

COURSE TITLE	FAMILY LAW II
COURSE CODE	10FL2403
COURSE CREDITS	4

Objective:

- 1 To understand the various concepts and institutions of Hindu Joint Family system.
- 2 To analyze the concept of succession and its forms i.e., Intestate and testamentary succession.
- 3 To examine the women's estate under different religious system and statutory provisions.
- 4 To understand the concept of bequest under different religious system.

Course Outcomes: After completion of this course, student will be able to:

- 1 Describe various concepts and institutions under family law, i.e., JHF, HUF, wakf and religious Endowment.
- 2 State the law and procedures of intestate succession.
- 3 Compare right to property of women under different Religious and Statutory Law.
- 4 Relate testamentary succession under various religious and statutory Law.
- 5 Interpret the right of pre-emption under various personal laws.
- 6 Develop understanding on legal Provisions of Wakf and other Religious Endowment.

Pre-requisite of course:Family Law I

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
3	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	Joint Hindu Family Institution of Joint Family and Joint Family Property and Business, Coparcenary; Dyabhaga & Mitakshara Succession, Karta-power & function, Karta's right of alienation of property, Women's right to become Karta, Pious Obligation, Principle of Consanguinity and Primogeniture, Principle of Survivorship and Succession	8
2	Intestate Succession General Principles of Intestate Succession under o Hindu Law (Hindu Succession Act 1956), Islamic Law, (Sharers and Residuries) girl child as Residuries, Christian Law and others (Indian succession act), Statutory conditions of disinheritance and disentitlement, Partition	9

Contents : Unit	Topics	Contact Hours
3	Women's Property Position of Hindu women in joint Hindu family after 2005 Amendment, Stridhan – concepts and characteristics, Comparative analysis of right to property of women under different Religious and Statutory Law	6
4	Testamentary Succession Testamentary succession under various religious (Hindu and Islamic) and statutory Law, Kinds of Will, Execution of privileged and unprivileged Will, Will and Administration of will – Probate, Codicil, attestation, alteration, revival and revocation of Will	6
5	Right of Preemption Pre-emption, meaning, nature, Constitutionality, classification; who can claim the right, Formalities and legal effect, Legal Formalities and legal effect, Legal devices of evading right of preemption; when is the right lost	6
6	Gift Hiba – nature and characteristics Kinds of Hiba, Provisions Of gift under Transfer of Property Act, Conditional and Future Gift, Death-bed gift, Revocation of Hiba and Gift	6
7	Wakf and Hindu Religious Endowment Meaning, character, Formalities for creation, Administration, Mutawalli: Power of Mutawalli; Muslim Religious Institutions and Offices, Traditional religious principles of creation of Hindu Religious Endowments, Administration and offices; Statutory methods of creation of Trust, Trustees: Powers and functions of the Trustees	4
Total Hours		45

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	Issues related to Family Law Issues related to Family Law	15
Total Hours		15

Textbook :

- 1 Family Law Lectures - Family Law II, Dr. Poonam Saxena, LexisNexis, 2019

References:

- 1 Mulla's Principles of Hindu Law, Mulla's Principles of Hindu Law, Satyajeet A. Desai, Vol. I & II, 2007

Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery

Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00