TWO YEAR LEGUM MAGISTER

(L.L.M Course Family Law)

Objectives and significance of studying Family law:

To understand the historic evolution of family Law. To Comprehend and appreciate socio-economic cultural context in which family laws policies and practices are developed. To describe the Legal Issues and disputes faced by families in India. To Apply the provisions of the Family Law to the settlement of family disputes. To identify and articulate the areas of Laws in which Laws and policies should be improved and Promoted.

Purpose of Family Law:

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The family law is based on the survival, permanence and continuity of the family, seeking the way to perpetuate the species and protect it and at the same time, to give the necessary protection to all the family members that make up the family. The family law is vital aspect of keeping order and civility in the society.

Importance of Family Law

The legal issue in a family is to be settled is subjected to family Law. A family is always related to blood relation through marriage and it settles disputes that arise within .It also resolves property issues and financial settlements in the family. The issues between family have an emotional string attached and its not easy to settle a problem without emotions. It confers equal rights for children, adoption and maintenance, Women property rights, rights of Inheritance and succession-Protection against family abuse, Protection in case of marriage abandonment or divorce.

Need for Family Law:

Family is unique. Family has a different problem and issues. Family laws apply the same to everyone equally. Sometimes issues in the family are resolved within the family within the family. When it fails the remedy is sought with the legislations and family lawyers. Family Law Advocates facilitate in addressing the problems. Through litigation and mediation, counseling.

Scope of Studying Family Law:

"Lawyer is the one who is skilled in Circumvention of the Law. Family law is a practice area that encompasses legal issues that family faces among themselves. Studying Family Law helps to serve as a Family law litigant lawyer in the court in the matters relating to marriage, separation divorce and legal issues relating to children guardianship and maintenance. It encompasses financial negotiations, inheritance issues and prenuptial contracts.

SYLLABUS FOR TWO YEAR L.L.M COURSE

60+40 PFE

Family Law

SEMESTER-I Common Subjects and Compulsory course

1.	Law and Social Transformation in India	((() -() 111)
II.	Constitutional Law and New Challenges	60+40 PFF
m.	Judicial Process	60+40 PFG
117	Research Methodology	60+40 PFH

SEMESTER-II

- V. Introduction to Personal Laws
- VI. Law relating to Marriage and Separation
- VII. Practicals Paper(Common to all L.L.M courses)
- VIII. Changing Trends in Family Law

SEMESTER-III

- IX. Hindu Joint Family and Coparcenary system
- X. Law of Inheritance and Succession
- XI. Law of Maintenance Adoption, and Guardianship

SEMESTER-IV

XII. Optionals:

- Family Dispute Resolution: Family Litigations Penal laws on family affairs-Religion and Family Law.
- 2. Rights of women, Children and Protection.

XIII. Dissertation.

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SEMESTER-I

(Paper 1-4) to follows the same syllabus of other L.L.M Courses.

SEMESTER - II

Paper 5 Introduction to Personal Laws

Module-1 Sources of Hindu Law- Ancient sources - Shruti or Vedas. Smiriti Dharmasutras- Commentaries and Digest- Custom - Local Customs- Family Customs - Class customs.

Module-2 Modern sources of Hindu Law - Equity- Justice and Good conscience Judicial decisions - Legislations.

Module-3 Sources of Islamic Law-Primary Sources- Quran- Sunnah- Secondary Sources-Hadith Jima-Qiyas. Module-4 Sources of Christian Law- the Holy Bible-Traditions-Reasons-- Christian Personal Law in Colonial era - Modern era. Module-5 Schools of Hindu Law- Mitakshara School & Dhayabhaga School- Banaras school- Mithila School- Bombay School- Dravida School- Logic- Reasons-Precepts- Precedents Module-6 Schools of Islamic Law Sunni School & Shia School - Hanafi School founded by Abu Hanifa. The Maliki School founded by Malik ibn Anas. - The Hanbali School based on the teachings of Ahmed ibn Hanbal-The Shafi School founded by Muhammad ibn Idris-ash Shafi – Ithna – Ashari School. Module-7 Uniform Civil Code- Law Commission Reports - Religious pluralism and its implications. - Connotations of the directive contained in Article 44 of the Constitution- Complexity regarding the formulation of the uniform Civil Code PAPER 6 LAW RELATING TO MARRIAGE AND SEPARATION Module -1 Marriage under Hindu Law- Nature, Definition and Forms of Marriage-Conditions of Marriage and Registration of Marriage-Marriage ceremonies and proof of Marriage-Degrees of Prohibited relationship and Sapinda relationship-Grounds of Void and Voidable Marriage. Module-2 Marriage under Islamic Law- Definition- Nature-Scope of Muslim Marriage (Nikah - Essential Conditions of Muslim Marriage-Classification of Muslim Marriage- Distinction between Shia and Sunni Law of Marriage. Module-3 Marriage under Christian Law- void- voidable- irregular marriage- Divorce under Christian Law- Divorce by mutual Consent as per the amended act-Judicial separation under the Christian Law- Marriage under Parsi Law- Marriage under Jews personal Law. Dissolution of Marriage- Judicial Separation and Restitution of Conjugal rights. Module-4 Of Hindu- Christian -Parsi Law -Jews Personal Law- Right to Maintenance of Wife and Children. Dissolution of Marriage Under Hindu Law- Nullity of Marriage- Grounds of Module -5

> Divorce and Special grounds for wife - Divorce by Mutual Consent-Irretrievable Breakdown of Marriage - Right to Maintenance of wife and

Children

- Module 6 Dissolution of Marriage under Muslim Law- Essentials of Talaq- Modes of Talaq-Judicial Separation under the Dissolution of Muslim Marriage Act,1939-Distinction between Shia and Sunni Law of Divorce-Muslim Women (Protection of Rights of on Marriage) Act,2019,-Right to Maintenance
- Module 7 Child Marriage Critical analysis Sarda Act and later Legislative Developments suggestions.
- PAPER 7 PRACTICALS (Common to all L.L.M Courses)

PAPER – 8 CHANGING TRENDS IN FAMILY LAW

- Module 1 New emerging trends in attenuation of family ties, Working women and their impact on spousal relationship: composition of family, status and role of women, New property concepts, such as skill and job as new forms of property, Factors affecting the family: demographic, environmental, religious and legislative, Processes of social change in India: westernization, secularization, universalization, -modernization,-industrialization and urbanization...
- Module 2 Emerging trends in Family Law Policies and Programmes -Family Welfare Indian Family in Transition, Family Planning Policies, , Medical Termination of Pregnancy and Issues Associated with it-
- Module 3 Emerging trends in Surrogacy Laws- Gestational Surrogacy- Traditional surrogacy- Trans National Commercial Surrogacy-Problems associated with Cross border surrogacy- Laws governing surrogacy in comparison with other countries- Surrogacy in India and the need for regulation- Surrogacy amendments Bill.
- Module 4 Major Problems in Marital Life Psycho-Social Effects of Divorce, Separation and Migration, Dowry Demands and Dowry Deaths, Legal Issues Involved in Marriage.
- Module 5 International Conceptions of the Family-International conventions Right of Child- Rights of have Family- Rights Marriage and Reproduction Right to religion- Relevant provisions of the Universal Declaration of Human Rights-Relevant provisions of International covenant on civil and Political rights-

International Convention on Economic social and political rights-Convention on Rights of the Child- Relevant provisions on European Convention on Human Rights.

- Module 6

 New emerging relationships -Same Sex Marriages- Trans sexual women-LGBT- Issues of the rights of sexual minorities and transgender Article 377 and beyond -Need for Legislative measures.-Sexual Reproductive Problems Problems Associated with Pregnancy and Infertility Health Impacts of Contraceptives and Assisted Reproductive Technology Health issues related to trans-gender Recent Judgements of the Supreme Court and High Courts on Transgender.
- Module 7 Restoring Child Rights- Right to Education- Right to Health- Right to Shelter-Family and Adoption- Custody and Guardianship- Child Labour- Sexual Abuse- Juvenile Justice- Status of Unborn child-Status of a child born in Living in -Relationship- Child of Transgender.
- Module 8 Penal laws and Family Affairs Offences relating to Marriage-Outraging the modesty of Women- is adultery an offence Sexual harassment-Rape- Marital Rape-Domestic violence.
- Module 9 Role of Lawyers and Counselors in Family Courts Role of Lawyers in divorce Mediation Lawyers using ADR mechanism to settle family disputes—Role Women in the Creation of Family Courts-Role of Counselors and Gender Issues.

Books for Reference:

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- Janet Gonzalez-Mena, Child, Family, and Community: Family-Centered Early Care Education, Merrill Publishing Company (2017)
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- Paula Gurber, Surrogacy Law and Human Rights, Routledge Publication (2017)
 ISBN 9781138701731

- Anindita Majumdar, Trans national Commercial Surrogacy Unmaking of a kin in India, Oxford University Press(2017)
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- Michael A Austin, Conceptions of Parenthood ethics and family. Taylor and Francis (2016)
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- 16. R. Vanita, Love's Rite, Same Sex Marriages in India, Palgrave Macmillan, 2005.
- 17. Saurab Kripal, Sex and the Supreme Court, How the Law is upholding the Dignity of the Indian citizen, Hacchette Book Publishing(2020)
- 18. Murali Desai, Rights Based Integrated Childs, Protection Delivery, Springer, (2019)
- 19. P.C.Sinha, Indian Human Rights Regime a Comprehensive Presentation, Kanishka Publishers, (2003)
- 20. Paras Diwan, Law Relating to Dowry Death, Universal Law Publishing House(1997)
- 21 Srikanta Gosh, Women in Changing Society,, Asish, Law research Institute, (2008)
- 22. Intimacy Undone Malvika Rajkotia, Marriage, Divorce and Family Law In India Speaking Tiger Publications (2017) ISBN No 9789386582072, 9386582074.
- 23. Bhaskar Misra, George G. Simmons, Ali Ashraf, Ruth Simmons, George B. Simmons.,' A Systems Analysis of Family Planning in Rural India, University of Michigan, Centre for south and south Asian Studies ((2007))

International Convention(Relevant Provisions)

- Universal Declaration of Human Rights, 1948.
- International Covenant on Civil and Political Right, 1966.
- International Covenant on Socio, Cultural and Economic Rights, 1966.
- Convention on Elimination of all forms of discrimination against women.
- Convention on Rights of the Child.
- European Convention on Human Rig

SEMESTER - III

PAPER-9 HINDU JOINT FAMILY AND COPARCENARY SYSTEM

- Module -I Concept of Property- Scope and evolution- Joint Family and Coparcenary Mitakshara Joint Family Origin, its nature and constitution -Members of
 joint Family Characteristics of joint family
- Module- 2 Hindu Coparcenary Formation of Coparcenary Coparcenary and joint Family Distinction Characteristic Features of Coparcenary Rights of coparceners Coparcenary within coparcenary.
- Module-3 Classification of property: Joint family property or Coparcenary property Separate or self acquired property Obstructed and unobstructed property Alienation of Coparcenary property Who may alienate Coparcenary
 Property Alienation by Father Alienation by sole surviving co-parcener -
- Module-4 Alienation by Karta or Manager of Coparcenary Property Legal necessity Partial necessity -Benefit of estate Indispensable duties Burden of proof of necessity -Coparcener's power of Alienations In voluntary Alienations Voluntary Alienations Module-Coparcener's Right to challenge Alienations Alienee's Rights and Remedies Family arrangement or Family settlement Coparceners and Coparcenary property under Dayabhaga Law Distinquishing features of Dayabhaga Joint Family -Coparceners according to Dayabhaga Law
- Module -6 Debts Three sources of Liability Liability on separate property Liability on undivided coparcenary Interest Liability of Joint Family Property Pious obligation of son Avyavaharika debt Antecedent debt Time barred debt Suretyship debts Dayabhaga Law of debts Rules of Damdupat.
- Module-7. Partition and Reunion -Meaning of partition What property is Divisible on partition Subject of partition Property available for partition Property not capable of division -Person entitled to a share on partition -Sons, grandsons, and great grandsons -. Minor coparceners Son Born after partition -Adopted son Illegitimate son Females -Alience Partition how effected or Mode of partition What is partial partition -Partial Partition as to property Partial partition as to persons -Effect of partial partition -Allotment of shares on partition Re-opening of partition Re- Union -Who may reunite Effect of reunion Dhayabhaga Law -Person entitled to partition Similarity and Distinction between the Mitakshara and the Dayabhaga Law

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Module-8 Women's property - Two categories of women's property - Stridhana according to smritikars - stridhana according to commentators - stridhana according to judicial decisions -. salient features of stridhana -Rights of a woman over stridhana - Women's estate - characteristic features of women's Estate.

PAPER 10 LAW OF INHERITANCE AND SUCCESSION

- Module-1 The Hindu Succession Act, 1956 -Intestate succession Succession to a Hindu Male Heirs of a Hindu Male Class I Heirs and their Shares Class II Heirs and their Shares Module-Agnates and cognates Succession to property of a Hindu Female Property inherited from Father or Mother Property inherited from Husband or Father in Law.
- Module-2 General rules of Succession Full-blood preferred to half-blood -Mode of succession of two or more heirs Right of child in womb Disqualifications
- Module-3 Testamentary succession Wills and Codicils -Definition of will -Essential Characteristics of a will Persons capable of making a will.
- Module-4 Introduction to Muslim Law of Inheritance Guardianship of Property of a Minor Gift or Hiba Nature and characteristics of Hiba Subject matter of Hiba Death bed gifts Hiba-bil-iwaz, Hiba-ba-shartul-iwaz -Revocation of gift.
- Module-5 Wakf and Family Endowments.- Hindu religious endowments –Wakf- Meaning Creation of Wakf -Types and administration of wakf- Mutawalli and his powers -Muslim religious institutions and offices. Pre-emption -Testamentary disposition of Property and interpretation of Wills and Death-bed Gifts Administration of Estates.
- Module -6 Sunni Law of Inheritance Shia Law of Inheritance Doctrine of Aul and Doctrine of Radd.
- Module-7 Intestate Succession under Christian Law- General principles of succession

 Statutory conditions of disinheritance and disentitlement Comparative
 analysis of right to property of women under different Religious and Statutory
 laws. Dwelling house and Right of Pre-emption.
- Module -8 Testamentary succession under Christian Law, Parsi & Jew Limitation to testament under various religious and statutory laws Will and administration of will Codicil Lapse, abatement and redemption of legacies Probate, letters of administration and succession certificate.

PAPER 11 LAW OF MAINTENANCE , ADOPTION & GUARDIANSHIP.

- Module -1 Maintenance and Adoption under Hindu I aw
- Module 2 Provisions under the Hindu Marriage Act, 1955
- Module-3 Provisions under the Hindu Adoption & Maintenance Act, 1956
- Module-4 Provisions under the Cr.P.C. 10°3.
- Module-5 Maintenance under Muslim Law-Maintenance to Muslim Wife-Divorced Wife's Right to Maintenance under Muslim Women (Protection of Rights on Divorce) Act, 1986- Muslim women (Protection of rights on Marriage) Act, 2019 Maintenance to Muslim Children.
- Module-6 Adoption under Hindu Law-Who may adopt, who may give in adoption and who can be adopted-Ceremonies of Adoption & Effects of Adoption-Relationship of Adopted Child & Proof of Adoption Adoption under Juvenile Justice (Care and Protection of Children) Act, 2015.
- Module -7 Guardianship-Guardianship of person- Natural, Testamentary and Guardian appointed by court-Guardianship of minors property-Defacto Guardian.
- Module-S Guardianship under Muslim Law- Christian Law-Meaning, Appointment and Removal of Guardianship-Kinds of guardianship- guardianship in marriage, person and property Guardians and Wards Act, 1890.

SEMESTER - IV

PAPER 12 OPTIONAL I FAMILY DISPUTE RESOLUTION.

- Module-1 Nature and scope of family law in India-Subjects of family law- Unification of Intra and inter-religious family laws-Hindu, Muslim, Christian theories of marriage-polyandry- polygamy and Monogamy- marriage a holy union and contractual obligation-dowry and dower Decided Cases.
- Module-2 Matrimonial remedies-Restitution of conjugal rights, judicial separation, nullity of marriage and divorce, maintenance, custody of children-rights of guardianship different personal laws in India Decided Cases.
- Module-3 Family courts- jurisdiction, adjudication, trial and procedure statutory recognition of consideration under various personal laws, Hindu marriage and Divorce Act,1955, Special Marriage Act 1954,CPC, 1908, Indian Divorce Act,1869 and Family Courts Act 1984, the Protection of Women from Domestic Violence Act,2006, Dowry Prohibition Act, 1961 Muslim Women (Protection of Rights on Marriage) Act, 2019.

Module-4 Family problems-Identification of contemporary issues —causative factors to family crises-Family counselling-family conciliation-the role of counsellor and conciliator in family reconciliation.

OPTIONAL II WOMAN AND LAW

- Module-1

 Understanding Law -Legal Concepts -Law and Feminism Source of Law Primary sources -Religion, Custom and Conventions Socio-Political Philosophy
 and Law Secondary Sources The Constitution, Statutes and Judicial Decisions
 Women Rights as Human Rights U.N. World Conference on Women Universal
 Declaration of Human Rights Convention on the Elimination of all forms of
 Discrimination against Women Declaration on the Elimination of Violence
 against Women.
- Module-2 Gender Equality and Constitution Preamble Political Rights, Economic Rights and Social Justice Fundamental Rights Equality, Right to Livelihood, Right to Live with Dignity, Right against Exploitation Directive Principles of State Policy Equal Justice and Free Legal aid, Provisions for Just and Humane Conditions of Work and Maternity Relief.
- Module-3 Uniform Civil Code, Fundamental Duties- Art. -51-A[e] Women's Representation in Local Bodies.
- Module -4

 Law Relating to Crimes against Women Indian Penal Code -1860 Dowry Prohibition Act,1961 -Protection of Women from Domestic Violence Act, 2005 Indecent Representation of Women (Prohibition) Act, 1986 Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 Criminal Law (Amendment) Act, 2013. Prohibition of Child Marriage Act, 2006 The Immoral Traffic (Prevention) Act, 1956.
- Module -5 Protection of Women under Industrial Law Equal Remuneration Act, 1976 Maternity Benefit Act, 1861.
- Module -6 State Agencies and Women National Commission for Women Police Judiciary

General Bibliography:

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- 2. Mulla, Principles of Hindu Law, Lexis Nexis, 2007.
- 3. A.A. Fyzee, Outlines of Mohammadan Law, Oxford University Press, 1974.
- 4. Afzal Qutb, A Treatise on Faith Oriented Family Norms, 1990.

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- 21. Swaroop on Law of Indian Succession
- 22. Poonam Pradhan Saxera on Family Law Lectures
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- 24. Sebastian Champappilly, Christian Law.
- 25. E.D. Devadasan, Handbook of Christian Law
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- 29. Prasad V.: The Indian Succession Act, 1982, Allahabad Law Agency, Allahabad.
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- 2. Kapur, Ratna, Subversive sites: feminist engagements with law in India/by Ratna Kapur and Brenda Cossman.- New Delhi: Sage,1996.352p., 346.0134 KAP.S 7069
- Feminist terrains in legal domains: interdisciplinary essays on women and law in India/ed. by Ratna Kapur.- New Delhi: Kali for Women, 1996.280p., 346.0134 FEM 7344
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- 7. Pereira, Faustina, The fractured scales: the search for a Uniform Presonal Code.-Calcutta: Stree,2002. xxvi, 239p., 346.013 3 PER.F 10347
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- 9. Sunder Rajan, Rajeshwari, The scandal of the state: women, law, and citizenship in postcolonial India. Delhi: Permanent Black, 2003.xv, 313p., 346.0134 SUN.S 10764.
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- 17. Agnes, Flavia, Making laws work for women: the potential of existing laws against domestic violence, Manushi. No. 56; September-October 2006. p.25-31
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- 19. Rajalakshmi, T K., Seclusion inflicted by insecurity, Frontline. 23(24)2-16 December 2006. p.17-20

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- 2. 98th report on Section 24 and 26 of Hindu succession Act.
- 3. 208th report on Section 6 of the Hindu Succession Act.
- 4. 207th report on section 15 of Hindu Succession Act.

Important Acts

- Child Marriage Restraint Act,1929
- The Prohibition of Child Marriages Act,2006.
- The Hindu Marriages Act, 1955
- 4. The Hindu Adoption and Maintenance Act, 1956.
- The Hindu Minority and Guardianship Act, 1956.
- The Guardian and Wards Act, 1890.
- 7. Succession Act,1956.
- 8. The Indian Succession Act, 1925.
- 9. The Indian Succession(Amendment)Act, 1991.
- 10. The Indian Sucession (Amendment)Act,2002
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- 12. Muslim Women (Right to protection on Marriage)Act 2019.
- 13. Parsis Marriage an Divorce Act, 1865.
- 14. Parsis Marriage and Divorve Amended Act, 1988.
- 15. Parsis Marriage and Divorce Act, 1936.
- Parsis Marriage and Divorce Amendment Act, 1988.
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- Hindu women Right to Property Act, 1937.
- 19. The Hindu Succession Act,1956 with Amendments
- 20. The Hindu Succession Amendment Act,2005.
- 21. The Wakf's Act.1985
- 22. The Indian Divorce Act, 1869
- 23. The Indian Divorce Amendment Act,2001.
- 24. Marriage Laws (Amendment)Act,2001
- Special Marriages Act,1954.
- Indian Christian Marriage Act, 1872.
- 27. The Converts Marriage Dissolution Act, 1866.
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- 2. "Alimony under Hindu Marriage Act : An Overview" by Dr. Rakesh Kumar Singh (March) AIR 2006 Page 41
- 3. "Cruelty A Ground of Divorce" by Dr. Anju Tyagi (October) AIR 2006 Page 153
- 4. "Family Court Amicus Curiae" by S.A. Karin (October) AJR 2006 Page 159
- 5. "Gender Justice The Constitutional Perspectives and the Judicial Approach" by Miss Sheetal Mishra (April) AIR 2006 Page 53
- 6. "Revamping of Adoption Laws: A Critique of the Hindu Adoptions and Maintenance Act, 1956" by Vanshaia Shukla (July) AIR 2006 Page 108.
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Optional

Woman and Law

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- 2. Women, know your law, Roshni. October-December 2006. p.9
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PAPER 13 - DISSERTATION(Common to aff)