AIMS AND OBJECTIVES OF THE COURSE

Every natural and legal person is assigned a personal law defining his or her status and capacity. The connecting factors determining one’s personal law vary from one legal system to another. For instance, common law adopts nationality, Islamic law assigns personal law by religion etc. A study of Principles of Family Law in India is only one of its kinds in the world. In India Family Law is the personal law of the person which deals with the matter pertaining to a person and his or her family. Hindu, Muslim, Christian and Parsi have their different personal law in India. Some of these laws are uncodified while some others are codified. “Personal Laws” are a common legacy of colonialism and liberation from colonialism in India. The regime of "personal laws" originated in the political domain in periods of political and territorial conquest. Both conquered and conquering people carried with them, laws which were "personal" to them. While the constitutional provisions of India are democratic and secular, their colonial legacy ensured that they inherited a common problem of plural legal systems. This system of laws dealing with the so called private domain of the family is a branch of laws that has come to be known as "personal laws".

Compulsory course on “Principles of Family Law” is offered to the second year third semester students. This course is an introduction to the basic fundamental principles of family law in India. Objectives of the course are as follows:

1. Compulsory Course on Principles of Family Law tries to provide students not just an explanation of the law as it stands but also an account of its historical background.
2. Course provides discussion of legal principles combined with authoritative discussion of policy, practices, issues etc.
3. Course covers the core areas of family law such as marriage, divorce, maintenance, adoption, custody, guardianship, acknowledgement, successions etc.
4. Course includes an analysis of the factors underlying development and a prompt to encourage discussion of the laws, effectiveness in contemporary society.
5. The course includes discussion of key policy development including Law Commission Reports.
6. Course covers case presentations and generate discussion on the issues raised in these cases.

Marks Distribution

<table>
<thead>
<tr>
<th>Component</th>
<th>Marks</th>
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<tr>
<td>Tutorials</td>
<td>30</td>
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<td>Class Participation</td>
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1 Dr.Kavita Singh, Assistant Professor (Law)
JULY

TOTAL 60 HOURS TEACHING

4TH JULY MONDAY (TWO HOUR) Nature and Scope of Hindu law

Readings:

ii. P V Kane, HDS, Vol 1 Part 1 at pg 3
v. H A Freeman, An Introduction to Hindu Jurisprudence, The American Journal of
vii. LETTERS TO THE EDITOR, Hindu code Bill and agri-cultural Holdings, EPW 1952 Vol IV at p 49.
viii.

5TH JULY TUESDAY (ONE HOUR) Sources of different personal laws in India

Readings:

i. Hon’ble Katju, M., J., Ancient Indian Jurisprudence vis-a-vis Modern Indian
   Journal 215.

7TH JULY THURSDAY (ONE HOUR) Hindu law applies to...

Readings:

i. Shastri Yagnapurushadasi v Muldas Vaishya, AIR 1966 SC 1119. Dr. Radhakrishnan,
   “The Hindu View of life”.

11TH JULY MONDAY (TWO HOUR) Discussion & Class Participation

Readings:

i. Shastri Yagnapurushadasi v Muldas Vaishya, AIR 1966 SC 1119.
ii. Perumal v poonnuwami, AIR 1971 SC 2352
iii. CM Arumugan v S. Raja Gopal, (1976) 1 SCC 863

12TH JULY TUESDAY (ONE HOUR) Hindu marriage

Readings:


14TH JULY THURSDAY (ONE HOUR) valid condition for Hindu marriage/ ceremonies of Hindu marriage /

i. Ceremonial Validity of Hindu Marriages : Need for Reform, (1977) 2 SCC (Jour) 22.
iii. Sarla Mudgal v UOI, AIR 1995 SC 1531
iv. Lily Thomas v UOI, AIR 2000 SC 1650

18TH JULY MONDAY (TWO HOUR) Discussion & Class Participation

ii. Babui Pannato Kuer v. Ram Agya Singh, AIR 1968 Pat. 190
iv. P. v. K., AIR 1982 Bom. 400

19TH JULY TUESDAY (ONE HOUR) Prohibited Degree/ Sapinda Relationships

ii. Budhu Singh v Laltu Singh, AIR 1915 PC 70.

21st JULY THURSDAY (ONE HOUR) Restitution of conjugal rights

iv. Flavia Agnes, Conjugality, Property, Morality and Maintenance, VOL 44 No. 44 October 31 - November 06, 2009.

25TH JULY MONDAY (TWO HOUR) Discussion & Class Participation

i. Saroj Rani v Sudarshan Kumar, AIR 1984 SC 1562
ii. Dadaji Bhikaji v Rukhmbai, (1885) ILR 9 Bom
iii. T Sareetha v T Venkatasubbiah, AIR 1983 AP 356
iv. Harbinder Kaur v Harminder Singh, AIR 1984 Del 66

26TH JULY TUESDAY (ONE HOUR) PCMA/Nullity of Marriage

ii. *Marriage Age in India and Abroad* by Tahir Mahmood, 1980 JILI 38-79.
iii. Prohibition of Child Marriage Act, 2006
iv. *M.M. Malhotra v UOI*, AIR 2006 SC 402

28TH JULY THURSDAY (ONE HOUR)  Divorce under Hindu law


AUGUST

1ST AUGUST MONDAY (TWO HOUR)  Discussion & Class Participation

i. *Saroj Rani v Sudarshan Kumar Chaddha*, AIR 1984 SC 1562

2ND AUGUST TUESDAY (ONE HOUR)  Divorce under Hindu law

i. Is The Supreme Court Ready To Reinterpret “Cruelty”?
ii. 'Irretrievable Breakdown of Marriage' SCC (J)

4TH AUGUST THURSDAY (ONE HOUR)  Divorce under Hindu law


8TH AUGUST MONDAY (TWO HOUR)  Discussion & Class Participation


9TH AUGUST TUESDAY (ONE HOUR)  Nikah under Muslim law

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<tr>
<th>Date</th>
<th>Topic</th>
<th>Reading Material</th>
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<tr>
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<td>Mahr and muslim Divorcee’s Right to Maintenance by Lucy Carroll, 1985 JILI 485-495.</td>
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<td>Dr. S. Indira Devi, Concept of Mahr, 2007 AIR (J) 12.</td>
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<td>Furqan Ahmad, Understanding the Islamic Law of Divorce, 2003 JILI 484-508.</td>
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<td>Supreme Court on Children, Research Edited by Aparna Bhatt, Human Right law Net work.</td>
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<td>22nd Aug</td>
<td>Holiday</td>
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<td>23rd Aug</td>
<td>Statutory Divorce under Muslim law</td>
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<td>Dissolution of Muslim Marriage Act, 1939</td>
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<td>25th Aug</td>
<td>Maintenance [Hindu] [Muslim]</td>
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<td>Matrimonial Causes: Dynamics of Ancillary reliefs by BK Sharma, 1989 JILI210 -225.</td>
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29TH AUGUST MONDAY (TWO HOUR)   Discussion & Class Participation
ii. A. Yousuf Rawther v. Sowramma, AIR 1971 Ker. 261
iii. Itwari v. Asghari, AIR 1960 All. 684

30TH AUGUST TUESDAY (ONE HOUR)   Uniform Civil Code
i. Towards a UCC: Judicial Vicissitude, by Virendra Kumar, 2000JILI 314-334.
ii. UCC Suggestions by DC Manocha, 2000 JILI 448-457.
iii. Sarla Mudgal vs. Union of India, AIR 1995 SC 1531
iv. Lilly Thomas vs. Union of India, 2000 AIR SCW 1760

SEPTEMBER

1ST SEPTEMBER THURSDAY (ONE HOUR)   INTRODUCTION TO LAW OF SUCCESSION
   LexisNexis Butterworth Publications.

5TH SEPTEMBER MONDAY (TWO HOUR)   Discussion & Class Participation
ii. Moro Vishwanath v. Ganesh Vithal (1873) 10 Bom. 444
iii. Muhammad Husain Khan v. Babu Kishva Nandan Sahai, AIR 1937 PC 233
iv. C.N. Arunachala Mudaliar v. C.A. Muruganatha Mudaliar, AIR 1953 SC 495

6TH SEPTEMBER TUESDAY (ONE HOUR)   Classical Hindu Law of Succession
ii. The Importance Of Mitakshara In The 21st Century
   LexisNexis Butterworth Publications.

8TH SEPTEMBER THURSDAY (ONE HOUR) Hindu Undivided Family/ Hindu Joint Family

i. The Supreme Court and HUF: A Foot Note by Derrett, 1978 JILI 463-470.

12TH SEPTEMBER MONDAY (TWO HOUR) Discussion & Class Participation

i. Dharmendra Kumar v. Usha Kumar, AIR 1977 SC 2213
iii. Hirachand Srinivas Managaonkar v. Sunanda, AIR 2001 SC 1285
iv. Sureshta Devi v. Om Prakash, 1 (1991) DMC 313 (SC)

13TH SEPTEMBER TUESDAY (ONE HOUR) Karta

ii. Partition of Joint Hindu Family by Sivaramayya, 1986 JILI 226-228

15TH SEPTEMBER THURSDAY (ONE HOUR) Property

ii. Protection on unjust enrichments and undeserved misery as essence of property right jurisprudence in Mitakshara by P.Iswar Bhat, 2006 JILI 155-174

19TH SEPTEMBER MONDAY (TWO HOUR) Discussion & Class Participation

ii. Commissioner of Wealth-tax v. Chander Sen, AIR 1986 SC 1753

20TH SEPTEMBER TUESDAY (ONE HOUR) Womens Rights to property

i. Womens Property Right Under the Traditional Hindu Law by Prakash Chand Jain, 2003 JILI 509-536.

**22ND SEPTEMBER THURSDAY (ONE HOUR)**  
**Hindu Succession Act, 1956**


**26TH SEPTEMBER MONDAY (TWO HOUR)**  
**Discussion & Class Participation**

i. *S. Narayanan v. Meenakshi*, AIR 2006 Ker. 143  
iii. *Bhagat Singh v Teja Singh*, AIR 2002 SC 1  

**27TH SEPTEMBER TUESDAY (ONE HOUR)**  
**HOLIDAY**

**29TH SEPTEMBER THURSDAY (ONE HOUR)**  
**Muslim Gift & Will**


**NOVEMBER**

**7TH NOVEMBER MONDAY (TWO HOUR)**  
**Mohammedan Law in different Parts of India**

i. Mohammedan Law in Pondicherry By David Anoussamy 2002 JILI 315-335.

**8TH NOVEMBER TUESDAY (ONE HOUR)**  
**Muslim Law of Succession**


**10TH NOVEMBER THURSDAY (ONE HOUR)**  
**Muslim Law of Succession (cont..)**


**14TH NOVEMBER MONDAY (TWO HOUR)**  
**Discussion & Class Participation**

i. *Om Prakash v Radha Charan*

15TH NOVEMBER TUESDAY (ONE HOUR) Minority and Guardianship

i. The Hindu Minority and Guardianship Act, 1956

17TH NOVEMBER THURSDAY (ONE HOUR) Adoption


21ST NOVEMBER MONDAY (TWO HOUR) Discussion & Class Participation

22ND NOVEMBER TUESDAY (ONE HOUR) Discussion & Class Participation
12. Perla Somasekhara Reddy and Ors. vs. State of A.P. rep. by Public Prosecutor (06.05.2009 - SC)

......Mentioned IN Acts/Rules/Orders: Explosive Substances Act, 1908 - Sections 3, 5 and 307 IPC as also under Sections 3 and 5 of Explosive Substances Act, 1908 (in short the `Explosive Act'). They were acquitted of the rest......

13. Manjit Singh @ Mange vs. CBI, through its S.P. (25.01.2011 - SC)

......Establishment Act, 1946 - Section 3; Explosives Act; Indian Penal Code - Sections...in the smuggling of RDX, weapons and explosives used in the Bombay Bomb Blasts...information regarding smuggling of arms and explosives used in the Bombay bomb blasts......

14. Mustaq Ahmed Mohammed Isak and Ors. vs. State of Maharashtra (08.05.2009 - SC)

......7), 20(8) and 20(9); Explosive Substances Act, 1908 - Sections 4 and...Penal Code - Section 120B; Indian Explosive Act, 1884 - Sections 5, 6, 9 and 9B...120B of IPC r.w. Section 4, 5 of Explosive Substances Act, 1908 r.w. 5, 6......

15. Pulin Das @ Panna Koch vs. State of Assam (22.02.2008 - SC)
......Act; Indian Penal Code; **Explosive** Substances Act; Criminal Procedure...thing by using bombs, dynamite or other **explosive** substances or inflammable...the Indian Penal Code, Arms Act and **Explosive** Substances Act; (2) There......

**Equivalent Citation:** Equivalent Citation: 2008(56)BLJR1201, 2008CriLJ2070, 2009(2)GLT9, JT2008(2)SC574, 2008(2)SCALE729, (2008)5SCC89

16. **Shaukat Hussain Guru vs . State ( NCT ) Delhi and Anr . ( 14 . 05 . 2008 - SC )**

......130, 299, 300, 302 and 307; **Explosive** Substances Act; Criminal...the Indian Penal Code (IPC) and the **Explosive** Substances Act: i) Section....with 120B of IPC xi) Section 3 of **Explosive** Substances Act.

......

**Equivalent Citation:** Equivalent Citation: AIR2008SC2419, 2008CriLJ3016, 2008(7)SCALE525, (2008)6SCC776


......IN Acts/Rules/Orders: Indian **Explosives** Act - Section 9; Indian Penal Code...years and under Section 9(b) of the Indian **Explosives** Act, (in short `**Explosive** Act`) read with Section 149 IPC and sentenced......

**Equivalent Citation:** Equivalent Citation: AIR2009SC1039, 2009CriLJ980, JT2009(1)SC421, (2008)15SCC187


......Words Mentioned IN Acts/Rules/Orders: **Explosive** Substances Act - Section 5; Indian Penal Code - Sections...The sentences under Section 148, IPC and Section 5 of the **Explosive** Substances Act and under Section 302, IPC, shall run concurrently......

**Equivalent Citation:** Equivalent Citation: 2010(1)ALD(Cri)277, 2009(57)BJR3095, 2010(1)JLJ135(SC), JT2009(12)SC300, 2009(12)SCALE580, [2009]14SCR727, 2009(9)UJ4499(SC)

......Words Mentioned IN Acts/Rules/Orders: Explosive Substances Act, 1908 - Sections 3 and 5; Indian...IPC). They were also charged under Sections 3 and 5 of the Explosive Substances Act, 1908. The Judicial Magistrate, Ranni......

Equivalent Citation: Equivalent Citation: ILR2008(4)Kerala747, JT2008(11)SC579


......people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or fire-arms...or things by using (a) bombs or dynamite, or (b) other explosive substances, or (c) inflammable substances, or......

Equivalent Citation: Equivalent Citation: 2009(2)ACR2358(SC), AIR2009SC2955, 2009(57)BLJR2101, JT2009(9)SC59, RLW2010(1)SC145, 2009(9)SCALE135, (2009)7SCC404, [2009]9SCR1209, 2009(7)UJ3284(SC)

Cited in Manupatra(3+)


......building, Shri Lalit pointed out that if even under that explosive situation the police personnel did not use weapon and...concerned area. The situation grew extremely volatile and explosive, particularly, in the areas of the four......

22. M. Mohan vs. The State represented by The Deputy Superintendent of Police (01.03.2011 - SC)

...... V.P. Shrivastava v. Indian Explosives Limited and Ors. (2010) 10 SCC... V.P. Shrivastava v. Indian Explosives Limited and Ors. Discussed...In V.P. Shrivastava v. Indian Explosives Limited and Ors. (2010) 10 SCC......

Equivalent Citation: Equivalent Citation: 2011(1)ACR965(SC), AIR2011SC1238, 2011CriLJ1900, 2011(2)JCC1078, JT2011(3)SC32, 2011(2)RCR(Criminal)272, 2011(3)SCALE78, (2011)3SCC626


......
......country, does any act by using bombs, dynamite or other explosive substances or inflammable substances or firearms or...country, - (a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other......

**Equivalent Citation:** Equivalent Citation: AIR2010SC2633, JT2010(4)SC256, 2010(4)SCALE276, [2010]4SCR1042

**Cited in Manupatra(1+)**


......prosecution urged that appellant Mohd Ayub Dar @ Ishfaq had visited Pakistan, where he was trained in the handling of firearms and explosives. He was involved in a number of other terrorists' cases and was arrested in Delhi by the Delhi Police on 6.5.1991......

**Equivalent Citation:** Equivalent Citation: 2011(1)ACR184(SC), AIR2010SC2864, 2011 1 AWC(Supp)2.21SC, 2010(58)BLJR980, 2010CriLJ4389, JT2010(8)SC459, (2010)9SCC312, [2010]8SCR916, 2010(7)UJ3398(SC)

25. **Rajesh Kumar and Anr. vs. State Govt. of NCT of Delhi (25.02.2008 - SC)**

......(a) any Chemical Examiner or Assistant Chemical Examiner to Government; (b) the Chief Controller of Explosives; (c) the Director of the Finger Print Bureau; (d) the Director, Haffkeine Institute, Bombay;......

**Equivalent Citation:** Equivalent Citation: 2008(2)ACR1646(SC), JT2008(3)SC330, 2008(1)KLT985(SC), 2008(3)SCALE87, (2008)4SCC493


......used as a weapon of offence, is likely to cause death, or by means of fire or any corrosive substance, or by means of any explosive substance, or by means of any substance which is deleterious to the human body to inhale, to swallow, or to receive......

**Equivalent Citation:** Equivalent Citation: 2009(1)ACR54(SC), AIR2009SC745, 2009(1)ALD(Cri)674, JT2008(13)SC72

27. **George Pon Paul vs. Kanagalet and Ors. (29.04.2009 - SC)**
...death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive......

**Equivalent Citation:** Equivalent Citation: JT2009(14)SC155, 2009(7)SCALE672, (2009)13SCC478, [2009]7SCR330