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19 (Sem-2) FMLW-II

2016

**FAMILY LAW-II**

Paper : 2-4

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :  
1×10=10

(i) Agreement of the jurists among the followers of Prophet Mohammad in a particular age on a particular question of law is known as \_\_\_\_\_. (ijma/qiyas)

(ii) According to \_\_\_\_\_ law, muta marriage is lawful. (sunni/shia)

(iii) If the amount of dower is stated in the marriage contract, it is called \_\_\_\_\_ dower. (specified/proper)

Contd.

- (iv) In \_\_\_\_\_ mode of dissolution of muslim marriage, consideration from wife to husband is necessary. (phula/mubaraat)
- (v) Kharcha-i-pandan \_\_\_\_\_ be transferred. (can/cannot)
- (vi) A person who is neither a legal guardian nor a guardian appointed by the court but has voluntarily takes case of minor's person and property is known as \_\_\_\_\_ guardian. (de facto/de jure)
- (vii) Gift in favour of an unborn person is \_\_\_\_\_. (void/valid)
- (viii) The manager or superintendent of the waqf is called \_\_\_\_\_ (mutawalli/kazi)
- (ix) Under \_\_\_\_\_ law, the murderer of a person is disentitled to inherit the property of that person whether the death was caused intentionally or by accident. (sunni/shia)
- (x) Uniform Civil Code is incorporated under Article \_\_\_\_\_ of the Constitution of India. (40/44)

2. Answer the following :  $5 \times 2 = 10$

- (i) What do you mean by qiyas ?

- (ii) What is lien and fask ?
- (iii) What do you mean by de-jure guardian ?
- (iv) What is pre-emption ?
- (v) What do you mean by "Dower" ?

3. What are main *two* schools of muslim law ? Explain about the main differences between the two schools.  $2+10=12$

**Or**

What are the various sources of muslim law ? Explain about the primary sources of muslim law.  $4+8=12$

4. What is muta marriage ? What are the legal consequences of muta marriage ? Point out the main differences between nikah and muta marriage.  $3+3+6=12$

**Or**

Write short notes on the following : (**any three**)  $3 \times 4 = 12$

- A. talaq-e-tafweez
- B. Hasan and Ahasan
- C. talaq-ul-sunnat
- D. customary dower.

5. Who is guardian ? What are the different types of guardian ? Explain them.

2+3+7=12

**Or**

Discuss about the law relating to maintenance under muslim law. 12

6. What is waqf ? What are different types of waqf ? Discuss the essential requirement of a valid waqf. 12

**Or**

What do you mean by "will" and "gift" ? What are the main requirements of a valid gift and will ? Point out the main differences between gift and will. 4+4+4=12

7. Explain exhaustively the various principles of inheritance of property under the muslim law. 12

**Or**

Discuss about the importance of uniform civil code in India. What are the impediments to the introduction of uniform civil code in India. 12