

## Abstract

Allah, the venerable, is maker of the entire world. He awards the utmost eminence to human beings. For the direction of individuals he sent his messengers and revealed the books on them. These scriptures include not only holy commands but also many commandments concerning the dealings of life made known in them. The creator unveiled many principles to deal with the affairs of life. As these main beliefs are the sources of guidance. On the basis of these sources human beings execute their daily affairs. By following this system they can be successful in this world and here after. There are some juristic doctrines which are to follow. All manmade laws should be according to these principles. Right of pre-emption in the light of Islamic jurisprudence and contemporary laws is a going up topic to untie the new doors in research. A broad study concerning these principles of right of pre-emption can help us to find out the central purpose of this right. Pre-emption figuratively means amalgamation, addition, sub-junctioner joining in Islamic law. The study confirms pre-emption is a feeble right fortified and confirmed by requesting its exercise. Pre-emption was legalized by to save from harm. All jurists concur that a partner in the property is a pre-emptor but the Hanafis included a neighbour as well. The law of pre-emption is not only a typical in Islamic structure it was also documented in the Roman law and erst while systems. This thesis is a descriptive, comparative, analytical and critical study of the right of pre-emption in Islamic jurisprudence, contemporary laws, judicial systems and social aspects. Pre-emption is a right where co-owner can avert the property by the right of pre-emption. Pre-emption is a flimsy right which preserve the attention of a pre-emptor. Right of pre-emption is a contractual right. It comes from the Latin verb emo, emere, emi and emptum to purchase or buy plus the inseparable preposition pre-before. The right of pre-emption arises only in two types of transfer of property via sale and exchange. Law of Pre-emption is essentially a part of Islamic jurisprudence. It was introduced in the sub-continent during the Muslim Rule by the Muslim Judges who were bound to administer Islamic law. Law of Pre-emption is essentially a part of Islamic jurisprudence. It was introduced in the sub-continent during the Muslim rule by the Muslim Judges who were bound to administer Islamic law. Under the Hanafis law the persons who can claim the right of pre-emption are a co-sharer in the property called-Shafi-Sharik. A participator in immunities and appendages such as a right of way or a right to discharge water called Shafi-i-Khalit. The owners adjoining immoveable property called Shafi-i-Jar but not their tenants nor persons in possession of the property without lawful title. The pre-emptor shall perform very stringent conditions of the requirements of talabs. Requirement of law is that its existence and enforcement must be strictly observed. The pre-emptor must prove the performance of talabs through clear evidence which is fundamental requirement for enforcement of right pre-emption under Punjab Pre-emption Act, 1991 and also under Muslim law of Pre-emption. The statutory law contained in S. 13 as to talab is based on concept of Muslim pre-emption Law according to which without fulfilling the requirement of talb-i-muwathibat, talb-i-ishhad and talb-i-khasumat in proper manner, the right of pre-emption would be extinguished. The pre-emptor, vendor and vendee, when all the parties belong to the same sect or

school no difficulty arises. But difficulties crop up when parties belong to different schools or to different religions. It appears to be established that the right of pre-emption can be claimed only if the law applicable to the vendor recognizes pre-emption. The right of pre-emption has been recognized in one form or another in almost all settled societies. The right of pre-emption is vested in certain persons by an act of legislature; it is therefore a statutory and prized right. Islamic jurisprudence the Law of pre-emption applies to all the persons without any distinction as to religion, race and caste. History of pre-emption laws can be traced back to the period of Greeks and Roman Empire; even these concepts were prevalent in Arabia before the advent of Islam. However, Islam adopted these laws with some modifications and refinements. It is pertinent to mention that same sort of rules were also implemented in Sub-Continent before the coming into being of Pakistan and can be traced back to the old Hindu scriptures. The pre-emption laws as applicable in Pakistan are applied in certain areas, governed under Muslim personal law with the name of 'Shuffa', since the Constitution imposes an obligation upon government as well as legislature to adopt and modify all laws in accordance with the injunctions of Islam.