

Total number of printed pages-7

19 (3-II) FMLW-II

2015

FAMILY LAW-II

Paper : 2-2

Full Marks : 80

Time : Three hours

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

1. (a) Choose the correct option: $1 \times 10 = 10$
- (i) Collection of rules or principles by the method of analogy and interpretation from the other sources of law is called
- (a) Qiyas
 - (b) Ijmaa
 - (c) Sunna
 - (d) Legislation

Contd.

(ii) Under the Hanafi law, puberty in a minor of either sex, is presumed to have been attained on completion of the

- (a) 18 years
- (b) 15 years
- (c) 16 years
- (d) 17 years

(iii) The All India Muslim Personal Law Board adopted a "Model Nikahnama" at its meet in Bhopal in

- (a) April 2005
- (b) January 2006
- (c) December 2006
- (d) May 2005.

(iv) Which is the divine communication and revelation to the prophet of Islam.

- (a) Quaran
- (b) Shariat
- (c) Khitab
- (d) Sunnat.

(v) Right of guardianship of a minor is termed as

- (a) Hizanat
- (b) Khankah
- (c) Mutawalli
- (d) Sufa

(vi) A gift to a person not yet in existence at the time of making is called

- (a) Illegal gift
- (b) Void gift
- (c) Contingent gift
- (d) Gift in future.

(vii) A Muslim cannot dispose of his property by will more than

- (a) one-third
- (b) two-third
- (c) one-fourth
- (d) none of above.

(viii) A Muslim does not lose his right of inheritance by relinquishing his religion after passing of the

- (a) Indian Succession Act, 1925
- (b) Freedom of Religion Act, 1850
- (c) The Muslim Personal Law Application Act, 1937
- (d) The Waqf Act, 1913

(ix) The only method of appointment of an administrator as indicated in the Indian Succession Act, 1925 is by grant of Letters of Administration

- (a) By a Chief Judicial Magistrate
- (b) By a High Court Judge
- (c) By a District Judge
- (d) None of above

(x) If the amount of dower is stated in the marriage contract, it is called

- (a) Customary dower
- (b) Specific dower

(c) Proper dower

(d) None of above.

(b) Write short notes on the following :
2×5=10

(i) Muslim by conversion

(ii) Extrajudicial Divorce

(iii) Muta Marriage

(iv) Wasiyat

(v) Rules of spes successionis.

2. "The Shariat Act 1937 is a land mark legislation in the history of Muslim Law". Do you agree? Substantiate your answer with reasons. 12

Or

What are the primary and secondary sources of Islamic jurisprudence? Discuss. 12

3. According to Mahammadan Law "marriage is a civil contract". Discuss this statement in view of the essential of a valid marriage. State the effects of a Fasid (irregular) marriage. 8+4=12

Or

What do you mean by "Talak"? Distinguish between Talak-ul-Sunnot and "Talak-ul-Biddat. 4+8=12

4. What is maintenance? Explain and discuss in brief the Law of maintenance with reference to the Muslim Women (Protection of Rights of Divorce) Act 1986. 12

Or

What are the different kinds of guardianship? Can right of hizanat be exercised only by a mother? Under what circumstances right of hizanat may be lost by a hazian. 6+2+4=12

5. What is pre-emption? Discuss the various kinds of pre-emption. Write a note on Constitutional validity of pre-emption. 2+8+2=12

Or

Define Hiba and its essentials. Discuss the instances when a gift can be revoked and when cannot. 6+6=12

6. Establish the nexus between Islamic Law of Succession and the provisions of the Indian Succession Act, 1925. 12

Or

Write short notes on the following: 12

- (a) Death-bed transaction
(b) Uniform Civil Code.