

Inheritance of Agricultural Property by Muslim Women ♦

Islam has given many rights to women including inheritance of agricultural property. However, under the influence of *Zamindari* system that prevailed in India during the medieval period, they were practically deprived from this right with the apprehension that it would lead to the division of larger serfdoms into the smaller ones. Unfortunately, the legislations that were enacted in the modern times could do nothing to mitigate this injustice and to revive the concerning Islamic injunctions to their rightful place, especially in the state of Uttar Pradesh. The Eighth Seminar of the Islamic Fiqh Academy held in Aligarh in October 1995 strived to undo the age-old injustice by reaching upon the following resolutions and making appeal to the authorities and the community for following them earnestly.

- 9.1 This Seminar of eminent '*Ulemā* and *Muftis*, coming from all parts of India and abroad in the Eighth Seminar of the IFA, expresses its grave concern over the immoral, illegal and unconstitutional exclusion of Muslim females in particular and females in general from the repulsive but still prevalent scheme of succession under U. P. Zamindari Abolition & Land Reforms Act (U. P. Act No. 1 of 1951).
- 9.2 The participants of this Seminar similarly express their displeasure at the omission of "Agricultural Land" from the definition of "Muslim Personal Law" as defined in Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937. The participants of the Seminar wish to impress upon the Central Government and the State Government of Uttar Pradesh of the long standing demand of the Muslim community for the restoration of Islamic right of inheritance to their Muslim sisters by including 'agricultural land' within the purview of 'Muslim Personal Law'.
- 9.3 This Seminar is alive to the fact that most Muslim females do get a share even in the agricultural lands because of many *Fatwas*, which have been issued, to this effect in the past. Still, there is urgent need for an amendment in both the Shariat Act as well as the U. P. Zamindari Abolition Act to undo this injustice.
- 9.4 This meeting, therefore, unanimously, resolves to request the All India Muslim Personal Law Board to seek an amendment in the impugned law and

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demand the inclusion of 'agriculture land' in section 2 of Shariat Act so that what Islam has given to women folk is not denied to them.

- 9.5 The assembly further issues a directive to the Muslims of Uttar Pradesh to give women their share of property in accordance with the *Holy Qur'an* and *Sunnah* inclusive of agricultural lands and not to deny this right of theirs on the basis of any man made legal system.