

MCQ Question · mcqquestion.com

Mary Roy

Free · Share

Mary Roy

Mary Roy v. State of Kerala is a Supreme Court case of 1986. It changed how Syrian Christian families in Travancore shared a father's property.

Before it, a daughter got a tiny share. After it, sons and daughters shared equally.

This lesson covers the old rule, the judgment, and why the Court decided as it did.

At a glance
Four facts to hold on to.

- **Case:** Mary Roy v. State of Kerala, decided 24 February 1986.
- **Bench:** Chief Justice P.N. Bhagwati and Justice R.S. Pathak.
- **Old law:** Travancore Christian Succession Act, 1092 (Kollam Era).
- **Result:** the Indian Succession Act, 1925 applied.

What was the old rule, and what did the Court decide?

What did the old Travancore law say?

Travancore was a princely State. Its law for Indian Christians was the Travancore Christian Succession Act, 1092 (Kollam Era).

Under it, a widow or mother got only a life interest. It ended at her death or remarriage.

A daughter could not inherit in the same share as a son. She got one-fourth of the son's share, or Rs 5,000, whichever was less.

She got even that only if she had not been given or promised streedhanam.

Sources: indiankanoon.org

> **Quick check 1.** Under the old Travancore Act, a daughter got the same share as a son. *(True or False?)* See answer ↓

What was the case about?

Mary Roy and others went straight to the Supreme Court. They filed writ petitions under Article 32. The lead one was Writ Petition (Civil) No. 8260 of 1983.

The question was simple. Which law governs intestate succession for Indian Christians in the old Travancore territory?

Intestate means the person died without leaving a will.

Sources: indiankanoon.org

Who decided it and when?

The Supreme Court decided the case on 24 February 1986.

The judgment was written by Chief Justice P.N. Bhagwati. The bench had two judges: Bhagwati and Justice R.S. Pathak.

Sources: indiankanoon.org

What did the Court hold?

The Court held that the Indian Succession Act, 1925 governs. Chapter II of Part V of that Act now applies to Indian Christians in the former Travancore territory.

The old Travancore Act was no longer in force. It had been repealed.

So sons and daughters, and widows, were covered by the 1925 Act's rules.

Sources: indiankanoon.org

> **Quick check 2.** The Supreme Court held that the Indian Succession Act, 1925 governs intestate succession for Travancore Christians. *(True or False?)* See answer ↓

Why did the Court rule this way?

How did the old Act get repealed?

The answer lies in the Part B States (Laws) Act, 1951.

That Act extended the Indian Succession Act, 1925 to the Part B States, including Travancore-Cochin.

The date was 1 April 1951. Section 6 of the 1951 Act repealed the old State laws on the same subject.

So the Court held that the Travancore Act stood wholly repealed from that date.

Sources: indiankanoon.org

> **Think it through:** did the Court strike the old Act down as unfair to women?
> **Show the answer**
> No. The Court decided on repeal. The 1951 Act had already put the 1925 Act in its place. The Court only said so.

What was section 29(2) argument?

Section 29(2) of the Indian Succession Act saves some old laws. Some argued it saved the Travancore Act.

The Court disagreed. It held that section 29(2) did not save the 1092 Act.

A later Kerala High Court case repeats this point about the Court's holding.

Sources: indiankanoon.org

> **Quick check 3.** The Court held that section 29(2) of the 1925 Act saved the Travancore Act. *(True or False?)* See answer ↓

What did the ruling change?

What changed after the ruling?

Syrian Christian sons and daughters in the Travancore area now fell under the 1925 Act.

The small, capped daughter's share of the old Act no longer applied.

The change came from the Court, not from a new law passed by Parliament or the State.

Sources: indiankanoon.org

How do later cases treat it?

Later Kerala High Court cases follow Mary Roy. One 2009 case says the Supreme Court declared the 1092 Act wholly repealed by the 1951 Act.

That case also says the earlier Kerala decision on the point had missed the effect of the 1951 Act.

Sources: indiankanoon.org

Which mix-ups should you avoid?

Do not say the Court struck the old Act down. It held that the Act had been repealed.

Do not mix the dates. The case was decided in 1986. The repeal took effect on 1 April 1951.

Do not forget the Act's name. It is the Travancore Christian Succession Act, 1092 (Kollam Era).

Sources: indiankanoon.org

Quick check 4. The old Travancore Act was repealed with effect from 1 April 1951. *(True or False?)* See answer ↓

Quick Q&A

- Case decided? 24 February 1986.
- Bench? Bhagwati CJ and Pathak J.
- Old Act? Travancore Christian Succession Act, 1092.
- Applied instead? Indian Succession Act, 1925.
- Repeal date? 1 April 1951.

Practice MCQs

1. In which year did the Supreme Court decide Mary Roy v. State of Kerala?

A. 1951

B. 1986

C. 1925

D. 1992

See answer ↓

2. Which law did the Supreme Court hold now governs intestate succession for Indian Christians in the former Travancore territory?

A. Hindu Succession Act, 1956

B. Travancore Christian Succession Act, 1092

C. Shariat Act, 1937

D. Indian Succession Act, 1925

See answer ↓

3. What did the Supreme Court hold about the Travancore Christian Succession Act, 1092?

A. It stood wholly repealed on extension of the 1925 Act

B. It was struck down under Article 14

C. It was amended by the Court

D. It was upheld in full

See answer ↓

4. Which Act extended the Indian Succession Act, 1925 to the Part B State of Travancore-Cochin?

A. Hindu Marriage Act, 1955

B. Constitution (First Amendment) Act, 1951

C. States Reorganisation Act, 1956

D. Part B States (Laws) Act, 1951

See answer ↓

5. Which section of the Indian Succession Act, 1925 did the Court hold did NOT save the Travancore Act?

A. Section 63

B. Section 6

C. Section 29(2)

D. Section 36

See answer ↓

Answer Key

1. **B.**
   The Supreme Court decided the case on 24 February 1986. The bench was led by Chief Justice P.N. Bhagwati.
   ↑ Q1
2. **D.**
   The Court declared that Chapter II of Part V of the Indian Succession Act, 1925 applies.
   ↑ Q2
3. **A.**
   The Court held that the 1092 Act stood wholly repealed when the 1925 Act was extended in 1951. A 2009 Kerala High Court case repeats this.
   ↑ Q3
4. **D.**
   The Part B States (Laws) Act, 1951 extended the 1925 Act from 1 April 1951. This repealed the old Travancore Act.
   ↑ Q4
5. **C.**
   The Court held that section 29(2) of the 1925 Act did not save the 1092 Act. A 2009 Kerala High Court case repeats this.
   ↑ Q5

Quick-check answers

1. **False.** The Act gave a daughter one-fourth of a son's share or Rs 5,000, whichever was less. ↑ 1
2. **True.** The judgment declares that Chapter II of Part V of the 1925 Act applies.
   ↑ 2
3. **False.** The Court held that section 29(2) did not save the 1092 Act. ↑ 3
4. **True.** The Part B States (Laws) Act, 1951 extended the 1925 Act from that date.
   ↑ 4

Curated by Arsalan Zuberi · mcqquestion.com

Scan to read online

https://mcqquestion.com/articles/indsoc0078-mary-roy/