SECTION TEN

WOMEN'S RIGHTS TO INHERIT PROPERTY

A. Inheritance Rights of Muslim Women Misappropriated

This paper draws attention to the misappropriation of the rights of Muslim women to inherit property and particularly land under cultivation. This unjust and unfair treatment is against Islamic practices and makes women poorer.

In this work the author explains the socio-economic factors behind the prevalence of Customary Law in Kashmir. Kashmir is predominantly Muslim, and therefore substantive law applicable to the succession of estate of deceased Muslim purports primarily to be Muslim Law. The author discusses how women’s rights of inheritance are linked with issues of agricultural land, which remains under virtual control of men. The State of Kashmir has failed to promulgate a law securing women’s rights of full equality in all social, educational, political and legal matters. To conclude, the author strongly recommends replacing the Customary Law of Kashmir with Muslim Personal Law as ‘comparatively, the Muslim Law of inheritance does substantial justice to females.’

Drawing upon Farsi court records and chronicles, this paper examines the rights of middle class women to land under the Mughals. Research findings show that women in the sixteenth and seventeenth centuries did acquire some land through inheritance. They only rarely purchased land.

1543. BANU, ZENAB. ‘Sharia Law and its Practice among the Dawoodi Bohras of Udaipur, Rajasthan. Muslim Women’s Right to Inheritance,’

The Dawoodi Bohras perform their Islamic duties and obligations with great care; however, they do not show the same concern and care in their treatment of women in their community. Women are not given a share in the family property. By withholding the share of women, the community fails to uphold Islamic laws.

1544. CHOWDHURY, A. B. M. SULTAN. “The Problem of Representation in the Muslim Law of Inheritance.” Islamic Studies 3 (1964): 375–391. Explaining the laws of Islam, this paper states that according to the directives of the Qur'ān, every man and woman is the sole owner of his/her property, inherited or acquired, during one’s lifetime.


This paper investigates social practices motivating the usage of Customary Law among Muslims and Hindus in South Asia. The force of tradition is so strong that women themselves prefer not to demand their share of inheritance.


This is an exhaustive study of the Muslim Law of Inheritance (ilm-ul-Farāiz), comprising mainly the Sunni Hanafi Law, based on the original Arabic authorities. The book contains the text and translation of the Sirajīyyah, which was first translated in 1792 by Sir William Jones. The present text has translations and commentaries by the author. Although women’s right to inherit is discussed throughout this excellent study, the author has dealt with this theme exclusively in chapter two, entitled ‘On Women’.


This paper draws attention to the great injustice done to Muslim girls in India in general, and in particular in the Punjab, by depriving them of their right to inherit property under the pretext of custom (riwāj). This usurpation of women’s rights not only takes place in ordinary households alone; but also takes place in rich and elite families, and in