

Supreme Court Upholds Equal Inheritance Rights for Tribal Women



In a landmark ruling on Thursday, July 17, 2025, the Supreme Court of India declared that denying tribal women or their legal heirs a share in ancestral property solely based on gender is unconstitutional and discriminatory. This significant judgment by a bench of Justices Sanjay Karol and Joymalya Bagchi affirms equal inheritance rights for women in tribal communities, even in the absence of specific statutory personal laws governing them.

The verdict stems from a case involving the legal heirs of a Scheduled Tribe (ST) woman from Chhattisgarh, who sought a share in her maternal grandfather's estate. Their claim had been dismissed by three lower courts – the trial court, the first appellate court, and the High Court, because they failed to establish a customary practice permitting female inheritance.

However, the Supreme Court found this approach flawed, stating that the lower courts wrongly assumed an exclusionary custom existed and shifted the burden of proof onto the tribal woman's heirs. Instead, the Court asserted that unless a specific customary bar against female inheritance is definitively proven, the principle of equality must prevail. The Hindu Succession Act (HSA), 1956, while not directly applicable to Scheduled Tribes unless notified otherwise by the central government, cannot be interpreted to inherently deny tribal women their right to ancestral property.

Justice Karol, authoring the judgment, emphasized that "customs too, like the law, cannot remain stuck in time and others cannot be allowed to take refuge in customs or hide behind them to deprive others of their right." The Court underscored that denying women, including tribal women, inheritance rights is unreasonable and violates fundamental constitutional

guarantees of equality under Article 14, and prohibitions against sex-based discrimination under Article 15(1).

This ruling represents a significant step towards gender justice within tribal communities, where inheritance has often been governed by unwritten customs that historically favored male heirs. The Court clarified that in the absence of a codified law or a proven customary prohibition, courts must apply principles of "justice, equity, and good conscience" to ensure that the rights of women are not denied. This judgment is expected to empower tribal women to assert their rightful claims to ancestral property, challenging long-standing patriarchal assumptions and contributing to a more equitable society.