

Women's Land Rights in Transition: Analyzing Pre-Colonial and Post-Colonial Laws and their Socio-Economic Impact on Women Farmers in India

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Abstract

Traditionally, the Indian customary land ownership was mainly governed by traditional norms and oral agreements which were patrilineal in nature. The proportion of land owned by women farmers in India is relatively low compared to their engagement in the agricultural sector; approximately 33% as labourers and 48% of self-employed farmers (government of India, 2019). This paper discusses how India has evolved from a country with discriminatory systems of land tenure to progressive systems of statutory frameworks, revealing how the transition period has created structural violence against women farmers. This paper deeply scrutinizes how land laws have evolved from customary system to legal reforms, particularly focusing on the Hindu Succession Act (1956) and its subsequent amendments. The primary objective of the study is to examine the pre-colonial and post-colonial legislation and policy designed for women farmers and to study their socio-economic impact. The paper also highlights the gap between legal equality in terms of coparcenary rights and real life vulnerability to access those rights. Legal, administrative, economic, cultural and informational barriers are found to be the continuous obstruction for women's effective access to land ownership and control which persist at different institutional levels.

Keywords

Property rights, gender parity, customary laws, reforms.