



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

FIRST YEAR BACHELOR OF LAWS

(Effective from Session 2019-20)

PAPER – VI (PAPER CODE - 6005)

(PAPER NAME – **FAMILY LAW – II (MUSLIM LAW)**)

Max. Marks: 100

Min. Marks: 36

Note: A. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. **Muslim Law:** Origin, Development, Sources, Schools, Application, Interpretation and Conversion.
2. **Marriage:**
 - A. Nature of marriage, Essential of marriage, Khyar-ul-bulugh, Iddat, Khilwat-ul-sahiha, Matrimonial stipulations, Kinds of marriage and effects of marriage.
 - B. Mahr : Meaning, Nature, Kinds, Objects and Subject matter, Wife's rights on non payment of dower.
 - C. Dissolution of marriage: Talaq, Talaq-ul-Sunnat , Talaq-ul-Bidaat, Ila, Zihar, Talaq-e-tafweez, Mubarat, Khula, Lien, Faskh, The dissolution of Muslim Marriage Act, 1939- Section 2, Position of Triple Divorce in India, Legal effects of divorce, and rights and duties of parties.
 - D. Guardianship: Appointment of guardian, Kinds of guardianship
3. **A. Pre-emption:** Meaning, Nature and Classification of Haq Shufa (Pre-emption), Rights of pre-emption, conflict of laws, subject matter and formalities of preemption, legal effects of pre-emption, Devices for evading pre-emption.
- B. Gift:** Meaning and requisities of gift (Hiba); Gift of Musha, Conditional and future gifts, Life estate, Life interest, Hiba-bil-ewaz, Hiba-bil-Shartul-ewaz,
4. **A. Will (Vasiyat) :** Competence of testator and legatee valid subjects of will : Testamentary limitations, Formalities of a will and abatement of legatee. Legitimacy and acknowledgement: Legitimacy and legitimation Presumption of legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, conditions of a valid acknowledgement.
Death Bed Transactions: Meaning and effect of Marj-ul-maut
- B. Maintenance:** Person entitled to maintenance, Principles of maintenance, The Muslim Women (Protection of Rights on Divorce) Act, 1986.
5. **A. Waqf:** Meaning, essentials and kinds, Beneficiaries of Waqf. The Waqf Validating Act, 1913 and 1939. Formalities for creation of Waqf. Waqf of musha, Muslim religious institutions and officers Administration of waqfs, Mutawally
- B. Inheritance :** General principles of law of inheritance, doctrine of Aul and Rudd under Hanafi and Shia Law.

LEADING CASES FOR EXAMINATION :

1. Maina Bibi v. Chaudhary Vakil Ahmed, 2, LA. 145
2. Shah Bano Begum v. Mohammad Ahmed Khan, 1985 SCR (3) 844
3. Danial Latifi v. Union of India, (2001) 7 SCC 740
4. Noor Saba Khatoon v. Mohd. Quasim, AIR 1997 SC 3280
5. Shayara Bano v. UOI & Ors., WP (C) No. 118 of 2016

CASES FOR READING:

1. Immambandi v. Mustsaddi (1918), 45, LA. 71
2. Jafree Begum v. Amin Mohammed Khan, 7, All 822
3. Saiyid Rashid Ahmed v. Mt. Anisa Khatun, AIR 1932 PC 25

SUGGESTED READINGS:

1. Mulla : Principles of Mohammedan Law
2. Paras Diwan : Muslim Law in Modern India
3. Fayzee. A.A.A. : Mohammedan Law
4. Akil Ahmed : Muslim Law (English & Hindi)
5. B.R. Verma : Islamic Law (English & Hindi)
6. Ameer Ali : The Principles of Mohammedan Law
7. के. पी. शर्मा –मुस्लिम विधि