

# LL.M. PART II EXAMINATION

New developments, amendments and latest case law in any concerned field shall be part of the syllabus.

In LL.M. (Pt-II), there shall be five papers of 100 marks each. The paper- V shall be of Dissertation in each branch. Candidates will be required to submit "Dissertation" on the topic allotted to them under guidance of a Faculty Member as per rules.

## BRANCH-1 MERCANTILE LAW

There shall be 5 papers of 100 marks in each branch. The V paper shall be - Dissertation. Every student will have to submit a Dissertation on the topic allotted to him.

### Paper - 1 : General Principles of Contract and Insurance

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

(1) **Contract :-**

- Contract - Nature, Essentials and types.
- Formation of contract
- Free consent, Consideration and Object
- Void Agreements
- Performance of Contract, Discharge of Contract.
- Contract created by law
- Breach of Contract and Remedies
- Specific performance of contract.
- Law relating to contract in Ancient India.

(2) **Insurance :-**

- History, nature, need and policy of Insurance.
- Principles of Insurance.
- Contract and Settlement of Claims relating to Life Insurance, Property Insurance, Insurance against Accident, Group Insurance, Mediclaim and Sickness Insurance and Marine Insurance,

**Suggested Readings :**

Relevant Statutes :-

The Indian Contract Act, 1872 (Ss 1 to 75)  
 The Specific Relief Act, 1963  
 The Insurance Act, 1938  
 The Insurance Regulatory Authority Act, 2000  
 The Personal Injuries (Compensation Insurance) Act, 1963  
 The Motor Vehicle Act, 1988  
 The Marine Insurance Act, 1963.  
 Pollock & Mulla : Indian Contract Act & Specific Relief Act (2 Vol.) 2005, .N. Butterworths.  
 Avtar Singh : Law of Contract and Specific Relief Act (2004 EBC)  
 V.G. Ramchandran : Law of Contract Vol. I & II (2004) EBC  
 Peter Mac Donald Eggers and Patriss Foss : Good Faith and Insurance Contracts (1998) LLP  
 Asia, HongKong  
 B.C. Mitra : Law Relating to Marine Insurance. Asia Law House, Hyderabad.  
 Banerjee : Law of Insurance, Asia Law House, Hyderabad.  
 R.M. Vats : Law relating to Insurance with special reference to Consumer  
 Protection Act.  
 Avtar Singh : Law of Insurance (2004)EBC  
 Murthy & Sharma : Modern Law of Insurance (2005) L.N. Butterworths.  
 Kumar's : Handbook of Insurance Laws (Compilation of Act and Rules)  
 (2004) Law Publishers.  
 M.N. Sreenivasan : Law and the Life Insurance Contract  
 International Labour Off: Administration Practice of Social Insurance 1995.  
 NLSIU Publication Bangalore : Journal of Health Care Book- Health Law and Ethics.  
 Tagore Law Lectures

## **Paper- II : Special Contracts -Theories and Practice**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
 All questions carry equal marks.**

- Concepts of Indemnity , gurantee Bailment, Pledge and Agency
- Sale of Goods and Hire Purchase
- Protection of Consumers for defect in goods and deficiency in services
- Negotiable Instruments -Parties, Presentation, Dishonouring and Discharge
- Foreign Trade - Development, Regulation and Dispute Resolution.

## Suggested Readings:

Relevant Statutes :-

The Indian Contract Act, 1872

The Sale of Goods Act, 1930

The Consumer Protection Act, 1986

The Negotiable Instruments Act, 1881

The Foreign Trade Development and Regulation Act, 1992

The Arbitration and Conciliation Act, 1996

Kumar Ratnesh : WTO (World Trade Organization - Structure, Functions, Tasks and Challenges) (2004) Deep & Deep.

R.R. Azad : Technology Transfer and Joint Ventures Abroad (2002) Deep & Deep.

Indian Law Institute : Law of International Trade Transactions (1973)

Indian Law Institute : Students should consult the relevant volumes of the Annual Survey of Indian Law and Journals of Business Law.

Jivitesh Kumar Singh : International Trade and Business (2002) Deep & Deep.

V. Bdakrishna Eradi : Consumer Protection Jurisprudence (2005) L.N. Butterworths.

Chalmers : Sale of Goods Act, 1930

Avtar Singh : Sale of Goods.

Kherganvalas's Negotiable Instrument Act (2005) L.N. Butterworths.

KI Vibhute : International Commercial Arbitration and State Immunity (2005) L.N. Butterworths.

Avtar Singh : Negotiable Instruments (2004) EBC

Avtar Singh : Hire Purchase Act (2004) EBC

## Paper - III : Law Relating to Company and Corporate Finance

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions. All questions carry equal marks.**

- (i) Company - Legal aspect of Formation, Incorporation, Directors, Managerial remuneration, Meetings, Winding up, Amalgamation, Corporate merger, Takeover and Foreign Collaboration.

- (ii) Corporate Finance- Meaning, Importance, Scope, & Objectives. Administrative Regulation on Corporate Finance and Spendings. Constitutional Perspective with reference to Union list entries ; 37,38,43 to 47,52,82,85 and 86 State list entry 24.
- (iii) Capital Needs - Share Capital, Prospectus, Issue, allotment, Kinds of Share (including non opting and without monetary consideration, equity), Payment of dividend, Commission Brokerage and Payback of shares.
- (iv) Corporate Fund- Borrowings, Deposits, Securities and Debentures- their nature, class, issue, acceptance and creation of charges. Public, Institutional, Mutual and Foreign Investment schemes and protection of Creditors and Investors. Law relating to SEBI and Depository.

### **Suggested Readings :**

- Eillies Ferran : Company Law and Corporate Finance (2004) EBC
- A. Ramaiya : Guide to the Companies Act (1998) (3 Vol.)
- Altman & Subrahmanyam: Recent Advances in Corporate Finance (1985) EBC
- S.C. Kuchhal : Corporation Finance : Principles and Problems.
- Indian Law Institute : Journals of Business Law and Company Law
- Denzil Watson & Anthony Head : Corporate Finance (2004) Taxman
- Heim Levy : Principles of Corporate Finance (2004) Taxman (2004) EBC
- Dutta and Kaushik : Corporate Governance (2004) EBC
- Avtar Singh : Company Law (2004) EBC
- J.C. Verma : Corporate Merger, Amalgamations and Takeovers (2004) EBC.

### **Paper - IV : Intellectual Property Law**

- Property and Right Jurisprudence, Intellectual Property Rights, International Perspective, WIPO, WTO, Agreement on TRIPS, Indian Situation, Intellectual Property Rights and Human Rights.
- Theory , Law and Practice relating to Copyright, Trade Mark, Design , Geographical Indication and Patents.
- Nature, need, Law and Practice relating to Information Technology
- Impact of Information Technology on Copyright, Patents and Trade Marks.

### **Suggested Readings :**

Relevant Statutes-

The Copy Right Act, 1952

The Copy Right Order, 1999

The Patent Act, 1977

The Trade Marks Act, 1999

The Design Act, 1999

The Geographical Indication (Registration and Protection) Act, 1999

The Information Technology Act, 2000

The Cyber Regulation Appellate Tribunal (Procedures) Rules, 2002

The Information Technology (Certifying Authorities) Rules, 2000

Avinash Shivade : Intellectual Property Manual (2005) L.N. Butterworths.

Kumar's : Intellectual Property Law (compilation of acts and rules) (2005)  
Law Publishers.

R. Mulidharan : Guide to Patent Laws (2005) L.N. Butterwoths.

Rajendra Kumar & Latha R.Nair :Geographical Indications. (2005) Butterwoths. N LSIU, Banglore :

Publications : National / International Legal Instruments of Intellectual Property  
Right Law (1998) Intellectual Property Law- Relating to Basic Principal and Acquisition, Ownership  
and enforcement Information Technology related rights, Biotechnology and I.P. Right.

David Briubridge : Software Copy Right Law (2004) L.N. Butterworths

Raney Ryber : Intellectual Property and the Internet (2005) L.N. Butterworths.

Pankaj Jain : Intellectual Property and computers (2004) EBC

D.P. Mittal : Law of Information Technology Cyber Law- (2004) Taxman

U.Baxi & T. Paul : Mass Disasters and Multinational Liability.

## **Paper - V : Dissertation**

**Marks - 100**

Candidate will be required to submit Dissertation on the topic allotted to them under guidance of a faculty member as per rules.

## BRANCH II : TORTS & CRIME

### Paper - I : General Principles and Specific Torts with Emerging Trends

Time allowed:3 Hrs.

Min. Marks:40

Max. Marks:100

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

- + Meaning, Definition, Nature, Functions & Purpose of law of Torts Difference with contract and crime.
- + General Principles of Liability under Law of Torts.
- + Personal capacity, Discharge of Torts, Death in relation to Torts.
- + Felonious Torts
- + Foreign Torts
- + Justification of Torts (General Defences)
- + Vicarious Liability
- State Liability
- + Remedies
- + Remoteness of Damages
- + Nervous Shock
- + Torts against Person. : Assault, Battery, False imprisonment, Malicious prosecution, wrongful restraint and confinement.
- + Torts against property : Torts against reputation- Defamation, Trespass, Conversion, Detention.
- + Strict or Absolute Liability,
- + Negligence
- + Nuisance
- + Wrongs Relating to Domestic and other rights : Parental, Marital etc.
- + Interference with subsisting Contract, Trade, business etc.
- + Public Liability- and Torts.

#### **Suggested Readings :**

- |                  |   |                                 |
|------------------|---|---------------------------------|
| Salmond          | - | The Law of Torts                |
| Winfeild         | - | A Text book of the Law of Torts |
| Rameswami Iyer   | - | The Law of Torts                |
| Clerk & Lindsell | - | The Law of Torts                |
| Street           | - | Government Liability            |
| Street M         | - | Foundation of Law of Tort       |

Winfield	-	Province of the Law of Torts
Harper	-	The Law of Torts
Basu D.D.	-	The Law of Torts
Ratan Lal Dhirej Lal	-	The Law of Torts
Restatements	-	The Law of Torts
Beyen	-	Negligence in Law
Soencer Bower	-	Defamation
Garett	-	The Law of Nuisance
O degens	-	A Digest of the Law of Libel & Slander
Public Liability Insurance Act. 1991.		

## **Paper II Criminology**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

-Meaning ,definition ,nature, growth ,scope and importance of Criminology .

-Schools of Criminology :-

Pre-classical

Classical

Neo-classical

Geographical

Biological

Psychogenic ( Psychological ,Psychiatric and Psychoanalytical )

Economic

Sociological (including Ecological , Labelling, Culture Conflict, Neo Deviancy theories)

Multifactor Approach

- Juvenile Delinquency, Organised Crime, White Collar Crime, Professional crime, Femal criminality, Drug adiction, Sex offences and offences against women,

**Suggested Readings :**

Beccaria : Crime and Punishment

Cillin : Criminology and Penology

Sutherland : Principles of Criminology

Parmelu : Criminology

Street	:	Criminology
Lombroso	:	Crime- Its Causes and Remedies.
Dequrios	:	Modern Theories of Criminology
Upendra Baxi	:	Liberty and Corruption : The Antuley case and Beyond (1989)
K.S. Shukla	:	The other Side of Development (1987) (An Article by B.B. Pandey) The Nature and Dimensions of Privileged Class Deviance.
K.S. Shukla	:	Adolescent Offender (1985)
P. Kondenram and Y.N. Murthy	:	Drug Abuse and Crime : A Preliminary Study. & Indian Journal of Criminology (1979).
Mark Juergensmeyer	:	The Logic of Religious violence : The case of Punjab 22 Contributions to Indian Sociology 65 (1989).
R. Cocken	:	Drug Abuse and Personality in Young offenders. (1971)
Ram Ahuja	:	Criminology (2000)

#### **Journals :**

British Journal of Criminology

Journal of Criminal Law, Criminology and Police Science (Baltimore, MD)

Journal of Criminal and Criminology

Law and Society Review.

### **Paper III Penology**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

- Meaning, definition and object of Penology, Concept of Punishment.
- Theories of Punishment and Judicial approach in India.
- Classical approach (Hindu and Muslim concepts) and its relevance in present times.
- Kinds of Punishment, Punishment under IPC and in other countries-U.S.A., U.K., Russia, Humanitarian theory of Punishment.
- Capital Punishment- Trends in the use of capital punishment, capital punishment in India, Constitutionality- debate as to retention- Judicial approach.



- Imprisonment  
Approaches to Sentencing, alternative to imprisonment, Corrective Measures, Probation, Parole, Fines, Collective fines. Reparation by the offender, Social approach.
- Sentencing- Principal types of sentences in the Penal code and other Special Laws including Excise Act, Sentencing in white collar Crime, Pre-sentence hearing, sentencing for habitual offender, Summary punishment.
- Prison System- Jails in India ,classification of prisoners, Right of prisoners, kinds of prisons including Open Jails, Judicial surveillance, reforms,
- Recidivism.

**Suggested Readings :-**

- Sanders and Young - Criminal Justice (1994)
- S. Chhabra - The question of Punishment in Criminal law (1970)
- H.L.A Hart - Punishment & Responsibility (1968)
- Herbert L. packer - The Limits of Criminal Sanction (1968)
- Alf Ron - On Guilt , Responsibility and Punishment (1975)
- T.K Banerjee - Background to Indian Criminal Law (1990)
- 1997 Cri. L.J. - "Special Reasons clog on Death Sentence"
- Indian Penal Code - Chapter on Punishment (sec. 53 to 71)
- Cr. P.C. - Provision of Relation to Punishment Probation , Parole , Bail, Probation of Offenders Act.
- Jurisprudence - Chapter on criminal Justice.

## **Paper IV- Criminal Justice Systems**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions. All questions carry equal marks.**

- Study of comparative criminal justice systems India, U.K, U.S.A.
- Historical background
- Cardinal principle - Joint liability, Mental elements and its relevance, General Defences of Criminal liability (Ss. 76-106 of I.P.C)
- Rights of accused
- Victimology - Science of Victimology, Role of Victim in crime, Victim - offender relationship, types of victims, Compensation to victim.

- Evidenciary value of statement - plea bargaining, Confessions
- Hearing on sentencing
- Human rights and criminal justice.
- Role of community, family, voluntary bodies
- Impact of media - Pre-trial publication

**Suggested Readings :-**

The Indian Penal Code

R.C. Nigam : Criminal Law

Ratan Lal : Indian Penal Code

K.D. Gaur : Indian Penal Code

Danial M. Rohrer : Justice before the law

R.S. Agarwal &

Sarvesh Kumar : Crime and Punishment in New Perspective

The Constitution of India

The Evidence Act.

Criminal Procedure Code.

**Paper - V : Dissertation**

**Marks- 100**

Candidate will be required to submit Dissertation on the topic allotted to them under guidance of a faculty member as per rules.

## **BRANCH : III- LABOUR LAWS**

### **Paper - I Labour Jurisprudence & Labour Management Relations including Disputes settlement mechanism.**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions. All questions carry equal marks.**

1. Labour Jurisprudence
  - Concept and Growth of Labour Jurisprudence
  - Concept of Social Justice , Natural Justice and the Labour.
  - The Constitution of India and the labour
  - Judicial process and PIL.
2. Labour Management Relations - Genesis, concept and emerging patterns.  
Parties to Labour Management Relations.  
Problems, Legislative and Judicial Perspective
  - (a) The Industrial Dispute Act, 1948
  - (b) The Industrial Employment (S.O.) Act, 1946
3. Disputes settlement Mechanism.
  - (a.) Conciliation and Arbitration.
  - (b.) Industrial Adjudication  
Constitutional perspective and foundations, Access to Adjudicatory Justice ,  
Adjudicatory process, Judicial Review of the Adjudicatory Process.
  - (c.) Collective Bargaining -  
Freedom of organization, conceptual and processual issues, Bargaining Process, Legal control of  
Collective Bargaining endeavours- Strike, Gherao, Lockout , Factors affecting on collective  
Bargaining, Economic Implication, collective Bargaining and political processes.
4. Impact of Globalisation.

#### **Suggested Readings :-**

1. I.L.I. : Labour Law and Labour Relations.
2. Malhotra O.P. : The Law of Industrial Disputes
3. Kennedy Vaon D Usen : Union Government Employees and Trade Unions.
4. The Industrial Disputes Act, 1947
5. The Industrial Employment (S.O.) Act, 1946
6. Gillion S. Morris and Timothy J. Archer : Collective Labour Law

7. I.L.O. : Collective Bargaining
8. Russel A Smith : Collective Bargaining and Labour Arbitration

## **Paper II Legislation and Practice relating to Wages, Social Security and Labour Welfare.**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

1. Constitutional Perspective on Wages.
2. Theories of Wages, Methods of Wage fixation, Wage Differentials, working of Wage Boards.
3. National Wage Policy : Problem and perspectives. Policy, Need for integrated approach- income, price and wages, Problems of mixed economy, Capital intensive sector, Wages in Multinational corporations : Impact of globalisation.
4. International Standardisation, Role of I.L.O.
5. Social Security- Meaning, Modality : Social prescription, social assistance and Social insurance, Origin and Development, Constitutional Perspectives, Law and Practice, towards an ideal Social Security scheme : the futuristic.
6. Labour Welfare - Concept and Philosophy, Theories, Role of Welfare officers, Trade Unions employers and state ; Environment pollution concern, Legislative and Judicial perspectives.
7. Impact of Globalisation on Social Security & Labour Welfare.

### **Suggested Readings -**

1. O.P. Malhotra : Law of Industrial Disputes.
2. R.R. Singh : Labour Economics.
3. G.L. Kothari : Wages, Dearness Allowance and Bonus.
4. V.V. Giri : Labour Problems in India Industry.
5. International Labour office : Wages  
: Wages fixing
6. Srivastava : Social Security and Labour Laws.
7. Harry Calvert : Social Security Laws.
8. Moorthy : Principles of Labour Welfare.
9. K.N. Vaid : Labour Welfare in India.

## **Paper III Labour Economics, I.L.O. and Trade Unionism including Central Trade Union organisations.**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

1. Labour Economics  
Migratory character of Indian Labour, Decasualisation of Labour, Contract labour, Labour absenteeism, Labour Turn Over, Consumer Price Index Numbers.
2. Trade Unionism - Concept Growth and Structure with comparative study of India, U.K. , U.S.A. and Russia, Right to Strike.  
Multiplicity, Recognition, Role , Functions, Trade Union Rivalery, Unfair Labour Practice & other Problems.  
The Trade Union Act , 1926  
Tripartism.
3. Central Trade Union Organisations.
4. I.L.O. - Genesis, Aims and Objective, Constitution, Conventions and Recomendations- Pracedure for Ratification, Regional Conference, Problems and Prospectives, Impact on Indian Labour and Industries.
5. Impact of Globalisation

### **Suggested Readings -**

1. Giri V.V. : Labour Problems in Indian Industry.
2. Dhyani S.N. : Trade Unions and Right to Strike.
3. The Trade Union Act, 1926
4. I.L.O. : International Labour Code.
5. Dhyani S.N. : I.L.O. and India
6. G.A. Johnson : The I.L.O.
7. Kamla Mathur & N R. Seth : Tripartism in Labour Policy.
8. C.K. Johari : Indian Tripartite System
9. N. Vaidyanathan : International Labour Standards
10. Jenks : The International Protection of Trade Union freedom.
11. Nick Humphery : Trade Union Law, Blackstone, London.
12. Mamoria & Mamoria : Industrial Labour, social Security and Industrial Peace in India.
13. I.L.O. : Structure and Function of Rural worker's Organisation.

## **Paper IV Law and Practice relating to Agricultural Labour and Civil Servants.**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

### **A- Agricultural Labour**

#### 1. Agricultural Labour Relations

Concept of Agricultural labour, Early Stages- Traditional ties between landlord and workers, Exploitation of labour, Longer hours of work and lower wages- Statutory regulation. Bonded labour, Indebtness, Tribal labour in forest settlements, migrant agricultural labour.

#### 2. Trade Unionism and Collective Bargaining among Agricultural Labour.

Unorganised nature, Seasonal character, Political movements State, regional and macro regional disparities in collective bargaining.

#### 3. Industrial "Hour Norms" in Agricultural Labour Area.

Multi-employer employment situation, workmen's compensation, Minimum wages.

#### 4. Labour Welfare for Agriculture Labour.

Need for state initiative and support, Assessment of existing measures : Statutory and non-statutory, Agrarian reform as agricultural labour protection measure, land to the tiller doctrine Environmental impact of distribution of forest land among agriculture labour.

#### 5. Dispute Settlement Mechanism for Agricultural Labour

Practices : Settlements, Statutory measures : conciliation, adjudication; comparative study of state practices and Laws.

#### 6. Impact of Globalisation.

### **B- Civil Servants**

#### 1. Constitutional Dimensions.

Civil Servants and fundamental rights, Equality and protective discrimination : Principles and practices, Service Regulations- The Constitutional bases-formulation of service rules- doctrine of pleasure, limitations of doctrine of pleasure, Opportunity of being heard and its exceptions.

#### 2. Recruitment and Promotion

Central and State agencies for recruitment, Methods and qualifications.

#### 3. Conditions of Service

Pay, dearness allowance and bonus : machinery for fixation and revision Pay Commission . Social security- provident fund, superannuation and retirement benefits, medicare, maternity benefits, employment of children of those dying in service, compulsory insurance, civil and criminal immunities for action in good faith, Consultation with Public service commission.

#### 4. Settlement of Disputes

Departmental Remedies : representation, review, revision and appeal, Role of service organisation, Remedy before Administrative tribunal, Judicial review of service matters.

#### **Selected Bibliography:**

V.V. Giri : Labour Problems in Indian Industry

R.R. Singh : Labour Economics

Reports of National commission on Labour.

Government of India - Various Agricultural Labour Enquiry Reports.

Report of the National Commission on Rural Labour (1991)

N. Narayana Nair : The Civil Servant under the law & the Constitution

K.K. Goyal : Administrative Tribunal Act.

Arjun P. Agrawal : Freedom of Association in Public Employment

Seervai : Constitutional Law of India.

## **Paper - V : Dissertation**

**Marks-100**

Candidate will be required to submit Dissertation on the topic allotted to them under guidance of a faculty member as per rules.

## **BRANCH : IV PERSONAL LAW**

### **Paper 1- Sources and History of Hindu Law:**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

#### Sources

Divine Origin of Hindu law,  
Various Sources of Mithila, Banarash, Mayukh, Mitakshra and Dayabhag  
Code of Manu.  
Code of Yajanvalkya  
Relative Importance  
Various Schools of Hindu Law  
Dayabhag and Mitakashra-Differences  
Custom - As a Source of Hindu Law  
Hindu Marriage - Valid Conditions , Hindu Marriage Act,  
Hindu Joint Family System and its contribution to Hindu Jurisprudence  
Heritage - Obstructed and unobstructed  
Debts - Moral and Immoral  
Hindu Code Bill- Controversy and solution.

#### **Suggested Reading :**

1. Manu's Instituted : Chapters- I, III, VII, VIII, & IX  
(Sacred books of the East) .
2. Yagnavlkya Smiriti with Mitakshara book
3. Vyavehara Mayukha
4. Smiriti Chandrika
5. Dattak Mimansa
6. The Dayabagha



7. P.V. Kane :History of Dharmasastras.
8. Ganganath Jha :Hindu law & its sources .
9. Tagore Law Lectures on Hindu Law and usage.

## **Paper II - Principles of Hindu Law :**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions.  
All questions carry equal marks.**

- Shastrik Hindu Law - Commentary and Digest, Dayabagha
- Treatise text of law and usage - Mitakshara, Virmitrodaya, binding nature.
- Hindu Law of Marriage - Hindu philosophy of marriage
- Main provisions of H.M Act. 1955
- Theory of Divorce
- Philosphy behind theory of Divorce
- Conjugal Rights and Restitution of Marriage
- Social Conditions in india
- Social Relevance and effect on Marital Status - the concept of Cruelty, Desertion and Adultery
- Testamentary Capacity of Hindu governed under Mitakshara and Dayabagha
- Schools of Hindu law - limit of testamentary dispositions
- Women estates and changes brought by the Hindu Succession Act. 1956 - Public Policy behind changes
- Adoption - Capacity to adopt - Male and Female
- Division per stirpes and division per capita.
- Stridhan, kinds and other legal rights of Hindu Women before and after 26.1.56

### **Heritage**

- Coparcenaory property, legal necessity for alienating it.
- Self acquired Property
- Impartible estates
- Family Courts-Jurisdiction and procedure under the Family Courts Act, 1984.
- Uniform Civil Code

Constitutional Philosophy and its viability for Indian Society especially Hindus.

Hindu Code Bill Controversy -

Hindu Law Jurisprudence evolved by the Supreme Court.

**Suggested Readings :**

1. Maynes : Treatise on Hindu Law Usage.
2. West and Buhler : Hindu Law
3. Ghose : Principles of Hindu law
4. Mulla : The Principles of Hindu Law
5. G.S.S. Sastri and Bhular : Hindu Law
6. All Relevant Acts of Indian Legislature.

**Paper III - Statutory Law relating to Guardianship , Marriage & Succession in India.**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions. All questions carry equal marks.**

**CONTENTS :**

Hindu Marriage Act, 1955- Salient features, Sacramental nature of Marriage, conditions

Marriage and Divorce -

Theory of Divorce - Fault Theory, Consent Theory and Break Down theory

Conjugal Rights and Restitution of marriage.

Annulment of marriage

Indian Succession Act, 1925. Salient features. testamentary succession-succession certificates

Hindu Succession Act, 1956 and traditional Hindu Law - Main provisions

- Charges brought by H.S. Act, 1956 in various concepts - Inheritance and succession

- Self Acquired Property.

- Hindu womens right to property

- Succession

- Gift and wills

- Stridhan , Partition and deemed partition

Class of Heirs - Disqualification of Heirs

Hindu Minority and Guardianship Act, 1956

Natural Guardian

Testamentary Guardians and their powers.

Protection of Rights of minor.

Maintenance and Alimony, Alimony pendente lite.

Impartible estate.

Supreme Court-Hindu Law Jurisprudence evolved in The matters of Marriage, Divorce Maintenance Adoption etc.

**Suggested Readings :**

1. Trevelyan on Minors.
2. Trevelyan on Hindu Wills.
3. All Relevant Acts of the Indian Legislature.
4. Tagore Law Lectures on Marriage, Adoption and Stridhana.

**Paper IV- Principles of Mohammedan Law and Marriage Law of Charistians and Parsis :**

**Time allowed:3 Hrs.**

**Min. Marks:40**

**Max. Marks:100**

**Note: This question paper contains eight questions in all. Attempt any four questions. All questions carry equal marks.**

1. - Sources of M.L.
  - School, Difference in Shia and Sunni Shariat Act, 1937.
  - Adoption of M. Law -  
effect on persons who changes his religion
  - Matrimonial relations and succession.
    - Matrimonial - Concept, nature, (Sacramental or Contract)-conditions valid marriages, valid marriage, irregular marriage.
    - Wakf-Philosophy and necessity- Musalman Wakf Validatey Act, 1213.
  - Legitimacy
    - Law and status of illegitimate child
  - Acknowledgement - Principles
    - Divorce - Principles and grounds of Divorce under Dissolution of Muslim Marriage Act, 1939.
    - Dower and Dower debt- Principles and functions, concept of pre-emption under M. Law and its constitutionality.
  - Nature
  - Guardianship

- Wills-Essentials of Hiba or gift under M.Law.
- Rights to maintenance under Muslims-principles and philosophy.
- Restitution of Conjugal rights.
- Principles of Inheritance & succession under M.L.

Marriage & Divorce among Indian Christian and Parsis, Bill of 1990 - A step towards uniform civil code on the basis of Special Marriage Act, 1954.

### **Suggested Readings :**

1. Tybji : Mohammedan Law
2. Ameer Ali : Mohammedan Law
3. Wilson : Mohammedan Law
4. Fitzgerrald : Mohammedan Law : A Digest.
5. Abdul Ramim : The Principles of Mohammedan Juris Prudence.
6. Sharma Bharan Sarkar : Mohammedan Law.
7. Verma B.L. : Mohammedan Law.
8. The Indian Charistian Marriage. Act, 1872.
9. The divorce Act, 1986
10. The Parsi Marriage Act, 1936
11. Christian Marriage and Matrimonial Causes Bill 1990.

## **Paper V- Dissertation**

**Marks- 100**

Candidate will be required to submit Dissertation on the topic allotted to them under guidance of a faculty member as per rules.