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1 SEM LLB FLI 2 (N)

2016

(December)

FAMILY LAW - I

Paper : 1.2

(Hindu Law)

Full Marks – 80

Time – Three hours

The figures in the margin indicate full marks for the questions.

1. State whether the following statements are right or wrong (any *ten*) : 1×10=10
 - (a) Under the Hindu Marriage Act, 1955 Hindu includes Buddhist, Jain, Parsi and Sikh.
 - (b) A co-parcenary starts with a common male ancestor with his lineal descendants in the male line within four degrees, inclusive of the ancestor.
 - (c) An adopted child can be given in adoption with the consent of the natural parents.

- (d) The obligation of the husband to maintain his wife is a personal obligation.
- (e) Pious obligation means the moral liability of sons to pay off or discharge their father's non-avyavaharika debts.
- (f) Consent theory of divorce was introduced in the Hindu Marriage Act, 1955 in the year of 1979.
- (g) A partition can be total.
- (h) Son and daughter in entry (a) of Sec. 15(1) of Hindu Succession Act, 1956 refers to only legitimate son and daughters.
- (i) In public endowment, the dedication is for the use or benefit of the public at large or a specified class.
- (j) A guardian means a person having the care of the person of another or of his property.
- (k) When a Hindu migrates from one place to another, he carries his personal law with him.
- (l) Section 11 of the Hindu Marriage Act, 1955 deals with judicial separation.

2. (a) In what matters Hindu Law is codified ?
(b) What is the role of legislation as a source of Hindu Law ? 6+6=12

Or

✓ Explain different sub-schools of Mitakshara and Dayabhaga schools of Hindu Law. 12

3. ✓ What are the conditions of a valid marriage under Hindu Marriage Act, 1955 ? 12

Or

✓ (a) State the grounds of divorce exclusively available to wife.

✓ (b) What are the differences between divorce and judicial separation ? 6+6=12

- ✓ 4. "Hindu Succession Act, 1956 has brought a dynamic change in regard to females' right to property." — Discuss. 12

Or

✓ State the principles of succession under the Hindu Succession Act, 1956 relating to the properties of a male Hindu dying intestate.

12

5. What are the provisions for maintenance of wife under Hindu Adoption and Maintenance Act, 1956 ? 12

Or

What is an Adoption ? Explain the law relating to adoption of a child by a female under the Hindu Adoption and Maintenance Act, 1956.

2+10=12

6. (i) Who is a minor ?
- (ii) Whether a minor is bound by personal covenants of a Natural Guardian ?
- (iii) Give the circumstances when the Natural Guardianship may be revoked. 2+8+2=12

Or

- (i) What do you mean by religious and charitable endowments ?
- (ii) What are the essentials of a valid endowments ? 6+6=12

7. Answer any *five* of the following in not more than two sentences each : 2×5=10

(a) What is pious obligation ?

✓(b) What is Escheat ?

(c) What do you mean by doctrine of Factum Valet ?

(d) What is prohibited degree of relationship ?

(e) Who are dependants ?

(f) Who are defacto guardian ?

(g) What is partial partition ?