

Women and Property Rights in Medieval Indian Society

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ABSTRACT

This study examines women's property rights in medieval Indian society by analyzing their legal foundations, regional variations, and socio-economic implications. Drawing on Dharmasastric texts, the Mitakshara and Dayabhaga legal traditions, epigraphical records, and modern historiography, it explores the gap between prescriptive norms and lived practices. The research finds that while women were not entirely excluded from property relations, their rights-particularly strīdhana-were largely circumscribed by patriarchal controls and mediated through male guardianship. Significant regional variation is evident, with the dayabhaga system in eastern India offering relatively more flexible inheritance provisions than Mitakshara-dominated regions, although male lineage priorities remained dominant across systems. Epigraphical evidence from South India further indicates limited but notable instances of elite women exercising ownership and donation rights, suggesting context-specific agency. The study also highlights the marginalization of non-elite women in existing scholarship and reconstructs their economic roles through indirect evidence, emphasizing informal property control in agrarian settings. Overall, the findings reveal a hybrid legal structure in which textual prescriptions, customary practices, and socio-economic realities interacted dynamically. Women's property rights, though constrained, contributed to household bargaining power and economic agency in varying degrees. The study underscores the need for interdisciplinary, regionally nuanced, and feminist approaches to better understand gendered property relations in medieval India and their historical continuity into modern legal frameworks.

Keywords: *Women's property rights, Medieval India, Hindu law, Gender History,*

Received : 10/6/2026 **DOI:**<https://doi.org/10.5281/zenodo.23030460>

Acceptance: 15/7/2026

I. Introduction:

The question of women's property rights in medieval Indian society occupies a crucial intersection of legal history, gender studies, and socio-economic analysis. Far from being a marginal legal concern, property relations formed a foundational element in structuring gender hierarchies, household authority, and broader socio-economic organization in premodern India. While classical Hindu legal traditions acknowledged certain categories of women's property-most notably strīdhana-the extent, autonomy, and enforcement of such rights varied considerably across time, region, and social context. This complexity has generated sustained

scholarly debate regarding whether women's property rights in medieval India were substantive entitlements or largely symbolic constructs embedded within patriarchal legal frameworks. Early historiographical works, particularly those grounded in the study of Dharmasastric literature, have emphasized the prescriptive nature of Hindu legal texts in defining women's economic status. Scholars such as P. V. Kane (1946) documented the textual recognition of women's property while simultaneously highlighting its limitations within patrilineal inheritance systems. Subsequent interpretations have reinforced the view that although women

were not entirely excluded from property relations, their rights were often conditional, mediated through male guardianship, and restricted by dominant lineage-based norms. However, more recent scholarship has challenged this textual determinism by drawing attention to inscriptional, epigraphical, and regional evidence that suggests a more nuanced and context-dependent reality.

In particular, studies of medieval inscriptions, land grants, and temple records reveal instances of women exercising ownership, management, and donation of property, especially within elite, royal, and religious contexts. At the same time, comparative analyses of legal traditions such as the Mitakshara and Dayabhaga schools demonstrate significant regional variation in inheritance practices, with the latter allowing relatively more flexible interpretations of women's claims to property. These findings complicate earlier assumptions of uniform patriarchal rigidity and instead point toward a hybrid legal landscape where textual norms, customary practices, and socio-political conditions interacted dynamically. Despite these advancements, existing literature remains fragmented in several respects. Much of the scholarship continues to privilege textual analysis over material or empirical evidence, often overlooking regional diversity and the lived experiences of non-elite women. Furthermore, limited attention has been given to how property rights functioned beyond formal legal ownership, particularly in relation to women's informal economic roles in agrarian and rural settings. These gaps underscore the need for a more integrated and interdisciplinary approach that combines legal history with feminist historiography, anthropology, and socio-economic analysis.

Against this backdrop, the present study seeks to critically examine the evolution, regional variation, and socio-economic implications of women's property rights in medieval Indian society. By engaging with both normative legal

texts and empirical historical evidence, it aims to bridge the gap between prescriptive ideology and social practice. In doing so, the study contributes to a more comprehensive understanding of how gender, law, and property intersected in shaping medieval Indian social structures, while also offering insights relevant to contemporary debates on gender justice and inheritance rights.

II. Review of Literature:

The evolution of Hindu women's property rights has been widely examined across historical, legal, and feminist scholarship, revealing a complex trajectory shaped by religious texts, customary practices, and legislative reforms. Early studies emphasize that women's property rights in ancient India were not entirely absent but were often conditional and context-specific. Drawing on Dharmasastra traditions, P.V.Kane (1946) documents that classical Hindu legal texts recognized limited forms of women's property, such as *stridhana*, though these rights were often constrained by patriarchal inheritance structures. Similarly, Singh (1993) argues that while ancient Indian society did allow women certain proprietary rights, these were largely symbolic and lacked strong legal enforceability. Building on textual and epigraphic evidence, Verma (2018) reinterprets early medieval inscriptions to show that women occasionally held and transferred property, especially in elite and royal contexts. However, such instances were exceptions rather than the norm. Smith (2009) further supports this view by examining customary laws in the thirteenth and fourteenth centuries, noting that women's inheritance rights varied significantly by region and were often mediated through male relatives, reflecting localized patriarchal negotiations rather than uniform legal entitlements.

Dutta (2018) highlights the Dayabhaga system, which, unlike the Mitakshara school, offered relatively more flexible interpretations of inheritance, allowing certain recognition of

women's spiritual and moral claims (upakara) in property succession. However, even within this framework, women's rights remained secondary to male lineage priorities. Modern legal scholarship situates these historical limitations within broader feminist critiques. Halder and Jaishankar(2008; 2015) provide a comprehensive feminist review of succession laws, arguing that colonial codification and post-independence reforms both inherited and restructured patriarchal biases embedded in ancient legal traditions. They emphasize that although legislative reforms such as the Hindu Succession Act have improved formal equality, practical implementation continues to reflect deep-rooted social inequalities. Complementing this legal perspective, Gandhi (2011) provides a doctrinal overview of Hindu law, tracing the continuity and transformation of inheritance rules from ancient to modern times. His work underscores the hybrid nature of Hindu personal law, where religious norms and statutory provisions coexist, often uneasily. More recent scholarship shifts focus toward empirical and policy-oriented analysis. Grover and Sharma (2025) demonstrate, using contemporary data, that inheritance law reforms in India have had measurable positive impacts on women's empowerment, particularly in terms of economic independence and bargaining power within households. However, they also caution that legal reform alone is insufficient without corresponding social change. Finally, Sonowal (2023) revisits classical political theory in Kautilya's Arthashastra, suggesting that ancient Indian governance texts contained pragmatic approaches to women's property rights that could inform modern judicial interpretation. This reflects a growing trend in scholarship that seeks to bridge ancient legal philosophy with contemporary constitutional discourse.

III. Research Gap

Despite extensive scholarship on women and

property rights in medieval India, several gaps remain:

1. Lack of Regional Comparative Studies:

Most studies focus on pan-Indian or textual analysis, while regional variations (North vs South India; Bengal vs Deccan) remain underexplored.

2. Limited Use of Archaeological and Material Evidence:

Research is heavily dependent on legal texts (Dharmasastras), with insufficient integration of inscriptions, land grants, and epigraphical records.

3. Neglect of Non-Elite Women:

Existing literature focuses mainly on elite or upper-caste women, ignoring the property rights of lower-caste, tribal, and rural women.

4. Insufficient Gendered Economic Analysis:

Few studies analyze how women's property rights affected economic independence, labor participation, and household power structures in medieval society.

5. Over-reliance on Legal Text Interpretation:

There is a gap between prescriptive texts (what laws say) and descriptive reality (what actually happened), which remains insufficiently bridged.

6. Lack of Interdisciplinary Approaches:

Minimal integration of sociology, anthropology, and digital humanities methods in studying medieval property systems.

IV. Research Objectives

1. To examine the historical evolution of women's property rights in medieval Indian society with reference to Hindu legal traditions, regional practices, and socio-political contexts.
2. To analyze regional variations in women's

property rights across medieval India, particularly comparing North and South India as well as other sub-regional legal-cultural systems such as Bengal and Deccan.

3. To investigate the lived realities of non-elite women's property access and control, moving beyond textual/legal prescriptions to include lower-caste, tribal, and rural women through available historical and material evidence.
4. To assess the socio-economic impact of women's property rights in medieval India, particularly their influence on economic independence, household authority, and gender relations.

V. Research Methodology

This study will adopt a historical, interdisciplinary, and qualitative research design to examine women's property rights in medieval Indian society. The research will primarily rely on historical-analytical methods, combining textual interpretation with empirical historical reconstruction.

The study will use secondary sources as the main data base, including classical legal texts such as Dharmasastras, commentaries on Mitakshara and Dayabhaga schools, and treatises like Kautilya's Arthashastra, along with modern scholarly interpretations. In addition, epigraphical and inscriptional evidence (such as land grants, copper plates, and temple records) will be analyzed to capture actual practices of property ownership and transfer. A comparative regional approach will be adopted to examine variations across different parts of India, particularly North India, South India, Bengal, and Deccan regions, to highlight localized legal and customary differences.

To address the gap concerning non-elite women, the study will incorporate socio-historical reconstruction methods, drawing insights from anthropological and sociological studies that provide indirect evidence of rural, tribal, and

lower-caste women's economic roles.

The research will also employ a feminist historiographical framework to critically analyze patriarchal biases in both textual sources and modern interpretations. This will help distinguish between prescriptive legal norms and actual social practices.

Finally, a qualitative content analysis technique will be used to systematically interpret texts and inscriptions, while triangulating findings across historical, legal, and interdisciplinary sources to ensure a balanced and comprehensive understanding.

VI. Results and Discussion

1. Evolution of Women's Property Rights in Medieval India

The analysis of textual and epigraphical sources indicates that women's property rights in medieval Indian society were neither entirely absent nor uniformly applied. Instead, they evolved as a layered and context-dependent system shaped by Dharmasastric prescriptions, regional legal traditions, and socio-economic conditions.

The study confirms that *stradhana* remained the most widely recognized form of women's property across periods and regions. However, its scope varied significantly depending on family structure, caste status, and regional legal schools. While classical texts acknowledged *stradhana* as women's exclusive property, its practical autonomy was often restricted through male guardianship or familial control, reinforcing the patriarchal structure highlighted in earlier scholarship (Kane, 1946; Singh, 1993).

2. Regional Variations in Property Rights

A key finding of this study is the significant regional diversity in the implementation of women's property rights. The comparison between North Indian Mitakshara-dominated regions and Bengal's Dayabhaga system reveals notable differences.

In Bengal and certain eastern regions, the Dayabhaga school offered relatively more flexible inheritance principles, particularly recognizing moral and spiritual claims of women in property succession. However, even in these comparatively progressive systems, women's inheritance rights remained secondary to male heirs, confirming Dutta's (2018) observations.

Epigraphical evidence from South India, particularly temple inscriptions and land grants, indicates that elite women occasionally exercised property ownership, management, and donation rights. Nevertheless, such autonomy was largely confined to royal, temple-linked, or high-status households, suggesting that property rights were strongly stratified by social hierarchy.

3. Disjunction Between Textual norms and Social Practice

One of the most significant outcomes of this research is the clear gap between prescriptive legal texts and lived realities. While Dharmasāstric literature projected an idealized patriarchal order, inscriptional records and land grant documents demonstrate that women occasionally exercised de facto property rights. However, these instances were irregular and highly dependent on social privilege, marital status, and regional customs. This supports the argument that medieval Indian property systems functioned as a hybrid structure where legal doctrine and customary practice coexisted but did not always align.

4. Women's Property Rights Beyond Elite Contexts

The study identifies a critical gap in previous scholarship concerning non-elite women. While direct historical records on lower-caste, tribal, and rural women are limited, indirect evidence suggests that these groups engaged in forms of informal property control, particularly in agricultural labor, livestock ownership, and household resource management.

This finding challenges the earlier elite-centric narrative and suggests that property rights should be understood not only in legal ownership terms but also in terms of economic agency and resource control, which may have been more widespread at the grassroots level than previously acknowledged.

5. Socio-Economic Implications

The analysis reveals that women's property rights, even when limited, had measurable implications for household bargaining power and economic autonomy. Where women possessed control over *stradhana* or inherited property, they exercised greater influence in familial decision-making and marital negotiations.

This aligns with recent empirical insights (Grover & Sharma, 2025) suggesting that property ownership-historically constrained though it was-remained a key determinant of women's economic agency. However, the medieval evidence indicates that such empowerment was unevenly distributed and heavily mediated by patriarchal norms.

6. Continuity and Transformation of Legal Traditions

The study further highlights the continuity of patriarchal inheritance frameworks from classical Dharmasāstra traditions to medieval customary law. At the same time, localized adaptations and pragmatic governance approaches, as reflected in texts like the *Arthashastra* and regional inscriptions, indicate a degree of legal flexibility. This duality suggests that medieval Indian property systems were not static but dynamically negotiated between normative ideology and socio-political realities.

VII. Findings

The study finds that women's property rights in medieval Indian society were limited yet not entirely absent, functioning within a complex and layered legal framework shaped by Dharmasāstric

prescriptions, regional legal traditions, and customary practices. The most recognized form of female property, *stradhana*, existed across regions but was often constrained by male guardianship and patriarchal controls. Significant regional variation is evident, with the *Dayabhaga* system in eastern India offering relatively more flexible inheritance principles compared to the *Mitakshara* system, though both remained largely male-lineage oriented. Epigraphical evidence, particularly from South India, shows that elite women occasionally exercised ownership, management, and donation rights, indicating context-specific agency. However, a clear gap persists between normative legal texts and actual social practice, as inscriptions and land records reveal limited but real instances of women's economic participation beyond textual prescriptions. The study also highlights that non-elite women, though underrepresented in sources, likely exercised informal property control through agricultural labor, livestock management, and household resource use, suggesting broader forms of economic agency than legal texts acknowledge. Overall, women's property rights were structurally constrained but socially significant, contributing to varying degrees of household bargaining power and economic autonomy within a hybrid system where legal doctrine, customary norms, and socio-economic realities continuously interacted.

VIII. Recommendations

1. Strengthening Regional and Comparative Studies

Future research should prioritize micro-regional comparative analyses, particularly between underexplored regions such as the Deccan, Bengal delta, and tribal belts. This would help overcome the limitations of pan-Indian generalizations.

2. Integration of Archaeological and Epigraphical Data

There is a strong need to expand the use of non-textual sources, including inscriptions, copper plates, temple records, and land grant documents, to reconstruct more accurate patterns of women's property ownership and transfer.

3. Inclusion of Non-Elite Women in Historical Analysis

Historiography should move beyond elite and upper-caste frameworks by incorporating subaltern and gendered rural histories, using interdisciplinary methods from anthropology and historical sociology.

4. Reconceptualizing Property Beyond Legal Ownership

Researchers should adopt a broader definition of property that includes informal economic control, access rights, and labor-based ownership, particularly relevant for studying non-elite women in agrarian economies.

5. Interdisciplinary Methodological Expansion

Future studies should integrate digital humanities tools, GIS mapping of inscriptions, and quantitative analysis of land grants to systematically analyze patterns of gendered property distribution.

6. Bridging Historical and Contemporary Legal Studies

There is scope for linking medieval property structures with modern legal frameworks to better understand the continuity of gender bias in inheritance systems and inform ongoing legal reform debates.

7. Feminist Reinterpretation of Legal Texts

A sustained feminist historiographical approach is recommended to critically reassess classical texts, distinguishing between ideological prescriptions and socio-legal realities.

IX. Conclusion:

This study concludes that women's property rights in medieval Indian society were limited yet socially significant, operating within a hybrid framework of Dharmastric norms, regional legal systems, and customary practices. While stradhana provided a recognized basis for female ownership, its autonomy was constrained by patriarchal control and male guardianship. Regional variations, particularly between Mitakshara and Dayabhaga traditions, reveal uneven but meaningful differences in inheritance practices. Epigraphical evidence indicates selective elite female agency, while non-elite women exercised informal economic control. Overall, women's property rights, though restricted, contributed to household bargaining power, highlighting the need for nuanced, interdisciplinary historical interpretations.

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