

## COURSE CONTENT

### [ELECTIVE PAPER]

Paper II

CONFLICT OF LAWS

100 Marks

#### 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

**Suggested Readings:**

1. Atul M Setalvad: *Setalvad's Conflict of Laws*, LexisNexis India, 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.

**LL.M. (Executive Programme) Semester-II**

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*, 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.

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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 Khanum 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. *Y. Narasimha Rao v. Y. Venkatalakshmi*, (1991) 3 SCC 451.