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MUSLIM LAW



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(Linking Sir)



PREFACE

A fairly good command over law subjects is essential for any law graduate to become a successful lawyer or a judge. Then which is the best way to deal with all the major, minor & local laws? Mere reading of bare act is not sufficient to enhance legal knowledge. Linking method is the one such unique & revolutionised way to study all the procedural & substantial laws.



Linking Laws technique provides better chances of success in imparting knowledge of the statutory provisions and also developing insight into the subject. This linking approach is designed to make subjects more interesting and meaningful. The arrangement of sections of a statute is done in such a impressive way that it will assist a learner to go through several statutes in a single stroke.

After going through this study material, a learner would surely be able to acknowledge that linking approach is an adequate method to study the basic fundamental principals of law along with the analysis of relevant sections.

TANSUKH PALIWAL

CAUTION

All possible care has been taken to present correct legal position in the e-notes. The author is not in any way responsible for any loss or damage arising to any person from any inadvertent error or omission in these e-notes.

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INTRODUCTION TO MUSLIM LAW



"MUSLIM LAW" believes that there is only one god, Allah. Islamic law is said to be originated by man-made laws that are governed by modern system of law. Islam signifies submission to the will of God and means peace, purity, salvation, and obedience.

The Muslim Law or Islamic Law is a personal law and a branch of civil law which is applied to family matters.

Muslim law is called **"SHARIA"**

"FIQH" means to understand details & refers to inference drawn by the scholars

"SHARIA" means principles behind fiqh

"MUSLIM" derived from word **"ISLAM"** which means a person who adopts faith of Islam

WHO IS A MUSLIM

MUSLIM BY BIRTH

- Believes in one God Prophet Mohammad

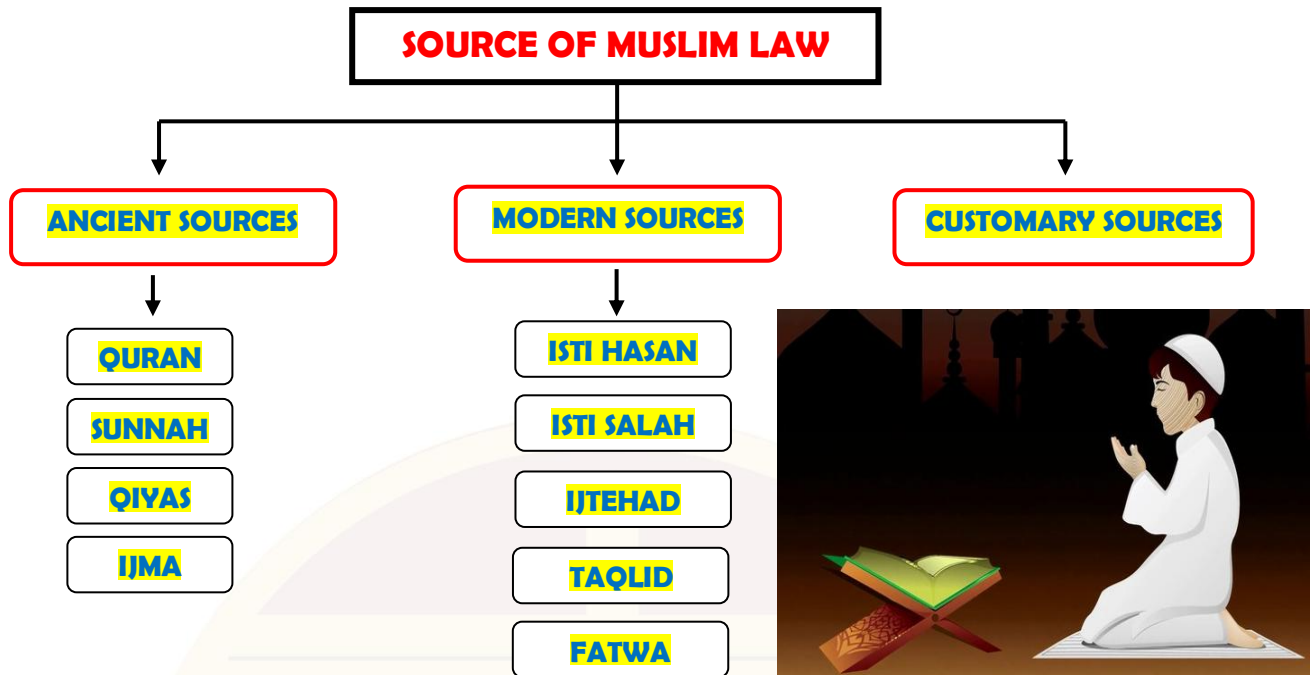
MUSLIM BY CONVERSION

- Converts by profession of Islam
- Converts by formal ceremony



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ANCIENT SOURCES:-

1. **QURAN** - Believed to be the direct word of God as revealed to Muhammad through angel Gabriel in Mecca and Medina
2. **SUNNAH** - Defined as "the traditions and customs of Muhammad" or "the words, actions and silent assertions of him". It includes the everyday sayings and utterances of Muhammad, his acts, his consent, and acknowledgments of statements and activities.
3. **QIYAS** - Legal deduction according to which the jurist, confronted with an unprecedented case, bases his or her argument on the logic used in the Koran and Sunnah.
4. **IJMA** - Legal deduction according to which the jurist, confronted with an unprecedented case, bases his or her argument on the logic used in the Koran and Sunnah.

CUSTOMARY SOURCE –

Customs are accepted as supplementary to the Muslim law.

Conditions of a valid Custom :

1. Must be continuous and certain
2. Be universal
3. Be reasonable
4. Should not be in contravention of Quran or the Sunnah
5. Need to be ancient and immemorial

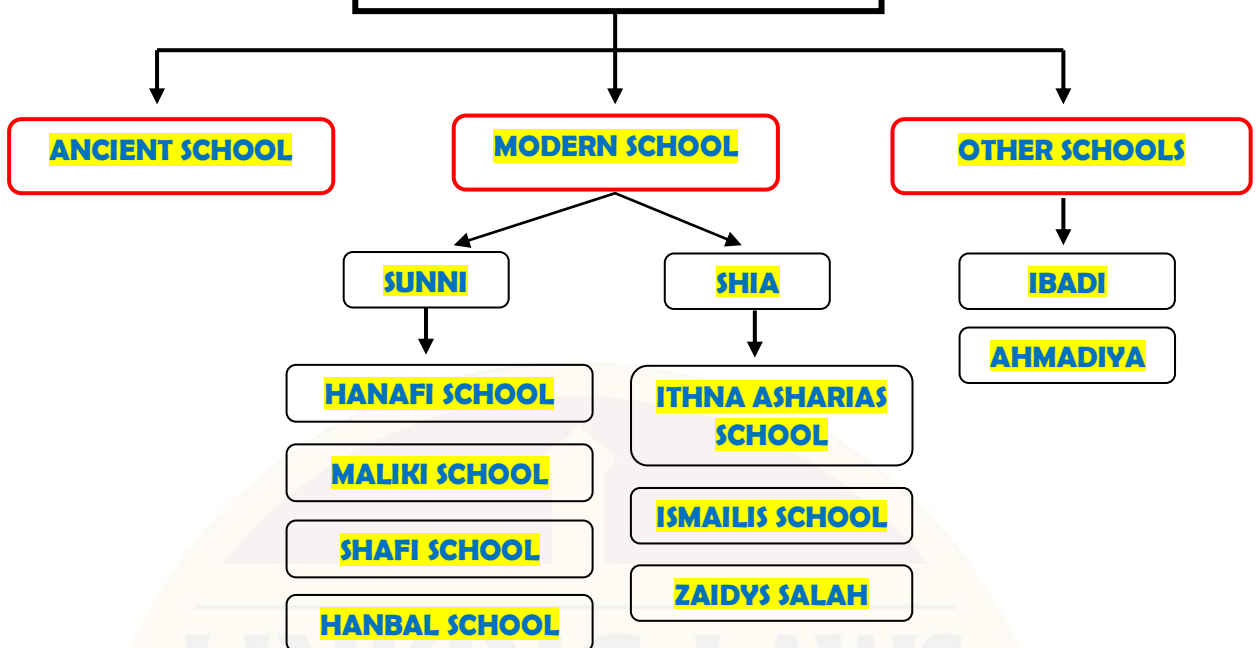
MODERN SOURCES :-

1. **ISTI HASAN** – Juristic Preference
2. **ISTI SALAH**- Public interest
3. **IJTEDAR** – Exercising one's own reasoning to deduce rule of law
4. **TAQLID** – Law of Precedents
5. **FATWA** – Decisions of Muslim Judges

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SCHOOLS OF MUSLIM LAW



SHIA AND SUNNI ?

Who is a Sunni ?

The 'Sunni' word is derived from the Arabic word 'Sunnah' which means 'way', referring to "One of the path" or "one who follow the traditions of the Prophet". One group that favours the principle of the election in choosing the Imam. This group is known as "Sunni".



Who is a Shia ?

At the time of the death of the Prophet, there was a quarrel between the two groups in which one group favour the principle of the election in choosing the Imam known as 'Sunni' and one group opposed the principle of the election in choosing the Imam and proclaimed that the Ali is the successor of the prophet. This group is known as 'Shia'.



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