administrators, the individuals who saw themselves as best suited to pivot into this new socio-economic landscape – male members of matrilineal communities – were amongst the main constituents demanding inheritance reform.<sup>23</sup> As these men gained political clout, they reconsidered the value of traditional matrilineal property inheritance institutions. These prohibited all men from inheriting, but gave senior *nair* men control over ancestral property as the managerial head or *karnavan* of the matrilineal *taravad*. As a result, junior *nair* men were in a particularly disadvantaged position, possessing neither rights to own nor to control property. “In contrast, *karnavans* stridently opposed reform.”<sup>24</sup>

<sup>20</sup> Thomas (2004, 128). <sup>21</sup> *Ibid.*, 122–3; Nair (1996, 153).

<sup>22</sup> Thomas (2004, 124–6). Nair (1996, 153) emphasizes that matrilineal property ownership was particularly galling for the high numbers of well-educated Nair men who accumulated significant property through careers in colonial bureaucracy because “self-earned incomes, even when unrelated to the land, reverted to the joint property of the man's *taravad*.... Nayar men strained their resources to educate their sons at their own expense. It was this class, with its increasing exposure to English language education, which was also most susceptible to the Victorian moral onslaught of the missionaries.”

<sup>23</sup> Jeffrey (2010, 85–6). <sup>24</sup> Nair (1996, 157).

As a member of Travancore's Assembly argued with clear frustration, demands for reform were mainly motivated by men's desire "to keep self-acquired property out of the hands of one's *taravad* and rightful heirs" and "to use it to make ample provision ... for the wife and children."<sup>25</sup>

The most organized proponents of reform were also its clearest beneficiaries. In 1869, *nair* men, likely junior, established the *Malayala Sudrachara Parishodana Sabha* society, demanding *marumakkathayam* marriage reform. This was followed formation of the Malabar Marriage Association in 1879.<sup>26</sup> These and similar societies circulated proreform government petitions and filled local papers with "sustained propaganda."<sup>27</sup>

At the same time, pressure to restrict the power of large landlords encouraged the British government to mount the legal infrastructure for caste and inheritance reform.<sup>28</sup> In 1880, William Logan was appointed special commissioner in the regard. Logan argued for weakening the joint family and promoting wills for self-acquired inheritance, such that "individual industry and thrift" would blossom.<sup>29</sup> After legislation for marriage reform on these terms failed, the colonial government appointed the Malabar Marriage Commission of 1891, comprised of "six leading men."<sup>30</sup>

Responses to the commission's queries on what reform should entail are instructive: out of 38 petitions, 13 were signed by 2,723 men favoring reform and 25 signed by 2,131 men opposing any change. Four petitions were signed by 245 women supporting reform and 387 opposing change. The commission argued: "*it was not in their [women's] power to express their opinion otherwise than through their karnavans and husbands, and it was therefore difficult to ascertain their general feeling.*"<sup>31</sup>

The commission's final decision was *not* based on popular demand. It admitted that few witnesses supported reform, but claimed: "*we believe that the uninstructed majority will rapidly follow the lead of the enlightened classes [in accepting reform].*"<sup>32</sup>

The result was the Malabar Marriage Act of 1896, passed by the Madras government to allow *sambandham* registration as marriage. Registration gave women and children legal rights to support by husbands or fathers and to one-half of the husband's property if he died without a will.

The act's success is questionable; in the decade following reform only 100 marriages were registered.<sup>33</sup> To the extent that women preferred a nuclear family, with men as the primary owners and managers of resources over prior

<sup>25</sup> Jeffrey (1976, 188), c.f. Nair (1996, 156).

<sup>26</sup> See Nair (1996, 154); K. N. Panikkar (1992, 177), c.f. Thomas (2004, 128).

<sup>27</sup> Thomas (2004, 128). <sup>28</sup> Nair (1996, 154). <sup>29</sup> Saradmoni (1982, 62), c.f. Nair (1996, 154).

<sup>30</sup> Nair (1996, 154). *Brahman* social reformer T. Muthuswami Aiyar was selected as president of the MMC.

<sup>31</sup> Nair (1996, 155), with reference to memo of T. M. Aiyar in Report of the Malabar Marriage Commission (MMCR) with enclosures and appendixes (1892, 11).

<sup>32</sup> MMCR (1892, 4), c.f. Nair (1996, 156). <sup>33</sup> Nair (1996, 156–7).



tradition (matrilineal for *nairs*, patrilineal for *nambudiris*), both of which vested significant de facto power in women, reform was a boon. On balance, reform appears costly for *nair* women: it reduced their sexual independence, autonomy, collective property ownership, and security in the natal home.<sup>34</sup> Despite clear identification of the disadvantage legal reform was likely to create for women from matrilineal families, no attempts were made to include enforcement of matrilineal women's legal rights within the legislation.

Subsequent reforms replicated the 1896 process. In 1897, male *nair* social reformer Pattom Thanu Pillai failed to pass a similar bill in the Travancore Legislative Council, after which committee work led to the Travancore Marumakkattayam Act of 1912. Jeffrey (2010, 86) suggests this act was "welcomed by elite Nair women," 350 of whom gathered in November 1912 to pass a resolution affirming the act "will materially add to the self-respect of the Nairs generally and Nair ladies particularly."<sup>35</sup> Yet *nair* men remained the strongest promoters of reform. The Nair Service Society (NSS), founded in 1915, made the most strident demands for the abolition of matriliney.<sup>36</sup> In the ensuing decades, momentum built for the legal dissolution of matriliney, buoyed by broader demands for social reform to limit *Brahman* privileges. These demands were not inclusive: "*women's voices were rarely heard*" and "*newspapers scrupulously avoided seeking women's opinions*" on reform.<sup>37</sup>

Piecemeal reforms did succeed in making matrilineal inheritance increasingly liminal. As of Malabar's 1931 census, the *taravad* had disappeared as the center of the *marumakkathayam* community. With the Malabar Marumakkathayam (Matriliney) Act of 1933, the entirety of a father's property and inheritance became divisible amongst his children rather than the *taravad's* joint property, leading to the *taravad's* "brisk" disintegration.<sup>38</sup> National reform of women's inheritance occurred through the Hindu Succession Act of 1956, which provided a only weak buffer for matrilineal inheritance.<sup>39</sup>

In more than 20 pieces of legislation passed in Kerala between 1896 and 1976, the unifying theme was the systematic dismantling of matrilineal inheritance, driven by elite *nair* men. Despite the promotion of reform as

<sup>34</sup> Jeffrey (2010, 86). <sup>35</sup> *Ibid.*, c.f. Madras Mail, November 14, 1912, p. 3. <sup>36</sup> Jeffrey (2010, 87).

<sup>37</sup> Nair (1996, 159), c.f. Saradamoni (1982, 79), and Panikkar (1992, 46), respectively.

<sup>38</sup> Panikkar (1992, 46), c.f. Nair (1996, 159).

<sup>39</sup> For detailed analysis of relevant legislative debates see Kishwar 1994. Matrilineal inheritance received a small but notable concession in India's 1956 Hindu Succession Act thanks to elite pacts that exempted women "who would have been governed by matrilineal law" from inheritance distribution along patrilineal rules. The 1956 Act specifies sons, daughters, and the mother as primary heirs for matrilineal women who die intestate, versus sons, daughters, and husband for others. Jeffrey (2010, 95) argues that legislation was likely influenced by "many senior Nairs near the heart of government in New Delhi at that time – KPS Menon (1898–1982), VP Menon (1894–1966), VK Krishna Menon (1897–1974), to name three of the best known." Professor Devika J, at Trivandrum's Center for Development Studies identifies former Law Minister Ambedkar as a strong proponent of Nair women's rights (interview conducted by Rajiv Naresh, Fall 2015).

benefiting women, it is clear that changes in inheritance laws were in no way propelled by these parties.

Yet, to fully understand the chronology of Kerala's reforms, its final piece of inheritance legislation is key: the 1976 Abolition of the Joint Hindu Family. Even today, assessments of its impact inspire diametrically opposed views. Historians cite 1976 as matriliney's final moment, when "Kerala's Legislature abolished the matrilineal system" (Nair, 1996, 163). In contrast, lawyers, legislators, and economists identify 1976 as the beginning of radical state-level reforms for gender equity.<sup>40</sup> This reform increased equality by abolishing any birthright guaranteeing inheritance, both for men in patrilineal systems and women in matrilineal systems. There was additional support provided for individuals who had been disadvantaged in the past to negotiate inheritance rights in the future.

The paucity of scholarship on the reform's origin suggests a great puzzle: What was its purpose of the 1976 reform? Did it change anything and, if not, what cause did it serve? A number of scholars assert that by 1976, partition of matrilineal *taravads*' property was the rule rather than the exception.<sup>41</sup> Yet, the language of the legislation clearly laid out that all *taravads* and other forms of joint landholdings were now to be divided, such that each member was a "co-tenant in a common [divisible] tenancy."<sup>42</sup> According to Jeffrey (2010, 94–5), that stipulation was relevant only for the remaining families "that had not explicitly divided themselves [who were] still regarded as joint-families and deemed to hold joint-family property."

I argue that this reform served an important political purpose for the parties who advanced it. For the left, redistributing control over land was a means to solidify traditional alliances with landless groups and build new relationships with political élites. This benefited the Communist Party of India (CPI), which held the position of Kerala's chief minister. The center, namely the Indian National Congress Party (INC, or Congress), acting as the CPI's coalition partner, facilitated initial reforms to solidify its weak ties to landless groups.

#### 4.2.3 Political Context: Strange Bedfellows

Kerala's 1971 elections that had brought the CPI–Congress coalition to power occurred amid extreme frustration with a decade and a half of stalled "land to the tiller" reforms. In 1959, radical reforms aimed at redistributing excess landholdings to landless cultivators were enacted under the state's first chief minister, the CPI's E. M. S. Namboodiripad. However, they were derailed by

<sup>40</sup> Most notably, see the Law Commission of India's 174th Report on "Property Rights of Women: Proposed Reforms under the Hindu Law" (2005), which identifies the "Kerala" and "Andhra" models of reform. See also: Deininger et al. (2013); Deininger et al. (2015); Anderson and Genicot (2015); Rosenblum (2015); Roy (2015).

<sup>41</sup> In particular, see Jeffrey (2010, 95). <sup>42</sup> Ibid.

court rulings and other obstacles.<sup>43</sup> Severe inequality had prompted these reforms; by 1962, roughly 31 percent of Kerala's rural households were still landless, versus 12 percent nationally.<sup>44</sup> Little had changed by the late 1960s. A 1967 food crisis elevated stress caused by stagnant agricultural productivity and high underemployment.<sup>45</sup>

Land redistribution was particularly important for the CPI as the majority of its support derived from landless laborers, sharecroppers, and small cultivators.<sup>46</sup> For Congress, whose traditional supporters were Kerala's landed groups, land reform was a method of expanding its weak support among landless groups.<sup>47</sup>

By 1972, despite multiple attempts to redistribute land, the Land Board responsible for implementation had identified a mere 40,000 acres of surplus land available for redistribution, of which only 1,200 acres had been distributed to landless individuals. Challenges in court, limited bureaucratic capacity, and "excess land agitation" mobilized by political opponents (the Communist Party of India-Marxist or CPM) kept the pace of state-led land redistribution "painfully slow."<sup>48</sup> Nationally, the Congress Party faced a similar dilemma. In 1971, Indira Gandhi was elected on a wildly popular agenda of *garibi hatao* ("Stop Poverty") with land reform a core component.<sup>49</sup> The Congress Party quickly passed the 24th and 25th constitutional amendments addressing the Supreme Court's prior rulings limiting the scope of state-legislated land redistribution.<sup>50</sup> However, in the wake of the Oil Crisis of 1973, popular unrest in the form of strikes and mass protests began to mount. Critiques of Indira's regime came from within Parliament, through 10 no confidence votes, and also from Supreme Court rulings. When the Court declared electoral malpractice by the PM in *Indira Nehru Gandhi v. Raj Narayan*, Indira's tolerance for democratic dissent broke. She declared a state of internal emergency, known as the Emergency, which lasted from June 25, 1975 until March 21, 1977.

Despite its draconian costs, the Emergency had surprising benefits for redistribution. India overall suffered from extreme curtailment of civil and political liberties, widespread censorship, police detention and torture, and a

<sup>43</sup> Nossiter (1982, 292–306). In 1963, Congress passed the Kerala Land Reforms Act, 1963, which attempted to revive the 1959 reform, but rather than compulsory vesting of landlords' and intermediaries' land rights in the government, the 1963 Act required cultivators to apply to purchase land rights using a Land Tribunal. By the *Land Reforms Survey in Kerala 1966–7*, only 3 percent of tenants had applied for new land rights, and no tenants had purchased title to the land (s)he cultivated via the Land Tribunal.

<sup>44</sup> Nossiter (1982, 294). <sup>45</sup> Ibid.

<sup>46</sup> See Gough (1967, 86–7); Murthy and Rao (1968, 69–72), c.f. Nossiter (1982, 335); Dasgupta and Morris-Jones (1975).

<sup>47</sup> Ibid. <sup>48</sup> Nossiter (1982, 297). <sup>49</sup> Pillai and Ghurye (1976, 168).

<sup>50</sup> These amendments asserted Parliament's right to amend the fundamental rights enumerated in the Constitution, in line with the Constitution's directive principles. The amendments explicitly claim that legislation along these lines does not contradict constitutional article 31 (ensuring no person shall be deprived of his or her property save by the authority of the law). See Pillai and Ghurye (1976, 169).

brutal mass sterilization campaign by Indira Gandhi's son Sanjay. Yet, in Kerala, Congress and the CPI used this period to push land redistribution forward at an artificially fast pace. Whereas only 8,600 acres of land had been redistributed pre-Emergency, by the end of 1976, the government identified 106,000 acres of surplus land. The state acquired possession of 52,000 surplus acres, from which it redistributed 26,000 acres.<sup>51</sup>

The Emergency's massive land redistribution destabilized traditional sources of privilege and brought remaining power disparities into sharper focus. According to Mr. K. R. N. Menon, land redistribution empowered the Communist Party to unite low-caste, formerly landless cultivators against the matrilineal joint family as a source of "concentrated pockets of power and land ownership ... that created a landed gentry."<sup>52</sup> Emergency-facilitated land redistribution brought the continued, albeit diminished, control of land and power by matrilineal joint families once again into the public eye. *Such frustration provided "the Communist movement [with] the necessary catalyst to create [the] groundswell of support that was needed to pass" inheritance reform.*<sup>53</sup>

According to Professor Devika J., the CPI-led abolition of the Hindu joint family served two purposes: it performed the powerful symbolic act of dismantling feudalism by ending joint families' inherited privileges,<sup>54</sup> while it also quietly consolidated new CPI alliances with elite men from *nair* and other matrilineal groups (*ezhava*). Reform advanced these relationships by eliminating legal constraints to the partitioning and selling of landed wealth. As a result, "[V]ast tracts of land were sold off by subsequent [*nair* and *ezhava*] generations post 1976 to this day."<sup>55</sup> This final destruction of matrilineal practices was possible, in large part, because "women were still dispensable, disposable, and invisible" in Kerala's politics.<sup>56</sup>

To summarize, the CPI successfully legislated Kerala's final round of inheritance reform using Congress-led land redistribution to mobilize popular resentment around the core concern of land inequality. The CPI was the main political force behind reform, directing anger and blame to the matrilineal joint family to win a symbolic victory with its base – formerly landless agriculturalists – and to build a new set of supporters – elite matrilineal men aiming to transfer jointly held property into private assets and solidify their social standing.<sup>57</sup> This latter concern was ostensibly to benefit matrilineal women and the patrilineal *nambudiri* women tied to them. However, reform mainly benefited "junior" men (younger brothers) in matrilineal (*nair* and *ezhava*) groups.

<sup>51</sup> Nossiter (1982, 297).

<sup>52</sup> This hierarchy was solidified through *nambudiri* – *nair* marriage alliances, according to interviews with Mr. K. R. N. Menon during Fall 2015 by Rajiv Naresh on my behalf.

<sup>53</sup> Ibid. <sup>54</sup> That is, through *nambudiri* – *nair* marriage alliances.

<sup>55</sup> Interview with Professor Devika J., Fall 2015 by Rajiv Naresh on my behalf. <sup>56</sup> Ibid.

<sup>57</sup> In the prior 1967 elections, *nair* social reformers' NSS supported Congress (Nossiter, 1982, 211).

If my conclusions about reform's motivation are accurate, legislators should not only raise rhetorical concerns about dismantling exploitative social systems as well as economic concerns about eliminating constraints to accessing ancestral property in parliamentary debates about inheritance reform. Additionally, if women's influence was minimal, references to their interests should be primarily rhetorical, with few to no indications of women's direct influence over reform's proposed content or implementation.

#### 4.2.4 Legislating Reform: Motives, Voices, and Silence

I found that the importance of dismantling exploitative social and economic traditions along the lines of concerns raised by ambitious young *nair* men seeking to destroy the socially "backward" matrilineal traditions dominated Kerala's legislative debates. At the outset of the 1975 legislative session, Congress Minister of Agriculture and Labor Shri Vakkom Purushothaman began with the message: "*Kerala, which has made many progressive laws has a black spot; we are here today to remove [it].*"<sup>58</sup>

This echoed his argument in 1973's preliminary discussion of the bill:

*the old joint family system is not apt for the modern outlook. I won't go into detail on the accursed customs that were going on in the name of joint family systems and matriliney. ... Things are changing now. The government has brought this new law to abolish this system completely.*<sup>59</sup>

Throughout the debate processes, legislators made clear their commitment to equality to justify abolishing the Hindu joint family. As G. Gopinathan Pillai put it:

*"Even though we say we are a secular nation and we are journeying towards socialism, we still give prominence to religion and caste ... men and women should have equal rights. I welcome both these laws."*<sup>60</sup>

Legislators supporting reform as a matter of justice typically belong to the ruling coalition – members of Indira Gandhi's "New" or "Ruling" Congress, the Communist Party of India, and minority parties including the Praja Socialist Party (PSP), dominated by *nairs*, to which Pillai adhered.<sup>61</sup>

<sup>58</sup> Government of India, Kerala State Legislature proceedings of August 1, 1975 on "The Kerala Joint Hindu Family System (Abolition) Bill, 1973 and the Hindu Marriage (Kerala Amendment) Bill, 1973."

<sup>59</sup> Government of India, Kerala State Legislature proceedings of July 11, 1973 on "The Hindu Marriage (Kerala Amendment) Bill, 1973 and the Kerala Joint Hindu Family System (Abolition) Bill, 1973."

<sup>60</sup> Ibid.

<sup>61</sup> According to the Nossiter (1982, 223) summary of the Indian Electoral Commission Report on the General Election to the Kerala Legislative Assembly 1970, Kerala's ruling coalition included the CPI, RSP, PSP, ML, and New Congress: the branch of the INC led by Indira Gandhi (INC(R)). See Nossiter 1982, 207 for the characterization of the PSP as dominated by *nairs*.

Members of opposition parties also supported reform to further economic interests. According to Shri K. M. Mani from the (opposition) Kerala Congress:

*if an individual from a joint family starts a new industry, he would be unable to do so without getting his share from the property.... It is difficult to approach other family members regarding share division.... So it is usually better to choose each person's tenancy [individual shares] in common over the Coparcenary [Joint Family system].<sup>62</sup>*

Notably, Mani's Kerala Congress was the main contender with the INC for matrilineal *nair* men's votes.

Where are the women, from either matrilineal or patrilineal groups in this debate? In 1975, there were no women in Kerala's legislative assembly.<sup>63</sup> Thus, concern for women by male members of parliament took two forms. The most frequent conceded women's severe constraints to accessing inheritance, and proposed state paternalism as the only contemporary solution to "dirty, pre-modern concept[s]," along with the hope of women's increased political participation in the future.<sup>64</sup> In the words of Samyukta Socialist Party (opposition) party member Shri V. K. Gopinathan:

*Gender equality is a deception. Because it will take many centuries before women achieve equality in society or come into ruling positions that men have secured their authority over. So, to achieve equality, we have to give reservations – even in appointments – to women.... We don't yet have rules for fighting against the loss of inheritance rights of women after marriage and the dirty, pre-modern concept of dowry.... I conclude by requesting ... the bill so as to rescue women from the cruelty of divorce.*

The second form of concern for women recognized their particular constraints to benefiting from legal rights. The CPM's Shri K. Chathunni Master explains:

*this new bill will bring forth many knotty problems that are unfit for this age ... it is the women who will suffer more as anyone can guess from their present day condition. Men will find many loopholes to escape while women won't ... no protection has been meted out to [women] ... [the law] has the potential to destroy the inheritance rights, social and familial relationships and can throw man-woman relationships into the sewer.<sup>65</sup>*

While such critique was moderated in the final round of debates, it was not totally abandoned. K. Pankajakshan of the opposition Revolutionary Socialist

<sup>62</sup> Government of India, Kerala State Legislature proceedings of July 11, 1973 on "The Hindu Marriage (Kerala Amendment) Bill, 1973 and the Kerala Joint Hindu Family System (Abolition) Bill, 1973."

<sup>63</sup> In 1970, no women were elected to any of the State Legislative Assembly's 133 seats. One woman was elected in 1967's elections, and one woman elected to one of the 140 seats in 1977's elections. See the Electoral Commission of India data on elections to Kerala's Legislative Assembly.

<sup>64</sup> Shri V. K. Gopinath, 1973 proceedings, 2814–15. <sup>65</sup> Ibid.

Party raised this concern briefly, but with little effort to alter the proposed bill before passage: “*Where changing conditions that were in existence for a long time, due diligence should have been given. I conclude my words by giving my opinion that the government should reform the bill further even if it is passed now.*”<sup>66</sup>

The final critique, presented by N. E. Balaram, the ruling CPI's party leader in Parliament, advocated further revisions prior to legislating reform to alleviate concern about women's ability to benefit from the current legislation: “*Can this law [for inheritance which may spur divorce] be revised ...? Because women will suffer till their breaking point before they go to court, while men will go whenever they want.*”<sup>67</sup>

Given legal reform's fundamental challenges for women, what alternative avenues existed for their participation and agency? K. Saradmoni (1982, 156) writes:

*the struggles and fights of the period [to reform land rights, including inheritance] which were motivated by a sense of freedom, equality and fairness pushed women to a position of subordination ... non-participation in economic activity as well as socio-political organizations outside the home, insufficient economic development ... and growing class interests prevented women even from realizing what was happening.*

Interviews confirm this bleak view. According to Professor Praveena Kodoth at the Centre for Development Studies, “[S]ocio-political [inheritance] reform movements were not women-controlled in any manner.”<sup>68</sup> Devika J. characterizes Kerala as having “an almost complete absence of civil society during that [the reform] period that would answer to female oppression.”<sup>69</sup> The one exception, according to Kodoth, occurred within the *namboodiri* community in which “women were terribly oppressed and the reform was designed to give them more humane forms of marriage.... [However] in reality, all subsumed in the framework of caste and community and women's rights were incidental or ancillary [to reform movements].”

Despite legislators' clear understanding of the disadvantage legal reform was likely to create for women from matrilineal families, no attempts were made to formalize structures that would enforce women's legal rights within the legislation. As a result, it is not surprising that reform's dominant impact on women was to dispossess them of ancestral land, according to Professor Kodoth. Saradmoni (1982, 161) suggests that the main impact of land reform was to give individuals wishing to partition the joint family leverage; a claim made by legislators in debates: “*With the introduction of private interests in*

<sup>66</sup> Government of India, Kerala State Legislature proceedings of August 1, 1975 on “The Kerala Joint Hindu Family System (Abolition) Bill, 1973 and the Hindu Marriage (Kerala Amendment) Bill, 1973.”

<sup>67</sup> *Ibid.*, 133–4.

<sup>68</sup> Interview with Professor Praveena Kodoth, Fall 2015 by Rajiv Naresh on my behalf.

<sup>69</sup> Interview with Professor Devika J., Fall 2015 by Rajiv Naresh on my behalf.

land which permitted division and alienation the joint family and the shelter and security they offered to women withered away.”

Professor Kodoth elaborates further:

*[T]he idea of marriage [and separation from the matrilineal taravad] became entrenched – it became the organizing mode of society and women were being increasingly defined in a dependent relationship with their husbands. Nair women were actually losing their rights since they were married to men outside their hometown – their native land was sold and the liquidated asset was then re-invested and often under the husband’s control.<sup>70</sup>*

Jeffrey (2010, 86) suggests a more positive interpretation, arguing: “[D]uring the transition from matriliney to patriliney, they [women] acquired positions in salaried employment that gave them importance to a family as earners and as people of some (however limited) influence in public and private institutions.” He concludes that the Joint Hindu Family (Abolition) Act and its precursors were successful because they were “*demanded*, not imposed.”<sup>71</sup> Yet, it is noteworthy that these demands came not from female beneficiaries, but from matrilineal men. The ideal of social equality was powerful enough to attract supporters from both the landless groups that traditionally supported the Communist Party of India and the male social elites who typically supported Congress.<sup>72</sup>

For women, the results of reform fell far short of equality, further marginalizing them. In the words of one *nair* woman who lived through most of this process, postreform:

*People were unhappy – the rights of ladies had gone. There was no use of women fighting this and there was no such organised movement in our village despite women being unhappy. When I was growing up, in our side, the girls were not working and were not in politics at all.<sup>73</sup>*

### 4.3 ANDHRA PRADESH

#### 4.3.1 Historical Context: Caste, Land, and Gender

The recent bifurcation of the former AP state, located at the south eastern edge of the Indian subcontinent, is indicative of its deep divisions since formation in 1956. Much variation can be explained from the state’s binary division into water-rich, broadly prosperous “wet areas” – from which the TDP responsible for legislating reform drew its *Kamma* supporters – and water-poor, extractive “dry areas” – from which the Congress traditionally picked

<sup>70</sup> Interview with Professor Praveena Kodoth, Fall 2015 by Rajiv Naresh on the author’s behalf.

<sup>71</sup> Jeffrey (2010, 87).

<sup>72</sup> Interview with Professor Praveena Kodoth, Fall 2015 by Rajiv Naresh on the author’s behalf.

<sup>73</sup> Interview with Mrs. Saraswathi Nair, born in 1933, in Pudupurriyaram, South Palakkad District, Fall 2015 by Rajiv Naresh on the author’s behalf.



leaders and the Communist Party identified those who could mobilize dissent. Unsurprisingly, the breakaway Telangana province now occupies most of the arid area's landmass.<sup>74</sup>

Each of these regions shares important similarities with Kerala's precolonial and colonial historical milieu. The wet areas, districts bordering either the coast or the Krishna and Godavari Rivers, benefitted from "centuries old" irrigation infrastructure extended by the British within the Madras Presidency.<sup>75</sup> This, in turn, resulted in prosperous rice cultivation that facilitated high levels of mobility between urban and rural centers and autonomous development of credit societies that fueled a range of investments, including in literacy. This generated "widespread popular participation in political movements."<sup>76</sup> Similar to Kerala and much of India, a small set of *Brahmans* comprising about 5 percent of the population occupied traditional elite caste in this region, while the main peasant cultivator castes, here *Kammas* and *Kapus*, gained the most from colonial rule.<sup>77</sup>

The dry areas were comprised of two regions ceded from the Nizam of Hyderabad's Princely State at the end of the eighteenth century: Ryalaseema and the remains of the Nizam's domain ceded in 1948 to Independent India, known as Telangana.<sup>78</sup> Limited access to water and investment in agricultural development, coupled with a rigid, hierarchical distribution of political authority, produced a small, "extremely powerful rural elite which kept localities tightly controlled under it and monopolized access to government institutions" (Washbrook, 1973, 523).

Under the Nizams, religious and linguistic differences separated rulers (a small Urdu-speaking Muslim elite) from subjects (mainly Hindu, speaking a mixture of Telegu, Marathi, and Kannada languages). In addition to "total absence" of political and civil freedoms, subjects endured "the grossest forms of feudal exploitation."<sup>79</sup> While caste hierarchy was similar to Kerala's, repression was significantly more severe, particularly in Telangana where both Muslim and high-caste Hindu landlords (*deshmukhs*) and *jagirdars* (holders of lifetime, Nizam-granted land titles) extorted forced labor (*vetti*) and debt bondage from

<sup>74</sup> For extensive historical examination of the region according to these divisions, see Washbrook (1973).

<sup>75</sup> See *ibid.*, 508–18.

<sup>76</sup> See *ibid.* Notably, on p. 513: "between 1891 and 1931, the literacy rate in Kistna and Godaveri districts rose faster than anywhere else [in India]." On "public politics," see p. 518: "The ease of communication, the existence of obvious centres for organization, and, above all, the large number of wealthy people in the countryside, made it possible to develop, and, for the government, impossible to prevent, widespread popular participation in political movements."

<sup>77</sup> *Ibid.*, 508–12. *Kamma* and *Kapu* subcastes invested and gained most from increasing access to irrigation and literacy under British colonial rule.

<sup>78</sup> Rayalaseema, or "land of the kings" comprises Chittoor, Cuddapah, Anantapur, and Kurnool districts, with the *Reddi* or *Reddy* subcastes dominant; and Telangana, or "land of the Telugus" includes Mahabubnagar, Ranga Reddy, Hyderabad, Medak, Nizamabad, Adilabad, Karimnagar, Warangal, Khammam, and Nalgonda districts, as of 2002 boundaries. See Suri (2002, 4).

<sup>79</sup> See Sarkar (1983, 442–3).

peasants of lower castes and tribes.<sup>80</sup> As independence neared, land grabs by the landlord classes reduced peasant welfare even further (*ibid.*).

In response to the INC's unwillingness to "take up the struggle of the people against the 'princes and *nawabs*' of the native states" prior to independence, communists led an armed revolt against Hyderabad's Nizam and his Razakar bands.<sup>81</sup> Between July 4, 1946 and October 1951, the Communist-led movement waged the largest peasant guerilla war in contemporary Indian history.<sup>82</sup> The movement created significant change, eliminating forced labor and enforcing land redistribution. It also set a hard political agenda for more extensive land reform postrevolt. Congress's first act following the national army's intervention to end the armed rebellion was to abolish all *jagirdars*' land titles in 1949, alongside similar reforms in the former Madras Presidency.<sup>83</sup>

Telangana's armed struggle is significant because it catalyzed land redistribution and set expectations for reform that Congress could not ignore. The Communists also benefitted from their ability to navigate peaceful politics, retaining popular support in the first elections postrevolt. As of 1952, Communists won every Assembly seat from Nalgonda and Warangal districts under the pseudonym of the People's Democratic Front.<sup>84</sup> In 1953, concerns about the communists' militant agenda waned once the Congress Party agreed to create AP as a linguistic state for Telugus. Yet, as in Kerala, land redistribution's slow initial pace led to popular mobilization in the late 1960s. As of October 1967, a clash between landlords and tribal *Girijans* marching to a Communist Party of India (Marxist) meeting in rural Srikakulam sparked an armed conflict across the state that lasted until 1972 (Sarkar 1983, 424; Singh 1995, 238). This also marked the passage of new land redistribution legislation: the AP Land Reforms (Ceiling on Agricultural Holdings) Bill of 1972. Again, the state made limited implementation efforts in the following decade.<sup>85</sup> Political competition over commitment to land reform and social empowerment returned to the fore around AP's inheritance reform a decade later.

#### 4.3.2 Inheritance Reform's Origins

AP's inheritance reform has two remarkable characteristics: First, the stark contrast between women's active mobilization around social reform in the years preceding inheritance reform and the absence of women's demands for legislating gender-equal inheritance. Second, the TDP aggressively publicized its support for and passage of inheritance reform on women's behalf. This strategy

<sup>80</sup> See *ibid.* 443. <sup>81</sup> See Sundarayya and Chattopadhyaya (1972, 4).

<sup>82</sup> See Sarkar (1983, 442). At its height, the armed struggle affected about 3,000 villages with a population of three million people occupying an area of 16,000 square miles.

<sup>83</sup> Sankaran (p. 20) "Introduction" in Yugandhar, (1996). Reforms include the Madras Estates (Abolition and Conversion into Ryotwari) Act 1948, and the Abolition of Jagirdari Act of 1949.

<sup>84</sup> See Sarkar (1983, 445). <sup>85</sup> Suri and Raghavulu (1996, 43).

of promoting the TDP's "revolutionary reform" produced significant political capital with immediate benefits for the TDP's ability to mobilize women voters.

AP was revolutionary as the first state to amend Nehru's problematic attempt to equalize women's inheritance rights: the Hindu Succession Act of 1956.<sup>86</sup> Whereas the "Kerala model" of reform abolished the Hindu joint family with collective ownership by the coparcenary, the "Andhra model" kept the Hindu joint family and gave women equal rights with male coparceners. Under AP's amendment, the daughter of a coparcener became a coparcener by birth, entitled to the same share of inheritance as a son in the event of collective property's partition. If a given daughter died before partition, the amendment granted her children entitlement to her share.<sup>87</sup>

AP's TDP proposed the HSA Amendment (HSAA) in the state's legislative assembly on March 18, 1983. As in Kerala, preliminary debates led the assembly to appoint a Select Committee, which collected opinions from a number of districts. Remarkably, consultations explicitly included not only social organizations but also women. In 1985, after Nandamuri Taraka Rama Rao (popularly known as N. T. R.) returned to power in a new TDP-led government, the act was reintroduced as the "Hindu Succession (Andhra Pradesh Amendment) Bill, 1985." Ultimately the bill was passed, effective from September 5, 1985.

Why did reform emerge at this moment? NTR served as chief minister of AP for the major part of the years between 1983 and 1995, and is widely considered the act's main architect and sponsor. A former film star who acted in more than 300 Telugu films with a sizable female fan base, NTR launched his political career by founding the TDP in 1982.<sup>88</sup> One year later, in 1983, his party achieved historic electoral victory against the Indira Gandhi–led National Congress Party, which had dominated AP politics for more than 30 years.<sup>89</sup>

The TDP identified its creation as a "historical necessity" to right the injustice that AP's Telugus endured under decades of Congress leadership.<sup>90</sup> Yet it also required an autonomous voter base to survive. While the Congress Party had implicitly courted women voters, fielding the most women candidates of any party in prior elections, they rarely mentioned women explicitly in party manifestos.<sup>91</sup> NTR and the TDP sought to gain women's votes by explicitly addressing women's issues in the TDP manifesto and its marketing.<sup>92</sup>

<sup>86</sup> See Kishwar (1994) for detailed analysis. The 1956 Act marginally improved widow's inheritance, at the cost of introducing the "testamentary power" of wills to distribute inheritance outside reform's domain.

<sup>87</sup> Note that this reform explicitly applies to Hindu joint families governed by *Mitakshara* law, where inheritance of ancestral, joint family land is traditionally allocated at birth to sons only. In contrast, Hindu joint families governed by *Dayabhaga* law base inheritance on survivors' rights, rather than birth rights. In these cases, both sons and daughters inherit equally at the time of *kartas'* death. For details, see the 174th Law Commission Report (2005) or Desai (2010).

<sup>88</sup> Prasad (2014). <sup>89</sup> Shatrugna (1984, 98).

<sup>90</sup> Naidu (1984, 131). <sup>91</sup> Singer (2007, 143). <sup>92</sup> *Ibid.*, 143–8.

### 4.3.3 Political Context: Credit Claiming

Despite Andhra Pradesh's status as an "old Congress stronghold," citizens' patience with Indira Gandhi's growing personalization of the party and its machine broke by 1982.<sup>93</sup> In the space of the prior four years, she had replaced Andhra Pradesh's chief minister four times.<sup>94</sup> As of 1982, the disintegration of Congress (I)'s main opposition, the Janata Party, gave credence to the assertion that no alternative to Indira Gandhi's party existed.<sup>95</sup> Amidst rising frustration with the frequent imposition of president's rule and the open appointment of governor positions for party patronage, NTR launched the TDP.

NTR's campaign style and content were geared to attract a new voting constituency. In both his speeches and his campaigns, he directly sought out and addressed women. He garnered large audiences in rural villages, where women rarely joined political rallies, by creating his own chariot – a *padyatra* bus – in which he and his wife, Laxmi Parvati, rode.<sup>96</sup> Prasad (2014) credits NTR and his TDP as the most successful practitioners of "cine-politics": elite use of the cinema as a tool for political expression and mass mobilization. As a film star at the peak of his career, NTR produced drama by harnessing "home-grown images and idioms" – from reminding voters of the charismatic power he embodied in his divine stage presence to the importance of regional leadership: "self-respect for the Telugus" – to communicate the party's commitments to new constituents: poor rural voters, female voters, and *Kamma* co-elites. In addition to rousing speeches, the TDP distributed cassettes, pamphlets, and "life-sized posters" of NTR portrayed as the mythological and historical roles he took on in cinema.<sup>97</sup>

NTR's dual support bases in mass media and elite literary circles<sup>98</sup> facilitated his ability to communicate his willingness to commit to women's welfare and empowerment to them directly. This communication was crucial for mobilizing women, as traditionally less engaged voters.<sup>99</sup> The TDP's 20-point election manifesto specifically addressed women's land inheritance within its "women's welfare" plank:

*"Telugu Desam" will see that women's welfare does not remain a mere slogan. It will guarantee their legitimate rights. It condemns the feudal culture which only views women as objects of pleasure. It would initiate action for equal share for daughters in the paternal property along with the sons. It would establish a separate University for women and would ensure a respectable place for women in society. The evil practice of dowry will be curbed.*<sup>100</sup>

<sup>93</sup> Guha (2007, 548). <sup>94</sup> Ibid. <sup>95</sup> Shatrugna (1984, 96). <sup>96</sup> Singer (2007, 143).

<sup>97</sup> Naidu (1984, 133–7) and Rajasekhariah et al. (1987, 591).

<sup>98</sup> NTR launched the TDP's campaign by touring AP on his "chariot," the Chaitanya Radham. Giant cardboard cutouts of NTR as the god Krishna emerged everywhere, portraying him "blowing the conch to sound the start of the war." Messages proclaimed: "Telugu Desam pilustondi, lea. Kadaliraa" (Telugu Desam is calling; arise; join [us]). For details: Guha (2007, 549); Juluri (2013, 97–8); Shatrugna (1984, 98); Prasad (2014, 67–8).

<sup>99</sup> Mehta et al. (1981, 106); Bardhan and Mookherjee (2000). <sup>100</sup> See Shatrugna (1984, 108).

Supporting such legislation had several political advantages as a signal of the TDP's responsiveness to female voters. First, legislation was a concrete commitment to advance women's "legitimate rights," but as a symbolic gesture only. This leads to a second benefit: given the lack of women's demands for such change, costly investments in its implementation were unlikely to be necessary.<sup>101</sup>

As of the 1983 elections, women's political allegiances shifted dramatically. While the majority of female voters had supported Congress in 1980, only 39 percent voted for them in 1983.<sup>102</sup> Instead, a majority of women supported the TDP.<sup>103</sup> Analysts claim "the women's vote edged the Telugu Desam into office."<sup>104</sup> Postelections, Singer (2007, 149) presents evidence that the TDP's victory encouraged similar shifts in opposition party strategies, as articulated across manifestos.

The diffusion of political strategies is clearest around women's political and economic inclusion. The TDP proactively instituted reservations (9 percent) for women as members of *Panchayats* following their 1983 electoral victory.<sup>105</sup> As of the 1991 elections, Congress, the BJP, and the TDP's partners in the National Front coalition began directly addressing women's interests in their own party manifestos. Indeed, this piecemeal reform of local governance set the stage for more comprehensive institutional changes in Karnataka shortly thereafter. While AP again set an agenda for pro-women reforms, the structure of legislation left many loop holes. By 1989, they went further, reserving 9 percent of heads of local government (*Sarpanches, Pradhans, or Presidents of the Panchayat*) to be female. However, there was a catch: if no women were elected, they could be co-opted.<sup>106</sup> After the TDP's historic victory of 1983, recognition of women's pivotal role prompted the party's newly elected representatives to act on their campaign promises. The TDP's position in debates emphasized their interests in ensuring their party received sole credit as women's benefactor.

Within two months of elections, the TDP proposed a legislative reform in line with its pledge "to initiate action for equal share for daughters in the paternal property along with the sons." The party introduced a bill to the state

<sup>101</sup> Despite extensive interviews with NTR on the nature and source of his policies toward women, Singer (2007) presents no evidence of women's demands for inheritance reform. Personal interviews with NTR's daughter by the author, in Hyderabad during January 2014 confirm that pressure from women did not drive NTR's support for inheritance reform.

<sup>102</sup> Preelection Survey of A. P. Assembly elections 1983, Political Science Department, Osmania University, Hyderabad. Reported as Table 4.5, p. 69 of *Telugu Desam Party (1984, 104–12)*.

<sup>103</sup> See Singer (2007, 148) and Suri (2003, 66). Suri only provides figures on women's votes for TDP and Congress in 1996 and 1998, but states: "The women's vote for the TDP had been on the higher side in all the previous elections." Vakil (1984).

<sup>104</sup> Analysis in *Eenadu*, August 15, 1983, cited on Suri (2003, 148).

<sup>105</sup> Singer (2007, 103).

<sup>106</sup> *Ibid.*

Legislative Assembly proposing to amend the Hindu Succession Act 1956 to give daughters equal property inheritance rights.<sup>107</sup>

#### 4.3.4 Legislating Reform: Motives, Voices, and Silence

Members of the TDP framed reform as a symbolic victory for all women, and for progressive society more broadly. In fact, they saw reform as a specific source of political capital for the TDP, emphasizing the party's political ownership of the act. In contrast, members of the TDP's main opposition, Congress, argued that the TDP's proposal was a flawed attempt at reform.

The TDP's Minister for Law and Courts, Shri Rajesam Gaud, framed the importance of reform as all encompassing: "*this Bill ... brings a lot of good name to the society.*"<sup>108</sup> Shri D. Chinnamallayya, member of TDP ally the CPI, added similar support: "*it is happy news that for the first time in Andhra state, this Bill is bringing equal property rights to women. Our women are going to United Nations Organization and throwing light on the whole clan of women.*"<sup>109</sup> Congress's Shri. A. Dharmarao cast doubt on both the substance and veracity of the TDP's claims: "*this Telugu Desam Government is showing off saying that it is striving for women's welfare. This party once said that it is going to give key importance to women, but so far one woman got place in the ministry. Same way, the motive of this Bill might not get fulfilled.*"<sup>110</sup> The TDP's Srimathi Prathi Manemma pushed back: "*nothing good was done to these women during Congress regime, people should feel happy that during the regime of Annagaru [NTR], we are striving to better the status of women.*"<sup>111</sup> The immediate response, we can presume from a member of Congress, indicates that Congress also worried about their reputation: "*We should not forget that it is Mother Indira who brought out this Equal Rights Bill.*"<sup>112</sup> Law Minister Shri Rajesam Goud makes clear that the TDP deserves sole credit: "*Hon. Chief Minister Rama Rao Garu introduced this Bill to give equal right in property sharing ... this is the first time ever in India, for a Bill like this be introduced .... In order to fulfill the promise [we] made [in our manifesto], Telugu Desam has brought in this Bill.*"<sup>113</sup>

Congress's response, by Shri P. Ramachandrareddy, made clear how crucial the cultivation of women's votes through the promotion of pro-women reform had become for both parties: "*Nobody should use this for his or her political gains.... We all should praise this Bill.... After getting this Bill passed here, let this be continued in the Central Government too.... [Please do not] give speeches that the [Congress-led] Parliament is not doing it.*"<sup>114</sup>

<sup>107</sup> See Sri Rajesam Goud's explanation of the Bill's timeline in AP, State Legislative Assembly (1985, 423-4).

<sup>108</sup> *Ibid.*, 433. <sup>109</sup> *Ibid.*, 430. <sup>110</sup> *Ibid.*, 431-2. <sup>111</sup> *Ibid.*, 427.

<sup>112</sup> *Ibid.* This is the only response attributed to "A Respectable Member" rather than a specific MP.

<sup>113</sup> *Ibid.*, 423. <sup>114</sup> *Ibid.*, 425.

In contrast to Kerala's dearth of female members of parliament, AP's 1985 legislative assembly included four women, notably all elected within the TDP. One of these representatives, Shrimati Y. Sithadevi, lauded the TDP's commitment to women: "*we, all women support this Bill in its totality. We discussed our fundamental rights in our Constitutional law, but because of 1956 Hindu Succession Act, due its gender differentiation, a daughter is deprived of participation in a joint family ... till today no one ever protected their equal rights.*"<sup>115</sup>

Yet even amidst her praise, Shrimati Sithadevi voiced a note of concern about the potential ineffectiveness of reform absent enforcement that spanned multiple legal domains: land inheritance and dowry. "*This government is bringing a lot of laws.... I congratulate the Telugu Desam Government for coming forward bravely in bringing the Dowry Banishment Law ... after passing this Bill, see to it that the law is certainly followed.... If ever anybody tries to take dowry, let them be punished severely.*"<sup>116</sup>

The final female TDP legislator to speak, Srimathi A. Bhanumathi, echoed a similar concern: "*Law alone cannot take women to noble position. If this law followed true to its words ... then this will be a backbone for the progress.... Women will develop a lot of strength to take their own decisions when they have rights for the properties.*"<sup>117</sup>

Thus, women directly and indirectly raised two concerns. The first emphasized the need for enforcing reform. The second was about monitoring reform's subsequent application, which could foster either egalitarian behavior or traditional, inegalitarian practices such as dowry. These concerns fit into a larger pattern of prior demands to reduce violence against women, particularly around dowry "harassment."

Notably, NTR's daughter, Congress MP Dr. Daggubati Purandeswari, suggested that women's *political* organization was not driving her father's vision of reform: "*Yes, women were involved in his campaign, but women played a very silent role.... There was no political awareness in the early days of his campaign. Later, women gained greater political awareness, thanks to his work.*"<sup>118</sup>

Dr. Tripurana, a TDP female legislator and member of the Select Committee that had structured inheritance reform, insisted it was women's *social* campaigns that had influenced legal reform's passage.

A brief history: in 1974, Hyderabad, AP's capital, had been the site of the first "contemporary feminist" women's group: the Progressive Organization of Women (POW) (Kumar, 1999, 345). Comprised of women from the Maoist movement, POW dedicated itself to comprehensively addressing gender oppression (ibid., 345–6). In 1975, POW mobilized against dowry, drawing as many as two thousand people to demonstrations (ibid., 349). Following the Emergency's imposition, most activists went underground, only to emerge with the formation of a new, post-Emergency Janata government in 1978.

<sup>115</sup> Ibid., 425–6. <sup>116</sup> Ibid., 426. <sup>117</sup> Ibid.

<sup>118</sup> Interview with the author on January 24, 2014, at Purandeswari's residence in Hyderabad.

At this point, Delhi became the focal point for agitation and reform. National legislation criminalizing dowry passed in 1980, although it was subsequently heavily contested by rulings from the Delhi Sessions Court and the Supreme Court from 1982 to 1985 (*ibid.*, 347, 350–1).

After the Emergency, Hyderabad's POW took up a second concern: rape. The city exploded after the rape of a Hyderabad woman, Rameeza Bee, by several policemen, and the murder of her husband following his protest:

*Twenty-two thousand people went to the police station, laid the man's dead body in the station veranda, set up road blocks, cut the telephone wires, stoned the building, and set fire to some bicycles in the compound. The army had to be called in, and the uprising was quieted only after the state government had been dismissed and a commission of inquiry into the rape and the murder had been appointed.*<sup>119</sup>

In this context, the early 1980s emerged as a moment of unprecedented visibility for the women's movement and their two major issues, dowry and rape.<sup>120</sup>

Decades later, during my personal interview with her, former TDP legislator Dr. Tripurana argued that NTR had introduced inheritance reform to respond to these concerns: "*he wanted to end the dowry system ... if parents give a share of land equally to boys and girls, they will not give dowry.*"<sup>121</sup>

NTR's daughter affirmed this in a segment of our interview, explaining: "*If women are given equal rights to property, he believed dowry will eventually go away.*"<sup>122</sup>

Such an attitude was highly optimistic, given the failure of dowry to disappear "on its own" many decades after its legal abolishment. Indeed, the relationship between dowry abolishment and property inheritance reform was never obvious.<sup>123</sup>

According to Jamuna Paruchuri, a female activist who headed an initiative through the National Rural Development Program to empower women, NTR and the TDP were acting on behalf of the *Kamma* elites who funded, publicized, and provided the political vision for the party's lightning quick ascendancy

<sup>119</sup> Compilation of reports in the *Times of India*, *Statesman*, *Indian Express*, and *Patriot*, April 2–12, 1978, c.f. *ibid.*, 352–3.

<sup>120</sup> In 1979, a number of women's demonstrations mobilized around protests against police- and landlord- or employer-initiated rape around the country. Women's protests coalesced as a movement against rape in 1980, when four senior lawyers authored an open letter against a judgment in Maharashtra regarding a case of police rape. For a cogent summary, see *ibid.*, 353. Growing scholarship around issues of gender justice, such as the Indian Ministry of Education and Social Welfare's 1974 toward Equality Report (Guha, 1974) helped these movements take shape.

<sup>121</sup> Interview with the author on January 24, 2014, at the Andhra Pradesh State Commission for Women, Hyderabad.

<sup>122</sup> Interview with the author on January 24, 2014, Hyderabad.

<sup>123</sup> On relevant legislation, the Dowry Prohibition Act of 1961, Dr. Tripurana explained: "Yes, there was this Act, but people are taking [dowry] and giving a glass of water. This was a total failure of an act." Personal interview on January 24, 2014, Hyderabad.



to power. Following Congress-led land reform policies that dominated the 1950s–1970s, a class of small landholders, particularly the *Kamma*, gained valuable landholdings with which they were disinclined to part. “*This was why NTR declared land for daughters as compulsory. This was a strategy to help this new segment of landowners keep their land.*”<sup>124</sup>

As the Maoist revolutionary Varavara Rao further explains: while the *Kamma* had traditionally allied with the CPI and CPI (ML) to fight *Brahman* oppression, their interests changed as they benefited from the combination of irrigation projects along the Krishna and Godavri Rivers and land redistribution. “*NTR used Naxal slogans (land reform) to come to power, but once he came to power he acted to protect his class. Where there were [water] resources in Telangana, they [Kamma] came and settled, and these people were the vote banks of NTR.*”<sup>125</sup>

Elite *Kamma* men's interests appear similar to those of elite *Nair* men in promoting Kerala's abolition of the Hindu joint family. In other words, we should not expect to see mechanisms drafted to enforce women's entitlements, as daughters, to inherit land. Instead, we would expect majority-male legislators to invest very little, if any, resources for this purpose.

Indeed, both Paruchuri and Rao argue that inheritance reform was “mainly on paper.”<sup>126</sup> Even Dr. Tripurana, head of AP's State Women's Commission, argues that even today reform is not being vigorously enforced: *There are acts, very good acts, but strict implementation is necessary. If so, if these acts are implemented, this is a great safety mechanism for the girl. [On inheritance reform] they [the executive and judiciary] don't implement the law. Property share is totally a civil issue – family elders are there, but if they don't agree, then [women's use of] civil litigation is hopeless – it takes years.*<sup>127</sup>

Despite women's active mobilization around social reform in the years preceding inheritance reform, they did not demand gender equal inheritance rights.<sup>128</sup> In the absence of such a demand from politically mobilized women, the party who legislated these reforms, the TDP, perceived no incentive to put in place the costly legal-bureaucratic mechanisms necessary for enforcement.

In fact, even the 9 percent reservation for women as heads of local government that NTR pioneered did not transform women's ability to enforce rights. This was because the legal statute included a means for men to avoid giving

<sup>124</sup> Personal interview on January 21, 2014, Society for the Elimination of Rural Poverty, Hyderabad.

<sup>125</sup> Personal interview on January 22, 2014, at Varavara Rao's home, Hyderabad.

<sup>126</sup> Ibid.

<sup>127</sup> Personal interview on January 24, 2014, Hyderabad.

<sup>128</sup> This contrasts with examples of other reforms enacted in other states during the same period, where women played a rather active and direct role in bringing about substantive changes toward gender equality. Examples, both regressive and progressive, include the Nikahanama Group that drafted the “nikahanama,” a Muslim marriage contract in India's Muslim Women (Protection of Rights in Marriage) Bill in 1986, and the Women's Action and Research Group (WRAG) and Joint Women's Programme (JWP), who drafted a reformed Christian law with involvement from various church-based functionaries.

women electoral power (by appointing a woman of their choice as a figurehead rather than one that was autonomously elected, instead of encouraging women to form autonomous electoral bases). With no agitation and oversight from women, the party's self-propelled move to pass reform produced significant political benefits for the TDP. It formed a crucial part of the TDP's reputation as progressive and committed to women's welfare. Publicity credited the TDP as "revolutionary" and likely to "transform" women's role in society.<sup>129</sup> However, the party used visual imagery rather than bureaucratic enforcement mechanisms to maintain this reputation, even producing an "illustrated booklet depicting the schemes it had initiated for women between 1984 and 1988" to win subsequent elections.<sup>130</sup>

#### 4.4 KARNATAKA

Karnataka, along with its most distinct pre-independence precursor, the Princely State of Mysore, is alternately lauded as "one of the few states in the Indian union to have evolved radical land reforms"<sup>131</sup> and derided as the "child of imperialism"<sup>132</sup> or "puppet sovereignty"<sup>133</sup> that failed at reforms, particularly around land.<sup>134</sup>

Independent of this debate, Karnataka is widely understood as unique in its "comparatively cohesive society" with much lower levels of economic and social inequality than either of the early reformers studied in the preceding text: Kerala and AP.<sup>135</sup>

##### 4.4.1 Historical Context: Caste, Land, and Gender

Until the eighteenth century, a "patchwork of little kingdoms of quite restricted scale" with widely dispersed power occupied most of what became Karnataka state.<sup>136</sup> Between 1761 and 1799, the military regimes of Haidar Ali and his son Tipu Sultan created a sharp break from the past. This followed the broader pattern of "thrusting centralization" dictated by military imperatives across South India.<sup>137</sup> To raise revenue for increasingly expensive wars, especially as the British East India Company worked to extend their influence across South India's peninsula from Madras, their efforts were largely focused on centralizing the revenue collection process.<sup>138</sup> Estimates suggest they were quite effective: Haidar Ali raised about 0.8 million British pounds in revenue as of 1770, which soared to 2.8 million in 1792 in light of Tipu's victories.<sup>139</sup>

Upon defeating Tipu Sultan in 1799, the British parceled his territory between their allies – the Nizam in Hyderabad and the erstwhile royal family of Mysore, the Wadiyars (or Wodeyars) – who were positioned outside of

<sup>129</sup> See legislative assembly debates. <sup>130</sup> Singer (2007, 148).

<sup>131</sup> Thimmaiah and Aziz (1983, 811). <sup>132</sup> Hettne (1978, 43), c.f. Ikegame (2013, 10).

<sup>133</sup> Ray (1981, 99), c.f. Ikegame (2013, 10). <sup>134</sup> Kohli (1982, 311). <sup>135</sup> Manor (1989, 322).

<sup>136</sup> Ibid. 327. <sup>137</sup> Stein (1985, 391). <sup>138</sup> Roy (2010, 32); Manor (1989, 327).

<sup>139</sup> Calculations from Sanjay Subrahmanyam (1989, 203–33), c.f. Roy (2010, 18–19).

the regions where the British maintained direct control.<sup>140</sup> This led to six autonomous territories later amalgamated to form Independent Karnataka: the Princely States of the Maharaja of Mysore, the Nizam of Hyderabad, and Sandur; the British colonial governments of the Bombay and Madras presidencies; and the territory of Coorg, run by the chief commissioner of Coorg who doubled as the British Resident at Bangalore.<sup>141</sup>

While power remained largely dispersed at the level of rural villages, these units were increasingly well integrated into the structures of formal states.<sup>142</sup> However, the widespread institution of the *ryotwari* system of individual land cultivation promoted by British colonial rule led to a decline in the central state's revenue.<sup>143</sup> This was in part due to the gap – linguistically and socially – between bureaucracies largely staffed by *Brahmans* from other parts of India or civil servants from Britain and the local, non-*Brahman* landowners and cultivators whom they sought to regulate.<sup>144</sup>

These “not-too-intrusive *ryotwari* systems” led to relatively stable extensions of regional variations in equality through colonial times and into independence. “An extremely high proportion of owner-cultivators and an extremely low incidence of landless labourers” existed in what was princely Mysore, whereas levels of inequality were closer to the national mean in what had been Madras Presidency, and higher-than-average levels of tenants with low percentages of owner-cultivators in the former Bombay Presidency.<sup>145</sup>

The final, crucial event shaping Colonial Karnataka was the series of revolts by landowning peasants across what had been princely Mysore in the first part of the 1830s. These uprisings were in response to British attempts to aggressively intervene in local revenue extraction.<sup>146</sup> While the British initially imposed direct rule on Mysore until 1881, after the revolt they avoided interfering with local control by dominant owner-cultivator castes (*ibid.*). This meant that across Karnataka, power remained distributed between three castes: the “dominant castes” who owned and cultivated land: the *lingayats* and *vokkaligas*; princely rulers who came from a modest caste (either the cowherding *yadav jati* or the potter *jati*); and those responsible for lending money, often controlled by members of the mercantile *banajiga jati*.<sup>147</sup>

After 1881, the royal family of the Princely State of Mysore adopted a new approach to circumvent British control: building a model state. This meant using a merit-based system to staff the Princely State's civil service, which inadvertently produced another bastion of *brahman* power.<sup>148</sup> The resulting bureaucracy coordinated publicly-financed industries, including the generation

<sup>140</sup> Manor (1989, 327); Ikegame (2013). <sup>141</sup> Manor (1989, 326).

<sup>142</sup> Frykenberg (1977); Manor (1989, 327–8).

<sup>143</sup> Roy (2010, 19) estimates that a revenue of 1.4 million pounds was produced within “the territory carved up by the alliance between the Company, Nizam, and the Marathas after the fall of Tipu” along with a revenue of 0.4 million collected by the Wodeyar king.

<sup>144</sup> Manor (1989, 328, 338).

<sup>145</sup> *Ibid.*, 328–9. See especially “Table 1: Karnataka's Agricultural Population in 1951” from the Census of India of the same year in *ibid.*, 329.

<sup>146</sup> *Ibid.*, 330. <sup>147</sup> *Ibid.*, 330, 334. <sup>148</sup> *Ibid.*, 39.

of hydro-electric power, which made Bangalore the first city in India with electric light, along with educational institutions and representative government well ahead of British India's provincial legislatures. It also supported freedom of the press and speech, which made it "a rare liberal island in the autocratic sea that was princely India."<sup>149</sup>

The unintended consequence of Mysore's unique openness was a non-*Brahman* movement that began with limited facilitation by the state in 1910, significantly opening the public service to non-*Brahmans*, and progressed to increasingly assertive associations of non-*Brahmans* that organized outside the state as of 1930.<sup>150</sup> Surprisingly, the long-term legacy of this mobilization was cooperation with another strong, yet largely *brahman* political association – the Mysore State Congress – to create the first substantive Congress movement as of 1937. This movement was initially mobilized by interest in channeling political resources from the national center to the state. However, as time passed it solidified around the dominant *lingayats* and *vokkaligas*, who successfully compelled the Maharaja to concede power to popular sovereignty as of 1947.<sup>151</sup>

Karnataka's history made such change uniquely possible. In the precolonial period, the *lingayat* or *virashaiva* sect of *Shaiva* accomplished major social reform. As early as the twelfth century, they "actively attacked religious hypocrisy," questioning the *brahman*-led system of caste hierarchy.<sup>152</sup> The sect preached radical rejection of many core principles of *Brahmanism*, most notably the idea that some groups could be socially polluted or "untouchable." In addition, its followers promoted practices to improve women's status, including relatively late (postpuberty) marriages and widow remarriages.<sup>153</sup>

Overall, a consistent trend that ties Karnataka's historical social landscape to the present appears to be its relatively fertile ground for tolerance with minimal support for large-scale concentration of wealth according to social hierarchy. As Manor (1989, 322–3) explains, it was the only region of British colonial India without mass conversions to Christianity by groups dissatisfied with Brahmanism. Despite its significant Muslim community (10.6 percent of the state population), violence between Hindus and Muslims has been extremely rare (*ibid.*). Additionally, Karnataka boasts relatively low proportions of landless laborers in its largest regional subsection: the former princely state of Mysore.

#### 4.4.2 Political Context: Equality and Incremental Change

Karnataka's unique level of land equality played a central role in the process of inheritance reforms for gender equality. Notably, the old Mysore Princely State boasted the lowest levels of landlessness in all of South Asia for at

<sup>149</sup> *Ibid.*; Raghavan and Manor (2009, 4).

<sup>150</sup> Manor (1989, 339–40); Raghavan and Manor (2009, 4). <sup>151</sup> Manor (1989, 340).

<sup>152</sup> The *lingayats* worshiped Shiva using the phallic symbol of the *lingam*, with "each member of the sect carrying a miniature *lingam*" (Thapar, 2002, 399).

<sup>153</sup> *Ibid.* Rather ironically, the movement evolved into its own caste, with earlier divisions later reasserting themselves in more muted forms (*ibid.*).

least two centuries.<sup>154</sup> Upon consolidation of a unified administration over Independent India's Karnataka, the INC Party took effective control of state politics. On its face, it looked similar to Congress in much of the rest of India, with the leadership held by members of the dominant castes – *vokkaligas* and *lingayats*.<sup>155</sup> Again, along the lines of work on Congress,<sup>156</sup> this led to a “Congress system” with clear, but limited grounds for inclusion (*ibid.*).

In the case of Karnataka, Congress was more committed to incremental change than elsewhere. They implemented a policy of “very modest reform and very limited representation for and concessions to less prosperous groups.”<sup>157</sup> However, there was one notable exception to this pattern of tokenism: land reform of 1961, which set a precedent for future land reforms with a real capacity for enforcement.

Capturing the historical dynamics of landholding inequality is difficult given broad skepticism in the available data. However, two important, contradictory trends appear as of 1961. First, a doubling of landless laborers between the 1961 and 1971 Census of India: from roughly 13–26 percent.<sup>158</sup> Second, the proportion of owner-cultivators with small or marginal plot sizes increased in this same period, from 43.6 to 54.1 percent.<sup>159</sup> Manor (1989, 345) points out that tenants, rather than the landless, were the primary beneficiaries of this early reform. Clearly, there was resistance to radical redistribution of property to the landless, but early reforms made incremental improvements for the smallest landholders.

The first round of real redistribution came at the tail end of the Congress Party's political dominance. In 1972, Chief Minister Devaraj Urs rode into power “on the coattails of a popular and populist Indira Gandhi.”<sup>160</sup> Unlike prior occupants of the office, his was the caste of the former maharajas who ruled the Princely State of Mysore rather than the dominant, landed *vokkaligas* and *lingayats*, who largely supported the separate arm of Congress that had broken with Indira Gandhi.<sup>161</sup> For the sake of political survival, Urs cultivated a “rainbow coalition” of groups drawn mainly from nondominant castes, which comprised three-quarters of Karnataka's society.<sup>162</sup>

Devaraj Urs is best known for the land reform of 1984, which increased the pace at which large landholdings (those more than 10 acres) were divided and sped up the creation of smaller holdings (less than 5 acres).<sup>163</sup> In addition to ensuring that political resources reached poorer individuals, Urs implemented a broad umbrella of programs to build support from disadvantaged voters. These measures also included provision of houses for the poor, pensions for the elderly,

<sup>154</sup> As reported by Raghavan and Manor (2009, 7). <sup>155</sup> *Ibid.*, 5.

<sup>156</sup> Kothari (1964); Morris-Jones (1967); Weiner (1967).

<sup>157</sup> Manor (1989, 342). <sup>158</sup> Kohli et al. (2006 [1987], 164).

<sup>159</sup> According to Rajapurohit (1982, 293, 306), cited from Manor (1989, 344).

<sup>160</sup> Kohli et al. (2006 [1987], 96). <sup>161</sup> Raghavan and Manor (2009, 6).

<sup>162</sup> *Ibid.*, 6–7.

<sup>163</sup> See Manor (1989, 346) table 3, from the Ministry of Agriculture, Government of India, *Agricultural Census, 1970–71, 171*; and *Agricultural Census, 1980–81*.

monetary resources for families dependent upon seasonal labor, and investment in children from antenatal care to educational support, particularly for children from poorer groups. Urs also worked to enforce minimum wages, lower rural debt, increase sources of credit, and promote the dignity of members of SCs, both in labor and their treatment by police.<sup>164</sup>

The most enduring legacies of Urs stem from his intuition about the local changes required “to give his programmes some prospect of success.”<sup>165</sup> This meant recruiting large numbers of individuals from “disadvantaged communities” into the state’s Administrative Service and subsequently appointing them, along with others deemed sympathetic to his aims, into “key positions where they might expedite implementation” (*ibid.*). Three years after this bureaucratic restaffing, he implemented the land reform for which is most well known. Two years later, he announced his intention to implement the 1975 recommendation of the Karnataka Backward Classes Commission to “reserve” seats in schools and government service for members of these socially and economically disadvantaged classes (*ibid.*, 351). In tandem, he supported the establishment of caste associations for groups with limited socio-economic resources or electoral mobilization capacity, and ensured his supporters had enough influence to monitor and report their functioning (*ibid.*, 353). He timed these initiatives sequentially, to give each “some time to make an impact at the grassroots” (*ibid.*, 351).

Such programs did not result in “major social change.”<sup>166</sup> However, they did create a popular template for redistributing political influence and resources across a much broader segment of Karnataka’s population.<sup>167</sup> This model was driven by political necessity for Urs, as a leader “determined to oust the older ruling alliance by creating an alternative and broader political base. The strategy was to exclude some, but co-opt most of the social influentials, albeit from different backgrounds, into a large network of patronage.”<sup>168</sup> The next highly competent chief minister to alter political power, Ramakrishna Hegde, was clearly inspired by the success of Urs’s strategy.

In the aftermath of Urs’s regime, Congress planted the seeds of its own demise by working to reduce the authority of Karnataka’s chief ministers.<sup>169</sup> This became particularly clear once Indira Gandhi regained power post-Emergency, in 1980, and appointed Gundu Rao as chief minister. In July of that year, Karnataka experienced “one of the most militant peasant agitations in the country” (*ibid.*, 171). Motivated around the struggle for linguistic, Kannada autonomy, the insurgents maintained a strong front against a violent response by the state.<sup>170</sup> This overly violent response by the state, coupled with the popular perception that Gundu Rao was “basically a lover of Sanskrit and that he did not want Kannada to get primacy,” eliminated the lion’s share of

<sup>164</sup> *Ibid.*, 346–9. <sup>165</sup> *Ibid.*, 350. <sup>166</sup> *Ibid.*; Kholi (2006). <sup>167</sup> Manor (1989, 350–1).

<sup>168</sup> Kohli et al. (2006 [1987], 178–9) <sup>169</sup> Mathew (1984, 170).

<sup>170</sup> There were 139 incidents of police firing between July 1980 and December 1982, with more than 100 deaths, mainly amongst farmers. *The Other Side*, February 1983: 5, c.f. Mathew (1984, 171).

support Rao may have secured from his identification with the once-wildly popular *Indramma*, Indira Gandhi.<sup>171</sup>

When Congress (I) prioritized national unity over responsiveness to pro-Kannada agitation, support swung to the regional political party explicitly founded to advance Kannada interests: the *Kannada Kranti Ranga* (KKR), led by Devaraj Urs following his break with Indira Gandhi in 1979 (*ibid.*). The combination of a surge of support for the KKR following the death of Urs in 1982 and the group's support for the Janata Party enabled a narrow Janata victory as a minority government in 1983. However its first two years in power were precarious, with the potential of "sudden political extinction" of the government and removal of its chief minister throughout.<sup>172</sup> This fragility stemmed from the 1983 elections, "a negative vote" against "Gundu Rao's vile Congress regime" that brought the Janata Party and Chief Minister Hegde into government.<sup>173</sup>

The 1985 state election stood out as the first "overwhelmingly positive vote" for the Janata Party and its leadership by Hegde (*ibid.*). The dynamics of this election are essential, given its preeminent significance as a "colossal swing" between the majority vote for Congress in the parliamentary election of 1984, and a reversal that favored the Janata Party in 105 of 224 assembly constituencies a year later.<sup>174</sup>

The major factor in the Janata Party's decisive 1985 victory was the support of women. According to Rajasekhariah et al. (1987, 591): "*the Janata party could get an edge over Congress(I) at the last minute when it put out its supplementary Manifesto promising populist measures such as Rs. 2/- a kilo of rice, Janata Sarees and Dhotis at subsidised rates etc., which swung the women voters in favour of Hegde.*"

Such a radical shift – the reversal of nearly half of state assembly constituencies – was not merely the result of populist promises. Indeed, Hegde had been an astute student of the Congress Party's past failures to deliver on its dual promises of poverty eradication and political empowerment for constituents who he saw as crucial: women.

Hegde used his first two years in office to legislate and implement a promising record of change that spoke directly to women. He made extraordinary progress on two fronts: decentralization with explicit reservations for women and expansion of the rural drinking water infrastructure.<sup>175</sup> Hegde's priority of transferring authority to the local level had been clear since his work as Karnataka's Minister for Co-operation and Panchayati Raj in the 1960s. While he failed to legislate change at that time, he now partnered with his Minister of Rural Development and Panchayati Raj, Abdul Nazirsab, who began to draft

<sup>171</sup> Mathew (1984, 171). <sup>172</sup> Raghavan and Manor (2009, 201). <sup>173</sup> *Ibid.*, 199.

<sup>174</sup> *Ibid.*, 200. These calculations are based on E. Raghavan's work following the 1985 Karnataka elections.

<sup>175</sup> Raghavan and Manor (2009, 154).

a viable bill for decentralization of power through local *Panchayats* (councils) within 24 hours of taking office in 1983.<sup>176</sup>

These efforts eventually translated into the Karnataka *Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats*, and *Nyaya Panchayats* Act of 1985. This legislation initially included a quota – or reservation – for 50 percent of seats to be occupied by women. While the scope was reduced to 25 percent, it remained pathbreaking.<sup>177</sup> In addition, Hegde and Nazirsab ensured representation for the broader umbrella of disadvantaged groups, including an 18 percent reservation for members of SCs and STs, and one seat in each council for a woman who was also a member of a SC or ST.<sup>178</sup>

Elections for the newly legislated *Panchayat* positions were not held until 1987 (*ibid.*, 156). However, once in place, they resulted in the expansion of Karnataka's elected offices from 224 legislative seats to more than 55,000 offices from the local revenue body (Mandal) up to the state level (*ibid.*). This achievement became the model for India's 1993 Constitutional Amendments mandating decentralization to elected *Panchayats* with reservations for women and members of SCs and STs.

The Janata Party mandated urban elections across the state for civic offices that had been run by appointed bureaucrats rather than officials elected by voters since the early 1970s.<sup>179</sup> In another unprecedented move, the Janata Party set aside 30 percent of seats in these elections for women. According to Raghavan and Manor (2009, 156), this policy “inspired extremely favorable political and popular responses, first in Karnataka and later elsewhere in the country.” Altogether, Hegde's reservations for women across urban and rural governmental bodies led to a remarkable surge of women into politics. Almost 9,000 posts were created for women across Karnataka (*ibid.*, 157).

According to Devaki Jain (1996, 9), c.f. Kudva (2003, 448), “complex” reasons lay behind Karnataka's bold political stroke: “*Women's entry in large numbers into local government arose from a mixture of political opportunism and an ethical sensibility that regarded the implications of gender as integral, rather than peripheral, to the creation of a more just society. Critically, it arose from the actions of both women and men.*”

In addition to bringing about effective women's representation in local government, collaboration between Minister Nazirsab and Chief Minister Hegde enabled a second successful program that was particularly meaningful for women: alleviation of enduring rural drought by catalyzing the expansion of drinking water sources. During his first two years in office, Nazirsab became a legend known as “Neersab,”<sup>180</sup> providing an autonomous source of drinking water for every 200 persons in the rural regions (*ibid.*, 155). While

<sup>176</sup> *Ibid.*, 152–4. <sup>177</sup> *Ibid.*, 155. <sup>178</sup> Aziz (2000, 3523); Raghavan and Manor (2009, 157).

<sup>179</sup> Raghavan and Manor (2009, 156). Chief Minister Urs had suspended civic elections in the early 1970s, fearing they would result in Congress losing power.

<sup>180</sup> *Neersab* is a combination of *neeru*, or “water” in Kannada, and *sab*, or the Urdu *sabeb*, a deferential term meaning sir or master, as explained by Raghavan and Manor (2009, 155).



this action did not translate into votes amongst the urban elite, it was an extraordinary improvement for rural women who could easily spend the better part of their work day walking to secure clean water from distant sources (ibid., 154). In the 1985 elections, Hegde made explicit, convincing references to his first two years of work on behalf of women. Again, according to Rajasekhariah et al. (1987, 591):

*In his speeches, Hegde asked women as to why they always voted for Congress (I), though that party had done pretty little for them in 35 years, even with a woman Prime Minister. He used to high-light the Janata Party's programme for the welfare of the women, such as the [first] pregnancy allowance [for informal workers] of Rs. 100/- a month for three months, widows pensions of Rs. 50/- a month, the Mangalashtra scheme [providing support wedding expenses] and reservation of seats for women in local bodies. This helped in getting the women's votes, which was actually the deciding factor. Thus women did vote for him and contributed largely to the success of the Janata Party. (Final emphasis mine)*

And yet, despite this articulate focus on women's interests, one piece of legislation is marked in its absence: support for women's property inheritance. Why?

A quick look back to AP's chief minister responsible for legislating gender-equalizing property inheritance rights – NTR – provides insight into Hegde's direct but quiet support for these reforms. Much of the rhetoric that mobilized the broadest coalition of voters in 1985 had a clear parallel in NTR's upstart victory of 1983. Just as Rama Rao advocated “self respect of the Telugus,” Hegde asked voters: “Do you want to be ruled by Delhi or from Bangalore?”<sup>181</sup>

Hegde borrowed from Rao's successful strategy to mobilize female voters as his key – unexpected – tool to pivot control away from Congress. This meant advocating for the same sorts of empowering legislation that NTR had, including monetary support for widows and women in the rural and urban labor force, with use of electoral “reservations” for women to bolster their political influence.<sup>182</sup> Hegde's contemporaries argued that he also “promise[d] to provide the female children share in the property through the governor's speech after Andhra Pradesh enacted reform.”<sup>183</sup>

Given NTR's ability to gain reelection with only negligible attempts to implement reform, it is likely that Hegde surmised that advocating gender-equalizing inheritance reform from a purely symbolic platform with a low priority for implementation would be an adequate complement to his other work to secure votes by his female constituents. Indeed, Hegde's policies

<sup>181</sup> See Rajasekhariah et al. (1987, 591).

<sup>182</sup> According to Amarnath K. Menon (1984), in January 1983 the government of AP passed an order reserving 30 percent of all government jobs for women, “but so far all it has achieved is divide opinion on its efficacy, even among women.” For more details, see Menon (1984).

<sup>183</sup> Koujalagi (1990: 369), Karnataka State Legislative Debates of 1990. For the debates in Kannada and the translation into English I commissioned, see the Chapter Appendix.

changing women's systemic access to crucial resources – both drinking water in rural areas and political power in urban areas – appear to have been enough to secure electoral victory.

What also became clear from the electoral politics of Karnataka was that pro-women legislation absent investment in enforcement was an inadequate tool for sustaining political power. By the 1989 elections, Hegde and his successor in the Janata Dal Party, Bommai, had “woefully neglected” engaging the local *Panchayats* created by Hegde as a means to reach electoral constituents and create a strong local structure for the Janata Party.<sup>184</sup> Struggles for power and its employment for personal, material benefits gave the state party a reputation similar to its national counterpart, as “interested more and more in positions and perquisites and less and less in affecting society.”<sup>185</sup> As a result, the Congress Party (I) “rode an anti-Janata Dal wave in the state.”<sup>186</sup>

Upon its return to power in Karnataka, the Congress (I) Party worked to regain its footing “as a saviour of the poor, the tribals, the Scheduled Castes, and [most importantly here] women.”<sup>187</sup> This included transparent legislative attempts “to catch votes.”<sup>188</sup> In particular, the chief minister installed following the Congress victory, S. Bangarappa, introduced the first round of legislation for gender-equal inheritance rights. Overall, this marked the beginning of intense competition for political dominance both in Karnataka (with the Janata Dal Party as a clear alternative to Congress) and across all of India.<sup>189</sup> Political power in Karnataka pivoted, at least in part, on whether reforms for women's advancement were real and credible versus symbolic. Female constituents appear to have rewarded clear records of decisive investments in their political and economic advancement (bringing the Janata Party to power in 1985 and its successor, the Janata Dal Party, in 1994), and to have punished parties for rhetorical commitments that lacked substance (cinching electoral defeats by the Janata Dal Party in 1989 and the Congress Party in 1994).<sup>190</sup>

What explains women's unique role in Karnataka's politics? According to Sen (2002, 504), while Karnataka was the site of “the major breakthrough” for women's political inclusion – through the Janata's passage of the 1983 Panchayati Raj Act reserving 25 percent of seats for women in local, elected councils – political reform was not due to pressure from an organized “women's

<sup>184</sup> EPW Special Correspondent (1989, 961).

<sup>185</sup> *Himmat*, January 6, 1978, c.f. Guha (2007, 537).

<sup>186</sup> Rajghatta (1989).

<sup>187</sup> Guha (2007, 534).

<sup>188</sup> Nayak (1990: 367) *4th Legislative Session, Karnataka Legislative Assembly Debates*, with translation from Kannada I commissioned.

<sup>189</sup> In the words of Manor (1989, 357–8), “[T]he people in Karnataka demonstrated their political sophistication and assertiveness in March 1985, when in over one hundred state assembly segments they reversed the pro-Congress(I) vote which they had cast only nine weeks earlier and produced pro-Janata majorities.”

<sup>190</sup> Gould (1997, 2340). For an insightful analysis of women's importance as undecided “swing” voters in the 1994 elections, see India Today (1994).

movement.” Sen (2002, 504–5) argues that the Janata Dal's ideology is responsible for women's political inclusion – specifically, the combination of its democratic socialism and Gandhian values directed toward a “pro-people agenda.”

I suggest a more pragmatic rationale for the Janata Dal's path breaking legislation, based on the importance of female votes for the party's political survival and authority. Here, the absence of women's active organization in party politics is balanced by the presence of politically astute women in polling booths willing to punish parties for “cheap talk” just as much as rewarding them for substantive commitments, as Jain (1996) explained earlier. This made women's inclusion a core priority in the Janata Dal's political platforms and policy implementation, despite the absence of women as primary advocates for reform.

Finally, to understand how women's political empowerment created momentum for legislating gender-equal property rights, it is worthwhile to note the broader impact of the first round of *Panchayat* elections catalyzed by the Janata Dal, again according to Jain:<sup>191</sup>

*On 1 May 1987, the Janata Dal (the party that won the elections) called a convention of all the 56,000 elected representatives, of whom 25 percent were women. It was a wonderful sight to see 14,000 women in the audience, shining bright, 80 percent of whom were participating in politics for the first time, thrilled with their victory at the hustings. Even those who had passed the law, and advocated for positive discrimination in the interests of gender equity, were stunned [emphasis added].*

Yet, it was not the Janata Dal but Congress who legislated economic reform in Karnataka upon defeating the Janata Dal in 1989, as an attempt to ensure female voters' loyalty.

#### 4.4.3 Legislating Reform: Motives, Voices, and Silence

In their attempt to claim credit for amending the Hindu Succession Act to advance women's rights, Karnataka's Congress Party borrowed language from the debates in AP. In the first round of debates, in 1990, Shri N. G. Nayak, Congress representative from Molakalmuru, stressed, albeit in paternalistic terms, that the aim of the legislation was to ensure the universal good of gender equality:

*For a father female children and male children are the same but the parents will have a special love and affection for the female children. ... It will be remembered that such a law was made in your period [of the Congress Party governance] hence I pray to you for making this amendment and thank you for giving this opportunity.<sup>192</sup>*

<sup>191</sup> Jain (1996, 4), c.f. Kudva (2003, 449).

<sup>192</sup> Nayak (Molakalmuru) (1990, 372) *4th Legislative Session, Karnataka Legislative Assembly Debates*, with translation from Kannada I commissioned. Note that the party affiliation is garnered from India Votes, whose record provides a different transliteration of the surname [Naik rather than Nayak].

Minister of Law and Social Justice, Shri B. Shivanna, the Congress representative responsible for advancing the law, extended Shri Nayak's argument by referencing the foundational importance of equity in India's Constitution. Again, this parroted language from the 1985 AP debates:

*For parents, sons and daughters are equal. Our Constitution says that under fundamental rights all are equal. Before law – opportunity should be given to all ... [therefore] we have brought Section 6A and B [as amendments to the Hindu Succession Act of 1956] giving equal protection.*<sup>193</sup>

This can be construed as a sharp, if subtle dig at the prior, Janata-led government (as well as Hindus more generally) for their inability to pass such reform. Specifically, Congress representative Shri B. M. Idinabba from Ullal emphasized the “delay”:

*I feel that the Hindu sisters should have got the share in their father's property long back ... It is there in Muslim law rights to the female and male children has been provided as per the 1400 years old Mohammadian law, it is a very happy thing.... Though delayed this law has been brought here now and its very important to implement it at the earliest.*<sup>194</sup>

As in the case of AP, opposition party members worked to moderate any credit the governing party received. However, the opposition possessed an additional weapon in Karnataka: members of the Janata Party redirected the debate to their earlier attempts at reform. As Janata Party representative Sri R. V. Deshpande of Haliyala explains: “I welcome this, we [the Janata Party] also wanted to bring this amendment hence we had decided to prepare this when our party was in power. I feel that in today's society economic status to women can only be provided through this amendment.”<sup>195</sup>

Following this, Janata Party representative Shri Shivanad H. Koujalagi of Bailahongala took the floor:

*Andhra Pradesh is the first country which passed an act for providing share to the female children in their father's property. After ... the then Karnataka chief minister Shriman Ramakrishna Hegde ... announced to provide the female children share in the property. As per that announcement Honourable Law Minister has introduced this act in our state on this day... I am really very happy that the objective of our previous chief minister Shri Ramakrishna Hegde is successful on this day*<sup>196</sup>

These comments paved the way for a much sharper, Janata Party critique of Congress-led reform as a rushed, opportunistic measure to gain votes. The Janata Dal's Shri P. G. R. Sindhya from Kanakapura argued:

*Read the Hindu Succession Act, an act of government of India. It does not appear that this [Bill] is made in concurrence with it ... if this bill becomes act then it would only remain on paper and cannot be implemented. ... What is the need to bring this bill in urgency[?]? As I know your government will remain in power ... do not bring this bill for the sake of votes and publicity. ... Please refer the bill to the joint select committee,*

<sup>193</sup> Ibid., 374. <sup>194</sup> Ibid., 370–1. <sup>195</sup> Ibid., 365. <sup>196</sup> Ibid., 369–70.

*we all will think completely about it and pass this in the next session and you will get the credit for this.*<sup>197</sup>

Along these lines a stricter critique argued that the Congress-led reform prioritized votes over resolving structural flaws, which doomed attempts at enforcement. Shri B. H. Bannikod of Hirekerur argued that the legislation provided no legal redress for mothers or daughters to claim their share of ancestral property:

*It seems that this amendment is brought as a populous measure for showing that we are providing share in property to female children but in reality if the objective has to become successful then the defects in this should be rectified and they should get their share in complete and easy way as the male children get their share.*<sup>198</sup>

In Bannikod's opinion, even with equal legal redress, the current process of claiming rights posed grave problems for women:

*The system of the law is that where in during the property partition if a mother approaches court to claim her share in property then it would take so much time that she may get her share but she might [not] be alive. This is the reason why the system of partition through the revenue system should be discontinued. Amendment should be made so that there is equal division of property through court [decree instead of revenue department]. There should not be a system wherein they approach the court for property then they lose the property as well as also money and enmity grows between father and children leading to many problems in life.*<sup>199</sup>

In Karnataka, unlike in AP, critique about reform's structural flaws was not only acknowledged but offered openly as a reason to postpone passage until its unintended consequences had been thought through and rectified. In the words of the INC's Shri Mallarigouda S. Patil from Sankeswar:

*we are reading in the everyday newspapers about dowry deaths and also we see dowry is being given. I fear that more people will approach female children who get more share in property due to this [law] ... amendments have to be made regarding marriage of children and those who marry the female children who get their share in property because it should not be understood as dowry plus property share ... we all agree that female children should get share in their ancestral property but in future many dangers can occur.*<sup>200</sup>

In the final moments of debate, even the INC Minister of Law and Social Justice responsible for introducing the legislation appeared convinced by the strength and articulation of critiques about technical flaws in the law. Accordingly, he acquiesced and requested the measure be referred to a Joint Selection Committee for further review.<sup>201</sup>

Just more than two years later, the INC presented the reworked Hindu Succession (Karnataka Amendment) Act for passage, at the ninth session of the State Legislative Assembly in January and February 1993. This represented

<sup>197</sup> Ibid., 373–4. <sup>198</sup> Ibid., 371–2. <sup>199</sup> Ibid. <sup>200</sup> Ibid., 372–3. <sup>201</sup> Ibid., 482–3.

the culmination of attempts by the Karnataka Congress Party to advance women's equal property inheritance rights as evidence of their commitment to female voters. Their relatively quick work on the project was thanks to the combination of a new, more collaborative chief minister representing Congress, Veerappa Moily, and the Joint Review Committee's efforts. Between December 27, 1990 and the submission of their report on August 29, 1992, the committee had met 22 times and visited the prior reforming states of AP, Tamil Nadu, and Kerala. However, their vision of women's concerns may have been limited by the committee's composition, as only 2 of the 12 representatives were female.

In this final round of debates, members of the opposition Janata Dal Party did their utmost to block Congress' reform. Their claims were two fold: technically, according to a member of the Joint Review Committee, Mr. Mallikarjun, quoted by Janata Dal representative Shri D. B. Chandregowda: "the state government has no authority to make this amendment" because of its intention "to change the basic principle" of prior law.<sup>202</sup> In defense, the INC argued that there were precedents for state attempts to legislate women's rights to property. In the words of Congress representative Shri Harnahalli Ramaswamy:

*this is the 3rd time such an effort has been made. [First] The Hindu Women's Right to Property Act, 1933 in old Mysore.... After which, it was decided to give the girl child some [1/4] portion of the property [at the time of partition].... [Second] After our Constitution was enacted on 26 January, 1956, the Central Government through [Congress-led] Lok Sabha and Rajya Sabha brought the Hindu Women's Right to Property Act.... Yet, the female children would get 1/4 part to 1/8 part which was less compared to the male children.... [Third] To remove this discrimination the bill proposes to provide equal property rights to the female children as that of male children.*<sup>203</sup>

In response, the opposition Janata Dal had only one more tool remaining to impede an amendment that the party "basically welcome[ed]":<sup>204</sup> the difficulty of implementing and enforcing the legislation. As Shri R. V. Deshapande argued: "*this Act has already been introduced in the State of Andhra Pradesh but is not being implemented. Hence... it is not enough that the Government just passes the bill but it has to take appropriate measures to implement [it].*"<sup>205</sup>

In response to Shri Deshapande's critique of the reform's ineffectiveness due to the lack of enforcement mechanisms, the sole woman to speak in the debates – Congress Party Representative Smt. Motamma of Mudigere – mounted an impassioned defense:

*on behalf of all women I urge all the honourable Legislators to completely welcome this bill which has been introduced by the Government of Karnataka.... Chandregowda has said that this bill should not be passed as the honourable member Mallikarjun has found*

<sup>202</sup> Page 245 in the 8th Legislative Session of the Karnataka Legislative Assembly, January–February (1993), vol. 2, p. 245–50, with quotes from the translation I commissioned.

<sup>203</sup> Ibid., 2–3, English translation of 1993 debates. <sup>204</sup> Shri D. B. Chandregowda, *ibid.*, 245.

<sup>205</sup> Ibid., 3, English translation of 1993 debates.

*a small flaw. Mr. Chandregowda has 4 girl children. [So] you should welcome the bill by ignoring the flaw and should have asked all others to approve this ... it is not correct to say that discussion is needed because of such a small issue ... No one should raise objections against this revolutionary bill which intends to provide social and financial security to women*<sup>206</sup>

Smt. Motamma drives home the importance of women's minority status as requiring a unified front of support by the men who comprise the majority of legislators: "*you are the majority, we are minority and I spoke because women should not face problems.*"<sup>207</sup>

The effectiveness of her argument on behalf of the Congress Party's act was clear from the final opposition statement made by the BJP's Shri K. S. Eshwarappa. He acknowledged his discomfort, as a man, voicing any dissent but sought to emphasize the potential moral high ground of non-passage while claiming credit for the BJP as a supporter of women:

*I am not a member of the committee and neither a woman.... [Smt. Motamma] has spoken in a way that she is the voice on behalf of all women in the state. The revolutionary move that the Government has taken should not take long time in its implementation.... I congratulate on behalf of the Bharatiya Janata Party*<sup>208</sup>

Does the forcefulness of the arguments made by a single, female legislator relate to the influence of women more broadly as advocates for reform in Karnataka? Unlike the Janata Dal, the INC appeared to ignore the importance of including women in competitive electoral politics. Once the Congress Party returned to power in Karnataka, in 1989, they suspended *Panchayat* elections for the duration of their rule (until 1994). Congress substituted symbolic, economic reform with little probability of enforcement in place of substantive, political empowerment (political quotas for women in local government). This policy did not endear women to Congress, which endured decisive defeat at the hands of female voters in 1994.<sup>209</sup>

When the Janata Dal returned to power, they proudly reinstated the *Panchayat* system for which they were responsible. While reservations for women within local government were not overtly intended to enforce women's new, Congress-legislated land inheritance rights, they created the very leverage over the revenue system that INC opponents such as Shri B. H. Bannikod had advocated as necessary.<sup>210</sup>

#### 4.5 ON THE ORIGIN OF THE 1993 CONSTITUTIONAL AMENDMENT FOR WOMEN'S RESERVATIONS

We now leave the state-level reforms of Kerala, AP, and Karnataka to consider the origin of the 1993 national constitutional amendments mandating the

<sup>206</sup> Ibid., 4, English translation of 1993 debates.

<sup>207</sup> Ibid., 5, English translation of 1993 debates. <sup>208</sup> Ibid., 6, English translation of 1993 debates.

<sup>209</sup> India Today (1994).

<sup>210</sup> Karnataka Legislative Assembly, 4th Legislative Session Debates, November (1990): 371.

inclusion of women as well as all members of SCs and STs in newly mandated local government. This story is a much more optimistic one – of women organizing for representation and fundamental change of exploitative political, social, and economic structures – than the prior narratives. Yet there are also parallels that lead us to a coherent understanding of how, when, and why institutional reforms improving women's rights and representation have such varied impacts on women, their families, and the collective organization and flourishing of the communities in which they reside.

This is not a harmonious narrative where women possess a unified collective vision either of how the world is or how it should be. Many analyses point to the diversity of women's opinions as indicative of a weakness of political strength or vision. Yet, such arguments ignore two significant factors: the importance of political mobilization in determining the salience of a given identity and its value in addressing multiple forms of oppression.

As Menon (2000, 3839) argues, the identity of “women” is not primordial, but a product of collective engagement. The greater numbers of political and social entrepreneurs invested in mobilizing individuals around caste and religion helps explain the frequency with which caste and communal identities (as well as about family), complicate – and fracture – women's responses as a unified entity (Menon 2000; Sen 2002, 511). And yet, the repeated commitments made by women to bring about justice across multiple domains, all of which tend to bind women's agency more severely than men's, suggest a broader interest in equality that requires a longer, more circuitous path to achieve.

#### 4.5.1 Historical Context: Caste, Political Parties, and Gender

Women's mobilization around the reservations nationally mandated by the 1993 constitutional amendments stands in contrast to a theme running from the beginning to end of the origins the HSAA, which we have thus far followed from colonial times to the mid-1990s: “reform from above.”

Indeed, such practices were clear from the first moments of British colonial social reforms, where women's silence resounded in movements ostensibly for their betterment, such as for the abolishment of *sati*, that is widow burning.<sup>211</sup> From the *sati* debates of the 1820s onward, colonial campaigns around practices from marriage to education focused exclusively on the lives of women from upper castes.<sup>212</sup> This emphasis is important not only because it failed to acknowledge the “hard” exclusion and exploitation faced by women from lower castes or religious minorities, but also because it permitted what Uma Chakravarti (2003) identifies as the “*brahmanical* patriarchy,” which undercut demands for more radical change.

According to Tanika Sarkar (1993, 1869), “colonial structures of power compromised with, indeed learnt much from indigenous patriarchy and upper

<sup>211</sup> Mani (1998). <sup>212</sup> Rao (2003, 15).



caste norms and practices.”<sup>213</sup> As the earlier sections of this chapter on inheritance reform show, new opportunities for advancement in British colonial administration created competition between men of different castes. This encouraged greater efforts by men with lower social status and resources to “leapfrog” ahead by increasing their control over women in their families, while opening the door for “modern” achievements of Western education and social mobility amongst women from upper castes.<sup>214</sup> Thus, reforms ostensibly designed for women’s empowerment – legalizing widow remarriage in 1856 or prohibiting child marriage – often narrowed the boundaries of some women’s autonomy, while undermining opportunities for female intercaste solidarity.<sup>215</sup>

Yet, when it comes to women’s political representation, there is a contradictory narrative that carries equal weight. This is the replacement of the upper caste, largely male political concern for the “woman’s question” – to use the colonial terminology for problematic social traditions aimed at controlling women’s behavior – with the explicit political activism of women with radical goals, many of them from lower castes. According to Anupama Rao (2003, 21):

*“the precise period of social reform’s disappearance from the upper-caste agenda is that of its appearance on other agendas – in the emerging political activism of women themselves (whether we wish to call it feminist or not), as well as the debates over the “woman’s question” in anti-caste movements.”*

Indeed, the dalit or non-*Brahman* political movements across Southern and Western India, including those led by B. R. Ambedkar and Periyar (E. V. Ramaswamy Naicker) understood the struggle for equality to require overturning both caste and gender hierarchies.<sup>216</sup> In both cases, women’s political mobilization was critical. Ambedkar supported the organization of women’s conferences in parallel to events such as the First Round Table Conference with the British colonial regime as of 1930, which included only men.<sup>217</sup> Such spaces enabled the dalit female leaders emerging in the 1920s and 1930s, including Shantabai Dani, Sulochana Dongre, and Radhabai Kamble, to establish firm grounding as speaking not only on behalf of women but also the broader dalit community.<sup>218</sup>

In addition, the Dravidian *Suyamariathai Iyakkam* or Self Respect Movement launched by Periyar in 1926 sought an even more radical democratization of Tamil society that required “radical reconstructive work which would *destroy the traditional structures* [emphasis added]” of religion, caste hierarchy, and patriarchy.<sup>219</sup> In contrast to the Gandhian nationalist movement, Periyar was unequivocal that women’s efforts were central, arguing: “As of

<sup>213</sup> For a masterful overview of “the troubled relationship of feminism and history,” as well as this citation, see the EPW article of the same name by Nair (2008b, 59).

<sup>214</sup> O’Hanlon (1985); Rao (2003, 19–20).

<sup>215</sup> Carroll (1989); Sarkar (1993); Nair (1996, 2008a, 59); Chowdhry (1998)

<sup>216</sup> Pardeshi (2003, 356). <sup>217</sup> John (2008, 45); Rao (2003, 22). <sup>218</sup> Rao (2003, 22).

<sup>219</sup> Anandhi (2003, 141–2).

now, men's struggle for women's liberation has only strengthened women's enslavement."<sup>220</sup>

The Self Respect Movement that developed was structured on partnerships between women and men. Participating women not only ran their own "special" all-women's conferences but were also active in general conferences, frequently delivering the inaugural speech. The movement's content reflected the strength of women's voices: explicitly politicizing the practice of marrying as well as the form of marriage (as intercaste, "self-respect" decisions by both partners), with women occupying integral roles leading and justifying mass agitations.<sup>221</sup> The independence of women's approach is particularly clear in a transcript published between a woman and a prosecuting inspector at a Madras Court in the wake of mass anti-Hindi agitation that resulted in the arrest and jailing of 73 women, including 32 children. As recorded by Anandhi:

Prosecuting Inspector: "*You are with your small children, prison is painful and your husband will suffer. If you promise you will not do similar things in the future (i.e., participating in such agitations), we shall pardon you.*"

Woman activist: "*We are willing to bear any suffering for the progress of our language, our nation. Our husbands have no right to interfere in this. They are not the ones to do so.*"<sup>222</sup>

Women also organized and ran influential political organizations in the service of the nationalist cause as of the 1920s, including the All India Women's Conference (AIWC), established in 1926, as well as the Women's Indian Association in Madras (WIA), and the National Council of Indian Women (NCIW). These groups initially included women who held diverse opinions on the goals of female inclusion in politics. This outspokenness was in part thanks to what had occurred within the largest political organization, the INC, where, since 1889, "every meeting of the INC included some women, a few of whom were delegates and many observers. Their participation was often 'token' and symbolic, but the women were educated and politically knowledgeable and they were seeking (or being given) very new public roles."<sup>223</sup>

From the 1920s onward, the INC began actively building ties with peasants, workers, and women's organizations to demonstrate the universality of its demands. By the 1930s, Sen (2002, 475) notes that women's organizations had built a base broad enough to credibly represent "Indian women" and "participated in every committee and planning group set up to discuss India's future."

<sup>220</sup> Sami Chidambaranar (1983, 218) *Tamilar Thalaiyar* (leader of the Tamils), c.f. Anandhi (2003, 149). Indeed, Periyar's more radical views on systems of power are equally clear on the topic of property. He is quoted as arguing against property altogether as necessary to end the subjugation of women, as cited at the start of this chapter.

<sup>221</sup> Anandhi (2003, 145, 150).

<sup>222</sup> *Kudi Arasu*, November 20, 1938, cited by Anandhi (2003, 153), with emphasis hers.

<sup>223</sup> Sen (2002, 475).

This radical (if brief) opening of political organization to women encouraged a range of views on their appropriate role in politics.<sup>224</sup> In one camp, Sarojini Naidu, a widely renowned, upper-caste woman from north India, categorically opposed reservations as an implicit admission of women's "inferiority."<sup>225</sup> This view held that any sort of reservation opened the door to the "wrong" sort of women. In Rajkumari Amrit Kaur's words: "*there is no question as to the reality of unity amongst us women. We want to send our best women and our best men to the councils – therefore we do not want the canker of communalism amongst us. Once we are divided into sects and communities all will be lost.*"<sup>226</sup>

From this elitist perspective, support for reservations of any sort by women – be it according to religious community, caste, or gender – is lumped into a broader concern that such support would be tantamount to an admission of vulnerability relative to the dominant (male, upper-caste Hindu) community.

Muthulakshmi Reddi, who hailed from a devadasi family in the Madras Presidency and had been trained as a medical doctor before becoming one of the first (reluctant) female representatives nominated by the WIA in 1926 to sit on the Madras Legislative Council, saw a very different role for women in politics. She agreed to join the council to use this power with the explicit agenda to improve women's economic independence and inheritance rights, reform marriage law, abolish the *devadasi* system, and legislate reservations "to represent the women's point of view." However, she did not want to separate women's and men's electoral decision making, explaining: "[W]e do not want to form a separate caste [as] men and women rise and fall together."<sup>227</sup>

However, even this limited diversity of opinion was soon squelched as the national struggle for independence took hold in the early 1930s.<sup>228</sup> Mary John (2008, 45) notes that Gandhi's protest against granting special electorates to "members of depressed classes," known as his "fast against untouchability" that began on September 20, 1932 "dramatically broke [the WIA's] demand for reserved seats and nominations." As a result, "[O]ne by one, women who had previously supported nomination and reserved seats [such as Muthulakshmi Reddi] added their voices to the demand for 'equality and no privileges' and 'a fair field and no favour.'"<sup>229</sup>

Pressure by Gandhi to sacrifice the collective interests of women in favor of unified support for the advancement of untouchables and the broader (Hindu) community culminated by 1932 in an official stance by all three major women's organizations against "privileges" for women.<sup>230</sup> The Poona Pact, signed upon the conclusion of Gandhi's fast, supported a two-tier electorate for untouchables and the general population. This quickly translated into a formal

<sup>224</sup> Sen (2002, 475–6). <sup>225</sup> John (2008, 38–9).

<sup>226</sup> AIWC (233, 51) in opposition to the British attempt to provide separate electorates and reserved seats to different religious communities, c.f. John (2008, 40–1).

<sup>227</sup> John (2008, 35–7). <sup>228</sup> Nair (2008a, 61).

<sup>229</sup> Forbes (1996, 107–8), c.f. John (2008, 38). <sup>230</sup> John (2008, 38–46).

support for those who had suffered the historical injustice of untouchability, with an understanding about “backwardness” as exclusively caste driven, which evolved out of broader movements in Mysore and Madras.<sup>231</sup>

In parallel, women were denied any special provisions for representation, but instead were lauded as “model bearers of political unity and universal citizenship.” Renuka Ray provides insightful critique of the Government of India Act of 1935 that provided the template for women’s political exclusion post-Independence as a moment where “the social backwardness of women had been sought to be exploited in the same manner as the backwardness of so many sections in this country by those who wanted to deny its freedom.”<sup>232</sup>

Thus, during the initial decades of Indian Independence, the all-India women’s movement consolidated around a “harmonious alliance” with the male national leadership.<sup>233</sup> Urban, educated, modern, self-avowedly progressive women accepted and even advocated exclusion from institutional remedies as a signal of their commitment to the (initially aspirational) Indian nation, as well as “an impediment to our [women’s] growth and an insult to our very intelligence and capacity.”<sup>234</sup> In this period, new organizations with more diverse agendas – the *Mahila Atma Raksha Samiti* (Women’s Self-Defense League) in Bengal and the National Federation of Indian Women within the Communist Party of India (CPI) – were also created. They provided opportunities for women’s collective mobilization while setting limits on the unity of women’s voices.<sup>235</sup>

Many women from peasant and working-class backgrounds became radicalized post-Independence, joining Communist groups and movements for land and labor reform inspired by them: the Tebhaga movement in North Bengal, Telangana movement in AP, and a campaign by cotton textile workers in Western India. Yet their agendas did not explicitly include “women’s issues.”<sup>236</sup>

The reflections of numerous female CPI members in the Telangana movement suggest that “revolution” was not yet broadly construed as important for women. According to Mallu Swarajyam:

*sacrifices have to be made [for the Telangana movement]. But the question came up of why it was always the women who had to make the sacrifices. The reply was “if you consider this struggle as a whole though it is a struggle of the working classes, the peasantry is also involved and they are making sacrifices that will ultimately benefit the proletariat. That is how the women should also regard this sacrifice.” It was difficult to swallow this.... What did we fight for all these days? ... But gradually it became necessary for us to give it up. We never got the freedom we wanted.*<sup>237</sup>

<sup>231</sup> Galanter (1984); John (2008, 47).

<sup>232</sup> John (2008, 49), citing Constituent Assembly Debates (1947, 668). <sup>233</sup> Sen (2002, 481–2).

<sup>234</sup> See John (2008, 48–9); quote from the Constituent Assembly Debates (1947, 669).

<sup>235</sup> Sen (2002, 482). <sup>236</sup> Sen (2002, 479–80).

<sup>237</sup> Stree Shakti Sanghatana (1989: 240), recorded in *We Were Making History...*, cited by Nair (2008a, 62).

#### 4.5.2 Political Context: Women's Unmistakable Electoral Voice

What changed to formalize guarantees of women's political representation? The 1970s marked an extraordinary upswing in women's political salience, within India as well as globally. This transformation started with the confluence of support for "New Feminism" in the Global North and a vehicle for organizing change – the United Nations – that in partnership led a movement for development grounded in women's empowerment: the International Year of Women in 1971, which inaugurated the International Decade of Women. As part of these larger gestures, the Government of India appointed a Committee on the Status of Women in India. Their report in 1974 brought national clarity as to women's sustained disadvantages or "backwardness" that their large-scale mobilization had thus far not generated. Rather than improving, women's condition relative to that of men had worsened in labor, health, education, and politics.<sup>238</sup>

In the wake of this realization, Indian women organized across many domains. They provided "a driving force" for uprisings against economic and social exploitation, starting with the Shahada movement by Bhil (Adivasi or tribal) landless laborers in Maharashtra, which sparked women's explicit organization to assert their own power. Within the Shahada movement this became the Shramik Sangathana to confront domestic violence as of 1972. This was followed by a rapid proliferation of women's organizations grounded in economic concerns: the Self-Employed Women's Association led by Ela Bhatt in 1972, the United Women's Anti-Price Rise Front catalyzed by Mrinal Gore in 1973, and the Progressive Organization of Women (POW) organized by female Maoists in 1973–4.<sup>239</sup> The bridge between domestic and international support for women is clear in one of the most visible, unified actions by Maoist "women's organizations": their organization of the first major celebration of International Women's Day on March 8, 1975.<sup>240</sup>

Whereas the women's movements around Independence saw the state as an ally, the events of the mid-1970s to 1980s destroyed any remaining faith in the state as an altruistic actor. Initially, Indira Gandhi had appeared to be a willing partner in inclusive development. In 1971, she ran on a platform of *Garibi Hatao* (remove or end poverty) and was re-elected chief minister of the ruling Congress Party by a spectacular margin thanks to strong support from landless, lower-caste, and Muslim Indians.<sup>241</sup> At first, her victory translated into support for expanding the beneficiaries of economic progress – through land reform, Green Revolution technology, and abolishing the privileges princely rulers had obtained since colonial times.<sup>242</sup>

<sup>238</sup> Sen (2002, 482–3). <sup>239</sup> Ibid. <sup>240</sup> Kumar (1995), c.f. Sen (2002, 483).

<sup>241</sup> Indira Gandhi's Congress (R) won 352 out of 518 seats in Parliament, with the next largest party being the Communist Party of India-Maoist (CPI-Maoist), who won only 25 (Guha, 2007, 447).

<sup>242</sup> Guha (2007, 448).

However, Indira's declaration of Emergency rule in 1975 pushed many radical women's organizations underground.<sup>243</sup> What emerged after the Emergency's removal was an array of women's groups, including urban "autonomous" organizations – broadly concerned with "consciousness-raising" about gender issues – and rural struggles for land rights – which brought women's demands for independent rights to the fore, most notably the Chipko and Bodhgaya movements.<sup>244</sup>

A more organized political opposition emerged in 1977, with strong motivation to expand local political autonomy. When the new Janata Party was elected, they used the Asoka Mehta Committee to push for specific proposals on how to "re-institute local self-government."<sup>245</sup> Just as the post-Emergency women's movements became more focused on the political struggle of reshaping the state, the Asokha Mehta Committee recommended reworking the political terrain of local government: giving *Panchayats*, as local elected councils, the power to tax citizens, run schools, and identify and solve core problems in rural villages. In the committee's perspective, this meant shifting the balance of power away from the fiefdoms of local bureaucrats who "would not easily be adjusted to working under the supervisions of elected representatives" and toward local elected representatives.<sup>246</sup>

What is important here is the mechanical significance of breaking up status quo local power structures – typically operating in partnership with local landed elites – in the service of creating alternative forms of political accountability (or loyalty) that new entrants to higher levels of government could harness. Such concerns loomed large for both Rajiv Gandhi, when he proposed the *Panchayati Raj* Constitutional Amendments (mandating "reservations" for women and members of SCs and STs), and Narasimha Rao, in his successful push to write these changes into law.<sup>247</sup> For both leaders, establishing an autonomous base of local intermediaries who could mobilize votes independent of existing (Congress Party) power structures was crucial for their political survival.

Both women and members of SCs and STs played a crucial role in this project. Members of "the backward classes" (SCs and STs) are widely identified as politically pivotal, dating back to their ability to mobilize separate electorates pre-Independence and reservations (or quotas) in proportion to their local population share post-Independence.<sup>248</sup> In contrast, reservations for women are seen as a separate matter of "the government's commitments to women's uplift."<sup>249</sup> However, this ignores their decisive electoral significance within the newly competitive democratic polity of post-Emergency India.

<sup>243</sup> Whether or not explicitly for development; Sen (2002, 483–4).

<sup>244</sup> Manimala (1983); Patel (1985); Shiva (1986); Sen (2002, 484). <sup>245</sup> Singer (2007, 101).

<sup>246</sup> Asokha Mehta (1978) *Report of the Committee on Panchayati Raj Institutions*, c.f. Singer (2007, 101).

<sup>247</sup> Bohlken (2015, 85–91). <sup>248</sup> Singer (2007, 121). <sup>249</sup> Ibid.

This significance is documented as of the 1980 elections, “when Indira Gandhi focused serious attention on attracting women voters” who did indeed help bring about the victory of her Congress Party, according to a 1980 survey by Mehta, Billimoria, and Thakkar.<sup>250</sup>

Furthermore, the importance not only of women voters but also of commitments to ensure their representation in local politics is unmistakable by 1983, when the newly formed TDP's leader, NTR, professed his commitment to implement the women's reservations that the Ashoka Mehta Committee recommended in his election plank. This, in turn, helped him garner the “mass support from women voters” that propelled him into power.<sup>251</sup> Singer (2007, 148) notes that “despite the fact that only two of the 30 Members of Parliament [elected in 1983] were women, the TDP had gained a reputation as the party which overtly courted women voters.” As previously discussed, NTR imposed a first round of women's reservations immediately after his first election (9 percent), and expanded them upon his re election (to 20–5 percent at the village level and 9 percent for elected heads of village councils).<sup>252</sup>

According to Singer (2007, 149), the success of the TDP convinced other major parties to make “comparable changes” in the language of their party manifestos, the commitments they made to development for women, and the strategies they used to attract female voters. This is clear in the prior examination of Karnataka's inheritance reform, where Hegde employed a similar strategy – introducing women's reservations in 1983 to successfully attract and reward voters. By ensuring the implementation as of 1987, Hegde secured his viability in future elections. In addition, by 1991, the National Front (a broad coalition of parties that included the TDP) advocated 30 percent reservations for women in all government jobs, and by 1996, all party manifestos supported 30 per cent reservations for women in state legislatures and Parliament.<sup>253</sup>

Thus, the consensus that “the demand for reservations did not arise from the women's movement” – divided on quotas since before Independence – but rather “from institutional/male sources” requires an amendment, as Sen (2002, 501) and Singer (2007, 122) explain. In fact, reservations owe a great deal to the effectiveness with which women have employed their power as voters. They have used this leverage to identify and support new political entrants with a strong commitment to increasing women's political voice. In addition, women have demonstrated their willingness to punish politicians who fail to implement commitments to women's political empowerment, as is clear in the varied fortunes of Karnataka's Janata Dal Party, and AP's TDP, and the national Congress Party. This shift away from legal advocacy to focus on explicit demands for powerful electoral representation was the result of a major lesson during the mid-1980s. Then, national mobilization around the

<sup>250</sup> Mehta et al. (1981), c.f. Singer (2007, 146).

<sup>251</sup> Singer's personal interview with N. T. Rama Rao “On Policies for Women,” Hyderabad, November 16, 1995, c.f. Singer (2007, 103); *Eenadu*, August 15, 1983, c.f. Singer (2007, 148).

<sup>252</sup> Singer (2007, 103). <sup>253</sup> *Ibid.*, 149–50.

problems of violence against women – rape and dowry deaths – led to a series of legislative changes criminalizing these two acts, as well as increasing protections for Muslim women around divorce. However, legal reform did not lead to measurable improvements in women’s welfare. Counter productively, legislation did increase communal (Hindu-Muslim) tensions as well as women’s reluctance to request support from the state to combat domestic violence.<sup>254</sup>

Women’s importance for the political survival of successive chief ministers,<sup>255</sup> coupled with their political mobilization beyond the voting booth,<sup>256</sup> explains the state’s decision to mobilize substantial political and material resources. This came in the form of creating not only a new structure of elected local government in which women were required to play a central role, but also in the commitment to direct funds to the elected *Panchayat* leaders.<sup>257</sup>

#### 4.6 CONCLUSION

This chapter illustrated how a radical mandate for formal equality of inherited property rights emerged across two states at the vanguard of this movement, and a third that lagged behind. I compared the legislative process in each state, where women play an important role as an electorate to be mobilized, but were not at the center of agenda setting, except around reservations. While the prior chapter investigated social norms about marriage, inheritance, and parental care pre- and post-death, this chapter focused on the evolution of two legal institutions – one around inheritance, and the second responsible for distributing political authority (using “reservations”).

These twin historical contexts help interpret my gatekeeper theory of change, which argues that when new political institutions open representation – and authority over wielding government power – to women, we see more effective enforcement of their legal rights. This, in turn, challenges social institutions and generates resistance.

These chapters explored the historical scope and substance of laws and norms about inheritance and the extent to which a mandate for female political representation evolved such that enforcement of women’s economic rights became real and credible. Subsequent chapters investigate the appropriateness of my “gatekeeper” theory to explain the enforcement of economic rights, the subsequent behavioral responses by individuals, and women’s resulting ability to overcome resistance when they can strike integrative bargaining solutions that benefit the entire family.

<sup>254</sup> Basu (1992, 498–9); Agnes (2000, 498); Sen (2002, 484–95)

<sup>255</sup> Bohlken (2015, 99–103, 111). <sup>256</sup> Sen (2002, 501–16). <sup>257</sup> Singer (2007, 106–7).