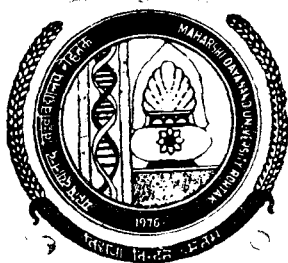


Maharshi Dayanand University Rohtak



Ordinances, Syllabus and Courses of Reading for LL.B. Part-III Examination

Session—1997-98

Available from :

Deputy Registrar (Publication)
Maharshi Dayanand University
Rohtak-124001 (Haryana)

Price :

At the Counter : Rs. 20/-
By Regd. Parcel : Rs. 30/-
By Ordinary Post : Rs. 25/-

Scheme of Examination

LL.B. 3rd Year

		Max. Marks	Time
Paper-I	Constitutional Law of India	100	3 Hrs.
Paper-II	Indian Penal Code	100	3 Hrs.
Paper-III	Law of Torts	100	3 Hrs.
Paper-IV	Law of Contract and Sale of Goods Act.	100	3 Hrs.
Paper-V	Public International Law	100	3 Hrs.
Paper-VI	Family Law-I.(Hindu Law)	100	3 Hrs.
Paper-VII	Family Law-II	100	3 Hrs.
Paper-VIII	Legal and Constitutional History of India	100	3 Hrs.

General Laws & Procedures

Constitution	Durga Dass Basu .
General Laws & Procedures	N.D. Kapoor & Rajni Abbi
Winfield & Jolowiez	Torts by WVH Rogers

Paper-I CONSTITUTIONAL LAW OF INDIA

Max. Marks :100

Time : 3 Hours

Note :Two questions of equal marks from each unit from the prescribed syllabus will be set, out of which any one question from each unit will be required to be attempted by the students. The paper setter will also provide Hindi translation of the paper set by him in English.

- Unit-I Preamble, Citizenship, Definition of State under Article 12; Rules of interpretation under Articles 13; Right to Equality; Special provisions for weaker sections of the society; Reservation policy; Fundamental freedoms under Article 19; Freedom of press; Indira Sawhney V. Union of India A.I.R. 1993 S.C. 477.
- Unit-II Protection in respect of conviction of offences under Article 20; Right to life and personal liberty; protection against arrest and detention; Right against exploitation Freedom of religion; cultural and educational rights; Right to constitutional remedies; Directive principles of State Policy; Fundamental duties; Maneka Gandhi Vs. Union of India A.I.R. 1978 S.C. 597.
- Unit-III An introduction to parliament and state legislatures; An introduction to union and state Executive; Position and Powers of President and the Governor; power to pardon and ordinance making powers of the President and Governor; Parliamentary privileges; Judiciary; Jurisdiction of the Supreme Court; Independence of Judiciary. under article 143 A.I.R. 1965 S.C. 745.
- Unit-IV Relations between the Union and the States; Trade, Commerce and inter course within the territory of India; Emergency provisions.
Automobils Transport Ltd. Vs. State of Rajasthan A.I.R. 1962 S.C. 1406.
- Unit-V Amendment of the Constitution; Theory of the basic structure of the constitution; protection to civil servants; Right to property; Suits against the state. Kesavanand Bharati Vs. State of Kerala A.I.R. 1975 S.C. 1461.

Books Recommended

- | | | |
|----|-----------------------------|---|
| 1. | H.M. Seervai | Constitutional Law of India. |
| 2. | M.Hidayatullah (ed) | Constitutional Law of India. |
| 3. | M.P. Jain | India Constitutional Law. |
| 4. | R.Dhavan & A.Jacob
(eds) | Indian Constitution Trends and
Issues. |
| 5. | T.K. Tope | Constitutional Law of India |
| 6. | V.N. Shukla | Constitution Law of India |
| 7. | Chandra Pal | Centre-State Relations and
Cooperative Federalism. |
| 8. | Chandra Pal | State Autonomy in Indian
Federation : Emerging Trends. |

Paper-II INDIAN PENAL CODE

Max. Marks :100

Time : 3 Hours

Note : The entire syllabus is divided into five units. Ten questions shall be set with two questions from each units. The candidates shall be required to attempt 5 questions in all selecting one question from each unit. All questions carry equal marks.

Unit-I Mensrea, preparation, attempt, commission, Actus-Yeus, strict liability;
General Explanations (6-52 A);
Punishments (53-68, 73-74)
General Exceptions (76-106)
State of Maharashtra V.M. H.George, AIR 1965 SC 722

Unit-II Abetment (107-120); Criminal Conspiracy (120-A-120-B);
Offences against the State (121-130);
Offences against the public tranquility (141-160);
Offences by or Relating to public Servants (161-162,170);
Contempt of Lawful, Authority of Public Servants (172, 177, 181, 182, 183, 189, 190);
False Evidence and offences against public justice (191, 192, 193, 212), Barender K. Ghosh Vs. King Emperor, 1924-25 ILR 40 (PC).

Unit-III Offences Affecting the Human Body (299-377)
Rex V. Govinda, (1870) ILRI Bombay 342.

- Unit-IV Offences against Property (378-462)
Shyam Bihari Vs. State of UP, AIR 1957 SC 320.
- Unit-V Forgery (463-65); Offences Relating to Marriage (493-98);
Cruelty by Husband or Relative of Husband (498A);
Defamation (499-502); Criminal Intimidation, Insult and Annoyance (503-510)
Attempts to committ Offences (511).
Kedar Nath Vs. State of Bihar, AIR 1962 SC 955.

Books Recommended

1. Bare Act of the Indian Penal Code, 1860 as amended todate
2. Rattan Lal Dhiraj Lal Indian Penal Code (Student ed)
3. Glanville Williems Law of Crimes
4. K.D. Gaur Cases and Material on Criminal Law.
5. S.N. Misra Indian Penal Code.

Paper-III LAW OF TORTS

Max. Marks : 100

Time : 3 Hours

Note : Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.

- Unit-I Nature and definition of Tort, Motive, capacity, Joint tort feasors, General defences.
Case : Donoghue Vs. Stevenson (1932)A. C 562; (1932) All E.R. Rep.
- Unit-II Vicarious liability, Remedies, Remoteness of damage, Extinction of liability, Strict liability.
Case : Kasturi Lal Vs. State of U.P., AIR 1965 S.C. 1039.
M.C. Mehta Vs. U.O.I. AIR 1987 S.C.1086.
- Unit-III Liability for dangerous chattels, Premises and animals; Negligence, Contributory Negligence
Case : M.C. Delhi Vs. Subhagwanti AIR 1966 S.C.1750.
- Unit-IV Trespass to land and goods, Detinue and conversion, Nuisance Deceit, conspiracy.

Case : Ratlam Municipal Committee Vs. Vardi Chand AIR 1980 S.C. 1622.

Unit-V Assault and Battery, False imprisonment, Nervous shock, Defamation, malicious prosecution, Felonious torts.

Case : Anwar Husain Vs. Ajay Kumar AIR 1965 S.C. 1651.

Books Recommended

Rattan Lal Dhiraj Lal	Law of Torts.
S. Rama Swami Iyer	Law of Torts.
Winfield	Law of Torts.
Salmond	Law of Torts.
R.K. Bangia	Law of Torts
Fleming	Law of Torts.
B.S. Sinha	Law of Torts.
D.D. Basu	Law of Torts.
Sharman Lal	Apkriya Vidhi

Note : Not more than one question shall be given directly based on the cases prescribed above.

Paper-IV LAW OF CONTRACT AND SALE OF GOODS ACT

Max. Marks 100

Time 3 : Hrs.

Note : Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks.

- Unit-I**
1. Contract, Offer, Acceptance and Consideration (SS. 2-10)
 2. Persons competent to Contract (SS. 11-12)
 3. Free consent, consent by coercion, undue influence, fraud misrepresentation and mistake (SS. 13-22)

- Leading cases :**
1. Carlil Vs. Carbolic Smoke Ball Co. (1893) Q.B. 256
 2. Lalman Shukla Vs. Gouri Dutt. (1913) 11 AL. J 489.

- Unit-II**
1. Legality of object and consideration (SS. 25-30)
 2. Void agreements (SS. 25-30)
 3. Contingent contracts (SS. 31-56)

Leading cases: 1. Central Inland Water Transport Corp. Ltd. Vs. Brojo Nath, AIR 1986 SC. 1571.

- Unit-III 1. The performance of contract (SS. 37-55)
 2. Discharge of Contract (SS. 56-67)
 3. Certain relations resembling those created by contract. (SS. 68-72)
 4. Breach of Contract (SS 73-75)

Leading cases: 1. Satyabarta Ghose Vs. Mugneeram and Co.; AIR 1954 SC 44.

2. Hadley Vs. Baxandale. (1854) 96. 341

- Unit-IV 1. Contract of Indemnity and guarantee (SS. 124-147)
 2. Contract of Bailment (SS. 148-171)
 3. Pledge: Definition and essentials, rights and duties of Powner and Bawnee.
 4. Agency: Definition, Kinds of agents, Rights and duties of agent and principal, duties of agent and principal towards third party, creation termination and ratification of agency.

Leading Cases : Bank of Bihar Vs. Damodar Parsad. AIR 1969 SC 297.

SALE OF GOODS ACT 1930

- Unit-V 1. Formation of Contract of sale (SS. 4-10)
 2. Conditions and warranties (SS. 11-17)
 3. Transfer of property in goods (SS. 18-30)
 4. Unpaid Sellers' rights against the goods (SS. 45-54)

Leading Cases: Sales Tax Officer Vs. Bud Parkash, Jai Parkash AIR 1954 S.C. 450.

Books Recommended

- | | |
|--------------------|------------------------------------|
| 1. Dr. Avtar Singh | Law of Contract. |
| 2. Dr. R.K. Bangia | Indian Contract Act. |
| 3. S.J. Desai | The Indian Contract Act. |
| 4. J.D. Jain | Indian Contract Act. |
| 5. S.K. Kapoor | The Law of Contract Act. |
| 6. D.F. Mulla | The Indian Contract Act. |
| 7. Dr. Avtar Singh | The Sale of Goods Act. |
| 8. Dr. R.K. Bangia | The Sale of Goods Act. |
| 9. D.F. Mulla | Sale of Goods and Partnership Act. |

Note: Not more than one question shall be set directly on the prescribed leading cases.

Paper-V PUBLIC INTERNATIONAL LAW

Max. Marks, 100

Time, 3 hrs.

Note: Ten questions shall be set in the paper with two questions from each unit. The candidates are required to attempt five questions in all selecting one question from each unit. All questions carry equal marks.

Unit I

Definition, Nature and development of international law.

Sanctions of IL Relations between IL and Municipal law.

Sources and Subjects of IL.

Case: Westr and Gold Mining Co. Vs.R. (1905) 2. K. B. 391

Unit-II State Territory and jurisdiction 391. Title to Territory. Air and Outer Space. Jurisdiction on the Sea, Recognition of State and Govts.

Case:I. Wimbledon Case. P.C.I.J. report series A-I

II. Luther Vs. Sagar G.B. 1921 3 K. B. 532

Unit III Position of Individual in International Law. Extradition, Asylum. State Succession; Diplomatic and Consular Relation; Law of Treaties

Case: I Columbian Peruvian Asylum Case, ICJ Reports (1951) of 71.

II Haile Selassi Vs. Cable & Wireless Co. Ltd. (1939) Ch. 12.

Unit-IV Settlement of disputes, Nature, Definition and effects of War

Rule of Warfare; Billegerent Occupation; Enemy Character.

Case: Daimler Co. Limited Vs. Continental Tyre and Rubber Co. Ltd. (1916) 2A.C. 307.

Unit-V Neutrality, Contraband and Blockade, War Crimes with special reference to Nuremberg, Tokyo and Yugoslavia International War Crimes Tribunals, Prize, Courts.

- Case :** 1. Nuremberg Judgement 1946
2. Zamora case (1916) 2 A. C. 77

Suggested Reading

- | | |
|----------------|---------------------------------|
| 1. Starke J.G. | An Introduction to Int. Law. |
| 2. Von Glahn. | Law among Nations. |
| 3. D.J. Harris | Cases and Material on Int. Law. |
| 4. D.W. Greig. | International Law. |
| 5. S.K. Kapoor | International Law. |

Paper-VI FAMILY LAW-I (Hindu Law)

Max. Marks 100

Time 3 Hrs.

Note: Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. Not more than one question will be set directly out of the prescribed cases.

Unit-I Application of Hindu Law, sources of Hindu Law, Schools of Hindu Law-The Mitakshara and the Dayabhaga Schools.

Unit-II The Hindu Marriage Act, 1955
Cases Bhaurao & Another Vs. State of Maharashtra, AIR 1965 S.C. 1564.

Saroj Rani Vs. Parbharati, AIR 1984 S.C. 1562

Bipin Chandra Vs. Parbhavati, AIR 1957 S. C. 170

Unit-III

The Hindu Adoption and Maintenance Act, 1956

The Hindu Minority and Guardianship Act, 1956

Sawan Ram Vs. Kalawati, AIR 1967 S.C. 1761

Unit-IV

The Hindu Succession Act, 1956. Joint Family, Alienations.

Hanuman Prashad Vs. Mussument Babooee. (1856) 6 MIR 303

V.D. Dhanwantry Vs. Commissioner of Income Tax, AIR 1968 S.C. 688

Unit-V

Partition, Debts and Son's Pious obligation, Religions and Charitable endowment.

Books Recommended

1. Hindu Marriage Act, 1955
2. Hindu Adoption & Maintenance Act, 1956
3. Hindu Minority & Guardianship Act, 1956
4. Hindu Succession Act, 1956
5. Mulla: Hindu Law
6. Derrett: An Introduction to Modern Hindu Law
7. Diwan Paras: Modern Hindu Law
8. Mayne: Hindu Law & usages.
9. Mahmood, T.: Studies in Hindu Law.

Paper-VII FAMILY LAW-II

Max Marks 100

Time 3 Hrs.

Note: Two questions of equal marks from each unit from the prescribed syllabus will be set out of which any one question from each unit will be required to be attempt by the students. The paper setter will also provide Hindi translation of the paper set by him in English.

Unit-I Concept of Muslim Law and its Sources, Schools and application including the Muslim Personal Law (Shariat) Application Act, 1937 in Indian context, Institution of Marriage, Dower and Divorce including the Dissolution of Muslim Marriage Act, 1939.

Leading cases 1. Anis Begam Vs. Mohd. Istafa. A.I.R. 1933. All. 634
2. Hamira Bibi Vs. Zubiada Bibi (1916) 43(1A) 294.

Unit-II Muslim Law relating to Maintenance of Women and Children including the Muslim Women (Protection of Rights on Divorce) Act; 1986 and Code of Cr. Procedure, 1973 Section 125-128.

Parent Child Relations :

Legitimacy and acknowledgement; Minority, Guardianship and Custody of children, Impact of Indian legislations on parent-child relations.

Leading case: 1. Mohd. Amin Vs. Ch. Wakil Ahmed (1952)
S.C.R. 1133

Unit-III Gifts and life interests including death-bed-gifts, Waqfs and their administration including the Central Waqf Act, 1995 and Kazis Act, 1880, Wills and legacies;

Administration of Estates and basic principles of Inheritance

Leading case: 1. Katheesan Umma Vs. Narayanah A.I.R.1964
S.C. 275

2. Mohd. Shah Vs. Fasihuddin Ansari A.I.R.
1956 S.C. 715

Unit-IV The Special Marriage Act, 1954 including provisions as to essentials for solemnization of Special Marriage, Procedure, formalities, Registration of Marriage, Consequences of Marriages, Matrimonial Remedies and incidental proceedings under the Act.

The Family Courts Act, 1984 including provisions as to Composition, Procedure and jurisdiction of Family Courts in India.

Leading case: Aruna Basu Vs. Dorothea Mitra A.I.R. 1983 S.C.
916

Unit-V The Indian Succession Act 1925 including rules of Intestate succession in general S.S. 29-49.

Parsi Rules of Intestate Succession (SS 50-56)

Testmentary Succession (SS 57-191 excluding 74-111)

Probate letter of Administration (SS 217-263).

Succession Certificates, (SS 370-390)

Leading case: Durga Prasad Vs. Debi Charan A.I.R. 1979 S.C.
145

Books Recommended

- | | |
|-----------------|-------------------------------------|
| 1. Fyzee | Outlines of Mohammedan Law. |
| 2. Mulla | Principles of Mohammedan law. |
| 3. David Pearl | A Text book on Muslim Personal Law. |
| 4. K. Hodkinson | Muslim Family Law: A source book. |

- | | |
|---|--|
| 5. Tahir Mahmood | The Muslim law of India. |
| 6. S. Khalid Rashid | Muslim law. |
| 7. Paras Diwan | Mohammedan law. |
| 8. H.Rahman | Muslim Vidhi (In Hindi). |
| 9. Mahmood, T. | Statute-Law Relating to
Muslims in India |
| 10. Mahmood, T. | Civil Marriage
Law-Perspectives and
Prospects. |
| 11. Paruck, P.L. | The Indian Succession Act,
1925. |
| 12. Prasad, V. | The Indian Succession Act. |
| 13. Commentaries on various enactments. | |

**Paper-VIII LEGAL AND CONSTITUTIONAL HISTORY
OF INDIA**

Max. Marks : 100

Time : 3 Hrs.

Note: Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.

Unit-I

- Administration of Justice in the Presidency Towns (1600-1773) and the development of Courts and Judicial Institutions under the East India Company.
- Charter of 1726 and 1753. Establishment of Major's Courts in 1726.

Unit-II

- Regulating Act of 1773-Supreme Court at Calcutta, its composition, powers and functions-Failure of the Court- Act of 1781.
- Leading Cases : (i) Raja Nand Kumar Trial (ii) Patna Case
(iii) Cossijurah Case

Unit-III

- Warren Hastings Plan of 1772, 1774 and 1780.
- Judicial Measures of Cornwallis, 1787, 1790, 1793.
Progress of Adalat System under Sir John Shore.

7. Progress of Adalat System under Wellsley, Amherest and Bentick.

Unit IV

8. Conflicts arising out of the dual judicial system, tendency for amalgamation of the two system of courts-The Indian High Courts Act, 1861. The Indian High Courts Act 1911. The Govt. of India Act, 1915, High Courts under the Govt. of India Act 1935. High Courts under the Indian Constitution. History of writ jurisdiction. Growth of personal laws in India.
9. Judicial Committee of Privy Council as a court of appeal and its jurisdiction to hear appeals from Indian decisions-abolition of the jurisdiction of the Privy Council to hear appeals from Indian decisions.
10. Court System generally under the Constitution of India.
11. Codification of Law-Act of 1833 Establishment of a Legislature of an All India Character in 1834.

Unit-V

12. The Indian Council Act 1861, 1892.
13. Govt. of India Act 1909, Govt of India Act, 1919, Govt.of India Act 1935.
14. Transfer of power and Indian Independence a Act, 1947.
15. Growth of Legal Profession :
- (a) Growth before 1926, (b) Indian Bar Committee, 1923 (c) Indian Bar Council Act, 1926 (d) All India Bar Committee Act, 1951 (e) The Advocates Act, 1961.
16. History of Law Reporting in India.

Note : Not more than one question shall be set on prescribed cases.

Books Recommended

- | | |
|----------------------|--|
| 1. M.P. Jain | Outlines of Indian Legal History. |
| 2. J.K. Mittal | Indian Legal History. |
| 3. V.D. Kulshreshtha | Land marks in Indian Legal and Constitutional History. |
| 4. S.K. Puri | Indian Legal and Constitutional History. |
| 5. M.P. Singh | Outlines of Indian Legal and Constitutional History. |