

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

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WEST PAKISTAN ACT NO. V OF 1962  
[31th 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 the [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 cases where the parties are Muslims.

°[3. Termination of limited estates 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Provided that nothing herein contained shall apply to any such estate saved by any enactment, repealed by this Act, and the estates so excepted shall continue to be governed by that enactment, not withstanding its repeal by this Act.]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.

'Subs. by the Federal Adaptation of Laws Order, 1975 (P. O. No. 4 of 1975), Article 2 and Schedule.

\*Subs. by the West Pakistan Ordinance No. XXXIX of 1963, (w. e. f 31.12.1962). s. 2.

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 on 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. Section 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 Punjab Limitation (Custom) Act, 1920 (Punjab I of 1920);

(d) The Punjab Custom (Power to Contest) Act, 1920 (Punjab II of 1920);

(c) The Muslim Personal Law (Shariat) Application Act, 1937 (Central XXVI of 1937), in its application to West Pakistan;

(d) The North-West Frontier Province Muslim Personal Law (Shariat) Application Act, 1935 (N.W.F.P. VI of 1935);

(e) The Punjab Muslim Personal Law (Shariat) Application Act, 1948 (Punjab IX of 1948);

(f) The Muslim Personal Law (Shariat) Application (Sind Amendment) Act, 1950 (Sind XXII of 1950);

(g) The Bahawalpur State Shariat (Muslim Personal Law) Application Act, 1951 (Bahawalpur I of 1950);

(A) The Khairpur State Muslim Female Inheritance (Removal of Customs) Act, 1952 (Khairpur I of 1952).

'Omitted by West Pakistan Act No. XXVIII of 1964, s. 2.