



Gender Equality And Muslim Succession Law In India: A Critical Evaluation Of Daughters' Inheritance Rights

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ABSTRACT

The position of Muslim women in India, specifically daughters, still suffers from discrimination in their share of inheritance under the uncodified Muslim Personal Law as governed by the Muslim Personal Law (Shariat) Application Act of 1937. The share of inheritance given to women by the Quran in the 7th century in Arabia is not reflected under the codified laws, where the share of daughters is half of what their brothers get, and the remaining amount goes to the agnates of the male members of the family. This paper seeks to explore the existing framework, identify the inequalities, discuss the judicial precedents, and emphasize the need for reforms in the form of codification, optional application of civil law, or a Uniform Civil Code (UCC). It also aims to focus on landmark and ongoing judgments of the Supreme Court, which reflect the contrast between individual rights and gender justice and suggest reforms that are in correspondence with the Constitution and empower daughters economically and socially. In doing so, the paper adopts a doctrinal and socio-legal approach, examining relevant statutes, judicial decisions, and comparative approaches from other jurisdictions. The research aims to prove that the existing framework is inadequate and needs reform, whether from within or outside personal law.

Keywords:

Muslim Women, Inheritance Rights, Muslim Personal Law, Gender Justice, Daughters' Property Rights, India, Uniform Civil Code, Constitutional Equality, Legal Reform, Women's Economic Empowerment.

1. INTRODUCTION

The right to inheritance is crucial for economic stability and freedom. The rights that Indian Muslim daughters inherit under Islamic law through the provisions of the Muslim Personal Law Application Act of 1937 are bound by the conventional rules of the Shariat.¹ It is different from the case of the Hindu Succession (Amendment) Act of 2005, which granted coparcenary rights to daughters.² Despite the fact

¹ The Muslim Personal Law (Shariat) Application Act, 1937, § 2.

² Hindu Succession (Amendment) Act, 2005, No. 39, Acts of Parliament, 2005 (India).

that Muslim inheritance still maintains the patriarchal bias on account of the economic burden on the male members, this discrimination does not only bar women from inheriting any property from their respective family members, but also makes them economically dependent.

The position of Muslim women in India, in relation to their share of inheritance as daughters, has been one of discrimination under the uncodified system of Muslim Personal Law as governed by the Muslim Personal Law (Shariat) Application Act of 1937. The share of property allocated to them by the Quran in the 7th century in Arabia³ is not reflected under the applied rules, where the share allocated to them is half of what their brothers inherit, and the rest goes to their agnates.⁴ What began as a progressive measure of reform in the pre-Islamic Arabian culture has, over time, led to a culture of gender inequality in modern India. In a day and age when Muslim women are more educated and financially independent than ever before, it is a practice that appears archaic.

The Constitution of India, with the provisions of Article 14 (equality before law), Article 15 (prohibition of discrimination on grounds of sex and religion), and Article 21 (right to life with dignity), offers scope for challenging the inequalities.⁵ Nevertheless, Article 25, which grants freedom of religion, at times provides protection to personal laws from direct judicial scrutiny, and this creates a constant conflict between freedom of religion and gender justice.⁶ Personal laws may have constitutional protection, but the Supreme Court has consistently held that discriminatory practices in personal laws do not override fundamental rights.⁷

This dispute over the Constitution has now taken on new importance in contemporary times. In March 2026, during the course of hearing petitions that were based on discrimination within inheritance laws, including Poulomi Pavini Shukla v. Union of India, the Supreme Court highlighted that the case was indeed “a very good one” based on the principles of equality.⁸ The Court further stated that “the solution lies in the Uniform Civil Code provided under Article 44,” but advised against any rash decision that could result in the creation of a legal vacuum.⁹

It is the aim of this paper to analyze the current structure, highlight the discrimination prevalent, examine the judicial decisions, and highlight the need for changes through the process of codification, optional adoption of civil law, or a Uniform Civil Code. In addition, it aims to focus on the decisions passed by the Supreme Court that highlight the dichotomy of individual right against gender justice and recommend changes that go well within the scope of the Constitution.

By so doing, the essay takes a doctrinal and socio-legal perspective, analyzing statutes, case laws, and comparative analysis from other legal systems. The objective of the study is to demonstrate that the current system is defective and requires reform, either within personal laws or external to them, to bring about substantive equality among Muslim women. It is not only because of the relevance of the study in terms of how it will contribute to gender equality but also because it guarantees that the dream promised by the constitution about an egalitarian society becomes a reality.

In other words, empowerment of Muslim women cannot be achieved without moving beyond the historically created perspective to a more equal one. This introduction is able to include different important phrases that are in the abstract section of this paper without sacrificing its scholarly form while also providing the necessary background information before stating the research question.

³ *The Holy Quran*, Surah An-Nisa.

⁴ Mulla, *Principles of Mahomedan Law* (22nd edn, LexisNexis 2017) 214-220.

⁵ Constitution of India, 1950, arts 14, 15, 21.

⁶ *The State of Bombay v. Narasu Appa Mali*, AIR 1952 Bom 84.

⁷ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

⁸ *Poulomi Pavini Shukla v. Union of India*, WP (C) 2026.

⁹ Constitution of India, 1950, art 44.

2. LITERATURE REVIEW

The scholarly debate on the rights of daughters according to Muslim inheritance laws in India always stresses that there is a profound contradiction between the principles of classical Islamic law and those of modern constitutional law. The Muslim Personal Law (Shariat) Application Act, 1937, that adopted Shariat as the law of intestate succession among Muslims, provided for fixed Quranic shares but did away with contradictory customary practices. But, as many scholars have pointed out, the prevailing system of inheritance, where the daughter gets only half the share that the son gets, places women at a disadvantage.

The early scholarly literature, including the Delhi University Faculty of Law course “Women’s Right to Succession and Inheritance under Muslim, Christian, Jewish and Parsi Law,” highlights that the divine revelations in the Quran (specifically Surah An-Nisa 4:11-12) made progressive provisions for the womenfolk as daughters, wives, mothers, and sisters in the 7th century AD in Arabia, which were a definite improvement from the discriminatory practices before Islam.¹⁰ However, the Hanafi school of law distinguishes between sharers and residuaries, leaving behind a constant 2:1 gender ratio among the heirs.¹¹

Contemporary studies highlight this issue by emphasizing the disparity between the right and practice. For instance, a Research conducted in 2022 on “Muslim daughters and inheritance in India: Shariat, custom and practice” published in Research Gate has found that although there is a clear division of shares in the Quran, in India, daughters regularly waive off their shares owing to the family pressure, stigma attached to them, or customary practices that supersede the Shariat.¹² The empirical interviews carried out among women in Delhi have also found that they are not allowed access to their paternal property, making them economically dependent.

Comparative studies provide more support for reforms. The study of the Hindu Succession (Amendment) Act, 2005, highlights how gender equality regarding inheritance can affect women’s ability to access capital, their children’s health, and their bargaining positions within the family.¹³ On the other hand, the Muslim Personal Laws are mostly unwritten, resulting in varying judicial interpretations and reference to traditional writings such as Mulla’s Principles of Mahomedan Law. A 2025 paper published in IJRASET on the “Rights of Muslim Women in Ancestral Property” highlights the inflexible nature of the laws and calls for reinterpreting the Quranic principles in contemporary socio-economic contexts, stressing that women’s portions cannot be superseded by the will beyond one-third of the property.¹⁴

Reform is becoming an increasingly contentious issue due to new academic contributions and advocacy. The paper “Reform of Islamic Inheritance Law,” dated 2025–2026, deals with institutions such as wasiat wajibah (mandatory bequest) and how customs affect the inheritance rights of adopted and illegitimate offspring.¹⁵ The suggestion is made that the laws should be amended in accordance with current family forms. There are many advocacy documents where people propose that in case of absence of any male member within the family, everything should be inherited by females.

Discussions regarding the cases currently underway at the Supreme Court, including the ones heard in March 2026 in petitions questioning the validity of the 1937 Act, have become common in legal discourse. The court has recognized that the petitioners make “a very good case” with regards to the principles of equality laid down under Articles 14 and 15.¹⁶ However, the scholars recognize that the introduction of a

¹⁰ *The Holy Quran*, Surah An-Nisa 4:11-12.

¹¹ Mulla, *Principles of Mahomedan Law* (22nd edn, LexisNexis 2017).

¹² ResearchGate, “Muslim daughters and inheritance in India: Shariat, custom and practice” (2022).

¹³ Hindu Succession (Amendment) Act, 2005.

¹⁴ “Rights of Muslim Women in Ancestral Property,” *IJRASET*, Vol. 13 (2025).

¹⁵ “Reform of Islamic Inheritance Law” (Academic Report 2025–2026).

¹⁶ *Poulomi Pavini Shukla v. Union of India*, WP (C) 2026.

Uniform Civil Code based on Article 44 would be the best solution for preventing the legal void.¹⁷ The opposition has cited Article 25 in relation to religious freedom.¹⁸

Overall, from the literature reviewed, it is evident that there is a common agreement that the present system, although having been progressive in its time, is insufficient in ensuring substantial equality. The literature indicates that the most commonly suggested strategies include reinterpretation of Shariat, codification, adoption of the optional Indian Succession Act of 1925¹⁹ or enactment of a gender-equitable UCC. This makes a solid basis for asserting that reforms are imperative both from a community perspective and from legislation to promote economic empowerment of Muslim daughters.

3. METHODOLOGY

This research uses a doctrinal and socio-legal approach for conducting the study. Doctrinal research method refers to an approach that makes use of analysis of primary sources of law, including the Muslim Personal Law (Shariat) Application Act, 1937; Quranic passages (Surah An-Nisa 4:11-12); traditional Islamic jurisprudence; and cases from Supreme Court judgements – both precedent and ongoing cases. Critical review of the secondary sources of laws, such as scholarly writings, Mulla's Principles of Mahomedan Law, and different types of policies, is performed for this research.

The socio-legal dimension looks into the practical impact of these norms on the economic welfare and social status of Muslim daughters from the perspective of the studies dealing with custom, family pressures, and the changing role of women in Indian contemporary society. Comparative aspect of the topic is considered through a short comparative analysis of other similar efforts at reforms relative to the Indian Succession Act of 1925.

Methodologically, this research can be characterized as qualitative and reformist. It aims at analyzing the existing legal system and suggesting solutions for the problem.

4. LEGAL FRAMEWORK

Muslim women's laws concerning inheritance are largely guided by Islamic traditions, which have been codified in the Muslim Personal Law (Shariat) Application Act of 1937.²⁰ Passed during the period of British rule in India, this Act represented a significant departure from earlier customs that frequently precluded women from claiming their share of the estate.

As per Section 2 of the Act, "notwithstanding any local custom to the contrary, the law applicable in cases of intestacy amongst Muslims shall be the Muslim Personal Law (Shariat) except insofar as it may be inconsistent with any provisions of this Act in relation to agricultural land."²¹ The Shariat Act makes sure that the inheritance of Muslims is based on rules drawn from the Holy Quran, Hadith, and fiqh.

The main Quranic verses dealing with inheritance have been provided in Surah An-Nisa (4:11–12).²² According to these verses, it was made mandatory for women to have a definite share of inheritance in their family members' assets, which is indeed a revolutionary approach in 7th century Arabia when the society did not allow any inheritance for women. In these verses, there are certain portions that are allocated to sharers, while the general principle is that the male heir gets double the share of a woman of the same degree.

¹⁷ Constitution of India, art 44.

¹⁸ Constitution of India, art 25.

¹⁹ Indian Succession Act, 1925 (Act No. 39 of 1925).

²⁰ Muslim Personal Law (Shariat) Application Act, 1937 (Act No. 26 of 1937).

²¹ *Id.* at § 2.

²² *The Holy Quran*, Surah An-Nisa 4:11-12.

This means that if there is only one daughter, she would get one-half of the asset. If there are more than one daughter but no sons, then their combined share would be two-thirds divided equally between them.²³ The classification of heirs under Islamic law includes the category of sharers, who are entitled to prescribed shares according to the Koranic provisions, and the residuaries, who receive the residue of the property after fulfilling the claims of sharers.

Widows receive one-eighth of the share if there are heirs from the side of children, whereas they get one-fourth share if there are no children. In case of presence of any heirs from the side of the children, the mother is given one-sixth share.²⁴ It is important to note that there is nothing like joint family property in Islamic law.

The Islamic testator has limited freedom of disposition, meaning he/she is only permitted to make a will in favor of non-relatives by giving away one-third of the total property at most.²⁵ Two-thirds of the property shall follow the strict distribution of Shariat shares for legal heirs. Should the will contain anything more than one-third of the property or be made in favor of the heirs, all the heirs shall have to give their consent after the death of the testator under Sunni law. Women inheritors gain absolute ownership of their property, allowing them to alienate, dispose of, or transfer their property.

4.1 Sunni and Shia Variations

Though the basic principles of the Quran continue to be similar, there are significant variations within the two leading sects. Most of the Muslims in India belong to the Sunni (Hanafi) sect, where the succession laws classify heirs into three groups, namely sharers, residuaries, and the distant kindred (zawil arham).²⁶ As far as the Sunni law is concerned, residuaries usually have a more prominent position, and where the next of kin are absent, it leaves scope for other distant male relations who may lay a claim on the residue left behind. Conversely, the Shia law, specifically Ithna Ashari, adopts a simpler class-based method that entails the existence of only two classes of heirs with no class of collateral relatives.²⁷ The Shia school of thought is more generous to the female line since it treats heirs from both the daughter's and son's side in an equal manner.

It further allows the doctrine of radd, which provides for the return of residue to the sharers in case there are no residuaries. Representation is also granted under certain circumstances. Nevertheless, the basic ratio of two males to one female remains constant in both laws when sharing inheritance together. The Act of 1937 does not provide for the precise rules of succession but requires that Muslim Personal Law be applied even though it has not been codified. The failure to codify results in resorting to authoritative writings, judicial pronouncements, and variations in interpretation by different schools, which at times causes ambiguity, particularly when dealing with cross-community marriages or inter-sect controversies. Agricultural land has been specifically exempted from the scope of the Act in some states.²⁸

However, in recent times, the structure has come under constitutional challenge. The petitions filed before the Supreme Court question the discriminatory nature of the Shariat laws as per the provisions of Articles 14, 15, and 21, stating that they contravene the provisions of equality.²⁹ It has been noted that although the arguments brought forth in the cases against the discriminatory nature of the law are strong, any attempt to render the 1937 Act unconstitutional would lead to an absolute lack of law on the issue, as there is no alternative statute to govern succession among Muslims at present.

Therefore, the current law system is progressive in a historical sense in terms of giving women their due share; however, it is not codified, it is sect-specific, and it is based on certain traditional beliefs regarding

²³ Mulla, *Principles of Mahomedan Law* (22nd edn, LexisNexis 2017) 214.

²⁴ *Id.* at 222.

²⁵ Asaf A.A. Fyzee, *Outlines of Muhammadan Law* (5th edn, Oxford University Press 2008) 357.

²⁶ Mulla, *supra* note 23, at 210.

²⁷ Tyabji, *Muslim Law* (4th edn, 1968).

²⁸ The Shariat Act specifically excludes agricultural land in states like Uttar Pradesh and Punjab, where succession is governed by local tenancy laws.

²⁹ Constitution of India, arts. 14, 15, 21.

the financial obligations of men. It ensures certain rights for daughters that are unequal to those of sons, as residue tends to go to the male line in Sunni law. This sets up the benchmark for reforms through various means.

5. ANALYSIS

The rights of daughters according to the Muslim succession law in India involve intricate dynamics among the principles of religion from history, the equality prescribed by the constitution, and the current socio-economic dynamics. Although the system proposed by the Quran in the seventh century was an advancement due to the recognition of the entitlements of women within the male-dominated Arab community, the rigid nature of its implementation in contemporary India has resulted in the existence of gender inequality.

The paper explores the existing imbalances, inconsistencies with the constitution, impacts on the socio-economic sector, judicial decisions, and reforms necessary for change. The basic concept underlying the Muslim law of inheritance revolves around the notion based on Surah An-Nisa (4:11-12)³⁰, where specific shares are set aside for the benefit of females, whereas the males normally get twice as much as the females having equal degrees of consanguinity.

When a single daughter is the sole heir, she will inherit one-half of the property. The share of two or more daughters shall be two-thirds. But when there is at least one son, the daughters are made residuary heirs, inheriting merely half of what the son gets. The 2:1 proportion along with the fact that the residue mostly goes to male collaterals (especially in Sunni Hanafi law) causes women to often get a lot less than they ought to.

The reason cited for such a system is that under Islamic law, it places higher financial obligations on men (supporting one's family, paying one's mahr, etc.) Hence, this justifies a bigger share. Supporters of this say that the Quran has made significant improvements to the status of women from exclusion before Islam to an assured status, wherein women enjoy absolute property rights.

But critics believe that such an idea based on socio-economic dynamics prevalent during the 7th century does not hold true today in India with women receiving better education, getting employed, and contributing more to household earnings than ever before. The belief of male superiority financially goes against the dynamics of nuclear families and dual-income families, along with the fact that women's contributions are unpaid.

From a constitutional perspective, such legislation raises many issues under Articles 14, 15, and 21³¹ of the Constitution of India. Article 14 guarantees equality before law and equal protection of laws, whereas Article 15 provides protection against discrimination based on sex and religion. It is difficult to understand how a rigid division on the basis of gender in terms of inheritance would be acceptable in the light of reasonable classification test. Article 21, which has been interpreted to include the right to live with dignity, clearly suggests that economic deprivation of women resulting from inheritance laws would violate their basic right.

Personal laws can claim protection under Article 25 as freedom of religion but the jurisprudence of the courts does not allow religious practices to infringe on fundamental rights. Women's economic rights have been increasingly extended by the Supreme Court in the adjacent areas as well. The cases of Shah Bano

³⁰ THE QUR'AN, Surah An-Nisa 4:11–12.

³¹ Constitution of India, articles 14, 15, 21 and 25

Begum (1985)³² and Danial Latifi (2001)³³ indicate how liberally the Court has defined maintenance duties, moving away from narrow interpretations under Shariat in light of constitutional principles of dignity.

Mary Roy (1986)³⁴ struck down discriminatory rules regarding succession among Christians, illustrating that inheritance laws under personal laws which are discriminatory towards women can be challenged on grounds of equality. Triple talaq was also declared invalid on similar grounds in the recent case of Shayara Bano (2017)³⁵. It appears that the judicial process is keen on bringing personal laws in line with the Constitution on issues of maintenance and divorce, but not succession shares due to the lack of codification in the field.

This controversy gained more attention with recent petitions. For example, in Safiya PM vs Union of India (2024-2025)³⁶, an ex-Muslim woman from Kerala requested to be governed by the Indian Succession Act of 1925 – a secular law providing equal entitlement. The claim is that enforcing Shariah even on those who do not practice Islam breaches principles of equality and freedom of religion. Simultaneously, PILs filed by the Khuran Sunnath Society and lawyer Naushad K.K. aim to abolish the discriminatory practices in the 1937 Shariat Act, asking for the opportunity to choose secular laws without leaving religion.

In March 2026 hearing sessions, the Supreme Court noted that the petitioner's case is a "very good case" from the gender perspective. But the bench, through references to benches presided over by Chief Justice Surya Kant and others, has dissuaded judges from invoking judicial review to declare the Act of 1937 null and void, as it may create a legislative vacuum. It is observed by the Court that the time has now arrived for a UCC, as per Article 44, which would be decided in the domain of the Legislature.

The AIMPLB³⁷ has been opposing these appeals, arguing that any change would amount to an infringement of religious freedom. In socio-economic terms, discriminatory inheritance practices ensure a legacy of dependence and vulnerability. Daughters and widows are frequently dispossessed, particularly in rural settings where traditional customs prevail despite legal rights.

Research shows that women with less property have access problems to credit, educational opportunities for their children, and negotiating capabilities within households. It has been shown that discriminatory practices with regard to inheritance deepen inequities with regard to health, nourishment, and empowerment. However, the Hindu Succession (Amendment) Act of 2005, giving daughters coparcenary rights equivalent to men, has been shown to have enhanced the economic conditions of women in several societies.

Those against radical reform have contended that any attempt at enforcing equality might destabilize family structures or even receive opposition from communities, considering that there is evidence showing that some Muslims favour inheritance based on the tradition system. Nonetheless, the constitutionally mandated commitment to gender equality cannot be postponed forever. The Supreme Court's insistence on UCC is an acknowledgment that piecemeal judicial interventions are prone to inconsistency while legislative measures would ensure a proper consultation process.

It is apparent from the discussion above that although daughters were protected under the Muslim succession law with guaranteed inheritance shares in the past, the inflexible implementation of the laws in light of an entirely different socio-economic and constitutional milieu continues the discrimination against them. There arises a need for settling down the conflicting provisions between Article 25 and Articles 14 & 15. Several court decisions already set the tone for examining the issue, and the increasing number of

³² Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 S.C.C. 556 (India).

³³ Danial Latifi v. Union of India, (2001) 7 S.C.C. 740 (India).

³⁴ Mary Roy v. State of Kerala, (1986) 2 S.C.C. 209 (India).

³⁵ Shayara Bano v. Union of India, (2017) 9 S.C.C. 1 (India).

³⁶ Safiya P.M. v. Union of India, W.P. (C) No. 135/2024 (pending, Sup. Ct. India).

³⁷ All India Muslim Personal Law Board

petitions suggests an emerging trend. It becomes imperative to bring about much-needed reforms for empowering Muslim daughters.

6. ISSUES

The system of inheritance for Muslims within the context of Indian laws, which is subject to the uncodified laws of the Muslim Personal Law (Shariat) Application Act, 1937³⁸, raises various questions and concerns, especially concerning daughters. Despite the introduction of reformative measures through the Quran, where women were declared inheritors of their deceased relatives' estates, inheritance practices have maintained certain disparities, contradictory to modern concepts of equality.

The essence of the above problems can be explained by the unequal share distribution. According to the traditional Shariat law (mainly practiced via Hanafi Sunnis in India), the daughter gets a definite share as "sharer." In case there is no brother or sister, she gets half of the property. Several daughters together will get two-thirds. Yet, in case there is a son, the daughter becomes "residuary," and she gets only half of what the son inherits. Thus, the sex ratio between children remains constant at 2:1 in favor of males.

In addition, if there are no male offspring, then daughters do not inherit the full property, and the leftover one-third is inherited by distant male agnates of the deceased person, namely, his brothers, uncles, and cousins. One more serious problem is that there is no enough scope for testamentary freedom. The bequest made by a Muslim in his will may be restricted to only one-third of his property in favor of non-relatives; the rest has to go by obligatory division according to Quranic proportions. This restricts parents from dividing their property equally among their children, even if that is what they desire.

The attempts to leave property for sons by making a will have been contested in courts, but the general trend favors males. The lack of any coparcenary or joint family system, as opposed to Hindu personal laws³⁹, makes things even more difficult. The inheritance of property takes place individually after death, without there being any birth right to property by daughters.

Although this allows the individual owner complete title over whatever has been inherited, it provides little security against societal and family pressures. Further analysis of its practical application highlights even more pronounced disparities. Cultural and social values often force girls to sacrifice their inherited wealth in order to avoid disharmony within the family.

Researches and case studies suggest that a significant percentage of Muslim women either give up their inheritance by choice or are coerced into doing so due to the presence of other male heirs. Those few who choose to pursue their share often face discrimination and hostility on account of being perceived as greedy, selfish, and disloyal members of the family.

The customary tradition is still practiced despite being legally banned under the 1937 Act in many rural and semi-urban settlements, where Quranic inheritance rights take second place to tradition. The impact is widespread in terms of economics and sociology. The decreased inheritance makes access to money, loans, homes, and business possibilities difficult for the daughter. In the age of nuclear families and increased education among women and their working status, the rationale behind this practice that men solely should bear the burden of finance seems more outmoded. Unpaid work done by women inside the house, along with the role she plays in contributing economically to the house, remains unrecognized as equal to the men's monetary responsibilities.

In terms of the constitution, these kinds of inequalities give rise to several problems. They seem to be inconsistent with Article 14 (equality before law), Article 15 (discrimination based on grounds of sex and religion), and Article 21 (right to life with dignity). Article 25⁴⁰ ensures the right to practice one's faith

³⁸ Muslim Personal Law (Shariat) Application Act, No. 26 of 1937, India Code (1937).

³⁹ Indian Succession Act, No. 39 of 1925, India Code (1925).

⁴⁰ INDIA CONST. arts. 14, 15, 21, 25.

freely, but it is well-settled through judicial precedents that any type of discrimination made through personal laws cannot escape scrutiny. These inequalities are an indication of the failure of the principle of gender equality.

Recent legal proceedings have made these matters a matter of national debate. Three petitions lodged by Safiya PM⁴¹ (a woman formerly practicing Islam in Kerala), the Khuran Sunnath Society, and a Muslim attorney have asked for permission to permit Muslims to exercise the right of choice to forego Shariat inheritance laws and instead opt for the Secular Indian Succession Act of 1925, which grants equal shares irrespective of gender.

The Supreme Court is now hearing these cases in the year 2025 to 2026 and has requested the opinion of the Center regarding a possible solution. It has remarked that a Uniform Civil Code would be an appropriate measure for solving this issue of gender discrimination. These are not just conceptual problems; rather, they become evident in practical cases when daughters and widows find themselves stripped of their control over family properties, eventually becoming homeless or impoverished.

Due to the absence of codification, there is no uniformity in judicial opinions regarding the problem, causing further complications. It must be noted that there is an intricate interplay between patriarchy, poverty, and religion, which makes the issue even more complex and difficult to address solely through legal reform. The main problems include gender disparity with respect to shares, lack of testamentary liberty, exclusory laws concerning the rule of residues and representations, social abdication by large numbers of people, and economic vulnerability stemming from all of these factors combined.

The gravity of these problems requires immediate consideration in view of constitutional obligations and changing social values.

7. NEED FOR REFORM

The traditional model of inheritance laws for Muslims under the Shariat Act of 1937⁴², although being progressive in the past, now appears outdated in terms of providing substantial equality for women in modern-day India. The strict adherence to the principle of 2:1 male and female share ratios, along with the transfer of residual property to agnatic males and the lack of coparcenary rights, continues to create an economically dependent status quo for daughters and widows.

There are many possible reforms that have been suggested by researchers and in judicial opinions. Firstly, codification of Muslim personal law of succession will bring about clarity, consistency, and transparency, and at the same time reduce the role of inconsistent practices. Codification can be made while adhering to the fundamental concepts of the Quran but eliminating any biased understanding. Secondly, the optional application of the secular Indian Succession Act of 1925⁴³ may enable people or families to enjoy equality of inheritance rights without necessarily abandoning their personal law.

Thirdly, the formulation of a Uniform Civil Code (UCC), which is mandated under Article 44⁴⁴ of the Constitution, must be considered. In the hearing held in the case of Poulomi Pavini Shukla v. Union of India⁴⁵ in March 2026, the Supreme Court pointed out that “the answer lies in the uniform civil code” and said that the demand for equal inheritance was indeed “a very good case” from an equalitarian perspective. Yet, the Court did caution that a judicial strike-down of parts of the 1937 Act might leave a gap in the law.

Another possible path towards reform could be internal reform within Islamic jurisprudence. Such progressive reforms may recognize the contribution of women in contemporary economics, increase the

⁴¹ Safiya P.M. v. Union of India, W.P. (C) No. 135/2024 (pending, Sup. Ct. India).

⁴² Muslim Personal Law (Shariat) Application Act, No. 26 of 1937, India Code (1937).

⁴³ Indian Succession Act, No. 39 of 1925, India Code (1925).

⁴⁴ INDIA CONST. art. 44.

⁴⁵ Poulomi Pavini Shukla v. Union of India, W.P. (C) No. 503/2018

scope of obligatory bequests, apply the principle of radd more equally, and give representation rights to grandchildren. Additional share for economically contributing wives may also be suggested by some scholars.

Despite all these advantages, there are still some major hurdles to overcome. Firstly, the AIMPLB⁴⁶ has shown its strong disapproval of any kind of intervention, claiming that such an alteration will be a violation of Article 25 (right to freedom of religion). Secondly, there is a chance of social backlash from conservative members of society because of their fear of destabilizing the familial system due to rapid reforms.

Such a balance could be achieved by engaging widely with groups representing Muslim women, religious scholars, and lawyers. Some interim steps that can be taken include conducting legal awareness programs, offering free legal assistance to women seeking their rights under inheritance laws, and enforcing provisions against any attempts at forcing them to give up their shares.

However, the ultimate solution is reform of some kind, whether through codification, optional secular law, internal reformation, or gender-just UCC. Such a reform would enable Muslim daughters to become economically self-reliant and less vulnerable.

8. CONCLUSION

The treatment of daughters' rights under Islamic inheritance laws in India highlights the huge chasm that exists between the liberal nature of Quranic provisions on the one hand and the rigid implementation of the uncodified Muslim Personal Law through the Shariat Application Act, 1937⁴⁷ on the other. Even though the Quran had conferred property inheritance rights for women in the seventh century, which was a great leap forward from the practices prevalent before Islam, the static 2:1 ratio between male and female inheritances along with the distribution of leftover property among agnate males continues to affect daughters in contemporary India.

The legal perspective, identification of prevailing disparities, examination of judicial precedent and analysis of socio-legal effects of discriminatory inheritance laws have been undertaken in this paper. It can be clearly seen from the doctrine and socio-legal analysis above that while the present system may seem justified in the given context, it is clearly not sufficient for bringing about substantive gender justice in the modern society wherein educated Muslim women contribute actively to the workforce. Some of the landmark cases in the area of personal laws are Shah Bano case⁴⁸, Danial Latifi case⁴⁹, Mary Roy case⁵⁰ and Shayara Bano case⁵¹.

Recent cases like Safiya PM vs Union of India⁵² and Poulomi Pavini Shukla vs Union of India⁵³, together with remarks made by the Supreme Court in March 2026 about the plea being "a very good case" in relation to equality and how "the answer is the Uniform Civil Code," have increased pressure for reforms. It is important to note from the Court's warning against legal vacuum that this change will need to be effected through legislation.

⁴⁶ All India Muslim Personal Law Board, public statements on UCC (2025–2026).

⁴⁷ Muslim Personal Law (Shariat) Application Act, No. 26 of 1937, India Code (1937).

⁴⁸ Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 S.C.C. 556 (India).

⁴⁹ Danial Latifi v. Union of India, (2001) 7 S.C.C. 740 (India).

⁵⁰ Mary Roy v. State of Kerala, (1986) 2 S.C.C. 209 (India).

⁵¹ Shayara Bano v. Union of India, (2017) 9 S.C.C. 1 (India).

⁵² Safiya P.M. v. Union of India

⁵³ Poulomi Pavini Shukla v. Union of India