Preface

Deprived, destitute, desolated, discriminated, despained and deserted etc. are the other names of a woman. On one front she is loved, respected, even worshiped and placed at the highest social status but on the other she is humiliated, illtreated, brutalized and put to contempt. The reason for all these torture is monetary dependence and economic inequality.

Man and woman are supposed to be the two halves of the society and neither can reach its highest creative excellence without the cooperation of other. Even then blatant injustice is being perpetrated on them since ages. Though we have stepped in the new millennium, the status of woman has not improved due to the traditional biases and prejudices towards that segment of the society, which were segregated from main stream for no fault of their own.

The discrimination stems not from legislative insufficiency but from the attitudinal biases of the society. Time to time material and substantial modifications have been done in laws, which brought radical changes including recent enactments that spell about woman’s dignity and equality as a global norm. Inspite of all these, the discrimination in respect of property rights along with many others still continues and till now the women possess only one percent of immovable property in their own name.

Today women are storming most male bastions and proving themselves equal in every walk of life. Though she might be found wanting
when it comes to using brute force of the savage kind. She is better endowed with the gift of civilization. There is no reason why a woman should be dominated simply for being a woman.

I would like to utilize this opportunity while writing the preface of this work that substantial and fundamental changes have been brought in the Hindu Succession Act 1956 after the completion of the thesis. It seems that my thoughts have been caught by the wisdom of the legislature and translated in the body of the Hindu Succession (Amendment) Act 2005. Sub Section (2) of section 4 of the Act has been deleted. Section 6 has been substituted by new provisions. The right of daughter as a coparcener has been recognized. Section 23 & 24 of the Principal Act has also been omitted. Section 30 of the Act has been amended by including females within the section with full rights of testamentary disposition of property capable of being disposed of. The schedule has been amended by bringing in certain specified heirs in class I. The changes affected fundamentals and the old law stood abrogated and substantially altered. A diligent effort has been made to incorporate the provisions of the amending Act and its effect at appropriate place in this work.

It is solely and exclusively due to the showering mercy of Almighty Allah (SWT) who is most benevolent, merciful, omnipotent, omnipresent and omniscient that I have been able to complete this work.

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(Urusa Mohsin)

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