

BALLB 5 YEARS INTEGRATED SYLLABUS**Third Semester****Academic Year****2019-20****MSB Global Law Institute****Maharaja Surajmal Brij University, Bharatpur
(Raj.)**

Session 2021-2022 & Onwards

SESSION-2022-23

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MSB Global Law Institute

BA LLB Semester III

Subject: Constitutional Law-I

Subject Code : 301

UNIT 1

Introduction :

Concepts of Constitution, Constitutional Law and Constitutionalism
Forms and character of various models of Constitution
Classification of Constitutions Forms of Governments
Salient features of the Indian Constitution
Preamble: Meaning of the Preamble
Object, Purpose and Scope of the Preamble
Utility of Preamble in interpretation of the Constitution
Whether Preamble is part of the Constitution
Contents of the Preamble

UNIT 02

Fundamental Rights

Concept of Fundamental Rights – Their Origin and Development
History of the demand for Fundamental Rights in India Justiciability of Fundamental Rights -
Laws inconsistent with fundamental rights
Unconstitutionality of Statute
Doctrine of Eclipse
Doctrine of Severability
Waiver of Fundamental Rights Concept of State and its Importance
Concept of Law and Law in force
Personal Law & Custom
Whether the Constitution Amendment Act is law under Article 13?

UNIT 03

Right to Equality :

Equality before law and Equal protection of Law
Article 14 permits 'Reasonable Classification' but prohibits 'Class legislation'
Article 14 Strikes at Arbitrariness
Prohibition of discrimination against citizens
Right to Access to Public Places
Special provisions for women and children
Special provisions for Backward Classes
Equality of Opportunity in Matters of Public Employment
Requirement as to Residence in State Reservation of Posts for Backward Classes
Reservations in Promotion
Carry Forward of Reserved Vacancies
Percentage of Reservation
Rule of rounding up
Abolition of Untouchability

Session 2021-2022 & Onwards

SESSION-2022-23

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Abolition of Titles

UNIT 04

Right to Freedom :

- Freedom of Speech and Expression and Reasonable Restrictions on it
- Freedom of Assembly and Reasonable Restrictions on it
- Freedom to form Association or Union and Reasonable Restrictions on it
- Freedom of Movement and Reasonable Restrictions on it
- Freedom of Residence and Settlement and Reasonable Restrictions on it
- Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it
- Right to Property - Pre- 1978 Position - Article 19(f) and 19(5);
- Eminent Domain; Article 31; Inter-relation of Article 31, Article 14 and Article 19(1)(f)
- Present Position - Article 31 A, Article 31 B, Article 31 C, Article 300

UNIT 05

Right to Freedom :

- Protection in Respect of Conviction for offences -
- Protection against Ex-post Facto Law
- Guarantee against Double Jeopardy
- Privilege against Self-Incrimination
- Protection of Right to Life and Personal Liberty - A. K. Gopalan to Maneka Gandhi
- Relationship between Articles 19, 21 and 22
- Due Process of Law Extended view in post Maneka Gandhi period
- Right to Education - Evolution and Importance
- Protection against Arrest and Detention -
- Protection against Arrest Protection against Preventive Detention Laws Authorising Preventive Detention

UNIT 06

Right against Exploitation :

- Traffic in Human Beings Begar and Similar forms of Forced Labours
- Compulsory Services for Public Purpose
- Prohibition of Employment of Children

UNIT 07

Right to Freedom of Religion :

- Concept of Secularism
- Freedom of Conscience and right to Profess or Practice and Propagate religion
- Freedom of Religion of Religious Denomination
- Freedom from Paying of Taxes for Promotion of any Religion
- Annual payment to certain Devaswom Funds (Article 290 A)
- Prohibition of Religious Instructions in Educational Institutions

UNIT 08

Cultural and Educational Rights:

- Concept of Minority
- Protection of Interest of Minorities
- Right of a Minority to Establish Educational Institution
- Regulation of Minority Educational Institution

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SESSION-2022-23

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UNIT 9**Right to Constitutional Remedies:**

Enforcement of Fundamental Rights

Procedure in Enforcement of Fundamental Rights

Power to issue Writs, Directions or Orders –

Types of Writs

Comparison between Article 32 and Article 226

Public Interest Litigation

Fundamental Rights during Emergency

Power of Parliament to modify fundamental Rights with respect to some Forces

Fundamental Rights during operation of Martial Law

Legislation to give effect to Fundamental Rights

UNIT 10**Directive Principles of State Policy and Fundamental Duties**

Nature and Importance of Directive Principles

Inter-relationship between Fundamental Rights and Directive Principles.

Directive Principles from Article 38 to Article 51

UNIT 11**Amendment of the Constitution:**

Power and Procedure of Amendment

Amendment / Change by Simple Majority

Amendment by Special Majority

Amendment by Special Majority with Ratification by Majority of States

Amendment of Fundamental Rights

List of Cases:

1. S.R. Bommai v. UOI, AIR 1994 SC 1918
2. S.P. Gupta V, UOI, AIR 1982 SC 1991
3. Sunil Batra v. Delhi Administration
4. Keshvanand Bharti v. State of Kerala, AIR 1995 SC 2299
5. Minerva Mills Ltd. v. UOI, Air 1980 SC 1789
6. Hasinara Khatoon V. Flore Secretary State of Bihar, 1979 SC 136
7. A.K. Gopalan State of Madras, AIR 1950 SC 27
8. Sachidanand v. Stae of West Bangal, AIR 1987 SC T109
9. Rural Litigation and Entitlement Kendra V. State of UP.
10. [T.M.A. Pai Foundation V. State of Karnataka
11. M.C. Mehta v. UOI(1987) ISCC 395 AIR 1987 1086
12. Rudul Shah V. State of Bihar, AIR 1983 SC 1086
13. Bikunth nath v. C.D.M.O., AIR 1992 SC 1368
14. Indra Gandhi v. Raj Narain, AIR 1995 SC 2299
15. P&O Stream Navigation Co. V. UOI, AIR (1997) ISCC
16. People Union Civil Liberties v. UOI, AIR (1997)ISCC
17. Air India y. Nargesh Mirza, AIR 1981 SC 1829
18. Unnikrishnan V. State of A.P., AIR 1993 SC 2178
19. Indira Sawheny V. UOI, AIR 1993 SC 2178 ?

Session 2021-2022 & Onwards

SESSION-2022-23

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20. Maneka Gandhi v. UOI, AIR 1978 SC 1789
21. LR. Coolho (Dead) Through L.R.S. V. State of Tamil Naidu & ors. 2007 SC 137
22. Raja Ram Pal v. The Hon'ble Speaker Loksabha and Ors.
23. Kehar Singh V. State (1989)
24. Dhanjaya Chaterjee V. State West Bengal, AIR 2004. ,

Recommended Readings:

- 1) M. P. Jain, Indian Constitutional Law, Lexis Nexis (2015).
- 2) D.D. Basu, Constitutional Law of India, Lexis Nexis (2013).
- 3) Narendra Kumar, Constitutional Law of India, Allahabad Law Agency (2015).
- 4) H. M. Seervai, Constitutional Law of India, N.M. Tripathi.
- 5) Arvind Datar, Commentary on Constitution of India (3 Vols), Lexis Nexis (2010).
- 6) Sathya Narayan (Ed), Selected Work of S.P. Sathe (3 Vols), Oxford University Press (2015).
- 7) M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- 8) Sujit Chaudhry, Madhav Khosala & Pratap Bhanu Mehta, The Oxford Handbook of the Indian Constitution, Oxford University Press.
- 9) Granville Austin, Working of a Democratic Constitution - The Indian Experience, Oxford University Press.

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SESSION-2022-23

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BA LLB Semester III

Subject: Contract Law – II

Subject Code: 302

Unit I

Contracts of Indemnity - Sections 124-125 of the Indian Contract Act 1872:
Principle of indemnity in general, Definition of the contract of indemnity, Formation and essential features, Purpose of the contract of indemnity, and its use in facilitating and supporting transactions, Nature and extent of liability of the indemnifier, Commencement of liability of the indemnifier, Examples: Indemnity for issuing duplicate share certificate, or bank deposit receipt; Indemnity by owner of a plot of land to a local authority as condition for grant of commencement certificate for construction; Indemnity clause in a contract between a publisher and the printer; Indemnity clause in a sale deed of land supporting assurance of title given by the seller, Distinction between an indemnity, a warranty and a representation.

Unit II

Contracts of Guarantee - Sections 126 to 147 of the Indian Contract Act 1872:
Definition of a contract of guarantee, Formation and essentials features of a contract of guarantee, Parties to the contract, effect of minority of principal debtor, Contract of guarantee as distinguished from a contract of indemnity, Consideration for a contract of guarantee, Continuing guarantee and its revocation, Nature and extent of surety's liability, Its commencement, duration and termination, Surety's rights against the principal debtor, Surety's rights against the creditor, Special position of a surety: a privileged debtor, Circumstances that discharge a surety, Contracting out of such discharge, Letters of credit and bank guarantees, Co-surety and manner of sharing liabilities and rights.

Unit III

Contracts of Bailment - Sections 71, 148-171, 180-181 of the Indian Contract Act 1872:
Definition of contract of bailment, Formation and essential features of a contract of bailment, Parties to the contract, Creation of a contract of bailment, Obligations of bailment despite contract, Gratuitous bailments, Examples of contracts of bailment: for benefit of bailor, for benefit of bailee, Kinds of bailers, Rights, duties, disabilities and liabilities: of a bailor of a bailee vis-à-vis the third parties, and the true owner, Termination of bailment, and consequences of termination, Finder of goods as a Bailee.

Unit IV

Contracts of Pledge - Sections 172 – 179 of the Indian Contract Act 1872:
Definition of a contract of pledge, Essential features of a contract of pledge, Parties to the contract, Creation of a contract of pledge, Distinction between contracts of pledge, bailment, hypothecation, Rights, liabilities, duties and disabilities of the pawnor,

SESSION-2022-23
Session 2021-2022 & Onwards

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Rights, liabilities, duties and disabilities of the Pawnee, Pawnee's right of sale Pledge by certain specified persons: sections 178, 178A, 179 of ICA.

Unit V

Contracts of Agency: sections 182 – 238 of the Indian Contract Act 1872:

Definition of a contract of agency, Essential features of a contract of agency, Parties involved, Kinds of agents and agencies, Creation of agency, Distinction between agent, servant or employee, and independent contractor, Agent's authority, Scope and extent, Express, implied, apparent or ostensible authority and authority in an emergency. Restrictions or limitations on authority Delegation of authority, Relationship between a principal, agent and subagent, Substituted agents, Ratification, Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party, Personal liability of an agent, Pretended agent, Undisclosed principal, Revocation and other modes of termination of agency, Irrevocable agency Effect of termination, Liability of the principal and agent before and after termination.

Unit VI

Government Contract & Specific Relief

- i. Constitutional Provisions, procedural requirement-kinds of Govt. Contracts performance of such Contracts, Settlement of Disputes and Remedies.
- ii. Specific Relief Act, 1963, Remedies; Specific Performances, Declaratory Suit, Recovery of Possession & Injunction.

Recommended Readings:

- 1. Anson-Law of Contract, Universal, Delhi.
- 2. Pollock and Mulla-Indian Contract Act, Lexis Nexis.
- 3. Avtar Singh-Law of Contract & Specific Relief, Eastern Book Co., Lucknow.
- 4. R.K. Bangia, Law of Contracts

Session 2021-2022 & Onwards

SESSION-2022-23

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BA LLB Semester III

Subject: Law of Crimes – I

Subject Code: 303

Unit I

Nature of Crime and Criminal Liability: Definition of Crime in social and legal context, Distinction between Moral, Civil and Criminal wrongs, Criminal law and Morality, Crime and Tort, Crime and Sin, Principles - Actus non facit reum, nisi mens sit rea, Origin and development of Mens rea, Liability without Mens rea, Application of Mens rea to Indian Penal Code. Elements of Crime - Human Conduct, Voluntary act, Guilty intention, Causal Connection, Prohibited Result. Stages in Commission of Crime, Intention - mere intention not punishable, Preparation, Attempt - Attempt when punishable, specific provisions of IPC, Tests for determining what constitute attempt, proximity, equivocality and social danger test, Impossible attempt, Commission of offence.

Case Laws:

1. Fowler v. Padget (1798) 7 T. R. 509
2. R v. Prince (1875) L.R. 2 C.C.R. 154.
3. Queen v. Talson (1889) 23 Q.B.D. 768
4. Brend v. Wood (1946) 62. T.L.R. 462-4663
5. State of Maharashtra v. M.H. George A.I.R.1965 S.C. 722
6. Satishchandra Ratanlal Shah v. The State of Gujarat 2019 (3) SCALE 298

Unit II

General Principles of Criminal Law: Principle of Legality; Principles of mala in se, mala prohibita, Joint liability, Vicarious liability, Strict liability and Absolute liability,


Introduction to Substantive Criminal Law: Jurisdiction under Indian Penal Code, 1860; General Explanations (Ss. 6-52A) – Public Servant, Movable Property, Wrongful Loss and Wrongful gain, Dishonestly, Fraudulently, Reason to believe, Document, Electronic record, Valuable security, A will, Act, Omission, Voluntarily, Offence, Illegal, Legally bound to do, Common Intention (Ss. 34-38), Common Object, Crime and Punishment - Objectives of punishment, Kinds of Punishment, Punishments (Ss. 53-75)

Case Laws:

7. Barendra Kumar Ghosh v. King Emperor AIR 1925 PC
8. Mahaboob Shah v. King Emperor AIR 1945 PC 118
9. Joginder Singh v. State of Punjab AIR 1979 SC 1876
10. SheoNarain v. State of rajasthan – 199(2) Crimes 169 (Raj)
11. *Asif Khan v. State of Maharashtra*, (2019) 5 SCC 210
12. Jagmohan Singh vs. State of Uttar Pradesh, A.I.R. 1973, S.C 947
13. Bachan Singh vs. State of Punjab, A.I.R. 1980, S.C 898.

SESSION-2022-23

Session 2021-2022 & Onwards


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14. *Shatrughan Chauhan & Anr. v. Union of India. & Ors.*, (2014) 3 SCC 1.

Unit III

General Exceptions:, Judicial Acts (Ss. 77.78), Mistake of fact (Ss. 76.79), Defense of Accident (S 80), Defense of Necessity (S. 81), Defense of Minority (Ss. 82-83), Defence of Insanity (Ss.84), Defence of Intoxication (Ss. 85-86), Consent (Ss 85-90), Trifling Acts (S. 95), Right of Private Defense of Body and Property - Justifications and Limits (Ss. 96-106)

Case Laws:

- 15. *Chirangi v. State* A.I.R. 1952 Nagpur 282
- 16. *R v. Dudley and Stephens* (1884) 14 QBD 273
- 17. *R v. Mc Naughten* (1843) 8 E.R. 718
- 18. *Durham v. United States*, 214 F.2d 862 (D.C. Cir. 1954)
- 19. *DPP v Beard* [1920] AC 479
- 20. *R v. Meade* (1909) 1 K.B. 895
- 21. *A.G. for N. Ireland v. Gallagher* [1963] AC 349
- 22. *Basdev v. Stat of Pepsu* AIR 1956 SC 488

Unit IV

Abetment (Ss. 107-120), Criminal conspiracy (Ss. 120A-120B), Offences against the state (Ss. 121-124A), Offences against public Tranquility: Unlawful Assembly (S 141-145), Rioting (Ss. 146-148), Affray (Ss. 159-160)

Case Laws:

- 23. *Queen Vs. Mohit Pandey* (1871) 3 NWP 316
- 24. *Mulcahy V.R.* (1868) LR HL 306.
- 25. *State of Tamil Nadu v. Nalini* 1999 (5) SCC 253
- 26. *Queen-Empress vs Jogendra Chunder Bose* (1892) ILR 19 Cal 35
- 27. *Queen-Empress v. Bal Gangadhar Tilak* (1897) 22 Bom 112
- 28. *Kedar Nath Singh vs State Of Bihar* AIR 1962 SC 955

Unit V

Offences relating to Public Servants(Ss. 166-171); Offences relating to Elections(Ss. 171A-171I); Contempt of the Lawful authority of Public Servants(Ss. 172-190); False evidence and Offences against Public Justice (Ss. 191-229A); Offences affecting the Public Health, Safety, Convenience, Decency and Morals(Ss. 268-294A); Offences relating to Religion(Ss. 295-298)

Case Laws:

- 29. *Kanwarjit Singh Kakkar v. State of Punjab*, (2011) 13 SCC 158.
- 30. *Deepak Ganpatrao Salunke v. State Of Maharashtra* 1999 Cri.L.J. 1224 SC
- 31. *In Re: Suo Motu Proceedings Against R. Karuppan*, Advocate 2001) 5 SCC 289
- 32. *R v Stephens* (1866) LR 1 QB 702

Session 2021-2022 & Onwards
SESSION-2022-23

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33. Regina v. Hicklin, L.R. 2 Q.B. 360 (1868)

Recommended Readings:

- 1) Principles of Criminal Law by Andrew Ashworth, Clarendon Law Series.
- 2) Indian Penal Code by Prof. S. N. Mishra 21st Edition 2019
- 3) R. A. Nelson's Indian Penal Code (4 Volumes), by S. K. Savaria, Lexis Nexis Delhi.
- 4) Penal Law of India (4 volumes) by Dr. Hari Singh Gaur.
- 5) Indian Penal Code (Ed. II 1901, p.242-249) by J. D. Mayne.
- 6) Essay's on Indian Penal Code by Prof. K. N. Chndranshekhhar Pillai.
- 7) Law Relating to Crime and Punishment by R. C. Srivastava.
- 8) A Text Book on Indian Penal Code by Prof K. D. Gaur.
- 9) Criminal Law Cases and Material by Prof K. D. Gaur.
- 10) The Indian Penal Code by Ratanlal and Dhirajlal, Wadhwa and Company Nagpur.

Session 2021-2022 & Onwards

SESSION-2022-23

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MSB Global Law Institute

BA LLB Semester III

Course No: ~~304~~ BA/LLB IIIrd Sem.

SCIENCE, TECHNOLOGY AND LAW

Objectives:

The aim of the course is to introduce in brief to the student about the developments in the

Field of Science, Technology, and the relationship between Law and Science and Technology. The course further seeks to explore some specific aspects to test the possible interactions, controversies and their interrelationships between both the aspects. Further, it focuses on the relationship between Human Rights and Science and Technology and the need to regulate science and technology in order to preserve the basic concept of sustainable development.

1 Introduction

- 1.1 Important Science of class 11 and 12 in School including basic principles of Biology, Chemistry, Physics and Environmental Science (for those from Non- Science fields)
- 1.2 Distinction between science and technology
- 1.3 Developments in Science and Technology
- 1.4 Science & Technology Vis a Vis Sustainable and equitable development
- 1.5 Impact of Human Rights on Science & Technology
- 1.6 Human Rights and preservation of human health

2 Science -Technology and Relationship with Law

- 2.1 Areas of problems between Law and Science
- 2.2 The need for legal control of Science and Technology
- 2.3 The Relation between Science-Technology and Law
- 2.4 Clinical Trials and the Need of Professional Responsibilities and Ethical Principles

3 Technology in the Twentieth Century.

- 3.1 The second industrial revolution: Computers. Scientific Method in Practice
- 3.2 The Nuclear technology for peace and war.
- 3.3 Space technology.

4 Privacy, Law and technology

- 4.1 Application of Scientific Processes and Technical Processes and the conversion of Scientific Processes and Technical Processes into Products. Understanding Inventions and understanding the knowhow for engaging in Industrial and Production Activities.

Session 2021-2022 & Onwards

SESSION-2022-23

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- 4.2 Understand the functioning of various scientific instruments: e.g. A.C., Fridge, Television.
- 4.3 Origin and Development of Law of Privacy
- 4.4 Concept and Nature and Law of Privacy
- 4.5 Law of Privacy Vis-a Vis Science and Technology
- 4.6 Protection of Inventions and Introduction to the Patent Law

5 Use of Science and Technology in Judicial Investigations

- 5.1 The Significance of Science and Technology in the Legal Proceedings
- 5.2 The Significance of Forensic science in the Criminal Matters
- 5.3 The Indian Judiciary on the Use of Science and Technology

Suggested bibliography;

The material for the course shall be traces on relevant websites of the universities and Research institutes at the national and international levels.

Suggested Readings:

- 1) MarkandeyKatju, Law in scientific Era (2000) Universal, New Delhi
- 2) Cees J.Hamelink, the ethics of cyber space(2001)sage.
- 3) JonhZinian et.al(ed) World of Science and Rule of Law (1986) Oxford
- 4) U.Baxi,Biotechnology and Legal Order: Dilemmas of the future of Law and Human Nature (1993)

Session 2021-2022 & Onwards

SESSION-2022-23

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BA LLB Semester III

Subject: Political Science-III

Subject Code: 305

Unit I.

Power

- A. Concept,
- B. Components of National Power – population, geography, resources, economic organization, technology and military force,
- C. Limitations on National Power- international morality, public opinion and international law d. Balance of power.

Unit II.

United Nations

- A. UN – Six Principal Organs – General Assembly, Security Council, Economic and Social Council, Secretariat, Trusteeship Council and International Court of Justice,
- B. Peaceful settlement of Disputes- Negotiations, mediation, conciliation, arbitration and judicial settlement,
- C. Collective Security Mechanism.

Unit III.

Diplomacy

- A. Cold War diplomacy- Causes, Phases and Case studies – Korean Crisis, Vietnam Crisis, Cuban Crisis, Afghanistan Crisis, Gulf War-I,
- B. Post Cold War- Ongoing missions – Gulf War –II, Ethiopia, Somalia,
- C. Foreign Policy – Alliances- NATO, CENTO, SEATO and WARSAW Pact and Non- Aligned Movement.

Unit IV.

Contemporary Global concerns

- A. Non -State Actors – NGOs, Inter- Governmental Organizations (IGOs)- IMF, WTO, OPEC and OAU,
- B. International Terrorism – Issues of Resources, Territorial Claims, Culture and Religion.

Compulsory Readings:

1. Rumki Basu, The United Nation: Structure and Function of an International Organisation, South Asia Books, 1993.
2. Chandra Prakash and Prem Arora, International Relations, Cosmos Bookhive, 2008.
3. H. Carr, International Relations Between Two World 1919-1939, Macmillan, 2004
4. Shakti and Indrani Mukherjee, International Relations, World Press Pvt. Ltd., 2001.

Further Readings:

1. Hans J. Morgenthau, Politics Among Nations: The Struggle for Power and Peace, Revised, (New York: Alfred A. Knopf), 1978.

Session 2021-2022 & Onwards

SESSION-2022-23

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2. J.G. Starke, An Introduction to International Law, Butterworths, (Revised 1993).
3. Prof. M.P. Tandon, International Law and Human Rights, Allahabad Law Agency, 2005.
4. Joshua S. Goldstein, International Relations, Sixth Edition, Pearson Education, 2008
5. J.N. Dixit, India's Foreign Policy and its Neighbours, Gyan Books, 2001.



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Session 2021-2022 & Onwards

SESSION-2022-23

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BA LLB Semester III

Paper: Family Law – I

Paper Code: 306

[Hindu Law of Marriage, Divorce, Adoption and Maintenance, Minority and Guardianship]

A. Law of Marriage and Divorce

1. Concept of marriage in General
2. The Hindu Marriage Act, 1955
 - (a) Nature of Hindu Marriage
 - (b) Applicability of Legislation (Section 2)
 - (c) Conditions for the validity of marriage (sections 3 and 5)
 - (d) Solemnisation of marriage with special reference to live in relationship (section 7 r/w) Section 114 Indian Evidence Act
 - (e) Registration of Marriage (section 8)
 - (f) Void marriages (sections 11 r/w 17, 18 r/w section 494 and 495 IPC)
 - (g) Voidable marriage

Cases

- 01 Dr. Surajmani Stella Kujur v. Durga Charan Hansdah, AIR 2001 SC 938
- 02 S. Nagalingam v. Sivagami (2001) 7 SCC 487
- 03 Bhaurao Shankar Lokhande v. State of Maharashtra, AIR 1965 SC 1564
- 04 Lily Thomas v. Union of India, AIR 2000 SC 1650
- 05 Pinninti Venkataramana v. State, AIR 1977 AP 43
- 06 Asha Qureshi v. Afaq Qureshi, AIR 2002 MP 263
- 07 Court On Its Own Motion Lajja ... vs State, 2012 (193) DLT 61
- 08 Suggested Reading: Article by Prof. Usha Tandon UNDER-AGE MARRIAGE IN PLURALIST ASIA
- 09 P. v. K., AIR 1982 Bom. 400 56 10 Babui Panmato Kuer v. Ram Agya Singh, AIR 1968 Pat. 190
- 11 Seema v. Ashwani Kumar (2006) 2 SCC 578

3. Restitution of Conjugal Rights (Section 9)

Cases

12. Kailashwati v. Ayudhia Parkash, 1977 C.L.J. 109 (P.& H.)
13. Swaraj Garg v. K.M. Garg, AIR 1978 Del. 296 85
14. Saroj Rani v. Sudarshan Kumar, AIR 1984 SC 1562 93

Session 2021-2022 & Onwards
SESSION-2022-23

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4. Judicial Separation [sections 10 and 13 (IA)]

5. 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) Marriage Laws amendment bill 2013.

Cases

- 15. N.G. Dastane v. S. Dastane, AIR 1975 SC 1534
- 16. Samar Ghosh v. Jaya Ghosh, 2007 (3) SCJ 253
- 17. Bipinchandra Jaisinghbai Shah v. Prabhavati, AIR 1957 SC 176
- 18. Dharmendra Kumar v. Usha Kumar, AIR 1977 SC 2213
- 19. T. Srinivasan v. T. Varalakshmi, 1 (1991) DMC 20 (Mad.)
- 20. Hirachand Srinivas Managaonkar v. Sunanda, AIR 2001 SC 1285
- 21. Sureshta Devi v. Om Prakash, 1 (1991) DMC 313 (SC) 174

B. 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

Protection of Women from Domestic Violence Act 2005

Cases

- 22 Amar Kanta Sen v. Sovana Sen, AIR 1960 Cal. 438
- 23 D.Velusamy vs D.Patchaiammal on 21 October, (2010) 10 SCC 469
- 24 Badshah vs Sou. Urmila Badshah Godse & Anr(2014)1SCC188
- 25. Padmja Sharma v. Ratan Lal Sharma, AIR 2000 SC 1398

a. Adoption (Read With CARA Guidelines 2017)

The Hindu Adoptions and Maintenance Act, 1956

Cases

- 26. Brijendra v. State of M.P., AIR 2008 SC 1058
- 27. In Re: Adoption of Payal at Sharinee Vinay Pathak and his wife Sonika Sahay Pathak, 2010 (1) Bom CR 434

b. Minority and Guardianship

The Hindu Minority and Guardianship Act, 1956

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

Prescribed Legislations:

SESSION-2022-23

Session 2022 & onwards

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1. The Hindu Marriage Act, 1955
2. The Hindu Adoptions and Maintenance Act, 1956
3. The Hindu Minority and Guardianship Act, 1956

Prescribed Books:

1. Ranganath Misra (Rev.), Mayne's Treatise on Hindu Law & Usage
2. Satyajeet A. Desai, Mulla's Principles of Hindu Law, Vol. I & II
3. Paras Diwan, Law of Marriage and Divorce

Note:

1. The topics, legislations and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/legislations/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

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