



## Women and Inheritance: Mapping Perceptions, Legal Awareness and Practices

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### **Abstract**

In recent years, the question of women's empowerment has been at the center of public policy, a critical component of which involves awareness and practice of economic rights. In this regard, legal provisions such as that of inheritance become critical. Despite the existence of legal provisions guaranteeing women right to inheritance, the existing scholarship has pointed out that in many societies, inheritance laws often favor men, perpetuating gender disparities and socioeconomic inequalities. Additionally, there remains a notable gap in awareness and understanding of such legal provisions among women, especially among socioeconomically marginalized sections. This study focuses on this lesser researched domain. Through a comprehensive literature review and the use of a qualitative approach, this study uses a semi-structured questionnaire to map the existing knowledge gaps and challenges among women from diverse socioeconomic backgrounds. The findings of this study suggest that although a significant proportion of women are aware about the existence of these laws and their rights, they nonetheless lack awareness about the specific provisions and their respective entitlements, especially considering inheritance law are further categorized according to religious identities. In addition to exploring their knowledge, this paper also attempts to investigate the nature and extent to which women usually exercise their right to inheritance in India. The respondents of this study argue that strategies such as maintaining proper documentation of property ownership, engaging in open communication among family members, seeking professional legal advice and mediation can be helpful interventions to facilitate women in exercising their right to inheritance. The findings of this study provides critical insights for policymakers, legal practitioners, and activists to develop targeted interventions to enhance women's legal literacy, empowerment and access to social and economic equality.

**Keywords:** *Inheritance; Legal Awareness; Legal Literacy; Women; Women Empowerment*

### **Introduction**

Inheritance laws, despite their obvious legal structure, which specify how assets, money, and property are transferred from one generation to the next, are intricately linked to the social norms and

rituals that form the foundation of India's socio-cultural fabric. The intertwining between inheritance laws and women's rights has evolved in recent years as there has been a greater emphasis on gender equality and women's empowerment. Given that women in Indian society are frequently described in the public discourse as passive, docile and unwilling to express their demands and desires regarding inheritance, research into the causes of women's lack of understanding of their rights—particularly those pertaining to economics and inheritance— becomes critical. In recent years, India has witnessed an increase in female enrollment in higher education and in employment, which has given women greater access to economic spaces, yet it has been widely recorded that women do not inherit property at the same rate as men. The continued presence of such an understanding underscores the need for greater research into the idea and use of financial literacy among Indian women, particularly in terms of property rights and inheritance.

Historically, women in India have been restricted to the private sphere as a result of traditional rituals and patriarchal norms, sometimes leading to their marginalized position within households. This gendered perspective is evident in various aspects of life, encompassing employment, healthcare, education, and property rights. Studying women's awareness of inheritance is crucial as it sheds light on the various ways in which gender inequality is present in Indian society. Women's ability to acquire assets and property is facilitated by their entitlement to inherit, enhancing their economic autonomy. Financial independence often correlates with social freedom and decision-making, making it crucial in today's society. In contemporary culture, the attainment of social security and stability is of paramount importance for every young woman to achieve independence.

For women, possessing property is synonymous with both security and stability. This phenomenon becomes more pronounced in cases involving widows and divorced women who often find themselves in economically vulnerable positions. India has implemented legal reforms in recent years to enhance women's inheritance rights. These legal measures guarantee the protection and recognition of women's rights. This paper delves deep into the concept of gender inequality and aims to unveil how inheritance rights are fundamental for providing women the chance to stand on their own feet and assert their stand without the fear of being vulnerable and weak. When women are denied equal inheritance rights, it perpetuates a cycle of gender discrimination and reinforces patriarchal norms. Ensuring women's equal access to inheritance is a step towards challenging these entrenched gender inequalities.

The findings of this paper suggests that as well, the knowledge gap among women's awareness of their inheritance rights is significantly wide, with very few women being aware of what the property laws signify for them. As mentioned, India being a patriarchal society, these rights differ on religion as well but the existence of previous research studying this aspect continues to be missing. (Jyotsna, n.d.) The Hindu Succession Act of 1956 regulates the entitlements to inheritance of individuals belonging to the Hindu, Buddhist, Jain, and Sikh communities. In accordance with this legislation, inheritance is regulated by two distinct systems: “Mitakshara” and “Dayabhaga”. Mitakshara refers to the civil law applicable to upper castes whereas Dayabhaga is the civil law for lower castes. Under the Mitakshara system, the sons only have the right to claim property during the lifetime of the father. On the other hand, under the Dayabhaga system, sons can only claim right to the property after the death of the father.

The Hindu Succession Act underwent substantial adjustments in 2005, resulting in several alterations to the inheritance rights of Hindu women regarding ancestral property. Some of the important reforms included granting equal rights to daughters in ancestral property, coparcenary property, and intestate succession. For non - Hindu religious communities like Christians, Jews and Parsis, the Indian Succession Act of 1925 serves as the primary legislation for inheritance rights. Among Muslim women, the Shariat law and provisions like "Faraid" or "Mirath" governs the distribution of a deceased person's assets. Faraid can be defined as the determination of the rights and the heirs' portion of a deceased's inheritance based on the provisions of the sharia laws. Mirath means inheritance to be shared from the property of the deceased among his successors.

These laws have been developed over many years by Islamic jurists, mainly drawn from the Quran and incorporating Hadith to augment it, which together establish a legal structure for the equitable allocation of wealth within the Muslim community, while simultaneously preserving familial ties and guaranteeing economic fairness.

Gaining comprehension of these complex and diverse aspects of inheritance laws in India is crucial for both men and women. In order to address this knowledge gap, this paper conducts an empirical study to examine how factors, such as occupation, religion, age, educational level, and particularly society, influence women's comprehension of these reforms.

## **Inheritance: Concept and Significance**

When discussing inheritance, several variables become prominent. One such factor is the association between women's financial security and their ability to make decisions, which is closely influenced by changes in inheritance laws. Examining the impact of legal amendments on women's inheritance laws, Mookherjee and Sulagna (2015) observe improvements in the overall claims to inheritance among women, but they add that reforms to the inheritance laws has led to a significant augmentation in women's involvement in decision-making inside their marital households. They further add that this empowerment happens at the cost of the older generation in the household, rather than negatively impacting the decision-making ability of husbands. A study conducted by Deininger, Goyal, and Nagarajan (2013) argues that women who inherit property from their family have greater independence inside their marriages compared to those who do not receive any inheritance. This study illustrated the ways in which property rights have a significant positive influence on women's empowerment and general wellbeing, far beyond their economic perks. In addition to assessing specific factors, studies have also investigated the number of women owning land and inter/intra-gender gaps affecting inheritance. Agarwal, Anthwal & Mahesh (2021) have shown that with regards to ownership of land, the measurement of gender equality is of critical significance as it serves as an indicator of economic empowerment of Indian women and provides the opportunity to assess whether the legal frameworks adopted have had an impact in the overall position of women. Women's land ownership has been widely reported to be significantly lower than males. Nationally, only 16% of landowning households have at least one female owner, and women make up barely 14% of all landowners with low quality of lands (Agarwal, Anthwal & Mahesh, 2021).

As a culturally intricate and affluent nation, India places significant importance on religious beliefs and values when it comes to deciding women's rights to property. The discussion on gender equality in property rights in North India, often described as 'The North Indian scenario' by (Kaparwan, Narang, Muddgal, Ritu & Lama (n.d.) tries to uncover the complexities and inconsistencies in property rights governed by different religious laws and regional customs, by examining the many religious and cultural backgrounds. In addition to the factors identified above, this study aims to emphasize the subtle distinctions and variations in property rights that are influenced by various religious regulations and local traditions, through an analysis of multiple religious and cultural contexts. The aim of this research is to determine the current disparities between men and women in terms of their ownership rights, examining both the quantity and quality of these rights. Although there has been improvement in the past century, it is important to highlight that Indian women still face inequitable and unequal property rights in comparison to men. The article examines the differences in property rights across different religions, with particular emphasis on the 1956 establishment of property laws for Monks, Jains, Sikhs, and Hindus. It emphasizes the absence of written documentation of property rights among Christians, Shias, and Sunnis, as well as the continued adherence of tribal women to traditional customs and regulations on inheritance. The identified disparities emphasize the need for legislative amendments to ensure women in North India enjoy equal and fair property rights.

## **Legal Provisions in India**

India's inheritance laws are a complex system that combine national legislation, secular statutes, personal laws, and religious beliefs. The cornerstone of these legal laws on inheritance is laid forth by a series of critical terms that are universal to all acts and religions in India, despite the fact that this legal framework is divided based on religion. One of these is "intestate" succession, a crucial clause that establishes rules for how assets would be distributed in the event that a person passes away without leaving a will. In contrast, under "testate" succession, the estate is split in accordance with the provisions specified in the will. A "will" is a formal legal document that outlines a person's preferences for how their possessions should be distributed. A legal process known as "probate" is required to manage and record a deceased person's estate. Debt repayment and conflict resolution are also included in this. Furthermore, "per capita distribution," which distributes the estate evenly among heirs within a specific class, comes after "per stirpes representation," which controls how inheritance is passed down to successors of a predeceased heir.

### **Hindu Succession Act (1956)**

The Hindu Succession Act was initiated in 1956 followed by further reforms in 2005 and 2023. This stands essential not only for Hindus but also for Jains, Sikhs and Buddhists as it is enacted to amend, codify and secularize the law relating to intestate or unwilled succession. The Act brought about changes in the law of succession and gave rights which were unknown in relation to women's property. By reforming rights, it has aided women by empowering them and giving them enhanced decision making authority and a sense of financial independence.

Varalakshmi (n.d.)The 1956 act abolished the discriminatory practices based on gender. Daughters, widows, mothers, and sisters received equal inheritance rights as sons in the case of a man's self-acquired property. This ensured women weren't solely dependent on male relatives for financial security. For women, this act also protected their Stridhan (property received as gifts or inheritance from parents or even wedding gifts). Despite this, daughters and daughter-in-laws were not considered coparceners in ancestral property. This translates into the fact that they were limited to inherit property which was self acquired by their fathers and did not have any right on ancestral property. Daughter in laws do not inherit from their father in laws according to the law but can reside in the house if they require support and are divorced, unmarried or widowed. Widows inherit the property of their deceased husband as per the Act's intestate succession rules. They have full ownership rights over their inherited property.

"The Hindu Succession Act (1956) aims at doing away with discrimination in inheritance laws. Son-in-laws meet the same fate as daughter-in-laws, with both being unable to procure property via succession from their father-in-law." GoI (1956)

Sons inherit their father's self acquired property or any property according to will or through intestate succession. On the contrary, sons are equal coparceners with equal rights in ancestral property, unlike daughters.

Post the Hindu Succession Act (1956), rehabilitations were introduced and the Hindu Succession act (2005) originated, primarily focussing on reforms for daughters while keeping all other provisions unchanged. Rachit (2022)The 2005 amendment revolutionized inheritance rights for daughters by granting them coparcenary status at birth in their father's coparcenary property. This renders into the fact that daughters and sons now have equal rights with reference to inheritance, partition and decision making. This act not only elevated the rate of gender equality and had a retrospective effect but also provided daughters with greater financial security by ensuring their rightful share in their ancestral property. (GoI, 2023) In order to address the inequality faced by a daughter in law due to not being a

coparcener and not inheriting property from their father in law, a bill was introduced in 2023. The bill proposes to provide a daughter in law inheritance rights at par with sons and daughters. This bill further aids the hindu succession act in achieving neutrality by expanding inheritance rights for a daughter in law.

### **Muslim Personal Law (Fara'id)**

Sharia is the body of religious law, derived from Quran and preachings of prophet Mahummad (known as Hadith) and followed by Muslims. It serves as a divine guidance for muslims on how to live a righteous life. It is a legal system, unique from others as it does not only regulate the individual's relationship with neighbors and the state but also with god and the individual's own conscience. The sharia law broadly covers a wide range of topics like religious beliefs and practices, daily life and etiquette, social interactions, criminal justice and family laws regarding inheritance, marriage and divorce.

Shireen (n.d.) Other than this, the Muslim personal law refers to legal rules that apply to muslims in areas like marriages, child custody and inheritance. It is originally derived from sharia but is a human interpretation and application of those principles. This act can vary according to specific Islamic schools of jurisprudence like Shia or Sunni but remains primarily rooted within Sharia. Fara'id, a specific set of rules within Muslim personal law that governs how a deceased person's estate (property and assets) is distributed among their legal heirs. This law has two types of heirs, sharers and residuaries. Sharers are entitled to some amount of share in the property whereas residuaries will take up the remaining share. The sharers have a predetermined, fixed share in the estate based on their relationship to the deceased. According to this legal system, if the deceased has children from another marriage, the wife gets 1/8th of the property, if not then she receives 1/4th of it. The husband gets 1/4th of his wife's estate in the presence of children and 1/2 in the absence. Rooted within patriarchy and the consistent belief about men being responsible for the financial stability of the household, sons received double the share of daughters. Further, if the deceased leaves the children or grandchildren, each parent gets 1/6th. In the case of having no descendants, each parent inherits 1/3rd. The law claims to be 'non-discriminant' as it provides shares to every heir even though they do differ on the basis of gender. Muslims can leave up to 1/3rd of their estate through a will, without infringing upon the predetermined shares of other heirs. Any child who is born into a muslim family does not have these rights by birth, they only hold these rights after the death of an ancestor.

### **Indian Succession Act (1925)**

VASU DEV (n.d.) Laws governing inheritance for Christians have been discussed in the Indian Succession Act, 1925. This act lays out inheritance laws for multiple religions including Christians, with some influence from customary practices. The British Indian government enacted the Indian Succession Act, 1865 which was later replaced by the Indian Succession Act, 1925. In many parts of India, Christians are governed by acts like the Portuguese Civil Court 1867, French Civil Court 1804 or the customary hindu law. Despite the presence of these variations, the major, overall act for Indian Christians is the Indian succession act 1925, specifically under section 31 to 49 of the act. According to this act, there are three types of heirs; lineal descendants, spouse and a kindred. Lineal descendant refers to a descendant born out of a lawful marriage and is therefore said to be a lineal descendant. Kindred, as mentioned in the act, means relations by blood through a lawful marriage. This law only deals with legitimate marriages and does not recognise any children born out of wedlock. Additionally, it does not recognise polygamous marriages either. As for receiving inheritance, in cases of having a widow and lineal descendants (children and children's children), 1/3rd of the property belongs to the widow and remaining 2/3rd belongs to the lineal descendants according to the laws of intestacy. Half of the property belongs to the widow and the other half goes to the kindred of the deceased in instances when there are no lineal descendants however there remain individuals who are kin to the deceased. The act also states that a husband has no right to inherit property of a divorced wife and a daughter in law has no right of



succession in her father in law's estate. Where an intestate has left no child, but only a grandchild or grandchildren and no other remote descendant, the property shall belong to the grandchild if only one grandchild is left by the intestate and if there are grandchildren, the property shall belong to the surviving grandchildren in equal shares. A Christian daughter's rights in family property enter into effect at her parents' intestate demise. A spouse's surviving partner has the right to one-third of the inheritance if they have living lineal descendants (children). The children inherit the remaining two thirds, which are distributed evenly. Without surviving lineal descendants, but with other kindred, the surviving spouse inherits one-half of the estate. The remaining half is divided among the kindred (blood relatives). Without surviving lineal descendants and kindred, the surviving spouse inherits the entire estate. As per Section 48, when the intestate has left neither lineal descendant, nor parent, nor sibling, his property shall be divided equally among those of his relatives who are in the nearest degree of kin to him.

## ***Research Method***

Despite the existence of inheritance rights, the existing scholarship has pointed out that in many societies, inheritance laws often favor men, perpetuating gender disparities and socioeconomic inequalities. This study aims to map perceptions, legal practices and awareness among women with different professional, religious and educational backgrounds. The existing studies have conveyed that the literacy rate varies among women from different backgrounds and therefore, having a heterogeneity in the sample assists in assessing this view further. This approach aids in mapping perceptions and delving into participant's experiences from different stratas of the society. Using a snowball and purposive sampling technique, a total of twenty respondents have been included in this study. Through a comprehensive literature review and the use of a qualitative approach, this study uses a semi-structured questionnaire to map the existing knowledge gap and challenges among women from diverse socioeconomic backgrounds.

## ***Research Tools***

The questionnaire was divided into 6 different sections. Starting with basic demographic information to investigating awareness about the law, followed by 3 different sets of questions for each religion. The last section consisted of questions which could help understand women's thought processes towards seeking inheritance. Collecting demographic information was necessary in order to understand knowledge varying on the basis of profession, religion, age and education. In order to assess the women's basic knowledge about these rights, questions related to key terms like 'intestate', 'will', 'power of attorney' were asked. Understanding the respondents' knowledge about various amendments being formed and reformed over the past year was essential and hence, since every religion is not limited to only one set of amendments in India, the respondents were asked to choose the laws applicable to their religion out of options like the Sharia law, Hindu Succession, Indian Succession, personal law, Christian marriage law, Muslim Personal Law and a few more. Secondly, in every religion specific section, questions about different descendants like daughters, daughters in law, sons, son in laws having equal/unequal shares were asked. Respondents were also questioned about legal heirs and divorce cases. Lastly, a specific section was dedicated in order to get the measure of the number of women facing societal pressures, their view about the legal process as well as potential solutions to avoid disputes over inheritance.

### Description of Sample Under Study

Table 1: Age Distribution of respondents (N = 20)

Age	No. of respondents
21-30	32%
31-40	16%
41-50	52%

Table 2: Educational Qualification of the respondents (N = 20)

Education	No. of respondents
Graduates	32%
Post Graduate	37%
Professional degrees	31%

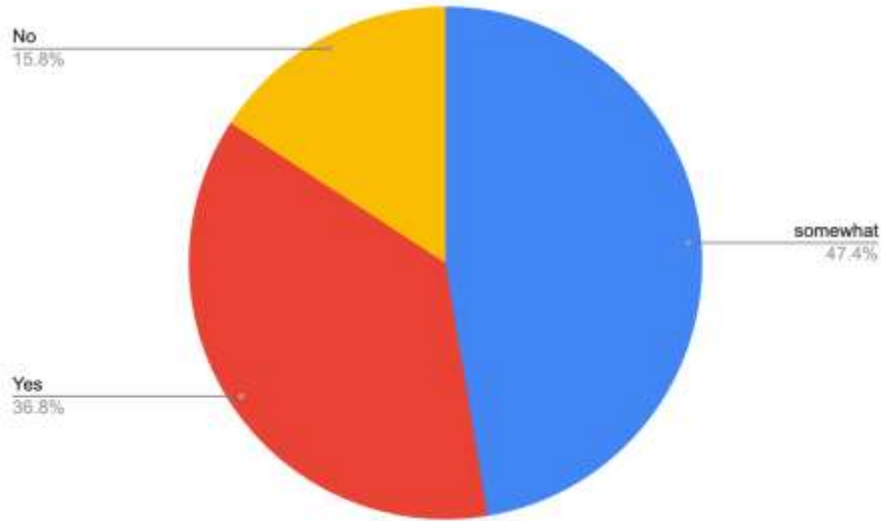
Table 3: Occupation of respondents (N =20)

Occupation	No. of respondents
Homemaker	31.7%
Salaried employees	42.3%
Self employed	26%

As mentioned above, having a sample with different educational and occupational backgrounds was essential in order to assess the knowledge gaps among women from varied demographic backgrounds. Out of the sample, most of the women were salaried employees as they either belonged to the education industry or work at firms ,in the marketing team, editing team, etc. Some of the women were business women (26%) , leaving approximately 32% who were homemakers. More than half of the women belong to the age bracket of 41-50, followed by 32% aged between 21-30 and remaining were in their late 30s. Out of all these women, many women have undertaken professional degrees like PhD and MBA. Most of the women are post graduates in different fields. This left only a small number who were either undergraduates or did not pursue their courses after graduation. The findings revealed that in the sample under study, most of the respondents were financially independent and successful in their work life. These findings are crucial to note given the societal and cultural stigma that plagues women in India.

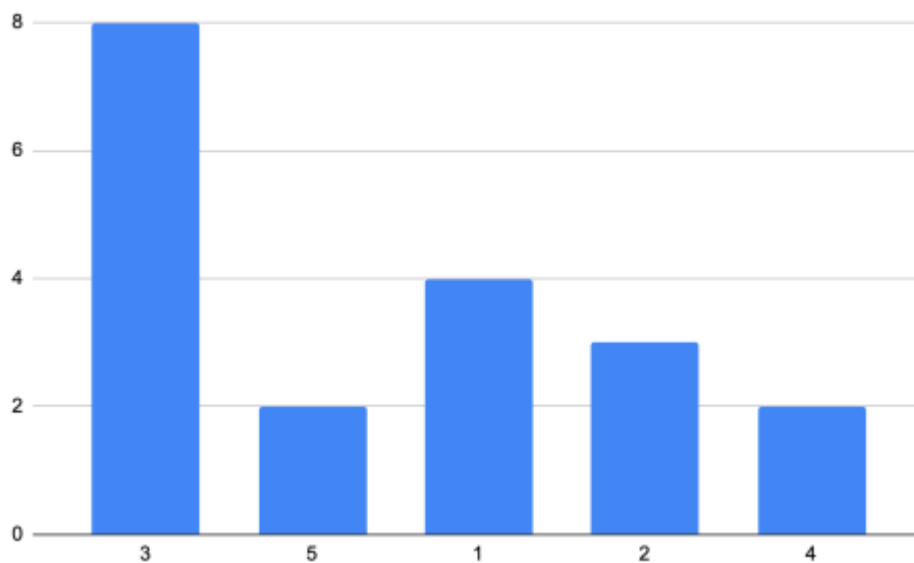
### Research Analysis

Using a semi-structured questionnaire, educated urban women were questioned about their awareness, perception and usage of inheritance laws. Majority of the respondents i.e. 84%, claimed to be aware about the existence of these rights and believe that they are entitled to inheriting property within their family.



Pie chart 1: General awareness of Inheritance laws

Out of these women, 63% believed that they are adequately informed and have substantial knowledge about these rights. Thus, contrary to popular opinion that most women are unaware of inheritance rights, this study found that only a small percentage of women lack the basic understanding about their inheritance rights.

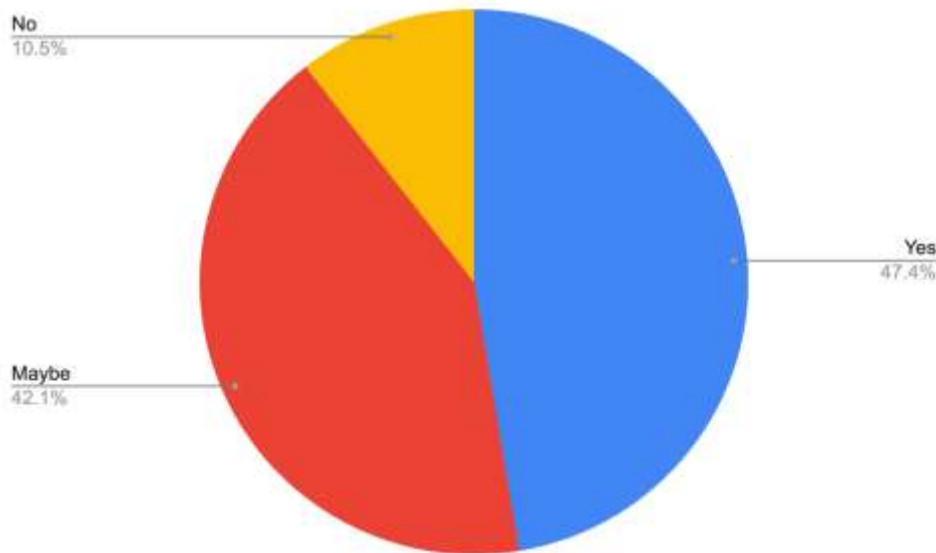


Graph 1: Self reporting of relative knowledge (Scale- 1: least knowledgeable, 5: highly knowledgeable)



To assess whether these women have inherited property, respondents were questioned regarding their past experience of claiming inheritance, which revealed that the majority of the women have never claimed inheritance, primarily because approximately 63% women never felt the need or desire to inherit property. The remaining 37% of women have inherited parental property. Primarily belonging to privileged families with substantive financial support, it is not surprising that the respondents of this study never felt the need to claim inheritance, however it is interesting to note that many specified that they also never desired to inherit property and specified that issues of inheritance often caused tension and feud in families, which many respondents wanted to avoid. This lack of desire to inherit also transcended into lack of interest in knowing the specification of the Act. Although the majority of respondents reported being familiar with the various laws of inheritance, when probed about specific provisions and clauses of the Act, such as terms like ‘intestate’, 74% women claimed to be unaware about it but when given options about its meaning, arrived at the correct choice.. However, when it came to the concept of the ‘will’, another crucial aspect of the inheritance laws, even respondents who believed they did not know about the law, appeared to be aware of the right meaning. Yet again, divergent patterns were observed for awareness regarding legal requirements and procedures involved in creating a will. This shows that while women do possess a preliminary understanding of some popular concepts, they nonetheless lack accurate knowledge of the provisions, usage and technicalities involved in claiming such benefits.

As discussed earlier, inheritance laws in India are strongly conditioned by religious backgrounds, with separate legal provisions for Hindus, Muslims, Christians and other religious communities. This study observes that respondents were not confident or aware about this integral fact. Approximately 53% of the women were unsure about the religious divisions, while approximately 47% of respondents who knew about different religion-specific laws, were found unaware of the overlaps and diversions among each of these laws.



Pie chart 2: Respondents' Perception on religion variations in Inheritance laws

Out of all the Hindus, Jains, Sikhs and Buddhist respondents, who fall under the purview of the Hindu Succession Act, only 11.1% of the women claimed to be familiar with the provisions of the Act. The remaining 88.9% were divided between being either somewhat familiar or having no knowledge at all. When asked about ‘coparcenary’, a crucial term in the act, 70% women did not provide a response and appeared to be unsure about it, leaving only 25% women who knew the correct answer.

Furthermore, the respondents were not aware about the legal heirs of a Hindu male dying intestate, there were only 31.3% who believed that sons, daughters, widows, mother, father, widow of a predeceased son and daughter of a predeceased son, are all considered legal heirs. The remaining percentage leaned towards daughters and sons or had mixed responses. The recent amendments to the Hindu Succession Act have provided daughters with equal rights to inheritance and this has been a widespread fact but out of the entire sample, there remained a 12.5% who were not acquainted with this knowledge. Similar to their lack of knowledge about daughter's rights, the sample lacked complete awareness about daughter's rights in ancestral property of a deceased Hindu male. Daughters were given equal rights in ancestral property in the Hindu Succession Act of 2005 and 15% of the respondents were unaware about this as well. Moreover, it is often debated that a Hindu male can exclude his legal heirs from inheriting property under the HSA and 80% agreed with this, and only one-fifth of the respondents were aware that a Hindu male can legally exclude his legal heirs from inheriting his property in specific conditions.

After the Hindu Succession Act, the sample was tested about the Islamic inheritance laws. The women were first asked about the wife's share in her husband's estate in presence of children and it was startling to see that only 14% of women knew that it was 1/8th. Approximately 71% of women seemed to know that the wife inherits half of her husband's estate, and the remaining 15% chose 1/3rd as the correct answer. Under the Muslim personal law, there is a specific set of rules called "fara'id" that governs inheritance of a deceased person's estate but 50% respondents were found to be completely unaware of such a provision. It is an important fact that if a person leaves without a valid will, then according to the shariah law, the estate is equally divided among his heirs; 55% of respondents were aware about this provisions, while the remaining believed that the estate is either divided according to the laws of the country in general. On the question of rights belonging to daughters and sons, 50% of the sample believed daughters and sons have equal shares but unfortunately, the laws are not gender neutral yet. The other half were aware about sons having more rights than daughters. Daughters receive half of what their brothers receive and only 20% of the women were well versed with this. The other 80% either believed its 1/3rd of the estate or equal share.

A dedicated section regarding inheritance laws for Christians was also presented to the respondents. To create a foundational base, the sample was asked about rights pertaining to daughters and sons. Approximately 82% of the sample recognised that daughters and sons have equal rights whereas 18% believed in sons having more share in property. Under the Indian Succession Act (1925) for Christians, a divorce between a daughter-in-law/son-in-law and their spouse (son/daughter) does not affect their inheritance rights related to their parents-in-law's estate, assuming the parents-in-law die intestate (without a will). This is because inheritance rights under the Act are determined by blood relations to the deceased, not the marital status of the children (son/daughter) or their spouse (daughter-in-law/son-in-law). Only 20% of the sample seemed to be aware about this, approximately 40% were sure about divorce impacting shares and the remaining reported being unsure about the provision. While the Act clearly lays down guidelines for a spouse's share in the presence and absence of a lineal descendant/kindred, more than 75% of the respondents believed that a surviving spouse has no fixed share in the deceased's estate. Finally, only 20% of respondents knew that if the deceased dies without a will, the estate is divided according to laws of intestacy. Majority of the respondents thought that in such a situation, the estate is divided among all existing family members, while 30% believed that it is distributed among closest relatives, and 5% were observed to believe that the estate is taken over by the government.

## ***Discussion***

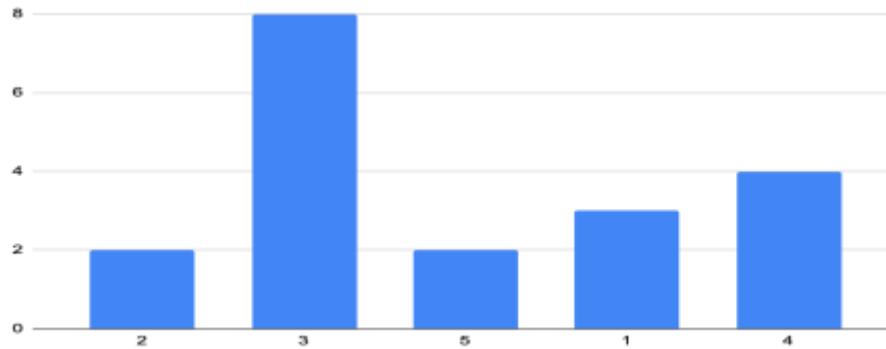
In recent years, there have been legal reforms in India aimed at strengthening women's inheritance rights, special provisions for women at workplaces, rules for promoting greater women representation in corporate boardrooms, among others which have been deemed as essential for ensuring women's rights are upheld and respected. Despite the existence of such provisions, there remains much ambiguity among women from across different demographic backgrounds regarding their inheritance rights and provisions. With the help of a semi-structured questionnaire, this paper attempted to investigate the level of awareness among women about their inheritance rights and legal awareness.

Previously published research shows that women across different demographic backgrounds have varied levels of knowledge and in order to assess this further in my study, women from different age groups, professions and educational backgrounds were chosen as respondents. It is often believed that education status and knowledge is closely associated and that educated women with professional jobs have a higher amount of knowledge about these rights but results opposed this view. When asked about their familiarity with the laws, women with professional degrees and jobs also claimed to be 'somewhat familiar', similar to women who were graduates and homemakers. Even in the questions asked further in the questionnaire, home makers and undergraduates appeared to either have the same amount of knowledge or at instances, were more literate than women with jobs, PhD degrees, MBA degrees, etc. A key finding from this study suggests that educational levels did not guarantee increased knowledge about inheritance laws among the female respondents. Additionally, women who identified themselves as homemakers primarily appeared to have never claimed or applied for inheritance and added that they never felt the need to do so, or mentioned avoiding making such claims because of the possible friction and anxieties that conversations surrounding inheritance create in domestic conversations. This shows that these sets of women are either not aware about the importance of financial independence and security or face challenges within their household in the process of procuring their shares. It was also noted that women undervalued and under-reported their awareness about laws. This can be inferred as when women were asked about their familiarity with key provisions, women claimed to be unaware but when provided with options, each of the respondents achieved the correct meaning. This also illustrated the reproduction of a common stereotype where women felt under confident when asked about politics, a topic that popularly people believe that females lack knowledge in and hence they did not respond accurately until presented with choices. The lack of choices initially made them feel overwhelmed and under confident. This can further be a reason behind women not claiming inheritance. In order to seek inheritance, it is also necessary to know about the legal provisions surrounding heirs of a deceased person and it was eye-opening to see that not all 20 women knew about this. Their lack of knowledge about legal heirs can be another barrier in seeking inheritance. Furthermore, respondents were found to be unaware about legal procedures related to several key provisions which showed that women only possessed a surface level awareness about these laws and were not aware about the critical provisions that regulate inheritance rights.

The entire questionnaire was divided according to religious specific sections and despite being provided with instructions to fill out sections specific to their religious background, most respondents answered questions for all of the religious groups. This illustrates that while respondents are aware of multiple inheritance laws, they nevertheless lack clarity regarding the specific laws and legal provisions that govern their inheritance rights on the basis of religion; this in turn could also be a reason for their ambiguity regarding the laws. One of the most important developments in this field is the recent amendments to the inheritance laws which now guarantee equal inheritance rights to sons and daughters in the Hindu Succession Act (2005), but as we have discussed above, only a small portion of the women were aware about this, despite their extensive educational background. This ignorance could be accrued to the insufficient dispersion of legal and political knowledge among residents where economic information is rarely discussed, debated in public spaces and from the lack of sufficient efforts by the government to

ensure that marginalized sections like women are provided with greater awareness regarding their economic rights. Another notable fact consistent throughout the responses was that when asked about daughter's and son's share in property, several respondents thought that sons had greater shares than daughters. In some cases, respondents were observed to be surprised when they were told that under certain provisions, daughters could possibly have more share in either of the 4 religions. This depicts both the lack of sufficient legal education and the persistence of patriarchal mindsets in Indian society.

Finally, women were questioned about their perspective on the legal system and the society. Most of the women believed that there is a high degree of shame and societal pressure linked with seeking inheritance. They added that patriarchy and societal stigmas often act as a barrier in this process.



Graph 2: Perceived Societal Pressure and Share associated with inheritance (1 being lowest and 5 being the highest)

With their responses, it is evident that the citizens believe that there is a great amount of work needed in the dissemination of crucial laws and legal provisions among citizens and a lot more needs to be done to make the inheritance process smoother and available to all. Some respondents rightly argued that drafting clear and valid wills and maintaining proper documentation of wealth and assets is crucial; while seeking legal advice is a solution, engaging in open and comfortable conversations with family members is a primary requirement. Policies in India need to be amended and made gender neutral with more elaborate, clear and comprehensible legal procedures.

### Conclusion

This study mapped perceptions and legal awareness among women about inheritance rights and laws in India. The present study made use of primary data procured from women to gauge their understanding of the prevalent inheritance laws in India. Areas of improvement exist despite various legal amendments. It is believed that education will improve the standard of living for women to a great extent especially in this field, however, findings from the present research highlighted that even education did not drastically increase the awareness of women regarding inheritance rights. Very few women have some amount of knowledge despite being well involved in the economic/ public sectors. This can be an indicator of greater efforts being required from the government, NGOs, and education systems to increase women's legal cognizance. Awareness programmes and open discussions with the masses need to be incorporated in order to raise the economic freedom among women and make them feel secure. Economic rights are a critical part of an individual's identity, which becomes further important when related to women and the question of their empowerment. The financial and economic sphere is largely perceived to be male-centric, with major instances of discrimination against women, as a result, it contributes towards the reduced involvement of women in the field. Seeking inheritance is essential for a woman's financial independence, economic empowerment and their overall well-being. The education system needs to be

more inclusive of all essential aspects, including inheritance and the importance of financial security, independence and personal development needs to be communicated to women more efficiently. Policies need to be amended in order to make legal procedures more comprehensible and women's knowledge about these laws, provisions and processes needs to be elevated in order to make the legal inheritance system gender neutral and enhance participation.

### ***Conflict of Interest***

The author declares that they have no conflicts of interest.

### ***References***

- Deininger, K., Goyal, A., & Nagarajan, H. (2013). Women's Inheritance Rights and Intergenerational Transmission of Resources in India. *The Journal of Human Resources*, 48(1), 114–141. <http://www.jstor.org/stable/23799109>.
- Garg, Rachit (2022, October 1). Hindu Succession Amendment Act, 2005. Ipleaders. Available at: <https://blog.ipleaders.in/critical-analysis-hindu-succession-amendment-act-2005/>.
- Gender-Neutral Inheritance Laws, Family Structure, and Women's Social Status in India. (n.d.). Indian Statistical Institute, Delhi. Retrieved July 6, 2024, from <https://www.isid.ac.in/~epu/acegd2015/papers/SulagnaMookerjee.pdf>.
- GoI (1956). The Hindu Succession Act, 1956. Available at: <https://ncwapps.nic.in/acts/TheHinduSuccessionAct1956.pdf>.
- GoI (2023). The Hindu Succession (Amendment) Bill. Lok Sabha Bill. Available at: <https://sansad.in/getFile/BillsTexts/LSBillTexts/Asintroduced/35%20of%202023%20as%20intro84202385906PM.pdf?source=legislation#:~:text=The%20Bill%2C%20therefore%2C%20seeks%20to,%20a%20female%20Hindu%20dying>.
- How Many and Which Women Own Land in India? Inter-gender and Intra-gender Gaps. (2021, April 8). Bina Agarwal. Retrieved July 6, 2024, from [https://www.binaagarwal.com/downloads/apapers/How\\_many\\_women\\_own\\_land\\_India\\_2021.pdf](https://www.binaagarwal.com/downloads/apapers/How_many_women_own_land_India_2021.pdf).
- Inheritance Rights Of Women – The North Indian Scenario. (n.d.). <https://cyberleninka.ru/article/n/inheritance-rights-of-women-the-north-indian-scenario/viewer>.
- Jyotsna, B. (n.d.). Law Of Succession And Inheritance. District Court. Retrieved July 6, (2024), from <https://districts.ecourts.gov.in/sites/default/files/sucession.pdf>.
- Muslim Law of Inheritance. (n.d.). District Court. Retrieved July 6, (2024), from <https://districts.ecourts.gov.in/sites/default/files/muslim%20law%20of%20inheritance.pdf>.
- Succession under Indian Succession Act, (1925) In Respect Of Christians. (n.d.). District Court. Retrieved July 6, 2024, from <https://districts.ecourts.gov.in/sites/default/files/team%20ii.pdf>.

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