


Syllabus for LL.M. (Regular) Semester - II



**PERSONAL LAW
STREAM**

MARRIAGE AND DIVORCE IN CONFLICT OF LAWS [Optional Paper-II]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal 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, Gurgaon.
2. C. G. J. Morse and David McClean: *Dicey, Morris & Collins on the Conflict of Laws*, Sweet & Maxwell, London.
3. Chris Clarkson & Jonathan Hill, *Conflict of Laws*, Oxford University Press Canada.
4. David Pearl: *Inter-Personal Conflict of Law- India, Pakistan and Bangladesh*, N.M. Tripathi, Bombay.
5. Dean Symeon C. Symeonides: *Choice of Law*, Oxford University Press, USA.
6. Flavia Agnes, *Family Law and Constitutional Claims*, Oxford University Press, New Delhi.
7. Geoffrey Chevalier Cheshire: *Private International Law*, Clarendon Press, Oxford.
8. J. H. C. Morris: *Conflict of Laws*, Sweet & Maxwell, London.

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9. John P. Tiernan: *Conflict of Laws*, Callaghan & Co, Chicago.
10. Kumud Desai: *Indian Law of Marriage and Divorce*, LexisNexis India, Gurgaon.
11. Laura E. Little: *Conflict of Laws*, Wolters Kluwer Law & Business, New York.
12. Lennart Palsson: *Marriage and Divorce in Comparative Conflict of Laws*, Springer, Netherlands.
13. Maebh Harding: *Conflict of Law*, Routledge, UK.
14. Martin George & Andrew Dickinson: *Statutes on the Conflict of Laws*, Hart Publishing, UK.
15. Paras Diwan: *Indian and English Private International Law*, Deep & Deep, New Delhi.
16. Pearl, David: *Inter-Personal Conflict of Laws – India, Pakistan and Bangladesh*, N.M. Tripathi, Bombay.
17. Robert A. Leflar: *The Law of Conflict of Law*, The Bobbs-Merrill Co. Inc., Indianapolis.