



THE MUSSALMAN WAKF VALIDATING ACT, 1913



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THE PAKISTAN CODE

THE MUSSALMAN WAKF VALIDATING ACT, 1913

¹ACT No. VI of 1913

[7th March, 1913]

An Act to declare the rights of Mussalmans to make settlements of property by way of " wakf " in favour of their families, children and descendants.

WHEREAS doubts have arisen regarding the validity of wakfs created by persons professing the Mussalman, faith in favour of themselves, their families, children and descendants and ultimately for the benefit of the poor or for other religious, pious or charitable purposes; and whereas it is expedient to remove such doubts; It is hereby enacted as follows—

1. Short title and extent.— (1) This Act may be called the Mussalman Wakf Validating Act, 1913.

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

³[(3) It shall be deemed to apply to wakfs created before its commencement :

Provided that nothing herein contained shall be deemed in any way to affect any right, title, obligation or liability already acquired, accrued or incurred before the twenty-fifth day of July, 1930.]

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,—

- (1) " Wakf " means the permanent dedication by a person professing the ⁴[Muslim] faith of any property for any purpose recognized by the ⁴[Muslim] law as religious, pious or charitable.
- (2) " Hanafi ⁴[Muslim] " means a follower of the ⁴[Muslim], faith who conforms to the tenets and doctrines of the Hanafi school of ⁴[Muslim] law.

3. Power of ⁴[Muslims] to create certain wakfs. It shall be lawful for any person professing the ⁴[Muslim] faith to create a wakf which in all other respects is in accordance with the provisions of ⁴[Muslim] law, for the following among other purposes:—

- (a) for the maintenance and support wholly or partially of his family, children or descendants, and
- (b) where the person creating a wakf is a Hanafi ⁴[Muslim], also for his own maintenance and support during is lifetime or for the payment of his debts out of the rents and profits of the property dedicated:

¹For Statement of Objects and Reasons, see Gazette of India, 1911, Pt. V, p. 107; for Report of Select Committee, see *ibid.*, 1913, Pt. V, p.39; and for Proceedings in Council, see *ibid.*, 1911, Pt. VI, p.402 and *ibid.*, 1913, Pt. VI, pp.29, 65 and 147.

This act has been amended to the extent of Islamabad Capital Territory, see Ord. 27 of 1981, s. 5 and 4th Sch.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2) as amended by A.O., 1949, Arts. 3 (2) and 4.

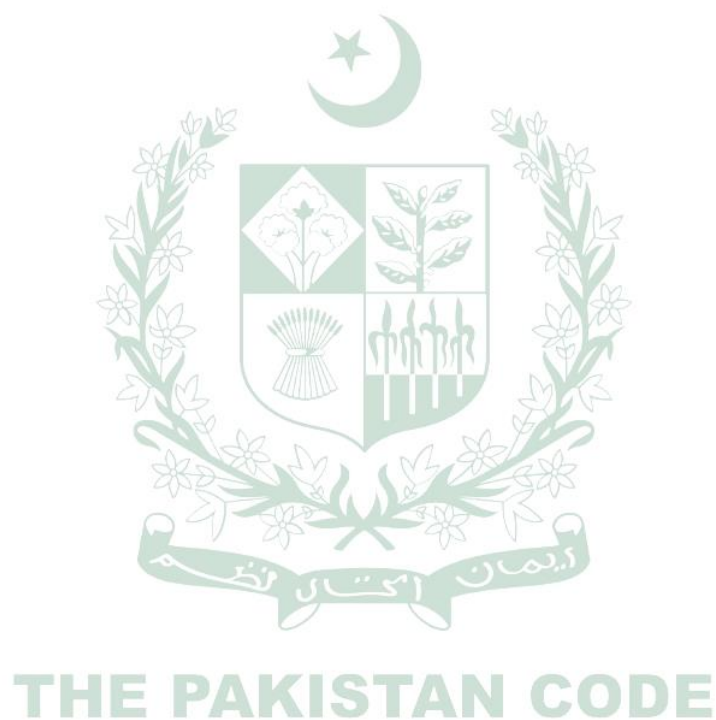
³New sub-section (3) added by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and Sch. II.

⁴Subs. by F.A.O, 1975, Art. 2 and Table, for "Mussalman" and "Mussalmans".

Provided that the ultimate benefit is in such cases expressly or impliedly reserved for the poor or for any other purpose recognised by the ¹[Muslim] law as a religious, pious or charitable purpose of a permanent character.

4. Wakfs not to be invalid by reason of remoteness of benefit to poor, etc. No such wakf shall be deemed to be invalid merely because the benefit reserved therein for the poor or other religious, pious or a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf.

5. Saving of local and sectarian custom. Nothing in this Act shall affect any custom or usage whether local or prevalent among ¹[Muslims] of any particular class or sect.



Date: 11-09-2024

¹Subs. by F.A.O, 1975, Art. 2 and Table, for "Mussalman" and "Mussalmans".