LLB

1st Semester

**Law of Crimes-I**

**(General Principles)**

**Paper I [Code – LB101C] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

**Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of Law of Crimes. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section. 30 percent of the questions will be problem based.

**Objective:** *This paper is to deal with the basic principles of criminal law determining criminal liability and punishment.*

**Unit-I**

* 1. Nature and Concept of Criminal Law.
  2. Elements of Criminal Liability.

Actus Reus

Mens Rea

* 1. Definitions under sections 21,22,23,24,25,39,40 and 52 of IPC.

**Unit II - General Defences-I**

1. Judicial and Executive Acts.
2. Accident.
3. Necessity and Compulsion.
4. Infancy.

**Unit III - General Defences-II**

1. Insanity.
2. Intoxication.
3. Consent.
4. Right of Private Defence.

**Unit-IV**

1. Group Liability under Sections 34-38 and 149,150,151 of the IPC.
2. Unlawful Assembly, Rioting and Affray
3. Criminal Conspiracy: Section 120A and 120B of IPC
4. Abetment: Section 107-120 IPC
5. Offences against State: Sections 121,124A.

**Unit V**

1. Promoting enmity between classes: Section 153AA
2. Offences by or relating to public servants.
3. Contempt of the lawful authority : Section 172-180, 183-189
4. Criminal Attempt: Sections 511 and 307 of IPC
   1. Attempt when Punishable.
   2. Tests for Determining what Constitutes Attempt.
   3. Impossible Attempt.

**Recommended Readings**

* + - 1. P.S. Pillia, Criminal Law.
      2. R.C. Nigam, Law of Crimes in India.
      3. K.D. Gaur, Cases and Materials on Criminal Law.
      4. H.S. Guar, Penal Law of India.
      5. S.N. Mishra, Indian Penal Code.
      6. Annual Survey of Indian Law, Indian Law Institute, New Delhi.

**Law of Contract**

**(General Principles and Specific Relief Act)**

**Paper II [Code - LB102C] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

**Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of Law of Contract. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section. 30 percent of the questions will be problem based.

**Objective:** *All the contractual obligations derive their validity from the Indian Contract Act, 1872 which provides raison –de-etre for its comprehensive study. This is a mother legislation and cornerstone of legal jurisprudence which has to be studied by all the law students, irrespective of their specialization. The object of this paper is to make the students to understand provisions of the contract act and its comparative study with English law on this subject and to orient the students about the practical applications of this subject.*

**Unit IFormation of Contract**

1. Offer and Acceptance.
2. Promise and Set of Promises.
3. Communication of Offer.
4. Acceptance and Revocation when Complete.
5. General Offer vs. Specific Offer.
6. Modes of Communication of Offer/Acceptance.
7. Agreement and Contract
8. Offer and Invitation to Treat.
9. Counter Offer.
10. Acceptance and Revocation of Offer and Acceptance.

#### Unit IIDoctrine of Consideration and Capacity to Contract

1. Consideration.
2. Meaning and Scope.
3. Essential Elements of Consideration.
4. Past, Present and Executary Consideration.
5. Exceptions to Consideration.
6. Adequacy of Consideration.
7. Privity of Contract.
8. Capacity to contract
9. Definition of Minor.
10. Nature of Minor’s Agreement.
11. Liability for Necessaries Supplied to a Minor.
12. Doctrine of Restitution.

#### Unit III Free C*onsent and Factors Vitiating it*

1. Coercion.
2. Definition.
3. Essential Elements.
4. Duress and Coercion.
5. Effect of Coercion.
6. Undue Influence.
7. Definition.
8. Essential Elements.
9. Independent Advice.
10. PardahanashinWomen.
11. Unconscionable Bargains.
12. Effect of Undue Influence.
13. Misrepresentation.
14. Definition.
15. Misrepresentation of Law and of Fact.
16. Effects of Misrepresentation.
17. Fraud.
18. Definition.
19. Essential Elements.
20. Suggestiofalsi-suppresioveri.
21. When does Silence amount to Fraud?
22. Active – Concealment of Truth.
23. Importance of Intention.
24. Mistake.
25. Definition.
26. Kinds.
27. Mistake of Law and of Fact.
28. Void Agreements.
29. Unlawful Consideration.
30. Void, Violable, Illegal and Unlawful Agreements and their Effects.
31. Agreements in Restraint of Trade and its exceptions
32. Agreement in Restraints of Legal Proceedings – its Exceptions.

#### Unit IV*Quasi Contracts and Discharge of Contract*

1. Quasi Contract.
2. Meaning &Nature.
3. Theory of Unjust Enrichment
4. Theory of “Implied-in-Fact”.
5. Claim for Necessaries Supplied to Incapable Person (Section 68).
6. Reimbursement of Person Paying Money Due by another (Section 69).
7. Obligation of Person Enjoying Benefit of Non Gratuitous Act (Section 70).
8. Responsibility of Finder of Goods (Section 71).
9. Liability of Person to whom Money is Paid, or Thing is Delivered by Mistake or under Coercion (Section 72)
10. Discharge of Contract
    1. Supervening and Subsequent Impossibility.
11. Doctrine of Frustration.
12. Conditions, Force Majeure Clause in an Agreement.
13. Part Performance before the Impossibility.
14. Specific Grounds of Frustration.
    1. Termination by Breach.
15. Meaning and Kinds of Breach.
16. Actual and Anticipatory Breach.
17. Constructive Breach.
18. Remedies for Breach.
    * 1. Remedies Generally, Sections 73, 74, 75.
      2. Measure of Damages.

#### Unit V Specific Performance and Specific Relief Act

1. Salient Features of Specific Relief Act.
2. Equitable Remedy through Injunction.
3. Temporary and Permanent Injunction.
4. Contract that can be Specifically Enforced.
5. Contract that cannot be Specifically Enforced.

## Recommended Readings

1. Mulla, Indian Contract Act.
2. R.K. Bangia, Indian Contract Act.
3. Desai, Indian Contract Act.
4. Anson, Law Contract.
5. Pollock and Mulla, Indian Contract and Special Relief Acts.
6. Beatsen (ed.), Anson’s Law of Contract (27th ed. 1998).
7. P.S. Atiya, Introduction to the Law of Contract (1992Reprint).
8. Avtar Singh, Law of Contract (2000).
9. M.Krishnan Nair, Law of Contracts (1998).
10. G.H. Treitel, Law of Contract.
11. Anson, Law of Contracts (1998)
12. Dutt, Contract (2000)
13. Annual Survey of Indian Law Institute, ILI, New Delhi.

**Family Law-I**

**(Muslim Law)**

**Paper III [Code – LB103C] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

**Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of Family Law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section. 30 percent of the questions will be problem based.

**Objective**: *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 - Muslim Law: An Introduction

* + 1. Sources of Muslim Law
    2. Schools of Muslim Law.

**Unit II – Marriage and Divorce**

1. Marriage.
   1. Nature of Muslim Marriage.
   2. Formalities of a Valid Marriage.
   3. Classification of Marriages
   4. Legal Effects of a Valid Marriage.
   5. Option of Puberty.
   6. Restitution of Conjugal Rights.
   7. Polygamy in Islam.
2. Divorce and Matrimonial Remedies.
3. Pre-Islamic Background.
4. After the Advent of Islam.
5. Modes of Dissolution of Marriage.
6. Dissolution of Muslim Marriage Act, 1939.

**Unit III - Alimony and Maintenance**

* 1. Maintenance& its Components.
     1. When a Muslim Wife is entitled to Maintenance.
     2. When a Muslim Wife loses her Right of Maintenance.
  2. Maintenance of:
     1. Divorced Wives.
     2. Minor Children.
     3. Disabled Children and Parents who are Unable to Support Themselves.
     4. Provisions under the Code of Criminal Procedure. 1973.
  3. Maintenance of Divorced Muslim Women under the Muslim Women (Protection of Rights on Divorce) Act, 1986.

**Unit IV - Child and Family**

1. Guardianship.
2. Wakfs and Will.
3. Inheritance.

**Unit - V**

1. Dower.
   1. Definition and Nature of Mahr.
   2. Widow’s Right to Retain Possession of her Husband’s Estate in lieu of Unpaid Dower.
2. Legitimacy in Parentage.
   1. Parentage.
   2. Legitimacy.
   3. Presumption of Legitimacy.
   4. Acknowledgement of Paternity.
   5. Effects of Acknowledgment

## Establishment of Family Courts

1. Concept of family court, status of family court
2. Jurisdiction of family court
3. Procedure and exclusion of lawyer.
4. Support of auxiliary services
5. Uniform Civil Code

Religious pluralism and its implications.

Constitutional perspective

The idea of optional uniform civil code.

**Recommended Readings**

1. A.A.A. Fyzee, Outlines of Mohammadan Law
2. TahirMohmood, The Muslim Law of India
3. ParasDiwan, Muslim Law in Modern India
4. S.AtharHussain and S. Khalid Rashid, Wakf Laws and Administration in India
5. Al-haji Muhammad-Ullah, The Muslim Law of Inheritance.

# ParasDiwan, Law of Interstate and Testamentary Succession, Universal.

1. N.D. Basu, Law of Succession, Universal
2. Kusem, Marriage and Divorce Law Manual, Universal.
3. S.C. Machanda, Law and Practice of Divorce in India,Universal
4. P.V. Kane, History of Dharmsartral, Vol 2.
5. Kuppuswani (ed), Maynis Hindu Law and Usage.
6. B. Sivaramayy, Inequatitus and the Law (1985)
7. S.T. Desai (Ed), Mulla’s Principles of Hindu Law (1998)
8. Annual Survey of Indian Law, Indian Law Institute, New Delhi.

**Law of Torts, Motor Vehicle Act and Consumer Protection Act**

**Paper IV [Code –LB 104C] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

**Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of law of torts and how the principles of tort law manifest and implement themselves in Motor Vehicle and Consumer Protection law.The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section. 30 percent of the questions will be problem based.

**Objective:** *This paper is to make students understand the nature of torts and conditions of liability with references to established case law. Further, it covers how the principles of tort law manifest and implement themselves in Motor Vehicle and Consumer Protection law.*

**Unit-1**

1. Nature and Definition of Torts.
2. Difference between Tort and Crime/ Tort and Breach of Contract.
3. Basis of Tortious Liability.
   1. *Ubi Jus IbiRemedium.*
   2. *Injuria Sine Damnum and Damnum Sine Injuria.*
4. Principles of Vicarious Liability
5. Master – Servant Relationship.
6. Principal - Agent Relationship.
7. Liability of State: Doctrine of Sovereign Immunity.
8. Joint Tort Liabilities and Payment of Damages.
9. Strict Liability and Absolute Liability.

**Unit-II -** General Defences for the Tortuous Liability

1. *Volenti non fit injuria*
2. Vis Major (Act of God)
3. Inevitable Accident
4. Necessity
5. Private Defence

**Unit III - Torts against Human Beings**

1. Negligence and Contributory Negligence.
2. Nuisance.
3. Defamation.
4. Trespass

**Unit IV – Motor Vehicle Act**

1. Overview of the Motor Vehicle Act.
2. Rule of Payment of Compensation.
3. Fault Based Liability.
4. No – Fault Liability.
5. Liability of Insurer
6. Claims Tribunal.
7. Salient Features of Motor Vehicle (Amendment) Bill, 2016.

**Unit-V - The Consumer Protection Act, 1986**

* 1. Salient Features and Aims and Objectives.
  2. Basic Concepts – Consumer, Service, Goods, Defects in Goods, Deficiency in Services.
  3. Redressal Agencies and Remedies.
  4. Distinctive features of J&K Consumer Protection Act 1987.

**Recommended Readings**

1. Winfield, Law of Torts
2. Sinha, Law of Torts
3. Avatar Singh, Law of Torts
4. Bangia, R.K, Law of Torts, Allahabad Law Agency
5. Heuston, R.F.V,Salmond on the Law of Torts
6. RatanLal&DeerajLal, The Law of Torts, Lexis NexisButterworthsWadhwa, Nagpur.
7. Annual Survey of Indian Law, Indian Law Institute, New Delhi.

Public International Law

**Paper V [Code – LB105C] Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

**Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of public international law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section. 30 percent of the questions will be problem based.

**Objective:** *The object of this paper is to highlight the origin, development, sources and other aspects of International law.*

**Unit-1**

1. Origin and Development of International Law.
2. Definition, Nature and Theories.

#### Unit –II - Sources of International Law

#### Custom, Treaties, General Principles of Law and Judicial Decisions & Juristic Writings

#### Treaties: Ratification, Reservation, Amendment, Modification

#### Unit-III

1. Subjects of international Law:
2. States: An Overview including Rights and Duties.
3. Individuals.
4. International Organizations.
5. Recognition of States: Nature, Forms, and Theories.

#### Unit-IV

1. Jurisdiction: Territorial, Personal and Universal.
2. Modes of Acquisition of State Territories.

#### Unit-V

1. Extradition and Asylum.
2. Privileges and Immunities of Diplomatic Envoys.

**Recommended Readings**

1. Oppenheim, International Law.
2. J. G.Stark, Introduction to International Law.
3. Max Sorenson, A manual of Public International Law.
4. M.P.Tandon, International Law.
5. S.K.Kapoor, International Law.
6. S.K. Verma, Public International Law.
7. R.C. Hingorani, Modern International Law.
8. Tim Hillier, Source-book on Public International Law.
9. Malcom Shaw, International Law.

**Local Laws-I**

**(Optional)**

**Paper: VI [Code – LB106OP]  Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

**Continuous Assessment = 20**

**Note:** The subject includes a comprehensive and up to date study of various aspects of local laws. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section. 30 percent of the questions will be problem based.

**Objective**: *The objective of this paper is to introduce the students to various local legislations of the state of Jammu and Kashmir including their implementation and working.*

**Unit-I – Jammu and Kashmir Right to Information Act, 2009**

1. Definitions (Section 2)
2. Information to be Made Public (Sections 4-5)
3. Information not to be Accessible (Section 6)
4. Appeal (Section 9)
5. Fee (Section 10)
6. Role of Information Commission.

**Unit-II - Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 &Jammu and Kashmir Disturbed Areas Act, 1992**

1. Power to Declare an Area as Disturbed Area (Section 3).
2. Authorities under the Act (Section 4).
3. Immunity to Armed forces (Section 6).
4. Applicability of Disturbed Areas Act 1997 in State of J&K.

**Unit-III – Jammu and Kashmir Public Safety Act, 1978**

1. Definitions (Section 2).
2. Powers of Detaining Authorities (Section 8).
3. Rights of a Detenue (Sections 10,10A,13).
4. Advisory Board (Sections 14-16).
5. Maximum Period of Detention (Section 18).
6. Revocation (Section 19).

**Unit-IV – Jammu and KashmirPublic Services Guarantee Act, 2011**

1. Definitions (Section 2).
2. Right to public service (Sections 3-5).
3. Appeal (Sections 6-9).
4. Penalties (Sections 10-12).
5. Compensation (Sections 13-14).

**Unit- V - Food Safety and Standards Act, 2006**

1. Definitions [Section 3,(a) (b) (d) (f) (g) (i) (j) (k) (q) (x) (y) (z) (zf) (zk) (Zu) (zx) (zz)].
2. Food Safety and Standards Authority of India (Sections16-17).
3. General Principles of Food Safety (Section 18).
4. Special responsibilities as to Food safety (Sections 26-28).
5. Enforcement of the Act (Sections 29-31, 33).
6. Offences and Penalties (Sections 48,49, 51-52, 59, 65).
7. Adjudication and food safety Appellate Tribunal (Sections 68,71, 72,74, 76).

**Recommended Readings**

**Following Bare Acts:**

1. Jammu and Kashmir Right to Information Act, 2009
2. Armed Forces (Jammu and Kashmir) Special PowersAct, 1990
3. Jammu and Kashmir Disturbed Areas Act, 1992
4. Jammu and Kashmir Public Safety Act, 1978
5. Jammu and Kashmir Public Services Guarantee Act, 2011
6. The Food Safety and Standards Act, 2006

**Biodiversity**

**(Optional)**

**Paper: VI [Code –LB107OP]  Max Marks = 100**

**Time Duration: 3 Hours Theory = 80**

**Continuous Assessment = 20**

**Note:**The subject includes a comprehensive and up to date study of various aspects of Biodiversity Law. The question paper shall be of 80 marks, spread over the whole syllabus, and shall comprise of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be answered. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be answered from this section. 30 percent of the questions will be problem based.

**Objective**: *The objective of this paper is to introduce the students to the manner in which law interacts with ecology and biodiversity. The paper deals with the legal mechanism for the preservation and protection of bio-diversity and provides international, national and local scheme regarding the same.*

**Unit I – Introduction**

1. Law and Environmental Science – Relationship.
2. Biodiversity as an Ecological and Legal Fact.
3. Biodiversity and Conservation.
4. Safeguarding Principles related to Conservation of Biodiversity.

**Unit II – International Law and Conservation of Biodiversity**

1. Legal Framework under International Law.
2. Convention on Biological Diversity, 1992.
   1. Structure.
   2. Obligations.
3. CITES, 1972
4. Ramsar Convention
5. The World Heritage Convention
6. International Law Framework for the ASEAN Countries.

**Unit III - Biological Diversity Protection Framework under Indian Law**

1. The Forest Act, 1927 and Forest Conservation Act, 1980.
2. The Wild Life Protection Act, 1972.
3. Environment Protection Act, 1986
4. Patents Act, 1970 as Amended under TRIPS Obligations.
5. The Protection of Plant Varieties and Farmer’s Rights Act, 2001.

**Unit IV – The Biological Diversity Act, 2002**

1. Salient Features: Conservation of Biological Diversity, Sustainable Use of Its Component, Fair and Equitable Sharing of Benefits.
2. Regulation and Access to Biological Diversity.
3. National Biodiversity Authority (NBA) and State Biodiversity Board (SBB).
4. Biodiversity Management Committees (BMCs) and Local Biodiversity Fund.
5. Duties of Central and State Governments.

**Unit V – Biodiversity and Jammu and Kashmir**

1. Ecological Demography of Jammu and Kashmir: Contemporary Challenges.
2. Legal Framework for the Protection and Conservation of Biodiversity in J&K.
3. Important Judgments related to Protection and Conservation of Biodiversity in J&K.

**Recommended Readings**

* + - 1. Convention on Biological Diversity, 1992.
      2. Biodiversity Act, 2002.
      3. The Forest Act, 1927.
      4. Forest (Conservation) Act, 1980.
      5. The Wildlife (Protection) Act, 1972.
      6. Environmental Protection Act, 1986.