Hindu Women's Property Rights

REPORT

OF THE

COMMITTEE APPOINTED

BY

HIS HIGHNESS THE MAHARAJA
GAEKWAD



8818

1930

BARCDA

PRINTED AT THE GOVERNMENT PRESS

the	With e	compliments ttee.	from	Chairman	

Hindu Women's Property Rights

REPORT

OF THE

COMMITTEE APPOINTED

ВY

HIS HIGHNESS THE MAHARAJA
GAEKWAD



1930

BARODA

PRINTED AT THE GOVERNMENT PRESS

PRICE Re. 1-7-0

TABLE OF CONTENTS.

CHAPER I.

PRELIMINARY.

No.	Contents.			Page.
Dharmashastra		· •••	•••	1
Sources of Hindu La	ıw	•••	•••	1
Codification	•••	•••	•••	2
Hindu Law amended	d from time to	time in Baro	da;	2
and in British India	•••	•••	•••	4
Bills	• • •	•••	•••	5
Appointment of Cor	nmittee	•••	• • •	6
Questionnaire	•••	•••	•••	7
		literature c	are-	9
•			•••	9-
				11
	-			13
		•••	•••	17
Evils of joint family	system	•••	•••	18
Joint family system	or the Dayabl	haga theory	•••	19
English Law	•••	•••	•••	20
Mohamedan Law	,	•••		21
Parsi Law	•••	• • • •	• • •	22
. Indian succession A	ct of 1925	•••	•••	22
Indian Christians	•••	•••	• • •	23
Hindu Law illiberal	to women	•••	•••	24
Common Sense view	w	• • •	•••,	, 2 5
		•••		25
		•••	• • •	27
Unsuitability of Law	at present	•••	•••	2 9
Change required	•••		•••	30
		· • •.•	•••	31
Division of the subj	ect into parts	•••	•••	32
	Dharmashastra Sources of Hindu La Codification Hindu Law amended and in British India Bills Appointment of Con Questionnaire Replies to questionn fully considered Law has changed ar Women had full rig How they lost them Hindu Law on what Evils of joint family Joint family system English Law Mohamedan Law Parsi Law Indian succession A Indian Christians Hindu Law illiberal Common Sense view Some suggested line Opposition analysed Unsuitability of Law Change required Baroda State view p	Dharmashastra Sources of Hindu Law Codification Hindu Law amended from time to and in British India Bills Appointment of Committee Questionnaire Replies to questionnaire and other fully considered Law has changed and is changing Women had full rights in Vedic properties of joint family system Joint family system or the Dayable English Law Mohamedan Law Parsi Law Indian succession Act of 1925 Indian Christians Hindu Law illiberal to women Common Sense view Some suggested lines of reform Opposition analysed Unsuitability of Law at present	Dharmashastra Sources of Hindu Law Codification Hindu Law amended from time to time in Bardand in British India Bills Appointment of Committee Questionnaire Replies to questionnaire and other literature of fully considered Law has changed and is changing Women had full rights in Vedic period How they lost them subsequently Hindu Law on what founded Evils of joint family system Joint family system or the Dayabhaga theory English Law Mohamedan Law Indian succession Act of 1925 Indian Christians Hindu Law illiberal to women Common Sense view Some suggested lines of reform Opposition analysed Unsuitability of Law at present Change required Baroda State view point	Dharmashastra Sources of Hindu Law Codification Hindu Law amended from time to time in Baroda; and in British India Bills Appointment of Committee Questionnaire Replies to questionnaire and other literature carefully considered Law has changed and is changing Women had full rights in Vedic period How they lost them subsequently Hindu Law on what founded Evils of joint family system Joint family system or the Dayabhaga theory English Law Mohamedan Law Indian succession Act of 1925 Indian Christians Hindu Law illiberal to women Common Sense view Some suggested lines of reform Opposition analysed Unsuitability of Law at present Change required Baroda State view point

CHAPTER II.

DAUGHTER.

Para	No. Contents.		Page
29.	Daughter's rights under existing law	•••	33
30.	Daughter, an encumbrance	•••	33
31.	Unjustly degraded		34
32.	Right in joint family property	•••	35
33.	Daughter entitled to inherit	•••	36
34.	Unmarried daughter entitled to 1th share		⁻ 37
· 35.	Nature of daughter's right	•••	39
36.	Daughter remaining unmarried	•••	40
37.	Reasons for excluding married daughter inheritance	rs from	42
38.	Dowry given to the bride-groom	•••	43
39.	Sex inequality		.44
40.	A curious objection	•••	44
41.	Our view	•••	45
		•••	15
	CHAPTER III.		
	MARRIED WOMAN.	-	
:	(a) Wife.		×
42.	Wife's rights under the present law	• • • • • • • • • • • • • • • • • • • •	47
43.	Co-ownership	•••	48
44.	Committee's view	•••	-50
45.	Wife's rights reform proposals	•••	5 2
* **	(b) Widow.		
46.	Present Law	•••	53
47.	Questions for consideration	•••	53
48.	Right to get husband's interest	•••	54
49.	9	•••	56
50.	Widow's interest absolute or limited?	•••	58
51.	Evils of limited ownership		59
52.	Some objections considered	•••	62
53.	Limit of absolute ownership	***	64
54.	Curtailment of reversionary heirs	•••	65
55.	Widening the scope of legal necessities	•••	67

Para	No. Contents.			Page.
56.	Widowed daughter-in-law	•••	•••	67
57.	Gotraja Widows	•••	•••	68
58.	Widows of legitimate sons of a S	Shudra	•••	68
	CHAPTER I	V. •		
	STRIDHANA,			
59.	Stridhana	• • •		71
60.	Points for consideration	•••	•••	72
51.	Succession to Stridhána	•••		73
52.	Property acquired during covert	ure		73
63.	French Law		•••	75
64.	English Law		•••	7 5
65.	Property obtained by inheritance	or partition	•••	76
	CHAPTER V	7.		
	Maintenance			
66.	(1) Right of maintenance in a			79
	(2) In a separated family	joine a many		79
	Points for consideration	•••	•••	80
68.	Maintenance a legal charge for a	wife.		81
69.	For other dependants			82
70.	Some objections answered	•••		82
71.	Concubines and illegitimate sons			83
72.	Unprovided widowed daughter	•••	•••	84
	CHAPTER VI			
	Succession.	•	•	
			•	
73.	Points for consideration	•••	•••	87
	Disqualified heirs	•••	• • •	87
75 .	Removal of disqualification for pl	nysical defects	•••	88
	Exclusion of recluse	•••		89
	Exclusion of an unchaste widow	•••	• • •	89
	Priority for inheritance am	ong daughte	ers	
	unjustified	•••	•••	89
	Children of predeceased daug	hters or siste	ers	0.0
	should inherit	• • • • •	•••	90
80.	Succession in a reunited family	•••	• • •	90

Para	No.		Contents	Page.		
81.	Uniformity	in order of	order of succession to Stridhana			
82.	Alteration	Alteration in the general order of succession				92
83.	Summary	•••		•••		93
84.	Acknowled	lgement	•••	•••	•••	98
85.	Mrs. Dipal	kaba's Note.	•••	•••	•••	99
	APPENDIX	I	•••	•••	107-	-108
	APPENDIX	II	•••	•••	109	-135
	APPENDIX	III	•••	•••	137	-172
	APPENDIX	IV	•••	•••	173	-17 8
	INDEX			•••	•••	179