
THE GENDERED AFTERLIFE OF OWNERSHIP: AN ANALYSIS OF SECTION 15 OF THE HINDU SUCCESSION ACT

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ABSTRACT

The Hindu Succession Act, 1956 marked a significant departure from traditional Hindu law by recognising women as absolute owners of property. But sadly, this reformist promise remains incomplete due to Section 15, which, unlike Section 8, subjects the devolution of a Hindu woman dying intestate to a source-based and marital-centric framework, ensuring that their property, even if self-acquired, often reverts to the husband's lineage. This paper argues that Section 5 has created a "*gendered afterlife of ownership*", wherein a woman's autonomy ceases upon death, again enforcing patriarchal assumptions of women only as a transitory holder of property rather than autonomous legal persons.

This paper will analyse the statutory structure of the section 15, will trace the historical and legislative rationales. Furthermore, will analyse the key judicial decisions that have reinforced and challenged its constitutional validity. This paper will place the section 15 within contemporary constitutional jurisprudence, and argues its incompatibility with Article 14 and 15. This paper proposes a reimagined, gendered neutral framework of succession based on relational proximity rather than gender marital status. Until legislative reform is realised, it also advocates purposive judicial interpretation and enhanced reliance on testamentary succession to mitigate injustice.

“The egalitarian bluestocking that the Hindu society may have become, in consonance with the constitutional mandate, it has still left untouched perhaps the last discriminatory corner of the Hindu Society which has otherwise come of age and which would have to be looked upon as wanting in an equal society”¹

I. INTRODUCTION

Property, within the legal realm, is not merely an economic asset; rather, but a political relation between persons² that governs control, exclusion and entitlement across generations. Ownership thus determines whose legacy endures in law and whose fades in silence. Through the development of property jurisprudence, ownership has been understood as both a private entitlement and a public affirmation of identity- it reflects, legitimises, and often reinforces the hierarchies of class, gender, and kinship that underpin the society.³

Within this framework, the Hindu Succession Act⁴ of 1956 is not merely a law; it stands as a mirror of socio-legal evolution, tracing how gender continues to govern the passage of property. When enacted, it was celebrated for recognising women’s right to absolute ownership. Yet, beneath its reformist intent, it maintained a patrilineal bias through Section 15, which governs the devolution of the Hindu female dying intestate.⁵ This provision ensures that her ownership, even after death, remains attached to her husband’s lineage rather than her own, unlike Section 8 of the Act, which lays down a neutral order of succession of a Hindu intestate male.⁶ When the Hindu Succession (Amendment) Act, 2005, was introduced, it ushered in the commitments of gender equality and women empowerment with respect to property rights.⁷ Yet, Section 15 was left untouched by the Parliament, allowing to carry the remnants of patriarchy. An omission that continues to cast a gendered shadow over women’s inheritance and the afterlife of their ownership, even in the twenty-first century. With women increasingly

¹ Mamta Dinesh Vakil v. Bansi S. Wadhwa, (2012) 6 Bom. C.R. 767, ¶ 152.

² John Locke, The Meaning of Property, in PROPERTY: MAINSTREAM AND CRITICAL POSITIONS 1–14 (C.B. Macpherson ed., Univ. of Toronto Press 1978), <https://www.jstor.org/stable/10.3138/j.ctt1287ps1.4> (last visited Oct. 25, 2025).

³ Monika, Marxian Theory on Private Property, 5(1) INDIAN J. LEGAL REV. 384 (2025), <https://ijlr.iledu.in/wp-content/uploads/2025/02/V5I143.pdf> (last visited Oct. 27, 2025).

⁴ Hindu Succession Act, 1956 (hereinafter, HSA) (India).

⁵ Hindu Succession Act, 1956, § 15, No. 30, Acts of Parliament, 1956 (India).

⁶ Hindu Succession Act, 1956, § 8, No. 30, Acts of Parliament, 1956 (India).

⁷ Sara Dharwadkar, The Gendered Legacy of Inheritance: Rethinking Section 15 of the Hindu Succession Act, 1956, VIDHI CENTRE FOR LEGAL POLICY (Aug. 19, 2025), <https://vidhilegalpolicy.in/blog/the-gendered-legacy-of-inheritance> (last visited Oct. 26, 2025).

acquiring property independently, this issue warrants renewed scrutiny.

This research aims to reveal how patriarchal logic continues to shape the legal concept of inheritance. It contends that Section 15 embodies a *gendered afterlife of ownership* that curtails women's posthumous autonomy. To fulfil the reformist spirit of the HSA, it is imperative to reconceptualise inheritance not as an extension of male lineage but as a sphere of gender-neutral legal personhood.

This paper examines the statutory framework of the HSA and elaborates on how the structure of succession is gendered. Next, the historical and jurisprudential rationale behind Section 15 of HSA will be explored. Finally, the paper proposes a reimagination of Section 15 to remedy the discrimination and identify interim measures to mitigate its injustice until reforms are realised.

II. THE STATUTORY FRAMEWORK & ITS GENDERED STRUCTURE

Historically, the evolution of inheritance rights was based on the principle that property is not just something that the deceased person possessed but rather a legal right that survives his or her death. As Sir William Blackstone put it, "*the right of inheritance is a necessary consequence of the right of property.*" This principle is the very foundation of property law: the transfer of ownership from one to the other after death gives rise to both legal stability and familial security.

The legal provision contained in Section 14(1) of HSA transformed all property held by a Hindu woman into her absolute property, regardless of the time of acquisition, underscoring the principle of autonomy and ownership.⁸ However, the introduction of discrimination through Section 15, which determined the heirs differently for women, defeated the object of the Act. The whole idea of one uniform and comprehensive system of Hindu inheritance rights, irrespective of sex, was lost. Within this statutory framework, the contrast between Sections 8 and 15 becomes apparent.

A. Scheme of Succession

Section 8 lays down the general rule for the devolution of the property of Hindu intestate male

⁸ Critical Analysis of Disparity in Intestate Succession of Women Under Hindu Succession Act, 1956, 9(7) INT'L J. INNOVATIVE RES. TECH. 280 (2022).

by way of the class of heirs⁹. It is read with Section 9 and the Schedule to the Act. Section 9 outlines the order of succession among the heirs,¹⁰ while the Schedule lists the classes of heirs. Class I heirs comprise of intestate's mother and lineal descendants; in their absence, property devolves to Class II heirs, which include the father, siblings, and lineal descendants of siblings, and siblings of the parents of the male intestate. The statutory structure therefore, recognises the proximity of blood relationship rather than marital lineage as the governing principle of inheritance.

Section 15 lays down the scheme of succession to the property of a female who dies intestate¹¹, and Section 16 is an enabling provision which provides for order and manner of distribution of property amongst her heirs.¹² The gravamen of the Section is that the order of succession to the said property would depend on the source of its acquisition.¹³ As per the Act, the order of succession depends on the source of the property: i) property inherited from her parents, or ii) property inherited from her husband or father-in-law, or iii) general property (obtained via gift, will, self-acquisition or inheritance from other relations).¹⁴

Sub-section (2) of Section 15, stipulates that, in the absence of any child or grandchild of the intestate, her property if inherited from her parents¹⁵, would devolve upon the heirs of her father, and if inherited from her husband or father-in-law¹⁶, would devolve upon the heirs of her husband. In this context, "property inherited" only refers to the property that is inherited intestate.

Sub-section (1) of Section 15, on the other hand, applies if the property of the intestate was a general property or of any other nature, i.e., not inherited from her parents, husband or father-in-law, and she had a child, This sub-section lays down that the first to succeed her property would be her children, the children of pre-deceased child, and her husband.¹⁷ In their absence,

⁹ Hindu Succession Act, 1956, § 8, No. 30, Acts of Parliament, 1956 (India).

¹⁰ Hindu Succession Act, 1956, § 9, No. 30, Acts of Parliament, 1956 (India).

¹¹ Hindu Succession Act, 1956, § 15, No. 30, Acts of Parliament, 1956 (India).

¹² Hindu Succession Act, 1956, § 16, No. 30, Acts of Parliament, 1956 (India).

¹³ Bhagat Singh v. Teja Singh, AIR 2002 SC 1, ¶ 13.

¹⁴ Ujjaini Biswas, Unconstitutionality of Section 15 of the Hindu Succession Act, 1956 – Discrimination in the Order of Inheritance, CONST. L. SOC'Y NLUO (Nov. 22, 2023),

<https://clsnuo.com/2023/11/22/unconstitutionality-of-section-15-of-the-hindu-succession-act-1956-discrimination-in-the-order-of-inheritance/> (last visited Oct. 27, 2025).

¹⁵ Hindu Succession Act, 1956, § 15 (2)(a), No. 30, Acts of Parliament, 1956 (India).

¹⁶ Hindu Succession Act, 1956, § 15 (2)(b), No. 30, Acts of Parliament, 1956 (India).

¹⁷ Hindu Succession Act, 1956, § 15 (1)(a), No. 30, Acts of Parliament, 1956 (India).

the property would then devolve upon the heirs of her husband¹⁸, next to her parents¹⁹ and then the heirs of her father²⁰, followed by the heirs of her mother.²¹

B. Structural Discrimination

The devolution of a Hindu woman's property is shaped by her marital status and the source of acquisition. The source-based succession does not apply to Hindu males, whose property continues to flow through their own family line, with no provision for reversion to the natal family of their.²² This indicates that the legislators perceived women as temporary and transitory possessors of property and, hence, did not recognize their absolute ownership in law.²³ Women's right to property is, in effect, reduced to a life interest. She may enjoy the property during her lifetime, but after her death (in case she dies childless), the property devolves upon the heirs of her husband or father, as if the woman never existed.²⁴

Thus, the discrimination is most apparent in cases where a woman leaves behind no surviving spouse or children. The provision gives the husband's family, including distant relatives, a stronger claim to such property than her own natal family, even in cases where the property was acquired through her own skill or effort. Consequently, her blood relations stand in an inferior position to the husband's heirs, and even a remote agnate of the husband may inherit over her own parents or siblings.

This section suffers from the vice of structural oppression, the structure here being reflective of the idea that a woman has no family of her own – it is either the husband's or the father's that she lives in.²⁵ Marriage, therefore, becomes a determinant of inheritance for women but not for men. The woman is treated not as an autonomous individual capable of transferring her

¹⁸ Hindu Succession Act, 1956, § 15 (1)(b), No. 30, Acts of Parliament, 1956 (India).

¹⁹ Hindu Succession Act, 1956, § 15 (1)(c), No. 30, Acts of Parliament, 1956 (India).

²⁰ Hindu Succession Act, 1956, § 15 (1)(d), No. 30, Acts of Parliament, 1956 (India).

²¹ Hindu Succession Act, 1956, § 15 (1)(e), No. 30, Acts of Parliament, 1956 (India).

²² Devendra Damle et al., Gender Discrimination in Devolution of Property under the Hindu Succession Act, 1956, NIPFP WORKING PAPER NO. 305 (Nat'l Inst. of Pub. Fin. & Pol'y, May 25, 2020), https://www.nipfp.org.in/media/medialibrary/2020/05/WP_305_2020.pdf (last visited Oct. 27, 2025).

²³ Saumya Uma, Lesser Than Equal? A Feminist Analysis of Hindu Family Law in India, 28 AFR. J. GENDER & RELIGION 2 (2022), <https://pure.jgu.edu.in/id/eprint/6113/1/Lesser%20than%20equal.pdf> (last visited Oct. 26, 2025).

²⁴ Damle et al., *supra* note 22.

²⁵ Aniruddha Kambhampati, Cultural Imperialism: An Underpinning in the Hindu Succession Act, 4 NLUA L.REV.47(2020), <https://pure.jgu.edu.in/id/eprint/1854/1/Cultural%20imperialism.pdf> (last visited Oct. 26, 2025).

own property to her blood relatives, but as a quintessence of her husband.²⁶

The provision thereby reflects the belief that a woman, in both life and death, is absorbed into her husband's family, rendering her natal ties secondary and conditional.²⁷ This differential treatment transforms the gender of the intestate into a determinant of property flow, embedding patriarchal subordination into the very fabric of the statutory framework of inheritance.

III. THE HISTORICAL & JURISPRUDENTIAL RATIONALE BEHIND SECTION 15.

The structural discrimination embedded in Section 15 of the Hindu Succession Act, 1956, cannot be understood in isolation. The Act's gendered scheme of inheritance is a reflection of deeply rooted patriarchal views that women have limited familial belonging and thus, less autonomy. This paper tries to outline how such biases were created first through the legislative debates and socio-economic context that moulded the Act, and later through judicial interpretations that at times strengthened, and sometimes, overruled, these unfair norms.

A. Legislative History and Context

The bias in favour of women's marital family was not accidental- it stemmed from the projection of North Indian practices as representative of all Hindus by parliament members during parliamentary deliberations on the Hindu Code Bill. Members such as Mukut Behari Lal Bhargava asserted that "*since no Hindu parent drinks water in the marital home of their daughter, they would never think of inheriting a daughter's property*".

Despite repeated clarifications by other South Indian legislators, such as L. Krishnaswami Bharathi, that such a taboo did not exist in South India, the northern patriarchal perspectives prevailed and became a universalised norm for all Hindus.²⁸ This regional bias merged with the patriarchal ideology that shaped the drafting of the HSA.

Parliamentary debates make this bias particularly explicit. Parliamentarian Seth Govind Das remarked that "*women should undoubtedly be given the right to share in the property, but that*

²⁶ Id.

²⁷ FLAVIA AGNES, FAMILY LAW: VOLUME I – FAMILY LAWS AND CONSTITUTIONAL CLAIMS 164–170 (Oxford Univ. Press 2011).

²⁸ Madhu Kishwar, Codified Hindu Law: Myth and Reality, 29 *ECON. & POL. WKLY.* 2145 (1994).

should be restricted to her father-in-law's property only and not that belonging to her father".²⁹ Similarly, Law Minister Pataskar commented that he "could not imagine a family that can go on smoothly by the addition of daughters, their heirs and son on... it is admitted that a daughter does go out of the family by marriage."³⁰

These remarks crystallised the notion that a woman's identity and her property are absorbed into her marital family. Ultimately, Section 15 became a statutory cumulation of these patriarchal presumptions.

To fully grasp the rationale behind this bias, Section 15 must be situated within the socio-economic context of that time. The Hindu Law Committee, report reveals that property in Hindu households was historically held collectively by Joint Families. Thus, the legislation intended to primarily preserve the integrity of the family estate rather than the rights of the individual members³¹, particularly women. Moreover, since most women in the 1950s were not engaged in paid work, it was hard to believe that they could acquire property of their own. Consequently, Section 15 was drafted with this patriarchal presumption that women were dependents without autonomous identity.

B. Judicial Reinforcement and Emerging Challenges

Judicial interpretations have reinforced these patriarchal norms. When the constitutional validity of Section 15 was questioned, the Bombay High Court in *Sonubai Yeshwant Jadhav v. Bala Govinda Yadav* (1983), upheld it.³² The Court relied on *State of Bombay v. Narasu Appa Mali*³³, which had placed personal law beyond the reach of Article 15 of the Constitution. It reasoned that the devolution is rooted in preserving family unity and therefore didn't violate constitutional equality.³⁴ Justice Masodkar observed that the object of the Section was two-fold: "maintaining the unity involved in the family kinship and maintaining continuous succession to property in favour of the family when occasion to succession arises".³⁵

²⁹ Radhika Gupta, *Property Rights – Part 1 (Hindu Law)* (INFLIBNET 2017), <https://ebooks.inflibnet.ac.in/hrdp05/chapter/property-rights-part-1-hindu-law/> (last visited Oct. 27, 2025).

³⁰ Kishwar, supra note 27.

³¹ Damle et al., supra note 21.

³² *Sonubai Yeshwant Jadhav v. Bala Govinda Yadav & Ors.*, AIR 1983 Bom. 156.

³³ *State of Bombay v. Narasu Appa Mali*, AIR 1952 Bom. 84.

³⁴ *Id.* at 26.

³⁵ Aniruddha Kambhampati, *Cultural Imperialism: An Underpinning in the Hindu Succession Act*, 4 NLUA L. REV. 47(2020), <https://pure.jgu.edu.in/id/eprint/1854/1/Cultural%20imperialism.pdf> (last visited Oct. 27, 2025).

This reasoning was reaffirmed in *Om Prakash v. Radhacharan* (2009), where the Supreme Court permitted a woman's marital family, who had abandoned her for over four decades, to inherit her self-acquired property under section 15 (1)(b).³⁶ Rejecting the arguments that the property should revert to her natal family as its "source", the Court privileges textual adherence over equitable reasoning.³⁷ The decision thereby legitimised the inheritance of distant in-laws over the woman's natal family, highlighting how the patriarchal logic of the statute has been perpetuated by the judiciary.

However, judicial opinion has not been uniform. In *Mamta Dinesh Vakil v. Bansi S. Wadhwa* (2012), the Bombay High took a progressive stance. It held that Section 15 imagines a distinct and unequal succession for Hindu women by making a classification solely based on sex and marital status and thereby violates Article 15.³⁸ This reasoning aligns with the Supreme Court's broader constitutional jurisprudence, which has consistently subjected provisions of personal law to the test of equality.

In *Danial Latifi v Union of India (2001)*, the court upheld the Muslim Women (Protection of Rights on Divorce) Act, 1986, by reading it in conformity with Article 14 to ensure fairness and gender justice³⁹. Similarly, in *Shayara Bano v. Union of India* (2017), the Supreme Court invalidated the practice of talaq-e-biddat (instant triple talaq), reaffirming that all personal laws are subject to constitutional scrutiny under Article 13.⁴⁰ The court reiterated these commitments in *Vineeta Sharma v. Rakesh Sharma*, where the 2005 Amendment to Section 6 HSA, conferring daughters equal coparcenary rights, was applied retroactively as a constitutional necessity under Articles 14 and 15⁴¹. Likewise, in *Manni Devi vs State of Rajasthan* (2025), the court held that denial of inheritance rights to a tribal woman under section 2 (2) of the HSA, was "*manifestly unjustified*".⁴²

Collectively, these cases demonstrate the judiciary's constitutional authority and moral

³⁶ *Om Prakash & Ors. v. Radhacharan & Ors.*, AIR 2009 SC (Supp.) 2060.

³⁷ *Id.* at 6.

³⁸ *Vakil*, supra note 1.

³⁹ *Danial Latifi v. Union of India*, AIR 2001 SC 3958.

⁴⁰ *Shayara Bano v. Union of India*, AIR 2017 SC 4609.

⁴¹ *Sharma v. Rakesh Sharma*, AIR 2020 SC 3717.

⁴² HC Upholds Tribal Woman's Right to Ancestral Land, TIMES OF INDIA (Aug. 2, 2025), <https://timesofindia.indiatimes.com/city/jaipur/hc-upholds-tribal-womans-right-to-ancestral-land/articleshow/123051477.cms> (last visited Oct. 27, 2025).

obligation to intervene when personal laws provisions contravene equality, dignity or liberty.⁴³

The Supreme Court's transformative constitutional vision must extend to scrutinise Section 15 of the HAS, whose validity remains pending before a three-judge bench in *Kamal Anant Khopkar v. Union of India (W.P.(C) No. 1517/2018)*⁴⁴. The adjudication of this matter will determine whether the court can finally align the afterlife of women's property with the constitutional guarantee of substantive equality.

IV. RETHINKING SECTION 15: TOWARDS GENDER-JUST SUCCESSION

The discussion thus far reveals that Section 15 of HSA rests on an outdated patriarchal belief that fails to reflect the realities of modern India. Women's active participation in the economy and their growing ownership of properties call for a re-examination of this discriminatory framework. This section examines how the legislative and judicial discourse surrounding Section 15 has proposed pathways for reform to align the law with the constitutional promise of gender justice.

A. Legislative and Policy Developments

The need to amend Section 15 arises from India's transformed socio-economic landscape. Women now acquire and hold property through their own effort, unlike the rationale that guided the drafters. According to the National Family Health Survey, 28% of women (aged 15–49) own land and 37% own a house either jointly or individually.⁴⁵ Women can therefore no longer be viewed as dependent beneficiaries of their husbands' estates, but as autonomous property owners whose rights require full legal recognition.

The issue of discrimination against women under HSA has not gone unnoticed by the Indian state. Over the years, several stakeholders have offered reform proposals, but none have addressed the problem in its entirety.

⁴³ Dharwadkar, *supra* note 7.

⁴⁴ Constitutionality of Section 15 of the Hindu Succession Act – *Kamal Anant Khopkar v. Union of India*, SC OBSERVER, <https://www.scobserver.in/cases/constitutionality-of-section-15-of-the-hindu-succession-act/kamal-anant-khopkar-v-union-of-india/> (last visited Oct. 27, 2025).

⁴⁵ INT'L INST. FOR POPULATION SCIENCES & ICF, NAT'L FAMILY HEALTH SURVEY (NFHS-4), 2015–16: INDIA (Rep. No. FR339, 2017), <https://dhsprogram.com/pubs/pdf/FR339/FR339.pdf> (last visited Oct. 27, 2025).

The 174th report of the Law Commission acknowledged the fact that gendered discrimination persisted under the Act⁴⁶, and the 207th Law Commission went further by recommending an amendment to Section 15. It suggested two alternative approaches that women's self-acquired property devolves i) firstly upon her natal heirs, or ii) equally upon the heirs of her husband and natal heirs.⁴⁷ These recommendations reflect a cautious approach that sought to accommodate rather than dismantle the patriarchal norms. The National Commission for Women, in its Review of Laws and Legislative Measures Affecting Women, suggested the complete omission of Section 15 and making Section 8 applicable to both men and women, thereby making inheritance gender-neutral.⁴⁸

Additionally, several parliamentary attempts have been made to amend Section 15. Private members' bills introduced in 2013, 2015 and 2023 by Anurag Singh Thakur, Dushyant Chautala and V.K. Sreekadan, respectively, proposed giving parental heirs precedence over marital heirs in cases of self-acquired property.⁴⁹ Yet, none of these initiatives were acted upon.

The following recommendations may guide substantive reform of Section 15 and strengthen women's property rights.

First, the distinction between the self-acquired property and inherited property should not be the basis of inheritance. It should be governed solely by the proximity of the relationship with the deceased, and not the source or nature of the property. Gender, marital status, or family lineage (paternal or maternal) should not be factored into inheritance rights.

Second, the law must remove the hierarchy between a woman's natal and marital family. Both should be granted equal legal standing in matters of inheritance, thereby ensuring consistency with the principle of equality enshrined in the Constitution.

Third, the amendment provision should aim for gender neutrality. The principles determining succession should not vary on the basis of gender, thus ensuring equal treatment.

⁴⁶ LAW COMM'N OF INDIA, REPORT NO. 174: PROPERTY RIGHTS OF WOMEN: PROPOSED REFORMS UNDER THE HINDU LAW (2000).

⁴⁷ LAW COMM'N OF INDIA, REPORT NO. 207: PROPOSAL TO AMEND SECTION 15 OF THE HINDU SUCCESSION ACT, 1956 IN CASE A FEMALE DIES INTTESTATE LEAVING HER SELF-ACQUIRED PROPERTY WITH NO HEIRS (2008).

⁴⁸ NAT'L COMM'N FOR WOMEN, REVIEW OF LAWS AND LEGISLATIVE MEASURES AFFECTING WOMEN: NO. 19 THE HINDU SUCCESSION ACT, 1956 (30 OF 1956).

⁴⁹ Damle et al., *supra* note 22.

A useful contrast can be drawn from the Indian Succession Act, which adopts a gender-neutral scheme of devolution. It treats both male and female relatives alike, recognising lineage through maternal and paternal lines equally. Terms such as “kindred” and “lineal descendants” reflect this inclusive approach. While Sections 33 and 34 of the ISA refer to a “widow”, the parity is ensured by granting the same rights to a widower with respect to his wife’s property in Section 35.⁵⁰ This demonstrates that gender-neutral inheritance is not alien to Indian jurisprudence; it is imply absent from the HSA.

B. Judicial and Practical Interventions

While the legislative reform is awaited , the judiciary can play a transformative role through purposive approach in the interpretation of Section 15. The pending *Kamal Anant Khopkar* case presents an opportunity for the courts to rectify past inconsistencies and prevent a repetition of the regressive reasoning seen in *Om Prakash V. Radhacharan*. A progressive judicial reading could harmonise Section 15 with constitutional principles of equality.

Parallely, immediate measures must focus on empowering women to assert their testimonial rights. They must be encouraged to execute wills to safeguard their property from unjust devolution. These awareness programmes can be led by bar associations, legal aid cells and women commissions, thus placing more emphasis on testamentary succession. NGOs and law schools can collaborate to conduct workshops that can simplify inheritance procedures for women and promote awareness of their property rights. affirm their agency. Legal literacy initiatives can be integrated into existing government schemes, such as Beti Bachao Beti Padhao, or Mahila Shakti Kendra could include. The Ministry of Women and Child Development could issue simplified handbooks explaining inheritance provisions and testamentary options in vernacular languages. These initiatives would not just protect women’s property but also affirm their agency as autonomous legal agents.

V. CONCLUSION

Section 15 of the HSA, as demonstrated throughout the paper, was never a neutral legislative measure. Rather, it was a reflection of the socio-political anxieties to safeguard the patriarchal family rather than affirm women's personhood. By privileging collective property forms over

⁵⁰ Damle et al., supra note 22.

individual rights, the law entrenched gendered discrimination in the inheritance process. The changing constitutional jurisprudence from Danial Latifi to Vineeta Sharma marks a decisive shift towards equality-driven interpretation, offering a model for the transformation that Section 15 urgently demands.

As Ratna Kapur argues, gender justice can be achieved when the biases inherent in legal processes are unmasked, especially those that shape women's experience of law.⁵¹ Legislative reform must move beyond tokenism and confront the structural subordination it continues to perpetuate.

Wesley Hohfeld's conceptualisation of property as a "bundle of rights" is not only a metaphor for the intricacies of ownership but also the way through which property relates to identity, culture, and belonging. Property is always associated with a person, which in turn, shapes and reflects that person's identity. Until women's ownership is freed from the restrictions of the patriarchal system, they will still not have full control of their identity in law.

Professor Lotika Sarkar aptly critiqued that many reformist efforts stay "superficial structuring," thus branding the legal status of women as symbols of "social advancement" rather than issues of substantive economic justice and political necessity.⁵²

True equality in inheritance can't emerge through symbolic amendments. The patriarchal logic that considers women's property as part of the male lineage must be dismantled. A gender-neutral and relationship-based system of succession, where inheritance is based on relational closeness instead of marital status, would bring the Hindu Succession Act closer to the constitutional ideals of equality, dignity, and autonomy.

The pending *Kamal Anant Khopkar v Union of India* gives the Supreme Court a rare chance to close this gap and ensure that both in life and death, women's ownership reflects their autonomy.

⁵¹ Padmapriya Parthasarathy, "The Father, and After Him, the Mother": Gender in Judicial Reasoning in Hindu Custody Law (Ph.D. thesis, Univ. of Kent 2018), <https://kar.kent.ac.uk/68771/> (last visited Oct. 27, 2025).

⁵² 44 BANARAS L.J. no. 2 (2015).