
FROM SUBJUGATION TO EQUALITY: APPEASEMENT OF WOMEN'S RIGHTS IN HINDU JURISPRUDENCE

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ABSTRACT

This article undertakes a critical analysis of the legal reforms under Hindu Law aimed at improving the status and rights of women. The central theme revolves around whether these reforms constitute true empowerment or merely act as appeasement to placate the growing demand for gender justice. The article delves into various aspects of Hindu personal law, including marriage, succession, guardianship, and protection against domestic violence. It evaluates the effectiveness of legislative and judicial measures, analysing the gap between law and practice through a socio-legal lens. The British primarily initiated the codification of Hindu Law, and rights peaked after Independence, which was a step towards recognising and strengthening women's rights. Four new enactments relating to Hindus were introduced, which brought about social upheaval and change amongst Hindus. Today, with various amendments from time to time, the Hindu Law has emerged as a more empathetic piece of legislation for Hindu women, integrating itself within the Constitutional framework of justice, fairness and equity. The recent amendments have granted women equal footing as their male counterparts in terms of status, marriage, maintenance, property rights, and dwelling place, empowering them with stability and support. The judiciary has been actively bringing significant changes in matters relating to marriage, maintenance claims, inheritance rights of women, property distribution, partition of joint property, devolution of property for widows and re-marriage of widows. The judiciary and the legislature have culminated in new modern provisions for women's empowerment suitable to contemporary times, adjudicating both men and women as equal partners.

Keywords: Women's rights, Hindu law, gender justice, appeasement, legal reform.

INTRODUCTION:

After gaining independence from over three centuries of British rule, India embraced democracy, empowering its citizens with the right to elect their own government and participate in the governance process. This newfound freedom was enshrined in the Constitution, which, through its Preamble, guarantees justice, liberty, equality, and fraternity—pillars of a secular and democratic republic (Constitution of India, 1950).

From its inception, India has remained a land of diverse religious and philosophical traditions. Among these, Hinduism has retained a prominent position, being predominantly followed by a vast majority of the population.

The British colonial administration, intrigued by the multitude of customs, traditions, and practices observed by the Hindu population, found the legal framework based on ancient texts—Shrutis, Smritis, Vedas, Upanishads, Vedangas, Dharma Shastras, and commentaries—too diverse and unwieldy to govern uniformly (Kane, 1941). Although they initiated the idea of codification, it was only post-independence that concrete steps were taken toward reform.

In 1941, the Rau Committee, chaired by Justice Benegal Narsing Rau of the Calcutta High Court, was formed to begin codifying Hindu law (Rau Committee Report, 1941). Subsequently, the Nehru-led government undertook significant legislative reforms, recognizing the need to modernize Hindu society and promote national unity. This led to the enactment of the Hindu Marriage Act, the Hindu Minority and Guardianship Act, and the Hindu Adoptions and Maintenance Act. These reforms were made applicable to all “Hindus,” a category that legally included Jains, Buddhists, and Sikhs (Derrett, 1968).

A review of early Vedic literature reveals that Hindu women once enjoyed equal status with men. They participated freely in societal and religious life, enjoying rights, liberty, and dignity. Several Vedic verses depict women as powerful and revered, highlighting their integral role in the cultural and spiritual life of ancient India (Majumdar, 1951).

However, over time, particularly due to repeated invasions and socio-political upheavals, these rights were eroded. During British rule, the imposition of feudal and patriarchal legal systems further marginalized women. Customs favourable to women were often ignored or suppressed, and the selectively codified laws did little to improve their status

(Menski, 2003). The attempt to create a standardized Hindu law led to the exclusion of diverse customs and a reliance on Western legal notions, which were often conservative and incompatible with indigenous traditions (Cohn, 1989).

Despite these challenges, the codification efforts gained momentum after independence. The Hindu Code Bill, though controversial and widely debated in Parliament, eventually laid the groundwork for a more uniform legal system. Yet, the final draft was criticized for failing to fully reflect the liberal values of early Hindu traditions and for incorporating rigid colonial-era ideologies (Nehru, 1951).

Historically, Hindu personal law has been steeped in patriarchal traditions, often reflecting gender-biased norms in matters concerning marriage, inheritance, and guardianship. While post-independence India has made significant legislative strides to address these imbalances, the efficacy of such reforms in genuinely empowering women remains debatable. The term "efficacious appeasement" herein refers to the state's attempt to address gender disparity through legal frameworks that may offer symbolic equality without necessarily transforming the lived experiences of women (Sharma, 2018).

HISTORICAL OVERVIEW OF WOMEN'S RIGHTS IN HINDU LAW

Hindu law originates from ancient texts such as the Manusmriti and the Dharma Shastras, which historically allocated different roles to men and women. These texts restricted women's agency in matters of marriage, property, and education (Derrett, 1973). During the colonial period, attempts at reform were driven largely by social reformers and British administrators who sought to "modernise" personal law while retaining its religious essence (Jaising, 2005).

A. CODIFICATION AND EARLY REFORMS

The Hindu Code Bills introduced after independence aimed to dismantle discriminatory practices. The codified Hindu laws collectively aimed to introduce gender equality within the private sphere. However, their implementation has often been criticised as ineffective or superficial.

The Hindu Marriage Act, 1955, marked a shift from sacramental to contractual recognition of marriage. It granted women the right to divorce and seek maintenance. Sections

13 and 25 of the Act provide for divorce and post-divorce maintenance respectively. Despite these provisions, social stigmas around divorce and lack of financial independence continue to discourage women from asserting these rights (Choudhury, 2016).

The Hindu Succession Act, 1956 and its 2005 Amendment, the original Act excluded daughters from being coparceners in joint family property. The 2005 amendment rectified this, granting daughters equal rights as sons in ancestral property (Agarwal, 2005). This was a landmark move towards gender equality. However, enforcement remains inconsistent, particularly in rural areas where customary practices still prevail (Mukherjee, 2017).

Guardianship and adoption, under the Hindu Minority and Guardianship Act, 1956, fathers are deemed the natural guardians of children. Though mothers can act as guardians, the law places them secondary to fathers, reflecting an implicit gender bias. Judicial interventions have attempted to remedy this, but legislative change remains pending (Rao, 2011).

Maintenance and protection against violence, the Hindu Adoption and Maintenance Act, 1956 and later the Protection of Women from Domestic Violence Act, 2005 (PWDVA), aimed to ensure economic and physical security for women. PWDVA, in particular, was a significant step forward, recognising various forms of domestic abuse. However, studies show that procedural delays and a lack of enforcement hinder its effectiveness (Kumar, 2014).

B. OMNIFARIOUS APPROACH TOWARDS WOMEN.

The Hindu law in its present state confers upon women some beneficial privileges. The legislature and judiciary have adorned Hindu women with matrimonial rights identical to those of men. The Hindu Marriage Act, 1955, is momentous for Hindu married women in their fight to accomplish equal standing with their male counterparts, making them equally responsible partners in marriage.

C. EXPRESSION OF “HINDU”.

The Hindu Marriage Act encompasses wide scope towards an expression of “Hindu” as mentioned in the Act, approving a Hindu girl to marry a Hindu of any four castes or a Hindu who may belong to sects, namely, Virashaiva or Lingayat or alternately adherent believer of Arya Samaj, Brahmo Samaj or else Prarthana Samaj. On the other hand, when an individual becomes a Hindu by conversion from any other religion, or else also to person practising

Buddhism, Jainism or Sikhism on grounds of faith and belief, the liberal expanse of “Hindu”. approves inter-caste marriage, which legislators had the foresight to perceive a modern cosmopolitan society.

D. THE RULE OF MONOGAMY.

The rule of monogamy, making Hindu men and women identical partners of a lifetime, has brought Hindu men to the corresponding place as Hindu women. There is no restraint for a husband from marrying for a second time. Although under civil law, an injunction can be obtained restraining the husband from marrying for a second time when the first wife is living, and the marriage is valid. The strict code of monogamy often leaves the woman involved in bigamous relations in a lurch, letting the man free to exploit both women.

In *Narinder Pal Kaur Chawla Vs. Manjeet Singh Chawla, I*, the wife claimed that she was duped by her husband as the fact of his earlier marriage was suppressed and they lived together as husband and wife for more than fourteen years, out of which two daughters were also born. The wife claimed maintenance under Section 18 of the Hindu Adoption and Maintenance Act, where the claim was set aside. The Hon’ble Delhi High Court upholding the rights of the second wife, observed that though she ought not to be considered as the legitimate wife of an adult Hindu male, she is, as a matter of right, still privileged to damages under the civil code. In *Suresh Khullar Vs. Vijay Kumar Khullar, I* the court upholding the right of the woman involved in a bigamous marriage, emphasised the fact that though the purpose intended for the enactment of a statute may not be taken into consideration but the misdeed which it seeks to suppress has to be considered. The woman who is entitled to claim maintenance under Section 18 of the Hindu Adoption and Maintenance Act should be presumed to be the legal wife.

E. CONDITIONS OF VALID HINDU MARRIAGE.

The conditions of valid marriage do not require that the bride be a maiden. A widow or divorcee has bestowed an equal foothold with a maiden. The Hindu Marriage Act recommends fifteen years as a suitable age for a girl to get married, merely reserving the provision of the Child Marriage Restraint Act, 1929, which was passed when premature marriage was one of the distinguishing features of Hindu society. Child marriage is still prevalent and remains

widespread, as an infringement necessitates only an additional expense of an amount of Rs. 1000/- as a fine, effortlessly payable by a guardian of the bride.

Certain enumerated stipulations concerning validity of Hindu marriage stands as that at the time of marriage there should not be any spouse surviving for both bride and groom, neither side should be of unsound mind, the bridegroom should have attained twenty-one years, bride ought to have completed eighteen years on the date of matrimony, the boy or girl who is going to be married, to no degree remain delimited by forbidden limitations regarding affiliation, in addition when two individuals entering marriage, should not have common ancestor provided there is usage and practice which acknowledges such marriages.

F. PRESCRIBED CEREMONIES FOR HINDU MARRIAGE.

The Hindu Marriage Act, 1955, formalises the fundamentals of a ceremony to culminate a valid wedlock. Hindu matrimony can seemingly be celebrated according to accustomed conventional practices of either one of the parties to matrimonial alliance and marriage is finalised with an invocation before a consecrated fire, on the performance of *Saptapadi*, that is, walking seven steps around the sacramental fire, matrimony is effectuated when the seventh step around the sanctified fire is completed.

G. MARRIAGE REGISTRATION AND MATRIMONIAL REMEDIES.

Registration of Hindu marriage remains by no means mandatory, but at the option of the parties, which has to be made compulsory to avoid plurality of marriages. The Hindu women had been desperately imploring for many centuries the matrimonial reliefs, embodied with the aid of the Hindu Marriage Act, 1955 stands as a boon affording matrimonial reliefs to them. Amongst the reliefs provided, the nullification of marriage, judicial separation and divorce are quite contrary to the law prevailing at the time of our primaeval elders. There were means for the restoration of marital entitlements cascading through their epitomes in affiliation with marriage.

H. RELIEF OF RESTITUTION OF CONJUGAL RIGHTS.

The perception of restitution of conjugal rights exemplified within the Act stands merely as a legislative acknowledgement of old-fashioned privileges afforded to the spouses. Usually, misused by husbands either to harass the wife by forcing her to restart cohabitation in

a suffocating marriage, or habitually to discharge himself from paying maintenance by filing a petition for restitution. The constitutional validity of this provision has been a question of contention and challenge.

The first notable litigation concerning the restoration of matrimonial rights was *Dadaji Bhikaji Vs. Rukhmabai*, the wife, left the company and family of her husband. In this case, one more malevolent, malicious practice of child marriage, prevalent amongst the upper-class Hindus, was brought before the Court. Pinhey J., who delivered the judgment, pointed out that the concept of restitution of conjugal rights did not exist in customary Hindu Law; rather, it was a foreign remedy and not applicable to the parties concerned. When the case went for appeal before the Division Bench, it was ruled in favour of the husband, but *Rukhmabai* was ready to undergo imprisonment as an alternative to leading a life with someone whom she dislikes. The matter was later settled by *Rukhmabai* paying compensation to her husband for freeing her from the marital tie. She safeguarded her right to refuse and sustained female autonomy as early as one hundred and thirty-six years ago.

I. VOID OR NULLIFICATION OF MARRIAGE.

Amid the grounds of void or nullity of marriage, obscured pregnancy of the bride at the time of marriage remains one of the grounds where the mandatory standard of evidence should be so extreme that no innocent wife could be accused with such allegation and recklessly left in the lurch.

J. JUDICIAL SEPARATION.

The remedy of judicial separation is another breather, temperately deviating from the restoration of matrimonial rights or divorce. Judicial separation allows alienated couples to preserve the matrimonial bond intact, to palate the flavour of ‘solitary living’ distinctly, besides having a chance of approaching one another to cohabit together again.

K. DISSOLUTION OF MARRIAGE.

In ancient times, the most unethical and unkind approach towards the female gender was the deprivation of divorce. In contemporary society, where both parties are dynamic members of marriage, each loaded with equal marital rights, commitments, and obligations, both parties are likewise educated, refined, and correspondingly in employment to earn a

livelihood, there ought to be a provision for termination of marriage, where both yearn for divorce and couples cannot stand one another. Consequently, it has become indispensable that additional grounds are essential to the specific grounds enumerated for divorce. Mutual consent divorces are accelerating, raising an alarm that families are being disintegrated at the slightest discomfort, shaking the very foundation of society.

L. IRRETRIEVABLE BREAKDOWN THEORY OF DIVORCE.

The introduction of Irretrievable Breakdown Theory for the dissolution of marriage amongst Hindus was recommended by the Seventy-first Law Commission Report in 1978. In 1981, a Bill was introduced for induction; however, said Bill faced severe criticisms, vehement protests, where it was demanded that the consequence of inducting this theory would make a woman an easy prey, for divorce, by unscrupulous husbands. The Supreme Court, in several cases, has reiterated that the introduction of breakdown theory has become a necessity considering the times and that Hindu Law ought to be amended to match the pace of changing times. This theory shall be a boon for the wife, concerning maintenance, as it was suggested that at the time of divorce, wives are eligible to equal division of immovable property and assets, purchased during matrimony.

As early as 1993, the Hon'ble Supreme Court held in *Chandralekha Trivedi Vs. S.P. Trivedi*, that marriage to be 'dead' as per allegations and counter-allegations proved that there was no valid ground to let the marriage survive. Nonetheless, there was abstention from using the term 'irretrievable breakdown of marriage'. In 1994, the Hon'ble Supreme Court delivered a landmark judgment in *V. Bhagat Vs. D. Bhagat*, considering the facts and circumstances, considered the attention of the judiciary to the principle of "irretrievable breakdown of marriage" under Hindu Law. In *Naveen Kohli Vs. Neelu Kohli*, the Hon'ble Supreme Court prudently examining the said theory stated that bearing in mind the momentum of acceleration in socio-economic circumstances, the conception of marriage has altered. This theory is based on the fact that when there exists nothing in a relationship that can make it survive, the parties to such a relationship can opt for termination of the marriage or its breakdown, as no possibility of any kind of repair remains. It was contemplated in *Vishnu Dutt Sharma Vs. Manju Sharma*, Markandey Katju J., and V.S. Sirpurkar J. state that there is no authority to end marriage under the irretrievable breakdown of the matrimonial bond under Hindu law. This provision is yet to be incorporated in the statute by appropriate legislation. In 2009, the Law Commission

submitted the 217th Report where necessary recommendations were made, for the introduction of irretrievable breakdown of marriage as a ground for divorce, but till now the legislation is still refraining from inducting such a debatable ground amongst the grounds enumerated for divorce, which according to them will cut through the entire social fabric. Considering the various advances made by the judiciary, the time has come for the effective implementation of the same.

M. MAINTENANCE TO WIFE.

Hindu Law provides an absolute right of maintenance to the wife, incapacitating the husband from abstaining from abiding by, with the plea of insufficient income or means to provide maintenance to the wife. An order for maintenance is granted by taking into consideration factors like status, position, and estimation of the financial standing of the husband.

To explain the recent recommendations in the sphere of maintenance, the Hon'ble Supreme Court framed to bring about an even, uniform, stable proficiency along with the concept of fairness in *Rajnish Vs. Neha & anr.* in matters concerning disbursement of maintenance in marital disagreements, the Court laid down a thorough layout in which an Affidavit is to be recorded by the parties divulging their properties and responsibilities.

N. PROPRIETARY RIGHTS OF WOMEN.

The Hindu Succession (Amendment) Act, 2005, have been incorporated towards broadening the legitimate powers and privileges of a daughter at par with a son irrespective of her status, whether spinster, married, divorced, separated, or widowed. The Hindu Succession (Amendment) Act, 2005, extinguished *Mitakshara* coparcenary and included daughters within the coparcenary, bestowing daughters with birthright in the coparcenary property, besides enthralling the same rights, liabilities, and disabilities as a son. Daughters are also given the right to demand partition in the dwelling house. The right is not limited to daughters but also granddaughter, great-granddaughter along with son, grandson, and a great-grandson. The statutory provision where widow loses her right to inherit her deceased husband's property on re-marriage has been eliminated.

The obliteration of gender inequality in the inheritance of agricultural land where

preference was given to male descendants and women would not be preferred, replenishing gender equality in agricultural land at par with other property, daughters were accorded similar privileges as sons. The Amendment Act of 2005 applies to daughters born before, irrespective of the birth date of the daughter and also irrespective of whether the father is living or dead. The loophole remains as the amendment Act did not give away the father's right to testamentary disposition of property, there remains a discriminatory factor against a daughter whose right to her father's property may be given away to her brother by her father through a testamentary instrument.

The recent momentous declaration of the Hon'ble Supreme Court led by Justice Arun Mishra comprising Justices S Abdul Nazeer and M R Shah in *Vineeta Sharma Vs. Rakesh Sharma* declared that his daughter has a birthright to the ancestral property as a shareholder. This judgment has made it, in retrospect, valid and permitted victimised Hindu women to defy the previous differences were resolved in certain circumstances.

There was provision for reopening the matters where the final order of division of property was pending. Likewise, prior to 2005, any partition employing family settlement via a registered document which had been executed, reopening of such cases could not be done. Any matter could be reopened only when the female shareholder confronts it using a legal process. Any partition that has taken place is irreversible, but considering justice and fair play as a primary criterion, the partition can be reopened in certain specific cases where there had been occurrences of deception, duress or inclusion of a coparcener barred by law. One thing that has to be noted is that where the father or brother is compensated by giving dowry at the time of marriage does not exclude the daughter from asserting her claim in the jointly held property. Only when the woman surrenders the right of her own accord through a registered document, can she not reclaim her right in the said joint family property. Another striking feature emphasised by the Supreme Court is that the coparcenary rights of either son or daughter, whether natural or adopted, will be identical.

O. WIDOW'S RIGHT TO PROPERTY.

The Supreme Court laid down that a widow's property could devolve in favour of her paternal heirs. The amendment not only vested women with equal rights to familial property but also bestowed on her the privilege to become Karta of a Hindu undivided family, where her father deceased after enforcement of the Act. Though the judiciary has taken up this

benevolent enormous step, there still exists a threat of whether Indian families shall eagerly relinquish restraints cast upon their women family members. This has a grave ingrained patriarchal perception existing in society. There exists a probability that families owning businesses will try to retain their assets by writing down Wills bequeathing their property in favour of male heirs.

One more concern of married women who are widowed as well as childless is to whom her property shall devolve after her death. The Hindu Succession Act, 1956, asserts that the property of a widow who dies childless goes spontaneously to the heirs of her deceased husband. Her matrimonial relations are more beneficial than her paternal relations. Here, mention should be made of the substantial judgment by the Hon'ble Supreme Court in the matter of *Omprakash and Ors. Vs. Radhacharan and Ors.* where a lady, who lost her husband within three months of her marriage, without any child and was driven out from her matrimonial home by her in-laws, sought refuge in her parental home where she educated herself with the support of her parents, found employment of her own, thereby accumulating a substantial amount of self-procured property throughout her lifetime. On her death, her mother sought a succession certificate, which was contested by the legal successors of her husband. There exists a controversy that in the case of a husband dying intestate, the property goes to his legal heirs as specified in the Act, whereas, in the case of a wife who dies intestate, notwithstanding the source of procuring the property, the statute declares that the property delegates to the heirs of husband. The noteworthy aspect is that when there is a Will made by the deceased wife, the property devolves as per her wishes and desires. In India, a patriarchal environment compels a widow to lead a life of austerity, unprivileged, deprived and destitute. After the amendment Act of 2005, there has been a huge upliftment and transformation in the rights of widows in their share of coparcenary rights, right of inheritance, legacy, etc.

The Indian judiciary has played a pivotal role in expanding the scope of women's rights. In *Vineeta Sharma Vs. Rakesh Sharma*, the Supreme Court reaffirmed the equal coparcenary rights of daughters irrespective of whether the father was alive at the time of the 2005 amendment. Similarly, in *Joseph Shine Vs. Union of India*, the court struck down Section 497 IPC, which criminalised adultery for men alone, thereby emphasising gender neutrality (Ghosh, 2019). Despite these progressive rulings, access to justice remains limited due to procedural complexities and socio-economic constraints.

RECENT LANDMARK CASES INCLUDE:

1. ***Vineeta Sharma Vs. Rakesh Sharma (2020)***: The Supreme Court held that daughters have equal coparcenary rights in Hindu Undivided Family (HUF) property, even if the father died before the 2005 amendment to the Hindu Succession Act.
2. ***Danamma @ Suman Surpur Vs. Amar (2018)***: Reaffirmed daughters' rights under the Hindu Succession (Amendment) Act, 2005, granting them a share in ancestral property regardless of whether the father was alive in 2005.
3. ***Joseph Shine Vs. Union of India (2018)***: Although not confined to Hindu law, the decriminalisation of adultery was a landmark step toward ensuring gender equality and individual dignity across all communities.
4. ***Shayara Bano Vs. Union of India (2017)***: While dealing with Muslim personal law, the case underscored the judiciary's commitment to gender justice and influenced reformist discourse across religious personal laws, including Hindu law.
5. ***ABC Vs. The State (NCT of Delhi) (2015)***: The Supreme Court recognised the rights of an unwed Hindu mother to be the sole guardian of her child without disclosing the father's identity, reinforcing women's autonomy and reproductive rights.

These judgments reflect the dynamic nature of Hindu personal law, continuously evolving to uphold constitutional values such as equality, justice, and dignity. As India moves forward, these legal milestones offer a framework for ensuring that the rights of women are not only recognised but robustly protected within the fabric of personal law.

CHALLENGES AND CRITICISMS:

1. **Implementation Gap**: Laws exist on paper but are often not implemented effectively due to lack of awareness, resistance from patriarchal structures, and bureaucratic inertia.
2. **Customary Practices**: In several regions, customary law overrides statutory provisions, leading to the denial of rights guaranteed under codified Hindu law.

3. Judicial Delays: The time-consuming nature of legal proceedings discourages women from seeking justice.
4. Economic Dependency: Financial dependence on male relatives deters women from asserting their legal rights.

SUGGESTIONS FOR REFORM:

The question arises whether legal reforms are genuinely empowering women or merely appeasing them. Appeasement can be seen in token reforms that do not challenge existing power structures. True empowerment requires not only legal provisions but also systemic changes in education, employment, and societal attitudes (Sen, 2000).

1. Legal Awareness Campaigns: Government and civil society must collaborate to educate women about their rights.
2. Judicial Sensitization: Training judges and lawyers in gender sensitivity to ensure fair interpretation and implementation.
3. Institutional Support Mechanisms: Setting up legal aid clinics and women's support centres in rural and urban areas.
4. Monitoring and Evaluation: Periodic reviews of the implementation of women's rights laws to ensure accountability.

CONCLUSION:

The status of women changed from the beginning of the 19th century as a result of social reform activities, which were initiated by a few enlightened progressive individuals with the foresight to foresee women as active participants in socio-economic endeavours. These reforms laid the foundation for women's education, their social upliftment, a ban on inhuman practices against women and their liberation from early childhood marriages. The 20th century India witnessed a struggle for Independence, where many women participated not only from within the four walls of the house but also in public. This brought a change in the identity of women, which urged them to fight and get their rights addressed in the legislature as rights of daughter, wife, mother, widowed wife, daughter-in-law and granddaughter.

The claim that the entire kinship regimen barred women, her personhood has witnessed to withstand. Around this assertion, there remains comprehensive demographical testimony that a woman, from time and again, is conveyed and acquires her personhood in property by her marriage. The bequeath of the bride to the groom, granted by the bride's clan, imparts assurance of sole dominance of the husband to his wife. Domineering the procreative dogmatism of the wife establishes impeccability of offspring, a systematic metamorphosis of which is the safekeeping of property within the confines of the corresponding household. The joint-household proprietorship of property can be articulated as a confederation of property governed by societal directives. The general situation prevailing in a Hindu joint-household is based upon anointing women with insignificant personifications which are predicaments to a woman's freedom as well as for society's metamorphoses. Within the confines of family, not only is a woman compelled to remain subservient, but also her originality as an individual is wrecked and devastated. A greater part of joint households in India are patriarchal, but despite that, there exists a certain number of matriarchal households in northeastern and southern parts of the country. These matriarchal households were never a matter of concern among the anthropologists, but their forms of succession to property and rights in the dwelling house ascertain a psycho-therapeutic efficaciousness about the personhood of their affiliates, reflecting the harmonious subordination and dwindling violence amongst them. Forthrightly, installing ostensibly gender-neutral retrospections stimulated by a superficial antecedent of negation of the oppression and abrogation of women's fundamental rights will only diminish the propulsion of the progression. The pre-eminence of personhood solicits, is apparent in the groundwork of property appurtenances in Hindu personal jurisprudence. The chiselling of the personhood of women in matters of an inheritance raises an apt solicitation to look inward, ruminating judicial dissertates and meticulously scrutinising the judicious insightful paradigm.

The modern pedigree of Hindu Law is incomplete in its way, is based on personal opinions and beliefs of judges and decision-makers, instead of proper comprehension, rationality, intellectuality, syllogism, logical thought and wisdom.

Recently, the question of the contributions rendered by the lady of the house, commonly referred to as a housewife, was the heated topic of deliberation in *Kirti and Anr. Etc. Vs. Oriental Insurance Company Ltd.*, the effort of a housewife undertaken to maintain and preserve her family is habitually anticipated as a commitment towards the family institution, thereby ameliorating the efficacy of the husband or father or brother, thus developing the

family's economic condition. From time immemorial household chores existed as a duty and responsibility of a wife and the judiciary has refrained from contemplation that any sort of consideration offered in exchange for these services will ruin the institution of marriage making it a contractual arrangement, whereas marriage is rendered sacrosanct in Hindu law and the perceived as a sacred union of husband and wife. However, the court in contemporary times recognises the contributions of a housewife in upkeep and supporting the husband, eventually aiding him to grow professionally as well as financially.

The endorsement of the Law Commission of India, in 2018, held that it is a prerequisite to admit, recognise and review the effort undertaken by a housewife, notwithstanding her economic assistance, together with provision to split uniformly the property and assets accrued during marriage by husband and wife in the joint alliance. The same procedure should also be followed during the ascertainment of maintenance as well as alimony to the wife, taking into consideration the financial burden faced by women employed and housewives.

Upholding of Hindu women, whether they are mothers, daughters, wives (either separated or divorced) or widows, forms an essential premise where necessary measures are to be incorporated within the legislative outline, affording women with identical rights on par with their male counterparts. However, it is recommended that Hindu Law should ameliorate under changing value systems and westernisation of society by incorporating just, equal and rational provisions for both sexes, elevating the Constitutional mandate of equality and freedom. Therefore, further reforms within the Hindu law have become the need of the time to facilitate the progression of an ever-changing, dynamic society.

While Hindu law has undergone substantial reform, the promise of gender justice remains only partially fulfilled. The state's interventions, though commendable, often stop short of dismantling the patriarchal foundations of society. A shift from appeasement to empowerment necessitates not only robust legal frameworks but also proactive societal transformation.

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