



# The Islamia University of Bahawalpur

## DEPARTMENT OF LAW

☎ 062-9250261

✉ [law@iub.edu.pk](mailto:law@iub.edu.pk)

### Tentative Course Plan

(Spring Semester 2020)

<b>Program:</b>	<b>LL. B (5 years) Programme</b>	<b>Semester:</b>	<b>6th.</b>
<b>Course Title:</b>	<b>Muslim Personal Law – II</b>	<b>Shift:</b>	<b>Morning</b>
<b>Instructor:</b>	<b>Mr. Amjad Hussain</b> <b>LL. M (Distinction), LL. B (Gold Medalist),</b> <b>MA (Islamic Studies),</b> <b>Assistant Professor,</b> <b>Department of Law, IUB</b> ☎ 0321-6821819 ✉ <a href="mailto:ahpanwar@iub.edu.pk">ahpanwar@iub.edu.pk</a>	<b>Session:</b>	
		<b>Intake:</b>	
		<b>Course Code:</b>	<b>LAWS – 22603</b>
		<b>Credit Hours:</b>	<b>3 (3 – 0)</b>
		<b>Pre-requisites:</b>	<b>None</b>
<b>Lecture Days:</b>		<b>Nature of Course:</b>	<b>Core</b>
		<b>Room No.</b>	

#### Introduction:

Muslim Personal Law is applicable in almost all Islamic States as well as among Islamic communities in non-Muslim States. Even where Muslim Personal Law is not enforced by official State courts, its principles are informally observed by Muslims as a matter of religious obligation. Whether formally or informally, Muslim Personal Law governs the personal matters of Muslims throughout the world and has become the symbol of Islamic identity.

The present course is designed for the students of 6th Semester to give them in-depth understanding of the core concepts of the Muslim Personal Law with reference to disposal of property (i.e., *hiba* (gift), *waqf* (trust), *wasiyyah* (will) and inheritance). This area of personal law is still regulated by uncoded or semi codified principles of Muslim Personal Law. This course will enable the students to develop a profound understanding of the principles and practices of above-mentioned part of Muslim Personal Law and to critically engage with contemporary debates about its application in the modern world. In order to accomplish this goal, comparative references would also be made to civil law to highlight the distinguishing features of Muslim Personal Law and its interaction with other legal systems.

#### Aims and Objectives:

The aims of this course are to enable the students to:

- develop an understanding of the Muslim Personal Law relating to property and estates.
- identify the said principles of Muslim Personal Law in the relevant legislation.
- develop the ability to critically evaluate the said principles of Muslim Personal Law.
- assess the role of judiciary in accommodating the said principles.
- conduct a context-based analysis of the said principles and legal reforms therefor.
- analyze the impact of application of the principles of Muslim Personal Law upon the Muslims.
- to get know how about the objections and reservations raised by non-Muslims regarding the said principles of Muslim Personal Law.

#### Learning Outcomes:

After completing this course, the law students would have grip over the above-mentioned concepts of Muslim Personal Law. Among others, they would be able to:

- understand the history, sources, methodologies and practical applications of Muslim Personal Law.
- critically engage with and analyze statutes and case law regarding Muslim Personal Law.
- guide the people regarding the prepositions and practical aspects relating to Muslim Personal Law.
- appreciate and resolve the challenges faced by Muslim community in the modern world.
- to contextualize the law beyond text.
- to effectively respond the objections raised by non-Muslims regarding Muslim Personal Law.

#### Methods of Teaching: (subject to availability of resources)

- Lectures
- Group Activities & Discussion
- Student Directed Teaching
- Workshops
- Readings
- Multimedia aided Lectures
- Web assisted Instructions
- Courts Visits
- Case Law Study
- Tests & Quizzes
- Seminars
- Assignments

## Muslim Personal Law-II

R E S O U R C E   M A T E R I A L S	<b>Prescribed Books:</b>
	01. Abbasi, M.Z. & Cheema, S.A. (2018). <i>Family Laws in Pakistan</i> . Oxford University Press. 02. Ali, S.A. (2012). <i>Principles of Mohammedan Law</i> . Imran Law Book House. 03. Bambale, Y. Y. (2007). <i>Acquisition &amp; Transfer of Property in Islamic Law</i> . Malthouse Press. 04. Fyzee, A.A.A. (2017). <i>Outlines of Muhammadan Law</i> . 6th Ed. Oxford University Press. 05. Giunchi, E. (2016). <i>Adjudicating Family Law in Muslim Courts</i> . Routledge. 06. Harasani, H. (2015). <i>Toward the Reform of Private Waqfs.....</i> BRILL. 07. Khan, H. (2014). <i>Islamic Law of Inheritance</i> . Oxford University Press. 08. Maghniyya, A.M.J. (2017). <i>Islamic Law of Inheritance</i> . CreateSpace IPP. 09. Mullla, D.F. (2018). <i>Principles of Mohammedan Law</i> . Creative Media Partners, LLC. 10. Nyazee, I. A. K. (2016). <i>Outlines of Muslim Personal Law</i> . CreateSpace IPP. 11. Purohit, N. (1995). <i>The Principles of Mohammedan Law</i> . C.T.J. Publications. 12. Shaheed, M. O. (2001). <i>A Commentary of Islamic Law of Hiba</i> . ALD Publications. 13. Siddiqui, M. (2012). <i>Principles of Mohammedan Law</i> . 2nd Ed. Dwivedi & Company. 14. Singh, R. K. (2011). <i>Textbook on Muslim Law</i> . Universal Law Publishing. ۱۵۔ جسٹس تنزیل الرحمن۔ (۲۰۱۲)۔ <u>مجموعہ قوانین اسلام: ادارہ تحقیقات اسلامی، اسلام آباد</u> ۔ ۱۲۔ آس محمد چوہدری۔ (۲۰۱۳)۔ <u>آسان علم میراث: فیڈرل لآ ہاوس، لاہور</u> ۔ ۱۳۔ سید شوکت علی۔ (۱۹۹۹)۔ <u>تقسیم میراث: اسلامک پبلیکیشنز لمیٹڈ، لاہور</u> ۔
	<b>Reference Books:</b>
	۱۔ قرآن کریم ۲۔ صحیح بخاری ۳۔ صحیح مسلم
	<b>Case Law available at the Law Library of the IUB:</b>
	1. All India Reports (AIR) 2. Annual Law Digest (ALD) 3. Civil Law Cases (CLC) 4. Monthly Law Digest (MLD) 5. National Law Reports (NLR) 6. Pakistan Law Journal (PLJ) 7. Pakistan Legal Decisions (PLD) 8. Supreme Court Monthly Review (SCMR)
	<b>Case Law available Online:</b>
	<a href="http://www.pljlawsite.com/">http://www.pljlawsite.com/</a> (Pakistani case law, accessible on payment) <a href="http://www.pakistanlawsite.com/">http://www.pakistanlawsite.com/</a> (Pakistani case law, accessible on payment) <a href="http://www.indiankanoon.org/">http://www.indiankanoon.org/</a> (Indian case law, free access) <a href="http://ww.bailii.org/">http://ww.bailii.org/</a> (UK case law, free access)
	<b>Web Resources:</b>
	<a href="http://books.google.com/">http://books.google.com/</a> <a href="http://scholar.google.com.pk/">http://scholar.google.com.pk/</a> <a href="http://www.pljlawsite.com/articles.asp">http://www.pljlawsite.com/articles.asp</a> <a href="http://www.iub.edu.pk/dil.php">http://www.iub.edu.pk/dil.php</a> (HEC Digital Library, accessible only in IUB) <a href="http://www.lexisnexis.com/">http://www.lexisnexis.com/</a> (accessible on payment) <a href="http://www.allpklaws.com/index.php/laws/law-books/bare-acts-alphabetical-order">http://www.allpklaws.com/index.php/laws/law-books/bare-acts-alphabetical-order</a>
<b>Help Hours</b>	The students are advised to ask questions during/after the lecture as it seem appropriate. However, after the class(s) is(are) over, the student(s) may visit the office of the instructor for any guidance regarding any academic question(s).

## Muslim Personal Law-II

<b>Lectures &amp; Activities</b>	<b>Activities / Topics (outline of main topics and sub-topics)</b>	<b>Proposed Dates</b>
<b>01-01</b>	<b>Orientation (Distribution of Course Outline)</b>	<b>Week 01</b>
<b>02-03</b>	<b>Hiba (Gift): Definition &amp; Essentials</b>	<b>Week 01</b>
<b>04-06</b>	<b>Hiba (Gift): Kinds including Musha</b>	<b>Week 02</b>
<b>07-09</b>	<b>Hiba (Gift): Revocation</b>	<b>Week 03</b>
<b>10-12</b>	<b>Will: Definition &amp; Essentials</b>	<b>Week 04</b>
<b>13-15</b>	<b>Will: Kinds</b>	<b>Week 05</b>
<b>16-18</b>	<b>Will: Revocation</b>	<b>Week 06</b>
<b>19-21</b>	<b>Waqf: Definition, Essentials &amp; Kinds</b>	<b>Week 07</b>
<b>22-24</b>	<b>Waqf: Revocation</b>	<b>Week 08</b>
	<b>MID Term Examinations</b>	<b>Week 09</b>
<b>25-27</b>	<b>Succession: Principles</b>	<b>Week 10</b>
<b>28-30</b>	<b>Inheritance: Principles</b>	<b>Week 11</b>
<b>31-33</b>	<b>Inheritance: Sunni Law</b>	<b>Week 12</b>
<b>34-36</b>	<b>Inheritance: Shia Law</b>	<b>Week 13</b>
<b>37-39</b>	<b>Inheritance: Sharers</b>	<b>Week 14</b>
<b>40-42</b>	<b>Inheritance: Residuaries</b>	<b>Week 15</b>
<b>43-45</b>	<b>Inheritance: Distant Kindreds</b>	<b>Week 16</b>
<b>46-46</b>	<b>Quiz / Test</b>	<b>Week 17</b>
<b>47-47</b>	<b>Group Discussion</b>	<b>Week 17</b>
<b>48-48</b>	<b>Revision of the Course</b>	<b>Week 17</b>
	<b>Final Term Examinations</b>	<b>Week 18</b>

## Muslim Personal Law-II

### Student Evaluation Criteria:

Attendance, Conduct and Attitude	05%
Assignments / Case Study	05%
Surprise Test / Sudden Test / Quizzes	05%
Class Participation / Presentations	05%
Mid Term Paper	30%
Final Term paper	50%
<b>Total</b>	<b>100%</b>

### Student's Obligations:

Students are advised / required to:

- a) arrive on time and remain in the class for the entire period.
- b) actively participate, discuss and put questions for true understanding of the concepts.
- c) maintain that nobody comes to visit them during the class.
- d) turn off their cell phones or laptops when they are in the class.
- e) do prior readings and be interactive in the class. Course outline is distributed among the students in the start of the session.
- f) avoid so much writing during the lectures and focus on listening so that they may understand the lectures well and if there is any confusion, they must ask relevant questions.
- g) read the concerned rules and regulations of the University regarding their program / degree so that they better understand their rights and obligations. Generally, it is supposed that the students know about the relevant rules because "ignorance of law is no excuse".
- h) complete all the assigned work within the prescribed time limits.
- i) attend 80% of total lectures delivered otherwise they would be disqualified to sit in the examinations.

Amjad Hussain  
Assistant Professor  
(Course Instructor)