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In Bombay daughters take absolutely—Nature of estate taken by sister—*Vinayek v. Laksmibai*—Widow entitled to usufructuary enjoyment of property—Limits in Shastras to the personal expenditure of the widow are moral injunctions and have no legal force—Mr. Justice Dwarkanath Mitter's view discussed—Widow's power as regards accumulations—Distinction between want of independence and want of ownership recognised in *Mitakshara* and *Dayabhaga*—Judicial decisions—*Soorjeernoni Dasse v. Dinobundhoo Mullick* 9 M.I.A. 123.—*Chundrabulee v. Brody*, 9 W.R. 584—*Grose v. Omritomoyee*, 12 W. R. A. O. J. p. 13.—*Gonda Koer v. Koer Oodey Sing*, 14 B. L. R. 159—Judicial decisions on the widow's right over accumulations—*Bholanath v. Bhagabati*—*Puddomonee v. Dwarkanath*—*Isri Dutt Koer v. Hansbutti*—*Sheolochun v. Saheb Sing*—*Saodamini v. Administrator-General of Bengal*—Madras decisions on the widow's right over accumulations—Comment on the Madras decision—Comment of the Madras High Court on *Isri Dutt's* case—*Rivett Carnac v. Jivibai*—*Isri Dutt's* case leaves open the question as to what constitutes accumulations—Powers of Hindu widows to alienate—*Jimutavahana*—*Vyavahara Mayukha*—*Mitra Misra*—*Smriti Chandrika*—*Vivada Chintamoni*—Collector of Masulipatam *v. Cavalj Vencata*, leading case on the subject—Widow's power of alienation can be exercised in case of necessity and for spiritual purposes—Expenses for pilgrimage by the widow justify alienation of a portion—Whether gift of the entire property of the husband for religious and charitable purposes is valid—Alienation by

widow of husband's estate for pious purposes—Alienations by widow for paying barred debts of the husband are legal—Position of widow and manager of a joint family contrasted—Qualifications of the above rule—Mr. Justice West's view—S. 53 of the Transfer of Property Act—What are religious purposes—Distinction in regard to power of alienation between religious purposes and worldly purposes—Viramitrodaya on the point—What is legal necessity has to be gathered from instances—Is litigation a legal necessity—Costs of litigation for the preservation of the estate justify alienation—Costs of litigation for the purpose of obtaining possible benefits justify alienation if such litigation ends in actual benefit—Principles governing the action of the manager of an infant in dealing with the estate of the latter, laid down in the case of Hanooman Pershad *vs.* Musst Babooee and held applicable to the case of widows and other female owners—Permanent leases granted by the widow for the benefit of the estate are valid—Not so however in Bombay—Responsibility of a *bona-fide* creditor as laid down in Hanooman Pershad's case—Burden of proving necessity is on the creditor or purchaser—Test of the validity of the sale by the widow—Unsecured debts how far binding on reversioners—Conflict of Judicial decisions—Full Bench decisions of the Bombay High Court—In the absence of legal necessity a widow can alienate property with the consent of her husbands' kindred—Consent of the reversioners for the time being—how far sufficient—Behari Lall *vs.* Madho Lall (P. C.)—Question recently examined in Bombay—Question

set at rest by the Judicial Committee in *Bajrangi vs. Manokarnika*—Alienation by widow with the consent of the next reversioner is valid—Alienation by a widow of a portion of husband's property with the consent of next reversioners is valid—Madras High Court thinks otherwise—Where next reversioner is a female, her consent will not bind the male reversioner—Alienation by widow without consent of reversioner and without justifying necessity is not void but voidable—Daughters take the same estate as widows—Not so in Bombay—Private sales and sales in execution of decrees governed by the same principles—Estate would pass, where the decree is obtained against the heiress as representing the estate—*Ishan Chander Mitter vs. Buksh Ali*—Law on the subject summarised by Mr. Justice Mookerjee in *Roy Radha Kissen vs. Nauratan*—Where the suit is for a personal claim against widow, only her limited interest passes—Where the suit is upon a cause of action affecting the inheritance, the whole estate passes—*Katama Natchiar vs. Raja of Shivagunga*, 9 M. I. A. 543—Widow's possession as heiress not adverse to reversionary heir but where she holds independently of her husband it is otherwise—Extinction of widow's right does not extinguish that of reversioner—Art. 141. of Limitation Act (Act IX of 1908)—Wastes by widow how restrained—By suits in the nature of *bills quia timet* of Courts of Chancery—Or by appointment of a receiver—Reversionary heir has a like remedy against transferee of widow or other limited heir—Land Acquisition Act (Act I of 1894)—The same principles which apply to inheritance from males govern

inheritance from females—Rules as to descent of
of property inherited from a female.

CHAPTER VI.

PROPRIETARY RIGHTS OF WOMEN— STRIDHAN.

Women had full proprietary capacity in Vedic period—They lost this position anterior to Manu's time—Smritis show a development of the capacity of women—Baudhayana—Manu—Vishnu—Interpretation of Vishnu's text by Nanda Pandita—Narada — Katyayana — Devala — Yajnavalka — Mitakshara's gloss on the same—Comment on the definition of Stridhana by the sages—Mitakshara—Vijnaneswara gives a wide signification to Yajnavalka's text—His comment on the said text—Vijnaneswara supported in his view by commentators—Vachaspati Misra follows Vijnaneswara — Vyavahara Mayukha on the text of Yajnavalka—Nilkantha recognises property inherited by woman as Stridhan-- but draws a distinction between such Stridhan and technical Stridhana--Smriti Chandrika gives a restricted meaning to the text of Yajnavalka—Vivada Chintamani—Definition of Stridhana given by Jimutavahana—Defect of Jimutavahana's definition—Srikrishna's definition—Comment of Jimutavahana on Katyayana's text—Judicial decisions adopt the law laid down by Jimutavahana and Srikrishna—Course of decision is contrary to the doctrine of Vijnaneswara—Judicial decisions—Property inherited by woman

both from males and females governed by the same principle—Sheosankar *vs.* Debi Sahai, I.L.R. 25 All, 468—Sheopratab *vs.* Allahabad Bank, I. L. R. 25 All, 476—The law on the point in Madras—In Western India property inherited by a woman, whether from male or female is Stridhana—Property inherited by widows is exception to the rule—Judicial decisions—Divergence amongst sages and commentators regarding nature of Sulka—Vyasa—Mitakshara—Ballambhatta—Viramitrodaya—Dayabhaga—Katyayana—Vyavahara Mayukha—Madanaratna—Vivada Chintamani—Smriti Chandrika—Is the share obtained by woman on partition her Stridhan—Vijnaneswara applies the special rules of descent to property obtained by woman on partition—Is share allotted to woman on partition in lieu of maintenance—Early decisions of the Calcutta High Court held that it is so—But the view is opposed to the Mitakshara—The share of mother on partition is not her stridhan—Under the Mitakshara—And also under the Bengal School—Hemangini *vs.* Kedarnath, the leading case on the subject in the Bengal School—But it is regarded as Stridhana in Bombay—Property acquired by adverse possession by the widow is her Stridhana—Property derived by a daughter under her father's will is her Stridhana—Mourashi Mokarrari lease granted by a father to his daughter after her marriage is her Ayautaka Stridhana according to Dayabhaga—Jimutavahan uses Stridhana in the technical sense—Vijnaneswara uses the word in its widest sense—Extent of the rights of a woman over her Stridhana—The

Viramitrodaya on the same—Three classes of Stridhana—Firstly that over which a woman has absolute dominion—Saudayika—Lands purchased with Saudayika Stridhana are Stridhana—Extent of woman's right over Stridhana—Devala describes other kinds of Stridhana over which women have absolute control—Second head of Stridhana considered—Viramitrodaya—Gift of moveables by husband subject to his control—Gifts by husband to wife of immoveables—Bequests in favour of wife by husband—The effect of the use of the word "Malik" in wills or bequests in favour of women—Husband can take Stridhana in distress—Right personal to husband—Katyayana—Succession to Stridhana not within the scope of the thesis—Unchastity no bar to inheriting Stridhana from female relations—Views of Sir Henry Sumner Maine considered—Maine's comment on the definition of Stridhana in the Mitakshara—Mitakshara is the strongest advocate of proprietary rights of women—Development of the law regarding the separate property of women in England compared with the modern Hindu Law concerning Stridhana—Property rights of married women in England governed by Common Law and Equity till 1870—Cessation of the development of women's proprietary rights—Suggested reason for the same..... . 601—650.



CHAPTER VII.

STATUS OF COURTESANS AND DANCING GIRLS.

Concubines tolerated by Hindu Law—Position of concubines in Roman law compared—Prostitution distinguished from concubinage in Hindu law—Prostitutes regarded as the fifth caste—Mitakshara—Nilkantha—Vachaspati Misra—Dancing girls attached to temples in the south of India—Probable origin of the institution of dancing girls—Customary rules govern succession amongst dancing girls—Judicial decisions—Mathura Naikin *vs.* Esu Naikin, leading case in Bombay—Mr. Justice West's view—Mr. Justice West's view criticised by Mr. Justice Ayyar of Madras—Further comments on Mr. Justice West's view How far S. 372 of the Indian Penal Code affects adoption by dancing women—When adoption by a dancing girl would be illegal Rules governing status of dancing girls—Custom if any would seem to determine such rules—Custom or usage of any class regulates status of that class—Prostitution not necessary incident of the lives of dancing girls—Consequence of prostitution on the relation between prostitute and members of her original family - Cessation of ties of kinship whether necessary result of lapsing into prostitution—Cessation of ties of kinship with original family would depend on the nature and character of unchastity—Judicial decisions—Is the rule of severance an inflexible rule—Views of Madras and Allahabad High Courts—Act XXI of 1850—Contracts by and with prostitutes. 651--685.