

Class I Heirs (Primary Heirs)

These are the closest relatives of the deceased. As per the 2005 Amendment, there are now 16 heirs in this category, including:

This Act applies to Hindus, Sikhs, Jains, and Buddhists. It categorizes heirs for a male dying without a will (intestate) into a strict hierarchy:

- Immediate Family: Mother, Widow, Sons, and Daughters.

Lineal Descendants of Pre-deceased Children:

- Son/Daughter of a pre-deceased son.
- Son/Daughter of a pre-deceased daughter.
- Widow of a pre-deceased son.
- Descendants of a pre-deceased son's pre-deceased son.

Calculation: Scenario A

Class I Heirs Present

A Hindu male dies leaving behind his Mother, Widow, one Son, and one Daughter.

- The property is divided into 4 equal parts. Each heir receives 1/4th of the total estate.

Class II Heirs (Secondary Heirs)

If no Class I heirs exist, the property passes to Class II, which is divided into 9 specific, prioritised entries.

- Entry I: Father.
- Entry II: Son's daughter's children, siblings (brother/sister).
- Entry III: Daughter's children.
- Subsequent Entries : Include various remoter relatives like grandparents, uncles, and aunts.

Calculation: Scenario B

Predeceased Children (Per Stirpes)

A male dies leaving a Widow, one Son, and a predeceased Daughter who left behind two children.

- Widow: $\frac{1}{3}$
- Son: $\frac{1}{3}$
- Predeceased Daughter's branch: $\frac{1}{3}$ (This $\frac{1}{3}$ is then split equally between her two children, giving them $\frac{1}{6}$ each).

Calculation: Scenario C

No Class I Heirs (Class II Calculation)

A male dies with no Mother, Widow, or children. He is survived by his Father, two Brothers, and one Sister.

- The Father (Entry I) inherits 100% of the property. The siblings receive nothing. If the father were also deceased, the two brothers and one sister (all in Entry II) would share the property equally ($\frac{1}{3}$ each).

2. Indian Succession Act, 1925 (Parsis)

Specific rules for Parsis are found in Sections 50 to 56 of the Indian Succession Act.

- Class I Heirs: Includes the widow/widower, children, and parents.

- If a Parsi leaves a spouse and children, they share equally. If parents are also alive, each parent gets half of a child's share.

- Scenario: Widow, Children, and Parents

A Parsi male dies leaving a Widow, one Son, one Daughter, and both Parents.

- Rule: The widow and each child get a full share. Each parent gets a half-share (half of what a child receives).

Calculation:

- To simplify, think of it as "points": Widow (1), Son (1), Daughter (1), Mother (0.5), Father (0.5).
Total = 4 points.

- Widow, Son, and Daughter: Each gets $\frac{1}{4}$ th.

- Each Parent: Gets $\frac{1}{8}$ th.

- Class II Heirs: If no Class I heirs exist, property passes to siblings and their descendants.

3. Muslim Succession (Personal Law)

Muslim law does not use "Class I/II" in the same way, but classifies heirs based on the Quran.

- Sharers (Quranic Heirs): These heirs (12 in total, including spouses, parents, and daughters) are entitled to fixed portions of the estate.

- Residuaries: These relatives (primarily male agnates like sons and brothers) take the remaining property after the Sharers have received their fixed parts.

- Distant Kindred: More remote blood relations who only inherit if there are no Sharers or Residuaries.

- Scenario: Widow, Son, and Daughter

- Widow (Sharer): Receives a fixed $\frac{1}{8}$ th share because there are children.

- Residue: The remaining $\frac{7}{8}$ th is divided between the children.

- Rule for Children: A son receives double the share of a daughter.

Calculation:

- The $\frac{7}{8}$ th residue is split into 3 parts (2 for the son, 1 for the daughter).

- Son: $\frac{7}{12}$ th ($\frac{2}{3}$ of $\frac{7}{8}$).

- Daughter: $\frac{7}{24}$ th ($\frac{1}{3}$ of $\frac{7}{8}$).

4. Indian Succession Act, 1925 (General)

For Christians and those married under the Special Marriage Act, 1954, property generally devolves as follows:

- Spouse and Lineal Descendants: Typically, the spouse gets one-third, and children get the remaining two-thirds.

- Kindred: In the absence of children, the spouse gets half, and the "kindred" (father, mother, siblings) get the other half in a specified order.

- Scenario: Widow and Three Children

- Rule: The widow gets $\frac{1}{3}$ rd, and the remaining $\frac{2}{3}$ rds is shared equally among the lineal descendants (children).

Calculation:

- Widow: $\frac{1}{3}$

- Each Child: $\frac{2}{9}$ th ($\frac{1}{3}$ of $\frac{2}{3}$).