

The Hindu Women's Rights To Property Act, 1937

UNION OF INDIA

India

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Act 18 of 1937

- Published on 1 January 1937
- Commenced on 1 January 1937
- [This is the version of this document as it was from 14 April 1937 to None.]
- [Note: The original publication document is not available and this content could not be verified.]

The Hindu Women's Rights To Property Act, 1937(18 of 1937)

041.

[14th April, 1937]An Act to amend the Hindu law governing Hindu Womens rights to property. Whereas it is expedient to amend the Hindu law to give better rights to women in respect of property, it is hereby enacted as follows:

1. Short title and extent

(1)This Act may be called the Hindu Womens Rights to Property Act, 1937.(2)It extends to the whole of India except Part B States.

2. Application

.Notwithstanding any rule of Hindu law or custom to the contrary, the provisions of section 3 shall apply where a Hindu dies intestate.

3. Devolution of property

(1)When a Hindu governed by the Dayabhaga School of Hindu Law dies intestate leaving any property, and when a Hindu governed by any other school of Hindu law or by customary law dies intestate leaving separate property, his widow, or if there is more than one widow, all his widows together, shall, subject to the provisions of sub-section (3), be entitled in respect of property in respect of which he dies intestate to the same share as a son:Provided that the widow of a predeceased son shall inherit in like manner as a son if there is no son surviving of such predeceased son, and shall inherit in like manner as a sons son if there is surviving a son or sons son of such predeceased son:Provided further that the same provision shall apply mutatis mutandis to the

widow of a predeceased son of a predeceased son.(2)When a Hindu governed by any school of Hindu law other than the Dayabhaga School or by customary law dies having at the time of his death an interest in a Hindu joint family property, his widow shall, subject to the provisions of sub-section (3), have in the property the same interest as he himself had.(3)Any interest devolving on a Hindu widow under the provisions of this section shall be the limited interest known as a Hindu woman's estate, provided however that she shall have the same right of claiming partition as a made owner.(4)The provisions of this section shall not apply to an estate which by a customary or other rule of succession or by the terms of the grant applicable thereto descends to a single heir or to any property to which the Indian Succession Act, 1925, applies.

4. Saving

.Nothing in this Act shall apply to the property of any Hindu dying intestate before the commencement of this Act.

5. Meaning of expression die intestate

.For the purpose of this Act a person shall be deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.