

6. Hindu Succession Act – Polity

The Supreme Court has indicated that it will proceed with caution while hearing petitions challenging discriminatory provisions of the Hindu Succession Act, 1956. The Court's observation highlights the delicate task of balancing the push for greater gender equality in property rights with the traditional Hindu social structure.

About the Hindu Succession Act, 1956

The Hindu Succession Act, 1956, is the primary law governing intestate succession—the inheritance of property when a person dies without making a will.

Original Provisions – The Act, in its original form, largely recognized only male heirs for the inheritance of ancestral property within the traditional Hindu Undivided Family (HUF) structure.

The Landmark 2005 Amendment – This was a pivotal moment for gender justice in India. It amended Section 6 of the Act to recognize women as coparceners by birth, granting them equal rights and liabilities in ancestral property as sons. This meant that daughters gained the same rights to inherit, partition, and manage coparcenary property as their male counterparts.

Coverage and Applicability

Religions Covered – The Act applies to Hindus, Buddhists, Jains, and Sikhs.

Religions Excluded – It does not apply to Muslims, Christians, Parsis, and Jews, who are governed by their own respective personal laws on succession.

Scheduled Tribes – The Act does not apply to members of any Scheduled Tribe unless the Central Government issues a specific notification to that effect.

The Contested Provisions – Sections 15 & 16

The current legal challenge focuses on Sections 15 and 16 of the Act, which govern the succession of property owned by a female Hindu who dies without a will.

The Issue – Section 15(1) outlines the order of succession for a woman's property. The order is –

1. First, to her children and husband.
2. Second, to the heirs of her husband.
3. Third, to her parents.
4. Fourth, to the heirs of her father.
5. Fifth, to the heirs of her mother.

The Discrimination – These provisions are being challenged as discriminatory because they give **priority to the husband's lineage over the woman's own natal family** (her parents and their heirs) in the line of succession. This is in stark contrast to the succession rules for a Hindu male, where his natal family relatives are prioritized.

Key Classifications of Heirs

The Act categorizes heirs to determine the order of inheritance.

Term	Definition	Relationship Lineage	Example
Agnates	Relatives connected to the deceased entirely through a line of male ancestors.	Male only	A person's father's brother's son.
Cognates	Relatives connected to the deceased through a line that includes at least one female.	Male and/or Female	A person's mother's brother's daughter.

Class I Heirs – These are the primary heirs who inherit the property simultaneously and in equal shares, excluding all others. They include the deceased's sons, daughters, widow, and mother.

Class II Heirs – These are secondary heirs who inherit only if there are no Class I heirs. The list is hierarchical, meaning heirs in an earlier entry are preferred over those in a later one.

Evolution of Daughters' Rights – Landmark Judgments

The Supreme Court has progressively interpreted the 2005 amendment to strengthen daughters' inheritance rights.

Prakash v. Phulavati (2016) – The Court initially held that the 2005 amendment was prospective, meaning a daughter could only claim rights if her father was alive on the date the amendment came into force (September 9, 2005).

Danamma v. Amar (2018) – This judgment took a more liberal view, granting daughters coparcenary rights even if their father had died before 2005.

Vineeta Sharma v. Rakesh Sharma (2020) – This landmark judgment settled the issue definitively. It overruled the Phulavati decision and declared that daughters are coparceners by birth. Their rights are absolute and do not depend on whether their father was alive on the date of the 2005 amendment.

Significance of the Current Case

The ongoing challenge to Sections 15 and 16 is crucial for advancing gender justice in India.

Redefining Women's Rights – A favorable ruling could further solidify the principle of gender equality in inheritance, ensuring a woman's natal family is not disadvantaged in the succession of her self-acquired property.

Social Balance – The Supreme Court's cautious approach reflects the challenge of implementing progressive legal reforms without causing abrupt disruptions to long-standing social and family structures.

Addressing Legislative Gaps – The case highlights the need for Parliament to undertake comprehensive reforms to remove ambiguities and discriminatory clauses from succession laws, rather than relying on the judiciary to incrementally advance gender justice.

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