



As far as the application of a particular branch of law upon persons is concerned, laws may be either territorial or personal. A territorial law is that branch of law which is applied in a particular territory and is applicable upon persons of all communities living in that territory such as the Indian Penal Code or the Indian Contract Act are examples of territorial laws, because the Indian Penal Code or the Indian Contract Act applies upon all the persons living in India. On the other hand, a personal law is that branch of civil law which applies upon the persons of a particular religious community such as the Mohammedan Law applies upon the Muslims and the Hindu Law applies upon the Hindus.

Muslim law is divine in nature as against man made laws that are passed by competent legislatures, and are guided by the principles of western systems of law. Two basic belief of Muslim law are the existence and oneness of god, and the belief in the truth of Prophet Mohammed's mission. Muslims believe that there is one and only one God, Allah and holy prophet was the last prophet sent by God on earth. Subsequent to him, no other prophet was sent and posts Prophet Mohammed all other religious preachers were great religious and spiritual leaders but they cannot be called as prophets.

Muslim Law in India means "that portion of Islamic Civil Law which is applied to Muslims as a personal Law" (*Fyzee*). It consists of the injunctions of *Quran*, of the traditions introduced by the 'practice' of the Prophet (*Sunna*), of the common opinion of the jurists (*Ijma*), of the analogical deductions of these three (*Qiyas*), and of the pre-Islamic customs not abrogated by the Prophet Mohammad.

The term 'Islam' in religious sense means 'submission to the will of God' whereas in secular sense it means the 'establishment of peace'

History of muslim law starts with the birth of Prophet Mohammad. Prophet Mohammad was born at Mecca in 571 A.D, he was a posthumous child, his father Abdullah, while returning from Syria, where he had gone for some business, died at Medina. The Prophet was brought up by his mother Amina.

He became a Prophet at the fortieth year of his age, when he received his *firsi-uiahi* or message from God. From that time he devoted himself in replanting the only true and ancient religion, professed by *Adam, Noah, Abraham, Moses, Jesus* and all the Prophets of the past. In his endeavors to this end, he met with the most bitter persecution from the idolaters whose faith he attacked.

The Prophet Mohammad (PBUH) died in year 632 A.D. and as he left no son, the question of succession of the early Caliphs was raised. The first three *Caliphs-Abu Bakar* (632 A.D.), *Umar* (634 A.D.), and *Usman* (644 A.D.) were his disciples and early companions. *Usman* was murdered and was succeeded by *Ali* who was cousin and son-in-law of the Prophet having married *Mohammad's* daughter, *Fatima*. *Ali* was murdered and his place was taken by his son *Hasan*. *Hasan* resigned in favour of *Muaovia*, an usurper from

Damascus, but was nevertheless also murdered. The partisans of *Ali* persuaded *Hasan's* brother *Husain* to check misdeeds of *Yazid*, son of *Muavia*,. But *Husain* fell in an ambush at *Karbala* where he died.

According to *Shia*, these disturbances were due to *Ayesha*, one of the widows of Prophet Mohammad. *Hazrat Ali* should have been the first Caliph but *Ayesha* procured the election of her father *Abu Bakar* and also instigated the murder of *Hasan* and the usurpation of *Muavia*. The *Shia* regard the first three Caliphs as usurpers. They maintain that the Caliphate is hereditary and vested in *Ali* and his descendants and they reject *Sunni* doctrine that the succession depends upon degree of sanctity as determined by the votes of the faithful. According to the *Sunni*, 'three Caliphs were not usurpers but beloved of the Prophet, The death of *Husain* at *Karbala* made the breach between the Sunnis and the Shias irreparable.

There are basically two different conceptions of law, one of divine origin as is the case with the Hindu law, Islamic law etc. and another man-made. *Muslim law* is founded upon revelation and is blend with religion. There is in Islam, a doctrine of 'Certitude' (*ilm-ul-yaqin*) in the matter of Good and Evil. **Human beings due** to their weakness cannot understand what is good and evil, unless in the matter they are guided by the inspired Prophet. What is morally beautiful that must be done, and what is morally ugly must not be done. That is law of *Shariat* and nothing else can be law.

*Shariat* is law in the wider sense. It means the totality of Allah's commandment. Each one of such commandments is called *hukum*. It is a doctrine of duties. Legal considerations and individual rights have secondary place in it. *Shariai* says that religious injunctions are of five kinds,' *al-ahkam all-khamsa*.

1. Those strictly enjoined are *Jarz* and
2. Those strictly forbidden are *haram*. There are two more categories
3. Which a Muslim is advised to do and
4. Things which a Muslim is advised to refrain (*makruh*) and
5. Finally there are things about which religion is indifferent.

Thus the *Shariat* is totalitarian; a human activity is embraced in its sovereign domain.'

Law proper, in *Islam*, is *Fiqh* and it differs from *Shariat*. *Fiqh* literally means intelligence and covers the whole science of jurisprudence. It implies the independent exercise of intelligence. as regards points of law in the absence of their solution by the *Quran* or *Hadith*. *Fiqh*, has been defined by the Muslim jurists as the knowledge of one's right and obligation derived from *Quran* or *Hadith* or deduced therefrom, or about which the learned have agreed.

## Who is a Muslim?

### According to Aghnides a Muslim is

- (i) one, who believes in the mission of Mohammad as Prophet, or
- (ii) one, who says that there is one God and that Mohammad is "His Prophet", or
- (iii) one who believes in a number of other essential beliefs in God and Mohammad.

Amir Ali says "Any person who professes the religion of Islam, in other words, accepts the unity of God and the prophetic character of Mohammad is a Muslim.

This view has been followed in (*Narantakath v. Prakkal*) [1922] 45 Mad 986] wherein it was held that the essential doctrine of Islam is that to be a Muslim only two things are required one is that Allah is one and the another is the Prophethood of Mohammad.

It is not necessary that a Muslim be so by birth. In fact Islam depends on belief. A man can be Muslim even by profession or by conversion. According to *Shariai* if one of the parent is Muslim, the child will be Muslim. However in India it was held in *Skinner v. Orde*, (1871) 14

M.I.A. 309 that the child is presumed to belong to the religion of the father. In this case one Helen Skinner was married in Christian form to George Skinner. After the death of her husband the wife cohabited with some other Christian. The subsequent husband was already married and his first wife was alive. In order to legalize their union, both went through the ceremony of conversion to the Muslim faith. The Privy Council held that such a marriage was of doubtful validity. In *Bhaiya Sher Bahadur v. Bhaiya Ganga Baksh Singh*, 41.IA1 the illegitimate son of a Hindu by a Muslim lady, who was brought up as a Hindu and married to a Hindu girl according to Hindu rites, was held to be a Hindu.

A person born as a Muslim continues to be Muslim until he renounces Islam after attaining majority. A Court of law is not concerned with peculiarities in belief, orthodoxy or heterodoxy, so long as the minimum of belief exists. In case of *Narantakath vs. Parakkal* (1922) 45 mad 986. A Moplah woman married a man who after some time become an Ahmadi. Moplahs are strict Muslims and this change of doctrine on the part of husband was considered an act of apostasy. According to Islamic law, apostasy on the part of one of the spouses completely severs the marital tie. Consequently, wife married another husband. The wife was prosecuted for the offence of bigamy. The lower Court held that there was a lawful case of conversion and therefore, the marriage tie was severed. The second marriage was perfectly valid. The High Court in revision, however held that conversion to Ahmadism is not an act of apostasy and therefore, the woman had committed bigamy.

In the case of *Jituan Khan v. Habib*, (1933) 14 Lahore 518 the Lahore High Court held that people of Shia Community boycott first three Caliphs but they trust in one God and Prophetship of Mohammad, therefore, they too are Muslims.

The acceptance of some faith circumcision is one of the test but is not a Final test to deter whether a person is Muslim or not. Particular forms of belief and observance of ceremonial law may be taken into consideration. In order to be treated as a Muslim, a man must profess to be a Muslim. If he has converted into another religion, the conversion must not be *bona fide*. A conversion with *mala fide* intention will not be valid and amounts to fraud on law.

## Origin of Muslim law

The place of Muslim Law's origin is Arabia where Mohammad promulgated Islam. Basically it is of divine origin, that is to say, Muslim Law originates from divinity. It is that law which is established by a communication (*Khliab*) from God with reference to men's acts, expressive either of demand or indifference on his part or being merely declaratory.

The entire system of Muslim Law, as well as of theology, ritual, and private ethics, has been built upon two foundations—the **Quran** and the '**Traditions**' (Sunnah and Ahadis).

### 1. The Quran

The *Quran* which is the divine communication and revelation to the Prophet of *Islam*, was the first and the great legislative Code of *Islam*. "It professes to report verbatim a series of communications made to the Prophet through the angel **Gabriel**, on a great number of different occasions during the last twenty years of his life and the fiction, is so strictly kept up that he is addressed throughout in the second person".

### 2. Traditions-(**'Sunnah'** and **'Ahadis'**)

With the death of the Prophet, the living source of inspiration came to an end. The immediate successors of the Prophet in the religious and secular leadership of *Islam* had no claim to inspiration. They accepted the "Book of God" as an all sufficient guide for this world. It was reverently remembered, recited, written down, studied and obeyed. The conquest of the world outside Arabia brought Muslims to face with the new problems. These were solved by a process of "interpretation" which in the case of the "companions" who had shared the Prophet's public and private life, was invested with peculiar authority. But the companions were able to supplement the explicit injunctions of the *Quran* with facts from the life of the

Prophet and memories of the saying of the Prophet. But there are varying texts of the traditions (Hadis) regarding the Prophet's sayings and doings and when we come to their application, distinct schools of law emerged, each with its own characteristics. Thus after Mohammad's death, the *Sunnah* and *Hadis*, though root recorded, were acted upon by his surviving companions in order to decide occasional disputes and to restrain men from certain actions which the Prophet prohibited.

## Shariat

The term '*Shariat*' literally means "the path to be followed". *Quran*, *Hadis*, *Sunna*, *Ijma* and *Qiyas* form the body of Muslim common law known as *Shariat*. It is used to denote the whole of Muslim religious law. It embraces in its orbit all human acts. "It is not law in the modern sense, but contains an infallible guide to ethics.

## Religious injunctions

**There are five kinds of religious injunctions under 'Shariat' and they are :-**

1. **Farz**, or duties which are strictly enjoined on Muslim e.g., five daily prayers are Farz.
2. **Haram**, or acts which are strictly forbidden to the Muslims e.g., wine is Haram.
3. **Mundub**, or the things which the Muslims are advised to do e.g., additional prayers on Eid are mandub.
4. **Makruh**, or the things about which the Muslims are advised not to do, e.g., certain kinds of fiqh are makruh.
5. **Jaiz**, or the things about which Islam is indifferent, e.g., travelling on sea or air is Jaiz.

## Fiqh

Fiqh is the name given to the whole science of jurisprudence because it implies the exercise of intelligence in deciding a point of law in the absence of a binding command from the *Quran* or a tradition on the point. *Fiqh* literally means "intelligence". *Fyzee* defines it as the "knowledge of one's rights and obligations derived from the *Quran* or the *Sunna* of the Prophet, or the consensus of opinion among the learned (*Ijma*), or analogical deduction.

### ► Difference between Shariat and Fiqh

1. Shariat is a wider circle, embracing in its orbit all human actions, while Fiqh is the narrower one dealing with legal acts alone.
2. Shariat reminds us of revelation and that knowledge, which no one could have possessed except for the Quran or Hadis. In Fiqh, the power of reasoning, is the chief factor.
3. God and Prophet laid down the path of Shariat while the whole structure of Fiqh is erected by human agency.
4. In Shariat the grades of approval or disapproval are various, whereas in Fiqh, an action is legal or illegal, permissible or not permissible.

### IMPORTANT QUESTIONS FOR MAINS

1. Explain the origin, evolution and development of muslim law.
2. A Muslim man has two Muslim wives. The entire family converts to Christianity. Discuss the status of the wives and children. Can he divorce his wives by triple talaq post-conversion?
3. Who is a muslim? What are the consequences of colourable conversion

□□□□□



## I. PRIMARY SOURCES

Followings are the primary sources of Islamic/Muslim law which:

### 1. The Quran

The word *Quran* which is the 'divine communication' and revelation to the Prophet of Islam is the first source of Muslim Law. It is the paramount and universal authority of Muslim Law. It contains the revelation of God to His Prophet Mohammad, through angel **Gabriel**. Thus it embodies the very words of God as they were communicated to the Prophet. The *Quran* in its present form is a book divided into 114 Chapters and consists of approximately 6666 verses. The chapters were arranged under the personal direction of the Prophet, who used to ask the scribe present to insert the revealed passage in a particular chapter. Thus it is not arranged in chronological order, not by oversight but as commanded by the Prophet.

The verses of *Quran* are called *Ayat* and the chapters of this Holy Book are called *Sura*. Not more than 200 verses are concerned with legal principles and nearly about 80 verses are concerned with marriage, dower, divorce and inheritance. The portion of *Quran* which was disclosed to Prophet *Mohammad* at *Madina* is concerned with legal principles, and the portion at *Mecca* deal with the philosophy of life and Islamic religion. The *Quran* does not in any of its portions profess to be a code complete in itself. It was given to the world in fragments, during a period of 23 years (609 to 632 AD.) and it was never collected and arranged in the lifetime of the Prophet. *Abu Bakar* (who succeeded the Prophet as *Khalifa*, and died in 634 after a rule of two years) for the first time collected the various passages of *Quran*. Another sixteen years elapsed and then *Usman* the third Caliph ordered the second revision of the *Quran* in 650 AD. *i.e.*, 18 years after the death of Prophet, it took the textual form in which we have it at the present day.

**Broadly speaking it can be pointed out that-**

- (a) Quran is the primary source of Muslim Law, in point of time as well as in importance. Quran is the first source of Muslim law. The Islamic religion and Islamic society owes its birth to the word of Quran. It is the paramount source of Muslim law in point of importance because it contains the very words of God and it is the foundation upon which the very structure of Islam rests. Quran regulates individual, social, secular and spiritual life of the Muslims.
- (b) It contains the very words of God as communicated to Prophet Mohammad through angel Gabriel.
- (c) It was given to the world in fragmentary forms, extending over a period of twenty three years.
- (d) It originally had for its objects (i) repealing objectionable customs, such as, usury, unlimited polygamy and gambling, etc., and (ii) effecting social reforms, such as raising the legal status of women and equitable division of the matters of inheritance and succession.

## 2. The Sunnat and Ahadis (Traditions)

It is the belief of Muslims that revelations were of two kinds-Manifest (zahir) and internal (batin). Manifest revelations consisted of the communications which were made by the angel Gabriel under the direction of God to *Mohammad* in the very words of God. *Quran* is composed of manifest revelations. Internal revelations consisted of the opinions of the Prophet and delivered from time to time on questions that happened to be raised before him. Sometimes, it happened that no direct revelation came to the Prophet and in the mean time some question had to be decided, In such circumstances, the Prophet exercised his own judgment and frequently consulted his companions. The ideas contained in such opinions of the Prophet were inspired by God. During his lifetime, the Prophet pronounced his verdicts, did certain things and also allowed tacitly the doing of certain things permitted by Islam. Consequently “what was said or done or upheld in silence by the Prophet” becomes a primary source of Muslim Law, second in point of time and authority, only to the pious *Quran* and is technically known as *Sunnat*. *Sunna* means the model behaviour of the Prophet. The narrations of “what the Prophet said, did or tacitly allowed” is called *Hadis* or Traditions. The Traditions, however, were not reduced to writing during the lifetime of *Mohammad*. They have been preserved as Traditions handed down from generation to generation by authorised persons. That is why a minute inquiry is necessary to accept a *Hadis*. Thus when a *Hadis* is confirmed by one person, it is known a *Khabar-al uiahid* and is a weak *Hadis*. When a *Hadis*, is proved by several declarations, it becomes a strong *Hadis*. The Shias do not believe in a *Hadis* which is not derived from the house of the Prophet, particularly from the house of *Ali*. At the time of his death, *Quran* supplemented by *Sunnat* framed the whole body of Mohammadan Law-Civil, Criminal and Religious. The importance of Hadith as an important source of Muslim law has been laid down in the *Quran* itself.

The *Quran* says :- "Whatever the Prophet gives accept it, and whatever he forbids you abstain from it."

It also says ;-"He does not speak out of his desire. It is not but the revelation revealed to him."

“Obey God and obey the messenger.”

Once the Prophet said to his followers ; “So long as you hold fast to two things which I have left among you will not go astray, God’s Book, and His messenger’s Sunna.”

**Kinds of Traditions-** The Traditions are of *two* kinds ;-

1. Sunnat
2. Ahadis

These two have been classified into the following three classes on the basis of the mode or manner in which it has actually originated ;-

- (i) *Sunnat-ul-fail i.e.*, Traditions which the Prophet did himself.
- (ii) *Sunnat-ul-qaal i.e.*, Traditions about which he enjoined by words.
- (iii) *Sunnat-ul-iuqrir i.e.*, The things done in his presence without his disapproval.

Above are enumerated the three kinds of *Sunnat*. The three classes of *Ahadis* are given below. This classification unlike the above, has been made on the basis of the authenticity of the traditions which in its turn is dependent in the manner in which each particular tradition has been preserved ;

- (i) *Ahadis-e-mutwatir.e.*, Traditions that are of public and universal propriety and are held as absolutely authentic. In such *Hadis* the chain is complete.
- (ii) *Ahadis-e-Mashhoor, i.e.*, Traditions which though known to a majority of people, do not possess the character of universal propriety.
- (iii) *Ahadis-e-wahid i.e.*, Traditions which depend on isolated individuals.

### 3. The Ijma (consensus of opinion)

*Ijma* has been defined by Sir Abdul Rahim as “agreement of the jurists among the followers of Prophet Mohammad in a particular age on a particular question of law”. Wilson defines it as concurrence, meaning propositions shown to have been accepted as indisputable under the first four “rightly directed”, Caliphs or in the time of the companions and of the generation immediately succeeding them. Under this collective name are included the explanations, elucidations and the decisions of the disciples of the Prophet. According to the classical theory, failing *Quran* and traditions, the consensus of opinion amongst the companions of the Prophet is recognised as the best guide of law. Thus it is the third source of law, both in the point of time and importance.

The principle of *Ijma* is based upon the following texts : “God will not allow His people to agree on an error and whatever Muslims hold to be good is good before God”. With the march of time, development of civilization and the expansion of the Islamic influence numerous problem arose which could not be decided by reference to only *Quran* and *Ahadis* (Traditions). The jurists, therefore, evolved the principle of *Ijma*. The laws are needed for the benefit of the community, therefore, the Divine Legislator has delegated power to lay down laws by the resolution of those men in the community who are competent in that behalf, i.e., the *Mujtahids* or jurists.

**Essential Ingredients of a valid Ijma.**-The definition of *Ijma* has got the following ingredients:

- (i) **The consensus.**- Consensus may be reached through three stages. Firstly, the people express their views. Secondly, discussions and debates take place. Thirdly, the differences are dropped and they agree on one point. *Ijma* constituted by majority is binding in action but it is not obligatory to believe in its truth also. It is not absolute like *Ijma* by unanimity, in the sense that a person disputing it would become an infidel.
- (ii) **The jurists.**-In every field of knowledge, only the opinions of the experts are admissible. Since the jurists being the experts, therefore, only their opinions are relevant for *Ijma*. There are, however, two kinds of religious matters. One which do not require any advanced knowledge for their recognition; such as saying the prayers five times a day, keeping fast during the month of Ramdhan etc. These matters do not call for any discrimination between the jurists and the general public. There are others which are beyond the reach of the competence of the public at large and which require skilled opinion; such as the rites of the marriage, the rules of divorce, the principles of sale etc. In the latter category only opinions of the jurists are admissible and the views of the general public are irrelevant.
- (iii) **Jurists of a particular period.**-There could be no law laid down by *Ijma* during the Prophet’s life time. *Ijma* of one age. may be reversed by subsequent *Ijma* of the same age. Similarly, *Ijma* of one age may be superseded by *Ijma* of a subsequent age. But the *Ijma* arrived at by the companions is incapable of being reversed or superseded.
- (iv) **Jurists to be the Muslims.**- The views of the jurists belonging to the non-Muslim communities are not admissible for *Ijma*.
- (v) **Consensus on a religious matter.**- The religious matter may be of two kinds: points of fact and points of law. *Ijma* on the matter that the text of the *Quran* which is with us, is the same that was revealed to the Prophet, is *Ijma* on point of fact. *Ijma* on the matter that the Government of the Muslims must have representative capacity and should run by consultation, is *Ijma* on point of law.

### 4. The Qiyas (Analogical deductions)

This is the last primary source of Muslim Law. *Qiyas* means reasoning by analogy from the above three sources, i.e., the *Quran*, the *Sunnat* and the *Ijma*. In *Qiyas* rules are deduced

by the exercise of reason. Thus *Qiyas* may be defined as a process of deduction by which the law of the text is applied to cases, which though not covered by the language are governed by reason of the text. Thus, it should be noted that *Qiyas* does not purport to create new law, but merely to apply old established principles to new circumstances.

### Conditions for the validity of *Qiyas*

1. The original source from which *Qiyas* is deduced must be capable of being extended, that is, it should not be of any special nature.
2. The law of the text must not be such that its reasons cannot be understood by human intelligence nor must it be in the nature of an exception to some general rule.
3. The original order of the *Quran* or *Hadith* to which the process of *Qiyas* is applied should not have been abrogated or repealed.
4. The result of *Qiyas* should not be inconsistent with any other verse of *Quran* or any established *Sunna*.
5. *Qiyas* should be applied to ascertain a point of law and not to determine the meanings of words used.
6. The deduction must not be such as to involve a change in the law embodied in the text.

## II. Secondary Sources

In addition to these four principal sources of the Muslim law, we find that law was occasionally supplemented by *Urf* or local usage or custom, judicial decisions, legislation and justice, equity and good conscience which are conveniently called as secondary sources of Muslim law.

### 1. *Urf* or Custom

Custom was never formally recognised as a source of Muslim Law, though it has been occasionally referred to as supplementing the law. The Muslim Law includes many rules of pre-Islamic customary law, which have been embodied in it by express or implied recognition.

#### Following are the requirements of a valid Custom :

- (1) General prevalence in the country is necessary. The practice of a limited number of individuals cannot be recognised as custom;
- (2) It must be territorial;
- (3) It need not be existing from the time of the Prophet's companions. All that is necessary is that it should be immemorial. The word 'immemorial' means beyond human memory. Customs springing up within living memory, will be enforced if prevalent among the Muslims of the country in which the question of their validity arises;
- (4) It must be ancient and invariable; and
- (5) It should not be opposed to public policy.

### 2. Judicial decisions

These include the decisions of the Privy Council, the Supreme Court, as well as of the High Courts of India. In deciding particular cases the judges enunciate what that law is. These decisions are regarded as precedents for future cases. A precedent is not merely an evidence of law but a source of it and the courts of law are bound to follow the precedents. Strictly speaking, judicial decisions only declare the law as it is and are not a source of it but they undoubtedly supplement and modify the Law. Muslim Law is no exception to this rule. While applying and interpreting law in a particular case, the Judge expressly or impliedly declare as to what law would apply in particular circumstances. The decisions become an authority for subsequent cases arising in subordinate courts. Thus, decisions of Supreme Court are binding upon all the courts of India and decisions of the High Courts are binding upon the subordinate courts.

### 3. Legislation

In India, Muslims are also governed by the various legislations passed either by the Parliament or by State Legislature. The following are the instances of the legislation in India. The Freedom



of Religion Act, 1850, the Guardians and Wards Act, 1890, the Mussalman Wakf Validating Act, 1913, the Mussalman Wakf Validating Act, 1930, Wakf Act, 1954, the Child Marriage Restraint Act, 1929, the Shariat Act, 1937, the Dissolution of Muslim Marriage Act, 1939, and the Indian Contract Act, 1872, have considerably affected, supplemented and modified the Muslim Law. Muslim Women (Protection of Rights on Divorce) Act, 1986, the Wakf Act, 1995, the 'Waqf (Amendment) Act, 2013, the Prohibition of Child Marriage Act, 2006 and the Muslim Women (Protection of Rights on Marriage) Act, 2019 are some of the recent legislations passed by the Parliament to govern various aspects of life of a Muslim in India.

#### 4. Justice, equity and good conscience

Under Muslim Law principles of justice, equity and good conscience can also be regarded as one of the source. Abu Hanifa, the founder of the Hanafi sect of Sunnis, expounded the principle that the rule of law based on analogy could be set aside at the option of the Judge on a liberal construction or juristic preference to meet the requirements of a particular case. These principles of Muslim Law are known as *Istihsan* or "juristic equity".

#### IMPORTANT QUESTIONS FOR MAINS

1. Discuss briefly the sources of Mohammedan law.
2. Examine with the help of decided cases
3. How far IJMA is a source of Muslim law? Can IJMA be used for the further development of Muslim law?
4. Discuss the formal and material sources of Muslim Law. How was the expression, justice equity and good conscience introduced in Mohammadan Law in India?

□□□□□