Bihar Judicial Service (Mains) 2023

Hindu Law and Muhammadan Law · optional paper

Time: 3 hours · Full marks: 150

Answer six questions, taking three from each Part.

Part I

1. "Under the Hindu system of law, clear proof of usage will outweigh the written text of the law." Comment. Whether custom has been recognized under the codified Hindu law? If yes, mention those provisions. (25 Marks)

2. (a) On the contravention of which of the provisions of Section 5 of the Hindu Marriage Act, 1955 is a Hindu marriage treated as void, voidable and valid? Comment.
(b) Discuss about the validity of the marriage between a 15-year-old girl and a 65-year-old man. (15+10 Marks)

3. What are the general rules of succession under the Hindu Succession Act, 1956? Explain. (25 Marks)

4. Define partition. State the persons who are entitled to claim a share on partition. Can a partition once effected be reopened? (25 Marks)

5. Write short notes on the following: (5×5=25)
(a) Personal law
(b) Effect of adoption
(c) Stridhan
(d) Disqualified heir
(e) Pious obligation

Part II

6. What are the sources of Muslim law? Discuss primary as well as secondary sources in order of their priority. (25 Marks)

7. There are certain impediments which render a Muslim marriage as Batil (void)' or 'Fasid (irregular)'. Discuss. (25 Marks)

8. Discuss in detail the pre-requisites of a valid will under Muslim law in India. A Hanafi Muslim makes a bequest of ⅔rd of his estate. Discuss its validity. Also differentiate between Shia and Sunni law. (25 Marks)

9. Define 'natural guardian' under Muslim Law and discuss his powers. In what circumstances can a natural guardian transfer the property of a minor? (25 Marks)

10. What is the right of a mother to the custody of her Muslim infant children and when she becomes disqualified for custody? Who is entitled to the custody of a Muslim minor wife? (10+10+5 Marks)