

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

R A J Y A S A B H A

STARRED QUESTION No. 180

TO BE ANSWERED ON THURSDAY, THE 17TH MARCH, 2022.

PROPOSAL TO AMEND HINDU SUCCESSION LAWS

180. Smt. Priyanka Chaturvedi

Will the Minister of *Law and Justice* be pleased to state:

- (a) whether Government is aware that there is discrimination against females in Hindu succession laws through the scheme of devolution under Section 15 of the Hindu Succession Act;
- (b) whether the Government is aware that Section 15 of the Hindu Succession Act is in violation of India's commitments under United Nations Convention on the Elimination of All Forms of Discrimination Against Women;
- (c) whether Government has any plans to amend Section 15 of the Hindu Succession Act;
- (d) if so, the details thereof; and
- (e) if not, the reasons, therefor?

A N S W E R

MINISTER OF FOR LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (e) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) of
RAJYA SABHA STARRED QUESTION No.180 FOR ANSWER ON 17TH
MARCH 2022

(a) and (b) : As per sub-section (1) of section 15 of the Hindu Succession Act, 1956, the property of a female Hindu dying intestate shall devolve-

(a) firstly, upon the sons and the 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.

The order of succession and manner of distribution among heirs of female Hindu as provided in section 16 is that among the heirs specified above, those in one entry shall be preferred to those in any succeeding entry and those included in the same entry shall take simultaneously.

(c) to (e): The law Commission of India in its 207th Report on proposal to amend section 15 of the Hindu Succession Act, 1956 presented to the Government in June 2008 has recommended certain amendments in sub-section (2) of section 15 to the effect that a new clause (c) be inserted therein as under:-

“(c) if a female Hindu leaves any self-acquired property, in the absence of husband and any son or daughter of the deceased (including the children of any pre-deceased son or daughter), the said property would devolve not upon heirs as mentioned in sub-section (1) in the chronology, but the heirs in category (b)+(c) would inherit simultaneously. If she has no heirs in category (c), then heirs in category (b)+(d) would inherit simultaneously.”

As the subject “Succession” falls under the concurrent field, the said report of the Law Commission has been circulated to the State Governments and Union territory Administrations seeking their views/comments. As views of certain State Governments are still awaited, it may not be possible to take any final view in this regard.
