

III LL.B. / V B.A., LL.B.,

SECOND SEMESTER / SIXTH SEMESTER

**PAPER - VI
FAMILY LAW - I**

UNIT -1 MARRIAGE AND KINSHIP

1.1 Evolution of the institution of marriage and family 1.2 Role of religion, rituals, and practices in moulding the rules regulating marital relations. 1.3 Types of family based upon: Lineages - patrilineal matrilineal: Authority structure - patriarchal and matriarchal; Location patrilocal and matrilocal; and number of conjugal units nuclear, extended, joint and composite. 1.4 Applicability of law 1.4.1 Who is a Hindu, who is a Muslim, who is a Christian 1.4.2 Sources of Hindu law, Muslim law and Christian law.

UNIT -2 CUSTOMARY PRACTICES AND THE STATE

2.1 Polygamy 2.2 Concubinage 2.3 Child marriage 2.4 Sati 2.5 Dowry 2.6 State intervention through various legal measures.

UNIT -3 CONVERSION AND ITS EFFECT ON FAMILY

3.1 Marriage 3.2 Adoption 3.3 Guardianship 3.4 Succession

UNIT-4 MATRIMONIAL REMEDIES

4.1 Non-Judicial resolution of marital conflict problems

(a) Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution. (b) Divorce under Muslim Personal law - Talaq and talaq-e-tafweez

4.2 Judicial resolution of marital conflict problems: a general perspective of matrimonial fault theory and the principle of irretrievable breakdown of marriage.

4.3 Nullity of marriage 4.4 Option of puberty 4.5 Restitution of conjugal rights 4.6 Judicial separation 4.7 Desertion: a ground for matrimonial relief 4.8 Cruelty : a ground for matrimonial relief 4.9 Adultery : a ground for matrimonial relief 4.10 Other grounds for matrimonial relief 4.11 Divorce by mutual consent under Special Marriage Act, 1954 4.12 Bars to matrimonial relief 4.12.1 Doctrine of strict proof 4.12.2 Taking advantage of one's own wrong or disability 4.12 .3 Accessory

4.12 .4 Connivance 4.12.5 Collusion 4.12 .6 Condonation 4.12.7 Improper or unnecessary delay 4.12.8 Residuary clause - no other legal ground exist for refusing the matrimonial relief

UNIT-5 ALIMONY AND MAINTENANCE

1.1.1 Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves under the code of criminal Procedure, 1973 5.2 Alimony and maintenance as an independent remedy ; a review under different personal laws. 5.3 Alimony and maintenance as an ancillary relief Alimony pendente lite and permanent maintenance. 5.4 Maintenance of divorced Muslim women under the (protection of Rights on Divorce Act, 1986) a Critical review.

UNIT-6 CHILD AND THE FAMILY

6.1 Legitimacy 6.2 Adoption 6.3 Custody, maintenance 6.4 Guardianship

UNIT-7 FAMILY AND ITS CHANGING PATTERN

7.1 New emerging trends 7.1.1 Attenuation of family ties 7.1.2 Working Women and their impact on spousal relationship, composition of family, status, and role of Women, and decision making authority structure. 7.2 Factors affecting the family: demographic, environmental religious and legislative.

7.3 Process of social change in India: Sanskritization, Westernization, Secularization, Universalization, parochialization and Modernization including industrialisation and urbanization

UNIT -8 ESTABLISHMENT OF FAMILY COURTS:

UNIT-9 SECURING OF A UNIFORM CIVIL CODE

9.1 Religious pluralism and its implications 9.2 connotations of the directive contained in Article 44 of the constitution 9.3 impediments to the formulation of the Uniform Civil Code

PAPER· VII

FAMILY LAW· II

UNIT-1

1.1 Mitakshara joint family 1.2 Mitakshara Coparcenary - formation and incidents
1.3 Property under Mitakshara law separate property and Coparcenary property
1.4 Dayabhaga coparcenary - Formation and incidents 1.5 Property under Dayabhaga Law
1.6 Karta of the joint family his position, powers, privileges and obligations
1.7 Alienation of property separate and coparcenary 1.8 debts- doctrine of pious obligation and antecedent debt. 1.9 Partition and Re-union 1.10 Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

UNIT-2 INHERITANCE

2.1 Hindus 2.1.1 Historical perspective of traditional Hindu law as a background of the study of Hindu succession Act, 1956. 2.1.2 Succession to property of Hindu male dying intestate under the provisions of Hindu Succession Act, 1956 2.1.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956 2.1.4 Succession to property of Hindu female dying intestate under the Hindu succession Act, 1956 2.1.5 Disqualification relating to succession 2.1.6 General Rules of Succession 2.1.7 Marumakkattayam and aliyasantana laws governing people living in Travancore Cochin and the districts of Malabar and South Kanara.

UNIT -3 NEW PROPERTY CONCEPTS, SUCH AS SKILL, JOB, ETC., AS NEW FORMS OF PROPERTY

UNIT-4 MUSLIM LAW OF INHERITANCE AND SUCCESSION

Rules governing Sunni and Shia Law of inheritance 4.2 Differences between Shia and Sunni Law 4.3 Administration of Estates 4.4 Wills under Muslim Law

UNIT-5 INDIAN SUCCESSION ACT, 1925.

5.1 Domicile 5.2 Intestate Succession 5.3 Will-codicil 5.4 Interpretation - Revocation of Wills 5.5 Bequests -conditional contingent or void bequests 5.6

Legacies 5.7 Probate and letters of administration 5.8 Executor-administrator 5.9 Succession certificate

PAPER – VIII

LAW OF CRIMES

UNIT-1 GENERAL

1.1 Conception of Crime 1.2 State's power to determine acts or omissions as crimes 1.3 State's responsibility to detect, control and punish crime 1.4 Distinction between crime and other wrongs 1.5 Pre-colonial notion of crime as reflected in Hindu, Muslim and Tribal law 1.6 The colonial reception Macaulay's Draft based essentially on British notions 1.7 IPC a reflection of different social and moral-values 1.8 Applicability of IPC 1.8.1 Territorial 1.8.2 Personal 1.9 Salient Features of the I.P.C.

UNIT-2 ELEMENTS OF CRIMINAL LIABILITY

2.1 Author of crime-natural person and a fit subject for punishment, companies and corporations 2.2 Mens rea - Evil intention 2.3 Importance of mens rea 2.4 Recent trends to fix liability without mens rea in certain socio-economic offences 2.5 An act in furtherance of guilty intent 2.6 An omission as specifically includes in the code 2.7 Injury to another

UNIT-3 GROUP LIABILITY

3.1 Stringent provision in case of combination of persons attempting to disturb peace 3.2 Common intention 3.3 Abetment 3.3.1 Instigation, aiding and conspiracy 3.3.2 Mere act of abetment punishable 3.4 Unlawful Assembly 3.5 Criminal conspiracy 3.6 Rioting as specific offence

UNIT -4 STAGES OF CRIME

4.1 guilty intention - Mere intention not punishable 4.2 Preparation 4.2.1 Preparation not punishable 4.2.2 Exception in respect of certain offences of *grave* nature or of a peculiar kind such as possession of counterfeit coins, false weights and measures 4.3 Attempt 4.3.1 Attempt when punishable specific IPC provisions

4.3.2 Test for determining what constitutes attempt proximity, equivocality and social danger 4.3.3 Impossible attempt

UNIT -5 FACTORS NEGATIVING GUILTY INTENTION

5.1 Mental incapacity 5.1.1 Minority 5.1.2 Insanity-impairment of cog *native* facilities, emotional imbalance 5.1.3 Medical and legal insanity

5.2 Intoxication-involuntary 5.3 Private Defence-justification and limits 5.3.1 When private defence extends to causing of death, protect body and property 5.4 Necessity 5.5 Mistake of fact

UNIT-6 TYPES OF PUNISHMENT

6.1 Death 6.1.1 S8'bial relevance of capital punishment 6.1.2 alternatives to capital punishment 6.2 Imprisonment for life, with hard labour, simple imprisonment 6.3 Forfeiture of property 6.4 Fine 6.5 Discretion in awarding punishment 6.5.1 Minimum punishment in respect of certain offences

UNIT-7 SPECIFIC OFFENCES AGAINST HUMAN BODY

7.1 Causing death of human beings 7.1.1 Culpable homicide 7.1.2 Murder 7.2 Distinction between culpable homicide and murder 7.2.1 Specific mental element requirement in respect of murder 7.3 Situation justifying treating murder as culpable homicide not amounting to murder 7.3.1 *Grave* and sudden provocation 7.3.2 Exceeding right to private defence 7.3.3 Public servant exceeding legitimate use of force 7.3.4 Death in sudden fight 7.3.5 Death caused by consent of the deceased-Euthunasia 7.3.6 Death caused of person other than the person intended 7.3.7 Miscarraige with or without consent 7.4 Rash and negligent act causing death 7.5 Hurt grievous and simple 7.6 Assault and criminal force 7.7 Wrongful restraint and wrongful confinement-kidnapping from lawful guardianship and to outside India 7.8 Abduction

UNIT-8 OFFENCES AGAINST WOMEN

8. 1 Insulting the modesty of woman 8.2 Assault or criminal force with intent to outrage the modesty of a woman 8.3 Causing miscarriage without woman's consent 8.3.1 Causing death by causing miscarriage without woman's consent 8.4 Kidnapping or abducting woman to compel her to marry or force her to illicit

3.2.1 For production Laws pertaining to a) land use 0) Irrigation c) Industries
d) Mining e) Grazing land f) Catchment areas g) Wet land h) Estuaries

3.2.2 For production Laws pertaining to
a) land ceiling b) Town Planning/Zoning c) Slums d) Housing e)
Recreational areas f) Parks g) sanctuaries h) Biospheres

UNIT-4 SECONDARY LAWS

4.1 Pertaining to the administration and functioning of pollution control Boards; Water Boards; the Factories Acts, Forest Act. Land Reform and Development Acts. Industries Act, etc. 4.2 Laws relating to the administration within the Ministry of Environment and forest 4.3 Laws relating to the collection, dissemination and publication of data by the Boards or Ministry, concerning. a) hazardous material b) endangering industries c) levels of pollution, d) types of safety measures available and implemented 1.2 Causative factors of Pollution. 4.4 Laws relating to the role of the lower courts (including the forest courts)

UNIT-5 TERRITORY LAWS

5.1 Constitutional provisions concerning inter-state relations that concern acquisition regulation and distribution of natural resources (Water, Forests, mines, oil). (With special emphasis on Articles 14, 19,31-A, 31-B,31-c, 39(b)(c) Union list; 6,52,56,57. State List 17,18,21,23. Concurrent list :17,17A, 17 -B, 18, 20 and the Ninth Schedule 5.2. Constitutional provisions: The Constitution of India Articles: 14, 15,2(b) 19(e) 21, 31-C,32,38,39,42,47,48-A,49,51 ,51-A(g)

UNIT-6 INTERNATIONAL PARAMETERS OF ENVIRONMENT

6.1 Stockholm Declaration and its impact 6.2 Rio summit 6.3 United Nations Environmental Programme (UNEP) 6.4 State responsibility for Environmental Pollution 6.5 North South Perspective

UNIT-7 LEGAL STRATEGIES REGULATION

7.1 Deterrence through Criminal Liability, Strict Liability Absolute Liability and Vicarious Liability. 7.2 Principles of calculating penalties and economic sanctions against offenders 7.3 Principles and methods of standardization Environmental

impact assessment cost Benefit Analysis 7.4 Managerial7.4.1 Principles of tortious liability 7.4.2 Estoppel 7.4.3 Strategies of incentives, through non-taxation. Deductions, etc., 7.4.4 Methods of recovery through insurances, sureties, bonds, etc., 7.4.5 Creation of Environmental Fund 7.5 Environmental Courts./Tribunals

UNIT-8 JUDICIAL ACTIVISM AND ENVIRONMENT

PAPER - X HUMAN RIGHTS AND PRACTICE

Unit – 1

Concept of Human Rights – Evolution of Human Rights – Meaning of Human Rights – Kinds of Human Rights – Civil Liberties - International Human Rights Law – Human Rights under the UN Charter – Promotion and protection of human rights by United Nations – Commission on Human Rights – UN High Commissioner for Human Rights – Implementation and Monitoring of Human Rights – Human Rights and Domestic Jurisdiction Human Rights and impunity – Issues of Accountability.

Unit -2

Universal Declaration of Human Rights – Influence and Legal effects of the Declaration – International Covenants on Human Rights - International Covenants on Inhuman acts – Death penalty and human rights

Unit – 3

Regional Conventions on Human Rights – Regional arrangements on Human rights – European Convention on Human Rights – American Convention on Human Rights - African Charter on Human and People’s Rights

Unit - 4

Vulnerable Groups and Human Rights – Prisoners -Women – Children – Refugees – Minorities – Disabled people – indigent persons – Migrant workers – Stateless persons.

Unit – 5

International Humanitarian Law – Historical development of Humanitarian Law – Charter of Humanitarian Law – Protection of prisoners of war – Protection of civilian population – Protection and care of wounded and sick persons –

Protection of medical units – Treatment of dead bodies – Treatment of Aliens - Non-international armed conflicts

Unit – 6

India and Human Rights – Genesis of Human Rights in India – Philosophy of Human Rights under the Indian Constitution – International Covenants and India – Human Rights vis-à-vis Fundamental rights – Human Rights and Directive Principles of State policy Emergency and Human rights

Unit -7

The Protection of Human Rights Act, 1993 – Evolution of the Protection of Human Rights Act - National Human Rights Commission (NHRC) – State Human Rights Commissions – Andhra Pradesh Human Rights Commission – Human Rights Courts in Districts - The National Commission for Minorities Act, 1992 – The National Commission for Backward Classes Act, 1993

Unit – 8

Enforcement of Human Rights in India – Constitutional remedies for enforcement of Human Rights – Mechanism for Enforcement and Protection of Human Rights – Machinery under the Constitution of India – Mechanism under the Protection of Human Rights Act – Non-Governmental

Books Recommended for Reference :

1. Dr.H.O.Agarwal -- Human Rights
2. U.P.Chandra -- Human Rights
- 3.Chakraborty Manik -- Human Rights and Refugees
4. Dewan Paras -- Human Rights and the Law – Universal &India.
5. Iyer K.S. -- Human Rights – Vibrant Issue
6. S. K. Kapoor -- International Law & Human Rights
7. Krinshna Iyer V. R. -- The Dialectics and Dynamic & Human Rights
8. Mehta P.L. Varma. N -- Human Rights under the Indian Constitution
9. Sehgal B.P. Singh -- Human Rights in India Problems and perspectives
- 10.Holcombe -- International Bill of Rights
- 11.Swaroop, Jagadish -- Human Rights & Fundamental Freedoms

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