

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

(WEST PAKISTAN ACT No.V OF 1962).

CONTENTS.

SECTIONS.

1. Short title and extent.
2. Application of the Muslim Personal Law.
3. Termination of limited estate under Customary Law.
4. Further operation of certain wills shall cease on the death of legatee-in-enjoyment.
5. Devolution of property on the termination of life estate and certain wills.
6. Sections 3, 4 and 5 only to be retrospective.
  
7. Repeal and savings.

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

(WEST PAKISTAN ACT No.V OF 1962).  
[31December, 1962].

AN  
ACT

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

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

It Is hereby enacted as follows : —

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

(2) It extends to the whole of [Pakistan].

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 cases where the parties are Muslims.

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Provided that nothing herein contained shall apply to any such estate saved by any enactment, repealed by this Act, and the estates so excepted shall continue to be governed by that enactment, notwithstanding its repeal by this Act.]

' In Section-1, in subsection, (2), for the words "province of West Pakistan except the Tribal Areas", the word "Pakistan". subs, by P.O. 4 of 1975.

> Subs by W. P. Ord No. XXXIX of 1963. s. 2. which should be deemed a ways to have been so substituted.

Preamble.

Short title and  
extent.

Application of  
the Muslim  
Personal Law.

Termination of  
life estate under  
Customary

Law.

4. Where a will providing for more than one legatee succeeding to 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. The life estate terminated 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 (Shariat) upon the death of the last full owner or the testator as though he had died intestate; and if any such person 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. Save as expressly provided by the provisions of section 3, 4 and 5, this Act shall have no retrospective operation.

7. (1) The following enactments are hereby repealed:

(a) The Punjab Limitation (Custom) Act, 1920;

(b) The Punjab Custom (Power to Contest) Act, 1920;

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

(d) The [Khyber Pakhtunkhwa] Muslim Personal Law (Shariat) Application Act, 1935;

(e) The Punjab Muslim Personal law (Shariat) Application Act 1948.

(f) The Muslim Personal Law (Shariat) Application Sindh Amendment) Act, 1950;

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

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

12,8 \*\*],

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

>. Omitted by the West Pakistan Ordinance XXXIX of 1963.

Further  
operation of  
certain wills  
shall cease on  
the death of

legatee-  
inenjoyment.

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

Section 3,4 and  
5 only to be  
retrospective.

Repeal and  
savings.

Punjab I of  
1920

Punjab I of  
1920

Central XXVI  
of 1937

N.W.F.P VI of  
935.

Punjab IX of  
948.

Sind XXII of  
950.  
Bahawalpur | of  
950.

Khaipur of  
953.

