

JSM – 13/4

Personal Law

Time : 3 hours

Full Marks : 150

The questions are of equal value.

*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.
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.

3. Husband's obligation to maintain wife is absolute and personal. Discuss. Refer to decided cases.
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.
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.
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 ?

Section – B

7. The basis of the Islamic Law as understood all over the world is four fold : Koran, Sunnah, Ijma, Qiyas — Elucidate. State the rules relating to interpretation of Koran.

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 ?
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 ?
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 ?
11. Discuss the main points of difference between the Hanafi and Shiya law of marriage and inheritance.
12. Write short notes on the following :
 - (i) Doctrine of Awl and Radd
 - (ii) Uniform Civil Code

