

**A TREATISE ON RIGHT AND DUTY, THEIR  
EVOLUTION, DEFINITION, ANALYSIS  
AND CLASSIFICATION  
ACCORDING TO THE PRINCIPLES OF  
JURISPRUDENCE BEING A PORTION OF  
THE MUHAMMADAN LAW OF GIFTS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649068098

A Treatise on Right and Duty, Their Evolution, Definition, Analysis and Classification  
According to the Principles of Jurisprudence Being a Portion of the Muhammadan Law of Gifts  
by Syed Karamat Husein

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**SYED KARAMAT HUSEIN**

**A TREATISE ON RIGHT AND DUTY, THEIR  
EVOLUTION, DEFINITION, ANALYSIS  
AND CLASSIFICATION  
ACCORDING TO THE PRINCIPLES OF  
JURISPRUDENCE BEING A PORTION OF  
THE MUHAMMADAN LAW OF GIFTS**



8

A TREATISE ON RIGHT AND DUTY.

PRINTED AT THE INDIAN PRESS, ALLAHABAD.

c

A TREATISE  
ON  
RIGHT AND DUTY  
THEIR EVOLUTION, DEFINITION, ANALYSIS AND  
CLASSIFICATION  
ACCORDING TO  
THE PRINCIPLES OF JURISPRUDENCE  
BEING A PORTION  
OF THE  
MUHAMMADAN LAW OF GIFTS

BY  
SYED KARAMAT HUSEIN  
OF THE MIDDLE TEMPLE, ESQUIRE, BARRISTER-AT-LAW, ADVOCATE, HIGH  
COURT OF JUDICATURE, N.-W. PROVINCES, INDIA, FELLOW  
AND MEMBER OF THE FACULTY OF LAW OF THE  
UNIVERSITY OF ALLAHABAD.

---

Allahabad:  
INDIAN PRESS

1899.  
[All rights reserved]

17  
1909

MAR 2 1909



---

## PREFACE.

---

THE following pages originally formed a portion of my MUHAMMADAN LAW OF GIFT according to the Hanafi and Imamia Schools. As the contents of these pages relate to "What may be the subject matter of Gift" and discuss the Evolution, Definition, Analysis and Classification of *Right* and *Duty* they were appreciated by some of my friends who take an interest in the study of modern jurisprudence. It is at their request that the said portion has been published in the form of a separate treatise.

I am deeply indebted to Syed Mahmud of Lincoln's Inn, Esquire, Barrister-at-Law, late Judge of the High Court of Judicature for the North-Western Provinces, India, and late President of the Faculty of Law of the University of Allahabad, and to Pandit Jwaladat Joshi, Vakil of the High Court, for the most valuable assistance so very kindly given by them in writing these pages.

SYED KARAMAT HUSEIN.

ALLAHABAD:

June 9, 1899.

13

14

15

16

17

18

19

▶

▶

▶

▶

▶

▶

▶

▶

## TABLE OF CONTENTS.

---

	Page.
CHAPTER I.—TRANSFORMATION OF FORCE AND ITS APPLICATION TO VOLUN- TARY ACTS ... ..	1
"  II.—LIFE AND ITS CONDITIONS ... ..	11
"  III.—EVOLUTION AND DEFINITION OF RIGHT AND DUTY ...	19
"  IV.—RIGHTS AS COROLLARIES OF THE FORMULA OF LIFE ...	29
"  V.—CLASSIFICATION OF RIGHTS ... ..	36
"  VI.—ANALYSIS OF RIGHT ... ..	53
"  VII.—ANALYSIS OF DUTY... ..	67
"  VIII.—CORRELATION OF RIGHT AND DUTY ... ..	132
"  IX.—CRITICISM OF DR. HOLLAND'S DEFINITION OF RIGHT ...	135
"  X.—CRITICISM OF DR. HOLLAND'S ANALYSIS OF RIGHT ...	146
"  XI.—CRITICISM OF THE CLASSIFICATION OF RIGHTS INTO RIGHTS IN REM AND RIGHTS IN PERSONAM ... ..	166
"  XII.—A BASIS OF CLASSIFICATION OF RIGHTS INTO RIGHTS IN REM AND RIGHTS IN PERSONAM SUGGESTED ... ..	184
"  XIII.—SUMMARY ... ..	191