

Analyzing the Plight and Rights of Widows

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Abstract - Every single human being's life is profoundly impacted by the ladies. Safeguarding her improved natural rights would mean improving an upcoming family, society, and each person. Before the Act of 1956 went into effect, a Hindu female's estate can be separated into two parts: (1) Stridhan, and (2) Hindu Women's estate. The former one was her own property, over which she had complete possession, and it passed to her heirs. The latter was regarded as her restricted or limited estate, over which she had restricted alienation rights. Such property passed to the subsequent heirs of the last full owner after her death rather than her own heirs. However, Section 14 of the Hindu Succession Act, 1956 detached the latter cataloguing and granted her absolute ownership over whatever property she had lawfully obtained. In this study, we have talked about the different rights of a Hindu widow and whether a widow can claim rights to her late husband's property. An examination of widow gift eligibility. This paper provides a succinct outline of the numerous rights of Hindu widows.

Keywords - Widowhood, Manusmriti, Section 14 and Property.

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INTRODUCTION

"Saubhagyavati Bhava" is a present provided to newlywed Hindu women so that they can live happily together for the rest of their life. However, when they outlive their wives, a comparable gift becomes despised. Widows have long been regarded by social scientists and women's rights activists in India and around the world as a crucial research topic. Many studies have made an effort to consider the financial situation of this ignored group over the years. Their inquiry revealed certain crucial widows' difficulties that need to be tackled immediately.

In the social structure, widows possess a low level of economic well-being, and their presence is viewed as a bad omen. They frequently get criticism and abuse for the deaths of their spouses from the general public, social outcasts, and even close family members. They must devote themselves to God and live a life of renunciation, according to expectations. The customs and traditions that are upheld in the name of religion and outdated teachings are cruel and callous. In addition to experiencing intense hardships such as the death of a life partner, losing faith in the goodness of things, and losing pay, warmth, care, and support, widows are also forbidden from taking part in any charitable services. They are also forbidden from attending events like weddings and housewarmings since they are seen as signs of hostility. Even though India made a remarkable effort to enter the twenty first century with a sense of ethical excellence and novelty, such practises are a stain on our country's rich cultural past and economic prosperity. They also reduce the

desire to move with a more developed stage and receptive society.

For the numerous millions of widows living in India, life is an unending struggle. In the Indian culture, widowhood is unwanted for everyone, but Hindu widows experience it the worst. On the one hand, women are revered as goddesses, but on the other, the majority religion in India, Hinduism, and many of its adherents view women, especially widows, as the relics of the dead who are denied the right to live their own lives. There is a reason why the region shown in Deepa Mehta's film "Water" is located close to the Ganges. Both physical and spiritual life require water. It is both holy and vile at the same time. People take baths in the water while it contains the flaming remains of the deceased. This connection illustrates to us how a dowager carries the burden of the spouse's death throughout her lifetime.

ORIGIN AND DEVELOPMENT OF WIDOWHOOD

The largest proportion of widows on earth that is almost 33 million lives in India, where there are 10 widows for every 1,000 women overall. Women who have reached adulthood and are at least sixty years old make up 54% of all widows. Remarriage is a rare occurrence. Only about 10 widows get remarried for every penny of widows. Perhaps the largest country where widowhood is a social norm is India. Custom and religious iconography assault the misery and revulsion of the dowager. Like other patriarchal social systems, Indian culture provides a woman

with financial security through a male. As a result, after a guy passes away, she herself ceases to exist and experiences social passing.

Widows are the unfortunate victims of a nonadaptable, pointless, outdated social habit. They are forced to abandon all comforts and aspirations. Without a slip-up on their part, they are bound. The class and status systems in India show how different the religious practises and restrictions are from one another. In affluent and prestigious society, women face higher social constraints. The primary determining factor of a woman's authority over resources and decisions within the family in lower socioeconomic classes is her financial commitment. It is of the utmost importance to shed light on the religious holy texts and write ups that serve as the foundation for the existing practises and credo in order to appreciate the current mental state.

It is believed that the Manusmriti which is the furthest reputable labor on Brahminical Dharm. According to legend, the Manusmriti is the most comprehensive text on Dharma and is regarded as the expression of Brahma. The sacred text contains 12 portions with a total of 2690 verses. According to rumours, the true author of this group used the name "Manu," which led Hindus to associate the text with the central figure and supreme monarch of Indian tradition. The verse "yatrnaryastopojyantay, ramantayatrdevta" (females are provided with place of esteem and heavenly beings dwell in that place) is frequently cited by defenders of Manusmriti as an awesome set of universal principles, but they purposefully ignore all the sections that are rife with discrimination, contempt, and prejudice towards women. The legislations are practised prior to performance. Given that they were only beneficial to the Greater stations, which outline the majority of India, the odious Laws were incorporated into Hinduism. We still witness the serious mistreatment and abuse of Dalit women today in situations that are rather evolved. Unquestionably, the Manusmriti's pillars have served as the foundation for Indian social custom. It is challenging to remove the anti-Dalit and anti-feminist sentiments from the Code of Manu (Manusmriti), which many see as holy because it combines with Indian culture and Hinduism.

RIGHTS OF HINDU WIDOWS

The 1856 Widow Remarriage Act, the subsequent heirs of the late husband, or another individual authorized to the estate on her demise, shall consequently succeed to the same. Any safeties and rights that a widow may have in the property of her deceased husband shall terminate upon her remarriage.

This Act has been repealed, nevertheless. Widows who wish to remarry do have a claim to their deceased husband's property under the guidelines of the Hindu Succession Act, 1956. According to the Bombay High Court (HC), a widow who gets remarried is not required to give up her claim to her late husband's

property. This came to light when a man (the deceased's brother) argued against his sister-in-law's right to inherit her previous husband's property by using Section 2 of the Widow Remarriage Act 1856. The HC, however, decided that she still falls within the category of Class-I heir of her late husband and should get an inheritance.

HINDU WIDOW RIGHTS IN HUSBAND'S ESTATE

Immovable property does not always transform as an addition to the deceased husband's property when it was bought by a widow who was in custody of the estate as such from the revenue of the estate. The widow has complete discretion over how to dispose of it during her lifetime; it won't become a part of her husband's inheritance until she expresses a clear decision to treat it as such or permits it to remain undisposed of after her death. Hindu widows who have sole custody of their husband's assets are not have to answer to anyone and are free to do as they choose with the property for as long as they do not harm the revision. Hindu widow who had been divorced took over her deceased husband's business and ran it in much the same way during his lifetime for several years with acceptable caution. A banker and money lender were occasionally involved in this enterprise. the acquisition and selling of real estate. It was decided that the widow could sell immovable property that she had not inherited from her husband but had instead bought for her business outright without having to provide any proof of lawful requirement. The 'legal necessity' was that the estate had been sold during the course of a business that was permitted to continue if she so desired. Additionally, the fact that the property was sold out for less than the widow had paid for it was not always a sign that there was no "legal necessity" for the sale. If a man leaves behind more than one widow, the widows might use the law to acquire and divide the property, which was more than just a fight for their share of support. The Court acknowledged their authority to formally divide the estate among themselves. Whatever restrictions may exist on the ability of one of the two Hindu widows to alienate their life interest in their spouse's inheritance, as long as the estate is left undivided, nonentity prevents them from dividing the estate. Hindu widows who take a joint interest in their husband's inheritance do not have the legal authority to divide their joint estate in full, but if they are unable to coexist peacefully, they may agree to hold the property separately or in some other manner. Even though they do not have the legal authority to divide in the traditional sense, the portion of one widow will passed to the other by right of survivorship.

ALIENATION OF PROPERTY BY A WIDOW

According to the interpretation of a sale deed signed by a widow who is Hindu in favour of the appellant, she surrendered her total interest in the estate, not just the restricted interest of a Hindu widow. This decision depends upon the following factors: (a) that

the husband never left the estate whose income was sufficient to meet required expenses; (b) she had to take a loan to fulfil her basic requirements; (c) that there were ancestral debts that were not paid and creditors were claiming for payment; (d) the only way out to release them was to sell the portion of their deceased husband's estate; these recitals, which were required if the executors were transferring her entire interest but were unnecessary if they were only conveying her restricted interest as a widow, were held to demonstrate that the situations were like that she had the authority to do so and that it was her intention to do so.

According to the judges, all of the parties involved implied that the buyer should be given the absolute interest in the property. The interest had been taken to mean the right to and interest in the property that, under the specific circumstances, had the power to be sold or otherwise disposed of, which is an absolute interest, rather than just the interest and right that a widow generally acquired in the real estate that her husband owned at the time of his passing and left behind him.

A Hindu made a complete dedication of his property to an idol. The deed stipulated that the settler was to request a name change in favour of the idol and utilise the property's profits to pay for rajbhog and puja expenses as well as temple repairs. The guy himself was the first settler, followed by his wife, then his children and their offspring. After six months, the man passed away, and his wife took over. The widow filed a lawsuit seeking a declaration that the assets were gifted assets. The Court observed that she was only using one-tenth of the entire money on the idol and that she was not keeping any accounts for the management of the property. The widow sought to establish imperishability in favour of the descendants of the daughter of settler, therefore the court declined to declare the land to be endowed.

CONCLUSION

The Act made the widow of a joint family member stand in for her deceased husband, and upon his death, the widow became the husband's interest to a share in the joint family property, aside from the Dayabhaga, which could be enforced by claiming a division in her own right and irrespective of whether a partition happened among the sons or not. Section 3 of the Act provides that the widow only inherits her dead spouse's possessions in the absence of his male issue specifically, son, grandson, or great grandson was repealed. Along with or in lieu of the male issue, she was to be entitled to the same portion as a son. Although the Hindu widow's rights were expanded by this Act, the widow was only given a small inheritance to hold during her lifetime before it was returned to her husband's heirs.

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