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14 (H.L.N.A.-1) PAGES

2018

HINDU LAW

Paper : 1005

Full Marks : 80

Time : Three hours

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

1. "The Hindu religion does not claim any prophet, it does not worship any one God,..... It may broadly be described as a way of life and nothing more" — Considering the above statement discuss the nature and origin of Hindu Law. Who are Hindus ? Discuss.

16

Or

Fullest effect is given to custom both by courts and by legislation. The Privy Council in Mootoo Ramalinga's case observed : "Under the Hindu system of law, clear proof of custom will outweigh the written text of law". — Discuss and elucidate the above statement.

16

Contd.

2. 'Hindu marriage is neither a sacrament nor a civil contract'. Establish the above statement with the help of customary and decisional laws. 16

Or

Discuss the different theories of Divorce. Analyse the views of the Law Commission of India and the Supreme court on the desirability of the irretrivable breakdown theory of divorce. 16

3. Discuss in detail the Mitakshara and Dayabhaga concept of coparcenary. Distinguish between the two. Has the modern Hindu Law effected any change between the two schools, if so to what extent? 16

Or

The position of Karta bore great significance under ancient Hindu Law, though in modern times with the wane of joint hindu family and the advent of statutory law the institutional authority has declined. Attempt an exhaustive enumeration of his power and responsibilities. 16

4. The Law on Hindu Minority and Guardianship had been enacted with the avowed aim of providing protection to minors who were deprived of sane care and counsel. Analyse the salient features of the Law pointing out its significance and utility in present times. 16

Or

Write brief notes on the following : 4x4

- i) Powers of Natural Guardian
- ii) Powers of Testamentary Guardian
- iii) Powers of Guardian appointed by court
- iv) *De facto* Guardian

5. The novel concept of adoption has received a boost through the statutory laws of adoption. However, the original law in the country has been amended to meet the demanding needs of the time to thwart attempts to misuse the law. Discuss the amendments effected to the law and state whether these have gone far enough to respond to the demands of time. 16

Or

The concept of maintenance finds recognition under the statutory law in India.

What in your estimation are the reasons for clubbing the law on maintenance with that of adoption. Does the stage go far enough in providing succor to those really in need of such legal protection.

Reflect on the salient provisions and put forth your propositions in the context of present day demands.

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