

Lok Narayan Mishra
Asst. Prof.

Awadhesh Pratap Singh University
Rewa (M.P.)



Semester
2012

SYLLABUS

- LL.B.PART I
- LL.B.PART II
- LL.B.PART III

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202
198
184
178
762 (58)
65
1192
104
12

LL.B.Semester Examination

1. There shall be the following six Examinations for the Degree of Bachelor of Laws (Three Year Law Degree)
 1. L.L.B. (Part One) Ist Semester Examination
 2. L.L.B. (Part One) IInd Semester Examination
 3. L.L.B. (Part Two) IIIrd Semester Examination
 4. L.L.B. (Part Two) IVth Semester Examination
 5. L.L.B. (Part Three) Vth Semester Examination
 6. L.L.B. (Part Three) VIth Semester Examination
2. A student shall be eligibal for admission in LL.B. Part One (Three Year Degree Course) First Semester who has passed Bachelor Degree in any Discipline of this University or any other University recognized such by this university with atleast 45% of the total marks in case of general category and 40% of the total marks in case of SC and ST category.
provided that such minimum qualifying marks shall not automatically entitled a person to get admission buy only shall entitle the person concerned to fulfil other institutional criteria notified by this University of by the Government concerned from time to time to apply for admission.
Age on admission : Subject to the condition stipulated by the University on this behalf and the general social condition of the application seeking admission into LL.B.(Three year Degree Course in Law) is limited to thirty years on July 1st with right of this University to give concession of 5 (Five) further years for the application belonging to SC or ST or any other backword community.
3. Only such person shall be eligible for admission to LL.B. Part II who (i) have passed Ist Semester and 2nd Semester examination of LL.B. Part One or (ii) have got promoted in Ist and/or 2nd Semester examination of LL.B. Part One.
4. Only such person shall be eligible for admission to LL.B. Part II or (i) have passed 3rd and 4th Semester examination of LL.B. Part II or (ii) have got promoted in 3rd and /or 4th Semester examination of LL.B.Part Two.
5. Such person shall also be eligible for admission to LL.B. Part II and III who have passed LL.B. I and/II Examination of any other University recognised by this University in by this

university. Provided that if any subject which is included in LL.B. Part I and II of this University, he will have to pass the examination of the University in those.

(Result of LL.B. VI Semester shall not be declared unless the students pass all the previous semester, i.e. I to V Semester of LL.B. examination.)

6. A student shall be declared successful if he secures at least 36 marks in all individual papers and 48% marks in aggregate of total marks in the concerned semester examination.

The student who secure 60% or marks or above in aggregate of the total marks in all the semester examination taken together shall be placed in 1st division and who secures 48% but less than 60% shall be placed in second division.

7. Promotion to Higher class : There shall be promotion to higher class for the following categories of the students: (i) Those students who failed in two or less papers. (ii) Those students who fail to obtain 48% marks in the aggregate but pass in all the papers.

The Promoted student shall be permitted to appear in the subject in the next examination in which they failed or/and to appear in the subject(s) in which they have not secured 48% marks at their own option.

The total marks in all the six semester examination taken together, to be placed in the first division. The other successful examinee shall placed in the second division.

LL.B. Part I (1st Semester) 2009-10 Scheme of Examination

Paper No.	Nomenclature of the paper	Max Marks	Min. Marks	Min. Pass Mark (Aggregate)
I	Contract I (General Principle)	100	36	36
II	Environmental Laws including Protection and Welfare of Wild and other Animals)	100	36	48%
III	Torts and Consumer Protection Law	100	36	48% in Aggregate
IV	Family Law I (Hindu Law)	100	36	
V	Family Law II (Muslim law)	100	36	
Grand Total :		500	-	240

LL.B. Part I (1st Semester)

Paper I

Contract I

(General Principles of Contract and Specific Relief

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

The candidate shall have to attempt five questions only. General Principles, Section I to 75 of Indian Contract Act, 1872 and Specific Relief.

Syllabus

1. General Principles of Law of Contract
 - 1.1 History and nature of contractual obligations.
 - 1.2 Agreement and contract: Definition, elements and kinds.
 - 1.3 Proposal and acceptance - their various forms, essential elements, communication and revocation-proposal and invitations for proposal-floating offers-tenders-dumping of goods.
 - 1.4 Consideration-its need, meaning, kinds, essential elements-nudum pactum-privity of contract and of consideration-its exceptions-adequacy of consideration-precedent, past and adequate consideration-unlawful consideration and its effects-views of Law Commission of India on consideration-evaluation of the doctrine of consideration.
 - 1.5 Capacity of contract-meaning-incapacity arising out of status and mental defect, minor's agreements-definition of 'minor' accessories supplied to a minor, agreements beneficial and detrimental to a minor - affirmation- restitution in cases of minor's agreements- fraud by a minor-agreements made on behalf of a minor-minor's agreements and estoppel-evaluation of the law relating to minor's agreements-other illustrations of incapacity to contract.
 - 1.6 Free consent-its need and definition-factors vitiating free consent.
 - 1.6.1 Coercion-definition-essential elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion.
 - 1.6.2 Undue Influence-definition-essential elements between which parties can it exist? Who is to prove it? Illustrations of undue influence-independent advice-pardahanashin women, unconscionable bargains-effect of undue influence.
 - 1.6.3 Misrepresentation-definition-misrepresentation law and of fact-their effects and illustration.
 - 1.6.4 Fraud-definition-essential elements-suggestion false-suppression-when does silence amounts to fraud? Active-concealment of truth-importance of intention.
 - 1.6.5 Mistake-definition-kinds-fundamental error-mistake of law and of fact-their effects-when does a mistake vitiate free consent and when does it not vitiate free consent/
 - 1.7 Legality of objects.
 - 1.7.1 Void agreements-lawful and unlawful consideration and objects-void, voidable, illegible and unlawful agreements-their effects.
 - 1.7.2 Unlawful consideration and objects.
 - 1.7.2.1 Forbidden by law.
 - 1.7.2.2 Defeating the provision of any law.
 - 1.7.2.3 Fraudulent.
 - 1.7.2.4 Injuries to person or property
 - 1.7.2.5 Immoral
 - 1.7.3 Void Aggregation
 - 1.7.3.1 Agreements without consideration
 - 1.7.3.2 Agreements in restraint of marriage.
 - 1.7.3.3 Agreements in restraint to trade-its exceptions-sale of goodwill, certain restrictions, under the partnership Act, trade combinations, seclusive dealing agreements, restraints on employees under agreements of service.
 - 1.7.3.4 Agreements in restraint of legal proceedings-its exceptions.
 - 1.7.3.5 Uncertain agreements.
 - 1.7.3.6 Wagering agreement-its exception.
 - 1.8. Discharge of a contract and its various modes.
 - 1.8.1 By performance-conditions of valid tender of performance-How/ By whom? Where? When? In what manner? Performance of reciprocal promises-time as essence of contract.
 - 1.8.2 By breach-anticipatory breach and present breach.
 - 1.8.3 Impossibility of performance-specific grounds of frustration-application to leases theories of frustration-effect of frustration-frustration and restitution.
 - 1.8.4 By period of limitation.

- 1.8.5 By agreement-rescission and alteration-their effect-remission and waiver performance-extension of time-accord and satisfaction.
- 1.9. Quasi-contracts or certain relations resembling those created by contract.
- 1.10 Remedies in contractual relations.
- 1.10.1 Damages-kinds-remoteness of damages-ascertainment of damages.
- 1.10.2 Injunction-when granted and when refused-Why?
- 1.10.3 Refund and restitution.
- 1.10.4 Specific performance-When? Why?

Government as a Contracting Party

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

Standard Form Contracts

Nature, advantages-unilateral character, principles of protection against the possibility of exploitation-judicial approach to such contracts-exemption clauses-clash between two standard form contracts-Law Commission of India's views.

Multi-National agreement

- Strategies and constraints to enforce contractual obligations
- 5.1 Judicial methods-redressable forum, remedies.
- 5.2 Other methods like arbitration, Lok Adalat, Nyaya Panchayat and other such non formal methods.
- 5.3 Systemic constraints in settling contractual disputes.
- 5.3.1 Court fees, service of summons, injunctions, delay.

Specific relief

- 6.1 Specific performance of contract.
- 6.1.1. Contract that can be specifically enforced.
- 6.1.2 Persons against whom specific enforcement can be ordered.
- 6.2 Rescission and cancellation.
- 6.3.2 Perpetual.
- 6.4 Declaratory orders.
- 6.5 Discretion and powers of Court.

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 P.S.Aiya-Introduction to the Law of Contract, 1992 reprint (Clarendon Law Series)
 Avatar Singh-Law of Contract (2000) Eastern, Lucknow
 G.C. Cheshire and H.S.Fifoot and M.P.Furmston-Law of Contract (1992) ELBS with Butterworths.
 M.Krishnan Nair - Law of Contracts, (1998)
 G.H. Treitel - Lawa of Contract, Sweet & Maxwell (1997 Reprint)
 R.K. Abichandani (ed.)-Pollack and Mulla on the Indian Contract and the Specific Relief Act (1999).

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Banerjee, S.C.- Law of Specific Relief (1998), Universal
 Anson - Law of Contract (1998), Universal
 Dutt and Contract (2000), Universal
 Anand and Aiyer - Law of Specific Relief (1999), Universal

Leading Cases

- I. Carlyel V. Carbotic Smoke Ball, 1893, 1Q.B. 7256
- II Mohri Bibi V. Dharam Das Ghose, 11.R. 30, Cal. 539 (P.C.)
- III Lala Ram Swaroop V. The Court of Wards, A.I.R. 1940, PC 19.
- IV Satyabrata Ghose V. Mungee Ram & others, A.I.R. 1954 SC 44.
- V. Col. Mac Pharson V. M.N. Appanna, A.I.R. 1961 SC 184
- VI. R. Fatechand V. Bal Brishna Das, A.I.R. 1963, SC 1405
- VII State of M.P. V. Hasamji & Sons, A.I.R. 1957 M.P. 135
- VIII Lal Kapoor Chand Godha V. Mir Nawab Himayat Ali Khan Azashah, A.I.R. 1963 SC 250

**L.L.B. I Sem. I Paper II
Environmental Laws Including Production and Welfare
& with and other Animal**

This papers shall be of 100 marks and each question shall be divided into two parts (a) AND (B) Part (b) may be based on any problem or decided case on the subject
Part (A) - Water (Prevention and Control of pollution) Act, 1974.
Air (Prevention and Control of Pollution) Act, 1981.
Part (B) - Environment (Prevention and Control of pollution) Act, 1986.

Objectives of the Course

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

I. Concept of Environment and Pollution

1.1. Environment.

1.1.1. Meaning and contents

1.2. Pollution.

1.2.1. Meaning.

1.2.2. Kinds of pollution.

1.2.3. Effects of pollution.

2. Legal Control : Historical Perspectives

2.1. Indian tradition : dharm of environment.

2.2. British Raj-industrial development and exploitation of nature.

2.2.1. Nuisance : penal code and procedural codes.

2.3. Free India -Continuance of British influence.

2.3.1. Old laws and new interpretations.

3. Constitutional Perspectives

3.1. Constitution making -development and property oriented approach.

3.2. Directive principles.

3.2.1. Status, role and interrelationship with fundamental rights and fundamental duties.

3.3. Fundamental Duty.

3.3.1. Contents.

3.3.2. Judicial approach.

3.4. Fundamental Rights.

3.4.1. Rights to clean and healthy environment.

3.4.2. Right to education.

3.4.3. Right to information.

3.4.4. Environment v. Development.

3.5. Enforcing agencies and remedies.

3.5.1. Courts.

3.5.2. Tribunal.

3.5.3. Constitutional, statutory and judicial remedies.

3.6. Emerging principles:

3.6.1. Polluter pays : public liability insurance.

3.6.2. Precautionary principle.

3.6.3. Public trust doctrine.

3.6.4. Sustainable development.

4. Air Pollution

4.1. Meaning and standards.

4.2. Culprits and victims.

4.3. Offences and penalties.

4.4. Judicial approach.

5. Noise Pollution

5.1. Legal control.

5.2. Courts of balancing : permissible and impermissible noise.

6. Environment Protection

6.1. Protection agencies : power and functions.

6.2. Protection : means and sanctions.

6.3. Emerging protection through delegated legislation.

6.3.1. Hazardous waste.

6.3.2. Bio-medical waste.

6.3.3. Genetic Engineering.

- 6.3.4. Disaster emergency preparedness.
 - 6.3.5. Environment impact assessment.
 - 6.3.6. Coastal zone management.
 - 6.3.7. Environmental audit and eco-mark.
 - 6.4. Judiciary: complex problems in administration of environmental justice.
 - 7. Town and country planning
 - 7.1. Law : enforcement and constrain.
 - 7.2. Planning : management policies.
 - 8. Forest and greenery
 - 8.1. Greenery conservation laws.
 - 8.1.1. Forest conservation.
 - 8.1.2. Conservation agencies.
 - 8.1.3. Prior approval and non-forest purpose.
 - 8.1.4. Symbiotic relationship and tribal people.
 - 8.1.5. Denudation of forest : judicial approach.
 - 8.2. Wild life.
 - 8.2.1. Sanctuaries and national parks.
 - 8.2.2. Licensing of zoos and parks.
 - 8.2.3. State monopoly in the sale of wild life and wild life articles.
 - 8.2.4. Offences against wild life.
 - 9. Bio-diversity
 - 9.1. Legal control.
 - 9.2. Control of eco-unfriendly. experimentation on animals, plants seeds and micro organism .
 - 10. International regime
 - 10.1. Stockholm conference.
 - 10.2. Green house effect and ozone depletion.
 - 10.3. Rio conference.
 - 10.4. Bio-diversity.
 - 10.5. U.N. Declaration on right to development.
 - 10.6. Wetlands.
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- Aamin Rosencranz, et al. (eds.) -Environmental Law and Policy in India (2000) Oxford
- R.B. Singh & Suresh Misra -Environmental Law in India (1996), Concept publishing Co. New Delhi
- Kailash Thakur- Environmental protection Law and Policy in India (1997), Deep Publications, Now Delhi
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Leelakrishnan, P.-The Environmental Law in India (1999)

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Centre for Science and Environment, The State of India Environment, 1982. The State of India's Environment 1984-85 and the State of Indian Environment 1999-2000.

Word Commission on Environment and Development, Our Common Future (1987), Oxford.

LEADING CASES

1. Subhash kumar v. State of Bihar, A.I.R.. 1991 S.C. 420.
2. Rural Litigation and Entitlement kendra Dehradun V State of U.P. (1985) 2 S.C.C. 431.
3. M.C. Mehta v. Union of India, (1988) 2 Um N.P. 229.
4. M.C. Mehta v. Union of India, (1988) SC 471.
5. Indian Council for Environmental Legal Action v. Union of India, (1936) 5 S.C.C. 281

**L.L.B. I Semester
PAPER III
TORT AND CONSUMER PROTECTION LAWS**

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b) Part (b) may be based on any problem or decided case on the subject.

Section A-Tort
Section B- Consumers Protection Act, 1986
This paper shall consist of two sections. The candidates shall have to attempt minimum two questions from each section. The total number of the questions to be attempted shall be five.
Objective of the course

With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings. Presently, the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in development economics.

In the modern era of consumer concern of goods and services, the law of torts has an added significance with this forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating damages suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial in India, so connected with the human rights for a healthy life and environment has now a core subject to be taught as an indispensable part of a socially relevant curriculum.

Syllabus

Section A-Torts

1. Evolution of Law of Torts
 - 1.1. England - forms of action - specific remedies from case to case.
 - 1.2. India- principles of justice equality and good conscience- unmodified character - advantages and disadvantages.
2. Definition, Nature, Scope and Objects
 - 2.1 A wrongful act- violation of duty imposed by law, duty which is owned to people generally (in rem) - *dammum sine injuria* and *injuria sine damnum*.

- 1.1.1. Tort distinguished from crime and breach of contract.
- 1.1.2. The concept of unliquidated damages.
- 1.1.3. Chaining scope of law of torts : expanding character of duties owned to people generally due to complexities of modern society.
- 1.1.4. Objects-prescribing standards of human conduct, redressal of wrongs by payment of compensation. prescribing unlawful conduct by injunction.
3. Principles of Liability in Torts
 - 3.1. Fault.
 - 3.1.1. Wrongful Intent.
 - 3.1.2. Negligence.
 - 3.2. Liability without fault.
 - 3.3. Violation of ethical codes.
 - 3.4. Statutory liability.
 - 3.5. Place of motive in torts.
4. Justification in Tort
 - 4.1. Volenti non fit injuria.
 - 4.2. Necessity, private and public.
 - 4.3. Plaintiff's default.
 - 4.4. Act of God.
 - 4.5. Inevitable accident.
 - 4.6. Private defence.
 - 4.7. Statutory authority.
 - 4.8. Judicial and quasi-judicial acts.
 - 4.9. Parental and quasi-parental authority.
5. Extinguishment of liability in certain situations
 - 5.1. Action personalis moritur cum persona -exceptions.
 - 5.2. Waiver and acquiescence.
 - 5.3. Release.
 - 5.4. Accord and satisfaction.
 - 5.5. Limitation.
6. Standing
 - 6.1. Who may sue -aggrieved individual-class action-social action group
 - 6.2. Statues granting standing to certain persons or groups.
 - 6.3. Who may not be sued?
 7. Doctrine of sovereign immunity and its relevance in India
 8. Vicarious Liability
 - 8.1. Basis, scope and justification.

- 8.1.1. Express authorization.
 - 8.1.2. Ratification
 - 8.1.3. Abetment.
 - 8.2. Special Relationships.
 - 8.2.1. Master and servant-arising out of and in the course of employment-who is master?-the control test-who is servant? - borrowed servant-independent contractor and servant, distinguished.
 - 8.2.2. Principal and agent.
 - 8.2.3. Corporation and principal officer.
 - 9. Torts against persona and personal relations
 - 9.1. Assault, battery, maythem
 - 9.2. False imprisonment.
 - 9.3. Defamation -liable, slander including law relating to privileges.
 - 9.4. Marital relations, domestic relations, parental relation, master and servant relations.
 - 9.5. Malicious prosecution.
 - 9.6. Shortened expectation of life.
 - 9.7. Nervous shock.
 - 10. Wrong affecting property
 - 10.1. Trespass to land, trespass ab initio, dispossession.
 - 10.2. Movable property-trespass to goods, detinue, conversion.
 - 10.3. Torts against business interest -injurious falsehood, misstatements, passing off.
 - 11. Negligence
 - 11.1. Basic concepts.
 - 11.1.1. Theories of negligence.
 - 11.1.2. Standards of care, duty of take care, carelessness, inadvertence.
 - 11.1.3. Doctrine or contributory negligence.
 - 11.1.4. Res ipsa loquitor and its importance in contemporary law.
 - 11.2. Liability due to negligence : different professionals.
 - 11.3. Liability of common carriers for negligence.
 - 11.4. Product liability due to negligence : Liability of manufacturers and business houses for their products.
 - 12. Nuisance
 - 12.1. Definition, essentials and types.
 - 12.2. Acts which constitute nuisance- obstructions of highways, pollution of air, water, noise, and interference with light and air.
 - 13. Absolute/strict liability.
 - 13.1. The rule in Rylands v. Fletcher.
 - 13.2. Liability for harm caused by inherently dangerous industries.
 - 14. Legal remedies
 - 14.1. Legal remedies.
 - 14.1.1. Award of damages -simple, special, punitive.
 - 14.1.2. Remoteness of damages - foreseeability and directness
 - 14.1.3. Injunction.
 - 14.1.4. Specific restitution of property.
 - 14.2. Extra-legal remedies -self help, re-entry on land, reception of goods, distress damages feasting and abetment of nuisance.
- Section B-consumer Protection Laws**
- 15. Consumer movements : Historical perspectives
 - 15.1. Common law protection : Contract and torts.
 - 15.2. Consumerism in India: food adulteration, drugs and confectionery-essential commodities.
 - 15.2.1. Criminal sanction : Sale of noxious and adulterated substances, false weight and measures. Use of unsafe carriers.
 - 16. Consumer, the concept
 - 16.1. General Perspectives.
 - 16.2. Statutory and government services : to be included or not?
 - 16.3. Definition and scope : The Consumer Protection Act, 1986 (CPA).
 - 17. Unfair Trade Practices
 - 17.1. Misleading and false advertising.
 - 17.2. Unsafe and hazardous products.
 - 17.3. Disparaging competitors.
 - 17.4. Business ethics and business self-regulation.
 - 17.5. Falsification of trade marks.
 - 18. Consumer of Goods
 - 18.1. Meaning of defects.
 - 18.2. Standards of purity, quantity and potency.
 - 18.2.1. Status : food and drugs, engineering and electrical goods.
 - 18.2.2. Common Law : decision of courts.
 - 18.3. Price control.
 - 18.3.1. Administrative fixation.
 - 18.3.2. Competitive market.
 - 18.4. Supply and distribution of goods.
 - 19. Supply of essential commodities

- 19.1. Quality control.
- 19.2. Sale of goods and hire purchase law.
- 19.3. Prescribing Standards of quality-BIS and Agmark, Essential commodities law.
- 20. Consumer Safety
- 20.1. Storing, distribution and handling to unsafe and hazardous products.
- 20.2. Insecticides and pesticides and other poisonous substances.
- 21. Service
- 21.1. Deficiency-meaning.
- 21.2. Professional services.
- 21.2.1. Medical services.
- 21.2.2. How to determine negligence.
- 21.2.3. Violation of Statute.
- 21.2.4. Denial of medical services : violation of human rights.
- 21.2.5. Lawyering services : duty -towards -court and duty -to - client dilemma, break of confidentiality-negligence and misconduct.
- 21.3. Public Utilities.
- 21.3.1. Supply of electricity.
- 21.3.2. Telecommunication and postal services.
- 21.3.3. Housing.
- 21.3.4. Banking.
- 22. Commercial services
- 22.1. Hiring.
- 22.2. Financing.
- 22.3. Agency services.
- 23. Enforcement of consumer rights
- 23.1. Consumer fora under CPA : jurisdiction, powers and functions.
- 23.1.1. Execution of orders.
- 23.1.2. Judicial review.
- 23.2. PIL
- 23.3. Class action.
- 23.4. Remedies.
- 23.5. Administrative remedies.

Select Bibliography

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- Leading Cases
- 1. Rylands v. Fletcher, 1886 I.R. 1 E. 465.
- 2. Hollywood Silver Fox Farm Ltd. V. Emmett, (1936)2KB. 468.
- 3. State of Rajasthan v. Vidyavati, A.I.R. 1962 S.C. 332.
- 4. Donoghue v. Stevenson, 1932 A.C. 562.
- 5. Municipal Corporation of Delhi v. Subhagwati & others, AIR SC 175.
- 6. Girija Prasad Sharma v. Uma Shankar Pathak, A.I.R. 1973 M.P. 79.
- 7. Indian Trade and General Insurance Co. Ltd. v. Mahadeo Govind Rao Bhagde, 1966 MP LJ 482.
- 8. Mohan Lal v. Lakshman Singh, A.I.R. 1960 M.P. 397.
- 9. Kasturi Lal Ralia Ram Jain v. State of U.P. A.I.R. 1965 S.C. 1039.

**L.L.B. I Semester
PAPER IV**

FAMILY LAW I (HINDU LAW)

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). part (b) may be based on any problem or decided case on the subject.

Objectives of the course

The course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of the personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of family relations more meaningful.

Syllabus

1. Marriage and kinship

- 1.1. Evolution to the institution of marriage and family.
- 1.2. Role of religious rituals and practices in moulding the rules regulating to marital relations.

1.3. Types of family based upon.

- 1.3.1. Lineage-patrilineal matriarchal.
- 1.3.2. Authority structure-patriarchal and matriarchal.
- 1.3.3. Location-patrilocal and matrilocal.
- 1.3.4. Number of conjugal units-nuclear, extended, joint & composite.

- 1.4. Emerging concepts : matri sambandh and divided home.

2. Customary practices and State Regulation

- 2.1. Polygamy
- 2.2. Concubinage.
- 2.3. Child marriage.
- 2.4. Sati.
- 2.5. Dowry.
3. Conversion and its effect on family
- 3.1. Marriage.
- 3.2. Adoption.
- 3.3. Guardianship.
- 2.4. Succession.

4. Joint Family

- 4.1. Mitakshara joint family.
- 4.2. Mitakshara coparcenary - formation and incidents.
- 4.3. Property under Mitakshara law -separate property and coparcenary property.
- 4.4. Devahaga coparcenary-formation and incidents.
- 4.5. Property under Dayabhaga law.
- 4.6. Karta of the joint family - his position, powers, privileges and obligations.
- 4.7. Alienation of property - separate and coparcenary.
- 4.8. Debts-doctrines of pious obligations and antecedent debt.
- 4.9. Partition and re-union.
- 4.10. Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
- 4.11. Matrilineal joint family.

5. Inheritance

- 5.1. Hindu.
 - 5.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act, 1956.
 - 5.1.2. Succession to property of a Hindu male dying intestate under the provisions of Hindu succession Act, 1956.
 - 5.1.3. Development of interest in Mitakshara coparcenary with reference to the provision of Hindu Succession Act, 1956.
 - 5.1.4. Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956.
 - 5.1.5. Disqualification relating to succession.
 - 5.1.6. General rules of succession.
 - 5.1.7. Marumakkattayam and Aliyasantana laws governing people living in Travancore- Cochin and districts of Malabar and South Kanara.
- 5.3.1. Heirs and their shares and distribution of property under the Indian Succession Act of 1925.

6. Matrimonial Remedies

- 6.1. Non-judicial resolution of marital conflicts customary dissolution of marriage -unilateral divorce, divorce by mutual consent and other modes of dissolution.
- 6.2. Judicial resolution of marital conflicts : the family court
- 6.3. Nullity of marriage.
- 6.5. Restitution of conjugal rights.
- 6.6. Judicial separation.

- 6.7. Desertion : a ground for matrimonial relief.
- 6.8. Cruelty : a ground for matrimonial relief.
- 6.9. Adultery : a ground for matrimonial relief.
- 6.10. Other grounds for matrimonial relief.
- 6.11. Divorce by mutual consent under : Special Marriage Act, 1954: Hindu Marriage Act, 1955.
- 6.12. Bar to matrimonial relief:
 - 6.12.1. Doctrine of Strict proof.
 - 6.12.2. Taking advantage of one's own wrong or disability.
 - 6.12.3. Accessory.
 - 6.12.4. Connivance.
 - 6.12.5. Collusion.
 - 6.12.6. Condonation.
 - 6.12.7. Improper or unnecessary delay.
 - 6.12.8. Residuary clause-no other legal ground exists for refusing the matrimonial relief.
7. **Alimony and maintenance**
 - 7.1. Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves; provisions under the Code of Criminal procedure, 1973.
 - 7.2. Alimony and maintenance as an independent remedy : a review under different personal laws-need for reforming the law.
8. **Child and the Family**
 - 8.1. Legitimacy
 - 8.2. Adoption.
 - 8.3. Custody, maintenance and education.
 - 8.4. Guardianship and parental rights -welfare of the child principle.
9. **Family and its changing patterns**
 - 9.1. New emerging trends.
 - 9.1.1. Attenuation of family ties.
 - 9.1.2. Working women and their impact on espousal relationship : composition of family status and role of women.
 - 9.1.3. New property concepts such as skill and job as new forms of property.
 - 9.2. factors affecting the family; demographic, environmental, religious and legislative.
 - 9.3. processes of social change in India sanskritization, westernization, secularization, universalization,

- parhialization, modernization, industrialization and urbanization.
10. **Statement of espousal property**
 - 10.1. Need for development of law.
 - 10.1.1. Establishment of Family Courts.
 11. Constitution, power and functions.
 - 11.1. Constitution of gender justice.
 - 11.2. Administration of gender justice.
 12. Uniform Civil Code -Need for
 - 12.1. Religious pluralism and its implications.
 - 12.2. Connotations of directive contained in Article 44 of the Constitution.
 - 12.3. Impediments to formulation of the Uniform Civil Code.
 - 12.4. The idea of Option Uniform Civil Law
 - Select Bibliography UPPD kesari-Hind Law
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 - Basu, N.D. - Law of Succession, (2000), Universal.
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 - Manchanda, S.C.-Law and Practice of Divorce in India,(2000), Universal.
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 - K. C. Daiya- "Population control through family planning in India", "Indian journal of Legal Studies", 85 (1979).
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 - J.D.M. Derrett- Death of Marriage Law.
 - J.D.M. Derrett- A Critiqued of Modern Hindu Law, (1970) Paras Diwan -Hindu Law, (1985).
 - P.N. Sen - Hindu Jurisprudence. Mine- Hindu Law & Usages.
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 - Paras Diwan -Family Law : Law of Marriage and Divorce in India, (1984).
 - A.M. Bhattachargee- Hindy Law and the Constitution, (1994), Eastern Law House, Calcutta.
 - Paras Diwan- Law of Adoption, Ministry, Guardianship and Cusstody, (2000), Universal.

Leading Cases

- I. Amarendra Man Singh v. Sanatan Singh, 1960, I.A. 242.
- II. Virdhachalam Pillai v. Ghalean - Syndicate Bank Ltd., A.I.R. 1964 S.C. 1425.
- III. Mahendra v. Sushila, A.I.R. 1970 S.C. 343.
- IV. Rohini Kumari v. Narendra Singh, A.I.R. 1972 S.C. 459.
- V. Sita Bai v. Ram Chandra, A.I.R. 1970 S.C. 343.
- VI. Sundari v. Laxmi, A.I.R. 1980 S.C. 198.

**LL.B. I Semester I
PAPER V
FAMILY LAW II (MUSLIM LAW)**

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

The subject will consist of introduction and source of Muslim Law, School of Muslim Law, Nikah, Talak, Mehar, waqf, Hiba, Wasiyat, Inheritance, Acknowledgment of Paternity, Dissolution of Marriage Act, 1939 Muslim Personal Law (sariyat) Act, 1937 and Pre-emption. Maintenance of divorced Muslim women under the Muslim Woman (Protection of Rights in Divorce) Act, 1986

PRESCRIBED BOOKS

- 1. Paras Diwan - Muslim Law.
- 2. P.K. Sinha - Muslim Law.
- 3. D.F. Mulla - Muslim Law.
- 4. Aquil Ahmed - Muslim Law.
- 5. A.A.Fyze - Muslim Law.
- 6. T. Mahmood - Muslim Law.
- 7. A.M. Bhattacharyjee - Muslim Law and The Constitution (1994)

Eastern Law House Cal.

LEADING CASES

- I. Rashid Ahmed v. Anisa Khatun, A.I.R. 1932.
- II. Kapoor Chand v. Kidar Nissa Begum, A.I.R. 1958 S.C. 413.
- III. Mohd Yunus V. Syed Unnissa & others, AIR 1961, S.C. 808.
- IV. Shah Bano Case.

**L.L.B. I Part (2nd Semester)
Scheme of Examination**

Paper No.	Nomenclature of the paper	Max Marks	Min. Marks	Min. Pass Mark (Aggregate)
VI	Law of Crime	100	36	
VII	Constitutional Law of India	100	36	
VIII	Human Right and International Law	100	36	48% in Aggregate
IX	(a) Indian Legal History	100	36	
	OR			
	(b) Banking Law Including Negotiable Instrument Act 100		36	
X	(c) Insurance Law	100	36	
	Project & Vive-voc (50+50)	100	36	
Grand Total :		500	240	

**L.L.B. II Semester
PAPER VI
LAW OF CRIMES**

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). (b) may be based on any problem or decided case on the subject.

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

Syllabus

1. General

1.1. Conception of Crime.

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

1.1.2. Macaulay's draft based essentially on British notions.

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

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

1.4. Distinction between crime and other wrongs.

1.5. IPC : a reflection of different social and moral values.

1.6. Applicability of I.P.C

1.6.1. Territorial.

1.6.2. Personal.

1.7. Salient features of the I.P.C.

2. Elements of criminal liability

2.1. Author crime-natural and legal person.

2.2. Mens rea-evil intention.

2.3. Importance of mens rea.

2.4. Recent trends to fix liability without mens rea in certain socio-economics.

2.5. Act in furtherance of guilty intent.

2.6. Omission.

2.7. Injuy to another

- 3.1. Stringent provision in case of combination of persons attempting to disturb peace.
- 3.2. Common intention.
- 3.3. Abetment.
 - 3.3.1. Instigation, aiding and conspiracy.
 - 3.3.2. Mere act of abetment punishable.
 - 3.4. Unlawful assembly.
 - 3.4.1. Basis of liability.
 - 3.5. Criminal conspiracy.
 - 3.6. Rioting as a specific offence.
4. Stage of a crime-units
 - 4.1. Guilty intention - mere no punishable.
 - 4.2. Preparation.
 - 4.2.1. Preparation not punishable.
 - 4.2.2. Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures.
- 4.3. Attempt.
 - 4.3.1. Attempt when punishable - specific provisions of IPC.
 - 4.3.2. Tests for determining what constitutes attempt-proximity, equivocality and social danger.
 - 4.3.3. Impossible attempt.
5. Factors negating guilty intention
 - 5.1. Mental incapacity.
 - 5.1.1. Minority.
 - 5.1.2. Insanity- impairment of cognitive faculties, emotional imbalance.
 - 5.1.3. Medical and legal insanity.
 - 5.2. Intoxication-involuntary.
 - 5.3. Private defiance - justification and limits.
 - 5.3.1. When private defiance extends to causing of death to protect body and property.
 - 5.3.2. Necessity.
 - 5.3.3. Mistake of fact.
6. Types of Punishment
 - 6.1. Death.
 - 6.1.1. Social relevance of capital punishment.
 - 6.1.2. Alternatives to capital punishment.
 - 6.2. Imprisonment -for life, with hard labor, simple imprisonment.
 - 6.3. Forfeiture of property.
- 6.4. Fine.
- 6.5. Discretion in awarding punishment.
 - 6.5.1. Minimum punishment in respect of certain offences.
7. Specific offences against human body
 - 7.1. Causing death of human beings.
 - 7.1.1. Culpable homicide.
 - 7.1.2. Murder.
 - 7.2. Specific mental element : requirement in respect of murder.
 - 7.3. Situation justifying treating murder as culpable homicide not murder.
 - 7.3.1. Grave and sudden provocation.
 - 7.3.2. Exceeding right to private defense.
 - 7.3.3. Public servant exceeding legitimate use of force.
 - 7.3.4. Death in sudden fight.
 - 7.3.5. Death caused by consent of the deceased -euthanasia and surgical operation.
 - 7.3.6. Death caused of person other than the person intended.
 - 7.3.7. Miscarriage with or without consent.
 - 7.4. Rash and negligent act causing death.
 - 7.5. Hurt-grievous and simple.
 - 7.6. Assault and criminal force.
 - 7.7. Wrongful restraint and wrongful confinement- kidnapping from lawful guardianship and from outside India.
 - 7.8. Abduction.
 8. Offences against women.
 - 8.1. Insulting the modesty of woman.
 - 8.2. Assault or criminal force with intent to outrage the modesty of woman.
 - 8.3. Causing miscarriage without woman's consent.
 - 8.3.1. Causing death by causing miscarriage without woman's consent.
 - 8.4. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse.
 - 8.5. Buying a minor for purposes or prostitution.
 - 8.6. Rape.
 - 8.7. Custodial rape.
 - 8.6.2. Marital rape.
 - 8.7. Prevention of immoral traffic.
 - 8.8. Cruelty by husband or his relatives.
 - 8.8.1. Prevention of Sati.

- 3.1. Stringent provision in case of combination of persons attempting to disturb peace.
- 3.2. Common intention.
- 3.3. Abetment.
 - 3.3.1. Instigation, aiding and conspiracy.
 - 3.3.2. Mere act of abetment punishable.
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- 4.3. Attempt
 - 4.3.1. Attempt when punishable - specific provisions of IPC.
 - 4.3.2. Tests for determining what constitutes attempt-proximity, equivocality and social danger.
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 - 5.1.3. Medical and legal insanity.
 - 5.2. Intoxication-involuntary.
 - 5.3. Private defiance - justification and limits.
 - 5.3.1. When private defiance extends to causing of death to protect body and property.
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 - 5.3.3. Mistake of fact.
6. Types of Punishment
 - 6.1. Death.
 - 6.1.1. Social relevance of capital punishment.
 - 6.1.2. Alternatives to capital punishment.
 - 6.2. Imprisonment -for life, with hard labor, simple imprisonment.
 - 6.3. Forfeiture of property.

- 6.4. Fine.
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 - 6.5.1. Minimum punishment in respect of certain offences.
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 - 7.1.1. Culpable homicide.
 - 7.1.2. Murder.
 - 7.2. Specific mental element : requirement in respect of murder.
 - 7.3. Situation justifying treating murder as culpable homicide not murder.
 - 7.3.1. Grave and sudden provocation.
 - 7.3.2. Exceeding right to private defense.
 - 7.3.3. Public servant exceeding legitimate use of force.
 - 7.3.4. Death in sudden fight.
 - 7.3.5. Death caused by consent of the deceased -euthanasia and surgical operation.
 - 7.3.6. Death caused of person other than the person intended.
 - 7.3.7. Miscarriage with or without consent.
 - 7.4. Rash and negligent act causing death.
 - 7.5. Hurt-grievous and simple.
 - 7.6. Assault and criminal force.
 - 7.7. Wrongful restraint and wrongful confinement- kidnapping from lawful guardianship and from outside India.
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 - 8.3. Causing miscarriage without woman's consent.
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 - 8.4. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse.
 - 8.5. Buying a minor for purposes or prostitution.
 - 8.6. Rape.
 - 8.7. Custodial rape.
 - 8.6.2. Marital rape.
 - 8.7. Prevention of immoral traffic.
 - 8.8. Cruelty by husband or his relatives.
 - 8.8.1. Prevention of Sati.

LL.B II Semester
PAPER VII
CONSTITUTIONAL LAW OF INDIA

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem of decided case on the subject.

This paper shall be divided in two sections. The candidates shall be have to attempt minimum of two questions from each section. The total number of the questions shall, however, be five only. Object of the course

India is a democracy and her constitution embodies the main principle of the democratic government -how it comes into being, what are its powers, function, responsibilities and obligations -how power is limited and distributed. Whatever might have been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, mature and special features and be aware of the social political and economic influence on the Constitution. The purpose of teaching constitutional law is to highlight its never - ending growth. Constitutional interpretation is bound to be influenced by one's social, economic or political predilections. A student must, therefore, learn how various interpretation of the constitution are possible and why a significant interpretations was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law. Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. Party pause the concept of secularism and federalism engraved in the constitution are and are to be, interpreted progressively.

Syllabus

1. Historical Perspective
- 1.1. Constitutional developments since 1858 to 1947.
- 1.2. Gandhi Era - 1919 to 1947 : Social, political, economical and

- 8.9. Prohibition of indecent representative of women.
9. Offences against Property
- 9.1. Theft.
- 9.2. Cheating.
- 9.3. Extortion.
- 9.4. Robbery and dacoity.
- 9.5. Mischief.
- 9.6. Criminal misrepresentation and breach of trust.
10. New kinds of crimes such as terrorism, pollution and adulteration
11. Law Reforms

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- Ratanlal -Dhirajlal's-India Penal Code (1994 reprint).
- R.D. Gaur -A Text Book on the Indian Code (1988), Universal, Delhi.

P.S. Achuthan Pillai-Criminal Law (1995) eastern, Lucknow

Hidayathullaw M. et al., Ratanlal and Dhirajlal's: The Indian Penal Code (1994 reprint), Wadhwa & Co., Nagpur.

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- I. Rex v. Govinda, I.L.R. Bombay 342.
- II. Amjad Khan v. The State, A.I.R. 1952 S.C.165.
- III. Nanawati v. State of Maharashtra, A.I.R. 1962, S.C. 605.
- IV. Sahel Singh Mehra v. State of U.P. A.I.R 1965 S.C. 1451.
- V. State of Punjab v. Major Singh, A.I.R. 1967 S.C. 65.
- VI. Moti Das v. State of Bihar, 1997 S.C. 657.

- spiritual influence.
- 1.3. Making of Indian Constitution.
- 1.4. Nature and special features of the constitution.
- 2. Parliamentary Government
- 2.1 Westminster model - choice of parliamentary government at the Center and State.
- 2.2. President of India.
- 2.2.1. Election, qualifications, salary and impeachment.
- 2.2.2. Powers : legislative, executive and discretionary powers.
- 2.3. Council of Ministers.
- 2.4. Governor and State Government - Constitutional relationship.
- 2.5. Legislative process.
- 2.5.1. Practice of law - making.
- 2.5.2. Legislative privileges and fundamental rights.
- 2.6. Prime Minister- cabinet - system - collective responsibility- individual responsibility.
- 2.7. Coalition Government : Anti-defection Law.
- 3. Federalism
- 3.1. Federalism - principles : comparative study.
- 3.2. Indian Federalism : identification of federal features.
- 3.2.1. Legislative relations.
- 3.2.2. Administrative relations.
- 3.2.3. Financial relations.
- 3.3. Governor's role.
- 3.4. Center's powers over the states - emergency.
- 3.5. J & K - special status.
- 3.6. Challenges to Indian federalism.
- 4. Constitutional Processes of Adaptation and Alteration
- 4.1. Methods of constitutional amendment.
- 4.2. Limitations upon constituent power.
- 4.3. Development of the basic structure : Doctrine judicial activism and restraint.
- 5. Secularism
- 5.1. Concept of secularism : historical perspective.
- 5.2. Indian constitutional provision.
- 5.3. Freedom of religion- scope.
- 5.4. Religion and the state : the limits.
- 5.5. Minority rights.
- 6. Equality and Social Justice
- 6.1. Equality before the law and equal and protection of laws.
- 6.2. Classification for differential treatment Constitutional validity
- 6.3. Gender justice.
- 6.4. Justice to the weaker sections of society : schedule castes scheduled tribes and other backward classes.
- 6.5. Strategies for ameliorative justice.
- 7. Freedoms and Control
- 7.1. Speech and expression.
- 7.1.1. Media, press and information.
- 7.2. Freedom of speech and Contempt of Court.
- 7.3. Freedom of assembly.
- 7.4. Freedom of association.
- 7.5. Freedom of movement.
- 7.6. Freedom of reside and settle.
- 7.7. Freedom of profession/business.
- 7.8. Property : from fundamental right to constitutional right.
- 8. Personal Liberty
- 8.1. Rights of an accused - double jeopardy - self - incrimination retroactive punishment.
- 8.2. Right to life and personal liberty : meaning, scope and limitations.
- 8.3. Preventive detention- constitutional policy.
- 9. Fundamental Rights and Directive Principles
- 9.1. Directive Principle - directions for social change - A new social order.
- 9.2. Fundamental Rights and Directive Principles - interrelationship - judicial balancing.
- 9.3. Constitutional amendments - to strengthen Directive Principles
- 9.4. Reading Directive Principles into Fundamental Rights
- 10. Fundamental duties
- 10.1. The need and status in constitutional set up.
- 10.2. Interrelationship with fundamental rights and directive principles.
- 11. Emergency.
- 11.1. Emergency meaning and scope.
- 11.2. Proclamation of emergency - conditions - effect of emergency on Center - State relations.
- 11.3. Emergency and suspension of fundamental rights.
- 12. Judiciary under the Constitution
- 12.1. Judicial process.
- 12.1.1. Court system.

**LL.B. II Semester
PAPER VIII**

HUMAN RIGHTS AND INTERNATIONAL LAW

This paper shall be of 100 marks. Total number of questions to be attempted shall be five.

Objectives of the course

The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels. There need not be an attempt to teach the whole gamut of international law in this course. This is because many areas of international law are taught in optional paper like International Economic Law (BCI I 01), Air and Space Law (BCI O 11) and Maritime Law (BCI O 15). The HR discussed in other paper like Environment Law (BCI C 18), Labour Law (BCI C19) and Women and Law and Law Relating to Child (BCI O 13-A). The course is to be a deliberation of international law topics relevant to the growth of HR law and how international norms and directions are applied in the municipal law of the country.

Syllabus

1. Theoretical Foundations of Human Rights and International Law
 - 1.1. Basic Principles : sovereign equality of states - non-intervention-non use of force - international co-operation-peaceful settlement of disputes.
 - 1.2. Individuals as subjects of international law.
 - 1.3. State jurisdiction on terrorism, hijacking, narcotics, war crimes and crimes against peace.
 - 1.4. Treatment of aliens.
2. Historical development of the concept of human rights
 - 2.1. Human rights in India tradition : ancient-medieval and modern.
 - 2.2. Human rights in Western tradition.
 - 2.2.1. Concept of natural law.
 - 2.2.2. Concept of natural rights.
 - 2.3. Human rights in legal tradition ; International law and National Law.
3. UN and Human Rights
 - 3.1. Universal Declaration of Human Rights (1948) individual and group rights.
 - 3.2. Covenant on Political and Civil Rights (1966).
 - 3.3. Covenant on Economic, Social and Cultural Rights, (1966).

12.1.2 The Supreme Court.

12.1.3. High Courts.

12.1.4. Subordinate judiciary.

12.1.5. Judges : appointment, removal, transfer and condition of service : judicial independence.

12.2. Judicial review : nature and scope.

13. Services under the Constitution

13.1 Doctrine of pleasure (Art.310).

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

13.3. Exceptions to Art. 311.

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I. State of Bombay v. F. Balsara, A.I.R. 1951 S.C. 318.

II. Chintaman Rao v. State of M.P., A.I.R. 1951 S.C. 21.

III. State of West Bengal v. Union of India, A.I.R. 1963 S.C. 1241.

IV. Keshava Nand Bharti v. State of Kerala, A.I.R. 1973, S.C.

V. Menaka Gandhi v. Union of India, A.I.R. 1978 S.C. 577.

VI. Union of India v. Tulsii Ram Patel, A.I.R. 1985 S.C. 1416.

VII. S.P. Gupta v. President of India, A.I.R. 1982 S.C.

VIII. OLGATELLIS and others v. Bombay Municipal Corporation and others, A.I.R. 1986 S.C. 180.

- 3.4. I.L.O. and other Conventions and Protocols dealing with human rights.
- 3.5. Solidarity rights.
- 3.6. Disarmament : threat to human rights.
- 3.7. International HR Commission.
- 3.7.1. Mandates to States.
- 3.8. Right to development.
4. Role of Regional Organizations
- 4.1. European Convention on Human Rights.
- 4.2. American Convention on Human Rights.
- 4.3. African Convention on Human Rights.
- 4.4. SAARC
5. Protection agencies and mechanisms
- 5.1. International Commission of Human Rights.
- 5.1.1. Amnesty International.
- 5.1.2. Non-Governmental Organizations (NGOs).
- 5.2. European Commission on Human Rights/Court Human Rights.
- 5.3. U.N. Division of Human Rights.
- 5.4. International Labour Organization.
- 5.5. UNESCO
- 5.6. UNICEF
6. Impact and Implementation of International human rights norms in India.
- 6.1. Human rights norms reflected in fundamental rights in the Constitution.
- 6.2. Directive Principles; legislative and administrative implementation of international human rights norms.
- 6.3. Implementation of international human rights norms through judicial process.
7. Enforcement of Human Rights in India
- 7.1. Role of Courts : the Supreme Court High Courts and other Courts.
- 7.2. Statutory commissions; human rights, women's minority and backward class.

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- P R Gandhi - International Human Rights Documents (1999), Universal Delhi.
- Oppenheim- International Law Vol. I and II.
- Starke - International Law.

LEADING CASES

1. Columbian Peruvian Asylum Case 1950, I.C.J. Reports, 266.
2. Anglo Norwegian Fisheries case 1951, I.C.J. Reports, 116
3. The Lotus case, 1972 I.C.J Series -An- 10 Green 176.
4. Savarkar case 1911, Hague Reports, 276.
5. In re Berubai, A.I.R. 1962 S.C. 849.
6. Nuremberg Trial, (1946) E.M.D. 63--63.

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**LL.B. II Semester
PAPER IX-A
INDIAN LEGAL HISTORY**

This paper shall be of 100 marks. Each question shall be divided into two parts (a) and (b). Candidate shall have to attempt five questions only.

Objectives of the course

Study of law relating to a particular country is not complete without understanding the history and development of the laws and legal institution. India is a country rich in history and traditions. A student of law should be exposed to the ancient social order the religious philosophy as well as to the systems of dispute settlement mechanisms existing in those days. The medieval period had influence in the development of legal system. The advent of the British was an event, which also has its influence. The growth of judicial and legislative institutions after this event has to be taught in order to give an insight and awareness of how the present system had emerged from the ancient and medieval times.

Syllabus

1. Judicial Systems in Ancient India
 - 1.1. Judicial system in ancient India : Hindu period.
 - 1.2. Ancient Hindu social order and religious philosophy.
 - 1.3. Administration of justice.
 - 1.4. Judicial system in medieval India : Muslim period.
 - 1.5. The Mughal period; Judicial system.
2. Administration of Justice in Bombay, Madras and Calcutta
 - 2.1. Emergence of the East India Company, development of authority under charters.
 - 2.2. Trading body to a territorial power; subsequent charters.
 - 2.3. Administration of justice in Madras from 1639 to 1726.
 - 2.4. Administration of justice in Bombay 1668-1726.
 - 2.5. Administration of justice in Calcutta 1619-1726.
 3. The Mayors Court
 - 3.1. Genesis of the charter of 1726.
 - 3.2. Provisions of the charter.
 - 3.3. Working of judicial system.
 - 3.4. Charter of 1753.
 - 3.5. Defects of judicial systems.

4. Adalat System
 - 4.1. Grant of Dwaime.
 - 4.2. Execution of Dwaime functions.
 - 4.3. Judicial Plan of 1772.
 - 4.4. Defects of the Plan.
 - 4.5. New Plan of 1774.
 - 4.6. Reorganization of adalats in 1780.
 - 4.7. Reforms of 1781.
 - 4.8. The first civil code.
 - 4.9. Reforms in the administrations of criminal justice.
 5. The Regulating Act, 1773
 - 5.1. Charter of 1774 and the Supreme Court of Calcutta.
 - 5.2. Some landmark cases :
 - (a) Issue of Raj Nandkumar (1775); whether a judicial murder?
 - (b) The Patna case (1777-79).
 - (c) The Cossijurah case (1779-80).
 - 5.3. Act of settlement, 1781.
 - 5.3.1. Major defects.
 - 5.4. Supreme Courts at Calcutta, Madras and Bombay.
 - 5.5. Law and administration in the supreme Court.
 6. Judicial Reforms
 - 6.1. Judicial reforms of Comballs.
 - 6.2. Problems of judicial reforms 1793-1833.
 - 6.3. Impact of reforms by Comballs, 1893
 - 6.4. Reforms of Sir John Shore (1798).
 - 6.5. Reforms of Lord Wellesley (1789).
 - 6.6. Reforms of Lord Cornwallis (1805).
 - 6.7. Reforms of Lord Minto (1805).
 - 6.8. Lord Hasting's administration of justice (1813).
 - 6.9.1. Defects of the systems.
 7. Establishment of the High Courts
 - 7.1. The Indian High Courts Act, 1861.
 - 7.2. Charter of Calcutta High Court
 - 7.3. Allahabad High Court.
 - 7.4. The Indian High Courts Act, 1911.
 - 7.5. The Government of India Act, 1915; other High Courts.
 - 7.6. Government of India Act, 1935; more High Courts created.
 - 7.7. Jurisdiction of High Courts.
 - 7.8. Posts constitutional developments.

8. The Federal Court of India
 - 8.1. Foundation of the Federal Court.
 - 8.2. Jurisdiction.
 - 8.3. Authority of Law.
 - 8.4. Expansion of Jurisdiction.
 - 8.5. Ablation of the Federal Court.
 - 8.6. An assessment.
9. Privy Council
 - 9.1. Jurisdiction.
 - 9.2. Appeals from India.
 - 9.3. A unique institution.
10. The Supreme Court of India
 - 10.1. Origin
 - 10.2. Constitution.
 - 10.3. Jurisdiction and powers.
 - 10.4. Doctrine of precedents and the Supreme Court.
 - 10.5. Recent Changes.
11. Development of legislative authorities in India from 1861 to 1935
 12. Growth of Criminal Law.
 13. Growth of personal Law of Hindus and Muslims.
 14. Charter Act, 1833.
 15. Influence of English Law in India.
 16. Prerogative writ in India.
 17. Racial discrimination.
 18. Growth of justice, equity and good conscience.

Select Bibliography

- Courtney Ilbert - Government of India, (1962).
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 M.P. Jain - Constitutional Law of India, (1987) Tripathi, Bombay.
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 A.B. Keith - Constitutional History of India, 1600 to 1936 (1936)
 V.D. Kulshreshtha's - Landmarks in Indian Legal History (1992).
 Eastern Lucknow:
 Eric Stakes - The English Utilitarians and India (1992), Oxford, Delhi.
 P. Trinathi-Bharat ka Vidhik Avain Samvadhanik Itihas.

LEADING CASES

1. Nand Kumar Case, (1775).
2. Patna Case, (1777-79).
3. Cossijurah Case, (1799).
4. Shankari Prasad v. Union of India, A.I.R. 1951 S C 458

**LL.B. II Semester
PAPER IX-B
BANKING LAWS INCLUDING NEGOTIABLE
INSTRUMENTS ACT**

This papers shall be of 100 marks and each questions may be divided into two parts (a) and (b) may be based on any problem or decided cases on the subject. The candidate shall have to attempt five question only.
Objectives of the course

The modern society functions, contrary to the old barter system, on monetary transactions. In a developing country like India, the banking system becomes quite common even among the common people. The services banks render to the general public to have a significant contribution to the development of the economy. Pari pasu, the security to the assets money as well as other valuable belongings to individuals and family units is to a large extent assured through the service of the banks. The variety of assistance tendered by the banks to the common people and business community cannot be overemphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of law is necessarily familiar with.

Syllabus

1. Introduction
 - 1.1. Banking : Definition- common law and statutory.
 - 1.2. Commercial banks : functions.
 - 1.2.1. Essential functions.
 - 1.2.2. Agency services.
 - 1.2.3. General utility services.
 - 1.2.4. International trading service.
 - 1.2.5. Information services.
 - 1.2.6. Emergence of multi-functional dimensions.
- 1.3. systems of Banking : Unit banking, branch banking , group banking and chain banking..
- 1.4. Banking companies in India.
2. Banks of Customers
 - 2.1. Customer : meaning.
 - 2.2. Legal character of banker - customer relationship.
 - 2.3. Rights and obligations of banks.
 - 2.3.1. Right of set - off.

- 2.3.2. Banker's lien.
- 2.3.3. Right to charge interest and commission.
- 2.3.4. Obligation to honour customer's cheques.
- 2.3.5. Duty of confidentiality.
 - 2.3.5.1. Nature and justification of the duty.
 - 2.3.5.2. Exception to the duty.
- 2.3.6. Garnishee orders.
- 2.4. Accounts of customers.
 - 2.4.1. Current Accounts.
 - 2.4.2. Deposit Accounts.
 - 2.4.3. Joint Accounts.
 - 2.4.4. Trust Accounts.
- 2.5. Special types of customers : Lunatics, minors, agents, administrators and executors, partnership firms and companies.
3. Control over Banks
 - 3.1. Control by Government and its agencies.
 - 3.1.1. Need for - elimination of systemic risk, avoidance money laundering, consumer protection, promotion of fair competition, On management.
 - 3.1.2. On account and audit.
 - 3.2.3. On money lending.
 - 3.1.4. Reorganization and reconstruction.
 - 3.1.5. On suspension and winding up.
 - 3.2. Control by Ombudsman.
 - 3.3. RBI
 4. Control Banking Theory and the RBI
 - 4.1. Evolution of Central Banks.
 - 4.2. Characteristics and functions of Central Banks.
 - 4.3. Central Bank as banker and adviser of the State.
 - 4.4. Central Bank as Banker's bank.
 - 4.5. The Reserve Bank of India as Central Bank of India.
 - 4.5.1. Objectives and organizational structure.
 - 4.5.2. Functions.
 - 4.5.3. Regulation of the monetary system.
 - 4.5.4. Monopoly of note issue.
 - 4.5.5. Credit control.
 - 4.5.6. Determination of bank rate policy.
 - 4.5.7. Open market operations.
 - 4.5.8. Banker to government.
 - 4.5.9. Control over Non-banking financial institutions.

- 4.5.10. Economic and Statistical research.
- 4.5.11. Staff training.
- 4.5.12. Control and supervision of other banks.
- 5. Lending by Banks
 - 5.1. Principles of good lending.
 - 5.2. Securities for bank advances.
 - 5.2.1. Pledge.
 - 5.2.2. Mortgage.
 - 5.2.3. Charge.
 - 5.2.4. Goods or documents of title to goods.
 - 5.2.5. Life Insurance Policies as security.
 - 5.2.6. Debentures as security.
 - 5.2.7. Guarantees as security.
 - 5.2.7.1. Contract of guarantee and contract of indemnity.
 - 5.2.7.2. Kinds of guarantee : Specific & Continuing.
 - 5.2.7.3. Surety's rights and liabilities.
- 5.3. Repayment.
 - 5.3.1. Interest : Rule against penalties.
- 5.4. Default and Recovery.
 - 5.4.1. Recovery of Debts due to Banks and Financial Institutions Act, 1933.
 - 5.4.2. Establishment of debt recovery tribunals - constitution and functioning.
- 6. Merchant Banking
 - 6.1. Merchant Banking in India.
 - 6.2. SEBI (Merchant Bankers) Regulations, 1992.
- 7. Letter of Credit and Demand Guarantee
 - 7.1. Letter of Credit.
 - 7.1.1. Basic features.
 - 7.1.2. Parties to a letter of credit.
 - 7.1.3. Fundamental principles.
- 7.2. Demand Guarantee.
 - 7.2.1. Legal character.
- 7.3. Distinction between irrevocable letter of credit and demand guarantees.
- 8. Negotiable Instruments Kinds
 - 8.1. Holder and Holder in due course.
 - 8.2. Parties.
 - 8.3. Negotiation.
 - 8.4. Presentment.

- 8.5. Discharge from liability.
 - 8.6. Dishonor.
 - 8.7. Civil Liability.
 - 8.8. Liability : Procedure for prosecution : extent of penalty.
 - 8.9. The Paying Banker.
 - 8.10. Duty to honor customer's cheques.
 - 8.11. Conditions.
 - 8.12. Exception to the duty to honor cheques.
 - 8.13. Money paid by mistake.
 - 8.14. Liability for conversion.
 - 8.15.1. Duties.
 - 8.15.2. Good faith and statutory protection to the collecting banker.
- Select Bibliography**
- M.S Parthasarathy (ed.)- Kherganvala on the Negotiable Instrument Act (1998) Butterworths, New Delhi.
 - M.L. Tannen - Tannen's Banking Law and Practice in India. (2000) India Law House, New Delhi.
 - S.N. Gupta - The Banking Law in Theory and Practice, (1999), Universal, New Delhi.
 - G.S.N. Tripathi (ed.) - Seth's Commentaries on Banking Regulation Act, 1940 and Allied Banking Laws, (2000) Law Publishers, Allahabad.
 - Bashyam and Adiga - The Negotiable Instruments Act (1997) Bharath Law House, New Delhi.
 - S.N. Gupta - Banks and the Consumer Protection Law (2000) Universal, Delhi.
 - Mukherjee - T.K. Banking Law and Practice (1999), Universal, Delhi.

LL.B. II Semester
PAPER IX-C
INSURANCE LAW

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject. The candidate shall have to attempt five questions only.

Statement of objectives

The insurance idea is an old - institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance against loss of their goods, merchandise ships and things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and freely to embark upon further trading adventures.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component.

This course is designed to acquaint the students with the conceptual and operational Parameters, of insurance law.

Syllabus

1. Introduction
 - 1.1. Definition, nature and history of insurance.
 - 1.2. Concept of Insurance and law of contract and law of torts of insurance in globalized economy.
 - 1.3. History and development of insurance in India.
 - 1.4. Insurance Regulatory Authority - role and functions.
2. General principles of law of Insurance
 - 1.1. Contract of Insurance - classification of contract of insurance nature of various insurance contracts, parties thereto.
 - 1.2. Principle of good faith non-disclosure-misrepresentation in insurance contract.
 - 1.3. Insurable interest.
 - 1.4. The risk.
 - 1.5. The policy, classification of its form and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction.

- 1.6. Conditions of the policy.
- 1.7. Alteration of the risk.
- 1.8. Assignment of the subject - matter.
3. Life Insurance
 - 3.1. Nature and scope of life Insurance, definition, kinds of life insurance, the formation of a life insurance contract.
 - 3.2. Event insured against life insurance contract.
 - 3.3. Circumstances affecting the risk.
 - 3.4. Amounts recoverable under life policy.
 - 3.5. Persons entitled to payment.
 - 3.6. Settlement of claim and payment of money.
4. Marine Insurance
 - 4.1. Nature and scope.
 - 4.2. Classification of marine policies.
 - 4.2.1. The Marine Insurance Act, 1963.
 - 4.2.2. Insurable interest insurable value.
 - 4.2.3. Marine Insurance policy - conditions - express warranties, construction of policy.
 - 4.2.4. Voyage -deviation.
 - 4.2.5. Perils of the sea.
 - 4.2.6. Partial loss of ship and freight, general average, particular changes.
 - 4.2.7. Measure of indemnity, total valuation, liability of third parties.
 5. Insurance Against Third Party Risks
 - 5.1. The Motor Vehicles Act, 1988 (Chapter VIII).
 - 5.1.1. Nature and scope, persons governed definitions of use, 'drives', 'motor vehicle', requirements of policy, statutory contract between insurer and drive rights of third parties, limitations on third party's rights duty to inform third party.
 - 5.1.2. Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance.
 - 5.1.3. Conditions of the satisfied
 - 5.1.4. Claims tribunal, constitution, functions, application for compensation who can apply?
 - 5.1.5. Co-operative insurance (Motor Vehicles Rules).
 6. Social Insurance in India
 - 6.1. Important elements in social insurance, its need.
 - 6.2. Commercial insurance and social insurance.
 - 6.3. Workmen's compensation scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity,

**LL.B.II Semester
PAPER X**

Project and viva voce will be based on subject taught in the class. This will be of 50 marks each (Total 100 marks).

- amount of compensation, nature of injuries, depends, schedule.
- 6.4. Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earner and others risks covered, maturity and other benefits.
 - 6.5. Old age, premature death and invalidity insurance or pension insurance, public provident fund, jeevandhara policy.
 - 6.6. Unemployment insurance.
 - 6.7. Social insurance for people like seamen, circus workers and agricultural, workers.
 7. Public Liability Insurance
 - 7.1. The scheme.
 - 7.2. Authorities.
 8. The emerging legislative

Select Bibliography

- Singh, Bridge Anand - New Insurance Law (2000) Union Book Publishers, Allahabad.
- Ivamy - Case book on Insurance law (1984), Butterworths.
- Ivamy - General Principles of Insurance Laws (1993) Butterworths.
- Juh, Birds - Modern Insurance Law (1988), Sweet and Maxwell.
- Sreenivasan - M.N. Principles of Insurance Law (1997) Ramaniya Publishers, Bangalore.

**L.L.B. Part II (3rd Semester)
Scheme of Examination**

Paper No.	Nomenclature of the Paper	Max Marks	Min. Marks	Min. Pass Marks (Aggregate)
XI.	Jurisprudence	100	36	
XII.	Property Law including T.P.A. and Easement	100	36	40% marks
XIII.	Company Law	100	36	in aggregate
XIV.	Interpretation of Statutes	100	36	
XV.	Criminal Procedure Code, Justin Act and Probation of Offenders Act	100	36	
Grand Total		500	-	240

**L.L.B.II Semester III
PAPER XI
JURISPRUDENCE AND COMPARATIVE LAW**

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject. Total five questions are to be attempted taking two question from Section B.

object of the Course

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

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

Syllabus

1. Introduction
 - 1.1. Meaning of the term 'jurisprudence'.
 - 1.2. Norms and normative system.

- 1.2.1. Different types of normative systems, such as of games languages, religious orders, unions, clubs and customary practice.
- 1.2.2. Legal system as a normative order; similarities and differences of the legal system with other normative systems.
2. School of Jurisprudence
 - 2.1. Analytical positivism.
 - 2.2. Natural Law.
 - 2.3. Historical school.
 - 2.4. Sociological school.
 - 2.5. Economic interpretation of law.
 - 2.6. The Bharat Jurisprudence.
 - 2.6.1. The Ancient : The concept of 'Dharma'.
 - 2.6.2. The Modern : PIL, social justice, compensatory jurisprudence.
 3. Purpose of Law
 - 3.1. Justice.
 - 3.1.1. Meaning and Kinds
 - 3.1.2. Justice and law : approaches of different schools.
 - 3.1.3. Power of the Supreme Court of India to do complete justice in a case : Article 142.
- 3.1.4. Critical Studies.
- 3.1.5. Feminist jurisprudence.
4. Sources of Law
 - 4.1. Legislation.
 - 4.2. Precedents : Concept of stare decisis.
 - 4.3. Customs.
 - 4.4. Juristic writings.
 5. Legal Rights : the Concept
 - 5.1. Rights : Kinds.
 - 5.2. Right duty correlation.
 6. Persons
 - 6.1. Nature of personality.
 - 6.2. Status of unborn, minor, lunatic, drunken and dead person.
 - 6.3. Corporate personality.
 - 6.4. Dimensions of the modern legal personality : Legal personality of non-human beings.
 7. Possession : the possession.
 - 7.1. Kinds of possession.
 8. Ownership : the Concept
 - 8.1. Kinds of ownership.

- 8.2. Difference between possession and ownership.
9. Title
10. Property : the Concept
 - 10.1. Kinds of property.
11. Liability
 - 11.1. Conditions for imposing liability.
 - 11.1.1. Wrongful act.
 - 11.1.2. Damnum sine injuria.
 - 11.1.3. Causation.
 - 11.1.4. Mens rea.
 - 11.1.5. Intention.
 - 11.1.6. Malice.
 - 11.1.7. Negligence and recklessness.
 - 11.1.8. Strict liability.
 - 11.1.9. Vicarious liability.
12. Obligation : Nature and Kinds
 - 12.1. Sources of obligation.
13. Procedure
 - 13.1. Substantive and procedural laws : difference
 - 13.2. Evidence : Nature and Kinds.

SECTION B-COMPARATIVE LAW

1. Introductory
 - 1.1. The nature and Scope of Comparative Law.
 - 1.2. Historical development.
 - 1.3. Notions of "Comparison".
 - 1.4. Methods of Comparison
 - 1.5. Types of Method.
2. World's Major Legal Systems : An Overview
 - 2.1. Roman Law.
 - 2.2. Jewish Law.
 - 2.3. Islamic Law.
 - 2.4. Hindu Law.
 - 2.5. Chinese Law.
 - 2.6. African Law.
 - 2.7. Common Law.
 - 2.8. Civil Law.
3. Contemporary Tradition of Law
 - 3.1. Capitalist/bourgeois Law.
 - 3.2. Socialist Law

- 3.3. "Third World" Law.
4. Trends in Unification of World Law
 - 4.1. Principle unification agencies at work : a Survey.
 - 4.2. The International Law Commission.
 - 4.3. UNICTRAL.
 - 4.4. The World Intellectual Property Organization (WIPO).
 - 4.5. The International Labour Organization.
 - 4.6. The U.N. Human Rights Agencies.
 - 4.7. The World Trade Organization.
5. Certain Comparable Areas in "Third World" Law and Jurisprudence
 - 5.1. Comparative studies of emergency and constitutionalism.
 - 5.2. Comparative judicial process.
 - 5.3. Comparative study of legal profession.
 - 5.4. Comparative study of law reform.
 - 5.5. Comparative studies of gender justice.
 - 5.6. Comparative studies of environmental law.
 - 5.7. Comparative analyses of contract law.
 - 5.8. Comparative family law.
 - 5.9. Comparative studies to access to law.
 - 5.10. Religion, tradition and custom.
 - 5.11. Comparative legislative process.
 - 5.12. Comparative criminal justice system.

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- Fitzgerald, (ed.) - Salmond on Jurisprudence (1990) Tripathi, Bombay.
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- V.D. Mahajan, Jurisprudence and Legal Theory. (1996 reprint), Eastern Lucknow.
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- G. Eorsi - Comparative Civil Law (1979).
- International Commission of Jurists - States of Emergency : Impact on Human Rights (1983).
- Y. Ghai, Et al. (ed.) - The Political Economy of Law : A Third World Reader 559-648 (1987).
- Indian Law Institute - Contractual Law & Remedies in Asian Countries (1975).
- Indian Law Institute - Family Law Reform in the Muslim World (1972).
- See, M. Cappelletti et. al. - Towards Equal Justice : A Comparative study of Legal Aid in Modern Societies (1975).
- J.D.M. Derrett, Religion - Law and the State in India (1999) Oxford
- H.C. Gutteridge, Comparative Law
- I.W.F. Allilou - A Continental Distinction in the Common Law (1999) Oxford.
- Indrani Chatterjee - Gender, Slavery and Law in Colonial India (1999) Oxford.
- Eric Stokes - The English Utilitarian and India (1992), Oxford Delhi.
- In addition - The Encyclopedia of Comparative Law provides a whole variety of materials in the course.
- Rane Davis N.E. - Comparative Law.

**L.L.B. II Semester III
PAPER XII
PROPERTY LAW INCLUDING T.P.A. AND
EASEMENT**

This papers shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based in any problem or decided case in the subject.

This paper shall consist of two sections. The candidates shall be required to attempt minimum one question from shall Section B.

The total number of the questions shall however be five only.

SECTION A

Transfer of Property Act

SECTION B

Easement Act

Objectives of the Course

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

Syllabus

1. Jurisprudential Controls of Property
- 1.1. Concept and meaning of property - new property - governmental largess.
- 1.2. Kinds of property - movable and immovable property - tangible and intangible property - intellectual property - copyright - patents and designs - trademarks.

- 1.3. The concept of common property resources
- 1.4. Possession and ownership as man - property relationship - finder of lost goods.
2. Resources Use Patterns and Concepts in India. Who owns land? Sovereign or the Subject?

- 2.1. Pre-colonial position.
 - 2.1.1. Hindu theory.
 - 2.1.2. Muslim theory.
 - 2.1.3. Tribal approaches.
- 2.2. Position under colonial administration
 - 2.2.1. Introduction of permanent settlement.
 - 2.2.2. Ryotwari settlement.
 - 2.2.2. Evaluation of eminent domain under company administration.
- 2.3. Intermediaries.
- 2.3.2. Tenancies.
- 2.3.3. "Land going to the market".
- 2.3.4. Inequalities in land - holding.
- 2.4. Requisitioning and acquisition of immovable property
 - 2.4.1. Land Acquisition : inquiry - notice and hearing - should ecological moves be examined?
 - 2.4.1.1 Concept of public purpose.
 - 2.4.2. Requisitioning : powers, right, exemption and release.
 - 2.4.3. Inadequacies.
3. Forms of Control Urban Property
 - 3.1. Right to Housing and Shelter.
 - 3.1.1. Slum Clearance or slum improvement?
 - 3.1.2. Housing Policy.
 - 3.2. Rent Control.
 - 3.2.1. Protection against eviction and fixation of fair rent.
 - 3.3. Urban development authority.
 - 3.3.1. Mater plan.
 - 3.3.2. Zonal development plan
 - 3.3.3. Declaration of development areas
 - 3.3.4. Powers of the authority.
4. Post-constitutional Developments with Respect to Agricultural Land
 - 4.1. "Land to the tiller".
 - 4.2. Land ceiling legislation.
 - 4.3. State enactment's prohibiting alienation of land - non-trebles.

5. Law Relating to transfer of Property
 - 5.1. General principles of transfer of property.
 - 5.2. Special transfers.
 - 5.2.1. Sales.
 - 5.2.2. Mortgages.
 - 5.2.2.1. Under the provision of the Transfer of Property Act, 1882.
 - 5.2.2.2. To a land mortgage bank, land development bank, powers and functions.
 - 5.3. Charges.
 - 5.4. Leases.
 - 5.5. Exchange.
 - 5.6. Gifts.
 - 5.7. Actionable claims.
 6. Trusts
 - 6.1. Definition and classification.
 - 6.2. Trust distinguished from agency, aliment and a wakf.
 - 6.3. Charitable trusts. Resulting and constructive trusts.
 7. Law Relating to Certain Intangible Properties
 - 7.1. Goodwill.
 - 7.2. Trademarks.
 - 7.3. Patents and designs.
 - 7.4. Copyright.
 - 7.5. Video piracy.
 - 7.6. Software.
 8. Easements]
 - 8.1. Nature, characteristics and extinction.
 - 8.2. Creation of easements.
 - 8.3. Riparian rights.
 - 8.4. Licenses.
 9. Recordation of Property Rights
 - 9.1. Law relating to registration of documents affecting property relations - Exemptions of leases and mortgages in favour of land development bank from registration.
 - 9.2. Recordation of rights in agricultural and with special reference to respective states.
 - 9.3. Investigation of title to property.
 - 9.4. Law relating to stamp duties.
 - 9.4.1. Of the liability of instruments to duty.
 - 9.4.2. Duties by whom payable.
 - 9.4.3. Effect of not duty stamping instruments : examination and

impounding of instruments; inadmissibility on evidence; impounding of instruments.

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1. Chunchun Jha v. Sheikh Ebadat Ali, AIR.. 1954 SC 345.
2. Damodar Tukaram Manimal & others v. State of Bombay, AIR. 1959 S.C. 639.
3. Manimiala Devi v. Indu Bala & others, AIR. 1964.
4. Immani Appa Rao v. Gollapalli Ramalingamurti & others, AIR 1962 SC 370.
5. Musahar Sahu v. Hakim Lal, 1943 I.A. 343.
6. Gurtu Baksh v. Nikka Singh, AIR. 191.
7. Murari Lal v.. Devkaran, AIR. 1965 S.C. 225.
8. Prabodh Kumar Das v. Danimara Tea Co., AIR.. 194 P.C.

**LL.B. III Semester
PAPER XIII
COMPANY LAW**

This papers shall be of 100 marks and each question shall be divided into two parts (a) and (b). part (b) may be based in any problem or decided case on the subject.

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

Syllabus

1. Meaning of Corporation
- 1.1. Theories of corporate personality.
- 1.2. Creation and extinction of corporations.
2. Forms of Corporations, and Non-corporate Organizations
- 2.1. Corporations, partnerships and other associations of persons, state corporations, government companies, small scale, co-operative, corporate and joint sectors.
3. Law relating to companies - Public and Private Companies Act, 1956
- 3.1. Need of company for development, formation of a company registration and incorporation.
- 3.2. Memorandum of association - binding force - alteration - its relation with memorandum of association - doctrine of constructive notice and indoor management - exceptions.
- 3.3.1. Prospectus - issue - contents - liability for misstatements - statements in lieu of prospectus.
- 3.4. Promoters - position - duties and liabilities.
- 3.4.1. Shares - general principles of allotment statutory restrictions - share certificate its objects and effects - transfer of shares - restrictions on transfer - procedure for transfer - refusal of transfer - role of public finance institutions - relationship between transferor and transferee - issue of shares at premium and discount - depository receipts - dematerialized shares (DEMAT).
- 3.4.2. Shareholder - ho can be and who cannot be a shareholder - modes of becoming a shareholder - calls on shares - forfeiture and surrender of shares - lien in shares.
- 3.4.3. Share capital - kinds - alteration and reduction of share capital - further issue of capital - conversion of loans and debentures into capital - duties of courts to protect the interests of creditors and share holders.
- 3.5. Directors - Position - appointment - qualifications - vacation of office - removal - resignation - powers and duties of directors - meeting, registers, loans - remuneration of directors - role of nominee directors - compensation for loss of office - managing directors - compensation for loss of office - managing directors and other managerial personnel.
- 3.5.1. Meetings - kinds - procedure - voting.
- 3.5.2. Dividends - payment - capitalization - profit.
- 3.6. Audit and accounts.
- 3.7. Borrowing power - power - effect of unauthorized borrowing - charges and mortgages - loan to other companies - investments - contracts by companies.
- 3.8. Debentures - meaning - fixed and floating charge - kinds of debentures - shareholder and debenture holder - remedies of debenture holders.
- 3.9. Protection of minority rights.
- 3.10. Protection of oppression and mismanagement - who can apply? - powers of the company, court and of the central government.
- 3.11. Investigation - Powers.
- 3.12. Private Companies - nature and advantages - government companies - holding and subsidiary companies.
- 3.13. Regulation and amalgamation.
- 3.14. Winding up - types - by court - reasons - grounds - who can apply - procedure powers of liquidator - powers of court -

LL.B. III Semester
PAPER XIV

INTERPRETATION OF STATUTES

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem of decided case on the subject. Total No. of question to be attempted shall be five only.

Objectives of the Course

Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expression. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. What are the techniques adopted by courts in construing statutes? How far are they successful in their strategy?

Syllabus

1. Principles of Legislation
 - 1.1. Law-making - the legislature, executive and the judiciary.
 - 1.2. Principle of utility.
 - 1.3. Relevance of John Rawls and Robert and Robert Nozick-individual interest to community interest.
 - 1.4. Operation of these principles upon legislation.
 - 1.5. Distinction between morals and legislation.
2. Interpretation of Statutes
 - 2.1. Meaning of the term 'statutes'.
 - 2.2. Commencement, operation and repeal of statutes.
 - 2.3. Purpose of interpretation of statutes.
3. Kinds of Interpretation
 - 3.1. Internal aids.
 - 3.1.1. Title.
 - 3.1.2. Preamble.
 - 3.1.3. Headings and marginal notes.

- consequences of winding up order - voluntary winding up by members and creditors - winding up subject to supervision of courts liability of past members - payment of liabilities - preferential payment, unclaimed dividends - winding up of unregistered company.
4. Law and Multinational Companies
 - 4.1. International norms for control.
 - 4.2. National Law FEMA (Foreign Exchange Exchange Management Act, 1999) controls joint ventures - investment in India - repatriation of project.
 - 4.3. Collaboration agreements for technology transfer.
 5. Corporate Liability
 - 5.1. Legal liability of companies - civil and criminal Remedies against them civil, criminal and tortious - Specific Relief Act, writs, liability under special statutes.

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1. Solomon & Co. v. Solomon, (1897) AC 23.
2. Ashbury Railway Co. v. Riche, (1875) 7 HL 653.
3. Jugglal Kamalapati Jute Mills Co. Ltd. v. The Registrar of Companies, A.I.R. 1966 AllD.
4. Barium Chemicals Ltd. v. Company Law Board.
5. Virendra Singh Bhandari v. Nand Lal Bhandari, Company Cases, Vol. 50 (1980) p. 54.
6. Naresh Chand v. Calcutta Stock Exchange Association, A.I.R. 1971 S.C. 422.
7. Madan Lal v. Chang Deo Sugar Mills Ltd., A.I.R. 1962 S.C. 1543.
8. Hindustan Steel Ltd., Ghilai v. State of M.P., 1980 IJLJ 693.

- 3.1.4. Section and sub-sections.
- 3.1.5. Punctuation marks.
- 3.1.6. Illustrations, exceptions, provisos and saving clause.
- 3.1.7. Schedules.
- 3.1.8. Non obstante clause.
- 3.2. External aids.
 - 3.2.1. Dictionaries.
 - 3.2.2. Translations.
 - 3.2.3. Traavaux Preparatoires.
 - 3.2.4. Statutes in pari materia.
 - 3.2.5. Contemporanea Exposito.
 - 3.2.6. Debates, inquiry commission reports and Law Commission reports.
4. Rules of Statutory Interpretation
 - 4.1. Primary rules.
 - 4.1.1. Literal rule.
 - 4.1.2. Golden rule.
 - 4.1.3. Mischieff rule (rule in the Heydon's case).
 - 4.1.4. Rule of harmonious construction.
 - 4.2. Secondary Rules.
 - 4.2.1. Noscitur a sociis.
 - 4.2.2. Ejusdem generis.
 - 4.2.3. Reddendo singula singulis.
 5. Presumption in statutory interpretation
 - 5.1. Statutes are valid.
 - 5.2. Statutes are territorial in operation.
 - 5.3. Presumption as to jurisdiction.
 - 5.4. Presumption against what is inconvenient or absurd.
 - 5.5. Presumption against intending injustice.
 - 5.6. Presumption against impairing obligation or permitting advantage from one's wrong.
 - 5.7. Prospective operation of statutes.
 6. Maxims of Statutory Interpretation
 - 6.1. Delegatus non potest delegare.
 - 6.2. Expression unius exclusion alterius.
 - 6.3. General specialis non derogate.
 - 6.4. In pari delicto potior est conditio possidentis.
 - 6.5. Utres valet Potior quam parcat.
 - 6.6. Expressum facit cessare tacitum.

7. Interpretation with reference to the subject-matter and purpose
 - 7.1. Restrictive and beneficial construction.
 - 7.1.1. Taxing statutes.
 - 7.1.2. Penal statutes.
 - 7.1.3. Welfare legislation.
 - 7.2. Interpretation of substantive and adjunctival statutes.
 - 7.3. Interpretation of directory and mandatory provision.
 - 7.4. Interpretation of enabling statutes.
 - 7.5. Interpretation of codifying and consolidating statutes.
 - 7.6. Interpretation of statutes conferring rights.
 - 7.7. Interpretation of statutes conferring powers.
 8. Principles of constitutional Interpretation.
 - 8.1. Harmonious construction.
 - 8.2. Doctrine of pith and substance.
 - 8.3. Colourable legislation.
 - 8.4. Ancillary powers.
 - 8.5. "Occupied field".
 - 8.6. Residualy power.
 - 8.7. Doctrine of repugnancy.

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- U. Baxi- Introduction to Justice K.K. Mathew's, Democracy Equality and Freedom (1978) Eastern Lucknow.

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1. Workmen of National & Grindlays Bank Ltd. v. The National & Grindlays Bank. A.I.R. 1976 S.C. 611 : (1976) 1 S.C.C. 952.
 Rule of Literal Construction - Natural & Grammatical Meaning - Golden rule of Interpretation.

2. U.P. Bhoodam Yojana Samiti v. Braj Kishore, A.I.R. 1988 S.C. 2239, regard subject & object -
3. V.C. Shukla v. State, A.I.R. 1980 S.C. 962; 1980 S.C.C. (Cri.) 695 - purposive construction : mischief rule.
4. Tribhuvan Prakash Nayyar v. Union of India, A.I.R. 1970 S.C. 540 : (1969) 3 S.C.C. 99, Rule of ejusdem generis.
5. C.I.T., M.P. Bhopal v. Sodra Devi, A.I.R. 1957 S.C. 832.
6. A.K. Gopalan v. State of Madras, A.I.R. 1950 S.C. 27.

**L.L.B. II Semester III
PAPER XV**

CRIMINAL PROCEDURE CODE JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT

This papers shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

This paper shall consist of two sections. The candidate shall be required to attempt minimum one question from attempted shall however, remain five only.

SECTION A

Criminal procedure Code, 1973.

SECTION B

Juvenile Justice Act & Probation of offenders Act.

Objective and Course

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

Juvenile justice and probation of offenders are combined with the study of criminal procedure. These topics also do have their roots in criminal procedure. The rubrics under their head are intended to render an essential grasp of the areas.

Syllabus

Introductory

1. The rationale of criminal procedure : the importance of fair trial.

- 1.2. Constitutional perspectives : Article 14, 20 and 21.
- 1.3. The variety of criminal procedures (the class should examine, in particular the procedure for trial of special offences especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act).
- 1.4. The organization of police, prosecutor, defence counsel and prison authorities and their duties function and powers.
2. Pre-trial process : Arrest
- 2.1. The distinction between cognizable and non-cognizable offences : relevance and adequacy problems.
- 2.2. Steps to ensure accused presence at trial : warrant and summons.
- 2.3. Arrest with and without warrant (Sections 70-73 and 41).
- 2.4. The absconder status (Sections 82, 83, 84 and 85).
- 2.5. Right of the arrested person.
- 2.6. Right to know grounds of arrest (Sections 50, 51, 55, and 75).
- 2.7. Right to be taken to Magistrate without delay (Sections 56 and 57).
- 2.8. Right of not being detained for more than twenty - four hours (Section 57) : 2.9 Article 22(2) of the Constitution of India.
- 2.9. Right to consult legal practitioner, legal aid and the right to be told of rights to bail.
- 2.10. Police Search during investigation (Sections 165, 166, 153).
- 3.3. General principles of search (Section 100).
- 3.4. Seizure (Section 102).
- 3.5. Constitutional aspects of validity of search and seizure proceedings.
4. Pre-trial Process : FIR
- 4.1. F.I.R. (Section 154).
- 4.2. Evidentiary value of F.I.R. (See Sections 145 and 157 of Evidence Act).
5. Pre-trial Process : Magisterial Powers to Take Cognizance.
6. Trial Process
- 6.1. Commencement of Proceedings (Sections 200, 201, 202).
- 6.2. Dismissal of Complaints (Sections 203, 204).
- 6.3. Bail : Concept, purpose : Constitutional overtones.
- 6.3.1. Bailable and Non-bailable offences (Sections 436, 437, 439).
- 6.3.2. Cancellation of bail (Section 437 (5)).
- 6.3.2. Cancellation of bail (Section 438).
- 6.3.4. Appellate bail powers (Sections 389(1) 395(1), 437(5))
- 6.3.5. General principle concerning bond (Sections 441 to 459)
7. Fair Trial
- 7.1. Conception of fair trial.
- 7.2. Presumption of innocence.
- 7.3. Venue of Trial.
- 7.4. Right of the accused to know the accusation (Sections 221 to 224).
- 7.5. The trial must generally be held in the accused's presence (Section 221 to 224).
- 7.6. Right of cross examination and offering evidence in defense : the accused's statements.
8. Charge
- 8.1. Framing of charge.
- 8.2. Form and content of charge (Sections 211 to 212, 216).
- 8.3. Separate charges for distinct offence (Sections 218, 219, 220, 221 and 223).
- 8.4. Discharge - pre-charge evidence.
9. Preliminary pleas to bar the trial
- 9.1. Jurisdiction (Sections 26, 177-178, 461, 462, 479).
- 9.2. Time limitation : rationale and scope (Sections 486 to 473).
- 9.3. Pleas of autrefois acquit and autrefois convict (Sections 300, 22-D).
- 9.4. Issue - Estoppel.
- 9.5. Compounding of offences.
10. Trial Before a Court of Sessions : Procedural Steps and Substantive Rights
11. Judgment
- 11.1. Form and content (Section 354).
- 11.2. Summary trial.
- 11.3. Post-conviction orders in lieu of punishment : emerging penal policy (Sections 360, 361, 358).
- 11.5. Modes of providing judgment (Sections 353, 362 and 363)
12. Appeal, Review, Revision
- 12.1. No appeal in certain cases (Sections 372, 375, 376).
- 12.2. The rationale of appeals, review, revision.
- 12.3. The multiple range of appellate remedies.
- 12.3.1. Supreme Court of India (Sections 374, 379, Articles 31, 132, 134, 136).
- 12.3.2. High Court (Section 374).

- 12.3.3. Sessions Court (Section 374).
- 12.3.4. Special Right to appeal (Section 380).
- 12.3.5. Governmental appeal against sentencing (Sections 377, 378).
- 12.3.6. Governmental power in disposal of appeals (Section 37-68).
- 12.3.7. Legal aid in appeals.
- 12.4. Revisional jurisdiction (Sections 397 to 405).
- 12.5. Transfer of cases (Sections 406 and 407).
13. Juvenile delinquency
- 13.1. Nature and magnitude of the problem.
- 13.2. Cases.
- 13.3. Juvenile Court System.
- 13.4. Treatment and rehabilitation of juveniles.
- 13.5. Juveniles and adult crime.
- 13.6. Legislative and judicial protection of juvenile offender.
- 13.7. Juvenile Justice Act, 1988.
14. Probation
- 14.1. Probation of offenders law.
- 14.2. The judicial attitude.
- 14.3. Mechanism of probation : standards - of probation services.
- 14.4. Problems and prospects of probation.
- 14.5. The suspended sentence.
15. Reform of criminal procedure

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1. Bibhuti v. State of West Bengal, A.I.R. 1969 S.C. 31.
2. R.M. Sharma & Others v. State of Bombay, A.I.R. 1995 S.C.

3. Basirul Haq v. State of West Bengal.
4. Umed Bhai Jadhav Bhai v. State of Gujarat, A.I.R. 1978 S.C. 424.
5. Kehar Singh v. Union of India, (1989) 1 S.C.C. 204.
6. Ranjit D Udeshi v. state of Maharashtra, A.I.R. 1965 S.C. 188.
7. Gurubux Singh v. State of Punjab, A.I.R. 1989 S.C. 1632.

**L.I.B. Part II (4th Semester)
Scheme of Examination**

Paper No.	Nomenclature of the paper	Max. Marks	Min. Marks	Min. Pass Marks (Aggregate)
XVI	Land Laws	100	36	36
XVII	Control and Control and state of goods	100	36	36
XVII	Professional Ether			
	Accounting for Lawyers	100	36	36
	and Bar - Bend Relation.	100	36	48% Marks in Aggregate
XIX (a)	Labor Laws	100	36	36
	OR			
	(b) Intellectual Property Laws	100	36	36
	OR			
	(c) Women and Law Relation of to child	100	36	36
XX	Project and Viva - Voc	50+50 (100)	36	36
Grand Total		500		240

**L.I.B. 4th Semester
PAPER XVI
LAND LAW**

This papers shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

The papers shall consist of two sections. Minimum one question from Section B, will have to be attempted. Total number of questions shall remain five.

SECTION A

M.P. Land Revenue Code, 1959.

SECTION B

M.P. Accommodation Control Act, 1961.

Objectives and Course

The legislative power to make laws relating to land and land ceiling is in the state list. Different states have enacted their own laws on this subject. The Constitutional perspectives relating to this subjects have to be taught as an essential part of this course. The provisions in the Constitution in Part III, IV and XII as well as those in Schedule VII relating to distribution of legislative powers over land are essentially to be taught with emphasis. The law relating in the state where the students take the course will have to be selected by the University Boards of Studies as part of the syllabus for this paper.

Syllabus

1. Constitution Provisions
 - 1.1. Fundamental Rights.
 - 1.1.1. Agricultural reform.
 - 1.2. Property as legal right.
- 1.3. Legislative powers.
 - 1.3.1. The Union.
 - 1.3.2. States.
 - 1.3.3. Local bodies.
2. State Legislation

(Different laws enacted in this states where the course is offered, are to be studied in depth. This may include such topics as land acquisition, land tax, land utilization and conversion land conservation and land assignment. The State and Union agencies constituted for the purpose of the land development are to be studied in

LEADING CASES

1. *Farte v. Bansil*, 1973 MPLJ 617.
2. *Nikal Karan v. Rani Gopal*, A.I.R. 1966 S.C. 1485.
3. *State of M.P. v. Prem Syndicate*, 1982 R.N. 93.
4. *State of M.P. v. Babu Lal & Others*, 1960 J.L.J 8 (S.C.).
5. *Umabai v. Kalabai*, 1979 RN 289.
6. *Ram Lal v. State of M.P.* 1982 RN 5.
7. *Krishna Rao v. State of M.P.*, 1982 RN 68.

**LL.B. II Semester IV
PAPER XVII
CONTRACT II (INDIAN CONTRACT ACT, INDIAN
PARTNERSHIP ACT, SALE OF GOODS ACT AND
OTHER SPECIFIC CONTRACTS)**

Objective of the course

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

Syllabus

1. Indemnity
 - 1.1. Concept.
 - 1.2. Need for indemnity of facilitate commercial transactions.
 - 1.3. Methods of creating indemnity obligations.
 - 1.4. Definition of Indemnity.
 - 1.5. Nature and extent of liability of the indemnifies.
 - 1.6. Commencement of liability of the indemnifies.
 - 1.7. Situations of various types of indemnity creations.
 - 1.8. Documents/agreements of indemnity.
 - 1.9. Nature of indemnity clauses.
 - 1.10. Indemnity in cases of International transactions.
 - 1.11. Indemnity by governments during interstate transactions.
2. Guarantee
 - 2.1. The concept.
 - 2.2. Definition of guarantee : as distinguished from indemnity.
 - 2.3. Basic essentials for a valid guarantee contract.
 - 2.4. The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
 - 2.5. Position of minor and validity of guarantee when minor is the principle debtor, creditor of surety.
 - 2.6. Continuing guarantee.
 - 2.6.1. Nature of surety's liability.

- 2.6.2. Duration and termination of such liability.
- 2.7. Illustrative situations of existence of continuing guarantee.
- 2.7.1. Creation and identification of continuing guarantees.
- 2.8. Letters of credit and bank guarantees as instances of guarantee transactions.
- 2.9. Right of surety.
- 2.9.1. Position of surety in the eye of law.
- 2.9.2. Various judicial interpretations to protect the surety.
- 2.10. Co-surety and manner of sharing liabilities and rights.
- 2.11. Extent of surety's liability.
- 2.12. Discharge of surety's liability.
3. Bailment
- 3.1. Identification of bailment contract in day life.
- 3.1.1. Manner of creation of such contracts.
- 3.2. Commercial utility of bailment contracts.
- 3.3. Definition of bailment
- 3.4. Kinds of bailees.
- 3.5. Duties of bailor and bailee towards each other.
- 3.6. Rights of bailor and bailee.
- 3.7. Finder of goods as a bailee.
- 3.7.1. Liability towards the true owner.
- 3.7.2. Obligation to keep the goods safe.
- 3.7.3. Right to dispose off the goods.
4. Pledge
- 4.1. Pledge : Comparison with bailment.
- 4.2. Commercial utility of pledge transaction.
- 4.3. Definition of pledge under the Indian Contract Act.
- 4.4. Other statutory regulations (State & Center) regarding pledge, reasons for the same.
- 4.5. Rights of the fawner and pawnee.
- 4.5.1. Pownee's right of sale as compared to that of an ordinary bailee.
- 4.6. Pledge by certain specified persons mentioned in the Indian Contract Act.
5. Agency
- 5.1. Identification of different kinds of agency transaction in day to day life in the commercial world.
- 5.2. Kinds of agents and agencies.
- 5.2.1. Distinction between agent and servant.
- 5.3. Essentials of a agency transaction.
- 5.4. Various methods of creation of agency.
- 5.5. Delegation.
- 5.6. Duties and rights of agent.
- 5.7. Scope and extent of agent's authority.
- 5.8. Liability of the principal for acts of the agent including misconduct and tort of the agent.
- 5.9. Liability of the agent towards the principal.
- 5.10. Personal liability towards the parties.
- 5.11. Methods of termination of agency contract.
- 5.11.1. Liability of the principal and agent before and after such termination.
6. Sale of Goods
- 6.1. Concept of sale as contract.
- 6.2. Illustrative instances of sale of goods and the nature of such contracts.
- 6.3. Essentials of contract of sale.
- 6.4. Essential conditions in every contract of sale.
- 6.5. Implied terms in contract of sale.
- 6.6. The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act.
- 6.7. Changing concept of caveat emptor.
- 6.8. Effect and meaning of implied warranties in a sale.
- 6.9. Transfer of title and passing of risk.
- 6.10. Delivery of goods : various rules regarding delivery of goods.
- 6.11. Unpaid seller and his rights.
- 6.12. Remedies for breach of contract.
7. Partnership
- 7.1. Nature of partnership : definition.
- 7.2. Distinct advantages and disadvantages vis-a-vis partnership and private limited company.
- 7.3. Mutual relationship between partners.
- 7.4. Authority of partners.
- 7.5. Admission of partners.
- 7.6. Outgoing of partners.
- 7.7. Registration of partnership.
- 7.8. Dissolution of partnership.

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Avatar Singh - Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern Lucknow.
J.P. Verma (ed.), Singh and Gupata - The Law of Partnership in India (1999), Orient Law House, New Delhi.
A.G. Guest (ed.) - Benjamin's Sale of Goods (1992), Sweet & Maxwell.
Beatson (ed.), Anson's Law of Contract (1998), Oxford London.
Saharay, H.K. - Indian Partnership and Sale of Goods Act (2000), Universal.
Rammaininga - The Sales of Goods Act (1998), Universal.

LL.B. IV Semester PAPER XVIII

PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH

This papers shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

This course will be taught in association with practicing lawyers on the basis of the following materials.

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy".
- (ii) The Contempt Law and Practice;
- (iii) The Bar Council Code of Ethics;
- (iv) 50 selected opinions of the Disciplinary of Bar Councils and 10 major judgments of the Supreme Court on the subject.

LEADING CASES

1. Mahavir Prasad Singh v. M/s Jacks Aviation Pvt. Ltd., A.I.R. 1999 S.C. 287.
2. L.C. Goyal v. Mrs. Suresh Joshi & Others, A.I.R. 1999 S.C. 2222
3. Suo Motu Enquiry v. Shri M.H. Thakkar, JBCI 1974 p. 529

**LL.B.IV Semester
PAPER XIX-A
LABOUR LAW**

This papers shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

This paper shall consist of three sections. The candidates shall be required to attempt one question from each section. Total number of questions to be attempted shall remain five only.

SECTION A

Law Relating to Labour Management Relations

Trade Union Act, 1926.

Industrial Dispute Act, 1947.

SECTION B

Social Security Legislation Workmen's Compensation Act, 1923, and Employees State Insurance Act.

SECTION C

Minimum Standard Statutes - Minimum Wages Act, 1948, Factories Act, 1948.

Objectives of the Course.

Protection of labour is a constitutional mandate. A constitution inspired by the vision of social justice in committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is a factor of national progress. Labour makes significant contribution in this respect.

Is labour merely a commodity? Is it only a factor in production? There may be different approaches towards this question.

One fact is certain. Today's labour is engaged in a battle for position of honor and status equal with management. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulation relating to the employment of the work force. Its wings spread wider. It has its aim on the societal impulses on, and state reactions to, the complex socio-economic, human and political problems arising out of the constant between different classes.

The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence.

Syllabus

1. Historical perspectives on Labour
 - 1.1. Labour through the ages - slave labour - guild system - division on caste - labour during feudal days.
 - 1.2. Colonial labour law and policy.
 - 1.3. Labour capital conflicts : exploitation of labour, Profit motive, poor bargaining power, poor working conditions, unorganized labour, bonded labour surplus labour, division of labour and super - specialization - lack of alternative employment.
 - 1.4. Theories of labour and surplus value. From laissez faire to welfarism and to globalization : transitions from exploitation to protection and from contract to status : changing perspectives on labour.
2. Trade Unionism
 - 2.1. Labour movement as a counter measure to exploitation - history of trade union movement in India.
 - 2.2. Right to trade union as part of human right to freedom of association - international norms and the Indian Constitution.
 - 2.3. Legal control and protection of trade union : registration, amalgamation, rights, immunities, liabilities and dissolution.
 - 2.4. Problems : Multiplicity of unions, over politicization - intrusion and inter-union rivalry, outside leadership, closed shop and unionship, recognition of unions.
3. Collective bargaining
 - 3.1. The concept.
 - 3.2. International norms - conditions precedent - merits and demerits.
 - 3.3. Bargaining process.
 - 3.3.1. Techniques of pressurization : strike and lockout, go-show, work to rule, gherao, bandh.
 - 3.4. Structure of bargaining : plant, industry and national levels.
 - 3.5. Duration and enforcement of bipartite agreement.
 - 3.6. Reforms in law.
4. State Regulation of Industrial Relations
 - 4.1. Theoretical foundations : social justice, labour welfare public interest, productivity, industrial peace and development and price control.
 - 4.2. Methods of regulation.
 - 4.2.1. Recognition mutual arrangements.
 - 4.2.2. Assistance to bipartite settlement : conciliation, voluntary

- arbitration, formulation of standing orders.
- 4.2.3. State prescription of machinery : reference for adjudication (the political overbites), the adjudicatory mechanisms (How do they differ from Courts?), award and its binding nature, judicial review of awards.
 - 4.2.4. State prescription of standards in lay off, strike, lockout, retrenchment, closure and transfer of undertakings.
 - 4.3. The conceptual conundrum : industry, industrial dispute, workmen.
 - 4.4. Unfair labour practices.
 5. Discipline in industry
 - 5.1. Doctrine of hire and fire - history of management's prerogative.
 - 5.2. Fairness in disciplinary process.
 - 5.1.1. Punishment for misconduct - meaning of misconduct.
 - 5.1.2. The right to know : the charge sheet.
 - 5.1.3. The right to defend : domestic enquiry, notice, evidence, cross-examination, representation, unbiased inquiry officer and reasoned decision.
 - 5.1.4. Prenatal (permission) and postnatal (approval) control during pendency of proceedings (S. 33 of the I.D. Act).
 - 5.3. Role of management and labour
 6. Remuneration for Labour
 - 6.1. Theories of wages : marginal productivity, subsistence, wages fund, supply.
 - 6.2. Concept of wages (minimum wages, fair wages, living wages, need-based minimum wages).
 - 6.3. Components of wages : dearness allowance, principle of fixation.
 - 6.4. Disparity in wages in different sectors-needs for nationalization and national approach.
 - 6.5. Wage determining process - modes and modalities:
 - 6.5.1. Unilateral fixation by employer.
 - 6.5.2. Bilateral fixation.
 - 6.5.3. Conciliation, arbitration and adjudication.
 - 6.5.4. Wage Board and Pay Commission.
 - 6.5.5. Principles of Wage fixation.
 - 6.6. Concept of bonus- computation of bonus.
 - 6.7. Protection of wages : non- payment, delayed payment, unauthorized deductions - remedial measures.
7. Health and Safety
 - 7.1. Obligations for health and safety of workmen - legislative controls : factory, mines and plantations.
 - 7.2. Employer's liability.
 - 7.2.1. Workmen's compensation.
 - 7.2.2. Employee's Sate Insurance.
 - 7.2.3. Liability for hazardous and inherently dangerous industries - environmental protection.
 8. Labour Welfare
 - 8.1. Welfare provided by the employers and through bipartite agreements and by statutory prescription.
 - 8.2. Provident fund and family pension.
 - 8.3. Gratuity.
 - 8.4. Insurance.
 - 8.5. Inter-state migrant workmen - regulation of employment and conditions of service.
 - 8.6. Employment of young persons : prohibition of employment of children, regulation of employment of young persons.
 - 8.7. Woman and labour force.
 - 8.7.1. Equal remuneration law, maternity benefits, protective provisions for women under factories, plantations and mines laws.
 9. Protection of the weaker sectors of labour
 - 9.1. Tribal labour : need for regulation.
 - 9.2. Unorganized labour like domestic servants : problems and perspectives.
 - 9.3. Bonded labour : socio-economic programmes for rehabilitation.
 - 9.4. Contract labour - regulation.
 - 9.5. Daily wage workers.

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- Srivastava K.D. - Commentaries on Minimum Wages Act, 1948 (1995), Eastern Lucknow.
- Rao, S.B. - Law and Practice on Minimum Wages (1999), Law Publishing House, Allahabad.

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- V.V. Giri - Labour Problems in Indian Industry Chapters 1 and 15 (1972)
- Indian Law Institute - Labour law and Labour Relations (1987).
- (1982) Cochin University Law Review, Vol. 6 pp. 153-210.
- Report of the National Commission on Labour - Chapters 14 to 17, 22, 23, and 24.
- O.P. Malhotra, The Law of Industrial Disputes (1998), Universal Delhi.
- S.C. Srivastava - Social Security and Labour Laws Pts. 5 and 6 (1985) Universal, Delhi.
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- A.L. Kohari - Labour Law.
- S.N. Mishra - Labour Law (Hindi).
- I.J. Singh - Labour Law (Hindi).
- LEADING CASES**
1. Tiagarth Papers Mills Co. Ltd. v. Their Workman, A.I.R. 1959 S.C. 1905.
 2. The Associated Cement Co. Ltd. v. Workmen The Buckingham & Carnatic Co. Ltd. v. Workmen Buckingham Co., A.I.R. 1953 S.C.47.
 3. Dharangadhara Chemical Works v. State of Maharashtra, A.I.R. 1967 S.C. 151.
 4. State of Bihar v. Kripa Shankar A.I.R. 1964 S.C. 104.
 5. Anil Kumar v. Union of India, (1983) M.P. Weekly Notes.
 6. Prithviraj v. Kulvir Singh, (1983) M.P. LJ Note 17.
 7. Bangalore Water Supply & Sewerage Board v. A Rajappa & others, A.I.R. 1978 S.C. 548.

**LL.B. II Semester IV
PAPER XIX-B
INTELLECTUAL PROPERTY LAW**

The papers shall be of 100 marks and each question shall be divided into parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

Objectives of the Course

The importance of this branch of the law is to be sufficiently realised in the Indian legal education. Compensious courses on law of copyright, trademarks and patents are offered in few law schools as optional courses, but these do not either integrate the significance of these subject matters under any comprehensive aspect of 'modernization' or 'development' nor do they spread even emphasis between and among the subject areas represented by these three interconnected of the law.

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

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

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

As concerns 'modernization' crucial questions arise in the field of copyright protection in computer software and hardware, internet,

electronic music and scientific research. Both copyright, trademarks, design and patent law here relate basically to the law of unfair competition and constitute as aspect of consumer protection and welfare not only in the context of national perspectives but also in view of the waves of globalization already set in. Both from the stand point of human resources development, modernization and justice it is important that the curricular change takes serious notice of these areas.

Syllabus

1. Introductory
 - 1.1. The meaning of Intellectual Property.
 - 1.2. Competing rationales of the legal regimes for the protection of intellectual property.
 - 1.3. The main forms of intellectual property : copyright trademarks, patents, designs.
 - 1.4. The competing rationales for protection of rights in.
 - 1.4.1. Copyright.
 - 1.4.2. Trade Marks.
 - 1.4.3. Patents.
 - 1.4.4. Designs.
 - 1.4.5. Trade secrets.
 - 1.4.6. Other new forms such as plant varieties and geographical Indians.
 - 1.5. Introduction to the leading international instruments concerning intellectual property right; the Bernie Convention, Universal Copyright Convention, the Paris Union TRIPS the World Intellectual Property Right Organization (WIPO) and the UNESCO.
2. Select aspects of the law of copyright in India
 - 2.1. Historical evolution of the law.
 - 2.2. Meaning of copyright.
 - 2.3. Copyright in literary, dramatic and musical works.
 - 2.4. Copyright in sound records and cinematography films.
 - 2.5. Copyright in computer programs.
 - 2.6. Ownership of copyright.
 - 2.7. Assignment of copyright.
 - 2.8. Author's special rights.
 - 2.9. Notion of infringement.
 - 2.10. Criteria of infringement.
 - 2.11. Infringement of copyright by films of literary and dramatic

- 2.12. Importation and infringement.
- 2.13. Fair use provisions.
- 2.14. Piracy in internet..
- 2.15. Aspects of copyright justice.
- 2.16. Remedies, especially, the possibility of Anton pillar injunctive relief in India.
3. Intellectual Property in Trademarks
 - 3.1. The rationale of protection of trademarks as (a) an aspects of commercial and (b) of consumer rights.
 - 3.2. Definition and concept of trademarks.
 - 3.3. Registration.
 - 3.4. Distinction between trademark and property mark.
 - 3.5. The doctrine of honest Current User.
 - 3.6. The doctrine of deceptive similarity.
 - 3.7. Protection of well - know marks.
 - 3.8. Passing off and infringement.
 - 3.9. Criteria of infringement.
 - 3.10. Standards of proof in passing off action.
 - 3.11. Remedies.
 4. The law of intellectual property : patents
 - 4.1. Concept of patent.
 - 4.2. Historical view of the patents law in India.
 - 4.3. Patentable inventions with special reference to bio-technology products entailing creation of new forms of life.
 - 4.4. Patent protection for computer programme.
 - 4.5. Process of obtaining a patent : application, examination, opposition and sealing of new forms of life.
 - 4.6. Procedure for filing patents, patent co-operation treaty.
 - 4.7. Some grounds for opposition.
 - 4.7.1. The problems of limited locus to oppose, specially in relation to inventions having potential of ecological and mass disasters.
 - 4.7.2. Wrongfully obtaining the invention.
 - 4.7.3. Prior publication or anticipation.
 - 4.7.4. Obviousness and the lack of inventive step.
 - 4.7.5. Insufficient description.
 - 4.8. Rights and obligations of a patentee.
 - 4.8.1. Patents as chose in action.
 - 4.8.2. Duration of patents : Law and policy considerations.
 - 4.8.3. Use and exercise rights.
 - 4.8.4. Right to secrecy.

- 4.8.5. The notion of "abuse" of patent rights.
- 4.8.6. Compulsory licenses.
- 4.9. Special categories.
 - 4.9.1. Employee Invention : Law and policy Consideration.
 - 4.9.2. International patents, Transfer of Technology, know-how and problems of self reliant development.
- 4.10. Infringement.
 - 4.10.1 Criteria of infringement.
 - 4.10.2 Onus of Proof.
 - 4.10.3 Modes of Infringement : The Doctrine of Colorable Variation.
 - 4.10.4 Defenses in suits of infringement.
 - 4.10.5 Injunctions and related remedies.

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- Vikas Vashista - Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi.
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- Matan Din Law of Passing off and Infringement Action of Trade Marks (1986).
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- K. Thairani - Copyright : The Indian Experience (1987).
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LL.B. IV Semester PAPER XIX - C WOMAN AND LAW AND LAW RELATING TO CHILD

This paper shall be of 100 marks. Each question may be divided into two parts(a) and (b). Part (b) may be based on any problem or decided case. The question to be attempted shall be five. Objective of the Course

The need to study gender and juvenile justice as special subjects are to be emphasized as the constitutional guarantees have not achieved the desired results. The fundamental rights did not preclude having special provisions.

The planner and the policy makers therefore treated women only as beneficiaries of welfare measures. The hope was the benefits of development would percolate below to all including women and therefore there was no need for special efforts to bring them into the mainstream. This trickle down theory of development is still to be materialized in spite of the positive action of woman's representation in local bodies. Women are discriminated in almost all sectors.

Children constitute the weakest and most vulnerable, most precious segment of the human society. By law they are denied participation in decision making even indirectly and by nature they lack affective articulation and indication of their rights. Children are recognized as legal person for many purposes if not for all legal rights are conferred by the legal system. The course should draw attention to the helpless condition of children and their exploitation and the sufferings of children in poverty. The legal limitation on their capacity and legal rights and protection provided in the constitution and in varieties of laws are to be studied critically with the understanding that either the parents or the society or state shall be held responsible for the survival, development of personality and happiness of the children.

Syllabus

1. International Concerns and Conventions
2. Women in India
 - 2.1. Pre-independent period.
 - 2.1.1. Social and legal inequality.
 - 2.1.2. Social Reform Movement in India.

2.1.3. Karachi Congress - Fundamental Rights Resolution, Equality of Sexes.

3. Women in post independence India
- 3.1. Pre-independent period.
- 3.2. Personal Laws - Unequal position of women.
- 3.3. Uniform Civil Code towards gender justice.
4. Sex Inequality in Inheritance Rights
- 4.1. Feudal Institution of joint family - women's inheritance position.
- 4.2. Hindu Law.
- 4.3. Muslim Law.
- 4.4. Matrimonial Property.
- 4.5. Movement Towards Uniform Civil Code.
5. Guardianship
- 5.1. Right of women to adopt a child.
- 5.2. Problems of women gardening.
6. Divorce
- 6.1. Indian Divorce Act.
- 6.2. Christian Law.
- 6.3. Muslim Law.
7. Criminal Law
- 7.1. Adultery.
- 7.2. Rape.
8. Social Legislation
- 8.1. Dowry Prohibition.
- 8.2. Prevention of immoral traffic.
9. Woman participation in democratic government
- 9.1. Parliament.
- 9.2. State Legislation.
- 9.3. Local bodies.
10. Women and Employment
- 10.1. Labour force.
- 10.2. Protective Laws.
- 10.3. Exploitation and harassment in workplaces.
11. Protection and enforcement agencies
- 11.1. Courts.
- 11.2. Family Courts.
- 11.3. Commission for women.
- 11.4. NGOs.
12. Social Constitutional and International Legal Status of Child.

- 12.1. Magnitude of problem.
- 12.2. Special status of child-national policies.
- 12.3. Constitutional concern-Article 15(3), Article 24 and Article 45.
- 12.4. International concern and endeavor for the welfare of the children.
- 12.4.1. Minimum Age conventions.
- 12.4.2. Child rights convention.
- 12.4.3. U.N. Declaration of the rights to the Child, 1924, 1959.
13. Problems of conceptions, birth and nourishment and health of the child
- 13.1. Legal status of child in work.
- 13.2. Tortuous liability against injuries to unborn children.
- 13.3. Coparcenary and property rights of the unborn children.
- 13.4. Law relating to maternity benefit and relief.
- 13.5. Lack of legal protection of children of impoverished parentage.
14. State responsibility for the education of children
- 14.1. Evaluation of the efforts of the State towards the provision of education to children.
- 14.2. Pre-primary and nursery education-elementary education.
- 14.3. Contributions by International Organizations for elementary education - UNESCO, UNICEF.
15. Legal Control of Child Labour
- 15.1. Regulation of the employment, protection of the health and well-being.
- 15.2. International conventions and recommendations of the I.L.O.
- 15.3. Recommendations of the National Commission of Labour.
- 15.4. Legislation relating to factories, plantation labour, mines merchant shipping, motor transport workers, apprentices, shop & establishments and child labour.
16. Family Relations and Child
- 16.1. The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody.
- 16.2. Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act, 1872.
17. Child and Contractual Liability
- 17.1. Minors Agreements.
- 17.2. Testimony of children.

- 17.3. Suits by and against minors.
18. Child and Criminal Liability
- 18.1. Crimes committed by child; crimes committed by others in relation to children;
- 18.2. Implementation of social policy through criminal sanctions in relation to relation to child.
- 18.3. Variation of procedure in case of child offender.
- 18.4. Judicial proceedings in criminal cases relating to children.
- 18.5. Statutory provisions - Sections 82, 83, 299 Exp. 3, 363A, 372 of IPC Suppression of Immoral Traffic Act 1956 (SITA) - Penal provisions contained in Child Marriage Restraint Act 1929 as amended in 1978 Young Persons Harmful publications Act 1956, The Children Act, 1960 Section 27 of Cr.P.C. Reformatory Schools Act, 1897, Juvenile Delinquency Act, 1986.
19. Law and offences Against Child
 - 19.1. Protection of neglected children.
 - 19.2. Institutions for the protection of neglected children.
 - 19.3. Juvenile Justice Act.
 - 19.4. Juvenile delinquency : law offences against child.
 - 19.5. Contribution by parents, licensing.
 - 19.6. Protection of girls from immoral traffic.
 - 19.7. Prevention of vagrancy and beggary.
20. Discrimination Against Female Children
 - 20.1. Amniocentesis.
 - 20.2. Deferred infanticide through based nutritional discrimination.
 - 20.3. Termination of pregnancy.

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Report of the Committee on the Status of women (Government of India), Chapter IV & Section IV General Conclusions & Recommendations.

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Lotika Sarkar, The Law d Commission of India (1988).

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Students should be encouraged to look at distinctive legal problems of children in the area where instructions is imparted. The literature on children's plight is vast and varied, but it is important that the focus of the course be on understanding of the distinctively legal problems in the region and ways in which we can contribute to change.

LL.B. II

(IV Semester)

PAPER XX

Project & VIVA - VOCE

Project and Viva - voce will be based on subjects taught in the class.
This will of 100 marks each (Total 100 Marks)

LL.B. PART III 2007-08

(5th Semester)

SCHEME OF EXAMINATION

Pa No.	Paper	Nomenclature of the Paper	Max. Marks	Min. Marks	Min. Pass Marks
					(Aggregate)
XXXI.	Civil Procedure Code & Limitation Act		100	36	
XXXII.	Law of Evidence		100	36	
XXXIII.	Administrative Law		100	36	48%
XXIV.	(a) Equity, Trust and Fiduciary Relationship		100	36	Marks in Aggregate
	OR				
	(b) Maritime Law		100	36	
	OR				
XXXV.	(c) Investment and Security Laws		100	36	
	(a) Criminology & Penology and Forensic Science		100	36	
	OR				
	(b) Law and Medicine				
G	Grand Total	XXXVI - <i>Emp</i> XXXVII <i>Def.</i>	500	-	240
XXVIII	(I) Moot Court, Pre-Trial Preparation, Public Interest Lawyering and Legal Aid		75	27	
	(ii) Sessional and viva - voce		25	09	
XXIX	(a) Taxation Laws		100	36	
	OR				
	(b) Conflict of Laws		100	36	
XXX.	Arbitration, Conciliation and Alternate Dispute Resolution System (Panchayats)		100	36	
	Grand Total		1000		480

LLB III Semester V

Paper XXI

Civil Procedure Code and Limitation Act

The paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided cases on the subject. This paper shall be divided into two Sections.

This candidate shall have to attempt minimum one question from Section B the total number of question to be attempted shall however remain five only.

Section A Civil Procedure five only

Section B Indian Limitation Act

Objective of the Course

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

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

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

Syllabus

1. Introduction

1.1 Concepts.

- 1.1.1. Affidavit, order, judgment, decree, plaint, restitution, execution, decree-holder, judgment - *dabtor, mesne profits, written statement.*
- 1.1.2. Distinction between decree and judgment and between decree and order.
 2. Jurisdiction
 - 2.1. Kinds.
 - 2.1.1. Hierarchy of courts.
 - 2.2. Suit of civil nature - scope and limits.
 - 2.3. Res-subjudice and Resjudicata.
 - 2.4. Foreign judgment - enforcement.
 - 2.5. Place of suing.
 - 2.6. Parties to suit : joinder, mis-joinder or non-joinder of parties : representative suit.
 - 2.6.1. Frame of suit : cause of action.
 - 2.6.2. Alternative disputes resolution (ADR).
 - 2.6.3. Summons.
 3. Pleadings
 - 3.1. Rules of pleading, signing and verification.
 - 3.1.1. Alternative pleadings.
 - 3.1.2. Construction of pleadings.
 - 3.2. Plaint : Particulars.
 - 3.2.1. Admission, return and rejection.
 - 3.4. Written statement : particulars, rules of evidence.
 - 3.3.1. Set off and counter claim : distinction.
 - 3.4. Discovery, inspection and production of documents.
 - 3.4.1. Interrogatories.
 - 3.4.2. Privileged documents.
 - 3.4.3. Affidavits.
 4. Appearance, examination and trial
 - 4.1. Appearance.
 - 4.2. Ex-parte procedure.
 - 4.3. Summary and attendance of witnesses.
 - 4.4. Trial.
 - 4.5. Adjournments.
 - 4.6. Interim order, commission, arrest or attachment before judgment, injunction and appointment of receiver.
 - 4.7. Interests and costs.
 5. Execution
 - 5.1. The Concept.

- 5.2. General principles.
- 5.3. Power for execution of decrees.
- 5.4. Procedure for execution (Ss. 52-54).
- 5.5. Enforcement, arrest and detention (Ss. 55-59).
- 5.6. Attachment (Ss. 60-64).
- 5.7. Sale (Ss. 65-97).
- 5.8. Delivery of property.
- 5.9. Stay of execution.
6. Suits in particular cases
 - 6.1. By of against government (Ss. 79-82).
 - 6.2. By aliens and by or against foreign rulers or ambassadors (Ss. 83-87).
 - 6.3. Public nuisance (Ss. 91-93)*.
 - 6.4. Suits by or against firm.
 - 6.5. Suits in forma pauperis.
 - 6.6. Mortgages.
 - 6.7. Interpleader suits.
 - 6.8. Suits relating to public charities.
 7. Appeals
 - 7.1. Appeals from original decree.
 - 7.2. Appeals from appellate decree.
 - 7.3. Appeals from orders.
 - 7.4. General provisions relating to appeal.
 - 7.5. Appeal to Supreme Court.
 8. Review, reference and revision
 9. Miscellaneous
 - 9.1. Transfer of cases.
 - 9.2. Restitution.
 - 9.3. Caveat.
 - 9.4. Inherent powers of courts.
 10. Law reform : Law Commission on Civil Procedure - amendments
 11. Law of limitation
 - 11.1. The concept - the law assists the vigilant and not those who sleep over the tights.
 - 11.2. Object.
 - 11.3. Distinction with latches, acquiescence, prescription.
 - 11.4. Extension and suspension of limitation.
 - 11.5. Sufficient cause of not filing the proceedings.
 - 11.5.1. Illness.

- 11.5.2. Mistaken legal advice.
- 11.5.3. Mistaken view of law.
- 11.5.4. Poverty, minority and Purdha.
- 11.5.5. Imprisonment.
- 11.5.6. Defective vakalatnama.
- 11.6. Legal liabilities.
- 11.7. Foreign rule of limitation : Contract entered into under a foreign law.
- 11.8. Acknowledgment - essential requisites.
- 11.9. Continuing tort and continuing breach of contract.

Select bibliography

- Mulla - Code of Civil Procedure, (1999), Universal Delhi.
 C.K. Thacker - Code of Civil Procedure (2000), Universal, Delhi.
 M.R. Mallick (ed.) - B.B. Mitra on Limitation Act, (1998), Eastern Lucknow.
 Majumdar P.K. and Kataria R.P. - Commentary on the Code of Civil Procedure, 1908 (1998), Universal Delhi.
 Saha, A.N. - The Code of Civil Procedure (2000), Universal, Delhi.
 Sarkar's Law of Civil Procedure, Vols. (2000) Universal, Delhi.
 Universal's Code of Civil Procedure, (2000).
 M.P. Tandon - Civil Procedure Code.
 Mehta - Civil Procedure Code.

LEADING CASES

- (1) Seodan Singh v. Deva Kunwar, A.I.R. 1966 S.C.1332.
- (2) Janak Raj v. Gurnudial Singh & others, A.I.R. 1967 SC 608.
- (3) Phool Chand v. Gopal Lal, A.I.R. 1967 SC 1470.
- (4) Satesh Kumar & other v. Surinder Kumar & others, A.I.R. 1970 S.C. 833.
- (5) Ismail Khajui v. Venichand, 1962 MPLJ 227.
- (6) Mummi Bibi v. Triloki Nath, 58 IA, 158.

LL.B. V Semester
PAPER XXII
LAW OF EVIDENCE

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b) Part (b) may be based on any problem or decided case on the subject.

The candidate shall have to attempt five question only.

Objectives of the Course

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

Syllabus

1. Introductory
 - 1.1. The main feature of the Indian Evidence Act, 1861.
 - 1.2. Other acts which deal with evidence (special reference to C.P.C., Cr.P.C.).
- 1.3. Administrative.
 - 1.3.2. Administrative Tribunals.
 - 1.3.3. Industrial Tribunals.
 - 1.3.4. Commissions of Enquiry.
 - 1.3.5. Court-martial.
- 1.4. Disciplinary authorities in educational institutions.
2. Central Conceptions in Law of Evidence
 - 2.1. Facts : Section 3 definition : distinction - relevant fact/facts in issue.
 - 2.2. Evidence : oral and documentary.
 - 2.3. Circumstantial evidence and direct evidence.
 - 2.4. Presumption (Section 4).
 - 2.5. "Proving", not proving "and "disproving".

- 2.6. Witness.
3. Facts : relevancy
 - 3.1. The Doctrine of res gestae (Section, 6, 7, 8, 10).
 - 3.2. Evidence of common intention (Section 10).
 - 3.3. The problem of relevancy of "otherwise" irrelevant facts (Section 11).
 - 3.4. Relevant facts for proof of custom (Section 13).
 - 3.5. Facts concerning bodies & mental state (Section 14).
4. Admissions and confessions
 - 4.1. General principles concerning admission (Section 17, 23).
 - 4.2. Differences between "admission" and "confession".
 - 4.3. The problems of non-admissibility of confessions caused by "any inducement, threat or promise (Section 24).
 - 4.4. Inadmissibility of confession made before a police officer (Section 25).
 - 4.5. Admissibility of custodial confessions (Section 26).
 - 4.6. Admissibility of "information" received from accused person in custody; with special reference to the problem of discovery based on "joint statement" (Section 27).
 - 4.7. Confession by co-accused (Section 30).
 - 4.8. The problem with the judicial action based on a "retracted confession".
5. Dying Declarations
 - 5.1. The justification of relevance on dying declarations (Section 32).
 - 5.2. The judicial standards for appreciation of evidentiary value of dying declarations.
6. Other Statements by Persons who cannot of women's rights in marriage in the law of evidence.
 - 6.1. General principles.
 - 6.2. Special problems concerning violation of women's rights in marriage in the law of evidence.
7. Relevance of judgments
 - 7.1. General principles.
 - 7.2. Admissibility of judgments in civil and criminal matters (Section 43).
 - 7.3. "Fraud" and "Collusion" (Section 44).
8. Expert Testimony
 - 8.1. General principles.
 - 8.2. Who is an expert? types of expert evidence.

- 8.3. Opinion on relationship especially proof of marriage (Section 50).
- 8.4. The problems of judicial defence to expert testimony.
9. Oral and Documentary Evidence
- 9.1. General principles concerning oral evidence (Section 59-60).
- 9.2. General principles concerning Documentary Evidence (Section 67-90).
- 9.3. General Principles Regarding Exclusion of Oral by Documentary Evidence.
- 9.4. Special problems : Re-hearing evidence.
- 9.5. Issue estoppel.
- 9.6. Tenancy estoppel (Section 116).
10. Witnesses, Examination and cross-examination
- 10.1. Competency to testify (Section 118).
- 10.2. State privilege (Section 123).
- 10.3. Professional privilege (Sections 126, 127, 128).
- 10.4. Approval testimony (Section 133).
- 10.5. General principles of examination and cross - examination (Section 135-166).
- 10.6. Leading questions (Section 141-143).
- 10.7. Lawful questions in cross - examination (Section 146).
- 10.8. Compulsion to answer questions put to witness.
- 10.9. Hostile witness (Section 154).
- 10.10. Impeaching of the standing or credit of witness (Section 155).
11. Burden of Proof
- 11.1. The general conception of onus probandi (Section 101).
- 11.2. General and special exceptions to onus probandi.
- 11.3. The justification of presumption and of the doctrine of judicial notice.
- 11.4. Justification as to presumption as to certain offences (Section 111-A).
- 11.5. Presumption as to dowry death (Section 113-A).
- 11.6. The scope of the doctrine of judicial notice (Section 114).
12. Estoppel
- 12.1. Why estoppel? The rational (Section 15).
- 12.2. Estoppel, *res judicata* and waiver and presumption..
- 12.3. Estoppel by deed.
- 12.4. Equitable and promissory estoppel.
- 12.5. Questions of corroboration (Section 156-157).
- 12.7. Improper admission and of witness in civil and criminal cases.

Select bibliography

- Sarkar and Manohar - Sarkar on Evidence (1999), Wadhwa & Co. Nagpur.
- Indian Evidence Act - (Amendment up-to-date).
Rattan Lal, Dhiraj Lal - Law of Evidence, (1994), Wadhwa, Nagpur
- Polein Murphy - Evidence (5th Edn., Reprint 2000), Universal, Delhi..

- Albert S. Osborn - The Problem of Proof (First Indian Reprint, 1998), Universal Delhi.
- Avtar Singh, Principles of the Law of Evidence, (1992), Central Law Agency, New Delhi.
- Batuk Lal - Law of Evidence.
- R.C. Nigam - Lal of Evidence.

LEADING CASES

- (1) Pakala Narayan Swami v. Emperor, A.I.R. 1939 P.C. 47.
- (2) Kashmiria Singh v. State of M.P. A.I.R. 1952 S.C. 157.
- (3) Sarwan Singh Rattan Singh v. State of Punjab, A.I.R. 1957 S.C. 637.
- (4) Subramania Gouden v. The State of Madras, A.I.R.. 1958 S.C. 66.
- (5) State of M.P. v. Deoman Upadhyaya, A.I.R. 1960 S.C. 1155.
- (6) State of Punjab v. Sukhdeo Singh, A.I.R. 1961 S.C. 493.

LL.B. III Semester V
PAPER XXIII
ADMINISTRATIVE LAW

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

Total No. of question to be attempted shall however be five only.

Objectives of the Course

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

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

A course on administrative law must, therefore, lay emphasis on understanding the structure and modus operandi of administration. It must take note of development perspective and attainment of social welfare objectives through bureaucratic process. It should go into matters which facilitate or hinder the attainment of these objectives. Though in the matter of protection of rights of individuals

against administration the role of courts cannot be minimized, it is no less important to know the advantage of informal methods of settlement. Many new methods of grievance redressal have been devised which are not only efficacious but also inexpensive and less time consuming. Remedies available for administration deviance need a critical study and evaluation in the context of realities.

Syllabus

1. Evolution, Nature and Scope of Administrative Law
 - 1.1. From a laissez-faire to a social welfare state.
 - 1.1.1. State as regulator of private interest.
 - 1.1.2. State as provider of services.
 - 1.1.3. Other functions of modern state.
 - 1.2. Evolution of administration as the fourth branch of government - necessity delegation of powers on administration.
 - 1.3. Evolution of agencies and procedures for settlement of disputes between individuals and administration.
 - 1.3.1. Regulatory agencies on the United States.
 - 1.3.2. Consell d'Estate.
 - 1.3.3. Tribunalization in England and India.
 - 1.4. Definition and scope of administrative law.
 - 1.5. Relationship between constitutional law and administrative law.
 - 1.6. Separation of powers.
 - 1.7. Rule of law.
2. Civil Service in India
 - 2.1. Nature and organization of civil service : from colonial relic to democratic aspiration.
 - 2.2. Powers and functions.
 - 2.3. Accountability and responsiveness : problems and perspectives.
 - 2.4. Administrative deviance - corruption, nepotism, mal-administration.
3. Legislative Powers of Administration
 - 3.1. Necessity for delegation of legislative power.
 - 3.2. Constitutionality of delegated legislation-powers of exclusion and power to modify statute.
 - 3.3. Requirements of the validity of delegated legislation.
 - 3.3.1. Consultation of affected interests and public participation in rule - making.

- 3.3.2. Publication of delegated legislation.
- 3.4. Administrative directions, circulars and policy statements.
- 3.5. Legislative control of delegated legislation.
 - 3.5.1. Laying procedures and their efficacy.
 - 3.5.2. Committees on delegated legislation - their constitution, function and effectiveness.
 - 3.5.3. Hearings before legislative committees.
- 3.6. Judicial control of delegated legislation.
- 3.7. Sub-delegation of legislative powers.
- 4. Judicial Powers of Administration
 - 4.1. Need for devolution of adjudicatory authority on administration.
 - 4.2. Administrative tribunals and other adjudicating authorities: their ad-hoc character.
 - 4.3. Tribunals - needs, nature, constitution, jurisdiction and procedure.
 - 4.4. Jurisdiction of administrative tribunals and other authorities.
 - 4.5. Distinction between quasi-judicial and administrative functions.
 - 4.6. The right to hearing - essentials of hearing process.
 - 4.6.1. No man shall be judge in his own cause.
 - 4.6.2. No man shall be condemned unheard.
 - 4.7. Rules of evidence - no evidence, some evidence and substantial evidence rules.
 - 4.8. Reasoned decisions.
 - 4.9. The right to counsel.
 - 4.10. Institutional decisions.
 - 4.11. Administrative appeals.
- 5. Judicial Control of Administrative Action
 - 5.1. Exhaustion of administrative remedies.
 - 5.2. Standing: standing for Public interest litigation (social action litigation) collusion, bias.
 - 5.3. Laches.
 - 5.4. Res judicata.
 - 5.5. Grounds.
 - 5.5.1. Jurisdictional error ultra vires.
 - 5.5.2. Abuse and non exercise of jurisdiction.
 - 5.5.3. Error apparent on the face of the record.
 - 5.5.4. Violation of principles of natural justice.
 - 5.5.5. Violation of public policy.

- 5.5.6. Unreasonableness.
- 5.5.7. Legitimate expectation.
- 5.6. Remedies in judicial Review.
 - 5.6.1. Statutory appeals.
 - 5.6.2. Mandamus.
 - 5.6.3. Certiorari.
 - 5.6.4. Prohibition.
 - 5.6.5. Quo-Warranto.
 - 5.6.6. Habeas Corpus.
 - 5.6.7. Declaratory judgments and civil suits for compensation.
 - 5.6.8. Specific performance and civil suits for compensation.
- 6. Administrative Discretion
 - 6.1. Need for administrative discretion.
 - 6.2. Administrative discretion and rule of law.
 - 6.3. Limitations on exercise of discretion.
 - 6.3.1. Mollified exercise of discretion.
 - 6.3.2. Constitutional imperatives and use of discretionary authority.
 - 6.3.3. Irrelevant considerations.
 - 6.3.4. Non-exercise of discretionary power.
 - 7. Liability for Wrongs (Tortious and Contractual)
 - 7.1. Tortious liability: sovereign and non-sovereign functions.
 - 7.2. Statutory immunity
 - 7.3. Act of State.
 - 7.4. Contractual liability of government.
 - 7.5. Government privilege in legal proceeding - state secrets, public interest.
 - 7.6. Transparency and right to information.
 - 7.7. Estoppel and waiver.
 - 8. Corporations and Public Undertakings
 - 8.1. State monopoly - remedies against arbitrary action or for acting against public policy.
 - 8.2. Liability of public and private corporations - departmental undertakings.
 - 8.3. Legislative and government control.
 - 8.4. Legal remedies.
 - 8.5. accountability - Committee on Public Undertakings, Estimates Committee, etc.
 - 9. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures
 - 9.1. Conciliation and mediation through social action groups.

- 1.2. Extent of judicial intervention.
- 1.3. International commercial arbitration.
2. Arbitration agreement
 - 2.1. Essentials.
 - 2.2. Kinds.
 - 2.3. Who can enter into arbitration agreement.
 - 2.4. Validity.
 - 2.5. Reference to arbitration.
 - 2.6. Interim measure by court.
3. Arbitration Tribunal
 - 3:1. Challenge.
 - 3.2. Jurisdiction of arbitral tribunal.
 - 3.2.1. Powers.
 - 3.3. Grounds of challenge.
 - 3.4. Procedure.
 - 3.5. Court assistance.
 4. Award
 - 4.1. Rule of guidance.
 - 4.2. Form and content.
 - 4.3. Correction and interpretation.
 - 4.4. Grounds of setting aside in an award.
 - 4.4.1. Can misconduct be ground?
 - 4.4.2. Incapacity of a party, invalidity of arbitration agreement.
 - 4.4.3. Want of proper notice and gearing.
 - 4.4.4. Beyond the scope of reference.
 - 4.4.5. Contravention of composition and procedure.
 - 4.4.6. Breach of confidentiality.
 - 4.4.7. Impartiality of the arbitrator.
 - 4.4.8. Bar of limitation, res judicata.
 - 4.4.9. Consent of parties.
 - 4.5. Enforcement.
 5. Appeal and revision
 6. Enforcement of foreign awards
 - 6.1. New York convention awards.
 - 6.2. Geneva convention awards.
 7. Conciliation
 - 7.1. Distinction between "Conciliation", "negotiation", "mediation", and "arbitration".
 - 7.2. Appointment.
 - 7.3. Statements to conciliator.

- 7.4. Interaction between conciliator and parties.
 - 7.4.1. Communication.
 - 7.4.2. Duty of the parties to co-operate.
 - 7.4.3. Suggestions by parties.
 - 7.4.4. Confidentiality.
 - 7.5. Resort to judicial proceedings.
 - 7.6. Costs.
 8. Rule - making power
 - 8.1. High Court.
 - 8.2. Central Government.
 9. Legal Services Authorities Act: Scope

Select Bibliography

- B.P. Saraf and M. Jhunjhunwala - Law of Arbitration and Conciliation (2000), Snow white, Mumbai.
- Gerald R. Williams (ed.) - The New Arbitration and Conciliation Law of India, Council of Arbitration (1998), New Delhi.
- A.K. Bansal - Law of International Commercial Arbitration (1999), Universal, Delhi.
- P.C. Rao & William Sheffield - Alternative Disputes Resolution - What it is and How it works? (1997) Universal, Delhi.
- G.K. Kwatra - The Arbitration and Conciliation Law of India (2000), Universal, Delhi.
- Basu - N.D. Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi.
- Johari - Commentary of Arbitration and Conciliation Act, 1996 (1999), Universal Delhi.

LEADING CASES

- (1) Gayasuddin v. Gram Panchayat Act, 1971 MPLJ 1012 (No. Confidence).
- (2) Indrajit Singh v. State of M.P., 1971 MPLJ 866. (Resignation of Panchayat)
- (3) Jalam Singh v. State, 1968 MPLJ 599 (Bar to sue Party).
- (4) Kalyan Singh v. State of M.P., 1972 MPLJ 121.
- (5) Halke Makate v. N.C. Mamthan, 1970 MPLJ 346 (Disqualification Election Petitioner).
- (6) Malam Singh v. Collector, Sehore, 1971 JLS 371.

LL.B. III Semester VI
PAPER XXV - A
CRIMINOLOGY, PENOLOGY AND FORENSIC
SCIENCE

This paper shall be of 100 marks and each questions shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

This paper shall consist of two Sections. Section A Criminology and Penology. Section B Forensic Sciences. One question from Section B must be attempt. Total questions to be attempted shall be five.

Objectives of the Course

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

Emphasis will be laid on understanding the weak and strong points of the existing system in order to determine whether it can meet the challenge and carry new burdens. Much has been said against capital punishment and imprisonment as methods of preventing and control of crime. Nevertheless these continues to be the backbone of the system in India. Several alternatives such as conditional release,

parole and commutation of sentences have been suggested in this regard. The course shall dwell on these issues with a view to develop among students a greater understanding of social costs of crime and the effective ways of lessening them.

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

Syllabus

1. Dimensions of Crime in India
 - 1.1. Nature and extent of crime in India.
 - 1.2. General approaches to crime control.
 - 1.3. Crimes of the Powerful.
 - 1.3.1. Organized crime-smuggling, traffic in narcotics.
 - 1.3.2. White collar crime - corruption in public life.
 - 1.3.3. Socio-economic crime : adulteration of foods and drugs : fraudulent tragic practices.
 - 1.3.4. Crimes in the professions - medical, Legal, engineering.
 - 1.3.5. Criminality by agencies of the State.
 - 1.4. Perpetrators of ordinary crime.
 - 1.4.1. The situational criminal.
 - 1.4.2. The chronic criminal.
 - 1.4.3. Criminality of women.
 - 1.4.4. Young offenders.
 - 1.4.5. Criminal Gangs.
2. Causes of Criminal Behaviors
 - 2.1. Nature of the problem : some unscientific theories.
 - 2.2. The Constitutional School of Criminology - Lombroso and others (heredity and mental retardation as causes of crime).
 - 2.3. Sociological theories Anomies.
 - 2.4. Modern sociological theories - Sutherland's differential association theory : Reckless social vulnerable theory.
 - 2.5. Economic theories and their relevance.
 - 2.6. Environment - home and community influences urban and rural crimes..
 - 2.7. The ghetto, broken homes, the effect of motion pictures, T. V. and video, press, narcotics and alcohol.
 - 2.8. Caste and community tensions : caste wars and communal riots - their causes and demoralizing effects; atrocities against scheduled cadres.

- 2.9. Emotional disturbance and other psychological factors.
- 2.10. Multiple causation approach to crime.
3. Police and the criminal justice
 - 3.1. The police system.
 - 3.2. Structural organization of police at the centre and the States.
 - 3.3. Mode of recruitment and training.
 - 3.4. Powers and duties of police Acts, Criminal Procedure Code and other laws.
 - 3.5. Arrest, search and seizure and constitutional imperatives.
 - 3.6. Methods of police investigation.
 - 3.7. Third degree methods.
 - 3.8. Corruption in police.
 - 3.9. Relationship between police and prosecution.
 - 3.10. Liability of police for custodial violence.
 - 3.11. Police public relations.
 - 3.12. Select aspects of National Police Commission report.
4. Punishment of offenders
 - 4.1. Some discarded modes of punishment.
 - 4.1.1 Corporal punishment : whipping and flogging : multination and branding.
 - 4.1.2 Transportation
 - 4.1.3 Public execution.
 - 4.2. Punishment under the Indian Criminal Law.
 - 4.2.1 Capital Punishment.
 - 4.2.2 Imprisonment.
 - 4.2.3 Fines.
 - 4.2.4 Cancellation or withdrawal of licences.
 - 4.3. The prison system.
 - 4.3.1 Administrative organisation of prisons.
 - 4.3.2 Mode of recruitment and training.
 - 4.3.3 The Jail Manual.
 - 4.3.4 Powers of prison officials.
 - 4.3.5 Prisoner classification male, female : Juvenile and adult : undertial and convicted prisoner.
 - 4.3.6 Constitutional imperatives and prison reforms.
 - 4.3.7 Prison management : prisoners right and security compulsions.
 - 4.3.8 Prison labour.
 - 4.3.9 Violation of prison code and its consequences.
 - 4.4. Appraisal of imprisonment as a mode of punishment.
5. Treatment of Correction of Offenders

- 5.1 The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment.
- 5.2 Classification of offenders through modern diagnostic techniques.
- 5.3 The role of psychiatrists, psychoanalysts and social workers in the prison.
- 5.4 Vocational and religious education, and apprenticeship programmes for the offenders.
- 5.5 Group counseling and re-socialization Programmes.
- 5.6 Prisons organization of self-government.
- 5.7. Participation of inmates in community services.
- 5.8 An appraisal of reformativie techniques:
- 5.9 Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.
6. Re-socialization processes
 - 6.1 Parole
 - 6.1.1 Nature of parole
 - 6.1.2 Authority for granting parole.
 - 6.1.3 Supervision of parole.
 - 6.1.4 Parole and conditional release.
 - 6.2 Release of the offender.
 - 6.2.1 Problems of the released offender.
 - 6.2.2. Attitudes of the community towards released offender.
 - 6.2.3 Prisoner aid societies and other voluntary organizations.
 - 6.2.4 Governmental action.
 - 6.2.5 An appraisal

Section B - Forensic Science

- Forensic Science - Definition and Scope, Use of Forensic Science in Crime detection, Expert witness.
- Selected Bibliography
- Katherine S. Williams - Text Book on Criminology (1997), Blackstone, London
- Loveland - the Frontiers of Criminology (1995), Sweet & Maxwell
- Hall, J. Law - Social Science and Criminal Theory (1982)
- Manheim H. Comparative Criminology : A Text Book (1965)
- Ross. H. (Lawrence Ed.) - Law Deviance (1981)
- Sutherland E. and Criminology (1978)
- Walker -N. Crime and Criminology : A Critical Introduction (1987)
- S.Rao - Crime in Our Society, (1983)
- J.M.Sethna - Society and the Criminal (1980)

- A. Siddique - Criminology : Problem and Perspectives (1997).
 E. Sutherland - White Collar Crime (1949)
 S. Kaldare - Society, Delinquent and Juvenile Courts (1982)
 W.C. Reckless - The Prevention of Luvvenile Delinquency (1972).
 D.C. Pandey - Habitual Offenders and the law (1983).
 D. Abrahamsan, David - Crime and its Correction : An International survey of Attitudes and Practices.
 Krishna Iyer Report on Female Prisoners (1986).
 Mulla Committee Report, (1983).
 P. Rajgopal, Violence and Response : A Critique of Indian Criminal Justice System (1988).

LL.B. III Semester VI PAPER XXV-B Law and Medicine

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problems or decided case. The Questions to be attempted shall be five.

Objective of the Course:

The Constitution of India has certain norms to be operative in the field of health care. Coupled with these constitutional norms, there have been many legislative measures. The judiciary had a leap forward and contributed significantly in the area. But there are gaps to be filled. While law aims at just society by adjusting and balancing the rights and duties of individuals, medicine aims at creating a health society by concentrating on the health of individuals. Law and medicine are thus areas of high social concern. The law in its relation to medicines is significant as justice and fairness in health care.

This course is designed to expose the students to the various problems of medicine and law and to acquaint them with the existing law and its missing links. Those taking up this optional course should acquire the capability to evaluate the adequacy of law in solving the problems with comparative perspectives.

Syllabus

1. Introductions
 - 1.1 Inter-relationship between law and medicine.
 - 1.1.1 Issues involve.
 - 1.1.2 Need of legal control
 - 1.2 Constitutional perspectives.
 - 1.2.1 Rights to life : Fundamental right.
 - 1.2.1.1 Right to health
 - 1.2.2 Directive principles.
 - 1.2.2.1 Health of workers.
 - 1.2.2.2 Public assistance in sickness and disability.
 - 1.2.2.3 Raising the level of nutrition and public health
- 1.3 Power to make law.
 2. Regulator of medical and paramedical profession

- 2.1 Regulatory authorities
- 2.2 Disciplinary controls.
- 2.3 Doctors and Para-medical professionals.
- 2.4 Controls on institutions.
 - 2.4.1 Hospitals
 - 2.4.2 Testing Laboratories
 - 2.4.3 Institutions for research and experiments.
3. Regulation on manufacture, storage and sale of medicines
 - 3.1 Production, transport and storage.
 - 3.2 Sale.
 - 3.3 Advertisement
4. Liability for professional negligence
 - 4.1 Tort.
 - 4.1.1 Standard of care.
 - 4.1.2 Problems of evidence.
 - 4.2 Contractual liability
 - 4.3 Criminal liability
 - 4.4 Liability of doctors and hospitals under the consumer protection law.
5. Science and Technology
 - 5.1 Transplantations of organs.
 - 5.2 Test tube babies.
 - 5.3 Artificial insemination.
 - 5.4 Genetic engineering.
 6. Population control
 - 6.1 Law, practice and society.
 - 6.2 Family planning; legality of coercive methods.
 - 6.3 Sterilisation of unfit
 - 6.4 Social Response.
 7. Medical Wastes
 - 7.1 Controls on handling and disposal of bio-medical wastes.
 8. Experiments on human beings
 - 8.1 The Concept.
 - 8.2 Kinds
 - 8.3 Subjects of experimentation
 - 8.4 Controls.
 9. Surrogate Motherhood
 - 9.1 Historical background
 - 9.2 The contractual aspect and enforceability
 - 9.3 Parent-hood-who is the legal parent?

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- 9.3.1 Problems of consent in caesarean surgery.
- 9.4 Rights of husband against the rights of the wife for surrogate motherhood.
- 9.5 Rights and duties of surrogate mother when genetic parents refuse to accept the child.
 10. Aids Law
 - 10.1 Nature and Scope.
 - 10.1.1 Regulation of blood and blood products
 - 10.1.2 Regulation of sexual activity.
 - 10.2 Rights and freedom.
 - 10.2.1 Privacy and liability to report
 - 10.2.2 Liberty and security.
 - 10.2.3 Movement
 - 10.2.4 Marriage and setting up of a family.
 - 10.2.5 Work.
 - 10.2.6 Education
 - 10.2.7 Social Security
 - 10.2.8 Right against degrading treatment
 - 10.2.9 Equality before law.
 11. The unborn
 - 11.1 Has the unborn constitutional or other legal rights?
 - 11.2 Causing miscarriage and injuries to the unborn-Liability
 - 11.3 Amniocentesis
 - 11.4 Medical termination of pregnancy
 12. International norms
 - 12.1 Council of Europe Convention on Human rights and Bio Medicine 1998
 - 12.1.1 Health care
 - 12.1.2 Professional standards
 - 12.1.3 Consent
 - 12.1.4 Privacy and right to information
 - 12.1.5 Non-discrimination.
 - 12.1.6 Genetic texts
 - 12.1.7 Organ transplantation
 - 12.1.8 Scientific research

Select Bibliography

- Digumarti Bhaskara Rao (ed) HIV/AIDS and ethics and Human Rights (2000) Discovery Publishing House, New Delhi
- Austen Garwood-Gowers, Living Donor Organ Transplantation :

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Key Legal and Ethical (1999) Dart Month Publishing Company, England.

S.V.Jogaroo - Current Issues in Criminal Justice and Medical Law (1999) Eastern, Calcutta.

Jonathan Montgomery - Health Care Law, (1997), Oxford.

Carol Levine - Talking Sides : Clashing Views on Controversial Bio-

Ethical Issues (1984) Dushkin Publishing group, Inc.

Connecticut.

Eileen, Mc Donagh - Braking the Abortion Dead Lock (1996) Oxford.

Oxford.

Malcolm Khan and Michelle Rabson - Medical Negligence (1997),

Cavendish Publish Limited, London.

William H. Roache, (Jr.) etal. - Medical Records and the Law (1998),

Aspen Publishers, Maryland.

Edward P. Richards and Katharine C. Rathburn - Medical Care Law

(1999) Aspen Publishers, Maryland.

R.K.Bag - Law of Medical negligence and Compensation (1996)

Eastern Law House, Calcutta 36 International Legal Materials

817 (1997).

R.K.Nayak (ed.) The Indian Law Institute, Global Health law (1998)

World Health Organization - Regional Office for South East Asia,

New Delhi.

Anoop K.Kaushal - Medical Negligence and Legal Remedies with

Special Reference to Consumer Protection Act. (1999),

Universal.

**L.L.B.III Semester VI
Scheme of Examination**

Paper No	Nomenclature of the Paper	Max. Marks	Min Marks	Min Pass. Marks	Aggregate
XXVI	(a) Taxation Laws	100	36		
	(b) Conflict of Law				
XXVII	(i) Drafting of Pleadings and Convegancing (Written)	075	27		
	(ii) Sessional and Viva-Voce	025	09		
XXVII	(i) Moot Court, Pre-Trial Preparation, Public Interest Lanyering and Legal Aid (Written)	075	27		
	(ii) Sessional & Viva-Voce	025	09		
XXIX	(i) Legal Language and Legal writing (Written)	075	29		
	(ii) Sessional and Viva-Voce	025	09		
XXX	(a) Equity Trust and Fiduciary relationship	100	36		
	(b) Maritime law	100	36		
	(c) Investrent and Security Law	100	36		
Total		500	240		

Arbitration

**LL.B. III Semester VI
PAPER XXVI -A
TAXATION LAWS**

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problems or decided case on the subject.

This paper shall be divided in two sections. Minimum of two questions from each section must be attempted. Total no. of questions to be attempted may be five.

SECTION - A

Income Tax Act, 1961 and Wealth Tax Act, 1957.

SECTION - B

M.P. Commercial Tax and Central Sales Tax Act,

Objectives of the Course

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

Syllabus

1. General Perspective
 - 1.1. History of tax law in India.
 - 1.2. Fundamental principles relating to tax laws.
- 1.3. Governmental financial policy, tax structure and their role in the national economy.
- 1.4. Concepts of tax.
 - 1.4.1. Nature and characteristics of taxes.
 - 1.4.2. Distinction between.
 - 1.4.2.1. Tax and fee.
 - 1.4.2.2. Tax and cess.
 - 1.4.2.3. Direct and indirect taxes.
 - 1.4.2.4. Tax evasion and tax avoidance.
- 1.5. Scope of taxing powers of Parliament, state Legislature and

- local bodies.
2. Income Tax
 - 2.1. Basic Concepts.
 - 2.1.1. Income.
 - 2.1.2. Total Income.
 - 2.1.3. Income not included in total income.
 - 2.1.4. Deemed income.
 - 2.2. Assessee.
 - 2.3. Person.
 - 2.4. Tax Planning.
 - 2.5. Chargeable income.
 - 2.5.1. Salaries.
 - 2.5.1.2. Income from house property.
 - 2.5.1.3. Income from business or profession.
 - 2.5.1.4. Capital gains.
 - 2.5.1.5. Income from other source.
 - 2.5.2. Deductions, relief and exemptions.
 - 2.5.3. Rate of income tax.
 - 2.6. Income Tax Authorities.
 - 2.6.1. Power and functions.
 - 2.7. Offences and penal sanctions.
 - 2.8. Settlement of grievances.
 - 2.8.1. Authorities, power and functions.
 3. Other Tax Laws
 - 3.1. Wealth Tax.
 - 3.1.1. Taxable wealth, determination of value of assets, exemptions and rate of wealth tax.
 - 3.1.2. Wealth tax authorities.
 - 3.1.3. Offences and penalties.
 - 3.2. Central Sales Tax and or State Sales Tax.
 - 3.2.1. Sale or purchase of goods
 - 3.2.1.1. Meaning of sale.
 - 3.2.1.2. Sale in the course of inter-state trade and commerce.
 - 3.2.1.3. Sale to take place outside a state.
 - 3.2.1.4. Sale in the course of export or import.
 - 3.2.2. Change of tax.
 - 3.2.3. Exemption and rebate.
 - 3.2.4. Sales tax authorities.
 - 3.2.5. Offences and penalties.
 - 3.3. Service Tax.

LL.B. III Semester VI
PAPER XXIX-B
CONFLICT OF LAWS

This paper shall be of 100 marks and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case of the subject.

The candidate shall have to attempt five questions only. The paper shall be divided in two sections. Minimum of two questions from each section must be attempted. Total number of questions shall remain five.

SECTION - A

Introduction, History, Renvoi, Domicile and Marriage.

SECTION - B

Contract, Property, Succession, Torts, Procedure and Enforcement of Foreign judgments.

Objectives of the Course

Conflict of law and also private international law is perhaps one of the few courses which have been least codified and is always growing. "Initially, after Independence we were still drawing guidance from English Private International Law even today we do it often, but with a distinct determination that we have to develop this subject on our own."

Our courts have taken this challenge well. Indian Private International Law Course cannot be taught in isolation but with guidance from English Private International Law rules since our roots in this area, like many others, have been to common law.

Syllabus

1. Introductory
 - 1.1. What and why of conflict of laws : its functions, based like comity, convenience and justice.
 - 1.2. Difference between Public and Private International Law.
 - 1.3. Development and history - England and India - a comparative sketch with reference to USA and other countries.
 - 1.4. Unification effects : In Europe and America.
 - 1.5. Modern theories : Statutory, territorial, international, local law and justice.
 - 1.6. Stage in a Private International Law case.

- 3.3.1. Taxable service.
- 3.3.1.1. Meaning and importance of service tax law.
- 3.3.1.2. Constitutional perspective.
- 3.3.1.3. Salient provisions of the service tax law.
- 3.3.1.4. Valuation of taxable service.
- 3.3.1.5. Offences and penalties.

Select Bibliography

- Ramesh Sharma - Supreme Court on Direct Taxes (1998), Bharati Law House, New Delhi.
- Sanpath Iyengar - Law of Income Tax (1999), Bharath Law House New Delhi.
- Diwan B.K. and Sanjay Mehtani - formation, Taxation and Assessment Charitable and Religious Trusts (1999), Bharat Law House New Delhi.
- Kanga and Pakiwalra - The Law and Publication of Income Tax, (1999), Wadhwa Nagpur.
- K. Paraneswaran - Power of Taxation under the Constitution (1987), Eastarr, Lucknow.
- V. Ramachandran & T.A. Ramadrishnan (eds.) - A.N. Aiyar's India Tax Laws (2000) Company Law Institute of India Pvt. Ltd. Chennai.
- C.A.Gularicker - Law and Practice of Wealth Tax and Valuation (1998), Gularikar, Bombay.
- Walter R. Mahler - Sales and Excise Taxation in India (1970) Orient Longman, Delhi.
- R.V. Pattel - The Central Sales Tax Act (1966), Tripathi, Bombay.
- S.D. Singh - Principles of Law of Sales Tax (1973), Eastern, Lucknow.
- Kellash Rai - Income Tax and Wealth Tax.

LEADING CASES

- (1) M/s.Dalu Ram Panna Lal v. Asstt. Commissioner Tax, A.I.R. 1963 S.C. 1581.
- (2) Atiabari Tea Co Ltd. v. State of Assam, (1961) 1 SCR 809.
- (3) Indira Singh & Sons (Pvt.) Ltd. v. Sales Tax Officer, Raigarh, A.I.R. 1962 M.P. 128.
- (4) Commissioner of Sales Tax, U.P. v. Educational Supply Co. Ltd., (1971) 27 SCR 145.
- (5) Indian Carbon Ltd. v. Superintendent of Tax, Gauhati, A.I.R. 1971 S.C. 145.
- (6) Tata Iron & Steel Co. Ltd. Bombay v. L.R. Sarkar, A.I.R. 1961 S.C. 65.

- 1.7. Choice of jurisdiction.
- 1.8. Choice of law (lex cause).
- 1.9. Recognition and enforcement of foreign judgments/awards.
2. Choice of jurisdiction (First stage)
- 2.1. Meaning, bases of jurisdiction, limitations like effectiveness - Relevant. C.P.C. Provisions regarding jurisdiction - Sections 15-20, 83, 84 and 86.
- 2.2. Kinds of jurisdiction.
 - 2.2.1. Actions in persona - contract and tort.
 - 2.2.2. Actions in rem - such as matrimonial causes and probate.
 - 2.2.3. Admiralty action - S.Vi the Admiralty Court Act.
 - 2.2.4. Action under assumed discretionary jurisdiction (inherent jurisdiction) (India Context : Ss. 10 and 151 of C.P.C).
3. Choice of law - lex Causes (Second Stage)
 - 3.1. Classification/characterization/categorization - allocation of juridical to the foreign element case.
 - 3.2. Necessity of for classification - different legal concepts with different content - matters like domicile, talaq and dowry in different legal systems.
 - 3.3. Various theories - leading cases.
 - 3.4. Connecting factor - What is connection factor, lex fori to determine, Selection of lex causes through connecting factor.
 - 3.5. Application of lex causes - three meaning of Lex Causes - Renvoi : partial and total (foreign Court theory) - critical analysis of Renvoi - Indian position.
4. Limitation of application or exclusion of foreign Law
 - 4.1. When foreign law is excluded : grounds - Public, Revenue Laws and Penal Law.
5. Incidental Question and Time Factor in private International Law.
6. Concept of Domicile
 - 6.1. General principles/fundamental Principles.
 - 6.2. Elements - intention and residence.
 - 6.3. Kinds.
 - 6.3.1. Domicile of Origin.
 - 6.3.2. Domicile of Choice.
 - 6.3.3. Domicile of dependence : married women's position in English and Indian Laws.
 - 6.3.4. Domicile of Corporation.
 7. Status

- 7.1. What is Status?
- 7.2. Incidents.
- 7.3. What law governs.
8. Marriage
 - 8.1. Marriage as a contract and also status how different from other contracts (social personal contract).
 - 8.2. Kinds of Marriage.
 - 8.3. How in India, marriage as a concepts moved from partially polygamous towards monogamous type and total sacrament to secularization to some extent.
 - 8.4. Questions of format and essentially validity.
 - 8.4.1. Formal validity by lex loci celebrations.
 - 8.4.2. Essential/material/intrinsic validity.
 - 8.5. Capacity to marriage.
 - 8.5.1. Consent.
 - 8.5.2. Not within prohibited degrees.
 - 8.5.3. Not previously married.
 - 8.5.4. Physical incapacity.
 - 8.5.5. Of proper age.
 - 8.6. Essential validity usually governed by lex domicile.
 - 8.6.1. English cases.
 - 8.6.2. Indian position clarified in cases.
9. Matrimonial Causes
 - 9.1. Concept of matrimonial cause (Relief) - English and Indian Positions.
 - 9.2. Available Relieves.
 - 9.2.1. Divorce, Nullity, judicial separation.
 - 9.2.2. Restitution of Conjugal Rights (in English Law)
 - 9.2.3. Restitution of Conjugal Rights has no place now.
 - 9.2.4. Choice of jurisdiction and Choice of Law to be examined.
 10. Legitimacy and Legitimization
 - 10.1. What is legitimacy.
 - 10.2. What law governs legitimacy.
 - 10.3. Validity of marriage.
 - 10.4. Legitimization.
 - 10.4.1. What it is.
 - 10.4.2. How affected.
 - 10.4.3. Legitimization and Succession.
 11. Adoption
 11. Purpose of adoption.

- 11.1.2. Common Law.
- 11.1.3. Indian Law.
- 11.1.3.1. Hindu Law.
- 11.2. Recognition of foreign adoption.
- 12. Custody and Guardianship
- 12.1. Purpose.
- 12.1. Adoption and succession.
- 13. Property
- 13.1. Distinction between movable and immovable property (English idea of personal and real property).
- 13.2. Immoveable governed by *lex situs* - exceptions in English Law - S. 16. C. P. C. *lex situs* rule.
- 13.3. Movable: tangible and intangible - chose in possession and chose in action in English Law - chose in action as claims in India Law with some exception (SS 3 and 130 T.P. Act, 1882).
- 13.4. Transfer of Tangible Movables (Particular Assignment).
- 13.5.1. Different theories.
- 13.5.2. Assignment of Intangible Movables.
- 13.5.3. Kinds of assignment - voluntary and involuntary.
- 13.5.4. Formal and essential validity.
- 14. Succession
- 14.1. Testate and intestate (Involuntary Assignment) - relevant provisions of Indian Succession Act.
- 14.2. Intestate Succession.
- 15. Contracts
- 15.1. Contract - a leading relationship in private international law system.
- 15.2. Capacity to contract - Main four theories *Lex Loci*, *Lex Domicilii*, *lex situs* and proper law.
- 15.4. Formal validity - *lex loci contractus* governs.
- 15.5. Essential validity - proper law is usually accepted as governing.
- 15.6. Discharge of contract - *Lex loci solutionis* governing.
- 15.7. Doctrine of "Proper law" of contract subjective and Objective Theories.
- 16. Torts
- 16.1. Traditional theories.
- 16.2. Ideas of fort of recent importance in private International Law such as drugs, environments, transports and satellite communication.
- 17. Recognition and Enforcement of Foreign Judgments

- 17.1. Need recognizing foreign judgments.
- 17.2. Limitation in recognizing and enforcement.
- 17.3. Section 13, 14 and 444 of C.P.C. and S. 41 of the Indian Evidence Act.

Select Bibliography

- Paras Diwan - Private International Law, (1998), Deep & Deep, New Delhi.
- Cheshire - Private International Law.
- Scrumberg - private International Law.
- A.V. Dicey - Conflict of Laws.
- Prof. G.P. Tripathi - Private International Law.

**LL.B. VI Semester
PAPER XXVII
DRAFTING, PLEADING AND CONVEYANCING**

This paper shall be of 100 marks (75 marks for theory and 25 marks for Sessional and Viva and each question shall be divided into two parts (a) and (b). Part (b) may be based on any problem or decided case on the subject.

This course will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law the course will include 10 exercises in drafting and 10 exercises in convincing carrying 10 marks for both.

Note

(a) Drafting

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

(b) Pleading :

(1) Civil :- (i) Complaint, (ii) Written statement, (iii) Interlocutory Applications, (iv) Execution Petition, (v) Memorandum of appeal and revision, (vi) Petition under Article 226 and 32 of the constitution of India.

(2) Criminal :- (i) Criminal Miscellaneous petition, (ii) Bail Application and (iv) Memorandum of appeal and revision. Conveyancing

(i) Sale deed, (ii) Mortgage deed, (iii) Lease deed, (iv) Gift deed, (v) Promissory note, (vi) Power of attorney, (vii) Will.

The remaining 10 marks will be given in a viva - voce examination which will test the understanding of legal practice in relation to drafting, pleading and Conveyancing.

Theory Paper - Written
Sessional and Viva voce

75 Marks
25 Marks

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**LL.B. III Semester VI
PAPER XXVIII
MOOT COURT, PUBLIC INTEREST
LAWYERING LEGAL AID**

This paper shall be of 100 marks, 75 Marks for Theory paper and 25 Marks of Sessional and Viva Voce. This paper will have two sections A and B. Attest two question from each sections have to be attempted five questions.

**(a) Moot Court
Section - A**

Every student will do at least three Moot Court, work will be on assigned problems and it will be evaluated for written submission and for oral advocacy.

(b) Observance of trial in two cases. One Civil and One Criminal Student will attend two trials in the course of the last years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court.

(c) Interviewing technique and pre-trial preparation

15 Marks

Each student will observe two interviewing sessions of clients at the lawyer's office/legal aid office and record the proceedings in a diary each student will further observe the preparation of documents and court paper by the advocate and the procedure of documentation of the suit/petition. This will be recorded in the diary.

**Section -B
PUBLIC INTEREST LAWYERING LEGAL AID AND
PARA-LEGAL SERVICES**

This course will have to be designed and evaluated according to local conditions by the colleges in consultation with the Universities and State Bar Council. It can be taught partly through class room instruction including simulation exercise and partly through extension programmes like Lok Adalat, Legal Aid Camp, Legal Literacy and Para Legal Training. The course should also contain lessons on Negotiations and Counseling, use of computer in Legal Work & Legal Research in support of Public Interest Litigation, Writing of case comments, editing of Law Journals and Law office manage-

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ment. The Marks may be appropriately divided to the different programmes that University might evolve for introduction in the colleges under its control. The marks may be spread up as under :-

1. Lok Adalat/Legal Aid Camp 10 Marks.
2. Legal Literacy and Para Legal Training 10 Marks.
3. Negotiations and Counseling 10 Marks.
4. Legal Research and Case Comments 10 Marks.
5. Edition of Law Journals and Office Management 05 Marks.

L.L.B. III Year
VI Semester
PAPER XXIX
LEGAL LANGUAGE AND LEGAL WRITING IN-
CLUDING GENERAL ENGLISH

This paper shall be of 100 marks (80 Marks for theory and 20 Marks for Sessional and Viva). The Course content may include reading of Acts, statutes etc. enacted in Hindi, learning equivalent words legal terms, phrases from English to Hindi and vice versa, practice of translating sections of any Act from Hindi to English and vice versa, writing reactions and comments on important legal issues published in news papers in Hindi and English Reading cases from A.I.R and Uchcha Nyayalaya and Uchatam Nyayalaya Nimaya Patika, analysis of problems for the society, administration judiciary and Government. Adding to vocabulary in Hindi and English, learning terms in courts local dialect and expressions, for various documents and their standard nomenclature, writing essays in English and in Hindi.

MARKING MAY BE SPREAD UP AS FOLLOWS
WRITTEN 80 MARKS
SESSIONAL AND VIVA - VICE 20 MARKS

- | | |
|--|-----------|
| 1. Essay on a topic in English | 10 Marks |
| 2. Essay on a topic in Hindi | 10 Marks |
| 3. Translation from English to Hindi | 10 Marks |
| 4. Translation from Hindi to English | 10 Marks |
| 5. Reaction or comment in English | 10 Marks |
| 6. Reaction or comment in Hindi | 10 Marks. |
| 7. Meaning of words, phrases from English to Hindi | 10 Marks. |
| 8. Meaning of words, phrases from Hindi to English | 10 Marks. |

Total	80 Marks
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Objectives of the Course

Command of language is an essential quality of a lawyer for presentation of not only pleadings but also arguments before a court of law. Efficiency of advocacy depends upon communication skill to a substantial extent. No doubt, the should be conversant with the

legal terminology. Precision, he should be conversant with the legal terminology. Precision, clarity and cogence are governing principles of legal writing and dialogue. A student of law should get an opportunity to the past. The exposition will stand him in good stead in understanding the intricate problems of law and will equip him with the faculty of articulation and sound writing.

Syllabus

1. Introduction to Legal Language
 - 1.1. Characteristics of Legal Language.
 - 1.2. History of Legal Language.
 - 1.3. Legal Language in India.
 - 1.4. English as a medium of communication for legal transaction in India.
2. Introduction to oral communication skills
 - 2.1. Passive and active listening - questioning - non-verbal communication.
 - 2.2. Listening comprehension.
3. Vocabulary
 - 3.1. Consulting a dictionary a thesaurus.
 - 3.2. Synonyms and antonyms - related words - regular vocabulary exercises.
4. The phonetics theory and practice
 - 4.1. The phonetic script.
 - 4.2. Consulting a dictionary for pronunciation - exercise with audio aids.
 - 4.3. Reading exercise - stress, accent and intonation suitable for Indian speaker with emphasis on clarity of speech and felicity of expression.
- 4.3.1. Reading comprehension of principles and practice.
5. Legal terminology
 - 5.1. Terms used in civil law and criminal law.
 - 5.2. Latin words and expression - law register.
6. Fundamental principles of Legal Writing
 - 6.1. Conciseness - clarity - cogency - simplicity of structure.
 - 6.2. Attention and awareness of practical legal import of sentences.
 - 6.3. Brief writing and drafting of law reports.
 - 6.4. Writing of case comments.
 - 6.5. Essay writing on topics of legal interest.
7. General juristic writings in English
8. Proficiency in regional language

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LL.B. III
VI Semester
PAPER XXIV-A
EQUITY, TRUST AND FIDUCIARY
RELATIONSHIP

This paper shall be of 100 marks and each question shall be divided into two part (a) and (b). Part (b) may be based on any problem or decided case on the subject.

This paper shall consist of two sections. The candidate shall be required to attempt minimum two questions from each section, the total number of questions to be attempted may not exceed five.

SECTION A

Trust Act

SECTION B

Equity and Specific Relief Act

Objectives of the Course

Trust being an obligation connected with property, the law has to play a key role in protecting interests of persons for whose benefit trust is created and for balancing the rights and duties of persons connected with trust transactions. There are also instances where in the absence of specific trust, law has to protect the beneficial interest of persons on equitable considerations. Trusts may also be created for public purpose of charitable and religious nature. The existing laws in respect of trusts, equitable and fiduciary relations connected with property are to be taught in detail. Students should also be conscientized of the emerging public trust doctrine of common property resources.

Syllabus

Section A

Trust Act

1. Introduction
- 1.1 The concept of trust : distinction will agency and contract
- 1.2 Development of law : common law and equity
- 1.3 Trusts : classification.
2. Definition and Nature of trusts under the Indian Law
- 2.1 Creation of trusts : rules.
3. Duties of trustees
- 3.1 Execution.

- 3.2 Acquittance with the nature of property
- 3.3 Duties in respect of title
- 3.4 Duty of care
- 3.5 Conversion
- 3.6 Impartiality
- 3.7 Prevention of waste
- 3.8 Keeping of accounts and giving of information
- 3.9 Investment
- 3.10 Sale
- 3.11 Liability for breach of trust.
- 4. Right of Trustees
- 4.1 Title deed
- 4.2 Reimbursement
- 4.3 Indemnity
- 4.4 Seeking direction from Court.
- 4.5 Settlement of accounts
- 4.6 General Authority
- 5. Powers of trustees
- 5.1 Sale
- 5.2 Varying of investment
- 5.3 Property of minors
- 5.4 Giving receipts
- 5.5 Power to compound, compromise and settle
- 5.6 Exercising authority on death or disclaimer of one of the trustees.
- 5.7 Suspension of trustee's power
- 6. Disabilities of trustees
- 7. Rights of beneficiaries
- 7.1 Rents and profits
- 7.2 Specific execution
- 7.3 Inspection and information
- 7.4 Transfer
- 7.5 Suit for execution
- 7.6 To have proper trustee
- 7.7 Right to compel the trustee to do the duties
- 7.8 Rights on wrongful purchase or acquisition by trustees.
- 7.9 Follow up of trust properties in the hands of third parties.
- 7.10 Blending of property by trustee
- 7.11 Wrongful application of trust property by partner trustee for partnership purposes.

- 8. Liabilities of Beneficiaries
- 9. Discharge of Trustees
- 10. Appointment of New Trustees
- 11. Extinction of Trust
- 12. Constructive trusts : The equitable and fiduciary Relationship
- 12.1 Transfer without intent to dispose beneficial Interest.
- 12.2 Trust incapable of execution and trusts executed fully without exhausting property the cypress doctrine.
- 12.3 Transfer and request for illegal purpose
- 12.4 Transfer pursuant to refundable contract
- 12.5 Debtor becoming creditor's representative.
- 12.6 Advantage from undue influence.
- 12.7 Advantage by qualified owner
- 12.8 Property acquired with notice of existing contract.
- 12.9 Purchase by person contracting to buy property to be held on trust.
- 12.10 Possession of property without whole beneficial interest
- 12.11 Duties of constructive trustees.
- 12.12 Rights of bonafide purchasers.
- 13. Special legislation
- 13.1 Charitable and religious trust.
- 14. Common property resources and public trust doctrine

Section B

Equity and Specific Relief Act

- 1. General Conception and definition of equity.
- 2. Equity under the Roman, English and Indian Legal System.
- 2.1 Origine and growth of equity in England
- 2.2 Equity Jurisdiction
- 2.3 Equity and Common Law.
- 2.4 The Judicature Acts.
- 3. The Maxims of Equity
- 4. Legal and Equitable Estates.
- 5. Penalties and forfeitures
- 6. Mortgages and liens.
- 7. Married Women
- 8. Guardians, infants, idiots and lunatics
- 9. Conversion and Reconversion
- 9.1 Performance, Satisfaction and ademption.
- 9.2 Family Settlement

- 9.3 Administration of Assets
- 9.4 Mistake, Misrepresentations, fraud and undue influence.
- 9.5 Accident
- 9.6 Set-off

Specific Relief Act

- 1 Meaning and modes of Specific Relief Act
- 2 Specific Relief
 - 2.1 Recovering Possession of Property
 - 2.2 The Specific Performance of Contracts
 - 2.3 Rectification of Instruments
 - 2.4 Rescission of Contracts
 - 2.5 Cancellation of Instruments
 - 2.6 Declaratory Decrees
 - 2.7 Injunctions

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- 2 R.H. Mandsley and E.H. Bum Trust and Trustees : Cases and Materials (1978) Butterworths, London.
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- 4 Phillips H Pettit - Equity and Law of Trust (1970).
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- 6 Ahmedullah Khan - The Law of Wakf in India (1997) Delhi Law House, Delhi
- 7 Rajarathnam, Natarajan and Thankaraj - Commentary on Charitable Trusts and Religious Institutions (2000) Universal, Delhi.
- 8 Rao, C.R. - The Indian trust Act and Allied Laws (1999).

Leading Cases

- 1 C.G. Chetty v G.S.Chetty, A.I.R. 1959 S.C. 190
- 2 Abdul Kayum v. Alibhai, A.I.R. 1963 S.C. 309
- 3 Janki Ram Iyer v. Nilkantha Iyer. A.I.R. 1962 S.C. 633

L.L.B. III

VI Semester

PAPER XXIV-B

MARITIME LAW

Objective of the Course

There is a sea change and conceptual revolution in maritime law. With more interactions between nations and nations as well as between persons, natural and legal, in one country to others in another country led to evolution of new norms of behaviour in maritime scenario. Changes in the extent of territorial waters, exploration into and exploitation of, zonal and deep sea living and non living resources, the need for liberal approach to transit and innocent passage of ships and the all important demand for elimination of marine pollution from any sources have thrown new challenges. This course is intended to look at the problems more from a public law point of view than from private law perspectives and to provide a basic knowledge that helps one to study more about the widening frontiers of maritime law in the years to come.

Syllabus

1. Maritime Law : Sources
 - 1.1 Custom.
 - 1.1.1 Binding nature
 - 1.2 International Conventions
 - 1.2.1 Law-making treaties
 - 1.2.2 Multi-lateral and bilateral.
 - 1.3 Resolution and recommendation of international organisation such as IMP (International Maritime Organisation), International Sea Bed Authority and UNEP (United National Environmental Programme).
 - 1.4 Decisions of Courts : ICJ, International arbitration and National Courts.
 - 1.5 State Practices
 - 1.6 Juristic Writing.
2. International Waters
 - 2.1 Meaning
 - 2.2 Maritime boundary
 - 2.2.1 Baseline Concept : Determination of Baseline

- 11.4 Marine Pollution
- 11.4.1 Meaning and its impact.
- 11.4.2 Kinds
- 11.4.3 Pollution
- 11.4.4 Accidents at sea
- 11.4.5 Tests
- 11.4.6 Control and enforcement.

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1. Ortego Vicuna - The Changing International Law of the High Seas Fisheries (1999), Cambridge
2. Ian Brownlie - Principles of Public International Law (1998), Clarendon Press, Oxford
3. P. Chandrasekhara Rao - The New Law of Maritime Zones (1983) mimeo publications, New Delhi Samit Mankabady, The International Shipping Rules (1985), Croom Helm, London.
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L.L.B. III VI Semester PAPER XXIV-C INVESTMENT AND SECURITY LAWS

Objective of the Course

There is a revolution in the laws relating to the investment and security. The economic and social development depends on security market at national and global levels. In the global level there is a trend for unification of controls of securities and investments. Reflection of this global phenomenon is essentially to be felt in India. The new laws and regulators now fall in with the global requirements at times transcending the constitutional limitations. Needless to say that the study of law relating to investment and securities attains new dimensions.

Syllabus

1. Historical Background of securities and investment laws
 - 1.1 Securities : the concept
 - 1.2 England : Banking corporate finance and private financial service.
 - 1.3 India : from usury laws to the modern system.
2. Securities : Kinds
 - 2.1 Government Securities
 - 2.2 Securities issued by banks
 - 2.3 Securities issued by corporations
 - 2.4 Securities in mutual fund and collective investment scheme.
 - 2.5 Depository receipts
3. Government Securities
 - 3.1 Bonds issued by government and semi-governmental institutions.
 - 3.2 Role of Central Bank (the RBI in India)
 - 3.3 Impact of issuance of bonds on economy
 - 3.4 Government loan from the general public
 - 3.5 External borrowing
 - 3.5.1 World Bank
 - 3.5.2 I.M.F.

- 2.3 Innocent passage : Scope of coastal state interference.
- 2.4 Regime of maritime ports
 - 2.4.1 Port State Jurisdiction : Civil and Criminal.
 - 2.4.2 Attachment of ships : arrest of ships
 - 2.4.3 Access of foreign ships to ports.
 - 2.4.3.1 Ships in distress
 - 2.3.4.2 Quarantine regulations
- 3 Territorial Waters
 - 3.1 Territorial sea : Concept and development.
 - 3.2 Width, conflicting claims of coastal states.
 - 3.2.1 Coastal state jurisdiction
 - 3.2.2 Access of ships to the territorial sea
 - 3.2.3 Scientific research : jurisdiction on.
 - 4 Contiguous Zone
 - 4.1 Concept and relevance in present times.
 - 4.2 Coastal state jurisdiction over customs and law and other confined to contiguous or not.
 - 5 Exclusive Economic Zone
 - 5.1 Definition
 - 5.2 Jurisdiction
 - 6 Delimitation of Maritime Boundary
 - 6.1 Opposite state.
 - 6.2 Adjacent state
 - 6.3 Regional agreement
 - 7 Continental shelf
 - 7.1 Development of the concept
 - 7.2 Coastal state claim : legal basis
 - 7.2.1 Submerged territory theory
 - 7.2.2 Contiguous area theory
 - 7.2.3 Recognition of the state claim over sea bed and subsoil.
 - 7.3 Nature of the state rights
 - 7.4 Width and limits
 - 7.5 Jurisdiction over foreign ships
 - 7.5.1 Protection of equipment and installations
 - 7.6 Scientific research
 - 8 International Straits and Archipelagoes
 - 8.1 Regime of international straits
 - 8.1.1 Transit passage
 - 8.1.2 Jurisdiction of coastal states.

- 8.2 Archipelagoes : meaning
 - 8.2.1 Distinction from islands
 - 8.2.2 Archipelago waters.
 - 8.2.4 Resource jurisdiction
- 9. International Fisheries
 - 9.1 Conflicting state claims
 - 9.2 Migratory species
 - 9.3 Marine mammals
 - 9.4 Sedentary species
 - 9.5 Protection of endangered species
 - 9.6 International co-operation for conservation
 - 9.7 Optimum utilization and surplus sharing
 - 9.8 Fisheries in high seas.
 - 9.8.1 Special protection
 - 9.8.2 Atlantic Ocean
 - 9.8.3 Pacific Ocean
- 10 High Seas
 - 10.1 Concept of patrimonial sea and common heritage of mankind
 - 10.2 Access to high seas : Conflict between maritime states and land locked states.
 - 10.3 Piracy
 - 10.4 Hot Pursuit
 - 10.5 International sea bed authority : constitution, powers and jurisdiction
 - 10.6 Exploration and exploitation of sea bed
 - 10.7 Pioneer investors
- 11. Conservation and Exploitation of Maritime Resources
 - 11.1 Living and Non-living resources : Importance, kinds
 - 11.2 Conservation and management of the resources.
 - 11.2.1 Jurisdiction
 - 11.2.2 Problems
 - 11.2.3 Dispute settlement mechanism
 - 11.3 Exploitation of the resources
 - 11.3.1 Transfer of technology as a tool for exploitation
 - 11.3.2 Right to development and sustainable development
 - 11.3.3 Jurisdiction
 - 11.3.4 Limitations

- 3.5.3 Asian Development Bank
- 3.5.4 Direct from foreign government
- 3.6 Government loan : the Constitutional dilemma and limitations
- 3.7 Can stage go for external loans?
- 3.8 Impact on economic sovereignty
- 3.9 Dilution of power of the Central Bank (RBI)
- 3.10 Treasury deposits.
- 4. Securities Issued by Banks
- 4.1 Banks notes is it the exclusive privilege of the Central Bank in the issue
- 4.2 Changing functions of banks from direct lending and borrowing to modern system.
- 4.3 Bank draft, travellers' cheques, cheque cards, credit cards, cash cards.
- 4.4 Deposits' nature : current, saving and fixed deposits, interest warrants.
- 5. Corporate Securities
- 5.1 Shares
- 5.2 Debentures
- 5.3 Company deposits
- 5.4 Control over corporate securities
- 5.4.1 Central government : Company Law Board
- 5.4.2 SEBI : guide lines on capital issues.
- 5.4.3 RBI
- 5.5 Protection of investor
- 5.5.1 Administrative regulation
- 5.5.2 Disclosure regulation
- 5.5.3 Protection by criminal sanction
- 6. Collective Investment
- 6.1 Unit Trust of India
- 6.2 Venture Capital
- 6.3 Mutual Fund
- 6.4 Control over issue and management of UTI, venture capital and mutual funds.
- 6.5 Plantations and horticulture farms
- 6.5.1 Regulation on rating.

- 7. Depositories
- 7.1 Denationalized securities
- 7.2 Recognition of securities.
- 7.3 Types of depository receipts : IDR, ADR, GDR and Euro receipts.
- 7.4 SEBI guidelines on depositories
- 8. Investment in non-banking financial institutions
- 8.1 Control by usury laws.
- 8.2 Control by RBI
- 8.3. Regulation on non-banking financial and non-financial companies.
- 8.4 Private-financial companies : registration and regulation
- 8.5 Chit funds
- 9. Foreign Exchange Control Regime in India
- 9.1 Concept of foreign exchange regulation
- 9.2 Administration of exchange control.

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