

This Mother's Day, gift your mother awareness about her succession and inheritance rights

By Riju Mehta, ET Bureau • Last Updated: May 12, 2025, 06:30:00 AM IST

Synopsis

Many women are unaware of their inheritance rights, often losing rightful dues. On Mother's Day, it's crucial to inform mothers about their legal rights under succession and personal laws, ensuring they receive their fair share of property whether a will exists or not. Indian mothers also possess maintenance rights, allowing them to claim support from their children if needed.



In India, for Christians and Parsis, succession is governed by the Indian Succession Act, 1925, and for Muslims, the Muslim Personal Law lays down the relevant rules.

When Delhi-based Vinita Saini's (name changed) 41-year-old son passed away two years ago, he left no will. As he had left behind a homemaker wife and two young children, the family assumed that all his assets would go to them. However, when Saini's daughter approached a lawyer, she found that her widowed mother had an equal share in his estate. "My mother was financially dependent on my brother and I. So this information came as a big relief," says Saini's daughter.

Many women lose their rightful dues because of sheer ignorance about [succession laws](#). So, as you celebrate Mother's Day (11 May) this year with flowers and gifts, make sure to also inform your mother about her inheritance and legal rights.

Inheritance rights

As with men, [women's inheritance rights](#) are governed by succession and personal laws if the deceased does not leave a will.

As per the Hindu Succession Act, 1956 (for Hindus, Buddhists, Jains, and Sikhs), the mother is classified as a Class I heir. "This means that if a Hindu son dies intestate (without a will), the mother is entitled to an equal share in his estate alongside the other surviving Class I heirs, if any," says Raj Lakhotia, Managing Partner, LABH & Associates. Similarly, if an unmarried Hindu daughter dies intestate, the mother is entitled to a share in her estate.

"As per Sharia Law (subject to Sunni and Shia variations), a mother is a primary heir and is entitled to a fixed share. If the deceased son has children (or grandchildren), she gets one-sixth share of the property, and if he has no kids (or grandkids), the mother's share increases to one-third of the estate," says Neha Pathak, Head of Trust & Estate Planning, Motilal Oswal Private Wealth.

A Christian mother's right to inheritance is governed by the [Indian Succession Act](#), 1925. "Her right to inheritance depends on the family composition. If the deceased is survived by a spouse and children, the entire estate is divided among them. The mother does not automatically receive a share," says Sneha Makhija, Head of [Wealth Planning](#), Sanctum Wealth. If there are no surviving spouse or kids, the mother can inherit a large portion of

the estate.

Among Parsis, the mother is entitled to a share of the estate under Section 51 of the Indian Succession Act, 1925. "If the deceased leaves a spouse and children, each parent receives a share equal to half of each child. In the absence of a spouse or kids, the parents, individually or jointly, inherit the entire estate," says Lakhotia.

Who inherits her property?

A mother's assets are passed on to heirs as per the following succession and personal laws.

Christians, Parsis

Governed by: Indian Succession Act, 1925

- *For Christians, a widower gets one-third of the property, and the balance goes to lineal descendants.*
- *If there are no lineal descendants, only kindred, the widower gets half the property, and balance is distributed among kindred. If there is no kindred, the widower gets the entire property.*
- *For Parsis, mother's property goes equally to the husband and children, while parents get half the share of each child.*

Hindus, Sikhs, Buddhists, Jains

Governed by: Hindu Succession Act, 1956

If a woman dies intestate, her property devolves in this order of preference: husband, children, and children of predeceased children.

- *Legal heirs of husband.*
- *Her mother and father.*
- *Legal heirs of her father.*
- *Legal heirs of her mother.*

Muslims

Governed by: Muslim Personal Law (Shariat) Application Act, 1937

Legal heirs are divided into sharers and residuary, with sharers getting the first share and residuary the remaining portion.

If she inherits property from a relative (husband, son, or parent), she is the absolute owner of her share and can dispose it of.

If she makes a will, she can't give away more than a one-third share of her property. If her husband is the only heir, she can give two-thirds of the property by will.

Devolution of property

A woman's property is passed on to her heirs depending on whether she has made a will or not. If she has made a will, her property, whether self-acquired or inherited, will be distributed according to the terms of the will. "She can bequeath it to anyone she chooses, including individuals outside the family," says Lakhotia.

If she hasn't made a will, intestate succession laws apply, and these vary based on her religion. For Hindus, the devolution is governed by the Hindu Succession Act, 1956, wherein the estate is passed on to legal heirs in order of preference (see graphic). "This act states that on the death of a female Hindu intestate, her property is distributed equally among her sons, daughters, and husband. It also ensures that daughters have the same rights of inheritance as sons, regardless of their marital status," says Rajat Dutta, Founder & Initiator, Inheritance Needs Services.

For Christians and Parsis, succession is governed by the Indian Succession Act, 1925, and for Muslims, "the Muslim Personal Law specifies fixed shares for relatives, including daughters, sons, husbands, and parents", says Pathak.

Self-acquired property

"A woman has full and independent right over property that she owns, whether it was purchased from her own earnings, inherited, received as a gift (unless legally restricted), willed to her, or acquired through lawful settlements such as divorce or family partition," says Makhija.

"She has full [ownership rights](#) over her self-acquired property, including the right to sell, mortgage, or dispose of without the need for consent from her children or any other family member," adds Dutta. Agrees Pathak: "Regardless of the personal laws to which she is subject in India, she has unchallengeable rights to her self-acquired property and assets during her lifetime." So her kids have no legal entitlement to her assets before her death, and their succession rights come into force only if she passes away intestate.

Maintenance rights

Irrespective of religion, an Indian mother has the right to claim maintenance from her children. "Sons and daughters, whether biological or adopted, are legally bound to provide for their mother if she is unable to maintain herself. This includes necessities such as food, shelter, clothing, and medical care," says Lakhotia.

This right to maintenance is provided under three Acts, including the Hindu Adoption and Maintenance Act (HAMA), 1956; under Section 144 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, earlier Section 125 of the Criminal Procedure Code, 1973; and the [Maintenance and Welfare of Parents and Senior Citizens Act \(MWPS\)](#), 2007.

"The HAMA states that a Hindu is bound to maintain aged or infirm parents provided they are unable to maintain themselves from their own earnings or property, while the BNSS Section allows a court to order a person with sufficient means to provide maintenance to their parents (wife and children) who are unable to maintain themselves," says Dutta.

The MWPS Act specifically addresses the maintenance of parents and senior citizens, making it a legal obligation for children and heirs to provide it to them.

Lessons from the Grandmasters

