

TLCL-16,17,18,19,20  
23  
Total number of printed pages-8

**2 SEM LLB FL II 2 (N)**

**2016**

(June)

**LAW**

**(Family Law - II)**

Paper : 2·2

(NEW COURSE)

**(Mohammedan Law)**

Full Marks : 80

Time : Three hours

**The figures in the margin indicate  
full marks for the questions.**

1. Choose the correct answers : **(any ten)**  
1×10=10
- (i) Shariat Act, 1937 came into operation  
on —
- (a) 7th January 1937
- (b) 7th April 1937
- (c) 7th July 1937
- (d) 7th October 1937

Contd.

(ii) In India, if one of the parents is a Muslim, the child to be treated as —

- (a) belonging to the religion of mother
- (b) belonging to the religion of father
- (c) belonging to the religion mutually agreed by the parents
- (d) a Muslim.

(iii) Marriage in Fosterage relationship is —

- (a) Valid
- (b) Irregular
- (c) Void
- (d) None of the above

(iv) A Muslim marriage takes place without fixation of dower. The marriage will be —

- (a) Sahih
- (b) Batil
- (c) Farid
- (d) None of the above

(v) If a Husband compare his wife with his real sister, this form of divorce is —

- (a) Zihar
- (b) Khula
- (c) Illa
- (d) Mubarat

(vi) In which of the following cases the court held that Doctrine of Acknowledgment is a part of substantive Muslim law of inheritance and not a rule of evidence.

- (a) S. A. Hussain *vs.* Rajamma
- (b) Mohd. Amin *vs.* Vakil Ahmed
- (c) Mohd. Allahabad Khan *vs.* Mohd. Ismail Khan
- (d) Habibur Rahman *vs.* Altaf Ali.

(vii) A gift by the Husband to the wife in lieu of her dower is recognized as —

- (a) Hiba-bil-iwaz
- (b) Hiba-ba-shartul-iwaz
- (c) Hiba
- (d) Will

(viii) A gift for consideration is called —

- (a) hiba
- (b) hiba-bil-iwaz
- (c) ariya
- (d) sadaqa

(ix) Under Muslim Law waqfs have been classified into —

- (a) public waqfs
- (b) private waqfs
- (c) both (a) and (b)
- (d) neither (a) nor (b)

(x) Under the Sunni Law the right of pre-emption is available to the following persons —

- (a) Shafi-i-Sharik
- (b) Shafi-i-Khalit
- (c) Shafi-i-jar
- (d) All the above

(xi) A minor can act as a guardian of —

- (a) his wife
- (b) his children
- (c) both (a) & (b)
- (d) neither (a) nor (b)

(xii) The Muslim Women (Protection of Rights on Divorce) Act was passed in the year of —

- (a) 1985
- (b) 1986
- (c) 1968
- (d) 1958

2. Explain briefly the various sources of Muslim Law. 12

**Or**

Discuss the Schools of Muslim Law recognised by Sunni Law. 12

3. Define marriage. Discuss various kinds of marriage. Is there any difference between Shia and Sunni law regarding marriage? 2+3+7

**Or**

- (a) What are the different modes of Talaq recognized by Sunni Law? 8+4
- (b) When such Talaq becomes irrevocable? Discuss. 8+4

4. What do you mean by inheritance under Muslim Law? Distinguish between Shia and Sunni law regarding principles of inheritance. 4+8

**Or**

State the concept of Gift. Under what circumstances gift is valid without delivery of possession. 5+7

5. What are the object and purpose of a waqf? State the essentials of a valid waqf. 5+7

**Or**

Define pre-emption. What are the essentials of pre-emption. State the constitutional validity of pre-emption. 2+4+6

6. (a) What are the provisions of Mohammedan Law governing maintenance of a divorced wife? 6
- (b) Discuss the safeguards given to them under the latest legislation. 6

Or

- (a) Discuss the various kinds of guardianship recognized in Mohammedan Law. 6
- (b) Make a comparative study regarding guardianship between Shia and Sunni law. 6
7. Write briefly *within 4/5* lines : *(any five)* 5×2

- (a) Quran
- (b) Who is Muslim?
- (c) Sunni law
- (d) Khalifa
- (e) Tuhr
- (f) Lien

- (g) Khula
- (h) Testamentary guardian
- (i) Shareness and residuaries
- (j) Nafaqa (Maintenance)



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1. Choose the correct answers :  $1 \times 10 = 10$

(a) Islam, in Arabic means :

- (i) submission to the will of God
- (ii) deliberate adoption of a new faith
- (iii) adoption of the faith of Islam
- (iv) all of the above.

*Contd.*

(b) The source of Muslim Law, known as analogical deduction is :

- (i) Hadis
- (ii) Ijma
- (iii) Qiyas
- (iv) None of the above.

(c) \_\_\_\_\_ dower is payable only on the expiration of the period specified :

- (i) Deferred
- (ii) Prompt
- (iii) Proper
- (iv) Specified.

(d) Option of puberty is available to :

- (i) wife
- (ii) husband
- (iii) both (i) and (ii)
- (iv) only wife and not husband.

(e) Doctrine of spec successionis is applicable to Muslim Law :

(i) Agree

(ii) Disagree

(iii) Is a part of Transfer of Property Act, 1882 only

(iv) None of the above.

(f) Contingent gift is :

(i) Valid

(ii) Void

(iii) Legal

(iv) None of the above.

(g) Executor of the Wills of a Mohammedan may be :

(i) a Muslim

(ii) a Christian

(iii) a Hindu

(iv) either (i) & (ii) & (iii).