

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

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## TEXT

# <sup>1</sup>THE HINDU DISPOSITION OF PROPERTY ACT, 1916 (XV of 1916)

[9 February 1917]

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) <sup>2,3</sup> [It extends to the whole of <sup>4</sup> [the Punjab.]]

<sup>5</sup>[**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 <sup>6</sup>[Chapter II] of the Transfer of Property Act, 1882<sup>7</sup>, and
- (b) in respect of dispositions by will, those contained in <sup>1</sup>[sections 113, 114, 115 and 116 of the [\*]<sup>2</sup> Succession Act, 1925].

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<sup>1</sup>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.

<sup>2</sup>Substituted by the Adaptation of Central Acts and Ordinances Order, 1949 vide Notification No. G.G.O. 4, dated 25<sup>th</sup> March, 1949, published in the Gazette of Pakistan (Extraordinary), dated March 28, 1949, pp. 223-283, Article 3 and Schedule.

<sup>3</sup>Substituted for the words “it extends to all the Provinces” by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), published in the Gazette of Pakistan (Extraordinary), dated June 9, 1960, pp. 725-845.

<sup>4</sup>Substituted for the word “Pakistan” by the Hindu Disposition of Property (Amendment) Act 2012 (XVII of 2012), vide Notification No. PAP/Legis-2(79)/2011/530, dated 11<sup>th</sup> February, 2012, published in the Punjab Gazette (Extraordinary), dated February 11, 2012, pp. 40199-40200, s. 2.

<sup>5</sup>Inserted by the Act *ibid.*, s. 3.

<sup>6</sup>Substituted for the words and figures “sections 13, 14 and 20” by the Transfer of Property (Amendment) Supplementary Act, 1929 (XXI of 1929), published in the Punjab Gazette, Part-IV, dated October 25, 1929, pp. 133-153, s. 12.

<sup>7</sup>IV of 1882.

4. <sup>3</sup>[ \* \* \* \* \* ]

5. **Application of this Act to the Khoja community.**— Where the <sup>4,5</sup>[ [Government]] is of opinion that the Khoja community in <sup>6,7</sup>[ [the Punjab]] or any part thereof desire that the provisions of this Act should be extended to such community, <sup>8</sup>[it] may, by notification in the <sup>9</sup>[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.

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<sup>1</sup>Substituted for the words and figures “sections 100 and 101 of the Indian Succession Act, 1865” by the Transfer of Property (Amendment) Supplementary Act, 1929 (XXI of 1929), published in the Punjab Gazette, Part-IV, dated October 25, 1929, pp. 133-153, s. 12.

<sup>2</sup>Originally it is as “the Indian Succession Act, 1925”.

<sup>3</sup>Omitted by the Transfer of Property (Amendment) Supplementary Act, 1929 (XXI of 1929), published in the Punjab Gazette, Part-IV, dated October 25, 1929, pp. 133-153, s. 12.

<sup>4</sup>Substituted for the words “Governor General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18<sup>th</sup> March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344.

<sup>5</sup>Substituted for the words “Provincial Government” by the Hindu Disposition of Property (Amendment) Act 2012 (XVII of 2012), vide Notification No. PAP/Legis-2(79)/2011/530, dated 11<sup>th</sup> February, 2012, published in the Punjab Gazette (Extraordinary), dated February 11, 2012, pp. 40199-40200, s. 4.

<sup>6</sup>Substituted for the words “British India” by the Adaptation of Central Acts and Ordinances Order, 1949, vide Notification No. G.G.O. 4, dated 25<sup>th</sup> March, 1949, published in the Gazette of Pakistan (Extraordinary), dated March 28, 1949, pp. 223-283, Article 3 and Schedule.

<sup>7</sup>Substituted for the words “the Provinces” by the Hindu Disposition of Property (Amendment) Act 2012 (XVII of 2012), vide Notification No. PAP/Legis-2(79)/2011/530, dated 11<sup>th</sup> February, 2012, published in the Punjab Gazette (Extraordinary), dated February 11, 2012, pp. 40199-40200, s. 4.

<sup>8</sup>Substituted for the word “he” by the Government of India (Adaptation of Indian Laws) Order, 1937, dated 18<sup>th</sup> March, 1937, published in the Gazette of India (Extraordinary), dated April 1, 1937, pp. 75-344.

<sup>9</sup>Substituted for the words “Gazette of India” by the Order *ibid.*, s. 4 and Table of General Adaptations.