

State of Maharashtra's Amendment to the Hindu Succession Act 1956

Certain state legislatures have made amendment to the Hindu Succession Act 1956, giving coparcenary rights to daughters.

We reproduce below the amendments made by the state of Maharashtra. Similar amendments have been made by the state legislatures of Andhra Pradesh, Karnataka and Tamil Nadu :

29A. Equal rights of daughter in coparcenary property.—Notwithstanding anything in section 6 of this Act—

- (i) in a joint Hindu family governed by the Mitakshara Law, the daughter of a coparcener shall by birth become a coparcener in her own right in the same manner as a son and have the same rights in the coparcenary property as she would have had if she had been a son, inclusive of the right to claim by survivorship; and shall be subject to the same liabilities and disabilities in respect thereto as the son;
- (ii) at a partition in a joint Hindu family referred to in clause (i), the coparcenary property shall be so divided as to allot to a daughter the same share as is

allotable to a son:

Provided that the share which a predeceased child of a predeceased daughter would have got at the partition if he or she had been alive at the time of partition shall be allotted to the surviving child of such predeceased son or of such predeceased daughter:

Provided further that the share allotable to the predeceased child of a predeceased son of a predeceased daughter, if such child had been alive at the time of the partition, shall be allotted to the child of such predeceased child of the predeceased son or of the predeceased daughter, as the case may be;

- (iii) any property to which a female Hindu becomes entitled by virtue of the provisions of clause (i) shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this Act or any other law for the time being in force, as property capable of being disposed of by her by will or other testamentary disposition;

- (iv) nothing in this chapter shall apply to a daughter married before the date of the

commencement of the Hindu Succession (Maharashtra Amendment) Act, 1994;

- (v) nothing in clause (ii) shall apply to partition which has been effected before the date of the commencement of the Hindu Succession (Maharashtra Amendment) Act, 1994.

29B. Interest to devolve by survivorship on death.—When a female Hindu dies after the date of the commencement of the Hindu Succession (Maharashtra Amendment) Act, 1994, having, at the time of her death, an interest in a Mitakshara coparcenary property by virtue of the provisions of section 29A, her interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act:

Provided that, if the deceased had left any child or child of a predeceased child, the interest of the deceased in the Mitakshara coparcenary property shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship.

Explanation 1.—For the purposes of this section, the

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interest of a female Hindu immediately before her death, a person who, before the death of Mitakshara coparcenary shall be irrespective of whether she was the deceased, had separated himself or herself from the coparcenary or any of his or her heirs to claim on intestacy a share in the property that would have been entitled to claim partition or not. self or herself from the coparcenary or any of his or her heirs to claim on intestacy a share in the property had taken place. *Explanation 2.*—Nothing contained in the proviso to this section shall be construed as enabling interest referred to therein.

Statistics on Dowry Crimes in the States and Union Territories of India

We reproduce below, statistics from the National Crime Records Bureau of India, Ministry of Home Affairs, 1999 Report. In the first table the incidences, rates and percentages of dowry deaths and acts of cruelty by husbands and relatives of the husbands in the States and Union Territories of India have been recorded.

In the second table the incidences, rates and percentages of crimes committed under the Dowry Prohibition Act 1961, in the various different States and Union Territories of India have been recorded.

TABLE-1

INCIDENCE OF CRIMES COMMITTED AGAINST WOMEN DURING 1998

SL. NO.	STATE/UT	EST. MID YEAR POPULATION	RAPE			KIDNAPPING & ABDUCTION			DOWRY DEATHS			CRUELTY BY HUSBAND AND RELATIVES		
			I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	
STATES:														
1.	ANDHRA PRADESH	741.7	869	1.2	5.8	738	1.0	4.5	500	0.7	7.2	4310	5.8	10.4
2.	ARUNACHAL PRADESH	11.3	32	2.8	0.2	38	3.4	0.2	0	0.0	0.0	8	0.7	0.0
3.	ASSAM	256.5	744	2.9	4.9	1117	4.4	6.8	32	0.1	0.5	739	2.9	1.8
4.	BIHAR	969.6	1421	1.5	9.5	1043	1.1	6.4	1039	1.1	15.0	1507	1.6	3.6
5.	GOA	15.1	16	1.1	0.1	14	0.9	0.1	3	0.2	0.0	16	1.1	0.0
6.	GUJARAT	471.0	368	0.8	2.4	1182	2.5	7.2	90	0.2	1.3	3602	7.6	8.7
7.	HAYANA	193.4	364	1.9	2.4	318	1.6	1.9	309	1.6	4.5	977	5.1	2.4
8.	HIMACHAL PRADESH	64.2	128	2.0	0.9	115	1.8	0.7	7	0.1	0.1	228	3.5	0.6
9.	JAMMU & KASHMIR	95.4	178	1.9	1.2	629	6.6	3.8	9	0.1	0.1	18	0.2	0.0
10.	KARNATAKA	509.8	233	0.5	1.6	312	0.6	1.9	200	0.4	2.9	1501	2.9	3.6
11.	KERALA	317.8	589	1.9	3.9	130	0.4	0.8	21	0.1	0.3	2125	6.7	5.1
12.	MADHYA PRADESH	774.0	3354	4.3	22.3	925	1.2	5.6	598	0.8	8.6	2765	3.6	6.7
13.	MAHARASHTRA	894.1	1154	1.3	7.7	772	0.9	4.7	420	0.5	6.1	7728	8.6	18.7
14.	MANIPUR	23.9	13	0.5	0.1	60	2.5	0.4	0	0.0	0.0	0	0.0	0.0
15.	MEGHALAYA	23.1	42	1.8	0.3	16	0.7	0.1	1	0.0	0.0	0	0.0	0.0
16.	MIZORAM	9.0	84	9.3	0.6	4	0.4	0.0	0	0.0	0.0	0	0.0	0.0
17.	NAGALAND	15.9	13	0.8	0.1	14	0.9	0.1	0	0.0	0.0	0	0.0	0.0
18.	ORISSA	353.0	679	1.9	4.5	514	1.5	3.1	240	0.7	3.5	935	2.6	2.3
19.	PUNJAB	231.0	219	0.9	1.5	222	1.0	1.4	219	0.9	3.2	397	1.7	1.0
20.	RAJASTHAN	520.1	1266	2.4	8.4	2499	4.8	15.3	433	0.8	6.3	4947	9.5	12.0
21.	SIKKIM	5.3	7	1.3	0.0	4	0.8	0.0	0	0.0	0.0	2	0.4	0.0
22.	TAMIL NADU	608.8	362	0.6	2.4	993	1.6	6.1	176	0.3	2.5	440	0.7	1.1

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SL. NO.	STATE/UT	EST. MID YEAR POPULATION	RAPE			KIDNAPPING & ABDUCTION			DOWRY DEATHS			CRUELTY BY HUSBAND AND RELATIVES		
			I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	
23.	TRIPURA	35.8	73	2.0	0.5	39	1.1	0.2	10	0.3	0.1	115	3.2	0.3
24.	UTTAR PRADESH	1640.4	1605	1.0	10.7	2882	1.8	17.6	2229	1.4	32.2	5113	3.1	12.4
25.	WEST BENGAL	772.5	757	1.0	5.0	783	1.0	4.8	249	0.3	3.6	3704	4.8	9.0
	TOTAL (STATES)	9552.6	14570	1.5	96.9	15363	1.6	93.8	6785	0.7	98.1	41177	4.3	99.7
UNION TERRITORIES														
26.	A & N ISLANDS	3.7	4	1.1	0.0	2	0.5	0.0	0	0.0	0.0	3	0.8	0.0
27.	CHANDIGARH	8.4	11	1.3	0.1	31	3.7	0.2	5	0.6	0.1	25	3.0	0.1
28.	D & N HAVELI	1.8	7	3.9	0.0	2	1.1	0.0	0	0.0	0.0	7	3.9	0.0
29.	DAMAN & DIU	1.3	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	1	0.8	0.0
30.	DELHI	130.4	438	3.4	2.9	978	7.5	6.0	126	1.0	1.8	103	0.8	0.2
31.	LAKSHADWEEP	0.7	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	1	1.5	0.0
32.	PONDICHERRY	10.5	1	0.1	0.0	5	0.5	0.0	1	0.1	0.0	1	0.1	0.0
	TOTAL (UTs)	156.8	461	2.9	3.1	1018	6.5	6.2	132	0.8	1.9	141	0.9	0.3
	TOTAL (ALL-INDIA)	9709.3	15031	1.5	100.0	16381	1.7	100.0	6917	0.7	100.0	41318	4.3	100.0

* - IN ABSENCE OF DATA FOR NEWLY CREATED CRIME HEADS IN CRIME IN INDIA DATA.

FIGURES OF MONTHLY CRIME STATISTICS HAVE BEEN USED AGAINST DAMAN & DIU UT.

SOURCE: CRIME IN INDIA DATA EXCEPT COL. 21 WHICH IS BASED IN MONTHLY CRIME STATISTICS.

TABLE-2

STATE/UT (2)	ITP ACT			IND. REP. OF WOMEN (P) ACT			DOWRY PROH. ACT			TOTAL		
	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)
STATES:												
ANDHRA PRADESH	507	0.7	5.8	40	0.1	20.8	212	0.3	6.1	11201	15.1	8.5
ARUNACHAL PRADESH	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	125	11.1	0.1
ASSAM	34	0.1	0.4	0	0.0	0.0	62	0.2	1.8	3388	13.2	2.6
BIHAR	37	0.0	0.4	48	0.0	25.0	1488	1.5	42.6	7105	7.3	5.4
GOA	30	2.0	0.3	0	0.0	0.0	0	0.0	0.0	109	7.2	0.1
GUJARAT	8	0.0	0.1	2	0.0	1.0	0	0.0	0.0	6658	14.1	5.1
HARYANA	4	0.0	0.0	1	0.0	0.5	8	0.0	0.2	3002	15.5	2.3
HIMACHAL PRADESH	1	0.0	0.0	0	0.0	0.0	1	0.0	0.0	778	12.1	0.6
JAMMU & KASHMIR	1	0.0	0.0	0	0.0	0.0	3	0.0	0.1	1715	18.0	1.3
KARNATAKA	1403	2.8	16.1	4	0.0	2.1	384	0.8	11.0	5516	10.8	4.2
KERALA	27	0.1	0.3	30	0.1	15.6	8	0.0	0.2	4799	15.1	3.7
MADHYA PRADESH	16	0.0	0.2	2	0.0	1.0	128	0.2	3.7	15865	20.5	12.1
MAHARASHTRA	444	0.5	5.1	36	0.0	18.8	24	0.0	0.7	14266	16.0	10.9
MANIPUR	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	86	3.6	0.1
MEGHALAYA	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	71	3.1	0.1
MIZORAM	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	141	15.6	0.1
NAGALAND	0	0.0	0.0	1	0.1	0.5	0	0.0	0.0	32	2.0	0.0
ORISSA	11	0.0	0.1	2	0.0	1.0	249	0.7	7.1	4450	12.6	3.4
PUNJAB	5	0.0	0.1	7	0.0	3.6	2	0.0	0.1	1238	5.4	0.9
RAJASTHAN	47	0.1	0.5	1	0.0	0.5	1	0.0	0.0	12159	23.4	9.3
SIKKIM	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	37	7.0	0.0
TAMILNADU	5937	9.8	68.3	10	0.0	5.2	269	0.4	7.7	11201	18.4	8.5
TRIPURA	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	319	8.9	0.2
UTTAR PRADESH	31	0.0	0.4	7	0.0	3.6	633	0.4	18.1	17497	10.7	13.3
WEST BENGAL	43	0.1	0.5	0	0.0	0.0	3	0.0	0.1	6811	8.8	5.2
TOTAL (STATES)	8586	0.9	98.7	191	0.0	99.5	3475	0.4	99.6	128569	13.5	97.9
UNION TERRITORIES:												
A & N ISLANDS	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	26	7.1	0.0
CHANDIGARH	5	0.6	0.1	0	0.0	0.0	0	0.0	0.0	97	11.5	0.1
D & N HAVELI	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	17	9.4	0.0
DAMAN & DIU	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	2	1.5	0.0
DELHI	75	0.6	0.9	1	0.0	0.5	10	0.1	0.3	2556	19.6	1.9
LAKSHADWEEP	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	2	3.0	0.0
PONDICHERRY	29	2.8	0.3	0	0.0	0.0	4	0.4	0.1	69	6.6	0.1
TOTAL (UTs)	109	0.7	1.3	1	0.0	0.5	14	0.1	0.4	2769	17.7	2.1
TOTAL (ALL-INDIA)	8695	0.9	100.0	192	0.0	100.0	3489	0.4	100.0	131338	13.5	100.0

These statistics are from the National Crime Records Bureau of India, Ministry of Home Affairs, 1999 Report.