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

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

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**[[1]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn1%22%20%5Co%20%22)THE WEST PAKISTAN MUSLIM PERSONAL LAW (SHARIAT) ACT, 1962**

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

[31 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:-

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

      (2)  It extends to the whole of **[[2]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn2%22%20%5Co%20%22)**[Pakistan].

**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]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn3%22%20%5Co%20%22)[2-A.   Succession prior to Act IX of 1948.—**Notwithstanding anything to the contrary contained in section 2 or any other law for the time being in force, or any custom or usage or decree, judgment or order of any Court, where before the commencement of the Punajb Muslim Personal Law (Shariat) Application Act, 1948, a male heir had acquired any agricultural land under custom from the person who at the time of such acquisition was a Muslim:-

      (*a*)  he shall be deemed to have become, upon such acquisition, an absolute owner of such land, as if such land had devolved on him under the Muslim Personal Law (Shariat);

      (*b*)  any decree, judgment or order of any Court affirming the right of any reversioner under custom or usage, to call in question such an alienation or directing delivery or possession of agricultural land on such basis shall be void, inexecutable and of no legal effect to the extent it is contrary to the Muslim Personal Law (Shariat) Act;

      (*c*)  all suits or other proceedings of such a nature pending in any Court and all execution proceedings seeking possession of land under such decree shall abate forthwith:

      Provided that nothing herein contained shall be applicable to transactions past and closed where possession of such land has already been delivered under such decrees.]

**[[4]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn4%22%20%5Co%20%22)[3.  Termination of limited estate under Customary Law.—** 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.]

**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 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.

**6.   Sections 3, 4 and 5 only to be retrospective.—** Save as expressly provided by the provisions of sections 3,4 and 5, this Act shall have no retrospective operation.

**7.   Repeal and savings.—** (1) The following enactments are hereby repealed—

      (*a*)  The Punajb Limitation (Custom) Act, 1920**[[5]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn5%22%20%5Co%20%22)**;

      (*b*)  The Punjab Custom (Power to Contest) Act, 1920**[[6]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn6%22%20%5Co%20%22)**;

      (*c*)  The Muslim Personal Law (Shariat) Application Act, 1937**[[7]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn7%22%20%5Co%20%22)**, in its application to West Pakistan;

      (*d*)  The North-West Frontier Province Muslim Personal Law (Shariat) Application Act, 1935**[[8]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn8%22%20%5Co%20%22)**;

        (*e*)   The Punjab Muslim Personal Law (Shariat) Application Act, 1948**[[9]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn9%22%20%5Co%20%22)**;

      (*f*)  The Muslim Personal Law (Shariat) Application (Sind Amendment) Act, 1950**[[10]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn10%22%20%5Co%20%22)**;

      (*g*)  The Bahawalpur State Shariat (Muslim Personal Law) Application Act, 1951**[[11]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn11%22%20%5Co%20%22)**;

      (*h*)  The Khairpur State Muslim Female Inheritance (Removal of Customs) Act, 1952**[[12]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn12%22%20%5Co%20%22)**.

      (2)  **[[13]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftn13%22%20%5Co%20%22)**[\* \* \* \* \* \* \* \* \* \* \* \*]

**[[1]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref1%22%20%5Co%20%22)**For statement of objects and reasons, *see*Gazette of West Pakistan, dated 15th December, 1962, (Extraordinary), pages 4275-4276.

  This Act was passed by the West Pakistan Assembly on 14th Dec., 1962, and on its having been assented to by the Governor of West Pakistan, it was published in the West Pakistan Gazette (Extraordinary), dated 31st Dec., 1962, pages 4683-85.

  It has been adopted by the Federation, *see*the Federal Adaptation of Laws Order, 1975 (P.O. 4 of 1975).

**[[2]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref2%22%20%5Co%20%22)**Substituted by the Federal Adaptation of Laws Order, 1975 (P.O. 4 of 1975), for “the Province of West Pakistan except the Tribal Areas.”

**[[3]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref3%22%20%5Co%20%22)**Added by the West Pakistan Muslim Personal Law (Shariat) Act (Amendment) Ordinance, 1963 (XIII of 1983).

**[[4]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref4%22%20%5Co%20%22)**Substituted by the West Pakistan Muslim Personal Law (Shariat) (Amendment) ordinance, 1963 (XXXIX of 1963), and shall be deemed always to have been so substituted.

**[[5]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref5%22%20%5Co%20%22)**Pb. I of 1920.

**[[6]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref6%22%20%5Co%20%22)**Pb. II of 1920.

**[[7]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref7%22%20%5Co%20%22)**Act XXVI of 1937.

**[[8]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref8%22%20%5Co%20%22)**N.W.F.P. VI of 1935.

**[[9]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref9%22%20%5Co%20%22)**Pb. IX of 1948.

**[[10]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref10%22%20%5Co%20%22)**Sind XXII of 1950.

**[[11]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref11%22%20%5Co%20%22)**Bwp. I of 1950.

**[[12]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref12%22%20%5Co%20%22)**Khairpur I of 1950.

**[[13]](http://www.punjablaws.gov.pk/laws/135.html%22%20%5Cl%20%22_ftnref13%22%20%5Co%20%22)**Deleted by the West Pakistan Muslim Personal Law (Shariat) Application (Amendment) Act, 1964 (XXVIII of 1964).

[**[1]**](http://nasirlawsite.com/#_ftn1)**[1]The Punjab Muslim Personal Law (Shariat) Application (Removal of Difficulties) Act, 1975**

**(Pb Act XXV of 1975)**

[31 March 1975]

*An Act to provide for the removal of difficulties of the lawful heirs of last male holders in respect of the limited estates held by refugee females and to protect their rights with respect to the said property*

**Preamble.—** WHEREAS refugee females who were limited owners under custom were allotted evacuee property in the Punjab and such allottees were erroneously treated as full owners of the property allotted to them;

            AND WHEREAS the Supreme Court of Pakistan has held that allottees are limited owners under custom;

            AND WHEREAS it is expedient to extend the benefit of the said decision of the Supreme Court of Pakistan to the persons aggrieved by the said erroneous view;

            It is hereby enacted as follows:---

**1.         Short title, commencement and extent.—** (1) This Act may be called the Punjab Muslim Personal Law (Shariat) Application (Removal of Difficulties) Act, 1975.

            (2)        It shall come into force at once but shall be deemed to have taken effect on and from the 15th day of March, 1948.

            (3)        It extends to the whole of the Punjab.

**2.         Removal of difficulties.—** Notwithstanding anything to the contrary contained in any other law for the time being in force, all decrees, judgments or orders passed in any suit, appeal or other proceedings by any court or other authority treating a refugee female allottee as full owner of the property allotted to her in lieu of the property abandoned by her in India or to which she was otherwise entitled, as a limited owner, shall be of no legal effect and such suit, appeal or other proceedings shall, on an application made by an affected person within one year of the commencement of this Act, be decided afresh.

**3.         Permission to file fresh suits, etc.—** Any person aggrieved by an alienation or an order of succession with regard to any property allotted to a refugee female in lieu of the property abandoned by her in India or to which she was otherwise entitled as a limited owner under custom and who could not challenge such alienation or succession, may call it in question in a court or before any other authority within one year of the commencement of this Act.

**4.         Bar to claim adverse possession.—** Any person who claims to have acquired any right or interest in property whether by alienation, succession or otherwise, originally allotted to a refugee female limited owner, shall have no right to plead adverse possession against any lawful heir of the last male holder.

**5.         Repeal of Punjab Ordinance No. V of 1975.—** The Punjab Muslim Personal Law (Shariat) Application (Removal of Difficulties) Ordinance, 1975 (Punjab Ordinance No. V of 1975), is hereby repealed.

[**[1]**](http://nasirlawsite.com/#_ftnref1)**[1]**This Act was passed by the Punjab Assembly on 18th February, 1975; assented to by the Governor of the Punjab on 31st March, 1975; and, published in the Punjab Gazette (Extraordinary), dated 31st March, 1975, pages 237-M to 237-N.