



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS



Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

FROM SHREEDHANA TO SUCCESSION: NEGOTIATING WOMEN'S RIGHTS DURING THE REIGN OF THE DMK GOVERNMENT

AUTHORED BY - SURIYA S

On 20th August 2005, the Lok Sabha passed a bill and guaranteed Hindu women equal rights over agricultural land and joint property in the Hindu Undivided Family. They could now avail equal inheritance rights, which were denied to them earlier by the Hindu Succession Act 1956. It followed Mitakshra school of thought that gives primacy of ownership of land to patrilineal descendants. Claiming that Shreedhana as an act to ensure women's financial security, the archaic legislations denied women's claim over agricultural land through succession, in order to prevent fragmentation of land and avoid complications in fixation of ceilings and devolution of tenancy rights. After the series of drawbacks in the formulation of a Hindu Code Bill in 1950s, the State Government of Tamil Nadu considered bestowing these rights to women through amendments. In what was perceived as a divergence between the National Party vs. Regional Parties, the stance of the DMK Government in Tamil Nadu stands unique. With the Self-Respect movement as the backdrop, the DMK Government had been trying to fulfill its agenda of conferring equal rights to women in all spheres of life.

The 1920s saw a surge in the role of the Dravidian Movement as an advocate of women's rights. The turning point in the history of this cause transpired at the Chengalpet Self-Respect Conference in 1929. It was presided over Periyar and keenly focused on women's issues. The Conference communicated the ideal manifesto and henceforth the agenda of "equal rights to property and inheritance for women as for men" has found place in almost all the conferences conducted by the Dravidian Movement till 1980s. The conference stands as an embodiment of the many of the legislations enacted to ensure gender equality. With regard to the rights of women to ancestral property, there are two historical breakthroughs initiated by the DMK Government; first, by giving exception to Shreedhana in the sphere of the Land Ceiling Process and second, by amending the Hindu Succession Act of 1956 and approving equal rights for women to ancestral property. The DMK Government recognized the need of the hour and championed the cause and later on, became the forerunner to the introduction of several bills and amendments to ensure

right to own land, for married as well single women.

The Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970, was passed as a law that sought to reduce disparities in landholdings by reducing the land ceiling limit from 30 standard acres to 15 standard acres (one acre is 0.4 hectare). During the same year, the DMK Government, under the leadership of M.Karunanidhi, the then Chief Minister, gave exemption in providing 15 acres to daughters in form of Shreedhana i.e. ne can give, their excess land to their son as partition and to daughters as Shreedhana¹. It cannot be called as progressive move ,but the government utilized the moment to favour women.

The second legislation was implemented, following the foot step of NTR. With the need to rely heavily on the women voters to get a foothold in politics, the Andhra Pradesh Government Chief Minister N.T.Rama Rao had backed up schemes that bestowed mileage or equal rights to women. His government introduced the Equal Share in Paternal Property Bill in March of 1983, which was passed a year after in the then male dominated assembly was a revolutionary step in upholding women's rights to own property. However, this was not followed by the other states during that phase.

The Tamilnadu CPI (M) MLA Papa Umanath mentions that in the 1989 Assembly, on behalf of the All India Democratic Women's Association, she had requested the then Chief Minister, M. G. Ramachandran to implement the Equal Share in Paternal Property Bill in March of 1983 in Tamilnadu also. But, the request was not addressed during his double tenure in the state which lasted for 10 years. Although M. G. Ramachandran was a film persona, who upholds "motherhood" in his movies, it was only after the matter was taken to the attention of M.Karunanidhi during his tenure as the Chief Minister of the state, that the request gained found even a foothold².

The Hindu Succession Bill that was effective from January 1, 1989. During that phase, the representation made by 8 women's organizations meeting Thiru M. Karunanidhi to submit a memorandum the asked for the modification of clause 29-A (4) which implied a blanket exclusion of the rights of daughters married before the date of the amendment. The deputation also

¹ Tamilnadu Legislative Assembly Debate, May 6th , 1989p436

² Tamilnadu Legislative Assembly Debate, May 6th , 1989p427

requested to remove Section 23 which denied the right of partition of a dwelling house occupied by my male descendants. The deputation consisted of representatives from Young Women's Christian Association of Madras, the Indian Council of Child Welfare (Tamil Nadu), the Feminist Association of Social Action, the Guild of Service (Central) Seva Samajam, the All-India Democratic Association (Tamil Nadu), the Monday Charity Club, the Joint Action Council for Women (Tamil Nadu) and the National Federation of Indian Women. They also met the then Law Minister S J. Sadiq Pasha and submitted a copy of the memorandum³. However, the changes requested by the women's organizations were not included in the legislation even when the bill was exactly the same as the one passed in Andhra Pradesh. It would have been a more effective legislation if the DMK Government, who was more progressive, had drafted the bill, instead of adopting it as passed by the Andhra Pradesh Government. Taking this context, this article demonstrates the nature of the debate concerning women's rights to succession of ancestral land especially in realizing the dream of a Self-Respect Society.



³ The Hindu, May 4th,1989.