

Department of Law,
Punjabi University, Patiala
(Established under Punjab Act No. 35 of 1961)
LL.B. Three Year Course
(First & Second Semesters)
For 2017-18 ,2018-19 & 2019-20 Sessions

Scheme of Studies

First Semester

Paper	Subject	Univ. Exam	Int. Assess.	Max Marks
1.	Jurisprudence	74	26	100
2.	Constitutional Law-I	74	26	100
3.	Law of Contract	74	26	100
4.	Family Law-I	74	26	100
5.	Law of Torts, Motor Vehicle Accidents and Consumer Protection	74	26	100
Total		370	130	500

Second Semester

Paper	Subject	Univ. Exam	Int. Assess.	Max Marks
1.	Environmental Law	74	26	100
2.	Constitutional Law-II	74	26	100
3.	Special Contracts	74	26	100
4.	Family Law-II	74	26	100
5.	Public International Law	74	26	100
Total		370	130	500

**GENERAL INSTRUCTIONS FOR THE PAPER
SETTER FOR ALL THE PAPERS**

1. The maximum marks for each paper are 74 and the time allowed is 3 hours.
2. The minimum number of marks required to pass each paper shall be 45% in University Examination and 45% in University Examination and Internal Assessment taken together.
3. The question paper will consist of three units : I, II and III. Unit I and II will have four questions from the respective Units of the syllabus and will carry 11 marks each. Unit III will consist of 10 short- answer type questions, which will cover the entire syllabus uniformly and will carry 30 marks in all.
4. Internal exams marks for each paper are 26 which includes 05 marks of Attendance, 11 marks of Written Assignment/Project Work etc. and 10 marks for Two Mid-Semester Tests/Internal Examination.

INSTRUCTIONS FOR THE CANDIDATES

Candidates are required to attempt two questions each from the Unit I and II of the question paper and the entire Unit-III.

LL.B. (1st Semester)

Paper-I : Jurisprudence

Unit-I

Jurisprudence - Meaning, Nature, Purpose and Functions of Law. Definition of Law, Kinds & Classification of Law.

Concept of Administration of Justice, Difference between Civil and Criminal Administration Justice, Theories of Punishment

Sources of Law : Custom- Meaning, Kinds and Essentials of a Valid Custom, When does a Custom become Law?

Precedent – Meaning, Importance, Merits & Demerits, Doctrine of Precedent and its Operation in India, Do the judges make law?

Legislation- Meaning, Kinds: Supreme and Subordinate Legislation.

Analytical School of Law

Kelson's Pure Theory of Law

Historical School of Law

Sociological School of Law

Unit-II

State- Definition, elements of State, Theories of origin of State, Law and State

Codification – Meaning, Classification and its merits and demerits

Rights and Duties – Meaning, Theories of Right, Elements of a Legal Right, Classification of Rights and Duties.

Personality- Meaning and nature of legal personality, legal status of unborn person, dead man, animals, Nature of Corporate personality, Theories of Corporate personality, advantages of incorporation, liability of corporation.

Possession – Meaning, De facto and De jure possession, Kinds of Possession, Acquisition of Possession, Possessory Remedies, Rights of Possessor, Analysis of Possession. Why Law protects possession, Possession In fact and Possession in Law.

Ownership – Definition, Classification of Ownership, Modes of acquisition of Ownership, Relationship between Ownership and Possession.

Property - Meaning, Theories of Property, Kinds of Property, Modes of Acquisition of Property.

Prescribed Books

Friedmann W.	:	Legal Theory
B.N.M. Tripathi	:	An Introduction to Jurisprudence (Legal Theory)
Fitzgerold P.J.	:	Salmond on Jurisprudence
S.P. Dwivedi	:	Jurisprudence and Legal Theory
Paton G.W.	:	A Text Book of Jurisprudence
Dias	:	Jurisprudence
S.N. Dhyanani	:	Fundamentals of Jurisprudence

LL.B. (1st Semester)

Paper-II : Constitutional Law

Unit-I

Nature and Salient features of Constitution

Preamble

The Union and its Territory

Citizenship

State (Art. 12)

Fundamental Rights – To Whom Available

Judicial Review (Art. 13)

Right to Equality (Art. 14-18)

Right to Freedom (Art. 19-22)

Unit-II

Right Against Exploitation (Art. 23 and 24)

Freedom of Religion (Art. 25-28)

Saving of Certain Laws (Art. 31A, B & C)

Cultural and Educational Rights (Art. 29 and 30)

Directive Principles of State Policy (Art. 36-51)

Fundamental Duties

Union Judiciary

State Judiciary

Writ Jurisdiction of Higher Courts including Judicial Activism in India

Suggested Readings :

Contituent Assembly Debates

H.M. Seervai	:	Constitutional Law of India
M.P. Jain	:	Indian Constitution Law
D.D. Basu	:	Introduction of Constitution
Mahendra P. Singh	:	V.N. Shukla's Constitution of India
J.N. Pandey	:	Constitutional Law of India
T.K. Tope's	:	Constitutional Law of India.

Paper-III : Law of Contract

Unit-I

Agreement and Contract : Definitions and elements, Proposal and Acceptance : various forms, essential elements, communication and revocation ; proposal and invitation to a proposal.

Consideration : its meaning, kinds and essential elements, present, past and adequate consideration- whether performance of existing duties amounts to consideration ; stranger to contract cannot sue.

Capacity to contract : incapacity arising out of status and mental defect ; minor's agreement- definition of minor, agreements beneficial and detrimental to a minor, ratification in cases by a person of an agreement made by him while he was a minor ; "necessaries" supplied to a minor.

Free Consent : its need and definition, factors vitiating free consent.

Coercion : definition –essential elements, duress and coercion-effect of coercion.

Undue influence: definition- essential elements, between which parties it can exist? Who is to prove it? Illustrations of undue influence-pardanashin women-independent advice-unconscionable bargains-effect of undue influence.

Misrepresentation : definition-misrepresentation of law and of fact- their effects.

Fraud : definition – essential elements- active concealment of truth- importance of intention-when does silence amount to fraud?

Mistake : definition- kinds, mistake of law and mistake of fact , their effects

Legality of consideration and object : unlawful consideration and objects :

- Forbidden by Law
- Defeating the provision of any law
- Fraudulent
- Injurious to person or property
- Immoral
- Against public policy

Unit-II

Void Agreements : void, voidable and unlawful agreements and their effects, Agreements without consideration, Agreements in restraint of marriage

Agreements in restraint of trade : exceptions- sale of goodwill, restrictions under the Partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.

Agreements in restraint of legal proceedings, exceptions

Wagering agreement- its exceptions.

Contingent Contracts : definition – enforcement- contingent contract and wagering agreement.

Discharge of a contract and its various modes : by Performance : conditions of valid tender of performance-how? By whom? When? In what manner? Performance of reciprocal promises- time as essence of contract.

By breach : anticipatory breach and present breach.

Impossibility of performance : specific grounds of frustration – effect of frustration.

By agreement : rescission and novation – their effect- remission and waiver of performance- extension of time-accord and satisfaction.

Quasi contracts or certain relations resembling those created by contracts.

Remedies for breach of contract : Damages- kinds- remoteness of damage- liquidated damages and penalty.

Standard Form Contracts

Suggested Readings :

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|------------------|---|-------------------------|
| A.G. Guest (ed.) | : | Anson's Law of Contract |
| Avtar Singh | : | Law of Contract |

R.K. Bangia : Law of Contract
J.K. Dalal (ed.) : Mulla on the Indian Contract Act

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Paper-IV: Family Law-I

Unit-I

Sources of Hindu Law

- Ancient Sources
- Modern Sources

The Hindu Marriage Act, 1955

- Application of Hindu Law
- Conditions of Marriage
- Ceremonies of Marriage
- Registration of Marriage

Matrimonial remedies under the Hindu Marriage Act, 1955

Restitution of conjugal rights

Judicial separation

Nullity of Marriage

- Void marriage
- Voidable marriage

Divorce

Divorce by mutual consent

Customary Divorce

Legitimacy of children

Jurisdiction

Bars to matrimonial remedies

Maintenance Pendente Lite

Permanent alimony and maintenance

Unit-II

The Special Marriage Act, 1954 :

Conditions of Marriage

Registration of Marriage

Restitution of Conjugal rights

Judicial Separation

Nullity of Marriage

- Void Marriage
- Voidable Mariage

Divorce

Divorce by mutual consent

Muslim Law

- Marriage
- Dower
- Divorce

The Dissolution of Muslim Marriage Act, 1939

Suggested Readings :

Dr. Paras Diwan	:	Modern Hindu Law	
Mulla	:	Principles of Hindu Law	
G.M. Divekar	:	Hindu Law	
Ramesh Chander Nagpal	:	Modern Hindu Law	
Mayne	:	Hindu Law	4
Raghvachariar	:	Hindu Law	
Kusum	:	Family Law Lectures-I	
Poonam Pradhan Saxena	:	Family Law Lectures-II	
Srinivasan	:	Special Marriage Act	
Dr. Paras Diwan	:	Muslim Law in Modern India	
Aqil Ahmed	:	Mohammadan Law	
Mulla	:	Muslim Law	
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Dr. Basant Kumar Sharma	:	Hindu Law	

Paper-V: Law of Torts, Motor Vehicle Accidents and Consumer Protection

Unit-I

Tort : Meaning & definitions, Nature of Law of Torts

Distinction between Tort and Crime

Distinction between Tort and Breach of Contract

Constituents of Tort

(a) Wrongful Act

(b) Legal Damage- *Damnum Sine Injuria* and *Injuria Sine damnum*

(c) Legal Remedy

Justification in Tort : *Volenti Non Fit Injuria*, Necessity, Act of God, Inevitable accident, Private defence, Statutory Authorisation and Plaintiff's default.

Torts Against Person : Assault, Battery, False Imprisonment and Malicious Prosecution

Defamation : Libel and Slander, Constituents of Defamation, Defences to the Tort of Defamation

Negligence : Constituents, *Res Ipsa Loquitur* and Contributory Negligence

Unit-II

Death in Relation to Tort

(a) Survival of causes of action-*actio personalis mortui cum persona* and exceptions

(b) Death as a cause of action-the rule in *Baker v. Bolton* and Exceptions

Vicarious Liability : Meaning, Master's Liability for the wrongs committed by his servant, Liability of the State for the wrong committed by its servants.

Strict Liability - Rule in *Reylands v. Fletcher*, Principles of Absolute Liability
Liability for Industrial hazards.

Motor Vehicle Act, 1988 : Compulsory Insurance, Compensation payable under the Act, Insurer's Liability for persons on the roof of a bus, Insurer's Liability beyond the limits mentioned in the Act, Payment of Compensation in case of hit and run motor accidents with and without Fault Liability.

The Consumer Protection Act, 1986 : Purpose and Objects of Consumer Protection Law, Definitions of Complaint, Complainant, Consumer and Service, Consumer Dispute Redressal Agencies : their composition and jurisdiction, Redressal of Complaints - Manner, Procedure and Limitation.

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Suggested Readings :

- Law of Torts and Consumer Protection Act : Dr. J.N. Pandey
Law of Torts : Rattan Lal Dhiraj Lal
Law of Torts : Rama Swamy
Law of Torts : R.K. Bangia
The Consumer Protection Act, 1986
The Motor Vehicle Act
Consumer Protection Act (Punjabi) : Dr. Charanjit Singh
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LL.B. (2nd Semester)

Paper - I - Environmental Law

Unit-I

- Meaning and importance of Environment ;
- Types and causes of Environment Pollution;
- Definition, nature and scope of Environmental Law
- Constitutional protection of environment
- Law of Tort and Judicial Remedies
- Statutory Remedies : Code of Civil Procedure - Sec. 91
- Code of Criminal Procedure – (Section 133)
- Indian Penal Code : (Sections 268, 277, 290, 426)
- Noise Pollution : Meaning, Sources, Effects, Relevant Law for the control of Noise Pollution.
- Role of Judiciary through Public Interest Litigation in protecting Environment- Principles of Strict Liability, No Fault Liability, Absolute Liability

Unit-II

Water (Prevention and Control of Pollution) Act, 1974 - Causes of Water Pollution, Definitions, Pollution Control Boards - powers and functions, Penalties and Procedure
Air (Prevention and Control of Pollution) Act, 1981 - Causes and effects of Air Pollution, powers and functions of Central and State Boards, Penalties and Procedure
Environment (Protection) Act, 1986 - Definitions, Prevention, Control and Abatement of Environmental Pollution
The National Green Tribunal Act, 2010 - Composition, Jurisdiction and Powers & Functions of Tribunal.

SUGGESTED READINGS

1. Dr. P.S. Jaswal and Dr. N. Jaswal, Environmental Law
2. Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (Tiwari Committee Report (1981)).
3. Environment Protection Act : An Agenda for Implementation, A study under the auspices of Indian Law Institute, New Delhi, prepared by Upendra Baxi, Tripathi (P) Ltd. Pub. Bombay 1987.
4. Water (Prevention and Control of Pollution) Act, 1974
5. Air (Prevention and Control of Pollution) Act ,1981
6. Environment (Protection) Act, 1986
7. The National Green Tribunal Act, 2010

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Paper - II : Constitutional Law- II

Unit-I

Union Legislature including the Speaker
 State Legislature
 Privileges of Legislature and Anti Defection Law
 Union Executive
 State Executive
 Legislative Relations between Union and States
 Administrative Relations between Union and States

Unit-II

Liability of State in Torts and Contracts
 Emergency Provisions
 Election Commission : Constitution Powers and Functions
 Freedom of Trade, Commerce and Inter-Course
 Services under the Union and the States including Public Service Commission
 Constitutional Provisions Relating to Tribunals and Administrative Tribunals
 Amendments of the Constitution including the Doctrine of Basic Structure.

Suggested Readings

Constituent Assembly Debates

H.M. Seervai	:	Constitutional Law of India
M.P. Jain	:	Indian Constitution Law
D.D. Basu	:	Introduction of Constitution
Mahendra P. Singh	:	V.N. Shukla's Constitution of India
J.N. Pandey	:	Constitutional Law of India
Kailash Rai	:	The Constitutional Law of India

Paper- III- Special Contracts

UNIT-I

Contract of Indemnity and Contract of Guarantee, Indemnifier's Liability, Surety's Liability- Discharge of Surety - Rights of Surety.
 Bailment – Essentials- Duties of Bailee- Rights of Bailee - Pledge- Rights of Pawnee.
 Agency – Agent and Principal, Creation and Revocation of Agency, Ratification, Personal Liability of Agents. 7

Sale of Goods Act, 1930

- Sale and Agreements to Sell (Section 4)
- Contract of Sale – How made? (Section 5)
- Conditions and Warranties (Sections 12 to 17)
- Transfer of Property in Goods (Sections 18 to 25)
- Transfer of Title (Sections 27 to 30)

UNIT-II

- Performance of the Contract of Sale of Goods (Sections 31 to 37 and 42 to 44).
- Unpaid Seller (Section 45)
- Unpaid Seller's Lien (Sections 47,48,49)
- Stoppage in Transit (Sections 50,51,52)
- Right to Resale (Sections 53,54)
- Suits for Breach of the Contract (Sections 55 to 60)
- Sale by Auction (Section 64)

Indian Partnership Act, 1932

- Essentials of Partnership (Sections 4,5 &6)
- Implied Authority of a Partner (Sections 18,19 &20)
- Holding Out (Section 28)
- Position of Minor in the law of partnership (Section 30)
- Modes of Dissolution of Firm (Sections 39 to 44)
- Registration of Firm (Section 56 to 59, Section 69)

SUGGESTED READINGS

Anson's Law of Contract	:	A.G. Guest (ed.)
Law of Contract	:	Avtar Singh
Law of Contract	:	R.K. Bangia
Mulla on the Indian Contract Act	:	S.K. Dalal (ed.)
Partnership Act and Sale of Goods Act	:	D.F. Mulla
Principles of Mercantile Law	:	Avtar Singh
Sale of Goods Act	:	R.K. Bangia
Indian Partnership Act	:	R.K. Bangia

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Paper-IV: Family Law-II

Unit-I

Adoption under the Hindu Adoptions and Maintenance Act, 1956
Who may take in adoption
Who may give in adoption
Who may be taken in adoption
Other conditions and ceremonies of adoption
Effects of adoption
Relationship of adopted child
Maintenance under the Hindu Adoption and Maintenance Act, 1956
Maintenance of wife
Maintenance of widowed daughter-in-law
Maintenance of Children and Aged Parents
Maintenance of Dependents
Amount of Maintenance
Guardianship under the Hindu Minority and Guardianship Act, 1956
Kinds of Guardian
Natural Guardian
Powers of Natural Guardian
Testamentary Guardian
Guardianship of minor's property
Custody of minor
Consideration for appointment of guardian
The Family Courts Act, 1984

Unit-II

Schools of Hindu Law
Joint Family and Coparcenary
Classification of Property
 Joint Family Property
 Separate or self-acquired property
Karta of the Hindu Joint Family, its position and powers
Partition
 The Hindu Succession Act, 1956
 Devolution of interest in Mitakshara Coparcenary
 Succession to Property of Hindu Male dying intestate
 Succession to Property of a Hindu female dying intestate
 General provisions relating to succession
 Disqualification relating to succession

SUGGESTED READINGS

Dr. Paras Diwan : Modern Hindu Law
Mulla : Principles of Hindu Law

G.M. Divekar	:	Hindu Law
Ramesh Chander Nagpal	:	Modern Hindu Law
Mayne	:	Hindu Law
Raghvachariar	:	Hindu Law

Kusum	:	Family Law Lectures-I
Poonam Pradhan Saxena	:	Family Law Lectures-II
Dr. Paras Diwan	:	Testamentary and Intestate Succession
Dr. Paras Diwan :	:	Law of Adoption, Minority, Guardianship and Custody.

Paper - V : Public International Law

Unit-I

Definition, Nature and Sanctions of observance of International Law.

Sources of International Law

Treaties – Definition, Essentials, Formation, Amendment and Termination of Treaties

Subjects of International Law- various theories, position of individual in International Law.

Recognition- Meaning, theories, modes of recognition, distinction between recognition of States and Governments ; legal effects of recognition and consequences of non-recognition.

States in general – Criteria of Statehood ; different kinds of State and Non-State Entities.

State Territory – Meaning and Modes of Acquisition and loss of State Territory

Unit-II

United Nations Organisations – Main organs, Role of Security Council, Jurisdiction of International Court of Justice.

Diplomatic Privileges and Immunities

Nationality, Extradition and Asylum

Settlement of International Disputes- Amicable and Coercive Means.

Concept of Aggression, Right of Self-Defence, Right of Self-Determination.

Neutrality, Blockade, Contraband

War Crimes, Jurisdiction of International Criminal Court

SUGGESTED READINGS

J.G. Starke	:	An Introduction to International Law
S.K. Kapoor	:	International Law and Human Rights
Max Sorenson	:	Manual of Public International Law
H.O. Aggarwal	:	International Law and Human Rights
American Journal of International Law		
Indian Journal of International Law.		

