

# Procedures

## The Law of Wills - Goa

Goa, by virtue of being an erstwhile Portuguese colony came to be governed by the Goan Civil Code, which is distinct from the rest of India and modeled on the Portuguese Civil Code.

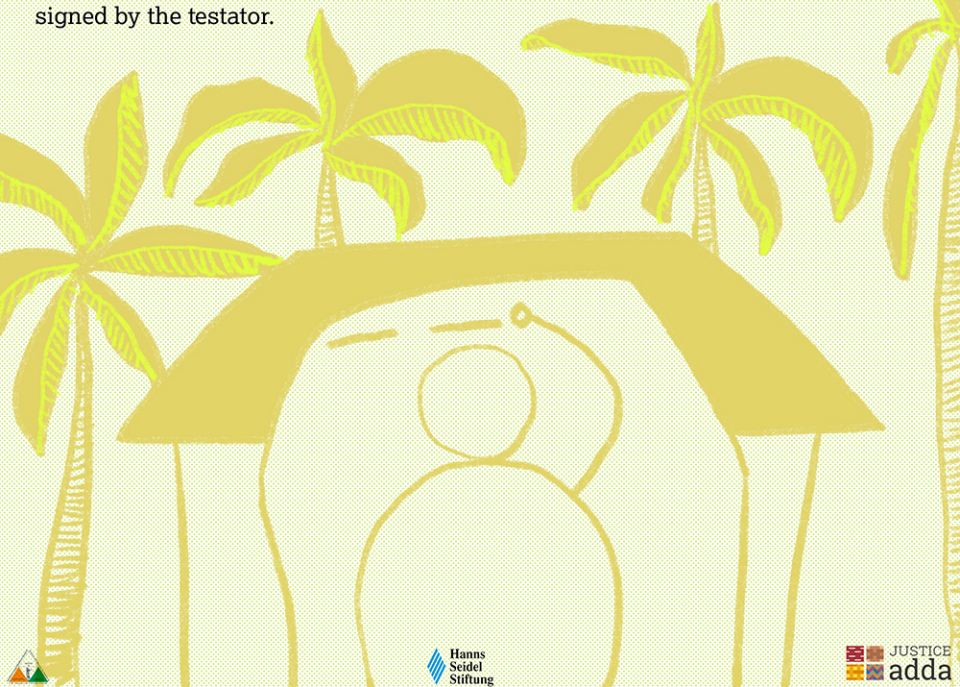
Laws relating to succession were eventually consolidated under a statute, The Goa Succession, Special Notaries and Inventory Proceeding Act, 2012, which came into force in 2016.

*\*Please read this procedure in conjunction with the procedure on wills in order to understand the technical terms, essential ingredients and best practices.*



Section 196 of the Act defines a will as, “*a unilateral act whereby a person makes disposition of the whole or part of his estate to take effect upon his death.*”

A will therefore, is a means by which a living person can express their intention as to how her properties are to be distributed after death. A will is considered a personal act, in that it may not be made through a lawyer or through another person or jointly with another person. It has to be written in first person and signed by the testator.



# Types of Wills in Goa



**Public will:** This will is made by a testator by a simple declaration before a Special Notary in the presence of two witnesses and the will is recorded in the Book of Wills.



**Printed open will:** A testator may present a printed version of their will to a Special Notary, in the presence of two witnesses who will have to testify that they know the testator and that she is in her senses and free from coercion.



**Closed or sealed will:** This will is written and signed by the testator or by somebody else upon instruction by the testator. Blind persons or persons who cannot read cannot make closed wills.

# Restrictions

Certain types of wills/situations will render a will void or invalid



A will which is found to be obtained with undue influence or fraud can be declared void.



If a will has any provision which is contrary to any law, public order or morality, such a will can be declared void.



A will which is not written in clear words but only contains symbols or monosyllables will be invalid.



A will disposing community assets will be invalid.



Any will found torn, damaged to the extent that it becomes illegible, will be held to be non-existent.

# FAQs

## 1) Is a will made outside Goa valid in Goa?

A) Yes. A will outside Goa is valid in Goa with if it is made in conformity to the law of the place in which it is made.



# FAQs

**2) Can you use normal white paper to make a Will?**

A) Yes. Plain paper can be used to make a will.

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**3) Can a Will be subjected to changes by the Testator?**

A) Yes, a testator can add, delete or make any changes to their will.

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**4) Can a person make more than one Will?**

A) A person may make multiple wills but only the most recent one will be considered valid.