

EXTRAORDINARY

REGISTERED NO. PIII

GOVERNMENT

G A Z E T T E



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 17TH JANUARY, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 17th January, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/2336-37.—The Khyber Pakhtunkhwa Enforcement of Women Ownership Rights Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 5th January, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 13th January, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA ENFORCEMENT OF WOMEN
OWNERSHIP RIGHTS ACT, 2012.**

(KHYBER PAKHTUNKHWA ACT NO. III OF 2012)

(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinayr), dated the 17th January, 2012).

**AN
ACT**

**to protect and secure the right of ownership of
women in the property**

WHEREAS the Islamic Sharia provides equal guarantee for the protection of life and property of men and women;

AND WHEREAS the Constitution of Pakistan, 1973, and section 5 of the Khyber Pakhtunkhwa Shari Act, 2003, enjoins upon the Government to legislate with respect to the protection of the said right;

AND WHEREAS the Sharia gives due respect to the women in society and guarantees their right of ownership;

AND WHEREAS the rights of ownership of women is at stake in the society and such rights are violated by means of coercion, fraud, fabrication, forgery, cheating and it is necessary to protect and secure the said rights of women in the society;

Therefore, it is hereby enacted as follows:

1. Short title, extent and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Enforcement of Women Ownership Rights Act, 2012.

(2) It extends to the whole of the Khyber Pakhtunkhwa Province.

(3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires;

(a) "Ownership" means the right of ownership in the property both movable and immovable which is devolved upon and vested in women by way of inheritance, gift, purchase, mehr or acquired by her by way of any other legal and Shari means; and

(b) "Government" means the Government of the Khyber Pakhtunkhwa.

3. Bar on depriving women of her ownership.--- No person shall abridge, violate, curtail or obstruct the right of ownership or possession of a woman, nor shall he dispossess any woman of her property save in accordance with law.

4. Punishment.--- (1) Whoever contravenes or abets in the contravention of the provisions of section 3 shall be punishable with imprisonment of either description for a term not exceeding five years and fine not exceeding fifty thousand rupees:

Provided that this punishment shall be in addition to the punishment provided by any other law for the time being in force for such offence.

(2) Whenever a person is convicted of an offence under sub-section (1), the Court shall handover possession of the property, on account of which the person has been so convicted to the rightful owner.

(3) Whenever a woman files a suit, the Court shall decide the case in six months and the judgment and decree of the Court shall be implemented by the Court through local police in the supervision of the Court within one month of decision of the case, failing which the said officer shall be charged under section 5.

5. Abetment.--- Whoever abets the offence under section 3 of this Act shall be punished as provided under section 4.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber
Pakhtunkhwa