The present study is about land ownership rights among the rural Scheduled Caste women in R.S Pura Block of Jammu District in J&K State with a view to examine the ways in which land rights for women are bestowed and practised at local level and what difference having or not having land makes to their position in rural society. The research problem is stated in the First Chapter Introduction along with the objectives and area of the study. Further the Chapter explained the methodology of the research along with sample size, sampling method as well as methods and techniques used for the data collection. This Chapter also showed the significance of the study and how women are benefitted from land ownership and the way land has been used as an asset for livelihood maintenance as well as for bettering one’s living conditions. The study was carried out in five villages of R.S Pura Block and covered the sample of 300 respondents, 250 females and 50 males.

The Second Chapter, Gender and Land Rights: Understanding Relationship deals with the relationship between gender and land rights within the theoretical framework. It focuses on why despite legal provisions; women in rural India are not able to claim their rights to land. It also deals with their role in agricultural economy. Women in India and worldwide rarely own property especially the land, in spite of their high contribution in the agricultural production and dependency on agriculture for livelihood. There are various benefits which can be achieved by granting independent land titles to women which includes the ability to access credit, respect within the household, economic security and resistance from the domestic violence.

Giving land titles to women would strengthen their ability to challenge social, economic and political gender inequalities. In the rural areas land usually offers greater security and control over one’s subsistence than do the other sources of income. Outside the household as well, land ownership can empower women by improving the social treatment they receive from other villagers (Mies et al. 1986)\(^1\).

There is a rise in women’s participation in agricultural activities, but significantly not in its ownership. Even those women who have mutations of land in their names do not have the authority or any control over it. There is always a disjunction between ownership of land and actual control over it. Decision making in the cropping patterns, sale, mortgage, purchase of land remains in the hands of the men of the household. In most cases women’s rights, if claimed, have been written off
by the male members. Even if land remains with women, it remains so in name only; the actual possessors being the male members.

Rural Indian women are extensively involved in agricultural activities. However, the nature and extent of their involvement differs with the variations in agro production systems which vary with the landowning status of farm households. Their roles range from managers to landless labourers. The work she does in the fields is often unrecognised and unpaid as it is considered as a part of family labour. It is because of the widespread devaluation of women’s work that their rights remain unacknowledged. Women’s productive role as peasants or agricultural labourers remains invisible despite their active participation (Shiva FAO, 1991)².

Thus it was considered important to contextualise women’s land rights in the broader trends that have affected agriculture in the recent past. As more men move out of the agriculture, there is a shift towards the feminisation of agriculture. As per the National Sample Survey (66th Round), out of 162.83 million households in the rural areas in 2009-10, 19.16 million (11.8%) are female headed households. It may be due to either widowhood or desertion, male out-migration or due to men’s entering into non-farm activities and other livelihoods. This has resulted into the greater dependence of women in agriculture production, besides the burden of all forms of subsistence work and household chores in rural areas (GOI, National Sample Survey [NSS] 66th Round, 2009-2010).³

In Jammu and Kashmir (J&K), the ownership of land by women is very meagre. The data available on the operational holders in the agriculture suggest that there are few women operational holders though their number is increasing. According to the Ninth Agriculture Census (2010-2011) of J&K the male operational holders are 92.55 per cent and female constitute 7.32 per cent of the total operational holders. There has been an increase of 0.16 per cent female operational holders between the two Agriculture Censuses of 2005-06 and 2010-11 suggesting the greater control of women on agricultural land (Govt. J&K 9th Agriculture Census 2010-2011)⁴. However, this number is very small in comparison to that of men.

The Third Chapter Inheritance Laws of Hindu Women in India and in the State of Jammu and Kashmir (J&K) deals in detail with the property rights of Hindu women. This chapter shows that ownership and inheritance rights are guided by
certain laws. The inheritance laws of Hindus are also applicable to the Scheduled Castes as they come under Hindus only. The Sikhs, Jains and the Buddhists too come under the same laws.

There are two major schools of legal doctrine— the Mitakshara School and the Dayabhaga School regarding women’s property rights.

The Mitakshara School distinguished between two types of property: the joint family property and the separate property. The joint family consisted principally of ancestral property (that is, property inherited from the father, parental grandfather, or parental great-grandfather). A community of interests and rights was recognised in the joint family property, held jointly by four generations of male members—a man, his sons, son’s sons and son’s sons’ sons—who became coparceners on birth. Devolution was by survivorship: the living coparceners had an interest in the property of deceased ones, and the individual shares could be determined only at partition; these shares decreased in case of births and increased in case of deaths among the members of the coparcenary. Over his separate property, by contrast, a man had absolute rights of ownership and disposal (Kane, 1946).

Women could not be coparceners in Mitakshara joint family property, their rights in which included only maintenance as incoming wives and as widows or unmarried daughters; and when they married, daughters were entitled to marriage expenses and associated gifts. In a man’s separate property, however his widow could inherit a limited estate, but only in the absence of sons, agnatic grandsons, and agnatic great-grandsons, and only if she remained chaste. A daughter (an unmarried one got preference) came even after the widow.

Under the Dayabhaga system, a man was deemed absolute owner of all his property (no distinction being made between say ancestral and self-acquired property) (ibid). The doctrine of son’s birthright and the devolution of property by survivorship did not find any place. Under the Dayabhaga School, sons had no right by birth in any property, and all properties devolved by inheritance. So long as the father is alive, he is the master of all properties whether ancestral or self-acquired.

According to both Mitakshara and Dayabhaga, Hindu widows could inherit immovable property such as land only under restrictive circumstances and could at
best enjoy a limited estate in it; and daughters came only after widow, married
daughters coming after unmarried ones. In contrast man enjoyed a primary right to
inherit and control immovable property (land); and although under Mitakshara their
power of disposal over joint family property was also restricted, these restrictions
centered their rights as individuals, but not their rights as gender. Women were
restricted by virtue of their gender (Agarwal, 1995).7

According to the Hindu Succession Act 1956, the daughters were still not
coparceners but along with sons were entitled to an equal share in the father’s
ancestral property. They were not however entitled to agricultural land.

The Hindu Succession (Amendment) Act, 2005 is a landmark as it covered
inequalities on several fronts: agricultural land; Mitakshara joint family property;
parental dwelling house and certain widow rights. This Act brings all agricultural land
at par with other property and makes Hindu women’s inheritance rights in land legally
equal to men.

The Jammu and Kashmir Hindu Succession Act was passed on 6th Nov. 1956
and was published in the Government Gadget on 28th December 1956. This Act has
given an important place to Hindu females in the classification of heirs. Any property
possessed by a Hindu female, whether acquired before or after the commencement of
this Act, shall be held by her as full owner and not as limited owner (Govt. J&K,
1956).8 However, the Hindu Succession (Amendment) Act 2005 is still not extended
to J&K curtailing women’s rights in agricultural land and as coparceners.

The Hindu Widow’s Remarriage and Property Act, 1989, legalizes all rights
and interests which any widow may have in her deceased husband’s property by way
of maintenance, or by inheritance to her husband or to his lineal successors, or by
virtue of any Will. These Acts are applicable to Hindus throughout the State of J&K
making all other forms of discriminatory customary law prevailing till then obsolete
and illegal (JK Laws, Vol. 10).9

The Fourth Chapter, Mapping the Area of Study and Impact of Land Reforms
is about understanding the social and historical profile of the region. It also aims at
profiling the sample villages and impact of land reforms in the area particularly on the
Scheduled Caste population. It also helps to understand the social structure of the

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selected villages. The next section of the chapter deals with the land reforms and its impact on the Scheduled Castes. The land reforms in J&K state and particularly in the R.S Pura Block have transformed the political economy and brought changes in the lives of the downtrodden especially the Scheduled Castes. Since the land of R.S Pura is highly fertile and irrigated, even possession of small piece of land by the households helps to improve the socio-economic status of the family.

On the basis of field work, it has been found that in all the five selected villages i.e. Chak Agra, Badyal Brahmana, Chakroi, Dablehar and Parlah the majority of Scheduled Caste population have benefitted from land reforms. Before the implementation of land reforms the Scheduled Castes worked either as tenants or agricultural labourers in the fields of higher castes or even a small number of them possessed marginal land holdings but the Land Reform Act of 1950 radically changed the landholding structure of all the five selected villages. The SCs who were land tillers and have agreements (Gardori Andaz) prior to 1971 became the owners of land (Nai Malik) under the Land Reform Act.

Land Reforms in India were introduced soon after independence when the government decided to abolish the system of Jamindari and Jagirdari, in order to remove the intermediaries between the state and peasants. This was the first legislation undertaken by almost all the states in the early 1950s and is known as Abolition of Jagirdari/ Jamindari System Act. The land reforms made or legislated by the state governments thus had an objective to make a justifiable distribution of land and removal of all the intermediaries and giving land to the tiller (Saxena, 2009)\(^{10}\).

In Jammu and Kashmir (J&K), rural transformation and poverty alleviation were regarded as strategic factors in the development process right from 1947. Jammu and Kashmir is one of the few states where land reforms were introduced in the 1950s. These reforms have been considered as one of the key factors which have engineered basic changes in the rural economy of the state. Land reform in J&K is considered a success story. According to George Mathew, land reform was a watershed in the history of J&K and a measure, the first of its kind in the subcontinent. The land reform greatly helped the marginal sections, especially the Scheduled Castes to become landowners (Mathew, 2011)\(^{11}\).
According to a research conducted on land reforms in the state during the 1950s-1970s out of total surplus land 84 acres, mainly taken away from Rajputs and Mahajans, 70.24 percent was allotted to the Scheduled Castes tenants. A radical inter-generational shift in the occupation pattern of the Scheduled Castes in terms of landless agricultural labourers to landowning peasants from grandfather (nil) to 47.1 percent in the present generation has taken place (Prasad, 2014).12

The main focus of land laws in J&K has been on the tenancy reforms and making the tenants proprietors who were in a way already cultivator-owner and lesser emphasis was given on the landless and marginal people with virtually no focus on allotment of land to women. Land reform laws in the State of J&K therefore, remained largely gender biased and inequalities persisted in agrarian reforms and tenurial laws.


According to this law, the rights of land ownership, tenurial or otherwise devolved in the first instance on male descendents in the male line of descent. The widow inherited only in the absence of agnatic males and, in her absence the widowed mother. After her death, the holdings went not to her heirs but to the heir of the last male landowner. She also lost her land if she remarried or failed to cultivate for a specified period. The daughters and sisters were almost totally excluded as heirs. In any capacity, a woman could hold only a limited interest in the land as few women are aware of their land rights and even fewer claim them. However the tenancy is now abolished in J&K and with it also the gender discriminatory law. Nevertheless women continue to be deprived of land or immovable property (Chauhan, 2016).14

The Fifth Chapter Perceptions of Scheduled Caste Women about Land Rights throws light on the awareness of land rights of Scheduled Caste women and their various perceptions regarding these in the R.S Pura Block. When looked into the awareness of the respondents about the property (land) laws, it has been found that only 18% females are fully aware about their property rights, 20% male think so, 34%
female respondents and 8% male respondents are unaware about land laws, whereas 48% females and 72% male respondents are partially aware about the land laws.

On the basis of perceptions regarding the circumstances under which daughter inherited agricultural land, 76.8% female respondents are of the view that daughters inherited only when there is no son in the family or they are brotherless as a feature of customary practices, around 16% of the respondents said that daughters inherit if they are unmarried, 2.4% of the respondents were of the view that if son fail to take care of the parents in their old age, they prefer to pass the land to the daughters and only 4.8 percent respondents revealed that if the landholding is large then parents prefer to give a piece of land to daughters as a gift.

The general perception of the male respondents i.e. 90% was that daughters inherit only when there is no son in the family as was a general customary rule and only 10% of the total respondents were of the view that unmarried daughters inherit land of their parents.

The Sixth Chapter Case Studies of Rural Scheduled Caste Women deals with case studies of rural Scheduled Caste women who have received land or who have claimed land as well as some women who worked as agricultural labourers. It focuses on the problems they face during the process of claiming land or because of not having land. It also deals with those cases where the condition of women has improved due to the possession of land.

The case study of the respondent namely Raj Kumari who is an unmarried woman presents a clear picture of her struggle against her own brothers for getting her due share in the landed property of her parents.

Another case study of the respondent namely Kartaro Devi who is a widow shows that the bargaining position of the woman increases if she has land in her name. This case study further shows that possession of land by women makes their position strong and they are treated well by their sons and other family members.
Findings of the study

The major findings of the study can be summarised as follows:

- The study revealed that though Scheduled Caste women participate more in agricultural activities and contribute to the agriculture economy, only few own land in their names.

- The land reforms were proved to be a success story in the study area (R.S Pura Block) as the agrarian structure of the villages underwent changes and majority of the Scheduled Castes population have benefitted from these reforms.

- Due to land reforms many changes have occurred in the five selected villages under study. Prior to Land Reforms the land ownership was in the hands of Brahmins, Mahajans and Rajputs. The Scheduled Caste people worked as tenants in the land of the higher castes. But after the implementation of land reforms, the Jagirdari and Tenancy system have been abolished and many Scheduled Caste people became the owners of the land.

- However, these reforms have benefitted only the male members and the land remained largely in their hands due to the patriarchy, prevailing customs and specifically due to the gender discriminating land laws. The revolutionary land reforms in the state did not help women to become land owners and no gender-disaggregated data on distribution and ownership of land could be sought. Therefore, the fourth hypothesis of the study that less the caste inequalities, specially in rural areas: more are the chances for Scheduled Caste women to improve their condition and reduce the gap between Scheduled Caste and non-Scheduled Caste women is partially true, because though land reforms helped SC men to own land, it improved SC women’s status only marginally. It shows how patriarchy within SC’s work to keep women in subordinate position. This also substantiates the third hypothesis that stronger the patriarchal structures are; more difficult it would be for women to break the barriers of gender inequality and injustice.
There are laws related to inheritance for the Hindu women under the Hindu Succession Act, 1956 considered revolutionary in many aspects. But the rights in agricultural land in particular remained excluded from the purview of the Hindu Succession Act of 1956 as well as from the Jammu and Kashmir Hindu Succession Act, 1956 thus depriving women of the rights in all kinds of agricultural property. While the male became a coparcener at the time of birth, the women enjoyed only maintenance rights as wives, widows and unmarried daughters. This meant that, the son, unlike the daughter, inherited three fourth share, one half by virtue of right by birth and one-fourth by succession under the Act.

However the Hindu Succession (Amendment) Act 2005 removed the disparities making daughter’s property rights equal to that of sons. But in J&K this act is still not applicable and women continue to be deprived of full property rights, particularly in matters of coparcenary rights.

In the present study, a total of 60 women own land in their names and they inherited land only under specific circumstances either of being widow, unmarried daughters or brotherless women, and a few in other cases. Thus, out of the total 60 women respondents who own land, 20 (42.9 percent) inherited as daughters and majority, i.e. 40 (57.1 percent) as widows. Out of the total 20 women who inherited as daughters, 14 of them inherited because they had no brothers and 4 among them got the land from their parents as they voluntarily gave them the share from their property, and 2 women respondents got the land after filing case in the court against their brothers as they were unmarried.

Though the Hindu Succession Act 1956 give women the right to inheritance but as far as the awareness of the respondents regarding property laws are concerned, 120 (48 percent) of the total female respondents are partially aware of the property rights equal to men that women have in the parental property, whereas 36 (73 percent) of the male respondents are partially aware about the property rights of women, 45 (18 percent) female and 10 (20 percent) male are fully aware, whereas 85 (34 percent) females and 4 (8 percent) males are unaware about the property laws. The reason found during the fieldwork
regarding the less awareness of property rights among the respondents was the high level of illiteracy and ignorance

- Regarding the perceptions of majority of women respondents, they do not think about claiming their rights in the parental property especially land because of the strong hold of patriarchy and cultural ideology. The cultural constructions of gender, as how a good sister should behave discourage them from claiming their rights. Majority of the respondents revealed that if they claim their share from the brothers it will breed animosity between brothers and sisters, affecting their relations with their natal family. According to many respondents it is not a custom in Jammu that a daughter asks for land from her father or brothers.

- The above two points support the second and third hypotheses of the study that more occupancy of concrete and secured land rights for women; more will be their freedom of choice and power of decision making and stronger the patriarchal structures are; more difficult it would be for women to break the barriers of gender inequality and injustice.

- Land to the daughter is given only in those cases where she has no brother. Also the majority of the male respondents were of the view that only son inherits the property of the father. The brothers are not willing to give their sisters their due share from the parental property, even though the law has given the daughters equal share in the parental property. In this study it was found that 14 women respondents who inherited the parental land are brotherless. Thus it becomes clear that those women who were the only daughters of their parents got the property (land) of their parents.

- Majority i.e. 90.4 percent of the respondents were of the view that land ownership leads to the enhancement of the status at in-laws home whereas 25.6 percent said that land ownership results in their status improvement in the community as a whole. It is critical to understand that women who inherited land from their natal family are treated with more respect in their in-laws home. Thus land ownership leads to the empowerment of women.
Regarding the ownership rights and decision making, 98 percent of the respondents believe that there is a positive relation between the two which means that if a woman got land from her parents then she will be consulted more by her husband in making the important decisions of the family matters. Thus, there is a direct link between the land ownership and decision making. This finding as well as the above one, once again approves the second and the third hypotheses of the study.

Thus it can be concluded from the above mentioned findings that though there are inheritance laws for the property (land) rights of women, still only a small percentage of respondents are aware about these laws and those respondents who are aware about the inheritance laws do not claim their rights because of the cultural ideology that if they claim their rights their relationship with their brothers or natal family will be affected. In this study, the majority of the respondents did not claim land from their natal families as daughters. The only daughter’s or brotherless women and those respondents who are widows are given some land.

In this study, dowry and property (land) rights are considered different. In the perception of majority of the respondents the daughters are given dowry willingly but they have no right over the land or other property. The case studies shows that those respondents who attempt to claim their rights over landed property are considered greedy and looked down upon by their brothers. The society in general holds the similar perception. The struggle for women therefore has become much harder and difficult.

It can be concluded that due to the prevalence of customary practices and strong hold of patriarchy, it will take a very long time for women to claim their rights over the landed property. But some of the case studies also show that where women have land rights their position becomes much stronger and they are treated well by their sons and other family members. Correspondingly, their position in the family and in the society is strengthened.
END NOTES


5 P.V. Kane. 1946. History of Dharmashastras, Asia Publishing House, Bombay.

6 Ibid.


