

SUBJECT : FAMILY LAW – II

SUBJECT CODE : HWJ

Objective:

The Main objective of introducing this subject is to make the students to identify and understand the scheme of succession under the Hindu, Muslim and Christian Laws. Further, with reference to unmodified Hindu Law, the matters relating to joint family system, competency, karta and his powers, partition and the Hindu Religions Endowments are given in the syllabus for understanding the changes effected after the passing of the Hindu succession Act, 1956 and other related laws. Under Muslim Law the matters relating to wakfs, wills, Gifts and preemption are given in separate chapters in addition to the Sunni and shia Law of Inheritance. With reference to Christian Law, a Part of the Indian succession Act, 1925 relating to Law of wills and the Christian Law of inheritance are given in separate chapters.

Unit - I: Joint Hindu Family

Institution of joint family – Coparcenary system – Classification of properties – Karta – Status, powers and duties – Principle of survivorship and succession – Partition.

Unit - II: Intestate succession

General principles of succession under Hindu Law, Muslim Law and Christian Law – Statutory conditions of disinheritance and disentitlement – Comparative analysis of right to property of women under different Religious and Statutory law. Dwelling house and Right of Pre-emption.

Unit - III: Testamentary succession

Testamentary succession under Hindu, Muslim and Christian Law – Limitation to testamentation under various religious and statutory law – Will and administration of will – Codicil – Lapse, abatement and ademption of legacies – Probate, letters of administration and succession certificate.

Unit - IV: Gift under Islamic Law

Hiba – Nature and characteristics of Hiba – Subject matter of Hiba – Hiba-bil-iwaz, Hiba-ba-shart-ul-iwaz – Revocation of gift.

Unit - V: Religious endowments and wakf

Hindu religious endowments – Wakf – Meaning – Formalities of creation – Types and administration of wakf – Mutawalli and his powers – Muslim religious institutions and offices.

Statutory Material:

The Hindu Succession Act, 1956 with recent amendments

Indian Succession Act, 1925

The Hindu Women's Right to Property Act, 1937

The Wakf Acts.

Books for Reference:

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| 1. Mulla | - | Principels Hindu Law |
| 2. N.R. Raghavachari | - | Hindu Law |
| 3. D.H. Chaudhari | - | The Hindu Succession Act, 1956 |
| 4. Fyzee | - | Outlines of Mahomedan Law |

Book for Study :

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| 1. Dr. Paras Diwan | - | Family Law |
| 2. Prof. G.C.V. subba Rao | - | Family Law in India |
| 3. Paruck | - | Indian succession Act |
| 4. R. swaroop | - | Hindu Law of Succession |
| 5. Poonam pradhan Saxera | - | Family Law Lectures Family Law II |
