## Monogram

# SHAHEED BENAZIR BHUTTO UNIVERSITY SHERINGAL

# ISLAMIC PERSONAL LAW

**General Course for (BS 4 years)**

**Credit Hours :( 3-0)**

The course will focus on Muslim Personal laws of Pakistan. The course is divided in to two modules; in this module both the classical and codified Islamic personal laws dealing with marriages, divorce, maintenance, custody of children and parentage will be discussed. The course will also include contemporary Islamic personal laws as applied in selected Muslim states.

**Topics Detail:**

* Introduction of Muslim Law, who is a Muslim. Conversion of Islam and marital status; Conversion to Islam and right of inheritance. Sects and sub-sects of Muslims, Sunnis and Shias and their sub-sects, Change of sect or sub-sect.
* Marriage. Definition and capacity of marriage. Essentials of marriage. Valid, irregular and void marriages. Number of wives, Plurality of husbands. Marriage with a woman undergoing iddat. Marriage between Sunni & shai. Effect of difference of religion on marriage. Unlawful conjunction. Difference between void and irregular marriages. Effects of (a) Valid marriage (b) Void Marriage (c) irregular marriage (b) Muta Marriage, its incidents. Marriage of minors. Guardianship in marriage. Marriage brought about by (a) father or grand-father (b) other guardians.
* Maintenance, custody of children and parentage
* Dower. Definition of Dower, Kinds of Dower (a) Specified (b) Proper Dower (c) Prompt dower and Deferred dower
* Divorce. Different forms of divorce by Talaq. Oral Talaq and Talaq in writing. Different modes of Talaq. (i) talaq-e-Ahsan (ii) talaq-e-Hassan and (iii) Talaq-e-biddat
* Will, Definition of will, definition of terms used in Islamic laws of will i.e Testator, Legatee, Executor. Persons capable of making will, kinds of will Requisites of valid will, Parties to will ,objects of will, subject matter of will ,Formalities to make a will ,Extent of testamentary powers, Revocation of will .
* Nature and definition of Gift, Requisites of Gifts, Parties involved in gift transaction, subject matter of gift, form of gift, extent of gift, Formalities for making Gift, void gift, Persons Capable of Making Gifts, Revocation of gift.

## Recommended Reading:

1. Ali, Syed Amir. *Principles of Mohammedan Law,* rev and enl.edn. Allahabad: Allahabad Law Emporium, 1983.
2. An-Na’im, Abdullahi A. *Islamic Family Law in a Changing World*. London: Zed Books, 2002.
3. Fayzee, AAA. *Outlines of Mohammadan Law*. Oxford: OUP, 1964.
4. Mahmood, Tahir. *Asaf AA Fayzee: Cases in the Muhammadan law of India, Pakistan and Bangladesh*. Oxford: OUP, 2005.
5. Mahmood, Tahir. *Muslim Personal Law*. New Delhi: Vikas, 1977.
6. Mannan, Dr. M.A. *DF Mulla’s Principles of Mohammedan Law*. Lahore: PLD 2010.
7. Mansoori, Dr. Muhammad Tahir*. Family Law in Islam: Theory and Application*. Islamabad: Shariah Academy, 2006.
8. Nizam, Sheikh. (comp.) *Fatawi Alamgiryat*. Calcutta: Education Press, 1825-35.
9. Text of Guardians and Wards Act, 1890, CMRA, 1929, DMMA, 1939, MFLO, 1961, Family Court Act, 1964, etc.