

Muslim Personal Law (Shariat) Application (Tamil Nadu Amendment) Act, 1949

TAMILNADU

India

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Act 18 of 1949

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Muslim Personal Law (Shariat) Application (Tamil Nadu Amendment) Act, 1949 (Tamil Nadu Act 18 of 1949) Statement of Objects and Reasons - Muslim Personal Law (Shariat) Application (Tamil Nadu Amendment) Act, 1949 (Tamil Nadu Act XVIII of 1949). - For Statement of Objects and Reasons, please see Part IV-A, pages 54-55 of the Fort St. George Gazette dated the 3rd February 1948. Received the assent of the Governor-General on the 4th July 1949 and first published in the Fort St. George Gazette, dated 12th July 1949. An Act to amend the Muslim Personal Law (Shariat) Application Act, 1937 (Central Act XXVI of 1937), in its application to the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.]. Whereas it is expedient to amend the Muslim Personal Law (Shariat) Application Act, 1937 (Central Act XXVI of 1937), in its application to the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.] in the manner hereinafter appearing; It is hereby enacted as follows :-

1. Short title.

- This Act may be called the Muslim Personal Law (Shariat) Application [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Amendment) Act 1949. This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunel-veli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

2. [Substitution of new section for section 2, Central Act XXVI of 1937.] [This marginal note was inserted by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as this Act applies to the added territories, this marginal note was inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws (No. 2) Act, 1961 (Tamil Nadu Act 39 of 1961).]

- The Muslim Personal Law (Shariat) [Application] [The word 'Application' was inserted by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as this Act applies to the added territories, the word 'Application' was inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws (No. 2) Act, 1961 (Tamil Nadu Act 39 of 1961).] Act, 1937 (Central Act XXVI of 1937) (hereinafter referred to as the said Act), shall, in its application to the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.], be amended in the manner hereinafter provided.

3. Application of Personal Law to Muslims.

- For section 2 of the said Act, the following section shall be substituted, namely : -

2. [] [The figure '2' was inserted by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as this Act applies to the added territories, this figure was inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws (No. 2) Act, 1961 (Tamil Nadu Act 39 of 1961).] Notwithstanding any custom or usage to the contrary, in all questions 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 Tallaq, Ila, Zihar, Lian, Khula and Mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties and wakfs the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat).".