In India, conflict of laws is the one considerable discipline in which the formation of a coherent body of laws is in course of process. At this moment it is fluid not static, elusive not obvious and it repels any tendency to dogmatism. Above all, the possible diverse questions that it raises are so numerous that a diligent investigator can seldom rest content with the solution that he proposes. In fact, in India the law in this regard is in its infancy and in a nascent stage. The pity is that despite a subject of academic interest, this particular branch of law is a curiously neglected subject in the legal education of our country.

In the present thesis the emphasis is particularly given on the law relating to divorce under conflict of laws in England and India. The efforts here have been made first to investigate as to how the courts will acquire jurisdiction in cases where any foreign element is involved, what will be the choice of law after acquiring jurisdiction in such cases, and in what circumstances the court will recognise the foreign judgments on divorce. Secondly, how the court will settle the disputes with regard to interpersonal conflict of laws.
Under conflict of laws the English courts decide the cases relating to marriage and divorce in their own way. They always try to protect the interest of British citizens without scant bothering of laws of any other country. They still do not recognise the 'talaq' divorce pronounced either in India or England or any where in the world. They make a redundant distinction between 'full talaq' and 'bare talaq'. Their laws with regard to recognition of foreign divorces are arbitrary and discriminatory.

Till the date, on the cases of conflict of laws we have been relying on English precedents. At times our Judges are bound to discuss the English procedents in length not only for the sheer love to them but for the lack of an exhaustive code on the subject. Therefore, it is the hightime to develop our own indigenous law on the subject which may best suit to the Indian notion of Justice and society as well.

In the modern society, the adults are in favour of having a life partner of their choice cutting across all the social, legal and cultural bars and inhibitions. Government is also persuading and encouraging the performance of inter-caste and inter-religious marriages with the objectives to suppress the evil of dowry and social disabilities and to promote the communal harmony. Some Indian state have also provided for reservations in servi-
ces for such couples. But the problems which will result from such breakdown matrimonial relations in different places are not being keenly visualised in future prospects.

The above reasons have prompted the researcher to undertake a study on a field which is still quite neglected and unexplored. This work examines, in a systematic and critical manner the entire gamut of Indian and English law on the subject matter. An attempt has been made here to provide reasonably accepted solution for cases of divorce under conflict of laws. A special emphasis is also given to find out a solution in cases of interpersonal conflict of laws within the parameters of our constitution.

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