Odisha Judicial Service (Mains) 2018

Personal Law · optional paper

Time: 3 hours. Full marks: 150. 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. According to Manu there are four sources of Dharma. Discuss the main sources of Hindu Law in detail. [25 marks]

2. Under the textual Hindu Law, three conditions were required for a valid marriage i.e. identify the caste, prohibited degrees of relationship and ceremonies of marriage. What are the essential conditions for marriage under the Hindu Marriage Act, 1955? Explain. [25 marks]

3. Mere severance of all connections with wife because of his ill health and allowing her to remarry cannot amount to divorce within the meaning of Section 13 of the Hindu Marriage Act, 1955, because a decree of divorce which result in the dissolution of a solemnized marriage has to be obtained by one of the two parties on presentation of a petition from a competent court. Discuss the grounds on which divorce can be available to husband and wife both. Do you agree that certain additional grounds are available to wife only? Explain. [25 marks]

4. Discuss the requisites of a valid adoption under the Hindu Adoption and Maintenance Act, 1956. A, a Hindu male of 25 years of age adopted a daughter of 14 years of age. Discuss the validity of such adoption. Is it makes any difference if the adopted child is a son of 14 years of age. Explain. [25 marks]

5. Who are the heirs of a Hindu Female? Discuss the provisions relating to rules of succession of the property of a Hindu female dying intestate under the Hindu Succession Act, 1956. [25 marks]

6. Explain any four of the following: (a) Distinction between Void and Voidable Marriage. (b) Distinction between Alimony and Maintenance pendente lite. (c) Dostinction between Joint Hindu Family and Coparcenary. (d) Difference between the Mitakshara and Dayabhaga Schools. (e) Difference between the powers of a Natural guardian and Testamentary guardian. (f) Difference between Perstripes and Per capita distribution. [6¼×4=25 marks]

Section B

7. Sunnie Muslims of India belong either to Hanafi or Shafei school of Muslim law but there are other schools of Muslim law too. Discuss the schools of Sunnie Muslim Law in detail. [25 marks]

8. The two basic requirements in Muslim Law for legal competence to freely contract a marriage are sanity and puberty. While discussing the nature of muslim marriage also discuss the classification of marriages under Sunnie and Shia law. [25 marks]

9. The fact is that Maher (dower) is neither consideration nor dowry. It has a unique position of its own. What is dower? Discuss the nature, amount, claim of Maher and Maher when payable. [25 marks]

10. The dissolution of Muslim Marriage Act, 1939 was enacted in the erstwhile British India at the end of a long prowomen reform movement led by Muslim religious leaders. Explain the various grounds on which the court can dissolve a marriage at the instance of the wife. [25 marks]

11. With the help of the decided cases discuss the provisions of Muslim Women (Protection of Rights on Divorce) Act, 1986. [25 marks]

12. Write explanatory notes on any two of the following: (a) Triple Talaq (b) Essentials of Hiba (c) Doctrine of Aul and Rudd (d) Bequeathable third [12½×2=25 marks]

De Facto IAS