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FROM EQUALITY TO REALITY: A SOCIAL LEGAL STUDY OF WOMEN'S PROPERTY RIGHTS IN INDIA

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ABSTRACT:

This study investigates the disparity between formal legal equality and the real socioeconomic obstacles affecting women's property rights in India. It does this by looking at constitutional principles, laws, and how judges interpret them from both a legal and a social point of view, especially when it comes to property rights and inheritance. The Indian Constitution says that everyone should be treated the same. The Hindu Succession (Amendment) Act, 2005, and other laws have improved women's lives. Women still have a hard time standing up for their rights because cultural norms favor men, they don't know enough about the law, they depend on others for money, and they don't understand how institutions work or how they should work. The research employs a socio-legal technique that integrates doctrinal analysis of statutes and significant judicial rulings with a critical assessment of cultural norms and obstacles to implementation, utilizing legislation, case law, academic literature, and contemporary empirical studies. The research shows that the courts have made a big difference in equality by interpreting rules that protect daughters' equal property rights and pushing for women to possess their own property. People don't always do what they're supposed to. This study analyzes the influence of women's property rights on society and the economy by exploring this disparity. It talks about important things, such as how the police work and why we need more groups, programs, and laws to teach people about the law and how to use it fairly. The research says that India should adopt laws that give women more rights to their property. Society and its institutions must change and improve over time for formal equality to exist.

KEYWORDS: Women Property Rights, Gender Equality, Access to Justice, Gender Justice, Legal Awareness, Patriarchy.

INTRODUCTION:

Property rights are very important for the economy, freedom, and social status. Women in India enjoyed property rights due to a mix of cultural ideas, their own beliefs, and the reality that the constitution said everyone would be treated the same. Indian law says that men and women should be treated the same. Women have trouble using their property rights since they don't know enough, are used to doing things a certain way, and society favors men. To deal with these problems, the Indian legal system has changed a lot over the years, especially when it comes to passing on and inheriting property. (Brathwaite 1999)

The Hindu Succession Act of 1956 and the substantial changes made to it in 2005, which gave girls the same rights as boys to inherit property, were highly important steps toward making property regulations fair for everyone. Everyone has the same rights to their property and the rules they make about it. (*Proceedings of "Breaking Barriers: Redefining Women's Rights"* 2025) But they're not all the same. Women have a lot more power over their things according to the law. The Supreme Court of India has expanded the idea of substantive equality by saying that boys and girls are equal coparceners from the time they are born. One example is the case of Vineeta Sharma vs. Rakesh Sharma and others. This ended years of problems with the law. The Constitution's principal responsibility is to defend everyone's rights and make sure that men and women are treated the same. (De Madariaga and Abril 2025)

People still break the law, even if the Constitution, the laws, and the courts have all changed. Women have a hard time getting their fair portion of property because of social conventions, familial pressure, legal obstacles, the need for money, and the fact that they don't have a lawyer. But the law still doesn't treat everyone the same way. People need to shift since there are informal settlements and not all families follow the same regulations. Because of this discrepancy, a lot of people want to know how well the legislation works and how well it protects women's property rights.

The current study, entitled "From Equality to Reality: A Socio-Legal Study of Women's Property Rights in India," aims to analyze both the theoretical legal framework and its practical application. The study employs a socio-legal paradigm, integrating doctrinal analysis of

constitutional provisions, statutes, and judicial rulings with an exploration of social behaviors and lived experiences. The research process frequently entails the examination of primary documents, including legislation and case law, supplemented by secondary sources such as books, journal articles, reports, and empirical studies. The study utilizes socio-legal literature and accessible data to elucidate the social and institutional determinants affecting the enforcement of women's property rights.

This study seeks to evaluate the attainment of legal equality for women by a comprehensive analysis of legislative frameworks, judicial processes, and sociological issues affecting women's access to property. The research aims to enhance the dialogue on gender justice by pinpointing deficiencies in implementation and proposing strategies to reconcile the disparity between formal legal equality and the genuine social empowerment of women in India.

RESEARCH METHODOLOGY:

This study employs a doctrinal research technique, focusing on the analysis of primary and secondary legal sources pertaining to women's property rights in India. The Constitution of India, significant rulings by the Supreme Court and High Courts, and legislation such as the Hindu Succession Act of 1956 and the Hindu Succession (Amendment) Act of 2005 are all vital sources. Textbooks, comments, research papers, and law journal articles are all examples of secondary sources. The research is both analytical and descriptive. It looks at the law and the courts to see how well they work and where they could use some improvement. People are carefully looking at the data that has been collected to find out how to make women's property rights in India better and to make judgments.

CONCEPTUAL AND CONSTITUTIONAL FRAMEWORK:

The intellectual and constitutional foundation for women's property rights in India is predicated on the acknowledgment that property rights include not just legal entitlements but also profoundly affect economic stability, social status, dignity, and individual liberty. In the past, social norms and mechanisms that worked in men's favor made it simpler for them to get and take care of property. From a socio-legal standpoint, property rights serve as legal standards and social structures that influence power dynamics within family and community settings, rendering women's access to property a crucial element in their empowerment, negotiating strength, and safeguarding against vulnerability, exploitation, and dependency. The Indian

Constitution's Article 14 declares that the law should treat everyone the same. Article 15 says that men and women should be treated the same. Article 21 says that people should be kind to one another. (Devi 2006) Article 15(3) says that the government may need to do something to make sure that women are really equal, not merely on paper. Article 300A of the Constitution protects the right to own property, however it is no longer a basic right. The Constitution's clause on equality makes it clear that women can't lose their property without a good reason. The Directive Principles of State Policy's Articles 38 and 39 reveal that the Constitution cares a lot about social justice. They want both men and women to be happy and have work. The Indian legal system, especially the courts, has been using concepts from the Constitution to make laws about property and inheritance easier to grasp. People assume this because they believe that everyone should be treated the same, regardless of their gender. They are now more organized and fair, and they do their jobs better. The Constitution and the laws don't always do what they say they will, and they don't always mean what they say. Women have a hard time fully enjoying their property rights because of social conventions that make them give up their rights, not knowing the law, pressure from family, and rules and processes that are hard to understand. This paper looks at the ongoing gap between the principles of the Constitution and the way things really are in society and the law. It examines women's property rights through the lens of constitutional principles of equality and respect. It also wants to know if Indian laws are fair to women. (Auddya et al. 2023)

EVOLUTION OF WOMEN'S PROPERTY RIGHTS IN INDIA:

The way women in India own property is slowly but surely shifting from one that is based on old ideas about men and women to one that is more about fairness and equality between men and women. There are still a lot of individuals and things that need to be fixed. Women didn't have many rights to own items under old Hindu law. Men used to obtain the inheritance, and women couldn't own goods that everyone in the family utilized. The Stridhan case was the most important one. It was meant to be hers, but her family and society mostly took care of it. Some legislation and court rulings throughout the colonial period tried to make personal laws easy to understand and follow. But these changes mostly let men choose what happens to items once someone dies. But most of the time, women were weak and didn't have many rights. This was especially true for widows and dependents who were not equal heirs. The Constitution was written after India gained its independence. This altered the rules by adding rules on fairness, not discrimination, and social justice. This made it possible to change property laws that weren't

fair. One of these modifications was the Hindu Succession Act of 1956. It was ahead of its time because it came up with new ways for women to make money. But it still didn't give daughters the same property rights as men and women, which made the joint family system unfair to both men and women. The Hindu Succession (Amendment) Act of 2005 was the most important thing that happened during this time of change. From the moment they are born, men and women enjoy the same rights. This meant that people may get things and then give them away in the same way. People used to trade property in a formal fashion, but today they do it in a way that is more equitable. Judges have seen this alteration in the law in many different ways over the years, and it has made matters a lot worse. In the case of Vineeta Sharma v. Rakesh Sharma, the Supreme Court held that boys and girls had the same rights as coparceners. This cleared up a number of questions that had been around for a long time and made the Constitution's promise that men and women would have the same rights much stronger. The law treats men and women the same, but women have a lot of cultural elements that make it hard for them to fight up for their rights. People are worried that men are superior than women, that they won't obtain what they want, that they need money, and that their friends are pushing them. (Prado and Trebilcock 2021) In India, women's property rights are more than just a list of new rules. The law and society are also pushing for nominal equality to become true equality.

STATUTORY FRAMEWORK GOVERNING WOMEN'S PROPERTY RIGHTS:

Indian law says that anyone can own land, even women. This means that different sections of the country are adjusting the regulations to make things more equitable for everyone. The 1956 Hindu Succession Act makes this very significant. It also said that Hindus might give their property to other people and that women could inherit property for the first time. But it still didn't give daughters the same rights to shared property, so men and women in the house were still not equal. The Hindu Succession (Amendment) Act, 2005 mostly fixed this problem by giving women the same rights as men when it comes to inheriting, owning, and sharing property. This was a big step toward making the law better for everyone. Hindu law does not stop women from losing their things. For instance, Muslims and Christians do things differently and celebrate holidays in various ways. People think that women own property and can pass it on, but they often have to deal with discriminatory restrictions or laws about how property can be passed down. This illustrates that people still don't agree on what makes personal laws fair and just. Everyone, even women who own property or purchase and sell things, has to follow

the rules. The Indian Succession Act of 1925, the Transfer of Property Act of 1882, and other laws about taxes and land are also vitally essential. These philosophies assert that women possess autonomy and ownership. Stridhan is a legal term that signifies a woman who maintains things that were given to her before, during, or after her marriage. She has it all. People don't always obey the rules, even when there are a lot of them. Women often can't completely enjoy these rights because the rules are hard to grasp, they don't know how to use them, they feel pressure from others, and some people don't follow them. This confirms the core idea of this study, which is that women and society don't always become better when they strive to move forward.

JUDICIAL APPROACH TO WOMEN'S PROPERTY RIGHTS:

The Constitution mandates that everyone should be treated fairly. This is why Indian courts have made regulations for women's property rights that everyone must follow. Men have gone to places where they have been in authority for a long time for this reason. In the past, people and things had to meet stricter standards in court. They learned that women didn't have many rights, especially when it comes to taking care of themselves and their stridhan. But most of the time, they backed regulations that were unfair about who could get money. This made the gap between boys and girls who shared family property even bigger. But as time goes on, it becomes more and more important to treat men and women the same, be fair, and be nice to other people. Indian courts also began to pay more attention to property and inheritance laws that were advantageous for women. Since the Hindu Succession (Amendment) Act of 2005, there have been a lot of issues. Many people believe that this reform is taking too long. (Osabuohien and Evans 2014) In the decisions of Prakash v. Phulavati, Danamma v. Amar, and Vineeta Sharma v. Rakesh Sharma, the Supreme Court made it very plain that daughters are coparceners by birth and have the same rights and responsibilities as sons. A lot of people felt better after this, and it demonstrated that everyone is the same. For a long time, courts have said that a woman can maintain her stridhan, whatever property she earns on her own, and her rights as a coparcener. This shows how property rights are related to the goals of autonomy and dignity that are talked about in Article 21. Court decisions have demonstrated that women are less inclined to submit claims when they have to give up their rights or go through lengthy processes because of cultural differences. People need to go to court to receive aid with these problems. To make the law and how it is carried out more fair and better, the courts have worked hard to focus on such matters. Even if the courts make little improvements,

the law will still look unfair because of flaws with culture and institutions. This study looks at problems with the legal system and society.

LAW IN BOOKS VS LAW IN ACTION:

People don't always do what they say they will do, which is the main problem with women's property rights in India. The Constitution declares that the law should treat everyone the same. Society, on the other hand, maintains that there are still problems that have been there for a long time and are hard to change. Women, especially daughters, now have the same rights as men when it comes to owning and passing on property. This is because of the Hindu Succession (Amendment) Act of 2005 and new court decisions. The courts have stated several times that women have full rights to the stridhan and property they worked so hard to earn. The law is now fairer and better. But the truth is that many women still don't obtain their fair portion of the family's assets. This is because of a mix of patriarchal ideas, emotional and family pressure to give up their claims, fear of being rejected by others, not knowing enough about the law, not having enough money, and wanting to keep the family together. (Dawson 1998) This can lead to settlements that the court doesn't agree with or coerced waivers that aren't legal. People can't enjoy their rights due of legal challenges like expensive expenses, long waits for court dates, trouble collecting taxes and registering businesses, and not being able to locate the legal support they need. This is especially true for women who reside in poor, hard-to-reach, or far-away regions. Laws and court judgments that safeguard property rights don't always provide women real power, money, or ownership. This means that saying the law protects some rights won't do much good. The ongoing disparity between formal legal equality and the prevailing socioeconomic realities indicates that both progressive legislation and entrenched societal norms in India obstruct women's property ownership. The present socio-legal study seeks to analyze and amend the incongruity between legal assurances of equality and the prevailing social circumstances.

IMPLEMENTATION CHALLENGES AND INSTITUTIONAL BARRIERS:

India has a constitution, courts, and a lot of rules, yet the law and people's beliefs make it challenging to defend women's property rights. A lot of women, especially those who live in the country or are poor, don't know what their rights are or how to acquire their fair share of the family's property. This is a major thing. This is far worse because families and communities

actually think that men should be in charge. People could try to urge women to give up their rights so that the family can stay together, so they can get married faster, or so they can get more aid from friends and relatives. That's why so many people sign terrible releases and resolve their concerns without going to court. Institutions don't enjoy going to court because it takes a long time, costs a lot of money, and the rules for breaking up, changing, and registering aren't very clear. A lot of women don't get support from legal aid programs because they don't work well or help enough individuals. Police and other officials don't always listen to or take women's concerns seriously because they don't get training that takes gender into account. (A *Critical Review of the Women's Property Rights in Kenya* 2006) Because the courts and other government bodies don't move particularly quickly, women have to wait longer to get their rights. They have to put forth a lot of effort to get them. This means that the law doesn't always tell you what to do. These issues with following the law and with institutions illustrate that changing the laws isn't enough. People and groups need to modify how they think and feel about what's going on. The fundamental premise of this study is that women will keep being treated unfairly in society until law enforcement and advocacy groups do more to protect women's property rights.

SOCIO LEGAL IMPACT OF WOMEN'S PROPERTY RIGHTS:

In India, women have more rights to their property than the law and culture say they have. Giving women land is a great approach to help them and make the world a better place. People can find out more about themselves, their jobs, and how much money they have. Women who own and control their own homes are better equipped to deal with things like violence, problems in their marriage, and being taken advantage of. After a divorce or a breakup, they also become better as they get older. This means they are less likely to be wounded and don't need men around the house as much. It is fair and reasonable to regard women as full owners and equal heirs. People assumed women needed help. A growing number of people are beginning to believe in their rights. Sociological and legal research demonstrates that women who possess property are more likely to engage in domestic decision-making, encounter enhanced professional and financial prospects, and attain better health, education, and total family welfare. This proves that giving women property rights is good for everyone. (Chatfield 2023) People have had notions for a long time about how men and women should act and how power should be shared. But they don't think it's right to take advantage of these privileges. This could lead to confrontations between family members, troubles in society, and even

getting kicked out of social events in some situations. This shows how hard it is to amend the law when people can't agree on what to do. Empowerment and social conflict demonstrate that women's property rights surpass legal frameworks and can catalyze significant societal changes. This highlights the primary socio-legal conclusion of the present study: the true indicator of success is not solely formal legal recognition, but also the degree to which these rights alter social dynamics, empower women's autonomy, and fulfill the constitutional guarantee of equality in everyday life.

COMPARATIVE AND POLICY PERSPECTIVE:

A comparative and policy analysis of women's property rights contextualizes the Indian legal framework within expansive international and reformative frameworks, scrutinizing the alignment of domestic legislation with global benchmarks of gender equality and social justice. CEDAW says that men and women have the same rights when it comes to money, property, and providing money to other people. Some countries have changed the laws governing families and inheritance over time to make sure that women are viewed as equal owners and heirs. (Gelman 1994) India has come this far thanks to the Constitution, the Hindu Succession (Amendment) Act of 2005, and judges who make fair verdicts. If other things that are like it are also true, you can be sure that it is true. The problem is that some people don't obey the rules. This difference illustrates that just altering the law won't fix the problem. We need to do more to help people learn about the law, how to file taxes and register, how to receive legal advice, and how to talk to judges and other officials about issues related to gender. Policies that provide women access to land, money, and economic power are very essential because they make it simpler for women to claim, buy, and use property, which gives them additional legal rights. A comparative and policy-oriented analysis corroborates the principal thesis of this study: a substantial transition "from equality to reality" necessitates not only progressive legislation and judicial decisions but also cohesive policy endorsement and institutional reforms that convert formal legal equality into concrete and experiential social and economic empowerment for women in India.

FINDINGS AND SUGGESTIONS:

This analysis shows that most of India's laws allow women the same rights as men to own property. The law and what truly happens don't always match up. This is because of strong patriarchal attitudes, not knowing the law, family pressure to give up rights, and huge problems

with institutions and procedures (Malla 2000). The study demonstrates that women have a tougher time maintaining their property rights since it takes a long time to go to court, lawyers are expensive, tax and registration offices are often crowded, and they have to deal with those in charge who don't know much about gender issues. Even if women have the right legal documents, they may still have trouble getting and keeping property. The study argues that the law has to be amended so that it works better. This means adding more classes to help people learn about the law, making the laws about inheritance, partition, mutation, and registration easier to understand, expanding and improving legal aid services that are sensitive to gender, and making judges and other government workers more knowledgeable and trained. It also shows how important it is for the government to work together to assist women become more independent and financially stable, and how important it is for communities to keep fighting against habits that hurt women. This is very important so that the Indian Constitution's promise that women shall have the same property rights as men is not just words. (Mutneja and Arti 2023)

CONCLUSION:

This study reveals that India has made a lot of progress in developing a strong legal, constitutional, and judicial system to defend women's property rights. This means that you should be fair and not treat men and women differently. The Hindu Succession (Amendment) Act, 2005 modified the regulations for how courts assess who owns property and how they look at it. This is very crucial. The research indicates that the primary issue is not the absence of legal rights, but rather the inadequate enforcement of these rights within society. Many women still can't fully enjoy and use their legally recognized rights because they believe in patriarchal values, don't know the law, depend on males for money, feel pressure from their families, and have problems with institutions and procedures. The ongoing disparity between legal theory and practice illustrates that legislative reform alone is inadequate; institutions must exhibit adaptability, and societal advancement is essential. This study emphasizes that the shift "from equality to reality" signifies a significant socio-legal transformation, necessitating the joint engagement of law, policy, institutions, and society to guarantee that women's property rights are officially recognized, efficiently enforced, and socially endorsed, thereby advancing property ownership as a valid source of dignity, security, and empowerment for women in India.

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