



Chhatrapati Shahu Ji Maharaj
University, Kanpur

Answer Script Details
Barcode 7794580

Roll No. 23086004441
Total Mark 58/100.00

Exam BACHELOR-O_AUGUST-2024
Subject LLB203 - FAMILY LAW - II

Question wise Mark Summary

Q.No	Mark	Q.No	Mark	Q.No	Mark	Q.No	Mark
1A	3/4	7A	NA/7				
1B	2/4	7B	NA/7				
1C	2/4	8	8/15				
1D	2/4	9	NA/15				
1E	3/4						
1F	2/4						
1G	2/4						
1H	2/4						
1I	2/4						
1J	2/4						
2	10/15						
3	NA/15						
4A	NA/7						
4B	NA/7						
5A	5/7						
5B	4/7						
6	9/15						

Chhatrapati Shahu Ji Maharaj University Kanpur, Uttar Pradesh

PART-I

Date of Exam: 06/08/24 Shift: I Room No. P3
 Paper Code: LLB 203 Subject: FAMILY LAW II
 Name of Candidate: JAYA PARIHAR

Roll No: 23086004441

Signature of Candidate: *Jayapwihar*
 Signature of Invigilator: *[Signature]*
 COE Facsimile: *[Signature]*

PART-II

MARKS OBTAINED										
Q	1	2	3	4	5	6	7	8	9	10
(a)										
(b)										
(c)										
(d)										
(e)										
(f)										
(g)										
(h)										
(i)										
(j)										
Total										
Total Marks in Figures									Max. Marks	
Total Marks in Words										



LLB203
Paper Code

Signature of Evaluator

PART-III

Course: BACHELORS OF LAWS
 Session: 2023-24 Year: Semester II
 Subject Name: FAMILY LAW
 Medium: English Hindi
 Paper Code: LLB203
 Exam Date: 06/08/2024
 Name of Candidate: JAYA PARIHAR
 Father's Name: JAY SINGH

कॉलेज का कोड
College Code

K	N	O	S
A	A	0	0
E	B	1	1
F	D	2	2
H	J	3	3
K	K	4	4
L	L	5	5
R	M	6	6
S	7	7	7
U	T	8	8
U	9	9	9
W			

एग्जाम सेंटर का कोड
Exam Centre Code

K	N	O	S
A	A	0	0
E	B	1	1
F	D	2	2
H	J	3	3
K	K	4	4
L	L	5	5
R	M	6	6
S	7	7	7
U	T	8	8
U	9	9	9
W			

एग्जाम का प्रकार
Type of Exam

Regular
 Ex-Student
 Private Back Paper Exam

ANSWER BOOKLET NO.

7794580

LLB203
Paper Code



PART-IV

एनरोलमेंट नंबर
Enrolment Number: CSJMA23000149970
 उम्मीदवार का रोल नंबर
Candidate's Roll Number: 23086004441
 पेपर का कोड
Paper Code: LLB203

2	3	0	8	6	0	0	4	4	4	1
0	0	0	0	0	0	0	0	0	0	0
1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9	9

L	L	B	2	0	3
A	0	0	0	0	0
B	1	1	1	1	1
C	2	2	2	2	2
E	3	3	3	3	3
F	4	4	4	4	4
G	5	5	5	5	5
H	6	6	6	6	6
J	7	7	7	7	7
K	8	8	8	8	8
L	9	9	9	9	9
N					
P					
R					
T					

Jayapwihar
Signature of Candidate

[Signature]
Signature of Invigilator

C S Facsimile

[Signature]
COE Facsimile

नोट- 1. परीक्षार्थी को निर्दिष्ट किया जाता है कि उत्तरपत्र पढ़ने के पुरुष भरण पर अधिक सभी निर्देशों को सावधानी पूर्वक पढ़ें।
 2. उत्तरपत्र में भरी जाने वाली प्रतिक्रियाएँ आवेदी उत्तरपत्र में शुद्ध की जायें। 3. संकेतों को बदलने या लेने परिलक्ष्य से भरा जाये।



INSTRUCTION TO THE CANDIDATE FOR FILLING PART-I

1. Read the instructions carefully given on the answer script and admit card.
2. Write Date of Exam, Shift, Paper Code & Name of Subject Correctly.
3. Write Name & Roll No. Correctly.
4. Write Semester & Branch Correctly.

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-III

1. Use blue or black ball point pen for writing alphabets & numerals in boxes.
2. Carefully study the example before you start marking.
3. As shown in the example below, blacken the circles completely.



4. Make no Stray marks on this sheet.

5. DO NOT WRITE OR MARK ON THE BAR CODE.

IN ORDER TO AVOID UFM (UNFAIR MEANS) :

1. The Roll No. and Answer Book no. found elsewhere or any other symbol found in the answer book will be treated as unfair means.
2. Any tempering of Bar Code and Booklet no shall be treated as Unfair Means.
3. Do Not bring the materials like slip of paper/mobile/digital diaries/ study material/ revision notes in examination hall. Possession of the mobiles/ digital diaries/electronic/digital/ watch and any other electronic gadget except memory less scientific calculator shall be considered as UFM case.
4. Do not keep or paste currency note in answer script it shall be consider as UFM.

अनुचित साधन से बचने हेतु :

1. उत्तर पुस्तिका के निर्देशित स्थान को छोड़कर अनुक्रमांक एवं उत्तरपुस्तिका का क्रमांक कहीं और न लिखें तथा कोई भी चिन्ह न बनाएं क्योंकि यह अनुचित साधन प्रयोग की परिधि में आता है।
2. उत्तर पुस्तिका के बारकोड अथवा उत्तर पुस्तिका संख्या पर छेद छद्म करने पर अनुचित साधन प्रयोग माना जावेगा।
3. परीक्षा कक्ष में बिना वस्तुएं साथ न लायें, जैसे किचें, हार्ड कागज के टुकड़े, मोबाइल, डिजिटल डिवाइस, डिजिटल वॉच, कारी, घुलका या सभी वस्तुएं जो अनुचित साधन की अवर्गीत आती है। केवल संबंधित प्रश्नपत्र में छेद वेधेगी लेस साइंटिफिक कैल्कुलेटर से जाने की अनुमति होगी।
4. उत्तर पुस्तिकाओं में कागचे न रखें न ही उत्तर पुस्तिका में विषयकोड। ऐसा करके अनुचित साधन प्रयोग की परिधि में आता है।



परिचयपत्रों को सही भरें

1. प्रश्न पत्र एवं उत्तर पुस्तिका पर दिये गये निर्देशों को ध्यान से पढ़ें।
2. कवर पृष्ठ के दूसरी तरफ कुछ न लिखें।
3. उत्तर पुस्तिका के पृष्ठों पर दो-दो तरफ लिखें।
4. प्रश्न पत्र पर अपने अनुक्रमांक के अतिरिक्त कुछ न लिखें।
5. प्रश्न पत्र कोड एवं प्रश्न पत्र ID सावधानीपूर्वक लिखें।
6. अपनी स्थिति स्पष्ट लिखें।
7. उत्तर पुस्तिका के पृष्ठों की संख्या देखें। अगर उत्तर पुस्तिका में पृष्ठ (1-24) से कम है या फटे हुए हैं, तो परीक्षा शुरू होने के पूर्व दूसरी उत्तर पुस्तिका ले लें।
8. प्रश्नपत्र को देख, यदि प्रश्नपत्र के विषय कोड, विषय का नाम तथा प्रश्न में कोई त्रुटि है तो उसके परिष्कार होने के 30 मिनट के अन्दर सब निरीक्षक को तत्काल सूचित करें, उसके बाद विश्वविद्यालय द्वारा कोई भी चर्चा की जायेगी।
9. प्रश्नों के उत्तर लिखने के लिये पेंसिल का प्रयोग न करें।
10. वी कोपी का अतिरिक्त प्रक नहीं दिया जावेगा।

INSTRUCTION TO THE CANDIDATE

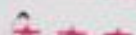
1. Read the instructions carefully given on the Question Paper, Admit Card & Answer Script.
2. Do not write anything on back side of the cover page.
3. Write on both sides of pages of answer book.
4. Do not write anything on question paper except Roll Number.
5. Write Paper Code & Question Paper Id carefully.
6. CHECK the number of pages (1-24) or any other kind of damage in your answer script, if found than change the answer script immediately before the commencement of examination.
7. CHECK the Question Paper for any kind of discrepancy e.g. Subject Code, Subject Name, and Question of the Question Paper during first THIRTY MINUTES of the commencement of the exam, so that it can be corrected in TIME. After that no corrections shall be entertained by the university.
8. Do not use pencil for answering the question.
9. Write status correctly e.g. those appearing in carry over papers should fill in status as Carry Over. Those appearing as Ex- Students should fill in status as ex.
10. No supplementary answer book & graph paper will be provided.

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-IV

1. Use blue or black ball point pen for writing alphabets & numerals in Boxes.
2. Use blue or black ball point pen for filling the circles.

	1	8	1	5	4	3	2	1	6	9
0	0	0	0	0	0	0	0	0	0	0
1	●	1	●	1	1	1	1	●	1	1
2	2	2	2	2	2	2	●	2	2	2
3	3	3	3	3	3	●	3	3	3	3
4	4	4	4	4	●	4	4	4	4	4
5	5	5	5	●	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	●	6
7	7	7	7	7	7	7	7	7	7	7
8	8	●	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9	●

Note- If your Roll No. is of 10 digits. Please leave first three columns.





Paper Code

Grid for Paper Code



1

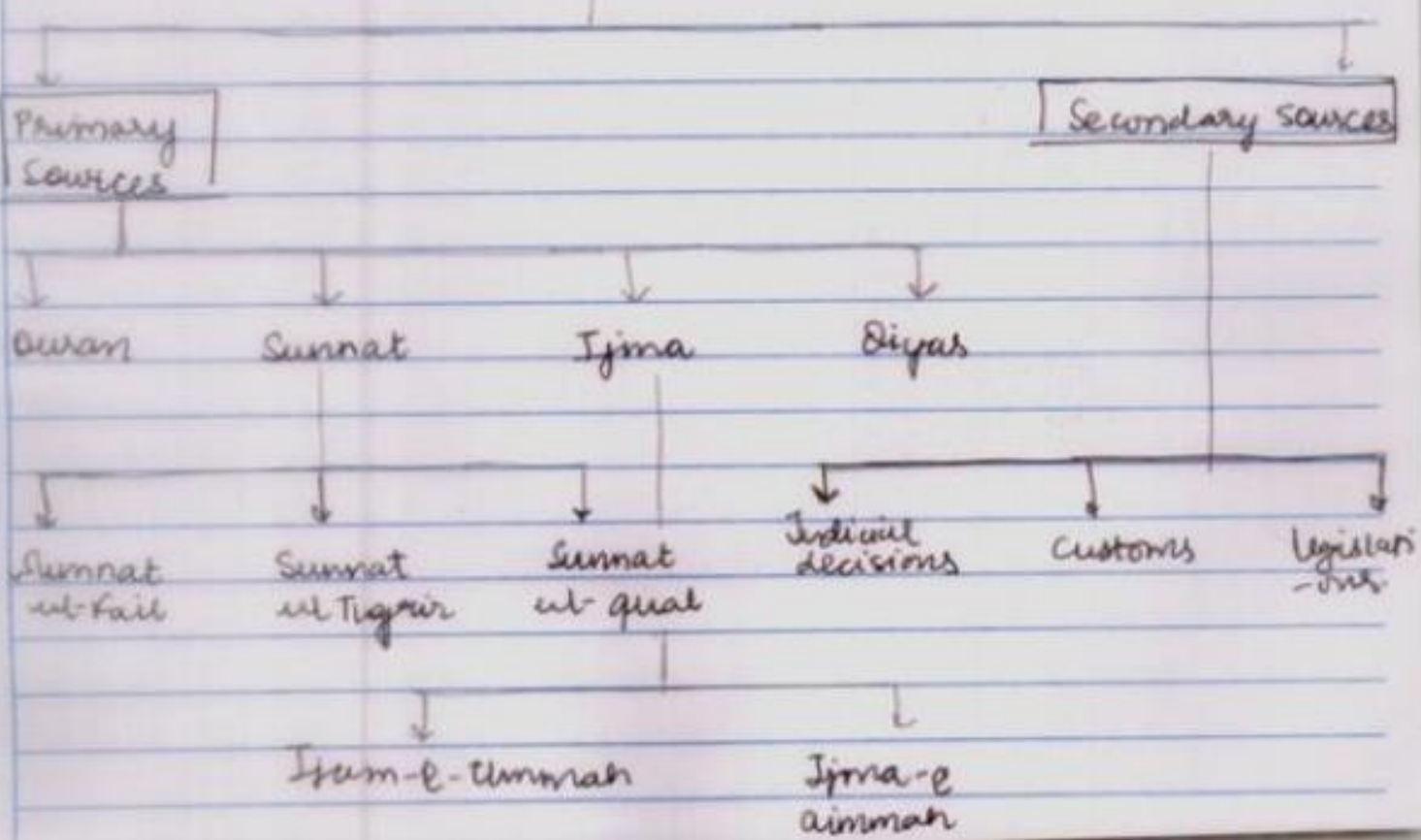
SECTION B

Question 2:- Sources of Muslim law.

Muslim law is a branch of civil law. Muslim law is applied when parties seeking legislation with respect to marriage, inheritance, adoption and divorces are Muslim.

Muslim law derives its source from 'Divine' words of prophet Mohammed guided by Angel Gabriel. Muslim law is called 'Sharia' in Arabic. Sharia is the fundamental law which guides the Muslim law.

Sources of Muslim laws.





--	--	--	--	--	--	--	--



(i) Primary sources

(a) Quran - Quran is derived from an Arabic word 'Qura' which means to read.

Quran is a divine source, because of which it cannot be amended, revised or altered by any institution or any human agency.

It consists of teachings of 'Allah' written by Prophet Mohammed as guided by angel Gabriel.

(b) Sunnat → Sunnah or Hadis is the procedure which prophet Mohammed used to follow. It consists of precedents, Acts, Languages & practises conducted by Prophet Mohammed
example: Praying 5 times a day, observing fasting during Ramadan.

* Sunnat-ul-fail → These acts which prophet mohd use to do

* Sunnat-ul-Tughrir → These acts which done by other people but not expressly rejected by prophet

* Sunnat-ul-Qaul → all the enjoined acts & precedents of prophet mohamm

(c) Ijma → Ijma means 'consensus of muslim jurists'. Ijma was used when quran & sunnat are silent about any issue and Ijma is used to determine the rule of law in that case

example :- After death of prophet Mohd, Abu Bakr was chosen as caliph after voting, this was 1st manifestation of Ijma.



--	--	--	--	--	--	--	--	--	--



- * Imma-e-ummah - consensus of community
- * Imma-e-aimmah - consensus of religious authorities.

(1) Qiyas - Qiyas means 'analogical reasoning' in literal terms it means ascertaining weight or length of anything. Through this the rule of law was deduce.

Example :- Barring of wine means barring of all intoxicants of Alcohol is considered Haram.

(2) Secondary sources

(a) Judicial decisions - These are intepreted by the judiciary, the primary sources are used to interpret the analogies.

(b) Customs - Anything followed for so long that it comes a part of tradition. Customs are used to justify acts of community.

(c) Legislations - Muslim law is not codified, for that parliament has passed Muslim law application of Shariat Act, 1937 to decided upon the cases.

Hence, muslim law gathers its sources from various schools of thoughts and sources in the society to interpret the customs & practices being followed.



--	--	--	--	--	--	--	--



Ques 5: (a) Define Muta - - - - - such marriages?

[A] Muta means 'temporary marriage', it is followed by Shia sect of Ithna Ashariya school. It is marriage for a fixed period of time accompanied by mahr (dower).

In literal terms muta means 'enjoyment'. It means marriage for sexual pleasure and for a short duration of time.

*[Essentials of Muta Marriage]:-

- (i) Legal capacity → The parties entering the contract should be 'major' (15 yrs a/c to Muslim law) and 'sound mind'.
- (ii) Free consent → The consent should be free from any coercion & force (guardian cannot give consent on behalf).
- (iii) No limit of number of wives → In muta marriage there is no bar for number of wives.
- (iv) Fixed time period & dower → The time period & dower is pre-decided in marriage.
- (v) Children born are illegitimate → children born of such marriages are legitimate and inherit from both mother & father.
- (vi) No mutual inheritance rights in husband & wife.
- (vii) No concept of divorce - Divorce is not recognised.
- (viii) No maintenance after Iddat → maintenance can be claimed through 125 section of CrPc.



--	--	--	--	--	--	--	--



Muslim women are provided with powers to seek divorce under Dissolution of Muslim Marriage Act, 1939.

Under section 02, of Dissolution of Muslim Marriage Act, 1939, certain conditions are given which can let women seek divorce from her husband, on fulfilment of such conditions.

* Conditions present are:-

- (a) No whereabouts known of the husband - whereabouts not known from last 04 years
- (b) Imprisonment to husband - If husband is imprisoned for 07 years, wife can seek divorce
- (c) Insanity & Impotency of husband - If husband becomes insane & impotent wife can seek divorce for years
- (d) cruelty → cruelty by husband.
- (e) Non performance of marital obligations → if husband do not performs marital obligations for 03 years.
- (f) Failure to give maintenance → If husband fails to provide maintenance for 02 years.
- (g) Repudiation of marriage by women → if marriage is repudiated by women/wife



Paper Code

--	--	--	--	--	--	--	--



7

(b) Veneral disease, leprosy → If husband suffering from such diseases then wife can seek divorce after 02 years.

Hence these are the rights provided by Dissolution of marriage Act, 1939, to the women.

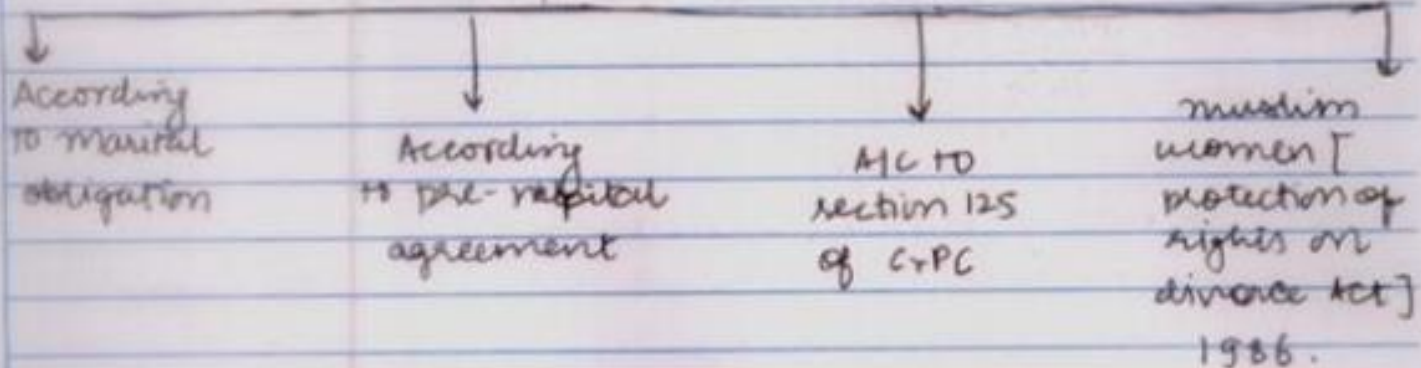
Section C

Ques 6 :- Maintenance is provided for women only unlike for husband or wife in case of marriage Act.

Maintenance is ruled only for certain things mentioned below.

- (i) Residence
- (ii) Fooding & clothing
- (iii) Education & medical expenses.
- (iv) For marriage of unmarried daughter.

Maintenance of wife





--	--	--	--	--	--	--	--



Do Not Write anything in this Portion

(a) According to marital obligation

Husband is supposed to provide maintenance to wife when she is faithful and obeys reasonable orders of husband

wife is also entitled to get maintenance in case if she is not faithful following orders

(a) when husband keeps a concubine

(b) when husband is ~~some~~ not major, i.e. not attained majority

(c) if husband inflicts cruelty on wife

(d) when husband has not consummated marriage.

* upheld through Kharana - ie - Pandan case

(b) on basis on Pre-Nuptial agreement → when an agreement is made before marriage and certain conditions are set. If husband violates those conditions, she can live separately & demand maintenance.

(c) A/c to section 125 of CrPC → It is a secular and criminal law which is applied to everyone in the ambit of marriage. one can move to court for such claims.

A/c to section 125 of CrPC a Junior magistrate of first class (JMFC) can order maintenance of for any one, who:-

(a) wife unable to maintain herself.

(b) Major son (illegitimate or legitimate)



--	--	--	--	--	--	--	--



- if is suffering from any physical/mental injury
- Minor son both legitimate or illegitimate.
 - Mother & father.

In Shah Bano Begum vs Mohd case (1985), SC upheld that Section 125 of CrPC is a secular law and is applied to everyone even if personal laws are contrary.

- Muslim women (protection of rights on divorce) Act, 1986 - It diluted the famous Shah Bano case (1985) and held that,
 - Maintenance of women only till iddat period.
 - After the iddat, if women unable to maintain, relatives will maintain, who will inherit from her.
 - If not then Ward will maintain.

* In Daniel Bafi vs U.O.I case (2001), SC upheld the validity of maintenance of women beyond iddat period.

SC upheld that Islamic law is not interpreted to make women destitute, so women would be entitled maintenance even after the iddat period and Section 125 of CrPC can be availed as it is a secular law, applicable to everyone.

Ques 8:-

Hiba comes from 'Tahadun Tahabua' which means exchanging of gifts is considered good in Islamic law. Law of Hiba is the starting point of this concept.



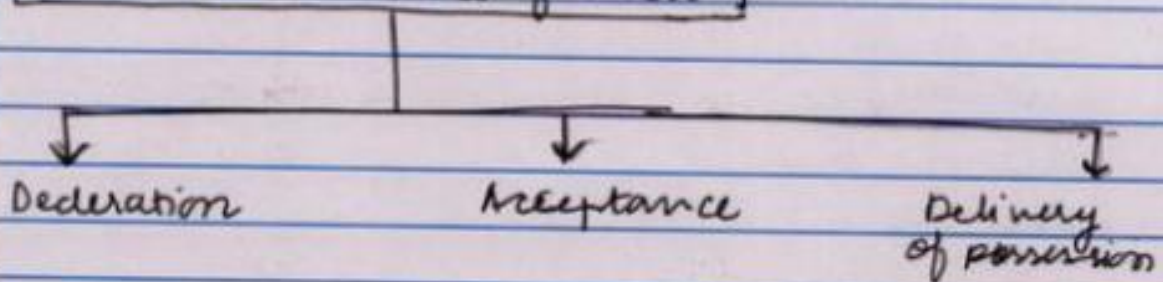
--	--	--	--	--	--	--	--



"Hiba means gift in muslim law". Hiba can be anything, - ancestral, acquired, movable, immovable, corporeal or incorporeal.

ATC to Mulla Hiba is a gift, transfer of property immediately without any consideration or exchange from one party to another and accepted by

* Essential conditions of Hiba -



(a) Declaration :- Hiba means transfer of ^{property} gift and essential to it is 'Declaration', which means 'Niyat'.

Declaration can be :-

- (i) oral - through word of mouth
- (ii) written - it is not mandatory but accepted
- (iii) expressed - through act
- (iv) Bonafide - without any ill-will, in good faith.
- (v) Free consent - without any force or coercion.
- (vi) legal competency -
 - (a) Should be major
 - (b) Should be sound mind - understand the transaction
 - (c) should be muslim



--	--	--	--	--	--	--	--



(d) Absolute ownership of property

(b) Acceptance

Acceptance is an essential condition in Hiba, as it can be both 'Arad / written or implied'.

Any gift transferred to a minor should be accepted by guardians on the minor's behalf.

(c) Delivery of possession

The delivery of possession can be both - Actual or constructive.

The delivery of possession completes the Hiba or transfer of gift.

* Competency of donor

(a) should be sound minded → to understand the meaning of transaction done.

(b) should be freely consented → The Hiba should be freely given without any fraud, coercion or facts misrepresentation.

(c) Bona fide intention → The Hiba should be given in good faith.

(d) should be major → Must have attained age of 18 according to Indian Majority Act.

(e) Absolute ownership of property → The donor should



--	--	--	--	--	--	--	--



have absolute possession of property.

* competency of donee

(i) can be minor or major → in case of minor guardians to accept the property.

(ii) sound mind or insane.

(iii) child in mother's womb → not allowed but usufruct is valid.

(iv) any juristic person → ex, NGO's etc.

* Exceptions of Hiba - in delivery of possession

- (a) If donor & donee live in same house
- (b) gift by husband to wife
- (c) gift by father to children
- (d) gift already in possession.

- Hiba-bil-iwaj is hiba given to any person, of sound mind and person in existence can be both male or female.

- Hiba-basharatul-iwaj is a hiba given to person whose existence he has to be born within 06 months.

Hence Hiba is an important concept in muslim law, which tracks the gift exchanged between people.



--	--	--	--	--	--	--	--



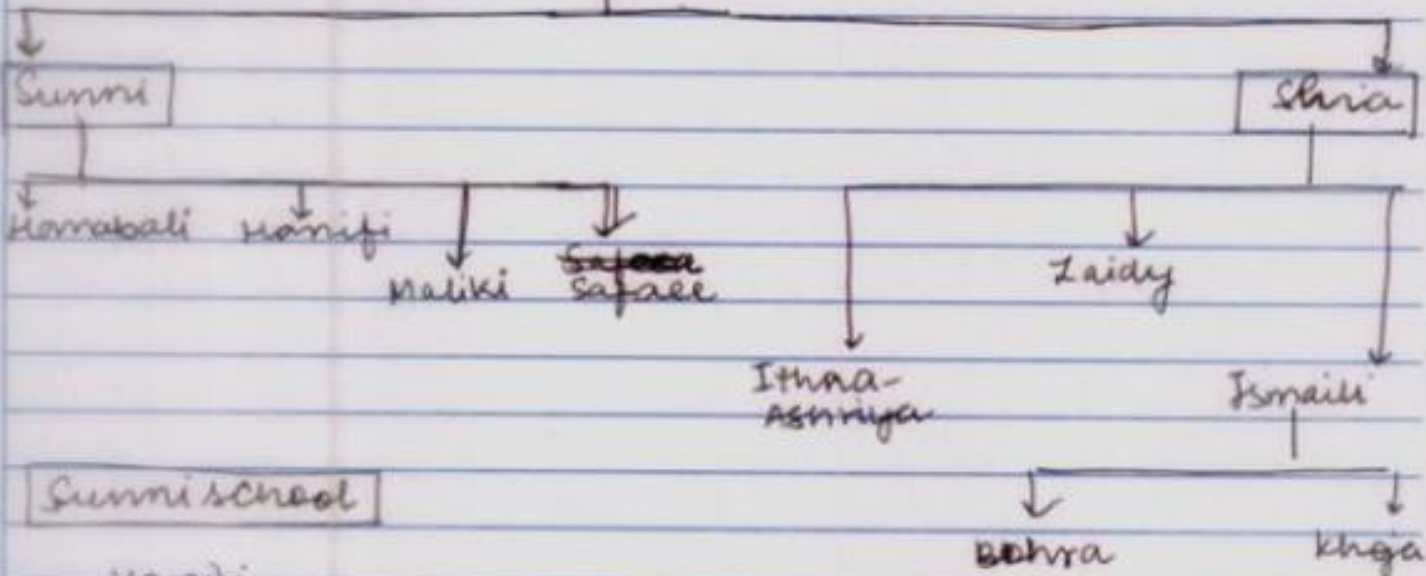
Section A

Que 1 (a)

Muslim law is a branch of ^{civil} ~~strict~~ law which deals with the inheritance, marriage, divorce etc when contending parties are Muslim.

Muslim law is known as 'shariat' which derives its origin from divine.

Schools of Muslim law



Sunni school

- (a) Hanabali → founded by 'Imam Hanifa', practised in India
- (b) Hanabali → founded by 'Imam Idris', followed mostly in Central Asia.
- (c) Maliki → founded by 'Imam Malik', these who follow 'Hadiths' and acts of people of 'Mading'.
- (d) Safae → founded in Saudi Arabia follow strictly the sunna & Hadiths and all the other sources of muslim laws.



--	--	--	--	--	--	--	--



Shia School

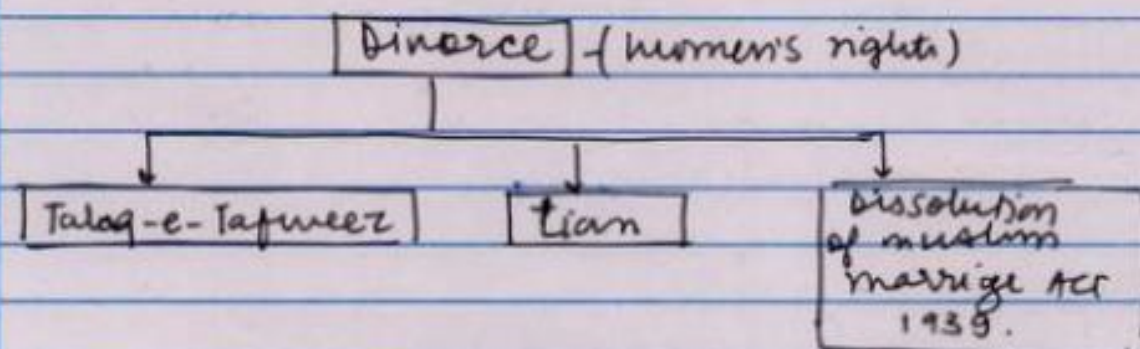
(a) Ithna Ashariya → Founded by '12 Imams' also called Twelveers, followed in India.

(b) Zaidiy → Founded by ~~Yahya bin Yahya~~ Yahya bin Yahya in Saudi Arabia.

(c) Ismailiy → Also called 'Seveners', because of 7 Imams, originated in Egypt.

Hence, these schools provide jurisprudence to various Muslim laws.

Q.1(b) Talaq-e-Tafweez is a right extended to women in case of seeking divorce.



Talaq-e-Tafweez, the right to divorce of husband is delegated to women.

- The right can be extended to anyone, except wife or any 3rd party

- The delegation can be temporary or



--	--	--	--	--	--	--	--



permanent.

- iii) It can be both absolute and qualified/conditional
iv) This divorce extends to certain conditions or fulfilment of these, wife can ~~be~~ divorce the husband.

Examples: cruelty, non-payment of dowry, other wife or concubine.

Any divorce pronounced by this type of divorce the divorce would be considered to be pronounced by the 'Husband'.

It is just the delegated divorce, both revocable and irrevocable type of divorce can be sought through this.

Ques 1 (c) Iddat is a legal concept in Muslim law followed by the dissolution of muslim marriage. 'it is a waiting period to be observed by women after the marriage has been dissolved' either by divorce or death of the husband.

The iddat period is mandatory to follow as it 'ascertains if women is pregnant' before she enters into new marriage.

Iddat period helps to solve paternity issues which may arise due to marrying quickly after dissolution of marriage.

* why iddat is observe

(a) To ascertain if the women is pregnant or



--	--	--	--	--	--	--	--



not, before new marriage.

- (b) To insulate herself from infliction of marrying too quickly after husband's death
(c) To mourn husband's death.

* Iddat period a/c to circumstances.

(a) Widowed women - '4 months & 10 days' iddat observation is prescribed.

(b) Divorced women - (i) if menstruating then 03 menstrual cycle.

(ii) If not menstruating \Rightarrow 03 lunar months

(iii) If no menses (minor) \Rightarrow 03 lunar months

(iv) No iddat if marriage not consummated.

(c) Pregnant women observe Iddat til birth or termination of pregnancy.

(d) In Muta marriages \Rightarrow (i) widow = 4 months & 10 days

(ii) Menstruating \Rightarrow 02 months

(iii) No menses \Rightarrow 45 days

(iv) pregnant \Rightarrow til the child birth.

If wife is unaware of death of husband and the time of iddat has been passed, then no need to observe.

Hence, Iddat is an important concept of Paternity determination in Islam.

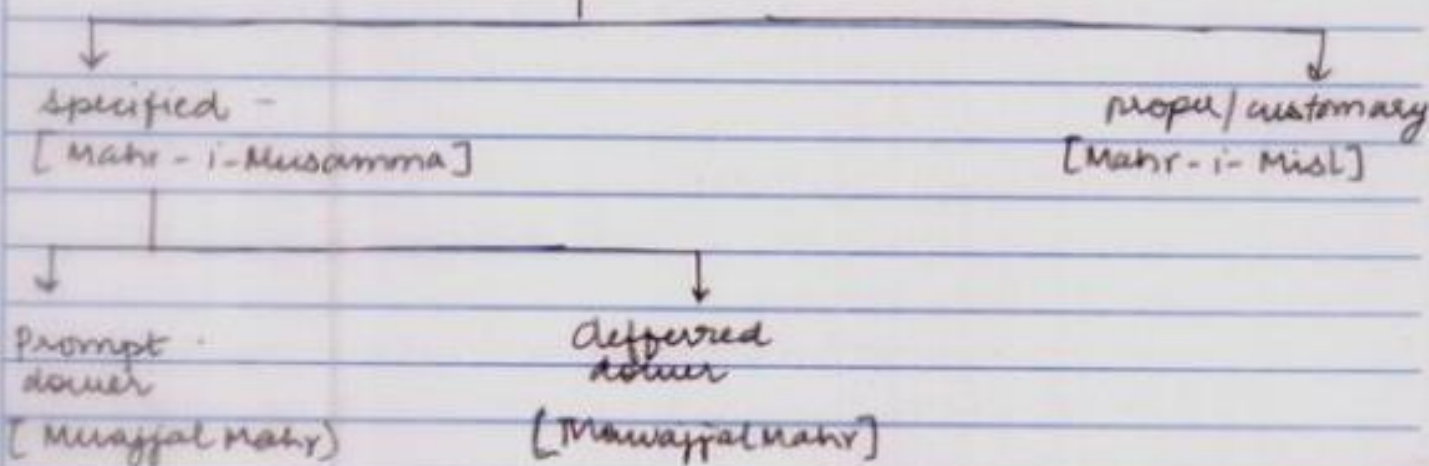


Ques 1 (a) Dower or Mahr is amount payable by husband to wife during marriage. either by agreement between parties or Act of law or court

* why mahr is provided

- (a) To bring a different effect on husband's power to delegate divorce.
- (b) To mark respect ^{of wife} as obligation of husband.
- (c) To provide for maintenance ^{dignity} of women in case of marriage dissolution through divorce or death.
to maintain herself.

Types of Mahr



(a) specified mahr - fixed & paid at the time of marriage
nikahnama mentions the amount.

(i) prompt dower → Paid immediately after the marriage
if not paid then wife can refuse cohabitation

(ii) deferred dower → fixed @ time of marriage & paid later,
during dissolution, either divorce or death



--	--	--	--	--	--	--	--



can be other conditions too, like cruelty, ~~and~~ interference.

(b) proper Mahr - It is also called customary mahr if it is not specified in the nikahnama, though wife has right to claim it.

In Abdul Kader vs Saleema Begum, court held proper dower is ~~also~~ essential & has to be paid.

* women's rights/remedies in case of non-payment

- (i) Refusal to cohabit
- (ii) Right to dower as debt
- (iii) Right to retain property in possession in case of lieu of unpaid dower.

Hence, Mahr is an essential to the valid marriage under muslim law & has to be paid.

Q1(e) Khargaul-Bulugh means 'option of puberty' it is a right conferred to the muslims, who can exercise it to ~~repudiate~~ repudiate any marriage solemnized for them or their behalf by their guardians, after reaching age of puberty, which is 15 years in Islam.

* Essentials

- (i) marriage must have been contracted on behalf of minors by guardians
- (ii) marriage must not be consummated.



--	--	--	--	--	--	--	--



* Procedure

- (i) The minor can repudiate the marriage in front of Islamic theologian by use of mouth.
- (ii) can also move to court for dissolution.

* Importance

It gives right to the minor children to choose their partner on reaching age of majority by repudiating the marriage.

Q2 (f) Marzul Maut is ^{Donation} ~~Donation~~ causa Mortis Mortis Causa? which is Latin term meaning donation made on death ~~at~~ bed.

Marzul Maut is neither a will (legacy) nor a hiba but mixture of both.

It is made by the legator for the legatee which would operate after the death of legator.

Essentials of Marzul Maut

- (i) The illness must be deadly.
- (ii) The illness may cause apprehension of death in the mind of the legator.
- (iii) There must be serious symptoms of the disease.
- (iv) only (1/3rd) property can be given as Marzul Maut.



--	--	--	--	--	--	--	--



Morant Maut is a way to transfer property when anyone feel he/she will not ~~can~~ survive further.

Q1 (g) Doctrine of Musha in Islamic law is having one's personal property. The property can be transferred to anyone, ~~by~~ through hiba, will (testamentary) and by waqf. It allows any one to dispose off their property according to their ~~will~~ and desire. Until then the ~~possession~~ ^{possession} remains with the legator.

Through this the person can ensure that their property is disposed as per their desire and to the intended beneficiaries.

Q1 (h) Doctrine of shufa or 'pre-emption' is a doctrine which states that the co-owners and the neighbours have right to acquire ^{buy} property being sold in the 1st place. on one demanded safe condition to avoid harm caused by 3rd party.

Definition - Doctrine of pre-emption keeps the co-owners or neighbours in the chores of 3rd party and allow them to buy the property being sold by sharif.

* Parties involved


1a) co-owners & sharif → they have joint rights in the property being sold.



--	--	--	--	--	--	--	--	--	--



(b) Neighbours (Jarr) → they share common property ^{conservancy} building ex: walls, door.

(c) Bati → who share the common amenities
ex: same ~~building~~ 

Elements of Shufa

(i) Parties involved - (i) Sharig, (ii) Vendor (iii) Vendee

(ii) only immovable property - the exemption applies on immovable property

(iii) Purchase on same terms - should be purchased on same terms as being sold.

(iv) Timely Assentain → one should declare their intention to buy the property to the vendor.

Limitations

(i) Cannot be applied on property not to be sold
example - inherited, gift (Hiba) etc.

(ii) Cannot be applied where the property is indivisible or will cause harm ~~to~~ & discomfort to the vendor.

Hence through Shufa one can exclude any unwanted 3rd person from taking property in neighbourhood and ensure comfort.

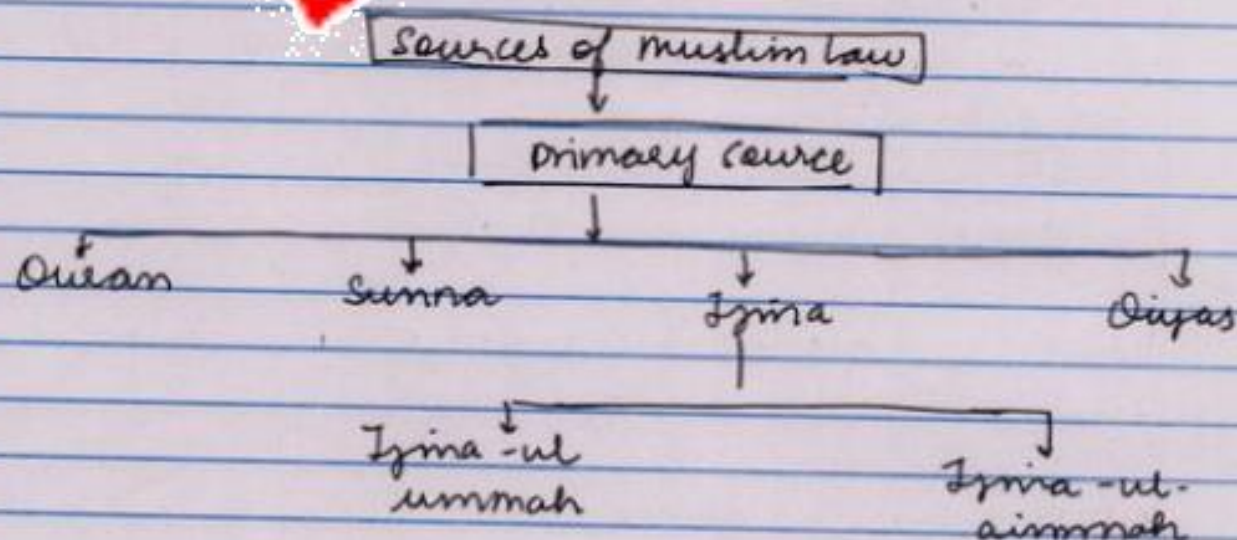


--	--	--	--	--	--	--	--



Ques 1 (1/2) Ijma, is 'consensus among the muslim jurists'

It is one of the sources of muslim law 'primary source'.



The Ijma provides 'Rule of Law' when quran & Hadiths are unable to provide any ruling on the given subject or situation.

Ijma follows 'equivocal acceptance decisions' made by muslim jurists on any issue.

The muslim jurists the lot of knowledge & learning about the law are called Mujtahid (Mujtahid).

example:- Ijma 1st manifested when after death of Prophet mohammed, Abu Bakr was chosen as caliph for notes.



--	--	--	--	--	--	--	--



(i) Ijma-e-Ummah → it is consensus derived from the community on issues when Quran & Hadiths unable to provide guidance.

(ii) Ijma-e-Aimma → It is consensus derived from the religious authorities on any topic which locks rule of law.

Hence Ijma is primary source of muslim law.

Ques 2 (g)

Muslim is derived from Islam, it means any person who believes in Allah and prophetic character of Mohammed.

Muslim means unqualified and total submission to the will of Allah. Muslim means one who professes the Faith of Islam.

Alc to Aghnides 'Muslim is one who -

- (i) Believes in oneness of god
- (ii) Believes in prophetic character of prophet Mohammed
- (iii) Believes in other essentials of Islam.

* Who can be a muslim?

Any person can be a muslim

- (a) By Birth
- (b) By conversion.



Paper Code

--	--	--	--	--	--	--	--	--	--



24

(a) By Birth - (i) any one whose both parents are muslim
(ii) any one whose either parents is a muslim

(b) By conversion (i) Any one can declare to be a muslim by accepting unity / one of god - 'allah' and prophetic character of Moham

(ii) Can go to a mosque to a Islamic theologian (Akhim) and utter kalma, thereafter will be given muslim name will be muslim

* Court restrains the malafide conversion of people to Islam, escape their own per laws.

* According to supreme court, the conversion to Islam should be bona-fide, i.e. in good faith.

Hence, any person who believes in me god and Mohammed as prophet is called a Muslim. Can be other people also as Bohra, Sulaima Bohra, Sunni Bohra and Khojās.

Do Not Write anything in this Portion