



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

FIRST YEAR BACHELOR OF LAWS

(Effective from Session 2019-20)

V (PAPER CODE - 6004)

(PAPER NAME – **FAMILY LAW – I (HINDU LAW)**)

Max. Marks: 100

Min. Marks: 36

Note: A. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

- 1. Introduction to Hindu Law** - Nature and Origin of Hindu Law, Hindu by religion, Hindu by birth, Hindu by declaration, Migration, domicile and change of religion, Schools of Hindu Law- (I) Mitakshra School (II) Dayabhaga School, Application of Hindu Law, who are governed by Hindu Law, Conversion.
- 2. Sources of Hindu law**-Ancient sources, Modern sources of Hindu Law and Codification of Hindu law.
- 3. Hindu family** - Definition, Characteristics of family, Types of family, Joint family and Coparcenary,
Karta - who can be Karta, his position, powers, duties and liabilities.
- 4. Marriage** - Marriage under the **Hindu Marriage Act, 1955**, Concept of Hindu Marriage, Inter caste and Inter-sub caste Marriage, Different among Sagotra, Sapinda and Prohibited Degrees, Full-Blood, Half-Blood and Uterine-Blood, Conditions for Valid Marriage, Restitution of Conjugal Rights, Judicial Separation, Distinction between Judicial Separation and Divorce, Voidable Marriage, Dissolution and Nullity of Marriages, Grounds of Divorce, Jurisdiction of Foreign Court Judgments in Family Matters.
Rights and duties of husband and wife, legitimacy of child under valid, voidable and void Marriage, Registration of Marriage and its effect, Live in relation and its effect on society. Maintenance – “pendente lite” and permanent alimony
- 5. Adoption and Maintenance**- Adoption in Hindu Law, Origin and objects of adoption, Customary adoption, Concepts of adoption, Debts, its types and father’s power of alienation for antecedent debts.
Changes introduced by the Hindu Adoptions and Maintenance Act, 1956, Requisites of a valid Adoption, Capacity of male Hindu & female Hindu to take in adoption, Persons capable of giving in adoption, Persons who may be adopted, Other conditions of valid adoption, Effects of adoption, Right of adoptive parents to dispose of their properties
Maintenance Under Hindu Law- Maintenance of wife, widowed daughter-in-law, children, aged parents and other dependants, Amount of maintenance,
- 6. Minority and Guardianship** - The Hindu Minority and Guardianship Act, 1956, Objects, Definitions of ‘Minor’ and ‘Guardian’, Kinds of Guardian, Natural Guardians and their powers, Testamentary Guardians and their powers, Incapacity of Minor to act as guardian of property, De-facto Guardian, Guardian not to be appointed for minor's undivided interest in joint properties, Welfare of minor and Guardian appointed by court.
- 7. Succession** – The Hindu Succession Act 1956, General rules of succession, Kinds and sources of property in Hindu Law, coparcenary and separate property, Devolution of Mitakshara property under the Act, General principles of inheritance, classification of Heirs, Succession to Mitakshara Coparcener’s, intestate and testamentary succession, women’s property right in

coparcenary property, Succession to the Property of Female Hindu , Succession to the Property of a Male Hindu

8. Partition and its incidents and alienation of coparcenary property.

LEADING CASE:

1. Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228
2. Lily Thomas v. Union of India, AIR 2000 SC 1650
3. N.G. Dastane v. S. Dastane, AIR 1975 SC 1534
4. Naveen Kohli v. Neelu Kohli, AIR 2006 SC 1675
5. Seema v. Ashwani Kumar, (2006) 2 SCC 578

CASES FOR READING:

1. Amardeep Singh v. Harveen Kaur, 2017 SCC OnLine SC 1073
2. Guru Nath v. Kamla Bai, A.I.R. 1955, S.C. 280.
3. Hirachand Srinivas Managaonkar v. Sunanda, AIR 2001 SC 1285
4. Samar Ghosh v. Jaya Ghosh, 2007 (3) SCJ 253
5. Saroj Rani v. Sudarshan Kumar, AIR 1984 SC 1562

SUGGESTED READINGS :

1. Shrinivas, M.M. : Principles of Hindu Law
2. Raghavacharya : Hindu Law – Principles & Precedents.
3. Mulla : Principles of Hindu Law
4. Derrett. J.D.M. : Modern Hindu Law
5. P. Dewan : Modern Hindu Law
6. Tahir Mohmood : Hindu Law
7. केसरी यु.पी.डी.- हिन्दू विधि
8. पारस दीवान – आधुनिक हिन्दू विधि
9. UPD Kesari : Hindu Law