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INTRODUCTION

An Overview

Gender bias discrimination is a global phenomenon. Today the greatest challenge, before the world, is that of gender justice. There is not a single gender just society neither in advanced Western world nor in traditional Asian and African societies. At present we stand at the remnant of the 21st Century but we are still unable to boast of a society where there is total gender equality.

Woman, the most disadvantaged group of human species, is the architect of civilization, the nucleus of the family, the protector of the house, the inspiration and strength of man on every front, who shaped the destiny of human race. She has proved that she is not frail, fragile and delicate, though physically weak yet spiritually strong who raised Prophet and Pharaoh. It is the woman to whom the Creator has empowered to transform the man into the desired mould through the influence of her motherhood. A powerful generation is impossible without the powerful women. It is a stigma and a stain for the entire human race if woman is compelled to remind society for her rights. Social democracy, for its full strength, requires the women empowerment, social and economic both. The discriminatory status of woman is constantly lamentable and produces unsatisfactory results. No development is possible unless and until the woman’s rights are protected.

Prof. Harold. J. Laski observed, “Rights are those conditions of social life without which no man can seek in general, to be himself at his best.”
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For the emancipation of women, the economic independence is of a supreme importance. Alongwith economic independence the total development of women is needed special consideration by making equilibrium between their rights and responsibilities. The secret polygamy, utter illiteracy, occupational disproportion and economic denigration are the ground realities of today. Domestic injustice and body violence are escalating day by day. The nuptial thread is also no longer as strong as it was till the recent past and the rate of divorce is increasing.

When the woman is desolated, despairing, desperate, and deserted, the first question which comes in the mind of destitute female, is that-what option left for her? There is luminous literature available on the offences against women, the law relating to dowry and other matrimonial disputes but very little attention is given towards the property rights of women. At ancient time the woman was devoid of any property right in any legal system except in Islam. Though in Hindu legal system some property rights, subject to certain restrictions, had been given in the name of Stridhana. In West there was no concept of property right of females. The rights, which were attributed to females, were also very discriminatory. With the heralding of new millenium, the problem of women's property right stands as one of the most important challenge.

The discrimination is the fate of women since the incipient of civilization to the present day, all over the world. The women, who constitute the world's half population, are the subject of male chauvinism and treated as a second-class citizen. From cradle to grave they are meek to the unfair social custom and gender prejudices. The basic cause of this
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degraded status of female is chiefly attributed to the factors shaping the traditional society.

Freedom, for which nations clashed, wars were waged, peace was sought and forsaken, is men's inner urge and call. It is the life and blood of society. The freedom, especially when it relates to women, is the given freedom from the imposed instructions of men. From the dawn of civilization the women suffer from submissiveness and the fight for equality and freedom continue till the date. Despite her lofty role in the world affairs, her status changed little with changing times and claims. Her misuse continues at every place, and at every time. Chinese believed that:

“Eighteen goddess like daughters are not equal to one son with a hump”

Jews daily prayer is, “blessed, art thou Lord that thou has not made me a woman.”

The Christian philosopher Malleus Maleficarum in the Holy Book termed woman as, “imperfect animal, naturally fickle deceivers who in the lust of flesh, were easily led by the devil in becoming witches.” Bible too is the product of patriarchal society which states, "wives submit yourselves unto your husband as unto the Lord." Sir Bernard Shaw called her face “the burning wind”, and her voice ‘the hissing of snakes.” The Hindu

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2 Ibid.
4 Gonslaves Lina: Women & Human Rights, p. 34
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scholar Chanakya says, "telling a lie, acting without thinking and foolishness are the defects lies in woman, you can learn manners from princess, politeness from scholars, falsehood from gambler and wickedness from woman." Islam, which is considered as the torchbearer in such darkness also, placed the husband next to God. She was always considered as an evil temptress.

However, these old adages appear to be losing its significance and the above scenario are being changed though slowly and not absolutely. Steps are being taken to promote education among female and also for the empowerment of women socially and politically. It is a welcome gesture. But it will take time for the male dominated society to submit to the female mutiny.

The feminist movement started from the first United Nation's World Conference on women held in Mexico in, 1975. Harold Coffin said, "remember when feminist movement were something, men gathered on street corners to admire the girls strolled by." The international recognition of the women's problems all over the world resulted as the women's decade from 1975-1985. The publication of the report of the National Committee, on the status of women in 1975, stressed that despite constitutional guarantees-roles, rights and participations of women in almost all spheres of life, were limited. In fact the various conferences and seminars were indicative of the growing awareness of the plight of women all over the world. The International women decade came to an end in 1985, with the birth of witnessing a series of conferences, seminars, actions, programmes, emergence of women's organizations and women's
movements against atrocities meted out to them in all stages and areas of their life. A wide spread awareness about women’s life, conditions, problems and issues faced by them has been noticed recently in almost all corners of the globe. The Beijing Conference held in China in 1995, also high-lighted the problems with special reference to domestic violence and gender injustices.

Among all these international instruments the CEDAW acquired importance in the Indian sub-continent along with many other countries. It is considered as the Magna Carta for the rights of women. The discrimination is defined in this convention as:

"...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field."

This convention provides the basis to undertake effective measures to equalize men and women in every walk of life by giving equal opportunities in, economic, political and public life. By abolishing all discriminatory laws, all forms of traffic in women and exploitation of women, this convention affirms the reproductive rights of women and targets culture and tradition as influential forces, which shaped gender roles and family relation.

The Convention, on Elimination of all forms of Discrimination Against Women (CEDAW), 1979, is the main foundation of the rights
of women, which recognized the discrimination against them, which in term hampers economic growth and affects the society at large.

Countries that have ratified or acceded to the convention are legally bound to put its provisions into practice. The signatory countries are consigned to present national reports at every four years, about the steps they have taken to comply with their treaty obligations. India is also among them.

The large part of the world society present woman as the weaker sex. On the lack of equal opportunities in every field, the possibilities of women competing on an equal stage with men are naturally bleak. According to one report of United Nations Organization, 1980, "Women contribute 2/3 of total working hours, still they earn only 1/10 of the world's income and possess only 1% of immovable property in their name."\(^5\)

Gender inequality exists in different form but the most harmful one is in the field of property rights. The women, in every religion and legal system, are now discriminated to inherit the property only on the basis of sex.

There is no such difference as visualized by the society between the male and female. They all are human beings. It is only a recognition or division of the work and role. No one is superior over the other.

The difference is only genetic, ethical and physical as two brothers are not identical. The difference and discrimination are not synonymous.

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Difference is a natural phenomenon but discrimination is a conduct, which is done intentionally or unintentionally. To do discrimination between two human beings is a sin. The women suffered a lot of discrimination from the time of sex determination to the Sati leap. Some time she is worshipped as ‘Devi’ and some time she is treated as ‘Dasi’ but never be considered as a human being.

About the feminist movement Justice Krishna Iyer rightly pointed out “the fight is not for women’s status but for human worth. The claim is not to end inequality of women but to restore universal justice.”

Umesh C Benerji J said, “Manifest injustice is curable in nature rather than incurable.”

To ensure the dignity of human being, envisaged in the contemporary world to the other half or better half, it is necessary to bring qualitative changes in their situation. Their personal dignity is trivialized. The question of women’s dignity and rights has to include wider issues.

In ancient time the women were not having any property right in any part of the world except in Islam. These economic rights were non-existent and their fate was wholly depended upon the sweet will of their husband, father and guardian. Because of the financial security, man thought that they could subject her to abject humiliation. Property always plays a vital role in the life of individual, community and country. The protagonists of social contract theory of State, Hobbes, Locke and Rousseau also admired...
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the importance of property. The practical significance of the property lies in the fact, that it enables us to solve the problem of poverty and to give everyone at least the necessaries of the life, if not the means of comfort.

There is a glut of International Conventions, starting with the Declaration of Human Rights in, 1945, followed by the United Nations Declaration, 1948, Rome Convention for Protection of Human Rights and Fundamental Freedoms 1950 and it's protocol in, 1952, European Social Charter, 1961, American Convention on Human Rights, 1969, International Convention on Civil, Political and Economic Rights, 1976, The Convention on Elimination of all Forms of Discrimination Against Women, 1979, African Charter on Human and Peoples Rights 1981 and Vienna Declaration and Programme of Action 1993, all contain yardsticks of gender equality. These resolutions, declarations and platform of action to wipe out the injustice and inhibitions of a misogynic malignancy remained dormant because of the absence of enforcing agencies for these International laws. Indeed every statutory remedy enacted or executive policy proclaimed, remains a remedy that aggravates the malady. It is also that law cannot go in alone, courts cannot cure or correct by heavy punishment and profound pronouncement the masculine culpability. The feminist movement cannot be successful unless the men themselves come forward to join hands with them. Participation, of both men and women, is equally important to make the society a better place.

The property rights of the females are still discriminatory, inspite of the plethora of International Conventions and Declaration
in support of property rights of women. The UNO stands at the apex seat, in its commitment to protect the women's property right world over. The females of Muslims, Hindus, Christians and Parsis all are the victims of this discrimination of property right in some or the other form. In ancient time there was no concept of women's inheritance, she was not considered as an heir and competent to inherit the property. Islam is, perhaps, the first religion, which entitles females to inherit the property whether she is a mother, sister, daughter, grand-mother, or widow.

The law of inheritance is an important subject to be considered not only because it ensures the future security of woman both married and spinster but also because it may lead to social tragedies in accordance to system adopted. It is also, more or less, a subject of controversy on the point that the woman has been devoid of her equal rights with man in the matter of inheritance. Although such conflicts at present are between the traditionalist and reformers and rather than technical and legal.

**Indian Scenario:** Before the annexation of British regime the major laws of inheritance in India had either their roots in their respective religion or were deeply influenced by personal laws, owing their allegiance to religion. The religious based distinction of the personal laws is evident and accepted fact. These laws are zealously guarded, fiercely protected and justified by various religious communities. The notable feature of these laws was that they were unanimous in relegating women to background with respect to inheritance. There was uniformity in their general preference of agnates over cognates and
in conferment of superior rights to males in comparison to their female peers. Under the grab of religious injunctions and customs, the custodians of these laws, many times denied them the inheritance rights totally where they indeed had some rights.

The discrimination against women and consequently the inferior status conferred on them and a tendentious attitudes of the superiority of males, are some of the factors that stand out even after a bare reading.

The contact of Islamic law with India is almost a millennium old. It started with the Arab conquest of the Sindh in the beginning of the 18th Century. Both Hinduism & Islam represent two varieties of traditional worldviews. The pattern of cultural syncretism between Hinduism and Islam are significant social movement. The process, of the development of the Islam in India, has been evolved through three stages. These stages were set by the historical forces and greatly influenced the structure of its tradition. The first stage relates to the duration of the Islamic law in India, second stage was initiated after the establishment of the British domination and finally the third stage was marked at the beginning of the Indian freedom movement, leading to the countries political independence. Islamic law, which is a body of rules, gives practical expression to the religious faith and aspiration of the Muslim. It does not leave the world to the whim and caprice of an individual or the group of persons neither in economic nor in any other field of culture. Islamic law has brought many sound changes in socio-economic status of males and females, providing standard of behaviour for the believers in every field of life. Islam
enforced its followers to remove pain, destitution, social and economic disabilities from the lives of the woman by granting them a status equal to men in their respective spheres.

The edifice of a splendid legal system of Islam is based on the injunctions of the Holy Quran and the urges of the Prophet (PBUH). It provides minute details of the rights, duties and privileges of human being. It has awarded a graceful image to the woman and placed them at high platform at the time when the females of the world had no identity of their own. From the historical point of view there is an interesting phenomenon of growth of Islamic law.

Islamic law of inheritance is a misunderstood subject all over the world though it is supposed to be one of the most perfect laws obtainable in the juristic era. It is portrayed globally as a means of persuasion, torture, abnegation and oppression in the hand of callous, egoistical, tyrannical and often uneducated Muslim males, especially the matters related to females. It is visualized that Muslim women is the most miserable creature of the world. This caricature of the Islam has polluted the mind of even the right thinking people of the society.

Actually there is a great deal of diversity in the manner in which Islam is practiced and perceived. Many times these practices go against the basic tenets or grains of Islam. The Islamic law relating to women has passed through different channels of development. Law, culture, traditions, attitudes and Government policies are the determining factors of the status of women in society. The status of Indian women has also undergone various
transformations under the various foreign colonizers who brought their institutions and legislations to India. Before the Britishers came to India, the Indian females were enjoying high social standard.

In regard to the status of women in England, which could be true to the other countries in the West, Mrs. Ray Strachey said, "this favourite was denied every civil right, was shut out from education and from all but lowest form of wage earner and has to surrender her property and herself to her husband."\(^7\)

The trend of giving preference to the anti women customs and usages was started from British period and continued till today, even after the 58 years of independence. The most shameful thing is that they got the seal of judiciary over it, inspite of the fact that all these are very much repugnant to the principles of Islam. Even in Muslim dominated States these anti-woman customs still exist such as ‘pisare-e-parwarda,’ ‘khana-e-damad’ and ‘dukhtar-e-khana nashin’, etc in Jammu & Kashmir. Times and again voices were raised by different women’s organizations and right thinking people of different communities against these unjust, illogical and anti women policies of the Government. As a result the British Government took different legislative actions and so many territorial enactments were passed such as Coach Behars Muhammadan Inheritance Act, 1897, the Moplah Succession & Wills Act 1918-1928, the Cutchi Memon Succession Acts of 1928 -1938 and the Shariat Application Act, 1935. But the peoples were not satisfied. A movement ‘Ghasab-ul-Mirath’ was launched all over India, which was

resulted in the formulation of the Muslim Personal Law Shariat Application Act, 1937. Under section (2) of this Act, certain provisions were made governing the law of inheritance.

Section (2) of the Act, 1937, talks about the special property of females. It includes all the property inherited or obtained under contract or gift or any other provision of personal law. In Islamic law there is no concept of different kinds of property. The Act of 1937 has been excluded from its application the succession of an agricultural land, because that is the subject of the state laws. Different state's laws\(^8\) excluded the females from inheriting the agricultural land as section 171 of the Uttar Pradesh Zamindari Abolition and Land Reform Act, 1950 leaned towards the male agnates. Tamil Nadu, Andhra Pradesh and Kerala had made an amendment in the Shariat Act, 1937 after independence and made the agricultural land also the subject of Shariat Act, 1937. But in other States it still prevails which keeps the women away from the landed property.

Application of the Shariat Act, 1937, on the inheritance and Wills to the Muslims in suppression of the anti women's customary practices and usages, had been a major legal issue in India since the days of British regime. Much hue and cry was made. Instead, in Malabar after the enactment of Shariat Act, 1937, law was enacted to protect the custom of matriarchal succession among certain sections of Moplah Muslims and the validity has been affirmed in

\(^8\) a. Section, 26 of Bombay Regulation Act of 1827.
    b. Section, 5 & 6 of Punjab Laws Act, 1872.
    c. Section, 5 & 6 of Central Province Laws Act 1875.
    d. Section 3 of Oudh Laws Act 1876.
    e. Section, 16 of Madras Civil Court Acts, 1883.
some judicial pronouncement after the Independence, though for Hindus it was abolished in 1975, in Kerala.

The ceiling laws, generally, treat husband and wife as a single entity, which is against the Islamic law. Under Islamic law the girl on marriage does not merge her personality in that of husband, instead she retains her personality individually with full proprietary rights. To avoid, the Government Escheat of excess land under Ceiling Laws Acts, Muslim women claimed some fake divorces.\(^9\)

In 1939, the Dissolution of Muslim Marriage Act, 1939, gave absolute proprietary rights to Muslim women, which were already possessed by a Muslim female in the Austinian sense from the advent of Islam. On the other hand it has gone a step ahead in favoring the female, which was contrary to Islamic law that the husband interference in the proprietary right of wife be a ground for the obtaining of divorce.\(^10\)

The local legal culture had also not spared even the tribal woman. In every tribal society the women are generally looked up with great respect but they do not have the right to inherit the property. Only form of security that was assured in traditional tribal society was that the village council used to take care of them at the point of distress.

The Hindu law is as old as the Indian civilization and traces the rules, which are found in the Vedic literature of about 1500 BC. The fundamental rules of law and their spiritual supports are available in texts, which are usually dated between 500 BC and AD 200. Exact

\(^9\) The famous Oudh Divorce Case.
\(^10\) Clause (d) of sub section (viii) of section 2.
chronology is defied by the traditional materials, which had so long a working life.\footnote{11 See Nickman N.A. & Macheon R : The Edicts of Ashoka, (Chicago) London Phonex 1966.}

In the field of property right, as the Indian culture developed because of the patriarchal system, only male agnates have the right to hold and to inherit the property. The concept of women's property existed only in the form of Stridhana which was very complicated and subject to certain restrictions.

The Hindu Law of inheritance was based on the patrilineal system. The instrument of patriarchy has been, the denial of property rights to woman. The gradual growth of property law continued to be complex and discriminatory against women. The earliest Act, which is the first step in this connection, was the Married Women's Right to Property Act, 1856, that gave some relief to married women to earn and to hold property. But the benefit of this Act was not fruitful for the Hindu and Muslim females because of the non-interference policy of the Britishers. Some other Acts which gave some relief to the females were the Caste Disabilities Removal Act, 1850, Hindu Widows Remarriage Act, 1856, Hindu Law of Inheritance Act, 1928, its Amendment Act, 1929, Hindu Women's Right to Property Act, 1937, and most vigourous step was taken in 1956, by the passing of the Hindu Succession Act, 1956. Recently after the completion of my research work, an amendment has been made (The Hindu Succession Amendment Act, 2005) which has, to a great extent, ameliorated the economic position of daughters by making them a coparcener.
It seems that the nineteenth century, in the Hindu Women's World is a piecemeal, in which many reforms were brought not only in economic sphere but also in improving their social status that removed certain deep rooted evils such as Sati Pratha, temple prostitution, child marriage, polygamy, polyandry, lack of inheritance, remarriage of widows and female infanticide etc. So many legislative steps have been taken to do away these evils.

No doubt Hindu Succession Act, 1956, was the most revolutionary effort but the latest step taken by the legislature in 2005, seems to be more effective attempt for women empowerment which removed almost all the defects and drawbacks of the previous Act of 1956 and equalize the females to the male heirs in every respect.

In England the married women had no right to own and to appropriate the property independently and was subject to the restriction of her husband. The law was very discriminatory and the married women were economically dependent to her husband. In 1882 the Married Women's Right to Property law was passed which enabled the married women to own and to inherit the property. The Act was passed because of the pressure, which was made upon the British Parliament to remove the injustice after the famous case of Caroline Norton.

Practical Significance of Different Acts

There is always a gap between policies, ideologies and its implementation. The sanctifying role of the judiciary is crucial in the process of the upliftment of the social, economic and legal status of
women since time immemorial. The best laws can be rendered meaningless by an ineffective implementation of the justice delivery system.

It seems that Indian legislature is fully committed to ameliorate the status of women and conscious about the need to protect the interest of women and to give them equal status to their counter part men. The Indian women do not suffer from legal disparities but they suffer from practical disparities because the enforcement of the legislative policies generally remains neglected.

The Hindu women in the country despite the revolutionary provisions of the Hindu Succession Act of 1956 remain generally deprived of property right. In reality it has been a mere legislative showpiece. Though the Act brought revolutionary changes which have been more often ignored by the family members in actual practice because the provisions goes against the established Hindu social ethos.

Generally, there is no proof that a woman actually inherits. The court’s function ends with the definition and interpretations of the rights in the estate under the relevant laws. Mostly the matter of succession is settled out of the court and without woman inheriting at all. To prevent the family property, within the control of family, females are generally persuaded not to claim their share. The system of kinship relations in traditional society is so vital to the protection and security of women that they are willing to renounce property right for its sake\textsuperscript{12}. Some time the women transfer their

\textsuperscript{12} Ahron Layish : Women and Islamic Law in Non Muslim Statesp. 303
share in the estate by sale deed without consideration, or gifted out of natural love to brothers, or other male member of the family. The unmarried girl who lived with her brothers and was supported by them renounced her share in favour of her germane brothers. In many cases the females are pressurized to make a will in favour of male relatives to avoid the family's considerable fortune being fragmented by intestate succession.

The statutory laws on women's property rights are of course intact and enforce, but the actual practice in the society, however presents a different picture. Before 2005, several legislative steps had been taken such as Hindu Succession Act and Dowry Prohibition Act with all their successive amendments, but these Acts remain paper tiger with no teeth. These Acts are better known through their blatant violations rather than for a faithful compliance with their provisions.

Another Legislative Showpiece of 2005

After fifty-Eight years of independence, the 5th September 2005 will be remembered as a red-letter day in the era of Hindu women’s world. The recent initiative in amending the Hindu Succession (Amendment) Act, 2005 is a landmark event for the cause of women’s equality. A lucid Act which brought a light in the darkness and erode all the discriminatory provisions of the Act of 1956, such as sections 6, 23, 24, and 30. It gives absolute and equal rights of inheritance to females. The Act of 2005 covers, inequalities on ancestral property, dwelling house, widows rights and also protect
the interest of some new heirs by inserting them in the list of Class I heirs.

It is a step further to the cause of social justice for women. The Act is passed on the recommendations of the 174th report of the Law Commission on, “Property Rights of Women Proposed Reform Under the Hindu Law”. It really gives a deathblow to the old Hindu Law where females were made devoid of any property rights. This Act is welcomed by the Hindu women’s world. Now the Hindu daughter of Mitakshara joint family will also born with a silver spoon in her mouth. She will possess all the rights, which her male counterpart has. But simultaneously she is also burdened with same liabilities as a male in respect of coparcenary property. Under the provisions of an Amendment Act, 2005 she is entitled to claim partition in the dwelling house. The bar, which disentitled the widow to inherit the property of her husband on remarriage, has also been abolished.

These amendments will have far reaching consequences for the emancipation of Hindu females if got practical significance. By making women coparcener in the joint family property the Act has given them great importance in the family. Now the women become the ‘Karta’ of the family and will got same importance as the males have. Unfortunately if divorce, took place the girl can return to their home by right.

How much temptous and alluring this Act seems to be but the time will say how it really proved in eradication of discrimination. In reality, there is a visible gap between the law as it stands and the law as it operates. It is regularly impaired by incidents of overwhelming discrimination. All these
are theoretically, very laudable efforts but the difficulty lies not in recognition of the women’s property rights but trying to enforce them. On the scale of socialistic approach, the actual practice shall face many problems in the context of people’s orthodoxy and ancient cultural attitude. As the conceptualization of the law is grounded in society so let not the lofty guarantees in our constitution or the generous endowments in our enactments deceive us for a moment or detract from the reality that we are in society which has institutionalized acceptance of social hierarchy, where men have control over women, where woman have internalized lower gender status as personal failure, where violence against women is considered to be a personal harm rather than a social injury.\(^{13}\)

The women’s emancipation is still a distant dream. Nothing is fair when it comes to the talk of fairer sex. On the whole though law of inheritance is gradually changing yet women are not at much comfort.

**Hypothesis**

The prime object, of the present study, is to critically evaluate the statutory and customary laws relating to women’s property under different religio-legal systems and brings out certain controversial problems on the surface. The horrendous problem facing the society is regarding the discriminatory share of females in the matters of inheritance.

\(^{13}\) Jaising Indira : Domestic Violence & Law Report Collegium on Justice for Women, Empowerment through Law (Lawyer’s Collective Women’s Rights Initiative, Butter Worth India New Delhi.}
The other problem to see, is whether the shares allotted to Muslim females in Holy Quran under different capacities are justified, keeping in view the liabilities discharged by them in the family?

The above problems have prompted me to undertake a research study on the above subject. So a modest attempt has been made by the researcher in the work to suggest certain measures to enable the females to get just shares in the property of their ancestors. Some useful suggestions have also been given which may go a long way not only to improve the socio-economic position of women but to impart Justice with the class that has been suppressed, oppressed, discriminated and avoided for long.

There is a lot of scope for further research on the topic such as the impact and outcome of the new Amending Act of 2005 on the females. Though on the face of the Act, it seems that equal shares shall be given to females but the thing to be seen is how the courts will see it and get the provisions of this Act implemented? Another thing is how does the society perceive and accept this amending Act?

**Scheme of Work**

The present work consists of six chapters. The first chapter is the introductory part of the thesis in which a brief introduction about the subject of the research has been made. The researcher has tried in this chapter to highlight various discriminatory customs, practices and laws. An endeavour has also been made to surface the plight of females in the society. The aims and objectives also find place in this chapter.
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The concept of the women's property under various religio-legal system of the contemporary world is dealt with in the second chapter. Gender based discrimination meted out to a woman in regard to the evolution of property has also been prominanted.

In third chapter an effort has been made to identify and ascertain the share of females under different system of laws. A critical evolution of the relevant provisions relating to inheritance has been made.

The fourth chapter is devoted to formulate the comparative charts of the shares of females under different capacities under different religions. By this, an effort has been made to domestify the complicated law of inheritance, which will help the members of a given society to know the shares of females at a glance.

As a critique the long journey of the judicial decisions of the apex courts and different high courts have been discussed at full length and corrective measures have been submitted at appropriate places.

Holding the entire study in retrospect, the recapitulation is made in the six chapter and a meager but honest attempt has been made to suggest certain measures for women's empowerment, emancipation of women from gender bias system and equality of rights in matter of inheritance.

Research Methodology

The research methodology, adopted by the present researcher in completing the research work, is purely doctrinal. An exhaustive
and critical study has been made of all available relevant statutes, texts and case laws on inheritance. An attempt to prepare exhaustive comparative chart of the shares of females under Muslim, Hindu, Christian and Parsi laws, has been made.

The research materials, for the present thesis, consist of various books on the subject, relevant case laws from various reports, different articles published in various journals, encyclopedias, various commissions’ reports on the subject and relevant statutes. Published articles in National Dailies, magazines, and periodicals have also been consulted and incorporated in the thesis at appropriate place. The relevant verses of Holy Quran, Hadith, Dharamshastras, Vedas and the saying of prominent scholars have also been incorporated wherever these are needed.