

Inheriting Property Rights of Women a Tool for Women Empowerment: A Case Study of Kashmir Division in Jammu and Kashmir

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Abstract—Any kind of property acquired by women's is considers as an important tool for increasing her Social economic, cultural as well as political status in a society. Once a woman is able to gain accesses to any kind of property that will definitely increase her potential to be independent and stand with other men in the society. An economically independent women as compare to dependent women is considered strong enough to take part in decision making process not only at domestic by at state and nation level. Hence it is a strong point for empowerment of women's. In this paper I will discuss on a case study conducted on Inheriting Property Rights of women's as a tool for women's empowerment, that was recently conducted in Kashmir province and is related to my work as a fellow of ICSSR. Although it was found that a very less percentage of women's be it as daughter, or as Wife get there inheriting property right because of some of the social strains that I will discuss in the paper but irrespective of it has be observed that if a women acquires any kind of property right as daughter or as wife she has a different status as compare to her fellow women's who are not entitled to any kind of property right. In a recent development the Government of Jammu and Kashmir has implemented a law that exempts women's from paying a kind of stamp duty tax towards government if a property is purchased or transfer in her name as such a healthy development has been observed in women getting property rights and hence getting share in decision making powers that has helped in women empowerment. Hence the need of the hour is implement such kind of laws in every state and ensuring that women's get there inherited property rights that will be helpful in empowering her. In this paper an attempt will be made to discuss inheriting property rights as an important tool for women empowerment.

Introduction

Unrecognized but by and large women in developing countries make a great contribution to the economy of their country. Starting from house maker, to domestic worker women's in the agriculture sector execute 80 % of the work, besides are involved in every domestic activity but because of the men have complete access to the marketing women's contribution is unrecognized and uncounted. In addition to that even the working women's who even serve a bigger posts and earn for their family more than men still they remain dominant because as customary practice property remains always in the name of

men. Every religion has clearly advocated due share to women's in property but people of all religions don't follow this and women's are excluded for inheriting any kind of property and if someone raises the voice her mouth is been shut by narrating false religious doctrines, all the customs that exempt women's for getting their due share in inheriting property are basically social evils that has been very seriously decorated condition of women's and remained as big barriers in empowerment of women. Because economic development and economic liberty and self reliance is a very powerful tool for over all development of personality in such a way that makes a person a compound participant in decision making processes in every sphere of life. The theme behind this paper is that economic dependency of women's in the society is among main causes for her weakness and dependency on men and low participation in political and social affairs. And economic independency as a strong tool for her over all development and empowerment. Irrespective of her inheriting rights she has never gain accesses to her property that could definitely be a game changer in male dominated society. Once there is enough access to the inheriting property she could no longer be victimized by men in the society. During my research work that cover participation and representation of Women in Politics in Kashmir, while working on various factors that are responsible for the low level of participation of women's in political affairs, women's inheritance property right which usually that don't get because of customary practices, was find out to be a significant tool that could be one of the important tool for her empowerment and for her active role in politics. If women's get due share in their inheriting property rights that can make her self sufficient which in it is a big step toward empowerment. To find out the fact for this study two research question have been talked that include:

1. Little accesses to economy resources to women's creating unequal access to food, health, education, finance, information and resources

2. Inheriting property rights of Women's that makes her economically independent and accessible to food, health, education finance information and resources are a tool for Women Empowerment.

Case study

In this case study on the basis of random sampling thirty cases were studied. Among them ten women's were those who have complete access to inheriting property, ten were those who don't have any access to inheriting property and ten were those who have recently gained access to inheriting property rights or other property, because of some of the constitutional development in Jammu and Kashmir where women's are being exempted for government stamp duty tax while sell or purchase of any kind of property. In the initial phase data from the various sources was collected to find out property registration by men and women from the year 2016, 2017 and 2018 in largest municipality of District Srinagar and to a surprise during the year 2017 there was less than 5% women property owners, that had registered in District Srinagar among them majority of owners were employees. However in shocking result during the year 2018 after the stamp duty exemption law was passed it was found a much significant increase in the women property owners who have registered in district Srinagar in their name. As such on the basis of this data women's among the three categories were randomly selected for observation. In the next phase in depth conversational interviews of their women's were conducted to find out the answer of the research questions that have been taken in this study.

Identified challenges

In Kashmir division irrespective of the fact that majority of the population is Muslim and as per the Shariya law there is due share of property to women but it has been found women have very less rights to inheriting property. That has resulted in less representation and participation of women's in political as well as other affairs. Although the level of education of women in rural as well as urban area is significantly very good and women's have good knowledge and information about laws related to property rights but they have never raise their voice or go against the social dogma that has restricted them for inheriting property. They have following traditional and cultural norms which prioritize men as inheritors to real estate. And women's voluntarily renounce their property right.

Overall results

Women having access to inheriting property rights are economically independent and powerful enough that makes them able to take part in decision, making processes. Accessible to all the benefits and services like food, health, education finance information and resources etc and empowers them. And the trend of owning inheriting property rights among women is increasing; besides the constitution law passed by Jammu and Kashmir government that exempts

women for paying stamp duty has boosted access of women to inheriting property.

Statistics Results

In total as per the data provided by Property registration department Srinagar women registered 1500 immovable properties in the year 2016, 2150 in 2017 and more than 30000 in 2018 in Srinagar Urban area. In the first phase making a keen study and in-depth conversational interview with the ten women's who have access to inheritance property it was observed that majority of them have access to services like food, health, education finance information and resources and majority of them take part in decision making processes. And it was observed that in very few cases they come under the influence or control of men. It was also observed that majority of them are being respected at home in society and at their work places. In overall discussion it can be concluded that access to inheriting property, that makes them economically independent has resulted in empowerment of women.

In the next phase making the keen study and in-depth conversational interview of next 10 women it was found that irrespective of the fact that 60% among them were literate out of which 40% were highly qualified, their condition as compared to above were very poor they were totally dependent on male members of the family and at a time had to beg for a pane killer table as narrated by a respondent during the interaction, they had very limited access to basic services like food, health, education finance information and resources and decision making processes. One of the respondents narrated that they are mealy treated as sex slaves and have no say in decision making processes. They even cannot decide child producing and if raise their voice became victims of domestic violence, even their parents at most occasions do not support them and protect them from cruelty of their in laws. One respondent said that in most cases brother of women did not support her if she want to separate from her husband to get rid of domestic violence as brother apprehend once she is separated she will ask for her share in the property. Over all apart from few cases who either are from rich families and have brought adequate dowry with them or who really have nice gentleman as their partner all of them suffer a lot as compared to above.

In the next phase making the keen study and in-depth conversational interview of next 10 women respondents it was observed and found out that as compared to their early experience after becoming the owner of property their overall experience have changed they are now able to get access to basic services and needs like food, health, education finance information resources and decision making. They are no longer being ill treated as they had been early by their in laws. Among the few respondents said that they had been living in joint family and their life had become miserable to serve large family members besides they had to face discrimination every other day irrespective of working like donkeys. With the power of

property they have been able to separate from joint family and live with their spouse and children this was only possible by showing resistance toward their in laws who kneel down before the power conferred to us by owning property. Hence in concluding it can be said that with the power that these women got through ownership of property had been a key tool in their empowerment.

Discussion and Suggestions

Ownership of land plays an important role in strengthening women's agency and giving those opportunities to assert themselves. There is ample evidence that women's land rights lead to positive outcomes for the well-being of them and their families. Since land is a valuable and critical resource, the resistance towards women's land ownership rights is equally strong in the patriarchal system that governs Indian society. The institutions responsible for making laws, and the people that implement them, are themselves deeply conditioned with the customs, practices and beliefs that create barriers for women to own land, both in India and in more than half the countries across the world. There is need to Promote women's rights to increase their participation in decision-making processes on inheriting property ownership. Information campaigns about women's property inheritance rights and offer women more access to the land market should be continued Educational programs through different media to increase the involvement of women in the labor market and increase their awareness regarding their economic potential should be encouraged at large. There should be Increase accessibility to public services on property rights particularly for women. Increase the number of women in government positions and in policy making.

Monitor and systematically review the implementation of the laws and practices by respective agencies and institutions. Through the support of institutions and men we can achieve excellent results. *If women's empowerment and equality in general, and their ownership of land and assets in particular, are to be achieved, legal reforms alone are not sufficient. Making conscious efforts to challenge the cultural norms and making institutions an equal partner in the same is equally important.*

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