THE HINDU DISPOSITION OF PROPERTY ACT, 1916

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
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3. Limitations and conditions.
4. [*Repealed*.].
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THE HINDU DISPOSITION OF PROPERTY ACT, 1916

ACT NO. 15 OF 1916

[28th *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.

[1][(*2*) It extends to the whole of India [2]***.][3]

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 [4][Chapter II] of the Transfer of Property Act, 1882 (4 of 1882), and

(*b*) in respect of dispositions by will, those contained in [5][sections 113, 114, 115 and 116 of the Indian Succession Act, 1925 (33 of 1925)].

4. [*Failure of prior disposition.] Rep. by the Transfer of Property* (*Amendment*) *Supplementary Act,* 1929 (21 *of* 1929), *s.* 12.

5. Application of this Act to the Khoja community.—Where the [6][State Government] is of opinion that the Khoja community in [7][the State] or any part thereof desire that the provisions of this Act should be extended to such community [8][it] may by notification in the 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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1. Subs. by Act 48 of 1959, s. 3 and Sch. I, for sub-section *(2)* (w.e.f. 1-2-1960).
2. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10- 2019).
3. The Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch.
   In its application to Pondicherry, in section 1, after sub-section (2), the following shall be inserted—"Provided that nothing contained in this Act, shall apply to the Renoncants of the Union territory of Pondicherry."—(Vide Act 26 of 1968).
4. Subs. by Act 21 of 1929, s. 12, for "sections 13, 14 and 20".
5. Subs. by s. 12, *ibid.*, for "sections 100 and 101 of the Indian Succession Act, 1865".
6. Subs. by the A.O. 1937, for "G.G. in C.".
7. Subs., *ibid.*, for "British India".
8. Subs., *ibid.*, for "he".