
WOMEN, SUCCESSION AND IMMOVABLE PROPERTY: A STUDY OF OWNERSHIP AND EFFECTIVE CONTROL

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ABSTRACT

This paper examines women's rights in immovable property within the framework of succession law as a mode of property devolution in India and also analyses the foundations and legal character of immovable property alongside the voluntary transfer under the transfer of property act 1882 with an attention to the inheritance, rights of daughters, mothers, and widows. Tracing back to ancient times, Women never had the right to property, even the right of Streedhan was not absolute. women's property rights in India have evolved from ongoing struggles between status quo and progressive forces. The Hindu women's legal right to property have been restricted by cultural and social barriers, voting and property rights have been recognised as a result of the feminist movement which took place around the world, but the implementation serves no practical purpose. despite the overwhelming evidence supporting asset ownership among women, a significantly minor population of women own land or property on their own when women own property, there is a noticeable improvement in their social economic status and also in their own physical security to 2005 amendment to the Hindu succession act affirming a daughters equal rights to co-partner. Property has been a significant step towards and doing some of the gender discrimination is in our inheritance laws globally it is estimated that Women own less than 10 to 20% of the world's land in India. There are two national surveys¹ which attempted to provide a gender disaggregated data on land ownership, the national family health survey and the Indian human development survey the figures of both the survey reveal that very less percent of women on a separate property of their own. property rights are a very important aspect, ensuring financial independence and social security, which should be equal for both men and women. International agreements, such as the convention on the elimination of all forms of discrimination against women and the Beijing platform for action have reiterated the importance of women's land and property rights. while the Indian law recognises women as equal heirs to movable property. The persistence of social and institutional barriers prevents the realisation of

¹ Snehal Upadhyaya, 'STREEDHAN AND WOMEN'S RIGHT TO PROPERTY', VOL II, IJIRL, <https://ijirl.com/wp-content/uploads/2022/02/STREEDHAN-AND-WOMENS-RIGHT-TO-PROPERTY.pdf>

these rights. Therefore, bridging this gap is essential not only for gender justice, but also for effective property governance. The main problem lies in the disconnect between the Legal entitlement and practical enjoyment of property. We often do not live on the inherited property and are excluded from family decisions and have a lack of information about their legal rights and procedures. As a result, the ownership exists on paper while the control exist in practice somewhere else, so the issue is not absence of rights, but the absence of enforceable control. This paper concludes that the meaningful realisation of a property of a woman requires aligning the succession rules in India, particularly under the Hindu law with the principles of actual control and equality.

Keywords: Property rights, female hindu, immovable property, female inheritance, ownership vs actual control, intestate succession.

Introduction

Property has always been more than an economic asset. It is a source of security and autonomy and especially financial independence in today's time for Women, ownership and effective control over the property marks a significant step towards empowerment and reduces dependence on other people. Landmark reforms² such as the 2005 amendment in the Hindu succession act and the interpretation by the Supreme Court in Vineeta Sharma versus Rakesh Sharma³ on a daughters' coparcenary rights under the Hindu succession act have established that daughters are entitled to the same rights and liabilities as that of sons. In India, the rights of a women especially relating to property, are linked with family relations, involving marriage, guardians, minority succession, or inheritance. therefore, the realisation of these rights remains very ineffective when it comes to practice. statutory provisions do recognise women as absolute owners of property as given in the transfer of property act. They possess a legal title without the meaningful authority over the possession or its management. This distinction becomes very significant when succession framework under the Hindu law of a self acquired property of a female prioritises, marital lineage over her own parents and as a result, equality embedded in the

² Dr.Sudhir Kumar, Women's property rights in India, <https://iipseries.org/assets/docupload/rs1202407D36B91366301F.pdf>

³ Vineeta Sharma v. Rakesh Sharma, (2020) 9 S.C.C. 1 (India)

constitution is risked. By analysing both social realities and the legal structure of inheritance. This paper seeks to examine that property ownership requires not merely the recognition of rights but also the effective control over it.

Concept and meaning of Property

The word property is derived from the latin word proprietary⁴, which means a thing owned. It has been widely interpreted by Salmond and Bentham, according to the eminent jurist, Salmond the term property includes all the legal rights of a person which includes complete ownership of a man on the material as well as incorporeal things, the term includes not a man's personal rights, but only his proprietary rights. According to Bentham, the term property includes ownership of material objects alone. According to Austin, the term property denotes the greatest right of enjoyment known to the law, including servitude.

The honorable Supreme Court in India⁵ in the case of RC Cooper versus union of India⁶ interpreted the concept of property that it includes both corporeal as well as incorporeal things that is land, furniture, copyright, and patents, etc.

Concept and scope of immovable property

Section 3 of the general clauses act 1897⁷ and section 2(6) of the Indian registration act⁸, 1908 defines the term immovable property and it includes land and things attached and embedded on the land. Right of way, right to collect the rent of immovable property, the right to ferry, right of fishery, etc. have been judicially recognised as immovable property, and it does not include standing timber, growing crops, and grass. section 3 of the transfer of property act⁹ 1882 defines it as that it does not include standing timber, growing crops or grass.

In the case of Ananda Behera versus State of Odisha, 1955¹⁰, it was held that immovable property also includes benefits arising out of land.

⁴ Medha Tiwari, Property under property law, meaning and concept, blogpleaders (Oct 14, 2019), <https://blog.iplayers.in/concept-of-property/>

⁵ Supreme court of India

⁶ R.C. Cooper v. Union of India, (1970) 1 S.C.C. 248 (India)

⁷ General Clauses Act, 1897, S 3 (India)

⁸ Registration Act, 1908, S 2(6) (India)

⁹ Transfer of property Act, 1908, S 2 (India)

¹⁰ Ananda Behera v. State of Orissa, (1956) S.C.R. 919 (India).

Transfer of property

Section 5 of the transfer of property act¹¹ defines this as an act by which a living person conveys property in present or in future to one or more other living persons or to himself or to himself and one or more other living person and living persons include a company and association, a body of individuals, whether incorporated or not.

The modes of transfer of immovable property are sale, mortgage, charge, gift, lease, and exchange and transfer by operation of law is not governed by this act.

Historical evolution of women's estate¹²

The concept of women's estate or property was clearly visible in the discrimination is created in pre-independent legislations. The Personal laws remained rigid and were never attempted by the state to be addressed. This finally led to a shift from the rigid structure to the Hindu law of inheritance act, but this also did not provide women with the right of inheritance, the Hindu Women's right to property act 1937, for the first time granted widows the property rights in the separate property of their husband and then came the Hindu succession act, which again disrupted the position of Women in their self acquired property.

Succession of property under Hindu law

Succession, especially in Hindu law means the transfer of ancestral property from one generation to another many societies have recognised the right of an individual to acquire whole and dispose of property. This right of disposal also includes the right to dispose properties in a manner so as to take effect after the death of a person, such a right can be exercised by making an instrument known as will during the lifetime of a person and in case of a person who dies without making a will, the property passes by inheritance as per the Personal laws, devolution of property of such a person after his or her death that is known as intestate succession, which provide the devolution of such properties among the legal heirs of the deceased.

¹¹ The Transfer of Property Act, 1882, No. 4 of 1882, S 5 (India)

¹² Ira Pal, PROPERTY RIGHTS OF HINDU WOMEN IN INDIA, INDIAN JOURNAL OF LEGAL REVIEW, <https://ijlr.iledu.in/wp-content/uploads/2025/04/V5I440.pdf>

Inheritance laws deal with the properties and assets of a person who dies, it lays down the provisions dealing with the succession, rights, and properties of the person who has passed away. income factor succession means inheritance upon the death of a person. Succession follows the Constitution of India recognises the personal laws and deals with areas like marriage, divorce, adoption, partition, succession, etc.

Women as heirs of immovable property

Every human being has the right to be treated equally in every aspect of life. However, due to certain social and cultural barriers, the position of women has been lower, particularly in the right to property in ancient Time, the Hindu women's property rights had many limitations. Attempts have been made to improve the position of Hindu women with regard to her succession and inheritance right with various legislative enactments, but according to the 174th report of the law commission of India, on property rights of women¹³: discrimination against women is so pervasive that it sometimes surfaces on a bare perusal of the law made by the legislature itself. This is so particular, particularly in the laws governing inheritance or succession of property of a joint Hindu family. It seems that this discrimination is so deep and systematic that it has placed the Women at the receiving end on the recommendation of the law commission of India, 2005 and amendment was brought to the Hindu succession act 1956¹⁴ to improve the position of Women further.

Earlier, the most important point of coparcenary was that a female cannot become a co-partner under the Mitakshara law, even a wife, though she is entitled to maintenance out of her husband's property is not her husband's coparcener.

A mother is not a coparcener with her son. When we talk about Stridhan, it can be described as a property which was given to the woman at a time of marriage, which is the absolute property of a woman and she may dispose it as she wants, but certain restrictions were imposed on this power as well if she was married, on her that all this passes to her own heirs. In respect of a woman's

¹³ PRAGYA MATHUR, INHERITANCE RIGHTS OF WOMEN UNDER HINDU SUCCESSION ACT: A CRITICAL STUDY, INDIAN JOURNAL OF LEGAL REVIEW, <https://ijlr.iledu.in/wp-content/uploads/2025/06/V5I930.pdf>

¹⁴ The Hindu Succession Act, 1956, No. 30 of 1956,(India)

estate that is her property, the Hindu female had limited power of disposal. She could not ordinarily alienate it except for legal necessity or benefit of estate or for religious purposes and on her death. This property devolved upon the last full owner, who could be male or female. In the joint family system under a patriarchal structure like the Mitakshara, though a woman is treated as a member of a joint family, but she had only a right to sustenance and not invested with control and ownership of property. The doctrine of a sons birthright was followed. Therefore, no female was a member of the coparcener in the family and she was excluded from inheritance.

So it is evident that Hindu females cannot inherit ancestral property by birthright and were excluded from the joint family under the Mitakshara system. When the joint family property was divided only the males got their share and the female got nothing. The Hindu succession act 1956, Instead of promoting gender equality, perpetuated gender discrimination through some of its provisions like section 4 where women have been placed in an unequal position in comparison, two males with regard to inheritance rights in agricultural rights. Further section 23 again this entitled a female to seek partition respect of a dwelling house, holy occupied by a joint family until the males Store to divide their respective shares more over section 24 of the act made three kinds of widows.

Acknowledging the discrepancies with regard to the women's position in Mitakshara,¹⁵ certain states like Kerala, Andhra Pradesh, Tamil Nadu, Maharashtra and Karnataka in India took cognizance that for economic and social justice to prevail women must be treated with equality and accordingly reforms were brought up.

State amendments brought sweeping reforms in their respective places, but Hindu women in other states or other parts of India continued to be treated with inequality in relation to their property rights because of the shortcomings of the Hindu succession act for the 174th report of the law commission on the property rights of women proposed reforms under the Hindu law under the chairmanship of Justice BP Jeevan Reddy made some very important recommendations and demanded that women should be treated with equality both in the social as well as economic system and accordingly and amendment was brought in 2005 in the Hindu succession act and the discrepancies like section 4, 23 and 24 were removed in thousand eight,

¹⁵ Lakshita Khurana, Powers of female heirs over inherited property, blogiplayers, (Aug 15,2021) <https://blog.iplayers.in/powers-of-female-heirs-over-inherited-property/>

the law commission again recommended the proposal to amend a section 15 in case a Hindu female dies, leaving herself acquired property with no heirs but this proposal has not been accepted yet. Therefore, the amendment relating to the Coparcenary rights under the Mitakshara law which was made to align the succession law with constitutional principles of equality and non-discrimination brought significant changes when daughters were also considered as coparceners by birth in the same manner as sons and they enjoy equal rights and liabilities, and this amendment abolished a son by obligation to discharge the ancestral debt.

Inheritance laws for daughter, mother and widow (Hindu female)¹⁶

Daughter- the term daughter includes a natural bond or an adopted daughter but does not include a stepdaughter or an illegitimate daughter. The daughter born out of a void marriage or voidable marriage, where a degree of nullity has been obtained from the court, then it may be a legitimate child and can inherit the property of her father. Under this act, there is no distinction between the right of a married and unmarried daughter, but under the Mitakshara and unmarried daughter is preferred over a married daughter. The property rights for a son and a daughter were very different before 2005 earlier only an unmarried daughter had a right to share within the ancestral property. But after 2005, a daughter is granted similar rights and duties as that of our son, she has an equal share of right within the ancestral property.

Mother- the expression, mother includes both a biological mother and an adopted mother also, but it does not include stepmothers. Legitimacy and illegitimacy of a child does not affect her inheritance rights.

Widow- a wife has no right to share within the ancestral property. As a result, the widow also has no right over her husband's property. However, since our wife is a class one heir the wife will have the right in the self-acquired property of the husband. The term widow refers to the spouse of a legitimate marriage and does not include a divorced wife.

Intestate succession to the self-acquired property of a Hindu female

Section 15 and 16 of the Hindu Succession Act 1956¹⁷, deal with the rules relating to the separate

¹⁶ Dr. Alok Kumar, Women's right to succession and inheritance under Hindu law, <https://lc2.du.ac.in/DATA/Women,s%20Right%20to%20succession%20and%20Inheritance%20in%20Hindu%20Law.pdf>

¹⁷ The Hindu Succession Act, 1956, No. 30 of 1956, S15 (India)

property of a female Hindu. For succession, the property of a Hindu female is divided among the three heads:

- Property inherited by the female from her father or mother
- Property inherited from her husband or father-in-law
- Property obtained from any other source like by inheritance or otherwise.

Section 15 states the general rules of succession, which says that the property of a female Hindu shall evolve according to the rules set in section 16¹⁸, firstly, upon the sons and daughters, including the children of any pre-deceased son or daughter and the husband, secondly, upon the heirs of her husband, thirdly, upon the mother and the father fourthly upon the heirs of the father, and lastly, upon the heirs of the mother.

Notwithstanding anything contained in the subsection one of section 15¹⁹. Any property inherited by a female Hindu from her father or mother shall in the absence of son or daughter, including the children of pre-deceased, son or daughter shall be given to the heirs of father and any property inherited by the female Hindu from her husband or her father-in-law shall in the absence of any son or daughter or their children be given to the heirs of her husband.

This shows that the father and mother of the deceased female have been given very less priority in the order of succession and there is another annually whether the property in his inherited from the father or mother. In both the cases it will go to the heirs of father, that means, even if the female dies survived by her mother, she would not count as an heir as that of the father.

According to the general rules, the property of a female Hindu devolves 1st to the sons and daughters, including their children. They inherited simultaneously and equally, and this is the first preference if they not exist, then the property goes to husband, his parents, siblings, and other relative if they are also not there, then it goes to the female's father and mother, and if the parents also do not exist, then they go to the father's Legal heirs and then the mother's legal heirs, as we can see, it is practically impossible that from the husband side everybody dies. So even if one person is alive, the property will go to them and not the female's parents.

¹⁷ The Hindu Succession Act, 1956, No. 30 of 1956, S15 (India)

¹⁸ The Hindu Succession Act, 1956, No. 30 of 1956, S 16 (India)

¹⁹ Pratishtha Mandal, Succession to the property of female intestate, blogiplayers, <https://blog.iplayers.in/succession-to-the-property-of-female-intestate/>

If the female dies without any children, then the property which she has inherited from her father or mother will go to the father's Legal heirs and the property which she has inherited from the husband or the father-in-law will go to the husband's heirs.

The purpose of this is to keep the property within the original family line.

Moving towards section 16, it explains how section 15 is going to be applied, which is the manner of distribution here the heirs in the same category inherit equally example if sons, daughters and husband exist, they all get equal shares and the children of pre-deceased son and daughter take per stripes.

Here, unlike the male succession, where property devolves primarily among the natal bloodline, section 15 places, the husband above the women's own parents reflecting a patriarchal bias rooted in the act as well as suicidal structure, whereas the legislative intent behind section 15, clause two is to ensure that property reverts to the source from which it was inherited.

In the case of *Om Prakash versus Radha Charan*²⁰, there was a Hindu girl aged 15 years who became a widow within three months of her marriage and she was driven out of her matrimonial house immediately after her husband's death by the in-laws, she never returned there and also her in-laws did not bother to call her back. She came to her parents house was educated by them and then took a job. She died without making a valid will leaving behind huge sums in various bank accounts which she had acquired on her own self. The property of the deceased was claimed by her mother and brother, and on the other side, the husband's heirs. It was negated by the Supreme Court that as per the provisions of Hindu succession act, it is the husband's heirs who will get an inherit the property of a married Hindu woman, and her parents cannot inherit in their presence because she is still a widow and has not remarried. The court further observed that it is now an in great principle of law that sentiments or sympathy alone cannot be a guiding factor in determining the rights of the parties. The court cannot issue a direction only on ground of sympathy and section 15 has to be interpreted as it is by the court.

In the case of *Bhagat Ram versus Teja Singh*²¹, a female Hindu along with her sister inherited property from their mother on her death. After inheriting the property, one sister died issueless, the other sister took the property as her father's heir under section 15, clause two and agreed to sell the same to a person called A. The deceased sisters, husbands, brother challenged the validity

²⁰ *Omprakash v. Radhacharan*, (2009) 15 S.C.C. 66 (India)

²¹ *Bhagat Ram (Dead) by LRs v. Teja Singh (Dead) by LRs*, (2002)

of the sale and claimed the property. The question which emerge was whether the said property was pass to the sister or to the husband's brother, and the court held that if a female Hindu dies without making the will, the property has to be based on the source from which it was inherited if the property has been inherited from her father or mother in the non-existence of any children of the deceased, it would revolve upon the father's heirs and in this case, her sister was the only legal heir of the father and thus, a sale of such property by the sister is valid.

In the case of *Subhashini versus Srinivasa Rao*²², here the dispute arose after the death of a Hindu female who died without leaving a will she had inherited property, and there was a contest regarding who was entitled to succeed to her estate. The competing claims were the members of the women's natal family, and the heirs of husband. The central issue was whether the succession should follow the general rules or the exception under section 15 and the woman had no surviving children. The Madras High Court acknowledged that section 15 can lead to inequitable outcomes, particularly for the women's own family. However, the court held that it was bound by the statutory framework and could not override the legislative intent under section 15 and 16.

Therefore, section 15 of the Hindu succession act, despite recognising a female Hindu as the absolute owner of the property adopts a succession framework that is deeply patriarchal and marital centric, the prioritisation of the husband over the women's own parents reflects an underlying assumption that a woman's primary identity shifts irrevocably to her marital home upon her marriage, it subjects women's property to conditions and hierarchy, not imposed on men, thereby reinforcing the gender notion of dependency.

Section 16 appears procedurally neutral, but it institutionalises the inequities embedded in section 15. Judicial endorsements have seen such cases of rigidity where the tension between legislative intent and constitutional values have been challenged. Together the section 15 and 16 revealed the paradox of the Hindu succession law where women are granted absolute ownership of property, but denied full proprietary autonomy and succession by necessitating urgent legislative reform aligned with the notion of equality.

Ownership versus actual and effective control in property

²² *Subhashini v. Srinivasa Rao*, (2009) 5 S.C.C. 695 (India)

Although section 14 of this act formally recognises a Hindu female as an absolute owner of her property, but section 15 and 16 dilute this ownership by restricting her control over that property in section 15, a woman may possess property but eventually she lacks effective authority if there is no will written, whereas section 16, prescribe the manner and order of distribution further and entrenches. This disparity, the rigid exclusionary rules and equal distribution leaves no room for acknowledging the women's relationships or economic independence section 15 and 16 together ensures that a woman exercises control over a property only when she's alive, and after which it devolves only to the patriarchal lineage claims over her estate together, exemplify how Hindu succession law, grand women, property rights, but withholding the meaningful control, which is required.

Constitutional dimensions of property rights of female

Section 15 and 16 of the Hindu succession act, raise serious concerns under the article 14²³ of the Constitution, which guarantees equality before the law and equal protection of laws. While these appear neutral, their gendered impact reveals a failure to achieve the equality, unlike the male succession under section 8, where property devolves primarily along the males own natal lineage but the female succession prioritises the husband over the woman's own parents. This differential treatment lacks a compelling rational Nexus and reinforces patriarchal assumptions about a woman's post marital identity which have been reiterated in *Manika Gandhi versus Union of India*²⁴, *Navtej Singh Johar versus Union of India*²⁵ and *EP Royappa versus the state of Tamil Nadu*²⁶, it is said that law must be fair just an reasonable and classification should also have a reasonable and rational Nexus.

Section 15 and 16 of the Hindu succession act also operate as a form of indirect discrimination prohibited under article 15²⁷ by privileging the marital family over the women's own family. It trenches gender stereotypes that treat women as dependence whose proprietary interest is absorbed into their husbands lineage. Supreme Court has repeatedly clarified that discrimination

²³ INDIA CONST. art. 14

²⁴ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India)

²⁵ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India)

²⁶ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 S.C.C. 3 (India)

²⁷ INDIA CONST. art. 15

need not be explicit to be unconstitutional in *Air India versus Nagesh Mirza*²⁸ and *Joseph shine versus Union of India*.²⁹

The right to property, though no longer a fundamental right, but is closely linked to the right to dignity and autonomy. Section 15 and 16 deny Women, the decisional autonomy which are central to dignity, which was reiterated in *KS Puttaswamy versus Union of India*.³⁰

The continued application of section 15 and 16 reveals attention between constitutional morality and statutory intent in the case of *Vineeta Sharma versus Rakesh Sharma 2020*³¹, the Supreme Court has emphasised that equality must be real and effective and not illusory in nature. Applying this principle female succession that grants ownership without control fails the constitutional test.

Female intestate succession and control over the immovable property

The impact of section 15 and 16 becomes important in the context of a movable property, which is the most valuable form of property in the Indian society. It is closely tied to security social status and intergenerational wealth. Although a female Hindu may acquire absolute ownership over the immovable property during her lifetime under the section 14 of the act, but her inability to exercise meaningful control is posthumous devolution under section 15 and 16. Section 15 and 16 reveal a very critical gap between the Legal title and the effective proprietary control.³² The ownership of immovable property is traditionally understood as comprising a bundle of rights, including that of possession, enjoyment, alienation, and transferring the property by ways of transfer mechanisms like a sale, mortgage, gift, exchange, or lease. While Women formally enjoy these rights during their lifetime, but during their death, the ultimate control is dictated by the patriarchal lineage norms, rather than a woman's autonomy as an owner.

From the standard point of the transfer of property act, the ownership of immovable property is a bundle of unenforceable rights, including the right to possess, enjoy, alienate and then transfer the property section 7 and eight of the transfer of property act recognise that a person who is

²⁸ *Air India v. Nargesh Meerza*, (1981) 4 S.C.C. 335 (India)

²⁹ *Joseph Shine v. Union of India*, (2019) 3 S.C.C. 39 (India)

³⁰ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India)

³¹ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 S.C.C. 1 (India)

³² Gunjan Jain, Criticism of female intestate succession under Hindu succession act, SCC TIMES, <https://www.scconline.com/blog/post/2025/08/14/criticism-of-female-intestate-succession-under-the-hindu-succession-act-1956/amp/>

competent to contract and entitled to a transferable property may transfer such property which emphasises autonomy and control, which are the essential of ownership. A female Hindu is fully competent to transfer the immovable property. However, this is rendered incomplete by the application of section 15 and 16 transfer of property act at one and voluntarily facilitates elimination based on individual consent. Whereas the Hindu succession act imposes a fixed order that negates the woman's autonomy in the absence of a Villa section 6 of the transfer of property act permits the transfer of property, except where expressly prohibited reinforcing the principles that property rights are freely alienable, but a female Hindu capacity faces restraints on devolution.

In the case of Bishnu Narayan versus Seogini Rai where it was held that the ownership of immovable property includes the right of effective disposition and not merely possession and absolute ownership gets undermined when succession law denies women decisive control over their immovable property.

Conclusion: reconciling ownership with substantive autonomy

The legal framework which governs female succession under the Hindu succession act reveals an inconsistency within the property lawyer in India while section 14 claims Women as the absolute owner of their property, but section 15 and 16 circumscribe this ownership by undermining individual economy, ownership, traditionally involves control security and continuity, but the inability to exercise this control in the Hindu succession act, contradict, and undermines with constitutional guarantees of equality, dignity, and autonomy. Despite the amendment in 2005, Women do enjoy equal coparcenary rights as that of a son, but control still remains restricted, it strengthens women's right as daughters, but not as property owner is dying without a will.

Reform and way forward

The most important reform which is required is the re-examination of section 15 and 16 of the Hindu succession act by the legislature. These provisions must be aligned with a gender neutral scheme of succession based on the proximity of relationship rather than marital lineage and this would ensure that ownership carries with it, the continuity of control. Extending the progressive development and amendment of the 2005 to female succession would ensure consistency and uphold the constitutional principles of Justice and equity in the long-term succession. Reforms

should aim at a just framework that treats the ownership of immovable property as an expression of individual autonomy rather than an obligation. Until the legislative reform is achieved, the state should actively promote testamentary awareness among women, particularly in relation to the immovable property, making procedures and legal literacy programs can narrow down the effects of intestacy.

There have been two notable attempts in the parliament through a private member bill which aimed at reforming section 15, which were introduced by Anurag Thakur³³, a then member of Parliament who addressed the gender imbalance. However, it was not deviated and it eventually collapsed at the end of the Lok Sabha session again, another reform was suggested by Dushyant Chautala³⁴ then deputy chief minister of Haryana who sought the amendment of section 15 by treating the parents of a female Hindu on equal footing, but this bill was never taken up for discussion and elapsed.

Property rights attain their fullest, meaning only when ownership includes actual power and control to determine succession. Therefore, women must be empowered to control and use their property on equal terms.

³³ Yamina Rizvi & Zoya Junaid, Discriminatory nature of section 15 of Hindu Succession Act, 1956, LIVE LAW, <https://www.livelaw.in/amp/columns/the-hindu-succession-act-1956-hindu-womens-rights-to-property-act-1937-the-hindu-succession-amendment-act-2005-supreme-court-of-india-191846>

³⁴ Vivek Gupta, Gender discrimination and the HAS, NEWSCLICK, <https://www.newslick.in/Gender-Discrimination-and-the-Hindu-Succession-Act?amp>