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THE HINDU LAW OF INHERITANCE (AMENDMENT) ACT, 1929 (II of 1929)

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TEXT

¹THE HINDU LAW OF INHERITANCE (AMENDMENT) ACT, 1929 (II of 1929)

[21st February, 1929]

An Act

to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate.

WHEREAS it is expedient to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate;

It is hereby enacted as follows:-

1. Short title, extent and application.— (1) This Act may be called the Hindu Law of Inheritance (Amendment) Act, 1929.

(2) It extends to ²[the whole of ³[the Punjab], but it applies only to persons who, but for the passing of this Act; would have been subject to the law of Mitakshara in respect of the provisions herein enacted, and it applies to such persons in respect only of the property of males not held in coparcenary and not disposed of by will.

2. Order of succession of certain heirs.— A son's daughter, daughter's daughter, sister, and sister's son shall, in the order so specified, be entitled to rank in the order of succession next after a father's father and before the father's brothers:

Provided that a sister's son shall not include a son adopted after the sister's death.

¹ For Statement of Objects and Reasons, see Gazette of India, 1928, Pt.V, p.117; for Report of Select Committee, see *ibid*, p.187.

This Act was extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt.I, p.1499.

This Act was originally in the Federal ambit, however, the subject on which this law was enacted devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adopted, with amendments, for the province of the Punjab by the Hindu Law of Inheritance (Second Amendment) Act 2012 (XVIII of 2012).

² The original words "the whole of British India, including British Baluchistan and the Sonthal Parganas" have successively been amended by Adaptation Order, 1949, the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), and the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th, October 1955*), to read as such

³ Substituted for the word "Pakistan" by the Hindu Law of Inheritance (Second Amendment) Act 2012 (XVIII of 2012).

3. Savings.— Nothing in this Act shall—

- (a) affect any special family or local custom having the force of law, or
- (b) vest in a son's daughter, daughter's daughter or sister an estate larger than, or different in kind from, that possessed by a female in property inherited by her from a male according to the School of Mitakshara law by which the male was governed, or
- (c) enable more than one person to succeed by inheritance to the estate of a deceased Hindu male which by a customary or other rule of succession descends to a single heir.