

AU-7068

B.A.LL.B/B.Com.LL.B (Third Semester)

Examination, 2014

FAMILY LAW-II
(Mohammedan Law)

Time Allowed: Three hours

Maximum Marks: 80

Note: Attempt questions of all three sections as directed
Distribution of marks is given with sections.

Section-A

(Objective Type Questions)

15*2=30

Note: Attempt all questions. Each question carries 2 marks

1. Choose the correct answer:

- (i) (c) By a mere declaration on the part of donor
- (ii) (d) 7 th October, 1937
- (iii) (d) 2(e) of the Mussalman Wakf Act, 1923
- (iv) (b) 2(b) of the Muslim Women (Protection of Rights on Divorce) Act, 1986
- (v) (b) Illegitimate and cannot be legitimated by acknowledgment
- (vi) (b) Valid
- (vii) (d) Is irrevocable
- (viii) (d) either (a) or (b) or (c)
- (ix) (c) Either before or after the death of testator
- (x) (d) Can revoke a bequest either expressly or impliedly
- (xi) (b) Father alone
- (xii) (a) Void
- (xiii) (a) Can be repudiated by the acknowledgee
- (xiv) (d) Puberty
- (xv) (d) All

Section-B
(Short Answer Type Questions)

5*4=20

2. What are the secondary sources of Muslim Law?

a. Introduction

Meaning & Need

b. What are the Secondary Sources?

- Custom
- Judicial decisions
- Legislation
- Justice, Equity & Good Conscience (Istihasan)

c. Conclusion

3. What is Iddat? Discuss when a Muslim woman is legally required to undergo Iddat.

a. Introduction

Meaning

b. Definition of Iddat period according to 2(b) of (The Muslim Women Protection of Rights on Divorce) Act, 1986

c. Commencement of Iddat period

d. When she is required to undergo?

- At the time of dissolution of marriage by divorce
- Dissolution of marriage by death of husband
- Death of husband during divorce-iddat

e. Conclusion

4. What is a Death-Bed Gift? Discuss its essentials.

a. Introduction

Meaning of Death-Bed Gift

b. Essentials

- A valid & complete gift
- Death illness (marz-ul-maut)

c. Legal Consequences of Death-bed gifts

d. Conclusion

5. Discuss in brief the law relating to Shia Schools.

a. Historical development of Muslim law

b. Different Schools of Muslim law

- Shia
- Sunni

c. Law relating to Shia schools

- Ithna Asharia School
- Ismailia School
- Zyadis School

d. Conclusion

6. What is the concept of minority under Muslim Law?
- a. Who is a minor?
 - Under personal law
 - Under Indian Majority Act, 1875
 - Under The Guardians & Wards Act, 1890
 - b. Conclusion
7. What is prohibited relationship? Discuss Absolute Prohibitions.
- a. What is prohibition?
 - b. Prohibited Relationship
 - Consanguinity
 - Affinity
 - Fosterage
 - c. Examples
8. Who are the legal Guardians of a Minor's property?
- a. Who is a Guardian?
 - b. Who are the legal guardians of a minor's property?
 - Father
 - Executor appointed by the father's will
 - Father's Father
 - Executor appointed by the will of the Father's Father
 - c. Powers of legal guardian

Section-C
(Long Answer Type Questions)

2*15=30

Note: Attempt any two questions. Each question carries 15 marks.

9. Define Dower. Explain the nature and importance of dower in Islamic personal law.
- a. Introduction
 - b. Definition
 - c. Concept & Importance
 - d. Nature of Dower
 - e. Object
 - f. Classification
 - Unspecified dower
 - Specified dower
 - Prompt
 - Deferred
 - g. Increase or decrease of dower
 - h. Difference between Sunni & Shia laws relating to dower.
 - i. Case-Laws
 - j. Conclusion

10. What are the different modes of dissolution of Muslim Marriage?

a. Introduction

- What is Marriage?
- Nature & Concept of Marriage

b. Dissolution of Marriage

1. By Act of God (death)

2. By Act of parties (Talaq)

(i) Extra Judicial Divorce

- By husband
- By wife
- By mutual agreement

(ii) Judicial Divorce

(By wife under the Dissolution of Muslim Marriages Act, 1939)

c. By Husband

(i) Talaq-ul-biddat

- Meaning
- Legal
- Effect

(ii) Talaq-ul-Sunnat

- Meaning
- Classification
 - Ahsan
 - Hasan
- Effect

(iii) Ila

(iv) Zihar

d. By Wife

- Delegated divorce
- Khula
 - Essentials of Khula

e. By Mutual Agreement (Mubarat)

- Meaning
- Essentials

f. Case-Laws

g. Conclusion

11. Define Hiba. What are the requisites of a valid Hiba? Discuss what type of properties can be transferred for a valid Hiba.

a. Definition

b. Meaning

c. Requisites of Gift

- Parties
- Subject

- Extent
- Formalities or mode of Gift

d. Essentials

- Declaration of donor
- Acceptance by the donee
- Delivery of Possession

e. Subject-Matter of Gift

f. Case-Laws

g. Conclusion