West Bengal Judicial Service (Mains) 2018

Muhammedan Law · optional paper

Time: 3 hours · Full marks: 100

Group A: answer all questions

1. Answer the following:
(a) Point out the origin of Muhammedan Law.
(b) What is ijma and is it a changeable phenomenon?
(c) Is the Shariat Act, 1937 applicable to agricultural land? Mention its time of application.
(d) Explain affinity for the purpose of marriage.
(e) Does pre-emption arise if the property is sold by the Court?
(f) What is the age of majority of a Muslim woman for making a 'will' under Muhammedan Law?
(g) Point out the lawful guardians for the purpose of marriage in their respective order.
(h) What is ijtihad? (2½×8=20)

2. (a) What are the effects of a Fasid marriage?
(b) The wife was five months pregnant at the time of marriage and a child was born four months after the marriage. What will be the fate of the marriage if the husband knew before the marriage that his wife was pregnant and if the husband did not know this at the time of marriage?
(c) If a marriage is held fulfilling all the essential conditions of marriage under Muhammedan Law but without any ceremony, is the marriage valid? (5+3+2)

3. (a) Explain Dower. Does it differ from dowry as prevalent in Indian society?
(b) Can the husband appropriate the movable property which was acquired by the wife as dower without the consent of the wife? (6+4)

4. (a) Explain Talak-ahsan and Talak-hasan.
(b) Is remarriage of a divorced couple possible? (6+4)

Group B: answer all questions

5. Answer the following:
(a) How far is Spes Successionis recognised under Muhammedan Law?
(b) What do you mean by Rule of Primogeniture?
(c) What do you mean by lineal ascendants?
(d) Who is entitled to the custody of a minor married girl?
(e) What is Zihar?
(f) What do you mean by Legitimacy and Legitimation?
(g) What do you mean by vested inheritance?
(h) Explain Hizanat. (2½×8=20)

6. (a) Define 'Hiba' under Muhammedan Law.
(b) A Muslim woman makes a hiba depriving her minor children of her entire property to Al-Ameen Mission. Discuss the validity of the hiba.
(c) Can a Muslim who has attained puberty make a gift to a non-Muslim under Muhammedan Law? (5+3+2)

7. (a) Can a 'will' be made orally under Muhammedan Law?
(b) Is the very word 'will' essential to make a will under Muhammedan Law?

(c) A Muslim makes a will of property valued at Rs. 80,000/- in favour of a stranger. He died issueless, leaving behind his wife and incurring a loan of Rs. 5,000/-. Discuss the validity of the will. (3+2+5)

8. (a) Can a Wakf be created for 99 years?
(b) Can a Wakf be revoked by its creator once it is created inter vivos?
(c) Explain the 'Doctrine of Cy-pres' in relation to Wakf.
(d) A Muslim created a Wakf of 'musha' property for a burial ground. Discuss the validity of the Wakf. (2+2+4+2)

De Facto IAS