

SESSION 2009-10

CODE-101: PAPER-I: JURISPRUDENCE

(Legal Method, Indian Legal System and Basic Theory of Law)

Max. Marks: 100

Time: 3 Hours

Note: (i) The Entire Syllabus of the theory has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**.

Unit V of the question paper shall have compulsory question, divided into **four parts** and each part carrying a question from the above **four units** of the syllabus.

(ii) All questions shall carry equal marks.

Unit-I

1. Definition, nature and scope of jurisprudence
2. Natural Law- Its development and relevance in modern times
3. Analytical School.
 - (i) Austin's Theory of Law
 - (ii) Kelsen's Pure Theory of Law
 - (iii) Hart's Concept of Law

Unit-II

1. Historical School
2. Realist School
3. Sociological School

Unit-III

1. Administration of Justice
2. Socio-economic approach and philosophy
 - (i) Law and Social Change
 - (ii) Legal Aid
 - (iii) Public Interest Litigation (PIL)

Unit-IV Sources and Elements of Law

1. Sources of Law: Custom, Precedent and Legislation
2. Rights & Duties
3. Possession and Ownership
4. Persons.

Book Recommended:

1. Paton : Jurisprudence
2. Dias : Jurisprudence
3. Friedmann : Legal Theory
4. Bodenheimer : Jurisprudence
5. Lloyed Denis : Idea of Law
6. Tripathi B.N. Mani : Jurisprudence

CODE-102: PAPER-II: CONSTITUTIONAL LAW-I

Max. Marks: 100

Time: 3 Hours

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(ii) All questions shall carry equal marks.

Unit-I

1. Nature, Salient Features and Preamble of Constitution of India
2. Union and its Territory
3. Citizenship
4. Fundamental Rights in General (Articles 12-13)

Prescribed Case:

Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1461

Unit-II

1. Right to Equality (Articles 14-18)
2. Right to Freedom (Article 19)
3. Right to Freedom (Articles 20,21&22)

Prescribed Case:

Maneka Gandhi v. Union of India, AIR 1978 SC 597

Unit-III

Right against Exploitation (Articles 23-24)

1. Right to Freedom of Religion (Articles 25-28)
2. Cultural & Educational Rights (Articles 29-30)

Prescribed Case:

T.M.A. Pai Foundation v. State of Karnataka, AIR 2003 SC 355

Unit-IV

1. Directive Principles of State Policy (Articles 31-C, 36-51)
2. Right to Property (Articles 300-A, 31-A, 31-B)
3. Fundamental Duties (Article 51-A)

Prescribed Case:

Minerva Mills Ltd. V. Union of India, AIR 1980 SC 1789.

Book Recommended:

1. Basu, D.D. : Constitution of India
2. Chander Pal : Centre-State Relations and Co-operative Federation
3. Chander Pal : State Autonomy in Indian Federation
4. Diwan, Paras : Constitution of India
5. Gupta, R.K. : Centre-State Fiscal Relations under Indian Constitution.
6. Jain, M.P. : Indian Constitutional Law
7. Seervai, H.M. : Constitutional Law of India
8. Singh Mahendra, P : V.N. Shukla's Constitutional Law of India
9. Narinder Kumar : Constitutional Law of India

CODE-103: PAPER-III: FAMILY LAW-I

Max. Marks: 100

Time: 3 Hours

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Unit V of the question paper shall have compulsory question, divided into **four parts** and each part carrying a question from the above **four units** of the syllabus.

(ii) All questions shall carry equal marks.

Unit-I

Sources of Hindu Law, Schools of Hindu Law, Joint Family and Coparcenary, Joint Family property, Separate and Self-acquired Property, Karta and Powers of Karta.

Unit-II

The Hindu Marriage Act,1955-Hindu Marriage, Matrimonial causes, Restitution of Conjugal rights, Judicial separation, Nullity of marriage and Divorce, Jurisdiction and Procedure.

Prescribed Case:

Samar Ghosh v. Jaya Ghosh, (2007) 4 SCC 511.

Unit-III

The Hindu Adoption and Maintenance Act, 1956- Requisites of a Valid Adoption, Capacity of a Male Hindu to take in Adoption, Capacity of a Female Hindu to take in Adoption, Persons capable of giving in Adoption, Who may be Adopted, Effect of Adoption, Right of Adoptive Parents to Dispose of their Property, Maintenance of Wife, Widowed, Daughter-in-law, Children, Aged parents, Dependents and Other Miscellaneous provisions under the Act.

The Hindu Minority and Guardianship Act,1956- Natural, Testamentary and *De facto* Guardians of a Hindu minor, Power of Natural, Testamentary and *De facto* Guardians, Guardianship of Minor's interest in joint Hindu Family Property,

Prescribed Case:

Githa Hariharan v. Reserve Bank of India, AIR 1999 SC 1149

Unit-IV

The Hindu Succession Act, 1956-Preliminary, Intestate Succession, Succession to a Hindu Male's Property, Succession to the Property of Hindu Female, General Provisions Relating to Succession, Disqualified heirs, Testamentary Succession.

Prescribed Case:

Sadhu Singh v. Gurdwara Sahib Narika and Others. (2006) 8 SCC 75

Book Recommended:

1. Derrett, J.D.M. : Introduction to Modern Hindu Law
2. Diwan, Paras : Modern Hindu Law
3. Diwan, Paras : Muslim Law in Modern India
4. Fyzee, A.A.A. : Outlines of Mohammedan Law
5. Mulla, D.N. : Principles of Hindu Law
6. Mulla, D.N. : Mohammedan Law
7. Sharma, Basant Kumar : Hindu Law

CODE-104: PAPER-IV: LAW OF CRIMES-I: INDIAN PENAL CODE

Max. Marks: 100

Time: 3 Hours

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(ii) All questions shall carry equal marks.

Unit-I

Indian Penal Code, 1860

1. Territorial Jurisdiction (Sections 1-5)
2. General Explanations (Sections 6-52-A)
3. General Exceptions (Sections 76-106)
4. Abetment (Sections 107-114)
5. Criminal Conspiracy (Section 120-A,120-B)
6. Offences against the State (Sections 121-124-A)
7. Offences against the Public Tranquility(Sections 141-160)

Prescribed Case:

Nalini v. State, 1999 Cr.L.J. 3124

Unit-II

1. False Evidence (Sections 191-193)
2. Offences Affecting Life (Sections 299-311)
3. Causing Miscarriage, etc. (Sections 312-318)
4. Hurt and Grievous hurt (Sections 319-320)
5. Wrongful Restraint, Wrongful Confinement, Criminal Force, Assault, etc. (Sections 339,340,349,351,354)
6. Kidnapping, Abduction, Sexual Offences (Sections 359-362,375-377)

Prescribed Case:

Gyan Kaur v. State of Punjab, AIR 1996 SC 1217

Unit-III

1. Theft, Extortion, Robbery and Dacoity (Sections 378,379,383,384,390-396)
2. Criminal Misappropriation of Property, Criminal Breach of Trust, Receiving of Stolen Property (Sections 403-406,410,411)
3. Cheating, Mischief (Sections 415-420,425,426)
4. Criminal Trespass (Sections 441-448)

Prescribed Case:

Shyam Bihari v. State of U.P., AIR 1957 SC 320

Unit-IV

1. Offences relating to Documents, Property marks, Currency-Notes and Bank-Notes (Sections 463-465)
2. Offences relating to Marriage (Sections 493-498)
3. Offence of Cruelty by Husband or Relatives of the Husband (Section 498-A)

4. Defamation (Sections 499-502)
5. Criminal Intimidation etc. (Sections 503-510)
6. Attempt (Section 511)

Prescribed Case:

Lily Thomas v. Union of India, AIR 2000 SC 1650

Book Recommended:

1. Gour, H.S. : The Penal Law of India
2. Raju, V.B. : Commentaries on the Indian Penal Code
3. Singh, Jaspal : Indian Penal Code
4. Nelson, Reginald A. : The Indian Penal Code
5. Ratanlal and Dhirajlal : The Indian Penal Code
6. Bhattacharya, T. : Indian Penal Code
7. Tripathi, B.N. Mani : Text Book of Criminal Law
8. Tandon, M.P. : Indian Penal Code
9. Mishra, S.N. : Indian Penal Code
10. Gour, K.D. : A Text Book on the Indian Penal Code

CODE-105: PAPER-V: LAW OF CONTRACT-I

Max. Marks: 100

Time: 3 Hours

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(ii) All questions shall carry equal marks.

Unit-I

Agreement and Contract-Definitions and Essential Elements

Proposal and Acceptance-Definition, their communication and Revocation, Postal, Telephonic and Telex Communication (Section 2-9); Proposal and Invitations for proposal; General offer; Cross-offer, Standing offer

Capacity to contract-meaning-incapacity arising out of unsound mind; Minor's Agreement- Nature and Scope, Definition of Minor; Necessaries supplied to a Minor, Consent and Free consent-Definition and need of free consent

Viability of Agreement without free consent (Section 19-19-A) factors vitiating free consent

Coercion (Section-15); Undue influence (Section-16); Misrepresentation (Section-18); Fraud (Section-17); Mistake-Definition-Mistake of fact and Mistake of law-Effect of Mistake (Section 20-22).

Prescribed Case:

Mohiri Bibee v. Dharmodas Ghose, (1903) 30 Cal. 539 (P.C.); L.R. 30 IA 114

Unit-II

Consideration-nudum pactum, its need, meaning, essential elements; privity of contract with exceptions, Adequacy of consideration, Past, Executed and Executory

Consideration, Exception to consideration (Section-2(d) and 25), Unlawful Agreements (Sections 23-24).

Void Agreement

Agreement in Restraint of Marriage (Section-26).

Agreement in Restraint of Trade (Section-27).

Agreement in Restraint of legal proceedings (Section-28).

Uncertain Agreements (Section-29).

Wagering Agreements (Section-30).

Prescribed Case:

Gherulal Pareikh v. Mahadeo Das, Air 1959 SC 781.

Unit-III

Contingent contracts (Sections-31-36).

Performance of Contract (Sections 37-50).

Reciprocal Promises (Section 51-54).

Time- when essence of contract (Section 55).

Impossibility of Performance and Doctrine of Frustration (Section 56).

Appropriation of payments (Sections 59-61)

Contracts which need not be performed (Sections 62-67).

Quasi-Contracts or Certain Relations Resembling those created by Contract (Sections 68-72).

Breach of Contract, Anticipatory Breach and Consequences of Breach (Section 39)

Remoteness of Damage and Measures of Damages, Kinds of Damages, Penalty and Liquidated Damages (Sections 73-75).

Prescribed Case:

Hadley v. Baxendale, (1854) 9 Exch. 341

Unit-IV

Specific Relief- Meaning and General Principles, Specific Performance of Contracts (Sections 9-25); Rectification and Cancellation of Instruments (Sections 26,31-33)

Rescission of Contracts (Sections 27-30); Preventive Relief.

Prescribed Case:

Lakhi Ram v. Trikha Ram, AIR 1998 SC 1230.

Statutory Material

1. The India Contract Act, 1872(Sections 1-75)
2. The Specific Relief Act,1963

Book Recommended:

1. Anson's : Law of Contract.
2. Chaturvedi A.N. : Lectures on Indian Contract Act.
3. Desai S.T. : Indian Contract Act.
4. Pollock & Mulla : Indian Contract and Specific Relief Acts.
5. Avtar Singh : Law of Contract.

CODE-201: PAPER-1: PUBLIC INTERNATIONAL LAW

Max. Marks: 100

Time: 3 Hours

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Unit-I

Definition, Nature and Basis of International Law; Sources of International Law; Relationship between International Law and Municipal Law, Subjects of International Law and Position of Individual in International Law.

Prescribed Case:

North Sea Continental shelf Case, ICJ Report 1969, P. 39

Unit-II

Nature of State, Non-State Entities, Recognition, State Succession, State Jurisdiction, including Jurisdiction on the High Sea; Acquisition and Loss of territory, Intervention.

Prescribed Case:

S.S. Lotus Case (1927) PCIJ Series A No. 10

Unit-III

Nationality: Extradition; Asylum; Diplomatic Agents and Treaties.

Prescribed Case:

Re Castioni Case (1891) Q.B. 149

Unit-IV

Settlement of International Disputes, War, Rules of Land, Naval and Aerial Warfare
Neutrality, Blockade; Prize court, Purpose and Principles of UNO.

Prescribed Case:

Zamora Case (1916) 2 AC 77

Book Recommended:

1. Kapoor, S.K. : International Law and Human Rights.
2. Aggarwal, H.O. : International Law and Human Rights
3. Sharma, Surya P. : International Boundary Disputes and International Law- A Policy Oriented Study.
4. Starke, J.G. : An Introduction to International Law.
5. Tandon, M.P. : Public International Law

CODE-202: PAPER-II: CONSTITUTIONAL LAW-II

Max. Marks: 100

Time: 3 Hours

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Unit-I

1. Supreme Court of India- Establishment, Jurisdiction and Powers (Articles 124-145)
2. Independence of the Judiciary
3. High Courts in the States (Articles 214-227)
4. Writ Jurisdiction (Articles 32 and 226)

Prescribed Case:

Supreme Court Advocates-on-Record Association v. Union of India, AIR 1994 SC 268

Unit-II

1. The Union Government- the Executive and the Parliament (Articles 52-123)
2. The State Government (Articles 152-213)
3. Parliamentary Privileges (Articles 105 and 194)

Prescribed Case:

Shamsher Singh v. State of Punjab, AIR 1974 SC 2192

Unit-III

1. Relations between the Union and the States (Articles 245-289)
 - (a) Legislative Relations (Articles 245-255)
 - (b) Administrative Relations (Articles 256-263)
 - (c) Financial Relations (Articles 268-289)
2. Freedom of Trade and Commerce & Intercourse (Articles 301 to 307)
3. Services under the Union and the States (Articles 309-323)

Prescribed Case:

Union of India v. Tulsiram Patel, (1985) 3. SCC 398

Unit-IV

1. Tribunals (Articles 323 A-323 B)
2. Panchayats and Municipalities (Articles 243-243 ZG)
3. Election (Articles 324-329A)
4. Emergency Provisions (Articles 352-360)
5. Amendment of the Constitution (Articles 368)

Prescribed Case:

S.R. Bommai v. Union of India, AIR 1994 SC 1918

Book Recommended:

1. Basu, D.D. : Constitution of India
2. Chander Pal : Centre-State Relations and Co-operative Federation
3. Chander Pal : State Autonomy in Indian Federation
4. Diwan, Paras : Constitution of India
5. Gupta, R.K. : Centre-State Fiscal Relations under Indian Constitution.
6. Jain, M.P. : Indian Constitutional Law
7. Seervai, H.M. : Constitutional Law of India
8. Singh Mahendra, P : V.N. Shukla's Constitutional Law of India
9. Narinder Kumar : Constitutional Law of India

CODE-203: PAPER-III: FAMILY LAW-II

Max. Marks: 100

Time: 3 Hours

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Unit-I

Sources of Muslim Law, Schools of Muslim Law, Marriage, Dower, Talaq, Divorce, Dissolution of Muslim Marriage Act, 1939

Prescribed Case:

Shamim Ara v. State of Uttar Pradesh, 2002 SCC (Cri) 1814

Unit-II

Guardianship- Kinds of Guardianship, Guardianship of the person, Guardian of the Property and Guardianship in Marriage, Gifts-how gifts are made, who can make gifts, object of gift and subject matter of gift, Legitimacy and Acknowledgement.

Prescribed Case:

Salamat Ali v. Majju Begum, AIR 1985 All. 29

Unit-III

Maintenance of Muslim Women, the Muslim Women's (Protection of Right on Divorce) Act, 1986, The Family Courts Act, 1984- Definitions, Establishment of Family Courts, Appointment of Judges, Association of Social Welfare Agencies, Jurisdiction of the Family Courts, Procedure, Appeals and Miscellaneous.

Prescribed Case:

Daniel Latifi v. Union of India, AIR 2001 SC 3958

Unit-IV: Muslim Law

Special Marriage Act, 1954- Solemnization of Special Marriage, Registration of Marriage Celebrated in Other Forms, Consequence of Marriage under this Act, Restitution of Conjugal Rights and Judicial Separation, Nullity of Marriage and Divorce.

Prescribed Case:

Asha Qureshi v. Afaq Qureshi, AIR 2002 M.P. 363

Book Recommended:

1. Derrett, J.D.M. : Introduction to Modern Hindu Law
2. Diwan, Paras : Modern Hindu Law
3. Diwan, Paras : Muslim Law in Modern India
4. Fyzee, A.A.A. : Outlines of Mohammedan Law
5. Mulla, D.N. : Principles of Hindu Law
6. Mulla, D.N. : Mohammedan Law
7. Sharma, Basant Kumar : Hindu Law

**CODE-204: PAPER-IV: LAW OF CRIMES-II: THE CODE OF CRIMINAL
PROCEDURE**

Max. Marks: 100

Time: 3 Hours

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Unit-I

Preliminary (Chapter-I)

Criminal Courts (Chapter-II); Powers of Courts (Chapter-II); Arrest of Person(Chapter-V); Process to Compel Appearance and Production of Things (Chapter-VI & VII); Security for Keeping the Peace and for Good Behaviour (Chapter VIII); Order for Maintenance of Wives, Children and Parents(Chapter-IX)

Prescribed Case:

Mohd. Ahmed Khan v. Shah Bano Begum, AIR 1985 SC 945.

Unit-II

Maintenance of Public Order and Tranquility (Chapter-X); Preventive Action of the Police (Chapter-XI); Information to the Police and their Powers to Investigate (Chapter-XII); Jurisdiction of Criminal Courts in Inquiries and Trials (Chapter-XIII); Complaints to Magistrates (Chapter-XV) and (Chapter-XVI)

Prescribed Case:

Ganesh Das v. State of Punjab,1996, Cri.L.J. 612 (P & H High Court)

Unit-III

The Charge (Chapter-XVII); Trials: Trial Before a Court of Session (Chapter-XVIII); Trial of Warrant Cases and Summons Cases by Magistrate (Chapters-XIX and XX); Summary Trials (Chapter-XXI); Plea Bargaining (Chapter-XXI-A); General Provisions as to Inquiries and Trials (Chapter-XXIV)

Prescribed Case:

V.C. Sukla v. State through CBI, 1080 Supp SCC 92; 1980 SCC 9Cri) 695; 1980 Cri.L.J. 690

Unit-IV

The Judgment (Chapter-XXVII), Submission of Death Sentence for Confirmation (Chapter-XXVIII); Appeals, Reference and Revision (Chapter-XXIX, XX)

Transfer of Criminal Cases (Chapter-XXXI), Execution, Suspension, Remission and Commutation of Sentences (Chapter-XXXII); Provisions as to Bail and Bonds (chapter-XXXIII); Irregular Proceedings (Chapter-XXXV)

Prescribed Case:

Sammunder Singh v. State of Rajasthan, 1987 SCC (Cri) 189; (1987) 1 SCC 466

Book Recommended:

1. Kelkar, R.V. : Outlines of Criminal Procedure
2. Ratanlal Dhirajlal : The Code of Criminal Procedure
3. Tyagi Shorvir : The Code of Criminal Procedure, 1973
4. Mishra, S.N. : The Code of Criminal Procedure

CODE-205: PAPER-V: CONTRACT –II (SPECIAL CONTRACT)

Max. Marks: 100

Time: 3 Hours

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(ii) All questions shall carry equal marks.

Unit-I

Contract of Indemnity- Definition and Scope; Rights of Indemnity-Holder (Sections 124-125)

Contract of Guarantee- Definition and Scope; Essential Features; Comparison of Contract of Guarantee and Indemnity; Continuing Guarantee; Extent of Surety's liability; Modes of Discharge of Surety; Rights of Surety against the Creditor, Principal Debtor and Co-sureties (Section 126-147)

Prescribed Case:

Bank of Bihar v. Damodar Prasad, AIR 1969 SC 297

Unit-II

Bailment- Definition and Scope; Essential Features of Bailment, kinds of Bailee- Banker, Factor, wharfinger, Attorneys, Policy-brokers and Carriers, Duties and Rights of Bailor; Duties and Rights of Bailee, Finder of lost goods(Sections 148-171).

Bailment and Pledge: Definition and Scope; Hypothecation and Pledge; Pledge and Mortgage. Pawner's Right to Redeem; Rights of Pawnee; Who can Pledge- Pledge by Mercantile Agent, Pledge by person in Possession under Voidable Contract; Pledge by Pledgee (Sections 172-179).

Prescribed Case:

Juggilal Kamlatpat Oil Mills v. Union of India (1976) 1 SCC 893.

Unit-III

Agency- Definition and Scope; Essential Features of Agency; Kinds of Agent; Delegation of Authority- Sub-agent and Substituted Agent; Modes of Creation of Agency; Agency by Ratification; Revocation of Authority; Agent's Duty to Principal; Principal's Duty to Agent; Effects of Agency on Contracts with third Persons; Personal Liability of Agent; Termination of Agency-Revocation, Renunciation by Operation of Law (Sections 182-238)

Prescribed Case:

Syed Abdul Khader v. Rammi Reddi, AIR 1997 SC 553.

Unit-IV

Indian Partnership Act- Nature of Partnership; Essentials of Partnership (Sections 4-8), Partnership compared with Co-ownership; Company, joint Hindu Family Business; Relations of Partner to one another (Sections 9-17), Relations of Partners to third parties

including the Principle of “Holding Out”, minor admitted to the Benefits of Partnership (Sections 18-30)

Incoming and outgoing Partners (Sections 31-38); Dissolution of Firms- (Sections 39-55); Registration of Firm and Effects of Non-Registration (Sections 56-71)

Prescribed Case:

Cox v. Hickman, (1860) 8 HLC 268

Statutory Material

1. Indian Contract Act, 1872 (Sections 124-238)
2. Indian Partnership Act, 1932

Book Recommended:

1. Anson's : Law of Contract.
2. Chaturvedi A.N. : Lectures on Indian Contract Act.
3. Desai S.T. : Indian Contract Act.
4. Pollock & Mulla : Indian Contract.
5. Avtar Singh : Law of Contract.