

Syllabus of B.B.A., LL.B. (Hons.) 2022-23 Batch

**COURSE-3.1 Family Law-I (Hindu Law)**

**Objectives:**

To provide adequate socio-legal perspectives so that the basic concepts relating to family are expounded in their social and legal setting To give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts To view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling Students to fulfill the constitutional directive of uniform civil code To prepare for legal profession.

**UNIT -I**

Introduction and origin of Hindu Law, Operation of Hindu Law, Constitution and Hindu Law, Sources of Hindu Law, Modern and Ancient Schools of Hindu Law, The doctrine of *factum valet*.

**UNIT-II**

Hindu Undivided Family, Formation and Incidents, Property under both Schools, *Kartha*-position, powers, privileges and obligations; Joint Hindu family as a social security institution and impact of *Hindu Gains of Learning Act, 1930* and various tax laws on it. Debts, Partition and Reunion

**UNIT- III**

Inheritance and Succession, Historical perspective of traditional Hindu Law relating to Inheritance; *The Hindu Succession Act, 1956*, Stridhan and Women's Estate, Amendments to the *Hindu Succession Act, 1956*, Gifts and Wills

## UNIT- IV

Marriage and Kinship, Evolution of the institution of marriage and family, *The Hindu Marriage Act, 1955*, Matrimonial remedies, Settlement of spousal property Dowry prohibition, *Family Courts Act, 1984*.

## UNIT- V

Law relating to the Hindu Minority and Guardianship, Kinds of Guardians, duties and powers of guardians, the *Hindu Adoption and Maintenance Act, 1956*, Foreign Adoption, Rights relating to Maintenance, Religious and Charitable Endowments

### Prescribed Books:

1. S.A. Desai (Ed) *Mulla's Principles of Hindu Law*, (LexisNexis, New Delhi)
2. Poonam Pradhan Saxena, *Family Law* (LexisNexis, Butterworths, New Delhi)
3. Prof. Kusum *Family Law I*, (LexisNexis, New Delhi)

### Reference Books:

1. Paras Diwan, *Law of Intestate and Testamentary Succession*, Latest edition
2. Kusum, *Marriage and Divorce Law Manual*, Latest edition
3. P.V. Kane, *History of Dharmasastras Vol.2 Pt.1* at 624-632 (1974)
4. A. Kuppaswami (Ed.) *Mayne's Treatise on Hindu Law and Usage* (Bharat Law House, New Delhi)
5. J.D.M. Derrett, *Hindu Law: Past and Present*