

Total number of printed pages-4

19 (I) FMLW 1·2

2019

**FAMILY LAW**

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 by choosing the correct option : 1×10=10
- (i) A Hindu life is divided into \_\_\_\_\_  
Ashram(s). (one/two/three/four)
- (ii) Hindu Law is given by \_\_\_\_\_.  
(king/judges/seers and sages/  
none of these)
- (iii) Vedangas are \_\_\_\_\_.  
(one/two/five/six)
- (iv) Kinds of customs are \_\_\_\_\_.  
(local custom/family custom/  
class custom/all of these)

Contd.

- (v) Mitakshara is a commentary by \_\_\_\_\_.  
(Vijnaneshwara/Jimutavahana/  
Raghunandana)
- (vi) Section 7 of Hindu Marriage Act, 1955  
provides \_\_\_\_\_.  
(Guardianship in marriage/  
ceremonies for a Hindu marriage/  
Registration of marriage)
- (vii) Claimant to maintenance should be  
\_\_\_\_\_.  
(a Hindu/an Indian/any person)
- (viii) Dependant mean the following relatives  
of deceased ; \_\_\_\_\_.  
(His or her mother/  
His or her father/Both)
- (ix) Gift is a transfer of property \_\_\_\_\_  
consideration. (with/without/  
with some)
- (x) Any gift once completed can \_\_\_\_\_.  
(be revoked/not be revoked/not be  
revoked unless it was obtained by fraud  
or undue influence) .
2. Answer the following :  $2 \times 5 = 10$
- (a) What is Will ?
- (b) Reversioner

- (c) Ceremonies of Hindu marriage
- (d) Ceremonies of Hindu marriage
- (e) Sapinda.

3. Who is Hindu ? What are the essentials of  
Hindu law ? Narrate.  $2+10=12$

**Or**

Distinguish between Mitakshara School and  
Dayabhaga School. 12

4. Who can appoint a testamentary guardian ?  
What are the powers of testamentary  
guardian ? Discuss.  $4+8=12$

**Or**

Who is natural guardian ? Analyse the  
powers of natural guardian. Can a minor  
be a guardian of other minor and his  
property ?  $2+6+4=12$

5. Explain the following : (with reference to  
Hindu Marriage Act, 1955)  $6+6=12$

- (a) Theories of Divorce
- (b) Grounds of Divorce

**Or**

(a) Restitution of Conjugal Rights

(b) Judicial Separation.

6+6=12

6. Narrate the following: (with reference to Hindu Adoption and Maintenance Act, 1956)

6+6=12

(a) Essentials of a valid adoption

(b) Who can be adopted?

**Or**

(a) Who can take in adoption?

(b) Who can be given in adoption?

6+6=12

7. Answer the following: (As per Hindu Succession Act, 1956)

6+6=12

(a) Stridhana

(b) Devolution of Property of a female Hindu dying intestate.

**Or**

(a) Devolution of Property of a male Hindu dying intestate

(b) Section 6.

6+6=12

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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 : 2×5=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)**

6×2=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.

12

**Or**

Write exhaustive notes on : **(any two)**

6×2=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.

12

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19 (I) FMLW-I 1-2

2017

**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 :  
10×1=10
  - (a) According to Hindu Philosophy, the ultimate goal of life is \_\_\_\_\_.  
(to achieve salvation / Dharma)
  - (b) Hindu Law is \_\_\_\_\_.  
(personal law/lex-loci)
  - (c) Pregnancy of the wife at the time of marriage is a ground of \_\_\_\_\_.  
(Void marriage / Voidable marriage)
  - (d) 'Presumed death' implies that a person has not been heard of as being alive for a period of \_\_\_\_\_.  
(4 years / 7 years or more)

Contd.

- (e) 'Dattaka' means \_\_\_\_\_.  
(adopted sons / natural born sons)
- (f) Can illegitimate minor daughter claim maintenance from her putative father?  
(Yes/No)
- (g) The guardian appointed by the Court is known as \_\_\_\_\_.  
(Certificated guardian / Testamentary guardian)
- (h) The word 'after' used in section 6(a) of the Hindu Minority and Guardianship Act, 1956, mean \_\_\_\_\_.  
(after the life time / in the absence of)
- (i) Father is a \_\_\_\_\_.  
(Class I heir / Class II heir)
- (j) The order of succession provided by the Hindu Succession Act, 1956 is based on the concept of \_\_\_\_\_.  
(blood-relationship / love and affection)

2. Write short answers on :  $5 \times 2 = 10$

- (a) What is Dharma ?
- (b) What do you mean by 'Dowry' ?
- (c) Effects of adoption.
- (d) Define 'De-facto guardian'.
- (e) Mitakshara Coparcenary.

3. What are the different sources of Hindu Law? Explain each of them. 12

**Or**

Write exhaustive notes on :  $6+6=12$

- (a) Concept of 'Hindu Joint Family'.
- (b) Main schools of Hindu Law.

4. Whether Hindu Marriage is a sacrament or contract. Discuss with the relevant provisions of the Hindu Marriage Act, 1955. 12

**Or**

Discuss the different grounds of divorce under the Hindu Marriage Act, 1955. 12

5. What are the requisites of a valid adoption? Who can adopt and who may be adopted under the provisions of the Hindu Adoptions and Maintenance Act, 1956? Discuss.

$2+6+4=12$

**Or**

What is Maintenance? Discuss the provisions relating to maintenance to wife under the Hindu Adoptions and Maintenance Act, 1956 and when a wife is not entitled to separate residence and maintenance.  $2+7+3=12$



6. What do you mean by Guardian ? Write the powers of Natural guardian and Testamentary guardian under the provisions of Hindu Minority and Guardianship Act, 1956. 2+8+2=12

**Or**

Write short notes on : **(any three)**

4×3=12

- (a) Changes made by the Hindu Minority and Guardianship Act, 1956.
- (b) Welfare of minor and guardian appointed by Court.
- (c) Guardian not to be appointed for minors' undivided interest in joint properties.
- (d) Can a minor be appointed to act as a guardian of another minor under the provisions of the Hindu Minority and Guardians Act, 1956 ?
7. What is 'Intestate Succession' ? State the rules of succession to property of a Female Hindu dying intestate under the Hindu Succession Act, 1956. 2+10=12

**Or**

Discuss the rules under the Hindu Succession Act, 1956 in the matter of the property of a Male Hindu dying intestate. 12

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Total number of printed pages-4

19 (Sem-I) FMLW 1.2

2016

**FAMILY LAW-I**

Paper : 1.2

( New Course )

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 :  
10×1=10
- (a) The commentaries and Digests cover a period of about one thousand years from \_\_\_\_\_. (700 A.D to 1700 A.D, 500 A.D to 1500 A.D)
- (b) The Mitakshara School of Hindu law is based on the 'Mitakshara' commentary written by \_\_\_\_\_. (Vikramaditya, Vijnaneshwar)
- (c) Marriage of a girl below the age of 18 years is \_\_\_\_\_. (void, voidable)
- (d) Guilt Theory of divorce implies \_\_\_\_\_. (Both parties to the marriage to be guilty, one guilty party and other party to be innocent)

Contd.

- (e) Section 10 of the Hindu Adoption and Maintenance Act prohibits adoption of \_\_\_\_\_. (a boy or girl who has not completed the age of one year, a married boy or girl).
- (f) Section \_\_\_\_\_ of the Hindu Marriage Act deals with maintenance pendente lite during the proceedings between a husband and wife. (25, 24)
- (g) According to Manu the minority of an infant ceases on his \_\_\_\_\_ years. (16<sup>th</sup>, 18<sup>th</sup>)
- (h) The words 'father' and 'mother' under Section 6 of the Hindu Minority and Guardianship Act, 1956 \_\_\_\_\_ step-father and step-mother. (do not include, include)
- (i) Under Hindu law a donatio mortis causa. (death leed gifts) is \_\_\_\_\_. (void, valid)
- (j) The order of succession provided by the Hindu Succession Act, 1956 is based on the concept of \_\_\_\_\_. (blood relationship, love and affection)
2. Write short answer on :  $5 \times 2 = 10$
- (a) Distinction between custom and usages.
- (b) Can the first wife bring an injunction to restrain the husband from taking a second wife?

- (c) Ceremonies of adoption.
- (d) Define 'Guardian'.
- (e) Modes of partition.

3. Who is a Karta of a joint family? Discuss briefly his powers, position, duties as well as liabilities. Whether a female can be a Karta?  $2+8+2=12$

**Or**

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

- (a) Ancient sources  
(b) Dayabhaga school  
(c) Origin of Hindu law.

4. "There is a shift from fault theory to irretrievable breakdown of marriage theory for dissolution of marriage" — Discuss. 12

**Or**

Write explanatory notes on : **(any two)**  $6+6=12$

- (a) Forms of marriage  
(b) Dissolution of marriage  
(c) Maintenance 'pendente lite' and permanent alimony.

5. What are the requisites of a valid adoption under the Hindu Adoption and Maintenance Act, 1956? Explain in the light of judicial decisions the effect of adoption of a son by widow on Mitakshara coparcenary. Explain the doctrine of relation back with respect to law of adoption.  $6+3+3=12$

**Or**

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

- (a) Maintenance as an absolute liability.
  - (b) Maintenance of the members of the joint family.
  - (c) Quantum of maintenance.
6. What are different type of guardians recognised under Hindu Law? State the difference between natural guardian and testamentary guardian. Discuss with the help of decided cases under what circumstances a Hindu wife can be a natural guardian.  $6+3+3=12$

**Or**

Write short notes on : **(any three)**  $4 \times 3 = 12$

- (a) Rights of Guardians
  - (b) Guardianship by affinity
  - (c) Liabilities of Guardians
  - (d) Removal of Guardians.
7. Explain the law relating to devolution of undivided interest in a Mitakshara coparcenary under the Hindu Succession Act, 1956. State the recent amendment that has been brought about in this regard.  $8+4=12$

**Or**

Define gift. Can a gift be made in favour of an unborn person? What are the difference between gift and will? Can a gift once accepted be revoked?  $2+3+4+3=12$

Total number of printed pages-5

19(3-I) FLAW 1.2(N)

2015

FAMILY-I

Paper : 1.2

(New Course)

Full Marks : 80

Time : Three hours .

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

PART-A

(Compulsory)

(Marks : 10)

1. Fill in the blanks with appropriate answer :

10×1=10

(a) Hindu law, as understood in the ancient times, \_\_\_\_\_ the command of the political sovereign of a community. [ was not / was ]

(b) "Shruti" are supposed to be the divine utterance to be found in the four\_\_\_\_\_. [ Vedas / smriti )

Contd.

- (c) 'Sapinda relationship' with reference to any person extends as far as the \_\_\_\_\_ generation (inclusive) in the line of ascent through the mother. [ third / fifth ]
- (d) A judicial separation is one which \_\_\_\_\_ the parties to a marriage to live apart. [permits / does not permit ]
- (e) Any marriage between two Hindus solemnized after the commencement of the Hindu Marriage Act, 1955 is \_\_\_\_\_ if at the date of such marriage either party had a husband or wife living, [void / voidable]
- (f) The Doctrine of Relation Back does not apply to the case of succession to a \_\_\_\_\_ property. [collateral's / joint Hindu family's ]
- (g) A person is deemed to die intestate in respect of property of which he or she \_\_\_\_\_ made a testamentary disposition which is capable of taking effect. [ has / has not ]
- (h) One person is said to be 'Agnate' of another if the two are related by blood or adoption wholly through \_\_\_\_\_. [ males / females ]

- (i) Prior to the Hindu Succession Act, 1956, a Hindu could not dispose of his coparcenary interest by \_\_\_\_\_. [ will / gift ]
- (j) A natural guardian means any of the guardians mentioned in section \_\_\_\_\_ of the Hindu Minority and Guardianship Act, 1956. [6/9]

### PART-B

#### (Compulsory)

(Marks : 10)

2. Write short answer on : 5×2=10
- (a) Dayabhaga coparcenary
- (b) Power of testamentary guardian
- (c) Pious obligation of sons
- (d) Consent theory of Divorce
- (e) Charitable Endowments

### PART-C

(Marks : 60)

- Answer **any five** questions : 12×5
3. What are the sources of Hindu Law ? Is custom a source of Hindu Law ? Discuss essential of a valid custom.

**Or**

- (a) Discuss the concept of Hindu joint family.
  - (b) In a Mitakshara Coparcenary who are the members of the coparcenary? Explain the incidents of coparcenarship.
4. What is 'cruelty' under the Hindu Marriage Act, 1956 ? Explain the acts or conducts which may amount to cruelty for the purpose of divorce under the above Act with case laws.

**Or**

Briefly discuss **any two** of the following :

- (a) Judicial Separation & Divorce
  - (b) Legitimacy of children of void and voidable marriage
  - (c) Maintenance 'pendente lite' and permanent alimony
5. (a) State the provisions for restitution of conjugal rights under the Hindu Marriage Act, 1955.
- (b) What are effects of a decree for conjugal rights passed by a court ?

6. (a) Discuss the concepts of adoption. What are the requisites for valid adoption?
- (b) Who are the persons capable of giving in adoption and persons who may be adopted citing statutory provisions under the Hindu Adoptions and Maintenance Act, 1956.?

**Or**

What are the rights of maintenance of a Hindu wife when she lives with her husband and when she lives separately from her husband ? Explain the statutory provisions and *at least two* case laws ?

7. Discuss the scheme of the Hindu Succession Act, 1956 in the matter of the property of a male Hindu dying intestate.

**Or**

Discuss the statutory provisions relating to :

- (a) Guardian not to be appointed for minors' undivided interest in joint properties.
- (b) Welfare of minor and Guardian appointed by court

Total number of printed pages 4

19 (1) FLAW (I) 1-2 (N)



2014

**FAMILY LAW-I**

(New Course)

**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 answers :

1×10=10

~~(a)~~ Hindu Law is a \_\_\_\_\_ . (Lex-Loci / Personal Law)

~~(b)~~ The Smritis in prose style are called \_\_\_\_\_ . (Dharma Sutras / Dharmashastras)

~~(c)~~ 'Arsha' is an \_\_\_\_\_ form of marriage as per Old Hindu Laws. (approved form / unapproved form)

~~(d)~~ \_\_\_\_\_ has been made punishable as an offence under the Indian Penal Code. (Monogamy / Bigamy)

Contd.



(e) Sec. 21 of the Hindu Adoptions and Maintenance Act deals with the right of maintenance of the \_\_\_\_\_ . (wife / dependants)

(f) Under the present law of adoption the consent of wife is \_\_\_\_\_ . (necessary / not necessary)

(g) A guardian appointed by the will of the minor's father or mother is called \_\_\_\_\_ . (Defacto guardian / Testamentary guardian)

(h) The Natural Guardian \_\_\_\_\_ (can / can not) bind the minor by a personal covenant.

(i) The order of succession provided by the Hindu Succession Act, 1956 is based on the concept of \_\_\_\_\_ . (blood relationship / love and affection)

(j) Gift under Hindu Law becomes-complete by \_\_\_\_\_ . (delivery of possession / merely on acceptance)

2. Answer the following : 5×2=10

(a) Who are Hindus and to whom the Hindu Law applies ?

(b) How do you define "Equity, justice and good conscience" as a source of Hindu Law ?

(c) What is a void marriage under Hindu Law ?

(d) What do you mean by divorce mutual consent ?

(e) What is the relation of the Doctrine of Relation Back to adoption ?

3. Explain the different sources of Hindu Law and their significance as such. 12

**OR**

What are the principal schools of Hindu Law ? Describe the main differences between the two schools.

4. What do you mean by Restitution of conjugal rights ? Is there any difference between the two concepts 'Judicial separation' and 'Divorce' ? If so, what are they ? Explain. 12

**OR**

What are the different grounds of divorce under the Hindu Marriage Act, 1955 ? 12

5. Explain the provision of maintenance as per Hindu Adoption and Maintenance Act, 1956 relating to wife, children and aged parents. 12

**OR**

Write on :

- (a) Maintenance of Dependants
- (b) Remarriage under Hindu Law
- (c) Maintenance "Pendente lite" and 'Permanent alimony'. 4×3=12

6.

What are essential conditions of a Valid Adoption ?  
What is the effect of valid adoption ? 12

**OR**

What are the different kinds of Guardians ? What are the grounds of disabilities to be a guardian ? Explain in brief the powers of a Natural Guardian. 2+4+6=12

7.

What are the provision of law relating to succession to property of a male Hindu as well as female Hindu ? 12

**OR**

Who is a karta of a joint family ? Discuss briefly his powers, position, duties as well as liabilities.