



**M.K. Anand & Associates**

**Chartered Accountants**

2 Community Center | Office No 202 | Naraina | New Delhi-110028  
Ph 9811280787 | 25892328 | 45051903 | [anandmanoj@gmail.com](mailto:anandmanoj@gmail.com)

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## Financial rights of women in India

The Hindu Civil Code, based on earlier religious practice, selected for the purpose, gives women to whom it applies various financial rights. This has been done through legal recognition of the ancient Hindu concept of stridhana. There is also an equal right to inheritance, under a separate law. Stridhana (woman's wealth) consists of all the gifts a woman receives before, during and after her marriage from her family, friends and relatives, as well as from her husband and his family. It may be in the form of immovable property, jewellery or cash.

Nobody, including her husband, can stake claim to it. She may consume or dispose her possessions as she wishes.

"If during a divorce proceeding, a dispute arises pertaining to a woman's stridhana, particularly her ornaments, then it is always presumed that they belong to her and the onus of proving otherwise falls on the husband,"

Registered land records can be used to prove the ownership of immovable property such as land. Similarly, for cash deposited in the bank or invested in fixed deposits, income statements or bank receipts may serve the purpose.

However, if sufficient documentary proof is unavailable to prove ownership of jewellery, then "Get the jewellery valued by a jeweler. Subsequently, file

wealth tax returns based on the valuation. Doing so, even if you are out of the ambit of wealth tax, would help create an official record of your ownership."

## Inheritance rights

In addition, the Hindu Succession Act, 1956, recognises and protects a woman's right on inheritance.

The Act, which comes into play if a Hindu male dies without creating a will, dictates an equal division of the deceased's property among the wife, sons and daughters.

The daughter's right to inheritance is protected by the Act irrespective of her marital status. She is granted absolute ownership of her inheritance and the concept of stridhana is thus codified in Section 14 of this Act, while recognising such absolute control.

While a married son on inheritance of property must share this with his family, including his wife and children, a daughter is not obliged to do so.

Earlier, the Act had granted a daughter an equal right to inheritance even after her marriage. But it derecognised her as a member of the maternal Hindu undivided family (HUF) post marriage, as she was considered to be a part of her husband's HUF.

This changed with the amendment to the Act in 2005. Now, a daughter is not only considered as a member of the maternal HUF but also as a co-parcenaar. A co-parcenaar is someone with an equal portion with others of an inheritance. "After the amendment, a woman finds herself doubly protected.

Now, she continues to hold her coparcener status in the maternal HUF and is also considered a member of the husband's HUF,"

With Regards

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(CA Manoj Anand)