



RECENT TRENDS IN HUMANITIES: WITH REFERENCE TO CURRENT SCENARIO IN RIGHT TO PROPERTY OF WOMEN IN INDIA

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Abstract

The Uttarakhand State Government has taken an important decision regarding women empowerment. The government has brought an ordinance to give women the right of ownership in the husband's ancestral property. This ordinance has been taken in view of the migration of a large number of men to the hilly areas of the state in search of livelihood. This ordinance will provide economic freedom to those women who have to depend on agriculture for their livelihood. At the same time, it is also described that this ordinance is the biggest reform of his government and that this ordinance will become an example for other states as well. Regarding this ordinance, it is said that it is the first state in the country to give rights to women in their husband's ancestral property. At the same time, it also said that this is a historic decision which will empower women. These are some of the steps which are country needs to take it countrywide.

Keywords: Property, Empowerment, Women.

Introduction:

The introductory principles of Women's Commission are that women should enjoy social and political rights, fiscal security, judicial strength and all other rights at par with men. There should be no bias grounded on gender. While traditional morals and mores are changing fleetly, women still need to be made

apprehensive of their introductory and social rights. An empowered woman means women who can make their own opinions for their individual benefits as well as for the society. The substance of women commission is substituting patriarchy with equality. The SukanyaSamridhiYojana was launched as an bid by the Government to produce a positive mindset in society, for the security and future of the girl child. The “NaiRoshni Scheme” has been designed to develop leadership capacity among the nonage women so that they can move forward in the field of entrepreneurship. The scheme is aligned with the Government’s vision of “SabkaSaathSabkaVikas.” Women's commission and achieving gender equivalency helps society insure the sustainable development of a country. Numerous world leaders and scholars have argued that sustainable development is insolvable without gender equivalency and women's commission. Sustainable development accepts environmental protection, social and profitable development, including women's commission. In the environment of women and development, commission must include further choices for women to make on their own. Strengthening women's access to property heritage and land rights is another system used to economically empower women. This would allow them better means of asset accumulation, capital, and logrolling power logrolling demanded to address genderinequalities.

Frequently, women in developing and underdeveloped countries are fairly confined from their land on the sole base of gender. Having a right to their land gives women a kind of logrolling power that they would not typically have; they gain further openings for profitable independence and formal fiscal institutions. For women, securing land and property rights has come decreasingly important in the fight to palliate extreme poverty in some of the poorest regions of the world, through equating control and access to land including through heritage rights. This includes the rights to enjoy, use, and make opinions regarding the disposition, development, and profitable benefits of coffers in connection with the land and its use in husbandry product and natural resource affair. It's important to understand that in order for the transformative eventuality of these rights to take root, securing rights to land won't serve its purpose and women should themselves secure their rights.¹

Empowerment through property rights:

Enjoying property leads to an increase in independence and enables women to develop their voice and quality in the socio-political and profitable diapason. It also gives them the freedom of traveling to original requests, health centers, and other spheres outside of their private bone. Furthermore owing, land and having access to casing comes with access to fiscal and legal institutions since property can be used as collateral or as the morning of a home- grounded enterprise. Indeed when progressive laws have given them equal rights to land and/ or property in their natal homes, they've been conditioned or dragooned by families to immolate their share. Power of land plays an important part in strengthening women’s agency and giving them openings to assert themselves. There's ample substantiation that women’s land rights lead to positive

¹MamtaRao, Law relating Women & Children Second Edition.

issues for the well- being of them and their families. Since land is a precious and critical resource, the resistance towards women's land power rights is inversely strong in the patriarchal system that governs Indian society. The institutions responsible for making laws, and the people that apply them, are themselves deeply conditioned with the customs, practices and beliefs that produce walls for women to enjoy land, both in India and in further than half the countries across the world.²

Role of Succession in case of empowerment of women:

Section 14 of The Hindu Succession Act, 1956 easily provides for the property acquired by a Hindu woman to be absolutely her property, and thus her Stridhan. Under Muslim law, the fellow of Stridhan is Meher, which is again blessed to a woman at the time of her marriage and is solely her property. Coming to heritage rights, Iceland stands out as a colonist in this area, getting the first ever country to grant unconditional equal heritage rights to women all the way back in 1850. We were kindly late to this party, but the corner correction to the Hindu Succession Act in 2005 put India on the chart with respect to this subject, granting equal heritage rights to sons and daughters and including daughters as "coparceners" in a Hindu Undivided Family (HUF). Despite all the long strides our society has taken towards women commission and their rights to property and heritage, there are still areas that bear further work. For illustration, the law itself requires further clarity on aspects like whether a woman's children get to dip into her father's family wealth by way of her heritage-this is a hotly batted aspect as the motherly grandchildren have a share in their father's family heritage. Whether they get to dip into the family wealth of both, their motherly and paternal grandparents, is a slate area that needs to be cleared up.

Changes brought by Amendment on the Interest of Women in the Property:

This correction was executed on September 9, 2005 and created a history in the terms of women's right in property under Hindu Law. The impact of this correction was that the secondary or substituted position of which the women were generally subject to under Hindu law was removed and created analogous rights or position of a son that of a son. As per section 6, daughters were honored as coparcener since birth, thereby she exercises all rights of a coparcener and by virtue of that she can also become a Karta, if she's the senior-most member of the family.

With the recent Judicial pronouncement and interpretation given by the Courts upon the correction questions related to the recrimination of this correction and how it would affect the status of women. As the daughters born on or after 9th September 2005 accrue an interest in the ancestral property by virtue of getting a coparcener as that of son. Though this question of the effect of this correction whether would be retrospective or prospective in nature is in disagreement for a long time. As the Bombay High Court in case of Ms. Vaishali Satish Ganorkar & Anr. v. Mr. Satish Kesharao Ganorkar & Ors. The court observed that the act should be applied retrospectively unless explicitly mentioned as the words "On and from" in Section 6 (1)

²Prakash Chand Jain, Women's Property Rights Under Traditional Hindu Law and the Hindu Succession Act, 1956

:Some Observation, Journal of Indian Law Institute, <http://www.jstor.org>

of the Act after correction shows its prospective nature. And they held that the daughters born on or after 9th September'2005 will only be considered as coparceners and those who are born previous to the forenamed date will decline an interest in the coparcener property only after his death by means succeeding his interest.

This view of correction being applied retrospectively in order to insure the stylish interest of the daughters was also upheld by the Supreme Court in case of *Danamma Suman Surpur v. Amar Singh*, the Hon'ble court held that the correction is applicable to all living daughters of living coparceners as on 9th September'2005 and cannot be disputed further for its recrimination. Though the disposition either in form of partition or disaffection secured before 20th December'2004 by the operation of law not be affected.

Conclusion:

Moreover, there's a need to raise further mindfulness amongst women about their own rights. While educated and empowered women may be asking bold questions about conjugal trusts to ring guard their wealth, there are numerous Indian women who don't know about the conception of Stridhan and how it solely belongs to them, or about their right to alimony and conservation in case of a separation or divorce. Right to property will help women to uplift in every sector of society so that they can become independent. Granting property rights will definitely empower women and empower nation too. By empowering women it will upraise the economy of nation and development, will be helpful for the generation of women to secure their future and race. So that the new era will not face the issues of male dependency and gender bias.

References

1. Saxena, R. (2001), "Changing Roles of Indian Women in society," *Social Welfare*, August, pp. 25-30.
2. Tripathy, S. N. (2002), "Violence Against Women: Issues and Policy Options," in S. N. Tripathy (ed), (2002), *op. cit.*, pp. 99-107.
3. Suguna, B, (2001), "Planning for Economic Empowerment of Women," *Social Welfare*, August, pp. 31-34.
4. Johari J.C (1995) *The Constitution of India, A Politico-Legal Study*, Sterling Publishers New Delhi – 110020
5. Justice Krishna Iyer V.R : *Law India: Some Contemporary Challenges*, (1976)
6. Diwan, Dr. Paras; *Modern Hindu Law*; Allahabad Law Agency, 2005 Edition;
7. Dr. Basant K. Sharma; *Hindu Law*; Central Law Publication Second Edition 2008.
8. Banerjee A and Sen RK; *Women and Economic Development* (1st edn) New Delhi, India 2000