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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

(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?

(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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