

3rd Year:

Paper-I (A): CONSTITUTIONAL LAW-III (PAKISTAN)

Course Description

Purpose of this course is to enable students to know about the present constitution of the country in order to understand working of the government, judiciary and the legislature. It will enable the students to comprehend the nature of federal government, nature of provincial governments and their relations with each other. The course will also enable the student to know about various constitutional institutions. It will enable students to know about fundamental rights protected in the Constitution.

Course Contents

- Introduction
- Fundamental rights and Principles of Policy
- Federation of Pakistan, President, Parliament, Federal Government
- Provinces, Provincial Assembly, Provincial Government
- Relations Federation and Provinces, both legislative and Administrative
- Special Provisions
- Finance, Property, Contracts, and Suits
- Borrowing and Audit
- The Judiciary
- Elections
- Islamic Provisions
- Amendment to the Constitution
- Miscellaneous
- Schedules

Suggested Readings:

1. Ishaque, Khalid M. *Constitutional Limitations*, (2nd edn) Karachi: Pakistan Law House, 2008.
2. Karim, Justice (R) Fazal. *Judicial Review of Public Actions*. Islamabad: Pakistan Law House, 2006.
3. Mahmood, Shaukat and Shaukat, Nadeem. *Constitution of the Islamic Republic of Pakistan*, (3rd re edn) Lahore: Legal Research Centre, 1996.
4. Munir, Muhammad. *Constitution of the Islamic Republic of Pakistan: Being a Commentary on the Constitution of Pakistan, 1973*. Lahore, Law Pub., 1975.
5. Rizvi, Syed Shabbar Raza. *Constitutional Law of Pakistan: Text, Case Law and Analytical Commentary*. (2 nd re edn) Lahore: Vanguard, 2005.
6. The Text of the Constitution of the Islamic Republic of Pakistan, 1973 (as amended).

Paper-I (B) 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.

Paper-II: LAW OF TORTS

Course Description

The object of this course is to acquaint the students of LL.B with the foundation of Civil Law. Torts is the common law of England. It deals with the violation of Rights and Its restoration. This course contains the basic concepts in the law of torts which deal with the rights and obligations of private parties arising out of civil wrongs. The course will include an in-depth study of the modern law of torts as to what is a tort what are its constituent elements. What are the defenses available against torts? What are the disabilities of individuals as to who can sue and who cannot, tort of negligence, interference with the person and property as well as considering the related tort of nuisance? It will also cover the intentional and accidental torts, including tort of breach of statutory duty, and will conclude with a brief examination of remedies and vicarious liability.

It looks into the details of different kinds of torts as to property and those relating to person. This

course contains the Technical concepts in the law of torts which deal with as to what are the different land mark cases in the law of torts as well as the rights and obligations of private parties arising out of civil wrongs. The course will include an in-depth study of the modern tort of negligence, interference with the person and property as well as considering the related tort of nuisance. It will also cover the intentional and accidental torts, including assault, battery, trespass, false imprisonment and the tort of breach of statutory duty, and will conclude with a brief examination of remedies and vicarious liability.

Course Contents

- Torts, Its definition and contents
- Maxims of Law

- Vicarious Liability
- Who can sue and who cannot sue
- Tort and Torts
- Torts and Crime
- Torts and Breach of Contract
- Discharge of Torts
- Remedies in Torts
- Who can not sue
- Who can not be sued
- Kinds of Injuria
- Injuria Sine Damno
- Damnum Sine Injuria
- Master and Servant
- Maxims of Law
- Negligence and Accidents
- Nuisance,
- Absolute Liability
- Dangerous remises
- Nuisance
- Torts affecting reputation
- Defamation
- Trespass to property
- Absolute Liability
- Torts to Domestic Relations
- Torts of Injurious falsehood
- Trespass to Goods.
- Assault, Battery, mayhem
- False imprisonment

Suggested Readings:

1. Baker, C. D. *Tort*, (6 th edn) London: Sweet & Maxwell, 1996.
2. Buckley, Richard A. *The Law of Negligence*, (4 th edn) Nagpur: LexisNexis, 2010.
3. Chaudhry, A. M. *Law of Torts* (latest edn) Lahore: PLD
4. 4. Harpwood, Vivienne. *Modern Tort and Law*, (7 th edn)(Oxon: RoutledgeCavendish, 2009.
5. Markesinis, B. S. and Deakin, S. F. *Tort Law*, (3 rd ed) Oxford: Clarendon Press, 1994.
6. Murphy, John. *Street on Tort*, (12th edn) Oxford: Oxford University Press, 2007.
7. Rogers, W.V.H. *Winfield and Jolowicz on Tort*, (18th re. edn) London: Sweet and Maxwell, 2010.
8. Schwartz Victor E., *Prosser, Wade, and Schwartz's Torts: Cases and Materials*, (12th edn) New York: Foundation Press, 2010.
9. Singh, Justice J.P. *Ratanlal and Dhirajlal's, The Law of Torts*, (26th edn) Nagpur: LexisNexis, 2010.

1. Baker, C. D. *Tort*, (6 th edn) London: Sweet & Maxwell, 1996.
2. Buckley, Richard A. *The Law of Negligence*, (4 th edn) Nagpur: LexisNexis, 2010.
3. Chaudhry, A. M. *Law of Torts* (latest edn) Lahore: PLD.
4. Harpwood, Vivienne. *Modern Tort and Law*, (7 th edn) Oxon: Routledge Cavendish, 2009.
5. Markesinis, B. S. and Deakin, S. F. *Tort Law*, (3 rd ed) Oxford: Clarendon Press, 1994.
6. Murphy, John. *Street on Tort*, (12th edn) Oxford: Oxford University Press, 2007.
7. Rogers, W.V.H. *Winfield and Jolowicz on Tort*, (18th re. edn) London: Sweet and Maxwell, 2010.
8. Schwartz Victor E., *Prosser, Wade, and Schwartz's Torts: Cases and Materials*, (12th edn) New York: Foundation Press, 2010.
9. Singh, Justice J.P. *Ratanlal and Dhirajlal's, The Law of Torts*, (26th edn) Nagpur: LexisNexis, 2010.

Paper-III: ISLAMIC PERSONAL LAW

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.

Besides the course will focus on Islamic law of Inheritance, including transfer of property through Gifts, Wills and Waqf and their legal consequences.

Course Contents

- Marriage
 - Dower
 - Divorce
 - Maintenance
 - Parentage Legitimacy and Acknowledgement
 - Muslim Family Laws Ordinance 1961
 - Dissolution of Muslim Marr ages Act 1939
 - Child Marriage Restraint Act, 1929
 - The West Pakistan Family Courts Act, 1964
- Muslim Personal Law including all relevant enactments and Quranic Verses.
- Islamic Law of Inheritance
 - Gifts
 - Wills
 - Succession and Administration
 - Hanafi Law of Inheritance
 - Shia Law of Inheritance

Suggested Readings:

1. Ali, Syed Amir. *Principles of Mohammdan Law*, (rev and enl. edn) Allahabad: Allahabad Law Emporium, 1983.

2. An-Na'im, 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 Mulla's 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.
1. Coulson, N. J. *Succession in the Muslim Family*. Cambridge: Cambridge University Press, 1971.
2. Khan, Hamid. *Islamic Law of Inheritance*, (3 rd edn) Karachi: Oxford University Press, 2007.
3. Mannan, Dr. M. A. *DF Mulla's 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.

Paper-IV: CRIMINAL LAW

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. Students will be able to 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

- 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
- Abutment
- 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
- 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. 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 Dhirajlal's Law of Crimes*, (26th edn) New Delhi: Law House, 2007.
6. The Text of the Pakistan Penal Code, 1860 (As amended)
 1. Ormerod, David. *Smith and Hogan Criminal Law: Cases and Materials*, (10th edn) Oxford: Oxford University Press, 2009.
 2. Text of the *Hudud Ordinances*, 1979 (as amended).
 3. Zafar, Emmanuel. *Law and Practice of Islamic Hudood*, (3rd edn) Lahore: Khyber Law Publishers, 2005

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. Chitaley. *Chitaley 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).

Paper-VI: 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 3rd 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.