

**YEAR-5 SEMESTER-X**

**LLB 691 ADMINISTRATIVE LAW**

**Course Description**

The course will cover the general principles of administrative law as practiced in Pakistan. The theories of natural justice, delegated legislation, administrative discretion and judicial review of administrative actions will be the main focus of the course. In addition to that students will learn about the civil service laws and rules. It will also look at the mechanism of administrative rules of procedure relating to efficiency and discipline related matters and the functioning of civil service tribunal.

**Course Contents**

- Introduction Definition, Nature, Scope and Growth of Administrative Law
- The Classification of Administrative Action
- Judicial Review
- Judicial Review of Administrative Action
- Delegated Legislation
- Growth of Delegated Legislation
- Principles of Natural Justice
- Rule of Fair Hearing
- Rule Against bias
- Office of Ombudsman Powers and Functions
- The Law of Civil Service in Pakistan
- Civil Service Act 1973
- Civil Servants (E & D) Rules
- Service Tribunals & Service Tribunals Rules

**Suggested Readings:**

1. Cornelius, A.R. *Law and Judiciary in Pakistan* (SM Haider ed.) Lahore: Lahore Law Times, 1981. (Selected Topics on Administrative Law and Administrative Tribunals).
2. Karim, Justice (R) Fazal. *Judicial Control of Administrative Actions*. Islamabad: Pakistan Law House, 2006.
3. Khan, Hamid. *Principles of Administrative Law: A comparative Study*. Lahore: PLD, 2000.
4. Massey, I.P. *Administrative Law*, 7<sup>th</sup> edn. Delhi: Eastern, 2008.
5. Wade, H.W.R. and Forsyth, *Administrative Law*, 10<sup>th</sup> edn. Oxford: OUP, 2009.
6. Zafar, Emmanuel. *Administrative Law*. Lahore: Eastern, 1998.
7. The Text of Service Tribunal Act, 1973 with commentary.
8. The Text of the Civil Servants Act, 1973 with commentary.
9. The Text of the Government Servants (Efficiency and Discipline) Rules, 1973.

**LLB 692 INTERPRETATION OF STATUTES AND LEGISLATIVE DRAFTING**

**Course Description**

The intent of legislature and the ends of law is something of fundamental importance in application of law. This course will be elaborating the fundamental rules of interpretation, the rules of construction, etc. It will also include a discussion on the prospective and retrospective effect of a statute. The course will also include the general principles of interpretation as laid down in the General Clauses Act 1897.

In addition legislative drafting is a process by which the policies of the governments are converted into legislation. The quality and accuracy of legislation is only derived from the way it is drafted.

**Course Contents**

- Meaning of interpretation
- Need for interpretation
- Rules/kinds of interpretation
- Linguistic rules of interpretation
- Parts of statute
- Intrinsic source to interpretation
- Extrinsic source to interpretation
- Kinds of statute
- Presumptions in interpretations
- All provisions of the general clauses act 1897
- Rules of grammar / punctuation
- Drafter to know interpretive material within the statute
- Certain legal terms that has been given general accepted meaning

**Suggested Readings:**

1. Crawford, Earl T. *The Construction of Statutes*. Karachi: Pakistan Law House, 1998.
2. Rao, M. N. and Dhandra, Amita. *Bindvas Interpretation of Statutes*,

- (10<sup>th</sup> edn) New Delhi: LexisNexis, 2007.
3. Sarathi, Vepa. *Interpretation of Statutes*, (4<sup>th</sup> edn) Lucknow: Eastern Book, 2003.
  4. The General Clauses Act, 1897 with commentary.
  5. Zafar, S. M. *Understanding Statutes: Canons of Construction*, (3<sup>rd</sup> edn) Lahore: PLD, 2008.

### **LLB 693 RESEARCH PROJECT**

#### **Course Description**

All law students shall be required to take a research project and write a long dissertation of about 8000-10000 words on a legal topic. Students may take the project in groups or individually. Students will submit their research proposals well in time after completion of their 8<sup>th</sup> Semester and will be allotted a supervisor under whose guidance students will work and complete their written work.

### **LLB 694 CIVIL SERVICE LAWS IN PAKISTAN ELECTIVE-III**

#### **Course Description**

The civil Bureaucracy is a colonial legacy in this part of the world. The British used to rule the native population through Indian Civil Service (ICS) and most of the officers in ICS were British themselves. It was in the early 20<sup>th</sup> Century that the Indians also started competing against the British and many Indians eventually made it to the ICS. With the partition of India in 1947, the term 'Central Superior Services' was used in Pakistan and the concept of All-Pakistan Services continued. The latter consisted of the Civil Service of Pakistan and the Police Service of Pakistan, whereas the Central Services included the Pakistan Foreign Service and a broad category of Finance and other services. The Finance category included the Pakistan Audit and Accounts Service, Pakistan Railway Accounts Service, Pakistan Military Accounts Service, Pakistan Taxation Service, and the Pakistan Customs and Excise Service. The Central Services other than these included the Pakistan Postal Service, Pakistan Military Land and Cantonment Service, Central Secretariat Service, and Central Information Service. Each of these services had its own cadre and composition rules, specifying the total cadre strength in terms of its number of positions.

The structure of civil service in Pakistan is established under Article 240 of the Constitution of Islamic Republic of Pakistan, 1973. The Constitution lays down separate service for federation and Provinces. Federal and Provincial Governments are required to regulate their civil services through Act of parliament in case of federation, and by Act of Provincial Assembly for subjects in Legislative List of provinces. The civil service scheme established by British Raj during the colonial period was reformed under the administrative reforms in 1973. The Civil Servants Act, 1973 and each province enacted its own Civil Servants Acts. The law allow civil service of federation, and of provinces, to be regulated as per rules notified under these enactments. Consequently, both sets of governments have notified Civil Servants (Appointment, Transfer and Promotion) Rules, 1974. The qualification and method (the way) of filling of all posts is regulated by these rules.

#### **Suggested Readings:**

1. H.W.R Wade, Administrative Law;
2. Griffith, J.A.G, Principles of Administrative Law;
3. Hamid Khan, Principles of Administrative Law;
4. Yardley, D.C.M, Principles of Administrative Law,.
5. Foulkes David, Administrative Law;
6. Masud ul Hassan, Civil Services Law and Practice;
7. Janjua, Z.I, Manual of Civil Services;
8. Nisar Ahmad, Civil Services Laws,.

### **LLB 695 CRIMINOLOGY ELECTIVE-IV**

#### **Course Description**

The course aims to enable a deeper understanding of the law of crimes, issues and challenges affecting the landscape of crime in a society. Law of crimes both procedural and substantive as are applied in Pakistan is the part of the course. Theory and practice of Islamic criminal law is also included in a comparative manner.

#### **Topics of Study:**

1. Origin and nature of the crime.
2. Crime is defined in Muslim Law.
3. Types of criminals.
4. Definition and Principles of criminal liability.
5. Explanations of criminal behavior.
6. Statutory penal offences against the state, property and person in Pakistan.
7. Offences recognized in Muslim Law.
8. Deference between HADD and TAZEER.
9. Defenses to the crime: (a) in statutory Laws of Pakistan and (b) in the Muslim Law.
10. Objects of punishments in Muslim Law.
11. Kinds of punishments in Penal Laws of Pakistan.
12. Kinds of Punishments in Penal Laws of Islam.
13. Reformatory and Preventive Measures: (a) Adopted in Pakistan (b) Recognized by Muslim Law.