

JOINT SELECT COMMITTEE  
REPORTS OF LEGISLATIVE  
ASSEMBLY - 1923

**The Married Women's Property Bill**

List of Reports of Select or Joint Committees  
presented in the Legislative Assembly in 1923.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Cotton Transport Bill.	15.1.23.	} Reports of the Joint Committees
2.	The Cantonment (House Accommodation) Amendment Bill.	15.1.23.	
3.	The Indian Boilers Bill.	15.1.23.	
4.	The Indian Vines Bill.	16.1.23.	
5.	The Workmen's Compensation Bill.	24.1.23.	
6.	The Indian Official Secrets Bill.	31.1.23.	
7.	The Married Women's Property Bill by Mr. B.S. Kamet.	8.2.23.	
8.	The Indian Penal Code (Amendment) Bill (White Slave Traffic)	8.2.23.	
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9.	The Indian Cotton Cess Bill.	14.7.23.	-do-
10.	The Code of Civil Procedure (Amendment) Bill by Dr. Hari Singh Gour.	20.2.23.	
11.	The Hindu Law of Inheritance (Amendment) Bill by Mr. T.V. Seshagiri Ayyar.	14.3.23.	No Copy available
12.	The Exclusion from Inheritance Bill by Mr. T.V. Seshagiri Ayyar.	14.3.23.	
13.	The Code of Criminal Procedure (Amendment) Bill (Sec. 4) By Mr. Abul Kasem.	14. 3.23.	
14.	The Civil Marriage (Amendment) Bill by Dr. Hari Singh Gour.	14. 3.23.	
15.	The Mussalman Wakf Registration Bill by Mr. Abul Kasem.	15.3.23.	
16.	The Abolition of Transportation Bill.	3. 7.23.	
17.	The Indian Stamp (Amendment) Bill.	10.7.23.	
18.	The Indian Naturalization Bill.	10.7.23.	
19.	The Land Acquisition (Amendment) Bill.	16.7.23.	
20.	The Cantonments Bill.	18.7.23.	
21.	The Code of Civil Procedure (Amendment) Bill by Lala Girdhari Lal Agarwal.	24.7.23.	
22.	The Legal Practitioners Bill by Mr. K.C. Meegh.	24.7.23.	
23.	The Illegitimate Sons' Rights Bill. by Mr. V.K. Peddi Garu.	27.7.23.	

## LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill further to amend the Married Women's Property Act, 1874, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Paper No. I (Opinions from Coorg, Baluchistan, Delhi, Burma, Ajmer-Merwara, Bihar and Orissa, Madras, Central Provinces, North-West Frontier Province, Calcutta High Court, United Provinces, Assam, Punjab, and Bengal.)  
Paper No. II (Opinion from Bombay.)  
Paper No. III [Opinion from the Life Offices' Association (London).]

2. The first question which we considered was as to the communities to which the provisions of section 6 of the Married Women's Property Act, 1874, should be applied by the Bill, and in view of the opinion of the Local Government of Burma that, so far as the Bill affects Buddhists, the application of section 6 should be left to the local Legislative Council, and of the fact that the Buddhist community are not at present represented in the Indian Legislature, we have decided not to apply section 6 to the members of that community.

3. We next considered the opinion of the Life Offices' Association, London, and the representations which were put before us to the effect that a rigid application of section 6 to all classes of policies which are expressed to be for the benefit of the wife or of the wife and children would in many cases cause inconvenience, hardship and misunderstanding. We were told that this form of insurance is unpopular in other countries, and a suggestion was made that it might be possible to allow policies of this nature to be taken up independently of the provisions of section 6 by providing that that section should not apply unless it was expressly stipulated in the policy that the Married Women's Property Act, 1874, as amended, should apply to it. We think, however, that there is no reason for inserting any special provision of this kind, and that, if, in fact, Insurance Companies are as a rule unwilling to issue policies of this nature, any disadvantages which may attach to them will, as a matter of course, be explained to the person intending to insure.

4. We are unanimously of opinion that full retrospective effect cannot be given to the provisions of this Bill, inasmuch as such a provision would be a hardship, and even an injustice, to large numbers of persons who have taken out policies of this nature on the understanding that they will be able to borrow money on the policies, to convert them, to take bonus additions in cash or in reduction of premiums, or to vary their terms. We have accordingly decided to restrict the operation of the Bill to policies of insurance effected, elsewhere than in Madras, after the approximate date on which it may be expected to come into force. As regards Madras, where the law was definitely settled by the Full Bench ruling reported in I. L. R., 37, Madras, 453, we have decided that the Bill shall apply only to policies of insurance effected since the first of January, 1914.

5. The Bill was published in the *Gazette of India*, dated the 4th March, 1922.

6. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

W. M. HAILEY.

B. S. KAMAT.

T. V. SESHAGIRI AYYAR.

K. C. NEOGY.

T. RANGACHARIAR.

DELHI;

The 8th February, 1923.

(Words printed in italics indicate the amendments suggested by the Committee.)

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## BILL

### *Further to amend the Married Women's Property Act, 1874.*

WHEREAS it is expedient further to amend the Married Women's Property Act, 1874; It is III of 1874 hereby enacted as follows:—

1. This Act may be called the Married Women's Property (Amendment) Act, 1923.  
Short title.
2. Section 6 of the Married Women's Property Act, 1874, shall be III of 1874. Amendment of section 6, Act III of 1874. shall be renumbered as sub-section 1674. (1) of section 6, and to the said section the following sub-section shall be added, namely:—  
“(2) Notwithstanding anything contained in section 2, the provisions of sub-section (1) shall apply in the case of any policy of insurance such as is referred to therein which is effected by any Hindu, Muhammadan, Sikh or Jain, in Madras after the 31st day of December, 1913, or in any other part of British India after the 1st day of April, 1923:  
Provided that nothing herein contained shall affect any right or liability which has accrued or been incurred under any decree of a competent Court passed before the first day of April, 1923.”

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

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Report of the Select Committee on the  
Bill further to amend the Married  
Women's Property Act, 1874, with  
the Bill as amended.