

Right of Hindu Women in Property

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Introduction

The property rights of women in India have been a subject of debate and reform for many years. Governed primarily by the Hindu Succession Act of 1956 and the Hindu Women's Right to Property Act of 1937, the landscape of women's property rights in India has evolved significantly over time.

This post explores the historical development and current state of Hindu women's property rights in India, with a particular focus on the transformative changes brought about by the Hindu Succession (Amendment) Act of 2005.

Historical Background of Women's Right in Property

Before delving into the amendments and provisions that have reshaped property rights for Hindu women, it is essential to understand the historical context. The [Hindu Women's Right to Property Act of 1937](#) marked an initial step in addressing gender disparities in property inheritance.

However, its scope was limited, primarily dealing with the property rights of Hindu widows. It allowed widows to claim an equal share in their deceased husband's property alongside their sons. Yet, this act fell short in addressing the broader issues related to the property rights of Hindu women as a whole and did not grant coparcenary rights to them.

The Turning Point: The Hindu Succession (Amendment) Act 2005

The most significant leap toward gender equality in property rights came with the [Hindu Succession \(Amendment\) Act of 2005](#). This amendment was introduced based on recommendations from the 174th Law Commission Report and aimed to eliminate gender disparities in property inheritance. It brought about profound changes to the Hindu Succession Act of 1956, reshaping the landscape of women's property rights in India.

Key Provisions of the Amendment

Coparcenary Interest: Prior to the 2005 Amendment, only male lineal descendants, including sons, grandsons, and great-grandsons, were considered coparceners and had rights over ancestral property. Daughters were excluded from this system, leading to gender-based discrimination.

The Amendment, however, altered this discriminatory practice by amending Section 6 of the Hindu Succession Act. According to [Section 6\(1\)](#), daughters of coparceners became coparceners by birth in a Hindu Undivided Family (HUF), enjoying the same rights and liabilities as sons. This monumental change granted daughters equal coparcenary status, allowing them to inherit ancestral property.

Equal Coparcenary Rights: The Amendment not only granted daughters coparcenary status but also mandated equal rights and liabilities for both sons and daughters of coparceners. Section 6(1) stipulated that daughters would have the same rights and responsibilities in coparcenary property as sons. This provision effectively abolished the historical gender bias within the system.

Share in Coparcenary Property: [Section 6\(3\)](#) of the Amendment ensured that the devolution of a deceased coparcener's interest in HUF property would be equal for daughters and sons. Daughters were entitled to the same share as sons, marking a significant departure from the past. Additionally, the Amendment addressed the issue of pre-deceased female coparceners' shares, ensuring that their children received a rightful share in the same manner as if the female coparcener had been alive.

Full Ownership: [Section 14 of the Hindu Succession Act](#), as amended in 2005, granted Hindu women full ownership rights over both movable and immovable property they acquired through various means. Whether acquired before or after marriage, through inheritance, partition, maintenance, gifts, personal efforts, purchase, or prescription, women were now granted complete control and ownership of their property. This provision was a significant stride towards ensuring women's financial independence and autonomy.

Right to Dispose of Property: The Amendment also granted Hindu women the right to dispose of their property through intestate or testamentary succession, putting them on equal footing with Hindu males. [Section 30 of the Amendment](#) rectified the previous imbalance that allowed only Hindu males to dispose of property through a will.

Rights Over Male Relatives' Property

The Hindu Succession Act, in its amended form, outlines the rights of women over the property of their male relatives, including fathers, husbands, and sons.

Rights Over Father's Property: [Section 8](#) of the Act specifies the rules for the devolution of intestate Hindu male property. It prioritizes class I heirs, which include daughters, widows, and mothers, ensuring that they have a substantial claim over the deceased father's property. Daughters, in particular, are granted equal rights over their father's property, irrespective of their marital status or age.

Rights Over Husband's Property: [Section 15](#) of the Act addresses the devolution of property of an intestate Hindu woman. It grants husbands, sons, and daughters rights over the property of their deceased wives or mothers. This provision underscores the importance of gender equality in property inheritance.

Rights Over Son's Property: Sisters, classified as class II heirs, are entitled to a share of their brother's property in the absence of class I heirs. This ensures that sisters have a legal claim over their brother's property if there are no surviving children, widows, or mothers.

The Progressive Impact of the 2005 Amendment

The Hindu Succession (Amendment) Act of 2005 has had a profound and progressive impact on the property rights of Hindu women in India. By eliminating age-old discriminatory practices and granting daughters equal coparcenary status and property rights, the Amendment represents a significant step towards gender equality.

Additionally, the Amendment acknowledges the financial autonomy and ownership rights of Hindu women, allowing them to manage and dispose of their property independently. This empowerment is critical for women's economic independence and overall well-being.

Furthermore, the Amendment underscores the principles of gender equality enshrined in the Indian Constitution. It aligns Hindu personal laws with constitutional ideals, reaffirming the commitment of the legal system to protect the rights of all citizens, regardless of gender.

Conclusion

Women's right in property have undergone a remarkable transformation, evolving from a historically discriminatory system to one that upholds gender equality. The Hindu Succession (Amendment) Act of 2005 stands as a landmark legislative reform that has reshaped the legal landscape, granting daughters equal coparcenary status and full ownership rights over their property.

This progressive amendment not only addresses historical injustices but also empowers Hindu women, enabling them to exercise control over their assets and financial independence. It reflects the evolving societal norms and values that prioritize gender equality and women's rights.