

Hindu Law (Unit-I)

Who is a Hindu? - No precise definition
(Application of the Hindu Law)

(a) Geographically - (Only territorial significance)

- Residents on the other side of river Sindhu were called 'Hindu' by Persians. → Later 'Indo' by Greeks

(b) Theologically -

- Those who believe that only God is real, the world is unreal, rebirth of soul, doctrine of Karma and spiritual merit from good deeds - shall be associated with Hindu

(c) By Religion - (for purpose of law)

Two categories of persons fall under this category -

(1) Those who are originally Hindu, Jain, Sikh or Buddhist by religion.

(2) Those who are converts or reconverts to Hindu, Jain, Sikh and Buddhist religion.

- When he practices / professes any of these religion or when he remains Hindu but do not follow the religion (atheist). Thus a person does not cease to be Hindu if he diserts from central doctrines of Hinduism or adopts a western way of life or exercised by

Sec 2 of HMA, TISA, HAMA defines Hindu and Sec 3 of HMA defines Hindu to include the above mentioned persons.

Conversion and Reconversion

- A convert is a person who renounces his faith and adopts another religion - if

he converts to Hinduism, Jainism, Buddhism, Sikhism - he will be a Hindu and any other religion - he will cease to be Hindu.

- If after ceasing to be Hindu, he reconverts to Hindu or any of the aforementioned - he will be considered 'reconvert' and treated as Hindu - if he follows:

(a) He/she undergoes formal ceremony as prescribed by caste or community to which he converts.

(b) He/she expressed bonafide intention to become Hindu - accompanied by unambiguous intention coupled with acceptance of them as a member of the community

Pearmal v. Pannuswami (1981)

Facts: Anapasham, Christian lady married a Hindu, Pearmal in accordance with Hindu Ceremonies and rights and entered an agreement to be governed by Mitakshara law.

- A son, Pannuswami was born - however the couple separated and subsequently brought a suit for share in joint family property.
- Pearmal contended the marriage was legal and her son was Christian and not Hindu and they did not convert to Hinduism

Held that: The acceptance of marriage in Hindu form - was sufficient proof of conversion, followed by conduct of community taking a person into their fold. No formal ceremonies are required. The suit for share in property succeeded.

Mohandas v. Dhuswan Board

- Jendras, Catholic Christian, renounces - rendered devotional songs and declaration of bonafide declaration to be following Hindu faith

Hindu Law Notes

DJ Losen



Hindu Law Notes:

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