

THE HINDU LAW OF INHERITANCE AMENDMENT ACT.

[INDIA ACT II, 1929.] (21st February, 1929.)

Whereas it is expedient to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate ; It is hereby enacted as follows :— Preamble.

1. This Act applies only to persons who, but for the passing of this Act would have been subject to the law of Mitakshara in respect of the provisions herein enacted, and it applies to such persons in respect only of the property of males not held in coparcenary and not disposed of by will. Application.

2. A son's daughter, daughter's daughter, sister, and sister's son shall, in the order so specified, be entitled to rank in the order of succession next after a father's father and before a father's brother : Order of succession of certain heirs.

Provided that a sister's son shall not include a son adopted after the sister's death.

3. Nothing in this Act shall— Savings.

- (a) affect any special family or local custom having the force of law, or
- (b) vest in a son's daughter, daughter's daughter or sister an estate larger than, or different in kind from, that possessed by a female in property inherited by her from a male according to the school of Mitakshara law by which the male was governed, or
- (c) enable more than one person to succeed by inheritance to the estate of a deceased Hindu male which by a customary or other rule of succession descends to a single heir.

THE HINDU GAINS OF LEARNING ACT.

[INDIA ACT XXX, 1930.] (25th July, 1930.)

Whereas it is expedient to remove doubt, and to provide an uniform rule, as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning ; It is hereby enacted as follows :— Preamble.

1. * * * * *

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

- (a) " acquirer " means a member of a Hindu undivided family who acquires gains of learning ;
- (b) " gains of learning " means all acquisitions of property made substantially by means of learning, whether such acquisitions

be made before or after the 25th July, 1930,¹ and whether such acquisitions be the ordinary or the extraordinary result of such learning ; and

- (c) "learning" means education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession or avocation in life.

Gains of learning not to be held not to be separate property of acquirer merely for certain reasons.

3. Notwithstanding any custom, rule or interpretation of the Hindu Law, no gains of learning shall be held not to be the exclusive and separate property of the acquirer merely by reason of—

- (a) his learning having been, in whole or in part, imparted to him by any member, living or deceased, of his family, or with the aid of the joint funds of his family, or with the aid of the funds of any member thereof, or
- (b) himself or his family having, while he was acquiring his learning, been maintained or supported, wholly or in part, by the joint funds of his family, or by the funds of any member thereof.

Savings.

4. This Act shall not be deemed in any way to affect—

- (a) the terms or incidents of any transfer of property made or effected before the 25th July, 1930,¹
- (b) the validity, invalidity, effect or consequences of anything already suffered or done before the said date,
- (c) any right or liability created under a partition, or an agreement for a partition, of joint family property made before the said date, or
- (d) any remedy or proceeding in respect of such right or liability ; or to render invalid or in any way affect anything done before the said date in any proceeding pending in a Court on the said date ; and any such remedy and any such proceeding as is herein referred to may be enforced, instituted or continued, as the case may be, as if this Act had not been passed.

C.—MUHAMMADAN.

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THE KAZIS ACT.

[INDIA ACT XII, 1880.] (9th July, 1880.)

Preamble.

Whereas by the preamble to Act No. XI of 1864² it was (among other things) declared that it was inexpedient that the appointment of the *Kāzi-ul-*

¹ Date of commencement of this Act.

² Namely, the Native Law Officers Act, being an Act to repeal the law relating to the offices of Hindu and Muhammadan Law Officers and to the offices of *Kāzi ul-Kuṭṭat* and of *Kāzi*, and to abolish the former office.