

PLEA IN SC ON GENDER BIAS IN HINDU INHERITANCE LAW

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The Supreme Court will hear a petition on gender discrimination in Hindu succession law amidst clamour for a Uniform Civil Code (UCC) to secure gender justice and dignity for women. A three-judge Bench led by Justice D.Y. Chandrachud will on Tuesday hear the petition which “unveils deeply rooted patriarchal ideology” in the provisions of the Hindu Succession Act of 1956.

The petition filed by Kamal Anant Khopkar, who is represented by advocates Mrunal Dattatraya Buva and Dhairyashil Salunkhe, is being taken up by the court at a time when the debate around the UCC is largely focused on gender injustice perceived to be prevalent in the personal laws of minority communities.

In fact, the petition draws attention to Section 15 of the 1956 Act which actually mandates how the husband's heirs have the first right over the self-acquired property of a woman who dies intestate. That is, the husband's family comes first in the line of inheritance even before the dead woman's own parents.

Male lineage favoured

On the other hand, when a Hindu man dies, his blood relationship is given priority, it said. Similarly, when a Hindu woman dies intestate without leaving behind any children, the property she inherited during her lifetime returns to the source. That is, if the woman had inherited the property from her father or mother, the asset would devolve upon the heirs of the father. The mother's family is, however, ignored.

Again, if a woman had inherited the property from her husband or father-in-law and dies intestate without leaving behind any children, the asset would this time devolve to the husband's heirs.

The plea said the provisions manage to retain property largely within the male lineage. “Sections 15 and 16 of the Hindu Succession Act, 1956 are highly discriminatory. Her own property is not inherited by her original heirs. These sections therefore violate the scheme of the Constitution and are unconstitutional,” the petition contended. It said the court should intervene on behalf of Hindu women because “while society is moving towards gender equality, the Hindu Succession Act discriminates based on gender”.

Ms. Buva argues that gender equality and respect for women not only fulfil their aspirations but also contribute to the welfare of the society and national progress.

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