

## CHANGING DIMENSIONS OF WOMEN IN MITAKSHRA COPARCENARY: A REVIEW

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### ABSTRACT

*An endeavour is prepared in this paper to survey and summarize how, in what way and to what degree the Mitakshara coparcenary's idea has been articulated by the intercession of administrative through the Hindu Succession Act of 1956, and after then through the Act of 2005, principle act revising makes the little girl coparcener 'by birth' in her own privilege in a similar way as the son. This, thusly, reinforces the framework of joint or unified family uncommonly the ladies, giving right away to every one of the individuals from the family the genuinely necessary standardized savings spread. In this paper, we focus on proprietary rights that are provided to women under the Hindu Succession Act, 1956 analyse the progressions that have occurred by Hindu Succession (Amendment) Act 2005 and to study the degree to which the females are permitted to practice their exclusive rights.*

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**Keywords:** *Mitakshra Coparcenary, Proprietary Rights, Hindu Succession Act, Women Rights.*

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### Introduction

The standard equality in gender is cherished by Indian constitution in its Preamble and Parts III, IV and IVA relating to Fundamental Rights of individual, Fundamental Duties and Directive Principles respectively. The Constitution awards balance to ladies, yet additionally enables the State to receive proportions of positive separation for ladies. What's more, presently as India turns out to be progressively apprehensive of the requirement for equivalent rights for ladies, the legislature can't stand to neglect; property rights deeply affect the national economy. Profound political discussion raised in the requirement of gender equity and on occasion sharpness in administrative gatherings. Due to this Hindu Succession Act amendments has been carried away so as to verify the privilege of ladies in the property of areas.

The discrimination in gender is aimed to be diminished in Mitakshara coparcenary by incorporating girls in the framework. In Hindu Law there are two schools and Mitakshara is one of them however it predominated in a huge piece of the nation. According to this, male gender has a privilege by birth to hereditary property or properties in the father's hands and their advantage is equivalent to that of the father. Coparcenary is termed as the privilege provided to gathering. Currently the coparcenary restricted to male individuals from the joint family. [1]

### Position of Woman Prior To Enactment of Hindu Succession Act, 1956

Since days the confining of all property laws has been only to serve man and lady has been treated as subservient, and subject to male help. For providing opportunity and improvement of an individual it is significant to provide property privilege. Preceding the Act of 1956, Shastric and Customary laws, which changed from locale to area, administered Hindus and now and then it fluctuated in a similar district on a standing premise. As the nation is tremendous and correspondences and social associations in the past were troublesome, it prompted assorted variety in the law. Subsequently the progression issues likewise:

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- Dayabhaga in Bengal and the connecting regions;
- Mayukha in Bombay,
- Konkan and Gujarat and Marumakkattayam or Nambudri in Kerala
- Mitakshara in different pieces of India

The assortment of progression laws in India, different in their temperament, attributable to their changed beginning made the property laws even simple complex.

Be that as it may, the development of social change during the period of pre-autonomy raised gender related issue like discrimination and various ameliorative advances were started. The chief change that was recognized, and the one that turned into a squeezing requirement in transformation of social and monetary conditions, was that in progression there should be fair dissemination among beneficiaries of male and female and the constrained domain of Hindu ladies that ought to be expanded into full possession (anyway that very occurred). The main property over which she had an outright proprietorship was the Stridhan. Stridhan terms are explained as the property of women.

The report in 1980 of United Nation showed that - "an enormous part of world population is exhibit by women, about 66 percent of time they are working and only one tenth part of the compensation in world and under property is one hundredth." The position of Hindu women isn't altogether different. In spite of the way that woman who belongs to family following Hindu religion savored a decent status in regards to childhood in the family; she was a dismissed individual with reference to property possessions. A great deal like those of ladies of some different countries, the property benefits of Hindu ladies have created out of an on-going battle between the all-inclusive community supporting the old standards and the people pushing the dynamic amendments. There is no single assortment of property benefits of Hindu ladies. Their property rights get chose depending whereupon religion and strict school she takes after, regardless of whether she is hitched or not, which part of the country she begins from, whether she is innate or non-inborn, et cetera.

A couple of organizations were made in the pre-freedom India administering the property of women belonging to Hindu family. Regardless, the situation of ladies didn't advance. After the disappointment of the enactment of piecemeal, Hindu law identifying with the rights of property to ladies stayed static and prejudicial for quite a while. With the happening to freedom, the Constitution creators in India observed the brutal segregation supported against ladies, in this way denying them of social and financial equity and sexual orientation equity as conceived in the Preamble to the Constitution of India, Fundamental Rights in Part III (Articles 14, 15, 16), Directive Principles of State Policy in Part IV (Articles 38, 39, 39A, 44) and Fundamental Duties in Part IVA [Article 51 An (e)]. In any case, after the approval of the Hindu Succession Act, 1956 and its resulting adjustment by the Hindu Succession (Amendment) Act, 2005, the situation of a Hindu woman with reference on her right side to property has pushed ahead essentially.

Hindu Law of Inheritance Act, 1929 is the act that escorts females into the plan of legacy that is under inheritance scheme. Three class of female recipients are considered under this act that provide right of inheritance to females (young girl, little girl and sisters) that along these lines making an obliged restriction on the survivorship of rules. Hindu Women's Right to Property Act (XVIII of) 1937 is another milestone enactment offering women the ownership rights. [2]

#### **HAS Scarcity**

- Female rights contradiction to acquire the home place segment of their family and contradiction of general resident rights of women who is married.
- Power that is uncontrolled to will away property to whomever a man picks.

It needs to be considering that the subjects of get-together don't come under HSA domain that would be represented subsequently by the Laws of Hindu religion. [3] A comprehended by the Mitakshara School that male coparcener can re-join with his father, siblings and uncle once male coparcener has isolated, however not with different relations, despite the fact that they were of original segment gatherings. [4] This can't be indisputably said that whether a daughter and father, sisters and sibling, or uncle or niece reunion is conceivable. Now daughter can reunite again after daughter has been made a coparcener. Then again, gathering had generally inferred a get-together between siblings, or father and son, or paternal uncle and nephew. It is presented that the previous view is more in consonance with the soul of the Section 6 amendment.

Amendment faced criticism that in case a halfway segment regarding some coparceners had been influenced before new provision beginning, here the shares of individual would stay intact. Then again, a decrease in share would be endured to the individuals who stayed unified with the daughter's section entry in the coparcenary. [5] This is a legitimate analysis yet it appears to be ignored. Over and over again it has been contended that when daughter became a coparcener then a share don't given to wives, the portions would additionally reduce. [6] This is on the grounds that with the presentation of the daughters as a coparcener, the share of father, and hence the quantum accessible for the reasons for decrease in partition of notional. Therefore the amendment effect on wives can be comprehended with given below two classes:

- Wives are offered with share on partition in Maharashtra states. In state of Maharashtra the widow's share on partition will diminish however it will presently end up equivalent to daughter or a son.
- Wives don't offer with the share on partition in Andhra Pradesh states. In States of Andhra Pradesh the share to widows only provided to notional parcel, and also after any amendment in law. The share given to widows would be littler. In this way, it is contended that in case if equality is not provided to daughter and son after amendment in law then this would achieve disparity among a widow and a daughter.

Likewise, the expired mother's shade would likewise rely upon the State to which the mother belongs to. Beneficiaries of Class I female will likewise get a reduced part.' It has been fought that security can't be brought by equity verification for the women classification to the determinant of another." Additionally, the objectives of consistency in law are seen weakened. [7] However, the presentation made that is not a legitimate analysis. Likewise the interest of wives is also qualified for an enthusiasm for their individual share of father. Along these lines, despite the fact that their offer on notional segment would diminish, yet simultaneously they would get property from another source out and out. Further, the undertaking at this point is to evacuate separation among children and little girls. Over the long haul all ladies will profit. With little girls getting to be coparceners, they may progress toward becoming kartas in inclination to moms, in any event, when they need understanding and move to another family on marriage." However, a similar contention can be cited in the event of a son also.

Usually suggested alternatives most of the pundits of the new arrangement need to cancel itself the idea of right by birth. Be that as it may, their answers continue along two directions some need to hold the idea of joint family however supplant the framework of Mitakshara with the Dayabhaga one." As in Kerala others need to expel the joint family framework itself. [8] The consideration and dismissed need to be made on last arrangement by the Law Commission on some exceptionally legitimate grounds. It was understood that on the off chance that the framework of joint family, as it at that point remained with just male coparceners was cancelled, at that point all the male coparceners would hold the property as occupants in like manner and ladies would not get anything over what they were then qualified for. [9] In Kerala, this issue would not have emerged in light of the fact that under the Marumakkattayam law that won there even little girls were coparceners. As needs be, the Law Commission prescribed making girls coparceners. The regular confinement of both the above recommendations is that they neglect to ensure the little girl, and even a spouse, in situations where the perished has made a testamentary attitude of his offer. The facts confirm that limitations might be forced on the privilege to testamentary demeanour of property, yet it is far from being obviously true how helpful that will demonstrate to be. Making little girls coparceners is a superior arrangement since it shields their advantage directly from birth. Since the dad doesn't have an outright directly over the property, he can't carelessly distance or discard property. Further, estrangements not made for indicated purposes like lawful need, would be available to challenge by little girls." [10]

#### **Hindu Law of Inheritance Act, 1929**

Hindu Law of Inheritance Act, 1929 is the legislation's preliminary bit, carrying lady into the inheritance scheme. Under these act rights of inheritance is presented on three female beneficiaries for example daughter of son, daughter of daughter and daughter of sister (in this way making constrained confinement on the survivorship standards).

#### **Hindu Women's Right to Property Act (XVIII of), 1937**

Hindu Women's Right to Property Act (XVIII of), 1937 was the enactment of milestone giving women's the rights of possession. Progressive changes brought up by this Act in the Hindu Law all things considered, and brought changes in the law of coparcenary as well as in the law of segment, distance of property, legacy and appropriation. Widows were empowered with the Act of 1937 to prevail son

alongside and to take an offer equivalent to that of the child. Be that as it may, the widow didn't turn into a coparcener despite the fact that she had a privilege similar to a coparcenary enthusiasm for the property and was an individual from the joint family. The widow was qualified distinctly for a restricted domain in the property of the deceased with a privilege to guarantee segment. Virtually daughters had no rights of inheritance.

In spite of these authorizations having gotten significant changes the law of progression by giving new privileges of progression on specific females, these were as yet seen as incomprehensible and blemished in numerous regards and offered ascend to various inconsistencies and left immaculate the fundamental highlights of oppression ladies. These authorizations presently stand revoked.

The Mitakshara coparcenary idea held under HAS's segment 6 has not been revised as far back as its order. However, it involves some fulfilment that five states in India to be specific, Kerala, Andhra Pradesh, Tamil Nadu, Maharashtra and Karnataka have taken awareness of the way that a lady should be dealt with similarly both in the monetary and the social circles. According to the law of four of these states, (Kerala barred), in a joint Hindu family represented by Mitakshara law, the little girl of a coparcener will by birth become a coparcener in her own privilege in a similar way as the child. Kerala, notwithstanding, has gone above and beyond and nullified the privilege to guarantee any enthusiasm for any property of a predecessor during their lifetime established on the negligible truth that the person was conceived in the family. Actually, it has annulled the framework of Joint Hindu family by and large including the Mitakshara, Marumakkattayam, Aliyasantana and Nambudri frameworks. In this way authorizing joint inhabitants supplanted by occupants in like manner. A rundown of the enactment passed by the five states is set out underneath and the enactment is added as Annexed "1".

- The Joint Hindu Family System (Abolition) Act, 1975, Kerala
- The Hindu Succession (Andhra Pradesh Amendment) Act, 1986
- The Hindu Succession (Tamil Nadu Amendment) Act, 1989
- The Hindu Succession (Karnataka Amendment) Act, 1994
- The Hindu Succession (Maharashtra Amendment) Act, 1994.

#### **Changes Brought In the Position of the Women (Specifically Focusing On Section 6)**

Out of numerous critical advantages acquired for ladies, one of the noteworthy advantages has been to make ladies coparcenary (directly by birth) in property of Mitakshara joint family. Prior the female beneficiary just had an expired man's notional bit. With this change, equivalent rights gave to both female and male. In a significant hit to male centric society, hundreds of years old standard Hindu law in the state of the selective male Mitakshara coparcenary has been ruptured all through the nation.

#### **A Critical Analysis of Section 14 of the Hindu Succession Act**

Section 14 of the Hindu Succession Act reads as follows:

Property of a female Hindu to be her absolute

#### **Property**

Section 14 of the Hindu Succession Act peruses as following:

Female Hindu property to be her outright

#### **Property**

- If property contained by female belonging to Hindu religion then it is contended that that property will be held by her as full proprietor thereof and not as a constrained proprietor, regardless of whether obtained previously or after the beginning of this Act.

**Clarification:** Both properties are included under this section whether it is mobile or is immovable. According to this sub-segment, when property obtained by a female belonging to Hindu religion by legacy or devise, or at a parcel, or in lieu of overdue debts of support, or by blessing from any individual, regardless of whether a relative or not, previously, at or after her marriage, or by her very own ability or effort, or by buy or by solution, or in some other way at all, and furthermore any such property held by her as stridhan preceding the act beginning.

- Sub-section (1) does not contain anything that will apply to method of any property procured for blessing or under a will or some other instrument or under a pronouncement or request of a common court or under an honor where the details of the blessing, will or other instrument or the announcement, request or grant recommend a confined bequest in such property.

As according to the Hindu law in activity before the coming into power of the Act, the ownership of women was supported in by specific detentions to her right side of transfer and furthermore on her testamentary power in regard of that property. Doctrinal assorted variety existed regarding that matter. Disparate specialists just added to the troubles encompassing the importance of a term to which it tried to give specialized hugeness. Ladies should, as it was held and accepted, not have intensity of supreme distance of property. The limitations forced by the Hindu law on the restrictive privileges of ladies relied on her status as a lady, as a wedded lady and as a widow. They likewise relied on the source and nature of property. Thought there were some divided enactment upon the settled law was still shy of conceding a status to lady where she could secure, hold and discard the property as like a male belonging to Hindu religion. Considerable changes brought in the Hindu Succession Act, 1956 and especially under section 14, along these lines, upon the Female belonging to Hindu religion privilege over her property and in this manner contention will settled. The achievement of changes is under section 14 to the current situation of Hindu Law was such different and show that it was fought as an infringement of constitution's Article 14 and 15(1) and despite what might be expected, unequipped for execution. [11]

#### **Multifarious effects of Section 14**

- On topic of stridhan the Act abrogates 'the old law in regard of all property controlled by a female, regardless of whether procured by her previously or after the initiation of the Act.
- Females proclaimed as full proprietor of the property under Section 14 in her ownership and accordingly evacuate all confinements upon her privileges which existed preceding the Act. Presently she can sell, arrange and estrange the property with no limitation on her privileges. [12]
- Capacity of full heritable is provided by the Act on the female beneficiary and this area abstains from the customary constraints on the forces of Hindu female to contain and pass on property.
- In this section the Hindu widow segment is pronounced, in falling of cases extending in this section, to be irrefutably the property's proprietor; the section places her in aequali jura. [13]
- Review impact is given under the section and along these lines any female gain any property whether previously or after this Act however possessing her at the beginning of hour of the Act will turn into her and she will have full ownership. [14]
- It is essential for the section utilization that the widow must be in control of the property on the beginning of the Act wherein the ownership can be either real or helpful. Assuming, nonetheless, such widow has separated with her privileges to the property by method for a blessing or any devise which has the impact of eradication of her privileges to the property before the act initiation, the widow not being 'controlled' of the property on that date when the Act came into power, would not have any title over the property at all and she can't benefit the provision's valuable impact. [15]

#### **Hindu Succession Amendment Act 2005**

Under this act numerous amendments were conducted such as Hindu Succession Amendment Act 2005. This act is certainly a dynamic change regardless of its constraints and many works as an impetus for attitudinal change in the general public over a period. It is an endeavour to make land residency laws equivalent to both genders.

Given below are the two significant amendments, in the 2005 Act: [16]

- From Hindu Succession Act the section 4(2) of the 1956 is deleted which has expelled disparities in gender in the legacy of agrarian land and made rights to Hindu ladies related to property that must be equivalent to men's crosswise over states.
- Now daughters become coparceners in property of joint family specially the married daughters. This gives ladies monetary security as it gives them claims in joint family property that can't be willed away by fathers.

#### **Amendment of section 4 of the principal Act**

Hindu Succession Act, 1956 and sub-section (2) has been precluded from section 4. [17]

#### **Amendment of Section 6 of the principal Act**

Through provision of amendment Segment 6 in the chief demonstration has been substituted. Given below the provision of amendment under section 6 of the chief demonstration:

- Similar rights must be given to daughter in the property of coparcenary;
- As of son daughters will be dependent upon a similar obligation in the said coparcenary property;
- As of son, daughter must be allocated similar rights or share
- The share of the per-perished child whether girl or son will be allocated to the enduring offspring of such per-perished child or of such per-expired little girl;
- The portion of the per-expired offspring of each perished child or for each perished little girl will be dispensed to the offspring of such per-perished offspring of the per-perished child or for every perished girl.

**Judicial decisions and judicial mandate over section 6 of the Hindu Succession amendment act 2005**

**Parkash Vs Phulwati on 16-10-2015 Civil Appeal No 7217/2013** Supreme Court Division Bench Hold that Contention of the respondents that the Amendment should be read as retrospective being a piece of social legislation cannot be accepted. Even a social legislation cannot be given retrospective effect unless so provided for or so intended by the legislature.

The text of the amendment itself clearly provides that the right conferred on a 'daughter of a coparcener' is 'on and from the commencement of Hindu Succession (Amendment) Act, 2005'. Section 6(3) talks of death after the amendment for its applicability. In view of plain language of the statute, there is no scope for a different interpretation than the one suggested by the text of the amendment. An amendment of a substantive provision is Page Civil Appeal No.7217 of 2013 etc. always prospective unless either expressly or by necessary intendment it is retrospective.

Accordingly, we hold that the rights under the amendment are applicable to living daughters of living coparceners as on 9th September, 2005 irrespective of when such daughters are born.

On the other hand the division bench of the Supreme Court in later judgement which is **passed on 01-02-2018 in Danamma @ Suman Surpur Vs Amar** Supreme Court hold " Section 6, as amended, stipulates that on and from the commencement of the amended Act, 2005, the daughter of a coparcener shall by birth become a coparcener in her own right in the same manner as the son. It is apparent that the status conferred upon sons under the old section and the old Hindu Law was to treat them as coparceners since birth. The amended provision now statutorily recognizes the rights of coparceners of daughters as well since birth. The section uses the words in the same manner as the son. It should therefore be apparent that both the sons and the daughters of a coparcener have been conferred the right of becoming coparceners by birth. It is the very factum of birth in a coparcenary that creates the coparcenary, therefore the sons and daughters of a coparcener become coparceners by virtue of birth. Devolution of coparcenary property is the later stage of and a consequence of death of a coparcener. The first stage of a coparcenary is obviously its creation as explained above, and as is well recognized. One of the incidents of coparcenary is the right of a coparcener to seek a severance of status. Hence, the rights of coparceners emanate and flow from birth (now including daughters) as is evident from sub-s (1)(a) and (b)." **In this case Gurulingappa Savadi died in the year of 2001 and his two daughters claim for partition in joint hindu family coparcenary property as a coparcener after the hindu succession amendment act 2005 .**

In the present case, no doubt, suit for partition was filed in the year 2002. However, during the pendency of this suit, Section 6 of the Act was amended as the decree was passed by the trial court only in the year 2007. Thus, the rights of the appellants got crystallised in the year 2005 and this event should have been kept in mind by the trial court as well as by the High Court. This Court in *Ganduri Koteshwaramma & Anr. v. Chakiri Yanadi & Anr.*<sup>8</sup> held that the rights of daughters in coparcenary property as per the amended S. 6 are not lost merely because a preliminary decree has been passed in a partition suit. So far as partition suits are concerned, the partition becomes final only on the passing of a final decree. Where such situation arises, the preliminary decree would have to be amended taking into account the change in the law by the amendment of 2005.

Thus there are conflict between these two judgements about the prospective or redrospective effect of the Hindu Succession amendment act 2005 there for the larger bench judgement of the Supreme Court on this issue is the necessity of present time and situation.

### Literature Review

**Karve (1968)** stated that the inherited property depended on the law of ownership by birth in the Mitakshara School, and a man could leave his property that is self-gained. The property of joint family went to the gathering known as coparceners, for example the individuals who had a place with next three ages and furthermore the property of joint family by segment could be, whenever, changed over into discrete property. Mitakshara School however provided restrictive rights to sons in property of joint family by birth. [18]

**Agnes (2004)** stated that the property right of women was handled because of the male centric structure of society of India. In spite of the fact that the male individuals claimed property, this possession can't be likened with the advanced idea of proprietorship which basically gives the privilege of estrangement. The essential normal for the joint property was its unavoidable nature. The rights of property can't be discarding effectively by method for deal, blessing or will. Thus the joint proprietorship, of guys was more notional than real. The family head was overseen all rights of the property or karta to support the whole family including its female individuals. At the point when the property was isolated, the privilege of male individuals was viably the privilege of security. Indeed, even after parcel, the property in the hands of every one of the coparceners, kept on being joint property, held in trust alongside his male offspring to help the following line of relatives. [19]

**Diwan (2006)** spell out that in Mitakshara coparcenary a female can't be an individual for example female has no privilege in the property of joint family by birth. In the event that a division occurred just certain females were allowed to an offer, as a rule she had no privilege of parcel. The Hindu Women's Right to Property Act, 1937, the unified enthusiasm of a coparcener on his demise went poorly survivorship to coparceners, however his widow accepting it as beneficiary, however she accepting it as a constrained progression his enthusiasm for the joint family property. [20]

### Findings

We circulated questions related to awareness of property right among women and women who received parental property.

#### Awareness in women and Property Rights Law

The rights of property to women belonging to Hindu religion are provided under Hindu Succession Act 1956. Be that as it may, the extent that the attention to the property rights is concerned it is seen the individuals are very little mindful about them. The familiarity with the respondents the two ladies and men about the property laws among Hindus can be found in the accompanying Table:

**Table 1: Property Rights Awareness**

Awareness of Property Act	Hindus		
	Females (%)	Males (%)	Total (%)
Yes	56 (56%)	23	63.2%
No	15 (15%)	-	11.2%
Partially	27 (27%)	2	32%
<b>Total</b>	100 (100%)	25 (100%)	100%

If there should arise an occurrence of Hindus, 45% females are completely mindful about their rights of property that they have equivalent rights like young men in their parental property, 84% guys think so; 19% females are uninformed; and 36% females and 16% guys have fractional mindfulness with respect to the rights of property.

The analyst in the field found that the purpose for less attention to property privileges of Hindus females is the consequence Hindu Succession Act amendments for example in 2005.

Women received the parental property. From the research it is founded that lone those ladies who don't have sibling gotten the whole parental property and few got just a part of land with no appropriate dispersion.

**Table 2: Women who Received Parental Property**

	Women who Received Property		Women who did not Received Property	Total
	Entire Property	Portion of Property		
Woman	7 (7%)	16(16%)	75 (75%)	100 (100%)

The above Table demonstrates that full share on property of father is acquired by lone 7(7%) women; they got in light of the fact that they were the parent's only daughter. 16 (16%) respondents got just a segment of land with no appropriate division of land and 75 (75%) respondents didn't have any property of parental.

### Conclusion

The goal of amending preamble shows the expulsion of daughter's discrimination that innate in the Mitakshara coparcenary and consequently destruction of the pernicious arrangement of settlement by positive estimates in this way improving the state of ladies in the society of human. It is important to get that if equity exists just as a marvel outside the mindfulness and endorsement of most of the individuals, it can't be acknowledged by an area of ladies associated in conventions of disparity. Subsequently there is have to social mindfulness and to teach individuals to change their frame of mind towards the idea of sexual orientation equity. The need of great importance is additionally to concentrate consideration on changing the social mentalities for equity for all by uniform law authorizing.

In the acknowledgment of the women's property privileges the change of Section 6 out of 2005 is a huge advance. It is presented that the maintenance of the idea of right by birth with the incorporation of girls as coparceners is progressively helpful for the security of their inclinations than the nullification of the joint family framework itself. From now on, they would be ensured against the results of testamentary air of the coparcenary property by the dad. In the event that the Dayabhaga framework had been received, or the joint family framework had been annulled, it would essentially have required inconvenience of limitations on the testamentary intensity of an individual which is violative of individual opportunity. Further, presently in the event that a little girl's marriage separates, at that point being an individual from her natal joint family, she would have the option to come back to it as an issue of right, as opposed to on the sufferance of her relatives.

### Suggestions

It tends to be very much given that enactments in India has constantly taken a distinct fascination for the women upliftment and giving them better and increasingly equivalent rights to that of men. Enactments were made in regards to giving ladies comparable right of property, won numerous lacunas against whom every now and then. Presently the point, which consistently involves dialog and huge discussions, is if the governing body has constantly attempted with the changing time to give lady a superior social, financial and political life then why the ladies are as yet discouraged. Why ladies as yet battling for their equivalent status to that of men? Why consistently ladies are separated, assaulted and manhandled and casualty of aggressive behavior at home? In this way, cause foundation of these evil happenings towards ladies, isn't only that the laws are not appropriately actualized, yet in addition since ladies don't know about their privileges for example right of progression and legacy in light of the fact that to be in the great books of their siblings and guardians and with this the viability of enactment has consistently been pulverized. Thus, to make such enactments progressively viable and advantageous a joint activity is required from every one of the branches, part and scholars of the general public.

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3. Supra n. 29 at p. 36.
4. Supra n. 3 at p. 545.
5. Supra n. 29 at p. 30.
6. See Indira Jaising, "An Uncertain Inheritance: A Critique of the Hindu Succession (Amendment) Bill", 20 (2) Lawyer's Collective 8 (2005); B. Sivaramayya, "The Hindu Succession (Andhra Pradesh Amendment) Act 1985: A Move in the Wrong Direction", 30 (2) J.I.L.I 166 (1988); B. Agarwal, "Far From Gender Equality", 20 (2) Lawyer's Collective 16 (2005); B. Sivaramayya, "Coparcenary Rights to Daughters: Constitutional and Interpretational Issues", (1997) 3 S.C.C. (J.) 25.
7. Supra n. 29 at p. 38.



8. See the Kerala Joint Hindu Family (Abolition) Act 1975.
9. Supra n. 41.
10. For instance, see *Vanimisatti Anil Kumar v. Jayavarapu Krishna Murthi*, A.I.R. 1995 A.P. 105. In this case the father had executed an agreement of sale. After the State Amendment Act his daughters were allowed to challenge the alienation in their own right as coparceners. See further supra n. 24.
11. *Pratap Singh v. Union of India*, AIR 1985 SC 1694; *Amar Singh v. Baldev Singh*, AIR 1960 Punj 666 (FB).
12. In the case of *Punithavalli v. Ramalingam*, AIR 1970 SC 1730, the Supreme Court has held that the estate taken by a Hindu female under subsection (1) of section 14 is an absolute one and is not defeasible and its ambit cannot be cut down by any text or rule of Hindu law or by any presumption or any fiction under that law.
13. *Vinod Kumar v. State of Punjab*, (1957) PLR 337 (FB) cited by Mulla, *Hindu Law* (2), (Butterworths, New Delhi, 2001), 381.
14. *Harish Chandra v. Trilok Singh*, AIR 1957 SC 444. The court observed, 'by reason of the expression "whether acquired before or after the commencement of the Act" the section is retrospective in nature.'
15. *Munshi Singh v. Sohan Bai*, AIR 1989 SC 1179; *Eramma v. Veeruppana*, AIR 1966 SC 1879.
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