

Muslim Personal Law (Application of Shariah) Act 1962

THE PUNJAB/SIND/N.W.F.P./BALUCHISTAN MUSLIM PERSONAL LAW
(SHARIAT) APPLICATION ACT, 1962
(V of 1962)

Preamble. An Act to consolidate and amend the provisions for the application of Muslim Personal Law (Shariat) in the Province of Punjab/Sind/N.W.F.P./Baluchistan. Whereas it is expedient to consolidate and amend the provisions for the application of Muslim Personal Law (Shariat) in the Province of Punjab/Sind/N.W.F.P./Baluchistan.

It is hereby enacted as follows:

1. Short title and extent.

(1) This Act may be called the Punjab/Sind/N.W.F.P./Baluchistan Muslim Personal Law (Shariat) Application Act, 1962.

(2) It extends to whole of Province of Punjab/Sind/N.W.F.P./Baluchistan except the Tribal Areas.

2. Application of the Muslim Personal Law.

Notwithstanding any custom or usage, in all questions regarding succession (whether testate or intestate), special property of females, betrothal, marriage, divorce, dower adoption, guardianship, minority, legitimacy or bastardy, family relations, wills, legacies, gifts, religious usages or institutions, including waqfs, trusts and trust properties, the rule of decision, subject to the provisions of any enactment for the time being in force shall be the Muslim Personal Law (Shariat) in case where the parties are Muslims.

3. Termination of limited States under Customary Law.

The limited estates in respect of immovable property held by Muslim female under the customary law are hereby terminated:

Provided that nothing herein contained shall apply to any such estate saved by any enactment, repealed by this Act, and the estate so excepted shall, continue to be governed by that enactment notwithstanding its repeal by this Act.

4. Further operation of certain wills shall cease on the death of legatee-in-enjoyment.

Where a will providing for more than one legatee succeeding to the testator's property one after the other is operative at the commencement of this Act, its further operation shall cease upon the death of the legatee-in-enjoyment.

5. Devolution of property on the termination of life estate and certain wills.

The life estate termination under section 3 or the property in respect of which the further operation of will has ceased under section 4 shall devolve upon such persons as would have been entitled to succeed under the Muslim Personal Law (Shariate)