

Muslim Women's Legal Rights in Agricultural Land During the British Rule in Punjab (1872-1947)

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Abstract: Punjab has always been the highly important region of India during all periods of History. Women occupy half of the world's population and no as such development can be absolute if the women's interests are not taken care of. The progress and greatness of any community or country can be judged by the position and status enjoyed by its women. The present research paper focused on the Muslim women's legal rights in agricultural land during the British rule in Punjab. It also attempts to present clear picture of Muslim women's rights in agricultural land during the period under study. Till date Muslim women are struggling for their rights in agricultural land. No doubt twenty first century or Modern age is considered much more advanced than the ancient times, but still Muslim women are found struggling to regain their ancient rights which were granted to them by Muslim law. Economic security is much more important for raising the status of women. There is urgent need of the hour to develop a society on the basis of gender justice, where Muslim women can also enjoy equal rights and status to men. The present study will also highlight how the state had supported the customs. The present paper is based on various primary sources such as C.L. Tupper's, *Punjab Customary Law*, Vol I, Vol.II, Vol III, W.H. Rattigan's, *A Digest of Customary Law in the Punjab*, P.N. Thapar's, *General Code of Tribal Customs in the Jhelum District Punjab*, Judgements of *Privy Councils*, and other secondary sources.

Key Words: Muslim, Women, Gender, Customary, Law, Legal.

"Please go and ask the *sarkar* (Government) why, when it distributes 'land', we don't get a title. Are we not peasants? If my husband throws me out, where is my security"¹

Rights are defined here as claims that are recognized and are enforceable by an external legitimised authority, be it a village-level institution or some higher level judicial or executive body of state. Right in land can be in the form of ownership or of usufruct (right of use) associated with differing degree of freedom of lease out, mortgage, be. ² In legal terms, women's property rights in South Asia are governed by personal laws which very good deal by religion and region forming a complex mosaic.³ Even more critical than the persisting legal inequities is the gap between women's legal rights in land and its actual ownership between ownership and effective control.⁴ These gaps, especially apparent in the communities which customarily practiced patrilineal inheritance that is, where ancestrally property passed through the male line. ⁵

In general, Islamic law recognised Muslim women's inheritance rights in immovable property, although these are unequal to those of men. But, in practice, there is substantial deviation between the scriptural texts and local customs in Muslim women's inheritance rights, a divergence which has a critical bearing on their rights in agricultural land during the British rule in India and even today. It is argued that considerable progress was made

¹ Bina Aggarwal, *Gender Challenges, Vol 2: Property Family And The State*, New Delhi, 2016, p.1

² *Ibid*, p.27

³ *Ibid*, p.30

⁴ *Ibid*, p.31

⁵ *Ibid* p.32

towards gender equality in inheritance laws during the twentieth century, including the periods soon after independence which was seriously limited by the known applicability of most state laws to large parts of agriculture land – the devolution of which was subject to gender discriminatory state-level tenorial legislation and/ or custom

Punjab was the politically and culturally an important region of India in all periods of History. The present research paper will focus on the Muslim women's legal rights in agricultural land during the British rule in Punjab. The present research paper will try to give a clear picture of Muslim women's right in agricultural land during the period under study. The present paper is based on various primary sources such as C.L. Tupper, *Punjab Customary Law*, Vol I, Vol.II, Vol III, W.H. Rattigan, *A Digest of Customary Law in the Punjab*, P.N. Thapar, *General Code of Tribal Customs in the Jhelum District Punjab*, and other secondary sources.

With the annexation of the Punjab in 1849, the British administrators of the then Punjab like C.L Tupper, W.S. Talbot and others started recording the practices and opinions with regard to systems of succession to landed or agricultural property by seeking information and opinions from various castes and tribes for all the districts of the Punjab. These evidences were strictly recorded and compiled in volumes entitled *Riwaj-i-am* or *customary law* of the Punjab. These volumes became the basis of the compendiums on the customs followed by all communities of the Punjab prepared by the British administrators.⁶ Thus in Punjab, the British government built a legal system on the basis of the tribal customs of the people of Punjab. Custom means a habitual conduct of a tribe which is based on morality.

In the present context it is highly important to examine the Muslim women's rights in immovable property under the British rule in Punjab. Women's right to have shared in property has bearing on women's relations within the family, the society and the state. The rural women's control over agriculture land is of highly important for their economic and social empowerment.⁷ The formulation of contemporary inheritance laws, especially as they are related to landed property, involve a complex and contentious process of interaction between the, (colonial and post colonial) state and different segments of the population and include the interplay of varying ideologies and interests and conflicting pulls of scriptural rules and local customs.

C.L. Tupper stated that the Muslim law was unsuitable for village communities of the Punjab. According to the Census Returns of 1868, Muslim population was 53.02 per cent of the total population; and those 57.40 per cent were either agriculturists or engaged in occupations connected with agriculture.⁸ The people of Punjab had spontaneously evolved a system which suited to the conditions of agriculture without breaking the tie of the clan.⁹ C.L. Tupper observed that the Muslim law belonged to a phase of society which was earlier in point of development than was generally attained in the Punjab; in fact, that it mets the needs of a pastoral, not of an agricultural people.¹⁰ Female succession and the wider liberty in the transfer of property by gift, which the Muslim law allows, were not consistent with village usage. A nomad tribe owning only flocks and herds, would, if sufficiently numerous, probably permit marriages within its limits; daughters and sisters would not by inheritance transfer the property to strange hands. The moving tribe, as a whole, would carry about with it both the herds and their owners. When the tribe had settled on the land broken up into clans and sections holding villages, the character of property had changed; and with its character, the rules should also change respecting its devolution and transfer.¹¹ Thus, one can clearly assume the attitude of British administrators. They did not want to allow Muslim to enjoy their existing rights under Muslim law. They tried to prove that Muslim women's rights in immoveable property were not appropriate for settled tribes or agricultural tribes. According to them Muslim law was inappropriate for village communities of Punjab. They had argued that Muslim law belonged to earlier phase

⁶ Harish C. Sharma, "Customary Law and Women in the Colonial Punjab", in *Pre-Colonial and Colonial Punjab: Society, Economy, Politics and Culture*, Reeta Grewal & Sheena Pall (ed.), New Delhi, 2005, p. 255.

⁷ *Ibid.*

⁸ C.L. Tupper, *Punjab Customary Law*, Vol.II, Calcutta, 1881, p.88.

⁹ *Ibid.*, p.62.

¹⁰ *Ibid.*, p.89.

¹¹ *Ibid.*, p.88.

of developed society. They were in favour of customary law on matter of Muslim females' property rights. It is clear that British administrators like C.L. Tupper who compiled the customary law, were against the Muslim women's property rights. They were not in favour of gender equality in matters of women's property rights. Thus, they made gender discriminatory customs as the law the state.

According to the fundamental principles of Muslim law, an estate on the death of its owner is divided amongst numerous shares, amongst which females are included, each of whom takes her share in absolute ownership are the opposite of the very basis of Tribal law which is against succession and limited ownership.¹²

In Punjab, the British built a legal system on the basis of the tribal customs of the people of Punjab. The meaning of custom is a habitual conduct of a tribe which is based on morality. Law comes from a sovereign body. According to Piare Lal Sharma, "customary law is composed of certain rules observed by certain tribes. They are evidenced by long usages and are founded upon pre-existing rules of conduct. They are sanctioned by the will of the tribe. They are accepted by the state as good laws for the state."¹³

The customary law was adopted as the law of the state with the passage of the Punjab Laws Act of 1872, which affected Muslim women's rights. Through this paper, an attempt has been made to examine whether the decision of the British government affected positively or adversely on the Muslim women's the rights in agricultural land, which were provided to them by the holy Quran or Islamic law during the period under study.

Firstly, it is very important to understand the provisions of Punjab Laws Act 1872 to make better interpretation and how the Punjab Laws Act of 1872 affected adversely the Muslim women's *shariat* rights in detail. The section (5) "In questions regarding succession, special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, bastardy, family-relation, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be:-

- (a) any custom applicable to the parties concerned, which is no contrary to justice, equity or good conscience, and has not been by this or any other enactment altered or abolished, and has not been declared to be void by any competent authority;
- (b) The Muhammadan law, in cases where the parties are Muhammadans, and the Hindu law, in cases where the parties are Hindus, except in so far as such law has been altered or abolished by legislative enactment, or is opposed to the provisions of the Act, or has been modified by any such custom as is above referred to.

The section 5 of the Punjab Laws Act 1872 makes a clear mention that the primary rule of decision in all questions related to the matters specified therein shall be the custom where a custom exists. In the absence of custom, then only the Hindu and Muslim laws will apply.¹⁴ Thus, Punjab Laws Act 1872 made the customary law, the law of the state which adversely affected the Muslim women's rights that were granted by the Muslim law. It is very important to mention here that on one hand, British government advocated reforms for women, on the other hand they denied their ancient approved rights. During the nineteenth century, most of the 'traditional' religious scholars tried to stay as clear of the imperial government as possible. The scholars of the theological school at Deoband asked their followers to avoid the Anglo-Indian courts entirely.¹⁵

Amongst Muslims of Punjab succession rules apply according to customs run in the male line. *Pagvand* and *Chundavand* rules of succession were common among them. The *Pagvand* rule is the normal custom.¹⁶ According to *Pagvand rule* an estate is distributed in the equal shares amongst the sons, from *pag* a turban, and corresponds exactly to the phrase per capita. *Chundavand*(is from *chunda*, which means the hair braided on the

¹² Kaikhosru J. Rustomji, *A Treatise on Customary Law in the Punjab*, fifth edition, Allahabad, 1949, p.6.

¹³ Piare Lal Sharma, *The Punjab Customary Law*, Chandigarh, Jain Law Agency, 1967, p.4.

¹⁴ *Ibid*, p.17.

¹⁵ Gregory C. Kozlowski, 'Muslim Women and the Control of Property in North India' in Sumit Sarkar and Tanika Sarkar, eds, *Women and Social Reform in Modern India*, Vol, II, New Delhi, 2007, p.32

¹⁶ Sripati Roy, *Customs and Customary Law in British India*, Delhi, 1986, p.506.

top of the head), is applied where the division is governed by the number of mothers; the sons, however few, by one wife, take a share equal to that of the sons, however many, by Mother.¹⁷

Jhelum, Chakwal and Pind Didan Khan tehsils of the Jhelum district amongst all tribes the generally inheritance was devolved upon the relations in the following order:-

- (i) Sons and their male lineal descendants.
- (ii) Widows (including son's widow) till death and remarriage.
- (iii) Daughters – till death or remarriage.
- (iv) Father
- (v) Mother- till death or remarriage
- (vi) Brothers and their male lineal descendants.
- (vii) Other agnates.¹⁸

In the Jhelum district an unmarried daughter, in the absence of male lineal descendants, succeeded to the property until marriage. Her interest was temporary, and she had no right of full inheritance. Sayads also stated that the daughter could be turned out if she was of bad character. Khojas tribes followed Muslim law in this matter. Amongst Awans of Tallagang and all Chakwal Muslim tribes of the Jhelum District, the daughters succeeded as above until their marriage, in the absence of male descendants of deceased. She succeeded absolutely whether married or not, if there were no agnates within fourth degrees.¹⁹ Amongst all tribes of the Jhelum tehsil of the Jhelum district, all tribes stated that sister did not succeed in the presence of collaterals of any degree. In the absence of all collaterals she could succeed. In the Chakwal tehsil amongst all Muslim tribes in the absence of daughters and their issue and of collaterals up to the fourth degree the sister succeeded. Pind Dadan Khan tehsil amongst all tribes, sister did not succeed in the presence of collaterals of any degree. But she succeeded if there were no collaterals and before the property reverted to the owners of the holding from whom it had been acquired.²⁰

In the Jhelum district, amongst Sayads a sister could hold property until marriage only, if there were no descendants and no brothers. Amongst Khojas, sisters took a share according to Muslim law. In all other tribes a sister could never inherit.²¹

In the Rawalpindi district, the law of inheritance of Muslims was not strictly followed and local usages were not uniform: the custom and rule guiding these cases had entered in the *ElaquaWajib-ul-urs*, or agreement, in detail. The most common exception to Muslim law was that daughters could not inherit landed property in this district. Local custom varied as to the degree of propinquity in comparison of which the daughters had a preferential claim; but the severally the daughters could not inherit; some tribes have given two generations and others five generations, as the limit. And widows were allowed a life –interest on their husbands' landed property if there was no male issue.²²

In Muzaffargarh district Muslims were also governed by customs in matter of property. A son, for instance excluded daughters and other relations from inheritance. A brother excluded sisters and other distant kindred. The right of representation was fully recognized. The validity under the Muslim law of a marriage of a woman to an agnate and, however resulted in removing the disability of a married daughter to inherit in preference

¹⁷ C.L. Tupper, *Punjab Customary Law*, Vol.II, p.80.

¹⁸ P.N. Thapar, *General Code of Tribal Customs in the Jhelum District Punjab*, Lahore, 1946, pp. 16-17.

¹⁹ W.S. Talbot, *General Code of Tribal Custom in the Jhelum District of the Punjab*, Vol. XIX, Lahore, 1901, p.45

²⁰ P.N. Thapar, *General Code of Tribal Customs in the Jhelum District Punjab*, pp. 64-65.

²¹ W.S. Talbot, *General Code of Tribal Custom in the Jhelum District of the Punjab*, pp.49-50

²² C.L. Tupper, *Punjab Customary Law*, Vol. III, Calcutta, 1881 p.218.

to agnates male.²³ All Muslims of this district followed the rule that a married daughter did not secure any rights by the mere fact that she and her husband lived in her father's house. Among Sayads of Leiah tehsil and Jats of Alipur tehsil, there was one instance in each case where daughter and son-in-law succeeded to the property of the deceased in the absence of male issue.²⁴

In the case of Naiba v. MussammatFatto, court held that amongst the Gujuran tribe of Ludhiana district, an unmarried daughter holds her fathers' estate till death or marriage.²⁵

In the case of Nurulnissa v. Gauhariulnissa, a childless daughter who had succeeded to her father's estate alienated a portion of it to certain collaterals of her husband. This was challenged by her father's brother's daughter. The court held that they had no *locus standi* right to do so. The court observed that the male collaterals were all given the power to challenge alienation because the customary law was wedded to the doctrine that the property should be kept in the agnatic group. 'But if a similar power is given to females, this will have no such effects, and therefore customary law does not confer such power on females'.²⁶

There were also many others cases where daughters' and sisters' claims were disallowed, by the district authorities, high courts and Privy Council such as following:

Several court cases have been filed on the succession right of Muslim women and some of these have been discussed have below:-

In a case titled ' Ahmad Khan and others Appellants Versus Mt. Channi Bibi – Respondent, case came up in a civil suit filed by the respondent that is Mt. Channi Bibi before the hon'ble the district Judge of Attock. She had prayed to the court that She was entitled to receive share of land belonging to her deceased brothers Ali Waris Khani in her right of succession, she had taken the plea that she was real sister of her deceased brother Ali Waris Khan and very much entitled to get share of his property since nothing was provided to the contrary in the general or special customs of Khattar tribe to which she belonged and she was eligible for her collateral right in her capacity as a sister getting succession to brother's property. However, the opposite side took the plea that in term of customs of their family females' mere debarred from such succession rights in case of both self occupied or ancestral property. The hon'ble court started in trail properties, one in the name of 'Surag Salar' and the other in the name of "Kharala". During the trial proceedings hon'ble Senior Sub-Judge of Attock came to know that property by late Ali Waris Khan, within the meaning of custom stated by the plaintiff and the second property at Kharala was ancestral except 416 Kanals of land. It was the further argued with a view to refute her claim by the opposite party in the court that she had not quoted particular examples of the custom under which she preferred her claim on her brother's property. Therefore, the court at Attock dismissed her civil suits as untenable for ancestral as well as self acquired properties. Thus, this case clearly showed that how customs denied women's property rights.

Thereafter, she went in appeal against the decisions of the lower court before the high court of Lahore. After re-examine the entire issue hon'ble high court passed decree in her favour in respect of Surag Salar property and 416 kanals of Kharala which was as admitted him chased by Mohamed Khan, however her claim to the ancestral property was dismissed by the high court during the proceedings before high court, oral evidence was Muslim community called Riway-i-Aam which could not be challenged by the defendants. The division bench of high court perused and examined the documents produced during the proceedings and save the unanimous decision. When reference was made of the evidence of Sirdar Mohammed Hyat Khan, an important government officer by high court as conclusive evidence the counsel of the appellants submitted to the court that it was not in conformity with the provisions of the India evidence Act 1872 and could not be taken in the play of the counsel because the entire matter was thoroughly debated in the court.²⁷ Thus the high court which had earlier partly

²³ Pandit Hari Kishan, Kaul, *Customary Law of the Muzaffargarh District*, Vol. XX, p.6.

²⁴ J.D. Anderson, *Customary Law of the Muzaffargarh District*, p.84.

²⁵ Dharm Das Suri, (ed.), *The Punjab Law Reporter*, Vol. XI, Lahore, Jijnasu Printing Works, 1910, p.437.

²⁶ ParasDiwan, *Customary Law of Punjab and Haryana*, p.263.

²⁷ Privy Council Appeal No. 74 of 1924, D/d. 28.7.1925.

allowed to her appeal was prompted to dismiss it. The situation taking U-turn in the above case indicates that customs and rituals of Muslim society are used to deprive them of their succession rights.

Another case discussed in this regard Abdul Ghafur and others- respondents, were Muslim woman has been deprived right to succession taking the grounds of social customs as her Muslim Law. The applicants filed the case in the court of senior sub-judge of Gujranwala that they were entitled to succession to property belonging to late Salehuddin. It was prayed by appellants that they were the collaterals of the deceased and secondly their succession was governed by the customary law. They alleged that the respondents were to sisters related to the deceased Salehuddin that they have no right to succession as her Muslim Law. As the decision of hon'ble senior sub-judge went against the respondent sisters, they went in appeal before the Lahore high court. After reviewing the case a fresh hon'ble judges Martineau and Jafar Ali totally gone to the opposite verdict on the grounds that the appellants had failed to prove that they had collateral relations with the deceased and allowed the appeal to this extent. It is mentioned that the respondents were absent on hearing date and appeal was decided expaste. The main question and the one on which the Senior Sub-Judge and the High Court are at variance relates to the pedigree of the parties. The ancestor whom the appellants assert to be common to them and to the deceased Salehuddin was one Mohammad Muslim, grandson of Qazi Rahimuuddin. They claimed that they were descended from one of the sons of Mohammad Muslim and that the deceased was a descendant of his other son. As the descents are traced through several generations in each branch, it is manifest that matters of family history not susceptible of direct proof are involved. The rule of evidence thus enunciated is in accord with the terms of Section 32(6), Evidence Act 1872, which is applicable to the present case. Now it is fortunate for the appellants that in each of the two families which they seek to connect-their own and that of the deceased-there was an enthusiastic genealogist much interested in domestic annals and achievements. On the side of the deceased there was his grandfather's brother, Shah Nawaz Din, who in 1875 compiled a very elaborate genealogical tree and appended to it a series of biographical notes, obviously the result of prolonged investigation and research.²⁸ He died some 28 years ago. If this document is authentic and reliable, it established the, appellant's case. It answers the above test of admissibility for it is a statement of a deceased member of the family and was prepared long before the emergence of the present controversy. It is stated to have been "produced by a witness for the plaintiff on 4th June 1920." Two witnesses were examined for the plaintiffs on that date, and it does not appear which of them actually produced the document; but both of these witnesses are among the plaintiffs and to be members of the family to whose history the document purports to relate. Though apparently not formally produced until 4th June 1920, it was put to other witnesses examined for the plaintiffs on earlier dates. A convenient extract from the genealogical tree embodying the portion of it material to the present case is appended by the Senior Sub-Judge to his judgment. Their Lordships regard this concurrence of family records as constituting by itself important evidence in support of the appellants' submission. But there was also a considerable body of oral testimony in their favour. Mohammad-Qasim, who has apparently married into the appellants' branch, was acquainted with the family analyst, Shah Nawaz Din, who was of the deceased's branch, and deposes to the collateral relationship. Barkat Ali stated that he it related to and knew both Shah Nawaz Din and his brother and that the plaintiffs were their collateral's through their common ancestor Mohammad Muslim. Mohammad Haidar also knew both Shah Nawaz Din and his brother who, he said, was his collaterals and also collaterals of the plaintiffs through their common descent from Mohammad Muslim. Muzaffar Ali's evidence was to the same effect. Ali Gauhar, the witness mentioned above, said that Ghulam Hussain and Shah Nawaz Din stated before him that they were collaterals. There was further supporting testimony of witnesses acquainted with both branches, which it is unnecessary to detail. As against this substantial body of evidence, oral and documentary, the defendants content themselves with adducing two or three witnesses who merely deny the existence of the alleged collateral relationship and say they never heard it asserted by members with whom they were acquainted of either branch. In the High Court, the pedigree table was rejected as unsatisfactory evidence, first because some of the plaintiffs'

²⁸ Privy Council Appeal No. 9 of 1920, D/d. 16.12.1930.

witnesses said that it was in the handwriting of Shah Nawaz Din, whereas the whole of it could not be in his handwriting as it contains an entry of his own death and entries of the names of persons who were born after his death, but this was put right by the subsequent-witness Ali Gauhar. The second point in the case, as to the law applicable to the deceased's succession, is not discussed by the High Court. Their Lordships find in the evidence for the plaintiffs sufficient proof derived from several past instances that customary and not Muslim law governs succession in the family of the deceased and in this they agree with the conclusion of the Senior Sub-Judge. "Their Lordships will accordingly humbly advise His Majesty that the appeal should be allowed, the judgment of the High Court, dated 27th April 1925, re-called, and the decree of the Senior Sub-Judge of 23rd May 1921, restored." The appellants will be found entitled to their costs here and below.²⁹

However, the high court rejected the evidence as unsatisfactory as it found some entries unauthentic regarding names of persons in the record produced before it. High court vide its judgements upheld the decision of the senior sub-judge and declined to all no succession right to empty Hussain Bibi of others. The judgement was based on Muslim customs which are not in favour of giving benefits to women as against men in cases of succession. Thus this case clearly showed the situation of Muslim women's property rights, how customs denied their rights. These decisions were based on the customs followed by the tribes to which the particular cases were related. These judgments did not recognize the Muslim women's Quranic rights. The suits were decided on the grounds of customs and customary laws applicable to them.

In Punjab women did not transmit the right succession to village land as this was because they marry outsiders; and outsiders were those who were not of the same family or clan with proprietary body of the village where the married woman was born. The exclusion of females from the succession was done to keep the land within the clan and within the village.³⁰ The communities which allowed women to marry within the extended family (for instance marry their cross-cousins) and /or marry within the birth village were more open to recognizing the property rights of daughters than communities which practised distant marriages between the strangers.

The community would not tolerate that the property in any of their land may be vested in a member of another clan resident in another village and they might consent, under certain circumstances, to recruit their cultivating strength from without.³¹ Under the Punjab Customary law, the exclusion of females would of course carry with it the exclusion of their descendants. No sister's son or daughter's son could not inherit nor would they follow clansmen. But the sense of relationship by marriage with families of other clans would by no means be wholly wanting. It would exist for social purposes as there would be special names for the nearer relatives through the wife or mother; and tie might even generate prohibited decrees. It was for the purpose of succession to landed property that this sort of relationship would be consistently ignored.³²

The effects of the Shariat Application Act were limited for the Punjabi Muslim women. This view is also held by Janki Nair³³ and David Gilmartin³⁴ as they have described the limited effects of this act. One important aspect of women empowerment was the economic rights in landed property which was not under the circle of this act. Agricultural landed property constituted the major portion in Punjab. Non agricultural land was very limited because Punjab is an agrarian province. Although this act was proposed with the aim to enhance women's Islamic rights, but gains of this act for Punjabi Muslim women were very limited. Thus, this act showed that how males

²⁹*Ibid*

³⁰ C.L. Tupper, *Punjab Customary Law*, Vol. II, p.58.

³¹ *Ibid*, p.74.

³² *Ibid*, p.73.

³³ Janaki Nair, *Women and Law in Colonial India: A Social History*, Bangalore, 1996 p.193.

³⁴ David Gilmartin, "Kinship, Women, and Politics in Twentieth Century Punjab", in Gail Minault (ed.), *The Extended Family: Women and Political Participation in India and Pakistan*, Dehli, 1981, p.168.

decided code of laws for females as Gail Minault's argued that women were symbols as what man wanted their community to be.³⁵ Muslim community has always adopted anti- women stance.

The above, of course, is a very fragmentary picture of the Muslim women's rights in agricultural land during the British rule in Punjab. Several amendments have been carried out after independence and most women in India enjoy the gender equal inheritance rights today, although still there is significant inequalities remain for specific sections of all the population namely Muslim and Tribal women. Muslim customary laws still hold precedence, especially in relation to agriculture lands. The Muslim Personal Law Application Act of 1937, for example still applies to Muslim inheritance rules in India. It removes all agricultural land from its preview. Customs give very low priority to Muslim women's property rights in Punjab.

The interpretations offered of some details which are mere attempts to stimulate reflection and further research into certain historical phenomena that makes up a portion of the known history of Muslim women during the British rule in Punjab. It shows that British government in Punjab preserved and even encouraged women inequality. Prem Chowdhry argued that in Haryana the control of women's behaviour through certain customs has been central to the affirmation of the solidarity of the dominant Jat peasant group. Same has been happening with the Muslim women during the British rule in Punjab. Till date, Muslim women are struggling for their rights in agricultural land. It is very strange that in twenty first century or Modern age which is considered as much advanced than the ancient times, the Muslim women are struggling to regain their rights. Economic security is much more important for raising the status of women. It is the dire need of the hour to develop a society on the basis of gender justice, where Muslim women can also enjoy the equal rights and status to men. The present study is culminated ended with very important question as to how these customs prevailed among the Muslim community and why state is still applying these gender discriminatory customs in the matters of Muslim women's rights in agricultural land ?

REFERENCES

1. Agarwal, Bina, *Gender Challenges*, Vol.II, New Delhi, Oxford University Press, 2016.
2. Ahmad, Hazra tMirja Bashiruddin Mahmud, *Ahmadiyyat or the True Islam*, New Delhi, Award Publishing House, 1980
3. Ahmad, Imtiaz (ed.), *Modernization and Social Change Among Muslims of India*, New Dehli, Manohar Publication, 1983.
4. Ahmed, Aqil, *The Text Book of Mohammdan Law*, Allahabad, Central Law Agency Publication, 1985.
5. Ahmed, Naseem, *Women in Islam*, New Delhi, A.P.H. Publishing Corporation, 2003.
6. Ali, Asghar, *Rights of Women in Islam*, New Delhi, Sterling Publishers Private Limited, 1992.
7. Ali, Azra Ashgar, *The Emergence of Feminism Among Indian Muslim Women 1920-1947*, Karachi, Oxford University Press, 2000.
8. Allana, Mariam (ed.), *Muslim Women and Islamic Tradition: Studies in Modernisation*, New Delhi, Kanishka Publishers, 2000.
9. Anand, Sugam, *Women in Modern Indian History*, New Delhi, Anamika Publishing & Distributers, 2010.
10. Ashraf, K.M., *Life and Condition of the People of Hindustan*, New Delhi, Munshiram Manoharlal Oriental Publishers, 1970.
11. Banga, Indu (ed.), *Five Punjabi Centuries: Polity, Economy, Society, and Culture, c.1500-1990 Essays for J.S. Grewal*, New Delhi, Manohar Publication, 1997.
12. Basu, Aparna ,Bharti Roy, *Women's Struggle: A History of All India Women's Conference 1927-2002*, New Delhi, Manohar, 1990.
13. Basu, Aparna, AnupTaneja, *Breaking Out of Invisibility: Women in Indian History*, New Delhi, Indian Council of Historical Research Northern Book Centre, 2002.

³⁵ Gail Minault, *Secluded Scholars: Women's Education and Muslim Social Reforms in Colonial India*, New Delhi, 1998, p.307.

14. Beadon, H.C. *Customary Law of the Delhi District*, Vol. XXII, Lahore, Civil and Military Gazette press, 1911.
15. Bharihoke, Neera, *Rights of Hindu and Muslim Women*, New Delhi, Serials Publications, 2008.
16. Boyd, D.J., *Customary Law of the Sialkot District*, Vol. IX, Lahore, Government Printing, 1917.
17. Brijbhushan, Jamila, *Muslim Women: In Purdah and Out of It*, New Delhi, Vikas Publishing House PVT LTD, 1980.
18. C.L. Tupper, *Punjab Customary Law*, Vol.II, Calcutta, 1881.
19. Chowdhry, Prem, *The Veiled Women: Shifting Gender Equations in Rural Haryana 1880 -1900*, Delhi, Oxford University Press, 1994.
20. Dalip Singh, *Customary Law of the Gujranwala District*, Vol. XXVI, Lahore, Government Printing, 1914.
21. Diwan, Paras, *Customary Law of Punjab and Haryana*, Chandigarh, Publication Bureau Punjab University, 1978.
22. Diwan, Paras, *Muslim Law in Modern India*, Allahabad, Allahabad Law Agency, 1985.
23. Emerson, H.W. *Customary Law of the Multan District*, Lahore, Government Printing, 1929.
24. Faruqi, Ziya-ul-Hasan, *The Deoband School and the Demand for Pakistan*, Bombay, Asia Publishing House, 1963.
25. Forbes, Geraldine, *The New Cambridge History of India: Women in Modern India*, New Delhi, Foundation of Books, 1996.
26. Fyzee, Asarf, A. A., *Outlines of Muhammadan Law*, London, Oxford University, 1964.
27. Grewal, Reeta, Sheena Pall, *Pre-Colonial and Colonial Punjab: Society, Economy, Politics and Culture*, New Delhi, Manohar Publisher, 2005.
28. Gupta, Charu,(ed.) *Gendering Colonial India: Reforms Print, Caste and Communalism*, New Delhi, Orient Blackswan Private Limited, 2012.
29. Gupta, Juhi, *Future of Indian Muslim Women Fatwa vs Feminism*, New Delhi, Readworthy, 2012.
30. Hanif, N., *Islam and Modernity*, New Delhi, Sarup& Sons, 1997.
31. Harish C. Sharma, "Customary Law and Women in the Colonial Punjab", in *Pre-Colonial and Colonial Punjab: Society, Economy, Politics and Culture*, ReetaGrewal& Sheena Pall (ed.), New Delhi, 2005.
32. Hasan, Zoya and RituMenon, *In a Minority: Essays on Muslim Women in India*, New Delhi, Oxford University Press, 2005.
33. Hasan, Zoya and RituMenon, *Unequal Citizens: A Study of Muslim Women in India*, New Delhi, Oxford University Press, 2004.
34. Hurley, Siobhan Lambert, *Muslim Women, Reform, and Princely Patronage: Nawab Sultan JahanBegam of Bhopal*, New York, Routledge, 2007.
35. Hussian, Sabiha, *Changing Half: A Study of Indian Muslim Women*, New Delhi, Classical Publishing Company, 1998.
36. Jain, Jasbir, *Indigenous Roots of Feminism: Culture, Subjectivity, Agency*, New Delhi, Sage Publications, 2011.
37. Jakobsh, Doris R. *Relocating Gender in Sikh History: Transformation, Meaning, and Identity*, New Delhi, Oxford University Press, 2003
38. Jayawardena, Kumari, *Feminism and Nationalism in the Third World*, London, Zed books Ltd, 1986.
39. KaikhosruJ.Rustomji, *A Treatise on Customary Law in the Punjab*, fifth edition, Allahabad, 1949
40. Kaul, PanditHariKishan , *Customary Law of the Mianwali District*, Vol. XXI, Lahore, Civil and Military Gazette Press, 1908.
41. Kaul, PanditHariKishan, *Customary Law of the Muzaffargarh District*, Vol. XX, Lahore, Civil and Military Gazette Press, 1903.
42. Kaur, Manmohan, *Women in Indian's Freedom Struggle*, New Delhi, Sterling Publishers Private Limited, 1985.

43. Kaur, Paramjeet, NavdipKaur (ed.), *Women in Colonial Punjab: Social, Economic and Political Perspectives*, Chandigarh, Unistar Books Pvt Ltd, 2013.
44. Kidwai, NandiniChavanQutubJehan, *Personal Law Reforms and Gender Empowerment: A Debate on Uniform Civil Code*, Delhi, Hope India Publications, 2006
45. Kitchin, A.J.W., *Customary Law of the Attock District*, Vol. XXIV, Lahore, Civil & Military Gazette Press, 1911.
46. Kumar, Radha, *The History of Doing: An Illustrated Account of Movements for Women's Rights and Feminism in India 1800-1990*, New Delhi, Kali for Women, 1993.
47. Lateef, Shahida, *Muslim Women in India: Political and Private Realities: 1890s-1990s*, New Delhi, Kali for Women Publisher, 1990.
48. Lavan, Spencer, *TheAhmadiyah Movement: A History and Perspective*, Delhi, Manohar Book Service, 1974.
49. Linden, Bon Van Der *Moral Languages from Colonial Punjab: The Singh Sabha, AryaSamaj and Ahmadiyahs*, Delhi, Manohar, 2008.
50. Lorimer, J.G. *Customary Law of the Main Tribes in the Peshawar District*, Vol. XVII, Lahore, Civil and Military Gazette Press, 1899.
51. Mahmood, Tahir, *An Indian Civil Code and Islamic Law*, Bombay, N.M. Tripathi Private Limited, 1976.
52. Mahmood, Tahir, *Muslim Personal Law: Role of the State in the Subcontinent*, New Delhi, Vikas Publishing House, Pvt. Ltd, 1977.
53. Mahmood, Tahir, *Statute Law Relating to Muslims in India: A Study in Constitutional and Islamic Perspectives*, New Delhi, Institute of Objective Studies, 1995.
54. Malik, Vijay, *Muslim Law of Marriage, Divorce, Maintenance*, Lucknow, Eastern Book Company law Publishers and Booksellers, 1988.
55. Mernissi, Fatima, *Women and Islam: An Historical and Theological Enquiry*, New Delhi, Kali for Women, 2004.
56. Metcalf, Barbara, D., *Islamic Contestations: Essay on Muslim in India and Pakistan*, New Delhi, Oxford University Press, 2004.
57. Minault, Gail (ed.), *The Extended Family: Women and Political Participation in India and Pakistan*, Dehli, Chanakya Publication, 1981.
58. Minault, Gail, *Gender, Language and Learning: Essay in Indio-Muslim Cultural History*, New Delhi, Permanent Black Publisher, 2009.
59. Minault, Gail, *Secluded Scholars: Women's Education and Muslim Social Reform in Colonial India*, New Delhi, Oxford University Press, 1998.
60. Mirza, Sarfaraz, Hussain, *Muslim Women's Role in the Pakistan Movement*, Lahore, Research Society of Pakistan University of the Punjab, 1969.
61. Mohan Kamlesh, *Towards Gender History: Images, Identities and Roles of North Indian Women With Special Reference to Punjab*, Delhi, Aakar Books, 2007.
62. Nair, Janaki, *Women and Law in Colonial India: A Social History*, Bangalore, National Law School of India University, 1996.
63. Najhawan, Shobna, *Women and Girls in the Hindi Public Sphere: Periodical Literature in Colonial North India*, New Delhi, Oxford University Press, 2012.
64. Nanda, B.R., *Indian Women from Purdah to Modernity*, New Delhi, Vikas Publishing House, 1976.
65. Narain, Vrinda, *Reclaiming the Nation: Muslim Women and the Law in India*, Toronto, University Of Toronto Press, 2008.
66. Naseef, Fatima Umar SalehaMahmoodAbedin (ed.), *Women in Islam: A Discourse in Rights and Obligations*, New Delhi, Sterling Publishers Private Limited, 1999.
67. Noon, Malik Mohammad Hayat Khan *Customary Law of the Pakpattan and DipalpurTahsils of Montgomery District*, Lahore, Government Printing, 1925.

68. Noon, Nawab Malik Mohammad Hayat Khan, *Customary Law of the Pakpattan and Dipalpur Tahsils of the Montgomery District*, Lahore, Government Printing, 1925.
69. P.N. Thapar, *General Code of Tribal Customs in the Jhelum District Punjab*, Lahore, 1946.
70. P.N. Thapar, *General Code of Tribal Customs in the Jhelum District Punjab*
71. Papanek Hanna, Gail Minault (ed.), *Separate Worlds: Studies of Purdah in South Asia*, Delhi, Chanakya Publication, 1982.
72. Parashar, Archana, *Women and Family Law Reform in India: Uniform Civil Code and Gender Equality*, New Delhi, Sage Publications, 1992.
73. Powell Avril A., Siobhan Lambert- Hurley (ed.), *Rhetoric and Reality: Gender the Colonial Experience in South Asia*, New Delhi, Oxford University Press, 2006.
74. *Privy Council Appeal, No. 74 of 1924, D/d. 28.7.1925.*
75. *Privy Council Appeal, No. 9 of 1920, D/d. 16.12.1930.*
76. Quayum, Mohammad, Md.Mahmudul Hasan, *A Feminist Foremother: Critical Essays on Rokeya Sakhawat Hossain*, Delhi, 2017.
77. Qureshi, M.A., *Muslim Law of Marriage, Divorce and Maintenance*, New Delhi, 1995.
78. Rabinson, Fracis, *Islam South Asia and the West*, New Delhi, 2007.
79. Ray, Bharati (ed.), *From the Seams of History: Essays on Indian Women*, Delhi, 1995.
80. *Riwaj – I – Am of the Jhang District*, Lahore, 1929.
81. Robertson, Frederick A., *Customary Law of the Rawalpindi District*, Lahore, 1887.
82. Roe, Charles A., *The Customary Law of the Multan District*, Lahore, 1883.
83. Roy Shiani, *Status of Muslim Women in North India*, Delhi, 1979.
84. Roy, Anupama, *Gendered Citizenship: Historical and Colonial Explorations*, New Delhi, 2013.
85. Roy, Sripati, *Customary Law in British India*, Delhi, 1986.
86. Sagade, Jaya, *Child Marriage In India, Socio-Legal and Human Rights Dimensions*, New Delhi, 2005.
87. Saiyid, Dushka, *Muslim Women of the British Punjab: From Seclusion to Politics*, New York, 1998.
88. Samiuddin Abida, R. Khanam (ed.), *Muslim Feminism and Feminist Movement*, Vol.I, Delhi, 2002.
89. Sangari, Kumkum, Sudesh Vaid (ed.), *Recasting Women: Essays in Colonial History*, New Delhi, 1989.
90. Sarkar, Mahua, *Visible Histories, Disappearing Women: Producing Muslim Womanhood in Late Colonial Bengal*, New Delhi, 2008.
91. Sarkar, Sumit, Tanika Sarkar, *Women and Social Reform in Modern India*, Vol.I Ranikhet, 2007.
92. Sarkar, Sumit, Tanika Sarkar, *Women and Social Reform in Modern India*, Vol II, Ranikhet, 2007.
93. Shahnawaz, Jahan Ara, *Father and Daughter: A Political Autobiography*, Lahore, Nigarishat, 1971.
94. Shams, Shamsuddin(ed.), *Women, Law and Social Change*, New Delhi, 1991.
95. Sharma, Piare Lal, *The Punjab Customary Law*, Chandigarh, 1967.
96. Smith, J. R. Dunlop, *Customary law of the Main Tribes of Sialkot District*, Lahore, 1895.
97. Souza, Eunice De (ed.), *Purdah An Anthology*, New Delhi, 2004.
98. Sripati Roy, *Customs and Customary Law in British India*, Delhi, 1986.
99. Sturman Rachel, *The Government of Social Life in Colonial India: Liberalism, Religious Law and Women's Rights*, Delhi, 2012.
100. Subbamma, Malladi, *Islam and Women*, New Delhi, 1988.
101. Suri, s Dharm Das (ed.), *The Punjab Law Reporter*, Vol.IV, Lahore, 1903.
102. Lateef, Shahida, *Muslim Women in India: Political and Private Realities: 1890s-1990s*, New Delhi, 1990.
103. Talbot, W.S., *General Code of Tribal Custom in the Jhelum District of the Punjab*, Vol. XIX, Lahore, 1901.
104. Thomas, P., *Indian Women Through the Ages: A Historical Survey of the Position of Women and the Institutions of Marriage and Family in India from Remote Antiquity to the Present Day*, Bombay, 1964.
105. Tupper, C.L., *Punjab Customary Law*, Vol,I, Calcutta, 1881.
106. Tupper, C.L., *Punjab Customary Law*, Vol,II, Calcutta, 1881.

107. Tupper, C.L., *Punjab Customary Law*, Vol.III, Calcutta, 1881.
108. Williamson, H.S., *Customary Law of the Gujarat District*, Vol. IX, Lahore, Government Printing, 1922.
109. Wilson, W.R., *Customary law of Dera Gazi Khan District*, Vol. XXXI, Lahore, Government Printing, 1922.
110. Zakaria, Rajia, *Rise of Muslim in Indian Politics: An Analysis of Development from 1885-1906*, Bombay, Somaiya Publications, Pvt. Ltd, 1970.