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Locked Out of Equality: How One Provision of the Hindu Succession Act Bars Tribal Women

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Introduction

Equality is India's most celebrated yet one of the most broken constitutional promises. In a case before the Rajasthan High Court – Manni Devi v. Rama Devi & Ors., the Court reviewed a provision of the Hindu Succession Act, 1956 ("HSA") that continues to exclude Scheduled Tribe women from statutory inheritance rights. This case is particularly striking, for its legal reasoning, and for its reminder that legislative inaction can perpetuate structural inequality even in the face of progressive constitutional ideals.

While the 2005 amendment to the HSA was celebrated as a landmark in achieving gender parity in property rights for women, Section?2(2) remains an unaltered exception, leaving tribal women dependent on uncertain customary practices or discretionary judicial intervention. The Rajasthan High Court's decision is more than a routine interpretation of statute as it is a call for urgent legislative reform and is a reminder that equality must be both a constitutional value and a lived reality.

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Background of the Case

In Manni Devi v. Rama Devi & Ors. (Rajasthan High Court, 2025), the petitioner, a Meena woman belonging to the Scheduled Tribes, challenged the denial of her statutory inheritance rights under the Hindu Succession Act, 1956. The dispute arose when her father, Panchu, executed a gift deed in March 2018 transferring ancestral land to the respondent, Rama Devi. As the sole child with no brothers, Manni Devi filed a civil suit seeking cancellation of the deed, but the trial court directed her to first establish her khatedari rights before the competent revenue authority.

When the petitioner approached the Board of Revenue, her claim was dismissed outright on the basis of Section?2(2) of the Hindu Succession Act, 1956, which excludes members of Scheduled Tribes from the application of the Act unless the Central Government issues a specific notification. This meant that, irrespective of the 2005 amendment granting equal coparcenary rights to daughters, she could not claim statutory inheritance as a tribal woman. By transferring the land exclusively to the respondent, the petitioner's father effectively alienated property in which she claimed an equal, birth?based interest.

The challenge to the gift deed thus became the procedural gateway to securing her inheritance rights. This made the gift deed dispute a constitutional flashpoint: if the exclusion under Section?2(2) stood, the petitioner could not even approach the court to contest an alienation of property she believed was rightfully hers. Consequently, the case raised broader questions about the interplay between personal law exemptions, property rights, and constitutional guarantees of equality under **Articles?14,?15, and?21**.

Court's Observations

Justice Anoop Kumar Dhand, presiding over the matter, noted that Section?2(2) is a "formidable barrier" for tribal women to inherit property from their fathers. He emphasised that this statutory exception was "manifestly unjustified" when compared to the rights available to non?tribal daughters, and highlighted that even decades after the enactment of the HSA, no comprehensive legislative or executive measure had been taken to address this exclusion.

Judgment and Relief

The Rajasthan High Court, in its judgment, set aside the Board of Revenue's order that had barred Manni Devi's inheritance claim. As relief, the Court restored Manni Devi's claim challenging the 2018 gift deed to be heard and decided on merits before the competent revenue authority, thereby reopening her path to assert her property rights. The Court called for urgent intervention, stressing that Parliament must amend Section?2(2) or the Central Government must issue a notification to extend

the Act's benefits to Scheduled Tribe women, and that the legislature and executive cannot remain passive spectators in the face of discrimination.

Why This Matters

Inheritance rights are more than a matter of legal entitlement, they are a cornerstone of economic empowerment, social equality, and constitutional justice. Property rights are integral to women's socio?economic empowerment, and denying these rights to tribal women perpetuates historical injustice and entrenched inequality. Amending Section?2(2) or issuing a central notification is therefore essential to transform court pronouncements into lasting, uniform rights for all women in India, regardless of their community status.

Conclusion

The Manni Devi verdict does more than correct an individual injustice, it shines a harsh light on a legal gap that continues to strip millions of tribal women of their rightful inheritance. By dismantling the shield of Section?2(2), the Court has reaffirmed that equality cannot be conditional and dignity cannot be selective. But without swift action from Parliament or the Central Government, this victory risks becoming symbolic rather than far-reaching. Equal inheritance is not merely about property, it is about dismantling centuries?old structures of marginalisation and ensuring that every woman, regardless of her community, can stand as an equal stakeholder in her family's legacy.

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