



PRESIDENCY UNIVERSITY
BENGALURU

SCHOOL OF LAW

MID TERM EXAMINATIONS

Roll No.

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Sem & AY: Odd Sem 2019-20

Date: 22.10.2019

Course Code: LAW 107

Time: 1.30 PM to 3.30 PM

Course Name: FAMILY LAW-I (MUSLIM LAW)

Max Marks: 60

Program & Sem: BBA/B.A./BCom LL.B. (Hons.) & III

Weightage: 30%

Instructions:

- i) *Read the questions carefully and answer accordingly*

Part A [Memory Recall Questions]

Answer the Questions. Each Question carries five marks. (4Qx5M=20M)

1. Describe iddat period. What is the legal consequence of marrying a woman undergoing iddat? (C.O.NO.4) [Application]
2. List any four instances of irregular marriage under Sunni Law (C.O.NO.2) [Knowledge]
3. Write a short note on the sources of Muslim Law. (C.O.NO.2) [Knowledge]
4. Define Talak-i- tafweez with the help of illustrations. (C.O.NO.2) [Knowledge]

Part B [Thought Provoking Questions]

Answer the Questions. Each Question carries ten marks. (2Qx10M=20M)

5. Discuss the validity of the following marriages
 - a) Sajida, a young Muslim woman whose husband is impotent, marries her husband's younger brother without putting an end to her first marriage. Discuss the validity of the marriage under Sunni and Shia Law. (C.O.NO.5) [Application]
 - b) Zaid, a Sunni Muslim who is employed in California wants to marry his cousin Fida studying in Delhi. He wants to avoid a trip to India if possible and seeks your advice whether he can marry her over telephone. Advise Zaid. (C.O.NO.5) [Application]

6. Decide the following cases

- a) Haneef, a rich businessman married Zubeda. At the time of marriage there was no mention of dower. Later Haneef divorced Zubeda and she claimed Rs. 10 lakhs as her dower from Haneef. Will she succeed? Decide. (C.O.NO.5) [Application]
- b) Parveena Khan was married by her father when she was 10 year old. On attaining puberty, she repudiated her marriage at the age of 18 years. She was living with her parents when her husband filed a petition for restitution of conjugal rights against her. Will he succeed? (C.O.NO.5) [Application]

Part C [Problem Solving Questions]

Answer the following. The Question carries twenty marks. (1Qx20M=20M)

8. Shayara Bano, a mother of four sons filed an application under Section 125 of the CrPC, 1973, complaining of desertion and cruelty by her husband Abrar Ahmed. In his written statement Abrar Ahmed made certain generalized accusations that she was sharp, shrewd and mischievous and had brought disgrace to his family. Being fed up with her unbecoming conduct he had divorced her on 11 July 2018. Claiming protection of Muslim Women (Protection of Rights on Divorce) Act, he also submitted that he had given her a house in lieu of maintenance and therefore she was not entitled to any maintenance. Shayara Bano denied having been divorced at any time. The family court held that the husband's plea for divorce was corroborated by an affidavit filed by him in a civil suit, to which, however, the wife was not a party. Aggrieved by this decision, Shayara Bano filed for an appeal with Allahabad High Court. Decide.

(C.O.NO.4&5) [Comprehension and Application]



SCHOOL OF LAW

Semester: Odd Sem 2019-20

Course Code: LAW 107

Course Name: Family Law - I

Date:

Time: 2 hours

Max Marks: 60

Weightage: 30

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (%age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type [Marks allotted] Bloom's Levels	Thought provoking type [Marks allotted] Bloom's Levels	Problem Solving type [Marks allotted]	Total Marks
			K	C	A	
1-4	2 (10%)	Module I & II (Introduction to Muslim Personal Law & Law of Nikah and Talaq)	20 Marks Knowledge level	None	None	20
5-7	3,4,1 (20% each)	Module I & II (Introduction to Muslim Personal Law & Law of Nikah and Talaq)	None	10 Marks Analysis level	20 Marks Application level	30 (with choice)
8	2 (30%)	Module I & II (Introduction to Muslim Personal Law & Law of Nikah and Talaq)	None	None	20 Marks Comprehension and Application level	20
	Total Marks		20	10	40	60

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines. [Name of faculty]

Reviewer's Comments:

Annexure- II: Format of Answer Scheme



SCHOOL OF LAW

SOLUTION

Semester: Odd Sem 2019-20

Course Code: LAW 107

Course Name: Family Law-I

Date:

Time: 2 Hours

Max Marks: 60

Weightage: 30

Part A

(4Q x 5M = 20 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	a) Definition of iddat b) Legal consequences of marrying a woman observing iddat	a) 2.5 b) 2.5	10 mins
2	Definition of irregular marriage Four instances of irregular marriage:	Definition: 1M a,b,c,d : 4 M	10mins

	<ul style="list-style-type: none"> a) Unlawful injunction b) Fifth wife c) Without two competent witnesses d) With a woman who is neither muslim nor kitabia 		
3	Sources of Muslim law: 4 formal sources	Introduction: 1M Four sources: 4M	10 mins
4	Talak-i-Tafweez	Delegated divorce definition: 1 M Four illustrations: 4 M	10 mins

Part B

(2Q x10 M = 20 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
5	<ul style="list-style-type: none"> a) The marriage is void both under Sunni and Shia law b) Nikah can be valid if offer and acceptance is clearly conveyed 	<ul style="list-style-type: none"> a)i) Impotency as a ground for invalidating marriage (2.5M) ii) Grounds of dissolution according to the Dissolution of Muslim Marriages Act (2.5m) b) Conditions of a valid Nikah (2.5M) Decision (2.5M) 	30 mins
6	<ul style="list-style-type: none"> a) Marriage is valid even if no precondition of dower is mentioned b) As per section 2 of DMMA, she can repudiate the marriage. Husband cannot win Restitution 	<ul style="list-style-type: none"> a)i) Dower under sec 3 of the Muslim women act (2.5M) ii) Decision (2.5M) b)i) Sec 2 (2.5M) ii) Decision (2.5M) 	30 mins

	decree if marriage has not been consummated		
7	Grounds of divorce under DMMA	1M each for all the ten grounds	30 mins

Part C

(1Q x 20M = 20 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
8	<p>a) Issue of maintenance : Mahr alone do not constitute maintenance- Ratio of Ahmed Khan v Shah Bano</p> <p>b) Divorce must come to the knowledge of the wife: Shamim Ara ratio</p>	<p>a) 8M b) 8M c) 4M</p>	30 mins



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END TERM FINAL EXAMINATION

Extract of question distribution [outcome wise & level wise]

Q.NO	C.O.NO (% age of CO)	Unit/Module Number/Unit /Module Title	Memory recall type	Thought provoking type	Problem Solving type	Total Marks
			[Marks allotted] Bloom's Levels	[Marks allotted] Bloom's Levels	[Marks allotted]	
			K	C	A	
1-6	1,2,3,4 ,5 30%	III&IV	30 M K			30
7	3,5 15%	III&IV		15 M A		30
8	5 15%	I,II		15M A		
9	4&5 20%	III			20M A	20
	Total Marks	30	30	20	80	

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines.

7	a) The question is based on the case law of Rashid Ahmed v Anisa Khatun (1932) 34 Bom LR 475 Decision: Acknowledge should be one who could have lawfully been the husband of the mother of the child when it was begotten. Thus, presumption of legitimacy cannot be raised.	5M 3M	15mins
	b) Shayara Bano & others case Instant triple talaq unIslamic Instant triple talaq unconstitutional	3M 2M 2M	15mins
8	a) It is a valid wakf under Hanafi law as the wakif may provide for his maintenance out of the income of the wakf property. Under shia law, wakif cannot retain any interest in the dedicated property	4M 2M 2M	15mins
	b) Essentials of Hiba The gift is valid. Rent receipts convey bonafide intention.	3M 2M	
	Decision	2M	

Part C

(1Q x 20M = 20Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
9	a) $W = \frac{1}{4}$ $F = \frac{1}{2}$ Sister excluded $M = \frac{1}{4}$ $W = \frac{1}{4}$	2MX5=10M	15 mins
	b) $H = \frac{1}{4} = \frac{3}{15}$ c) $F = \frac{1}{6} = \frac{2}{15}$ d) $M = \frac{1}{6} = \frac{2}{15}$ e) Daughters = $\frac{2}{3} = \frac{8}{15}$	2MX5=10M	15 mins



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END TERM FINAL EXAMINATION

Semester: Odd Semester: 2019 - 20

Course Code: LAW 107

Course Name: FAMILY LAW -I (MUSLIM LAW)

Program & Sem: BBALL.B./ BA LL.B./ BCom LL.B./III Sem

Date: 27 December 2019

Time: 9.30 AM to 12.30 PM

Max Marks: 80

Weightage: 40%

Instructions:

(i) Read the all questions carefully and answer accordingly.

Part A [Memory Recall Questions]

Answer all the Questions. Each Question carries 5 marks.

(6Qx5M=30M)

1. Distinguish between 'Talaq Ahsan' and 'Talaq Hasan' form of talaq under Muslim law.
(C.O.No.1,2) [Knowledge]
2. Would mere burial of a saintly person in a plot of land convert that land into trust property? Give your reasons.
(C.O.No.3) [Knowledge]
3. Amanatullah Khan bequeaths his entire property to one heir to the exclusion of other heirs. Discuss the validity of the following will.
(C.O.No.2) [Knowledge]
4. Explain various kinds of guardianship under Muslim Law.
(C.O.No.5) [Knowledge]
5. If the sum total of the shares exceeds unity under Sunni law of inheritance which doctrine is applicable? Give an illustration.
(C.O.No.4) [Knowledge]
6. "Where the donor and donee are living in the same house, the donor need not necessarily depart from the house in order to make gift effective". Do you agree with the statement? If so, give reasons.
(C.O.No.1) [Knowledge]