

International Journal of Innovative Research in Science, Engineering and Technology

(An ISO 3297: 2007 Certified Organization)

Website: www.ijirset.com

Vol. 6, Issue 6, June 2017

Women's Inheritance Rights

Sukriti Yagyasen¹

Department of Law, Galgotias University, Yamuna Expressway Greater Noida, Uttar Pradesh, India¹

sukriti.yagyasen@Galgotiasuniversity.edu.in¹

ABSTRACT: A crucial obstacle to their access to social security is the inherent discrimination faced by women within families, societies and culture. Their unequal status, expressed in diverse social and economic metrics, highlights particular disadvantages they face. Sex determines what constitutes risk, risk management skill and crisis outcomes. Based on their ability to provide tools to handle risk efficiently, women and men are subject to different threats, or may face different degrees of vulnerability. Therefore, when discussing the topic of social security, an awareness of gender roles is important. The implicit gender bias in informal social provisioning processes often impacts women. Family and society serve as primary means of social security in developing, low-income countries within informal networks of social provisioning. In addition, these informal structures are embedded in gender roles, frequently preserve women's status quo, and inherently lead to increasing women's insecurity by refusing them social support, especially in circumstances such as widowhood.

KEYWORDS: India; Inheritance Rights; Inequality, Women.

I. INTRODUCTION

Like women in every other nation, Indian women's property rights have grown into an ongoing battle between the status quoist and progressive movements. And, just like women's property rights elsewhere, Indian women's property rights are still discriminatory and unfair: although they have come a long way in the last century, Indian women appear to have less property rights than men, both in terms of quality and quantity. Consequently, there is no single property rights agency for Indian women. Depending on the faith and religious school she practices, whether she is married or single, whatever part of the world she comes from, whether she is a tribal or non-tribal, etc., the Indian woman's property rights are determined[1].

The property rights of the Hindu women are highly divided on the basis of many factors apart from those including religion and the geographical area which have been already stated. Hindu women's property rights often differ based on the gender and marital status of the woman in the family: whether the woman is a daughter, married or unmarried or abandoned, wife or widow or mother. It also depends on the form of property you are looking at: whether the property is hereditary/ancestral or self-acquired, land or dwelling house or property of matrimony[1].

Prior to the Hindu Succession Act, the Hindus were ruled by 'Shastric' (Hindu Canonical) and customary laws of 1956 that ranged from region to region. As a result, there were also separate schools in matters of succession, such as Dayabhaga in Bengal in eastern India and the neighbouring areas; Mayukha in Bombay, Konkan and Gujarat in the western region, and Marumakkattayam or Nambudri in Kerala in the far south and Mitakshara in other parts of India, with minor variations[2].

The Hindu law school of Mitakshara accepts a distinction between ancestral and self-acquired lands. It also acknowledges the name 'coparcenary' of an individual. A coparcenary is a legal entity made up of three generations of family male heirs. Each male participant, on birth, becomes a member of the coparcenary within three generations. This suggests that no individual's share of ancestral property can be described with certainty. This declines with the birth of a male member and increases with the death of a male member. Any coparcener is allowed to claim that the joint family be split. A new coparcenary, namely the split member, and his next two generations of males, will come into

International Journal of Innovative Research in Science, Engineering and Technology

(An ISO 3297: 2007 Certified Organization)

Website: www.ijirset.com

Vol. 6, Issue 6, June 2017

being until a division takes place. For this cause, in self-acquired land, which was not tossed into the collective hotchpotch of the joint family, coparcenary rights do not exist[2].

Over the three generations of individuals, the effect of reforms in the form of amendments to the Hindu Succession Act 1956 giving the daughters equal coparcenary birth rights in common family property to which they were deprived in the past may be measured. Via such a reform adopted in 2005, there has been a large improvement in the possibility of daughters inheriting land, but even after this, a substantial stigma exists in society[3].

In order to reform and codify the laws relating to those unwilled, the Hindu Succession Act, 1956 was passed, also called intestate succession for the Hindus, which includes Buddhists, Jains, and Sikhs, and the priority was granted to women by abolishing the exclusive estate of Hindu women and thereby creating a uniform and detailed succession structure in the said Act. As a developing world, India has land markets that are limited and typically obtained by inheritance, which is why women remain low in terms of assets and in situations where they depend on men[4].

This makes the inheritance laws in our country relevant. It should be concluded that the equalization of inherited rights is a strong tool of women's emancipation. This research paper however demonstrates a strong rise in the accomplishment of daughters' inheritance rights and therefore provides an option for passing capital. In addition, the paper also offers an overview of the effects of women's empowerment in India by enhanced intergenerational transfers of physical human resources and inheritance rights[5].

II. DISCUSSION

This paper explores the effect of inheritance rights on women's autonomy by leveraging a natural experiment in the form of an amendment by a state to the original inheritance law in India that was applied differently. The amendment granted women, like their husbands, the right to separate shares by birth of the shared family property that they had previously been stripped of. The exposure to the amendment to the legislation was determined collectively by the year of marriage and the religious sect to which the woman belongs. She would be liable for inheritance shares under the current Hindu Succession Act law only if she was married after the amendment was passed. I notice that the awarding of inheritance rights to women at par with their brothers enhanced the degree of sovereignty in their marital families that they enjoyed. For women whose husbands' occupation is complementary to the type of property inherited, the effect is also high, more so for the sample of 'right' religions[6].

The positive effects on the autonomy of women inspires and encourages one to conceive of more extensions that explore the expressions of such autonomy in terms of the influence of economic performance. Greater female control may be mirrored in greater bargaining power in household decision-making that could affect the final consumption package under the presumption of unequal desires of women as opposed to men. Further study needs to focus on understanding the effects of expanded access to female inheritance on different family decision-making outcomes, including child outcomes such as health and education, etcetera[6].

In addition to the continuing battle for a uniform civil code in line with the constitutional system, India's women are now battling for marital property rights, universally denied to them across all religious borders. There is also a big step toward collective ownership of land by women in some of the hill states by establishing group titles and encouraging group development and control of land and natural resources by landless women for joint cultivation or associated farming activities. The obstacles, however, are numerous: they are motivated by societal recognition of women's property rights. The journey ahead appears to be lengthy in a world in which women continue to own themselves[7].

Therefore, even though the ancestor is still living, the principle of a birth right, in which an individual acquires rights over his birth, is central to an interpretation of the coparcenary. In fact, since each coparcener has an equal share of the undivided whole, the birth of a male child automatically diminishes the right of the ancestor. In relation to this, inheritance is a right that accrues on the death of a parent, whether testamentary or intestate. Inheritance may only be in the property left by a man upon his death. Before then, a person has an unlimited right to enjoy or alienate the land[7].

International Journal of Innovative Research in Science, Engineering and Technology

(An ISO 3297: 2007 Certified Organization)

Website: www.ijirset.com

Vol. 6, Issue 6, June 2017

Because of the growing visibility, open global platforms, even social media to articulate their views, women have expressed a better role of their place in today's society and even numerous major reforms in laws to encourage them along with proactive government that have helped enforce gender neutral laws. Yet their powers of succession don't remain absolute[8].

Even after such developments, including those in the Hindu Succession Act, which mostly focuses on ensuring equal rights of inheritance for both men and women, the situation is still in doubt, particularly for women, as it contributes to higher rates of female foeticide and higher rates of female child mortality, which clearly shows that social norms are at odds with the legal change[8].

This is moving for an unnaturally impartial sex-ratio of the male population. As they have a better economic status and a greater influence over the ancestral land, the sole explanation for this may be attributed to the choice of 'children' by Indian parents. Owing to the fear of fragmentation of land ownership or losing it once they get married, women or daughters are generally prevented from inheriting such property and are seen as a liability as the inherited property falls into the hands of their in-laws, whereas the sons are typically rewarded with inheritance as they are represented to work on land and establish wealth while looking after the parents[9]. Secondly, they can be seen with little willingness to challenge in courts because of the lack of knowledge and literacy among women, especially about their rights. In addition, the powerful patriarchal practices that still exist in society establish a threat of male violation, thus stopping women from questioning their entitlement to inheritance. Therefore, because of such aggravating innovations, gender-neutral inheritance rules are the need of the hour. Women's property rights, including properties, money, homes, bank accounts, livestock, and pensions, can be interpreted as the rights to possess, obtain (through acquisition, inheritance or gift), enjoy, control, administer, and dispose of property that is tangible and intangible. In fact, only temporary land rights are granted to widows and daughters. This leads to lower productivity and a greater risk of being impacted by land disputes[10].

The foundations of a larger structure of discrimination occur where the importance of wealth possession to the purchasing power of women, their distribution of investment and consumer capital, more livelihood opportunities and their legal rights to land are limited by the temporary rights they have. The absence of power over both productive and non-productive land, which is widespread in both urban and rural areas, produces a lack of control over the allocation of these rights to women to the degree that they are provided to men. If these rights are granted to women accordingly, they may also serve as prerequisites for reducing poverty and economic development as well[10].

III. CONCLUSION & IMPLICATION

For those daughters who want to claim a share of their ancestral lands, regardless of the year in which they were born, they can conveniently do so now. To a certain degree, even the children of a pre-deceased daughter can now claim a stake in Hindu Undivided Land. Yet, technically, most daughters definitely do not claim a share in or give up their ancestral property in favour of their husbands, mostly with little or no reward. If we pay more heed, so we will see that women are currently pressured to do so through social and family constraints, and this is very unlikely to improve in India in the medium term. There is very little or even no knowledge of their personal resources and the clear need for succession planning. In the Indian climate, this represents a sad state of affairs that is largely male-dominated.

Although developed countries have made significant progress, particularly in equalizing women's economic opportunities, many other inheritance laws remain strongly gender-biased. In India, reform of such succession laws in the form of state-level reforms to the Hindu Succession Act offers a major experiment that further examines whether and to what degree such attempts have been successful and thus provides important lessons for India, including other countries where such succession laws remain deeply discriminatory against women.

Although developed countries have made significant strides in equalizing women's economic prospects, inheritance law remains heavily gender-biased in many instances. The idea that failure to fix inheritance problems could theoretically undo strides made in other realms in female empowerment means that this is an urgent question. In the form of state-level amendments to the Hindu Succession Act, reform of inheritance laws in India offers a fascinating natural

International Journal of Innovative Research in Science, Engineering and Technology

(An ISO 3297: 2007 Certified Organization)

Website: www.ijirset.com

Vol. 6, Issue 6, June 2017

experiment to investigate whether and to what degree such attempts have been successful, thus offering potentially useful lessons for India (where similar reforms were made on a national scale in 2005) and for other countries where inheritance rights remain.

REFERENCES

- [1] H. Fowler-Salamini, "Empowering Women: Land and Property Rights in Latin America," *Hisp. Am. Hist. Rev.*, 2003, doi: 10.1215/00182168-83-2-442.
- [2] A. R. Quisumbing, E. Payongayong, J. B. Aidoo, and K. Otsuka, "Women's land rights in the transition to individualized ownership: Implications for tree-resource management in western Ghana," *Econ. Dev. Cult. Change*, 2001, doi: 10.1086/340011.
- [3] S. Bhalotra, R. Brulé, and S. Roy, "Women's inheritance rights reform and the preference for sons in India," *J. Dev. Econ.*, 2020, doi: 10.1016/j.jdeveco.2018.08.001.
- [4] N. Bose and S. Das, "Women's inheritance rights, household allocation, and gender bias," 2017, doi: 10.1257/aer.p20171128.
- [5] C. D. Deere, A. D. Oduro, H. Swaminathan, and C. Doss, "Property rights and the gender distribution of wealth in Ecuador, Ghana and India," *J. Econ. Inequal.*, 2013, doi: 10.1007/s10888-013-9241-z.
- [6] P. Panda, "Property Ownership & Inheritance Rights of Women for Social Protection – The South Asia Experience Synthesis," *Int. Cent. Res. Women*, 2006.
- [7] M. Ahmad, M. Batool, and S. F. Dziegielewski, "State of Inheritance Rights: Women in a Rural District in Pakistan," *J. Soc. Serv. Res.*, 2016, doi: 10.1080/01488376.2016.1177633.
- [8] M. Harari, "Women's inheritance rights and bargaining power: Evidence from Kenya," *Econ. Dev. Cult. Change*, 2019, doi: 10.1086/700630.
- [9] H. Dancer, "An Equal Right to Inherit? Women's Land Rights, Customary Law and Constitutional Reform in Tanzania," *Soc. Leg. Stud.*, 2017, doi: 10.1177/0964663916677560.
- [10] C. D. Deere and M. León, "Who owns the land? Gender and land-titling programmes in Latin America," *J. Agrar. Chang.*, 2001, doi: 10.1111/1471-0366.00013.
- [11] VM Prabhakaran, S Balamurugan, S Charanyaa, "Sequence Flow Modelling for Efficient Protection of Personal Health Records (PHRs) in Cloud", *International Journal of Innovative Research in Computer and Communication Engineering*, 2015
- [12] RS Venkatesh, K Deepika, R Poornima, S Balamurugan, M Sowmiya, "A Novel Dynamic Object Oriented Model for Automated Credit Card Management System", *International Journal of Innovative Research in Science, Engineering and Technology*, Vol. 4, Issue 2, February 2015
- [13] R Santhya, S Latha, S Balamurugan, S Charanyaa, "Certain Investigations on Methods Developed for Efficient Discovery of Matching Dependencies" *International Journal of Innovative Research in Computer and Communication Engineering*, Vol. 3, Issue 1, January 2015
- [14] RS Venkatesh, PK Rejeeesh, S Balamurugan, S Charanyaa, "Further More Investigations on Evolution of Approaches for Cloud Security", *International Journal of Innovative Research in Computer and Communication Engineering*, Vol. 3, Issue 1, January 2015
- [15] Basant Ali Sayed Alia, Abeer Badr El Din Ahmedb, Alaa El Din Muhammad, El Ghazalic and Vishal Jain, "Incremental Learning Approach for Enhancing the Performance of Multi-Layer Perceptron for Determining the Stock Trend", *International Journal of Sciences: Basic and Applied Research (IJSBAR)*, Jordan, page no. 15 to 23, having ISSN 2307-4531.