

THE HINDU DISPOSITION OF PROPERTY ACT 1916
(Act XV of 1916)
C O N T E N T S

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THE HINDU DISPOSITION OF PROPERTY ACT, 1916
(Act XV of 1916)

[28 September 1916]

An Act to remove certain existing disabilities in respect of the power of disposition of property by Hindus for the benefit of persons not in existence at the date of such disposition.

WHEREAS it is expedient to remove certain existing disabilities in respect of the power of disposition of property by Hindus for the benefit of persons not in existence at the date of such disposition;

It is hereby enacted as follows:-

1. Short title and extent.— (1) This Act may be called the Hindu Disposition of Property Act, 1916.

^2 It extends to whole of ^[3][the Punjab].

^[4]**1-A. Definition.**— In this Act, “Government” means Government of the Punjab.]

2. Dispositions for the benefit of persons 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 in existence at the date of such disposition.

3. Limitations and conditions.— The limitations and provisions referred to in section 2 shall be the following, namely:-

- (a) in respect of dispositions by transfer *inter vivos*, those contained in ^[5][Chapter II] of the Transfer of Property Act, 1882 (IV of 1882), and
- (b) in respect of dispositions by will, those contained in ^[6][sections 113, 114, and 115 of the Succession Act, 1925 (XXXIX of 1925)].

4. ^[7][* * * * *]

5. Application of this Act to the Khoja Community.— Where the ^[8][Government] is of opinion that the Khoja Community in ^[9][the Punjab] or any part thereof desire that the provisions of this Act should be extended to such community, ^[10][it] may, by notification in the ^[11][official Gazette], declare that the provisions of this Act, with the substitution of the word “Khojas” or “Khoja”, as the case may be, for the word “Hindus” or “Hindu” wherever those words occur, shall apply to that community in such area as may be specified in the notification, and this Act shall thereupon have effect accordingly.

^[1]For Statement of Objects and Reasons, *see* Gazette of India, 1916, Pt. V, p.2; for Report of Select Committee, *see ibid.*, 1916, Pt. V, p.76; and for Proceedings in Council, *see ibid.*, 1916, Pt. V, pp.19, 509, 542 and 585.

This Act was originally in the Federal ambit, however, the subject on which this law was enacted, devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Hindu Disposition of Property (Amendment) Act 2012 (XVII of 2012).

^[2]Substituted by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Schedule (*with effect from the 14th October 1955*), for the original sub-section (2) as amended by A.O., 1937 and Adaptation Order, 1949, Schedule.

^[3]Substituted for the word “Pakistan” by the Hindu Disposition of Property (Amendment) Act 2012 (XVII of 2012).

^[4]Inserted *ibid.*

^[5]Substituted by the Transfer of Property (Amendment) Supplementary Act, 1929 (XXI of 1929), s.12, for “section 13, 14 and 20”.

^[6]Substituted for “sections 100 and 101 of the Indian Succession Act, 1865”, by the Transfer of Property (Amendment) Supplementary Act, 1929 (XXI of 1929).

^[7]Section 4 “**Failure of prior disposition**” repealed *ibid.*

^[8]Substituted for the words “Provincial Government” by the Hindu Disposition of Property (Amendment) Act 2012 (XVII of 2012).

^[9]*Ibid.*, for the words “the Province”.

^[10]Substituted for the word “he”, by the Adaptation Order, 1937.

^[11]*Ibid.*, for “Gazette of India”.