



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1: Muslim Law of Gift and Will

Under Muslim law, Muslims can divide their property in many ways. It could be through Gift which is known as Hiba in Muslim law and through a will which is known as Wasiyat in Muslim law. The term gift is known as 'Hiba' in Muslim law. Whereas in English, the word 'gift' has a much wider expression which is applicable to each and every transaction where an individual transfers his or her property to another without any consideration for the same. In contradiction to this, the term 'Hiba' in Muslim law has a much narrower connotation. A Muslim is allowed to give away his whole property in his lifetime but he can only give one-third of his property through a will. Also, the religion of the person to whom the gift is made is irrelevant. The transfer of property through the way of gift is immediate and without consideration. It is an unconditional transfer of property. Although the gift being a property has to be governed by the Transfer of property act, 1882. But Chapter 7 of Transfer of Property Act 1882 does not cover the gift under Muslim law. So, the Muslim Personal law governs the Muslim gift or "Hiba".

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

Answers: 1-(),2-(), 3-(),4-(),5-()