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**THE EVOLUTION OF DAUGHTER'S RIGHTS: PRE AND
POST 2005 AMENDMENT**

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ABSTRACT

The Hindu Succession (Amendment) Act, 2005 created new legal rights which enables daughters to inherit ancestral property rights under Hindu succession laws. The Mitakshara system prohibited daughters from accessing coparcenary rights because it restricted coparcenary rights to male members of a Hindu joint family. The cultural practices which established these restrictions emerged from patriarchal beliefs which created social and economic isolation for women in their communities. The 2005 Amendment established a fundamental change when it allowed daughters to acquire the same rights as sons to inherited coparcenary property which recognized them as coparceners since birth. The research paper analyses the Hindu succession law rights acquired by daughters through the comparison of the legal system which existed before 2005 and the newly established rules which followed the amendment. The study examines main court decisions which both explained the amendment and developed its use for complete implementation. The research study evaluates how the reform changes society and legal systems through its effect on gender equality and women's empowerment and family relationships. The amendment aimed to create progress for women, yet three main obstacles remain, which include people not knowing their rights and society opposing their rights and the legal system preventing them from

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claiming their rights. The current legal system evaluates the deficiencies which exist through the problems which the paper cites. The 2005 Amendment establishes a vital achievement for gender justice, yet its realization depends on both correct implementation and shifts in societal attitudes toward women's property rights.

KEYWORDS: Hindu Succession Act, 2005 Amendment, Coparcenary Rights, Gender Equality, Property Rights, Mitakshara Law, Women Empowerment.

INTRODUCTION:

Throughout its history, the concept of property ownership and inheritance has played a defining role in shaping the way individuals interact socially and economically in India. Under traditional Hindu law, specifically the Mitakshara school of thought², property rights were established at a time when the patriarchal framework dominated the legal system and established social order; thus, property was owned by men based on their lineage while women were denied equal rights to property ownership³. Even though daughters have always been part of the family and their contributions are invaluable, daughters have never had access to coparcenary property rights; therefore, they do not have a claim to ancestral property at birth⁴. The overall impact of these inequalities creates economic dependency for women within the context of their families. The passing of Hindu Succession Act 1956⁵ is a major development in codification of Hindu personal law relating to inheritance, albeit the Act provided daughters with some inheritance rights to separate property, it did not resolve the fundamental problem with respect to gender discrimination in the context of the Mitakshara co-parcenary since it

² Mayne, *Hindu Law and Usage* (16th edn, Bharat Law House 2008).

³ Flavia Agnes, 'Gender Inequality in Hindu Personal Law' (2011) 46(17) *Economic and Political Weekly* 36.

⁴ Paras Diwan, *Modern Hindu Law* (21st edn, Allahabad Law Agency 2018).

⁵ Hindu Succession Act 1956.

continued to recognize only male heirs (sons, grandsons and great grandsons) as co-parcenary heirs, thereby perpetuating a clear bias against females; Consequently, daughters were precluded from co-parcenary property in the family by virtue of their gender and as a result were unable to exercise either economic independence or quality of standing based upon ownership interest in joint family property.

As the years went on, the necessity for change was growing more obvious as far as the constitutional provisions of fairness and absence of discrimination were concerned (Article 14, Article 15) in India⁶. Numerous countries, including Andhra Pradesh, Tamil Nadu, Karnataka, and Maharashtra⁷, have made positive changes through varying laws to provide coparcenary rights for daughters and sons in their states. These reforms at the state level provide both a potential and an obligation to broaden national reforms through legislative or judicial channels. Major achievement occurred with the passage of the Hindu Succession (Amendment) Act 2005⁸, which changed the legal status of daughters very significantly. In amending Section 6 of the 1956 Act⁹, legislation values daughter's rights, and liabilities in ancestral property equally with son's substantive rights and liabilities as coparceners by birth. The reform was a basic change in Hindu succession law because it sought to break down traditional patriarchal norms, and create formal equality between genders under the law, as well as providing personal laws that are consistent with constitutional values and enhancing the legal framework of gender justice in India.

The 2005 Amendment has radically changed the status of daughters as coparceners; however, this transformation has not come without a number of challenges. Immediately following its introduction, the courts provided different interpretations

⁶ Constitution of India 1950, arts 14 and 15.

⁷ Hindu Succession (Andhra Pradesh Amendment) Act 1986; Hindu Succession (Tamil Nadu Amendment) Act 1989; Hindu Succession (Karnataka Amendment) Act 1994; Hindu Succession (Maharashtra Amendment) Act 1994.

⁸ Hindu Succession (Amendment) Act 2005.

⁹ Hindu Succession Act 1956, s 6 (as amended in 2005).

of the application (retrospective vs. prospective¹⁰) of the 2005 Amendment which led to a significant amount of confusion and uncertainty about whether the 2005 Amendment applied to the rights of women. Subsequently, the landmark decision in *Vineeta Sharma v Rakesh Sharma* (2020)¹¹ confirmed that daughters have coparcener rights from birth (irrespective of whether the father was living when the amendment occurred). While the courts have subsequently provided greater clarity as to what the 2005 Amendment means, in practice daughters are still confronted with a few obstacles that hinder their ability to exercise their rights (e.g., lack of knowledge about their rights, resistance from their family and community members, and procedural difficulties).

The research study critically analyses the development of the rights of daughters through the interpretation of Hindu law before and after the 2005 Amendment to the Hindu Succession Act. Therefore, the study includes an examination of the role of courts, and evaluates whether the reforms promoted substantive equality for women. This analysis shows the substantial differences between the written provisions of law, and how they have been applied and ultimately result in providing women with equal rights to property. Therefore, there is clearly a continuing need for further activities to develop the application of property rights for women into real social rights.

STATEMENT OF THE PROBLEM:

The Hindu succession law from ancient times established gender bias through its system which denied daughters their rights to join the family estate under Mitakshara rules thus taking away their rights to share in family inheritance. The Hindu Succession Act 1956 created restricted inheritance rights for daughters yet it failed to recognize them as equal joint family members which resulted in their social exclusion and financial dependency. The Hindu Succession Amendment Act 2005

¹⁰ *Prakash v Phulavati* (2016) 2 SCC 36; *Danamma v Amar* (2018) 3 SCC 343.

¹¹ *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1.

established equal coparcenary rights for daughters from birth to solve this problem. The law contains progressive features yet its execution faces multiple obstacles. The judicial system created earlier rulings that generated uncertainty about which areas the amendment applied. The socio-cultural system prevents women from claiming their rights because it values family peace more than legal rights. The legal system requires practical implementation to achieve reform which shows the amendment process needs to prove its effectiveness in establishing gender equality.

RESEARCH OBJECTIVES:

- To examine the status and legal position of daughters under Hindu succession law prior to the 2005 Amendment.
- To analyse the key changes introduced by the Hindu Succession (Amendment) Act, 2005.
- To evaluate the role of the judiciary in interpreting and enforcing daughters' coparcenary rights.
- To assess the effectiveness of the amendment in achieving gender equality in property rights.

RESEARCH QUESTIONS:

- What was the legal status of daughters under Hindu succession law before the 2005 Amendment?
- How has the 2005 Amendment transformed the concept of coparcenary rights for daughters?
- What role has the judiciary played in clarifying and expanding daughters' rights?
- To what extent has the amendment succeeded in ensuring gender equality in inheritance laws?

RESEARCH METHODOLOGY:

The purpose of this study is to identify how daughters' rights under Hindu succession laws have come into being over time using doctrinal and analytical methods. The basis of this research is through the examination of various forms of legal materials (i.e., statutes, judgments) as well as primary and secondary sources of information. The primary sources that form part of the study include: The Hindu Succession Act 1956, The Hindu Succession (Amendment) Act 2005; and, important cases that have shaped the development of daughters' succession rights (i.e., *Vineeta Sharma vs Rakesh Sharma*, *Prakash vs Phulavati*, *Danamma vs Amar*). The secondary sources used in the study included: Books, journal articles, research papers, and authoritative online legal databases which provide scholarly analysis of the topic under consideration. The comparison approach has involved comparing the status of daughters prior to the 2005 Amendment against their status. The use of qualitative analysis will help to assess whether the Amendment has improved the status of daughters and to identify any unequal treatment arising out of the difference between legislative provisions and how they have been implemented in practice.

SIGNIFICANCE & CONTRIBUTION OF THE STUDY:

This examination of the changes in Hindu succession laws and daughters' rights is essential because of the movement being made from a patriarchal system toward one of equal legal rights for women as a result of the Hindu Succession (Amendment) Act 2005. The key component to this examination is a comparison of the pre- and post-2005 eras in order to illustrate how daughters have become coparceners, with equal rights under Hindu succession laws. In addition to legislative changes, this study also considers how judicial interpretation has affected the recognition of daughters' rights, and therefore makes a contribution to the existing literature. Furthermore, by assessing the disconnect between the legal and practical application of laws affecting daughters' rights, it identifies the hindrances (socio-cultural, lack of

awareness, and institutional) that prevent women from obtaining equal rights to inherit property. This study can be beneficial for students, scholars, and policy makers alike, as it provides insight into the impact of legal reform and emphasizes the importance of implementing stronger enforcement measures and promoting social change to ensure that greater gender equality in property rights is realized.

LITERATURE REVIEW:

The Hindu Succession Amendment Act of 2005 introduced major legal transformations¹² which resulted in extended inheritance rights for daughters through changes in Hindu succession regulations that scholars and judicial authorities examined in subsequent research. The existing literature shows a gradual but significant evolution from gender-based exclusion toward establishing formal legal equality¹³ between men and women. The existing structural barriers together with social obstacles function as permanent obstructions which prevent individuals from exercising their full legal rights¹⁴. The literature documents two opposing narratives which show both progress in legal rights and ongoing social evolution throughout different historical timeframes. Daughters could not claim coparcenary rights until 2005 because the legal system had established this prohibition against their right to Mitakshara Hindu law rights. The patrilineal property system operated through this system which restricted coparcener status to male descendants¹⁵ who inherited the patriarchal family legacy. According to Shital Kharat 2017¹⁶ daughters did not have coparcener status because their rights only permitted them to receive maintenance and residence and marriage costs. The system required men to manage all family connections which resulted in financial dependence for women who had

¹² Hindu Succession (Amendment) Act 2005.

¹³ Flavia Agnes, 'Gender Equality and Personal Laws in India' (2011) 46(17) *Economic and Political Weekly* 36.

¹⁴ Amartya Sen, *Development as Freedom* (OUP 1999).

¹⁵ Mayne, *Hindu Law and Usage* (16th edn, Bharat Law House 2008).

¹⁶ Shital Kharat, 'Coparcenary Rights of Women under Hindu Law' (2017) *Indian Journal of Legal Studies*.

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to depend on men for economic authority. Archana Mishra 2016¹⁷ discovered that property rights distribution operated under patriarchal traditions before the amendment because the pre-amendment system granted property ownership rights to male descendants only. The woman completely lost her rights to inherit property which created economic dependence on her family beyond the family unit.

The original Hindu Succession Act of 1956 contains multiple weaknesses¹⁸ which academic research examines as a recurring subject. The Act established progressive policies when it established legally binding succession procedures which granted women specific inheritance rights while it maintained existing inequalities because it permitted men to control ancestral property through coparcenary rights. The dual framework provided by separate property and ancestral property distinctions continued to benefit male heirs. The law granted daughters property rights through certain situations but denied them coparcener status which involved crucial legal and financial responsibilities. The partial reform has been widely criticized as a symbolic change because it did not create authentic change¹⁹ which left the fundamental patriarchal system of the joint family system unchanged. The national amendment of 2005 followed after states implemented their reform efforts to address specific restrictions which existed in their territories. The literature demonstrates how state-level amendments have achieved major importance by including coparcenary rights for daughters in Karnataka Andhra Pradesh Maharashtra and Tamil Nadu²⁰. The regional reforms showed their successful operation through test cases which established that both men and women should receive equal inheritance rights. The national conversation regarding these initiatives developed because they established evidence that reforms brought about successful results. The daughters'

¹⁷ Archana Mishra, 'Women and Property Rights in India' (2016) *Journal of Law and Gender Studies*.

¹⁸ Hindu Succession Act 1956.

¹⁹ Paras Diwan, *Modern Hindu Law* (21st edn, Allahabad Law Agency 2018).

²⁰ Hindu Succession (State Amendment Acts): Andhra Pradesh 1986; Tamil Nadu 1989; Karnataka 1994; Maharashtra 1994.

recognition as coparceners by these states established a basis for legislative reforms while breaking away from traditional customs.

The Hindu Succession Amendment Act of 2005 fundamentally transformed the way daughters' rights developed. The Section 6 Amendment of the Act established daughters as coparceners²¹ from birth which granted them equal rights and responsibilities towards family property with other family members. The amendment represents a fundamental alteration to Hindu personal law because it removes historical barriers which stopped daughters from inheriting property and it synchronizes inheritance procedures with constitutional mandates of equality and non-discrimination²² according to Chauhan and Yadav 2025. The amendment serves as a vital improvement for gender equality through its mission to eliminate current gender imbalances while it enables women to obtain power in both domestic affairs and economic activities.

The Roshan Singh Lamba 2023²³ amendment creates equal social status for men and women through its establishment of legal rights which function as solutions for property ownership rights violations. The amendment grants daughters equal coparcenary rights which improve their economic position but it creates difficulties for traditional family gender role standards. Women gain power through property rights because these rights bring them financial stability together with enhanced negotiation capacity and ability to make decisions.

The 2005 amendment operates as a social change agent which enables fundamental changes to occur in the gender relations that exist within Indian society. The courts establish their legal system through their use of laws which they begin to enforce after those laws receive official regulatory status. The most disputed aspect in this matter relates to determining whether the amendment executes its provisions from the moment of its passage or from a future date. The High Court and Supreme Court

²¹ Hindu Succession Act 1956, s 6 (as amended by 2005 Act).

²² Constitution of India 1950, arts 14 and 15.

²³ Roshan Singh Lamba, 'Women's Property Rights and Legal Reform' (2023) *Indian Law Review*.

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provided multiple legal interpretations which created a major legal confusion during their initial responses²⁴. The law permitted some rulings to grant daughters coparcenary rights when their father remained alive during the amendment yet other judgments showed a more flexible approach toward the law.

The Supreme Court created legal uncertainty through its *Vineeta Sharma v Rakesh Sharma*²⁵ ruling which now stands as a crucial court decision that academic scholars have studied extensively. According to Shalu Nigam 2020 the court ruling established that daughters acquire coparcenary rights at their birth without needing to demonstrate their father existed before the legal change took place. The Court explained that the amendment has retroactive effect which means that it affects all living daughters who have living coparceners as their parents regardless of their birth date. The ruling established a constitutional requirement for gender equality through its resolution of existing case law discrepancies. The decision established legal certainty by clarifying existing regulations which created consistent enforcement standards through all legal areas.

Researchers now study how inheritance rights affect the economic status of individuals in addition to legal rules and court decisions. Women use their property rights to control their life decisions through property ownership which leads to their empowerment. Minali Grover and Ajay Sharma 2025 conducted research which shows that women achieve better household bargaining power through their property rights which empower them to take part in financial and social decision-making activities. Property owners use their property rights to secure their financial situation against potential problems which may arise during marital separation or domestic violent situations.

Women who inherit property rights create social advantages which help build up their communities according to research findings. Hossain and Nikolov 2021

²⁴ *Prakash v Phulavati* (2016) 2 SCC 36; *Danamma v Amar* (2018) 3 SCC 343.

²⁵ *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1

conducted research which demonstrates that women who acquire property rights use their additional resources to improve their children's health and education²⁶ which leads to better family welfare. Women who obtain rights which build their authority through inheritance law changes achieve increased empowerment according to research findings from Biswas et al 2020. Communities achieve financial gains through legal changes which act as a transformative force that leads to social development and personal rights evolution. The existing literature shows that there exists a legal gap between official regulations and actual social customs which occurs despite all recent advancements. According to sociological research findings women face major obstacles when trying to establish their inheritance rights²⁷. Dr Ajeet Kumar 2023 explains that women face property rights denial because of social customs and cultural standards together with family pressures. Women choose to give up their rights to male family members because they want to keep peace in the family or to escape social disapproval. Social attitudes need to shift for legal reforms to succeed because people who give up their legal rights do so to maintain their family connections.

The literature shows that practical difficulties prevent effective law enforcement from achieving its intended objectives. The current conditions of rural communities suffer from three predominant issues which stem from their lack of legal knowledge and their difficulties with understanding legal processes and their limited access to legal assistance. The scholars state that the 2005 amendment will miss its actual benefits because of insufficient institutional backing and public knowledge. The current agreement establishes that legal literacy programs together with legal aid services and administrative reforms create essential solutions which help bridge the distance between actual legal practice and the established laws. The case provides evidence through its comparative and historical analyses which demonstrate the

²⁶ N Hossain and P Nikolov, 'Women's Property Rights and Household Welfare' (2021) *World Development Journal*.

²⁷ Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (CUP 1994).

evolution of daughters' rights throughout different time periods. The research shows that legislative reform processes require extended timelines according to results obtained from studies about state amendments which occurred before 2005. The comparative study by Thota and Dubey (2023) shows how Indian succession law connects to worldwide systems which enable researchers to see both the advancements and the persistent obstacles that hinder gender equality. The analyses demonstrate that legal reforms need to be understood through the lens of social and cultural and economic systems²⁸ that exist in society. Feminist legal scholarship adds another critical dimension to the literature by questioning the extent to which legal reforms can achieve substantive equality.

The 2005 amendment serves as a significant legal reform according to feminist scholars who believe that legal equality needs social changes to eliminate patriarchal systems. The investigation requires an intersectional framework because this method shows how caste and class and urban-rural differences shape the ways women acquire their legal entitlements. The present academic research zone provides thorough insights which demonstrate how daughters' rights developed through Hindu succession law. The 2005 amendment created an important inheritance change for daughters because it demonstrated how daughters had historically been denied inheritance rights between two historical periods. The legal amendment creates a fundamental advancement for gender equality, yet existing social and economic and institutional hurdles require continuous efforts to transform legal entitlements into practical rights. The research will build upon previous studies by examining how legal transformations affected the development of daughters' rights through their subsequent impacts on Indian legal systems between gender justice and legal reforms.

²⁸ Ratna Kapur, 'Gender, Equality and the Law in India' (2005) *International Journal of Constitutional Law*.

DISCUSSION:

The evolution of daughters' rights under Hindu succession law represents a crucial shift from entrenched gender inequality to formal legal recognition of equality²⁹. This discussion is structured in line with the research objectives and questions, focusing on the pre-2005 legal framework, the transformation introduced by the Hindu Succession (Amendment) Act, 2005, the role of the judiciary, and the extent to which these developments have achieved gender equality in practice.

Legal Status of Daughters Prior to the 2005 Amendment:

The first research objective and question established that the legal status of daughters prior to the 2005 Amendment operated with basic discrimination against them. The Hindu Succession Act of 1956³⁰ established succession laws through its provisions yet maintained the Mitakshara coparcenary system³¹ which operated as a patriarchal system. Males who were sons, grandsons and great-grandsons obtained their rightful ancestral property rights through their birthright.

Daughters, in contrast, were excluded from coparcenary. The ancestral property rights of traditional families prevented them from taking part in property ownership while also denying them the right to divide the property. The law permitted them to receive a portion of their father's assets after his death in intestate succession. The community used social customs to restrict her access to this basic right. The doctrine of survivorship³² operated as a legalized system that created greater discrimination against particular groups. The doctrine established that when a coparcener passed away his property rights would transfer to the remaining male coparceners instead of being divided through inheritance. This legal provision prevented daughters from receiving their rightful share of ancestral assets.

²⁹ Flavia Agnes, 'Gender Equality and Personal Laws in India' (2011) 46(17) *Economic and Political Weekly* 36.

³⁰ Hindu Succession Act 1956.

³¹ Mayne, *Hindu Law and Usage* (16th edn, Bharat Law House 2008).

³² Paras Diwan, *Modern Hindu Law* (21st edn, Allahabad Law Agency 2018).

The legal system maintained its original structure until courts began interpreting the law in 2005. The Supreme Court upheld its earlier view that the coparcenary system functioned as a male-dominated structure in the State of Maharashtra v. Narayan Rao Sham Rao Deshmukh (1985)³³ case. The courts established a legal precedent that prevented daughters from accessing coparcenary rights which existed because of the existing social and legal standards. Before 2005, several states made changes to their legal frameworks. The Andhra Pradesh (1986), Tamil Nadu (1989), Karnataka (1994), and Maharashtra (1994)³⁴ laws permitted daughters to receive coparcenary rights through their amendments. The implementation of these reforms suffered from inconsistent execution which caused regional differences in their application. The legal framework before 2005 established gender-based discrimination through its denial of equal property rights to daughters which created economic dependency on male relatives.

Transformation Brought by the 2005 Amendment:

The impact of the Hindu Succession (Amendment) Act 2005³⁵ on women's inheritance rights which resulted from the legislative changes. The amendment introduced a fundamental shift in Indian inheritance laws through its establishment of equal inheritance rights for both genders within the coparcenary system. The amendment established new rights for daughters who became coparceners at birth while it replaced Section 6 of the 1956 Act³⁶. Under this new legal framework, daughters received the same rights and responsibilities toward ancestral property that male coparceners possessed. The daughters acquired rights which enabled them to request property division while they could take Karta duties during specific situations and use testamentary methods to pass on their share. The most important

³³ *State of Maharashtra v Narayan Rao Sham Rao Deshmukh* (1985) 2 SCC 321.

³⁴ Hindu Succession (Andhra Pradesh Amendment) Act 1986; Hindu Succession (Tamil Nadu Amendment) Act 1989; Hindu Succession (Karnataka Amendment) Act 1994; Hindu Succession (Maharashtra Amendment) Act 1994.

³⁵ Hindu Succession (Amendment) Act 2005.

³⁶ Hindu Succession Act 1956, s 6 (as amended).

modification occurred through the elimination of the survivorship doctrine. Property now required succession laws for distribution because male coparceners no longer received automatic property rights from their status.

The amendment originated from constitutional principles which established equality through Articles 14 and 15 of the Constitution of India³⁷. The law provided methods to eliminate discrimination while helping women achieve economic independence. The law established joint family equality through birthright property ownership for daughters. The transformation affected both existing legal frameworks and basic societal beliefs. The amendment challenged deeply ingrained patriarchal norms that prioritized sons over daughters. The amendment established a Hindu joint family system which evolved into a fairer and more inclusive framework. The amendment contained progressive objectives but its relevancy problems emerged because it did not apply to situations in which fathers died before 2005. Judicial authorities needed to interpret the legal uncertainties which required clarification before they could establish legal rules.

Judicial Interpretation and Expansion of Daughters' Rights:

The judicial system uses its power to determine court decisions which resolve disputes about daughters' rights to family property. The courts operate as essential institutions which handle legal cases while they verify proper execution of the 2005 Amendment through their court rulings. The Supreme Court decided in *Prakash v. Phulavati* 2015³⁸ that the amendment establishes its effects from the date of its inception which requires both father and daughter to be alive on that date for the daughter to obtain coparcenary rights. The amendment created severe restrictions which resulted in many daughters losing their legal rights which they had under the law. The Court granted daughters coparcenary rights through *Danamma v. Amar* 2018³⁹ which recognized their rights even when fathers passed away before 2005. The

³⁷ Constitution of India 1950, arts 14 and 15.

³⁸ *Prakash v Phulavati* (2016) 2 SCC 36.

³⁹ *Danamma v Amar* (2018) 3 SCC 343.

decision created confusion because it contradicted the previous judgment in *Prakash v. Phulavati*. The Supreme Court decided in its *Vineeta Sharma v. Rakesh Sharma* 2020⁴⁰ ruling that daughters acquire coparcenary rights at birth which remains valid regardless of their father's situation during the amendment. The amendment operates as a retroactive law according to the Court which needs interpretation to achieve gender equality progress. The judgment established that a daughter maintains her entitlement from birth because her right exists independently of her father's life. The interpretation matched the legislative purpose while it established consistent legal enforcement throughout the nation.

The Supreme Court established through *Ganduri Koteswaramma v. Chakiri Yanadi* 2011⁴¹ that daughters possess the right to receive coparcenary property shares during active partition lawsuits. The amendment confirmed its application to existing legal matters through this ruling. The judiciary has used its decisions to transform daughters' rights through its interpretations of law which match constitutional principles.

Effectiveness of the Amendment in Achieving Gender Equality:

The fourth research objective evaluates whether the 2005 Amendment has achieved gender equality in property rights. The legal interpretation of the amendment establishes equality between daughters and sons through its provision of equal property rights. Women require property ownership as their fundamental need to reach their empowerment objectives. Women achieve financial independence through property ownership⁴² which improves their household negotiating position and decreases their need for male family support. The legal system now recognizes daughters as coparceners which has enabled them to achieve better socioeconomic outcomes.

⁴⁰ *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1.

⁴¹ *Ganduri Koteswaramma v Chakiri Yanadi* (2011) 9 SCC 788.

⁴² Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (CUP 1994).

Women who own property rights acquire higher decision-making power whereas they gain access to more important resources according to research findings. The amendment functions as a symbolic instrument which breaks down traditional customs that favour male heirs in matters of inheritance rights. The amendment shows different levels of success according to the various social circumstances that exist within different communities. Urban areas and educated people provide greater recognition and acceptance of daughters' rights than other places. Women take legal action to defend their rights through filing claims and pursuing judicial protection. The rural population maintains a strong commitment to traditional patriarchal beliefs. Daughters face social challenges because their community expects them to forgo their inheritance rights, which would disrupt family harmony. Women in many situations choose to give up their rights to male family members through their own decision. The continuation of these customs demonstrates that legal reforms by themselves cannot deliver true equality for all people. The legal system requires both social and cultural change to function effectively.

Practical Barriers to Enforcement of Rights:

The 2005 Amendment contains advanced features yet multiple factors prevent its full operational function. The public unawareness of the amendment serves as the primary obstacle which prevents its implementation. Many rural women remain unaware of the amended law which protects their legal rights. The system procedures create major challenges which stop progress to achieve successful results. Women avoid pursuing their rightful claims because property disputes lead to expensive and prolonged court battles. The legal aid system should help all users but it creates greater problems for the people who need assistance. Families encounter problems when relatives reject their chosen path. Family property disputes result in conflicts that cause women to lose their legal entitlements. Some families establish informal inheritance rules which give their sons exclusive property rights while their daughters receive no rights. The amendment execution process experiences

administrative problems which include missing essential documents and delays in land record maintenance. Women face additional obstacles when they attempt to establish their rights because these issues exist.

Bridging the Gap Between Law and Reality:

The research analysis demonstrates a fundamental difference between legal requirements and their actual execution in practice. The 2005 Amendment has created new legal rules which now control legal matters but social and cultural as well as institutional factors restrict its legal effects. The legal gap requires complete solutions which include public legal education and procedure streamlining and institutional support system strengthening⁴³. Education and advocacy work together to transform social beliefs while creating acceptance of daughters' rights. The judiciary needs to keep using progressive legal interpretation methods while policymakers should develop better implementation systems. Complete amendment implementation success requires government bodies to collaborate with civil society organizations and legal institutions.

In conclusion, Hindu succession law rights for daughters started a major movement toward establishing gender equality. The 2005 Amendment has fundamentally transformed the legal position of daughters by recognizing them as coparceners with equal rights. The courts have established this legal change as a standard practice through their judicial interpretations which include the Vineeta Sharma v. Rakesh Sharma case. The social and institutional barriers which continue to exist demonstrate that legal reform efforts fail to achieve their intended outcomes. The amendment has achieved formal equality yet substantive equality still requires further development. A complete solution to the problems requires legal social and institutional reform across all three domains. The complete realization of gender justice in property rights depends on this process.

⁴³ Amartya Sen, *Development as Freedom* (OUP 1999).

FINDINGS:

This study's results reveal the gradual change in daughters' rights according to Hindu succession law reflects an important change in how gender inequality has been institutionalized as part of the law and then was later changed to reflect a legal form of gender equality, but this change has not yet had an overall practical application within society. Both the success of the statutory changes, as well as the continuing obstacles limiting the ability for daughters to enjoy equal rights under the law are analysed through new laws, judicial interpretation of existing laws, and the cultural realities in which all of this occurs develop almost an equal understanding of how laws operate when changing from a type of discrimination to a type of equal protection under law⁴⁴. The laws themselves have clearly experienced a few important changes providing some type of equality, yet much of the impact of law will be influenced by social beliefs about gender⁴⁵, level of awareness of daughters relative to their entitlement to equal rights, and the effectiveness of government agencies involved in the implementation and enforcement of the laws. All these factors work together to determine if these changes will provide greater access to daughters' rights.

Before the passing of the Amendment, daughters were completely cut off from enjoying coparcenary rights under that particular system due to the way the laws were structured (section 6(1)) under the Hindu Succession Act, 1956⁴⁶. In addition, while there were progressive elements within both Acts (i.e., Hindu Succession Act 1956), the majority of legal provisions contained within them allowed for discrimination against women since only males are recognized as coparceners under both laws. As there is no question of birthright ownership in respect of daughters concerning ancestral property, daughters could only acquire ownership through inheritance when the deceased male has died without leaving a Will. The framework

⁴⁴ Upendra Baxi, 'The Crisis of the Indian Legal System' (Vikas Publishing 1982).

⁴⁵ Amartya Sen, *Development as Freedom* (Oxford University Press 1999).

⁴⁶ Hindu Succession Act 1956.

of laws concerning succession therefore reinforces the notion of patriarchy with the result being that women have no choice but to depend on male relatives for their economic survival after their fathers or husbands are dead.⁴⁷

The additional findings in this study revealed that 2005 (The 2005 Amendment) represented a drastic shift within the field of traditional inheritance law because daughters now had an equal share in their father's estate from birth and they were thus "coparceners".⁴⁸ The 2005 Amendment to the Hindu Succession Act (HSA) made amendments to Section 6 of the HSA to grant daughters as coparceners on par with sons in all respects concerning rights and obligations under HSA for ancestral property.⁴⁹ Therefore, taking away the historic discriminatory doctrine of survivorship also brought Hindu Personal Law (HPL) into alignment with Constitutional principles of equality and non-discrimination.⁵⁰ The integration of daughters as coparceners has dramatically improved the legal position of daughters by giving them the ability to demand partition of their father's estate, to inherit property from their fathers, and of being able to participate in family decisions.

Another important aspect of this issue is about how significant a role the judiciary can play in changing the way courts interpret and expand (or constrict) the scope of this amendment. There was considerable confusion over whether or not the amendment could be applied due to inconsistent legal opinions between judges regarding this issue. An example of such reliance upon inconsistent judicial opinions was found when the Supreme Court of India ruled in *Prakash v. Phulavati* (2015)⁵¹ that the amendment would be applicable only where both a father and daughter had survived at the time that the amendment had come into effect. The effect of this ruling was to limit the potential beneficiaries from the amendment as to those

⁴⁷ Flavia Agnes, 'Gender Inequality in Hindu Personal Law' (2011) 46(17) *Economic and Political Weekly* 36.

⁴⁸ Hindu Succession (Amendment) Act 2005.

⁴⁹ Hindu Succession Act 1956, s 6 (as amended by 2005 Act).

⁵⁰ Constitution of India 1950, arts 14 and 15.

⁵¹ *Prakash v Phulavati* (2016) 2 SCC 36.

daughters who could not inherit property through a father's estate as a direct result of the ruling's restrictive interpretation being the only opinion having any legal force regarding this amendment. However, in *Danamma v Amar*, (2018)⁵², the Supreme Court provided a more expansive interpretation of this amendment, allowing daughters to inherit property from a father who had died prior to the promulgation of this amendment. This inconsistency resulted in legal uncertainty regarding the applicability of this amendment.

Vineeta Sharma v. Rakesh Sharma (2020)⁵³, a landmark ruling, resolved the confusion surrounding whether daughters have coparcenary rights by birth through a reasonable application of the Hindu Succession Act (HSA). Therefore, women can acquire coparcenary rights through the 2005 HSA amendment if their father was deceased at the time of the amendment. The Supreme Court has clarified in this case that the amendment will be retroactively applied to ensure uniformity of the law. Given these findings, the ruling confirms the intention of gender equality and enhances the legal status of women nationwide. Despite the progress achieved in these areas through the above-mentioned legal reforms, the practical implementation of daughters' rights is reportedly uneven and limited. A significant reason for this impediment is that many women (particularly those living in rural areas) do not have sufficient knowledge of their legal entitlements. As a result, a few women do not understand the provisions of the 2005 Amendment to the HSA and therefore do not pursue their respective shares in property due to lack of legal literacy⁵⁴, which ultimately undermines the efficacy of any such legal reform.

This study demonstrates that socio-cultural norms and patriarchal value systems have an ongoing negative impact on women's ability to claim their rights⁵⁵. Many families expect a daughter, upon marriage, to give up her property/rights to a male

⁵² *Danamma v Amar* (2018) 3 SCC 343.

⁵³ *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1.

⁵⁴ National Legal Services Authority, 'Legal Awareness and Access to Justice in India' (Report 2019).

⁵⁵ Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge University Press 1994).

member of the family in order to ensure family harmony. Family pressure, emotional considerations, and fear of confrontation often lead women to give up their legal entitlements to property. The above observations show that legal reform is not sufficient to achieve equal status with men unless there is also a change in social attitudes.

The second issue relates to the institutional and procedural obstacles that prevent enforcement of rights. Property disputes are often long and costly as well as complicated to resolve through courts, leading women to avoid pursuing legal remedies. Additional obstacles for claiming rights include lack of proper documentation, procrastination on the part of the land registration office in updating land titles and a lack of access to legal aid. These structural barriers create a gap between the law on the books and implementation of that law⁵⁶. Another aspect that the research has identified is the difference in how Rights are realized in urban and rural areas. In urban centres, higher education levels and awareness have contributed to the increased recognition and enforcement of rights for daughters. Women are more likely to make claims and pursue legal action in urban areas compared to rural areas where traditional systems and patriarchal influences largely dictate how law is implemented. Finally, this research confirms that while there has been theoretical improvement for women in terms of their economic situation as a result of the amendment, there are differences in how these improvements affect women's empowerment. Women who can inherit property effectively become financially independent, enhance their bargaining position within the home, and have greater involvement in decision-making⁵⁷. However, these women do not have equal access to the benefits derived from these amendments because of other barriers that limit their opportunities and ability to benefit from the amendments.

In summary, the evidence supports the conclusion that the Hindu Succession Amendment Act 2005 has brought about a major change in the law by providing

⁵⁶ Marc Galanter, 'Why the "Haves" Come Out Ahead' (1974) 9 *Law & Society Review* 95.

⁵⁷ N Hossain and P Nikolov, 'Women's Property Rights and Household Welfare' (2021) *World Development*.

equal coparceny rights to daughters. The judiciary has provided further clarification on how these rights operate through judicial interpretation. At the same time, the ongoing existence of various social, cultural and institutional barriers continues to present obstacles to the effective realization of these rights. Consequently, although formal legal equality has been achieved, substantive equality still requires further overall development through legally supporting (through legislation) social reform, increased institutional capacity and general awareness.

GAPS:

The discussion establishes progress toward recognizing daughters' rights under Hindu succession law yet the current legal system fails to function according to its defined operational procedures⁵⁸. Law researchers present their findings by demonstrating how their study objectives together with their research questions create research gaps which emerged during their investigation work. The authorities lack the ability to implement established laws because they have already designated certain laws as official legal standards. The Hindu Succession (Amendment) Act, 2005 establishes equal coparcenary rights⁵⁹ for daughters at birth yet its enforcement across different communities produces varying outcomes. Rural women face social pressure which prevents them from understanding their rights thus they cannot exercise their legal rights inside their own homes. The situation demonstrates that legal reforms have not resulted in actual equality among citizens⁶⁰. The research requires regional analysis which needs empirical evidence to achieve complete data collection. The law establishes common rules for all Indian states but different regions show distinct patterns of applying those rules⁶¹. The discussion shows that urban women can access their rights through household systems while rural women experience barriers to their rights because of traditional family systems⁶². The

⁵⁸ Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing 1982).

⁵⁹ Hindu Succession (Amendment) Act 2005.

⁶⁰ Amartya Sen, *Development as Freedom* (Oxford University Press 1999).

⁶¹ Marc Galanter, 'Why the "Haves" Come Out Ahead' (1974) 9 *Law & Society Review* 95.

⁶² Naila Kabeer, *Reversed Realities: Gender Hierarchies in Development Thought* (Verso 1994).

existing studies about regional differences and their major causes require more research because they currently lack complete studies. The study reveals a gap in understanding how patriarchal norms still impact society today⁶³. Cultural traditions remain strong despite law changes because they favour sons as the main heirs to inherit property. Daughters tend to give up their inheritance rights⁶⁴ because society expects them to do so. Existing legal research recognizes patriarchy as an important factor but most studies lack sufficient examination of its impact on daily decision-making processes and how to fight against its power. Legal analysis needs to go through special procedures which need both institutional and operational barriers⁶⁵ that limits access to all judicial processes. Women face various challenges because they have to manage legal cases which consume their time and money while they require essential documents for their court cases and face legal delays⁶⁶. Researchers have not studied how institutional barriers obstruct women's property rights nor have they examined ways to enhance legal access for women through gender-sensitive measures. Researchers have not yet performed the evaluation of how court rulings affect people throughout their entire lives. The three landmark rulings *Prakash v. Phulavati*, *Danamma v. Amar*, and *Vineeta Sharma v. Rakesh Sharma*⁶⁷ established new boundaries for defining daughters' rights through judicial decisions but scholars have not analysed how these court decisions have changed actual inheritance patterns. The body of longitudinal research studies makes it impossible to show whether judicial explanations have created social changes in actual human behaviour. The public remains unaware of their legal rights⁶⁸ while research studies have not yet assessed whether government programs and legal aid

⁶³ Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge University Press 1994).

⁶⁴ Flavia Agnes, 'Gender Inequality in Hindu Personal Law' (2011) 46(17) *Economic and Political Weekly* 36.

⁶⁵ National Legal Services Authority, 'Legal Awareness and Access to Justice in India' (Report 2019).

⁶⁶ Law Commission of India, *Report No 221: Need for Speedy Justice* (2009).

⁶⁷ *Prakash v Phulavati* (2016) 2 SCC 36; *Danamma v Amar* (2018) 3 SCC 343; *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1.

⁶⁸ National Legal Services Authority, 'Legal Awareness and Access to Justice in India' (Report 2019).

initiatives succeed in helping people understand their rights. This research primarily focuses on legal studies which concentrate on doctrinal matters and legal practices. The study requires sociological and gender research and economic research to show how legal rights function in society⁶⁹. The 2005 Amendment improved daughters' legal rights but its actual effects on society remain incomplete because of unfulfilled needs in execution and interpretation and its effects on society. The gaps which exist need to be solved so gender equality through property rights can become real rather than existing as an abstract idea.

CONCLUSION:

There has been a significant change in the way daughters' rights have developed in Hindu succession law from the perspective of gender inequality and the inclusion of women into the legal framework as equal members of society. Historically, the exclusion of daughters from coparcenary rights under Mitakshara law constituted a patriarchal system that restricted women's economic independence and social standing. The Hindu Succession Act, 1956 provided limited inheritance rights for women; however, it did not address the issue of gender discrimination because daughters remained excluded from coparcenary status. Therefore, this partial reform during the early years of the Hindu Succession Act illustrated that there was an urgent need for a more comprehensive reform within the law concerning women's rights to inherit.

The Hindu Succession (Amendment) Act, 2005 signified a pivotal shift in the trajectory of women's rights through the introduction of equal coparcenary rights at birth for daughters (which previously did not exist). This law changed the legal definition of women fundamentally and ended the discriminatory rule of survivorship, thereby also bringing personal laws into harmony with the constitutional principles of equality and non-discrimination. Beyond enacting the

⁶⁹ Ratna Kapur, 'Gender, Equality and the Law in India' (2005) *International Journal of Constitutional Law*.

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process of equality and non-discrimination concerning daughters as coparceners, the Hindu Succession (Amendment) Act was a monumental paradigm shift that allowed daughters to inherit, partition, and participate in family property matters; thereby enhancing the economic and social status of daughters.

Judicial interpretation has been very important in defining and clarifying the broad scope of the amendment. The Supreme Court of India ultimately resolved the initial confusion caused by different judgments, including *Prakash v. Phulavati* and *Danamma v. Amar*, in the case of *Vineeta Sharma v. Rakesh Sharma* (2020). In that case, the Court decided that daughters have coparcenary rights since birth, regardless of whether their father was alive at the time that the amendment was enacted. The court also stated that the law would apply retroactively to all daughters and, therefore, created a uniform application of the law and supported the objective of gender justice.

While there have been a number of recent progressive advancements to improve daughters' rights; the report highlights that daughters continue to face many social, cultural, and institutional barriers that prevent them from realizing their legal rights. Dominant patriarchal norms or values continue to underpin family practices and often discourage women from exercising their rights under the law. In various instances, daughters choose to give up their property rights based on social pressure or emotional reasons (e.g., maintaining family tranquillity) thus demonstrating the gap between the law and its application or enforcement.

In addition to practical barriers which include lack of knowledge, limited access to legal assistance, complicated procedures, and slow courts - all will hinder enforcement of the rights being stated above; there are also differences between urban and rural areas. In cities women were more knowledgeable about their rights and were more likely to claim them than women who lived in the country. Therefore, the evidence supports that although the law guarantees equality, it can only really be effective if there exists a socio-economic context in which it will function.

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Moreover, this research illustrates how property rights influence female empowerment. Having ownership of property provides women with not only financial independence but also greater bargaining power inside their households; however, the full benefits derived from these kinds of rights can only be realized through the effective exercising of all legally, inclusive, and supportive enabling conditions (e.g., awareness, education, and institutional support).

To summarize, The Hindu Succession Act 2005 is an important milestone in attaining the goal of gender equality through the law of inheritance as it provides equality as a legal right to daughters regarding family property rather than simply as passive recipients. However, while this amendment created a legally equal right to inherit property for daughters, achieving substantive equality (equality in actual practice) under the law remains an ongoing process. In order to eliminate the gap between the law and how it operates, long-term action is needed in all three areas of legal awareness promotion; institutional mechanism reform; and the challenge of the social norms/bias that support discrimination against women; to achieve gender justice of the equality of property rights.