

DAUGHTERS HAVE EQUAL RIGHT TO INHERIT PROPERTY, SAYS SC

Relevant for: Developmental Issues | Topic: Rights & Welfare of Women - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

The Supreme Court on Tuesday held that daughters have an equal birthright with sons to inherit joint Hindu family property.

The court decided that the amended Hindu Succession Act, which gives daughters equal rights to ancestral property, will have a retrospective effect.

“A daughter always remains a loving daughter. A son is a son until he gets a wife. A daughter is a daughter throughout her life,” Justice Arun Mishra, heading a three-judge Bench, authored the judgment.

The judgment agreed with lead arguments made by senior advocate Bishwajit Bhattacharya that the substituted Section 6 of the Hindu Succession Act, 1956 confers the status of ‘coparcener’ to a daughter born before or after the amendment in the same manner as a son. Coparcener is a person who has a birthright to parental property.

Overrules 2015 decision

Since the right to coparcenary of a daughter is by birth, it is not necessary that the father should be alive as on September 9, 2005. The court has thus overruled an earlier 2015 decision.

The court, in its 121-page judgment, said the statutory fiction of partition created by proviso to Section 6 of the Hindu Succession Act, 1956 as originally enacted did not bring about the actual partition or disruption of coparcenary.

It also clarified that an unregistered oral partition, without any contemporaneous public document, cannot be accepted as the statutory recognised mode of partition.

“However, in exceptional cases where plea of oral partition is supported by public documents and partition is finally evinced in the same manner as if it had been affected by a decree of a court, it may be accepted,” the Bench held.

Subscribe to The Hindu digital to get unlimited access to Today's paper

Already have an account ? [Sign in](#)

Start your 14 days free trial. [Sign Up](#)

Find mobile-friendly version of articles from the day's newspaper in one easy-to-read list.

Enjoy reading as many articles as you wish without any limitations.

A select list of articles that match your interests and tastes.

Move smoothly between articles as our pages load instantly.

A one-stop-shop for seeing the latest updates, and managing your preferences.

We brief you on the latest and most important developments, three times a day.

*Our Digital Subscription plans do not currently include the e-paper ,crossword, iPhone, iPad mobile applications and print. Our plans enhance your reading experience.

You can support quality journalism by turning off ad blocker or purchase a subscription for unlimited access to The Hindu.

[Sign up for a 30 day free trial.](#)

END

Downloaded from **crackIAS.com**

© Zuccess App by crackIAS.com

crackIAS.COM