Odisha Judicial Service (Mains) 2023

Personal Law · optional paper

3 hours · 150 marks

The figures in the right-hand margin indicate marks. Answer six questions, selecting three questions from each Section. All questions carry equal marks.

Section—A

1. "A clear proof of usage will outweigh the written text of the law." Comment. [25 marks]

2. Wife has moved the court questioning the constitutional validity of Section 9 of the Hindu Marriage Act, 1955 on the ground of Right of Privacy. Can she succeed? Discuss citing landmark cases. [25 marks]

3. Sunil and Sunita were married in 2016 when the later was 14 years old. Later in 2022, Sunil converted to Islam and became Sohail and married his childhood school mate Soha and lived happily. Sunita prosecuted him for bigamy and Sunil took the defence that his second marriage under Muslim law is not bigamous, he has committed no offence. Decide supporting your answer with landmark case laws. [25 marks]

4. What are the significant changes introduced in the Hindu Succession Act, 1956 and Hindu Succession (Amendment) Act, 2005? Explain with some decided cases. [25 marks]

5(a). 'X' died leaving behind his self-acquired property and his wife, unmarried daughter, two sons and mother. Distribute his property. [10 marks]

5(b). Examine the general principles of succession of a male under Hindu Succession Act, 1956 referring to landmark cases. [15 marks]

6. Discuss the rights of divorced wife to claim maintenance under the Hindu laws and Criminal Procedure Code, 1973. [25 marks]

Section—B

7(a). Examine the validity of marriage in Muslim Law : [5 × 2 marks]

(i) A Hanafi Muslim who has four wives, contracts fifth wife. Is the fifth marriage valid?

(ii) A muslim man married a Muslim woman when she is observing iddat.

7(b). Discuss absolute and relative impediments to a Muslim Marriage. [15 marks]

8. Critically examine the impact of Shariat Act, 1937 with respect to applicability of Islamic Law. [25 marks]

9. The Shamim Ara vs. State of U.P. (2002) is a landmark case with respect to rights of Muslim women in India. Discuss. [25 marks]

10. Aslam and Banu are close friends. They decided to live together without undergoing formalities of marriage. After getting a child their relationships were strained. Now Banu is looking for a remedy. Advise with suitable case laws. [25 marks]

11. The Supreme Court's judgement in Shayara Bano vs. Union of India [(2017) 9 SCC 1] marked a landmark moment towards gender justice. Discuss the landmark case and suggest reforms in Muslim law. [25 marks]

12. Distinguish between the following : [5 × 5 marks]

(a) Muta marriage and Fasid marriage

(b) Nikah halala and Iddat

(c) Ila and Zihar

(d) Khula and Mubara

(e) Nafaqah and Mehr

De Facto IAS