

Paper - 305

Family Law-II

Full Marks: (Written 80+Internal 20) =100. Credit-5

1. Concept and Background of Muslim Law:

- Advent of Islam & development of Muslim Law
- Sources of Muslim Law
- Schools of Muslim Law
- The Shariat Act, 1937

2. Marriage (Nikha):

- Pre-Islamic Background of Marriage
- Concept of Marriage: Definition, Object, Nature, Essential
- Formalities, Requirements of a Muslim Marriage
- Classification or kinds of Marriage
- Legal Effects of valid, void and irregular Marriage – Muta Marriage
- Legal Disability or Prohibition of Marriage
- Polygamy in Islam

3. Dower (Mahr):

- Concept and Nature of Dower
- Classification or Kinds of Dower
- Maximum and minimum amounts of Dower
- Wife's rights and remedies on non-payment of Dower
- Kharcha-e-Pandan

4. Talaq (Divorce):

- Pre-Islamic Background of Talaq
- Different modes of Talaq
- Husband's unilateral power to Divorce
- Right of Muslim women to dissolve her marriage
- Iddat- its rationale, utility and periods
- Divorce under the Dissolution of Muslim Marriage Act, 1939

- Present trends of Talaq in India
- Constitutional validity of Talaq in India
- Divorce by Mutual consent
- Judicial Divorce (Faskh)
- Legal effects of Divorce

5. Maintenance (Nafaqa):

- Concept of Maintenance
- Liability and Principle of Maintenance
- Maintenance of the Divorced women
 - Maintenance of the Divorced women under Muslim Personal Law
 - Maintenance of the Divorced women under the BharatiyaNagarik Suraksha Sanhita, 2023
 - Maintenance of the Divorced women under the Muslim Women (Protection of Rights on Divorce) Act, 1986
 - Maintenance of the Widow, Children and Parents
- Judicial Approach on Maintenance

6. Gift (Hiba):

- Concept of Gift
- Essentials Requisites of a valid Gift
- Who can make Gifts?
- In whose favour gift can be made
- Revocation of Gift
- Conditional, Contingent and Future Gift
- Distinction between Hiba-bil-iwaz and Hiba-bi-Shartul-Iwas
- Doctrine of Mushaa

7. Will (Wasiyat):

- Nature and Object of Will
- Essentials Requisites of a valid Will
- Conditional and Contingent Wills
- Revocation of Will
- Doctrine of Consent

8. Inheritance:

- General Principles of Inheritance
- Sunni Law of Inheritance
- Shia Law of Inheritance

9. Law related to Wakf:**10. The Divorce Act, 1869:**

- Jurisdiction of the Divorce Act
- Dissolution of Marriage
- Nullity of Marriage
- Judicial Separation
- Restitution of Conjugal Rights
- Custody of Children

11. The Indian Succession Act, 1925:

- Intestate Succession: Christian and Parsi

Note: As Amended Up-to-date

Suggested Readings:

1. Ahmad, Aqil: Mohammedan Law
2. Sinha, R. K.: Muslim Law as applied in India
3. Mahmood, Tahir: Muslim Law in India and Abroad
4. Diwan, Paras: Muslim Law in Modern India
5. Rashid, Syed Khalid: Muslim Law
6. Qureshi, M. A.: Muslim Law
7. Mitra, B.B.: Indian Succession Act.
8. Basu, N.D.: Succession Act.

NOTE- 1. Questions are to be set taking from each unit of the syllabus of a paper

2. Number of Questions to be set- 12 questions x 2 marks (for answering 10 questions) and 8 Questions x 12 marks (for answering 5 questions).
3. Amendment of Law, if any, shall be deemed to revise the relevant syllabus automatically.