

Navrachana University
School of Business and Law
End-Sem Examination May'2017
SY BBA-LL.B (Sem IV)
Family Laws (FL202)

Date : 15th May'17
Time : 10.30-12.30 p.m.

Total marks : 40marks

Instructions:

1. *The Question Paper Consists of two parts A & B*
2. *All questions are compulsory and Some Questions have Internal Options.*
3. *Write every new answer on a new Page & cite case laws wherever necessary*
4. *Use of any kind of electronic gadgets is prohibited in examination hall.*
5. *Malpractice of any kind either orally, written/ physical shall not be entertained.*

Answer the following Questions by following the above said instructions:

Part A

- Q.1 **Interpret the Concept discussed in the article and accordingly present a detailed description of the topic discussed:**

Times of India in one of its newspaper articles stated, "The Supreme Court will commence hearing from tomorrow on a batch of pleas challenging the constitutional validity of 'triple talaq', 'nikah halala' and polygamy practices among Muslims. A five-judge Constitution bench headed by Chief Justice J Khehar will commence hearing on seven petitions, including five separate writ petitions filed by Muslim women challenging the practice of triple talaq prevalent in the community and terming it unconstitutional. The hearing assumes significance as the apex court has decided to hear the case during the summer vacation and even suggested that it is likely to sit on Saturdays and Sundays to expeditiously decide the contentious and sensitive issues arising in the matter.

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Attorney General Mukul Rohatgi will assist the bench which will also examine to what extent the court can interfere in the Muslim personal laws if they are found to be violative of the fundamental rights of citizens enshrined in the Constitution. The apex court had on its own taken cognizance of the question whether Muslim women faced gender discrimination in the event of divorce or due to other marriages of their husbands.

The top court will examine the issue to give an authoritative pronouncement on the constitutional and legal validity of 'triple talaq', 'nikah halala' and polygamy practices among Muslims.

The hearing holds importance as the Allahabad High Court in its verdict pronounced in the last week of April, had held the practice of triple talaq as unilateral and bad in law. The Muslim women who have filed the petitions have challenged the practice of triple talaq in which the husband, quite often, pronounces talaq thrice in one go, sometimes even by phone or text message.

The Centre had on October 7 last opposed in the Supreme Court the practice of triple talaq, nikah halala and polygamy among Muslims and favoured a relook on grounds like gender equality and secularism.

Part B

- Q.2 In Ghazanfar Ali Khan v. Kaniz Fatima (32 All. 345), it was held that where a woman is a prostitute, cohabitation, however prolonged can never give rise to the presumption of marriage and that she should be treated as his wife of the man and to be recognized with such intention and knowledge of giving her status of wife. Comment on the following and give valid answers. 06
- Q.3 Write Short notes in the following format provided: 10
- a) The Hanafi school
- Introduction
 - Features of the School
 - General Rules of Interpretation of Hanafi Law
- b) Hiba-Bil-Iwaz
- Meaning
 - Essential requisites of Hiba-Bil-Iwaz
 - Distinguish Hiba-Bil-Iwaz and Hiba-ba-shurt-ul-Iwaz (any **four points for each**)
- Q4a Find out the validity of the circumstances of issues in Divorce: 06
- a) Mr. C divorces his wife in a state while he has lost temper due to sudden provocation.
- b) A Muslim woman divorces her husband at her free will and pleasure
- Q4b Find out whether a Decree of Dissolution of Marriage can be Passed under Sec. 2 of the Dissolution Of Muslim Marriage Act, 1939 of the following:
- a) W, a Christian woman, embraces Islam and marries H, a Muslim husband. After some time, she renounced Islam and re-embraces Christianity.
- b) The husband being poor, compelled his wife to earn money by leading the life of a prostitute.
- Q.5 List out the grounds of Dissolution of Marriage according to The Indian Divorce Act, 1869 and explain along with the relevant examples. 04
- OR**
- Explain the Creation, Objects, Subject and Valid objects of Wakf .
- Q.6 State True or False with explanation (Any three) 06
- a) The dower is woman's personal property. She cannot forgo it, either fully or partly.
- b) The Iddat is necessary where the cohabitation has taken place.
- c) Sunnat -ul-taqrir are the traditions about what the prophet did himself.
- d) The Ijab and Qabool must be done in one meeting.