



Exclusion of ST Women from Hindu Succession Act

For Prelims: Scheduled Tribe, Hindu Succession Amendment Act, 2005, Article 14 of the Constitution, Mitakshara school of Hindu law, Inheritance Rights in India.

For Mains: Issues related to Women in India.

Why in News?

A [Member of Parliament](#) has urged the government to issue a notification that would include **women from the Scheduled Tribe** community in the **inheritance rights** provisions of the [Hindu Succession Amendment Act, 2005](#).

- **Section 2(2)** of the Act excludes these women, which results in the **denial of their equal rights** to inherit their father's or **Hindu Undivided Family (HUF)** properties.

What are the Issues Highlighted Around Inheritance Rights?

- The **Hindu Succession Act, 1956**, was amended in 2005 to grant daughters equal rights to **inherit their father's or HUF properties**.
- The **Member of Parliament (MoP)** stated that exclusion of women from the Scheduled Tribe in this act is discriminatory based on gender and is against [Article 14 of the Constitution of India](#), which advocates for **equality before the law**.
 - Additionally, MoP argue that **women from Scheduled Tribes are a more disadvantaged group** due to historic oppression and lack of access to education, employment, and property.
- The MoP has urged the Government to issue a notification that would include Scheduled Tribe women in the ambit of the **Hindu Succession Act**, except in **cases where the customs of a particular Scheduled Tribe give women an advantageous position**.

What is Hindu Succession Act, 1956?

- **About:**
 - The [Mitakshara school of Hindu law](#) codified as the **Hindu Succession Act, 1956** governed **succession and inheritance of property** but only recognised males as legal heirs.
- **Applicability:**
 - It **applies to everyone who is not a Muslim, Christian, Parsi or Jew** by religion.
 - Buddhists, Sikhs, Jains and followers of Arya Samaj, Brahma Samaj, are also considered Hindus for this law.
 - Traditionally, **only male descendants of a common ancestor** along with their mothers, wives and unmarried daughters are considered a **joint Hindu family**. The legal heirs hold the family property jointly.
- **Hindu Succession (Amendment) Act, 2005:**
 - The **1956 Act was amended in September 2005** and **women were recognised as**

coparceners for property partitions arising from 2005.

- **Section 6 of the Act** was amended to make a **daughter of a coparcener** also a **coparcener by birth** “in her own right in the same manner as the son”.
- It also gave the **daughter the same rights and liabilities** “in the coparcenary property as she would have had if she had been a son”.
- The law applies to **ancestral property and to intestate succession** in personal property, where **succession happens as per law and not through a will.**

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