

**LL.B. FIRST YEAR    SESSION 2020-21**

PAPER 1.1. :	CONSTITUTIONAL LAW
PAPER 1.2. :	LAW OF TORTS AND CONSUMER PROTECTION ACT 2019
PAPER 1.3. :	FAMILY LAW – I (HINDU LAW)
PAPER 1.4. :	FAMILY LAW – II (MOHAMMEDAN LAW)
PAPER 1.5. :	LAW OF CONTRACT [GENERAL PRINCIPLES AND SPECIFIC RELIEF ACT, 1963]
PAPER 1.6. :	SPECIAL CONTRACTS [SALE OF GOODS ACT, 1930, INDIAN PARTNERSHIP ACT, 1932, LIMITED LIABILITY PARTNERSHIP ACT, 2008]
PAPER 1.7. :	LEGAL LANGUAGE, LEGAL WRITING AND GENERAL ENGLISH
PAPER 1.8. :	LEGAL AND CONSTITUTIONAL HISTORY OF INDIA

**PRACTICAL PAPERS:**

PAPER 1.9. :	PUBLIC INTEREST LAWYERING, LEGAL AID, PARA-LEGAL SERVICES AND MOOT COURT VIVA-VOCE EXAMINATION
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**LL.B. SECOND YEAR    SESSION 2021-22**

PAPER 2.1. :	JURISPRUDENCE
PAPER 2.2. :	LAW OF CRIMES (INDIAN PENAL CODE, 1860)
PAPER 2.3. :	TRANSFER OF PROPERTY LAW (ACT OF 1882) AND THE INDIAN EASEMENTS ACT, 1882
PAPER 2.4. :	COMPANY LAW AND THE COMPETITION ACT, 2002
PAPER 2.5. :	PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS
PAPER 2.6. :	LABOUR AND INDUSTRIAL LAWS
PAPER 2.7. :	PRINCIPLES OF TAXATION LAW

**PRACTICAL PAPERS:**

PAPER 2.8 :	MEDIATION, CONCILIATION AND ARBITRATION
PAPER 2.9. :	PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM

# **FIRST YEAR**

## **SESSION 2020 – 21**

### **PAPER 1.1.**

### **CONSTITUTIONAL LAW**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The Constitution of India is the supreme law of the country. This course provides the description of the necessary fundamental concepts and doctrines of Constitutional Law. The Course is designed to acquaint students with the basic principles of Constitution and Constitutionalism. The Course also has the objective to familiarize the students with the Federal principles of Indian Constitution and the powers, functions and structures of various Constitutional bodies. The course is to be studied in the social, economic and political context in which the constitution operates together with the in-depth study of the latest reshaping of the Article 370 and 35-A and the Reorganization of the Jammu and Kashmir state.

#### **UNIT - I**

Date of Commencement of the Indian Constitution; Concepts of Constitutional Law and Constitutionalism; Salient features of the Constitution; Nature of the Indian Federalism, Preamble - Meaning of the Preamble; Object, Purpose and Scope of the Preamble; Contents of the Preamble; Utility of Preamble in interpretation of the Constitution; Whether Preamble is part of the Constitution? Citizenship and State {including relevant provisions of Citizenship Act, 1955 as amended by The Citizenship (Amendment) Act, 2019}(Basic Concepts and Future Effects).

#### **UNIT - II**

Fundamental Rights (Part - III), Directive Principles of State Policy and Fundamental Duties- Fundamental Rights; Right to Equality; Right to Freedom; Fundamental Duties; Right to Freedoms; Right against Exploitation; Freedom of Religion

#### **UNIT - III**

Legislative Relations between Union and States; Parliament and State Legislatures: Composition, Powers and Functions, Law Making Procedure, Parliamentary Privileges.

Union and State Executive: The President- Powers and Functions, Emergency Provisions; Governor –Powers and Functions

#### **UNIT - IV**

Union Judiciary: Supreme Court , Composition, Appointment of Judges and Jurisdiction, and State Judiciary, High Court -Composition, Appointment of Judges and Jurisdiction, Writ Jurisdiction.

#### **UNIT - V**

Right to Property; Amendment of the Constitution: Power of the Parliament to amend the Constitution and Theory of Basic Structure.

Temporary provision (Article 370): Reorganization of Articles 370 and 35-A by the Constitution (Application to Jammu and Kashmir) Order 2019 and Re-Organization of Jammu and Kashmir through The Jammu and Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects).

#### **LEADING CASES :**

- 1) Minerva Mills v. Union of India, AIR (1978) SC 1789
- 2) Maneka Gandhi v. Union of India, AIR (1978) SC 597
- 3) Kesavananda Bharthi v. State of Kerala, AIR (1973) SC 1476
- 4) Kehar Singh v. Union of India, AIR (1989) SC 653
- 5) Justice K.S. Puttaswamy v. Union of India and Ors. (Retd.) and Anr. (2017) SC

#### **SUGGESTED READINGS :**

- Arvind Datar, Commentary on Constitution of India (3 Vols), LexisNexis (2010).
- Austin, Granville : Working a Democratic Constitution: Indian Experience 2nd Edition, Oxford University Press, 2000
- Bakshi, P.M. : Constitution of India- 8th Edition, Universal Law Pub., 2017.
- Basu, D.D. : Introduction to the Constitution of India (English & Hindi)
- Basu, DurgaDas : Shorter Constitution of India, 13th Edition, Wadhwa, 2012.
- Constitution of India as amended up to-date
- Constitution (Application to Jammu and Kashmir) Order 2019 □ D.D. Basu, Constitutional Law of India, LexisNexis (2013).
- H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- Jain, M.P. : Indian Constitutional Law- 5th Edition, Wadhwa, 2015.
- Kashyap Subhash C., Constitutional Law of India, Universal Law Publishing Co. Pvt. Ltd., 2015
- M. P. Jain, Indian Constitutional Law, LexisNexis (2015).
- Paras Diwan : Constitution of India
- Seervai, H.M.: Constitutional Law of India- 4th Edition, Universal Law Publishing Co. Pvt. Ltd., 2012.
- Shukla, V.N.: The Constitution of India- 11th Edition, Eastern Book Company, 2017.
- The Citizenship Act, 1955
- The Citizenship (Amendment) Act, 2019

- The Jammu And Kashmir Reorganisation Act, 2019
- Various Amendments made to the Constitution of India

## **PAPER 1.2.**

### **LAW OF TORTS AND CONSUMER PROTECTION ACT 2019**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

With rapid industrialization, law of tort has taken a dynamic shape and came to be used as an effective remedy against manufacturers and industrial units for their activities injurious to human beings. Product liability is now assuming a new dimension in developed economics. Hence, the basic purpose for introducing this law to the students is to make them understand the constituents of tort and general principles; Provide an in-depth clarity about various defences available against tortious liability together with The Consumer Protection Act, 2019 and Motor Vehicles (Amendment) Act 2019.

#### **UNIT - I**

##### **Meaning, Nature and Definition of Tort:**

Development of actions in tort in England and India; Meaning, Nature and definition of tort; Tort distinguished from contract, Quasi-Contract, breach of trust and crime; Foundation of tortious liability; Kinds of Damages; Relevance of Motive in Torts and its Exceptions—wrongful act, damage and remedy; Malfeasance, Misfeasance and Non-Feasance; Felonious Torts.

##### **General Defences in Tort:**

Volenti Non Fit Injuria, consent, voluntary assumption of risk, exclusion clauses; Vis Major (Act of God); Inevitable accident; Act of third parties; Novus Actus Interveniens; Plaintiff's wrong or default; Self-defence and Defence of Property; Necessity; Statutory Authority; Judicial and quasi-judicial acts; Parental and quasi-parental authorities; Illegality; Mistake of Fact.

#### **UNIT - II**

Damages and Remoteness of Damage; Contributory Negligence, Death as creating and extinguishing Liability

Damages: Types- General and special, nominal, contemptuous, aggravated, exemplary, Compensatory damages- Principles of causation, foreseeability, certainty, assessment and calculation of damages- principles, personal injuries, death, loss of property, economic

and non-economic losses; Injunction- Permanent and Temporary, Quia Timet Action; Replevin (Claim and Delivery); Ejectment Extra - Judicial Remedies:

Self-Defence, Re-Entry on Land, Recapture of goods, Abatement, Distress Damage Feasant.

Vicarious Liability:

Principle of Vicarious Liability - Nature, Scope and Justification; Concept of Master (Employer) and Servant (Employee) relationship; State Liability; Concept of Sovereign and Non-Sovereign Functions; Strict Liability and its Exceptions, Absolute Liability, No-Fault Liability and their Exceptions;

Liability for Statements (Deceit); Malicious Prosecution and Civil Proceedings; Joint and Several Tort Feasors; Judicial Responses.

### **UNIT - III**

Trespass to Person :

Assault, Battery, Mayhem; Causing Emotional Distress; False imprisonment Trespass to Property:

Liability for Land and Structure including Occupier's Liability; Private Nuisance: Conversion; Trespass to land, Trespass to personal property, Detention and conversion, Passing off; Injury to trademark, patent and copyrights; Public and Private Nuisance; Particular defences available in each of these types.

Trespass to Reputation:

Defamation: Libel and Slander; Freedom of speech and expression; Defences to defamation; Invasion of privacy and defences

### **UNIT - IV**

Negligence:

Duty to take care and its breach; Foreseeability, causation; Contributory negligence and other defences to negligence; Occupier's Liability; Res Ipsa Loquitur Miscellaneous:

Liability for Statements (Deceit); Malicious Prosecution and Civil Proceedings; Joint and Several Tort Feasors; Judicial Responses; Conspiracy.

### **UNIT - V**

Consumer Protection Act, 2019:

Consumer Protection; Need, Importance, Objectives; Definition, Concept and Third Party Beneficiary; Consumer Protection Councils; Central Consumer Protection Authority; Consumer Disputes Redressal Commission; Mediation; Product Liability; Offences and Penalties

Motor Vehicles Act 1988 (The Motor Vehicles (Amendment) Act 2019):

Need, Importance, Objectives; Definition, Concept, Key Features of the Amendment, Fault and No-Fault Liability of Driver and Owner; Concepts regarding Third Party; Driving Licenses; National and State Register of Driving Licenses; National Transportation Policy; Offences and Penalties, Powers and Jurisdiction of a Motor Accidents Claims Tribunal, Judicial Responses.

**LEADING CASES:**

- 1) Donogue v. Stevenson (1932)
- 2) Indian Medical Association v. V. P. Shantha, AIR (1996) SC 558.
- 3) Municipal Corporation of Delhi v. Smt. Subhagwati, AIR (1966) SC 17.
- 4) N. Nagendra Rao v. State of Andhra Pradesh, AIR (1994) SC 2663.
- 5) Rylands v. Fletcher, (1868) LP. 3 HL 330.

**SUGGESTED READINGS:**

- Motor Vehicles Act, 1988 Including The Motor Vehicles (Amendment) Act, 2019
- Ramaswamy Iyers's The Law of Torts, Lakshminath ed, 10th ed, 2007, LexisNexis.
- Ratanlal and Dhirajlal, The Law of Torts, Akshay Sapre ed., 27th ed., 2016, LexisNexis.
- Salmond and Heuston on the Law of Torts, R F V Heuston and R A Buckley Ed., 21<sup>st</sup> ed., Sweet and Maxwell.
- The Consumer Protection Act, 2019
- Wienfield and Jolowicz on Tort, W.V.H. Rogers ed., 18th ed, 2010, Sweet and Maxwell.

### **PAPER 1.3.**

#### **FAMILY LAW – I** **(HINDU LAW)**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This course involves the student with the introduction of Hindu law as it affects property relations. It primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations and other provisions relating to marriage, succession etc. in Hindu law. The study of the course will attempt to view Hindu law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfil the constitutional directive of uniform civil code.

#### **UNIT - I**

##### Hindu Law:

Sources, School and Application, Coparcenary, Joint Family Property and Self-acquired property; Karta and his powers and obligations, Religious and Charitable Endowments – Essentials of an Endowment Kinds, Shebait and Mahant;

#### **UNIT - II**

##### The Hindu Marriage Act, 1955:

Conditions of a valid Hindu Marriage; Its ceremonies and registration, Void and Voidable Marriage : Restitution of Conjugal Rights; Judicial Separation, Legitimacy of Children of Void and Voidable Marriage; Divorce and its grounds; Alternative relief in divorce proceedings, Divorce by Mutual Consent, One year bar to Divorce; Divorced persons when may marry again; Jurisdiction and Procedure. The Prohibition of Child Marriage Act, 2006. Validity of Child Marriage; Judicial Responses.

#### **UNIT - III**

##### The Hindu Succession Act, 1956:

Succession to the property of a Hindu male; Succession to interest in Coparcenary property, Property of a Female Hindu to be her absolute Property; Succession to the property of a Hindu female; General rules and disqualifications of succession, Escheat; Judicial Responses.

## **UNIT - IV**

The Hindu Adoption and Maintenance Act, 1956: Requisites of a valid adoption; Capacity to take in adoption; Capacity to give in Adoption, Effects of Adoption; Miscellaneous provisions of adoptions; Maintenance of wife, children and parents; Maintenance of widowed daughter-in-law; Dependants and their maintenance; Amount of Maintenance; Judicial Responses;

## **UNIT - V**

The Hindu Minority and Guardianship Act, 1956:

Natural Guardians and their powers; Testamentary guardian and their powers, De Facto Guardian, General Provisions of Guardianship; Judicial Responses.

Partition under Hindu Law: Meaning, Property for Partition, person entitled to sue for partition and allotment of shares, Partition, and allotment of shares, how effected, Determination of shares, Re-opening of Partition, Reunion, Debts – Doctrine of Pious Obligation; Antecedent Debts; Judicial Responses;

## **LEADING CASES :**

- 1) Shastri Yajna Purusdasji v. Muldas, AIR 1966 SC 1119 2)
- Bipin Chandra v. Prabhavati, AIR (1957) SC 176.
- 3) Dr. Narayan Ganesh Dastane v. Sucheta Dastane AIR (1975) SC 1534
- 4) Dharmendra Kumar v. Usha Kumar, AIR (1977) SC 2218
- 5) Tulsamma v. Sesha Reddi, AIR (1977) SC 1944

## **SUGGESTED READINGS :**

- Kusum, Family Law Lectures : Family Law I, LexisNexis, New Delhi.
- Mulla : Principles of Hindu Law
- Paras Diwan : Modern Hindu Law
- Paras Diwan, Law of Marriage and Divorce (5th Edn. 2008)
- Professor Kusum, Family Law Lectures- Family Law-I, Lexis Nexis Publications, (3<sup>rd</sup> Ed. 2011)
- Raghavachariar : Hindu Law – Principles and Precedents
- Ranganath Misra (Rev.), Mayne's Treatise on Hindu Law & Usage (16<sup>th</sup> Ed.2008) □  
Satyajeet A Desai, Mulla's, Hindu Law, LexisNexis, New Delhi.
- Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.



## **PAPER 1.4.**

### **FAMILY LAW – II (MOHAMMEDAN LAW)**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The subject of family law is important to understand those rights and obligations, to regulate the family matters through the law and thus to minimize conflicts within the family this subject is also important to understand the various reliefs in family disputes. This course involves the student with the introduction of Muslim law as it affects property relations. It primarily covers the concept of Marriage, Divorce Pre-emption, Will etc., the provisions relating to intestate and testamentary succession applicable to persons of all denominations and other provisions relating to Wakf etc. in the law with latest amendments.

#### **UNIT - I**

##### **Mohammedan Law:**

History and Origin, Development, Sources, Schools, Application, Interpretation and Conversion;

#### **UNIT - II**

##### **Marriage:**

Definitions, Nature of Marriage, Essentials of Marriage; Prohibitions of Marriage, Khyar-ulbulugh, Matrimonial Stipulation, Kinds of Marriage and Effects of Marriage.

**Mahr:** Meaning, Nature, Kinds, Object and Subject-Matter. Wife's rights on non-payment of dower; Judicial Responses.

**Dissolution of Marriage:** By Death of either party, By Act of either parties, By Mutual Consent, By Court – Section 2 of the dissolution of Muslim Marriage Act, 1939 (including amendments if any); Legal effects of divorce, Iddat, Hiba-e-Muddat, Legal Status of Triple Talaq, Concept of Halala; Judicial Responses.

##### **Muslim Women (Protection of Rights on Marriage) Act, 2019:**

Need, Importance, Objectives; Definition, Concept, Key features of the Act; Judicial Responses;

#### **UNIT - III**

##### **Pre-emption:**

Meaning, Nature and Classification of Haq Shufa (Pre-emption); Rights of pre-emption, when Conflict of Laws, Subject matter and Formalities of Pre-emption, legal effects of preemption, Devices for evading pre-emption; Judicial Responses.

Gift : Meaning and requisites to gift (Hiba); Gift of Musha, Conditional and Future Gifts, Life Estate, Life Interest, (Hiba-bil-Ewaj, Hiba-ba-Shartul-Ewaj); Judicial Responses;

#### **UNIT - IV**

Will (Vasiyat) Competence of Testator and Legatee, Valid subjects of Will:

Testamentary Limitations, Formalities of a Will and Abatement of Legacy; Judicial Responses.

Legitimacy and Acknowledgement:

Legitimacy and Legitimation, Presumption of Legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, 1872 Conditions of a Valid Acknowledgement; Judicial Responses.

Maintenance:

Persons entitled to Maintenance, Principles of Maintenance;

The Muslim Women (Protection of Rights on Divorce) Act, 1986; Need, Importance, Objectives; Definition, Concept, Key features of the Act; Judicial Responses. Death Bed Transactions : Meaning and Effect of Marz-ul-Maut;

#### **UNIT - V**

Wakf: Meaning, Essentials and Kinds, Beneficiaries of Wakf; The Mussalman Wakf Validating Act, 1913, The Wakf Act, 1955; Need, Importance, Objectives; Definition, Concept, Key features of the Acts; Judicial Responses.

Formalities for Creation of Wakf; Wakf of Musha; Muslim religious institution and officers; Administration of Wakf; Mutawalli; The Wakf (Amendment) Act, 2013- Need, Importance,

Objectives; Definition, Concept, Key features of the Amendment; Judicial Responses.

Inheritance: General Principles, Doctrines of Aul and Radd under Hanafi and Shia Law;

#### **LEADING CASES:**

- 1) Danial Latifi v. Union of India (2001) 1 SC 740
- 2) Habibur Rahman v. Altaf Ali (1921) 42 IA 114
- 3) M/s Shabnam Hashmi v. Union of India AIR 2014 SC 1281
- 4) Maina Bibi v. Choudhary Vakil Ahmed, (1923) 52 IA 145
- 5) Mohd. Ahmed Khan v. Shah Bano Begum, AIR (1985) SC 945
- 6) Moonshee Buzul-ul-Rahim v. Lateefunnisa, (1861) 8, MIA 379.
- 7) Shabana Bano v. Imran Khan, AIR (2010) SC 305
- 8) Shayara Bano v. Union of India and Ors., (2017) 9 SCC 1

#### **SUGGESTED READING :**

- Amer Ali, Mohammedan Law, Vol. I and II, Eastern Book Company, Luknow.
- Aqil Ahmed : Mohammedan Law
- Asaf A A Fyzee, Outline of Muhammadon Law, Oxford University Press, New Delhi.
- Fyzee : Mohammedan Law

- Mulla, Principles of Mohammedan Law, LexisNexis, Nagpur
- Muslim Women (Protection of Rights on Marriage) Act, 2019
- Poonam Pradhan Saxena, Family Law Lectures: Family Law II, LexisNexis, New Delhi.
- Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.
- The Mussalman Wakf Validating Act, 1913
- The Wakf Act, 1955
- The Wakf (Amendment) Act, 2013.

## **PAPER 1.5.**

### **LAW OF CONTRACT**

#### **[GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF ACT, 1963]**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

To apply the basic principles in contractual relations, there need to be a clear understanding of the basic sources of law of contract. As the major source of contract law being the principles of English common law, we need to discuss the evolution of law of contract and the similarities and dissimilarities with the English law of contract. Hence, this course is designed to acquaint the students 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 contract. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study. A practical overview of Specific Relief Act which gives a judicial remedy to enforce performance of contract is also included in the study.

#### **UNIT - I**

Meaning, elements and characteristics of Contract; Formation and Classification of Contract, including the Standard form of Contract; Proposal: Meaning, Elements Characteristics and Kinds of Proposal; Distinction between Proposal and Invitation to Proposal; Acceptance: Meaning, Modes and Characteristics of Acceptance; Communication, Revocation and Termination of Proposal and Acceptance;

#### **UNIT - II**

##### **Consideration:**

Meaning, Definition and Elements of Consideration; Significance and adequacy of consideration; Privity to Contract; Unlawful Consideration and Object  
Valid Contract

##### **Capacity to Contract :**

Parties competent to contract; Position of minor; Person of unsound mind, nature of contract by person of unsound mind; Persons deprived of the Capacity to Contract.

##### **Free Consent :**

Meaning of Consent and Free Consent; Factors rendering consent not free and their effect upon the validity of Contract; E- Contracts: Definition, Silent Features, Formation and types, Differences between E- Contract and Traditional Contract, Advantages and Disadvantages of E -Contracts;

### **UNIT - III**

#### Voidable and Void Agreements:

Doctrine of severability; Agreements in restraint of marriage; in restraint of trade; Uncertain agreements; in restraint of legal proceedings; Agreement by way of wager; Contingent Contract; Certain relations resembling to those created by Contract (Quasi Contract)

### **UNIT - IV**

#### Performance of Contract:

Parties to perform the contract Joint rights and joint liability and performance of reciprocal promises; Time, Place and Manner of Performance; Discharge from liability to perform the contract.

### **UNIT - V**

#### Breach of Contract :

Meaning and Kinds; Remedies for Breach of Contract:(i) Damages—Measure of damages and remoteness of damage; (ii) Specific Performance of contract and injunctions under Specific Relief Act,1963 and Amendments.

### **LEADING CASES :**

- Carlill v. Carbolic Smoke Ball Co. (183) 1 QB 256
- Bhagwandas v. Girdhari Lal & Co. AIR 1966 SC 543
- Motilal Padampat Sugar Mills v. State of U.P. AIR 1979 SC 621
- Mohori Bibi v. Dharmodas Ghose, (1903) 30 I.A. 114
- Satyabrata Ghose v. Mugneeram Bangur & Co. and Another AIR 1954 SC 310

### **SUGGESTED READINGS :**

- Anson, Law of Contract, Oxford University Press, New York, 2016
- Atiyah P.S.: An Introduction to the Law of Contract
- Avtar Singh, Law of Contract, 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)
- Avtar Singh: Law of Contract, (English & Hindi)
- Jill Poole, Textbook on Contract Law, Oxford University Press, New York, 14th ed.2019
- Mulla, Indian Contract Act, Lexis Nexis, New Delhi, 15th Ed 2015
- Neil Andrews, Contract Law, Cambridge University Press, 2011 □ P.R. Desai: Principles of Law of Contract.
- Pollock & Mulla: Indian contract and Specific Relief Act. □ V.G. Ramchandra: The Law of Contract in India

## **PAPER 1.6.**

### **SPECIAL CONTRACTS**

#### **[SALE OF GOODS ACT, 1930, INDIAN PARTNERSHIP ACT, 1932, LIMITED LIABILITY PARTNERSHIP ACT, 2008]**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

Essentially all the commercial transactions are regulated by the law of contract. The expansion of commercial activities at a global market environment makes the understanding of the law of contract even more critical.

This course follows the pattern about the general principles that apply to all contracts. They deal with general principles that apply to each specific contractual relationship. The study of this course will enable a good understanding of the purposes with which each of these transactions is made, the features of each of these transactions, and the rights and liabilities of the parties to them.

#### **UNIT - I**

##### **Contracts of Indemnity and Guarantee:**

Meaning, Distinction between Indemnity and Guarantee and Kind of Guarantee; Rights of Indemnity Holder; Rights of the Surety, Extent of the Liability of the Surety; Discharge of liability of the Surety;

##### **Contracts of Bailment and Pledge:**

Meaning and Kinds of Contracts of Bailment – Bailment without Consideration; Rights and Duties of Bailee and Bailer; Termination of Contract of Bailment; Contract of Pledge Meaning and Definition, Pledge by Unauthorized Persons;

#### **UNIT - II**

##### **Contract of Agency:**

Definition, Kinds and Modes of Creation of Agency; Relation between-i) The Principal and Agent ii) The Principal and Third Party, and iii) The Agent and the Third Party  
Determination of Agent's authority – i) By Act of Parties; and ii) By Operation of Law – Irrevocable Authority;

#### **UNIT - III**

##### **Contract of Sale of Goods:**

Sale: Meaning, Definition and Distinguish between Agreement to Sell, Hire-Purchase Agreement; Goods: Existing, Future and Contingent; Conditions and Warranties; Passing of Property from Seller to Buyer; Sale by Unauthorized Person; Law relating to Performance of Sale; Rights of Unpaid Seller;

## **UNIT - IV**

### Contract of Partnership:

Meaning, Definition, Creation and the Characteristics of Contract of Partnership; Kinds of Partner and Partnership; Distinction between: i) Co-ownership and Partnership ii) Joint Hindu Family Firm and Partnership; iii) Company and Partnership iv) Limited Liability Partnership and Partnership;

Position of Minor; Relations inter-se of partners and relation of Partners with third parties; Registration of Partnership firm; Effect of Non-Registration of Partnership Firm; Dissolution of Firm;

## **UNIT – V**

### Limited Liability Partnership Act, 2008:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses

### **LEADING CASES:**

- 1) Amritlal Goverdhan Lallan v. State Bank of Travancore, AIR (1960) SC 1432
- 2) Hindustan Construction Company Limited v. Union of India 2019 SC
- 3) National Bank of India Ltd. v. Sohan Lal AIR 1965 SCR (3) 293
- 4) Patnaik & Co. v. State of Orissa AIR (1965) SC 1655
- 5) Serious Fraud Investigation Office v. Rahul Modi, 2019 SC 423 6) State of Gujarat v. Mamon Mohd. AIR (1967) SC 1885

### **SUGGESTED READINGS:**

- A. Ramaiya's Commentary on the Sale of Goods, K Shanmukham and H K Saharay eds, 5th ed, 2014, Universal Law Publishing.
- Akhilesh Gupta, Law Relating to Special Contracts—Contracts of Bailment, Pledge □ Akhileshwar Pathak, Law of Sale of Goods, 2013, Oxford University Press.
- Avtar Singh : Principal of the Law of Sale of Goods (English and Hindi)
- Avtar Singh, Introduction to Law of Partnership (including Limited Liability Partnership) 10th ed., 2011, Eastern Book Company.
- Benjamin's Sale of Goods, Michael Bridge ed, 9th ed, 2016, Sweet and Maxwell.
- D. S. Chopra, A Commentary on Sale of Goods, Partnership and Negotiable Instruments, 2016, Thomson Reuters.
- Mulla's The Sale of Goods Act and the Indian Partnership Act, K Kannan ed., 10<sup>th</sup> Ed., 2012, LexisNexis.
- P S Ramanatha Aiyar, Law of Sale of Goods, Shrinivas Gupta ed., 10th ed, 2016, Universal Law Publishing.

- Pollock and Mulla's The Indian Partnership Act, G. C. Bharuka ed., 7th ed, 2007
- Pollock and Mulla's The Sale of Goods Act, Akshay Sapre ed., 9th ed, 2014, Lexis Nexis.



## **PAPER 1.7.**

### **LEGAL LANGUAGE, LEGAL WRITING AND GENERAL ENGLISH**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This course is designed to scientifically relate the Law and English Language as the means and methods for development of effective reading, writing, communication and presentation skills. The objective of this course is to introduce students to the nuances of legal language and writing, and its use and application through the study of judicial opinions, common legal maxims and legal terminology. It also seeks to familiarize students with the principles governing legal drafting, and equip them with the ability to draft simple legal documents and with academic legal writing assuming increasing significance in this day and age, both for students and practitioners, emphasis has also been placed on developing and honing students' research and writing skills through the study of the works of eminent jurists, as also practical writing exercises.

#### **UNIT - I**

##### Legal Language:

Introduction to Language and Communication; Use of Legal Phrases and Terms List of Legal Terms; Latin Maxims; Pair of words; One-word substitution;

#### **UNIT - II**

##### Reading and Comprehension Skills:

Comprehension of Legal Texts; Prescribed Leading Cases; Newspaper Reading;

#### **UNIT - III**

##### Legal Writing:

Fundamental Principles of Legal Writing; General Guidelines Relating to Legal Writing; How to write a case comment; Precise Writing; Brief Writing and Drafting of reports; letters and applications; Essay writing and topics of legal interest; Translation (from English to Hindi and Hindi to English); Resume; Writing for Employment-Designing Cover letters; Difference between Bio-Data, Resume and Curriculum-Vitae;

#### **UNIT - IV**

##### Communication & Presentation Skills:

Importance of communication skills for a legal professional; Verbal, Non-verbal and

Paralinguistic Communication; Brevity, Clarity, Simplicity, Accuracy and Appropriateness; Barriers to good communication and how to avoid them; Etiquettes and Manners for Law Professionals; Body Language; Group Discussion; How to Face an Interview; Presentation techniques;

## **UNIT - V**

### **Academic Legal Writing:**

Sources of Legal Material, Literature review, Writing an Abstract, Formulating Research Question, Methodology, Formal Writing Style, Plagiarism, Citation Methods (Footnotes), Examination Strategies, Written communication including emails and formal letters;

### **PRESCRIBED LIST OF LEGAL TERMS:**

Abet	Compromise	Good Faith	Mortgage
Abate	Consent	Guardian	Murder
Abstain	Conspiracy	<i>Habeas Corpus</i>	Negligence
Accomplice	Contempt	Hearsay	Negotiable
Act of God	Contingent	Homicide	Instruments
Actionable	Contraband Conviction	Inheritance	Neutrality
Accuse	Convention	Illegal	Non-feasance
Adjournment	Corporate	Indemnity	Notification
Adjudication	Custody	Inheritance	Novation
Admission	Damages	In <i>limine</i>	Nuisance
Affidavit	Decree	Insanity	Oath
Amendment	Defamation	Institute	Obscene
Appeal	Defense	Insurance	Offender
Acquittal	Deposit	Intestate	Order
Articles	Detention	Issue	Ordinance
Assent	Discretion	Judicial	Overrule
Attested	Distress	Jurisdiction	Partition
Attornment	Earnest Money	Justice	Perjury
Averment	Enact	Judgment	Petition
Bail	Enforceable	Justiciable	Plaintiff
Bailment	Equality	Legislation	Pledge
Blockade	Escheat	Legitimacy	Preamble
Bonafide	Estoppel	Liable	Pre-emption
By-laws	Eviction	Liberty	Prescription
Charge	Executive	License	Presumption
Chattels	Ex-parte	Lieu	Privilege
Citation	Finding	Liquidation	Privity
Clause	Floating charge	Maintenance	Process
Coercion	Franchise	Malafide	Promissory Note
Code	Fraud	Malfeasance	Proof
Cognizable	Frustration	Minor	Proposal
Confession		Misfeasance	Prosecution

Procedural	Rule	Testator	Usage
Proviso	Ruling	Testatrix	Verdict
Ratify	Schedule	Title	Vested
Receiver	Section	Tort	Violate
Redemption	Settlement	Trade Mark	Vis-major
Reference	Sovereignty	Treason	Void
Regulation	Stamp Duty	Treaty	Voidable
Remand	Status quo	Trespass	Waiver
Remedy	Statute	Trial	Warrant
Repeal	Succession	Tribunal	Warranty
Res Judicata	Summons	Trust	Will
Respondent	Surety	Ultra vires	Writ
Restitution	Tenant	Undue influence	Wrong

### **PRESCRIBED LIST OF LATIN MAXIMS:**

1. A mensa et thoro (from table and bed)
2. Ab initio (from the beginning)
3. Actio personalis moritur cum persona (Personal right of action dies with the person)
4. Actus curiae neminem gravabit (an act of the Court shall prejudice no one)
5. Actus non facit reum, nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).
6. Actus reus (wrongful act)
7. Ad interim (in the meantime)
8. Ad litem (for the suit)
9. Ad valorem (according to the value)
10. Adjournment sine die (adjournment without a day for a further meeting or hearing)
11. Alibi (plea of being elsewhere)
12. Allegans Contraria Non Est Audiendus (One making contradictory statements is not to be heard)
13. Amicus curiae (friend of the Court)
14. Animus (intention)
15. Audi alteram partem (hear the other side)
16. Bonus iudex secundum aequum et bonum iudicat et aequitatem stricto juri praefert (A good judge decides according to justice and right and prefers equity to strict law.)
17. Caveat emptor (buyer beware)
18. Consensus ad idem (agreement by the persons upon the same thing in the same sense)
19. Corpus delicti (Body of the crime)
20. Corpus juris civilis (Body of civil law)
21. Dammum sine injuria (damage without injury)
22. De facto (in fact)
23. De jure (in law)
24. Decree nisi (a decree which takes effect after a specified period)
25. Delegates non potest delegare (a delegated power cannot be further delegated)
26. Deminimis non curat lex (the law does not account of the trifles)
27. Denatio martis cause (gift by a person on the death-bed)
28. Doli incapax (incapable in malice)
29. Ei incumbit probatio qui dicit, non qui negat (The burden of proof is on the one who declares, not on one who denies)
30. Ejusdem generis (of the same category)
31. Eminent domain (the supreme rights)
32. Ex officio (from the office)

33. Ex specialis derogat legi generali- (Specific law takes away from the general law)
34. Ex turpi causa non oritur actio (No action arises on an immoral contract.)
35. Ex parte (not in the presence of the opposite party)
36. Ex post facto (by subsequent act)
37. Factum valet (the fact which cannot be altered)
38. Fait accompli (an accomplished fact)
39. Fortior est custodia legis quam hominis (The custody of the law is stronger than that of man)
40. Fraus et jus nunquam cohabitant (Fraud and justice never dwell together.)
41. Ignorantia legis neminem excusat (ignorance of law is no excuse)
42. In pari materia (in an analogous case, cause or position)
43. Injuria sine damno (injury without damage)
44. Interest re publicate ut sit finis litium (it in the interest of the republic that there should be an end of law suit)
45. Interpretare et concordare leges legibus est optimus interpretandi modus (To interpret and harmonize laws is the best method of interpretation.)
46. Intra vires (within the powers)
47. Judex non potest esse testis in propria causa - A judge cannot be witness in his own cause.
48. Jus terti (the right of a third party)
49. Justitia nemini neganda est (Justice is to be denied to no one)
50. Lex citius tolerare vult privatum damnum quam publicum malum (The law would rather tolerate a private injury than a public evil.)
51. Lis pendens (pending suit)
52. Mens rea (guilty mind)
53. Mesne profits (the profits received by a person on wrongful possession)
54. Mors dicitur ultimum supplicium (Death is called the extreme penalty.)
55. Nemo dat quod non habet (no man can transfer better title than he himself has)
56. Nemo Debet Bis Vexari Pro Una Et Eadem Causa (no man can be twice vexed for the same cause)
57. Nemo iudex in causa sua (no one shall be a judge in his own case)
58. Nemo punitur pro alieno delicto - No one is punished for the crime of another.
59. Obiter dicta (an opinion of law not necessary to the decision)
60. Onus probandi (the burden of proof)
61. Pacta sunt servanda (pacts must be respected)
62. Pendent lite (during litigation)
63. Per capita (counting heads)
64. Per incuriam (though inadvertence or carelessness)
65. Post mortem - After death
66. Prima facie - On the face of it
67. Pro bono publico (for the public good)
68. Pro rata - In proportion.
69. Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba expressa fienda est - When there is no ambiguity in words, then no exposition contrary to the expressed words is to be made.
70. Ratio decidendi -Reason for the decision
71. Ratio est legis anima, mutata legis ratione mutatur et lex - Reason is the soul of the law; when the reason of the law changes the law also is changed.
72. Res gestae (connected facts forming the part of the same transaction)
73. Res ipsa loquitur (the thing speaks for itself)

- 74. Res judicata (a matter already adjudicated upon)
- 75. Res nullius (an ownerless thing)
- 76. Respondeat superior -let the master answer
- 77. Rule nisi (a rule or order upon condition that is to become absolute case is shown to the contrary)
- 78. Status quo (existing position)
- 79. Sub judice (in course of adjudication)
- 80. Sui juris (on one's own right).
- 81. Suo motu (of one's own accord)
- 82. Ubi jus ibi remedium (where there is a right, there is a remedy)
- 83. ultra vires (beyond the powers of)
- 84. Vigilantibus non dormientibus aequitas subvenit -Equity aids the vigilant, not the sleeping
- 85. Volenti non fit Injuria (Risk taken voluntarily is not actionable)

**SUGGESTED READINGS:**

- B. M. Gandhi, Legal Language, Legal Writing and General English, Eastern Book Company, 2010.
- Blacks' Law Dictionary, Universal Publishing Ltd., 2000.
- Broom's Legal Maxims. 11th ed. New Delhi: Universal Publishing Ltd., 2011.
- Dr. A. Prasad, Outlines of Legal Language in India, Central Law Publications, 6th ed., 2011
- Dr. S.C. Tripathi, Legal language, Legal Writing and General English, Central Law Publications, 6th ed.,
- Glanville Williams: Learning the Law
- Mogha G. C. Mogha's Law of Pleadings in India with Precedents. 17th ed. Lucknow: Eastern Book Company, 2006 (2009).
- P. Ramanatha Aiyar's The Law Lexicon, Dr. Shakil Ahmad Khan, LexisNexis, 3rd ed., 2012
- Paul Rylance: Legal Writing and Drafting
- S.P. Aggarwal, Drafting and Conveyancing (Student Series), LexisNexis, 5th ed., 2013.
- Wren and Martin: English Grammar and Composition

## **PAPER 1.8.**

### **LEGAL AND CONSTITUTIONAL HISTORY OF INDIA**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The roots of the present lies buried in the past. The objective of the course is to familiarize the students with the origin of common law system in India. This course traces the legislative history back to 1600 and its evolution through different periods under different Governor Generals. The main objective is to enlighten the students about the historical background of legislations in civil, criminal and constitutional Law and relate it to contemporary period. It also focuses the court system during colonial period and the cases heard by it. The learning of the Court system and how it has been revamped in different times to the needs of the society will help the students to find out its importance in present day judicial system.

#### **UNIT - I**

##### Early Administration of Justice in Presidency Towns:

European Settlement in India; The East India Company: Development of authority; Organisational setup of the English Company's Factories or settlements in India; Madras Settlement and Administration of Justice; Administration of Justice in Bombay; Administration of Justice in Calcutta

##### Mayor's Courts and the Courts of Requests:

Early Mayor's Court in Madras; Provisions of the Charter of 1726; Consequences of the Charter of 1726; Critical estimate of the working of the Mayor's Court from 1726 to 1753; The Charter of 1753: Reforms introduced; Criticism of the Charter; Abolition of the Mayor's Court; Appraisal of the Mayor's Court under the Charter of 1726 and 1753; The Courts of Request (Small Cause Courts);

#### **UNIT - II**

##### Adalat System in Mofussil Area:

Courts in Bengal under the Mughals; Dual Government in Bengal and its consequences; The Company as Diwan; Warren Hasting's Plan of 1772; Defect of the Plan; New Plan of 1774; Reorganisation of Adalats in 1780; Defects of the reorganization Plan; Reforms of 1781: Initiative of Impey and Warren Hastings; Reforms in the Administration of Criminal Justice

##### The Regulating Act of 1773:

Circumstances prior to the Act of 1773; Salient features of the Regulating Act, 1773; Legislative power under the Act, 1773; Charter of 1774 and the Supreme Court of Calcutta; Critical estimate of the Provisions of the Regulating Act, 1773 and the Charter of



1774; Trial of Raja Nand Kumar (1775); —Kamaluddin Case (1775); —Patna Case (1777-1779); —Cossijurah Case (1779-1780); Salient features of the Settlement Act, 1781; Major defects of the Settlement Act, 1781; Supreme Court at Calcutta; Supreme Court at Madras and Bombay; Laws administered in the Supreme Court

### **UNIT - III**

#### Judicial Measures of Cornwallis:

Company's Government before Cornwallis; Important provisions of the Pitt's Act, 1784; Judicial reform of Cornwallis; a) Judicial Plan of 1787 b) Re-organisation of the Criminal Judicature c) Scheme of Criminal Judicature, 1790; Judicial Plan of 1793; Appraisal of the System of 1793.

#### Establishment of High Courts:

The Indian High Courts Act, 1861; Letters patent establishing High Courts; The Indian High Courts Act, 1865 and of 1911; The Government of India Act, 1915; The Government of India Act, 1935; High Courts established during 1947 to 1950.

### **UNIT - IV**

#### Privy Council - Highest Court of Appeal:

The Origin of Privy Council; Appeal to the Privy Council (1726-1860); Appeal to the Privy Council (1861-1949); Precedential value of the Privy Council decisions; Federal Court of India :

Foundation of the Federal Court; Jurisdiction of the Federal Court - a) Original Jurisdiction b) Appellate Jurisdiction c) Advisory Jurisdiction  
Authority of law laid down by Federal Court; Abolition of Federal Court.

### **UNIT - V**

#### Evolution of Law through Legislation and Judicial Decisions in Colonial Period:

Process of Codification in India - (a) The Charter Act of 1833, (b) The First Law Commission, (c) The Second Law Commission, (d) The Third Law Commission, and (e) The Fourth Law Commission Constitutional History:

Morley-Minto Reforms and the Indian Council Act, 1909; Montagu-Chelmsford Report and the Government of India Act, 1919; a) Main features of the system introduced by the Act of 1919 b) Shortcomings of the Act of 1919

The Simon Commission Report; The Nehru Report, 1928; Communal Award and Poona Pact The Civil Disobedience Movement; The Government of India Act, 1935- Main features, opposition to the Act; defects of the Act.

#### **LEADING CASES:**

- 1) Bhagwandeem Doobey v. Myna Bae, (1866-1867) 11 MIA 487
- 2) Gokul Chand v. Hukum Chand Nath Mal, (1920-1921) 48 IA 162
- 3) Gopeekrist Gosain v. Gungapersaud Gosain, (1854-1857) 6 MIA 53
- 4) Manzur Hasan v. Muhammad Zaman, (1924- 1925) 52 IA 61
- 5) Miter Sen Singh v. Maqbul Hasan Khan, (1929-1930) 57 IA 313

6) Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam, (1909-1910) 37 IA 152

**SUGGESTED READINGS:**

- Debates of Constitutional Assembly.
- Gandhi, B. M.: V. D. Kulashreshtha's Landmarks in Indian Legal and Constitutional History; Eastern Book Company, 1989
- Granville Austin, The Indian Constitution - Cornerstone of a Nation, 5 Edition, Oxford University Press, New Delhi,( 2002).
- Ilbert, Courtney Sr. The Government of India, 2nd ed. London: Oxford University Press, 1907.
- Jain, M.P., Outlines of Indian Legal History, Lexis Nexis (2014).
- Jois, Rama M., Legal And Constitutional History of India, Universal Law Publications Ltd.
- Keith A. B. A Constitutional History of India, 1600-1935, 2nd ed. Allahabad: Central Depot, 1961.
- Pylee, M. V. Constitutional History of India (1600-1950). Bombay: Asia 1967.
- Rama Jois, Legal and Constitutional History of India, Universal Law Publishing, (2016)
- S.B. Shiva Rao, The Framing of the Indian Constitution, Vols. I and V, the Indian Institute
- Speeches and Documents on the Indian Constitution 1945 -1947 (2 Vols.) London OUP, 1957.

## **PRACTICAL PAPER**

### **PAPER 1.9. (a)**

### **PUBLIC INTEREST LAWYERING LEGAL AID, PARA-LEGAL SERVICES AND MOOT COURT**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- |                             |   |          |
|-----------------------------|---|----------|
| (a) Practical written paper | — | 80 marks |
| (b) Viva voce examination   | — | 20 marks |

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The object of the course is to familiarize the students with an exposure to the socio-legal aspects and sensitize them to the problems of the downtrodden and weaker sections of the society, and to inculcate social responsibilities in the students. This course will also have a purpose to discuss the different standings on which PIL's are admitted and will be able to explain the differences between the adversarial and inquisitorial procedures and to critically analyze the objects of Legal Services Authorities Act and the provisions of the Act, which seek to realize these objects and finally to make the student serve the society with their legal knowledge.

#### **(a) Practical Written Paper:**

- (1) Meaning, nature, scope and object of Public Interest Litigation (PIL); PIL against the State and other Public bodies; Difference between Public Interest Litigation and Private Interest Litigation; Judicial Responses—Meaning of Social Action Litigation, Concept of Locus Standi.

Liberalisation of *Locus Standi*, *Suo Motu* intervention by the court; Epistolary jurisdiction, creeping jurisdiction; Adversarial and inquisitorial procedures; Research in support of Public Interest Litigation.

- (2) Legal Aid under the :
  - (i) Constitution; (ii) Code of Criminal Procedure; and (iii) Code of Civil Procedure. The Legal Services Authorities Act, 1987; Legal Aid and Law Schools; Legal Aid and Voluntary Organizations legal Aid and Legal Profession; District Legal Aid Committee.
- (3) Lok Adalats —Their jurisdiction. working and Powers under the Legal Services Authorities Act, 1987.
- (4) Writing of Pubic Interest Litigation.  
Writing of applications for Legal Aid. The students shall take part in extension programmes

like Lok Adalats, Legal Aid Camps, Legal Literacy Camps, etc., under the guidance of the Course Teacher. Each student shall maintain a diary containing the details of his/her participation in the extension programmes.

#### **LEADING CASES:**

- 1) Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.
- 2) Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545.
- 3) Sheela Barse v. State of Maharashtra, AIR 1988 SC 378.
- 4) Sukhdas v. Union Territory of Arunachal Pradesh, AIR 1986 SC 928.
- 5) Vishakha v. State of Rajasthan AIR 1997 SC 3011.

#### **SUGGESTED READINGS:**

- Agarwala, S. K. Public Interest Litigation in India, Bombay: N. M. Tripathi, 2000.
- Kailash Rai—PIL, Legal Aid & Para Legal Services (English & Hindi) □ L.M. Singhvi— Law and Poverty — Cases and Material.
- Law Relating to Public Interest Litigation, R. Chakraborty (Laymanns) ,2015 □ Menon, N. R. Madhava, Clinical Legal Education.
- Public Interest Litigation (with Model PIL Formats), Dr. B.L. Wadhera, 2014 □ Public Interest Litigation(PIL) & How to file PIL,CA Virendra Pamecha, 2014 □ R. N. Bajpayee—Legal Aid and the Bar Council. □ RN. Bhagwati— Legal Aid as a Human Right

#### **PAPER 1.9. (b)**

#### **VIVA—VOCE EXAMINATION**

**20 Marks**

Candidate shall maintain a Diary on Court visits; Legal Aid and Lok Adalat Proceedings. Moot Court may be conducted under the supervision of the concerned teacher on the prescribed leading cases in LLB-first year papers. The teacher(s) shall conduct at least two 'Moot Courts' during the session and it will be compulsory for the candidates to participate in at least half of the Moot Courts conducted by the college in the session. The concerned teacher may also conduct Moot Court on the decided cases other than the prescribed leading cases. The Viva-voce examination shall be conducted by a Committee of three persons. In this Committee, there shall be two internal examiners and one External examiner. The Committee shall award marks on the basis of Court diary and performance at the Moot Court and viva-voce examination. In case of discrepancy in the awards, the awards given by external examiner shall be final.

**SECOND YEAR**

**SESSION 2021 – 22**

## **PAPER 2.1.**

### **JURISPRUDENCE**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

Jurisprudence in its etymological sense means the science of law. It is the foundation on which the entire edifice of law is structured. It is therefore imperative to have a clear understanding of jurisprudence as it is sine-qua-non for the study of any law subject. The subject acquaints the students with the complexities of laws and introduces them to the means of solving them based on sound jurisprudential principles. In spite of there being several schools of thought on this subject, there is a general convergence of the fundamental principles. The study of this subject will help the students in the analysis of legal concepts, sharpen his technique of logical thinking and ultimately aid in understanding the assumptions upon which a statute rests.

#### **UNIT - I**

##### **Introduction:**

Definition, Nature, Scope and Importance: Salmond, Austin, Holland and Julius Stone

Sources of Law: Legal and Historical Sources: Legislation: Definition, Classification and Principles of Statutory Interpretation, Codification: Advantages and Disadvantages of Codification; Precedent: Definition, Theories and Kinds of Precedent: Stare Decisis; Ratio Decidendi and Obiter Dicta; Custom: Definition and Kinds of Custom, Requisites of a Valid Custom, Custom and Prescription: Relative Merits and Demerits of Legislation, Judicial Precedent and Custom as a Source of Law;

#### **UNIT - II**

##### **Schools of Jurisprudence:**

Analytical Positivism: John Austin, Hans Kelsen and H.L.A. Hart; Historical: Von Savigny and Henry Maine; Sociological: Ihering, Ehrlich, Roscoe Pound; Natural Law School: Relation between Law and Morality; American Realism: Justice Holmes and Oliver Crona; Feminism: Radical Feminism; Desire Dominance Theory; Cultural Feminism;

#### **UNIT - III**

##### **Rights and Duties:**

Nature & Characteristics: Theories of Rights: Kinds of Legal Rights: Wesley Newcomb Hohfeld's Analysis of Legal Rights: Cognate Concepts like Liberty, Power, Immunity, Privilege etc. Duties, Nature & Characteristics; Classification of Duties: Correlation of Rights

and Duties; Concept of Property; Definition and Kinds; Negligence; Civil and Criminal Liability;

#### **UNIT - IV**

##### Ownership and Possession:

Meaning of Ownership; Kinds, Definition of Ownership by Austin and Salmond, Relation between Ownership and Possession; Importance of Possession; Elements of Corporeal Possession and Problems; Acquisition and Theories of Possession: Possession in Law & Possession in Fact; Salmond and Savigny;

#### **UNIT - V**

##### Concept of Person:

Person: Definition and Nature of Personality: Legal Status of Unborn Children, Minor, Lunatic, Drunken and Dead Persons, Legal Status of Animals: Legal Persons: State and Corporate Personality; Theories of Corporate Personality; Obligation and Liability: Definition and Nature of Obligation and Liability: Sources of Obligation and Liability; Kinds and Theories of Liability: General Conditions of Liability; Theories of Punishment: Retributive, Deterrent, Expiatory, Reformatory, Rehabilitative Theory; Constitutionality of Capital Punishment;

##### LEADING CASES:

- 1) Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 561
- 2) Kesavananda Bharthi v. State of Kerala, AIR 1973 SC 1476
- 3) Maharaja Shree Umaid Mills Ltd. v. Union of India, AIR 1963 SC 953
- 4) Maneka Gandhi v. Union of India, AIR 1978 SC 597
- 5) Minerva Mills v. Union of India, AIR 1978 SC 1789
- 6) Smt. Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299
- 7) Navtej Singh Johar & Ors. v. Union of India AIR 2018 SC 1933
- 8) Naz Foundation v. Government of N.C.T. of Delhi 111 DRJ 1 / 160 Delhi Law Times 277 (2009) Delhi High Court

##### SUGGESTED READINGS:

- Anirudha Prasad Vidhi Shastra Ke Mool Siddhant: Principles of Jurisprudence (Hindi) Eastern Book Company, 2019
- B.N. Mani Tripathi, Jurisprudence (Hindi) 15<sup>th</sup> Ed., Central Law Publication, 2015
- Bodenheimer Jurisprudence; The Philosophy and Method of Law, Harvard University Press, 2020
- Dias, Jurisprudence, 5th ed., Lexis Nexis Publication, 2013
- H.L.A. Hart, The Concepts of Law, Oxford, Clarendon Press, 1970.
- Inderjeet Singh Jurisprudence An Introduction (Hindi) 3<sup>rd</sup> Ed., Central Law Publication, 2017
- Michael Freeman (Ed). Lloyd's Introduction to Jurisprudence (1994), Sweet & Maxwell

- Paton G.W., Jurisprudence (1972) Oxford, Clarendon Press.
- P.S. AtchuthenPillai, Jurisprudence & Legal Theory 2016 Reprint (3rd Edition), Eastern Book Company, Lucknow.
- Roscoe Pound, Introduction to the Philosophy of Law, Re-Print, Universal, Delhi, 1998
- N. V. Paranjape, Jurisprudence & Legal Theory (Hindi), Central Law Agency, 2017
- Salmond on Jurisprudence, Tripathi, Bombay, 1999
- V.D. Mahajan, Jurisprudence and Legal Theory, Eastern Book Company, 2018
- W. Friedman, Legal Theory, Universal Law Publishing Co., Delhi, 1999



## **PAPER 2.2.**

### **LAW OF CRIMES INDIAN PENAL CODE, 1860**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The primary objective of criminal law is to maintain law and order in the society and to protect the life and liberty of people. It is for this reason that the people place their ultimate reliance on this branch of law for protection against all injuries that human conduct can inflict on individuals and institutions. Due to these reasons, the penal law cannot afford to be weak, ambiguous or ineffective, nor can it be harsh and arbitrary in its impact. The application of criminal law has to be uniform regardless of any discrimination on grounds of class, caste, religion, sex or creed etc. of either the criminal or the victim. This paper has been so designed as to generate critical thinking among the students about the stated objectives of criminal law and enable them to scrutinize the recent developments and changes that have taken place in the field including the major amendments made to the Code in the years 2013 and 2018.

#### **UNIT- I**

Nature and Definition of Crime, Crime and Offence, Crime and Tort, Criminal Law and Criminal Science, Principle of Criminal Liability: *Actus Non Facit Reum Nisi Mens Sit Rea*, Burden of Proof on Prosecution, Presumption of Innocence of the Accused, Interpretation of Penal Statutes, Theories of Punishment: Retributive, Expiatory, Deterrent, Preventive and Reformative, Protection in Respect of Conviction for offences (Article 20, Constitution of India), Protection Against Arrest and Detention in certain cases (Article 22, Constitution of India) Title and Extent of Operation of the Indian Penal Code (Section 1), Territorial Jurisdiction (Sections 2,3,4), Certain Laws Not To Be Affected by the Indian Penal Code (Section 5), General Explanations (Section 6 to 52-A Except Sections 34 to 38), Punishments (Section 53,54,55,55-A,57,60,63 to 75)

Stages of Crime: Mental, Preparation, Attempt and Completion; Inchoate Crimes; Mental Stage Generally Not Punishable, Preparation Generally Not Punishable, But When Is It Punishable? Attempt: Impossible and Possible (Mainly Sections 511,307,309); Impossible Attempt to Body Offence Generally Punishable but of Property Generally Not Punishable, Possible Attempts

Abetment and Abettor (Mainly Sections 107, 108, 108-A, 111, 113, 305, 306, 109 and 114) Miscellaneous (Sections 121, 121-A, 124-A, 191, 192, 195-A, 201, 228-A, 229-A, 230 to 232, 268, 294-A and 295-A);

#### **UNIT-II**

General Exceptions (Sections 76 to 106), Joint, Constructive and Vicarious Liability (Mainly Sections 34 to 38, 141 to 149, 153-A, 153-B, 159 and 160), Criminal Conspiracy (Sections 120-A, 120-B);

### **UNIT-III**

Offences Affecting Human Body (Sections 299 to 377);

### **UNIT-IV**

Offences against Property (Sections 378 to 462);

### **UNIT-V**

Offences Relating To Documents (Mainly Sections 463 to 471); Offences Relating To Marriage (Sections 493 to 498); Cruelty by Husband or Relative of Husband (Section 498A); Defamation (Sections 499, 500); Criminal Intimidation, Insult and Annoyance (Sections 503 to 510);

### **LEADING CASES:**

- 1) Reg. v. Govinda (1876) 1 Bom.342.
- 2) Virsa Singh v. State of Punjab AIR 1958 SC 465.
- 3) K. M. Nanavati v. State Maharashtra AIR 1962 SC 605.
- 4) Bachan Singh v. State of Punjab AIR 1980 SC 898.
- 5) State (N.C.T. of Delhi) v. Navjot Sandhu 2005 Cr.L.J. 3950 SC 6) Independent Thought v. Union of India AIR 2017 SC 4904.
- 7) Mahbub Shah v. Emperor AIR 1945 PC 115.
- 8) I.C.I.C.I. Bank Ltd. v. Prakash Kaur AIR 2007 SC 1349.
- 9) Joseph Shine v. Union of India AIR 2018 SC 4898.
- 10) Navtej Singh Johar v. Union of India AIR 2018 SC 4321.

### **SUGGESTED READINGS:**

- Hari Singh Gaur, Penal Law of India (4 volumes), 11<sup>th</sup> Edition, Law Publishers India Pvt. Ltd., 2018
- J.W. Cecil Turner, Kenny's on Outlines of Criminal Law, 19th Ed, Cambridge University Press, 1966
- K.D. Gaur, Commentary on Indian Penal Code 3<sup>rd</sup> Ed 2019, Central Law Publication
- K.D. Gaur, A Text Book on Indian Penal Code (Hindi) 1<sup>st</sup> Ed 2020 Central Law Publication
- K.N. Chndranshekhar Pillai, Essay's on Indian Penal Code, Indian Law Institute. 2015
- Principles of Criminal Law by R C Nigam, Law of Crimes in India, Vol. I, Asia Publishing House, New York.1965.
- P.S.A. Pillai's Criminal Law, 13th Ed. Revised by K.I. Vibhute, LexisNexis,

New Delhi, 2018

- Ratanlal and Dhirajlal, The Indian Penal Code, Wadhwa and Company, Nagpur, 2018
- S.K. Savaria, R. A. Nelson's Indian Penal Code (4 Volumes), LexisNexis Delhi, 2019
- Smith and Hogan, Criminal Law, Oxford University Press, 2018
- Stephen, A History of Criminal Law of England, Vol. III (Last Chapter on Indian Penal Code), London, Macmillan, 1883
- T. Bhattacharyya Indian Penal Code,(Hindi)9<sup>th</sup> Ed. Central Law Agency, 2020
- T. Bhattacharyya Indian Penal Code, 10<sup>th</sup> Ed Central Law Agency, 2020

### **PAPER 2.3.**

## **TRANSFER OF PROPERTY LAW (ACT OF 1882) AND THE INDIAN EASEMENTS ACT, 1882**

### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

### **OBJECTIVES OF THE COURSE:**

The focus of this course is on the study of the concept of 'Property', the 'Nature of Property Rights' and the general principles governing the Transfer of Property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. The course is designed to enable the students to understand the basic philosophy of property law and its nuances. The course also includes an exposure to the concept of Easements and its practical application.

### **UNIT - I**

#### Concepts, Meaning and Types of Properties

(Sections 1 to 4 of the Transfer of Property Act, 1882): Meaning of Property; Kinds of Property; Role of Property Rights in Social and Economic Development; Doctrine of Notice; Transfer of Property by act of Parties (Sections 5 to 9): Meaning and Definition; Transfer of Property, Properties which may be Transferred; Essentials of a Valid Transfer of Property; Operation and Method of Transfer of Property; Procedural perspective for Transfer of Property; Effect of Non-Payment of Stamp Duty and Non-Registration; Judicial Responses

### **UNIT - II**

#### General Principles Relating to Transfer of Property (Sections 10 to 37):

Conditions Restraining Alienation, Enjoyment, Defeating Insolvency or Assignability; Transfers to Unborn Persons; Rule Against Perpetuity and Accumulation of Income; Vested and Contingent Interests; Conditions Precedent and Subsequent, Conditional Transfers; Doctrine of Election and Apportionment; Transfer of Immovable Property (Sections 38 to 53A): Doctrine of Holding Out; Feeding the Grant by Estoppel; Doctrine of Priority; Transfer *Lis Pendens*; Fraudulent Transfer; Doctrine of Part- Performance; Judicial Responses

### **UNIT - III**

#### Sale and Exchange (Sections 54 to 57 and 118 to 121):

Meaning and Definition of Sale and Exchange; Distinction Between Sale and Exchange;

Essentials of a Valid Sale, Distinction between Sale and Contract For Sale; Registration and Effect of Non-Registration; Rights and Liabilities of a Buyer and Seller; Discharge for Encumbrances on Sale; Exchange, Rights and Liabilities of Parties

Mortgages and Charges (Sections 58 to 104): Definition of Mortgage: Types of Mortgages; Essentials of a Valid Mortgage and Formalities; Distinction between Charge, Mortgage, Pledge, Hypothecation; Rights, Duties and Liabilities of a Mortgagor and Mortgagee; Charge of Immovable Property; Marshalling; Mortgagee's and Charge-Holder's Rights and Remedies under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

#### **UNIT - IV**

Lease(Sections 105 to 117):

Definition of Lease, Kinds of Leases, Premium and Rent; Essentials of a Valid Lease and Formalities; Rights Duties and Liabilities of the Lessee and Lessor; Term and Determination of Lease; Forfeiture and Relief Against Forfeiture; Leases for Agricultural Purposes; Gift and Transfers of Actionable Claims (Sections 122 to 129 and 3, 130 to 137):

Definitions of Gift, Essentials of a Valid Gift, Revocation of Gifts; Distinction Between Property and Donatio Mortis Causa and Gifts under Mohammedan Law; Actionable Claims: Definition, Formalities, and Their Importance in Commercial Transactions; Notice; Rights and Liabilities of Transferor and Transferee

#### **UNIT - V**

Law of Easements (Sections 1 to 51 of the Easement Act, 1882):

Definitions and Types of Easements; Essentials for Creation and Acquisition of Easements, Dominant and Servient Owners and Heritages, Grant, Custom, Necessity, Quasi-necessity, Prescription; Rights, Duties and Liabilities of Dominant and Servant Owners; Remedies for Disturbance of Easements; Extinction of Easements, Suspension and Revival of Easements; Licenses (Sections 52 to 64 of the Easement Act, 1882): Definition of License, Essentials of a License, Kind and Formalities; Transfer of License, Transfer of Grantor's Interest; Death of Licensor or Licensee; Rights, Duties and Liabilities of Licensee, Revocable and Irrevocable License; Rights of Licensee on Revocation and Eviction; Distinction between Lease and License

#### **LEADING CASES:**

- 1) Apollo Zipper India Limited v. W. Newman & Company Limited 6 SCC 765 2018
- 2) Associated Hostels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262 3) F.M. Devaru Ganapathi Bhat v. Prabhakar Ganapathi Bhat, (2004) 2 SCC 504 4) J.N. Rao v. V. G. Bassarayappa, AIR 1956 SC 727.
- 5) M. L. Abdul Jabbar v. H. Venkata Sastri and Sons, AIR 1969 SC 1147 6) Om Prakash & Another v. Mishri Lal (Dead) represented by his L.R. Savitri Devi AIR 2017 SC 1597.
- 7) R. Kempuraj v. M/S. Barton Son & Co. AIR 1970 SC 1872, 1970 SCR (2) 140
- 8) Rambhau Namdeo Gajre v. Narayan Bapuji Dhotra 2004 (8) SCC 614

- 9) Sridhar & Anr. v. N. Revanna & Ors. Civil Appeal No.1209 of 2020 (arising out of SLP (C) No. 7493 of 2014) SC 2020.
- 10) Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana & Anr. Special Leave Petition (C) No.13917 of 2009.

**SUGGESTED READINGS:**

- Avtar Singh, Textbook on the Transfer of Property Act, Universal Law Publishing, 2016.
- Darashaw Vakil Revised by Dr. H R Jhingta Commentaries on The Transfer of Property Act (Set of 2 Volumes), 5<sup>th</sup> Ed., Lexis Nexis, 2017.
- Poonam Pradhan Saxena, Property Law, LexisNexis, 2017.
- Radha Raman Gupta, Transfer of Property Act & Easement (Hindi) 7th Ed, Central Law Publications, 2019.
- Shriniwas Gupta, A Text Book on Transfer of Property Law, Thomson Reuters, 2016.
- Mulla, The Transfer of Property Act, 13<sup>th</sup> Ed., Lexis Nexis, 2018.
- Rajni Malhotra Dhingra, Transfer of Property Act, 1882 & Indian Easement Act, 1882, First Ed., Central Law Publications, 2017.
- Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
- V. P. Sarathi's Law of Transfer of Property - Including Easements, Trusts and Wills, Malika Taly (ed.), Eastern Book Company, 2017.
- G. P. Tripathi, The Transfer Of Property Act (Hindi) 23rd Edition Central Law Agency 2017

## **PAPER 2.4.**

### **COMPANY LAW AND THE COMPETITION ACT, 2002**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The purpose of this course is to study the fundamental Concepts central to Company Law while giving an overview of the History and Evolution of the Modern day developments in Company law. It is also to study the internal functioning of a company while exploring the basic power structure in a company, the law regulating appointment of directors, the directors' duties, matters governing board meetings, matters governing company meetings, the concept of majority rule and its exceptions, modes of winding up of company and distribution of assets in the event of winding up inter-alia. The course will also examine and compare the application of Competition Law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms.

#### **UNIT - I**

##### Concept, Nature and Meaning of Company:

Historical Origin of Company Law in India and Important Definitions under the Company Act, 2013; Characteristics of Company: Company as a Legal Person, Limited Liability; Doctrine of Corporate Veil; Difference between Company and other forms of Business Organizations; Registration and Incorporation of Company: Types of Company; Formation of Company; Certificate of Incorporation; Pre-incorporation Contracts; Commencement of Business; Memorandum of Association (MOA), Alteration of MOA and Doctrine of Ultra-vires; Articles of Association (AOA), Doctrine of Constructive Notice and Indoor Management

#### **UNIT - II**

##### Promoters, Securities (Shares), Debentures:

Promoters: Fiduciary Relationship, Duties and Liabilities; Prospectus and Kinds of Prospectus; Shares: Meaning, Nature, Kinds; Securities (Shares): Allotment of Securities and Share Holdings; Issue of Shares; Certificate of Shares; Shareholders and Voting Rights; Transfer of Shares; Shareholders and Members; Share Capital and Kinds of Share Capital; Publication of Authorized, Subscribed and Paid Up Capital; Buy Back of shares; Dividends;

Debentures - Meaning, Kinds and Characteristics; Appointment, Role and Qualification of Directors and Meetings of Boards: Role, Appointment and Types of Directors; Board of Directors; Independent Directors; Legal Position of Directors; Appointment of Directors and Managerial Staff; Powers and Duties of Directors; Civil and Criminal Liability of Directors;

Inspection, Inquiry and Disqualification of a Director; Removal of a Director; Types of Meetings;

### **UNIT - III**

#### **Compromise, Reconstruction, Amalgamation and Mergers:**

Compromise, Arrangements and Amalgamations; Sanction, Duties and Powers of National Company Law Tribunal; Power to Compromise or Make Arrangements with Creditors and Members; Reconstruction and Amalgamation of Companies; Modes of Reconstruction; Declaration and Payments of Dividends in Above Cases; Fast Track Mergers; Amalgamation of Companies by Central Government in Public Interest; Accounts of Company: Books of Accounts, etc., System of Maintenance of Accounts in Company; Audit and Auditors; Protection of Minority Share Holders; Prevention of Oppression and Mismanagement; Removal of Names of Companies from Register of Companies; Revival and Rehabilitation

### **UNIT - IV**

#### **Winding up Process:**

Meaning and Kinds of Winding Up; Procedures for Winding Up; Winding Up process by the Tribunal; Consequences of Winding up Order; Company Liquidators and their Appointments; Report of the Liquidator; Custody of Company's Property; Company Dissolution; Voluntary Winding Up; Declaration of Insolvency; Procedure for Voluntary Winding Up;

National Company Law Tribunal (NCLT), National Company Law Appellate Tribunal (NCLAT) and Special Court: Constitution of National Company Law Tribunal; Appellate Tribunal; Selection of Members, Terms of Office, Salary; Removal of Members; Orders of Tribunal; Powers of Tribunal; Appeal from orders of Tribunal; Establishment of Special Courts; Offences-Trial by Special Courts; Mediation and Conciliation Panel; Corporate Social Responsibility

### **UNIT - V**

#### **The Competition Act, 2002:**

History and Development of Competition Law; Salient Features of the Competition Act; The Competition Act, 2002 differentiated with the MRTP Act, 1969; Prohibition of Certain Agreements, Abuse of Dominant Position and Regulation of Combinations; Competition Commission of India; Duties, Powers and Functions of the Commission; Duties of Director General; Penalties; Competition Advocacy; Finance, Accounts and Audit; Appellate Tribunal; Miscellaneous; Judicial Responses;

#### **LEADING CASES:**

- 1) Foss v. Harbottle (1845) Ch. 319.
- 2) Salomon v. Salomon & Co., Ltd. (1897) A.C. 22 (H.L.) (1895-95) All ER Rep. 33
- 3) Daimler Co., Ltd. v. Continental Tyre and Rubber Co. (Great Britain), Ltd., 1916 AC 307 (1916-17) All ER Rep. 191
- 4) Gilford Motor Co., Ltd. v. Horne (1933) 1 Ch. 935



- 5) Ashbury Railway Carriage and Iron Co. Ltd. v. Riche (1875) L.R.7 H.L.: (1874-80) All ER Rep. 2219 (HL)
- 6) Royal British Bank v. Turquand (1856) 119 ER 886 (1843-60) All ER Rep. 435
- 7) Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535
- 8) Seth Mohan Lal v. Grain Chambers Ltd., AIR 1968 SC 772
- 9) Hindustan Lever Employees' Union v. Hindustan Lever Ltd. AIR 1995 SC 470
- 10) Miheer H. Mafatlal v. Mafatlal Industrial Ltd. AIR 1997 SC 506

**SUGGESTED READINGS:**

- A. Ramaiya, Guide to the Companies Act, LexisNexis, Butterworths, Wadhwa, Nagpur, 2020
- Avtar Singh, Introduction to Company Law, 12<sup>th</sup> Ed Eastern Book Company, 2019.
- Avtar Singh, Company Law, (Hindi) Eastern Book Company, 2019.
- C.R. Datta, Datta on the Company Law, LexisNexis, Butterworths, Wadhwa, Nagpur, 2016
- Company Law Ready Reckoner: A Comprehensive Guide to Companies Act, 2013, 8<sup>th</sup> Edition, by Taxmann Publications.2020
- Kapoor G.K. and Dhamija Sanjay, Taxmann's Company Law & Practice, Taxmann, 2017.
- Prachi Manekar Wazalwar, National Company Law Tribunal and National Company Law Appellate Tribunal, 6<sup>th</sup> ed., , Bloomsbury India, 2019.
- S.C. Tripathi Competition Law, 2<sup>nd</sup> Ed. Central law Publication.2019
- J.N. Pandey, Company Vidhi, ( Hindi ) 9<sup>th</sup>Ed.Central law Publication2019

## **PAPER 2.5.**

### **PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This course is designed in such a way that it covers both theoretical and practical aspects of International Law. This course provides an insight into Public International Law and its significance in the economically globalised world. It enables the students to understand the interdependence of the countries and how they are constantly addressing the global issues through peaceful measures. This course would help the students to understand both the theoretical framework and the working of international law. Understanding of these basic principles is a prerequisite for those students who seek to explore their career or academic interest in specific fields of international law. In view of the gaining significance of International Law of Human Rights, this course presents subtly an overview of the National and International perspectives of Human Rights along with the redressal mechanism.

#### **UNIT - I**

Definitions; Development and Nature; Public and Private International Law; Legality of International Law: Positive Morality; Basic Theories: Naturalist, Positivist, Grotius and Consent Theory; Sources and Subjects of International Law; Theories: Realistic, Fictional, Functional, Monistic, Dualistic; Specific Adoption Theory; Transformation Theory; Delegation Theory; International Law and Municipal Law: Concept of State; Essential Ingredients and Kinds of States; Territory of State; War, its Legal Character and Effects; The Law of Neutrality: Basis, Role, Rights and Duties of Neutral States;

#### **UNIT - II**

State Recognition and Succession: De Facto and De Jure; Theories of Recognition:

Recognition of Government, Belligerency and Insurgency; Collective Recognition; State Jurisdiction; Territorial Sovereignty; Responsibility of States: Original and Vicarious; State Responsibility for various Acts: State Succession: Theories of State Succession; Rights and Duties arising out of State Succession; Law of Treaties: Concept and Kinds of Treaties; Binding Force of Treaties; *Pacta Sunt Servanda*; *Jus Cogens*; *Clausula Rebus Sic Stantibus*; Parties of a Treaty; Formation of a Treaty; Reservations; Invalidity and Termination of Treaties; Vienna Convention on the Law of Treaties;

### **UNIT - III Law of the Sea:**

Concepts of *Mare Liberum* and *Mare Clausum*; The *Anglo Norwegian Fisheries Case* and Its After Math; The Technological Revolution and the Utilization of the new resources of the sea; Population Explosion and Its Impact; Changing Concepts of Maritime Frontiers: Territorial Sea, Contiguous Zone, Continental Shelf & Exclusive Economic Zone, High Seas; Territorial Waters and Contiguous Zone; Principles for Determination of Maritime Frontiers And Maritime Boundaries under the Customary and Conventional Law; Exploitation of Deep Sea: Bed Resources: International Sea Bed Authority;

### **UNIT - IV**

#### **Individuals under International Law and International Institutions:**

Position of Individuals; Nationality and Citizenship; Diplomatic Agents: Powers and Functions; Theories and Immunities; Asylum; Extradition; Relationship and difference between Extradition and Asylum; International Institutions: United Nations (U.N.): History and Formation of U.N., Charter of U.N.: Preamble, Purpose and Principles; Organs of United Nations: Powers and Functions; Jurisdiction and Contribution towards Development of International Law; Specialized Agencies: International Labour Organization (ILO); International Monetary Fund (IMF); World Health Organization (WHO); International Criminal Court (ICC);

### **UNIT – V Human Rights:**

Meaning, Concept, Classification, Historical Evolution and Theories; Basic Components of Human Rights: Value, Dignity, Equality, Justice, Morals, Ethics and Significance; International Bill of Human Rights (UDHR, ICCPR, ICESCR): Nature And Significance; Human Rights of Vulnerable and Disadvantaged Groups; Enforcement Mechanism of International Human Rights Commissions: Constitution, Powers and Functions; Human Rights Enforcement in India: The Protection of Human Rights Act, 1993; Judicial Responses;

### **LEADING CASES:**

- 1) Civil Air Transport Inc. v. Central Air Transport Corporation, Judicial Committee of the Privy Council, (1953) AC 70.
- 2) Corfu Channel case (French: Affaire du Déroit de Corfou) International Court of Justice (ICJ) between 1947 and 1949
- 3) Colombia v Peru 1950 ICJ 6 (Asylum Case) International Court of Justice.
- 4) North Sea Continental Shelf Case, ICJ Report 1969, P. 39
- 5) Nuremberg Trial; The International Military Tribunal – Nuremberg, 1946 41 AJL 1947, P. 12.
- 6) Re Castioni Case (1891) Q.B. 149
- 7) S.S. Lotus Case (1927) PCIJ Series A No. 10\
- 8) South West Africa Cases, 1949 - 1971
- 9) United Kingdom v. Norway (Anglo-Norwegian Fisheries Case (ICJ Report) (1951) 116

10) Zamora Case (1916) 2 AC 77

**SUGGESTED READINGS:**

- A. Boyle & C. Chinkin, The Making of International Law, Foundations of Public International Law, Oxford University Press, 2007
- H.O. Agarwal, International Law & Human Rights, 1st Ed. (Rep) Central Law Agency 2014
- James Crawford Brownlie, Principles of International Law, Oxford University Press, 2013.
- Landmark Cases in Public International Law, Editor(s): Eirik Bjorge, Cameron Miles, 1st ed., Bloomsbury Publishers, 2017
- L. F. L. Oppenheim's International Law (9th Edition): Volume 1 Peace; Edited by Robert Jennings, Arthur Watts KCMG QC, Oxford University Press, 2008.
- Mark Villiger, —The Factual Framework: Codification in Past and Present, in Customary International Law and Treaties, Mark Villiger, pp.63-113, The Netherlands: Martinus Nijhoff, 1985
- R. P. Dhokalia, The Codification of Public International Law, United Kingdom: Manchester University Press, 1970
- Shaw, International Law, Cambridge University Press, 2008 (6th ed.)
- Sharma Satyendra Kumar, Law of Sea and Exclusive Economic Zone, Taxmann Publications, 2017
- S.K. Kapoor, International Law & Human Right 18<sup>th</sup> Ed., Central Law Agency, 2018
- Starke, Introduction to International Law, Oxford University Press, 2013

## **PAPER 2.6.**

### **LABOUR AND INDUSTRIAL LAWS**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The twenty-first century witnessed the development of Industrial jurisprudence in the country. This course is an attempt to study the laws relating to labour jurisprudence, industrial relations, social security, wages, health and working conditions of workers in various shops and commercial establishment in the country and to impart the students with an overview of judicial perspective on the recent labour legislations and finally it deals with the latest trend and developments in the Labour Laws with the various Codes on Labour Legislations being implemented in September 2020 has been included in this syllabus to make to more dynamic and worthy.

#### **UNIT - I**

Concept and Growth of Labour Welfare Jurisprudence; Natural Justice, Concept of Social Justice and Labour; Constitution of India, 1950 [Articles: 14,19,21,23-24, 38, and 41-43A]; Meaning, Scope, Importance and Theories of Labour Welfare: The Policing Theory, The Religious Theory, The Philanthropic Theory, The Paternalistic or Trusteeship Theory, The Placating Theory, The Public Relations Theory and The Functional Theory; Basic Concepts; Labour and Judicial Process and Public Interest Legislation; Judicial Responses

#### **UNIT - II**

Industrial Relations – Genesis, Concept, Emerging Issues and Judicial Responses

The Industrial Relations Code, 2020: Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Code and Repeal of Laws and Judicial Responses.

Bi-partite Forums; Trade Unions; Standing Orders; Notice of Change; Voluntary Reference of Disputes to Arbitration; Mechanism for Resolution of Industrial Disputes; Strikes and Lock-Outs; Lay-off, Retrenchment and Closure; Special Provisions Relating to Lay-off, Retrenchment and Closure in certain establishments; Worker Re-Skilling Fund; Offences and Penalties; Miscellaneous

#### **UNIT - III**

The Code on Social Security, 2020:

Need, Importance, Objectives; Definition, Concept, Key Features of the Code; Social Security Organisations; Employees' Provident Fund; Employees State Insurance Corporation; Gratuity;

Maternity Benefit; Employee's Compensation; Social Security and Cess in respect of Building and other Construction Workers; Social Security for Unorganised Workers, Gig Workers and Platform Workers; Finance and Accounts; Authorities, Assessment, Compliance and Recovery; Offences and Penalties; Employment Information and Monitoring; Miscellaneous; Judicial Responses; The Employment of Children Act, 1938; The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013; Need, Importance, Objectives; Definition, Concept, Key Features of these Acts and Judicial Responses

#### **UNIT - IV**

##### Concept of Wage Policy:

National Wage Policy; Genesis of Wage Regulations; Concepts of Minimum Fair, Living and Need based Minimum Wages

The Code on Wages, 2019; Need, Importance, Objectives; Definition, Concept, Key Features of the Code and Repeal of Laws; Minimum wages; Payment of Wages; Payment of Bonus; Advisory Board; Payment of Dues, Claims and Audit; Inspector-Cum-Facilitator; Offences and Penalties; Miscellaneous;

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses

#### **UNIT - V**

##### Occupational Safety, Health and Working Conditions Code, 2020:

Need, Importance, Objectives; Definition, Concept, Key Features of the Code and Repeal of Laws; Registration; Duties of Employer and Employees, etc.; Occupational Safety and Health; Health, Safety and Working Conditions; Welfare Provisions; Hours of Work and Annual Leave with Wages; Maintenance of Registers, Records and Returns; Inspector-cum-facilitators and other authority; Special provision relating to Employment of Women; Special Provisions for Contract Labour and Inter-State Migrant Worker, etc.:

Contract Labour; Inter-State Migrant Workers; Audio-Visual Workers; Mines; Beedi and Cigar Workers; Building or other construction workers; Factories; Plantation; Offences and Penalties; Social Security Fund; Miscellaneous; Judicial Responses

##### **LEADING CASES:**

- 1) Air India v. Nargesh Meerza, AIR 1981 SC 1830.
- 2) Alembic Chemical Works v. Its workman, AIR 1961, SC 647.
- 3) Balmer Lawrie Workers Union Bombay v. Balmer Lawrie & Co. Ltd. 1984 I. L.L. J. 314 SC
- 4) Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802.
- 5) D. S. Nakara v. Union of India A. I. R. 1983 SC 130.
- 6) Express Newspaper Ltd. & others v. Union of India & others. AIR 1958 SC 578.
- 7) Jay Engineering Work Ltd. v. State of West Bengal AIR 1968 Cal. 406.
- 8) Rural Litigation and Entitlement Kendra Dehradun v. State of U.P. AIR 1985 S.C. 652.
- 9) Workmen of M/S Firestone Tyre and Rubber Co. Of India v. Management AIR, 1973 SC 1227

10) Bangalore Water-Supply & Sewerage Board, Etc. v. R. Rajappa & Others 1978 SCR (3) 207

**SUGGESTED READINGS:**(Subject To The Applicability of Latest Amendments):

- Ganga Sahay Sharma, —Labour Laws (Hindi), 7<sup>th</sup> Ed., Central Law Agency, 2019
- Government of India: Report of the Committee on Labour Welfare, 1970.
- Indrajeet Singh, Shramik Vidhiyan, (Hindi) 23<sup>rd</sup> Ed. Central Law Publication, 2019
- Public Interest Litigation (with Model PIL Formats), Dr. B.L. Wadhera, Universal Law Publishing 2014
- D.D. Seth, Commentaries on Industrial Dispute Act, 1947, Jain Book Agency, 6<sup>th</sup> Ed., 2016
- J. K. Soonavala, Supreme Court on Industrial Law, Lexis Nexis, 4<sup>th</sup> Ed., 2017
- Meenu Paul, Labour and Industrial Law, Allahabad law agency, New Delhi, 9<sup>th</sup> Ed., 2014
- O.P. Malhotra, Law of Industrial Disputes , 7<sup>th</sup> Ed., Lexis Nexis, 2015
- S.C. Srivastva, Social Security and Labour Laws, 1985, EBC
- S. N. Mishra; An Introduction of Labour and Industrial Law, 29<sup>th</sup> Edition Central Law Publication, 2019
- S.N. Mishra; An Introduction of Labour and Industrial Law (Hindi), 29<sup>th</sup> Edition Central Law Publication, 2019.

## **PAPER 2.7.**

### **PRINCIPLES OF TAXATION LAW**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This course primarily focuses on providing an overview on matters relating to Indian tax laws in a systematic manner. The course being divided into two parts i.e., direct and indirect taxes, help the students understand the significant aspects of tax laws. The main aim of this course is to impart knowledge to the students about basic principles as enunciated through legislative provisions and case laws. Through this course, students are equipped to apply the principles and provisions of tax laws and are guided to interpret and understand the taxation statutes and judgments including but not limited to The Income Tax Act, 1961, The Central Goods And Services Tax Act, 2017 and The Integrated Goods And Service Tax Act, 2017 as amended from time to time.

#### **UNIT - I**

##### **Income Tax Act, 1961 - I:**

Objectives; Definition, Concept, Key Features of the Act; Importance and Significance of Taxation; Constitutional Provisions Relating to Taxation ( 265-289); Types of Tax Laws: Direct and Indirect Taxes; Residential Status of Persons; Heads of Income and Computation of Income: Income from Salaries; House Property: Self Occupied, Deductions and Computation of Income; Income from Let Out Exemption of property income from tax; Capital Gains; Profits and gains of Business or Profession; Income from other Sources  
Clubbing of Income; Set off and carry forward of losses; Rebates and Reliefs; Taxation of Natural and Legal Persons: An Overview: Individuals, Hindu Undivided Family, Companies and Firms, Association of Persons, Trust and Cooperative Societies, Charitable and Religious Institutions

#### **UNIT - II**

##### **Income Tax Act, 1961 - II:**

Assessment and Appeal Procedures:

Return of Income; Types of Assessment; Appellate Procedures; Authorities Under The Income Tax Act: Director General of Income Tax, Director of Income Tax-Additional Directors, Joint Director, Deputy Directors, Assistant Directors, Income Tax Officers, Tax Recovery Officers, Inspectors of Income Tax; Powers and Functions of Various Authorities:



Tax Avoidance, Tax Evasion and Tax Planning - Meaning and Distinction Inspections, Search, Seizure, Penalties for Tax Evasion and Tax Avoidance

### **UNIT - III**

The Central Goods And Services Tax Act, 2017 - I:

Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Act; Administration; Levy and Collection of Tax; Time and Value of Supply; Input Tax Credit; Registration; Tax Invoice, Credit and Debit Notes; Judicial Responses

### **UNIT - IV**

The Central Goods And Services Tax Act, 2017 - II:

Accounts And Records; Returns; Payment of Tax; Refunds; Assessment; Audit; Inspection, Search, Seizure and Arrest; Demands and Recovery; Liability To Pay in Certain Cases; Advance Ruling; Appeals and Revision; Offences and Penalties; Transitional Provisions; Miscellaneous; Judicial Responses

### **UNIT - V**

The Integrated Goods And Service Tax Act, 2017:

Need, Importance, Objectives; Definition, Concept, Key Features for Enactment of the Act; Judicial Responses; Administration; Levy and Collection of Tax; Determination of Nature of Supply; Place of Supply of Goods or Services or Both; Refund of Integrated Tax to International Tourist; Zero Rated Supply; Apportionment of Tax and Settlement of Funds; Miscellaneous

### **SUGGESTED READINGS:**

- Income Tax Act, 1961
- The Integrated Goods And Service Tax Act, 2017
- The Central Goods And Services Tax Act, 2017 (12 of 2017) as amended by the - The Central Goods And Services Tax (Extension To Jammu And Kashmir) Act, 2017 (NO. 26 of 2017); The Finance Act, 2018 (NO. 13 OF 2018); The Central Goods And Services Tax (Amendment) Act, 2018 (NO. 31 OF 2018); The Finance (NO. 2) Act, 2019 (NO. 23 OF 2019); The Finance Act, 2020 (NO. 12 OF 2020); The Taxation And Other Laws (Relaxation Of Certain Provisions) Ordinance, 2020 available at - **(Updated as on 30.09.2020)**<https://cbic-gst.gov.in/pdf/CGST-Act-Updated-30092020.pdf>
- VinodK.Singhania/Monica Singhania: Taxmann's Corporate Tax Planning & Business Tax Procedures with Case Studies-Legal Position(s) Amended up to 20<sup>th</sup> August 2020 (24th Edition September 2020)
- AtalKumar,Taxation Laws, 3<sup>rd</sup> Ed. (Rep.),Central Law Publication, 2020
- Dr. H. C. Mehrotra , Prof. V.P. Agarwal, Goods and Services Tax (G.S.T) 5<sup>th</sup>

**PAPER 2.8.**

**MEDIATION, CONCILIATION AND ARBITRATION**

**SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

1. Written Paper (Part – A) — 80 marks  
There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
2. Practical Paper (Part – B ) shall consist of total 20 Marks:  
Project Work (With Viva-Voce)  
[To be evaluated by one Internal and External Examiner] — 20 marks  
Project/Assignment: 10 marks  
Presentation: 10 marks  
Practical Contents: Practical exercises may be devised to train students in developing crucial communication and negotiation skills, including summarizing of facts, neutral reframing, identification of issues, formulating objective criteria, conducting reality checks, assessing alternatives etc.
3. The candidate must pass in Parts A & B separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 07 marks out of 20 marks.
4. The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

For the overall development of the students in this emerging field this paper is being introduced to train the students of law in the emerging field of Arbitration, Mediation, Conciliation and Negotiation with Theoretical and Practical Aspects of this subject which is indispensable at the level of National and International both for its importance.

**UNIT - I**

Understanding Conflict and Disputes:

Modes of Dispute Resolution, Need and Importance of Mediation; Mediation and Restorative Justice: Theory of Restorative Justice and its Application, Gandhian Principles of Non-Violent Conflict Resolution, Traditional Mediation Practices in India and Abroad

**UNIT - II**

Evolution of Mediation/Conciliation as a Mode of Settlement of Disputes, Distinction Between Arbitration, Mediation, Conciliation, Negotiation; Nature, Scope, Limitations and Necessity of

Alternative Models of Disputes Resolution; Theory of Negotiation, Approaches to Negotiation Positional Bargaining, Interest-based Bargaining or Principled Negotiation Preparation for Negotiation Collaborative Communication Skills, Negotiating Skills, Negotiation Exercises

### **UNIT - III**

#### **Mediation and Conciliation:**

Theory of Mediation, Role of the Mediator (Court Annexed and Private), Preparation for Mediation /Conciliation Process; Confidentiality and Neutrality; How to Write An Award; Ethical Issues in Mediation /Conciliation Mediation in India, Institutions, Their Role; Theory of Mediation Laws in India: Role of the Mediator,(Court Annexed and Private), Preparation for Mediation /Conciliation Process; Judicial Interpretation and Relevant Case Law, Dispute Resolution Institutions in India; Key Concepts in Mediation: Essential Elements, Process and Stages, Approaches to Mediation, Role of the Mediator

### **UNIT - IV**

Importance of Communication: Elements of Verbal and Non-Verbal Communication, Effective and Ineffective Communication Techniques; Conducting Effective Mediation: Decision-making Techniques, Problem-Solving Tactics, Ensuring Positive Outcomes Qualities and Skills of Mediators: Developing Mediation Skills, Code of Ethics, Confidentiality Requirements; Status of Mediated Agreements: Drafting of Agreements, Sanctity of Mediated Agreements, Enforcement Laws and Procedures Important Developments in Mediation: Growth of Virtual Dispute Resolution, Pre-Institution Mediation, UNCITRAL Model Law, Singapore Convention; Contemporary Developments

### **UNIT – V**

#### **Arbitration:**

The Arbitration and Conciliation Act, 1996 as amended by Acts of 2015, 2019 and Arbitration and Conciliation (Amendment) Ordinance, 2020:Need, Importance, Objectives; Definition, Concept, Key Features of the Acts /Amendments / Ordinance; Judicial Responses; Conducting Mock Arbitration on a Decided Case

#### **SUGGESTED READINGS:**

- Sriram Panchu Mediation Practice & Law: The Path to Successful Dispute Resolution LexisNexis, 2015
- Mediation and Conciliation Project Committee, Supreme Court of India, Mediation Training Manual of India; available at – <https://main.sci.gov.in/mediation>
- Stephanie P. Stobbe, et. al. Conflict Resolution in Asia, Mediation and Other Cultural Models, Lexington Books, 2020
- A. Omkar and Kritika Krishnamurthy, The Art of Negotiation and Mediation: A Wishbone, Funny bone and Backbone, LexisNexis, 2015
- Christopher Moore The Mediation Process: Practical Strategies for Resolving Conflict: 3rd Revised ed. Jossey Bass; ( 2003)

- Ramin Jahan begloo Introduction to Non-Violence Red Globe Press 2014
- Joel Leet.al., An Asian Perspective on Mediation EBC 2008
- Avtar Singh, Law of Arbitration and Conciliation (Hindi) 11<sup>th</sup> Ed., EBC 2021

## **PAPER 2.9.**

### **PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts;

(a) Practical written paper	—	80 marks
(b) Viva voce examination	—	20 marks

[To be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding]

The candidate must pass in PART(A) and (B) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

- (1) The entire syllabus shall be divided into FIVE UNITS.
- (2) There shall be a total of ten questions in the examination paper. The Paper Setter is required to set Two Questions from each Unit. All questions will carry equal marks.
- (3) The candidate is required to attempt a total of FIVE questions while attempting ONE question from each unit compulsorily.
- (4) Each question of these units shall be of sixteen (16) marks
- (5) In order to ensure that students do not leave out important portions of the syllabus, examiners will be free to repeat the questions set in the previous examination.
- (6) Leading cases prescribed under this paper may be read wherever they are relevant.
- (7) Paper setters are advised to frame the question paper including descriptive questions, problem based questions and short notes etc. covering the whole syllabus including latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

Professional ethics form the foundation in the lives of the lawyers. It means that lawyers have the constitutional obligation to take up the case of every person who approaches them for legal representation. These and many other similar other questions trouble the mind of new entrants to law practice. The lawyers have to adopt ethical practices in all spheres of their profession from meeting clients, giving them legal counselling, presenting their cases before appropriate bodies, managing client's accounts, etc. This paper covers this wide spectrum of lawyers' conduct.

## **UNIT - I**

### **Professional Ethics and Professional Accounting:**

The Necessity of the Professional Ethics; The Art of Advocacy; Professional Ethics; Nature of Professional Ethics and the Problems of the Code of Ethics; Advantages of having codified Professional Ethics; Professional Ethics - Rules of Conduct. Standards of Professional Conduct and Etiquette: Duties to the Clients;

## **UNIT -II**

### **The Advocates Act, 1961:**

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Bar Councils; Admission and Enrolment of Advocates; Right to Practise; Conduct of Advocates; Miscellaneous; Judicial Responses; Image / Position of Legal Profession in Society; Advocacy is a Profession not a Business; Legal Profession is a Noble Profession; Deterioration in Image of Legal Profession in Independent India; Role of Lawyers in Society;

## **UNIT - III**

### **The Contempt of Courts Act, 1971:**

Objectives; Definition, Concept, Key Features of the Act; Contempt and its Heads; Exemptions Heads for Contempt created by Legislations and Courts; Complaint Against Presiding officers of Subordinate Courts when not contempt; Publication of Information Relating to Proceedings in Chambers or in Camera Not Contempt Except in Certain Cases; Other Defences Not Affected; Power of High Court to Punish Contempt's of Subordinate Courts;

## **UNIT - IV**

Power of High Court to Try Offences Committed or Offenders Found Outside Jurisdiction; Punishment for Contempt of Court; Contempt's Not Punishable in Certain Cases; Procedure Where Contempt is in the face of the Supreme Court or a High Court; Criminal Contempt and Cognizance in Other Cases; Procedure After Cognizance; Hearing of Cases of Criminal Contempt; Appeals; Limitations; Non-applicability of the Act; Related Judicial Responses;

## **UNIT - V**

### **Bar-Bench Relationship:**

General Conception; Advocates Duty to the Court; Duty to the Client; Duty to the opponent; Duty to Colleagues; Duty in Imparting Training; Duty to render Legal Aid; Duty of Judge towards the Advocate; Duty of the Bar towards the Bench; Grounds of disputes in Bar-Bench Relations; Suggestions to Improve Bar-Bench Relations; Restrictions on Senior Advocates; Standards of Professional Conduct and Etiquette; Rules Relating to Advocates' Right to Take up Law Teaching.

### **LEADING CASES AND OPINION OF B.C.I.:**

- 1) An Advocate v. Bar Council of India, 1989 Supp (2) SCC 25

- 2) Bal Thackery v. Harish Pimpa and Others (2005) 1 SCC 254E
- 3) Bhupinder Kumar Sharma v. Bar Assn., Pathankot, (2002) 1 SCC 470
- 4) D.P. Chadha v. Triyugi Narain Mishra, (2001) 2 SCC 221
- 5) D.S. Dalal v. State Bank of India and others. AIR 1993 S.C.1608
- 6) Ex-Capt. Harish Uppal v. Union of India, (2003) 2 SCC 45
- 7) In Re Arundhati Roy, AIR 2002 SC 1375
- 8) In Re Vinay Chandra Mishra, (1995) 2 SCC 584
- 9) Noratanmal Chaurasia v. M.R. Murli (2004) 5 SCC 689
- 10) SC Bar Association v. UOI, AIR 1998 SC 1895

### **SUGGESTED READINGS:**

- Anirudh Prasad, Legal Education & the Ethics of Legal Profession of India, 1st Ed., University Book House Pvt Ltd, 2018.
- Ben W. Heineman, Jr., William F. Lee, David B. Wilkins, Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century (2014) available at-  
[https://clp.law.harvard.edu/assets/Professionalism-Project-Essay\\_11.20.14.pdf](https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf) □  
Conference Skills, Inns of Court School of Law, Oxford University Press, 2005
- Don Peters, The Joy of Lawyering, pp. 5-20, available at -  
<https://dullbonline.wordpress.com/2017/09/15/don-peters-the-joy-of-lawyeringclientinterviewing/>
- Francis L. Wellman, The Art of Cross Examination, available at-  
[http://www.delhihighcourt.nic.in/library/articles/the%20art%20of%20cross%20examination\[1\].pdf](http://www.delhihighcourt.nic.in/library/articles/the%20art%20of%20cross%20examination[1].pdf)
- G.C.V. SubbaRao, Commentary on Contempt of Courts Act, 1971 (2014)
- Geoffrey C. Hazard Jr., Responsibilities of Judges and Advocates in Civil and Common Law: Some Lingering Misconceptions Concerning Civil Lawsuits (2006), available at  
[http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2091&context=faculty\\_scholarship](http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2091&context=faculty_scholarship)
- Justice Mirza Hameedullah Beg, Role of the Bench and the Bar, available at  
<http://www.allahabadhighcourt.in/event/RoleoftheBenchandtheBarMHBeg.pdf>  
□ Krishnaswami Iyer's Professional Conduct and Advocacy (1945), available at- <https://archive.org/details/professionalcond029273mbp>
- Ranadhir Kumar De, Contempt of Court Law & Practice (2012) Wadhwa Book Company

### **VIVA—VOCE EXAMINATION**

**20 Marks**

**(10 + 10)**

Candidates shall prepare a project of 20 - 30 pages (Case Comment) on any Leading/Landmark Case Law allotted by the subject teacher following the Bluebook 19th or 20th Edition

Viva-voce examination shall be conducted and evaluated on the basis of the project submitted by the candidate and his/her performance at the viva-voce examination by a Committee of three persons in which, there shall be Two Internal Examiners and One External Examiner. In case of discrepancy in the awards, the awards given by External Examiner shall be final and binding.

## LL.B. THIRD YEAR EXAMINATION

**Paper 3.1****Law of Evidence**

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

**Indian Evidence Act, 1872**

1. **Preliminary : Application of Indian Evidence Act, Definition : Court, fact-fact in issue and relevant fact, evidence-meaning and its kinds, proved, disproved, not proved, may presume, shall presume, and conclusive proof. Presumptions of fact and law, presumptions regarding documents.**

**Relevancy of facts :** Explaining—Res-gestae, occasion, cause, effect, motive, intention, preparation, previous and subsequent conduct, introductory and explanatory facts, facts and otherwise relevant become relevant, accidental and incidental facts.

Facts which need not be proved, improper admission and rejection of facts.

2. **Admission and Confession :**

- (a) Admission : Definition, whose admission is relevant, relevancy of admission in civil cases, admission is not conclusive proof, admission as an estoppel.
- (b) Confession : Definition, its kinds, confession caused by inducement, threat or promise, confession to police officer, confession in the custody of police, confession to Magistrate, confession by co-accused.
- (c) Difference between admission and confession. Relevancy of statements:
  - (a) Statements by persons who cannot be called as witness.
  - (b) Statement made under special circumstances.
  - (c) Relevancy of judgment of a Court of Law.
  - (d) Opinions of third person.
  - (e) Opinion of experts.
  - (f) Relevancy of character.

3. **Evidence :** Oral evidence, documentary evidence, kinds of documentary evidence, when secondary evidence is relevant, public and private document.



Exclusion of oral evidence; by documentary evidence; Application of this principle, its exceptions, ambiguous documents, kinds of ambiguity.

**Burden of Proof** : Meaning, general principles of burden of proof in civil and criminal cases and exceptions to it. When burden of proof shifts, proof of legitimacy of child, proof in dowry deaths and in the matters of rape.

4. **Estoppel** : Meaning, essentials, nature and its kinds.

**Witness** : Competency of witness, when persons can be compelled to appear as witnesses, privileged communications and documents, accomplice, hostile witness.

5. **Examination of Witnesses** : Order of examinations, Kind of examination, leading question, impeaching the credit of witness, questions which can and which cannot be asked, refreshing the memory of witness, production of document, Judge's power to put questions and to order production. Effect of improper acceptance or rejection of evidence.

#### **Leading Cases :**

1. Nishi Kant Jha v. State of Bihar, AIR 1969 SC 422.
2. Himachal Pradesh Administration v. Om Prakash, AIR 1972 SC 975.
3. Sat Paul v. Delhi Administration, AIR 1976 SC 294.
4. Laxmipat Chorasias v. State of Maharashtra, AIR, 1968 Sc 938.
5. Pakala Narayan Swami v. Emperor AIR 1939 PC 47.
6. Bhardwada Bhogin Bhan Heerji Bhai v. State of Gujarat, AIR 1988 SC 753.
7. R.M. Malkani v. State of Maharashtra, AIR 1973 Sc 157.

#### **Suggested Readings :**

1. Ratan Lal : The Law of Evidence.
2. Batuklal : Law of Evidence.
3. Vepa P. Sarathi : Law of Evidence.

#### **Paper 3.2 Law Relating to Criminal Procedure, Juvenile Justice and Probation of Offenders**

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

- (2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Preliminary :

- (a) Object, Extent and Definitions (Chapter 1).
- (b) Duties of Public :
  - (i) To assist police and Magistrate,
  - (ii) To give information about certain offences  
(Chapter IV, Ss. 37 to 40)

2. Criminal Courts :

- (a) Territorial Divisions and Classification  
(Chapter II, Ss. 10, 14, 15, 19, 22 and 23).
- (b) Powers (Chapter III, Ss. 26 to 31).

**Pre-Trial Procedures :**

- (a) Process to compel appearance (Chapter VI).
  - (b) Process to compel Production of things  
(Chapter VII).
  - (c) Arrest of Persons (Chapter V).
  - (d) Information to the Police and their powers of Investigation. (Chapter XII).
  - (e) Bail (Chapter XXXIII).
  - (f) Jurisdiction of the Courts in inquiries and trials (Chapter XIII).
  - (g) Maintenance of Public Order and Tranquility (Chapter X).
3. Jurisdiction of the Courts in inquiries and Trials, (Ch. XIII).
4. Complaints to Magistrates and Cognizance of Offence (Chapter XV and XIV).

Charge (Chapter XVII).

a. Types of Trials :

- (i) Trial before Court of Session (Chapter XVIII).
- (ii) Trial of Summons and Warrant Cases  
(Chapter XIX and XX).
- (iii) Summary Trials (Chapter XXI).
- (iv) Judgment (Chapter XXVII).

5. (a) Appeals (Chapter XXIX).

Reference and Revision

(Chapter XXX).

(b) *Misc. Provisions :*

- (i) Period of Limitation (Chapter XXXVI)
- (ii) Irregular Proceedings (Chapter XXXV).
- (iii) Autrefois acquit and Autrefois convict.
- (iv) Legal Aid to accused at State expenses (S. 304).
- (v) Pardon to an accomplice.
- (vi) Saving of Inherent Powers of High Court.
- (vii) Maintenance of wives, Children and Parents.

Juvenile Justice Act.

Probation of Offenders Act.

**Juvenile Justice Act, 2000**

**Definitions**—Competent authorities and institutions for juveniles, Neglected Juveniles, Delinquent Juveniles, Procedures of competent authorities, special offences in respect of juveniles.

**Probation of Offenders Act, 1958 :**

**Definitions**—Power of Court to release certain offenders after admonition, on probation of good conduct—Power of Court to require released offenders to pay compensation under twenty one years of age, Variations of conditions of probation, Probation in case of 'Offender' failing to observe conditions of bond, Provision as to sureties, Probation Officers, Duties of Probation Officers.

**Leading Cases :**

1. Tahsildar Singh v. State of Delhi, AIR 1955 SC 196.
2. State of U.P. v. Singhara Singh, AIR 1964 SC 359.
3. Nisar Ali v. State of U.P., AIR 1957 SC 336
4. Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1589.
5. State of Andhra Pradesh v. Ganeshwara Rao, AIR 1968 SC 1050.
6. Satwant Singh v. State of Punjab, AIR 1956 SC 286.
7. Pritam Singh v. State of Punjab, AIR 1956 SC 415.

**Suggested Readings :**

1. Ratan Lal—Criminal Procedure Code.
2. Ganguly, A.C.—A Guide to Criminal Code Practice.
3. Juvenile Justice Act, 1980.
4. Probation of Offenders Act, 1950.

5. Khatri B.D.—Law of Probation in India alongwith Juvenile Justice Act, 1988.
6. Chakravarti, N.K. —Probation System—in the Administration of Criminal Justice.
7. तिवाड़ी, वाई.के. : दण्ड प्रक्रिया संहिता
8. जैन, पी.सी. : दण्ड प्रक्रिया संहिता

### Paper 3.3 Law of Civil Procedure and Limitation

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper. may be read wherever they are relevant.

#### 1. Code of Civil Procedure, 1908.

Definitions—suits in general, suits of civil nature, stay of suit, Res Judicata, Res Subjudice, Foreign Judgment, Place of trial, Transfer of suits, Joinder, non-joinder and mis-joinder of parties and causes of action Service of summon and pleadings.

#### 2. Executive in general—Courts by which decrees may be executed, powers of the Court executing the decrees. Transfer of decrees for execution and modes of execution, Stay of execution, Suits in particular cases (Orders XXIX to XXIII). Abatement of suits.

#### 3. Supplemental proceedings, Attachment before judgement, Arrest before judgement, Temporary injunction and Appointment of Receiver.

#### 4. Appeals—Appeals against order and appeals against decree, Review, Revision and Reference.

#### 5. The Limitation Act, 1963 (Omitting the Schedule).

Purpose, policy, nature and scope of the Act.

Definitions : Applicant, bond, defendant, easement, good faith, plaintiff, period of limitation.

Relationship between limitation, laches, acquiescence, estoppel and res judicate; Limitation of suits, appeals and applications, disability, computation of period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

#### Leading Cases :

1. Shri Sinha Ramanuja v. Ramanuja, AIR 1961 SC 1720.

2. Seth Hukamchand v. Maharaja Bahadur Singh, 60 IA 313.

3. Narain Bhagwantrao v. Gopal Vinayak, AIR 1960 SC 104.
4. Garikapati Veerava v. N. Subhia Chaudhary, AIR 1957 SC 540.
5. Deoki Nandan v. Murlidhar, AIR 1957 SC 133.
6. Deity Pattabhirama Swamy v. Hanmayya, AIR 1959 SC 57.
7. S.M. Jakati v. B.M. Borker, AIR 1959 SC 282.

### Suggested Readings :

1. Mulla—Civil Procedure Code.
2. Singh, S.N.—Civil Procedure Code.
3. Sahai—On Civil Procedure.
4. Tandon, M.P.—Civil Procedure (English & Hindi).
5. Mridul Srivastava—Civil Procedure Code (Hindi).
6. A.N. Pandey—Civil Procedure Code (Hindi).

### Paper 3.4 Arbitration, Conciliation and Alternate Dispute Resolution System

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever — they are relevant.

#### 1. *The arbitration and Conciliation Act, 1996 :*

- (a) General provisions—Arbitration agreement—Arbitral Tribunals (Composition and Jurisdiction)—Conduct of arbitral proceedings—Arbitral awards—Termination of Proceedings—Setting aside of arbitral award—Enforcement of arbitral awards.

Enforcement of foreign awards—New York Convention—Awards, Geneva Convention Awards.

- (b) *Conciliation*—Conciliators—Procedure of Conciliation—Relationship of conciliator with parties—Settlement—agreement—Termination of Conciliation Proceedings—Resort to Arbitral or Judicial proceedings—Costs and Deposits.

#### 2. *Lok Adalats—*

Objects, role of Committee for implementation of Legal Aid Schemes (CILAS) Permanent Conciliatory Centres in Gujarat—The Legal Services Authorities Act, 1987 Functions of National Legal Services Authority, State Legal Services Authority and District Legal Services Authority; Organisation of Lok Adalat, Jurisdiction and powers of Lok Adalats, Procedure for determination of Dispute before the Lok Adalat.

Alternate Dispute Settlement System for Multinational corporations :

**Leading Cases :**

1. State of Bihar v. Kameshwar Singh, AIR 1952 SC 252.
2. Vallabhdas meghji v. Cowosji Franeji AIR 1925 Bom. 409.
3. Firm Madanlal Roshanlal Mahajan v. Hukum Chand Mills Ltd. AIR 1967 Sc 1030.
4. State Electricity Board, Tamil Nadu v. Sree Meenakshi Mills Ltd., AIR 1975 mad. 139.
5. Food Corporation of India v. M/s Thakur Shipping Co., AIR 1975 Sc 469.

**Suggested Readings :**

1. The Arbitration and Conciliation Act, 1996.
2. Sunil Deshta-Lok Adalats in India-Genesis & Functioning.
3. Bakshi, P.M.-Arbitration Law.
4. Paruck, P.L.-Indian Arbitration Act.
5. Avtar Singh-Law of Arbitration and Conciliation.

**Paper 3.5**

**Land Law**

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

**Acts of Study :**

1. Rajasthan Tenancy Act, 1955.
2. Rajasthan Land Revenue Act, 1956.
3. Rajasthan Rent Control, 2002.

**Rajasthan Tenancy Act, 1955 :**

1. Preliminary : Objects and Reasons, Definition, Khudkasht (Sections 1 to 130, Jiredars, Grove Holder (sections 194 to 205) : Classes of tenants (Section 14 to 17-A) : Conferment of rights on sub-tenants or tenants of Khud Kasht (19), Primary right of tenants (Section 31 to 37) : Surrender, Abandonment and Extinction of tenancies of tenancies (Sections 55 to 64). Improvements and Trees (Sections 65 to 87) : Declaratory Suits (Ss. 88 to 92) : Determination and Modification of Rent (Sc. 93 to 129): Payment and Recovery of Rent (Sc. 130 to 160) : grounds for Ejectment of Tenants, Remedies for wrongful ejectment (Sections 169 to 188).

2. Procedure and Jurisdiction of Courts (Sc. 216 to 221). Provision for injunction and appointment of Receiver (Section 212). Appeal, Review, Revision (Sc. 222-232) : Reference, Question of Proprietary Rights in Revenue Courts (S. 239) : Question of Tenancy Right in Civil Court (S. 242), Conflict of Jurisdiction (Sec. 243).

**The Rajasthan Land Revenue Act, 1956 :**

3. The Board of Revenue, Revenue Courts and Officers (Sc 4-30) Appeal, Reference, Revision and Review (Sc. 74-87); Land (Sc. 88 to 105; Survey (Sc. 100-112).
4. Record of Rights, Maintenance of maps and record, Annual Registers (Ss. 113-137); Settlement operations; Rent Ratio, Determination of rent, Term of Settlement-(Ss. 142-177); Collection of Revenue (Ss. 224 to 257).

Rajasthan Rent control Act, 2002

**Leading Cases :**

1. • Prabhu V. Ramdeo, AIR 1966 SC 172.
2. Kanaimal V. Kanhaiya Lal, 1966 RLW 179.
3. Bohra V. Ganesh, 1966 RRD 71 (FB) 1966 RLW.
4. Yasin Shah V. Munir Shah, 1967 RRD 37.
5. Mangi Lal V. Chottu, 1967 RRd 433.
6. Smt. Mulashi V. Ram Lal, 1976 RRD 88.

**Suggested Readings :**

- |                              |   |   |
|------------------------------|---|---|
| 1. Shyam Lal Gupta           | - | The Rajasthan Tenancy Act.                |
| 2. Dutt, S.K.                | - | Tenancy Law in Rajasthan.                 |
| 3. Dutt, S.K.                | - | Rajasthan Land Revenue Act.               |
| 4. Suresh Chand<br>H. Mathur | - | Law of Tenancy in Rajasthan.              |
| 5. Datta, S.K.               | - | Rent Control in Rajasthan.                |
| 6. Karkara, G.S.             | - | Rajasthan Land Laws<br>(English & Hindi). |
| 7. Babel, B.L.               | - | Rajasthan Land Laws (Hindi).              |

**Paper 3.6**

**Interpretation of Statutes**

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Meaning of Interpretation—Basic principles of interpretation—Intention of the Legislature, Statute be read as a whole. Plain meaning rule, Harmonious Construction, Golden and Mischief Rule—*Utresmagic quam valeat pareat*.

Aids to Interpretation : External—Parliamentary—Legislative debates, Statement of objects and reasons. Dictionary, Statute in *Peri-materia*. Contemporanea, *Expositio*, Internal : Title, Preamble, heading, Marginal Notes, Proviso and function.

Principle of Interpretation of Constitution and Penal and Fiscal Statutes.

*Delegatus non potest delegare*, *Ejusdem Generies*, Pith and Substance Rule. Expression—*Unine exclusio*, *Alterios Non-obstante* clause, Mandatory and Directory provision. *Noscitur A Soclis*, *Reddendo Singula Singulis*, Operation, Expiry and Repeal of Statutes.

#### Leading Cases :

1. Haydon's Case (15840 3 Co. Rep. 7a, p. 76 : ER 637.
2. Bengal Immunity Company v. State of Bihar, AIR 1955 SC 661.
3. Alamgir v. State of Bihar, AIR 1959 SC 436.
4. Inder Singh v State of Rajasthan, AIR 1957 Sc 510.
5. Ram Avatar v. Assistant Sales Tax Officer.

#### Suggested Readings :

- |                     |  |
|---------------------|--|
| 1. Maxwell          | — The Interpretation of Statute,                   |
| 2. Grawford         | — Statutory Constitution.                          |
| 3. Craies           | — Statute Law.                                     |
| 4. Swarup           | — Interpretation of Statutes.                      |
| 5. Bindra           | — Interpretation of Statutes.                      |
| 6. Sarathi          | — Interpretation of Statutes.                      |
| 7. Bhattacharyya. T | — Interpretation of Statutes<br>(English & Hindi). |

#### Paper 3.7

#### Environmental Law

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. The Environment (Protection) Act, 1986 : Objects and reasons of the Act, Definition : General powers of the Central Government to issue directions, Prevention, Control and Abatement of Environmental



Pollution; Penalties and Procedure. Standards for emission or discharge of environmental pollutants.

2. The Air (Prevention & Control of Pollution) Act, 1981; Application of the Act; Definitions; the Constitution powers and functions of Central and State Boards for Prevention and control of air pollution. Powers of the State Government, Penalties and Procedures; rules and procedures.
3. The Water (Prevention and Control of Pollution) Act, 1974-Application of the Act Definitions; Constitution, Powers and functions of Central and State Boards. Joint Boards for Prevention and control of water pollution; Power of State Governments; Penalties and Procedures.
4. Law relating to prevention and control of air, water and noise pollution in Rajasthan.  
The Rajasthan Water (Prevention & Control of Pollution) Rules, 1974.  
The Rajasthan Water (Prevention & Control of Pollution) Appeal Rules, 1977.  
The Rajasthan Air (Prevention & Control of Pollution) Rules, 1983.  
The Rajasthan Noise Control Act, 1963-Judicial activism to protect environmental pollution.

**Leading Cases :**

1. Charan Lal Sahu v. Union of India, AIR 1990 SC 1480.
2. Rural Litigation & Entitlement Kendra, Dehradun vs. State of U.R., AIR 1985 SC 659
3. Mehta, M.C. v. Union of India, AIR 1987 SC. 1086.
4. Mehta, M.C. v. Union of India, AIR 1988 SC. 1115.
5. House of God (Full Gospel) of India v. K.K. R.M.C. Wilfare ASCO AIR 2002 SC 2237
6. A.P. Pollution Control Board v. Prof. M.V. Nayadu AIR 1999 SC 812

**Suggested Readings:**

1. The Water (Prevention & Control of Pollution) Act, 1974 as amended up-to-date.
2. The Air (Prevention & Control of Pollution) Act. 1981 as amended up -to-date.
3. Shanta Kumar S.—Environmental Law.
4. Karkara G.S. Environmental Law.
5. The Rajasthan Noise Act, 1963.
6. सिंह, सी.पी. : पर्यावरण विधि
7. शास्त्री, सतीश: ध्वनि प्रदूषण (1990)
8. Jain, Suresh & Jain Vimla-Environmental Law in India.
9. Gurbax Singh Environmental Law in India.
10. Shastri, Satish: Environmental Law in India (2004)
11. Divan Shyam & Arvin Rosencronz-Environmental Law & Policy in India 2002

**Paper 3.8 (a) Criminology and Penology****Max. Marks : 100****Min. Pass Marks : 36**

**Note :** (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. **Criminology** : Definition, nature and scope, methods of Studying, importance and classification of crime.

**Criminal behaviour :**

(1) **Explanations.**

(2) **Psychological theories—Alcoholisms and Drugs.**

**Crime and social processes** : Economic Motivation, Socio-cultural motivations, home and community influences, white-collar crime, Female offender, Juvenile Delinquency, Influence of mass-media.

2. **Schools of Criminological Thought** (Factors in causation of Criminal Behaviour).

1. **Ancient School**

(a) **Demonological**

(b) **School of Free-will.**

2. **Classical School.**

3. **Cartographic or econological school.**

4. **Socialistic School.**

5. **Typological School**

(a) **Italian or Positive School.**

(b) **Mental testers School.**

(c) **Psychiatrists School.**

6. **Sociological School.**

7. **Multi-factor School.**

**Control of crime** : Police and Law Courts; Prison system-Re-socialisation of the offender, Rehabilitation of discharged prisoners in the administration of Criminal justice, prevention of crime delinquency.

3. **Definition of Punishment, Relationship between Criminology and Penology; Theories of Punishment, Expiatory, Preventive and reformatory and purposes of punishment.**

**Penal Science in India** : History of Punishment, Pre-classical school—classical school, Neo-classical Positive school, The reformers, Clinical school and multiple Causation approach.

4. **Kinds of Punishment** : Modes of treatment of offenders, Corporeal punishment, Transportation of Criminals, Capital Punishment,

imprisonment, reactionary, treatment, probation, parole, compensation, admonition, treatment of habitual juvenile, sex and adolescent offenders, indecaminita sentences, Borstal School, Criminal Procedural Jurisprudence.

5. Constitutional Guarantees -- Principle of natural justice as applicable to procedural law, Protection to arrested persons, Under-trials, detenué and convicted persons.

Double jeopardy and self-incrimination, rights to life and legal aid.

### Leading Cases :

1. Gura Singh v. State of Rajasthan, 1984 Cr. LJ 1423 (1428).
2. Bandhua Mukti Morcha v. Union of India, AIR (1984) SC 802.
3. Francis Coralie Mullin v. Union Territory Delhi, AIR (1981) SC 746.
4. R.K. Garg v. Union of India (1981) 133 ITR 239.
5. Mithu v. State of Punjab, AIR 1983 SC 473.

### Suggested Readings ;

1. Barnes, H.B. and Tecters—New Horizons in Criminology.
2. Vold, G.S.—Theoretical Criminology.
3. Pillai, K.S.—Criminology.
4. R. Taft, Donald—Criminology.
5. Edwin H. Sutherland and Donald R. Grussey—Principles of Criminology.
6. Horman, Mannheim—Pioneers in Criminology.
7. Hon, Barren, Mays—Crime and the Social Structure.
8. Ahmed Siddiqui—Criminology-Problems & Perspectives.
9. Lord Pakenham—Causes of Crime.
10. S. Venugopala Rao—Facts of Crime in India.
11. Korm, R.R. and McGorble, LW—Criminology and Penology.
12. Grunhut—Penal Reforms.
13. Mandholm—Criminal Justice and Reconstruction.
14. Gorden Rose—The Struggle for Penal Reform.
15. I.L.I.—Essays on Indian Penal Code.
16. Ben—Penology-Old and News-Tagore Law Lectures.
17. Elliott—Conflicting Penal Theories in Statutory Criminal Law.
18. Shamsul Huda—Tagore Law Lectures on Criminal Law.
19. Lawburse—Crime, Its Causes and Remedies.
20. Dequires—Modern Theories of Criminology.

21. Gillin--Criminology and Penology.
22. Deccaria—Crime and Punishment.
23. N.V. Puranjape—अपराधशास्त्र एवं दण्ड प्रशासन
24. M.S. Chauhan—अपराधशास्त्र एवं अपराधिक विज्ञान सिद्धान्त
25. B.L. Babel अपराधशास्त्र
26. The Criminal Procedure Code.
27. The Constitution of India.

### **Paper 3.8 (b) Intellectual Property Law**

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

#### **1. Law relating to Copy-right :**

Preliminary, Copyright Office and Board; Ownership of Copyright and the right of owners; Form of copyright; Licences, Performing rights Societies; Rights of Broadcasting Authorities, Registration of Copyright, Civil Remedies; Offences, Appeals.

#### **2. Law relating to Patents.**

#### **Leading Cases :**

1. Manu Bhandari v. Kalankas Pictures Pvt. Ltd., AIR (1987) Del. 13.
2. Nav Sahitya Prakash v. Anand Kumar, AIR 1981 All. 200 at p. 203.
3. Brundaban Sahu v. B. Rajendra Subudhi, AIR 1986 Orissa 210 at p. 211.
4. R.G. Anand v. Messers Deluxe Films, AIR 1978 SC 1513 p. 1627.

#### **Suggested Readings :**

1. Designs and Patents Act, 1988.
2. International Copy-right and Neighbouring Rights—S.M. Stewart.
3. Indian Copy-right Act, 1957.
4. Borne Convention Implementation Act, 1988.

**Paper 3.8 (c)**

**Law & Medicine**

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever are relevant.

**Medical Jurisprudence :**

Introduction and Legal Procedure, Identification of Person; Medical Aspect of Death, Death from Asphyxia, Starvation, Cold and Head Injuries, Sexual offences, Infanticide, Abortion.

**Forensic Science :**

Examination of Biological Fluids, Stains and other materials; Introduction and law relating to poison, Drug Addition, Sedatives.

**Suggested Readings :**

1. Patikh's Text Book of Medical Jurisprudence and Toxicology, by Dr. C.K. Parikh.
2. Medical Jurisprudence and Toxicology by Jai Singh S. Modi.
3. Forensic Chemistry and Scientific Criminal Investigation, by Lucas, A.

**Leading Cases :**

1. Sada Shiv Mohan Chandra V. State of Kerala, AIR 1994 SC 565.
2. Keru Singh v. State of Rajasthan, 1994 Cr. LJ 187 SC. 1843, 8 E.R. 718.
3. Jose v. State of Kerala. 1994 S CC (Cr.) 1659 SC.
4. Miss Narayanamma v. State of Karnataka, 1994 SCC 1573.
5. Hem Chandra v. State of Haryana, AIR 1995 SC 120.

**PRACTICAL PAPER**

**Paper 3.9 Drafting, Pleading, Conveyancing, Pre-trial Preparations, Participation in Trial Proceeding and Moot Court**

Max. Marks : 100

Min. Pass Marks : 36

This paper shall consist of following two parts :

Practical Written Paper —80 Marks

Viva-voce Examination —20 Marks

The candidate must pass in paper (a) and (b) separately, i.e. 29 marks out of 80 and 7 marks out of 20 marks :

## PRACTICAL WRITTEN PAPER

### Drafting & Pleading ;

General principles of Drafting and relevant substantive rules of pleading and their exceptions; Amendment of Pleadings; Alternative and Inconsistent Pleadings.

### Drafting Exercise on Pleadings :

(A) (i) Civil—(i) Plaints, (ii) Writenstatement; (iii) Interlocutory application, (iv) original petition; (v) Affidavit, (vi) Notice, (vii) Execution Petition; (viii) Memorandum of Appeal and Revision, (ix) Writ petition and its appeal.

(ii) Criminal—(i) Complaints, (ii) Bail Application, (iii) Accused's reply; (iv) Criminal Miscellaneous Petition, (v) Memoradnum of Appeal, Reference and Revision.

(B) Conveyancing :

Drafting exercise on Conveyancing—(i) Sale Deed; (ii) Mortgage Deed; (iii) Gift Deed; (iv) Lease Deed; (v) Rent Deed; (vi) Partnership Deed; (vii) Power of Attorney; (viii) Promissory Note and (x) Will.

(C) Pre-Trial Preparations :

Each student will observe, two interviewing sessions of clients at the Advocate's Office/Legal Office and record the proceedings in a diary.

(D) Participation in Trial Proceedings :

Each student will attend two trials in the Final Year Course and maintain a record and enter the various steps observed during his/her attendance in a diary.

(E) Moot Court :

Each student will do at least two Moot Courts in the Final year.

### Paper 3.9 (b)

### Viva-Voce Paper

Maintaining diary on Court visit, recording pre-trial preparation and participations in trial proceedings.

Moot Court performances done on the basis of prescribed leading cases in LL.B. III year under the Supervision of concerned teacher. The teacher shall conduct at least two Moot Courts and it will be compulsory for the candidates to participate in at least fifty percent of such Moot Courts. The teacher can also conduct Moot Corut on the basis of cases, other than the prescribed leading cases. The viva-voce examination shall be conducted by a Committee of three persons. In this Committee, there shall be two Internal Examiners and one External Examiner. The Committee shall award marks on

the basis of Court diary and performance at the Moot Court and viva-voce Examinations.

In order to frame the scheme of examination for the LL.B. Course, the Committee has looked into the provisions of the Act, Statutes, Ordinances and Regulations, and has also discussed at length the necessity of suggesting changes in the scheme of examinations.

According to Section 8(2) of the University of Rajasthan Act, the courses of studies and curriculae to be followed in the University, or its affiliated colleges may be prescribed by the Statutes and Ordinances and subject thereto by the regulations.

According to Ordinance 48, the following subjects have been assigned to the Faculty in place of these subjects. The Committee suggests that names of the subjects stated in Column 1. may be substituted, as suggested in Column 2 :

Col 1	Col 2
(1) Substantive Private Law in force in India, Law of Contracts, Transfer of Property, Trusts, Specific Relief, Torts and Easements. Hindu Law, Mohammedan Law and Company Law.	(1) Contract, Law of Torts and Consumer Protection, Family Law, Constitutional Law, Legal Writing including General English, Legal and Constitutional History of India, Trust, Equity and Fiduciary Relationship, Public Interest Lawyering, Legal Aid Para-Legal Services and Moot Courts.
(2) Adjective Private Law in force in India, Law of Evidence, Civil procedure and Limitation.	(2) Jurisprudence. Law of Crimes, Law relating to Transfer of Property and Easement, Company Law Public International Law and Human Rights, Labour Law. Administrative Law, Taxation Law, Insurance Law, Banking Law. Including Negotiable Instruments Act, Professional Ethics, Bar-Bench Relations.
(3) Public Law of India, Constitutional Law, Revenue Law, Income Tax Law, Criminal	(3) Law of Evidence, Law relating to Criminal Procedure—Juvenile Offenders, Civil

**Law and Procedure.**

Procedure and Limitation, Arbitration, Conciliation and Alternate Dispute Resolution System, Land Laws, Interpretation of Statutes, Environmental Law, Criminology and Penology; Intellectual Property Law, Law & Medicine, Drafting, Pleading & Conveyancing, Trial Proceedings.

- (4) Legal Theory, Principles of English Common Law & Equity; Jurisprudence & Principles of Legislation International Law and Conflict of Law.

- (4) Substantive Private Law, Adjective Private Law & Public Law in India; Principles of Legislation, Conflict of Laws, Legislative Research and Philosophy of Law.

Ordinance 251 provides for new scheme of LL.B. (Professional) Five Years Course. Ord. 251-A provides for the transitory provisions applicable to the students admitted to three year LL.B. (P) and two years LL.B.(A) Course.

Before coming to any conclusion on the main recommendations of this Committee, it would be proper to suggest as follows :

1. Ordinance 48 may be amended as suggested above.
2. The term new scheme above the Ordinance 251 may be deleted.
3. The following words appearing above Ordinance 251-A may also be deleted.

“Old Scheme—transitory provisions applicable to students admitted to three year LL.B.(P)/two years LL.B. (A) Course.”

In order to frame the scheme of examinations for the proposed course of LL.B. three years, the Committee has resolved to recommend, that the following basic principles may first be accepted by the BOS and the Faculty of Law and thereafter necessary scheme should be prepared—

- (1) All students would be admitted in LL.B. I year professional Course only and those who would like to take admission in LL.B. I Year Academic Course will have to apply separately. Those who do not apply separately would be deemed to have been admitted to Professional Course.
- (2) The teaching shall be conducted through the lectur-method, practicals and class performance during the Session and examination shall be conducted through written papers. practicals and viva-voce at the end of each year.



- (3) The instructions shall be provided in each paper of LL.B. I, II and III year for 3 hours a week by all the institutions running the LL.B. Classes.
- (4) Each theory paper in LL.B. I, II and III year shall be of 100 marks—the practical paper in each year of LL.B. I, II and III year has been divided into two parts : Part 'A' shall be of Practical Written Examination of 80 marks and Part 'B' shall be of viva-voce of 20 marks. A candidate shall be required to pass separately in Practical written and viva-voce examinations.
- (5) For a pass, in each of the LL.B. I year, II year or III year Examination, a candidate will be required to obtain not less than 48% marks in aggregate of theory and practical papers prescribed for the examination concerned, provided further that :
  - (i) A candidate who fails at the LL.B. First Year/Second Year or Third Year Examinations and has obtained not less than 36% marks in atleast 5 theory papers and practical or 6 theory papers shall be permitted to reappear in one or two theory papers and practical, or at the most three theory papers of his choice at the three successive subsequent examinations.
  - (ii) If a candidate fails to clear the LL.B. First Year or Second Year or Third Year Examination, as the case may be, in the aforesaid manner, he will be required to reappear in all the papers afresh as an ex-student, subject to the provisions of Clause (ii) or Ord. 163.

*N.B. :* Actual marks obtained by a candidate in the papers in which he reappears will be taken into account and the earlier marks of other papers will be carried forward for working out his result. In carrying forward the earlier marks of other papers, the marks obtained by the candidate in each paper in the last of the attempts made by him will be taken into account.
- (6) A candidate who has passed LL.B. I year, II year or III year examination and desires to improve his performance may be permitted to re-appear at the same examination in the same subject(s)/Papers in the immediately following year on the conditions mentioned in Ordinance 169-E.