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19 (2) FMLW 2-2

2023

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 answer : $1 \times 10 = 10$
 - (i) Muslim Law recognises *polygamy/polyandry* marriages.
 - (ii) Wasayat (Will) *is/is not* included under section 2 of the Muslim Personal Law (Shariat) Application Act, 1937.
 - (iii) In Article (44/64) of the Constitution of India, there is a directive for Uniform Civil Code.
 - (iv) The substantive law of intestate and testamentary succession laid down in the Indian Succession Act, 1925 is applied to Muslim. (True/False)

Contd.

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

(True/False)

(vi) The Shariat Application Act, 1937 came into operation on 7th July, 1937/ 7th October, 1937.

(vii) The Muslim Women (Protection of Rights on Divorce) Act, 1986 enables a Muslim Woman to retain only her Mahr amount after her marriage/claim maintenance from her husband.

(viii) A Muslim marriage contracted without witness is *invalid/irregular*.

(ix) In which of the following cases the Supreme Court has held that marriages of all persons who are citizen of Indian belonging to various religions should be made compulsorily registrable in their respective states.

(*Sahnaj Bano v. Parvej Ahmad Khan/ Seema v. Ashwin Kumar*)

(x) A testator can revoke a bequest *impliedly*/can revoke a bequest either *expressly* or *impliedly*.

2. Write short notes on : $2 \times 5 = 10$

(i) Marz-ul-Maut

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(ii) Pre-emption

(iii) Muta marriage

(iv) Iddat period

(v) Legal incidents of Waqf

3. Write a detailed note on the 'Advent of Islam' and the development of Islamic law. Elaborate on the concept of 'Muslim by birth' and 'Muslim by conversion'. $8+4=12$

OR

How was the process of applying Muslim law in a consolidated way developed in India? What is the significance of the Shariat Act, 1937? $6+6=12$

4. Define marriage. State its essential elements. Is marriage according to Mohammedan law a civil contract and not a sacrament? Discuss the legal effects of 'Irregular' and 'Void' marriage. $4+4+4=12$

OR

What is Dower? What are the various types of Dower? Explain about the importance of Dower under Muslim law. $2+6+4=12$

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Contd.

5. Define the term 'Guardianship'. State the kinds of Guardian. Highlight the differences on the Sunni and Shia laws relating to Guardianship. 6+6=12

OR

Write a jurisprudential account on the concept of 'Maintenance', with special reference to S.125, Cr.P.C. 12

6. Write a detailed note on the concept of Will (Wasiyat) under the Islamic law of jurisprudence. 12

OR

Define Waqf. State its essentials. Discuss upon the powers and duties of a Mutawalli in terms of managing a Waqf. 4+8=12

7. Write in detail the Islamic law on Inheritance. Analyse the same on the basis of various rules applicable under the law concerned. 12

OR

Mention the impediments for the formulation of the Uniform Civil Code by referring to Article 44 of the Constitution of India. Cite relevant case laws.