

**LL.B. PART- I (SEMESTER SYSTEM) EXAMINATION (SESSION 2017-18)**

**FIRST SEMESTER**  
(July to December)

S.No	Papers	Max. Marks
1	Jurisprudence & Legal Theory	100
2	Law of contract & specific relief act 1963	100
3	Specific contract, Indian Partnership ACT 1932 and Sale of Goods ACT 1930	100
4	Law of Torts including Motor Vehicle Accident ACT and Consumer Protection Laws.	100
5	Legal & Constitutional History of India	100
Total Marks		500

**SECOND SEMESTER**  
(Jan to June)

S.No	Papers	Max. Marks
1	Law of Crimes(IPC)	100
2	Law of Crime-II Criminal Procedure Code,1973, Juvenile Justice Act,2015 & Probation of Offenders Act,1958	100
3	Law of Evidence	100
4	Family Laws-I; Hindu Law	100
5	Family Laws-I; Mohammedan Law	100
Total Marks		500

**LL.B. THREE YEAR LAW DEGREE COURSE  
(Semester System) Semester – I  
Paper-I**

**Jurisprudence and Legal Theory**

1. **Introduction:** Meaning, Nature and Scope: Meaning of Jurisprudence, Definition, Nature and Scope of Jurisprudence its utility relation of jurisprudence with other Sciences. Jurisprudence in old scriptures both in Hindu and Muslim.

**Natural Law Theory:**-Its meaning and definition, Historical evolution of natural Law theory: Ancient period, medieval period, the period of renaissance, modern period critical appraisal of natural law theory, Natural Law in British, American and Indian Legal Systems.

2. **School of Jurisprudence and their exponent and their views:** Analytical school; Bentham, Austin, H.L.A. Hart and Kelson. Historical School: Savigny, Sir Henry main, Philosophical School: Hegel, Herbert Spencer. Economical School: Marx and Lenin. Sociological School: Rudolph Von Ihring, Eugen Ehrlich, Leon Duigvit, Dean Roscoe Pound. Realistic School: Oliver Wesndell Holmes, Alf Ross.
3. **Jurisprudence and Law:** Definition of Law, its nature, Kinds and Classification of Law. Law and Morality, Law and State theories of Origin and evolution of the State, Function of the state, The concept of world federation. Sovereignty, its definition nature, and essentials of Sovereignty, Assessment of Sovereignty, in the Constitution of Britain, America and India.
4. **Administration of Justice:** Concept Origin and importance of Administration of justice, Civil and criminal justice, Theories of Punishment. Concept of justice forms of justice theories of justice, Social justice, Concept of Social justice under the constitution of India.
5. **Sources of Law:** Custom, Precedent, Legislations, Religion and Agreement.
6. **Legal Concept:** Rights and duties meaning and Classification of Legal Rights and Legal duties, Possession and Ownership, Person, Title, Liability, Obligation, Property and Evidence.

**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 (inHindi)  |
| 10-Pro. N.V.Paranjape-   | Vidhishastra Awam Vidhi Ke Shindhant(Hindi)    |

**LAW OF CONTRACT (GENERAL PRINCIPLES)  
AND SPECIFIC RELIEF ACT, 1963**

## PAPER—II

### **PART—I LAW OF CONTRACT (GENERAL PRINCIPLES, SECTIONS 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 (Ss 2(d), 23, 24, 25) Void Agreements (Ss 26-30) Contingent Contract (Ss 31-36)

Performance of Contract, (Ss 37-39 & 56), By Whom Contracts must be performed,( Ss 40-45), Time and place for performance,(Ss 46-50), Performance of reciprocal promises,(Ss 51-58), Appropriation of payments, (Ss 59-61), Contracts which need not be performed, (Ss 62-67), Quasi Contracts, (Ss 68-72), Breach of Contracts and damages, (Ss 73-75).

### **PART---II THE SPECIFIC RELIEF ACT, 1963 (SECTIONS 1—42)**

Specific Relief Act and its Applicability, (Ss 1-8), Specific Performance of Contract, (Ss 9-14), Persons for or against whom contracts may be specifically enforced, (Ss 15-19), Discretion and powers of the Courts in decreeing specific performance, (Ss 20-24)

Enforcement of Awards, Rescission of Contracts, Rectification of Instrument, Cancellation of Instrument, Declaratory Decree and Injunctions (Temporary, Perpetual and Mandatory) (Ss 25—42).

#### **LEADING CASES:**

1. Carlill Vs. Carbolic Smoke 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 Nawab Himayat Ali Khan AIR 1963 SC 250.

#### **BOOKS RECOMMENDED:**

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.

**SPECIFIC CONTRACT, INDIAN PARTNERSHIP ACT, 1932 &  
SALE OF GOODS ACT, 1930**

**PAPER III**

**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 bailor ; 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 bailor 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).

## 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

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 LEADING CASES

- (1) Bina Murlidhar Hunde V. Kanahiyalal lakram Hunde (AIR 1999 SC 2171)
- (2) M/s. Lalliwal 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

**LAW OF TORTS INCLUDING MOTOR VEHICLE ACCIDENT ACT &  
CONSUMER PROTECTION LAWS  
PAPER – IV**

**PART-I LAW OF TORTS**

**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 characters. It's 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 injuria sine demnum. General Elements in torts - Acts and omission voluntary and non-voluntary act.

Mental Element in torts - Malice, intention, negligence, motive, recklessness, carelessness, malafide, malfeasance, misfeasance, non-feasance and fault.

**2 - Immunities, Justification, Remedies, Discharge and Effect of Death.**

Immunities from tortious liability. Justification and defences 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-tort feasons, contribution between wrongdoer, remedies under constitution 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 - Wrongs relating to person & property relations; rights:**

Wrongs relating to person, assault, battery, false imprisonment and malicious prosecution. Wrong relating to domestic and other rights. Intimidation and conspiracy, fraud and deceit, interference with trade business and occupation by unlawful means.

Wrongs relating to immovable - trespass to land, trespass by animal, trespass abinitio injury to reversion & waste and casent, wrongs relating to movable property, trespass to goods, conversion and detention.

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, condition and exception, negligence of various persons is occupied, carriers counsel, doctors, animal, keepers, dangerous goods holder, street and statutory duty and contributing negligence.

**Nuisance** - Nature classification and kind injury to property and remedies.

**Defamation** - Its kinds libel and slander, its definition and essentials, repetition, defences in defamation and remedies for defamation.

**Liability for wrongs committed by others** - liability by ratification by relations i.e. master and servants, principal and agent, owner and independent contractor, liability of the State, doctrine of common employment, liability for abatement, absolute and strict liability.

#### **PART-II THE MOTOR VEHICLES ACT, 1988:**

Introduction- aims and objects of M.V.A, title, extent and commencement of the act with modification, definitions, licensing of drivers of motor vehicles(ss 3-28), licensing of conductors of stage carriages,(Ss 29-38), registration of motor vehicles,(ss 39-65), control of transport vehicles,( Ss 66-96), control of traffic,(ss 112-138), liability without fault in certain cases,(ss 140-144), insurance of motor vehicles against third party risk,(ss 145—164), claims tribunals,(ss 165-173), offences, penalties and procedure,(ss174-205), 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.

#### **PART-III THE CONSUMER PROTECTION ACT, 1986**

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 Fora under section 25 and 27 of Consumer Protection ACT,1986.

**LEADING CASES:**

1. Indian medical association vs. V.P. Shantha (AIR1896 SC530)
2. Lucknow Development Authority vs. M.K. Gupta (AIR1994 SC787)
3. Kasturi lal Ralia Ram vs. State of U.P. (AIR 1955, S.C.1939)
4. Saheli & woman resource centre vs. commissioner of police (AIR1990 S.C.51)
- 5 M.C. Mehta vs. Union of India (AIR1987 SC1086)

**Books Recommended:**

1. Ratanlal Dhirajlal - The law of torts (1997), Wadwa Nagpar.
2. Winfield and Jolowitz - on Torts (1999) Sweet & Maxwell, London.
3. Salmond and Houston - Tort (1999) Butterworth, London.
4. P.S. Achutan Pillai - The Law of Torts (2004) E.B.C. Lucknow.
5. D.N. Saraf - Law of consumer protection in India (1995) Tripathi.
6. P.R. Majundar - Law of consumer protection in India (1998) Orient, New Delhi.
7. Ramaswami Aiyer - Law of Torts (1999) Tripathi, Bombay.
8. M.D. Chaturvedi – Apkrtyo ki vidhi (1998) EBCL (in Hindi)



# LEGAL AND CONSTITUTIONAL HISTORY OF INDIA

## PAPER—V

### **PART—I LEGAL HISTORY OF INDIA**

- 1- Early Charters (Charter of 1600), Administration of justice in Presidency Town (Madras, Bombay and Calcutta), Mayor's Court, (Charters of 1726 and 1753), Beginning of Adalat System, Judicial Plan of 1772, Judicial Plan of Warren Hastings, Working of Supreme Court at Calcutta, Trial of Nand Kumar, The Patna Case, The Cossijurah Case, Act of Settlement 1781,
- 2- Judicial reform of Cornwallis (1787-1793), Judicial reform of Sir John Shore, Lord Wellesley and Lord Bentinck, Racial Discrimination in the Judicial System, Indian High Court Act, 1861, Privy Council—its history, development, jurisdiction and appeal,
- 3- Development of Civil and Criminal Law in India, Codification of Indian Laws and Law Commissions, Growth of Legal Profession, Law Reporting in India, History of Legal Education in India..

### **PART—II CONSTITUTIONAL HISTORY OF INDIA**

- 4-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)
- 5-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, Salient features of the Indian Constitution

### **BOOKS RECOMMENDED:**

- 1- Herbert Cowell                      The History and the Constitution of the Court and Legislative Authority in India (1936)  
(6<sup>th</sup> edition published by S.C. Bagchi Calcutta)
- 2- A.B. Keith                              A Constitutional History of India-(1600-1935) Central Book Depot Allahabad.
- 3- M.P. Jain                                Out Lines of Indian Legal History (Tripathi) (1998)
- 4- M.V. Paylee                             Constitutional History of India—(1600-1950)  
(Asia- Bombay-1967)
- 5- V.D. Kulshrestha                      Land Mark in Indian Legal History  
(Eastern Book Co. Lucknow)
- 6- M. Ramajois Wajons                 Legal and Constitutional History of India (1984) 2 Volumes .
- 7- N.V. Paranjape                        Indian Legal and Constitutional History (CLA)

LL.B. THREE YEAR LAW DEGREE COURSE  
(Semester System) Semester – II  
PAPER-I  
LAW OF CRIMES (INDIAN PENAL CODE, 1860)

Operation of the Code,(Ss 1-5)  
General Explanation,(Ss 6-52 A)  
Punishments,(Ss 53-75)  
General Exception,(Ss 76-95)  
Right of Private Defence, (Ss 96-105)  
Abetment,(Ss 107-120)  
Criminal Conspiracy,(Ss 120-A, 120-B)  
Offences against the State,(Ss 121-130)  
Offences relating to the Army, Navy and Air force,(Ss 131-140)  
Offences against the Public Tranquility,(Ss 141-160)  
Offences relating to Public Servants,(Ss 161-171-C)  
Offences relating to Election,(Ss 171-A, 171-B, 171-C, 171-D, 171-E, 171-F, 171-G, 171-H, 171-I)  
Contempt of lawful authority of Public Servants,(Ss 172-190)  
False Evidence and offences against Public Justice,(Ss 191-229)  
Offences relating to coin and Government Stamps,(Ss 230-263-A)  
Offences relating to Weight and Measures,(Ss 264-267)  
Offences affecting the Public Health, Safety Convenience, Decency and Morals,(Ss 268—294-A)  
Offences relating to Religion,(Ss 295-298)  
Offences affecting to the Human Body,(Ss 299-377)  
Offences against the Property,(Ss 378-462)  
Offences relating to the Documents etc.(Ss 463-489-A)  
Criminal Breach of Contract of Service,(Ss 490-492)  
Offences relating to Marriage,(Ss 493-498)  
Defamation,(Ss 499-502)  
Criminal Intimidation, Insult etc.(Ss 503-510)  
Attempts to Commit Offences,(Ss 511).

**Leading cases:**

- 1- Reg. Vs. Govinda ILR Bom. 942
- 2- Inzargul Khan Vs. Emperor, AIR 1936 Nag. 194
- 3- Mehboob Shah Vs Emperor, AIR 1945 PC 118
- 4- Amjad Khan Vs, State, AIR 1952 SC 165

**Books Recommended:**

- 1- Ratan Lal Dhiraj Lal Indian Penal Code, 1860
- 2- R.N.Saxena Indian Penal Code, 1860
- 3- S.N.Mishra Indian Penal Code, 1860
- 4- K.D.Gaur A Text Book on the Indian Penal Code (1998) Universal Delhi
- 5- Ratan Lal Dhiraj Lal Indian Penal Code, 1860 (in Hindi)
- 6- Amar singh Yadav Bhartiya Dand Vidhan(in Hindi)
- 7- M.D.Chaturvedi Bhartiya Dand Shamhita(in Hindi)

## **LAW OF CRIMES --- II**

### **CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT,**

#### **Paper-II**

##### **(1) CRIMINAL PROCEDURE CODE 1973**

Preliminary (Ss 1-5) Constitution of Criminal Courts and Officers(Ss 6-25), Powers of Courts,(Ss 26—35), Powers of Superior Officers of Police,(36—40) Arrest of Persons,(Ss 41—60)Processes to compel appearance,(Ss 61—90), Process to compel the production of things(Ss 91—105), Security for keeping peace and good behavior,(Ss 106—124), Order for maintenance of wives, children & parents(Ss 125—128)Maintenance of Public order & tranquility(Ss 129—148),Preventive action of the police,(Ss 149—153) Information to the police & power to investigate, (Ss 154—176), Jurisdiction of the criminal courts in inquiries and trials,(Ss 177—189), Conditions requisites for initiation of proceedings,(Ss 190-191)

Complaints to magistrate,(Ss 200—203), Commencement of proceedings before magistrates,(Ss 204—210), The Charge,(Ss 211—224), Trial before a Court of Session ,(Ss225-237), Trials of Warrant cases by magistrates,(Ss 238—259) Summary trials,(Ss 260—265), Attendance of persons confined or detained in prison,(Ss 266—271), Evidence in inquiries and trials,(Ss 272—299)

General provisions as to inquiries and trials,(Ss 300—327), Provisions as to accused persons of unsound mind,(Ss 328-365), Provisions as to offences affecting the administration of justices, (Ss 340-365), Submission of death sentences for confirmation ,(Ss 366-371), Appeals,(Ss 373-394), Reference and Revision,(Ss 395-405), Transfer of criminal cases, (Ss 406-412),

Execution, suspension, remission and computation of sentences, (Ss 413-435), Provisions as to bail and bonds, (Ss 436-450), Disposal of property, (Ss 451-459), Irregular proceedings, (Ss 460-466), Limitation for taking cognizance of certain offences, (Ss 467-473), Miscellaneous, (Ss 474-484), All Schedules are in course. All amendments made from time to time.

##### **(2) 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).

### **(3) PROBATION OF OFFENDERS ACT, 1958**

Probation of offenders Act, 1958 – Meaning and definition of Probation, its nature and history. Admonition and Exemption from punishment below 21 years of age, Power of probation officer and its duty under the Act (Ss 1-19)

#### **Leading Cases:**

- (1) Gurubaksh Singh Sibba Vs. State of Punjab AIR 1980 SC 1632
- (2) Rajpati Vs. Bechar AIR 1981 SC 19
- (3) Suptd & Remmemberances of legal Affairs Vs. Anil Kumar AIR 1980 SC 52
- (4) Anil Rai Vs. State of Bihar (2001) SCC 318(330)
- (5)

#### **RECOMMENDED BOOKS:**

- 1- R.V. Kelkar : Outlines of Criminal Procedure Code
- 2- R. D. Agrawal : Code of Criminal Procedure
- 3- P. C. Sarkar : Criminal Procedure Code
- 4- M. P. Tondon : Code of Criminal Procedure
- 5- Vijay Malik : Dandniya Manual (Three Major Arts, Cr. P. C., I.P.C. & Evidene (in Hindi)
- 6- Murli Manohar : Dand Prakriya Vyakhyan (Code of Criminal Procedure)
- 7- Mahavir Singh : Code of Criminal Procedure (in Hindi)
- 8- Ratanlal Dhirajlal : Criminal Procedure Code
- 9- Ratanlal Dhirajlal : Criminal Procedure Code (in Hindi)
- 10- N. V. Paranjape : Code of Criminal Procedure, Juvenile Justice ACT and Probation of offenders Act, (in Hindi)
- 11- D. D. Basu : Criminal Procedure Code

# LAW OF EVIDENCE

## PAPER – III

### **1. INTRODUCTION, INTERPRETATION, CONCEPTIONS :**

Introduction- Main feature of the Indian Evidence Act. Problem of Applicability of Evidence Act.

Types of Evidence - Oral, Written and Circumstantial evidence, Medical evidence and evidence of relatives, Eye witness, Chance witness and child witness and direct witnesses.

Standard of proof and presumption - May presume, shall presume, conclusive proof, proved, disproved and not proved.

### **2. RELEVANCY OF FACTS :**

Doctrine of resgestae (Sec. 6, 7, 8, 10). Evidence of common intention (Sec. 10). The problem of relevancy of "otherwise" irrelevant facts (Sec. 11). Relevant facts for proof of custom (Sec. 13) Facts concerning body and mental state. (Sec. 14 & 15)

### **3. ADMISSION & CONFESSION (Sec 17 – 31):**

Admission - General principles concerning admission (Sec. 17 to 23)

Confession - Difference between admission and confession, non admissibility of confession caused by inducement, threat and promise and confession made before a police officer, Admissibility of custodial confession and other section relevant to confession. (Sec. 24-31)

### **4. DYING DECLARATION AND STATEMENT MADE UNDER SPECIAL CIRCUMSTANCE (Sec. 32 to 39)**

Dying Declaration - The justification for relevance on dying declaration. The judicial standard for appreciation of evidentiary value of dying declaration (Sec. 32 & 33)

Statement made under special circumstance and how much of a statement is to be proved, (Sec. 34-39)

### **5. RELEVANCY OF JUDGEMENT, CHARACTER AND EXPERT TESTIMONY**

Relevancy of judgement - General principles, Admissibility of judgement in civil and criminal matter. Fraud and collusion in obtaining judgement (Sec. 40-44).

Expert testimony - General Principles, Who is an expert ? Type of Expert evidence.

Opinion of relationship when relevant - specially proof of marriage and opinion as to the existence of right or custom or usage and tenancy and problem of judicial defence to expert testimony. (Sec. 45-51)

Relevancy of character in civil and criminal cases. (Sec. 52-55)

**6. ORAL AND DOCUMENTARY EVIDENCE:, PRESUMPTION AND EXCLUSION (Chapter IV, V & VI)**

Oral Documents and how it is proved ? requirement for valid and admissible oral documents. (Sec. 59-60)

Documentary Evidence - General Principles, public and private documents, How it is proved ? (Sec. 61-78)

Presumption as to documents of various types and kinds. (Sec. 79-90).

Exclusion of oral by documentary evidence. (Sec. 91-99)

**7. THE BURDEN OF PROOF, ESTOPPEL & WITNESSES:**

The burden of proof - Facts which need not be proved. (Sec. 56-58), General Conception of onus, General and Special presumption and exception as to onus, presumption as to dowry death etc. (Sec. 101-114A)

Estoppel and witnesses - Estoppel by deed and estoppel by conduct, equitable and promissory estoppel. (Sec. 115-117). Various kinds of witness, communication - privileged and confidential Accomplice and information as to the commission of offences. (Sec. 118-134)

**8. EXAMINATION AND CROSS EXAMINATIONS:**

Examination of witnesses - General principles of examination, cross and re-examination, Leading questions (Sec. 141-143), Lawful question etc.

Cross examination of witness - General Principles of cross examination, lawful questions in cross examination, (Sec. 141-146), Compulsion to answer questions put to witness, Hostile witness impeaching of the standing and or credit of witness (Sec. 135-166)

**9. Leading Cases:**

1. Kashmira Singh vs. State of M.P., AIR 1952 SC 159.
2. State of Punjab vs. Sodhi Sukhdeo Singh, AIR 1961 SC 493 (Majority Judgment Only)
3. Kulvindar Kaur vs. State of Punjab, AIR 1952 SC 354
4. State of U.P. vs. Deoman Upadhyay, 1960 SC 1125

**Books Recommended –**

1. Ratanlal Dhirajlal - Law of Evidence, 21th Ed. 2004, PB, Wadhwa, Nagpur.
2. Sarkar - On Evidence (2 Vol.) 15th ed. 2002, Wadhwa, Nagpur, 2390=00
3. Avatar Singh - Principles of law of Evidence, Universal, Delhi.

4. Vepa P. Sarathi - Law of Evidence EBC, Lucknow.
5. Ratan Lal Dheeraj Lal - Indian Evidence Act, 19<sup>th</sup> edi., (in Hindi)
- 6 Avtar Singh - Evidence Act (in Hindi)
- 7 M.D. Chaturvedi - Evidence Act (in Hindi)

## FAMILY LAWS – I: HINDU LAW

### PAPER – IV

- 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 Mitakshra 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.
- 5 - 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 Mitakshra and Dayabhaga school, maidens property.



6 - **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.

7 - **Wills impartible estate, religious and charitable endowments and H.M. Act 1955 & H.M. & G. Act 1956 :**

**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.

8 - **Some codified laws relating to Hindu**

Special Marriage Act 1954 (Whole Act)

Dowry Prohibition Act 1981 (Whole Act)

Family Courts Act 1984 (Whole Act)

9 - **Leading cases.**

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

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

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

4. Digamber Adhar Patel V. Dev Rani Girdhari 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), Butterwrith, 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)

## **FAMILY LAWS – II: MOHAMMEDAN LAW**

### **PAPER V**

#### **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 apostacy 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.

Maintenance (Nafaqa)- Introduction, definition and quran decree regarding maintenance, Person entitled to maintenance. Relevant 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, residuary and distant kindred. 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 kinsman, universal legatee & successor by contract 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 is 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 donors 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 donor, requisite for gift and essential of gift (declaration acceptance & delivery of possession), Gift of movable and immovables and corporeal & 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-pres. 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 & renewal and provision of waqf act 1995, Khanqah, imambara, 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. Habibur Rahman v. Atafali (AIR 1922 PC 159)
4. Maina Bibi v. Chawdhari Vakil Ahme... 673 (PC) (AIR 1925 PC 63)
5. Ms. Jorden Diegdeh vs. S.S. Chopra (AIR 1985 SC 935)

**Recommended Books:**

1. Syed Khalid Rashid - Muslim law - EBC Lucknow (Hindi English)
2. A.A.A. Fyzee - 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.

