LAHORE LEADS UNIVERSITY

Assignment

Subject: Islamic Personal Law-I

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Topic 1: Why Power is Important in Islam

Heading:

Importance of Power in Islam

Meaning:

In Islam, power refers to authority, strength, and capability to establish justice, enforce law, protect rights, and uphold the commands of Allah. It is not sought for domination, but as a responsibility and trust _Amanah_ to maintain order in society.

Explanation:

Islam does not promote weakness or passivity. The Quran and Sunnah emphasize the need for power in the following ways:

1. *Establishment of Justice (Adl)*

Quran says: “Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice.” [4:58]. Without power, justice cannot be enforced against oppressors.

2. *Protection of Religion and Community:*

The Prophet ﷺ said, “The strong believer is better and more beloved to Allah than the weak believer.” [Sahih Muslim]. Power is needed to defend the Ummah, protect life, honor, and property.

3. *Implementation of Shariah:*

Islamic laws regarding crime, family, and economy require state authority. Without power, _Hudood_, _Qisas_, and other legal rules remain theoretical.

4. *Enjoining Good and Forbidding Evil (Amr bil Maroof wa Nahi anil Munkar):*

This core Islamic duty [Quran 3:110] cannot be fulfilled without social and political influence. Power enables Muslims to stop wrong and promote good.

5. *Self-Defense and Deterrence:*

Quran commands: “And prepare against them whatever you are able of power.” [8:60]. This shows that military, economic, and intellectual power are necessary to deter enemies and maintain peace.

Conclusion:

Islam views power as a tool for service, not superiority. When held by the righteous, it becomes a means of mercy. When absent, truth becomes weak and oppression spreads. Hence, seeking lawful power is encouraged in Islam

Topic 2: Difference Between Prompt and Deferred Dower

Heading:

Prompt Dower vs Deferred Dower

Meaning:

Dower or _Mahr_ is a mandatory gift from husband to wife in consideration of marriage under Islamic law. It is the exclusive right of the wife. It can be divided into two types based on time of payment: Prompt and Deferred.

Definition:

Prompt Dower (Mahr-e-Muajjal):

The portion of dower payable immediately on demand by the wife, usually at the time of Nikah or after consummation.

Deferred Dower (Mahr-e-Muwajjal):

The portion of dower payable upon dissolution of marriage by death or divorce, or on a specified future date.

Key Differences:

Basis

Prompt Dower (Muajjal)

Deferred Dower (Muwajjal)

Time of Payment

Payable on demand by wife, even before consummation Payable on dissolution of marriage or agreed date

Purpose

Provides immediate financial security to wife Acts as a check against arbitrary Talaq by husband

Wife’s Right

Wife can refuse cohabitation until paid Wife cannot refuse cohabitation for deferred dower

Recoverability

Can be sued for immediately in Family Court Becomes due only after divorce or death of husband

Nature

Acts like consideration for marriage Acts like a security or penalty clause

Common Practice

Small portion is kept as prompt Larger portion is usually deferred in Pakistan

Explanation:

If the amount of dower is not divided at Nikah, then under Shia law whole dower is prompt, while under Sunni law the court decides based on custom. The wife has a lien over husband’s property for unpaid prompt dower. After husband’s death, deferred dower becomes a debt payable from his estate before distribution among heirs.

In case _Mst. Humaira Mehmood v. Bilal Ahmad_ PLD 1999 Lah 363, the court held that deferred dower must be paid at the time of divorce and wife can file suit for recovery.

Legal Position in Pakistan:

Section 10 of Muslim Family Laws Ordinance 1961 requires specification of dower in Nikahnama. If deferred dower is not paid after divorce, wife can claim it through Family Court and husband's property can be attached.