

Emerging Patterns: Property Rights of Women in Colonial and Post-Colonial South-East Punjab

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The colonial government selectively sanctified in law the male oriented customary practices which denied all rights to females and safeguarded the land and property in the patrilineal line of descent. After independence a complete reversal was effected through law in 1956, based on the principle of equality between males and females. It could hardly have the desired effect as the reigning ideology culturally and morally excluded females from inheriting property. This paper evaluates the question of female inheritance not only in the colonial past but also locates it in the rapidly changed and still changing socio-political economy, which has had an effect on the customary cultural patterns hitherto held sacrosanct in the rural areas. These changes have been magnetic enough for women to claim their inheritance and share in the property, but not without public censure, social protests and family denials.

The laws governing property have seen massive turnabouts in India both in the colonial and post-colonial periods, highlighting the dichotomy between law and custom, law and social acceptance, and law and its enforcement. This paper while focusing on the property rights of women of south-east Punjab argues that the highly motivated colonial government selectively sanctified in law the male oriented customary practices, which denied all rights to females and safeguarded the land and property in the patrilineal line of descent. A complete reversal was effected through law, after independence in 1956, based on equality between males and females. However, the near century of British rule which had kept women excluded from inheriting property left lasting effects, many of which are visible even to this day. Apart from the sharp resistance of men whose interests were drastically affected, women too appear to resist the implementation of the enabling law, as the reigning ideology culturally and morally excluded them from inheriting property. It was only with the passage of considerable time that a certain reversal of opinion became visible. This paper evaluates the question of female inheritance afresh in today's political economy. Contrary to what is popularly belied and even academically upheld,¹ it shows how the customary norms governing inheritance and property have been quietly undergoing a change. The rapidly changed and still changing socio-political economy has had an effect on the cultural patterns hitherto held sacrosanct in the rural areas. Together, these have been magnetic enough for women to claim their inheritance and share in the property. These changes have occurred not only among women but also

crucially among men of various categories who stand in different relationship to women in their diverse capacities – underscoring an interesting contradiction in patriarchy itself, showing deepening of division among males when it comes to property. Significantly, cultural patterns are set to change though not without public censure and protest.

Colonial Legacy

The British government, for a variety of reasons concerning Punjab's economic, political and military importance, too well known to bear recounting here, had adopted the 'preservation of village community', as a settled policy for this province.² The general argument offered in this connection by the British officials was that the mass of the agricultural population in this province did not follow either the Hindu or the Muslim law. Therefore, a general code of custom was prepared by the settlement officer out of the *wajib-ul-urz* (village administration papers) and *rivaj-i-am* (record of customs and rights) compiled at each settlement in consultation with the village headmen of each principal landowning caste in the district; these being acknowledged as 'men of most influential families in the village'. These recordings excluded women who never appeared before the authorities.³ The officials also admitted the difficulty of recording customs in the midst of a large number of uneducated men in 'full assemblage together', where according to them the majority view tended to 'control, direct and dominate'.⁴ Moreover, this majority was for depriving the women of their say.⁵ In fact, the administrators noted down differences between what, according to them, could be termed as 'ideal customs', which the leading caste men wanted to portray, and the 'actual observance of these customs'.⁶ Consequently, the dominant landowning class customs in regard to civil matters like succession, alienation, marriage, tenure of land and adoption, which gravely affected the rights of women came to be settled primarily by the Punjab Customary Law, which became the first rule of decisions.⁷

The colonial government's decision to make custom rather than the personal law of Hindus and Muslims, as was done elsewhere in India, the first rule of decision in all civil matters was to severely compromise the inheritance rights of women in Punjab. What was made legally binding was what had been claimed as custom by the leading men of the landowning castes. As the land of the village was seen to be belonging to the male descendants of ancestors who originally settled and worked on it, the male agnatic descendants alone, as members of the localized clan, had reversionary rights in the estate. Land was ordinarily not to be alienated outside this group. This made the daughter and the sister the pivotal sites of conflicting interests and not the widow who had only a limited right to land, which at her death reverted to her husband's male collaterals. This meant basically that daughters and sisters who were potential introducers of fresh blood and new descent lines through their husbands had to be kept legally outside the purview of inheritance rights. This was necessary for land to be maintained within the immediate kinship group, not only to

maintain the extensive 'tribal' structure of society upon which the British had built their system of authority in Punjab,⁸ but also to prevent the uneconomic fragmentation of holdings. Punjab custom was, therefore, accepted by the compilers of customary rights and the later jurists, in which 'as a rule daughters and their sons, as well as sisters, and their sons [were] excluded by near male collaterals'.⁹ Accepted as the general custom, the onus of proving a case to the contrary then lay on anyone challenging it. Regarding rights of women as daughters and sisters and growing encroachments on them, a very revealing statement was made by the Settlement Officer of Hissar district in 1913, which is worth quoting in full:

I would note here that in the *wajib-ul-urz* of the various villages of the tract drawn up at the 1840 settlement the only points dealt with are the rights of government and the landowners. Practically nothing is said as to the succession, alienation or women's rights. And all the available evidence shows that those rights were very much wider than they are now. Nor is the reason for this far to seek. The country was in a very unsettled condition then, and devastated by periodical famines. There was much demand from cultivators, and, as life and property were by no means so secure then as they are now, the people were generally only too glad to get outsiders into their villages. A careful examination of the history of most of the Jat and Rajput villages of the tract, but more especially of the latter, shows that a considerable number of the present landowners are descendants of daughters and sisters. There were then very little restrictions, if any, in the powers of a sonless proprietor to give his land to the sons of his sisters or daughters, so long as they came and settled in the village.

In the *wajib-ul-urz* drawn upon the 1863 settlement we find a change; in them the subjects of inheritance and alienation are dealt with, and also the right of pre-emptors. Even so, though some limitation of those rights were (*sic*) then declared as existing, they were by no means so restricted as they are now stated to be.

At the recent settlement of 1910, we find customary law on these points much developed. Women's rights generally, as regards land at any rate, have become much more restricted, and the same applies to rights of alienation and inheritance generally, particularly of ancestral land. The reason for this development is obvious. The tract has become more prosperous (owing mainly to the extension of canal irrigation). The price of land has risen; and the people are keenly averse to strangers coming into their village and acquiring their ancestral land.

As a result of this history of the tract, it follows that, in my opinion, as to the restrictions the people maintain now exist on women's rights in land on the power of alienation generally and especially to a daughter, a sister or their descendants, they have to some extent stated what they wish for the future more than their existing customs.

The reason why the people have exaggerated like this is obvious. The sons-in-law are always in a minority and it is they who want to alienate their land to daughters or sisters. It was therefore to the interest of the majority of

those who gave the replies in, to maintain that greater restrictions exist on rights to alienate, whether generally or to daughters or sisters in particular, than is perhaps, really the case. As to the self acquired property, especially the powers of a proprietor to alienate are not in reality, so far as I can judge, so limited as the people have stated.¹⁰

Reports from other parts of Punjab show similar practice in existence in which daughters or sisters and their relatives were invited to cultivate land due to the land being plentiful and there being few hands to cultivate it.¹¹ The increase in land value and presence of a large population dependent on land made the male collaterals increasingly stake their claims, resulting in great restriction of female rights and even their exclusion. The British administrators considered this practice of keeping land within its own 'tribal' group as healthy and encouraged it. Such a custom in their opinion 'could not but operate for the good of the mass of the peasantry'.¹² Clearly, traditions were being reshaped and even altered.

The changing nature of rural landowning male opinion especially for daughter's rights was also commented upon by the judiciary from time to time whenever the *riwaj-i-am* was under consideration as the basis of delivering judgments on the property rights of women. For example, Chief Justice Clark of the Punjab High Court concurring with Justice Reid in 1906 observed:

As the land is rising in value under British rule the landholders are becoming more and more anxious to exclude female succession. They are ready to state the rule against the daughters as strongly as possible, but if the custom is so well established, it is strange that they are unable to state a single instance in point on an occasion like the compilation of the *riwaj-i-am*, when detailed inquiries are being made and when the leading men are supposed to give their answers with deliberation and care.¹³

Although instructions regarding references to recorded customs as made in the *riwaj-i-am* including civil cases had been made, yet even as early as 1892 these instructions were not 'always being adopted by the civil courts'.¹⁴ In other words, the civil courts were inclined to give cognizance to the changing dominant local opinion which tended to compromise greatly, if not to restrict outright, females' rights in land and inheritance. This also explains considerable legislative confusion prevailing despite similarity of cases. Conflicting judgments were being awarded even in the same caste group. For example, in 1890, in the case of Lado, a Jat woman of Jaurasi Kasba in Panipat district, who had taken over the land cultivation and management after the death of her father and in the absence of near collaterals, was challenged in court by very remote collaterals removed to the seventeenth degree. The revenue officials decided in favour of the daughter 'not because she was entitled to the land' but because 'she was in actual possession' of it.¹⁵ Another case of Gujars of village Chaprian in Panipat district in the same year can be cited when the revenue officials similarly effected a mutation of land in favour of Bir Dei, the daughter of the deceased landowner against the claims of far removed collaterals.¹⁶

In such instances the customary saying invoked by the judiciary was: *qabza ho riwayat na ho waris hai* (actual possession, despite lack of custom, means entitlement). On the whole, however, the daughter's exclusion both from the ancestral and self-acquired property was recognized by the judges.¹⁷ Notwithstanding such a custom, the discriminating reality was held valid for the lower castes as well. For example, among the Nais (Barber caste), the few cases that came up were decided according to the recorded customs of the agricultural castes and the judges ruled that daughters could not inherit their father's property.¹⁸ The Muslims also claimed to be governed by the 'tribal law' of Punjab which excluded female succession in property matters. This was contrary to the Muslim personal law which allowed a portion of property to the females, equating to only half of the share of that of a son from the property of their father.¹⁹ The daughters nevertheless frequently moved courts under the Muslim Law to claim their share and courts as frequently dismissed their claims.²⁰

Post-Colonial Realities: The Immediate Aftermath

The near century of British rule legally established the custom of keeping women excluded from inheritance as part of Punjabi rural life. This was reversed in the early years of independence through the passing of the Hindu Succession Act, brought into force on 17 June 1956.²¹ So far the most gender equitable law in India, it amended and codified the law relating to intestate succession among Hindus and brought about fundamental and radical changes in the law of succession, thus breaking violently with the past. Section 44 of this Act gave overriding effect to its provisions. It abrogated all the rules of the law of succession hitherto applicable to Hindus, whether by virtue of any text or the Hindu law or any custom, or usage having the force of law as had been in operation in the undivided Punjab, (including Pakistan Punjab) under the British. A progressive Act, its section 14 applied to women and enabled for the first time daughters (obliterating any distinction between married and unmarried daughters), sisters, widows and mothers to inherit land with full proprietary rights to its disposal.²² In effect this legal creation of women's inheritance rights sought to reverse time-old traditions and customs prevailing in the rural areas of the undivided British Punjab which had restricted inheritance strictly to the male line.

The Act aroused tremendous anxieties in rural society. In the event of its proper implementation, the patrilineal and patriarchal hold stood to weaken and even be demolished in time. Consequently, one of the major effects of this Act has been to tighten the noose of control over females, unmarried or married, because giving them inheritance rights made the need to control them even more crucial.

Since women had stood so long in a relationship of total exclusion to property, now even though they were legally enabled in 1956, it was very difficult for them to accept it. Apart from the sharp resistance of the men, whose interests were drastically affected, women too appeared to have resisted

its implementation. Long standing cultural and ideological internalization would not allow women to accept this innovation, howsoever favourable to them and they refused to be a party to it.

The landowners of Punjab were apprehensive of the implementation of this Act. A couple of cases in the immediate aftermath of this Act, gave substance to the fears of the male populace, and succeeded in raising resentment and grave insecurity among them. In these stray cases the sisters successfully claimed their inheritance after contesting the claims of the collaterals. Significantly, in all these cases the sisters did not challenge the brothers, there being none, but staked claims to land in opposition to distant collaterals.²³ To illustrate, I cite one of the earliest cases from Punjab decided in the wake of the 1956 Act in which the sister successfully claimed her inheritance.²⁴ The case decided in 1960 concerned the inheritance right to certain plots of land in a village in Sultanwind *tahsil* in district Amritsar. Sahib Singh, the last male owner of the lands under dispute had died in December 1918. His widow Nihal Kaur had succeeded to the lands, but on her remarriage soon thereafter she was divested of them and they passed on to Sahib Singh's mother Kishen Kaur who died in November 1942. On her death a dispute arose between Sahib Singh's sister Jeo and Sahib Singh's agnatic relation Ujjagar Singh. Jeo filed a suit asking for ownership.

Despite the law and some court cases, there was nothing to indicate that a sizeable number of females had indeed been able to exercise their rights. Even when a few of them exercised their rights, they were greeted with great hostility and were forced to back out. I recall a case from south-east Punjab in the early 1960s, where a married woman, an only daughter of a widow, came with her husband and settled in village Chhara of district Jhajjar where she had inherited land from her mother. Her husband's landholding in village Jatwar in Ambala district, being much smaller, was given out on *batai* (share cropping). With great difficulty, this arrangement lasted only for two years. The male collaterals did not allow them to settle down. They were openly taunted; and quarrels were picked with them on the slightest pretext. Socially, they were unwelcome everywhere; animals were let loose in the fields, crops were destroyed; water channels were cut and water diverted elsewhere; special irrigation arrangements made from the neighbouring tube wells for two hours would dry up only after half an hour. Out of sheer helplessness the woman had to sell off the land at a much lower market price to the tormentors, that is her late father's male collaterals and move back with her husband to his village.

It appears that after the passing of the 1956 Act, the fear of landowning males, who remained apprehensive of the potential female claims, was greater than the actual claims. As a result, the landowners of Punjab showed unanimity regarding the urgency of abolishing this Act. On the one hand, they tried to have it abolished through the legislative procedures and, on the other, they accelerated their attempts through the caste panchayats to control its fall-out. Slowly, as tension mounted in the rural society, voices to abolish or amend the 1956 Act gained momentum.

In 1966, the state of Haryana was formed out of the truncated post-partitioned Punjab, primarily including its south-east region or the Ambala division of colonial Punjab. Within months of Haryana being created, its legislative assembly passed a resolution in 1967 (and the Punjab Assembly in 1977), requesting the central government to amend the said Act. The centre did not oblige. In 1979, the Haryana Assembly tried to force the issue by unanimously passing a Bill which amended the Act of 1956 and sent it for the President's approval. This was not granted. Ten years later in August 1989, Devi Lal (Member of Parliament from Haryana) as the Deputy Prime Minister proposed an amendment in the Succession Act, once again in an attempt to deprive the married women of their share in the parents' property.²⁵ The spate of democratic and gender protests which followed this move could not be ignored. Devi Lal was forced to drop the proposal in view of, as he acknowledged himself, 'adverse comments' in the media and elsewhere.²⁶ All these moves stand defeated as of now, but not the spirit that had moved them. This continues unabated cutting across differences of gender, class, caste and even political parties. More recently, this Act was further amended in 2005, in favour of female inheritors to rid of some of the major lacunae that existed in the original Act.²⁷

Immediately after the passing of the 1956 Act and in anticipation of its enforcement, the rural patriarchal forces devised several ways to stem the progressive fall-out of this legal enablement. Many advocates testify to the stream of male members with the potential female inheritors in tow to get them to write off their land claims in favour of their brothers.²⁸ 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 sweet will?). Several gift and sale deeds were registered in favour of male members at this time. In some cases the land is automatically registered in the girl's name but remains in *de-facto* possession of the brother. However, more recently, I discovered that 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 cases where she does sign 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 facing the social taunts regarding the obvious double standards. But in these cases, where the assent is not forthcoming, the *de-facto* control of the father and brother retains the upper hand. Violence and compulsion have been very effective in making the females sign away their rights.

An important way out has been to pose the inheritance right of a daughter and a sister to be against that of the brother and the patriarchal insistence upon dowry as an alternative settlement of a girl's claims/right to property. Rural male opinion is almost unanimous in contending that the girls receive their

share of patrimony at the time of marriage in the form of dowry and the fact that they are customarily only entitled to maintenance and to be 'suitably betrothed and married'. A large measure of legitimacy has been provided to this custom by women themselves, primarily because rural women have accepted dowry as a substitute for property for which their legal claim has been established. When directly questioned about their inheritance rights, many women displayed visible annoyance and also questioned: 'haven't our brothers got us married?' In the opinion of married women, they have already taken a share of their parental property in the form of cash and kind at the time of marriage, 'so where is the question of more share?'

It was not only the daughter or sister but also the widow whose traditional rights of inheritance tended to threaten the patriarchal system. As I have discussed at length elsewhere,²⁹ a way out of this was available in the form of widow remarriage, called the custom of *karewa* or levirate, in which the widow was remarried to her *devar* (younger brother-in-law), failing him the *jeth* (older brother-in-law), and failing him even a collateral cousin. Enforcement of this custom in the post-colonial period (in which her economic benefits have increased enormously due to recent increases in pension, and other compensations etc), is directly related to the widows having come into possession of the right of absolute inheritance (from that of limited inheritance in the colonial period), and the patriarchal desire to retain it in the family. A remarriage brings an otherwise independent woman with property, once again under male dominance, without endangering the established kinship patterns. The widow who wanted sexual and economic freedom, as well as freedom from institutionalized marital violence, resisted it vehemently then, and continues to do it even now, with differing results.

Indeed, the legal possibility of and claims of inheritance rights by women has strengthened the male propensity to inflict violence upon them. The one difference is in its infliction in the womb itself to eliminate the root cause of property going to a female, thus obviate the possibility of any future claim of property by her. The readily available and extensively used new technology for determining the sex of the fetus leading to female foeticide has wreaked havoc in society. The census figures of Haryana show a rapidly declining percentage of female sex ratio. For example, the census of 2001 shows only 819 females to 1000 males in the category of 0 to 6 years of age.³⁰ Such low female figures have effectively negated the progressive fall out of the inheritance enablement law on female population.

Contemporary Situation: The Changed Political Economy

The male apprehensions and fears have not proved groundless. With passage of time it came to be noticed that all the cultural constraints, popular prejudices, peremptory steps and even violence had not entirely prevented the daughters from staking claims to their property or the sons-in-law (*jamaais*) from making claims on behalf of their wives. Gradually, as the knowledge about the legal enablement gained ground, changes started to surface and there

was a steady growth in the number of such cases. In fact, by 1979, good 23 years after the passing of the Hindu Succession Act, the members of the Haryana Vidhan Sabha testified to an alarming 'trend' showing the sons-in-law shifting to their wives' villages to claim land as also the 'greed' among people who after the 1956 Act wanted their sons to marry 'only those girls who had no brothers'. Clearly women as daughters were demanding their share of property either by themselves or being prompted by their husbands and/or their conjugal families. The legislators also acknowledged violence, even murder of *ghar jamais* (resident sons-in-law). However, statistics regarding the number of cases which may actually have been effectuated were neither provided nor are available.

More recent evidence shows that things are indeed changing. Why and how, is the main question. Is there significant revision in the viewpoint of men and women regarding female inheritance of property, visible now than earlier? There are no straight forward answers and it still remains an ambiguous terrain. But changes are noticeable. I had the occasion to ascertain this very recently during my extended field work in mid 2011. From the field work it became clear that although there continues to be open hostility to women inheriting property, things are changing and customs have had to be revised, as will be clear presently.

In all-men group discussions, men frankly admitted that they, whether as father, brother, husband or son, would not want women to have property. They openly acknowledged that it would give women tremendous leverage and '*yeh hamare sir per hee nachengi*' (literally, they will dance on our heads). Also, there continues to be a marked unanimity about the inappropriateness of the females getting property from two sources: the parents and the in-laws. These shares are, according to them, 'over and above the dowry that we give them'. Significantly, men do not have so much of a problem with dowry, as that gives them the much sought after status; it is a woman's claim to property that remains under attack. The men want her share in the parental property to be abolished which, according to them, must go to the male lineal heirs. 'Why should women get two shares? Isn't it enough that we get them married?' they ask. The apprehensions of men about their patriarchal power and authority being compromised are quite apparent. But as changes are now surfacing noticeably, they have no option but to either accept it or physically eliminate the women concerned. Confirming this, women stated: 'land or its possession is the cause of our deaths', and cited several cases from different villages where women were allegedly killed for property.

Similarly, many women in all-women group discussions felt that 'a daughter should have the right to property only in her *susral* (conjugal home) not in her *maika* (natal home)'. Others also maintained: 'Only if a daughter is not married she has the right to her parental property'. Condemning those women who are now demanding their share, another woman maintained: *Kuch bhi ho bhaiyan ki zaroorat to pade he kare. Un ke bina ke sare hai. Eese peese ka kei karnna jo adami ne kho de* (Whatever may be, one needs one's brothers. One cannot do without them. What good is this money which cuts off

your relationship with your natal males?). Sumitra Devi of village Meham opined very insightfully: '*Yahan to lugai adami ki sampati maani jaave hai vo keese sampati mein adhikar maange?* (Here [in Haryana], a woman is considered the property of a man. Where does the question of her claiming her share in the property arise?).

A contrary opinion does exist, as we shall see presently, but is not being openly voiced; they prefer to maintain silence for fear of being shouted down or even ostracized. The time has come to reevaluate the question of female inheritance afresh, especially in view of the increasing visibility of such cases. These cases have to be located in the changed political economy of today, as the customary norms governing questions of inheritance and property of women have been quietly undergoing change. I wish to emphasize just three aspects in the changed political economy of this region that have a direct bearing on this question.

The single most important change, which has had the most profound effect, is the enormous increase in land prices in Haryana which has brought about some rethinking among women regarding claiming their share. The increase in the prices of agricultural lands for urban purposes in the areas surrounding Delhi, as well as major towns of Haryana itself has been unparalleled. Not only have the number of towns grown in this state from 58 in 1961 to 106 in 2001, there has also been a steady growth of urban population of Haryana. Statistically, the growth of population in the towns has been from 1,772,959 in 1971, to 61,114,139 in 2001, a growth of 334.86 per cent.³¹ In the previous decade alone for which the figures are available, that is 1991 to 2001, the urban area of Haryana has increased from 966.73 kms to 1287.93 kms, a growth of 33.23 per cent.³² Even more importantly, out of 19 districts of Haryana, 7 districts fall in the National Capital Region (NCR), surrounding Delhi, containing 41.21 per cent of the total population of Haryana, according to the 2001 Census.³³ This NCR region of the state contains 40 towns and 2,496 villages out of a total of 106 towns and 6,955 villages in Haryana. In other words, 37.74 per cent of the towns and 35.89 per cent of the villages of Haryana are included in the NCR. It covers about 30.46 per cent of the total area of this state. These areas have seen massive escalation in land prices. Land around the major NCR towns in Haryana, like Panipat, Sonapat, Rohtak, Bahadurgarh, Rewari, Gurgaon, and Faridabad, measured in square yards rather than in acres has enormous price tags due to demands of urban residential, commercial and industrial expansion. In Rohtak district, for example, known as the 'C.M. City', as it is the current Chief Minister Hooda's constituency, the price of residential plots has gone beyond Rs. 65,000 per sq. yard.³⁴ The price of one acre of cultivable land in a village like Dujjana in district Jhajjar, is estimated to approximate close to a crore of rupees in 2012; it rose from 35,000 rupees in 1988, and the cost of this land was less than a thousand rupees in 1966—the year of the creation of this state. Similarly, in Karnal district, the centre of the green revolution, the price of one acre in 2012 stands well over a crore of rupees. It is estimated to have risen from anything between 2,000 to 4,000 rupees per acre available before the green revolution,

to 50,000 to one lakh and above as a result of the green revolution. This hunger for land and income is reinforced by the rising social expenditure, along with the growing demands of a new generation with a taste of urban life and consumerism.

The rapidly changed and still changing socio-political economy has had effect on the customary cultural patterns hitherto held sacrosanct in the rural areas. Together, these have been magnetic enough for women to claim their inheritance and share in the property, and also for some men to activate the inheritance law on behalf of their wives, so much so that even the children have reclaimed (as it is legally reclaimable) the once-orally-declined-share by their mother. As a woman in village Mandotthi, astutely commented '*Pahle ladkiyan mangti zaroor thi per leti na thi, eeb ladkiyan apna haq mangti bhi hain aur le bhi rahi hain*' (Earlier the girls were asking for their share, but not claiming it; now, the girls are asking for their share and even claiming it).³⁵ This is a change noticeably coming to the surface and in the long term stands to readjust social equations between males and females. Most men in village Chhara of district Jhajjar stated that in case of the death of the patriarch, the *patwari* automatically registers the ancestral land in the name of the survivors be it a girl or a boy. The girls now a days, however, are 'extremely reluctant' to transfer this land to their brothers as in the past and in fact in so many cases have refused to oblige; the exact words used are: '*latkaye rakhti hain*' (they keep on dithering). This is commonly heard not only in Chhara village but also in all the surrounding villages. Such actions, according to the local populace, are 'driving a wedge between the brothers and sisters, and vitiating their relationship'. It is ironical that for a sister to keep 'good relations' with her brother she must relinquish her share of property or the famed brother-sister love is all but extinguished.

Staking claims

Interestingly, women may still write off or feel compelled to write off, their land rights but they are now demanding a share in the sale of the land which has brought huge economic returns in the NCR region. In village Baniara of Rohtak district, for example, which falls under the 'acquisition of land' plans of the Haryana government there has been enormous rise in the price of land. These highly attractive commercial prices have reportedly elicited a response from females resulting in about 10 to 15 married women in this single village to stake their claim for their share in the money which their brothers/fathers have received from the sale of the land. Many women are known to have already received this money. However, there is a shroud of silence regarding this exchange as there continues to be social censure of all such demands. The concerned parties are weary of admitting that they have had to accommodate the demands of the females of their family. There is consequent denial by those concerned, but many people in the know have confirmed it. In this respect, I shall take up just one case in which the female claimant has made such a demand, which highlights the pulls and pressures experienced by

females in order to either strengthen their agency or to create it. Out of many cases that reportedly exist, she alone was willing to be interviewed.

Rekha from village Ratthdhanna of Sonapat district is married to Rajbir, a police man. Her father originally had nine acres of land, out of which six acres were sold off for one lakh per acre much before her marriage. However, with the passage of time, urbanization of Sonapat and its industrial development and commercialization of the surrounding territory which fell in the coveted urban category, the price of land skyrocketed. As the land of Rekha's father fell in this commercialized area, he sold off his three acres at one crore rupees per acre. Prompted by her in-laws, Rekha asked for her share in the sale of this land. In return, all that she was given was some pieces of jewelry. She realized the 'unfairness' of it all. Consequently, she asked her father for her 'rightful share'. 'Why should my father discriminate between me and my two brothers?' she inquired. Till date she has not received her share.

During the interview, Rekha agitatedly complained that both her brothers were unemployed. Yet, they were still 'enjoying themselves' on this money, while she was constantly being nagged and taunted by her husband and father-in-law about her share which her father had so far refused to hand over to her. Clearly there was emotional and psychological pressure on Rekha which had intensified in the wake of the sale of the land by her father. When asked, whether society was now accepting the daughters' share in their father's property, Rajbir, underlining the changing norms, maintained very insightfully: Society doesn't say anything. All households are now-a-days facing such demands from their daughters who are claiming their share and in fact even getting it. Only money matters. This is especially so when relationship between the in-laws sours for some reason, as in our case. I hope the eventuality of moving the court doesn't arise. So far neither have we moved the court to claim Rekha's share nor have they given her share to us. Let us see what happens in the future.

It may be added here that claiming money or supporting the wife to claim money is far easier for the husband, as instead of land, money can be taken '*shaan se*' (with joy or pride), as one man put it. The money transaction also makes the real recipient, the husband, escape the slur of being a *ghar jamai* – a position, still considered 'demeaning', which will be dealt with presently. Even those women who ask for their share of land, which many from financially weak conjugal homes do, they generally sell it off for the same reasons, as is evident in the cases given below.

Demanding a Share: Sister vs. Brother

Despite the dominant opinion being mouthed by both men and women that women have no right to their ancestral property, cases are steadily growing where women are claiming their share even after several years of not claiming it and despite there being a male heir. I shall just cite two cases out of the many that I came across.

Anaro Devi, Chamar by caste, worked as an agricultural labour in village Dujjana of district Jhajjar. After the death of her husband three years ago, and finding it difficult to make two ends meet, Anaro decided to ask for her share of land in her father's property. The two acres of ancestral land was then in the exclusive control of her two brothers. Significantly, this demand was made nearly twenty years after she had been married and was greatly resented by her brothers. Feeling bitter, they threatened that 'they would not bother about her even if she were to die'. Her younger sister, who did not claim her share and considered Anaro's action totally wrong, stopped all communication with her. Her brothers had already cut off all relations with her. After claiming her share, Anaro sold off the land and bought two milch cattle. She now makes enough income through the sale of this milk, priced at 25 rupees per litre. From the income she is able to look after herself and her two sons—one of whom has been recently married off. Showing her mettle, she admits that for taking her share she had to put up with a lot of 'taunts' from kinsmen and the villagers.

The second case is that of Dhanpati, a Jat woman from village Shari Khawda, district Rohtak, who married Ram Prasad of village Dobh, at the age of 16, some forty years ago. Dhanpati and her three sisters had not laid any claims to their parental property. Her two brothers had consequently inherited two acres each from their father. Out of the two brothers, the younger one had been close to the four sisters and had observed all the rituals by presenting them with *kothali* (gifts on social and festive occasions). He was unmarried and died early. The older brother had always been very unpleasant to his sisters; he did not observe any of the rituals and in fact did not allow his sisters even to visit him. After the death of their younger brother the sisters staked their claim in their father's property. They together got one acre in 2001 which they sold off to someone in their natal village itself. The sale got them two lakh rupees which were distributed among the four of them that is fifty thousand each.

However, during the interview, Dhanpati felt the need to justify her action, as the dominant opinion remains critical of the daughters claiming their share, especially if there is a son/brother to inherit it. Rationalizing her initiative, she said: 'I claimed my share as my brother was misbehaving with me and my sisters and not fulfilling his brotherly obligations'. Only one of her sisters has any regrets. After this incident, the relationship between the brother and his four sisters totally broke down. It is a well known fact, as already mentioned, that if the sisters were to claim what is legally theirs, they have to completely write-off any relationship with the natal family.

Interestingly, when this move to claim their share was under consideration, Dhanpati's husband and those of her sisters' had encouraged them to take their share. More and more cases of the husband and/or the conjugal family, encouraging the wife or the daughter-in-law to stake her claim to inheritance are coming up. This is in spite of the likely public censure which the family may have to endure. Cultural patterns are set to change, though slowly and not without some protests.

The effect of having claimed one's share became visible very soon. Dhanpati maintained: 'Our (the sisters') condition improved after we claimed our property'. Out of the money Dhanpati received from the sale of the property, she bought a buffalo whose milk is providing sustenance to her entire family. For the rest of the money, her husband suggested that they should convert their *kachcha* (made of mud) house into a *pucca* (lined with masonry) one. She agreed, as because of lack of finances, it had not been possible for them to have a *pucca* house earlier. It may be noticed that, after claiming her share, not only has the quality of life changed for the better for Dhanpati, but she also came to assume a position where she is taking both individual and joint decisions.

The case does not end here. It is carried on in the sub-case of her daughter. Dhanpati had a son and a daughter. The daughter was married at the age of sixteen in 1998. The son died early in 2003 due to drug abuse. This left the daughter as the only inheritor of the property of Dhanpati and her husband, which includes land, house and cattle. After the death of her son, Dhanpati and her husband had declared that after their death, their two acres of land and other property would go to their only daughter. The price of land in this area, which is close to the urban colonies of Rohtak, is estimated to be about rupees one crore per acre. The fact that the daughter is going to inherit her parental property has changed the daughter's conjugal equations as well as the established cultural patterns. The daughter has begun to be sent frequently to be with her parents, whenever her presence is required due to her parent's ill health or any other work. This is a severe reversal of the age-old practice which does not allow the frequent visits of the wife to her natal home. Indeed, now even the son-in-law readily accompanies his wife and stays with his in-laws to help them out in peak agricultural seasons.

Ghar jamai: Changing Perceptions

One of the major reasons why a daughter/sister may be wary of claiming her share in the property of her father is the negative connotation associated with the word *ghar jamai* (the resident son-in-law). In Uttar Pradesh, Punjab and Haryana, the cultural prejudice against *ghar jamai* among landowning caste groups is so strong that it has become the butt of many jokes and stories.³⁶ An oft quoted proverb runs:

sohre ke ghar jamai kutta
bahen ke ghar bhai kutta

(A man living in his father-in-law's house is akin to a dog
A brother living in his sister's house is akin to a dog)

In ordinary circumstances, a son-in-law is treated with honour and respect especially when he is on a visit to his wife's village. Great respect is shown to him not only by the wife's immediate kinsmen but also by her classificatory

kin, such as her lineage males and fellow villagers. In fact, in the whole of north India he is generally referred to as the *bateu* or a *mehman*, both words literally meaning a guest, and his honour lies in remaining one, that is a *jamai*, and not become a *ghar jamai*. Since the collaterals, it is said, would not like to see an outsider taking a share of the ancestral property, if he were to go and live in his wife's village, he is likely to be despised and incur considerable shame.

Given below is just one case from Rohtak district, out of quite a few that I came across, regarding women inheriting property and the turning of a *jamai* in to a *ghar jamai*. This case underlines the continuing and even accelerating change in Haryanavi rural society which is on its way to accept a significant breach in the time honoured tradition of patrilocality by relocating the husband in the natal village of his wife. Allowing and accepting the daughter (and her husband) to take over the ancestral property (an act which was always vehemently resisted by the natal family, the collaterals, the community, as well as the villagers) is a major breach in the cultural perceptions surrounding the concept of *ghar jamai*. This particular case shows the most respected *jamai* turning into a *ghar jamai*, but with hardly any negative connotations in real life. This is specially so in relation to the collaterals, whose customary rights had been totally curtailed under the 1956 Act. After initial resistance, as indicated in an earlier case, the collaterals appear to have accepted their ouster from direct acquisition of property as a matter of their right. Now this acquisition can only be through purchase. Undoubtedly, their reservations remain regarding the daughters taking over the property, but these have not proved to be of any great hindrance.

This is a case in which two brothers got married to two sisters, and translocated themselves from their own village to their wives' village, became *ghar jamais* and have been successfully cultivating the land of their father-in-law without incurring any social disapproval or strictures.

In village Ballam, 20 kms from Rohtak city, the ailing Gujjar family of Banwari, 82 years of age and Shayam Bai, 72 years old, were unable to cultivate their land holding of 11 acres. In 2000, they invited Sunil and Anil, their sons-in-law, to stay with them and cultivate the land on their behalf. The sons-in-law agreed as their own ancestral land was a mere 5 acres and also not-so-fertile which they held and cultivated jointly with their three brothers in village Ojha of Bhiwani district. In any case, their wives had no brother and the land would have eventually been inherited by them. Their own land, were it to be divided, would have meant uneconomic holding of just one acre each for the five brothers.

Interestingly, the village folks do not condemn these *ghar jamais*, suggesting a certain reversal of opinion that has been gradually taking place in the rural areas. The villagers, both men and women opined that the two brothers are the village *bateu* (guests) who always give them (the villagers) 'full respect' and are 'respected in return'. Once when the neighboring field accidentally caught fire from the actions of one of the *jamais*, the village *panchayat* refused to impose any penalty as they would have invariably done

in any other case, and were satisfied with the apology tendered by the *jamaïs*. Explaining this they said: ‘How can we impose fine on our own daughters? After all, our daughters are the owners of this land’.

Regarding the property going to her daughters, the mother, Shyam Bai, stated the following:

We have made a will leaving our 11 acres of land to be divided equally between our two daughters. No one has any objections, neither the collaterals, nor my husband’s brothers who had received their own share of 11 acres each some fifty years ago, nor any of the villagers.

There are several such cases in which the brother-less married sisters have inherited the property and shifted with their husbands to take over.

Another case worth mentioning is that of Kamala Devi, a Brahmin by caste, who shifted with her husband to her natal village Meham in Rohtak district, after her parents’ death to look after the six acres of land which they had owned. Kamla has two more sisters; consequently, her father had divided the property into three, leaving two acres each to his three daughters. Although the husbands of Kamla’s sisters did not shift, Kamla’s husband did. He has two other brothers and was encouraged by Kamla’s mother-in-law to shift to his wife’s natal home. Kamla stated that she divides the income ‘fairly and honestly’ into three shares – one for herself and the other two for her sisters. In all this her husband and his family as well as her sisters and their families have supported her fully.

This case evoked both criticism and acceptance. The criticism emanated not from the fact that her husband had become *ghar jamai* but from the fact that this change catapulted the female inheritor to a powerful economic position of a ‘*karta*’ (a doer or the head of the household), not socially accepted for married females in this region. The criticism has been twofold: One, she has been told to stop all ‘*mardon ke kaam*’ (men’s work)—which she had to undertake due to her husband’s acute illness, and two, to go back to her *sasural* which alone, according to the village critics, she is entitled to. Admitting the first charge, Kamala Devi significantly confirmed: ‘for the last 14 years (since 1997), I have been managing like a man’. Explaining this Kamala elaborated:

If I had not taken over the land it would have been misappropriated by my *chacha-tau* (uncles) and we would not have been able to do anything. Now I stand in place of a brother for both my sisters, fulfilling all the social and ritual obligations that a brother is expected to observe towards his sisters, like *bhat* and *kothali* etc. and even provide them with a place (natal home) they can visit, when they like.

In other words, property acquisition by a woman in certain cases has meant a *de-facto* female-headed household. In a complete role reversal the entire work: agricultural, household and animal husbandry, from management to marketing

– is being performed by her. This can only be termed as a major change, made possible because of the inheritance claimed by the woman.

Brother-less Sisters: Change in Cultural Patterns

Such cases can be multiplied manifold. Another case is that of Nirmala and Tejaswani, two sisters hailing from an upper caste/class Brahmin family of village Sitali in Sonapat district. They married two brothers Ram and Ajit Niwas of village Dobh in district Rohtak and initially lived together in a joint family. Both these sisters do not have any brother. The parents of the girls have very fertile five acres of irrigated land situated between two canals, which remit an income of rupees 25,000 per acre per annum. Their father had openly declared that he will leave all his property to both his daughters. He had earlier shown his willingness to adopt the son of one of his daughters but this was not acceptable to the daughters' conjugal family. Not only did they fear for the life of the child so adopted but also made a condition that the child who gets adopted will have to forgo his own claims to his paternal property. This was not acceptable to any one of them.

The brothers together own six acres of land which they cultivate themselves with the help of a tractor; this land is not as fertile as the one owned by their father-in-law. Also, it is prone to floods. In 2010, for example, more than half of their land was under water and they were unable to make any profit out of cultivation. In such a situation the attraction of their father-in-law's land is very clearly evident. In the eventuality of their wives inheriting this land they plan to either give it out on rent for cultivation or even sell it. The money so generated would, according to them, go to their wives. However, they also laughingly added that 'in any case being their husbands we have equal rights to our wives' money or land – whatever the case may be'. It may be noted that the reverse sort of claim that is of their wives on their husbands' property is never acknowledged. I may add here that, although it is true that the husband comes to have enormous rights over his wife's property, but it still remains in the wife's name. That is crucial, because in all future negotiations and sale, her signature or consent is needed and necessary, which may or may not be forthcoming. There are some cases in which the wife refused to sign the sale deed of her inherited property.

In this case, although the husbands have not shifted to their in-law's village, and cannot be strictly called *ghar jamais*, they shoulder all responsibilities. At the time, when they were interviewed, Tejaswani, the wife of the younger brother had gone to her *maika* (natal home) to look after her old parents. In fact, both the sisters take turns to ensure that their old parents are never left alone. When one of the sisters is visiting her parents, the household work in her absence is shared by the mother-in-law, who is stated to be 'most cooperative'. The mother-in-law takes over cooking, cleaning, milking and looking after the milch cattle, without being resentful of her daughters-in-law's very frequent absence from the family, as is generally in most of the cases. Underlining the winds of change, Nirmala maintained:

Because we have our father's property behind us we have not only got respect in our family but ... because of our property, our family is respected in the community and in the village. The neighbours are also very cordial because they think that once we inherit the five acres of our father's property we are bound to sell it and they being our immediate neighbours may be given preference in purchasing it.

As mentioned earlier, this is quite contrary to the reigning cultural practice which does not encourage the visits of married women to their natal homes; it is sanctioned on rare and significant social and family occasions only. A woman has no right to take such a visit for granted and needs the permission of her husband and other family elders. Under the new situation, the socio-cultural norms stand willingly and permanently altered to suit the new requirements.

Accommodating daughters along with sons

There are also cases in which the fathers, despite having sons, take the lead in giving the share of property to their daughters; yet others are willing to look after their daughters in case the marriage collapses for some reason. Given below is one such case, indicating the changes regarding property rights surfacing not only among women but also among men.

Bimla, Jat by caste, from village Kharkadi, district Bhiwani, was just 16 years of age when she was married off. Unable to tolerate marital violence Bimla sought a legal divorce from her husband. However, by the time she took this step, she had had two children – a girl and a boy. In this demand she was fully supported by her father, an ex-army officer, who was in the know of her violent marital relationship. She succeeded in getting the divorce, the custody of her children, as well as maintenance for herself and her children.

Bimla had four siblings—two sisters and two brothers. The father had divided his property equally between his four children. After her divorce, Bimla's father also gifted a house to her to live in. Complications emerged when one of her brothers died at the age of 37 leaving behind a daughter. The younger brother as the only male heir started to put pressure upon the father to make over the entire property to him, including the house that had been gifted to Bimla. The father resisted this demand as long as he was alive. After his death the pressure and the demands increased. Bimla's brother demanded that their mother, who was living with Bimla, should shift with him and he should get 'the benefit of her pension' as well as the interest from the fixed deposit that the father had left in the name of the mother. Indeed, old age pension in Haryana has emerged as a potent reason for the frequent fights between siblings (mostly males) over the custody of their old parents.

The brother when interviewed was defiant and aggressive about these demands and felt that he was 'fully justified' in making them. The village *biradari* and other relatives were also of the opinion that it was 'the son's right

to get all the property'. The mother and two sisters however refused all his demands. The younger sister's conjugal family also put pressure upon their *bahu* not to be a party to this arrangement. They argued: 'old customs and tradition must be honoured and these decreed that property must go to the son/s and the parents should live with the son instead of the daughter/s'.

Bimla is now 57 years old and lives with four of her family members in Hissar. She has with her the mother, her deceased brother's daughter, as well as her own son and daughter.

Conclusion

It is undeniable that regarding rights of inheritance of women, the dominant vocal opinion in this region, both of men and women, remains antagonistic and unsympathetic. This is reflected even in the unhelpful approach of many of the government and political functionaries who share the prevailing social biases with its strong male resistance to female inheritance of land. They do not take kindly to such claims and often obstruct the implementation of laws favouring women. In the absence of an effective and encouraging state support system, women are also reluctant to claim their inheritance or to even vocalise their rights. Despite a very high awareness of such rights, they either reiterate the male reasoning in asserting male entitlement or offer cultural, moral and emotional justification for not claiming their share.

However, the legacy of custom, cultural constraints and prejudices against women inheriting land and property, officially nurtured by the colonial government, as well as its residue apparent in the present day dominant local opinion, has not entirely prevented females, who are now legally enabled to inherit, from staking claims to their share of property in rural Haryana. The stray cases which had surfaced even under the colonial regime have steadily grown in the post-colonial situation. Slowly, the changes are coming noticeably to the surface. In fact, as a result of these changes, it cannot also be denied that the Haryanavi situation born out of the male anxiety to control females has turned into one of potential violence for them. In fact, the murder of women in such cases, where the inheritance rights may be claimed or are claimed, is openly acknowledged. The recent sprout in cases of 'honour killings' can also be directly related to this growing phenomenon.³⁷ The current drive for consolidation of traditional forces in the form of *khap panchayats* and the punitive measures adopted by them to tighten the noose of control over females, unmarried or married, as well as the renewed social efforts to do away with the laws that give validity to the property claims of women are crucially related to the accumulative impact such claims are having in this region.³⁸ These norms not only go against the laws of the land but are also create social anomalies in the greatly changed political economy of today's Haryana.

Clearly, the drive for change and opposition to this change, co-exist in the contemporary Haryanavi society. It takes time and an enormous and concerted effort to change social attitudes and cultural patterns. In order to accelerate

these changes, there is an urgent need to do away with difference between the legal recognition of a claim and its social recognition, and also between recognition and enforcement. [Even though the sample for this study comes largely from the present day Haryana, it is not unlikely that the situation is broadly similar in the post-1966 Punjab: *Editor*].

Notes

[*Author's Acknowledgements*: This paper largely draws upon my field-based study carried out for UN Women on determining effects of women's property ownership and economic independence on reduction of violence against them in rural Haryana.

See http://www.unwomensouthasia.org/economic_security.html.

For the UN study extensive field work was undertaken in mid 2011 in a large number of villages, selected randomly, in different districts of Haryana. For the field work I wish to thank my short-term research assistants: Yudhvir Zaildar and Rekha Lohan. The use of the field data, its analysis and conclusions, including all the errors which may have crept in, are strictly mine and in no way reflect on the work of my research assistants].

1. There is a great paucity of research in the area of female inheritance of land and property. Even the national and regional surveys regarding land ownership and its use do not give sex-wise information. The few articles that exist merely confirm the popularly projected and accepted view that women of this region are not activating their property rights or claiming their inheritance. See, for example, Raj Mohini Sethi, 'Gendered economy of Haryana', in *Gender Discrimination in Land Ownership*, ed. Prem Chowdhry (New Delhi: Sage Publications, 2009), pp. 41-58. I may add here that my own views regarding female inheritance have had to be substantially revised due to my recent field work in Haryana which has thrown up an altogether different picture of the reality.

2. C.L Tupper, *The Punjab Customary Law* (Calcutta: Superintendent, Govt. Printing, 1881) vol. II, pp. 17-19.

3. See case from Lahore, Musammat Subhani vs. Nawab, appeal no. 5 of 1939, in *All India Reporter* (Privy Council, 17 August 1940), pp. 21-33. The observation made in this case was repeated in several other cases.

4. G.C. Walker, *Customary Law of the Main Tribes in the Lahore District* (Lahore: Civil and Military Gazette Press, 1894), vol. XIII, p. ii.

5. J.M. Douie, *Riwaj-i-Am of Tehsil Kaithal of Pargana Indri in the Karnal District* (Lahore: Civil and Military Gazette, 1892) see preface.

6. Walker, *Customary Law Lahore*, pp. iii-iv.

7. Tupper, *Punjab Customary Law*, vol. II, pp. 86-88, 99-00.
8. For details, see David Gilmartin, 'Kinship, women and politics in twentieth century Punjab', in *The Extended Family: Women and Political Participation in India and Pakistan*, ed. Gail Minault (Delhi: Chanakya Publications, 1981), pp. 153-73.
9. *Rohtak District Gazetteer, 1910* (Lahore: Civil and Military Gazette, 1911), III-A, p. 88.
10. C.A.H. Townsend, *Customary Law of the Hissar District* (except the Sirsa Tehsil), (Lahore: Punjab Govt. Press, 1913), vol. XXV, pp. i-ii.
11. T. Gordon Walker, *The Customary Law of the Ludhiana District* (Calcutta: Central Press Co., 1885), vol. I, pp. 33-39; C.C. Garbett, *Riwaj-i-Am of the Panipat Tehsil and Karnal Pargana in the Karnal District* (Lahore: Civil and Military Gazette, 1910), p. 18; Townsend, *Customary Law, Hissar*, p. 39.
12. Walker, *Customary Law Ludhiana*, 38-39; also J.M. Dunnett, *The Customary Law of the Ludhiana District* (Lahore: Punjab Govt Press 1911 [rev. edn.]), vol. V, pp. 107-8.
13. *The Punjab Record*, 1906, Maula Baksh vs. Mohammad Baksh, vol. 54, p. 208.
14. Douie, *Riwaj-i-Am Tehsil Kaithal*, see preface.
15. Garbett, *Riwaj-i-Am Panipat*, p. 24.
16. Loc. cit.
17. Townsend, *Customary Law of the Hissar*, pp. 36-39.
18. C.C. Garbett, *Riwaj-i-Am of Panipat Tehsil and Karnal Pargana*, see case of Musammat Bajudi vs. Maula Baksh, 1896, p. 23.
19. The Shariat which entitled the females to inherit land was not allowed to operate in colonial Punjab by the Muslim landowners. Instead, they took recourse to the 'tribal law' of Punjab to deprive the females from acquiring land rights. See W.M. Rattigan, *A Digest of the Civil Law for the Punjab Chiefly Based on the Customary Law as Present Ascertained 1880* (Allahabad: The University Book Agency, 1960 [2nd edn.]), pp. 7-23. Also see H.C. Beadon, *Customary Law of the Delhi District* (Lahore: Civil and Military Gazette, 1911), vol. XXII, p. 34.
20. Townsend, *Customary Law Hissar*, pp. 36-39.

21. For details of the Act and its comparison with the earlier situation existing in British India, see 'The Hindu Succession Act, No. XXX of 1956', in Sunderlal T. Desai, *Mulla Principles of Hindu Law* (Bombay: N.M. Tripathi Private Ltd. 1966 [13th edn.]).

22. This equal share of intestate succession however did not extend to the concept of joint family property where a son's share in the property is calculated to be five times that of the daughter's share. For details see Lucy Carroll, 'Daughter's right of inheritance', *Modern Asian Studies*, October 1991, vol. 25, no. 4, pp. 791-809.

23. *Haryana Vidhan Sabha Debates*, 25 September 1979. See speech of Jagjit Singh Pohlu, a landowner of considerable stature from village Chattar.

24. *The Supreme Court Journal*, 1960, civil appellate jurisdiction, Ujjagar Singh, vs. Jeo, vol. XXIII, pp. 16-26. This case also refers to a host of other similar cases.

25. This qualified exclusion of married women only, in effect, meant exclusion of all women from inheritance. In 1981, for example, females who remained unmarried by the age of 35 in rural Haryana were 0.08 per cent only. See *Census of Haryana, 1981*, series 6, Social and Cultural Tables (Chandigarh, Director of Census Operations, 1987), part IV A, pp. 46-47.

26. *The Times of India*, daily news paper (New Delhi: 19 August 1989), p. 6.

27. Although the 1956 Act was a substantial move forward, it fell woefully short of introducing equal inheritance rights for women and significant inequalities remained. One of the major limitations, lay in the retention of *Mitakshara* coparcenary, which did not include females as coparceners in joint Hindu family property, where as a male became a coparcener at birth. The Hindu Succession Amendment Act passed on 29 August 2005, covered inequalities on several fronts, from *Mitakshara* joint family property to agricultural parental dwelling house and rights of certain widows etc. This amendment overrode any legislation made by the states. For detail Prem Chowdhry (ed.), *Gender Discrimination in Land Ownership* (New Delhi: Sage, Publications, 2009), Introduction.

28. Communication from Jasbir Singh Malik, advocate, village Gohana.

29. Prem Chowdhry, 'Contesting claims and counter claims: Questions of the inheritance and sexuality of widows in a colonial state', in *Contributions to Indian Sociology*, January-December 1995, vol. 29, no. 1&2, pp. 65-82.

30. According to the 2001 Census, in parts of Haryana the female sex- ratio dips really low; for example, in Kurukshetra, it is 770, in Sonapat, 783 and in

Ambala, 784. The activists in Haryana observe that in some villages it is as low as 500-550. The government, according to them, is pressurizing the village authorities not to disclose this fact or recognize it officially.

31. *Census of India, Haryana, 2001*, series 7, Provisional Population Totals, Paper 3 (Director of Census Operations, Haryana, Controller of Publications, Delhi, n.d.), p. 26.

32. *Ibid.*, p. 36.

33. *Ibid.*, p. 68.

34. Information given by the government assesses and property dealers of Rohtak.

35. There is an extreme case reported in the news papers regarding a young girl Sonia who killed eight members of her parental family in Hissar and then tried to commit suicide. Her suicide note read: 'I am fed up with my family for not giving me my due share of the property and I am going to eliminate them as well as myself'. *The Tribune*, Chandigarh, 26 August 2001.

36. The transformation of a *jamai* into *ghar jamai* and consequent fall in his status and prestige has been the theme of folk-lore published as far back as 1876. See, for example, India Office Records, London, *Vernacular Tracts*, No. 103, a story titled '*Manusukhi aur Sunder Singh Ka Vartant*' (Lahore, 1876).

37. For details see Prem Chowdhry, 'Caste Panchayats and the policing of marriage in Haryana: Enforcing kinship and territorial exogamy', *Contributions to Indian Sociology*, January-August 2004, pp. 1-42.

38. In April 2010, in one of the rare cases of conviction in 'honour killing', that of Manoj and Babli, an Additional District Sessions Judge of Karnal held the *khap panchayat* (traditional clan council) responsible and pronounced death sentence for five men and life term for another one. This case galvanized a huge drive for consolidation of the traditional *panchayats* demanding legal status for themselves and amendment of earlier acts regulating marriage and succession.

