

A
Bill

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 in the Province of the Khyber Pakhtunkhwa

Preamble.---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 in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title extent and commencement. --- (1) This Act may be called the Khyber Pakhtunkhwa Hindu Disposition of Property Act, 2014.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Disposition of the property 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 condition.--- 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 Chapter II of the Transfer of Property Act, 1882 (IV of 1882), and

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

4. Application of this Act to the Khoja community.--- Where Government of the Khyber Pakhtunkhwa is of opinion that the Khoja community in the Province or any part thereof desire that the provisions of this Act should be

extended to such community, 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.

5. Repeal.--- (1) The Hindu Disposition of Property Act, 1916 (Act No. XV of 1916), in its application to the Province of Khyber Pakhtunkhwa, is hereby repealed.

(2) Notwithstanding the repeal of Hindu Disposition of Property Act, 1916 (Act No. XV of 1916), anything done, or action taken, decision or order made under the repealed Act, shall have effect as if done, taken or made under this Act.

STATEMENT OF OBJECTS AND REASONS.

It is desirable to amend the Hindu Disposition of Property Act, 1916 (Act No. XV 1916), as the subject is devolved to the Provinces in wake of 18th Amendment of the Constitution of the Islamic Republic of Pakistan. Hence, this Bill.

MINISTER-IN-CHARGE