

## **IL 206 Family Law – I**

### **Unit 1 General**

- a. Concept of Family and Development of Family System, Types of Family
- b. Sources of Family Law
- c. Schools of Family Law
- d. Uniform Civil Code: Concept, reasons, Need to enact, problems, relevant Constitutional provisions, judicial pronouncements

### **Unit 2 Marriage**

- a. Concept of Marriage, Essentials of valid Marriage under Different laws- Hindu, Muslim, Parsi, Christian laws and Special Marriage Act,
- b. Emerging concepts: Maitri Sambandh (Live in Relationship) and divided home
- c. Regular, irregular and void marriages under different personal laws and effects thereof
- d. Iddat and its types under Muslim Law
- e. Guardianship in Marriage (Jabar) and option of puberty under Muslim law

### **Unit 3 Matrimonial Disputes and Remedies**

- a. Non-judicial resolution of marital conflicts.
- b. Matrimonial Remedies: Restitution of Conjugal Rights, Judicial Separation, Reconciliation in matrimonial disputes
- c. Dissolution of Marriage;
  - a. Customary dissolution of marriage
  - b. Unilateral divorce
  - c. Divorce by mutual consent
  - d. Other modes of dissolution of marriage like cruelty, desertion, adultery etc.
- d. Divorce under Muslim personal law —
  - a. Talak and its kinds, Talaq-e-tafweez, Kinds of divorce
  - b. Grounds for Divorce under the Dissolution of Muslim Marriages Act, 1939

### **Unit 4 Guardianship, Adoption, Alimony and Maintenance**

- a. Guardianship under different personal laws
- b. Provisions for adoption under various family laws and CARA Guidelines for Adoption
- c. Maintenance and alimony under the Criminal Procedure Code and various personal Laws:
  - a. Maintenance of neglected wives and divorced wives
  - b. Maintenance of children and spouse
  - c. Maintenance of Parents and Grand Parents
  - d. Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act, 1986: a critical review, judicial pronouncements on the issue

## **Suggested Readings**

1. Paras Diwan, Law of Interstate and Testamentary Succession, Universal
2. Basu, N.D. Law of Succession, Universal
3. Kusem, Marriage and Divorce Law Manual, Universal
4. Machanda S. C. Law and Practice of Divorce in India, Universal
5. P.V. Kane, History of Dharmasastras Vol.2 PL I at 624-632
6. Kuppaswami (ed) Mayne's Hindu Law and Usage Ch.4
7. Sivaramayya, Inequalities and the Law
8. K.C. Datta, "Population control through family planning in India" Indian Journal of Legal Studies,
9. J.D.M. Derrett, Hindu Law Past and Present
10. J.D.M. Derrett, Death of Marriage Law
11. A.A.A. Fyzee, Outline of Muhammadan Law, Alladi Kuppaswami, Mayne's Hindu Law and Usage J.D.M. Derrett, A Critique of Modern Hindu Law
12. Paras Diwan, Hindu Law