

WOMEN RIGHT ON PROPERTY A PATH FOR WOMEN EMPOWERMENT

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Abstract: Gender jurisprudence is new ordering of society to emancipate and liberate women from the shackles of ancient law, traditions and customs where by the new claims, interest and needs of the women are promoted and re adjusted through law with men folk on a footing of equality, dignity and non exploitation

Introduction: In democracy, welfare state concept always prevents as important requirement. India as the worlds, largest democracy, strictly adheres to the socio economic welfare of the people as the prime task of the makers of the state .Equality is the first principle of the constitution and in every governmental action, gender based discrimination represents the very ugly face of the society. This issue is global with different degrees and very old in nature. It is a travesty of all cannons of social justice and equity, the women who constitute half of the world's population and work two-thirds of worlds working hours should earn just both of world's property and also should remain victim of inequality and injustice in property rights.

The Research paper is based on secondary data with the following objectives

1. To enlighten the rights of women on property under the Hindu Law
2. To describe the constitutional and legislative safeguards in India
3. To study the role of NGO'S ,lawyers and other agencies in protection of women rights on property

Constitutional and legislative safeguards for protecting women property rights:

The constitution of India not only grants equality of women in economic matters but also empowers the state to adopt measures in favor of women for neutralizing the cumulative socio economic disadvantages faced by them

1. Article 14 Equality before law and equal protection of laws for women.
2. Article 15 States to make special provision for women and children.
3. Article 21 Right to life.
4. Article 39(a) State directs the policy towards securing for men and women equally the right to an adequate
5. Article 39(d) equal pay for work both men and women.

Legislative Safeguards for protection of women rights on property

1. Hindu women's right to property Act 1937.
2. The Hindu Succession Act of 1956.
3. Hindu Succession (Amendment) Act 2005.
4. Hindu succession (Andhra Pradesh) amendment Act 1985.
5. Indian Succession Act of 1925.
6. Marriage laws amendment bill 2010.

Property Rights of Women under the Hindu Law: We can discuss the property rights of women at four stages.

Pre-1937: In the ancient times women could hold

property in theory but not in practice in comparison to men's holding property, right to dispose of the property was qualified. This was the situation prior to 1937 when there was no codified law.

1937-1956: The Hindu women's right to property act, 1937 was one of the most important enactments that brought about changes to give better rights to women. Even the said act did not give an absolute right to women. Under the said act a widow was entitled to a limited interest over the property of her husband- what was to be termed as Hindu's widow's estate. The act was amended in 1938 to exclude the widow from any interest from agricultural land.

1956-2005: 1956 is the year where women got absolute ownership rights over the property by passing a legislation of The Hindu Succession Act 1956. One way this act is a boon for economic empowerment of women. It introduced many reforms.

According to the section 14 of The Hindu Succession Act 1956. Any property acquired under the 1937 Act held in capacity of a limited owner was now converted to her absolute estate and to remove the disability of a female to acquire and hold property as an absolute owner.

Under section 8 of the Hindu Succession Act female heirs were granted property rights in the estate of the deceased male Hindu. So daughters were also granted property rights in their father's estate.

According to section 23 of The Hindu Succession Act the right of female class 1 heirs was limited only to a right of residence in a dwelling house under section 23 if the female heir was married then she did not have a right of residence unless she was unmarried, widowed or deserted by her husband. The joint status of the household could be destructed only by the main members and the female heirs did not have the right ask for a partition.

According to section 6 women has no right to the coparcenary property.

Post 2005 till today: No doubt the above provisions of The Hindu Succession Act 1956 are gender discriminatory. To remove the said gender discriminatory The Hindu Succession (Amendment) Act 2005 was enacted and the said act came into force on 9th September 2005 and it gives following rights to daughters.

Implications of the amendment act of 2005

- Introduction of daughters as coparceners by amendment by section 6 of The Hindu Succession Act. Now the daughter would have birth right in the coparcenary property.

- On partition of joint Hindu family she will be allotted to the share equal to that of the son
 - This property shall be held by her with the incidence of the coparcenary ownership and shall be regarded as property capable of being disposed by her will or other testamentary disposition.
 - The state of Andhra Pradesh made an amendment in Andhra Pradesh Hindu Succession (Amendment) Act 1986 elevated a daughter as a coparcener.
 - Thus gender discrimination has been removed to a larger extent by the 2005 Act. Now daughters can claim equal right in the self acquired separate property and also coparcenary property left by their **Marriage Laws Amendment Bill 2010** :So far we discussed about the property rights of women in fathers property now in this bill the state made a provision that women has a right in the husbands property when this bill will be passed it gives more economic security for women.
- Women Right On Property A Path For Women Empowerment:**
1. Right to live enshrined under article 21 includes right to live with dignity. That dignity can be possible for women whenever there is an economical empowerment.
 2. The economic empowerment is one of the major factors that prevent the practice of dedication of the young girls to the prostitution as Devadasis, jogins.
 3. In the ancient days the society gives priority to son because only son have the right in the coparcenary property. It leads to female feticide by giving right to the daughter in the coparcenary property now society can welcome a girl child by that female feticide can be reduced.
 4. Practice of dowry is developed because of women have no property rights. Now by giving property rights to some extent we can reduce dowry harassment cases.
 5. Rural development is possible when a woman is economically empowered because in the rural areas a woman plays a key role for development. For example self help groups DWACRA by these schemes women became economically independent and it leads to dignified life ultimately leads to women empowerment.

Conclusion: Women empowerment is possible only through economical empowerment this can be possible when women is aware about their rights on property. For creating this awareness NGO's. Lawyers and other law fraternity have to conduct legal literacy camps to create awareness about the property laws available to women. Then only women empowerment is possible by that woman can lead the dignified life.

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