

NKT/KS/17/6977

**Sixth Semester B.A. LL.B. (5 Years Course) (C.B.S.) Examination****FAMILY LAW—II (Muslim Law)****Compulsory Paper—4**

Time : Three Hours]

[Maximum Marks : 80

**N.B. :—** (1) Attempt **ALL** Sections. Section 'A' consists of **10** marks, Section 'B' consists of **30** marks and Section 'C' consists of **40** marks.

(2) Follow the instructions given in each section.

(3) Marks are indicated against each question.

**SECTION—A**

1. Choose the correct alternative (any *ten*) :

(i) Shariat Application Act, 1962 deals with \_\_\_\_\_.

(a) Customary Law

(b) Legislative Law

(c) Personal Law

(d) None of these

(ii) \_\_\_\_\_ wrote the first book on the science of law or usul.

(a) Abu Hanafi

(b) Imam Malik

(c) Imam Shafi

(d) Abu Bakar

(iii) The limit of testamentary power by Muslim :

(a) 1/8

(b) 1/3

(c) 1/5

(d) 1/4

(iv) Divorce pronounced in death-illness is \_\_\_\_\_.

(a) Valid

(b) Invalid

(c) Valid if the wife accepts it

(d) Void

- (v) In case of divorce before consummation of marriage \_\_\_\_\_.  
 (a) Half dower must be paid, if dower was fixed  
 (b) Full dower must be paid  
 (c) No dower shall be payable  
 (d) None of these
- (vi) The \_\_\_\_\_ property of a Muslim is heritable.  
 (a) Ancestral (b) Self acquired  
 (c) Both (a) and (b) (d) Only (a)
- (vii) A gift may be revoked :  
 (a) Before delivery of possession (b) By heirs of the donor  
 (c) When the donee dies (d) Anytime
- (viii) Apostasy from Islam by husband operates as a ground for dissolution of marriage :  
 (a) Immediately (b) Subject to declaration of the court  
 (c) On fatwa by Qazi (d) None of these
- (ix) Acknowledgment of legitimacy once made is :  
 (a) Revocable (b) Irrevocable  
 (c) Compoundable (d) None of these
- (x) A brother, even though not appointed by the court may act as a :  
 (a) De Facto Guardian (b) De Jure Guardian  
 (c) Regent (d) None of these
- (xi) Alienation of immovable property by a De Facto guardian suo Moto is \_\_\_\_\_.  
 (a) Lawful (b) Void  
 (c) Voidable (d) None of the above

(xii) Wife is entitled to lodging in the husband's house during Idaat. This statement is :

- |                  |                  |
|------------------|------------------|
| (a) Right        | (b) Wrong        |
| (c) Partly right | (d) Partly wrong |

(xiii) Wakf for limited period is :

- |              |               |
|--------------|---------------|
| (a) Valid    | (b) Not valid |
| (c) Voidable | (d) Irregular |

(xiv) Hiba-ba-Shart-ul-Iwaz is a kind of :

- |              |                   |
|--------------|-------------------|
| (a) Sale     | (b) Gift          |
| (c) Mortgage | (d) None of these |

(xv) Paternity of a child is established if child is born after dissolution of marriage but within :

- |                  |                               |         |
|------------------|-------------------------------|---------|
| (a) Three months | (b) Three months and Ten days |         |
| (c) 280 days     | (d) Two months                | 1×10=10 |

### SECTION—B

**Note :—** Both the questions in this section are compulsory.

2. Answer the following (any *three*) :

- "Ismail" is a Sunni Muslim, has four wives. He contracts a fifth marriage with Heena. Is the marriage with Heena valid ?
- A Hanafi Muslim executes a Wakf deed by which he directs his debts are to be paid of the rents and the profits of the Wakf property. Is this Wakf valid ?
- What is Talak ? State different modes of Talak.
- What is acknowledgment of Paternity under Muslim Law ?

5×3=15

3. Write short notes on (any *three*) :

- Private Wakf and Public Wakf
- Will
- Gift
- Zihar.

5×3=15

## SECTION—C

### (Long Answer Questions)

**Note :—** Answer the following (any *five*).

4. Explain the classification of Guardianship under Muslim law.
5. State and explain the schools and the sub-schools of Muslim law.
6. When does a Muslim Marriage become irregular and what are its effects ?
7. Abdul and Rashika — both belonged to the Sunni sect. Rashika's father gave her in marriage in her infancy when she was of 5 years of age. There was/is no credible proof of consummation of marriage. At 15 years now Rashika wants to repudiate her marriage with Abdul. Guide her in the light of Option of Puberty which is a right. Can Rashika exercise this right ? Explain the option of Puberty.
8. Explain the concept of Dower in the light of Abdul Kadir v/s Salima 1886. Is it one of the essential conditions of Muslim marriage ?
9. Explain the concept of Khula. Can a guardian of a minor wife enter into a Khula of her behalf ?
10. Elaborate under the light of Shah Bano's case, why 125-128 Cr. P.c is a temporary relief as compared to The Muslim Women (Protection of Rights on Divorce) Act, 1986.
11. Explain in detail the Advent of Islam. 8×5=40