

**Thirteenth Kerala Legislative Assembly**

**Bill No. 333**

**THE HINDU SUCCESSION (KERALA AMENDMENT)  
BILL, 2015**

THE HINDU SUCCESSION (KERALA AMENDMENT) BILL, 2015

A

BILL

*further to amend the Hindu Succession Act, 1956 in its application to the State of Kerala.*

*Preamble.*—WHEREAS, it is expedient further to amend the Hindu Succession Act, 1956 (Central Act 30 of 1956) in its application to the State of Kerala, for the purposes hereinafter appearing;

BE it enacted in the Sixty-fifth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Hindu Succession (Kerala Amendment) Act, 2015.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Amendment of section 15.*—In the Hindu Succession Act, 1956 (Central Act 30 of 1956), in section 15, after clause (b) of sub-section (2), the following clause shall be inserted, namely:—

“(c) any property inherited by a female Hindu from her pre-deceased son shall devolve, not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the pre-deceased son from whom she inherited the property.”.

STATEMENT OF OBJECTS AND REASONS

As per section 8 of the Hindu Succession Act, 1956 (Central Act 30 of 1956), the property of a male Hindu dying intestate shall devolve firstly upon the heirs, being the relatives specified in Class I of the Schedule, such as son, daughter, widow, mother. If the mother, upon whom the property of her pre-deceased son devolved, dies intestate, the property will again devolve to the other heirs of the mother as specified in sections 15 and 16 of the said Act apart from the wife and children of the pre-deceased son. Thus, the share obtained by the mother from her pre-deceased son devolves upon her other legal heirs also, other than the wife and children of the pre-deceased son. It is an injustice against the wife and children of such pre-deceased son. A number of requests have been received to amend the said provision contained in sub-section (2) of

section 15 of the said Act in such a manner that the share obtained by the mother from her pre-deceased son shall, after her death, devolve only upon the wife and children of the pre-deceased son. Accordingly, the Government have decided to amend sub-section (2) of section 15 of the said Act in the above manner.

2. The Bill seeks to achieve the above object.

#### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. M. MANI

## EXTRACT FROM THE HINDU SUCCESSION ACT, 1956

(CENTRAL ACT 30 OF 1956)

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8. *General rules of succession in the case of males.*—The property of a male Hindu dying intestate shall devolve according to the provisions of this Chapter,—

(a) firstly, upon the heirs, being the relatives specified in Class I of the Schedule;

(b) secondly, if there is no heir of Class I, then upon the heirs, being the relatives specified in Class II of the Schedule;

(c) thirdly, if there is no heir of any of the two classes, then upon the agnates of the deceased; and

(d) lastly, if there is no agnate, then upon the cognates of the deceased.

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15. *General rules of succession in the case of female Hindus.*—(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) 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 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.

*16. Order of succession and manner of distribution among heirs of a female Hindu.*—The order of succession among the heirs referred to in section 15 shall be, and the distribution of the intestate's property among those heirs shall take place according to the following rules, namely:—

*Rule 1.*—Among the heirs specified in sub-section (1) of section 15, those in one entry shall be preferred to those in any succeeding entry, and those included in the same entry shall take simultaneously.

*Rule 2.*—If any son or daughter of the intestate had pre-deceased the intestate leaving his or her own children alive at the time of the intestate's death, the children of such son or daughter shall take between them the share which such son or daughter would have taken if living at the intestate's death.

*Rule 3.*—The devolution of the property of the intestate on the heirs referred to in clauses (b), (d) and (e) of sub-section (1) and in sub-section (2) of section 15 shall be in the same order and according to the same rules as would have applied if the property had been the father's or the mother's or the husband's as the case may be, and such person had died intestate in respect thereof immediately after the intestate's death.

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#### THE SCHEDULE

(see 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; son of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased son of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased son.

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