



Semester - X

CONFLICT OF LAWS

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

UNIT- I

(INTRODUCTION)

- Introduction to Conflict of Laws, Renvoi, Characterisation
- Domicile: Meaning & General Rules-Kinds of Domicile: Domicile of Origin-Domicile of Choice- Domicile of Dependents-Domicile & Nationality
- Marriage: Nature-Concept-Governing Law-Choice between Law of the Place of Celebration and Law of Domicile-Validity of Marriage-Classification of Rules of Marriage into Formal and Essential Conditions
- Theories: Dual Domicile Theory-Intended Matrimonial Home Theory-Alternate Approaches-Polygamous Marriages

UNIT- II

(CONFLICT OF LAWS IN RELATION TO MATRIMONIAL REMEDIES)

- Nullity of Marriage
- Restitution of Conjugal Rights
- Judicial Separation
- Dissolution of Marriage-Recognition of Foreign Divorce

UNIT- III

(CONFLICT OF LAWS IN RELATION TO CONVERSION, LEGITIMACY & LEGITIMATION)

- Effect of Conversion on Matrimonial Rights
- Effect of Conversion on Dissolution of Marriage
- Legitimacy & Legitimation
- Recognition of Foreign Legitimation

UNIT- IV

(CONFLICT OF LAWS IN RELATION TO ADOPTION & GUARDIANSHIP)

- Conflict of Laws in Relation to Adoption: Jurisdiction-Recognition of Foreign Adoptions
- Inter-Country Adoption
- Conflict of Laws in Relation to Guardianship and Custody of Minors
- Recognition and Enforcement of Foreign Judgments-Child Custody and Guardianship Orders-Child Abduction

UNIT- V

(CONFLICT OF LAWS IN RELATION TO CONTRACT AND TORTS)

- Concept and Application of Contract in Private International Law
- Validity of Contract-Material Validity-Formal Validity
- Capacity to Contract-Discharge of Contract
- Foreign Torts-Traditional Theories-Torts in Private International Law

Suggested Readings:

1. Atul M Setalvad: *Setalvad's Conflict of Laws*, LexisNexis, New Delhi.
2. Chris Clarkson & Jonathan Hill, *Conflict of Laws*, Oxford University Press Canada.

3. David Pearl: *Inter-Personal Conflict of Law- India, Pakistan and Bangladesh*, N.M. Tripathi, Bombay.
4. Flavia Agnes, *Family Law and Constitutional Claims*, Oxford University Press, New Delhi.
5. Geoffrey Chevalier Cheshire: *Private International Law*, Clarendon Press, Oxford.
6. J. H. C. Morris: *Conflict of Laws*, Sweet & Maxwell, London.
7. John P. Tiernan: *Conflict of Laws*, Callaghan & Co, Chicago.
8. Kumud Desai, *Indian Law of Marriage and Divorce*, LexisNexis, Gurgaon.
9. Laura E. Little: *Conflict of Laws*, Wolters Kluwer Law & Business, New York
10. Paras Diwan: *Indian and English Private International Law*, Deep & Deep, New Delhi.
11. Robert A. Leflar: *The Law of Conflict of Law*, The Bobbs-Merrill Company, Inc., Indianapolis.
12. Dean Symeon C. Symeonides: *Choice of Law*, Oxford University Press, USA.
13. Maebh Harding: *Conflict of Law*, Routledge, UK.

Case Laws:

1. *Anokha v. State of Rajasthan*, AIR 2004 SC 2829.
2. *Apt v Apt*, [1948] P. 83.
3. *Arathi Bandi v. Bandi Jagdrakshara Rao*, AIR 2014 SC 918.
4. *Armitrage v Att-Gen*, [1906] p. 135.
5. *Bell v Kennedy*, (1868) LR 1 Sc & Div 307.
6. *Berkovits v Grinberg*, [1995] fam. 142.
7. *Berthiaume v Dastous*, [1930] AC 79.
8. *Boys v Chaplin*, [1971] AC 356
9. *Central Bank of India v. Ram Narain*, AIR 1955 SC 36
10. *Chaudhary v Chaudhary*, [1985] Fam. 19.
11. *D & D*, [2008] EWHC 403 (Fam).
12. *D P Joshi v. State of Madhya Bharat*, AIR 1955 SC 334.
13. *Hussain v Hussain*, [1983] Fam. 26.
14. *Hyde v Hyde* (1866) LR 1 P & M 130.

15. *Indyka v. Indyka*, (1967) 2 All. E.R. 689.
16. *Kyle Spencer Allen v. Soban Singh*, 2014(3) UC 2335.
17. *Lakshmi Kant Pandey v. Union of India*, AIR 1984 SC 469.
18. *Le Mesurier v Le Mesurier*, [1895] AC 517.
19. *Louis De Raedt v. Union of India*, AIR 1991 (3) SC 1886.
20. *May v May*, [1943] 2 All ER 146.
21. *McCabe v McCabe*, [1994] 1 FLR 410.
22. *McKee v. McKee*, [1950] SCR 700.
23. *MN (Non-Recognised Adoptions: Unlawful Discrimination?) India*, UKAIT 00015.
24. *Mrs. M v. Mr. A*, AIR 1993 Bom. 110.
25. *Narsimha Rao Y. v. Venkata Lakshmi Y*, (1991) 3 SCC 451.
26. *Neha Saini v State of Uttrakhand*, AIR 2010 Utt 36.
27. *Ogden v. Ogden*, (1947) All E.R. 86.
28. *Perumal v. Ponnuswami*, AIR 1971 SC 2352.
29. *Philips v Eyre*, (1870) LR 6 QB.
30. *Pradeep Jain v Union of India*, AIR 1984 SC 1420.
31. *Prem Singh v. Dulari Bai*, AIR 1973 Cal. 425.
32. *Pugh v Pugh*, [1951] P 482.
33. *Quazi v Quazi*, [1980] AC 744.
34. *Ramsay v Liverpool Royal Infirmary*, [1930] AC 588.
35. *Ravichandran v. Union of India*, AIR 2010 SC (Supp) 257.
36. *Re. Evans*, [1947] Ch. 695
37. *Re. Jones' Estate*, 192 Iowa 78.
38. *Reynold Rajamani v Union of India*, AIR 1982 SC 1261.
39. *Robasa Khamum v. Khudabad Bomanji Irani*, AIR 1947 Bom. 272.
40. *Ruchi Majoo v. Sanjeev Majoo*, AIR 2011 SC 1952.
41. *Sandip Shankerlal Kedia v. Pooja Kedia*, 2013 (4) Mh Lj 673.
42. *Sanjay Mishra v. Eveline Jobe*, AIR 1993 H.P. 7.
43. *Satya v. Teja Singh*, AIR 1975 SC 105.
44. *Shabnam Hashmi v. Union of India*, AIR 2014 SC 1281.

45. *Shaw v Gould*, (1868) L.R 3 HL 55.
46. *Singh v Entry Clearance Officer New Delhi*, [2004] Ewca Civ 1075.
47. *Sinha Peerage Claim*, (1946) 1 All E.R. 248.
48. *SK ("Adoption" not recognised in UK) India*, [2006] UKAIT 0068.
49. *Smt. Surinder Kaur Sandhu v. Harbax Singh Sindhu*, AIR 1984 SC1224.
50. *Sondur Gopal v Sondur Rajini*, (2013) 7 SCC 426.
51. *Sottomayor v De Barros*, (No. 1) (1877) 3 PD 1.
52. *Starkowski v Att-Gen*, [1954] AC 155.
53. *Sulaiman v Juffali*, [2002] 1 FLR 479.
54. *Taczanowka v Taczanowki*, [1957] P. 301.
55. *Udny v Udny*, (1869) LR 1 Sc & Div 441.
56. *Vinisha Jitesh Tolani v Jitesh Kishore Tolani*, AIR 2010 SC1915.
57. *Winans v Att-Gen*, [1904] AC 287.
58. *Y. Narasimha Rao v. Y. Venkatalakshmi*, (1991) 3 SCC 451.