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21 (2) FMLW-II 2-4

2019

FAMILY LAW-II

Paper : 2-4

Full Marks : 80

Time : Three hours

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

1. Choose the correct option : 1×10=10

(a) Talaq-ul-sunnat is _____ mode of talaq.
(approved/disapproved)

(b) A gift of movable property which is made with a stipulation for a return constitutes _____. (a Hiba-bil-iwaz / a Hiba-ba-shart-ul-iwaz)

Contd.

(c) A marriage with a woman during her pilgrimage is _____ in Muslim Personal Law. (void/irregular)

(d) Mosques and provisions for Imams to conduct prayer therein are _____ objects of a waqf. (valid/invalid)

(e) The right of preemption arises from ownership. (True/False)

(f) A guardian appointed by a will (wasiyat) in "shariat" is called (a certified guardian/a testamentary guardian)

(g) Waqf in Islamic Jurisprudence is a _____ dedication of property. (temporary/perpetual)

(h) Section 125 of the Code of Criminal Procedure, 1973 has conferred upon a married woman a legal right which is _____ in nature. (substantive/procedural)

(i) The Special Marriage Act, 1954 implements the mandate contained in Article 44 of the Constitution of India. (True/False)

(j) Talaq pronounced by a wife in terms of an agreement in Muslim Personal Law is called _____. (Talaq-e-bain/Talaq-e-tafweez).

2. Write short notes on : 2×5=10

(i) Guardianship in marriage

(ii) Judicial pronouncement on "Tripple talaq" in India

(iii) Deferred dower

(iv) Contractual characteristics of Muslim Marriage

(v) Mandatory requirements of Special Marriage.

3. Write a precise jurisprudential account on the pronouncement of the Apex Court in Mohd. Ahmed Khan *vs.* Shah Bano Begum, AIR 1985 SC 945-954 with regard to the application of section 125 CrPc to divorced Muslim women in India. 12

Or

Discuss the application and interpretation of Muslim law in India with special reference to the Muslim Personal Law (Shariat) Application Act, 1937. 12

4. Define the term 'Talaq'. Differentiate between Talaq-ul-sunnat and Talaq-ul-biddat (Tripple Talaq) giving reference to judicial interpretation, in India, in this regard.

4+8=12

Or

Write an account on "Judicial Precedent", in India, as secondary source of Islamic jurisprudence for the Muslim inhabitants of this country. 12

5. Discuss the grounds for obtaining a decree for divorce by a married muslim woman under the Dissolution of Muslim Marriage Act, 1939. 12

Or

What are the different schools of Muslim Personal Law? Discuss, precisely, giving reference to the founders of Sunni sub-schools. 12

6. Discuss the legal requirements relating to registration of marriage celebrated in other forms under the Special Marriage Act, 1954.

12

Or

Write short notes on :

6+6=12

- (i) Salient features of the Indian Succession Act, 1925?
- (ii) Law of Preemption in India.
7. Define the term "Hiba". Is registration a mandatory requirement for a gift of immovable property in Muslim law? Discuss briefly, the relevant provisions of the Transfer of Property Act, 1882, in this regard.

4+8=12

Or

Write an account on the salient features of "Law of Wasiyat" in India. 12