



GENDER INEQUALITY IN PROPERTY RIGHTS OF WOMEN: AN ANALYTICAL REVIEW OF SUCCESSION LAWS IN INDIA

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ABSTRACT

India is a land of multicultural diversity where the various religious groups have their separate personal laws. Personal laws of different religions are retained to ensure the separation of the religion from the state and politics. These personal laws are largely influenced by the patriarchal notions of the society. Since the ancient times, women have faced discrimination in the male dominated society. Gender inequality is seen as the moral and ethical problem. Women were not given any of the property rights as she was treated economically dependent on her father or husband. Much progressive legislation have been enacted after the independence to ensure the equal property rights to the women. Even after the 75 years of independence, equal property rights of the women still remains a pipe dream. In the age of feminism, it is the need of the hour to end the gender discrimination in inheritance and property rights of the women. The paper analyses the property rights of the women prevalent in the personal laws. The paper also focuses on the legal and judicial framework of the inheritance rights of the women in India. Also, the researcher has discussed that there is an urgent need to amend and codify the personal and customary laws to make them unbiased and favourable towards women. Reforms within the personal laws are necessary to achieve the gender justice and equality.

Key Words: Succession, Inheritance, Equality, legal heirs, economic dependence, lineal descendants etc.

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INTRODUCTION

Gender Equality will only be reached if we are able to empower women.

- Michelle Bachelet

India is a land of multicultural diversity where various religious groups have their own system of beliefs and faiths. These religious groups have their separate personal laws. The roots of the personal laws in India can be traced back even before the advent of the colonial period. Personal Laws of different religions were retained to ensure the separation of the religion from the state.¹ Personal laws as prevalent today have largely been influenced by the customs which favours the patriarchal notions of the society. Since the ancient times, women have faced the discrimination due to the patriarchal notion of the Indian society. Gender inequality is often seen as the moral and ethical problem. The makers of the Constitution were keen to address the issue of gender discrimination and have made several provisions for the upliftment of the women. Article 14 of the Constitution of India guarantees the right to equality to all its citizens. Article 15 prohibits the State from discriminating the citizens on the ground of caste, religion, gender, or colour.²

Despite these provisions, many of the legislations have failed to conform with these provisions of the constitution. In India, Succession Laws are both gender and religiously biased which violates the fundamental rights of equality and protection from discrimination as enshrined under Article 14 and 15 of the Indian Constitution. In India, the inheritance laws are based on the culture and religion rather than on the law of the land. Succession and Inheritance Laws as prevalent today were highly in the favour of the men. Women were considered to be of the low social status and treated as a dependant with barely any property rights. The main reason behind it is the economic dependence of the women on the men. Before the marriage, the women are dependent on her father or brother for her basic needs. After marriage, the identity of the women is merged with her husband, therefore the economic rights were only given to the men in a male dominated society like India.³ Although many progressive legislations were enacted which aimed at improving the status of women in the society yet the balanced society vis-a -vis gender justice remains a distant dream even after 75 years of independence.

¹ Sornalakshmi.R., *Women Property and Inheritance Rights*, 9, PEN ACCLAIMS, 2020.

² INDIA CONST. art. 15, cl 1.

³ Sarita Kumari, *Women Inheritance Rights in India: Some reflections*, 6, IJRAR, 2019.

LEGISLATIVE FRAMEWORK FOR INHERITANCE AND SUCCESSION RIGHTS IN INDIA

Women Land Rights in India are mediated through various personal laws and customary practices. Section 4(2) of Hindu Succession Act, 1956 states that “The Hindu Succession Act does not affect the provisions of any other law that prevents the fragmentation of agricultural holdings, that establishes land ownership ceilings or that provides for devolution of tenancy rights in such holdings”.⁴ This section specifically excluded the inheritance of tenancy rights in agricultural land and left the inheritance of the agricultural lands to be governed by State tenurial laws. The Standing Committee of Parliament on Law and Justice through its report on Hindu Succession Amendment Bill 2004 recommended that Section 4(2) is a barrier to the gender equality. With the enactment of Hindu Succession Amendment Act, 2005, Section 4(2) was removed from Hindu Succession Act, 1956. Despite removal of section 4(2), several States, including Punjab, Himachal Pradesh, and Uttar Pradesh, continue to apply tenurial laws that deny women's right to inherit agricultural land.⁵

Section 59 of the Punjab tenancy Act, 1887 provides that “On the death of the tenant possessing occupancy rights, only male lineal descendants inherit the property with no right given to female descendants. The widow of the tenant could claim succession only in the absence of male descendants. The widow of the tenant could claim succession only in absence of the male descendants. The right of the widow gets lost on her death, remarriage or when she abandons the land.”⁶ This section is in a clear violation of Article 14 and 15 of the Constitution where women are solely discriminated based on their gender. Similarly, under the Uttar Pradesh Revenue Code, 2006, an unmarried daughter receives the same inheritance rights as that of a son, but a married daughter does not have equal rights in the agricultural land. It implies that daughter must choose between the marriage and inheritance. This is in a clear violation of Hindu Succession Act which does not discriminate between the married and unmarried daughter. The Act was amended in 2020 to recognize the inheritance rights of the third genders but the State failed to put an end to the discrimination meted out to the married daughter.⁷

In *Roshan Lal v. Pritam Singh*⁸, the Himachal Pradesh High Court observed that “The whole object and intent of removing section 4(2) was to offer absolute rights for women, regardless of the nature of the property a woman holds”. In *Babu Ram v. Santokh Singh*⁹ the Court considered whether the preferential rights of co-heirs under section 22 of HSA would apply to agricultural land. The court ruled that “The clause of preferential rights of co-heirs given under Hindu Succession Act will apply to agricultural land since the State law lacks a corresponding provision”.

⁴ The Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956 (India).

⁵ Inheritance of Agricultural Land by women, Available at <https://www.landesa.org/inheritance-of-agricultural-land-by-women-there-is-distance-yet-to-travel/> (last accessed on 10th June, 2023).

⁶ Punjab Tenancy Act, 1887, No.16, Act of Parliament, 1887 (India).

⁷ Supra Note 5.

⁸ *Roshan Lal v. Protam Singh*, RSA. No. 258 of 2012.

⁹ *Babu Ram v. Santokh Singh* 2019 ALL SCR (Online) 260.

SUCCESSION RIGHTS AND HINDU LAW

Women were never granted equal rights in property as that of men. Under old Mitakshara Law, the son acquires a birth right and interest in the joint family property. According to this school, son, grandson, great-grandson constitutes a class of coparceners based on the births in the family. No female is a member of coparcenary under the Mitakshara Law. Another prominent school of Hindu Law is the Dayabhaga School which is based on the principle of spiritual gain and its rule of succession. It means that the person who gives the deceased more religious advantage is entitled to inherit the property.¹⁰ This school does not differentiate between the Joint Family property and Separate Property. The shares of the coparceners are fixed and do not fluctuate with the birth and the death of the members. The property is returned to heirs by way of inheritance upon the death of a coparcener. As long as the father is alive, no share can devolve upon the son or daughter. It is only after the father's death, the property devolves upon the other legal heirs. The females can also inherit the property in the family under the Dayabhaga school of law. Widow has the right to succeed in her husband's share in the case of the coparcener dying issueless, and to impose a partition on her own account.¹¹

The earliest legislation which brought females into the scheme of inheritance was 'The Hindu Law of Inheritance Act, 1929', which conferred inheritance rights on three females i.e., son's daughter, daughter's daughter, and sister. Another landmark legislation which conferred the ownership right on woman was 'The Hindu Women's Right to Property Act, 1937'. This Act enabled the widow to succeed along with the son and to take the same share as the son. The widow was not a coparcener, even though she possessed a right similar to coparcener's interest in the property and was a member of the joint family.¹² With the enactment of Hindu Succession Act, 1956, a Hindu woman was bestowed with the property rights. According to Section 14 of the Act, a Hindu woman had the absolute rights over the property possessed by her. The property can be movable, immovable, inherited, gifted, or purchased by her. She has the exclusive authority over her "stridhana". She can dispose of her property as and when required by her. No restriction can be imposed on the property possessed by her.¹³

According to Section 6 of Hindu Succession Act, 1956, the daughters were not treated as equal coparceners as that of the son in their father's property. Coparcenary rights were extended to male members of the family upto three generations. The major amendment came up in 2005 which granted the equal coparcenary rights to the daughter. Section 6 of the Hindu Succession Amendment Act provides that "Daughter of a coparcener

¹⁰ Supra Note 1.

¹¹ Supra Note 3.

¹² Supra Note 5.

¹³ The Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956 (India).

shall by birth become a coparcener in her own right in the same manner as that of son'. She has the same rights and liabilities in respect of the coparcenary property as that of son.¹⁴

The amendment of 2005 posed a question before the Courts that "Whether the Amendment can be applied retrospectively?" In *Prakash v. Phulavati*¹⁵, the Supreme Court held that the Amendment in Section 6 does not have a retrospective effect. It applied only to the cases where both the father and daughter were alive on 9th September 2005 when the amendment came into effect. Again, in *Dannama @ Suman Surpur v. Amar*¹⁶, the Supreme Court held that "Daughters could be held as coparceners and could get an equal share in the property as that of sons if the case was pending before 2005 amendment". The only condition is that daughter must be alive on 9th September 2005 when the amendment act came into force. The controversy regarding the retrospective effect of Amendment of 2005 is well settled in the case of "*Vineeta Sharma v. Rakesh Sharma & Others*¹⁷". The Supreme Court held that women are equal coparceners in their father's property since the time of the birth, irrespective of the fact that father was alive before the Amendment.

The matters relating to succession and inheritance in Hindus are governed by the Hindu Succession Act, 1956. According to Section 8 of Hindu Succession Act, if a Hindu male dies without having a will, the property is devolved on Class I heirs which includes the close relatives of the deceased such as his widow, children, mother, and other relatives. In the absence of Class I heirs, the property devolves upon the Class II heirs which include the father, brothers, and sisters. In the absence of Class II heirs, the property goes to the agnates and cognates.¹⁸ On the other hand, Section 15 of the said Act regulates the rules of succession of females. If a female Hindu dies without leaving a will, the property will devolve to her husband and the children and in their absence, it passes to the legal heirs of the husband.

Section 15(1) of Hindu Succession Act clearly states that the property of a Hindu female dying intestate shall firstly devolve upon her children and the husband. In the absence of them, property shall devolve upon the heirs of the husband and then to the mother and father and again in their absence, the property will go to the heirs of the father and lastly upon the heirs of the mother.¹⁹ Section 15(2) provides 2 exceptions where property is not devolved according to the rules stated in Section 15(1) which are –

- Where the deceased women have inherited the property from her father or mother, the property shall devolve upon the heirs of her father in the absence of Class I heirs
- Where she inherited the property from her husband or father-in-law, it shall devolve, in the absence of Class I Heirs, to the heirs of her husband.

¹⁴ *The Hindu Succession (Amendment) Act, 2005, No. 39, Acts of Parliament, 1956 (India).*

¹⁵ *Prakash v. Phulavati (2016) 2 SCC 36*

¹⁶ *Dannama @ Suman Surpur v. Amar Civil Appeal No. 188-189 of 2018.*

¹⁷ *Vineeta Sharma v. Rakesh Sharma & Others (2020) 9 SCC 1.*

¹⁸ *The Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956 (India).*

¹⁹ *Ibid.*

Therefore, the self-acquired property of a woman, in the absence of her own class I heirs, is devolved upon the heirs of her husband and not her own. While in case of a man in the same situation, his property is devolved upon his own heirs and not his wife's. Also, the parents of the Hindu female who dies intestate does not have the same inheritance rights as that of Hindu Male because heirs of her husband have a priority over the property as compared to her own parents.

The case study of **Omprakash & Others v. Radhacharan**²⁰ clearly highlights the discrimination ensured by Section 15 to the dignity of the women. In this case, the deceased Narayani lost her husband only few months after the marriage. She was asked to leave the matrimonial house and her husband parents never took care of her. She was maintained by her parents. After her death, her husband's parents claimed the self-acquired property under Section 15 of Hindu Succession Act. The Court ruled that the self-acquired property in the absence of her own children and husband, shall devolve upon the heirs of the husband. The decision of the Supreme Court appears to be against the Article 14 and 15 of the Constitution., It is developed on the notion that the woman ceases to be a member of her parental family after her marriage. This is not just a matter of equality but also against the dignity of a woman.²¹

Equal property rights for Hindu women will remain a pipe dream until the legislature changes the succession scheme outlined in the Succession Act of 1956. There is no reason to have separate succession plans for men and women. While claiming to be progressive in terms of coparcenary rights, the Succession Act of 2005 has overlooked the fact that the primary scheme of Succession under the Act is discriminatory in and of itself. In “Mamta Dinesh Vakil v. Bansi S. Wadhwa”²², the Court held that “The provisions of Section 8 and 15 show the discrimination between Hindu males and females on ground of the gender. They are unreasonable being discriminatory in nature and the same are unconstitutional and violative of Article 15(1) of the Constitution of India. In *Kamal Anant Kopkar v. Union of India*²³, the Supreme Court is to examine the constitutional validity of Section 15 of Hindu Succession Act, 1956 on the ground that there is a discrimination in the devolution of the estate of a woman who dies intestate in comparison with the rules for devolution where a male has died intestate.

SUCCESSION AND INHERITANCE RIGHTS AND MUSLIM LAW

Muslim law of inheritance is based on the foundation of Pre- Islamic Customary Law of succession. The basic notions of inheritance and succession is derived from the patriarchal organisation of the society. The Mohammedan law of succession is founded on the basis of Quranic verses and Hadiths. One of the basic principles of Pre- Islamic Law of Succession prevalent among the tribes of Arabia was exclusion of females

²⁰ *Omprakash & Others v. Radhacharan* (2009) 15 SCC 66.

²¹ Property Rights of the Women, Available at <https://vidhinama.com/case-analysis-omprakash-v-radhacharan-2009-15-scc-66/> (last accessed on 10th June, 2023).

²² *Mamta Dinesh Vakil v. Bansi S. Wadhwa* 2012(6) BCR 767.

²³ *Kamal Anant Kopkar v. Union of India* W.P. (C) No. 1517/ 2018

and cognates from inheritance. Indian Muslims are governed by the un-codified Muslim Law of Inheritance. The Muslim Personal Law (Shariat) Application Act, 1937 expressly directs the courts in India to apply the Muslim law of inheritance to all Muslims. Laws relating to Shias and Sunnis with respect to inheritance are different. Muslim law does not recognize the concept of a Joint family as a separate entity or the distinction between the separate or the joint family property, irrespective of whether the property was inherited from the father or any other paternal ancestral. The son does not have right by birth in the father's property. The Muslim personal law does not allow women's share in agricultural land. Muslim women get one third of the share of the estate property, while men get two thirds of it.²⁴

Muslim law provides a single scheme of succession irrespective of the sex of the intestate. A woman acquires an absolute right in the property that she inherits, whether as a daughter, sister, or mother, with full powers of alienation. She is permitted to keep her identity and individuality even after her marriage, and her relations are defined and ascertained in terms of her own self and not with her respect to her husband or parents unlike under Hindu law. The woman's blood relatives are her heirs, and the heirs of her husband are not given any preference.

In Muslim personal Law, the female inherits half that of the male heirs keeping in view the concept that a woman is worth half a man. The son is given more preference over the daughter. Further, a Muslim wife shall inherit to the extent of $1/8^{\text{th}}$ from husband if there are children and $1/4^{\text{th}}$ if she is childless. If there is more than 1 wife, the share may diminish to $1/16^{\text{th}}$. The reason behind the differentiation in the quantum of share of females and males is that a female shall upon marriage receive mahr and maintenance from her husband whereas males will have only the property of the ancestors for inheritance. Also, males have the duty of maintaining their wife and children. This is not the reasonable justification and women are discriminated based on the economic capacity.²⁵ When compared with the women of other religions, Muslim women get a recognisable shares in the matters of succession. But when compared with Muslim men, Muslim women get less share in succession. Among Shias, a childless widow takes no share in her husband's land of succession. The scheme of differentiation of shares under Muslim Law is violative of fundamental right to equality as enshrined under Article 14 and 15 of the Constitution.

²⁴ Nishtha Jain, *Gender Inequality in Hindu and Muslim Personal Laws in India*, 1, IJLMH, 2018.

²⁵ Gender Inequality and Religious Personal Laws in India, Available at <https://www.jstor.org/stable/24590717> (last accessed on 11th June, 2023).

INDIAN SUCCESSION ACT VIS-A- VIS INHERITANCE RIGHTS OF WOMEN

In the matters of succession, the Christians and Jews initially being the subjects of British India were governed either by the provisions of the Indian Succession Act of 1865 or their own customary laws. The Indian Succession Act was re-enacted in 1925. Persons who marry or whose marriage is registered under the provision of Special Marriage Act, 1954 are governed by the provisions of this Act in succession matters unless both are Hindus. This was a progressive piece of legislation. It grants equal rights to daughters and sons in parental property. In the absence of sons and daughters, their descendants are entitled to inherit. The concept of ancestral property or coparcenary is also not recognised, therefore providing greater safeguards for women as compared with Hindu (Hindu Succession Act, 1956) as well as Muslim legal systems. Most Christian communities followed the rule of coparcenary or joint Hindu family property and continued to practice the discriminatory laws which prohibited daughters from inheriting the property.²⁶

Indian Succession Act, 1925 guided by patriarchal mindset allows fairness to women in intestate succession. Under this Act, the widow/widower has equal right to inherit, which is one-third if the intestate has left any lineal descendants. In the absence of lineal descendants but presence of kindred of the intestate, the share of the widow or widower is half, and the other half goes to those who are kindred to intestate. In the absence of kindred, the widow or widower inherits whole of the property. The share of the Christian widow fluctuates with the absence or presence of lineal descendants. She gets right over entire property only in the absence of distant kindred of deceased husband. The Mother has been relegated to lower position as she inherits only in the absence of father of intestate. And even when she inherits, she inherits along with brothers and sisters.²⁷ This provision seems to be highly discriminatory against the mother. Moreover, Daughter-in-Law is not bestowed with right of succession to estate of father-in-law.

The widow of a pre-deceased son gets no share, but the children, whether born or in the womb at the time of the death, would be entitled to equal shares. Where there are no lineal descendants, after deducting the widow's share, the remaining property devolves to the father of the intestate in the first instance. Section 42 of the Act gives superior status to man with regard to access and owning the property. Section 43 does not treat the mother of the deceased intestate as having an equal status as to the father. Sections 42 to 46 of the Indian Succession Act, 1925 become unfair and discriminatory to the interests of Christian women.²⁸ Under the Indian Succession Act, 1925, Christian widows get one third of the estate property and the male and female lineal descendants get two thirds of it, equally divided among them. The Tribals have their own customary practices, which typically deny women their land share.

²⁶ Sornalakshmi.R., *Women Property and Inheritance Rights*, 9, PEN ACCLAIMS, 2020.

²⁷ The Indian Succession Act, 1925, No. 39 of 1925, Acts of Parliament, 1925 (India).

²⁸ *Ibid.*

In *Abraham v. Abraham*²⁹ the issue which arose was regarding the succession to the property of a Roman Catholic who had subsequently converted to the Protestant sect. The dispute was between the widow and her husband's brother. It was pleaded by one of the parties that although they had converted to Christianity, they continued to follow the Hindu law of coparcenary. The Privy Council laid down a rule regarding conversion and held such a property as joint family property.

The matter again came up before the court, after the coming of the Indian Succession Act, 1865, in *Tellis v. Saldanha*³⁰, which held that after the enactment of the Indian Succession Act, the Christian converts are governed by its provisions. Again, this view was overruled by the decision of the Bombay High Court in *Francis Ghosal v. Gabri Ghosal*³¹, which held that Christians are governed by the Hindu law of coparcenary. The law of Cochin and Travancore was particularly discriminatory against the daughters. Under the Travancore Christian Succession Act, 1910, the right of daughters was limited to one-fourth of the share of the son or Rs. 5000/-, whichever was less.

Similarly, under the Cochin Christian Succession Act, 1922, the share of daughters was one third of the son or Rs. 5000/-, whichever was less. Property in excess to this would be inherited by sons and if there were no sons, then the nearest male relatives. In 1957, the Cochin and Travancore High Court affirmed that Christians in the region were not governed by the India Succession Act and the discriminatory statutes enacted by the princely states applied to them. In 1974, a single judge of the Madras High court in *Solomon v. Muttiah*³², adopted a progressive stand and ruled that the Travancore Succession Act stood repealed after the Independence and Christians in the region were not governed by this discriminatory statute, but by the Indian Succession Act, 1925, which was later overruled by Madras High Court in *D. Chelliah Nadar v. Lalitha Bai*³³ which reaffirmed that Christians in Tamil Nadu were governed neither by the Progressive provisions of Indian Succession Act nor by the Hindu Succession Act, but by the un-codified Hindu customary law and under this law, the son was the sole heir to the father's property to the exclusion of the daughter.

The controversy was finally resolved and rested in a ruling given by the Supreme Court in the *Mary Roy v. State of Kerala*³⁴, where the court struck down the discriminatory provisions on a technical ground that after Independence, the laws enacted by the erstwhile princely states which were not expressly saved had been repealed. The court declared unconstitutional those provisions of the Travancore Syrian Christian Act, 1916 and the Cochin Succession Act, 1921, which limited the right of a Syrian Christian woman to her paternal property.

²⁹ *Abraham v. Abraham* (1863) 9 MIA 195.

³⁰ *Tellis v. Saldanha* (1886) ILR 10 Mad 69.

³¹ *Francis Ghosal v. Gabri Ghosal* (1907) 31 Bom. 25

³² *Solomon v. Muttiah* (1974) 1 MLJ 53

³³ *D. Chelliah Nadar v. Lalitha Bai* AIR 1978 Mad 66

³⁴ *Mary Roy v. State of Kerala* AIR 1986 SC 1011

Regarding the Parsi community in India, initially they had no law of their own. While preserving their separate identity they adopted the customs of residents of area they had first taken shelter. The Parsi women with 90% literacy rate had the most unjust inheritance laws in the country. The share of the daughter was half that of the son's share in the property. When a Parsi woman died intestate, leaving her husband and children, the property was divided equally among the widower and the children. Thus, while a son is entitled to an equal share in the mother's property along with the daughter, the daughter was not entitled to the same right when she inherited the property of her father. A Parsi mother was the worst sufferer who got only half the share of the daughter; hence, the mothers and daughters were the worst sufferers in this community. There is no plausible justification for such bias. The children of Parsi women married to non-Parsis had no rights.³⁵

The laws of succession for Parsis were laid down in Sections 50 to 56 of the Indian Succession Act, 1925. The property rights of the Parsis became quite gender just after enactment of The Indian Succession (Amendment) Act 1991. Basically, a Parsi widow and all her children, both sons and daughters, irrespective of their marital status, get equal shares in the property of the intestate while each parent, both father and mother, get half of the share of each child. No statutory laws are available for a Jewish woman.³⁶ Almost all laws including the Hindu, Christian and Parsi permit a person to make a will in favour of any person he desires. The right of testation could be used arbitrarily by male testator to disinherit the female heirs of their inheritance rights.

Prior to 1991, the Shares of female heirs were half of the share of their male counterpart, i.e., daughter was entitled to half of the son's share and the mother was entitled to half of the father's share, though all of them were entitled to inherit simultaneously as co-heirs. The 1991 amendment has removed this discrimination against women and made the share of daughter equal to that of a son and that of the mother to the father. Now, surviving spouse and children (both son and daughter) receive equal shares and, mother and father receive equal shares which is equal to half the share of each child. As per this law not only the surviving spouse of the intestate is an heir but also the spouse of predeceased and predeceased daughter and other lineal descendants are also entitled to inherit.³⁷

CONCLUSION AND SUGGESTIONS

Since the ancient times, women were discriminated against and have been subject to the oppression. Due to the patriarchal notions, gender inequality has been prevalent in the structure of the societies. It has been deeply rooted in the marriages, work and politics, religion and even in the acquisition of the property rights. In India, Succession and Inheritance Laws are gender biased. Women are not given equal status in property

³⁵ Supra Note 3.

³⁶ The Indian Succession Act, 1925, No. 39 of 1925, Acts of Parliament, 1925 (India).

³⁷ Sex Inequality in Inheritance, Available at <https://teamattorneylex.in/2022/01/24/sex-inequality-in-inheritance/> (last accessed on 12th June, 2023).

rights as that of men. Irrespective of the religious differences prevalent, the main reason of gender disparity in the succession laws is due to patriarchal norms of the society. In the age of the feminism and gender equality, providing equal rights to women in the marriage, divorce and inheritance is the need of the hour. Reforms within the personal laws are necessary for achieving the gender justice and inequality. Such initiatives would help in formulating the uniform laws for people of all communities. Uniform Law in respect of the succession and inheritance must be formulated for bridging the gender gap that exist in the various personal laws and is necessary for the unity and solidarity of the nation. Article 44 of the Constitution which provides that State shall endeavour to secure for citizens a uniform civil code throughout the territory of India should no longer remain a dead letter. It is no doubt that there exists discrimination against women due to social, customary, and religious practices. It is the need of hour to end the gender discrimination in inheritance and property rights of the women.

