

TABLE OF CONTENTS

	Page
Certificate	i
Acknowledgment	ii-iii
Table of Cases	iv-x
Chapter- 1	
Introduction	1-7
Chapter- 2	
Succession Under Hindu Law	8-99
2.1. Position Before 1956	8
2.2. Position Under the Hindu Succession Act, 1956	23
(i) Succession to Male Deceased	27
(ii) Succession to Female Deceased	32
(iii) General Rules of Succession	38
(iv) Special Provisions Under <i>Marumakkattayam</i> , <i>Nambudri</i> and <i>Aliyasantana</i> Law	44
(v) Coparcenary Under State Acts (Andhra Model)	66
2.3. The Hindu Succession (Amendment) Bill, 2004	87
2.4. The Hindu Succession (Amendment) Act, 2005	97
2.5. Resume	98
Chapter- 3	
Succession Under Islamic Law	100-175
3.1. Pre-Islamic Customary Principles of Succession	103
3.2. Islamic Principles of Succession	104
3.3. General Principles of Inheritance	105
(i) Property	107
(ii) Principle of Representation	108
(iii) Nearer in Degree excludes the more remote	110
(iv) Spes Successionis not recognized	111
(v) Life-estate and Vested Remainder	112
(vi) Vested Inheritance	114
(vii) Succession to Deceased (Murdered)	114
(viii) Posthumous Child and Parentage	115

(ix) Illegitimate Child	117
(x) Missing Person—The Mafkud	118
(xi) Apostasy	120
(xii) Slavery	120
(xiii) Doctrine of Exclusion: Person excluded may exclude others	121
(xiv) Theory of Propinquity	122
3.4. Hanafi Law of Inheritance	122
(i) Quranic Heirs	126
(ii) Rules for Determining Shares of Quranic Heirs or Sharers	132
(iii) Doctrine of 'Aul' or Increase	133
(iv) Doctrine of Return or 'Radd'	134
(v) Agnatic Heirs	137
(vi) Distribution of Assets among the Quranic and Agnatic Heirs	141
(vii) Uterine Heirs	142
3.5. Shia Law of Inheritance	157
(i) Heirs	159
(ii) Table of Heirs: Sharers and Residuaries	161
(iii) Distribution of Assets	164
(iv) Doctrine of Return or 'Radd'	171
(v) Doctrine of 'Aul' or Increase	172
3.6. Resume	173

Chapter- 4

Succession In Parsi Community	176-207
4.1. Development of Parsi Laws in India	178
4.2. Case Study Under the Intestate Succession Act 1865	184
4.3. Relevant Provisions Under the Indian Succession Act, 1925	188
4.4. Resume	206

Chapter- 5

Succession In Christian Community	208-265
5.1. Relevant Provisions Under the Indian Succession Act, 1925	211
5.2. Succession Under the Travancore Christian Succession Act 1916 and Cochin Christian Succession Act 1921	252

5.3. Resume 262

Chapter-6

Gender Justice and Uniform Civil Code 266-285

6.1. Personal Laws and Gender Discrimination 270

6.2. Uniform Civil Code and Indian Constitution 272

6.3. Uniform Civil Code and Judicial Response 274

6.4. Resume 284

Chapter- 7

Conclusion 286-294

Bibliography 295-301