

Detailed Course Scheme
Bachelor of Law (LL.B.)

Semester I Examination
(2016-2019)

DOC201607130004



RNB GLOBAL UNIVERSITY

RNB Global City, Ganganagar Road,
Bikaner, Rajasthan 334601

OVERVIEW

RNB Global University follows Semester System along with Choice Based Credit System as per latest guidelines of University Grants Commission (UGC). Accordingly, each academic year is divided into two semesters, **Odd (July-December) and Even (January-June)**. Also, the university follows a system of continuous evaluation along with regular updating in course curricula and teaching pedagogy.

The Curriculum for LL.B. Program for 2016-2019 along with examination pattern is as follows:

Course Scheme

Semester -I

S. No	Course Code	Course Name	Credits
1.	16000800	Jurisprudence- I	4
2.	16000900	Principles of Contract	4
3.	16001000	Law of Torts	4
4.	16001100	Law of Crimes: Indian Penal Code	4
5.	16000700	Family Law-I	4
6.	16002200	Ability & Skill Enhancement Module-I	3
7.	99002000	NCC/NSS/Similar Activities	-
8.	99002100	Club Activities	-
Total Credits			23

EVALUATION SCHEME

The evaluation of the LL.B. program would be based on Internal and External Assessments. Internal Assessment would consist of 50% of the marks (50 marks) and external assessment (in form of End Term Exam) would consist of remaining 50% marks (50 marks). Detailed scheme of Internal and External Assessments as follows:

Internal Assessment

Type	Details	Marks
Sessional I	As per marks obtained	10
Sessional II	As per marks obtained	10
Marks obtained in various, assignments, presentations, quizzes etc.	Average of marks obtained	15
Discipline	To be decided by concerned faculty	5
Attendance	80% - 5 marks and 0.25 percent for every one percent above 80 %	10
TOTAL	50	

External Assessment

Type	Marks
Theory	50

EVALUATION SCHEME - NSS/NCC AND CLUB ACTIVITIES

1. NSS/NCC /Similar activities prescribed by University will be completed from Semester I –Semester IV. It will be evaluated internally by the respective institute. The credit for this will be given after IVth Semester.
2. The students have to join club/clubs with the active participation in different activities of club. The students would be continuously assessed from Semester I – Semester IV and credits and marks would be given after IVth Semester.

CURRICULUM

Course Name: Jurisprudence- I

Course Code: 16000800

Course Outline

Unit I

- (a) Nature and Scope of Jurisprudence: Schools of Thought
- (b) Austin's Command and Sovereignty Theory
 - i) R.W.M. Dias, *Jurisprudence* Positivism : British Theories
 - ii) John Austin, *The Province of Jurisprudence Determined*, by H.L.A. Hart, (1954)

Unit II

- (a) Kelsen's Theory of Law
 - i) Hans Kelsen, *Pure Theory of Law*, Translated by Max Knight, (1970)
 - ii) Hans Kelsen, *General Theory of Law and State*, Translated by Anders Wedberg, (1946)
- (b) Hart's Legal System and Dworkin's Theory of Adjudication
 - i) H.L.A. Hart, *The Concept of Law* Law as the Union of Primary and Secondary Rules, (2nd ed., 1961)
 - ii) H.L.A. Hart, id., *The Foundations of a Legal System*,
 - iii) Ronald Dworkin, *Taking Rights Seriously*, The Model Rules I, (1977, Indian Reprint 2010)
 - iv) Ronald Dworkin, id., *The Model Rules II*

Unit III

- (a) Karl Von Savigny's Theory of Law
- (b) Henry Maine's Historical Materialism

Unit IV

- (a) Roscoe Pound's Theory of Law
 - i) R.W.M. Dias, *Jurisprudence*, pp. 431-435 147
- (b) Judicial Process
 - i) Lon L Fuller, *The Case of the Speluncean Explorers*, 62 *Harvard Law Review* 616-664 (1949)

(c) Revival of Natural Law in the Twentieth Century

Suggested Readings

1. Lon L.Fuller, *The Morality of Law* (1969, Indian reprint 2006)
2. W.G. Friedmann, *Legal Theory*, (5th ed.,1967)
3. Amartya Sen, *The Idea of Justice*, (2009) 173
4. M.D.A. Freeman, *Lloyds Introduction to Jurisprudence* (7thed., 2001)
5. R.W.M. Dias, *Jurisprudence* (5th ed. 1985, Indian Reprint 2014)
6. P.J. Fitzgerald, *Salmond on Jurisprudence* (12th ed., 1966)
7. David P. Dertam (ed.) *A Textbook of Jurisprudence* by G.W. Paton (4th ed. 1972)
8. Mahajan, V.D., *Jurisprudence & Legal Theory*, (5th Ed., Reprint 2010)
9. A.R. Biswas – *Modern Jurisprudence*
10. Frederick Pollock – *A first book of Jurisprudence*

Course Name: Principles of Contract

Course Code: 16000900

Course Outline

Unit I

- a) General introduction
- b) History and nature of contractual obligation
- c) Formation of an agreement - Intention to create legal relationship; offer and invitation to treat; kinds of offer, communication, acceptance and revocation of offer and acceptance; modes of revocation of offer - Indian Contract Act, 1872, sections 2 – 10
 - i. *Carlill v. Carbolic Smoke Ball Co.* (1891-4) All ER Rep.127
 - ii. *Pharmaceutical Society of Great Britain v. Boots Cash Chemist (Southern) Ltd.*, (1952) 2 All ER Rep. 456
 - iii. *Balfour v. Balfour* (1918-19) All ER 860 (CA)
 - iv. *Lalman Shukla v. Gauri Datt* (1913) XL ALJR 489 (All.)
 - v. *Bhagwandas Goverdhandas Kedia v. M/s. Girdharilal Parshottamdas & Co.*, AIR 1966 SC 543 17
 - vi. *Harvey v. Facey* (1893) AC 552 28
 - vii. *Felthouse v. Bindley* (1862) 11 CB 869

Unit II

- a) Making of an agreement
- b) Special situations- Tenders and Auctions - Indian Contract Act, 1872
 - i. *Union of India v. Maddala Thathiah*, AIR 1966 SC 1724
 - ii. *Rajendra Kumar Verma v. State of M.P.*, AIR 1972 MP 131
 - iii. *Kanhaiya Lal Aggarwal v. Union of India*, AIR 2002 SC 2766
 - iv. *Haridwar Singh v. Bagun Sumbrui* (1973) 3 SCC 889
 - v. *Indian Airlines Corporation v. Sm. Madhuri Chowdhuri*, AIR 1965 Cal. 252
- c) Consideration -Meaning; basis and the nature of consideration; Doctrine of Privity of Contract and of consideration, its exceptions; Exceptions of consideration – Indian Contract Act, 1872, sections 2(d), 2(f), 23 and 25
 - i. *Kedarnath Bhattacharji v. Gorie Mahomed* (1886) 7 I.D. 64 (Cal.)
 - ii. *Doraswami Iyer v. Arunachala Ayyar* (1935) 43 LW 259 (Mad.)
 - iii. *Abdul Aziz v. Masum Ali*, AIR 1914 All. 22
 - iv. *Venkata Chinnaya Rau v. Venkataramaya Garu* (1881) 1 ID 137 (Mad.)
 - v. *Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam* (1910) LR 37 I.A. 152
- d) Capacity to contract - Legal disability to enter into contract - Minors, persons of unsound mind ; person under legal disability; lunatics, idiots; Restitution in cases of minor's agreement; Liability for necessaries supplied to the minor - Indian Contract Act, 1872, sections 10, 11, 12, 64, 65, 68; Specific Relief Act, 1963, section 33; Indian Majority Act, 1875
 - i. *Mohori Bibee v. Dharmodas Ghose* (1903) 30 I.A. 114
 - ii. *Khan Gul v. Lakha Singh*, AIR 1928 Lah.
 - iii. *Ajudhia Prasad v. Chandan Lal*, AIR 1937 All.

Unit III

- a) Free Consent - Free consent ; Definition – Coercion, Undue influence, Fraud, Misrepresentation and Mistake; Effect on contracts influenced by any factor vitiating free consent - Indian Contract Act, 1872, sections 13 – 22
 - i. *Raghunath Prasad v. Sarju Prasad* (1923) 51 I.A. 101
 - ii. *Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib*, AIR 1967 SC 878
 - iii. *Lakshmi Amma v. T. Narayana Bhatta*, 1970 (3) SCC 159
 - iv. *Tarsem Singh v. Sukhminder Singh* (1998) 3 SCC 471

b) Limitation on freedom of Contract - Circumstances in which agreements become void or voidable, Distinction between void and voidable agreements; Unlawful Agreements; Public policy; Agreements with unlawful consideration in part and objects; Agreements without consideration; Agreements in restraint of marriage; Agreements in restraint of trade; Agreements in restraint of legal proceedings; Ambiguous and uncertain agreements & Wagering agreements -Indian Contract Act, 1872, sections 23 – 30

- i. *Gherulal Parakh v. Mahadeodas Maiya*, AIR 1959 SC 781
- ii. *Niranjan Shankar Golikari v. Century Spinning & Manufacturing Co. Ltd.*, AIR 1967 SC 1098
- iii. *Central Inland Water Transport Corpn. Ltd. v. Brojo Nath Ganguly* (1986) 3 SCC 156 (Also see *D.T.C. v. D.T.C. Mazdoor Congress*, AIR 1991 SC 101;
- iv. *Bank of India v. O.P. Swarankar*, AIR 2003 SC 858)
- v. *Dhurandhar Prasad Singh v. Jai Prakash University*, AIR 2001 SC 2552 145

c) Discharge of a contract. - Modes -Discharge by performance; Frustration; Supervening impossibility of performance; Grounds of Frustration and its effect; Discharge by Agreement and Novation – Indian Contract Act, 1872, sections 37 – 67

- i. *Satyabrata Ghose v. Mugneeram Bangur & Co.*, AIR 1954 SC 44
- ii. *M/s. Alopi Parshad & Sons Ltd. v. Union of India*, AIR 1960 SC 588
- iii. *Punj Sons Pvt. Ltd. v. Union of India*, AIR 1986 Del. 158
- iv. *Easun Engineering Co. Ltd. v. The Fertilizers & Chemicals*
- v. *Travancore Ltd.*, AIR 1991 Mad. 158

Unit IV

a) Remedies for breach of contract - Damages; Types of Damages ; Basis of Assessment of Damages; Remoteness of Damages and Measures of Damages; Mitigation of Damages; Penalty & Liquidated Damages – Indian Contract Act, 1872, sections 73 – 74 *K. Mondal & Sons*, AIR 1962 SC 779

- i. E-contracts - Nature and scope ; Formation *Hadley v. Baxendale* (1843-60) All ER Rep. 461
- ii. *AKAS Jamal v. Moolla Dawood, Sons & Co.* (1915) XX C.W.N. 105
- iii. *Karsandas H. Thacker v. M/s. The Saran Engineering Co. Ltd.*, AIR 1965 SC1981
- iv. *Maula Bux v. Union of India*, AIR 1970 SC 1955
- v. *Shri Hanuman Cotton Mills v. Tata Air Craft Ltd.*, 1969 (3) SCC 522
- vi. *Ghaziabad Development Authority v. Union of India*, AIR 2000 SC 2003
- vii. *Oil & Natural Gas Corporation Ltd. v. Saw Pipes Ltd.*, (2003) 4 SCALE 92

- b) Quasi contract - Obligations resembling those created by Contract (Quasi – Contracts)
: Concept and classification - Indian Contract Act, 1872, sections 68 – 72 *State of West Bengal v. B. of E-contracts* ; Legislative Framework; Judicial Approach – The Information Technology Act, 2000, sections 3--5, 10--17.
- i. *P R Transport Agency v. Union of India*, AIR 2006 ALL 23
ii. *Timex International Fze Ltd Dubai v. Vedanta Aluminium Ltd.* (2010) 3 SCC 1

Course Name: Law of Torts

Course Code: 16001000

Course Outline

Unit I

1. Introduction: Definition, Nature and Scope

- i. Origin and Development of Law of Torts in England – Forms of action – Specific remedies from case to case.
- ii. Evolution of Law of Torts in India – Un-codified and judge-made - Advantages and disadvantages.
- iii. Meaning and function of Law of Torts – Prescribing standards of human conduct, redressal of wrongs by payment of compensation, injunction.
- iv. Definition of Tort
- v. Constituents of Tort – Wrongful act, Legal damage and Remedy – *Injuria Sine Damno* and *Damnum Sine Injuria* – *Ubi jus ibi remedium*
- vi. Tort *vis-a-vis* other wrongs e.g. crime, breach of contract, etc.
- vii. Relevance of intention, motive and malice in law of torts

1. *White v. John Warrick & Co., Ltd.*, (1953) 2 All ER 1285
2. *Town Area Committee v. Prabhu Dayal*, AIR 1975 All. 132
3. *P. Seetharamayya v. G. Mahalakshamma*, AIR 1958 AP 103
4. *Jayalakshmi Salt Works Pvt. Ltd. v. State of Gujarat* (1994) 4 SCC 1
5. *Rajkot Municipal Corporation vs. Manjulben Jayantilal Nakum & ors.*, 1997 (9) SCC 552
6. *State of A. P. v. Govardhanlal Pitti* AIR 2003 SC 1941
7. *Ashby v. White* (1703) 2 Lord Raym 938
8. *Municipal Corpn. of Agra v. Asharfi Lal*, AIR 1921 All. 202
9. *Mayor of Bradford Corpn. v. Pickles* (1895) AC 587
10. *Gloucester Grammer School case* (1410) Y.B. 11 hen. IV of 47

2. Defences against Tortious Liability

(a) Consent as defence – *Volenti non fit injuria* – Essentials for the application of defence;

Exceptions to the defence – Rescue cases and Unfair Contract Terms Act, 1977 (U K);

(b)

Statutory authority; (c) Act of God

1. *Smith v. Charles Baker and Sons* (1891) AC 325 (HL)
2. *South Indian Industrial Ltd., Madras v. Alamelu Ammal*, AIR 1923 Mad. 565
3. *Haynes v. Harwood* (1935) 1 K B 146
4. *Ramchandram Nagaram Rice & Oil Mills Ltd. v. Municipal Commissioners of Purulia Municipality*, AIR 1943 Pat. 408
5. *Manindra Nath Mukherjee v. Mathuradas Chatturbhuj*, AIR 1946 Cal. 175
6. *Hall v. Brooklands Auto Racing Club* (1933) 1 KB 205
7. *T.C. Balakrishnan v. T.R. Subramanian*, AIR 1968 Ker. 151

3. Negligence – Liability at Common Law and Statutory Law

(a) Theories of Negligence; (b) Meaning and Definition; (c) Essential Ingredients – duty to take care, breach of duty, consequent damage; (d) Proof of Negligence- *Res ipsa loquitor*

1. *Donoghue v. Stevenson* (1932) All ER Rep. 1
2. *Municipal Corporation of Delhi v. Subhagwanti*, AIR 1966 SC 1750
3. *Pinnamaneni Narasimha Rao v. Gundavarapu Jayaprakasu*, AIR 1990 AP 207
4. *Jacob Mathew v. State of Punjab* (2005) 6 SCC 1
5. *Malay Kumar Ganguly v. Sukumar Mukherjee & Ors*, AIR 2010 SC 1162
6. *Khenyei v. New India Assurance Co. Ltd.* AIR 2015 SC 2261

Unit II

1. Nervous Shock

- i. *Hambrook v. Stokes Bros.* (1924) All ER Rep. 110
- ii. *(Hay or) Bourhill v. Young* (1942) 2 All ER 396 (HL) 113
- iii. *McLoughlin v. O'Brian* (1982) 2 All ER 907 (HL) 116
- iv. *Alcock v. Chief Constable of the South Yorkshire Police* (1991) 4 All ER 907 (HL) 130
- v. *Page v. Smith* (1995) 2 All ER 736
- vi. *Dulieu v. White* (1901) 2 KB 669
- vii. *King v. Phillips* (1953) 1 QB 429

2. Remoteness of Damages

- i. *In Re An Arbitration between Polemis and Furness, Withy & Co.* (1921) All ER Rep. 40
- ii. *Overseas Tankship [UK] Ltd. v. Morts Dock & Engineering Co.*
- iii. *The Wagon Mound* (1961) 1 All ER 404

- iv. *Hughes v. Lord Advocate* (1963) AC 837
- v. *Smith v. Leech Brain & Co.* (1961) 3 All ER 1159

3. No Fault Liability – Strict and Absolute Liability

- (a) Strict Liability – Rule in *Rylands v. Fletcher* – Origin and nature, scope, defences – Application of the rule in India; (c) Absolute Liability – Rule in *M. C. Mehta v. Union of India*; (d) Liability under modern legislation – The Public Liability Insurance Act, 1991
 - i. *Rylands v. Fletcher* (1868) LR 3 HL 330.
 - ii. *M. C. Mehta v. Union of India*, AIR 1987 SC 1086.
 - iii. *M. P. Electricity Board v. Shail Kumar*, AIR 2002 SC 551.
 - iv. *The Madras Railway Co. v. The Zemindar of Carvatenagarum*, LR (1874) 1 IA 364

Unit III

1. Vicarious Liability of State

- (a) Basis of Liability - Position in England and India; (b) Government Liability in Torts – (1) Constitutional Provisions; (2) Sovereign and Non-sovereign Functions; (3) *Law Commission of India First Report, 1956*; (4) Violation of Fundamental Rights and Sovereign Immunity
 - i. *State of Rajasthan v. Vidyawathi* (1962) Supp. 2 SCR 989
 - ii. *Kasturilal Ralia Ram Jain v. State of U. P.* (1965) 1 SCR 375
 - iii. *N. Nagendra Rao & Co. v. State of A. P.*, AIR 1994 SC 2663
 - iv. *Chairman, Railway Board v. Chandrima Das* (2000) 2 SCC 465

2. Defamation

Libel & Slander – Defences, Justification by Truth, Fair and Bonafide Comments, Privilege, Consent and Apology

- i. *Prof. Imtiaz ahmad vs. Durdana Zamir* (2009) 109 DRJ 357
- ii. *Tushar Kanti Ghosh v. Bina Bhaumic* (1953) 57 CWN 378
- iii. *Rustom K. Karanjia v. K. M. D. Thakersey*, AIR 1970 Bom. 424.
- iv. *Melepurath Sankunni Ezhuthassan v. Thekittil Geopalankutty Nair* (1986) 1 SCC 118

Unit IV Consumer protection Act, 1986

Evolution of Consumer Protection Movement-Consumer movement-Meaning-Definition-Consumer movement in England and America-UN Guidelines on Consumer Protection Definitions of “Consumer”, “Complaint”, “Complainant”, “Defect”, and “Deficiency”, Goods, “RTP”, “UTP”, “Service”. Establishment of Central, State and District Consumer Protection Councils Adjudicatory Bodies – District Consumer Disputes Redressal Forum, State Consumer Disputes Redressal Commission and National Consumer Disputes Redressal Commission – Constitution, Powers, Jurisdiction, Procedure, Appeals

- 1. *Faqir Chand Gulati v. Uppal Agencies Private Ltd.* (2008) 10 SCC 345 232
- 2. *Indian Medical Association v. V. P. Shantha*, AIR 1996 SC 550 246
- 3. *Laxmi Engineering Works v. P.S.G. Industrial Institute*, 1995 SCC (3) 583. 256
- 4. *Lucknow Development Authority v. M.K. Gupta*, 1994 SCC (1) 243 267

5. *C.C.I. Chambers Co-op. Housing Society Ltd. v. Development Credit Bank Ltd.*, AIR 2004 SC 184 (Complicated questions of fact – not a ground to throw away the complaint)
6. *State of Karnataka v. Vishwabarathi House Building Co-op. Society*, AIR 2003 SC 1043 (Constitutional validity of the Consumer Protection Act, 1986)
7. *Harsingh M. Vasava v. State of Gujarat*, AIR 2002 SC 1212 (Period of limitation)
8. *J.J. Merchant v. Srinath Chaturvedi*, AIR 2002 SC 2931

Suggested Readings:

1. W.V.H. Rogers, **Winfield & Jolowicz on Tort** (19th ed., 2015)
2. R.F.V. Heuston and R.A. Buckley, **Salmond & Heuston on The Law of Torts** (20th ed., 1992)
3. G.P. Singh, **Ratanlal & Dhirajlal The Law of Torts** (26th ed., updated re-print 2015)
4. Tony Weir, **A Casebook on Tort** (9th ed., 2004)
5. Avtar Singh (Rev.), **P.S. Atchuthen Pillai Law of Torts** (9th ed., 2004)

Course Name: Law of Crimes: Indian Penal Code

Course Code: 16001100

Course Outline

Unit I General Principles of Crime: Introduction (need of law/rules) What acts are Crime? Law & Crime, Definition of Crime, Crime & Tort, Elements of Crime, Principle of Criminal Liability, Mens Rea, Actus Reus, Classification of Crimes/Offences, Burden of Proof, Strict Liability.

Cases:

- **Principle of Mens Rea and Strict Liability:**
 1. *State of Maharashtra v. Mayer Hans George*, (1965) 1 SCR 123 AIR 1965 SC 722
 2. *State of M.P. v. Narayan Singh*, (1989) 3 SCC 596
 3. *R. v. Prince* (1875) LR 2 CCR 154
 4. *Queen v. Tolson* (1889) 23 QBD 168
 5. *R v. Khandu* (1890) ILR 15 Bom 194

Unit II General Exceptions and Right of Private Defence and Group Liability: General Exceptions (Sections 76-95) and the Right of Private defence (Sections 96-106) and Group Liability (Sections 34, 141, 149).

Cases:

Group Liability:

1. *Suresh v. State of U.P.* (2001) 3 SCC 673
2. *Mizaji v. State of U.P.*, AIR 1959 SC 572
3. *Maina Singh v. State of Rajasthan* (1976) 2 SCC 827: AIR 1976 SC 1084

Right of Private Defence:

1. *State of U.P. v. Ram Swarup* (1974) 4 SCC 764 : AIR 1974 SC 1570
2. *Deo Narain v. State of U.P.* (1973) 1 SCC 347: AIR 1973 SC 473
3. *Kishan v. State of M.P.* (1974) 3 SCC 623 : AIR 1974 SC 244
4. *James Martin v. State of Kerala* (2004) 2 SCC 203

Unit III Specific Offences: Offences Affecting Human Body: Culpable Homicide and Murder (Sections 299-302, 304 read with sections 8-11, 21, 32, 33, 39, 52), Homicide by Rash and Negligent Act (Section 304A), Hurt and Grievous Hurt; Wrongful Restraint and Wrongful Confinement; Criminal Force; Assault; Outraging the Modesty of Woman; Rape and Unnatural sexual Offences (Sections 354, 354A-D, 509, 375, 376, 376A-E read with section 90); Kidnapping and Abduction (Sections 359-363 read with sections 18, 82, 83, 90); Dowry death and Cruelty; Attempt (Sections 511, 307, 309).

Cases:

Culpable Homicide and Murder:

1. *Rawalpenta Venkalu v. State of Hyderabad*, AIR 1956 SC 171
2. *Palani Goundan v. Emperor*, 1919 ILR 547 (Mad)
3. *In re Thavamani*, AIR 1943 Mad 571
4. *Emperor v. Mushnooru Suryanarayana Murthy* (1912) 22 MLJR 333 (Mad.)
5. *Kapur Singh v. State of PEPSU*, AIR 1956 SC 654
6. *Virsa Singh v. State of Punjab*, AIR 1958 SC 465
7. *State of Andhra Pradesh v. R. Punnayya*, AIR 1977 SC 45
8. *Emperor v. Mt. Dhirajia*, AIR 1940 All. 486
9. *Gyarsibai v. The State*, AIR 1953 M.B. 61

Specific Exceptions to section 300 Cases:

1. *K.M. Nanavati v. State of Maharashtra*, AIR 1962 SC 605
2. *Ghapoo Yadav v. State of M.P.* (2003) 3 SCC 528

Homicide by Rash or Negligent Act not amounting to Culpable Homicide:

1. *Cherubin Gregory v. State of Bihar*, AIR 1964 SC 205
2. *S.N. Hussain v. State of Andhra Pradesh*, AIR 1972 SC 685

Sexual Offences:

1. *Kanwar Pal Singh Gill v. State (Admn., U.T. Chandigarh) through Secy.*, (2005) 6 SCC 161
2. *Tukaram v. State of Maharashtra*, AIR 1979 SC 185
3. *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384
4. *Sakshi v. Union of India*, (2004) 5 SCC 518
5. *Suresh Kumar Koushal v. Naz Foundation*, (2014) 1 SCC 1

Kidnapping ad Abduction:

1. *S. Varadarajan v. State of Madras*, AIR 1965 SC 942
2. *Thakorlal D. Vadgama v. State of Gujarat*, AIR 1973 SC 2313
3. *State of Haryana v. Raja Ram*, (1973) 1 SCC 544 138

Attempt:

1. *Asgarali Pradhania v. Emperor*, AIR 1933 Cal. 893
2. *Abhayanand Mishra v. State of Bihar*, AIR 1961 SC 1698
3. *Om Parkash v. State of Punjab*, (1962) 2 SCR 254 : AIR 1961 SC 1782
4. *State of Maharashtra v. Mohd. Yakub*, (1980) 3 SCC 57
5. *Gian Kaur v. State of Punjab*, (1996) 2 SCC 648

Unit IV Offences Against Property: Theft; Extortion; Robbery; Dacoity (Sections 378, 379, 383, 384, 390, 391, read with sections 22-25, 27, 29, 30, 44); Criminal Misappropriation; Criminal Breach of Trust; Cheating (Sections 403-405, 415-416, 420 read with sections 29-30).

Cases:

Offences of Theft, Extortion, Robbery and Dacoity

1. *Pyare Lal Bhargava v. State of Rajasthan*, AIR 1963 SC 1094
2. *Jadunandan Singh v. Emperor*, AIR 1941 Pat. 129
3. *Sekar v. Arumugham* (2000) Cr.L.J. 1552 (Mad.)
4. *State of Karnataka v. Basavegowda* (1997) Cr.L.J. 4386 (Kant.)

Offences of Criminal Misappropriation, Criminal Breach of Trust and Cheating

1. *Jaikrishnadas Manohardas Desai v. State of Bombay*, AIR 1960 SC 889
2. *Mahadeo Prasad v. State of West Bengal*, AIR 1954 SC 724
3. *Akhil Kishore Ram v. Emperor*, AIR 1938 Pat. 185
4. *Shri Bhagwan S.S.V.V. Maharaj v. State of A.P.*, AIR 1999 SC 2332

Suggested Readings:

1. S.N. Misra, **Indian Penal Code**, (19th Edn.)
2. B.M. Gandhi, **Indian Penal Code**, (3rd Edn.)

3. T. Bhattacharyya – **The Indian Penal Code with exhaustive comments and case Law.**
4. K.T. Thomas, M.A. Rashid (Rev.), **Ratan Lal & Dhiraj Lal's The Indian Penal Code,** (34th ed., 2014)
5. K.D. Gaur, **Criminal Law : Cases and Materials,** (8th ed., 2015)
6. R.C. Nigam, **Law of Crimes in India** (Vol. I) (1965)
7. V.B. Raju, **Commentary on Indian Penal Code, 1860** (Vol. I & II) (4th ed., 1982)
5. K.N.C. Pillai & Shabistan Aquil (Rev.), **Essays on the Indian Penal Code** (The Indian Law Institute, 2005)
6. K. I. Vibhute (Rev.), **P.S.A. Pillai's Criminal Law** (12th ed., 2014)
7. Syed Shamsul Huda, **The Principles of the Law of Crimes in British India** (1902)
8. K.N. Chandrasekharan Pillai, **General Principles of Criminal Law** (2nd ed., 2011)

Course Name: Family Law- I

Course Code: 16000700

Course Outline:

Unit I Source and School: Primary sources & secondary sources, Religious texts and Interpretations, Procedural system, Precedents, Un-codified general law among various religious groups of people in India-Constitutional issues- Schools of Hindu Law-Sources.

Unit II Law of Marriage: Marriage as an institution

The Hindu Marriage Act, 1955

- (a) Applicability of legislation (section 2)
- (b) Concept and forms of marriage
- (c) Conditions for the validity of marriage (sections 3 and 5)
- (d) Solemnisation of marriage (section 7)
- (e) Registration of Marriage (section 8)
- (f) Void and Voidable marriages (sections 11 and 12)

1. *Dr. Surajmani Stella Kujur v. Durga Charan Hansdah*, AIR 2001 SC 938
2. *S. Nagalingam v. Sivagami* (2001) 7 SCC 487
3. *Bhaurao Shankar Lokhande v. State of Maharashtra*, AIR 1965 SC 1564
4. *Lily Thomas v. Union of India*, AIR 2000 SC 1650
5. *Pinninti Venkataramana v. State*, AIR 1977 AP 43
6. *Asha Qureshi v. Afaq Qureshi*, AIR 2002 MP 263
7. *P. v. K.*, AIR 1982 Bom. 400
8. *Babui Panmato Kuer v. Ram Agya Singh*, AIR 1968 Pat. 190
9. *Seema v. Ashwani Kumar* (2006) 2 SCC 578

Restitution of Conjugal Rights (Section 9)

1. *Kailashwati v. Ayudhia Parkash*, 1977 C.L.J. 109 (P.& H.)
2. *Swaraj Garg v. K.M. Garg*, AIR 1978 Del. 296
3. *Saroj Rani v. Sudarshan Kumar*, AIR 1984 SC 1562

Judicial Separation [sections 10 and 13 (IA)]

Divorce [sections 13(1), (2), 13(1A), 13A, 13B]

(a) Theories of Divorce

(b) Grounds of Divorce with particular emphasis on Cruelty, Desertion, Option of Puberty, Breakdown of Marriage, Mutual Consent, Irretrievable Breakdown of Marriage

(Seventy-first Report of Law Commission of India)

1. *N.G. Dastane v. S. Dastane*, AIR 1975 SC 1534 81
2. *Samar Ghosh v. Jaya Ghosh*, 2007 (3) SCJ 253 101
3. *Bipinchandra Jaisinghbai Shah v. Prabhavati*, AIR 1957 SC 176 122
4. *Dharmendra Kumar v. Usha Kumar*, AIR 1977 SC 2213 139
5. *T. Srinivasan v. T. Varalakshmi*, 1 (1991) DMC 20 (Mad.) 142
6. *Hirachand Srinivas Managaonkar v. Sunanda*, AIR 2001 SC 1285 149
7. *Sureshta Devi v. Om Prakash*, 1 (1991) DMC 313 (SC)

Unit III Maintenance

The Hindu Marriage Act, 1955, sections 24 and 25

The Hindu Adoptions and Maintenance Act, 1956, section 18

The Criminal Procedure Code, 1973, section 125

1. *Amar Kanta Sen v. Sovana Sen*, AIR 1960 Cal. 438 159
2. *Padmja Sharma v. Ratan Lal Sharma*, AIR 2000 SC 1398 162

Adoption

The Hindu Adoptions and Maintenance Act, 1956

Brijendra v. State of M.P., AIR 2008 SC 1058 164

Minority and Guardianship

The Hindu Minority and Guardianship Act, 1956

Githa Hariharan v. Reserve Bank of India (1999) 2 SCC 228

Unit IV Sources and Schools of Muslim Law

Nikah - Solemnisation of Marriage – conditions for validity, classification and types; Dower; Maintenance

Divorce - (a) Extra-judicial - Talaq, Khula, Mubarat (b) Judicial - The Dissolution of Muslim Marriages Act, 1939

Acknowledgement of Paternity, Wakfs and Endowments

1. *Mt. Ghulam Kubra Bibi v. Mohd. Shafi Mohd. Din*, AIR 1940 Pesh.
2. *Chand Patel v. Bismillah Begum*, 1 (2008) DMC 588 (SC)
3. *Saiyid Rashid Ahmad v. Mt. Anisa Khatun*, AIR 1932 PC 25
4. *Shamim Ara v. State of U.P.*, 2002 Cr LJ 4726 (SC) 195
5. *Masroor Ahmed v. Delhi* (NCT) 2008 (103) DRJ 137 (Del.)
6. *Ghulam Sakina v. Falak Sher Allah Baksh*, AIR 1950 Lah.
7. *Yousuf Rawther v. Sowramma*, AIR 1971 Ker. 261
8. *Itwari v. Asghari*, AIR 1960 All. 684
9. *Danial Latifi v. Union of India* (2001) 7 SCC 740
10. *Noor Saba Khatoon v. Mohd. Quasim*, AIR 1997 SC 3280

Suggested Readings

1. D.F. Mulla- Hindu Law Vol. I (Butter worth).
2. Paras Diwan – Modern Hindu Law (Universal).
3. H.K. Saharay – Laws of Marriage and Divorce in India (Eastern).
4. Raghavachariar – Hindu Law Vol. I & II (Rishabhdara).
5. Mayne – Hindu Law & Usage (Bharat).
6. Ghosh – The Law of Endowment (S.C. Sarkar).
7. Derret – Hindu Law Trust past & present (Universal).
8. Gaur – Hindu Code Vol. I & II (Law Publications).
9. Mukherjee – Hindu Law of Religious & Charitable Trust.
10. M. Hidayatulla and Arshad Hidayatulla, **Mulla's Principles of Mahomedan Law**

Note: The review of Syllabus happens on periodic basis for the benefit of the students. In case there are changes in curriculum due to review, students would be intimated in writing.

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