

INHERITANCE ACT

(GA)

CHAPTER I

Definition of Inheritance and Procedures for Processing Inheritance.

Ga 1-1. TITLE OF THE ACT

This Act may be called the Inheritance Act of the Bhutanese Iron Monkey Year, corresponding to the year 1980.

Ga 1-2. DATE OF COMMENCEMENT OF THE ACT.

It shall come into force from the Bhutanese Iron Monkey Year, that is, on the 1st of October, 1980.

Ga 1-3. EXTENT OF THE ACT.

It extends throughout the Kingdom of Bhutan and all citizens of the Kingdom, and persons residing within the Kingdom, shall have to comply with the procedures laid down in the provisions of this Act.

Ga 1-4. DEFINITION OF INHERITANCE.

The following properties shall be deemed to be properties for inheritance:-

- (a) If any member of a joint family has to live apart on leaving the main house then whatever be the property to which he or she may be entitled according to rights; or
- (b) If a couple divorces then whatever be the property to which either party to the marriage may be entitled; or
- (c) If a person dies, then whatever may be the property bequeathed in the last will and testament to his relatives.

GA 1-5. RIGHTS OVER ENTITLED PROPERTIES.

Excepting those properties over which a person has no right and title, or which are being cultivated on share or contract-cropping leases, all other immovable properties, such as lands, houses etc., or movable properties, such as cattle etc., over which a person holds the rights and titles, may be given by him to others or leases-out for cultivation, or bequeathed as an inheritance, as laid down in the provisions of

the following sections, provided such properties are not under any legal bar or restraint from the Government.

Ga 1-6. Invalidity of cases processed in contravention of sections Ga 1-8 and Ga 1-9.

In any proceedings under this Act, the properties bequeathed as an inheritance shall have to be processed according to the provisions of Section Ga 1-8 and Ga 1-9.

Where an inheritance has not been processed in accordance with the provisions of this Act, and any dispute arises subsequently, the transactions so undertaken contrary to the provisions of this Act, shall not be recognized.

Ga 1-7. Properties not bequeathed as inheritance shall be disposed of after a thorough investigation of the rights and titles over such properties as laid down in Section Ga 1-4 of this Act.

Ga 1-8. The bequest of properties under inheritance shall be made in the presence of three impartial witnesses who shall not be related to the parties interested thereto.

At the time of partition, a list shall be prepared of the properties so partitioned. A Court stamp shall be affixed on the written document and it shall be signed by both the parties, i.e., the giver and the receiver, and it shall be attested with the signatures of the witnesses.

Ga 1-9. Necessity of registering land inherited by the legates in _____ the _____ Government Thram.

After execution of the written document in accordance with the provisions of Section Ga 1-8 above, or in accordance with the inheritance as bequeathed in the last will and testament in accordance with the provisions of Chapter IV of this Act, or in accordance with the oral declaration made before witnesses, the legates shall himself or herself proceed to a Court of law and have such land and estate registered in his or her name in the THRAM (Refer Section Ka 6-1 of Thrimshung, 1957).

Ga 1-10. Land inherited but not registered in Thram to be declared as Toshing.

If the land and estate received by inheritance is not registered in the name of the person receiving the same through inheritance in the THRAM, then such land shall be declared TOSHING and shall not be deemed to be land received by inheritance (Refer Section Ka 6-2 of THRIMSHUNG 1957).

Ga 1-11. Rules governing transactions of Toshing lands.

If any transaction relating to land and estate declared as TOSHING has to be done, then the same shall be processed in accordance with the provisions of Chapter III of this Act relating to TOSHING properties.

Ga 1-12. Restriction on a member to hold any rights in main house on separation.

If any mother or father or son or daughter after taking his share of the inheritance or TOSHING leaves the main house, then such a person shall not be entitled to hold any claims or exchange.....

(Note :

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CHAPTER II

RIGHTS AND RESTRICTIONS ON INHERITING

Ga 2-1 Non-entitlement to any share from main house to one intending to leave membership of joint family.

If any person intends to leave the main house and live separately, then irrespective of the period of his or her stay with the joint family and because of him or her not being a true member of the joint family and because of him or her not being a true member of the joint family, such a person shall not be entitled to any properties from the main house at the time of his or her separation. (Refer Section Ga 1-2 of THIRIMSHUNG, 1957).

GA 2-2 DEFINITION OF THE TRUE MEMBER OF A JOINT FAMILY.

The mother and father of the main house, their sons and daughters, the collateral of the said mother and father and the children who are direct descendants from that family shall all be deemed to be the members of that main house.

GA 2-3 DEFINITION OF MEMBER OF A JOINT FAMILY.

In addition to the persons mentioned in preceding Section Ga 2-2, but excluding those persons who are living apart from the main house as mentioned in the following section Ga 2-4, the other members who are staying with the joint family and those daughters-and-son-in-laws who have lived with the joint family for more than ten years shall all be deemed to be the members of that joint family.

GA 2-4 NON-RECOGNITION AS MEMBERS OF JOINT FAMILY.

The following persons shall not be deemed to be members of the joint family:

- (1) A member of a family who after taking his or her share leaves the main house, shall cease to be a member of that family from the date of taking his share and leaving the main house.
- (2) A member who has lived apart from the main house for a period of more than ten years shall cease to be a member of that family even though he may be related to that joint family and even if he or she has left the main house without taking any share.
- (3) A member who has lived apart for a period of more than ten years after taking his or her share of TOSHING, even though he or she may be related to that joint family, shall not be deemed to be a member of that joint family.
- (4) A member who, notwithstanding being related to a joint family and being in Government service, has lived apart from the main house for a period of more than ten years without contributing to the main house, shall not be deemed to be a member of that joint family.

Ga 2-5 Rules governing inheritance by a daughter-or-son-in-law married to a member of a joint family living with that family for more than ten years.

A daughter-or-son-in-law who has been married to a member of a joint family, and who has lived with that joint family for a period of more than ten years, shall be deemed to be a member of that joint family; and in the event of their divorce, their entitlement for obtaining shares shall be processed in accordance with the provisions of the Inheritance Act.

Ga 2-6 Rules governing recognition of members on return from Government service living apart for more than ten years without contributing towards main house and without taking a share, and rights of inheritance of such individuals.

If a member of a joint family, not withstanding his being related to that family, has lived apart from the main house for a period of more than ten years on taking-up Government service, without contributing towards the maintenance of the main house and without taking any share, returns to the main house, then the decision to accept him or her as a member of the house, or not to accept him or her as a member of the house, depends on the other members of the house. In case the other members unanimously agree to accept such a person as a member of that joint family, then at the time of partitioning the inheritance, he or she shall also enjoy equal rights of inheritance in accordance with the provisions of the respective sections of this Act.

Ga 2-7 Entitlement to share of inheritance by a member in Government service living apart for less than ten years whether or not he has contributed to the main house.

If a member of a joint family on taking up Government service has lived apart from the main house for less than ten years, then, whether or not he or she has contributed towards the maintenance of the main house, he or she shall be deemed to be a member of that joint family; and at the time of partitioning the inheritance, he or she shall also enjoy equal rights along with the other members of that joint family as prescribed by law.

Ga 2-8 Non-entitlement of share to a person in Government service living apart for more than ten years without contributing to the main house.

If a member of a joint family in Government service has lived apart from the main house for more than ten years, and during that period has not contributed towards the maintenance of the main house, then, that person, whether married or not, shall not be entitled to receive any share from the main house.

Ga 2-9 Decision to give share to a member in Government service for more than ten years who has contributed to the main house rests with other members of joint family.

If a member of a joint family in Government service has lived apart from the main house for a period of more than ten years, but during that period has contributed towards the maintenance of the main house, then, the decision as to whether or not a share has to be given to that person depends upon the unanimous decision of the other members of that joint family.

Ga 2-10 Entitlement to refund of contribution to main house if other members decide not to give share to the contributor.

If a member in Government service has lived apart for more than ten years, and during that period has contributed towards the maintenance of the main house, then in case the other members of that joint family decide not to give him or her any

share, then such a person shall be entitled to claim refund of the amount of contribution so made by him or her for the main house.

GA 2-11 NON-ENTITLEMENT OF INHERITANCE TO NON-BHUTANESE.

Persons who are non-Bhutanese, or who have renounced their Bhutanese citizenship, or who have applied for Bhutanese citizenship but have not yet been granted Bhutanese citizenship, shall not be entitled to any share of an inheritance.

CHAPTER III

PROCEDURE FOR TRANSACTION/GIVING AND TAKING

OF TOSHING (LIVELIHOOD)

GA 3-1 DEFINITION OF TOSHING

If there are no children of a member of a main house and the house, lands etc. have been handed over to the collateral or daughter-in-law, or where because of there being several members of a joint family, or because of dispute among the members of joint family, the members have been compelled to live apart from the main house, then, in such a case, the land given in proportionate shares to such persons for their livelihood throughout their life shall be deemed as TOSHING (livelihood) land.

GA 3-2 RULES GOVERNING ENTITLEMENT TO TOSHING.

If any member of a main house intends to live separately and apart from the main house on the grounds mentioned in preceding section Ga 3-1, and even if while separating from the main house such a member does not desire to take any share from the main house, then too he or she will be entitled to receive land sufficient for his or her livelihood as long as he or she remains alive.

GA 3-2 RULES GOVERNING ENTITLEMENT TO TOSHING EVEN IF ONE IS NOT A TRUE MEMBER OF THE MAIN HOUSE.

Notwithstanding a daughter-or-son-in-law not being a true member of the main house as defined in Section Ga 2-5 of this Act yet if such a person has to live apart from the main house he or she, as the case may be, shall be entitled to receive sufficient land as TOSHING as long as he or she remains alive.

GA 3-4 RESTRICTION ON ALIENATING LAND GIVEN FOR LIVELIHOOD WITHOUT CONSENT OF THE GIVER.

Except for cultivating the land given as 'livelihood' by the receiver so long as he or she remains alive, under no circumstances such a land shall be alienated by sale, donation as an offering, free gift, mortgage, or exchange etc. without the express consent of the person who has given the 'livelihood' (Refer section ka 6-3 of THRIMSHUNG, 1957).

GA 3-5NON-ENTITLEMENT TO SHARE ON INHERITANCE FROM MAIN HOUSE IF LAND GIVEN AS 'LIVELIHOOD' IN THRAM.

If a land given as 'livelihood' is intended to be registered in the THRAM in the name of the person to whom it has been given, then registration may be so effected. But from the date, the registration is so effected, the said person shall not be deemed to be a member of the joint family and he shall also loose all rights to share of an inheritance from the main house.

GA 3-6NON-INCLUSION OF A PERSON AS A MEMBER OF JOINT FAMILY FROM DATE OF REGISTRATION IN THRAM EVEN IF TEN YEARS HAVE NOT ELAPSED.

If a person who has been given land as 'livelihood' has children and it is intended to register that land in the name of the children then that land shall be taken as a share of 'inheritance' given by the main house and may then be registered in the name of either the son or daughter. But from the date, the registration has been so effected that person shall not be deemed to be la member of that joint family of the main house even if a period of ten years has not elapsed from the date of such registration.

GA 3-7RETURN OF LAND TO THE MAIN HOUSE IF PERSON CULTIVATING IT AS 'LIVELIHOOD' EXPIRES.

If the person cultivating the land given as 'livelihood' has not registered that land in his or her name, or in the name of his or her children, prior to his or her death, then in the event of his or her death, that land shall have to be restored to that member of the main house in whose name that land is registered in the "THRAM"

GA 3-8ONUS OF PAYING TAXES OFF LAND GIVEN AS 'LIVELIHOOD'

From the day a person has been given a land as 'livelihood' from the main house, the taxes levied on that land shall be borne by the person cultivating that land as 'livelihood'. (Refer section Ka 6.5 of THRIMSHUNG, 1957).

GA 3-9REGISTRATION OF LAND GIVEN AS 'LIVELIHOOD' IN THE NAME OF A MEMBER OF THE MAIN HOUSE.

In any proceedings as defined in the preceding section Ga 3-6, the taxes levied on the land given as 'livelihood' shall be borne by the person who is cultivating that land

as 'livelihood'. But where such a land has not been registered, then that land shall remain in the name of the member of the main house and the taxes leviable shall also be borne by the main house.

- GA 3-10 NON-ENTITLEMENT OF 'LIVELIHOOD' TO ONE WHO IS NOT PHYSICALLY DISABLED WHEN TAKING UP A RELIGIOUS LIFE UNTIL HE ATTAINS THE AGE OF 40 YEARS.

If a person who is not physically disabled by hands, legs or any to her limb, takes up a religious life then he shall not be entitled to receive any 'livelihood' from the main house until he attains the age of forty years. (Refer Section Ka 6-6 of THRIMSHUNG, 1957).

- GA 3-11 NON-ENTITLEMENT OF LIVELIHOOD FROM MAIN HOUSE TO ANY MONK BELONGING TO DZONG, GYONDEY OR DAKTSHANG.

A monk belonging to a DZONG of GYONDAY or GYONDAY, except for being given his requirements for food, shall not be entitled to receive any 'livelihood' for any benevolent rites performed for the main house. (Refer Section Ka 6-7 of THRIMSHUNG, 1957).

- GA 3-12 RESTRICTION ON SELECTION OF 'LIVELIHOOD' LAND BY THE RECEIVER.

When land is given as 'livelihood', the receiver shall have to take the land given to him without raising any objections. And except taking-over the land as 'livelihood', the receiver shall not raise any disputes whatsoever by asking for bigger or more fertile plots etc. of land.

- GA 3-13 CULTIVATOR OF A 'LIVELIHOOD' NOT REGISTERING THAT LAND FOR TEN YEARS TO BE DEEMED A MEMBER OF THE MAIN HOUSE.

If a person who has received a land to be cultivated as 'livelihood' has not registered that land in his or her name in the THRAM as mentioned in Sections Ga 3-5 and Ga 3-6 of this Act after a lapse of ten years then that person shall be deemed to be a member of that joint family of that main house (Refer Section Ka 6-4 of THRIMSHUNG 1957).

CHAPTER IV

PROCEDURE FOR TRANSACTING INHERITANCE ON

SEPARATION OF A MEMBER LEAVING

THE MAIN HOUSE

GA 4-1 RIGHTS OF INHERITANCE BY A JOINT FAMILY MEMBER OF MAIN HOUSE.

A member, who intends to leave the main house and to live apart, if he is not excluded from being a joint family member as provided in Sections Ga 2-1, Ga 2-4, Ga 2-2 and Ga 2-11 of this Act, shall be entitled to receive a share from the inheritance of the main house, provided he or she is a true member of that joint family.

GA 4-2 PROPORTION OF SHARES TO BE GIVEN AS INHERITANCE AT DISCRETION OF LIVING PARENTS.

If the parents of a main house are alive, then the decision to give either a major or minor share from the 'inheritance' shall be made at the discretion of those parents. In such cases, the provisions laid down in the following sections shall not be applicable:

Consent of living parents not necessary for properties acquired by oneself.

- (1) A property which has been acquired by a person through his or her own efforts or expenditure, shall at the time of inheritance be processed according to the provisions of section Ga 4-15, or

Rights of inheritance^{as} as per executed deed.

- (2) At the time of inheritance, if a prior deed had been executed for partitioning of the shares according to the rights, then bequeathing of the shares shall have to be processed in accordance with that deed, or

Non-entitlement to properties of main house by parents taking livelihood and living apart.

- (3) If the parents are already living apart from the main house after taking their share of 'livelihood' or 'inheritance' then at the time of partitioning the inheritance in the main house, the said parents shall not be entitled to have any rights whatsoever in the inheritance of the main house.

GA 4-3 ENTITLEMENT TO SHARE FROM MAIN HOUSE TO PARENTS FORCIBLY EVICTED.

If the children alone remain in the main house after forcibly evicting the parents then, in addition to the movable properties acquired by the parents themselves, the other movable properties, acquired by them jointly with their children, may also be taken by the said parents. (Addendum to Section Ga 1-3 of THRIMSHUNG 1957).

GA 4-4ENTITLEMENT TO SHARE WHEN PARENTS LEAVE THE MAIN HOUSE OF THEIR OWN WISH.

If the parents intend to leave the main house of their own wish, leaving the children in the main house, then, except for the movable properties acquired by the said parents themselves, they shall not be entitled to any of the immovable or movable properties acquired jointly with their children.

GA 4-5NON-ENTITLEMENT TO PROPERTIES BY CHILDREN LEAVING MAIN HOUSE BECAUSE OF NOT HAVING AMICABLE RELATIONS WITH PARENTS EXCEPT MOVABLE PROPERTIES ACQUIRED BY THEMSELVES.

If the children leave the main house because of not having amicable relations with their parents, then, except the movable properties acquired by the children themselves, they shall not be entitled to receive any share of the movable or movable properties of the main house or of the movable properties acquired by them jointly with their parents.

GA 4-6RIGHTS OF PARENTS FOR 'LIVELIHOOD' IF FORCIBLY EVICTED AS DEFINED IN SECTION GA 4-3.

If the parents have been forcibly evicted from the main house by the children as defined in the preceding section Ga 4-3 then the said parents shall be entitled to a share from the immovable properties of the main house as their livelihood according to the provisions of Section Ga 3-2 of this Act.

GA 4-7RESTRICTION ON OBJECTION ONCE A SHARE OF AN INHERITANCE HAS BEEN GIVEN.

At the time of partitioning the inheritance a person except for taking his or her share of the movable or immovable properties as given by the parents of the main house without any objections, that person, inheriting such share, shall be debarred from raising any disputes to claim further shares in addition to the given in the inheritance.

GA 4-8REFUND OF EXPENDITURE ON JOINT PROPERTIES OF FAMILY, AND PROPERTY TO REMAIN WITH MAIN HOUSE.

Expenditure incurred by a person separating from the main house for cultivating or maintaining or developing a property which forms part of the property of joint family is refundable. Such a property shall remain a part of the property of the main house.

GA 4-9REFUND OF EXPENDITURE INCURRED ON REDEEMING PROPERTIES OWNED JOINTLY BY THE FAMILY.

Whatever be the expenses incurred by a person who is separating from the main house for redeeming a part of the property owned by the joint family during the period of his or her stay in the main house that expenditure shall be refunded to that person; but that part of the property so redeemed shall remain under the title and claims of the main house (Refer Section Ka 8-2 of THRIMSHUNG, 1957).

GA 4-10 RESTRICTION ON CLAIMS IN LIEU OF PHYSICAL LABOUR CONTRIBUTED DURING STAY IN THE MAIN HOUSE.

A person separating from the main house shall not be entitled to lay any claims in lieu of the works performed by him or her during the stay in the main house, or for any physical labour contributed by him or her for cultivating the lands, or for any labour hired by him or her for the said purpose. (Refer Section Ga 1-7 of THRIMSHUNG, 1957).

GA 4-11 RESTRICTION ON ACQUIRING ANY SHARE OF THE MAIN HOUSE WHEN SEPARATING IF PARENTS ARE ALIVE.

If the parents are alive at the time when a person separates from the joint family in the main house, then the main house shall be inherited by the said parents; and the person who has separated shall not be entitled to lay any claims whatsoever on any portion of that house by quoting its value, or to any portion therefrom.

GA 4-12 NON-ENTITLEMENT TO ANY PORTION OF MAIN HOUSE OF FAMILY WITHOUT PARENTS IF ONE SEPARATES OF ONE'S OWN WISH.

If a person leaves a joint family which does not consist of parents at the time of leaving, of his or her own free desire, and lives apart after separating from the main house, then the right in the said main house shall vest in the persons remaining in the main house; and the person living apart shall not be entitled to any portion of the main house, or to any portion therefrom, by quoting its value.

GA 4-13 ENTITLEMENT TO SHARE BY A MEMBER FORCIBLY EVICTED FROM MAIN HOUSE WHEN FAMILY HAVE NO PARENTS.

If the members having equal rights in the main house, in which there are no parents, jointly evict any other member from that main house, then the member so evicted shall be entitled to a portion of that main house equal in proportion to the share that shall be inherited by the other members.

GA 4-14 RIGHT TO REMAIN IN MAIN HOUSE EVEN IF SEPARATED FROM JOINT FAMILY.

If a member living with a joint family separates from that joint family on receiving a share from 'inheritance' but is compelled to remain in the main house, then that member shall be entitled to reside in any portion of the said main house provided he or she also enjoys equal rights in that house as the other members.

GA 4-15 RIGHT TO TAKE PERSONAL PROPERTIES SHEN SEPARATING FROM MAIN HOUSE.

If a person separating from a main house possesses personal properties acquired during his or her stay in the main house then that person shall have the right to take with him or her such properties on separation. (Refer Section Ga 1-2 of THRIMSHUNG, 1957).

GA 4-16 NON-ENTITLEMENT OF SHARE TO HUSBAND OR WIFE OR CHILDREN SEPARATED FROM THE MAIN HOUSE IN WHICH THERE ARE NO PARENTS.

If a person lives apart from the main house in which there are no parents, then because of that person living apart, husband or wife of that person, as the case may be, or children of that person, shall not be entitled to receive any share from the 'inheritance'.

GA 4-17 ENTITLEMENT TO WIFE OR HUSBAND OF CHILDREN OF A PERSON'S INHERITANCE FROM MAIN HOUSE IN WHICH THERE ARE NO PARENTS IF THAT PERSON IS NOT AN ACCESSORY TO AN ACT OF TREASON AGAINST THE COUNTRY.

If there are no parents in a main house at the time of partitioning the 'inheritance' then the shares of the person, who is serving a term of imprisonment or is absconding provided that person is not an accessory to an act of treason against the country, or in the event of death of that person, shall be inherited by his wife or husband, as the case may be, or all the children living in the main house with the family members of that person.

GA 4-18 PROPERTIES RECEIVED BY A SPOUSE IN LIEU OF SHARE OF HUSBAND OR WIFE TO BE GIVEN TO CHILDREN OR RESTORED TO MAIN HOUSE ON RE-MARRIAGE.

If in the absence of a member who has rights in the main house, the shares of that member have been given to the spouse staying with the joint family and that spouse contracts another marriage, then the share of that former husband or wife, as the case may be, received by that spouse shall be given to the children of their former marriage. In case there are no children from their former marriage, then the shares so received shall have to be restored to that main house.

PROCESSING OF SHARES OF INHERITANCE OF DECEASED MEMBER TO HIS SPOUSE OR CHILDREN.

In any member of the main house who had the rights or inheritance expire, then the inheritance to be given to the surviving spouse or children living with the joint family of the main house shall be processed in accordance with the provisions of Chapter VII of this Act.

CHAPTER V

**PROCEDURE FOR TRANSACTING INHERITANCE
OF PROPERTIES**

GA 5-1 AUTHORITY OF LIVING PARENTS OF A JOIN FAMILY TO GIVE DECISION REGARDING MANAGING PROPERTIES BY ANY MEMBER OF THE FAMILY.

If the parents are either unable to maintain the household or cultivate the lands, then the question of handing over such responsibilities with regard to properties to any collateral or any son or daughter residing with a member of that house shall be determined according to the decision given by the said parents according to their own express desire.

GA 5-2 EXECUTION OF A WRITTEN DOCUMENT FOR HANDING OVER RESPONSIBILITIES OR HOUSE AND LAND ON DEATH OF PARENTS.

On the death of the parents of the main house, the question of entrusting the responsibilities to a member of that joint family who has the rights, shall be decided by selecting the most efficient member after taking into consideration the abilities of all the members; and thereafter a written document to that effect shall also be executed.

GA 5-3 RULES GOVERNING INHERITANCE BY DAUGHTER-OR-SON-IN-LAW OF MAIN HOUSE IN ABSENCE OF ANY FAMILY.

Irrespective of whether or not the parents of a joint family are alive, if the properties have been entrusted to a son and daughter-in-law or daughter and son-in-law and subsequently that son or daughter, as the case may be, inheriting the properties dies and there are no children, then that surviving daughter-or-son-in-law shall be entitled to utilize such properties as long as he or she is alive provided he or she does not contract another marriage with an outsider.

Ga 5-4 Properties to be made over to children, if any, from the deceased partner, irrespective of whether or not that daughter-or-son-in-law contracts a subsequent marriage with another person.

Ga 5-5 Entitlement to properties by a person given a livelihood or a member separated for less than ten years without taking any share of inheritance if daughter-or-son-in-law taking our responsibilities expires.

If the surviving daughter-or-son-in-law staying in the main house who has taken over the properties contracts a subsequent marriage with an out-sider and there are no children of the former husband or wife, then from the day the subsequent marriage has been contracted, the properties shall be handed over to a member who has been given a livelihood' (TOSHING) from the main house or to a member who without taking any share of the inheritance has separated provided the period of such a separation does not exceed ten years.

GA 5-6 ENTITLEMENT TO PROPERTIES BY REMARRIED DAUGHTER-OR-SON-IN-LAW IN ABSENCE OF A MEMBER TAKING A LIVELIHOOD OR A MEMBER SEPARATED FOR LESS THAN TEN YEARS WITHOUT TAKING A SHARE.

In the absence of either a member who had been given a 'livelihood' (TOSHING), or a member living separately for less than ten years without taking any share of the inheritance, if the daughter-or-son-in-law contracts a subsequent marriage with an outsider, the said daughter-or-son-in-law shall be entitled to utilize the properties.

GA 5-7 PROPERTIES ACQUIRED BY ONESELF NOT TO BE RETURNED IN CASE COVERED BY SECTION GA 5-5.

In any case covered by section Ga 5-5 when properties have to be returned then only those properties which were received from the main house shall have to be returned; but the other properties acquired by oneself while remaining in the main house, or granted by the Government or purchased by oneself will not have to be returned.

GA 5-8 ENTITLEMENT TO PROPERTIES BY A MEMBER GIVEN A LIVELIHOOD OR SEPARATED FOR LESS THAN TEN YEARS WITHOUT TAKING SHARES ON DEATH OF DAUGHTER-OR-SON-IN-LAW MAINTAINING HOUSE.

If the members of a main house who hold rights are living apart and the daughter-or-son-in-law taking over the responsibilities dies without having contracted a subsequent marriage and there are no children to inherit those properties, then either a member who had been given 'livelihood' (TOSHING) or the member who had separated for less than ten years without taking any share of the inheritance shall be

entitled to the properties. In the absence of any such member, that property shall be declared to be a property without any heir (CHATONG).

GA 5-9 LOSS OF CLAIMS OF MAIN HOUSE IF A MEMBER ONCE SEPARATES FROM JOINT FAMILY OF THE MAIN HOUSE.

If the parents of the main house, or the most efficient member who had taken over the responsibilities of the house hands-over the properties of the main house to his collateral or to a daughter and son or daughter-or-son-in-law and takes a 'livelihood' (TOSHING) from the main house or has lived apart from the main house for a period of more than ten years without taking any share of the inheritance, then those persons will lose all claims over the main house.

CHAPTER VI

PROCEDURE FOR INHERITANCE IN CASE OF DIVORCE

Ga 6-1 Recognition of husband and wife as a joint family.

Notwithstanding a couple having married without obtaining a marriage certificate (NYENTHA), or having received shares of 'inheritance' from their respective parents, or have acquired properties individually prior to their marriage, or even if the properties acquired by them individually after their marriage are registered separately in their individual name, if such a couple has a common kitchen, they shall be deemed to be a joint family.

GA 6-2 NON-RECOGNITION OF HUSBAND AND WIFE AS JOINT FAMILY.

Notwithstanding a couple having contracted a marriage after obtaining a Marriage Certificate, or they have inherited properties from their respective parents, or have acquired properties prior to their marriage, or have acquired properties individually subsequent to their marriage and have kept such properties individually subsequent to their marriage and have kept such properties in their joint name, if such a husband and wife have separate kitchens, they shall not be deemed to be a joint family. (Addendum to section Kha 5-8 of THRIMSHUNG, 1957).

GA 6-3 RIGHT TO PROPERTIES ACQUIRED BY A SPOUSE PRIOR TO MARRIAGE ON DIVORCE.

Irrespective of the number of years of marriage between a husband and a wife, and whether or not they have been recognized as a joint family, and whether or not they have any children, on divorce, the properties movable or immovable, acquired by either of them individually prior to the marriage, or the outstanding debts or amounts

that are due to either of them, shall have to be taken over or settled individually and shall not be accounted for jointly. (Refer Section Kha 5-1 of THRIMSHUNG, 1957).

GA 6-4RESTRICTIONS ON SHARING PROPERTIES INHERITED FROM PARENTS OR RELATIVES OR SETTLING OUTSTANDING DEBTS.

Irrespective of the number of years of a marriage between a husband and wife, and whether or not they have been recognized as a joint family, and whether or not they have any children, on divorce, the properties inherited by either of the spouse from his or her parents or relatives shall be taken over by such spouse, and the liability of any outstanding debts of either shall be discharged and settled by that spouse individually. (Refer Section Kha 5-3 of THRIMSHUNG, 1957).

GA 6-5ONUS OF SETTLING FINES OR GAMBLING DEBTS ON DIVORCE.

Irrespective of the number of years of marriage between a husband and wife, and whether or not they have been recognized as a joint family, and whether or not they have any children, on divorce, the liability of payment of any fines levied on the husband or wife, or debts incurred on gambling los, shall have to be discharged individually by the person concerned. (Refer Section Kha 5-2 of THRIMSHUNG, 1957).

GA 6-6RESTRICTION ON CLAIMING EXPENSES INCURRED JOINTLY ON DIVORCE.

Irrespective of the number of years of marriage between a husband and wife, and whether or not they have been recognized as a joint family, and whether or not they have any children, the expenses incurred during their stay together for their joint benefit shall not be claimed by one from the other. (Refer Section Kha 5-4 of THRIMSHUNG, 1957).

GA 6-7RESTRICTION ON CLAIMING EXPENSES INCURRED BY EITHER A HUSBAND OR WIFE LIVING TOGETHER WHATEVER BE THE REASON.

Irrespective of the number of years of marriage between a husband and wife, and whether or not they have been recognized as a joint family, and whether or not they have any children, after their divorce, the expenses incurred during their stay together, either for themselves or for their respective relatives or dependents for any major or minor work of importance, even if such expenses have been incurred from individual means of either of them, shall not be claimed by one party to the marriage from the other, whatever be the reason for such expenditure.

GA 6-8RESTRICTION ON CLAIMING RETURN AFTER DIVORCE OF PROPERTIES ONCE GIVEN.

Irrespective of the number of years of marriage between a husband and wife, and whether or not they have been recognized as a joint family, and whether or not they have any children, after their divorce no claim whatsoever shall be entertained from either of them on properties, whatever these may be which have been given to each other during their stay together or which have been given by either of them to the members of their joint families or relatives at the discretion of either of them. (Refer Section Kha 5-6 of THRIMSHUNG, 1957).

GA 6-9 RESTRICTION ON CLAIMING REFUND OF EXPENDITURE FOR PERSONAL BENEFIT.

Irrespective of the number of years of marriage between a husband and wife, and whether or not they have been recognized as a joint family, and whether or not they have any children, after their divorce, no claim whatever shall be entertained from either of them for any expenditure incurred for the personal benefit of the husband or the wife as long as they lived together as a married couple, even if such expenditure has been incurred without their express consent, or for any expenditure incurred on behalf of the members of their respective families, or on the request of their relatives, or for the refund of the cost of any property taken by their relatives or for any damage that might have been caused to such properties. (Addendum to Section Kha 5-7 of THRIMSHUNG, 1957).

GA 6-10 RESTRICTION ON SHARING PROPERTIES TO WHICH ONE HAS NO TITLE.

Irrespective of the number of years of marriage between a husband and wife, and whether or not they have any children, and whether or not they have been recognized as joint family, properties of the following description shall not be shared after divorce, viz., any money taken from others during their stay together as a married couple by either of them, or any articles given by others to be kept in their custody or any movable or immovable property to which they have no title, whether given to the husband or the wife (Addendum to Section Kha 5-6 of THRIMSHUNG 1957).

GA 6-11 PROCEDURE FOR REFUND OF EXPENSES INCURRED FOR RELEASE OF PROPERTIES OF HUSBAND OR WIFE FROM MORTGAGE.

Irrespective of number of years of a marriage between a husband and wife, and whether or not they have been recognized as a joint family, and whether or not they have any children, if during their stay together any lands or any other properties, belonging either to the husband or the wife have been redeemed from mortgage, then in the event of divorce such properties shall be taken over by the husband or the wife, as the case may be, to whom such properties belonged. But the expenditure incurred on reddening the properties by the spouse to whom those properties do not belong shall be refunded by the spouse to whom the properties belong.

GA 6-12 PROPERTIES ACQUIRED JOINTLY BY HUSBAND AND WIFE DURING THEIR STAY TOGETHER IN A JOINT FAMILY TO BE SHARED EQUALLY ON DIVORCE.

Except for the properties owned by parties to the marriage prior to the marriage, a husband and wife recognized as a joint family, on the event of divorce, shall share equally between themselves, the properties acquired by them jointly subsequent to their marriage, or acquired as a gift (SOLRA) and registered in the name of either of them. (Addendum to Section Kha 8-2 of THRIMSHUNG, 1957).

GA 6-13 PROCEDURE FOR SHARING PROPERTIES IN THE EVENT OF MUTUAL DIVORCE WITHOUT DEFAULT OF HUSBAND OR WIFE.

If a husband and wife recognized as a joint family mutually seek divorce, and neither of them is guilty of committing any misdemeanor, then in such a case, after partitioning the properties in which they have their own and individual rights and settling the debts owned individually as prescribed by law, a portion from the remaining properties shall be given to husband to meet his needs (PHO-CHEY) and as portion there from shall also be given to the wife to meet her needs (MO-CHEY). The residual properties shall be equally shared by both of them.

If in a case covered by this Section, there are children also, then the husband and wife shall be entitled to receive only one-third of such share each, and all the children together shall receive the remaining one-third. But if the children have not attained the age of eighteen years, they shall not be liable for any out-standing debts in accordance with the provisions of section Ga 6-15 of this Act. (Addendum to Section Kha 5-9 of THRIMSHUNG, 1957).

GA 6-14 PROCEDURE FOR SHARING PROPERTIES WHEN DIVORCE TAKES PLACE DUE TO DEFAULT OF EITHER PARTY TO THE MARRIAGE.

If a couple recognized as a joint family seeks divorce due to one of the parties being guilty of committing a misdemeanor, then, after first partitioning the properties over which they have their separate and individual rights and accounting for the debts incurred as prescribed by law, the out-standing debts, if any, shall be settled from the remaining properties.

Thereafter, the remaining properties shall be divided into three equal parts, and the spouse who is innocent shall be given two-third share and the spouse who committed misdemeanor shall be given one-third share of such remainder.

And in a case, the remaining properties are not sufficient to discharge the outstanding debts, then the innocent spouse shall be liable for one-third of such debts

and the spouse who committed the misdemeanor shall be liable for two-third of such out-standing debts. (Addendum to Section Kha 5-10 of THRIMSHUNG, 1957).

GA 6-15

PROCEDURE FOR SHARING PROPERTIES

If a husband and wife who seek divorce due to commission of misdemeanor by either party to the marriage have children, then after partitioning the properties over which they have their separate and individual rights in accordance with the provisions of Section Ga 6-14, the portion of the properties which is required for the needs of the husband (PHO-CHEY) and the wife (MO-CHEY) shall be taken out. Thereafter, the remaining properties shall be divided into four parts which shall be distributed as under:-

- i) Two parts shall be given to the party who is not at fault:
- ii) One part shall be given to all the children together; and
- iii) one part shall be given to the spouse who is at fault.

If in a case covered by this section, there are any outstanding debts, then those children who have not attained the age of eighteen years shall not be liable for them. Such debts shall also be divided into four parts and borne as under:-

- i) The spouse who committed the misdemeanor shall be liable to pay two parts;
- ii) The children together (who are not minor) shall pay together one part; and
- iii) the spouse who has not defaulted shall pay one part of such debts. (Addendum to Section Kha 5-10 of THRIMSHUNG, 1957).

Ga 6-16 Procedure for sharing properties on divorce of a husband and wife not recognized as a joint family.

In the event of divorce of a couple which has not been recognized as a joint family, the properties given by the husband to the wife or by the wife to the husband or the expenditure incurred by either of them during their stay together shall be dealt with according to the provisions of the preceding sections except that the other properties, movable or immovable, shall not be shared irrespective of the number of years of the marriage and irrespective of whether the husband or the wife was guilty of committing a misdemeanor leading to the divorce (Addendum to Section Kha 5-11 of THRIMSHUNG, 1957).

GA 6-17

ONUS FOR MAINTENANCE OF CHILDREN (SO-THUI) IF HUSBAND AND WIFE NOT RECOGNIZED AS JOINT FAMILY.

Whereas properties are restricted from being shared on a divorce of husband and wife who are not recognized as a joint family, the children who have not have the age of nine years shall be given in the custody of the mother and the father shall have to bear the costs for the maintenance of the children (SO-THUI) irrespective of whether the husband or the wife committed the misdemeanor.

GA 6-18 PROCEDURE FOR SHARING PROPERTIES ON DIVORCE OF A COUPLE MARKED FOR TEN YEARS.

On the divorce of a couple living as joint family when parties to the marriage have lived together as husband and wife for ten years, then, whether or not they have performed any beneficial work for each other during their married life or whether or not they have any children, the properties, both movable and immovable, acquired by them subsequent to their marriage shall have to be equally shared by them on their divorce except the properties received by them from their parents. But if the period of their marriage is less than ten years, then the case shall be dealt with according to Section Ga 6-22.

GA 6-19 GRANT OF AA LIVELIHOOD TO NON-DEFAULTING PARTY WHEN A COUPLE MARRIED FOR MORE THAN TEN YEARS DIVORCES.

In the event of divorce of a couple living as joint family who have been married for a period of more than ten years, if the spouse who has not defaulted has to leave the main house and does not receive any plot of land wither purchased by him or her, or any plot of land as part of inheritance, or any of the plots being cultivated by him or her, then such a person shall have to be given a plot of land as livelihood (TOSHING) by the husband or the wife concerned who stays behind in the main house.

The person who is given a plot of land under this Section shall be entitled to cultivate the said plot till such time he or she remains alive or till the time a subsequent marriage in contracted by him or her. On the death of the person getting the plot of land or on contracting a subsequent marriage, the said plot of land shall have to be restored to the main house.

GA 6-20 RESTRICTION ON GETTING 'LIVELIHOOD' IS HUSBAND OR WIFE DIVORCING OWN LANDS EVEN IF NOT IN DEFAULT.

In the case of a divorce as mentioned in Section Ga 6-19 even if the defaulting husband or wife leaving the main house is not entitled to receive 'livelihood' (TOSHING), the husband or wife, even if innocent, shall also not be entitled to get any livelihood' if he or she holds rights to twenty-five acres of land, or is entitled to a share out of the lands acquired by them during their stay together subsequent to their marriage.

GA 6-21 RESTRICTION ON SHARING HOUSE OF PARENTS ON DIVORCE BY A COUPLE OWNING A HOUSE.

If a husband and a wife have no house of their own and are consequently staying in the house built by their parents, then on divorce they shall not be entitled to any share of that house even if they have lived together for a period of more than ten years. But if they have built a house subsequent to their marriage, then the degree of innocence or the gravity of fault of either the husband or the wife shall be first decided and the house shall be partitioned according to such degree of innocence or fault.

GA 6-22 NO SHARING OF INHERITED PROPERTIES OR PROPERTIES ACQUIRED PRIOR TO MARRIAGE ON DIVORCE OF A JOINT FAMILY COUPLE MARRIED FOR LESS THAN TEN YEARS.

Notwithstanding a couple is recognized as a joint family, if they have lived together after marriage for less than ten years, then, in the event of their divorce, except for the properties received from their respective parents or received as an inheritance from others or acquired prior to their marriage, other properties, either movable or immovable, shall not be shared between them.

GA 6-23 RESTRICTION ON ACQUIRING ANY SHARE IN IMMOVABLE PROPERTY BY A NON-BHUTANESE.

Unless citizenship has been acquired in accordance with the provisions of the Bhutanese Citizenship Act, a non-Bhutanese husband or wife married to a Bhutanese citizen and their children out of such wedlock shall be entitled to inherit only the movable properties and such persons shall not be entitled to any immovable property even if the immovable properties have been acquired subsequent to their marriage.

GA 6-24 NON-ACCEPTANCE OF AGREEMENT CONTRAVENTING INHERITANCE ACT ON DIVORCE.

Irrespective of whether a couple is recognized to be a joint family or not, and the number of years they have lived together, and whether or not they have any children, if a suit has been filed in a Court of law at the time of their divorce, then even if they have executed an agreement for sharing of the properties, no agreement whatsoever shall be accepted by the Court except an agreement executed in accordance with the provisions of the Inheritance Act.

GA 6-25 RULE GOVERNING ACQUIRING OF PROPERTIES BY THE SPOUSE REMAINING AT HOME IF HUSBAND OR WIFE ABSCONDS.

If any husband or wife leaves the Country or absconds to any other part within the country, then all the properties, movable and immovable, in which that husband or wife holds rights or to which he or she is entitled a part of his or her inheritance, shall be taken over by the spouse remaining at home. But if later on that absconding husband or wife returns and reconciles with the spouse at home then such properties may be enjoyed by that absconding husband or wife; otherwise such husband or wife who absconded shall not be entitled to any share of such properties either movable or immovable. However, the decision as to whether or not to accept the spouse who has returned to stay in the house shall be taken solely at the discretion of the spouse who had remained at home.

CHAPTER VII

PROCEDURE FOR MAKING A LAST WILL AND TESTAMENT

GA 7-1 PROCESSING OF INHERITANCE ACCORDING TO LAST WILL AND TESTAMENT.

The procedure for processing inheritance of properties, both movable and immovable, as laid down hereinbefore in Section Ga of this Act shall be under taken either in accordance with the written will executed by the deceased testator, or an oral declaration made by him or her in the presence of the witnesses.

GA 7-2 PROCEDURE FOR DRAWING UP A WILL.

When drawing up a will prior to the death of the person making it, a full and complete detail of all the immovable properties such as houses, lands and movable properties such as cattle, their manner of disposal, the proportions in which such properties are to be bequeathed, etc., shall be mentioned and the document so prepared shall be duly signed by the person making the will and the witnesses; and then such a document shall have to be presented before a Court of Law. In cases, where it is not possible to execute such a written will, an oral declaration shall have to be made in the presence of at least two witnesses and the declaration so made shall be written out and signed by the said two witnesses.

Thereafter, the properties shall be partitioned in accordance with the said declaration. (Refer Section Ga 2-1 of THIRIMSHUNG, 1957).

GA 7-3 VALIDITY OF ORAL DECLARATION MADE IN THE PRESENCE OF WITNESSES IN THE ABSENCE OF WRITTEN WILL.

In the absence of a written will, partition of the properties done in accordance with the oral declaration made in the presence of at least two witnesses who are not

related to the person making such a declaration shall be accepted as valid (Refer Section Ga 2-2 of THRIMSHUNG, 1957).

GA 7-4PRECEDENCE TO WRITTEN WILL WHERE BOTH WRITTEN AND ORAL WILL ARE MADE.

If the deceased testator has executed a written will and has also made an oral will, then the written will shall have precedence and shall be accepted as the valid will. (Refer Section Ga 2-2 of THRIMSHUNG, 1957).

GA 7-5ACCEPTANCE OF WILL KEPT IN COURT OR THE LATTER MOST WILL, IF SEVERAL WILLS EXECUTED.

If the deceased testator has drawn up several wills, then amongst them the one kept in the Court shall be accepted as the valid one. And when such will have not been kept in the Court, the one executed on the latter most date shall be accepted as the valid one. (Refer Section Ga 2-4 of THRIMSHUNG, 1957).

GA 7-6INVALIDITY OF WILLS MADE BY A PERSON OF UNSOUND MIND.

If the deceased testator was of unsound mind at the time of drawing up of the written will or making the oral declaration, then such a will or declaration shall not be accepted as valid. (Refer Section Ga 2-5 of THRIMSHUNG, 1957).

GA 7-7INVALIDITY OF A WILL INCLUDING A PROPERTY OVER WHICH ONE HAS NO RIGHTS.

If the deceased testator in his or her written will or oral declaration includes a property in which he or she does not hold any title, then such a will or declaration shall not be accepted a valid. (Refer Section Ga 2-5 of THRIMSHUNG, 1957).

GA 7-8PROCEDURE FOR INHERITANCE IF UNRELATED PERSON HAS BEEN GIVEN A SHARE IN THE WILL BY A DECEASED.

If a deceased testator in his or her will has bequeathed a property to a third person who is not his or her relative, instead of giving the inheritance to the rightful successor, then if that successor had not performed any beneficial work for the deceased while the deceased was alive, or had lived apart from the deceased for several years, that successor shall loose all hi or rights, and the properties of the deceased shall be inherited by the members of the joint family of the deceased; but the name of the person who is not the relative shall also not be accepted. In case that person who is not a relative had performed some beneficial work for the deceased-

testator during the life-time of the said testator, then such person shall be entitled to receive compensation for the beneficial work.

GA 7-9 VALIDITY OF WILL WRITTEN BY THE DECEASED EVEN IF NOT SIGNED.

If it is proved that a will has been written by the deceased testator himself or herself, then such a will shall be accepted as valid even though judicial stamps have not been affixed thereon or not signed by the testator.

GA 7-10 VALIDITY OF A WILL WRITTEN BY A SCRIPT AND SIGNED BY WITNESSES.

If a will has been written by a third person as a script owing to the deceased testator being illiterate, and at the time of drawing up of that will two witnesses present who are not related to the deceased testator, have affixed judicial stamps in accordance with the law and have also put their signatures thereon a witnesses, then such a will shall be accepted as valid.

GA 7-11 WRITTEN DECLARATION TO BE DRAWN UP WITHIN 30 DAYS OF THE ORAL DECLARATION BY THE WITNESSES.

If a written will has not been executed by the testator himself but only an oral declaration is made by the deceased testator, then it shall be incumbent upon those persons present at the time of the oral declaration to immediately draw up a written declaration without any change in the declared wished of the deceased testator and have such declaration attested with signatures of all such witnesses. But where a period of thirty days elapses from the day of the oral declaration prior to the drawing up of the written declaration, then in the event of any dispute arising relating to inheritance, then subsequently such a declaration drawn-up after thirty days of the oral declaration shall not be accepted as valid.

GA 7-12 INVALIDITY OF WILL FORCIBLY MADE OUT CONTRARY TO THE WISHES OF THE DECEASED TESTATOR.

Except for a will executed by the deceased testator according to his or her own express wish, any other wills proved to have been drawn up by resorting to fraudulent means by other persons or by enticing him with greed or by using threats shall not be accepted as valid even though made in the presence of the witnesses.

GA 7-13 NON-ENTITLEMENT TO PROPERTIES DEBARRED BY GOVERNMENT EVEN IF INCLUDED IN A WILL.

If properties which have been debarred by the Government have also been included in a will, then such properties shall not be inherited by any person.

IN THE ABSENCE OF ANY VALID WILL, INHERITANCE TO TAKE PLACE AS PER CHAPTER VIII

If there is neither a written will nor an oral declaration nor have the wished of the deceased testator been expressed in any form or manner as prescribed by law, then the procedure for the heirs to inherit the properties shall be to process the cases in accordance with the provisions of Chapter VIII of this Act. (Addendum to Section Ga 2-7 of THRIMSHUNG, 1957).

CHAPTER VIII

PROCEDURE FOR INHERITING THE PROPERTIES BY

MEMBERS OF THE JOINT FAMILY

HEIRS OF A DECEASED PERSON.

GA 8-1 RESTRICTION ON ACQUIRING IF A SHARE HAS ALREADY BEEN TAKEN OUT OF THE PROPERTIES OF THE DECEASED.

A person who had taken a share from the properties of a deceased person during the life-time of the deceased shall not be entitled to receive any further share from the properties of that deceased. (Refer Section Ga 2-8 of THRIMSHUNG, 1957).

GA 8-2 RESTRICTION ON JOINT FAMILY MEMBER WHO IS NOT ON AMICABLE TERMS WITH THE DECEASED FROM TAKING SHARE OF PROPERTY OF THE DECEASED.

Any person from the family or a relative or a member of the main house who was not on amicable terms with the deceased when the deceased was still alive shall not be entitled to inherit any share out of the properties of that deceased (Refer Section Ga 2-9 of THRIMSHUNG, 1957).

GA 8-3 RESTRICTION ON RIGHTFUL SUCCESSOR RENOUNCING BHUTANESE CITIZENSHIP FROM INHERITING.

Notwithstanding a person being otherwise entitled to inherit the properties of the deceased, if he or she has once renounced the Bhutanese citizenship or has not acquired Bhutanese citizenship then such a person shall not be entitled to receive any of 'inheritance' from the properties of the deceased. (Refer Section Ga 2-10 of THRIMSHUNG, 1957).

RESTRICTION ON INHERITING BY AN ABSCONDER FROM THE COUNTRY OR BY ONE WHO IS SERVING SENTENCE FOR TREASON.

Notwithstanding a person is the rightful heir of the deceased or a member of the joint family of the deceased, or whoever he or she may be, once that person absconds from the country or is serving a term of imprisonment by being an accessory to an act of treason against the country, then such a person shall not be entitled to any share of 'inheritance' from the properties of the deceased.

GA 8-5 WIVES TO GET THE SHARE IN CASE THE PERSON ENTITLED TO SHARE SERVING IMPRISONMENT FOR OFFENCE OTHER THAN TREASON.

If a person is serving a term of imprisonment for an offence, other than the offence of treason against the country, then the wives of that person who are living with the joint family shall be entitled to both the inheritance and share from the properties of the deceased, to which the person serving the imprisonment be entitled.

GA 8-6 PROCEDURE WHEN IN A CASE FALLING UNDER GA 8-5 THE WIFE ABSCONDS OR CONTRACTS A SUBSEQUENT MARRIAGE.

As mentioned in the preceding section Ga 8-5, if the wife who is both a member of the joint family and inheritor of the properties of the deceased husband also dies or contracts a subsequent marriage with any other person, then the properties of the deceased shall be inherited by the children of the deceased husband. In case there is no child of the deceased husband, such properties shall have to be handed over to the main house of the deceased husband.

GA 8-7 PROCEDURE WHERE WIDOW OR CHILDREN LIVE APART FROM MAIN HOUSE AFTER INHERITING PROPERTY.

If the wife or children of a deceased husband, after inheriting the properties of the deceased, with to live apart from the main house, then the properties so inherited shall have to be made over to the main house as mentioned in the preceding Section Ga 8-6. In case there are no such children, the properties shall be declare to be properties without any heir. (CHATONG).

GA 8-8 SHARE OF AN ABSCONDER FROM COUNTRY OR ONE SERVING SENTENCE FOR TREASON NOT TO BE INHERITED BY HIS WIFE OR CHILDREN.

If a person who is both a relation and inheritor of the properties of a deceased absconds from the country or is serving a term of imprisonment for being an accessory to an act of treason against the country, then, whether he has a wife or

children, whatever the case may be, his share of inheritance shall not be inherited by his wife and children.

GA 8-9 PERSONS LIVING APART FOR MORE THAN TEN YEARS NOT ENTITLED TO INHERIT ANY SHARE.

Notwithstanding a person being both a member of the joint family and heir of the properties of a deceased, if such a person has lived apart continuously for more than ten years, his or her rights to inherit any share of the properties of the deceased shall stand forfeited.

GA 8-10 PERSON ACCESSORY TO ACT OF TREASON OR ABSCONDING FROM COUNTRY AFTER OFFENCE NOT TO INHERIT.

A person, who having been an accessory to an act of treason against the country or after committing any other offence has once absconded from the country, shall not be entitled to any portion of an inheritance from the properties of the deceased irrespective of whether or not a period of ten years has elapsed from the incident.

GA 8-11 CHILDREN OF FIRST WIFE LIVING FOR MORE THAN TEN YEARS WITH JOINT FAMILY ENTITLED TO INHERIT.

If a husband subsequent to divorcing his first wife contracts a marriage with another woman, and the children from the first wife, on their being invited or of their own wish, have lived for ten years with the joint family and that husband dies, then, at the time of disposing of the properties of that deceased, the children from the first wife shall also be entitled to inherit the movable properties of the deceased in the same proportion as the other heirs.

But if ten years have not elapsed since their stay with the joint family, then only those properties which have been stipulated to be inherited by them by the deceased in his will shall be inherited by the deceased in his will shall be inherited by them and they shall not be given any further share of the inheritance. In case, the deceased during his lifetime had given such children some properties then the proceedings shall be dealt with in accordance with the provisions as prescribed by law.

GA 8-12 RIGHT TO PROPERTIES OF THE DECEASED BY JOINT FAMILY MEMBERS.

Except for those members who have been debarred by law from inheriting any properties, all the other members of the joint family shall have the rights to inherit the properties of the deceased in accordance with the provisions of the following sections.

GA 8-13 INCLUSION OF CHILDREN AS MEMBERS OF JOINT FAMILY WHO HAVE LIVED APART FROM MAIN HOUSE WITHOUT TAKING A SHARE FOR LESS THAN TEN YEARS.

If the children of a deceased or any members of the joint family, without taking their share from the main house or without having any disagreement whatsoever with the deceased, have lived apart for a period of less than ten years, then such children or family members shall be deemed to be members of the joint family of the main house (Refer Section Ga 2-12 of THRIMSHUNG, 1957).

GA 8-14 PROCEDURE FOR DISTRIBUTION OF DECEASED'S PROPERTIES WHO HAS LOOKED AFTER BOTH HIS AND HIS WIFE'S HOUSE.

If a husband has looked after the welfare of both his and his wife's main houses and has acquired properties for both the houses, then on his death, such properties shall remain in that house, out of the two houses, where they have been kept. In addition, if the deceased has acquired any personal properties of his own, then those properties shall be utilized for his last rites and ceremonies, and the residue shall be distributed among his children. But if there are no children, then such properties shall be shared equally between the main house of the deceased and that of his wife. (Refer Section Ga 2-14 of THRIMSHUNG, 1957).

GA 8-15 PROCEDURE FOR DISTRIBUTING PROPERTIES OF A WIFE WHO DIES WHEN THERE ARE SEVERAL WIVES.

Where there are three or more wives of a husband and all are living together in the joint family, then in the event of death of either of those wives, the properties, both movable and immovable, acquired by her subsequent to her marriage shall be inherited by her children; but if there are no children, then the husband shall inherit such properties.

But the properties inherited by the deceased wife or the properties acquired by her prior to her marriage, shall have to be made over to her main house and in case there are no joint family members in her main house then those properties shall be inherited by her husband. (Refer Section Ga 2-14 of THRIMSHUNG, 1957).

GA 8-16 PROPERTIES TO BE DECLARED OF THE GOVERNMENT IF THERE ARE NO HEIRS.

When a person dies and there are no heirs to inherit the properties, both movable and immovable of that deceased then all the properties of such a person shall be deemed to be the properties without any heir (CHATONG) and shall be taken over by the Government. And the responsibility of performing the last rites and ceremonies of such a deceased shall also be taken over by the Government. (Refer Section Ga 2-18 of THRIMSHUNG, 1957).

GA 8-17

RESTRICTION ON THOSE HAVING TWENTY FIVE ACRES OF LAND FROM INHERITING ANY LAND OF DECEASED.

Any member of the main house who is the inheritor of the lands of the deceased or the wife of the deceased, whether or not there are any children, shall be entitled to inherit a portion from the lands of the deceased provided such a family member or wife does not have 16,000 measures of produce from their fields twice a year or does not own twenty-five acres of land.

And in case such a family member of wife obtains any yield of 16,000 measures from his or her fields twice in a year or owns twenty-five acres of land, then such a person shall not be entitled to inherit any portion of land out of the lands of the deceased. (Refer Section Kha 9-1 of THRIMSHUNG, 1957).

GA 8-18

RIGHT TO PROPERTY OF THE DECEASED BY SURVIVING SPOUSE OR CHILDREN IF DECEASED HAS NOT LIVED IN THE MAIN HOUSE.

If a deceased husband or wife has not lived with the joint family members of the main house, then all the property of that deceased, movable and immovable, shall be inherited by the surviving wife or the husband, as the case may be, or the children, as the case may be, or the children (Refer Section 9-3 of THRIMSHUNG, 1957).

GA 8-19

ENTITLEMENT TO PROPERTIES OF THE DECEASED OF CHILDREN AND MEMBERS OF THE MAIN HOUSE IF HUSBAND OR WIFE LIVING IN THE MAIN HOUSE DIES.

On the death of a husband or wife living in the main house with the joint family, all the properties of the deceased whether movable or immovable acquired either prior to or after his or her marriage, shall be inherited by the children and the family members of the main house of the deceased and not by either the surviving wife or the husband. (Amendment to Section Ka 9-5 of THRIMSHUNG, 1957).

GA 8-20

RIGHT TO PROPERTIES BY WIFE OR HUSBAND AND CHILDREN WHETHER OR NOT DECEASED HAS LIVED APART IN THE ABSENCE OF MAIN HOUSE MEMBERS.

Irrespective of whether a husband or wife have lived together or separately from each other, on the death of either, if there are no family members from the main house of the deceased partner, then all the properties, movable and immovable, acquired by the deceased either prior to or after the marriage, shall be inherited by the surviving spouse and the children. (Addendum to Section Ga 2-15 of THRIMSHUNG, 1957).

GA 8-21 PROCEDURE FOR INHERITING PROPERTIES OF DECEASED HUSBAND OR WIFE WHEN THERE ARE NO CHILDREN OR PARENTS.

If a husband or a wife, who has not received any inheritance from the parents or from any other person, keeps his or her parents or collateral in the joint family after having acquired properties subsequent to their marriage and also have children of their own, then in the event of death of such a husband or wife, one-half of the properties of the deceased, movable and immovable, shall be given to the parents and the collateral of the deceased, and the other half to the surviving spouse. But if there are no parents then one-third of the properties shall be given to the collateral and two-thirds to the surviving wife or husband.

GA 8-22 ENTITLEMENT FOR LIVELIHOOD FROM LAND INHERITED FROM PARENTS OF THE SURVIVING SPOUSE LIVING TOGETHER FOR MORE THAN TEN YEARS.

If a married couple has lived together for a period of more than ten years but has not purchased any land; and have land inherited from the parents, then, in the event of the death of either of them, the surviving spouse shall be entitled to receive a plot of land from the land as 'livelihood' (TOSHING). But if such a surviving spouse contracts a subsequent marriage, then that plot of land shall have to be restored to the main house.

GA 8-23 ENTITLEMENT TO, OR RESTRICTION ON ACQUIRING 'LIVELIHOOD' IF A HUSBAND OR WIFE MARRIED FOR LESS THAN TEN YEARS EXPIRES.

As mentioned in the preceding section Ga 8-22 when either the husband or the wife who had lived together dies, but the period of their marriage has been less than ten years, then if the surviving spouse wished to live apart from the joint family, he or she, shall lose rights to any share of the properties. But if, on the other hand, the joint family members forcibly evict such a surviving spouse, then the person so evicted shall be entitled to receive 'livelihood' (TOSHING) as mentioned in the preceding section. (Amendment and addendum to Section Ka 9-4 of THRIMSHUNG, 1957).

GA 8-24 RULES GOVERNING INHERITANCE OF WIFE'S PROPERTIES LIVING WITH HUSBAND'S JOINT FAMILY AND VICE VERSA.

On the death of a wife living with the main house family of the husband, or a husband living with the main house joint family of the wife, all the properties, both movable and immovable, inherited by the deceased spouse or acquired by that couple subsequent to their marriage shall be inherited by the surviving husband or the wife and the children. (Amendment to Section Ka 9-6 of THRIMSHUNG, 1957).

GA 8-25 RULES GOVERNING INHERITANCE IF IN A CASE COVERED BY SECTION 8-24 THE SURVIVING SPOUSE REMARRIES AND THERE IS NO CHILD.

As mentioned in the preceding section Ga 8-24 where the husband or the wife expires, but if that couple was childless then that surviving wife or husband, in addition to inheriting the properties acquire when being married to the deceased, shall also be entitled to the movable properties of the deceased spouse. But the immovable properties of the deceased shall be restored to the main house of the deceased partner. (Amendment to section Ka 9-8 of THRIMSHUNG, 1957).

GA 8-26 RESTRICTION ON GIVING PROPERTIES WHEN CHILDLESS COUPLE LIVING WITH THEIR RESPECTIVE JOINT FAMILIES EXPIRES.

If a husband and wife instead of staying together reside separately with members of their respective main house joint families, and that couple is childless, then on the death of either the husband or wife, the properties, both movable and immovable, shall remain in that main house where they are kept and shall not be given by one house to the other.

GA 8-27 ENTITLEMENT TO HALF THE PROPERTIES TO BE INHERITED BY THE DECEASED PARENT BY CHILDREN AS MENTIONED IN SECTION GA 8-26.

If the married couple as mentioned in the preceding section Ga 8-26 has children, then half of the properties, both movable and immovable, which were to be inherited by the deceased parent from the main house, shall be given to the children.

GA 8-28 RULES GOVERNING INHERITING EQUAL SHARES BY CHILDREN FROM FIRST OR SECOND MARRIAGE.

If a husband or a wife having children dies and the surviving husband or the wife remarries and has children from the second marriage also, and if the second husband or wife with whom the first husband or wife had remarried also dies, then, even if there are no properties, movable or immovable, in the name of the first husband or wife, but only in the name of the second deceased husband or wife, the children from the first marriage shall also be entitled to inherited equal shares from such properties as the children from the second marriage. (Addendum to section Ka 9-7 of THRIMSHUNG 1957).

GA 8-29 RESTRICTION ON INHERITING PROPERTIES OF FIRST HUSBAND OR WIFE BY CHILDREN FROM SECOND MARRIAGE.

If a husband or a wife having children expires and the surviving wife or husband remarries, and has children from the second marriage also, and the second husband or wife with whom the first husband or wife had married also expires, then, if there are

no properties, movable or immovable, in the name of the second deceased husband or wife, the children from the first marriage only shall inherit the properties and the children from the second marriage shall not be entitled to receive any portion therefrom.

GA 8-30 ENTITLEMENT TO PROPERTIES BELONGING TO SECOND WIFE TO HER CHILDREN.

Where the first wife having no properties dies, and the surviving husband re-marries a woman having properties and that husband dies, then the children from the second marriage shall not have to share the properties with the children from the first marriage.

In the like manner, if the husband dies and the surviving wife remarries a man having properties, then, in case the first husband had no properties, movable or immovable, then the properties belonging to the second husband shall not be inherited by the children from the first marriage but shall be inherited by the children from the second marriage.

GA 8-31 NON-ENTITLEMENT TO INHERITANCE OF CHILDREN FROM SECOND MARRIAGE OF PROPERTIES OF FIRST HUSBAND OR WIFE.

If on the death of a husband, the surviving wife re-marries, and such a wife also dies, then, if the properties were owned by the deceased first husband and the second husband has no properties, such properties shall be inherited by the children from the first marriage only and the children from the subsequent marriage shall not be entitled to inherit any share therefrom.

In like manner, where after the death of the first wife the surviving husband remarries and such a husband also dies, then, if there are properties belonging only to the deceased first wife and the second wife has no properties, such properties shall be inherited by the children from the first marriage only and the children from the subsequent marriage shall not be entitled to inherit any share therefrom.

GA 8-32 RESTRICTION ON CHILDREN OF SUBSEQUENT MARRIAGE TO PROPERTIES INHERITED BY CHILDREN OF NON-JOINT FAMILY; AND INHERITING OF SHARES BY CHILDREN OF FIRST MARRIAGE ALSO FROM PROPERTIES OF SUBSEQUENT HUSBAND OR WIFE.

If on the death of either the husband or wife not recognized as joint family, the surviving spouse re-marries and keeps the children from the first marriage, who have inherited some properties of the deceased parent, and there are children from the subsequent marriage also and the second husband or wife also dies, then, the properties both movable and immovable, belonging to the deceased second husband or wife shall not be inherited by the children from the first marriage; but the children

from the second marriage only shall be entitled to the properties of the second husband or wife, as the case may be.

But if the second husband or wife remains alive and the former husband or wife who had survived dies, then, all the properties, both movable and immovable, belonging to such a deceased husband or wife shall be equally shared by the children from the first and the second marriages.

GA 8-33 RULES GOVERNING INHERITANCE WHEN BOTH THE HUSBAND AND WIFE EXPIRE.

If both the husband and wife expire, then, all the properties, movable and immovable, held in their names, shall be inherited by their children,

Or, if there are no children and that husband or wife and lived separately in their respective main houses with their respective main houses with their joint families, then their properties shall be shared equally between their respective main houses.

Or, if that husband or wife had separated from his or her main house, as the case may be, and taken up residence in the main house of the wife or the husband then their properties shall be inherited by the main house wherein they had taken up residence.

But if such a husband and wife had both separated from their respective main houses and the couple had lived apart from their main houses, then, all their properties shall be deemed to be properties without any heir (CHATONG). (Addendum to Section Ka 9-9 of THRIMSHUNG, 1957).

GA 8-34 RULES GOVERNING INHERITANCE WHEN A HUSBAND WITH SEVERAL WIVES DIES.

If a man who has married two or more wives, all of whom stay together in one joint family dies, then, the properties of the deceased shall be inherited by all the wives and the children. And if there are any outstanding debts of the deceased, then all the wives and children who have attained the age of eighteen years shall be liable for them. At the time of partitioning the said properties, movable and immovable, on equal portion shall be given to each of the wives and the children who have attained the age of eighteen years and one portion shall be given to all the children together who have not attained the age of eighteen years; but any portion of the outstanding debts shall not be borne by those children who have not attained the age of eighteen years. (Addendum to section Ka 8-11 of THRIMSHUNG, 1957).

GA 8-35 RULES GOVERNING INHERITANCE IF DECEASED HAS SEVERAL WIVES LIVING APART FROM JOINT FAMILY.

If a man has married several wives and those wives live apart from the joint family of that man, then in the event of death of such a man, the wife living with his joint family only shall be entitled to inherit all the properties of the deceased both movable and immovable; and all the wives living apart from the joint family shall be debarred from inheriting any portion from the properties of that deceased.

But if there are any children, including children from the different wives living apart, then they shall all be entitled to only one-fourth proportion of the share inherited by the wife living with the joint family; but they shall not be liable for any outstanding debts owned by the deceased even if they have attained the age of eighteen years.

GA 8-36

RULES GOVERNING PARTITIONING OF PROPERTIES OF DECEASED IN ABSENCE OR JOINT FAMILY MEMBERS.

If there are no members staying in the joint family of a person and that person contracts a marriage and dies thereafter, then, irrespective of the period of that marriage, and whether or not any of them performed any beneficial work for each other while living together, and whether or not they have any children, and whether or not the surviving spouse re-marries, all the properties, both movable and immovable, of the deceased shall be inherited by the surviving husband or the wife, as the case may be. In such a case, the members who are living apart from the main house of the deceased shall be debarred from raising any objection whatsoever.