



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.LL.B.(HONS.)

DETAILS OF COURSE OFFERED

ODD SEMESTER – ACADEMIC YEAR 2022-23

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1.	504	FAMILY LAW II	4	1		4	5

A. CODE AND TITLE OF THE COURSE: 504 FAMILY LAW II

B. COURSE CREDIT: 4 (TOTAL MARKS 100)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR. GITANJALI GHOSH

E. COURSE INSTRUCTOR: DR. GITANJALI GHOSH

1. OBJECTIVE OF STUDY

The objectives of the course are as follows:

- To familiarize students with the dynamics of succession under personal laws
- To identify emerging issues in succession laws
- To understand the lacunae in succession law
- To analyse these laws from a gender perspective

2. COURSE LEARNING OUTCOME

At the completion of the course, it is expected that the students shall:

- Comprehend the subject matter of the course
- Be able to analyze contemporary succession law problems in the light of the concepts learnt
- Be able to articulate their ideas on the subject matter of the course and produce at least one research paper of publishable quality
- Possess enhanced capacity of students to form their own opinions on vital family law issues

3. DETAILED STRUCTURE OF THE COURSE

Module 1

Hindu Law of Intestate Succession

Kinds of Property- Ancestral and Self-acquired/Separate

Mitakshara and Dayabhaga

Coparcenary

Joint Family and HUF

Survivorship and Succession

Karta

Alienation of HUF Property

Partition

Notional Partition

Pious obligation

Gains of learning

Doctrine of Blending

Stridhana- pre and post 1956

Hindu Women's Rights to Property Act 1937- Rights of widows, Women's Estate

Hindu Succession Act 1956

Southern Amendments to Hindu Succession Act, 1956

Hindu Succession (Amendment) Act 2005

Module 2

Muslim Law

Sunni (Hanafi) Law of Intestate Succession
Shia (Ithna Ashari) Law of Intestate Succession
Classes of heirs- Sharers, Kindred, Residuaries etc.
Doctrine of Aul and Radd

Christian Law of Intestate Succession

Part V Chapter II of the Indian Succession Act, 1925

Parsi Law of Intestate Succession

Part V Chapter III of the Indian Succession Act, 1925

Module 3

Testamentary Succession

Testamentary succession under different personal laws
Testamentary capacity
Construction of Wills
Procedures under the Indian Succession Act, 1925
Administration of Estates

Hiba

Wakf

Wasiyat

Shufa

Marz-ul-maut

Religious and Charitable Endowments

Module 4

Disqualifications under different personal laws

Customary Succession Laws

Khasi customary law of inheritance
Mizo customary law of inheritance

Goa Succession Laws

Succession and Inheritance vis-à-vis Constitution of India

Law Commission of India on Succession and Inheritance

Uniform Civil Code and Succession and Inheritance

4. PRESCRIBED READINGS

- DF MULLA, HINDU LAW (Satyajeet A. Desai rev., 22d ed. Lexis Nexis 2016).
- DF MULLA, PRINCIPLES OF MAHOMEDAN LAW (I.A. Khan rev, 20th ed. Lexis Nexis 2014).
- GITANJALI GHOSH, DE-CONSTRUCTING INHERITANCE RIGHTS OF WOMEN UNDER TRIBAL CUSTOMARY LAWS: A COMPARATIVE STUDY OF KHASI AND MIZO TRIBES (Sarasu Esther Thomas ed. CWL-NLSIU 2020).
- POONAM PRADHAN SAXENA, FAMILY LAW II (3d ed. Lexis Nexis 2011).
- R.K. SINHA, MUSLIM LAW (6th ed. CLA 2011).
- SARASU ESTHER THOMAS, LAW FOR CHRISTIANS IN CONTEMPORARY INDIA (BTESSC 2014).
- MOHAMMED SHABBIR AND S.C. MANCHANDA, PARSI LAW IN INDIA (5th ed. Law Book Co. (P) Ltd. 1991).