Odisha Judicial Service (Mains) 2016

Personal Law · optional paper

3 hours · 150 marks

The figures in the right-hand margin indicate marks. Answer six questions, selecting three from Section A and three from Section B.

Section A

1. 'Hindu Marriage is a sacrament, not a contract.' Discuss this statement in the background of the Hindu Marriage Act, 1955. How far do you agree with the view that revolutionary changes effected by this Act ? Explain. [25 marks]

2. Explain the concept of 'Joint Hindu Family' and 'Coparcenary'. Is there any change into these concepts after enactment of the Hindu Succession (Amendment) Act, 2005 ? Explain also the power of coparcener to alienate his coparcenary interest in Mitakshara Coparcenary. [25 marks]

3. In the light of recent Supreme Court decisions, explain the provisions of Section 13-B under the Hindu Marriage Act, 1955. Can a decree of divorce based on mutual consent be granted by the court even before the statutory period of six months ? If yes, by which court and under what circumstances ? [25 marks]

4. Who is natural guardian of a ward ? What are the rights of a natural guardian under the Hindu Minority and Guardianship Act, 1956 ? Can he alienate the property of a minor ? Explain. [25 marks]

5. What do you understand by 'pious obligation' of a son with regard to discharge the debt of his father ? Discuss. Do you agree with the view that this theory has been diluted by the Hindu Succession (Amendment) Act, 2005 ? Explain. [25 marks]

6. What are the disqualifications for the heir to inherit the property under the Hindu Succession Act, 1956 ? Discuss and explain also the provisions of the Hindu Succession Act, 1956 regarding the succession of Male Hindu Dying intestate. [25 marks]

Section B

7. "Quran is the first source of Muslim Law but it is not a complete legal code." While discussing the Quran as a source of Muslim Law also discuss the other primary sources of Sunni and Shia Law. [25 marks]

8. It is said that under Muslim Law any husband, who is of sound mind and has attained puberty, may divorce his wife, whenever he may wish. Discuss the husband's right to divorce his wife. [25 marks]

9. Whether Dower is a sale price of a Muslim wife or a restriction on unlimited power of a Muslim male to pronounce Talak or it is being given as a token of respect ? Discuss. [25 marks]

10. Define Waqf and discuss its characteristics. Can a Muslim create Waqf for the repair and maintenance of a Mandir (Hindu Temple) ? [25 marks]

11. What are the essential conditions for a valid will under Muslim Law ? Discuss the limitations under the Muslim Law on power of making valid will. [25 marks]

12. Write explanatory notes on any two of the following: 12½ × 2 = 25 [25 marks]

(a) Right of pre-emption

(b) Right of representation

(c) Parentage

(d) Conversion and Apostasy

De Facto IAS