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Hindu Daughters' Right to Property - Inheritance Disputes and Family Dynamics

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The Hindu Succession Act 1956 and the 2005 amendment thereto were a crucial change in Hindu daughters' right to property on par with that of sons. Previously, under Hindu law, male successors enjoyed precedence, institutionalising gender-based discrimination in joint families. The 2005 amendment sought to correct this by giving daughters the status of coparceners along with equal rights over ancestral property. Nonetheless, even with these legal reforms, social resistance, deep-rooted patriarchal traditions, and legal intricacies still hinder daughters from exercising their inheritance rights in their entirety. Most families continue to be reluctant to accept female heirs; hence, it takes a long time for disputes to be resolved legally. Despite the ruling, implementation is irregular. Most daughters remain ignorant about legal rights that accrue to them, and even if conscious of these, face considerable difficulty in exercising their rights. The legal process becomes lengthy, and there is also a lack of authentic documents for implementing these rights. Additionally, cultural practices are prevalent, and most families are also reluctant to entertain women heirs, due to which the position of daughters remains relegated when it comes to inheritance issues. This paper analyses the legal development of Hindu daughters' property rights, the socio-cultural hurdles in enforcement, and the continuing challenges in realising complete gender equality in inheritance laws. Yet, the legal empowerment of daughters is still uneven in reality because of deep-seated socio-cultural resistance, ignorance of law, and procedural intricacies. In most rural and semi-urban settings, daughters are commonly pressured into forgoing their rights in favour of male relatives under the pretext of family harmony or social pressure. Additionally, legal ambiguities and diverse court interpretations, particularly on the retrospective effect of the 2005 amendment, have made it even more difficult to realise these rights.

Keywords: succession, gender equity, property rights, inheritance law, coparcenary rights, ambiguities.

INTRODUCTION

Hindu daughters' rights over property have been regulated by radical legal reforms, especially after the passing of the Hindu Succession Act, 1956¹ And its amendment in 2005. Hindu law had traditionally been dominated by patriarchal interests, which were inclined in favour of male successors in property. Daughters, particularly married daughters, were typically disqualified from rights over ancestral property, an indicator of gender discrimination in Hindu joint families. The Hindu Succession Act was amended in 2005 to grant daughters the same rights as sons and treat them as coparceners by birth and entitle them to an equal share in ancestral property. It was a milestone legal change aiming to bring gender justice and put an end to centuries of discrimination. Even such relatively advanced legal developments fail to reduce Hindu daughters' inheritance cases, owing to deeply rooted societal ideals, domestic resistance, and legal complexities.

The greatest number of families still deny daughters their rightful shares. The daughters are usually put under pressure to surrender their right of inheritance in favour of their brothers, and it results in prolonged, confrontational court procedures and mental torture. Property disputes also create an atmosphere of unease in interpersonal relations within families, impacting in-laws, relatives, as well as siblings.² Daughter's right of inheritance is also made complicated concerning procedures, illiteracy, as well as patriarchal tendencies among people in rural and semi-urban regions. A critical analysis of the legal status, milestone judgments, and social-cultural resistance serves to unveil the persistent struggle over gender-equitable property rights in Hindu families. Legal reform, social consciousness, and enforcement are highly essential to secure daughters' rights in inheriting their rightful portion of inheritance, which paves the way to an egalitarian and just society.

STATEMENT OF THE PROBLEM

Through this research, the struggle of Hindu daughters to claim their rightful inheritance was meant to be examined under the Hindu Succession Act, 1956 (amended in 2005)³. Despite

¹ Hindu Succession Act 1956

² Ayush Bagrodia, 'Hindu Succession Amendment Act, 2005' (*iPleaders*, 01 October 2022)

<<https://blog.ipleaders.in/critical-analysis-hindu-succession-amendment-act-2005/>> accessed 16 April 2025

³ Hindu Succession (Amendment) Act 2005

the amendment, which provided daughters with equal rights over ancestral property, its enforcement is marred by entrenched patriarchal attitudes, resistance from families, and judicial intricacies. Most daughters are intimidated out of claiming their rights by social pressure, emotional blackmail, or ignorance of the law. Family disputes over inheritance will result in family strain, lengthy litigation, and, worst of all, financial hardship for daughters who are deprived of their inheritance. Apart from this, women belonging to rural and economically backwards areas have more obstacles in the shape of no legal aid and judicial bias. The study will examine the nature of such obstacles, their frequency in deciding family life, and how much legal frameworks can ensure fair inheritance rights and demand overdue reforms to make bridging the gap between law and reality possible.

OBJECTIVES OF THE STUDY

1. To explain legal development and the status of Hindu daughters' inheritance rights due to the Hindu Succession Act, 1956, and the 2005 amendment.
2. To analyse the extent to which family values and social convention determine inheritance disputes, specifically on issues faced by daughters in asserting their right of inheritance.
3. To recommend guidelines for enhancing awareness, accessibility, and acceptability of equal inheritance rights among Hindu daughters at the family and community levels.

RESEARCH QUESTIONS

This paper analyses Hindu daughters' rights under the Hindu Succession Act in light of the 2005 amendment. Legislatively recognised, daughters can struggle socially and within their homes to assert property rights. Conflicts and tensions within families over inheritance often reveal the disconnect between legal provisions and their practical implementation. This study addresses these conflicts as well as larger implications.

1. Whether the 2005 amendment to the Hindu Succession Act alters the Hindu daughter's rights to inheritance.
2. If the various social, legal, and domestic barriers to Hindu daughters asserting their right to inheritance impact their domestic life?

HYPOTHESIS

Although legal developments ensured Hindu daughters' equal inheritance rights under the Hindu Succession (Amendment) Act 2005, their effective implementation is curbed by patriarchal family cultures, resistance from society, and judicial inefficiencies. This generates unequal control over property, long-drawn litigation, and intra-household conflicts, especially in rural and traditional families.

RESEARCH METHODOLOGY

Primary Sources -

These are direct evidence or original legal documents that were used for the research.

- Laws and Regulations: The 2005 Amendment to the Hindu Succession Act 1956.
- Case Law (Court Rulings and Judgments): How courts have interpreted a daughter's inheritance rights.

Secondary Sources -

These provide an interpretation, analysis, or critique of the sources.

- Academic Papers: The Articles addressing how the 2005 amendment affects daughters' rights.
- Practice v Law Analysis: How legal provisions vary from their practical implementation.
- Policy Suggestions and Academic Analysis to offer assessments or viewpoints derived from sources.

The Hindu Succession Act 2005 Amendment on Inheritance Rights of Hindu Daughters, effect: The Hindu Succession Act of 1956 regulated the Hindu law of succession, and it initially benefited the male heirs, especially in coparcenary property. But the Hindu Succession (Amendment) Act 2005 introduced a revolutionary shift by giving Hindu daughters equal status to sons in ancestral property. Although the amendment gives legal strength to daughters, its application has been beset with numerous social, legal, and structural hurdles. This research analysis examines how the 2005 amendment has performed

in practice on Hindu daughters' inheritance rights, analysing legal evolution, case laws, social resistance, and emerging trends in property disputes.⁴

HISTORY OF THE HINDU SUCCESSION ACT 1956

Hindu daughters did not have many inheritance rights before the 2005 amendment:

Mitakshara Coparcenary System: Male members were sole coparceners (common owners) of ancestral property.

Limited Daughters' Rights: Daughters got property only if there were no sons and did not have birthright ownership.

Son-Priority Inheritance: Sons inherited the ancestral property by birth, and daughters became members of their in-laws' family on marriage.

The 2005 Amendment sought to do away with such gender discrimination by making daughters coparceners by birth with identical rights and liabilities as the other coparceners in the ancestral property.

MOST SIGNIFICANT PROVISIONS OF THE 2005 AMENDMENT

The 2005 Amendment to the Hindu Succession Act introduced a revolutionary change in the face of Hindu inheritance law, especially regarding the rights of daughters. Perhaps the most important change was the inclusion of daughters as coparceners in joint family property, bringing them on par with sons.

Earlier than this amendment, only a male member of a Hindu undivided family with the Mitakshara school of law could enjoy coparcenary rights, i.e., inherit by birth, claim partition, and share in the ancestral property. Daughters were not included in this right, which strengthened gender-based discrimination and curtailed their economic independence within the household. The amendment repealed this discriminatory principle by stating that a daughter, by birth, will be a coparcener in her own right, like a son. This provision not only gave daughters the right to demand a share in the ancestral property but also the right to seek partition, control the property, and transfer or dispose of their share as they desired.

⁴ *Ibid*

This granted women a great deal of legal and financial independence within the traditionally patriarchal structure of Hindu joint families. A significant point concerning the amendment was that it was retrospective. The Supreme Court of India made it clear in subsequent rulings that daughters would continue to enjoy their right of a share in the property even if the father were dead before the amendment took effect in 2005, provided that the property in question had not yet been legally partitioned as of then.

This interpretation widened the reach of the amendment and helped daughters establish their rights in cases of pending or unsettled inheritance disputes, thus providing relief in most pending court cases. When granting daughters equal rights, the amendment also ushered in equal obligations. The daughters not only had the right to inherit but were also responsible for the liabilities that came with the property, such as debts and other monetary obligations, just as their male counterparts. This was a step toward actual equality, ensuring that daughters not only benefited from family fortune but also shared the burdens associated with it. Another basic transformation provided by the amendment was eliminating the doctrine of survivorship concerning joint family property. This doctrine had only admitted male coparceners to inherit the property upon the death of another coparcener and excluded women.

With this principle being abrogated, inheritance could no longer be limited to male members only. The amendment required the property to pass through testamentary or intestate succession, giving daughters and sons equal treatment under the law. These provisions in the law were a major step towards breaking the deep-rooted patriarchal pattern of Hindu inheritance and providing gender justice. Yet, bringing these rights into practice remains a challenge because of societal pressures, family influences, and a lack of awareness among women regarding their legal rights. These reforms were a giant leap towards gender equality in Hindu inheritance laws.

PRACTICAL IMPLEMENTATION ISSUES

Despite the Hindu Succession (Amendment) Act 2005 introducing a much-needed legal watershed by giving daughters equal rights to ancestral property, its application on the ground in real-life contexts has been characterised by frequent delays and hostility. This has

its roots very deep in resilient social and cultural frameworks that keep influencing family behaviour and attitudes regarding gender roles within India.

One of the biggest obstacles to the complete implementation of the law is the dominant patriarchal attitude in most Indian families. Despite the legislative requirement, inheritance continues to be generally viewed as a male prerogative. Sons are traditionally seen as the natural heirs to family property, while daughters, being seen to belong to their marital families after marriage, are denied claims to their natal property. This attitude is not only maintained by the older generations but also adopted by many women themselves, testifying to the deeply rooted nature of gender bias in inheritance patterns. Besides these attitudes, social pressure also works strongly to deter daughters from claiming their legal rights.

Women are often encouraged, subtly or openly, to relinquish their rights to their share of the property to maintain family harmony or be perceived as non-greedy and not troublesome. It is considered a confrontational act for one to exercise his/her rights of inheritance and can lead to creating family strife. Thus, daughters tend to waive their legally recognised rights willingly in favour of familial relations and social peace rather than material independence. Further, customary practices and traditional habits retain to play firm control over the distribution of property, usually trumping statutory law. In much of India, dowries paid by daughters at the time of marriage are dictated by customary norms as a replacement for inheritance, falsely so. Even after the 2005 amendment, these customs continue to be prevalent, especially in rural areas, where the legal literacy level is low, and transactions of property are normally regulated more by unofficial practices than by codified law. In such environments, property is very often transferred or divided amongst male members without the inclusion of female heirs, essentially skirting the legal provisions.⁵

JUDICIAL AND PROCEDURAL BARRIERS

Notwithstanding the progressive direction of the 2005 amendment to the Hindu Succession Act, there are still various structural and procedural impediments preventing Hindu daughters from realising their inheritance rights. Perhaps the most important challenge is the pervasive ignorance among women, especially those living in rural areas, about their

⁵ Tanishta Anna Reuben, 'A Hindu Daughter's Right to Inherit Property' (*Jus Scriptum*, 03 August 2024) <<https://www.juscriptumlaw.com/post/a-hindu-daughter-s-right-to-inherit-property>> accessed 16 April 2025

legal rights. Most daughters are not aware that they are legally coparceners and are entitled to claim a share in their ancestral property. This is largely due to low levels of legal literacy, limited access to information, and the lack of targeted outreach or legal education programs to empower women with knowledge of their rights. Even if daughters know their rights, going for legal recourse to claim their inheritance is usually a challenging experience. The Indian judiciary is notoriously sluggish, and court cases over inheritances can last for years, even decades.

Daughters who go to court often find themselves bogged down in long and arduous court cases, which require time, money, and emotional stamina. For most women, particularly those from economically disadvantaged families, the legal expenses involved in employing lawyers, going for hearings, and handling paperwork are prohibitively expensive. Consequently, many forego pursuing their claims altogether or drop the process halfway because of financial or emotional pressures.

A major impediment is also the common practice of anticipatory transfers of property by families with the intent to evade a daughter's legal rights. It is not unusual for families to make property transfers in favour of sons during their lifetimes through gifts, wills, or sales.

These transfers are often made secretly and without the knowledge or consent of the daughters. In other instances, property documents are forged or tampered with to exclude daughters or to indicate that a partition has already taken place, thereby depriving them of their rightful share. Closing this gap necessitates not just legal reform but ongoing efforts to heighten awareness, improve access to justice, and create mechanisms to prevent fraudulent transactions of property. Enabling women to assert and enforce their rights will need concerted action by the legal system, civil society, and government.⁶

JUDICIAL INTERPRETATION AND LANDMARK JUDGMENTS

The judiciary played an important part in interpreting and deciding the daughter's inheritance rights:

⁶ *Ibid*

Danamma v Amar (2018):⁷ The most important question was whether daughters who were born before the Hindu Succession (Amendment) Act, 2005, came into effect, but whose father passed away after the amendment became effective, were entitled to receive a share in ancestral property as coparceners. Danamma and her sister were the daughters of Sugan Gowda, who died in 2001. Their brothers Amar and a younger son instituted a suit for partition, leaving out the sisters from a share in the coparcenary property. The daughter's claim was rejected by the trial court on the basis that they were not coparceners as their father had pre-deceased the amendment of 2005.

On appeal, the Supreme Court held in favour of the daughters, holding that the 2005 amendment would be applicable even if the daughters were born before the amendment, provided the property had not been partitioned and the father was alive on the date the amendment took effect. Even though the father in this case had passed away in 2001, the Court controversially held that the daughters were entitled to coparcenary rights. In this case, it was held that the daughter's right to inheritance even where the father was most likely to have died before 2005, on the condition that partition had not occurred.

Vineeta Sharma v Rakesh Sharma (2020):⁸ In this case, the Supreme Court had to rule on contradictory interpretations of whether Hindu daughters were able to be treated as coparceners under the Hindu Succession (Amendment) Act, 2005, even if the father predeceased the date of the amendment becoming law on September 9, 2005. The appellant, Vineeta Sharma, had brought a suit claiming her share in the ancestral property and asserting her right as a coparcener under the amended Act. Her claim was, however, disputed on the basis that her father had expired in 1999, before the 2005 amendment, and therefore she could not claim coparcenary rights.

Earlier, in cases such as **Prakash v Phulavati** (2016), the Court stated that the father needs to be alive on the day of the amendment for the daughter to establish rights. In **Danamma v Amar (2018)**, a contrasting approach was followed, providing rights even if the father had predeceased the father before 2005, confusing the laws.

⁷ *Danamma @ Suman Surpur v Amar* (2018) 3 SCC 343

⁸ *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1

To settle this dispute, a three-judge bench in Vineeta Sharma gave a landmark ruling. The Court ruled that the right of a daughter as a coparcener is by birth and not based on whether the father was alive on the date of the amendment. The 2005 amendment was therefore retrospectively applied, subject to the condition that the property had not been partitioned before December 20, 2004 (when the amendment bill was tabled). This case also ended all doubts once and for all and made it clear that the daughter's coparcenary rights are enforceable even when the father himself was alive at the time of 2005.

The courts have progressively enlarged daughters' rights under the law, but enforcement is still patchy.

DOMESTIC RELATIONSHIPS AND INHERITANCE DISPUTES

The Hindu Succession (Amendment) Act, 2005, though a pioneering legal reform to confer daughters with equal inheritance rights, has also resulted in an enormous increase in property disputes throughout the country. The disputes tend to arise within families, mainly between daughters and male family members, who oppose the enforcement of the amended law. Brothers and other male members of a family openly oppose daughters claiming ancestral property in most cases. This resistance is either based on fundamental patriarchal notions that hold daughters to be extraneous members of the lineage upon marriage or the ambition to hold family fortunes unimpeded. Thus, when daughters make their lawful claims, families tend to file drawn-out and disputed court proceedings that extend years in many instances, leading to anguish and pecuniary expense to all.

In addition to formal resistance, daughters are widely subjected to informal but strong emotional pressure to drop their legal claims. Daughters in most households are guilt-tripped into sacrificing their share since claiming a legally recognised right has been equated with betraying family trust or disrupting harmony. Duty, obligations of gratitude, and family name are used broadly to discourage daughters from seeking the law's protections. Such pressure is especially effective in societies where family obligations and expectations are high, and in which women are socialised to subordinate their interests to others.

In this manner, daughters volunteer to sign release deeds or word-of-mouth agreements that deprive them of their rightful share, sometimes unaware of the legal implications. The history of Hindu women's property rights is a true witness to the evolutionary journey of

gender equality in the Indian legal and social fabric. This article explores the historical, legal, and social dimensions that have conditioned and reconditioned the property rights of Hindu women from antiquity to the present time. By analysing the ever-changing synergy of tradition, colonialism, legal reforms, and changing social norms, this research seeks to uncover the complex fabric of advances and setbacks in the arena of Hindu women's property rights.⁹

Case Study: In her case, the daughter was entitled to her share of the family property after the amendment in 2005 accorded daughters the same coparcenary rights as sons. Yet, her brothers illicitly registered the property in their names, a measure not infrequently taken in such cases. Despite the clarity in law and frequent assurances by the Supreme Court in such cases as **Vineeta Sharma v Rakesh Sharma**, which upheld the equal rights of daughters whether born before or after marriage or at any point in between, she had enormous resistance from her relatives. This resistance is typical of the way patriarchal ideologies still affect property relations in the family, tending to lead male kin to believe that they are entitled to control and hold onto all heritage assets. The case lasted for seven years, exposing the systemic slowdowns which beset the Indian judicial system. Procedural intricacies, adjournments, pendency of cases, and ineffective coordination between revenue and civil courts are among the causes of enormous delays in property cases.

CHANGES IN SOCIETY AND EMERGING TRENDS

Hopeful trends are unfolding in the picture of Hindu daughters' rights of inheritance, which indicate that change, though slow, is on its way. Among the most striking developments is the increase in legal consciousness among women, especially in cities. Increased Hindu daughters are today aware of rights enshrined for them by the Hindu Succession (Amendment) Act 2005 and increasingly asserting such rights in domestic forums as well as in courtrooms.

Legal awareness, wider reporting of high-court judgments, and grassroots-level campaigns have worked towards creating a change of heart and inspiring women to protest against the present status. Judicial intervention has been instrumental in reinforcing and clarifying the

⁹ Dr. Somlata Sharma, 'Hindu Women's Property Rights from Past to Present – A Transformative Journey' (2022) 8(1) Journal of Legal Studies & Research <<https://jlsr.thelawbrigade.com/article/hindu-womens-property-rights-from-past-to-present-a-transformative-journey/>> accessed 16 April 2025

daughter's inheritance rights. Courts, particularly the Supreme Court, have consistently reiterated that daughters are equal coparceners by birth, irrespective of when they were born or if the father was alive at the time of the amendment.

Decisions like **Vineeta Sharma v Rakesh Sharma** have created binding legal precedents, affirming the validity of women's claims and minimising the vagueness that previously enabled families to exclude daughters from their due share. For these reasons, the effective assertion of inheritance rights is uneven over geographical and class lines.

CHANGES AND SUGGESTIONS

To secure the successful enforcement of the daughter's right of inheritance, the following are suggested:

Legal Awareness Programmes are critical for empowering Hindu daughters to assert and enforce their right to inheritance. The majority of women, especially in rural and disadvantaged communities, do not know about the 2005 amendment of the Hindu Succession Act and the court judgments ensuring their rights. Government agencies, along with NGOs, legal aid societies, and community groups, must organise frequent legal literacy campaigns. These may comprise workshops, street theatre, mobile legal clinics, and online outreach through local languages. Through awareness at the grassroots level, such initiatives contribute to the breakdown of myths surrounding property as a male right and enable women to go to the legal system when their rights are not respected.

Facilitated Legal Processes are essential to ensure prompt and effective resolution of inheritance disputes. Indian property litigation is well-known for being slow, complex, and emotionally draining. Creating fast-track courts purely for women's property rights can considerably alleviate the burden of delay and make the legal system more affordable and less fearsome. These courts must be manned by gender-sensitised judges and have simplified procedures in place to protect women from being deterred by technical legal hurdles. Rapid delivery of justice not only reinforces the authority of the justice system but also serves as a deterrent against spurious exclusion of women from inheritance.

Sanctions for Abuse of Rights need to be imposed strongly to penalise such families that specifically disinherit daughters to give way to sons. Usual exploitation techniques forged

papers, unauthorised alienations, forced signings of relinquishment deeds, or concealment of rights of property, ought to face legal punishment. Judicial action in the form of criminal prosecution and civil penalties must be imposed upon individuals who resort to such fraudulent means. Inserting punitive measures will act as a deterrent and as a means of justice for daughters who are illegally denied their rightful share.

Judicial and Monetary Assistance to Women is an important support system for economically weaker daughters who cannot afford legal aid or court costs. Free legal services must be conveniently accessible by means of state-provided legal services authorities. Also, the funding to facilitate payment for the processes of litigation costs, documentation, and property verifications would prevent economic reliance on male family members and give incentives to women in bringing forth their claims without threats of economic suffering. Ensuring the convenience in accessing legal services, particularly for rural populations, would integrate the justice system better.

Reforms in the Dispute Resolution Mechanism are equally indispensable. Other dispute resolution mechanisms like arbitration, conciliation, and mediation may provide less confrontational and more acceptable cultural forms of resolving family property disputes. Such mechanisms are best applied in inheritance disputes, as they typically relate to close personal relationships.

Through the promotion of ADR for family property disputes, courts may alleviate caseloads while enabling families to reach mutually acceptable settlements. The government must open ADR centres at district levels and train culturally sensitive and legally informed mediators who are specially oriented towards safeguarding women's rights. The 2005 amendment to the Hindu Succession Act was a landmark in the Hindu daughter's right to equal inheritance. Yet, its enforcement is controversial in practice because of resistance in society, law, and kinship. Judicial rulings have established daughters' rights, but awareness, enforcement, and policy support are the drivers of change. As India becomes more gender-balanced, overcoming these social and legal issues will be essential to fulfilling the potential of the 2005 amendment and ensuring Hindu daughters their just inheritance rights.

Challenges to Hindu Daughters in Establishing Inheritance Rights and Their Effect on Family Life: The rights of inheritance of Hindu daughters have also undergone a sudden

legal change, especially since the Hindu Succession (Amendment) Act, 2005¹⁰. But legal protection providing equal rights to daughters and sons, several social, legal, and family barriers deter them from inheriting property. These are rooted in patriarchal culture, social shame, illiteracy, economic dependence, and legal complexities. This discussion examines these barriers and their impact on kinship relations.

SOCIAL BARRIERS HINDU DAUGHTER'S RIGHT OF INHERITANCE OVERCOMING

Despite equal inheritance rights provided to daughters by the Hindu Succession (Amendment) Act, 2005, social barriers always prevail over these rights.

Patriarchal Mindset and Gender Bias -

Male Preference of Inheritance: Sons are natural inheritors in most Hindu families, while daughters are expected to be economically settled through marriage. Daughters as Paraya Dhan (Part of Another Household) The perception that daughters will become members of their in-laws' households discourages parents and brothers from partitioning property. Most women are coerced into relinquishing their right over property to their brothers so that they have peace at home. If a daughter refuses to relinquish her right over property, she runs the risk of being branded greedy or ungrateful. In villages, it can result in ostracism with the birth family of the daughter shunning her. Daughters are dissuaded from going to law to seek redress for fear of throwing family relationships into turmoil.

Lack of Awareness and Legal Literacy: Illiterate Hindu women, particularly rural-dwelling women, are unaware of their rights under the Hindu Succession Act. Legal illiteracy compels them to approach male relatives for assistance, who led them astray for the motive of keeping the property among themselves.¹¹ **Economic Dependence on Male Relatives,** Most Hindu women, particularly those who dwell in joint families, are economically dependent on fathers, brothers, or husbands. A daughter with claim rights of inheritance can be underprivileged of financial support and thereby miss out on filing legal claims.

¹⁰ Hindu Succession (Amendment) Act 2005

¹¹ *Ibid*

LEGAL BARRIERS ENCOUNTERED BY HINDU DAUGHTERS

Notwithstanding the liberal law, technicalities of procedure and gaps in law discourage daughters from asserting their rightful inheritance. Delay in Enforcement of the Hindu Succession (Amendment) Act 2005, amendment made daughters equal to coparceners, but most families disapprove of this amendment based on customary principles. Judicial interpretation was not uniform till 2020, when in *Vineeta Sharma v Rakesh Sharma*¹², the Supreme Court held that daughters are equal heirs regardless of whether their father was living or not in 2005. Women are compelled to face lengthy legal battles, which generally last for decades, and therefore, the majority of women drop their claims. Legal costs, judicial delay, and law technicalities serve as disincentives. Manipulation of Property Documents, Property is passed on to male kin or property is disposed of before a daughter can assert her rights.

Forgery, fraud, and harassment tactics are employed to exclude women from inheritance. Weak Law Enforcement and Social Pressure upon Lawyers. Legal authorities and lawyers in the majority of circumstances discourage daughters from filing cases, maintaining patriarchal values, though women may seek courts, pressures from the family force them towards unjust settlements. Domestic Consequences of Hindu Daughters Claiming Inheritance. When Hindu daughters struggle for inheritance rights, it is most probably going to end up in significant family disputes, impacting relationships and home relations. Strained Parent-Daughter Relationships, When a daughter legally challenges the family, parents feel her to be unfaithful and hence keep their distance.

Emotional manipulation makes the elderly parents think that the daughter is disturbing family peace. Sibling Competition and Conflicts, Brothers are threatened by the legal right of the daughter and hence bitter conflicts and strained relationships. In most situations is the fact is that brothers do not provide emotional or financial support to a sister who claims inheritance rights. Marital Battles for the daughter, Husbands and some in-laws dissuade daughters from inheriting property, anticipating legal confrontations to shame the family. If a woman is divorced or a widow, going back home to her parents is discouraged, particularly if she claims her share of property. Psychological and Emotional Impact, Women feel

¹² *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1

stressed, anxious, and emotionally traumatised in having to choose between inheritance and family peace.

In extreme cases, women are physically intimidated or subjected to domestic violence for exercising their rights. Family Dynamics and Societal Change, Exercise of inheritance rights by Hindu daughters is progressively changing family dynamics and society's psyche despite the resistance. Changing Attitudes Among Younger Generations, Educated and urban families are more accepting of daughters' property rights. Younger brothers and husbands are more likely to support their daughters' rights.¹³

ROLE OF WOMEN'S RIGHTS MOVEMENT AND LEGAL LITERACY

Legal consciousness is taking root in women's groups, and increasing numbers of women are approaching courts for justice. Legal literacy campaigns, NGOs, and phone helplines are earnestly striving for the empowerment of Hindu daughters. Expanding Family Relations Through Just Property Divisions. Better and cordial family relations and proper provision of finances dominate where property divisions are just. Well-educated families voluntarily have their daughters' names registered on property and act as role models. Rather than these steps, proposals must be followed for implementing the right of inheritance of Hindu daughters and ending family conflicts in the following ways:

Legal and Policy Recommendations: Fast-track courts can be specifically created to dispose of cases of inheritance by women at a faster rate. There must be stringent legislation against offenders who commit fraud by falsifying documents for land in order to cut daughters out of their inheritance. The government should provide incentives to families to register property in sons' and daughters' names.

Social and Educational Reforms -

- **Legal Campaigns:** Inheritance laws need to be communicated to women in schools, colleges, and welfare centres.
- **Women's Economic Empowerment:** Providing women with an economically independent status by giving them jobs and skill education will empower growing

¹³ Gaurav Yadav, 'Gender Equality In Ancestral Property: Rights Of Daughters As Coparceners' (2022) Noble Science Press <<https://doi.org/10.52458/9789391842673.nsp2022.eb.asu.ch.01>> accessed 16 April 2025

numbers of women to battle for their rights. Parents need to be legally bound to inform their daughters of their right of inheritance.

The conflict of a Hindu daughter's rights to inheritance is intertwined with social, legal, and family complexities. Although the Hindu Succession (Amendment) Act 2005 legally grants daughters equal property rights as sons, patriarchal society, economic dependency, legal issues, and household conflict discourage them from exercising their right. However, increased legal literacy, shifting social attitudes, and better enforcement efforts provide Hindu daughters the confidence to exercise their right to their rightful share of inheritance. Gender-balanced division of property will not only lead to justice but also to harmonious and economically judicious outcomes.¹⁴

RECOMMENDATIONS

Most Hindu daughters are unaware of their rights under the Hindu Succession Act 1956, especially since the 2005 amendment. Conducting awareness campaigns, legal literacy campaigns, and low-cost helplines will make them aware and claim their rightful share. Delay in the judicial process discourages daughters from claiming their inheritance rights. Legal aid cells and fast-track courts can help in the early resolution of disputes and avoid unnecessary litigation. Overcoming Family and Cultural Resistance, inheritance disputes most frequently occur because of patriarchal mentality, denying daughters their rights. Disputes can be resolved peacefully through mediation and family counselling, and legal provisions followed.

Legal education and legal aid can empower women to obtain, hold, and preserve their inheritances. Public schemes providing cash and legal services have the potential to further empower them. Almost all the daughters have to give up their right to inheritance to the male members. Draconian penal provisions of punishment for fraudulently drawn or transferred title documents and concessions under coercion or duress can prevent such an action. In most cases, inheritance disputes emanate from documents' deficiency or uncertainty. Land record digitisation and property rights documentation can forestall forgery and unfair partition. Women, whether married or unmarried, are discriminated against when their property rights are considered. Enacting the law as per evolving family

¹⁴ *Ibid*

patterns will provide them an equal right over inheritance. Religious and cultural forces are influential in moulding the attitudes of society.

Involving social and religious leaders in the movement for daughters' rights to inheritance will help to bring about a change in entrenched prejudices. The majority of women are not able to finance inheritance claims. Mandating free legal aid schemes can empower them with the legal assistance to pursue their claims. Registering daughters along with sons as joint owners of family properties can make their property inheritance rights earlier and avoid future disputes.

KEY FINDINGS

This article focuses on a daughter's rights to property, calling attention to the legal process in gender equality. It portrays how laws have changed to give daughters equal inheritance rights, promoting financial autonomy. The article analyses legal cases and amendments that support a daughter's rights to ancestral property. It also mentions that societal problems, including opposition from patriarchal traditions and legal gaps that impede implementation. Furthermore, it also mentions the need for awareness and legal literacy among daughters to declare their rights. In all, the article pleads for effective enforcement of inheritance laws to attain real gender justice in property rights.

CONCLUSION

The Hindu Succession (Amendment) Act 2005 gave equal rights of inheritance to Hindu daughters, but its effectiveness is hampered by patriarchal thinking, legislative challenges to the act, and opposition from the family. Most daughters, apart from a few, suffer social oppression, economic subordination, and fictitious alienations of property that disadvantage them of their rightful share.

Inheritance disputes tend to strain intra-family relationships and lead to long-drawn litigation. To meet these requirements, legal literacy drives, speedy justice courts, and strong enforcement are required. Economic empowerment and literacy will make daughters capable of standing up for their rights, and computerisation of property documents and increased legal assistance will further support their interests.

Mobilisation of social and religious leaders can also bring about cultural change. Though steps are being taken, effective gender equality in inheritance can come about only with legislative change and societal change. Greater enforcement and awareness can see Hindu daughters receive what they legally deserve in the matter of inheritance, receive justice, and economic empowerment.