Odisha Judicial Service (Mains) 2022

Personal Law · optional paper

3 hours · Full marks: 150

The questions are of equal value. Answer six questions, selecting three questions from each Section.

SECTION—A

1. Discuss various Dharmasutras and Dharmashastras written in Smriti period. How far are they considered as the source of Hindu Law?

2. (a) Discuss different theories of Sapinda relationship.
(b) Discuss the validity of following marriage :
A Hindu male of 22 years marries with a Hindu girl of 15 years.

3. Examine the provisions relating to divorce by mutual consent under the Hindu law. Can the courts waive the waiting period of six months? Refer decided cases also.

4. Examine the validity of following adoption. Give reasons in support of your answer :
(a) A Hindu mother adopts her own illegitimate son.
(b) A Hindu female of 30 years adopts a Hindu boy of 14 years.

5. "Coparcenary interest in Mitakshara School of Hindu law has been considered as source of discrimination between male and female Hindu heirs of a propositus. Time to time laws have been made to dilute this concept." Critically examine the statement.

6. Discuss the meaning of de facto guardian. Explain its power and status under the Hindu Minority and Guardianship Act, 1956.

SECTION—B

7. Discuss relevancy of 'Ijma' and 'Qiyas' as the sources of the Muslim law. Are they helpful in resolving the Muslim's problems?

8. Explain the following Muslim marriages — whether sahi, irregular or void :
(a) A Muslim marries with two wives at the same time so related with each other by consanguineous relationship.
(b) A Muslim marries with a woman observing 'iddat'.
(c) A Muslim marries a 'Kitabiya' woman.
(d) A Muslim woman marries Muslim man putting condition that after the marriage she will live in her father's house along with her husband.

9. Define and discuss the dower and its nature. Can a Muslim wife retain the property of her husband for unpaid dower? Refer the cases also.

10. Discuss the concept of judicial divorce and its introduction under the Muslim law. What are the grounds under which a Muslim woman may obtain divorce through courts?

11. With the help of decided cases, discuss the provisions and scope of the Muslim women (Protection of Rights on Divorce) Act, 1986. Whether the Act and its provisions are constitutionally valid? Discuss.

12. Explain 'Koranic' and 'Agnatic' heirs under Hanafi law of inheritance and distribution of shares amongst 'Koranic' heirs.