

A CRITICAL STUDY ON FEMALE COPARCENARY: ITS DEVOLUTION IN RELATION & WITH RESPECT TO THE HINDU SUCCESSION (AMENDMENT) ACT, 2005 AND JUDICIAL INTERPRETATION

ABSTRACT

The Hindu Succession (Amendment) Act, 2005 ('HSAA') was enacted to grant the same rights to daughters on their fathers' ancestors' property by conferring them the status of coparceners. Coparcenary is a special form of joint family property, where only the male lineal descendants of a common ancestor can inherit the property by birth before the 2005 Amendment Act. The HSAA aimed to remove the gender discrimination inherent in the Hindu law of succession and bring it into compliance with the constitutional need for equality. However, the implementation and interpretation of the HSAA have raised several issues and challenges, For instance, the 2005 Hindu Succession (Amendment) Act's caveat to section 6(1)(c)'s constitutionality, the retrospective effect of the amendment, the impact of partition and testamentary disposition on the rights of daughters, the applicability of the amendment to different schools and sects of Hindu law, and the effect of marital status and adoption on coparcenary rights. This paper critically examines some of these major issues and challenges, by analyzing the relevant provisions of the HSAA, the judicial decisions interpreting them, and the academic literature on the subject. The paper also suggests some possible solutions and recommendations to address the gaps and ambiguities in the law and ensure its effective enforcement. The paper concludes that while the HSAA is a progressive and landmark legislation that has empowered women in matters of inheritance, there is still scope for improvement and clarification in its provisions and interpretation, to achieve the goal of gender justice and social reform.

Keywords: Female Coparcenary, Judicial Interpretation, Gender Discrimination, Partition, HSAA 2005, Social Reform

I. INTRODUCTION

According to the Hindu Succession Act 1956, Coparcenary is a concept of Hindu law that refers to the joint ownership and inheritance of ancestral property by the male descendants of a common ancestor¹. A coparcener is a person who has a birth right to share in the coparcenary property along with other coparceners. Before the Hindu Succession (Amendment) Act of 2005 ('HSAA'), the coparcenary property is governed by the rule of survivorship, it indicates that when a coparcener passes away, his share is distributed among the surviving coparceners according to the survivorship principle and not by succession to his heirs by means of testamentary or intestate succession. Only male members of a Hindu joint family were acknowledged as coparceners before the Hindu Succession Amendment Act of 2005. Daughters were not included in the coparcenary and were not entitled to inherit any of the family's property through birth. They were only given a small fraction of the property as heirs under the 1956 Hindu Succession Act's Section 6, which provided for the transfer of a Hindu male's stake in coparcenary property upon his passing. The daughter's share was dependent on the existence and number of sons in the family and was liable to be divested or reduced if a son was born after the partition or death of the father.

The exclusion of daughters from the coparcenary was based on the patriarchal notion that daughters ceased to be members of their natal family after marriage and became part of their husbands' families. It was also argued that giving equal rights to daughters would lead to fragmentation and depletion of ancestral property and affect the economic stability and social cohesion of the joint family. However, these arguments were challenged by various women's rights groups and legal experts who pointed out the discrimination and injustice faced by women in

¹ Akshith (2015) *Coparcenary rights of females under Hindu law*, *Academike*. Available at: <https://www.lawctopus.com/academike/coparcenary-rights-of-females-under-hindu-law/> (Accessed: 07 February 2024).

matters of inheritance and property rights. They demanded that daughters should be given equal status and rights as sons in the coparcenary and that the Hindu law should be reformed to reflect the constitutional values of equality, dignity, and justice for all.

The Hindu Succession Amendment Act 2005 was enacted to address these issues and bring about a radical change in the law of coparcenary². The amendment inserted a new provision in the 1956 Hindu Succession Act's Section 6, which conferred equal rights and liabilities on daughters as coparceners by birth in their own right in the same manner as sons³. The amendment also made it clear that the daughter would remain a coparcener even after her marriage and would have the same rights and liabilities as if she had been a son. The amendment also abolished the rule of survivorship and provided that when a coparcener passes away, Whether, by testamentary or intestate succession, his stake in the coparcenary property will be transferred by the Act's requirements. The amendment thus aimed to remove the gender bias in the law of coparcenary and ensure that women and men became equal heirs to ancestral property.

II. DAUGHTERS AS COPARCENERS

The most significant modification made by the amendment is that currently, a daughter is also given the birthright to the coparcenary property⁴, modifying the Hindu joint family's traditional practice of only men being coparceners. A *Mitakshara* coparcenary's personality has been

² (*The Hindu Succession (amendment) act, 2005 - latest laws*) <https://www.latestlaws.com/wp-content/uploads/2015/05/Hindu-Succession-Amendment-Act2005.pdf>> accessed 7 February 2024

³ Bose, A. (2021) *Females as Coparceners : An analysis*, iPleaders. Available at: <https://blog.ipleaders.in/females-as-coparceners-an-analysis/> (Accessed: 07 October 2023).

⁴ Akshith (2015) *Coparcenary rights of females under Hindu law*, Academike. Available at: <https://www.lawctopus.com/academike/coparcenary-rights-of-females-under-hindu-law/> (Accessed: 07 February 2024).

substantially transformed by this extreme alteration. A similar move had already been implemented in four Indian states - the addition of daughters as coparceners—before the central legislation. Any child who is a coparcener and is legally adopted will have a claim to the coparcenary property at this point instead of just the son having a right by birth. As a result, it is no longer legal for women to join coparcenary's or to own their own property, contrary to the old belief that only men may join them. Section 6 of the HSAA states that ⁵ :

The daughter of a coparcener living in a shared family must comply with the following according to the *Law of Mitakshara*:

- a. By virtue of birth, she has the same status as the son as a coparcener in her own right.
- b. Access to the coparcenary property is given to the daughter with the same rights as a son would have. Any mention of a *Mitakshara* Coparcener who is Hindu will also be deemed to relate to the Coparcener's Daughter.
- c. Have the same obligations towards the aforementioned coparcenary property as those of a son.

This clause states that since a daughter has the same rights and obligations as a boy, there is no longer any prejudice against her. Additionally, it means that a daughter is now able to obtain a share of the coparcenary property, request its division, and dispose of it by a testamentary disposition. In addition to being able to build a coparcenary with their other siblings, girls would also be able to start their own nuclear family. Before the reform, she was not even permitted to serve as a Karta and donate her income to the Hotchpotch Fund. Legislation that prohibited women from founding or joining joint families on their own but allowed them to do so even after a male family member passed away, provided they were able to conceive or adopt a male kid, has been

⁵ Panda, M. *et al.* (2015) *Interest of Hindu women in coparcenary property under Hindu Succession Act, 2005*, Academike. Available at: <https://www.lawctopus.com/academike/interest-of-hindu-women-in-coparcenary-property-under-hindu-succession-act-2005/> (Accessed: 07 October 2023).

overturned. In other words, a daughter is granted access to all the advantages and special characteristics of a son's position in the family⁶.

A. Two Classes of Females

According to Section 6(2), Hindu women are permitted to own property with prior instances of coparcenary ownership, as a result, there is now a difference between female joint family members in terms of their ownership rights to joint family assets. There are two categories of women:

Those who are born into the family come first, followed by those who marry the coparceners and therefore become a part of this extended family. While daughters and sisters who are born into the family have a right to coparcenary property by birth, women who become a part of a combined family through marriage to a coparcener are still subject to the same laws as they were before the amendment. They still have the same rights to the joint family property including the right to live there and receive help from its resources.

III. MARITAL STATUS OF A DAUGHTER

⁶ Makhija, S. (2020) *Critical analysis of the Hindu Succession (Amendment) Act, 2005*, Indian Law Portal. Available at: <https://indianlawportal.co.in/critical-analysis-of-the-hindu-succession-amendment-act-2005/> (Accessed: 07 February 2024).

Notable is the fact that Andhra Pradesh⁷, Tamil Nadu⁸, Karnataka⁹, and Maharashtra¹⁰ Modifications to the Hindu Succession Act of 1956 prohibited preventing coparcener's daughters who were married on the day the amendment took effect in each state from doing so. On these dates, only daughters who weren't already married might become coparceners. Furthermore, while the law said that their coparcenary rights were the same as those of male child regardless of their eventual marital status, they retained such privileges. They continued to be coparceners even after being married, and even their offspring were entitled to the birth right of the coparcenary. The benefit was not available to daughters who were already married when the revisions took effect. This clause distinguishing between married and unmarried daughters' rights was also contested in a case before the Karnataka High Court, which defended the clause's exclusion of married daughters on the grounds that it was founded on a sensible legislative policy. A different stance would have upset established claims and titles and caused social unrest.¹¹ According to the 2005 amendment¹², The daughter of a coparcener is treated equally to other coparceners without distinction or restriction based on her marital status¹³. A daughter who was

⁷ *The Hindu Succession (Andhra Pradesh Amendment) act, 1986*. Available at: https://prsindia.org/files/bills_acts/acts_states/andhra-pradesh/1986/1986AP13.pdf (Accessed: 07 October 2023).

⁸ *Section 29 a of the Hindu succession (Tamil Nadu Amendment) act, 1989*. Available at: <https://www.kaanoon.com/265731/section-29-a-of-the-hindu-succession-tamil-nadu-amendment-act-1989> (Accessed: 07 October 2023).

⁹ byrajdakshalegal, P. (2021) *Hindu Succession Act. section 6. from state amendments to Vineeta Sharma decision.*, *Daksha Legal*. Available at: <https://dakshalegal.blog/2021/01/04/hindu-succession-act-section-6-from-state-amendments-to-vineet-sharma-decision/> (Accessed: 07 October 2023).

¹⁰ *Hindu succession (Maharashtra Amendment) act, 1994* (no date) *latestlaws.com*. Available at: <https://www.latestlaws.com/bare-acts/state-acts-rules/maharashtra-state-laws/hindu-succession-maharashtra-amendment-act-1994/> (Accessed: 07 October 2023).

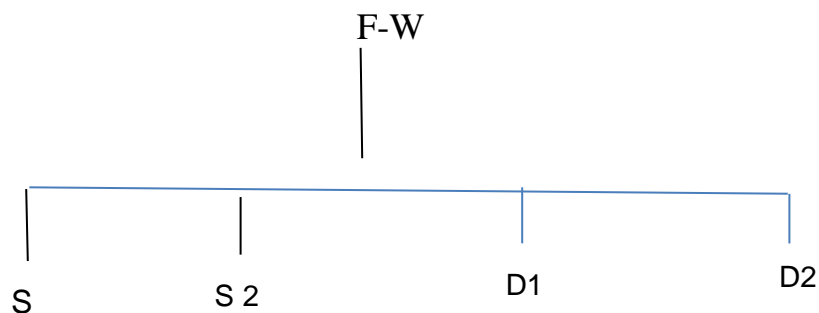
¹¹ Makhija, S. (2020) *Critical analysis of the Hindu Succession (Amendment) Act, 2005*, *Indian Law Portal*. Available at: <https://indianlawportal.co.in/critical-analysis-of-the-hindu-succession-amendment-act-2005/> (Accessed: 07 October 2023).

¹² Sehgal, D.R. (2021) *Case analysis : Vineeta Sharma v. Rakesh Sharma & others, along with 7 other matters*, *iPleaders*. Available at: <https://blog.iplayers.in/case-analysis-vineeta-sharma-v-rakesh-sharma-others-along-7-matters/> (Accessed: 07 October 2023).

¹³ Mittra, A. (2021) *Rights of female Coparcener under Hindu Succession Act, 1956*, *Law Corner*. Available at: <https://lawcorner.in/rights-of-female-coparcener-under-hindu-succession-act-1956/> (Accessed: 07 February 2024).

married even before September 9, 2005, would therefore be a coparcener after that date. After their marriage, the married daughter would no longer be a part of her father's joint family, but would still be a member of the coparcenary and be qualified to request the division of the joint family assets in her own right.¹⁴ which prevents pointless complications.

A disposition or alienation made before December 20, 2004, including any partition or testamentary disposition, is not affected or made illegal by this subsection, according to the proviso to s. 1. Consequently, this condition would not apply to a division that happened in 1974.¹⁵ It was considered important in order to protect established rights from disruption. The property would now need to be divided between the married sisters of a joint family if a daughter was married before December 20, 2004, and the male family members had not put in place a partition. All of the girls are now coparceners, regardless of their marital status. As an illustration, consider the following family: father F, his wife W, their two sons S1 and S2, as well as their two daughters D1 and D2.



The marriage of D1 occurs in 1990. In accordance with the law as it stood before the amendment in 2005, when D1 was married, she wouldn't be a part of her father's extended family. The

¹⁴ Agarwal, Dr.K. (2021) *World wide journals, IJAR - Indian Journal of Applied Research*. Available at: [https://www.worldwidejournals.com/indian-journal-of-applied-research-\(IJAR\)/article/hindu-daughters-right-as-coparcener-a-milestone-towards-gender-reform/Mjc1Mzg=/?is=1](https://www.worldwidejournals.com/indian-journal-of-applied-research-(IJAR)/article/hindu-daughters-right-as-coparcener-a-milestone-towards-gender-reform/Mjc1Mzg=/?is=1) (Accessed: 07 October 2023).

¹⁵ *Protocols for in vitro propagation, conservation, synthetic seed ...* Available at: https://www.researchgate.net/publication/301611209_Protocols_for_In_Vitro_Propagation_Conservation_Synthetic_Seed_Production_Microrhizome_Production_and_Molecular_Profiling_in_Turmeric_Curcuma_longa_L (Accessed: 07 October 2023).

remaining members are still co-owners and have access to the shared assets. This continues till September 2005. When D1 becomes a co-parcener, she will automatically join the joint family and gain the same rights to the assets as her brothers. Up until this moment, she was not a member and had no rights to the united property of the family. In the event of a division, she has the right to ask for one and would get the same share as her brothers. A hypothetical division would be carried out to determine her portion, which would go to her heirs if she passes away without requesting partition. Because of this, this amendment benefits all daughters, not just the unmarried ones.

The HSAA claims that it has been determined that the partitions and alienations that took place before December 20, 2004, have been expressly saved to prevent confusion and provide substance to this clause.

When a joint family asset is divided among the family members after D1's marriage, as in the aforementioned example, or when the father, who serves as the family's karta, alienates a portion of it as a result of an authorized requirement, If the division and alienation are otherwise genuine, their legality cannot be disputed. Even though she is a coparcener¹⁶, the married daughter would not be permitted to contest the alienation that was carried out before that date because she was not asked for permission for it or to reopen the existing division.

IV. THE HINDU SUCCESSION (AMENDMENT) ACT, 2005, PROVISION TO SECTION 6(1)(C), CONSTITUTIONAL VALIDITY

There is conflict and discrepancy between the reformist inclinations initially adopted by the states and later at the federal level, which led to an unforeseen conclusion that was likely not anticipated by the legislature. For instance, four states revised the Hindu Succession Act of 1956 and added unmarried females as coparceners in the same way as son before the Hindu Succession (Amendment) Act of 2005 was passed. The amendment took effect in the state of Andhra Pradesh

¹⁶ Akshith (2015) *Coparcenary rights of females under Hindu law*, *Academike*. Available at: <https://www.lawctopus.com/academike/coparcenary-rights-of-females-under-hindu-law/> (Accessed: 07 February 2024).

on September 5, 1985. the daughter had acquired all the privileges of a coparcener by this time including the capacity to hold joint possession and joint title of the coparcenary property, the right to request the division of her share of the joint family property on her behalf, and the ability to contest Kartha's unauthorized alienations to protect and preserve her share.

If she had been unfairly refused a portion between 1985 and 2005, she had the right to request a division, fight an unlawful alienation, and reopen an unfair partition, when the central enactment went into effect and expressly saved the partitions affected before December 20, 2004. In this situation, even a hypothetical partition is included in the definition of "partition" according to the courts' rulings in most cases. She therefore had the right to reopen the partition if the male members had split the property among themselves at the time of achieving it or if a notional partition had been made after the death of an undivided coparcener and she had been refused a share. She was able to lawfully exercise her rights to coparcenary property and her share during the 20 years between 1985 and 2005.

The Central Enactment, which took effect on September 9, 2005, stated that a daughter, even though she was a coparcener in the same way as a son, could not contest a partition that was made before December 20, 2004 under the proviso to Section 6(1) (c). If this provision were taken literally, that would imply that, despite having the legal ability to challenge a partition established after 1985, she could do so for 20 years, and this right was expressly revoked. In essence, it meant that even if the statute of limitations had not yet run, her rights would still be protected, she might challenge an unfair division that occurred in the household in which the daughter was a coparcener in 2003 as soon as it occurred, but not after September 9, 2005 ¹⁷.

It's interesting to note that because the Act took effect on September 9, 2005, she could have contested the division on September 8 as well, but she was unable to do so on September 9. Surprisingly, only the daughters are subject to this restriction; the son is exempt. A daughter cannot challenge partitions or unauthorised alienations that were made even before December 2004, but

¹⁷ *Women property rights in India (with reference to Hindu, Muslim and ...* Available at: <https://ijcrt.org/papers/IJCRT1705305.pdf> (Accessed: 07 October 2023).

a son is not restricted from doing so. This is true even in circumstances where the daughter's rights have been wrongfully denied. The right is expressly revoked by the Act's 2005 modification, even in circumstances where she had obtained it in 1985, 1989, or 1994.

According to this reading, the gender-neutral amendment really caused gender inequity in a number of circumstances. In the case *R. Kantha Vs. Union of India*, the Karnataka High court made a significant ruling in this regard in 2010. Hindu Succession Amendment Act of Karnataka (1994) permitted for partitions to be opened prior to 2004, but the proviso to Section 6(1)(c) of the 2005 amendment denied the daughters that specific right. The court determined that this was outside the bounds of the Indian constitution.

A. Judicial Interpretation (*R. Kantha v. Union of India*)

In *R kantha vs union of India*¹⁸, When her father refused to divide the joint family property into separate shares for her and her unmarried daughter, the daughter launched a partition lawsuit in court. She also denied that her father had improperly alienated the affected joint family property without her consent. The Trial Court was inclined to dismiss the suit in light of the Hindu Succession (Amendment) Act, 2005 on the grounds that she was unable to contest the alienation because it took place prior to December 2004. She then filed a writ in the Karnataka High Court challenging the constitutional validity of the proviso to Section 6(1)(c) of the Central Amendment because It is invalid and unenforceable because it breaches the gender parity provisions of Articles 14 and 16 and contends that the Karnataka Amendment, which replaced the Central Amendment in 2005, cannot revoke a privilege that accrued to the woman in 1994. The proviso to Section 6(1)(c) is arbitrary and unconstitutional because it does not apply retroactively and discriminates between a son and a daughter by allowing a son to contest an alienation and a disposition made before December 20, 2004, while limiting the daughter's ability to do so. Additionally, Section 14 of the Hindu Succession Act ensures an unfettered right by birth that cannot be reduced when read

¹⁸ *Miss R. Kantha v. union of India repre...*, Karnataka High Court, judgment, law, Casemine.com (no date) <https://www.casemine.com>. Available at: <https://www.casemine.com/judgement/in/56094193e4b014971123db57> (Accessed: 07 October 2023).

in conjunction with the main section of the provision. The daughter's rights would be violated because of these limitations.

The court posed the following two issues¹⁹

- (i) Whether the Hindu Succession Amendment Act, 2005's proviso to Section 6(1)(c) is arbitrary and in breach of the Indian Constitution's Article 14 because it disallows a coparcener's daughter, the same right to challenge any property sales or leases made before December 20, 2004, as the son does;
- (ii) Whether the Hindu Succession (Amendment) Act, 2005 barred the unmarried daughter who filed the petition from asking for the division of undivided coparcenary property while her father was still living.

Karnataka Amendment Act of 1994 (23 of 1994), which came into force on 30th July 1994, gave the daughter the right to the same share as that of a son in her family's coparcenary property. However, the court rejected this claim, finding that this right could not be retroactively removed by a later Amendment.

(i) The Central Amendment went into effect on September 9, 2005, while the Karnataka Amendment took effect on July 30, 1994. According to the Constitution's general rule Article 254 (1), No matter when the federal laws were written, the former triumphs over the latter in cases of dispute between federal and state law in a connected field; State law would be completely unenforceable, and union law would take precedence. It is protected by the constitutional exception placed under Article 254's second clause.

(ii) The person filing the petition could not benefit from the Karnataka Amendment Act because the partition lawsuit was filed in 2007 after the Amendment had already taken effect. Even if a

¹⁹ *Indian kanoon - search engine for Indian law*. Available at: <https://indiankanoon.org/> (Accessed: 07 October 2023).

lawsuit were still underway and based on the 1994 Act rather than the 2005 Amending Act, the situation would not have changed. The other argument stated by the petitioner is that the proviso restricts the coparcener's daughter's ability to challenge any alienation/disposition w.r.t property of coparcenary made before 20th December, 2004, when the proviso was adopted by the court is limited by the provision of Section 6(1) (C) of the Act of 2005.

Court argued that it was unable to find any support for this proviso after analyzing the goals and grounds for the amending act as well as the Law Commission of India's 174th Report comprising its questionnaire as well as annexures. Although it appeared that, the reasons for the daughters' exclusion seem to be stronger sociological and dowry-related, and are therefore unjustifiable. The justifications for saving pre-2004 divisions and alienations were to maintain vested rights and to provide protection to authorized buyers taking property in good faith.

V. CONCLUSION AND SUGGESTIONS

The preamble of 2005 amending act's²⁰ imminent goal, Karnataka's act clause (d) of Section 6A and other acts of Tamilnadu, Maharastra and Andhrapradesh clause (iv) of Section 29A should be accordingly deleted and one of the significant objectives of the Acts must be towards eradicating discrimination against daughters as evident in Mitakshara coparcenary, and that the baneful system of dowry should be eliminated by positive measures.

The court went on to say that besides the aforementioned, the 2005 Amending Act's prospective nature was not supported by any evidence, consequently, When the law's stated purpose is to provide equality between a coparcener's daughter and son, there is no rationale for curtailing a daughter's rights. The same analogy ought to be used in cases also brought by the coparceners' sons, even if it can be acknowledged that the apparent reason for limiting the right in this manner was to minimise disputes and prevent pre-existing views from being challenged.

²⁰ Asthana, S. (2020) *Coparcenary under Hindu law: An overview of the recent amendments*, iPleaders. Available at: <https://blog.ipleaders.in/coparcenary-hindu-law/> (Accessed: 07 October 2023).

The inconveniences and difficulties would remain the same. If alienations or other dispositions occurred under the law as it existed before to the amendment, a partition that would ordinarily be reopened, It would be arbitrarily denied to address the daughter's interests without any legal restrictions. Similar to how the daughter's unjustified disadvantages are immune from challenge, an estrangement for which the coparcener can be held accountable is similarly shielded when the daughter receives her due.

Therefore, it seems reasonable to conclude that there is no justification for prescribing a deadline or outright prohibiting a daughter from pursuing her rightful inheritance. As a result, the 2005 Act's proviso to Section 6(1)(c) appears to be illogical and has no connection to the Act's goal of ending the gender-based disparity in property rights, which in some ways seems to defeat the amendment's goals. To challenge the alienations and assert her right to a part of the revenues after December 20, 2004, the daughter must overcome this obstacle. In light of the writ petition in the case of *R. Kantha Vs Union of India*, it seems appropriate to hold that Insofar as it relates to saving any dispositions or alienations made before December 20, 2004, Hindu Succession (Amendment) Act, 2005 the proviso to Section 6(1)(c) violates Articles 14 and 16 of the Constitution and has no logical connection to the object of the Amendment Act going forward.

Although the HSAA is a forward-thinking and historic piece of legislation that has significantly increased the power of women in inheritance-related matters, there is still room for improvement and clarification in its provisions and application to achieve the objectives of gender justice and social reform.

A. Some possible solutions and suggestions to address the gaps and ambiguities in the Hindu Succession (Amendment) Act, 2005, and to ensure its effective enforcement²¹ are:

²¹ Interview: 'the project of reforming the hindu succession act is far from over': Dr Saumya Uma (no date) *The Wire*. Available at: <https://thewire.in/law/hindu-succession-act-women-supreme-court> (Accessed: 07 October 2023).

The Hindu Succession (Amendment) Act, of 2005 was a landmark legislation that granted equal rights to daughters as coparceners in the ancestral property of a Hindu joint family. However, the Act also faced some challenges and criticisms regarding its implementation and interpretation. Some of the possible solutions and suggestions to address the gaps and ambiguities in the Act are:

- ✚ Clarifying the scope and applicability of the Act to different schools of Hindu law, such as Mitakshara and Dayabhaga, and to different regions and communities, such as Kerala, Goa, and Jains, where the concept of coparcenary may vary or not exist at all. The amendment should be made applicable to all schools and sects of Hindu law, irrespective of their customs and traditions, to avoid any discrimination or confusion among different groups of Hindus. The Scheduled Tribes, who are governed by their own customary rules, require greater clarification regarding the application of the Amendment to them.
- ✚ The amendment should resolve the issue of retrospective effect, which has led to the violation of the Constitutional rights granted under articles 14 and 16.
- ✚ Ensuring that the Act is not misused or manipulated by the male members of the family to deprive the daughters of their rightful share in the coparcenary property, such as by creating fraudulent partitions, transfers, or wills before or after the commencement of the Act; The amendment should ensure that the coparcenary rights of daughters are not affected by any disposition or alienation of property by their fathers or other coparceners, without their consent or knowledge. The amendment should also protect the coparcenary rights of daughters from being curtailed by any testamentary disposition or will by their fathers or other coparceners arising/made out of combative or antagonistic notions.
- ✚ The amendment should provide for a mechanism to ensure the effective implementation and enforcement of the coparcenary rights of daughters, such as creating awareness among women about their rights and remedies under the Act and encouraging them by providing legal aid and assistance to women who face challenges and discrimination or injustice in the courts or other forums in claiming their rights and imposing penalties on those who violate or obstruct the rights of women.

- ✚ Strengthening the legal and institutional mechanisms to facilitate the enforcement of the Act, such as by simplifying the procedures, reducing the costs and delays, and ensuring impartiality and accountability of the authorities.

Bibliography

1. *Gender discrimination in devolution of property under Hindu succession ...* Available at: https://nipfp.org.in/media/medialibrary/2020/05/WP_305_2020.pdf (Accessed: 07 October 2023).
2. Halder, D. and Jaishankar, K. (2015) *Property rights of hindu women: A feminist review of succession laws of ancient, medieval, and Modern India: Journal of Law and Religion, Cambridge Core*. Available at: <https://www.cambridge.org/core/journals/journal-of-law-and-religion/article/abs/property-rights-of-hindu-women-a-feminist-review-of-succession-laws-of-ancient-medieval-and-modernindia/A054D9949BF2EF6DC892C227B23A4476> (Accessed: 07 October 2023).
3. Panda, M. *et al.* (2015) *Interest of Hindu women in coparcenary property under Hindu Succession Act, 2005*, Academike. Available at: <https://www.lawctopus.com/academike/interest-of-hindu-women-in-coparcenary-property-under-hindu-succession-act-2005/> (Accessed: 07 October 2023).
4. Mishra, S. (2023) *Hindu Succession Act 2005: What are property rights of daughter in Huf*, Housing News. Available at: <https://housing.com/news/these-are-the-property-rights-of-a-daughter-in-a-hindu-family> (Accessed: 07 October 2023).
5. *Redirect notice*. Available at: <https://rb.gy/shwaax> (Accessed: 07 October 2023).
6. *Redirect notice*. Available at: <https://bit.ly/2PoosMd> (Accessed: 07 October 2023).
7. *The right to information act, 2005 - PRS legislative research*. Available at: https://prsindia.org/files/bills_acts/acts_parliament/2005/the-right-to-information-act-2005.pdf (Accessed: 07 October 2023).
8. Rahul (no date) *Hindu Succession (amendment) act, 2005 empowering women*, lawyersclubindia. Available at: <https://www.lawyersclubindia.com/articles/Hindu-Succession-Amendment-Act-2005-Empowering-Women-1058.asp> (Accessed: 07 October 2023).