

BBA.LL.B (HONS.) – III-SEMESTER

FAMILY LAW-I

COURSE CODE:

Course Objective: The objective of the paper is to apprise the students with the laws relating to marriage, dissolution, matrimonial remedies, adoption, contemporary trends in family institutions in India, in particular the Hindus and Muslims.

Course Outcomes:

1. To understand the evolution of family system in India
2. To understand and analyse the legislations governing Hindu marriage and dissolution
3. To understand and analyse the personal laws and legislations governing Muslim marriage and dissolution
4. To analyse various judicial decisions pertaining to family laws
5. To identify and analyse the emerging trends in family laws.

Unit-I: Hindu Marriage and Dissolution; Institution of Marriage under Hindu Law-Evolution and Concept of the Institution of Marriage; Forms, Validity and Voidability of Marriage; Matrimonial Remedies-Restitution of Conjugal Rights, Judicial Separation; Dissolution of Marriage: Theories, Forms of Divorce, Grounds, Divorce by Mutual Consent, Irretrievable Breakdown as a Ground for Dissolution

Unit-II: Muslim Marriage and Dissolution of Marriage: Nikah (Muslim Marriage)- Definition, Object and Nature, Essentials for Validity; Obligations Arising out of Marriage – under Classical and Statutory Law; Dissolution of Marriage-Talaq: Concept and Modes, Grounds: Under Classical Law, Under Statutory Law: Dissolution of the Muslim Marriage Act, 1939

Unit-III: Legislative protection for women-Provisions under the Hindu Marriage Act, 1955, Provisions under the Hindu Adoption & Maintenance Act, 1956, Provisions under the Cr.P.C, 1973-recent trends-through judicial interpretation.

Unit-IV: Adoption, Maintenance of Guardianship; Adoption: Nature, Law on adoption, Inter Country Adoption, Adoption: Conditions and Effect Ceremonies, Capability, Effect; Maintenance-Entitlement, Enforcement, Maintenance Rights of Muslim Women, Maintenance under the Code of Criminal Procedure, 1973, Guardianship CARA Guidelines 2017

Unit-V: Civil Marriage and Emerging trends in Family Law; Provisions of Special Marriage Act, 1954; Emerging trends-Surrogacy, Live-in Relationship, IVF, Domestic Violence, Same Sex Marriage

References:

1. Ranganath Misra (Rev.), Mayne' s Treatise on Hindu Law & Usage (16th ed., 2008)
2. Satyajeet A. Desai, Mulla's Principles of Hindu Law, Vol. I & II (20th ed., 2007)
3. Paras Diwan, Law of Marriage and Divorce (5th ed., 2008)
4. M. Hidayatullah and Arshad Hidayatullah, Mulla's Principles of Mahomedan Law (19th ed.,2006)
5. Tahir Mahmood, Fyzee's Outlines of Muhammedan Law (3rd ed., 2008)