Odisha Judicial Service (Mains) 2013

Personal Law · optional paper

JSM – 13/4 · 3 hours · 150 marks

Answer six questions, selecting three from Section A and three from Section B.

Section A

1. Explain the conditions recognized by Dharma Sastras as necessary for a valid Hindu Marriage. The Hindu Marriage Act, 1955 has no doubt made in road into the close preserve of that ancient law. But the concept of a sacrament still goes strong. Comment. [25 marks]

2. Adultery in itself should not to my mind be a ground of divorce. — BERTRAND RUSSELL. Marriage and Morals (1968). Discuss Adultery as a ground of divorce under Hindu Marriage Act, 1955. [25 marks]

3. Husband's obligation to maintain wife is absolute and personal. Discuss. Refer to decided cases. [25 marks]

4. What do you understand by the Doctrine of Relation Back ? Does the Hindu Adoption and Maintenance Act, 1956 recognise this doctrine ? Examine with reference to decided cases to what extent the doctrine has been revived. [25 marks]

5. In the appointment of guardian the welfare of the child shall be the paramount consideration — Comment. State the different kinds of guardians recognized under the Hindu Minority and Guardianship Act. [25 marks]

6. Briefly explain the changes brought by Hindu Succession (Amendment) Act, 2005. Do you approve the position of Father as class II heir even after 2005 Amendment ? [25 marks]

Section B

7. The basis of the Islamic Law as understood all over the world is fourfold: Koran, Sunnah, Ijma, Qiyas — Elucidate. State the rules relating to interpretation of Koran. [25 marks]

8. Examine the various forms of Talaq recognized under Muslim Law. What is the position of a divorced Muslim wife to get maintenance from her husband under Sec 125 of the Criminal Procedure Code ? [25 marks]

9. Dower though a real settlement in favour of the wife, is a provision for a rainy day and socially it became a check on the capricious exercise by the husband of his almost unlimited power of divorce — Comment. How is Dower classified ? [25 marks]

10. The law of wakf is interwoven with the entire religious life and social economy of Muslims — Elucidate. What are the essentials of a wakf ? [25 marks]

11. Discuss the main points of difference between the Hanafi and Shiya law of marriage and inheritance. [25 marks]

12. Write short notes on the following:
(i) Doctrine of Awl and Radd
(ii) Uniform Civil Code [25 marks]