

**THE WEST PAKISTAN HINDU WOMEN'S RIGHTS TO AGRICULTURAL
LAND ORDINANCE, 1959.**

(W. P. Ordinance XI of 1959)

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W. P. Ordinance XI of 1959

[26th March, 1959]

AN

ORDINANCE

*to consolidate the Hindu Law governing Hindu Women's rights to agricultural land
in the Province of West Pakistan.*

WHEREAS, it is expedient to consolidate the Hindu Law governing Hindu Woman's rights to agricultural land in the Province of West Pakistan. Preamble.

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. (1) This Ordinance may be called the West Pakistan Hindu Women's Rights to Agricultural Land Ordinance, 1959. Short title and extent.

¹[(2) It extends to the whole of the Khyber Pakhtunkhwa] except the ²[Tribal Areas.] Short title and extent.

2. 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. (1) When a Hindu governed by the Dayabhaga School of Hindu Law dies intestate leaving any agricultural land, and a Hindu governed by any other school of Devolution of agricultural

¹. In Sub-section(2), for the words "Province of West Pakistan", the words " North-West Frontier Province", subs. by Khyber Pakhtunkhwa. Adaptation Order, 1975 and then subs vide Khyber Pakhtunkhwa Act No.IV of 2011.

². Subs. by W. P. Ordinance No, VII of 1964.

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: land.

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 *mutatusmutandus* 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, applies.

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(1) The following enactments and amendments thereby made in the Hindu Women's Rights to Property Act, 1937, are hereby repealed:- Repeal and savings.

(a) The North-West Frontier Province Hindu Women's Rights to Property (extension of Agricultural Land) Act, 1942; and

³[(b) * * *]

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

³. Omitted by Khyber Pakhtunkhwa Adaptation of laws Order, 1975.

