

Bundelkhand University Jhansi

Faculty of Law

SYLLABUS

Six-semester Bachelor of Laws

(LL.B.) Three-Year Degree Course

2024-25

Six- Semester LL.B. Three-Year Degree Course Ordinances

Whereas it is essential to adopt and implement the revised curriculum and rules formulated and approved by Bar Council of India. The Bundelkhand University, Jhansi has decided to introduce six-semester LL.B. Three Year Degree Course of study and frames these Ordinances for the implementation from the academic year 2009-2010.

1. The Degree of Bachelor of Laws

The Bundelkhand University may confer the Degree of Bachelor of Laws on such candidates who, being eligible for admission to the Three Year LL.B. Degree Course, have received regular instructions in the prescribed courses of study, undergone required practical training, passed relevant examinations and being otherwise suitable by virtue of their character, have fulfilled such other conditions as may be laid down from time to time.

2. Eligibility for Admission

The admission to six-semester LL.B. Three Year Degree Course shall be made on the basis of merit in the LL.B. entrance test of respective academic session. The eligibility criteria is as follows:

- (i) An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognized as a deemed to be University or foreign University recognized as equivalent to the status of an Indian University by an authority
- (ii) For general candidates 45% marks and for SC/ST candidates 40 % marks in qualifying examination i.e. graduation in any discipline.
- (iii) The LL.B. programme is a three year full-time course and no student shall be allowed to simultaneously register for a law degree programme with any other graduate course run by the same or any other university.
- (iv) The applicants who have obtained graduation/post-graduation through open universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law course.

- (v) NO candidate shall be admitted to Second/ Third/Fourth/ Fifth/ Sixth semester on transfer unless the same course of study is prescribed in transferring university and prior opinion of Dean is obtained.
- (vi) Reservations in admission will be given as per Government/university rules/orders made from time to time.

3. The Curriculum and Duration of Studies

- (i) The curriculum of study for the LL.B. Degree shall comprise of the courses set out in Schedule-A.
- (ii) The contents of the courses of study shall be such as set out in Schedule-B.

Provided that the Board of Studies in Law may make such changes in the contents of the courses of study as and when it deems necessary and report the matter to the Faculty of Law.
- (iii) The curriculum of study for the LL.B. Three Year Degree Course shall be spread over three academic years and shall be divided into six semesters for the examination purposes called as First, Second, Third, Fourth, Fifth and Sixth semesters. Each academic year shall be divided into two semesters.
- (iv) Each semester course shall be conducted in not less than 15 weeks with not less than 30 class-hours per week including tutorials, moot court, seminars provided there shall be at least 24 lecture hours per week as prescribed by Bar Council of India.
- (v) The medium of instruction and examination shall be English or Hindi.

4. Course of Study

A candidate for the three year LL.B. degree course shall be required:

To study five papers in each semester including clinical papers and must pass in all 30 papers with a minimum of 40% marks in each paper and 48% marks in aggregate in order to qualify for LL.B. degree.

- (i) To study 20 compulsory theory papers prescribed in semester I to IV, six optional theory papers prescribed in V and VI semester and one Legal and General English paper from first to sixth semester carrying 70 marks for each paper through written examination conducted by the University and 30 internal marks for each paper awarded by the concerned college/department/institute of law affiliated to university.
- (ii) To study four compulsory clinical papers prescribed in fifth and sixth semester carrying 50 marks for each paper through written examination conducted by the university and 50 marks for each paper awarded by the concerned college/department/institute of law affiliated to university through practical work/viva-voce as prescribed by the Bar Council of India.
- (iii) Each student shall have completed 12 weeks internship for three year course provided that internship in any year cannot be for a continuous period of more than four weeks and it shall be evaluated in the final semester of the course in the 4th clinical course.
- (iv) Each institution shall establish and run a Legal Aid Clinic with the help of final year students and in co-operation with the Legal Aid Authorities.

5. Examination

A. General.

- (i) There shall be an examination at the end of each semester of three year study programme.

Every student registered in any semester shall be eligible to appear in the concerned

examination of the respective semester subject to the attendance requirement as prescribed by the Bar Council of India and the University and calculated on the semester basis.

(ii) A candidate for the three year degree of Bachelor of Laws shall be required to pass in all the prescribed courses within the span of six years from the academic session of his admission.

(iii) A candidate shall be examined in 20 compulsory and 06 optional theory papers and one legal and general English paper from first to sixth semester carrying 70 marks for each paper through written examination conducted by the university and 30 internal marks for each paper awarded by the concerned college/dept./institute of law affiliated to university.

(iv) A candidate shall also be examined in 04 compulsory clinical papers of 50 marks each and 50 marks each through practical work/viva-voce in the fifth and sixth semester.

(v) A student must pass in all the 30 papers and one legal and general English paper with a minimum of 40% marks in each and 48% in aggregate in order to qualify for the LL.B. degree.

(vi) One question paper shall be set in each of the course prescribed for study and examination. Each paper shall be of three hours duration carrying 70 marks and 30 internal marks shall be awarded by the concerned law college/dept./institute.

(vii) In 04 compulsory clinical papers, the student shall be awarded marks out of 50 on the basis of practical work/viva-voce and the written examination shall be held for the remaining 50 marks.

(viii) There shall be one examination at the end of each semester in each of the courses prescribed. A student has to study five subjects in each semester and must pass in all 30 subjects and one legal and general English paper with a minimum of 40% marks in each and 48% in aggregate in order to qualify for the LL.B. degree.

(ix) There shall be a viva voce examination for each compulsory clinical paper prescribed in V and VI semester.

Scale of Marks, Division and Distinction.

(i) Each compulsory and optional paper in the LL.B. examination shall consist of 100 marks. Provided that 70 marks in each paper shall be reserved for award on the basis of written theory paper and 30 internal marks awarded by the concerned college/dept./institute on the basis of project work/seminar/sessional examination including discussion pertaining to the concerned paper, regularity and alertness in the class.

(ii) Each compulsory clinical paper in the LL.B. examination shall consist of 100 marks. Provided that 50 marks in each paper shall be reserved for award on the basis of written examination and 50 marks on the basis of practical work/viva-voce as prescribed by the Bar Council of India.

(iii) Minimum pass marks in each paper 40% (taken Separately of the written theory paper, internal marks and practical/viva voce as the case may be) and 48% in aggregate (taken together of all the semesters).

Division.

First Class: 60% and above of the aggregate of marks in six semesters.

Second Class: 48% and above of the aggregate of marks in six semesters.

Distinction and Merit.

A candidate who without failing in any course, secures an average of 75% or more marks in the aggregate of all the six semesters may be declared to have obtained distinction and merit shall be determined accordingly.

6. Promotion Rules

(i) No student shall be promoted to the next semester if he/she has been detained in the examination for shortage of attendance.

(ii) Subject to sub-rule (i) above, a student of LL.B. first, third or fifth semester shall be eligible for promotion to second, fourth or sixth semester respectively irrespective of the number of courses (papers) in which he/she has failed to pass or failed to appear in the first, third or fifth semester examinations.

(iii) Subject to sub-rule (i) and (ii) above, a student of LL.B. second semester shall be eligible for promotion to third semester if he/she has passed in at least five papers of first and second semester examinations taken together and a student of fourth semester shall be eligible for promotion to fifth semester if he/she has passed in at least five papers of third and fourth semester examination taken together.

(iv) A student who is not eligible for promotion to third semester as specified under sub-rule (iii), has to appear in first and second semester examination as an ex-student along with the concerned semester examination of next session.

(v) A student who is not eligible for promotion to fifth semester as specified under sub-rule (iii), has to appear in third and fourth semester examination as an ex-student along with the concerned semester examination of next session.

(vi) A student who has secured minimum pass marks in each paper but failed to secure aggregate of 48% will be allowed back paper examination in the next year.

(vii) A student who fails to secure minimum pass marks in any paper/papers of first, second, third and fourth semesters shall be required to appear in the examination of the concerned back paper/papers of the concerned examination of the next year.

(viii) A student who fails to secure minimum pass marks in any paper/papers of fifth and sixth semester or 48% in aggregate taken together of all the semesters, shall be required to appear in the Special Back Paper/Papers examination to be held in August/September of subsequent year.

(ix) There shall be no Special Back Paper examination for first, second, third and fourth semester students. However, students who fail to pass or appear in the papers of LL.B. first, second, third and fourth semester shall be eligible to appear in the concerned paper or papers of the respective semesters alongwith the students of next academic session.

(x) There shall be no back paper examination for fifth and sixth semester.

(xi) In order to improve their previous performance in any subject, the students will be permitted to take the examination at the next available opportunity only when they have passed that subject in the first attempt.

Note: The students eligible for admission to III/V semester must seek admission not later than two weeks from the date(s) of announcement of the results of LL.B. II/IV semester examination or within one week of commencement of teaching, whichever is later.

7. Re-admission Rules

- (i) There shall be no re-admission in the LL.B. first semester under any circumstances including detention for shortage of attendance in that semester.
- (ii) A student who has been detained for shortage of attendance or for applying late for admission in second, third, fourth, fifth or sixth semester shall be eligible for re- admission in the same semester in which he/she had been detained provided (a) he/she seeks re-admission before commencement of teaching in the relevant semester; (b) his/her conduct has been satisfactory and (c) he/she shows sufficient cause for his/her discontinuance of studies or for not having put in the requisite percentage of attendance to the satisfaction of Dean, Faculty of Law.
- (iii) An applicant who has failed in examination or failed to appear at the examination and who is otherwise eligible to appear at the examination as an ex-student, shall not be admitted as a regular student.

8. Span Period

A student must clear all the courses offered in all the semesters within a span of six years from the date of admission to first year of LL.B. course. No student shall be admitted as a candidate for any LL.B. examination after six years from the date of admission to the first year of the course.

9. Clinical Courses, Legal Aid Clinic and Moot Court Fee

Bar Council of India Rules of Legal Education, 2008 has introduced compulsory clinical courses, establishment of legal aid clinic, moot court exercises, internship and compulsory computer

education for law students. In order to conduct the above programmes, the following fee may be charged from every student each year by the concerned college/dept./institute.

(i) Moot Court Fee	Rs.100/-
(ii) Case material fee	Rs.100/-
(iii) Law Journal fee	Rs. 50/-
(iv) Legal Aid Clinic Fee	Rs.100/-
(v) Conference/seminar/workshop fee	Rs.100/-
(vi) Computer Education fee	Rs.200/-
(vii) Internship fee	Rs.200/-
(viii) Legal Literacy camps/legal tours	Rs.100/-
(ix) Law Library Development fee	Rs. 50/
(x) Sessional examination fee	Rs.100/-

The above fee shall be credited to the "Clinical Training and Moot Court Fund" account and shall be utilized for the above purposes by the law college/dept./institute. The account should be operated jointly by the Principal/Head and senior most teacher of law.

10. Transitory Provisions

- (i) The students of old course who are failed or promoted and admitted to LL.B.II or LL.B.III year in the session of 2009- 2010 and in subsequent years shall be governed by old ordinances.
- (ii) The ex-student of old course shall get only one chance to appear in the examination in the subsequent year as per old course.

(iii) As per old course the last examinations of LL.B. first year will be held in 2010, of LL.B. second year will be held in 2010, 2011 and 2012 and of LL.B. third year will be held in 2010, 2011, 2012, 2013 and 2014 and thereafter no examination of old students shall be conducted.

11. Miscellaneous Provisions

- (i) These Ordinances contained herein shall be deemed to have come into effect from the academic session 2009-2010 to the extent of its applicability.
- (ii) Any provision contained in earlier Ordinances in this regard repugnant to the present Ordinances shall stand deleted.
- (iii) The Dean of the Faculty of Law shall have power to remove all difficulties in interpretation and/or application of these Ordinances which shall be final.

Schedule-A

Six-semester LL.B. Three Year Degree Courses of Study

LL.B. First Semester

- 1. Jurisprudence (6841)**
- 2. Law of Contract (6842)**
- 3. Special Contract (6843)**
- 4. Family Law-I (Hindu Law) (6844)**
- 5. Family Law-II (Muslim Law) (6845)**

LL.B. Second Semester

- 6. Law of Tort including M.V. Accident and Consumer Protection Laws (6846)**
- 7. Law of Crimes Paper-I: Bhartiya Nyaya Sanhita,2023 (6847)**
- 8. Law of Crimes Paper-II: Bhartiya Nagrik Suraksha Sanhita,2023 (6848)**
- 9. Constitutional Law-I (6849)**
- 10. Property Law (6850)**

LL.B. Third Semester

- 11. Constitutional Law-II (7841)**
- 12. Company Law (7842)**
- 13. Principles of Taxation Law (7843)**
- 14. Labour Law-I (7844)**
- 15. Administrative Law (7845)**

LL.B. Fourth Semester

- 16. Civil Procedure Code and Limitation Act (7846)**
- 17. Law of Evidence : Bhartiya Sakhya Adhiniyam, 2023 (7847)**
- 18. Environmental Law (7848)**
- 19. Public International Law (7849)**
- 20. Labour Law-II (7850)**

LL.B. Fifth Semester

- 21. Interpretation of Statutes (8841)**
- 22. Criminology and Penology (8842)**
- 23. Land Laws (8843)**
- 24. Drafting, Pleading and Conveyance (Clinical Paper-I) (8844).**
- 25. Professional Ethics and Professional Accounting System (Clinical Paper-II) (8845)**

LL.B. Sixth Semester

- 26. Women and Criminal Law (8846)**
- 27. Intellectual Property Law (8847)**
- 28. Human Rights Law and Practice including Right to Information (8848)**
- 29. Alternate Dispute Resolution (Clinical Paper-III) (8849)**
- 30. Moot Court exercise and Internship (Clinical Paper-IV) (8850)**
- 31. Legal and General English (8851)**

LL.B. First Semester

Paper-I

Jurisprudence

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 inter-connection 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 it should be the very foundation of law teaching needs little argument. 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 Natural 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

- 10.1 Kinds of Property

11. Liability

- 11.1 Conditions for imposing liability

11.1.1 Wrongful Act

11.1.2 Damnum Sine injuria

11.1.3 Causation

11.1.4 Mens rea

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

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

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

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

HL.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 S N., Jurisprudence: A study of Indian Legal Theory (1985) Metropolitan, New Delhi.

LL.B. First Semester
Paper - II
Law of Contract

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 Roscoe 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 statutised in the form of the Indian Contract Act, 1872.

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 advice pardanashin 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-suppresioveri- when does silence amounts to fraud? Active-concealment of truth- importance of intention1.6.5 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 goods, 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 Wagering 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 leases 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 of 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 dispute

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. Moharibibi V/s. Dharmodas Ghosh (1903 ILR 30 Cal)
3. Satyabrata Ghosh V/s. Mugniram Bangur of Co (AIR 1954 SC 44. S.C.R. 310 (1954))
4. M/s. Murlidhar Chimjiti Lal V/s. Harish Chandra Dwaraka Das and others (AIR 1962 SC 36)

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LL.B. First Semester

Paper - III

Special Contract

Objective of the course

This course of 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 or 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 pawnor 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 an 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 Essential 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 available to the holder

8.7 Holder and holder in due course meaning essential conditions rights and privileges of holder in course and endorsee 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. Abhichandani (ed.) Pollock and Mulla on Contracts and Specific Relief Acts (1999) Tripathi Bombay.

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

Krishnan Nair, Law of Contract (1999) Orient.

Avtar Singh, Principles 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

A.G. 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)

1. Nature and Origin of Hindu Law.
2. Sources of Hindu Law
 - (a) Ancient
 - (b) Modern
3. Schools of Hindu Law
4. Joint Family and Coparcenary
5. Concept of Marriage under Hindu Law
6. Law relating to Marriage, Essential conditions: Hindu Marriage Act, 1955
7. Matrimonial remedies under Hindu Marriage Act, 1955
 - (a) Nullity of Marriage
 - (b) Restitution of Conjugal Rights
 - (c) Judicial Separation
 - (d) Divorce
8. Hindu Adoption and Maintenance Act, 1956
9. Hindu Minority and Guardianship Act, 1956
10. Hindu Succession 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)

Books Recommended

1. Mulla- Principles of Hindu Law
2. Paras Diwan-Hindu Law

3. R.K. Agarwal - Hindu Law

4. N.H. Jhaswala-Hindu Law

LL.B. First Semester
Paper - V
Family Law-II (Muslim Law)

- 1 Introduction of Muslim Law
2. Nature and Sources of Muslim Law
3. Schools of Mohammadan Law
4. Law of Marriage
5. Law of Dower
6. Divorce under Muslim Law
7. Will
8. Hiba or Gift
9. Waqf
10. Pre-Emption
11. Guardianship
12. Parentage, legitimacy and acknowledgement
13. Maintenance
14. Law of Inheritance
15. Dissolution of Muslim Marriage act, 1939
16. The Muslim Women (Protection of Rights on Marriage) Act, 2019

Leading Cases-

1. Maina bibi 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. Akhtan (AIR All 525)
4. Ram Saran Lal V/s. Smt. Damini Kaur (AIR 1961 1747)

Books Recommended

1. Faizi- Mohammadan Law
2. Mulla- Principals of Mohammadan Law

3. Paras Diwan-Muslim Law

4. Akil Ahmad- Muslim Law

LL.B. Second Semester

Paper - VI

Law of Tort Including M.V. Accident and Consumer Protection Law

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- principles of justice equity and good conscience- uncodified 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 damnum*.

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, prescribing unlawful conduct by injunction.

3. Principal's 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 Plaintiff's 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 Defamation libel, slander including law relation to privileges

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

9.5 Malicious 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 interest injurious falsehood, misstatements, passing off

11. Negligence

11.1.1 Theories of negligence

11.1. Basic concepts

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 manufactures and business houses for their products
- 12. Nuisance
 - 12.1 Definition, essentials and types
 - 12.2 Act which constitute nuisance obstructions of highways pollutions of air, water, noise and interference with light and air.
 - 13. Absolute/Strict liability
 - 13.1 The rule in Ryland v. 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-caption of goods, distress damage feasant and abetment 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. Tales weights and measures Use of unsafe carries.

Revisions of Syllabus:

1. In LL.B. II Semester, Paper VI., Law of Tort including M.V. Accident and Consumer Protection Law, the following amendment is made -

- 16. Consumer the concept
 - 16.1 General perspectives
 - 16.2 Statutory and government services to be included or not?
 - 16.3 Consumer Protection Act. 2019
 - (a) Definition.
 - (b) Consumer protection council
 - (c) Central consumer protection authority
 - (d) Consumer dispute redressal commission
 - (e) Mediation
 - (f) Product Liability

- (g) Offences & Penalties
- (h) Miscellaneous Provisions

17 Motor Vehicle Act, 1988

- 17.1 Definitions
- 17.2 Licensing of drivers of Motor Vehicle
- 17.3 Licensing of conductors of stage carriages
- 17.4 Registrations of Motor vehicles
- 17.5 Control of transport vehicles
- 17.6 Provisions relating to state transport undertakings
- 17.7 Controls of traffic
- 17.8 Insurance of Motor vehicle against third party risks
- 17.9 Claims Tribunal
- 17.10 Offences, penalties & procedures

Remaining portions shall remain unchanged.

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. Fletcher L.R. H.L. 330

Selected Bibliography

Salmond and Heuston On the Law of Torts (2000) Universal, Delhi

D.D. Basu, The Law of Torts (1982), Kamal Calcutta

D.M. Gandhi, Law of Tort (1987), Eastern Lucknow

P.S. Achuthan Pillai, The Law of Tort (1994), Eastern Lucknow

Ratanlal & Dhirajlal, The Law of Torts (1997), Universal Delhi

LL.B. Second Semester
Paper-VII
Law of Crime Paper-I: Bhartiya Nyaya Sanhita,2023

Objective of the course

The Indian society has changed very rapidly since Independence. A proper understanding of crimes methods of controlling them and the socio-economic 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 perspectives.

The course shall comprise of the following:

1. Preliminary (Sec. 1-3)
2. Punishments (Sec. 4-13)
3. General Exception (Sec. 14-44)
4. Abetment, Criminal Conspiracy and Attempt (Sec. 45-62)
5. Sexual Offences (Sec. 63-73)
6. Criminal Force and Assault against Woman (Sec. 74-87)
7. Causing Miscarriage, etc. (Sec. 88-92)
8. Offences against Child (Sec. 93-99)
9. Offences affecting the Human Body/Of Offences affecting Life (Sec. 100-113)
10. Hurt (Sec. 114-125)
11. Wrongful Restraint and Wrongful Confinement (Sec. 126-127)
12. Criminal Force and Assault (Sec. 128-136)
13. Kidnapping, Abduction, Slavery and Forced Labour (Sec. 137-146)
14. Offences against the State (Sec. 147-158)
15. Offences relating to the Army, Navy and Air Force (Sec. 159-168)

16. Offences relating to Elections (Sec. 169-177)
17. Offences relating to Coin, Currency-Notes, Bank-Notes, and Government Stamps (Sec. 178-188)
18. Offences against the Public Tranquility (Sec. 189-197)
19. Offences by or relating to Public Servants (Sec. 198-205)
20. Contempts of the Lawful Authority of Public Servants (Sec. 206-226)
21. False Evidence and Offences against Public Justice (Sec. 227-269)
22. Offences affecting the Public Health, Safety, Convenience, Decency and Morals (Sec. 270-297)
23. Offences relating to Religion (Sec. 298-302)
24. Offences against Property / OF Theft (Sec. 303-307)
25. Extortion (Sec. 308)
26. Robbery and Dacoity (Sec. 309-313)
27. Criminal Misappropriation of Property (Sec. 314-315)
28. Criminal Breach of Trust (Sec. 316)
29. Receiving Stolen Property (Sec. 317)
30. Cheating (Sec. 318-319)
31. Fraudulent Deeds and Dispositions of Property (Sec. 320-323)
32. Mischief (Sec. 324-328)
33. Criminal Trespass (Sec. 329-334)
34. Offences relating to Documents and to Property Marks (Sec. 335-344)
35. Property Marks (Sec. 345-350)
36. Criminal Intimidation, Insult, Annoyance, Defamation, etc. (Sec. 351-355)
37. Defamation (Sec. 356)
38. Breach of Contract to attend on and supply wants of Helpless Person (Sec. 357)

Books Recommended:

1. Bare Act of Bhartiya Nyaya Sanhita, 2023
2. Vageshwari Deswal, Saurabh Kansal, Bhartiya Nyaya Sanhita 2023 | Law and Practice, Taxmann's

LL.B. Second Semester
Paper – VIII
Law of Crimes-II: Bhartiya Nagrik Suraksha Sanhita,2023

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. Bhartiya Nagrik Suraksha Sanhita, 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 Sanhita 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.

The course comprises the following topics:

1. Preliminary (Sec. 1-5)
2. Constitution of Criminal Courts and Offices (Sec. 6-20)
3. Power of Courts (Sec. 21-29)
4. Power of Superior Officers of Police and Aid to the Magistrates and the Police (Sec. 30-34)
5. Arrest of Person (Sec. 35-62)
6. Processes to Compel Appearance (Sec. 63-93)
7. Processes to compel the Production of Things (Sec. 94-110)
8. Reciprocal Arrangements for assistance in certain Matters and Procedure for

Attachment and Forfeiture of Property (Sec. 111-124)

9. Security for Keeping the Peace and for Good Behaviour (Sec. 125-143)
10. Order for Maintenance of Wives, Children and Parents (Sec. 144-147)
11. Maintenance of Public Order and Tranquility (Sec. 148-167)
12. Preventive Action of the Police (Sec. 168-172)
13. Information to the Police and their Powers to Investigate (Sec. 173-196)
14. Jurisdiction of the Criminal Courts in Inquiries and Trials (Sec. 197-209)
15. Conditions requisite for Initiation of Proceedings (Sec. 210-222)
16. Complaints to Magistrates (Sec. 223-226)
17. Commencement of Proceedings before Magistrate (Sec. 227-233)
18. The Charge (Sec. 234-247)
19. Trial before a Court of Session (Sec. 248-260)
20. Trial of Warrant-Cases by Magistrates (Sec. 261-273)
21. Trial of Summons-Cases by Magistrates (Sec. 274-282)
22. Summary Trials (Sec. 283-288)
23. Plea Bargaining (Sec. 289-300)
24. Attendance of Persons confined or detained in Prisons (Sec. 301-306)
25. Evidence in Inquiries and Trials (Sec. 307-336)
26. General Provisions as to Inquiries and Trials (Sec. 337-366)
27. Provisions as to Accused Persons of Unsound Mind (Sec. 367-378)
28. Provisions as to Offences affecting the Administration of Justice (Sec. 379-391)
29. The Judgment (Sec. 392-406)
30. Submission of Death Sentences for Confirmation (Sec. 407-412)
31. Appeals (Sec. 413-435)
32. Reference and Revision (Sec. 436-445)
33. Transfer of Criminal Cases (Sec. 446-452)
34. Execution, Suspension, Remission and Commutation of Sentences (Sec. 453-477)
35. Provisions as to Bail and Bonds (Sec. 478-496)
36. Disposal of Property (Sec. 497-505)
37. Irregular Proceedings (Sec. 506-512)
38. Limitation for taking Cognizance of Certain Offences (Sec. 513-519)
39. Miscellaneous (Sec. 520-531)

Books Recommended:

1. Bare Act of The Bhartiya Nagrik Suraksha Sanhita, 2023

LL.B. Second Semester

Paper - IX

Constitutional Law - I

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. Pari passu the concept of secularism and federalism engraved in the constitution 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 spiritual influence

13 Making of Indian Constitution

1.4 Nature and special features of the constitution

2. Parliamentary Government

21 Westminister model Choice of parliamentary government at the Centre and 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 Centre'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

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 field of property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the rule 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, 1882

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 lessor 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 Kasson Das Vis. 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 Vis. State of Bombay (AIR 1958 SC 525)

Books Recommended

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

LL.B. Third Semester

Paper-XI

Constitutional Law - II

1. Right to Equality
2. Right to freedom
3. Personal Liberty
 - 3.1 Rights of an accused double jeopardy self-incrimination retrospective 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. 311

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oxford

D.D. Basu Shorter Constitution of India, (1996) Prentice Hall of India Delhi Constitutional Assembly Debates Vol. 1 to 12 (1989)

H.M. Seervai, Constitution of India, Vol. 1-3 (1992) Tripathi Bombay (2000) Oxford

M.P. Singh (ed), V.N . Shukla Constitutional Law of India G Austin, Indian Constitution Cornerstone of a Nation (1972)

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

B. Sivaramayya, Inequalities and the Law (1984) Eastern, Lucknow SC 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 UP (AIR 1971 SC 1225)

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

LL.B. Third Semester
Paper - XII
Company Law

SYLLABUS:

For the following refers to Companies Act, 2013.

1. Meaning and Introduction of corporation

- (i) Meaning of company and essential characteristics
- (ii) Creation and Extinction
- (iii) Kinds of Company -
 - Limited Companies, Guarantee Companies, Private Companies.
 - Advantages of a Private Company.
 - Conversion of Private Company into Public Company.
 - Conversion of Public Company into Private Company.
 - One Person Company.
 - Foreign Company.
 - Government Companies.
 - Holding Company and Subsidiary Company.
 - Associate Company.
 - Dormant Company.

➤ Difference between Corporate and Non-Corporate Organisations (Partnership and other associations of person)

2. Law relating to companies Public and Private

- (i) Formation of a company: Registration and Incorporation, Doctrine of Lifting of Corporate veil.
- (ii) Memorandum of Association- meaning, various clauses, alteration therein- Doctrine of Ultra virus.
- (iii) Article of Association- Meaning, binding force- alteration, its relation with Memorandum of Association- Doctrine of Constructive notice and doctrine of indoor management- exceptions.
- (iv) Prospectus-issue- contents- liability for misstatements- statements in lieu of prospectus.
- (v) Promoters- position- duties and liabilities.

3. Share Capital and Debentures

- (1) Share General Principles of Allotment, statutory restrictions- share certificate its objects and effects Transfer to Shares- Restrictions on transfers, procedure for transfer- refusal of transfer, role of public finance institutions-relationship between transferor and transferee- issues of shares at premium and discount- depository receipts- dematerialized shares (DEMAT)
- (ii) Shareholders-who can be and who cannot be shareholders-modes of becoming a shareholders-call on shares- forfeiture and surrender of shares- lien on shares.
- (iii) Shares capital-kinds- alteration and reduction of shares capital- further issues of capital- conversion of loans and debentures into capital- duties of courts to protect the interests of creditors and share holders
- (iv) Debentures- meaning Kinds-fixed and floating charge, shareholders and debenture holders, remedies of debenture holders.

4. Management and Controls of Management

- (i) Directors- positions-appointment-qualifications- vacation of office removal, resignation- powers and duties of directors-meeting, registers, loans- remunerations of directors, role of nominee directors-compensation for loss of office-managing directors and other managerial personnel.
- (ii) Meetings- kinds- procedure-voting
- (iii) Dividends-payments- capitalization-profit

- (iv) Audits and Accounts
- (v) Protection of Minorities shareholders right.
- (vi) Borrowings powers- powers effects of unauthorized borrowing- charges and mortgages- loans to other companies- investments- contracts by companies.
- (vii) Protections of Oppressions and Mismanagement
- (viii) Investigation- powers

5. Special Regulation and winding up

- (1) Corporate Social Responsibility (Section-135)
- (ii) Serious Fraud Investigation Office
- (iii) NCLT/ Special Court
- (iv) Regulation and Amalgamation
- (v) Winding up: Procedure-Powers, liability of past members payments of liabilities- preferential payment unclaimed dividends- windings up of unregistered company.

6. Companies Incorporated outside India

7. Corporate Liability

- (1) Legal Liability of companies- civil and criminal
- (ii) Remedies against them civil, criminal and tortious- Special Relief Act, writs, liability under special statutes.

Note :In addition to the above questions may be asked on aspects related with this paper.

Recommended Source Material:

Essential Readings-

- 1.Companies Act, 2013
2. Avtar Singh: Mercantile Law
3. Avtar Singh: Company Law
4. N.V. Paranjape: Company Law
5. Kailash Rai: Company Law
6. Companies Act, 1956
7. Companies Act, 2013

8. Introduction to Company Law 11th Edition, 2014 (P/B) Singh, Avtar
9. Company Law-Krati Rajoria
10. New Company Law (The Companies Act, 2013) (18 of 2013) (1 Edn.)-S.C. Tripathi
11. The New Company Law -Dr. N.V. Paranjape

Additional Readings-

1. R.P. Maurya: Company Law
2. Palmer's: Company
3. Business Law (Principle of Mercantile Law) 10th Edition, 2014 (P/B)- Singh, Avtar

LL.B. Third Semester
Paper - XIII

Principles of Taxation Law

Objectives of the course -

Power to tax had been described as the power to destroy. The idea is being floated often whenever the state introduces a new tax. Is this true? It is not necessary that in the 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 power 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 shed light on the mechanics of the taxation by the Union and the states.

Syllabus-

1. 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.

2. Direct Taxation

Income Tax

Basic concept

Income

Total Income

Income not included in total income

Deemed income

Clubbing of income
Assesse
Person
Tax Planning
Chargeable income
Heads of income
Salaries
Income from House property
Income from Business Profession
Capital Gains
Income from other sources
Deduction, relief and exemptions
Rate of income tax
Income tax Authorities
Power and Function
Offences and penal Sanctions
Settlement of Grievances
Authorities, powers and functions

3. Indirect Taxation

The Course shall comprise of the following:

- Concept of value Added Tax and its Merits and Demerits
- Application of Value Added Tax in india in the fields of indirect taxation and reasons for introducing Good and Service Tax (GST)
- Goods and Service Tax
 - (1) Important Definitions
 - (a) Business
 - (b) Capital goods
 - (c) Export and import of goods and services
 - (d) Goods (e) Services
 - (2) Classes of officers under the Central Goods and Services Tax Act (CGST Act) and under the state's Good and Services Tax Act, their appointments and powers
 - (3) Levy and collection of CGST and SGST
 - (4) Power to grant exemption from tax and Remission of Tax on supplies found deficient in quantity
 - (5) Time of supply of Goods and Services
 - (6) Value of Taxable Supply
 - (7) Manner of taking input Tax Credit
 - (8) Registration of Suppliers of Goods and Services, Amendment and cancellation of registration and revocation of cancellation of registration.

- (9) Special provision related to casual taxable persons and non-resident person
- (10) Tax invoice, Credit and Debit Notes
- (11) Furnishing details of outward and inward Supplies
- (12) Furnishing of Returns
- (13) Payments and Refunds of tax
- (14) Taxation of Electronics Commerce
- (15) Assessments: Self Assessment; Provisional Assessment; Scrutiny of Returns; Assessment of non-filers of returns: Assessment of Unregistered Persons; Summary Assessment in certain special cases.
- (16) Demand and Recovery of Tax
- (17) Inspection, Search, Seizure and Arrest
- (18) Appeals and Revision

Integrated Goods and Services Tax (IGST)

- (1) Meaning, Levy and collection of IGST
- (2) Place of supply of Goods and services
- (3) Apportionment of IGST between Central and State Governments

4. Customs Duty

- (1) Introduction & types of Customs Duties.
- (2) Powers of Customs Officers (Section 100-135A)
 - (a) Power to Inspect
 - (b) Power to X-ray bodies
 - (c) Power of search
 - (d) Power of Seizure
 - (e) Power to call for documents and examine a person.

LL.B. Third semester
Paper-XIV
Labour Law-I

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 10A)

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 Power of Central and state Governments to make rules

LL.B. Third semester

Paper-XV

Administrative Law

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 citizens towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution of 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, mal administration 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 cannot be minimized, it is no less important to know the advantages of informal methods of

settlement. Many new methods of grievance redressal 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 valuation in the context of realities.

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

1.1 Relationship between constitutional law and administrative law

1.2 Separation of powers

1.3 Rule of law

1.4 From a laissez-faire to a social welfare state

1.4.1 State as regulator of private interest

1.4.2 State as provider of services

1.4.3 Other functions of modern state relief, welfare

1.5 Evolution of administration as the fourth branch of government- necessity for delegation of powers on administration

1.6 Evolution of agencies and procedures for settlement of disputes between individual and administration

1.6.1 Regulatory agencies on the United States

1.6.2 Conseil d Etat

1.6.3 Tribunalization in England and India.

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 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 judgements 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)

DD. Basu, Comparative Administrative Law (1998)

M.A. 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. Hari 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. M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000)
4. Wade, Administrative Law
5. I.C. Garner, Administrative Law
6. M.P. Jain, Cases and Materials on Administrative Law
7. Jain and Jain, 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

Paper - XVI

Civil Procedure Code and Limitation Act

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 agitating the matter on time, may place courts in a precarious situation. They may not be in 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, judgement, decree, plaint restitution, execution, decree- holder, judgement-debtor mesne profits, written statement

1.1.2 Distinction between decree and judgement 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 Res-judicata

2.4 Foreign judgement enforcement

2.5 Place of suing

2.6 Institution 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

3.1 Rules of pleading Signing and verification

3. Pleadings

3.1.1 Alternative pleadings

3.1.2 Construction of pleadings

3.2 Plaintiff Particulars

3.2.1 Admission, return and rejection

3.3 Written statement particulars, rules of evidence

3.3.1 Set off and counter Claim distinction

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

4.7 Interests and costs

5. Execution

5.1 The Concept

5.2 General Principles

5.3 Power for execution of decrees

5.4 Procedure for execution (ss. 46-54)

5.5 Enforcement, arrest and detention (ss. 55-59)

5.6 Attachment (ss. 60-64)

5.7 Sale (ss. 65-67)

5.8 Delivery of property

5.9 Stay of execution

6. Suits in particular cases

6.1 By or against government (ss.79-82)

6.2 By aliens and by or against foreign rules or ambassadors (ss.83-87A)

6.3 Public nuisance (ss. 91-93)

6.4 Suits by or against firm

6.5 Suits in forma pauperis

6.6 Mortgages

6.7 Interpleader Suits

6.8 Suits relating to public charities

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 latches, 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 advise
 - 11.5.3 Mistaken view of law
 - 11.5.4 Poverty, minority and Purduha
 - 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. Devki Nandan V/s. Murlidhar (AIR 1957 SC 550)
2. The Virathi Nager Steel Mills Lad V/s. State of madras (AIR 1968 SC 1196)
3. Chhajju RamV/s. Neki Ram and Others (AIR 1922 PC 112)

Selected Bibliography

1. Mulla, Code of civil Procedure (1999) Universal Delhi
2. CK. Thacker, Code of Civil Procedure
3. M.R. Mallick (ed.) B.B. Mitra on Limitation Act

4. Majumdar PK. and Kataria P.P. C.P.C.
5. Saha A.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 : Bhartiya Sakshya Adhiniyam,2023

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 underlying the law of evidence and identify the recognized forms of evidence and its sources. The subjects seek 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.

The course comprises the following topics:

1. Preliminary (Sec. 1-2)
2. Relevancy of Facts (Sec. 3)
3. Closely connected Facts (Sec. 4-14)
4. Admissions (Sec. 15-25)
5. Statements by persons who cannot be called as Witnesses (Sec. 26-27)
6. Statements made under Special Circumstances (Sec. 28-32)
7. How much of a Statements is to be Proved (Sec. 33)

8. Judgments of Courts when Relevant (Sec. 34-38)
9. Opinions of Third Persons when Relevant (Sec. 39-45)
10. Character when Relevant (Sec. 46-50)
11. Facts which need not be proved (Sec. 51-53)
12. Oral Evidence (Sec. 54-55)
13. Documentary Evidence (Sec. 56-73)
14. Public Documents (Sec. 74-77)
15. Presumptions as to Documents (Sec. 78-93)
16. The exclusion of oral Evidence by Documentary Evidence (Sec. 94-103)
17. The Burden of Proof (Sec. 104-120)
18. Estoppel (Sec. 121-123)
19. Witnesses (Sec. 124-139)
20. Examination of Witnesses (Sec. 140-168)
21. Improper Admission and Rejection of Evidence (Sec. 169)
22. Repeal and Savings (Sec. 170)

Books Recommended:

1. Bare Act of The Bhartiya Sakshya Adhiniyam, 2023

LL.B. Fourth Semester

Paper - XVIII

Environmental Law

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. Development
- 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
RB. 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

Leelakrishanan 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

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 postliminium

10. The law of Neutrality - Neutrality, privilege of angway - contraband and doctrine of continuous voyage – blockade - unneutral service and right of visit and search - price courts
11. Human Rights

Leading Cases

1. Nuremberg Trial (1946 C.M.D. 6964)
2. Daimlar Co. Ltd, V/s. Continental Tyre and Rubber Co. Ltd. (1916, 3 AC. 13)
3. Jamora (C1996) 20 A Cn)

Books Recommended -

1. M.P. Tondon International Law
2. J.D. Jain International Law
3. S.K. Kapoor International Law
4. Jai Ram Upadhyay Human Rights

LL.B. Fourth Semester

Paper-XX

Labour Law - II

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
 - 4.5 Employment of young persons
 - 4.6 Annual leave with wages

LL.B. Fifth Semester
Paper - XXI
Interpretation of Statutes

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 Nazirk 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 Preparatories

3.2.4 Statutes in pari materia

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 Nosocit a sociis

4.2.2 Ejusdem 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 pari delicto potior est condition possidentis

6.5 Utres valet potior quam pareat

6.6 Expressum 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

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

P.St. Langan (Ed) Maxwell on the Interpretation of Statutes (1976) NM Tripathi Bombay

K. Shanmukham, N.S. Bindras's interpretation of statutes (1997) The law book Co. Allahabad

V. Sarathi, Interpretation of Statutes, (1984), Eastern, Lucknow

M.P. Jain, Constitutional Law of India, (1994), Wadhwa and Co

M.P.Singh (Ed) V.N. Sukla's Constitution of India, (1994) Eastern, Lucknow U. Baxi,
Introduction to justice, K.K. Mathew's democracy equality and freedom (1978) Eastern..

Leading Cases

1. M. Venugopal V/s. Divisional Manger L.L.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

Objective of the course

The course is designed to acquaint students with Advances made by sociology and pscychiatry 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 charged 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 a 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 lessoning 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.

1.3.4 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 gang

2. Causes of criminal behaviour

2.1 Nature of the problem, Some unscientific theories

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

2.3 Sociological theories anomalies

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 Castes and community tensions, Caste wars and communal riots their causes and demoralizing effects, atrocities against scheduled cadres.

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 prisoner
 - 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
 - 6.1.2 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

- Katherine S Williams, Text Book on Criminology (1997) Blackstone, London Loveland, The frontiers of Criminality (1995) Sweet and Maxwell
- Martin Wasik, Emmins on Sentencing (1998), Blackstone, London Hall, J. Law Social Science and Criminal Theory (1982)
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- Walker, N, Crime and Criminology: A Critical Introduction (1987)
- S. Rao, Crime in Our Society, (1983)
- A. Siddiqui, Criminology Problems and Perspectives (1997)
- J.M. Sethna, Society and the Criminal (1980)
- E. Sutherland, White Collar Crime (1949)
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W.C. Reckless, The Prevention of Juvenile Delinquency (1972)

DC. Pandey, Habitual Offenders and the Law (1983)

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

Conrad, John P. Crime and its correction: An international survey of attitudes and Krishna Iyer

Report on Female Prisoners (1983)

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

LL.B. Fifth Semester

Paper - XXIII

Land Laws

U.P. Revenue Code, 2006

1. Definitions
2. Revenue Divisions
3. Board and Revenue Officers
4. Boundaries and Boundary marks
5. Maintenance of village Records
6. Revisions of Village Records
7. Ownership of Land and other properties
8. Management of Land and other properties by Gram Panchayat and other local authorities.
9. Tenures
10. Transfer, Devolution, Division, Ejectment and rent etc.
11. Declaratory Suits
12. Government Lessee
13. Assessment of land Revenue
14. Collection of Land Revenue
15. Jurisdiction and Procedures of Revenue Courts
16. Miscellaneous Provisions
17. Penalties

Selected Bibliography

U.P. Land Revenue Code, 2006 and other Books on the subject by eminent writers

LL.B. Fifth Semester
Paper - XXIV
Drafting, Pleading and Conveyance (Clinical Paper I)

Outline of the course

1. Drafting-General principles of drafting and relevant substantive rules shall be taught.
2. Pleading-

Civil - Plaintiff, 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 practicing lawyers/retired judges.

Apart from teaching the relevant provisions of law, the subject carrying 50 marks through written examination conducted by the university and 50 marks awarded by the concerned college/dept./institute of law affiliated to university through practical work/viva-voce as prescribed by the Bar Council of India.

LL.B. Fifth Semester
Paper - XXV

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

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

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

1. Mr. Krishnamurthy Iyer'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
Paper - XXVI
Women and Criminal Law

The course shall comprise of the following –

1. Criminal Law (Bhartiya Nyaya Sanhita, 2023) :

- (i) Sexual Offences (Sec. 63-73)
- (ii) Criminal Force and Assault against Woman (Sec. 74-79)
- (iii) Offences relating to Marriage (Sec. 80-87)
- (iv) Causing Miscarriage, etc. (Sec. 88-92)

2. The Dowry Prohibition Act, 1961

- (i) Definitions
- (ii) Penalty for giving, taking and demanding dowry
- (iii) Cognizance of Offences
- (iv) Offence to be bailable and non-compoundable
- (v) Offence to be Cognizable
- (vi) Dowry Prohibition Officers

3. The Protection of Women from Domestic Violence Act, 2005

- (i) Introduction
- (ii) Duties and function of protection officers
- (iii) Service providers and its powers
- (iv) Duties of Government
- (v) Procedures for obtaining orders of reliefs
- (vi) Kinds of orders
- (vii) Powers of Magistrate
- (viii) Appeal
- (ix) Penalty for breach of protection orders by respondent.

Selected Bibliography :

- (i) Penal Law of India by H.S. Gaur.
- (ii) Indian Penal Code by S.N. Mishra.
- (iii) The Dowry Prohibition Act, 1961.
- (iv) The Protection of Women from Domestic Violence Act, 2005

LL.B. Sixth Semester
Paper - XXVII
Intellectual Property Law

Objectives of the Course

The importance of this branch of the law is to be sufficiently realized in the Indian legal education compendious 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' nor 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 named 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 Trade marks

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 Indications

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

Cormish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights (1999), Asia Law House, Hyderabad.

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

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U.L.F. Anderfelt, International Patent Legislation and Developing Countries (1971)

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

PS. Sangal and Kishore Singh, Indian Patent System and Paris Convention: Legal Perspectives (1987).

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

WR. 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

The course shall comprise of the following -

1. Meaning and concept of Human Rights
2. Evolution and development of Human Rights Law-
 - a. Impact 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 Civil and Political Rights (1966)
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)

Outline of the course

1. Negotiation skills to be learned with simulated programme
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)

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 Voce Examination on all the above three aspects. This will carry 10 marks.

LL.B. Sixth Semester

Paper-XXXI

Legal and General English and Computer Education

The course shall comprise of the following –

SECTION - A

General English	(30 marks)
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- Essay writing on topics of legal interests in 500 words
- Translation from Hindi to English
- Letter writing/Application Writing
- Proficiency in general English
 - a. Parts of Speech, a brief introduction
 - b. Tense Forms and use
 - c. Active and Passive Voice
 - d. Direct and Indirect Speech
 - e. Synonyms/Antonyms
 - f. One word substitution
- Precise/Paragraph writing

Legal English	(20 marks)
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- Legal Terminology:
 - a. Terms used in Civil and Criminal Law
 - b. Latin words and expression

Note : All the questions of General and Legal English must be replied in English only.

SECTION - B

Computer Education	(50 marks)
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- Fundamentals of Computer
- Types of Computer
- Components of Computer
- Hardware and Software
- Input and Output Devices
- Storage Devices
- Computer Networks
- Websites
- Web Browsers
- Computer Virus
- Virtual Court System
- Internet and its practical application in Legal Education

Note : All the questions of Computer Education may be replied either in English or in Hindi.

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LL.B. (Three year course) Semester-I Exam.

First Paper

Jurisprudence

Time: 3 Hours

Max M: 70

Mim M: 28

Note: 1. Attempt any eight question from section 'A' and each question is of five marks. 2. Attempt any three question from Section 'B' and each question is of 10 marks.

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Time: 3 Hours Max M: 50

Mim M: 20

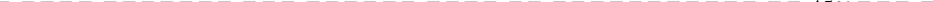
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7. କାହାରିବାର କାହାରିବାର 100 ମାତ୍ରା କାହାରିବା

8. କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର
କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର 70 ମାତ୍ରା କାହାରିବାର କାହାରିବାର 30 ମାତ୍ରା
କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର
କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର

9.04 କାହାରିବାର (କାହାରିବାର) କାହାରିବାର କାହାରିବାର 50 ମାତ୍ରା କାହାରିବାର କାହାରିବା
କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର 50 ମାତ୍ରା କାହାରିବାର କାହାରିବାର
କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର
କାହାରିବାର

10. କାହାରିବାର କାହାରିବାର, କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର କାହାରିବାର
କାହାରିବାର କାହାରିବାର, କାହାରିବାର କାହାରିବାର କାହାରିବାର

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