

The Government Grants Act, 1895

UNION OF INDIA

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Act 15 of 1895

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11.

/600Statement of Objects and Reasons.-The Transfer of Property Act, 1882, sections 10-12 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.[10th October, 1895]An Act to explain the Transfer of Property Act, 1882, so far as relates to grants from the [Government] [Substituted by A.O. 1950.] and to remove certain doubts as to the powers of the [Government] [Substituted by A.O. 1950.] in relation to such grants. Whereas doubts have arisen as to the extent and operation of the Transfer of Property Act, 1882, and as to the power of the [Government] [Substituted by A.O. 1950.] to impose limitations and restrictions upon grants and other transfers of land made by it or under its authority, and it is expedient to remove such doubts; It is hereby enacted as follows:-

This Act has been extended to the Union territories of Dadra and Nagar Haveli, to Goa, Daman and Diu. Goa is now a State, see Act 18 of 1987, Section 3 (w.e.f. 30.5.1987), Laccadive, Minicoy and Aminidivi islands by Regulations 6 of 1963, 11 of 1963 and 2 of 1970, respectively. It has also been extended Himachal Pradesh (now a State) by Himachal Pradesh Application of Laws Order, 1948. It

has been repealed in Rajasthan by Rajasthan Act, 1961 and Malabar district of Kerala by Kerala Act 30 of 1960.

1. Title and extent .-(1) This Act may be called The [Government] Grants Act, 1895.

(2)It extends to the whole of India except [the territories which, immediately before the 1st November, 1956, were comprised in Part B States] [Substituted by the Adaptation of Laws (No. 2) Order, 1956.]. [*] [The word " and" at the end of sub-Section (2) and sub-Section (3) repealed by Act 10 of 1914.][* * *] [The word " and" at the end of sub-Section (2) and sub-Section (3) repealed by Act 10 of 1914.]

2. Transfer of Property Act, 1882, not to apply to Government grants
.-Nothing in the Transfer of Property Act, 1882 (4 of 1882), contained shall apply or by deemed ever to have applied to any grants or other transfer of land or of any interest therein heretofore made or hereafter to be made [by or on behalf of the [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.

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 take effect according to their tenor, any rule of law, statute or enactment of the Legislature to the contrary notwithstanding.