



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1:

Preliminary- nikah in pre Islamic Arabia, meant different forms of sex relationship between a man and a woman established on certain terms, in pre Islamic days, women were treated as chattels, and were not given any right of inheritance and were absolutely dependent. It was prophet mohammad who brought about a complete change in the position of women.

Definition- The legal contract between a bride and bridegroom as part of an Islamic marriage; the contract of Islamic marriage; Islamic marriage in general.

Nikah is an Arabic term used for marriage. It means "contract". The Quran specifically refers to marriage as "mithaqun Ghalithun,". Which means "a strong agreement".

The original meaning of the work nikah is the physical relationship between man and woman. It is also used secondarily to refer to the contract of marriage which makes that relationship lawful.

"A contract that results in the man and woman living with each other and supporting each other within the limits of what has been laid down for them in terms of rights and obligations."

Essential Condition of Nikah

Nikah is based on few conditions. When these conditions are fulfilled, then a man and a woman are proclaimed as husband and wife and can live together and carry on their marital duties. These are:

Essentials of Marriage

The essentials of a valid marriage are as follows:-

- (i) There should be a proposal made by or on behalf of one of the parties to the marriage, and an acceptance of the proposal by or on behalf of the other party. A Muslim marriage requires proposal 'Ijab' from one party and acceptance 'Qubul' from the other side. This must be done in one sitting.
- (ii) The proposal and acceptance must both be expressed at once meeting. The acceptance must be corresponding to what is being offered. The marriage must be effectively immediate. If the Wali says I will marry her to you after two months, there is no marriage.
- (iii) The parties must be competent. The two parties must be legally competent; i.e. they must be sane and adult.
- (iv) There must be two male or one male & two female witnesses, who must be sane and adult Mahomedan present & hearing during the marriage proposal and acceptance. (Not needed in Shia Law)
- (v) Neither writing nor any religious ceremony is needed.

SELF-TEST QUESTIONS

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

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