

BALLB IV SEMESTER

NAME OF SUBJECT: FAMILY LAW-II (MUSLIM LAW WITH INDIAN SUCCESSION ACT, 1925)

PAPER CODE: Law- 401

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: This course on Family Law is designed to familiarize, train and equip students with comprehensive knowledge on the myriad personal laws operating in Indian society, especially regarding law of inheritance. The law of inheritance comprises rules which govern devolution of property on the death of a person, upon other persons solely on account of their relationship to the former.

MODULE-I

Nature & Sources of Muslim Law. Who is Muslim?

Muslim Marriage: Essentials, Option of puberty, Kinds of Marriage under Sunni Law & Shia Law

Mehr: Definition, Concept, Kinds of Dower, Rights of Wife in case of Unpaid Mehr

MODULE- II: Divorce

Classification of Divorce

Maintenance of Wife under Muslim personal law, Cr.P.C and Muslim Women (Protection of Right on Divorce) Act, 1986

Parentage and Legitimacy Kinds and Powers of guardian

MODULE- III

Hiba: Definition, Essentials, Kinds and Formalities for a Valid Hiba, Revocation of Hiba. Will:

Definition, Essentials and Kinds of a Valid Will, Abatement of Legacies, Revocation of Will.

MODULE- IV

Pre-emption: Definition, Classification & Formalities Inheritance under Sunni Law, Doctrine of Aul and Radd

MODULE- V

Indian Succession Act, 1925

- Applicability
- Interstate Succession
- Testamentary Succession

- Gifts in Contemplation of Death
- Probate and Letters of Administration

SUGGESTED READINGS

1. Faizi Mohammadan Law
2. Mulla Principles of Mohammadan Law
3. Paras Diwan Muslim Law
4. Akil Ahamad Muslim Law
5. Mulla -Hindu Law, (18th Ed. 2002) Butterworth Publication
6. Paras Diwan, Hindu Law, Allahabad Law Agency
7. Dr. R. K. Singh, Hindu Law (Hindi), Allahabad Law Agency
8. Kusum & P.P. Sexena, Lecture on Hindu Law, Butterworthe Publication

NAME OF SUBJECT: LAW OF TORTS INCLUDING MOTOR VEHICLE ACCIDENT AND CONSUMER PROTECTION ACT

PAPER CODE: Law- 402

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE OF THE COURSE: Tort action is being used against service providers, manufacturers and industrial units for products which are injurious to human beings wherein the emphasis is placed on extending the principles of torts not only to acts which are harmful but also failure to comply with changing standards and product specifications due to rapid advancements in science and technology. Product liability is now taking a new dimension in developed economies world over.

MODULE-I: INTRODUCTION AND PRINCIPLES OF LIABILITY IN TORT.

- a) Nature and Definition of Tort.
- b) Development of Tort action in England and India- Tort distinguished from Contract, Quasi-Contract and Crime.
- c) Constituent of Tort- Wrongful Act, Damage and Remedy.
- d) Liabilities- Strict Liability and Absolute Liability. Vicarious Liability- scope and justification.
- e) Conditions of Liability including *damnum sine injuria*, *injuria sine damno*; Remoteness of Damages. Maxims: *Ubi jus ibi remedium*, *Res ipsa loquitor*, *Volenti non fit injuria* etc.
- f) Doctrine of Sovereign Immunity.

MODULE-II: JUSTIFICATION IN TORT/ GENERAL DEFENSES

- a) *Volenti non-fit injuria*.
- b) Necessity,
- c) Plaintiff's default./ Plaintiff the wrong doer
- d) Act of God.
- e) Inevitable accidents.
- f) Private defenses.
- g) Judicial and Quasi- Judicial Acts.
- h) Parental and Quasi-parental authority.

MODULE-III: SPECIFIC TORTS

- a) Defamation- Libel, Slander including Defenses in an action for Defamation.
- b) Negligence including Contributory Negligence and other defenses.
- c) Nuisance.
- d) Assault, Battery and mayhem.
- e) False imprisonment and malicious prosecution.

- f) Nervous Shock.
- g) Trespass to Person and Property.
- h) Domestic Violence as a crime and tort.
- i) Principles for the application of the rules and defenses- Enterprises engaged in hazardous activities. (M.C. Mehta v. Union of India)
- j) Salient features of Motor Vehicle Act, Accident Claims, Motor Vehicle Tribunal, Noise and Air Pollution and Safety, Health and Environment issues.

MODULE-IV: CONSUMER PROTECTION ACT, 1986.

- a) Aims and objective of the Consumer Protection Act, 1986.
- b) Concept of a consumer and consumer dispute under the Consumer Protection Act, 1986.
- c) Shift from Caveat Emptor to Caveat Venditor.
- d) Consumer Protection Councils under the Consumer Protection Act, 1986.

MODULE-V: REDRESSAL MECHANISM

- a) Redressal mechanism under the Consumer Protection Act, 1986- District Forum, the State Commission and the National Commission.
- b) Initiation of Proceedings. Grievances Redressal Procedure of Consumer Disputes Redressal Agencies. Powers of CDRA's. Remedies available under the Consumer Protection Act, 1986.

SUGGESTED READINGS

1. The Law of Torts--- Ratanlal & Dhirajlal
2. Tort--- Winfield and Jolowicz.
3. Law of Torts--- R.K. Bangia.
4. Law of Consumer Protection in India--- Dr. D.N. Saraf.
5. Law of Consumer Protection in India--- Dr. Avtar Singh.
6. The Law of Consumer Protection in India--- Dr.Gurjeet Singh.
7. Law of Torts--- Salmond

ESSENTIAL CASE LAWS

1. Bhim Singh v. State of J & K and others.
2. Rudul Sah v. State of Bihar.
3. Rylands v. Fletcher 1868 LR HL, 330.
4. M.C. Mehta v. Union of India 1987 1 SCC 395.
5. Union Carbide Corporation v. Union of India AIR 1989 SC 248.
6. Donoghue v. Stevenson 1932 SC 31.
7. State of Rajasthan v. Mst. Vidyawati & Others AIR 1962 SC 1039.
8. M/s. Kasturilal Ralia Ram Jain v. State of U.P. AIR 1965 SC 1039.
9. Cassidy v. Daily Mirror Newspaper Ltd.
10. Bird v. Jones 1845 7 QB 742.
11. Lucknow Development Authority v. M.K. Gupta (1994) ISCC 243.
12. A. C. Modagi v. cCrosswell Tailor, (1991) II CPJ 586.
13. Indian Medical Assn. v. V.P. Shantha (1995) 6 SCC 651.
14. Consumer Unity and Trust society v. St. of Rajasthan (1991) II CPJ 56 Raj.

NAME OF SUBJECT: SOCIOLOGY-IV: SOCIAL METHODS AND SOCIOLOGY OF LAW INCLUDING DOMESTIC VIOLENCE ACT AND JUVENILE JUSTICE ACT

PAPER CODE: BAL 403

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PART-A: SOCIAL METHOD

MODULE-I:

- a) Meaning, Scope and Significance of Social Research.
- b) Conceptualization and Formulation of Hypothesis.
- c) Scientific Study of Social Phenomena.
 - i. The Scientific Method, logic in social science.
 - ii. Objectivity and Subjectivity in social science.
 - iii. Positivism and Empiricism in Sociology, social fact.
 - iv. Sociological Explanation.
 - v. Critique of Positivism.
- d) Methods of Social Research
 - i. Quantitative and Qualitative.
 - ii. Ethnography, Observation, Case Study, Content Analysis.

MODULE-II: TECHNIQUES & PRESENTATION OF DATA COLLECTION.

- a) Survey: Sampling Techniques, Questionnaire, Schedule and Interview Guide.
- b) Primary and Secondary Sources of Data.
- c) Basic Statistics- Measures of Central Tendency: Mean, Median Mode.
- d) Presentation of Data- Coding, Tables, Graphs, Histograms.

PART-B: SOCIOLOGY OF LAW

MODULE-I: INTRODUCTION

- a) Sociological Conception of Law.
- b) Nature of Sociology of Law.
- c) Development of Sociology of Law in Europe and America.
- d) Sociology of Law in India.

MODULE-II: THEORETICAL FOUNDATION.

- a) Law and the rise of Social Sciences.
- b) Max Weber on Rationalization of Law.
- c) Emile Durkheim on Law and Solidarity.
- d) Theoretical move towards the Sociological study of Law.

MODULE-III: APPROACHES.

- a) Henry Maine: Evolutionary Approach to the Study of Law.
- b) Bronislaw Malinowski: Ethnographic Study of Law.

- c) E. Adamson Hoebel: The Law of Primitive Man.
- d) Max Glukman and Paul Bohahan: Language, Representation and Cultural Comparison of Law.

MODULE-IV: SOCIAL BASIS OF LAW

- a) Folkways and More(Sumner).
- b) Social Basis of Law (Savigny).
- c) Regulation of Behavior.
- d) Customs and Public Opinion.
- e) Religion and Morality.

MODULE-V: PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 AND JUVENILE JUSTICE (PROTECTION AND CARE OF CHILDREN) ACT, 2000.

MODULE-VI: UNDERSTANDING CRIME.

- a) Sociology of Crime and Delinquency.
- b) Theories of Crime and Post-Modernist Critique.

MODULE-VII: LAW AND INTEGRATION.

- a) A Law Centered conception of Social Cohesion.
- b) Law and Solidarity in Modern Society: Durkheim.
- c) Universal Function of Law: Llewellyn.
- d) Social System and Social Structure.
- e) The Integrative Functions of Law.

MODUEL-VIII: LAW AS AN INSTRUMENT OF SOCIAL CONTROL AND SOCIAL CHANGE.

- a) Law as an agency of Social Control.
- b) Modern Law and Modern State.
- c) Social Change.
- d) Legislative Strategies for Promoting Social Change.

MODUEL-IX: CURRENT ISSUES IN INDIA

- a) Education and Law.
- b) Gender and Law.
- c) Globalization and Law.
- d) Human Right and Law.
- e) Child and Law.
- f) Media and Law.
- g) Technology and Law.

RECOMMEDED READINGS

1. Scientific Social Surveys and Research--- Pauline V. Young. Prentice-Hall, New Delhi.
2. Quality and Quantity in Social Research--- Alan Bryan. Unwin Hyman.
3. Sociology: Methods and Theory--- N. Jayaram.
4. Limitation of Social Research--- Martin Shipman. London Sage.
5. Sociology of Law--- Indra Deva.
6. Fieldworker and The Field--- M.N. Srinivas & A.M. Shah. Delhi- Oxford.
7. Themes and Perspectives in Sociology--- T.B. Bottomore.

8. Sociology of Law: Visions of a Scholarly Tradition. Cambridge University Press. 2008.

NAME OF SUBJECT: POLITICAL SCIENCE-IV: PUBLIC POLICY AND PUBLIC ADMINISTRATION

PAPER CODE: BAL 404

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

UNIT- I CONSTITUTION OF U.K.

- (a) General Features.
- (b) King and Crown.
- (c) Prime Minister and Cabinet.
- (d) British Parliament – Composition, power and Function.
- (e) House of Lord:- Judicial Power.

UNIT-II CONSTITUTION OF U.S.

- (a) General Feature.
- (b) The President – Election, Power and Functions.
- (c) U.S Congress- Composition and Functions.
- (d) U.S. Supreme Court - Composition and Functions.
- (e) U.S. Federation.

UNIT-III CONSTITUTION OF SWITZERLAND

- (a) Salient Feature.
- (b) Swiss Federal Parliament: Composition Power and Function.
- (c) Federal Council: organization and Functions.
- (d) Swiss Federal Tribunal: Composition and organization, its Jurisdiction.
- (e) Direct Democracy in Switzerland.

UNIT-IV COMPARATIVE STUDY-I

- (a) American President and British Prime minister.
- (b) Chairman of the Swiss Federal Tribunal and American President.
- (c) U.S. Supreme Court and Swiss federal Tribunal.
- (d) U.S. Supreme Court and House of Lord of Britain.

UNIT-V COMPARATIVE STUDY-II

- (a) U.S. Senate and House of Lords
- (b) The Speaker of house of Commons and American House of Representatives.
- (c) The Committee system of U.S. Congress and British Parliament.
- (d) U.S. and Swiss federation.

Suggested Reading:

- 1. World Constitution Herman Finer.
- 2. World Constitution C.F. Strong.
- 3. World Constitution A.C. Kapoor.
- 4. World Constitution Vishnoo Bhagwan.

NAME OF SUBJECT: ECONOMICS-IV: INTERNATIONAL BUSSINESS ENVIRONMENT

PAPER CODE: BAL 406
MAXIMUM MARKS: 30+70=100
TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

MODULE 1: Business and Environment: Objectives of Business, Social Responsibilities, Corporate Image, Business Environment, internal and external, Business Ethics.

MODULE 2: Theories of international trade: Classical & Modern theory.

Balance of Payment: concepts & Disequilibrium in BOP: causes of Disequilibrium in BOP & methods to correct Disequilibrium in BOP.

MODULE 3: Operation of scale and Business Decision: Operation of scale and related Policy issues, Production and Distribution Policies and Functions of a Firm, Cost and Price policies of a Firm, Economies of growth – horizontal and vertical growth, External and Internal economy in scale operation, Localization of Industries, growth under Market Economy and Controlled Economy.

MODULE 4: Combination, Merger and Acquisition: Business Combinations- types, forms and the economic concerns, Competition and Combination, Spin offs and Strategic alliance, various forms of combinations and M &A and Public Policy, Concerns for Regulatory System.

MODULE 5: Rationalization and Automation: Rationalization in Business Firm, Industry's concern for technological invention and innovation, technology transfer, Government Policy.

MODULE 6: Economic Downturn and responsibility of a Firm: Economic effects of business cycle, long term and short term policy in various stages of business cycle.

MODULE 7: Government and Business: Government's responsibility in Market Economy, Money and Capital market Regulatory System and Economic issues, Control and Regulation of Prices, Policy to regulate Monopoly and Unfair Trade Practices, Role of Government in Economic downturn.

MODULE 8: International Trade Relation: Economic concerns in International Trade, Trade in Service Facilities, Trade related Investments, Trade Related Intellectual Property Relations, Global integration of economy, Inter-country relation in Sovereign Bankruptcy relation.

MODULE 9: Tax Management, Infrastructure Development and PPP: tax management in ecommerce, Economics of Public Private Partnership, why is PPP economically a good alternative in infrastructure Building.

RECOMMENDED READINGS

1. Jones, Managerial Economics,
2. Clarkson, The Theory of Consumer Demand, Prentice-Hall, Delhi
3. Cohen and Cyert, The Theory of Firm, Prentice-Hall, New Delhi
4. P.N Chopra, Business economics, Kalyani Publishers.
5. K.Aswathappa, International business, Mc Graw Hill
6. M.L.Jhingan, The Economics of Development and Planning, Vrinda Publications, New Delhi.
7. Francis Cherunilam, International Business Environment, Himalyan Publishing house.
8. Varshney, Maheshwari, Managerial Economics, Sultan Chand.

NAME OF SUBJECT: HISTORY-IV: HISTORY OF INTERNATIONAL BODIES

PAPER CODE: BAL- 405

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

MODULE 1: History of World Wars – various political dimensions, economic consequences History of League of Nations and its success and failure; development of United Nations after the Second World War. Various structural system of UNO, UN Charter–historical and political reasons-evolutions.

MODULE 2: Early history of International Labour Organization in Europe, Forces leading to Philadelphia declaration – historical reasons for the structural growth of tripartite arrangements – various bodies and its connecting link with the UN Bodies

MODULE 3: Post War history of growth and development of various Financial Institutions as a part of UN movement, Bretton Wood Agreements – IMF & IBRD–Lead to World Bank– various other bodies like UNDP - Historical background of various trade and tariff negotiations leading to grand design of WTO

MODULE 4: History of Human Right movement - early history in England, Various nongovernmental and governmental efforts in Pre-War period in Europe – Development of UDHR– UN's role in developing international human right legal system – development of ECOSOC – Two covenants – Various regional bodies – UN report on HR.

MODULE 5: History of International Humanitarian and Refugee Laws–Non-governmental initiative through Red Cross Movement – History of Geneva Conventions–Reorganization of International Red Cross Movement – History of Heague Conventions–Non-governmental initiatives – history of use of nuclear power and inter-governmental and non-governmental initiatives of various treaties UNHCR – history and development–various forces in interaction.

MODULE 6: History of ICJ as an independent organ of UN, sixty years of ICJ – various other non-governmental initiative to strengthen ICJ in course of its history and development History of War Tribunals, Tribunals for enforcement of HR law – Movements leading to establishment of International Criminal Courts.

MODULE 7: UN Initiative on Global Environmental management–history of the initiatives–UNEP–Various non-governmental initiatives in environment management and standard fixation in industrial hazards – history of standard setting, accountability and transparency initiatives.

RECOMMENDE READINGS

1. Europe and the Modern World--- Goltschalk S Lach.
2. The French Revolution--- Goodwin.
3. Lectures on Modern History--- Acton.
4. A History of British Civilization--- Wingfield Stratford.
5. An Encyclopaedia of World History--- Langer.
6. The Industrial Revolution--- Strong.
7. Europe from the Renaissance to Waterloo--- Ergang.