

The Transfer of Property Act, 1882

Act No. 4 of 1882

[17th February, 1882]

An Act to amend the law relating to the Transfer of Property by act of Parties.

Preamble.—WHEREAS it is expedient to define and amend certain parts of the law relating to the transfer of property by act of parties; It is hereby enacted as follows:—

Chapter-I Preliminary

Section 1: Short Title.

1. This Act may be called the Transfer of Property Act, 1882.

Commencements.—It shall come into force on the first day of July, 1882.

Extent.— ¹[It extends² in the first instance to the whole of India. except³[the territories which, immediately before the 1st November, 1956, were comprised in Part B States or in the States of], Bombay, Punjab and Delhi.]

⁴[But this Act or any part thereof may by ⁵notification in the Official Gazette be extended to the whole or any part of ⁶[the said territories] by the State Government concerned.]

⁷[And any State Government may, ⁸*** from time to time, by notification in the Official Gazette, exempt, either retrospectively or prospectively, any part of the territories administered by such State Government from all or any of the following provisions, namely:—

Sections 54, paragraphs 2 and 3, 59, 107 and 123.]

⁹[Notwithstanding anything in the foregoing part of this section, sections 54, paragraphs 2 and 3, 59, 107 and 123 shall not extend or be extended to any district or tract of country for the time being excluded from the operation of the Indian Registration Act, 2[1908 (16 of 1908)], under the power conferred by the first section of that Act or otherwise.]

Reference:

1. Subs. by the A.O. 1950, for the third paragraph.

2. The application of this Act was barred in the Naga Hills District, including the Mokokchung Sub-division, the Dibrugarh Frontier Tract, the North Cachar Hills, the Garo Hills, the Khasi and Jantia Hills and the Mikir hills Tract, by notification under s. 2 of the Assant Frontier Tracts Regulation, 1880 (2 of 1880).

Partially extended to Berar by Act 4 of 1941. Extended to Manipur by Act 68 of 1956; to Dadra and

Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I; to Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Sch.; to Lakshadweep by Reg. 8 of 1965, s. 3 and Sch., to Pondicherry by Act 26 of 1968, s. 3 and Sch.

It has been amended to Bombay by Bombay Act 14 of 1939, S7 of 1959, in U.P. by U.P. Act 24 of 1954, 14 of 1970 and 57 of 1976.

Extended to the Union territory of Jammu and Kashmir and Union territory of Ladakh by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

3. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for “Part B States”.

4. Subs. by the A.O. 1937, for the original paragraph.

5. The Act has been extended to—

The Presidency of Bombay (except Scheduled Districts) w.e.f. 1-1-1893; to Mehwassi Estate by Born. Reg. 1 of 1949; and to former princely area w.e.f. 1-4-1951; now applicable to whole of Maharashtra;

Gujarat (Saurashtra area) by Saurashtra Ordinance 25 of 1949, and to Kutch area w.e. f.1-1-1950.

Madhya Pradesh:

Mysore, w.e.f. 1-4-1951;

Rajasthan, w.e.f. 1-7-1952;

the former State of Travancore-Cochin, w.e.f. 1-5-1952, now applicable to whole of Kerala.

The provisions of sections 54, 107 and 123 were extended to—

Delhi, w.e.f. 30-5-1939. Section 129 was extended to certain areas of Delhi w.e.f. 16-11-1940 and to the remaining areas w.e.f. 1-12-1962. the remaining provisions were also extended to the Union territory of Delhi w.e.f. 1-12-1962;

Himachal Pradesh, w.e.f. 7-12-1970:

Punjab, w.e.f. 1-4-1955 and to former princely area w.e.f. 15-5-1957. (Section 59 was enforced in Haryana area, w.e.f. 5-8-1967).

The Act has been declared in force in the Pargana of Manpur by the Manpur Law Regulation, 1926 (2 of 1926), in Panth Piploda by the Panth Piploda Laws Regulation, 1929 (1 of 1929) and in the State of Sikkim on 1.9.1984 vide Notification No. S.O. 643(E), dated 24-8-1984, Gazette of India, Extraordinary, Pt. II, sec. 3(0).

The Act has been repealed as to Government Grants by the Government Grants Act, 1895 (15 of 1895).

The Act has been repealed or modified to the extent necessary to give effect to the provisions of Madras Act 3 of 1922, in the City of Madras see s. 13 of Madras Act 3 of 1922.

6. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for “the said States”.
 7. Subs. by Act 3 of 1885, s. 1, for the original paragraph.
 8. The words “with the previous sanction of the Governor General in Council” omitted by Act 38 of 1920, s. 2 and the Schedule.
 9. Added by Act 3 of 1885, s. 2 (w.e.f. 1-7-1882).
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