



ILE

CONSTITUTIONAL LAW REVIEW

VOLUME 3 AND ISSUE 1 OF 2024

INSTITUTE OF LEGAL EDUCATION



ILE CONSTITUTIONAL REVIEW

[APIS – 3920 – 0006 | ISSN – 2583-7168]

(Free Publication and Open Access Journal)

Journal's Home Page – <https://cr.iledu.in/>

Journal's Editorial Page – <https://cr.iledu.in/editorial-board/>

Volume 3 and Issue 1 (Access Full Issue on – <https://cr.iledu.in/category/volume-3-and-issue-1-of-2024/>)

Publisher

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Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

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CASE ANALYSIS: TIRITH KUMAR V. DADURAM, (AIR ONLINE 2024 SC 833)

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BEST CITATION – DR. SALEEM AHMED M A, CASE ANALYSIS: TIRITH KUMAR V. DADURAM, (AIR ONLINE 2024 SC 833), *ILE CONSTITUTIONAL REVIEW*, 3 (1) of 2024, Pg. 43-45, APIS – 3920 – 0006 | ISSN – 2583-7168.

INTRODUCTION

The case of *Tirith Kumar v. Daduram* (2024) serves as a crucial precedent in the intersection of tribal inheritance laws, constitutional values, and gender justice in India. The Supreme Court's decision on December 19, 2024, delivered by a bench comprising Justice C.T. Ravikumar and Justice Sanjay Karol, upheld the Chhattisgarh High Court's ruling, which emphasized the need for equitable principles to address the patriarchal biases entrenched in tribal customs. This dispute arose over the ownership of 13.95 acres of land within the Sawara tribe, a Scheduled Tribe recognized under the Constitution of India. The case challenged the balance between protecting the autonomy of tribal customs and ensuring fairness, particularly for female descendants.

The plaintiffs, descendants of Puni Ram, claimed exclusive ownership of the property based on pre-Hindu Succession Act, 1956, customary laws that excluded daughters from inheritance. The defendants, descendants of Mardan, sought a share for Mardan's daughters, arguing that the prevailing patriarchal customs violated principles of justice and equity. This case highlighted the tension between statutory exclusions and the broader constitutional vision of equality and fairness.

Historical Context and Case Background

The dispute in *Tirith Kumar v. Daduram* is deeply rooted in the interplay between tribal customs and statutory inheritance laws. The Sawara tribe, like many other Scheduled Tribes in India, follows customary practices for inheritance that often exclude women from owning or inheriting property. Historically, these customs were shaped by patriarchal norms, where male lineage was prioritized in property distribution. The Hindu Succession Act, 1956, brought significant reforms to inheritance laws by granting daughters equal rights in property. However, Section 2(2) of the Act explicitly

excluded its application to Scheduled Tribes, thereby preserving their customs.

The facts of the case involve a dispute over the ownership of land in the village of Bagri Pali. The property in question, 13.95 acres, originally belonged to Chuchrung, the common ancestor of both parties. Upon Chuchrung's death, the property was inherited by his two sons, Mardan and Puni Ram. The plaintiffs, descendants of Puni Ram, claimed ownership of the entire property, asserting that the land passed to them under customary laws following Mardan's death in 1951. According to these customs, Mardan's daughters were excluded from inheritance, and his rights in the property devolved upon his brother, Puni Ram.

The defendants contested this, claiming a share of the property on behalf of Mardan's daughters and their descendants. They argued that the exclusion of female heirs was unjust and contrary to evolving principles of equity and fairness. This dispute, thus, revolved around whether the Hindu Succession Act, 1956, or tribal customs governed the inheritance rights of the Sawara tribe members and whether equity could fill the gaps in customary practices.

Procedural History

Trial Court Findings

The plaintiffs initiated legal proceedings by filing a civil suit seeking a declaration of ownership and a permanent injunction against the defendants. The trial court ruled in favor of the plaintiffs, holding that both parties followed Hindu law. It observed that since Mardan had passed away in 1951, prior to the enactment of the Hindu Succession Act, 1956, his daughters were excluded from inheritance under pre-1956 laws. The court concluded that the property rightfully belonged to Puni Ram's descendants, as Mardan's rights had passed to his brother under the customary law prevailing at the time.

First Appellate Court Findings

Aggrieved by the trial court's decision, the defendants approached the First Appellate Court, which upheld the lower court's findings. The appellate court reiterated that the parties followed Hindu law and that Mardan's daughters had no inheritance rights. It further ruled that the plaintiffs, as successors of Puni Ram, were the rightful owners of the disputed property.

High Court's Decision

The defendants challenged the rulings of the lower courts in the Chhattisgarh High Court. The High Court overturned the findings of the trial and appellate courts, holding that the parties belonged to the Sawara tribe, which is a Scheduled Tribe under Article 366(25) of the Indian Constitution. The court observed that Section 2(2) of the Hindu Succession Act, 1956, excluded its application to Scheduled Tribes, and there was no conclusive evidence to suggest that the parties had abandoned their tribal customs in favor of Hindu laws. Invoking Sections 5 and 6 of the Central Provinces Laws Act, 1875, the High Court applied principles of justice, equity, and good conscience. It granted half the property to the daughters and successors of Mardan, thus ensuring a fair distribution of the property.

Supreme Court's Analysis and Findings

The Supreme Court, while upholding the High Court's decision, delivered a nuanced judgment addressing the complexities of the case. The Court recognized the autonomy of tribal customs, as safeguarded under the Constitution and statutory laws. However, it emphasized that such autonomy could not justify perpetuating gender discrimination or inequity.

The Court reaffirmed that Section 2(2) of the Hindu Succession Act, 1956, explicitly excluded Scheduled Tribes from its purview to preserve their unique customs and traditions. However, it noted that this exclusion did not grant blanket immunity to tribal practices that contravened constitutional values, particularly the principles of gender equality enshrined in Articles 14, 15, and 21 of the Constitution. The Court observed that where statutory laws are silent, courts are empowered to invoke equitable principles to ensure justice and fairness.

In its analysis, the Supreme Court highlighted the inherent patriarchal bias in the customary laws of the Sawara tribe, which excluded daughters from inheritance. Such practices, the Court noted, were not only unjust but also inconsistent with the constitutional mandate of equality. By granting half the property to Mardan's daughters and their successors, the Court sought to strike a balance between respecting tribal customs and upholding constitutional principles.

The judgment underscored the evolving role of the judiciary in harmonizing customary laws with modern legal standards. It emphasized that the judiciary has a duty to protect vulnerable sections of society, including women in tribal communities, from historical injustices.

Significance of the Judgment

Impact on Tribal Inheritance Laws

The decision in *Tirth Kumar v. Daduram* marks a significant milestone in the interpretation of tribal inheritance laws. By applying principles of equity, the Court set a precedent for addressing

gender discrimination within tribal customs. The judgment provides a framework for ensuring that tribal practices evolve to align with constitutional values without undermining their cultural autonomy.

Advancing Gender Justice

The case is a landmark in the journey towards gender justice in India. It acknowledges the systemic marginalization of women in tribal communities and provides a mechanism for redressing such inequities. By granting inheritance rights to Mardan's daughters, the Court recognized the need to empower women and promote gender equality within the framework of tribal laws.

Balancing Autonomy and Equity

The judgment strikes a delicate balance between preserving the autonomy of tribal customs and ensuring fairness. It reaffirms that while the Constitution protects tribal customs, such protection is not absolute and must be reconciled with the principles of justice, equity, and good conscience.

Precedential Value

The ruling has far-reaching implications for similar disputes involving Scheduled Tribes. It establishes that courts can intervene to rectify inequities in customary practices, particularly when such practices are inconsistent with constitutional values. The judgment serves as a precedent for addressing conflicts between statutory exclusions and the broader mandate of justice.

Conclusion

The Supreme Court's decision in *Tirith Kumar v. Daduram* is a landmark judgment that underscores the judiciary's role in promoting equity and fairness. By addressing the patriarchal biases in tribal inheritance customs, the Court advanced the cause of gender justice and reinforced the constitutional vision of equality. The judgment balances the preservation of tribal autonomy with the imperative to rectify historical injustices,

creating a progressive framework for interpreting tribal laws.

This case serves as a testament to the evolving nature of India's legal system, which seeks to harmonize traditional practices with contemporary values. It sets a precedent for ensuring that the principles of justice, equity, and good conscience guide the interpretation and application of laws, particularly in cases involving marginalized communities. The judgment not only resolves the specific dispute at hand but also contributes to the broader discourse on gender equality and social justice, making it a milestone in India's judicial history.

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