

Exploring Gender Bias in Family Property Inheritance Through Women and the Law

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Abstract: *This study was conducted to investigate the women's awareness about property laws of inheritance in Bihar. For this purpose a sample of 300 women from five block of Patna district like Patna Sadar, Danapur, Phulwari Sharif, Punpun and Fatuhan were selected to collect the data through Purposive Random Sampling method. Results shows that educated women are more aware about the laws of property rights than uneducated women. Now women are taking legal helps in case of violating their property rights and education playing an important role into it. Thus raising the women education will help in achieving the goal of women empowerment and gender equality.*

Keywords: women's awareness, property rights, legal helps, education, women empowerment and gender equality.

1. Introduction

Property rights of women is an important issue for the women development. In the absence of property rights they cannot be developed their selves well. Our country has a centuries - old history of gender discrimination and this situation has been male - dominated for a long time. Due to this patriarchal mentality, daughters have been treated as second class in the most societies. They have not given rights in the ancestral property. Brothers had to give rights in ancestral property but sisters had not given this right. Belief behind this thought was that after marriage daughters had to live in their 'in - laws' house. Hence they do not need to give a share in the ancestral property.¹ Therefore, the son was given right of inheritance to the estate of the deceased ancestors. The son, grandson and great grandson were considered competent to worship the manes of the deceased ancestors.² The brother's son was also to be treated as the son for the purposes of offering funeral oblation in the absence of one's own son.³ The property rights had not provided to the daughters and female descendants as they have no duty to offer funeral oblation to the deceased.⁴ But here a question arises, if they will not be given property right, then how can they become self dependent and strong? How can be achieve the goal of women empowerment and gender equality in the society. In this situation a half proportion of our society will remain backward. If we see around the world we find that those countries are more stronger who had more assessing of property rights to women. By giving rights to daughters in ancestral property, they will also become empowered. To achieve this goal the Government of India has made the law regarding rights in ancestral property to daughters. Along with it the state government has made changes in many rules of the constitution related to women empowerment and also launched many schemes for women development. Some property rights given by Government of India are as follows:

Hindu Law of Inheritance Act 1929

This law was earlier piece of legislation, bringing women into the scheme of inheritance. This Act conferred inheritance rights on three female heirs i. e. son's daughter, daughter's daughter and sister.

Hindu Women's Rights to Property Act 1937

This law brings revolutionary changes in the Hindu Law of All schools. It changed the law of partition, alienation of property, inheritance and adaptation. This act enabled the widow to succeed along with the son and to take a share equal to that of the son. But the widow did not become a coparcener even though she possessed a right akin to a coparcenary interest in the property and was a member of the joint family. This act does not provide any right to daughters.⁵

The Hindu Succession Act 1956

This act abolished the limited property rights of women in inheritance property. Now daughter of a predeceased son and the daughter of a predeceased daughter became Class - 1 heirs and get a share among along with the son, and the other Class - 1 heirs. Now they acquire and entitled an absolute estate like men when they inherit any property. Thus distinctions between male and female heirs in the case of succession has been taken away. The Hindu Succession Act 1956 applies to both Mitaksharas and the Dayabhaga systems.⁶

The Hindu Succession (Amendment) Act 2005

The Hindu Succession (Amendment) Act 2005 removed the gender discrimination and gave the women equal rights in their ancestral property. Now they can take equal partition of their father's property as equal their brothers. Along with it they had also to bear the responsibility towards their parents. Thus, it came a landmark change in their property rights.⁷

In the present study, it was tried to investigate the awareness level of women about joining awareness camps, taking legal information and legal helps in case of violation of property rights of women.

Objectives

- 1) To investigate the awareness about laws and legal aids regarding protection of property rights of women
- 2) To investigate the utility of property laws in improving the economic condition of women.

2. Methodology

Sample

A sample of 300 women from five block of Patna district e. g. Patna Sadar, Danapur, Phulwari Sharif, Punpun and Fatuhan were selected randomly. From each block 60 - 60 females were selected. Out of which 150 were educated women and 150 were uneducated women. Samples were taken through Purposive Random Sampling method.

Design

Data collection was designed at two level viz. block level and village level.

Tests and Tools

A 54 point self - developed questionnaire was used to collect data in this study.

Data Analysis

Data Analysis of the present study was done with the help of SPSS software.

3. Result and Discussion

Table 1: Knowledge about Laws related to rights under Mitakshara and Daybhag property rights

Opinion	Educated		Uneducated		Total	
	N	%	N	%	N	%
Very Much	27	18.00	5	3.33	32	10.67
Much	25	16.67	12	8.00	37	12.33
Average	43	28.67	20	13.33	63	21.00
Less	39	26.00	59	39.34	98	32.67
Very Less or No knowledge	16	10.66	54	36.00	70	46.67
Total	150	100 - 0	150	100 - 0	300	100 - 0

In table 1 opinion about property rights under Mitakshra and Daybhat property rights were taken among women of selected village. In response to it 28.67% women reported average knowledge about it, 26% reported less knowledge, 18% reported very much and 16.67% reported much knowledge about this law. While in uneducated women 39.34% said less knowledge, 36% said very less or no knowledge, 13.33% said average knowledge, 8% said much and only 3.33% said very much knowledge about this law. It shows that educated women has average knowledge and uneducated women has very less or no knowledge about this law. It also shows that women has lack of basic laws of property rights of women.

Table 2: Knowledge about the Hindu Succession (Amendment) Act, 2005

Opinion	Educated		Un educated		Total	
	N	%	N	%	N	%
Very Much	22	14.67	8	5.33	30	10.00
Much	28	18.00	19	12.67	47	15.67
Average	51	34.00	23	15.33	74	24.67
Less	34	22.67	61	40.67	95	31.66
Very Less or No knowledge	16	10.66	39	26.00	55	18.33
Total	150	100 - 0	150	100 - 0	300	100 - 0

In table 2 knowledge about the Hindu Succession (Amendment) Act, 2005 was checked among women in target

village. It was found that 34% educated women said about average knowledge, 22.67% said about less knowledge, 18% said about much knowledge, 14.67% said about very much knowledge and 10.66% said about very less or no knowledge among women about this law. While in uneducated women 40.67% said about less knowledge, 26% said very less or no knowledge, 15.33% said average knowledge, 12.67% said much knowledge and 5.33% women said about very much knowledge about this law. It shows that in educated women has average or less knowledge while in uneducated women very less or no knowledge about this law. It shows that there is less awareness among women about the Hindu Succession (Amendment) Act, 2005.

Table 3: Knowledge about Legal Help Centers

Opinion	Educated		Un educated		Total	
	N	%	N	%	N	%
Yes	98	65.33	6	4.00	104	34.66
No	52	34.66	144	96.00	196	65.33
Total	150	100 - 0	150	100 - 0	300	100 - 0

Table 3 shows knowledge about legal help centers among women regarding their property rights. Result shows that 65.33% - educated women has knowledge about legal help centers while 34.66% has no knowledge. In uneducated women 96% said yes while 4% that they have no knowledge about the legal help centers. It shows that educated women has more knowledge about the legal help centers than uneducated women.

Table 4: Use of Legal Help in getting property rights of women

Opinion	Educated		Un educated		Total	
	N	%	N	%	N	%
Yes	111	74.00	113	75.33	224	74.67
No	39	26.00	137	24.67	76	25.33
Total	150	100 - 0	150	100 - 0	300	100 - 0

Table 4 shows the use of legal help taken by women to get their property rights. Result shows 74% educated women accepted that they have used this law in favor of him while 26% said they did not use this law against their parents in getting their property rights while in uneducated women 75.33% said yes and 24.67% said they did not use this legal help in getting their property rights. It clears that both educated and uneducated women are using this legal help in getting their property rights.

Table 5: Utility of Laws related to improving economic condition of women

Opinion	Educated		Un educated		Total	
	N	%	N	%	N	%
Very Much	70	46.67	41	27.33	111	37.00
Much	56	30.67	57	38.00	103	34.33
Average	22	14.67	38	25.33	60	20.00
Less	8	5.33	9	6.00	17	5.67
Very Less or No knowledge	4	2.66	5	3.34	9	3.00
Total	150	100 - 0	150	100 - 0	300	100 - 0

Table 5 shows the utility of laws related to improving economic condition of women. In educated women 46.67% said it is very much useful, 30.67% said it is much useful,

14.67% average useful, 5.33% said less useful and 2.66% said very less or now useful etal. In uneducated women, 38% said much useful, 27.33% said very much useful, 25.33% said average useful, 6% said less useful and 3.34% said very less or no useful etal. It shows that both educated and uneducated women consider it useful. Only difference is that educated women consider it more useful than uneducated women.

4. Conclusion

Property rights are important issues for the development of women. To achieve this goal government has made many efforts to resolve it. In assessing this result we conclude that educated women have average knowledge about the basic laws of property rights of women, they have less knowledge of Hindu Succession (Amendment) Act 2005, they have more knowledge of legal help centers, they are also getting more legal help in case of violating their property rights and they consider the usefulness of laws related to property rights of women while uneducated women have no knowledge of basic laws of property rights, they are less aware of Hindu Succession (Amendment) Act 2005, they have also less knowledge about legal centers, Although they are considering less usefulness of these laws yet they are taking legal helps in case of violating their rights. Thus it clears that now women are being aware and taking legal helps in case of violating their property rights and education playing an important role into it. Thus raising the women education will help in achieving the goal of women empowerment and gender equality.

References

- [1] Manu Chapter IX verse 106, "Immediately on birth of his first son, a man is freed from the debt to the manes. That son therefore is worthy to receive the whole estate.
- [2] Manu Chapter IX, verse 137
- [3] Vishnu p.65, "Amongst brothers begotten from one father, son of one brother is the son of all and must present funeral oblations.
- [4] Mandagadde Rana Jois, Legal and Constitutional History of India: Ancient legal judicial Book. Chapter 14.
- [5] Narsimhanchari V. Andalammal, (1978). MLJS 24.
- [6] Section 19 (b) of Hindu Succession Act, 1956.
- [7] Hindu Succession (Amendment) Act, 2005 came into force from today. Source: www.pib.nic.in in Archived from the original on 24 June 2019. Retried 5 July 2018.