

**THE WEST PAKISTAN MUSLIM PERSONAL  
LAW (SHARIAT) ACT, 1962**

**(W.P. Act V of 1962)**

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# THE WEST PAKISTAN MUSLIM PERSONAL LAW (SHARIAT) ACT, 1962

(W.P. Act V of 1962)

[31<sup>st</sup> December, 1962]

An Act to consolidate and amend the provisions for the application of Muslim Personal Law (Shariat) in the Province of West Pakistan.

Preamble. WHEREAS it is expedient to consolidate and amend the provisions for the application of Muslim Personal Law (Shariat) in the Province of West Pakistan;

It is hereby enacted as follows:—

Short title and extent. 1. (1) This Act may be called the West Pakistan Muslim Personal Law (Shariat) Application Act, 1962.

(2) It extends to the whole of <sup>2</sup>[Pakistan].

Application of the Muslim Personal Law. 2. 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.

<sup>3</sup>[Termination of limited estate under Customary Law.] <sup>4</sup>[3. The limited estates in respect of immovable property held by Muslim females 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Provided that nothing herein contained shall apply to any such estate saved by any enactment, repealed by this Act, and the estates so excepted shall continue to be governed by that enactment, notwithstanding its repeal by this Act.]

<sup>1</sup> For statement of objects and reasons, see Gazette of West Pakistan, dated 15<sup>th</sup> December, 1962, (Extraordinary), pages 4275-4276. This Act was passed by the W.P. Assembly on 14<sup>th</sup> Dec., 1962, and, on its having been assented to by the Governor of W.P., it was published in the W.P. Gazette (Extraordinary), dated 31<sup>st</sup> Dec., 1962, pages 4683-85. It has been adopted by the Federation, see P.O. 4 of 1975.

<sup>2</sup> Subs. by P.O. 4 of 1975, for "the Province of West Pakistan except the Tribal Areas," "It was extended to Tribal Areas of the Province of Bal. by Baln. Reg. 1976, published in the Balochistan Gazette (Extraordinary) No. 50-A, dated 5<sup>th</sup> December, 1976.

<sup>3</sup> Subs. for "Termination of life estate under Customary Law" by W.P. Ord. XXXIX of 1963, and shall be deemed always to have been so substituted.

<sup>4</sup> Subs. *ibid*.

- Further operation of certain wills shall cease on the death of legatee-in-enjoyment.
4. 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.
- Devolution of property on the termination of life estate and certain wills.
5. The life estate terminated under section 3 or the property in respect of which the further operation of a will has ceased under section 4 shall devolve upon such persons as would have been entitled to succeed under the Muslim Personal Law (Shariat) upon the death of the last full owner or the testator as though he had died intestate; and if any such heir has died in the meantime, his share shall devolve in accordance with Shariat on such persons as would have succeeded him, if he had died immediately after the termination of the life estate or the death of the said legatee;
- Provided that the share to which a Muslim female holding limited estate under Customary Law would have been entitled under the Muslim Personal Law (Shariat) upon the death of the last full owner shall devolve on her.
- Sections 3, 4 and 5 only to be retrospective.
6. Save as expressly provided by the provisions of sections 3, 4 and 5, this Act shall have no retrospective operation.
- Repeal and savings.
7. (1) The following enactments are hereby repealed—
- (a) The Punjab Limitation (Custom) Act, 1920<sup>1</sup>;
  - (b) The Punjab Custom (Power to Contest) Act, 1920<sup>2</sup>;
  - (c) The Muslim Personal Law (Shariat) Application Act, 1937<sup>3</sup>, in its application to West Pakistan;
  - (d) The North-West Frontier Province Muslim Personal Law (Shariat) Application Act, 1935<sup>4</sup>;
  - (e) The Punjab Muslim Personal Law (Shariat) Application Act, 1948<sup>5</sup>;

<sup>1</sup> That is Punjab Act I of 1920.

<sup>2</sup> That is Punjab Act II of 1920.

<sup>3</sup> That is Act XXVI of 1937.

<sup>4</sup> That is N.W.F.P. Act VI of 1935.

- (f) The Muslim Personal Law (Shariat) Application (Sind Amendment) Act, 1950<sup>1</sup>;
- (g) The Bahawalpur State Shariat (Muslim Personal Law) Application Act, 1951<sup>2</sup>;
- (h) The Khairpur State Muslim Female Inheritance (Removal of Customs) Act, 1952<sup>3</sup>.

(2) <sup>4</sup>[*Deleted*]

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<sup>5</sup> That is Punjab Act IX of 1948.

<sup>1</sup> That is Sind Act XXII of 1950.

<sup>2</sup> That is Bahawalpur Act I of 1950.

<sup>3</sup> That is Khairpur Act I of 1950.

<sup>4</sup> Del. by W.P. Act XXVIII of 1964.