

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”

Dated: 28.06.2021

No. LD/Legis-Act/529-42/2021. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 28th day of May, 2021 and received the assent of the President on the 15th day of June, 2021, is hereby published for general information.

[Act XXIX of 2021]

An

Act

further to amend the Transfer of Property Act, 1882

WHEREAS it is expedient further to amend the Transfer of Property Act, 1882 (Act IV of 1882), as adapted and in force in Azad Jammu and Kashmir vide adaptation of laws Act 1959 (Act I of 1959), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Transfer of Property (Amendment) Act, 2021.
(2) It shall come into force at once.
2. **Addition of Chapter VII-A, Act IV of 1882.**- In the Transfer of Property Act, 1882 (Act IV of 1882), as adopted and in force in Azad Jammu and Kashmir, after Chapter No. VII a new Chapter No. VII-A shall be added as under:-

**“CHAPTER VII-A
OF TRANSFER THROUGHGIFT IN CERTAIN CASE**

129-A. Gift in case of death of son or daughter.-

(1) Notwithstanding anything contained contrary in any other law for the time being in force or any other provision of this Act, this chapter shall apply to the Muslims only.

(2) In the event of death of a son of the propositus, the propositus shall make a Gift in favour of children and widow of such son from his property, except un-avoidable

circumstances beyond human control, equal to the share of such son, who would have received if alive:

Provided that if the propositus fails to make a Gift of his property within a period of ninety days under sub-section (2), by whatsoever reason or the propositus dies during this period, it shall be deemed that such share of property has been gifted under sub-section (2) with effect from the date of death of such son of the propositus and the relevant revenue authorities shall cause entries in revenue record accordingly.

(3) In case, where the property transferred to the children and widow is insufficient for their maintenance and other legal heirs are unable to provide maintenance to such children or widow, as the case may be, the Government shall take appropriate measures and make necessary arrangements for the maintenance of such children and widow, till attaining the age of twenty one years in case of children or remarriage of widow.

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(Gulfraz Ahmed Khan)
Section Officer (Legislation)