

There is disparity in inheritance by the Hindus so far as females are concerned. Prior to enactment of Hindu Succession Act 1956 Hindus in India were governed by Shastric and customary laws which varied from region to region and sometimes it varied on caste basis. The multiplicity of laws in India diversified in their nature; made the property laws even more complex. A Hindu wife was not capable of holding any property separate from her husband. In fact the wife was considered to be a cattle and property of her husband and she could not own property herself. Of the two types of property women were to hold - Streedhan and women's estate, the holder of the later enjoyed the right during her lifetime and she could not alienate the same. In the constitution of India equality to women was guaranteed for the first time. To secure equality of status to improve Hindu women's right to property, Hindu Succession Act 1956 came into force.

At the time of enactment of this Act, daughters could not become members of the co-parcenary and the Act did not afford right of natural inheritance to daughter because of the very concept of right by birth and by reason of sex as only males can be coparcener. To do away with this obstacle in achieving equality right of inheritance for women and to give right to the women by birth as coparcener was demanded in order to bring equality before law as a fundamental right.

Since the women in India started occupying major offices the rights of women and their protection gained more importance. Right from the President to other offices which were considered that such offices can only be occupied by male has remained an imagination and the women have occupied the same and therefore new Acts have been enacted by the legislature. And in order to lay down a uniform law and a comprehensive system of inheritance; the Hindu Succession Act came to be amended which applies to any person who is a Hindu by religion in any form or developments including Veershaiyva, Lingayat or follower of Brahmo, Prarthana or Arya Samaj or a person who is a Buddhist, Jain or Sikh by region wherein the daughter shall have the same right as that of a son and she shall be considered as a coparcener of the joint Hindu family. Due to this amendment, the discrimination between the male and female has been removed due to which the imbalance in the ratio of male and female could be curtailed.

From July 2005 the new Act has come into force and the daughter is allotted the same share as is allotted to a son. The daughter shall have a right to claim partition in the joint family properties as well as the right to claim right of partition in the dwelling house of the joint family and she shall also have a right to claim partition during the lifetime of her father. This privilege is only given to Hindu women. The laws applicable to Muslims & Christians do not give equal status to women.

When the constitution of India and the laws newly enacted are in favour of giving equal status to the women, the women are interested in claiming lesser than what they are entitled for and they are trying to implement the Women's Bill wherein they shall have only 33% right.

Do women really need reservation?

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