

Course – B.A LL.B sem 2
Family law 1 , (unit 3)
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The Hindu Succession Act 1956

WHEN DOES THIS ACT APPLIES?

When a Hindu person dies without a Will, his/her property will be distributed as per the laws mentioned in Hindu Succession Act, 1956.

IF THE DECEASED IS A MALE...

As per the Hindu Succession Act, 1956, if a Hindu Male dies without a Will, then his property would be first distributed among Class I heirs.

CLASS 1 HEIRS

- Widow
- Mother
- Son/Daughter
- Son/Daughter of a pre-deceased son
- Son/Daughter of a pre-deceased daughter
- Widow of a pre-deceased son
- Son/Daughter of a pre-deceased son of a pre-deceased son
- Widow of a pre-deceased son of a pre-deceased son

DISTRIBUTION AMONG CLASS 1 HEIRS

- The widow (or widows), mother and each of the children (son or daughter, the law makes no distinction) take equal shares.
- Where one or more of such sons or daughters is no more, then the Class 1 heirs in that branch will all jointly stand in the place left behind by such deceased son or daughter and shall take between them one share.

IF NO CLASS I HEIRS....?

In case there are no relatives as per Class I heirs available, then the property will be distributed among Class II heirs.

CLASS 11 HEIRS

- Father
- Son's daughter's son/daughter, brother & sister
- Daughter's son's son/daughter, daughter's daughter's son/daughter.
- Brother's son/ daughter & sister's son/daughter
- Father's father/mother
- Father's widow & brother's widow
- Father's brother/sister
- Mother's father/mother
- Mother's brother/sister

DISTRIBUTION AMONG CLASS II HEIRS

- Among the heirs specified in Class II, those who are mentioned first get the property simultaneously in exclusion to those in the subsequent entries.
- For example, if the father is no longer live, then the second in list such as
“(1) Son’s daughter’s son
(2) son’s daughter’s daughter,
(3) brother,
(4) sister” will get the property in equal measure, provided all the heirs are available. However, whoever is alive will get the property in equal proportion.

IF NO CLASS II HEIRS....?

If there are no relatives as per Class II heirs too, then the property will be given to the agnates of the deceased person.

AGNATES

A male or female descendant by male links from a common ancestor or relatives through male lineage are called agnates.

For example: First cousin & their children.

IF NO AGNATES...?

If there are no agnates, then the property will be given to cognates of the deceased person.

COGNATES

Cognates are the ones related by blood or origin with another especially a person sharing an ancestor with another or any relative through the lineage of males or females.

For example: Second cousin & their children.

IF NO COGNATES...?

If there are no cognates too, then all the property of the deceased person will go to the government.

IF THE DECEASED IS A FEMALE...

If a Hindu female dies without a Will, her property would be distributed as follows:

- Son, daughter (including the children of pre-deceased son/daughter) & husband
- Heirs of her husband
- Her mother & father
- Heirs of her father
- Heirs of her mother

IF THE FEMALE DIES INTESTATE AND WITHOUT ANY ISSUE...

Few points to be kept in mind:

- In case of a Hindu female dies intestate and without any issue or any children or any predeceased children, any property inherited by her from her parents shall not devolve upon her husband or his heirs but revert to her natal family.
- Similarly, in case a Hindu female dies intestate and without any issue or any children or any predeceased children, then any property inherited by her from her husband or her father-in-law devolves upon the heirs of her husband.

CERTAIN EXCEPTIONS TO INHERITANCE AS PER HINDU SUCCESSION ACT, 1956

- Any person who commits murder is disqualified from receiving any form of inheritance from the victim.
- Full Blood is always preferred to Half blood.
- If a relative converts from Hinduism, he or she is still eligible for inheritance.
- The descendants of that converted relative, however, are disqualified from receiving inheritance from their Hindu relatives, unless they have converted back to Hinduism before the death of the relative.
- Widows remarrying are not entitled to inherit as widow.

Thank you !!!

