

**SYLLABUS OF BALLB THIRD SEMESTER
DEPARTMENT OF LAW
SCHOOL OF LEGAL STUDIES
CENTRAL UNIVERSITY OF KASHMIR**

Course Code	Course Title	Type of Course	Credits	Lecture Hours per week
IL-C-301	Law of Contract - I	Core	4	4
IL-C-302	Family Law - I	Core	4	4
IL-C-303	Law of Crimes - I	Core	4	4
IL-C-304	Constitutional Law - I	Core	4	4
IL-C-305	Consumer and Competition Laws	Core	4	4

Course Title: Law of Contract - I

Course Code: IL-C-301

Credits: 4

Maximum Marks = 100 (40 Internal + 60 External)

The Continuous Internal Assessment for 40 marks comprises the following:

Class Tests: 20 marks (Best of 2 out of 3 tests)

Seminar/Presentation/Viva: 10 marks

Assignment/Term Paper: 05 marks

Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

The objective of this paper is to discuss the general principles of law relating to contract which is base of the commercial laws in this globalised era of business world. Emphasis will be on law relating to essentials of a valid contract, performance of contract, discharge of contract, remedies for breach of contract and concept and estimation of damages moreover the concept of Quasi contracts and law relating to it is will also be discussed.

Unit I Introduction

1. English and Indian Position about Law of Contract
2. Meaning and Essential Elements of a Valid Contract
3. Proposal or Offer and Acceptance
4. Communication, Revocation of Offer and Acceptance

Unit II Essentials of Contract

1. Consideration with Doctrine of Privity of Contract
2. Minor's Contract
3. Consensus ad idem
4. Legality of Objects

Unit III Void Agreements

1. Agreement in Restraint of Trade
2. Agreements in Restraint of Legal Proceedings
3. Agreement in Restraint of Marriage
4. Agreements Void for Uncertainty
5. Agreements by way of Wager

Unit IV Discharge of contract and remedy for breach

1. Performance of Contract
2. Impossibility of performance of Contract with Doctrine of Frustration

3. Breach of Contract and Damages
4. Quasi contracts

Suggested Readings

1. Gulshan, S.S., & G.K. Kapoor, *Business Law including Company Law*.
2. Meena, R.L., *Textbook on Law of Contract*.
3. Pollock, S.F., S.D.F. Mulla & J.L. Kapur, *Pollock & Mulla on Indian Contract and Specific Relief Acts with a commentary, critical and explanatory*.
4. Singh, A., *Law of Contract*.
5. Singh, A., *Mercantile Law*.

Case Laws

- **Carlill Vs Carbolic Smoke Ball Co*
- **Lalman Shukla Vs Gauri Dutt*
- **Mohori Bibi Vs Dharmodas Ghosh*
- **Satyabrat Ghosh Vs Mugniram*
- **Harvey Vs Facie*
- * *Handley Vs Baxendale*

Course Title: Family Law - I

Course Code: IL-C-302

Credits: 4

Maximum Marks = 100 (40 Internal + 60 External)

The Continuous Internal Assessment for 40 marks comprises the following:

Class Tests: 20 marks (Best of 2 out of 3 tests)

Seminar/Presentation/Viva: 10 marks

Assignment/Term Paper: 05 marks

Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

This course provides an up to date study of religious, legal and policy development on various aspects of Family Law principally in India along with an overview of Muslim Shariat framework. The object of this paper is to apprise the students with the laws relating to family matters applicable to Muslim community in India.

Unit I Introduction to Family Law

1. Family Law: Concept and Meaning
2. Constitutionality of Personal laws: Judicial Approach
3. Islamic Law and its Development
4. Sources of Islamic Law
5. Relevance of Ijtihad in Modern times
6. Importance of Taqlid
7. School of Muslim Law with special emphasis on Hanafi and Jafari School

Unit II Marriage

1. Concept of Marriage in Islam
2. Essentials of marriage
3. Legal effects of valid marriage
4. Effect of Conversion on Muslim Marriage
5. Marriageable age under Islam and Causes of delay
6. Polygamy-present relevance?
7. Dower and its types; Widows' right of retention

Unit III Dissolution of Muslim Marriage

1. Dissolution of Marriage and its different modes
2. Instant Triple Talaq: its consequences
3. Legal effects of dissolution of marriage
4. Muslim Women's (wife) right to seek dissolution of marriage

5. Maintenance under Shariat Act; Criminal Procedure Code and Muslim Women's (Protection of Rights) Divorce Act, 1986
6. Effect of dissolution on Custody of children

Unit IV Inheritance, Wakf, Will, Guardianship and Family Courts

1. General rules of Inheritance under Islam
2. Share of females in Inheritance in Islam
3. Concept of Muslim Wakf in J&K
4. General rules of Will and Gift
5. General rules of Guardianship
6. Family Courts: Concept, Jurisdiction, Procedure, Exclusion of lawyer, and role of supplementary facilities

Suggested Readings

1. Diwan, P., & P. Diwan, *Law of Marriage and Divorce*.
2. Diwan, P., *Muslim Law in Modern India*.
3. Fyzee, A.A.A., *Outlines of Muhammadan Law*.
4. Husain, A., & S.K. Rashid, *Wakf Laws and Administration in India*.
5. Indian Law Institute, *Annual Survey of Indian Law*.
6. Mohmood, T., *The Muslim Law of India*.
7. Ullah, A-H.M., *The Muslim Law of Inheritance*.

Course Title: Law of Crimes - I

Course Code: IL-C-303

Credits: 4

Maximum Marks = 100 (40 Internal + 60 External)

The Continuous Internal Assessment for 40 marks comprises the following:

Class Tests: 20 marks (Best of 2 out of 3 tests)

Seminar/Presentation/Viva: 10 marks

Assignment/Term Paper: 05 marks

Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

The course is designed with a specific consideration to make the students of BA.LLB aware about the conceptual and historical dimensions of the crime. The emphasis in this paper has been made on the group liability, general exceptions negating criminal liability and offences against public tranquillity. Further, in this paper students will be kept abreast about the inchoate crimes including, law on abetment, criminal conspiracy and attempt.

Unit I Conceptual Dimensions of Crime

1. Concept of crime
2. Historical development of criminal law in India
3. Operation of the penal laws including jurisdiction in space and sea
4. Elements of crimes, *Mens rea*, *Actus reus*, Strict liability and *Mens Rea*

Unit II Group Liability

1. Joint liability and common intention (Sec.34)
2. Unlawful Assembly and common object (Secs.141 and 149)
3. Rioting and Affray (Secs.146 and 159)
4. Promoting enmity between different groups (Secs.153, 153A, 153AA and 153B)

Unit III General Exceptions

1. Infancy and insanity (Secs.81, 82 and 84)
2. Intoxication (voluntary and involuntary) (Secs.85 and 86)
3. Consent (Secs.87-95)
4. Private defences against body and property (Secs.96-106)

Unit IV Preliminary Crimes

1. Concept of inchoate crimes
2. Law on abetment (Secs.107, 108)
3. Law on criminal conspiracy (Secs.120A and 120B)

4. Law on attempt (including impossible attempts) (Sec. 511)

Suggested Readings

1. Ashworth, A., & J. Horder, *Principles of Criminal Law*.
2. Banerjee, T.K., *Background to Indian Criminal Law*.
3. Card, R., & J. Molloy, *Card, Cross & Jones' Introduction to Criminal Law*.
4. Gaur, K.D., *Commentary on The Indian Penal Code*.
5. Huda, S.S., *The Principles of the Law of Crimes in British India*.
6. Indian Law Institute, *Annual Survey of India Law*.
7. Lacey, N., & C. Wells, *Reconstructing Criminal Law: Critical Perspectives on Crime and the Criminal Process*.
8. Lal, R., & D. Lal, *Indian Penal Code*.
9. Mehraj-Ud-Din, M., *Crime and Criminal Justice System in India*.
10. Misra, S.N., *The Indian Penal Code*.
11. Nigam, R.C., *General Principles of Criminal Law*.
12. Pandey, A.K., *Principles of Criminal Law in India*.
13. Pillai, K.N.C., *Essays on the Indian Penal Code*, Indian Law Institute.
14. Russell, S.W.O., & J.W.C. Turner, *Russell on Crime*, Vol. I & II.
15. Tripathi, N.M., *Essays on the Indian Penal Code*, Indian Law Institute.
16. Turner, J.W.C., *Kenny's Outlines of Criminal Law*.

Case Laws

- *Abinandhan Mishra Vs State of Bihar* 1961 SC 1698
- *AlamGirVs State of Bihar* A.I.R. 1969 SC 436.
- *Amjad Khan Vs Haji Mohd.Kalaam* A.I.R. 1952 SC 165.
- *Barendra Kumar Gosh Vs Emperor* 52 IA 40
- *McNaughtens Case*
- *Mehboob shah Vs Emperor* 72 IA 148 PC
- *Nathulal Vs State of M.P* A.I.R. 1966 SC 43.
- *Queen Vs Prince* 1875 L.R.2C.C. R154. 2
- *Queen VsTolson* (1889) 23 Q.B.D. 168.
- *R Vs Dudley and Stephens* 1884 14 QBD 273
- *R Vs Robinson* 1915 11 Cr. app. R 124
- *SherresVs De Rutzan* (1895)IQ.B. 918.
- *State of Maharashtra Vs M.H. George* A.I.R. 1965 SC 722.

Course Title: Constitutional Law - I
Course Code: IL-C-304
Credits: 4
Maximum Marks = 100 (40 Internal + 60 External)

The Continuous Internal Assessment for 40 marks comprises the following:

Class Tests: 20 marks (Best of 2 out of 3 tests)

Seminar/Presentation/Viva: 10 marks

Assignment/Term Paper: 05 marks

Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

According to John W. Burgess, A COMPLETE Constitution may be said to consist of three fundamental parts. The first is the organization of the state for the accomplishment of future changes in the Constitution. The second fundamental of a complete constitution is the constitution of liberty; and third, the constitution of government. Individual liberty has a front and a reverse, a positive and a negative side. A constitution thus reflects the principles on which the relationship between power holders and power addressees is based and is legally permitted matrix for exercise of power validly and access to power.

Constitutional Law –I involves the study of the first and the third essentials which include the study of the sources and consequences of constitutional choices. The study also intends to comprehend an understanding of different forms of governments and their legal implications. It also includes an analysis of framework of separation of powers and functions, federalism, judicial process, constitutionalism and constitutional amendment.

Unit-1:

1. Indian Constitution: Nature and Features
2. Forms of Government
 - a. Parliamentary form of Government
 - b. Presidential form of Government
3. Indian President: Powers and Position

Unit-2:

1. Parliamentary Immunities – Need, Nature, Scope and Significance
2. Relations between Privileges and Fundamental rights: Judicial Approach
3. Collective Responsibility - Relation between president and prime minister

Unit-3:

1. Federalism – Concept and Significance
 - a. Distribution of Legislative Powers- Art. 245, 246, 254
 - b. Constitutional Amendments (Art 368)
2. Failure of constitutional machinery (Art 356)
3. Relationship between Erstwhile State of J&K and Union of India

Unit-4:

1. Freedom of Trade and Commerce
2. Regulatory and Compensatory Measure (Art 301-304)
3. Services under the Constitution
 - a. Doctrine of Pleasure 310, Restriction 311

Recommended Readings

1. D.D. Basu; *Commentary on Constitutional law*.
2. M.P. Jain; *Indian Constitutional Law*.
3. M.P. Singh; *Shukla's Constitutional Law*.
4. Dicey; *Law of the Constitution*.

Suggested Readings

1. A.G. Noorani, *Constitutional Questions in India: The President, Parliament and the State* (New Delhi: Oxford University Press, Second Impression, 2000)
2. Abdul Hamid, *Constitutional Law: A Profile of Justice M. Hidayatullah* (Jaipur: Printwell Vol. II and II, 1992)
3. B.L. Hansaria, *Does India Need a New Constitution* (New Delhi: Eastern Law House, 1998)
4. Dr. M.V. Pyilee, *An Introduction to the Constitution of India* (New Delhi: Vikas Publication House Pvt. Ltd., Second Reprint, 1995)
5. Dr Subhash C. Kashyap, *The Framing of the Indian Constitution: A Study* (Delhi: Universal Law Publishing Co. Pvt. Ltd., Second Revised Edition 2004).
6. Granville Austin, *Working A Democratic Constitution: A History of Indian Experience* (New Delhi: Oxford University Press, Second Impression, 2004)
7. H. M. Seervia, *Constitutional Law of India* (New Delhi: Glorious Printers, 4th Edition, Vol. 1-3 Reprint 2008)
8. H. M. Seervia, *Constitutional Law of India: A Critical Commentary*, (Delhi: Universal Book Traders, Vol. 1, Fourth Edition, 1999)
9. Jeffrey Jowell and Dawn Oliver, *The Changing Constitution*, (New York: Oxford University Press, Third Edition, 1994).
10. Sabrami Sen, *Popular Sovereignty and Democratic Transformation: The Constitution of India* (New Delhi: Oxford University Press, First Edition, 2007).
11. Pran Chopra (ed.), *The Supreme Court Versus the Constitution: A Challenge To Federalism*, Sage Publications.

Course Title: Consumer and Competition Laws
Course Code: IL-C-305
Credits: 4
Maximum Marks = 100 (40 Internal + 60 External)

The Continuous Internal Assessment for 40 marks comprises the following:
Class Tests: 20 marks (Best of 2 out of 3 tests)
Seminar/Presentation/Viva: 10 marks
Assignment/Term Paper: 05 marks
Attendance: 05 marks

For the External End Semester Examination of 60 marks, there shall be two sections in the question paper; Section A with short answer type questions (300-word limit) and Section B with long answer type questions (600-word limit). The candidate is required to attempt four questions from Section A by selecting one question from each unit carrying five marks each, and four questions from Section B by selecting one question from each unit carrying 10 marks each. In total, a candidate has to attempt eight questions from both the sections.

The purpose of this paper is make students aware of various aspects of Laws of Consumer Protection in India including Competition Laws.

Unit I Consumer and Services: Concept and Meaning

1. Concept of Consumer
2. Consumer Protection Act, 2019
3. Consumerism in India: Historical background
4. Services:
 - Services vis-à-vis Medical profession
 - Services vis-à-vis Education

Unit II Product Liability and Consumer Dispute Redressal Mechanism

1. Unfair trade practices & Product liability in India
2. Consumer Dispute Redressal Agencies: Composition and Powers
3. Remedies available under consumer protection Act, 2019
4. Distinct features Consumer Protection Act, 1987

Unit III Competition: Meaning and Nature

1. The Competition Act, 2002
2. India's transition into competition law: Historical background
3. Aims and objectives of competition Act, 2002
4. Anti competition agreement, Abuse of Dominant position and regulation of competition

Unit IV Regulatory Framework of Competition Act

1. Institutional frame work under competition Act, 2002
2. Competition advocacy under competition Act, 2002

Suggested Readings

1. Agarwal, V.K., *Consumer Protection*.
2. Ahmad, F., *Consumer Protection in India (Problems & Prospects)*.
3. Dhall, V., *Competition Law today*.
4. Nayak, R.K., & N.M. Tripathi, *Consumer Protection Law in India: An Eco-Legal Treatise on Consumer Justice*.
5. Rao, M., *Public Utility Services under the Consumer Protection Act*.
6. Saraf, N., *Law of Consumer Protection in India*.
7. Singh, A., *Law of Consumer Protection in India*.
8. Singh, G., *The Law of Consumer Protection in India*.

Articles

1. Remedies for consumer protection: prevention, restitution, or punishment, Dorothy Cohen, *Journal of Marketing*, Vol. 39 (Oct 1975) p. 24.
2. The consumer ombudsman, Donald B. King, 79 *Com.L.J.* 355, (1974).
3. Challenge to the lawyers: Philippines, Lilia D. Ling, 12 *Int'l Legal Prac.* 93 (1987).
4. Who speaks for the consumer, Susan S. Silbey, 1984 *Am. B. Found, Res. J.* 429, (1984).
5. Determination of complex issues under the Consumer Protection Act: a question of jurisdiction, Dr. V.K. Agarwal, (2004) 3 *Comp LJ* 9.
6. Consumer Protection Act, 1986: Supreme Court recent elucidations and interpretations, V. Gopalan, *CLC/XII/(2002)*.
7. Are consumer rights human rights, Sinai Deutch, 32 *Osgoode Hall L.J.* 537, (1994).
8. Consumer class litigation, Laird C. Kirkpatrick, 50 *Or. L. Rev* 21, (1970-71).
9. Litigation in the consumer interest, Howells & James, 9 *ILSAJ Int'l & Comp. L1* (2002).

Cases

1. Lucknow Development Authority v. M.K.Gupta, (1949) *ISCC* 243.
2. A.C. Modagi v. cCrosswell Tailor, (1991) *II CPJ* 586
3. Indian Medical Assn. v. V.P. Shantha (1995) *6 SCC* 651
4. Consumer Unity and Trust society v. St. of Rajasthan (1991) *II CPJ* 56 Raj.
5. Poonam Verma v. Ashwin Patel (1996) *4SCC* 332
6. Laxmi Engg. Works v. P.S.G. Industrial Institute, *AIR* (1995) *SC* 1428
7. Spring Meadows Hospital v. Harjol Ahluwalia, *AIR* (1998) *SC* 1801
8. Morgan Stanley Mutual Fund v. Kartick Das (1994) *4SCC* 225