



# Rules for Intestate Succession for Hindu Male – Part 2

SUCCESSION PLANNING SERIES #05

# Preface

Succession planning refers to the passing of assets, properties, investments, etc., from the legal owner to the intended beneficiaries. If a deceased Hindu does not leave behind a valid Will, the Hindu Succession Act (HSA) applies. In the HSA, there is a hierarchy specified in a chronological manner for intestate succession for male, i.e., first preference should be given to Class I over Class II heirs and in case there are no Class I & Class II, then to agnate heirs and if there are no agnate heirs, then to cognate heirs. Even within the above classes, there are certain rules of distribution that should be followed.

In continuation to our previous series, in the **series #5**, we will be covering the remaining classes in male intestate succession.



*In case you have missed the previous alerts, click on the hyperlink below to refer the same.*

01

Basics of succession planning.

02

Basic rules of intestate succession as provided in the Hindu Succession Act.

03

An overview of the different classes of heirs for a Hindu Male.

04

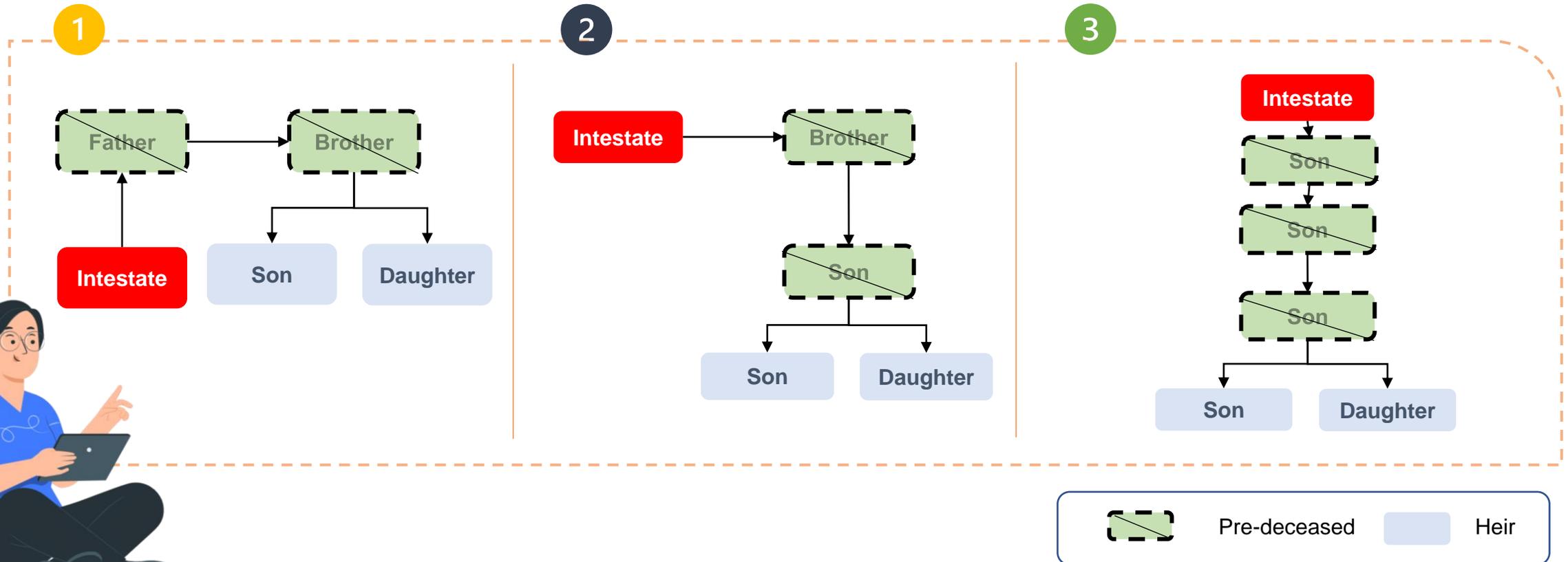
The first two classes of intestate succession for males (Class I and Class II)



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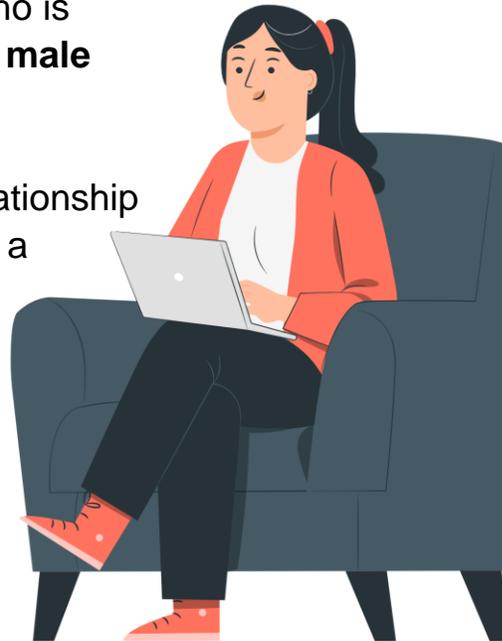
# Agnates

One person is said to be an agnate of another if the two are related by blood or adoption **wholly through males**. Agnates could be males or females. In simple words, agnate is a person who is related to the intestate through the line of **male** relatives only.

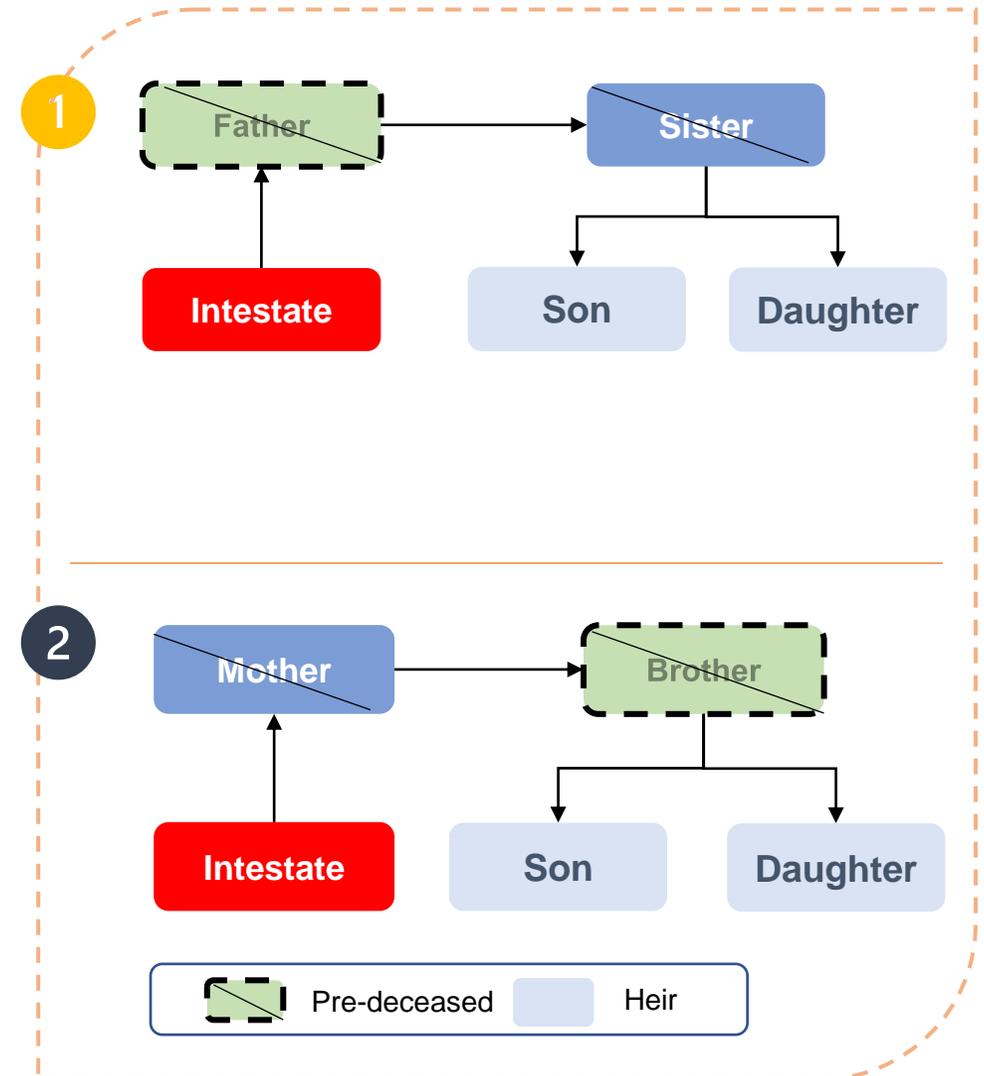


# Cognates

- ❑ One person is said to be a cognate of another if the two are related by blood or adoption but not wholly through males and not covered under any of the other classes.
- ❑ In simple words, cognate is a person who is related to the intestate through a mix of **male and female** relatives.
- ❑ Even if single female intervenes the relationship between the intestate and heir then it is a cognatic relationship.



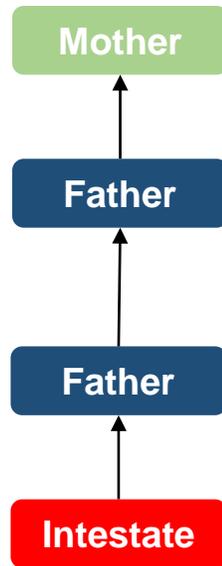
**Note:** The relationship arising through marriage (wife or husband of the heir) shall not be considered while determining Agnates and Cognates.



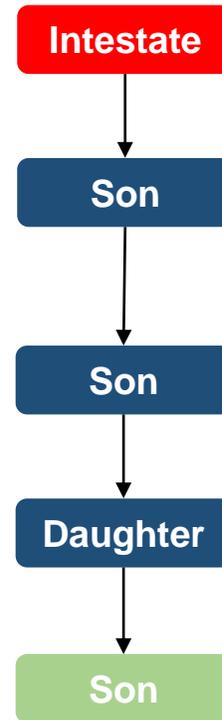
# Types of Agnates and Cognates

Every generation constitutes a degree either ascending or descending. Degrees of ascent and degrees of descent **shall be computed inclusive of the intestate**. Moving upwards in the line of ancestors of the intestate is termed as **degree of ascent**. Moving down in the line of heir of the intestate is termed as **degree of descent**. Collaterals are related to the intestate by **both degrees** of ascent and descent.

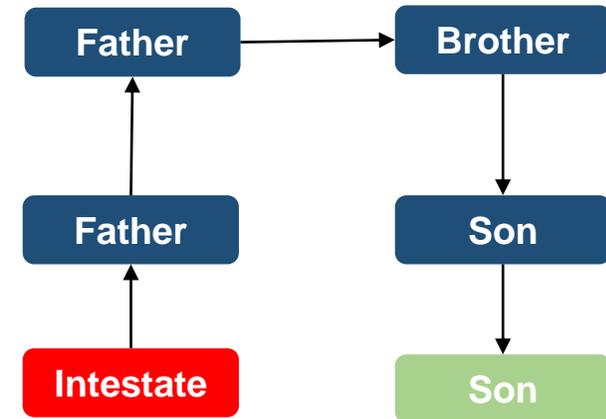
## Ascendents



## Descendants



## Collaterals



# Order of succession (1/5)

The succession among agnates and cognates is in accordance with the following rules:



1

Of two heirs, the one who has fewer, or no degrees of ascent is preferred.

2

If the degrees of ascent are the same, then the heir who has fewer or no degrees of descent is preferred.

3

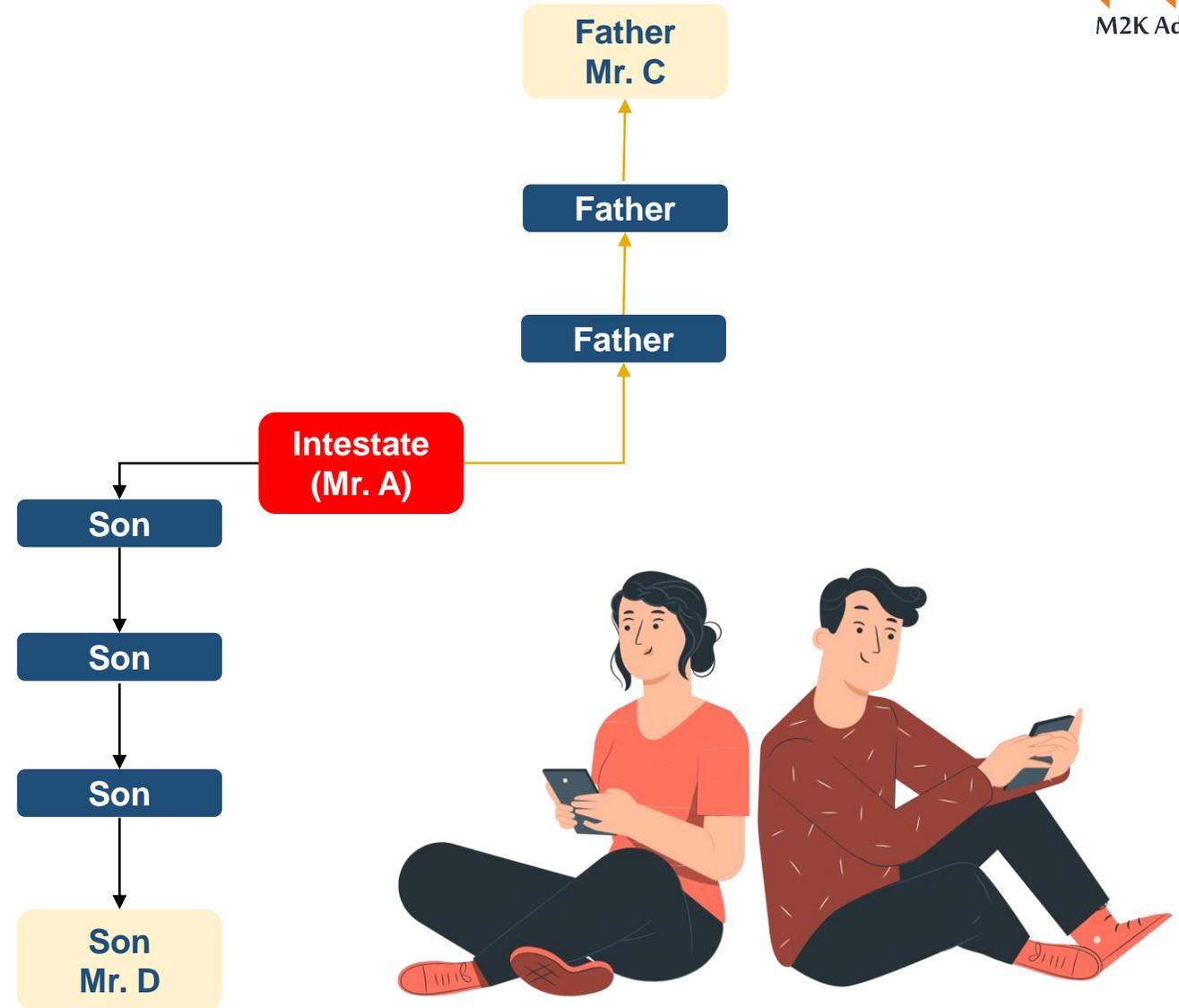
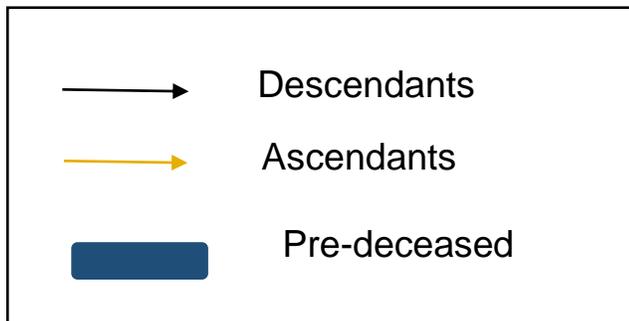
Where neither of the heirs is entitled to be preferred to the other under Rule 1 or Rule 2 then they take the property simultaneously

# Order of succession (2/5)

To understand the rules mentioned in the previous slide refer the below illustration.

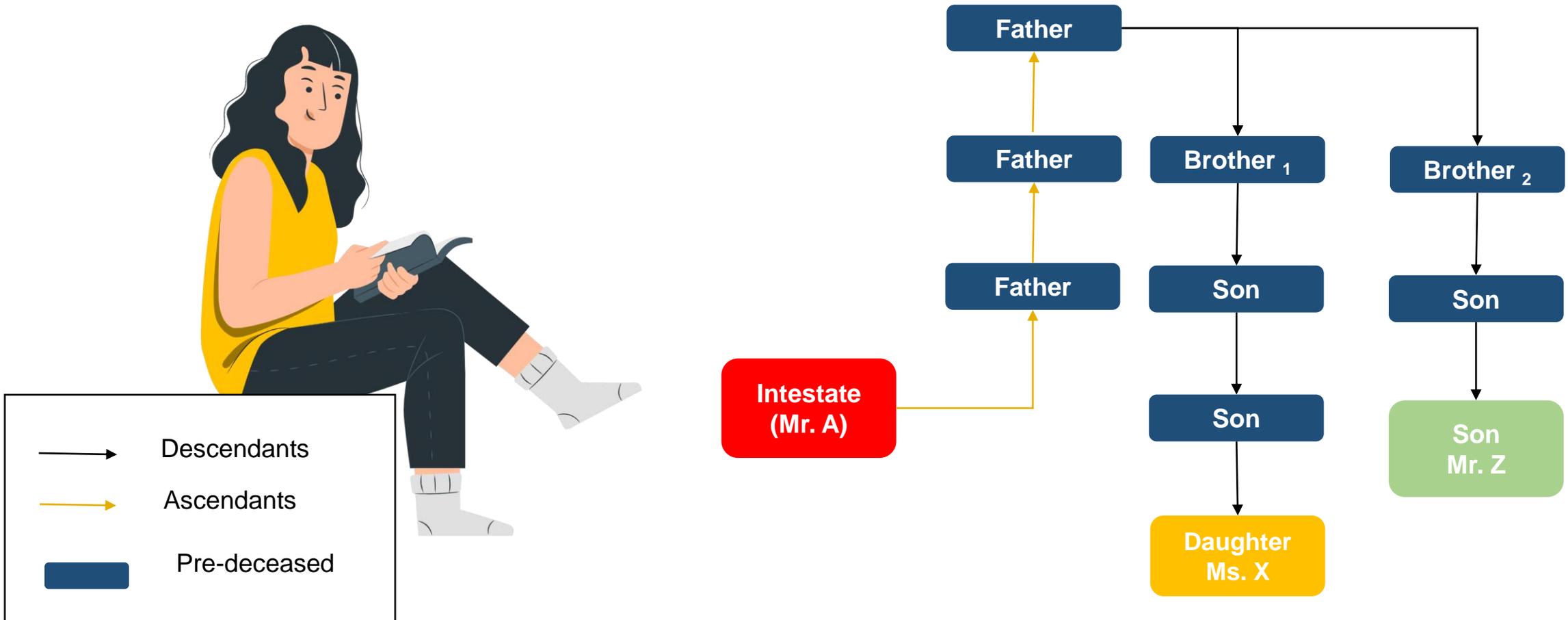
## Scenario 1:

In case, Mr. A has a family structure as presented. Upon his death, his property would be distributed to **Mr. D** entirely, as Mr. D's branch has no degree of ascents when compared to the branch of heir Mr. C and Mr. F.



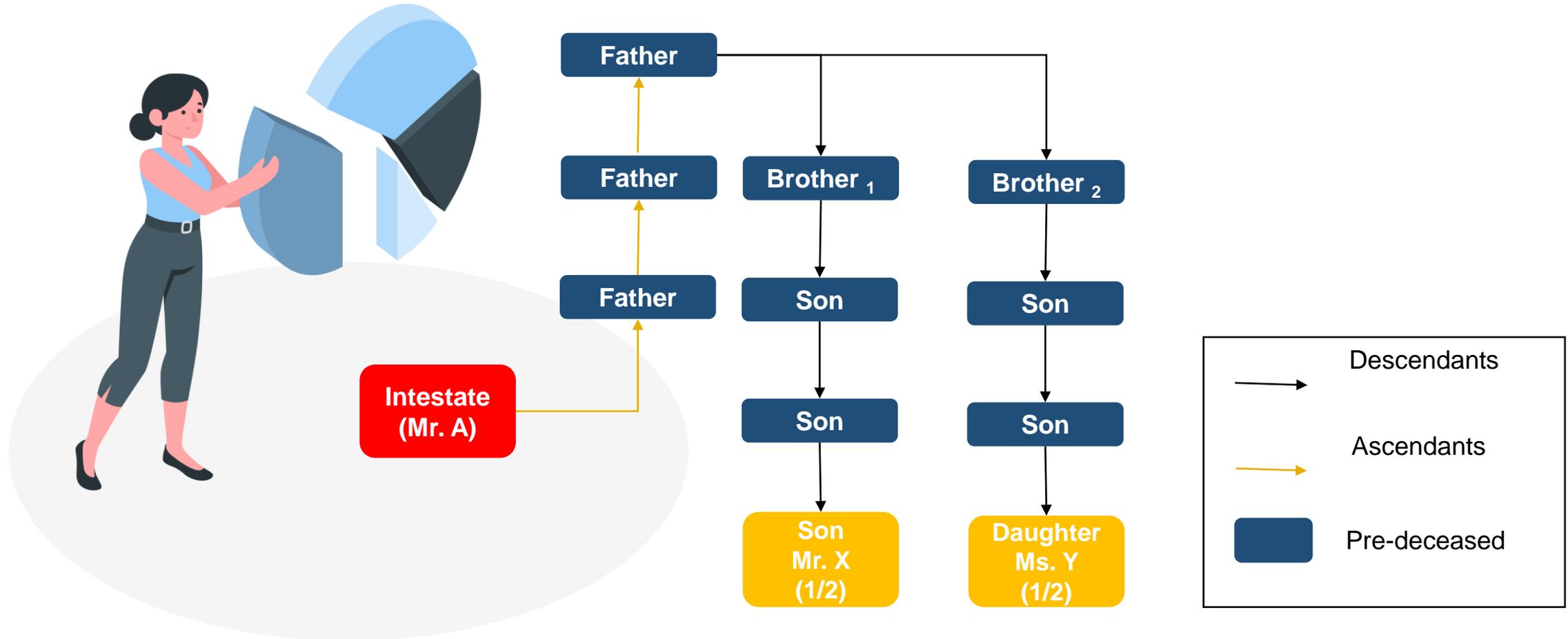
# Order of succession (3/5)

**Scenario 2 :** In this scenario, the degree of ascents for both the branches are same, however, the degree of descents is fewer for the branch of Mr. Z when compared to branch of Ms. X, then the share in the property would be entirely distributed to Mr. Z alone



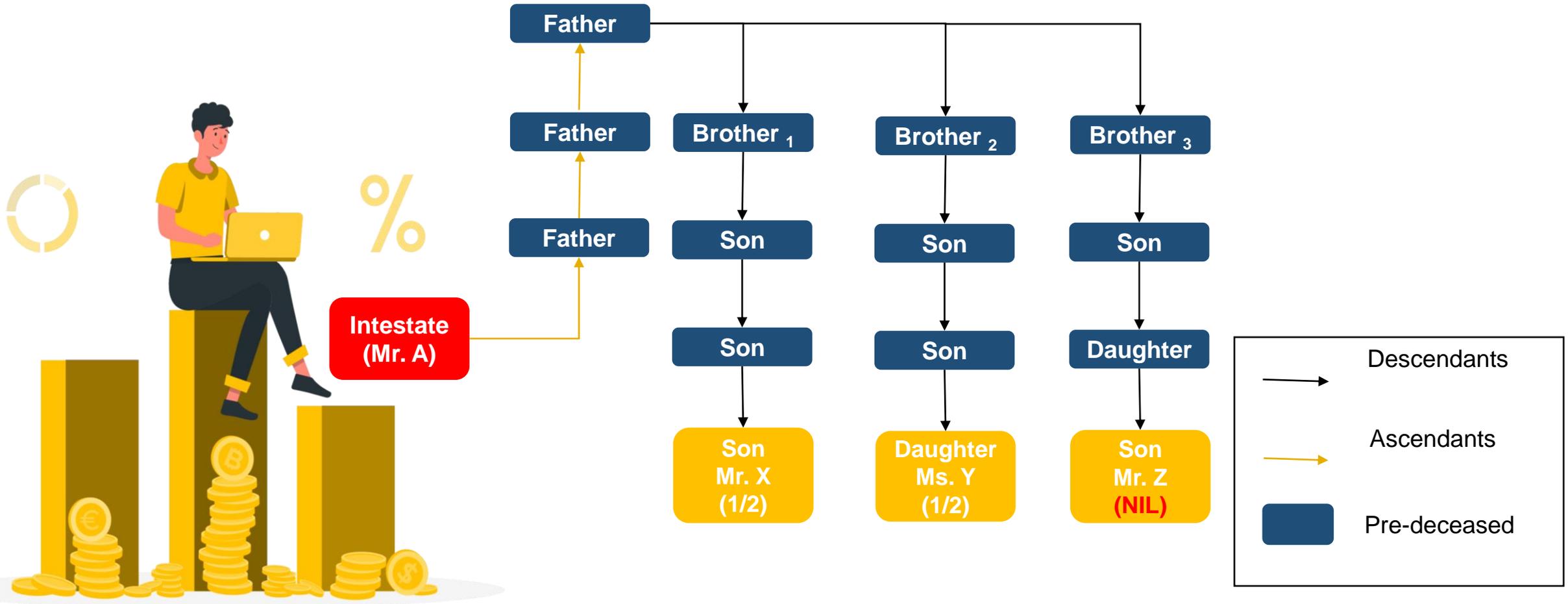
# Order of succession (4/5)

In **Scenario 3**, the degree of ascents and descents are equal for both the branches of heirs namely Mr. X and Ms. Y and hence the property would be equally distributed between them.



# Order of succession (5/5)

In **Scenario 4**, even though the degree of ascents and descents are equal for the branches of heirs namely Mr. X, Ms. Y and Mr. Z, the property would be **equally distributed only between Mr. X and Ms. Y**. Mr. Z does not get any share because his relationship with the intestate is arising through a female (**Mrs. G**) making him a cognate. Therefore, he can inherit the property only in the absence of heirs - Mr. X and Ms. Y.



Got more  
questions?

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covering them in the upcoming series*

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