

Applying the Hadith “Actions are to be Judged by Intentions” in the Pakistani Legal System: An Introduction

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Abstract

This paper briefly discusses the sources of Islamic law. What is the place of Sunnah of the Prophet (P.B.U.H) in the Pakistani Legal System; what is the importance of the hadith, “actions are to be judged by intentions...”; whether it holds a significant place in a legal system; if so, to what extent; Whether intention has consequences on our legal transactions? The main findings of this paper are that the primary sources of Islamic law are the Qur’an, the Sunnah of the Prophet (P.B.U.H), Ijma’ and Qiyas (analogy). The Sunnah is a source of Islamic law but is recognized as a subsidiary source in the Pakistani legal system. The hadith, “actions are to be judged by intentions” is a very important hadith as it lays down the framework of not just our religious obligations but also law, especially criminal law. This hadith lays down the important principle that all acts must be done so with a corresponding intention. This hadith also serves as an important principle that forms the very framework of criminal as well as civil actions in a legal system. For a crime to be committed, there must be both a mens rea (guilty intention) and actus reus (actual physical performance of said intention). Hence, where there is no guilty intention, there is no crime, although in cases where there are more severe crimes, the punishment will be severe as well. Hence, the crimes are categorized into intentional and unintentional, where the punishment is greater in the former than it is in the latter. And for some crimes, the punishment can only be given if there was also guilty intention as well. Thus, it is only with intention that we can determine whether the act committed can be constituted as a crime and if such act is a crime, than it shall be a determinant in the punishment for the said crime as well. The methodology used in this paper is doctrinal..

Keywords: Hadith, Pakistan, Islamic law..

1.1 Introduction:

In every society, each man commits acts or omissions which may or may not have legal consequences under the law. Our actions end up under the guise of either civil or criminal law. In the former, the person is to compensate the other by means of damages or any other civil remedy which might fit the particular circumstances. In the latter however, the legal consequences are more severe as an 'offence' or 'crime' has been committed. In both cases, the corresponding intention of the act is also taken into consideration, particularly in the latter as depending upon the severity of said offence or crime, the consequences are either the imposition of death penalties or life sentences etc. This is because the offence or crime is such that it goes against the very essence of the values that the particular society itself holds. In simpler terms, a crime or offence is not just a criminal act or omission against a person or his family, it is a crime or omission before society as a whole.

However, in order for there to be a crime or offence, there needs to be certain prerequisites or elements to constitute it. The biggest element is guilty intention or *mens rea*. The presence or lack thereof may change the whole category of the offence or crime altogether and as well as its requisite punishment. Considering this legal principle, we can see that the element of intention is a must for the biggest of crimes while it is not necessary for the smallest of crimes. Either way, it shall impact the whole fabric of crime and its punishment. Hence, the element of *men rea* is the foundational principal upon which the whole essence of criminal law is based upon. This is especially the case when it comes to criminal jurisprudence in common law. What are the consequences of our civil and criminal actions under Islamic law? This is the proposition which this paper shall revolve around with particular focus upon the Pakistani criminal justice system.

This paper thus discusses what are the sources of Islamic law; whether the *ahadith* of the Prophet (P.B.U.H) is also a source of law in the Pakistani legal system; what is the importance of the *hadith*, "actions are to be judged by intentions..."; whether it holds a significant place in a legal system; if so, to what extent; and whether it has consequences in civil and criminal law.

1.2 Sources of Islamic Law

Islamic law is the law based on the injunctions of the Qur'an and the *Sunnah* of the Prophet (P.B.U.H). Islamic jurisprudence (*Usul-ul-Fiqh*) is what we would call the science or understanding of Islamic law or Islamic legal philosophy. At the time of the Prophet his Companions would strictly confine themselves to the Prophet's conduct and would ask him directly about their actions or omissions and would get a reply which would be acted upon and law on that particular issue would be laid down. While there were times when cases were brought to the Prophet for his decision, the Companions would follow his decisions as a model for taking similar decisions in similar cases. Later on Muslim jurists would derive answers to new cases from the Qur'an or *Ijma'* or use analogy. In addition, various secondary sources were

used by Muslim jurists for answering thorny and new cases not specifically mentioned in the primary sources of Islamic law. The Prophet had allowed diverse actions and interpretations in multiple scenarios. This was because the Prophet aimed at providing opportunities for the employment of human reason and common sense in diverse circumstances in a period of evolution of a pattern of behaviour for coming generations. Not to mention, it was not possible for him to struggle for spreading the message of Islam and also laid down specific rules of law for each and every situation. Even if he could have laid down specific and rigid rules for each and every problem, than the upcoming generations would have been deprived of exercising reason and framing laws according to the exigencies of the time, which is something he wished to avoid. It was than the Companions, their Successors and the Successors of the Successors that proceeded to make additions to the law thus creating the framework of the core of jurisprudence in Islamic law. This jurisprudence of Islamic law would be perfected after the time of the Successor's Successors especially, after the emergence of the different schools of thought.

The schools of thought, the *Hanafis*, *Malikis*, *Shafis* and *Hanbalis* are the main schools of thought in the *sunni* tradition that enhanced and evolved this framework of jurisprudence. Each school of thought has its own stances on various points of discussion. They may agree with one another on one particular stance and disagree with one another on another particular stance. Although, the disagreement between the schools of thought stem from their differences of their methodologies in deriving a rule of law from the sources of Islamic law and what they each considered was a source of Islamic law.

The primary sources of Islamic law are the Qur'an, Sunnah of the Prophet (P.B.U.H), Ijma' (consensus) and *qiyas* (analogy) as per the classical jurists.¹ The Qur'an is the Book revealed to the Messenger of Allah, Muhammad (P.B.U.H) as written in the *masahif* and transmitted to us through an authentic continuous narration (*tawwatur*) without doubt. The *Sunnah* refers to the sayings and actions of the Prophet (P.B.U.H). We shall discuss its status as a source of Islamic law hereinbelow. Ijma refers to the "agreement of all those who are legally responsible and belong to the community of Muhammad in a certain age, on a rule about a certain incidence".² Qiyas refers to the use of personal opinion (*ra'y*) in cases not covered by an explicit text (*nass*).³ Hence, it refers to the use of analogy in cases with common effective causes (*illa*).⁴ Some schools of thought however disagree with Qiyas being a primary source of Islamic law while others disagree with Ijma being a primary source of Islamic law.⁵ A detailed analyses of the principles of *Usul-ul-Fiqh* and the sources of Islamic law are beyond the scope of this paper.⁶ Hence, we now understand that the *Sunnah* is a source of Islamic law and is binding upon us. We shall now discuss this in light of the *ahadith* (sayings) of the Prophet.

1.3. The Sunnah as a Source of Islamic Law

As mentioned hereinabove, the Sunnah refers to the actions and sayings of the Prophet (P.B.U.H). Technically, it can refer to the life of the Holy Prophet (P.B.U.H) as a whole insofar as an example to his followers.⁷ It also applies to the way, behaviour and practice of the Companions of the Prophet although this is disputed.⁸ Nevertheless, we can understand that the “word, deed and tacit approval of the Prophet (P.B.U.H) constitute the *Sunnah*, which is unanimously considered a source of Islamic law”⁹ However, it should be noted that not all the Sunnah is not legislative Sunnah, that is to say, not all actions, sayings or tacit approval of the Prophet (P.B.U.H) are binding on all Muslims. A Sunnah is a binding source of *fiqh* only when there is a rule or principle of law which can be derived from it.¹⁰ This is called Sunnah *qawliyah*. This refers to the sayings of the Holy Prophet (P.B.U.H) through which he intended the laying down of the law or the explanation of the rules. He was also a human being who ate, slept and conversed with his Companions. Hence, these normal actions which can be replicated by his followers due to their immense love and appreciation for him cannot be considered as binding similar to his pronouncement of a rule of law in particular situations. The latter type of Sunnah is not legislative Sunnah and is not intended to be binding on the believers in the strict legal sense.

Examples of Sunnah *qawliyyah* is the *hadith* “actions are judged by intentions”¹¹ which we shall discuss in detail hereinbelow. Examples of non-legislative Sunnah are his actions as a normal human being mentioned hereinabove, mundane matters such as the pollination of date palm trees and in his capacity as a military commander and strategist.¹²

1.4. The Importance of Sunnah in the Pakistani Legal System

In Pakistan, there is very little actual application of Islamic law by the judges as many statutes are adapted and amended versions of the old Anglo-Indian statutes. However, overtime there were certain statutes that incorporated Islamic law and thus their application meant the application of Islamic law as well. One such statute is The West Pakistan Muslim Personal Law (Shariat) Act, 1962. Section 2 of the same provides that

“Notwithstanding any custom or usage, in all questions regarding succession (whether testate or intestate), special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, legitimacy or bastardy, family relations, wills, legacies, gifts, religious usages or institutions, including waqfs, trusts and trust properties, the rule of decision, subject to the provisions of any enactment for the time being in force, shall be the Muslim Personal Law (Shariat) in case where the parties are Muslims.”

Hence, in all cases relating to a Muslim’s personal law, the judges are bound to apply the ‘Shariat’ rather than any existing custom or usage. It is further recognized in Section 2 of the Enforcement of *Shari’ah* Act, 1991 which

provides that the *Shari'ah* means the injunctions of Islam as laid down in the Qur'an and the *Sunnah*. Thus, the *Sunnah* is a recognized source in such a case. The explanation to Section 2 further provides that:

"While interpreting and explaining the Shari'ah the recognized principles of interpretation and explanation of the Holy Qur'an and Sunnah shall be followed and the expositions and opinions of recognized jurists of Islam belonging to prevalent Islamic schools of jurisprudence may be taken into consideration."

Hence, the *Sunnah* has been given statutory recognition and thus can be applied by the judges but only to matters related to Muslim Personal Law. The judges thus do not have much leeway to apply it. While discussing whether the doctrine of *stare decisis* is incorporated within the Islamic legal system and the Pakistani legal system, Muhammad Munir makes the following observation regarding what the judges are able to do:

"The practice of precedent in Pakistan reveals that the lower Courts are bound by the decisions of the higher Courts but the higher Courts are free to resort to ijihad for deriving new rules from the Qur'an, the Sunnah, ijma', qiyas (analogy), maslaha, custom and other secondary sources of Islamic law. In resorting to ijihad, Courts are not required to confine to a particular school of law."¹³

In certain cases where the law is silent, the judges than discover some sort of other standard that they believe applies to the instant case.¹⁴ However, it is very rare that judges actually apply the sources of Islamic law, especially the Holy Qur'an and the *Sunnah*. Most of the time, they rely on treatises of Islamic law without ever ascertaining whether the said treatise is in fact accurate or not.¹⁵

The Constitution does provide that the islamicity of a statute can be tested on the touchstone of it being repugnant to the injunctions to the Qur'an and the *Sunnah* by the Federal Shariat Court, either on its own motion or by the petition of a citizen.¹⁶ Article 227 further provides that all existing laws shall be brought into conformity with the Injunctions of Islam as laid down in the Qur'an and the *Sunnah*.¹⁷ Hence, the Constitution does recognize the *Sunnah* as a source of law in the Pakistani Legal System, albeit to a limited extent as the Federal Shariat Court can only operate when there is some case brought to it in the first place and even than upon deciding it, the same can be appealed to the Shariat Appellate Bench anyway.¹⁸ And the Council of Islamic Ideology can only make non-binding recommendations. Its powers are purely advisory.¹⁹ Hence, the *Sunnah* is only recognized as a source of Pakistani law to a limited extent.

1.5 Intentions

Umar b. al-Khattab, for whom God's good pleasure is prayed, reported God's Messenger, to whom may God's blessings and safe-keeping be granted, as saying:

“Actions are to be judged by intentions, and a man will have only what he intended. When one’s emigration is to God and His Messenger, his emigration is to God and His Messenger; but when his emigration is to a worldly end at which he aims, or to a woman whom he marries, his emigration is to that to which he emigrated.”²⁰

This tradition is in fact one of the foundational principles of not just Islamic law but also Islamic ethics. The early jurists and scholars such as Al-Shafi‘i, Ahmad Ibn Hanbal, Abu Dawud, Al-Daraqutni, and Al-Tirmidhi agreed that this *hadith* encompasses one-third of Islam.²¹ Imam Al-Bukhari chose this *hadith* as the first *hadith* in his treatise of the collections of authentic traditions with it.²² Imam Al-Shafi in fact stated that this *hadith* incorporates seventy topics of jurisprudence within it while Ibn Mahdi encouraged authors to include it at the beginning of any work so as to advise their students to continuously correct and renew their intentions.²³ Hence, it is a very significant tradition upon which a lot of foundational work of Islamic law is based upon. This tradition can be applied to acts of *ibadat* (worship)²⁴, acts of *mu’amlat* (transactions)²⁵ and also law. We will return to this point hereinbelow.

As we have discussed hereinabove, the *Sunnah* of the Prophet are binding upon us provided there is a specific rule of law that can be derived from it. In this case, we can see that under Islamic law, the deeds or actions of a person shall only be judged by his intentions. That is to say, for each and every action, it has to correspond to his intentions as well. Thus, if someone commits a particular act, his intention will also be questioned along with it. In fact, we can see this in the *hadith* itself. Whosoever does something for the sake of Allah Almighty and His Messenger, the Prophet (P.B.U.H), than his action shall be accounted for being done for the sake of Allah Almighty and His Messenger, however, should someone only commit a particular action for the sake of attaining or fulfilling a particular worldly desire, than his action shall be accounted for that worldly desire only. Imam Nawawi observes that “indeed it is the intention, the truth of which is known only to Allah, which distinguishes the righteous deed from that of a hypocrite or one done for a worldly gain.”²⁶ Imam Al-Ghazali observes that “the very pillar of action is intention, and the deed depends on intention and through it becomes good. Intention remains good in itself even if the act were impeded by an obstacle”²⁷ Abdur Rahim makes the following observations regarding this *hadith*:

“All (devotional) acts are so by the sincerity of intention cannot, our reason tells us, be construed in its primary sense, namely, as meaning that the physical existence of acts of worship, such as prayers, fasts, etc., when actually performed, is negatived if not accompanied with sincerity of intentions, but that it must be understood in a secondary sense, namely, that no spiritual benefits would, in the absence of sincerity of purpose, result from such acts.”²⁸

Hence, Abdur Rahim interprets this tradition on the basis of availing

full spiritual benefits. He makes this observation by taking into the consideration "the context or the surrounding circumstances, by tropical sense, to be the application of our judgement, or experience, or ascertained by the light of usage or law."²⁹ Hence, he is invoking the purposive method of interpretation. But he does acknowledge that in its primary sense or literal sense, the tradition is referring to all actions that cannot be accepted without the requisite intention provided that the context and circumstances construe it so.³⁰

For example, should Ali wake up early in the morning and go to the mosque for offering *fajr* (morning) prayer as his intention was to do so for the sake of fulfilling his religious obligation, than his intention shall account alongside his action as a good deed and his prayer shall be accepted. However, should Ali offer prayer with the intention of showing off to his neighbors and other people that he is offering prayer, than his action shall not count as good deed, despite his action being offering prayer, which is one of the five central obligations of Islam because his intention was not to do so for the sake of Allah Almighty and His Messenger, but for the sake of impressing his peers, which are the actions of a hypocrite. Similarly, a husband's intention to pronounce *talaq*, whether he did so, knowing its potential consequences or not are taken into consideration by the court to decide whether his metaphorical saying for example that 'your business is in your own hands'. If he meant that she is divorced three times, than the same will be pronounced so by the court however, if he intended only one divorce than it only one will be affected and the same will be declared by the court.³¹ Thus, the intention of the husband has huge repercussions on the legal relations between him and his wife. In other words, the *hadith* "actions are to be judged by intentions" is very much applicable here. Also, should one kill someone intentionally out of malice, than he shall be branded as a murderer and thus be penalized accordingly, however, should someone kill out of self-defense, that is to say, they themselves were about to be killed but they had to kill the other person so as to defend and save themselves, than he shall not be branded as a killer but instead shall be seen as someone who committed self-defense and thus be dealt with accordingly as per the law. Hence, in both cases, the intention of the person, how he will be dealt with despite the fact that he had committed a prohibited act, which is the act of murdering homicide. This is also the very basis of criminal law. We shall discuss this in detail next.

1.6. Elements of a Crime

There have been multiple definitions provided for 'crime'. A very simple definition provides that it "*acts or omissions that are in violation of law.*"³² Another definition provides that:

"A crime is an act committed or omitted, in violation of a public law, either forbidding or commanding it; a breach or violation of some public

right or duty due to a whole community, considered as a community in its social aggregate capacity, as distinguished from a civil injury.”³³

Another definition provides that it is “a wrong which the government notices as injurious to the public and punishes in what is called a criminal proceeding in its own name.”³⁴

Hence, it has no universal definition.³⁵ Although, the following elements can be surmised from it:

1. An act or omission.
2. Prohibition by Law.
3. Punishment.
4. Prosecution.
5. Injury to Public.

A full analysis on the definition of crime is beyond the scope of this paper.³⁶ While these are the characteristics that are attributed to ‘crime’, the law however looks even beyond this. There are also elements of a crime. They are: *mens rea*, *actus reus* and causation or concurrence.³⁷ Thus, in order for a crime to occur, there must be *mens rea* (ill intent³⁸ or guilty mind³⁹), *actus reus* (completion of actions desired for that crime⁴⁰ or an act or omission that constitutes a crime’s physical components⁴¹) and lastly concurrence, which is the physical act and the mental state existing at the same time,⁴² that is to say, where both guilty intention and the act or omission meet one another. Hence, for a crime to occur, there must be a guilty intention, an act or omission of that guilty intention and lastly both of them have to occur simultaneously. Hence, we can see the significance of intention even in this case.

1.7 Murder and Manslaughter under Common Law

Under common law, which is the judge made-law based on custom,⁴³ there is very impactful jurisprudence regarding criminal law. As discussed hereinabove, *mens rea* marks the foundational principle of criminal jurisprudence under common law.⁴⁴ Due to the element of *mens rea* or lack thereof, the very constitution of a crime and its punishment changes as a result. Edward Coke is considered to be the one who established this principle under common law. He observed that “*et actus non facit reum, nisi mens fit rea*” which translates to “an act does not make [the doer of it] guilty, unless the mind be guilty”⁴⁵ Hence, a man can only be guilty of a crime should he have a malicious and guilty intention behind committing that crime. According to Sir William Blackstone, the grand criterion is if the act has *mens rea* behind it, than only than is it considered as murder⁴⁶ and where there is no *mens rea* behind it, than it is considered as ‘manslaughter’ or unintentional murder.⁴⁷ He defines the latter in the following words:

“the unlawful killing of another, without malice either express or implied: which may be either voluntarily, upon a sudden heat; or involuntarily, but in the commission of some unlawful act.”⁴⁸

Hence, we can see now that the element of *mens rea* is very significant

in terms of its impact in categorising crimes.⁴⁹

1.8 Intentional and Unintentional Murders under Pakistani Law

Under Pakistani law, the crime or offences are listed and provided in the Pakistan Penal Code, 1860 (hereinafter referred to as "PPC"), while the procedure regulating criminal cases is provided in the Code of Criminal Procedure, 1898 (hereinafter referred to as "Cr.PC"). We shall once more concern ourselves with the substantive law, which in this case is the PPC. The PPC provides for four types of murders. They are:

- I. *Qatl-e-amd*⁵⁰
- II. *Qatl shibhi 'amd*⁵¹
- III. *Qatl-i-khata*⁵²
- IV. *Qatl-bis-sabab*⁵³

Qatl-e-amd is what we refer to as intentional murder. It refers to a murder or bodily harm committed intentionally, by committing an act which will cause the death of a person or the act is done with such knowledge of its potential danger of imminent death.⁵⁴ It also refers to a death which is caused intentionally but to a person who was not the intended target of the murderer.⁵⁵ In both cases, the punishment for *Qatl-e-amd* is either death, life imprisonment or punishment up to twenty-five years.⁵⁶ And if the intentional murder was committed with a weapon or by an act which would have normally not caused death⁵⁷, this is called *Qatl-e-Shibi-amd* and in such a case, the punishment will be liable to pay *diyat* and also be imprisoned up to twenty-five years. Hence, intentional murders will incur grave punishments. However, what of the opposite case? What if there was murder but it was not intentional?⁵⁸ This is called *Qatl-e-Khata* and its punishment is only to pay *diyat*.⁵⁹ And if it is caused by a rash or negligent act, than a 5-year imprisonment is all added.⁶⁰ And should it be caused by rash or negligent driving, than a 10-year imprisonment will also be added.⁶¹ And where a person unintentionally commit an unlawful act which in turn causes the death of another person⁶², than in such a case, the person shall be punished with paying *diyat* to the legal heirs of the deceased.⁶³ This is called *Qatl-bis-sabab*.

Hence, we can see that the crime of murder has been categorized into intentional and unintentional murders and their respective punishments are different from one another, with the punishments of intentional murders being graver than the punishments of unintentional murders. This is due to the simple fact that in the former, there was *mens rea* and in the latter, there is no *mens rea* despite the fact that there is *actus reus* in both types of murders. Thus, once more we can see the importance of intention even in our legal system. Without any intention, there can be no crime and without any guilty intention, there may be crime but its punishment shall be lighter compared to the punishments prescribed for intentional crimes. It is this very basic principle that forms the very framework of criminal law in not just our legal system but rather the legal systems in foreign jurisdictions as well. Of course,

this is not just exclusive to murder only. There are other crimes that it applies to as well.

1.9. Other Crimes

As mentioned hereinabove, this principle is not only exclusive to the crime of murder only. There are other crimes that discuss the concurrence of such acts with intention. An example is the act of a parent or guardian intentionally abandoning their child who is of under 12 years being punished with fine or an imprisonment up to 7-years or both.⁶⁴ Thus, here we can once again see the element of "intention". Should this act occur unintentionally, than the parents or guardian shall not be punished. Another example is the crime of intentionally concealing or trying to conceal the death of a child.⁶⁵ In such a case, the punishment is imprisonment up to two years or a fine or both.⁶⁶ There are other such examples of these crimes such as the crime of intentionally hurting someone with a corrosive substance⁶⁷ or the kidnapping or abduction of a child under 10 years old with the intention of dishonestly taking the property from the child's person⁶⁸, extortion⁶⁹ etc. Hence, in all cases, we can see that the element of *mens rea* is always included. Where there is no *mens rea*, than the two following scenarios shall be brought forward:

- I. There is no crime.
- II. There is a crime but its punishment shall be greatly reduced compared to its intentional counterpart.

Hence, intention is always necessary in many criminal offences, as it will showcase whether the act committed can be constituted as a crime and if such act is a crime, than it shall be a determinant in the punishment for said crime as well.

1.10 Conclusion

From the discussion hereinabove, we can conclude that the primary sources of Islamic law are the Qur'an, the Sunnah and *Ahadith* of the Prophet (P.B.U.H), *Ijma'* and *Qiyas*, although *Qiyas* is still debated between some schools of thought of whether it is a primary source or not. The Sunnah is a source of Islamic law but is a subsidiary source of law in the Pakistani legal system. The *hadith*, "actions are to be judged by intentions" is a very important *hadith* as it lays down the framework of not just our religious obligations but is also one of the main factors in some our civil or criminal actions that has legal consequences under the law. This *hadith* apparently distinguishes between all those acts that are done for the sake of showing off and those acts that are done for the sake of Allah Almighty. Thus, it serves as an important principle that shall determine whether we can succeed in not just this life but also in the afterlife as well. However, it has serious repercussions on our actions under the law and could determine its severe legal consequences. This *hadith* also serves as an important principle that forms the very framework of criminal as well as civil acts in a legal system. For a crime to be committed, there must be both a *mens rea* (guilty intention)

and *actus reus* (actual physical performance of said intention). Hence, where there is no guilty intention, there is no crime, although in cases where there are more severe crimes, the punishment will be severe as well. Hence, the crimes are categorized into intentional and unintentional, where the punishment is greater in the former than it is in the latter. And for some crimes, the punishment can only be given if there was also guilty intention as well. Examples of this can be seen in our law, where we can clearly see the difference in punishments between *Qatl-e-amd* and *Qatl-e-Khata*. And where we can also clearly see that for crimes like extortion, hurting someone with a corrosive substance etc, a guilty intention is also included in order for the crime to be constituted. Otherwise, if there is no guilty intention, than there shall be no punishments either. Thus, it is only with intention that we can determine whether the act committed can be constituted as a crime and if such act is a crime, than it shall be a determinant in the punishment for said crime as well. Hence, we can see the importance of intention not just in our everyday lives but also in our law especially criminal law. Similarly, the intention of the husband in using metaphorical language such as 'your business in your hands' has serious consequences depending on what he intended by his saying. Court will give its decision on the basis of the exact intention of the husband to affect separation between such a husband and his wife. This is because his intention is the deciding factor, and the court will judge action by his intention.



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⁵³ See, PPC, Section 32.

⁵⁴ See, PPC, Section 300.

⁵⁵ See, PPC, Section 301.

⁵⁶ See, PPC, Section 302.

⁵⁷ See, PPC, Section 315.

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⁵⁹ See, PPC, Section 319.

⁶⁰ Ibid.

⁶¹ See, PPC, Section 320.

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⁶⁴ See, PPC, Section 328.

⁶⁵ See, PPC, Section 329.

⁶⁶ Ibid.

⁶⁷ See, PPC, Section 336A.

⁶⁸ See, PPC, Section 369.

⁶⁹ See, PPC, Section 383.