



THE MUSSALMAN WAKF VALIDATING ACT, 1913



CONTENTS

SECTIONS:

1. Short Title and extent.
2. Definitions.
3. Power of Muslims to create certain wakfs.
4. Wakfs not to be invalid by reason of remoteness of benefit to poor, etc.
5. Saving of local and sectarian custom.

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.

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".