

FAMILY LAW- I

CURRICULUM

(July, 2017- December, 2017)

3 Credits

Introduction:

This course involves a critical and comparative study of the different personal laws governing family relations such as marriage, separation (divorce), maintenance, guardianship, custody and adoption, etc. At Chanakya National Law University the attempt will be made towards evolving a Uniform Civil Code at least in the academic study by identifying the core concepts in marriage laws of all communities and relating them to find the jurisprudential principles. Special care will be taken in the course to look at the status of women and children in family relations law with a view to ensure greater protection of constitutional rights of these groups in family law administration. Laws relating to marriage, Divorce, Custody and Guardianship and Adoption are rooted in various religious laws that operate in Indian society today. This course offers students an opportunity to understand the historical, social and constitutional bases of these laws, their commonalities and differences through an interdisciplinary approach. The course also introduces students to new ways of looking at family law, bringing issues of social justice, particularly as they relate to practices of infanticide, dowry, sati, wife battering and other customary practices within the context of an understanding of family law.

Comprehensive Module

Module-1

(Number of Lectures –05)

Basics of Family Law

- Concept & meaning of Family/personal Law
- Concept of '*Lex Loci*'
- Personal laws in India
- Uniform Civil Code

Module-2

(Number of Lectures – 14)

Marriage Laws

- a. Hindu Marriage Act, 1955
 - Evolution of the institution of marriage
 - Concept of marriage
 - Forms, validity, voidability
- b. Nikah (Muslim Marriage)
 - Definition, objects and nature
 - Essentials and validity
 - Obligations arising out of marriage – Mahr
- c. Laws governing Christian and Parsi marriages
- d. Civil Marriages

Module-3

(Number of Lectures – 12)

Dissolution of Marriage

- a. Theories of Divorce
- b. Separation and Dissolution of Marriage under Hindu Law
 - Restitution of Conjugal Rights
 - Judicial separation
 - Grounds of Divorce
 - Divorce by mutual consent

- Jurisdiction and procedure
- c. Dissolution of Marriage under Muslim Law
 - By death
 - By the act of either party
 - By mutual consent
 - By court
- d. Divorce under Indian Divorce Act and Parsi Marriage Act

Module-4

(Number of Lectures –12)

Adoption and Maintenance

- a. Hindu Adoption and Maintenance Act, 1956
 - Adoption
 - (i) Ceremonies
 - (ii) Capability
 - (iii) Effect
 - Maintenance
 - (i) Entitlement
 - (ii) Enforcement
- b. Muslim Women (Protection of Rights on Divorce) Act, 1986
- c. Maintenance under the Code of Criminal Procedure, 1973

Module-5

(Number of Lectures –12)

Guardianship

- a. Hindu Minority and Guardianship Act, 1956

- Guardianship – Meaning
 - Kinds of Guardianship
 - Right, obligations and disqualification of guardian
- b. Guardianship under Muslim Law**
- Entitlement to guardianship
 - Rights, obligations and disqualification of a guardian

Text books / Compulsory Readings (Latest editions only):

- Family Law. Paras Diwan, Publisher: Allahabad Law Agency
- Modern Hindu Law. Paras Diwan, Publisher: Allahabad Law Agency
- The Muslim Law of India. By Tahir Mahmood, Publisher: Lexis Nexis Butterworths
- Family Law Paras Diwan. Publisher: Allahabad Law Agency.
- Family Law Lectures. Kusum. Family Law I, Publisher: Lexis Nexis Butterwoths
- Justice P. S. Narayana’s Law Relating to Christians in India, Publisher: Gogia Law Agency

Bring relevant Bare Acts to Class. You will need the following Bare Acts-

- ❖ Hindu Marriage Act, 1955
- ❖ Hindu Minority and Guardianship Act, 1956
- ❖ Hindu Adoptions & Maintenance Act, 1956
- ❖ Dissolution of Muslim Marriages Act, 1939
- ❖ Muslim Women (Protection of Rights on Divorce) Act, 1986
- ❖ Muslim Person Law (Shariat) Application Act, 1937
- ❖ Christian Marriage Act, 1872
- ❖ Indian Divorce Act, 1869
- ❖ Parsi Marriage & Divorce Act, 1936
- ❖ Special Marriage Act, 1954

- ❖ Family Courts Act, 1984
- ❖ Guardians & Wards Act, 1890
- ❖ Dowry Prohibition Act, 1961
- ❖ Prohibition of Child Marriage Act, 2006
- ❖ Domestic Violence Act, 2006

CHANAKYA NATIONAL LAW UNIVERSITY
GANDHI MAIDAN, PATNA- 800001
3rd Semester
From July, 2017 to December, 2017
“FAMILY LAW - I PROJECT TOPICS”

Important Note:

1. Each project topic is assigned (by default) to one student to work. It is advised to not make any request for change of allotted project topic.
2. Each Student is expected to carefully go through some basic research material in the area (like standard text book, some cases and other related material); and to meet the course teacher subsequently for guidance.
3. It is not advised to meet the course teacher without having preparatory reading or some initial research.

Roll No.	TOPIC
1501	Maintenance as a measure of Social Justice
1502	Adultery as a ground for Divorce
1503	Validity of Child Marriage under Personal Law
1504	Natural Guardian under Hindu Law
1505	Saiyad Rashid Ahmed Vs Anisa Khatun (AIR 1932 PC 25)
1506	Chand Patel v. Bismillah Begum 1 (2008) DMC 588 (SC)
1507	Abdul Kadir Vs Salima (ILR 1886 (8) All 149)
1508	Hindu Marriage: Sacrament to Contract
1509	Nikah: A Social Contract
1510	Yousuf Rawther Vs Sowaramma (AIR 1971 Kerala 261)
1511	Maintenance under the Code of Criminal Procedure, 1973
1512	Family Courts in India
1513	Speedy disposal of Matrimonial Cases
1514	Right to Economic Support
1515	Presumption of Paternity and DNA Testing
1516	Maintenance for Live-in-Partner
1517	Jurisdiction and Procedure in Matrimonial cases
1519	Grounds for Divorce- Need for reform
1520	Maneka Gandhi Vs Indira Gandhi (AIR 1984 Del 428)
1521	Itwari Vs Ashgari (AIR 1960 All 684)
1522	Divorce by Mutual Consent
1523	Special Marriage Act as a precursor of Uniform Civil Code

1524	Registration of Marriage
1525	Seema v. Ashwani Kumar (2006) 2 SCC 578
1526	Acknowledgment under Muslim Law
1527	Voidable Marriages under Hindu Law
1528	Post Divorce Rights of Women
1529	Void Marriages under Hindu Law
1530	Status of Children born out of Live-in-relationship
1531	Khazan Singh Vs Union of India (AIR 1980 Del. 60)
1532	Dastan Vs Dastane (AIR 1975 SC 1534)
1533	Desertion under Personal Law
1534	Danial Latif Vs Union of India (AIR 2001 SC 3958)
1535	Importance of Custom and Usages under Hindu Law
1536	Uniform Civil Code
1537	Status of Wife and Children in a Marriage not properly solemnized: Loopholes & Need for Reform
1538	Right of Adoption to all religious communities; A Constitutional perspective
1539	Sources of Hindu Law
1540	Bigamy as ground for Divorce
1541	Compulsory Registration of Marriage
1542	Child Marriage: A Legal View
1543	Constitutional Validity of Restitution of Conjugal Rights
1544	Cruelty as ground for Divorce
1545	Maintenance to Second Wife
1546	Khyar-ul-bulug
1548	Adoption- The Present Law
1549	Marital Rape as a ground for Divorce
1550	Option of puberty under Muslim Law
1551	Gurdianship under Muslim Law
1552	Schools of Hindu Law
1553	Sarla Mudgal Vs Union of India (1995) 3 SCC 635
1554	Same Sex Marriage
1555	Naven Kohli Vs Neelu Kohli (AIR 2006 SC 1675)
1556	Savitaben Vs State of Gujrat (AIR 2005 SC1809)
1557	Divorce under Christian Law
1558	Gulam Kubra Bibi Vs Mohammad Shafi (AIR 1940 Pesh 2)
1559	Repudiation of marital tie at the instance of Muslim Wife

1560	Maintenance of Wife under Muslim Law
1561	Russell Vs Russell (1897 AC 395)
1562	Marriage under Parsi Law
1563	Law of Inter-Country Adoption
1564	Marital Status based Discrimination - A peep into Personal Law
1565	Regulating Marriage and Divorce through Uniform Civil Code
1566	Irretrievable Break down of Marriage as ground of Divorce
1567	Maintenance of Parents
1568	Harvinder Kaur Vs Harminder Singh (AIR 1984 Del 66)
1569	Hindu Marriage Act 1955- Fundamental Changes brought by it
1570	Yousuf Rawther Vs Sowaramma (AIR 1971 Kerala 7201)
151331	Lilly Thomas Vs Union of India (AIR 2000 SC 1650)
151344	Custody of Minor
151386	Sabrunissa Vs Sabadur Sheikh (AIR 1934 Cal 693)
1601	Need for Gender-Just Personal Laws
1602	Uniform Civil Code is a binding obligation under International and Domestic Law
1603	Converting to Muslim faith to commit Polygamy
1604	Effect of Adoption
1605	Lila Gupta Vs Laxmi Narain (AIR 1978 SC 1351)
1606	Matrimonial Laws and Gender Inequalities
1607	Polygamy under Muslim Law
1608	Sushila Gothala Vs State of Rajasthan (AIR 1996 SC 90)
1609	MAHR
1610	Rights of Women in Bigamous Marriages
1611	Khyar-ul-bulug (Option of Puberty)
1612	Void Marriages under Muslim Law
1613	Samar Ghosh v. Jaya Ghosh 2007 (3) SCJ 253
1614	Constitutional Challenges on Restitution of Conjugal Rights
1616	Marriage under Christian Law
1617	Post Divorce Marriage pending Appeal
1618	Restitution of Conjugal Rights
1619	Divorce under Special Marriage Act
1620	Cruelty
1621	Desertion as a Ground of Divorce
1622	Judicial Separation
1623	NIKAH
1624	Gurdianship under Hindu Law
1625	Sources of Muslim Law

1626	Yousuf Rawther Vs Sowamma (AIR 1971 Kerala 7201)
1627	Live-in-relationship
1629	Voidable Marriages under Hindu Law
1630	Marriage under Hindu Law
1631	AIDS as a ground for Divorce
1632	Adoption- Fundamental Changes brought about by Hindu Maintenance Act, 1956
1633	TALAQ
1634	Marriage under Muslim Law
1635	Divorce under Parsi Law
1636	Marriage under Special Marriage Act
1637	Judicial Separation under Special Marriage Act
1638	Inter Country Adoption
1639	Legal Guardian under Muslim Law
1640	Legitimacy & Acknowledgment under Muslim Law
1641	Muta Marriage
1642	Registration of Hindu Marriage
1643	Prohibition of Child Marriage
1644	Schools of Muslim Law
1645	Fault theory of Divorce
1646	Essential Conditions of a Valid Hindu Marriage
1647	Matrimonial Remedies under Hindu Law
1648	Hindu Marriage: The Journey from Sacrament to Contract
1649	Hindu Women and Right to Divorce
1650	Legitimacy of Children under Void and Voidable Marriage
1651	Consent theory of Divorce
1652	Irretrievable Break down of Marriage
1653	Matrimonial Rights and Obligations under Hindu Law
1654	Matrimonial Rights and Obligations under Muslim Law
1655	Maintenance Rights of women
1656	Right to Matrimonial Home
1657	No Fault theory of Divorce
1658	Mother as a Natural Guardian of Child under Hindu Law
1659	Family Courts and Gender Justice
1660	Issue of Custody in Matrimonial Disputes
1661	Registration under Special Marriage Act
1662	Custody and Guardianship of Minor
1663	Prohibition of Child Marriage Act, 2006
161413	Origin and Development of Islamic Law
161433	Validity of Triple Talaq

