

Jaina Succession Act, 1928

03 Of 1929

[05 March 1929]

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PREAMBLE

An Act to amend and define the law of intestate succession among Jainas governed by the Aliyasantana Law of Inheritance.

Whereas it is expedient to amend and define the law relating to intestate succession among Jainas governed by the Aliyasantana Law of Inheritance and whereas the previous sanction of the Governor-General has been obtained under section 80-A of the Government of India Act; It is enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St, George Gazette, dated 20th September 1927--Part IV pages 88-89. This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

1. Short title :-

This Act may be called the Jaina Succession Act, 1928.

2. Local extent :-

It extends to the whole of the Presidency of Madras.

3. Jainas to whom the Act is applicable :-

It applies to Jainas domiciled in the Presidency of Madras who are governed by the Aliyasantana Law of Inheritance and also, in respect of immovable property situated within the Presidency of Madras, to Jainas domiciled outside the said Presidency who are so governed.

4. Definition of intestate property :-

A person is deemed to die intestate in respect of all property, of which he has not made a testamentary disposition which is capable of taking effect.

Explanation.--Property in this section does not include tarwad (kutumba) property, unless the person dying intestate was exclusively entitled to it.

5. Application of Mitakshara Law of Inheritance to Jainas :-

¹Such property shall, notwithstanding any law or custom to the contrary, devolve upon his heirs in the order and according to the rules of the Mitakshara Law of Inheritance, under the Hindu Law as administered in the Presidency of Madras. Such property, on devolution, shall be subject to all the incidents of the Mitakshara Law of Inheritance as administered in the Presidency of Madras.

1. The Hindu Succession Act, 1956 (Central Act 30 of 1956) overrides any other law in force immediately before the commencement of this Act in so far as that law is inconsistent with any of the provisions of that Act--Vide section 4 (b) of Central Act 30 of 1956.

6. [Omitted] :-

¹ [Omitted]

1. This section was Omitted by section 2 of the Madras Aliyasantana Act, 1949 (Madras Act IX of 1949).