

2021

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 a Sikh father and Hindu mother.
 - (ii) A child is born of Hindu mother and Muslim father.
 - (iii) A child is born of Hindu parents. The child is brought up as Hindu. Subsequently mother converts to Islam. 6+4+(2×3)
2. (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
3. (a) What are the conditions for a valid Hindu Marriage?
(b) Define the following :
 - (i) Full Blood, Half Blood and Uterine Blood
 - (ii) Degrees of Prohibited Relationship
 - (iii) Sapinda Relationship and Sapindas. 7+(3×3)
4. (a) The nature of Hindu marriage whether a sacrament or a contract?— Give reasons for your answer.
(b) What is the difference between void and voidable marriages under Hindu Law? 8+8
5. (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

Please Turn Over

6. (a) What are the conditions of a valid adoption under the Hindu Adoptions and Maintenance Act, 1956?
(b) What are the effects of adoption?
(c) Can a stepfather or an adoptive mother give a child in adoption? 10+4+2
7. (a) Can an adoption be cancelled?
(b) Solve the following problems (*any four*) :
(i) 'M', a male Hindu has three wives namely, 'F₁', 'F₂' and 'F₃'. 'M' adopts a son with the consent of 'F₁' and 'F₃'. But, 'F₂' does not give her consent. Is the adoption valid?
(ii) 'M', a male Hindu aged about 35 years wants to adopt a girl child of 15 years. Can 'M' take the child in adoption?
(iii) 'F', a female Hindu wants to adopt 'D', a married girl. Can 'F' adopt 'D'?
(iv) A widow adopts a child and gets married subsequently. What will be the relationship between the child and the father?
(v) 'M', a male Hindu has three wives namely, 'F₁', 'F₂' and 'F₃'. 'M' adopts a son with the consent of all the wives. What is the relationship between the child and the mother?
4+(3×4)
8. (a) Discuss the procedure relating to solemnization of marriage under the Special Marriage Act, 1954.
(b) Write a short note on 'Marriage Certificate'. 10+6
9. (a) Discuss the general rule 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 term 'agnate' and 'cognate'. 10+6
10. Write short notes on the following (*any four*) : 4×4
(a) Rights of the Child in the womb
(b) Presumption in cases of simultaneous deaths
(c) Marriage Officer
(d) Restitution of Conjugal Rights
(e) Disqualifications from Inheritance
(f) Registration of Hindu Marriages
(g) Testamentary Succession.
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