

ACT No. XI OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
8th April, 1938.)

An Act to amend the Hindu Women's Rights to Property Act, 1937.

XVIII of 1937. **W**HEREAS it is expedient to amend the Hindu
Women's Rights to Property Act, 1937, for
the purposes hereinafter appearing; It is hereby
enacted as follows:—

1. (1) This Act may be called the Hindu Women's Rights to Property (Amendment) Act, 1938. Short title and effect.

(2) It shall have retrospective effect as if it had come into force on the 14th day of April, 1937.

2. In section 2 of the Hindu Women's Rights to Property Act, 1937 (hereinafter referred to as the said Act), the words "leaving a widow" shall be omitted. Amendment of section 2, Act XVIII of 1937.

3. In section 3 of the said Act,—

(a) in sub-section (1), for the paragraph preceding the first proviso, the following shall be substituted, namely:— Amendment of section 3, Act XVIII of 1937.

"3. (1) When a Hindu governed by the Dayabhag 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

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in respect of property in respect of which he dies intestate to the same share as a son," ;

(b) in sub-section (2) the word "intestate" shall be omitted ; and

(c) in sub-section (4), after the words "rule of succession" the words "or by the terms of the grant applicable thereto" shall be inserted.

Insertion of new section 5 in Act XVIII of 1937.

4. After section 4 of the said Act the following section shall be inserted, namely :—

Meaning of expression "die intestate".

" 5. For the purposes 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."