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Property Rights of Hindu Women - A Feminist View

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Women's positions under Indian laws have historically been subordinate and dependent, both within their families and in society, because women were thought to be incapable of performing sacrifices or reading Vedas. Even after various legislations protecting the property rights of women like the Hindu Women's Right to Property Act 1937¹, Hindu Succession Act 1956², etc. were enacted, the gap between legal provisions and the lived reality of Hindu women persists, reflecting broader socio-cultural norms and systemic inequalities. This research paper aims to study the gap between the property rights Hindu women are entitled to and the actual reality of enforcement of these rights. Part I of this paper discusses the evolution of property rights of Hindu women in India. Part II of this paper talks about the factors contributing to the gap between property rights granted to women and its enforcement. Part III analyses relevant court judgements regarding the property rights of Hindu women in India to provide a comprehensive overview of the jurisprudence surrounding property rights and the changes brought about in this landscape.

Keywords: hindu, law, women, property.

INTRODUCTION

In any system of law, a woman's status represents the community's beliefs and emotions. As a result, a woman's property position under Hindu law was not only a reflection of Hindu civilization but also an accurate indicator of Hindu racial culture. Women's positions under

¹ Hindu Women's Right to Property Act 1937

² Hindu Succession Act 1956

Indian laws have historically been subordinate and dependent, both within their families and in society, because women were thought to be incapable of performing sacrifices or reading Vedas. Her claim to property was also viewed negatively due to her dependent position since there was a common reluctance among ancient Rishis to allow females to own property. The reason for the hesitation was that the site was designated for religious ceremonies in the Smritis. As a result, historically, Hindu women's right to property has always been limited.

In the ancient book Manusmriti, Manu wrote 'Her father protects her in childhood, her husband protects her in youth and her sons protect her in old age; a woman is never fit for independence'.³ Gradually, women's position deteriorated in society and she was considered to be unfit to own any immovable property. Even after various legislations protecting the property rights of women like the Hindu Women's Right to Property Act 1937⁴, Hindu Succession Act 1956⁵, etc. were enacted, the gap between legal provisions and the lived reality of Hindu women persists, reflecting broader socio-cultural norms and systemic inequalities. Hindu women receive an equal right to property when compared to their male counterparts according to the Hindu Succession Act of 1956⁶, but in reality, this is not adequately being enforced.

Various socio-cultural and economic barriers perpetuate the disparity between the rights women are entitled to and the reality. For instance, for hundreds of years, Indian society has considered males as those who manage families and raise the next generation, and women as those who will marry and begin a new life with another family. As a result, women are sometimes not aware of their equal property rights, and the same is not raised by the men in the family as well.⁷ This research paper aims to study the gap between the property rights Hindu women are entitled to and the actual reality of enforcement of these rights. Part I of this paper discusses the evolution of property rights of Hindu women in India. Part II of this paper talks about the factors contributing to the gap between property rights granted to women and its enforcement. Part III analyses relevant court judgements regarding the property rights of Hindu

³ George Bühler, *The Laws of Manu (Manusmriti)* (Oxford Clarendon Press 1886)

⁴ Hindu Women's Right to Property Act 1937

⁵ Hindu Succession Act 1956

⁶ Hindu Succession Act 1956, s 6

⁷ J Jerusha Melanie, 'Property rights of women in India' (*iPleaders*, 21 June 2022)

<<https://blog.ipleaders.in/property-rights-of-women-in-india/>> accessed 13 July 2024

women in India to provide a comprehensive overview of the jurisprudence surrounding property rights and the changes brought about in this landscape through the Hindu Succession (Amendment) Act 2005.⁸

RESEARCH PROBLEM

This research paper aims to analyse the enforcement gap of property rights granted to Hindu women in India concerning the socio-cultural and economic situation prevailing, and the challenges faced by them while seeking the enforcement of the same.

RESEARCH HYPOTHESIS

Despite adequate property rights for Hindu women outlined in Indian laws, there exists a significant gap between legal entitlements and actual enforcement, resulting in many women being deprived of the property they are rightfully entitled to.⁹ This research aims to investigate the factors contributing to the enforcement gap between legal provisions and the reality of property distribution among Hindu women in India, with a focus on identifying systemic barriers, socio-cultural norms, and legal loopholes that perpetuate this disparity.

RESEARCH QUESTIONS

1. Whether traditional Hindu property laws inherently discriminate against women, particularly in terms of inheritance and ownership rights.
 - a. If yes, what are the major issues faced by Hindu women regarding the same?
 - b. If not, how have traditional Hindu laws ensured gender equality since the early ages?
2. Whether the Transfer of Property Act¹⁰ addresses the unique challenges faced by Hindu women in accessing and asserting their property rights.

⁸ Hindu Succession (Amendment) Act 2005

⁹ Klaus Deininger et. al., 'Women's Inheritance Rights and Intergenerational Transmission of Resources in India' (2013) 48(1) Journal of Human Resources <<https://doi.org/10.1353/jhr.2013.0005>> accessed 13 July 2024

¹⁰ Transfer of Property Act 1882

- a. If yes, how does the act close the gap between the patriarchal notions of property and gender equity?
 - b. If not, what further reforms are needed to ensure full gender equality?
3. Whether judicial interpretations and case law under the Transfer of Property Act¹¹ reflect changing attitudes towards gender equality and women's rights within Hindu society?
- a. If yes, how is this being done by courts in India?
 - b. If not, what are the reforms required through the judiciary to ensure gender equality within property laws?

RESEARCH OBJECTIVES

1. To examine the historical evolution and current status of traditional Hindu property laws concerning inheritance and ownership rights for women.
2. To study the provisions of the Transfer of Property Act¹² in India concerning the property rights of Hindu women, identifying the gaps and limitations that hinder their effective access and assertion of property rights.
3. To investigate the impact of judicial interpretations under the Transfer of Property Act on the promotion of gender equality and women's rights within Hindu society.

RESEARCH METHODS

This research paper relies on a mixed method approach comprising both qualitative and quantitative analysis of the primary and secondary data to analyse the gap between the property rights granted to Hindu women in India and its enforcement. The primary sources used for this purpose are legislations, mainly the Transfer of Property Act 1882¹³ and the Hindu Succession Act of 1956¹⁴; case laws related to the transfer of property of Hindu women. The author will also

¹¹ *Ibid*

¹² The Transfer of Property Act 1882

¹³ *Ibid*

¹⁴ Hindu Succession Act 1956

survey Hindu women to study their understanding of property and inheritance rights. The secondary sources used for this paper are various research articles and books.

UNIVERSE OF STUDY AREA

The author confines her study to Hindu women residing in Tamil Nādu who are between the age of 20-50. In Tamil Nādu, the sex ratio is 99.611 males per 100 females, i.e., the sex ratio is skewed in favour of women which is much higher than the national average of 943 females to 1000 males.¹⁵ Moreover, the literacy rate of women in Tamil Nādu is 73.44%, which is also higher than the national average of around 69%.¹⁶ Hence, the author aims to study women in Tamil Nādu to ascertain their property rights.

EVOLUTION OF INHERITANCE AND PROPERTY LAWS IN INDIA

In India, traditionally, property laws were governed through customs and traditions, and they varied from place to place and even within the same place from one culture to another. Rooted in diverse religious and cultural traditions, these laws were traditionally governed by local customs and practices, exhibiting significant variations across regions and communities. However, the colonial period brought about substantial changes, as British administrators sought to impose uniform legal codes to streamline governance and administration. Post-independence, India embarked on a journey of legislative reforms aimed at modernization, social justice, and gender equality.

TRADITIONAL HINDU PROPERTY LAWS AND ITS IMPACT ON WOMEN

Traditionally, even throughout the Vedic period, Indian women had extremely limited property rights, and the little property they owned was subject to restrictions. As a result, women had a great deal of freedom to possess property throughout ancient times. Only the right to possess and enjoy that land belonged to a woman, and this type of ownership stake in the property was

¹⁵ 'Sex Ratio in India' (*Census 2011*) <https://www.census2011.co.in/sexratio.php#google_vignette> accessed 13 July 2024

¹⁶ 'India: Literacy rate from 1981 to 2022, by gender' (*Statista*) <<https://www.statista.com/statistics/271335/literacy-rate-in-india/>> accessed 13 July 2024

known as a 'Woman's Estate'.¹⁷ The patriarchal Hindu society provided women with a property known as 'Stridhanam', which is a term used to define property over which the woman has an absolute right. Generally, stridhanam comprises full enjoyment and disposal rights, similar to those held by male owners.¹⁸ It mainly came from marriage gifts and usually did not have landed property or immovable property, comprising only jewellery, clothes, etc.¹⁹ However, in ancient times, stridhanam was not an absolute right granted to women as according to the Manusmriti, 'wife along with her property belongs to her husband'.²⁰

At this point, women were denied the right to inherit their ancestral or marital property. Even her stridhanam was never fully given to her, and she only had the right to enjoy the same and not own it. Ancient writings lacked a clear definition of the term 'stridhanam' including its attributes and succession rules. However, this began to change after the evolution of the different schools of Hindu Law. Two main schools of Hindu Law emerged during the ancient period- the Mitakshara School brought about by Sage Vigneshwara's interpretation of the Yajnavalkyasmriti and the Dayabhaga School, based on the writings of Jimutavahana. The former was followed all over India while the latter was confined to eastern India, specifically Bengal and certain parts of Assam.²¹ There were some major differences between both schools in terms of the property rights granted to women.

The Mitakshara school severely restricted the property rights of women and did not grant them the right to inherit property from their matrimonial home or to enforce partition against their husband's share in the matrimonial home. It also did not grant her the right to be a coparcener in the ancestral property owned by her parental abode.²² On the other hand, the Dayabhaga school provided for women to enforce partition of her husband's property if she was widowed. However, despite following a more liberal approach, this school also did not provide for

¹⁷ Debarati Halder and Jaishankar Karuppannan, 'Property Rights of Hindu Women: A Feminist Review of Succession Laws of Ancient, Medieval, and Modern India' (2008) 24(2) Journal of Law and Religion

¹⁸ Sindhu Thulaseedharan, 'Personal laws and property rights of women with special reference to hindu law' (Theses, University of Kerala 2009)

¹⁹ Halderr (n 17)

²⁰ Thulaseedharan (n 18)

²¹ Halderr (n 17)

²² Dinshah Fardunji Mulla and Satyajeet Atul Desai, *Mulla Hindu Law* (LexisNexis 2018)

women's absolute ownership over property. They were allowed to dispose of property only in case of necessity and not for any other reason.²³

ENACTMENT OF TRANSFER OF PROPERTY ACT 1882 AND ITS IMPACT ON WOMEN

The Transfer of Property Act 1882²⁴ was enacted by the British Government in India and it came into force on 17 February 1882. It was enacted to provide a civil code for India in matters relating to the transfer of property. Before the Transfer of Property Act²⁵, property matters were governed by customs and religious laws and were inconsistent from one place to another. These laws were also difficult for the British to understand as they varied from place to place and custom to custom. Hence, to make the transfer of property between the British and Indians easier, they enacted the Transfer of Property Act²⁶, which initially governed transactions only between the British and the Indians. Transactions between Indians were still governed by customary laws at this point. Eventually, the act began to apply to the whole of India.²⁷

Today, the Transfer of Property Act²⁸ does not discriminate between male and female transferors except in the case of conditions restricting alienation of property, where an absolute restraint on the transfer of a property is void except in the case of a lease, or a married female who is other than a Hindu, Muslim or Buddhist.²⁹ Hence, it can be said that there is no discrimination between Hindu men and women when it comes to the Transfer of Property Act in India, and the laws under it are gender-neutral.

ENACTMENT OF THE HINDU SUCCESSION ACT 1956 AND ITS IMPACT ON WOMEN

Property rights of Hindu women and their succession rights have been governed by the Hindu Succession Act 1956³⁰ and subsequent amendments and the Hindu Women's Rights to Property

²³ Halderr (n 17)

²⁴ Transfer of Property Act 1882

²⁵ *Ibid*

²⁶ *Ibid*

²⁷ Poonam Pradhan Saxena, *Property Law* (4th edn, Eastern Book Company 2024)

²⁸ Transfer of Property Act 1882

²⁹ Transfer of Property Act 1882, s 10

³⁰ Hindu Succession Act 1956

Act of 1937³¹. The Hindu Women's Rights to Property Act³², enacted in 1937, gives widows the same rights to their spouse's joint property as their husband and identifies them as beneficiaries of their husband's estate if he dies without leaving a will. However, under this legislation, women were only allowed to enjoy the property as their estate and were not entitled to sell it.³³ Furthermore, when a spouse died without leaving any property to the widow, this act denied women, especially widows, any right to enforce partition against her husband's property.³⁴ As a result, women's property rights were restricted, and no one had a vested interest in succession until she died, implying that she had total ownership of the property but only limited authority to dispose of it.³⁵ This act also lacked the authority to manage concerns concerning agricultural land.³⁶

The Hindu Succession Act 1956³⁷ grants women the right to full ownership of property that they inherit intestate from their husband or her parents. However, she is not a coparcener according to the 1956 Act³⁸. This meant that she was not entitled to acquire any coparcenary property as she was out of the coparcenary system.

HINDU SUCCESSION (AMENDMENT) ACT 2005 AND ITS IMPACT ON WOMEN

The Hindu Succession (Amendment) Act³⁹ was passed on September 5, 2005, and went into force on September 9, 2005.⁴⁰ The Hindu Succession Act 1956⁴¹ was established to remove gender stereotypes in property rights. This act recognized women as full-fledged legal heirs, with the right to inherit their husband's property alongside other legal heirs. Daughters were made coparceners to the joint family property.⁴² This amendment eradicated the age-old tradition of

³¹ Hindu Women's Right to Property Act 1937

³² *Ibid*

³³ *Haridas Chatterjee v Manmatha Nath Mullick* (1935) SCC OnLine Cal 120

³⁴ Hindu Women's Rights to Property Act 1937, s 3

³⁵ *Janaki Ammal v Narayanaswami Aiyer* (1916) UKPC 59

³⁶ *In re The Hindu Women's Rights to Property Act 1937, and The Hindu Women's Rights to Property (Amendment) Act 1938* (1941) SCC OnLine FC 3

³⁷ Hindu Succession Act 1956

³⁸ *Ibid*

³⁹ Hindu Succession (Amendment) Act 2005

⁴⁰ Ministry of Law and Justice, *Hindu Succession (Amendment) Act, 2005 comes into force from today* PIB (2005)

⁴¹ Hindu Succession Act 1956

⁴² Hindu Succession (Amendment) Act 2005, s 6

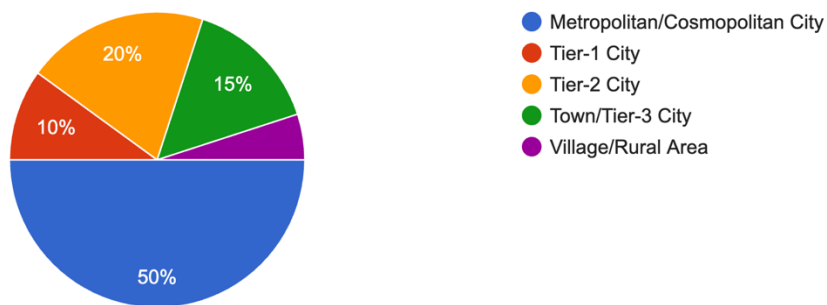
keeping daughters out of the coparcenary system and said that a daughter is a coparcener in her own right, just as a son of a coparcener. It confers equal rights and duties on a coparcener's sons and daughters.⁴³

Hence, today, Hindu women receive equal rights to property as their male counterparts, both in terms of intestate and testamentary succession. They also have the absolute right to own and alienate property and are entitled to buy property on their own.

FACTORS CONTRIBUTING TO THE GAP BETWEEN PROPERTY RIGHTS GRANTED TO WOMEN AND ITS ENFORCEMENT

It has been observed that even though the property rights granted to women according to law are equal to that of their male counterparts, in practicality, this is not observed. Many women are unaware of their equal property rights, and they have also experienced instances where they have been denied their right to equal property by their siblings or families because they are women.⁴⁴ To analyse the same, the author carried out a study of 20 women residing in Tamil Nādu aged between 20 and 50. The results of these studies are enumerated below.

Area of Residence
20 responses



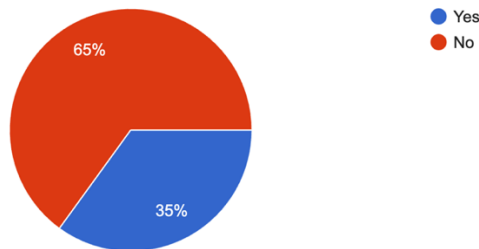
The first question asked to the participants of the study was simply to know their area of residence. Most women have stated that they live in a metropolitan or a cosmopolitan city, while a meagre number of women have mentioned that they live in a rural area. This question was

⁴³ Hindu Succession (Amendment) Act 2005, s 6 (1)

⁴⁴ Deininger (n 9)

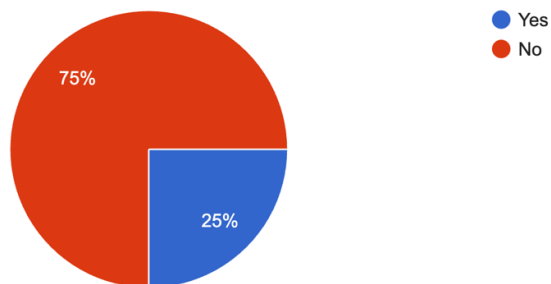
asked to understand whether women who live in metropolitan cities have a better understanding of their property rights when compared to women in tier-3 cities or rural areas, as women in urban areas generally have more access to education and employment opportunities and are aware of their rights.

Do you hold any immovable property (Eg.: land, housing, etc.) in your name?
20 responses



The second question asked to the respondents was whether they owned any immovable property like housing or land in their name. As is seen above, most women have stated that they do not own any immovable property in their name. The few respondents who own immovable property in their name have stated that they own lands, housing and agricultural land in their name. One respondent also stated that even though she owns land in her name, it was paid for by her husband and hence she has only a limited interest in the same. This question overall shows that a majority of women generally do not own immovable property to their name due to various factors like financial independence, society's perception and gender stereotypes.

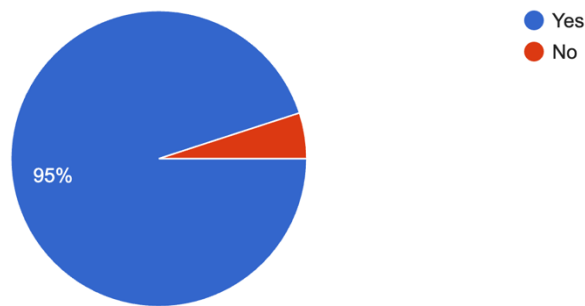
Have you inherited any property?
20 responses



The third question was regarding whether women have inherited any property. Most women have answered that they have not inherited any property, which clearly shows the lack of awareness regarding inheritance and how men are still hesitant to let their daughters and wives inherit their property. All the women who mentioned that they have inherited property have also stated that they inherited the property from their fathers, which shows that there is little to no scope for inheriting property from matrimonial homes in the case of women.

Are you aware that women are entitled to equal ancestral property from your parents/grandparents as inheritance as compared to their male counterparts?

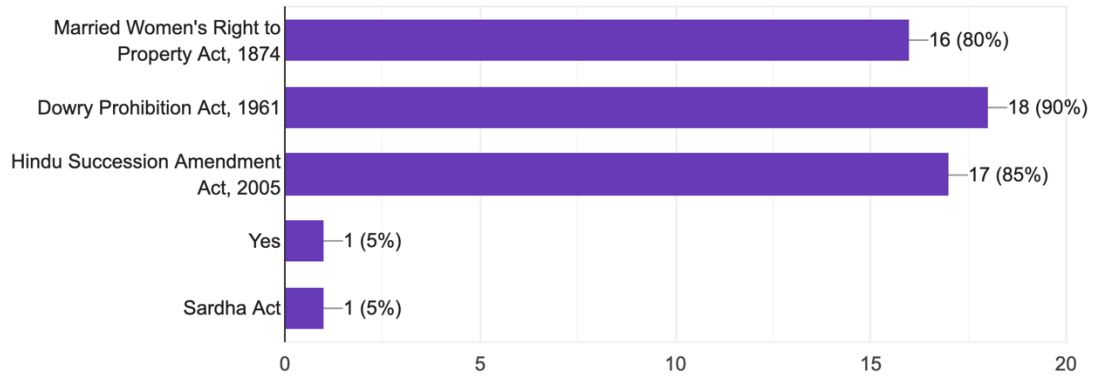
20 responses



The next question asked was whether women were aware of their rights to inherit equal property from their parents or grandparents equivalent to that of their male counterparts. Here, most women have mentioned that they are aware of their rights to inherit an equal share of property like their male counterparts. However, it was seen from the previous question that most women, in reality, have not inherited any property. This clearly shows the gap between the rights available to women and its enforcement. Even though women are aware of their property rights and the fact that they are entitled to an equal share in ancestral property, in reality, it is not being enforced. For the most part, women generally do not inherit property from their fathers or husbands, and even the people who inherit property are generally only given movable property like jewellery.

Are you aware of the legislations specifically protecting women? Tick all that apply.

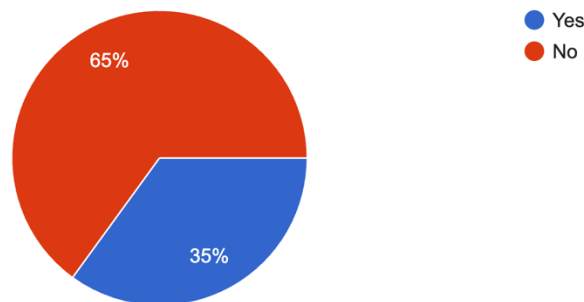
20 responses



The next question was regarding the awareness women had regarding their legal property rights. Most women are aware of the Dowry Prohibition Act however, not as many women know about the Hindu Succession (Amendment) Act 2005 which is the legislation that grants women equal coparcenary rights as of a male. This could be the main reason why women are not able to inherit property like their male counterparts as they are not aware that this legislation exists to protect their rights. This shows that women need to be educated regarding their rights to property to bring about a change.

Have you faced or witnessed any instances where women were denied their legal right to inherit property because of their gender?

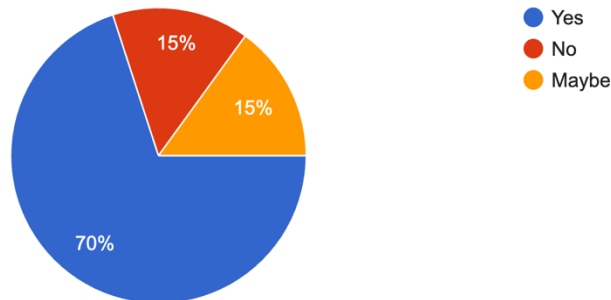
20 responses



The next question asked was regarding the instances where women had seen blatant discrimination regarding their property rights. Even though most women have mentioned that

they have not faced instances of discrimination, a fair share of women have stated that they have seen women be denied their legal right to inherit property because of their gender. One respondent had mentioned that she saw her mother be denied her share in ancestral property by her brother because she was a woman and her brother said that she was not eligible to inherit property since she was not the one to light the funeral pyre of her father. Another respondent mentioned that she saw a few women in her family be married off before the partition of ancestral property took place so that they do not get a share in the property. A respondent also stated that women are given gold instead of property during their marriage from their parents and the male child of the family is reserved with the property. This clearly shows that even though women are aware of their rights to property, they still face blatant discrimination when it comes to actually inheriting property.

Do you believe that courts could provide an effective remedy in case women face a property dispute?
20 responses



The last question that was asked was whether they believed that courts could provide an effective remedy in case a woman faced a property dispute. Even though most women have answered that courts can provide an effective remedy in case of property disputes, some women do not believe so. This could be because of their previous experiences, where they witness other women did not receive their share of property that they are entitled to, or are not able to alienate the property they own because they do not have absolute ownership in reality.

The survey points out how even though women are aware of their rights, most of them are not able to enforce these rights, be it for buying property in their name, or in case they have to inherit

property from their parents or husband. Even though the sample size considered for this analysis is small and does not reflect the complete picture of society, it provides insight into the factors that influence the enforcement gap between property rights that women receive and the reality of these rights. These factors could be a lack of awareness about their rights, as seen in the above survey, economic and financial freedom, stereotypical notions about property and a lack of faith in the judicial system for resolving their property disputes. It was observed that the area of residence did not play a major role in determining property rights, however, this cannot be ruled out as a possibility and needs further research regarding the same.

ANALYSIS OF RELEVANT COURT JUDGEMENTS

After the Hindu Succession (Amendment) Act of 2005⁴⁵, women have been granted equal rights in coparcenary property. However, there have been several judicial pronouncements discussing the same. In the case of *Vineeta Sharma v Rakesh Sharma*⁴⁶, the court stated that this amendment act is retrospective in application and not prospective, and it applies to people who were born before 2005 as well, as long as they are alive during the partition and the partition takes place after 2005.

Section 6(1)(b) and (c) deal with the effects of the inclusion of a daughter as a coparcener. Having regard to the plain language and future perfect tense 'shall have the same rights,' the only conclusion is that the daughters who are included in the coparcenary will have the same rights after coming into force of the Amendment Act. The future perfect tense indicates that an action will have been completed (finished or perfected) at some point in the future. This tense is formed with 'will' plus 'have' plus the past participle of the verb. If the Parliament had intended to mean as conferring the same rights in the coparcenary, anterior to the amendment, the language would have been different. The future perfect tense indicates that action will have to be completed at some point in time in the future. The tense is formed with 'will' plus 'have' plus the past participle of the verb. If the Parliament intended to confer the same rights in the

⁴⁵ The Hindu Succession (Amendment) Act 2005

⁴⁶ *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1

coparcenary, anterior to the amendment, the language would have been different. If the daughter is now made a coparcener, she would now have the same rights as she is a son.⁴⁷

The same has also been reiterated in the case of *Prakash v Phulavati*⁴⁸, where the court held that the rights under this amendment are applicable in the case of living daughters of living coparceners. However, a wife has no claim to her husband's ancestral Property. Only coparceners of Hindu joint families (Mitakshara) are eligible to inherit ancestral property, and because the wife is not a coparcener in her husband's joint family, she will not be able to inherit the property.⁴⁹ When the ancestral property is divided, her husband will receive his portion of the total, which he can hold as independent property. If the husband dies intestate, the wife will have a claim over his separate property.⁵⁰

In the event of a joint family partition involving her husband and children, a widow has a claim to the property equivalent to her children's portion. This property can be held separately by the wife from the husband as her independent property. However, because she is not a coparcener in her husband's joint family, the wife has no right to demand a split of the joint family property.⁵¹

The Hindu Succession (Amendment) Act 2005⁵² also said that any widow could inherit property, even if it was the widow of a pre-deceased son, the widow of a pre-deceased son of a pre-deceased son, or the widow of a brother, thus rendering Section 24 of the Hindu Succession Act 1956 moot.⁵³ However, it is important to note that only the legally wedded wife can inherit from her deceased husband.⁵⁴ She is also allowed to dispose of the property according to her own will when she is given full ownership of it.⁵⁵

⁴⁷ *Ibid*

⁴⁸ *Prakash v Phulavati* (2015) 1 ABR 83

⁴⁹ Hindu Succession Act 1956, s 6

⁵⁰ *Commissioner of Income-Tax v Seth Govindram Sugar Mills Ltd* (1966) 3 SCR 488

⁵¹ *Gurupad Khandappa Magdum v Hirabai Khandappa Magdum* (1978) 3 SCR 761

⁵² The Hindu Succession (Amendment) Act 2005

⁵³ *Chando Mahtain & Ors v Khublal Mahto & Ors* (1983) 1 CIV LJ 54

⁵⁴ *J. Satyanarayana v J. Seethamma* (1971) SCC OnLine Kar 190

⁵⁵ *Kesharbai Jagannath Gujar v State of Maharashtra* (1980) SCC OnLine Bom 233

Section 14(1) categorically states that any property possessed by a female Hindu, whether acquired before or after the commencement of the Act shall be held by her as full owner thereof and not as a limited owner. The explanation to section 14(1) clarifies that property includes both movable and immovable property acquired by a female Hindu by inheritance or devise, or at a partition, or in lieu of maintenance or arrears of maintenance or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription, or in any other manner whatsoever etc. We do not find any provision in the Hindu Succession Act 1956 in pari materia with section 2 of the Hindu Widows' Re-Marriage Act 1856. In other words, there is no provision that disqualifies a widow of a male Hindu from inheriting from her husband if she remarries, after his death.⁵⁶

Hence, we can see that the rights of widows and daughters were further strengthened through the Hindu Succession Amendment Act⁵⁷ in 2005.

CONCLUSION

The property rights of Hindu women in India have come a long way since ancient times, from being treated as chattels to having absolute ownership over property on their own. The evolution of these rights reflects the broader narrative of women's empowerment and gender equality in a traditionally patriarchal society. The Hindu Succession Act 1956⁵⁸ was a seminal turning point, recognizing women as legal heirs and granting them specific rights to inheritance. Subsequent amendments, most notably the revolutionary 2005 amendment, expanded these rights, breaking gender barriers and affording women equal status in matters of property. However, the road to equal property rights for women has not been without difficulties. Deep-rooted cultural traditions, familial reluctance, a lack of understanding, and insufficient legal support have all hampered their capacity to fully exercise their rights. Societal stigma, as well as a complicated web of property management concerns, have reinforced vulnerabilities, obstructing the economic and social empowerment that property ownership can provide.

⁵⁶ *Sanjay Purshottam Patankar v Prajakta Pramnod Patil* (2015) SCC OnLine Bom 3487

⁵⁷ Hindu Succession (Amendment) Act 2005

⁵⁸ Hindu Succession Act 1956

In India, the effort to secure property rights for women represents a greater struggle for gender equality and women's empowerment. It is observed from this paper that there is a huge gap between the rights women are entitled to and the rights that they actually receive. While progress has been made, there is an urgent need for ongoing efforts to resolve residual issues and establish a climate in which women are not just legally entitled but also socially empowered. Property rights are rightfully asserted not merely to secure economic stability, but also to protect the concepts of justice, dignity, and equality that are at the heart of a just society. As India progresses, the recognition and protection of women's property rights demonstrates the country's commitment to a more inclusive and equal future.