

Total number of printed pages-4

19 (II) FMLW-II 2:2

2019

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) Only Quran occupies the prominent place amongst the other primary and secondary sources of Muslim law. (True/False)
- (b) Marriage during pilgrimage (Ihram) Mecca is valid. (True/False)
- (c) Muta marriage is recognised amongst the Shias only. (True/False)
- (d) The substantive law of intestate and testamentary succession laid down in the Indian Succession Act, 1925 is applied to Muslim. (True/False)

Contd.

(e) The mandates of sec.125 to 128 of the Code of Criminal Procedure, 1973 can be applied to Muslims in India.

(True/False)

(f) Sec.19 of the Guardians and Wards Act, 1890, says that the Court cannot appoint the of a minor wife whose wife husband — is not unfit. (True/False)

(g) Under Muslim law a *de facto* guardian has no power to transfer any right or interest in the minors movable property.

(True/False)

(h) Delivery of possession by the donor and taking of possession by the donee is mandatory for a valid gift.

(True/False)

(i) The Muslim Personal Law (Shariat) Application Act, 1937 does not apply to the subject of preemption.

(True/False)

(j) In the eye of Law, a will is technically called a testamentary disposition.

(True/False)

2. Write short notes on : 2×5=10

- (i) Sunnat and Ahadith
- (ii) Legal incidence of Hiba
- (iii) Succession certificate
- (iv) The Sharia
- (v) Sadaqah.

3. Is justice, equity and good conscience a source of Islamic jurisprudence in India? Discuss its applicability with the help of judicial pronouncement of the different H.Cs. in India. 12

Or

Write in details the School of Muslim law. 12

4. Define 'Nikah' and discuss the essentials of a valid Muslim marriage. 12

Or

Define Talaq. Discuss the various judicial and extra-judicial grounds of divorce and also write the legal consequence of divorce. 12

5. Define Guardian according to Muslim law and write the various kinds of guardian and their powers. 12

Or

What is maintenance? Explain in brief the law of maintenance with reference to the Muslim (Protection of Rights on Divorce) Act, 1986. 12

6. "A gift is a transfer of property by one person to another with which includes Hiba, Shariat or sadaqa or Hiba-bil-iwaz or Hiba-ba-shartul-iwaz". Explain. 12

Or

Write the definition and essentials of right to pre-emption and discuss the various kinds of constitutional validity of right to pre-emption. 2+4+3+3=12

7. What is Uniform Civil Code? Explain the needs for uniform civil in India. Also mention the impediments to the formulation of the Uniform Civil Code by referring to the Article 44 of the Constitution of India. 2+6+4=12

Or

Write the salient features of the Indian Succession Act, 1925. 12