

**Chanakya National Law University, Patna**  
**B.A., LL.B. (Hons.) & B.B.A., LL.B. (Hons.) 2022-23; SEMESTER- III**

**Course Title: Family Law II**

**Course Overview**

The curriculum is designed to focus on the Family Law is the branch of law, which touches each and every individual of the society. It governs an integral part of the life of the individual. In India we have a strange spectacle of personal laws. They owe their diversity to their varied origin, distinct principles and the bulk of substantive law itself. The personal laws play a vital role in governing the conflicting interest of the individuals. In India in personal matters there is no national or regional law. Personal law of a person is not determined by his domicile or his nationality but by his membership of the community to which he belongs. Study of Family Law is Unique. It is not like the rest of the civil laws. It lacks uniformity in application. It covers an enormous area of domestic relations such as marriage, matrimonial remedies, legitimacy of children, custody, guardianship, adoption, intestate and testamentary succession etc. so because of compulsion the sheer bulk of Family Law is divided into two as family Law-I and Family Law – II. Family Law-II deals with laws relating to Hindu Joint family, devolution of ancestral or coparcenary property, succession to separate property of a Hindu and the Muslim law relating to gifts, wills and inheritance. The rules relating to marriage, matrimonial remedies, legitimacy of children, custody, guardianship, adoption is of immense importance as it involves the sensitive relationship between individuals in the society.

Module one deals with **Joint Hindu Family and Coparcenary**

Module two focuses on **Property in Hindu Law**

Module three deals with **Management of Joint Family Property**

Module four covers **Women Estate and Stridhan**

Module five **Partition and Reunion under Mitakshara School**

Module six deals with **Succession to Property of a Male Intestate**

Module seven covers **Succession to the Property of Female Intestate**

Module Eight focuses on **Muslim women's right to maintenance**

Module Nine deals **Law relating to Gifts under Muslim Law**

Module Ten on Law **relating to Wills under Muslim Law**

Module Eleven on **Law relating to Wakf**

Module Twelve deals with **Muslim Law of Inheritance**

### **Learning Outcomes**

On completion of the course, students will be able to:

1. Understand Property law specifically succession and inheritance related Hindu and Muslim law.
2. Analyze ancient and modern property law and changes introduced by legislation after codification in Hindu Civil Matters.
3. Examine and Compare between Hindu and Muslim property law.
4. Analyze complex legal problem.

### **List of Topics/ Modules**

<b>Topic/ Module</b>	<b>Contents/ Concepts</b>	<b>Sessions / Lectures</b>
<b>Module I: Joint Hindu Family and Coparcenary</b>	<ul style="list-style-type: none"><li>• Joint family and Coparcenary,</li><li>• Features of Joint and Undivided Family,</li><li>• Hindu Coparcenary,</li><li>• Conception of Coparcenary,</li><li>• Limit of Four Degrees,</li></ul>	1-5

	<ul style="list-style-type: none"> <li>• Reason of Rule of Four Degree,</li> <li>• Features of Coparcenary,</li> <li>• Points in Common and difference</li> </ul>	
<b>Module II: Property in Hindu Law</b>	<ul style="list-style-type: none"> <li>• Obstructed and Un-obstructed Property,</li> <li>• Classification of property,</li> <li>• Incident of Joint family Property,</li> <li>• Incident of Separate Property,</li> <li>• Burden of Proof and Presumption,</li> <li>• Ancestral Property,</li> <li>• Nature of Father's and Son's Interest in Ancestral Property,</li> <li>• When Jointly Acquired Property Becomes Joint Family Property,</li> <li>• Doctrine of Blending,</li> <li>• Gain of Learning.</li> </ul>	6-12
<b>Module III: Management of Joint Family Property</b>	<ul style="list-style-type: none"> <li>• Karta,</li> <li>• Who Can Be Karta,</li> <li>• Position of Karta,</li> <li>• Power of Karta,</li> <li>• Duties of Karta,</li> </ul>	13-18

	<ul style="list-style-type: none"> <li>• Alienation of Coparcenary property: Person and Purposes,</li> <li>• Right and Remedies of ainee.</li> </ul>	
<b>Module IV: Women Estate and Stridhan</b>	<ul style="list-style-type: none"> <li>• Women Estate and Stridhan,</li> <li>• Pious obligations of the son.</li> </ul>	19-21
<b>Module V: Partition and Reunion under Mitakshara School</b>	<ul style="list-style-type: none"> <li>• What property is divisible on partition,</li> <li>• Person entitled to share on partition,</li> <li>• Allotment of shares,</li> <li>• Partition how effected,</li> <li>• Reopening of partition,</li> <li>• Effect of partition.</li> </ul>	22-27
<b>Module VI: Succession to Property of a Male Intestate</b>	<ol style="list-style-type: none"> <li>a) General introduction and the application of the Hindu Succession Act, 1956,</li> <li>b) Devolution of Mitakshara property under the Act,</li> <li>c) General principles of inheritance,</li> <li>d) Disqualifications of heirs.</li> </ol>	28-30
<b>Module VII: Succession to the Property of Female Intestate</b>	<ol style="list-style-type: none"> <li>a) Hindu women's estate,</li> <li>b) Law relating to inheritance.</li> </ol>	31-32
<b>Module VIII: Muslim women's right to maintenance</b>	<ol style="list-style-type: none"> <li>a) Muslim women's right to maintenance</li> </ol>	33-34

<b>Module IX: Law relating to Gifts</b>	<ul style="list-style-type: none"> <li>a) Who can make a valid gift?</li> <li>b) Meaning and essentials of a valid gift,</li> <li>c) Requisites of gift (parties, subject, extent of donor's right, mode of gift, declaration of gift, acceptance of gift),</li> <li>d) Delivery of possession,</li> <li>e) Delivery how effected,</li> <li>f) Gift made during Marz-ul-Maut</li> </ul>	35-38
<b>Module X: Law relating to Wills</b>	<b>4 Lectures</b> <ul style="list-style-type: none"> <li>a) Capacity to make Will,</li> <li>b) Subject matter of Will,</li> <li>c) To whom Will can be made,</li> <li>d) Abatement of legacies.</li> <li>e) Revocation of will.</li> </ul>	39-42
<b>Module XI: Law relating to Wakf</b>	<b>4 Lectures</b> <ul style="list-style-type: none"> <li>a) Essentials of a valid Wakf,</li> <li>b) Kinds of Wakfs,</li> <li>c) Doctrine of Cypres,</li> <li>d) Wakf how created,</li> <li>e) Completion of Wakf</li> <li>f) Mutawalli, Powers of a Mutawalli, Removal of a Mutawalli.</li> </ul>	43-46
<b>Module XII: Law relating to Inheritance (Muslim)</b>	<ul style="list-style-type: none"> <li>a) General rules of inheritance of Sunnis and Shias,</li> </ul>	47-52

	<ul style="list-style-type: none"><li><b>b)</b> Impediments to inheritance in the Muslim law,</li><li><b>c)</b> Hanafi Law of inheritance,</li><li><b>d)</b> Classification of heirs,</li><li><b>e)</b> Entitlement of primary heirs,</li><li><b>f)</b> Doctrine of Rad and Aul,</li><li><b>g)</b> Difference between Shia and Sunni law of inheritance</li></ul>	
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### **Instructor Details**

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