

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 9 | Issue 3

2026

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A Critical Study on Property, Land and Inheritance Rights of Women in Sustainable Development: Global and Indian Perspective

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ABSTRACT

Property rights of women are central to achieving sustainable development, as they directly influence economic security, social equality, and intergenerational well-being. This paper examines the role of legal frameworks in securing women's rights to own, access, and control property and land as a means of promoting inclusive and sustainable development. International human rights instruments and development frameworks increasingly recognize that secure access to and control over property enhance women's economic autonomy, reduce poverty, and contribute to food security, environmental sustainability, and inclusive growth. Against this global backdrop, India presents a complex case owing to its plural legal system governed by diverse personal laws. The paper critically examines women's property, land, and inheritance rights from a global perspective, with specific reference to the personal laws of India. It analyses international legal standards alongside constitutional provisions, Hindu, Muslim, Christian, and Parsi personal laws, statutory reforms, and landmark judicial decisions. It highlights the tensions between global equality norms and domestic personal-law regimes, the persistence of patriarchal practices, and gaps in implementation, and argues that harmonizing personal laws with constitutional principles and international human rights standards is essential for advancing gender-just and sustainable development in India.

Keywords: *women's property rights, inheritance, land tenure, sustainable development, legal pluralism, personal laws, India*

I. INTRODUCTION

Sustainable development in India is closely linked to social justice, inclusive growth, and the reduction of structural inequalities. Gender equality, enshrined as a constitutional value under Articles 14, 15, and 16 of the Constitution of India,¹ is a prerequisite for achieving these objectives. Among the various dimensions of gender equality, women's rights to property, land,

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¹ INDIA CONST. arts. 14, 15, 16.

and inheritance play a decisive role in shaping economic security, bargaining power, and social status.

Historically, Indian women were excluded from property ownership on account of patriarchal social structures, discriminatory customary practices, and unequal inheritance laws. Although post-independence India has witnessed progressive legal reforms aimed at ensuring formal equality, women's access to and control over property remain limited in practice. This paper undertakes a critical study of women's property, land, and inheritance rights in India within the framework of sustainable development.

II. WOMEN'S PROPERTY RIGHTS AND SUSTAINABLE DEVELOPMENT IN THE INDIAN CONTEXT

In India, land and property are primary sources of livelihood, particularly in rural and agrarian communities. Secure land tenure for women has significant implications for poverty alleviation, food security, and the sustainable use of natural resources. Empirical studies indicate that women who own land or housing are more resilient to economic shocks and are better positioned to invest in health, education, and sustainable livelihoods.²

From a sustainable development perspective, women's property rights are essential to breaking cycles of intergenerational poverty. Denial of inheritance and ownership reinforces economic dependency and limits women's participation in development decision-making. Ensuring women's equal rights to property is therefore both a constitutional mandate and a developmental necessity in India.

III. PERSONAL LAWS GOVERNING WOMEN'S PROPERTY AND INHERITANCE RIGHTS IN INDIA

India's legal framework governing women's property, land, and inheritance rights is deeply influenced by religion-based personal laws operating alongside constitutional guarantees of equality. While Articles 14 and 15 of the Constitution mandate non-discrimination and permit affirmative action for women, the actual distribution of property rights is largely determined by the personal laws applicable to different religious communities.

Under Hindu personal law, the Hindu Succession Act, 1956, as amended in 2005, represents a landmark reform by conferring equal coparcenary rights upon daughters in ancestral property by birth.³ The amendment sought to dismantle the traditional male-dominated coparcenary system and align inheritance law with constitutional principles of gender equality. Judicial

² See BINA AGARWAL, *A FIELD OF ONE'S OWN: GENDER AND LAND RIGHTS IN SOUTH ASIA* (1994).

interpretation, particularly in *Vineeta Sharma v. Rakesh Sharma*,⁴ has further strengthened daughters' inheritance rights by affirming their independent entitlement as coparceners by birth, irrespective of whether the father was alive when the 2005 amendment came into force.

Muslim personal law, derived from Islamic principles, grants women a definite share in inheritance and thereby recognizes their right to property.⁵ Women's shares are, however, generally smaller than those of comparable male heirs, reflecting a formal recognition that does not always translate into substantive equality. In practice, social pressure and a lack of legal awareness often prevent Muslim women from claiming even their prescribed shares.

For Christian and Parsi women, succession is governed by the Indian Succession Act, 1925, which provides relatively gender-neutral rules of inheritance.⁶ Despite the formal equality embedded in the statute, women continue to face practical barriers in accessing property owing to procedural complexity and social constraints.

Across all personal laws, a woman's ownership of stridhan is recognized as absolute. Statutes such as the Protection of Women from Domestic Violence Act, 2005, further supplement personal laws by recognizing a woman's right to reside in the shared household, even in the absence of legal title.⁷

IV. LEGAL PLURALISM AND CUSTOMARY PRACTICES

Legal pluralism remains a major challenge in the realization of women's property rights in India. Formal statutory equality often coexists with customary and religious practices that continue to marginalize women. In many communities, women are discouraged, both socially and economically, from claiming their lawful share in ancestral property in order to preserve family harmony.

Customary land tenure systems, particularly among tribal and rural communities, frequently exclude women from ownership or restrict their entitlement to secondary use. This conflict between constitutional values and customary norms undermines both gender justice and sustainable development. Courts have increasingly attempted to harmonize personal laws and customs with constitutional principles, yet enforcement at the grassroots level remains weak.

³ Hindu Succession (Amendment) Act, No. 39 of 2005, s. 6, INDIA CODE (conferring on the daughter of a coparcener the status of coparcener by birth in her own right, in the same manner as a son); see also Hindu Succession Act, No. 30 of 1956, INDIA CODE.

⁴ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

⁵ Muslim Personal Law (Shariat) Application Act, No. 26 of 1937, INDIA CODE.

⁶ Indian Succession Act, No. 39 of 1925, INDIA CODE.

⁷ Protection of Women from Domestic Violence Act, No. 43 of 2005, s. 17, INDIA CODE.

V. BARRIERS TO THE EFFECTIVE REALIZATION OF RIGHTS

Despite progressive laws, Indian women face multiple barriers in exercising property and inheritance rights. These include a lack of legal awareness, illiteracy, complex land-administration systems, costly and prolonged litigation, and social stigma. Administrative deficiencies such as outdated land records and the absence of joint titling further limit women's access to land.

Intersectional factors such as caste, class, religion, and rural marginalization exacerbate women's vulnerability. Widows, single women, and women from marginalized communities are particularly at risk of dispossession, highlighting the need for targeted policy interventions.

VI. GLOBAL PERSPECTIVE ON WOMEN'S PROPERTY RIGHTS AND SUSTAINABLE DEVELOPMENT

From a global perspective, women's property, land, and inheritance rights are widely recognized as essential to sustainable development, poverty reduction, and gender equality. International development agencies and human rights bodies have consistently emphasized that secure land tenure for women enhances agricultural productivity, improves household welfare, and strengthens environmental stewardship. Across regions in Africa, Asia, and Latin America, empirical studies suggest that women's land ownership contributes to food security, climate resilience, and intergenerational sustainability.

International human rights instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women oblige States to ensure women's equal rights to property, inheritance, and land administration.⁸ The 2030 Agenda for Sustainable Development reinforces this commitment through Sustainable Development Goal 5 on gender equality and Target 1.4, which calls for equal rights to economic resources, including ownership and control over land and other forms of property.⁹ Many countries have undertaken legal reforms to align domestic property regimes with these international norms, including constitutional guarantees of equality, statutory inheritance reforms, and gender-sensitive land policies.

Global experience also reveals persistent challenges similar to those faced in India. Legal pluralism, weak enforcement mechanisms, patriarchal social norms, and limited access to justice continue to restrict women's effective control over property. Comparative experience

⁸ Convention on the Elimination of All Forms of Discrimination Against Women arts. 15-16, Dec. 18, 1979, 1249 U.N.T.S. 13.

⁹ G.A. Res. 70/1, Transforming Our World: The 2030 Agenda for Sustainable Development, Goal 5 & target 1.4 (Sept. 25, 2015).

shows that legal reform alone is insufficient unless accompanied by institutional capacity-building, legal literacy, and social transformation. The global discourse thus underscores the importance of harmonizing formal law with customary practice while ensuring compliance with human rights and equality standards.

VII. IMPLICATIONS FOR SUSTAINABLE DEVELOPMENT IN INDIA

The exclusion of women from property ownership has direct consequences for India's sustainable development goals. Insecure land tenure undermines agricultural productivity, discourages sustainable land use, and perpetuates poverty. Conversely, strengthening women's property rights enhances household welfare, environmental stewardship, and community resilience.

Gender-equitable property regimes also contribute to democratic governance by increasing women's participation in local decision-making institutions such as Panchayati Raj bodies. Women's property rights should therefore be recognized as a strategic development priority rather than a peripheral gender concern.

VIII. RECOMMENDATIONS AND FUTURE STRATEGIES

To advance sustainable development in India, a multi-pronged approach is required. This includes harmonizing personal and customary laws with constitutional principles of equality, simplifying inheritance and land-registration procedures, promoting joint ownership and titling, and strengthening land-governance institutions. Legal literacy and awareness programmes are essential to empower women to assert their rights.

Judicial sensitivity, effective enforcement, and gender-disaggregated data collection should inform policy-making. Integrating women's property rights into India's broader sustainable development and SDG-implementation strategies is crucial for achieving inclusive and long-term growth.

IX. CONCLUSION

Women's property, land, and inheritance rights are indispensable to sustainable development in India. While constitutional guarantees and statutory reforms have strengthened formal equality, deep-rooted social norms and institutional gaps continue to impede substantive justice. Addressing these challenges requires not only legal reform but also social transformation and institutional capacity-building. A gender-just property regime, aligned with constitutional values and informed by equitable reform of the personal laws, can serve as a powerful catalyst for sustainable development that is equitable, inclusive, and resilient in the Indian context.