

“GENDER INEQUALITY AND PERSONAL LAWS”

TITLE

**“A CRITICAL ANALYSIS OF GENDER INEQUALITY IN THE
EXISTING LEGISLATION RELATING TO PROPERTY RIGHTS IN
INDIA: A COMPARATIVE STUDY OF HINDU AND MUSLIM LAW”**

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CHAPTERIZATION

INTRODUCTION

Though the Indian constitution bequests women identical rights and prospects, and a quantity of liberal laws such as the Equal Remuneration Act proclaim this value, India's legal arrangement continues to differentiate counter to women. This is most apparent in two areas: the inheritance laws, and divorce and maintenance laws.

Public dissertation on removing legal perception against females has concentrated on the claim for a uniform civil code. This claim has as a rule been maintained by Hindu religious frontrunners and intensely opposed by Muslim and Christian religious frontrunners. In actuality, however, nearly all personal laws, be it Hindu, Muslim, or Parsi, differentiate against women.

In notion women are constitutionally assured the elementary right to property. In exercise, the liberal nature of the constitution is compensated by a similar system of personal law that confines women's inheritance, protection, and maintenance rights. Inheritance laws are a salient instance of gender injustice in the control and circulation of properties.

HINDU LAW

Females' property rights in the Male-controlled Family

A Hindu father in male-controlled family adored complete power like the Roman father in prehistoric Rome. The scriptures indisputably backed much to mark the father, the holder of the family a absolute ruler. Manu said that three persons, a wife, a son and a slave are declared by law to have in general no wealth exclusively their own; the wealth which they may earn is regularly acquired for the man to whom they belong. Similarly Narada believed in the view that a son could be independent only if his parents are dead; during their lifetime he is dependent even though he is grown old. So in a male-controlled family females and offspring did not have property rights. The wife was placed into the set of possessions and slaves. They had an burdened and subdued life in the old male-controlled families.

Widow's Domain

A Hindu Joint family comprises of men and women. The wedded and unmarried daughters remained as affiliates of the joint family. The male affiliates are coparceners with right of survivorship. The procedures for survivorship had been placed by Narada. He said that if among several members, one childless dies or becomes a religious ascetic, the other shall divide property excepting stridhanam. So widows are barred from survivorship. However this old rule has been repealed by the Women's Right to Property Act 1937. As per the Act the comforts of male coparceners delegate on their expiry upon widows. This instituted Hindu women's domain. They were eligible to get their portion by Partition. This legislative modification was carried out by the British to advance the position of widow.

Subsequent to the eradication of Sati the quantity of widows increased. In order to discharge them of their despairs the Hindu Women's Right to Property was legislated to give property rights to them; she could enjoy the assets during the lifetime.

Her legal position had been enhanced. She no more had to rest on on the husband's family for her upkeep. The purpose of the Act was to familiarize equality between male and female. In actual fact clause 3 of the Bill said that no person should be left out from heritage and partition on the base of sex. But when the Act came into power women were allowed only a restricted right of legacy of the widows domain.¹ It was established that the 1937 Act was insufficient to guard the welfare of Hindu women and a committee was prearranged to make a inclusive Hindu Code.

Gender Justice: Transformations in Hindu Law

The olden times of Hindu Law transformation comes with the Hindu Law committee (Rau Committee) formed in 1941. It was trailed by another Committee in 1944. The committee lastly submitted its report to the Federal Parliament in 1947. The commendations of the committee were disputed in the provincial Parliament. There was tough opposition contrary to the institution of monogamy, divorce, eradication of coparcenary and inheritance to daughters from the

¹ Bina Agarwal, Redefining Family Law in India,306-354,(Routledge Delhi,2007)

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conventional Hindu public. The Congress representative from West Bengal contended that only women of the lavender, lipstick and vanity bag variety were interested in the Bill.²

There were also worries among the conventional Hindu men that if females were assumed property rights relations would collapse. In 1948 there stood an All India Anti- Hindu Code Convention. It was claimed that the institution of women's portion would lead to the breakdown of Hindu family system which had been occupied as a co-operative system for eternities for conservation of family bonds and assets. It was also pointed out that the inclusion of daughter in the line of inheritance is due to European influence.³

Though the upper male congress frontrunners were against the Bill, Jawaharlal Nehru and Dr. Ambedkar were faithful to the Bill. Nehru individually believed in women's assertions to equivalent property rights. Dr. Ambedkar had to fight considerably due to the robust opposition from the stronghold of higher class Hindus.⁴ In spite of the preliminary set back the Congress party could enact four separate Hindu Codes.⁵

The most challenged area was women's property rights.⁶ As far as the Nation is concerned fusion of Hindu Law was dominant rather than women's legacy rights. This is revealed in the arguments of Archana Parashar. She said that the concealed agenda was amalgamation of the nation by homogeneity in law. Instituting the supremacy of the Nation over religious establishments was an additional significant consideration. This could be best attained by re-defining the rights of women.⁷ There was strong disapproval amid the congress itself against allowing inheritance rights to daughters. Accordingly the coparcenary system under the Mitakshara law was left intact.⁸ As an outcome women were deprived of rights in the inherited property of a Hindu Undivided Family. Only men could turn out to be coparceners and property transfers to them by survivorship. Women are completely left out from inheritance. So difference

² Ibid

³ Paras Diwan, "Daughters Right to Inheritance and Fragmentation of Holdings" SC (J) 15. (1978)

⁴ Ibid

⁵ The Hindu Marriage Act 1955, The Hindu Succession Act 1956, The Hindu Adoption and Maintenance Act 1956 and The Hindu Guardian and wards Act 1956.

⁶ Ibid

⁷ Archana Parashar, Women and Family Reform in India.' 103(Sage Publications New Delhi, 1992)

⁸ Madhu Kishwar, ``Codified Hindu Law, Myth and Reality`` xxix/33,Economic and Political Weekly, 2145(1994),

continued in the problem of property rights even subsequent to the beginning of the Constitution.⁹

The daughters had equivalent rights lone in the distinct or self-attained property of their father. Conversely the father can effortlessly disown a daughter by accomplishing a Will. Section 30 of The Hindu Succession Act 1956 offers that any Hindu may set of by Will or other authentication disposition any property which is proficient of being so predisposed of by him in accord with the provisions of the Indian Succession Act 1925.¹⁰ Wills were exclusively unknown to Hindu Law according to Mayne.

He is of the belief that Wills were transported to India in the Mughal rule and in future by the westerners.¹¹ So the English notion of testamentary succession established its system into Hindu Succession Act 1956 by creating section 57 of The Indian Succession Act 1925 to Hindus too. Though the lawmakers ignored the shield allowed to the family members in the “Inheritance (Provision for family and dependents) Act 1975 in U.K. During the Legislatorial debates, these omissions were taken to the notice of persons who were heatedly differing women’s inheritance that it can be avoided by testamentary disposition.

Hindu Women’s Property Rights under the Hindu Succession Act 1956

Women’s claim to property has been considerably upgraded by the Hindu Succession Act 1956. The notion of women being eligible to a limited domain when they obtain property by birthright is eliminated and women are allowed to an outright estate like men when they receive any property. Also the daughter of a predeceased son and the daughter of a predeceased daughter are upraised to an upper rank. They turn out to be Class – I heirs and get a portion along with the son, and further Class – I heirs. The daughters are counted in in the Class – I in order to eliminate the discernment on the base of sex. Likewise succession to a women’s property or stridhanam of whatsoever nature is made even regardless of the nature of stridhanam. In the similar way the difference between male and female successors in the situation of succession has been gone and

⁹ Ibid

¹⁰ The Indian Succession Act under section 57 provides: “The provisions of this part shall apply to all Wills and codicils made by any Hindu, Buddhist, Sikh or Jain

¹¹ Maine’s Treatise on Hindu Law and Usage , 1091(Bharat Law House, New Delhi 1986)

at the present they are treated on identical basis if they fit to the same grade of relationship. Women will no more be disowned on the reason of un-chastity.

In Section 14 of The Hindu Succession Act 1956, the restricted concern of Hindu woman is renewed into complete rights. If she acquires property from her husband she can trade it and the buyer gets complete right in the asset. Earlier to the Act, she could trade it lone for the inevitabilities of the household or to execute religious rites for the assistance of her dead husband.

Previously she was not assumed the power of alienation.¹² The Act has been set with retroactive effect. So the restricted estate becomes unqualified. Another significant change carried out is to the explanation Section 6 of the 1956 Act.¹³ Upon the demise of a coparcener the property transfers to his mother, widow and daughter alongside with his son by testamentary or without a will succession and not by survivorship. This provision deliberates on the women an identical right along with the men with the rights of the coparcenary.¹⁴ It is to be taken into notice that Section 6 still preserves the Mitakshara coparcenary eliminating women from survivorship as a consequence father and sons grip the joint family property to the complete barring of the mother and daughter in spite of providing a even scheme of without a will Succession. The strict restraints under the Shastric law on woman inheritance were lastly taken away by the Parliament to mark it follow to the Constitutional obligation of equivalence. The incapacity of women in getting the father's property was unfastened under Section 6 of the 1956 Act.¹⁵

¹² See Section 14 of the Hindu Succession Act 1956. Section 14 is wide in its ambit. The legislation has defined women's property in the widest possible manner. The property includes both movable and immovable property acquired by a female by inheritance, partition, in lieu of maintenance, arrears of maintenance, gift from any person, a relative or not, before or after marriage or by her own skill, exertion, by purchase or by prescription or in any other manner whatsoever and also any such property held by her as stridhanam immediately before the commencement of the Act

¹³ Section 6 of the 1956 Act provides: Devolution of interest in coparcenary when a male Hindu dies after the commencement of this Act, having at the time of his death an interest in a Mitakshara coparcenary property, his interest in the property shall devolve by survivorship up on the surviving members of the coparcenary and not in accordance with this Act: provided that if the deceased has left him surviving a female relative specified in class – I of the schedule or a male relative specified in that class who claims through such female relative the interest of the deceased in Mitakshara coparcenary property shall devolve by testamentary or intestate succession, as the case may be under this Act and not by survivorship

¹⁴ Sruthi Pandey, "Property Rights of Indian Women." available at: www.muslimpersonallaw.com

¹⁵ Amrito Das, "Notional Partition, A critique., Section 6 of The Hindu Succession Act 1956", J 149 AIR (2004)

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Correspondingly section 15 is the major legal enactment that takes into account the succession of Hindu female's assets when she expires without a will. Before the Act the property of women dying without a will was administered by regular Hindu law. She had only restricted concern which would be dismissed on her death. It is comforting to note that the Act offers two different laws grounded on the sex of the without a will. This twofold scheme is the customary method anticipated to safeguard the family property.

The property of a Hindu woman dying without a will shall transfer conferring to the guidelines set out in section 16. *(a) Firstly sons and daughters (including the children of any predeceased son or daughter) (b) secondly upon the heirs of the husband thirdly upon the mother and father (d) fourthly upon the heirs of the father and (e) lastly upon the heirs of the mother.*

Again (a) any property inherited by a female Hindu from her father or mother shall devolve in the absence of any son or daughter of the deceased (including the children of any pre deceased son or daughter) not upon the heirs referred to in sub section (1) in the order specified there in, but upon the father. (b) So also any property inherited by a female Hindu from her husband or from her father –in –law shall devolve in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub section(1) but upon the heirs of the husband. This distinct scheme of succession reveals a tough male-controlled and conventional attitude.¹⁶

Furthermore, Section 15(2) offers that the property innate from the father would return to the successors of the father when the Hindu woman dies without disputes.

The section also offers that the property got from the mother would return to the successors of the father and not to the mother's successors. The Statutory intent of preservation of property turns out to be problematic here because if the objective is to preserve the family property, the property got from the mother should return to the mother's successors.¹⁷

¹⁶ Ms.Indira Jaising, "Mapping women's gains in inheritance and property rights under the Hindu Succession Act,1956",Lawyer's Collective, 12-13

¹⁷ *Ibid* at 14

MUSLIM LAW

Inheritance Rights of Muslim Women under the Muslim Personal Law

Muslim women rights have been an issue of debate ever from the time when the Constitution came into existence in 1950. Muslim law (Shariah) is deliberated by many as male-controlled and domineering to women. However the Quran has talked about women's concerns fourteen hundred years back by generating some transformations to improve the position of women though these transformations do not appear to be adopted in practice in Muslim society nowadays. Although Islam as shown to the prophet Mohammed is not domineering to women its version legislated in the family law, and daily living is male-controlled.

In reality the domination of Muslim female is due to the conventional interpretations of Shariah which also contain gender selective customary rules that are offered as god's absolute words. Muslim feminists suggest the foundation of women's domination to the same Shariah laws which infer the godly laws erroneously.¹⁸

Furthermore, Muslim law is soaked with pro-male-controlled versions. Even though the position of female upgraded through the period of the prophet it was only for short period. Muslim commonalities do not think beyond Islam and they believe it as whole way of existence.

The law of Divorce has turn out to be a tool under the influences of the husbands to dominate the Muslim females. The Muslim academics are of the view that the Muslim Personal law as adopted under the Shariat Act had carried unexpressed despairs to Muslims females and if Allah looks in person, he would roll his head in disgrace over the trouble of Muslim females.¹⁹

India is a multiethnic and multi-religious social order and its people are given a chance for their comprehensive development regardless of their gender, class, religion or race by confirming the several essential rights in part III of the constitution. Despite of constitutional guarantees, the position of Muslim females has not upgraded because of the spiritual command with its preservative attitude. The Muslim females could not take advantage from the several welfare

¹⁸ Melanie P.Mejia. "Gender Jihad Muslim woman, Islamic jurisprudence and women's rights." Vol-1, No.1 *Kritike*, 1-24 (June-2007),available at: <http://www.kritike.org>

¹⁹ R.Upadhyay, "Muslim Personal Law Should it be Politicized", available at: [http:// www. imcindia.com](http://www.imcindia.com)

laws since they are till now ruled by their own Muslim laws. The time old principles of Muslim Law are still relevant on various issues regarding marriage, divorce and polygamy.²⁰

The Constitution of India the spine of all nationwide laws preserved within it the very significant code of justice, liberty, equality and fraternity for all people of the nation. This central law of our land guarantees the self-respect of persons regardless of their gender, religion or place of birth.²¹ While making the Constitution, the makers were well conscious of the several unfair practices and dominance of women's rights by the male-controlled society. Therefore some general as well as explicit provisions were integrated for the safety and development of the females. Thus Article 15(3) proclaims that nothing in this article shall prevent the state from making any special provision for women and children.

The courts have also supported the legitimacy of many distinctive laws backing the welfare of females. But in the situation of Muslim female the law is to be principally verified on the standard of Muslim personal law. Therefore there are child marriages, one-sided annulment (Talaq) and polygamy in the Muslim communal. The Muslim female gets maintenance lone up to the iddat time-period and they are left out from the protection of Section 125 of CRPC.²² Therefore the Muslim females get neither the security from the State nor are they secured by their personal extremely male-controlled personal law.

Whereas the Christian and Muslim females are till now being ruled by their Canon and Islamic Laws,²³ the advancement of Hindu females after freedom was so speedy that they attained complete gender parity in the issue of property rights. The property rights of females of other religions are uneven and partial. Hindus, Sikhs, Buddhists and Jain are ruled by one code; Muslims do not have a codified law regulating property rights.²⁴

²⁰ Dr.A.K.Srivastava ``Muslim Personal Law and Rights of Muslim women, A Sociolegal Study`` Vol.3.SCJ.18 (2007)

²¹ Article.15 (1) of the Constitution.

²² Alka Singh, Women in Muslim Personal Law, 1(Rawat Publications New Delhi 1992)

²³ T.K.Rajalakshmi, ``Muslim women are more vulnerable`` ``The Frontline, Vol.24, issue.2, 27-1-2007.

²⁴ Shruti Pandey, ``Property Rights of Indian Women`` available at: <http://indiannow.org>

However the chief lawmaking transformation was completed in the Muslim Law in 1913 by passing the wakfs Act. This was to unknot the consequence of the Privy Council decision²⁵ that wakfs which were originated for overstatement of family or gifts or Assistance which were deceptive or wakfs which were only nominal were invalid. The Muslim took this pronouncement as unreliable with the exact interpretation of Shariat. Thus in 1937 the another transformation was announced by passing the Shariat Act 1937 and all unlike groups of Muslims were taken under Shariat Act.

Shariat and the Property Rights of Muslim Women

The Muslim Jurists gave considerable importance to the laws of heirloom and they were certainly not tired of retelling the saying of the prophet. The Prophet believed that absorb the laws of inheritance and impart it in the folks for they are one-half of valuable information and modern writers have respected the system for its efficacy and prescribed merit.²⁶ Macnaghten articulates that in these laws we find ample attention paid to the interests of all those whom nature places in the first rank of our affections and indeed it is difficult to conceive any system containing rules more strictly just and equitable. The Islamic law of heirloom comprises of two separate essentials, the tradition of earliest Arabia and directions placed by Quran and the Forefather of Islam. The Koranic transformation came as a framework upon the early tribal law. Many of the prevalent, societal and economic dissimilarities were adjusted for that reason Koran may be denoted as a revising Act.

By means of the arrival of Islam and the knowledge of prophet, the position of females gradually improved. The prevalent idea that females were low-grade to men had been bestowed. Quran affirmed the self-respect of females and takes the view that male and female are equivalent and they complement each other.²⁷ The prophet asserted the admirers that feminine child should be treated precisely on mark with the male matters.

Throughout the pre-Islamic era daughters were viewed upon with glare and they were treated as an economic and social liability. Around a hundred years preceding the Prophet, Arabia was

²⁵ Abdul Fata Mohammed Ishak, v. Russomoy Dhur Chowdhry 22 1.A 76, see M.P.Jain Out Lines of Indian Legal & Constitutional History, 553 (Lexis Nexis Nagpur, 2009)

²⁶ A.A.Fyzee. Outlines of Mohammadan Law, 387(4th edn., Oxford University Press, New Delhi 1971) p.387.

²⁷ Mohammad Mazherddin Siddique, Women in Islam, 14 (Adam Publishers, New Delhi 1992)

cultured and females were treated satisfactorily; they relished some rights and liberty. That advancement slowly vanished in passage of time and their authorized rights were down. In its place the male affiliates of the family relished admiration and there were evident dissimilarities in the upbringing of sons and daughters.²⁸

It is in this regard that one should take note of the assistances of Islam to the comfort of females. Islam detached all the oppressions on females. The exercise of entombing girls alive was observed upon as an offence. Quran also denotes to the responses of the parents up on the birth of a girl and convict the parents who turned sad with inner unhappiness. The sayings of the prophet also drive the note that a girl should not undergo inequality or discrimination. Furthermore he who has a daughter and does not entomb alive or abuse her and does not choose son to her, Allah will send him into heaven. Not like the Christian teachings, Islam does not make female responsible for Eve's fault. So every newborn child brings within himself an guiltless standing nature. Islam explains that no evil is innate by a child. Both Adam and Eve refuse to comply Allah's orders, yet they were pardoned because they ask forgiveness.²⁹

Property Rights of Muslim Women under the Customary Law

In pre-Islamic Arabia the law of heirloom was grounded on comradeship-in arms and henceforth even wife and children were left out from legacy. In datum the law of heirloom was built on the values of agnatic liking and barring of females. Thus a daughter or a sister or daughter's son or sister's son could not succeed to the property.³⁰ It is apparent from this that earlier to the arrival of Islam females were not only dispossessed of their right to legacy but their very fate was in the influence of her husband's band or with her relatives. In the pre-Islamic culture males relished superior hand over women in issues related to legacy.

When a man lost his life, his successor would assert the right over the widow and weds her. Subsequently after marriage, he rejects her right to assert the part of legacy instituted by the dowry. He can also take the wedding gift and request another man to marry her. Furthermore, fatherless children certainly not received; instead they were ill-treated and not observed after well and young girls would turn into victims of sexual abuse.

²⁸ Alka Singh, Women in Personal Law, 1 (Rawat Publications New Delhi 1992)

²⁹ Afsar Banu, Status of women in Islamic society.45 (Vol-I, Anmol Publications Pvt. Ltd New Delhi,2003)

³⁰ Paras Diwan; Muslim Law in Modern India,213 (9th edn., Allahabad Law Agency, Allahabad, 2000)

But the prophet completely transformed the pre-Islamic law of legacy without repealing all the customs of the pre-Islamic Arabia. He reserved in their unique practice many Arabian customs which did not clash with the elementary beliefs of Islam. The prophet detached some economic and social ills then prevailing.

For example, in pre-Islamic Arabia, females had no right to heirloom. So Islam made husband or wife a successor. Women and cognates were made capable to receive. Parents and ascendants were assumed the right to receive even when there were male offspring. As a broad rule women were allowed one half the share of a woman.³¹

Thus Islam gave a portion to females who were deprived of a portion in pre-Islamic Arabia. The pre-Islamic Arabs were in contrast to the legacy to woman because of her softness. She is not accomplished of doing actions of resistance and courage. Hence distant males of the family innate the property. When Thabit, the well-known poet of the Arabs expired leaving after him a wife and few daughters, the sons of his uncles detained all his property and saved nothing for his wife and daughters. The widow protested to the prophet. Then the prophet narrated to them the verse that was discovered to him. So Quran generated legacy rights for women at phase when no such rights were present. The daughter acquires half the portion of the brother.

Though Islam approved female the right to legacy, her portion is by no means reasonable and equivalent to that assumed to men. The brother takes double his sister's portion.

This has been looked upon as discrimination against women. The woman is given a lesser share because Quran has assured inheritance to women not only as daughters but also as mothers and wives. Moreover, in Islam the husband had to take care of his wife even if she is wealthy enough to maintain herself. Legally she is entitled to claim maintenance. At the same time she is not obligated to spend any of her wealth on the household.

Again at the time of marriage, the Muslim women receive Mehr which she is free to use, spend or invest it in any way she likes. Therefore as a wife she adds to whatever she receives through inheritance in her capacity as daughter and that she does not have to support either herself or her

³¹ Dr. Rakesh Kumar Singh, Text Book on Muslim Law 315 (Universal Publishers, New Delhi, 2011)

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children. Therefore the position of a Muslim woman is secure as far as inheritance is concerned. Their financial situation is completely guaranteed by the Islamic law.

All the key Islamic legal materials generally support women's right to acquire, hold, use, administer and dispose of property. A Muslim woman possesses independent legal, economic and spiritual identity and independence. The Quran notes that women shall be legally entitled to their share and that to men is allotted what they earn, and to woman what they earn. Only if women choose to transfer their property can men regard it as lawfully theirs. The Islamic laws supporting property rights of women are drawn from a variety of fields such as marriage, dower, inheritance and maintenance.

CONCLUSION

The Hindu Succession Act of 1956 was envisioned to expand the rights of Hindu women. Though the Act has condensed some gender disparities, many till now continue. Under Hindu law, sons have an autonomous share in the family property. However, daughters' portions are grounded on the share got by their father. Hence, a father can efficiently disown a daughter by relinquishing his share of the family property, but the son will remain to have a portion in his personal right. Moreover, married daughters, even those fronting marital nuisance, have no domestic rights in the family home.

Though laws themselves have not been gender-equitable, even the weak rules protecting females have not been sufficiently applied. Consequently, in exercise females continue to have little entrance to land and property, a chief source of revenue and continuing economic safety. Even when the state deliberates rights on the underprivileged by land reform, the ownership to the land is consistently in the designation of the male head and is hardly held together with his spouse. And authoritative farmer lobbies in north India have in recent times wanted to deprive females of minimal property rights. Great amount of females continue to be oblivious of their rights of inheritance; and, where informed, social powers prevent women from challenging these rights. Females themselves frequently repel variations in inheritance arrangements, with two of three females being apparently against girls getting an equal portion with boys in parental belongings

By customary definition, the family properties are those assets attained from father or paternal grandfather or paternal great-grandfather or portion attained on partition or self-attained properties or distinct properties of a person thrown into the combined family properties. In the Indian Succession Act, 1925, which is also pertinent to Hindus, both men and women have unobstructed right of testamentary character, while the Muslim Law confines the said right to only 1/3rd of the domain after reducing funeral expenditures and arrears.

The Law Commission has been trusted with the duty of reviewing the Central Acts to streamline them and to eliminate irregularities, vagueness and discrimination. From July 2005 the new Act has come into power and the daughter is allocated the same portion as is allocated to a son. The daughter shall have a right to assert partition in the joint household properties in addition to the

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right to assert right of partition in the residence house of the joint family and she shall also have a right to assert partition during the lifespan of her father. This opportunity is only given to Hindu females. The laws pertinent to Muslims & Christians do not give equivalent position to females.

When the constitution of India and the laws recently enacted are in approval of giving equal position to the females, the females are concerned in asking for lesser than what they are eligible for and they are trying to apply the Women's Bill where they shall have only 33% right.

Both Hindu and Muslim personal laws do not recognize marital property. Hence, at the period of divorce, females have no rights to their household or to other assets gathered during marriage; in consequence, their assistances to the maintenance of the household and gathering of family assets go unrecognized and unrewarded.

To quote from Justice Sujata V. Manohar of Supreme Court of India *"It is not easy to eradicate deep seated cultural values or to alter traditions that perpetuate discrimination. It is fashionable to denigrate the role of law reform in bringing about social change. Obviously law, by itself, may not be enough. Law is only an instrument. It must be effectively used. And this effective use depends as much on a supportive judiciary as on the social will to change. An active social reform movement, if accompanied by legal reform, properly enforced, can transform society."*

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