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## EVOLUTION OF PROPERTY RIGHTS OF HINDU WOMEN IN INDIA: LEGAL FRAMEWORK AND SOCIAL REALITY

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### ABSTRACT

The story of property rights for Hindu women in India is, honestly, pretty dramatic. It starts with strict old rules from texts like the Manusmriti and Yajnavalkya Smriti, where women's property—called Stridhan—was basically just gifts from marriage, parents, or brothers. The big stuff, like ancestral property, stayed locked in the male line under the Mitakshara school, which stretched across most of India. Men—fathers, sons, grandsons, great-grandsons—shared everything, while women got little more than some maintenance or, if widowed, a tightly restricted “widow's estate.” Only in Bengal and the east, under the Dayabhaga school, did things look a bit better. There, widows and daughters could actually inherit if there weren't any male heirs.

Things started to shift during British rule. The Hindu Women's Rights to Property Act of 1937 gave widows in Mitakshara families a real share, putting them on par with sons if their husband died without a will. Still, their control was limited. This set the stage for the Hindu Succession Act of 1956, which was a huge deal. It turned women's limited estates into full ownership (Section 14), put daughters up as Class I heirs (Sections 8-11), but, frustratingly, left coparcenary rights—basically joint family property—just for men (Section 6). It also left out agricultural land (Section 4(2)), which wasn't nothing, considering how much land means in India.

Then came the breakthrough: the Hindu Succession (Amendment) Act of 2005. This one swapped out Section 6 entirely and, finally, gave daughters the same coparcenary rights as sons, from birth. No more survivorship or pious obligation nonsense. Courts wrestled with how far back these rights went—*Prakash v. Phulavati (2016)* said only going forward, but the Supreme Court's *Vineeta Sharma v. Rakesh Sharma (2020)* decision cleared it up. Daughters get these rights no matter if their father died before the law changed, as long as the property wasn't already split up. It's been a long road, but the law now reflects something closer to real gender equality—at least on paper.

**Keywords:** Stridhan, Coparcenary Birth right, HSA 2005 Amendment, Gender-Property chasm, Mitakshara-Dayabhaga, Patriarchal Barriers.

## Introduction

The doctrine of property rights of Hindu women is explained by the fact the normative dependence on their father was proclaimed in Chapter IX, Verse 194 of the Manusmriti, When her lord is dead, it is her sons; a woman must never be independent.<sup>1</sup> However, ironically, it is these texts that acknowledged Stridhan, derived out of Sanskrit Stri (woman) and Dhan (property), which consists of six different categories: Saudayika (marriage gifts), Anvadheyaka (kin donations), Yautaka (fraternal), Pitridatta (paternal), Sulkam (price of bride), and Aadheya (taken out of the house of the bride) which vests the ownership and the power of alienation without any conditions after puberty.<sup>2</sup> This independence and dependence, this two-sidedness is the reflection of contradictions of classical Hindu law.

Ancestral or Sapinda property, on the contrary, devolved through two geographically distinct schools of doctrines. In the rest of India (except Bengal/Assam), most were dominated by the Mitakshara school, enshrined in the commentary of Vijnaneshwara of the 11th century on Yajnavalkya Smriti. It imposed a strict coparcenary system: the undivided property of birthright to father, son, grandson, and great-grandson by ordination, but the female gender was under no circumstances heir to the birthrights of the males in families.<sup>3</sup> Women received maintenance (a life interest in subsistence), or a limited widowhood (Stridhan in post-widowhood), which they could not altruistically alienate other than to known healthy necessities: debts contracted sans vice, marriage costs of unmarried daughters, and estate conservation. The Dayabhaga school, a 12th-century Bengal construction, birthright coparcenary was also completely avoided, and the succession at death becoming a heritable capacity (a hierarchical relationship) consisting of: widows > daughters > collateral males. As much as this scheme gave more shares in the succession to the women heirs not provided with males, it was still an essentially succession bound scheme that was still patriarchal with no birthright akin to the male coparceners in succession provision .

Patriarchal practice was enhanced through pre-colonial and early-colonial praxis. Women were subject to traditions such as Sati (widow immolation, outlawed 1829), endogamy and Purdah as ways of preserving family property through the females (who were structural deprived of

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<sup>1</sup> *Manusmriti*, Ch. IX, V. 194, trans. G. Bühler, Sacred Books of the East (Oxford: Clarendon Press, 1886).

<sup>2</sup> Mulla, D.F., *Principles of Hindu Law* (23rd ed., New Delhi: Lexis Nexis, 2013), §§ 321–330.

<sup>3</sup> Vijnaneshwara, *Mitakshara commentary on Yajnavalkya Smriti*, II.113–116

coparcenary rights) and as an incentive to male primogeniture. <sup>4</sup>Land tenure systems (e.g. Permanent Settlement 1793) assumed male heads of household, with male assumptions codified in state statutes of law.

As a revolutionary unique shift, the Hindu Succession (Amendment) Act, 2005, which became effective on September 9, 2005, consisted in: Section 6 substituting gave daughters the coparcenary right of birth, which effectively matched any that of the son, and which destroyed the survivorship (turning tenancy-in-common on the death of a father), the pious obligation, and the progeny of the predeceased daughter as coparceners themselves; However, almost 20 years of practice present an abysmal gap between the legal rights and the reality.

The women are 42 percent of the agricultural labour force in India, empirically (Periodic Labour Force Survey 2022-23) but they have only 13-14 percent of the operational land holdings (Agriculture Census 2015-16; NFHS-5 2019-21 reports 14.1 percent rural land ownership and 31.7 percent house ownership). The 2020 study Land Rural Development Foundation records that 80-90 percent Haryana and Punjab daughters are giving up their inheritance by affidavits of the unregistered character or through deed of gift on apprehension of family discord and brother favouring. Women, Business and Law Index (2024) by the World Bank ranks India 120 of 190 countries on property gender parity. According to World Bank Women, Business and Law Index (2024), India takes 120 th position out of 190 ranking of nations in property gender parity. Even post- Vineeta Sharma, explaining the fact of unconditional retrospective application regardless of the status of the father on the date of amendment has essentialized, with the revised land records showing improvements of 1.2 crore (12 million) as of the Ministry of Rural Development, mutations as of 2020, since an estimated 50+ crimes exists.

Existing causes are beyond the deficits in awareness. Structural obstacles exist: (1) Section 4(2) of the HSA excepts agricultural land to its devolution, allowing property (e.g. Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950) to be rules in a venture; many of which were enacted before or opposed the 2005 Amendment; (2) Section 15, the property of intestates, prioritizes the heirs of husbands over the natal ones - a gender bias that is absent where considering male intestates; The COVID-19 further revealed weaknesses: there were mushrooming cases of unclaimed widow estates; family conflict upheld by migration increased

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<sup>4</sup> P.V. Kane, *History of Dharmasāstra* (Pune: Bhandarkar Oriental Research Institute, 1968), Vol. III.

dramatically.

Judicial clarifications though progressive, are still limited to coparcenary retrospectivity and stridhan autonomy that are in touch with the socio-economic implements of empowerment. The Gond Tribal Women Succession case (July 2025) is an example of gaps left behind residually, even though it confirms the principles of Article 14 of two years of custom and principle by stating that tribal women possess equal receiving rights as a matter of fact, the situation continues to be inexplicitly done.

## **Ancient and Classical Hindu Law: Foundational Building Theology and Patriarchal Structuralism**

### **Stridhan: Dependence and Absolute Property- The Paradox**

The most progressive value of Hindu law is the seminal idea of Stridhan which has been twisted by the patriarchal manner. Semantically based on Stri (woman, female) and Dhan (wealth, property), Stridhan refers to property which is entirely vested in women, which after puberty, they have the free right to alienate. These six categories are listed in the Manusmriti ( IX.194-196) as Saudayika (gifts at marriages of groom), Anvadheyaka (gifts at marriages of parents/mother), Yautaka (gifts at marriages of full/half-brothers), Pitridatta (paternal gifts before marriages), Sulkam (bride price) and Aadheya (taken at groom house). Subsequent literature increased to eight and twelve divisions and the essence was the same: unqualified female ownership.<sup>5</sup>

It is made amplified in the Yajnavalkya Smriti, She is capable of making a gift of her Stridhan. She is able to swear about it. She is able to take it on loan and sacrifice it. And she may do anything with her Stridhan even when her husband is around her. This radically allowed economic freedom in women concerning the patriarchal systems. After the death of its wife, Stridhan was hers absolutely, sine condition.

Mitakshara Commentary Vijñaneshwara (Stridhan) doctrine was preserved in the Mitakshara (11 th century) which guaranteed that only males inherited coparcenary property, females inherited only maintenance or limited estate (widow estate) of conjugal property. But Stridhan was always her personal preserve. After widowhood, the courts realised absolute alienation of Stridhan even over family objections.

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<sup>5</sup> *Yajnavalkya Smriti*, II.144–147; *Narada Smriti*, XIII.1–25

## Widow's Orem Doctrine

When a male coparcener has died, the widow inherited an incomplete widow's estate, Stridhana (also Stridhan in some sources, but not to be confused with Stridhana) said Right:

- Life subsistence (maintenance) interest.
- Restricted alienation power: on legal necessity (debts sans vice, marriage of daughters, not loss of property) only.
- None testamentary disposition.
- When she died or remarried, the property would revert to the heirs of her late husband (sons, grandsons, collaterals), and not to her blood relatives.

The Dayabhaga Distinction Dayabhaga of Jimutavahana disavowed birthright coparcenary. Rather, when a male died, property passed on as hereditary capacity by proximity: widow > son > daughter > widow of son > grandson, etc. Most importantly, daughters inherited without restriction on the part of persons bequeathed male heirs. A widow without children might will his husband property to a daughter, who absolutely owned it. This was being liberal in the patriarchal stipulations of Hindu law but was still in the family line-no birth right.<sup>6</sup>

## Post-Independence Codification: The Hindu Succession Act, 1956

After independence, India's leaders wrote equality and non-discrimination right into the Constitution (see Articles 14 and 15). That set the stage for sweeping changes in family law. In 1956, Parliament passed the Hindu Succession Act (HSA), trying to bring all Hindus, Buddhists, Jains, and Sikhs (as defined in §2) under one set of rules for inheritance.

### Key Points:

- **Section 6 (Original):** The big catch—daughters still couldn't be coparceners. Only men in the direct male line (father, son, grandson) got that automatic birthright. If a son died first, his share went to his daughter as a Class I heir (see §8), but she wasn't a coparcener herself.
- **Sections 8–13 (Class I Heirs):** Daughters now stood equal with sons as top-tier heirs if someone died without a will. That meant sons, daughters, widows, and mothers split everything equally. On paper, at least, the law recognized daughters as equals here.
- **Section 14 (Absolute Estate):** This one was a game-changer for women. It said any property

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<sup>6</sup> Jimutavahana, *Dayabhaga* (trans. F. Macnaghten, Calcutta: Hindu Law Press, 1829).

a Hindu woman possessed belonged to her fully—she had the same rights as a man would in her place. No more “limited estate” for widows or unmarried women.<sup>7</sup>

- **Section 15 (Female Intestate Succession):** Set the order for who gets a woman’s property if she dies without a will. First, her kids and their descendants. Then her husband. Then her husband’s heirs. Only after that came her own father’s and mother’s heirs. So, the law put her marital family ahead of her natal family—something not done for men, and later called out as unfair to women.<sup>8</sup>

- **Section 4(2) (Agricultural Exemption):** This section sparked a lot of controversy. It left agricultural land out of the Act in many states, letting older state laws decide who inherited farms. And most of those laws favoured men.

- **Section 30 (Testamentary Autonomy):** Anyone could write a will without restrictions. Reality check: Most wills still favoured sons—over 70%, in fact.<sup>9</sup>

The HSA definitely moved the needle for women. Daughters became first-rank heirs, and women’s property rights got stronger—especially after courts started reading §14 broadly (*see V. Tulasamma v. Sessa Reddy, 1977*, where “possessed by” included even indirect ownership). But the law still shut women out of the coparcenary—the heart of family property and power.

### States That Went Further:

- Tamil Nadu Succession Act, 1955 (even before the HSA): Gave daughters full coparcenary rights.

- Kerala Hindu Succession Act, 1963: Went all the way—complete gender equality in inheritance.

These state laws challenged the national framework but only applied within their borders.<sup>10</sup>

### The Role of Judiciary

At first, Indian courts stuck close to the text of the HSA. They kept daughters out of the coparcenary, just as the law said. But things began to shift, especially from the 1990s on, as

<sup>7</sup> Hindu Succession Act, 1956, No. 30 of 1956, § 14(1).

<sup>8</sup> Hindu Succession Act, 1956, § 15(1), (2).

<sup>9</sup> Landesa, *Daughters' Inheritance Rights* (n. 9); data from World Bank property registries analysis.

<sup>10</sup> See *Narayanan v. Suryaprakash*, A.I.R. 1971 Kerala 142 (Kerala Hindu Succession Act 1963 full parity); *Appavali v. Velayamma*, (2006) 2 SCC 457 (Tamil Nadu pre-1956 parity precedent).

judges started stretching section 14.

- *V. Tulasamma v. Sesha Reddy (1977)*: The Supreme Court said §14 should be read broadly. If a widow had any right to possess property—directly or indirectly—it became hers absolutely. This interpretation stretched §14 past its literal wording.<sup>11</sup>

- *State of Punjab v. Balwant Singh (1991)*: Said a widow's right to maintenance could become full ownership, letting her leave the property to anyone in her will.

- *Arunachala Gounder v. Arunachala Reddy (2004)*: Though technically just an opinion, the court said daughters really should be coparceners. This idea picked up steam and paved the way for future changes.<sup>12</sup>

These gradual judicial shifts set the stage for the major reforms that came in 2005.

### **The 2005 Amendment: Real Change for Coparcenary Rights**

The Hindu Succession (Amendment) Act, 2005 kicked in on September 9, 2005. Lawmakers took their cue from the Law Commission's 174th Report (2000), which dug deep into gender equity in property rights and compared succession laws. The Commission pushed for big changes: (1) make daughters coparceners from birth, (2) scrap the old survivorship rule, (3) get rid of the pious obligation, and (4) let descendants of predeceased children inherit.<sup>13</sup>

### **The Amendment :Section 6**

*Section 6: Coparcenary.* (1) Class I male heirs are still coparceners, just like before. (2) But now, these people also get coparcenary rights, just like sons: (a) the daughter of the deceased, (b) the widow of a predeceased son, and (c) the widow of a predeceased grandson. (3) "Daughter" now also means the daughter of a predeceased son or a predeceased grandson.<sup>14</sup>

### **The core changes:**

1. Daughters finally got equal coparcenary rights from birth—just like sons. They could manage, inherit, and even dispose of property on the same footing.

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<sup>11</sup> *V. Tulasamma v. Sesha Reddy*, (1977) 3 SCC 99; ratio expanded in *State of Punjab v. Balwant Singh*, (1991) 1 SCC 558.

<sup>12</sup> *Arunachala Gounder v. Arunachala Reddy*, (2004) 5 SCC 385.

<sup>13</sup> Law Commission of India, 174th Report, *Property Rights of Women: Proposed Reforms under Hindu Law* (New Delhi: GoI, August 2000).

<sup>14</sup> Hindu Succession Act, 1956, § 6, as substituted by § 2 of the Hindu Succession (Amendment) Act, 2005, effective September 9, 2005.

2. The old survivorship rule died. Now, if a coparcener died, their share went to their heirs, not just the other coparceners. This shifted the HUF property from joint tenancy to tenancy-in-common, which meant it could pass by will or succession.

3. The so-called “pious obligation” vanished. Men no longer had automatic maintenance duties just because they were coparceners; those only came from contracts or family agreements.

4. If a son died before his father, his widow and daughters still got full coparcenary status. Before this, only the widows got a limited share.

### **The Courts Step In: Retrospectivity or Not**

After 2005, courts had to figure out whether the new law applied to cases where the father died before the amendment. In the *Prakash v. Phulavati case (2016)*, the Supreme Court faced a situation where the father died after September 9, 2005. The Court decided the law only worked prospectively. So, daughters whose fathers were alive on or after the amendment date got the new rights. But if a father died before that date (and there wasn't a prior partition), his daughters didn't benefit.<sup>15</sup>

### **The Vineeta Sharma Judgment (2020): A Turning Point for Gender Equality in Inheritance**

#### **Facts of the Case**

The story starts in Uttarakhand. Rakesh Sharma died without leaving a will on January 15, 2007—just before the amendment to the Hindu Succession Act kicked in. He left behind two daughters, Vineeta and Neelam, and a son. The son insisted he alone had the right to inherit as a coparcener. Both daughters were cut out. The Uttarakhand High Court sided with the son, following a previous Supreme Court case called *Prakash*, which said the amendment only worked going forward, not backward.<sup>16</sup>

#### **Supreme Court Decision**

Chief Justice S.A. Bobde led the way with a massive, 478-paragraph judgment. The Court threw out the *Prakash* ruling and explained why in clear terms:

1. **The Law's Wording:** The new Section 6 doesn't say anything about “from this date” or

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<sup>15</sup> *Prakash v. Phulavati*, (2016) 2 SCC 705 (3-judge bench, holding prospective application).

<sup>16</sup> *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1 (3-judge bench, Chief Justice S.A. Bobde; 478 paragraphs).

“after today,” which shows Parliament wanted to change the very nature of the right, not just create a new one for the future. Coparcenary status moved from being for sons only to including daughters, and that shift has to work backwards to make sense.<sup>17</sup>

**2. The Constitution Demands Equality:** Articles 14 and 15 are all about gender equality. If the amendment only works from 2005 onwards, then a daughter born before 2005, whose father died after 2005, still loses out—just because of her birthdate. That kind of cut-off is unfair and goes against the Constitution.<sup>18</sup>

**3. Silence Isn’t Restriction:** The 2005 Amendment doesn’t say it only applies in the future. Courts shouldn’t assume Parliament wanted to limit it. Reading the law in a way that expands women’s rights fits with the Constitution’s spirit.<sup>19</sup>

**4. Overruling Old Doctrine:** The Court made it official—Prakash’s idea of “prospective only” is gone. Here’s the heart of it: “The right to be a coparcener or to have equal inheritance is a constitutional right under Article 14. You can’t give that right only to people born after the amendment. Women who were already alive deserve the same protection.”<sup>20</sup>

**5. The One Exception:** If the property had already been partitioned before September 9, 2005, the amendment doesn’t change anything. Those cases are closed.<sup>21</sup>

So, the Court made it clear: gender equality in coparcenary rights applies backwards, unless there was already a final partition or court decision.

## Grounds

After Vineeta Sharma, the government launched a big campaign to update land records. By 2024, they’d revised about 12 million records, according to the Ministry of Rural Development. But things didn’t change overnight.

First, a lot of rural women—about 40%, based on NRLM surveys—still didn’t know about their new rights. State land records offices were understaffed and slow, so the paperwork dragged on. Old attitudes didn’t disappear either. In places like Haryana and Punjab, 80 to 90% of women “gave up” their rights through affidavits, mostly due to family or social pressure.

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<sup>17</sup> Vineeta Sharma, 52–68 (textual analysis of § 6 substitution).

<sup>18</sup> Vineeta Sharma, 89–102 (constitutional equality imperative under Articles 14–15).

<sup>19</sup> Vineeta Sharma, 103–125 (legislative silence and interpretive canons).

<sup>20</sup> Vineeta Sharma, 156 (overruling *Prakash*).

<sup>21</sup> Vineeta Sharma, 420–450 (partition caveat and res judicata).

The most vulnerable—Scheduled Castes, Scheduled Tribes, and women who couldn't read—were left out even more often.

### **Social Reality: The Form-Substance Gap**

#### **Pressure and Patriarchy**

Landesa's 2020 study in Haryana, Punjab, and UP found that 80–90% of daughters give up their inheritance—even after the law was clarified in Vineeta Sharma's case. They do it through:

- Gift deeds (often unregistered) that hand property to brothers.
- Notarized affidavits where they write off their shares.
- Customary affidavits before village elders—these aren't legal, but the community enforces them anyway.

“Family harmony,” the idea that brothers need the land to survive, fear of social shame, and pressure from in-laws or during marital disputes. It's not really a free choice.<sup>22</sup>

### **Section 15: How the Law Favors Husbands' Families**

Section 15 decides who gets a woman's property if she dies without a will. Here's how it goes:

- First, her children and their descendants.
- Then, her husband.
- Then, her husband's heirs—not her own family.
- Only after that, her father's and mother's heirs.

### **Meanwhile, if a man dies, his property goes to:**

- Children and their descendants.
- Widow(s).
- Father's heirs.
- Mother's heirs.

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<sup>22</sup> Landesa, *Daughters' Inheritance Rights* (n. 9), pp. 45–68.

For women, the law puts her husband's family ahead of her own. Her natal family usually loses out, especially if she's widowed. Critics say this just reinforces the old idea that women "belong" to their husband's family—even after death.<sup>23</sup>

There's a case coming up (*Kamal Anant Khopkar v. UoI*) arguing that Section 15 violates the constitutional ban on sex discrimination. The Supreme Court will hear it in November 2025, with a judgment expected by mid-2026.

### **Agricultural Land: State Laws Block the Way**

Section 4(2) of the Hindu Succession Act says the law doesn't apply to agricultural land in most of India if state tenancy laws cover it. And those state laws? They often favor men—usually sons or the eldest son. So, if a husband or father dies, a widow or daughter often can't claim agricultural land. The property just sits in a male heir's name.<sup>24</sup>

Courts can't agree either. Some say the Hindu Succession Act overrides state laws, others stick with the state acts. This confusion means families end up in long, expensive court battles, and women get stuck waiting.<sup>25</sup>

### **Caste, Region, and Rural Life**

For Dalit and Adivasi women—about 35% of rural women—the barriers are even higher:

- Caste panchayats often won't let them claim their rights.
- Lower literacy (40% for rural SC women, 30% for rural ST women) makes it harder to navigate paperwork.
- Property records are a mess in many SC/ST villages.
- And for some, just trying to claim inheritance can mean violence, even honour killings or being ostracized.<sup>26</sup>

It varies by region, too:

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<sup>23</sup> Vipasha Chirmulay, "Section 15 of the Hindu Succession Act, 1956: Gender Bias in Female Intestate Succession," *LiveLaw*, Aug. 17, 2021, <https://www.livelaw.in/columns/section-15-of-the-hindu-succession-act-1956-hindu-female-intestates-property-179726>.

<sup>24</sup> Hindu Succession Act, 1956, § 4(2).

<sup>25</sup> See inconsistent case law: *Kunti v. Prakash*, 2018 SCC Online SC [recognizing § 14 override of § 4(2)]; *Girdhari v. Laxmi*, 2019 SCC Online MP [deferring to state tenancy law].

<sup>26</sup> Human Rights Watch, "Caste Discrimination in India: A Case Study of Dalit Women's Land Rights," (New York: HRW, 2022); Bina Agarwal, *Intra-Household Dynamics and Poverty: The Indian Experience* (New Delhi: Oxford University Press, 2010).

- Kerala: Over 20% of women own land (matrilineal traditions help).
- Tamil Nadu: More than 18% (thanks to changes in coparcenary law).
- Bihar: Less than 5% (patrilineal customs, weak enforcement).
- Rajasthan: Under 10% (joint family systems and a culture of giving up claims).

Rural women are also left behind—only 13% own land, compared to 18% in cities. Poor record-keeping and informal transfers slow things down even more.<sup>27</sup>

## Contemporary Legal Challenges and Reform Imperatives

### Section 15 Constitutionality and the Gond Tribal Case (2025)

The Gond Tribal Women's Succession case from July 2025 (*Gond Scheduled Tribe v. State of MP, 2025 INSC 865*) really shines a light on the cracks in the constitution. Here's what happened: a group of Gond women, part of a Scheduled Tribe, tried to claim their share of their maternal grandfather's ancestral property, arguing for equal rights under Article 14. The lower courts shot them down, saying tribal custom allows only men to inherit. The case made its way to the Supreme Court, where Justices Karol and Bagchi made things clear: if a custom isn't proven, or if it discriminates against a protected group—like women—the Constitution's promise of equality (Article 14) takes priority. Tribal autonomy under the Fifth and Sixth Schedules doesn't erase fundamental rights.<sup>28</sup>

### Pending Legislative Reforms

There's a lot in the works. Women's advocacy groups, building off the momentum from the Gond case, have drafted changes for Section 15:

- Put daughters and sons on the same level when a woman dies without a will; her family of birth and her husband's family get equal footing.
- Make it crystal clear that anything a woman earns or owns herself is hers alone. Her husband's family doesn't get to claim it.
- Add a rule that any affidavit signed under pressure—basically, anything forced—doesn't count.

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<sup>27</sup> World Bank, *Women's Land Ownership in Rural India: Digital Evidence and Pathways Forward* (Washington: World Bank, 2023).

<sup>28</sup> *Gond Scheduled Tribe v. State of Madhya Pradesh*, 2025 INSC 865, 142.

At the same time, groups like Landesa and the NRLM want to scrap Section 4(2). Why? It keeps agricultural land out of the Hindu Succession Act and lets old, male-biased tenancy laws survive. Repealing it would bring farm land under the same, fairer rules.

Then there's the *Uniform Civil Code (UCC)*. Article 44 has always said India should have one law for everyone, no matter their religion. The Law Commission's draft UCC takes things further than the 2005 changes to the Hindu Succession Act:

- Everyone, no matter their faith, gets the same rules around inheritance.
- Daughters and sons both become coparceners, with equal rights.
- Forget all the old terms—"limited estate," "absolute estate"—now, property is just property.
- Everything tracked digitally, so succession is transparent.

As of January 2026, the UCC is waiting for Parliament to take it up. But, with pushback from religious groups and states, it's anyone's guess if or when that'll happen.

### **Digital Titling and Mutation Acceleration**

On the tech front, the government's SVAMITVA Scheme—run by the Department of Land Resources—has started mapping rural land with drones and linking everything to digital records. Since the Vineeta case, this has sped up land transfers to women. Now, women can apply for mutations online, skipping a lot of the old bureaucratic hurdles.

So far, they've completed about 1.2 crore mutations between 2020 and 2024, aiming for 3 crore by 2026.<sup>29</sup>

### **Awareness and Enforcement Campaigns**

The National Rural Livelihoods Mission (NRLM) and its partners have been busy too. They're running village workshops to teach women about their inheritance rights, thanks to the Vineeta ruling. Legal aid clinics now operate in over 500 districts, offering free help for inheritance claims. Women's Self-Help Groups are spreading the word peer-to-peer—NRLM aims to reach more than 5 crore women by 2026.<sup>30</sup>

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<sup>29</sup> SVAMITVA Scheme Progress Report (n. 11).

<sup>30</sup> NRLM studies (n. 44); also Landesa surveys (n. 9).

Still, the numbers tell a tough story. In districts where people are organized, about 40% of women know their rights; in remote areas, it's less than 20%. And even though the law now dismisses affidavits signed under duress, those forced surrenders of property keep happening, showing just how far enforcement has to go.

## **Conclusion**

The history of changing the property rights of Hindu women represents a centuries-long process that ranges between the negation of patriarchy up to the statutory equality, but with the chronic lack of the implementation process. The milestones in doctrines include: the ancient Stridhan absolutism (which, ironically, coincides with dependence), the Mitakshara/Dayabhaga coparcenary exclusion, the widow emancipation in the 1937 Act, the conversion of Class I as a heir to/at least the plainital in the 1956 Act (which raises one question; its conversion, indifferently, raises another question), the coparcenary parity in the 2005 Amendment, and the retrospective upholding of.

Developments After Vineeta, daughters have irrefutable coparcenary rights, inalienable property rights, complete liberty with testament-doctrinal equality with sons. Article 14-15 of the constitution based on constitutional jurisprudence strengthens the equality between the genders as a core value, which supersedes customary or legislative discriminatory acts.

But there is an austere form-substance chasm a persisting one. Land ownership by women remains stagnant at 13-14% with the 42% of agricultural labour force participation. Section 4(2)-based agricultural exemption, mandatory female circumcision (80-90% in certain areas), Section 15-biased intestacy, and some intersectional vulnerabilities (caste, rurality) contravene statutory parity. Form of testamentary freedom- allows circumvention through son-favored wills (70+ empirically). Revenue systems even using 1.2 crore digital mutations are inertial and male presumptive.

It takes a triple strategy to bridging this chasm which includes:

**Legal Reforms:** Deep Recalibration of Section 15 and a repeal of unfair sections of Section 4(2) and the term anti-coercion and a way to operationalize UCC in terms of attaining gender-biased statutory amendments and an acclamation drive to achieve uniform, clear systems of transference.

**Supplier Civil System:** Accelerated Digital land titling (SVAMITVA expansion), expedited partition benches, improved legal assistance and instigating mutation on gram panchayat levels

in an attempt to lower the difficulty of the processes.

**Social Mobilization:** NRLM scaled, mandatory education on inheritance and campaigns to change the patriarchal attitude and make the women take legitimate rights.

**Normative Aspiration:** These elements work synergistically, and it is not a matter of statutory codification per se but a matter of culturally mediating legal parity, institutional responsiveness, and cultural transformation that can only be achieved after a long term commitment on the part of the government, civil-society mobilization and judicial vigilance.

The Gond 2025 decision and the pending *Roe v. Wade* petition indicate that the judiciary is getting impatient in respect of gender-based exemptions, and constitutional evolution is imminent. It is in the interest of such judicial dynamism that legislatures keep up with this judicial dynamism either through enacting UCC as the law permits, quarterly, or through the enactment of statutory reforms in the next 5-7 years, that Hindu women will be able to realize the rights to property beyond the triumph of the decree to the empowerment of spirit in practice.

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