

## YEAR-3 SEMESTER-VI

### LLB 451 JURISPRUDENCE-II

#### Course Description

This is the second part of the course. In this module, certain main institutions of law will be considered such as the State, nature, functions, Sources of Law, Legal Right, property, ownership and possession; contract, legal personality, negligence and risk; responsibility and punishment, evidence and procedure.

#### Course Contents

- The State, Nature and Functions
- The sources of Law
- Custom
- Legislation
- Precedent
- Legal Right
- Ownership
- Position
- Persons
- Titles
- Liability
- Substantive Law and Procedural Law

#### Suggested Readings:

1. Finnis, John. *Natural Law and Natural Rights*. (2<sup>nd</sup> edn) Oxford: Oxford University Press, 2011.
2. Glanville, Williams L. *Jurisprudence by John Salmond*, (10<sup>th</sup> edn) London: Sweet and Maxwell, 1947.
3. Holland, Sir Thomas E. *The Elements of Jurisprudence*, (13<sup>th</sup> edn) New Delhi: Universal, 2010.
4. Mahajan, V.D. *Jurisprudence and Legal Theory*, (5<sup>th</sup> edn) Lucknow: Eastern, 2007.
5. Paton, G. W. *A Text Book of Jurisprudence*, (4<sup>th</sup> edn) Oxford: Oxford University Press, 1973.
6. Sir John Salmond. *Jurisprudence*, Pakistan: PLD, 2014.

### LLB 452 LAW OF BUSINESS ORGANIZATIONS

#### Course Description

The course will cover the formation of Business Organizations and their functioning. The course contents will include the Company Law and Partnership Act. The Company law will include principles of company law, their incorporation, kinds, the doctrine of *ultra vires*, resolutions and their legal status, liabilities and winding up. The course will also include the law of Partnerships; the formation and functioning of Firms, legal status and liability of a firm, its dissolution and the liabilities of partners. The effect of the Registration and non-registration of firms. It will also touch the new concept of Limited Liability Partnerships and relevant provisions of the Security and Exchange Commission of Pakistan.

#### Course Contents

- Partnership Act 1932
- Essentials and Partnership
- Types of Partnership
- Relation of partners with one another and also towards 3<sup>rd</sup> Parties
- Dissolution of firm
- Effect of Registration and non-registration firm
- Kinds of Company
- Formation of Company
- Promoters, Shareholders and director of Company
- Memorandum of Association and Articles of Association
- Winding up of a Company

#### **Suggested Readings:**

1. Chaudhry, A.M. *A Handbook of Company Law*. Lahore: PLD, 2010.
2. Dube, Indrajit. *Corporate Governance*. Nagpur: LexisNexis, 2009.
3. Manan, Dr. M.A. *The Partnership Act, 1932*. Lahore: PLD, 1994.
4. Minkes, John and Minkes, Leonard. (ed.) *Corporate and White-Collar Crime*. London: Sage, 2008.
5. Simpson, Sally S. *Corporate Crime, Law and Social Control*. Cambridge: Cambridge University Press, 2002.
6. Text of the Companies Ordinance, 1984.
7. The Securities and Exchange Commission of Pakistan Act, 1997.
8. Wadud, Q.A. *Law of the Commission, Securities and Exchange*. Karachi: Royal, 1998.

## **LLB 453 ISLAMIC PERSONAL LAW-II**

### **Course Description**

This is an important component of Islamic Personal Law. The course will focus on Islamic law of Inheritance, including transfer of property through Gifts, Wills and Waqf and their legal consequences.

### **Course Contents**

- Islamic Law of Inheritance
- Gifts
- Wills
- Succession and Administration
- Hanafi Law of Inheritance
- Shia Law of Inheritance

### **Suggested Readings:**

1. Coulson, N. J. *Succession in the Muslim Family*. Cambridge: Cambridge University Press, 1971.
2. Khan, Hamid. *Islamic Law of Inheritance*, (3<sup>rd</sup> edn) Karachi: Oxford University Press, 2007.
3. Mannan, Dr. M. A. *DF Mullas Principles of Mohammedan Law*. Lahore: PLD, 2010.
4. Qazi, Noman and Kamboh, Asghar *Manual of Waqf Laws in Pakistan*. Lahore, Four Star, 2011.
5. Relevant provisions of the Succession Act 1925.

## **LLB 454 CRIMINAL LAW-II**

### Course Description

This is in continuation of Criminal Law-I. On successful completion of the course, students would be able to state and explain the general principles of criminal liability under English and Islamic criminal law, the substantive elements of major offences and general defenses to criminal liability. The course will include substantive criminal law as contained in the Pakistan Penal Code and the *Hudud* laws and other related enactments.

### Course Contents

- Criminal trespass
- House trespass and house breaking
- Offences relating to the marriage
- Defamation
- Criminal intimidation, insult and annoyance
- Attempt to commit offences
- The provisions of Pakistan Penal Code
- Principles of criminal law in Islam
- Classification of crimes
- Classification of punishments
- Proof of punishment
- Criminal intention and liability
- Territorial application
- Qisas and Diyat Act, 1997, relevant provisions from Pakistan Penal Code
- The Law as contained in Pakistan Penal Code & Hudood Ordinance Offences Against Property (Enforcement of Hudood) Ord, 1979
- The Offence of Zina (Enforcement of Hudood) Ord. 1979
- Women Protection Bill 2006
- The Offence of Qazf (Enforcement of Hadd) Ord. 1979
- The Prohibition (Enforcement of Hudood) Ord.1979

### Suggested Readings:

1. Ormerod, David. *Smith and Hogan Criminal Law: Cases and Materials*, (10<sup>th</sup> edn) Oxford: Oxford University Press, 2009.
2. Text of the *Hudud Ordinances*, 1979 (as amended).
3. Zafar, Emmanuel. *Law and Practice of Islamic Hudood*, (3<sup>rd</sup> edn) Lahore: Khyber Law Publishers, 2005.

## LLB 455 LAND LAWS

### Course Description

The course is designed to teach students about the land revenue law as practiced in Pakistan. The course contents will include the provision of Land Revenue Act and the laws of tenancy and pre-emption. Students will also be taught about the important provisions of the law relating to Colonization of Government Lands. After successful completion of the course, students will be able to understand the major issues involved in land related matters.

#### ➤ Land Revenue Act

Revenue Act 1967 lays out the complete structure and hierarchy of the land and revenue department in Pakistan. It discusses the different powers allotted to the different land and revenue department offices and their due jurisdictions. Land Revenue Act also instructs on the collection of land revenue. Some of the more critical issues like conducting of surveys, marking of boundaries, partitions, and arbitrations are also instructed about in Land Revenue Act 1967

#### **Course Contents**

- Revenue officer
- Village officers
- Records of land
- Record of Rights
- Periodical Records
- Assessment
- Collection of land revenue
- Surveys and boundaries
- Partition
- Arbitration
- Appeal
- Review
- Revision

#### ➤ **Land Acquisition Act**

It is a law for the acquisition of land which is needed by Government and Companies for public purposes and for determining the amount of compensation to be paid to the owner on account of such acquisition. It is founded upon the doctrine of salus populi suprema lex that the interests of the public are Supreme and that the private interests are subordinate to the interests of the State.

#### **Course Contents**

- Determination of compensation
- Matter to be neglected by court
- Determination of Price
- Procedure in case of urgency
- Remedy available to aggrieved person
- Award
- Procedure of acquisition of land by company

#### ➤ **Tenancy (Khyber Pakhtunkhwa)**

A law to regulate the relationship between landlord and tenant and their respective rights. The different ground for ejection of tenant and the respective rights to the produce.

#### **Course Contents**

- Definition
- Non acquisition of occupancy rights
- Rights of ownership of certain persons
- Respective rights of landlord and tenant to produce
- Rent

- Ejectment of tenant
- Grounds of ejectment
- Relinquishment,
- Right to occupancy
- Rights and liabilities regarding government dues
- Finally of the decision of the officers conducting division
- Costs of division
- Village cases or service of land lord
- Board of revenue its power and functions
- Revenue officer
- Limitations

➤ **The Law of Pre-emption (Khyber Pakhtunkhwa)**

A part of Islamic law to uphold values of family and tribes and to define the categories of shafi,s and to who have a preferential right as compare to others for the purchase of property.

**Course Contents**

- Definition
- Interpretation
- Rights of Pre emption
- Demands of pre emption
- Categories of pre emptor
- Priorities in pre emption
- Joint pre-emption rights
- Rights to revoke sale
- Sale of appurtenances of land
- Nontransferable rights
- Entitlement
- Price determination
- Islamic point of view
- Limitation
- Procedure for suit
- Appeal

➤ **THE COLONIZATION OF GOVERNMENT LANDS ACT, 1912**

All provision of the Colonization of Government Land Act

**Suggested Readings:**

1. WP Land Revenue Act, 1967
2. Pre-Emption Law Khyber Pakhtunkhwa 2010
3. Tenancy Laws Khyber Pakhtunkwa
4. Sardar. M.Iqbal Khan Mokel. *The Land Revenue Act 1967 and Land Revenues Rules, 1968*, Lahore: PLD, (latest edition).
5. M.A. Malik. *The Punjab Pre-emption Act 1991, with Khyber pakhtunkhwa Pre-emption Act, 2010* Lahore: PLD, 1995.
6. Sardar M. Iqbal Khan Mokal. *The Tenancy Act with Khyber Pakhtunkhwa Act*, Lahore: PLD, (latest edition).
7. A.M.Choudhry. *The Tenancy Act (XVI of 1887)*, Lahore: PLD, (latest edition).
8. Colonization of Government Lands Act, 1912.