

# Causal Relationship Between Awareness of Women and Demand for Equal Right to Inherit Agricultural Land In India: An Empirical Study

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**Abstract:** *Women ownership of agricultural land is extremely poor globally as well as in India. Various factors are responsible for this disparity, one of the primary reasons concluded by the prior researches is unawareness of women about their legal rights. In all research conducted at the ground level, a major barrier in the way of the implementation of Hindu Succession (Amendment) Act, 2005 is that women are unaware of their rights in agricultural land and the bureaucratic process involved in land transfer. Thus, a study was undertaken by the researcher to prove (or disprove) the above findings with the same questions and population (women governed by the Hindu personal laws) but with a different profile. The respondents for the study were Hindu Women who are highly educated and supposed to be aware of their legal rights. All of them have a law background and were aware of the decisive 2005 Amendment. The objective of this Empirical study is to gather views and levels of awareness of women working in the field of law regarding their rights to inherit agricultural land and the challenges faced by them while demanding their rights. The research is thus focussed on the relationship between awareness of women and the demand for rights in agricultural land.*

**Keywords:** Woman's Rights, Right to Property, Succession, Personal Rights, Inheritance Rights

## INTRODUCTION

Land as a physical resource is as good for women as it is for men. Numerous researchers have determined that women's engagement with economic growth and macroeconomic changes is influenced by their roles both within and outside the household, particularly concerning their ability to access and assert their rights to land and property<sup>1</sup>. Globally, women's ownership of land is found to be extremely unequal ranging between 1%-9%<sup>2</sup>. Unfortunately, women are not able to enjoy this asset even after Hindu personal law reforms in India. In India succession is governed by the Hindu Succession Act, 1956 while rights in agricultural land is governed by the state tenancy laws. Some states give equal rights to daughters in agricultural land while others deny. However, the problem is that daughters lack ownership to such land even in those states that legally recognize their rights.

Indian states can be categorised under four different categories on the basis of devolution of tenancy rights in agricultural: firstly, states providing for a different scheme of succession than provided under the HSA<sup>3</sup>, secondly, states expressly allowing the personal laws to govern succession rights in agricultural land<sup>4</sup>, thirdly states been silent on the order of devolution of rights in agricultural land<sup>5</sup>, lastly, states governed by the customary practises<sup>6</sup>. Even in states where women possess statutory ownership rights in agricultural land<sup>5</sup>, they often have limited authority over land and productive resources<sup>7</sup>.

Hindu women though constitute almost 38% of the total Indian population<sup>8</sup> has been adversely affected by the denial of ownership rights in agricultural property. An analysis of the state land laws of category I states indicates the systematic patriarchal biases that do not allow women to inherit agricultural land statutorily. However, while surveying the literature, the researcher found that daughters are not getting equal share in agricultural land even in those states where the personal laws is applicable on agricultural land (Category II and III States)<sup>9</sup>.

HSA was amended by the Hindu Succession (Amendment) Act, 2005 (hereinafter 2005 Amendment). The 2005 Amendment brought the prevailing discrimination in HSA against the daughter to an end conferring upon her the same rights and liabilities as that of a son, thus, bringing son and daughter at equal footing in matters of succession to joint Hindu family property. The amendment is a revolutionary reform promoting gender equality which introduced daughters as coparceners having equal right by birth in the ancestral property.

The women selected for the study were highly educated and supposed to be aware of their legal rights. A total of 117 responses were received for the present study. All of them had a legal background and were aware of the

decisive 2005 Amendment. In the previous research, majority of women didn't know that they have equal rights to inherit the agricultural land as granted to their brothers. Other who had some idea of their rights did not know the law and the amendment which granted them these rights. Most of them were dependent on the male members of their family and did not have any knowledge of the administrative procedures involved in succession. Saxena mentions that rural women most often lack the wherewithal to claim their rights through the tedious and harassing process of approaching the bureaucracy and the courts<sup>10</sup>.

The objective of this Empirical study is to gather views and level of awareness of women working in the field of law regarding women's right to inherit agricultural land and the challenges faced by them while demanding their rights in agricultural land. Therefore, in the present research the researcher has selected highly educated, legally aware and independent women to find out the relationship of knowledge of law and demand for equal rights to inherit Agricultural Land.

## II Findings of the Research

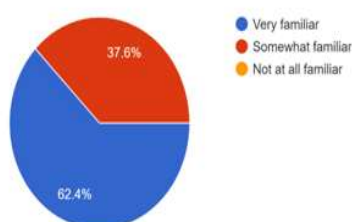
The empirical research was conducted with the help of google forms circulated amongst women belonging to different states in India. The women selected for the research are Hindu by religion with bachelor of laws as the minimum educational qualifications. There were as many as seventeen questions drafted for the present study which revolves around the Hindu Succession Act, 1956 along with the 2005 Amendment and the state laws governing devolution of agricultural land. The findings of the study are as follows:

### Question 1: How familiar are you with the Hindu Succession (Amendment) Act, 2005?

The questionnaire revolves around the implementation of Hindu Succession (Amendment) Act, 2005. Therefore, the first question was in respect to awareness of the law (2005 Amendment) which made daughters as coparceners in the ancestral property by birth. It is a revolutionary legal development in the property rights of Hindu daughters. Three options were given to the respondents to choose from. It was a close ended question where the respondents could choose from the following three options: (1) very familiar (2) somewhat familiar (3) not familiar at all. Interestingly, 62.4% of the Hindu women law graduates responded that they are very familiar with the 2005 Amendment while 37.6% responded that they are somewhat familiar. Meaning thereby they were aware of the 2005 Amendment but not in detail. At least all of the respondents were somewhat familiar of the 2005 Amendment which is the central issue of the present discussion. Appreciatively, there was not a single respondent who was not aware of the law.

### How familiar are you with the Hindu Succession (Amendment) Act 2005?

117 Responses



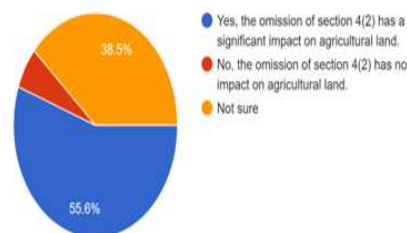
Ignorance of the law is cited as one of the barriers for non-implementation of HSA as amended by 2005 Amendment. However, in the present study all the respondents had knowledge of the law.

Question 2: Do you believe that the omission of section 4(2) from the Hindu Succession Act, 1956 affects the applicability of the Act on agricultural land?

55.6% of the respondents believed that omission of section 4 (2) from the HSA, 1956 has significant impact on agricultural land. They believed that because of the omission of section 4 (2) from HSA by the 2005 Amendment, HSA becomes applicable to the agricultural land. Only 6% believed that omission of section 4(2) from HSA has no impact on agricultural land. Rest 38.5% were not sure about the impact of the 2005 Amendment. This data shows that nearly two-fifth of the respondents were not sure about the law which means that the 2005 Amendment is not clear on the impact of HSA on agricultural land. Thus, the 2005 Amendment has created confusion in the minds of the legal fraternity on its application on agricultural land under tenancy. The confusion may be due to conflicting judgements given in the cases of *Nirmala v. NCT Delhi*<sup>11</sup> by the Delhi High Court in 2010 and in *Archana v. Deputy Director Consol- idati* on<sup>12</sup> by the Allahabad High Court in 2015.

### Do you believe that the omission of section 4(2) from the Hindu Succession Act, 1956 affects the applicability of the Act on agricultural land?

117 Responses

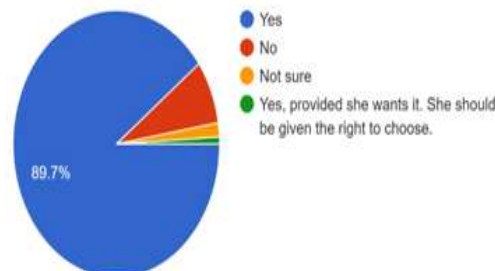


Question 3: Whether daughters should be given equal rights as sons to inherit agricultural land?

89.7% of the respondents believed that equal rights should be given to women to inherit agricultural land. This is a positive sign as this shows desire of the women to inherit agricultural land. The learned women who themselves were lawyers believed that there should be equality in the inheritance of rights in agricultural land as well. Only 7.7% of the women did not want daughters to inherit agricultural land like the sons. Rest 1.7% were not sure whether daughters should be allowed to inherit agricultural land or not. Surprisingly there were few who did not want equal rights for the daughters in agricultural land. It is to be noted that

### Whether daughters should be given equal rights as sons to inherit agricultural land?

117 Responses



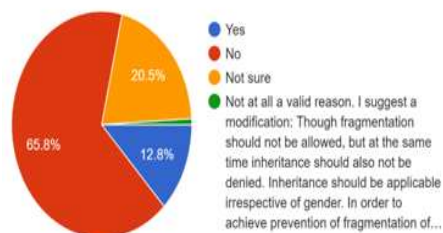
the respondents were themselves women lawyers who are against advocating equal rights for women in agricultural land which is the most important and stable security available.

Question 4: Whether 'prevention of fragmentation' of agricultural land is a valid reason for denying inheritance rights to daughters in agricultural land?

Agricultural land is one of the most important resources of our country on which our economy depends directly (17.1% of GDP in FY 2017-18 was from agriculture, forestry and fishing).<sup>13</sup> Fragmentation of agricultural land results in decreased agricultural productivity. Hence, India has passed laws to prevent fragmentation of agricultural holdings. Daughters are not given rights in tenancy land specially in category I states as it would lead to fragmentation of agricultural holdings. Even though land fragmentation also takes place when brothers inherit agricultural land and cooperative farming is a way out to increase agricultural yield yet, 12.8% of the respondents believed that 'prevention of fragmentation' of agricultural land is a valid reason for denying inheritance rights to daughters in agricultural land. 65.8% believed that inheriting agricultural land by daughters would not lead to fragmentation of agricultural land. Rest 20.5% of the respondents were not sure whether 'prevention of fragmentation' of agricultural land is a valid reason for denying inheritance rights to daughters in agricultural land. Knowing the reasons for not giving equal rights to daughter in agricultural land would help in finding solutions to the problem and so this question was asked.

**Whether 'prevention of fragmentation' of agricultural land is a valid reason for denying inheritance rights to daughters in agricultural land?**

117 Responses

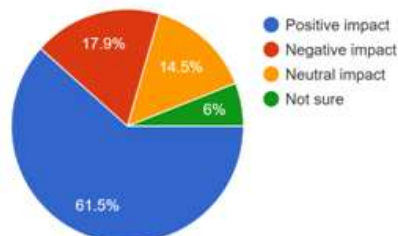


Question 5: How does the assertion of daughters' rights in ancestral property, including agricultural land, impact societal attitudes and acceptance?

61.5% of respondents believed that the assertion of daughters' rights in ancestral property, including agricultural land will have positive impact in the society. The society is going to accept the change where daughters are coming forward to assert their share in agricultural land. 17.9% believed that such assertion of rights will have negative

**How does the assertion of daughters' rights in ancestral property, including agricultural land, impact societal attitudes and acceptance?**

117 Responses



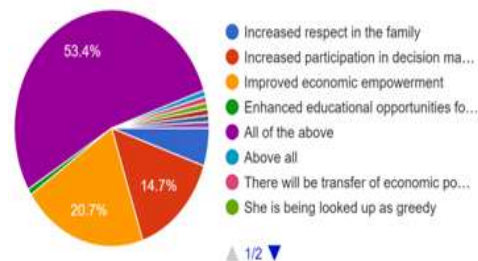
impact on the society and the society is not going to accept the demand of the daughters. 14.5% believed that there will be no change in the attitude of the society if women demand their share in agricultural land. Rest were not sure about the impact.

Question 6: How will societal dynamics be influenced by women inheriting or owning land, and what additional outcomes may arise?

53.4% believed that if women start owning land, it would welcome the following changes: (i) increased respect in the family for such women (ii) increased participation in decision making (iii) improved economic empowerment and (iv) enhanced educational opportunities for women. The majority believed that all positive changes will take place in the society if women start owning agricultural land. 14.7% believed that only one positive change that is 'increased participation in decision making the family' will take place if women start inheriting agricultural land. 20.7% felt that if women start owning land it would result in improved economic empowerment of women which is again a positive outcome of the process. 5.2% believed that it would increase respect for women in the family. This data corroborates findings of the study conducted on women in rural areas of Andhra Pradesh, Hyderabad, Haryana, Maharashtra and Uttar Pradesh (Women Farmers Conclave 2013 and Kelkar Field Notes 2012). Even though the profile of the respondents was different still, 58.6% of the respondents believed that

**How will societal dynamics be influenced by women inheriting or owning land, and what additional outcomes may arise?**

117 Responses



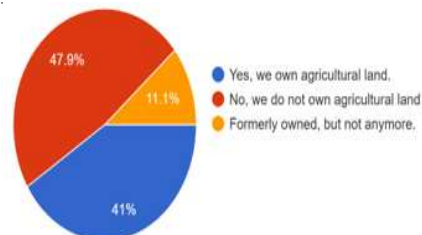
land titled in the name of the women would increase their respect in the family. The study also suggested that land titled in the women's name enhances their self-esteem. A total of 94% believed that land ownership by women will help in bringing about positive change in the society. One of the respondents also believed that women would be looked down as greedy if they claim their right to inherit land.

Question 7: What is the landownership status within your family, particularly in relation to agriculture?

Families of 41% of the respondents own agricultural land. Families of 47.9% do not own agricultural

**What is the landownership status within your family, particularly in relation to agriculture?**

117 Responses



land. Families of half of the respondents did not own agricultural land. Families of 11.1% of the respondents owned agricultural land formerly but now they do not own agricultural land. This is a quantitative data to find out how many respondents have agricultural land in their family as upcoming questions are dependent on this data.

Question 8: Which law governs the succession of your rights in agricultural land?

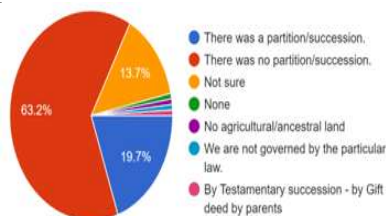
This question was particularly designed to know how well the respondents are aware of their respective state land laws. The responses showed that respondents were not well aware of the laws which govern the succession of their rights in agricultural land. It is to be noted that the respondents selected were law graduates and had studied family law during their graduation. Surprisingly, many of them were not in a position to name the law which governs their rights in agricultural land. There is a common perception that they are governed by the Hindu Succession Act, 1956. However, HSA governs the succession of Joint Hindu Family property and not rights in agricultural land which are governed by the respective state land laws. Even though some states allow personal law to govern succession of rights in agricultural land, it cannot be concluded that the HSA is applicable on agricultural land. It is always the state laws which govern the rights in agricultural land.

Majority of the sample responded that their rights in agricultural land are governed by the Hindu Succession Act, 1956. We have earlier seen that most of the respondents were from Delhi and Uttar Pradesh where the HSA is not applicable on devolution of rights in agricultural land under tenancy. 9 of the respondents accepted that they didn't know the law. Only 6 of the respondents correctly answered the specific land law which governs the tenancy rights in agricultural land in their respective states. 7 of the respondents correctly mentioned that their rights are governed by the state/local laws, however they did not specify name of the law. None of the respondents mentioned the law along with the specific provision.

Question 9: Whether there was a partition/succession of ancestral land in your family after the Hindu Succession (Amendment) Act, 2005?

In families of 63.2% of the respondents, there was no partition/succession of the agricultural land after the 2005 Amendment. Families of 19.7% of the respondents had either partition or succession of agricultural land after the 2005 Amendment. 13.7% of the respondents were not aware of any partition or succession in the family. These are the most educated women of our country who were supposed to be aware of their legal rights but not aware of an important fact which has impact upon their property

117 Responses

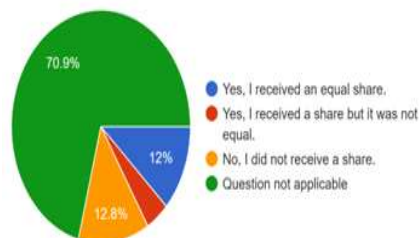


They have chosen law as their career to promote awareness and to fight for the rights of others but when it comes to their own rights they act as ordinary women.

Question 10: How equitable was the distribution of land shares between you and your brother/s?

12% of the respondents said that they have received an equal share as given to their brothers during partition of the agricultural land or after succession opened. 4.3% replied that they received share during partition or succession of the agricultural land but it was not equal to the share of their brothers. 12.8% replied that they didn't receive any share in the land. The question was not applicable on the rest 70.8% of the respondents as most of them did not have agricultural land or there was neither partition or succession which took place after 2005 Amendment. Even though in states where daughters have become coparceners after 2005 Amendment and are entitled to demand partition of the property as the sons, they have not opted for the same. Therefore, there is lower implementation of 2005 Amendment not only in cases where women are not aware of their rights but also when they are lawyers.

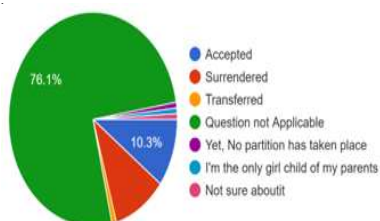
117 Responses



Question 11: Have you taken any action regarding your share? If so, please indicate the status.

10.3% of the respondents who received the land from their families have accepted their share. 10.3% told that they surrendered their shares. This is also happening in many parts of the country where the daughters instead of claiming their share in land are surrendering it in the favour of their male relatives mostly brothers. Doing this is going against the law and all the efforts taken to give equal rights to daughters will go in vain if this practise continues or if appreciated by the society. On the rest 76.1% of the respondents, the question was not applicable.

117 Responses



Question 12: If you had surrendered your share, what was the nature of surrender?

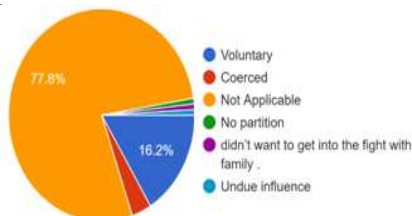
16.2% of the respondents said that they surrendered their share in favor of male relatives and such surrender was a voluntary act on their part. We generally don't give share to our brothers in our self-acquired property but when it comes to inheriting paternal land we see that some women are voluntarily surrendering their shares. These respondents are highly educated with a law background and



most have done masters in law and are well established in their career. Even these women who could have brought change in the society are in favor of surrendering their rights. 3.4% of the respondents were honest enough to accept the fact that the surrender in favor of their brothers was a forceful act and they didn't surrender their rights voluntarily. A further qualitative study can be done to look into the reasons for such surrender of land in favor of male relatives when most respondents wished to own land and they were in favor of giving equal rights to daughters in ancestral land. We have seen in question number 3 that 89.7% of respondents were in favor of equal rights for daughters in agricultural land. The question was not applicable on rest 77% of the respondents.

**If you had surrendered your share, what was the nature of surrender?**

117 Responses

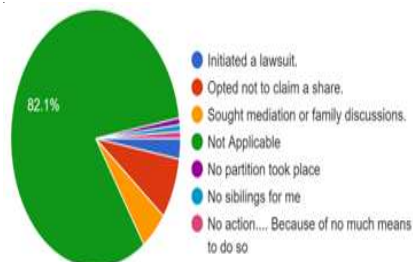


Question 13: What action/s you took when you did not receive your share?

Only 2.6% of the respondents said that they actually filed a law suit to claim their share in agricultural land. This data is alarming as the respondents are lawyers who are advocating for the rights of others as a legal academician or an advocate. Again, a further qualitative research should be conducted to find out the reasons for such a low percentage of women who are aware of their rights when it comes to demand their own rights. 5.1% of the respondents who had not received the shares said that they had not filed the law suit against their families but have gone for mediation as a means of settlement. 7.7% of the women opted not to claim their share when they didn't receive the share. On the rest 82.1% of the respondents, the question was not applicable.

**What action/s you took when you did not receive your share?**

117 Responses



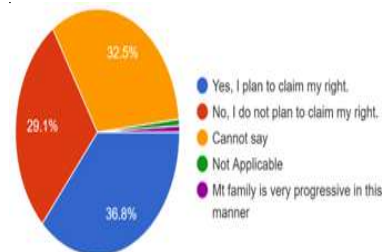
Question 14: Will you in future claim your right to inherit ancestral land if there has been no partition/succession already?

36.8% of the respondents said that they would claim their share in the agricultural land in cases where there had been no partition or inheritance taken place. This shows the willingness on part of the respondents to bring a change in the society. However, a large number of respondents said that they did not wish to claim their rights in land in the future. In question number 3 where their opinion was sought on the question that whether women should be given equal rights to inherit agricultural land, 89.7% of the respondents

wanted that daughters should be legally allowed equal rights to inherit agricultural land as sons. They wanted equal rights for other women but not for themselves as 29.1% of them replied that they would not claim any rights in paternal land. Another 32.5% of them said that they are still not sure if they would claim their rights in the future or not. This means that there is almost an equal divide amongst the women on this issue. These respondents are not common women. They are advocates of rights of others. On one hand almost 90% of them want equal rights for women in agricultural land and on the other hand they have decided not to claim their rights in ancestral property.

**Will you in future claim your right to inherit ancestral land if there has been no partition/succession already?**

117 Responses

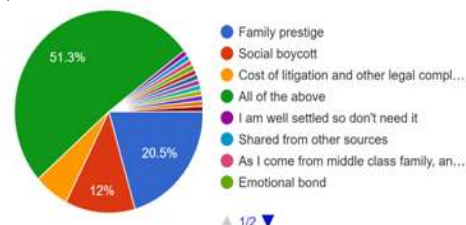


Question 15: What factors contribute to the reluctance of daughters in asserting their rights in ancestral land?

In this question three options were given to the respondents in addition to an open-ended answer. The options were (i) family prestige as the reason for daughters not claiming their rights (ii) social boycott and (iii) cost of litigation and complicated legal proceedings. 53.1% agreed that all the three reasons have equally contributed towards the reluctance of daughters in asserting their rights in ancestral land. 20.5% believed that family prestige is the only reason for daughters not claiming their rights. 12% felt that social boycott is the primary reason and 6% believed that due to high cost of litigation and complicated legal procedure the daughters do not demand their rights in land. Some also believed that since they are well settled they don't need share from their parental estate. Kelkar in his study had argued that land distribution is superior to income transfer because there is an incentive effect in the former case (Kelkar 2011).<sup>1</sup> Still women who are working felt that they didn't need paternal land as they were earning. One respondent also mentioned that the society has taught the real wealth a woman has is her husband's income and his property. This is the attitude of woman who are independent and well aware of their rights. One respondent who is an academician of law replied she had no plans to claim her right in ancestral property as she did not want to fight with her parental family.

**What factors contribute to the reluctance of daughters in asserting their rights in ancestral land?**

117 Responses

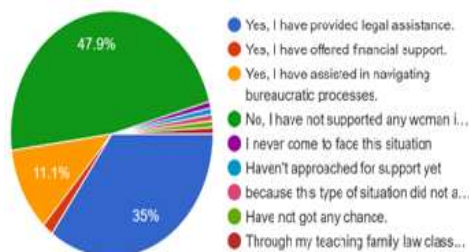


Question 16: Have you ever supported any woman in exercising her right to inherit ancestral land, and if so, please specify the nature of your support?

35% of the respondents had legally supported other women in exercising their right to inherit ancestral land. We see that the respondents who helped other women in demanding equal rights in ancestral land were more than the respondents who asked for their own rights or were willing to ask for the same in the future. 11.1% of the respondents had helped other women in navigating through bureaucratic processes. 47.9% replied that they had never supported any women in this cause. Rest few had not got any chance to lend their support.

**Have you ever supported any woman in exercising her right to inherit ancestral land, and if so, please specify the nature of your support?**

117 Responses

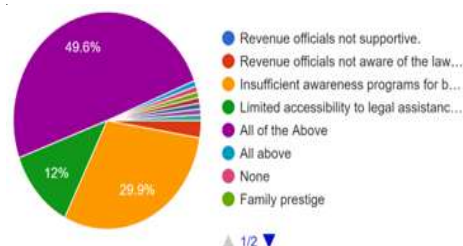


Question 17: What are the administrative challenges encountered by women in inheriting agricultural land?

Four options were given to the respondents to select apart from an open-ended answer. These options were (i) revenue officials not supportive (ii) revenue officials not aware of the law (2005 Amendment) (iii) insufficient awareness programs for both: officials and women regarding property rights and (iv) limited accessibility to legal assistance. Nearly half of the respondents believed that all of the above reasons were major administrative factors which were responsible for inhibiting the success of implementation of the law. 29.9% believed that insufficient awareness programs for both: officials and women regarding property rights was the main administrative challenge women are facing. 12% believed that limited accessibility to legal assistance for women is the main administrative challenge faced by women.

**What are the administrative challenges encountered by women in inheriting agricultural land?**

117 Responses



### III Conclusions based on Empirical Study

The respondents can be divided into four categories: (i) women who believe that daughters should be given equal rights to inherit agricultural land but so far as their own right is concerned they are not ready to claim their rights and some have also surrendered their share voluntarily (ii) women who believe that daughters should be given equal rights to inherit agricultural land and are ready to claim their rights also (iii) women who believe that daughters should be

given equal rights to inherit agricultural land but are not sure if they would claim their share in future and (iv) women who do not believe that daughters should be given equal rights to inherit agricultural land.

The sociological factors affecting the women from rural background who are not legally aware and the women who themselves are lawyers are similar. The respondents also mentioned that they had forcefully surrendered their rights in agricultural land in favour of their brothers. Many believed that women would be looked down as greedy if they claim their share. One also pointed out that the society has taught women that their real wealth is husband's property and income and not paternal property. 90% of the women responded that they want equal rights for women in agricultural land but half of them were not ready to claim their own share due to various sociological reasons. Thus, we can conclude that the unawareness of law is not a major factor in non-implementation of Hindu Succession (Amendment) Act, 2005. Roland (2004) views social change as an interaction between slow-moving institutions (cultural norms) and fast-moving institutions (political and legal systems). Patriarchal cultural norms are clearly one of the slow-moving institutions while policies and laws for women legal rights to land inheritances are relatively fast-moving ones. Thus, cultural and social norms should also change with the changing law to bring change in the society.

One of the respondents who is also a teacher of family law and above the age of 50 pointed out an important impact related to the implementation of Hindu Succession (Amendment) Act, 2005. She remarked that if daughters are given equal rights to inherit ancestral land they should also take up equal duty to take care of their parents and family. The researcher thinks the time is ripe to discuss on this issue as rights and duties go hand in hand.

All respondents were aware about the 2005 Amendment though very few of them knew the land laws which govern their rights in agricultural land under tenancy. None of the respondents had mentioned the specific legal provision even if they had correctly mentioned the specific land law. This may be because this is a topic which finds no mention in any of the text books of family law. It is only through the efforts of Dr. Kiran Gupta (Professor, Faculty of Law, University of Delhi) that this topic was included in the curriculum of family law of Faculty of Law, University of Delhi in the year 2019. This is an important topic as it governs the rights of women in agricultural land which is the most important, secure and stable means of property. Following conclusions may be drawn from the above study.

**1. Women want to own land, but only a few wants to inherit it.**

In the empirical study conducted by the researcher on women lawyers who are educated and independent, the findings are similar to the previous researches conducted on rural women who were uneducated, depended on the male members of their family and were unaware of their legal rights. 90% of the women responded that they want equal rights for women in agricultural land but half of them were not ready to claim their own share due to various socio-cultural reasons. When asked what factors contribute to the reluctance of daughters in asserting their rights in ancestral land, 53.1% agreed that all the three reasons: (i) family prestige; (ii) social boycott; and (iii) cost of litigation and complicated legal proceedings have equally contributed

towards the reluctance of daughters in asserting their rights in ancestral land. 20.5% believed that family prestige is the only reason for daughters not claiming their rights. 12% felt that social boycott is the primary reason and 6% believed that due to high cost of litigation and complicated legal procedure the daughters do not demand their rights in land.

Some respondents also believed that since they were well settled in their career they did not need share in their parental estate. Women actually want to own land but they do not want to inherit it from their family because they are primarily afraid of straining relationships with their families or being rejected by their communities. Thus, we can conclude that the unawareness of law is not a major factor in non-implementation of 2005 Amendment. The socio-cultural factors affecting the women from rural background who are not legally aware and the women who themselves are lawyers are similar.

### **2. Practise of surrendering share in favour of brothers is a common phenomenon.**

This is another obstacle in the way of achieving the objectives of 2005 Amendment where daughters are not only not claiming their rights in ancestral property rather, are surrendering their rights in paternal property in favour of their brothers. In the present study, 16.2% of the respondents said that they surrendered their share in favor of male relatives and such surrender was a voluntary act on their part. These respondents were highly educated with a legal background and most were post graduates in law and well established in their careers. Even these women who could have brought change in the society were in favor of surrendering their rights. 3.4% of the respondents were honest enough to accept the fact that the surrender in favor of their brothers was a forceful act and they didn't surrender their rights voluntarily. A further qualitative study can be done to look into the reasons for such surrender of land in favor of male relatives when most respondents wished to own land and they were in favor of giving equal rights to daughters in ancestral land.

### **3. Respondents are not aware of the law governing their rights in agricultural land.**

There is a misconception that after 2005 Amendment daughters are given equal right to inheritance in all property including agricultural land in all states. Also, many believe that the amendment has repealed the state tenancy laws and the succession of rights in agricultural land is now governed by HSA. The confusion has arisen due to lack of discussion in Parliament on omission of Section 4(2) and due to conflicting opinion of various High Courts. This is corroborated by the empirical study conducted by the researcher where all the respondents (all female lawyers) were aware of 2005 Amendment but mostly were not aware of the state laws governing succession of their rights in agricultural land. The respondents who belonged to the Category I states where a different scheme of succession is provided by the state land laws replied that their rights in agricultural land are now governed by HSA after 2005 Amendment.

### **4. Lack of training and insensitivity among land administration officials.**

Land revenue officials (Patwaris and Tehsildars) who by mandate are the functionaries responsible to mutate the land under inheritance are not sensitised on the issue of women's right to inheritance. There is no expectation, either

gender sensitive. They receive capacity building sessions on land systems including maps, land classification, land use, land records, mutation processes, land conversion, and similar other topics, and also on revenue collection related matters while women's issues are not included in such trainings. In the present study it was asked what are the administrative challenges encountered by women in inheriting agricultural land. Four options were given to the respondents to select apart from an open-ended answer. These options were: (i) revenue officials not supportive; (ii) revenue officials not aware of the law (2005 Amendment); (iii) insufficient awareness programs for both: officials and women regarding property rights; and (iv) limited accessibility to legal assistance. Nearly half of the respondents believed that all of the above reasons were major administrative factors which were responsible for inhibiting the success of implementation of the law. 29.9% believed that insufficient awareness programs for both: officials and women regarding property rights was the main administrative challenge women are facing, 12% believed that limited accessibility to legal assistance for women is the main administrative challenge faced by women.

The most educated class of women of our country who are supposed to be aware of their legal rights are not interested in knowing the status of their paternal property. They have chosen law as their career to promote awareness and to fight for the rights of others but when it comes to their own rights they act as ordinary women. Even these women who can bring change in the society are in favor of surrendering their rights. Through this research an attempt has been made to create awareness regarding the application of succession laws on agricultural land and factors affecting their implementation.

### **END NOTES**

1. Govind Kelkar, "The Fog of Entitlement: Women's Inheritance and Land Rights" 49 (33) Economic and Political Weekly, 51-58 (August 16, 2014).
2. Ibid.
3. States such as Delhi, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab and Uttar Pradesh and Uttarakhand fall under this category. There is systematic patriarchal bias in the tenurial laws disallowing women to inherit agricultural.
4. States under this category are Madhya Pradesh, Rajasthan and Telangana. Here, the tenurial laws allows respective personal laws of religious communities to govern succession rights in agricultural land.
5. States under this category are Andhra Pradesh, Bihar, Goa, Gujarat, Karnataka, Kerala, Maharashtra, Tamil Nadu and West Bengal. These States are silent on the order of devolution of rights in agricultural land. HSA as amended by the Hindu Succession (Amendment) Act, 2005 (the 2005 Amendment) is applicable by presumption.
6. States with significant tribal populations are governed by the fifth and Sixth Schedule of the Constitution, which grants them the authority to adopt local laws based on their customary practices. States such as Assam, Meghalaya, Mizoram, Tripura, Arunachal Pradesh, Manipur, Nagaland, and Sikkim fall under this category.
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