

Federal Shariat Court

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Dr. Muhammad Moti-ur-Rehman
Senior Research Advisor
051-9203443

PRESS RELEASE

A bench of The Federal Shariat Court comprising of Honorable Justice Dr. Syed Muhammad Anwer, Chief Justice and Justice Khaidm M. Shaikh disposed of the Shariat petition regarding House Building Finance Corporation Act, 1952.

The House Building Finance Corporation Act 1952, was challenged by the petitioner on the ground that Section 28 of the Act gives unfettered power to the House Building Finance Corporation to sell out the house of a borrower in case of default in repayment of the loan amount, which renders the Corporation into a money lender engaged in usury, which is forbidden by the express command of the Holy Quran.

The Honourable Bench, after perusal of record and hearing the parties, held that the said Act has already been repealed by the Federal Government through HBFCA 2018 (Repeal) Act. However, it is noted by the Learned Bench that law under discussion i.e. the Act of 2018 (Act No.XXV of 2018) was virtually a one-liner law, yet it suffered from a serious mistake of legislative drafting, which needless to say practically defeated the very cause of its promulgation. The State cannot afford even a slightest error in drafting of laws, as it may cause serious legal complications. Therefore, the Secretary Law & Justice is directed to ensure special care in legislative drafting, keeping in view the sensitivity attached thereto, as a mistake of only one word, as happened in the subject legislation, may defeat its very purpose. A copy of this order be sent to Secretary Law & Justice for compliance.


Dr. Muhammad Moti-ur-Rehman
Senior Research Advisor