

## Tagore Law Examination.

1910.

### THE GENERAL PRINCIPLES OF HINDU JURISPRUDENCE.

*Examiner*—BABU SURENDRANATH GUHA, M.A., B.L.

*Time* : 11 A.M. to 2 P.M.

*Candidates are not permitted to attempt more than FOUR questions.*

1. Enumerate and trace the different sources of authority of Hindu Law. What are the points of similarity and difference between the Hindu and the Austinian conception of positive law? What is the history of *apurva*?
2. What are the various modes of acquisition of property as described by Hindu lawgivers?
3. How does the Dayabhaga conception of ownership in undivided joint family property differ from the Mitakshara conception of it? Explain the difference with special reference to the right of alienation.
4. Discuss fully the Hindu Law of Pledge with special reference to the Roman Law as to the origin and growth of hypothecation as a form of security, the power to create sub-mortgage, liability of the pledgee, right of the pledgor, and the priority of mortgages. Why has the Hindu Law of Pledge been called "a model of good sense and consistency"?
5. What are the points of difference between the Hindu and the Roman Law as to the extent of *patria potestas*? What was the position of a Hindu son as compared with a son under the Roman Law? Give a brief account of the son's ownership of property as dealt with by the Mitakshara and the Dayabhaga.
6. Describe briefly the position of a wife in Hindu Law with special reference to ownership of property and compare her position with the position of a wife under the English Common Law.
7. How many kinds of slaves are mentioned by Manu? What was the position of slaves under the Hindu Law? Enumerate briefly the difference between the Roman and the Hindu Law as to slavery.
8. Give a brief account of the different forms of contractual obligations under the Hindu Law. Indicate some of the aspects of consensual contracts showing a great advance in ethical as well as juristic ideas in ancient Hindu Law.
9. What was the conception of torts in Hindu Law, and what were the forms of remedy prescribed?
10. Discuss briefly the Law of Crimes in Hindu Law, and the punishments imposed by it, mentioning the different classes of offences and the factors taken into consideration in inflicting punishments. Is it correct to say that with the Hindu lawgivers punishment increased according to inferiority of caste?



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11. Give a short account of the Hindu constitution of Courts and the methods of enforcing Civil rights through these Courts.

12. Trace the points of similarity and difference between the ancient Hindu methods of administration of justice and the modern English system as administered in India.