

YEAR-3 SEMESTER V

LLB 441 JURISPRUDENCE-I

Course Description

This course introduces students to theories of classical and contemporary jurisprudence and the issues debated within them. Jurisprudence provides a discipline of thought and is extremely helpful in improving the logical analysis of the legal concepts. The focus of course will be on the nature, origin and development of law and legal concepts. In this component, the focus will be on legal theories such as Natural Law Theory, Positive Theory, the nature of legal reasoning, legal realism, sources of law and precedents. This is a vital course designed to cultivate in students the ability to reason persuasively and encourage students to develop a clear picture of the overall conceptual framework within which legal thoughts operate.

Course Contents

- Definition, Nature and Scope
- Kinds of Jurisprudence
- Schools of Jurisprudence
- Jurisprudence as Philosophy of Law
- Legal Positivism
- Kelson Pure theory of Law
- Classification of Law
- Civil Law
- Imperative theory of Law
- Natural law Theory
- Law and fact - Presumption
- Law and Equity
- Administration of Justice

Suggested Readings:

1. Austin, John. *The Province of Jurisprudence Determined and the Uses of the Study of Jurisprudence with an Introduction by H. L. A. Hart*. Indianapolis: Hackett, 1998.
2. Friedmann, W. *Legal Theory*, (8th edn) London: Stevenson, 2008 (rpt.).
3. Harris, J. W. *Legal Philosophies*, (2nd edn) London: Lexis Nexis, 2005.
4. Hayman, Robert L and Levit, Nancy *Jurisprudence: Classical and Contemporary: From Natural Law to Postmodernism*. St. Paul: West, 2002.
5. Holland, Sir Thomas E. *The Elements of Jurisprudence*, (13th edn) New Delhi: Universal, 2010 (rpt.).
6. Leimer, Edger B. *Jurisprudence: The Philosophy of Method and Law* (6th edn) California: Harvard University Press, 2009.
7. Nyazee, Imran Ahsan. *Jurisprudence*. Islamabad: Advanced Studies Legal Institute, 2007.
8. Posner, Richard A. *Frontiers of Legal Theory*. Delhi: Universal, 2010 (2nd I rpt.).
9. Rawals, John. *A Theory of Justice*, (3rd edn) Delhi: Universal, 2008 (rpt.).
10. Raz, Joseph. *The Concept of a Legal System: An Introduction to the Theory of Legal System*, (2nd edn) Oxford: Clarendon, 1980.
11. Wacks, Raymond. *Jurisprudence*, (5th edn) Oxford: Oxford University Press, 1999.
12. Sir John Salmond. *Jurisprudence*, Pakistan: PLD, 2014.

LLB 442 CONSTITUTIONAL DEVELOPMENTS IN PAKISTAN

Course Description

The course is designed to give a comprehensive insight about the constitutional developments of Pakistan. Starting from the Government of India Act 1935 till date, all important events leading to constitutional developments in Pakistan will be the focus of this course. Failure of the constitutional machinery and leading constitutional cases on the subject will be part of the course.

Course Contents

- Government of India Act 1935
- Salient features of the 1956 Constitution
- Salient feature of the 1962 Constitution
- Salient feature of the 1972 Interim Constitution
- Amendments so far made to the 1973 Constitution
- Leading Constitution Cases onward 1947

Suggested Readings:

1. Ahmad, Riaz. *Constitutional and Political Developments in Pakistan: 1951-54*. Karachi: Pak American, 1981.
2. Choudhry, G. W. *Constitutional Development in Pakistan*. New York: Institute of Pacific Relations, 1959.
3. Jennings, Sir Ivor. *Constitutional Problems in Pakistan, 1957*. Cambridge: Cambridge University Press, 1957.
4. Khan, Hamid. *Constitutional and Political History of Pakistan*. Oxford: Oxford University Press, 2001.
5. Mahmood, Safdar. *Constitutional Foundations of Pakistan*, (2nd edn) Lahore: Jang Publishers, 1989.
6. Sayeed, Khalid Bin. *The Political System of Pakistan*. Karachi: Oxford University Press, 1967.
7. Wheeler, Richard S. *The Politics of Pakistan: A Constitutional Quest*. Ithaca: Cornell University Press, 1970.

LLB 443 ISLAMIC PERSONAL LAW-I

Course Description

The course will focus on the Muslim Personal Laws of Pakistan. In this course, both the classical and codified Islamic personal laws dealing with marriages, divorce, maintenance, custody of children and parentage will be discussed. The course will also include contemporary Islamic personal laws as applied in selected Muslim states.

Course Contents

- Marriage
- Dower
- Divorce
- Maintenance
- Parentage Legitimacy and Acknowledgement
- Muslim Family Laws Ordinance 1961
- Dissolution of Muslim Marriages Act 1939
- Child Marriage Restraint Act, 1929
- The West Pakistan Family Courts Act, 1964

Muslim Personal Law including all relevant enactments and Quranic Verses.

Suggested Readings:

1. Ali, Syed Amir. *Principles of Mohammdan Law*, (rev and enl. edn) Allahabad: Allahabad Law Emporium, 1983.
2. An-Naim, Abdullahi A. *Islamic Family Law in a Changing World*. London: Zed Books, 2002.
3. Fayzee, A.A.A. *Outlines of Mohammdan Law*. Oxford: Oxford University Press, 1964.
4. Mahmood, Tahir. *Asaf AA Fayzee: Cases in the Muhammdan law of India, Pakistan and Bangladesh*. Oxford: Oxford University Press, 2005.
5. Mahmood, Tahir. *Muslim Personal Law*. New Delhi: Vikas, 1977.
6. Mannan, Dr. M. A. *DF Mullas Principles of Mohammedan Law*, Lahore: PLD 2010.
7. Mansoori, Dr. Muhammad Tahir. *Family Law in Islam: Theory and Application*. Islamabad: Shariah Academy, 2006.
8. Nizam, Sheikh. (comp.) *Fatawi Alamgiryat*. Calcutta: Education Press, 1825-35.
9. Text of Guardians and Wards Act, 1890, Child Marriage Restraint Act 1929 (CMRA), Dissolution of Muslim Marriage Act 1939 (DMMA), Muslim Family Law Ordinance 1961 (MFLO), Family Court Act, 1964, etc.

LLB 444 CRIMINAL LAW-I

Course Description

The Criminal Law course introduces students to the general principles of criminal law and to the social, political and moral context in which they have been developed. The course concentrates on fatal and non-fatal offences against the person and offences against property as well as the range of defenses that may be available on a criminal charge. The course also will devote time to questions of reforms particularly with regard to *Hudud* Laws. The course considers the basic scheme of substantive criminal law together with criminal liability and the significance of act, intent, causation, and result; justification and excuse; and the rationale of punishment. The course will generally include all provisions of the Pakistan Penal Code, 1860.

Course Contents

- Definition of Crime
- Nature, History and characteristics of crime
- Causes of Crime
- Crime and Tort
- Functions of Criminal Law
- Criminal liability, Actus reus, Mens rea, intention, Knowledge,
- Motive, Principles, of participation, negligence, Recklessness, Strict liability
- General defenses
- Punishments
- Abetment
- Criminal Conspiracy
- Offences against the state
- Offences against the public tranquility
- Offences by or relating to the Public Servants
- Contempt of lawful authority
- False evidence and offences against public justice
- Offences relating to the weight and measure
- Offences relating to the religion
- Wrongful restraint and wrongful confinement
- Criminal force and assault

- Kidnapping, abduction and forced labour
- Theft, robbery and dacoity
- Criminal misappropriation of Property
- Criminal breach of trust
- Receiving of stolen property
- Cheating
- Mischief

Suggested Readings:

1. Card, Richard. *Card, Cross and Jones Criminal Law*, (18th edn) New York: Oxford University Press, 2008.
2. Mahmood, Shaukat and Shaukat, Nadeem. *The Pakistan Penal Code, 1860: Exhaustive Commentary Incorporating Case-law of Pakistan, Bangladesh, Burma, India, UK on Pakistan Penal Code*. (9th re edn) Lahore: Legal Research Centre, 2008.
3. Nyazee, Imran Ahsan. *General Principles of Criminal Law: Islamic and Western*. Islamabad: Advance Legal Studies Institute, 1998.
4. Ormerod, David. *Smith and Hogan Criminal Law*, (13th edn) New York: Oxford University Press, 2011.
5. Thakkar, Justice C.K. *Ratanlal Dhirajlals Law of Crimes*, (26th edn) New Delhi: Law House, 2007.
6. The Text of the Pakistan Penal Code, 1860 (As amended)

LLB 445 LAW OF PROPERTY

Course Description

The course is designed to teach students the basic principles of property law with particular reference to land. The course will deal both with the urban and rural property matters. It will deal with the meaning of ownership of land, sale and purchase of immovable property, mutation of property/ownership, co-ownership, tenancy and preemption laws, acquisition of land, transfer, leases and various kinds of mortgages.

The transfer of property act 1882 deals with only such transfers as or made by the act of the parties for example sale, gift, exchange, lease and mortgage and does not deal with transfers made by operation of law for example in case of solvency forfeiture, succession and court sales. The scope of this act is further limited to transfers among living persons. Transfer of Property Act 1882 discusses in detail about the persons entitled to transfer the property, operation of transfer, oral transfer, and what types of properties can be transferred.

Course Contents

1. **LAW OF PROPERTY**
 - Definition of property
 - Definition of transfer of property
 - What may be transfer?
 - Who can transfer?
 - Sale
 - Lease
 - Gift
 - Mortgage
 - Exchange

2. Registration Act

Registration Act 1908 is a law which was originally made to check the registration of the real estate. Registration Act 1908 has all the necessary instructions for registration of properties and it has in total fifteen sections. Registration Act 1908 contains details about the establishment of registration, and describes where the properties can be registered. The time of presentation of the documents and the place of presenting the documents is also mentioned in the Registration Act 1908. In short, Registration Act 1908 is quite a comprehensive law that guides you on all matters of real estate registration in Pakistan, while leaving no ambiguity.

Course Contents

- Compulsory registration of Documents
- Optional registration of documents
- Effects of non-registration
- Duties and functions of registering officer
- Refusal of registration of documents

Suggested Readings:

1. Bhalla. Sandeep. *Co-ownership, Joint Property and Partition*. Allahabad: Orient, 2005.
2. Chitale. *Chitale on the Transfer of Property Act (IV of 1882)*, Lahore: Kausar Brothers.
3. Farani, *The Transfer of Property (Law and Procedure)*, Lahore: National Law Publications, 1977.
4. Shaukat Mehmood. *Transfer of property Act*, Lahore: Legal Research Centre, 1991.
5. Shaukat Mehmood. *The Registration Act 1908*, Lahore: Pakistan Law Times, (latest edn).
6. Sardar Muhammad Iqbal Khan Mokal. *The Transfer of Property Act*, Lahore: PLD Publishers, (latest edn).
7. Kameruddin Bin Abbas. *The Registration Act*, Lahore: PLD Publishers, (latest edn).
8. Shoukat Mehmood. *The Registration Act*, Lahore: Mansoor Publishers, (latest edn).
9. Kazi Abdul Aziz. *Commentaries on the Registration Act 1908*, Karachi: (latest edn).