

## **Madras Hindu Transfers And Bequests Act, 1914**

### **01 of 1914**

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## **Madras Hindu Transfers And Bequests Act, 1914**

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(Received the assent of the Governor on the 14th February 1914 and that of the Governor-General on the 14th March 1914; the assent of the Governor-General was first published in the Fort St George Gazette of the 24th March 1914).

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

WHEREAS it is expedient to declare the rights of persons governed by the Hindu law to make transfers and bequests in favour of unborn persons; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St, George Gazette, 1913, Pt. IV, p. 691; for Report of Select Committee, see *ibid*, p. 943; and for Proceedings in Council, see *ibid*, p. 785.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act 1949 (Madras Act XXXV of 1949).

#### **1. Short title :-**

This Act may be called "The <sup>1</sup>(Madras) Hindu Transfers and Bequests Act, 1914."

1. This word was inserted by section 3(1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

#### **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 Presidency 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 such date: 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 the 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 :-**

Section 3 - <sup>1</sup>[Disposition for the benefit of person not in existence  
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 II of the Transfer of Property (Amendment) Supplementary Act 1929 (Central Act XXI of 1929)

### **4. Limitations and conditions :-**

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

Central Act V of 1882.

(a) in respect of dispositions by transfers inter vivos, those contained in Chapter II of the Transfer of Property Act, 1882, and Central Act XXXIX of 1925.

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

