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Socio-Legal Study on Hindu Succession (Amendment) Act 2005: An Empirical Study

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ABSTRACT

The legal framework that currently oversees the property rights of Hindu women is the outcome of centuries of social, religious, and legal development. But still there are major obstacles and ambiguities in the execution of the Act, eventually molding its practical application. This research work establishes the framework for the investigation of Uttar Pradesh women's real property rights, particularly in view of the 2005 Hindu Succession (Amendment) Act. It outlines the research approach taken to look into this issue, including the specific objectives meant to determine women's awareness of their rights and the factors influencing their ability to exercise them. This research work goes into great detail about the research goals that guided this study, the main hypothesis that suggested a connection between awareness and claim, and the methodological plan that included the chosen sample strategies and data collection techniques in the Uttar Pradesh context. This research work ultimately establishes the framework for an empirical study that seeks to provide perceptive viewpoints on the ongoing struggle for gender equality in property ownership in Uttar Pradesh, a significant sociocultural hub.

Keywords: *Women's Property Rights, Hindu Succession (Amendment) Act 2005, Mitakshara, Gender Parity, Socio-cultural resistance*

I. BACKGROUND

“Women constitute half the world's population, perform nearly two thirds of its hours, and receive one tenth of the world's income and less than one hundredth percent of the world's property.”

Regardless of a country's level of development, women hold a unique and complex place in social structures. Their many tasks, which include social and familial duties, highlight their important contributions to both individual and societal well-being. Nevertheless, because of a combination of sociocultural obstacles, women frequently face systematic disadvantage in spite of this crucial role. Throughout history, patriarchal institutions that concentrate power in

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the hands of males have oppressed women. This difference is especially noticeable in the Indian context.

It is possible to evaluate a country's progress by looking at the status and circumstances of its women.³ The historical record shows how important women's presence and agency are to the establishment and upkeep of human social structures and this importance is still present in contemporary society.⁴ Their combined contributions to the development of values in several areas of life have produced a thorough, worldwide advancement.⁵ Academic discourse has consistently demonstrated a connection between women's treatment and cultural advancement, showing that civilizations with lower cultural indices frequently display a system of female subjugation.⁶

A power imbalance was made possible by the establishment of gender-specific labor responsibilities, which was further bolstered by the idea that men were physically superior. As a result, women experienced increasing marginalization, had their economic and social agency reduced, and were subservient in a patriarchal system with notable disparities.⁷

Men are routinely given preference over women by society, a tendency that is firmly anchored in the belief that male children are the primary source of family heritage and support. This preference encourages gender inequality and discriminatory actions. Complete women's empowerment and the establishing of equality with males in all spheres - political, economic, cultural, and social - are necessary to achieve gender equity. The concept of equality becomes the cornerstone of gender justice since justice is gender neutral.⁸

In the same sense Lord Denning stated⁹, *"a woman feels as acutely and thinks as clearly as a man in this sense." She is every bit as useful in her own area as man is in his own. She has the same right to freedom as a man has, and she should be allowed to develop freely. When a woman marries, she does not become a servant to her husband, but an equal partner in his economic endeavour. She is more significant in her family's life than her spouse is in the community's existence. Neither can function normally in the absence of the other. Neither is superior nor inferior to the other. They are on a level playing field.*

³ M.INDU MENON, STATUS OF MUSLIM WOMEN IN INDIA, 1 (Uppal Publishing House, New Delhi) (1981).

⁴ PRATIMA ASTHAMA, WOMEN'S MOVEMENT IN INDIA, 1 (Vikas Publishing House Pvt. Ltd, Delhi) (1974).

⁵ SANKAR SENGUPTA, WOMEN IN INDIAN FOLKLORE, 6 (Calcutta: Indian Publications) (1970).

⁶ D.N.MAJUMDAR, RACES AND CULTURES OF INDIA, 251 (Asia Publishing House, New Delhi) (1961).

⁷ KABITA CHAKRABORTY, GENDER JUSTICE AND HINDU SUCCESSION LAW, IN GENDER JUSTICE, 81 (Nirmal Kanti Chakraborty and Shachi Chakraborty ed, R.Cambray & Co. Private Limited) (2006)

⁸ H. S. GOUR, EMPOWERMENT OF WOMEN IN INDIA (Universal Law Publishing India Pvt. Ltd.) (2007).

⁹ ALFRED THOMPSON LORD DENNING, THE DUE PROCESS OF LAW (first published in 1980, Oxford University Press) (2005)

A. Women's right to property

The acknowledgement of women's property rights is essential to social fairness and progress. However, women have historically been systematically marginalized by the legal framework governing property, which has been created and managed by men. Women's economic independence has been suppressed by this exclusion, which has strengthened their reliance on men and limited their capacity to fully engage in societal decision-making.¹⁰ Despite making up half of the world's population and providing two-thirds of the labor force, women's economic participation is still greatly underappreciated, as shown by the 1980 United Nations report that noted their disproportionately low share of global income (one-tenth) and property ownership (less than one percent).¹¹

A closer look exposes a stark reality of institutional disadvantage, despite the fact that popular discourse frequently highlights women's contributions to the global economy. Despite their crucial roles, women are still denied their due advantages due to underrepresentation, exploitation, silencing, and unfair remuneration. One of the most effective and widespread of the many different strategies of this subordination is the limitation of women's property rights.¹² When it comes to granting or refusing control over family assets that impact the prospects for future generations, inheritance rights are especially important¹³. One such murky area of the law where formal equality has not yet been established is property law¹⁴. Indian succession laws' persistent discriminatory provisions run counter to the country's professed commitment to gender equality, especially when combined with personal laws. The goal of gender equity is still impossibility without equal inheritance rights, and it is essentially a false front.

Women have historically been disadvantaged by traditional cultural systems that limit their financial independence and determine their duties in the home. However, a progressive global movement is supporting women's rights and gender equality, as well as their social, legal, and economic empowerment. This change has an impact on the timeless idea of property, which is fundamental to human society. A comprehensive definition of property is challenging since its

¹⁰ DR POONAM PRADHAN SAXENA, WOMEN LAW AND SOCIAL CHANGE, 103 (Dr. Shamsuddin Shams ed, Ashish Publishing House, New Delhi) (1991).

¹¹ SRIMATI BASU, SHE COMES TO TAKE HER RIGHTS: INDIAN WOMEN, PROPERTY AND PROPRIETY, 7 (State University of New York Press) (1999).

¹² MADHURYA ARINDAM, PROPERTY RIGHTS OF HINDU WOMEN THROUGH THE AGES, 6 (2006 (III), GLT (HC)).

¹³ MAITRAYEE MUKHOPADHYAY, LEGALLY DISPOSSESSED: GENDER, IDENTITY AND THE PROCESS OF LAW, 97 (Calcutta:Stree) (1998).

¹⁴ Ratna Kapur and Brenda Cossman, *Subversive Sites: feminist engagements with law in India*, Sage Publications, 133 (1995).

nature and definition are inextricably related to changing scientific, technical, and socioeconomic paradigms. Property is essentially a set of exclusive rights that belong to a specific person, always within the bounds of accepted legal and social conventions. This junction demonstrates how women's access to and control over property have historically been impacted by gendered norms.

In Oxford English Dictionary¹⁵, *"property means the condition of being owned by or belonging to some person or persons; hence, the fact of owing a thing, the holding of something as one's own; the right to the possession, use or disposal of anything (usually of a tangible material thing)"*.

Webster's Comprehensive Dictionary¹⁶ defines it as, *"any object of value that a person may lawfully acquire and hold; anything that may be owned, stocks, land, etc; any possession."*

According to Black's Law Dictionary¹⁷, *"it is the right to possess use and enjoy a determinate thing; the right of ownership; any external thing over which the rights of possession, use and enjoyment are exercised."*

A significant change in the law pertaining to the property rights of Hindu women was brought about by the 1956 Hindu Succession Act and its 2005 revision. The Act's 2005 amendment, specifically to Section 6, raised females to the position of coparceners, duplicating the privileges historically possessed by sons. The original intent of the amendment was to give women ownership over inherited and acquired property. Gender-based differences in the inheritance of ancestral property were essentially eradicated by this modification. The amendment's retroactive application has been established by judicial interpretations, which is significant because it grants daughters born prior to September 9, 2005, coparcenary rights depending on their birthdate. This retroactive action successfully closed a major legal vacuum by resolving uncertainties around the date of property rights and establishing the equal inheritance principle for Hindu girls.

B. Research problem

The question of gender equality in property rights has drawn a lot of attention lately, especially in light of India's changing legal system. The Hindu Succession Amendment Act, 2005 (HSAA) marks a significant turning point in the evolution of women's property rights in India. The Hindu Succession Act of 1956 was amended in an effort to eliminate patriarchal systems that had historically excluded women from inheritance decisions. Redressing past

¹⁵ CHARENDON PRESS, OXFORD, 639 (2nd edn, vol 12).

¹⁶ DELUX ENCYCLOPEDIA EDITION, 1011 (2004).

¹⁷ THOMSON-WEST, 1252 (8th ed) (2004).

gender disparities in inheritance laws was the goal of the HSAA, particularly in light of the Mitakshara coparcenary system. The amendment granted daughters the same rights as coparceners, enabling them to inherit family property by birth, and it removed discriminatory provisions that had previously barred women from inheriting agricultural land. Despite being hailed as a positive step toward gender equality, the HSAA 2005's socio-legal implications for women's property rights are still being investigated.

Despite the legal modifications, implementing and enforcing the HSAA 2005 has presented a number of challenges. Male family members' resistance, cultural customs, and deeply rooted patriarchal standards often make it difficult for women to exercise their legal rights. Women frequently encounter opposition from male family members, are unaware of their legal rights, or are under pressure to give up their portion of the property, especially in rural areas. Further complicating the Act's enforcement is the fact that its retroactive applicability has resulted in legal conflicts and conflicting judicial interpretations. These difficulties highlight the need for a more thorough comprehension of the socio-legal factors influencing women's property rights under the HSAA 2005. Despite being essential in interpreting the requirements of the HSAA 2005, the judiciary's effectiveness has been limited by inconsistent rulings and drawn-out court cases.

The HSAA 2005 has a socio-legal impact outside of the legal realm that influences social attitudes, family dynamics, and women's empowerment. Although the Act has the potential to improve women's economic and social position by granting them ownership and control over property, its effectiveness depends on how successfully legal provisions and public acceptability combine. Since property ownership is closely linked to social position and means of subsistence in rural areas, the Act's impacts are most noticeable there. However, the Act's objectives are still challenging to meet due to deep-rooted gender biases, ignorance, and a lack of legal support. Preference for the husband's heir over a deceased woman's heir is another example of bias.

C. Literature review

The research examines the evolution of Hindu law over time, focusing specifically on the property rights of women and the social and legal factors that have affected their status. By studying key texts, significant commentaries, and contemporary studies, it offers an in-depth understanding of this complex legal field.

A complicated and often restrictive system of women's property rights has been established by classical Hindu law, which draws from ancient texts. Mayne's "Hindu Law and Usage"

(1953) is a crucial resource for understanding the traditional basis of this system. While these principles often resulted in disparities, it highlights the significance of Shrutis and Smritis in shaping legal concepts. Mulla's *Hindu Law* (2024) provides an in-depth analysis of these classical ideas and clearly delineates their influence on modern legal perspectives. These works lay the historical groundwork for understanding the evolution of women's rights. Nonetheless, there is an increasing emphasis on gender justice evident in contemporary legal scholarship. "Modern Hindu Law" by Paras Diwan (2025) offers a contemporary analysis of how judicial decisions and legislative reforms have transformed traditional laws. This perspective is crucial for understanding the shift towards a more equitable framework. Dr. Poonam Pradhan Saxena's "Family Law Lectures" likely enhance this understanding by providing insights into how these evolving legal principles are interpreted and applied within the realm of family law, mirroring ongoing legal discussions. In academic discussions, the quest for gender justice in Hindu succession law is a recurring theme. The 2006 research article by Kabita Chakraborty, titled "Gender Justice and Hindu Succession Law, in Gender Justice," probably examines historical injustices as well as contemporary efforts aimed at safeguarding women's property rights within the Hindu legal framework. This work likely emphasizes the persistent challenges in achieving true equality.

A variety of academic papers shed light on the complexities of this issue. The article "An Overview of Hindu Women's Right to Property" by Sukanya Mukherjee summarizes the legislative improvements and reforms aimed at enhancing the status of Hindu women. This paper likely emphasizes the gap between legal requirements and their actual implementation. Researchgate studies that offer a broader socio-legal perspective include "Exploring the Status of Women in Indian Society: A Descriptive Analysis" by Amit Anand. These studies examine the social factors influencing women's property rights, revealing the deep-seated patriarchal structures that continue to pose challenges. Priya Sepaha's article "Paradigm Shift Of Women's Property Rights In India: Evolution, Challenges, And Recommendations" likely explores the historical changes in these rights, the obstacles that remain, and potential solutions, underlining the importance of continued reform. Ritu Gautam's book "Property Right of Women in Patriarchal Indian Society: A Comprehensive Study on Legal Narrative" investigates the patriarchal legal narratives that influence women's property rights. It probably analyzes the interplay between social norms and legal frameworks, highlighting the ongoing struggle for women's property rights. Additionally, Arakhita Behera's "Pathalgadi Movement: A Constitutional Analysis Gender Justice in India Contemporary Issues and Challenges" delves into a specific movement and its implications for gender justice, likely offering insights

into grassroots efforts to combat discriminatory practices related to property rights.

As a result, regarding the property rights of Hindu women, existing literature reveals a multifaceted relationship between historical legal systems, increasing legislative changes, and persistent socio-cultural challenges. Although significant progress has been made towards achieving legal equality, further research and efforts are necessary to guarantee the effective implementation of these rights.

D. Research Methodology

In order to fully examine the socio-legal effects of the Hindu Succession (Amendment) Act 2005 on women's property rights, this dissertation employs a mixed-methods research methodology that combines quantitative and qualitative techniques. To thoroughly evaluate the hypotheses and answer the research questions, this method is used, which entails gathering and analyzing both primary and secondary data. The methodology's comprehensive outline is as follows:

E. Research Design:

A mixed-methods design is the research methodology used, which purposefully blends qualitative interpretative techniques with quantitative data analysis to meet the study's goals. A mixed-methods strategy is used in this study to enhance the collected data. While qualitative data offer rich, context-specific insights that are essential for a thorough understanding, quantitative data offer breadth by allowing the measurement of trends and patterns.

- To begin, the degree of awareness, the degree of implementation, and the ensuing socioeconomic impact of the HSAA 2005 will all be measured and analyzed using quantitative methodologies.
- Secondly, qualitative approaches will be employed to investigate the experiences of women, pinpoint the difficulties faced throughout the process of implementation, and examine the diverse judicial interpretations of the Act.

F. Sampling:

- **Target Population:** This study will interact with the people living inside Uttar Pradesh's borders in order to thoroughly examine the socio-legal effects of the HSAA 2005. The study will primarily concentrate on women who are affected by the Act directly, such as female heirs, widows, and daughters. The opinions of a few legal experts will also be provided in order to analyze how the Act is being applied and

interpreted. Lastly, surveying male participants will be a part of the study in order to learn more about their perspectives and the larger societal environment surrounding women's property rights.

- **Sampling Technique:** A two-tiered sampling technique is used in this study to guarantee a thorough comprehension of the research topic.
 - First, in order to obtain a representative sample that includes both the male and female populations independently, creating two distinct socioeconomic strata, stratified random sampling will be used.
 - Secondly, in order to choose important participants, such as women who have and have not exercised their property rights and men for qualitative interviews and surveys, purposive sampling will be used.
- **Sample Size:** A sample size of at least 150 individuals (men and women) was used to sufficiently address the quantitative objectives. They were selected from a variety of social connections to guarantee diverse representation, enabling a more in-depth examination of the lived experiences and complexities associated with the research topic.

G. Data Collection Methods

- **Quantitative Data Collection:** For the quantitative part of this study, a structured survey questionnaire with closed-ended questions will be given to both men and women to collect empirical data on their knowledge of the HSAA 2005, their experiences asserting their property rights, the difficulties they faced - such as legal obstacles and social opposition - and the socioeconomic effects of property ownership.
- **Qualitative Data Collection:** Additionally, this study will use a qualitative data gathering approach that includes reviewing the writings of right-minded individuals and analyzing them to provide a more comprehensive background. Additionally, case studies will be used to provide in-depth assessments of particular examples of both successful and unsuccessful property claims.

H. Data Analysis Technique:

This research employed a mixed-methods approach, integrating both qualitative and quantitative methodologies. The qualitative component involved a comprehensive literature review, while the quantitative phase utilized a survey administered through a two-stage sampling strategy. Specifically, stratified random sampling was initially employed, followed

by purposive sampling to select participants for the survey. The use of both disproportional stratified sampling and purposive sampling in a mixed-methods research design is a recognized approach.¹⁸

This investigation adopted a broad societal scope within Uttar Pradesh and was not limited to any particular segment of the society. To conduct the survey, preparation of relevant questions was the initial step. These questions were designed for the participants' convenience and understanding. Public interest in participating stemmed from the widespread nature of the research topic throughout society.

Two distinct sets of questionnaires, each comprising 21 closed-ended items, were developed to elicit responses from male and female participants separately. Here stratified sampling technique was involved as it is a sampling method used by researchers to divide a larger population into subgroups or strata, from which samples can be drawn using a random sampling method. Researchers can collect random samples from each group in proportion to their size in the general population by separating it into strata that share similar characteristics. The stratified sampling technique is useful for ensuring that each subgroup, or strata, of the population is appropriately represented in the sample.

The survey instrument was disseminated to a potential sample of 150 individuals through an online messaging platform (e.g., WhatsApp). Here purposive sampling technique was involved. As in this technique the participants are selected intentionally based on the researcher's competence. Participants are picked purposefully, not at random, to correspond with specific study objectives. This strategy is appropriate for small populations with a clear research goal, as it allows the researcher to target individuals with certain characteristics relevant to the study.

Data collection spanned a period of two weeks. This methodology facilitated the acquisition of individual perspectives from both genders concerning the issue of property rights among Hindu women. The survey design incorporated both mandatory and optional questions, enabling participants to respond at their own discretion and mitigating potential confusion arising from diverse professional backgrounds. To mitigate response bias, the collection of personal identifying information was omitted, thereby fostering an environment where participants could provide candid responses without apprehension of identification. Moreover, the data obtained was solely utilized for the purposes of this research investigation.

¹⁸ Teddlie C and Yu F, *Mixed Methods Sampling: A Typology with Examples*, 77 Journal of Mixed Methods Research (2007) (April 1, 2025), <http://mmr.sagepub.com/cgi/content/abstract/1/1/7>

Surveys on sensitive social problems such as gender and property rights must be conducted with care, taking into account methodological challenges and ethical consequences. The decision to employ distinct questionnaires for men and women has both advantages and downsides. On the one hand, separate questionnaires may allow for gender-specific wording or structuring of questions that resonate better with each group, perhaps leading to more honest and nuanced responses, especially given the disparities in societal expectations and experiences with property. One important disadvantage could be the risk of reinforcing gender stereotypes by thinking that males and females have fundamentally different perspectives or experiences with all areas of property rights. It is also critical to evaluate inclusion, and whether binary gender options effectively represent the range of gender identities in the community.

The benefit of closed-ended questions in eliciting nuanced viewpoints on property rights is also an important aspect. While close-ended questions provide the benefit of easy analysis and measurable statistics, their inherent weakness is their inability to convey the depth and diversity of individual opinions, particularly on a topic as nuanced as property rights. Predefined response alternatives may not cover the entire range of respondents' perspectives, thus resulting to oversimplification or a forced choice that does not truly reflect their position. When conducting surveys on sensitive social issues such as property rights, it is critical to ensure anonymity, especially in situations where gender norms might have a substantial impact on results. Anonymity allows respondents to give honest replies without fear of social consequences or identification. This can be accomplished by not gathering personally identifying information, emphasizing the anonymity of responses to participants, and choosing survey platforms that do not track IP addresses or other metadata.

The justification for employing distinct surveys for males and females in social research, particularly on areas where gendered experiences and viewpoints may differ, might be strategic. It enables researchers to adjust the tone and focus of questions to each gender group, thereby uncovering nuances missing in a single questionnaire. If the purpose is to compare male and female perspectives, it is critical to verify that the key questions and response options are consistent across the two questionnaires. Methodological rigor is required to avoid introducing biases caused by discrepancies in questionnaire design. Using identical questions in two gendered questionnaires may appear to be a simple way to compare results, but it might have methodological implications and biases. Men and women may view the same question about property rights differently due to differences in their life experiences and cultural positions. Furthermore, social desirability bias, in which respondents respond in

a way they perceive is socially acceptable, may emerge differentially across genders on a sensitive topic such as property ownership in a patriarchal society. Using parallel surveys, in which distinct questionnaires are distributed to various gender groups, can provide several benefits in gender research on property rights. This method enables some questions to be more gender-specific while preserving a core collection of comparable questions. It can also aid in cross-validating data from other gender groups, resulting in a more robust and nuanced understanding of the problem.

II. RESULTS

ANALYSIS OF SURVEY OF FEMALE RESPONDENTS:

Data collection yielded responses from 83 female participants out of a total of 150 respondents.

Demographics and Household Dynamics

Question No.	Question	Response Category	Number of Respondents	Percentage (%)
1	Please select the age group you belong to:	18-30 years	73	88.0%
		31-45 years	10	12.0%
2	What is your marital status?	Married	13	15.7%
		Unmarried	70	84.3%
3	Where do you primarily reside?	Urban area	69	83.1%
		Rural area	14	16.9%
4	Do you think a boy child is preferred over a girl child in your family?	Yes	21	25.3%
		No	62	74.7%
5	Did you and your brother study at the same school?	Yes	65	78.3%

		No	18	21.7%
6	Do your father and brother contribute to household work?	Always	35	42.2%
		Never	7	8.4%
		Sometimes	41	49.4%
7	Do you feel that there are specific tasks or activities considered “men’s work” or “women’s work” in your household?	Yes	49	59.0%
		No	34	41.0%
8	Whose opinions are considered most important while making family decisions?	Son’s opinion	10	12.0%
			5	6.0%
		Daughter’s opinion		
9	Do you feel you have the freedom to make your own choices in your household?	Both equally, as per situation	68	81.9%
		Yes	46	55.4%
		No	8	9.6%
		Up to some extent only	29	34.9%

Awareness and Perception of Property Inheritance Rights

Question No.	Question	Response Category	Number of Respondents	Percentage (%)
10	Are you aware that you have a right on your father's property?	Yes	80	96.4%
		Unaware	3	3.6%
11	Do you know that your father possesses two distinct types of property: coparcenary property and self-acquired property?	Yes	70	84.3%
		Unaware	13	15.7%
12	Do you know that after 2005 daughters also have equal rights in coparcenary (ancestral) property as sons of their household, after the enactment of Hindu Succession (Amendment) Act 2005?	Yes	77	92.8%
		Unaware	6	7.2%
13	Do you know that a daughter's right to coparcenary property is by birth?	Yes	73	88.0%
		Unaware	10	12.0%
14	Would you like to claim your share in your father's property?	Yes	32	38.6%
		No	51	61.4%
15	Do you believe that this amendment has effectively reduced gender disparity in property inheritance?	Yes	64	77.1%
		No	19	22.9%
16	Do you believe that after this amendment social evil like female infanticide, female feticide or dowry,	Yes	31	37.3%
		No	52	62.7%

	etc. has increased?			
17	Do you believe that traditional norms and customs influence the implementation of the 2005 Amendment?	Yes	71	85.5%
		No	12	14.5%
18	Do you feel that there is a societal pressure on women to relinquish their inherited property rights?	Yes	63	75.9%
		No	20	24.1%
19	Have you obtained your share of the inheritance from your father's property? (Only if partition finalized)	Yes	12 (out of 60 responses)	20.0%
		No	48 (out of 60 responses)	80.0%
20	Did any family conflicts arise regarding your inheritance in your father's property? (Only if 'YES' in Q19)	Yes	11 (out of 51 responses)	21.6%
		No	40 (out of 51 responses)	78.4%

Recommendations to Strengthen the Implementation of the Hindu Succession (Amendment) Act 2005 (42 responses received)

Category	Recommendations
Awareness & Education	<ul style="list-style-type: none"> - Government and NGOs should launch widespread awareness campaigns to educate both men and women about the legal provisions and their interpretations. - Educate both men and women at grassroots level, particularly in rural areas where people are still unaware of this amended law. - Legal Literacy Programs. - Social media can be used for awareness to reach out to the youngsters who are the future. - The campaign regarding daughter rights in coparcenary property

	<p>should be done at the village level as well.</p> <p>- Making everyone aware about their rights from the very beginning by making it a part of school textbooks to eliminate the stigma around taking property by daughters. At school level such chapters must be included to normalize it and spread awareness.</p>
Empowerment & Support	<p>- Empowering women's group.</p> <p>- Facilitating access to legal aids.</p> <p>- Women should be encouraged not to hesitate while claiming their property and this will not hamper their relationship with other family members.</p>
Legal & Administrative Reforms	<p>- Simplification of legal procedure to avoid delays and lack of means to file suits.</p> <p>- Implementation of Uniform Civil Code.</p> <p>- Streamlining of property registration.</p> <p>- Penalties in those cases where even though in claiming her share in father's property but is rejected by the family members.</p>
Societal Acceptance & Research	<p>- Acceptance by society and effective implementation.</p> <p>- More surveys should be conducted so that most of the women unite together to fetch their right.</p>

ANALYSIS OF SURVEY OF MALE RESPONDENTS:

Data collection yielded responses from 150 participants, of who 67 identified as male.

Demographics and Household Dynamics

Question No.	Question	Response Category	Number of Respondents	Percentage (%)
1	Please select the age group you belong to:	18-30 years	49	73.1%
		31-45 years	17	25.4%

		46-60 years	1	1.5%
2	What is your marital status?	Married	18	26.9%
		Unmarried	49	73.1%
3	Where do you primarily reside?	Urban area	51	76.1%
		Rural area	16	23.9%
4	Do you think a boy child is preferred over a girl child in your family?	Yes	16	23.9%
		No	51	76.1%
5	Did you and your sister studied at the same school?	Yes	48	71.6%
		No	19	28.4%
6	Do you and your father contribute to household work?	Always	40	59.7%
		Never	1	1.5%
		Sometimes	26	38.8%
7	Do you feel that there are specific tasks or activities considered “men’s work” or “women’s work” in your household?	Yes	33	49.3%
		No	34	50.7%
8	Whose opinions are considered most important while making family decisions?	Son’s opinion	2	3%
		Daughter’s	4	6%

		opinion		
		Both equally, as per situation	61	91%
9	Do you feel that female members in your family have the freedom to make your own choices in your household?	Yes	48	71.6%
		No	3	4.5%
		Up to some extent only	16	23.9%

Awareness and Perception of Property Inheritance Rights

Question No.	Question	Response Category	Number of Respondents	Percentage (%)
10	Are you aware that your sister (if any) has a right on your father's property?	Yes	63	94%
		Unaware	4	6%
11	Do you know that your father possesses two distinct types of property: coparcenary property and self-acquired property?	Yes	52	77.6%
		Unaware	15	22.4%
12	Do you know that after 2005 daughters also have equal rights in coparcenary (ancestral) property as sons of their household, after the enactment of Hindu Succession (Amendment) Act 2005?	Yes	59	88.1%
		Unaware	8	11.9%

13	Do you know that a daughter's right to coparcenary property is by birth?	Yes	60	89.6%
		Unaware	7	10.4%
14	Would you be comfortable if your sister (if any) claimed her rightful share of your father's property?	Yes	54	80.6%
		No	13	19.4%
15	Do you believe that this amendment has effectively reduced gender disparity in property inheritance?	Yes	41	61.2%
		No	26	38.8%
16	Do you believe that after this amendment social evil like female infanticide, female feticide or dowry, etc. has increased?	Yes	25	37.3%
		No	42	62.7%
17	Do you believe that traditional norms and customs influence the implementation of the 2005 Amendment?	Yes	55	82.1%
		No	12	17.9%
18	Do you feel that there is a societal pressure on women to relinquish their inherited property rights?	Yes	58	86.6%
		No	9	13.4%
19	Has your sister or any other female member obtained her share of the inheritance from their father's property?	Yes	17	31.5%
		No	37	68.5%
20	Did any family conflicts arose regarding her inheritance in their father's property? (Only if 'YES' in Q19)	Yes	11	26.2%
		No	31	73.8%

Recommendations to Strengthen the Implementation of the Hindu Succession (Amendment) Act 2005 (32 responses received)

- Awareness campaigns regarding the rights and legal provisions to both men and women
- Community training and discussions
- Speedy procedure at governments' end
- Penalizing provisions for non-compliance of the law
- Addition of new chapters in school textbooks relating to gender based rights and making it a part of their curriculum so that they each men and women has knowledge about their rights and laws relating to it
- Legal Literacy Programs
- Facilitating access to legal aids
- Digitalization of property relating records
- Simplification of legal procedure
- Speedy disposal of property relating cases
- Promote gender sensitive legal training

III. DISCUSSION

FINDINGS OF EMPIRICAL RESEARCH:

In India, there has been a notable advancement in the quest for Hindu women's property rights and gender equality. One of the most important pieces of legislation for the economic and social empowerment of women was the Hindu Succession (Amendment) Act, 2005. Even with the progress made in legislation, the desired result is still a long way ahead. Compared to earlier times, women are now more conscious of their rights under the 2005 amendment. There are still problems in India as a whole, not only in Uttar Pradesh. Many Hindu women still struggle to fully realize these rights because of patriarchal society, cultural resistance, and deeply ingrained social conventions. Women often hesitate to claim their property because they worry that it would negatively affect their relationships with other family members. They experience pressure from society to give up their hereditary property rights. The application of the 2005 amendment act is also influenced by traditional norms and conventions, which are fundamentally patriarchal.

In India, awareness of daughters' property rights has steadily increased as a result of legal reforms, court rulings, and awareness campaigns. Eliminating deeply rooted cultural beliefs or evolving practices that encourage discrimination is challenging, though. It is difficult to change deeply ingrained cultural behaviors or attitudes that encourage inequality. There is a tendency to minimize the contribution of legal reform to social transformation. Since "law is only an instrument," it is clear that the law may not be sufficient on its own. Furthermore, for effective implementation, a supportive judiciary and societal readiness to change are both required. When coupled with well-executed legislative reform, a strong social reform movement has the capacity to fundamentally alter society.

HOW SURVEY FINDINGS ANSWER RESEARCH QUESTIONS:

The research questions are answered positively. They are as follows:

1. How well-informed are women concerning their rights under the HSAA 2005?

By the analysis of the data collected from the survey it can be said that although women are more aware of their rights under the Hindu Succession (Amendment) Act, 2005 than they were in the past, there is still a major worry, in Uttar Pradesh and throughout India. On one side, the act made significant progress in guaranteeing gender equality in inheritance, especially in the Mitakshara coparcenary. However, the women it aims to empower have not received adequate instruction on this important legal topic. Many women from underprivileged socioeconomic origins and those living in rural areas are now aware of their right to inherit property on an equal basis with their male relatives. However, there are still a number of factors that contribute to women's lower claims of coparcenary property, such as lower literacy and educational levels, deeply ingrained patriarchal norms that frequently favor male inheritance, a lack of easily accessible and understandable legal information, and cultural barriers that prevent women from challenging customs or standing up for their rights. A sizable percentage of educated women still do not fully comprehend the Act's contents and their ramifications, even in urban areas where knowledge may be relatively higher.

Although there are many legal assistance options, such as government-run legal aid programs, non-governmental organizations, and women's rights groups, their effectiveness as facilitators and their reach frequently fall short of what is required. It is difficult for women, especially those living in rural, isolated districts of Uttar Pradesh, to access these procedures. The legal assistance and support systems work in Uttar Pradesh and throughout India to help women seek justice for their inheritance rights under the HSAA 2005 is surrounded with hurdles. Women's capacity to seek and receive prompt justice is frequently hampered by problems

including a lack of knowledge about the legal aid that is available, the onerous bureaucratic procedures required to obtain it, and the dearth of attorneys who are knowledgeable about property rights and gender concerns. Additionally, the absence of proper protection for women seeking legal claims, the possibility of family strife, and the fear of societal stigma can discourage them from using these support networks. A more comprehensive and easily accessible network of legal aid and support, adapted to the unique needs and socio-cultural context of women, is essential to effectively empowering them to claim their rightful inheritance under the HSAA 2005, even though some organizations and initiatives in Uttar Pradesh and other parts of India are actively working to close this gap through legal awareness camps, pro bono legal assistance, and mediation efforts.

2. To what extent has the Hindu Succession (Amendment) Act 2005 reshaped the legal framework governing women's inheritance rights in India, particularly within the Mitakshara coparcenary structure and concerning agricultural land?

The journey of the movement for equal inheritance rights in India unfolds dynamically, delving into the complex interaction of societal norms, legal frameworks, and cultural traditions that have historically hampered women's access to property. These issues stemmed from ingrained patriarchal attitudes and were manifested through the Hindu Succession Act of 1956 (hereinafter HSA, 1956), which perpetuates gender prejudice in inheritance and intestate succession. As individual states took significant steps to address these discrepancies, the journey reached a watershed moment with a statewide intervention in 2005, which aimed to transform patriarchal paradigms by correcting gender imbalances under the Hindu Succession Act.

Prior to 2005, India's Hindu Succession Act of 1956 governed inheritance rights for Hindus, Sikhs, Buddhists, and Jains (hence referred to as Hindus). The statute distinguished between joint family property (including ancestral assets owned jointly by the extended family, such as land) and individual property (purchased by an individual during their lifetime). When a Hindu male died without a will (intestate), daughters received equal parts of their father's private property but had no claim to joint family property. Sons, on the other hand, gained joint family property rights at birth and were acknowledged as members of the "Hindu coparcenary." As coparceners, their share of the property could not be disposed of by will, and they could only request a division of the ancestral property while older coparceners were still alive. Because a large majority of people in India died without leaving a will, property settlements primarily followed the provisions of the HSA, resulting in women inheriting far less than men, if anything at all. The 174th Law Commission of India's Report 2000

highlighted the systemic prejudice against women in property inheritance rules, stating that this bias was present even in legislation controlling inheritance within Joint Hindu families. According to the study, “Legislation that appears to discriminate between males and females must be gender neutral.”¹⁹

To address the gender disparity in the Hindu Succession Act, five states amended it so that daughters of coparceners would receive coparcenary privileges by birth, giving them the same status as boys. Kerala first proposed the change in 1976, followed by Andhra Pradesh in 1986, Tamil Nadu in 1989, and Maharashtra and Karnataka in 1994. Notably, when these revisions went into effect, they only applied to unmarried women. Subsequently, in 2005, the HSA was revised countrywide to accord with the principles established by the aforementioned states, with the goal of correcting gender inequity in inheritance laws.²⁰

The amended legislation significantly increased the likelihood of women inheriting property in both rural and urban settings. The study looked at how this law affected several aspects of women’s lives, including mobility²¹, education²², workforce engagement, domestic abuse, female child mortality, and marital strife.²³

The following are the changes brought about by the Hindu Succession (Amendment) Act, 2005:

Section 4(2) of the Hindu Succession Act of 1956 was repealed by Section 2 of the Amending Act of 2005. Since the tenure rules of some states established a highly discriminatory order of devolution based on gender, this omission aimed to eradicate gender disparity under the Act of 1956. The aforementioned reform allowed women to inherit agricultural land after the discriminatory section pertaining to agricultural land was repealed. After Section 3 of the 2005 Amendment was substituted, Section 6 of the Hindu Succession Act is as follows:

- According to the Hindu Succession (Amendment) Act, 2005, the daughter of a coparcener in a joint Hindu household under Mitakshara law is entitled to -
 - by birth become a coparcener in her own right in the same manner as the son;

¹⁹ Law Commission of India, *Property Rights of Women: Proposed Reforms under the Hindu Law* (Law Com No 174, 2000) 27-36.

²⁰ Law Commission of India, *Property Rights of Women: Proposed Reforms under the Hindu Law* (Law Com No 174, 2000) 51-57.

²¹ Sanchari Roy, *Empowering women? Inheritance rights, female education and dowry payments in India*, 114 *Journal of Development Resources*, 233-251 (2015).

²² Klaus Deininger, Aparajita Goyal, and Hari Nagarajan, *Women’s inheritance rights and intergenerational transmission of resources in India*, 48 *The Journal of Human Resources*, 67-75 (2015).

²³ Siwan Anderson, Garance Genicot, *Suicide and property rights in India*, 45 *Journal of Development Economics*, 137-150 (2015).

- have the same rights in the coparcenary property as she would have had if she had been a son;
 - be subject to the same liabilities in respect of the said coparcenary property as that of a son, and any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter of a coparcener. Provided that nothing contained in this sub-section shall affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the 20th day of December, 2004.
- Female Hindus who become entitled to property under sub-section (1) have coparcenary ownership and can dispose of it through testamentary means, regardless of current laws.
- After the Hindu Succession (Amendment) Act, 2005, a Hindu's interest in the property of a Joint Hindu family under Mitakshara law will be devolved through testamentary or intestate succession, rather than survivorship. The coparcenary property will be divided as if a partition had occurred and,
 - The daughter is allotted the same share as is allotted to a son;
 - The surviving child of a deceased son or daughter will receive their share, as if they were alive at the time of partition.; and
 - The child of pre-deceased child of a pre-deceased son or daughter will receive the share they would have received if alive at the time of partition.
- The Amending Act of 2005 removed Section 23 of the Act of 1956, which prohibited female heirs from seeking partition of a joint family dwelling house before male heirs opted to divide their parts. Thus, it removes the disability imposed on female heirs, hence narrowing the gender gap.
- Section 24 of the Hindu Succession Act, 1956 was omitted, which prohibits widows of predeceased sons and widow of predeceased son and the widow of a pre-deceased son of the predeceased son or brother's widow from inheriting the intestate's property if they remarried during the succession period.
- The amendment aims to include both married and unmarried daughters in the HUF (Hindu Undivided Family) property. Previously, following marriage, the daughter ceased to be part of the father's property in terms of HUF. This was seen as an infringement on women's property rights. After the modification, any daughter,

married or unmarried, is considered a member of her father's HUF and may even be referred to as 'Karta' (the person who controls the HUF property).

Thus, the 2005 amendment to the Hindu Succession Act of 1956 demonstrates a complete commitment to women's emancipation by granting women increasingly more property rights in the Mitakshara system, which was mostly patriarchal.

3. What are the principal challenges that impede the successful application of the HSAA 2005 and women's ability to claim their rightful inheritance?

By the thorough examination and analysis of the data collected from the survey following are considered to be the principal challenges that impede the successful application of the HSAA 2005 and women's ability to claim their rightful inheritance:

- In Hindu culture, inheritance and dowry are intimately related. At marriage, the father feels obligated to provide a dowry, which is often seen as her share of the family's assets. One of the main ways patriarchal attitudes are deeply embedded is through the use of dower as a replacement for land and other inheritance. This deprives women of social and economic equality within the family and is perhaps the biggest social barrier to their equality.
- Compared to men, women usually inherit a smaller share of land. Widows are more likely than daughters to inherit land. The idea that a widow has the moral right to inherit her late husband's portion of the land seems to be gaining traction in society. But at the moment, this is not a prevalent societal trend.
- Because of the possible social reaction, most women find it challenging to handle the administrative and quasi-legal procedures needed to assert their inherited rights. Because of the intricate administrative procedures and systems in place, the majority of women encounter a formal barrier.
- Despite the fact that the majority of women expressed a desire to own land, patriarchal practices guarantee that women will always be reliant on their husbands, parents, and brothers.
- The significant disparity in societal knowledge regarding the equality of men's and women's rights, as well as the necessity for women to be legally literate in property rights in order to raise awareness among women in general.
- The rights of women to inherit their parents' land are not acknowledged.

- Due to cultural or religious hurdles, the perception that daughters' inheritance is handled through dowries and fear of strained family ties, the majority of women are not interested in inheriting their parents' land.
- Women's inheritance rights may still be harmed by the application of traditional customary norms that predate or conflict with statutory legislation, especially when it comes to agricultural land.
- Married women's right to financial security and independence is overlooked by the societal belief that since they are supported by their husbands, they do not "need" a portion of their natal family's wealth.
- Inheritance rights claims may be interpreted as causing embarrassment or strife within the family. Women are frequently disproportionately pressured to uphold family harmony and prevent disagreement, which causes them to put family peace ahead of their own rights.

The ability of women to claim their lawful inheritance is greatly influenced by socio-cultural variables. The strongly ingrained patriarchal attitude and customs frequently serve as strong obstacles to the successful realization of these rights on the ground, even while legal reforms like the 2005 Amendment have created a fairer legal framework. To fully empower women in claiming their inheritance, ongoing efforts in legal awareness, social sensitization, and fighting discriminatory practices are necessary, as the gap between legal provisions and social reality is still significant.

VERIFICATION OF HYPOTHESIS:

The discussion and analysis provided verifies the first hypothesis positively. Also the second hypothesis is verified positively by the analyzing the data collected which dealt with empirical aspect of the research work.

IV. CONCLUSION

This research work examined the Hindu Succession (Amendment) Act, 2005 and its impact on Hindu women's property rights, especially in the context of Mitakshara coparcenary system, through a critical socio-legal lens. In order to identify the gaps between legal provisions and their practical implementation, investigate the role of socio-cultural factors, and ultimately contribute to the discourse on gender justice and legal reform, within the limits of State of Uttar Pradesh. This research looked at the extent to which women were aware of their rights under the amended Act, the role that judiciary and support systems played in

facilitating access to justice, and the legislation's broader socio-legal impact.

The findings of the research show that although the HSAA 2005 grants daughters equal coparcenary rights, which is a major legal step towards gender equality, its socio-legal impact is still complex and, in many ways, limited. The study revealed that although women's are more aware of their right than earlier still there is a significant disconnect between the legal rights guaranteed by the Act and full realization of these rights by the women. Their capacity to assert and execute their rights is severely hampered by the socio-cultural norms, traditions and patriarchal tendency of the society.

This research work examines the HSAA 2005's wider socio-legal effects, which involve a complicated interaction between enduring patriarchal norms and progressive legal reform. Women's experiences with property rights are nonetheless shaped by deeply rooted social and cultural elements, even while the Act has clearly empowered certain women and challenged conventional inheritance practices. Social opposition, legal interpretations, and operational problems often impede the Act's full egalitarian potential.

To sum up, this study emphasizes that real gender equality in property rights cannot be attained through legal reform alone. Despite being a historic law, the HSAA 2005 calls for a multifaceted strategy that includes persistent awareness efforts, strong legal assistance and support networks, and a determined attempt to counteract and change prevalent patriarchal beliefs. The HSAA 2005's revolutionary potential can only be completely realized through such all-encompassing initiatives, which will result in true socio-economic empowerment and improved justice for women in India. To provide a socio-legal analysis of how the Hindu Succession (Amendment) Act 2005 has influenced women's property rights in India.

V. SUGGESTIONS

Suggestions based on findings from survey for improvement in Hindu women's property rights:

- Conduct thorough and culturally aware legal awareness campaigns throughout Uttar Pradesh, teaching women about their rights under the HSAA 2005 through a variety of media (such as regional dialects, traditional art, and community events). These initiatives ought to target marginalized communities and rural populations in particular.
- Improve Uttar Pradesh's women's legal assistance services' efficacy and accessibility. This involves setting up mobile legal aid units to serve outlying communities,

expanding the number of legal aid clinics, and educating attorneys on gender-sensitive property law.

- Encourage and work with self-help groups and grassroots women's organizations in Uttar Pradesh to educate women about their rights and give them a venue for collective action and peer support so they may assert their inheritance.
- Encourage the use of community-based mediation techniques to settle inheritance disputes amicably while making sure that the rights of women under the HSAA 2005 are respected.
- Provide judicial authorities, revenue officials, and other pertinent government employees in Uttar Pradesh with mandatory training and awareness campaigns about the HSAA 2005's requirements and the significance of gender-equal inheritance.
- Encourage the simplification of property inheritance laws to make them easier to understand and less daunting for women, especially those with less money or education.
- Include details regarding women's inheritance rights under the HSAA 2005 in current government initiatives and programs that support rural development and women's empowerment in Uttar Pradesh.
- To establish a more streamlined and efficient support system, encourage closer cooperation between government departments and civil society groups in Uttar Pradesh that focus on women's rights and legal aid.
- Establish a strong system for tracking and assessing how the HSAA 2005 has affected women's empowerment and property ownership in Uttar Pradesh. Use the results to guide interventions and changes to policy.

SCOPE OF FUTURE RESEARCH:

- To evaluate the HSAA 2005's long-term effects on women's family dynamics, social standing, and economic empowerment over the course of ten years or longer, conduct longitudinal research. This might show changing patterns and the long-term impacts of the law.
- Conduct more thorough qualitative research with women from various socioeconomic backgrounds in Uttar Pradesh, including focus groups and interviews, to learn about their lived experiences with inheritance, their knowledge or lack thereof of their rights, and the socio-cultural elements that affect their capacity to assert those rights.

- To learn more about how caste, religion, and marital status interact with inheritance rights and how they either exacerbate or lessen the effects of the HSAA 2005, future studies could examine these intersections.
- Assess how well Uttar Pradesh's various outreach initiatives and legal awareness campaigns have done at educating people about the HSAA 2005 and giving women the confidence to assert their rights. This could help create procedures that have a greater impact.
- In order to find best practices and lessons learned that Uttar Pradesh could use, comparative studies with other Indian states that have implemented the HSAA 2005 should be conducted.

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