CHAPTER-I

INTRODUCTION

Discrimination against women in India is prevalent in all fields of life and most women experience some form of disadvantage. Women are life partners and co-travellers of men in the creation of life and progress of the society. They represent half the population of mankind. A family is not happy and strong until the women enacting the important roles of mother, housewife or daughter are themselves not happy. They are the first teacher of the children in the beginning of life. But, gender-bias, in its various forms, prevents millions of women from obtaining education and enjoying legal rights. Deeply rooted social and religious traditions have further impeded their progress to a great extent.

Inequality is a common feature among human beings.¹ Many disabilities have been imposed on women all over the world by the male dominated society. Rampant abuses against women have been excused, ignored or taken for granted.² The United Nations, from the very beginning, is concerned with the plight of the women. The two basic human rights instruments, the United Nations Charter and the Universal

Declaration of Human Rights, ensure equality in variety of ways. There are conventions specially relating to women, viz.

1. Convention on the Elimination of All Forms of Discrimination Against Women
2. Convention on Political Rights of Women
3. Convention of the Consent of Marriage, Minimum Age of Marriage and Registration of Marriages
4. Convention on the Nationality of Married Women

It is the convention on the Elimination of All Forms of Discrimination Against Women, adopted by the General Assembly in 1979, which is the most comprehensive instrument on the human rights of the women and contains more concrete provisions aimed at the real implementation of the rights. The convention has twin objectives; to prohibit discrimination and to ensure equality. The scope of the obligations created by the convention extends to political, economic, social, cultural, legal and personal fields of activity. The convention provides an extensive definition of the term “discrimination against women”, 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 freedoms in the political, and economic...
social, cultural, civil or any other field. The convention thus prohibits discrimination not only in public life but in private life also, which clearly extends to family relations. Article 16 of the convention requires state parties to take “all appropriate measures in all matters relating to marriage and family relations” to ensure gender equality in relation to specified rights, including property ownership, choice of occupation and profession. They will have the same rights and responsibilities during the subsistence of their marriage and at its dissolution. They also will have same right to guardianship of their children.

In pursuance of their obligations under the conventions, the state parties condemned discrimination against women in all its forms, agreed to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to embody the principle of equality of men and women in their national Constitutions or other appropriate legislation.

India ratified the Convention on the Elimination of All Forms of Discrimination Against Women on 9th July 1993. The concept of equality and non-discrimination finds its due place in the Constitution of India and many other legal documents. Article 14 of the Constitution ensures equality before law to all persons within the territory of India. Article 15 prohibits discrimination on the basis of sex, religion, race, caste, and place
of birth or any of them. Article 15 (3) provides that the state can make any special provision for women and children. Thus, affirmative action in favour of women is permissible and any law enacted by the state could be upheld valid.

It is, however, the domestic relations where the inequality against women is a stark reality. Though the Universal Declaration of Human Rights and the Discrimination against Women Convention mandate states to accord complete equality on matters of marriage, divorce, inheritance, ownership of property, etc. the law and practice in India is at variance with this. The Indian personal laws, as followed by Hindus, Muslims, Christians and Parses, are different from each other and each applies unequally against women. Among the Hindus, the personal law governing marriage, divorce, succession and ownership is now mostly codified which has accorded women equality in matters of inheritance, adoption and other related fields, but a wide gap exists in legal prescriptions and social acceptance. Wife is expected to allow husband to take all decisions relating to family matters, including the property. Even though she has a remunerative job, the choice relating to "matrimonial home" is the prerogative of the husband. However, now there are welcome judicial developments in this direction.4

Hindu women and Religious personal law:

In the early history of every nation religion came to be closely associated with the growth of law, for the simple reason that men feared God before they gave authority to kings. Divine sanction, rather than kingly edicts, was more powerful in enforcing such laws. That is how the code of Manu came into being. It is a compilation by the priestly class and it is ascribed to a mythical sage, Manu, to give it a religious sanction. The laws of Shastras imposed many disabilities on women. Manu enunciated the perpetual tutelage in the following terms: Her father protects her in childhood, her husband protects her in youth, and her sons protect her in old age; Woman is never fit for being independent.\(^5\)

In India, apart from various other patriarchal structural factors, the legal system happens to be a major tool in dividing women on religious grounds - as each religion has its respective personal law for the governance of its adherents.\(^6\)

Law existed not as rules administered by kings but as rules developed in fact by custom and usage but obeyed from a sense of inner

\(^6\) Ibid. p. 18.
constraint promoted by magic and the religious compulsion associated with it.7

During the early period, there was no distinction between religion, law and morality. They were cumulatively referred to as dharma. The three sources of dharma are shruti (the divine revelations or utterance, primarily the Vedas), Smriti (the memorized word- the dharmasutras and the dharmastraas) and Sadachara (good custom).8

Dharma is promulgated in the form of command and, therefore, expected to be followed by everyone. It was generally believed that by following dharma one can attain salvation (moksha) and violation takes one to hell (naraka) after death. Marriage is considered as the most important Samskara among the sixteen Samskaras laid down in Dharmasastras. Though precise meaning of the word Samskara has not been spelt out, it generally means a sacrament or a sacred ceremony. Without having the samskara of marriage, it is said that one is deprived of attaining salvation. Marriage was to make a man as well as a woman complete, as otherwise they were reckoned as half. The purpose of marriage, even according to RigVeda, was enabling a man by becoming a house holder, to perform sacrifices to the god and to procreate sons.

8 Flavia Agnes, Law and Gender Inequality the politics of Women's rights in India. (Ed. 1999), p. 12.
Procreation of a son was given more importance, because it was believed that only son could rescue the parents from the hell. This concept was reiterated by almost all the Smritikaras and the first and foremost inequality between the boy and girl crept in since the birth of the child.\textsuperscript{9}

The inferior status of a girl also presents in the solemnization of marriage. It was necessary in the approved form of marriage to perform Kanyadan (gift of the bride) by the father of the bride. The term Kanyadan signifies the absolute control that the father enjoys over his daughter as no one can gift something that is not his absolute property. The girl was treated as a sort of chattel.

Manu enunciates the ideal of wifehood. The husband must constantly be worshipped as a god by the faithful wife, even if he be destitute of character or seeking pleasure elsewhere or devoid of good qualities. A woman attains paradise “not by virtue of any austere penance but as a result of her obedience and devotion to her husband. Women have no sacrifices or fasts ordained for them. To serve and worship their husband with respect and obedience is their only duty. By the fulfilment of that duty alone they succeed in attaining heaven.”\textsuperscript{10}

\textsuperscript{10} Dr. Rekha Roy, \textit{Women's Rights in India: A Feminist Perspective}; (1\textsuperscript{st} Ed. 2006), pp. 26–7.
Widows were ordained to lead a strict ascetic life. An ascetic generally removes the hair on the head. The law givers forced the widows to lead a life of austerity, fasting and abstinence from pleasure. Manu, the Hindu law-giver says—until her death, let her be patient of hardships, self-controlled and chaste – let her emancipate her body by living on pure flowers, roots and fruits but she must never mention the name of another man after the husband has died. A virtuous wife, who after the death of her husband, constantly remains chaste, reaches heaven though she has no son, just like those chaste men.11 A widow suffered from a number of disqualifications in society. On many occasions which were considered to be auspicious the presence of a widow was felt to be unwelcome. She was entitled to maintenance only as long as she kept the bed of her lord (husband) unsullied. A man did not, however, suffer from any of these disadvantages.12

The smritis and commentaries prescribed a patriarchal family structure, within which women’s right to property was constrained. Under the Mitakshara law, the property of a Hindu male devolved through survivorship jointly upon four generations of male heirs. The ownership was by birth and not by succession. The property was managed by the head of the family or Karta for the benefit of the entire family including its

11 Ibid. p. 44.
female members. After partition, the property in the hands of each of the coparceners continued to be joint property and it was held by the coparcener in trust along with his male progeny for the benefit of the next line of descendants. Since women did not form part of the coparcenery, they did not have even the notional right of joint ownership; hence they could not demand partition. In order to partially set off the disability suffered under the notion of joint ownership by male members, the Smritikars assigned a special category of property to women they termed as *stridhana*. Katyayana Smriti classified the *stridhana* property as *saudayika* and *asaudayika* and explained the concept as follows: What is obtained by a married woman or by a maiden, in the house of her husband or her father, from her brother, husband and parents is *saudayika stridhana*. The *saudayika stridhana* could include immovable property. Woman had the exclusive ownership both in terms of sale and gift. Neither the husband, the son, the father, nor the brother has authority over *stridhana* to take it or to give it away. The wealth which was earned through mechanical arts or through gifts from strangers during the subsistence of marriage was categorized as *asaudayika stridhana* and these were made subject to the husband's control. The woman had to obtain her husband’s consent before disposing off the property of this category during the subsistence of her marriage.\footnote{13 Supra Note 5. pp. 14–6.}
The Dayabhaga law did not adopt the notion of joint male ownership or coparcenary. Upon the death of the head of the family, the property was partitioned equally between the legal heirs. Women as widows, daughters and mothers were allotted a share in the family property. Despite this, even the Dayabhaga school recognized the concept of a woman’s specific property. Under the Dayabhaga system, stridhana was restricted to gifts and movables. But in the absence of a coparcenary spreading over four generation, the need to prescribe a wide interpretation to the term was absent here.\textsuperscript{14}

A system of property ownership by women seems to have been an integral and significant part of the ancient, moral, ethical and legal social norms. Due weightage was granted to this subject in Sanskrit scriptures. The most distinguishing feature of stridhana property was its line of descent. Under the Mitakshara, after the woman's death, it devolved firstly on the unmarried daughter, then on the married daughter. Next in line was the daughter's daughter followed by the daughter's son. The woman's own son could inherit it only in the absence of heirs in the female line.\textsuperscript{15}

In India, the custom of adoption is not a recent one. Among the Hindus, a peculiar religious significance is attached to the son because he is

\textsuperscript{14} Ibid. p. 17.
\textsuperscript{15} Ibid. pp. 17 & 18.
considered to be a redeemer from hell. He is, therefore, indispensable for spiritual as well as material welfare. According to Vasistha, "There is no heavenly place for a sonless man". The Privy council observed that adoption among the Hindus was necessary not only for the continuation of the line of the childless father but also as a religious means to make oblations and sacrifices which would permit the soul of the deceased passing from Hades to Paradise. Since males alone were capable of performing religious rites, only sons were taken in adoption.

An adoption may either be made by the man himself or by his widow on his behalf. It is obvious that an unmarried woman can not adopt. For the purpose of adoption it is to ensure spiritual benefit for a man after his death by offering of oblations and rice and libations of water to the manes periodically. Woman having no spiritual needs to be satisfied was not allowed to adopt for herself.

**Law Reform and Hindu Women's Rights:**

One of the main characteristics of modern society is a heavy reliance on law to bring about social change. This is particularly true in the countries like India which had many years been under foreign rule and

16 Supra Note. 9. p. 52.
17 *Bal Gangadhar Tilak Vs Shrinivas Pandit* (1915) 42/. A/35 quoted in Ibid.
attained independence after a long struggle. Inequalities and exploitation, generated by colonial regimes, can not certainly be eliminated by freedom from foreign rule only. Independent India has relied heavily on legislation in its effort to usher in a society where there will be no discrimination or inequality.

Jawaharlal Nehru was one of the greatest figures of our generation, whose services to the cause of Hindu Women's emancipation are unforgettable. The status of a Hindu woman under ancient Hindu legal system was far from satisfactory. The position of a Hindu woman had reached a maximum degree of deterioration in later half of the eighteenth century. The practice of child-marriages, Sati, the ill treatment of widows, polygamy, denial of property rights and education to women- all these prescribed by the society left the women weak and dependent on men. As early as 1940s, intense agitation was carried on by Gandhi and Nehru with strong group of educated Hindu influenced by Western liberal ideas, for the relief to women from the several legal disabilities they then suffered. The British Government felt compelled to act and so it appointed a committee with Mr. B.N. Rau as chairman. The committee was known as "Hindu Code Committee". But the proposals of that Committee were kept in cold storage by the British Government. After independence, Nehru decided to
bring forward the Hindu Code Bill which aimed at removing the legal disabilities of Hindu women.¹⁹

When the Hindu Code Bill was presented in the National Parliament, it was strongly opposed. Hindu Orthodoxy was up in arms against those reform proposals. It is significant that the opposition came from the same body which had shortly before sat as the Constituent Assembly to draft the Constitution. The opposition to the Bill was not confined to the members of the Constituent Assembly. President Rajendra Prasad urged the Prime Minister Nehru to withdraw the Bill which introduced some very fundamental and far-reaching changes. The fact that the Government was committed to the code did not however deter Rajendra Prasad who affirmed that the vast majority were opposed to the Bill and warned the Prime Minister that perseverance in the Bill would arouse bitter feelings and will have repercussions which may affect the chances of the Congress at the next election. The lack of enthusiasm on the part of leaders like Rajendra Prasad and Sadar Patel and the lukewarm attitude of many of the members in the Constituent Assembly itself, led to the Bill being stalled over for a year. Indeed, it was only after Patel’s death that the Bill was once again taken up in 1951.²⁰

When the Bill came before the House again in the fourth session Nehru adopted the expedient of taking up only a part of it—Part 2 dealing with marriage and divorce. Presumably, he felt that succession clause, which impinged directly on the dominant male preserve, would be opposed strongly, whereas monogamy and the right to divorce would meet with less opposition. The hope of the Prime Minister was, however, belied. What they had failed to anticipate was opposition to the provision regarding wife's right to divorce, coupled with legal impediments to polygamy, which were regarded as attacks on the male superiority. The orthodox feared that this might be the first step towards women's emancipation.21

In spite of all efforts of the Government the Bill made no headway. Opposition from within and without seems to have led the Prime Minister to slow down the pace. Four years elapsed before anything was done about the Bill. In 1955 in the changed atmosphere of the country, and with most of the opposition muted about social legislation the long-awaited Bill was pushed through. The Bill as mentioned earlier had to be split up in parts, viz.

1. The Hindu Marriage Bill,
2. The Hindu Succession Bill,
3. The Hindu Minority and Guardianship Bill,

21 Ibid.
4. The Hindu Adoptions and Maintenance Bill

First Bill mentioned above got enacted in 1955 and the remaining in 1956.\textsuperscript{22}

If legislation reflects the social value of a country the degree of women’s emancipation is the natural measure of the general emancipation in any given society. Hindu personal law has been extensively reformed in order to give equal legal rights to Hindu women. The political leaders relied on law reform as one of the means to achieve this goal. Thus the introduction of extensive reforms in the personal law of Hindus was one of the foremost tasks taken up by the political leaders of the independent Indian state.

**Reformed Personal Law and Hindu Women’s Right:**

The concern of social reformers was primarily a concern for women as a part of the patriarchal Hindu joint family. Their endeavour was to ensure that women were better equipped socially to undertake the role of mothers and wives in the new social condition.

The traditional concept of marriage is now greatly changed and Hindu marriage today has assumed more or less the nature of a contract for

\textsuperscript{22} Ibid. 56.
the mutual benefit of the parties concerned, duly aided by different legal provisions and reforms. The Hindu Marriage Act, 1955 introduced radical changes by incorporating the concept of judicial separation and divorce and brought to an end the indissoluble concept of a Hindu marriage, yet at the same time retained the concept of Smriti texts primarily for its solemnization. Thus, a Hindu marriage is still solemnized according to the Smriti texts and would, therefore, be an indissoluble union as far as its solemnization is concerned.

Child marriages popular in the past was a major social evil leading to a disastrous effect on the health of young wives. Due to early marriage, girls were deprived of education. This led to the degradation of women's physical, mental and social life. It was difficult for them to seek full personality development. Thus, they were assigned a subordinate status. The British passed the child Marriage Restraint Act, 1929. Under this Act, the marriage of girls below 14 years and boys below 18 years of age was to be penalized. Besides removing the evils of child marriage, it promoted female education. This led to the improvement in the position of the women.²³

This Child Marriage Restraint Act, 1929 fixed the minimum age for marriage for male at 18 and for female at 14. While the Practice of child

²³ Dr. Rekha Roy, Women's Rights in India a Feminist Perspective (1st Ed. 2006), pp. 53 & 54.
marriage was made a penal offence for parents or those performing, conducting or directing it and for the adult bridegroom, the validity of such marriage was left untouched. Now Hindu Marriage Act 1955 fixes the minimum age at 21 and 18 for males and females respectively. Compulsory registration of marriage operates as an effective check on child and bigamous marriages and also offers reliable proof of marriage. Section 8 of the Hindu Marriage Act, 1955, enables the State Governments to provide for compulsory registration of marriages.

Traditional Hindu law permitted polygamy when the wife could not produce a male child. Since a son was considered essential for the eventual salvation of the father, it was one way of seeking a male child. The Hindu Marriage Act, 1955 changed that. Although many Hindus objected, the Hindu Marriage Act, 1955 Section 5 lists as the first condition for a Hindu marriage that “neither has a spouse living at the time of the marriage”. Even before the 1955 Bill was passed, issues relating to bigamy reached the Bombay High Court. In the State of Bombay Vs Narsu Appa Mali, it was argued that the Bombay Prevention of Hindu Bigamous Marriage Act, 1946, was against the Constitution. It was argued that it was ultra vires the Constitution on the grounds that it discriminated between Hindus and Muslims on the grounds only of religion. The court responded that the

24 AIR 1952 Bom. 84.
process of social reform takes place by degree and in that light communities do not have to move at the same pace. The court ruled that polygamy was not based on necessity and urged movement on a Uniform Civil Code. Polygamy proclaims the inferior status of the feminine sex. If woman is an equal partner of a man in marriage, this outrageous concept of polygamy should be condemned in severest terms. Marrying many wives has been the feature of Hindu society since ancient times. Once it used to be a status symbol also. Untold degradation it inflicted on women necessitated its abolition. A marriage contracted during lifetime of a spouse is void and punishment is provided by Sections 494 and 495 of the Indian Penal Code.

There is no uniform civil code in India particularly in Personal Law though the Indian Constitution in its Part IV, Article 44 directs the state to provide uniform civil code throughout the territory of India. A Muslim male is permitted conditionally to marry as many as four wives at a time. Even though Hindu Marriage Act, 1955 declares bigamy as an offence, a Hindu husband who wants to enter into second marriage while the first marriage is subsisting converts to Muslim religion to escape the penalty. The judiciary in India has taken note of the injustice done to the women in

26 Rama Mehta, Socio-Legal Status of Women in India, (1st Ed. 1987), pp. 93 & 94.
the matters of many personal laws. In *Sarla Mudgal Vs Union of India* 27
Supreme Court strongly advocated the introduction of a uniform Civil
Code in India. Here the Court was pointing out the injustice done to the
first wife legally wedded.

Divorce was the most radical social reform. The dharmasastra did
not recognize divorce. However, the Hindu adherence to the doctrine of the
indissolubility of marriage did not mean that the need of divorce was not
realised. Customary divorce prevailed among the lower castes and higher
class seldom followed custom which permitted divorce. Nevertheless by
1955 marriage came to be accepted as essentially a contract. The issue of
divorce then came as a natural consequence. Though people started to think
seriously in terms of divorce, it was still reserved as the last resort. This led
to development of the concept that marriage could be dissolved only in
those cases where the party to the marriage violated its sanctity by his acts
or behaviour. 28 It is a historical fact that in old society women had no
power to break the sacred marriage tie and the institution of polygamy
made it worse. After passing Hindu Marriage Act, 1955, various grounds
for obtaining divorce are available under Section 13 (1). Originally divorce
based simply on the guilt theory where due to guilty party’s fault, the
innocent party had the right to break away. By an amendment in 1964, by

27 (1995) 3 SCC 635.
28 Monmayee Basu, *Hindu Women and Marriage from Sacrament to contract.* (1st Ed. 2001),
p. 100.
recasting last two clauses of Section 13 (1) two grounds of breakdown were also recognized. The Marriage Laws (Amendment) Act, 1976 inserts a new Section 13-B under which divorce by mutual consent is recognized.\footnote{Supra Note 23, pp. 100 &101.} Section 29(2) of the Hindu Marriage Act also states that, nothing contained in the Act shall be deemed to affect any right recognized by custom or conferred by any special enactment to obtain the dissolution of a Hindu marriage whether solemnized before or after the commencement of the Act. Thus, customary dissolution is saved from the Preview of the Act. All these intended to set Hindu women free from the bondage of unhappy marriages.

To give better rights to Hindu women, parliament in 1956 enacted the Hindu Succession Act, 1956. Various schools of Hindu law laid down different orders of succession with regard to the Hindu women. It did not merely codify Hindu law of Succession, but in a reformative spirit made fundamental changes. It removes the distinction between Mitakshara and Dayabhaga rules of inheritance and lays down a uniform and comprehensive system of inheritance. The Act overrides, inter alia, the old law on the subject of \textit{stridhana} in respect of all property possessed by a female, whether acquired by her before or after the commencement of the Act, and Section 14 of the Act declares that all such property shall be held
by her as full owner. After passing Hindu Succession Act 2005, the daughter of coparcener, shall also by birth become a coparcener in her own right in the same manner as the son. Every right available to the son will also be available to the daughter.

Regarding the adoption the foundation of the Brahmanical doctrine of adoption is the duty which every Hindu owes to his ancestors to provide for the continuance of the line and the solemnization of the necessary rites. But the legislature while passing Hindu Adoptions and Maintenance Act of 1956 has taken in view only the secular object of adoption. Under this Act a daughter could also be adopted whereas she can neither offer funeral cake nor can perform last rites of the deceased, but she can only continue the family line of the adoptive family. The Act does not provide for the performance of any religious ceremonies at the time of adoption. It prescribes only the ceremonies of giving and taking. This factor also renders adoption as secular Act.\(^{30}\) Before 1956, the father was given the unquestionable power to adopt irrespective of the wishes of the wife. But the Act now makes the wife's consent essential.\(^{31}\) Hindu women have been given a right to take and give in adoption under certain conditions; an unmarried girl and a divorcee can adopt; a widow can adopt in her own


\(^{31}\) Section 7 of the Hindu Adoptions and Maintenance Act, 1956.
But a married female’s right to take a child in adoption is conditional on certain contingencies, viz. her husband is dead, or the marriage is dissolved or the husband has renounced the world, or ceased to be a Hindu or is of unsound mind.

In the matter of giving in adoption too, the father if alive shall alone have a right to give in adoption though he needs the mother’s consent. But the mother can not give her child in adoption unless the father has renounced the world or has ceased to be a Hindu or has been declared by a court to be of unsound mind.  

**Indian Judiciary and Hindu Women’s Rights:**

A woman has a right to lead her life with dignity and without humiliations. She has a right to education and information. Constitution of India lays down the norm of gender equality in its Fundamental Rights Chapter (Part III of the Constitution). Further, the Constitution expressly recognizes that women are considered unequal and has therefore provided that “Special provisions can be enacted and made” for women to overcome their unequal status. The Indian Judiciary has been playing the role which is essential for effective exercise of such rights of women. Indian Judiciary

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32 Section 8 of the Hindu Adoptions and Maintenance Act, 1956.
33 Section 9 of the Hindu Adoption and Maintenance Act, 1956.
has also developed a new trend to give widest possible interpretation to secure Hindu women's rights.34

The major area of discrimination for women, however, remains the area of personal laws. The struggle for women's right has been a struggle for reform of personal laws.

One of the obvious needs of a woman who is driven out of her matrimonial home is the need for shelter. The Supreme Court in *Mangat Mal Vs Punni Devi*35 held that maintenance must necessarily include a provision for residence, food and clothing. In *Geeta Hariharan Vs Reserve Bank of India*36 Supreme Court held that the mother can also be the natural guardian in the absence of the father.

Since our Constitution envisages one society with singular citizenship, it is highly desirable that one single set of civil laws should govern all its citizens. The need and justification to have a uniform civil code as mandated by Article 44 of the Constitution can not be over emphasized.37 In *Sarla Mudgal Vs Union of India*38 Supreme Court held that where a marriage takes place under the Hindu law the parties acquire a status and certain rights by marriage itself under the law governing the

36 (1999) 2 SCC 228.
38 Supra Note, 24.
Hindu marriage. If one of the parties is allowed to dissolve the marriage by adopting and enforcing a new personal law, it would tantamount to destroying the existing rights of the other spouse who continue to be a Hindu. According to the Court, a Hindu marriage can be dissolved on any of the grounds specified in the Act. Until the marriage is so dissolved, none can marry again. Conversion to Islam and marrying again would not, by itself, dissolve the Hindu marriage.

Under Section 14 of the Hindu Succession Act, 1956 any property possessed by a female Hindu whether acquired before or after the commencement of the Act was to be held by her as a full owner and not a limited owner. This Section led to considerable litigation in the courts of law. The Supreme Court in *Kotturu Swami Vs Veeravva*\(^{39}\) has held that where a woman is possessed of property (whether it is in her actual or constructive possession) though she has acquired the property subsequent to the commencement of the Act, the reversioners can not question alienation by her though the alienation is not for any religious purpose or for legal necessity of the family.

How far Hindu women are provided and protected their rights and how far they can enjoy their rights will be evident from the study of relevant subsequent chapters.

\(^{39}\) AIR 1959 SCC. 577.