LAHORE LEADS UNIVERSITY
(Faculty of Law)
ASSIGNMENT
ISLAMIC JURISPRUDENCE

Submitted To:
Miss Sadia Sattar
Submitted By:
Shahid Tariq
Roll Number:
F23-1085
Program:
LLB
Semester:
6th Semester
Section:
B
Date:
April 14, 2026 ...

Guardianship and upbringing of a child under Islamic personal law (often discussed within Islamic

Jurisprudence) is a structured system that distinguishes between **custody and guardianship,** each with specific roles and responsibilities.

1.Key Concepts

(a) Custody (Hizanat)

·Refers to the **physical care and upbringing** of the child (daily life,nurturing,education at an early stage).

·Typically granted to the **mother,** especially for young children.

·Focuses on the child's **comfort, emotional care, and early development.**

(b) Guardianship (Wilayat)

Refers to legal authority over the child's:

- o Property
  Marriage
- ◦ Education decisions

·Usually granted to the **father or paternal relatives.**

2.Guardianship Under Islamic Law

Natural **Guardian**

·The **father** is considered the primary legal guardian.

·After the father,guardianship may pass to:

- Paternal grandfather
- Other male relatives in the paternal line

Types **of Guardianship**

1.Guardian of Person

- Responsible for upbringing, education, and welfare decisions.

2.Guardian of Property

Manages the child's financial assets.

- Must act honestly and in the child's best interest.

3.Testamentary Guardian

- Appointed by the father through a will.

3. Custody Rules (Hizanat)

Mothe's **Right of Custody**

Under classical Islamic law:

- ·Mother has priority for custody of:
  - Boys: up to about 7 years
  - Girls:until puberty

(Exact ages may vary depending on school oflaw, e.g., Hanafi School of Law)

Conditions for Mother's Custody

She may lose custody if she:

- ·Remarries (in some interpretations)
- ·Is considered unfit (neglect, immoral conduct)
- ·Moves away in a way that harms the child's welfare

4.Upbringing of the Child

Islamic law places strong emphasis on **holistic** upbringing,including:

(a) **Religious Upbringing**

- ·Teaching of Islam (belief, prayer,morals)
- ·Moral discipline and character-building

(b) **Education**

- ·Both religious and worldly education are encouraged
- ·Guardian must ensure access to learning

(c) **Financial Support** (Nafaqah)

- ·Father is responsible for:
  - Food
  - Clothing

- Shelter
- Education expenses

(d) Welfare Principle

·The **best interest** of **the child** is increasingly emphasized in modern interpretations and courts.

5.Role of Courts (Modern Context)

In countries like Pakistan:

- Courts may override strict classical rules

·Priority is often given to:

- Child's welfare
- Emotional and psychological well-being

Relevant law includes:

·Guardians and Wards Act, 1890

Courts can:

·Appoint guardians

·Decide custody disputes

·Remove guardians if necessary

6.Important Principles

·Custody≠Guardianship (they can belong to different persons)

Father=legal guardian; mothner=pimary caregiver (early years)

·Child's welfare is the **overriding principle in modern practice**