CHAPTER-IV AWARENESS AND PERCEPTIONS OF PROPERTY RIGHTS

Oi jaye, Oi jaye, Bangalir meye
Khey jaye, Niye jaye, aro jaye Cheye

(There she goes, the Bengali’s daughter: she eats from us, taken more with her, and wants even more).

This chapter discusses the awareness of property rights of the people and their perceptions regarding these in Jammu district. It also deals with the status of women in their natal house after their marriage. A woman feels herself isolated from her house and when she comes here, her brother’s wife does not like as she has fear in the inner core of her heart that her sister-in-law may ask for her share of property. Few case studies of the women who got their parental property as they were brotherless are also undertaken.

CULTURAL IDEOLOGY: PARAYA DHAN VS. INHERITANCE CLAIMS

The woman, right from her childhood, has been and continues to be brought up in the tradition of being ‘paraya dhan’ (someone else’s property or wealth). Generally married off in early childhood, she never looks upon her natal home as her own, nor her father’s property as anything but her brother’s; her descent group is not that of her father, property as anything but her husband’s. As among the Hindu’s she marries into another descent group after avoiding the prohibited degrees of kinship (Choudhary, 1994: 308).

The importance of kanyadan can be evaluated from the popular local saying common to the whole of northern India:

Sone ka daan, chandi ka daan, aur kanya ko daan, duhela ho Ram

(The giving away of gold, silver and a virgin earns you religious merit).

The kanya (virgin girl) is gifted to her husband and thereafter the entire responsibility for her is transferred from the giver to the husband and his family. The giver has no further rights on her, only duties associated ideology reinforces the formal and almost total severance of the woman from her natal home.

The ritual songs associated with this ceremony called bidai geet (farewell songs) are sung from the point of view of the kanya, and the people vividly describe
her public acceptance of her own paraypan. While leaving her parental home, the bride says:

yo ghar le mera jami, chhodde teri dehli

(Father, giver of my life, I leave your threshold for ever.)

In another bidai geet, where the girl after marriage makes a request to be invited back as soon as possible, she is reprimanded by her bhabhi who says:

bebe kaun yahari tera kaam

(Sister, now you don’t belong here (Ibid: 310-311).

Having gone to ‘her rightful owners’, the song goes on to mention ‘the lightening of the burden’ of her parents who had her in ‘their safe-keeping’ for a long time.

The rituals performed at the bidai ceremony also underline this status. After completion of the wedding ceremony, when the bride leaves with her husband to go to ‘apne ghat’ (her own home), she is required to wear clothes gifted to her by her husband. This symbolizes the change in her status from the daughter of her father’s descent to the wife of her husband’s descent group. From then onwards, she is just a visitor in her father’s house. This cultural ideology which moulds the woman from birth has had its socio-economic fall-out. Not considering herself a part of her natal family, she cannot conceive of having a share in that property.

It has been seen in this research that, though the patrilineal principle of transmission of property and descent may have been given up legally by the 1956 Act, the patrilineal ideology continues to hold sway. Women, in fact, acknowledge the ‘ideal pattern’ of inheritance of land by males from males. Whatever the legal position, she does not appear to have accepted her own equality of right of inheritance with other claimants. Basically, the right of equal inheritance of females, as granted by the 1956 Act, is perceived as a sister’s claim against her brother. This at once challenges the strong cultural tradition of great love and solidarity between brothers and sisters, specially marked in the rural areas. The bond established at the time of birth, continues ideally till death and even after. The festivals and accompanying rituals associated with the sister-brother bond are among the most important, where the sister honours her brother and prays for his bright future and long life. These include the widely observed annual ceremony of raksha bandhan and bhai dooj.
The brothers, throughout their lives, are traditionally duty bound not only towards their sisters or sister but her children as well. As the children’s *mama* (maternal uncle), they perform rituals and make presentations at various *rites-de-passage*. This dual relationship is very well expressed in the popular saying:

*Ma re mera mama aya an de, bhai te mera sai*

(My uncle has come, oh mother, Let him come, he is my own brother)

A woman who breaks away from her brother and has strained relations with them is not ‘respected in the *susral* (conjugal home)’. In fact, the woman bends backwards to praise her *meke* (natal home) and its ‘generosity’ by showing-off the presents and money she receives from them. A very popular saying mentions this:

*neem ka nimole laga, sawan kad avega aye ri meri ma ka jaya, ke ke chijji lavavega*

(The neem tree has blossomed, the rainy season will come, it will bring my brother along, laden with gifts and presents (Choudhary, 1994: 313).

A folk song similarly shows the demands of a sister who implores her brother to give her various articles as ritual-gifts. He pleads that he cannot afford them:

*jin ke he jijji itna na ho, ve kyuri ave hain jijji bhatai*

(Those of us my sister, who don’t have very much, How then to bestow, my sister, such lavish gifts.)

The sister replies:

*apni re beera apni joyan ne bechi tu aeya mera bhatai*

(Sell your wife if you must, but bring the ritual gifts (Ibid: 315).

This shows that at times the sister in order to maintain the status of her parents and brothers, asks her brother to bring handsome gifts so that the in-laws shall remain happy though she knows the financial condition of her natal home. So a woman thinks that she does not want her share from father, but she should get the gifts on the specific occasions.

When it is the time of division of property then in the court, one of the routine questions asked before ‘*likhat-padhat*’ (formalization of rights), takes place is ‘*tum khush ho ker bhaiyon ko de rahi ho*’ (are you giving [the land] to your brothers of
your own accord?). Several gift and sale deeds are registered in favour of male members at this time. This pattern has been more or less followed since then. In some cases the land is automatically registered in the girl’s name but remains in de facto possession of the brother. However, she cannot always sign away her inheritance as her brothers would have her do, as rural consensus puts the marriage age well below the age of attaining majority. In case where she does sigh away her right, after marriage she is invariably taunted for having been ‘so very generous to have gifted away the land’. However, a way out of this has been found, which is not infrequently adopted. This is to seek the prior sanction of the husband-to-be and his family about her not claiming the due inheritance. In many cases this is forthcoming, perhaps because they too have daughters and are afraid of establishing a precedent and the social taunts regarding the obvious double standards (Choudhary, 2004: 350-351).

Respondents believe there is a strong hold of patriarchy, this male control over a women-minor or major-is never slackened throughout her life. It is a mere change of authority, from that of her father and brother to her husband and her son. This ideology of control and dependence has actually operated for centuries, and its operation can be seen in the rural women still being known largely in terms of their familial relationships, denoting a woman’s dependence rather than her individuality. For example, a woman will be called ‘Girdhari di kuddi (daughter), Nanku di laddi (wife); Ram chander di nu (daughter-in-law) or ‘Kishan di maa’ (mother). In all these familial relationship, her own name is all but forgotten or lost.

The force of the ideological reality of a woman’s relations of dependence on both her brother and husband, prevents her from becoming an independent property-holder, even when there are no institutional or legal obstacles to her doing so. In relation to the former, she signs away her right and in-relation to the latter, she claims her right-in both the cases she is just an instrument; the land remaining de facto in male possession.

Yet even within this rigid framework certain voices are discernible: a negative voice, and one which is openly disgruntled. For example there are few women who have successfully withstood pressure from the husbands to claim their inheritance by maintaining:
tu pahle apni behnon ko haq de mein phir apna haq lungi

(You first give your sister’s share to them, then I shall claim my own),

Thus putting the husbands under pressure and successfully withholding their assent to activating their own claims at the cost of their brothers. Left to themselves, women may very well let their share remain with their brothers (Choudhary, 1994:354). In this study, two respondents named; Kamla and Vimla of the rural area i.e. Muthi-Domana said if their husbands will give property to their sisters-in-law then only they will ask their share from their parents otherwise not. Out of the two – husband or brother – the women when questioned, showed a distinct preference for their brothers. In this connection, a woman’s realization cited above, that it is her husband who will get the land and she will end up by losing both, i.e. goodwill of her brothers and her land claim, may be kept in mind.

_Haklenewali: Inheritance and resource distribution_

Gender differences in group membership and social identity are closely connected with patterns of inheritance and resource distribution. In the following discussion the major forms of property and resources for living – principally land – are considered. Along with women’s economic roles, this is a crucial area for the theme of this study.

In much of Hindu South Asia, property is inherited by male heirs and transmitted through them. Traditionally, daughters have had only the right to maintenance and to a marriage in keeping with the status of their natal families. Male children have coparcenary rights in ancestral property. They acquire a share in such property at birth and are entitled to ask for their shares even during their father’s lifetime. This is in keeping with the Mitakshara School of law, which was operative in large parts of India. The Dayabhaga School gave sons a right not at birth but only upon the death of the father. A law passed in 1956 abolished this distinction although the ethos of the second pattern is retained among the Bengali _bhadralok_ (the largely urban middle class).

More often than not, however, a daughter’s dowry and the expenses on her wedding are viewed as a substitute for her share in her father’s property. In fact the same logic is applied to a daughter’s share in her father’s individually acquired property as well.
A father may make a will leaving some of his self-acquired property to his daughters; but very often he might be guided by traditional ideas and leave little or nothing to them. If he dies intestate his property is to be divided equally among his widow and children of both sexes. But daughters hesitate to claim their shares, to which their brothers tend to feel they have no right. A woman who demands her share of her father’s ancestral or self-acquired property risks ruining her relationship with her brothers. She may no longer be invited to her natal home on special occasions and may no longer receive periodic gifts. Often women succumb to their brothers’ suggestions to give up their rights in parental property. The general belief is that, whereas an unmarried daughter may be given a share, a married daughter has no right to one unless she is particularly badly off. The argument is that, whereas brothers’ shares remain in the family, giving shares to sisters leads to fragmentation of property. The belief is deeply ingrained that sons, who continue the line and perform the father’s last rites, have an exclusive right to the patrimony. At times it is seen that if a daughter is poor then she is helped by her parents, as in the present research Savita, an Asha worker told that her father got constructed two rooms for her as her in-laws were poor. Her husband is working as peon in electricity department.

It is only among a few educated people that daughters receive their shares without reservations. By and large the new law remains ineffective so far as daughters are concerned. Sometimes sons-in-law press their wives to claim their shares, leading to disputes and bickering. More or less the same situation prevails among the Parbatiyas of Nepal. Only a daughter who remains unmarried until the age of 35 is legally entitled to a share. Otherwise only sons are entitled to shares in patrimony. The notion persists that daughters have a right only to gifts, not to shares. In south India a few communities give pieces of land as dowry to daughters. Carol Upadhya has recorded this custom in detail for landed castes such as Kammas, Velmas, and Reddys as discussed earlier.

Indian women’s putative claims to natal property are often inscribed in images of overreaching greed, selfishness, lack of empathy and love for the natal family and a desire to cause family conflicts. This tension between the fairness represented in enforceable legal equity and the invaluable family ties which allegedly rise above legally may explain the hostility directed towards the “haklenewali”, the woman who
claims her “rights”. The transgression lies in her “demand” to break cultural taboos in favour of legal guidelines. The myth that women are waiting to seize their rights, grab property and destroy their natal family base is frequently used to set up legal avenues disinheriting women without their knowledge, to indefinitely delay property division and, most often, to offer women token amounts in lieu of substantive property. The spectre of the haklenewali seems to have been effective: there has not only been no dramatic transformation in social hierarchies, in fact there has been little change in inheritance practices in over forty years of the Hindu Succession Act’s existence. Numerous studies show that the inheritance provision for daughters is rarely availed of; that women generally turn down shares of natal inheritance. Why are they averse to taking advantage of legal provisions that would benefit themselves and their nuclear families? Women frequently cite reasons relating to gender roles, kinship and family responsibilities to justify this situation. (Basu, 2005: 151-152).

**Fears of Natal Abandonment**

“*Naihar Tut Hi Jaye*” (The natal home is broken for me)

This phrase illustrates the dominant discourse whereby the wedding is represented as the event that marks the watershed of the woman’s pleasure, affections, loyalties and memories. The ties to the natal family are supposed to be severed and she is to become an inseparable part of the affinal family (Ibid: 156).

*If parents gave both daughters and sons something then both might think that parents loved them.*

A significant number of women evoke the theme of a daughter’s love and love for a daughter in delineating their rights to property by calling upon apprehension rather than affection, saying they would not claim full or any shares of natal property because they were afraid this would sour relations with their brothers or cause their brother’s wives to hate them, and that, as a result, they would no longer be welcome in their natal homes. Kolenda (1984) demonstrates in her study of two Hindu communities, (North Indian) which ritually sever the woman’s natal connections upon marriage tend to pack her off with dowry and little subsequent inheritance, while those who have no concept of “losing” the woman upon marriage and who believe couples “belong to both families often give land to daughters to persuade them to live nearby and help the family. The woman’s complete change of identity underlined by
Hindu wedding rituals that permanently alter her name and caste (and even religion and funerary affiliations), along with the concept of kanyadan, the gift of the daughter, symbolize her severance. Thus, property comes to be the brother’s because he remains “in” the family.

Women’s fear of estrangement as the motivation of their refusal of natal property is a widely articulated belief, but there is also a positive face of that desire: women’s active urge to contribute to the well being and prosperity of that family. Ritual connections with brothers observed by north Indian women, such as the wearing of two toe rings for the husband and brother to symbolize natal and affinal connections or the similar mourning rituals for husbands’ and brothers’ death, signify the most profound of emotional ties. Thus, in what Moors (1995) terms the “problems of dependence and the pleasures of identification,” women may not take shares of inheritance as this is one way to retain rights in her natal family, ‘to share in its status and feel a special closeness to their natal household,” which “enhances the(ir) status and by implication her own and accentuates their obligations towards her”, the women claim that they wanted their brothers to have all the property not because they were afraid of soured relations, but because they did not want to diminish the resources of the natal home further and wanted it to flourish as much as possible. Whether these women had independent financial resources to help their families or not, they could contribute passively by “not taking”. Women want that “mera naahar bana rahe” (my natal home remain prosperous/well-endowed). They take pride in this first home being joyful and smoothly run, and indeed draw esteem from preserving that part of themselves. The related notion that the natal home should continue to exist as a site of love and indulgence in a world of duty and work also powerfully propels the distribution of property (Basu,2005: 159-160).

In the present study, the reasons of not claiming the property rights by daughters are depicted in the Figure below:
Figure 4.1: Reasons for not claiming property rights by daughters

<table>
<thead>
<tr>
<th>Reasons for not claiming property rights</th>
<th>Talab Tillo</th>
<th>Muthi-Domana</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never thought</td>
<td>18</td>
<td>15</td>
</tr>
<tr>
<td>Self sufficient</td>
<td>24</td>
<td>18</td>
</tr>
<tr>
<td>Brothers’ right</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Property not distributed yet</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Not good</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>Poor parents</td>
<td>8</td>
<td>30</td>
</tr>
<tr>
<td>Dowry is property</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Parents fulfilled their duty</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>Leads to disputes</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Girl is property</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>If husband give to his sisters then claim</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Not custom</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Unmarried</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Claimed</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Data collected from the Field
In case of Talab Tillo, out of 100 respondents 18 never thought to claim parental property, 24 were self sufficient, 21 said brothers have right to it, 8 respondents’ parents were poor so they have nothing to claim, 3 were of the view that dowry is itself property, 3 were of the view that parents fulfilled their duty by giving dowry, 4 said asking for parental property leads to the disputes among the brothers and sisters, 1 claimed her right and 12 were unmarried.

In case of Muthi-Domana, out of 100 respondents 15 never thought to claim parental property, 18 were self sufficient, 21 said brothers have right to it, 2 said their parental property is not distributed as yet, 4 remarked asking for parental property is not good, 30 respondents’ parents were poor so they have nothing to claim, 1 was of the view that dowry is itself property, 1 said asking for parental property leads to the disputes among the brothers and sisters, 7 claimed their right, 1 said girl is property, 2 said if husband will give to their sisters then they will also ask from their parents otherwise not claim, 1 is of the view it is not custom to claim such right and 3 were unmarried.

From this it is inferred that mostly the women who are self sufficient or those who have poor parents have not claimed their share of property from natal home. Very few women said it will lead to disputes with brothers if they ask for their share. But many also said that it was their brothers’ share so only those respondents got property who had no male siblings.

**Marriage and the transfer of wealth**

The pattern of gifts giving is also crucially important for maintaining existent property relations. Given the patrilineal norms of property distribution and the ideology of virilocality, the largely one-sided pattern of gift giving was meant to ensure that daughters stayed happily within the affinal family and laid little further claim to natal family resources. The fulfillment of (often unvoiced) criteria for “dowry items” is also an insurance scheme with the same intended effect, having the aim of pleasing the daughter’s in-laws and reminding her of her family’s continuing expenses. Moreover, the flow is overwhelmingly unidirectional to the extent that according to ritual nothing is accepted in return from the daughter, further distancing the woman from claims to property on the basis of shared contributions to the family. This inscribed women on a position closing off their adult agency in helping out their
families or laying claim to property shares, both of which could break their gendered passivity and put them on a par with their brothers (Basu, 1999:114). In this research, as far as property disputes are concerned, no respondent was found who said that she claimed property from her father after some sort of disputes. One respondent told that when her father had to give her share then her brother disagreed to it because he wanted the whole property in his name. Still she managed to get property. 3 respondents told that her sisters-in-law got share after dispute so nobody talk with them as respondents think that their sisters-in-law did something wrong, 1 respondent’s mother’s sister took her share so nobody in the family talk with her as they are of the view that she is greedy.

Fear of incurring the wrath of brother’s wives figured prominently in women’s reasons for staying away from natal family property. It was alleged that mothers could no longer give gifts once sisters-in-law were there because they claimed rights over all possessions; and that women would no longer be welcome in the natal home managed by sisters-in-law if they had asked about property. The putative jealousy of daughters-in-law has a justifiable basis: if women are supposed to get property only through their in-laws, as daughters-in-law they might well feel possessive toward their only sanctioned (albeit indirect) access to resources. Some women did indeed express resentment at the idea that their husbands’ sisters might diminish the property of their-in-laws.

Law on women and its awareness

No doubt the law is made related to the property rights of women, as seen in the Hindu Succession Act, still by looking at the workings of property law, some questions are asked: How do cultural factors affect the outcome of laws intended to bring about social reform? Can social change be precipitated to by legal reform? The answers lie in the very meaning and authority of law, in the over determination of law as an ideological apparatus. Overreliance on law for bringing about changes is thus fundamentally problematic.

Though legal rights are given still as far as the awareness of the property rights is concerned it is seen the people are less aware. In the present study, like Rano Devi, a resident of Muthi many others asked how to get their rights related to the
property? The awareness of the respondents about the property laws can be seen in the following Table:

**Table 4.2: Awareness of property Acts**

<table>
<thead>
<tr>
<th>Awareness of Property Acts</th>
<th>Talab Tillo</th>
<th>Muthi-Domana</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Females (%)</td>
<td>Males (%)</td>
</tr>
<tr>
<td>Yes</td>
<td>1 (1.25%)</td>
<td>1 (5%)</td>
</tr>
<tr>
<td>No</td>
<td>14 (17.5%)</td>
<td>2 (10%)</td>
</tr>
<tr>
<td>Partially</td>
<td>65 (81.25%)</td>
<td>17 (85%)</td>
</tr>
<tr>
<td>Total</td>
<td>80 (100%)</td>
<td>20 (100%)</td>
</tr>
</tbody>
</table>

**Source:** Data collected from the Field

In the above Table, in case of Talab Tillo 1.25% females believe girls have equal right like boys have in their parental property, 5% males think so; 17.5% females and 10% males are unaware; 81.25% females and 85% males have partial awareness regarding property rights and believe girls have right in parental property.

In case of Muthi-Domana 26.25% females believe girls have equal right like boys have in their parental property, 15% males think so; 18.75% females and 16% males are unaware; 55% females and 80% males have partial awareness regarding property rights and believe girls have right in parental property.

Therefore, it can be said that many less respondents said they believe everything about laws of property related to women. So, regarding awareness of property Acts, men are more partially aware than women in Talab Tillo.

Marriage affects women’s property in ambivalent ways, strengthening socially acceptable paths to gain access to property but also limiting property ownership. Through marriage women are able to enjoy and even inherit affinal family resources, which is the preferred path for women to “get” property. However, because of this ideological preference they also forfeit claims to natal family property when they marry. Furthermore, in practice women are usually only indirect beneficiaries of affinal property, and grudgingly given token shares of natal property if they are single.
or divorced. In the present research, on being asked what respondents think about the property rights, maximum replied that only the girls who are deserted, widow or divorced should get the parental property otherwise those in who in well to do families should get their husbands’ property. This shows that even if law is there still women do not want their share. They want only in case of need; one respondent Vimmi said if girl looks after her parents then only she should get property. Only one respondent, Sumit a resident of Talab Tillo, said dowry is related to marriage but it is not necessary that every girl will get married so she shall loose some share of dowry also. On the other hand property is independent of marriage. So every girl should get her property right.

SURROGATE SONS: BROTHERLESS WOMEN INHERIT PROPERTY

Not having a brother is indeed sorrowfully felt and commented upon:

\[ \text{soonì hai bhai bin bohen} \]

(A woman without a brother is poor indeed)

Among Indian communities with patriarchal inheritance norms, transmission of property through daughters in sonless families has been a historically popular device for keeping assets in the family line. Among certain ethnic groups, daughters’ full inheritance in sonless families is explicit in customary law.

In many other communities, the frequency of this practice, though not formally articulated in law, can be inferred from family histories of uxorilocal residence. A geographical transfer of “home base” to live among women’s natal kin is the hushed secret of many family chronicles. The very term gharjamai, literally meaning the domestic or at-home son-in-law in several North Indian languages, is significantly asymmetrical, with no parallel term for women living at their in-laws’, whose enjoyment of affinal property is naturalized. Those who don’t have sons give property to their daughters; they think that if their own daughter stays there then no-one else can seize it, hints at this contemporary emphasis on one’s immediate family that has supersede ideologies of preserving joint family property in male hands as the ultimate goal (Basu, 2009: 143-144). In this research, certain instances of a son-in-law shifting to take over land entitled to his ‘brother-less’ wife could be noted. In a series of cases after the 1956 Act, the sisters successfully claimed their inheritance, having contested the claims of the collaterals. Significantly, all these were cases in which the...
sisters did not challenge the brothers, there being none, but effected land claims in opposition to distant collaterals.

Brotherlessness was the only situation in which women received natal family property. All of the eight respondents who inherited entire parental property are brotherless (1% in Talab Tillo and 7% in Muthi Domana). In this study, the women who got parental property can be seen in the Table below:

Table 4.3: Women who received parental property

<table>
<thead>
<tr>
<th>Area</th>
<th>Women who received property</th>
<th>Women who did not receive property</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Entire Property</td>
<td>Flat</td>
<td></td>
</tr>
<tr>
<td>Talab Tillo</td>
<td>1 (1%)</td>
<td>1 (1%)</td>
<td>98 (98%)</td>
</tr>
<tr>
<td>Muthi Domana</td>
<td>7 (7%)</td>
<td>0 (0%)</td>
<td>93 (93%)</td>
</tr>
</tbody>
</table>

Source: Data collected from the Field

In the above Table, only 1 respondent from Talab Tillo, the urban area got her full share father’s property; she got it as she is the only daughter of her parents. 1 woman got a flat from her father. She was from Delhi and married here. 7 respondents from Muthi-Domana, the rural area were given the property of their parents. They got it as they were the only daughters of their parents.

Thus it is inferred from this Table that the women having brothers have got nothing from their parental property and those who do not have any brother inherited it.

This mode of inheritance for women was interpreted as the “new” and modern reform that had come about under the postcolonial state, viz. the preference for daughters as heirs over distant male relatives or sons-in-law that was more common in the last century was regarded as being the new laws of “property for women.” In these cases, the women inherited not only “as” sons but also “for sons, underlining rather than erasing the fundamental male entitlement to property. Significantly, this also made the so-called modern form of practice a mirror image of the scriptural notion of the putrikaputra (Basu, 2009:144-145).

The poor women are the most disadvantaged in terms of access to productive assets; middle-class urban women did reap some economic benefits from their class position regardless of their marital status, viz. access to education and white-collar or
professional occupations. These were connected to a prime consolidation of wealth. As this can be seen from the Table 4.3 that 1 female got flat from her parents who is residing in the urban area, the reason being that she belongs to the higher class. The two respondents also got Fixed Deposit (FD) for their children on their first birthday from their maternal grand-parents.

It has also been observed in this study that in Talab Tillo, 2 respondents were such whose aunt (mother’s sister) got their share of the property from parents and 1 respondent was such whose sister-in-law was given her share by her father. 1 respondent got the pension money from her father. In Muthi Domana, the sisters-in-law of two respondents wanted their share but their brothers were not willing to give their share as they thought their sisters have right in their husbands’ house.

The notion that women decline natal property shares in order to maintain more profound ties with their natal families involves a more problematic conception of ideological contestation. Many women claimed to have refused property in order to help the natal home prosper, to prevent angering their brothers and sisters-in-law, and to preserve the natal home as a space of emotional wealth contrasting with the quotation realm of work, duty, and abnegation in married life. Because this symbolic enrichment was achieved at the cost of their individual material impoverishment (through forfeiting property), and against their own overwhelming preference for distributing property equally between sons and daughters in an ideal situation, it is harder to portray such gestures as beneficial cultural bargains. If this were to be denoted as resistance, it consists of women renaming their affinities and duties and being cognizant of how systems of power operate, but doing so by implicitly supporting the notion of brothers’ anger against property-seeking women (Basu, 1999:226-227).
CASE STUDIES

The case studies of the women who got property from their father are discussed as below:-

Gita Devi

Gita Devi W/o Sardari Lal is a resident of Muthi. She is a house wife and 45 years of age. Gita never went to school. She belongs to a poor family; the income of her family is less than ₹ 3,000. In 1980 she was married at the age of 15 years. Sardari Lal who is a daily wager, lives in Kotli Shah Doula in tehsil R.S. Pura. Gita Devi is the only daughter of her parents. Before the holy wedlock of the two souls, the parents of Gita asked Sardari Lal if he was ready to live in Gita’s house as Ghar jamai along with her parents after marriage and Sardari Lal answered in positive. The parents of Sardari Lal refused to take dowry from Gita’s parents. So the couple started living there. Sardari Lal took his share from his parents when the family property was distributed among his brothers. He spent that money in drinking liquor.

Gita is now living in her parental home, her father died 25 years back and mother 5 years back. Gita’s father gave property in her name which consists of a single house. She is living with her husband and a son who is doing part-time job in a company. Gita is of the view that girls should get property of their parents if they are sonless. Girls can take care of their parents like sons. Sardari Lal took care of his parents-in-law like a son. Her view as far as the property rights of women are concerned is that it is essential for a woman as she is equivalent to man in all respects,
it helps her in the time of need. Gita’s view on dowry is that it is necessary for a woman as she is able to use it soon after marriage in her in-laws’ house.

**Satya** is a 65 years old lady. Her husband Kasturi Lal of 70 years of age is Gharjamai. He has passed his 8th standard. The couple is resident of Muthi Domana and has three daughters and one son. The daughters are of 28 years, 23 years and 20 years of age. The elder one is illiterate like Satya, the middle one has passed 12th standard and the younger one is in 10th class. The son is 10th fail and is working as a driver. He is earning about ₹ 3,000 per month. The monthly income of the family is ₹ 7,000.

Satya was of 17 years of age when she was married in 1960. No dowry was given in the marriage. Her parents had two daughters and no son, so their property was equally distributed among their children. Satya and Kasturi Lal as gharjamai started living with them. Satya’s younger sister was given her share and the shop of her father was with Satya. Her husband started sitting there. Now he is ill so Satya and her daughters sit in it to run the house. She does not support dowry and says that girl should be good, if she is so then there is no need of dowry. The laws made to stop dowry are necessary for the ban on dowry, these protect the poor section of society from giving dowry at the time of marriage. The property related laws are also acting as boon to the women as they can demand their share in the parental property whenever they want.

**Darshana Devi** w/o Manohar Lal a resident of Talab Tillo is of 42 years. She got married in 1980, at the age of 17 years. Manohar Lal was driver but now he is suffering from some asthmatic problem. The monthly income of her family is less than ₹ 3,000. In dowry she got bed, bedding, four chairs, and one table; utensils of brass and copper and radio. In jewelry gold *nath* (nose ring) and *bali* (earring) were given to her only. Suits were given to her mother-in-law and sister-in-law; pent and shirt to brother-in-law. The total amount spent in dowry items was approximately ₹ 30,000. The dowry could not be managed easily by her parents so they borrowed money from others, relatives also helped them.

Darshana’s in-laws had a house in Amphalla which was sold and the share of ₹ 65,000 was given to Manohar Lal. She asked her father earlier to live with her when she was living in her in-laws’ house so that she can take care of him, but he denied, so
they shifted to Talab Tillo which is the house of her father. This house is in 4 marlas
of land which consists of two rooms, one kitchen and bathroom. Darshana’s husband
has no problem in living in this house as he has no other option. The property is still
in the name of her father. Darshana Devi has no mother, brother and sister, so her
father’s property will go to her. She has two sons who are working in shop and one
daughter who is studying in 10+2. Darshana thinks that it’s good that girls should get
the property from their parents which show the equality of women.

PROPERTY AS PAYOFF: ELDER-CARE AND OTHER FAMILY
RESPONSIBILITIES

“Both daughters and sons should be given something. But
furthermore the son, or daughter, who looks after the parents the
most should be given the property, because usually all the others
have separated themselves, are living and eating by themselves
and do not even ask about the parents. Just when it is time for the
parents to give things [before dying], they all show up and start
calling them “mother” and “father”; then all they have to do is to
put them on the funeral pyre, feed some people at the funeral to
hide their shame, and get ready to take the property and live it up”
(Basu, 2005: 160-161).

An alternative paradigm to view inheritance as the transmission of family
wealth over generations is the commonly recurring standards of elder-care-that elderly
parents give children property as a reward for tending to their physical, financial and
emotional needs. The rationale of elder-care was more commonly used to justify male
inheritance, by invoking the customary gendered division of labour among siblings
whereby sons are supposed to be responsible for elderly parents’ financial needs,
medical crises and even funeral costs. Ironically, the consistent applications of the
elder-care principle has the potential to be especially significant for women, who
more often take on care-giving, marking one of the negotiable spaces for women to
get property in defiance of norms of male inheritance. And yet, the standard of elder-
care can also be one of the most intransigent bases to deny women property, if
customs against accepting help from married daughters set the standard.
To understand whether property indeed devolves precisely in proportion to elder-care, or whether this rationale is simply a screen to justify giving property to sons, explicit elder-care rewards and the barriers to women assuming these responsibilities need to be examined closely (Ibid). Given the gender division of labour whereby women are responsible for domestic work, including the management of intimate body fluids as part of child-care and elder-care, it is not surprising that women had the advantage in getting unexpected elder-care awards. Several women drew connections between the provision of elder-care and inheritance, and wanted daughters to be included as equal heirs, evoking the superior quality of daughters’ care-giving. In this study, in one of the case studies it has been seen that Rano looked after her mother as she had no brother. She said that she would give share of her property to the daughter who shall take care of Rano and her husband.

Rano Devi

*Rano Devi*, w/o Manohar Lal is 45 years old lady residing in Gari, Domana. She is illiterate and a good house wife. The monthly income of the family is ₹ 3000. When she was two years of age, her father died, after him her mother took care of Rano. She is the only child in the family. In 1980s Rano got married, at that time she was 16 years old. In marriage she brought in dowry which included one cot given to Rano by maternal uncle, five utensils- one *thali*, one *glass*, one *lota*, one *katori* and one *patila*. At that time, the trend was of giving five utensils so that were given. One
dress for her was given by maternal uncle. No jewellery was given from both the sides as wife givers and wife takers were poor. She said that she brought dowry as it was a custom. At the time of marriage, tea and rusk were served and ‘dal’ and ‘rice’ were served in the barat. The total amount spent in the marriage was about ₹ 1200.

When Rano was married then her husband had 5 marlas (1 marla=272.25 sq. feet) of land in Sarora in Jammu. After three years of marriage she came back to her mother’s house and started living there along with her husband and one daughter. Rano took care of her mother as she had no brother to do so. Ten years before Rano started residing in her parental house, the property i.e. 8 kanals (one kanal = 20 marlas) of land and one house was written in the name of her by her mother. After five years Rano’s mother died because of some illness.

When Rano married her daughter she spent ₹ 10,000 for clothes, ₹ 30,000 on jewellery, ₹ 20,000 on utensils, ₹ 40,000 for cooler, fridge, T.V and ₹ 30,000 on other household items. About ₹ 1, 30,000 were spent in dowry whereas at the time of Rano’s marriage ₹ 1,200 were spent in dowry of Rano. It shows with the passage of time the money required for dowry has increased so much, in this case 108 times more.

Now Rano, her husband and their two daughters are residing in her parental house. She also supports dowry because the house hold are used by the girl otherwise whom she will ask for utensils and other household items? Rano is of the view that she will give her property to that girl who will take care of her and her husband. Regarding property rights Rano believe it to be good because it helps the girl, especially when she is deserted.

The persistent trope of the daughter’s emotional and financial severance form her natal family upon marriage and the son’s continuing responsibilities and privileges in the family strongly affect women’s refusal of property. The belief is that daughters have no claims if they do not assume any corresponding responsibilities. Brothers’ sole right to property is often seen by sisters themselves as a justifiable return for all the duties that are habitually assigned to the sons. At times the girl who looks after her parents gets the share or some part of her share.

Thus this chapter shows what people think about the rights related to property of women. The awareness of men regarding property rights and their perceptions
regarding these is discussed here too. This study shows the women get property only if they are brotherless which are reflected in the case studies. It also throws light on woman being considered paraya dhan (other’s property) so her brothers do not want to give her share of property. It has been seen that the women live with their parents for their care if they have no brother. Few Case Studies of women who got their parental property are also discussed here.
References


