

## **LL.B. First Semester 80401**

### **Paper—I**

#### **Jurisprudence 6841**

##### Objectives of the course

At the heart of the legal enterprise is the concept of law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is unable to present various statutes, cases, procedure, practices and customs as a systemic body of knowledge, nor is it able to show the interconnection between these various branches of law, procedures and principles. The fact that the basic nature and purpose of law should be clear to every student and that it should be the very foundation of law teaching needs little argument. A course in jurisprudence should be the very foundation of law teaching needs little arguments. A course in jurisprudence should, primarily, induct the student into a realm of questions concerning law so that he is able to live with their perplexity and is driven to seek out answers for himself

It may not be possible that a one year jurisprudence course can impart knowledge of doctrines about law and justice, developed over the years, in various nations and historical situations. At best an undergraduate course should impart the analytical skill and equip the student with the basic problems concerning law and the types of solutions sought. Thus, the student not only will be able to use this skill in practice but also is motivated to take up detailed historical studies on his own after the course. Since a basic idea in the designing of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teacher should try to make use of the Indian material as far as possible.

The course will comprise of 84 units of one hour duration. Syllabus.

##### 1. Introduction .

##### 1.1 Meaning of the term jurisprudence

## 1.2 Norms and the normative system

1.2.1 Different types of normative systems, such as of games, languages religious orders, unions, clubs and customary practice.

1.2.2 Legal system as a normative order: similarities and differences of the legal system with other normative systems

1.2.3 Nature and definition of law

## 2. Schools of Jurisprudence

2.1 Analytical Positivism

2.2 Nature Law

2.3 Historical School

2.4 Sociological School

2.5 Economic interpretation of law

2.6 The Bharat Jurisprudence

2.6.1 The Ancient : The Concept of Dharma

2.6.2 . The Modern : PIL, Social, Justice, Compensatory jurisprudence

## 3. Purpose of Law

3.1 Justice

3.1.1 Meaning and kinds

3.1.2 Justice and law: Approaches of different schools

3.1.3 Power of the Supreme Court of India to do complete justice in. a case: Article 142 . .

3.1.4 Critical Studies

3.1.5 Feminist Jurisprudence

## 4. Sources of Law

4.1 Legislation

4.2 Precedents : Concept of Stare decisis

4.3 Customs

4.4 Juristic writings

## 5. Legal Right : The Concept

5.1 Rights : Kinds

## 5.2 Right duty correlation

## 6. Persons

### 6.1 Nature of Personality

### 6.2 Status of the unborn, minor, lunatic drunken and dead persons]

### 6.3 Corporate Personality

### 6.4 Dimensions of the modern legal personality : Legal personality of non-human beings.

## 7. Possession The Concept

### 7.1 Kinds of Possession

## 8. Ownership The Concept

### 8.1 Kinds of Ownership

### 8.2 Difference between possession and ownership

## 9.1 Title

## 10. Property : The Concept Unit 3

### 10.1 Kinds of Property

## 11. Liability

### 11.1 Conditions for imposing liability

#### 11.1.1 Wrongful Act

#### 11.1.2 Damnum Sine injuna

#### 11.1.3 Causation

#### 11.1.4 Mensrea

#### 11.1.5 Intention

#### 11.1.6 Malice

#### 11.1.7 Negligence and recklessness

#### 11.1.8 Strict Liability

#### 11.1.9 Vicarious liability

## 12. Obligation Nature and Kinds

### 12.1 Sources of obligation

## 13. Procedure

### 13.1 Substantive and procedural laws Difference

### 13.2 Evidence : Nature and Kinds

## **Selected Bibliography**

Bodenheimer Jurisprudence - The Philosophy and Method of Law (1996).  
Universal, Delhi.

Fetzgerald, (ed) Salmond on Jurisprudence (1999) Tripathi, Bombay

W. Frieridmarin, Legal Theory (1999) Universal, Delhi

V.D. Mahajan, Jurisprudence and Legal Theoiy(1996 Re-print), Eastern,  
Lucknow

M.D.A. Freeman (ed). Lloyd's Introduction t Jurisprudence (1994), Sweet &  
Maxwell

Paton G.W., Jurisprudence (1972) Oxford, ELBS

H.L.A. Hart, The Concepts of Law (1970) Oxford ELBS

Roscoe Pond, Introduction to the Philosophy of Law (1998 Re-Print) Universal,  
Delhi

Dias, Jurisprudence (1994 First Indian re-Print), Adithya Books, New Delhi

Dhyani SN., Jurisprudence : A study of Indian Legal Theory (1985)  
Metropolitan, New  
Delhi.

**LLB. First Semester**  
**Paper – II**  
**Law of Contract 6842**

**Objective of the Course**

Every man in his day to day life from dawn to dusk makes a variety of contracts. Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognize this contract making power of a person. This prompted Rescoe Pound to make his celebrated observation "Wealth, in a commercial age, is made up largely of promises". In this sense India is also a "Promissory" society

The conferment and protection by the law of this contract making power of persons gives them a considerable leeway to strike best bargain for the contract making persons. In a way they are permitted to regulate and define their relations in a best possible manner they chose. However, the contours of contractual relations in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in an independent and developing Indian society. Whether may be the nature of a given society, the contractual relations, as are obtained in that society, are governed by certain principles which are more or less of a general and basic nature. In India these general principles are statuted in the form of the Indian Contract Act 1972. This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

The following syllabus prepared with this perspective will comprise of about 84 Units of one-hour duration.

Syllabus —

1. General Principles of Law of Contract

1.1 History and Nature of contractual obligations

1.2 Agreement and contract Definitions, elements and kinds.

1.3 Proposal and acceptance — their various forms, essential elements, communication and revocation- proposal and invitations for proposal- floating offers — tenders dumping of goods.

1.4 Consideration — its need, meaning, kinds, essential elements — nudum pactum — privity of contract and of consideration-its exceptions-adequacy of consideration- present, past and adequate consideration-unlawful consideration and its effects- views of Law Commission of India on consideration-evaluation of the doctrine of consideration.

1.5 Capacity of contract-meaning-incapacity arising out of status and mental defect-minor's agreements- definition of 'minor' — accessories supplied to a minor agreements beneficial and detrimental to a minor — affirmation- restitution in cases of minor's agreements-fraud by a minor-agreements made on behalf of a minor minor's agreements and estoppel-evaluation of the law relating to minor's agreements-other illustrations of incapacity to contract.

1.6. Free consent — Its need and definitions- factors vitiating free consent.

1.6.1 Coercion-definition-essential elements- duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion.

1.6.2 Undue Influence-definition-essential elements- between which parties can it exist? Who is to prove it? Illustrations of undue influence- independent advicepardahanshin women-unconscionable bargains effect of undue influence.

1.6.3 Misrepresentation — definition — misrepresentation of law and of fact-their effects and illustration.

1.6.4 Fraud — definition-essential elements — suggestion falsi-suppresioverihen does silence amounts to fraud? Active-concealment of truth-importance of intention.

1.6.5 Mistake-definition-kinds-fundamental error-mistake of law and of fact — their effects-when does a mistake vitiate free consent and when does it not vitiate free consent?

1.7 Legality of objects:

1.7.1 Void agreements — lawful and unlawful considerations, and objects — void, voidable, illegal and unlawful agreements and their effects.

1.7.2 Unlawful considerations and objects.

1.7.2.1 Forbidden by law

1.7.2.2 Defeating the provision of any law

1.7.2.3 Fraudulent

1.7.2.4 Injurious to person or property

1.7.2.5 Immoral

1.7.2.6 Against public policy

1.7.3 Void Agreements

1.7.3.1 Agreements without consideration

1.7.3.2 Agreements in restraint of marriage

1.7.3.3 Agreements in restraint of trade- Its exceptions- Sale of goodwill, section 11 restrictions, under the partnership Act, 'trade combinations, exclusive dealing agreements, restraints on employees under agreements of service

1.7.3.4 Agreements in restraint of legal proceedings- Its exceptions

1.7.3.5 Uncertain agreements

1.7.3.6 Watering agreement — Its exception.

1.8 Discharge of a contract and its various modes

1.8.1 By performance- Conditions of valid tender of performance- How? By whom? Where? when? in what manner? Performance of reciprocal promises- Time as essence of contract

1.8.2 By breach — Anticipatory breach and present breach

1.8.3 Impossibility of performance- Specific grounds of frustration Application to lease theories of frustration- Effect of frustration frustration and restitution.

1.8.4 By period of limitation

1.8.5 By agreement- rescission and alteration — their effect — remission and waiver of performance — extension of time- Accord and satisfaction.

1.9 Quasi- Contracts or certain relations resembling those created by contract

1.10 Remedies in contractual relations

1.10.1 Damages- Kinds- Remoteness of damages- ascertainment of damages

1.10.2 Injunction-when granted and when refused- Why?

1.10.3 Refund and restitution

1.10.4 Specific Performance- When? Why?

2. Government as a Contracting Party

Constitutional provisions — Government power to contract- procedural requirements-kinds of government contracts-their usual clauses — performance of such contracts- settlements of disputes and remedies

3. Standard Form Contracts

Nature, advantages — unilateral character, principles of protection against the possible of exploitation- judicial approach to such contracts- Exemption clauses — Clash between two standard form contracts-Law Commission of India's views

4. Multi-national Agreement

5. Strategies and constraints to enforce contractual obligations

5.1 Judicial methods- redressal forum, remedies

5.2 Other methods like arbitration, Lok Adalat, Nyaya Panchayat and other such non formal methods

5.3 Systemic constraints in setting contractual disputes

5.3.1 Court fees, service of summons, injunctions, delay.

## **6. Specific relief**

6.1 Specific performance of contract

6.1.2 Contract that can be specifically enforced

6.1.3 Persons against whom specific enforcement can be ordered

6.2 Rescission and cancellation

6.3 Injunction

6.3.1 Temporary

6.3.2 Perpetual

6.4 Declaratory orders

6.5 Discretion and powers of courts

## **Leading Cases**



1. Carlil V/s. Carbolic smoke Ball Company 1863 I.Q.B. 256)
2. Mahanbibi V/s. Dharmodas Ghash (1903 ILR 30 Cal)
3. Sactyabvata Ghosh V/s. Mugniram Bangur of Co. (AIR 1954 5C 44. S.C.R. 310 (1954)
4. M/s. Murlidhar Chimjit Lal V/s. Harish Chandra Dwaraka Das and others (AIR 1962 SC 36)

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Beatsen (ed.) Anson's Law of Contract (27ed 1998)

P.S. Atiya, Introduction to the law of Contract 1992 reprint (Cleredon Law Series)

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G.C. Cheshire, and H.S. Fifoot and M.P. Firmston, Law of Contract (1992) ELLLS with Butterworths

M. Krishnan Nair, Law of Contract (1998)

G.H. Traitel, Law of Contract, Sweet and Maxwell (1997 Reprint)

R.K. Abihandani (ed) Pollock and Mulla on the Indian Contract and the Specific Relief Act (1999), Tripathi

Banarjee, S.C., Law of Specific Relief (1998) Universal

Anson, Law of Contract (1 998), Universal

Anand and Aiyer, Law of Specific Relief (1999), Universal

## **LL.B. First Semester**

### **Paper - III**

#### **Special Contract 6843**

##### Objective of the course

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

The paper comprises of about 84 units of one hour durations.

##### Syllabus

###### 1. Indemnity

###### 1.1 The concept

###### 1.2 Need for indemnity to facilitate commercial transactions.

###### 1.3 Methods of creating indemnity obligations.

###### 1.4 Definition of indemnity

###### 1.5 Nature and extent of liability of the indemnifier

###### 1.6 Commencement of liability of the indemnifier

###### 1.7 Situations of various types of indemnity creations.

###### 1.8 Documents/agreements of indemnity

###### 1.9 Nature of indemnity clauses

###### 1.10 Indemnity in cases of International Transactions

###### 1.11 Indemnity by governments during interstate transactions

###### 2.. Guarantee

###### 2.1 The Concept

###### 2.2 Definition of guarantee as distinguished from indemnity

###### 2.3 Basic essentials for a valid guarantee contract.

2.4 The Place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts

2.5 Position of minor and validity of guarantee when minor is the principal debtor, creditor of surety.

2.6 Continuing guarantee

2.6.1 Nature of surety's liability

2.6.2 Duration and termination of such liability

2.7 Illustrative situations of existence of continuing guarantee

2.7.1 Creation and identification of continuing guarantees.

2.8 Letters of credit and bank guarantees as instances of guarantee transactions

2.9 Rights of surety.

2.9.1 Position of surety in the eye of law

2.9.2 Various judicial interpretations to protect the surety

2.10 Co-surety and manner of sharing liabilities and rights.

2.11 Extent of surety's liability

2.12 Discharge of surety's liability

3. Bailment

3.1 Identification of bailment contracts in day today life,

3.1.1 Manner of creation of such contracts

3.2 Commercial utility of bailment contracts

3.3 Definition of bailment

3.4 Kinds of bailees

3.5 Duties of bailor and Bailee towards each other

3.6 Rights of bailor and Bailee

3.7 Finder of goods as a bailee

3.7.1 Liability towards the true owner.

3.7.2 Obligation to keep the goods safe

3.7.3 Right to dispose off the goods

4. Pledge

4.1 Pledge: Comparison with bailment

4.2 Commercial utility of pledge transactions

4.3 Definition of pledge under the Indian contract Act.

4.4 Other statutory regulations (State & Centre) regarding pledge, reasons for the same.

4.5 Rights of the pawner and pawnee

4.5.1 Pawnee's right of sale as compared to that of an ordinary bailee

4.6 Pledge by certain specified persons mentioned in the Indian Contract Act.

5. Agency

5.1 Identification of different kinds of agency transactions in day to day life in the commercial world

5.2 Kinds of agents and agencies

5.2.1 Distinction between agent and servant

5.3 Essentials of a agency transaction

5.4 Various methods of creation of agency

5.5 Delegation

5.6 Duties and rights of agent

5.7 Scope and extent of agent's authority

5.8 Liability of the principal for acts of the agent including misconduct and tort of the agent.

5.9 Liability of the agent towards the principal

5.10 Personal liability towards the parties

5.11 Methods of termination of agency contract

5.11.1 Liability of the principal and agent before and after such termination

6. Sale of Goods

6.1 Concept of sale as a contract

6.2 illustrative instances of sale of goods and the nature of such contracts

6.3 Essentials of contract of sale

6.4 Essentials conditions in every contract of sale

6.5 Implied terms in contract of sale

6.6 The rule of caveat emptor and the exceptions thereto under the Sale of Goods Acts.

6.7 Changing concept of caveat emptor

6.8 Effect and meaning of implied warranties in a sale

6.9 Transfer of title and passing of risk

6.10 Delivery of goods : Various rules regarding delivery of goods

6.11 Unpaid seller and his rights

6.12 Remedies for breach of contract

7. Partnership

7.1 Nature of partnership definition

7.2 Distinct advantages and disadvantages vis-à-vis partnership and private limited company.

7.3 Mutual relationship between partners

7.4 Authority of Partners

7.5 Admission of Partners

7.6 Outgoing of partners

7.7 Registration of Partnership

7.8 Dissolution of Partnership

8. Negotiable Instruments

8.1 The Concept

8.2 Various kinds

8.3 Essential requirements to making and negotiation

8.4 Competent parties for making and negotiations

8.5 Acceptance of the instrument

8.6 Dishonour by non acceptance and remedies remedies available to the holder

8.7 Holder and holder in due course: meaning essential conditions rights and privileges of holder in course and indorsee from the holder in due course

8.8 Negotiation of the instrument

8.9 Presentment of the instrument

8.10 Cheques : rules regarding payment of cheque

8.10.1 Liability of the collecting banker and paying banker

8.10.2 Dishonour of cheque and its effects.

8.10.3 Discharge from liability

8.11 Kinds of bills

## 8.12 Evidence

### 8.12.1 Special rules of evidence regarding negotiable instruments

#### Selected Bibliography

R.K. Abhichandarn (ed.) Pollock and Mulla on Contracts and Specific Relief Acts (1999) Tripathi Bombay.

Avtar Singh, Contract Act (2000), Eastern, Lucknow.

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Avtar Singh, Principals of the Law of Sale of Goods and Hire Purchase (1998), Eastern, Lucknow

J.P. Verma (ed.) Singh and Gupta, The Law of Partnership in India (1999), Orient Law House, New Delhi

AG. Guest (ed.), Banarjee's Sale of Goods (1992), Sweet and Maxwell.

Bhashyam and Adiga, The Negotiable Instruments Act (1995), Bharath, Allahabad

Ramnainga, The Sales of Goods Act (1998), Universal

## **LL.B. First Semester**

### **Paper – IV**

#### **Family Law- I (Hindu Law) 6844**

1. Nature and Origin of Hindu Law.
2. Sources of Hindu Law and schools of Hindu Law.
3. Coparceners and Coparcenary property — Mitakshasa and Dayabhas law
4. Debts
5. Partition
6. Gifts
7. Wills
8. Religions and charitable endowments
9. Hindu Marriage Act 1955
10. Hindu Succession Act 1956 Hindu Succession Act (Amendment) 1990
11. Stridhan and women Estate
- 12 Guardianship
13. Joint family
14. Hindu Adoption and maintenance Act 1956

#### Leading Case

1. Saroj Rani V/s. Sudarshan Kumar Chaddha (AIR 1984 SC 1562)
2. J.L.Nands V/s. Veena (AIR 1988 SC 437)
3. Chandramohini Srivastava V/s. Avinash Prasad Srivastava (AIR SC 581)
4. Dhanraj V/s. Surajbai (AIR sc 1103)

#### Book Recommended

1. Mulla Principals of Hindu Law
2. Paris Diwan-Hindu Law
3. R.K. Agarwal - Hindu Law
4. N.H.Thaswala-HinduLaw

## **LL.B. First Semester**

### **Paper - V**

#### **Family Law-I (Muslim Law) 6845**

1. Instruction of Muslim Law
2. Nature and Sources of Muslim Law
3. Schools of Mohammadan Law
4. Marriage and Special Marriage Act
5. Dowce
6. Divorce
7. Will
8. Hiba or Gift
9. Waqd
10. Pic-Emption
11. Guardianship
12. Parentage legitimacy and acknowledge
13. Maintenance of relations under Mohammadan Law and Optimal Procedure Law

#### Leading Cases -

1. Mainabibi and others V/s. Chaudhary Vakil Ahmad and others (1952 J.A.-145)
2. Sattar Shaikh V/s. Mst. Sahdunnissa (AIR 1969 A.L.J. 415)
3. Ayub Hasan V/s. Mst. Akhtari (AIR All 525)
- 4, Ram Saran Lal V/s. Smt. Damini Kaur (AIR 1961 1747) Books

#### Recommended

1. Faizi Mohammadan Law
2. Mullà - Principals of Mohammadan Law
3. Paras Diwan- Muslim Law
4. Akil Ahmad - Muslim Law



## **LL.B. Second Semester 80402**

### **Paper – VI**

#### **Law of Tort Including MV. Accident and Consumer Protection Law 6846**

Objectives of the course –

With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings. Present the emphasis is on extending the principals not only to acts, which are harmful but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed 'economics. In the modern era of consumer concern of goods and service, the law of torts has an added significance with this forage into the emerging law of consumer law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions .of various legislation and judicial decisions in India, so connected with the human rights for a healthy life and environment has now a core subject to be taught as an indispensable part of a socially relevant curriculum.

The BCI proposed a' combination of law of torts and consumer protection as a single paper. The following syllabus is prepared, with this perspective.

Syllabus —

#### 1. Evolution of Law of Torts

1.1 England — forms of action — specific remedies from case to case

1.2 India — principals of justice equity and good conscience - uncedified character advantages and disadvantages.

#### 2. Definition, Nature, Scope and Objects.

2.1 A wrongful Act - imposed by law, duty which is owed to people generally (in term) — *damnum sine injuria* and *injuria sine damnam*.

2.2 Tort distinguished from crime and breach of contract

2.3 The Concept of unliquidated damages

2.4 Changing scope of law of torts : Expanding character of duties owed to people generally due to complexities of modern society

2.5 Objects — Prescribing standards of human conduct redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

3. Principals of Liability in Torts

3.1 Fault

3.1.1 Wrongful intent

3.1.2 Negligence

3.2 Liability without fault

3.3 Violation of ethical codes

3.4 Statutory liability

3.5 Place of motive in torts

4. Justification in Tort

4.1 Volenti non fit injuria

4.2 Necessity, private and public

4.3 Plaintiffs default

4.4 Act of God

4.5 Inevitable accident

4.6 Private defense

4.7 Statutory authority

4.8 Judicial and quasi-judicial acts

4.9 Parental and quasi-parental authority

5. Extinguishment of liability in certain situation

5.1 Actio personalis moritur cum persona — exceptions

5.2 Waiver and acquiescence

5.3 Release

5.4 Accord and satisfaction

5.5 Limitation

6. Standing

6.1 Who may sue — aggrieved individual — class action — social action group

6.2 Statutes granting standing to certain persons or groups

6.3 Who may not be sued?

7. Doctrine of sovereign Immunity and its relevance in India

8. Vicarious Liability

8.1 Basis, Scope and justification

8.1.1 Express authorization

8.1.2 Ratification

8.1.3 Abetment

8.2 Special Relationships

8.2.1 Master and servant — arising out of and in the course of employment — who is master? The control test — who is servant? borrowed servant — independent contractor and servant, distinguished

8.2.2 Principal and agent

8.2.3 Corporation and principal officer

9. Torts against persons and personal relations

9.1 Assault, battery, mayhem

9.2 False imprisonment

9.3 Detamation — libel, slander including law relation to privileges

9.4 Marital relations, domestic relations, parental relations, master and servant relations

9.5 Malignant prosecution

9.6 Shortened expectation of life

9.7 Nervous shock

10. Wrong affecting property

10.1 Trespass to land, trespass ab initio, dispossession

10.2 Movable property-- trespass to goods, detinue, conversion

10.3 Torts against business interests — injurious falsehood, misstatements, passing off

11. Negligence

11.1, Basic concepts

11.1.1 Theories of negligence

11.1.2 Standards of Care, duty to take care, carelessness, inadvertence

11.1.3 Doctrine of contributory negligence

11.1.4 Res ipsa loquitur and its importance in contemporary Law

11.2 Liability due to negligence : different professionals

11.3 Liability of common carriers for negligence

11.4 Product liability due to negligence : Liability of manufacturers and business houses for their products

12. Nuisance

12.1 Definition, essentials and types

12.2 Act which constitute nuisance — obstructions of highways — pollution of air, water, noise and interference with light and air,

13. Absolute/Strict liability

13.1 The rule in Ryland vs. Fletcher

13.2 Liability for harm caused by

14. Legal remedies

14.1 Legal remedies

14.1.1 Award of damages — simple, special punitive

14.1.2 Remoteness of damage — foreseeability and directness

14.1.3 Injunction

14.1.4 'Specific restitution of property

14.2 Extra-legal remedies — self-help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance

15. Consumer movements : historical perspectives

15.1 Common law protection Control and torts

15.2 Consumerism in India : food adulteration, drugs and cosmetics — essential commodities

15.2.1 Criminal sanction : Sale of noxious and adulterated substances. Tare weights and measures Use of unsafe carriers.

16. Consumer the concept

16.1 General perspectives

16.2 Statutory and government services to be included or not?

16.3 Definition and scope the Consumer protection Act 1986 (CPA)

16.3.1 Who is not a consumer?

17 Unfair Trade Practices

17.1 Misleading and false advertising

17.2 Unsafe and hazardous products

17.3 Disparaging competitors

17.4 Business ethics and business self-regulation

17.5 Falsification of Trade marks.

18. Consumer of goods

18.1 Meaning of defects on goods

18.2 Standards of purity, quality and potency

18.2.1 Status : food and drugs, engineering and electrical goods

18.2.2 Common law: decision of courts

18.3 Price control

18.3.1 Administrative fixation

18.3.2 Competitive Market

18.4 Supply and distribution of goods

19. Supply of essential commodities

19.1 Quality Control

19.2 Sale of goods and hire purchase law

19.3 Prescribing standards of quality — BIS and Agmark, Essential commodities law.

20. Consumer Safety

20.1 Storing, distribution and handling of unsafe and hazardous products.

20.2 Insecticides and pesticides and other poisonous substances

21 Service

21..1 Deficiency — meaning

21 .2 Professional Services

2 1.2.1 Medical Services

21.2.2 How to determine negligence

2 1.2.3 Violation of Statute

21.2.4 Denial of medical services : violation of human rights

21.2.5 Lawyering Services : Duty to wards court and duty to client delimma,  
break of confidentiality — Negligence and Misconduct

21 .3Public Utilities

21.3. 1 Supply of electricity

21.3.2 Telecommunication and postal services

21.3.3 Housing

21.3.4 Banking

22. Commercial Services

22.1 Hiring

22.2Financing

22.3Agency services

23. Enforcement of consumer rights

23.1 Consumer for a under CPA : jurisdiction, powers and functions

23.1.1 Execution of orders

23.1.2 Judicial review

23.2 PIL

23.3 Class Action

23.4 Remedies

23. 5Administrative remedies

24. Motor Vehicle Act

Leading Cases:

1. Mrs. M.N. Chibwala V/s. Fidattussain AIR 1965 SC 610

2. Sitaram V/s. Santanu Prasad AIR 1966 SC 1697

3. Reyland V/s. FletcherL.R. H.L. 330

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## **LL.B. Second Semester**

### **Paper- VII**

#### **Law of Crimes Paper — I : Indian Penal Code Objective of the course 6847**

The Indian society has changed very rapidly since Independence. A proper understanding of crimes methods of controlling them and the socio-economic and reasons for their existence is now extremely important in the larger context of India's development, if students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new perspective.

#### Syllabus

##### 1. General V V

##### 1.1 Conception of crime

1.1.1 Pre-Colonial notions of crime as reflected in Hindu, Muslim and tribal law.

1.1.2 Macaulay's draft based essentially on British notions

1.2 State's power to determine acts or omissions as crimes

1.3 State's responsibility to detect, control and punish crime

1.4 Distinction between crime and other wrongs

1.5 IPC A reflection of different social and moral values

1.6 Applicability of I.P.C.

1.6.1 Territorial

1.6.2 Personal V

1.7 Salient Features of the I.P.C

##### 2. Elements of Criminal Liability V

2.1 Author of crime — natural and legal person

2.2 Men rea - Evil Intention

2.3 Importance of mens rea V V

2.4 Recent trends to fix liability without mens rea in certain socio-economic offences

2.5 Act in furtherance of guilty intent

2.6 Omission

## 2.7 Injury to another

## 3. Group Liability

3.1 Stringent provision in case of combination of persons attempting to disturb peace

3.2 Common Intention

3.3 Abetment

3.3.1 Instigation, Aiding and conspiracy

3.3.2 Mere act of abetment punishable

3.4 Unlawful assembly

3.4.1 Basis of liability

3.5 Criminal conspiracy

3.6 Rioting as a Sepecific offence

## 4. Stage of a crime units 6

4.1 Guilty intention mere intention not punishable

4.2 Preparation

4.2.1 Preparation not punishable

4.2.2 Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures.

4.3 Attempt

4.3.1 Attempt when punishable — specific provisions of TPC

4.3.2 Tests for determining what constitute attempt — proximity, equivocality and social danger

4.3.3 Impossible attempt

## 5. Factors negating guilty intention

5.1 Mental incapacity

5.1.1 Minority

5.1.2 Insanity — Impairment of cognitive faculties, emotional imbalance

5.1.3 Medical and legal insanity

5.2 Intoxication — involuntary

5.3 Private defence — Justification and limits



5.3.1 When private defence extends to causing of death to protect body and property

5.3.2 Necessity

5.3.3 Mistake of fact

6. Types of Punishment

6.1 Death

6.1.1 Social relevance of capital punishment

6.1.2 Alternatives to capital punishment

6.2 Imprisonment — for life, with hard labour, simple imprisonment

6.3 Forfeiture of property

6.4 Fine

6.5 Discretion in awarding punishment

6.5.1 Minimum punishment in respect of certain offences

7. Specific offences against human body

7.1 Causing death of human beings

7.1.1 Culpable homicide

7.1.2 Murder

7.2 Distinction between culpable homicide and murder

7.2.1 Specific mental element Requirement in respect of murder

7.3 Situation justifying treating murder as culpable homicide not amounting to murder

7.3.1 Grave and sudden provocation

7.3.2 Exceeding right to private defense

7.3.3 Public servant exceeding legitimate use of force

7.3.4 Death in sudden fight

7.3.5 Death Caused by consent of the deceased — euthanasia and surgical operation

7.3.6 Death caused of person other than the person intended

7.3.7 Miscarriage with or without consent

7.4 Rash and negligent act causing death

7.5 Hurt — grievous and simple

7.6 Assault and criminal force

7.7 Wrongful restraint and wrongful confinement — kidnapping from lawful guardianship and from outside India

7.8 Abduction

8. Offences against women

8.1 Insulting the modesty of women

8.2 Assault or criminal force with intent to outrage the modesty of women

8.3 Causing miscarriage without women's consent:

8.3.1 Causing death by causing miscarriage without women's consent

8.4 Kidnapping or abducting woman to compel her to marry or force her to intercourse

8.5 Buying a minor for purposes of prostitution

8.6 Rape

8.6.1 Custodial rape

8.6.2 Marital Rape

8.7 Prevention of immoral traffic

8.8 Cruelty by husband or his relatives

8.8.1 Prevention of Sati

8.9 Prohibition of indecent representation of women

9. Offences against Property

9.1 Theft

9.2 Cheating

9.3 Extortion

9.4 Robbery and dacoity

9.5 Mischief

9.6 Criminal misrepresentation and criminal breach of trust

10. New kinds of crimes such as terrorism, pollution and adulteration

11. Law Reforms

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Viswanath V/s. State of U.P. (AIR 1960 SC 67)

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K.D. Gaur, Criminal Law: Cases and Materials (1999) Buttersorths, India

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## **LL.B. Second Semester**

### **Paper — VIII**

#### **Law of Crimes-II: Criminal Procedure Code 6848**

Objective of the course

The criminal process involves increasing expenditure of government resources. At the same time it confronts a crisis of intrusion into individual rights in order to protect the common weal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure, thus, makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, too enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure. Juvenile justice and probation of offenders are combined with the study of criminal procedure. These topics also do have their roots in criminal procedure. The rubrics under their head are intended to render an essential grasp of the areas.

#### 1. Introductory

1.1 The Rationale of criminal procedure the importance of fair trial.

1.2 Constitutional perspectives : Article 14, 20 + 21

1.3 The Variety of criminal procedure (the class should examine in particular the procedure for trial of special offences especially, offences under the prevention of corruption act and Narcotic Drugs and psychotropic substances Act)

1.4 The organization of police, Prosecutor, defence counsel and prison authorities and their duties, functions and powers.

#### 2. Pre-trial process Arrest

- 2.1 The distinction between cognizable and non-cognisable offences : relevance and adequacy problems.
- 2.2. Steps to ensure accused's presence at trial warrant and summons
- 2.3 Arrest with and without warrant (Section 70-73 and 41)
- 2.4 The absconder status (Section 82, 83, 84 and 85)
- 2.5 Right of the arrested person
- 2.6 Right to know grounds of arrest (Section 50(1), 55, 75)
- 2.7 Right to be taken to magistrate without delay (Section 56,57)
- 2.8 Right of not being detained for more than twenty-four hours (Section 57) : 22(2) of the constitution of India
- 2.9 Right to consult legal practitioner, legal aid and the right to be told rights
- 2.10 Right to be examined by a medical practitioner (Section 54).
3. Pre-trial process: Search and Seizure
  - 3.1 Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section
  - 3.2 Police search during investigation (Section 165, 166, 153)
  - 3.3 General principles of search (Section 100)
  - 3.4 Seizure (Section 102).
  - 3.5 Constitutional aspects of validity of search and seizure proceedings
4. Pre-trial Process : FIR
  - 4.1 FIR. (Section 154)
  - 4.2 Evidentiary Value of FIR. (See Sections 145 and 157 of Evidence Act)
5. Pre-trial Process : Magisterial Powers to Take Cognizance
6. Trial Process 1•
  - 6.1 Commencement of proceedings : (Section 200, 201, 202)
  - 6.2 Dismissal of Complaints (Section 203, 204)
  - 6.3 Bail : Concept, purpose : constitutional overtones
    - 6.3.1 Bailable and non-bailable offences (Section 436, 437 439)
    - 6.3.2 Cancellation of Bail (Section 437 (5))
    - 6.3.3 Anticipatory bail (Section 438)
    - 6.3.4 Appellate bail powers (Section 389(1), 395(1), 437(5))

### 6.3.5 General principles concerning bond (Section 441-450)

## 7. Fair Trial

### 7.1 Conception of fair trial

### 7.2 Presumption of Innocence

### 7.3 Venue of trial

### 7.4 Right of the accused to know the accusation (Section 221-224)

### 7.5 The right must generally be held in the accused's presence (Section 221-224)

### 7.6 Right of cross-examination and offering evidence in defence : the accused's statement.

### 7.7 Right to speedy trial

## 8. Charge

### 8.1 Framing of charge

### 8.2 Form and content of charge (Section 211, 212, 216)

### 8.3 Separate Charge for distinct (Section 218, 219, 220, 221,223)

### 8.4 Discharge — Pre-charge evidence

## 9. Preliminary pleas to bar the trial

### 9.1. Jurisdiction (Section 26, 177-188, 461, 462,479)

### 9.2 Time limitation : rationale and scope (section 468-473)

### 9.3 Pleas of autrefois acquit and autrefois convict (Section 300, 22D)

### 9.4 Issue-Estoppels

### 9.5 Compounding of offences

## 10. Trial Before a court of sessions : Procedural Steps and Substantive Rights

## 11, Judgment

### 11.1 Form and content (Section 354)

### 11.2 Summary Trial

### 11.3 Post-conviction orders in lieu of punishment: emerging penal policy (Section 360, 361, 31)

### 11.4 Compensation and cost (Section 357, 358)

### 11.5 Modes of providing judgment (Section 353, 362, 363)

## 12. Appeal, Review, Revision

12.1 No appeal in certain cases (Section 372, 375, 376)

12.2 The rationale of appeals, review, revision

12.3 The multiple range of appellate remedies

12.3.1 Supreme Court of India (Section 374, 379, Articles 31, 132, 134, 136)

12.3.2 High Court (Section 374)

12.3.3 Sessions court (Section 374)

12.3.4 Special right to appeal (Section 380)

12.3.5 Government appeal against sentencing (Section 377, 378)

12.3.6 Judicial power in disposal of appeals (Section 368)

12.3.7 Legal aid in appeals

12.4 Revisional Jurisdiction (Section 397-405)

12.5 Transfer of Cases (Section 406, 407)

## 13. Juvenile Delinquency

13.1 Nature and magnitude of the problem

13.2 Causes

13.3 Juvenile court system

13.4 Treatment and rehabilitation of Juvenile

13.5 Juveniles and adult crime

13.6 Legislative and Judicial protection of Juvenile offender

13.7 Juvenile Justice Act 1988

## 14. Probation

14.1 Probation of offenders law

14.2 The judicial attitude

14.3 Mechanism of probation : standards of probation services

14.4 Problems and prospects of probation

14.5 The suspended sentence

## 15 V Reform of criminal procedure

## Bibliography V

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Leading cases — Bhagwan Prasad Srivastava V/s. N.P. Mishra AIR 1970 SC 1661

Sanjay Gandhi V/s. Union of India AIR 1978 SC 514

Raghunath and others V/s. Sate of U.P. AIR 1973 Sc 1100

Santa Singh V/s. State of Punjab AIR 1976 SC 2366



**LL.B. Second Semester**  
**Paper - IX**  
**Constitutional Law – I 6849**

Objective of the course

India is a democracy and her Constitution embodies the main principles of the democratic government. How it comes into being, what are its powers, functions, responsibilities and obligations how power is limited and distributed. Whatever might have been the original power base of the Constitution today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the, law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

The purpose of teaching constitutional law is to highlight its never-ending growth. Constitution interpretation is bound to be influenced by one's social economic or political predilections., A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law

Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. Pan pasu the concept of secularism and federalism engraved in the constitution are, and are to be, interpreted progressively.

The following syllabus prepared with this perspective will comprise of about 84 Units of one-Hour duration.

## Syllabus —

### 1. Historical Perspective

1.1 Constitutional developments since 1858 to 1947

1.2 Gandhi Era- 1919 to 1947 : social, political, economic and influence.

1.3 Making of Indian Constitution

1.4 Nature and special features of the constitution.

### 2. Parliamentary Government

2.1 Westminster model — Choice of parliamentary government at the States.

2.2 President of India

2.1.1 Election, qualifications, salary and impeachment

2.1.2 Powers: legislative, executive and discretionary power

2.3 Council of Ministers

2.4 Governor and state government — constitutional relationship

2.5 Legislative process

2.5.1 Practice of law-making

2.5.2 Legislative privileges and fundamental rights

2.6 Prime Minister-Cabinet . system-collective responsibility-individual responsibility

2.7 Coalition Government : Anti-defection Law

### 3. Federalism

3.1 Federalism — principles : comparative study

3.2 Indian federalism : identification of federal features

3.2.1 Legislative relations

3.2.2 Administrative relations

3.2.3 Financial relations

3.3. Governor's Role

3.4 Center's powers over the state — emergency

3.5 J&K—special status

3.6 Challenges to Indian federalism

### 4. Constitutional Processes of Adaptation and Alteration

4.1 Methods of constitutional amendment

4.2 Limitation upon constituent power

4.3 Development of the basic Structure : Doctrine judicial activism and restraint

5, Secularism

5.1 Concept of secularism : Historical perspective

5.2 Indian constitutional provision

5.3 Freedom of religion — scope

5.4 Religion and the state : the limits

5.5 Minority rights

## **LL.B. Second Semester**

### **Paper — X**

#### **Property Law 6850**

Objective of the course - The course on property conventionally deals with the Transfer of Property Act 1882. More than a century has elapsed since the passing of the Act and far-reaching changes have occurred in the tiled on property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the nile against perpetuities find a place in the Act, the post- independence development relating to control and use of agricultural land do not find a place. The obsolescence of the Transfer of Property Act, can be best illustrated by citing the provisions relating to leases on immovable properties. The provisions relating to leases under the Act are not applicable to agricultural leases; and even with respect to urban immovable property, the provisions are not applicable to the most dominant type, namely, housing under the rent control legislation. Thus the existing syllabus does not touch upon agrarian property relations, which affect the vast majority of people or aspects relating to intellectual property which are important in the context of development. The proposed syllabus attempts at overcoming these deficiencies and imbalances.

#### Transfer of Property Act

1. Interpretation clause
2. Transfer of property defined
3. Movable and immovable property
4. Oral transfers
5. Transfer for the benefit of unborn persons
6. rule against perpetuity
- 7 Vested and contingent interest
8. Conditional transfer
  - Condition precedent
  - Condition subsequent
9. Doctrine of election

10. Restrictive covenants
11. Fraudulent transfers
12. Lis-pendens
13. Part-performance
14. Doctrine of priority
15. Sale — Rights and liabilities of buyer and seller
16. Sale and contract for sale
17. Mortgage and its different types
18. Rights and liabilities of mortgage and mortgage
- Equity of redemption
- Once a mortgage, always a mortgage
- Clog on redemption
19. Doctrine of marshalling
20. Doctrine of contribution
21. Doctrine of Subrogation
22. Doctrine of taking
23. Charge
24. Lease, rights and liabilities of lesser and lessee
25. Exchange.
26. Gift, owner gift
27. Transfer of Actionable claims
28. Development and scope of easements
29. Definitions of easements
30. Kinds of easements
- 31 . Essential elements for easements
32. Licenses

#### Leading Cases

1. Narayan Das Kason Das V/s. S.A. Kamtam and other (AIR SC 774)
2. V.N. Sarin V/s. Ajit Kumar (AIR 1966 SC 432)
- 3 Subhash Chandra V/s. Ganga Prasad (AIR 1967 SC 878)
4. Smt. Shantabai V/s. State of Bombay (AIR 1958 SC 525)

## Books Recommended

1. G.P. Tripathi — Transfer of property Act
2. Shukia - Transfer of property Act
3. Babel - Indian easement Act
4. R.K. Sinha - Transfer of property Act
5. Mulla - Transfer of property Act

## Syllabus-

1. Jurisprudential controls of property
  - 1.1 Concept and meaning of property — new property-governmental largesse
  - 1.2 Kinds of property -. movable, and immovable property-tangible and intangible property-intellectual property-copyright-patents and designs trademarks
  - 1.3 The concept of common property resources.
  - 1.4 Possession and ownership as man-property relationship-finder of lost goods.

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**Paper—XI**

**Constitutional Law —II 7841**

1. Right to Equality
2. Right to freedom
3. Personal Liberty
  - 3.1 Rights of an accused — double jeopardy — self- incrimination retroactive punishment
  - 3.2 Right to life and personal liberty — meaning, scope and limitations
  - 3.3 Preventive detention — constitutional policy
4. Fundamental Rights and Directive Principles
  - 4.1 Directive Principles- directions for social change-A new social order
  - 4.2 Fundamental Rights and Directive Principles-Inter-relationship-Judicial balancing
  - 4.3 Constitutional amendments — to strengthen Directive Principles
  - 4.4 Reading Directive Principles into Fundamental Rights
5. Fundamental Duties
  - 5.1 The need and status in constitutional set up
  - 5.2 Interrelationship with fundamental rights and directive principles
6. Emergency
  - 6.1 Emergency-meaning and scope
  - 6.2 Proclamation of emergency-conditions-effects of emergency on Centre-State relations
  - 6.3 Emergency and suspension of fundamental rights
7. Judiciary under the Constitution
  - 7.1 Judicial process
    - 7.1.1 Court system
    - 7.1.2 The Supreme Court
    - 7.1.3 High Courts
    - 7.1.4 Subordinate Judiciary
    - 7.1.5 Judges : appointment, removal transfer and condition of service : judicial

independence

7.1.6 Judicial review: nature and scope

8. Services under the Constitution

8.1 Doctrine of pleasure (Art 310)

8.2 Protection against arbitrary dismissal, removal or reduction in rank (Art.311)

8.3 Exceptions to Art.3 11

### **Selected Bibliography**

G. Austin History of Democratic Constitution : The Indian Expenditure (2000)  
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D.D. Basu Shorter Constitution of India, (1996) Prentice Hall of India Delhi  
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H.M. Seervai, Constitution of India, Vol. 1-3 (1992) Tripathi Bombay

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M. Calanter, Competing Equalities — Law and the Backward Classes in India  
(1984) Oxford

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S.C. Kashyap, Human Rights and Parliament (1978) Metropolitan, New Delhi  
Leading Cases A.P. Chettior V/s. State of Tamilnadu (AIR 1971 SC 2085)

Jagdish Prasad V/s. State of U.P. (AIR 1971 SC 1225).

Jhaveri Bhai Amandos V/s. State of Bombay (AIR 1954 SC 752)



## **L.L.B. Third Semester**

### **Paper — XII**

#### **Company Law 7842**

##### Objective of the course

Industrialisation plays a very vital role in the economic development of India. In the post independence era, industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risks. Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

##### Syllabus —

Meaning of Corporation

Theories of corporate personality

Creation and extinction of corporations

Forms of Corporate and Non-Corporate Organisations

Corporations, partnerships and other associations of persons, state corporations, government companies, small scale, co-operative, corporate and joint sectors.

Law relating to companies — public and private-Companies Act, 1956

Need of company for development formation of a company registration and incorporation

Memorandum of association — various clauses-alteration therein-doctrine of

Ultra vires.

Articles of association-binding force-alteration-its relation with memorandum of association-doctrine of constructive notice and indoor management — exceptions

Prospectus- issue-contents-liability for misstatements-statement in lieu of prospects

Promoters-position-duties and liabilities

Shares-general principles of allotment statutory restrictions-share certificate its objects and effects — transfer of shares-restrictions on transfer-procedure for transfer-refusal of transfer — role of public finance institution- relationship between transferor and transferee-issue of shares at premium and discount — depository receipts-dematerialised shares (DEMAT)

Shareholder-who can be and who cannot be a shareholder-modes of becoming a shareholder-calls on shares-forfeiture and surrender of shares lien on shares

Share capital — kinds-alteration and reduction of share capital-further issue of capital-conversion of loans and debentures into capital-duties of courts to protect the interests of creditors and share holders

Directors-position-appointment-qualifications-vacation of office-removal resignation-powers and duties of directors-meeting, registers, loans-remuneration of directors-role of nominee directors-compensation for loss of office- managing directors-compensation for loss of office-managing directors and other managerial personal.

Meeting — kinds-procedure-voting

Dividends — payment-capitalisation-profit

Audit and accounts

Borrowing powers-powers-effect of unauthorized borrowing-changes and mortgages-loans to other companies-investments-contracts by companies

Debentures-meaning-fixed and floating charge-kinds of debentures – shareholder and debenture holder-remedies of debenture holders.

Protection of minority rights

Protection of oppression and mismanagement-who can apply? Powers of the

company, court and of the central government

Investigation — powers

Private companies-nature and advantages-government companies —holding and subsidiary companies

Regulation and amalgamation

Winding up-types-by court-reasons-grounds-who can apply? Procedure powers of liquidator-powers of court-consequences of winding up order-voluntary winding up by members and creditors-winding up subject to supervision of courts-liability of past members-payment of liabilities-preferential payment, unclaimed dividends — winding up of unregistered company,

Law and Multinational Companies

International norms for control

National law FEMA (Foreign Exchange Management Act 1999) control joint ventures-investment in India-repatriation of projects

Collaboration agreements for technology transfer

Corporate Liability

Legal liability of companies : civil and criminal

Remedies against them civil, criminal and tortuous-Specific Relief Act, writs liability under special statutes

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Avtar Singh, Indian Company Law (1999) Eastern, Lucknow

LC.B. Gower, Principles of modern Company Law (1997) Sweet and Maxwell, London

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R.R. Pennington, Company Law (1990), Butterworths.

A Ramaiya, Guide to the companies Act, (1998) Wadha

SM. Shah, Lectures on Company Law (1988), Tripathi, Bombay

Leasing Cases- Company Law

Dr A Laxman Swamy Mudliar V/s. LIC of India (AIR 1963 SC 1185)

Satish Chandra V/s. H.R. Gangulory (AIR 1962 32 Co. Cases 97 SC)

Official Liquidator V/s. RaghavDesikachar and other (1957, 45 Co. cases 136 SC)

## **LL.B. Third Semester**

### **Paper — XIII**

#### **Principles of Taxation Law 7843**

Objective of the course-

Power to tax had been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax. Is this true? Is it not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be conferred on the state? The power to tax shall not go unregulated. In the context of a federal structure the distribution of the taxing powers assumes added significance. Obviously, a study of the constitutional framework on taxation becomes important. Along with this, an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the states.

Syllabus —

General Perspective

History of tax law in India

Fundamental principles relating to tax laws

Governmental financial policy, tax structure and their role in the national economy

Concept of tax

Nature and characteristics of taxes

Distinction between

Tax and fee

Tax and cess

Direct and Indirect Taxes

Tax evasion and tax avoidance

Scope of taxing powers of Parliament, state legislature and local bodies,

Income Tax

Basic concept

Income

Total Income

Income not included in total income

Deemed income

Clubbing of income

Assessed

Person

Tax Planning

Chargeable income

2.5.1 Heads of income

2.5.1.1 Salaries

2.5.1.2 Income from House Property

2.5.1.3 Income from Business Profession

2.5.1.4 Capital Gains

2.5.1.5 Income from other sources•

2.5.2 Deductions, relief and exemptions

2.5.3 Rate of income tax

2.6 Income tax Authorities

2.6.1 Power and Function

2.7 Offences and penal Sanctions

2.8 Settlement of Grievances

2.8.1 Authorities, powers and functions

3. Wealth Tax

3.1 Important Concept

3.2 Net Wealth

3.3 Evaluation

3.4 Tax Assessment

3.5 Liability for tax Assessment

3.6 Statutory provisions as regard to appeal

3.7 Notice

3.8 Rules regarding civil case

3.9 Power to make rule

## Act Prescribed

1 Indian Income Tax Act, 1961

2 Wealth Tax Act, 1958

3 Gift Tax Act, 1958

## Leading Cases:

Commissioner of income tax V/s. Kesho Bhai Lal Bhai Patel (SC 1965, 55 ITR 637)

C-IT Bombay V/s. Dwarka Das Khetan & Co. (SC 1961-41 hR 191)

The Second Gift Tax Commissioner Managatore V/s. D.H. Hazareth (SC 1970, 76 1TR7B)

## Books Recommended

R.R. Gupta: Income Tax and Practice

S.R. Bhargava : Direct Taxation Manual

## **LL.B. Third Semester**

### **Paper-X1V**

#### **Labour Law-I 7844**

The Course shall comprise of the following — Evaluation of industrial legislation in India

Industrial Dispute Act 1947

Scope and object, main features, important definitions,

Industry

Industrial Dispute and individual dispute

Workman and Employer

Reference of disputes

Voluntary arbitration (Section 1 OA) Award

Authorities under the Act

Procedures, powers and duties of authorities

Strike

Lock-out

Retrenchment and lay-off

Transfer and Closure

Trade Unions Act, 1926

1. Growth of Unions

2. Important Definitions

3. Registration of Trade Unions

4. Rights and Liabilities of registered Trade Unions

5. Collective Bargaining

Workmen's Compensation Act, 1923

1. Important Definitions

2. Workmen's Compensation

3. Commissioners .

4. Powers of Central and state Governments to make rules



## **LL.B. Third Semester**

### **Paper—XV**

#### **Administrative Law 7845**

##### Objective of the course

The modern state governs in the traditional sense, that is it maintains law and order, adjudicates upon disputes and regulates economic and social life of individuals and groups in the state. At the same time it is also the provider of essential services. In the event of need occasioned by unforeseen hazards of life in a complex society, it engages itself in giving relief and helps the citizenry towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution on authority of numerous state functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs in an age of science and technology. The aggregate of such functionaries is an essential component of modern administration.

A formidable body of law has come into existence for the purpose of exercising control over administration. For long administrative lawyers have primarily been concerned with such matters as excess or abuse of power, maladministration and abuse of discretion. However, in recent years there has been a shift in emphasis from finding what the administration may not do to what it must do. The courts in India, no doubt, strike down administrative acts which are ultra vires or in violation of procedural norms; however, not much has so far been achieved in compelling the administration to perform statutory duties, though a beginning has been made in respect of matters relating to fundamental human liberties. Most of the statutory duties imposed on administrative agencies or authorities remain largely in the realm of discretion.

A course on administrative law must, therefore, lay emphasis on understanding the structure and modus operandi of administration. It must take note of developmental perspectives and attainment of social welfare objectives through

bureaucratic process. It should go into matters, which facilitate or hinder the attainment of these objectives.

Though in the matter of protection of rights of individuals against administration the role of courts can not be minimized, it is no less important to know the advantages of informal methods of settlement. Many new methods of grievance redressed have been devised which are not only efficacious but also inexpensive and less time consuming.

Remedies available for administrative deviance need a critical study and evaluation in the context of realities.

## 1. Evolution, Nature and Scope of Administrative Law

### 1.1 From a laissez-faire to a social welfare state

#### 1.1.1 State as regulator of private interest

#### 1.1.2 State as provider of services

#### 1.1.3 Other functions of modern state relief welfare

### 1.2 Evolution of administration as the fourth branch of government - necessity for delegation of powers on administration.

### 1.3 Evolution of agencies and procedures for settlement of disputes between individual and administration

#### 1.3.1 Regulatory agencies on the United States

#### 1.3.2 Conseil d Estate

#### 1.3.3 Tribunalization in England and India

### 1.4 Definition and scope of administrative law

### 1.5 Relationship between constitutional law and administrative law

### 1.6 Separation of powers

### 1.7 Rule of law

## 2. Civil Service in India

### 2.1 Nature and organization of civil services ; from colonial relics to democratic aspiration

### 2.2 Powers and functions

- 2.3 Accountability and responsiveness ; Problems and perspectives
- 2.4 Administrative deviance-corruption, nepotism, mal-administration.
- 3. Legislative Powers of Administration
  - 3.1 Constitutionality for delegation of legislative power
  - 3.2 Constitutionality of delegated legislation — powers of exclusion and inclusion and power to modify statute
  - 3.3 Requirements for the validity of delegated legislation
    - 3.3.1 Consultation of affected interests and public participation in rule-making
    - 3.3.2 Publication of delegated legislation
  - 3.4 Administrative directions, circulars and policy statements
  - 3.5 Legislative control of delegated legislation
    - 3.5.1 Laying procedures and their efficacy
    - 3.5.2 Committees on delegated legislation-their constitution, function and effectiveness
    - 3.5.3 Hearings before legislative committee
  - 3.6 Judicial control of delegated legislation
  - 3.7 Sub-delegation of legislative powers
- 4. Judicial Powers of Administration
  - 4.1 Need for devolution of adjudicatory authority on administration
  - 4.2 Administrative tribunals and other adjudicating authorities : their ad-hoc character
  - 4.3 Tribunals-need, nature, constitution, jurisdiction and procedure
  - 4.4 Jurisdiction of administrative tribunals and other authorities
  - 4.5 Distinction between quasi-judicial and administrative functions
  - 4.6 The right to hearing — essentials of hearing process
    - 4.6.1 No man shall be judge in his own cause
    - 4.6.2 No man shall be condemned unheard
  - 4.7 Rules of evidence — no evidence, some evidence and substantial evidence rules

4.8 Reasoned decisions

4.9 The right to counsel

4.10 Institutional decisions

4.11 Administrative appeals

5. Judicial Control of Administrative Action

5.1 Exhaustion of administrative remedies

5.2 Standing : standing for Public interest litigation (social action litigation)

collusion, bias

5.3 Laches

5.4 Res Judicata

5.5 Grounds

5.5.1 Jurisdictional error/ultra vires

5.5.2 Abuse and non exercise of jurisdiction

5.5.3 Error apparent on the face of the record

5.5.4 Violation of principles of natural justice

5.5.5 Violation of public policy

5.5.6 Unreasonableness

5.5.7 Legitimate expectation

5.6 Remedies in judicial Review

5.6.1 Statutory Appeals

5.6.2 Mandamus

5.6.3 Certiorari

5.6.4 Prohibition

5.6.5 Quo-Warranto

5.6.6 Habeas Corpus

5.6.7 Declaratory judgments and injunction

5.6.8 Specific performance and civil suits for compensation

6. Administrative Discretion

6.1 Need for administrative discretion

6.2 Administrative discretion and rule of law

6.3 Limitations on exercise of discretion

6.3.1 Malafide exercise of discretion

6.3.2 Constitutional imperatives and use of discretionary authority

6.3.3 Irrelevant Considerations

6.3.4 Non-exercise of discretionary power

7. Liability for wrongs (Tortious and Contractual)

7.1 Tortious liability : sovereign and non-sovereign functions

7.2 Statutory immunity

7.3 Act of state

7.4 Contractual liability of government

7.5 Government privilege in legal proceedings-state secrets, public interest

7.6 Transparency and right to information

7.7 Estoppel and waiver

8. Corporations and Public Undertakings

8.1 State monopoly-remedies against arbitrary action or for acting against public policy

8.2 Liability of public and private corporations-departmental undertaking

8.3 Legislative and governmental control

8.4 Legal remedies

8.5 Accountability-Committee on Public Undertaking, Estimates Committee, etc.

9. Informal methods of settlement of disputes and grievance redressal procedures

9.1 Conciliation and mediation through social action groups

9.2 Use of media, lobbying and public participation

9.3 Public inquiries and commissions of inquiry

9.4 Ombudsman Lok Pal, Lok Ayukta

9.5 Vigilance Commission

## 9.6 Congressional and Parliamentary Committee

### Selected Bibliography

C.K. Allen, Law & orders (1985)

D.D. Basu, Comparative Administrative Law (1998)

MA. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000) Butterworths — India

Franks, Report of the Committee on Administrative Tribunals and Inquiries, HMSO, 1959

### Leading Cases

1. Han Shankar Bagla and Other V/s. State of M.P. AIR 1954SC 465

2. Hamdard Dawakhana and others V/s. Union of India (AIR 1960 SC 554)

3. Bhagat Raja V/s. Union of India AIR 1967 SC 1607

### Books Recommended —

1. C.K. Allen, Law and Order (1985)

2. D.D. Basu, Comparative Administrative Law (1998)

3. MA. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000)

4. Wade, Administrative Law

5. I.C. Gamer, Administrative Law

6. M.P. Jam, Cases and Materials on Administrative Law

7. Jam and Jam, Principles of Administrative Law

8. S.P. Sathe, Administrative Law

9. Dc. Smith, Judicial Review of Administrative Action

10. B. Schwartz, An Introduction to American Administrative Law,

## **LL.B. Fourth Semester IV 80404**

### **Paper—XVI**

#### **Civil Procedure Code and Limitation Act 7846**

##### Objective of the Course

Civil Procedure Code is a subject of daily use by the courts and lawyers and a student cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. True that it IS through experience one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before one enters the profession. While the substantive law determines the rights of parties, procedural law sets down the norms for enforcement, Whenever civil rights of persons are affected by action, judicial decisions will supply the omissions in the law.

The Code of Civil Procedure in India has a chequered history lays down the details of procedure for redressal of civil rights. Many questions may prop up when one goes to indicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for institution of suit, the documents in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a -decree and provisions for appeal and revision are all matters which a lawyer for any side is to be familiar with.

A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agiltating the matter on time, may place courts in a precarious situation. They may not be a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed.

##### 1. Introduction

###### 1.1 Concepts

1.1.1 Affidavit, order, judgment, decree, plaint restitution, execution, decree-holder, judgement-debter mesne profits, written statement

1.1.2 Distinction between decree and judgment and between decree and order.

## 2. Jurisdiction

### 2.1 Kinds

#### 2.1.1 Hierarchy of Courts

### 2.2 Suit of civil nature

### 2.3 Res-subjudice and Resjudices

### 2.4 Foreign judgement — enforcement

### 2.5 Place of suing

### 2.6 Intitution of suit

2.6.1 Parties to suit: joinder, mis-joinder or non-joinder of parties : Representative suit.

#### 2.6.1.1 Frame of suit: Cause of action

#### 2.6.2 Alternative disputes resolution (ADR)

#### 2.6.3 Summons

## 3. Pleadings

### 3.1 Rules of pleading Signing and verification

#### 3.1.1 Alternative pleadings

#### 3.1.2 Construction of pleadings

### 3.2 Plaint : Particulars

#### 3.2.1 Admission, return and rejection

### 3.3 Written statement : particulars, rules of evidence

#### 3.3.1 Set off and counter Claim: distmction

### 3.4 Discovery, inspection and production of documents

#### 3.4.1 Interrogatories

#### 3.4.2 Privileged documents .

#### 3.4.3 Affidavits

## 4. Appearance, examination and trial



4.1 Appearance

4.2 Ex-Parte procedure

4.3 Summary and attendance of witnesses

4.4 Trial

4.5 Adjournments

4.6 Interim orders : Commission, arrest of attachment before judgement, injunction and appointment of receiver

Interests and costs

Execution

The Concept

General Principles

Power for execution of decrees

Procedure for execution (ss. 55-54)

Enforcement, arrest and detection (ss.55.59)

Attachment (ss. 60-64)

Sale (ss. 65-67)

Delivery of property

Stay of execution

Suits in particular cases

By or against government (ss.79-82)

By alienee and by or against foreign rules or ambassadors (ss.83—87A)

Public nuisance (ss. 91-93)

Suits by or against firm

Suits in forma pauperis

Mortgages

Interpleader Suits

Suits relating to public charties

7. Appeals

7.1 Appeals from original decree

7.2 Appeals from appellate decree

7.3 Appeals from orders

7.4 General provisions relating to appeal

7.5 Appeal to the Supreme Court

8. Review, Reference and revision

9. Miscellaneous

9.1 Transfer of cases

9.2 Restitution

9.3 Caveat

9.4 Inherent powers of courts

10. Law reform: Law commission on Civil Procedure-Amendments

11. Law of Limitation

11.1 The concept — The law assists the vigilant and not those who sleep over the rights

11.2 Object

11.3 Distinction with laches, acquiescence, presumption

11.4 Extension and suspension of limitation

11.5 Sufficient cause for not fitting the proceedings

11.5.1 Illness

11.5.2 Mistaken legal advice

11.5.3 Mistaken view of law

11.5.4 Poverty, minority and Purdha

11.5.5 Imprisonment

11.5.6 Defective vakalatnama

11.6 Legal liabilities

11.7 Foreign rule of limitation : Contract entered into under a foreign law

11.8 Acknowledgement — essential requisites

11.9 Continuing tort and continuing breach of contract

Leading Cases

1. Deaki Nandan V/s. Murlidhar (AIR 1957 SC 550)
2. The Virathi Nager Steel Mills Ltd V/s. State of madras (AIR 1968 SC 1196)
- Chhajju RamV/s. Neki Ram and Others (AIR 1922 PC 112)

### **Selected Bibliography**

1. Mulla, code of civil Procedure (1999) Universal Delhi
2. C.K. Thacker, Code of Civil Procedure
3. MR. Mallick (ed.) B.B. Mitra on Limitation Act
4. Majumdar P.K. and Kataria PP. C.P.C.
5. SahaA.N.(C.P.C.)
6. Sarkar Law of Civil Procedure
7. Universal Code of Civil Procedure

## **LL.B. Fourth Semester**

### **Paper — XVII**

#### **Law of Evidence 7847**

##### Objective of the course

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the forum.. This paper enables the student to appreciate the concepts and principles imderlying the law of evidence and identify the recognized forms of evidence and its sources. The subjects seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics. The concepts in by amendment to the law of evidence are significant parts of study in this course

##### Syllabus

###### 1. Introductory

1.1 The main features of the Indian Evidence Act (1861)

1.2 Other acts which deal with evidence (Special reference to CPC, CrPC)

1.3 Problem of applicability of Evidence Act

1.3.1 Administrative

1.3.2 Administrative Tribunals

1.3.3 Industrial Tribunals

1.3.4 Commissions of Enquiry

1.3.5 Court-Martial

1.4 Disciplinary authorities in educational institutions

###### 2. Central Conceptions in Law of Evidence

2.1 Facts : section 3 definition : distinction — relevant facts/facts in issue

2.2 Evidence: oral and documentary

2.3 Circumstantial evidence and direct evidence

2.4 Presumption (Section 4)

2.5 Proving not providing and disproving

## 2.6 Witness

## 2.7 Appreciation of evidence, V

## 3. Facts Relevancy'

### 3.1 The Doctrine of register (section 6,7,8,10)

### 3.2 Evidence of common intention (Section 10)

### 3.3 The problems of relevancy of Otherwise irrelevant facts (Section 11)

### 3.4 Relevant facts for proof of custom (Section 13)

### 3.5 Facts concerning bodies & Mental state (Section 14, 15)

## 4. Admissions and confessions

### 4.1 General principles concerning admission (Section 17, 23)

### 4.2 Differences between admission and confession

### 4.3 The problems of non-admissibility of confessions caused by any inducement threat or promise (Section 24)

### 4.4 inadmissibility of confession made before a police officer (Section 25).

### 4.5 Admissibility of custodial confessions (Section 26)

### 4.6 Admissibility of information received from accused person in custody with special reference to the problem of discovery based on joint statement (Section 27)

### 4.7 Confession by co-accused (Section 30)

### 4.8 The problems with the judicial based on a retracted confession

## 5. Dying declarations

### 5.1 The justification for relevance on dying declarations (Section 32)

### 5.2 The judicial' standards for appreciation of evidentiary value of dying declarations

## 6. Other Statement by Persons who cannot be called as Witnesses

### 6.1 General principles

### 6.2 Special problems concerning violation of women's rights in marriage in the law of evidence

## 7. Relevance of Judgement

### 7.1 General principles

### 7.2 Admissibility of judgements in civil and criminal matters (Section 43)

### 7.3 Fraud and Collusion (Section 44)

## 8. Expert Testimony

### 8.1 General principles

### 8.2 Who is an expert ? Types of expert evidence

### 8.3 Opinion on relationship especially proof of marriage (Section 50)

### 8.4 The problems of judicial defence to expert testimony

## 9. Oral and Documentary Evidence

### 9.1 General principles concerning oral evidence (Section 59-60)

### 9.2 General principles concerning Documentary Evidence (Section 67-90)

### 9.3 General Principles Regarding Exclusion of Oral by Documentary Evidence

### 9.4 Special problems re-hearing evidence

### 9.5 Issue estoppel

### 9.6 Tenancy estoppel (Section 116)

## 10. Witnesses, Examination and Cross Examination

### 10.1 Competency to testify (Section 118)

### 10.2 State privilege (Section 118)

### 10.3 Professional Privilege (Section 126, 127, 128)

### 10.4 Approval testimony (Section 133)

### 10.5 General principles of examination and cross examination (Section 135-166)

### 10.6 Leading questions (Section 141-143)

### 10.7 Lawful questions in cross-examination (Section 146)

### 10.8 Compulsion to answer questions put to witness

### 10.9 Hostile witness (Section 154)

### 10.10 Impeaching of the standing of credit of witness (Section 155)

## ii. Burden of Proof

### 11.1 The General Conception of onus probandi (Section 101)

### 11.2 General and Special Exceptions to onus Probandi

### 11.3 The Justification of presumption and of the doctrine of judicial notice

### 11.4 Justification as to presumptions as to certain offences (Section 113-A)

### 11.5 Presumption as to dowry death (Section 113-B)

### 11.6 The Scope of the doctrine of judicial notice (Section 114)

## 12. Estoppel

12.1 Why estoppel ? The rationale (Section 115)

12.2 Estoppel, res judicata and waiver and presumption

12.3 Estoppel by deed

12.4 Estoppel by conduct

12.5 Equitable and promissory estoppel

12.6 Questions of corroboration (Section 156-157)

12.7 Improper admission and of witness in civil and criminal cases

### Selected Bibliography

Sarkar and Manohar, Sarkar of Evidence (199), Wadha & Co. Nagpur

Indian Evidence Act, (Amendment up to d&e)

Rattan Lal, Dhiraj Law; Law of Evidence (1994), Wadhwa, Nagpur

Potein Murphy, Evidence (5t Edn. Reprint 2000), Universal Delhi

Albert S Osborn, The Problem of Proof (First Indian Reprint 1993) Universal  
Delhi

Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency,  
New Delhi

### Leading Cases

1. Balkishan Das V/s. Leggé (ILR 22A 149)

2. Bhawani Sahu V/s. K.E. (AIR 1949 P.C.. 257)

3. Deaman Upadhyay V/s. State of U.P. (AIR 1960 S.C. 1125)

4. Palvinder Kaur V/s. State of Punjab (AIR 1952 SC 359)

**LL.B. Fourth Semester**  
**Paper — XVIII**  
**Environmental Law 7848**

Objective of the course

The Environment law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues relate to problematic about construction of a just, humane and healthy society. Secondly, environmental law necessarily demands an inter-disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology-related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environment law is essential.

1. Concept of environment and Pollution

1.1 Environment

1.1.1 Meaning and contents

1.2. Pollution

1.2.1 Meaning

1.2.2 Kinds of Pollution

1.2.3 Effects of pollution

2. Legal control: Historical perspectives

2.1 Indian tradition Dharma of environment

2.2 British Raj — industrial development and exploitation of nature

2.2.1 Nuisance : penal code and procedural codes



## 2.3 Free India — Continuance of British influence

### 2.3.1 Old laws and new interpretations

## 3. Constitutional Perspectives

### 3.1 Constitution making — development and property oriented approach

### 3.2 Directive principles

#### 3.2.1 Status, Role and interrelationship with fundamental rights and fundamental duties

### 3.3 Fundamental Duty

#### 3.3.1 Contents

#### 3.3.2 Judicial approach

### 3.4 Fundamental Rights

#### 3.4.1 Rights to clean and healthy environment

#### 3.4.2 Right to Education

#### 3.4.3 Right to information

#### 3.4.4 Environment V. Dvelopment

### 3.5 Environment agencies and remedies

#### 3.5.1 Courts

#### 3.5.2 Tribunal

#### 3.5.3 Constitutional, statutory and judicial remedies

### 3.6 Emerging principles

#### 3.6.1 Polluter pays public liability insurance

#### 3.6.2 Precautionary principle

#### 3.6.3 Public trust doctrine

#### 3.6.4 Sustainable development

## 4. Water and Air Pollution

### 4.1 Meaning and standards

### 4.2 Culprits and victims

### 4.3 Offences and penalties

### 4.4 Judicial approach

## 5. Noise Pollution

### 5.1 Legal control

### 5.2 Courts of balancing: Permissible and impermissible noise

## 6. Environment Protection

### 6.1 Protection agencies : power and functions

### 6.2 Protection : means and sanctions

### 6.3. Emerging protection through delegated legislation

#### 6.3.1 Hazardous waste,

#### 6.3.2 Bio-Medical Waste

#### 6.3.3 Genetic engineering

#### 6.3.4 Disaster emergency preparedness

#### 6.3.5 Environment impact assessment

#### 6.3.6 Coastal zone management

#### 6.3.7 Environmental audit and eco mark

### 6.4 Judiciary : complex problems in administration of environmental justice

## 7. Town and country planning

### 7.1 Law : Enforcement and constrain

### 7.2 Planning —management policies

## 8. Forest and greenery

### 8.1 Greenery conservation laws

### 8.2 forest conservation

#### 8.1.2 Conservation agencies

#### 8.1.3 Prior approval and non-forest purpose

#### 8.1.4 Symbiotic relationship and tribal people

#### 8.1.5 Denudation of forest :judicial approach

### 8.2 Wild life

#### 8.2.1 Sanctuaries and national parks

#### 8.2.2 Licensing of zoos and parks

#### 8.2.3 State monopoly in the sale of wild life and wild life articles

## 8.2.4 Offences against wild life

## 9. Bio-diversity

### 9.1 Legal control'

### 9.2 Control of eco-unfriendly experimentation on animals, plants, seeds and micro organism

## 10. International regime

### 10.1 Stockholm conference

### 10.2 Green house effect and ozone depletion

### 10.3 Rio conference

### 10.4 Bio-diversity

### 10.5 U.N. declaration on right to development

### 10.6 Wetlands

## Leading Cases

1. Pyarelal V/s. State of Delhi Administrative AIR 1995 SC 1159

2. A.P. Pollution Control Board V/s. Prof M.V. Naidu (Retd) and Others AIR 1999 SC 8712

3. Centre for Environmental law wwf-1 V/s. Union of India and Others AIR 1999 SC 354

## Select Bibliography

Aarmin Resencranz, et al (eds) Environmental Law and policy in India, (2000) Oxford

R.B. Singh & Suresh Mishra Environmental law in India (1996) Concept Publishing Co. New Delhi

Kailash Thakur, Environmental Protection law and policy in India (1997) Deep and Deep publications, New Delhi

Richard L Riversz, et al (eds) Environmental law, the Economy and Sustainable Development (2000). Cambridge

Christopher D Stone. Should Trees Have Standing and other Essays on Law, Morals and Environment (1996) Oceana

Leelakrishanari P. et al (eds) Law and Environment (1990) Eastern, Lucknow

Leelakrishanan P. The Environmental Law in India (1999) Butterworths-India

Department of Science and Technology, Government of India, Report of the

Committee for Recommending Legislative measures and administrative

Machinery for Ensuring Environmental Protection, (1980), (Tiwari Committee

Report)

Indian Journal of Public Administration, Special Number on Environment and

Administration, July-September 1988, Vol.XXXV No.3, PP. 353-801

Centre for Science and Environment. The State of India's Environment 1982.

The State of India's Environment 1984-85 and The State of Indian Environment

1999-2000

World Commission on Environment and Development, Our Common Future

(1987) Oxford

## **LL.B. Fourth Semester**

### **Paper - XIX**

#### **Public International Law 7849**

1. Nature, origin and basis of international law various theories and schools
2. Sources of international law
3. History and development of International law
4. Codification of International Law
5. Relationship between International Law and Municipal Law
6. Law of Peace — Nature of state and different kinds of states and non-state entities — subjects of International Law and Place of individual in international Law — Human rights — state responsibility — Recognition — State Succession — Intervention — State Jurisdiction — State Territory including modes of acquisition and loss of state territory — The law of the sea — piracy -- air Law including Air craft Hijacking — outer space — Nationality — Extradition- Asylum — Treatments of aliens
7. International Transactions — Diplomatic Agents — Treaties
8. International organizations-definition, functions and evolution of international organizations-league of nations-origin, purpose, principles, membership etc. of the united nations-The general assembly of the united nations security council — secretariat-the Economic and social council-The Trusteeship council-International court of justice — collective security — Regionalism regional arrangements — maintenance of international peace and security — the specialized agencies — Disarmament — comparison of the U.N. and the league of the nations and evaluation of the work of the U.N.
9. Law of War
  - 9.1 Settlement of International Disputes
  - 9.2 War, Its legal character and effects

9.3 Enemy character — Law of land warfare — belligerent occupation — Law of maritime warfare — Law of Aerial Warfare

War crimes-Neuremberg, Tokyo, Peleus, Eichmann and other war crime trials

Genocide — Termination of war and postiliminium

10. The law of Neutrality — Neutrality, Jus angwiiæ or privilege of angway — contraband and doctrine of continuous vorage — blockade- unneutral service and right of visit and search — price courts

11. Human Rights

Leading Cases

1. Nurembarg Trial (1946 C.M.D. 6964)

2. Daimlar Co. Ltd, V/s. Continental Tyre and Rubber Co. Ltd. (1916, 3 AC. 13)

3. Jamora (C 1996) 20 A Cn)

Books Recommended —

1. M.P. Tondon — international Law

2. J.D. Jam — International Law

3. S.K. Kapoor — International Law

4. Jai Jai Ram Upadhyay — Human Rights

**LL.B. Fourth Semester**

**Paper—XX**

**Labour Law —II 7850**

The course shall comprise of the following —

1 Employees state Insurance Act, 1948

1.1 Historical Development

1.2 Important definitions and object of the Act

1.3 Employment injury

1.4 Liability of the employers for accidents during and in the course of employment

1.5 Various benefits available under the Act

1.6 Constitution,. Jurisdiction and powers of employees state insurance court

2. The Minimum Wages Act, 1948.

2.1 Object, Constitutional validity and salient features of the Act.

2.2 Important Definitions

2.3 Fixation of minimum rates of wages

3. The Payment of wages Act, 1936.

3.1 Scope and applicability of the Act

3.2 Important Definitions

3.3 Payment of wages and deductions from wages

3.4 Authorities under the Act

4. The Factories Act, 1948

4.1 Important Definitions

4.2 Inspecting Staff

4.3 Health, safety and welfare measures

4.4 Working hours of adults c

4.5 Employment of young persons

4.6 Annual leave with wages

**LL.B. Fifth Semester 80405**

**Paper — XXI**

**Interpretation of Statutes 8841**

1 Principles of Legislation

1.1 Law making — the legislation, executive and the judiciary

1.2 Principle of utility

1.3 Relevance of John Rawls and Robert Nozick — Individual interest to community interest

1.4 Operation of these principles upon legislation

1.5 Distribution between morals and legislation

2. Interpretation of statutes;

2.1 Meaning of the Term Statutes

2.2 Commencement operation and repeal of statutes

2.3 Purpose of interpretation of statutes

3. Aids to interpretation

3.1 Internal aids

3.1.1 Title

3.1.2 Preamble

3.1.3 Headings and marginal notes

3.1.4 Sections and sub-sections

3.1.5 Punctuation marks

3.1.6 Illustrations, exceptions, provisos and saving clauses

3.1.7 Schedules

3.1.8 Non-obstante clause

3.2 External aids

3.2.1 Dictionaries

3.2.2 Translations

3.2.3 Travaux Preparatoires



3.2.4 Statutes in pan material

3.2.5 Contemporanea Exposito

3.2.6 Debates inquiry commission reports and law commission reports

4. Rules of Statutory Interpretation

4.1 Primary Rules

4.1.1 Literal Rule

4.1.2 Golden rule

4.1.3 Mischief Rule (rule in the Heydon's case)

4.1.4 Rule of Harmonious construction

4.2. Secondary Rules

4.2.1 Nositur a sociis

4.2.2 Eiusdem Generis

4.2.3 Reddendo singula singulis

5. Presumptions in statutory interpretation

5.1 Statutes are valid

5.2 Statutes are territorial in operation

5.3 Presumption as to jurisdiction

5.4 Presumption against what is inconvenient or absurd

5.5 Presumption against intending injustice

5.6 Presumption against impairing obligations or permitting advantage from one's own wrong.

5.7 Prospective operation of statutes

6. Maxims of Statutory Interpretation

6.1 Delegatus non potest delegare

6.2 Expressio unius exclusion alterius

6.3 Generalia specialibus non derogant

6.4 In pan delicto potior est condition possidentis

6.5 Utres valet potior quam pareat

6.6 Expresum facit cassare facitum

6.7 In bonam partem

7. Interpretation with reference to the subject matter and purpose

7.1 Restrictive and beneficial construction

7.1.1 Taxing statutes

7.1.2 Penal Statutes

7.1.3 Welfare Legislation

7.2 Interpretation of substantive and adjunctival statutes

7.3 Interpretation of directory and mandatory provisions

7.4 Interpretation of enabling statutes

7.5 Interpretation of codifying and consolidating statutes

7.6 Interpretation of statutes conferring rights

7.7 Interpretation of statutes conferring powers

8. Principles of constitutional interpretation

8.1 Harmonious construction

8.2 Doctrine of pith and substance

8.3 Colourable legislation

8.4 Ancillary powers

8.5 Occupied field

8.6 Residuary power

8.7 Doctrine of repugnancy

Selected bibliography

G.P. Singh, Principles of Statutory interpretation, (7t Edition) 1999, Wadhwa,  
Nagpur

P.St. Langan (Ed) Maxwell on the Interpretation of Statutes (1976) N.M.  
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Co. Allahabad

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#### Leading Cases

1. M. Venugopal V/s. Divisional Manger L.I.C. of India (1994, S SCJ 62)
2. H.S. Atwal and others v/s. Union of India & Others 1994, 3SCJ 321

## **LL.B. Fifth Semester**

### **Paper — XXII**

#### **Criminology and Penology 8842**

##### Objective of the course

The course is designed to acquaint students with Advances made by sociology and psychiatry in understanding human behaviour, particularly, deviant behaviour. In the past criminality was confined to acts of violence or unlawful acts of commission or omission. Thus the purpose behind criminality in the past was to do acts of revenge or to commit it for personal gain. The concept of crime has changed considerably in recent years. Unscrupulous members of society to indulge in anti-social behaviour with impunity have devised sophisticated methods. The perpetrators of crime include persons in high places, public officials public and private enterprise against whom it is difficult to procure conviction under the traditional criminal law process due to abuse of power or power of the purse. Criminal gangs have come on the scene and indulge in offences such as smuggling illegal trafficking in drugs and bootlegging, Communal and cast warfare has been a recurring phenomenon in recent times and the enormity of suffering of innocent persons has necessitated re-examination of our pre-conceived notions regarding the causes of crime and the methods used for its prevention and control. In view of the magnitude of the problem the existing machinery for control of crime, namely the police and the courts have come under severe criticism

Emphasis will be laid on understanding the weak and strong points of the existing system in order to determine whether it can meet the challenge and carry new burdens. Much has been said against capital punishment and imprisonment as methods of preventing and control of crime. Nevertheless these continue to be the backbone of the system in India. Several alternatives such as conditional release, parole and commutation of sentences have been suggested in this regard. The course shall dwell on these themes with a view to develop among students a

greater understanding of social costs of crime and the effective ways of lessening them.

Rehabilitation process is undoubtedly an important component of criminal justice system. The advance made in this respect in developed countries will be discussed to create awareness among the students of the problems in the context of Indian conditions

## Syllabus

### 1. Dimensions of Crime in India

#### 1.1 Nature and extent of crime in India

#### 1.2 General approaches to crime control

#### 1.3 Crimes of the powerful

##### 1.3.1 Organised crime-smuggling traffic in narcotics

##### 1.3.2 White collar crime — Corruption in public life

##### 1.3.3 Socio-Economic crime; Adulteration of foods and drugs fraudulent trade practices.

##### 1.34 Crimes in the professions — Medical, legal engineering

##### 1.3.5 Criminality by agencies of the state

#### 1.4 Perpetrators of ordinary crime

##### 1.4.1 The Situational Offender

##### 1.4.2 The Chronic offender

##### 1.4.3 Criminality of women

##### 1.4.4 Young offenders

##### 1.4.5 Criminal gange

### 2. Causes of criminal behaviour

#### 2.1 Nature of the problem; Some unscientific theories

#### 2.2 The constitutional school of criminology — Lomborso and others (heredity and mental retardation as causes of crime)

#### 2.3 Sociological theories anomies

- 2.4 Modern sociological theories ; Sutherland's differential association theory  
Reckless's social vulnerable theory
- 2.5 Economic theories and their relevance
- 2.6 Environment —home and community influences, urban and rural crimes
- 2.7 The ghetto, broken homes, the effect of motion pictures, TV. and Video, Press, narcotics and alcohol
- 2.8 Caste and community tensions : Caste wars and communal riots - their causes and demoralizing effects: atrocities against scheduled castes.
- 2.9 Emotional disturbance and other psychological factors
- 2.10 Multiple causation approach to crime
- 3. Police and the criminal justice
  - 3.1 The police system
  - 3.2 Structural organization of police at the centre and the states
  - 3.3 Mode of recruitment and training
  - 3.4 Powers and duties of police under the police acts, criminal procedure code and other laws
  - 3.5 Arrest search and seizure and constitutional imperatives
  - 3.6 Methods of police investigation
  - 3.7 Third degree methods
  - 3.8 Corruption in police
  - 3.9 Relationship between police and prosecution
  - 3.10 Liability of police for custodial violence
  - 3.11 Police public relations
  - 3.12 Select aspects of National Police Commission report
- 4. Punishment of Offenders
  - 4.1 Some discarded modes of punishment
    - 4.1.1 Corporal punishment; whipping and flogging: mutilation and branding
    - 4.1.2 Transportation

#### 4.1.3 Public execution

### 4.2 Punishments under the Indian criminal law

#### 4.2.1 Capital punishment

#### 4.2.2 Imprisonment

#### 4.2.3 Fine

#### 4.2.4 Cancellation or withdrawal of licences

### 4.3 The prison system

#### 4.3.1 Administrative organization of prisons

#### 4.3.2 Mode of recruitment and training

#### 4.3.3 The jail manual

#### 4.3.4 Powers of prison officials

#### 4.3.5 Prisoners classification-male, female: juvenile and adult : undertrial and convicted prisoners

#### 4.3.6 Constitutional imperatives and prison reforms

#### 4.3.7 Prison management : prisoners right and security compulsions

#### 4.3.8 Open prisons

#### 4.3.9 Prison Labour

#### 4.3.10 Violation of Prison code and its consequences

### 4.4 Appraisal of imprisonment as a mode of punishment

## 5. Treatment of Correction of Offenders

### 5.1 The need for reformation and rehabilitation of offenders undergoing punishment imprisonment

### 5.2 Classification of offenders through modern diagnostic techniques.

### 5.3 The role of psychiatrists, psychoanalysts and social workers in the prison

### 5.4 Vocational and religious education and apprenticeship programs for the offenders

### 5.5 Group counselling and re-socialisation programmes

### 5.6 Prisoners organizations for self-government.

### 5.7 Participation of inmates in community Services

5.8 An appraisal of reformative techniques..

5.9 Efficacy of imprisonment as a measure to combat criminally and the search for substitutes

6. RE-Socialisation Processes

6.1 Parole

6.1.1 Nature of Parole

& 1.2 Authority for granting parole

6.1.3 Supervision of parolees

6.1.4 parole and conditional release

6.2 Release of the offender

6.2.1 Problems of the released offender

6.2.2 Attitudes of the community towards released offenders

6.2.3 Prisoner aid societies and other voluntary organisations

6.2.4 Governmental action

6.2.5 An appraisal

Selected bibliography

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D Abrahansen, David: Crime and the Human Mind (1979)

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and Krishna Iyer Report on Female Prisoners (1983)

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P. Rajgopal, Violence and Response : A Critique of Indian Criminal Justice  
System

## **LLB. Fifth Semester**

### **Paper— XXIII**

#### **Land Laws including Tenure and Tenancy System 8843**

I. UP. Zamindari Abolition and Land Reforms Act, 1950

I General introduction and Definitions (Sec 1- 3)

2. Acquisition of the interests of Intermediaries and its consequences (sec 4-26)

3. Evacuee property (Sec 26-A and 26-B)

4. Mines and Minerals (Sec 106-112)

5. Gaon Sabhas and Land Management Committees,

(Sec 117, 117-A, 119, 122-A— 127, 127-B, 127-C, 128)

6. Tenure —Classes of Tenure, Transfer Prevention of fragmentation, Devolution, Division, Surrender, abandonment, extinction and acquisition, Ejectment, Rent, and Miscellaneous

7. Conferment of Sirdari rights on Adhivasi

8. Land Revenue and its collection

9. Miscellaneous (Sec, 3 19-344)

10. U.P. Land Revenue Act, III 1901

11. Tenancy

Leading Cases

1. Ghanshyam Das V/s. Dcvi Prasad & Others (AIR 1966 SC 1998)

2. Rudra PRatap and Others V/s. Board of Revenue and Others (AIR 1975 All 125)

3. Ramji Dixit V/s. Birju and Others (AIR 1968 SC 1058)

4. Smt. Santoshi V/s. U.P. State (1968 RD 289)

## **LL.B. Fifth Semester**

### **Paper - XXIV**

#### **Drafting Pleading and Conveyance (Clinical Paper I) 8844**

Outline of the course

1. Drafting — General principles of drafting and relevant substantive rules shall be taught.

2. Pleading— Civil - Complaint, Written Statement, Interlocutory, Application, Original Petition under Article 226 and 32 of the Constitution of India

Criminal : Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision

Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.

Drafting of writ petition and PIL petition

The course will be taught class instructions and simulation exercise preferably with assistance of practising lawyers/retired judges

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercise in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyanceing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voice

**LL.B. Fifth Semester**

**Paper — XXV**

**Professional Ethics & Professional Accounting system (Clinical Paper-II)**

**8845**

Outline of the course — Professional Ethics, Accountancy for lawyers and Bar-Bench Relations

This course will be taught in association with practising lawyers and Bar-Bench Relations

1. Mr. Krishnamurthy liyer's book on Advocacy
2. The Contempt law and practice
3. The Bar Council Code of Ethics
4. 50 Selected opinions of the Disciplinary committees of bar Councils and 10 major judgement of the supreme court on the subject
- 5, Other reading materials as may be prescribed by the University Examination rules of the University shall include assessment through case-study, viva and periodical problem solution besides the written tests.

**LL.B. Sixth Semester 80406**

**Paper — XXVI**

**Women and Criminal Law 8846**

The course shall comprise of the following

i. Criminal Law —

a. Dowry death

b. Rape

c. Bigamy d. Adultery

e. Cruelty to married women

f. Sexual Harassment and Eve-teasing

ii. Prohibition of dowry Act, 1961

iii. The protection of women from domestic violence Act, 2005

## **LL.B. Sixth Semester**

### **Paper - XXVII**

#### **Intellectual Property Law 8847**

##### Objectives of the Course

The importance of this branch of the law is to be sufficiently realized in the Indian legal education. Gompendious courses on the law of copyright, trademarks and patents are offered in few law schools as optional courses, but these do not either integrate the significance of these subject matters under any comprehensive aspect of 'modernisation' or development' not do they spread even emphasis between and among the subject areas represented by these interconnected bodies of the law.

The three areas are now internationally conceptualised as representing intellectual property. It is often the case that while the law of patents and trademarks to as industrial property, the law relating to copyright is nanied intellectual property. While both these could be suitably invoked, we have speak of intellectual property as signifying all the three bodies of the law as well as the law on industrial designs.

Unlike other forms of property, intellectual property refers to regimes of legal recognition of primarily, the products of the mind or imagination. The subject matter of property relations is here preeminently based on mental labour, The law relating to intellectual property protects the right to mental labour.

The law confers rights of proprietary natures on relative intellectual labour primarily on the basis that it is in the interests of society and state to promote creativeness and inventiveness. Limited monopoly provides incentive for greater inventive and innovative efforts in society. An important aspect of the exploration in this course would be the ways in which the laws strike a fair balance between the interests and rights of the intellectual labourers on the one hand and organized industrial enterprises on the other. Another dimension is a study of the ways in which this regime of laws militates against, or favours, community property in national cultures.

As concerns 'modernization' crucial questions arise in the field of copyright protection in computer software and hardware, internet, electronic music and scientific research. Both copyright, trademarks, design and patent law here relate basically to the law of unfair competition and constitute an aspect of consumer protection and welfare not only in the context of national perspectives but also in view of the waves of globalization already set in. Both from the standpoint of human resources development, modernization and justice it is important that the curricular change takes serious notice of these areas.

## Syllabus

### 1. Introductory

#### 1.1 The meaning of Intellectual property

#### 1.2 Competing rationales of the legal regimes for the protection of intellectual property

#### 1.3 The main forms of intellectual property Copyright trademarks, patents, designs.

#### 1.4 The competing rationales for protection of right in

##### 1.4.1 Copyright

##### 1.4.2 Trademarks

##### 1.4.3 Patents

##### 1.4.4 Designs

##### 1.4.5 Trade secrets

##### 1.4.6 Other new forms such as plant varieties and geographical Indians

#### 1.5 Introduction to the international instruments concerning intellectual property rights the Berne Convention, Universal Copyright Convention, the Paris Union Trips the World Intellectual Property Rights Organisation (WIPO) and the UNESCO.

### 2. Select aspects of the law of copyright in India

- 2.1 Historical evolution of the law
- 2.2 Meaning of copyrights
- 2.3 Copyright in literary, dramatic and musical works
- 2.4 Copyright in sound records and cinematograph films
- 2.5 Copyright in computer programme
- 2.6 Ownership of copyright
- 2.7 Assignment of copyright
- 2.8 Author's special rights
- 2.9 Notion of infringement
- 2.10 Criteria of infringement
- 2.11 Infringement of copyright by films of literary and dramatic works
- 2.12 Importation and infringement
- 2.13 Fair use provisions
- 2.14 Piracy in internet
- 2.15 Aspects of copyright justice
- 2.16 Remedies, especially, the possibility of Anton pillar injunctive relief in India.
- 3. Intellectual Property in Trademarks
  - 3.1 The rationale of protection of trademarks (a) an aspect of commercial and (b) of consumer rights.
  - 3.2 Definition and concept of trademarks
  - 3.3 Registration
  - 3.4 Distinction between trademark and property mark
  - 3.5 The doctrine of honest Current User
  - 3.6 The doctrine of deceptive similarity
  - 3.7 Protection of well-known marks
  - 3.8 Passing off and infringement
  - 3.9 Criteria of infringement
  - 3.10 Standards of proof in passing off action



### 3.11 Remedies

#### 4. The law of Intellectual property : Patents

##### 4.1 Concept of patent

##### 4.2 Historical view of the patents law in India

4.3 Patentable invention with special reference to biotechnology products entailing creation of new forms of life.

##### 4.4 Patent protection for computer programme

4.5 Process of obtaining a patent application, examination, opposition and sealing of patents : general introduction

##### 4.6 Procedure for filing patents. Patent co-operation treaty

##### 4.7 Some grounds for opposition

4.7.1 The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters

##### 4.7.2 Wrongfully obtaining the invention

##### 4.7.3 Prior publication or anticipation

##### 4.7.4 Obviousness and the lack of inventive step

##### 4.7.5 Insufficient description

##### 4.8 Rights and obligations of a patentee

##### 4.8.1 Patents as chose in action

##### 4.8.2 Duration of patents: law and policy considerations

##### 4.8.3 Use and exercise rights

##### 4.8.4 Right to secrecy

##### 4.8.5 The notion of 'Abuse' of patent rights

##### 4.8.6 Compulsory licenses

##### 4.9 Special Categories

##### 4.9.1 Employee Invention : Law and Policy Consideration

4.9.2 International Patents, Transfer of Technology. Know-How and Problems of self reliant development

##### 4. 10 Infringement

4.10.1 Criteria of infringement

4.10.2 Onus of Proof

4.10.3 Modes of infringement The Doctrine of Colourable Variation

4.10.4 Defences in suits of infringement

4.10.5 Injunction and related remedies

Selected Bibliography

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Vikas Vashishth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi

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Mata Din, Law of Passing off and infringement Action of Trade Marks (1986)

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K.. Thairani, Copyright The Indian Experience (1987)

W.R. Cornish, Para and Materials on Intellectual Property (1999), Sweet and Maxwell.

## **LL.B. Sixth Semester**

### **Paper - XXVIII**

#### **Human Rights Law and Practice including Right to Information 8848**

The course shall comprise of the following —

1. Meaning and concept of Human Rights
2. Evolution and development of Human Rights Law
  - a. Imp act of Natural Law and Natural Rights
  - b. Broadening of contents
3. Human Rights and the United Nations:
  - a. Charter Provision
  - b. International Protection of Human Rights
4. Universal declaration of Human Rights
5. Covenant on Political and Civil Rights (1996)
6. Covenant on Social, economic and cultural Rights (1966)
7. Protection of Human Rights Act, 1993
8. Right to Information Act, 2005
9. Enforcement of Human Rights in India:
  - a. Role of Courts : The Supreme Court, High Court and Other courts
  - b. Statutory Commissions : Human Rights, Women's Minority and Backward Class

**LL.B. Sixth Semester**

**Paper— XXIX**

**Alternate Dispute Resolution (Clinical Paper III) 8849**

Outline of the course

1. Negotiation skills to be learned with simulated program
2. Conciliation skills
3. Arbitration Law Practice including International arbitration and Arbitration rules

The course is required to be conducted by senior legal practitioners through simulation and case studies. Evaluation may also be conducted in practical exercise at least for a significant part of evaluations.

## **LL.B. Sixth Semester**

### **Paper — XXX**

#### **Moot Court Exercise and Internship (Clinical Paper - IV) 8850**

This paper may have three components of 30 marks each and a viva for 10 marks

1. Moot Court (30 marks) Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submission and 5 marks for oral advocacy
2. Observance of Trial in two cases, one Civil and one Criminal (30 marks) Students may be required to attend two trials in the course of the last two or three years LL.B. studies. This will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks
3. Interviewing techniques and Pre-trial preparations and internship diary (30 marks) Each student will observe two interviewing sessions of client at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary. Which will carry 15 marks
4. The fourth component of this paper will be Viva Voice Examination on all the above three aspect. This will carry 10 marks

**LL.B. Sixth Semester**

**Paper — XXXI**

**Legal and General English 8851**

The course shall comprise of the following —

1. Essay writing on topics of legal interests in 500 words (20 marks)
2. Translation from Hindi to English (10 marks)
3. Letter writing/Application Writing (10 marks)
4. Proficiency in general English:
  - a. Parts of Speech - a brief introduction (5 marks)
  - b. Tense : Forms and use (5 marks)
  - c. Active and Passive Voice (5 marks)
  - d. Direct and Indirect Speech (5 marks)
  - e. Synonyms/Antonyms (5 marks)
  - f. One word substitution (5 marks)
5. Precise/Paragraph writing (10 marks)
6. Legal Terminology:
  - a. Terms used in civil and criminal Law (10 marks)
  - b. Latin words and expression (10 marks)

Note - All the questions must be replied in English only. The written paper shall be of 70 mark and sectional exam is of 30 marks.