PROPERTY RIGHTS OF HINDU WOMEN: A CRITICAL REVIEW OF SUCCESSION LAWS OF ANCIENT, MEDIEVAL, AND MODERN INDIA

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ABSTRACT

The right to succeed ancestral property for the Hindu women can be traced back to ancient Hindu literature like the Vedas, Puranas, Ramayana and Mahabharata in the form of Stridhan. Indian succession laws since time immemorial gave women a separate status for inheriting ancestral and marital properties. But a gradual degradation in women’s position as property owner was noticed during the period of Manusmriti and it became worse during the medieval period. During the pre-British period, Indian succession laws were guided by customary and Shastric laws where women were nearly excluded from inheriting the parental property. However, the British colonial rule re-established women as successors, even though to a very limited extent. After Independence, India had several succession laws, but the position of women was never equal to their male counterparts. The reason for such inequality lies in the history of patriarchal Indian society and in the ambiguous status of women in Hindu society since the ancient period. It was only in 2005, that the five thousand year-old discrimination of women with regard to succession of landed properties was lifted by the Hindu Succession (Amended) Act 2005. This article attempts to review the developments carried out by the ancient law givers as well as modern legislatures in India regarding succession rights of Hindu women, and critically examines the new status of Hindu women as property owners.

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us toward the various legal provisions practiced in eastern India for the property rights of Hindu women.