

Bill No. 94 of 2023

THE HINDU SUCCESSION (AMENDMENT) BILL, 2023

By

DR. GAUTHAM SIGAMANI PON, M.P.

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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 the 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 2 of the Hindu Succession Act, 1956,—

Amendment of section 2.

(i) in sub-section (1), after clause (c), the following clause shall be inserted, namely:—

10 "(cd) to the Members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution"; and

(ii) sub-section (2) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

As per section 2(2) of the Hindu Succession Act, 1956, the provisions of this Act do not apply to the Members of any Scheduled Tribe within the meaning of clause 25 of article 366 of the Constitution. This creates unjust situation wherein the members of the Scheduled Tribes, irrespective of gender, are not legally entitled to an equal share in their father's/Hindu Undivided Family properties. Such discrimination is antithetical to article 14 of the Constitution which time and again have been clarified by the Hon'ble Supreme Court at the Madras High Court.

The Bill, therefore, seeks to amend the Hindu Succession Act, 1956 with a view to provide equal rights to members of Schedule Tribes irrespective of gender difference on the property of their father's/Hindu Undivided Family properties.

NEW DELHI;
July 04, 2023.

GAUTHAM SIGAMANI PON

ANNEXURE

EXTRACT FROM THE HINDU SUCCESSION ACT, 1956

[Act No. 30 of 1956]

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2. (1) This Act, applies—

Application of Act.

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(a) to any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,

(b) to any person who is a Buddhist, Jaina or Sikh by religion, and

(c) to any other person who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation.—The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:—

(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

(b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged;

(c) any person who is a convert or reconvert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

(3) The expression “Hindu” in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

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further to amend the Hindu Succession Act, 1956.

(Dr. Gautham Sigamani Pon, M.P.)