

**Bill No. 35 of 2023**

THE HINDU SUCCESSION (AMENDMENT) BILL, 2023

By

SHRI V.K. SREEKANDAN, MP.

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BILL

*further to amend the Hindu Succession Act, 1956.*

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

1. (1) This Act may be called Hindu Succession (Amendment) Act, 2023.

Short title and commencement.

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

30 of 1956 2. In section 15 of the Hindu Succession Act, 1956 (hereinafter referred to as the principal Act),—

Amendment of section 15.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(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 predeceased sons or daughters or non-remarried daughters-in-law) and the husband; 5

(b) secondly, upon the mother and father;

(c) thirdly, upon the heirs of the mother;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the husband.”.

(b) “in sub-section (2),— 10

(i) in clause (a), for the words “including the children of any predeceased son or daughter”, the words “including the children of any predeceased sons or daughters or non-remarried daughters-in-law or the husband” shall be substituted; and

(ii) in clause (b), for the words “including the children of any predeceased son or daughter”, the words “including the children of any predeceased sons or daughters or non-remarried daughters-in-law” shall be substituted.” 15

Amendment of section 16.

**3.** In section 16 of the principal Act, Rule 3 shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

As on date many litigations pertaining to successions are pending in various courts in the country for many decades. In many cases, it has come to the notice that mothers are being neglected and even are not taken care of by their own sons and daughters. A considerable number of such mothers are on the roads or housed in old age homes due to no means for their livelihood. These non-remarried daughters-in-law after the demise of their husbands are deprived of their rights on the moveable and immovable properties left by their mothers-in-law.

According to section 15 of the Hindu Succession Act, 1956 only sons and daughters (including the children of any predeceased sons or daughters) are eligible for the succession of the property of a female Hindu dying intestate. However non-remarried daughters-in-law are deprived of such rights. In many cases, these non-remarried mothers after the death of their husbands were required to clear off the liabilities created by their husbands during their lift time for many reasons whatsoever. The question arises how they will do it, if they are not earning and their hope is on whatever the share they get from the said movable and immovable properties left by their mothers-in-law which is being deprived.

The Bill, therefore, seeks to amend section 15 of the Hindu Succession Act, 1956 with a view to provide rights to daughters-in-law at par with sons and daughters (including the children of any predeceased sons or daughters) and the husband and reorder the succession rights on the property of a female Hindu dying intestate.

Hence this Bill.

NEW DELHI;  
*February 6, 2023.*

V.K. SREEKANDAN

ANNEXURE

EXTRACT FROM THE HINDU SUCCESSION ACT, 1956

(ACT NO. 30 OF 1956)

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General rules of succession in the case of female Hindus.

**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 predeceased 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 fathers; 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.

**16.** 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: —

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Rule 3.— The devolution of the property of the intestate on the heirs referred to in clauses (b), (d) and (c) 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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further to amend the Hindu Succession Act, 1956.

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*(Shri V.K. Sreekandan, M.P.)*