

**A CRITICAL STUDY OF HINDU WOMEN'S PROPERTY RIGHTS AND
EMPOWERMENT IN INDIA**

Ms. Anita Nareshkumar Jadav
Adhyapak Sahayak,
V.T. Choksi Sarvajanik Law College, Surat.
Research Scholar, VNSGU.

Dr. Vimal Pandya
Supervising Guide,
Dean I/C, Law Faculty,
Veer Narmad South Gujarat University, Surat.

ABSTRACT

For women, the right to property is far more than a mere share in land or housing. It is a vital link to their very identity and personal security. From birth in her parental home to her life after marriage, this right serves as a protective shield—a fact that stands beyond any doubt. Property rights encompass not only legal ownership but also the genuine freedom to manage and use those assets according to one's own will. The lack of actual property ownership, despite legal provisions, remains a critical barrier to women's empowerment as it denies them the economic autonomy and domestic bargaining power necessary to achieve true social independence.

In this research paper, The Researcher shall try to explores the transformative journey of Hindu women's property rights in India, moving from historical exclusion to modern statutory equality. Even though the Hindu Succession (Amendment) Act of 2005 laid down the legal provisions for daughters to be equal heirs, the actual "trail to equality" is still problems for implementation of provisions by deeply rooted social customs and administrative delays. By examining recent judicial approach focus on protecting a woman's self-acquired property and expanding rights to tribal communities—this study argues that property ownership is the most effective tool for enhancing a woman's security. The paper concludes that legal statutes must be supported by "social literacy" to ensure that property rights lead to genuine empowerment rather than just a name on a document.

Key Words: Hindu women's property rights, The Hindu Succession Act, 1956, Women Empowerment.

INTRODUCTION

Historical Context and Social Structure In the traditional Indian society, property ownership has historically remained a male-dominated domain. Women have often been perceived merely as members of household rather than individual stakeholders with legal rights. Women identity is traditionally seen as a transition—connected to the father's home until marriage and thereafter to the husband's family. Unfortunately, when the question of actual property ownership arises, it frequently led to social displacement or economic marginalization of the woman involved.

The Shift from Tradition to Human Rights However, the legal landscape is undergoing a profound transformation. In the modern era, property rights are no longer viewed simply as a matter of "family inheritance." Instead, they are recognized as a fundamental component of Human Rights and a vital pillar of women Empowerment. What seemed impossible for millions of Indian women only a few decades ago has now been made achievable through robust legal protections.

Property as a Security Net in the Indian context, property is not merely a financial asset; it functions as a critical "security net." The law has moved away from viewing women as "dependents" and has instead created a framework that allows them to establish an independent identity. By granting equal ownership rights, the legal system ensures that women can move from a position of vulnerability to one of absolute ownership and social dignity.

Over time, as our culture, ancestral beliefs and legal landscapes have evolved, there has been a direct impact on the rights afforded to women. In India, the most significant and revolutionary shift regarding property ownership was the Hindu Succession (Amendment) Act of 2005¹. This marked a historic turning point that dismantled centuries-old inequalities, granting women the same level of legal protection and inheritance rights as men. While the Indian legal framework has formally established property rights for women, there are significant practical challenges that hinder their implementation.

This paper analyzes the "Statutory Path" that began with the limited rights² of 1956 and evolved into the equal coparcenary rights of today. It seeks to answer a critical question: Does a change in the law book lead to a change in the living room?

¹ <https://data.unwomen.org/global-database-on-violence-against-women/country-profile/India/measures/The%20Hindu%20Succession%20Amendment%20Act%202005> last visited on 18.12.2025

² <https://iipseries.org/assets/docupload/rs1202407D36B91366301F.pdf> last visited on 18.12.2025

LITERATURE REVIEW

1. Dr. Sudhir Kumar, in his work titled "Women's Property Rights in India," (Futuristic Trends in Social Sciences, e-ISBN: 978-93-5747-664-5, IIP Series, Volume 3, Book 25, Part 5, Chapter 2)³ provides a comprehensive discourse on the intersection of gender equality, social justice and legislative reforms. The author asserts that women's proprietary rights in India have historically been shaped and reshaped by deep-rooted patriarchal structures. A significant portion of his research highlights the glaring disparities inherent in various personal laws. Specifically, he delves into the concept of 'Stridhan' within Hindu law, critically examining its limitations and how it historically defined women's economic agency.

2. In the paper "AN OVERVIEW OF HINDU WOMEN'S RIGHT TO PROPERTY," (NUJS Journal of Regulatory Studies), (ORCID: 0009-0001-6693-0978)⁴, Sukanya Mukherjee focuses primarily on the evolution of property rights for women under the Hindu legal framework. The author provides a chronological trajectory, beginning with the restrictive nature of ancient Hindu laws and moving toward contemporary legal standards. In Mukherjee's Paper, Study is a critical evaluation of the Hindu Succession Act, 1956 and its subsequent amendments. A standout feature of her work is the detailed elaboration of Section 15 of the Act, which dictates the rules of succession in the case of female Hindus. By comparing traditional constraints with modern statutory entitlements, Mukherjee illustrates the legislative journey toward empowering Hindu women. Her research serves as a vital bridge between historical legal limitations and the progressive interpretations of inheritance laws today.

OBJECTIVES

- To explain the laws that give Hindu women property rights in simple terms.
- To see if these laws actually help women feel more "empowered" in daily life.

RESEARCH METHODOLOGY

This paper uses a "Doctrinal" method. This is just a fancy way of saying I studied the official Law Books, read the judgments passed by the Supreme Court and analyzed articles written by legal experts to get a full picture of the situation.

³ <https://iipseries.org/assets/docupload/rs1202407D36B91366301F.pdf> last visited on 18.12.2025

⁴ <https://www.nujs.edu/wp-content/uploads/2023/07/9.pdf> last visited on 18.12.2025

HYPOTHESIS

- Low levels of legal and social literacy among Hindu women act as a primary barrier to claiming their rightful inheritance, rendering legal reforms under-utilized.
- While the law now treats men and women as equals, still women give up their rights.

EXPLANATION AND LEGISLATIVE PROVISIONS:

Property rights represent claims over assets that are legally and socially recognized and enforceable by an external legal authority. Broadly defined, land rights can be understood as diverse legal claims over land, as well as the benefits and products derived from it. These rights are established through various mechanisms, including inheritance, state-sanctioned transfers, leasing arrangements and the direct purchase of land. Such rights may manifest in the form of actual ownership or as rights of usufruct (the right to use and derive profit from the property).⁵

The Hindu Succession Act, 1956: The property right for women was the start, but it was weak. Women usually only had "life interest," meaning they could live in a place but couldn't sell it.

Change in the Hindu Succession Act, 1956 as per below explanation:
The 2005 Amendment: This was the "Big Change." It said a daughter has the exact same birthright to ancestral property as a son. It doesn't matter if she is married or single.

Section 6 and 15 of the Hindu Succession Act, 1956 is very important:

Key Provisions and Legal Concepts:

1. Section 6: The Core of the Change⁶

Before 2005, Section 6 followed the Rule of Survivorship, meaning property stayed within the male lineage. The 2005 Amendment substituted Section 6 to ensure:

Equal Share: The daughter is allotted the same share as a son.

Retrospective Right: As clarified in the landmark case *Vineeta Sharma v. Rakesh Sharma* (2020), a daughter's right is by birth. It does not matter if the father was alive or dead on September 6, 2005 (the date the amendment began).

⁵ ASBL. (2025, September 10). *Hindu inheritance law: Your complete guide to property rights*. ASBL . Retrieved from <https://asbl.in/blog/hindu-inheritance-law-your-complete-guide-to-property-rights/> on 18.12.2025

⁶ https://www.indiacode.nic.in/show-data?abv=CEN&statehandle=123456789/1362&actid=AC_CEN_3_20_00027_195630_1517807324239§ionId=29918§ionno=6&orderno=6&orgactid=AC_CEN_3_20_00027_195630_1517807324239 last visited on 19.12.2025

2. Section 14: Absolute Ownership

One of the most powerful provisions (present since 1956) is Section 14, which converted a woman's "limited estate" into absolute ownership. Any property a woman possesses (whether through inheritance, gift, or partition) is held by her as a full owner. She has the absolute right to sell, gift, or will it away as she pleases.

3. Section 15 & 16: General rules of succession in the case of female Hindus and Order of succession and manner of distribution among heirs of a female Hindu. ⁷

The Act provides a specific order of succession for a female Hindu who dies without a will (intestate):

- Sons, daughters (including children of predeceased ones) and the husband.
- Heirs of the husband.
- Mother and Father.
- Heirs of the father.
- Heirs of the mother.

If a woman inherits property from her parents and dies without children, the property goes back to her father's heirs, not her husband's family.

The evolution of the Hindu Succession Act, 1956⁸, marks a significant transition from traditional patriarchal norms to a rights-based approach for women. Prior to the 2005 Amendment, the legal framework was predominantly centered on the male lineage; women were excluded from the status of coparceners and had no inherent birthright to ancestral property. Their role was restricted to that of "heirs," and they faced significant legal disabilities, such as the inability to demand a partition of the family dwelling house or claim an equal share in the joint family estate. The legislative shift in 2005 fundamentally restructured these dynamics by substituting Section 6 of the Act. This amendment granted daughters the status of coparceners by birth, placing them on equal footing with sons regarding rights, liabilities, and the power to seek partition. Notably, the amendment abolished the discriminatory "Doctrine of Pious Obligation" and removed the restrictions that previously barred female heirs from seeking the partition of a dwelling house.

⁷ <https://indiankanoon.org/doc/685111/> last visited on 19.12.2025

⁸ The Hindu Succession (Amendment) Act, 2005, No. 39, Acts of Parliament, 2005 (India).
https://egazette.nic.in/WriteReadData/2005/E_1037_2011_010.pdf - Last visited on 19.12.2025

⁹This transformation signifies more than just a change in inheritance rules; it represents a constitutional realization of gender equality, ensuring that a woman's right to family property is no longer a matter of concession but an absolute birthright.

JUDICIAL APPROACH

The Indian judiciary has recently adopted a transformative approach, moving beyond the letter of the law to embrace the spirit of gender justice. Between 2023 and 2025, courts have consistently dismantled traditional hurdles that previously limited a woman's ability to own, manage, and inherit assets.

- Prasanta Kumar Sahoo v. Charulata Sahu, CIVIL APPEAL NO. 2913-2915 OF 2018, (2023)¹⁰

In this significant ruling, the Supreme Court addressed the continuity of coparcenary rights. The court established that the 2005 Amendment operates on a retroactive basis. It clarified that even if a father passed away before the 2005 amendment, a daughter's claim to ancestral property remains valid as long as the property had not been formally partitioned by a final court decree. This prevents male heirs from using historical timelines to deny women their rightful shares.¹¹

- M. Sivadasan v. A.S. Govindadasan, Civil Appeal No. 254 of 2010, (2024)¹²

This case is “ Focusing on Section 14(1), the judiciary reinforced the concept of "Absolute Ownership." The court struck down the archaic notion of "limited life interest," ruling that any property a Hindu woman holds—whether obtained through a gift, inheritance, or as a provision for maintenance—is her absolute estate. She possesses full legal autonomy to sell, bequeath, or transfer this property without requiring consent from male relatives.”¹³

- Derha v. Vishal, Civil Appeal No. 4494 of 2010, (2023–24)¹⁴

⁹ Agarwal, B. (2005). *Landmarks in the legal struggle for gender equality in India*. Journal of Gender Studies, 14(2), 115-128.

¹⁰ <https://indiankanoon.org/doc/45932283/> last visited on 19.12.2025

¹¹ https://api.sci.gov.in/supremecourt/2011/34793/34793_2011_1_1503_43206_Judgement_29-Mar-2023.pdf last visited on 19.12.2025

¹² <https://indiankanoon.org/doc/191396272/> last visited on 19.12.2025

¹³ <https://thelawtree.akmlp.com/apex-rulings/m-sivadasan-d-through-lrs-ors-vs-a-soudamini-d-through-lrs-ors/#:~:text=Case%20Number:%20Civil%20Appeal%20No,land%20before%20its%201946%20amendment>. Last visited on 19.12.2025

¹⁴ <https://www.livelaw.in/tags/derha-vs-vishal-2023-livelaw-sc-740> last visited on 19.12.2025

Explanation of the case: “This case is a landmark for rural women. The court ruled that agricultural land is not exempt from the gender-neutral provisions of the Hindu Succession Act. By prioritizing federal inheritance laws over discriminatory local land statutes, the court ensured that daughters have an equal claim to the family’s farming assets, which are often the primary source of wealth in rural India.”¹⁵

CONCLUSION

The journey toward gender-equal property rights in India has been a battle between progressive legislation and conservative tradition. We have successfully moved from the era of Stridhan (gift-based assets) to a regime of Right by Birth. Landmark rulings up to 2025 have ensured that technicalities no longer defeat a daughter’s claim.

However, the "Critical Study" in this paper reveals that the statutory path is only half-built. True equality will remain an illusion as long as women are socially pressured to sign "Relinquishment Deeds" in favor of their brothers. For property rights to truly empower, they must move beyond the "de jure" (legal) stage and become "de facto" (real-world) practice. As the Supreme Court recently suggested, the future of women’s security lies in a combination of strict legal enforcement and a shift in the collective consciousness of the Indian family.

However, true empowerment demands more than legislation—it requires profound shifts in societal attitudes, family practices and community support systems.

SUGGESTIONS

- **Mandatory Legal Counseling:** Before any woman signs a document giving up her inheritance (Relinquishment), she should undergo mandatory independent legal counseling to ensure the decision is not made under family pressure.
- **Digitization with Transparency:** Revenue records should be digitized in a way that sends automatic alerts to all legal heirs (including daughters) when a property is being transferred or sold.
- **Gender-Neutral Succession for All:** While Hindu law has progressed, there is an urgent need to reform other personal laws to ensure that a woman’s share is not reduced based on her religion.

¹⁵ <https://stpllaw.in/family-law-explained-in-mater-of-partition-in-coparcenary-properties/> last visited on 19.12.2025

- Arranged Legal Literacy Camp in society
- Streamline property registration processes and establish fast-track dispute resolution mechanisms specifically for women's inheritance cases.

WEBLIOGRAPHY & BIBLIOGRAPHY

- Agarwal, B. (1994). *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge: Cambridge University Press.
- Mulla, D. F. (2023). *Principles of Hindu Law* (24th ed.). New Delhi: LexisNexis.
- Law Commission of India (2000). 174th Report on Property Rights of Women. (The report that triggered the 2005 Amendment).
- Supreme Court of India (2025). Latest Case Law Portal. <https://main.sci.gov.in/> (Accessed for Ram Charan v. Sukhram 2025 ruling).
- LiveLaw (2025). Summary of Judicial Trends in Women's Rights. <https://www.livelaw.in/>