



Kot Bhalwal, Jammu



Model Institute of Engineering
& Technology (Autonomous)
Course Handout

COURSE HANDOUT
FAMILY LAW BALLB -303

BALLB 3rd SEMESTER

ACADEMIC YEAR (2024-25)

Dr KOMILA AGGARWAL

Assistant Professor

School of Law



School of Law

Model Institute of Engineering & Technology (Autonomous)

Kot Bhalwal, Jammu - 181122

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Dr. Arun K. Gupta Teaching-Learning Centre

Version 1.1



Please Do Not Print Unless Necessary



| Course Code | Course Name | Course Type | Cd | L | T | P | Marks | | |
|-------------|--------------|-------------|----|---|---|---|-----------|------------|-------|
| | | | | | | | Sessional | Final Exam | Total |
| BBALLB-303 | Family Law-I | Core Course | 4 | 4 | 0 | 0 | 30 | 70 | 100 |

COURSE OUTCOMES

At the end of the course the student will be able to:

| | |
|-----|---|
| CO1 | Interpret the fundamental understanding of Hindu and Muslim Law. |
| CO2 | Articulate and apply the concept of marriage and the law pertaining to it. |
| CO3 | Analyse and illustrate the fundamentals of Matrimonial Remedies under Hindu and Muslim Law. |
| CO4 | Appraise and apply the law relating to Maintenance under Hindu and Muslim Law |
| CO5 | Appraise and apply the law relating to Adoption and Guardianship under Hindu and Muslim Law |

Detailed Syllabus

Unit-I: Introduction to Hindu and Muslim Law

- 1.1 Concept and Importance of Family Law in India
- 1.2 Origin and Sources of Hindu Law
- 1.3 Origin and Sources of Muslim Law
- 1.4 Schools of Hindu Law – Mitakshara and Dayabhaga
- 1.5 Schools of Muslim Law – Sunni, Shia and Other Schools (10 Hrs)

Unit-II: Laws regarding Marriage under Hindu and Muslim Law

- 2.1 Evolution and Concept of Institution of Marriage
- 2.2 Definition, Object and Nature of Nikah
- 2.3 Capacity and Essentials of Marriage
- 2.4 Validity and Void ability of Marriage
- 2.5 Recent Trends in the Institution of Marriage (Hindu Marriage Act, 1955 with Amendment Act 1976) (12Hrs)

Unit-III: Dissolution of Marriage and Matrimonial Relief under Hindu and Muslim Law

- 3.1 Theories of Divorce
- 3.2 Grounds of Divorce under Hindu and Muslim Law
- 3.3 Divorce by Mutual Consent under Hindu and Muslim Law
- 3.4 Customary Divorce under Hindu Law
- 3.5 Restitution of Conjugal Rights under Hindu and Muslim Law (12 Hrs)

Unit-IV: Maintenance under Hindu and Muslim Law

- 4.1 Meaning and Types of Maintenance
- 4.2 Hindu Adoption and Maintenance Act, 1956
- 4.3 Muslim Women (Protection of Rights on Divorce) Act, 1986
- 4.4 Maintenance under Section 125 of the Code of Criminal Procedure, 1973
- 4.5 Maintenance for Children (8 Hrs)

Unit-V: Laws of Adoption and Guardianship under Hindu and Muslim Law

- 5.1 Hindu Adoption and Maintenance Act, 1956
- 5.2 Capability, Necessary Conditions and Effects of Adoption
- 5.3 Guardianship under Hindu and Muslim Law
- 5.4 Concept of Welfare of Child
- 5.5 Secular Concept of Adoption under JJ Act, 2015 (8 Hrs)



Text books

| S. No. | Name of the Books | Name of the Author | Publisher Name | Edition (Pub. Yr.) |
|--------|------------------------|--------------------|-------------------------|---------------------------------|
| 1 | Family Law (Hindu Law) | Dr. U.P.D Kesari | Central Law Publication | 12 th Edition (2020) |
| 2 | Muslim Law | Syed Khalid Rashid | Eastern Book Company | 6 th Edition (2018) |
| 3 | Hindu Law | B.M. Gandhi | Eastern Book Company | 5 th Edition (2020) |

Reference Books

| S.No. | Name of the Books | Name of the Author | Publisher Name | Edition (Pub. Yr.) |
|-------|----------------------------|------------------------------|----------------|--------------------------------|
| 1 | Introduction to Muslim Law | Tahir Mahmood & Saif Mahmood | Lexis Nexis | 2 nd Edition (2022) |
| 2 | Family Law Lectures | Poonam Pradhan | Lexis Nexis | 2 nd Edition (2020) |

CO-PO AND CO-PSO MATRIX

| CO | PO1 | PO2 | PO3 | PO4 | PO5 | PO6 | PO7 | PO8 | PO9 | PO10 | PSO's1 | PSO's2 | PSO's3 | PSO's4 | PSO's5 |
|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|--------|--------|--------|--------|--------|
| 1 | 2 | - | - | 2 | - | 3 | - | 2 | 1 | 1 | - | 2 | 1 | 1 | 1 |
| 2 | 1 | 3 | 1 | 1 | - | - | - | 2 | 2 | - | 1 | - | - | 2 | 2 |
| 3 | - | - | - | - | 3 | 2 | 2 | 1 | - | 1 | - | 2 | - | - | - |
| 4 | 3 | 3 | - | - | 2 | 1 | - | - | - | - | 1 | 2 | 2 | 3 | 3 |
| 5 | 1 | - | - | 2 | 1 | 1 | - | - | 1 | -1 | 1 | 2 | - | - | - |



| COURSE PLAN | | |
|---|---|-------------------------------|
| Unit- Introduction to Hindu and Muslim Law | | |
| S.No | Topics | Recommended Books |
| 1 | Concept and Importance of Family Law in India | Book 3, Ch.1 |
| 2 | Origin and Sources of Hindu Law | Book 3, Ch.2 |
| 3 | Origin and Sources of Muslim Law | Book 2, Ch.1 |
| 4 | Schools of Hindu Law – Mitakshara and Dayabhaga | Book 3, Ch.2 |
| 5 | Schools of Muslim Law – Sunni, Shia and Other Schools | Book 2, Ch.1 |
| Unit-II Laws relating to Marriages under Hindu and Muslim Law | | |
| 6 | Evolution and Concept of Institution of Marriage | Book 3, Ch.16 |
| 7 | Definition, Object and Nature of Nikah | Book 2, Ch.3 |
| 8 | Capacity and Essentials of Marriage | Book 3, Ch.16 |
| 9 | Validity and Void ability of Marriage | Book 3, Ch.16 |
| 10 | Recent Trends in the Institution of Marriage (Hindu Marriage Act, 1955 with Amendment Act 1976) | Book 3, Ch.16 |
| Unit-III Dissolution of Marriage and Matrimonial Relief under Hindu and Muslim Law | | |
| 11 | Theories of Divorce | Book 3, Ch.16 |
| 12 | Grounds of Divorce under Hindu and Muslim Law | Book 3, Ch. 16, Book 3, Ch.5 |
| 13 | Divorce by Mutual Consent under Hindu and Muslim Law | Book 3, Ch.16, Book 2, Ch.5 |
| 14 | Customary Divorce under Hindu Law | Book 3, Ch.16 |
| 15 | Restitution of Conjugal Rights under Hindu and Muslim Law | Book 3, Ch.16, Book2, Ch.3 |
| Unit – IV Maintenance under Hindu and Muslim Law | | |
| 16 | Meaning and Types of Maintenance | Book 3, Ch. 19 |
| 17 | Hindu Adoption and Maintenance Act, 1956 | Book 3, Ch. 19 |
| 18 | Muslim Women (Protection of Rights on Divorce) Act, 1986 | Book 2, Ch. 8 |
| 19 | Maintenance under Section 125 of the Code of Criminal Procedure, 1973 | Book 3, Ch.19, Book 2, Ch. 8 |
| 20 | Maintenance for Children | Book 3, Ch. 19, Book 2, Ch. 8 |
| Unit-V: Laws of Adoption and Guardianship under Hindu and Muslim Law | | |
| 21 | Hindu Adoption and Maintenance Act, 1956 | Book 3, Ch. 18 |
| 22 | Capability, Necessary Conditions and Effects of Adoption | Book 3, Ch. 18 |
| 23 | Guardianship under Hindu and Muslim Law | Book 3, Ch. 20, Book 2, Ch. 7 |
| 24 | Concept of Welfare of Child | Book 3, Ch. 20 |
| 25 | Secular Concept of Adoption under JJ Act, 2015 | Book 3, Ch. 20 |



ADDITIONAL WEB RESOURCES

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| 1. | NPTTEL: |
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GRADING AND ASSESSMENT

- **Sessional Test:** 15 marks
- **Assignment:** 10 marks
- **Attendance:** 5 marks
- **Final Examination:** 70 marks

COURSE POLICIES

- **Attendance:** Minimum 75% attendance is mandatory to appear in the final examination of the course.
- **Academic Integrity:** MIET's academic integrity policies apply. Plagiarism will not be tolerated.
- **Late Submissions:** Assignments and projects must be submitted by the specified timelines.

FACULTY INFORMATION

- **Office Hours**
Monday (12:05 PM - 12:55 PM)
Friday (12:05 PM - 12:55 PM)
- **Contact Information**
Komila.llb@mietjammu.in