

One Step Forward, Two Steps Backward

AFTER many decades of opposition, the Hindu Succession Act was finally passed in 1956. It was supposed to give near-equal inheritance rights to daughters and sons. But, as the Committee on the Status of Women in India, 1975, pointed out in its Report, many loopholes had been deliberately preserved within the Act, so that the rights granted to women remained on paper. For instance, a father can make a will and leave all his property to his sons. Even when this does not happen, the pressures in our society are such that women usually sign away their shares in favour of their brothers. However, the Act does make it remotely possible for a woman to fight a legal case and claim her share.

But on September 25, 1979, the Haryana Assembly passed a Bill which seeks to amend the Succession Act. According to this Bill, married Hindu women can no longer inherit the property of their parents. Under the Indian Constitution, succession is a topic in the concurrent list, that is, both central and state governments can legislate on it. But because the Haryana Bill is contradictory to central legislation, it requires Presidential assent before it becomes law.

Many women lawyers have opposed the Bill and made representations to the President that he withhold assent. The Bill is unconstitutional, because it is designed to deny equal rights to women.

The Haryana government's argument is that women are given dowry so it is not necessary to give them property rights as well. The Rashtriya Swayamsewak Sangh paper, *The Organiser* enthusiastically acclaimed this theory and entitled its editorial 'No Second Dowry'.

Perhaps it is only in our country that

politicians can cheerfully and openly support illegal activities. Are they not aware that the Dowry Prohibition Act, 1961, declares the giving and taking of dowry illegal and that one of the main objectives of the Hindu Succession Act was the destruction of the dowry system? These gentlemen want to once more deprive women of their rights, on the pretext of property given by fathers to husbands and in-laws.

It is also said that dowry and *stridhan* are sufficient economic security for a woman. Today, the daily papers are evidence that dowry means not security but misery and death for women. Yet this Bill is being used to snatch away from women the nominal and faint possibility of economic independence that the law gave them. And this is being done in open defiance of the Constitution which promises non-discrimination on the basis of sex.

Another favourite argument put forward by supporters of the Bill is that fragmentation of agricultural land takes place, if married daughters are given

shares in it. This adversely affects agriculture and the state economy, and creates discord between brothers and sisters. May we ask if land never gets fragmented by division between brothers, now that the joint family is slowly breaking up, and whether brothers never squabble over property? All these fine sentiments originate in the patriarchal mentality which sees women as belonging to their husbands and considers only sons the real offspring and heirs of their parents.

To increase production, it is necessary to prevent fragmentation of land, but as long as land continues to be divided up between men, depriving women of their share is no solution to the problem. It is only a way of masking the truth.

The only real solution to the problem of land-fragmentation is the collectivization of land. So that agricultural wealth does not go to a handful of rich land-owners but to those millions of women and men whose labour produces it — Land to the Tillers! □