



**The Muslim Personal Law (Shariat) Application (Kerala Amendment) Act,
1963**

Act 42 of 1963

Keyword(s):

Muslim Personal Law (Shariat) Application Act, 1937

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

ACT 42 OF 1963 [\[1\]](#)

THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION
(KERALA AMENDMENT) ACT, 1963

An Act to amend the Muslim Personal Law (Shariat) Application Act, 1937 (Central Act 26 of 1937), in its application to the State of Kerala.

Preamble.— WHEREAS, it is expedient to amend the Muslim Personal Law (Shariat) Application Act, 1937 (Central Act 26 of 1937), in its application to the State of Kerala in the manner hereinafter appearing;

BE it enacted in the Fourteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Muslim Personal Law (Shariat) Application (Kerala Amendment) Act, 1963.

(2) It shall come into force at once.

2. *Central Act 26 of 1937 in its application to the State of Kerala to be amended.*— The Muslim Personal Law (Shariat) Application Act, 1937 (hereinafter referred to as the ‘said Act’) shall, in its application to the State of Kerala, be amended in the manner hereinafter provided.

3. *Substitution of a new section for section 2, Central Act 26 of 1937.*— For section 2 of the said Act, the following section shall be substituted, namely:—

“2. *Application of personal law to Muslims.*—Notwithstanding any custom or usage to the contrary, in all questions 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 *wakfs* (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).”

4. *Repeal.*—The Muslim Personal Law (Shariat) Application (Madras Amendment) Act, 1949 (Madras Act XVIII of 1949), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), is hereby repealed.
