

When Rupa (44, name changed on request), married into a joint family, she threw caution to the wind as she believed she could depend on her husband and her new family in times of crisis. However, when her husband passed away due to an unfortunate accident, she quickly realised that she needs to be aware of her rights.

India doesn't have a uniform law pertaining to inheritance and thus, inheritance is governed by the different customary laws based on religion. "The Hindu Succession Act, 2005 and the Indian Succession Act, 1925 can be resorted to in order to analyse the rights relating to inheritance by Hindu women in India," says Suresh Surana, founder, RSM India.

Over the years, the role of a woman has changed in society and it is still evolving - not just from an economic and financial standpoint, but also from a legal right's viewpoint. According to the Hindu Succession Act, 1956 (HSA), daughters, widows, and mothers are considered Class I heirs. "This means that they have the first right to the property of a Hindu male dying intestate together with the son and other heirs. However, in the case of a Hindu female dying intestate, daughters (together with the son and the husband) have the first right to the property, while the mother is placed lower on the list," says Nidhi Arora, executive director, Lumiere Law Partners.

"Post amendment of the Hindu Succession Act in 2005, a daughter has an equal right to that of a son in the property of the parents. The daughter is a coparcener in the ancestral property and shares an equal amount of liability as well. A daughter attaining adulthood shall have complete rights over any property that is gifted to her. As per the Hindu Succession Act, a married woman has complete rights over her personal property, which she can transact freely. In the event of division of property, a woman gets an equal share of property just like other members. A widowed woman is entitled to an equal share of the late husband's property, which is equally divided amongst other Class I heirs," says Petrushka Dasgupta, partner, Indus Law.

For other religions, "Indian Succession Act, 1925, governs the inheritance and succession laws applicable to Parsis, Christians, and Jews and the Muslim Personal Law (Shariat) Application Act, 1937 governs the inheritance and succession laws applicable to Muslims," informs Malini Raju, partner, J Sagar Associates.

Financial and tax benefits

There are no specific benefits bestowed upon women when it comes to buying



Know your rights!

Being aware of women's legal claims to property is the first step towards achieving a more equitable and just society. Read on to know what the law says about women's property inheritance

or renting a home. However, there are several offers and discounts that are announced to encourage women's participation in real estate. For example, on Women's Day last year, Maharashtra government proposed an additional concession of one per cent if the sale deed is in the name of a woman. "The Karnataka government also provided three per cent reduction in stamp duty for women home-buyers buying properties of up to Rs 45 lakh and an additional two per cent reduction for properties less than Rs 20 lakh," says Dipika Jaikishan, COO and co-founder, Basis, a financial products and services platform designed for women.

"In Delhi, women buyers only pay four per cent as stamp duty, as compared to six per cent payable by men while Jammu has gone a step ahead by waiving stamp duty on property purchases by women. In Uttar Pradesh, women are offered a one per cent reduction in stamp duty charges. This reduction, however, is applicable only up to Rs 10 lakh, out of the total value of the transaction. In Himachal Pradesh, women buyers only pay four per cent (if a property is registered in the name of a woman) as compared to six per cent payable by men. In case of joint ownership, the stamp duty payable by women will be five per cent," informs Raju. Apart from these state concessions that one should make the most of, "Banks also offer lower interest rates on home

loans to women. Women can also avail subsidies up to Rs 2.67 lakh under PMAY scheme," informs Jaikishan.

Under The Muslim Law

- The right to property arises on a person's death and not by birth. A Muslim woman gets a share as per the personal laws;
- A Muslim woman is entitled to one-fourth of her deceased husband's property if she does not have any children, but one-eighth of the share if she has children;
- The daughter receives half the share of her brother in her father's property;
- A Muslim mother is entitled to one-sixth of her deceased son's property if he has children, and if the son dies issueless, the share of a mother is one-third.

Under The Christian Law

- A Christian daughter and son have equal rights in the property of their father;
- A Christian wife gets one-third or half of the property of her husband, depending upon the presence of lineal descendants.

- Malini Raju,
partner, J Sagar Associates