

The Mussalman Wakf Validating Act, 1913

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ACT No. 6 OF 1913 ¹

[AS ON 1959]

[26th December, 1949]

1. This Act has been declared be in force in the SonthalParganas by Notification under s.3 of the SonthalParganas Settlement Regulation (3 of 1872), see B.&O.Gazette, 1914, Pt.II, p.413. It has been applied to wakfs created before its commencement, see the Mussalman Wakf Validating Act, 1930 (32 of 1930), s.2.

This Act has been extended to the new Provinces and Merged States by the Merged States (Laws) Act, 1949 (59 of 1949), sec. 3 (w.e.f. 1-1-1950) and to the States of Manipur, Tripura and Vindhya Pradesh by the Union Territories (Laws) Act, 1950 (30 of 1950), sec. 3 (w.e.f. 16-4-1950)

It has also been extended to the States Merged in the State of -Bombay, by Bombay Act 4 of 1950, sec. 3 (w.e.f. 30-3-1950);Madhya Pradesh, by Madhya Pradesh Act 12 of 1950, sec. 3 (3-4-1950);

This Act is extended to the transferred territories in the State of Tamil Nadu by Tamil Nadu Act 23 of 1960, sec. 3 and Sch. 1.

It was adopted mutatis mutandis in the State of Madhya Bharat, by Madhya Bharat Adoption of Laws Act, 1953 (1 of 1953) sec. 2 and Sch. (w.e.f. 24-1-1953); Madhya Bharat now forms part of Madhya Pradesh State.

The Act shall not apply to any wakf to which Delhi Muslim Wakfs Act, 1943 (13 of 1943), applies.

The Act has been extended to the Union territory of Dadra and Nagar Haveli by the Dadra and Nagar Haveli (Laws) Regulation, 1963 (6 of 1963).

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.

[7th March, 1913.]

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:—

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 Mussalman faith of any property for any purpose recognized by the Mussalman law as religious, pious or charitable.

(2) "Hanafi Mussalman" means a follower of the Mussalman faith who conforms to the tenets and doctrines of the Hanafi school of Mussalman law.

3. Power of Mussalmans to create certain wakfs.

It shall be lawful for any person professing the Mussalman faith to create a wakf which in all other respects is in accordance with the provisions of Mussalman 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 Mussalman, also for his own maintenance and support during his lifetime or for the payment of his debts out of the rents and profits of the property dedicated:

Provided that the ultimate benefit is in such cases expressly or impliedly reserved for the poor or for any other purpose recognized by the Mussalman 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 Mussalmans of any particular class or sect.