



**EMPOWERMENT OF HINDU FEMALES THROUGH SUCCESSION: A STEP  
TOWARDS EQUALITY AND PROGRESS**

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**ABSTRACT**

The present article delves into the importance of succession rights in the promotion of gender equality among the Hindu community, particularly in empowering Hindu women. The succession laws prevalent in traditional Hindu society have exhibited a gender bias against women, leading to the deprivation of their legitimate inheritance and the perpetuation of gender disparities. In recent times, legal reforms and societal shifts have been implemented to address the aforementioned injustices, thereby empowering Hindu women to assert their entitlements and claim their legitimate portion of inherited assets.

This article analyses the transformative effects of succession empowerment on Hindu females through the lenses of legal analysis, socio-cultural insights, and empirical evidence. The text emphasises the favourable consequences of equal inheritance, such as financial self-sufficiency, improved agency in decision-making, and elevated social status. Additionally, the article elucidates the wider ramifications of endowing Hindu women with succession rights, including the disruption of the pattern of gender-oriented prejudice and the cultivation of female autonomy and involvement in diverse domains of existence.

**Keywords:** Hindu females, succession, empowerment, gender equality, autonomy.

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## **INTRODUCTION**

The process of giving women more authority has emerged as a topic of intense significance in the cultures of many different countries. Since the beginning of time, the concept of gender equality has been the subject of discussion and debate within the framework of Hinduism, which is an extremely old and varied religion. The empowerment of Hindu females via succession is one area that has seen great growth in recent years. Specifically, this has been the case. Women were relegated to subordinate positions under the traditional Hindu inheritance rules, which gave preference to male heirs. However, as a result of shifting social mores, legal changes, and greater levels of consciousness, Hindu women have started to experience a progressive transition towards equality and empowerment via the process of succession.

## **HISTORICAL PERSPECTIVE ON GENDER BIAS IN HINDU SUCCESSION**

It is crucial to investigate the historical backdrop of Hindu inheritance laws, as well as the pervasive gender prejudice that exists within those rules, to comprehend the relevance of empowering Hindu females via succession. The Manusmriti and the Mitakshara are two examples of ancient scriptures that outline traditional Hindu succession rules. According to these regulations, male heirs are given preferential treatment over female heirs. These regulations ensured the continuation of the patrilineal inheritance system, in which ownership of land and other assets was restricted to being handed down to male descendants. Not only did the patrilineal system contribute to the continuation of gender inequality, but it also hindered the economic and social independence of women. Women in Hindu culture did not have the legal right to inherit family property, therefore they were often reliant on their male relatives for their financial stability. This practice not only hampered the social and economic advancement of women but also damaged the autonomy of women.

## **LEGAL REFORMS: THE BEGINNING OF CHANGE**

In recent decades, India has been the site of several legal changes that have been implemented to correct the historical gender prejudice that is present in Hindu inheritance laws. The Hindu Succession Act of 1956 was a landmark piece of legislation that was passed to give daughters equal rights in areas of succession.<sup>1</sup> This statute put an end to the discriminatory practices that were common in old Hindu inheritance rules and made it possible for girls as well as males to inherit family property on an equal basis. This was a significant step towards the emancipation of Hindu women via the process of succession.

In addition, the Hindu Succession (Amendment) Act was passed into law in 2005, which strengthened the rights of daughters and made the law more gender-just. This amendment did away with gender-based disparities, therefore assuring that daughters had equal rights as coparceners and a portion of the ancestral

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<sup>1</sup> The Hindu Succession Act 1956.

property in equal measure. It was a significant advance towards eliminating patriarchal standards and assuring the empowerment of Hindu girls, and it was a step in the right direction.

### **CURRENT LEGAL REGIME UNDER HINDU PERSONAL LAW**

The individuals in question are subject to the Hindu Succession Act of 1956, a legal framework that pertains to adherents of the Hindu, Buddhist, Jain, Sikh, and converted Hindu faiths. Inheritance of property can typically be classified into two categories: ancestral and self-acquired. According to the Amendment Act of 2005, both men and women have the right to inherit ancestral property by birth, and there is no distinction between genders in the distribution of said property.<sup>2</sup> Although the distribution of shares may differ, women are not deprived of their right to share. Discrimination against women may arise in the context of self-acquired property, which refers to property that has been purchased or obtained through one's resources or inherited from ancestral property. The owner of such property holds the right to determine to whom the property may be transferred or passed on.

If a legal document outlining the distribution of assets upon an individual's death is not present. According to the legal framework, wives are entitled to an equitable distribution of their husband's property. If there are no other individuals entitled to a share, the aforementioned individual shall inherit the entire estate of the deceased. The deceased widow is entitled to a share in the ancestral property, just like any other heir. In Hindu marriage, women are entitled to exclusive rights over their individual property and are considered the sole owners of their assets, regardless of whether they were earned, inherited, or gifted.

In the context of divorce proceedings, women have the right to pursue a portion of their husband's property, as well as financial support in the form of maintenance, alimony, child expenses, court fees, and other relevant expenses, as determined by the specific circumstances of the case. In 2005, an amendment was made to Section 6 of the Hindu Succession Act of 1956, which effectively eliminated gender discrimination by granting daughters the same inheritance rights as sons in ancestral property, from the moment of their birth. Following the amendment, daughters have been granted coparcenary status, and their rights are not affected by their marital status.

The recent amendment ensures that daughters are entitled to equal rights as sons on their father's property, regardless of their birth order. The father must believe at the time of the amendment. In the event of the demise of a daughter before parting the portion of the inheritance that would have been allocated to her if she were alive at the time of partition may be assigned to her surviving offspring.<sup>3</sup> If a mother has no other means of support, she is entitled to an equal share in the property of her predeceased son, in the same manner as other surviving coparceners. Despite the existence of legal provisions and amendments that allow women to seek their rights through inheritance, the full implementation of these measures is still

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<sup>2</sup> The Hindu Succession (Amendment) Act 2005.

<sup>3</sup> Apoorva Mandhani, 'Daughter's equal right to ancestral property — here's what landmark SC judgment says' *The Print* (India, 11 August 2020).

being denied. There are still numerous customary laws that fail to provide adequate support and inheritance rights to certain individuals, and insufficient measures have been taken to address this issue.

In Following the provisions of the 1956 Act, In the event of a woman's demise, in the absence of a will, any property that she had acquired shall be inherited by her husband's heirs rather than her parents constitutes a crucial domain of jurisprudence that necessitates modification. There is no such obligation in the case of a deceased male individual. The statement illustrates the significant presence of gender bias and inequality. There exist variations in local and land laws across different states. Several agrarian laws do not provide women with the right to inherit agricultural land. The primary concept underlying such legislation is deemed to be inadequate. The individuals endeavour to prevent the loss of their land to their in-laws and to avoid its further fragmentation. Efforts are made to maintain land ownership within the patrilineal lineage of a particular family.

The prevalence of social taboos and orthodox beliefs within society has resulted in the widespread suppression and denial of women's rights. Even though they are prohibited from speaking out against the injustice inflicted upon them. In the context of interfaith or interreligious marriages, the wife is entitled to inherit according to the personal laws that apply to her husband. This concept exhibits variation even in the case of a wife, regardless of whether she has undergone a religious conversion to that of her husband or not.

“The Hindu Succession Act, 1956 mentions the distribution of property among heirs in class I of the schedule. The first rule says that if a person dies without leaving a will (intestate) then his widow, or if there are more widows than one, all the widows together, shall take one share. While the husband's kin is counted among the Class-II heirs. The Class-I heirs who share their rights with the widow of the intestate, include son, daughter, mother, son of a predeceased son, daughter of predeceased son, widow of a predeceased son, son of a predeceased daughter, daughter of a predeceased daughter, son of predeceased son of a predeceased son, daughter of predeceased son of a predeceased son, widow of predeceased son of a predeceased son.”<sup>4</sup>

## **ECONOMIC EMPOWERMENT AND FINANCIAL SECURITY**

Beyond the scope of simple legislative changes, the empowerment of Hindu women via succession includes both economic empowerment and financial stability for their families. As a result of the Hindu tradition of giving daughters equal inheritance rights, Hindu women are no longer forced to live in a position of reliance. They are given access to the assets of the family, which enables them to build wealth and make autonomous choices about their finances.

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<sup>4</sup> K. Venkataramanan, ‘What is coparcenary property in Hindu law?’ *The Hindu* (India, 16 August 2020) <<https://www.thehindu.com/news/national/the-hindu-explains-what-is-coparcenary-property-in-hindu-law/article32364484.ece>> accessed 30 May 2023.

These steps towards economic autonomy will have far-reaching implications. It makes it possible for Hindu women to pursue educational opportunities, make investments in enterprises, and make a contribution to the general economic growth of their families and communities. Women are better positioned to participate in entrepreneurial activity, the creation of jobs, and the generating of wealth if they are freed from the restraints of financial limitations. This will lead to more gender equality and advancement.

## **EDUCATION AND EMPOWERMENT**

Laws on succession that give women in Hindu societies more autonomy also have a significant impact on education and female autonomy. In the past, families were dissuaded from investing in their daughters' education because they perceived it to be an unproductive investment due to the restricted inheritance rights that women had. However, given that families have equal succession rights, they are more likely to make financial investments in their daughters' education and the development of their skills.

Education is one of the most important factors in the empowerment of women. It enables individuals to engage meaningfully in social, economic, and political realms by providing them with the information, skills, and self-assurance necessary for doing so. Hindu females have a greater chance of breaking out from established gender roles, challenging cultural conventions, and making important contributions to society if they are given equal opportunity for education and are empowered via succession.

## **SOCIAL TRANSFORMATION AND GENDER EQUALITY**

In addition to being a question of law and economics, the empowerment of Hindu women via succession is also a very important factor in the promotion of social reform and gender equality. These succession rules foster a transformation in attitudes and mindsets by addressing the deeply established patriarchal standards that have been in place for a long time.<sup>5</sup> They advocate for the notion that women should be seen as equal participants in society and should be granted the same rights, opportunities, and respect as men.

As a result of succession, Hindu females are gaining increased access to resources and decision-making abilities, which in turn has the effect of amplifying their voices and opinions. This empowerment makes it easier for them to participate in the activities of their families, communities, and society. Women take on the role of change agents by combating discriminatory practices, promoting gender equality, and encouraging subsequent generations of women to fight for their rights.

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<sup>5</sup> Ministry of Women and Child Development, 'REPORT Of the Working Group On Empowerment Of Women For The Xi Plan' Government of India (2005) <[https://www.aicte-india.org/downloads/woman\\_empowerment.pdf](https://www.aicte-india.org/downloads/woman_empowerment.pdf)> accessed 30 May 2023.

## **CHALLENGES AND THE WAY FORWARD**

Even while much headway has been achieved in empowering Hindu females via succession, there are still many obstacles to overcome. The complete implementation of gender-just succession laws is still hampered by several challenges, including those imposed by culture and society, a lack of knowledge, and reluctance to change.<sup>6</sup> It is of the utmost importance to maintain efforts to advocate for gender equality, raise awareness, and encourage the active involvement of women in the decision-making processes.

In addition, actions should be taken to guarantee the effective implementation and enforcement of the legislative measures that are now in place. Education and awareness initiatives have the potential to play a significant part in the process of enabling women to demand their entitlements and distributing knowledge about succession rights. A society that is more gender-just and inclusive may be facilitated via the implementation of collaborative projects including government entities, civil society organisations, and religious leaders.

## **CONCLUSION**

The emancipation of Hindu women via the process of succession is an essential step towards achieving gender equality, making social progress, and developing economically. Legal changes have created the path for women to express their rights, question traditional norms, and make important contributions to society. These reforms have been made possible by the correction of past gender prejudice in Hindu inheritance laws. Equal succession rights for Hindu females may result in many good results, including economic empowerment, education, and social change. These are only some of the benefits that can accrue from having equal succession rights. However, to guarantee the complete actualization of gender equality and the empowerment of Hindu females via succession, persistent efforts, awareness, and a collective commitment are necessary prerequisites.

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<sup>6</sup> Srejeeta Das, 'Hindu Succession Act: Empowering Women And Driving Economic Independence In India' Jlrjs .