

## “No Ordinary Girl Would Dare...”

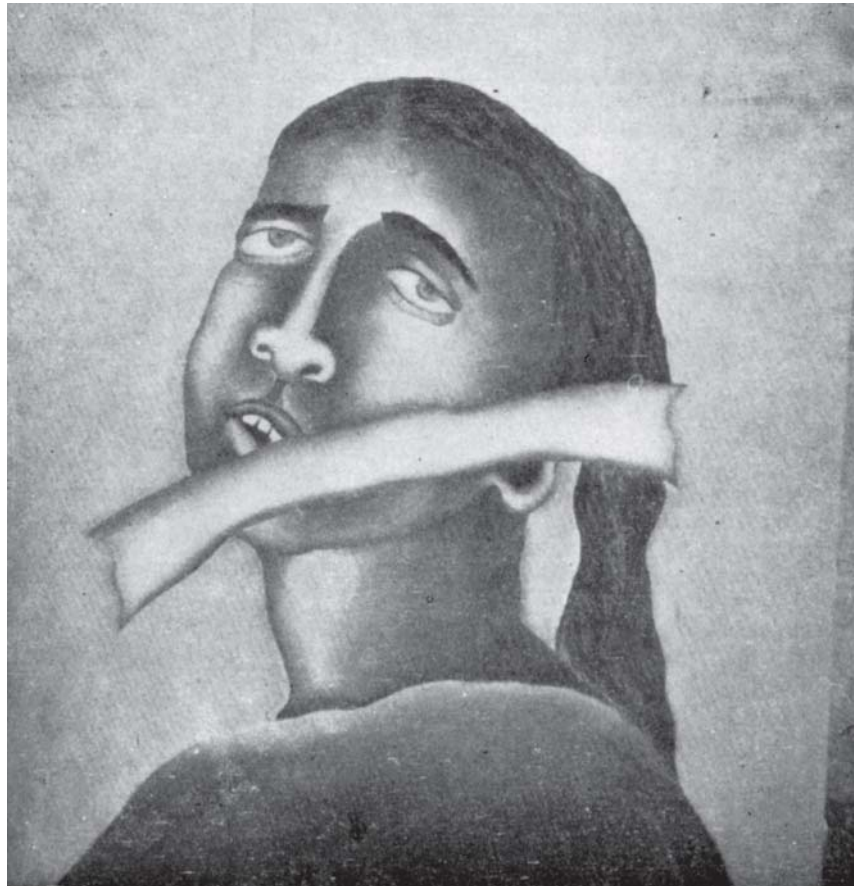
### Interview With Lata Mittal, Who Has Challenged The Hindu Succession Act In The Supreme Court

IN MARCH 1985, Lata Mittal, aged 28, a clerical employee of the post and telegraphs department, filed a writ petition in the supreme court, challenging certain provisions of the Hindu Succession Act, 1956.

Even though the Hindu Succession Act, 1956, made daughters equal heirs in the self acquired property of their parents, it discriminated against them in the matter of ancestral property.

Under this Act, of its undivided property. As soon as he is born, a male member becomes a coparcener or equal owner of the family property. He has a right in the property and cannot be disinherited. But a female member cannot be a coparcener. An unmarried, divorced or widowed daughter can claim the right to reside in the ancestral dwelling house of her father's family, but a married daughter who is living with her husband cannot claim this right. A male coparcener can, at any time, demand partition of the family property. When such partition takes place, female heirs, that is, widows and daughters of deceased men, will also get their share which will be long to them as their absolute property. But a female heir cannot demand partition. She has to wait until male heirs choose to do so. Also, a female heir cannot be the *karta* or manager of the family property.

These discriminatory provisions have been challenged by Lata Mittal as being violative of the Constitution, which guarantees that there shall be no discrimination between citizens on the ground of sex.



I talked to Lata Mittal on tape about the personal struggle that led to her having taken this step which has important implications for many other women.

Lata is one of six brothers and five sisters. When she was about 13, her mother sent her and her younger sister away to the Brahmakumari Ashram in Calcutta. Her father's protests were not heeded.

Lata says that she was exploited in

the Ashram and made to do manual work like washing utensils, cleaning, ironing, and cooking for 25 people. She was not educated so she could not participate in the daily discourses. She was not allowed to study although she was keen to do so. Not even a newspaper was allowed on the premises so she had no access to the outside world.

After five years, Lata returned home but her mother told her that she had been sacrificed to god and must stay at the

Ashram. After another five years there, she could not bear it any longer so she finally left the Ashram. By that time, her father had died. Two of her brothers were supportive of her, but, unfortunately, both of them have expired. Lata's younger sister is still in the Ashram.

Lata had to struggle hard to find a job. Her mother was never reconciled to her, and was not willing to give her food from the family kitchen. Lata had to cook for herself or eat at a friend's house.

Lata's other sisters are married and she does not have much contact with them. Her surviving brothers, except one named Bhim, were each allotted a shop by her father, so they live separately. None of them have studied much because they had to look after the business when their father died.

Bhim is an MA in English. He took over the remaining one shop, after persuading his sisters to sign a relinquishment deed under which he agreed to look after them, provided they did not claim their share in the shop. However, he did not keep to the contract since he stopped contributing to their upkeep. Lata's mother had to sell her jewellery in order to feed the family.

Lata alleges that Bhim never goes to the shop but spends his time drinking, and that he maintains a number of ruffians who are enrolled at the law faculty. Although Bhim is abusive and even violent to his mother, she defends him and is of no help to Lata.

Lata says that after she filed her petition, in which she also prays that she may be made the *karta*, she has been repeatedly threatened by Bhim. One night, she says, he and his ruffians ordered her to leave the house. They threatened to kill her so she was forced to leave and, since then, has been staying on her own or with friends.

She alleges that Bhim has also threatened her friends and her lawyers, and has told her he will hire a truck driver for Rs 70,000 to kill her in a faked accident.



Lata's other brothers are not interested in the case since they are already in possession of their separate shares. Her sisters have, however, helped her fight the case. Her younger sister particularly needs her share in the property to enable her to leave the Ashram. She is a matriculate and has no means of support at present.

When asked whether she plans to get married, Lata says: "No, not under any circumstances. I do not want any responsibilities. I am against any kind of married life."

I also met and spoke to Bhim Mittal and his wife. Bhim says that it is illogical to challenge the law passed by learned members of parliament and based upon the age-old Mitakshara system.

He refuses to elaborate on the family circumstances which led to Lata's present situation. He only says there were tragic complications which resulted in the present familial tensions. He says that she left the house of her own will. He also says that the family atmosphere was cordial and it was her aggressive character which made her go to court and play with the family honour.

Bhim says Lata's allegations of harassment meted out to her are absolutely baseless. After all, he says even if there was harassment, there is no proof of it. He admits having threatened Lata's lawyer, and told him that after the case is over, he will take revenge on him for having harassed his sister—presumably, by having accepted the case.

He repeatedly emphasises that Lata is an eccentric character with an abnormal nature. He refers to her disinterest in marriage and her unusual ability to work on her own as symptoms of this abnormality, saying that no ordinary girl would dare approach the supreme court. This, therefore, is a certain madness in her.

He insists, that at one time, he had helped her pursue her education. He says he would prefer a compromise out of court, to avoid defamation.

Lata says that Bhim's lawyer approached her lawyer for a compromise but she feels she would rather fight it out and have the law challenged, now that she has gone so far. From an out of court compromise, her personal problem may be solved, but from a court judgment in her favour, many other women will be benefited as well. □