
RETHINKING SPOUSAL PROPERTY DIVISION IN HINDU MARRIAGE: A CRITICAL ANALYSIS OF THE 1955 ACT

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ABSTRACT

This research paper critically examines the evolving landscape of spousal property division under the Hindu Marriage Act, 1955, highlighting the urgent need for legislative reform in contemporary India. The study begins by analyzing the historical context of Hindu personal law codification and its impact on matrimonial property rights. Through a comprehensive examination of the definitional challenges surrounding matrimonial property in Hindu law, the research reveals significant gaps in the current legislative framework. The paper explores the judicial interpretation of property rights in marriage, demonstrating how courts have attempted to bridge legislative gaps through progressive interpretations, particularly in protecting women's economic interests post-divorce.

A critical analysis of landmark judgments reveals the judiciary's efforts to adapt traditional Hindu law concepts to modern socio-economic realities, while highlighting the limitations of such judicial activism in the absence of clear statutory provisions. The research particularly focuses on the inadequacies of the current legal framework in addressing complex property division issues, especially concerning working women's contributions, inherited property, and joint family assets. Through this analysis, the paper argues for comprehensive legislative reform to establish clear guidelines for spousal property division, suggesting the incorporation of modern principles of economic justice and gender equality. This study contributes to the ongoing discourse on modernizing Hindu personal law while balancing traditional values with contemporary needs for equitable property division in marriage.

Keywords: Hindu Marriage Act, Matrimonial Property, Spousal Rights, Property Division, Judicial Interpretation, Legislative Reform, Gender Justice

I. INTRODUCTION-

The Code of Hindu Marriage of 1955 is a comprehensive legislative document that covers many elements of Hindu marriage in India. It establishes a framework for the solemnization of Hindu weddings, specifies the requirements for a legitimate Hindu marriage, and requires the registration of Hindu marriages. The statute also addresses restitution of conjugal rights, legal separation, invalid and voidable marriages, divorce, maintenance, alimony, and marital property. One of the primary goals of the Hindu Marriage Code is to preserve Hindu women's rights in marriage. It seeks to guarantee that women are not exposed to unfair practices and are treated with respect within the context of marriage.

The statute is applicable to all Hindus, including Buddhists, Jains, and Sikhs, and provides that The Code of Hindu Marriage of 1955 is a comprehensive legal act that governs various aspects of Hindu marriages in India. It establishes a structure for the legalization of Hindu weddings, specifies the requirements for a legitimate Hindu marriage, and requires the documentation of Hindu marriages. This Act also addresses restoring of conjugal rights, judicial separation, invalid and unenforceable marriages, divorce, maintenance, alimony, and marital assets. The primary goals of the Hindu Marriage Act are to preserve Hindu female rights in marriage. It seeks to guarantee that women are not exposed to unfair practices and are treated with respect within the context of marriage. The act applies to all Hindus, including Buddhists, Jains, and Sikhs, and creates a single set of rules for these faiths.

Marriage, an old institution important to social life, has been a pillar of human society since antiquity. It is a vital mechanism for maintaining moral and ethical ideals in society, differentiating human interactions from animal impulses. The Marital Institution is frequently seen as the backbone of our Society, having evolved with human civilization throughout cultures and geography. The notion of marriage is rooted in ancient Hindu literature. The Vedas, considered the earliest extant written text, shed light on early Hindu marriage practices and ceremonies. The *Manusmriti*, a foundational text in the *Dharmashastra* tradition, elaborates on the significance of marriage in Hindu culture, but its interpretations have provoked discussions on topics such as women's position, widow remarriage, and inter-caste relationships.

The Code of Hindu Marriage of 1955 is a contemporary legal attempt to codify and alter these historic rituals in post-independence India. This Act, while based on centuries-old norms, seeks

to fulfill current social demands and legal obligations. It establishes a framework for Hindu weddings, including procedures for divorce and the complications of property distribution.

In the context of divorce proceedings under this Act, the division of marital property has emerged as a critical issue, often with significant economic and social ramifications for both parties, particularly women. This aspect of divorce settlements reflects the evolving nature of property rights in India, influenced by changing societal norms, economic patterns, and the legacy of traditional joint family systems.

This study aims to critically examine the adequacy and equity of spousal property division under The Code of Hindu Marriage of 1955. By analyzing legislative provisions, judicial interpretations, and practical challenges, we seek to identify shortcomings in the current system and propose reforms. My research will contribute to the ongoing discourse on family law and gender equality in India, situating the issue of property division within the broader context of social justice and economic rights in marriage and divorce. Regarding the disposal of spousal property, the Hindu Marriage Act, 1955 has specific provision under Section 27. This provision authorizes courts to address the division of shared assets in divorce rulings. Such assets, commonly known as "matrimonial property," encompass possessions jointly owned by the spouses, including gifts received and property acquired around the time of their marriage.

The Act doesn't reflect contemporary societal values and principles of gender equality. They call for a more comprehensive definition of matrimonial property, which includes all assets and wealth generated through the collective economic efforts of the spouses during the subsistence of the marriage. Additionally, there is a need for mandatory and equitable division of such matrimonial property upon divorce, treating marriage as a true economic partnership. The current provisions regarding the disposal of spousal property under the Hindu Marriage Act are seen as outdated and inadequate, often failing to ensure economic justice for divorced spouses, particularly women. Reforms are necessary to align the act with modern principles of fairness, equality, and the recognition of the economic contributions of both partners in a marriage.

II. CODIFICATION OF HINDU PERSONAL LAWS

The Hindu Marriage Act of 1955 emerged from a comprehensive effort to reform and codifies Hindu personal laws in post-independence India. Its origins can be traced back to 1941 when the government established a committee under Sir B.N. Rau to address legal reform issues.

This committee, recognizing the incoherence and defects in existing laws, drafted bills on various aspects of Hindu law, including marriage. The proposed reforms were initially part of the broader Hindu Code Bill, introduced in 1946 and reintroduced in the Constituent Assembly in 1947. Despite facing strong opposition from conservative groups, the government persisted in its efforts to modernize and unify Hindu personal laws. The Act aimed to address numerous issues, including inconsistencies in existing marriage laws, the need for alignment with constitutional principles of equality, and various social concerns such as inter-caste marriages and women's status. The Hindu Marriage Act, as part of a series of legislative reforms, represented a significant step in creating a more coherent, equitable, and modern legal framework for Hindu marriages in the newly independent nation, reflecting the changing social dynamics and the government's commitment to legal reform.

III. DEFINITION OF MATRIMONIAL PROPERTY OR SPOUSAL PROPERTY-

Dharamsutra defines spousal property, also known as marital property, according to ancient law. According to *Dharamsutra-Apastamba*, marital property indicates that the husband and wife share control over their property. Others may tend to it with their approval and profit. According to *Dharmasutra-Apastamba*, the idea of marital property entails shared control by the husband and wife. This implies they have equal authority and decision-making power over their belongings and assets. According to the Koran, the husband and wife share responsibility for administering and controlling their property.

The term "property" encompasses both movable and immovable assets. The court has wide discretion to make appropriate provisions regarding the distribution of such property. The Hindu Marriage Act, 1955 covers only the property that was brought in or acquired around the time of marriage. Any property acquired by the couple through their own efforts after marriage is not covered under this Act. For property to be considered "matrimonial property" under the purview of the Act, it must have been jointly owned by the husband and wife, and must have been presented or acquired around the time of marriage.

The concept of matrimonial property in India has undergone significant changes over time. Traditionally, in patriarchal Indian society, the husband was solely responsible for providing the matrimonial home. However, with increasing women's participation in the workforce and changing social dynamics, both spouses often contribute to the creation and maintenance of the

matrimonial home. This shift has necessitated a reevaluation of how matrimonial property is defined and divided.

A. Defining spousal property under Hindu marriage act, 1956- The notion of marital property was first established in Indian law by the Hindu Marriage Act (HMA), notably Section 27. This part illustrates politicians' attempt to control property gained at the moment of marriage. It permits courts to include provisions in their judgments respecting property provided at or about the time of marriage that may be jointly owned by both spouses.

IV. LEGISLATIVE PROVISION RELATED TO MATRIMONIAL PROPERTY UNDER HINDU MARRIAGE ACT, 1955

This Act was passed in India to regulate marriages and to protect the rights of bride and groom among Hindus in India. The Act was enacted under Hindu code bills. The section talks about the disposal of property at the time of dissolution of marriage in section 27 of the Hindu Marriage Act, 1955.

This section deals with disposal of property presented to the husband and wife at or about time of marriage while passing any decree in any proceeding under this act.

The substantive provisions under the Hindu Marriage Act, 1955 confer court powers to determine related matters in legal proceedings. More specifically, the Act empowers the court to make orders regarding custody, alimony maintenance and the settlement of assets between the husband and wife while adjudicating any proceedings under the Act. The Hindu Marriage Act empowers courts to pass fair and appropriate orders with respect to any property gifted or belonging jointly to the married couple around the time of their marriage. Specifically, the court can issue decrees or directives regarding the ownership, division, or transfer of such joint matrimonial property between the husband and wife while presiding over the legal proceedings under the Act.

The Hindu Marriage act authorizes the Court to include provisions in the marriage dissolution decree pertaining to any property gifted or jointly owned by the couple around the time of marriage. However, such property settlement must be decreed by the Court during the proceedings itself under the Act. The phrase "in any proceeding under the Act" refers specifically to proceedings related to restitution of conjugal rights

between the husband and wife. And also in other matrimonial causes like Judicial Separation, annulment of void marriage, annulment of voidable marriage alternate relief in divorce proceedings, divorce and divorce by mutual consent pending in the court.

In the Scheme of this Act, Such power shall only be exercised within the narrow ambit provided by the legislature and provision can be made only about the properties about which there is no serious dispute between the spouses. The provision has been made in order to discourage multiplicity of suits so that the Court while deciding the matrimonial cases could give direction as to the disposal of joint properties of husband and wife presented to them at the time of marriage or thereabout.

This section alters the idea of *Stridhan*. Section 27 of the Hindu Marriage Act now applies exclusively to property delivered to the couples at or around the time of marriage and owned jointly by them. Things categorized as *stridhan* cannot be ordered to be returned by the husband if they are in his possession; only things in the husband's custody and jointly owned by both of them may be compelled to be returned. The Court settles the spouses' joint property for the advantage of either the spouse or the kid. Additionally, it may divide the property among the couples. The properties which are characterized as *stridhan* cannot be ordered to be returned by the husband if at all they are in his possession; only those properties are ordered to be returned which is husband's possession and which belong jointly to be both of them. The settlement of joint property of the spouses is done by the Court either for the benefit of the spouse or a child. And it may distribute the property among the spouses.

V. JUDICIAL INTERPRETATION - The terms "may pertain equally to both the man and the wife" and "at or around the time of marriage" in Section 27 of the HMA have created the potential of contradictory interpretations by courts in the execution of justice. The courts have read these statements differently while carrying out matters within Section 27 of the HMA.

- a) **Sunita Shankar Salvi v. Shankar Laxman** AIR 2003 Bombay 431, (2003) According to a divorce petition, the couple lived in an apartment jointly owned in the name of the wife and husband. While deciding the matter, the Family Court ordered the husband and wife to split the flat evenly.

When the case was later appealed to the Bombay High Court, the High Court reiterated the Family Court's decision. The Bombay High Court declared that because the husband and wife jointly owned the flat, the wife had a fifty percent right, the title, and interest in the property.

In other words, The Bombay High Court affirmed the Family Court's decision to divide the jointly owned flat equally between the spouses. The High Court acknowledged that the wife, being a co-owner of the property, had an equal share of 50% in the rights, ownership, and interests associated with the flat. This decision by The Bombay High Court reinforced the principle of equal division and distribution of jointly held marital assets between spouses in the event of divorce or separation, recognizing the wife's legitimate claim to her share in the jointly owned property.

- b) In **Kamta Prasad v. Om Wati** AIR 1972 ALL 153, In a key decision, the Allahabad High Court decided that in adjudicating divorce proceedings, the court has the right to make a judgment regarding any property possessed by either the husband's or the wife, which is in addition to the assets shared by both spouses.

The High Court further clarified that the relevant provision grants the court the power to deal with and make orders regarding both types of properties – those belonging to either spouse individually as well as those owned jointly by the couple. The court's authority is not restricted solely to properties jointly held by the husband and wife. Moreover, the Allahabad High Court observed that in proceedings under the Act, the court can exercise the same powers as a Civil Court. This implies that the court has broad discretionary powers to adjudicate matters related to the distribution and disposal of properties, irrespective of whether they are individually or jointly owned by the spouses.

In essence, the Allahabad High Court's ruling established that matrimonial courts have the jurisdiction to pass decrees and make orders pertaining to the disposal or distribution of not only jointly owned properties but also properties owned individually by either the husband or the wife, subject to the court's discretion and the specific circumstances of the case.

- c) In **Hemant Kumar v. Laxmi Devi**, AIR 2004 ALL 126. In its ruling, the Allahabad High Court clarified that Section 27 covers not only jointly owned properties but also properties owned individually by either the husband or the wife, provided that such properties were presented at or around the time of the marriage.

- d) **In Sangeeta v. Sanjay Bansal**, AIR 2001 Delhi 267 The Division Bench of this Court examined the interpretation of Section 27 and determined that it permits the Court to make provisions in the decree for property supplied at or around the time of marriage that may belong jointly to both husband and wife. The term "given around the time of marriage" indicates that such property is associated with marriage and will naturally become the property of both spouses as any signs of difference or division are eliminated throughout the marriage.

Section 27 and judicial separation- The court, while passing an order for judicial separation, has the authority to issue an injunction restricting the husband from stepping into the marital residence, because the marital residence is "maintenance" as defined in section 3(b) of the Hindu Adoptions and Maintenance Act, even if it is not a jointly owned asset under Section 27.

VI. CRITICAL ANALYSIS

The Section 27 of the Hindu Marriage Code, which deals with the disposing of Matrimonial property during matrimonial proceedings, has been subject to significant criticism due to its limitations and inadequacies. This provision, while intended to provide a framework for addressing property matters during divorce, falls short in several crucial aspects, highlighting the need for comprehensive amendments to ensure equitable treatment of spousal property.

One of the primary criticisms leveled against Section 27 is its notably narrow scope. The section restricts the court's authority to address only jointly-owned property presented at or around the time of marriage. This limited definition fails to encompass the diverse range of assets and property that spouses typically acquire throughout the course of their marriage. It overlooks self-acquired property, inherited assets, and property gained through individual efforts or investments. This narrow focus creates a significant gap in addressing the full spectrum of marital assets, potentially leading to unfair outcomes in property division during divorce proceedings.

Furthermore, the section's language regarding "spousal property" and its disposal during divorce is ambiguous and lacks clarity. It does not provide explicit guidance on how to treat property received by spouses as gifts or inheritances. The section also fails to address the disposal of assets and liabilities beyond the jointly-owned matrimonial home. This lack of

specificity can lead to inconsistent interpretations and applications of the law, potentially resulting in inequitable property divisions and prolonged legal disputes.

Another significant shortcoming of Section 27 is its limited applicability to divorce proceedings alone. This narrow focus overlooks other important matrimonial causes, such as judicial separation, annulment, or maintenance proceedings, where the equitable distribution of spousal property may be equally relevant and necessary. By restricting its application to divorce cases, the section fails to provide a comprehensive framework for addressing property issues in various matrimonial situations, potentially leaving parties in non-divorce proceedings without clear legal guidance on property matters.

Critics argue that Section 27's narrow focus on jointly-owned property acquired around the time of marriage fails to recognize the economic contributions and sacrifices made by spouses throughout the duration of the marriage. This limitation is particularly problematic for women who may have prioritized domestic responsibilities or put their careers on hold to support their families. By not considering these non-financial contributions, the section perpetuates gender-based inequalities and economic marginalization, potentially depriving women of a fair share in self-acquired or individually owned assets accumulated during the marriage.

The lack of clear parameters and guidelines for the disposal of spousal property is another significant criticism of Section 27. The section does not provide a comprehensive framework for considering various types of assets, liabilities, movable and immovable properties, or specific criteria for their equitable distribution. This absence of clear guidelines increases the likelihood of inconsistent judicial interpretations and outcomes, undermining the principles of fairness and legal certainty. Judges are left without standardized criteria to ensure equitable distribution, potentially leading to disparate results in similar cases across different jurisdictions.

A particularly glaring omission in Section 27 is the lack of explicit provisions addressing the return or restoration of stridhan (woman's property) or the claiming of a woman's rightful share in property acquired during the marriage. This oversight further exacerbates the potential for economic disadvantage and injustice towards women in the context of spousal property disposal. By not specifically addressing these aspects, the section fails to protect women's property rights adequately and may contribute to their financial vulnerability post-divorce.

In conclusion, while Section 27 of the Hindu marriage Code of year 1955, attempts to provide a framework for dealing with spousal property during divorce, its numerous limitations and inadequacies highlight the urgent need for comprehensive amendments. To achieve a more equitable and just approach to property division in matrimonial proceedings, the section needs to be broadened in scope, clarified in language, and updated to reflect the complexities of modern marital property relationships. Only through such reforms can the law ensure fair and consistent treatment of spousal property, protect the rights of both parties, and address the economic implications of marriage dissolution more comprehensively.

A. Expression of 'belong jointly to the Spouses'

The interpretation of the words "belong jointly to both husband and wife" in Section 27 of the Hindu marriage Code of 1955 has been a source of contention and disagreement among several High Courts. While interpreting the phrase "jointly," most High Courts have held that property provided individually to either spouse is not subject to this provision. This restrictive interpretation effectively eliminates a significant amount of marital assets from the court's consideration when disposing of spousal property.

For instance, the Karnataka High Court ruled that a sum of rupees paid to the husband as '*Vara Dakshina*' (gift given to the groom during marriage) does not qualify as jointly-owned property under Section 27. This restrictive interpretation has been echoed by several other High Courts, such as Rajasthan, Punjab and Haryana, and others, wherein properties individually gifted or acquired by either spouse have been deemed outside the scope of Section 27.

In light of these criticisms, it is evident that Section 27 of the Hindu marriage Code of 1955 falls short in providing a comprehensive and equitable framework for the disposal of spousal property during divorce and other matrimonial proceedings. The section's narrow scope, ambiguous language, limited applicability, and lack of clear guidelines and provisions highlight the need for comprehensive legislative reforms to address these shortcomings and ensure a fair and just distribution of marital assets for all parties involved.

B. Ambiguous Nature of Section 27 of Hindu marriage act, 1955-The Bombay High Court ruled that the clause does not apply to property gained by the partners via joint efforts throughout their marriage, but rather to property delivered at or around the time of marriage. The preceding judicial declarations show that various courts have read

Section 27 of the Hindu Marriage Act, 1955 in different ways that are manifestly contradictory to one another. This contributes to the ambiguity of section 27 of the HMA.

The core of the issue is the vague language used in Section 27, which relates to "any property presented, at or about the time of marriage, which may belong jointly to both the husband and the wife." This language has resulted in varying interpretations, with some courts adopting a restrictive construction, as in the Bombay High Court judgment, and others favoring a broader meaning that includes property gained via joint efforts over the duration of the marriage.

By limiting the scope of Section 27 to only jointly-owned property acquired around the time of marriage, the Bombay High Court's interpretation effectively excludes a significant portion of marital assets from the court's jurisdiction when it comes to spousal property disposal during divorce proceedings. This restricted view fails to account for the dynamic nature of property acquisition and wealth combining, which frequently occurs during the course of a marriage.

Furthermore, this view reinforces possible gender-based disparities and economic marginalization, particularly for women who may have given up their jobs or earning potential in order to emphasize household obligations. The court's approach, which excludes property accumulated via joint efforts throughout the marriage, risks depriving such spouses, primarily women, of their rightful share of marital assets, harming gender equality and economic empowerment.

C. Omission of Homemaker Contributions in Section 27:

A critical shortcoming of Section 27 is its failure to explicitly recognize and value the contributions of homemakers. The section does not provide any mechanism for quantifying or considering non-financial contributions to the marriage. This omission is particularly problematic given that the section deals with property division. The text of Section 27 does not mention:

- The economic value of household management
- Child-rearing responsibilities
- Support provided to the earning spouse's career

This silence on homemaker contributions in Section 27 can lead to unjust outcomes, especially for women who may have forgone career opportunities to support their families. The section's

focus on tangible property given at the time of marriage overlooks the ongoing, intangible contributions that significantly impact a family's financial well-being.

D. Implications of These Limitations:

The narrow focus of Section 27 on the matrimonial home and its silence on homemaker contributions has several implications:

- It may result in inequitable division of marital assets, disadvantaging the non-earning or lower-earning spouse.
- It fails to identify marriage as an economic partnership that should be on basis of equality, where both financial and non-financial contributions are valuable.
- It potentially perpetuates gender-based economic disparities in divorce settlements, given that women are more likely to take on homemaking roles in Indian society.

These limitations in Section 27 highlight the need for legislative amendments to ensure a more comprehensive and equitable approach to property division in Hindu marriages. Such amendments should aim to broaden the definition of matrimonial property and explicitly recognize the economic value of homemaker contributions in the context of property division during divorce proceedings.

E. Non- inclusion of concept of matrimonial home and contribution of Homemaker under section 27-

A critical analysis of Section 27 reveals a particularly glaring oversight in its narrow focus on the matrimonial home, failing to account for the broader spectrum of marital assets and contributions. The section specifically addresses the division of the matrimonial home, but it does not provide a comprehensive framework for evaluating and dividing the full range of property acquired during the marriage. More troublingly, it fails to recognize and value the non-financial contributions of homemakers. This omission is especially problematic in the Indian context, where many women prioritize domestic responsibilities over paid employment. The unpaid labor of managing a household, up brings children, and supporting partner's career is not factored into the property division under this section.

This oversight not only undermines the economic value of homemaking but also perpetuates gender inequalities in property rights post-divorce. By not including provisions to assess and

compensate for the homemaker's contributions, Section 27 potentially leaves a significant portion of the marital partnership unaccounted for in property settlements. This gap in the legislation can lead to unjust outcomes, particularly for women who may have sacrificed personal career advancement for the sake of their families, only to find themselves economically vulnerable when the marriage dissolves. The failure to recognize homemaking contributions in property division reflects a deeper societal undervaluation of domestic labor and highlights the urgent need for legal reform to ensure more equitable outcomes in divorce proceedings.

This critical points brings out the need for a more comprehensive and nuanced approach to the division of property in Indian matrimonial law, one that consider the contributions that may include financial as well as non-financial contributions to the marital partnership.

VII. CONCLUSION –

The Hindu Marriage Act, 1955, particularly through Section 27, attempts to address the issue of spousal property division during divorce and other matrimonial proceedings. However, the Act has significant limitations that call for urgent legislative reforms to ensure more equitable and just outcomes for both spouses, especially women, in marriage dissolution cases. One of the primary shortcomings of Section 27 is its narrow scope, as it is limited to addressing only jointly-owned property presented at or around the time of marriage.

This restriction fails to encompass other marital assets accumulated during the course of the marriage, such as self-acquired property, inherited assets, and individually obtained investments. Additionally, the language of Section 27 is ambiguous and open to varied interpretations by different courts, leading to inconsistencies and gaps in addressing the full spectrum of marital assets, potentially resulting in inequitable property divisions.

Moreover, the Act's applicability is restricted to divorce proceedings, excluding other important matrimonial causes such as judicial separation, annulment, or maintenance cases. This narrow focus leaves parties in non-divorce proceedings without adequate legal guidance on property matters. Furthermore, the Act does not acknowledge the economic value of homemaking and caregiving, primarily undertaken by women. This oversight perpetuates gender-based inequalities and economic marginalization of women who may have prioritized domestic responsibilities over paid employment. Courts have also interpreted phrases like "belong jointly

to both the husband and the wife" and "at or about the time of marriage" differently, leading to contradictory rulings and further complicating the equitable distribution of spousal property.

While Section 27 of the Hindu Marriage Act, 1955, lays a foundation for addressing spousal property during divorce, its limitations necessitate comprehensive amendments. Broadening the scope, clarifying language, recognizing homemaker contributions, and implementing equitable distribution principles can ensure fairer outcomes in property division. These reforms will address the complexities of modern marital relationships and uphold the economic rights of both spouses, moving towards a more just and balanced legal framework in family law.

VIII. SUGGESTIONS:

1. Expand the scope of Section 27: Amend the Act to broaden the definition of marital property to include assets acquired during the marriage, regardless of whose name they are in. This would ensure a more equitable distribution of wealth accumulated through joint efforts.
2. Include the matrimonial home: Explicitly recognize the matrimonial home as a crucial asset in property division proceedings. Implement guidelines for its equitable distribution or continued use, considering factors such as child custody and financial capacity of each spouse.
3. Recognize and value homemaker contributions: Introduce provisions that acknowledge the economic value of homemaking and caregiving. This could involve assigning a monetary value to these contributions or considering them as factors in property division decisions.
4. Adopt a community property approach: Consider implementing a presumption of equal division for property acquired during marriage, similar to community property regimes in some jurisdictions. This would provide a clearer starting point for negotiations and judicial decisions.
5. Introduce comprehensive guidelines: Develop detailed guidelines for judges to ensure consistent and fair application of property division principles, taking into account factors such as duration of marriage, economic disparity between spouses, and future needs.
6. Mandatory financial disclosure: Implement strict requirements for full financial disclosure by both parties to prevent concealment of assets and ensure fair division.
7. Provide for interim maintenance: Include provisions for interim financial support during

divorce proceedings to address immediate economic disparities and ensure access to legal representation.

8. Regular legislative review: Establish a mechanism for periodic review and update of the Act to ensure it remains responsive to changing social norms and economic realities.

9. Establish awareness camps and outreach programs: Implement widespread awareness campaigns, particularly in rural areas, targeting women who are economically vulnerable and primarily engaged in homemaking. These initiatives should:

a) Educate women about their property rights under the Hindu Marriage Act and other relevant laws.

b) Provide information on legal recourse and support services available in cases of marital disputes or divorce.

c) Offer guidance on financial literacy and the importance of maintaining some level of economic independence.

d) Collaborate with local NGOs, self-help groups, and government bodies to ensure widespread reach and cultural sensitivity.

e) Use accessible methods of communication such as street plays, community radio, and local language pamphlets to overcome literacy barriers.

f) Include sessions on the value of homemaking and caregiving contributions to empower women to assert their rights in property division.

g) Provide information on free legal aid services and how to access them.

By implementing these suggestions, the Hindu Marriage Act can better address the economic aspects of marriage dissolution, ensuring more equitable outcomes and recognizing the diverse contributions of both spouses to the marital partnership.

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