

Judicial Precedents of Muslim Personal Law under the Rule of British India

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This paper aims to provide an historical analysis of the application of Muslim Personal Law in the British Period. Secondly, this work examines how the British rule gradually came to the judicial precedents of Muslim personal law system in the Indian Subcontinent. Later, this paper observes the way of misinterpretation and mistranslation of literatures relate to Muslim personal law under the British rule. It is argued in this paper that the discourse of Muslim personal law is developed and flourished by the western educated scholars. This study suggests that Muslim personal law can be formulated for the entire Muslim world, according to the Islamic legal principles and current context in Muslim society. In fact, when the British established their domination in the Indian Subcontinent, they continued the Islamic legal pattern of judicial administration. This legal pattern gradually transformed into Anglo-Mohammedan Law. The English judges mistranslated and misinterpreted the early Islamic legal theories in those days. As a result, today these faulty works provide number of mistakes in the Indian judicial system. This paper also wants to address some major questions: What efforts did the Muslim scholars make to spread Muslim family laws in the British period? What major initiatives did the British Educated judges make to develop Muslim personal laws in this era? But according to the English educated law officers, it is difficult to deny their outstanding role in spreading Islamic legal literatures to the Indian Subcontinent.