Odisha Judicial Service (Mains) 2021

Personal Law · optional paper

JSM – 21/4 · 3 hours · 150 marks

The questions are of equal value. Candidates should attempt six questions, selecting three from Section A and three from Section B.

Section A

1. "Development of schools and sub-schools under Hindu law has not been influenced by the view (opinion) of single Hindu Sage." Examine above statement. [25 marks]

2. Discuss the impact of the Prohibition of Child Marriage Act, 2006 on the institution of Hindu Marriage. [25 marks]

3. With the help of decided cases, explain when the courts have considered the fact and circumstances concerning respondent are relevant and important, lack of which declared the marriage as voidable. [25 marks]

4. Explain the meaning of coparcenary property under the Mitakshara school of Hindu law and discuss rules of its devolution amongst the heirs of propositus. [25 marks]

5. "Nature of adoption under the Hindu Law has been changed from religious to secular." Discuss above statement with help of the provisions of the Hindu Adoption and Maintenance Act, 1956 and decided cases. [25 marks]

6. Do you agree that the Section 9 of the Hindu Marriage Act, 1955 put a unreasonable restriction on the rights and liberty of working Hindu Women ? Give reasons and cite decided cases in support of your view. [25 marks]

Section B

7. Point out nature of Mahr in Muslim law and discuss right of Muslim widow to retain her husband's property in lieu of unpaid Mahr. [25 marks]

8. Discuss the law of legitimacy under Muslim law. Does Section 112 of the Evidence Act applies in determination of legitimacy of a Muslim child ? [25 marks]

9. Explain the provision of Muslim law dealing Nafaqa of Muslim wife with special reference to the provision of Criminal Procedure Code. [25 marks]

10. Compare the provisions of Muslim law dealing Hiba-bil-ewaz and Hiba-ba-shart-ul-ewaz. [25 marks]

11. Discuss nature of the right of pre-emption. Is it a weak right ? Explain different kinds of pre-emptor under Muslim law. [25 marks]

12. "A Muslim has limited power to make a wasiyat." Discuss and also explain Maraz-ul-maut. [25 marks]