PREFACE

In India, a Woman is seen as divine and worshiped as the embodiment of all the virtues on one hand but on the other hand she is discriminated against and victimized by the norms created by the male dominated society. She has not been given her due and legitimate place and status in the society even after all the civilization and cultural revolutions. Like many other countries of the world, a good number of women do enjoy high status but countless women still continue to occupy a lonely, disadvantaged and very humiliating position at the base of the pyramid. Exploitation of women at home and outside continues in most parts of the country. Male superiority and adverse conditions for women are still widely prevalent. The emancipation of women and the achievement of full equality between sexes must always be the primary objective of any society. There are no grounds – moral, political, legal or biological upon which such denial can be justified. This is the precise reason for making an endeavor to study the law pertaining to the women’s right to property under Hindu law amended from time to time and I have made a sincere effort to give a broad but brief picture about the law related to the present project.

The constitution of India guarantees equality of opportunity and equal status to both men and women citizen. This brilliant and noble document directs that the women have equal rights, in one aspect; the privileges with men in the other and the state shall make provisions both general and special for the welfare of women; since article 14 of the Constitution enshrines “equality before law” and article 15 prohibits any form of discrimination. Perhaps this Constitutional mandate compelled the govt. of India to amend the Hindu Succession Act, 1956 in August 2005 to provide for equal share of male and female heirs in ancestral joint family property. This amending act received the assent of the President of India on 5th
Sep., 2005 and came into force w.e.f. 9th Sep., 2005. Besides it, article 15(B) of Constitution of India empowers the state to make any special provision for women.

Further, the report of law commission of India in May 2000 suggested/recommended to correct discrimination against women. The states like Andhra Pradesh, Karnataka, Kerala, Maharashtra and Tamil Nadu have amended the Hindu succession Act, 1956 to include women for coparcenary rights of joint family property on equal footing with male heirs. Now both central govt. and some state govt. have abolished mitakshara system of law. By these amendments the daughter shall be eligible under the law to get equal share in ancestral family property with their brothers.

Here an attempt has been made to study all related provisions of laws both prior and after The Hindu Succession Act, 1956, as Amended upto 2005. The decisions of The Supreme Court and various High Courts have also been referred and incorporated at proper places as far as possible.

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