THE HINDU GAINS OF LEARNING ACT, 1930

ARRANGEMENT OF SECTIONS

SECTIONS

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THE HINDU GAINS OF LEARNING ACT, 1930

ACT NO. 30 OF 1930[1]

[25*th July*, 1930.]

An Act to remove doubt as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning.

WHEREAS it is expedient to remove doubt, and to provide an uniform rule, as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning; It is hereby enacted as follows:—

1. Short title and extent.—(*1*) This Act may be called the Hindu Gains of Learning Act, 1930.

(*2*) It extends to the whole of India [2][except the State of Jammu and Kashmir*].

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "acquirer" means a member of a Hindu undivided family, who acquires gains of learning;

(*b*) "gains of learning" means all acquisitions of property made substantially by means of learning, whether such acquisitions be made before or after the commencement of this Act and whether such acquisitions be the ordinary or the extraordinary result of such learning; and

(*c*) "learning" means education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession of avocation in life.

3. Gains of learning not to be held, not to be separate property of acquirer merely for certain reasons.—Notwithstanding any custom, rule or interpretation of the Hindu Law, no gains of learning shall be held not to be the exclusive and separate property of the acquirer merely by reason of—

(*a*) his learning having been; in whole or in part, imparted to him by any member, living or deceased, of his family, or with the aid of the joint funds of his family, or with the aid of the funds of any member thereof, or

(*b*) himself or his family having, while he was acquiring his learning, been maintained or supported, wholly or in part, by the joint funds of his family, or by the funds of any member thereof.

4. Savings.—This Act shall not be deemed in any way to affect—

(*a*) the terms or incidents of any transfer of property made or effected before the commencement of this Act,

(*b*) the validity, invalidity, effect or consequences of anything already suffered or done before the commencement of this Act,

(*c*) any right or liability created under a partition, or an agreement for a partition, of joint family property made before the commencement of this Act, or

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1. The Act has been extended in its application to Dadra and Nagar Haveli (w.e.f. 1-7-19651 by Reg. 6 of 1963, s. 2 and the First schedule and to the Union territory of Pondicherry by Act 26 of 1968, s. 3 and Sch.
2. Subs. by Act 48 of 1959, s. 3 and Sch. 1, for certain words (w.e.f 1-2-1960).

*. *Vide* Notification No. S.O. 3912 (E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

(*d*) any remedy or proceeding in respect of such right or liability; or to render invalid or in any way affect anything done before the commencement of this Act in any proceeding pending in a Court at such commencement; and any such remedy and any such proceeding as is herein referred to may be enforced, instituted or continued, as the case may be, as if this Act had not been passed.

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