

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

**COURSE-4.1 Family Law –II: Mohammedan Law and Indian Succession Act****Objectives:**

The course is designed to enhance students' knowledge of both the codified and un-codified Mohammedan Law. It also deals with the sources, schools, institutions, succession, maintenance, etc. In addition, the students are made to familiarize with the provisions of *the Indian Succession Act, Indian Divorce Act*.

**UNIT-I**

Advent of Islam, Development of Islamic Law, administration and extent of application of Mohammedan law, the *Shariat Act, 1937*; Sources of Mohammedan law; customary practices, Conversion and its consequences on family.

**UNIT-II**

Concept of Marriage: Definition, essential requirements of a Muslim marriage, classification of marriage - Legal effects of valid, void and irregular marriage - Muta marriage; Polygamy; Child marriage; Dower.

Child and Family: Legitimacy, Custody, maintenance and education, Guardianship and parental rights.

**UNIT-III**

Matrimonial Remedies under Mohammedan Law and *Indian Divorce Act, 1869*, Bar to matrimonial relief; Alimony and Maintenance as an independent remedy under *Indian Divorce Act, 1869* and provisions under the *Criminal Procedure Code, 1973*, Maintenance of divorced Muslim Women under the Muslim Women (Protection of Rights on Divorce) Act, 1986, *The Muslim Women (Protection of Rights on Marriage) Act, 2019*. Need for Uniform Civil Code- Article 44 of the Indian Constitution.

## UNIT-IV

Inheritance: Muslim law of Inheritance- Shia and Sunni schools; Distribution of property under *Indian Succession Act of 1925* (for Christians, Parsi and Jews)- Domicile – Parsi Intestate succession and Non Parsi Intestate succession, Succession certificate, Probate and letters of administration, powers and duties of executor.

## UNIT-V

Will-Meaning, difference between will and gift, Will made in death bed or during illness; Privileged and unprivileged wills - Construction of Wills in brief - Void bequests, void wills, kinds of legacies - Protection of property of the deceased; Wakf, Pre-emption.

### Prescribed Books:

1. Mulla - Principles of Mohammedan Law.
2. ParasDiwan - Law of Intestate and Testamentary Succession.
3. *Indian Divorce Act, 1869 – Bare Act*
4. *Indian Succession Act, 1925*

### Reference Books:

1. B. B. Mitra - Indian Succession Act, 1925.
2. A. A. Fyzee - Outlines of Mohammedan Law.
3. D. D. Basu - Law of Succession.
4. ParasDiwan - Family Law: Law of Marriage and Divorce in India.
5. M. Bhattachargee – Muslim Law and the Constitution
6. TahirMohamood - Mohammedan Law.
7. *Indian Divorce Act, 1869 – Bare Act*
8. B.Sivaramayys, *Inequalities and the Law*,