

THE INDIAN SUCCESSION (AMENDMENT) ACT, 1991

No. 51 OF 1991

[9th December, 1991.]

An Act further to amend the Indian Succession Act, 1925.

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

1. This Act may be called the Indian Succession (Amendment) Act, 1991.

Short
title.

39 of 1925.

2. In the Indian Succession Act, 1925 (hereinafter referred to as the principal Act), in section 50,—

Amend-
ment of
section
50.

(a) in clause (b), for the words “a widow of any lineal descendant”, the words “a widow or widower of any lineal descendant” shall be substituted;

(b) in clause (c),—

(i) for the words “widow of any relative”, the words “widow or widower of any relative” shall be substituted;

(ii) for the word “she”, at both the places where it occurs, the words “such widow or widower” shall be substituted.

3. For sections 51 and 52 of the principal Act, the following section shall be substituted, namely:—

Substi-
tution of
new
section
for sec-
tions 51
and 52.

“51. (1) Subject to the provisions of sub-section (2), the property of which a Parsi dies intestate shall be divided,—

Division
of in-
testate's
property
among
widow,
widower,
children
and
parents.

(a) where such Parsi dies leaving a widow or widower and children, among the widow or widower, and children so that the widow or widower and each child receive equal shares;

(b) where such Parsi dies leaving children, but no widow or widower, among the children in equal shares.

(2) Where a Parsi dies leaving one or both parents in addition to children or widow or widower and children, the property of which such Parsi dies intestate shall be so divided that the parent or each

of the parents shall receive a share equal to half the share of each child.”.

Substitutions of new section for section 54.

Division of property where intestate leaves no lineal descendant but leaves a widow or widower of any lineal descendant.

4. For section 54 of the principal Act, the following section shall be substituted, namely:—

“54. Where a Parsi dies without leaving any lineal descendant but leaving a widow or widower or a widow or widower of a lineal descendant, the property of which the intestate dies intestate shall be divided in accordance with the following rules, namely:—

(a) if the intestate leaves a widow or widower but no widow or widower of a lineal descendant, the widow or widower shall take half the said property;

(b) if the intestate leaves a widow or widower and also a widow or widower of any lineal descendant, his widow or her widower shall receive one-third of the said property and the widow or widower of any lineal descendant shall receive another one-third or if there is more than one such widow or widower of lineal descendants, the last mentioned one-third shall be divided equally among them;

(c) if the intestate leaves no widow or widower, but one widow or widower of a lineal descendant, such widow or widower of the lineal descendant shall receive one-third of the said property or, if the intestate leaves no widow or widower but more than one widow or widower of lineal descendants, two-thirds of the said property shall be divided among such widows or widowers of the lineal descendants in equal shares;

(d) the residue after the division specified in clause (a), or clause (b) or clause (c) has been made shall be distributed among the relatives of the intestate in the order specified in Part I of Schedule II; and the next-of-kin standing first in Part I of that Schedule shall be preferred to those standing second, the second to the third and so on in succession, provided that the property shall be so distributed that each male and female standing in the same degree of propinquity shall receive equal shares;

(e) if there are no relatives entitled to the residue under clause (d), the whole of the residue shall be distributed in proportion to the shares specified among the persons entitled to receive shares under this section.”.

Amendment of section 55.

5. In section 55 of the principal Act,—

(a) for the words “a widow of any lineal descendant”, the words “a widow or widower of any lineal descendant” shall be substituted;

(b) for the words “each male shall take double the share of each female standing in the same degree of propinquity”, the words “each male and female standing in the same degree of propinquity shall receive equal shares” shall be substituted.

6. To section 118 of the principal Act, the following proviso shall be added, namely:—

“Provided that nothing in this section shall apply to a Parsi.”.

7. For Schedule II of the principal Act, the following Schedule shall be substituted, namely:—

Amend-
ment of
section 118.

Substi-
tution
of new
Schedule
for Sche-
dule II.

“SCHEDULE II

PART I

(See section 54)

- (1) Father and mother.
- (2) Brothers and sisters (other than half brothers and sisters) and lineal descendants of such of them as shall have predeceased the intestate.
- (3) Paternal and maternal grandparents.
- (4) Children of paternal and maternal grandparents and the lineal descendants of such of them as have predeceased the intestate.
- (5) Paternal and maternal grandparents' parents.
- (6) Paternal and maternal grandparents' parents' children and the lineal descendants of such of them as have predeceased the intestate.

PART II

(See section 55)

- (1) Father and mother.
- (2) Brothers and sisters (other than half brothers and sisters) and lineal descendants of such of them as shall have predeceased the intestate.
- (3) Paternal and maternal grandparents.
- (4) Children of paternal and maternal grandparents and the lineal descendants of such of them as have predeceased the intestate.
- (5) Paternal and maternal grandparents' parents.
- (6) Paternal and maternal grandparents' children and the lineal descendants of such of them as have predeceased the intestate.
- (7) Half brothers and sisters and the lineal descendants of such of them as have predeceased the intestate.
- (8) Widows of brothers or half brothers and widowers of sisters or half sisters.
- (9) Paternal or maternal grandparents' children's widows or widowers.
- (10) Widows or widowers of deceased lineal descendants of the intestate who have not married again before the death of the intestate.”.