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19 (II) FMLW-II 2·2

2022

**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 : 1×10=10
- (i) The Muslim Personal Law (Shariat) Application Act, 1937 is (*prospective/retrospective*) in its application.
  - (ii) In the eye of law, a will is technically called a (*disposition inter vivos/testamentary disposition*)
  - (iii) On the basis of the decided cases, a grant to an Idgah has been declared to be (*valid/invalid*) object of waqf.
  - (iv) Mother has the custody of her minor son till the age of 2 years under (*Sunni/Shia*) Law.

Contd.

- (v) Iddat period is for (3 tuhr period / 4 tuhr period)
- (vi) Dower in Muslim marriage is considered as (consideration/token of respect) under Muslim Law.
- (vii) A marriage with a woman prohibited by reason of fosterage is (void/irregular).
- (viii) Section 125 of the Code of Criminal Procedure, 1973 has conferred upon a wife a (substantive/procedural) right.
- (ix) As interpreted by the Apex Court of India, Pre-emption on the ground of vicinage is (constitutional/unconstitutional).
- (x) The period of limitation for a suit to recover 'deferred' dower is (three/five) years from the date when the marriage is dissolved by death or divorce.
2. Write short notes on:  $2 \times 5 = 10$
- (i) Judicial forms of divorce in Muslim Law
- (ii) Kinds of Waqf
- (iii) Comparison of Sunni and Shia Laws as to Guardianship

- (iv) Legal incidents of Hiba (gift)
- (v) Pre-emption

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

Or

What are the primary sources of Muslim Law? How do they differ from the secondary sources? Discuss precisely.  $8+4=12$

4. Is Muslim marriage a civil contract or a sacrament? Justify your views with the help of legislations and judicial pronouncement in this regard.  $2+10=12$

Or

Distinguish between judicial and extra-judicial forms of divorce as provided in the Islamic jurisprudence. 12

5. Define the term "guardianship". What are the different kinds of guardianship in Muslim Law? Discuss precisely.  $4+8=12$

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. Write notes on :

3×4=12

- (i) Essentials of a valid Waqf (Trust)
- (ii) The Doctrine of Cy pres
- (iii) Legal incidents of Waqf
- (iv) Revocation of Waqf

**Or**

What is pre-emption? Discuss the various kinds of pre-emption. Write a note on the constitutional validity of pre-emption.

2+8+2=12

7. Write in detail the Islamic Law on Inheritance. Discuss various rules applicable under the law concerned.

4+8=12

**Or**

What is Uniform Civil Code? Explain the need for a uniform code in India. Also mention the impediments for the formulation of the Uniform Civil Code by referring to Article 44 of the Constitution of India.

2+6+4=12