

Hindu Transfers And Bequests (City Of Madras) Act, 1921

08 of 1921

[27 March 1921]

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An Act to declare the rights of Hindus to make transfers and bequests in favour of unborn persons in the City of Madras.

Whereas it is expedient to declare the rights of Hindus to make transfers and bequests in favour of unborn persons in the City of Madras; It is hereby enacted as follows :--

1. For Statement of Objects and Reasons see Gazette of India, dated 5th March 1921, Pt. V, p. 94. For Proceedings in the Indian Legislative Assembly, see the Indian Legislative Assembly Debates, dated 21st March 1921, p. 1452.

1. Short title :-

This Act may be called the Hindu Transfers and Bequests (City of Madras) Act, 1921.

2. Application and extent :-

(1) This Act shall apply to all transfers inter vivos and wills made by persons governed by the Hindu Law who are domiciled within the limits of the Ordinary Original Civil Jurisdiction of the High Court of Madras.

(2) In the case of transfers inter vivos or wills executed before the date of this Act, the provisions of this Act shall apply to such of the dispositions thereby made as are intended to come into operation at a time which is subsequent to the 14th February, 1914 :

Provided that nothing contained in this section shall affect bona fide transferees for valuable consideration in whom the right to any property has vested prior to the date of this Act.

Explanation.--Hindus governed by the Marumakkattayam or the Aliyasantana law shall be deemed to be persons governed by the Hindu Law for the purposes of this Act.

3. Disposition for the benefit of person not in existence :-

¹[Subject to the limitations and provisions specified in this Act, no disposition of property by a Hindu, whether by transfer inter vivos or by will, shall be invalid by reason only that any person for whose benefit it may have been made was not born at the date of such disposition.

1. Sections 3 and 4 were substituted for the original sections 3, 4 and 5 by section 13 of the Transfer of Property (Amendment) Supplementary Act, X929 (Central Act XXI of 1929).

4. Limitations and conditions :-

The limitations and provisions referred to in section 3 shall be the following, namely :--

(a) in respect of disposition by transfers inter vivos, those contained in Chapter II of the Transfer of Property Act, 1882 (Central Act IV of 1882), and

(b) in respect of dispositions by will, those contained in sections 113, 114, 115 and 116 of the Indian Succession Act, 1925 (Central Act XXXIX of 1925)]