

***Advanced Diploma in Family Dispute Resolution  
(Batch 2021 – 2022)***

**Take Home – Supplementary Examination (November 18-21, 2022)**

**Paper I – 1.1. Family, Marriage and Matrimonial Remedies**

**TOTAL MARKS: 100**

**INSTRUCTIONS TO CANDIDATES**

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
  - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
  - c) *Clearly indicate the question numbers while answering them.*
  - d) *Answer all the four questions and each question carries 25 marks.*
  - e) *The answer for the 25 marks question should be written in 1200 - 1500 words and for the 10 marks / 15 marks question it should be 800 – 1000 words.*
  - f) *All the candidates are required to submit only word / Pdf files containing the typed answers.*
  - g) *All papers will be uploaded on Turn-it-in for plagiarism check. Any paper with more than 15% similarity will be considered to be plagiarized and shall not be evaluated.*
  - h) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
  - i) **Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.**
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**Q1**

In major part of India, we can see the prevalence of patrilineal system wherein father is the head of the family and all the members of the family trace their descent through the father's line of descent. In this system, generations are tied together into a kinship through male members of a family. A variation in this system can be observed in Kerala where the Nair community practices matrilineal system. Here, the kinship system consisted of families related through maternal line of descent. On the other hand, the western countries like USA and others, they follow a bilateral system wherein a person is considered to be equally related to both his or her father's and mother's relatives. In this system the descent is traced both through males and females. With this background, examine origin and evolution of family, forms and functions of the family as a social institution. **(25 Marks)**

**Q2**

Marriage is an important social institution. It is a relationship, which is socially approved. The relationship is defined and sanctioned by custom and law. It is one of the universal social institutions. It is established by the human society to control and regulate the sex life of a man. The social institution of family is very closely related to the marriage and both are complementary to each other. The concept of marriage has been thoroughly studied by the sociologists. Explain the essential conditions of Hindu and Muslim marriage in India. **(25 Marks)**

**Q3(a)**

The dissolution of marriage may be studied under three heads such as the fault theory – where either spouse is at fault; breakdown theory – where the institution of marriage breaks between spouses and consent theory – where both the spouses agree to dissolve the marriage. This concept has been legally recognized under Hindu Marriage Act, 1955. Explain the importance of these theories under Hindu Law

**(15 Marks)**

**Q3(b)**

The Indian Divorce (Amendment) Act, 2001 has amended the Indian Divorce Act, 1869 w.e.f. 3-10-2001. The amendments were made after consultations with the leaders of prominent churches in India, Members of Parliament belonging to Christian community and after taking into account the Law Commission's Report and Judgements of Supreme Court and various High Courts. It removes the gender bias against Christian women vis-a-vis their men and brings about uniformity in application of Sections 10,17 and 20 to the entire Christian community in our country. What are the grounds of divorce under Christian Law.

**(10 Marks)**

**Q4**

The Legal bars imposed disable the person approaching the court to avail the matrimonial remedy sought by him / her owing to the wrongs committed on the part of the person approaching the court of law. The law openly states that one who approaches the court should come with clean hands the bars imposed on seeking matrimonial reliefs gives total effect to this principle. Basing on this statement, write a detailed note on the bars imposed by the Law to get any matrimonial remedy in the Indian Personal Law.

**(25 Marks)**