

## Doctrine of Escheat

*Prelims: Current events of national and international importance*

### Why in news?

*Recently, the Supreme Court of India has delivered a landmark judgment clarifying that states cannot invoke Doctrine of Escheat against a valid will with probate.*

- **Escheat** - It is the right of the government to own unclaimed property and assets.
- **Doctrine of Escheat** - Ensures no property is left without ownership, reverting it to the state if the original owner dies without legal heirs or fails to make a will.
- **Origin** - Escheat originates from the Old **French word** “eschete,” meaning “to fall to,” referring to property that reverts to the feudal lord in the absence of legal heirs.
- The doctrine addresses two primary situations -
  - When a person dies intestate (without a will) and without heirs, and
  - When property remains unclaimed or abandoned for a specific period.
- **Governing laws** - In India, escheat is governed by both personal laws and statutory provisions, including the **Hindu Succession Act, 1956 and Article 296 of the Indian Constitution**.

*Article 296 deals with property accruing to the state through escheat, lapse, or bona vacantia (ownerless goods or property).*

- **Types of Property Subject to Escheat** -
  - Real Estate (Land, buildings, and other forms of immovable property);
  - Dormant bank accounts
  - Securities and Investments (Shares, bonds, and other financial assets that remain unclaimed)
  - Insurance Policies (Unclaimed life insurance benefits).
- **Case laws governing the Doctrine of Escheat** -

- Collector of Masulipatam v. Cavalry Vancata Narrainappah (1860)
- State of Punjab v. Balwant Singh (1991)
- Kutchi Lal Rameshwar Ashram Trust v. Collector, Haridwar (2017)
- State of Rajasthan v. Lord Northbrook and Others (2019)
- **Raja Sardar Singh vs State of Rajasthan case -**
  - In an appeal filed by the State of Rajasthan against the judgment passed by the Delhi High Court, wherein the Court **upheld the validity of the Will of Late Raja Bahadur Sardar Singh of Khetri.**
  - The Supreme Court held that the **State Government has no locus standi to intervene** in probate proceedings or succession matters when testamentary succession exists through a Will.
  - The Court clarified that **Section 29 of the Hindu Succession Act** (which allows for escheat of property to the Government) would apply only in the event of a failure of heirs upon intestate succession.

## Reference

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