



## INHERITANCE RIGHTS IN INDIA: THE EVOLVING TUSSELE BETWEEN CUSTOM, LAW, AND EQUALITY

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### ABSTRACT

*The intersection of customary law and constitutional rights in India presents a complex legal landscape, particularly regarding women's inheritance rights. The landmark Supreme Court judgment in Ram Charan v. Sukhram (2025) exemplifies this ongoing tension, where traditional customs that exclude women from ancestral property succession clash with fundamental constitutional principles of equality and non-discrimination. This case, involving tribal women's inheritance claims, illuminates broader systemic issues: the patriarchal presumptions embedded in legal interpretations, India's lagging position in global gender equality indices, and the urgent need for customs to evolve in alignment with contemporary standards of justice. While Articles 14 and 15 of the Indian Constitution guarantee equality regardless of sex, caste, or creed, the practical realization of these rights remains elusive for many women, particularly those from marginalized communities. This analysis examines how the Supreme Court's progressive stance in recognizing tribal women's equal inheritance rights challenges outdated customs, advocates for the dynamic evolution of social norms, and reinforces that equality in inheritance is not merely a statutory provision but a fundamental constitutional right that transcends traditional barriers and societal prejudices. The question of women's inheritance rights has long been at the heart of legal and social debates in India. The recent Supreme Court ruling in Ram Charan v. Sukhram (2025)<sup>1</sup> represents a significant turning point, especially for the women of Scheduled Tribe communities. This case sharply brings into focus the ongoing struggle between deep-rooted customs and the evolving framework of constitutional law, while also raising broader questions about gender justice and India's progress relative to the rest of the world.*

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<sup>1</sup> Ram Charan v. Sukhram, (2025) INSC 865; 2025 SCO.LR 7(3)[13] – Supreme Court of India.

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## THE TUSSLE BETWEEN CUSTOM AND LAW

India's pluralistic society is characterized by diverse customs, many of which predate modern legal reforms. For generations, tribal customs regarding property succession have excluded women, reserving rights for male heirs and justifying it through unchanging tradition. In the courtroom, this has led to repeated confrontations between the demand for social justice and deference to legacy customs. Customary law must be established through unambiguous evidence before it can override the general statutory or personal law.<sup>2</sup> In *Ram Charan v. Sukhram*, the heirs of Dhaiya, a tribal woman, sought their mother's share in her father's property. The lower courts dismissed their suit, arguing that the plaintiffs had failed to prove a custom allowing women to inherit. The underlying assumption was clear: unless a new, inclusive custom was proved, the older, exclusionary norm would prevail. The Supreme Court, however, rejected this approach. It held that in the absence of a proven custom that bars women from inheriting, the presumption must be in favour of equality and inclusion. The judgment made it clear that custom cannot be wielded as a shield to prevent progress and deny rights, especially when constitutional values are at stake.

## THE NEED FOR EVOLVING CUSTOMS

Customs play an important role in shaping community identities and providing social continuity. Yet, customs are not static; they are forged in particular historical and social contexts and must adapt as society evolves. The law recognizes that when customs are out of step with contemporary standards of dignity and justice, they must evolve or be set aside in favor of constitutional values. Historically, India has not hesitated to reform regressive practices rooted in custom. For instance, practices like sati and child marriage, once justified by "custom," were abolished through legislative and judicial intervention. Similarly, customs that prevent women from claiming property rights are increasingly being questioned, both within communities and in courts. The Supreme Court in *Ram Charan v. Sukhram* rightly noted that even if an exclusionary custom had once existed, it cannot be allowed to subvert the rights and freedoms guaranteed by the Constitution. In a dynamic society, customs must

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<sup>2</sup> Mst. Sarwango and Ors. v. Mst. Urchamahin and Ors., AIR 1965 MP 169 – On inheritance rights and lack of proven custom among Scheduled Tribes

continuously be tested against the touchstones of justice, reason, and contemporary standards of equality.

## **INDIA'S STATUS IN GLOBAL GENDER EQUALITY**

In the global context<sup>3</sup>, India lags behind many countries in advancing women's rights, particularly in the area of property and inheritance. Countries across Europe, Latin America, and parts of Africa have established robust frameworks ensuring equal inheritance for women, regardless of religion or ethnicity. These legal reforms have directly contributed to higher rates of women's education, better health outcomes, and greater economic independence.<sup>4</sup> Despite constitutional promises and gradual statutory changes, Indian women, especially those from rural and tribal backgrounds, still encounter numerous barriers to claiming their lawful share of property. Customs, lack of enforcement, poverty, and patriarchal mindsets combine to keep many women landless, disadvantaged, and dependent on their male relatives. "The law cannot allow practices that degrade and denigrate the status of women, especially when it comes to basic rights like equality and dignity."<sup>5</sup> This line reinforces the point that practices denying women their rightful share of property and inheritance, as well as perpetuating their dependency, violate their fundamental dignity and equality. This gender gap has real socio-economic consequences. Denying women equal inheritance rights perpetuates cycles of poverty, undermines their bargaining power in families, and limits their participation in community leadership and decision-making.

## **EQUALITY IN INHERITANCE: A CONSTITUTIONAL RIGHT**

Fundamental to the Indian legal system is the principle that equality before the law is non-negotiable. Article 14 of the Indian Constitution guarantees all citizens equality before the law, while Article 15 explicitly prohibits discrimination based on sex, caste, or religion. These provisions are reinforced by Articles 38 and 46, which commit the State to striving for social justice and uplifting women and disadvantaged communities. Laws like the Hindu Succession (Amendment) Act, 2005<sup>6</sup>, which granted daughters equal rights as coparceners in joint family property, are legislative reflections of these constitutional ideals. However, these reforms have often been limited either by scope or social acceptance, with large segments of

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<sup>3</sup> World Economic Forum, *Global Gender Gap Report 2024* – India's rank: 129/146 in gender parity.

<sup>4</sup> World Bank, *Gender Equality and Development Report, 2023* – Status of property rights and economic empowerment for women in developing nations

<sup>5</sup> *Shayara Bano v. Union of India*, (2017) 9 SCC 1

<sup>6</sup> Hindu Succession (Amendment) Act, 2005, Section 6 – Equal coparcenary rights for daughters

the population, such as the Scheduled Tribes, sometimes excluded<sup>7</sup>. The Supreme Court, in this landmark case, extended the spirit of the Constitution to cover even those not explicitly included by earlier laws. The judges asserted that in the absence of a contradictory, proven custom, principles of justice, equity, and good conscience<sup>8</sup> should apply, ensuring that tribal women are not denied their inheritance. Importantly, the Court's analysis made clear that constitutional rights cannot be overridden by silence or ambiguity in custom. If there is no valid reason to bar women's succession, then equality must prevail.

## CONCLUSION

The *Ram Charan v. Sukhram* verdict is a resounding affirmation that the Indian legal system cannot allow stale or unproven customs to impede the march toward equality. The judgment reiterates that women's right to inherit ancestral property is neither a concession nor a benevolence, but an inalienable constitutional guarantee. For India to claim its place among progressive nations, it must ensure that all women, regardless of caste, religion, or community, enjoy equal rights to property and inheritance. The evolution of law and custom must continue, with constitutional values as the guiding star. The Supreme Court's decision is both a validation of women's rights and a call to society to shed outdated norms that have no place in a modern democracy. The real test, however, lies ahead: translating this vision of equality into practical reality, so that no woman in India has to fight for what is already rightfully hers.

## REFERENCES

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<sup>7</sup> Hindu Succession Act, 1956, Section 2(2) Exclusion of Scheduled Tribes from the Act unless notified otherwise by the Central Government

<sup>8</sup> Central Provinces Laws Act, 1875, Section 6 – In absence of specific law or custom, matters to be decided by justice, equity, and good conscience