

**A COMPARATIVE STUDY OF PARENTAL PROPERTY RIGHTS AMONG
WOMEN OF JAT COMMUNITY AND OTHER COMMUNITIES IN AGRA:**

With Reference to Kiraoli and Sadar Tehsils

**SUMMARY
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Supervisor
Dr. Birpal Singh Thenua
Assistant Professor (Sociology)

Submitted By
Mrs. Vineeta Parihar

HEAD OF THE DEPARTMENT
Prof. Poornima Jain

**DEPARTMENT OF SOCIOLOGY & POLITICAL SCIENCE
FACULTY OF SOCIAL SCIENCES
DAYALBAGH EDUCATIONAL INSTITUTE
(DEEMED UNIVERSITY)
DAYALBAGH, AGRA 282005**

A COMPARATIVE STUDY OF PARENTAL PROPERTY RIGHTS AMONG WOMEN OF JAT COMMUNITY AND OTHER COMMUNITIES IN AGRA:

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SUMMARY

In urban and rural areas, women have low status in the sense of home security, access in economic capital and maintaining survival basis. Only estimated 1 or 2 percent women own titled land which is clearly cited as an indicator of low level of inheritance property. The conservative set up of our society and patriarchal family system is the barrier in property ownership of women. Patriarchy is traditionally accepted in which man is accepted as the decision maker of household.

There are two schools and five sub-schools of Hindu Law. Among them two main schools are Mitakshara School and Dayabhaga School and the five sub-schools are the Benaras, the Mithila, the Maharastra, the Dravida and the Bengal School. In the Benaras, Mithila, Maharastra and Dravida schools Mitakshara system of inheritance is practiced and in Bengal school Dayabhaga is prevailed, it means Dayabhaga School prevails mostly in Bengal whereas Mitakshara School prevalent in the rest of India. A Hindu coparcenary includes only those family members who acquired property by birth in coparcenary or joint property. By birth these coparceners are male members of the joint family like sons, grandsons and great-grandsons of the joint property holder for time being. Under Mitakshara School, joint family male coparcener can demand for partition in property.

The Mitakshara system can differentiate between properties in two type's i.e. joint family property and self-acquired property (separate property). In joint family property or ancestral property was included, jointly acquired property by members of four male generation i.e. father, his sons, grandsons and great grandsons, all of these four next generations of male members were consider as coparceners. Joint family property included any kind of property which was acquired jointly or separately but emerged from joint property.

Self-acquired property refers to the property which acquired or own by an individual separately. Individual earns property independently with his/her talent or capabilities. This kind of property does not included in joint family property' individual has his/her separate right over self-acquired property.

Under the Dayabhaga School, there is no joint family; since father is alive he is the absolute master of all properties. A Dayabhaga coparcenary comes into existence on the death of the father, till then sons jointly succeed to his property. Females can be coparceners under the DayabhagaSchool, though there cannot be a coparcenary exclusively for females. All properties under Dayabhaga devolve by succession. In both schools every coparcener is bound by the proper alienations made by the head of the family, and every coparcener has a right to object and challenge any improper alienation made by the head of the family. Every coparcener also has a right to ask for partition.

From earlier time, status of women in the context of Jat and other communities has multifaceted. Brahmin and Thakur castes women have enjoyed glorious position for a short time and on the other hand Jat and rest communities' women have lower legal status and disrespect by their male siblings. Thus there is infinite variation in women's status which is diverging according to class, cultural background, caste, religion, family structure, morals and property rights. Accordingly women position, status and role are far away from static ranging. This is because women is positioned and consider as subservience.

PARENTAL PROPERTY RIGHTS FOR WOMEN UNDER HINDU LAWS IN INDIA

Several laws came into force before and after independence like, The Hindu Disposition of Property Act, 1916, The Indian Succession Act, 1925, The Hindu Inheritance (Removal of Disabilities) Act, 1928, The Hindu Women's Rights to Property Act, 1937. The Hindu Succession Act 1956 is a vigorous step and the amendment of it (The Hindu Succession Amendment Act, 2005) makes daughter a coparcener, which ameliorates the women economic position.

The Hindu Succession Act 1956 was enacted on 17 June 1956, gave property rights to women. Daughters become eligible for getting share in father's property. But some sections of the act

like section 6, seems in the favour of gender inequality. According to this act, women were not equally entitled to ancestral property as male. The Hindu Succession (Amendment) Act, 2005 comes under Act no. 35 of 2005 in Indian Constitution. It came into force on 9 September 2005. The main aim of this amendment is to end gender discrimination in Section 6, 23, 24 and 30 of Hindu Succession Act, 1956. This amendment could not deal with the issues of partition of Hindu Undivided Family property which took place before 20 Dec 2004. This amendment removes the Section 23 disabilities of the Act under which woman could not demand for dwelling house partition alone, which was a joint family property or jointly occupied by male heirs. According to Hindu Succession Act, 1956 like sons daughters also have equal share in their father's property. But in Hindu Succession Act amendment 2005, daughter becomes coparcener like son in Hindu undivided family.

The Uttar Pradesh state government releases a notification under Uttar Pradesh Zamindari Abolition and Land Reform (Amendment) Act, 2008 that after the death of father, unmarried daughter also become coparcener in agricultural land. Before this amendment only widow and son had right over property. According to this notification, in this changed socio-economic environment, it is necessary to give unmarried daughter, which is nearest collateral relative of her mother-father and who completely depend on them, right of inheritance in parental property. After death of a landowner, inheritance right is also given to unmarried daughter for her social and economic security.

Objectives of the Study

- To find out the causes and impediments in women's share in parental property of Jat community and other communities' women.
- To study the volition of Jat women in comparison to the women of other communities for claiming share in parental property.
- To establish the relation of education to Jat women and other communities women with their volition to claim for share to get parental property.

- To know the ways by which male siblings of Jat and other communities women acquire whole share in parental property.
- To examine the various types of property rights, given to the women under the Hindu Succession Amendment Act, 2005 in parental property.

Hypotheses of the Study

- Patriarchal system is a main cause for lack of women's share in parental property.
- The socialization 'daughter is a property of others' is the main impediment in claiming share in parental property.
- High educated women of Jat community and other communities' have share and higher volition to get parental property.
- Male siblings of women use both emotional and threatening ways to acquire whole parental property.

Operationalization of the Key Concepts

- **Jat Community Women:** In the present study Jat women refer to the Hindu Jat women who live in these four selected villages of Agra District.
- **Other Communities Women:** Other communities' women refer to women belonging to Thakur, Brahmin, Balmiki, Jatav and Kumhar castes in the traditional caste system excluding Jat, living in these four selected villages of Agra District.
- **Parental Property Right:** Any movable and immovable property (land, houses, and domestic animals) belong to the parents of a woman is generally considered as parental property. After the implementation of Hindu Succession Act 1956 and Hindu Succession (Amendment) Act 2005, female is the legal heir of the parental property along with her male counterparts.

Research Methodology

The given research work is based on descriptive research cum explanatory design. In this research, the researcher not only described the Parental Property Rights to women in Jat community and in other communities women in a comparative way, but also the causes behind lack of sharing in parental property, least awareness about their rights of succession and attitude of women towards their share in parental property and also explained about false assumptions which help their male siblings in acquiring whole parental property. The study critically explained the women's property rights in Jat community with comparison to other communities in Agra district.

Unit of the Study

The units of the study are women of Jat community and other communities, whose father (head of the family) has died after the implementation of Hindu Succession Amendment Act, 2005. Accordingly, respondents from Jat community and other communities (Brahmin, Thakur, Balmiki, Jatav and Kumhar) whom father have been died after the implementation of Hindu Succession Amendment Act 2005, comprising 179 and 127 women. After the consideration of total number of identified units of study, the researcher used census method for collection of relevant and appropriate data from the respondents

Tools of Data Collection

Structured interview schedule has been used to collect data from the women of Jat community and other communities whose father have died after the implementation of succession Amendment Act, 2005. A total of 56 questions were set to interview the respondents.

Data Collection through Fieldwork

Fieldwork was done for primary data collection in four villages those were, Nanpur, Nagla Parmal, Garhima and Nagla Sikarwar in two tehsils, Kiraoli and Sadar of Agra District.

The research is divided into five chapters. The first chapter is a general introduction which throws light on condition of women in Indian patriarchal society, ancient principles of property transmission, constitutional and legislature steps (laws & Acts) to improve Hindu females' condition. Along with this, it contains research methodology, review of literature, need for study, and statement of the problem. The second chapter is deals with property rights of women regards Hindu Succession Act, 1956 and it's Amendment, 2005. The constitutional provisions are discussed which provides women property rights. The Hindu Succession Act, 1956 and Hindu Succession Amendment Act 2005 are discussed in detail. This chapter demonstrates the both side of the Hindu Succession Act, 1956, one side which makes women's position strong into inheritance and the another side is full of loopholes and failure of promise of equality in inheritance. Hindu Succession Amendment Act 2005 implementation which deals with some new sections and covers the loopholes of act is also discussed. Then women property rights in U.P. under UPZALR, 1950 is discussed. The chapter third is based on field work information, represents the socio-economic and demographic profile of the respondents then reveals the social, cultural and legal impediments or barriers faced in practical life by women of Jat and other communities in getting parental property. The chapter fourth is also based on collected primary data from Jat community and other communities' respondents (the Hindu women of Jat and other communities' women of Kiraoli and Sadar tehsils in Agra district) which reveal the consciousness and awareness of respondents in regard to their rights in parental property. There are various legal provisions related to succession rights of women. But in groundreality they are not implied in our society because people, specially, women are still unaware for their rights. In the present study, the awareness of women for their rights to inherit parental property has been studied. In women, the consciousness and awareness for their legal property rights is limited, it depends upon their circumstances and wishes of giver either he is husband, parents or brothers.

There is large number of women workers, whom work in agricultural field but not acknowledged as 'worker'. An Indian woman also engaged in commercial activities and contributes her efforts in household management. But still she is deprived from financial

decisions. Education increases the consciousness and awareness level among men and women both.

Conclusion and Suggestions

The fifth chapter draws conclusion and suggestions on the basis of collected primary data from fieldwork. Land ownership and its management in Uttar Pradesh are ambiguous and complex. In rural areas, especially in U.P., literacy rate is low and poor in case of females; it is very difficult to understand laws and rules provided under the land ownership and management. It is also observed in study that the share of women in Jat community and other communities in parental property is very poor. Barriers behind lack of women's share in property are equally affected Jat community and other communities' both. In Jat community and other communities' the impediments (barriers) which deprived women from parental property are deeply rooted in inheritance issues. Women of other communities were getting share in parental property in the form of help, but in the Jat community women's get their share in the form of dowry only at the time of marriage and occasionally get some gifts. Jat community has more rigidity and conservative practices in inheritance issues in comparison to other communities. Patriarchy and male dominance, our customs and norms in succession issues are the root causes behind women's least claiming in parental property. It is not easy to implement such laws in our society, especially when there is lack of awareness and knowledge about laws related to their welfare.

Women become no longer burden on families if they inherit or own property like their other male siblings. If a woman inherits property she will get equal status like man but if no property given to her, she has lower status than man and it results to subordinate and subjugation of woman's status. If they become educated, they may be conscious for land ownership laws and their other property rights. Information centers may provide all the essential information for females and new updates related to their rights for agricultural land, lease, bank loans and mortgage etc. Women should act sensibly and pay attention to the rights which uplift their status and reaches the goal of equality in succession matters. To bring equality between both genders

in the inheritance of land, there is need to enact uniform law for every state. It is required by the government conducting state-wise, religion-wise and community-wise surveys to know the actual implementation of policies at grass root level. There is need of sincerity of governmental bodies to aware peoples about new laws and policies. Implementation of laws or policies at grass root level is not only responsibility of government, but it is our responsibility too; first of all we have to appreciate women inheritance in family. The study reveals that women are aware and wants to claim their share in property but the rigid attitude regards women share in parental property of communities demoralised them.