INTERNATIONAL
CENTRE FOR
ETHNIC STUDIES

Understanding Women's Land Ownership in Sri Lanka: Impacts on Agency, Empowerment and Wellbeing

Viyanga Gunasekera
Nireka Weeratunge
Prawardhani Menike

Understanding Women's Land Ownership in Sri Lanka: Impacts on Agency, Empowerment and Wellbeing

Viyanga Gunasekera
Nireka Weeratunge
Prawardhani Menike

Understanding Women's Land Ownership in Sri Lanka: Impacts on Agency, Empowerment and Wellbeing

© 2023 International Centre for Ethnic Studies (ICES)
2, Kynsey Terrace, Colombo 8, Sri Lanka
E-mail : admin@ices.lk
URL : www.ices.lk

All rights reserved.

ISBN: : 978-624-5502-27-1

This publication is based on research supported by the UKRI GCRF Gender, Justice and Security Hub. Copyright to this publication belongs to the International Centre for Ethnic Studies (ICES). Any part of this book may be reproduced with due acknowledgement to author and publisher. The interpretations and conclusions expressed in the study are those of the author and do not necessarily reflect the views and policies of the ICES or the donor.

INTERNATIONAL
CENTRE FOR
ETHNIC STUDIES

GENDER JUSTICE & SECURITY
A GCRF HUB

Printed by:
Horizon Printing (Pvt) Ltd.
1616/6, Hatharaman Handiya,
Malabe Road, Kottawa,
Pannipitiya.

Understanding Women's Land Ownership in Sri Lanka: Impacts on Agency, Empowerment and Wellbeing

Viyanga Gunasekera[1]
Nireka Weeratunge[2]
Prawardhani Menike[3]

1 Viyanga Gunasekera is a Research Fellow at ICES.
2 Nireka Weeratunge is a Research Fellow at ICES.
3 Prawardhani Menike is a Research Assistant at the Centre for Women's Research (CENWOR)

Acknowledgements

This study was made possible by the financial support of the Global Challenges Research Fund (GCRF) Gender, Justice and Security Hub (UKRI). The larger study consisted of quantitative and qualitative components, of which this report presents findings from the qualitative research. The quantitative report is published separately.

We are grateful to Dr Mario Gomez, Executive Director of the International Centre for Ethnic Studies, Colombo, for his continued guidance and leadership. We are grateful to Dr. Ramani Gunatilaka and Dr. Ranmini Vithanagama for their role in conceptualising the larger study, leading the quantitative component and making this research possible. We gratefully acknowledge Associate Professor Lia Kent (Australian National University) and Professor Page Fortna (Columbia University) for their support in reviewing the ethics and initial concept of the qualitative study. We thank our team of research assistants, Ms Sivanantharajah Jenusha (Batticaloa), Ms Viveka Sinnathamby (Batticaloa), Ms Losika Pathmanathan (Jaffna), Ms Thangaiya Jeyapiriya (Jaffna), Ms Mahedhi Imoksha (Matara), and Ms Maleesha Jayawardhana (Matara) for their support in conducting interviews amidst the chaos of the COVID-19 pandemic. We also thank Ms Yalini Saranya Sivasubramaniyam for providing coordination and translation support throughout the project. We thank all others who supported the data collection, and also all the respondents (key informants and households) who generously provided us with time and invaluable information.

We are grateful to Professor Rose Wijeyesekera (University of Colombo, Dr Indika Bulankulame (Centre for Poverty Analysis), Dr Nelson Camilo Sanchez (University of Virginia School of Law), and Dr Mohamed Sesay (York University) for their generous support in reviewing an initial draft of this report and providing detailed feedback for revisions.

Last but not least, we thank all the staff at ICES for their continued support in administrative, financial, IT, and library services. The usual disclaimers apply with respect to errors and omissions, and the views expressed.

Contents

Acknowledgements v

Executive summary xi

1. Introduction 1

2. Methodology 3
   Conceptual approach 3
   Methods 5

3. Historical context of gender and land tenure in Sri Lanka 15
   Portuguese Era 16
   Dutch Era 17
   British Era 18

   3.1 Customary laws and general law in Sri Lanka 19
      General law 20
      Kandyan law 20
      Thesawalamai law 22
      Muslim law 24

   3.2 Matrilineal inheritance practices in Sri Lanka 24

   3.3 Changes in land laws in the pre- and post-independence periods 25

   3.4 Sri Lanka's armed conflict and women's property rights 28

4. Gendered land ownership and use patterns 32

   4.1 Differences in land tenure issues within and among study districts 32

   4.2 Impact of post-independence changes on women's ownership of land 36
      Land reform and land acquisition 36
      Land resettlement schemes and impact on women's ownership 38
      Impact of war on women's ownership of land 42

   4.3 Current land ownership and use patterns 44
      Lack of gender disaggregated data 44
      Landholding patterns and types of titles in the study districts 45
      Use of land and house 48

Average size of landholding 49
Proportion of land owned by women in the study districts and average size of landholding 50
Acquisition of land and house 55
Inheritance and transaction norms in relation to land 55
Land as dowry for daughters at marriage 57
4.4 Institutional context of gendered land ownership 65
Current support from the State for women's ownership of land 66
Envisaged role of the State in strengthening land tenure for women 67
Current support from NGOs for women's ownership of land 69
4.5 Overall findings on current land tenure and use in study locations 70
5. Women's agency in the household 74
5.1 Agency related to marriage 76
Decisions related to marriage 76
Decisions after marriage 77
5.2 Agency related to land acquisition and land use 79
Decisions on acquiring land 79
Decisions on resettlement 82
Decisions on land use 82
Decisions on labour engagement 86
5.3 Agency within the household 87
Decisions on household budget 87
Decisions on children's education 89
Decisions on health 90
Decisions on travel outside home 91
6. Empowerment 95
6.1 Economic empowerment 96
Land acquisition after marriage 96
Changes in income after marriage 98
Household income 99

6.2 Social empowerment 101
Changes in household chores after marriage 101
Social relations 103
Goals in life 104
6.3 Political empowerment 107
Engagement in community organisations 108
7. Social wellbeing 111
7.1 Notions of wellbeing and self-assessment of household wellbeing 112
Notions of wellbeing 112
Self-assessments of wellbeing 114
Satisfaction with life 116
Dissatisfaction with life 118
7.2 Perceptions of benefits and costs of owning land 122
7.3 Perceptions of impact of landownership vs. landlessness on wellbeing 129
7.4 Perceptions of the importance of land ownership for one's daughters and for women in general 135
8. Conclusion 140
9. Recommendations 145
10. References 147

Executive summary

Land is an important component in any Sri Lankan household. Even though the country's employment is currently concentrated in the services sector, Sri Lanka continues to have a predominantly rural population, with a considerable proportion working in agriculture and dependent on arable land as a source of livelihood and income. Apart from its economic significance, land has an important connection to a person's identity and idea of rootedness. Ancestral land of a household is also a symbol of the continuation of kinship ties and citizenship. Despite its significance, it is estimated that only 16% of all land owned in Sri Lanka belongs to women. This study focuses on how ownership of land impacts women's agency, empowerment and wellbeing.

The multiple customary laws prevalent in the country, certain state laws, and the armed conflict have contributed to women's access to, ownership of and control over land. Even if women own land, they may not always have control over their property, or certain laws or circumstances may inhibit their efficient use of the land.

The larger study, of which this is the qualitative component, adopted a mixed-method approach, which included a quantitative survey of 2,000 households in Jaffna and Kandy districts. The conceptual approach is based on the premise that the agency of women is enhanced by access to land as a significant resource/asset. Agency (Kabeer 1999) is an essential component contributing to women's empowerment (Batliwala 1994; Narayan-Parker 2002), which in turn leads to their social wellbeing (McGregor 2008; White 2008). The present report discusses the findings and analyses of the qualitative component of the larger study using a literature survey and 103 qualitative in-depth interviews conducted in Batticaloa, Jaffna, Kandy, and Matara districts from April 2021 to December 2021. These four districts were selected to represent the different customary laws in place in Sri Lanka, as well as ethno-religious diversity. Qualitative interviews were conducted with 07 national-level key informants (KIs) (academics, non-governmental organisation [NGO] representatives, and government officials), 32 district-level KIs (NGO representatives and government officials from the study districts), and research participants in 64 households from two study locations in each district (six females and two males per study location).

The report presents its findings under several themes. It first discusses the historical context of gender and land tenure in Sri Lanka through a literature review. It then presents an analysis of post-independence changes and current gendered land ownership and use patterns across the four districts as perceived by key informants and experienced by households. It then proceeds to discuss women's agency in the household, empowerment, and social wellbeing in relation to land ownership. Both the analysis and discussion are based on fieldwork data. The report ends with a conclusion and recommendations to policy makers.

The overall conclusions of this study reveal that land ownership in itself does not necessarily lead to women's empowerment or wellbeing in Sri Lanka. This is due to the colonial transformation of customary laws favourable to women, legal constraints in the current laws and underlying social norms that are still prevalent. Even if more women were customarily entitled to own land, as in the case of Jaffna and Batticaloa districts in the past, our study shows that land ownership alone cannot help women transform power relations and overcome gender disparities in agency, empowerment and wellbeing. Moreover, while women affirm the subjective, relational (social) and material benefits of land ownership, knowledge and awareness on how to use land rights to one's advantage as a bargaining tool within the family and community, especially for economic advancement, are also needed. More research and collaboration with women on the ground are needed to explore the ways in which land ownership can practically support the different forms of women's empowerment and wellbeing in diverse contexts.

1. Introduction

"Land has been and continues to be the most significant form of property in rural South Asia. It is a critical determinant of economic wellbeing, social status, and political power" (Agarwal 1994a, xv). This statement holds true as Sri Lanka has continued to be a predominantly rural country (CBSL 2020), with 27.1% of its population engaged in agriculture (DCS 2020) for whom arable land is an important source of livelihood and income. It is also established that there is a lower risk of poverty and unemployment for those households with land when compared to landless households (Agarwal 1990; 1994a; Ruwanpura 2006; Melis, Abeysuriya, and de Silva 2006).

Apart from land being an economic asset, it also has a significant connection to a person's identity and idea of home or rootedness (Thiranagama 2011). Similar to identity and rootedness, ancestral land usually holds a symbolic meaning of the continuity of kinship ties and citizenship (Selvadurai 1976; Gunasinghe 1990). Selvadurai, in his study of Mulgama, a Sinhalese village in the Western Province, gives examples of disputes villagers have had regarding their ancestral land. The author shows how people are willing to invest money and energy, often more than the land's worth, in order to secure claims to ancestral land. Land as property is also perceived as an asset that is durable and permanent, which are qualities that other types of property like cash, jewellery, animals (such as cattle), and domestic goods (like furniture) do not possess (Agarwal 1994b).

The changes made to land tenure and inheritance rights during the colonial periods point to land's importance in relation to not only economic activity but also to social and political power. Land continues to hold its value in today's growing economy, with 35% of the Sri Lankan population being indirectly or directly dependent on land (Melis, Abeysuriya, and de Silva 2006, vii). However, only 16% of all personally owned land in Sri Lanka is estimated to belong to women, and this limits their access to different agricultural assets and benefits such as subsidies, credit or irrigation water (FAO in Sri Lanka 2018). The lack of recognition of women as farmers is another related issue (R. de Silva 2020). Land ownership has become more crucial than ever in terms of investment and financial security (Agarwal 1990), and also as the focal point of action to curb discrimination against women with regard to property (Swaminathan, Lahoti, and Suchita 2012).

This study looked at the relationship between women's land ownership and agency, empowerment and wellbeing in Sri Lanka, based on qualitative research in four districts - Batticaloa, Jaffna, Kandy and Matara - selected for the different customary laws which have prevailed in these regions, as well as ethno-religious diversity. While all these districts remain predominantly rural as in the case of most of Sri Lanka, Jaffna retains over half of its employed labour force in agriculture, while Matara has a third of its labour force engaged in agriculture (DCS 2020). In contrast, Batticaloa and Kandy districts have over half of their respective labour force engaged in the services sector (ibid). This qualitative component of the study, based on 103 in-depth interviews with key informants and household members, complements the quantitative component of a larger study focused on two of the study districts, Jaffna and Kandy, on the same topic - i.e. women's land ownership in Sri Lanka – that was based on a random sample survey of 2,000 households. This report of the findings of the qualitative component first provides the historical context of land tenure in Sri Lanka, followed by the changes that have occurred in gendered land ownership and use patterns in the post-independence period. This leads to the core of the empirical analysis - the relationship between women's land ownership and agency, empowerment and social wellbeing. Finally, the report provides a conclusion of the findings and recommendations in relation to potential policy implications.

Agarwal (1994a) identified gender gaps in property ownership and control as the single most critical factor that contributes to the gender gaps in individual economic wellbeing, social status and empowerment. Yet, challenges to women's property ownership as a means of their empowerment and wellbeing needs further understanding in Sri Lanka's post-war context (cf Wijeyesekera 2019). The paucity of evidence on gendered challenges to land ownership in Sri Lanka contrasts with relatively more extensive studies that have been done on women's livelihood in a post-conflict environment. In fact, this resonates with Agarwal's (1994a) argument that development initiatives have often been preoccupied with women's employment with no focus on women's command over property. We expect the findings of this research to generate evidence that would feed into necessary reforms on land policies that recognize the post-war complexities women face in reclaiming land, shape the practice of state and non-state actors, and respond to the ground realities of women's issues, both legal and social. We also anticipate this study will generate an impetus for broader research on challenges to women's property ownership in Sri Lanka and in other societies.

2. Methodology

Conceptual approach

Women's empowerment is a process that enables women to own and control various factors that are necessary for their economic independence, political participation and social development. In many cases, the empowerment of women depends on their economic and financial independence. There is a plethora of evidence that points directly to the importance of land rights in creating sustainable livelihoods and food security, particularly for women (Pallas 2011). Land security is a crucial dimension of women's empowerment. Even where gender equality is legally recognized, laws pertaining to property rights often do not give equal status to women. Where they do, such property rights may not be respected in practice (ibid).

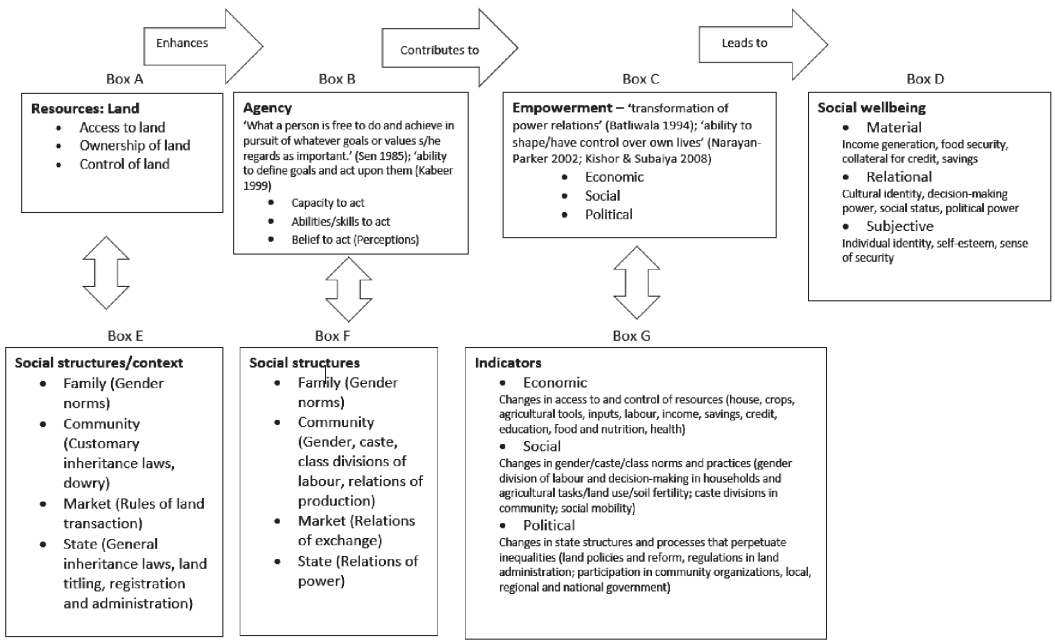
The conceptual approach used in this study is based on the premise that agency of women is enhanced by access to land as a significant resource/asset. Agency is an essential component contributing to women's empowerment, which in turn leads to their social wellbeing. Thus, within this approach, women's agency and empowerment are both means to women's social wellbeing, which is considered as the desired outcome in moving towards gender equity. The relationships among these concepts are elaborated in a flowchart diagram (see Figure 1).

In understanding the role of land as a resource for women, the ways in which the three dimensions of access, ownership and control shape the lives and livelihoods of women are considered (Box A). These are contextualised in terms of four institutional spheres or structures (following Kabeer 1999): family, community, market and state (Box E). We use agency as defined by Sen (1985, p. 203), "What a person is free to do and achieve in pursuit of whatever goals or value s/he regards as important," and by Kabeer (1999, p. 438), "ability to define goals and act upon them" (Box B). The social structural context (i.e. family, community, market and state) within which agency is exercised is indicated in Box F. There are many definitions of empowerment, some of which appear as almost equivalent to agency. Therefore, the definition of empowerment adopted here goes beyond women's ability to make decisions and act upon them, to encompass "transformation of power relations," as expressed by Batliwala (1994) and "ability to shape/have control over own lives" (Narayan-Parker 2002; Kishor and Subaiya 2005) (Box C). Indicators are assessed for three aspects of empowerment in relation to land – economic, social, and

political (Box G). Social wellbeing in this approach is conceptualised in terms of the three dimensions of material, relational and subjective wellbeing (McGregor 2008; White 2008) (Box D). Material wellbeing includes income, assets, employment, natural resources, food security and health. Relational wellbeing incorporates all dimensions of social and institutional relations, including land and water tenure. Subjective wellbeing is constituted of feelings and aspirations in relation to one's life, including a sense of security or insecurity (White 2008).

Social wellbeing is broadly defined as "A state of being with others that arises where human needs are met, where individuals and groups can act meaningfully to pursue their goals, and where they are satisfied with their way of life." (McGregor 2008, 1). The social wellbeing approach is built upon the capability approach (Sen 1999; Nussbaum 2011), wherein Sen emphasises human freedom, while Nussbaum argues for human dignity, based on a list of fundamental capabilities, which correspond to some extent with the three wellbeing dimensions discussed so far. Thus, the flowchart below postulates that women's access to, ownership of and control over land enhance their agency and contribute to their empowerment, ultimately leading to their social wellbeing.

Figure 1: The conceptual framework



Framework: Authors

A comprehensive literature review done for this study (see Gunasekera 2021), confirmed later by interviews with key informants, revealed research gaps in understanding the current extent of women's land ownership - especially due to the lack of gendered statistics on land tenure in Sri Lanka, recent transformations in gendered land ownership - and how land ownership affects livelihoods, agency, and empowerment of women. The overarching research question is: **'Does women's land ownership increase their agency, empowerment and social wellbeing?'**

The sub-questions that were formulated were:

1. What were the historical patterns of land tenure (customary and modern) across gender, in pre-colonial, colonial and post-colonial periods?
2. What are gendered impacts of land reform, conflict and resettlement on land tenure in the post-independence period?
3. What are the main land ownership and use patterns in the research areas currently, and how do they differ across gender and ethnic groups?
4. How does land ownership differ across households in terms of types of tenure and plot size?
5. How do women perceive the importance of land ownership for overall social wellbeing?
6. How does land ownership, or the lack thereof, affect women's:
   a) agency within the household
   b) economic, social, and political empowerment
   c) social wellbeing?
7. What kind of policy changes are necessary for equitable access to land for women and men?

Methods

The overall study adopted a mixed-methods approach. It included a quantitative survey of 2,000 households in two districts (Jaffna and Kandy) of Sri Lanka. The analysis of the quantitative data is published as a separate report (see Vithanagama and Gunatilaka 2023).

The present report discusses the findings and analysis delineated from the qualitative component of the larger study. The qualitative study involved 103 in-depth qualitative interviews in four districts - Batticaloa, Jaffna, Kandy, Matara. The four districts were selected purposively to provide insights into the customary laws in place in Sri Lanka, as well as to represent the ethno-religious diversity of the country. As such, Batticaloa represented a matrilineal inheritance tradition (Mukkuvar) in the past with Muslim law superimposed on that tradition in the present; Jaffna was selected for Thesawalamai law, Kandy for Kandyan law; and Matara for the General law of Sri Lanka. The major ethno-religious groups in Batticaloa district are Tamil Hindus and Muslims, while Tamil Hindus predominate in Jaffna district. Kandy and Matara districts are mostly inhabited by Sinhala Buddhists, while there are a considerable number of Muslims and Tamil Hindus in Kandy District. Qualitative interviews were first conducted with seven national key informants, who included academics, NGO representatives and government officials, to probe issues and nuances, as well as to assess the current status of different customary laws and regional inheritance patterns in relation to land ownership in Sri Lanka.

Following the national key informant interviews, district key informant interviews were conducted in the four districts with NGO representatives knowledgeable in women and land issues in the area, and government officials from the District Secretariat, Land Commissioner General's Department, and Department of Land Resettlement. Altogether 32 district key informant interviews were conducted. The last set of qualitative interviews were done with 64 households in eight study locations within the four districts. Two study locations were selected in each district, generally corresponding to two Grama Niladhari (GN) divisions[4] within Divisional Secretariat (DS) divisions, with the exception of Batticaloa District, where adjoining GN divisions were included within the study locations to capture ethno-religious diversity. Eight household interviews were conducted per study location. The criteria used for selecting the purposive sample of households and members of households within each study location included gender, ownership of land, access to family land or landlessness. Each study location used the same set of criteria for the selection of individual households with the exception of Landewatte (Kandy District), where an adequate number of land owning households could not be found, as this village constituted a tea plantation community, in which the majority of households did not have titles to their land. The purposive sampling frame is outlined below:

[4] A Grama Niladhari (GN) division is the lowest level administrative unit in Sri Lanka.

Table 1: Sampling frame of the qualitative study

District	Type of law	Type of inheritance	Ethno-religious groups	Key informant interviews	HH interviews				
					DS division	Study locations[5]	Criteria	Gender and #	
								Female	Male
Batticaloa	Mukkuvar, Muslim	Matrilineal, patrilineal	Tamil Hindu, Muslim	10	Eravur Town, Vaharai	Thamaraikulam	Land owning	2	1
							Access to family land	2	-
							Landless	2	1
							Total	6	2
						Kadalveli	Land owning	2	1
							Access to family land	2	-
							Landless	2	1
							Total	6	2
Jaffna	Thesavalamai	Matrilineal, Bilateral	Tamil Hindu	08	Valikamam North Vadamarachchy North	Kudiyiruppu	Land owning	2	1
							Access to family land	2	-
							Landless	2	1
							Total	6	2
						Thunaiveli	Land owning	2	1
							Access to family land	2	-
							Landless	2	1
							Total	6	2

[5] All names of study locations are pseudonyms to maintain the privacy and confidentiality of research participants, following ethnographic practice.

Kandy	Kandyan	Bilateral	Sinhala Buddhist, Tamil, Muslim	04	Medadumbara	Landewatte	Land owning Access to family land Landless Total	1 - 5 6	1 - 1 2
						Kadawela	Land owning Access to family land Landless Total	2 2 2 6	1 - 1 2
Matara	General	Patrilineal	Sinhala Buddhist, Tamil, Muslim	10	Mulatiyana, Thihagoda	Devalagala	Land owning Access to family land Landless Total	2 2 2 6	1 - 1 2
						Rathpitiya	Land owning Access to family land Landless Total	2 2 2 6	1 - 1 2
National key informants				7					
TOTAL				**39**				**48**	**16**

Interviews were conducted from April 2021 to December 2021. Research assistants were employed to conduct district level key informant and household interviews as the COVID-19 pandemic posed travel restrictions and health risks to the conducting of one-on-one interviews. The research assistants were interviewed and selected from the study locations, and they were trained thoroughly on the project concept, qualitative research methodology, conducting interviews, writing interview transcripts, and ethics of qualitative research. All district level interviews were conducted virtually via WhatsApp or regular calls in local languages and later translated to English. The qualitative data were analysed based on the grounded theory approach (Glaser 2001; Berg 2009).

In presenting the analysis we have desisted from providing frequency of responses in percentages as this would have been misleading, given that the qualitative sample was relatively small and purposive, rather than representative. Instead, we have used terms, such as 'majority', 'minority', 'most', 'some', 'few' and a 'considerable number', to indicate data trends in comparisons within and across study locations. However, these terms are merely indicative and are not to be considered definitive. Where possible, we have contextualised the qualitative findings with quantitative data (which were based on a random sample survey and are representative for the two study districts of Jaffna and Kandy), available national statistics, and literature. The main purpose of the qualitative component was to provide depth to the understanding of women's land tenure issues in the study locations in the four districts, and to elaborate and complement the findings of the quantitative component of the study in Jaffna and Kandy districts.

Limitations

The biggest challenge to the study was that, as data collection was conducted during the COVID-19 pandemic, fieldwork had to be delegated to research assistants resident in the study districts. Even though comprehensive online training was provided, social distancing and travel restrictions imposed during the various waves of the pandemic hampered the research assistants' access to research participants and the building of rapport that is important in qualitative research. Focus group discussions (FGDs), which were initially intended, could not be conducted due to restrictions on gatherings of groups. FGDs would have constituted an additional method that would have helped triangulate the data.

Moreover, the general limitations of a qualitative study in which sampling was purposive, as well as the relatively small sample size of household interviews need to be kept in mind when interpreting the results. As the sample captured only a small proportion of Muslim households in Batticaloa District which had practised a matrilineal tradition in the past, land tenure issues specifically relating to Muslim law could not be adequately addressed empirically in the study. In addition, as the quantitative component covered only two of the study districts (Jaffna and Kandy), qualitative findings from the other two study districts (Batticaloa and Matara) could not be corroborated with data from the quantitative survey. Nevertheless, where both approaches were combined, there was a large degree of consistency between the findings of the qualitative and quantitative components in the two districts, pointing to the relevance of the qualitative results in the other two districts as well.

Study locations: socio-economic context

The latest available statistics show that of the four study districts, Kandy has the largest population, while Batticaloa has the smallest. The most rural district is Matara, while the most urbanised district is Batticaloa. The majority (52.9%) of the labour force is engaged in agriculture in Jaffna District, while around a third of employment is in agriculture in Matara District. In Batticaloa and Kandy districts, most of the employed population (52% in both districts) is located in the services sector.

Table 2: Study districts: population by major settlement and economic sector of employment

District	Total population '000 (2012)	Settlement % (2012)*			Economic sector of employment % (2020)**		
		Rural	Urban	Estate	Services	Industry	Agriculture***
Batticaloa	526.6	71.3	28.7	-	52.0	26.0	22.1
Jaffna	583.9	79.9	20.1	-	29.2	17.9	52.9
Kandy	1,375.4	81.4	12.4	6.2	52.0	29.0	19.0
Matara	814.0	85.4	11.9	2.8	43.7	25.2	31.1

Source: *CBSL (2020) Socio-economic Statistics of Sri Lanka 2020; **DCS (2020) Sri Lanka Labour Force Survey Annual Bulletin 2020

In terms of ethno-religious diversity, Jaffna District is predominantly Tamil Hindu, while Matara District is predominantly Sinhala Buddhist. Jaffna District, however, has a considerable Catholic minority. Batticaloa has a majority Tamil Hindu population, with a large Muslim minority (around 25%). Kandy has a majority Sinhala Buddhist population, with considerable Muslim (13.9%) and Tamil (11.2%) minorities.

Table 3: Study districts: population size, ethnicity and religion, 2012

District	Total population '000	Major ethnic groups %			Major religions %			
		Sinhalese	Tamil	Muslim	Buddhist	Hindu	Islam	Catholic
Batticaloa	526.6	1.3	72.7	25.4	1.2	64.4	25.5	4.6
Jaffna	583.9	0.4	99.2	0.4	0.4	82.8	0.4	12.9
Kandy	1,375.4	74.4	11.2	13.9	73.4	9.7	14.3	1.6
Matara	814.0	94.3	2.6	3.1	94.1	2.0	3.1	0.3

Source: DCS (2014) Census of Population and Housing 2012

Sri Lanka maintains no statistics on land tenure according to the type of ownership or the gender of the owner at the national, provincial or district levels. In the absence of such data, we have looked at land use linked to agriculture to provide some understanding of the differences in relation to land in the four study districts. The last Economic Census 2013/2014 (DCS 2018), which delineates agricultural activities (previously separated out as the Agricultural Census) provided data on the size classes and acreage of agricultural holdings and the total acreage of land cultivated, the number of parcels of lands and acreage cultivated by agricultural operators, and the number and gender of agricultural operators at national and district levels. Following the land reform process of the 1970s, where a ceiling of 50 acres of land per individual owner was imposed, the larger proportion of agricultural landholdings (99%) and land extent (82.4%) in Sri Lanka remains within the 'smallholder sector', categorised as landholdings of less than 20 acres. Landholdings over 20 acres, mostly cultivated with perennial crops such as coconut, tea and rubber, are categorised within the 'estate sector' (DCS 2018) and amount to merely 0.2% of agricultural holdings but constitute almost a fifth (17.7%) of the total extent of agricultural land.

Table 4: Distribution of agricultural land by size group, 2014

District	Smallholding sector				Estate sector		Total	
	Below ¼ acre		¼ acre-20 acres		Above 20 acres			
	Holdings %	Land extent %	Holdings %	Land extent %	Holdings %	Land extent %	Number of holdings	Land extent (acres)
Batticaloa	73.4	8.4	26.5	88.3			129,952	117,153
Jaffna	64.6	19.1	32.4	79.8			133,852	66,401
Kandy	45.5	5.2	54.3	64.5			256,003	268,193
Matara	42.1	4.3	57.8	78.3			191,133	217,079
Sri Lanka	46.7	4.3	53.1	78.1	0.2	17.7	4,353,121	5,643,277

Source: Calculated based on DCS (2018) Economic Census 2013/14: Agricultural Activities

When comparing across the study districts, the majority of agricultural holdings was rather small at below ¼ acre in Batticaloa and Jaffna districts, while the majority was above ¼ acre in Kandy and Matara districts (DCS 2018). The under ¼ acre size class cultivated almost a fifth of the land extent (19.1%) in Jaffna District, while this was less than 10% of the land extent in the other three districts (DCS 2018). Apart from Kandy District, in the other three districts, between 78-88% of the land extent was cultivated by smallholdings over ¼ acre in extent (DCS 2018). In Kandy, a relatively large tea growing district, 30% of the land extent was cultivated by estate sector landholdings (DCS 2018). Within the smallholding sector, a larger proportion of acreage was cultivated by holdings under 2 acres in comparison to other size categories in Jaffna (50.3%), Kandy (43.6%) and Matara (40.9%) district, while the larger proportion of acreage in Batticaloa (40.2%) was cultivated by holdings between 2-5 acres, despite the majority (73.4%) of holdings being under ¼ acre in that district (DCS 2018), pointing to greater disparity in landholdings. Moreover, within the smallholding sector, the majority of agricultural operators (56%) in Kandy District cultivated a single parcel of land, while larger proportions of agricultural operators cultivated two parcels of land in Batticaloa (57%), Jaffna (39.6%) and Matara (45.4%) districts (DCS 2018). In all four districts, as in Sri Lanka in general, around 98% of smallholdings were cultivated by agricultural operators categorised as farming 'on their own account' (DCS 2018).

In the absence of data on land ownership, the available statistics on agricultural operators, which correspond to some degree with ownership of agricultural land, reveal that men predominated as cultivators in all four districts (DCS 2019). However, over a quarter of cultivators in Jaffna and Kandy districts, where customary laws prevail to various extents, were women, while around a fifth of cultivators in the other two study districts, Batticaloa and Matara, were women (DCS 2019).

Table 5: Agricultural operators by total number and gender percentages, 2016/2017

District	Number of total operators	Male %	Female %
Batticaloa	34,462	80	20
Jaffna	43,416	74	26
Kandy	139,061	73	27
Matara	110,426	78	22
Sri Lanka	2,311,343	77	23

Source: DCS 2019, Agricultural Household Survey 2016/2017

Within this overall socio-economic context, two locations were selected for in-depth household interviews in each study district. The selected study locations in Batticaloa Dwere *Thamaraikulam* in Eravurpattu DS division and *Kadalveli* in Koralaipattu North DS division. *Thamaraikulam*, inhabited by both Muslims and Tamils, is predominantly a farming community engaged in rice cultivation, with some households engaged in fishing and small enterprises, while *Kadalveli* is a coastal community, inhabited mostly by Tamils engaged in both fishing and farming. In Jaffna District, the study locations were *Kudiyiruppu* in Valikamam North DS division and *Thunaiveli* in Vadamarachchy North DS division, both coastal communities inhabited by Tamils, with households engaged in a wide range of occupations, including wage labour in farming and fishing, and skilled crafts. The selected study locations in Kandy District were *Kadawela* and *Landewatte*, both located in Medadumbara DS division. *Kadawela* is a hill farming community, inhabited by Sinhalese households mainly engaged in rice cultivation, while *Landewatte* is a tea estate with a predominantly Tamil population engaged as plantation workers as well as in a range of occupations outside the estate. In

Matara District, the study locations were *Rathpitiya* in Thihagoda DS division and *Devalagala* in Mulatiyana DS division, both inhabited by Sinhalese. *Rathpitiya* is a peri-urban community, with some household members engaged in rice cultivation, while others are engaged in enterprises or commute to Matara town for employment. *Devalagala* is a rural farming community with many households engaged in cinnamon cultivation and self-employment.

3. Historical context of gender and land tenure in Sri Lanka

For Sri Lanka, land has always been a source of sustenance, but it was with colonial intervention that land started to gain its economic and political leverage. When looking at the patterns of land tenure and land use in ancient, pre-colonial Sri Lanka, de Silva (1992) explains that, during the times of kings, land was used as the main source of sustenance for all citizens. Even though it was the king who had supreme control over all land (though he was not the sole owner of all the land), it was the community that cultivated the land and reaped its produce, for themselves and for the king (de Silva 1992, 1; Abeysinghe 1978, 1:32). There was no notion of exclusive rights over land for individuals or families. All the people, except the *sangha*,[6] were obliged to participate in cultivation, its administrative duties, or other related livelihoods[7].

De Silva (1992) further states that the history of land tenure is not well documented and tracking its process of change is difficult (p. 3). However, before Portuguese rule, the land tenure system was governed by traditional laws. The king was vested with the power to grant lands to any person he wished under two categories: grants of *pangus* or portions; and grants of villages. Within the feudal Kandyan social set-up, land tenure was based on a caste system dominated by the land-owning and/or cultivating caste, the *Goigama*, to whom the other castes owed services in exchange for land or a part of the harvest. The king granted lands titled *ninadagam* to noble and other families for loyal service to the crown (Pieris 2011), and also to temples as *viharagam* (Buddhist temples) or *devalagam* (Hindu temples), as a meritorious deed. Parts of these lands were sub-divided into plots, and peasants of the cultivator caste as well as service castes[8] under them were granted access to these plots on a sharecropping basis, working under their landlords (whether

6 Buddhist monks

7 Currently, the Sri Lanka State holds and controls 82% of the total land area of the country. One in three Sri Lankan families lives on state land under different forms of land tenure (Sarvodaya Shramadana Movement 2010, 218)

8 Silva (2005) classifies four levels in the Sinhalese caste system; (1) Goigama (land owning elites, farmers, and cattle farmers); (2) Lowland castes (such as Karāva (fishermen), Salāgama (cinnamon peelers), Durāwa (toddy tappers), and Hunu (lime burners); (3) Service castes (such as Navadana (smiths), Hēna (washers), Vahumpura (jaggory makers), Badahala (potters), Dura/Villedurai (keepers of Sri Maha Bodhi and elephants), Beravā (drummers), Batgama (labourers); and (4) Low castes (such as Gahala (funeral drummers), Kinnara (weavers), and Rodi (beggars)) (p. 33-50). See also Ryan (1993).

feudal landowners or temples) as tenants, obliged to provide 50% of the harvest to their landlords (Gunasinghe 1990). Landowners and tenants also owed *rājakāriya*, a form of free service to the King/State, in exchange for the land they cultivated.

Moreover, in the Kandyan system, the village operated on a feudal system of sharecropping. Conversely, in Dry Zone or lowland villages (located on the margins of the Kandyan system), there seems to have been a traditional common property system, where land was rotated, based on the *thattumaru* system, in which each generation inherited not a piece of land but a share (*pangu*) (Leach 1961, Obeysekere 1967). While most shares appeared to have been in the hands of men, Obeysekere (1967) discussed the inheritance conditions under which women could have access to these shares. For example, daughters had a temporary joint interest with their brothers in the landed property of their parents until they were married in a *diga*[9] marriage, yet had the right to return to their parents' house and were entitled to family support in the case of divorce or widowhood (Obeysekere 1967, 42).

Portuguese era

During the Portuguese colonial period, the Portuguese started acquiring land and gradually the land tenure system of the country started to change. The Portuguese landholding group was exempted from the obligatory services of cultivation, but instead they paid a quit-rent [10]. Abeysinghe (1978) marks this point as a novel event in the land tenure system in Sri Lanka. The Portuguese also started to buy and sell *pangus*, and by 1619 Portuguese held villages covered around 1/5 of the Kotte[11] area. With the acquiring of land, the Portuguese influenced the exports industry as well – notably that of cinnamon.

The 'near self-sufficient' (Abeysinghe 1978, 1:5) system that existed before the Portuguese did not witness struggles among people for more land or wealth. Even though the Portuguese did not disturb this social system drastically, they started to use people's efforts to serve other economic and political interests of the Portuguese, a practice that was carried on by the Dutch (ibid, p. 1:13).

9 *Diga* marriage: upon marriage the wife moves in with the husband and his family.

10 A form of tax paid in lieu of service obligations to the State

11 Ancient Sri Lankan kingdom in the 15th century (see Piyadasa (2017) for more details)

For example, more focus was given to the production of cinnamon in order to increase exports. More people also started to move towards urban settlements where more opportunities for occupations started to arise. The social fabric of once 'near self-sufficient' agrarian communities thus started to change in the direction of an economically and politically regulated system.

Dutch era

When the Dutch arrived in 1658, de Silva (1992) notes that they expressed the need "not to follow the old laws, customs or practice of the Sinhalese" (p. 14) with regard to land and cultivation practices. The Dutch then introduced new laws and traditions in line with those of the Netherlands. In the instances where the local law was not adequate, Roman-Dutch law was used and this paved the way to formulating a more comprehensive legal status to property rights in Sri Lanka (ibid, p. 14-15).

The process of land registration was initiated in Jaffna in 1674, when a committee of five members checked each plot of land in all the villages and entered the information in a registry together with the details of the families that depended on each plot (Abeysinghe 1978; de Silva 1992). These registers were called *thombo*.[12] The Dutch policy of land grants in the southwest coastal belt was also carried out, and this was guided mainly by their interest in cinnamon, which was the single most important item of trade for the Dutch. Many regulations were enacted to control every aspect of cinnamon production and protect its monopoly. In general, the Dutch tried to gain and maintain absolute sovereignty over lands under their control. The more fertile lands in urban areas were acquired by the Government and less fertile land was given to families to be passed down to their descendants.

A pattern of free-hold lands, which permitted the owner of land exclusive rights of alienation, emerged. Under the Dutch, it was only the children born to Christian families who had the right to inherit property. Land was also becoming a marketable commodity and a class of landholders was on the rise. This further complicated the land tenure of the natives. Like the Portuguese, the Dutch also used their control over land to control labour to enhance their economic and political interests.

[12] There were 'land thombos' (registers with detailed descriptions of lands), and 'head thombos' (details of the dwellers and their rents/taxes due) (Abeysinghe 1978, 1:80).

British era

The British took steps to abolish the service tenure system[13] in 1796, although this was not officially enforced with full effect till the Proclamation of 1801 (and in 1832 in the Kandyan areas). This transformed the traditional *rājakāriya*[14] service tenure system and caste system of the natives. The British made it possible for the families who were depending on service tenure lands to be actual owners of the lands by introducing private property rights (Bandarage 1983), which gave them rights to dispose of land and pass it on to another by will, and also made the land heritable by both males and females. By taking these steps, the British wanted to reduce the influence of headsmen in administration mediation, and also encourage cultivation by giving official ownership of land.

At the same time, with the establishment of the Waste Land Act of 1840 and Crown Land sales, forests and lands belonging to the Crown (unused land, land with ambiguous ownership) were made available for purchase to both westerners and natives without distinction (see also Risseeuw 1988; Wijayatilake 2002; Abeysinghe 1978). However, most of the land was acquired by Europeans and the local elite, leaving 45% of the country's population landless, and another 21% having less than one acre each (Agarwal 1990, 13). For the local people who were able to purchase more lands, this was an opportunity for upward social mobility (Samaraweera 1982).

Today, there are two categories of land, namely, (1) state land – all land legally entitled to the State including lands of various corporations and boards, and (2) private land – land solely owned by individuals or private entities (CPA 2014). The Government owns over 80% of all land in the country, and only 17.7% of land is privately owned. This is notably different to countries like Thailand where 80% of land is privately owned and the Government owns only about 20% of land (Gunasekara 2020).

---

13 Before colonization, service tenure lands were granted to people on the condition of receiving personal service from the holders. Though these lands belonged to particular families, they could not be sold, mortgaged, or given to another person by will. These lands were the *paraveni* and *accommodessans* (de Silva 1992, 34–36).

14 This is the service tenure system, which was a form of free service to the State.

It is noted that it was under British rule that women's situation with regard to land was legally and systematically changed and deteriorated to a certain extent. Women's inheritance of land was mainly impacted by the changes made to marriage and inheritance laws. Before colonisation, marriage practices, as in the case of Kandyan Sinhalese and Mukkuvars (see below) were liberal and not registered. This allowed property to be passed down through the females as paternity of the offspring was often uncertain. It was through females that property remained in the family. The British frowned upon these systems and introduced a form of individual ownership of land (as opposed to communal ownership) as an economic strategy and this also extended more power to the men as per the patriarchal system (see Risseeuw 1988). While these changes mostly impacted the women of the landed class, inheritance practices in general were a burden for the poor people as they were pressured to acquire dowries and land for their descendants (Ruwanpura 2006).

3.1 Customary laws and general law in Sri Lanka

The three major ethnic groups in Sri Lanka practice three forms of customary laws[15] with regard to marriage, divorce, maintenance, and succession (Panditaratne 2007). They are: Kandyan law of the Kandyan Sinhalese, Thesawalamai of the Jaffna Tamils, and Muslim law of all Muslims in Sri Lanka (see below for more details). These customary laws are in place to practise and protect the traditional rights and customs of religious or ethnic groups (Fonseka and Raheem 2011). Those who do not come under the above categories follow the general law of Sri Lanka. Such types of customary laws are common not only in Sri Lanka, but are also in place in other South Asian countries including India, Bangladesh, Thailand, Malaysia, and Singapore.

The traditional personal laws of the country that were not influenced by the Dutch and English legal systems are often acknowledged as more progressive in their approach to women's rights to property. The colonial influence on the establishment of the general law of the country also undermined the more liberal values of the personal laws (Goonesekere 1990).

[15] The terms customary laws and personal laws are used interchangeably to refer to the distinct forms of laws adhered to by the three major communities in Sri Lanka.

General law

The general law in Sri Lanka pertaining to inheritance of property was founded on the Roman Dutch law and later influenced by the English law. All Sri Lankan citizens come under the general law, except for those who practise the three customary laws (see below). Currently, inheritance or intestate succession is regulated by the Matrimonial Rights and Inheritance Ordinance of 1877 along with the Married Women's Property Ordinance of 1924.

Briefly, under this general law, on the occasion of intestate property, the surviving spouse receives half of the property while the other half is divided equally among the children of the deceased (Guneratne 2006, 2). If there are no children of the deceased testator, then the parents of the deceased inherit the half share. If the parents are deceased, the testator's siblings receive the half share equally (Wijayatilake 2002, 25).

Under the Married Women's Property Ordinance, married women have certain independent rights, such as the right to hold property and of contracting as if she were unmarried, the right to dispose of all movable and immovable property held by her before marriage and acquired after marriage, to name a few.

Kandyan law

This law is applicable to those who identify themselves as Kandyans; the descendants of those who were permanent residents in Kandy and the surrounding areas when the Kandyan provinces were annexed by the British in 1815 (Agarwal 1990, 6) (see Image 1).

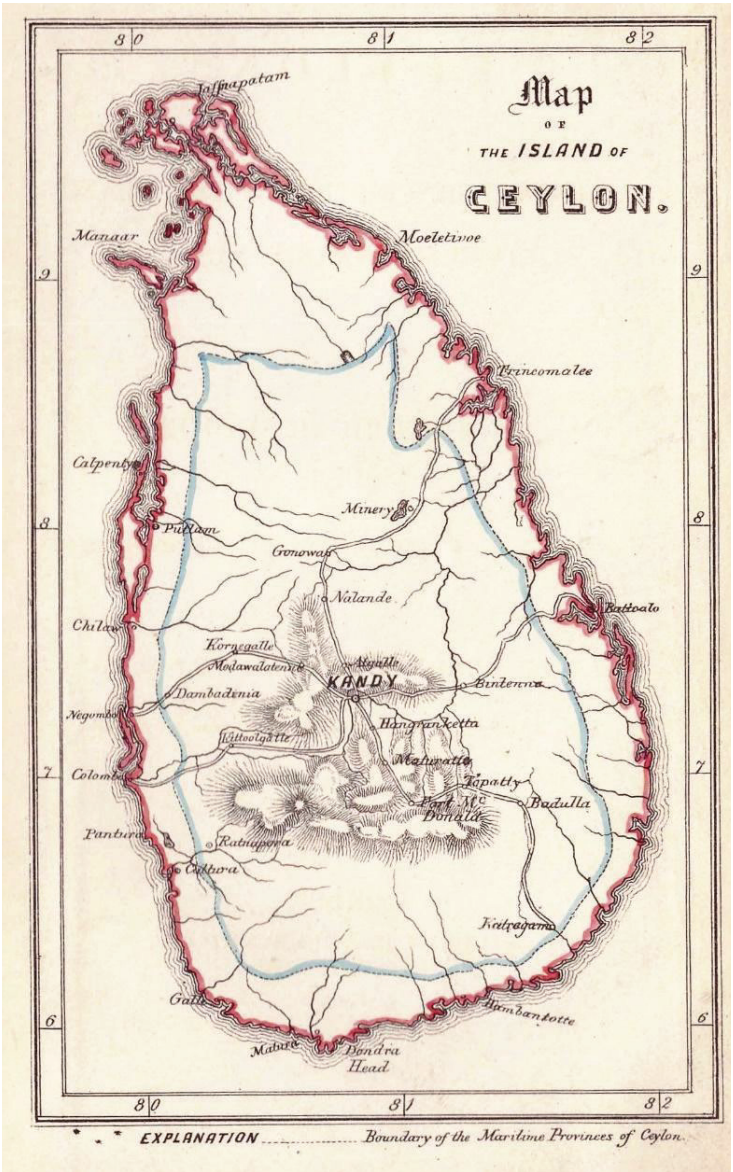


Image 1: Map of Ceylon with the boundary of the Kandyan kingdom in 1815 marked in blue.

Image credit: Henry Marshall (Marshall 1846)

Kandyan personal law is governed by the sole intention of ensuring that property, especially immovable property like land, remains within the purview of the household. Corresponding laws related to inheritance, marriage, divorce, adoption, and so on are therefore closely linked to ensuring that ancestral property reverts to or remains within the family (Risseeuw 1988).

As such, Kandyan customary laws related to inheritance are bilateral, but conditional upon the post-marital residence of the family members. Both sexes had equal rights to land and property, and also independent rights to control their shares. For example, in the case of a *binna* marriage, where the daughter remains in the family, the married daughter has the same rights to inherit her father's ancestral or *paraveni*[16] property as her married or unmarried brothers, unmarried sisters, and *binna* married sisters. Since the married daughter is based in her ancestral household, her children stand to take her ancestral name and also claim rights to her father's ancestral property.

In contrast, in the case of a *diga* marriage, where the daughter goes to reside with her husband and his family, the daughter is required to forfeit her direct inheritance of the ancestral *paraveni* property (Agarwal 1990, 7; Panditaratne 2007, 90). By doing so, it ensures that ancestral property remains within the family. Likewise, if the sons are married in *binna*, they have to forfeit rights to *paraveni* property, and the sons married in *diga* can inherit the *paraveni* property.

Thesawalamai law

Thesawalamai customary law is applicable to those Tamils with a permanent home in the 'Jaffna Province'[17] (Agarwal 1990, 6). Thesawalamai does not apply to the Tamils residing in eastern Sri Lanka (Trincomalee, Batticaloa, etc.) and those of Indian origin residing in the hill provinces (G. Tambiah n.d.).

Unlike Kandyan law, Thesawalamai law applies only to matrimonial property and inheritance, and Jaffna Tamils are subjected to the general law with regard to marriage and divorce (Fonseka and Raheem 2011, 209). The provisions of the Thesawalamai currently practised were codified during the British colonial period in the Thesawalamai Regulation No. 18 of 1806 and the Matrimonial Rights and Inheritance (Jaffna) Ordinance No. 1 of 1911. These laws have been amended by the Jaffna Matrimonial and Inheritance Rights Amendment Ordinance No. 58 of 1947 (ibid).

---

16 *Paraveni* property: ancestral immovable property that a deceased person was entitled to. This could be paternal *paraveni* and maternal *paraveni* (see Kandyan Law Declaration and Amendment Ordinance of 1939).

17 Jaffna Province or Province of Jaffna – 'included the districts of Mannar and Mullaitivu and the extreme southern limit was the line separating Cheddikulam from Nuwara Kala Viya' (Tambiah 2000, 62-67)

The inheritance patterns of the Jaffna Tamils are bilateral. Under the old Tesavalamai law, the sons inherit their father's property and the daughters are given a dowry of *chidenam* as inheritance out of the mother's property. Tambiah (2000) explains that, "invariably the husband's property remains with the male heirs and the wife's property with the female heirs…" (p. 154). If the woman is childless, after her death, her *chidenam* is passed to her sisters. The *thediatettam* or acquired property during marriage is passed on to both sons and daughters equally, but only after the death of both parents.

Under the Thesawalamai, following codification in the colonial period, even though *chidenam* was strictly the woman's property, her decisions to alienate her immovable property has to be made with the written approval of the husband (Agarwal 1994a, 129; Fonseka and Raheem 2011, 210; Wijeyesekera 2017). The husband cannot lease, mortgage, or sell the immovable *chidenam* property of the wife without her consent (Tambiah 2000, 170). The wife also cannot dispose of her share of the *thediatettam*. At the same time, a widow does not need her children's consent to sell her property. The wife can control her movable property without the need for consent from the husband. When it comes to bequeathing her movable or immovable property by will, the wife can do so without the husband's consent (Tambiah 2000, 198–99).

While the woman has restricted control of *thediatettam*, the husband could sell or mortgage the *thediatettam* belonging to the wife without consulting her. As Agarwal (1994a), and Fonseka and Raheem (2011) note, providing the husband with authority over the wife's immovable property without imposing similar restrictions on the control of the husband's property is the biggest form of gender discrimination in the codified Thesawalamai law. Wijeyesekera (2017), who attributes this amendment of the Thesawalamai law to the paternalistic approach adopted by the legislature in 2011, points out that this new provision led to constraining the married woman's independent status, as well as depriving the wife of having any say in her husband's property. Mathanaranjan and Swaminathan (2017) emphasise that such paternalistic approaches were not inherent customary practices of early settlers, but perpetuated by subsequent colonisers.

Muslim law

Muslim law as a personal law is applicable to all those who follow Islam by birth or conversion (Agarwal 1990, 6). Unlike the other customary laws, which are based on ethnicity and/or location, Muslim law is based on adherence to religion (Goonesekere 2000).

Today, Islamic law is applicable to all Muslims in the country, and the Hanafi School of Intestate Inheritance is applicable to inheritance practices (Agarwal 1990, 40). A daughter who is an only child can receive half of the deceased parent's estate, but if there is a son, the daughter stands to get only half of what the son receives. A widow would get one-eighth or one-quarter of the husband's estate, but this proportion might change depending on whether there is a child or son's descendants (ibid).

Even though Muslim women's inheritance rights to ancestral immovable property are recognized to a certain extent, they are clearly unequal to those of men (Goonesekere 1990). With the Islamic law in place, Muslim women are always disadvantaged as they are legally bound to get only half of what their men inherit. The only advantage is that, unlike Tamil women of Thesawalamai, the Muslim women can dispose of their property without the expressed consent of the husband. However, Goonesekere (2000) points out that in practice, the husband is customarily conferred with powers of management and control of the wife's *mahr*,[18] even though the wife has independent rights.

3.2 Matrilineal inheritance practices in Sri Lanka

The Tamils of Batticaloa in the east of Sri Lanka belonging to the *Mukkuvar* caste are a good example of those who have practised a matrilineal inheritance system (Agarwal 1990; 1994a). Under this type of system, all inheritance is from the mother and none from the father; succession was traced through the mother and males were considered managers of land for the females (Brito 1876, 44–45). The daughters also resided in their matrilocal residences post-marriage and this ensured the property remained in the matriline of the family.

[18] A payment made by the husband to the wife at the time of marriage as a sign of his respect and regard for her. *Mahr* is also considered as financial security or insurance for the wife against divorce (Goonesekere 2000, 61–62).

The Muslims of eastern Sri Lanka also had similar matrilineal inheritance practices. Ruwanpura (2006), providing examples for such practices, says that the mother's dowry property was usually passed down to the eldest daughter and the minimum for dowry for daughters was a house or land to build a house (p. 53). While the daughters remain matrilocally, a son who moves to his wife's estate was responsible for the upkeep and wellbeing of the wife's family.

Today however, the *Mukkuvar* form of personal law is not officially and legally recognized in the country, as it was not codified during the colonial period, unlike the other customary laws discussed above. *Mukkuvars* are now subjected to the general law of the country. Today, in Batticaloa, there is a trend for the daughters to receive the house while the land goes to the sons. In marriage, the wife is expected to bring a house as dowry but this property is generally registered under the husband's name (CPA 2005, 12). These practices have shifted from a matrilineal system of devolution of property to a system of bilateralism, which has consequently led to the decline in women's rights to lands and property. Aggravating the situation further, a recent article by Aneez (2020) details how increasing demand for dowry is pushing land prices up, putting families in debt and leaving many women without partners in the eastern coast of Sri Lanka.

At the same time, Ruwanpura (2006) notes that the practice of matrilineal inheritance patterns did not mean that patriarchal social structures were not in existence in the past. For example, while Muslim women had independent rights to land and a higher degree of autonomy in the household, they were not allowed to go to public places, and men remained the "visible members of the community" (ibid, 55).

3.3 Changes in land laws in the pre- and post-independence periods

Scholars note that land settlement[19] and land reforms[20] were the two most significant policies in the post-colonial periods (Bastian 2009, 5). For example, the Land Development Ordinance (LDO) of 1935[21] and Crown Lands Ordinance of 1947 were introduced to define the system of permits and grants which regulate

[19] Distribution of state-owned land.

[20] Aimed at reforming tenure arrangements.

[21] Introduced through the first Land Commission in 1927.

an individual's access to state land, and through these laws major irrigation and settlement programmes were initiated in the country (see below). The Land Reform Law of 1972 and 1975 (Amendment) are also a pivotal point in land reform in Sri Lanka. Through the Land Reform Law of 1972, the Land Reform Commission (LRC) was established, and through this commission, privately and individually owned land in excess of 25 acres in paddy land and 50 acres of other agricultural land was taken over by the State (Samaraweera 1982, 104). The law in 1975 enabled the nationalisation of public companies. Peiris (1978) argues that these programmes were initiated with the objectives of maximising agricultural production and employment, and reducing inequalities in wealth and income. Moreover, the Land Grants (Special Provisions) Act of 1979 was introduced so that the State can give land grants to those who are landless, but such grants entail restrictions against the alienation of property and are discriminatory to women (LST 2015).

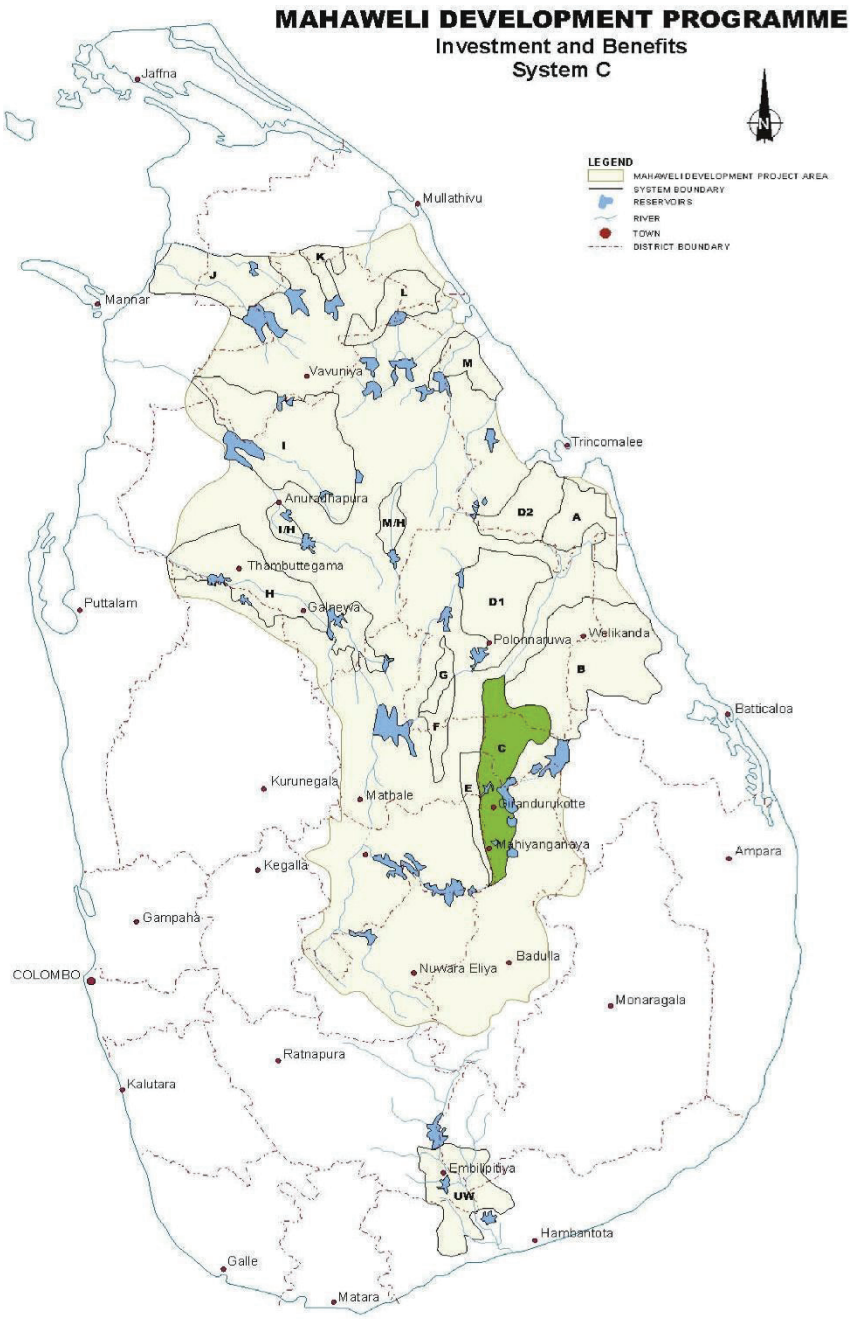


Image 2: The Mahaweli Development Programme

Image credit: Kavindra Paranage (Paranage 2019)

Laws relating to property such as the Land Development Ordinance (LDO) of 1935, implemented under British rule, is discriminatory to women. The policy was to limit land ownership and inheritance to one family member, preferably a male (Risseeuw 1988, 88). For example, in irrigation settlement schemes like the Mahaweli Development programme (see image 2) and the Uda Walawe scheme, [22]the practice has been to give land titles solely in the name of the senior male member (assumed to be the head of the household[23]) of the family and succession to such land usually passes on to the male heirs (Schrijvers 1985; Agarwal 1990, 30; Guneratne 2006, 2). Likewise, the succession to land/a grant gained through the Land Grants (Special Provision) Act of 1979 is also gender discriminatory as male heirs are favoured in the nomination order (LST 2015). Despite traditional customary laws being bilateral, these more recent practices of land allocation by the State are largely male-centred or patrilineal. Amendments made to LDO, repealing gender discriminatory practices, are as recent as 2022 (see Land Development (Amendment) Act, No. 11 of 2022).

3.4 Sri Lanka's armed conflict and women's property rights

The Sri Lankan armed conflict, from 1983 to 2009, was between the Sri Lanka State and the Liberation Tigers of Tamil Eelam (LTTE), an insurgent group fighting for a politically and geographically separate state. Land was a driver of the conflict and land has emerged as a point of contestation in the post-war context (see Lindberg and Herath 2014 for a full discussion). High levels of militarisation in the Northern Province and the employment of women in army-controlled facilities continue to generate tension (LST 2017). Despite the war ending in 2009, Sri Lanka has struggled with reconciliation and building a sustainable peace, including addressing land grievances. Similarly, women's empowerment has not been a priority for policy-makers in general. The state has struggled to integrate women, be it disabled women, ex-combatants, female heads of household (FHH), or rural women from farming and fishing communities, in reconciliation and post-war recovery processes. A recent ICES study by Gunatilaka and Vithanagama (2018) has highlighted gaps in livelihood interventions by the state, NGOs and private sector since the end of the war.

[22] Such irrigation schemes fall under the Land Development Ordinance of 1935, and the legislation is drafted in gender-neutral language (Guneratne 2006, 12–13)

[23] A head of household is defined as 'the person who usually resides in the household and is acknowledged by the other members as the head.' (COHRE 2008, 2)

Armed conflict, which often exacerbates peacetime gender relations, has added another layer of complexity to women's land ownership in the aftermath of conflict (see Pinto-Jayawardena and Guneratne 2010). A woman's ability to access land after war is affected by several factors. First, internally displaced women may find it extremely difficult to reclaim land if they have lost their husband or male relative who owned the land. In societies where widowhood is a social stigma, lack of access to land may aggravate a woman's predicament. Secondly, civilian land used for military purposes during a conflict may remain in that state for a longer period before being returned to the original landowners (see ACPR & PEARL 2017; LST 2017 for more information on militarisation in Mullaitivu and Panama). Institutionalised gender norms are likely to make these repossession activities more cumbersome for women. For example, women face greater restrictions in accessing government services and are vulnerable to sexual harassment when they do reach out (ACPR & PEARL 2017, 29). Thirdly, the lack of land ownership and lack of recognition of women as farmers (de Silva 2020) may hinder women's empowerment by restricting opportunities for them to engage in livelihood activities with maximum benefits. Landlessness may also increase their sense of vulnerability to gender-based violence as women seek to earn an income in shadow and informal sectors. All of these issues are prevalent in post-war Sri Lanka.

Although both men and women enjoy equal rights to land by statutory law, overarching gender norms have affected practice. The inheritance schedules of the Land Development Ordinance (1935) discriminate against women by favouring male heirs over females (ADB 2008; CENWOR 2001). Furthermore, traditional practices of marriage and inheritance of customary laws such as the Kandyan Law and Thesawalamai were impacted with the changes brought in and codification during the colonial period (see Risseeuw 1992). For example, while the Thesawalamai, which customarily passed property along the female line and continues to do so for the most part, was codified by the British to prevent married women from having complete control over land (Fonseka and Raheem 2011).

The armed conflict has added a further dimension of discrimination. The return to areas of origin has been a complex issue for Internally Displaced Persons (IDPs) irrespective of gender (Somasundaram 2014). The military occupation of public and private land without compensation to their owners, mainly in the North, has slowed the IDP settlement process, and the overall reconciliation process (ICG

2012). There have been instances where military officials have pressured owners into selling their land to the military or to local businesses with links to high-ranking officials of the military (ICG 2013).

Internal displacement has also led to multiple land ownership issues not just due to a loss of documentation but also due to complexities stemming from prolonged displacement, where a new community has settled and after the lapse of a certain number of years, have become eligible to claim legal ownership of the property (Lindberg and Herath 2014). This has prompted people to resort to bribery and the use of political clout to reclaim their land (Ibid). Such complexities invariably make it difficult for women to fight for land rights.

Women are further discouraged from acquiring rights to land by institutionalised gender discrimination. For example, the application of the concept of the 'head of the household' in administrative practices has resulted in discrimination for women claiming housing and land rights (Rai 2014). Although the number of women heads of households has increased in the war-affected areas as a direct consequence of the armed conflict, administrative practices have not changed to meet the ground reality. According to the most recent survey in 2019, the numbers have risen to 1.4 million FHHs (25.3%) out of 5.7 million total households in Sri Lanka (DCS 2022). As a result, female heads of households face added problems in securing rights to their own property such as difficulties in securing death certificates of their spouses and having to contest other claimants to the land, including the husband's family (Fonseka and Raheem 2011).

The lack of understanding among women of their rights often contributes to widening the gender gap in property ownership. Gender norms may prevent women realising their rights (UN, OHCHR, and UN Women 2013). A recent study on women's economic empowerment in the North shows contradictions between responses to qualitative and quantitative survey questions pertaining to women's ownership of land (Gunatilaka and Vithanagama 2018). While most women in the quantitative survey claimed to own their place of residence, qualitative evidence, that probes deeper into this issue, shows that women lack awareness about land entitlement. Despite the many challenges women in the war affected areas face in securing rightful ownership of land, these issues are conspicuously lacking in post-war recovery programmes initiated in Sri Lanka (Fonseka and Raheem 2011).

Sometimes, despite awareness of their rights, women may be discouraged from seeking land ownership for psychological reasons. The documentation required to reclaim land, such as the submission of a death certificate of the spouse, in itself may be a traumatic process for a woman, especially in the harrowing case of missing persons in the country (see also ICRC 2016). For many women, the submission of such a certificate would be tantamount to accepting that her partner will not return.

4. Gendered land ownership and use patterns

Current land ownership and use patterns vary across the four study districts according to social factors such as gender, ethnicity and region, as well as political-economic changes that have taken place within the country, especially in the post-independence period. Following on from the above discussion on the complexity of historical patterns of land ownership and use, and literature review of the evolution of the legal structure in relation to land in Sri Lanka, this section analyses post-independence changes and current gendered land ownership and use patterns as perceived by key informants and experienced by household research participants in the four study districts. This section and the ones that follow are thus based primarily on the qualitative empirical data from fieldwork.

4.1 Differences in land tenure issues within and among study districts

In discussing land tenure with key informants in the four study districts, a range of issues that revealed differences among and within districts emerged. In war-affected Batticaloa and Jaffna districts, land issues primarily related to displacement, militarisation and land grabbing both by the State and private parties, and the resulting lack of access to livelihood resources or previously owned land, with these matters being more pronounced is some areas over others. In Jaffna District, gender issues in land tenure, especially faced by female-headed households were highlighted. In Kandy District, caste, ethnicity and gender issues in relation to land tenure in specific areas emerged as important. In Matara District, land issues relating to state ownership of land, boundary disputes, differences in plot sizes across areas, vulnerability to weather events and poor land management (flooding, soil erosion, landslides) were indicated.

Batticaloa District

In Batticaloa District, key informants pointed to differences in land tenure linked to militarisation and displacement within the district, persistent especially in the Vakarai and Murakaddansenai areas. In coastal Vakarai, militarisation has negatively affected fishing and related industries. Women especially were identified as unable to pursue livelihoods, such as gleaning for shellfish and fish due to the

proximity of fishing grounds to military camps. Moreover, in areas where people were displaced, women have no permanent homes and face legal issues related to land, although these lands had been transferred to them as dowry. Some key informants indicated that the state was providing land to some landless households, based on the criteria of number of household members and income level.

Jaffna District

The majority of key informants in Jaffna District identified land grabbing by third parties and military occupation as constituting the most critical issues. In addition to militarisation, a form of land grabbing by the State, they indicated other instances of relatives or newly resettled people encroaching on lands previously owned by someone else. Many key informants pointed out that considerable numbers of people who lacked proper ownership of or access to their lands faced livelihood issues, as they did not have the means to carry out self-employment or generate income by leasing out their lands. Areas identified within the district where such land issues were prevalent were: Palali, Nallinakkapuram, Tellipilai, Mailiddy, Kankasanthurai and Vadamarachchi East. Other land-related problems highlighted by key informants included dependence on others for shelter and livelihood due to a lack of access to land or landlessness, issues with deeds such as loss or falsification or disputes, lack of a state system to resolve matters relating to deeds in the case of death or missing persons, and obstacles faced by diaspora members in reclaiming their original lands. Several key informants also pointed out caste issues, especially the inability of low caste people to buy lands in areas inhabited by high caste residents; the post-war generation's lack of knowledge of their property; difficulties in identifying original lands due to lack of access roads and lands turning into forests by the end of the war; and lack of ownership and ability to pass on land to children for people living in prescription lands, such as *kovil* (Hindu temple) lands. It was indicated that many of these land issues posed challenges in land distribution and that resettlement payments given to people were often not adequate for housing and sustaining a livelihood. While women were affected by the general land tenure issues within the district, specific issues identified as experienced by women had to do with difficulties in accessing lands or proving ownership, especially for widows and women living alone, who were thus subject to land grabbing by others. It was pointed out that female-headed households were vulnerable to sexual harassment when trying to reclaim their lands by going

to courts or other government institutions, especially as their support systems were limited. Key informants also observed women's lack of control over land, even though dowry was given in their names; an increase in violence or negative perceptions when women tried to claim lands; lack of priority for single landless women in state allocation of land to the landless; and general lack of state support for women facing land issues. Other gender issues mentioned were the inability to provide dowry and arrange marriages for daughters by landless households, and security and privacy issues confronted by women who lacked land to build proper houses and sanitary facilities such as wells and toilets.

Kandy District

In Kandy District, key informants indicated a range of caste, ethnic and gender issues in relation to land. These included the unwillingness by low caste groups to buy from or sell land to upper caste groups and vice versa, as well as an implicit understanding among Sinhalese to not sell to or buy land from Muslims and vice versa. Alawathugoda and Katugastota were identified as areas where such caste and ethnic issues pertaining to land transactions were prevalent. A key informant also pointed out that plantation workers (most of whom are Tamil) were not permitted to own the land they lived on and expand their housing without permission from the estate, and had been unable to make any decisions about the land they lived on for generations. Gender issues in land tenure indicated by key informants were the practice of bequeathing property to the youngest son in the family and Kandyan law restricting daughters from receiving land, as the intention was to keep land in the family and caste by giving ownership only to the sons in the family. Some key informants perceived that Kandyan law was discriminatory to women, that there was social stigma in women owning land because land was traditionally given only to men, and that marriage decisions were influenced by property. One key informant observed that traditional beliefs about passing on land to only sons was changing. However, other key informants pointed to discrimination of women in granting state lands, of which ownership was mostly passed on to eldest sons with women being unable to claim rights to these lands. The negative impacts on women identified by key informants as a result of practices prevalent in the district included the lack of autonomy or agency of women even over the lands they own, control of husbands over wives' lands, as well as economic and psychological issues faced by women because of a lack of access to land. This was especially true for female heads

of households who often lacked permanent places of residence and needed to rent housing, and older women who were vulnerable to eviction by children.

Matara District

Many key informants in Matara District indicated land-related issues as more prevalent in rural areas than in urban areas, due to higher state ownership in rural areas, as well boundary disputes stemming from larger plot sizes in rural areas. Issues relating to state lands mentioned were bequeathing of property to children, obtaining loans against the land as collateral, and illegal selling of lands. Key informants identified areas within the district where land tenure in terms of ownership of the number and size of plots, and land use differed. Thus, most households in Dikwella, Matara, Weligama, Malimbada, and Devinuwara Divisional Secretariat divisions were estimated to own only one plot of land of less than an acre, whereas those in Thihagoda division were estimated to own more than one plot of land of more than an acre. Most land in the Pasgoda division was identified as being used for agriculture and animal husbandry, while very little land in Dikwella and Devinuwara divisions on the coast was used for these purposes. Key informants indicated that,while most of the land in Kotapola and Deiyandara divisions had previously been used for tea cultivation, households were moving away from tea cultivation due to rising costs and diseases. A key informant observed shortcomings with land deeds in coastal areas, such as Dikwella and Kotagoda. Weather-related events and poor land management issues, such as flooding, soil erosion, landslides and garbage pollution, also emerged as important within this district, especially in areas such as Kamburupitiya, Kadduwa, Akuressa, Thihagoda, Panatugama, and Athuraliya. One key informant noted the land use problems faced by tenants who lacked freehold ownership of temple lands. Most key informants in this district were of the view that there were no specific gender issues in relation to land tenure as both men and women faced the same problems discussed. However, several key informants pointed to impacts women faced in terms of livelihoods and generating income from land, as well cases of husbands mortgaging lands due to drug abuse, resulting in an inability to repay loans.

Cross-district comparison

In comparing data from key informant interviews across the four districts, there are more similarities in land tenure issues in Batticaloa and Jaffna, as two war-affected districts, whereas there is larger variation in Kandy and Matara, both within and between these two study districts. Militarisation and land grabbing has had a more widespread impact in Jaffna District, whereas these affect specific areas in the Batticaloa District. Issues relating to deeds and reclaiming of land also seem to be more prevalent in Jaffna than Batticaloa. Gender issues relating to land tenure, and to some extent caste issues, emerged as more important in Jaffna and Kandy districts relative to the other districts. Problems confronted by female heads of households, widows and single women were highlighted in Jaffna District, whereas inheritance issues affecting women were given more importance in Kandy District. Ethnic issues in land transactions were highlighted in Kandy but not in the other three districts, although state land grabbing in Batticaloa and Jaffna districts can be construed partially as an ethnic issue. Matara District stood out from the other study districts in terms of the greater importance placed on problems linked to state ownership of land, weather-related issues and poor land management, and in the relatively lower importance given to gender issues. However, in all four districts, challenges for women in sustaining livelihoods and generating income from land emerged as an issue.

4.2 Impact of post-independence changes on women's ownership of land

Land reform and land acquisition

The land reforms of 1972, implemented by the Land Reform Commission, imposed a ceiling on land ownership to 50 acres per individual and regulated tenancy agreements in rice cultivation, among other stipulations. It also redistributed plots of lands to the landless.

In Batticaloa District, government-sector key informants stated that the Land Reform Laws (1972 and 1975) which were initiated by the Land Reform Commission, required women to hand over the land they had owned without compensation, thus depriving them of land which they would have given to their children in the

future. NGO-sector key informants stated that this affected women negatively. They observed that, according to the Thesavalamai law prevailing in the district, the signature of the husband was required for the wife's right to claim land. Women who are unaware of their husbands' whereabouts, if they were missing due to the war, cannot do anything to their lands without the owner, and women's livelihoods and their children's' education are negatively affected. One government-sector key informant stated that land reform was beneficial because land acquired through land reform was provided to landless women. Key informants from NGOs stated that acquiring lands of people for road development, as well as canal and pond reconstruction, made some people vulnerable. It was pointed out that land reform could bring benefits to all women and be effective if done appropriately.

According to NGO-sector key informants in Jaffna District, if the Thesavalamai law was to be abolished, the legal rights of women to land would be denied. However, in the opinion of some key informants, even if these rights were to be denied, there would not be much of an issue in families where there were responsible husbands. It was pointed out that women's land rights were taken away by acts, such as the Land Reform Law. The lands owned by people were grabbed by the State. When land is occupied by the military, women are unable to do anything about it. When forcible settlements are made, women are exploited while trying to communicate with other resettled people. Although land rights and land reforms take into account women and children, their main consideration relates to resettlement, rather than the safety and wellbeing of women.

Acquiring lands of people for road development as well as canal and pond reconstruction was highlighted as an issue within the Kandy District. One key informant indicated that, even though people were given lands in some other area, the value of their newly allocated land did not match the value of their original land. According to another key informant, everyone affected by land reforms had equal rights, regardless of gender. A key informant pointed out that women were often unaware of laws and regulations, and it was the responsibility of government organisations to educate and inform the community about these.

In Matara District, the majority of the government-sector key informants and one NGO-sector key informant stated that there were equal rights in land acquisition and allocation, regardless of gender. In contrast, the majority of key informants

from NGOs indicated that priority was given to males when allocating lands under land reforms. One key informant observed that there were no gender-based differences in the redistribution of land, while another observed that land reforms had no direct impact on women. Under the Land Reform Act (introduced by Hector Kobbekaduwa, Minister of Agriculture, in 1971), according to one key informant, 50% of lands in the district were taken over by the LRC [Land Reform Commission] and the maximum amount of land which could be retained by a person, regardless of gender, was 50 acres. Land reform laws were perceived to have reduced landlessness in the country. However, these reforms were believed to have affected women in an adverse way, as ownership of new lands distributed was often granted to a male family member.

Thus, key informants were generally divided on their views, with one group, comprising mainly those from the government-sector, believing that land reform affected everyone equally, regardless of gender, and the other group, made up primarily of people from the NGO sector, stating that land reforms prioritised males. It was indicated that ownership of state lands was often granted to males, with adverse impacts on women's lives. If the husband went missing due to war, they were unable to do anything with the land, as the husband was considered the owner. A lack of awareness among women about rules and regulations relating to land tenure also affected women adversely. In Jaffna and Batticaloa districts, land grabbing by the military and State is a serious problem faced by women. Thus, women's livelihoods and children's education were perceived to have been affected by land reforms.

When comparing the data provided by key informants with that of households, it emerged that none of the research participants in all study sites was affected by the land reforms of 1972. This might be due to the fact that none of households interviewed was large (over 50 acres per individual) landholding households.

Land resettlement schemes and impact on women's ownership

While land resettlement schemes were seen to be more common in Batticaloa and Jaffna districts, they were also prevalent to some extent in the other two study districts, Kandy and Matara. In Batticaloa District, a majority of key informants reported that resettlement schemes were in place to give land and housing to

those displaced due to the war and tsunami. They indicated that resettlement programmes were implemented in the following areas in Batticaloa: Mayilambaveli, Onthachimadam, Mevandakulam, Kalladi, Thiraimadu, Oorani, Kayankeni, Valaichenai, Urugamam and Punnanguda. In Jaffna District, the key informants named the following as areas where resettlement programmes were being carried out: Karavaddy, Thayiddy, Mayiliddy, Palaly, Karainagar, Navatkuli, Vazhalay, Nallinakkapuram, Vadamarachchi East, Valikamam, Valikamam East, Valalai, Maruthankeni andThellippalai.

The implementation of resettlement schemes in Batticaloa and Jaffna districts was also confirmed by research participants from interviewed households. Apart from one study location in Batticaloa, the majority of research participants in other study locations in Jaffna and Batticaloa districts indicated that they had been resettled in their own villages or received land in post-war resettlement schemes initiated by the Government.

> *Yes, we were resettled. I don't know which scheme it is. We have resettled in our own land. In 1990, we were displaced and then we stayed in Sunnaaham. Then in 1995, during the war, we intended to go to Vanni from Kodigaamam. But we couldn't go. Then when the army allowed people to resettle, we went to a welfare centre known as Sabapathipillai and were there all this long. In 2017, we were allowed to resettle. In 2018, once the house was built, we returned here.* (Female, Tamil, 59 years, Jaffna District)

> *In the year 2007, we were displaced from our homes and we were in the refugee camps in Panichchangeni and Maangeni. Approximately two years later, there were false rumours on resettlement. But only after four years we were allowed to resettle in our villages. I can't verbalise what we witnessed there. All the houses and buildings had been destroyed. Finally, in the year 2011, we were able to completely resettle.* (Female, Tamil, 42 years, Batticaloa District)

> *We gave the two plots of land that we had earlier to my sister as a gift. I own two acres of land given to me by the Government. They also gave the housing project along with the land. We moved in 1995 and resettled*

> *in 2017. We had been in Vavuniya for so long. It's been three years since I came here. The housing scheme grant provided by the Government is only eight lakhs. Since we also built the house using the money we had on hand, now there is no idea of buying any other land. The reason for that is our economic and financial problems.* (Self-employed, female head of household, Tamil, 49 years, Jaffna District)

In Kandy District, while two key informants were not aware of the exact resettlement sites, two mentioned resettlement schemes in the following areas: Theldeniya, Hasalaka, Galagedara, Pallekale and Kundasale. In Matara District, many key informants referred to resettlement schemes initiated for tsunami victims. They mentioned resettlement schemes in Polhena, Puwakwatta, Kamburupitiya, Yaddehiwala and Nilwala. One respondent mentioned a fisheries resettlement scheme in Kohuwala Karuduwatta Idama.

Analysis based on key informant interviews revealed the presence of resettlement programmes in all four study districts. In contrast to other districts, resettlement programmes were initiated for tsunami-affected people in coastal Batticaloa and Matara districts. In Jaffna and Batticaloa districts, many beneficiaries were those displaced due to war. No specific groups were mentioned as having been resettled in Kandy District.

In Batticaloa District, key informants indicated that women were negatively affected by resettlement schemes mainly because permits were primarily given in their husband's name. They pointed out that if the husband left the wife and remarried, the first wife would lose any right to the land. Some added that if women lose the right to the husband's land, then they may also lose shelter and livelihoods. Moreover, women are unable to sell the land given through resettlement schemes, while some women do not want the permits in their names. Female-headed households are more badly affected by war and displacement than other households. In contrast to the majority of responses, one government key informant said that resettlement schemes did not negatively affect women, as they were given land under these schemes.

In Jaffna District, key informants referred to problems faced by people in general in resettlement programmes, rather than problems particular to women. For

example, the majority mentioned that people had to start life anew in resettlement locations and some new areas might be unsuitable or inadequate for practising their livelihoods or for obtaining their basic needs. Key informants also indicated security issues for female-headed households due to these being resettled together, and that those resettled could stand to lose a lot more in life. One government sector key informant expressed that women were not negatively affected in resettlement schemes.

In Kandy District too, key informants mentioned problems faced by people in general, regardless of gender, in resettlement programmes. These included the uncertainties of resettling in completely new areas and the resultant changes in culture and livelihoods. In terms of women specifically, key informants noted that it was difficult for women to maintain social relations in the new resettled locations, that ownership of the new land was given mostly to men, and that women faced difficulties if their husbands decided to divorce them or forced them to leave. One key informant was of the view that resettlement affected both genders equally.

In Matara District, a majority of government sector key informants and an NGO sector key informant indicated that there was no impact specifically on women through resettlement programmes and that land was allotted fairly to both men and women. However, some key informants mentioned that, in tsunami resettlement programmes, the ownership of land was given in the name of a male of the household, even when the land had been owned by women prior to the tsunami.

In Kandy and Matara districts, the majority of research participants indicated that they were not part of a resettlement scheme. The only exception was a household in the study location inhabited by Sinhalese in Kandy. A female research participant there indicated that she had received two plots of land under the Mahaweli Accelerated Development Programme in 1982, referred to in Section 3.

Analysis of data from key informant interviews in the four districts showed that land was often allocated in the name of a male in the household in resettlement schemes, despite the perception that land distribution was gender neutral. Women stand to lose the land if the husband divorces her or chases her away from the land. Key informants also referred to changes in livelihoods and lifestyle, which caused distress to both women and men. In all four districts, some key informants,

especially from the government sector, stated that women were not negatively affected through resettlement programmes.

Impact of war on women's ownership of land

As outlined in section 3 on the historical context of land tenure, the civil war (1983-2009) between the Government of Sri Lanka and the LTTE resulted in significant changes in relation to gender and land ownership. While the conflict affected communities in all parts of Sri Lanka, households in conflict-affected districts such as Batticaloa and Jaffna were disproportionately affected, as was seen in the above comparison of differences in gendered land tenure across the four districts.

The findings revealed that the impact of war on women's land ownership was mostly confined to the study districts of Batticaloa and Jaffna. In Batticaloa District, many key informants spoke of the issue of losing land due to war and militarisation as common to both men and women of both Tamil and Muslim communities. The specific impacts in relation to women indicated were: ownership or access issues, takeover of land of widows by relatives after the death of a husband, transfer issues of ownership after death of a husband and the psychological impacts of losing land and livelihoods, especially in relation to Tamil communities. One government sector key informant claimed that the Land Reform Commission had resolved all land issues of people, while another said that the majority of land given after war was granted to women or in joint ownership.

In Jaffna District too, most KIs emphasised war-related land issues faced by both men and women. They spoke about the military occupation or High Security Zones under which many private lands had been acquired, the Government continuing to hold the land of common people through illegal means, and the lack or loss of land deeds and resultant issues relating to reclaiming and proving ownership of land. One KI said that the impact of war on land was greater in areas outside Jaffna town. Another KI said that the LTTE had distributed Land Development Ordinace (LDO) land to people but now they were facing ownership issues because such permits were no longer valid. In relation to women specifically, a key informant indicated that women faced issues transferring land rights after the death of parents.

Key informants in both Batticaloa and Jaffna districts revealed how the war had impacted the land rights of men and women in general. However, as some pointed out, women were more vulnerable because of other related issues. One notable issue was the transfer of land ownership in the case of the death of the husband or parents. In contrast to Jaffna, some government sector key informants in Batticaloa District said that war had no impact on women's land rights. In Jaffna District, both NGO and government sector key informants agreed on the prevalence of land issues common to all due to the war.

The data provided by key informants were generally confirmed at the household level as well. The majority of research participants in Jaffna and Batticaloa indicated that they were negatively affected by war, apart from one study location in Batticaloa where a minority were affected by war. The negative impacts included destruction of houses, wells, valuable trees in homesteads, acquisition of their land by the state/military and lack of compensation for damages.

> *This is our native place. We moved away in 1995 and are currently living here since 2017. We have settled here after 27 years. We moved to Kilinochchi in 1995 and then have been in Vavuniya and now are here. For so long this place had been under the control of the military - only the people's houses were opposite the Mavittapuram Kandasamy Temple. There were no people here. The security zone was under the control of the military. In 2017 this was just released to resettle. If they [people] put any pressure on the Government in the past on important days, they will pick you up in a van, drive you home and take you back. So in 2017 they have allowed us to settle in our hometown. That too was resettled step by step in each area. This area was the first to be liberated. Then land was just released bit by bit.* (Self-employed, female head of household, 49 years, Jaffna District)

None of the lands or houses of the research participants in Kandy and Matara districts were reported to have been affected by war to the same extent, although some households in these two districts also experienced the loss of members who had joined the armed forces during the civil war. Soldiers who died in the war left widows, who might have faced land insecurity issues following the loss of their husbands. However, this was not mentioned by study participants in these two

districts, as the small qualitative sample of households selected in these study locations did not capture the small proportion of war widows in those districts.

4.3 Current land ownership and use patterns

Lack of gender disaggregated data

The lack of gender disaggregated data at the district level emerged as an issue indicated by most key informants both nationally and in all four study districts. In Batticaloa, key informants perceived this as a problem without a solution, while in Jaffna District, this was linked to a lack of transparency on the part of the Government. In Kandy District, it was mentioned that a general dearth of land deeds made it difficult to disaggregate land by gender, while key informants in both Kandy and Matara districts pointed out that no initiatives had been taken so far to implement a system to collect gender disaggregated data.

In Batticaloa District, several government sector key informants pointed to gender discrimination in terms of dowry – although women have lands given to them as dowry, they need legal documents to prove this ownership and so face discrimination. Some government and NGO sector key informants, on the other hand, held the contrary view that gender was not a factor in the ownership of land. Several NGO key informants expressed that land rights should be equal among women and men. One government key informant indicated that land ownership was dependent on the will of the individual. If the wife requested the land to be written in the name of the husband, the Government would write it in his name. According to another key informant, land rights within the district were most often held in the name of women. The range of views expressed by key informants in Batticaloa District appear to reveal the transition from the customary matrilineal patterns of land ownership towards a patrilineal trend in the current period.

In Jaffna District, an NGO key informant pointed out that there were practices which were not written but passed down through custom and that legal action could not be taken against customary practices. They reported that some steps had been taken to digitalise land records in order to provide an effective process of releasing land-related data. However, it was noted that political influence often prevailed, while land grabbing by the military was commonplace.

It was reported that some organisations, such as Sanvo and Women and Media Collective, were working on land issues relating to women in Kandy District. A key informant indicated that the customary practice was inheritance by the eldest sibling. Another key informant stated that it was not decreed that ownership of property be given to women. As a lack of formal deeds for both men and women was common in Kandy District, it would be difficult to establish the proportion of land owned by women or men, a key informant pointed out.

Key informants in Matara District posited gender insensitive policies on land as contributing to the lack of gender disaggregated data. They also mentioned a lack of specific provisions on women in the law. One key informant pointed out that, under the prevailing conditions, it was difficult for women to get independent control over land.

In comparing the responses of key informants, it is clear that there is a lack of gender disaggregated data in all four study districts with very little being done to address this problem. This was viewed by key informants as a policy failure in Matara District and a transparency issue in Jaffna District. In contrast, key informants in Kandy and Batticaloa districts pointed to a lack of formalisation of land titles, whether obtained through inheritance or gifted as dowry at marriage, posing practical problems in disaggregating data by gender. Irrespective of how lack of gender disaggregated data is perceived by key informants across the districts, it poses a major challenge in both analysis and making policy decisions that address the land tenure issues of women.

Landholding patterns and types of titles in the study districts

Landholding patterns differed in terms of the extent of private/state or male/female ownership across the four study districts. Tenure issues and conflicts appeared to be prevalent in all these districts. As statistics relating to state and private lands at district level as well as types of land titles are unavailable in Sri Lanka, we requested key informants and research participants to provide estimates, based on their personal knowledge and experience.

In discussing landholding patterns, laws and inheritance systems in Batticaloa District, some key informants indicated that state land was more common than

private land, and that most state land was allocated to people through land grants under tenure schemes (Swarnabhoomi and Jayabhoomi deeds) or permits (leases). Other key informants maintained that both state and private land were similar in extent.

> *State lands are more common. The Land Ceiling Act was implemented in 1979. According to the Act a person can have only 25 acres of paddy land and 50 acres of highland. If the land extent was found above the limit, it was made state-owned - the private lands were made into state-owned land.* (State sector officer, female, Batticaloa District)

> *There is private land. There is also government land. There is also the agreement [leases]. In addition, if we take families, the land is transferred based on inheritance. Parents will give the land to their daughters as dowry. In families where there are no women [daughters] they will give to the men [sons]. If the mother dies and gives dowry to a daughter, all the surplus lands will go to the male children through the mother if nothing has been given to the male children before.* (State sector officer, male, Batticaloa District)

Of those key informants who stated that state land was dominant in Batticaloa District, estimates ranged from 55% to 80%, while those who noted the predominance of private land, estimated this at around 65%.

As revealed above, many key informants pointed to women holding more land within the district because of the dowry system and the old matrilineal system among both Tamils and Muslims.

> *The land tenure system in the district is for girls. This is because the land is made available to the girls by giving them dowry during marriage.* (NGO officer, male, Batticaloa District)

> *The maternal system was being followed in the early years. This means that the property in the name of the mother will be divided equally between the female children in the family.* (NGO officer, female, Batticaloa District)

The majority of both state and NGO sector key informants in Jaffna District concurred that most land there was under private ownership.

> *As far as the Northern Province is concerned, 90% of the lands in Jaffna remains private properties.* (State sector officer, male, Jaffna District)

Estimates of private lands among key informants ranged between 75% to 95%. These private holdings included residential and agricultural lands. Some key informants also mentioned the prevalence of land owned by kovils (Hindu temples). The types of deeds held by private land owners were not specified.

In Kandy District, key informants indicated the prevalence of private land and state land, some of which were forests, plantations and wasteland. Most stated that they were unsure of the extent of state vs. private land, although several provided estimates in the range of 18% to 25% of state land in the district. Several referred to state programmes of providing tenure, such as Swarnabhoomi and Bimsaviya deeds, to those who had no formal deeds or were landless, but pointed out various disputes relating to these forms of tenure. It was pointed out that state lands granted to households under these tenure schemes could only be transferred within the family to the eldest son but not to other children, and could not be sold.

> *When we take Swarnaboomi deeds, it is mentioned that the eldest son in the family gets ownership. There are many problems because of these Swarnaboomi deeds. The eldest son does not take care of the parents so when they try to give it to another child, there are problems because of the government laws and transferring problems. And when we consider private lands in the Kandy District a lot of generational and caste problems are there.* (NGO officer, female, Kandy District)

The majority of key informants in Matara District identified three types of land – state, private, and those belonging to the National Housing Development Authority. As in Kandy District, most key informants were unable to estimate the extent of these different types of land. State land was discussed in terms of different tenure schemes (such as Swarnabhoomi, Jayabhoomi and Bimsaviya) that granted deeds or permits under which land was leased out to people, while freehold land

(*sinakkara*) was understood as either inherited or gifted through family members, with the right to sell to others.

Overall analysis of the data provided by key informants indicates that private freehold land appears to be predominant in Jaffna District. This was confirmed by the quantitative component of the study (Vithanagama and Gunatilaka 2023), which revealed that 97% of the land titles of household respondents in Jaffna District were *sinakkara* (freehold), in comparison to 71% in Kandy District. In Batticaloa, Kandy and Matara districts, key informants pointed to the prevalence of both state and private lands, with a grey zone of state land being granted to those without formal rights under various tenure schemes, allowing for some level of inheritance through the family but lacking the right to sell. Allocation of state land through permits (leases) appeared to be more common in Batticaloa District and was also mentioned in Kandy District.

In contrast to the range of titles mentioned by district level key informants, several patterns were discerned among research participants in the study locations. The two locations in Matara District, where all titles held were identified as sinnakkara (freehold land title), and the one study location in Kandy District, where the majority of titles were also sinnakkara stood out. These three locations are inhabited mainly by Sinhalese households. In other study locations, inhabited by Tamils and Muslims in Batticaloa and Kandy districts, a range of titles, including sinnakkara, swarnabhoomi and 99-year leases on state land, were reported. In Batticaloa and Jaffna districts, research participants were unsure of what kind of titles they possessed.

> *In the land permit given to me, it is not mentioned as state land. It is registered in my name. This is our own land. I do not exactly know what kind of land document this is.* (Self-employed, female head of household, Tamil, 49 years, Jaffna District)

Use of land and house

In all study locations, the main use of the land by the majority of research participant households was for their residence. Additionally, around half of the research participants in all four districts did some cultivation of vegetable and/or

tree crops on their land, and many in the study locations in Jaffna District raised small livestock, such as chickens. Engagement in agriculture was highest in one of the study locations in Matara, where almost all research participants indicated that they were engaged in cinnamon cultivation. Apart from a study location in Jaffna District, in all other study locations, a minority of research participants reported that they had rented or leased out some of their land or were running a small business.

The majority of research participants in all four districts resided in the houses they owned with their nuclear families. In all study locations a minority lived as extended families in houses owned by themselves or their family members.

Average size of landholding

As statistics relating to the average size of landholding, with the exception of agricultural landholdings, are unavailable in Sri Lanka, we requested key informants and research participants to provide estimates, based on their personal knowledge and experience. However, key informants in all study districts did not have a good grasp of the average size of landholding within their districts, and were only able to make the observation that land sizes in urban areas were smaller than in rural areas.

In Batticaloa District, the estimates of key informants on the average size of landholding ranged from 12 perches (0.075 acres) to 1 acre. Key informants in Jaffna District estimated that the average size of landholding granted by the state to be 1-2 acres. In Kandy District, key informants pointed to the differences in various parts of the district, as well as between urban/semi-urban and rural areas. They estimated an average urban landholding to be around 10-15 perches (0.06-0.09 acres) while a rural holding was estimated as ranging from 1-2 acres. In Matara District, key informants estimated urban and semi-urban landholdings to average between 5-15 perches (0.03-0.09 acres), while rural landholdings were estimated to be around 1-4 acres. One key informant indicated that, in terms of the land distributed within the district by the Land Reform Commission, 20-40 perches (an eighth to a quarter of an acre) were allocated for housing and two acres for cultivation.

The overall analysis of data provided by key informants reveals a lack of clear knowledge of the average size of landholding within their districts. In terms of agricultural land within the smallholder sector, the average landholding size was highest in Batticaloa District, followed by Matara, Kandy and Jaffna districts (DCS 2018). However, this pattern might differ in respect to residential land, or if agricultural, residential and commercial land were combined.

In comparing the size of landholdings estimated by key informants to the plots actually owned by research participants in all study locations, the majority had less than a quarter of the average landholding extent, most of it being land on which their house was located and the area surrounding their house. A minority had land of up to half an acre and a smaller minority land over one acre. The exceptions were two rural farming locations inhabited by Sinhalese in Matara and Kandy districts, where the majority of research participant households had over an acre of land. In contrast, in one study location in Jaffna District and the estate location in Kandy District, both inhabited by Tamils, land extents owned were relatively small with the majority of research participants owning less than 20 perches (an eighth of an acre) of land. Thus, while there was some relationship between the general patterns of average landholdings estimated by key informants and those actually owned by research participant households in the study districts, the average extent of land owned by most of these households appeared to be smaller than estimated averages.

Proportion of land owned by women in the study districts and average size of landholding

In the absence of statistics relating to land ownership by gender and the average size of landholdings of women in Sri Lanka, we requested key informants and research participants to provide estimates, based on their personal knowledge and experience. As in the case of the size of landholdings in general within study districts, key informants did not have knowledge of the proportion of land owned by women or the average size of land held by women. However, some patterns emerged for the four districts that were also consistent with the landholdings reported by research participants in the households. In Batticaloa District, key informants estimated 35% to 66% of freehold land as being held by women while some observed that most land was owned by women due to the dowry system.

While most key informants indicated that they did not know the average size of landholding owned by women, several estimated that this would be around an average of 1 acre or 2 acres.

In Jaffna District, the majority of key informants were of the view that most land within the district was owned by women, while one observed that the patriarchal system in the society led to fewer women owning land. Estimates of land owned by women within the district ranged from 70-75%. One key informant estimated the average size of landholding owned by a woman as 5 larchem (about 50 perches), while others indicated that they did not know.

In Kandy District, most key informants did not know the extent of land or size of landholding owned by women. However, several key informants indicated that more men than women owned land in the district and that even female-headed households generally lived on the husband's land. They estimated land owned by women within the district to be 20-30%. The average size of landholding owned by a woman was estimated between 6-10 perches.

In Matara District, all key informants said that they did not have information or statistical data on either the proportion of land or the size of landholding by women. One key informant estimated that around 40% of the total land was owned by women in Sri Lanka as a whole.

Overall analysis based on key informant interviews indicates that more land is estimated as owned by women relative to men in Jaffna, compared to the other districts. This was consistent with the findings from the quantitative component of the study (Vithanagama and Gunatilaka 2023) which revealed that, in Jaffna District, sole ownership by husbands of the property in which the household resided was only 15.5%, while sole ownership of residential property by survey respondents (wives) was 24% and joint ownership of residential property by respondents and their husbands was 46.7%. In Batticaloa, there is a large variation in the estimates with women either owning more or less land than men. While no estimates emerged for Matara District, the responses from Kandy District indicate that women are estimated to own less land than men within that district. This was also confirmed by the quantitative household survey (ibid), which showed that sole ownership of residential property by husbands was 49% in comparison

to 29% by wives, in Kandy District. In contrast to Jaffna District, joint ownership of residential property by respondents and husbands emerged in only 1.5% of households surveyed (ibid). The estimated size of a landholding owned by women was the highest in Batticaloa District and lowest in Kandy.

In all study locations, the majority of research participants from households were women, among whom were those who owned land, those who had access to land and those who were landless. A minority of research participants were men and these were generally equally divided among those who owned land or were landless. In the case of women who had access to land, this was either through their spouses or other family members. The perceptions of key informants were generally confirmed by the qualitative household data. In terms of land titles, the title was registered in the name of the wife or female relative in the majority of research participant households in Batticaloa and Jaffna districts.

> *The land we live in is 22 perches. The land we own is 26 perches. We have two plots of land. Both are under my name. One of these lands was given to me through my lineage. In the sense, my mother's mother gave the land to me. It was transferred from her name to mine. The new land we own was bought under my name.* (Teacher/farmer, female, Tamil, Batticaloa District)

> *The land in which we've built a house is of 40 perches. The house is in my name. It is in my name because it was given as dowry for my marriage.* (Housewife, Tamil, 41 years, Batticaloa District)

> *I have 4 parappu [40 perches]. All three land plots are in my name.* (Self-employed, female head of household, Tamil, 57 years, Jaffna District)

> *The land we currently live in is almost half an acre in size. My paddy land was three acres. It is in the area of Kaddumurivu. I think it is half an acre. I've given it to my daughter. All plots of land were in my name. But when I offered it to my children, I registered it in their name. But the land we are in is currently in my name. I have not changed it yet and I am looking forward to registering it in my granddaughter's name.* (Farmer, female, Tamil, 70 years, Batticaloa District)

> *I am not yet married. This is my mother's land. It was in her name. The housing project was also completed in her name. Afterwards, when my younger sister got married and was to go abroad, this was given away as dowry. Now the house and land are both under my younger sister's name. I stay here.* (Self-employed, female head of household, Tamil, 43 years, Jaffna District)

This was also the case in the study location inhabited by Sinhalese in the Kandy District.

> *We have plots of one acre, half acre and two and a half acres. Of the four lands, three are in my name and one in my husband's name.* (Housewife, female, Sinhala, 59 years, Kandy District)

> *We have half an acre of land. This is under my daughter's name.* (Farmer, female head of household, Sinhala, 65 years, Kandy District)

The proportion of households in which women owned land was more in Batticaloa, Jaffna and Kandy districts than in Matara District, thus indicating that traditional land tenure systems, which had sustained women's land ownership in the past, were still operating to some extent.

In one study location in Matara District, a majority of the titles held by the research participants were registered in the name of the husband. This was especially the case for agricultural land.

> *We have two acres in the plot we use for cultivation and 12 perches in the other plot where we have built our house. All the lands are registered under my husband's name.* (Female, Sinhala, 55 years, Matara District)

> *I own 12 perches of land. My husband owns 1 acre of cinnamon growing land. The land in which our house is built is registered under my name and the cinnamon growing land is under my husband's name.* (Female, Sinhala, 60 years, Matara District)

In the other study location in Matara District, both wife and husband owned plots of land in the case of a substantial number of research participants, while either husband or wife owned land in the case of others.

> *My land where we currently live is 40 perches. The land received by my husband from his parents is 20 perches. My land is written under my name.* (Female, Sinhala, 70 years, Matara District)

> *I own 40 perches of land. One acre is owned by my husband. We currently live on land registered in my name. The other plot is registered under my husband's name.* (Female, Sinhala, 67 years, Matara District).

> *The house and its surroundings are 20 perches and we have half an acre of paddy land. These are in the name of my wife.* (Technician, male, Sinhala, 48 years, Matara District).

> *I do not have land. One plot owned by my husband is 50 perches. The other land is about ¼ acre. Both are under my husband's name.* (Female, Sinhala, 67 years, Matara District)

In the estate study location in Kandy District, the majority of research participant households were landless. In a minority of cases either women or men owned small plots of land, the extent of which they did not always know. Plots owned by women were less than 10 perches, while one male research participant indicated that he owned half an acre of land, which he had received as a gift.

> *My husband bought this land 10 years ago using a loan. He promised to pay the money back in two instalments, as the land belonged to my husband's cousin. Since my husband was working in Colombo, the land was written in my name.* (Private sector employee, female, Tamil, 45 years, Kandy District)

> *I got this land about 40 years ago. I worked in a house when I was young. The owner of that house gave me one of his lands before his death.* (Male, Tamil, 65 years, Kandy District)

Thus, while general patterns of land ownership by women within the study districts estimated by key informants were consistent to some extent with the actual ownership reported by research participants, especially in Batticaloa and Jaffna districts, there were variations within the district, according to geographical location in Matara District and ethnicity in Kandy District.

Acquisition of land and house

According to the qualitative household data, the majority of research participants in most study locations had acquired land through their family, either as an inheritance from parents or at marriage, as dowry. However, in the study locations in Kandy and one study location in Jaffna, a considerable number of research participants had either purchased their land or received it from the Government or a well-wisher. Many research participants had acquired their house through their family, including as dowry, in Kandy and Matara districts, as well as in one study location in Batticaloa District. However, a considerable number in these study locations had also built their own house after marriage. In contrast, most research participants in Jaffna District and one study location in Batticaloa District had received their house through a government or donor-funded resettlement scheme.

Inheritance and transaction norms in relation to land

Key informants in all four districts provided data on specific patterns of inheritance and transaction norms according to cultural groups within the study districts. In Batticaloa District, inhabited by Tamils and Muslims, all key informants concurred that land was inherited by females in the family, and some observed that men did not usually inherit land. They also pointed to the common practice of land being transacted as dowry to daughters at marriage. While one key informant stated that land was divided equally among the daughters, another stated that more land was given to the daughter who got married first and the remainder was divided among the rest of the daughters. One key informant said that men accessed land through the dowry given to their wives at marriage.

In Jaffna District, predominantly inhabited by Tamils, most key informants referred to traditional practices such as the Thesawalamai law in relation to inheritance and dowry (chidenam) in relation to transactions. Both matrilineal

and patrilineal inheritance patterns were mentioned, with land being given to both sons and daughters. A key informant referred to the practice of mudusam (patrimonial inheritance) under Thesawalamai law in which a property devolves to a person (male or female) at the death of a parent or other relative, as well as the inheritance of *thediyatheddam* or property acquired by a spouse during marriage, at the death of the spouse. However, the majority of key informants expressed that they were familiar with the practice of dowry through which women received land from their families at marriage, and mentioned that other entitlements might be given to women by relatives as well. A government sector key informant observed that women were more likely to get priority or joint ownership was given to both spouses when issuing land titles in the district as the traditional practice tended to be for women to receive land. Some key informants indicated that land could also be received as donations, and that a person could claim ownership of a plot of land via a deed of declaration if they had occupied the land for 50 years. A key informant observed that houses would be generally named as 'illam' or 'vaasam' to indicate the heritage within the district.

In Kandy District, predominantly inhabited by Sinhalese, with Tamil and Muslim minorities, the majority of key informants concurred that sons were more likely to inherit land through traditional practices of transfer. They were evenly divided on whether the youngest son or eldest son inherited all the land. One key informant observed that traditional practices were declining but was not sure of the extent of change. However, what was evident from the key informant responses was that generally males were favoured over females in inheritance practices within the district.

In Matara District, also predominantly inhabited by Sinhalese, with a Muslim minority, key informants mentioned inheritance by a member of the family, without elaborating on whether this was by females or males. One government sector key informant indicated that 50% of property was inherited by the spouse and the rest by the children, referring to the prescription under general law. It was also observed that state land held by a man was generally inherited by the eldest son, with the wife having life interest.

Overall analysis of the interview data provided by key informants shows that traditional practices and personal laws often influence how land is inherited in

the study districts. Compared to Kandy and Matara districts, women appear to be more likely to receive land than men at marriage or inherit land through the matriline in Jaffna and Batticaloa districts. The findings from the quantitative component of this study (Vithanagama and Gunatilaka 2023), based on the household sample survey, confirm that this is the case for Jaffna District, in contrast to Kandy district. Only 5% of respondents considered passing on land to sons as the common practice in Jaffna District, whereas 41% of respondents considered this as the common practice in Kandy District (ibid). Moreover, while husbands had sole ownership of the property in which the family resided only in the case of 15.5% of households surveyed in Jaffna District, sole ownership of residential property by husbands was 49.1% in Kandy District (ibid). Customary personal law, such as Thesawalamai, in Jaffna District and traditional matrilineal practices in Batticaloa District, although undergoing transition, are still in effect and shape how land is inherited or transacted. In both districts, ancestral land is inherited mainly through dowry given to the daughters at marriage. In Kandy District, traditional bilateral inheritance practices seem to be in place to some extent, affirmed by 51% of household respondents, according to the findings of the quantitative survey (ibid) - however, in practice, men appear to be more likely to inherit land than women. Thus, in the households surveyed in Jaffna District, 78.4% of the women respondents had either sole ownership of their residential property or owned it jointly with their husbands, whereas this proportion was only 38.4% of respondents in households in the Kandy District (ibid).

Land as dowry for daughters at marriage

In discussing traditional practices of transaction, dowry emerged as the most prevalent and important source of land for women, especially in Batticaloa and Jaffna districts. In Batticaloa District, all key informants except one concurred that land was an important part of a woman's dowry at marriage. The only exception, a government sector key informant, observed that dowry was not a compulsory practice, not always provided to women who marry and go abroad and that, instead of land, other items such as jewellery, money or household items might be given as dowry. Key informants also pointed out that this practice differed from region to region. Key informants indicated that marriage was often dependent on the bride being given land as dowry, that women could face problems if parents were unable to provide land, and that it had been a long-standing traditional practice in

the district. Some key informants also observed that certain parents were unable to provide dowry, that some men did not expect dowry, that other items apart from land could be given as dowry, and that more women in Batticaloa District owned land due to the practice of dowry. Some key informants indicated that, while dowry was a common practice among Tamil and Muslim communities in Batticaloa, this was not necessarily the case among Sinhalese, who were more likely to give property to the males. One key informant expressed the view that the dowry tradition was discriminatory as it was a demand made only from women and not from men.

In Jaffna District too, all key informants except one concurred that land was an important part of a woman's dowry at marriage. Key informants indicated that for a majority land with a house was considered important for dowry, that most grooms and their families expected a dowry from the woman, and if land was not included it was not considered a dowry. Some key informants referred to the negative aspects of the dowry practice, such as the discrimination towards landless women and the unmarried status women faced without land which was considered as a basic requirement for marriage. Several key informants pointed out that giving a dowry was a custom rather than a written law, and that it was initially practised as a means of protection for women. One key informant mentioned that only about 5% of families in Jaffna did not expect land as dowry, and that the practice was mostly prevalent in arranged marriages, rather than love marriages. Another key informant pointed out that most land in Jaffna was owned by women due to the practice of dowry but that Thesawalamai law required the husband's signature for a woman to alienate her land.

In Kandy District, most key informants perceived land as part of a dowry. One key informant was of the view that most people in the district owned paddy land and that they could not alienate such land as dowry for their daughters; however, he observed that there was a trend of men moving into the property of women at marriage. There was disagreement on whether parents of a groom expected land as dowry or whether this was a declining practice, but some key informants thought that owning land could be advantageous to secure a marriage. It was also observed that dowry could include either land or land with a house, depending on the wealth of the parents.

In Matara District, the majority of key informants concurred that land was often a part of dowry. However, many observed that, while giving a dowry was a frequent practice in the region, it was not common to include land as part of the dowry. Some remarked that the practice of dowry was a burden to poor families and that women remained unmarried due to landlessness. One key informant perceived that the practice was more common in rural areas, while another was of the view that her in-laws might not be happy if the bride did not bring land into the marriage. It was also indicated that instances of the husband filing a lawsuit if he did not receive land as dowry as promised could occur.

Overall analysis of the interview data provided by key informants in the four study districts suggests that, while giving land as dowry is a traditional practice that is prevalent in Jaffna and Batticaloa districts, this practice does not seem as decisive for marriage in Kandy and Matara. However, the majority of key informants in all four districts perceived that land was the core or part of a dowry provided to women at marriage. The need to provide land or a house and land as dowry was more critical in Jaffna and Batticaloa districts relative to Kandy and Matara districts. The negative consequences for landless and poor women, especially the risk of remaining unmarried, were highlighted in Jaffna and Batticaloa districts, while it was also mentioned in Matara district, although it was emphasised that giving land as dowry was not a common practice there. The quantitative component of the study (Vithanagama and Gunatilaka 2023) generally confirmed the findings relating to Jaffna and Kandy districts. Whereas 47% of residential property owned by households in Jaffna District came from dowry, this was the case for only 2% of households in Kandy District, according to the survey (ibid). Additionally, 32% of property which came as dowry into the household continued to be owned solely by women, and 59% was owned jointly by the wife and husband (ibid) in Jaffna District. Moreover, 91% of respondents in Jaffna District believed that it was difficult to get married without a dowry, while only 14% of respondents thought so in Kandy District (ibid).

The qualitative household data generally confirmed the perception of key informants on inheritance and transaction norms, including dowry at marriage. The majority of research participants in Batticaloa and Jaffna districts indicated that land was inherited through the female line, and was often gifted as dowry to

a woman at marriage. This resulted in matrilocal residence for most women in Batticaloa District with support from the natal families following marriage.

> *In our area, the right of the land is transferred through women every generation. Since giving dowry from the woman's side is compulsory, the ownership of land should be passed to women.* (Teacher/farmer, female, Tamil, Batticaloa District)

> *We should give a land and a house for the daughter during the wedding because it is our tradition that the groom will move to bride's home. Therefore, it is necessary to have land in the name of the daughter.* (Farmer, female, Tamil, 70 years, Batticaloa District)

It was pointed out that the social status of women is dependent on bringing in land as an asset into the marriage.

> *In our area, most of the lands were given as dowry. For our daughter, we'll be giving this land that we stay in as dowry. It is only if we give dowry that she will be respected by her in-laws.* (Female, Tamil, 59 years, Jaffna District)

> *Yes, according to our tradition when a girl is given in marriage, it is a must that land and house is given. My opinion is that we must accept land that's being given to women as dowry. In society, almost everyone expects it. If a woman is not given land or a house, then she may have to face many problems.* (Female, Tamil, 42 years, Batticaloa District)

Research participants in Jaffna District indicated the negative consequences for landless women, such as the inability to or difficulty in negotiating a marriage.

> *As a part of dowry, house or land will be given. Nowadays there has arisen a situation that there won't be marriages if people don't own a house or land.* (Labourer, female, Tamil, 55 years, Jaffna District)

However, there are instances when men or their families might not accept or insist on a dowry in both Batticaloa and Jaffna districts. Research participants revealed that this was the exception, rather than the rule.

> *When I got married, I did not take a house or a land or money or jewellery from my wife. My wife too didn't expect anything. But in most places, marriages take place based on the dowry given.* (Entrepreneur, male, Tamil, 61 years, Batticaloa District)

> *As for those who don't expect dowry, you can count them with your fingers. My husband didn't expect a dowry.* (Bank employee, female, Muslim, 35 years, Batticaloa District)

> *Yes, mostly it's practiced that way here. They ask for house and land. We had a love marriage. Her [wife's] family didn't approve of it. I didn't expect dowry. She doesn't have parents. She grew up with her grandparents.* (Labourer, male, Tamil, 24 years, Jaffna District)

In the past, the titles of these lands transacted at marriage in both districts remained in the name of the woman, as this was perceived to provide support to the woman during her life.

> *If a land is given to a daughter after her marriage, it will remain in her name. If they wish, they can give it to someone else.* (Self-employed, female head of household, Tamil, 53 years, Jaffna District)

> *Our custom is that during the marriage, parents give their daughter a land and register under her name. But some would write it in both names. It is less likely to register dowry land in the name of the groom because if there is land in the name of the women it is a support to them.* (Farmer, female, Tamil, 70 years, Batticaloa District)

However, there is a rising (although not predominant) trend, especially in Batticaloa District, to transfer the title to the husband at marriage.

> *According to my own experience, it's [the land is] in the name of the same person before and after the marriage. This means that the land of the eldest child is in her name and the land belonging to the youngest child is in her name. But some change the ownership to their son-in-law at marriage. There are also cases where the marriage did not take place as planned because of the delay in ownership transfer of land.* (Female, Tamil, 65 years, Batticaloa District)

There is also a trend in both Batticaloa and Jaffna districts for women's land to be registered as joint property of the wife and husband at marriage. This was consistent with the findings of the quantitative survey (Vithanagama and Gunatilaka 2023), which revealed joint ownership as the current predominant land ownership pattern in households in Jaffna District.

> *If given as dowry, the land will be registered in the daughter's name. It will be registered jointly with the husband's name. That's how they register.* (Labourer, female, Tamil, 55 years, Jaffna District)

> *During the marriage, the land is registered in the name of the female child as a dowry. In some places the names of both [bride and groom] are recorded at the request of the groom.* (Female, Muslim, 25 years, Batticaloa District)

In Kandy District, land appeared to be provided as dowry in a minority of cases, both in the Tamil estate and Sinhala village study locations. As discussed previously, this was confirmed by the quantitative survey data of households in Kandy District (Vithanagama and Gunatilaka 2023).

> *Dowry is given only according to wish, and jewellery, money and furniture are usually given as the dowry. Other than that, there are times people give a house or land. But land or house is not often given as part of a dowry.* (Private sector employee, female, Tamil, 45 years, Kandy District)

> *There are occasions when a land or house is given as a dowry. But only a very few do so.* (Private sector employee, female, Tamil, 29 years, Kandy District)

> *There are times when lands are given as dowry. But most of the time, it is furniture that is given as the dowry. Land is not a mandatory part of a dowry.* (Farmer, female head of household, Sinhala, 65 years, Kandy District)

> *A few people give so [land as dowry] but it is not required. There are times when some rich people in the village give like that [land as dowry]. But the average majority does not give a house or land as a dowry. It can be seen that dowry is not given most of the time at present.* (Farmer, female head of household, Sinhala, 38 years, Kandy District)

Inheritance through the male line or acquisition through purchase seems to be more common. This is consistent with the data that emerged from the quantitative survey (Vithanagama and Gunatilaka 2023), which revealed that 52% of households in Kandy District came to own their property through inheritance, 22% by purchase using their own funds and around 9% by taking out a loan.

> *Land is usually given to children by parents or purchased for money.* (Housewife, female, Sinhala, 59 years, Kandy District)

> *This is a land I inherited and has been in my name for about 40 years now.* (Farmer, male, Sinhala, 63 years, Kandy District)

> *Land is purchased for money or inherited from generation to generation. Many estate houses are inherited and there are also lands sold for money.* (Housewife, female, Tamil, 31 years, Kandy District)

Apart from land that is transacted as dowry, most land appeared to be registered in the name of the husband, although if a woman made the purchase or contributed towards it, it was possible that the land would have been registered in her name as well. Survey data (Vithanagama and Gunatilaka 2023) from households in the Kandy District confirm that, in the case of purchase, the legal title was predominantly (55%) in the name of the husband.

> If the land is given to the daughter for dowry, it is in the name of the daughter or it could be in the name of the investor. If the husband invests

> *money, it is registered in the husband's name and if the wife invests money, it is registered in the wife's name.* (Housewife, female, Sinhala, 59 years, Kandy District)

> *Land is registered in the name of the husband. In special cases, there are times when land is registered in the name of an older child or wife. But the majority register in the husband's name.* (Private sector employee, female, Tamil, 29 years, Kandy District)

> *[Land is registered] often in the name of the husband. Even if the wife invests money, she is tempted to register in the husband's name after marriage. I think she does so because the head of the household is the husband.* (Housewife, female, Sinhala, 45 years, Kandy District)

In Matara District, the majority of research participants indicated that land was inherited along the male line, generally by the oldest son (predominant), the youngest son or by all male children equally.

> *Most of the time land is inherited from father to the eldest son of the family, from generation to generation.* (Female, Sinhala, 55 years, Matara District)

> *The majority of the land in this area is ancestral lands. The youngest son of the family gets ownership of the land after the father.* (Female, Sinhala, 65 years, Matara District)

> *There are ancestral lands in this area. They are inherited by the eldest son of the family. But most parents divide the land fairly among all the boys in the family.* (Female, Sinhala, 67 years, Matara District)

In a few cases, land was also provided as dowry to daughters at marriage in this district as well.

> *Most of times, [land is] not [given as dowry]. But when parents have lands, they give it as dowry. My father had a large plot of land, so I got a piece of land from him.* (Female, Sinhala, 70 years, Matara District)

While it is possible to register land in either the husband's or wife's name, depending on whether it was inherited from the family or provided as dowry or purchased by either or both, the tendenc, as evident in most cases, was to register in the name of the husband.

> *The land is registered in the name of the wife if received from the wife's side or in husband name if received from the husband's side.* (Female, Sinhala, 70 years, Matara District)

> *Usually, the lands given as dowry are registered under the name of the daughter, if not, it is registered under the name of the son.* (Female, Sinhala, 55 years, Matara District)

> *If it is inherited from the male side, it is registered in his name. If a married couple buys a new piece of land, the man gets the right. It's not a law, but traditionally men take the priority in everything and a wife gives it to her husband voluntarily. That is the way in Sri Lanka.* (Female, Sinhala, 65 years, Matara District)

> *It is not possible to say exactly in whose name a land is registered after marriage. The spouses discuss and register the land in the name of the most suitable person. In most cases it is the husband.* (Female, Sinhala, 68 years, Matara District)

Thus, there was a range of practices in relation to inheritance and transaction of land across the four study districts. While cultural practices among Tamils, Muslim and Sinhalese ethnic groups differed, there were individual variations across regions and households, where class and subjective factors also played a role.

4.4 Institutional context of gendered land ownership

As discussed in Sections 3 and 4, Sri Lanka witnessed a series of institutionalised changes in land tenure linked to reforms of land laws, large-scale irrigation and resettlement projects, as well as responses to displacement and other consequences of the civil war of 1983-2009. To understand how this institutionalised context was experienced at the meso-level, perceptions of key informants at the district

level were solicited on the extent of support provided by the state and NGOs for women to retain or acquire land and benefit from land ownership. While most feedback related to whether or not support was provided and the extent to which it was given, some key informants also pointed to the effectiveness of the support available from the state or NGOs. All key informants had suggestions to enhance state support for women's ownership of land, ranging from political and legislative interventions to increased awareness.

Current support from the State for women's ownership of land

Apart from Batticaloa District and to some extent Jaffna District, most key informants observed that there was a lack of state support for women in accessing and owning land. In Batticaloa District, the majority of both NGO and government sector key informants concurred that there was support from the Government for women to acquire land. Measures of support indicated included alienation of state land to women through different projects, provision of housing and land for widows, support for women embroiled in land-related disputes with men as land is considered more essential for women, conducting of awareness seminars, amendment of laws, land alienation to those who lost land in the war, and recommendation of land permits to women. An NGO sector key informant pointed out that government support was not efficient and that there were often delays in the process of providing it. A government sector key informant observed that, even though government officers recommended women as permit holders to state land, they were reluctant to come forward and instead preferred to have the permits registered in the husbands' names.

In Jaffna District, key informants were equally divided on whether the state provided support for women to acquire land or not. Those who said there was no support from the state pointed out that support was limited, that there was no clear policy but mostly false promises and that the state had acquired people's land rather than given it to them. Several key informants observed that women had more land rights and owned most land in Jaffna District, while an NGO sector key informant argued that the state did not need to support women to acquire land as the Thesawalamai law ensured women's ownership of land within the district. Those who said there was state support for women cited measures like housing

schemes, assistance to access land available to displaced returnees, putting laws in place and assistance provided by various state agencies.

In Kandy District, all key informants were of the view that there was no specific support from the state for women to acquire land. Some said that land issues in relation to women were not a priority for the Government or politicians and that the law was mostly gender neutral with no special benefits for women. One key informant proposed that there should be political support for vulnerable women such as female-headed households, the disabled and widows to receive land from special schemes.

In Matara District too, all key informants stated that there was no support or guidance given by the State for women to acquire land. Some key informants indicated that the State implemented the common law of the country and therefore could not give special assistance to women outside of that legal framework, even if some government officers might wish to do so. One key informant maintained that the State provided land to women depending on the specific context.

The overall analysis of the interview data from key informants suggests that the State does not generally implement any specific measures to ensure that women have access to or own land in Kandy and Matara districts, while the post-war context in Batticaloa and Jaffna districts has resulted in some limited land alienation and housing schemes, especially for widows and displaced returnees. While most key informants were of the view that state support for women, especially of vulnerable groups, to access land was necessary, some key informants in Jaffna District stated that this was not the case as the traditional law within this district ensured women's rights to land.

Envisaged role of the State in strengthening land tenure for women

Key informants from all study districts concurred that the State had an important role to play in strengthening land tenure of women and offered a range of proposals for improving access to and ownership of land. In Batticaloa District, it was observed that the Government held the most power in terms of all land-related laws, as well as providing deeds and documentation for people on the ground. Several key informants pointed out that political intervention in land reform and resettlement

needed to be stopped, and that state land permits needed to be issued in the name of women. One key informant was of the view that laws such as Thesawalamai needed to be replaced by a common law that was not gender discriminatory. Other proposals included priority to be given to women in land issues, and for the State to provide land for the resettlement of and housing for women.

In Jaffna District, many key informants emphasised the need to strengthen laws that were already in place and to conduct awareness programmes on land rights. Other proposals included introducing new land laws, amending laws not favourable to women, appointing authorities who understood the views of people on reforming land laws, and bringing more clarity on how reforms affected people. One key informant expressed a dissenting view that the state did not discriminate based on gender, with everyone having equal rights to land.

In Kandy District, key informants offered a range of suggestions to strengthen land tenure for women, including the responsibility of the State to raise awareness on social issues and women's rights, strengthening laws and systems in place for women to own land, establishing institutions that were practical in securing land rights for women based on a gender lens, utilising media to raise awareness, using the education system to make changes, supporting and advising women in court cases relating to land issues, intervening to secure land ownership for women when there were disputes, and supporting the use of land by women to get maximum benefits. One key informant was of the view that the unequal division of property was largely a personal decision of parents and that the State was unable to interfere in such matters, except to take steps to change social and cultural attitudes.

In Matara District, the majority of key informants concurred that land laws in relation to both state and private land need to be reformed by the state to promote gender equality, rather than being confined to strengthening ownership only of women. Other proposals included state provision of legal services to women to ensure property rights, education of women on land rights, and distribution of land to landless people, irrespective of gender.

In comparing the perceptions of key informants in the four study districts, those in Jaffna and Kandy districts expressed the strongest views on strengthening existing laws and systems already in place for the benefit of women, as well as increasing

awareness among women. In Kandy District, key informants also pointed to the need for the State to provide legal support to women to secure land. Key informants in Batticaloa District highlighted overall political bias in the distribution of land, including the need to grant state land permits to women. Key informants in Matara District, in which customary practices in land tenure benefit men, stood out in proposing the reform of land laws to ensure gender equality, with no specific benefits for women.

Current support from NGOs for women's ownership of land

Apart from Matara District, most key informants in the other three study districts indicated considerable support from NGOs for women's land tenure issues, especially in awareness-raising and legal assistance. In Batticaloa District, the majority of key informants observed that NGOs mostly conducted awareness programmes on land issues for women. Several also pointed to other NGO support, such as providing information or consultations, linking to human rights organizations, speaking for women's rights, promoting land related laws, and occasionally providing land to the landless through different projects. However, two key informants, one each from the NGO and government sector, expressed the view that there was no support from NGOs for women's land issues as they focussed primarily on livelihood initiatives. Two NGO representatives also pointed out that NGOs were not successful in supporting women's land ownership issues due to the negative interventions by the Government.

All key informants in Jaffna District concurred on the extent of support from NGOs for women's land ownership within the district. The majority indicated that NGOs offered support in the form of speaking up for or safeguarding the land rights of people, including women, and providing guidance on or explaining the laws to people. Several key informants also identified the role of NGOs in supporting protests related to land issues, assisting the Government in resettlement initiatives, conducting studies and collecting data related to land issues, providing legal assistance, donating lands and houses to the landless, and helping people regain their land.

In Kandy District, key informants identified a range of activities by NGOs in supporting land ownership by women. These included providing legal advice,

building capacity, promoting women's rights in general, and promoting women's empowerment. One key informant was of the view that there was less advocacy by NGOs for land rights in Kandy District, as land issues were fewer in comparison to the larger number of war-related land issues in the Northern and Eastern provinces. In Matara District, the majority of key informants concurred that there was no support from NGOs for women to gain land ownership, with several observing that NGOs had limited capacity to help women acquire land. They pointed to the high cost involved in legal and ownership procedures. Several key informants perceived that NGOs supported women in relation to land tenure only by directing them to the relevant government authorities, providing knowledge on land issues and assisting with the preparation of documents, and indirectly by helping with livelihood activities and building the capacity of women.

The analysis of interview data from key informants reveals that support for women's land tenure by NGOs emerged as important in Batticaloa, Jaffna and Kandy districts, with Matara District as an exception to this general pattern. Apart from awareness-raising and legal support, NGO advocacy of land rights in the context of human rights appears to be stronger in war-affected Jaffna and Batticaloa districts, while NGOs addressed land tenure issues within a general women's rights and empowerment frame in Kandy District. The lack of a role by NGOs in promoting women's land ownership in Matara District seems to indicate a perception by key informants that the State had the most control over land issues. It might also be shaped by the limited number of women's organisations in the district in general, and those addressing land issues in particular. This was also the case in Kandy District to some extent, but the general perception of NGO engagement in women's land tenure issues was more positive in this district.

4.5 Overall findings on current land tenure and use in study locations

The overall analysis of current land tenure and use patterns in relation to gender across the four study districts shows considerable diversity, as well as some similarities. In the two conflict-affected districts, Jaffna and Batticaloa, key informants linked land ownership issues to the consequences of the war, especially displacement and loss of family members. In Kandy District, caste and ethnicity

factors emerged as significant. In Matara District weather-related aspects of land use and management, as well as conflicts over property boundaries were indicated.

In considering changes in land tenure in the lifetime of research participants, there was no consensus by key informants on whether the land reforms of the 1970s had affected women disproportionately. For research participant households, land ownership obtained through resettlement schemes was predominant in both study locations in Jaffna District, inhabited by Tamils, and one study location in Batticaloa District, inhabited by Tamils and Muslims. However, land ownership through resettlement schemes was rare in the study locations inhabited by Sinhalese, observed only in one research participant household in Kandy District.

Research participant households in both study sites in Jaffna District and one study site in Batticaloa district experienced the negative impacts of war in relation to ownership of land and houses. These included destruction of houses, wells and valuable trees in homesteads, as well as land acquisition by the military/State and lack of compensation for damages. Reclaiming land following displacement also emerged as a difficult issue for women, especially widows who had lost their husbands during the war.

Traditional land tenure systems favourable to women prevailed to some extent in study locations in Jaffna, Batticaloa and Kandy districts. Women's ownership of land was highest in study sites in Jaffna and Batticaloa districts with land/house titles in the name of the wife or a female relative. Women's ownership of land was lowest in study sites in Matara District, with the land/house title predominantly in the name of the husband or male relative. Landless women accessed land in all study sites mainly through their spouses or other family members. Freehold land titles (*sinakkara*) were most prevalent in study locations inhabited by Sinhalese, whereas a range of titles (*sinakkara, swarnabhoomi*, 99-year leases) existed in study sites inhabited by Tamils in Jaffna, Batticaloa and Kandy districts. In two study sites in Batticaloa and Jaffna districts, many research participants were unaware of the type of title they held, although the quantitative component of the study (Vithanagama and Gunatilaka 2023) indicated that the majority of land owned by households in Jaffna District had *sinnakkara* (freehold) titles. The prevalence of a range of titles in one study location and the lack of knowledge of the type of title in the other study location in Jaffna District might be due to the

qualitative component of the study being conducted in two communities which had experienced displacement and resettlement.

The use of land for residential purposes emerged as most prevalent among the majority of research participants in all study sites. Around half of the interviewed households used land for cultivation of vegetables or tree crops. Use of land to raise small livestock was reported in study sites in Jaffna District. Most research participants in one study site in Matara District engaged in agriculture, especially cinnamon cultivation.

The extent of land owned was a quarter acre or less for the majority of research participant households in most study sites, with ethnic differences reflected in the size of land. Land of one acre or more was owned by a majority of research participants in study locations inhabited by Sinhalese in Matara and Kandy districts. Land of one-eighth of an acre or less was owned by a majority of research participants in one study location in Jaffna District and another in Kandy District, both inhabited by Tamils.

For the majority of research participants in most study sites, acquisition of land and house was through inheritance or as dowry at marriage. Acquisition through purchase was relatively more common in study sites in Kandy and Jaffna districts. Acquisition through a government or donor-funded scheme was prevalent in both study sites in Jaffna District and one site in Batticaloa District. A matrilineal inheritance pattern existed in study sites in Batticaloa and Jaffna districts whereas a patrilineal inheritance pattern was predominant in study sites in Matara District. Acquisition through purchase or patrilineal inheritance was prevalent in Kandy District. There was a growing trend in both Jaffna and Batticaloa districts to register joint ownership of land given as women's dowry at marriage, as well as a growing trend to transfer ownership of land given as a woman's dowry to the husband at marriage in Batticaloa District.

In exploring the institutional context of land tenure, the majority of key informants in Kandy and Matara districts and many in Jaffna District stated that the State did not provide adequate support to promote land ownership by women. However, key informants in Batticaloa District indicated that the State did provide support through land distribution, land permits and awareness creation. Moreover, the

majority of key informants in Batticaloa, Jaffna and Kandy districts perceived that NGOs provided support to women through awareness-raising and legal advice, as well as promoting land rights within the context of human rights or women's rights. In contrast, key informants in Matara District did not see any supportive role from NGOs, as land issues were perceived to be controlled by the State. The majority of key informants in all study districts noted that the State could play a bigger role in promoting women's land tenure, with proposals ranging from implementing current land laws more effectively to introducing new reforms favourable to women and/or to ensure gender equality.

5. Women's agency in the household

The study investigates women's agency in depth as it is important in its own right and in terms of gender equality. Agency is also of significance for women's empowerment and overall wellbeing, as will be seen later in the report. At the same time, increased agency for women can positively impact their families, especially children, their political participation and society in general (World Bank 2012).

Agency is defined as 'What a person is free to do and achieve in pursuit of whatever goals or values she/he regards as important' (Sen 1985, 203) and 'ability to define goals and act upon them' (Kabeer 1999, 438). In other words, agency is about the ability to make effective choices about one's own life - including decisions in the household, about marriage, about employment, about finances, education, political participation and so on – without retribution or fear. Klugman et al. (2014, 14) posit that the ability to control land and housing is a specific expression of agency. Global literature documents how women's land ownership influences increased agency, especially in the household (World Bank 2012). Aligning with the global theories, the present study has based its conceptual approach on the premise that agency of women is enhanced by access to and control of land as a significant resource or asset.

The study focused on different domains where agency is manifested when women make decisions in a family or household. We looked at (1) agency related to marriage, (2) agency related to land acquisition and use, and (3) agency within the household. In relation to marriage, we looked at whether land ownership influences women's decisions about marriage and decisions after marriage. In relation to land acquisition and land use, we looked at how women make decisions on acquiring land, resettlement and usage of land, and how labour is engaged in the land. Within the household, we looked at how women make decisions on household budget, children's education, health, and their own travel outside home. Using these indicators, we wanted to examine what women's agency looks like in different domains, and whether any variations in findings have a significant relation to their land ownership or landless statuses.

The majority of research participants at the household level in most study locations indicated that they were engaged in joint decision-making with their spouses or

other family members in relation to land use. Analysis of findings related to agency indicate that gender and social norms, traditional beliefs and cultural practices dictate women's ability to and chances of making effective decisions, rather than their ownership of land. Even where women do own land, the social norms reinforce the perception of the man in the household as the sole decision maker, which would hinder women's effective agency (see also Klugman et al. 2014). For example, in Jaffna and Batticaloa districts, where there is a higher proportion of women landowners, findings show limited agency of women respondents in terms of making decisions about employment after marriage, purchasing agricultural tools for land cultivation, purchasing large household items (Jaffna District), and especially leaving home without permission for a short or longer periods of time. Inability to leave home without permission is a major indicator of women's lack of agency across study locations. These domains are under the purview of male family members, and their opinion or decision shadow women's agency irrespective of their landholding status.

At the same time, women, irrespective of their land ownership status, have the decision-making power, sometimes even being the primary decision maker, in certain domains like land use for home gardening. Moreover, land acquisition, resettlement (Jaffna and Batticaloa districts only), children's education, household budget, and health are some domains where women in all study districts have considerable agency or share the decision making with other family members. Such manifestations of women's agency are generally irrespective of their land ownership and indicate again the prevalence of cultural and gender norms rather than land ownership enhancing agency or wellbeing.

Therefore, the study does not show direct and clear correlation between land ownership and increased agency in women. Findings discussed later in the report show that men and women perceive land ownership as increasing women's ability to be more independent, but the realistic application of women's agency in day-to-day life is restricted, as corroborated by the findings in the quantitative study as well. These findings indicate the need for more awareness and education for women on their land rights in relation to direct and indirect benefits.

5.1 Agency related to marriage

In this section, we explore whether land ownership has any implications on women's decisions related to marriage and engaging in employment after marriage. Land, as dowry, has a significant impact on how decisions related to marriage are made in Sri Lanka, and we saw previously in the report that the need to provide land or a house as dowry was more critical in Jaffna and Batticaloa districts in contrast to Kandy and Matara districts. Furthermore, While Agarwal (1994a) shows that land ownership can offer much more than economic independence for women, Deere and Leal (2001) discuss that one important option that land ownership gives women is the ability to decide whether to marry (p. 12), whom to marry, or whether to stave off family pressure to marry, as land provides here with a fall-back resource. Along similar lines, this section analyses whether there is a connection between women's landholding status and negotiating decisions about marriage and employment after marriage.

Decisions related to marriage

In Jaffna and Batticaloa districts, the respondents seem to have control over decisions related to their marriages in both love marriages and arranged marriages. Some said that even if the marriage was arranged by their parents, their consent was sought.

> *My marriage was based on my independent decision. Both my husband and I had a love marriage. My family members did not consent to our marriage at all. They refused to give any land or house as dowry for my marriage. I decided that my husband was enough for me and I got married to him.* (Bank assistant, female, Muslim, 35, Batticaloa District)

> *It was an arranged marriage in 1973. We were poor. I didn't receive any dowry. It was the bridegroom's family who came asking whether I would like to marry their son. I said yes and married him. My parents asked for my consent. They didn't force.* (Female head of household, Tamil, 67, Jaffna District)

In Kandy and Matara districts too, the respondents seemed to have autonomy over decisions related to their marriage.

> *My marriage was decided by my parents through a marriage proposal. Although my husband was somewhat disabled, I liked the marriage proposal because he was well educated and had a house and land.* (Female, Sinhala, 67, Matara District)

The above experiences show that this particular group of respondents, especially those in Jaffna and Batticaloa districts, have not faced major issues or have not disclosed dowry related issues. Where dowry was mentioned, the respondents said that the decisions were made jointly by both households. Love marriages – of which there were 8 in Jaffna, 6 in Batticaloa, 7 in Kandy, and 8 in Matara - was one instance where dowry had less significance in decisions related to marriage. Some of the issues that surfaced related to caste, personal preferences of characteristics of spouses, and parental disapproval of a love marriage. A majority of respondents also mentioned that their consent was sought prior to marriage. Even though previous studies show the significance of dowry and land in decisions related to marriage, especially for women, these findings show other aspects that are considered in marriage-related decisions.

Decisions after marriage

Findings show that even though the female respondents had more control over decisions regarding their marriage, their decision-making power with regard to doing a job after marriage was hampered. Some male respondents even openly stated that their wives were not allowed to engage in employment after marriage.

> *I go to work. My wife doesn't go to work. I'm not in favour of sending her to work.* (Labourer, male, Tamil, 24, Jaffna District)

For a majority of female respondents in Jaffna, decisions related to doing a job after marriage were made by their husbands.

> *I worked at a shop before I got married. I stopped working after marriage, because he didn't want me to go. Afterwards, my daughter was born, so I stopped.* (Female, Tamil, 24, Jaffna District)

> *I didn't do any work after the marriage. I stayed at home. He didn't like me going to work.* (Self-employed, female head of household, Tamil, 57, Jaffna District)

While the case is somewhat similar in Batticaloa District, it is not as rigid as in Jaffna. While some female respondents said that decisions related to their jobs were made by their husbands, others said that they either made independent decisions or were at least involved in the decision-making process. In both districts, the majority of those who made either independent decisions or were involved in decision-making were males. Therefore, there seems limited agency for women in Jaffna and Batticaloa to make decisions related to employment after marriage.

> *Since I'm a man, I must go to work. I have a three-wheeler. I also go to work as a mason. I go to work as I wish.* (Driver, male, Tamil, 40, Jaffna District)

The situation is vastly different in Kandy District, where a majority of respondents, including women, have the autonomy to make independent decisions regarding their employment after marriage. This includes the majority of women who do not own land or have access to family land in Landewatte. However, there are certain instances of the in-laws of female respondents not consenting to work after marriage but conceding due to economic reasons, and also influencing the decisions to resign.

> *I did not have a job before marriage but due to the economic situation, I decided to do a job in the estate after marriage. The husband did not like the decision. But considering the education of the children, I decided that I should do a job.* (Tea estate worker, female, Tamil, 55, Kandy District)

In Matara District too, the majority of respondents, both male and female, have independent decision-making power regarding employment after marriage.

> *In the early days of marriage we lived in my husband's parent's home at Vitiyala. At that time I went to work in a cinnamon processing factory in Kamburupitiya. My husband did not object to my decision to work because we were not financially strong at that time.* (Female, Sinhala, 65, Matara District)

In both Kandy and Matara districts, there is at least one instance of the husband not allowing the wife to work after marriage. Yet, the women in Kandy and Matara districts seem to have more agency than women in Jaffna and Batticaloa districts with regard to taking decisions about employment after marriage.

The overall analysis points to the fact that, in the study areas, decisions with regard to marriage, and especially decisions after marriage, are influenced by socio-cultural attitudes towards women and traditional practices, rather than by women's land ownership status. Despite a large proportion of women owning land in Jaffna and Batticaloa districts, their agency related to employment after marriage is limited due to the prevalence of conventional attitudes within society and among women themselves that a woman's job is homemaking, a conclusion affirmed by Tharshini, Kumar, and Rathnasekara (2016). The findings from Kandy and Matara districts on women's employment after marriage speak more to economic necessities and perhaps a change in stereotypical attitudes, rather than a direct impact of women's land ownership.

5.2 Agency related to land acquisition and land use

Decisions on acquiring land

With regard to decisions on acquiring land, contrasting findings can be seen in Kudiyiruppu and Thunaiveli in Jaffna District. While a majority of female respondents were not involved in decisions to acquire land in Kudiyiruppu, this was the opposite in Thunaiveli.

> *No. When building the house, I contributed actively. I also financially contributed towards it. But I didn't contribute towards buying the land. We don't even have enough wealth to buy new land.* (Labourer, female, Tamil, 55, Jaffna District)

> *Yes, I'm the one who bought this land. I got it transferred to my name with so much struggle.* (Female head of household, Tamil, 67, Jaffna District)

This could be due to the fact that many female respondents in Thunaiveli are female heads of household and have more agency in decision-making. However, some others who were not female heads of households also said they had made independent decisions. At least one male in both study locations was not involved in the decision-making to acquire land. The qualitative findings related to decisions on land (Vithanagama and Gunatilaka 2023) indicate that 78% of female respondents in Jaffna District participated in decision-making relating to selling or disposing of land.

In Kandy District, a majority of respondents, including a male, wer not involved in decision-making in Landewatte, but the situation was the opposite in Kadawela. In a similar vein, the results of the quantitative component (Vithanagama and Gunatilaka 2023) show that around 65% of female respondents in the households surveyed participated in decisions relating to selling or disposing of land in Kandy District. As Landewatte is a tea estate, the lack of participation in decision-making is possibly due to the fact that legal land ownership for estate workers is ambiguous and difficult. While they may occupy lands and housing for generations, their legal ownership of that land is often not granted due to the discriminatory nature of the legal structures that govern the plantation sector (see Martin 2020). Therefore, acquisition of land is not as straightforward as it is in other areas.

> *No. I was not involved in acquisition of nor my parent's land neither this land.* (Tea estate worker, female, Tamil, 35, Kandy District)

> *Yes. I was directly involved in the selection of lands acquired for money. I bought one piece of land through one of my connections. Although my husband did not want to buy that land, he agreed to it because of my preference.* (Private sector employee, female, Tamil, 45, Kandy District)

Similarly, in Matara District, the majority of respondents in Devalagala, including all the female respondents and one male, were not involved in making decisions, whereas in Rathpitiya, the majority of women were involved in decisions to acquire

land. Interestingly, both male respondents in Rathpitiya were not involved in decision-making.

> *The husband's father had not fairly distributed the land to the sons. Even though my husband did a lot, he didn't get anything from the family. He had to do all the work for the younger siblings in the family. I stood up for that injustice. Eventually he got a 20 perch plot of land.* (Female, Sinhala, 70, Matara District)

In Batticaloa District, six female research participants said they were involved in decisions relating to land acquisition and six others said that they were not involved in such decisions (equally divided in the two study locations), whereas more men indicated making independent decisions. Those women who said that they had participated in decision-making indicated that this was a collaborative effort either with their husband or the family, and those who said they had not been involved pointed to either no opportunities being available or to the fact that decisions were made by their parents.

> *As for acquiring land, no decision was made by me. My mother, father and my husband's parents collectively decided that the land should be given to me as dowry. I did not get involved in it.* (Housewife, female, Tamil, 41, Batticaloa District)

Therefore, women's agency in acquiring land is not straightforward and does not seem to be influenced by their land ownership or landless status. As Section 6.1 discusses, land acquisition with one's own funds is not a common practice for the study sample due to various reasons and can indicate why decisions related to land acquisition are not straightforward. Land acquisition through inheritance and dowry is more common for the study sample. However, as most of those who said that they were not involved in acquiring land did not provide a reason, it could be possible that they did not have the opportunity to make such decisions. At the same time, only very few women shared that their input was not welcome.

Decisions on resettlement

The findings in Jaffna District reveal that making decisions regarding resettlement seems more of a collective process of the family than an individual one.

> *We lived in Chunnakam for a long time as we were displaced. Then they let us come back to our own village. We all were eagerly waiting to return. They gave us a house under a housing scheme. When the house was nearly finished, we returned.* (Female, Tamil, 52, Jaffna District)

In Batticaloa District too, respondents seem to have made a collective decision that was also in line with state policy.

> *The Government announced its decision. Everyone went to their respective areas as the Government began resettlement activities. After hearing that, we too came to our villages along with others.* (Female, Tamil, 42, Batticaloa District)

Some women in Batticaloa District seem to have resettled according to their husbands' wishes. Overall, women seem to have considerable agency in decisions regarding resettlement. Resettlement, as revealed in this study, is an intensive process after a period of conflict that is accompanied by severe losses and hardships. Therefore, making collective decisions on resettlement seems inevitable, especially since the individuals or families may not have much choice in the process, as they are resettled through government or NGO sponsored land and housing schemes.

Decisions on land use

In terms of land use, women seem to have considerable agency, especially to make decisions related to selecting crops used in cultivation and other agricultural input. While some women make independent decisions, others make these decisions collectively with the husband or family. However, women's decision-making seems limited in terms of purchasing agricultural tools and this is mainly the domain of the male. One reason for this is that women seem less aware of the type of tools used in agriculture. No woman participant indicated that they were hindered from making these decisions.

He and I both make decisions regarding it. We both have jointly cultivated green leaves, long beans, okra, and tomatoes in small quantities for our household needs. We also have coconut trees. And we rear chickens. (Labourer, female, Tamil, 55, Jaffna District)

I do not know much about agricultural implements. I will not make a decision on this matter. He is the one who will buy everything if needed. Mammoty, spade and knife. (Female, Tamil, 60, Jaffna District)

More women seem involved in land use related decisions in Jaffna District as there are more female-headed households. In contrast, the women respondents in Batticaloa District do not seem as involved in the decision-making on land use as the women respondents in Jaffna District. While many women participants seem involved in making decisions on selecting crops to cultivate, the involvement is less for decisions on agricultural input and agricultural tools. Some mentioned that their husbands were more knowledgeable about cultivation and therefore the decisions were made by the males.

My husband is an expert in which crops to grow during which seasons. Therefore, I consult him before making decisions. I will also tell my opinions to him. I will proceed to do them only if he agrees. (Teacher/ farmer, female, Tamil, Batticaloa District)

My husband makes decisions on what agricultural tools to purchase and what crops to grow with the help of known farmers. (Self-employed, female, Tamil, 50, Batticaloa District)

Those women participants who make independent decisions are engaged in small-scale garden cultivation that they use for their own consumption.

I do home-gardening in our backyard. I have cultivated whatever I can in small quantities, like brinjals, tomatoes and chillies, and use them in our daily meals. I make decisions regarding it on my own. I maintain it on my own. (Housewife, female, Tamil, 41, Batticaloa District)

In Kandy District, women seem to have agency in taking decisions related to land use. When comparing the two study locations in Kandy, the women respondents in Kadawela have more agency and are more involved in decision-making than the women in Landewatte. Yet, few women in Kadawela have agency to make independent decisions on purchasing agricultural tools, and this is mostly the domain of the males.

> *I decide based on the price that I am able to allocate for agricultural tools. There are necessary tools that I bought personally. I decide whether I need it with the help of a knowledgeable person.* (Farmer, female head of household, Sinhala, 38, Kandy District)

In Landewatte, all respondents engage in small-scale garden cultivation only and not large-scale crops, as they reside in a tea estate.

> *Crops are not grown on a large scale. Several vegetables are grown around the house. They are selected and cultivated at my will as do not take up much space.* (Private sector employee, female, Tamil, 29, Kandy District)

In Landewatte, women's engagement in decisions on agricultural tools is zero, but this is due to the fact that respondents are from a tea estate where they do not engage in their own forms of agriculture, but rather work as tea pluckers or estate labourers.

In Matara District, there is a sharp contrast in the agency of women in the two study locations. While the women respondents in Rathpitiya are more engaged in making independent or collective decisions on land use, whether it is on selecting crops, using agricultural input or purchasing agricultural tools, the involvement is much less for women in Devalagala.

> *We decided that we wanted to grow crops that would suit this area, with a good income and that we could easily maintain. Therefore, we have been cultivating coconut and cinnamon on our husband's land.* (Female, Sinhala, 67, Matara District)

> *Although the land belongs to me, my husband is the one who decides these things. He is the one who supervises the fertilisers and all the other inputs. He has hired the labourers to the field.* (Female, Sinhala, 55, Matara District)

In Matara District, many respondents are engaged in cinnamon cultivation and this could explain how women landholders have more autonomy to make decisions about their lands. Yet, while there were fewer references to home gardening, those references show that women have more agency in making decisions related to home gardening than large-scale cultivation like cinnamon or paddy.

> *I am not involved in decision-making in the cinnamon land but I grow some crops in the home garden, it is completely done by me.* (Female, Sinhala, 55, Matara District)

> *My wife and younger daughter do that work. Even though they do not have a great understanding of diseases, pesticides and fertiliser usage, they searched the internet and made biofertilizer and some pesticides from the things that can be found in the kitchen. And I bring compost from the shop.* (Pensioner, male, Sinhala, 66, Matara District)

Overall analysis shows that women in all study locations have more agency to make decisions on land use in the case of home gardening than large-scale cultivation. Decision-making relating to land by women was somewhat higher in the study locations in Jaffna District, where most land was owned by women compared to elsewhere. This is also confirmed by the results of the quantitative survey (Vithanagama and Guntilaka 2023), which revealed a significantly higher proportion of women respondents participating in decision-making in relation to land in Jaffna District, relative to Kandy District. When it comes to decision-making specifically related to agriculture in terms of the cultivation and harvesting of crops, around 70% of female respondents in Jaffna District (as opposed to 52% of female respondents in Kandy District) reported participating in these decisions (ibid). Thus, in both districts it was revealed that a larger proportion of women participated in decision-making on land use related to agriculture than what was indicated by the official statistics of agricultural operators, which reported that

only 26% and 27% of women in Jaffna District and Kandy District respectively participated in such decision-making (DCS 2019).

Findings show that women were less engaged in making independent decisions on agricultural land such as cinnamon and paddy. Even if the land is owned by women, men seem to make decisions related to land use, especially in terms of purchasing agricultural tools. The responses of women show that they are not hindered from making decisions, but that they consider men to have more knowledge on land use (except in the case of Landewatte) and also continue the cultivation practices of their families without making any changes. Similar findings were highlighted in the quantitative report as well: "Although women seem to recognise the intrinsic value of land to them, its utilitarian value is by and large dependent on the presence of men, especially when it comes to tackling problems related to land." (Vithanagama and Gunatilaka 2023, 30). However, home gardening seems largely the domain of women participants, including in Landewatte, where they have agency to make decisions independently or collectively on selecting crops and using agricultural input. Even if the women do not own land and are living on rent or on estate land, they have the capacity to engage in home gardening that they mostly use for household consumption. These findings invariably point to gender norms that are persistent in Sri Lankan society.

Decisions on labour engagement

In Jaffna and Batticaloa districts, many respondents said they did not use labour services, but that many of them were engaged as labourers.

> *I have been going to work as a labourer after the marriage. I don't have my husband with me now. My children don't look after me adequately. Hence, I still go to work as a labourer.* (Labourer, female head of household, Tamil, 66, Jaffna District)

In Kandy and Matara districts too, many do not seem to engage labour services. However, this does not apply to Landewatte in Kandy district. When talking about using labour, quite a few female respondents said their husbands or children made decisions on whom to employ and their wages.

> *I communicate about employing employees but mostly have to obey the opinion of the husband. The husband is the one who brings in the employees who come to work often. If he wants another person for work, he will arrange it as he needs. I do not get much involved in those decisions.* (Housewife, female, Sinhala, 59, Kandy District)

Some also mentioned using the *attham*[24] system of labour exchange for paddy cultivation:

> *Communicates with son and daughter-in-law regarding employees. But rather than employing employees, what we are doing is getting someone to help. I, my son or daughter-in-law are going to help people in the "attham" system. My daughter-in-law and I make more decisions about it.* (Farmer, female head of household, Sinhala, 65, Kandy District)

Overall, there were no significant instances of women making decisions on labour engagement in all districts. While this does not indicate a lack of women's agency, it rather points to their socio-economic circumstances, where they do have neother the means nor the need to employ labour. Being either farmers or labourers themselves, these respondents engage in farming or agriculture on their own. Findings show that as labour services are not used by a majority of females in the study, it is not an instance where their autonomy in decision-making is required.

5.3 Agency within the household

Decisions on household budget

In Jaffna and Batticaloa districts, a majority of women either make independent decisions or collective decisions with their family about the daily household budgets.

> *I bring the money home and give it to her. My wife writes a list of the things needed at home and gives it to me. I purchase them and come home. Or else, because the shop is close-by she herself will go and buy.*

[24] *Attham* is a reciprocal labour exchange method of the Sri Lankan traditional peasant communities. See Ihalagama (2016) for more information.

> *We buy the things required on a daily basis. We don't buy on a monthly basis. My wife makes the decisions with regard to buying household items.* (Labourer, Male, Tamil, 60, Jaffna District)

However, in Jaffna District, when it comes to buying large household items, either men make the decisions or the women depend on others to make those decisions.

> *If we want to buy a big home item like a TV or a fridge, we have to get permission from him [husband] to buy. You can only buy it if he says yes.* (Female, Tamil, 60, Jaffna District)

But in Batticaloa District, more women have agency in decisions regarding the large household items they purchase for the family. In Kandy and Matara districts, including in Landewatte, a majority of women respondents have agency in making decisions about household budget and purchasing large household items.

> *Yes. Of course. I am the one who buys the household items that I want. The husband does not understand it. He always says "We don't want it now or we will buy later." But a woman knows what is needed in the household.* (Nurse, female, Sinhala, 37, Matara District)

Some men from all districts responded that they were not involved in these decisions, but let the women decide. In all districts, male and female respondents shared that they avoided purchasing large items.

> *Since large furniture is not often bought, the two of us decide on it together. Decisions are made based on the views of both parties, taking into consideration the price, durability and necessity.* (Housewife, female, Sinhala, 45, Kandy District)

Overall analysis shows that women have considerable agency to make decisions on household budgets for everyday expenses and also make decisions about purchasing large household items. It is questionable whether this is because of their land ownership status or existing gender norms. The quantitative findings indicate that land-related variables do not have a meaningful influence on women's ability to make independent decisions about household expenditure (Vithanagama

and Gunatilaka 2023, 44). However, as the quantitative analysis and the above quotes show, women's internalisation of gender norms (i.e that women have more awareness of household needs) and the incidence of joint decision-making should not be regarded as disempowering, but as different perceptions of agency, empowerment and wellbeing.

Decisions on children's education

In Jaffna District, a majority of respondents let the children make decisions regarding their education. In the few cases where the parents made decisions for the children, it was the female respondents who did so.

> *The children make all the decisions regarding this. We do for them whatever they ask of us. Since we haven't studied, we don't know much about the subjects that are taught to them. I have given my children an education I could afford to my capacity.* (Labourer, male, Tamil, 60, Jaffna District)

In Batticaloa District, the majority of female respondents make either independent decisions or collective decisions with their spouses regarding the children's education.

> *My wish is to make my only daughter study well and I am willing to spend money on it and I have taken the decision to admit her to the school in Valaichenai in the future.* (Female, Tamil, 30, Batticaloa District)

In Kandy District, a majority of male and female respondents make decisions about children's education together with their spouses. In Matara District too, a majority of respondents make decisions about children's education together with their spouses, and some let the children take decisions about their education.

> *My husband and I work together to decide what our children need for their education. Since I work, we decided to send our children to a school that was convenient and affordable for us. We do everything for children so our only goal is to teach them well. We are both working together for that.* (Private sector employee, female, Tamil, 45, Kandy District)

Only two respondents, one from Jaffna and the other from Matara, said that the husband made independent decisions about the children's education.

> *Although I did not get a higher education, my husband had a good education. Therefore, he paid great attention to the children's education.* (Female, Sinhala, 67, Matara District)

Therefore, it seems that women have considerable agency with regard to deciding on the education of their children, if not to always make independent decisions, but to make collective decisions with their husbands or to let the children make their own decisions. No instances were mentioned where women were hindered from making decisions about their children. As in the case of making decisions about the household budget, making collective decisions with the husband is considered an indicator of agency, even if there is no distinction between land owning or landless women. However, as Vithanagama and Gunatilaka (2023, 42) also caution, it is difficult to infer whether women's decision-making capacity is related to their gender roles as primary caregivers in the household which causes it to be perceived as their responsibility, or whether they take part in decision-making because they have the freedom to do so. In any case, it is notable that landlessness does not hinder these forms of women's agency.

Decisions on health

In Jaffna District, respondents seem to have the autonomy to make either independent decisions or collective decisions with the support of their family regarding health. The case is the same in Batticaloa District as well, although the male respondents in Thamaraikulam said they were not involved in decision-making related to health care.

> *Hm… What to do. With age, health conditions also get worse. My daughter shows concern and takes me to the hospital and also on monthly clinic visits.* (Entrepreneur, male, Tamil, 61, Batticaloa District)

In Kandy District, while a majority seem to have the autonomy to make independent decisions or be involved in decision-making, some respondents, both male and female, do not seem to be involved in the process as it is their children who make health-related decisions for the respondents.

> *I make decisions about my health. If I get sick, I take medicine and I do everything I can for it. I think we should do our own things, especially not waiting for others to provide medicine for our illness. Otherwise, it could be annoying to someone else.* (Tea estate worker, female, Tamil, 36, Kandy District)

However, none of the respondents mentioned a lack of basic health care due to non-involvement in the decision-making process. Therefore, it seems that women's agency related to health care decisions is not hindered, but rather they seem to rely on their children's support in this matter. The quantitative study does not find a significant correlation between women's land ownership and autonomy on health-related decisions in the household. The study suggests that the probability of making autonomous decisions about health expenditure tends to decline with age, albeit marginally so (Vithanagama and Gunatilaka 2023, 41).

Decisions on travel outside home

In Jaffna and Batticaloa districts, many women do not seem to have agency in making decisions about leaving home either for short periods or to visit relatives and friends for longer periods.

> *He makes the decisions. He allows me to go to my mother's place. He too comes with me. But if I need to go somewhere, I would make a decision only after asking him.* (Female, Tamil, 23, Jaffna District)

> *We don't go on pilgrimages now. When my husband was alive, he hired a van and brought us to Madu church.* (Self-employed, female head of household, Tamil, 53, Jaffna District)

Some women in Batticaloa District seem to have agency to travel outside home for short periods without getting their husband's permission, but it was not so for long periods of time.

> *If it's an emergency and I need to go to the shop or hospital, I will go. I don't need to get my husband's permission for that.* (Seamstress, female, Tamil, 38, Batticaloa District)

Many women respondents mentioned that they had to consult their husband or family members when making these decisions. Both men and women in Jaffna District said they rarely went on pilgrimages. But in Batticaloa District, more women seem to have agency to travel outside home for pilgrimages by making decisions independently or collectively with their family.

> *We visit the temple of Verukal every year by foot. If you leave early in the morning, you can reach the temple before the evening. And I make decisions considering my husband's physical condition, work, etc.* (Female, Tamil, 30, Batticaloa District)

In Kandy District, more women, including the women who do not own land in Landewatte, have agency in making decisions about travelling outside home for short and long periods of time. Some women said they made independent decisions, while some said they made decisions collectively taking the family's opinions into consideration.

> *I am going on such a journey, by informing my husband. If he's not home, I'm not going. I will not go on such a journey without informing him except in a matter of urgency. Therefore, I make such a decision only after consulting my husband.* (Private sector employee, female, Tamil, 45, Kandy District)

> *I decide on my own. I'm not responsible for the children at the moment, so I'm going on a journey that I want. I take care of the grandchildren but I am not fully responsible for that. So I have the freedom to go where I want.* (Farmer, female head of household, Sinhala, 65, Kandy District)

When going on holiday or pilgrimages as well, many women are either involved in decision-making or make independent decisions. However, at least one woman said they needed to get permission from their husband to travel outside home in all instances. A considerable number of women respondents said that, while they had agency to make decisions about travel outside home, these decisions were impacted if the husband or family did not consent.

> *I make decisions upon the will of the husband and children. If the children or the husband does not like it, I won't go even if I decided. They are not opposed to such a journey. But on their consent, I decide to go on such a journey.* (Tea estate worker, female, Tamil, 55, Kandy District)

In Matara District, many women have agency to make decisions about travelling outside home for short periods and to visit friends and family for longer periods.

> *I can go where I want when I want. No one will interfere.* (Female, Sinhala, 67, Matara District)

There are some women who do not seem to make such visits. When it comes to decisions about going on pilgrimages, women's agency in making these decisions seems limited.

> *My husband is the one who plans holidays and I arrange the necessary things for the trip such as clothes, food etc.* (Female, Sinhala, 60, Matara District)

Overall analysis shows that women in Jaffna and Batticaloa districts have less agency to make decisions about leaving home for short periods of time and long periods of time to visit friends and family. Their responses show that their husbands' or families' opinions are important for these decisions and impact their own independent wishes. These practices indicate cultural and gender norms that are prevalent in rural and semi-urban areas in Sri Lanka that evidently supersede agency or empowerment that land ownership is believed to enhance. Women's agency in making decisions about going on holidays or pilgrimages is also limited in all districts except in Batticaloa, which could indicate religious practices that women engage in as a collective. Even if women make collective decisions with

the family, they have to accede to others if these others do not agree with their wishes. In Kandy and Matara districts, women have considerable autonomy to travel outside home for short and long periods of time, but again their decisions seem to be affected by the husband's or family's consent. As with the previous analyses, while collective decision-making is considered to be a positive indicator of women's agency and wellbeing, it is clear that land ownership or landlessness has a marginal impact on women's overall agency.

6. Empowerment

While agency and empowerment are closely related, the definition we use in this study go beyond women's ability to make decisions and act upon them, and encompass "transformation of structures of subordination through radical changes in law, property rights, and other institutions that reinforce and perpetuate male domination" (Batliwala 1994, 129). The definition clearly points to the importance of property rights as a basis for achieving empowerment. While poor women in general – and especially in South Asia - are relatively powerless, with limited access to resources such as land and limited decision-making powers, women are not agentless or disempowered. Women have always attempted, from their traditional positions as mothers, wives, or workers, to influence their immediate environment and expand their space (ibid; see also Kishor 2000). Therefore, empowerment is a comprehensive process that needs a nuanced understanding.

According to Narayan-Parker (2002), "Empowerment is relevant at the individual and collective level, and can be economic, social, or political" (p, 14). Bearing the complex nature of 'empowerment' in mind, in this study we assessed these three indicators of empowerment in relation to land – economic, social, and political. The three indicators are used to explore how women navigate and transform power relations using land ownership as a source of bargaining power.

When analysing the findings, it was clear that overall empowerment for the women respondents in all study districts was limited. While both men and women understand and perceive land ownership as an important asset for economic and social empowerment, they do not see it as leading to political empowerment. These findings are similar to the quantitative findings that indicate that land ownership alone does not lead to women's overall empowerment. The mere ownership of land does not result in the transformation of power relations or structures of subordination for women. Similar to the findings on agency, socio-cultural norms and traditional attitudes and practices still in place in Sri Lankan societies have a deeper impact on women's empowerment that land ownership alone is unable to break. However, certain aspects, such as women's traditional roles in the household, do not necessarily indicate a sign of agentless disempowerment, but a use of their traditional roles and spaces to influence the immediate environment. At the same time, women in this study also seem to be less aware of their property

rights and the bargaining powers that can be derived from land ownership, and this has a significant impact on their limited empowerment.

6.1 Economic empowerment

Literature suggests that economic empowerment has a significant influence in expanding women's agency. According to the Beijing Platform for Action, "Women's land rights are treated as an economic right and seen as necessary to women's achieving economic autonomy"' (Deere and Leal 2001, 118). Economic empowerment is not just about using economic resources to earn an increased income, but also the use of financial independence to reduce gender disparity within both formal and informal social structures (Vithanagama 2016, v). In this study, we explored several factors that indicate women's economic empowerment related to land ownership - land acquisition after marriage, changes in income after marriage, and the average household income - to see if women accessed opportunities for financial development using land as an asset.

Land acquisition after marriage

In all four districts of this study, the majority of the household respondents did not acquire land using their own funds after marriage. At the same time, In Kadalveli in Batticaloa District and Devalagala in Matara District, some of the respondents had acquired land after marriage in the form of dowry from parents or purchases.

> *Since my father died, my mother gave the land she owned to my brothers and me. During this time, I got a piece of land. I also paid and bought a piece of land.* (Teacher/farmer, female, Tamil, Batticaloa District)

> *Yes I got the cinnamon land for my dowry.* (Retired teacher, Female, Sinhala, 60, Matara District)

In contrast to acquiring land after marriage, the majority of the respondents in Kudiyiruppu and Thunaiveli in Jaffna District, Kadawela in Kandy District, and Rathpitiya in Matara District seem to have acquired a house after marriage. The houses acquired by the Tamil respondents in Jaffna District were government-sponsored connected to post-war resettlement, but the Sinhala respondents in

Kadawela and Rathpitiya had either built or purchased houses using their own money.

> *We did not buy a new home. We built a new house. We were displaced during the last war and were in [anonymized]. We came back to [location] in 2016. That's when the Government came up with a housing project worth eight lakhs. We came here as soon as we finished building the house.* (Female, Tamil, 60, Jaffna District)

> *After the wedding we rebuilt the house where the husband's parents lived. The house was built using a loan taken in the name of the husband. The husband's brother contributed his labour for that. The new house was designed according to my ideas.* (Housewife, female, Sinhala, 45, Kandy District)

> *This land was given to me by my parents. After that we both built the house as we wished.* (Female, Sinhala, 70, Matara District)

According to the quantitative findings, 52% of households in Kandy District have come to own their residential property through inheritance, and 47% of households in Jaffna District have come to own their residential property via dowry (Vithanagama and Gunatilaka, 21). The report further finds that the use of bank loans to purchase residential property is relatively less in both Jaffna and Kandy districts, corroborating the findings in the qualitative study that not a lot of respondents had acquired land using their own funds after marriage. This is particularly relevant in Landewatte as it is a tea estate and a majority of residents do not own the land they live on and are not able to acquire new land in the estate. Where acquisitions of land or houses took place in other study locations, it was mostly in the form of dowry from parents or sponsored by the Government. The consequences of the protracted war are evident here in terms of disrupting civilian lives and constraining economic growth for those impacted by the war. Only some of the Sinhala respondents from Kadawela and Rathpitiya, where the war did not have a direct impact, had spent their own money to purchase or build houses. Some of the reasons indicated for the absence of acquisitions after marriage were lack of financials and already owning land or housing.

Changes in income after marriage

Findings show that, except for Thunaiveli and Devalagala, the majority of the respondents in all districts have gained economic growth after marriage. Most of the women respondents emphasised that their income had increased after marriage due to new employment, their husband's earnings, and home gardening.

> *Yes. Our income has increased after marriage. Before marriage, I didn't do a job on my own. After marriage, I maintain a home garden. I do other tasks too. I take care of the accounts of my husband's earnings. Since expenses have increased after marriage, I am also cautious with savings.* (Housewife, female, Tamil, 41, Batticaloa District)

> *I had no income before marriage. But after the marriage, I was able to get the money I needed for the house from my husband. Shortly after marriage I got a small income because I had a job. So a source of income was created after marriage. Therefore, the revenue increased.* (Tea estate worker, female, Tamil, 55, Kandy District)

Male respondents mentioned that they could increase their productivity and savings ability after marriage.

> *I must state that it has increased after marriage. Back then, I would waste my salary on alcohol and playing cards. After marriage I let go of that, and my income increased as I started working as an employee at an office. I don't even have expenses on the part of my children since they work.* (Entrepreneur, male, Tamil, 61, Batticaloa District)

In terms of new employment, in all study locations in Jaffna, Batticaloa and Kandy districts, as well as Rathpitiya in Matara District, women had started to do jobs after marriage. Compared to men, women have had access to financial growth after marriage in all districts. Therefore, women's engagement in income-generating activities has directly impacted the increase in household income after marriage. However, it is not clear whether women's economic development was due to land ownership, as many women indicated formal employment as opposed to agriculture or land-generated income, as a source of revenue.

Household income

In the Jaffna and Batticaloa districts, the majority of the respondents' household income was between LKR 0- 30,000. In Kandy and Matara districts, a majority of respondents indicated a household income of LKR 30,000+. This shows a clear discrepancy in the household income in the north and south of the country and also between the Tamil and Sinhala respondents of the study.

In Kandy, Matara, Jaffna and Batticaloa districts, the female respondents' employment provides a positive impact on household income. A majority of women contribute either fully or partially towards the monthly household income.

> *70% of it comes from my earnings and 25% is from my husband's.* (Bank employee, female, Muslim, 35, Batticaloa District)

> *About 10,000 LKR [fifty percent of the monthly household income].* (Tea estate worker, female, Tamil, 55, Kandy District)

In Thamaraikulam, women's contribution towards the household income seems relatively low compared to other study locations. This could be due to a lack of employment opportunities in the area.

> *Because I do a tailoring business, I am able to contribute about 10% to the monthly income. Before Corona I had many orders to sew. During Corona, people didn't want to get clothes sewed much. Because of that, my income has reduced over time.* (Tailor, female, Tamil, 38, Batticaloa District)

In terms of land-based livelihood activities, there is no income derived from land for the Jaffna District respondents. In contrast, respondents from Batticaloa District earn some amount of income from land-based income generating sources. However, in Kandy and Matara districts the respondents currently received their entire income or about 1/3 of their income from land-based activities. This is because a majority women in Landewatta are employed in tea estates despite not owning the lands they work on, and a majority of the other women respondents

from Kadawela, Devalagala, and Rathpitiya are either retired and engaged in home gardening or engaged in farming activities.

Similar to the household findings, the district level key informants also commented on economic empowerment through land ownership, highlighting increased livelihood, self-employment, securing an income and a sense of stability.

> *You can take a loan with land and start an enterprise. It is helpful for livelihood. Land is an asset for women. You can get an income through land.* (Government officer, female, Jaffna District)

> *Most of the women living in this district have self-employment. And owning a land can help them in keeping their businesses in their own locations. They don't want to depend on anyone. They can be empowered in many aspects by owning lands. Economically women are privileged by owning lands. They become stable and empowered.* (Government officer, male, Matara District)

At the same time, a national level key informant drew our attention to the fact that land alone could not solve all problems and that it was only a precondition for empowerment:

> *It's one thing to have ownership of land, but then it's also about whether you have the supporting systems, infrastructure. For example, if it's agriculture, it's also about if you have enough water, irrigation facilities, marketing facilities, access to the technologies, external facilities, etc. All these have to be in place. Land is an important precondition, but land alone will not solve your problems.* (Researcher, male, Colombo District)

The remarks shared by household respondents resonate with these realities in relation to different aspects of life, such as war, poverty, lack of land rights in estates, and so on. Trends in land acquisition and household income show that land-based economic stability is present to some extent (i.e. inheriting/owning property, home gardening) but was not at a level where women could use land as an asset to challenge gender disparities within social structures. While these land-related issues may restrict women from gaining economic growth, alternative

means, such as moving to employment in the services sector and home gardening, could still render some form of economic autonomy.

6.2 Social empowerment

Social empowerment is explored here using three indicators. Firstly, we looked at changes in household chores after marriage to examine whether owning dowry land or land acquisitions after marriage have an impact on women's bargaining power in the household. Secondly, we looked at the nature of social relations, which is a form of social capability that can enhance wellbeing (Narayan-Parker 2002, 15). And finally, we looked at goals in life to see whether access to, owning or control of land has any significant role in their perceived aspirations for a successful life. Based on these indicators, we explored whether women have knowledge about land ownership as an asset and utilise this to increase their bargaining power within a household and within their community to achieve desired results, and whether land ownership impacts their aspirations for life.

Changes in household chores after marriage

According to the majority of the respondents in all districts, household tasks are done by women.

> *All of this is done by my wife. My daughter helps too. First few days of our marriage too, I didn't help her with any of these tasks. Even now, I don't.* (Labourer, male, Tamil, 60, Jaffna District)

> *After marriage, all that work is done by me. Sometimes the husband's mother supports the work. But mainly those things are done by me. There has been no change during the marriage.* (Housewife, female, Tamil, 31, Kandy District)

However, the case is somewhat different in Thunaiveli, as doing household tasks is the collective responsibility of both husband and wife.

> *I'm the one who did those. He helped me sometimes. He looked after me well till he was alive. He helped me with firewood collection, water collection and cooking*. (Self-employed, female head of household, Tamil, 57, Jaffna District)

> *When my husband was alive, he made sure that I didn't have any complaints. He helped me in every household task including fire wood collection, water collection and baby-sitting. He cooked when I was sick. Since I was too young when I married, he helped me with everything. I didn't have issues when he was alive. After his death I'm the one doing all those tasks.* (Self-employed, female head of household, Tamil, 53, Jaffna District)

In all districts, the responsibility of doing household tasks had not changed in the course of married life. But there are many cases in all districts where women are helped by others in the family for household tasks.

> *My wife only does them. On days I don't have work, I take care of our son and do other housework. I chop firewood and give. I even bring drinking water.* (Labourer, male, Tamil, 24, Jaffna District)

When it comes to taking care of the sick at home, in all districts this is done mostly by women. Especially in the Matara District, all women said it was their task, with male respondents acceding that it was done by their wives. In a few cases, the whole family together takes care of the sick. According to the respondents, this did not change in the course of married life.

> *My wife has taken care of the sick since the beginning of our marriage.* (Businessman, male, Sinhala, 60, Matara District)

> *I do. My husband too does. My mother-in-law is 93 years old. It's not that she's entirely incapable. She finds it a little difficult to walk. On days he doesn't go to work, he takes care of my mother-in-law. I too take care of her. The daughter also helps.* (Labourer, female, Tamil, 55, Jaffna District)

Overall, it seems women's responsibilities have increased after marriage with new employment and taking care of the sick in the family. Household chores and family health are major responsibilities placed on women after marriage. These point to the prevalence of gender and cultural norms in these societies and, as discussed previously, do not necessarily signal a disempowering effect in women's lives. While there are instances where traditional social roles of women have been changed, like in Thunaiveli, this is not due to women using their landholding status to navigate power relations at home. As noted previously, the quantitative findings also indicate that women who hold traditional gender values are more likely to take independent decisions about household tasks, irrespective of land ownership.

Social relations

In Jaffna and Batticaloa districts, the respondents indicated that they had good social relationships in general. However, it seems that compared to females, male respondents have a weaker connection with family, friends, and neighbours in these two districts. Kandy and Matara district respondents also maintain good relationships with others and there is no differentiation between male and female respondents.

> *I get along with everybody. I engage with them so that they will come forward for my aid during a good or bad occasion without any hesitation.* (Teacher/farmer, female, Tamil, Batticaloa District)

> *We don't go to anybody's house. My mother's house is close by. I go there. Apart from that, I don't engage in conversation much with others. We just keep to ourselves.* (Labourer, male, Tamil, 24, Jaffna District)

> *We really have a good relationship with friends and neighbours in the village. Most of the neighbours are our relatives. We live by helping as much as we can, without hurting anyone.* (Pensioner, male, Sinhala, 66, Matara District)

In all districts, a majority of women maintain a good relationship with neighbours because of their mutual dependence. Therefore, there seem to be good social

relationships maintained by the women in all districts, while there are fewer social relations maintained by men.

Findings show that in all districts a majority of the women and men count on their immediate family members or the spouse for support. There are only a few cases where respondents mentioned that they count on an outsider, relative, or neighbour for such support. Also, the majority said their trust in their family had not changed over the years.

> *My parents, siblings and husband are the ones who support and strengthen me in everything in my life. Their support is as strong as ever. I hope they will be a strength to me in the future.* (Nurse, female, Sinhala, 37, Matara District)

> *About my wife and the children. They have supported me at every time until today. Trust has increased with time.* (Farmer, male, Sinhala, 63, Kandy District)

> *Friends. Trust has increased over time. Every time I was helpless, I had close friends and they helped without expecting anything in return. Being close to a group of best friends is like living in a family and providing good protection and love. As a result, trust in friends has increased.* (Garment factory worker, male, Tamil, 19, Kandy District)

The above findings suggest that women have maintained and continue to maintain social relations even if they do not necessarily own land, as in the case of Landewatte. This is a positive finding as it shows that women do not need to own land to be able to have close relations and to gain the support of their family. These close ties enable them to cope with poverty and other constraints in life (see Narayan-Parker 2002). As discussed earlier, land is not the only factor that can lead to empowerment and wellbeing for women.

Goals in life

A majority of women and men shared the life goal of providing a good education for their children. Many female respondents and some male respondents in Jaffna and

Batticaloa districts also shared the goal of getting a job, building a house, acquiring land, or getting married.

> *I have goals that I want to become a teacher, to do good service, to be happy in life, not to do harm to others, and to help as much as I can. I have been accomplishing it for a long time now.* (Government employee/ farmer, female head of household, Tamil, 47, Batticaloa District)

> *That my children should study well, and that they should live a good life. Those are my goals.* (Female, Tamil, 59, Jaffna District)

> *Buying land and building a house is my current goal. I'm trying hard to accomplish the goal.* (Driver, male, Tamil, 40, Jaffna District)

However, only one woman in these two districts had a goal related to her own education and career development, such as getting a degree. Some women also had the goal to achieve good social recognition.

> *My goal was to get a government job after finishing my studies. I want to live a respectable life. My biggest goal was to somehow become a public servant before I die.* (Teacher/farmer, female, Tamil, Batticaloa District)

Just like in Jaffna and Batticaloa districts, in Kandy and Matara districts, the majority of the respondents' goals were related to their children's education. In some cases, respondents had goals related to personal growth and financial stability. It is interesting to note that there are no goals related to building a house or acquiring land in three study locations in these two districts, except in Landewatte, where the respondents are estate workers and face long-standing legal constraints in owning land. The lack of land rights and proper housing in the estate sector is a known grievance spanning many years. In Landewatte, the majority of the respondents' goal was building a house, and this is somewhat similar to the goals expressed by Tamil respondents in Jaffna and Batticaloa districts.

> *Before marriage, there were things like learning, getting a job, getting married. After marriage, there were goals such as building a house and teaching children.* (Private sector employee, female, Tamil, 29, Kandy District)

> *Things like making my family financially stable, building a house for the children, living without debt to others.* (Male, Tamil, 65, Kandy District)

Therefore, as in the case of Landewatte, the life goals of the respondents in all four districts correspond to what they have been experiencing throughout their lives. As a further example, two respondents in Thunaiveli had a goal to go back to their village.

> *My long-term goals were coming back to our own village, building my own house, and buying a motorbike.* (Businessman, male, Tamil, 63, Jaffna District)

When it comes to how they accomplish their goals, more women in Jaffna and Batticaloa districts have started jobs or found new income-generating sources. They also tried to reduce household costs and cooperate with their husbands to achieve their goals.

> *I also go to work and give whatever contribution I can from my income. If he goes to work at night, he won't be able to work during the day. I used to inspect when the house was being built then. All the way from [anonymised] I had to come here to inspect the house being built. By six pm, I finish all the housework, catch the 6.45 pm bus, come here to inspect and leave only in the evening to go home. We have put in so much effort like that in building this house. I have contributed to the best of my abilities.* (Labourer, female, Tamil, 55, Jaffna District)

The situation is similar in Kandy and Matara districts. Women and men saved money and women had made many sacrifices to accomplish their goals.

Therefore, it seems that people's goals were impacted by the socioeconomic conditions of their lives. For those whom landlessness is an issue (Landewatta),

acquiring land came up as one aspiration, but this wish was not so significant to the others. For women in war-affected Jaffna and Batticaloa districts, goals include getting a job, building a house, and marriage. But when it comes to Kandy (except for Landewatte) and Matara districts their goals were more related to personal growth. At the same time, all the respondents have a common goal related to their children's lives, indicating what people perceive to be significant for a successful life.

Overall analysis shows that social empowerment is not straightforward and not directly linked to ownership of land. Even in cases where women own land or are landless, their gender roles in the household allow them more capacity for decision-making and direct involvement in household chores. Landlessness also does not necessarily impact their social relations. Rather than sole ownership of land, close ties enable them to cope with constraints in life. Women's life goals also indicate what is important to them in life, and this does not always include acquiring land. Children's education and living a respectable life devoid of debt were repeated. While studies show that land ownership is important for one's social status and economic stability, women may seek alternative pathways to secure these rather than depending on land and the complexities that come with land. As one national level key informant pointed out, "The most serious issue today is how to secure land ownership and how to maintain it. The question of what to do next using that right and how to succeed in the future though is outside the realm of land ownership" (Representative of national NGO, Male, Colombo district).

6.3 Political empowerment

In this section we looked at respondents' engagement in community organisations as an indicator of their political empowerment. As Narayan-Parker (2002) indicates, political capability includes forming associations and participating in the political life of a community or country, among other aspects (p, 15). Unfortunately, the discussion here is rather short as many participants in the study were not involved in community organisations and therefore, we could not glean much on their political empowerment. The insights that we gathered are discussed below.

Engagement in community organisations

Apart from study participants in Thunaiveli, Thamaraikulam, and Kadawela, who indicated that they participated in community organisations, engagement in such organisations was generally low among household members in other study locations. In Matara District, the majority of research participants stated that they did not engage in community organisations. The majority of research participants who engaged in organisations did so as members while one female participant said that she had been a leader. In all study locations, more women than men engaged in community organisations and in most cases many women discontinued their membership after marriage.

> *I played a big part in establishing the first ever women's association in my village and its development. My services included collecting donations from households and informing the people about the women's association. I left the association due to my workload after marriage.* (Teacher/farmer, female, Tamil, Batticaloa District)

Only two female respondents in all eight study locations said that they began participating in community organisations after marriage.

> *I am the Secretary of the Samurdhi programme. Before marriage, I wasn't involved in community organisations; only now I'm involved.* (Labourer, female, Tamil, 55, Jaffna District)

Therefore, it seems that even though women were more likely to participate in community organisations than men, a majority of women left these organisations after marriage. Additionally, women's participation as members in community organisations in this particular sample appeared to be generally weak. A national level key informant noted that, "It [land ownership] directly links with their political empowerment, they can have more participation in farmer societies, fisheries societies, etc. They will have a voice in the other rural development activities"' (Researcher, Male, Colombo District). However, the findings show that even women who own land are not actively involved in these spaces. As this is a smaller sample, the findings cannot be generalised across regions.

Even though this sample points to women's lack of engagement in political activity, it does not present the full picture of women's community organisation and the feminist movement in Sri Lanka. Despite a very small percentage of women in Sri Lanka owning land, women's organisations and movements played significant roles when gaining independence from the British (Herath 2015), as well as in calling for peace and accountability in relation to the civil war (de Alwis 2002). Women are also grassroots mobilizers in political campaigns (Gunasekera 2023). At the same time, it is also true that women's political participation is tragically low and that this impedes their overall political empowerment in the country (Vijeyarasa, Gunasekera, and Vanniasinkam 2023).

The above findings and discussion show that land ownership and women's empowerment are not straightforward, but much more nuanced and complex. As indicated by district level key informants, there is a consensus that, at face value, land ownership can contribute to women's empowerment.

> *Land ownership can empower women in social, economic and mental aspects. Women are more stable when they own lands. They have the ability of decision-making and they can become recognizable characters in society.* (NGO officer, female, Matara District)

> *If she has property rights and land rights, it is one of the major facts to give her the decision-making power. Also everything will add a worth to her. The marginalisation, the harassment, and the vulnerability will reduce within the family and within the society.* (NGO officer, female, Kandy District)

However, the discussion of findings points to a myriad of other factors, including gender norms and cultural practices, that may simultaneously empower or disempower women, irrespective of ownership of land. One district level key informant pointed to this complexity:

> *I see two sides to it. From one side it is good for a woman to own a piece of land but because of the gender roles in Sri Lanka, the man thinks he should be the head of the household. Society still accepts that the man should have all of the ownership… Both men and women should manage*

> *it without disruption of the family. I do not think that only the woman should own everything. If either one of them gets it they should know how to manage it.* (NGO officer, female, Kandy District)

This remark takes into consideration the existing gender norms and attitudes that invariably impact women's lives and social wellbeing. As indicated by previous research and the quantitative report, sole ownership of property does have a positive effect on women's bargaining power within the households (Vithanagama and Gunatilaka 2023, 72). However, having the autonomy to make decisions in and of itself may not be beneficial as a lot of women also face many problems because of land and often a land's utilitarian value is dependent on the presence of men (see Section 7 on social wellbeing for costs of owning land).

What is important to note is that the findings did not reveal instances where women utilised land ownership to break the limitations of their socio-cultural roles. The national level key informants expressed how land ownership needed to be coupled with education and awareness of the rights that women legally hold. For example, "It [ownership of land] would definitely empower them. But education is the key in making them aware of that empowerment" (Academic, female, Colombo District). This remark is significant in pointing out what is missing in the link between land ownership and empowerment, namely, the education and awareness of using one's rights to achieve empowerment and wellbeing.

7. Social wellbeing

Social wellbeing is conceptualised as both an outcome or achievement of livelihood strategies of households, as well as a process or pursuit of these strategies to reach such outcomes (McGregor 2008; White 2008). This approach categorises wellbeing into three dimensions – material (economic), relational (social) and subjective (emotional). This section explores the perceptions held by household research participants in terms of the three dimensions of wellbeing in relation to the following: the general notions of wellbeing and assessment of their own wellbeing, benefits and costs of owning land, the impact of ownership vs. landlessness on their lives, and the importance of land ownership for their daughters and for women in general. This analysis is supplemented by perceptions held by key informants of the benefits and costs to women of owning land and challenges faced by landless women.

There was a wide variation among research participants in households across and within the study districts on notions of wellbeing and its relationship to land ownership. In general, subjective or relational dimensions of wellbeing, or a combination of material and subjective dimensions or of all three dimensions, emerged predominant among the various study communities in terms of their general notions of wellbeing and assessments of their own wellbeing. In terms of the costs and benefits of owning land, a similar differentiated picture emerged among household research participants. In contrast, the perceptions among key informants were more congruent on the benefits of land ownership to women, with the material dimension emerging as most important, although the subjective and relational dimensions were also indicated to varying degrees. In terms of costs incurred to women from owning land, key informants differed across districts, with material wellbeing emerging as stronger in Batticaloa and Jaffna districts, and relational wellbeing coming up stronger in Kandy and Matara districts. In assessing the impact of landownership vs. landlessness on their own lives, a differentiated picture emerged across districts and communities on perceptions of both household research participants and key informants. While the majority of research participants in all study districts considered it important for their own daughters and women in general to own land, in most cases, subjective and relational factors emerged as more important than material factors.

7.1 Notions of wellbeing and self-assessment of household wellbeing

Notions of wellbeing

The three dimensions of material, relational and subjective wellbeing emerged in varying degrees of importance in the general notions of wellbeing expressed by research participants from households across districts and study locations. Subjective notions of wellbeing were most important in both study locations in Jaffna District. Material and subjective notions of wellbeing were foregrounded in both study locations in Kandy District and Rathpitiya in Matara District. Relational notions of wellbeing were most important in Kadalveli in Batticaloa District and Devalagala in Matara District. All three dimensions of wellbeing emerged as important in Thamaraikulam in Batticaloa District.

In both study locations in Jaffna District, subjective notions of a good life centred around living in one's own village, occupying one's own land and house after being displaced due to war, and having peace of mind.

> *Living in our own village is a good life itself. Coming back and living in our own land gives us peace of mind. It has already been three years since we returned. Though we don't have much facilities here, we live happily*. (Self-employed, female head of household, Tamil, 53 years, Jaffna District).

> *A good life is when we have our own land, build our own house and live peacefully*. (Labourer, female, Tamil, 55 years, Jaffna District)

A connection to nature, the sea and land also emerged in subjective notions of wellbeing in Kudiyiruppu in Jaffna District.

> *The sea is nearby. We are connected to nature that way. I consider that a good life*. (Labourer, male, Tamil, 24 years, Jaffna District)

Material and subjective dimensions of wellbeing emerged as equally important among research participants in both study locations in Kandy District, as well as Rathpitiya in Matara District. In Kandy District, material perceptions of wellbeing

were expressed in terms of income, employment and lack of debt, and subjective dimensions in terms of independence and spirituality.

> *The ability to do things on your own without getting into debt. A comfortable life with no shortage of things like food and money. A life with a stable income and a comfortable job without working under someone else can be called a good life.* (Plantation worker, female, Tamil, 55 years, Kandy District)

> *The ability to do our own things without debt to outsiders. Living with a steady source of income, a good home and a vehicle. A comfortable life that we are able to live according to the religion, can be described as a good life.* (Housewife, female, Sinhala, 59 years, Kandy District)

The material aspect of having access to infrastructure and subjective aspect of freedom were highlighted in Rathpitiya in Matara District.

> *If we have easy access to water, electricity, roads, and an environment where we can live freely, I think it is a good life.* (Nurse, female, Sinhala, 37 years, Matara District)

Relational notions of wellbeing dominated in Kadalveli in Batticaloa District and Devalagala in Matara District. Relational wellbeing was expressed in terms of good relations within the family, community and among different ethnic groups in Kadalveli in Batticaloa District.

> *I think a good life is about helping each other understand and living in unity. Not only that, but fulfilling the needs of your wife and children who rely on us is also our duty.* (Farmer/bus conductor, male, Tamil, 54 years, Batticaloa District).

> *I think that it is a good life for all people to live in harmony with humanity without ethnic divisions. Tamil and Muslim people live happily in our area. This is the best life I've ever known and I wish it to continue.* (Female, Muslim, 25 years, Batticaloa District)

Good relations within the community was predominant in perceptions of wellbeing in Devalagala in Matara District.

> *Living life without having any arguments and fights is a good life for me. We share things with each other and we help each other at special functions. All the villagers get together when one is in trouble and that is a good life in the village.* (Female, Sinhala, 55 years, Matara District)

All three notions of wellbeing emerged as equally important in Thamaraikulam in Batticaloa District. Subjective notions of wellbeing were articulated in terms of living in one's own house/land and leading a peaceful life or having peace of mind. Relational wellbeing constituted good relations within the family. Material wellbeing included satisfactory living standards (access to electricity, water, transport), adequate income, living without debt and having the means to build a house.

> *I consider my goals to be a good life; a good husband and children, a good job, a satisfactory income, a permanent house to stay in.* (Tailor, female, Muslim 38 years, Batticaloa District)

> *Living a life with all facilities, a peaceful mind and unitedly with one's family.* (Small entrepreneur, male, Tamil, 61 years, Batticaloa District)

Self-assessments of wellbeing

In assessing their own wellbeing, the majority of household research participants in study locations in Batticaloa and Matara districts, as well as in Kudiyiruppu in Jaffna District indicated that they had a good life. In contrast, research participants in Kadawela in Kandy District and Thunaiveli in Jaffna District were divided, with some saying they had a good life and others stating they did not. In Landewatte, the estate community, the majority indicated that they did not have a good life.

In terms of the research participants' understanding of a good life, relational notions linked to family life predominated in both communities in Batticaloa District, while subjective and material notions emerged as important in Thamaraikulam.

> *Comparatively, I do live a somewhat good life. A good husband, loving children. My children are treasures that were given to me. They don't ask for much, because they understand our difficulties. They are not stubborn. Accordingly, it is my responsibility to fulfil the needs of my children.* (Tailor, female, Muslim, 38 years, Batticaloa District.)

Material perceptions of wellbeing in terms of access to infrastructure were articulated as indicators of a good life in the study locations in Matara District.

> *Yes I have a good life. Our house is located close to the main town, but in a non-populated area. Also all the above facilities [water, electricity, roads] are available.* (Nurse, female, Sinhala, 37 years, Matara District)

Subjective notions centred around the return to home villages, own land and houses, as well as relational notions linked to family relationships emerged as equally important in the assessments of their lives among research participants in Kudiyiruppu in Jaffna District.

> *Yes. I am happier now than I was with my husband. I live a peaceful life, and have my own house. No need to wander here and there. Being in one's native place is a joy and brings satisfaction. I was happy to be with my mom and dad, despite the hardships at home.* (Self-employed, female head of household, Tamil, 49 years, Jaffna District)

Among research participants who indicated that they had a good life in Kadawela in Kandy District, subjective notions of wellbeing, such as emotional satisfaction, also emerged as important.

> *It can be said that there is a normal level of life. I think so because I have an emotionally satisfying life and a less stressful life.* (Housewife, female, Sinhala, 45 years, Kandy District)

Both subjective aspects of wellbeing, such as happiness and contentment, as well as material aspects, such as employment of children, were important to those research participants who perceived that they had a good life in Thunaiveli in Jaffna District.

> *We are just happy. We manage and spend money without any luxury costs. This is what happiness is all about. If the daughter gets a job we will be even happier. There will be no loans.* (Female, Tamil, 60 years, Jaffna District)

The material dimension of wellbeing emerged as important to the majority of household research participants who indicated that they did not have a good life in the plantation community of Landewatte,

> *We are not now [having a good life]. But we are trying to have a better life.* (Housewife, female, Tamil, 31 years, Kandy District)

Satisfaction with life

There were expressions of both satisfaction and dissatisfaction with their lives in all study communities. In terms of perceptions of satisfaction, all three dimensions of wellbeing were indicated by household research participants in Matara District, Kadalveli in Batticaloa District and Thunaiveli in Jaffna District. Relational and subjective dimensions of wellbeing emerged as equally important in expressing satisfaction in both study locations in Kandy District and Kudiyiruppu in Jaffna District, while relational and material dimensions of wellbeing were indicated in Thamaraikulam in Batticaloa District.

Relational notions of wellbeing in terms of good relations within the family, subjective notions in terms of independence, freedom and achieving goals in life, and material notions in terms of adequate income were associated with satisfaction in life by research participants in Matara District.

> *I have a good husband and children. I have enough money to live. No influence from anyone. I live freely.* (Female, Sinhala, 70 years, Matara District)

> *I am very happy to be able to achieve the goals I had in my life. And my children are living happily. That's what parents love to see.* (Female, Sinhala, 68 years, Matara District)

Similar notions of satisfaction, combining subjective wellbeing in terms of contentment with the life achieved, relational wellbeing in terms of good relations with children, and material wellbeing in terms of adequate income were also expressed in Thunaiveli in Jaffna District.

> *I have a life as I desire. I have two children as I wanted. I live in my birthplace. These all make me feel content.* (Driver, male, Tamil, 40 years, Jaffna District)

> *Our children have their own income source. They give their salary to me. If they need any money, then they would ask from me. I'm satisfied with this.* (Female, Tamil, 52 years, Jaffna District)

Meanwhile, relational and subjective dimensions of wellbeing emerged as important in perceptions of satisfaction in both study locations in Kandy District, as well as in Kudiyiruppu in Jaffna District. Good relations within the family, as well as peace, harmony and good health were indicated as important in Kandy District.

> *I am satisfied about being able to have a peaceful family life without getting sick and sad. Despite the economic problems, we have been able to live in harmony and health. No matter how much money there is, there are people who lie in bed due to illness at a young age, and there are those who fight and make family life miserable. So I'm happy with what I've got so far.* (Private sector employee, female, Tamil, 29 years, Kandy District.)

> *Recognizing my children as good people in society and being able to live in society with dignity no matter how much economic hardship I have. The children, as well as the people of the village, considered me as a good mother. Looking back on life, I'm glad to see the way I have come.* (Farmer, female head of household, Sinhala, 55 years, Kandy District)

The relational dimension of wellbeing in terms of good relations with children, and the subjective dimension of living in one's own house and village after being displaced by war, contentment with life and pride in children, emerged as important in expressing their satisfaction with life in Kudiyiruppu in Jaffna District.

> *I am satisfied with everything now. It is a satisfaction to be with children in their own place. My sons take good care of me. What more could I want than this?* (Self-employed, female head of household, Tamil, 49 years, Jaffna District).

> *I am content when I think of living in our own house after 30 years of living in the camps. Apart from that, our daughter has completed her university education well. I feel contentment when I think of that too. She's also a member of an organisation and she helps the people of the village. That makes me feel happy and content.* (Female, Tamil, 59 years, Jaffna District)

Both relational and material dimensions of wellbeing emerged as important in perceptions of satisfaction with life in Thamaraikulam in Batticaloa District.

> *I am content over a loving partner and children. Based on my sole decisions, I am glad I could form a family that is very loving towards me.* (Tailor, female, Muslim, 38 years, Batticaloa District)

> *I am satisfied about having a partner of my choice, and a satisfactory job, both of these.* (Bank assistant, female, Muslim, 35 years, Batticaloa District)

Dissatisfaction with life

In noting dissatisfaction with their lives, all three dimensions of wellbeing emerged as relevant in both study locations in Kandy District, Kadalveli in Batticaloa District and Kudiyiruppu in Jaffna District. The relational and subjective dimension of wellbeing emerged as most important in expressing dissatisfaction in both study locations in Matara District, Thunaiveli in Jaffna District and Thamaraikulam in Batticaloa District.

The material dimension of not having an adequate income and education, the relational dimension in terms of family life and social respect, as well as the subjective dimension in terms of emotional health contributed to the dissatisfaction of household research participants in Kandy District.

> *I am dissatisfied with our poverty. With the money we earn, there is not much left to save for the future or for the children after living every day. However, beside good housing and vehicles, there are times when you may not be able to afford even the most basic necessities. Poverty is the reason why our education stops halfway. I believe the same thing will happen to our children.* (Housewife, female, Tamil, 31 years, Kandy District)

> *I am dissatisfied about the failure of marriage and the impact of my problems on the children. Because marriage is my individual decision, I'm fully responsible for it. These problems had a bad impact on their emotional health and they received the consequences of it. I feel sad about it.* (Farmer, female head of household, Sinhala, 38 years, Kandy District)

In Kadalveli in Batticaloa District, material dimensions of dissatisfaction expressed included the current economic crisis, climate change, fuel scarcity and crop diseases, while the subjective dimension included fear for the life of a husband at sea.

> *Due to the high cost of living currently in the country, ordinary people have difficulties finding even one meal per day. I'm dissatisfied with it.* (Female, Muslim, 25 years, Batticaloa District)

> *My husband goes out to sea. I'm afraid of the wind, the waves and the heavy rain in the sea. I would wait worrying until my husband, who is gone to sea, comes back home. I'm very dissatisfied with the climate. I am dissatisfied with the cost of fuel as well. Some days my husband will return home without catching any fish and I am dissatisfied with those days.* (Female, Tamil, 30 years, Batticaloa District)

Dissatisfaction in life was also expressed in relational terms of the loss of family members and lack of opportunities for marriage, in material terms of lack of access to land and house, and in subjective terms of experiencing sorrow and discontentment, in Kudiyiruppu in Jaffna District.

> *I feel sad about the two children I've lost. One of my other sons too passed away. Thinking of both of these [losses], makes me feel great sorrow.* (Female, Tamil, 59 years, Jaffna District)

> *I feel discontentment when I think of not having our own land and house.* (Female, Tamil, 24 years, Jaffna District)

> *My daughter isn't yet married. She is 26 years old now. Thinking of it makes me feel sad. I am also dissatisfied over the debts.* (Labourer, Male, Tamil, 60 years, Jaffna District)

Meanwhile, the relational dimension of wellbeing, such as relations within the family and loss of a family member, as well as the subjective dimension of discontent and grief were predominant in notions of dissatisfaction in both study locations in Matara District.

> *I am not satisfied with the fact that we live in our husband's parents' house.* (Female, Sinhala, 50 years, Matara District)

> *I am deeply saddened by the death of my eldest son. It is unthinkable. He was building a new house. He came home because he wanted to finish his work in a short time. At that time, he had an accident. He was treated in the ICU of the Karapitiya hospital for about three months, but unfortunately he left. It was a month before his wedding. That grief is very difficult to bear. I always hope that no parent will feel that grief.* (Female, Sinhala, 67 years, Matara District)

Similarly, relational aspects of wellbeing linked to loss of family members or estrangement from the family, as well as subjective aspects of sorrow, anxiety and disappointment emerged as important in dissatisfaction expressed by household research participants in Thunaiveli in Jaffna District.

> *My eldest daughter died in an electric accident while she was five months pregnant. My second daughter who witnessed the accident still suffers from it. When I think about all these, I feel sad. My husband also passed away due to cancer. That also makes me sad. I'm worried about how*

> *I'm going to make a better life for my daughters.* (Self-employed, female head of household, Tamil, 53 years, Jaffna District)

> *It's sad that my wife's family opposed our marriage. My wife doesn't talk with me properly. She is disappointed that I didn't listen to her and move to Pudukudiyiruppu. She has left her parents and lives with me. That makes me sad.* (Driver, male, Tamil, 40 years, Jaffna District)

Moreover, control by a spouse, conflicts and estranged relationships with the family due to marrying against the family's wishes emerged as relational dimensions, while lack of independence, despair and lack of one's own house emerged as subjective dimensions of dissatisfaction in Thamaraikulam in Batticaloa District.

> *As for being dissatisfied, it is that I can't make a decision to work on my own. I have to make decisions collectively with my husband. My husband doesn't want me to go to work because I have three children. I can't stand on my own feet. I am dissatisfied regarding that.* (Housewife, female, Tamil, 41 years, Batticaloa District)

> *It brings despair to my heart that my parents and relatives don't love me anymore. I am also discontented over not having sufficient income or a permanent house to stay in.* (Tailor, female, Muslim, 38 years, Batticaloa District)

The overall analysis reveals that, across districts and study locations, all three dimensions of wellbeing emerge as significant in different degrees in perceptions of wellbeing, assessments of own wellbeing, and satisfaction and dissatisfaction with their lives. The majority of household research participants in five study locations considered that they had a good life, while those in two locations were divided on whether they had a good life or not. The majority of research participants in the estate study location did not perceive that they had a good life. The most important aspects of wellbeing that emerged were relations within the family in terms of relational wellbeing, income and land in terms of material wellbeing, and peace of mind, contentment and one's own house in terms of subjective wellbeing. Thus, land and house ownership surfaced as significant factors in social wellbeing in all study locations.

7.2 Perceptions of benefits and costs of owning land

This section explores perceptions of household research participants and district-level key informants on benefits and costs of owning land within the context of the broad parameters of social wellbeing discussed above. In terms of benefits of land ownership, the material aspects were predominant in both study locations in Jaffna District, Kadalveli in Batticaloa District and Devalagala in Matara District. All three dimensions of wellbeing were relevant in terms of benefits in both study locations in Kandy District. Both subjective and material benefits emerged as important in Thamaraikulam in Batticaloa District, while subjective aspects were prominent in Rathpitiya in Matara District. Key informants from Batticaloa and Jaffna districts emphasised the material dimensions of land ownership, while those from Kandy and Matara districts perceived both material and subjective dimensions as important.

Material benefits of land ownership included the potential for income and food security in both study locations in Jaffna District. Underlying subjective and relational benefits, such as self-worth and social respect, also emerged in Thunaiveli.

> *I don't own land. If you own land, you can do home gardening and earn an income. You can do chicken farming. You can at least earn a little.* (Labourer, female head of household, Tamil, 66 years, Jaffna District)

> *If we have our own land, we can cultivate it and have a home garden. We will have permanent wealth. People will respect us in this day and age only if we have our own land and house. Otherwise, nobody will respect us.* (Female, Tamil, 24 years, Jaffna District)

The benefits of owning land were seen in material terms of shelter, renting and income generation through agriculture by household research participants in Kadalveli in Batticaloa District.

> *If you have land, there are really many benefits. You can build a house on the land and live. You can do cultivation as well as rent it out and earn an income.* (Female, Tamil, 30 years, Batticaloa District)

The perceptions of key informants in both Jaffna and Batticaloa districts were consistent with those of the household research participants discussed so far. Key informants in both districts concurred that owning land was beneficial to women and emphasised the material dimension of wellbeing. Overall economic strength, especially in terms of having the means to do cultivation or farming, access to capital to start a business, and ability to mortgage, rent or lease the land were indicated in Jaffna District. Material benefits identified by key informants in Batticaloa District included improving livelihoods, especially through self-employment in agricultural activities, renting out land, house, shop or other buildings, obtaining income or profit, accessing loans, overall economic security and food security, access to government subsidies, and access to services, such as electricity.

Material benefits of land ownership, in terms of income and food security, emerged in Devalagala in Matara District as well.

> *I can earn an income by owning land. Other than that we get rice for daily consumption of our family.* (Female, Sinhala, 55 years, Matara District)

The perceptions of household research participants from Devalagala generally concurred with those of key informants in Matara District, all of whom affirmed that land ownership was beneficial to women. Material benefits identified by key informants in this district were similar to those of Jaffna and Batticaloa, including the ability to earn an income, ensuring economic strength and wellbeing, ability to engage in cultivation and agricultural activities, enabling self-employment such as home gardening, floriculture, animal husbandry, and ensuring nutrition security of the family.

In contrast, the benefits of owning land were expressed in relation to all three dimensions of wellbeing by research participants in both study locations in Kandy. Material wellbeing benefits indicated were land as a form of asset/wealth and income; subjective benefits included the satisfaction of residing in one's own house, independence, pride and peace of mind; and relational benefits included social respect.

> *We have the ability to earn income from land. We get a place to live for ourselves and our children. We are able to live without burdening the rest of the family after marriage. Land can be considered as an asset that belongs to us. Therefore, one who owns land is considered by others as someone who has assets. I consider it as a matter of pride. We are able to live without trouble.* (Private sector employee, female, Tamil, 45 years, Kandy District)

> *We are able to be financially strong and able to sell or mortgage, when we are sick or in an emergency. We are able to build a house in our own place. We have social respect and peace of mind. Living in a small house in one's own place, rather than living in a rented house, is considered a reason to gain social respect in a village, such as ours. Also gaining more land is a symbol of wealth. Also owning a piece of land gives one peace of mind.* (Teacher, female, Sinhala, 33 years, Kandy District)

While key informants in Kandy District were divided on whether land ownership was beneficial to the wellbeing of women or not, the perceptions of those who believed land ownership benefited women conformed with those of household research participants in pointing to the importance of both material and subjective advantages. In Jaffna District, material benefits indicated were having a means of livelihood, access to cultivation and fertiliser subsidies and ensuring collateral in an economic crisis. Subjective benefits observed by key informants were independence from others and security in old age. One key informant was of the view that owning land per se was not beneficial for women's wellbeing if the land owner's other needs, such as having a proper bathroom, were not met.

Meanwhile, both subjective benefits in terms of positive emotions, and material benefits in terms of cultivation, food security and asset ownership were identified by research participants in Thamaraikulam, in Batticaloa District.

> *It is the joy of owning land, being able to build a house, growing small vegetables and meeting the need for food.* (Housewife, female, Muslim, 39 years, Batticaloa District)

> *I must say that owning land is some form of a strength. If there's a problem, we can handle it by saying we have a land or house.* (Housewife, female, Tamil, 41 years, Batticaloa District)

These perceptions from Thamaraikulam were consistent with those of many key informants in Batticaloa District, who referred to subjective benefits of women's land ownership, such as ensuring independence, the ability to face problems, enabling motivation and security in old age. Relational benefits, such as social respect and the ability to arrange a marriage for daughters, were also indicated by some key informants from this district.

Subjective benefits of land ownership, such as a sense of independence and space were emphasised in Rathpitiya in Matara District.

> *Today I live happily and freely as I wish, because I have a piece of land. I am a person who has felt the value of owning land. After marriage I lived in my husband's house. His parents and siblings lived in that house. So both of us did not get the chance to live freely. Even when I slept, ate or talked, people at home looked at me the wrong way. Life was tiresome those days.* (Female, Sinhala, 70 years, Matara District)

Perceptions from household research participants in Rathpitiya in Matara District conformed to the views of key informants who indicated subjective benefits as equally important to material benefits in Matara District. The subjective benefits emphasised were a sense of independence, having greater stability in life, security for the future, as well as emotional wellbeing and protection from domestic violence. Relational benefits, such as ensuring of equal rights for women, compensation for the sacrifices women make on behalf of their families and ensuring respect and positions, especially within community organisations, were also mentioned by several key informants in this district.

In exploring views on the costs of owning land in relation to wellbeing, as in the case of benefits, material costs were identified as most important by household research participants in both study locations in Jaffna District, Kadalveli in Batticaloa District and Devalagala in Matara District. In contrast, costs were emphasised in relational terms in Landewatte, and in terms of all three wellbeing dimensions in Kadawela

in Kandy District. Both material and relational costs emerged in Thamaraikulam in Batticaloa District. Research participants in Rathpitiya in Matara District perceived that owning land entailed no costs, only benefits.

Material costs of owning land were predominant among household research participants in both study locations in Jaffna District.

> *Fence building is the cost [of owning land]. We still have to build a fence on two sides of the land. We are planning to get a loan and build a wall. We need around 2 lakhs. If we build a wall, it would last for a long time.* (Female, Tamil, 52 years, Jaffna District)

Similar material costs in terms of maintaining the land, including investments in drainage, were also indicated by research participants in Kadalveli in Batticaloa District.

> *Yes, there are a few expenses. We had to fence the land. The water is retained, flooding the land excessively during the rainy season. I had to dump soil to control it [waterlogging] which cost a lot of money. There will be similar expenses as such.* (Teacher/farmer, female, Tamil, Batticaloa District)

The majority of key informants in Jaffna and Batticaloa districts concurred with household research participants in considering costs of owning land mostly in terms of material benefits. They referred to property taxes, maintenance costs, and fencing or building walls to secure boundaries. Key informants in Batticaloa District also mentioned transactional costs in buying and selling land and costs of construction on the land. Several key informants in Jaffna District also mentioned the concern for security generally linked to land ownership as a subjective cost of the wellbeing of women, while a key informant in Batticaloa District pointed to the lack of knowledge by women to utilise land to its full potential. However, most key informants in both districts perceived that the costs incurred in owning land were relatively low compared to the benefits received by women from owning and generating income from land, explaining that these costs could be viewed as investments, rather than costs per se. One key informant in Jaffna District observed

that parents, rather than women themselves, incurred costs, as the former had to transfer land as a dowry to daughters at marriage.

Material costs of owning land were also indicated in terms of investment in agricultural inputs by research participants in Devalagala in Matara District, but this was not considered too much of a burden.

> *Other than the costs for agricultural inputs for the land I don't have any other costs.* (Female, Sinhala, 55 years, Matara District)

Costs of owning land were perceived in relational terms of disputes over land titles and boundaries, especially with neighbours, by research participants in Landewatte in Kandy District.

> *There are issues regarding ownership. There are issues regarding the boundaries of the lands.* (Housewife, female, Tamil, 31 years, Kandy District)

Meanwhile, costs relating to all three dimensions of wellbeing emerged in Kadawela in Kandy District. Relational costs, such as disputes over land with neighbours and relatives, material costs of maintaining land (especially related to cultivating and weeding), as well as subjective costs of time and effort, were indicated in this study location.

> *There are conflicts over land and disputes with relatives. To earn income, one needs to spend money and a lot of labour. An employed person is unable to maintain such a large area of land.* (Housewife, female, Sinhala, 45 years, Kandy District)

Perceptions of key informants on costs of land ownership concurred to a great extent with household research participants in Kandy District. Many key informants in Kandy District perceived owning land as a burden to women. Unlike in Batticaloa and Jaffna districts, these wellbeing costs were considered mostly in relational terms, such as deception and pressure encountered by women to write off ownership of their land or parts of it to the husband, in-laws or third parties. One key informant also referred to the vulnerability and marginalisation faced

by disabled women, who were under pressure to transfer property belonging to them to their siblings. Another key informant echoed the sentiments expressed in Batticaloa District, pointing to a cost in terms of subjective wellbeing - a lack of knowledge by women to use land productively and generate income.

Costs of land ownership were perceived both in material terms of costs of acquiring or maintaining land, and relational terms of conflicts with real estate agents, in Thamaraikulam in Batticaloa District.

> *To get our land, we had to spend on broker fees and registration fees. There were also verbal arguments regarding it.* (Housewife, female, Tamil, 41 years, Batticaloa District)

> *As for costs, I'd say, purchasing the land, registration and legal charges.* (Self-employed, female, Tamil, 50 years, Batticaloa District)

While key informants in Batticaloa District referred to transactional costs of acquiring or selling land, relational issues in terms of social conflicts within this process were not indicated.

No costs of land ownership were identified by household research participants in Rathipitya in Matara District.

> *Owning a land does not cause problems.* (Female, Sinhala, 65 years, Matara District)

This was consistent with perceptions of several key informants in this district, who were of the view that owning land provided only benefits for women and that there no costs were involved. However, a considerable number of key informants in Matara District pointed to costs of owning land in terms of the relational wellbeing of women. These costs included confronting deception by people selling or using land, legal disputes over boundaries, straining of social relations with neighbours over boundary disputes, pressure from husbands to transfer properties to them, as well as challenges to single women living alone and working on their land.

In comparing interview data from key informants and household research participants across the four study districts on benefits and costs of owning land, there emerged general agreement between the categories of respondents within districts, with some differences. In all study districts, material benefits from land ownership were closely linked to livelihoods, income generation and access to loans and other services. The subjective benefit identified in all study districts was a sense of independence and security that accompanied the ownership of land. Relational benefits emerged as less important in all study districts, but social status and respect were mentioned in all study districts.

In terms of costs of land ownership in relation to wellbeing, material costs indicated by all respondents were property taxes, maintenance and transactional costs. Relational costs indicated by key informants were social pressures faced by women in holding on to land that they owned, especially vulnerability to various ruses used by family members, neighbours or others to deprive them of their land or parts of it. Apart from household research participants in Kandy District, who referred to relational costs in terms of experiencing land and boundary disputes with neighbours and relatives, specific vulnerabilities faced by women were not mentioned at the household level in other districts.

7.3 Perceptions of impact of landownership vs. landlessness on wellbeing

The majority of household research participants who owned land in all four study districts expressed the view that owning land had made their life better. This was articulated in both material and subjective terms in the two study locations in Jaffna District, as well as Thamaraikulam in Batticaloa District. Material aspects were dominant in Kadalveli in Batticaloa District and Devalagala in Matara District. All three wellbeing dimensions emerged in Kadawela in Kandy District and Rathpitiya in Matara District. Relational aspects were emphasised in Landewatte in Kandy District.

In Jaffna District, household research participants perceived that their life had improved in material terms such as increased income from cultivation, savings from rent and food security, as well as in subjective terms such as the experience of happiness.

> *Yes. There is happiness in itself when we have land. We can have steady work. Trees can be planted. You can earn income through it. There is no need to pay rent.* (Self-employed, female head of household, Tamil, 49 years, Jaffna District)

> *Yes. It is because I have land that I cultivate plants. I plant vegetables and use them for curries.* (Self-employed, female head of household, Tamil, 43 years, Jaffna District)

In Thamaraikulam in Batticaloa District, research participants indicated subjective aspects such as peace of mind and strength, as well as material aspects such as increased savings.

> *We are able to sleep in peace because we have our own land. Our expenses would have been higher had we resided in a land other than ours. This is a strength to us in life.* (Housewife, female, Tamil, 41 years, Batticaloa District)

Meanwhile, material factors, such as land as an income generation option and access to resources to raise children, were emphasised in perceptions of research participants in Kadalveli in Batticaloa District.

> *It was with these lands that we improved our lives. We were living mostly with the money earned through paddy land. If I didn't have this land, my husband would have to do a daily wage job. It would have been impossible to raise the children well.* (Farmer, female, Tamil, 70 years, Batticaloa District)

In Devalagala in Matara District, material aspects, such as the ability to build a house, were mentioned.

> *We were able to build our house in the land we own. If we didn't have any land we would have to buy and build it. It may have become a burden for us.* (Retired teacher, female, Sinhala, 60 years, Matara District)

Research participants in Kadawela in Kandy District linked land ownership to all three dimensions of wellbeing. Material aspects such as the availability of savings to construct houses, relational aspects such as providing an inheritance for children, and subjective aspects, such as peace of mind were indicated in this study location.

> *Having land made it possible to build houses with our savings, without having to invest in land. With the money saved, the children were able to buy land. After marriage, the children will be able to move out of the house and into their own home without having to pay rent. Therefore, a good life with peace of mind is possible.* (Farmer, male, Sinhala, 63 years, Kandy District)

Similarly, in Rathpitiya in Matara District, the material aspect of having an asset, as well as relational aspects such as not being dependent on others, and subjective aspects such as the lack of stress and a sense of security, were mentioned.

> *Yes. That is why today I am not submissive to anyone.* (Female, Sinhala, 70 years, Matara District)

> *Yes. I live without any stress now because I have land.* (Female, Sinhala, 67 years, Matara District)

Meanwhile, household research participants in Landewatte described the improvement in their lives brough about by land ownership predominantly in relational terms, specifically better relations with in-laws.

> *Before getting the land there were frequent conflicts with the husband's family. But those conflicts stopped after we bought a piece of land and left. It gave me the opportunity to have good relationships and live a normal, good life.* (Private sector employee, female, Tamil, 45 years, Kandy District)

As in the case of household research participants who owned land and perceived that this had improved their life, the majority of landless research participants in all study locations believed that owning land would make a positive difference in their lives. This was expressed in terms of all three dimensions of wellbeing in the

two study locations in Kandy District and Thamaraikulam in Batticaloa District. Both material and relational aspects were significant in the two study locations in Jaffna District and Devalagala in Matara District. Relational and subjective aspects were emphasised in Rathpitiya in Matara District, while material aspects were dominant in Kadalveli in Batticaloa District.

Landless research participants in Kandy District referred to material aspects such as an increased income from cultivation and the ability to build a house, relational aspects such as increased opportunities for children, better relations with neighbours and participation in community organisations, as well as subjective aspects such as peace of mind.

> *Yes. We would be able to carry out our land activities more freely. It would also have given peace of mind and relaxation as there is no uncertainty about the children. Since we can get a full income from land, I could have also earned a good income by cultivating without doing a job. So if we had a separate plot of land, we would have had a significantly better life.* (Plantation worker, female, Tamil, 35 years, Kandy District)

> *Definitely we could have had a better life. I think if we had our own land, we would have been able to build a permanent home and focus more on educating the children. Also the children would not have to change schools frequently and would be able to build permanent friendships with neighbours and become members of village societies.* (Housewife, female, Sinhala, 45 years, Kandy District).

The perceptions of landless research participants were generally consistent with key informants who also referred to all three dimensions - relational, material and subjective - in relation to challenges faced by landless women in Kandy District. They indicated relational aspects, such as the lack of respect in society, conflicts with husbands due to not having land and dependency on others. They also referred to material aspects, such as lack of shelter, the need to relocate or migrate, high rent costs, lack of income from land, and inability to enrol children in school. Several key informants pointed to subjective aspects, such as psychological distress and lack of security in old age.

Similarly, in Thamaraikulam in Batticaloa District, relational aspects such as independence from their husbands, and subjective aspects such as courage were expressed by landless research participants.

> *Yes, definitely. I would have been able to carry on my life without the help of my husband. I would have been able to live courageously within this society*. (Female, Tamil, 42 years, Batticaloa District)

Key informants in Batticaloa District identified several challenges to landless women in relational terms. These included lack of respect for or recognition of landless women within the community, stigma of poverty, dependency on others, and inability to secure a marriage of their choice.

Meanwhile, landless research participants in Jaffna District perceived the difference land ownership would provide in material terms such as increased income and food security, and relational terms such as social respect.

> *If we had our own land, life would have improved manifold. We would have earned an income at least by rearing chickens. We could have cultivated vegetables for cooking at home.* (Female, Tamil, 23 years, Jaffna District).

> *Our lives would have been different had we our own land. Relatives would have come in search of us. People would respect us.* (Female, Tamil, 24 years, Jaffna District)

Key informants in Jaffna District identified a range of challenges faced by landless women in material terms, including lack of shelter, high rent costs, difficulties in saving money, lack of income from land, lack of basic needs, loss of employment due to a lack of permanent residence, and poverty. Relational aspects highlighted in this district were difficulties in getting married due to a lack of land as dowry, an increase in ageing single women, dependency on others, lack of social respect, lack of stable social relations, discrimination and sexual harassment. Subjective aspects, such as distress caused by the need to migrate or relocate in the absence of a permanent residence and lack of personal security, were also mentioned by several key informants.

Similarly, material aspects such as earning an income, as well as relational aspects such as improved social relations with siblings, were indicated in Devalagala in Matara District.

> *Yes, of course. If I had land, it might support my family financially and I could earn an income for myself too by using it for a useful purpose.* (Female, Sinhala, 55 years, Matara District)

> *Yes. If I had land I could live freely without causing resentment among my brothers.* (Female, Sinhala, 65 years, Matara District)

In Rathpitiya in Matara District, landless research participants expressed the difference land ownership would make both in relational terms such as social acceptance, and in subjective terms such as strength.

> *I did not have any land issues as my wife and her family do not cause problems. But having land as a man is a big strength for him. There are some situations when I hear different things about living on my wife's land. At such a time, I think a man must have land.* (Technician, male, Sinhala, 48 years, Matara District)

In identifying challenges faced by landless women in Matara District, most key informants highlighted relational factors, such as lack of recognition within the affinal family or within society, and dependency on others. Material aspects, such as lack of income from land, inability to obtain bank loans, dependency on microfinance schemes, inability to develop a business, lack of shelter and lack of collateral in an emergency, were also indicated by key informants. Some key informants mentioned subjective factors, such as lack of confidence and decreased ability to make decisions on behalf of the family.

In contrast, the material aspects of increased income, savings and gainful employment were emphasised in Kadalveli in Batticaloa District.

> *Yes, of course, if there was land, my life would have improved. Now the family manages only with my husband's earnings. If there is income*

coming from me, we could save money. We would be self-employed if there is land. (Female, Muslim, 25 years, Batticaloa District)

In identifying challenges faced by landless women, most key informants in Batticaloa District referred to material aspects, such as inability to earn an income or start a business/enterprise, difficulties in everyday life due to the lack of land, inability to obtain bank loans, lack of shelter and other basic needs, and inability to enrol children in school.

In comparing perceptions of key informants with those of household research participants across the four study districts on challenges faced by landless women, both categories of respondents identified similar issues. Material and relational aspects of landlessness were articulated by both key informants and household research participants. However, subjective dimensions of both land ownership and landlessness emerged as more prominent among household research participants in all districts.

7.4 Perceptions of the importance of land ownership for one's daughters and for women in general

The majority of household research participants in all study locations perceived that owning land was important for both their daughters as well as women in general. The factors indicated for daughters and women in general were the same in all study districts, apart from Matara District. Subjective and relational aspects emerged as predominant for daughters and women in general in both study locations in Jaffna District, Thamaraikulam in Batticaloa District, Landewatte in Kandy District, and for women in general in Rathpitiya in Matara District. Both relational and material aspects were indicated as most important in Kadalveli in Batticaloa District, while all three dimensions emerged as significant in Kadawela in Kandy District. In Matara District, subjective and material factors were perceived as important for daughters in both study locations and these were mentioned as also important for women in general in Devalagala.

In both study locations in Jaffna District relational factors such as the need for land to form marriage alliances and not be answerable to others, as well as subjective

factors such as providing a sense of peace, security, confidence and strength, predominated.

> *She [daughter] will have a good married life only if she has a house and land. When proposals come, most often they ask for a house and land. Then we should have our own house and land. She will be at peace when she gets married then. It will also give the child a sense of safety and confidence*. (Female, Tamil, 59 years, Jaffna District)

It is very important that women own land. If we have our own land, we can do anything we want in it. We can cultivate whatever we want. Nobody will question us. It is some form of strength. (Labourer, female, Tamil, 55 years, Jaffna District) Similarly, subjective factors such as independence and strength, and relational aspects such as peaceful relations within the family, emerged as important in Thamaraikulam in Batticaloa District.

> *It is very important that women own land. They wouldn't have to depend on anyone. Even if there arises a situation where she has to leave the house, owning a house or land will bring her strength and it will also be helpful for her to come forward in life*. (Tailor, female, Muslim, 38 years, Batticaloa District)

Research participants in Landewatte in Kandy District also referred to relational factors such as maintaining good relations within families and the ability to pass on land as dowry to daughters, as well as subjective factors such as independence, dignity and self-worth.

> *Owning land allows you to maintain a good relationship with your family after marriage. Also, since she [daughter] owns a piece of land, she can give it to her daughter as a dowry at the wedding*. (Private sector employee, female, Tamil, 45 years, Kandy District)

> *Very important [for a woman]. It allows the woman to live independently in the family. Conflicts with the husband's family are minimised. Women get dignity in this society when they have land. It adds value to the woman. If an unmarried woman owns land, she has more options*

in marriage. Therefore, it is very important for a woman to own land. (Private sector employee, female, Tamil, 29 years, Kandy District)

In Rathpitiya in Matara District, relational and subjective aspects were articulated in perceptions of the importance of owning land for women in general. Relational aspects included social relations with in-laws, while subjective aspects referred to strength and lack of fear.

Think of it this way - a woman marries and goes to her husband's house. If there are a lot of members in that household, she will not be able to live freely with her husband. Even if she sleeps or eat too much, it can be a problem for others. At such times she is under pressure from all sides. There are times when the husband has accidents and even loss of life. So in a situation like this, a woman becomes very helpless if she lives in a place that is not hers. Sometimes a woman has to leave all her clothes and walk down the street. So in a situation like this, if a woman has land of her own, she can face the future with strength, without any fear. (Female, Sinhala, 67 years, Matara District)

Meanwhile, relational factors such as the ability to give a dowry, the need for land to arrange a marriage and respect for the wife by the husband, as well as material factors such as owning an asset and the need for land to run a successful business, were indicated by research participants in Kadalveli in Batticaloa District.

I like my daughter to own a piece of land. I have to give her a dowry when she marries. Land is important for that. It will help her to improve in her life. Owning a land is essential. Their future depends on their assets. Furthermore, their marriages will take place only if they own a land, if not, there will be no marriages. (Teacher/farmer, female, Tamil, Batticaloa District)

Women should have a grip in life. A husband will respect his wife equally only if she has any business or property. This is especially necessary for families headed by women. If there is land, they will have their own business and live honourably. That's my opinion. (Farmer, female, Tamil, 70 years, Batticaloa District)

All three dimensions emerged as important in perceptions of land ownership by daughters and women in general in Kadawela in Kandy District. Research participants mentioned subjective factors such as peace of mind and independence, material factors such as economic strength and cultivation, and relational factors such as good relations with in-laws.

> *Owning land gives peace of mind. Also it is an economic strength. Also when there is land there are fewer family problems with the husband's family. Especially if one person owns land, both of them would be able to build a house together. Otherwise, getting into debt or living for rent will create problems within the family.* (Housewife, female, Sinhala, 45 years, Kandy District)

> *It is very important [for a woman]. It allows a woman to live independently in the family, even if she is single. Even if you do not have a job, you can still grow vegetables in the garden to earn a living. It is very important for a woman or a man without distinction to have a place to live. Also, a woman gets value by buying land with her own money.* (Farmer, female head of household, Sinhala, 65 years, Kandy District)

Research participants from both study locations in Matara District discussed subjective aspects such as a sense of security, independence and emotional strength, and the material aspect of having financial strength by owning an asset as valuable for daughters, with these being mentioned as equally valuable for women in general by research participants in Devalagala.

> *Yes, of course [it is important for a daughter to own land]. Because if she owns land she has security, she doesn't have to depend on anyone else. She has financial support, as well as emotional support, by owning land.* (Female, Sinhala, 55 years, Matara District)

> *A job may not be permanent. We do not always live the same life. Suppose we have an accident or an illness, then we will not be able to work. We will lose our jobs and we will also lose a source of income*

> *to live on. Land is a fixed asset, so it gives us some strength in such a situation.* (Nurse, female, Sinhala, 37 years, Matara District)

Overall, all or the majority of household research participants in all study locations considered it important for both their own daughters and women in general to own land. There was no gender difference in the perceptions of respondents. Significantly, for the majority of household research participants in four study locations, the importance of land ownership was perceived in subjective and/or relational terms, rather than in material terms for both their daughters, as well as for women in general. However, in the other four study locations, material factors in conjunction with either relational and subjective dimensions or one of these dimensions emerged as important in the case of daughters, and also for women in general in three study locations. Thus, when indicating the importance of owning land by their daughters or women in general, the wellbeing dimensions that were emphasised differed somewhat across households and study locations. These findings are generally consistent with, although more nuanced than, the results of the quantitative sample survey (Vithanagama and Gunatilaka) which revealed that 96% of female respondents in Kandy District and almost all female respondents in Jaffna District perceived that land ownership gave women security and a sense of self-worth, indicating the importance of the subjective dimension of wellbeing. At the same time, similar proportions in each district also believed that land ownership provided women with an income-earning opportunity, revealing the significance of material wellbeing as well.

8. Conclusion

Previous studies have found that land ownership is positively associated with a woman's improved bargaining power within the household and in decisions related to her own wellbeing (Mishra and Sam 2016; Agarwal 1994a). In Sri Lanka, 35% of the population is directly or indirectly dependent on land (Melis, Abeysuriya, and de Silva 2006, vii). However, only 16% of all privately-owned land in Sri Lanka is estimated to belong to women, and this limits their access to different agricultural assets and benefits, such as subsidies, credit, or irrigation water (FAO in Sri Lanka 2018). The absence of a uniform law for land rights, the complexities in customary laws, the ethno-religious and cultural norms that shape women's land ownership and complications brought about by the war affect women's land ownership, and by extension, their empowerment and social wellbeing, in Sri Lanka.

This study shows that land ownership is a necessary but insufficient condition for women's empowerment and social wellbeing in Sri Lanka. This is due to the colonial transformation of customary laws favourable to women, legal constraints and underlying social norms that are still in place. Regional populations of the three major ethnic groups in Sri Lanka come under three forms of customary laws with regard to the inheritance of land (Panditaratne 2007). Kandyan customary laws of the interior, hill-country Sinhalese are bilateral, but conditional upon the post-marital residence of the sons or daughters. Under the Thesawalamai law, which applies to northern Tamils, land is passed along the female line as dowry, but the wife needs the written approval of the husband to sell her land, a clause introduced under the colonial formalisation of the traditional law. This is a major issue for war widows. Muslims in Batticaloa District used to have matrilineal inheritance practices, where property was passed to daughters along the female line. After the introduction of Islamic law, the daughter now stands to get only half of what the son receives. The general law of the country is gender-neutral and ensures equal inheritance rights to men and women, but the actual practice and implementation of these laws are a different matter. The Land Development Ordinance, where the concept of primogeniture was retained for many years, introduced an amendment in 2022 which repealed this condition [see Land Development (Amendment) Act, No. 11 of 2022]. Even if women's land ownership is strengthened, our study shows that land ownership alone cannot help women transform power relations and overcome gender disparities to exercise agency, leading to empowerment and

social wellbeing. In addition to land ownership, knowledge and awareness on how to use this right to one's advantage and as bargaining power within the family and community are also needed.

While there are notable constraints, both the qualitative and the quantitative findings also point to significant instances where women's traditional gender norms, especially in the household, enable them to make independent or collective decisions. Women's knowledge of their role as principal caregivers means they have the capacity to make decisions about household budgets and chores, children's education, resettlement, use of home gardens, and so on. Landlessness does not impact their social relations and close ties with their immediate family and neighbours. At the same time, it does not seem to be the case that women consciously use their land-owning rights to address power relations or enhance their bargaining capacities.

When it comes to gendered land ownership and use patterns explored in this study, findings suggest that women's ownership of land is highest in Jaffna and Batticaloa with land/house titles in the name of the wife or a female relative or held jointly by the wife and husband. Considerably fewer women owned land in Kandy District. Women's ownership was lowest in Matara District. The average size of a landholding is larger for the majority of Sinhalese women in study locations in Matara and Kandy districts. However, the majority of Tamil women research participants in one study location in Jaffna District and the estate study location in Kandy District owned smaller plots of lands.

Customary matrilineal inheritance patterns continue to some extent in Batticaloa and Jaffna districts - however, there were two noticeable trends on the rise: joint ownership at marriage in both districts and the transfer of ownership to the husband at marriage in Batticaloa District. Patrilineal inheritance patterns and land acquisition through purchase is prevalent in Matara District, and to a lesser extent in Kandy District. Landless women accessed land in all study sites mainly through their spouses or other family members.

Having or not having land does not seem to impact agency related to marriage and post-marital employment decisions for most female research participants in the study locations. Male members in the family influence these decisions even if

women own land. This is more common for Tamil women in Jaffna and Batticaloa districts and Muslim women in Batticaloa District, in contrast to Sinhalese women in Kandy and Matara districts. However, regardless of whether they own land or not, women have considerable agency with regard to household decisions including household budget, children's education and health and these indicate women's customary gender roles within the family and their capacity to influence these spaces.

Agency on land use is more apparent for women in home gardening than in large-scale cultivation. Even if they do not own land and regardless of whether they have access to family land or rented land, women predominantly make decisions related to home gardening, generating food and income leading to food security in the household. Men predominantly have agency on agricultural land utilisation and decision-making. Even if the land is owned by women, it is the men who primarily make decisions related to land use, especially with regard to purchasing agricultural tools, although the majority of women appear to participate in decisions relating to agricultural crops and harvesting in Jaffna and Kandy districts. This also indicates complexities involved in owning land and its utilisation - while decision-making is largely dependent on men, the extent of women's involvement in these decisions might differ across households and locations.

Women's labour contribution in agriculture emerged as significant. Compared to Jaffna and Batticaloa districts, more women generate income from land in Kandy and Matara districts. This could be due to several reasons: the Sinhalese women in these study locations own larger portions of land compared to Tamil women and therefore have more opportunities to engage in land-based economic activities; Landewatta in Kandy district is a tea estate, where the majority of women are employed as tea pluckers but are also engaged in home gardening, although they lack access to land titles; the majority of women respondents in Matara District are retired and engaged in small-scale farming or home gardening activities.

While socio-cultural norms are continuously at play in every aspect of women's lives, other factors such as poverty and education also have a major impact on their empowerment. For example, the section on economic empowerment delineated that the majority of women contributed to the household budget, mostly through land-based livelihood activities. However, this does not indicate women's

economic empowerment by way of overcoming gender disparities, as these could be traditional livelihood practices, such as paddy farming in Kandy District and cinnamon cultivation in Matara District. Acquisition of land or housing by women as individuals in their own right is also very low, as the dowry system plays a major role in providing them with land and housing through the family. While women seem to have access to financial development, it is not clear whether economic empowerment is achieved using land ownership as a resource or by accessing alternative forms of formal employment. With close ties to family, friends and neighbours and informal relations within the community, more women appear to be more socially empowered than men, and landlessness does not hinder forming social relations. However, as women's participation in formal community organisations seems very low, their political empowerment is limited. The ground realities indicate a reiteration of customary gender norms and practices rather than a transformation of power relations for women despite owning or using land as a resource. A significant finding is that ownership of land needs to be coupled with education and awareness of one's rights and how these can be utilised as bargaining power to access resources and to enhance empowerment.

General notions of wellbeing differed across and within study districts, in terms of the importance placed on material, relational and subjective dimensions. While owning land or a house was considered an indicator of wellbeing in all study districts to different degrees, this was largely in the subjective sense of owning one's own land and house, rather than in the material sense of having an economic asset. This was especially true in war-affected Batticaloa and Jaffna districts, where returning to one's own house and land in one's home village following displacement recurred as an important notion of household wellbeing. Almost all women and men in the study locations expressed that owning land has made or would make their lives better, and that owning land was important for their daughters and for women in general. The emphasis placed on the different dimensions of wellbeing from owning land vs. landlessness, as well as in terms of the benefits and costs of landownership, varied across and within study districts. There was a similar variation in the importance of land ownership for their own daughters, as well as for women in general. Overall, subjective and relational dimensions of wellbeing emerged as more important or as equally important as the material dimension in these perceptions. Subjective dimensions of wellbeing that were often mentioned were the emotional security of having one's own place, the ability to be independent,

peace of mind, happiness, self-confidence, strength, and the ability to face problems or difficulties in life. Relational dimensions of wellbeing that were indicated most frequently were respect and recognition in society or within the family, the need to provide daughters with a dowry to make marriage alliances, and gaining social respect. Material dimensions of wellbeing relating to land ownership that emerged most frequently were economic or financial strength, a stable source of income from agriculture or rent, food security, the ability to build a house, land as an asset, and access to loans.

9. Recommendations

The study points to the critical need for initiating a consultative process that brings together representatives of ethno-religious and women's groups, historians and other scholars, as well as lawyers, to discuss what is required in terms of ensuring land ownership and control of land for women. Such a consultative process could help in identifying and strengthening existing laws which are not gender discriminatory, and also in removing certain discriminatory clauses introduced during the colonial period. Further, political interventions in land reform and resettlement processes need to be constrained to ensure that existing laws are fully implemented.

While both men and women respondents perceive land ownership for women to be important for economic strength, social security, self-worth and food security, legal constraints and social norms continue to pose challenges. Therefore, it is recommended that existing laws are further amended to allow women to have greater access to and full control of land. Even though the LDO's gender discriminatory laws were amended recently (after decades of upholding gender discriminatory practices), the administrators should ensure that these amendments are honoured in practice and that women are given more space for decision-making in matters of land utilisation. Authorities need to be more aware of the ground realities of women and contemporary evidence-based research on land issues to take efficient and swift action to ensure women's rights.

Along with these steps towards repealing gender discriminatory laws, discriminatory and patriarchal attitudes towards women also need to change. Women should be fully acknowledged and respected as 'heads of the household' and farmers where applicable, so that they can receive other socioeconomic benefits as well. The implementation of the new legal amendments to ensure that 'head of the household' is no longer equated with a man/husband and that land titles be granted to both spouses by the State, needs to be closely monitored in administrative practice. In areas where matrilineal inheritance is still prevalent, it is important that the state regrants land titles to women in the case of land acquisition, rather than granting titles to males as heads of household.

Even if women own land or have access to land, findings show that their control over land seems limited. This is mainly due to the lack of knowledge of their land rights and poor awareness of the utilisation of land. Women's agency related to land use is predominantly seen in home gardening, mostly for their own consumption, while men have more control over agricultural land use for the market. Therefore, more capacity building for women, raising awareness on agricultural land utilisation, education on women's rights and bargaining power within the household and society need to be adequately provided for land ownership to be truly beneficial to women.

More research and collaboration with women on the ground is also needed to explore the ways in which land ownership can practically support women's different forms of empowerment and wellbeing in diverse settings. As this study shows, land ownership on its own is not sufficient to challenge gender issues and achieve social wellbeing for women. Therefore, while ensuring the land rights and land ownership of women, it is also important to have a context-specific and nuanced understanding of the circumstances under which women have the potential to exercise agency when conducting research, implementing policy and reforming laws.

10. References

Abeysinghe, Ariya. 1978. *Ancient Land Tenure to Modern Land Reform in Sri Lanka (Ancient Lanka to British Period)*. Vol. 1. 2 vols. Colombo: The Centre for Society and Religion.

ACPR & PEARL. 2017. "Normalising the Abnormal: The Militarisation of Mullaitivu." Jaffna: Adayaalam Centre for Policy Research (ACPR) and People for Equality and Relief in Lanka (PEARL).

ADB [Asian Development Bank]. 2008. "Country Gender Assessment: Sri Lanka."

Agarwal, Bina. 1990. "Gender and Land Rights in Sri Lanka." Working Paper. World Employment Programme Research. Geneva: International Labour Organization.

———. 1994a. *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge: Cambridge University Press.

———. 1994b. "Gender and Command over Property: A Critical Gap in Economic Analysis and Policy in South Asia." *World Development* 22 (10): 1455–78.

Aneez, Shihar. 2020. "Price of Marriage Pushes Land out of Reach in Sri Lanka." *Thomas Reuters Foundation News* (blog). December 21, 2020. https://news.trust.org/item/20201221000220-9kz71/.

Bandarage, Asoka. 1983. *Colonialism in Sri Lanka: The Political Economy of the Kandyan Highlands, 1833-1886*. Berlin: Mouton Publishers.

Bastian, Sunil. 2009. "The Politics of Land Reform and Land Settlement in Sri Lanka." Essay. Colombo.

Batliwala, Srilatha. 1994. "The Meaning of Women's Empowerment: New Concepts from Action." In *Populations Policies Reconsidered: Health, Empowerment, and Rights*, edited by Gita Sen, Adrienne Germain, and Lincoln C. Chen, 127–38. Cambridge: Harvard University Press.

Berg, B.L. 2009 *Qualitative research methods for the social sciences. Seventh edition*. Boston: Allyn & Bacon.

Brito, C. 1876. *The Mukkuva Law: Or, The Rules of Succession Among the Mukkuvars of Ceylon*. Colombo: H. D. Gabriel.

CBSL [Central Bank of Sri Lanka] 2020. Economic and Social Statistics of Sri Lanka 2020.

CENWOR. 2001. "Sri Lanka Shadow Report on the UN Convention on the Elimination of All Forms of Discrimination Against Women." Sri Lanka: Centre for Women's Research.

COHRE. 2008. "A Socio-Legal Study on the Head of the Household Concept in Sri Lanka." Women and Housing Rights Programme. Geneva: The Centre on Housing Rights and Evictions.

CPA. 2005. "Women's Access to and Ownership of Land and Property in Batticaloa, Jaffna and the Vanni (Conducted in CARE Lift Villages)." Colombo: Centre for Policy Alternatives.

———. 2014. *A Brief Guide on Land Rights in Sri Lanka*. Colombo: Centre for Policy Alternatives.

DCS [Department of Census and Statistics]. 2014. Census of Population and Housing 2012.

DCS [Department of Census and Statistics]. 2018. Economic Census 2013/14: Agricultural Activities.

DCS [Department of Census and Statistics]. 2019. Agricultural Household Survey 2016/2017.

DCS [Department of Census and Statistics]. 2020. Sri Lanka Labour Force Survey: Annual Bulletin 2020.

DCS [Department of Census and Statistics]. 2022. Household Income and Expenditure Survey 2019.

de Alwis, Malathi. 2002. "The Changing Role of Women in Sri Lankan Society." *Social Research: An International Quarterly* 69(3): 675–91.

Deere, Carmen Diana, and Magdalena León de Leal. 2001. *Empowering Women: Land and Property Rights in Latin America*. Pittsburgh: University of Pittsburgh Press.

de Silva, M. 1992. "Land Tenure, Caste System and the Rajakariya under Foreign Rule: A Review of Change in Sri Lanka under Western Powers, 1597-1832." *Journal of the Royal Asiatic Society of Sri Lanka*, New Series, 37: 1–57.

de Silva, Rashmini. 2020. "'Start Calling Them Farmers': Five Key Barriers Deterring the Potential of Women Farmers in Sri Lanka." Targeted Practical Recommendations to Address Existing Gender Disparities. Colombo: Law and Society Trust.

FAO in Sri Lanka. 2018. "FAO Calls for Urgent Action to Mainstream Gender in Agriculture Policy in Sri Lanka." *Food and Agriculture Organization of the United Nations*, September 21, 2018.

Fonseka, Bhavani, and Mirak Raheem. 2011. *Land in the Northern Province: Post War Politics, Policy, and Practices*. Colombo: Centre for Policy Alternatives.

Glaser, B.G. 2001. Doing grounded theory. *Grounded Theory Review*, 2:1-18.

Goonesekere, Savitri. 1990. "Status of Women in the Family Law of Sri Lanka." In *Women at the Crossroads: A Sri Lankan Perspective*, edited by Sirima Kiribamune and Vidyamali Samarasinghe, 153–81. ICES Sri Lanka Studies Series. Colombo: International Centre for Ethnic Studies.

———. 2000. *Muslim Personal Law in Sri Lanka: Some Aspects of the Law on Family Relations*. Colombo: Muslim Women's Research and Action Forum.

Gunasekara, Vagisha. 2020. "Turning Points in Sri Lanka's Land Policy: MCC and Its Predecessors." Colombo: Law and Society Trust and People's Alliance for Right to Land.

Gunasekera, Viyanga. 2021. "Women and Land in Sri Lanka: A Literature Review." Colombo: International Centre for Ethnic Studies.

Gunasekera, Viyanga. 2023. "Strengthening support networks and solidarity for women's political participation in Sri Lanka." Working paper. Colombo, Sri Lanka: International Centre for Ethnic Studies.

Gunasinghe, Newton. 1990. *Changing Socio-Economic Relations in the Kandyan Countryside*. Colombo: Social Scientists Association.

Gunatilaka, Ramani, and Ranmini Vithanagama. 2018. "Women's Labour Market Outcomes and Livelihood Interventions in Sri Lanka's North after the War." Colombo: International Centre for Ethnic Studies.

Guneratne, Camena. 2006. "Women and Land Rights in Irrigation Settlement Scheme in Sri Lanka." 35. Study Series. Colombo: Centre for Women's Research.

Herath, H. M. A. 2015. "Place of Women in Sri Lankan Society: Measures for Their Empowerment for Development and Good Governance." *Vidyodaya Journal of Management* 1(1): 1–14.

ICG [International Crisis Group]. 2012. "Sri Lanka's North II: Rebuilding under the Military." Asia Report 220.

———. 2013. "Sri Lanka's Authoritarian Turn: The Need for International Action." Asia Report 243.

ICRC. 2016. "Living with Uncertainty: Needs of the Families of Missing Persons in Sri Lanka." Sri Lanka: International Committee of the Red Cross.

Ihalagama, Swarna. 2016. "Labour Exchange Patterns in Ancient Sri Lankan Villages." *International Journal of Social Science and Humanities Research* 4 (3): 416–24.

Kabeer, N. 1999. "Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment." *Development and Change* 30 (3): 435–64.

Kishor, S. 2000. "Empowerment of Women in Egypt and Links to the Survival and Health of Their Infants." In *Women's Empowerment and Demographic Processes*, edited by B Harriet and Gita Sen Presser, 119-156. New York: Oxford University Press.

Kishor, S, and L Subaiya. 2005. "Household Decision Making as Empowerment: A Methodological View." Presentation at the 2005 Meeting of the International Union for the Scientific Study of Population (IUSSP), Tours, France presented

at the Meeting of the International Union for the Scientific Study of Population (IUSSP), France.

Klugman, Jeni, Lucia Hanmer, Sarah Twigg, Tazeen Hasan, Jennifer McCleary-Sills, and Julieth Santamaria. 2014. *Voice and Agency: Empowering Women and Girls for Shared Prosperity*. Washington, DC: World Bank.

LST. 2015. "State Lands and Land Laws: A Hand Book." Colombo: Law and Society Trust.

LST. 2017. "The State of Economic, Social and Cultural Rights in Sri Lanka: A Joint Civil Society Shadow Report to the United Nations Committee on Economic Social and Cultural Rights." Colombo: Law and Society Trust.

Leach, Edmund. 1961. *Pul Eliya, a Village in Ceylon*. Cambridge: Cambridge University Press.

Lindberg, J, and D Herath. 2014. "Land and Grievances in Post-Conflict Sri Lanka: Exploring the Role of Corruption Complaints." *Third World Quarterly* 35 (5): 888–904.

Marshall, Henry. 1846. *Ceylon: A General Description of the Island and Its Inhabitants; with an Historical Sketch of the Conquest of the Colony by the English*. London: Willian H. Allen and Co.

Mathanaranjan, Purathani, and Jayantha Mootatamby Swaminathan. 2017. "Gender Inequality, Land Rights and Socio-Economic Transformation: Historical Studies and Theoretical Analysis of Women's Right to Land under the Law of Thesawalamai." *Sri Lanka Journal of South Asian Studies* 3(2): 72–90.

McGregor, A. 2008. "Well-Being, Poverty and Conflict." Briefing Paper 1/08. ESRC Research Group on Wellbeing in Developing Countries. Bath: University of Bath.

Melis, Diana Montero, Milanga Abeysuriya, and Nilakshi de Silva, eds. 2006. *Putting Land First? Exploring Links between Land and Poverty*. Annual Symposium on Poverty Research in Sri Lanka 5. Colombo: Centre for Poverty Analysis.

Mishra, Khushbu, and Abdoul G. Sam. 2016. "Does Women's Land Ownership Promote Their Empowerment? Empirical Evidence from Nepal." *World Development* 78 (February): 360–71.

Narayan-Parker, D. 2002. "Empowerment and Poverty Reduction: A Sourcebook." World Bank.

Nussbaum, Martha. 2011. *Creating Capabilities: The Human Development Approach*. Cambridge: Harvard University Press.

Obeysekere, Gananath. 1967. *Land Tenure in Village Ceylon*. Cambridge: Cambridge University Press.

Pallas, Sabine. 2011. "Women's Land Rights and Women's Empowerment: One and the Same?" In *Du Grain à Moudre*, edited by Christine Verschuur, 269–89. Graduate Institute Publications.

Panditaratne, Dinusha. 2007. "Towards Gender Equity in a Developing Asia: Reforming Personal Laws within a Pluralist Framework." *New York University Review of Law and Social Change* 32 (83): 83–129.

Paranage, Kavindra. 2019. "The Mahaweli Development Project and the 'Rendering Technical' of Agrarian Development in Sri Lanka." *Heliyon* 5 (6): 1–9.

Peiris, G. H. 1978. "Land Reform and Agrarian Change in Sri Lanka." *Modern Asian Studies* 12 (4): 611–28.

Pieris, Kamalika. 2011. "Land Tenure in 16th Century Sri Lanka." Island.lk. 2011. http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=38335.

Pinto-Jayawardena, Kishali, and Jayantha de Almeida Guneratne, eds. 2010. *Is Land Just for Men? Critiquing Discriminatory Laws, Regulations and Administrative Practices Relating to Land and Property Rights of Women in Sri Lanka*. Colombo: Law & Society Trust.

Piyadasa, Anuradha. 2017. "Kotte Heritage 1: The Tunnels." Archaeology.lk. May 29, 2017. https://www.archaeology.lk/5224.

Rai, Anuradha. 2014. "Landless despite Laws: Land Rights of Women in Post-Conflict Nepal and Sri Lanka." *Journal of Social Review* 3 (1): 16–23.

Risseeuw, Carla. 1988. *The Fish Don't Talk about the Water: Gender Transformation, Power, and Resistance Among Women in Sri Lanka*. Leiden: E.J. Brill.

———. 1992. "Gender, Kinship and State Formation: Case of Sri Lanka under Colonial Rule." *Economic and Political Weekly* 27 (43/44): WS46–54.

Ruwanpura, Kanchana N. 2006. *Matrilineal Communities, Patriarchal Realities: A Feminist Nirvana Uncovered*. Colombo: Social Scientists Association.

Ryan, Bryce. 1993. *Caste in Modern Ceylon: The Sinhalese System in Transition*. 2nd ed. New Delhi: Navrang.

Samaraweera, Vijaya. 1982. "Land Reform in Sri Lanka." *Third World Legal Studies* 1(7): 104–22.

Sarvodaya Shramadana Movement. 2010. "Land Ownership and the Journey to Self-Determination: Sri Lanka Country Paper." Land Watch Asia. Sri Lanka: Sarvodaya Shramadana Movement.

Schrijvers, Joke. 1985. *Mothers for Life: Motherhood and Marginalization of Peasant Women in the North-Central Province of Sri Lanka*. Delft: Eburon.

Selvadurai, A.J. 1976. "Kinship and Land Rights in the Context of Demographic Change." In Population *Land and Structural Change in Sri Lanka and Thailand*, edited by James Brow, 9:97–113. Contributions to Asian Studies. The Netherlands: E.J. Brill, Leiden.

Sen, A. 1985. "Well-Being, Agency and Freedom." *The Journal of Philosophy*, no. LXXXII: 169–221.

Silva, Kalinga Tudor. 2005. *කුලය, පන්තිය සහ ලංකාවේ සමාජ ගැටුම්* [*Caste, Class, and social conflict in Sri Lanka*]. Colombo: Visidunu Publishers.

Somasundaram, Daya. 2014. *Scarred Communities: Psychosocial Impact of Man Made and Natural Disasters on Sri Lankan Society*. New Delhi: Sage Publication.

Swaminathan, Hema, Rahul Lahoti, and J. Suchita. 2012. "Women's Property, Mobility, and Decisionmaking: Evidence from Rural Karnataka, India." Discussion Paper 01188. Washington, DC: International Food Policy Research Institute.

Tambiah, Guiendran. n.d. "Understanding Thesawalamai." Infolanka.Com. n.d. http://www.infolanka.com/org/srilanka/hist/72.htm.

Tambiah, H.W. 2000. *The Laws and Customs of the Tamils of Jaffna: Revised Edition*. Colombo: Women's Education and Research Centre.

Tharshini, Uruthirakodeeswaran, Shamala Kumar, and Hasara Rathnasekara. 2016. "Climbing Ladders of Success: Perceptions of Barriers to Public Sector Career Advancement in Jaffna District, Sri Lanka." *South Asian Journal of Human Resources Management* 3 (1): 1–24.

Thiranagama, Sharika. 2011. *In My Mother's House: Civil War in Sri Lanka*. Philadelphia: University of Pennsylvania Press.

UN, OHCHR, and UN Women. 2013. "Realizing Women's Rights to Land and Other Productive Resources." United Nations, Office of the High Commissioner for Human Rights, and UN Women.

Vithanagama, Ranmini. 2016. "Women's Economic Empowerment: A Literature Review." Colombo: International Centre for Ethnic Studies.

Vithanagama, Ranmini, and Ramani Gunatilaka. 2023. "Land Ownership and Women's Empowerment in Sri Lanka: An Empirical Analysis of Two Districts." Colombo: International Centre for Ethnic Studies.

Vijeyarasa, Ramona, Viyanga Gunasekera, and Nadine Vanniasinkam. 2023. "(Re-)Constructing Pathways for Grassroots Sri Lankan Women's Political Participation: Tools for Valuing the 'Feminine' and the 'Local.'" Australia: Development Leadership Program.

White, S.C. 2008. "But What Is Wellbeing? A Framework for Analysis in Social and Development Policy and Practice." Working Paper 43. Wellbeing in Developing Countries ESRC Research Group. Bath: University of Bath.

Wijayatilake, Kamalini. 2002. “All Her Worldly Goods: Women’s Property and Inheritance Rights.” 30. Study Series. Colombo: Centre for Women’s Research.

Wijeyesekera, Rose. 2017. “Equal land rights for empowerment of women: A South Asian perspective with special emphasis on Sri Lanka.” *International Journal for Studies on Children, Women, Elderly and Disabled*, Vol. 1 (January): 64-72.

Wijeyesekera, Rose. 2019. "Land for Women: The Forgotten Development Agenda." Colombo: University of Colombo Press.

World Bank. 2012. “World Development Report 2012: Gender Equality and Development.” Washington, DC: World Bank.

Understanding Women's Land Ownership in Sri Lanka: Impacts on Agency, Empowerment and Wellbeing

Viyanga Gunasekera, Nireka Weeratunge and Prawardhani Menike

Does land ownership contribute to empowerment and wellbeing of women in Sri Lanka? This report presents findings from 103 qualitative in-depth interviews with key informants and households conducted from April to December 2021 in Batticaloa, Jaffna, Kandy, and Matara districts. These study districts represented the different customary laws and general law in place in Sri Lanka, as well as ethno-religious diversity. The report discusses the historical context of gender and land tenure in Sri Lanka, and provides an overview of post-independence changes and current gendered land ownership and use patterns across the four districts. This frames the context for a comprehensive analysis of women's agency in the household, empowerment and social wellbeing in relation to land ownership in the study districts. The overall conclusions reveal that land ownership in itself does not necessarily lead to women's empowerment and wellbeing in the four districts. While women affirm the subjective, relational (social) and material benefits of land ownership, knowledge and awareness on how to use land rights to one's advantage as a bargaining tool within the family and community, especially for economic advancement, are also needed. More research and collaboration with women on the ground are needed to explore the ways in which land ownership can practically support different forms of women's empowerment and wellbeing in diverse contexts.

INTERNATIONAL CENTRE FOR ETHNIC STUDIES

GENDER JUSTICE & SECURITY
A GCRF HUB

ISBN: 978-624-5502-27-1

Printed by Horizon Printing (Pvt) Ltd.