

Family and Family Relations – II

Objective

The course aims at understanding the evolution of family, succession issues vis-à-vis the changing laws in society. In the background of globalization in all spheres of family, relationships are undergoing transformations and students are expected to study property rights of every individual. India being a multi ethnic heterogeneous society and the students having studied the different laws, must be able to critically access the need for Uniform Civil Code.

Units

1) Inheritance - Hindus

(22)

- 1.1 Historical perspective of traditional Hindu Law as a background to the study of Hindu Succession Act
 - 1.1.1 Coparcenary - Joint family property concept under old Hindu Law
 - 1.1.2 Mitakshara and Dayabhaga School
 - 1.1.3 New trends in the concept of coparcenaries
- 1.2 Hindu Succession Act, 1956 and Amendment Act of 2005.
- 1.3 Devolution of interest in Mitakshara co-parcenary
- 1.4 Succession to property of a Hindu male dying intestate
- 1.5 Succession to property of a Hindu female dying intestate
- 1.6 Concept of Stridhan
- 1.7 Disqualifications relating to succession
- 1.8 General rules of succession
- 1.9 Marumakattayam and Ahyasantana laws governing people living in Travancore, Cochin and districts of Malabar and South Karnataka

2) Inheritance - Muslims

(12)

- 2.1 General rules of succession
- 2.2 Classification of heirs under Hanafi and Ithana Ashria School

3) Inheritance - Christians and Parsis

(04)

- 3.1 Heirs and their shares and distribution of property under Indian Succession Act, 1925 and Amendments.

4) Will and Codicil

(05)

- 4.1 Persons capable of making wills
- 4.2 Formation of a will
- 4.3 Types of will with reference to (S.59 to S.63) of Indian Succession Act, 1925

5) Settlement of Spousal Property - Need for development of law (02)

6) Uniform civil code (03)

8.1 Connotations of the directive contained in Article 44 of the Constitution

8.2 Impediments to the formulation of the Uniform Civil Code

8.3 The Idea of Optional Uniform Civil Code

7) Family Law: An International Perspective (02)

Total (50)

Suggested Readings:

Diwan, Paras, Law of Intestate and Testamentary Succession, (1998) Universal

Basu, N. D., Law of Succession, (2000) Universal

Kane, P. V., History of Dharmasastras, Vol. 2 ph. 1 at 624-632 (1974)

Kuppuswami, A., (ed.) Mayne's Hindu Law and Usage, ch. 4 (1986)

Sivaramayyas, B., Inequalities and the Law, (1985)

Diwan, Paras, Hindu Law, (1985)

Fyzee, A.A.A., Outlines of Muhammadan Law, (1998)

Derett, J.D.M., Hindu Law - Past and Present

Desai, S.T., (ed) Mulla's Principles of Hindu Law, (1998)

Note: Students are expected to read latest journals, periodicals, reports and latest amendments to keep abreast with the recent trends and developments in this area