

**CURRICULUM  
OF  
LAW  
FOR  
B.A. (ELECTIVE) & LL.B**

(Revised 2004)



**HIGHER EDUCATION COMMISSION  
ISLAMABAD**

## **CURRICULUM DIVISION, HEC**

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## PREFACE

Curriculum of a subject is said to be the throbbing pulse of a nation. By looking at the curriculum of a subject, one can judge the state of intellectual development and the state of progress of a nation. The world has turned into a global village, new ideas and information are pouring in a constant stream. It is, therefore, imperative to update our curricula by introducing the recent developments in the relevant fields of knowledge.

In exercise of the powers conferred by Sub-section (1) of section 3 of the Federal Supervision of Curricula Textbooks and Maintenance of Standards of Education Act 1976, the Federal Government vide Notification No.D773/76-JEA (Cur.), dated December 4, 1976, appointed Higher Education Commission as the Competent Authority to look after the Curriculum Revision Work beyond Class XII at Bachelor level and onwards to all Degrees, Certificates and Diplomas awarded by Degree Colleges, Universities and other Institutions of higher education.

In pursuance of the above decisions and directives, the Commission is continually performing curriculum revision in collaboration with the Universities. According to the decision of the special meeting of Vice-Chancellors' Committee, curriculum of a subject must be reviewed after every 3 years. For the purpose, various Committees are constituted at the national level comprising senior teachers nominated by the Universities. Teachers from local degree colleges and experts from user organizations, where required, are also included in these Committees.

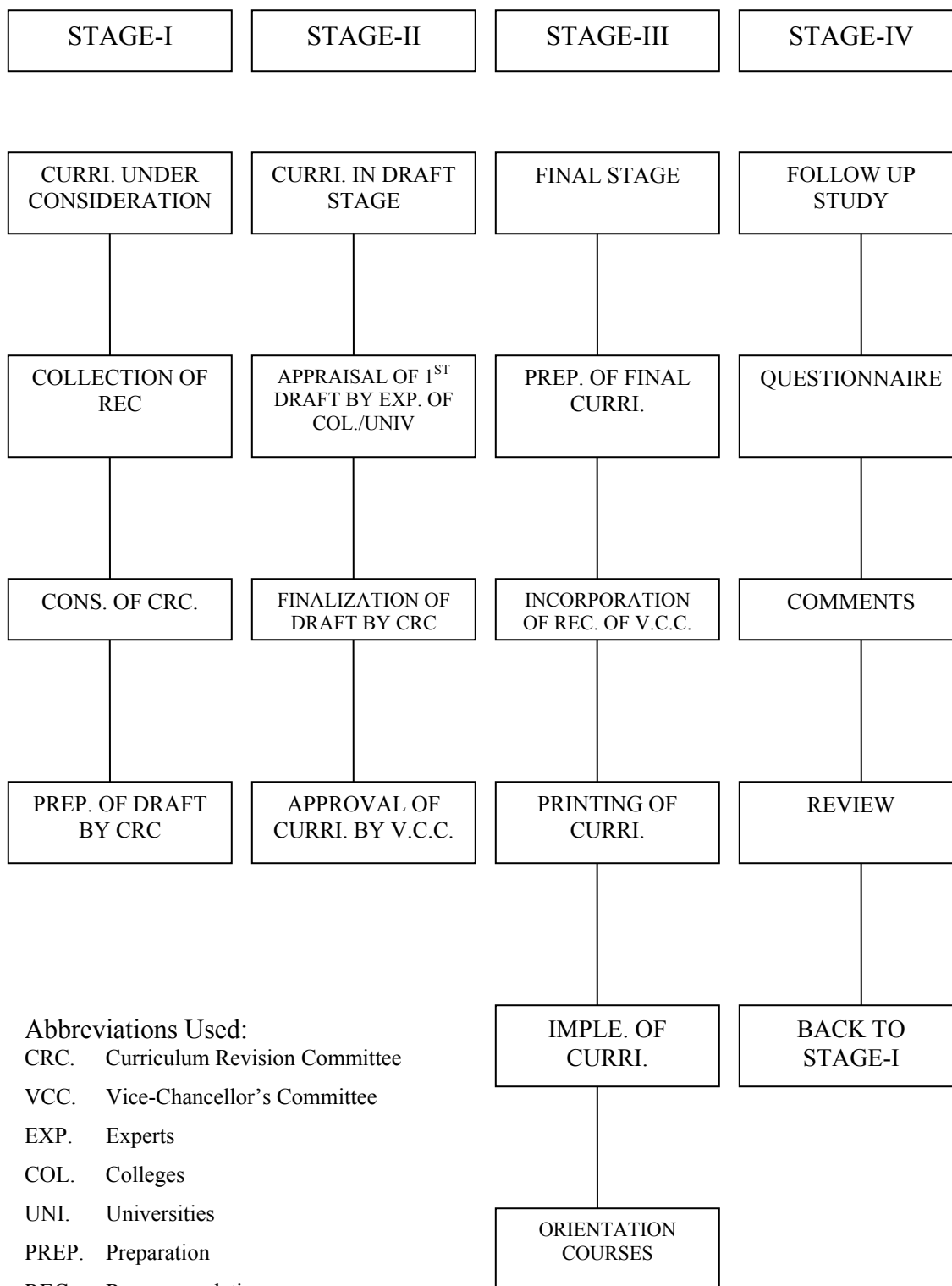
The National Curriculum Revision Committee on **Law** in its meeting held in April 2004 at the HEC, Islamabad finalized the draft curriculum after due consideration of the comments and suggestions received from the Universities and Colleges where the subject under consideration is taught.

The Final draft prepared by the National Curriculum Revision Committee duly approved by Competent Authority is being circulated for implementation by the Universities.

**(PROF. DR. ALTAF ALI G. SHAIKH)**  
**Adviser (HRD)**

July 2004

# CURRICULUM DEVELOPMENT



## **INTRODUCTION**

A final meeting of the National Curriculum Revision Committee was held at Higher Education Commission, Islamabad on **April 15-17, 2004** to review and finalize the Draft Curriculum of LL.B. three-year Programme. The following attended the meeting:

- 1. Prof. Ahmad Ali Khan** **Convener**  
Dean Faculty of Law  
University of Peshawar  
Peshawar
- 2. Barrister Shahida N. Jamil** **Member**  
Former Federal Law & Justice Minister  
Sindh Muslim Law College  
Dr. Zia-ud-Din Ahmad Road  
Karachi
- 3. Barrister Khurshid A. Hashmi** **Member**  
Professor and Principal  
Sindh Muslim Law College  
Karachi
- 4. Mr. Zil-i-Atif,** **Member**  
Principal, Law College  
University of Central Punjab  
186- Abu Bakr Block, New Garden Town  
Lahore
- 5. Dr. Bahadur Shah** **Member**  
Principal, Law College  
Gomal University  
D.I. Khan
- 6. Prof. Syed Mamnoon Hasan** **Member**  
Dean, Faculty of Law  
University of Karachi &  
Principal  
Islamia Law College  
Karachi
- 7. Justice (R) Rasheed A. Razvi** **Member**  
Member, Legal Education Committee  
F-172/3, Block 5, Clifton  
Karachi

- |            |   |                  |
|------------|---|------------------|
| <b>8.</b>  | <b>Mr. Feisal Hussain Naqvi</b><br>Bhandari, Naqvi & Riaz<br>5 Miccop Centre<br>1 Mozang Road, Lahore                                 | <b>Member</b>    |
| <b>9.</b>  | <b>Dr. Tariq Hassan</b><br>Chairman,<br>Securities & Exchange Commission<br>of Pakistan<br>NICL Building, Jinnah Avenue<br>Islamabad  | <b>Member</b>    |
| <b>10.</b> | <b>Mr. Hamid Khan</b><br>Chairman<br>Legal Education Committee<br>Pakistan Bar Council<br>Lahore                                      | <b>Member</b>    |
| <b>11.</b> | <b>Mr. Hamid Raza</b><br>Lecturer in Law<br>Allama Iqbal Open University<br>Islamabad   | <b>Member</b>    |
| <b>12.</b> | <b>Mr. Mohammad Arshad</b><br>Secretary,<br>Pakistan Bar Council<br>Supreme Court Building<br>Islamabad                               | <b>Member</b>    |
| <b>13.</b> | <b>Mr. Muhammad Saleem Sheikh</b><br>Assistant Professor/Vice-Principal<br>University Gilani Law College<br>B.Z. University<br>Multan | <b>Secretary</b> |

## **MINUTES OF THE MEETING**

The meeting started with recitation from the Holy Qur'an. Dr. Suhail H. Naqvi, Executive Director, Higher Education Commission (HEC) welcomed the participants. He explained the rationale for reviewing the curriculum of law. He emphasized the significance and the need for the review of law curriculum that is extremely critical for this country. He said that the National Curriculum Revision Committee (NCRC) is required not only to review the curriculum but also to address issues which are directly connected with the legal education and legal studies. He said that this core group can play a phenomenal role and may act as harbinger for radical changes in the area of legal education which is the need of the time.

Prof. Dr. Altaf Ali G. Shaikh, Adviser (HRD), Higher Education Commission while welcoming the participants, explained the functioning of the Curriculum Division of the HEC. He said that the Committee in its previous meeting held in December 2003, has come out with a balanced draft which was circulated to all concerned with a view to have their comments and observations. He said that the draft was also sent to an expatriate Pakistani expert for his comments.

The Adviser (HRD) while further explaining the procedure of the National Curriculum Review Committee, asked the members to select a Chairman and a Secretary of the Committee. Accordingly, the participants proposed the re-appointment of the outgoing Chairman, Professor Ahmad Ali Khan as the new Chairman. Mr. Mohammad Saleem Shaikh, B.Z. University, Multan was appointed as Secretary.

The Convener after assuming the Chair thanked all the participants for their trust and confidence which they reposed in him. Thereafter the Agenda for the meeting was taken up.

### **Introduction of the Law as an elective subject at Bachelor level**

A great deal of discussion took place on the agenda item. The Committee examined the proposed course contents prepared and approved by the Pakistan Bar Council (Legal Education Committee) and its break-up. The Committee also had the opportunity to examine the draft of Allama Iqbal Open University and of the University of Peshawar. After some discussion, the Committee approved the draft prepared by the Pakistan Bar Council's Legal Education Committee with some minor changes.

### **A Five-Year Consolidated Law Degree Programme.**

The introduction of multidisciplinary curriculum leading to qualifications in demand on the labour market is the prerequisite to train the students. Thus apart from the major subjects in law a student will be required to take supportive minors of sociology, economics, logic, political science, history and

philosophy etc. This interdisciplinary approach indubitably will improve the standards of legal education and better law graduates will be primed to meet the market requirements.

### **Revision of the Existing LL.B. Curriculum.**

The proposed curriculum was revised in two meetings of the NCRC, first on 28-30 December 2003 and 16-17 April, 2004. In these meetings the members of the PBC and legal academics of the country, including Barrister Shahida Jamil, who is involved with legal education since long, participated. All important issues came up for discussion, especially a 5-year consolidated law-degree course for future. It was decided that suggestions would be obtained from all universities/ law colleges for a consolidated degree programme and in the light of the proposals a comprehensive scheme will be prepared.

The Committee also discussed the adoption of Pakistan Bar Council Rules for Affiliation of Private Law Colleges and it was decided that due to different perceptions in various Universities about these rules, HEC will be asked to approach the universities for the adoption of these rules.

Briefly, changes have been proposed in the entire three years course. Some new courses have been added while some courses have been reshuffled. Paper-II of LL.B. Part-II (Law of Equity) has been moved to LL.B. Part-I and now it will be Paper-VII with the title: 'Law of Equity and Specific Relief'. Paper-V of the LL.B. Part-III has been moved to LL.B. Part-II as Paper-II. The course contents of the Islamic Jurisprudence and English Jurisprudence have been revised. The paper 'English Jurisprudence' will now be called only 'Jurisprudence'. In Paper VI of the LL.B. Part-I the Partnership Act, has been deleted and made part of the Company Law (Paper-III of the LL.B.-II). Similarly Law of Torts (Paper-V of Part-I) will be exclusively Law of Torts and the Easements Act has been removed.

In LL.B. Part-II, Paper-I, the Constitutional Law-II will comprise of the Constitution of Pakistan and a separate paper of the Constitutional History of Pakistan is added as Paper-VII. In Paper-III, Company Law, the Negotiable Instruments Act 881 has been omitted and has been moved and placed in the optional course of Banking Laws in the LL.B. Part-III. Partnership Act, 1930 will now be part of the Company law. In Paper-IV, Law of Transfer of Property, the Succession Act and Land Acquisition Act will no longer be part of the paper. Paper-V of the Muslim Personal Law, only relevant sections of the Guardians and Wards Act, 1890 have been retained. In Paper-VI, Public International Law, the option of Private International Law has been omitted. A new paper of Constitutional History of Pakistan will replace the former paper of Land Laws that will be one of the Optional papers in the LL.B. Part-III.

In LL.B. Part-III, in Paper-I the Limitation Act will continue to be part of the Civil Procedure however the schedule to the limitation Act has been excluded. In Paper-IV, The General Clauses Act, 1897 will replace the Interpretation of Statutes. In Paper-V, the weightage of Administrative Law has been increased from 40 to 60.

The Committee noted that some very significant areas ought to be part of the law degree programme but all of these cannot be added to the core courses, the committee therefore felt that these could be placed in a group of optional subjects. This group will consist of eight subjects and a student will be required to pick two subjects according to his or her choice, subject to the availability of teacher. All details are enlisted in the annexure containing the curriculum.

The committee also discussed the mode of admission to law courses, the foundation of a common pool of the examiners and related matters. The committee drew the attention of all concerned and emphasized the need that due attention be paid to Legal Education. The committee recommended the establishment of a national 'Centre of Excellence in Law' exclusively committed to research and to act as a focal point for the dissemination of advanced legal knowledge. The committee also reiterated to provide special grants to Law Faculties / Law Colleges as promised in the 42<sup>nd</sup> meeting of the Vice Chancellors' Committee.

Some of the recommendations of the committee are annexed at the end of this report.

# CURRICULUM FOR B.A. ELECTIVE

## PAPER-I

### INTRODUCTION TO LAW

#### I. Introduction

- 1) Definition
  - a. Scope
  - b. State and Law
  - c. Advantages and Disadvantages of Law

#### II. Source of Law

- a) **Western:**
  - i) Legislation
  - ii) Precedent
  - iii) Custom
- b) **Islamic:**
  - i) Primary Sources
    - The Quran
    - The Sunnah
  - ii) Secondary Sources
    - Ijtihad
    - Ijma, Qiyas
    - Istehsan, Istidlal

#### III. Classification of Laws

- i. Kinds of Law
- ii. Public Law, Private Law

## **PAPER-II**

### **LEGAL SYSTEM IN PAKISTAN**

- i) Legislature:
  - a) Parliament – Composition & Functions.
  - b) Provincial Assemblies
  
- ii) Federal and Provincial Executive
  
- iii) Judicial System:
  - a) Courts:
    - Supreme Court
    - High Courts
    - Sessions & Subordinate Courts
    - Special Courts; and
    - Tribunals.
  
  - b) Judicial Process:
    - Civil
    - Criminal process and
    - Alternate Dispute Resolution

# CURRICULUM OF LL.B. PART-I, II & III

## LL.B. Part-I

### PAPER-I JURISPRUDENCE (100 MARKS)

#### Course Contents

1. The Science of Jurisprudence as subject:
  - a) Meanings
  - b) Definition
  - c) Kinds of Jurisprudence
  - d) Relation of Jurisprudence with other social sciences
2. The Nature of Law
3. The Administration of Justices
4. The Source of Law
5. Legislation
6. Precedent
7. Custom
8. Legal Rights
9. Ownership
10. Possession
11. Persons
12. Titles

#### Books Recommended

1. **Jurisprudence** by John Salmond edited by Fritz Gerald (latest edition).
2. **Jurisprudence** by Hibbert (latest edition).
3. **Jurisprudence** by Dennis Lloyds (Steven and sons Ltd., London).
4. Jurisprudence by C W Paton.
5. Justice (R) Z A Channa, **Precedents...**

#### Additional Books

1. **Muhammadan Jurisprudence** by Sir Abdurrahim.
2. **Phalspha Shariat-i-Islam** by Subhi Mehmasani.
3. **The Early Development of Islamic Jurisprudence** by Dr.Ahmad Hassan.
4. **Islam Ka Nizami-i-Hakoomat** by Maulana Hamid-al-Ansari Ghazi.
5. The Mulim conduct of State by Dr. Hamid Ullah
6. **Islamic Jurisprudence** by Kemal A. Faruki.
7. **Reconstruction of Legal Thought in Islam** by Dr. Riaz-ul-Hassan Gilani.
8. **Islamic Jurisprudence** by Imran Ahasan Niazi.

**PAPER-II ISLAMIC JURISPRUDENCE**

**(100 MARKS)**

**Course Contents**

1. History of the growth of the Muslim legal system
2. Various Schools of Islamic Law
3. Sources of Law
  - a) The Qur'an and the Traditions
  - b) Ijma and customs
4. Juristic Deduction
  - a) Qiy'as or Analogy
  - b) Istehsan or Juristic Equity
  - c) Istedlal
  - d) Ijtihad and Taqlid
5. Acts, Rights and Obligations
6. Legal Capacity
7. Ownership and Possession
8. Constitutional Law
9. Muslim International Law
10. Law of Contract
11. Islamic Law of Crimes and Torts

**The following books may be added to the reading list:**

1. **The early development of Islamic Jurisprudence** by Ahmad Hassan.
2. **A History of Islamic Law** by N J Coulson.
3. **Islamic Jurisprudence** by Imran Ahmad Nyazee.

**PAPER-III CONSTITUTIONAL LAW-I**

**(100 MARKS)**

- |    |                             |          |
|----|-----------------------------|----------|
| 1. | The British Constitution    | 50 Marks |
| 2. | The Constitution of the USA | 50 Marks |

**Course Contents**

All contents of British and Constitution of United States are given as under:

**Principles of British Constitution**

1. Salient features of the British Constitution
2. Difference between constitution & constitutional Law
3. Sources and nature of the British Constitution
4. Separation of Powers
5. The Rule of Law

6. Parliamentary Supremacy
7. British Constitutional Conventions
8. Royal Prerogatives
9. British Cabinet
10. British Parliament
11. Privileges of the Parliament
12. Fundamental Rights and Human rights Act, 1998
13. Freedom of Expression
14. Judiciary
15. Impact of European Union

### **Constitution of United States**

1. Brief History of Conventions leading to the passing of American Constitution
2. Important Characteristics/Salient Features
3. Human Rights Bill – Civil Liberties
4. Ratification of the Constitution
5. Federalism
6. Congress, its two Houses – Legislative Procedure
7. Senate and Effectiveness of its Control
8. Separation of Powers
9. President – His election, powers and checks on him
  - i) Judiciary
  - ii) Judicial Review
10. Rigidity – Procedure of amendments

### **Books Recommended**

1. **The English Constitutions** by Begehot.
2. **Law of the Constitution** by Dicey
3. **The Government of England** by Lowell
4. **The Govt. of USA** by Munro
5. **The American Political System** by Brogen
6. **The American Presidency** by Lasaki
7. **The Supreme Court of United States** by Warren

### **PAPER-IV LAW OF CONTRACT**

**(100 MARKS)**

- |    |                             |          |
|----|-----------------------------|----------|
| 1. | Contract Act, 1872          | 80 Marks |
| 2. | The Sale of Goods Act, 1930 | 20 Marks |

### **Course Contents**

#### **Contract:**

1. Preliminary/General Principles

2. Formation of the Contract
3. Communication, Acceptance and Revocation of Proposals
4. Contracts, Voidable Contracts and Void Agreements
5. Contingent Contracts
6. Performance of Contracts
7. Of certain relations resembling those created by contracts
8. The Breach of Contract its consequences and remedies
9. Indemnity and guarantee
10. Bailments
11. Agency

**Sale of Goods:**

1. General Principles
2. Formation of the Contract of sale
3. Subject-matter of the Contract
4. Conditions and Warranties
5. Sale by Sample and Description
6. Auction Sale
7. Transfer of Property
8. Delivery and Payment of Price.
9. Title
10. Performance of the Contract
11. Rights of Unpaid Seller
12. Breach of the Contract and remedies

**PAPER-V LAW OF TORTS**

**(100 MARKS)**

**Course Contents**

**Law of Torts**

**80 Marks**

1. Definition of Tort
2. Difference between Tort and Crime; Tort and Breach of Contract
3. Essentials of Tort
4. Personal Disabilities
5. Discharge of Tort
6. Exceptions of Tort
7. Master and Servant
8. Remedies
9. Measurement of Damages
10. Remoteness of Damages
11. Defamation – Essential of Libel and Slander, Defences
12. Negligence and contributory Negligence
13. Nuisance; Public Nuisance and Private nuisance
14. Malicious Prosecution
15. Fraud and Misrepresentation

16. Assault, Battery and Malice
17. Wrongful Confinement
18. Subrogation

### **Books Recommended**

1. Windfield on ***Torts***.
2. R.K. Kapoor on ***Law of Tort***.
3. Salmond on ***Torts***.
4. A M Chaudhry on ***Law of Torts***.
5. ***Law of Torts*** by Underhill.

### **PAPER-VI**

### **CRIMINAL LAW**

**(100 MARKS)**

- |    |   |          |
|----|---|----------|
| 1. | General Principles of Criminal law                          | 20 Marks |
| 2. | The Pakistan Penal Code, 1860<br>and the Hudood Laws, 1979. | 80 Marks |

### **Course Contents**

Definition of Crime, Nature and History of Crime, Cause 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 defences, Preliminary offences, Sexual offences, Assault, Battery, Hurt, Homicide, Offences against property. Offences affecting the public health, safety, convenience, decency and morals.

The Law as contained in Pakistan Penal Code & Hudood Ordinance

### **Books Recommended**

1. Smith and Hoggan on ***English Criminal Law***.
2. Cross and Jones on ***English Criminal Law***.
3. M H Nizami on ***Pakistan Penal Code***.
4. Shoukat Mahmood on ***Pakistan Penal Code***.

### **The Pakistan Penal Code, 1860**

#### **The Pakistan Penal Code, 1860 omitting the following chapters:**

1. Chapter VII (Offences relating to the Army, Navy and Air Force)
2. Chapter IX-A (Offences relating to Elections)
3. Chapter XII (Offences relating to Coins and government stamps)
4. Chapter-XIII (Offences relating to weights and measures)
5. Chapter–XIII (Offences relating to documents and to trade or property marks)

## HUDOOD LAWS

### Course Contents

1. Offences Against Property (Enforcement of Hudood) Ord, 1979
2. The Offence of *Zina* (Enforcement of Hudood) Ord. 1979
3. The Offence of *Qazf* (Enforcement of Hadd) Ord. 1979
4. The Prohibition (Enforcement of Hudood) Ord. 1979

### PAPER-VII      LAW OF EQUITY AND SPECIFIC RELIEF      (100 MARKS)

- |    |                               |          |
|----|-------------------------------|----------|
| 1. | Maxims of Equity              | 40 Marks |
| 2. | The Specific Relief Act, 1877 | 60 Marks |

### Course Contents

Maxims of Equity

The Specific Relief Act, 1877.

## LL.B.-II

### PAPER-I      CONSTITUTIONAL LAW-II      (100 MARKS)

The Constitution of Pakistan, 1973      100 Marks

### Course Contents

The Constitution of the Islamic Republic of Pakistan 1973, as amended up to date.

### Books prescribed

1. ***Constitution of Pakistan*** by Shaukat Mahmood.
2. ***Constitutional Law of Pakistan*** by Shabbar Raza Rizvi.
3. ***Constitution of Pakistan*** by Ahmer Fazeel.

### PAPER-II      ADMINISTRATIVE LAW      (100 MARKS)

- |    |                        |          |
|----|------------------------|----------|
| 1. | Administrative Law     | 60 Marks |
| 2. | Law s of Civil Service | 40 Marks |

## Course Contents

General principles of Administrative Law;  
Administrative act, delegated legislation, administrative discretion, judicial review of the administrative acts and discretion, administrative tribunals and Ombudsman.

Laws of Civil Service. Civil Servants Act, 1973, Federal Service Tribunal, 1973, Government Servants (E&D) Rules, 1973 and Civil Servants (Conduct) Rules 19...

### Books Recommended

1. **Administrative Law** by HWR Wade.
2. **Principles of Administrative Law** by Griffith, J A G.
3. **Principles of Administrative Law** by Jain and Jain.
4. **Principles of Administrative Law** Yasrdley, D C M.
5. **Administrative Law** by Faulkes, David.
6. **Principles of Administrative Law** by Hamid Khan.
7. **Administrative Law** by Prof. Sathe.
8. **Administrative Law by Prof. Chakrarti Civil Services Law and Practice** by Masud-ul-Hassan.
9. **Manual of Civil Services Law** by Janjua, Z I.
10. **Civil Service Laws** by Nisar Ahmad.

### PAPER-III COMPANY LAW (100 MARKS)

- |    |  |          |
|----|--|----------|
| 1. | Companies Ordinance, 1984.<br>All Provisions of the Companies Ordinance, 1984. | 80 Marks |
| 2. | The Partnership Act, 1930.   | 20 Marks |

## Course Contents

### Company Law:

Historical background  
Kinds of companies  
Difference between a company and other associations  
Formation of company  
Promoters, pre-contracts  
Articles and Memorandum of Association  
Prospectus  
Membership  
Capital, shares, stock, Mortgages  
Management, Directors

Meeting, Resolutions  
Audit and Accounts  
Winding up, Kinds  
Consequences of winding up and dissolution

Partnership Act, 1930: All provisions of Partnership Act.

**PAPER-IV LAW OF TRANSFER OF PROPERTY (100 MARKS)**

- |    |                                    |          |
|----|------------------------------------|----------|
| 1. | The Transfer of Property Act, 1882 | 80 Marks |
| 2. | The Registration Act, 1908         | 20 Marks |

**Course Contents**

Principles and the detailed provisions of all the Acts as indicated above.

**Books Recommended**

1. ***Transfer of Property Act (Commentary)*** by Shaukat Mahmood.
2. ***Transfer of property Act (Commentary)*** by Dr C M Hanif.
3. ***Transfer of Property Act (Commentary)*** by I A Kazi.
4. ***The Registration Act*** by Shaukat Mehmood.

**PAPER-V MUSLIM PERSONAL LAW (100 MARKS)**

**Break-up and Course Contents**

1. Muslim Personal Law and Law of Inheritance, in light of the Qur'anic Verses and relevant enactments such as:
  - i. The Dissolution of Muslim Marriages Act, 1939.
  - ii. The Muslim Family Laws Ordinance, 1961.
  - iii. West Pakistan Muslim Personal Law (Shariat) Application Act, 1962
  - iv. The Guardians and Wards Act, 1890 (only Ss. 7, 8, 12, 25)
    1. Marriage
    2. Dower
    3. Modes of the Dissolution of Marriage
    4. Iddat
    5. Maintenance
    6. Parentage – Legitimacy and acknowledgement
    7. Guardianship of Person and property
    8. Gifts
    9. Wakfs
    10. Wills

11. Inheritance-General Rules
12. Sunni Law of Inheritance
13. Shia Law of Inheritance

### **Books Recommended**

1. ***Outlines of Mohammadan Law*** by A A Fyzee.
2. ***Islamic Law Theory and Practice*** by Aziz Ahmad.
3. ***Islamic Law*** by D F Mulla.
4. ***Islamic Law*** by Syed Amir Ali.
5. ***Islamic Law*** by Dr. Muhammad Hamid Ullah.
6. ***Islamic Law of Inheritance*** by Hamid Khan.

## **PAPER-VI PUBLIC INTERNATIONAL LAW (100 MARKS)**

### **Course Contents**

1. Nature, origin and Basis of International Law
2. Material Sources of International Law
3. Subjects of International Law
4. Relation between International and State law
5. States in General
6. Recognition
7. State Territorial Sovereignty
8. State Jurisdiction
9. State Responsibility
10. Succession to Rights and obligations
11. The State and the Individual
12. The State and the economic interest
13. Diplomatic Envoys, Councils and other Representatives
14. The Law and Practice as to Treaties
15. The International Disputes
16. War, Armed Conflicts and other Hostilities
17. Neutrality
18. International Humanitarian Law
19. International Institutions including International Criminal Court

### **Books Recommended**

1. ***Principles of Public International Law*** by Brownie, 1.
2. ***International Law by Oppenheun, Vol.I & II*** Edited by H. Lauter Pacht.
3. ***Introduction to International Law*** by J G Starke.
4. ***Law of Nations, Brierly***, J L.
5. ***International Law*** by Schwazanberger.
6. ***International Law*** by Tandon.
7. ***International Law*** by DJ Harris.



### **Books Recommended**

1. ***Constitutional Development of Pakistan*** by G W Chaudhry.
2. ***Constitutional Documents of Pakistan*** by Safdar Mahmood.
3. ***Constitutional and Political History of Pakistan*** by Hamid Khan.
4. Book by Justice M. Munir.
5. Khalid Bin Sayed.



**PAPER-III      LAW OF EVIDENCE AND LEGAL ETHICS      (100 MARKS)**

- |    |                                 |          |
|----|---------------------------------|----------|
| 1. | Qanoon-e-Shahadat (Order), 1984 | 80 Marks |
| 2. | Legal Ethics                    | 20 Marks |

**Course Contents**

1. All provisions of Qanoon-e-Shahadat 1984 as amended up to-date
2. Legal Practitioners and Bar Councils Act, 1973 (Ss 22-28 and 41-47)
3. Chapters on Professional Ethics contained in the Legal Practitioners and Bar Councils Rules, 1976

**Books Recommended**

1. ***Munir on Evidence*** updated by Justice (R) Khalil ur Rehman Khan.
2. ***Law of Evidence*** by Munir.
3. ***Law of Evidence*** by Best.
4. ***Law of Evidence*** by Phipson.
5. ***Law of Evidence*** by M. Mahmood.
6. ***Qanoon-e-Shahadat*** by Dr. Hamidullah.
7. ***Principles of Legal Ethics*** by Prof Dr C M Hanif.
8. ***Professional Ethics of the Bar*** by Anand, C L.
9. ***Road to Justice*** by Lord Denning.
10. ***A study of Legal Ethics*** by Jessup, H W.

**PAPER-IV                      LEGAL DRAFTING                      (100 MARKS)**

- |    |              |          |
|----|--------------|----------|
| 1. | Conveyancing | 50 Marks |
| 2. | Pleadings    | 50 Marks |

**Course Contents**

1. Drafting by I.C. Desouza (Omitting chapter I & II, Part-II) (Major petitions to Courts).
2. Pleadings in India with Precedents by Sir C. Walsh and J.C. Weir
3. Dastaweznavisi by Penna Lal in Urdu, (Latest Edition) only the following 75 forms are prescribed:
  1. Receipts No.1
  2. Bonds No.1-2-6-9
  3. Agreement 1-5-6-10
  4. Mukhtarnama 1-2-3
  5. Bainama 1-4-20-23
  6. Rahn Nama 1-2-3-5-6-7-9-13
  7. Exchange 1-2-3
  8. Hiba Nama 1-2-3
  9. Talaq Nama 1-2-3-4

10. Wills 1-2-4-5
11. Partnership Deed 1-3
12. Dedication 1-2-8
13. Settlement 1-2
14. Bonds 3
15. Adoption 1-4
16. Marriage 1-2-3
17. Arbitration 1-2-3
18. Notice 1-3-5-8-12-13
19. Musawada 1-2-3-4
20. Promissory Note 1-2-3-4
21. Patta 1-6(b)

### **Books Recommended**

1. ***Law of Pleading*** by Inayatullah.
2. ***Conveyancing*** by Inayatullah, M.
3. ***Mogah on 'Pleadings'***.
4. ***Mogah on 'Conveyancing'***.
5. ***Pleadings in India with Precedents*** by Sir C Walsh & J C Weir.
6. ***Dastaweznavisi*** by Penna Lal in Urdu (Lestest Edition).
7. ***Drafting*** by I C DeSouza (Omitting Chapters I&II Part-II (Major petitions to Courts)).
8. ***Law of Interpretation*** by Maxwell and Craze.
9. ***Interpretation of Statutes*** by Chowdhry.
10. ***Intrepretation of Pakistan Statutes*** by Kazi Mohammad Ashraf.
11. ***Interpretation of Statutes*** by Mazharuddin Ahmad.

<b>PAPER-V</b>	<b>INTERPRETATION OF STATUTES</b>	<b>100 MARKS</b>
1.	Principles of Interpretation of Statutes	80 Marks
2.	General Clauses Act, 1897	20 Marks

### **Books Recommended**

1. ***Interpretation of Statutes*** –Maxwell.
2. ***General Clauses Act, 1897.***

## **OPTIONAL PAPERS:**

**Students will be required to choose two out of the following eight papers (subject to the availability of qualified teacher)**

Optional Paper-I	Intellectual Property Laws
Optional Paper-II	Environmental Laws
Optional paper-III	Banking Laws
Optional Paper-IV	Labour Laws
Optional Paper-V	Taxation Laws
Optional Paper-VI	Land Laws
Optional Paper-VII	Minor Acts
Optional Paper-VIII	Human Rights

**OPTIONAL PAPER-I: INTELLECTUAL PROPERTY LAWS MARKS: 100**

### **Course Contents**

The course will consist of four components in relation to the laws relating to Patents, Designs, Trade Marks and Copyrights.

# **PATENTS, DESIGN, TRADE MARKS AND COPYRIGHT LAWS**

## INTRODUCTION TO INTELLECTUAL PROPERTY LAWS:

A brief overview of the term “intellectual property”, a comparison between its four branches and definitions thereof.

### **PATENTS LAW**

#### I. PROCEDURE FOR OBTAINING A PATENT

Concept of novelty, patentable inventions, procedure for obtaining patent rights, term and renewals.

#### II. EFFECTS OF OBTAINING PATENT RIGHTS

Privileges of acquiring patent rights such as assignments, licensing and infringement proceedings; revocation of patents.

### **DESIGN LAW**

#### I. PROCEDURE FOR OBTAINING A DESIGN REGISTRATION

Concept of novelty and originality, procedure for obtaining design protection, term and renewals

#### II. EFFECTS OF OBTAINING DESIGN RIGHTS

Privileges of acquiring design rights such as assignments, licensing and infringement proceedings; cancellation of registered designs.

### **TRADE MARKS LAW**

#### I. PROCEDURE FOR OBTAINING REGISTRATION OF A TRADE MARK

Procedure for obtaining registration with reference to goods and services; distinctiveness of a trade mark and prohibition as to registration; opposition and rectification proceedings; duration and renewal of registration.

#### II. ENFORCEMENT OF TRADE MARK RIGHTS

Infringement proceedings; passing off action

### III. ASSIGNMENT, LICENSING AND REGISTERED USERS

Assignment of registered and unregistered trade marks; standard terms and conditions of a license agreement; registration of registered user; and right of registered user to file infringement proceedings.

## **COPYRIGHT LAW**

### I. COPYRIGHT, OWNERSHIP OF COPYRIGHT AND RIGHTS OF THE OWNER

Works in which copyright subsists; first owner of copyright; term of copyright.

### II. REGISTRATION AND LICENSING OF COPYRIGHT

Procedure of obtaining copyright registration; registration of assignment; licences by owners and compulsory licence.

### III. ENFORCEMENT OF COPYRIGHT

When copyright infringed; certain acts not infringement of copyright; powers and functions of Copyright Board.

### IV. INTERNATIONAL TREATIES AND CONVENTIONS

TRIPS Agreement, Paris Convention, Patents Cooperation Treaty, Universal Convention on Copyrights, Berne Convention, etc.

### V. LEADING CASES

## **REFERENCES**

### **Patents**

1. ***Patents for inventions. Fifth Edition*** by T.A. Blanco White.
2. ***Terrell on the Law of Patents Fifteenth Edition.***
3. ***Intellectual Property (Third Edition)*** by W.R. Cornish.
4. ***Patents Law*** by P. Narayanan (***Third Edition***).

### **Designs**

1. ***Russel Clarke on Copyrights and Industrial Designs***  
By Michael Fysh (***Fifth Edition***).

## Trade Marks

1. ***Trade and Merchandize marks Act*** by Dr. S. Venkateshwaran.
2. ***Kerly on Trade Marks and Trade Names.***
3. ***Law of Trade marks and Passing-Off*** by P. Narayanan.

## Copyright

1. ***Copyright Law*** by P. Narayanan. Published by Eastern Law House, Calcutta.
2. ***International Copyright*** by Stewart.
3. ***Skone James and Copinger on Copyrights.***

## OPTIONAL PAPER-II

## ENVIRONMENTAL LAW

100 MARKS

## Course Contents

### I). Introduction

1. Introduction
2. Historical background
3. Practical significance/Multidisciplinary aspect connection with human rights
4. Sources  
Ethics  
Islamic provisions on environmental law  
World Conservation Strategy, National conservation Strategy,  
Provincial Conservation Strategies  
National Biodiversity Action Plan
5. Principles  
Precautionary  
Polluter pays  
Inter-generational equity  
Prevention  
Cooperation/mutual assistance  
Sovereignty
6. Theories of enforcement and compliance

### II) International

1. Soft Law (e.g., Stockholm, Rio)
2. Multilateral agreements  
Biodiversity (5 conventions)  
Marine (e.g., LoS, MARPOL)  
Desertification (CCD)  
Climate (e.g., FCCC, Kytoto)  
Air (e.g., Vienna, Montreal)  
Waste (e.g., Basel)

- Nuclear
- Trade (e.g., WTO, TRIPS)
- 3. Dispute resolution
- 4. INGOs
- ISO 14000

### III) Regional

Soft Law (e.g., Langkawi Declaration)

- 1. Agreements
  - ASEAN
  - S. Asian Regional Seas
  - Indus Basin Commission
  - Mekong River Commission
  - Marine turtles
  - Aquaculture
  - Antiquities
- 2. Institutional infrastructure
  - ASEAN
  - SAARC Law
  - SACEP
  - UNEP/ESCAP

### IV. National

- 1. Constitutional
  - 1956, 1962, 1973
- 2. Statutory
  - a) Federal
    - Easement Act
    - PEPA 1997
    - NEQS
    - Sectoral
  - b) Provincial
- 3. Case Law/Common Law
- 4. Institutional infrastructure
  - a) Federal
    - PEPC
    - EPA
    - Judiciary
  - b) Provincial
    - EPA
    - Sustainable Development Funds
    - Tribunals
- 5. Enforcement/compliance
  - i. Theory
  - ii. Market instruments
  - iii. Practice

6. Techniques
  - i. EIA / IIE
  - ii. Procedural/practical

- V. Conclusion
  1. Limitations  
Law reform

**OPTIONAL PAPER-III                      BANKING LAWS                      MARKS 100**

**Course Contents**

Relevant provisions of the following Laws.

1. The State Bank of Pakistan Act, 1956
2. The Banking Companies Ordinance, 1962
3. The Modaraba Companies and Modarba (Floation and Control) Ordinance, 1980.
4. The Financial Institutions (Recovery of Finances) Ordinance, 2001.
5. The Negotiable Instruments Act, 1881 (All provisions Sections 1-60, 82-85A and 122-131 of the Act)

**OPTIONAL PAPER-IV                      LABOUR LAWS                      100 MARKS**

**Course Contents**

1. The Charter of the ILO
2. The Industrial Relations Ordinance, 2002
3. The WP Industrial and Commercial Establishments (Standing Orders) Ordinance 1968

**OPTIONAL PAPER-V:                      TAXATION LAWS                      100 MARKS**

- |    |                                |          |
|----|--------------------------------|----------|
| 1. | The Income Tax Ordinance, 2001 | 80 Marks |
| 2. | The Sales Tax Act, 1990        | 20 Marks |

**Course Contents**

All provisions in the relevant enactments

**OPTIONAL PAPER-VI: LAND LAWS 100 MARKS**

- |    |                           |          |
|----|---------------------------|----------|
| 1. | WP Land Revenue Act, 1967 | 60 Marks |
| 2. | Pre-Emption Laws          | 20 Marks |
| 3. | Tenancy Laws              | 20 Marks |

**Course Contents**

All provisions of the relevant enactments  
Relevant provisions of local laws

**OPTIONAL PAPER-VII: MINOR ACTS 100 MARKS**

- |    |                              |          |
|----|------------------------------|----------|
| 1. | The Arbitration Act, 1940    | 40 Marks |
| 2. | The Suit Valuation Act, 1887 | 20 Marks |
| 3. | The Court Fee Act, 1870      | 20 Marks |
| 4. | Rent Laws                    | 20 Marks |

**Course Contents**

All provisions of the relevant enactments  
Relevant Rent Laws applicable in the respective areas.

**OPTIONAL PAPER-VIII: HUMAN RIGHTS 100 MARKS**

**AIM & OBJECTIVES**

Human Rights Law is a distinct area of law and raises a number of challenging questions for lawyers: How can international human rights standards be implemented across diverse cultures, nations, religions, economic systems? What rights and responsibilities does the individual have under international law? What is the relationship between State sovereignty and human rights? These questions are a matter of concern not only to international lawyers but also to all those interested in understanding the difficulties that arise in protecting human rights at an international level.

Part One of the Human Rights course introduces students to the international system for the protection of human rights, as developed through the United Nations system post-1945. Students are introduced to the theoretical and practical problems that arise when attempting to enforce international standards for the protection of human rights.

**Course Contents**

1. Historical Development of International Human Rights Law

2. The Normative Framework of International Human Rights Law: the UN System for the Protection of Human Rights
3. Regional Systems for Human Rights Protection:
  - Inter-American System
  - African Charter of Human and Peoples Rights
  - European Human Rights System
  - A regional human rights approach to human rights in Asia?
4. Universalism and Cultural Relativism: Contemporary Debates
5. Human Rights in Islam

### **Selected Topics**

1. The Death Penalty in International Law
2. The right to the highest attainable standard of health
3. The Prohibition of Torture in International Human Rights Law
4. Racism and International Law: The UN Convention on the Elimination of All Forms of Racial Discrimination: Racism and International Human Rights Law
5. Discrimination Against Women and International Human Rights Law
6. The Rights of Refugees in International Law
7. Children's rights in International Law
8. Terrorism and Human rights
9. The International Criminal Court

### **Recommended Textbooks**

***Rehman J International Human Rights Law*** (Longman: 2002).

***Alston and Steiner International Human Rights in Context: Law, Politics and Morals***, Oxford: Oxford University Press, 2000 (2<sup>nd</sup> edition).

***Blackstone's International Human Rights Documents (4<sup>th</sup> ed.)*** 2004 (for exam use).

### **Other useful readings**

Robertson G, ***Crimes against humanity: the struggle for global justice (2<sup>nd</sup> ed. 2002)***.

Harris D J, ***Cases and Materials in International Law (5<sup>th</sup> ed.)*** chapter 9. ***Human Rights Watch: World Report 2003/4*** (NY: Human Rights Watch), available online <http://www.hrw.org>

***Amnesty International World Report*** <http://www.amnesty.org>

Cassese A, ***International Law (2002)***, ch.16.

Charlesworth and Chinkin, ***The Boundaries of International Law (2000)*** ch.7.

### **Periodicals**

Human Rights Quarterly

International and Comparative Law Quarterly (ICLQ)

American Journal of International Law (AJIL)

International Legal Materials (ILM) (includes international legal instruments and case reports)

Harvard Human Rights Journal (available on LEXIS - NEXIS)

Columbia Journal of Human Rights Law (available on LEXIS -NEXIS)

Reports, Judgments and Advisory Opinions of the International Court of Justice, ICJ Reps, Q+1, also available at <http://www.icj-cij.org>

## **RECOMMENDED WEBSITES**

### **UN resources**

<http://www.un.org> (United Nations)

<http://www.un.org/rights> (United Nations, Human Rights)

<http://www.unhchr.ch> (Office of the UN High Commissioner for Human Rights)

<http://www.unhchr.ch/data.htm> (Data search on UN human rights documents, both treaty-based and charter-based)

<http://www.unhcr.ch> (UN High Commissioner for Refugees)

### **Non-Governmental organisations**

<http://www.hrw.org> (Human Rights Watch, an international non-governmental organisation)

<http://www.amnesty.org> (Amnesty International)

### **Other links**

<http://www1.umn.edu/humanrts/> (University of Minnesota Human Rights Library)

<http://irlgov.ie/iveagh> (Irish Govt, Dept of Foreign Affairs, Human Rights Unit - Click on Human Rights – under Policies. This site includes links to both international and national human rights websites)

<http://www.iccl.ie> (Irish Council for Civil Liberties)

<http://www.nihrc.org> (Northern Irish Human Rights Commission – includes excellent links to other human rights internet resources)

<http://www.umn.edu/humanrts/index.html> (University of Minnesota, Human Rights Library and Database, excellent research resource)

<http://www.asil.org> (American Society of International Law. The Guide to Electronic Resources available at this site includes an annotated guide to human rights internet resources)

## RECOMMENDATIONS

1. The Committee propose 21 courses for three-year LL.B programme (7 courses for each year) instead of existing scheme of courses that is 20 courses.
2. The meeting unanimously resolved that the Pakistan Bar Council's 'Affiliation of Private Law Colleges Rules' be adopted forthwith. In this respect the Higher Education Commission is requested to exercise its powers under Section 10(d) of the Higher Education Commission Ordinance, 2002 for its immediate adoption and implementation by all universities imparting legal education.
3. The Committee noticed the deteriorating standards of teaching and research in universities in the subject of Law and strongly proposed to establish a 'Centre of Excellence in Law' at National Level with its focus on quality research. The HEC is requested to examine the proposal and take necessary measures in this regard.
4. To conduct Training/Refresher Courses for the proposed new areas with the support of the HEC — Human Rights, Environmental Law.
5. To allow Non-practicing allowances to whole-time University Law Teachers as per recommendations of the Justice S.A. Rehman Commission (1958-59).
6. To appoint full-time Law Teachers in all Law Colleges/Law Faculties.
7. To provide proper facilities/scholarships to Law teachers to improve their qualifications.
8. To commence morning-classes in all Law Colleges/Faculties.
9. It is desirable to have Entry Test for admissions to Law Colleges.
10. The Committee felt the need of a forum of law-teachers at the National Level for smooth functioning and coordination between various institutions.

The NCRC requested the HEC to reprint some of the recommended books for different courses: through National Book Foundation, which are not available in the market.