

GOVERNMENT GRANTS ACT, 1895

15 of 1895

[10th October, 1895]

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STATEMENT OF OBJECTS AND REASONS "Transfer of Property Act, 1882, Sections 10-S.12 of the Transfer of Property Act, 1882 invalidate with certain exceptions all conditions for the forfeiture of the transferred property on alienation by the transferee and all limitations over consequent upon any such alienation or any insolvency of or attempted alienation by him. The Crown is not specifically mentioned in the Act, and it may be assumed that it was not designed to impose fetters of this description upon the discretion of the Crown, especially as to the creation of inalienable jaghirs in grants made for public services; but it has been thought better to set the question at rest by express legislation. Upon a late occasion the Government of India were advised that it is not competent for the Crown to create an inalienable and impartible estate in the land comprised in any Crown grant, unless such land has heretofore descended by custom as an impartible Raj. The second sub-section of the Bill is intended to obviate this inconvenience by providing that all Crown grants are to be construed according to their tenor, notwithstanding any rule of law which might otherwise affect their operation."-Gazette of India, 1895, Part V, page 169.

1. Title and extent :-

(1) This Act may be called the ¹[Government] Grants Act, 1895.

(2) It extends to ²[the whole of India except ³[the territories, which immediately before the 1st November, 1956, were comprised in Part B States] ⁴[* *].] ³ [* * * * *]

1. Substituted for "Crown" by A.L.O., 1950.

2. Substituted for "all the Provinces of India", Substituted for "Crown" by A.L.O., 1950.

3. Sub-section (3) was omitted, Word "and" was omitted by the Repealing and Amending Act, 1914 (10 of 1914), Section 3 and Sch. II.

4. Word "and" was omitted by the Repealing and Amending Act, 1914 (10 of 1914), Section 3 and Sch. II.

2. Transfer of Property Act, 1882, not to apply to Government grants :-

Nothing in the Transfer of Property Act, 1882 , contained shall apply or be deemed ever to have applied to any grant or other transfer of land or of any interest therein heretofore made or hereafter to be made ¹[by or on behalf of the ² [Government]] to, or in favour of, any person whomsoever; but every such grant and transfer shall be construed and take effect as if the said Act had not been passed.

1. Substituted for "by or on behalf of Her Majesty the Queen Empress, Her heirs or successors, or by, or on behalf of the Secretary of State for India in Council" by A.O., 1937.

2. Substituted for "Crown" by A.L.O., 1950.

3. Government grants to take effect according to their tenor :-

All provisions, restrictions, conditions and limitations over contained in any such grant or transfer as aforesaid shall be valid and the effect according to their tenor, any rule of law, statute or enactment of the Legislature to the contrary notwithstanding.