

The Muslim Personal Law (Shariat) Application Act, 1937

February 21, 2013

1. Short title and extent.-

(ACT 26 OF 1937)

(7th October, 1937)

An Act to make provision for the application of the Muslim Personal Law (Shariat) to Muslims

WHEREAS it is expedient to make provision for the application of the Muslim Personal Law (Shariat) to Muslim. It is hereby enacted as follows:

(1) The Act may be called The Muslim Personal Law (Shariat) Application Act, 1937.(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Application of Personal Law of Muslims.-

Notwithstanding any customs or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal law, marriage, dissolution of marriage, including talaq, ila, zihar, lian, khula and mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in case where the parties are Muslims shall be the Muslim Personal Law (Shariat).



3. Power to make a declaration. –

(1) Any person who satisfies the prescribed authority-

(a) That he is a Muslim, and

(b) That he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872, and

(c) That he is a resident of the territories to which this Act extends, may be declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of the provisions of this section, and thereafter the provisions of section 2 shall apply to the declaring and all his minor children and their descendants as if in addition to the matters enumerated therein adoption, wills and legacies were also specified.

(2) Where the prescribed authority refuses to accept a declaration under sub-section (1), the person desiring to make the same may appeal to such officer as the State Government may, by general or special order, appoint in this behalf, and such officer may if he is satisfied that the appellant is entitled to make the declaration, order the prescribed authority to accept the same.

4. Rule-making power. –

(1) The State Government may make rules to carry into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

(a) For prescribing the authority before whom and the form in which declarations under this Act shall be made;

(b) For prescribing the fees to be paid for the filing of declarations and for the attendance at private residences of any person in the discharge of his duties under this Act; and for prescribing the times at which such fees shall be payable and the manner in which they shall be levied.

(3) Rules made under the provisions of this section shall be published in the Official Gazette and shall thereupon have effect as if enacted in this Act.

5. Dissolution of marriage by Court in certain circumstances.

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Repealed by the Dissolution of Muslim Marriages Act, 1939 (8 of 1939), S.6 (17-3-1939).

6. Repeals.-

The under mentioned provisions of the Acts and Regulations mentioned below shall be repealed in so far as they are inconsistent with the provisions of this Act, namely:-

(1) Section 26 of the Bombay Regulation 4 of 1827;

(2) Section 16 of the Madras Civil Courts Act, 1873;

(3) The words, figures and brackets "(3) Section 37 of the Bengal, Agra and Assam Civil Courts Act, 1887" were omitted, and

(4) Section 3 of the Oudh Laws Act, 1876;

(5) Section 5 of the Punjab Laws Act, 1872;

(6) Section 5 of the Central Provinces Laws Act, 1875; and

(7) Section 4 of the Ajmer Laws Regulation, 1877.



