

12th Session Expert Mechanism on the Rights of Indigenous Peoples 15-19 July 2019

Oral statement: Property Right issues of Indigenous women of Western Himalayas in India

Agenda Item: 8

Date: Wednesday 17 July

Speaker: Haresh Kumar

Thank you Madam Chair for allowing me to share with you about my community. My Name is Haresh, I am from Western Himalayas, Himachal Pradesh, India.

I would like to highlight the condition of Indigenous Women in Western Himalayas. Women living in the tribal district of Kinnaur in are deprived of their rights on ancestral property. They are still bound by the old patriarchal law that allows only men to inherit the property. And this fight is against customary inequality and not against the men.

Even in this century, women in the remote terrain of the Himalayan state inherit only trouble instead of assets after the death of their parents and even husbands. General law is not applicable here like other parts of the country. Patriarchal law prevails in this region. This is a revenue law according to which a woman cannot inherit the ancestral property both from paternal and maternal side.

What has been done till date on this issue

Women's right groups have been protesting for decades against this tribal custom. The law bars even widows from inheriting their husband's property, which is transferred to the sons, even if they are minors.

Due to lack of property rights, women are a suffering lot. Male society is against giving property rights to women in tribal areas. Reason cited is the scarcity of fertile agricultural land since Kinnaur experiences sub-zero temperatures for most part of the year. A belief is that giving inheritance rights to women will give an opportunity to outsiders to become the owners of the land if they marry outside the community.

On this note Madam Chair, I would strongly recommend your intervention in this issue so that these women will get justice like in the other parts of the country; otherwise they will be bound to remain in such condition which is not acceptable. With your support we can definitely help them in getting their rights and making them empowered.

In the end, I would like to express my sincere gratitude to OHCHR Indigenous fellowship program for giving me an opportunity to share such a significant socio-economic and human rights issue prevalent in the region.

I Thank You Madam Chair !!