

The Hindu Disposition of Property Act, 1916

February 12, 2013

1. Short title and extent.-

(1) This Act may be called the Hindu Disposition of Property Act, 1916.

¹[(2) It extends² to the whole of India except the State of Jammu and Kashmir.]³

1. Subs. by Act 48 of 1959, sec. 3 and Sch. I, for sub-section (2) (w.e.f. 1-2-1960).

2. This Act has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941).

3. 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).

2. Disposition 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 ¹(Chapter II) of the Transfer of Property Act, 1882 (4 of 1882) and

(b) in respect of dispositions by will those contained in ²(sections 113, 114, 115 and 116 of the Indian Succession Act, 1925 (33 of 1925)).

1. Subs. by Act 21 of 1929, sec. 12, for “sections 13, 14 and 20”.

2. Subs. by Act 21 of 1929, sec. 12, for “sections 100 and 101 of the Indian Succession Act, 1865 (10 of 1865)”.

4. Failure of prior disposition.-

(Rep. By the Transfer of Property (Amendment) (Supplementary) Act, 1929 (21 of 1929), sec. 12.

5. Application of this Act to the Khoja community.-

Where the ¹[State Government] is of opinion that the Khoja community in ²[the ³[State]] or any part thereof desire that the provisions of this Act should be extended to such community, ⁴[it] may be notification in the Official Gazette, declare that the provisions of this Act, with the substitutions of the word "Khojas" or "Khoja" as the case may be, for the word "Hindu" 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. Subs. by the Government of India (Adaptation of Indian Laws) Order, 1937, for "Governor-General in Council".
2. Subs. by the Government of India (Adaptation of Indian Laws) Order, 1937, for "British India".
3. Subs. by the Adaptation of Laws Order, 1950, for "Province".
4. Subs. by the Government of India (Adaptation of Indian Laws) Order, 1937, for "he".


