

“How many women get land inheritance rights?”

Swati Bhattacharya's.. OP-Ed in Ananda Bazar Patrika, 7th March 2013

The story goes like this: The mother-in-law used to cook one little bowl of rice each for her daughter-in-laws, every day. One day the bowl fell off and broke, so the daughter-in-laws were joyous, but she said, “You may laugh, but my palm provides the right measure, always.”

This is a story from *Kathamrito* by the great 19th century saint Ramkrishna. It appears that the women's conditions are the similar, even today. The government is trying hard to put something on the women's plate: Bi-cycle for school going girls, free van-rickshaw service for women in labour, a few ladies special trains, or a sweat job with meager pay. However, the women feel nothing changes for them. They are going to school, earning some income and even are winning elections. However, they still have to suffer from domestic violence, insult and dishonor, and accept those as their destiny. The women get burnt, and often have to hangs themselves, but why do not they have the courage to go out in search of a dignified life?

The reason is that irrespective of their entitlements from the state, what the women actually get is pre-determined by the society and the governments. That is why there is a lot of publicity on girls' education, food & nutrition, first name in the ration card, and some such rights. But eight years after the Act was passed, not an iota of noise is heard on women's inheritance rights to her parental agricultural land.

Hindu Succession Amendment Act 2005 makes no discrimination between women and men, neither in dwelling house nor in agricultural land. If this were put into practice, equality of women and men would a truth in every aspect of life. That is why it was not easy to get this law passed. Dr. N.C Saxena, retired IAS and currently a member of the NAC told us the story. When he was Revenue Secretary in UP, he wanted to change it, but the revenue minister said, “I would not mind, if you give more land to the Dalits, but I cannot do this.” Later when he wanted the Prime Minister I.K. Gujral to change the law, he reacted, “The *Jat* voters would not like it.”

Finally, the law got passed in 2005, but remained on paper. Not a single directive has gone from the central government to the states to enforce the law. State governments have not sent any directive to its revenue officials (in charge of mutation) to ensure the promise of the law, said Ashok Sircar. He represents a NGO that specializes globally on land rights. “We wanted to do a study with women who have claimed their inheritance to agricultural land. We could not find 120 such women each in three states of Bihar, Madhya Pradesh and Andhra Pradesh,” said Ashok. A District Land & Land Reforms Officer of West Bengal said, “We were told to honour the law. But there has never been any publicity given to the law, nor did we get any application or complaint from women asking their share of agricultural land.”

Women's inheritance: Where do the women stand?

Hindu Succession Amendment 2005

- Use, partition and sell dwelling house
- Birth right and equal inheritance in agricultural land
- Equal rights for widows on husband's share of agricultural land along with children
- The same is applicable for widows who remarry.

Muslim Personal law of 1937

- Women rights to parental property is much less than men
- In south Indian states, women legally have inheritance rights to agricultural land, laws differ a lot in other states

Indian inheritance Act 1925

- Women have equal rights to all parental property

Sadly, the state where there is such reluctance to give the women their family share, the reason for distress sale of land is nothing but the women themselves. In a survey conducted in 2000-2002, a question was asked in five districts (Purulia, Birbhum, Medinipur, S. Dinajpur and Bardhaman) to the rural land owners; why people sell their land; 50% of them said to pay dowry, followed by illness, expenses related to any other family stress, to avail an opportunity of job, or change of residence. The dowry amount was found to be a function of the size of land; Rs. 33000 for an acre, Rs. 64000 for five acres. One of the cultivators told the researcher, that, "Two *Bigha* of land can bring happiness to girls in their married life." Surprisingly, to bring happiness to his daughters, the father sells his two *Bigha* and hand over the money to his son-in-law, but does not give the same land to his daughter; not even in the states where so many brides are killed for dowry.

The standard response to the demand of giving land to women is, they will get share of their husband's house & land, how can they ask for share of house & land of their father? The question is why not? If the boys can get everything from their father, and then get the dowry from the bride's father, why can't the girl get her share from both sides? However, the stronger argument is, "the rural women never get ownership of their in-law's property, even when joint titles are given, women often do not know that they too are title-holders. The husband does not inform his wife. Further, if the woman has to come out of her husband's home due to domestic violence or any other reason, she loses the opportunity to claim her share to husband's property.

Another argument is gaining ground. Once there were land reforms movements with the slogan, "land to the tiller." If today's principle is "land to the labour", there is a dire need to increase land ownership to women, since agriculture is now primarily women's domain. From Census to NSSO 2006, one finds, steady decline in male agricultural workers, and concomitant increase in female workers. Men are migrating out of the villages for more attractive vocations, and agriculture is managed by women. One in every five rural family has a woman head now. However, since the land is not in their name, the women are not recognized as farmer. They do not get *Kisan* Credit Card, nor are they member of agricultural cooperatives. They still do not decide the crop, the rate of sale nor can make other critical decisions.

According to N.C Saxena, this is a new Zamindari; the men are absentee landowners, women are the tillers, who do not have rights on their land.

Is it true that the women will really benefit if they get rights to land? Agriculture is no more attractive; construction, tourism and services are the promising sectors today. Why should the women remain tied to uncertain, low income sector that is agriculture? Those who advocate for women's land rights argue that land is the primary necessary condition for their wellbeing, once they get land, they will get credit, access new technology and receive training. International studies point out increase in productivity as a result. Further, it is beyond any doubt that women's land rights can bring dignity, security and extra income to women plus it increases the likelihood of improved nutrition and medical attention to their children. Typically men's expenses are in drinking and entertainment, women's expenses are for the family. Both dignity and security of women and poverty reduction are the two key outcomes of women's land rights is what is now increasingly argued everywhere.

What do the women say though?

The real story is inside their mind. Researchers find, women do not even know what their entitlements in inheritance are. (Only 12% women in Bihar and AP know they can get share of their father's land). On the other hand, 42% women say, "We do not want husband's land." Why? "We do not want to spoil our relationship with our families and neighbours." The daughters are saying, "We do not want our father's land. Our husbands will look after us." Md. Rejak Molla, the erstwhile Land Reforms Minister, says the same, "Despite knowing the law, the women most often do not claim their rights. The problem is that of social custom."

This reminds me of the story of three wives. No one likes them in their in-laws' family. So they decide one day, that they would hang themselves the next day, at the cow shed using the ropes used to tie the cows. Next day, they were all there at the cowshed, but no one dares to take the step. Lastly, the eldest of them said, "Don't you know today's Tuesday. Hanging today brings bad omen for the family."

Those who even do not want to give an iota of land to women are the people, the women wants to live for.