

THE PUNJAB HINDU WOMEN'S RIGHTS TO AGRICULTURAL LAND ORDINANCE, 1959

(W.P. Ordinance XI of 1959)

C O N T E N T S

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^[1]THE ^[2][PUNJAB] HINDU WOMEN'S RIGHTS TO AGRICULTURAL LAND ORDINANCE, 1959

(W.P. Ordinance XI of 1959)

[26 March 1959]

*An Ordinance to consolidate the Hindu Law governing Hindu Women's rights to agricultural land in the
Province of ^[3][the Punjab]*

Preamble.— WHEREAS it is expedient to consolidate the Hindu Law governing Hindu Women's rights to agricultural land in the Province of ^[4][the Punjab];

Now, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and extent.— (1) This Ordinance may be called the ^[5][Punjab] Hindu Women's Rights to Agricultural Land Ordinance, 1959.

^[6][(2) It extends to the whole of the Province of ^[7][the Punjab], except the Tribal Areas.]

2. Application.— Notwithstanding any rule of Hindu Law or custom to the contrary, the provisions of section 3 shall apply where a Hindu dies intestate.

Explanation I— A person shall be deemed to die intestate in respect of all agricultural land of which he has not made a testamentary disposition which is capable of taking effect.

Explanation II—This Ordinance shall not affect any rule of succession prescribed in respect of tenants rights in agricultural land by any enactment relating to tenancy rights for the time being in force.

3. Devolution of agricultural land.— (1) When a Hindu governed by the *Dayabhaga* School of Hindu Law dies intestate leaving any agricultural land, a Hindu governed by any other school of Hindu Law or by customary law dies intestate leaving separate agricultural land, his widow, or if there are more than one widow all his widows together, shall, subject to the provisions of sub-section (3), be entitled in respect of the agricultural land in respect of which he dies intestate to the same share as a son:

Provided that the widow of a predeceased son shall inherit in like manner as a son if there is no son surviving of such predeceased son, and shall inherit in like manner as son's son if there is surviving a son or son's son of such predeceased son:

Provided further that the same provision shall apply *mutatis mutandis* to the widow of a predeceased son of a predeceased son.

(2) When a Hindu governed by any school of Hindu Law other than the *Dayabhaga* School or by customary law dies having at the time of his death an interest in a Hindu joint family agricultural land, his widow shall, subject to the provisions of sub-section (3), be entitled to the same interest in the agricultural land as he himself had.

(3) Any interest devolving on a Hindu widow under the provisions of this section shall be the limited interest known in Hindu Law as a Hindu women's estate, provided however that she shall have the same right of claiming partition as a male owner.

(4) The provisions of this section shall not apply to an estate which by a customary or other rule of succession or by the terms of the grant applicable thereto descends to a single heir or to any property to which the Succession Act, 1925^[8], applies.

4. Repeal and savings.— (1) The following enactments and amendments thereby made in the Hindu Women's Rights to Property Act, 1937^[9], are hereby repealed:-

(a) The North-West Frontier Province Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1942^[10]; and

(b) The Hindu Women's Rights to Property (Sind Extension to Agricultural Land) Act, 1943^[11].

(2) Nothing in this Ordinance shall apply to the property of any Hindu dying intestate before the commencement of this Ordinance.

[1] This Ordinance was promulgated by the Governor of West Pakistan on 19th March, 1959; published in the West Pakistan Gazette (Extraordinary), dated 26th March, 1959, pages 201-203; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

[2] Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for "West Pakistan".

[3] *Ibid.*

[4] *Ibid.*

[5] *Ibid.*

[6] Substituted by the West Pakistan Laws (Extension to Karachi) Ordinance, 1964 (Ord. VII of 1964).

[7] Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for "West Pakistan".

[8] XXXIX of 1925.

[9] XVIII of 1937.

[10] N.W.F.P. VI of 1942.

[11] Sind IX of 1943.