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2014

HINDU LAW

Paper - 1005

Full Marks : 80

Time : Three hours

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

1. ✓ The Privy Council in *Collector of Madura vs. Mooto Ramalinga* observed : "Under Hindu System of law, clear proof of usage will outweigh the written text of law." — Justify the above statement with case laws. 16

OR

Discuss the principles of interpretation of Smritis. Distinguish between Directory and Mandatory texts. Write a brief note on 'Mimansa' rule of interpretation as propounded by Jaimini.

4+6+6=16

Contd.

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Commerce Page

2. Explain the meaning of void and voidable marriage under the Hindu Act, 1955. Distinguish between void and voidable marriage and discuss the status of children of void and voidable marriage.

6+5+5=16

OR

Write an exhaustive note on Judicial separation and Divorce. Discuss with care laws, cruelty and Discretion as a fault ground for Divorce.

8+8=16

3. The law of debts illustrates a principal which is constantly recurring in Hindu Law, viz., that moral obligations takes precedence of legal rights or ... legal rights are taken subject to the discharge of moral obligations. —

Discuss the three sources of liability for Debts under the Ancient Hindu jurisprudence. Mention the five propositions laid down in Brij Narain V. Mangala Prasad's case.

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OR

The general rule is that the son is liable to pay the debts of the father except when they are of such a character as to fall within one or other of the

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exceptions recognised by the ancient smritis. What are the different exceptions that have been classified by Smritikars; discuss in detail. What is the present law in this aspect?

12+4=16

4. The provisions of the Hindu Minority and Guardianship Act, 1956 and the Guardians and Wards Act of 1890 are complementary — Discuss. Define 'minor' and 'guardian' under the Hindu Minority and Guardianship Act, 1956.

8+8=16

OR

"Guardian is a person having the care of the person of the minor or of his property or of both person and property." (sec. 4(b))

In Hindu Law three persons are recognised as natural guardian. Discuss the natural guardian's power over Minor person and property under the Act of 1956.

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5. Discuss the evolution of the institution of sonship. Critically examine whether in adoption the secular motive predominates or the religious motive predominates.

4+6+6=16

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Contd.

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Commerce Point

OR

In Hindu Law, the term 'maintenance' has been used in wide sense.

Discuss in detail the personal obligation to maintain certain relations under the Hindu Adoption and Maintenance Act, 1956. 16