



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

HIERARCHY OR INEQUALITY? RETHINKING CLASS I AND CLASS II HEIRS UNDER HINDU SUCCESSION LAW

AUTHORED BY - ABHISHEK MAHAPATRA

Abstract

The basis of the Hindu Succession Act of 1956 (HSA) is an original measure to establish a set of standardized laws regarding Hindu personal property rights, including inheritance for all types of inheritance that includes inheritance through intestacy. The HSA has a framework for determining heir status which is divided into two Classes where heirs are classified into Classes I and II, and these classes create an order of succession in cases of intestacy. The rational basis for establishing these classes has been the proximity of the heirs as well as their administrative ease; however, a more recent examination of Class I and Class II converts them into frameworks by which fairness will determine the disposition of property; equity can be achieved through re-evaluating class in accordance with current constitutional principles and to assess its current and future impact on the socio-economic system. This article provides a critical doctrinal evaluation of the Class and Class II heir classifications with a logical examination of the limitations of Class and Class II and a description of proposed alternative, and much more equitable, heir classifications. Recent changes in judicial decisions in the form of HSA case law (2023 to 2025), a variety of emerging constitutional challenges to the classification framework, as well as comparative data from other countries relating to how property passing is determined, is discussed. The conclusion of this article is that the future of Hindu succession law lies in harmonizing the principles of certainty with a much more flexible dependency-sensitive and egalitarian approach.

Introduction

The laws governing inheritance are not just about how property will be passed on; they also represent people's ideas about family, obligation, and justice. In the case of India, the Hindu Succession Act of 1956 replaced an array of inconsistent and divergent customary and text based laws with a uniform body of statutory law. A primary focus of the Act was to ensure clarity, certainty, and reformation; especially with regard to gender equality, and recognizing

women's rights to property.

At the foundation of the statutory scheme is the classification of heirs into Classes I and II, which affects how property will be distributed amongst heirs when a person dies without a will. Class I heirs, which consist of immediate family members (i.e. son, daughter, widow, mother) have precedence over all other heirs. The only way Class II heirs (i.e. father, brothers, sisters, etc.) can receive an inheritance is if there are no Class I heirs. This classification scheme is reinforced by a strict exclusionary element; the presence of just one Class I heir will bar the claim of all Class II heirs.

Although this classification system seems reasonable and manageable, it raises additional philosophical questions. Does the prioritising of proximity always result in equitable treatment? Does a rigid classification system adequately consider the complexities of today's family unit? Most importantly, does the classification system comply with the Constitutional provisions of equality found in Articles 14 and 15?

In light of new developments in case law, these inquiries have gained an increasing amount of urgency. Courts continue to enter into disputes where rigid statutory categories are insufficiently able to provide clarity regarding these issues in dependency cases; cases involving the provision of gender justice; and as society's understanding of family structures continues to evolve. The evolution of case law between 2023 and 2025 will likely demonstrate an incremental shift in examining the normative sufficiency of the current legal framework.

Statutory Framework and Doctrinal Structure

Under the Hindu Succession Act, intestacy rules, or Sections 8 through 14, establish an unambiguous order for successions. In the case of a male Hindu who dies without leaving a will (i.e., intestate), the property will pass first to Class I heirs, second to Class II heirs, and finally to agnates and cognates. The strictness of these rules results in a "binary" system of entitlements.

When there is even one Class I heir, all other categories will be excluded from inheriting, meaning that there will only ever be one or no Class I heirs to inherit the deceased's intestate property.

Therefore, if there are two or more Class I heirs, they will all inherit at the same time and generally, equally to one another as classes of immediate relatives. On the other hand, Class II heirs will be entitled to inherit from their respective classes in a sequential manner whereby an heir in one class will exclude all subsequent classes of heirs from inheriting. Thus, a further "hierarchy" exists within this broad classification system.

Recent case law has reaffirmed the strict application of this hierarchy of intestate successions. Courts have repeatedly indicated that intestate successions under Section 8 are a "mandatory" statute with little discretion or regard for equitable principles. The requirement that a Class I heir must inherit before any Class II heirs inherit reflects the prioritization of certainty over flexibility in law.

Attendant to many of the cases interpreting the statutory scheme of intestate successions, have also been clarifying the law with respect to the nature of property being passed under Section 8 being separate property and not remaining joint family property. The distinction between joint family property versus separate property has serious consequences for the law with respect to individual ownership, and has weakened the historic concept of collective family property.

Normative Justifications of the Classification

There are a number of discernible principles that underpin the classification of heirs in the Hindu Succession Act, including proximity, or nearness. The law presumes that those who are closest to the deceased (in terms of proximity) are also likely to have had the closest emotional ties and highest degree of economic interdependence with him/her. Thus, based upon this presumption, Class I heirs must be given precedence over Class II heirs.

Proximity is also linked to the presumption of intent. The law takes into consideration the fact that the normal course of intestate succession will often reflect an approximation of what the deceased's will would have provided. This means that the law presumes that a person wants his/her property to be distributed to his/her immediate family rather than to more remote heirs.

An additional justification for the classification of heirs under the Hindu Succession Act is to provide a degree of certainty and predictability to the distribution of property upon an

individual's death. Succession disputes invariably become very complex and emotionally charged. Having a clear set of statutory guidelines helps to eliminate ambiguity, and therefore potential litigation.

Insofar as the Act establishes a predetermined order of property distribution, this allows for the efficient and orderly distribution of property to take place.

Judicial observations in the last couple of years reinforce the principle of providing stability. For example, in 2025, the Supreme Court of India cautioned courts against disturbing the foundational framework of the Hindu Succession Act. In this regard, the Supreme Court has emphasized that courts must exercise caution when attempting to effect any changes to the existing legal framework as any such change may cause widespread disruption to the "basic tenets" of the Hindu social order, thereby raising issues of stability and predictability in the legal system overall.

Moreover, gender equality's historical progression enhances the framework's normative authority because of the substantial increase in substantive equality due to the amendment of the HSA in 2005 granting daughters equal coparcener status. Recent court decisions confirm this trend by clarifying that daughters have coparcener status and thus share the same rights to inherit ancestral property as do their brothers, regardless of their date of birth.

Thus, the classification system is not entirely fixed, as some progressive changes can be made within the existing classification model.

Theoretical Foundations: From Formal Equality to Substantive Justice

To evaluate the classification of Class I and Class II heirs thoroughly, it involves examining a wide array of broader theories of justice and equality through jurisprudence. At its most basic level, the legal basis for the Hindu Succession Act (HSA) may be referred to as the model of formal equality in which similarly situated individuals are treated the same based on certain criteria established by law. Both Class I heirs are treated the same with respect to one another, and Class II heirs are treated according to an existing classification that ranks them in a hierarchy from highest to lowest. However, the way these classes were created and the manner in which they are treated fail to reflect the material differences in their respective economic

and social circumstances.

The difference between substantive and formal equality has been covered extensively within Constitutional Jurisprudence. Formal equality deals with treating everyone the same regardless of any other circumstances, while substantive equality addresses the reasons why some people cannot access the rights they have been granted, and seeks equitable results for them despite the barriers that have been shown to exist.

Using one of the principal thinkers in the field of ethics (John Rawls), justice would require that any social or economic inequalities be created in such a way as to benefit those individuals in society who are the least well off. Therefore, applying this standard to the area of Inheritance would require a system wherein inheritances were distributed to meet the needs of dependents and/or vulnerable members of our society, rather than adhering strictly to formal classifications. By excluding dependent Class II heirs where there are Class I heirs, it could be argued that the HSA violates this standard.

Ronald Dworkin's equality of resources also supports this contention, in that his theory contends that there should be a legal system that will provide for fair distribution of resources, after looking at each individual's specific set of circumstances. The HSA fails to consider whether an heir is dependent upon the deceased, which demonstrates a disconnect between the moral desert of individuals' entitlement to inherit, and the legal right to inherit.

These theoretical perspectives emphasize the inadequacies of a solely categorical approach to succession and stress the necessity for a more sophisticated framework that incorporates elements of fairness, dependency, and social justice.

Critical Evaluation: Structural Inequality and Its Consequences

Even though they are based in logic, the classification of Class I & Class II heirs has numerous obvious limitations when assessed globally.

The primary problem with Class II heirs is the rule of complete exclusion. Class II heirs are completely deprived of rights to inherit if a Class I heir is present, and the results of this approach are difficult to justify in light of fairness. Additionally, this rigidity does not take into

consideration the realities of dependency and contribution and, thus, assumes that all Class I heirs have equal entitlement while ignoring the potential claims of Class II heirs who may be even more deserving.

The internal structure of Class II heirs only compounds this flaw. The classification of heirs is ordered sequentially without any type or kind of normative basis supporting that classification and often appears to stem from the type of relationship to the deceased. In other words, the fact that certain relatives of the decedent are more closely related to the decedent should be a basis for prioritizing these relatives over any of their less closely related relatives; however, the system ignores the substantive rights of Class II heirs in favour of formal classification.

In 2025, the Supreme Court made various comments about the succession rules. This included expressing its dissatisfaction with the classification of certain successors in its 2029 ruling. It noted that it did not see a rational nexus for the classification of certain successors and, therefore, was questionable in its basis for classification. Although the ruling directly spoke to the classification of Class I and Class II heirs, the reasoning used by the Court establishes a greater willingness on the part of the courts to review and assess inheritance laws for arbitrariness in their application.

Another major shortcoming of this law is its failure to offer any recognition of economic dependency. Most of today's inheritance systems now accept that protecting those who were dependent upon another's income is an important objective of inheritance systems. Nevertheless, the HSA is based solely on formal kinship ties, and does not account for the economic relationships that exist between family members. As a result, it is possible for those heirs who are financially secure to inherit assets, while those who are economically vulnerable will not receive any support.

The continued existence of these sorts of results raise significant concerns under the Constitution; in particular, the rigid classification of heirs creates a question of arbitrariness that may, depending on the circumstances, be a violation of Article 14's guarantee of equal protection under the law. Historically, personal law has been exempt from constitutional review, but based on recent judicial trends there seems to be a growing willingness to impose constitutional standards on personal laws.

The limitations of the framework have also been highlighted by the treatment of marginalized communities. In *Nawang v. Bahadur (2025)*, the Supreme Court reiterated the point that the Hindu Succession Act does not apply to Scheduled Tribes as they come under customary law; this illustrates both the pluralistic nature of inheritance law in India, as well as the fragmented and inconsistent application of the law across communities.

Feminist Critique and Gendered Dimensions of Succession

The Hindu Succession (Amendment) Act, 2005 has been heralded as a significant gender equality reform but this view under-examines the continued existence of major structural inequalities.

Daughters are recognized as coparceners (in *Vineeta Sharma v Rakesh Sharma*), a critical step toward formally achieving equality with their brothers but this legal status does not guarantee that daughters will be within the same socio-economic structure as their brothers and therefore receive substantive equality through the legal system.

Any classification of heirs operates within a larger socio-economical context that is characterized by gender inequity with regard to access to property and resources. The majority of women, particularly rural and economically disenfranchised women, face numerous barriers that prevent them from claiming their inheritance rights; these include social pressures, lack of awareness of their rights, and procedural barriers preventing access to the legal system.

Additionally, women's unequal access to property and resources is also attributable to the lack of any legal recognition of caregiving by women. In most households, women assume the primary responsibility for providing care to family members on a daily basis and contribute enormously to the financial well-being of their families through unpaid care work; however, there is no legal recognition of this contribution within the context of succession law. The continued absence of either abandonment or contribution as criteria for determining equitable entitlement is further proof of existing gender inequalities in the classification of heirs.

The judiciary is becoming more aware of these inequities through recent decisions. In *Malleeswari v K. Suguna (2025)*, the Supreme Court held that the right of daughters to inherit

property must be interpreted as being broad and inclusive to ensure that equal rights are achieved for daughters.

Nevertheless, judicial intervention has only focused on interpreting legal rights and does not affect the structural limitations created by the grandfather clause, nor do they affect the gender-based inequity created by the classification system.

There is a need to call attention to enumerating gender-based discrimination and to reimagine the succession laws in order to include recognition of social context, economic vulnerability and the provision of care work while focussing on creating a more inclusive and flexible framework.

Economic Analysis: Efficiency versus Equity

Inheritance law creates several economic functions for its various users, such as heirs and beneficiaries, including:

1. Transfers of wealth.
2. Preservation of family property.
3. Economic stability.

Heirs under the HSA are classified to minimize transaction costs and facilitate the efficient distribution of property.

Certainty is a critical aspect of the law in relation to the above since a defined hierarchy of heirs will decrease the possibility of disputes and provide for the efficient transfer of property. This focus on efficiency is consistent with traditional economic theory, which emphasizes the need to minimize legal uncertainty and transaction costs.

However, achieving efficiency must be balanced against considerations of equity. For example, the rigid exclusion of Class II heirs from receiving any inheritance can create economically inefficient outcomes by leaving dependent beneficiaries without support, which results in additional social costs. Increased reliance on state welfare systems, for example, would be caused by such outcomes.

Moreover, granting significant amounts of wealth to some inheritance groups will tend to create a worsening disparity in wealth creation since a substantial amount of wealth is accumulated through the inheritance process. Therefore, long-term implications for economic mobility will result from how wealth is distributed through succession when not considering dependency and need, thus perpetuating the disparity.

Recent case law has provided some recognition of these issues, although in succession cases, courts have often pointed out how rigid rules impose inequitable outcomes on parties while still complying with statutory provisions. The above example demonstrates the need to reform the tension between equity and efficiency.

Constitutional Analysis: Equality, Non-Arbitrariness, and Transformative Justice

The definition of heirs under Class 1 and Class 2 categories need to be reviewed in light of Article 14, which guarantees equality under the law. The Supreme Court has defined that any classification requires an intelligible differentia that has a rational nexus to its objective.

While the distinction between Class I and Class II heirs may satisfy the intelligible differentia test, it is a question of present-day relevance. The assumption that greater familial closeness will establish greater dependency or correctness will not necessarily hold true in today's society.

Recent trends in judicial decisions indicate a greater willingness on the part of courts to evaluate personal laws against the standards required by the Constitution. As expressly stated by one member of the Supreme Court during 2025, there is no clear relationship between the classification (i.e., Class I heirs vs. Class II heirs) and the purpose of succession rules.

The principle of transformative constitutionalism also strengthens the argument for reform. The Constitution serves as a visionary and evolving instrument meant to promote equality and social justice; hence any personal laws will have to change in accordance with those respective objectives.

The need to re-evaluate classifications such as Class 1 heirs vs. Class 2 heirs was re-

emphasized by the Court in the case of C. Masilamani Mudaliar v. Idol of Sri Swaminathaswami Thirukoil (1996) and that personal laws must comply with the fundamental rights enshrined in the Constitution.

Recent Judicial Developments and Emerging Trends (2023–2025)

The period from 2023 to 2025 saw numerous succession law cases decided and many changes in how courts interpreted succession law. One of the major events was the reinstatement of the predominance of legislation over common law in relation to succession law. The SC of Canada held that a person's right to nominate someone does not take away the beneficiary's rights, but that being nominated makes you a trustee.

In addition, courts have indicated an increase in gender equality through decision-making by way of their recognition of daughters' rights to be coparceners in Malleeswari v K Suguna (2025), notwithstanding the evidence requirement placed on daughters to establish entitlement as coparceners.

Conversely, instances of succession law still being unclear are evident from the Karnataka HC decision where the entitlement of daughters in succession law has been limited in other cases.

The developing trends highlight both the complexity as well as the progressive nature of succession law, where an evolving philosophical outlook is present in conjunction with outdated doctrines.

Legislative and Law Commission Developments

Recent legislative actions show that, while limited, reform may occur more frequently over time. The passage of the Repealing and Amending Bill (2025) simplifies the inheritance process for heir(s) under the Indian Succession Act by reducing barriers to the legal process surrounding succession.

Though legal changes do not impact the classification of heirs under the Hindu Succession Act, these actions signal a more comprehensive push to modernise succession laws in the general public's interest. In addition, there is an increase in constitutional challenges—specifically based on Section 15 of the Act—from an equality and gender justice perspective

signalling that classification of heir(s) may be more susceptible to reform.

Comparative Jurisprudence: Lessons from Other Jurisdictions

Different methods of succession are as follows:

In the UK, intestate succession favours the spouse and the children of the deceased under the Administration of Estates Act 1925, but the court can provide support to dependants under the Inheritance (Provision for Family and Dependants) Act 1975 which provides for a more flexible method of determining equitable relief.

In the United States, the Uniform Probate Code and other similar laws allow courts to create family allowances and elective shares which provide for equitable outcomes.

Civil law jurisdictions, such as France and Germany, grant a right of forced heirship to the immediate family of the deceased which guarantees that an estate's resources will be distributed to the spouse and children first followed by other family members in line.

All the above referenced models provide a combination of certainty and flexibility as they relate to succession planning. In contrast, however, the Indian system has limited opportunities to obtain equitable relief for succession.

Sociological Dimensions: Changing Family Structures

The classification systems for inheritance based on the Hindu Succession Act are based on an outdated traditional view of family systems that have started drifting from what is now considered contemporary reality. The traditional forms of family life, dependent primarily on larger group living arrangements within families (known as 'joint families') have been evolving into smaller, 'nuclear' types of family living arrangements, which are smaller and more mobile and include more varied gender roles, as well as new forms of relationships, including those referred to as 'live-in partnerships'.

These developments are in conflict with the traditional assumptions on which rigid classifications of heirs were based. Current law continues to rely primarily on established and well-defined classifications based upon kinsmen. However, because of the changes to family structures described, individuals who have significant emotional and/or financial support and

intimacy with a deceased may not necessarily inherit from that deceased. Conversely, individuals who meet the statutory classifications of heirs may have relatively no real connection with the deceased.

The discrepancy between family law and current social realities requires a more flexible approach to the classification of heirs in order to reflect the wide diversity of existing family structures today and maintain some degree of certainty within our laws.

Interplay with Testamentary Freedom

To fully understand how intestate succession works we must examine how people may also have the right to create a Will and govern what happens to their property upon death. Many people die without making a Will; typically because they do not realize they should have one or due to cultural practices.

The classification of heirs provides a default method for transferring a person's property based on the manner in which it is presumed by law that an individual would prefer to transfer his/her property at death. This presumption may not reflect either the actual intent of the individual or the societal context within which the individual resided.

People who want to create an equitable means of adjusting for intestate succession and/or wish to engage in estate planning face numerous challenges. Some people in society are so resource-restricted and lack knowledge of the law that they find the option of creating a Will to be impractical.

Reimagining the Framework: Towards Equitable Succession

The reform of the classification system does not stem from a total breakdown in the manner in which people are classified, but instead continues to fall short at assessing modern-day examples of how classifying people creates problem areas for us today. The development of an alternative classification framework will find a way to maintain the principle of certainty while ensuring fair treatment of individuals who are classified within the framework.

One possibility would be to create a new form of alternative classification which focuses on creating a way for courts to make decisions based on the financial circumstances of individuals

who may gain a benefit from their inheritance, so that vulnerable or needy individuals are not excluded from receiving an inheritance solely due to their form of classification.

Another possibility would be to lessen the effect of the rule of absolute exclusion within the current classification framework, so that individuals within Class II can inherit from Class I when appropriate. This would allow for the continued existence of a hierarchy, but would also reduce the impact of the present-day hierarchy on courts by allowing for more equitable treatment of heirs.

Finally, rationalising the relationship between the heir hierarchy within Class II will create a simpler hierarchy which will enhance both the fairness and coherence for individuals who have been classified at Class II.

Finally, judicial discretion could be made available in limited circumstances to address issues where there has been an unjust situation where a person was declared to be an heir but did not receive an inheritance as a result of being classified as a Class II heir. If the judiciary had discretion in these cases, the discretion would provide an additional mechanism through which people could achieve their inheritance without any detriment to the certainty provided by the classification.

Reform Models: Toward a Hybrid Framework

Reform is needed, the issue is creating a system that will provide certainty to people while offering flexibility. A combination of fixed rules and discretionary systems could be the best way to accomplish this goal.

One option for reforming family law in Ontario could be to create a family provision type of mechanism where the court can order that support be provided to dependents who are not receiving sufficient support under the statutory scheme. This would protect vulnerable persons without upsetting the statutory scheme.

Another option would be to add a dependency based criterion to the courts ability to award support, which would allow the courts to consider such things as: the financial dependence of the dependent upon their parent; the caregiving role of the dependent (whether they have

provided caregiving services); and the contribution the dependent made to the welfare of the family. This would make family provision awards more consistent with the principles of substantive justice.

The hierarchy of Class II heirs ought to be corrected to remove arbitrary distinctions between them. The simplification of the classification would increase the fairness and coherence of the scheme.

Finally, the law should recognize non-traditional families and their relationships to reflect the diversity of our society today. This would require a more expansive and inclusive definition of family, beyond just legally recognized categories of relationship.

Conclusion

The classification of heirs under the Hindu Succession Act has consistently provided clarity and structure in terms of inheritance law in India by illustrating a rational preference for close family relationships as determined by blood connection, however, its rigid classification system often leads to unfair results by prioritizing formal relationships to the exclusion of all other things including economic dependency, emotional closeness and actual contributions made to the deceased's life.

Although courts remain predominantly confined to the traditional statutory system of classification, a number of recent judicial decisions and incremental statutory reform have established that there is growing recognition of the limitations of heir classification as a system to distribute an estate of a decedent. As a result, there exists an inherent tension between legal certainty and justice. The challenge is not to eliminate heir classification but to adapt heir classification to better reflect the realities of modern social structures.

Implementing a new way of doing heir classification that includes flexibility, dependency, as well as values from the constitution such as equality and fairness, would allow succession laws to evolve from being a rigid classification system to being an equitable and socially responsive mechanism to administer justice in succession disputes between heirs.

References

1. Hindu Succession Act, 1956
2. Hindu Succession (Amendment) Act, 2005
3. Vineeta Sharma v. Rakesh Sharma, (2020) 9 SCC 1
4. Malleeswari v. K. Suguna, (2025)
5. Nawang v. Bahadur, (2025)
6. Supreme Court Judgment (2025) on classification and equality
7. Nomination vs Succession Case (2024)
8. Karnataka High Court ruling (2025)
9. Repealing and Amending Bill, 2025
10. Constitutional challenge to Section 15 HSA
11. Paras Diwan, Modern Hindu Law
12. Mulla, Principles of Hindu Law
13. Flavia Agnes, Family Law in India
14. Grover & Sharma (2025), Women's inheritance and empowerment
15. John Rawls, A Theory of Justice (1971)
16. Ronald Dworkin, What is Equality? (1981)
17. Richard Posner, Economic Analysis of Law (1973)
18. Flavia Agnes, Family Law and Constitutional Claims (2011)
19. Law Commission of India, Reports on Personal Law Reform
20. C. Masilamani Mudaliar v. Idol of Sri Swaminathaswami Thirukoil (1996)

WHITE BLACK
LEGAL