

**Outlines of the Subjects Offered over the
Four-year or period**

First Year

LL.B. 101: Legal System of Bangladesh [100 Marks]

What is Legal System? Features of the Legal System of Bangladesh. Historical Overview: Administration of Justice During the Mogha, British, Pakistani and Bangladeshi Periods. What is Law? How laws are made? Sources of Law, Direct and Subordinate Legislation, Precedent, *Ratio Decidendi and Obiter Dicta*, Contract Custom.

Categories of Law: Public, Private, Substantive and Procedural. Branches of Law: Civil, Criminal, Commercial, Constitutional etc. Law Reporting. Judiciary : Upper and Lower. Organisations, Powers and Functions of the Civil, Criminal, Special Courts and Tribunals. Jurisdictions of Courts: Territorial, Pecuniary, Subject-matter, Appellate, Review, Revisional etc. Independence of Judiciary. Contempt of Court. Law Enforcement: Role of Police, Government Departments and Citizens. Public Interest Litigation (PIL). Legal Aid: Features of the Legal Aid Act, 2000. Legal Aid and NGOs. Effectiveness of the Legal Aid Scheme. Legal Profession: Canons of Professional Conduct and Etiquette. Bar Council: Power and Functions of the Bar Council. Enrolment to the Bar Association. Tribunal and Disciplinary Proceedings.

Books Recommended :

1. Dr. Mofizul Islam Patwari: Legal System of Bangladesh, HEAR, Dhaka, 2004.
2. Azizul Hoque: Legal System of Bangladesh, BILLA, 1980.
3. Kazi Ebadul Hoque: Administration of Justice in Bangladesh, Asiatic Society of Bangladesh, Dhaka, 2003.

4. Md. Abdul Halim: The Legal System of Bangladesh' Dhaka, 2004.
5. M.P. Jain: Outlines of Indian Legal History, Wadhwa, Nagpur, 1990.
6. V.D. Kulshreshtha: Landmarks in Indian Legal and Constitutional History, Eastern Book, Lucknow, 1995.
7. Wahed Husain: Administration of Justice During the Muslim Rule in India, Idarah-I AdbiyatIdelli, Delhi, 1st Edition 1934, Reprint 1977.
৮. কাজী এবাদুল হক: বিচার ব্যবস্থার বিবর্তন, বাংলা একাডেমী, ঢাকা, ১৯৯৮।
9. Badrul Haider Chowdhury: Evolution of the Supreme Court of Bangladesh, 1st Edition, University of Dhaka, 1990.
10. Dr. Borhan Uddin Khan and Quazi Mahfujul Hoque Supan: Encyclopedic Compendium of the Laws of Bangladesh, Vols. 1, II, III, IV, BLAST, 2002.

(A List of Additional books, journal articles, leading cases, reports, websites etc. will be circulated by the course teacher concerned)

Governing Legislation :

- The Legal Aid Act, 2000 (Act No. 6 of 2000).
- The Bangladesh Legal Practitioners and Bar Council Order, 1972 (President's Order No. 46 of 1972).
- The Code of Civil Procedure, 1908 (Act No.V of 1908).
- The Civil Courts Act, 1887 (Act No. Xf1 of 1887).
The Code of Criminal Procedure, 1898 (Act No.V of 1898).

LL.B. 102: Jurisprudence [100 Marks]

Definition, Nature, Scope and Utility of the Study of Jurisprudence. Schools of Jurisprudence: Naturalist, Positivist, Analytical, Realist, Historical, Sociological and Feminist. Definition of Law. Kinds of Law. Sources of Law. Administration of Justice: Civil and Criminal Justice. Theories of Punishment. Substantive and Adjective Law. Analysis of Legal Concepts: Rights, Duties, Property, Possession, Ownership, Liability, Obligation, Persons and Title.

Books Recommended

1. P.J. Fitzgerald: Salmond On Jurisprudence, Universal Law Publishing Co., Allahabad, India, 2003.
2. R.W.M. Dias: Jurisprudence, Aditya Books Pvt., New Delhi, 1994.
3. D. LLoyd: Introduction to Jurisprudence, Sweet & Maxwell, 1994.
4. Friedmann: Legal Theory, 5th Edition, 3rd Indian Reprint, Universal Law Publishing Co., Allahabad, India, 2004.
5. Sir C.K. Allan: Law in the Making, Oxford University Press, London, 1964.
6. G.W. Paton: A Text Book of Jurisprudence, Clarendon Press, London, 1992.
7. T.E. Holland: On Jurisprudence, 13th Edition, 1st Indian Reprint, Universal Law Publishing Co., Allahabad, India, 2001.
8. Rawls: A Theory of Justice, Universal Law Publishing Co., Allahabad, India, 2000.
9. Roscoe Pound: An Introduction to the Philosophy of Law, 3rd Indian Reprint, Universal Law Publishing Co., Allahabad, India, 2003.

(A List of Additions? books, journal articles, leading cases, reports, websites etc. will be circulated by the course teacher concerned)

LL.B. 103: Muslim Law [100 Marks]

The Sources and Origins of Muslim Law. Primary, Material and Equitable Sources and Pre-Islamic Arabian Custom and their Impact on Islamic Law. The Concept of Islamic Jurisprudence. The meaning of Sharia and the Concept of Islamic Law Proper or *Fiqha*. Difference between Islamic Jurisprudence and Western Jurisprudence and Development of Sharia law in Islamic Countries e.g., Saudi Arabia, Egypt, Iran, Pakistan and Malaysia. The Development of Muslim Law in different periods of Islamic History. Different Schools of Thoughts in Muslim Law and Reasons for their Development. The Difference Between the Sunni Schools of Imam Abu Hanifa, Imam Malik Ibn Anas, Imam Ash Shafie and Imam Ahmad Ibn Hanbal. The Development of Muslim Law in British India and Legislative Developments. The Development of Muslim Law in the Pakistan Era: Legislative Developments and Judicial Decisions. Application of the Legislation relating to Family Law by the Courts in Pakistan. The Statutory Development of Muslim Law in Bangladesh and Judicial Decisions. Application of Legislation relating to Family Law by the Courts in Bangladesh.

The Issues of Muslim Family Law with Latest Case Laws. Marriage: Essential Requirements and Prohibitions, Forms and Legal Effects. Registration of Marriage and Divorce, Restitution of Conjugal Rights. Polygamy. Dissolution of Marriage : Its Forms and Legal Effects, *Talaq* (Repudiation), *Ila* {Vow of Contenance), *Zihar* (Injurious Assimilation), *Talaq-e-Taqweed* (Delegated Divorce), *Khula* (Redemption), *Mubaraa* (Mutual Freeing), *Lian* and *Faskh*, Custody and Guardianship: The Concept of the Best Interest of the Child. *Mahr* or Dower. Maintenance or *Nafaqa* of the Muslim Succession and Property Law with Latest Cases: Gift, *Wakf*, Pre-emption, *Marz-ul-Maut*, Will or *Wasiyat*, and Inheritance.

Books Recommended

1. Syed Ameer Ali: *Mohammedon Law*, Vol. I & II (4th ed.), Calcutta, 1912, reprint, New Delhi, 1985.
2. Asaf A.A. Fyzee: *Outlines of Muhammadan Law*, (4th ed.), Naw Delhi, 1974.
3. Keith Hodkinson: *Muslim Family Law : A Source Book*, London, and Canberra, 1984.
4. David Pearl and Dr. W. Menski : *A Text Book on Muslim Law*, London, 2004.
5. Taslima Monsoor: *From Patriarchy to Gender Equity : Family Law and Its Impact on Women in Bangladesh* (PhD Thesis, University of London) (UPL), Bangladesh, Dhaka, 1999.
6. Md. Mojibur Rahman: *Muslim O Paribarik Ain Porichiti*, Dhaka, 1989.
7. Tanzil-ur-Rahman: *A Code of Muslim Personal Law*, Vol, I, II, III, Karachi, 1978.
8. Abdur Rahim: *The Principles of Muhammadan Jurisprudence*, Madras, 1911.
9. Joseph Schacht: *An Introduction to Islamic Law*, Oxford, 1964.
10. Faiz Badruddin Tyabji: *Principles of Muhammedan Law*, (2nd ed.), Kolkata, 1919.

(A List of Additional Books, Journal Articles, Leading Cases, Reports, Web Sites etc. will be circulated by the Course Teacher concerned)

Governing Legislation :

- The Muslim Personal Law (Shariat Application) Act, 1937 (Act No. XXVI of 1937).
- The Dissolution of Muslim Marriages Act, 1939 Act No. III of 1939).
- The Child Marriage Restraint Act, 1929 (Act No. XIX of 1929).
- The Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961).

- The Muslim Marriage and Divorces (Registration) Act, 1974 (Act No. LII of 1974).
- The Guardians and Wards Act, 1890 (Act No. VIII of 1890).
- The Succession Act, 1925 (Act No. XXXIX of 1925).
- The Wakf Ordinance, 1962 (East Pakistan Ordinance No. I of 1962).
- The Mussalman Wakf Validating Act, 1913 (Act No. VI of 1913).
- The Mussalman Wakf Validating Act, 1930 (Act No. XXXII of 1930).
- The Family Courts Ordinance, 1985 (Ordinance No. XVIII of 1985).

LL.B. 104 : Law of Contract [100 Marks]

Definition of Contract. Kinds of Contract. Formation of Contract: Communication, Offer, Acceptance, Revocation, Consideration. Voidable Contract. Capacities of the Parties. Free Consent: Coercion, Undue Influence, Fraud, Misrepresentation, Mistake of Facts and Law. Void Agreements. Contingent Contracts. Performance of Contracts: Contracts Which must be Performed, Time and Place of Performance, Performance of Reciprocal Promises, Apportionment of Payments. Contract Which Need not be Performed.- Certain Relations Resembling those Created by Contract. Consequences of Breach of Contract. Contract of Indemnity and Guarantee.

Bailment : Kinds of Bailment. Rights and Duties of Bailor and Bailee. Termination of Bailment. Suits by Bailors or Bailees against the Wrong-doer. Pledge. Agency : Different Classes of Agents. Creation of Agency. Agent's Authority. Rights and Duties of the Principal and Agent. Personal Responsibility of Agent.

Books Recommended :

1. D.L.R.: The Contract Act, Dhaka, 2002.
 2. Muhammad Ekramul Haque: Law of Contract, Published by Law Lyceum, First Edition, December, 2004.
 3. J. Beatson, Anson's Law of Contract, 28th Edition, Oxford University Press, 2002.
 4. M.P. Furmston: Cheshire, Fifoot and Furmston's Law of Contract, Butterworths, London, 2002.
 5. P.S. Atiyah: An Introduction to the Law of Contract, Clarendon Press, Oxford, 6th Edition, 2004.
 6. J. Poole: Textbook on Contract Law, Oxford University Press, 6th Edition, 2001.
 7. Ewan McKendrick: Contract Law, Text, Cases and Materials, Oxford University Press, 2003.
 8. H. S. Pathak: Mulla on the Indian Contract Act, Tripathi, Bombay 1990.
 9. A. G. Mitra: Law of Contract.
 10. Shaukat Mahmood: The Contract Act, Lahore, 1981.
- (A List of Additional Books, Journal Articles, Leading Cases, Reports, Web Sites etc. will be circulated by the Course Teacher concerned)

Governing Legislation :

- The Contract Act, 1872 (Act No. IX of 1872).
- The Majority Act, 1875 (Act No. IX of 1875).

LL.B. 105 : Law of Tort [50 Marks]

Nature and Scope of the Law of Tort. Tort Defined and Distinguished. The Bases of Liability, Vicarious and Joint Liability, Defences. Volition : Intention, Fault and Strict Liability, Motive and Malice, Accident, Necessity and Mistake. Negligence: The Concepts of Duty, Breach, Causation, Remoteness of Damage,