

THE



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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th July 1895 :—

Bill No. 14 of 1895.

A Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown.

WHEREAS doubts have arisen as to the extent and operation of the Transfer of Property Act, 1882, and it is expedient to remove such doubts ; It is hereby enacted as follows :

1. (1) This Act may be called the Crown Grants Act, 1895.

(2) It extends to the whole of British India ; and

(3) It shall come into force at once.

2. (1) Nothing in the Transfer of Property Act, IV of 1882, contained shall apply or be deemed ever to have applied to any grant or transfer of land or of

Transfer of Property Act, 1882, not to apply to Crown grants.

any interest therein heretofore made or hereafter to be made 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 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.

(2) 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 or enactment of the Legislature to the contrary notwithstanding.

STATEMENT OF OBJECTS AND REASONS.

THE Transfer of Property Act, 1882, sections 10—12, invalidates, 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.

2. 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.

The 24th July 1895.

(Signed) ALEX. EDW. MILLER,

J. M. MACPHERSON,

Officiating Secretary to the Government of India.