



SHAHEED NANDKUMAR PATEL VISHWAVIDYALAYA, RAIGARH (C.G.)

(A State University Established Under Chhattisgarh Vishwavidyalaya Adhiniyam, 1973)

Scheme and Syllabus

Of

Law

Year- First

W.E.F. Session :- 2023-24

Syllabus Approved by the Central Board of Studies

LL.B. Three Year Law Degree Course (Semester System)
Detail Syllabus

LL.B. First Semester

Paper-I

Jurisprudence (Legal Method, Indian Legal System and Basic Theory of Law)

1. **Introduction-** Meaning, Nature, Definition & Scope of Jurisprudence, its Utility and relation of Jurisprudence with other Sciences.
2. **School of Jurisprudence and their exponent and views:-**
 - Natural Law Theory-** its meaning and definition Natural Law in British American and Indian Legal System
 - Historical School-** Ancient Period, Medieval Period, the Period of renaissance, Modern Period, Savigny, Sir Henry main,
 - Analytical School-** Bentham, Austin, H.L.A. Hart and Kelson,
 - Philosophical School-** Hegel, Herbert Spencer
 - Economical School-** Marx and Lenin,
 - Sociological School-** Rudolph Von Ihering, Eugen Ehrlich, Leon Duigvit, Dean Roscoe Pound
 - Realistic School-** Oliver Wesndell Homes Alf Ross.
 - Pure Theory of Law-** Kelson
3. **Jurisprudence & Law -** Definition, Nature, Kinds and Classification of Law, Law and Morality, State and Sovereignty. Development of Civil and Criminal Law in India, Codification of Indian Law and Law Commission. **Sources of Law –** Custom, Precedent and Legislation
4. **Administration of Justices –** Concept, Origin and Importance of Administration of Justice, Early Charters and Early Administration of Justice in Calcutta, Madras and Bombay Civil and Criminal Justices. Concept of Social Justice.
5. **Legal concepts -** Person, Rights and Duties, Possession and Ownership, Title, Liability, Obligation, Property

RECOMMENDED BOOKS-

- | | |
|---------------------------|---|
| 1. H.L.A. Hart | - The Concepts of Laws Oxford) ELBS |
| 2. Salmond | - Jurisprudence (Tripathi) Bombay |
| 3. G.W.Paton | - Jurisprudence (Oxford) ELBS |
| 4. RWM Dias | - Jurisprudence (Indian Rep) (Aditya) New Delhi |
| 5. V.D. Mahajan | - Jurisprudence and Legal Theory |
| 6. W.Fridman | - Legal Theory (1999) (Universal) Delhi |
| 7. S.N.Dhyani | - Jurisprudence |
| 8. Dr. B.N. Mani Tripathi | - Jurisprudence |
| 9. Anirudh Prasad | - Vidhishastra Ke Moolbhoot Shindhant (In Hindi) |
| 10. Pro. N.V. Parajape | - Vidhshastra Awam Vidhi ke Shidhant (In Hindi) |


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LL.B. Three Year Law Degree Course (Semester System)

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LL.B. First Semester Paper-II Law of Contract –I & Specific Relief Act 1963

PART-I -LAW OF CONTRACT (GENERAL PRINCIPLES. SECTION 1-75)

Formation of Contract Proposal and Acceptance (Ss 1-10), Capacity to Contract (Ss 11,12 &68) Free Consent undue Influence, misrepresentation Fraud and Mistake (Ss 13-22) Lawful consideration and Object (Ss2(d), 23, 24, 25) Void Agreements (Ss26-30) Contingent Contract Ss31-36)

Performance of Contract (Ss 37-39 & 56), By whom Contracts must be performed, (Ss40-45), Time and place for performance. (Ss46-50), Performance of reciprocal promises, (Ss 51-58), Appropriation of payments (Ss59-61), Contract which need not be performed (Ss.62-67) Quasi contract (Ss68-72) Breach of Contract and damages (Ss73-75)

PART-II -THE SPECIFIC RELIEF ACT 1963 (SECTION 1-42)

Specific Relief Act and its Applicability, (Ss1-8), Specific Performance of Contract, (Ss9-14), Person for or against whom contracts may be specifically enforced, (Ss15-19), Discretion and powers of the Courts in decreeing specific performance (Ss20-24)

Enforcement of Award Rescission of Contracts. Rectification of Instrument. Cancellation of Instruments. Declaratory Decree and Injunctions (Temporary, Perpetual and Mandatory) (Ss25-42)

LEADING CASES:

1. Carlill Vs. Carbolic Smoek Ball Co. (1893) (i) Q.B.256
2. Mohribibi Vs. Dharmodas Ghose, ILR 30 Cal. 539 P.C.
3. Satya Brat Ghose Vs. Mangeeram, AIR 1954 SC 44
4. Lala Kapoorchand and others Vs. Mir Nawad Himayat Ali Khan AIR 1963 SC 250.

RECOMMENDED BOOKS-

1. Ansons Law of Contract (1998) Universal Delhi
2. Pollock and Mulla- Indian Contract and Specific Relief Acts. 1999 Universal 650/-
3. Sarkar on Specific Relief Act – Wadhwa Nagpur
4. Avtar Singh- Law of Contract , EBC, Lucknow
5. Avtar Singh – Law of Contract and Specific Relief EBC, Lucknow
6. Avtar Singh- Contract & Specific Relief Act (In Hindi)
7. Benerjees- Law of Specific Relief, Universal
8. Anand & Ayer Law of Specific Relief, Universal
9. Bangia R.K. – Law of Contract and Specific Relief 595/-
10. G.H. Treital – Law of Contract, Sweet & Maxwell 1997.


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LL.B. First Semester Paper-III Constitution –I

- 1. CONSTITUTIONAL HISTORY OF INDIA** - The Regulating Act 1773, The Pitt's India Act, 1784, The Charter Act of 1833 and 1853, The government of India Act, 1858, Indian Council Act, 1861, Indian Council Act, 1892, Indian Council Act, 1909, Government of India Act, 1919, Government of India Act, 1935 (Federal Legislative, Federal Executive and Federal Judiciary (Federal Court) Under the Act of 1935)
- 2. CONSTITUTIONAL DEVELOPMENT**- Constitutional Developments leading to Indian Independence (1937-1947) The Indian Independence Act, 1947, Shaping of the Indian Constitution The Constituent Assembly of India, Evolution and the source of the Indian Constitution.
- 3. PHILOSOPHY OF CONSTITUTIONAL** -Salient features of the Indian Constitution. Nature and Main features of Federal and Unitary Constitutions. Welfare State, preamble of the Indian Constitution. Union and its Territory (Art 1-4) Formation of new states, Citizenship (Art5-11)
- 4. State Fundamental Rights** and Their position under the Constitution. Right to Equality, right to freedom, Rights against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights. Right to Constitutional Remedies including Public Interest Litigations (Art- 12-35) Directive Principles of State policy- their relevance, Comparison with Fundamental rights, Classification of Directive Principles of State Policy Correlation between Fundamental Rights (Art 36-51) Fundamental Duties (Art 51-A)
- 5. Union Executive President Vice President, Council of Ministers. Attorney General and Conduct of Government Business (Art52-78), Union Legislature (The Parliament)-Constitution, Composition Duration of Houses, Qualification of Members and other General Provision. Officers of the Parliament (Art79-104), Power Privileges and immunities of the members (Art 105-106). Legislative Procedure including procedure of financial matters (Art 107-122). Legislative power of the Presidents (Art 123). Union Judiciary – Supreme Court of India (Art 124-144) Controller General of India (Art148-151)**

LEADING CASES :-

1. Meneka Gandhi Vs. Union of India, AIR 1978 SC 597
2. J.R. Kohli Vs. State of Tamilnadu AIR SC 861
3. K.S. Puttaswamy Vs. Union of India (2017) 10SCC1
4. Navtej Singh Johar Vs. Union of India AIR 2018 SC 432
Hussainara Khatoon Vs. Home Secretary State of Bihar AIR 1979 SC 1396

RECOMMENDED BOOKS :-

1. V.N. Shukla - Constitution of India
2. J.N.Pandey - Constitutional Law of India
3. M.P.Jain - Constitution of India
4. D.D.Basu - Shorter Constitution of India
5. Kagzi's - The Constitution of India
6. M.D. Chaturvedi - Bharat ka Savidhan (Hindi)


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LL.B. First Semester **Paper-IV**

Law of Tort Including Motor Vehicle Act & Consumer Protection Laws

1. **Definition, Nature, Scope, Object & General Principles of Law of Torts :-**
Historical Background of Law of torts – Evolution in England and India, Form of Action and its Uncodified Character. Its' Indian Origin from the principles of equity justice and good conscience.
Definition Torts : Its comparison with crime and breach of contract. Its nature , purpose and functions. General principles of liability. Its kinds. Demnum sine injuria and injuri sine demnum. General Elements in torts – Acts and Omission Voluntary and non- Valuntary act .
Mental Element in torts – Malice, Intention , Negligence, Motive. Recklessness, Carelessness , Malafide, Malafide , Malfesance, Misfeasance, Non-feasance and fault.
2. **Immunities Justification, Remedies, Discharge and Effect of Death :-**
Immunities from tortious liability, Justification and defenses in action of torts – Act of God Act of State, Judicial Act. Inevitable accident, Private defence, necessity. Consent, leave and license.
Remedies – Damages and its kind, quantum of damages, injunction and its types, specific restitution of property. Joint- torts feasons. Contribution between wrongdoer. Remedies under constitutions and compensation as prescribed by statutes. Self help. Distress damage feasant. Discharge of torts-by accord and satisfaction, waiver by election. Release acquiescence judgment recovered and statute of limitation and effect of death on tort claim.
3. **Wrong relating to person & property relations : rights:**
Wrong relating to person, assault, battery, false imprisonment and malicious prosecution. Wrong relating to domestic and other rights. Intimidations and conspiracy, fraud and deceit, interference with trade business and occupation by unlawful means.
Wrongs relating to immovable- trespass to land, trespass by animals trespass abinitio injury to reversion & waste and casent. Wrong relating to movable property. Trespass to goods. Conversion and detentions.
Torts affecting immovable and movable property- slender of title. Slender of goods, maintenance and Champerty.
In-corporal personal property right – patent , copyright & trademarks act etc.
4. **NEGLIGENCE , nuisance, Defamation and Liability for Wrongs committed by Others :**
Negligence – Its nature conditions and exception, negligence of various persons it occupied, carrier counsel, doctors animals, keepers dangerous goods holder, street and statutory duty and contributing negligence.
Nuisance –Nature Classification and kind injury to property and remedies.
Defamation – Its Kind libel and slender, its Definition and essentials repetition. Defenses in defamations and remedies for defamation.
Liability for wrong committed by others – Liability by ratification by relations i.e. master and servants. Principles and agent. Owner and independent contractor. Liability of the state. Doctrine of common employment, liability for abatement, absolute and strict liability.
5. **The Motor Vehicles (Amendments) Act 2019 - Introduction- aims and objects of M.V.A,** title, extent and commencement of the act with modification, definitions, licensing of drivers of motor vehicles, licensing of conductors of stage carriages, registration of motor vehicles, control of transport vehicles, control of traffic, liability without fault in certain cases, insurance of motor vehicles against third party risk, claims tribunals, offences, penalties and procedure, power of police officer to impound documents and detain vehicles used without certificate of registration, permit etc., summary disposal of cases, appeal and revision on orders passed by original authority, The first schedule and the second schedule.
The Consumer Protection Act 2019 Introduction- Aims, object and scope of Consumer Protection ACT, Definitions, Central Consumer Council, State Consumer Council.
Consumer Disputers Redressal Agencies- Composition, Jurisdiction and function of district forum, State Commission and National Commission, Procedure adopted in dealing with complaint and appeal cases, Enforcement and execution of orders by Consumer Forum .


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Regd. No. 10/2019

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LEADING CASES –

1. Indian Medical association Vs. VP Shanth (AIR 1896 SC530)
2. Lucknow Development Authority Vs. MK Gupta (AIR 1994 SC787)
3. Kasturi Lal Ralia Ram Vs. State of UP (AIR 1955 SC1939)
4. Saheli & Women Resource centre Vs. Commissioner of Police (AIR 1990 SC51)
5. MC Mehta Vs. Union of India (AIR 197 SC1086)

BOOKS RECOMMENDED:

1. Ratanlal Dhirajlal- The Law of Torts (1997) Wadwa Nagpur
2. Winfield and Jolowitz - On Torts (1999) Sweet & Maxwell London
3. Salmond and Houston - torts (1999) Butterworth London
4. PS Achutan Pillai - The Law Torts (2004) EBS Lucknow
5. DN Saraf - Law of Consumer Protection in India (1995) Tripathi
6. PR Majumdar - Law of Consumer Protection in India (1998) Orient New Delhi
7. Ramaswami Aiyer - Law of Torts (1999) Tripathi Bombay
8. MD Chaturevedi - Apkrtyo ki vidi (1998) EBCL (In Hindi)


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LL.B. First Semester

Paper-V

English and Legal Language

1. Skill of Communicative English

2. Language of the Law

- Distinctive Feature of Legal Language, Problem of Language in the Drafting of Statutes, Other Legal Documents Representation and the Language of the judgments
- Official Language : The Constitution Provision (Article 343 to 347)
- Language of the Supreme Court and the High Courts (Article 348 of the Constitution)
- Language of the representation for the redress of grievances, (Article 350) and the development of the Hindi Language (Article-351)

3. Essay Writing

(In Hindi and English Language)

Essay using legal expressions of socio-legal problem and legal concepts (Democracy, socialism, Social Justice, Human rights, Environment Consumer Protection, Uniform Civil Code, Panchayati Raj and Current Issues etc.)

4. Translation

(of passages from legal documents Law books, Constitution of India and Acts)

5. Legal Maxims, Legal words, Terms and Phrases (Used in Legal teaching, Court, documents and enactments etc.)

Legal Terms and Phrases :

Question Paper Structure :

The Question paper has divided in five section

Section -A -10 Marks (For one question)

Two questions will be ask form unit-I the examinee will answer only one question

Section -B 10 Marks (For one question)

Two questions will be asked form unit-II the examinee will answer only one question

Section -C 30 Marks (For two questions)

Two Essays of 20 marks each in about 200 words one in Hindi Language and another in English Language from the topic described in unit -III

Section -D 10 Marks (For two questions)

Two passages not more than 100 words each will have to be translated one from Hindi to English and another from English to Hindi. The passages will be asked in accordance with unit -IV

Section -E 20 Marks (For two questions)

Question -1 Explanation of Legal Maxims

Question-2, Explanation of Legal terms and Phrases.

RECOMMENDED READING MATERIAL

1. F.T. WOOD REMEDIAL ENGLISH GRAMMER FOR FOREIGN STUDENT (MAC-MILLAN)(1975)

2. ISTIAQUE ABIDI LAW AND LANGUAGE (UNIVERSITY PUBLISHER ALIGARH)(1978)

3. COLLINS LEGAL DICTIONARY (UNIVERSAL BOOK STALL, 113 ANSARI ROAD), NEW DELHI

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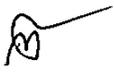
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4. W. STANNARD ALLEN - LIVING ENGLISH STRUCTURE (OXFORD)
5. M.K. GANDHI - THE LAW AND THE LAWERS (NAVJIVAN PUBLISHERS AHMADABAD)
6. SCHEDULED MATERIAL DRAWN FROM RENOWNED JUDGEMENT.
7. M.L. TIKKOO & SUBRAMANIAM - USAGES AND COMPOSITION (LONGMAN)
8. R.K. JAIN - PROFESSION IN ENGLISH
9. ISHTIAQUE IBIDI, - LAW AND ENGLISH (UNIVERSITY PUBLICATION ALIGARH, 1978)
10. LEGAL ESSAY - PIONEER PUBLICATION, AGRA
11. DENIAL JONES - THE PRONUNCIATION OF ENGLISH (UNIVERSAL BOOK STALL 6, ANSARI ROAD, NEW DELHI-2)
12. LATIN FOR LAWYERS - SWEET & MAXWELL - UNIVERSAL LAW PUBLISHING CO (P) LTD. NEW DELHI.
13. BANSAL & HARRISON - SPOKEN ENGLISH FOR INDIA (O.U.P.)
14. R.P. SINHA - HOW TO TRANSLATE IN TO ENGLISH (BHARAT BAVAN PATNA)
15. SELECTED MATERIALS DRAWN FROM RENOWNED JUDGMENTS.


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LL.B. Second Semester
Paper-I
Specific Contract (Indian Partnership Act 1932 & Sales of Goods Act 1930 & Negotiable Instruments Act 1881)

PART-I SPECIFIC CONTRACT (Sec. 124 - 238)

1 - Contract of Indemnity (sec. 124 - 125): Definition, its commencement and extent of indemnifiers liability, His right and when he can sue? (See 124-125).

2 - Contract of Guarantee (sec. 126 - 147): Guarantee and indemnity, surety consideration continuing guarantee and its revocation (see 126-132). Discharge of surety and principle debtor, co-surety and remedy for omission (see 133 to 139). Guarantee and Mental aspects; Uberrima fides, liability of surety and co-surety in contribution (see 140-147).

3 - Contract of Bailment (sec. 148 - 171): Definition of Bailor and Bailee and its kinds ; mode of delivery of goods bailed, duty of bailor and bailee to each other and exemption, mixing good bailed and its consequences (sec. 148 to 157).

Repayment of expenses increased by bailer ; restoration and return of goods ; consignor as a bailor, his right to sue if consignment is not returned ; Gratuitous bailment and effect of death on it. Bailor's rights and responsibility to bailee and right of third person. (sec. 158 to 167).

Position of finders of goods, His liability towards owners ; and his obligation to keep goods safe and rig... to dispose of good (if perishable). Bailee's lien and general line of Bankers etc. (sec. 168 to 171)

4 - Contract of Pledge (172 - 181): Pawnor and Pawnee; their rights, right to redeem in case of default. Pledge by mercantile agent, Pledge under voidable contract and pledgor with limited interest (172 to 179) and suit by bailer or bailee against wrongdoer and apportionment of relief and compensation (see 180-181)..

5 - Contract of Agency - (sec. 182 to 238): Appointment and authority of agent who is agent and principle? Who and by whom an agent may be appointed? Mode of appointment of agents. Duties and rights of agent and his authority, sub-agent and his position under the act, delegation of power. His responsibility towards agent and principle. (sec. 182 to 195).

Ratification its mode and its effect. Ratification of unauthorized act. Revocation of authority and its various mode termination of agency, compensation for revocation. Revocation and renunciation position of parties after termination of authorities. (sec. 196 to 210).

Agents various duties towards principles, position when agents remuneration is due ? and Agents lien in principal's property. (sec. 211-221).

Principles duty to agent : His right to be indemnified against consequences of lawful act and acts done in good faith and for negligent act of principal, Principals liability for ultra vires act of agent, agent is not personally liable on behalf of principal, liability of the principal for acts of agent including misconduct of the agent. Effect of Fraud and his representation of the agent. (sec. 222-238).

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PART-II INDIAN PARTNERSHIP ACT 1932

Provisions of Indian Partnership Act 1932, including - definition and nature of partnership. Advantage and disadvantages vis a vis partnership and private limited company. Mutual relationship between partners. Authority of partners, admission of partners, outgoing of partners. Registration of partnership & Dissolution of partnership.

PART-III SALES OF GOODS 1930

Sales of goods act 1930 (Whole Act) which includes concept of sale on contract, instances of sale of goods and the nature of such contract, essentials of contract of sale, essential condition in every contract of sale, implied terms in contract of sale, the sale of caveat emptor and the exceptions there to under the sales of goods act. Changing concept of caveat emptor. Effect and meaning of implied warranties in a sale, transfer of title and passing of risk. Delivery of goods : various rules regarding delivery of goods. Unpaid seller and his rights. Remedies for breach of contract.

~~PART-IV Negotiable Instruments Act 1881~~

PART-V - LEADING CASES

- (1) Bina Murlidhar Hunde V. Kanahiyalal lakram Hunde (AIR 1999 SC 2171)
- (2) M/s. Lalliwai Biharilal v. Rambaboo Vaishya (AIR 1990 M.P. 64)
- (3) Premlata v. M/s. Ishwar Das Chamanlal (AIR 1995 S.C. 714)
- (4) Gherulal Parekh v. Mahadeo Das (AIR 1959 S.C. 78)

BOOKS RECOMMENDED:

1. Avtar Singh - Contract Act (2000) E.B.C. Lucknow.
2. Saharay H.K. - Indian Partnership a Sales of goods Act (2000)
3. Beatson (Ed.) - Anson's law of contract (1998) Oxford, Universal London.
4. A.G. Guest (Ed.) - Benjamin's Sale of Goods (1992) Sweet & Maxwell.
5. Pollock Mulla on contract (1999) Tripathi, Bombay.
6. T.R. Desai - Contract sales of goods & Partnership
7. B.L.Babel - Contract - II C.L.A. Allahabad (in Hindi).
8. S.K. Kapoor - Contract - II C.L.A. Allahabad (in Hindi).
9. Krishann Nair - Law of Contract (1999) Orient.
10. Avtar Singh - Principles of the law of sales & goods and hire purchase (1990) E.B.C. Lucknow.
11. Rawlings - The Sales of goods Act (1998) Universal.
12. Dr. J.N. Pandey - Indian Partnership Act (in Hindi).
13. Avtar Singh - Introduction to law of Partnership

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LL.B. Second Semester

Paper-II

Constitution-II

1. State Executive-Governor, Council of Ministers, Advocate General for the State, Conduct of Government Business(Art. 152-167) State Legislature-Constitution, Composition, Powers, Privileges and immunities of State Legislatures and their Members, Legislative Procedure(Art. 168-212) Legislative Powers of Governor(Art. 213) State Judiciary- High Courts in the States and Subordinate Judiciary (Art. 214-237)

2. **Administration of Union Territories(Art.239-241)**, The Panchayats-Definitions, Gram Sabha, Constitution and Composition of Panchayats, Reservation of Seats, Duration, Disqualifications for Membership, Powers, Authority and responsibilities of Panchayats(Art.243-243-O)The Municipalities- Definition, Constitution and Composition of Municipalities and Wards Committees, Reservation of Seats, Duration, Disqualifications for Membership, Powers, Authority and responsibilities of Municipalities, Power to impose Taxes, Finance Commission etc.(Art.243-P-243-ZG) The Scheduled and Tribal Areas (Art.244-244-A)
3. **Relations between Union and the States-Legislative Relations (Art.245-255)**
Administrative Relations, Disputes Relating to Waters and Co-ordination Between States (Art. 256-263), Provisions Regarding Finance(Art.264-279) Finance Commission(Art.280-281)Miscellaneous Financial Provisions(Art.282-290)Borrowing by the Government of India and the States(Art.292-293), Constitutional Provisions Regarding Property, Contracts, Rights, Liabilities Obligations and Suits(Art.292-300)
Right to Property (Art.300-A)
4. **Trade Commerce and Intercourse (Art.301-307) Service under the Union and the States (Art. 308-313) Public Service Commissions (Art.315-323) Administrative Tribunals and Tribunals for other Matters (Art. 323-A-323-B), Provisions regarding Election and Election Commission (Art.324-329), Special Provisions regarding to certain Classes (Art. 330-342)**
5. **Official Language-Language of the Union, Regional Languages, Language of the Supreme Court and the High Courts etc, Special Directives as to Languages(Art.343-351), Emergency Provisions(Art. 352-360) Miscellaneous Provisions(Art.361-367), Amendment of the Constitution(Art. 368),Temporary, Transitional and Special Provisions(Art.369-392),Short Title, Commencement, Authoritative Text in Hindi and Repeals, All Schedules and Amendments.**

Leading Cases:

- (1)- P.L.Dhingra Vs. Union of India, AIR 1958 S.C. 36
- (2)- T.N. Seshan Vs. Union of India (1995) 4 SCC 611
- (3)- Minerva Mills Vs. Union of India AIR 1980 S.C. 1789.
- (4)- S.R.Bommai Vs. Union of India(1994) 2SCR644
- (5)- Keisham Megha Chandra Singh Vs. The Honble Speaker Manipur Legislative Assembly and Other (2020)SCR132

RECOMMENDED BOOKS:

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|---|-----------------|-------------------------------|
| 1 | V.N. Shukla | Constitution of India |
| 2 | J.N. Pandey | Constitutional Law of India |
| 3 | M.P. Jain | Constitution of India |
| 4 | D.D.Basu | Shorter Constitution of India |
| 5 | Kagzi's | The Constitution of India |
| 6 | M.D. Chaturvedi | Bharat Ka Savindhan(Hindi) |

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LL.B. Second Semester
Paper-III
Criminology & Penology

1. **Introduction** – Definition of Criminology, Crime and Criminal Law their theory and Significant development of Criminal Law and Criminology in India, School of Criminology, - Pre-Classical Classical and Neo- Classical and their theory Baccaria and Bentham. The positive, Sociology and Clinical school and their contributors
2. **Causes and type of Crimes and Criminal** – Habitual, Sexual, Professional organized and white collar, Terrorism, Modern and International Crimes such as cyber crime, Human Organ crime against women and children
3. **Penology** – Concept of Punishment, types and forms of punishment in ancient, medieval and modern India, theories of punishment, necessity Law and order, History of penal system in India
4. **Prisoners Administration** – Types of Prisons and Prisoners, Basic principles for the treatment of prisoners, National and International Rights of Prisoners, Structure of Jail and Police in India, Nature, origin and advantages of Parole and probations
5. **JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2015** Preliminary and Definition of Juvenile etc under JJ(C & P of C) ACT, 2015, (Ss 1-2) Juvenile justice board and its procedure, (Ss 4-9), Procedure In Relation to Children in Conflict with Law, (Ss 10-26), Child Welfare Committee, Procedure in relation to children in need of care and protection (Ss 27-38) Rehabilitation and Social Re-integration, (Ss 39-55), Adoption (Ss 56-73), Other Offences Against Children (Ss 74-88), Appeal and Revision (Ss 101-112)

Some Codified Law

Protection of Children from Sexual Offences Act, 2012

Domestic Violence Act, 2005

Sexual Harassment of women at work place (Prevention, Prohibition and Redressal) Act, 2013

The Narcotic Drugs and Psychotropic Substance Act, 1985

The Prisoners Act, 1900

BOOKS RECOMMENDED

Sutherland & Crassey - Criminology

Taft & England - Criminology

Reckless W. - Criminology the Crime Problem

Vole G.B. - Theoretical Criminology

Mannheim - Compensation Criminology

Lolika Asrkar - Crime & Women

Upendra Baxi - Law and Poverty

Pillai S. - Theory of Criminology

Cecil Burt - Young Delinquents

Gilliam J.L. - Criminology and Penology

P.K. Sen - Penology old and New

Bhattacharya - Prisons

Flexvor & Baldwani - Juvenile Court and Probations

M. Ponnianan - Criminology and Penology

J.C. Chaturvedi - Penology and Criminal Procedure Code


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LL.B. Second Semester

Paper-IV Family Law-I (Hindu Law)

- 1 - **Nature, Origin, Sources, Applicability and General Principles of Inheritance**
Nature and origin of Hindu law, applicability of Hindu Law sources of Hindu law - Smritis and their commentaries, custom, legislation, judicial decision, equity, justice and good conscience as a source, general principle of inheritance (prior to Hindu succession Act 1956) in mitakshara law and Dayabhaga, School and difference between Mitakshara and Dayabhaga succession and the Hindu Marriage Act 1955. (doctrine of representation & spes successionis)
- 2 - **Schools, Joint Hindu Family, Coparcenary adoption and provisions of Hindu Adoption and Maintenance Act 1956.**
Schools of Hindu Law - Mitakshara and Dayabhaga and their sub-schools, difference between the Mitakshara and Dayabhaga school, comparison between them, Migration and the schools of law.
Joint Hindu Family - Origin, Growth, Nature and Constitution, members of J.H.F. and property of J.H.F.
Coparcenary - its nature, distinction between J.H.F. and coparcenary, rights of coparcener, Karta, his powers and duties, alienation of property comparison between Mitakshara and Dayabhaga law, Debts - its liability to pay, nature and duration of liability, doctrine of pious obligation and antecedent debt, Bengal rule of Dayabhaga law, rule of Damdupat.
- 3 - **Adoption** - Object, form and requirement of valid adoption. Persons who may lawfully take in adoption, adoption by widow under authority from his husband, nature and form of authority, general rules as to adoption by widows, and termination of widows power to adopt, persons lawfully capable of giving in adoption & persons who may be lawfully taken in adoption only son, orphan, stranger, adoption by two persons, simultaneous result and effect of adoption, right of adopted son in property, maintenance under Hindu Law and provisions of Hindu Adoption and Maintenance, Act 1956, and changes made by this Act.
- 4 - **Partitions, Stridhan, Women's Estate, Gift & Hindu Succession Act 1956**
Partition - Meaning of partition, partition and family arrangement, person entitled to partition, property liable to partition. Allotment of share, final shares, reopening of partition and reunion, point of similarity and distinction Mitakshara and Dayabhaga, partial partition, its effect. **Stridhan** : its meaning, kinds, special feature and characteristics, enumeration of stridhan, rights of a women over her stridhan, general rule of succession common to all school, succession to stridhan under Mitakshara and Dayabhaga school, maidens property. **Women's Estate** - its meaning, nature and sources. Incidents of widow's estate, power of alienation, reversion, compromise, surrender and setting aside. Unauthorized alienation and effect of Hindu Succession Act 1956.

Gift - its definition under T.P. and Hindu law, its subject matter, essential of valid gift, restriction and revocation, 'donatio mortis causa' and gift to trust and Provision of Hindu Succession Act 1956.

Wills imparatible estate, religious and charitable endowments and H.M. Act 1955 & H.M. & G. Act 1956 :


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Wills- Its definition, person capable of wills, property as a subject matter of wills under mitakshara and Dayabhaga law, revocation and alteration of wills, Bequest to unborn person when it is void ? Rules against perpetuity, latter of administration and probate.

Impartible estate - its definition, origin and nature, rules of succession and separation of impartible estate.

Religious and charitable endowment- Essential of endowment, kinds- idol, math, devasthanam, and Dharmashala, Mahant, Hindu Marriage Act 1955 & Hindu and Minority & Guardian ship Act 1956.

Some codified laws relating to Hindu

Special Marriage Act 1954 (Whole Act)

Dowry Prohibition Act 1981 (Whole Act)

Family Courts Act 1984 (Whole Act)

Leading cases.

1 Kisan Lal V. State (2000) ISCC 310.

2. Rameshwari Devi V. State of Bihar AIR 2000 SC 735 (739).

B. Vineeta Sharma Vs Rakesh Sharma (2020) AIR 3717 (SC)

4. Sondur Gopal Vs. Sondur Rajni (2013) 7SCC426

Balwant Kaur V. Chaman Singh AIR 2000 SC 1908-12

Digamber Adhar Patel V. Dev Rani Giridhari Patel AIR (1995) SC 1728

Books Recommended:

1. R.K. Agrawal - Hindu Law, C.L.A., Allahabad.
2. Paras Diwan - Modern Hindu Law (Universal).
3. S.T. Desai (Ed.) - Mulla Hindu Law (1996), Butterworth, India.
4. Paras Diwan - Law of adoption, minority, guardianship and custody (2000) Universal.
5. Basu N.D. - Law of succession (Universal).
6. Paras Diwan - Law of intestate and testamentary succession (1998), Universal.
7. Paras Diwan - Adhunik Hindu Vidhi (in Hindi)


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LL.B. Second Semester
Paper-V Family Law-II (Muslim Law)

1 - History, Origin Development Sources :

Historical background of Islamic law - its origin and comparison with other personal laws. Who is Muslim ? Prophet and his companion, his tradition, development of Muslim law.

Sources of Muslim law- Primary sources- Quran, Hadis, Ijma, Kyas, secondary sources- custom, judicial decision, legislation, comparison with sources of Hindu law.

2 - Schools of Muslim Law :

Schools (section and sub-section) of Muslim law - Sunni School - Hanifi, Maliki, Shifai and Humbali, Shia School and their sub-sections, difference between both Shia and Sunni on important matter. Effect of conversion to Islam and Apostasy.

3 - Marriage & Dower (Mehr) :

Marriage (Nikah) - Its object and nature, requisite and condition for valid marriage. Effect of incapacity absolute, relative and declaratory, kind of marriage, option of puberty. Restitution of conjugal rights muta marriage, difference between Shia & Sunni law and marriage.

Dower (Mehr)- Definition, nature & classification of dower law of shia sect on dower, confirmation of dower, remission of dower, non-payment of dower effect of apostasy on mehr liabilities of heir for dower, dower as a debt. widows rights in case of non-payment of dower, Kharchi-i-pandan, & Mehr-i-misl.

4 - Divorce :

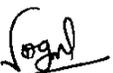
Divorce (Talaq)- Quranic provisions regarding talaq kind, nature, classification and effect of divorce on the parties, apostacy and conversion as ground of divorce, Iddat utility its rationale and utility divorce through agreement or by mutual consent Khula, Mubarat, Ila & Zihar, Lian; Effect of false charges of adultery. Tolaq-i-Tafwid, Fask (Annulment of marriage by court) provision of dissolution of Muslim marriage Act. 1939. Legal Effect of Divorce, Difference between Shia & Sunni Law on Divorce.

5 - Parentage, Legitimacy & Acknowledgement

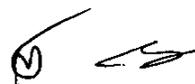
Parentage - Maternity and paternity. How it is established ? Legitimacy and acknowledgement, acknowledgement as a proof Of legitimacy, prescription of legitimacy condition of valid acknowledgement and its effects. Position of adoption in Muslim Law ? A comparison between acknowledgement and adoption.

6 - Guardianship and Maintenance :

Guardianship (Vilaya) - Concept of guardianship in Islam. Appointment of guardian. Their kinds-age of majority, disqualification of guardian, guardianship of property. Power of guardian to dispose of to purchase and to alienate the immovable property of the minor.


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Maintenance (Nafaqa)- Introduction, definition and quran decree regarding maintenance, Person entitled to maintenance. Relevent provision of Muslim women (Protection of right on divorce) Act 1986.

7 - Succession, Administration & Inheritance :

Succession- General rule of succession and exclusion from succession.

Administration - Administration of the estate of a deceased. Provision of Indian succession act 1925.

Inheritance- General rule of Inheritance (sunni & shia) Position of birth right and heritable property. Principle of renunciation and transfer of chance of succession (spes succession) vested inheritance classification of heirs- sharer, restduary and distance kindered. Their share and distribution of property. Doctrine of increase (Aul) Return (Radd) and position of rules relating to (shia & sunni) illegitimate child, missing person, acknowledge kins man, universal legatee & successor by contact eldest son and childless widow.

8 - Wills :

Wills- Person capable of making wills, its forms, position of heir on wills, limit of testamentary power, abatement and lapse of legacy, subject of legacy, position of unborn person in wills, various kinds of bequest i.e. bequest in future, contingent and conditional alienation, revocation of bequest, its types, position of probate and letter of administration in case of muslim wills.

9 - Marzul Maut, Hiba, Waqf and Pre-emption:

Marzulmaut- Death bed gift, its condition for validity acknowledgement of debt at death-bed. Hiba (gift)- Definition, capacity of making gift extents of doners powers. Gift to unborn person, gift with intent to defraud creditor, position of gifts i.e. - gift of actionable claim and incorporeal property, gift of equity of redemption, gift of property held adversely to doner, requisite for gift and essential of gift (declaration acceptaure & delivery of possession), Gift of morable and immovats and carpor & property and incorporeal property and actionable claim, gift-in family and out of family, gift to bailee to two are more donee : Mushaa, conditional & contingent gift, gift in future, revocation of gift, Gift with exchange (Hiba-bil-iwaz) Hibh-ba shartul iwaz, sadaqah areeat.

Waqf- Definition, object and subject of waqf, condition for valid waqf, doctrine of cy-press. Form and kind of waqf, waqf how completed ? Revocation of waqf, contingent waqf, waqf aald aulad, alienation of waqf property, muttawalli- his appointment power and function & renuwal and provision of waqf act 1995, Khanqah, imambera, sajjadanashir kazi, takiya.

Pre-amption- its nature and kind, who may claim it, its requisite and condition.

10 - Leading Cases :

1. Kapoor Chand v. Kedarunnisa (AIR 1953 S.C.413)
2. Janjira Khatoon v. Mohd. Fakrulla (AIR 1922 Cal 429)
3. ~~Shayara Bano Vs. Union of India (2017) 9SCC1(SC)~~
4. Maina Bibi v. Chawdhari Wakil Ahme... 673 (PC) (AIR 1925 PC 63)
5. Ms. Jordan Diegdeh vs. S.S. Chopra (AIR 1985 SC 935)
6. ~~Habibur Rahman v. Atafali (AIR 1922 PC 159)~~

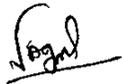

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Recommended Books:

1. Syed Khalid Rashid - Muslim law - EBC Lucknow (Hindi English)
2. A.A.A. Fyze - Outline of Muhammada law (1998)
3. A.M. Bhattacharya - Muslim law and the constitution
4. Aquil Ahmed - Muslim law - CLA Allahabad (Hindi)
5. S.K. Awasthi - The waqf act 1995 (Hindi/English) India law House 22, Sikh Mohalla, Indore
6. Mulla's - Principles of Mohammedan law, Tripathi
7. Paras Diwan - Adhunik Muslim Vidhi (in Hindi)
8. Akeel Ahmed - Muslim Vidhi (in Hindi)
9. Scatcht - Mohd. Jurisprudence.
10. Caulson - Principles of Mohd. mheritance.


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