



FACULTY OF JURIDICAL SCIENCES

COURSE NAME : LLB

SEMESTER : IIIrd

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LECTURE : 5

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III. Classification of Property under Hindu Law

“Property is intended to serve life, and no matter how much we surround it with rights and respect, it has no personal being. It is part of the earth man walks on. It is not a man.”

The word ‘property’ is derived from the Latin word ‘proprietary’ and the French comparable ‘proprius’ which implies a thing owned. The concept of property and ownership is closely associated with one another. There is often no property without possession and no possession without property. The concept of property possesses a significant place in human life since it’s impossible to measure the extent of ownership without property.

The property includes an exceptionally more extensive meaning in its real sense. It not only includes the money and only the other tangible things but it also includes intangible rights which are considered as a source of income or wealth. The interest which a person has in lands and chattels to the exclusion of others and it is proper to enjoy and to lose certain things most supremely as he pleases, provided he makes no utilization of them precluded by law.

The sea and the air, cannot be appropriated; one may appreciate them, but no one has an exclusive right over it. When things are fully our own, or when all others are prohibited from intruding with them, or from interfering around them, no individual other than the proprietor, who has this exclusive right, can have any claim either to use them, or to prevent him from disposing of them as he satisfies.

And the reason behind is that the property, considered as an exclusive right to things, contains not as it were a right to utilize those things, but a right to a range of them, either by exchanging them for other things or by giving them away to any other individual, without any consideration, or even throwing them away.

Classification of Property

Classification of Property means Property is divided into different forms which are known by different names and all the different properties have their own characteristics, features, and way of conducting its property. According to Article 220 of Hindu Law, Property is classified into two types: (1) **Joint Hindu Family Property** (2) **Separate Property**. Joint-family Property is also known as ‘Coparcenary Property and this property consists of (a) Ancestral Property (b) Property

jointly acquired by the members of the Joint family. (c) Separate property of a member “thrown into the common stock.” (d) Property acquired by all or any of the coparcener with the aid of joint family funds.

There is a lot of division and classification in Property. Before the enactment of Hindu law, there were two principal schools i.e. *Mitakshara* and *Dayabhaga*. Mitakshara School divides the property into two categories and the first one is Unobstructed Property and the second one is Obstructed Property. Further, after the enactment of Hindu law and the decline of both principal school, the Property is divided into two parts i.e. Joint Family Property and Separate Property under Hindu law.

MCQ

1. Every owner has right to consume the property
 - A) Individual
 - B) Universal
 - C) Only for share
 - D) None of these
2. In joint family, if father debts for personal objects, then the responsible person is _____
 - A) Sons
 - B) Grand Sons
 - C) Great grandsons
 - D) All of the above are correct
3. After the sale of property, sons with _____ reasons can claim to receive their share back.
 - A) Immoral debts
 - B) Illegal objectives
 - C) To do debts in his object
 - D) Above all reasons

4. The partition of property means_____.

A) To sale the property according to
share

B) With property_____but partition

C) A & B both are correct

D) A & B both are wrong

5. After doing partition once, the parted hindu can not get_____position.

A) Joint

B) Separated

C) A & B both are correct

D) A & B both are wrong