

2020

FAMILY LAW – I

Fifth Paper

Full Marks : 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer **any five** questions.

1. (a) Who are Hindus?
(b) Is Hindu Law 'lex loci'? — Explain.
(c) Whether the child will be Hindu in the following cases? — Give reasons for your answer.
 - (i) A child is born of Hindu father and Sikh mother.
 - (ii) A child is born of Hindu mother and Muslim father.
 - (iii) A child is born of Hindu parents. He is brought up as Hindu. Subsequently mother converts to Islam. 6+4+(2×3)
2. Discuss various sources of Hindu Law. 16
3. (a) Discuss 'custom' as a source of law.
(b) What are the requisites of valid custom?
(c) What are the kinds of custom? 5+7+4
4. (a) The nature of Hindu marriage whether a sacrament or a contract? — Give reasons for your answer.
(b) What are the essential conditions of a valid Hindu marriage? 6+10
5. (a) Define 'full blood', 'half blood' and 'uterine blood'.
(b) Point out the differences between void and voidable marriages under Hindu Law. (4×3)+4
6. (a) What are the grounds for Divorce under the Hindu Marriage Act, 1955?
(b) Write a short note on Divorce by Mutual Consent. 10+6
7. (a) What are the conditions of a valid adoption under the Hindu Adoptions and Maintenance Act, 1956?
(b) Can a step father or an adoptive mother give a child in adoption?
(c) Solve the following problems (**any three**) :
 - (i) 'X' a male Hindu aged about 35 years wants to adopt a girl child of 15 years. Can 'X' take the child in adoption?

Please Turn Over

- (ii) 'P' a female Hindu wants to adopt 'D', a married girl. Can 'P' adopt 'D'?
- (iii) 'A' a male Hindu has three wives namely 'W₁', 'W₂', 'W₃'. 'A' adopts a son with the consent of 'W₁' and 'W₂'. But 'W₃' does not give her consent. Is the adoption valid?
- (iv) A widow adopts a child and gets married subsequently. What will be the relationship between the child and the father? 8+2+(2×3)
8. (a) Discuss the procedure relating to solemnisation of marriages under the Special Marriage Act, 1954.
- (b) When does a marriage become void under the Special Marriage Act, 1954? 10+6
9. (a) Discuss the General Rules of succession in case of the property of a female Hindu dying intestate according to the Hindu Succession Act, 1956.
- (b) What do you mean by the terms 'agnate' and 'cognate'? 10+6
10. Write short notes on (*any four*) : 4×4
- (a) Rights of the child in the womb
- (b) Sapinda relationship
- (c) Degrees of prohibited relationship
- (d) Marriage officer
- (e) Effect of adoption
- (f) Restitution of conjugal rights
- (g) Presumption in cases of simultaneous death
- (h) Registration of Hindu marriage.
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