

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 —

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

(ii) 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 dissent from central doctrines of Hinduism or adopts a western way of life or converted 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 him as a member of the community

[Pearmal v. Ponnuswami (1981)]

Facts: Annapaswami, 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, Ponnuswami was born — however the couple separated and subsequently brought a suit for share in joint family property.

• Pearmal contended the marriage was illegal 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. Divanwan Board]

• Jendras, Catholic Christian, resigns — rendered devotional songs and declaration of converts to be following Hindu faith. bonafide declaration

Hindu Law Notes

Herbert Cowell



Hindu Law Notes:

An Epitome of Some Hindu Law Cases William Mant Coghlan, 1876 **Notes on Hindu Law** Navina-chandra De, 1893
Notes on Hindu Law Sarat Chandra Chaudhri, 1917 **Notes on Buddhist Law** John Jardine, 2025-07-31 Reprint of the original first published in 1883 The Antigonos publishing house specialises in the publication of reprints of historical books We make sure that these works are made available to the public in good condition in order to preserve their cultural heritage **UGC NET Law (Paper-II) Study Notes (Vol.-1)** , D. Society. E. Georgraphy. 1912 William Swan Sonnenschein, 1912 **The Weekly Notes** , 1873 Calcutta Weekly Notes , 1900 Notes on Buddhist Law John Jardine, 1882 **The Indian Digest** Herbert Cowell, 1873 The Madras Weekly Notes , 1928 **Weekly Notes of Cases Decided by the High Court, N.-w. P** North-western Provinces, India. High Court of Judicature, North-Western Provinces (India). High Court of Judicature, 1892 1893 94 include selected decisions of the Board of Revenue N w p and Oudh
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personal law by administrators of the British East India Company during the late eighteenth and early nineteenth centuries While acknowledging the limitations of colonial conceptions of Dharma shastra as positive law this study argues for far greater continuity between pre colonial and colonial Sanskrit jurisprudence than accepted previously It charts the transformation of the Hindu law of inheritance through precedent and statute over the late nineteenth twentieth and early twenty first centuries The Madras Weekly Notes ,1918 *A catalogue of modern law books* Clowes William and sons, ltd,1883

The Best Books: D, Society. E, Geography. 1912 William Swan Sonnenschein,1912

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