



Muslim law Notes for law students

Semester for 3 YDC students

Muslim law notes



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:Muslim Law-II:

Q.) Explain various sources of origin and development of Muslim Law?

Ans:- Muslim Law is personal law applicable for all the people who prefer Muslim or Islam Religion. Meaning of Word Islam is One God. It developed seen historical period there are eight sources of Origin and development of Muslim Law.

Q.1) Quran or Koran:- Sunna, Ijmaa, Qiyas, custom, Justices equity and Good Conscience, Judicial decision, legislation.

Ans:-

1. Quran: it is a main source of Muslim Law every word of Quran is treated has word of Allah. There are 6666 verses in Quran and 200 verses have effect on law.
2. Sunnah:- prophet Mohammed (Swt) was called as Messenger of Allah on the earth. This prophet advised people about Muslim religion and true path of life. People followed him and it become source of Law.
3. Ijmaa:- Some educated person studied Quran and made interpretation of Quran. Some principles of interpretation followed by the People and it mad contributed to development of Muslim law.



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4. Qiyas:- Educated persons studied above three sources and wrote the books during period of Aurangzeb Din-e-ilahi was written if in the source of law. Shiya does not follow Qiyas. It should be owthful from primary sources.

5. Customs:- There are some customs which are in practices of Muslim people and it also become source of Law.

Example:- After Talaq given by Husband Muslim wife have observe (4) Months (10) days Iddath period and she cannot performs necessary in Muslim marriage because it is contract.

6. Justice Equity and Good Conscience:- There are some rules which are based on principles of Justice and good consistence followed by Muslim people.

7. Judicial decisions:- A Muslim cannot give Talak by telephone, A Muslim have to fine maintenance to concubine and illegitimate Children.

8. Legislation:- Parliament made some legislation such as Waqf Act-1930, Shariath Act 1937 and it become source of law.

This are eight source of development of Muslim personal law.

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Q.2) Define Muslim restriction Marriage and its conditions?

Ans:- Muslim Marriage is a Civil contract and not a sacrament. The purpose of Muslim Marriage is to legalise several relationship company of wife and procreation of Children.

Essentials of Muslim Marriages:-

- 1) Offer or Proposal:- There is offer or proposal from side of the boy or the girl relating to Marriage.
- 2) Acceptance:- Both sides may see each other and take a decisions and express it called as acceptance.
- 3) Consideration:- There is consideration in Marriage called as "Mehtar or Dower" it is fined from the side of boy to be paid to the girl.
- 4) Free Consent:- There should be consent boy and girl without force or pressure.
- 5) Prohibited Relation:- Marriage should not be performed in prohibited relationship. Such as Marriage between Children of same parents Marriage with wife of brother, Marriage with Mother in Law.



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