



Child's Preference of the Parental Custody: Islamic Law, Theory and Practice

Salma Begum¹, Usmat Batool², Shehla Riaz³

Abstract

This article attempts to deliberate the capability of the children to make decision about which of the parents they choose to live with under Islamic and Pakistani Family Law. The article refers to *ahdith*, Islamic Law, Pakistani law, and case laws related to relevant issue. A comparative study of Islamic Laws and trends of Courts in Pakistan is carried out to examine the principles relating to minor's choice in custody disputes after divorce under Islamic law, and civil law in Pakistan. This study is therefore not limited to descriptive research but rather it also takes the shape of comparative study in nature. In the current study, an effort is made to bring out the approach of Pakistani Court to consider the minor's choice whether court practice is according to Islamic law or contrary to it. The article is delimited to the discussion on children's capability of making intelligent preference only in case of separation between both parents under Islamic and Pakistani Law. In the end, it is suggested that the parameters should be laid down under Pakistani Law for children's capability of making intelligent preference about which of the parents they choose to live with.

Keywords: Child custody, children's capability of making intelligent preference, minor's choice, Islamic law, Guardian, and Wards Act, 1989, case law, opinion of minor

1. Introduction

The children are attached with their parents therefore, when social relationship between parents break up then it gravely affects the child's evolving personality and his enshrined rights especially *hadanah* (custody) of the child. Thus, issues of capacity of children to make intelligent preference to choose the parents to live with after separation of parents are dealt under Islamic law and the Guardians & Wards Act, 1890 (Ali, 2000). The Guardians & Wards Act, 1890 sets out the framework for the Court in considering the capability of children to make intelligent preference to choose the parents they want to live with. (The Guardians and Wards Act 1890, s. 17 (3)).

2. Minor's Choice in Islamic Law

The choice of minor is considered for the selection of any parent with whom he/she wants to live with in Islamic law. However, there is different opinions of the jurists on the issue of choice of minor *mumayyiz* or *ghayr mumayyiz* or adult child is acknowledged. In this regard, Hanafi jurists confirmed that minor child has no choice to choose any parent either male or female unlike the Shafi'i jurists who hold the opinion that the children above the age of seven years (either male or female) has choice to choose any parent with whom he/she wants to live. The opinions of Hanafi jurists based on the tradition of Prophet PBUH that:

أَنْتَ أَحَقُّ بِهِ مَا لَمْ تَنْكِحِي

"You have more right to him as long as you do not marry" (Abu Dāwūd, Ḥadith No., 2276).

Consequently, there is no wisdom to give choice to minor due to supremacy of desires, which could incline him to enjoy. Moreover, due to lazy habit, which may keep away the minor from books, manners, and religious education, he may choose an ineligible parent who neglects him and do not discipline him. Thus, *hadith* of Abu Hurairah, "This is your father and mother so take whichever of them you wish by hand" (Abu Dāwūd, Ḥadith No., 2277) indicates that choice is the right of adult child. The reason is that the mother said he helps me and brings water for me from the well of Abu 'Inabah, the phrase "*helps me*" mean to earn since adult is capable to earn. Whereas well of Abu 'Inabah was situated in Madinah and it was impossible for a minor to draw water from it, therefore both these factors indicates that adult child has right to choose. In this regard, Hanafi jurists opted that the said child is given the choice after attaining the majority age on the basis of what has narrated from 'Ummarah bin Rabi'ah al-Makhzumi. He said:

غَزَا أَبِي الْبَحْرَيْنِ فَقُتِلَ فَجَاءَ عَمِّي لِيَذْهَبَ بِي فَخَاصَمْتُهُ أُمِّي إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ وَمَعِيَ أَخٌ لِي صَغِيرٌ فَخَيَّرَنِي عَلِيُّ رَضِيَ اللَّهُ عَنْهُ ثَلَاثًا فَأَخْتَرْتُ أُمِّي فَأَبَى عَمِّي أَنْ يَرْضَى فَوَكَرَهُ عَلِيُّ رَضِيَ اللَّهُ عَنْهُ بِيَدِهِ وَضَرْبَهُ بِدِرَّتِهِ وَقَالَ: لَوْ بَلَغَ هَذَا الصَّبِيُّ أَيْضًا خَيْرٌ فِهَذَا يَدُلُّ عَلَى أَنَّ النَّخِيرَ لَا يَكُونُ إِلَّا بَعْدَ الْبُلُوغِ.

My father was killed in the battle of Bahrain; therefore, my uncle came to take me. My mother referred this dispute to 'Ali bin abi Talib and my younger brother was with me. 'Ali (R.A) awarded me the choice three times and I choose my mother, but my uncle refused to accept this decision. 'Ali pushes him with his hand, strikes him with a whip and said: if this minor was adult even then I will give him an option (Abi Shubah, Ḥadith No., 19350).

The above *Hadith* indicates that choice has given to the adult child who has attained the majority age. Furthermore, if the child is trustworthy either male or female (virgin or deflowered), they have choice to choose any of the parent they want to live with but if the child either female (virgin or deflowered) or male is untrustworthy then they have no choice to choose any parent, but they will be placed under the supervision of father. Besides, when female child has no relatives e.g., father, paternal grandfather or blood relatives are deceased or when the blood

¹ Lecturer, Faculty of Shari'ah & Law, International Islamic University Islamabad, Pakistan

² Assistant Professor, Department of Islamic Studies, BZU Multan, Pakistan

³ Assistant Professor of Islamic Studies, Department of Islamic Studies, Riphah International University Islamabad, Pakistan

relatives are present, but they are corrupt, in this case, it is the duty of *qadi* to decide the issue for the welfare of female child. However, if she is reliable then *qadi* can permit her to live separately wherever she desired either she is virgin or deflowered otherwise he can place her under the supervision of trustworthy woman who has the ability to protect her interest. The reason is that *qadi* is appointed to secure the interest of Muslims (Al-Kasani, 1910; Ibn e 'Abidin, 1987; Ibn e Ḥamam, n.d).

Contrary to it, Imam Shafi'i gave a right to the minor child to choose any of the parent to live with on acquiring the discretion (above seven years). He argues based on the following *hadith* as it is reported that:

أَتَى سَمِعَتْ امْرَأَةً جَاءَتْ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَنَا قَاعِدٌ عَنْدَهُ فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ زَوْجِي يُرِيدُ أَنْ يَذْهَبَ بِابْنِي وَقَدْ سَقَانِي مِنْ بَنِي أَبِي عَنِّيهِ وَقَدْ نَفَعَنِي. فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: اسْتَهِمَا عَلَيْهِ. فَقَالَ زَوْجُهَا مَنْ يُحَاقِقِي فِي وِلْدِي. فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: هَذَا أَبُوكَ وَهَذِهِ أُمُّكَ فَخُذْ بِيَدِ أَيِّهِمَا شِئْتَ. فَأَخَذَ بِيَدِ أُمِّهِ فَأَنْطَلَقَتْ بِهِ.

Abu Hurayrah said: I heard that a woman came to Holy Prophet PBUH and I was sitting with him, she said: O Messenger of Allah, my husband wishes to take away my son, and he draws water for me from the well of abu 'Inabah and he has been good to me. Holy Prophet said: Cast lots for him. Her husband said: Who is disputing with me about my son? The Prophet said: This is your father, and this is your mother, so take whichever of them you wish by hand. So, he took his mother's hand, and she went away with him (Abu Dawud, Ḥadith No., 2277). The above *hadith* proves that the foremost objective of giving choice is to consider the minor as minor required kindness (Ibn Nujaym, n.d). Thus, *mumayyiz* (discriminating) child has the right to choose any one of the parents on the authority of following *Hadith*:

أَنَّ النَّبِيَّ خَيَّرَ غُلَامًا بَيْنَ أَبِيهِ وَأُمِّهِ.

The Prophet gave a child the choice between his father and his mother (Al-Tirmidhi, Ḥadith No., 1357).

In this regard, female child is considered the same right as the male child has for the selection of parent because real intention is *kalalah* and protection of the child. Correspondingly, when the child selects one parent and later he decides other parent, at that time, he or she will be shifted to such parent because there is possibility that the circumstances may be changed on the basis of which he or she had chosen the parent (Al-Sharbini, n.d; (Anşari, 2001).

Likewise, Imam Malik did not recognize the choice of the minor child under the age of seven years. He said that the mother has right over the male and female child up to seven years because the child cannot visualize his benefit as there is possibility that he may choose such parent under whose custody he played and remained neglected to acquire education and ethics. Therefore, minor girl or boy under the age of seven years has no choice to select any parent except the child above the age of seven years (Ghazi, 1990).

Contrary to it, Imam Ahmad bin Ḥanbal has given the choice only to the male child who is above the age of seven years. Accordingly, when a male child chooses his father, at that moment, he will spend his day and night with him, but if he selects his mother then he will spend his nighttime with his mother and his daytime with his father. However, if the child comes back, choose other parent then he will be shifted toward that parent and if he again comes back and choose the previous one then he will be shifted accordingly because this selection is merely based on his desire. Consequently, whenever he intends to join the other parent, his desire would be followed whatever it is.

However, if he does not choose any parent or choose both then lots will be drawn between them. Moreover, Ḥanbali jurists gave a choice to the male child under two conditions, one of them is that the selected parent must be eligible for *ḥadānah* and secondly, the male child must be sane because insane child (either minor or adult) will be placed under the supervision of mother and has no choice. Therefore, when minor of seven years has given choice and he has chosen the father, but later he becomes insane then he will be placed under the supervision of his mother and his choice will be void. The reason is that he had exercised the choice at the time when he is able to manage his affairs, but after disappearing of his capacity, mother is better for him as she is kind and wants to secure his interest likewise, she desired to secure his interest in minority age.

While the female child attains the age of seven years, it is essential for her to reside with her father till her marriageable age, mother can contribute in her *ḥadānah* because foremost objective is to secure the child from harm and father is eligible to protect her from harm. However, if she resides with mother or father, then she will stay there day and night so that parent can discipline her. Moreover, custodian parent is not permitted to prevent her to visit non-custodian parent because it means to serve the ties and if she becomes ill then mother deserves more to look after her in the house of father, according to the need (Al-Buhuti, 1982; Ibn Qudamah, 1992).

3. Minor's Choice in Pakistani Law

The statute law also considers the right of the minor to choose the parents to live with. Section 17 (3) of the Guardians and Wards Act, 1890 declares that "if the minor is old enough to form an intelligent preference, the Court may consider that preference" (Mahmood. M, 2005).

Thus, the case law also reflects to follow such principle, but the court practices are different in each case according to the circumstances by considering minor's choice as in many cases (when the child is old enough to make a choice) the preference of the minor is asked by the court (1981 CLC 78).

When a minor is capable of making an intelligent preference then along with the minor's welfare, preference should be considered by the court under s.17 (3) while dealing with such an application, the Court has to pass its findings on the conditions laid down in s.17 and 25. The right of parents regarding interest and control of children

is not to be exercised in the interest and benefits of the parents but in the interests and welfare of the children. Though father is a natural guardian, yet his right is subordinate to the welfare of the minor (PLD 2000 Peshawar 23).

In Pakistani Law, minors (either male or female) are given right to take the decision for the selection of parent with whom they want to live, but when they reach at the age of adulthood. At this age, court gives preferences to the choice of children, but decisions of Court are not everlasting, it may be changed if there is required the welfare of the child but there must be clear and strong reason and circumstances which indicate to change the custody of the child in the interest of the minor's welfare (PLD 1965, Karachi 416).

In this regard, the Court held that choice of minor in preference to live with his mother is not an intelligent preference; it is one of the matters to be considered by the Court in appointing a guardian under the section 17 of the Guardians and Wards Act, 1890 (PLD 1972 Peshawar 1).

Likewise, in *Ruqia Shaukat v. Additional District and Session Judge* (2003 CLC 1310), the main objection was that the minor's choice had not obtained by the lower courts. Section 17 (3) of Guardians and Wards Act, 1890 provides that if the minor child is old enough to make his intelligent preference. Further it was held by using the word "may" in s. 17 (3) Guardians and Wards Act, 1890, the legislature has indicated that it is not imperative to consult the minor.

In another case, the minor son was about 12 years of age and had been living with his mother since divorce. Both the Courts below did not consider the intelligent preference of the minor although there is no substitute of the mother's love and affection, and the matter of custody was not correctly decided for the welfare of the minor. Hence, the high court set aside both orders and remanded the matter to Guardian Judge (2005 MLD 1310 SC.AJK). If the minor can make an intelligent preference, the courts may consider the preference along with the welfare of the minor. However, before the court gives effect to the personal inclination of a minor, it must be satisfied that the opinion is an intelligent opinion and in the interest of the minor. The courts, therefore, have been interrogating the minor almost in every case. Before giving effect to the personal inclination of minor, the Court is to be satisfied as to the opinion of minor being intelligent and in his own interest (1980 CLC 1802).

In the case of *Naseem Kausar v. Muhammad Saleem*, supreme consideration to be the of the minor coupled with his own wish, both the parents of the minor, in the present case, mother had remarried and had children, minor boy was 10 years of age and was capable of performing an intelligent preference and had given his preference to live with the mother, such preference of the minor could not be ignored and the high court held that minor be handed over to the mother (2003 MLD 1306(a)).

In *Jamil Bano v. Mirza Muhammad*, minor children who were of the ages when they could exercise the option to choose the parent they wanted to live with and when presented in Court they choose to live with their mother. Concurrent judgments of Courts below were set aside and it was directed that custody of minor children would remain with their mother (2003 YLR 1337).

In case of *Mst. Mehmooda Begum v. Taj Din*, it was held that both the lower courts have passed impugned Judgments without taking into consideration the minor's intelligent preference. It was held that mother can take care minor better than the father (1998 MLD 1697).

The minors in both cases remained in the custody of stepmothers, after death of father, their paternal uncles applied for custody, which was granted. It is well settled that supreme consideration should be for the welfare of minors, along with their own wish. Petitioner was stepmother of female minors since last more than 8 years after the death of their real mother. The minors in all the above cases were examined trice by trial and appellate court in which they insisted to stay with their stepmother instead their real uncle. The court held that it is necessary that they remain with female (stepmothers) instead of male (their uncles) (1998 MLD 1697).

In *Abdul Razzaque v. Dr. Rehana Shaheen* (PLD 2005 Karachi 610) Karachi high court decided that minor's choice should be taken into consideration, but it cannot be a decisive factor in custody matters. In this case, grandparents were against the mother to contest the case of custody. Both children aged twelve and eleven showed their unwillingness to go with their mother. But the Court awarded the custody to mother holding that when the minor's choice contradicts with the welfare, then latter should be prevailed. It was also noticed by the court that there could be the influence of older people upon the minors to make a particular decision. Similarly, in *Mst. Aisha v. Manzoor Hussain* (PLD 1985 SC 436) case the supreme court held that minor has not the capacity enough to determine his/her welfare. A minor's choice will be considered only if it is in the interests of the minor. Another case where a minor can make an intelligent preference, the Court should also be considered it along with welfare of the minor (PLD 2000 Peshawar 23).

In case of *Shaukat Khalid v. Additional District Judge Rawalpindi* (1989 CLC 1377) father gave the custody of minor daughter to his brother who had no children, thus after the death of uncle, child preferred to stay with her uncle's wife since the petitioner brought up the minor since her infancy and had love for her as preference expressed by minor is not final or binding on Court because such preference had to be judged with reference to welfare of the minor. It was held that minor who was practically living after the death of uncle in a family whose head was converted to Christianity, it was undesirable that minor live in a family on which shadow of different religion was cast (Mahmood.M, 2005).

In case of *Tassadiq Hussain Shah v. Surraya Begum* (1980 CLC 1802) it was held that if minor can make an intelligent preference, then the court may consider the preference along with the welfare of the minor but before Court gives effect to the personal inclination of a minor. It must be satisfied that the opinion is an intelligent opinion and in the interest of the minor. The Courts therefore have been interrogating the minor almost in every case (Mahmood.M, 2005).

In *Mst. Hamida Bibi v. Station House Officer* (1998 PCrLJ Lahore 140) the Lahore High Court declared that if the child is above the age of discretion, then Court will ask the child's choice otherwise Court will return the child to the custody of the guardian.

It is based on the premise that in Pakistan, due to lack of detailed legislation, the judges in Pakistan enjoys a great amount of discretion for the interpretation of the existing laws. In exercising this discretion on some occasion, they refer to the Islamic law and on others to general principle with subject to welfare of the child (Lau, Martin, 2006; Malik, 1998).

Contrary to it, district Judge did not obtain the minor's choice while deciding the question of their custody. But the high court gave weighted to their opinion, because they were intelligent enough to express their opinion and gave prefer to live with their mother. The mother would not be disqualified from the right to have custody of minors based on contracting second marriage with a person who was not stand within prohibited degree of relations. The Court preserve custody of children in favor of mother because welfare of minor demanded so and father was allowed to see his children once in a month provided their educational program was not disturbed (PLD 2000 Peshawar 23).

Pakistani superior courts also give weightage to the concerned child's opinion. The Major problem is that lower courts that the social and economic status of the father is given more preference even without keeping in view the welfare of the child. In *Mst. Karisma Bibi*, the Lahore high court has strongly condemned this attitude and held that the lower courts should only be influenced when the interest of the child is needed to be secure. (PLD Lahore High Court 154).

The Court would be failing in the exercise of its parental jurisdiction in its true sense if it fails to take into consideration the wishes of the minor in terms of s. 17 (3), Guardians and Wards Act 1890, particularly after his/her attaining puberty (1999 CLC 1).

This view is upheld in case where the minor was 17 years old living with his mother. The child was well looked by his mother as he expressed before the court. The court held that minor's desire along with keeping in view the age could not be ignored, therefore, the Court affirmed that mother's custody is valid and proper in these circumstances (PLD 2015 Lahore 6).

4. Conclusion

The above discussion proved that child (above the seven years either male or female) has given right to take the decision for the selection of parent with whom they want to live according to majority jurists but Ḥanafī jurists gave this right to adult child. Beside it, they also set some parameters such as selected parent must be eligible and reliable, child be sane and trustworthy so that he/she can exercise this option. In the absence or corrupt relatives, *qaḍī* has authority to decide the matter keeping in view the welfare of child. Thus, the issue of minor's choice is regulated under *shari'ah* (Islamic Law). In the same way, the Guardian, and Wards Act, 1989 also consider the child's choice to choose any parent with whom they want to live, particularly when the minor is old enough to form an intelligent preference along with the welfare of the child. In this regard, the Guardians and Wards Act, 1989 did not lay down any parameters for this purpose, such as the approach of the Guardian Court is not consistent because each case is decided according to the circumstances as in some cases the Guardian Courts have asked the minor's choice and considered it when it is in the welfare of the child and in some cases, if his choice contradicts with the welfare principle then; they follow the general principle subject to the welfare of the child. Therefore, it is required that parameters for children's capability to make an intelligent preference about which of the parents they choose to live with should be laid down in detail because in the absence of such facts, it is insufficient to determine the welfare of the minors. Besides, the practice of Pakistani Court to consider the minor's choice is mostly according to the principles of Islamic law.

References

- Ibn e 'Abidin, Muḥammad Amīn, *Radd al-Mukhtar 'ala al-Durr al-Mukhtar* (1407/1987). 2nd ed. Beirut: Dar Ihya' al-Turath al-'Arabi. 2/641-642.
- Ali, Shaheen Sardar (2000). *Gender and Human Rights in Islam and International Law*. Boston: Kluwer Law International.139.
- Anṣari, Abu Yahya Zakariya' (1422/2001). *Asna al-Maṭlib Sharḥ Rawḍ at-talib*. 1st ed. (Beirut: Dar al-Kutub al-'Ilmiyah. 7/509-510.
- Al-Bayhaqī, Abu Bakr Amad bin al-Ḥusain bin 'Alī (1422/2001). *Ma'rifat al-Sunan wa al-Āthār*, vol.6. Beirut: Dar al-Kutub al-'Ilmiyah. 6/124-125.
- Al-Buhuti, Maṣūr bin Yunus bin Ṣalah ud-Din bin Muḥammad bin Aḥmad bin 'Ali bin Idris (1982). *Kashshaf al-Qina' 'an Matn al-Iqna'*. vol.5. Beirut: Dar al-Fikr.

- Abu Dāwūd Sulayman bin al-Ash‘ath al-Sajastani, *Sunan* (1389/1970). 1st ed. Beirut: Dar al-Ḥadith.
- Ghazi, Mehmud Ahmad (1990). *Aḥkam-e-Balughat*. Islamabad: Islamic Research Institute International Islamic University.
- Ibn e Ḥamam, Kamal al-Din Muḥammad bin ‘Abdul Wahid al-Siwasi (n.d). *Sharḥ Faḥ al-Qadir lil-‘Ajiz al-Faqir*. Beirut: Dar Iḥya’ al-Turath al-‘Arabi. 4/189.
- Al-Kasani, ‘Ala’ ud-Din abu Bakr (1910/1328). *Bada’i’ al-Ṣana’i’ fi Tartib al-Shara’i’*, 1st ed. Karachi: Sa’ud Company. 4/43-44.
- Mahmood.M. *The Code of Muslim Family Laws* (2005) 5th ed. Lahore: Pakistan Law Times Publications.
- Ibn Majah, Abu ‘Abdullah Muḥammad bin Yazid al-Qazwiini (n.d). *Sunan*. Beirut: Dar Iḥya’ al-Kutub al-‘Arabiyah. 2/787-788.
- Al-Nisa’i, Abu‘Abdul Raḥman Ahmad bin Shu‘aib, *Sunan* (n.d). vol. 6. Beirut: Dar Iḥya’ al-Turath al-‘Arabi. 185-186.
- Ibn e Nujaym, Zayn ud-Din, *al-Baḥr al-Ra’iq Sharḥ Kanz al-Daqa’iq* (n.d). Quetta: al-Maktabah al-Mujidiyah. 4/171.
- Al-Sharbini, Muḥammad al-Khaṭab (n.d). *Mughni al-Muḥtaj ila Ma’rifat Ma’ni Alfaz al-Minhaj*. Beirut: Dar al-Fikr. 3/456-457.
- Abi Shubah, Abu Bakr ‘Abdullah bin Muḥammad bin Ibrahim (1427/2006). *al-Kitab al-Muṣṣanaf fi al-Aḥadith wa al-Āthār*, vol.6, 2nd ed. (Riyad: Maktabah al-Rushd. 6/631.
- Al-Tirmidhi, Abu ‘Isa (n.d). *Sunan*. Beirut: Dar Iḥya’ al-Turath al-‘Arabi. 3/638.
- Ibn Qudamah, Abu Muḥammad ‘Abdullah bin Ahmad bin Muḥammad (415-419). *al-Mughni*, vol.11, 2nd ed. Cairo: Hajar Publication.

Laws

The Guardians and Wards Act 1890.

Cases:

-
- Sardar Hussain and others v. Mst. Parveen Umer and others, PLD 2004 SC 357
- Akbar Bibi v. Shaukat Ali, 1981 CLC 78.
PLD 2000 Peshawar 23.
- Sultan Begum v. Muhammad Shafi, PLD 1965, Karachi 416.
PLD 1972 Peshawar 1.
- Ruqia Shaukat v. Additional District and Session Judge, 2003 CLC 1310.
- Mohabat Khan v. Robkar-e-Adalat & 2 Others, 2005 MLD 1310 SC.AJK.
1980 CLC 1802.
- Naseem Kausar v. Muhammad Saleem, 2003 MLD 1306(a).
- Jamil Bano v. Mirza Muhammad, 2003 YLR 1337.
PLJ 1998 Quetta 137; 1998 MLD 1697.
PLJ 1998 Quetta 137; 1998 MLD 1697.
- Abdul Razzaque v. Dr. Rehana Shaheen, PLD 2005 Karachi 610.
- Mst. Aisha v. Manzoor Hussain, PLD 1985 SC 436.
2003 CLC 1301; Gulnaz Bibi v. Rifaqat Ali Shah, PLD 2000 Peshawar 23.
- Shaukat Khalid v. Additional District Judge Rawalpindi, 1989 CLC 1377.
- Tassadiq Hussain Shah v. Surraya Begum, 1980 CLC 1802.
- M. Mahmood, *The Code of Muslim Family Laws*, 5th ed. (Lahore: Pakistan Law Times Publication, 2005), 420.
- Mst. Hamida Bibi v. Station House Officer, 1998 PCrLJ Lahore 140.
- Lau, Martin (2006). *The Role of Islam in the Legal System of Pakistan*. Boston: Martinus Nijhoff Publishers.
- Zahraa, Mahdi & Malik, Normi A. (1998). The Concept of Custody in Islamic Law. *Arab Law Quarterly* 13, no. 2.
PLJ 2000 Peshawar 175; PLD 2000 Peshawar 23.
- Mst. Karisma Bibi, PLD Lahore High Court 154.
1999 CLC 1.
- Mst. Bashiran Bibi v. Raja Umer Farooq, PLD 2015 Lahore 6.