

A COMPREHENSIVE STUDY ON EVOLVING DAUGHTER'S INHERITANCE RIGHTS POST 2005 HSA AMENDMENT: PERSISTENT CHALLENGES AND REFORMS

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ABSTRACT:

The Hindu Succession (Amendment) Act, 2005 (HSA Amendment) heralded a transformative epoch in India's patriarchal property jurisprudence, enshrining daughters as coparceners by birth in Hindu Undivided Family (HUF) assets under Section 6, thereby obliterating the son-centric Mitakshara dispensation and vindicating Article 14's sacrosanct equality paradigm. *Vineeta Sharma v. Rakesh Sharma* ((2020) 9 SCC 1) crystallized this egalitarianism, decreeing absolute birthright irrespective of the father's demise pre- or post-amendment, untrammelled by marital status. Yet, two decades thence, this progressive edifice confronts insidious erosions: retrospective application contretemps, testamentary stratagems disinheriting daughters, and agrarian tenurial anomalies under state-specific land ceiling statutes. This doctrinal-cum-empirical exegesis dissects post-2025 judicial peregrinations from High Court vicissitudes like *Arunachala Gounder v. Ponnusamy* (2022 SCC OnLine Mad 6893) interrogating 'notional partition' juxtaposed against interfaith lacunae in Muslim (Hanafi escheat preferences) and Christian (statutory intestacy biases) personal laws. Rural patrilineal recalcitrance exacerbates evidentiary burdens, with NITI Aayog reporting 40% implementation deficits in Tamil Nadu et al. Persistent impediments include judicial reticence toward self-acquired property alienations and evidentiary lacunae in partition suits.

Proffering ameliorative schemas mandatory HUF registers, Uniform Civil Code precursors per Article 44, and gender-sensitized mediation under the Family Courts Act, 1984 this study advocates judicial algorithms for prospective equity. Ultimately, transcending legislative fiat, it beckons a jurisprudential renaissance where inheritance evolves from patrimonial relic to constitutional covenant, empowering daughters as proprietary sovereigns.

KEY WORDS: Daughter's Inheritance Rights, HAS 2005 Amendment, Coparcenary Equality, Judicial Challenges, Uniform Civil Code.

INTRODUCTION

The Hindu Succession (Amendment) Act, 2005 marks a watershed in the evolution of daughters' inheritance rights within India's predominantly patriarchal property regime. By vesting daughters with the status of coparceners by birth in a Hindu Undivided Family under Section 6, the amendment dismantled the earlier Mitakshara framework that privileged sons and placed daughters at the constitutional margins of family property. This legislative shift is rooted in the egalitarian mandate of Article 14, seeking to translate formal equality into substantive economic empowerment for women within the familial domain. The Supreme

Court's decision in *Vineeta Sharma v. Rakesh Sharma* further consolidated this trajectory by affirming that the daughter's right is a birthright, unaffected by her marital status or the timing of the father's death, thereby clarifying long-standing ambiguities in succession jurisprudence. Yet, the post-2005 landscape reveals that normative transformation in the statute book has not seamlessly translated into ground-level realization of rights. Courts continue to grapple with contentious questions of retrospectivity, notional partition, and the interface between coparcenary claims and testamentary freedom, while litigants deploy wills and family arrangements to strategically exclude daughters from ancestral property. Simultaneously, state-specific land ceiling and agrarian tenancy laws, coupled with rural patrilineal customs, blunt the amendment's redistributive potential and exacerbate evidentiary burdens in partition suits. Interpersonal disparities also persist, as analogous protections are not uniformly mirrored in Muslim and Christian personal laws, generating a fragmented equality landscape and reigniting debates on a prospective Uniform Civil Code under Article 44. Against this backdrop, the present study undertakes a doctrinal and empirical examination of post-amendment case law, policy gaps, and social practices, and proposes institutional reforms such as mandatory HUF registers and gender-sensitive mediation to reimagine inheritance as a constitutional covenant that secures daughters' status as autonomous proprietors rather than peripheral claimants.

RESEARCH OBJECTIVE

The primary objective of this study is to critically examine the transformative impact of the Hindu Succession (Amendment) Act, 2005, on daughters' inheritance rights in India, particularly their status as coparceners by birth in Hindu Undivided Families (HUFs). It aims to dissect persistent challenges such as judicial inconsistencies, patriarchal biases, evidentiary burdens, and implementation deficits in rural and urban contexts, while proposing reforms like mandatory HUF registers, gender-sensitized mediation, and precursors to a Uniform Civil Code under Article 44. Through a doctrinal-cum-empirical approach, the research seeks to advocate for a jurisprudential shift that empowers daughters as proprietary sovereigns, ensuring substantive equality beyond legislative intent.

SCOPE OF THE STUDY

The study focuses on the post-2005 evolution of daughters' inheritance rights under Hindu law, with an emphasis on Section 6 of the Hindu Succession Act and key Supreme Court judgments like *Vineeta Sharma v. Rakesh Sharma* (2020) and *Prakash v. Phulavati* (2016). It encompasses doctrinal analysis of judicial interpretations, including High Court cases such as *Arunachala Gounder v. Ponnusamy* (2022), and empirical insights into implementation gaps, drawing from reports like NITI Aayog's data on Tamil Nadu (highlighting 40% deficits). The scope extends to comparative interfaith lacunae in Muslim (Hanafi) and Christian personal laws, rural-urban divides, agrarian tenurial issues under state-specific land ceiling statutes, and socio-economic

intersections like class and caste. It is limited to India, primarily Hindu Mitakshara jurisprudence, with policy recommendations for future reforms, but excludes in-depth analysis of non-Hindu or international inheritance frameworks.

REVIEW OF LITERATURE

Judicial and Statutory Sources: The Hindu Succession Act, 1956, and its 2005 Amendment (PRS India, 2005) form the foundational texts, analyzed for their shift from patriarchal norms. Landmark cases like *Vineeta Sharma v. Rakesh Sharma* ((2020) 9 SCC 1) and *Prakash v. Phulavati* ((2016) 4 SCC 700) are critiqued for their role in clarifying retrospectivity and coparcenary rights (SCC Online, 2020; LawBhoomi, 2025). High Court decisions such as *Arunachala Gounder v. Ponnusamy* (2022 SCC OnLine Mad 6893) are examined for notional partition issues.

Historical and Doctrinal Analyses: Classical Hindu texts like Mitakshara and Dayabhaga schools are contrasted (Delhi Law Academy, 2026; Law Curb, 2026). Pre-2005 laws, including the Hindu Women's Rights to Property Act, 1937 (Lawyers & Jurists, 2019), are reviewed to highlight exclusionary frameworks. The Law Commission's 174th Report (2002) is referenced for advocating the amendment.

Academic and Policy Literature: Articles from iPleaders (2022) and IJLLR (2025) provide critical analyses of formal vs. substantive equality post-amendment. NITI Aayog reports (undated in the study) offer empirical data on implementation deficits. Sources like Cyril Amarchand Mangaldas (2018) and Oxford Human Rights Hub (undated) discuss gender justice and equal rights. Intersections with Uniform Civil Code debates are drawn from Cambridge Engage (2024) and PRS Legislative Research (2023 proposed bill).

Socio-Economic and Empirical Insights: Reports on rural biases and land records (Economic Times, 2026; SupremeToday.ai, 2026) address administrative hurdles. Works on Karta roles (IJLLR, 2023; Motilal Oswal, 2026) and relinquishment deeds (NRI Legal Services, 2017) highlight persistent patriarchal tools. Dalit women's struggles are covered in IPAM Global (2024) and PANAP (2023).

HYPOTHETICAL PROPOSITION

The central hypothesis posits that while the Hindu Succession (Amendment) Act, 2005, has theoretically established gender parity in inheritance by granting daughters coparcenary rights by birth, its practical realization remains hindered by entrenched patriarchal customs, judicial ambiguities, evidentiary challenges, and administrative inefficiencies, particularly in rural and economically disadvantaged contexts. This leads to the testable assumption that without targeted reforms such as mandatory HUF registers, streamlined revenue mutations, and Uniform Civil Code elements the amendment will continue to yield only formal equality, perpetuating implementation deficits (e.g., 40% as per NITI Aayog) and requiring a jurisprudential renaissance to achieve substantive empowerment for daughters.

LIMITATION OF THE STUDY

This study is primarily doctrinal and relies on secondary empirical data (e.g., NITI Aayog reports), limiting original fieldwork or primary surveys on implementation in regions like Tamil Nadu. It focuses predominantly on Hindu Mitakshara law, with only cursory comparisons to Muslim and Christian personal laws, potentially overlooking nuanced interfaith or tribal (Scheduled Tribes under Section 2(2)) dynamics. The analysis is India-centric, excluding global comparative perspectives on gender inheritance. Temporal constraints mean post-2025 judicial developments are speculative or based on emerging trends, and the study does not delve into quantitative economic impacts (e.g., GDP contributions from women's land ownership). Resource limitations, such as access to proprietary databases or real-time case updates, may affect comprehensiveness, and the urban-rural divide is explored qualitatively without extensive statistical modeling.

HISTORICAL CONTEXT: THE PRE 2005 EXCLUSIONARY FRAMEWORK

In ancient Hindu society, property inheritance was deeply entrenched in patriarchal norms, viewing daughters primarily as transitory members destined for their marital homes¹. Under classical texts like the Mitakshara school prevalent across most of India coparcenary rights accrued solely to males by birth in the joint family, relegating daughters to limited stridhan (personal gifts or jewelry), which carried no share in ancestral land. Imagine a young girl watching her brothers inherit fertile fields while she received mere ornaments, symbolizing her exclusion from economic lineage². The Dayabhaga school³ in Bengal offered slightly better prospects, granting daughters inheritance only upon a father's death without male heirs, but still prioritizing sons⁴.

British colonial interventions began chipping at these barriers. The Hindu Women's Rights to Property Act, 1937⁵, empowered widows with limited estates in deceased husbands' property, yet daughters remained sidelined, inheriting only if no widow or sons survived—further entrenching their marginal status. This era evoked poignant family tales: widows clinging to fragile rights amid sons' dominance, while daughters awaited improbable claims.

The Hindu Succession Act, 1956, unified laws and granted unmarried daughters Class I heir status for separate property, allowing shares after mothers or fathers without sons. However, in Mitakshara joint families, they were mere members, not coparceners unable to demand partition or equal ancestral shares, especially post-marriage when rights evaporated. Married daughters fared worse, often dispossessed by wills

favoring sons. This framework perpetuated dependency, with rural women toiling on brother-controlled land without ownership, fueling generational inequities. Pre-2005, judicial interpretations reinforced this exclusion, deeming

¹ Oxford Human Rights Hub, "One Step Closer to Gender Justice: Equal Inheritance Rights to Hindu Daughters," ohrh.law.ox.ac.uk, <https://ohrh.law.ox.ac.uk/one-step-closer-to-gender-justice-equal-inheritance-rights-to-hindu-daughters/>.

² Cyril Amarchand Mangaldas, "Daughters Born Before 2005 Have Equal Rights to Ancestral Property: SC," privateclient.cyrilamarchandblogs.com, March 7, 2018, <https://privateclient.cyrilamarchandblogs.com/2018/03/daughters-born-2005-equal-rights-ancestral-property-sc/>. ³ Delhi Law Academy, "Mitakshara vs Dayabhaga: Key Differences Explained," [delhilawacademy.com](https://www.delhilawacademy.com), January 17, 2026, <https://www.delhilawacademy.com/mitakshara-v-dayabhaga/>.

⁴ Law Curb, "Hindu Succession Act & Daughters' Coparcenary Rights," [lawcurb.in](https://www.lawcurb.in), January 3, 2026, <https://www.lawcurb.in/post/hindu-succession-act-daughters-coparcenary-rights-latest-supreme-court-updates>.

⁵ Lawyers & Jurists, "Hindu Women's Rights to Property Act, 1937," [lawyersjurists.com](https://www.lawyersjurists.com), June 10, 2019, <https://www.lawyersjurists.com/article/the-hindu-womens-rights-to-property-act-1937/>.

coparcenary male-exclusive. Thus, the era symbolized daughters as cherished yet property-less, awaiting the 2005 revolution.⁶

THE 2005 LEGISLATIVE INTENT: A SOCIO- LEGAL PARADIGM SHIFT

The Hindu Succession (Amendment) Act, 2005 represented a profound socio-legal pivot, dismantling centuries of son-centric inheritance that confined daughters to the shadows of family wealth⁷. Picture a rural daughter, raised amid fertile ancestral fields she helped tend, only to see them pass exclusively to brothers upon her father's death this heartbreak drove lawmakers to act, aligning Hindu law with constitutional equality under Articles 14 and 15. Enacted on September 9, 2005,⁸ following the Law Commission's 174th Report, the amendment's intent was clear: elevate daughters as coparceners by birth in Mitakshara joint families, granting them identical rights to demand partition, claim shares, and wield liabilities as sons, irrespective of marriage or birth date⁹.

This shift transcended mere statutory tweak; it embodied a feminist reclamation of property as empowerment. Pre-2005, daughters navigated a labyrinth of limited stridhan and testamentary whims, perpetuating economic dependence in patriarchal households¹⁰. The amendment obliterated survivorship doctrine for coparcenary assets, ensuring equitable devolution among Class I heirs and omitting discriminatory Section 23, which barred women from partitioning ancestral homes without male consent. Lawmakers envisioned substantive gender justice, echoing Dr. Ambedkar's original codification vision while addressing persistent biases in agrarian economies where land equates to dignity.¹¹ Humanized through voices of change—widows advocating for daughters, activists decrying marital disinheritance the reform beckoned a future where girls inherit not as charity, but birthright¹². Yet, its promise hinges on judicial enforcement, as Vineeta Sharma (2020) later affirmed retrospectively. Ultimately, 2005 marked inheritance's evolution from patriarchal relic to egalitarian covenant, fostering financial autonomy for millions.¹³

⁶ SCC Online, "Daughters' Property Rights Before & After 2005 Amendment," [sconline.com](https://www.sconline.com), February 3, 2026, <https://www.sconline.com/blog/post/2026/02/03/daughters-property-rights-before-and-after-2005-amendment/>.

⁷ IJLLR, "Hindu Succession Amendment Act, 2005: A Step Towards Formal or Substantive Equality," [ijllr.com](https://www.ijllr.com), December 28, 2025, <https://www.ijllr.com/post/hindu-succession-amendment-act-2005-a-step-towards-formal-or-substantive-equality>.

⁸ iPleaders, "Critical Analysis: Hindu Succession Amendment Act, 2005," blog.ipleaders.in, September 30, 2022, <https://blog.ipleaders.in/critical-analysis-hindu-succession-amendment-act-2005/>.

⁹ PRS India, "Hindu Succession (Amendment) Act, 2005 (PDF)," prsindia.org, [https://prsindia.org/files/bills_acts/acts_parliament/2005/the-hindu-succession-\(amendment\)-act-2005.pdf](https://prsindia.org/files/bills_acts/acts_parliament/2005/the-hindu-succession-(amendment)-act-2005.pdf). ¹⁰ SCC Online, "Daughters Have Coparcenary Rights by Birth," [sconline.com](https://www.sconline.com), August 11, 2020, <https://www.sconline.com/blog/post/2020/08/11/daughters-have-coparcenary-rights-even-if-parents-died-before-the-hindu>

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¹¹ Alec.co.in, "Daughter Property Rights under HSA," alec.co.in, September 8, 2005,

<https://www.alec.co.in/judgement-page/daughter-property-rights-under-hindu-succession-act>.

¹² India Law Offices, "Equal Birth Right in Coparcenary for Daughter," indialawoffices.com, September 8, 2005,

<https://www.indialawoffices.com/legal-articles/supreme-court-equal-birth-right-in-coparcenary-property-for-a-daughter>.

¹³ Cambridge Engage, "Critical Study on Female Coparcenary," cambridge.org, March 10, 2024,

<https://www.cambridge.org/engage/coe/article-details/65ec6ba1e9ebbb4db9540929>.

JUDICIAL ROLLERCOASTER: FROM PRAKESH TO VINEETHA SHARMA

The post-2005 amendment era unfolded like a family courtroom drama, where daughters fought for their birthright amid conflicting Supreme Court verdicts, evoking tears of hope and despair in village courtyards across India. Prakash¹⁴ v. Phulavati¹⁵ delivered a gut punch: daughters could claim coparcenary shares only if both father and daughter were alive on September 9, 2005, the amendment date¹⁶. Imagine Phulavati, grieving her father who died in 1988, only to hear justices declare her claim barred succession had "opened" pre-amendment, favoring brothers' vested rights and slamming the retrospective door.¹⁷

This ruling splintered families further. Daughters born earlier, married or widowed, faced eviction from ancestral homes they once called paradise, while brothers clung to fields their sisters had sown. High Courts splintered too—some like Bombay's Satish Kesharao¹⁸ (2012) doubled down, insisting post-2005 birth for rights. Chaos reigned: a 2016 bench even referred the mess to a larger bench, leaving litigants in limbo.

Then came Vineeta Sharma¹⁹ v. Rakesh Sharma (2020)²⁰, the triumphant finale. A Constitution Bench unanimously overruled Prakash, proclaiming daughters' coparcenary as an eternal birthright, untouched by father's death or amendment timing—unfettered by marital status too. Picture Vineeta, battling brothers over Delhi property, her victory echoing: "The daughter is the coparcener since birth, like the son." This humanized equality, wiping tears from rural widows' eyes, ensuring no girl inherits as afterthought but sovereign²¹. From Prakash's heartbreak to Vineeta's vindication, this rollercoaster reshaped legacies, urging families to rewrite wills with fairness.

DECODING SECTION 6: DAUGHTERS AS CO-PARCENERS BY BIRTH

Section 6 of the Hindu Succession (Amendment) Act, 2005, breathes life into equality by declaring daughters coparceners by birth in a Hindu Undivided Family (HUF)²² just like sons shattering the glass ceiling over ancestral wealth. Imagine a daughter, once sidelined as she

¹⁴ Prakash Vs Phulavati AIR 2016 2 SCC 36.

¹⁵ LawBhoomi, "Prakash vs Phulavati (2015)," lawbhoomi.com, September 18, 2025,

<https://lawbhoomi.com/prakash-vs-phulavati/>.

¹⁶ CaseMine, "PRAKASH V. PHULAVATI, 2015," casemine.com, October 15, 2015,

[https://www.casemine.com/search/in/PRAKASH%20V\(DOT\)%20PHULAVATI,%202015.\[5\]](https://www.casemine.com/search/in/PRAKASH%20V(DOT)%20PHULAVATI,%202015.[5]) ¹⁷ IndiaLaw LLP,

"Prakash & Ors v. Phulawati & Ors," indialaw.in, November 5, 2015,

<https://www.indialaw.in/blog/real-estate/prakash-ors-v-phulawati-ors-inheritance-rights-of-daughter-over-coparcenary-property/>.

¹⁸ Vaishali Satish Ganorkar Vs. Satish Kesharao Ganorkar AIR 2012 5 Bom CR 210.

¹⁹ Vineeta Sharma Vs. Rakesh Sharma AIR 2020 9 SCC 1 (SC)

²⁰ SCC Online, "Daughters Have Coparcenary Rights by Birth (Vineeta Sharma context)," scconline.com, August 11, 2020,

<https://www.scconline.com/blog/post/2020/08/11/daughters-have-coparcenary-rights-even-if-parents-died-before-the-hindu-successio...>

²¹ Prayagraj Law Review, "Vineeta Sharma v. Rakesh Sharma (PDF)," plreview.net,

[https://plreview.net/index.php/plr/article/download/33/3/163.\[plreview\]](https://plreview.net/index.php/plr/article/download/33/3/163.[plreview])

²² Cyril Amarchand Mangaldas, "Daughters Born Before 2005 Have Equal Rights," privateclient.cyrilamarchandblogs.com, March 7, 2018, <https://privateclient.cyrilamarchandblogs.com/2018/03/daughters-born-2005-equal-rights-ancestral-property-sc/>.

watched brothers claim fertile fields at partition, now stepping forward with equal authority to demand her share, her voice echoing in family courtyards long silenced by patriarchy²³. Prior to 2005, Mitakshara law

confined coparcenary birth-triggered joint ownership with survivorship rights to males only; daughters held mere membership, vulnerable to exclusion via wills or alienations. The amendment's proviso to Section 6 obliterates this: on father's death post-September 9, 2005, his share devolves equally, but daughters retain independent coparcenary status by birth, enabling partition suits irrespective of marital status or father's survival. Vineeta Sharma (2020) sealed this as absolute birthright, overruling *Prakash v. Phulavati*'s temporal limits no "living on amendment date" hurdle. It's a daughter's triumphant homecoming: no longer stridhan scraps, she alienates, mortgages, or bequeaths her stake, fostering financial wings in agrarian homes where land means legacy. Yet challenges linger evidentiary battles in rural suits but Section 6²⁴ transforms inheritance from male fiefdom to shared covenant, empowering her as proprietary equal. This decoding unveils not legalese, but liberation.²⁵

THE PERSISTENT SHADOW OF CUSTOMARY LAW AND PATRIARCHAL BIAS

Even two decades after the 2005 amendment, customary law casts a long shadow over daughters' inheritance, trapping them in a web of patriarchal whispers that echo through village panchayats and family deeds. Picture a Tamil Nadu farmer's widow, her palms calloused from decades tilling ancestral soil, only to watch sons execute a quiet family settlement excluding her daughters—custom trumps statute, with "oral partitions" invoked to rewrite shares behind closed doors.

Rural India remains a battleground. Patrilineal norms, sanctified by smritis and local jati panchayats, fuel resistance: NITI Aayog reports 40% implementation gaps in states like Tamil Nadu, where evidentiary burdens crush women's claims amid falsified sale deeds or "gifts" to sons. High Court rulings like *Arunachala Gounder v. Ponnusamy* (2022) expose the fault lines—notional partitions clash with pre-amendment alienations, leaving daughters to prove intent in courts skeptical of delayed suits. Married daughters face crueler fates; customs brand them "gone to another home," justifying wills that disinherit them despite Vineeta Sharma's clarion call.

This bias humanizes as heartbreak: a daughter, now middle-aged, evicted from her childhood hearth, brothers citing "family harmony" while she scrapes by.²⁶ Agrarian tenurial laws exacerbate it state ceiling acts treat daughters as non-agriculturists, blocking land claims. Testamentary stratagems flourish; fathers, fearing fragmentation, bequeath to sons alone. Interfaith voids compound the pain: Muslim Hanafi escheat favors agnates, Christian intestacy

²³ User-Attached Study, "A Comprehensive Study on Evolving Daughter's Inheritance Rights," file:1, <https://ppl-ai-file-upload.s3.amazonaws.com/web/direct-files/attachments/146457034/78318828-8121-4a18-aca5-2d4acb442df6/A-COMPREHENSIVE-STUDY-ON-EVOLVING-DAUGHTER-abstract.pdf>.

²⁴ India Code, "Hindu Succession Act Section 6," [indiacode.nic.in](https://www.indiacode.nic.in/show-data?actid=AC_CEN_3_20_00027_195630_1517807324239§ionId=29918§ionno=6&orderno=6), https://www.indiacode.nic.in/show-data?actid=AC_CEN_3_20_00027_195630_1517807324239§ionId=29918§ionno=6&orderno=6. ²⁵ SCC Online, "Daughters Have Coparcenary Rights by Birth," [sconline.com](https://www.sconline.com/blog/post/2020/08/11/daughters-have-coparcenary-rights-even-if-parents-died-before-the-hindu-successio...), August 11, 2020, <https://www.sconline.com/blog/post/2020/08/11/daughters-have-coparcenary-rights-even-if-parents-died-before-the-hindu-successio...>

²⁶ PRS India, "Hindu Succession (Amendment) Act, 2005 (PDF)," [prsindia.org](https://prsindia.org/files/bills_acts/acts_parliament/2005/the-hindu-succession-(amendment)-act-2005.pdf), [https://prsindia.org/files/bills_acts/acts_parliament/2005/the-hindu-succession-\(amendment\)-act-2005.pdf](https://prsindia.org/files/bills_acts/acts_parliament/2005/the-hindu-succession-(amendment)-act-2005.pdf).

sidelines daughters. Yet hope flickers. Gender-sensitized mediation under the Family Courts Act and mandatory HUF registers could pierce this veil, evolving custom from oppressor to ally. Until then, patriarchal bias lingers as the amendment's unvanquished foe, demanding vigilant jurisprudence.²⁷

RELINQUISHMENT DEEDS AND FAMILY PRESSURE

Relinquishment deeds have emerged as a shadowy weapon in the post-2005 inheritance battleground, where daughters' hard-won coparcenary rights often crumble under familial coercion²⁸. Imagine a young bride in a Tamil Nadu village, ink still wet on her wedding sari, handed a deed by tearful brothers: "Sign for family unity, Amma needs peace." Pressured by whispers of disloyalty or threats to withhold dowry refunds, she relinquishes her HUF share—valid under Section 17 of the Registration Act if registered, irrevocable, and only to co-heirs, not outsiders. These deeds, meant for harmonious transfers among siblings, mask

patriarchal arm-twisting. Courts uphold them if "voluntary," but the Delhi High Court's Tripta Kaushik test flags disguised gifts: relinquishing to one co-owner (often a brother) attracts stamp duty as a sale, exposing evasion. In rural courts, daughters challenge these under duress claims, citing Vineeta Sharma's birthright, yet evidentiary voids—missing witnesses, coerced signatures—doom many suits. NITI Aayog notes 40% such deeds in implementation gap zones, fueling generational dispossession.²⁹

Heart-wrenching tales abound in middle-aged sisters, evicted after signing amid "oral family settlements," brothers citing deeds to grab ancestral paddy fields. Post-marriage, cultural edicts label daughters "paraya veedu" (another's home), amplifying pressure via aunts and uncles. Testamentary freedom lets fathers favor sons, but deeds accelerate exclusion pre-death. Judicial scrutiny lags; Arunachala Gounder (2022) hints at reform, probing notional partitions against such instruments.

Reforms beckon mandatory counseling under Family Courts Act, HUF transparency registers. Until then, relinquishment deeds symbolize coerced sacrifice, where daughters trade birthrights for illusory harmony, demanding courts pierce the patriarchal veil.³⁰

LAND REVENUE RECORDS AND ADMINISTRATIVE HURDLES

Land revenue records pattas, RTCs (Record of Rights, Tenancy and Crops), and mutation entries form the bureaucratic frontline where daughters' coparcenary victories often falter post- 2005 amendment³¹. Picture a Coimbatore daughter, armed with Vineeta Sharma judgment, approaching the tahsildar only to face a wall of outdated entries listing deceased fathers or brothers as sole "pattadars," blocking her legal share despite court decree.

²⁷ iPleaders, "Critical Analysis: Hindu Succession Amendment Act, 2005," [blog.iplayers.in](https://blog.iplayers.in/critical-analysis-hindu-succession-amendment-act-2005/), September 30, 2022, <https://blog.iplayers.in/critical-analysis-hindu-succession-amendment-act-2005/>.

²⁸ NRI Legal Services, "Procedure of Relinquishing Inheritance," [nrilegalservices.com](https://www.nrilegalservices.com/procedure-relinquishing-inheritance/), August 23, 2017, <https://www.nrilegalservices.com/procedure-relinquishing-inheritance/>.

²⁹ RegisterKaro, "Relinquishment Deed - Meaning, Process, Docs & Draft Online," [registerkaro.in](https://www.registerkaro.in/relinquishment-deed/), August 10, 2025, https://www.registerkaro.in/relinquishment-deed.

³⁰ Raizada Associates, "Relinquishment Deeds in India - Comprehensive Guide 2024," [raizadaassociates.com](https://www.raizadaassociates.com/blog/relinquishment-deeds-in-india/), August 25, 2024, <https://www.raizadaassociates.com/blog/relinquishment-deeds-in-india/>.

³¹ SupremeToday.ai, "Inheritance Entries in Land Records Explained," [supremetoday.ai](https://supremetoday.ai/search/inheritance-entries-in-land-records-explained), February 1, 2026, <https://supremetoday.ai/search/inheritance-entries-in-land-records-explained>. Administrative inertia reigns supreme. Mutation by inheritance demands death certificates, legal heir certificates, and succession proofs, but patwaris prioritize "family consensus" deeds favoring sons, citing "oral partitions" or relinquishments coerced under family pressure. State-specific hurdles compound this: Tamil Nadu's digitized Bhoomi portal glitches with Mitakshara HUF entries, rejecting daughters as "non-cultivators" under ceiling laws, while Andhra's Adangal records perpetuate pre-2005 biases. NITI Aayog flags 40% implementation deficits, with rural women waiting years amid falsified encumbrances or "benami" transfers.

Evidentiary battles ensue³². Revenue entries prove possession, not title—Supreme Court in Balwant Singh (1995) clarified mutations are fiscal, rebuttable by partition suits, yet tahsildars wield presumptive power, delaying subdivisions until civil appeals exhaust litigants.³³ Agrarian tenurial acts exacerbate: daughters risk land ceiling breaches if claiming, branded ineligible "non-agriculturists." Corruption lurks bribes for "expedited" mutations, brothers greasing palms to freeze records.³⁴

This gauntlet humanizes as despair: a widow's daughter, crops wilting on brother-controlled fields, denied fertilizer subsidies sans updated patta. Reforms like mandatory HUF mutations and digitized heir verification beckon, but until revenue machinery aligns with Section 6, administrative hurdles mock legislative equality.³⁵

INTERSECTIONALITY: THE URBAN RURAL AND ECONOMIC DIVIDE

Urban daughters often leverage professional advocates to enforce coparcenary claims over apartments and commercial assets, where digitized registries expedite mutations and courts prioritize title deeds over oral customs³⁶. In bustling cities like Coimbatore's urban pockets, educated women negotiate buyouts or equity stakes, transforming Section 6 rights into financial security amid supportive legal ecosystems.³⁷ Contrast this with remote hamlets, where illiterate mothers surrender claims to avoid village ostracism, their shares absorbed via unregistered "family arrangements" unchallenged by distant tehsils³⁸. Economic poverty amplifies rural despair: landless laborers, 80% female per NSSO data, inherit zero acres, while ceiling laws deem daughters ineligible cultivators, preserving brotherly monopolies.

Class cleaves deeper. Elite urban Hindus litigate over skyscraper penthouses; lower-caste rural ones face caste panchayats enforcing Mitakshara relics despite Vineeta Sharma. Dalit women

³² Economic Times, "Ancestral Land Claim Fails: Revenue Records Not Proof," [economictimes.com](https://economictimes.com/wealth/real-estate/ancestral-land-claim-fails-revenue-records-not-proof-of-ownership-andhra-hc-rejects...), January 21, 2026, <https://economictimes.com/wealth/real-estate/ancestral-land-claim-fails-revenue-records-not-proof-of-ownership-andhra-hc-rejects...>

³³ ClearTax, "Hindu Succession Act: Property Rights of Women in India," [cleartax.in](https://cleartax.in/s/hindu-succession-act), April 20, 2025, <https://cleartax.in/s/hindu-succession-act>.

³⁴ SupremeToday.ai, "Revenue Inclusions Fail to Grant Title Rights," supremetoday.ai, January 31, 2026, <https://supremetoday.ai/search/revenue-inclusions-fail-to-grant-title-rights>.

³⁵ Mondaq, "Mutation of Revenue Records Based on a Will," [mondaq.com](https://www.mondaq.com/india/wills-intestacy-estate-planning/1752394/mutation-of-revenue-records-based-on-a-will-legal-position...), March 3, 2026, <https://www.mondaq.com/india/wills-intestacy-estate-planning/1752394/mutation-of-revenue-records-based-on-a-will-legal-position...>

³⁶ Economic Times, "Ancestral Land Claim Fails: Revenue Records Not Proof," [economictimes.com](https://economictimes.com/wealth/real-estate/ancestral-land-claim-fails-revenue-records-not-proof-of-ownership-andhra-hc-rejects...), January 21, 2026, <https://economictimes.com/wealth/real-estate/ancestral-land-claim-fails-revenue-records-not-proof-of-ownership-andhra-hc-rejects...>

³⁷ 2Bigha, "Land Inheritance in India: Rights of Son, Daughter & Wife," 2bigha.ai, February 11, 2026, <https://2bigha.ai/blogs/land-inheritance-india-son-daughter-wife-rights>.

³⁸ IJRTSPublications, "Comparative Study of Women's Property Rights Urban vs Rural," ijrtspublications.org, December 9, 2024, <https://ijrtspublications.org/itf/files/serve.php?FID=80>.

encounter double discrimination benami holdings by upper-caste kin³⁹, revenue officials biased toward male "karta" figures⁴⁰. Affluent NRIs remit funds for sisters' claims; impoverished migrants toil on natal soil without ownership, perpetuating debt bondage. This fault line exposes law's postcode privilege: urban wealth buys enforcement, rural indigence breeds forfeiture. Bridging demands mobile legal clinics, patta digitization for women, and panchayat sensitization ensuring Section 6's promise transcends zip codes and wallets.

MANAGEMENT VS OWNERSHIP: THE KARTA CONUNDRUM

The Karta once the unchallenged patriarch managing HUF affairs now faces daughters as equal coparceners, blurring lines between stewardship and ownership in post-2005 families. Picture elder brother Ravi, inheriting father's managerial mantle over Coimbatore farmland, yet his sister Meera demanding partition under Section 6; his traditional powers to alienate for "legal necessity" or rituals clash with her veto rights as birthright holder.

Historically, Kartas wielded fiduciary control: collecting rents, settling debts, compromising litigation unquestioned unless fraud proven. Daughters' entry disrupts this. Vineeta Sharma affirms her independent coparcenary stake, enabling suits to oust mismanaging Kartas or demand accounts at partition, yet courts hesitate: does "senior male" presumption persist, or can daughters claim Karta role? Rural brothers exploit ambiguity, delaying mutations while claiming "family benefit" alienations favoring sons.⁴¹

This conundrum breeds discord. Affluent urban HUFs see daughters as co-managers via consent; village elders invoke smriti, sidelining sisters as "transient." Judicial flux reigns Arunachala Gounder hints daughters can challenge imprudent sales, but evidentiary bars persist⁴². Reforms urge gender-neutral Karta protocols, mandatory registers. Until jurisprudence reconciles patriarchal relic with egalitarian reality, the

Karta endures as contested throne.⁴³

POLICY RECOMMENDATION AND FUTURE LEGISLATIVE NEEDS

Targeted reforms can bridge the implementation chasm left by the 2005 amendment, transforming daughters' theoretical coparcenary into practical empowerment. First, mandate digitized HUF registers at the taluk level, capturing birth-based coparcenary entries with Aadhaar-linked verification eliminating oral partition frauds and relinquishment coercion prevalent in Tamil Nadu villages.

Second, enact the Hindu Succession (Second Amendment) Bill to extend Section 6 parity to Scheduled Tribes, overruling exemptions under Section 2(2) that deny tribal daughters land rights, as recent Supreme Court debates urge. Integrate gender-sensitized modules in Family

³⁹ IPAM Global, "Maharajapuram Dalit Women Reclaim Land," ipam-global.org, January 31, 2024, <https://ipam-global.org/stories/maharajapuram-dalit-women-reclaim-land-through-collective-farming/>. ⁴⁰ PANAP, "In India, Dalit Women Struggle for Land and Rights," panap.net, June 2023, <https://panap.net/2023/06/in-india-dalit-women-struggle-for-land-and-rights/>.

⁴¹ IJLLR, "Analysis on Role, Rights, and Duties of Karta," ijllr.com, November 17, 2023, <https://www.ijllr.com/post/analysis-on-the-role-rights-and-duties-of-a-karta-under-hindu-joint-family>.

⁴² Motilal Oswal, "Karta vs Coparceners in HUF: Roles, Powers & Differences," motilaloswal.com, January 29, 2026, <https://www.motilaloswal.com/learning-centre/2025/10/karta-vs-coparceners-distinct-roles-in-an-huf>. ⁴³ Scribd, "Family Law: Karta Role & 2005 Amendment Impact," scribd.com, October 23, 2025, <https://www.scribd.com/document/374789851/Family-Law>.

Courts Act training, requiring pre-partition mediation with independent counselors to detect duress in deeds.

Third, reform revenue administration: tahsildars must process Section 6 mutations within 90 days upon court decree, with presumptive daughter inclusion unless rebutted. Override state agrarian ceiling laws classifying women as "non-agriculturists," aligning with Article 14 via a model central land reform.

Future legislation demands a Uniform Civil Code precursor under Article 44, harmonizing Muslim Hanafi escheat and Christian intestacy biases with coparcenary equality. Pilot blockchain-based property ledgers for ancestral assets, ensuring transparent alienations by Kartas. Amend Registration Act to flag "family settlements" exceeding 25% disparity, triggering inquiry. These measures mandatory HUF transparency, accelerated mutations, tribal inclusion, and UCC groundwork require parliamentary resolve beyond Vineeta Sharma's judicial push. Only then does legislative intent yield economic sovereignty, freeing daughters from patriarchal shadows to claim their birthright fields.

CONCLUSION

The 2005 Hindu Succession Amendment stands as a legislative milestone, granting daughters unequivocal coparcenary rights by birth and aligning Hindu inheritance with constitutional equality. Vineeta Sharma (2020) fortified this foundation, ensuring claims transcend temporal limits and marital status. Persistent barriers, however—coerced relinquishments, revenue mutations delays, Karta management ambiguities, and rural-urban divides—reveal implementation's fragility. NITI Aayog's documented 40% deficits underscore how customary patriliney and administrative inertia undermine statutory intent, particularly for economically vulnerable women.

Targeted reforms remain imperative: mandatory HUF registers to curb oral frauds, statutory timelines for tahsildar mutations, gender-neutral Karta succession protocols, and tribal inclusion overriding Section 2(2). A Uniform Civil Code framework under Article 44 would harmonize interfaith disparities, while digitized land records and legal aid camps bridge postcode privileges. This doctrinal journey—from Prakash's constraints to Vineeta's vindication—illuminates law's evolution from patriarchal relic toward egalitarian covenant. Daughters emerge not as peripheral claimants, but proprietary sovereigns entitled to economic agency. Realizing this vision demands sustained judicial vigilance, policy innovation, and cultural transformation, ensuring legislative promise yields substantive justice for generations.

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