



SCHOOL OF LAW

COURSE FILE

Program: BA/BBA LLB (H) (2022-27)

Subject Code & Name: LAW 2701 Family Law I

Faculty: Saumya Maheshwari

Module/Semester: III

Session: 2023-2024

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1. Vision and Mission of the University

Vision

BML Munjal University seeks to nurture ethical leaders who are skilled, knowledgeable and have the life skills required for leading their organizations to success. The university shall seek the advancement and dissemination of practically oriented knowledge benchmarked with the best global standards.

Mission

BML Munjal University aims to be a leading university for the quality and impact of its teaching, research and linkages with major stakeholders. The focus of the university is to find creative solutions to problems through application of knowledge. The university aims to create a talented community of students and faculty who excel in teaching, learning and research, in a creative and stimulating environment. The university will collaborate with other institutions for development of science, technology and arts in the global context.

2. Graduate Attributes of BMU Students

BMU students will:

1. Acquire and apply practical understanding of discipline knowledge
2. Demonstrate a sense of ethics and display excellence in both personal and professional life
3. Exhibit problem solving, critical thinking skills and investigative capability to address real world problems
4. Manifest leadership qualities and work effectively in teams across globally diverse environments
5. Be a lifelong learner with an entrepreneurial mindset to innovate in the constantly changing global scenario.
6. Possess a strong sense of inquiry and design innovative solutions for positive societal impact
7. Be effective communicators and possess an empathetic outlook

3. Vision and Mission of School of Law

Vision

The School of Law and BML Munjal University seeks to cultivate scientifically-minded, constitutionally-rooted, and internationally relevant lawyers. It seeks to advance knowledge through stimuli-responsive, evidence-based, and transnational research.

Mission

The School of Law at BML Munjal University aims to create an institutional ecosystem for cultivating young minds to be competent professionals with excellent analytical, interpretative, social, and communicative skills that are rooted in fundamental legal principles and equipped with industry-relevant skills.

The School has a commitment to meaningful curriculum updating and authentic interdisciplinary and experiential learning. It aims at producing research on national and international issues of contemporary and enduring relevance through uninhibited multi-disciplinary, world-focused, and critical inquiry.

4. Program Outcomes and Programme Educational Outcomes

Program Outcomes for 5-year Integrated Law Programme:

PO1: Draw on a sound understanding of concepts, principles and theories of private and public law, business laws and environmental laws, through a blend of theory and experiential learning including internships.

PO2: Exhibit knowledge and awareness of general issues related to society, economy, politics, legal and business environment, and to be able to communicate effectively.

PO3: Ability to formulate a legal problem, synthesize information, analyze and interpret legal issues to solve problems.

PO4: Understand the importance of inter-disciplinary study and develop the skill necessary to use the domain knowledge in one discipline to enrich one's understanding and skills in other disciplines

PO5: Demonstrate inquisitiveness and critical thinking ability to solve legal problems.

PO6: Integrate socio-ethical responsibility, life and professional skills in legal practice.

PO7: Employ creativity for the benefit of organization and society at large, and develop a global and international perspective on domestic issues.

Program Educational Objectives of BA, LLB (Hons.)

Graduates of the program will:

PEO1: Have successful professional careers in the legal profession-courtroom advocacy, law firm chamber practices, in- house legal departments, non-profit organizations, and policy think tanks.

PEO2: Be capable of successfully completing advanced post graduate studies in the law.

PEO3: Adopt a pragmatic and strategic approach in their professional work informed by appropriate disciplinary knowledge and leading to effective problem -solving and decision-making.

PEO4: Demonstrate the successful application of insights received from the domains of political science, economics and sociology to research and analysis in the law.

PEO5: Be lifelong learners, role model for others and sensitive to societal issues.

PEO6: Be good and effective communicators and leaders.

Program Educational Objectives of BBA, LLB (Hons.)

Graduates of the program will:

PEO1: Have successful professional careers in the legal profession-courtroom advocacy, law firm chamber practices, in- house counsels, non-profit organizations, and policy think tanks.

PEO2: Be capable of successfully completing advanced post graduate studies in the law.

PEO3: Adopt a pragmatic and strategic approach in their professional work informed by appropriate disciplinary knowledge and leading to effective problem -solving and decision-making.

PEO4: Demonstrate the successful application of insights received from the domains of business management and economics to research and analysis in the law.

PEO5: Be lifelong learners, role model for others and sensitive to societal issues.

PEO6: Be good and effective communicators and leaders.

Program Specific Outcomes for BA, LLB (Hons.)

By the end of the program the students will be able to:

PSO1: Apply knowledge of and insights from political science and sociology domains to enrich their understanding of the law and legal practice.

PSO2: Understand the role and impact of social and political institutions in legal practice.

Program Specific Outcomes for BBA, LLB (Hons.)

By the end of the program the students will be able to:

PSO1: Apply knowledge of and insights from the business management domains to enrich their understanding of the law and legal practice.

PSO2: Understand the role and impact of theories of marketing, finance and accounting in legal practice.

5. Course Handout



BML MUNJAL UNIVERSITY
SCHOOL OF LAW
BA LLB(Hons.)/ BBA LLB (Hons.), (2022)
LLB (2023-26)

Faculty	Saumya Maheshwari	Year/Semester	2 nd / III
Course Name	Family Law I	No. of Credits	4
No of Contact Hours	(4 + 1 Tutorial)/week	Session duration	1 semester
Course Code	LAW 2701		

ABOUT THE INSTRUCTOR:

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COURSE OVERVIEW

Welcome to Family Law I!

This course is the first in a two-part series that will introduce you to the law governing the rights and obligations that arise in intimate and family relationships. Family Law I covers the laws of marriage, matrimonial reliefs, spousal maintenance, the custody of children, guardianship and adoption. Family Law II, which will be taught in the next semester, covers laws of succession and inheritance of property.

- What kinds of marriages does the state recognize? Why does the state seek to govern familial and marital relationships, but not others such as platonic friendships?
- Does the state encourage some marital unions and discourage others? If so, why?
- Why do family law statutes in the Bare Act manual carry religion-specific names?

- What are the rights and obligations that arise from familial and marital relationships? What happens when a person's obligations towards one member of the family conflict with those towards another?
- Does family law protect the family's privacy? Does it protect members of the family from abuse and violence by other members of the family?
- How does the law recognize parent-child relationships? What rights do parents and children have against each other?

These are some of the questions that we will try to answer in this course. In the process, we will touch upon the colonial history of family law and associated legal institutions, the complexities that arise from the adjudication of matrimonial disputes in a pluralist legal system, and foray into a range of debates regarding the objectives and methods of state intervention in intimate relationships, the simultaneously public and private nature of this state intervention, the use of the family in developmental policy and majoritarian politics, and complex issues of equality, gender justice, religious freedom, among others. To do so, we will engage not only with sources of law (statutes and cases), but also with writings by family law scholars, historians, practicing advocates, and feminist and women's rights activists.

Preparing for class

This is a small class and it will only work if we are all present and engaged. I may ask you to leave the class if I find that you have not prepared in advance.

This course outline prescribes essential readings for each class. These include select text-book excerpts, unabridged cases, journal articles and legislation. You are expected to read the cases and course materials, including relevant portions from one of the prescribed textbooks, before each class. You may be called-on to participate in class discussions.

You will also find a list of "recommended" readings in each module. These readings are optional. The course instructor will draw from them for the class discussion, but you are not expected to read them in advance. You may consider going through recommended readings to research for your assignments, or simply to pursue a deeper interest in a given topic.

Your comprehension of the topics will inevitably be deeply influenced by your own personal experiences. This is also why family law class discussion can sometimes invoke emotional reactions and heated debates. We will strive to create a sensitized and safe space for discussion to enable everyone to share their thoughts and experiences in class without fear of judgment or censorship.

If you find the method of teaching or the content of the course materials inaccessible due to a disability or any other reason, at any point of the course, please get in touch with the course instructor and alternative materials will be prescribed to you.

Classroom environment

Please observe the following guidelines during our discussions:

- This is a small class and it will only work if we are all present and engaged. I may ask you to leave the class if I find that you have not prepared in advance.
- Be courteous. It is okay to disagree, but do so in a respectful manner. Do not attack someone personally merely for raising a contentious issue.
- Support your statements. Developing the skills to compose an argument is an important aspect of this class. Be prepared to justify and expand what you say in discussion.
- Listen carefully. Respect is reciprocal and it is extremely important that everyone focus on what is being said in the classroom. Someone else might raise an important issue that you might not otherwise have considered. Keep an open mind.
- Allow others to speak. Not only is it important that all students participate, but it is also crucial that everyone is granted an equal opportunity to raise issues relevant to the class.
- If you are disturbing the class, I might ask you to leave and that will count as an absence.

Attendance/Timeliness

The class will start on time, and we will take a five-minute break after the first hour. If you arrive after 10 minutes, you will be marked absent under the School of Law's policies.

Any absences will be reflected in your participation grade. If you miss class, you will have necessarily participated less often in the course, which means you get a lower participation grade. If you are absent repeatedly and for a substantial period during the semester, you may not be allowed to sit for the final exam as per the notified SOL attendance policy.

Laptops/ Electronic Devices

We will follow the following guidelines:

- Every student must come to class with paper and a pen/pencil to take notes. You must also have a hard or soft copy of the cases to be discussed in class, and an updated hard copy of Marriage and Divorce Laws. Students will not be permitted to view reading material on their phone.
- Laptops may be used *only* to refer to readings.
- Phones must be placed in your bag or on my desk at the beginning of class. I will ask you to leave and mark you absent if I see you using your phone during active class time.
- Any student may come to me at the beginning of the semester to seek an exemption to this policy. You may either tell me you are unable to participate in the class without access to a non-laptop device or you may explain a broader learning reason for which you require this other electronic device.

6. Course Outcomes and CO-PO Mapping

By the end of the course, the students will be able to:

- **CO1:** Exhibit knowledge and understanding of the law governing intimate relationships, primarily marriage, divorce, maintenance, adoption, and guardianship.
- **CO2:** Apply the law studied in class to legal problems, and effectively communicate their solutions and opinions orally and in writing.
- **CO3:** Demonstrate knowledge and understanding of the historical contexts in which personal laws have evolved.
- **CO4:** Demonstrate knowledge and understanding of the dynamically evolving aspects of family law and develop the ability to draw connections between core family law concepts and laws, regulations, and policies in other domains.
- **CO5:** Develop the ability to critically analyze application of family law in social context and thereby draw connections between family, law, society, and politics from feminist perspectives.

CO	STATEMENT	Bloom's Level	Correlation with POs							Correlation with BA LLB PSOs		Correlation with BBA LLB PSOs	
			PO1	PO2	PO3	PO4	PO5	PO6	PO7	PSO1	PSO2	PSO1	PSO2
CO1	Exhibit knowledge and understanding of the law governing intimate relationships, primarily marriage, divorce, maintenance, adoption, and guardianship	L2	3	3	3	3	3	2	2	2	2	1	1
CO2	Apply the law studied in class to legal problems, and effectively communicate their solutions and opinions orally and in writing.	L6	3	2	3	2	3	2	2	2	2	2	2
CO3	Demonstrate knowledge and understanding of the historical contexts in which personal laws have evolved.	L4	2	3	2	3	2	3	2	3	3	2	2
CO4	Demonstrate knowledge and understanding of the dynamically evolving aspects of family law and develop the ability to draw connections between core family law concepts and laws, regulations, and policies in other domains.	L5	3	2	3	3	3	2	2	3	3	3	3
CO5	Develop the ability to critically analyze application of family law in social context and thereby draw connections between family, law, society, and politics from feminist perspectives.	L4	2	3	1	3	2	1	1	3	3	2	2

7. Course Syllabus

List of statutes and legal instruments

1. The Dissolution of Muslim Marriages Act, 1939
2. The Family Courts Act, 1984
3. The Hindu Adoptions and Maintenance Act, 1956
4. The Hindu Marriage Act, 1955
5. The Hindu Minority and Guardianship Act, 1956
6. The Muslim Personal Law (Shariat) Application Act, 1937
7. The Muslim Women (Protection of Rights on Divorce) Act, 1986
8. The Muslim Women (Protection of Rights on Marriage) Act, 2019
9. The Parsi Marriage and Divorce Act, 1936
10. The Prohibition of Child Marriages Act, 2006
11. Indian Penal Code, 1860
12. Maintenance and Welfare of Parents and Senior Citizens Act, 2007
13. Protection of Women from Domestic Violence Act, 2005 (*you may have to buy this Bare Act separately*)

General reference textbooks:

- Agnes, Flavia, Family law II: Marriage, Divorce, and Matrimonial Litigation. New Delhi: Oxford University Press, 2011.
- Mahmood, Tahir (ed.), A.A. Fyzee's Outlines of Muhammedan Law, 3rd ed. New Delhi: Oxford University Press, 2008.
- Duncan Derrett, *Religion, Law, and the State in India* (London, 1968).
- Mulla, Principles of Hindu Law, 23rd Edition, LexisNexis, 2018.
- Mulla, Principles of Mohammedan Law, 22nd Edition, LexisNexis, 2017.
- *Redefining Family Law In India: Essays in Honor of B. Sivaramayya*. Archana Parashar and Amita Dhanda, eds. London and New Delhi: Routledge, 2008

WEEK 1/1: INTRODUCTION TO FAMILY LAW/ CONCEPT

Questions:

- What is a family? Why does the state seek to govern it and intervene in it?
- What is family law?

Readings:

Essential	<ul style="list-style-type: none">• Course outline• Arijeet Ghosh and Diksha Sanyal, “How can Families be imagined Beyond Kinship and Marriage,” <i>Economic and Political Weekly</i> 54, no. 45 (2019), https://www.epw.in/engage/article/how-can-families-be-imagined-beyond-kinship-and-marriage
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Activity

Debate: Should incestuous marriages be legally recognized?

WEEK 1/2 AND 2/1: INTRODUCTION TO FAMILY LAW (CONT.)/ HISTORY, CODIFIED AND UNCODIFIED LAW

Questions:

- What are the historic legal and customary antecedents of the laws that we study today?
- Why are family laws organized along religious identity? How is one’s religious identity determined?
- What is the relevance and applicability of uncodified law? What is a legally applicable custom?

Legislation:

- S. 3(a), Hindu Marriage Act 1955.

Cases:

Essential	<p><i>Who is a Hindu</i> Rani Bhagwan Kuar v Jogendra Chandra Bose (1903) 30 I.A. 249</p> <p><i>Who is a Muslim</i> Resham Bibi v. Khuda Baksh ILR (1938) 19 Lah 277</p> <p><i>Custom as a source of law</i> Balusami v Balakrishna AIR 1957 Madras 97</p>
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Readings:

Essential	<ul style="list-style-type: none"> ● Madhu Kishwar, “Codified Hindu Law: Myth and Reality”, <i>Economic and Political Weekly</i>, Vol. 29(33): 1994, pp 2145-2161 (excerpts).
Recommended	<ul style="list-style-type: none"> ● Marc Galanter, “The Displacement of Traditional Law in Modern India”, in <i>Law and Society in Modern India</i>, ed. R. Dhavan (New Delhi, 1997). ● David Pearl, “Who is a Muslim?”, <i>Journal of the Indian Law Institute</i>, Vol. 17, No. 2 (April-June 1975), pp. 272-280 ● Michael Anderson, <i>Islamic Law and the Colonial Encounter in British India</i>, WLUML Occasional Paper No. 7 - June 1996.

WEEK 2/2: INTRODUCTION TO FAMILY LAW (CONT.)/ ADJUDICATION OF MATRIMONIAL DISPUTES (2 HOURS)

Questions:

- What are the various fora before which matrimonial disputes are adjudicated? What is the legal standing of the decisions passed by them?
 - Formal and informal fora - legal pluralism - caste panchayats – Shariat courts
- Why were family courts established? How are they different from other courts? What is the role of mediation and reconciliation in the adjudication of matrimonial disputes?

Legislation:

- The Family Courts Act, 1986 – Chapters II, III, IV.

Cases:

Essential	<i>The legal validity of fatwas</i> Vishwa Lochan Madan v Union of India (2014) 7 SCC 707.
Recommended	Santhini v Vijaya Venketesh, 2017 SC 1140. Deepti Kapur vs Kunal Julka, Delhi High Court, 30 June, 2020 Sonia Kunwar Singh Bedi v. Kunwar Singh Bedi, Civil Application No. 448 of 2014 in Family Court Appeal No. 142 of 2014

Readings:

Essential	<ul style="list-style-type: none"> ● Chapter - Family Courts and Gender Justice, Agnes, Flavia, Family law II: Marriage, Divorce, and Matrimonial Litigation. New Delhi: Oxford University Press, 2011 (<i>sections on Introduction, Ideological Premise of the Act, and Territorial and Subject matter jurisdiction</i>).
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Recommended	<ul style="list-style-type: none"> ● Srimati Basu. <i>The Trouble with Marriage: Feminists Confront Law and Violence in India</i> (Orient Blackswan 2015), Chapter 4, “Justice without Lawyers? Living the Family Court Experiment” ● Sylvia Vatuk (2013) The “women's court” in India: an alternative dispute resolution body for women in distress, <i>The Journal of Legal Pluralism and Unofficial Law</i>, 45:1, 76-103.
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Unit II: Entering into a marriage – essentials and validity

WEEK 3 : VALIDITY OF MARRIAGE UNDER HINDU LAW

Questions:

- What is solemnizing/ contracting a marriage? How is it different from registering a marriage?
- What is the difference between void, voidable, void ab initio marriages? What are the factors that influence the validity of marriage?
 - Gender – religion – essential ceremonies – subsisting marriage/ bigamy consanguinity – age

Legislation:

- Sections 2, 5, 7, 11, 12, 17, 18 of the HMA
- S. 494, Indian Penal Code
- Section 8, HMA
- Haryana Compulsory Registration of Marriages Act, 2008

Cases:

Essential	<p><i>Essential ceremonies</i> Deivanani Achi v Chidambaram Chettiar AIR 1954 Mad 657</p> <p><i>Gender</i> Arunkumar and Sreeja v. Inspector General of Registration and Others, WP(MD)No.4125 of 2019</p> <p><i>Religion</i> Gullipilli Sowria Raj v Bandaru Pavani, AIR 2009 SC 1085</p>
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	<p><i>Consanguinity, Sapindas</i> Navalkar v Meena Arun Navalkar, AIR 2006 Bom 342</p> <p><i>Bigamy</i> Bhaurao Lokhande v. State of Maharashtra AIR 1965 SC 1564 Ram Prasad v. State of UP, AIR 1961 All 334</p>
Recommended	Sarla Mudgal v Union of India, AIR 1995 SC 1531; 1995 SCC (3) 635

Readings:

Book chapter – essential reading.

Recommended	<ul style="list-style-type: none"> Tejas Harad, “Rites and Wrongs: How Satyashodhak weddings resist Brahmanical rituals,” <i>The Caravan</i>, July 01, 2021, https://caravanmagazine.in/communities/satyashodhak-marriages-resist-brahminical-rituals Gopika Solanki, Registering Marriage: Debating Legislative and Judicial Efforts in S. Basu and L. Ramberg, eds., <i>Conjugal Unbound: Sexual Economies, State Regulation and the Marital Form in India</i>, pp. 190-216. Delhi: Women Unlimited, 2015.
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WEEK 4/1: VALIDITY OF MARRIAGE IN CHRISTIAN AND PARSI LAW (OPTIONAL, TIME PERMITTING)

Questions:

- What are the essential conditions for establishing a valid marriage under Christian and Parsi laws?

Legislation:

- Ss. 4, 60 and 19, Indian Christian Marriage Act 1872
- Ss. 3 and 5, Parsi Marriage and Divorce Act 1936

Essential	<ul style="list-style-type: none"> Any commentary Roshan G Shahani, “Parsis: Exploring Identities” 38 <i>EPW</i> 2006 at 3463
Recommended	<p><i>Consent/ Fraud/ Misrepresentation</i> Leelamma v. Dilip Kumar, AIR 1993 Ker 57</p> <p><i>Religion and conversion</i> Sujatha v. Jose Augustine</p>

	<i>Age</i> Lakshmi Sanyal v. Sachit Kumar Dhar, AIR 1972 SC 2667
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WEEK 4/2 AND 5/1: VALIDITY OF MARRIAGE IN MUSLIM LAW

Questions:

- What are the sources of Muslim law?
- What are the conditions that must be met for contracting a valid Muslim marriage?
 - Religion - age (option of repudiation and option of puberty) – consent – dower – witnesses
- How do factors affecting validity vary from one personal law to another? What are the similarities and differences?

Legislation:

- Section 2, Shariat Application Act, 1937.

Cases:

Essential	<i>Age</i> Khatiza Qubra @ Tara Bano v. Iqbal Mohd. AIR 2009 Raj 82 <i>Mahr/ dower</i> Abdul Kadir v. Salima and Anr, (1886) ILR 8 All 149 <i>Polygamy</i> Khursheed Ahmad Khan v. State of U.P., SC, Civil Appeal No.1662 Of 2015
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Readings:

Essential	<ul style="list-style-type: none"> • Asaf Fyzee: Outlines of Muhammadan Law, Chapters 2 and 3.
Recommended	<ul style="list-style-type: none"> • Lucy Carroll, “The right to avoid an arranged marriage contracted during minority,” <i>Journal of Indian Law Institute</i> 23 (1981): 149-80.

Activity:

- Which *nikahnama* would you marry under?

WEEK 5/2: AGE AT MARRIAGE

Questions:

- Why was the Prohibition of Child Marriage Act, 2006 enacted? How does it impact the validity of marriages?
- What are the consequences of underage marriage in family and criminal laws?

- Is the PCMA applicable to persons of all religions regardless of their religious identity?

Legislation:

- The Prohibition of Child Marriage Act, 2006.
- Protection of Children from Sexual Offences Act 2012
- S. 375 IPC
- Prohibition of Child Marriage (Amendment), Bill, 2021

Cases:

Essential	Mohd. Nihal v. State, W.P. (CRL.) 591/2008, Delhi High Court, July 8, 2008
Recommended	Independent Thought v Union of India, AIR 2017 SC 4904

Readings:

Essential	Proposal to Amend the Prohibition of Child Marriage Act, 2006 and Other Allied Laws, Law Commission Report 205, February 2008 – Chapters 1 and 5.
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WEEK 6/1: INTER-RELIGIOUS MARRIAGES AND THE MODES OF THEIR SOLEMNIZATION (2 HOURS)

Questions:

- Why was the Special Marriage Act enacted? Can inter-religious marriages be solemnized under other laws?
- What are the modes of solemnizing/ contracting of marriage in the SMA?
- What are the procedural requirements for solemnizing/ contracting of marriage in the SMA?

Legislation:

- Special Marriage Act, 1954
- Freedom of religion laws

Cases:

Essential	Pranav Kumar Mishra and Anr. v. Govt. Of NCT of Delhi & Anr. SHITHA V.K vs. DISTRICT REGISTRAR (GENERAL) [WP(C).No.3421 OF 2021(C)]
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Recommended	Safiya Sultana's case A & Anr. v. State of Haryana (CWP No.15296 of 2018, P&H High Court, 20 July 2018)
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Readings:

Recommended	<ul style="list-style-type: none"> ● Baxi, P, 'Habeas Corpus in the realm of love: Litigating marriages of choice in India' (2006) 25 Australian Feminist Law Journal, 59. ● Perveez Mody, The Intimate State: Love-Marriage and the Law in Delhi (2008), Chapter 1, "A Form of Marriage in Certain Cases". ● https://www.youtube.com/watch?v=rsZgYE8CLPQ
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Unit III: Reliefs in marital and non-marital relationships

WEEK 6/2: RESTITUTION OF CONJUGAL RIGHTS

Questions:

- What is the meaning of “restitution of conjugal rights”? How did this matrimonial relief come to be incorporated in personal laws? What are various debates on the constitutionality of this relief?

Legislation:

- Hindu Marriage Act, sections 9, 13(1A)(ii)
- Special Marriage Act, sections 22, 27(2)(ii)
- Divorce Act, sections 32, 10(1)(viii)
- Parsi Marriage and Divorce Act, sections 32A, 32A(1)(ii)

Cases:

Essential	<i>Reasonable ground for withdrawing from the society of the spouse</i> Swaraj Garg v. Garg AIR 1978 Delhi 296 Kailash Vati v. Ayodhia Prakash (1977) 79 PLR 216
Recommended	T. Sareetha v. T.Venkata Subbaiah AIR 1983 AP 356 Harvinder Kaur v. Harmander Singh AIR 1984 Del 66 Saroj Rani v. Sudershan Kumar AIR 1984 SC 1562

Readings:

Essential	<ul style="list-style-type: none">• Mandal, S, ‘What do judges in India think about marital sex?’ (2017) 52(52) Economic and Political Weekly <https://www.epw.in/node/150718/pdf> accessed 24 May 2021.
Recommended	<ul style="list-style-type: none">• Kanika Sharma, “Withholding Consent to Conjugal Relations within Child Marriages in Colonial India: Rukhmabai’s Fight,” <i>Law and History Review</i> 38, no. 1 (2020): 151-175• Bapat, S., ‘Family Privacy in India’ (2018) <i>International Survey of Family Law</i> 253.• Gautam Bhatia, “Privacy beyond the Public/Private Divide: <i>Sareetha</i> and Freedom within the Family,” In <i>The Transformative Constitution: A Radical Biography in Nine Acts</i>. New Delhi: HarperCollins, 2019, pp 216-250.

WEEK 7/1: SPOUSAL MAINTENANCE AND ALIMONY- CrPC

Questions:

- What are the meanings of and the differences between maintenance and alimony?
- What are the various laws under which maintenance can be claimed?
- What are the legally relevant factors for determining the right to and the quantum of maintenance?

Legislation:

- Sections 125-8, CrPC

Essential reading	<ul style="list-style-type: none"> • Flavia Agnes (supra) relevant book chapter
Recommended	<ul style="list-style-type: none"> • Flavia Agnes, “Maintenance for Women Rhetoric of Equality,” <i>Economic and Political Weekly</i> 27, no. 41 (Oct. 10, 1992): 2233-2235.

WEEK 7/2: SPOUSAL MAINTENANCE AND ALIMONY – MUSLIM LAW

Legislation:

- The Muslim Women (Protection of Rights on Divorce) Act, 1986

Cases:

Essential	<i>Maintenance under Muslim Law/ Section 125 Cr.P.C</i> Mohd. Ahmed Khan v, Shah Bano Begum, AIR 1985 SC 945
Recommended	Danial Latifi v. Union of India (2001) 7 SCC 740 Rana Nahid v Shahisul Haq, SC, 2020

Readings:

Essential	Fyzee (supra) – relevant chapter
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WEEK 8/1: MID TERM EXAMINATION

~ *This concludes the syllabus for the mid-term examination* ~

WEEK 8/2 – SPOUSAL MAINTENANCE AND ALIMONY – HINDU LAW

- Sections 24 and 25 of the Hindu Marriage Act, 1955
- The Hindu Adoptions and Maintenance Act, 1956

Essential cases	<i>Spousal Maintenance of Hindus under HMA/HAMA/Domestic Violence Act/Cr.P.C</i> Geeta Satish Gokarna v Satish Shankarrao Gokarna, AIR 2004 Bom 345 Chaturbhuj v Sita Bai, (2008) 2 SCC 316
Recommended readings	<ul style="list-style-type: none"> Right of the Hindu Wife to Maintenance (Report No. 252., Law Commission of India, January 2015)

WEEK 9: RELIEFS FOR WOMEN IN NON-MARITAL INTIMATE RELATIONSHIPS UNDER THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT

Questions:

- Does the legal right to maintenance arise from any relationships other than the heterosexual marital relationship? Under which law? What are the legal requirements that must be fulfilled to claim this right?
- What other reliefs can be sought under the PWDVA?

Legislation:

- Protection of Women from Domestic Violence Act, 2005

Readings:

Essential	<i>Maintenance for Women in bigamous marriages/ non-marital intimate relationships</i> Velusamy v Patchaiammal, Cr. Appeal Nos. 2028 – 2029, SC, 2010 Indra Sarma v V.K.V.Sarma, 2013 (14) SC 448
Recommended	Chanmuniya v Virendra Kumar Kushwaha, Civil Appeal No. 15071, SC, 2010 Rajnesh v Neha and Another, Cr. A No. 730 OF 2020 Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors. (06.10.2016 - SC) : MANU/SC/1269/2016 Satish Chander Ahuja vs. Sneha Ahuja (15.10.2020 - SC) : MANU/SC/0767/2020

Readings:

Essential	<ul style="list-style-type: none"> Recommendations for legal protection to women in conjugal relationships that lack legal status (Partners for Law in Development, 2018) <https://pldindia.org/wp-content/uploads/2019/05/submission-to-lci-defacto-unions-sma.pdf>
Recommended	<ul style="list-style-type: none"> Saptarshi Mandal, “Towards Uniformity of Rights: Muslim Personal Law, the Domestic Violence Act and the Harmonization of Family

	<p>Law in India” In <i>Conflict in the Shared Household, Domestic Violence and the Law in India</i>, Indira Jaising and Pinky Mathur Anurag (eds.) (New Delhi: OUP, 2019), PP 171- 199.</p> <ul style="list-style-type: none"> ● Pinki Anurag Mathur, ‘But where Will I Live?’: Domestic Violence and the Right to Reside in <i>Conflict in the Shared Household, Domestic Violence and the Law in India</i>, Indira Jaising and Pinky Mathur Anurag (eds.) (New Delhi: OUP, 2019).
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Activity: Prepare a Domestic Incident Report (DIR)

Unit IV: Exiting a marriage

WEEK 10: DIVORCE IN MUSLIM LAW

Questions:

- What is the meaning of fault and no-fault theories of divorce?
- What are the various forms of divorce in Muslim personal law? Who can initiate divorce and on what grounds?
- Does apostacy result in dissolution of marriage?
- Is a judicial decree necessary for divorce in Muslim law?

Legislation:

- Dissolution of Muslim Marriages Act
- Shariat Application Act
- Muslim Women (Protection of Rights on Marriage) Act, 2019

Cases:

Essential	<p><i>Judicial Divorce by Wife under the Dissolution of Muslim Marriages Act, 1939</i> Itwari v. Asghari and Ors, AIR 1960 All 684 Abdurahiman v. Khairunnessa, Kerala High Court, March 1, 2010</p> <p><i>Extrajudicial Divorce at the instance of the Husband</i> Shamim Ara v. State Of U.P., KLT 2002(3) (SC) 537</p>
Recommended	<p>Marium v Shamsi Alam, 2008 (103) DRJ 137 Masroor Ahmad v NCT of Delhi, 2008 (103) DRJ 137 Shayara Bano v. Union of India, AIR 2017 SC 4609 Yousuf Rawther v. Sowramma, AIR 1971 Ker 261</p>

Readings:

Essential	<ul style="list-style-type: none"> ● A.A. Fyzee’s Outlines of Muhammedan Law, Chapter 4 on Dissolution of Marriage. ● Sylvia Vatuk, “Divorce at the Wife’s Initiative in Muslim Personal Law: What are the Options and What are their Implications for Women’s Welfare,” In <i>Redefining Family Law In India: Essays in Honor of B. Sivaramayya</i>. Archana Parashar and Amita Dhanda, eds. London and New Delhi: Routledge, 2008, pp 200-235.
Recommended	<ul style="list-style-type: none"> ● Lucy Carroll, “Talaq-i-Tafwid and Stipulations in a Muslim Marriage Contract: Important Means of Protecting the Position of the South Asian Muslim Wife,” <i>Modern Asian Studies</i> 16, no.2 (1982): 277-309. ● De, Rohit, ‘The Two Husbands of Vera Tiscenko: Apostasy, Conversion, and Divorce in Late Colonial India’ (2010) 28(4) Law and History Review 1011.

WEEKS 11: DIVORCE UNDER HINDU LAW

Questions:

- What is customary divorce? Is a decree required for dissolving a Hindu marriage?
- What are the grounds for divorce under HMA?
- What are the bars against seeking divorce?

Legislation:

- Sections: 13, 13 A, 13 B, 15, 23, 28 of Hindu Marriage Act
- Sec 13, CPC.
- The Marriage Laws Amendment Bill 2010, 2013

Cases:

Essential	<p>Customary Divorce - Jasbir Singh v Inderjit Kaur, AI 2003 PH 317</p> <p><i>Cruelty</i> N.G. Dastane v. S. Dastane, AIR 1975 SC 1534 81 Animesh Trivedi v Kiran Bagai, F.A No. 139 of 2010, H.C of Jharkhand. 27 March 2012.</p> <p><i>Desertion</i> Savitri Pandey v.Prem Chandra Pandey, AIR 2002 SC 591 Smt Tirath Kaur v Kirpal Singh AIR 1964 Pun 28</p> <p><i>Non-resumption of Cohabitation post an RCR or Judicial Separation decree (13-1A HMA)</i> T. Srinivasan v. T. Varalakshmi, 1 (1991) DMC 20 (Mad.) 142 Hirachand Srinivas Managaonkar v. Sunanda, AIR 2001 SC 1285 149</p>
Recommended	Bipinchandra Jaisinghbai Shah v. Prabhavati, AIR 1957 SC 176 122

	Dharmendra Kumar v. Usha Kumar, AIR 1977 SC 2213 139 Samar Ghosh v. Jaya Ghosh, 2007 (3) SCJ 253 101 V. Bhagat v. D. Bhagat, AIR 1994 SC 710 Narendra v. K. Meena, SC, Civil Appeal No. 3253 Of 2008.
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Readings:

Recommended	<ul style="list-style-type: none"> Irretrievable Breakdown of Marriage – Another Ground for Divorce Report No. 217 March 2009, http://lawcommissionofindia.nic.in/reports/report217.pdf
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Activity: Prepare the first and second motion applications for a divorce by mutual consent

WEEKS 12/1: DIVORCE UNDER CHRISTIAN LAW (OPTIONAL, TIME PERMITTING)

TBC

WEEKS 12/2: DIVORCE BY MUTUAL CONSENT

Legislation:

- S. 13B, Hindu Marriage Act 1955
- S. 10A, Divorce Act 1869
- S. 32B, Parsi Marriage and Divorce Act 1936

Essential	<i>Divorce by Mutual Consent</i> Sureshta Devi v. Om Prakash AIR 1992 SC 1904 Amit Kumar v. Suman Beniwal (CA 7650 of 2021, SC, 11 December 2021) Anup Disalva & Anr. v. Union of India 2022 LiveLaw (Ker) 640
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Activity: Prepare the first and second motion applications for a divorce by mutual consent

Unit V: Children

WEEK 13/1: PARENT CHILD RELATIONSHIPS AND ADOPTION (BRIEF INTRODUCTION)

Questions:

- How do children come to be recognized in law as legitimate or illegitimate?
 - Blood relationships – adoption – assisted reproductive technologies
- How does the law confer legitimacy on adopted children? What are the various laws governing adoption in India?
- Can non-Hindus adopt? What are the laws applicable to such adoptions?

- Fosterage – JJ Act

Legislation:

- Hindu Adoptions and Maintenance Act, 1956
- Juvenile Justice Act, 2015

Cases:

Essential	Shabnam Hashmi v. Union of India (Supreme Court of India, FEBRUARY 2014)
Recommended	Vinay Pathak And His Wife v. Unknown, Bombay High Court, September 2009 Lakshmi Kant Pandey v. Union of India AIR 1984 SC 469 Vijayalaxmamma v. B.T. Shankar, (2000) 4 SCC 538

Readings:

Essential	<ul style="list-style-type: none"> ● Saptarshi Mandal, “An Official Family: Laws of Parenthood in India,” <i>Firstpost</i>, http://www.firstpost.com/long-reads/an-official-family-laws-of-parenthood-in-india-3425626.html
Recommended	<ul style="list-style-type: none"> ● Inter-Country Adoption - CARA Guidelines, 2015

WEEK 13/2 AND 14/1: CUSTODY AND GUARDIANSHIP

Questions:

- What is the difference between custody and guardianship?
- Who is the legal guardian of a child?
- What are the principles upon which child custody issues are adjudicated? What is the ‘best interests of the child’ principle, and does it conflict with personal laws?

Legislation:

- Hindu Minority and Guardianship Act, 1956
- Shariat Application Act
- UNCRC

Cases:

Essential	Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228 ABC v State, 2015 SCC OnLine SC 609
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Recommended	Vivek Singh v Romani Singh, CA No. 3962 of 2016, SC. 13 February 2017. Aakansha Roy Rasmussen v Adwait Anil Dixit, 2015 SCC OnLine Bom 558

Readings:

Essential	<ul style="list-style-type: none"> Any commentary on Hindu law A.A. Fyzee's Outlines of Muhammedan Law, Chapters 5 and 6 on Parentage and Guardianship.
Recommended	<ul style="list-style-type: none"> Law Commission of India, Report no 257 on Reforms in Guardianship and Custody, Laws in India. Pages 12-34. Asha Bajpai, Custody and Guardianship of Children in India, <i>Family Law Quarterly</i>, Vol. 39, No. 2 (2005), pp. 441-457. Barbara Bradley Hagerty, "Can Children Be Persuaded to Love a Parent They Hate?," <i>The Atlantic</i>, December 2020, https://www.theatlantic.com/magazine/archive/2020/12/when-a-child-is-a-weapon/616931/

Activity: Screening of Kramer v. Kramer

Unit VI: Seeking equality – Constitutional protection or uniformity?

WEEK 14/2: UNIFORM CIVIL CODE DEBATE

Questions:

- What is the UCC?
- Why have demands for enacting a UCC been made?
- Is uniformity in personal laws an achievable or desirable goal?

Readings:

Essential	<ul style="list-style-type: none"> https://www.deccanherald.com/specials/uniform-civil-code-one-nation-one-lawand-many-worries-1232868.html Reading on Sarnaism - TBC Nivedita Menon, "A Uniform Civil Code in India: The State of the Debate in 2014," <i>Feminist Studies</i>, Vol 40, Issue 2, pp 480-486.
Recommended	<ul style="list-style-type: none"> Albertina Almeida, "Walking the Tightrope: Ensuring Matrimonial Property Rights of Women in Goa in <i>Negotiating Spaces: Legal Domains, Gender Concerns, and Community Constructs</i>, Flavia Agnes and Shobha Venkatesh Ghosh (eds.), 2012.

	<ul style="list-style-type: none">● Consultation Paper on Reform in Family Law (Law Commission of India, 31 August 2018).● Shah et al, Response to Law Commission on Uniform Civil Code (2018), available at http://orinam.net/lci-response-lbt-2018/.
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Week 15: Revision and doubt clearing session

8. Detailed Session-wise Plan

TOPIC	NO. OF LECTURES	SESSION OUTCOME	PEDAGOGY	CORRESPONDING CO	MODE OF ASSESSING THE OUTCOME
Introduction to Family Law	2 x 2	<p>What is a family? Why does the state seek to govern it and intervene in it?</p> <p>How is the family conceptualized in domestic and international law?</p> <p>What is family law?</p> <p>How can studying family law help us in understanding the linkages between the “private” sphere of the family, and the “public” spheres of community, society, and politics?</p>	Lecture + case presentation + class discussion	CO4, CO5	Case presentation + mid-term + end term examination + A1 and A2
History and sources of family law in India	3 x 2	<p>What are the historic legal and customary antecedents of the laws that we study today?</p> <p>Why are family laws organized along religious identity? How is one’s religious identity determined?</p> <p>What is the relevance and applicability of uncoded law? What is a legally applicable custom?</p>	Lecture + case presentation + class discussion	CO3, CO5	Case presentation + mid-term + end term examination + A1 and A2

Adjudicatory Forums	1 x 2	<p>What are the various fora before which matrimonial disputes are adjudicated? What is the legal standing of the decisions passed by them?</p> <p>Why were family courts established? How are they different from other courts? What is the role of mediation and reconciliation in the adjudication of matrimonial disputes?</p>	Lecture + case presentation + class discussion	CO1, CO2, CO3, CO5	Case presentation + mid-term + end term examination + A1 and A2
Validity of marriage	4 x 2	<p>What is meant by solemnizing/ contracting a marriage? How is it different from registering a marriage?</p> <p>What is the difference between void, voidable, void ab initio marriages? What are the factors that influence the validity of marriage?</p> <p>How do factors affecting validity vary from one personal law to another? What are the similarities and differences?</p> <p>What are the sources of Muslim law?</p> <p>What are the conditions necessary for a Muslim marriage?</p>	Lecture + case presentation + class discussion	CO1, CO2, CO3	Case presentation + mid-term + end term examination + A2
Age at marriage	1 x 2	<p>Why was the Prohibition of Child Marriage Act, 2006 enacted? How does it impact the validity of marriages?</p> <p>Is the PCMA applicable to persons of all religions regardless of their religious identity?</p> <p>What is the relationship between the PCMA and laws criminalizing sexual acts involving a minor?</p>	Lecture + case presentation + class discussion	CO1, CO2, CO3, CO4, CO5	Case presentation + mid-term + end term examination + A2

Inter-religious marriages	1 x 2	<p>Why was the Special Marriage Act enacted? Can inter-religious marriages be solemnized under other laws?</p> <p>What are the modes of solemnizing/ contracting of marriage in the SMA?</p> <p>What are the procedural requirements for solemnizing/ contracting of marriage in the SMA?</p>	Lecture + case presentation + class discussion	CO1, CO2, CO3, CO4, CO5	Case presentation + mid-term + end term examination + A2
Matrimonial reliefs/ restitution of conjugal rights	1 x 2	<p>What is the meaning of “restitution of conjugal rights”? How did this matrimonial relief come to be incorporated in personal laws? What are various debates on the constitutionality of this relief?</p>	Lecture + case presentation + class discussion	CO1, CO2, CO3, CO4	Case presentation + mid-term + end term examination + A2
Matrimonial reliefs/ maintenance	4 x 2	<p>What are the meanings of and the differences between maintenance and alimony?</p> <p>What are the various laws under which maintenance can be claimed?</p> <p>What are the legally relevant factors for determining the right to and the quantum of maintenance?</p> <p>Does the legal right to maintenance arise from any relationships other than the heterosexual marital relationship? What are the legal requirements that must be fulfilled to claim this right</p>	Lecture + case presentation + class discussion	CO1, CO2, CO4, CO5	Case presentation + mid-term + end term examination + A2

Reliefs under the PWDVA	2 x 2	<p>Why was the PWDVA enacted?</p> <p>Who can bring a claim and against whom under the PWDVA?</p> <p>What are the various kinds of reliefs that can be sought under this Act?</p> <p>What is the procedure established by the PWDVA to seek relief?</p>	Lecture + case presentation + class discussion	CO1, CO2, CO3, CO4, CO5	Case presentation + end term examination + A2
Divorce and Judicial Separation	5 x 2	<p>What are the various forms of divorce in Muslim personal law? Who can initiate divorce and on what grounds?</p> <p>Is a judicial decree necessary for divorce in Muslim law</p> <p>What is the meaning of fault and no-fault theories of divorce?</p> <p>What are the grounds for divorce under HMA and SMA?</p> <p>What are the bars against seeking divorce?</p>	Lecture + case presentation + class discussion	CO1, CO2, CO3, CO4	Case presentation + end term examination + A2
Guardianship and custody	2 x 2	<p>How do children come to be recognized in law as legitimate or illegitimate?</p> <p>What is the difference between custody and guardianship?</p> <p>Who is the legal guardian of a child?</p> <p>What are the principles upon which child custody issues are adjudicated? What is the 'best interests of the child' principle, and does it conflict with personal laws</p>		CO1, CO2, CO3, CO4	Case presentation + end term examination + A2
Adoption	2 x 2	<p>How does the law confer legitimacy on adopted children? Who can adopt? Who can be adopted? What are the different forms of adoption in Hindu law?</p> <p>Can non-Hindus adopt? What are the laws applicable to such adoptions?</p>	Lecture + case presentation + class discussion	CO1, CO2, CO3	Case presentation + end term

					examination + A2
UCC	2 x 2	What is the UCC? Why have demands for enacting a UCC been made? Is uniformity in personal laws an achievable or desirable goal?	Lecture + case presentation + class discussion	CO1, CO3, CO2, CO4, CO5	Case presentation + end term examination + A2
Revision	2 x 2		Class discussion	CO1, CO2	Case presentation + end term examination + A2
Total contact hours	32 x 2 + 16 x 1 (tutorials) = 80 hours				

9. Weekly Timetable

SCHOOL OF LAW										
2022-2027 Batch - BBA LLB(Hons.)/BA LLB(Hons.) III SEMESTER										
	9:15-10:10	10:15-11:10	11:15-12:10	12:15-1:10	1:10-2:10	2:15-3:10	3:15-4:10	4:15-5:10	5:15-6:10	Class Hours
MONDAY	Constitutional Law - I (Mr. Satya Prasoon) (Classroom No. NB 306)		Family Law - I (Ms. Saumya Maheshwari) (Classroom No. NB 306)							4
TUESDAY	Indian Economic History (Dr. Shayequa Ali) (Classroom No. NB 306)			Organisational Behaviour (Dr. Richa Mishra) (Classroom No. GA 305)		Property Law (Dr. Amrisha Pandey) (Classroom No. NB 306)		Political Science - III (Ms. Urmi Gupta) (Classroom No. NB 306)		6
WEDNESDAY	Family Law - I (Ms. Saumya Maheshwari) (Classroom No. NB 306)									2
THURSDAY	Constitutional Law - I (Mr. Satya Prasoon) (Classroom No. NB 306)		Indian Economic History (Dr. Shayequa Ali) (Classroom No. NB 306)			Political Science - III (Ms. Urmi Gupta) (Classroom No. NB 306)/Organisational Behaviour (Dr. Richa Mishra) (Classroom No. GA 305)				6
FRIDAY			Property Law (Dr. Amrisha Pandey) (Classroom No. NB 306)							2

10. Registered Students List

S No.	Roll No.	Name	Section	Stream
1.	220D4010002	Akshay Sathyapal	Div-1	BALLBH
2.	220D4010003	Pranjal Rastogi	Div-1	BALLBH
3.	220D4010004	Khush Yadav	Div-1	BALLBH
4.	220D4010006	Vanshika Shukla	Div-1	BALLBH
5.	220D4010010	Rohit Sharma	Div-1	BALLBH
6.	220D4020001	Amishi Shrivastava	Div-1	BBALLBH

7.	220D4020002	Sharvesshwar D	Div-1	BBALLBH
8.	220D4020003	Chinmay Nandi	Div-1	BBALLBH
9.	220D4020006	Divya Jayaram	Div-1	BBALLBH
10.	220D4020008	Lakshya Rehil	Div-1	BBALLBH
11.	220D4020009	G.Rithika Varma	Div-1	BBALLBH
12.	220D4020010	Kanishka Bansal	Div-1	BBALLBH
13.	220D4020013	Manasa G V	Div-1	BBALLBH

14.	220D4020014	Tej Talin Dandlamudi	Div-1	BBALLBH
15.	220D4020015	Ananya Nair	Div-1	BBALLBH
16.	220D4020016	Mahin Ali Khan	Div-1	BBALLBH
17.	220D4020017	Madhu Jesselynn Mazel	Div-1	BBALLBH

11. Details of Internal Assessments and Marking rubrics

EVALUATION COMPONENTS FOR BA/BBA LLB STUDENTS:

Components of Course Evaluation	Percentage Distribution	Course Outcomes
Class participation	10	All Cos
Quizzes (total 3)	5*3=15	CO1, CO3
Think out loud	10*1 = 10	CO2, CO5
Mid Term Examination	15	CO1, CO2, CO3, CO4
Research assignment	15	CO2, CO4, CO5
End Term Examination	35	All COs
Total	100	

Quizzes

- Quizzes will test students' understanding of syllabus covered in class through direct questions.
- All quizzes will be held during class hours.
- Students should be present in class to attempt a quiz. Please make note of the dates and timings in advance. If a student is unable to attend a quiz, no second opportunity will be provided to make-up for the lost marks.
- Students will have about 15-20 minutes to answer 8-10 questions during each quiz.
- All quizzes will be closed book.

Think out loud (only for BA/BBA LLB students)

- Students will read assigned materials and answer a pre-circulated set of questions.

- Students will submit their answers in the form of an audio file which should be about 10 to 15 minutes long.
- Students may make notes before recording their answers, but reading written material is strictly prohibited.
- **Marking rubric:**
 - Whether student's answers reflect thorough reading of materials circulated – 3 marks
 - Whether student can reflect upon the materials and answer questions – 2 marks
 - Whether student is able to draw upon other materials discussed in class to answer questions – 3 marks
 - Whether student can communicate their thoughts in a coherent manner – 2 marks
 - Whether any marks are to be deducted

Respond to a popular blog/ Whatsapp forward/ tweet in a written legal opinion

- Steps to be followed:
 - Identify a news story or a social media forward about family law that you would like to respond to. For example, a message that has been “forwarded many times” on Whatsapp, or a Tweet with more than 300 likes, or a post from a popular blog.
 - Identify a legal issue in the social media forward. Communicate this legal issue to me by 3 October 2023.
 - Respond to the social media forward in your assignment. Answer the legal issue it raises by referring to your research findings. Conclude by stating whether the forwarded message is correct or not.
 - Word limit for BA/BBA LLB students: 1500-2000 words (excluding footnotes, bibliography, and annexures)
 - Word limit for LLB students: 2500 words (excluding footnotes, bibliography, and annexures)
- This assignment should be well structured into sections. Students may use the following structure:
 - Title
 - Introduction (about 300-400 words): Introduce the forwarded message and state the legal issue identified. State the method used to research this issue.
 - Body of the paper, divided into sub-sections if required (about 1000-1200 words)
 - Conclusion (about 200-300 words)
 - Bibliography
 - Annexure: Copy of the forwarded message (and English translation, if required)
- Students should follow the OSCOLA style of citation to cite footnotes and write the bibliography.
- Students will be marked on their ability to identify legal issues, research, and communicate the findings of the research in written form.
- **Marking rubric for BA/BBA LLB students:**

- Whether student has correctly identified a legal issue in a forwarded message – 1 mark
- Whether student has conducted thorough research of statutory provisions and case law to answer the issue – 4 marks
- Whether student has drawn up scholarly writing (books and peer reviewed journal articles) to answer the issue – 2 marks
- Whether student has communicated their findings in a structured, clear, and concise manner – 5 marks
- Whether student has followed the OSCOLA method of citation – 2 marks
- Whether the assignment is formatted correctly and in accordance with the sample circulated - 1 mark
- Whether any marks are to be deducted for late submission, exceeding the word limit, etc
- I may ask any student to appear for a viva voce examination during class hours if I suspect that they have used AI tools to write their paper or plagiarized it. If the student is unable to demonstrate sufficient understanding of their assignment during the viva voce examination, I will report them to UFM.

Mid-term examination and End Term Examination

- Mid-term examination will be conducted during class hours. Students will be allowed to consult ten pages of hand-written notes, soft copies of cases, Bare Acts, and any other compulsory reading material.
- End-term examinations will be proctored. Students will be allowed to carry twenty pages of hand-written notes and Bare Acts *only*. A topic-wise list of cases will be provided at the beginning of the exam. No other material such as books, cases, or readings, etc will be permitted. End-term exams will be handwritten, and students will not be allowed to carry any electronics.

Late/Missed Assignments

- Please respect deadlines. Late work will be penalized every hour it is late. In cases of personal or medical emergencies, contact me as soon as possible to work out alternative arrangements. Remember: it is not my responsibility to reach out to you to remind you of a missed assignment; it is your responsibility to reach out to me.

Plagiarism

- Plagiarism is a significant betrayal of trust and is a form of academic dishonesty. Plagiarism will be dealt with consistent with the policies laid down by the university and the School of Law. The punishments can be severe and can seriously damage your academic and professional future. For instance, in some jurisdictions you can be banned from ever receiving a license to practice law if you have academic dishonesty reports in your transcripts.
- Please do not put yourself or me in that position. Remember, it is *far better* that you to submit an assignment late or unfinished than to hand in something that is not entirely your own work.

- You may use the website [grammarly.com](https://www.grammarly.com) to check your grammar and you may use (and should use) standard error checking functions like those embedded in Microsoft Word or Google Docs.

12. Mid Term Examination Paper with Answer Key

Family Law I Mid-Term Examination 21 September 2022

Total number of questions: 3

Total marks: 15

Annexures:

1. Priyanka Das v. Sujit Kumar
2. Topic-wise list of cases

Question 1

Sharmila, an eighteen-year-old Punjabi-Sikh woman lives in the Vasundhara colony of Jaipur with her parents. Her father runs a travel agency from an office located in the basement of their house. Sahil, a nineteen-year-old Muslim man works as an Executive Assistant at Sharmila's father's office. They have grown close to each other over the past few months.

When Sharmila told her parents about her desire to marry Sahil, they were very disapproving and began to look for suitable grooms for her in their own caste and religion. Afraid that she would have to marry a stranger, Sharmila pleaded with Sahil "We *must* run away from Jaipur and get married as soon as possible." That very evening, they took a bus from Jaipur and arrived in Delhi the next morning.

Sushant and Sharmila have come to you seeking legal advice.

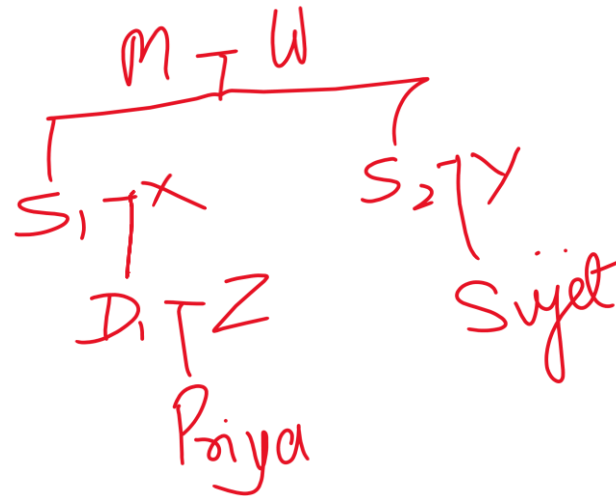
<p>Can they marry each other? Explain the challenges they face in establishing a valid marital relationship, and if these challenges can be overcome. State all relevant provisions of law in support of your answer.</p> <ul style="list-style-type: none"> • Cannot marry under Hindu law – it does not permit interfaith marriage between a Sikh and a Muslim. Sikhs are within the Hindu category (S. 2 relevant sub-section). As per S. 5, both should be Hindu. (2 marks). • Cannot marry under Muslim law. If Sunni, it would be an irregular marriage. If Shia, it would be void. (2 marks) • Cannot marry under SMA because Sahil is underage, and underage marriages are void under SMA – S. 4(c) r/w S. 24 (2 marks) • They can marry if one of them chooses to convert to the religion of the other. Such a marriage would be voidable under the Prohibition of Child Marriage Act – S. 3 (2 marks) 	<p>8 marks, 300-600 words</p>
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Question 2

<p>Read the attached judgement in the case of Priyanka Das v. Sujit Kumar. You are the lawyer for the respondent-husband and are aggrieved by the judgment of the High Court of Calcutta. You are filing an appeal against this decision to the Supreme Court.</p>	<p>4 marks, 250-400 words</p>
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Formulate arguments to convince the Supreme Court that the decision of the Calcutta High Court is incorrect. Illustrate with the help of a family tree.

- State the relevant sections where sapinda relationship is defined in HMA (0.5 mark)
- Accurate family tree (1 mark)



- Both have common ancestors – M and W. Now we have to check whether M/ W are sapindas of Priya and Sujit. If they are sapindas of both, then Sujit and Priyanka are Sapindas of each other. (1.5 marks)
 - M/W and Sujit. Common ancestor through the father's side. Trace 5 generations as per section. M/W are third gen, therefore they are sapindas of Sujit.

<ul style="list-style-type: none"> ○ M/W and Priyanka. Common ancestor through mother's side. Trace 3 generations. M/W are fourth generation. Therefore M/W are not sapinda of Priyanka. • Therefore, Sujit and Priyanka are not each other's sapinda. The Calcutta HC incorrectly counted four generations from the mother's side instead of three. (1 mark) 	
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Question 3

<p>If filing for relief before a court indicates relationship breakdown, then are pleas for the restitution of conjugal rights intended to reconcile with ones spouse, or are they filed towards some other end? Explain with reference to provisions of the Hindu Marriage Act.</p> <ul style="list-style-type: none"> • RCR remedy – what is – where it is found in HMA – S 9 (1 mark) • Effect of non-resumption of cohabitation after a decree is obtained – S. 13(1A)(ii) (1 mark) • Therefore, RCR petitions may be filed so that the petitioner can create a ground for divorce (1 mark) 	<p>3 marks, 150-300 words</p>
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13. Detail of Marks in internal components

S No.	Name	Quiz	Mid Semester examination	Class Participation	Think Out Loud	Written Assignment
		Out of(15.0)	Out of(15.0)	Out of(10.0)	Out of(10.0)	Out of(15.0)
1.	Akshay Sathyapal	8.75	6.5	7.5	9.5	10.5
2.	Pranjal Rastogi	11	12.5	8	6.25	11
3.	Khush Yadav	10.5	9.5	7.5	8	7
4.	Vanshika Shukla	6.5	7	7	5.5	7

5.	Rohit Sharma	7.5	9	8	0	8.75
6.	Amishi Shrivastava	9.5	9	8	8.5	10
7.	Sharveshwar D	10.5	11	9.5	7.75	11
8.	Chinmay Nandi	4.5	7	6	0	0
9.	Divya Jayaram	13.5	14	9.5	9.5	14
10.	Lakshya Rehil	7.25	7.5	7	7	7
11.	G.Rithika Varma	12.75	12	9.5	10	13.25
12.	Kanishka Bansal	11.5	8.5	9.5	6.75	8
13.	Manasa G V	10	6	9	9	13.5
14.	Tej Talin Dandlamudi	4.5	4	7	7.5	8
15.	Ananya Nair	8.75	8.5	8	9.5	9.5

16.	Mahin Ali Khan	8.5	7	8	7.5	10.25
17.	Madhu Jesselynn Mazel	2.25	4.75	6.5	0	10

14. Identification of Weak Students

Slow learners identified on the basis of marks and class participation:

- Vanshika
- Rohit
- Manasa
- Tej
- Jesselynn

15. Reflections from the Mid-term semester feedback received, and interventions made to enhance the student learning and continuous improvement in teaching and learning strategies.

Anonymous student feedback form circulated to understand challenges to learning. Students encouraged to read regularly before class to ensure that they are able to understand the lectures

16. Interventions made for slow performers

Remedial measures taken:

- Students offered a retest of the midterm examination.
- Remedial classes offered.

Steps taken to motivate advanced learners

- Students offered feedback on their assignments that would enable them to publish these on blogs and in peer-reviewed journals

17. End Term Examination Paper with Answer Key

Name: Enrolment No: Date:	 BML MUNJAL UNIVERSITY FROM HERE TO THE WORLD
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End Term Examinations – December 2023

<Course: LAW2701 - Family Law I>

Programme: BA LL.B./ BBA LL.B./ LLB

(ODD:2023-24)

Time: 2.5 hrs.

Max. marks: 35

Instructions:

- Students should cite provisions of the law and case law wherever relevant.
- Number your answers clearly.
- Students are allowed to carry copies of legislation (statutes and delegated legislation), notes written in their own handwriting, and hand-filled worksheets. No other materials such as printed notes, books, etc. are allowed.
- There are three sections in this paper. Students must answer all of the questions in Section I. Students must answer any one of the questions in Section II, and any one of the questions in Section III.

Section I (20 marks)

Read the fact situation below. Answer the questions that follow by applying relevant law to the facts.

Jamini was born in a small village in Gujarat in 1995. At a young age of 15 years, her parents arranged her marriage with a distant relative's son Virendra. Their marriage was solemnized as per Hindu rites and ceremonies in the presence of friends and relatives. Soon afterwards, Virendra left for Ahmedabad to pursue his political ambitions. For the next several months, he would return to his parent's home only for a couple of days at a time. This went on for a few years, and his visits became more infrequent. By this time, he had begun to be recognized for his ability to mobilize young men for political rallies. Jamini understood that he would never return home for good; he had married under parental pressure but was not interested in setting up a home with her. When he came home in June 2014 after a long period of ten months, Jamini told him that she wanted to return to her parent's house. She explained that she was very lonely and wanted to be free to marry someone else. Virendra was unhappy about this, since the stigma of being "divorced" would affect his political career adversely. He suggested that instead of going to court, they do what some couples had been asked to do in the past by the gram panchayat – simply sign an agreement stating that they were separating as per the laws of their community. Jamini agreed. They executed this agreement and she returned to her parent's home in January 2015.

By this time, Jamini's parents had understood that they had mistaken Virendra's intentions and should have never arranged their daughter's marriage with him. Her mother enrolled Jamini in a school so that she would finish schooling and be able to stand on her own two feet. At school, Jamini met Sohail and they fell in love. When her

parents found out, they were very upset because Sohail was Muslim. They refused to allow Jamini to leave the house, and she was forced to drop out of school. One day, she managed to steal her mother's phone and contacted him. They planned to elope and marry.

On 19 September 2015, Jamini managed to leave the house while her parents were sleeping. She and Sohail travelled to Ahmedabad. They went to a mosque, where Jamini converted to Islam by reciting the *kalma* and changing her name to "Sabah", and married Sohail as per Hanafi law. They returned to their village as a married couple a few days later.

Sohail's family accepted Sabah with open arms. However, when her father got wind of their return, he began finding ways to harass Sohail. One day he went to Sohail's father's shop and threatened him with "dire consequences" in front of his customers. He also threatened to file a criminal case against Sohail. This harassment continued for a few months, and drove a wedge between the couple. Despite the birth of a baby in January 2016, the couple gradually grew apart. Sohail began spending more time helping his father at the shop, while Sabah dedicated herself to raising her daughter "Palak". Over time, they began sleeping in different rooms. In February 2018, to Sabah's utter shock, she found out that Sohail had married again and was living with his new wife on the first floor of the building.

	Question	Marks	CO & BL
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1.	Sabah wants to leave Sohail. As her lawyer, help her understand the various options she can use to dissolve the marriage under codified or uncodified Muslim personal law.	[5]	CO2, L4
2.	Will Palak be considered a “legitimate” child in law?	[5]	CO2, L3
Sohail has argued that his marriage with Sabah is null and void, since her first marriage was not dissolved properly. He has filed a petition seeking a declaration of nullity of marriage.			
3.	As Sabah’s lawyer, frame arguments in response to Sohail’s petition.	[4]	CO2, L4
4.	Assume that Sohail’s petition was decreed, and the marriage was declared as null and void. Sabah can no longer claim the deferred dower promised to her by Sohail at the time of their marriage, nor can she claim maintenance from him under Muslim personal law. As Sabah’s lawyer, argue that she can use the Protection of Women from Domestic Violence Act to seek monetary reliefs from Sohail. Answer with reference to relevant provisions of law and case law.	[6]	CO2, L6

Section II (5 marks)

Answer any one of the following two questions.

	Question	Marks and word limit	CO & BL
5.	Codification of Hindu law resulted in its “brahminization”. Do you agree with this statement? Answer with reference to provisions of law on “custom” and any relevant case law.	[5]	CO3, L4
6.	Codification of personal laws during colonial rule resulted in a very wide definition of the term “Hindu”. Do you agree with this statement? Answer with reference to the process of codification and any relevant case law.	[5]	CO3, L4

Section III (10 marks)

Answer any one of the following questions.

	Question	Marks and word limit	CO & BL
7.	A woman marrying under Muslim personal law can secure her rights through a <i>nikahnama</i> . Argue in favor of or against this statement with reference to the significance of nikahnamas and uncodified Muslim personal law on marriage, maintenance, and divorce.	[10]	CO5, L5
8.	Codified Hindu law is gradually moving towards a breakdown theory of divorce. Argue in favor of or against this statement with reference to relevant legal provisions and case law.	[10]	CO4, L5

	Question	Marks
5.	<ul style="list-style-type: none"> - S. 4 DMMA – reconversion to original faith is exempt from this section – therefore, reconversion to Hinduism will result in dissolution of marriage. - Polygamy as ground for divorce under DMMA S. 2(viii)(f) – Abdurahiman v Khairunessa/ Itwari v Asghari - Uncodified – if nikahnama specifies, then talaq-e-tafweed. Otherwise, can ask for khula but will have to forego dower. 	[5]
6.	<ul style="list-style-type: none"> - Yes - S. 112 Evidence Act - Conclusive presumption 	[5]
7.	<ul style="list-style-type: none"> - Jasbir Singh v Inderjit Kaur – where a custom allows for dissolution of marriage, then absence of decree of court will not make the dissolution ineffective in law. - 29(2) r/w 3(a) HMA - Here, custom exists. Sabah has heard from family and friends. Therefore, dissolution is legally valid. 	[4]
8.	<ul style="list-style-type: none"> - Requisites for filing an application under S. 12 – aggrieved woman, domestic relationship, domestic violence - Domestic relationship - Relationship in the nature of marriage – cite sections and state interpretation in Velusamy and Indra Sarma - Argue for a progressive interpretation of RINM - Domestic violence – argue that polygamy/ neglect/ non-payment of maintenance amounts to domestic violence 	[6]

9.	<ul style="list-style-type: none"> - Yes - Explain using Balusami v Balakrishna's case – custom must not be abhorrent/ opposed to public policy. Shudra custom considered opposed to public policy by judges. - This requirement is now written into S. 3(a) of Hindu Marriage Act 	[5]
10.	<ul style="list-style-type: none"> - Yes - S. 2 of the Hindu Marriage Act - Explain using Rani Bhagwan Kaur's case – a Sikh man considered “Hindu” for the purposes of personal law, given Hasting's judicial plan of 1777 	[5]

11	<ul style="list-style-type: none"> - Yes - Marriage in the nature of a contract – terms of contract can protect the wife. For example – amount of dower, maintenance amount, consequences of poor marital conduct of husband and grounds for talaq-e-tafweed – all of these can be written into a nikahnama. - Students will be expected to draw examples from model nikahnamas discussed in class 	[10]
12	<ul style="list-style-type: none"> - Yes - Initially, only fault and disease/ disability related grounds present 	[10]

	<ul style="list-style-type: none"> - Gradual changes in the law in the 1964 and 1976 to move towards breakdown theory – Either party under 13(1A)(i) and (ii) can seek divorce + mutual consent divorce provisions introduced under 13B - Yet not moved fully to breakdown, since irretrievable breakdown is not a ground of divorce. 	
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18. Details of Marks in all assessments

S No.	Name	Quiz	Mid Semester examination	Class Participation	Think Out Loud	Written Assignment	End term examination	Total
		Out of(15.0)	Out of(15.0)	Out of(10.0)	Out of(10.0)	Out of(15.0)	Out of(35.0)	Out of(100)
1.	Akshay Sathyapal	8.75	6.5	7.5	9.5	10.5	15.5	58
2.	Pranjal Rastogi	11	12.5	8	6.25	11	17.5	66
3.	Khush Yadav	10.5	9.5	7.5	8	7	15.5	58
4.	Vanshika Shukla	6.5	7	7	5.5	7	8	41
5.	Rohit Sharma	7.5	9	8	0	8.75	14.5	48
6.	Amishi Shrivastava	9.5	9	8	8.5	10	19.5	65
7.	Sharvesshwar D	10.5	11	9.5	7.75	11	20	70

8.	Chinmay Nandi	4.5	7	6	0	0	11	29
9.	Divya Jayaram	13.5	14	9.5	9.5	14	33	94
10.	Lakshya Rehil	7.25	7.5	7	7	7	13.5	49
11.	G.Rithika Varma	12.75	12	9.5	10	13.25	29.5	87
12.	Kanishka Bansal	11.5	8.5	9.5	6.75	8	23.5	68
13.	Manasa G V	10	6	9	9	13.5	14.5	62
14.	Tej Talin Dandlamudi	4.5	4	7	7.5	8	11.5	43
15.	Ananya Nair	8.75	8.5	8	9.5	9.5	19.5	64
16.	Mahin Ali Khan	8.5	7	8	7.5	10.25	21.5	63
17.	Madhu Jesselynn Mazel	2.25	4.75	6.5	0	10	16	40

19. Attendance Report

S No.	Student	August	September	October	November	Total	Percentage
		Out of(11)	Out of(20)	Out of(16)	Out of(13)	Out of(60)	
1.	Akshay Sathyapal	8	19	16	10	53	88.33
2.	Pranjal Rastogi	10	15	14	12	51	85
3.	Khush Yadav	6	18	11	9	44	73.33
4.	Vanshika Shukla	8	17	11	13	49	81.67
5.	Rohit Sharma	7	16	11	13	47	78.33
6.	Amishi Shrivastava	5	18	12	12	47	78.33
7.	Sharvesshwar D	7	17	12	13	49	81.67
8.	Chinmay Nandi	7	14	10	9	40	66.67
9.	Divya Jayaram	10	20	16	10	56	93.33
10.	Lakshya Rehil	8	12	12	13	45	75
11.	G.Rithika Varma	8	19	14	12	53	88.33
12.	Kanishka Bansal	9	20	14	13	56	93.33
13.	Manasa G V	9	17	16	10	52	86.67

14.	Tej Talin Dandlamudi	6	16	11	13	46	76.67
15.	Ananya Nair	4	19	14	11	48	80
16.	Mahin Ali Khan	9	18	14	12	53	88.33
17.	Madhu Jesselynn Mazel	6	15	16	6	43	71.67

20. Final Record of Results

S No.	Name	Quiz	Mid Semester examination	Class Participation	Think Out Loud	Written Assignment	End term examination	Total
		Out of(15.0)	Out of(15.0)	Out of(10.0)	Out of(10.0)	Out of(15.0)	Out of(35.0)	Out of(100)
1.	Akshay Sathyapal	8.75	6.5	7.5	9.5	10.5	15.5	58
2.	Pranjal Rastogi	11	12.5	8	6.25	11	17.5	66

3.	Khush Yadav	10.5	9.5	7.5	8	7	15.5	58
4.	Vanshika Shukla	6.5	7	7	5.5	7	8	41
5.	Rohit Sharma	7.5	9	8	0	8.75	14.5	48
6.	Amishi Shrivastava	9.5	9	8	8.5	10	19.5	65
7.	Sharvesshwar D	10.5	11	9.5	7.75	11	20	70
8.	Chinmay Nandi	4.5	7	6	0	0	11	29
9.	Divya Jayaram	13.5	14	9.5	9.5	14	33	94
10.	Lakshya Rehil	7.25	7.5	7	7	7	13.5	49
11.	G.Rithika Varma	12.75	12	9.5	10	13.25	29.5	87
12.	Kanishka Bansal	11.5	8.5	9.5	6.75	8	23.5	68
13.	Manasa G V	10	6	9	9	13.5	14.5	62

14.	Tej Talin Dandlamudi	4.5	4	7	7.5	8	11.5	43
15.	Ananya Nair	8.75	8.5	8	9.5	9.5	19.5	64
16.	Mahin Ali Khan	8.5	7	8	7.5	10.25	21.5	63
17.	Madhu Jesselynn Mazel	2.25	4.75	6.5	0	10	16	40

21. Analyzing Direct Feedback Received on Course Outcomes

(please see faculty course review)

22. CO Attainment Measurement Analysis

Course Outcome Attainment

Course Name : Family Law I (Pattern - 2022) CourseCode :
LAW2701

Faculty Name : Saumya Maheshwari

Term : Sem VI

Programme Name : School Of Law- BA LLB/BBALLBH

Target Attainment		Level
70%	Students scoring more than the Target Percentage	3
60%	Students scoring more than the Target Percentage	2
50%	Students scoring more than the Target Percentage	1

Course Outcomes	CO1	CO2	CO3	CO4	CO5
Weights	30%	30%	20%	10%	10%
No. of students scored ≥ 3	12	11	12	11	11
% age of students scored ≥ 3	71%	65%	71%	65%	65%
Attainment Level	3	2	3	2	2
Overall Course Attainment	2.5				

Contribution to attainment of Program Outcomes

CO	Attainment	STATEMENT	Bloom's	Correlation with POs and PSOs								
			Level	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PSO1	PSO2
CO1	2.59	Exhibit knowledge and understanding of the law governing intimate relationships, primarily marriage, divorce, maintenance, adoption, and guardianship	L2	3	3	3	3	3	2	2	2	2
CO2	2.41	Apply the law studied in class to legal problems, and effectively communicate their solutions and opinions orally and in writing.	L6	3	2	3	2	3	2	2	2	2
CO3	2.59	Demonstrate knowledge and understanding of the historical contexts in which personal laws have evolved.	L4	2	3	2	3	2	3	2	3	3
CO4	2.53	Demonstrate knowledge and understanding of the dynamically evolving aspects of family law and develop the ability to draw connections between core family law concepts and laws, regulations, and policies in other domains.	L5	3	2	3	3	3	2	2	3	3
CO5	2.53	Develop the ability to critically analyze application of family law in social context and thereby draw connections between family, law, society, and politics from feminist perspectives.	L4	2	3	1	3	2	1	1	3	3
		Program Attainment		2.52	2.54	2.52	2.54	2.52	2.54	2.53	2.53	2.53

Programme Name : School Of Law- BA LLB/BBALLBH

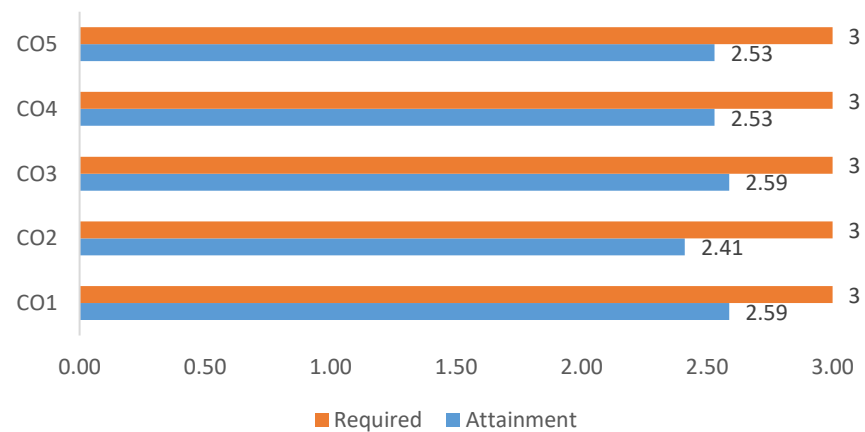
Term : Sem VI

Section : 2022-2027 Section-2020 Batch

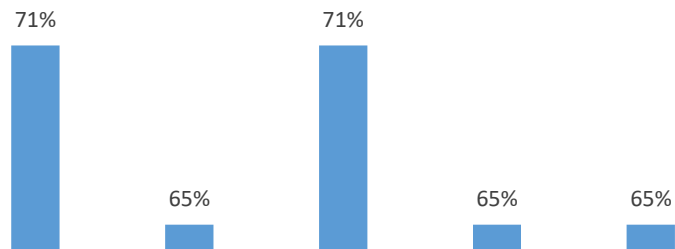
Course Name : Family Law I (Pattern - 2022) CourseCode : LAW2701

Faculty Name : Saumya Maheshwari

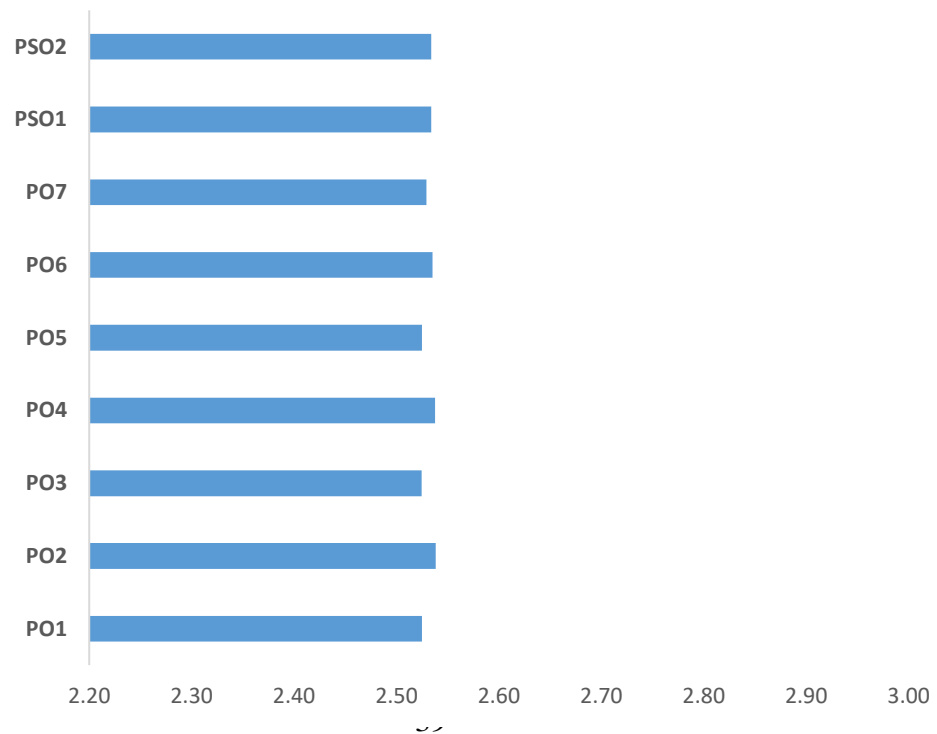
Course Outcome Attainment



% age of students scored ≥ 3



Program Attainment



Student Outcome Attainment

Programme Name : School Of Law- BA LLB/BBALLBH

Term : Sem VI

Section : 2022-2027 Section-2020 Batch

Course Name : Family Law I (Pattern - 2022) CourseCode : LAW2701

Faculty Name : Saumya Maheshwari

Total Number of Students:

17

Sr. No.	Roll No	Student Name	CO1	CO2	CO3	CO4	CO5
1	220D4010002	Akshay Sathyapal	3	3	3	3	3
2	220D4010003	Pranjal Rastogi	3	3	3	3	3
3	220D4010004	Khush Yadav	3	3	3	3	3
4	220D4010006	Vanshika Shukla	2	1	2	1	1
5	220D4010010	Rohit Sharma	2	2	2	2	2
6	220D4020001	Amishi Shrivastava	3	3	3	3	3
7	220D4020002	Sharvesshwar D	3	3	3	3	3
8	220D4020003	Chinmay Nandi	1	1	1	1	1
9	220D4020006	Divya Jayaram	3	3	3	3	3
10	220D4020008	Lakshya Rehil	3	2	3	2	2
11	220D4020009	G.Rithika Varma	3	3	3	3	3
12	220D4020010	Kanishka Bansal	3	3	3	3	3
13	220D4020013	Manasa G V	3	3	3	3	3
14	220D4020014	Tej Talin Dandlamudi	2	1	2	2	2
15	220D4020015	Ananya Nair	3	3	3	3	3
16	220D4020016	Mahin Ali Khan	3	3	3	3	3
17		Madhu Jesselynn	1	1	1	2	2

23. Faculty Course Review

I taught **Family Law I** for the second time. My teaching feedback was good last year, and saw a slight improvement this year. However, the overall grades (MDPI) was lower than last year. Here are some of my reflections:

- *On the syllabus:* Since I was teaching the subject for a second time, I was able to offer a better structured course. I was also more organized in keeping a check on course progression and assessments.
- *On preparing for class:* This time, I kept my expectations from students in check - I gave them no more than 30 pages of readings per week. This was ensured through careful organizing of week-wise syllabus at the beginning of the course, and was announced in the first class. I also assigned case presentations whenever a student failed to come prepared to class. I saw a significant improvement in regular reading from last year, at least in the first two months of the term. I announced readings for the coming week on PPT slides, and sent reminders on Google Classroom.
- *On classroom teaching:*
 - PPTs were useful for keeping the class structured. However, I noticed that students tend to retain words and phrases which I write by hand on the board, rather than those that appear on PPT slides. Switching between PPTs and writing was a bit of a challenge - an additional white board would be very useful in this regard.
 - Class activities and worksheets were helpful in ensuring uptake of some concepts.
- *On keeping students engaged outside the classroom:*
 - I shared additional materials on google classroom on topics that the class seemed interested in.
 - Students were especially appreciative of Assessment no. 2 "Think Out Loud" in which they were asked to submit their reflections on two questions in the form of audio recordings.
- *On students' grades:* While the classroom was usually a fun and engaging space, I was concerned that students' interest was not translating into good grades. I circulated an anonymous mid-term teaching feedback to understand why. Some students requested remedial classes, which were offered towards the end of the term.

Overall, I learnt that making adjustments throughout the term to account for the capacities of the batch was a useful strategy.

Innovative Teaching Techniques
Sample Worksheets

Module II: Entering into a marital relationship
Worksheet: Conditions for a valid marriage in Hindu law

Before solemnization of marriage <i>(who can marry whom)</i>			During solemnization <i>(how is a marriage solemnized?)</i>			After solemnization <i>(what should happen after solemnization?)</i>		
Condition	Section	Consequence	Condition	Section	Consequence	Condition	Section	Consequence
Neither party has a spouse living	S. 5(i)	Void (S. 11) Punishment u/ S. 17 and 494 and 495 IPC First wife can seek divorce 13(2)(i)	Customary rites to be followed	S. 7	Void	Non-consummation due to impotence	12(1)(a)	Voidable

Module II: Entering into a marriage

Worksheet: Conditions for a valid Hindu marriage

Shalu and Saleem used to work at the same office and fell in love. Shalu, a young girl of 17 years, has been brought up in a Hindu household. Saleem's mother practices Buddhism, and his father, although born a Hindu, practices Islam. Saleem's father brought him up as a Muslim. Their parents did not approve of their relationship.

Shalu and Saleem eloped and got married as per Hindu rites and customs at a temple in the presence of their friends. About five months after their marriage, Shalu gave birth to a daughter, Sheila.

As Shalu became more involved in caring for Sheila, Saleem lost interest in their marriage and started spending more time at work. He used to spend hours working with his work bestie Sushant; their friendship blossomed into love as Saleem realized that he was bisexual. Saleem wants to leave Shalu so that he can spend the rest of his life with Sushant.

On the basis of your reading of the above fact situation, please answer the following questions in a maximum of 100 words each. Please cite statutory provisions from the Hindu Marriage Act in support of your answers.

- 1. Can Saleem argue that his marriage with Shalu is null and void because she was under the age of 18 at the time of marriage?**

2. Can Saleem argue that his marriage with Shalu is null and void because she was pregnant at the time of marriage?

Module III: Rights and obligations arising from a marriage

Worksheet: Prepare a Domestic Incident Report

Ruchi Attri has come to you, a Protection Officer, seeking help for domestic abuse. On the basis of the facts stated below,

- 1. State whether she can use the PWDVA**
- 2. State who all can be made respondents in her application for reliefs**
- 3. Specify the reliefs that you would like to seek for her**
- 4. Prepare a Domestic Incident Report (DIR)**

Facts¹

¹ Facts taken verbatim from Sanjeev Attri and Ors. vs. Ruchi Attri (21.07.2016 - HPHC) : MANU/HP/0664/2016

Smt. Ruchi Attri is legally wedded wife of Sh. Sanjeev Attri and Sh. Karam Chand is father-in-law of Smt. Ruchi Attri and Smt. Satya Devi is mother-in-law of Smt. Ruchi Attri and Sh. Rajneesh is brother-in-law of Smt. Ruchi Attri and Smt. Gunjan is sister-in-law of Smt. Ruchi Attri.

It is alleged that marriage of Smt. Ruchi Attri was solemnized with Sh. Sanjeev Attri on 30.11.2010 in accordance with Hindu rites and customs. It is alleged that for some time married life of Smt. Ruchi Attri remained without trouble but thereafter Sh. Sanjeev Attri and his family members taunted Smt. Ruchi Attri for bringing insufficient dowry. It is alleged that Smt. Ruchi Attri was mentally tortured in her matrimonial house. It is alleged that thereafter Smt. Ruchi Attri came to her parental house at Shimla and resided till 12.01.2011. It is alleged that husband of non-petitioner namely Sh. Sanjeev Attri came to Shimla to take her back from Shimla. It is further alleged that Sh. Sanjeev Attri inquired from Smt. Ruchi Attri regarding grant of money from parents of Smt. Ruchi Attri for purchase of car. It is further alleged that Smt. Ruchi Attri informed her husband that she could not talk with her parents regarding grant of money for purchase of car. Thereafter Sh. Sanjeev Attri became annoyed and also rebuked Smt. Ruchi Attri. It is further alleged that Smt. Ruchi Attri was mentally tortured in her matrimonial house for not bringing sufficient dowry.

It is further alleged that Sh. Sanjeev Attri and his family members forced Smt. Ruchi Attri to pay installments of car and also forced to hand over all the savings which she has collected before marriage. It is further alleged that Sh. Sanjeev Attri and his family members used to take entire amount of salary and Smt. Ruchi Attri was forced to take tuition work. It is further alleged that in matrimonial house Smt. Ruchi Attri was slapped and was also called by name 'Randi' (Prostitute).

It is further alleged that in the month of August 2011 Smt. Ruchi Attri became pregnant and on coming to know about pregnancy Sh. Sanjeev Attri and his family members compelled Smt. Ruchi Attri to commit abortion on the pretext that they could not bear day to day expenses of child. It is further alleged that Sh. Sanjeev Attri and his family members also demanded lump sum money for minor children. It is further alleged that Smt. Ruchi Attri was also beaten in her matrimonial house and was badly injured and her mobile was also broken. It is further alleged that in the month of October/November 2011 Sh. Sanjeev Attri and his family members started construction of new house and forced Smt. Ruchi Attri to bring money from her parental house.

It is further alleged that Smt. Ruchi Attri was treated as domestic servant in her matrimonial house. It is further alleged that Sh. Rajneesh brother-in-law also misbehaved with Smt. Ruchi Attri.

It is further alleged that on 19.04.2012 Smt. Ruchi Attri was blessed with a daughter and thereafter Smt. Ruchi Attri was harassed in her matrimonial house on one pretext or the other. It is further alleged that Smt. Ruchi Attri was also beaten in her matrimonial house several times. It is further alleged that Sh. Sanjeev Attri is a Government servant and is drawing salary amounting to Rs. 27,500/- (Twenty seven thousand five hundred) per month. It is further alleged that Sh. Sanjeev Attri did not provide any maintenance to Smt. Ruchi Attri and her minor children.

1. State whether she can use the PWDVA

2. State who all can be made respondents in her application for reliefs

3. Specify the reliefs that you would like to seek for her

4. Prepare a Domestic Incident Report (DIR) in the prescribed format

Sample Class Activity/ Innovative teaching techniques

Nikahnama

Legal stipulations in a nikahnama

Exercise

Read: 15 minutes

- Write your name on the document given to you.
- Who has drafted the *modenikahnama* before you?
- What are the different parts of the *nikahnama*?
- Mark the provisions on:
 - Prohibited marital relationships
 - *Mehr*
 - Number of marriages
 - Rights and duties of the wife
 - Rights and duties of the husband
 - Divorce
- Google: when was this *nikahnama* drafted?

Exercise

Discuss: 15 minutes

- Nominate a student in your group who will present
- How do the provisions of your *nikahnama* differ from those of the other two?
 - Prohibited marital relationships
 - Age at marriage
 - *Mehr*
 - Number of marriages
 - Rights and duties of the wife
 - Rights and duties of the husband
 - Divorce
- Decide: If you were to marry under the Muslim personal law, which *nikahnama* would you prefer and why?

Exercise

Present: 3 minutes
per group

- State:
 - The names of the organizations that drafted the three *nikahnamas*
 - The years in which they were drafted
 - If you were to marry under the Muslim personal law, which *nikahnama* would you prefer and why?

	Group 3	Group 4	Group 5
	Kanishka	Akshay	Chinmay
	BMMA	BMMA (2005)	AIMWPLB
<p>AIMPLB (2003) – about rights of husband and wife’s, not the other round</p> <p>AIMWPLB (2003) – verification entities, detailed information about prohibition of talaq</p> <p>BMMA (2005) – talks about minimum age of marriage, husband and wife should respect and support each other, close relatives should not interfere, some grounds of divorce specified for wife (like)</p> <p>BMMA (2005) – age specified, divorce grounds clear, prohibits polygamy, equal rights (unlike in the AIMPLB), no right of unilateral divorce</p>	<p>AIMPLB (2003) – talks about prohibited relationships, prohibits dowry mahr to be paid at the time of nikah (like)</p> <p>AIMWPLB – increases minimum age of marriage, husband and wife should respect and support each other, close relatives should not interfere, some grounds of divorce specified for wife (like)</p> <p>BMMA – age specified, divorce grounds clear, prohibits polygamy, equal rights (unlike in the AIMPLB), no right of unilateral divorce</p>	<p>AIMWPLB (2003) – we thought both this one and BMMA were some what balanced. Dowry prohibition – good. Equality in household good. Talaq during disease can be misinterpreted.</p> <p>AIMPLB – no mention of divorce (don’t like), biased in the husband’s favour, husband has dominion over the wife (including beating into submission), no mention of age.</p> <p>BMMA (2005) – mehr is right of bride pay at time of solemnization, not refundable absolute right of wife, age mentioned.</p>	<p>AIMPLB – sexist – not good. Biased and discriminatory.</p> <p>BMMA – not comprehensive enough.</p> <p>AIMWPLB – Qazi should be adult and Muslim, before entering into the contract – should know rights and duties, apology before talaq, child marriage not encouraged, consent is necessary for marriage, prohibits dowry, mehr can be let go off but wife’s will important, emphasises respect and loyalty, specifies duties husband, talks about both parties being happy (woman deserves para if she keeps her household properly)</p> <p>talaq – certain restrictions, encourage reconciliation and settlement, gifts wife cannot be taken back. Talks about husband – STD.</p>

