

### Course Plan

Course Title: Family Law II	Course Code:21LLLC110
Programme:LL.B	Semester: II
Credits:4	L-T-P: 3-1-0
ISA Marks: 50	ESA Marks:50
Course Teacher:Mr. Dr. Mahesh R.S. and Mr. Harsh Pratap	Date of Preparation: 23 February 2022
Course Plan Reviewer: Dr. Manojkumar V. Hiremath	Date of Review: 25 February 2022

#### Course Objective:

This course is designed to endow the students with knowledge of both the codified and un-codified portions of Mohammedan Law. In addition, the students will familiarize themselves with the provisions of the Indian Divorce Act, 1869 and Indian Succession Act, 1925 which applies to the sections who lack their personal law in that sphere.

#### Course Outcomes (COs)

Mapping of Course Outcomes (COs) with Program Outcomes

Course Outcomes (COs)	Relevant Program Outcomes (POs)
1. Students will be able to explain and analyse the origin and development of Islamic Law with reference to its sources.	1, 13
2. Students will be able to analyse the concept of Muslim marriage and essential incidents following the concept of marriage. They will also be able to explain and analyse the concept of acknowledgement of paternity and guardianship and parental rights	1, 4, 7, 8,13
3. Students will be able to explain the various matrimonial remedies and the concept of maintenance in the light of judicial pronouncements.	1,4,6,7, 8, 13
4. Students will be able to explain the concepts relating to property under Muslim Law like wills, hiba, waqf, pre-emption.	1, 4, 7, 8, 13
5. Students will be able to appraise the need for Uniform Civil Code.	4,8,13
6. Students will be able to explain the rules of inheritance in Muslim Law and Parsi and non-parsi intestate succession.	1, 4, 7, 8, 13
7. Students will be able to explain various legal incidents of intestate succession.	1, 4, 7, 8, 13

### Course Content

Unit Contents	Number of Sessions
<b>Unit I:</b> <ul style="list-style-type: none"><li>· Advent of Islam &amp; development of Islamic Law</li><li>· Administration and extent of application of Mohamedan law</li><li>· The Shariat Act, 1937</li><li>· Sources of Islamic Law</li><li>· Customary practices</li><li>· Conversion and reconversion and its consequences on family</li></ul>	10

<p><b>Unit II:</b></p> <ul style="list-style-type: none"> <li>· Concept of Muslim Marriage: Definition, essential requirements of a marriage</li> <li>· Concept of Mahr: Meaning, origin, classification, rights of women on unpaid dower, effect of apostasy, suit for mehr and limitation.</li> <li>· Legal effects of valid, void and irregular marriage, <i>Muta</i> marriage, polygamy, child marriage</li> <li>· Child and Family: Legitimacy, Custody, Maintenance and Education, Parentage and Acknowledgement of paternity</li> <li>· Guardianship and parental rights</li> </ul>	10
<p><b>Unit III:</b></p> <ul style="list-style-type: none"> <li>· Matrimonial Remedies under Islamic Law (Tripple Talaq – ShairaBano and it's aftermath) and Indian Divorce Act, 1869 (Amended Act), bars to matrimonial relief</li> <li>· Dissolution of Muslim Marriages Act, 1939</li> <li>· Alimony and Maintenance: Alimony and maintenance as an independent remedy (Ratio of Shah Bano), A review under Muslim law, provisions under the Criminal Procedure Code, 1973</li> <li>· Aftermath of Shah Bano: Maintenance of divorced</li> </ul>	20

Muslim Women under the Muslim Women (Protection of Rights on Divorce) Act, 1986	
<b>Unit IV:</b> · Wills: 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 · Hiba: Meaning, definitions, features, competency, subject matter, Marz-ul-Maut · Protection of property of the deceased · Wakf: Meaning, definitions, essentials, competency, Doctrine of cypress, legal incidents, kinds, modes of creation, Office of Mutawalli, difference from Sadqah, Hiba and Trust · Pre-emption: Meaning, essentials, types and constitutional validity, who can pre-empt · Need of Uniform Civil Code.	13
<b>Unit V:</b> · Inheritance: Muslim law of Inheritance: Shia and Sunni Schools · Distribution of property under Indian Succession Act of 1925 (of Christians, Parsi & Jews), Domicile, Parsi Intestate succession and Non Parsi Intestate succession · Succession certificate · Probate and letters of administration · Powers and duties of executor	10
<b>Total:</b>	63

### **Prescribed Text Books**

1. Mulla, Principles of Mohammedan Law, (New Delhi: Lexis Nexis, 1906)
2. A Fyzee, Outlines of Mohammedan Law, (Oxford University Press, 1974)

### **References**

1. B. B. Mitra, Indian Succession Act, 1925, 15th Edition, (New Delhi: Jain Book Agency, 2013)
2. A Fyzee, Outlines of Mohammedan Law, (Oxford University Press, 2008)
4. Paras Diwan, Family Law: Law of Marriage and Divorce in India, (New Delhi: Universal Law Publishing Co. Ltd, 2011)
5. M. Bhattacharjee, Muslim Law and the Constitution (Calcutta: Eastern Law House, 1994)
6. Tahir Mohamood, The Muslim Law of India, (Law Book Company, 1980)
7. A.M. Bhattacharjee, Matrimonial Laws and the Constitution, 2nd Edition, Edited by Ruma Pal, EBC, 2017.

### Unit Wise Plan

Unit Number:I	Planned Sessions: 15
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### Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Explain the origin islam and development of Islamic law and jurisprudence.	1	2
Analyse scope of administration of muslim law.	1	2,4
Explain and compare various sources muslim law	1	2
Explain and analyse the effects of conversion and apostasy	1	2,4

### Topic Wise Plan

S. No.	Topic	Number of Sessions	Pedagogy
2	<ul style="list-style-type: none"> <li>· Administration and extent of application of Mohamedan law</li> <li>· The Shariat Act, 1937</li> </ul>	3	Lecture and Discussion

	<i>Application of personal law to muslims</i> <i>Power to make a declaration</i> <i>Rule making power</i>		
4	Sources of Islamic Law <i>Primary sources</i> <i>Secondary sources</i> ·Customary practices	2	Lecture and Discussion

5	Who is a muslim? · <i>Conversion and reconversion and its consequences on family</i>	2	Lecture, debate, case based learning.
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#### **Prescribed Reading(s) / Learning Resource(s)**

1. Mulla, Principles of Mohammedan Law, (New Delhi: Lexis Nexis, 1906)
2. A Fyzee, Outlines of Mohammedan Law, (Oxford University Press, 1974)

#### **Additional Reading(s) / Learning Resource(s)-**

1. M. Bhattacharjee, Muslim Law and the Constitution (Calcutta: Eastern Law House, 1994)



### Unit Wise Plan

Unit Number:II	Planned Sessions: 10
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### Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Explain and analyse the concept of muslim marriage and legal incidents following the marriage	2	2,4
They will also be able to explain and analyse the concept of acknowledgement of paternity and guardianship and parental rights	2	2,4

### Topic Wise Plan

S.No.	Topic	Number of Sessions	Pedagogy
1	·Concept of Muslim Marriage: Definition, essential requirements of a marriage	4	Lecture, Discussion and Research Based Learning.
2	·Concept of Mahr: Meaning, origin, classification, rights of women on unpaid dower, effect	3	Lecture, Discussion, Case Based Learning.

	of apostasy, suit for mehr and limitation.		
3	·Legal effects of valid, void and irregular marriage, <i>Muta</i> marriage, polygamy, child marriage	3	Lecture and Discussion
	·Child and Family: Legitimacy, Custody, Maintenance and Education, Parentage and Acknowledgement of paternity  ·Guardianship and parental rights		Lecture and Discussion

### **Prescribed Reading(s) / Learning Resource(s)**

1. Mulla, Principles of Mohammedan Law, (New Delhi: Lexis Nexis, 1906)
2. A Fyzee, Outlines of Mohammedan Law, (Oxford University Press, 1974)

### **Additional Reading(s) / Learning Resource(s)**

1. Paras Diwan, Family Law: Law of Marriage and Divorce in India, (New Delhi: Universal Law Publishing Co. Ltd, 2011)
2. A.M. Bhattacharjee, Matrimonial Laws and the Constitution, 2nd Edition, Edited by Ruma Pal, EBC, 2017.

### Unit Wise Plan

Unit Number:III	Planned Sessions:15
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### Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
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Students will be able to explain and analyze various matrimonial remedies and the concept of maintenance in the light of judicial pronouncements	3	2, 4
Students will be able to explain and analyze concept of maintenance in the light of judicial pronouncements	3	2, 4

### Topic Wise Plan

S.No.	Topic	Number of Sessions	Pedagogy
1.	· Matrimonial Remedies under Islamic Law (Triple Talaq – ShairaBano and its aftermath) and Indian Divorce Act, 1869 (Amended Act), bars to matrimonial relief	3	Lecture, Discussion, Debate, Research Based Learning
2.	· Dissolution of Muslim Marriages Act, 1939	9	Lecture, Discussion, Debate, Case Based Learning.
3.	· Alimony and Maintenance: Alimony and maintenance as an independent remedy (Ratio of Shah Bano), A review under Muslim law, provisions under the Criminal Procedure Code, 1973	2	Lecture and Discussion

4.	· Aftermath of Shah Bano: Maintenance of divorced Muslim Women under the Muslim Women (Protection of Rights on Divorce) Act, 1986	3	Lecture and Discussion
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**Prescribed Reading(s) / Learning Resource(s)**

1. Mulla, Principles of Mohammedan Law, (New Delhi: Lexis Nexis, 1906)
2. A Fyzee, Outlines of Mohammedan Law, (Oxford University Press, 1974)

**Additional Reading(s) / Learning Resource(s)-**

1. Paras Diwan, Family Law: Law of Marriage and Divorce in India, (New Delhi: Universal Law Publishing Co. Ltd, 2011)
2. A.M. Bhattacharjee, Matrimonial Laws and the Constitution, 2nd Edition, Edited by Ruma Pal, EBC, 2017.

### Unit Wise Plan

Unit Number:IV	Planned Sessions:13
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### Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Students will be able to explain the concepts relating to property under Muslim Law like wills, hiba, waqf, pre-emption.	4, 5	2
Students will be able to appraise the need for Uniform Civil Code.	4, 5	5

### Topic Wise Plan

S.No.	Topic	Number of Sessions	Pedagogy
1.	· Wills: Meaning, difference between will and gift, will made in death bed or during illness,	4	Lecture and / Research Based Learning

	privileged and unprivileged wills, construction of wills in brief, void bequests, void wills		
2.	·Hiba: Meaning, definitions, features, competency, subject matter, Marz-ul-Maut ·Protection of property of the deceased	2	Lecture and Research Based Learning
3.	·Wakf: Meaning, definitions, essentials, competency, Doctrine of cypress, legal incidents, kinds, modes of creation, Office of Mutawalli, difference from Sadqah, Hiba and Trust	2	Lecture
4.	·Pre-emption: Meaning, essentials, types and constitutional validity, who can pre-empt	2	Lecture
5.	· Need of Uniform Civil Code	3	Lecture

#### **Prescribed Reading(s) / Learning Resource(s)**

1. Mulla, Principles of Mohammedan Law, (New Delhi: Lexis Nexis, 1906)
2. A Fyzee, Outlines of Mohammedan Law, (Oxford University Press, 1974)

#### **Additional Reading(s) / Learning Resource(s)-**

1. Tahir Mohamood, The Muslim Law of India, (Law Book Company, 1980)



### Unit Wise Plan

Unit Number:V	Planned Sessions:10
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### Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Students will be able to explain and analyze the concept of inheritance under sunni and sunni schools	5	2, 4
Students will be able to explain various legal incidents of intestate succession.	5	2, 4

### Topic Wise Plan

S.No.	Topic	Number of Sessions	Pedagogy
1.	·Inheritance: Muslim law of Inheritance: Shia and Sunni Schools	5	Lecture, debate, Discussion and Case Based learning.
3.	·Distribution of property under Indian Succession Act of 1925 (of Christians, Parsi & Jews), Domicile, Parsi Intestate succession and Non Parsi	5	Lecture, debate, Discussion, Case based learning, collaborative learning.

	Intestate succession		
4.	<ul style="list-style-type: none"> <li>•Succession certificate</li> <li>•Probate and letters of administration</li> <li>•Powers and duties of executor</li> </ul>		

**Prescribed Reading(s) / Learning Resource(s)**

1. Mulla, Principles of Mohammedan Law, (New Delhi: Lexis Nexis, 1906).
2. A Fyzee, Outlines of Mohammedan Law, (Oxford University Press, 1974)

**Additional Reading(s) / Learning Resource(s)**

1. Paras Diwan, Law of Intestate and Testamentary Succession, 4th Edition, (New Delhi: Universal Law Publishing Co. Ltd, 2013)
2. B. B. Mitra, Indian Succession Act, 1925, 15th Edition, (New Delhi: Jain Book Agency, 2013)

**Industry/Professional Skills, Human Values, Service Learning**

Industry/Professional Skills	Advocacy, Research, Argumentative
Human Values	Honesty, Sincerity, Cooperation, Democratic Values,
Service Learning (if any)	

### Evaluation Scheme for ISA

Assessment	Weightage in Marks
Mid-Term Exam	25
Teacher Chosen Assessment	25
Total	50

### Teacher Chosen Assessment Method

Component	Details	Weightage
Research paper	Submission of a research paper on a topic of Student's choice.	10
Presentation	Presentation of the submitted research paper in front of peers.	5
Reflections	Writing 10 Reflections, with each reflection on the classes conducted during a week.	5
Attendance		5

### Weightage of Course Outcomes

Course Outcomes (COs)	Weightage in
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	Assessment
1. Students will be able to explain and analyse the origin and development of Islamic Law with reference to its sources.	15
2. Students will be able to analyse the concept of Muslim marriage and essential incidents following the concept of marriage.  They will also be able to explain and analyse the concept of acknowledgement of paternity and guardianship and parental rights	15
3. Students will be able to explain the various matrimonial remedies and the concept of maintenance in the light of judicial pronouncements.	15
4. Students will be able to explain the concepts relating to property under Muslim Law like wills, hiba, waqf, pre-emption.	20
5. Students will be able to appraise the need for Uniform Civil Code.	10
6. Students will be able to explain the rules of inheritance in Muslim Law and Parsi and non-parsi intestate succession.	15
8. Students will be able to explain various legal incidents of intestate succession.	10