Santhal daughters' inheritance: custom must be proved, says HC

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News

A Division Bench of the Jharkhand High Court (Chief Justice M.S. Sonak and Justice Rajesh Shankar) on 23 Nov 2026 dismissed a second appeal in a land dispute from Jamtara district that began as a title suit in 1985. It held that anyone who denies a Santhal woman's inheritance on the basis of a tribal custom must prove that the custom exists and is still practised. Customs can differ between places and even families, so a practice in one area cannot bind all Santhal communities.

Key facts for the exam

Point	Details
Court	Jharkhand High Court, Ranchi (Division Bench)
Case	Second appeal, land dispute, Jamtara district
Holding	A custom excluding daughters must be proved; it is not presumed
Defendants' claim	Daughters inherit only in a 'ghar jamai' marriage (husband adopted into the family)
Earlier rulings	Trial court (1996) declared the plaintiff owner of a one-third share; the first appellate decree (2006) was upheld

Background

- Section 2(2) of the Hindu Succession Act, 1956 says the Act does not apply to Scheduled Tribes unless the Central Government notifies otherwise, so customary law governs tribal inheritance. In Kamla Neti v. Special Land Acquisition Officer (2022), the Supreme Court asked the Centre to consider changing this.
- The Santhals are among India's largest tribes. Santhali was added to the Eighth Schedule by the 92nd Amendment (2003); its script Ol Chiki was created by Pandit Raghunath Murmu. The Santhal Hul (1855–56), led by Sidhu and Kanhu Murmu, is remembered on 30 June. President Droupadi Murmu is from the Santhal community.

Tamil Nadu link: Tamil Nadu gave daughters coparcenary rights in Hindu joint family property through its 1989 amendment to the Hindu Succession Act, well before the national amendment of 2005.

Frequently asked questions

What is this news about?

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What are the key facts to remember for the exam?

Court: Jharkhand High Court, Ranchi (Division Bench); Case: Second appeal, land dispute, Jamtara district; Holding: A custom excluding daughters must be proved; it is not presumed; Defendants' claim: Daughters inherit only in a 'ghar jamai' marriage (husband adopted into the family).

What is the background to this news?

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Practice questions (with answers)

1. In the Santhal inheritance case, Jharkhand HC held that:

A) One area's custom binds all Santhals

B) A tribal custom is presumed

C) Custom excluding daughters must be proved

D) Hindu Succession Act covers tribals

Answer: C – Explanation: The custom must be proved to exist and still be practised; it can vary by place and family (Jamtara district case, 23 Nov 2026).

2. Which section of the Hindu Succession Act, 1956 says the Act does not apply to Scheduled Tribes?

A) Section 14

B) Section 2(2)

C) Section 8

D) Section 6

Answer: B – Explanation: Customary law governs tribals unless the Centre notifies otherwise. Section 6 is on coparcenary property (2005 amendment); Section 14 on a woman's absolute property.

3. Who created the Ol Chiki script of the Santhali language?

A) Sidhu Murmu

B) Birsa Munda

C) Pandit Raghunath Murmu

D) Jaipal Singh Munda

Answer: C – Explanation: Santhali entered the Eighth Schedule by the 92nd Amendment (2003). Sidhu and Kanhu Murmu led the 1855–56 Santhal rebellion.

4. In which years did the 'Santhal Hul', led by Sidhu and Kanhu Murmu, take place?

A) 1899–1900

B) 1855–56

C) 1831–32

D) 1875–76

Answer: B – Explanation: Hul Diwas is marked on 30 June. 1831–32 was the Kol uprising; 1899–1900 was Birsa Munda's 'Ulgulan'.

5. In which year did Tamil Nadu amend the Hindu Succession Act to give daughters coparcenary rights?

A) 1994

B) 1976

C) 1989

D) 2005

Answer: C – Explanation: Tamil Nadu amended the law in 1989; the national amendment came only in 2005.