

FIFTH SEMESTER B.A.LL.B. (HONS) 5 YRS COURSE

Course Code: 5.1

Jurisprudence

UNIT-I

General-Meaning, Nature and Scope of Jurisprudence, Legal Studies and Jurisprudence, Jurisprudence- Interdisciplinary Approach; Law-Definition of Law, Nature and Kinds , Sources of Law, Law and Morality, Law and Justice, Law, State and Sovereignty, Law and Administration of Justice

UNIT-II

Natural School of Jurisprudence-Early Greek Philosophy- Socrates, Aristotle and Plato
Religious Approach of Middle Ages- Thomas Aquinas, Natural Law and Social Contract-
Rousseau, Contemporary Natural Law- Fuller
Analytical School -Father of Analytical Positivism- John Austin, Primary and Secondary
Rules- H.L.A.Hart, Pure theory of Law- Hans Kelsen
Historical School -Volksgeist- Savigny, Legal Fiction- Sir Henry Maine
Sociological School - Duguit's Social Solidarity Pound's Social Engineering
Realistic School -Justice Holmes Bad Man Theory

UNIT-III

Legal Rights and Duties-Definition of Legal rights, Essential elements of Legal Rights, Theories of Legal Rights, Right and Duty relationship, Kinds of Legal Rights; Ownership -Definition ,Essentials , Kinds of Ownership; Possession- Meaning ,Scope, Elements of Possession; Possessory Remedies- Why Recognized?; Emerging Issues- Changing nature of Property; Capitalism, Communism and Socialism; Globalization; etc.

UNIT-IV

Persons-Definition , Kinds of Person, Legal Status of Animals, Unborn Person, Dead Person, Idol etc.; Emerging Issues- State as Person, Human right violations and traditional concept of Person; Liability-Definition , nature and Kinds of Liability; Difference between Civil and Criminal Liability; Liability for Negligent acts; Exemptions from Liability; Emerging issues- Death Penalty, Quantum of Compensation, Liability for terrorist attacks, International crimes and Liability.

UNIT-V

Property-Meaning ,Kinds of Property; Modes of acquiring Property

UNIT-VI

Contemporary Jurisprudence-Feminist Jurisprudence;Communism and Socialist Jurisprudence;
Comparative Jurisprudence

Suggested Readings

1. Salmond: *Jurisprudence*, Universal Publishers 12th Edn. 1966.
2. Paton : *Jurisprudence*
3. Allen : *Law in the Making*, Universal Publishers 7th Edn. 2001.
4. Mahajan V.D.: *Legal Theory and Jurisprudence*, Eastern Book Company, Lucknow, 5th Edn. 1977.
5. Dias : *Jurisprudence*, Aditya Books, 5th Edn. 1985.
6. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publications, Delhi.

LIST OF CASES

1. Maneka Gandhi v union of India AIR 1978 SC 597
2. A.D.M Tabalpur v shivkant shukla AIR 1976 SC1207
3. Keshwananda bharti v state of kerala AIR1973 SC1461
4. M.S.M Sharma v shri Krishna sinha AIR1960 SC 1186
5. Keshar singh v speaker legislative assembly AIR 1965 SC 745
6. Olga tellis v Bombay municipal corporation AIR 1986 SC 180
7. Parmananda katara v union of india AIR 1989 SC 2039
8. Hussainara khatun v Home secretary, state of Bihar AIR 1979 SC 1360
9. D.K.Basu v state of west Bengal AIR 1997 SC 610
10. Minerva mills v union of india AIR1980 SC 1789
11. Rylands v Fletcher
12. Vidhyawati v state of Rajasthan AIR 1962 SC 933
13. Union corbate corporation v union of india AIR 1992 SC 248
14. M.C.Mehata v union of india AIR 1997 SC 734
15. Property owners association v state of Maharashtra AIR 2002 (4) SCALE 132

Course Code: 5.2

Family Law-I

Unit 1: Sources of Personal Laws: Statute, Custom & Usage, Religious Text and Interpretations, Procedural system, precedents, uncodified general law among various religious groups of people in India – Constitutional issues

Unit 2: Law on Marriage: (a) Marriage As an institution – defined in various religious forms and types, can marriage be a religious part of civil life – (b) Various forms and requirements of a valid marriage on a comparative analysis – (c) law under Special Marriage Act – (d) Unisex marriage and question on living together – why want legal validity with what claims – (e) Void, voidable and valid marriage in different religious texts and Statutes – (f) Procedures of marriages and completion of marriage, consummation of marriage – (g) Inter-community and inter-religious marriage, forms and texts –(h) Consideration, consent, dowry-demand, (i) Ceremonies-Hindu, Muslim, Christian, Parsi, community” marriage Law is compared to find commonness and diversification in the marriage system, Matrimonial Home – issues to monogamy and poligamy

Unit 3: Law on Divorce & Maintenance: Restitution of conjugal right & Judicial separation, various grounds, nullity of marriage with grounds and procedure to obtain nullity, Divorce – grounds, by mutual consent – restriction on petition – remarriage – Court’s jurisdiction and procedure for the issue raised on marriage and divorce – in camera proceedings – Decree and implementation – Hindu, Christian, Muslim, Parshi, Communities and under special marriage Maintenance during pendency of the suit, maintenance after the dissolution of marriage and conditions, maintenance under Criminal Procedure Code – permanent alimony –Maintenance under Adoption and Maintenance Act.

Unit 4: Law on Legitimacy of children and Adoption: Legitimacy of issues in void and voidable marriage and the rights of such children, issues relating to custody of the children – requisite of valid adoption – conditions for giving in, taking of and of person adopted –procedure and conditionality – when adoption is complete – effect of adoption – Inter-country adoption – adoption in different religious groups.

Unit 5: Law on Minority and Guardianship: Guardian under the Guardian and Wards Act, who can be appointed, procedure of application – who can apply – what are powers –what matters court would consider for appointment of a guardian – cessation of authority –general and special liability of a guardian – natural guardian and his/her power.

Unit 6: Family Courts: Structure of Family court, procedure to be adopted, jurisdiction,

List of Cases:

1. Sarla Mudgal Vs. Union of India SCC 1995, Vol.2, p.635

2. Bipin Chandra Vs. Prabhawati 1956 SCR 838.
3. N.G.Dastan Vs. S. Dastan, AIR 1975 SC 1637.
4. Manik Chand Vs. Ram Chandra, AIR 1981 SC 519.
5. Mukesh Vs. Deonarayan, AIR 1987 m.p. 85
6. Gurupada Khandappa Vs. Heerabai, AIR 1978 SC 1239.
7. Ahmad Khan Vs. Shahabano Begam, AIR 1985 SC 233.
8. Eramma Vs. Veerupana, AIR 1979 SC 1730.
9. Ram Chandra Vs. Janiki Ballabh, AIR 1970, SC 532.
10. Maina Bibi Vs. Chaudhari Vakil, (1925) 52 I.A. 145, 159, All 250, 262.
11. Other Leading Cases

Suggested Readings:

1. Maine's Treatise on Hindu Law and Usage, Bharat Law House, Delhi
2. Muslim Law; the Personal Law of Muslim in India on Pakistan, Faiz Badruddin Tyabji , N.M Tripathi Publications, N. Delhi
3. Paras Divan, Modern Hindu Law, Central Law Agency.
4. Paras Divan, Family Law, Central Law Agency.
5. Mohammedan Law, Dr.Mohammed Nazmi Central Law Agency
6. Vasudha, Towards Uniforms Civil Code, ILI, Delhi
7. Marriage and Family Law Reforms in India, Archana Parasher Sage Publications.

Course Code: 5.3

Administrative Law

Unit 1: Evolution and Scope of Administrative Law: Nature, Scope and Development of Administrative Law, Rule of law and Administrative Law, Separation of powers and its relevance, Relationship between Constitutional law and Administrative Law, Classification of functions of Administration

Unit 2: Legislative Functions of Administration: Necessity and Constitutionality, Forms and requirements, Comparative position – U.K., USA & India, Control- i. Legislative ii. Judicial, Sub-delegation.

Unit 3: Judicial Functions of Administration: Need for devolution of adjudicatory authority on administration, Administrative Tribunals– Constitution, powers, procedures, rules of evidence, Principles of Natural Justice - Rule against bias, Audi Alteram Partem, Essentials of hearing process, Cross examination, Legal representation - right to counsel, Pre and post - decisional hearing, Reasoned decisions, Exceptions to Principle of Natural Justice, Effect of failure - Rules of evidence – no evidence, some evidence and substantial evidence, Institutional Decisions

Unit 4: Administrative Discretion and Judicial Control of Administrative Action: Need for conferring discretion on administrative authorities and its relationship with rule of law, Rule of law and administrative discretion, Constitutional imperatives and exercise of discretion, Grounds of judicial review - i. Abuse of discretion, ii. Failure to exercise discretion, Doctrine of legitimate expectations, Doctrine of Proportionality, Public Accountability.

Unit 5: Judicial Control of Administrative Action: Introduction, Court as the final authority to determine the legality of administrative action, Exhaustion of Administrative remedies, Locus standi, Laches, Res judicata, Judicial review and its extent.

Unit 6: Methods of judicial review: Statutory appeals, Writs – Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo warranto, Declaratory judgements and injunctions, Civil Suits for Compensation

Unit 7: Ombudsman: Concept and need, Lokpal and Lokayukta

Case Law:

1. Ram Jawaya v. State of Punjab (AIR 1955 SC 549)
2. Asif Hameed v. State of J & K (AIR 1989 SC 1899)
3. A.N. Parasoraman v. State of Tamil Nadu AIR 1990 SC 40, (Administrative discretion)
4. State of Punjab v. V.K. Khanna, AIR 2001 SC 343 (Mala fide exercise of power)
5. State of Bombay v. K.P. Krishnan AIR 1960 SC 1322 (irrelevant considerations)
6. Shrilekha Vidyarthi v. State of U.P. (AIR 1991 SC 537) (Reasonableness)

7. Delhi Laws Act case, AIR 1951 SC 332
8. Lachmi Narain v. Union of India AIR 1976 SC 714 (Modification)
9. A.V. Educational Society v. Govt. of A.P. Educational Department (AIR 2002 A.P. 348)
(Judicial Control of delegated Legislation)
10. M/s Atlar Cycle Industry Ltd. v. State of Haryana (Legislative Control)
- 11 Other Leading Cases

Suggested Readings:

1. M.P.Jain & S.N.Jain, Principles of Administrative Law
2. I.P.Massey, Administrative Law
3. Wade, Administrative Law
4. C.K.Takwani, Lectures on Administrative Law
5. S.P.Sathe, Administrative Law

Course Code: 5.4

Economics-III

Pattern of Question Paper

- ❖ The question paper shall consists of **80 marks**.
- ❖ It consists of **TWELVE QUESTIONS**, out of which Students are required to answer **EIGHT** Questions in all .
- ❖ **Question No. 1 is compulsory** and it shall consists of **TEN Objective/Multiple Choice Questions**.
- ❖ All Questions carry Equal Marks.

UNIT-I CONCEPT AND FUNCTION OF MONEY

- Difficulties of Barter System
- Definition, nature and functions of money.
- Types of money

UNIT – II ROLE OF MONEY

- Role of money in a capitalistic economy and Socialistic economy
- Advantages and devils of money.
- Value of Money
- Quantity Theory of Money

UNIT-III INFLATION

- Causes
- Types
- Consequences and Remedies
- Deflation, Disinflation & Stagflation

UNIT – IV FEATURE OF LABOUR

- Definition
- Division of labour : Advantages and Disadvantages

UNIT-V WAGES

- Concept of wages
- Types of wages

- Functions of wage boards
- Wage differentials

UNIT-VI INDUSTRIAL DISPUTE

- Causes of Industrial dispute
- Machinery for prevention and settlement of Industrial disputes
- Salient Features of Industrial Dispute Act 1947.

UNIT-VII INDUSTRIAL SICKNESS

- Concept of Industrial sickness
- Causes of Industrial sickness

UNIT – VIII BUSINESS LAW

- Meaning
- Nature and scope
- Need and Importance of Industrial legislation & Labour Legislation

UNIT –IX ECONOMIC ANALYSIS OF LAW

- Introduction to legal reasoning
- Legal Education

Course Code: 5.5

Law of Evidence

UNIT-I:

The Indian Evidence Act, 1872 — Salient features of the Act – Meaning and kinds of Evidence — Interpretation clause — May Presume, Shall presume and Conclusive proof - Fact, Fact in issue and Relevant facts — Distinction between Relevancy and Admissibility - Doctrine of *Res Gestae* — Motive, preparation and conduct — Conspiracy — When Facts not otherwise relevant become relevant — Right and custom — Facts showing the state of mind etc.

UNIT -II : Admissions & Confessions: General Principles concerning Admissions — Differences between "Admission" and "Confession" — Confessions obtained by inducement , threat or promise — Confessions made to police officer - Statement made in the custody of a police officer leading to the discovery of incriminating material — Admissibility of Confessions made by one accused Page **101** of **139**

person against co-accused. Dying Declarations and their evidentiary value — Other Statements by persons who cannot be called as Witnesses — Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings.

UNIT -III : Relevancy of Judgments — Opinion of witnesses — Expert's opinion — Opinion on Relationship especially proof of marriage — Facts which need not be proved — Oral and Documentary Evidence - General Principles concerning oral evidence and documentary evidence — Primary and Secondary evidence — Modes of proof of execution of documents — Presumptions as to documents — General Principles regarding Exclusion of Oral by Documentary Evidence.

UNIT -IV: Rules relating to Burden of Proof - Presumption as to Dowry Death — Estoppel — Kinds of estoppel — Res Judicata, Waiver and Presumption.

UNIT -V : Competency to testify — Privileged communications - Testimony of Accomplice — Examination in Chief, Cross examination and Re-examination — Leading questions — Lawful questions in cross examination — Compulsion to answer questions put to witness — Hostile witness — Impeaching the credit of witness — Refreshing memory — Questions of corroboration — Improper admission and rejection of evidence.

Suggested Readings:

1. Batuk Lal: *The Law of Evidence*, 13th Edition, Central Law Agency, Allahabad, 1998.
2. M. Munir: *Principles and Digest of the Law of Evidence*, 10th Edition (in 2 vols), Universal Book Agency, Allahabad, 1994.
3. Vepa P. Saradhi: *Law of Evidence* 4th Edn. Eastern Book Co., Lucknow, 1989.
4. Avtar Singh: *Principles of the Law of Evidence*, 11th Edn. Central Law Publications.
5. V. Krishnama Chary: *The Law of Evidence*, 4th Edn. S.Gogia & Company, Hyderabad.

List of cases

1. Ram Bihari yadav v state of Bihari (1998)4 SCC 517
2. Gade laxmi mangraju v state of Andhra Pradesh AIR 200 SC 2677 AT 2681
3. Indian Airlines v mabhuri chowdhury AIR 1965 Cal.252
4. Amina v Hasn koya (2003) 6 SCC. 93 2003 CRI L.J. 2540
5. D Gopala krishan v sadanand naik (2005) I scc 85
6. Mirza Akabar v king emporer 67 I.A. 336 AIR 1940 P.C. 176
7. Badri Rai v state of Bihar AIR 1958 SC 953
8. Bhagwan swarup v state of Maharashtra AIR 1965 SC 682
9. Kashmira singh v state of M P AIR 1952 SC 159
10. Pakada narayan swami v emporer AIR 1939 P.C.47
11. Other Leading Cases

Course Code: 5.6

Women and Law and Law Relating to Child

Unit 1. International concerns and conventions relating to women

Unit 2. Women in India-Pre-independence period-social reforms movement in India-. Karachi congress – Fundamental Rights Resolution, Equality of Sexes

Unit 3: Women in post independence India- Preamble of the Constitution: equality provision in Fundamental Rights and Directive principles of state policy-Personal laws–unequal position of women- Uniform civil code towards gender justice.

Unit4: Sex Inequality in Inheritance Rights-. Fedual institution of joint family – women’s- inheritance position- Hindu law- Muslim law- Matrimonial property- Movement towards uniforms civil code

Unit5: Right of women to adopt a child-Problems of women guardianing

Unit 6: Divorce - Indian divorce act- Christian law-Muslim law

Unit 7: Criminal law- Adultery-. Rape

Unit 8

Social legislation- Dowry prohibition- Prevention of immoral traffic

Unit 9: Woman participation in democratic government- Parliament- State legislation-Local bodies

Unit 10: Labour force - Protective laws - Exploitation and harassment in workplaces

Unit 11: Protection and enforcement agencies- Courts- Family courts-Commission for women-. NGOs.

Unit 12: Social constitutional and international legal status of child- Magnitude of the problems- Special status of child – national policies- Constitutional concern – Article 15(3), Article24 and Article45- International concern and Endeavour for the welfare of the children- Minimum age conventions- Child rights conventions- U.N.Declaration of the rights of the child, 1924, 1959.

Unit13: Problems of conception, birth and nurishment and health of the child - Legal status of child in work- Tortious liability against injuries to unborn children- Coparcenary and property rights of the unborn children- Law relating to maternity benefits and relief- Lack of legal protection of children of impoverished parentage

Unit 14: State responsibility for the education of children- Evaluation of the efforts of the state- towards the provision of education to children-Pre-primary and nursery education- elementary education- Contributions by international organizations for elementary education-UNESCO, UNICEF.

UNIT15: Regulation of the Child Labour : protection of the health and well-being- International conventions and recommendation of the ILO- Recommendation of the National commission of labour- Legislation relating to factories, plantation labour, mines, merchant shipping, motor transport workers, apprentices, shop & establishment and labour

Unit 16: The status of a child in matters of marriage, legitimacy, guardianship, adaptation, maintenance and custody-. Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian evidence act 1872:

Unit 17: Child and contractual liability-Minors agreements-Testimony of children- Suits by and against minors.

Unit18: Child and criminal liability- Crimes committed by child; crimes committed by others in relation to children- Implementation of social policy through criminal sanctions in relation to child- Variation of procedure in case of child offender- Judicial proceedings in criminal cases to children- Statutory provision –section 82,83,299 Exp.3, 363A,372 and 376 of IPC-suppression of immoral Traffic Act1956(SITA)-penal provision contained in child marriage restraint act 1929 as amended in1978-Young person’s Harmful Publications Act 1956-The children Act1960- Section 27 of the Cr.p.c.- Reformatory Schools Act 1897-Juvenile Delinquency Act,1986

Unit 19: Law and offences against child- protection of neglected children - Institutions for the protection of neglected children- Juvenile justice Act- Juvenile delinquency: law and offences against child-Contribution by parents; licensing; Protection of girls from immoral traffic- Prevention of vagrancy and beggary

Unit 20: Discrimination against female children- Amniocenthsis,- Deferred infanticide through based nutritional discrimination-Termination of pregnancy.

CASE STUDY :-

1. State of Himachal Pradesh vs. Raghubir Sing 1993 (1) CCR 87 (SC) 1993 (1)
2. Kundula bala Subrahmanyam vs. State of A.P1993 (1) Crimes 1169
3. Noor Saba Khatoon v Mohd.Quasim
4. State of Himachal Pradesh vs Nikku Ram AIR 1996 SCC 67 (1995)67
5. Ashok kumar vs State of Rajasthan(1997)
6. Sumitra Vishnu V. Union of india 1985SC1618.
7. State of Himachal Pradesh v. Nikku Ram AIR 1996 SC 67

8. Haricharan Paswan v. state of Bihar (1984)32 Cr.lj 50 Pat
9. Muthukutty v. State of Tamilnadu (2205) 9 Scc 113 AIR 2005
10. Vishakha & Others v. State of Rajasthan AIR 1997 SC 3011
11. Other Leading cases

Selected bibliography

Gandhi to the women (ed.Hingorani)1941, position of women 12 Tear down the purdah p. 213 Young India 1918.

Jawaharlal Nehru thoughts on women-economic programmes for women.

Revasia & Revasia, women social justice & human right (1998)PP.H.Publihing,New Delhi

Ajnes,Flavia,Law as gender inequality,N.Delhi,oxford(1999)

42nd Report Law commission, the Dissenting note of justice Anna chandy on provision of adultery,p.366.

Towards Equality-Report of the committee on the status of women (Govt. of india), chapter IV & Section IV General conclusion & Recommendations.

Balram-women workers the labour legislaton in India 1984(2) I.L.J.1527.

Lotika Sarkar, The law commission of india(1988).

Indian law institute,child and the law (1979)S.N.Jain ed.

U.Baxi,law and poverty: critical Essays (1988),Eastern, luknow