

AS INTRODUCED IN LOK SABHA

Bill No. 319 of 2015

THE HINDU SUCCESSION (AMENDMENT) BILL, 2015

By

SHRI DUSHYANT CHAUTALA, M.P.

A

BILL

further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Succession (Amendment) Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

Substitution
of new
section for
section 15.

General rules
of succession
in the case of
female
Hindus.

2. For section 15 of the Hindu Succession Act, 1956 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

"15. (1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,—

(a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter); 5

(b) secondly, upon the mother, father and husband;

(c) thirdly, upon the heirs of the husband and the heirs of the father; and

(d) lastly, upon the heirs of the mother.

(2) Notwithstanding anything contained in sub-section (1),— 10

(a) any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father, if inherited from her father and upon the heirs of the mother, if inherited from her mother; 15

(b) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of son or daughter begotten from the husband from whom or from whose father she inherited the property (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband; and 20

(c) any property self-acquired by a female Hindu during the time of desertion shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father and the mother." 25

Insertion of
section 24.

3. After section 22 of the principal Act, the following section shall be inserted, namely:—

"23. Any heir who is related to an intestate as the widow of a pre-deceased son, the widow of a pre-deceased son of a pre-deceased son or the widow of a brother shall not be entitled to succeed to the property of the intestate as such widow, if on the date the succession opens, she has remarried." 30

Certain
widows
remarrying
may not
inherit as
widows.

Amendment
of the
Schedule.

4. (1) In the Schedule to the principal Act—

(i) under the sub-heading "Class I", for the words "mother; son of a pre-deceased son; daughter of a pre-deceased son;", the words "mother; father; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased son of a pre-deceased daughter; son of a pre-deceased daughter of a pre-deceased son;" shall be substituted. 35

(ii) for the sub-heading "Class II and entries I to IX thereunder", the following sub-heading and entries thereunder shall be substituted, namely:— 40

"Class II

I. (1) Brother, (2) sister.

II. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.

III. Father's father; father's mother.

- IV. Father's widow; brother's widow.
- V. Father's brother; father's sister.
- VI. Mother's father; mother's mother.
- VII. Mother's brother; mother's sister."

STATEMENT OF OBJECTS AND REASONS

The Hindu Succession Act, 1956 provides for certain criteria for the succession of the property of a female Hindu dying intestate. However, the same has not been implemented in its true spirit. The need is that property should not lose the real source from where the deceased female had inherited it.

The rules of inheritance prescribed under the Act are based on the principles of closeness in relationship and love and affection. As parents are as much near as husband, so both should be given equal importance during the succession of property of female Hindus dying intestate.

As female Hindu inherits property from parent as well as husband, therefore, after her death her property should be succeeded by both of them. There is no difference between mother and father as far as love and importance in life is concerned. So both should be treated equally during the succession and distribution of property of the female Hindu.

Moreover, one should not take the benefit of its own wrong. So property can not be given to the delinquent husband who deserted his wife in her lifetime.

The Bill therefore, seeks to amend the Hindu Succession Act, 1956 with a view to provide equal rights to the parents of a female Hindu dying intestate at par with the husband in succession to her property. The Bill also seeks to re-insert the provision pertaining to restriction on the inheritance of the certain widows, who, on the date of opening of succession has got remarried.

NEW DELHI;
November 18, 2015.

DUSHYANT CHAUTALA

ANNEXURE

EXTRACT FROM THE HINDU SUCCESSION ACT, 1956 (ACT NO. 30 OF 1956)

* * * * *

15. (1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,—

General rules of succession in the case of female Hindus.

- (a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;
- (b) secondly, upon the heirs of the husband;
- (c) thirdly, upon the mother and father;
- (d) fourthly, upon the heirs of the father; and
- (e) lastly, upon the heirs of the mother.

(2) Notwithstanding anything contained in sub-section (1),—

(a) any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father; and

(b) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of any son or daughter of the deceased (including the children of any predeceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband.

* * * * *

THE SCHEDULE

[Section 8]

HEIRS IN CLASS I AND CLASS II

CLASS I

Son; daughter; widow; mother; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased daughter; daughter of a pre-deceased daughter; widow of a pre-deceased son; son of a pre-deceased son of a pre-deceased son; daughter of a pre-deceased son of a pre-deceased son; widow of a pre-deceased son of a pre-deceased son.

CLASS II

I. Father.

II. (1) Son's daughter's son, (2) son's daughter's daughter, (3) brother, (4) sister.

III. (1) Daughter's son's son, (2) daughter's son's daughter, (3) daughter's daughter's son, (4) daughter's daughter's daughter.

IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.

V. Father's father, father's mother.

VI. Father's widow; brother's widow.

VII. Father's brother; father's sister.

VIII. Mother's father; mother's mother.

IX. Mother's brother; mother's sister.

Explanation:— In this Schedule, references to a brother or sister do not include references to a brother or sister by uterine blood.

*

*

*

*

*

*

*

LOK SABHA

A

BILL

further to amend the Hindu Succession Act, 1956.

(Shri Dushyant Chautala, M.P.)