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19 (I) FMLW 1-2

2018

FAMILY LAW-I

Paper : 1-2

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :
1×10=10
 - (a) 'Shruti' is supposed to be the divine utterance to be found in the _____.
(Vedas/Smriti)
 - (b) The period of commentaries and digest is between _____ (500 A.D. to 1500 A.D./700 A.D. to 1700 A.D.)
 - (c) _____ has been made punishable as an offence under the Indian Penal Code. (Monogamy/Bigamy)
 - (d) Section 8 of the Hindu Marriage Act, 1955 deals with _____. (proof of marriage/restitution of conjugal rights)

Contd.

- (e) Under the present law of adoption the consent of wife is _____. (necessary/ not necessary)
- (f) In case of adoption of a son by a Hindu female, the age difference between them must be _____. (18 years/21 years)
- (g) Hindu joint family is a creature of _____. (law/agreement)
- (h) The natural guardian _____ bind the minor by a personal covenant. (can/ cannot)
- (i) According to Mayne, "Wills are wholly _____ to Hindu Law." (known/ unknown)
- (j) One person is said to be "Agnate" of another if the two are related by blood or adoption wholly through _____. (males/females)

2. Answer the following: $2 \times 5 = 10$

- (a) Essentials of valid custom
- (b) Concept of Marriage
- (c) Doctrine of Relation Back
- (d) Ad-hoc guardian
- (e) What is Religious and charitable endowment?

3. What are different types of schools in Hindu Law? Write the differences between the main schools. $4 + 8 = 12$

Or

What is karta of a joint Hindu family? Discuss briefly his position, powers and duties. Whether a female can act as a karta.

$2 + 2 + 4 + 4 = 12$

4. Discuss the various theories of divorce in Hindu Law. 12

Or

Write explanatory notes on: (any two)

$6 \times 2 = 12$

- (a) Restitution of conjugal rights
- (b) Various grounds of divorce under the Hindu Marriage Act, 1955
- (c) Changes brought about by the Hindu Marriage Act, 1955.

5. "An aged parents, a virtuous wife and an infant child must be maintained even by doing a hundred misdeeds." — Manu.

Write a critical note on the above statement and explain the present law on this subject.

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Or

Write exhaustive notes on: (any two)

$6 \times 2 = 12$

- (a) What are the changes brought about by the Hindu Adoption and Maintenance Act, 1956?

(b) Who can give in adoption ?

(c) Maintenance under Section 125 of Criminal Procedure Code, 1973.

6. What do you mean by 'minor' and 'guardian'? What are the changes brought about by the Hindu Minority and Guardianship Act, 1956? Can a minor be appointed to act as a guardian of another minor under the Act? $4+6+2=12$

Or

Write exhaustive notes on: $4 \times 3 = 12$

- (a) Natural Guardian
(b) Testamentary Guardian
(c) Certificated Guardian

7. What is gift? Can a gift made in favour of an unborn person? Explain. Also write the differences between gift and will.

$3+5+4=12$

Or

Explain the law relating to devolution of undivided interest in a Mitakshara coparcenary under, before and after the Hindu Succession (Amendment) Act, 2005.

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