West Bengal Judicial Service (Mains) 2022

Muhammedan Law · optional paper

Time: 3 hours · Full marks: 100

Group A: answer all the questions

1. Answer the following: (a) How far Muhammedan is a Codified Law in India? (b) Can Ijma be changed afterwards? (c) Is Shia sect of Muslim Community be governed by Muhammedan Law? (d) Can Urf be used to change any Principle which is acquired through Qiyas? (e) If any person believes in oneness of almighty but does not believe Hazrat Muhammad as Prophet, can he be treated as Muslim under Muhammedan Law in India? (f) What do you mean by Istihsan? (g) Point out the names of Sunni Sub Schools. (h) What do you mean by 'KABIN NAMA'? (i) What do you mean by Presumption of marriage? (j) Is Polyandry allowed under Muhammedan Law? (2×10=20)

2. (a) Who are the competent parties to make a contract of marriage under Muhammedan Law? (4)

(b) Discuss the validity of the following marriages: (i) Marriage occurred in a bogey of Rajdhani Express train between two parties among whom one is Keralian Muslim and the another is Assamese Muslim, fulfilling all the essential conditions for a perfect marriage under Muhammedan Law. (ii) A marriage occurred between the two parties where the woman is illiterate and deaf and dumb. (iii) A beautiful Muslim woman of 55 years old makes a proposal of her marriage to a Muslim man of 25 years old and the marriage took place. (2+2+2)

3. (a) What is dower or Mahr under Muhammedan Law? (4)

(b) Point out the object of dower. (3)

(c) Explain the provision for increase or decrease the amount of dower once it is fixed. (3)

4. (a) Explain 'Talakul Ahsan' and 'Talakul Hasan'. (6)

(b) What do you mean by 'Talak-e-Tafwiz'? (4)

Group B: answer all questions

5. Answer the following: (a) How far Spes successionis is recognized under Muhammedan Law? (b) What do you mean by 'Hiba-bil-ewaz'? (c) What do you mean by Doctrine of Increase (Aul) in inheritance and succession? (d) Point out the legislations by which the Wakf-Alal-awlad became valid in India. (e) What do you mean by 'Doctrine of Cypres'? (f) Whether 'Dower' under Muhammedan Law and 'Dowry' as prevalent in the society import same and identical concept? (g) What do you mean by 'Rule of Primogeniture'? (h) Point out the different kinds of legal heirs of a muslim deceased person under Sunni Law. (2½×8=20)

6. (a) Define Hiba under Muhammedan Law. (4)

(b) Is there any difference of making Hiba of self acquired property and ancestral property? (2)

(c) Discuss the validity of the following: (i) X makes a Hiba of a house to Y on condition that he shall not sell it. (ii) A Muslim lady of 21 years old makes a Hiba of her property to B, without the consent of her husband, the property she got in lieu of dower. (2+2)

7. (a) Explain Wakf under Muhammedan Law. (4)

(b) Can a Wakf be revoked once it is created by the lawful creator of the Wakf? (2)

(c) Once a lawful Wakf is created who becomes the owner of the Wakf property? (2)

(d) Mention one valid and one invalid object of wakf. (2)

8. (a) In apprehension of death 'M' a Muslim while suffering from a serious illness makes a Hiba of his entire property to 'N', his daughter. The deed of Hiba is duly registered. 'M' dies very soon. X, the youngest son of 'M' wants to file a suit challenging the Hiba and claims property. X seeks your advice.

(b) A Muslim makes a Wasiyat of a piece of land by a written document to his one son. The document is duly registered. Subsequently A builds a house upon the same land. — Discuss the validity of the Wasiyat. (4)

De Facto IAS