

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also on the desk. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

## ABOUT WHITE BLACK LEGAL

*White Black Legal – The Law Journal* is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

## AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

# **FROM SURVIVORSHIP TO EQUALITY: RETROACTIVE COPARCENARY RIGHTS OF DAUGHTERS AND CONSTITUTIONAL MORALITY**

AUTHORED BY - PRIYANSI PATI & PADMAKSHEE PANI  
Birla Global University, Bhubaneswar, Odisha, India

## **ABSTRACT**

The Hindu Succession (Amendment) Act, 2005 represents a dramatic change in the area of inheritance law in India by recognizing that daughters are coparceners by birth, under the Mitakshara joint family system. This legislative reform represents an effort to undo the traditional doctrine of survivorship, which has historically denied women the right to participate in ancestral property and has reinforced patriarchal dominance over family wealth. The amendment initially created some ambiguity regarding its temporal application which resulted in differing interpretations by various judicial authorities. This uncertainty was finally resolved by the Supreme Court through its decision in Vineeta Sharma v. Rakesh Sharma when it ruled that children in a coparcenary have the right to their share of that coparcenary as of birth, even if their father is not alive at the time of the amendment.

This paper will employ both a doctrinal and sociological legal analysis to examine the constitutional ramifications of this legislative development. It will argue that the recognition of daughters as coparceners also constitutes a move toward substantive equality supported by principles of constitutional equality and non-discrimination. The paper will also highlight the continuing gap between legal recognition and sufficiency of that recognition through the enforcement of such law (dominated by the sociocultural norms of society, the lack of legal knowledge among women and men, and other barriers to women's ability to achieve equality through the law) and will conclude that in order to achieve substantive equality, there must be both legal reform and institutional support through societal change.

**KEYWORDS-** Coparcenary Rights, Gender Equality, Constitutional Morality, Women's Property Rights

## INTRODUCTION

In androcentric families, daughters must have access to ancestral home properties. Therefore, a daughter seeking her share of the family home may be told that her husband has provided her with financial security through ownership of his parents' home, or that tradition dictates that men inherit property, thereby eliminating a daughter's claim to her father's estate. The law fails to create consistent processes of protecting women through equal rights for property ownership from fathers. The continuation of property inequity is not only due to social attitudes; it is also due to the legal framework created by previous patriarchal ideas that have created interpretive doubt and contributed to delaying or denying women's actual access to family property.

This paper argues that the change from survivorship based on traditional male heirs to daughter having equal rights as coparceners is constitutionally significant. Traditionally, the coparcener system of property ownership allowed men to hold the majority share of property. The reforms sought to combat the previously male-centric structure of power by giving daughters coparcener status by virtue of their birth. Ultimately, the Supreme Court of India clarified that daughters have coparcener rights that stem from their inherent status as coparceners regardless of whether their father was alive when the laws were amended; thus, the reforms are presumed to have retroactive effect<sup>1</sup>. The amendment is doctrinally based on a person's birth and does not create another entitlement, but constitutional law demands that we cannot define equality and dignity based on past discrimination or arbitrary timescales, as guaranteed under Articles 14 and 15 of the Constitution<sup>2</sup>. By looking at inheritance law as a product of structural power, it is clear that property rights play a key role in achieving true gender equality in India. By taking a combined doctrinal and socio-legal approach, the paper establishes that retroactive coparcenary rights represent a point of intersection between constitutional morality and entrenched patriarchal constructs, re-shaping the law on inheritance into an inclusive framework of citizenship and equality.

## HISTORICAL EVOLUTION

### A. Mitakshara Coparcenary

The Coparcenary under Mitakshara school is a narrow, exclusionary unit inside the Hindu joint family, made up only of those who get a right in ancestral property by birth<sup>3</sup>. It structurally follows the son's birthright concept (Janmasiddha Satvavada) in joint family property and

---

<sup>1</sup> *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

<sup>2</sup> INDIA CONST. arts. 14, 15.

<sup>3</sup> Mulla, *Principles of Hindu Law* 326 (22d ed. 2016).

hence privileges bloodline over contribution, dependency or need.

Classical Mitakshara limits coparcenary to a common male ancestor and his lineal male descendants in male lines upto four degrees, i.e, the holder, his son, grandson and great-grandson. Everybody else in the joint family including the wives, daughters (before 2005), widows, even dependent sisters, are kept outside this power structure and has no birthright.

The fact that the doctrine of survivorship epitomized this male exclusivity, on a coparcener's death, his interest did not devolve by inheritance but "survived" to the remaining male coparceners, bypassing widows, daughters and other females entirely. This pattern entrenched patriarchal control, prioritizing biological maleness over contribution or need, with the Karta (senior male) as the holder, wielding unchecked managerial power.

#### B. Hindu Succession Act, 1956: Partial Codification, Persistent Discrimination

The Hindu Succession Act, 1956 (HSA) purported to modernize where it preserved Mitakshara Coparcenary's male bias through the original section 6. It retained the survivorship for male coparceners while carving limited expectations: a coparcener's interest devolved by succession if he left female heirs (widow, daughter) or minor children, but daughters still gained no coparcenary status<sup>4</sup>. Daughters were constrained to Class I, i.e, Primary heirs for separate property only, inheriting equally with sons upon a father's death but excluded from ancestral property during his lifetime, or via survivorship. Section 6(1) specifically shielded coparcenary from female claims, stating undivided interest passed by survivorship "notwithstanding" female heirs.

#### Critical Analysis: Constitutional Infirmary under Article 14 and 15

The discrimination was deeply irrational and violative of Article 14, i.e, equality and Article 15 (1), i.e, non-discrimination on sex. Why do we have to abandon daughters born of the same father, equally dependent; a birthright that sons enjoyed merely by their gender? That ultimately meant the opposite gender as a taboo. The birthright distinction lacked nexus to any legitimate state aim like family preservation, it perpetuated economic disempowerment, forcing daughters into maintenance dependency while sons controlled ancestral wealth. Article 14 was breached by arbitrary classification; sons as birthright holders vs. daughters as posthumous heirs without any reasonable differentiation. Article 15 directly opposes this bar based on sex.

Additionally, there are cases where even after the amendment daughters are submissive enough to not ask for their right. Rather the family at times contributes in emotional manipulation

---

<sup>4</sup> Hindu Succession Act, No. 30 of 1956, § 6

which leads the females in guilt and suppressed. Hence ultimately with it they do not get what is theirs and what they deserve by all means.

## **THE 2005 AMENDMENT**

The Hindu Succession (Amendment) Act 2005 provides legal reform designed to combat the structural gender inequality that characterises the Mitakshara coparcenary system. As a result of the amended legislation, the section 6(1) provides that the daughter of a coparcener shall become a coparcener by birth<sup>5</sup>. The amended section clarifies however that sons and daughters will have equal rights as well as equal liabilities with respect to coparcener relationship. This means that daughters, as coparceners, will have the right to demand partition, claim a share in joint family property, and participate in the management of the property.

The second change in structure relates to the rule of survival which, prior to the reform, governed how coparcenary property would devolve. Under the previous law, when a coparcener died, his share in coparcenary property was passed to his surviving male coparceners through operation of the right of survivorship. This provision supported the exclusion of female heirs. The amendment to the Act made a significant change by imposing the requirement that the deceased coparcener's interest would devolve according to the laws of succession, either through a will or under the laws of intestacy, rather than by a right of survivorship. As a result of this change, coparcenary property is now more closely related to the broader framework of succession law.

The amendment left open an important question of interpretation regarding whether daughters would be considered coparceners “by birth.” The Act did not address the date on which this right existed. Specifically, it does not clarify if a daughter born prior to the amendment had a right to share in the coparcenary property; or whether the father died on or after 9 September 2005 in order for the daughter to have a right to share in the coparcenary property. The result of this failure to provide this guidance has created uncertainty as to the way that the amendment will apply to prior events.

Within the context of uncertainty, the distinction between prospective, retrospective and retroactive laws is vital to understanding this uncertainty. A prospective law affects only those rights and events occurring after the law comes into effect; it does not affect prior legal relationships that had been resolved accordingly.

On the other hand, a retrospective law has an effect on past occurrences, and modifies the legal

---

<sup>5</sup> Hindu Succession (Amendment) Act, No. 39 of 2005, § 6

results of those occurrences. Retrospective laws may reopen legal transactions which were previously closed and change rights that were vested under the old law. If the amendment were determined to have been enacting retrospective legislation, the amendment may be deemed to be affecting partitions and successions already concluded at or prior to the time of the enactment of the amendment.

Retroactive legislation does not do away completely with the past; however, it places new legal results onto continuing relationships or status that were established prior to the enactment of the new law.

The lack of clarity in the temporal aspect of the amendment has caused tensions in terms of doctrine related to coparcenary from birth.

The unclear language used in HSA created inconsistency in judicial interpretation of the temporal applicability of the amendment. In *Prakash v. Phulavati*<sup>6</sup>, the Supreme Court held that the amendment would apply only in the event that both the father (coparcener) and the daughter (convoychee) were alive at the time the amendment came into force and so used a purely prospective approach. Conversely, in *Danamma v. Amar*<sup>7</sup>, the Supreme Court went against that principle by giving the daughter a right of coparcenary even though the father had died prior to 2005, creating a doctrinal disparity.

Ultimately, in *Vineeta Sharma v. Rakesh Sharma*<sup>8</sup>, the Supreme Court, unequivocally, affirmed that a daughter's right to be a coparcener occurs at her birth and is independent of the father being alive at the time that the amendment came into force. It was further held that the amendment shall have a retrospective effect, meaning that if a woman had become a coparcener prior to 2005, she would still be entitled to the benefit of the amendment, provided the coparcenary assets were not partitioned prior to 20 December 2004.

## COMPARATIVE ANALYSIS

A comparison of daughters' property rights in different countries shows that India's laws provide more than just an additional example of gender-neutral inheritance law—they represent an entirely different type of government intervention into family property relationships. The concept of recognizing daughters as coparceners under the Hindu Succession (Amendment) Act, 2005 marks a new stage from patriarchally-based succession to constitutionally-based co-

---

<sup>6</sup> *Prakash v. Phulavati*, (2016) 2 SCC 36.

<sup>7</sup> *Danamma v. Amar*, (2018) 3 SCC 343.

<sup>8</sup> *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

ownership of family properties<sup>9</sup>.

The inheritance system in the law of the UK is based on an individual estate model in that the beneficial ownership or proprietary right of the individual to assets or property come into effect at his (the owner's) death<sup>10</sup>. In India the legal position is different because a daughter obtains the status of being a coparcener under the Hindu Succession (Amendment) Act 2005 as interpreted in the case of *Vineeta Sharma v Rakesh Sharma* by the Supreme Court of India. She has the inherent right to a share in the coparcenary property of her father, which is a constitutionally protected right. The UK legal system provides for equality and non-discrimination in potential succession opportunities under an individualised ownership concept, in order to use retrospective recognition to eliminate patriarchal time limits that have existed in the survivorship concept. Therefore, the Indian reform has provided for constitutional re-reconstruction of family property relations, not just gender-neutral succession reforms.

Women's economic equality concerning property ownership has primarily evolved, in Canada, through matrimonial property regimes and gender-neutral intestacy laws<sup>11</sup>. Indian law, on the other hand, does not utilize this model, as it views women as economically entitled to their family's property based on birth. As a result of amending the Hindu Succession Act in 2005, the coparcenary rights provide an additional layer of protection to women's rights in ancestral property by shielding them from testamentary exclusion and addressing the accumulation of intergenerational wealth rather than simply redistributing marital property. The foundation for each country's focus on equality differs: Canada uses a post-marital sharing and government-sponsored welfare system for individual ownership with respect to gender equality, while India addresses male-centric lineal succession by constitutionalizing an individual's right to co-own property by virtue of birth.

When contrasted with both the United Kingdom and Canada, the difference between India's reform will demonstrate how the reform is engaged with normative aspects deeper than those found in Western reform frameworks that give priority to issues of succession equality based on gender neutrality and individual ownership and individual testamentary autonomy. In India, the reform will do more than establish gender neutrality; it will establish a new structure of property relations between members of the family. The constitutional recognition of coparcenary rights means that the new legal system will be used to create equality in the

---

<sup>9</sup> Hindu Succession (Amendment) Act, No. 39 of 2005, § 6.

<sup>10</sup> See *Administration of Estates Act 1925*, 15 & 16 Geo. 5 c. 23 (UK).

<sup>11</sup> See *Family Law Act*, R.S.O. 1990, c. F.3 (Can.).

structural position of women within the family, as opposed to merely providing opportunities for the advancement of women as individuals.

### **SOCIO-LEGAL REALITY: WHY WOMEN STILL HESITATE**

On August 11, 2020, the Supreme Court issued a landmark opinion agreeing with the doctrine that all daughters are born as coparceners in their fathers' Hindu Mitakshara joint family property. With this ruling, the court eliminated the longstanding male monopoly on all rights related to ownership, partition, and succession of property governed by the Mitakshara system, it placed daughters on an equal basis with sons regarding property matters. The ruling clearly represents an advance toward substantial equality under constitutional principles as it relates to the doctrine of equality before the law and the anti-discrimination principle.

Still, there is a real gap between the recognition of the legal frame and the data on how many suits have been filed for partition through coparcenary-in-itself and how many of these suits have been resolved. Statistics provided by the National Crime Records Bureau<sup>12</sup> for 2020-2024 show that only a few of the coparcenary partition suits filed by women reach a final decree, and there is a rural/urban divide in the resolution of these court actions; rural families have many more obstacles than urban families in getting the courts to resolve their partition claims. Similarly, the National Family Health Survey-5<sup>13</sup> identifies that the vast majority of women do not have the right to participate in household decisions regarding important matters, such as major financial issues or property/money. Thus, while the law has been reformed, the enforcement mechanisms of its application have not kept pace with the changes created by the reform. Daughters cannot assert their property rights because of deeply rooted societal norms that do not recognise those rights. Women are often seen as being disruptive or greedy when they try to assert their coparcenary rights; for example, this is particularly true surrounding marriage. Living in a joint family system respectively, women exercising their legal rights may appear to threaten relationship stability, given that they take precedence over family cohesion. Therefore, women are often subjected to social disapproval in addition to withdrawing their claims even though they have a lawful right to do so.

Moreover, family relationships are often leveraged to discourage women from pursuing litigation against their families. Family property disputes are generally seen as more of a moral than legal issue, and therefore, women have suffered social pressure because of their family

---

<sup>12</sup> National Crime Records Bureau, *Crime in India Reports (2020–2024)*.

<sup>13</sup> Ministry of Health & Family Welfare, *NFHS-5 (2019–21)*.

history and the sacrifices they have made to support their family, which makes it difficult for women to enforce legal rights against their family members. Thus, women are commonly faced with the burden of enforced legal rights against their family, which causes many women to choose to maintain family harmony.

The manifestation of these pressures in rural contexts is intensified by the symbolic value of land. In addition to its economic value, land is a marker of identity, a mark of belonging/the collective, and provides continuity to the family unit. Therefore, claiming a right to an ancestral property is seen not just as a matter of legality, but also as a severing of the aforementioned connections. Women who pursue such claims can face social exclusion, emotional disinheritance and, in some cases, physical intimidation. Therefore, the decision to pursue litigation overly often is constructed as a choice between legal entitlement and remaining part of the family unit.

The unmet realisation of entitlements afforded to women is often linked to lack of legal literacy. A great number of women do not understand their rights under specific laws, such as statutory entitlements or judicial decisions (such as Vineeta Sharma). Furthermore, in rural areas, women have virtually no access to legal aid due to the lack of institutional support mechanisms for women. There are misconceptions about the effect of legal reforms to women, so many women do not seek remedies that are available to them, and thus the gap between the law and reality is perpetuated. There are also structural deficiencies in property laws that create other problems. For example, many people live under informal contracts like orally established partitions and transferring property without registering it. This complicates providing proof in court when disputes arise. Many of the informal situations are later referred to as “family settlements”, some of which are established long before the laws were changed to permit daughters to be given their fair share of the property. To challenge these claims requires a significant amount of documentation and financial resources, making it impossible for most women to use the legal system to pursue their rights.

In addition to the formal changes in law, distribution of property and control of property is still influenced by the patriarchal expectations in the family. For example, men are viewed as the custodians of all family property and therefore are the only ones perceived as having any responsibility to manage any part of the family property. Sons will remain as custodians and manage the family property through their entire lives, while daughters are seen as being temporary participants in the family unit once they are married. In addition, this created a cultural climate that limits women’s ability to exercise their rights, as well as causes many women to voluntarily give up their rights to their property so as to preserve the family

relationship. As a result, many women have internalised the collective justice principles over individual rights.

Through a comparative analysis, we find that the impact of legal reforms depends on the prevailing socio-economic context. In contrast to boys, girls in Kerala have stiffer standards of living, experience greater awareness of their property rights (which improves their ability to access or claim them), and have lower social/cultural restrictions when compared to girls living elsewhere in India. As such, legal reforms alone will not result in successful outcomes as they must be supported by advanced education and shifts in social attitudes to be successful.

The changes made to the legal status of daughters with regard to their rights to inherit their father's property will, in time, produce an effect on gender inequalities in the state of Kerala if supported by legal education, better access to justice, a reformed land administration system, and an extensive effort to alter societal attitudes. Although the promise of equality reflected in *Vineeta Sharma* is significant in the eye of the law, it has limited practical application at this time due to the obstacles that remain. Until the changes needed to achieve substantive results are implemented, legally, the recognition of daughters as coparceners will continue to provide many women with an outcome that, although legally victorious, carries a perception that they are still losing despite this victory.

### **SUGGESTIONS AND THE WAY AHEAD**

Although the Decision of the United States Supreme Court in *Vineeta Sharma v. Rakesh Sharma* granted daughters the right to equal inheritance by birth and, therefore, created a significant shift in the legal doctrine relating to daughters and their cycling equal distribution of property rights by births, there has been little or no social transformation resulting from this decision. As a result, this judgment shows that law alone cannot change reality that is not accompanied by commensurate reform in society and its institutions. While Section 6 of the Hindu Succession Act of 1956 provides that daughters are coparceners like sons, the ruling of the Court of Appeal for England and Wales had far-reaching implications — dismantling the traditional Mitakshara system of property inheritance based upon gender; without effective implementation by society and its institutions result. Recent empirical studies support the finding of the gap between the legal system and the implementation of the legal system. As found by the National Health Survey of 2021-2023, many women in India remain unaware of their property rights. At the same time, according to the National Crime Records Bureau, India is dealing with significant delays associated with resolving disputes surrounding property

ownership in the Indian legal system, resulting in property cases often taking multiple years to be resolved. These two issues illustrate how important it will be to establish reforms on multiple levels that addresses both the statutory rights established by the legal system and the realities faced by women in India when attempting to exercise their statutory rights. The reform agenda primarily focuses on requiring formal coparcenary partition registrations at the tehsil level. The lack of formalisation still creates an opportunity to exclude women from their share in family property through informal arrangements. Requiring mandatory registration forms with appropriate statutory notice mechanisms such as registered mail or digital notifications would improve transparency and fairness in the process of partitioning coparceners' shares. Digitising land records provides a clear example that secure and traceable systems lead to better documents and therefore more successful claim outcomes for women. Lastly, establishing a timeframe during which unregistered partitions can be treated as void from the beginning would help to address the evidence imbalance currently faced by women in claiming their rightful share of family property. Legal literacy is equally as important as other aspects of reforming the system in action today. For example, awareness initiatives that exist today are limited in scope and do not generally target rural prime candidates or claimants. A large-scale national programme that targets the dissemination of information regarding daughters' rights to property through mass media, local governance institutions and on the educational curricula would provide much greater awareness. Including the material in the secondary education system and at the local level will assist in normalising women's rights to property and reduce the stigma in accessing property rights. A systematic evaluation will provide accountability and ensure that the information will be used to inform policy through subsequent national surveys.

The inefficiencies caused by the structure of the adjudication process would also benefit from targeted intervention. The excessive delays in ancestor disputes require the establishment of alternative methods to resolve such disputes. Alternative dispute resolution methods, including family-based alternative dispute resolution models, could assist in expediting the resolution of disputes based upon the context of each matter. The implementation of mandatory mediation prior to litigation, gender-balanced justices' panels and virtual court facilities would improve access to the system for all litigants, especially for those living in rural areas. The implementation of these measures would increase procedural efficiency and accommodate the emotional and relational complications that arise during disputes between family members. Powering the legal aid system is critical in order to provide meaningful access to justice. Currently, there is a serious shortage of legal assistance available, especially in rural areas.

Expanding the network of trained paralegals at gram panchayat level would provide women seeking to assert their rights with access to decentralised support from trained paralegals. Paralegals could assist with documentation, facilitate administration, such as completing forms for mutation, and guide litigants through the procedural requirements. A community-based model recognises that effective legal empowerment requires consistent, long-term engagement beyond the provision of representation; that means providing culturally-based support for individuals to access justice within their own communities.

In addition, there is a need for legislative consolidation of judicial principles to eliminate any ambiguity that may exist. Codifying the central holding of Vineeta Sharma regarding coparcenary rights being acquired at birth regardless of the father's status will help ensure uniformity of application across jurisdictional boundaries. Additional statutory measures, such as presumptions in favour of joint family status and mandatory property management disclosures, would also serve to promote greater transparency and accountability as relates to family property systems. A phased approach to implementation beginning with pilot projects in designated districts will provide for ongoing evaluation of these reforms. Specific measurable results will include the increased number of registered partition certificates, increased female participation in property claims with a reduction of time for resolution of disputes and increased awareness of land rights. Current state-level initiatives that expand paralegal services and digitize existing land records will demonstrate that such actions can reduce disputes and improve access to justice.

The change from adjudicated rights to realized inheritance requires continuous institutional reform, administrative innovation and gradual alteration of longstanding sociocultural norms. The legacy left by the Vineeta Sharma decision will not only be that of an important contribution to the law, but also as an instrument to increase the real lives of people affected by it. The promise of equality for women will not be realized until the names of daughters are included on land records and within property systems.

## CONCLUSION

The evolution of coparcenary law from a male-only institution to one that regards daughters as equal co-owners of property illustrates a substantial constitutional change in Indian inheritance law, with recognition of coparcenary rights by birth as clarified in *Vineeta Sharma v. Rakesh Sharma*, being a portion of the move toward true equality. Legal reform alone will not eliminate the deeply entrenched social hierarchies that continue to keep women from asserting their rights

and are compounded by structural and procedural obstacles to asserting those rights.

In many instances, the measure of whether the transformation has been completed will not be primarily the statute or the judicial ruling, but rather the extent to which the benefits arising from those changes are manifested in day-to-day practices about property ownership and family decision-making. To achieve substantive equality, daughters must have their name recorded in the appropriate land record and have actual exercise of their rights. Ultimately, the success of the legal reform will depend on whether it can create a substantial difference in the reality of women's day-to-day lives.

