MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR
FACULTY OF LAW
FIFTH SEMESTER BACHELOR OF ARTS AND LAWS INTEGRATED
(Session 2021-22 onwards)
PAPER – V (PAPER CODE **– BAL505**): (PAPER NAME - **FAMILY LAW –II (MUSLIM LAW)**)
V – SEMESTER **M.M 80**

UNIT-I **Muslim Law:** Origin, Development, Sources, Schools, Application, Interpretation and Conversion.

UNIT-II **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

UNIT-III **Pre-emption:** Meaning, Nature and Classification of Haq Shufa (Pre-emption), Rights of pre-emption, conflict of laws, subject matter and formalities of pre-emption, legal effects of pre-emption, Devices for evading pre-emption.
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

UNIT-IV **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.
Maintenance: Person entitled to maintenance, Principles of maintenance, The Muslim Women (Protection of Rights on Divorce) Act, 1986.
Death Bed Transactions: Meaning and effect of Marj-ul-maut

UNIT-V **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
Inheritance: General principles of law of inheritance, Doctrine of Aul and Rudd under Hanafi and Shia Law.

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
5. Verma, B.R. : Islamic Law
6. Amir Ali : Mohammedan Law