Bihar Judicial Service (Mains) 2014

Hindu Law and Muhammadan Law · optional paper

1. Discuss the modern sources of Hindu Law. Under what circumstances the courts have authority to decide cases of Hindus on the principles of justice, equity and good conscience?

2. (a) Point out and discuss the conditions for a valid Hindu marriage under the Hindu Marriage Act, 1955.
(b) M, having living wife, marries a Sikh girl by undergoing three ceremonies of marriage at different times before full moon, Goddess Kali and Guru Granth Sahib. M is prosecuted for bigamy. Decide.

3. What are the essential conditions for a valid adoption under the Hindu Adoption and Maintenance Act, 1956? Is it necessary to enquire into the motive of adoption?

4. Explain Joint Hindu Family and Coparcenary. Point out the rights of a coparcener.

5. Elaborate the changes introduced in the Hindu Succession Act, 1956 by the Hindu Succession (Amendment) Act, 2005. Also distinguish between testamentary succession and intestate succession.

6. Discuss the formal and material sources of Muslim Law. How was the expression 'justice, equity and good conscience' introduced in Muhammadan Law in India?

7. "Muhammadan Law was applied to Muslims in British India as a matter of policy." Examine this statement and point out the reasons which dictated the British to follow this policy. Does Shariat apply to Indian Muslims in cases of crime and evidence?

8. (a) Explain the terms 'paternity' and 'maternity' under Muslim Law. Distinguish between 'legitimacy' and 'legitimation'. Does Koran recognise adoption? Refer to case law. How does acknowledgment of paternity take place?
(b) X makes a valid acknowledgment of Y, but revokes it after one year. Decide the validity of the revocation.

9. Discuss the concept of guardianship in Islam. Point out the laws which apply in case of different periods of guardianship of Muslim minors. F, a Muslim wife of 16 years of age, sues for divorce without the intervention of a guardian. Decide the competency of F for instituting the suit.

10. Write notes on any two of the following: (a) Basic requirements of a will; (b) Bequeathable third; (c) Marz-ul-maut (Mard al-maut).