

Department of Humanities and Social Sciences

Indian Institute of Technology, Kanpur

Course Title: Family, Kinship and Law

Course No.: 7XX

Department: Humanities and Social Sciences

Proposer: Anindita Chakrabarti and Munmun Jha

Credits: 3-0-0-0-9

Estimated Student Enrolment: 12

Prerequisite: Nil

Course Description

The course offers a socio-legal perspective on the transformation of the institutions of family, kinship and marriage. As these traditional social institutions transmute into their modern avatar, the nature of this transformation calls for sociological unpacking. Here, two distinct sets of normative frames operate in collocation—societal and legal. This leads to a contestation that Emile Durkheim had identified as anomie, a hallmark of all societies transitioning from status to contract. Taking a comparative lens, the course traces these changes in India since the colonial period. We undertake this exercise by analyzing the legal developments in the domain of family and kinship from the nineteenth century to the present. This broad overview will equip the students to appreciate the importance and impact of legislative changes on family and kinship. At the same time, the course will delve into a detailed analysis of specific reforms—marriage, divorce and succession acts—to understand how the religion-based family law system works in India and its broader societal impacts, including the economy. The effect of family law reform on gender will be discussed in detail. This course will help students understand how family and kinship are affected by recent legal changes (the Uniform Civil Code, amendments to the Succession Act, the Senior Citizen Act, among others) and their future directions.

List of Topics

Number	Title	Total lectures (1hr.30min)
1	Family, Kinship and Marriage: A Sociological Perspective	4
2	The Socio-legal Reforms in Colonial India	8
3	Personal Law Reform in the Post-Colonial Period: Hindu Marriage Act 1955 and the Transformation of Muslim Personal Law	8
4	Key Recent Debates on Family Laws in India	8

Readings

- Agnes, Flavia. 2004. "Law and Gender Inequality: The Politics of Women's Rights in India." In *Women and Law in India*. Oxford University Press. (Chapter 2-8)
- Agnes, Flavia, 2011. *Family Law: Family Laws and Constitutional Claims Volume 1*. New Delhi: Oxford University Press.
- Agrawal, Anuja (ed). 2024. *Family Studies*. Oxford University Press.
- Austin, Granville. 2001. "Religion, Personal Law, and Identity in India." In *Religion, and Personal in Secular India: A Call to Judgment*, edited by Gerald J. Larson, 15-23. Indiana University Press.
- Baird, R.D. 2001. "Gender Implications for a Uniform Civil Code." In *Religion and Personal Law in Secular India: A Call to Judgment*, edited by Gerald J. Larson, 145-162. Bloomington: Indiana University Press.
- De, Rohit. 2009. "Mumtaz Bibi's Broken Heart." *The Indian Economic & Social History Review* 46, no. 1: 105-30.
- Diamond, Stanley. 1984. "The Rule of Law vs. the Order of Custom." *Social Research* 51, no. 1/2: 387-418.
- Ghosh, Suchandra and Anindita Chakrabarti 2021 "Religion-based 'Personal' Law, Legal Pluralism and Secularity: A Field View of Adjudication of Muslim Personal Law in India" in *Oxford Journal of Law and Religion*, 2021.
- Griffiths, Anne. 2005. "Using Ethnography as a Tool in Legal Research: An Anthropological Perspective." In *Theory and Method in Socio-Legal Research*, edited by Reza Banakar and Max Travers. Hart Publishing.
- Jeffery, Patricia. 2001. "A Uniform Customary Code? Marital Breakdown and Women's Economic Entitlements in Rural Bijnor." *Contributions to Indian Sociology* 35, no. 1: 1-32.
- Kane, P.V. 1968 (1941). *History of the Dharmasastra*. Poona: Bhandarkar Oriental Research Institute. (Selected Sections)
- Kugle, S. A. 2001. "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia". *Modern Asian Studies*, 35(2), 257-313.
- Kunkler, Mirjam and Sezgin, Yuksel (2016). "The Unification of Law and the Postcolonial State: The Limits of State Monism in India and Indonesia", *American Behavioural Scientist*, Vol. 60(8): 987-1012.
- Mani, Lata. 1987. "Contentious Traditions: The Debate on Sati in Colonial India." *Cultural Critique*, no. 7, pp. 119-156.
- Lukes, Steven, and Andrew T. Scull, eds. 2013. *Durkheim and the Law*. Palgrave Macmillan.
- Menski, Werner F. 2003. *Hindu Law: Beyond Tradition and Modernity*. Delhi: Oxford University Press. (Selected chapters)
- Newbigin, Eleanor. 2011. "Personal Law and Citizenship in India's Transition to Independence." *Modern Asian Studies*, 45(1), 7-32.
- Newbigin, Eleanor. 2013. *The Hindu Family and the Emergence of Modern India: Law, Citizenship and Community*. Cambridge University Press.
- Sinha, Mrinalini. 2006. *Specters of Mother India: The Global Restructuring of an Empire*. Durham: Duke University Press.

Signature of Proposer

This Course is APPROVED/NOT APPROVED

Convener, DPGC, HSS

This Course is APPROVED/NOT APPROVED

Chairman, SPGC