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# **DISQUALIFICATION TO SUCCESSION UNDER HINDU SUCCESSION ACT, 1956**

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## **Abstract**

Family law encompasses a broad spectrum of legal matters pertaining to familial relationships and domestic affairs in India. But its scope extends beyond merely addressing civil unions, marriages, and domestic partnerships. It encompasses matrimonial concerns including surrogacy, domestic violence perpetrated by spouses, and related issues. Additionally, family law addresses the dissolution of marital bonds through divorce, spousal financial support, and property-related settlements.

Given the expansive nature of family law, this examination primarily concentrates on a significant and consequential dimension: the Hindu Succession Act of 1956. Specifically, this research delves into the statutory provisions and judicial interpretations concerning disqualifications that prevent individuals from inheriting property under this Act. The analysis incorporates perspectives from both historical Hindu legal traditions and contemporary legislative frameworks.

For instance, individuals convicted of murder face disqualification, as do religious converts and their descendants. Importantly, exceptions exist for individuals afflicted with particular medical conditions or physical impairments. This investigation thoroughly explores the reach and practical application of these provisions through examination of landmark judicial determinations. The research endeavors to address lacunae within the existing disqualification framework and proposes supplementary grounds that warrant legislative inclusion.

## **Introduction**

We say "Rules are made by those who rule"—laws have historically been biased and inclined toward particular groups of people, particularly emphasizing masculinity in the context of family law.

In our patriarchal society, the administration of such laws, the resolution of disputes regarding

such issues, and the enforcement of these laws are entirely driven by men, which results in male dominance. Any laws relating to women were not due to equality or women empowerment in our patriarchal society as claimed, but rather resulted from men feeling sympathetic toward women.

Our society has mistaken "equal treatment" with "similar treatment," and as a result, our society remains deeply unequal. The Hindu Succession Act was introduced for cases where a person dies intestate—that is, leaving no will for their heir. It aimed to establish uniform and standardized inheritance rules for all Hindus, replacing old and discriminatory practices.

In ancient Hindu law, there was no such absolute inheritance law even when individuals were close relatives. One would still face disqualification if they had certain physical or mental disabilities or had demonstrated improper behavior or conduct. This disqualification was not only based on religious reasons, such as inability to perform certain rituals, but also on social, moral, and physical grounds—meaning even bodily defects or socially unacceptable behavior could exclude a person from inheritance.

## **Overview of Hindu Succession Law**

### **Historical Context and Evolution**

In ancient Hindu jurisprudence, the concept of succession was highly restrictive and exclusionary. Individuals subject to Hindu law did not possess unfettered succession rights. Numerous grounds for disqualification existed rooted in cognitive impairments, somatic conditions, illnesses, and behavioral factors. Despite the intimacy of familial connection, candidates could face exclusion from property inheritance based on any of these aforementioned disqualifications. Importantly, such exclusion operated not exclusively on religious foundations—specifically, incompetence to perform ritualistic obligations—but encompassed moral, societal, and bodily considerations.

Historical disqualifications included blindness, deafness, muteness, limb deficiency, cognitive disorders such as lunacy and idiocy, leprosy, and various incurable ailments. Beyond physical infirmities, unchastity—particularly of widows—constituted serious grounds for disqualification. A widow of suspect moral character or one who had engaged in extramarital relationships could be systematically excluded from inheriting family property. Similarly, individuals who had converted to different religions or engaged in socially transgressive

conduct faced permanent exclusion from the succession line. These exclusions reflected the deeply patriarchal structure of ancient Hindu society, where inheritance served not merely as economic distribution but as a mechanism for maintaining family honor, social hierarchy, and religious purity.

The Hindu Inheritance (Removal of Disabilities) Act of 1928 represented the first significant legislative attempt to reform these archaic provisions. This Act established that individuals lacking lifelong cognitive impairment could not experience exclusion from inheritance solely due to disease, deformity, or physical or mental defects. However, this reform remained incomplete, as many disqualifications persisted despite their discriminatory nature.

### **Modern Hindu Succession Framework and the 1956 Act**

Present-day succession law applicable to Hindu communities derives from the Hindu Succession Act of 1956, enacted as part of India's post-independence legal reform agenda. This legislation represented a comprehensive modernization of Hindu inheritance law, attempting to replace centuries of customary practice with a uniform, standardized, and ostensibly rational legal framework. Sections 24 through 28 within this legislation regulate circumstances under which heirs become disqualified from inheriting property.

Section 28 establishes a crucial principle that no individual shall experience disqualification except through grounds explicitly articulated in the Act. This provision represented a dramatic departure from historical practice by abolishing all non-statutory grounds of disqualification. The Act recognizes only three legitimate grounds for disqualification:

1. Remarriage by certain widows as outlined in Section 24 (later repealed in 2005)
2. Commission or abetment of murder pursuant to Section 25
3. Religious conversion as prescribed in Section 26

### **The Transformative 2005 Amendment**

The Hindu Succession Amendment Act of 2005 introduced revolutionary changes to succession law, particularly regarding gender equality. This amendment, which came into force on September 9, 2005, fundamentally restructured the rights of women in Hindu succession. The amendment made daughters coparceners in ancestral property at par with sons, granting daughters equal rights to joint family property that sons possessed. This change was based on the recommendations of the 174th Law Commission Report advocating gender-neutral

succession rights.

Prior to 2005, women, particularly daughters, did not possess equal succession rights to ancestral property. The amendment rectified this constitutional anomaly by including daughters as coparceners from birth, enabling them to possess equal rights, obligations, and even the ability to serve as the Karta (manager) of the joint family property. The Supreme Court subsequently clarified that this amendment operated retrospectively, meaning daughters acquired coparcenary rights regardless of whether their fathers were deceased before or after the amendment's implementation.

The 2005 amendment also resulted in the repeal of Section 24 regarding widow remarriage disqualification, recognizing that remarriage should not divest a widow of property she had previously inherited. Recent judicial pronouncements, particularly from the Madras High Court, have affirmed that widows upon remarriage are not disqualified from inheriting their first husband's property, effectively overriding the older Hindu Widows' Remarriage Act of 1856 where conflicts arise.

### **Statutory Provisions on Disqualification**

#### **Section 24: Widow Remarriage Provisions (Repealed 2005)**

Historically, any heir connected to the deceased through widow status—including widows of predeceased sons, widows of sons' sons, or widows of siblings—would lose her capacity to inherit the deceased's estate as a widow if she entered into remarriage on the succession date. The underlying rationale for this provision posited that the widow represented the surviving complement to her deceased spouse; therefore, upon entering a new marriage, she forfeited her prior status as widow and subsequently lost inheritance entitlements.

### **Purpose and Historical Justification**

The objects and reasons appended to the original Hindu Succession Bill of 1954 articulated the principle as follows: "the widow is the surviving half of her husband, and therefore, when she remarries, she ceases to continue to be such." This archaic reasoning, rooted in the concept of marital unity and female dependency, reflected prevailing social attitudes rather than principles of justice or equity. The provision operated on the assumption that a widow's remarriage represented a fundamental rupture of her relationship with her deceased husband's family, thereby justifying complete divestment of inherited property.

## Scope and Application

Within historical Hindu jurisprudence, particular descendants lost succession opportunities if they had married antecedent to the succession opening. Under the 1856 Widow Remarriage legislation, remarriage stripped widows of assets that had previously vested in them through inheritance.

The provision, as originally codified, applied exclusively to three categories of female heirs: sons' widows, sons' sons' widows, and siblings' widows. All other widows, including stepmothers and fathers' widows, maintained succession rights regardless of remarriage. Critically, the intestate's own widow remained unaffected by this provision because her potential remarriage would be legally void—she remained bound to her first marriage, and any subsequent marriage would constitute bigamy.

The provision operated exclusively within intestate succession contexts. Testamentary succession remained outside this section's purview, as testators possessed independent authority to condition bequests upon specific criteria they deemed appropriate.

## Judicial Interpretation and Modern Evolution

The courts gradually softened the application of Section 24 through interpretative devices. In the case of *Baliram Atmaram Dhake v. Rahubai*, the Bombay High Court held that a widow who remarried forfeited her right to inherit the property of her father-in-law, though she retained her share from her deceased husband. However, more recent judicial pronouncements, particularly the 2024 Madras High Court decision, have effectively neutered this provision's practical application by holding that remarriage does not disqualify widows under modern law.

## Reason for Repeal and Contemporary Irrelevance

Section 24 underwent complete repeal through the Hindu Succession Amendment Act of 2005. The legislative determination was that this provision had become obsolete and provided minimal utility in contemporary legal practice. More fundamentally, the repeal recognized that remarriage disqualification was fundamentally at odds with principles of gender equality and women's autonomy. A widow's choice to remarry, frequently undertaken for personal security or economic stability, should not result in loss of property she had legitimately inherited.

## Section 25: Disqualification for Murder

Individuals who perpetrate murder or facilitate its commission face disqualification from inheriting the murdered person's property or any other assets succession to which depended on the homicidal act. This provision represents one of the few disqualifications that has remained substantially unchanged since 1956, reflecting broad societal consensus regarding its moral and policy justifications.

### Doctrinal Foundations

The doctrine that statutory distribution provisions must supersede all other disqualification grounds was explicitly rejected by higher judicial authorities as an inappropriate limitation on equitable principles. This provision establishes that murderers or abettors sustain disqualification from succession regarding:

1. Property belonging to the murder victim
2. Any other estate to which succession would have proceeded through the offense's commission

The principle underlying this section reflects the maxim of English common law that "no man shall profit from his own wrong" or, expressed in the context of succession, that murderers cannot "slay their benefactor and sustain their bounty."

### Application and Proof Requirements

Notably, formal criminal conviction is unnecessary for disqualification application. Disqualification activates upon establishment through any proceeding that the individual perpetrated or encouraged the murder. Should a case involve suicide without abetment, disqualification does not apply. Similarly, individuals prosecuted but acquitted of murder charges escape disqualification, as the legal burden remains establishing culpability in the succession proceeding itself, not proving guilt beyond reasonable doubt in criminal proceedings.

The section applies to both intestate and testamentary succession contexts without distinction. The Madras High Court, in *Sarvanabhava v. Sellammal*, established that no meaningful distinction exists between intestate and testamentary succession regarding murder property. Murderers of testators cannot claim bequeathed property any more than they can claim intestate succession. Reliance on classical legal principles affirms that murderers cannot succeed to their

victims' estates, as one cannot eliminate their benefactor and later claim that benefactor's generosity. Murderers possess no capacity to establish fresh descent lines and cannot claim testamentary benefits.

### **Extension to Descendants and Practical Implications**

One of the most significant implications of Section 25, established through case law, is that the disqualification of a murderer extends to bar not only the murderer but also the murderer's descendants from succeeding to the victim's property. In *Vellikannu v. R. Singaperumal*, the court held that when a son is guilty of his father's death, neither his wife nor his son would be entitled to inherit the father's property. This extension reflects the policy determination that allowing descendants to benefit from an ancestor's crime would constitute an indirect rewarding of that crime and would send inappropriate signals regarding the moral ordering of succession law.

### **Section 26: Religious Conversion Disqualifications**

Should a Hindu cease identification as Hindu through conversion to another faith, offspring produced subsequent to this conversion and their further descendants sustain disqualification from inheriting Hindu relatives' property, unless such descendants maintain Hindu status when succession commences.

### **Scope and Evolutionary Development**

Historically, Hindu individuals converting from their faith faced absolute disqualification under ancient jurisprudence. The social rationale for this disqualification reflected religious concerns regarding ritual purity and family continuity, but it also served as a mechanism for enforcing religious conformity within families. The 1850 Caste Disabilities Removal Act eliminated blanket disqualification of converts themselves, recognizing that individuals possessed rights of conscience regarding religious affiliation.

However, this Act permitted converts to retain succession rights while disqualifying their descendants born after conversion. Under current Section 26 provisions, when an individual abandons Hinduism through conversion—whether preceding or following this Act's initiation—children conceived after conversion and their progeny experience disqualification from inheriting Hindu relatives' property unless they themselves maintain Hindu affiliation

when succession opens. This narrower focus reflects judicial and legislative recognition that disqualifying converts themselves violates fundamental rights to conscience and free practice of religion.

The section addresses exclusively descendant succession rights, not the convert's own inheritance claims. Hindu individuals converting to alternative faiths maintain succession eligibility even if non-Hindu status exists at succession. Children conceived antecedent to parental conversion likewise escape disqualification, ensuring that pre-conversion offspring retain their connections to ancestral property regardless of parental religious migration. Descendants of pre-conversion offspring similarly avoid disqualification, even if their birth postdates parental conversion, provided they trace lineage through a pre-conversion child.

### **Judicial Interpretation and Boundaries**

In notable judicial precedent, the Madras High Court in *Subramanian v. Vijayarani* (2001) confirmed that Section 26 clearly establishes that Hindu converts and their post-conversion children face disqualification from inheriting Hindu relations' assets. However, a separate case determination in *E. Ramesh v. P. Rajini* (1999) established important limitations by holding that daughters' succession claims could not be contested based on religious inter-marriage with Muslim individuals or spousal faith affiliation. This case clarified that merely marrying outside one's religion does not automatically trigger conversion disqualification unless formal religious conversion occurs.

### **Conditions for Descendant Disqualification and Timing**

Two requirements must be satisfied for descendant disqualification to apply:

1. Children originate from parentage following the conversion event
2. These descendants or their children maintain non-Hindu status when succession opens

Offspring conceived post-conversion experience disqualification from Hindu intestate succession only provided non-Hindu status exists at succession commencement. Significantly, conversion to Hinduism post-succession opening does not restore previously disqualified descendants, reflecting the principle that disqualifications are determined at the moment succession vests, not at any subsequent time. However, if descendants convert to Hinduism before succession opens, they escape disqualification entirely.

This section prevents Hindu converts' descendants from accessing Hindu relatives' property; conversely, Hindu relations cannot claim succession to convert descendants' estates, maintaining symmetry in religious property succession.

### **Applicability to Testamentary and Intestate Succession**

This provision lacks application to testamentary succession, where testament language governs succession determinations. Testators possess independent authority to condition bequests on religious grounds if they so choose. The provision applies exclusively to intestate succession scenarios governed by statutory formula.

The provision operates both retrospectively and prospectively—prospectively by limiting disqualification effects to successions opening post-Act implementation; retrospectively by encompassing conversions predating Act commencement. This temporal ambiguity has generated substantial litigation regarding the precise moment at which disqualification crystallizes.

### **Section 27: Succession Upon Heir Disqualification**

When any individual experiences disqualification from inheriting property under this legislation, the estate devolves as though such disqualified person had predeceased the intestate.

### **Effects of Disqualification and Mechanism of Operation**

This provision establishes consequences flowing from any disqualification grounds enumerated within Sections 24-28, conforming with traditional Hindu legal principles governing disqualified heir succession. When disqualification occurs, the next eligible heir assumes succession as though the disqualified heir had not survived the deceased. This mechanism, termed the "death principle" in succession law, operates as follows: if an intestate's son is disqualified through murder conviction, the son's share devolves to the next heir in line (perhaps the intestate's daughter or widow) as if the son had predeceased the intestate.

The disqualified heir's alive status becomes legally irrelevant—the estate distributes identically to situations where the heir had predated the intestate in death. Crucially, this distinction creates significant practical implications. A disqualified heir retains no legal title to property;

therefore, the disqualified heir cannot encumber, mortgage, or otherwise alienate property that never vested in them. This stands in contrast to scenarios where an heir receives property and subsequently becomes disqualified through later criminal conviction (a scenario outside Section 27's scope).

### **Non-Transmission of Succession Interests**

Critically, disqualified heirs transmit no succession interest to their own descendants, except where statutory provision explicitly permits otherwise, notably regarding convert descendants whose pre- conversion children escape disqualification. This creates important distinctions in family planning and intergenerational succession. For instance, if an heir is disqualified through murder conviction, that heir's children cannot claim succession rights through their parent's line.

### **Implications and Limitations**

Disqualification impacts exclusively the disqualified individual—consequences do not automatically extend to their issue absent specific legislative direction. This principle protects innocent descendants from inherited stigma while simultaneously preventing criminals from passing succession benefits to their heirs. A disqualified heir cannot constitute a fresh descent origin; consequently, descendants claiming through disqualified ancestors cannot themselves succeed. The property fails to vest in the disqualified heir, preventing transmission through such person to secondary beneficiaries.

Temporal factors—whether conversion occurred pre- or post-Act commencement—create no distinction regarding succession outcomes once disqualification is established. The consequences apply equally regardless of timing.

### **Section 28: Health and Physical Conditions Protection**

No individual shall face disqualification from property succession based upon disease, defect, deformity, or any ground except those explicitly provided within this Act. This provision, more than any other single section, exemplifies the modernization and humanization of Hindu succession law by eliminating vast categories of arbitrary disqualifications.

## **Historical Development and 1928 Reform**

Historically, various conditions—blindness, deafness, muteness, limb deficiency, cognitive disorders, leprosy, incurable ailments—precluded inheritance. These exclusions were not merely medical determinations but reflected social prejudices regarding disability, disease, and bodily difference. An individual born deaf or later experiencing blindness could face complete exclusion from family property regardless of their other qualifications or merits.

The Hindu Inheritance (Removal of Disabilities) Act of 1928 substantially reformed this system, providing that individuals lacking lifelong cognitive impairment could not experience exclusion due to disease or deformity unless they had been congenitally affected. However, this reform remained incomplete, preserving disqualifications for congenital lunacy, idiocy, and similar conditions.

## **Modern Provision and Systematic Elimination**

The current provision of 1956, as clarified through subsequent amendments and interpretations, systematically eliminates these historical disqualification categories. It restricts disqualification exclusively to grounds expressly recognized through Act provisions. Widow unchastity constitutes no disqualification under current law, nor does heir religious conversion under the Hindu Succession Act specifically. The provision explicitly rejects moral evaluations of character or conduct except where specifically codified as disqualifying grounds (namely murder and conversion).

## **Application and Critical Protections**

This provision extends to both intestate and testamentary succession contexts without distinction. A testator cannot impose disqualifications based on disease or disability, as Section 28 operates as a mandatory statutory protection that supersedes testamentary freedom in this dimension.

Importantly, it operates prospectively only—applying exclusively to successions opening post-Act commencement. Where succession initiated prior to Act implementation, then-existing law applied. Judicial determinations established that widows experiencing succession opening pre-Act could not benefit from these protective provisions when prior unchastity circumstances existed. In *Appa Sahib v. Gurubaswa*, the court held that a widow who remarried pre-Act but

whose inheritance issue arose post-Act remained disqualified because the succession had opened pre-Act. Similarly, in *Anhia v. Bajnath*, a stepmother of a deceased intestate female who remarried prior to Act commencement, though the intestate woman died after Act implementation, remained disqualified from inheritance.

### **Gender Equality Implications**

The abolition of unchastity as a disqualification ground particularly benefited women, who historically faced disproportionate moral scrutiny regarding sexual conduct. Men's unchastity, while socially criticized, rarely if ever resulted in succession disqualification, whereas women— particularly widows—faced systematic exclusion based on perceived sexual impropriety. Section 28's elimination of this ground represented significant recognition of gender equality and rejection of differential moral standards applied to men and women in succession contexts.

### **Contemporary Judicial Developments and Evolutions**

#### **Recent Precedents on Widow Rights**

The Madras High Court's recent decision addressing widow remarriage represents a significant evolution in judicial interpretation. The court held definitively that a widow upon remarriage is not disqualified under the Hindu Succession Act from inheriting her first husband's share in family property. The court rejected the argument that the Hindu Widows' Remarriage Act of 1856 continued to apply post-1956 Act commencement, noting that the Hindu Succession Act, as subsequently amended in 2005, contains no provision disqualifying widows from inheriting upon remarriage.

This decision explicitly overrides historical practice and clarifies that only widows of predeceased sons, predeceased sons' sons, or brothers faced disqualification upon remarriage— and even that disqualification was repealed in 2005. The court emphasized that succession opens only upon the absolute owner's death, not upon prior settlement or estate planning, establishing important procedural boundaries for succession law application.

### **Gender Equality and Constitutional Considerations**

The 2005 amendment, combined with progressive judicial interpretation, reflects constitutional commitment to Articles 14-15 (equality before law and freedom from

discrimination). The Supreme Court has progressively expanded women's succession rights through interpretation, recognizing that differential treatment in succession matters violates gender equality principles unless justified by compelling state interests.

### **Proposed Amendments and Suggestions**

Current disqualification provisions under the Act—encompassing widow remarriage (repealed), murder/abetment, and religious conversion—address specific scenarios comprehensively. Section 28 explicitly terminates all pre-Act disqualification grounds including unchastity, cognitive disorders, physical abnormality, deformity, and behavioral deficiency. However, several additional grounds warrant legislative consideration to strengthen protection against abuse and maintain moral coherence in succession law.

### **Stepmother Disqualification Upon Remarriage**

The original 1954 bill included "father's widow" within remarriage disqualification provisions. The amended version deleted this category, reasoning that the designation encompasses both biological mothers and stepmothers—with mothers possessing independent inheritance rights unconnected to widowhood status, making their remarriage irrelevant. Nevertheless, stepmothers occupy substantially different legal positions than biological mothers and warrant separate consideration.

A biological mother inherits in her own right as a Class I heir, independent of her status as widow. Her succession rights derive from her relationship as mother, not as widow. Therefore, her remarriage appropriately does not disqualify her from inheriting her children's or grandchildren's property.

A stepmother, by contrast, possesses no independent succession claim. She inherits exclusively through her status as the widow of a predeceased family member. When she remarries, her primary loyalty shifts to her new family unit, and her practical involvement with her deceased stepchild's family diminishes. Equitable considerations suggest that stepmothers, lacking independent succession claims, should experience disqualification upon remarriage, as they occupy substantially different positions from biological mothers whose own familial relationships remain intact.

### **Unsuccessful Murder Attempts**

Section 25 comprehensively addresses successful murder and abetment for property furtherance disqualification but contains a notable lacuna regarding individuals who attempt but fail to perpetrate such crimes. Justice and equity considerations suggest that unsuccessful murder attempts should similarly trigger disqualification, as the wrongdoer's intent remained identical to successful murderers despite fortuitous failure or external intervention.

An individual who attempts to murder the intestate to accelerate succession demonstrates identical moral depravity and wrongful intent as one who succeeds. The distinction between successful and unsuccessful attempts rests entirely on circumstances beyond the actor's control—chance intervention, medical survival, or investigative failure. The law should not reward criminal intent based on fortuitous outcomes.

### **Widow Unchastity Reconsideration**

Historical Hindu jurisprudence recognized widow unchastity as disqualification grounds based on family prestige, social cohesion, and ethical principles. Modern law abolishes this through Section 28, reflecting legitimate concerns regarding gendered moral standards and invasive policing of women's sexual autonomy.

However, the complete abolition may have created unintended consequences in limited scenarios. Consider the extreme hypothetical of a widow who murders her first husband, remarries his brother, then murders the second husband to accelerate succession to both estates. Section 28 would permit this widow to inherit despite multiple homicides, provided no specific conviction occurred. The disqualification under Section 25 (murder) would apply, but the hypothetical demonstrates how limited enumeration of disqualifications can occasionally create unjust outcomes.

A more nuanced approach might recognize that serious moral transgressions—distinct from mere unchastity—could warrant disqualification. However, such expansion must carefully distinguish between legitimate feminist concerns regarding sexual double standards and genuine protections against serious moral wrongdoing.

## **Sexual Violence and Torture Offenses**

Current provisions contain no disqualification basis for individuals committing rape against or perpetrating torture upon intestates or relatives from whom succession would derive. Such serious offenses represent violations more severe than mere unchastity and merit explicit recognition as disqualification grounds. An individual who rapes the intestate or tortures them to extort property or accelerate succession demonstrates moral unfitness for inheritance that Section 25 (murder) does not capture.

The omission of sexual violence and torture disqualifications likely reflects historical drafting assumptions that such crimes would be rare or would typically constitute grounds for conviction under other laws. However, the expansion of recognition regarding sexual violence and torture as distinct harms warrants legislative inclusion of explicit disqualification provisions.

## **Critical Analysis and Future Directions**

### **Gender Equality Achievements and Remaining Concerns**

The Hindu Succession Act, as amended in 2005, represents substantial progress toward gender equality in succession matters. The inclusion of daughters as coparceners, the elimination of widow remarriage disqualification, and the systematic repeal of historical disqualifications based on gender-specific conduct constitute important achievements.

However, concerns persist regarding implementation disparities across jurisdictions, delayed judicial recognition of gender equality principles in some courts, and practical barriers to women's succession rights enforcement. Additionally, the interplay between joint family property and separate property creates ongoing confusion regarding women's coparcenary status in various contexts.

## **Constitutional Dimensions**

Indian courts increasingly evaluate succession law provisions against constitutional standards, particularly Articles 14-15 (equality) and 21 (right to life and liberty). The gradual expansion of women's rights through judicial interpretation reflects recognition that succession law cannot maintain gender-discriminatory provisions despite constitutional commitments to equality.

Future amendments should explicitly ground succession disqualifications in constitutional principles, ensuring that any restrictions on inheritance serve compelling state interests and employ narrowly tailored means of achieving those interests.

## Conclusion

The principle equating equal treatment with identical treatment within inherently unequal societal structures remains deeply problematic. Hindu Succession Act provisions (Sections 24-28) have evolved from an original framework restricting disqualification to three circumstances: widow remarriage, murder/abetment for property furtherance, and descendant status following religious conversion. Section 24 has been repealed, leaving only murder and conversion as operational disqualifications.

These represent the primary grounds preventing inheritance; all remaining historical disqualifications—based on disease, disability, unchastity, and other arbitrary factors—have been systematically abolished through Section 28. This evolution reflects societal progress toward recognizing that succession law should reflect merit, fairness, and equal treatment rather than perpetuating archaic prejudices and social hierarchies.

While existing legislation comprehensively addresses primary disqualification scenarios, supplementary grounds warrant serious consideration:

1. Stepmother disqualification upon remarriage under modified Section 24
2. Unsuccessful murder attempt inclusion under expanded Section 25
3. Unchaste widow disqualification recognition with careful gender-neutral calibration
4. Sexual assault against succession-entitled individuals
5. Torture perpetration against inheritance sources

These proposed modifications would create more comprehensive and equitable disqualification frameworks while remaining consistent with statutory objectives and constitutional commitments. The Hindu Succession Act, as currently constituted with these suggested additions, would appropriately serve Hindu legal succession requirements while protecting both family interests and individual rights.

The future trajectory of succession law should emphasize gender equality, protection against abuse, and systematic elimination of arbitrary restrictions on inheritance. As Indian society continues evolving toward greater gender equality and human rights recognition, succession

law must correspondingly adapt to ensure that property devolution mechanisms reflect contemporary values of fairness, dignity, and equal treatment.

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- [14] Baliram Atmaram Dhake v. Rahubai, Bombay High Court case on widow remarriage and succession.
- [15] Madras High Court Decision (2024), "Widow who remarries not disqualified from inheriting first husband's property," addressing contemporary widow remarriage law.
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