



**LEGISLATIVE ASSEMBLY OF THE
STATE OF GOA**

**The Goa Succession, Special Notaries and Inventory Proceeding
(Amendment) Bill, 2023**

(Bill No. 26 of 2023)

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(As Passed in the Legislative Assembly of the State of Goa)

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GOA LEGISLATURE SECRETARIAT

ASSEMBLY HALL, PORVORIM

AUGUST, 2023.

**The Goa Succession, Special Notaries and Inventory Proceeding
(Amendment) Bill, 2023**

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further to amend the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 (Goa Act 23 of 2016).

BE it enacted by the Legislative Assembly of Goa in the Seventy-fourth Year of the Republic of India as follows:-

1. Short title and commencement. — (1) This Act may be called the Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Act, 2023.

(2) It shall be deemed to have come into force on 21st day of December, 2016.

2. Amendment of section 52. — In section 52 of the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 (Goa Act 23 of 2016) (hereinafter referred to as the “principal Act”),-

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) The legal succession shall devolve in the following order:-

(i) on the descendants;

(ii) on the surviving spouse;

(iii) on the ascendants, subject to the provisions of sub-section (2) of section 72;

(iv) on the brothers and sisters and their descendants;

(v) on the collaterals not comprised in clause (iv) upto the 6th degree;

(vi) on the State, provided that, in the absence of testamentary or intestate heir of a beneficial owner or of an emphyteusis, the property shall revert to the direct owner.

Explanation:- The provisions of this sub-section as amended by the Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Act, 2023 shall be applicable to the cases/appeals pending before different courts, however the said amendment shall not disturb the rights which got crystallized before the enactment of the said Act, 2023. ”.

(ii) in sub-section (2), for the expression “clauses (i), (ii) and (iii) of sub-section (1)”, the expression “clauses (i), (iii) and (iv) of sub-section (1)” shall be substituted.

3. Amendment of section 72. — In section 72 of the principal Act,-

(i) in sub-section (1), for the expression “Where a person dies without descendents, his father and mother shall succeed to him”, the expression “Where a person dies without descendents and spouse, his father and mother shall succeed to him” shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) Where the parents have acknowledged that they are the parents of a child during the lifetime of the child, and the child dies without issue and spouse, the inheritance shall devolve upon his parents or one of them, as the case may be; where, in the circumstances mentioned above, such child dies without issue but leaving a surviving spouse, the surviving spouse shall succeed to the entire inheritance.”.

4. Substitution of section 76. — For section 76 of the principal Act, the following section shall be substituted, namely:-

“76. Succession of brothers, sisters and their descendants. — In default of descendents, spouse and ascendants and where the estate leaver has not disposed off his assets, his brothers, sisters and, in a representative capacity, their descendants, shall inherit the assets.”.

5. Amendment of section 77.— In section 77 of the principal Act, for the expression “In default of descendants, ascendants, brothers, sisters and their descendents, the surviving spouse shall succeed,” the expression “In default of descendants, the surviving spouse shall succeed,” shall be substituted.

6. Substitution of section 83. — For section 83 of the principal Act, the following section shall be substituted, namely:-

“83. Disposable portion. — The portion which the testator may freely dispose off shall be called the disposable portion and it shall consist of half of the estate of the estate leaver, except as provided hereunder:-

- (a) Legitime of the descendants: Where the estate leaver has children or descendants at the time of his death, their legitime shall consist of half of the inheritance.
- (b) Legitime of the spouse: Where the estate leaver has no children or descendants at the time of his death but his spouse is alive, her legitime shall consist of entire inheritance.
- (c) Legitime of the parents: Where the estate leaver has no children or descendants and spouse at the time of his death but either his mother or father is alive, their legitime shall consist of entire inheritance.
- (d) Legitime of other ascendants: Where the estate leaver has at the time of his death ascendants other than the father or mother, their legitime shall consist of one third of the inheritance.”.