

The Muslim Personal Law (Shariat) Application Act, 1937

Section 1

This Act may be cited as *The Muslim Personal Law (Shariat) Application Act, 1937*. It is hereby declared that this law extends to the whole of Bangladesh. This enactment was originally applicable in British India and has been retained and adapted under Bangladesh's legal framework post-independence. The extension of this law to all regions within Bangladesh is necessary to ensure a uniform application of Muslim Personal Law among Muslim citizens across the nation, regardless of regional customs or practices previously recognized under Hindu or local traditions.

Section 2

Notwithstanding any custom or usage to the contrary, this Act mandates that in all matters involving Muslims, the rule of decision shall be the Muslim Personal Law (Shariat). This includes, but is not limited to, all questions relating to intestate succession, special property of females, marriage and its dissolution through various forms such as talaq, ila, zihar, lian, khula and mubaraat. Furthermore, the law applies to cases involving maintenance, dower, guardianship of minors, as well as issues related to gifts, trusts, trust properties, and waqfs—excluding those pertaining to charitable or religious endowments. The purpose of this section is to enforce the primacy of Islamic jurisprudence in personal matters and supersede any conflicting regional customs.

Section 3

Any individual who is a Muslim, of legal capacity as defined in Section 11 of the Contract Act, 1872, and is a resident of Bangladesh, may declare a desire to be governed by the provisions of this Act. This declaration must be made in the prescribed form before a designated authority. Once this declaration is filed and accepted, the declarant and their minor children, including descendants, shall be governed under Muslim Personal Law in matters beyond Section 2, including adoption, wills, and legacies. Should the prescribed authority refuse to accept such a declaration, the aggrieved individual has the right to appeal to a government-appointed officer. Upon satisfaction, this officer may direct the prescribed authority to accept the declaration, thereby extending the scope of the Act to the individual and their family.

Section 4

The Government of Bangladesh holds the authority to frame rules for the effective implementation of the provisions of this Act. This includes determining the appropriate authority to receive declarations, specifying the format of such declarations, and fixing the fees applicable for submission and for attendance at private residences, if required. The rules may also regulate the timelines and the manner in which such fees are to be paid. All rules framed under this section must be published in the official Gazette, upon which they shall acquire the same legal force as if they were part of the Act itself. This rule-making mechanism ensures administrative efficiency and legal clarity in the Act's application.

Section 5

The provision relating to *Dissolution of marriage by Court in certain circumstances*, originally included in this Act, was repealed by Section 6 of the Dissolution of Muslim Marriages Act,

1939 (Act No. VIII of 1939). This repeal reflects the development and expansion of Muslim matrimonial law, shifting judicial powers to a more focused and separate legislation. The Dissolution of Muslim Marriages Act, 1939, now governs the relevant circumstances under which a Muslim woman may seek a judicial divorce.

Section 6

Section 6, originally addressing the repeal of certain prior enactments, has been omitted by Section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973). The omission of this section is part of a broader effort to streamline and consolidate existing legislation, eliminating redundancy and improving legislative coherence. Such revisions allow the core principles of this Act to remain intact while ensuring legal modernization.

Punishment for Violation

The Act itself does not prescribe **direct criminal penalties or punishments** for individuals who violate its provisions. However, if any **false declaration** is made under Section 3, legal consequences may arise under **general penal provisions** such as Section 182 (false information) or Section 420 (cheating) of the **Penal Code, 1860**, depending on the context. Furthermore, **disobedience to official procedure or authority** under this Act may attract penalties under the **Civil Procedure Code** or **Administrative Rules** framed under Section 4 of this Act.