West Bengal Judicial Service (Mains) 2020

Muhammedan Law · optional paper

Time: 3 hours · Full marks: 100

Group A: answer all questions

1. Answer the following: (a) Who is a Muhammedan for the purpose of application of Muhammedan Law? (b) What is Quiyas? (c) To what extent is Muhammedan Law a Codified Law? (d) Can 'urf' abrogate any provision of the Sunna? (e) What is Istihsan? (f) Explain 'Khayer-ul-Bulugh'. (g) What do you mean by "Valid Retirement"? (h) Explain Faskh. (2½×8=20)

2. (a) State the circumstances where marriage under Muhammedan Law is voidable but not void.
(b) Discuss the validity of the following marriages: (i) Marriage with another man's wife; (ii) Marriage with a non-muslim lady (other than Kitabia); (iii) Marriage with a party where either of the party is completely blind (6+4=10)

3. (a) What is Proper Dower? Who fixes the amount of dower? Can the elder brother of the girl fix the amount of dower in presence of father? Can the father of the wife remit the amount of dower once it is fixed?
(b) What remedies are available to a muslim wife for non-payment of dower? ((2+2+1½+1½)+3=10)

4. (a) Make a distinction between 'Khula' and 'Mubarat'.
(b) Point out the effect of Divorce. (5+5=10)

Group B: answer all questions

5. Answer the following: (a) When does inheritance open of a Muslim woman? (b) How far birth right is recognised under Muhammedan Law? (c) What do you mean by the rule of Ultimogeniture? (d) Explain Areat. (e) What is false grandfather? (f) Explain 'Musha' and its applicability in case of 'Hiba'. (g) What is 'Ila'? (h) What is the effect of 'apostacy' in Muslim marriage? (2½×8=20)

6. (a) Discuss the importance of delivery of Possession of the Property as to the validity of 'Hiba' under Muhammedan Law.
(b) Discuss the validity of the following under Muhammedan Law: (i) 'X' a Sunni Muslim makes a gift to 'Y' of "The mangoes that may be produced by his mango tree this year". (ii) Depriving all the sons and daughters, 'M' a sunni muslim lady makes a gift of her (⅓) of assets to a non-muslim beggar. (6+(2+2)=10)

7. (a) Can a wakf be created in favour of any object which is not religious but charitable and secular in nature?
(b) "For want of Mutawalli, the wakf fails." — Justify this statement.
(c) A wakf is created by wakif and without any reservation. Can the wakif appoint any Mutawalli afterwards?
(d) Explain the power of Mutawalli regarding the Wakf Property. (2+2+2+4=10)

8. (a) A piece of cloth is deposited with R who says to the owner, 'give it to me', 'I have given it to thee'. Is there any gift in the above transaction? Elaborate your answer.
(b) A child born within 6 months of the marriage is illegitimate. Will it be legitimate if the father acknowledges it? Answer with reasons.
(c) A legal guardian of a minor boy enters into an agreement for the purchase of an immovable property on behalf of the minor. Discuss the validity of the agreement.

(d) 'M' a sunni hanafi muslim makes a will of his entire property in favour of 'Al-Ameen-Mission', before his marriage. He thereafter got married to a muslim lady under the Special Marriage Act, 1954. A son is born. M died leaving behind wife and the only son. Can the son claim any property of his deceased father? (3+2+2+3=10)

De Facto IAS