

Family Law I — Hindu Law

KSLU LL.B. — Complete Exam-Ready Study Bundle (All Five Units)

KSLU LL.B. Study Bundle

Medha-Academy

www.medha-academy.in

Notes Version: **v2.0**

June 2026

Read this first page, then go to your unit. This bundle covers all five units of Family Law I (Hindu Law) for KSLU LL.B. Every topic is built from real question papers — the years shown under each question tell you exactly where to spend time. Plain English throughout; every Latin maxim is translated in [brackets].

How to Use These Notes

What this is. A complete, exam-focused bundle covering all five units of KSLU Family Law I (Hindu Law). Every topic is built from one question: *what will the examiner ask, and how do I score full marks?* High-frequency questions get the most space; the years listed under each question tell you where to spend revision time.

Exam format. Answer Q.9 (compulsory — two problems × 10 marks = 20) plus any five from Q.1–Q.8 (16 marks each). Total: $6 \times 16 + 20 = 116$ marks attempted for 100. Time: 3 hours.

What is inside every topic — the same blocks, in the same order:

Block	Its job	The mark it earns
Previous Year Questions	Real questions + years asked	What to prepare and how often it repeats
The Hook	A true story / landmark-case opener	Memorable; a strong opening line
Jurist / Statutory Quotes	Exact definitions & sections	Examiners reward precise authority
In Simple Terms	Plain-English translation	Ensures you <i>understand</i>
The Visual (chart)	Maps the topic structure	Recall and structure at a glance
Case Laws	Landmark judgments + ratio	Case names with years are pure marks
☐ Tracker + ☐ Risk Alert	Answer plan + applied IRAC	Converts knowledge into a scoring answer

Each unit closes with a **Quick Revision & Case Law Table** for the final hour.

The 4-step study plan. (1) Read the PYQ box first — know what is asked and how often. (2) Understand with the Hook and concept, then memorise. (3) Trace the chart from memory. (4) Rehearse the Blueprint Tracker and one Risk Alert per topic.

The 10 Rules That Win Marks

1. **Lead with a definition + roadmap.**
2. **Follow the Blueprint Tracker** stage by stage.
3. **Name the case AND the year** every time.
4. **Quote the exact section / jurist** where given.
5. **Translate every Latin maxim in [brackets].**
6. **Use the four IRAC headings** for problems; spot the decoy fact.
7. **Always give a definite verdict.**
8. **Use the chart's structure** to organise the body.
9. **Close with a short, confident conclusion.**
10. **Manage time** — no high-mark question left unwritten.

Disclaimer. A study aid, not a substitute for bare Acts and prescribed texts. Cross-check section/article numbers against the official text. © Medha-Academy.in · KSLU LL.B. · For personal academic use.

UNIT I – DHARMA, SOURCES & SCHOOLS OF HINDU LAW

Family Law I (Hindu Law) · KSLU LL.B. · Medha-Academy.in

Table of Contents

1. Concept of Dharma and Who is a Hindu
 2. Sources of Hindu Law — Ancient
 3. Sources of Hindu Law — Modern (Customs)
 4. Mitakshara and Dayabaga Schools of Hindu Law
 5. Application of Hindu Law
 6. Quick Revision & Case Law Table
-

1. Concept of Dharma and Who is a Hindu

Previous Year Questions

- **[16M]** Who is a Hindu? To whom does Hindu Law apply? Explain. (June 2025) □□□
- **[16M]** Explain the concept of Dharma and its importance in Hindu law. (2017, 2016, 2014) □□
- **[8M]** Write a note on Varna Dharma. (Feb 2025) □

The Hook

In 1966, Parliament passed the Hindu Succession (Amendment) Act without defining “Hindu” in the original 1956 Act. Courts had to look back 2,000 years to the Manusmriti and the concept of *Dharma* to decide who fell under Hindu personal law. That same ancient concept still decides, today, whether a person’s marriage or inheritance is governed by a secular code or a religious one.

What is Dharma?

Dharma [duty / righteousness / sacred law] is the foundation of Hindu law. It is not merely religion — it is the entire body of rules governing a Hindu's conduct in every sphere: religious, moral, social, and legal.

The Vedic text *Taittiriya Upanishad* commands: “*Satyam vada, Dharmam chara*” — “Speak truth, follow Dharma.” Dharma is divided into:

- **Sadharana Dharma** [general duties] — truth, non-violence, purity, applicable to all.
- **Varnashrama Dharma** [duties of caste and stage of life] — specific duties based on one's *varna* (caste) and *ashrama* (stage of life: student, householder, forest-dweller, renunciant).
- **Visesha Dharma** [special duties] — duties arising from particular situations, e.g., king's duties.

Who is a Hindu?

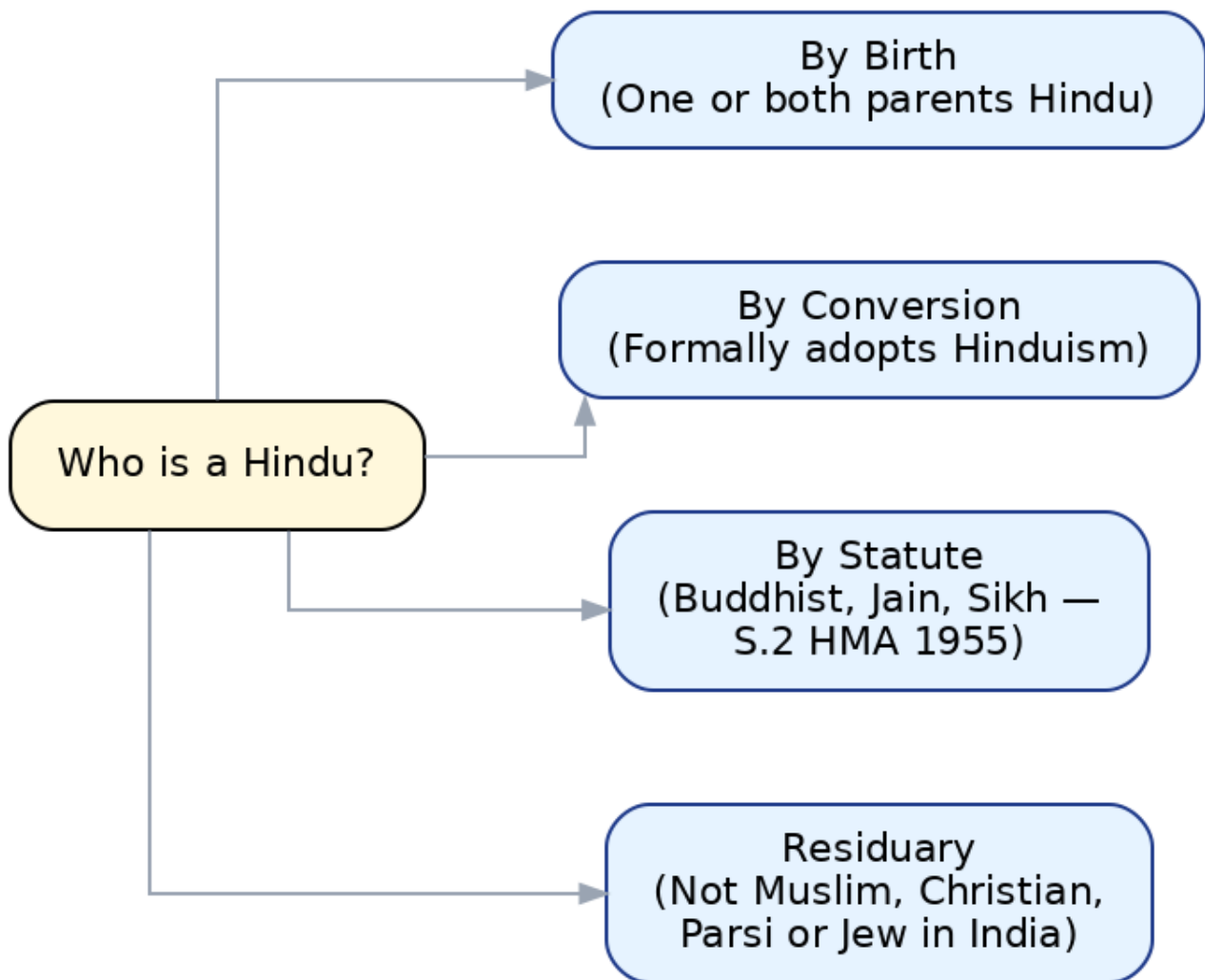
Section 2 of the Hindu Marriage Act, 1955 (and similarly other codified Hindu Acts) states that the Act applies to:

Section 2, Hindu Marriage Act, 1955: “*This Act applies — (a) to any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj; (b) to any person who is a Buddhist, Jain or Sikh by religion; and (c) to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion.*”

In Simple Terms: A Hindu is (1) anyone who follows Hinduism in any form, (2) Buddhists, Jains, and Sikhs, and (3) anyone in India who is not a Muslim, Christian, Parsi, or Jew.

A person becomes a Hindu by: (a) birth — if both parents or one parent is Hindu; (b) conversion — by formally adopting Hinduism; (c) reconversion — returning to Hinduism after conversion to another religion.

The Visual



Case Laws

- ***Yagnapurushdasji v. Muldas (1966)*** — Supreme Court held that Hinduism is a way of life, not a dogma, and defined “Hindu” broadly to include all who accept the Vedic authority in any form.
- ***Perumal Nadar v. Ponnuswami (1970)*** — Conversion to Hinduism is complete when there is a bona fide intention to convert and the person is accepted by the community; no formal ceremony is strictly necessary.
- ***Mohandas v. Devaswom Board (1975)*** — A person born of Hindu parents who was later converted to Christianity and then reconverted to Hinduism was held to be a Hindu.

□ 16-MARK ESSAY BLUEPRINT

- **STAGE 1** → **Hook + Roadmap:** Open with the Yagnapurushdasji case — the Court’s definition of Hinduism as a “way of life.” State you will cover (a) the concept of Dharma, (b) the four categories of Hindus under statute.
- **STAGE 2** → **Dharma:** Define, distinguish Sadharana / Varnashrama / Vishesha Dharma with examples.
- **STAGE 3** → **Who is a Hindu (Statutory):** Quote Section 2, HMA 1955. Explain the three limbs: by religion, Buddhists/Jains/Sikhs, residuary.
- **STAGE 4** → **By birth, conversion, reconversion:** Cite Perumal Nadar and Mohandas cases.
- **STAGE 5** → **Verdict:** Dharma is both the source and the spirit of Hindu law; Section 2 is its modern statutory expression. Close with Yagnapurushdasji.

□ FACT-PATTERN RISK ALERT

Scenario: ‘A’ is born to a Hindu father and a Christian mother. ‘A’ was baptised as a child. At age 25, ‘A’ declares he embraces Hinduism and participates in a shuddhi ceremony. His cousin disputes that ‘A’ is now a Hindu. Decide.

- **I — ISSUE:** Whether ‘A’ qualifies as a Hindu after reconversion.
- **R — RULE:** Section 2(a), HMA 1955 + Mohandas v. Devaswom Board (1975) — reconversion to Hinduism is valid if done bona fide and with community acceptance.
- **A — ANALYSIS:** ‘A’ was born with a Hindu father — he was originally Hindu by birth (one parent). The shuddhi ceremony and his public declaration satisfy the reconversion requirement. The cousin’s objection has no legal basis.
- **C — CONCLUSION:** ‘A’ is a Hindu; Hindu personal law applies to him.

2. Sources of Hindu Law — Ancient

Previous Year Questions

- **[16M]** Explain the ancient sources of Hindu Law. (2017, 2016, 2014, 2012) □□□
- **[8M]** What is the importance of Dharmashastra on legislation? (2019, 2016) □□

The Hook

The Privy Council, sitting in London in 1868 in *Collector of Madura v. Moottoo Ramalinga Sathupathy*, was asked to decide a property dispute under Hindu law. The judges had before them the Manusmriti, the Mitakshara, and the Dayabaga — texts written between 200 BCE and 1100 CE. That case established the hierarchy of ancient sources that Indian courts still consult today.

Ancient Sources

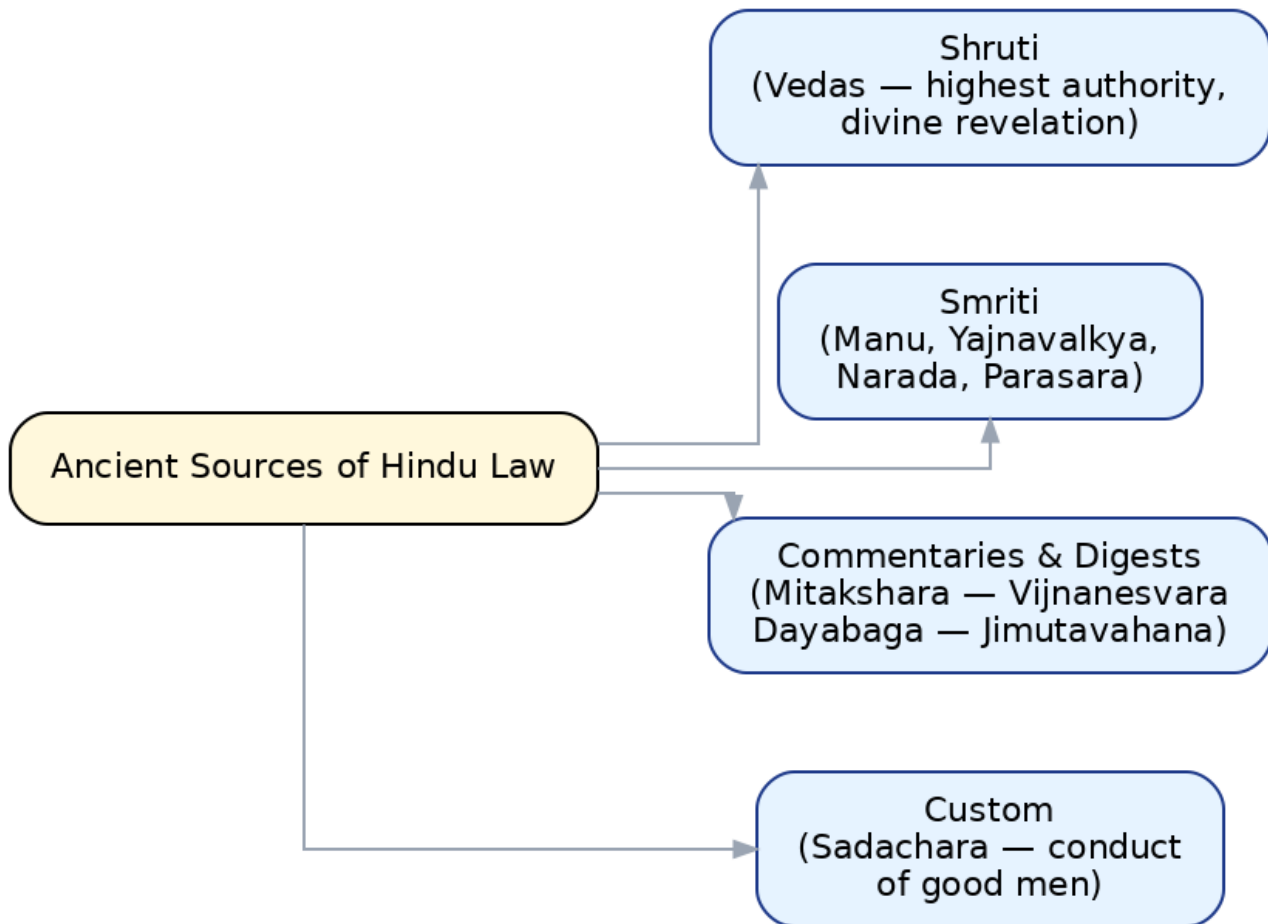
Ancient Hindu law rests on three pillars: **Shruti**, **Smriti**, and **Commentary & Digest**.

- 1. Shruti** [that which is heard] — the Vedas (Rig, Sama, Yajur, Atharva). They are the highest authority, believed to be divine revelation. They contain the earliest rules of *Dharma*.
- 2. Smriti** [that which is remembered] — texts composed by sages to systematise Vedic teachings. Key Smritis: - *Manusmriti* — the oldest and most authoritative (200 BCE - 200 CE); governs inheritance, marriage, contracts. - *Yajnavalkya Smriti* — basis of the Mitakshara commentary; more logical than Manu. - *Narada Smriti*, *Brihaspati Smriti*, *Parasara Smriti* — supplementary texts on specific topics.
- 3. Commentaries and Digests** — scholars wrote *Nibandhas* (digests) to reconcile conflicting Smritis. The two most important: - **Mitakshara** — written by Vijnanesvara (c. 1100 CE), a commentary on the Yajnavalkya Smriti. Prevails across most of India. - **Dayabaga** — written by Jimutavahana (c. 1200 CE). Prevails in Bengal and Assam.
- 4. Custom** — though a modern source today, custom was also recognised in ancient texts. Manu said: “The conduct of good men and their usages are the sources of *Dharma*.”

Yajnavalkya Smriti: “*Shruti, Smriti, Sadachara [conduct of good men], Priyam Atmanah [what is agreeable to oneself], and Samyak Sankalpaja [intent born of proper resolution]* — these five are declared to be the root of *Dharma*.”

In Simple Terms: The ancient sources of Hindu law are, in descending order of authority: the Vedas (Shruti) → the Smritis → the Commentaries (Mitakshara/Dayabaga) → Custom.

The Visual



Case Laws

- **Collector of Madura v. Mootoo Ramalinga (1868)** — Privy Council recognised the Mitakshara and Dayabaga as primary authorities on Hindu law, establishing the hierarchy of ancient sources.
- **Laxmibai v. Bhagwantbuva (2013)** — Supreme Court affirmed that Smritis and ancient texts are aids to interpretation of codified Hindu law.

□ 16-MARK ESSAY BLUEPRINT

- **STAGE 1** → **Hook + Roadmap:** Open with *Collector of Madura (1868)* — Privy Council consulting 2,000-year-old texts. State you will cover *Shruti* → *Smriti* → *Commentaries* → *Custom*.
- **STAGE 2** → **Shruti:** The Vedas — divine revelation, highest authority. Name all four Vedas.
- **STAGE 3** → **Smriti:** Define. Name key Smritis — *Manu*, *Yajnavalkya*, *Narada*. Explain *Manu's* role.
- **STAGE 4** → **Commentaries:** *Mitakshara* vs *Dayabaga* — who wrote, what area, what difference in inheritance theory.
- **STAGE 5** → **Verdict:** The ancient sources form a coherent hierarchy; post-codification they remain interpretive tools. Close with *Collector of Madura*.

3. Sources of Hindu Law — Modern (Customs)

Previous Year Questions

- **[16M]** What is custom? Briefly explain the requirements of a valid custom. (Jan 2026, Feb 2025, Jun 2025, 2019, 2017) □□□
- **[16M]** Briefly explain the sources of Hindu law with special reference to “Customs.” (Jan 2026) □□□
- **[8M]** Write a note on Customs. (Dec 2018, 2016) □□

The Hook

In *Mathur v. Mathur (1932)*, the Privy Council upheld a local custom in a Rajput community that barred a widow from inheriting property — even though it contradicted the *Mitakshara*. The court said: where a custom is ancient, certain, and continuous, it overrides the written law. That principle is now codified: Section 3(a) of the Hindu Marriage Act, 1955 defines “custom” as a source of law.

What is Custom?

Custom [*Acharya* in Sanskrit] is a rule of conduct that a particular community has observed consistently over a long period and has come to regard as binding. It is a **modern source** of Hindu law, alongside legislation and judicial decisions.

Section 3(a), Hindu Marriage Act, 1955: “‘Custom’ and ‘usage’ signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family, provided that the rule is certain and not unreasonable or opposed to public policy.”

In Simple Terms: A custom is a long-practised local rule that has hardened into law — but only if it meets strict legal requirements.

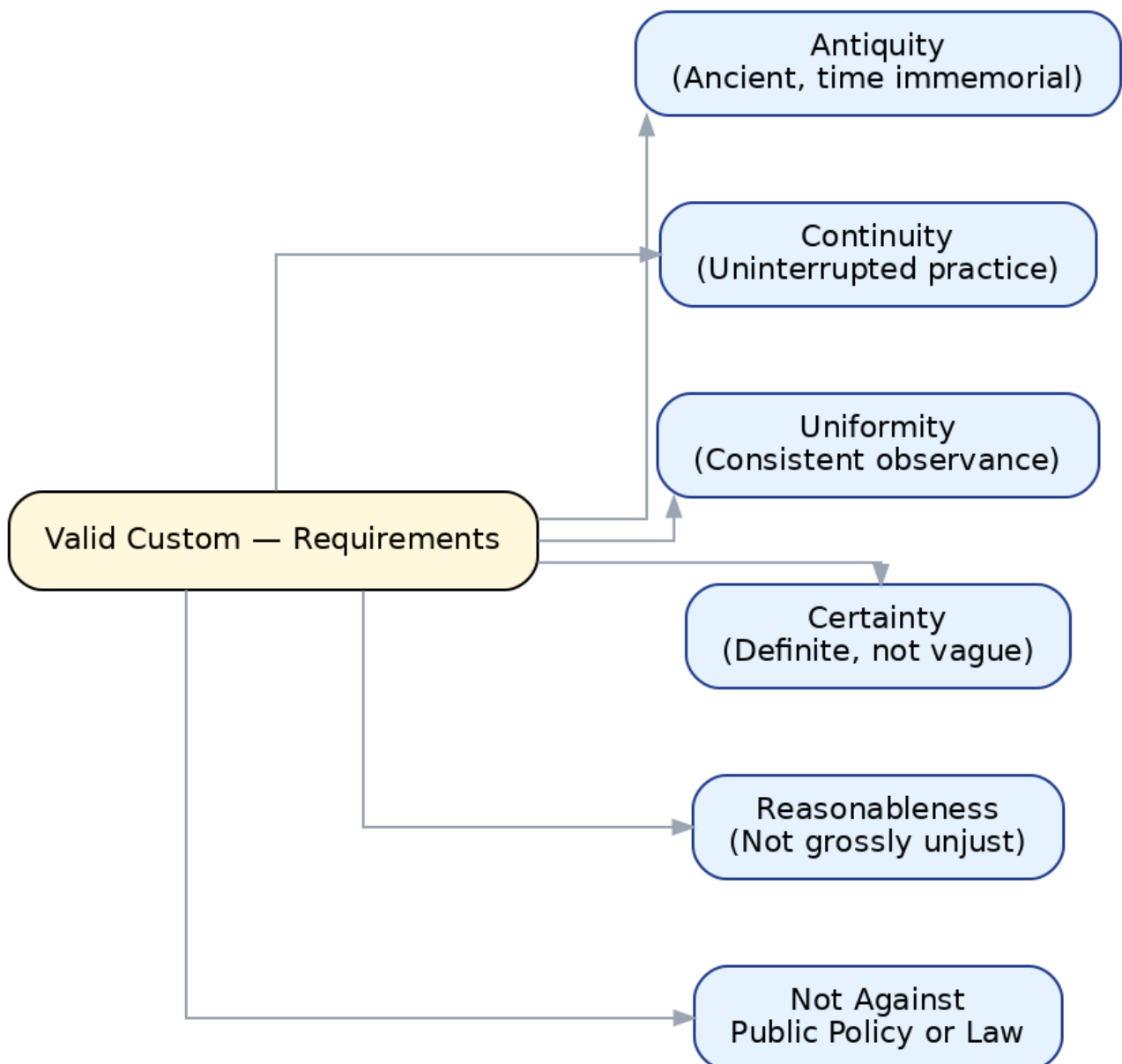
Requirements of a Valid Custom

For a custom to be legally enforceable, it must satisfy **all** of the following:

Requirement	Meaning
Antiquity	The custom must be ancient — observed from time immemorial.
Continuity	It must have been practised without interruption.
Uniformity	It must be followed consistently, not capriciously.
Certainty	The custom must be definite — vague or variable customs fail.
Reasonableness	It must not be grossly unreasonable.
Morality / Public Policy	It must not be immoral or against public policy.
Not Opposed to Law	It must not violate any legislative provision.
Compulsory Observance	The community must observe it as a matter of right/obligation, not mere courtesy.

Burden of proof: The party relying on a custom must prove it. Once a custom is judicially recognised, courts take judicial notice of it.

The Visual



Case Laws

- **Mathur v. Mathur (1932)** — Privy Council: a custom must be ancient, certain, reasonable, and not against public policy to have the force of law.
- **Ujagar Singh v. Mst. Jeo (1959)** — Supreme Court held that the onus of proving a custom is on the party who relies upon it; courts do not presume a custom exists.
- **Mirasa v. Mirasa (1974)** — A custom that is contrary to the statutory provision under the Hindu Marriage Act cannot prevail.

□ 16-MARK ESSAY BLUEPRINT

- **STAGE 1** → **Hook + Roadmap:** Open with *Mathur v. Mathur* — custom overriding *Mitakshara*. State you will cover: definition, requirements, types, and how custom relates to other sources.
- **STAGE 2** → **Definition:** Quote Section 3(a), HMA 1955. Distinguish “custom” from “usage.”
- **STAGE 3** → **Requirements:** Go through all eight in a structured list — antiquity, continuity, uniformity, certainty, reasonableness, public policy, not against law, compulsory observance.
- **STAGE 4** → **Burden of proof + judicial notice:** Cite *Ujagar Singh*.
- **STAGE 5** → **Verdict:** Custom is a living source; post-codification it survives where Acts expressly preserve it. Close with *Mirasa*.

□ FACT-PATTERN RISK ALERT

Scenario: In a community in Rajasthan, there exists a practice since 1850 that daughters cannot inherit ancestral property. ‘X’ dies intestate in 2024. His daughter ‘D’ claims a share under the Hindu Succession Act, 1956. The family resists, citing the community custom. Decide.

- **I — ISSUE:** Whether a community custom excluding daughters from inheritance overrides the Hindu Succession Act, 1956 as amended in 2005.
- **R — RULE:** Section 6, Hindu Succession (Amendment) Act, 2005 — daughters are coparceners by birth; custom cannot override a statutory right. Also: *Mirasa v. Mirasa* (1974).
- **A — ANALYSIS:** The custom, even if ancient and continuous, is contrary to the express statutory provision of the 2005 Amendment. A custom opposed to a statute has no force of law.
- **C — CONCLUSION:** ‘D’ succeeds. She is entitled to an equal share as a coparcener. The custom fails as it is contrary to law.

4. Mitakshara and Dayabaga Schools of Hindu Law

Previous Year Questions

- **[8M]** Write a short note on Mitakshara School. (Jan 2026, 2019, 2017) □□
- **[16M]** Distinguish between Mitakshara and Dayabaga schools of Hindu law. (2016, 2014, 2012) □□□
- **[8M]** What is the importance of Dharmashastra on legislation? (2019) □

The Hook

When the Indian Parliament codified Hindu personal law in 1955–56, it had to choose between two irreconcilable theories of property — the Mitakshara theory (a son is born with a right in the family property) and the Dayabaga theory (a son gets a right only at his father’s death). The Hindu Succession Act, 1956 and the 2005 Amendment effectively adopted the Mitakshara system for most of India, making this 1,000-year-old debate legally alive today.

The Two Schools

Mitakshara School — written by **Vijnanesvara** (c. 1100 CE), a minister of the Chalukya king. It is a commentary on the *Yajnavalkya Smriti* and prevails across **most of India** (except Bengal and Assam): Karnataka, Maharashtra, UP, Punjab, Rajasthan, etc. Sub-schools: Bombay, Madras (Dravida), Mithila, and Benaras.

Dayabaga School — written by **Jimutavahana** (c. 1200 CE). An independent digest (*nibandha*), not a commentary. Prevails only in **Bengal and Assam**.

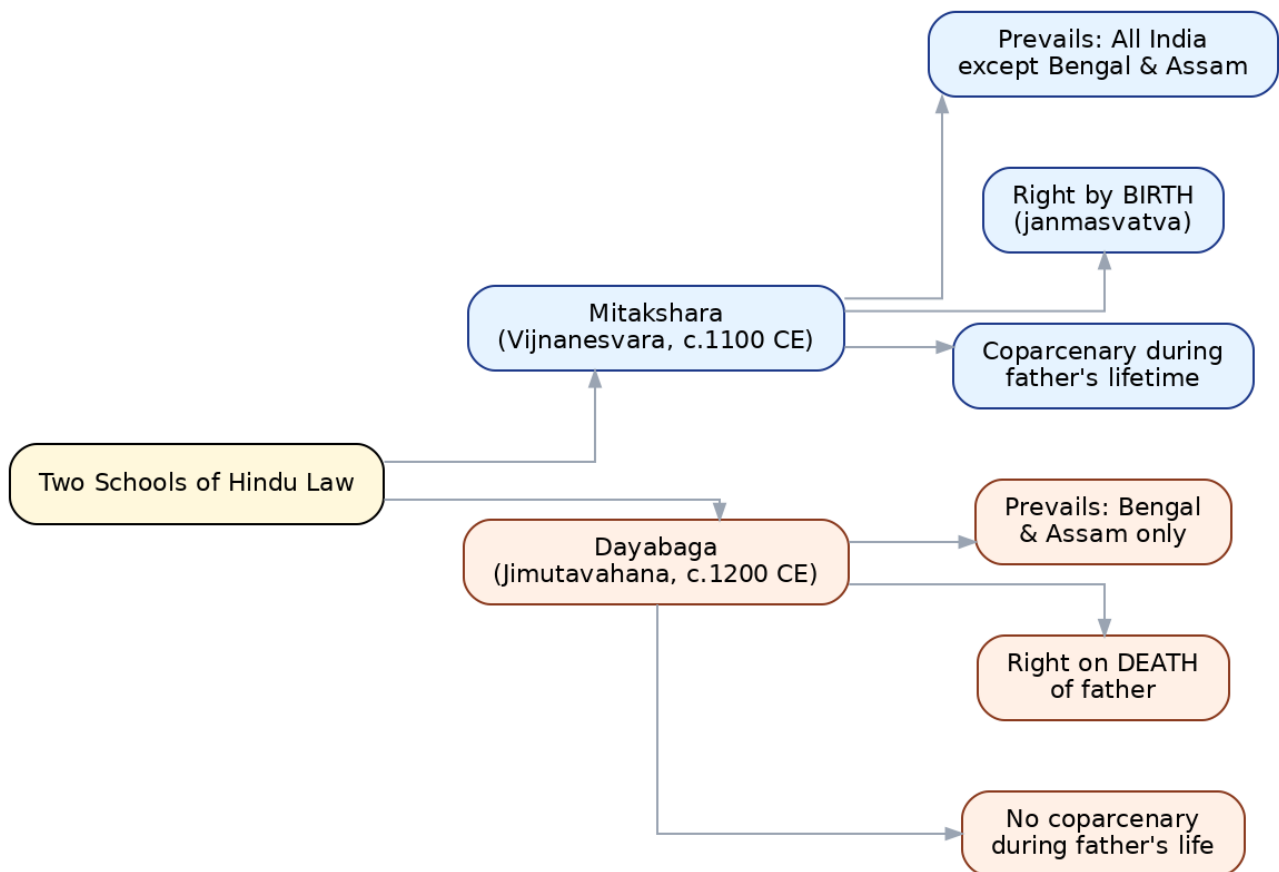
Key Differences

Point of Difference	Mitakshara	Dayabaga
Basis of inheritance	Birth (<i>janmasvatva</i>) — right by birth	Death (<i>apratibandha daya</i>) — right only at father's death
Joint family property	Son, grandson, great-grandson are coparceners from birth	No coparcenary during father's lifetime
Survivorship	Property passes by survivorship among coparceners	No survivorship — each heir's share is fixed
Father's power	Father cannot alienate coparcenary property without consent (except for legal necessity)	Father has absolute power over ancestral property
Partition	Any coparcener can demand partition	Partition only after father's death
Widow's right	Widow inherits only if no male heirs	Widow inherits simultaneously with sons
Area	All India except Bengal & Assam	Bengal and Assam only

Vijnanesvara (Mitakshara): *“A son acquires an interest in the ancestral property by the mere fact of his birth; he does not acquire it from his father but simultaneously with his father.”*

In Simple Terms: Under Mitakshara, a son is a co-owner from birth — he can demand his share at any time. Under Dayabaga, the father is the sole owner; sons get rights only after the father dies.

The Visual



Case Laws

- **Suraj Bansi Koer v. Sheo Prasad Singh (1880)** — Privy Council explained the Mitakshara doctrine of *janmasvatva* — a son acquires interest by birth, not by succession.
- **Sreemutty Soornomoye v. Mussamut Debia (1853)** — Privy Council applied Dayabaga rules in Bengal — father has absolute power over ancestral property.
- **Commissioner of Wealth Tax v. Chander Sen (1986)** — Supreme Court explained the distinction between coparcenary property (Mitakshara) and separate property.

□ 16-MARK ESSAY BLUEPRINT

- **STAGE 1** → **Hook + Roadmap:** Open with Parliament's dilemma in 1956 — two theories of property. State you will cover origin, geographical scope, and key differences.
- **STAGE 2** → **Mitakshara:** Author, period, text it comments on, geographical scope, four sub-schools. Theory of janmasvatva.
- **STAGE 3** → **Dayabaga:** Author, period, geographical scope. Theory of right by death.
- **STAGE 4** → **Tabular comparison:** At least five points — basis of inheritance, coparcenary, partition, widow's rights, father's power. Cite Suraj Bansi Koer.
- **STAGE 5** → **Verdict:** The 2005 Amendment has narrowed the practical gap by giving daughters coparcenary rights under Mitakshara; Dayabaga areas remain unaffected.

5. Application of Hindu Law

Previous Year Questions

- **[16M]** Who is a Hindu? To whom does Hindu Law apply? Explain. (June 2025) □□□
- **[16M]** Explain the application of Hindu Law. (2014, 2012, 2011) □□

The Hook

In *Sapna v. State of Kerala* (2007), a woman born to Hindu parents had converted to Islam and then reconverted to Hinduism. The question was whether she was governed by the Hindu Marriage Act for her divorce. The Kerala High Court held she was — she was a Hindu at the time of marriage and at the time of filing the petition.

To Whom Does Hindu Law Apply?

Under the codified Acts (HMA 1955, HSA 1956, HAMA 1956, HMGA 1956), Hindu law applies to:

Category 1 — By religion: Any person who is Hindu, Buddhist, Jain, or Sikh by religion.

Category 2 — By birth: Any person born of Hindu parents (both or one parent, provided the child is raised as Hindu).

Category 3 — By conversion: Any person who has converted to Hinduism, Buddhism, Jainism, or Sikhism.

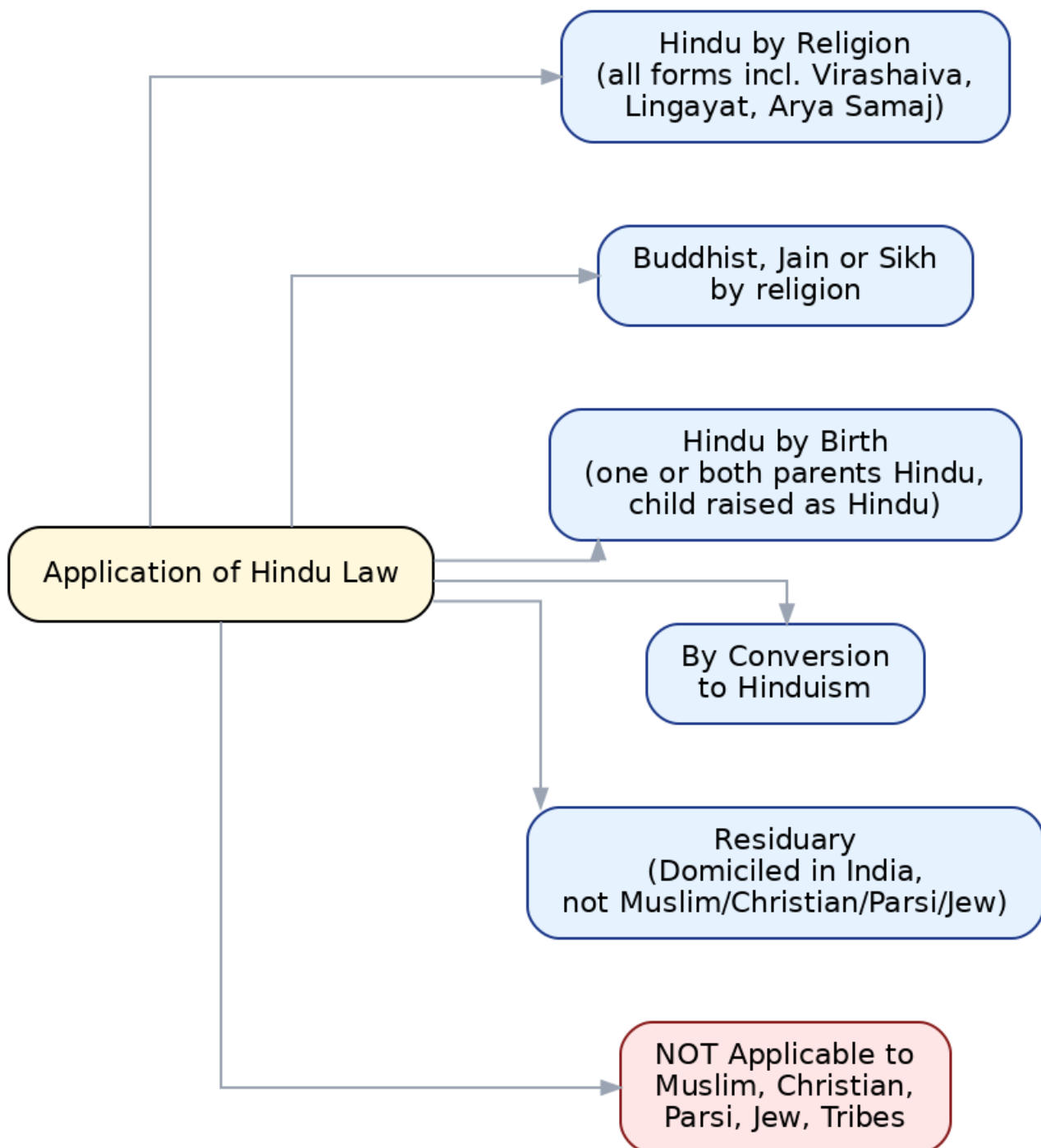
Category 4 — Residuary (Domicile): Any person domiciled in India who is not a Muslim, Christian, Parsi, or Jew.

Exclusions: The Hindu Acts do **not** apply to — Muslims, Christians, Parsis, Jews (they have their own personal laws), and tribal communities unless they voluntarily subject themselves to Hindu law.

Section 2, Hindu Marriage Act, 1955: *“This Act applies to any person who is a Hindu by religion in any of its forms... and to any other person domiciled in the territories to whom this Act extends who is not a Muslim, Christian, Parsi or Jew.”*

In Simple Terms: If you are Hindu (including Buddhist, Jain, Sikh) or you live in India but are not from one of the four named communities, Hindu law governs your marriage, succession, adoption, and guardianship.

The Visual



Case Laws

- **Yagnapurushdasji v. Muldas (1966)** — Supreme Court: Hinduism is a way of life; the definition of “Hindu” is broad and inclusive.
- **Perumal Nadar v. Ponnuswami (1970)** — Conversion to Hinduism need not follow any fixed ceremony; bona fide intention + community acceptance suffice.
- **Abraham v. Abraham (1863)** — Privy Council: if a Hindu converts to Christianity, Hindu personal law ceases to apply.

□ 16-MARK ESSAY BLUEPRINT

- **STAGE 1** → **Hook + Roadmap:** Open with the reconversion scenario in *Sapna v. State of Kerala*. State you will cover all categories of persons to whom Hindu law applies.
- **STAGE 2** → **Statutory basis:** Quote Section 2, HMA 1955 — the four categories.
- **STAGE 3** → **By birth, conversion, reconversion:** Explain with *Perumal Nadar and Mohandas*.
- **STAGE 4** → **Exclusions:** Muslims, Christians, Parsis, Jews — separate personal laws. Tribal communities.
- **STAGE 5** → **Verdict:** Hindu law has a wide, inclusive ambit — the residuary clause ensures no gaps; close with *Yagnapurushdasji*.

Quick Revision & Case Law Table

One-line memory hooks

- **Dharma:** The original source — duty + righteousness; Sadharana, Varnashrama, Vishesha.
- **Who is a Hindu (S.2):** Religion + Buddhist/Jain/Sikh + residuary (not Muslim/Christian/Parsi/Jew).
- **Shruti:** Vedas — heard, divine, highest.
- **Smriti:** Remembered — Manu, Yajnavalkya, Narada.
- **Commentaries:** Mitakshara (Vijnanesvara) vs Dayabaga (Jimutavahana).
- **Custom (S.3a):** Ancient, continuous, uniform, certain, reasonable, not against public policy or law.
- **Mitakshara:** Right by BIRTH (*janmasvatva*) — all India except Bengal/Assam.
- **Dayabaga:** Right by DEATH of father — Bengal and Assam only.

Master Case List for Unit I

Case	Topic	One-line ratio
<i>Yagnapurushdasji v. Muldas (1966)</i>	Who is a Hindu	Hinduism is a way of life; broad, inclusive definition
<i>Perumal Nadar v. Ponnuswami (1970)</i>	Conversion	Bona fide intention + community acceptance = valid conversion
<i>Mohandas v. Devaswom Board (1975)</i>	Reconversion	Reconversion to Hinduism is valid and restores Hindu status
<i>Collector of Madura v. Mootoo Ramalinga (1868)</i>	Ancient sources	Mitakshara and Dayabaga are primary authorities
<i>Mathur v. Mathur (1932)</i>	Custom	Custom must be ancient, certain, reasonable, not against public policy
<i>Ujagar Singh v. Mst. Jeo (1959)</i>	Custom	Burden of proving custom lies on the party relying on it
<i>Suraj Bansi Koer v. Sheo Prasad Singh (1880)</i>	Mitakshara	Son acquires interest by birth (<i>janmasvatva</i>)
<i>Abraham v. Abraham (1863)</i>	Application	Conversion to Christianity takes a person outside Hindu law

80-Mark Paper: Additional Short Notes

Hindu by Birth

[6M] Write a note on 'Hindu by birth'. (Jan 2026 80-mark, Feb 2025 80-mark) □□□

A person is a **Hindu by birth** if: 1. **Both parents are Hindu** — the child is automatically Hindu, regardless of religious upbringing. 2. **One parent is Hindu** — the child is Hindu provided he/she is raised as Hindu (the "raised as" requirement was clarified in *Myna Boschi v. Peter Boschi (1994)*). 3. **One parent converts** — if after the child's birth one parent converts away from Hinduism, the child born before that conversion remains Hindu.

Key point: birth into a Hindu family confers Hindu status by operation of law — no ceremony or declaration is required. This is distinct from conversion, which requires a positive act.

Myna Boschi v. Peter Boschi (1994) — Child of one Hindu parent is Hindu if raised as Hindu; religion of upbringing is determinative when parents are of different faiths.

Hindu by Conversion

[6M] Write a note on 'Hindu by conversion'. (Jun 2025 80-mark, Feb 2025 80-mark, Aug 2024 80-mark) □□□

A non-Hindu can become a Hindu by **conversion** (also called *shuddhi* — purification). The requirements are: 1. **Bona fide intention** to convert and adopt Hinduism as one's religion. 2. **Acceptance by the community** into which the person converts. 3. **No fixed ceremony required** — courts have held that a formal ceremony is desirable but not mandatory if the intention and community acceptance are clear.

Perumal Nadar v. Ponnuswami (1970) — Supreme Court: conversion to Hinduism is complete when there is a genuine intention to convert and the person is received and treated as a member of the community. No specific ceremony is compulsory.

Reconversion: A person who was originally Hindu but converted to another religion can reconvert to Hinduism. On reconversion, Hindu personal law applies again — as held in *Mohandas v. Devaswom Board (1975)*.

Effect of conversion away from Hinduism: Conversion to Islam, Christianity, etc. takes a person outside the scope of Hindu personal law — *Abraham v. Abraham (1863)*. However, such a person does not lose rights already vested (e.g., a share already fixed in a partition).

End of Unit I.

