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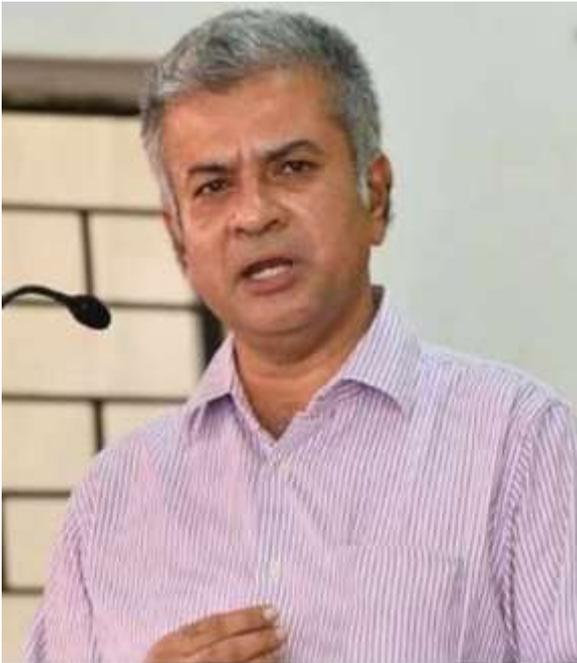
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BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **THE IMPACT OF THE SPECIAL MARRIAGE ACT ON SUCCESSION RIGHTS IN INDIA**

AUTHORED BY - SURESH R & MRS. P.BRINDA

## **Introduction**

In a diverse country like India, marriage and succession are deeply intertwined with religion. The Special Marriage Act (SMA), 1954, provides a civil form of marriage for individuals regardless of their religion. While the act serves as a tool to promote secularism and interfaith harmony, its implications on succession are profound and often complex. This article explores how succession rights change when a marriage is solemnized under the Special Marriage Act, especially in contrast to traditional personal laws. India's legal system accommodates multiple personal laws based on religion, especially in matters of marriage and succession.

The Special Marriage Act, 1954, offers a civil alternative for individuals who wish to marry outside their faith or without religious formalities.

This law promotes secularism and individual choice, but also brings a shift in the application of succession laws. When a marriage is solemnized under the SMA, the Indian Succession Act, 1925, governs inheritance, overriding religious personal laws. This change significantly affects the rights of spouses, children, and extended family members in matters of property distribution. Hindus, Muslims, Christians, and others marrying under the SMA may experience different legal outcomes than under their traditional laws.

The transition can be both empowering and legally complex, especially in interfaith and intercaste contexts. Issues often arise due to lack of awareness and clarity regarding applicable inheritance rules. The SMA also contributes to the broader debate on Uniform Civil Code and legal uniformity in India. This article critically examines how choosing the SMA alters succession rights and what it means for individuals and families.

## **Background and Rationale**

India's pluralistic legal system has separate personal laws for Hindus, Muslims, Christians, and Parsis. These personal laws govern family matters, including marriage and succession. The Special Marriage Act was enacted to provide a uniform and secular alternative. However, when individuals choose SMA, the implications on property and inheritance rights are substantial and merit critical study.

### **Legal Framework:**

Marriage and Succession Laws in India Personal laws in India govern marriage and succession.

These include:

- Hindu Succession Act, 1956
- Muslim Personal Law (Shariat) Application Act, 1937
- Indian Succession Act, 1925 (for Christians and Parsis)
- Special Marriage Act, 1954

Marriage under SMA alters the personal law application, particularly affecting succession, as parties are generally governed by the Indian Succession Act instead of their respective religious laws.

## **Overview of the Special Marriage Act, 1954**

The SMA was enacted to allow civil marriages without renouncing one's religion. Key features include:

- Applicable to all citizens regardless of religion
- Registration-based marriage
- No religious ceremonies required
- Succession governed by the Indian Succession Act

## **Succession under Different Personal Laws**

**Hindu Law:** Governed by the Hindu Succession Act, with distinctions between Class I and II heirs.

**Muslim Law:** Governed by Shariat; fixed shares and no concept of will beyond one-third.

**Christian Law:** Governed by the Indian Succession Act, with rights distributed between spouse and children.

**Parsi Law:** Also under the Indian Succession Act, but with some modifications.

### **Interplay Between Special Marriage Act and Indian Succession Act**

Under Section 21 of the SMA, succession to the property of a person married under this Act is governed by the Indian Succession Act, 1925. This overrides religious personal laws in matters of inheritance and applies equally to both spouses and children, irrespective of religious backgrounds.

#### **Succession Rights under the Special Marriage Act Upon marriage under SMA:**

Hindu, Sikh, Buddhist, or Jain individuals cease to be governed by the Hindu Succession Act. Their succession is governed by the Indian Succession Act.

Muslim individuals, when marrying under SMA, may lose protections under Muslim Personal Law in succession matters.

#### **Comparative Analysis:**

##### **Hindu Marriage vs. Special Marriage**

Succession Law Hindu Succession Act, 1956	Indian Succession Act, 1925
Rights of Widow As Class I heir	equal share Equal share with children
Rights of Daughter	Equal as son (post-2005 amendment)
Coparcenary Rights Available	Not applicable

#### **Muslim Marriages and Special Marriage Act**

- Muslim marriages under SMA are particularly significant:
- Traditional Sharia inheritance rules cease to apply.
- Property devolves as per ISA, which may be seen as violating religious tenets.
- No distinction between sharers and residuaries under ISA.

#### **Christian and Parsi Laws and SMA**

- For Christians and Parsis:
- Since their succession is already governed by the ISA, marriage under SMA causes minimal disruption.
- However, SMA allows interfaith unions without conversion, thus broadening scope of application.

## **Case Law Analysis**

### **Smt. Rani v. Union of India (1982)**

#### **Case Summary:**

This case addressed the succession rights of a woman married under the Special Marriage Act. Smt. Rani challenged the denial of equal inheritance under her husband's estate, which was being claimed based on personal law by other relatives.

#### **Legal Significance:**

The court held that since the marriage was solemnized under the SMA, succession would be governed by the Indian Succession Act, not by religious personal laws. This case affirmed that women have equal rights to inherit when married under SMA, reinforcing the Act's commitment to gender equality and secular succession rules.

### **Sarla Mudgal v. Union of India (1995)**

#### **Case Summary:**

This landmark case involved Hindu men who converted to Islam to marry a second time without divorcing their first wife. The core issue was bigamy and misuse of religious conversion.

#### **Legal Significance:**

While the case was primarily about marriage laws, the Supreme Court discussed the broader implications of switching personal laws, including inheritance. It emphasized the need for a Uniform Civil Code (UCC) and recognized that the Special Marriage Act offered a secular alternative to avoid such legal confusion, including in matters of succession.

### **John Vallamattom v. Union of India (2003)**

#### **Case Summary:**

In this case, a Christian priest challenged Section 118 of the Indian Succession Act, which imposed unreasonable restrictions on Christians making wills for charitable purposes.

#### **Legal Significance:**

The Supreme Court struck down the provision, calling it discriminatory and unconstitutional. Though not directly about SMA, the case is crucial in the context of inheritance under ISA, highlighting the need for equality and fairness in secular succession laws applicable to those married under the SMA.

## **Challenges in Succession for Interfaith Couples under SMA**

### **Children's Inheritance Rights May Be Questioned by Extended Family:**

When a couple marries under the SMA, especially from different religious backgrounds, their children inherit under the **Indian Succession Act, 1925**, not under traditional religious laws. However, **extended family members may dispute the children's legitimacy or entitlement**, especially in conservative communities where interfaith marriages are socially stigmatized. This leads to frequent legal challenges over property rights.

### **Religious Community Opposition Leads to Litigation:**

Couples marrying under the SMA often face **social backlash from their religious communities**, who may refuse to recognize the marriage or inheritance rights derived from it. This opposition can escalate into **litigation**, especially in matters involving joint family property or ancestral assets governed by religious norms.

### **Ambiguity in Interpretation Between SMA and Other Personal Laws:**

Despite legal clarity in the statutes, **practical confusion often arises** when parties involved or even lower courts interpret succession rights with reference to personal laws rather than the Indian Succession Act. This is particularly problematic in **mixed-religion marriages**, where **succession laws under SMA are not well understood**, leading to inconsistent or delayed judicial outcomes.

## **Judicial Interpretations on Succession under the Special Marriage Act**

Indian courts have consistently reinforced the **legal supremacy of the Special Marriage Act (SMA), 1954**, and the **Indian Succession Act (ISA), 1925**, in matters of succession where the marriage is registered under SMA. This means that personal religious laws are **overridden** in such cases, and inheritance is governed by secular principles.

The judiciary has also upheld the **constitutional validity of applying uniform succession rules** to individuals who choose to marry under SMA, even if it means setting aside traditional personal laws. Courts have recognized that this approach supports **Article 14 (equality before law)** and **Article 15 (prohibition of discrimination)** of the Constitution.

Furthermore, courts have emphasized that **spouses and children are entitled to equal rights** in inheritance, regardless of their religious background. This interpretation ensures fairness, promotes gender equality, and reinforces the secular character of the SMA.

## **Constitutional Validity and the Uniform Civil Code Debate**

**Article 44 of the Indian Constitution** directs the State to strive for a **Uniform Civil Code (UCC)**, aiming to provide equal laws for all citizens in matters like marriage, divorce, and succession, irrespective of religion. In this context, the **Special Marriage Act (SMA), 1954**, is often seen as a **progressive step toward achieving UCC**, as it offers a secular framework for marriage and succession.

When individuals opt for marriage under the SMA, **personal religious laws are set aside**, and the **Indian Succession Act, 1925**, governs inheritance. This transition promotes **legal uniformity**, ensures **gender equality**, and strengthens **constitutional values of secularism and equality**.

The judiciary has upheld the **constitutional validity of this framework**, reinforcing that individuals have the freedom to choose civil laws over religious laws, and that such choices align with the principles of a modern, secular democracy.

## **Social and Legal Implications of SMA on Succession**

The **Special Marriage Act (SMA)** plays a vital role in enabling **interfaith and inter-caste marriages**, promoting individual freedom and secular values. However, couples who choose this route often face **social isolation**, as their decision may go against religious or cultural norms. This lack of community support can become especially problematic when **succession disputes arise**, with family members contesting the rights of the spouse or children.

In **rural areas** or regions where **customary laws strongly influence inheritance**, there is often **confusion** about which law applies when a marriage is registered under SMA. This creates **legal ambiguity**, especially when parties involved are unaware that succession will be governed by the **Indian Succession Act, 1925**, instead of their religious law.

Moreover, due to the **lack of legal awareness**, many families are unprepared for the **succession consequences** of SMA marriages, leading to an increase in **property disputes, litigation, and family conflict**.

## **Gender Justice and Succession Rights under the Special Marriage Act**

Gender justice is a foundational principle of India's constitutional framework, enshrined in Articles 14, 15, and 21. The Special Marriage Act, 1954 (SMA), which allows for civil marriages regardless of religious affiliation, significantly advances this principle, particularly in the context of succession and inheritance rights. By shifting the applicable law from personal religious codes to the Indian Succession Act, 1925 (ISA), the SMA introduces a uniform,

gender-neutral, and secular system of inheritance, thereby strengthening women's rights and promoting equality.

### **Equal Inheritance for Women**

- Under most traditional personal laws, especially prior to legal reforms, women were often at a disadvantage in matters of inheritance. For example:
- Under Hindu law before the 2005 amendment, daughters had limited rights to ancestral property.
- Under Muslim personal law, women inherit less than half of what male counterparts receive.
- Customary practices often excluded daughters from agricultural land or ancestral assets.

However, when a marriage is registered under SMA, the parties are governed by the ISA, which provides equal inheritance rights to male and female heirs, including spouses and children. There is no concept of unequal shares based on gender, ensuring that daughters, wives, and mothers are treated on par with their male relatives.

### **No Discrimination Based on Religion or Gender**

The SMA applies uniformly, irrespective of the parties' religion. In doing so, it eliminates the gender and religious biases embedded in many personal laws. For instance:

- A Hindu woman marrying under SMA inherits not as per Hindu Succession Act, but under the more egalitarian provisions of the ISA.
- A Muslim woman who marries under SMA is no longer subject to the fixed-share system of Sharia law and instead becomes eligible for a greater and potentially equal share of her spouse's estate under ISA.
- This neutral legal approach removes discriminatory distinctions based on both gender and faith, aligning with the constitutional goals of equality and secularism.

### **Statutory Rights of Spouses in Each Other's Property**

Under the Indian Succession Act, a spouse is a legal heir with clearly defined rights in the deceased partner's property. This is in contrast to some personal laws where the status of the widow or widower may be subordinate, or where inheritance rights are diluted in the presence of male heirs.

For example:

Under ISA, the surviving spouse receives a fixed share (often one-third to one-half) of the estate depending on the number of surviving legal heirs (like children or parents).

The rights are clearly codified, reducing the scope for disputes or arbitrary exclusion of the spouse from inheritance.

By providing such statutory protections, SMA marriages ensure that both husband and wife are secure in their financial and legal rights, thereby enhancing marital equality.

### **A Progressive Framework in Line with Constitutional Values**

The Special Marriage Act and its associated succession provisions reflect a modern and progressive legal framework that:

- Upholds equality before law (Article 14)
- Prohibits discrimination on the basis of sex or religion (Article 15)
- Ensures dignity and autonomy in personal choices (Article 21)

In doing so, it furthers the constitutional vision of a Uniform Civil Code (Article 44), even if only for those who voluntarily opt into it. The succession rights available under SMA thus become a model of gender justice, serving as an example of how personal laws could evolve or be unified in the future.

### **Recent Developments and Reforms**

- Law Commission's reports suggest the need for public education on SMA.
- Digital registration and legal aid recommended.
- Continued judicial support for ISA over religious laws in SMA marriages.

### **Policy Recommendations**

#### **1. Codify SMA's Impact on Succession Explicitly**

To reduce legal ambiguity, legislative reforms should **clearly define how succession is affected** when a marriage is registered under the SMA. A specific provision outlining the **exclusive application of the Indian Succession Act, 1925** would help prevent disputes, especially in mixed-religion marriages.

#### **2. Educate Couples on Legal Consequences of Marrying under SMA**

Awareness campaigns and **pre-marital legal counseling** should be implemented to inform couples about the **change in inheritance laws** and their legal rights and obligations. This will help reduce confusion and family conflicts related to succession.

### 3. Establish Legal Aid Cells for Interfaith and SMA-Registered Couples

The government and legal services authorities should set up **special legal aid cells** to support couples married under SMA, particularly in rural and conservative regions. These cells can offer assistance in **succession planning, will drafting, and dispute resolution**.

### 4. Promote Uniform Civil Law Practices Where Feasible

The SMA serves as a foundation for a **Uniform Civil Code (UCC)** in practice. The government should **encourage wider adoption** of secular civil laws by simplifying SMA procedures and removing socio-legal barriers. This will gradually bring consistency and equality in succession rights across communities

The Special Marriage Act, 1954 (SMA) stands as a landmark piece of legislation in India's family law system, providing a secular and egalitarian alternative for individuals seeking to marry beyond the boundaries of religion, caste, or community. It upholds the values of individual autonomy, gender equality, and constitutional secularism, making it particularly relevant in a diverse and pluralistic society.

One of the most significant consequences of opting for a marriage under the SMA is the shift in applicable succession laws. By replacing personal religious laws with the Indian Succession Act, 1925, the SMA ensures that inheritance and property rights are governed by a uniform and gender-neutral legal framework. This move has been praised for promoting equality, fairness, and legal clarity, especially in cases where traditional laws are discriminatory or patriarchal in nature.

However, this change is not without its practical and social consequences. Many couples, particularly from rural or conservative backgrounds, remain unaware of the legal implications of registering their marriage under the SMA. As a result, succession disputes often arise, especially when extended families challenge the legitimacy of such marriages or the inheritance rights of spouses and children. Moreover, social stigma and community backlash continue to affect couples who marry under this law, leading to emotional and financial strain.

There is also a degree of legal ambiguity and inconsistency in implementation, particularly at the level of lower courts and administrative authorities. In some cases, authorities apply personal laws mistakenly or in parallel, causing confusion and protracted litigation.

To address these concerns, there is a pressing need for a well-defined legal and social framework that supports individuals choosing SMA. This includes better public education, pre-marital legal counseling, streamlined procedures, and access to legal aid. Further, the government must work to codify and clarify the succession consequences of SMA marriages through amendments or policy guidelines.

Ultimately, while the SMA is a crucial instrument for legal reform and social progress, its full potential can only be realized if supported by proactive legal structures and societal acceptance. As India moves toward a more inclusive and uniform civil code, the experiences under the SMA can serve as both a model and a guiding framework for balancing personal freedom with social justice and legal certainty.

#### **REFERENCE:**

1. The Special Marriage Act, 1954, was enacted to provide a civil form of marriage for people of India and all Indian nationals in foreign countries, irrespective of the religion or faith followed by either party.
2. Article 14 of the Constitution of India guarantees equality before the law and the equal protection of the laws within the territory of India.
3. Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth.
4. The Indian Succession Act, 1925, is a secular law that governs inheritance and succession in cases not governed by personal laws or where individuals have opted for civil marriage under the SMA.
5. See Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India*, Oxford University Press (2001), for a critique of gender bias in personal laws.
6. Law Commission of India, 242nd Report (2012), recommended public legal education on the implications of civil marriage and succession laws.
7. In *Sarla Mudgal v. Union of India*, AIR 1995 SC 1531, the Supreme Court emphasized the need for a Uniform Civil Code and discussed the conflicts arising from overlapping personal laws.

8. Succession disputes are particularly common in cases where religious communities reject the validity of civil marriages, affecting the legal recognition of heirs.
9. Administrative delays and misapplication of succession laws under SMA have been noted in empirical studies, e.g., Shalini Randeria, *Legal Pluralism and Indian Family Law*, International Journal of Law in Context, 2003.
10. Article 44 of the Constitution of India directs the State to secure a Uniform Civil Code for all citizens, which remains a matter of ongoing legal and political debate.

