

SUBJECT : FAMILY LAW – I

SUBJECT CODE : H3IE

Unit – I: Sources and Schools of Personal Laws

Application of various personal laws – Traditional and modern sources of Hindu Law and Muslim Law – The Classical Schools of Hindu Law and Muslim Law – Origin of the Schools – Main Schools and sub-Schools – Effect of Migration.

Unit – II: Law on Marriage

Nature of Marriage – Various forms of marriage and requirements for a valid marriage on a comparative analysis – Void, voidable and valid marriage in different religious texts and statutes – Laws and Issues on marriage under the Special Marriage Act – Unisex marriage and question on living together – The demand of dowry and the concept of dower under the relevant personal laws – Ceremonies of marriage under various religious systems.

Unit – III: Law on Divorce & Maintenance

Restitution of Conjugal Rights, Judicial Separation, Nullity of Marriage and Divorce – Various grounds and procedure on a comparative analysis – Court's jurisdiction and procedure for the issues raised on marriage and divorce – In Camera proceedings – Decree on proceedings – Maintenance under Hindu, Muslim and Christian Laws – Permanent alimony – Maintenance during pendency of the suit - Maintenance under the Special Marriage Act, the Hindu Adoptions and Maintenance Act and the Code of Criminal Procedure. Structure, procedure and jurisdiction of Family Courts – The Family Courts Act.

Unit – IV: Law on Legitimacy of children and Adoption

Legitimacy of children born of void and voidable marriages – Their rights and legal issues – Adoption in different religious groups – Requisites, conditions, procedure of adoption – Effect of adoption – Inter-Country adoption.

Unit – V: Law on minority and guardianship

Guardian under the Hindu Minority and Guardianship Act, 1956 – Definition- types of guardians – Guardianship under Muslim Law – Procedure for appointment and their powers – Guardian under the Guardian and Wards Act, 1890.

Statutory materials:

1. The Hindu Marriage Act, 1955

2. The Hindu Adoptions and Maintenance Act, 1956
3. The Hindu Minority and Guardianship Act, 1956
4. The Special Marriage Act, 1954
5. The Guardian and Wards Act, 1890
6. The Dissolution of Muslim Marriage Act, 1939
7. The Christian Marriage Act 1872
8. Indian Divorce Act, 1869
9. Indian Majority Act, 1875
10. The Muslim Women (Protection Of Rights On Divorce) Act, 1986
11. The Family Courts Act, 1984
12. The Dowry Prohibition Act, 1961
13. The Hindu Widows' Remarriage Act 1856
14. Prohibition of Child Marriage Act, 2006

Books prescribed:

Mulla	-	Hindu Law
N.R. Raghavachari	-	Hindu Law
Dr. Paras Diwan	-	Family Law
Mulla	-	Principles of Mahomedan Law
Fyzee	-	Outlines of Mahomedan Law
Kusum (Lexis Nexis)	-	Family Law Lectures – Family Law I
Mayne	-	Hindu Law & Usage
Mitra	-	Hindu Law
