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19 (II) FMLW-II 2-2

2018

FAMILY LAW-II

Paper : 2-2

Full Marks : 80

Time : Three hours

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

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

- (a) Marriage of a woman during iddat period is _____ marriage. (an irregular/a void)
- (b) Pre-emption on the ground of vicinage is _____ by judicial interpretation in India. (constitutional/unconstitutional)
- (c) Talaq-ul-Biddat is _____ mode of talaq. (approved/disapproved)
- (d) Wakf in Muslim Personal Law is a _____ dedication of property. (temporary/perpetual)

Contd.

(e) Wasiyat (will) _____ not included u/s 2 of the Muslim Personal Law (Shariat) Application Act, 1937. (is/is not)

(f) A marriage with a woman prohibited by reason of fosterage is _____. (void/irregular)

(g) A gift from donor to donee and a return gift from donee to donor complete the transaction in Hiba-bil-Iwaz.

(True/False)

(h) In Article _____ of the Constitution of India, there is a directive for Uniform Civil Code. (44/64)

(i) Section 125 of the Code of Criminal Procedure 1973 has conferred upon a wife a _____ right. (substantive/procedural)

(j) The Cr.P.C. 1973 is a _____. (substantive/procedural code)

2. Write short notes on : 2×5=10

(i) Certified guardianship

(ii) Ijma

(iii) Judicial forms of divorce in Muslim Law

(iv) Hiba-ba-shart-ul-Iwaz

(v) Pre-emption.

3. Write a precise jurisprudential account on the mandates of section 125 of the Code of Criminal Procedure, 1973. 12

OR

Discuss the facts of the case and the principles of law laid down by the Supreme Court of India in Mohd. Ahmed Khan vs Shah Banoo Begum, AIR 1985 SC 945-954.

12

4. Who is a Muslim? Can Muslim Law be treated as an integral part of the Indian Legal system? Give legal justification of your answer. 4+8=12

OR

What are the primary sources of Muslim Law? How do they differ from the secondary sources? Discuss precisely.

8+4=12

5. Is Muslim marriage a civil contract? Give logical explanation of your answer. 12

OR

Define the term 'dower'. Is it a consideration or an obligation? Discuss briefly, the salient features of dower. 4+8=12

6. Write notes on :

6+6=12

(i) Tripple talaq and its constitutional validity in India

(ii) Marriage and significance of Islam.

OR

Define the term "guardianship". What are the different kinds of guardianship in Muslim Law? Discuss precisely.

4+8=12

7. Discuss the conditions relating to solemnisation of special marriage under the Special Marriage Act, 1954. 12

OR

Write notes on :

3×4=12

(i) Muslim Law of wakf

(ii) Salient features of Muslim Law of succession

(iii) Judicial and extra-judicial forms of divorce

(iv) Washiyat.