

- (b) to render the presence of a *Kâzi* or *Nâib Kâzi* necessary at the celebration of any marriage or the performance of any rite or ceremony; or
- (c) to prevent any person discharging any of the functions of a *Kâzi*.

### THE MUSSALMAN WAKF VALIDATING ACT.

[INDIA ACT VI, 1913.] (7th March, 1913.)

1. \* \* \* \* \*

Definitions. 2. 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.

Power of Mussalmans to create certain wakfs.

3. 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.

Wakfs not to be invalid by reason of remoteness of benefit to poor, etc.

4. No such wakf shall be deemed to be invalid merely because the benefit reserved therein for the poor or other religious, pious or charitable purpose of a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf.

Saving of local and sectarian custom.

5. Nothing in this Act shall affect any custom or usage whether local or prevalent among Mussalmans of any particular class or sect.

Act to apply retrospectively.

6. This Act shall apply also to wakfs created before the 7th March, 1913.<sup>1</sup>

<sup>1</sup> Date of commencement of this Act.