

**COURSE HANDOUT**

**FAMILY LAW-I**

**LLB -202**

LLB 2<sup>nd</sup> SEMESTER ACADEMIC YEAR (2024-25)

**Ms. Mansi Walia**

**Assistant Professor, School of Law (MIET)**



School of Law

Model Institute of Engineering & Technology  
(Autonomous)

Kot Bhalwal, Jammu-181122

[www.mietjmu.in](http://www.mietjmu.in)

Course Code	Course Name	Course Type	Cd	L	T	P	Marks		
							Sessional	Final Exam	Total
LLB-202	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	Modern Hindu Law	Dr Paras Diwan	Allahabad LawAgency	26th ed., 2023
2	Introduction to Muslim Law	Tahir Mahmood & Saif Mahmood	Lexis Nexis	2nd Edition (2022)

**Reference Books**

S.No.	Name of the Books	Name of the Author	Publisher Name	Edition (Pub.Yr.)
1	Hindu Law	DinshawFardunji Mulla	Lexis Nexis	22 <sup>nd</sup> ed., 2022
2	Principles of Mahommedan Law	DinshawFardunji Mulla	Lexis Nexis	23 <sup>rd</sup> ed., 2021

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

### ADDITIONAL WEB-RESOURCES

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| 1. | <b>MOOC: Muslim Law</b><br>By Prof. Mohd. Wasim Ali   Aligarh Muslim University<br><a href="https://onlinecourses.swayam2.ac.in/ini25_lw17/preview">https://onlinecourses.swayam2.ac.in/ini25_lw17/preview</a> |
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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**  
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