



RAJEEV CHANDRASEKHAR
MEMBER OF PARLIAMENT
RAJYA SABHA

Member of Standing Committee on Defence
Member of Consultative Committee on Defence
Member of Central Advisory Committee for the National Cadet Corps
Co-Chairman, Vigilance & Monitoring Committee, Bangalore Urban District
Vice Chairman, National Military Memorial Management Trust, Bangalore

January 30, 2015

Dear Shri Siddaramaiah avare,

I write this letter to invite your attention certain lacunae in the operation of the Indian Succession Act, 1925, due to which women from the native Christian communities in Mysore and Coorg regions in Karnataka are being denied equal rights to ancestral property.

The Indian Succession Act, 1925 confers equal rights to both men and women in matters of intestate succession. Pursuant to Section 37 of the said Act, property of an intestate deceased is distributed equally amongst his surviving children (both male and female). However, the applicability of the Indian Succession Act, 1925 has been exempted insofar as native Christians in Coorg and Mysore are concerned. Christian women in these areas have, therefore, continued to be governed by customary pristine Hindu law in matters of intestate succession, which unfortunately does not grant them equal rights.

By virtue of Notification No. 204 dated July 23, 1868 issued under Section 332 of the Indian Succession Act, 1865 (the predecessor to the Indian Succession Act, 1925), all native Christians in Coorg were exempted from the operation of the 1865 Act. Subsequently, the applicability of the said exemption notification was extended to the territories of Mysore, thereby exempting native Christians in the Mysore region as well from the operation of the 1865 Act.

The Indian Succession Act, 1865 was subsequently replaced by the Indian Succession Act, 1925. However, by operation of Section 3(3) of the Indian Succession Act, 1925, the exemption hitherto granted under the Notification continued and has not been repealed to date. As such, Christians in Coorg and Mysore continue to be governed by customary pristine Hindu law. I note that, meanwhile, Hindu law has been codified and amended by virtue of the passage of the Hindu Succession Act, 1956 and the Hindu Succession (Amendment) Act, 2005, such that Hindu women are now granted equal co-parcenary rights in matters of intestate succession. However, the Hindu Succession Act, 1956, applies only to Hindus, and the native Christians in Coorg and Mysore continue to be governed by pristine Hindu law, which unfortunately does not grant them equal rights in intestate succession.

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It is unfortunate that this evident lacuna in law has not been identified and set right for a number of years, and that Christian women in Coorg and Mysore have long been denied fair and equal treatment under law. This, therefore, is a fit case for the law to be suitably changed to ensure equal rights are provided to women from the native Christian communities in Coorg and Mysore.

I invite your attention to the fact that Section 3(2) of the Indian Succession Act, 1925 empowers the State Government to revoke any order exempting a particular race, sect or tribe from the operation of certain sections of the said Act. I therefore urge your Government to take steps pursuant to Section 3(2) of the Indian Succession Act, 1925 to revoke/withdraw the Notification exempting native Christians in Coorg and Mysore, thereby bringing those communities within the ambit of the Indian Succession Act, 1925 and thereby providing them equal status and equal protection of the laws regarding intestate succession.

Sincerely,

RAJEEV CHANDRASEKHAR

Shri Siddaramaiah
Hon'ble Chief Minister
Government of Karnataka
Vidhana Soudha
Bangalore 560 001

Handwritten note:
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