FEDERAL PUBLIC SERVICE COMMISSION

COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS IN BS-17 UNDER THE FEDERAL GOVERNMENT, 2013

Roll Number

MUSLIM LAW & JURISPRUDENCE

TIME ALLOWED:	**(PART-I MCQs)**	**30 MINUTES**	**MAXIMUM MARKS: 20**
THREE HOURS	**(PART-II)**	**2 HOURS & 30 MINUTES**	**MAXIMUM MARKS: 80**

NOTE: **(i)** **First** attempt **PART-I (MCQs)** on separate **OMR Answer Sheet** which shall be taken back after **30** minutes.
(ii) **Overwriting/cutting of the options/answers will not be given credit.**

PART-I ((MCQs) (COMPULSORY)

Q.1. (i) Select the best option/answer and fill in the appropriate Circle ◯ on the **OMR Answer Sheet. (20x1=20)**
(ii) Answers given anywhere, other than OMR Answer Sheet, shall not be considered.

1. *Al Risalah* is name of the book authored by:
(a) Imam Malik **(b)** Imam Ahmad **(c)** Imam Bukhari **(d)** None of these

2. *Mubarat* means:
(a) When husband and wife decide to opt for *li'an*
(b) When husband and wife decide to get divorced.
(c) When wife decides to drag the husband to a court of law for divorce. **(d)** None of these

3. The Federal Shariat Court declared in _____ that some provisions of the Muslim Family Law Ordinance 1961 were repugnant to the Islamic injunctions.
(a) *Farishta Case* **(b)** *Ismael Qureshi Case* **(c)** *Allah Rakha Case* **(d)** None of these

4. Easements are known in Islamic law as:
(a) *Huquq al-Irtifaq* **(b)** *Huquq al-Ardiyyah* **(c)** *Haquq al-Hayatiyyah* **(d)** None of these

5. The suit for pre-emption shall fail if_____ different kinds of demands are note made:
(a) Seven **(b)** Five **(c)** Three **(d)** None of these

6. *Shuroot in'iqad* in marriage are those:
(a) Which if not found, the contract will not be enforced.
(b) Which if not found, the contract will be irregular.
(c) Which if not found, the contract will not be binding. **(d)** None of these

7. *Zahir al-Riwayah* are six books authored by:
(a) Imam Shafi'i **(b)** Imam Malik **(c)** Imam Shaybani **(d)** None of these

8. Divorce pronounced in death-illness is:
(a) Valid **(b)** Invalid **(c)** Valid if the wife accepts it **(d)** None of these

9. Legal capacity (*ahliyya*) in Islamic law is divided into:
(a) *Ahliyya al-ada* and *ahliyya al-wafa* **(b)** *Ahliyya al-wujoob* and *ahliyya al-haqq*
(c) *Ahliyya al-wujoob* and *ahliyya al-ada* **(d)** None of these

10. Can the husband revoke the delegation of the right of divorce?
(a) No **(b)** Yes **(c)** Yes, if he does so before the wife exercise this right. **(d)** None of these

11. *Istishab* denotes:
(a) The presumption of non-existence **(b)** The presumption of validity
(c) The presumption of continuity **(d)** None of these

12. *Aasaba* are those:
(a) Who have prejudice towards a section of the society.
(b) Whose share is not fixed and will get whatever is left.
(c) Who are entitled to get *zakah.* **(d)** None of these

13. Imam Malik bin Anas belongs to:
(a) *Ahl al-Hadith* **(b)** *Ahl al-Ra'i* **(c)** *Ahl al-Zahir* **(d)** None of these

14. *Maslaha Mursala* refers to:
(a) A Maslaha which is neither recognized nor rejected by Shariah.
(b) A Maslaha which is not recognized by Shariah but which must be adopted for its utility for Muslims.
(c) A Maslaha which is proved by a *Hadith i Mursal* **(d)** None of these

15. In case of divorce before consummation of marriage:
(a) Half dower must be paid, if dower was fixed.
(b) Full dower must be paid if its proved that mistake of husband caused the divorce.
(c) No dower is payable as dower is paid as consideration for "consummation". **(d)** None of these

16. Bay' al-Salam is:
(a) Money for fruit but the counter-values must be exchanged simultaneously.
(b) Money for fruits but money must be paid prior to delivery.
(c) Money for fruits but money is paid after delivery, otherwise sale is void. **(d)** None of these

17. *Talaqqi al-Rukban* denotes:
(a) Divorces during travel
(b) Divorce while the wife is pregnant.
(c) Divorce when the agent of the husband pronounces it on his behalf. **(d)** None of these

18. Consideration in *Khula'* means:
(a) Gifts **(b)** Any property paid to the wife **(c)** Any property paid to the husband **(d)** None of these

19. *Faskh* in the Hanafi School is:
(a) Available only on three grounds. **(b)** Available only on four grounds.
(c) Is the absolute right of the wife. **(d)** None of these

20. Imam Abu Hanifah was student of:
(a) Abdullah Ibn Mas'ud **(b)** Imam Hammad **(c)** Imam Hasan Basri **(d)** None of these

PART-II

NOTE: **(i)** **Part-II** is to be attempted on the separate **Answer Book.**
(ii) Candidate must write **Q. No.** in the **Answer Book** in accordance with **Q. No.** in the **Q. Paper.**
(iii) Attempt **ONLY FOUR** questions from **PART-II. ALL questions carry EQUAL marks.**
(iv) Extra attempt of any question or any part of the attempted question will not be considered.

Q.2. Explain the provisions of Islamic law regarding the custody of child and critically evaluate the notion of "parental child abduction". **(20)**

Q.3. Imam Ghazali says: "*Maslahah* does not mean acquiring benefit or repelling harm; it means protecting the purposes of the law." Elaborate theory of the purposes of Islamic law (*maqasid al-shari'ah*) and link it with the wider doctrine of *maslahah* as expounded by Imam Ghazali and Imam Shatibi. **(20)**

Q.4. **(a).** "A contract of marriage concluded in the absence of two witnesses is void, but some consequences of irregular contract are assigned to it". Elaborate this rule by clearly separating the effects of a void contract and the effects of an irregular contract which are found in such a contract. **(10)**

(b). Give three examples in which one divorce is deemed irrevocable (*ba'in*) by the Sunni Law. **(10)**

Q.5. "Necessity does not allow every prohibited act; rather, some acts remain prohibited even in the state of necessity." Explain this statement by clearly elaborating the parameters and limitations of the doctrine of necessity in Islamic law. **(20)**

Q.6. "Islamic law links the punishments of *hadd*, *ta'zir* and *qisas* to the right of God, the right of individual and the joint right of God and individual, respectively." Distinguish between the legal consequences of these punishments which emanate from these different kinds of rights. **(20)**

Q.7. "*Istihsan* does not mean deviation from the legal norms on the basis of personal liking or disliking; rather, it is a means to ensure analytical consistency in the legal system by resolving conflicts in various sources of law." Elaborate this statement and critically evaluate the objection raised by the shafi'i jurists on the Hanafi principle of *Istihsan.* **(20)**

Q.8. Write notes on the following:- **(5 each)** **(20)**

(a) Obligatory Bequest (*Wasiyyah Wajibah*)
(b) Intoxication as Cause of Defective Legal Capacity
(c) *Mujtahid fi al-Madhhab*
(d) *Zihar*

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