

The Muslim Personal Law (Shariat) Application Act, 1937

(ACT NO. XXVI OF 1937)

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

WHEREAS it is expedient to make provision for the application of the Muslim Personal Law (Shariat) to Muslims in Bangladesh;

It is hereby enacted as follows:-

Short title and extent

1. (1) This Act may be called the Muslim Personal Law (Shariat) Application Act, 1937.

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

Application of Personal Law to Muslims

2. Notwithstanding any custom 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 waqfs (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat).

Power to make a declaration

3. (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 Contract Act, 1872, and

(c) that he is a resident of Bangladesh,

may by 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 declarant 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 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.

Rule-making power

4. (1) The 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.

[Repeated]

5. [Dissolution of marriage by Court in certain circumstance.- Repealed by section 6 of the Dissolution of Muslim Marriages Act, 1939 (Act No. VIII of

1939).]

[Omitted]

6. [Repeals.- Omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

¹ Sub-section (2) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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