

**HEMCHAND YADAV VISHWAVIDYALAYA,  
DURG (C.G.)**

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**ORDINANCE, SCHEME OF  
EXAMINATION  
&  
SYLLABUS  
Of  
LLB. (SEMESTER SYSTEM)  
UNDER  
FACULTY OF LAW  
Session 2019-20**

**(Approved by Board of Studies)  
Effective from June 2019**

Revised ordinance No. 180  
**LL.B. THREE YEAR LAW DEGREE COURSE**  
(Semester System)

- (1) The course for the Degree of the Bachelor of Laws (Semester System) under this ordinance shall extend over a period of three academic years comprising of six semesters in all, for each semester there shall be held an Examination in the paper prescribed for the said semester concerned.

These Semesters shall be called as-

LL.B. Part I – First Semester

LL.B. Part I – Second Semester

LL.B. Part II – Third Semester

LL.B. Part II – Fourth Semester

LL.B. Part III – Fifth Semester

LL.B. Part III – Six Semester

These semester examinations shall be held at Raipur and such other place as the Academic Council or the Executive Council may determine from time to time.

- (2) LL.B. First Semester shall be commence from the month of July every year and the Semester examination shall be held in the month of January of the following year.

Examination for all the semester shall be held twice a year namely January/February and July/August.

- (3) (a) A candidate who after having passed Bachelors Degree Course Examination in any discipline or any other equivalent examination with at least 45% (40% marks in case of SC/ST candidate) marks in aggregate and has prosecuted a regular Course of Prescribed study for one semester session in the University Department of Law or any College affiliated to the university shall be eligible to appear at the LL.B. – Part I, First Semester examination.

Provided that such a minimum qualifying marks shall not automatically entitle a person to get admission into an institution but only shall entitle the person concerned to fulfill other institutional criteria notified by the institution concerned or by the Government concerned from time to time to apply for admission.

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- (b) Subject to the conditions contained in Para 5(a) to (d);
- (i) A candidate who after having passed LL.B. Part –I First Semester examination of the university has prosecuted a regular course of prescribed study for one semester session in the university department of law or in an affiliated college to the university shall be eligible to present himself/herself at the LL.B. Part-I Second semester examination.
  - (ii) A candidate who after having passed LL.B. Part –I Second Semester examination of the university or of any other statutory university recognized as equivalent thereto, has prosecuted a regular course of prescribed study for one semester session in the university department of law or in an affiliated college to the university shall be eligible to present himself/herself at the LL.B. Part-II First semester examination.
  - (iii) A candidate who after having passed LL.B. Part –II Third Semester examination of the university has prosecuted a regular course of prescribed study for one semester session in the university department of law or in an affiliated college to the university shall be eligible to present himself/herself at the LL.B. Part-II Fourth semester examination.
  - (iv) a candidate who after having passed LL.B. Part –II Fourth Semester examination of the university or of any other statutory university recognized as equivalent thereto, has prosecuted a regular course of prescribed study for one semester session in the university department of law or in an affiliated college to the university shall be eligible to present himself/herself at the LL.B. Part-III First semester examination.
  - (v) A candidate who after having passed LL.B. Part –III Fifth Semester examination of the university has prosecuted a regular course of prescribed study for one semester session in the university department of law or in an affiliated college to the university shall be eligible to present himself/herself at the LL.B. Part-III Sixth semester examination.

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Provided, however that a student who after having passed LL.B. Part-I (First Semester and Second Semester) or LL.B. Part-II (Third Semester and Fourth Semester) Semester examination from another University is admitted to LL.B. Part-II, Third Semester or LL.B. Part-III, Fifth Semester, as the case may be shall also be required to pass in those papers / subjects which were included in the syllabus LL.B. Part-I (First Semester and Second Semester) or LL.B. Part-II (Third Semester and Fourth Semester) of this University but were not prescribed for the corresponding examinations of such other University. Such student shall not be declared successful at the LL.B. Part-III (Fifth Semester or Sixth Semester) Examination until he/she has in addition to the papers prescribed for the said examination passed in the subjects referred to in this proviso.

Provided further that a student, who after having passed LL.B. Part-I Semester examination or LL.B. Part-II Semester examination from another university is admitted to LL.B. Part-II, Third Semester or LL.B. Part-III, Fifth Semester, as the case may be exempted in the said examination from appearing in those papers/subjects which he/she had offered at his/her previous examination in the other University and had passed therein.

(4) (a) No Candidate shall be permitted to appear for any of the LL.B. Semester examination unless he has attended at least 75% of the total number of lectures, Practical works and Seminars held during the Semester Session.

(b) Every student of the College/University Teaching Department Seeking admission to the examination shall submit through the principal or Head of the Department as the case may be, application on prescribed form together with necessary fees and following certificates from the Principal/Head of the Department viz. Certificates of -

- (i) Good Conduct,
- (ii) Fitness to present, himself/herself at the examination and,
- (iii) Of having ended the class teacher's Seminars and practical works etc. during the session at least the minimum number prescribed by sub-Para (a) above.

(5) (a) In order to declare successful at any of the LL.B. Semester Examination every Candidate will have to obtain at least 36% marks in individual papers and at least 48% marks in aggregate.

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Provided that for the purpose of declaration of the result of Candidate appearing LL.B. part III Second Semester Examination the marks obtained by them in the written examination as well as in practical/viva-voce shall be taken into account.

A successful candidate shall be assigned division on the basis of the marks obtained by him/her in all the six semester examinations taken together. Those who secure 60% marks or more shall be placed in the FIRST DIVISION. All other successful Candidate shall be placed in the SECOND DIVISION.

(b) A candidate who has been declared unsuccessful as a semester examination may re-appear for the same subsequently as ex-student without being required to attend regular course of study for the same semester and he/she will be eligible for regular admission in the next semester only after passing the examination meant for the previous semester.

(c) A candidate who is failed in one paper/subject in a semester shall be allowed to take admission in the subsequent semester and shall appear in the paper/subject in which he/she has been unsuccessful in the previous semester along with the all papers/subjects of next semester in which he is admitted on regular basis. Such a repeater candidate will be provided facility of clearing all the papers up-to fourth semester. No candidate will be allowed regular admission in the fifth semester until he/she clears all the papers/subjects from first semester to fourth semester.

(d) A candidate who has secured minimum passing marks in all the papers but could not obtain the 48% of the total marks will be eligible for admission at the next semester and will be provided the facility of continued admission up to fourth semester like the repeater candidate and he/she will have to make up the 48% of the total aggregate of marks in each semester than only he/she will be qualified for regular admission in the fifth semester. Such candidate shall be given option to select any two papers/subjects of the concern semester to make up to the shortfall of the 48% each semester.

(6) Subject to the condition Stipulated by a university, and the general social condition of the applicants seeking legal education belatedly, the maximum age for seeking admission into a stream of Three Year Bachelor Degree Course in Law, is limited to thirty years with right of the university to give concession of 5 further year for the applicant belonging to SC or ST or any other backward community.

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Thus, the maximum age for seeking admission into a stream of three years bachelor degree course in law age will be 30 years for the General Category of Candidate and 35 years to the candidate belonging to the ST, SC and OBC classes, on the 1<sup>st</sup> day of July every Year.

- (7) The conditions / stipulations of above ordinance will be subject to rules and regulations made or modified by the Bar Council of India in respect of Rules of Legal Education as framed and amended from time to time. For the above purpose the other ordinances relating to the examination of the university shall also apply
- (8) The Executive Council shall publish the results of the examination as soon as possible for it.

**LL.B. PART- I (SEMESTER SYSTEM) EXAMINATION (SESSION 2019-20)**

**FIRST SEMESTER  
(July to December)**

S.No	Papers	Max. Marks
1	Jurisprudence & Legal Theory	100
2	Law of contract & specific relief act 1963	100
3	Specific contract, Indian Partnership ACT 1932 and Sale of Goods ACT 1930	100
4	Law of Torts including Motor Vehicle Accident ACT and Consumer Protection Laws.	100
5	Legal & Constitutional History of India	100
Total Marks		500

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**SECOND SEMESTER**  
(Jan to June)

S.No	Papers	Max. Marks
1	Law of Crimes(IPC)	100
2	Law of Crime-II Criminal Procedure Code,1973, Juvenile Justice Act,2015 & Probation of Offenders Act,1958	100
3	Law of Evidence	100
4	Family Laws-I; Hindu Law	100
5	Family Laws-I; Mohammedan Law	100
<b>Total Marks</b>		<b>500</b>

**LL.B. PART-II (SEMESTER SYSTEM) EXAMINATION (SESSION 2019-20)**

**THIRD SEMESTER**  
(July to December)

S.NO.	Papers	Max. Marks
1	Constitutional Law-I	100
2	Constitutional Law-II	100
3	Administrative Law & Right to Information Act, 2005	100
4	Law of Equity and Indian Trust Act, 1882	100
5	Professional Ethics and Professional Accounting System ( Practicals)	100
<b>Total Marks</b>		<b>500</b>

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FOURTH SEMESTER  
(Jan to June)

S.NO.	Papers	Max. Marks
1	C.G. Land Revenue Code and Other Local Laws	100
2	Environmental Laws including Wild Life Protection and Animal Welfare	100
3	Labour & Industrial Laws-I	100
4	Labour & Industrial Laws-II	100
5	Alternative Dispute Resolution (Practicals)	100
<b>Total Marks</b>		<b>500</b>

LL.B PART-III (SEMESTER SYSTEM) EXAMINATION (SESSION 2019-20)

FIFTH SEMESTER  
(July to December)

S.NO.	Papers	Max. Marks
1	Company Law	100
2	Public International Law	100
3	Interpretation of Statutes	100
4	Human Rights Law	100
5	Moot Court Exercise and Internship (Practical)	100
<b>Total Marks</b>		<b>500</b>

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SIXTH SEMESTER  
(Jan to June)

S.NO.	Papers	Max. Marks
1	Transfer of Property Act and Easement Act	100
2	Civil Procedure Code and Limitation Act	100
3	Law of Taxation	100
4	Intellectual Property Law & Information Technology Act, 2000	100
5	Drafting, Pleading and Conveyancing (Practicals)	100
<b>Total Marks</b>		<b>500</b>

**Total Marks - 3000**

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**LL.B. THREE YEAR LAW DEGREE COURSE  
(Semester System) Semester – I  
Paper-I**

**Jurisprudence and Legal Theory**

1. **Introduction:** Meaning, Nature and Scope: Meaning of Jurisprudence, Definition, Nature and Scope of Jurisprudence its utility relation of jurisprudence with other Sciences. Jurisprudence in old scriptures both in Hindu and Muslim.

**Natural Law Theory:**-Its meaning and definition, Historical evolution of natural Law theory: Ancient period, medieval period, the period of renaissance, modern period critical appraisal of natural law theory, Natural Law in British, American and Indian Legal Systems.

2. **School of Jurisprudence and their exponent and their views:** Analytical school; Bentham, Austin, H.L.A. Hart and Kelson. Historical School: Savigny, Sir Henry main, Philosophical School: Hegel, Herbert Spencer. Economical School: Marx and Lenin. Sociological School: Rudolph Von Ihring, Euigen Ehrlich, Leon Duigvit, Dean Roscoe Pound. Realistic School: Oliver Wesndell Holmes, Alf Ross.
3. **Jurisprudence and Law:** Definition of Law, its nature, Kinds and Classification of Law. Law and Morality, Law and State theories of Origin and evolution of the State, Function of the state, The concept of world federation. Sovereignty, its definition nature, and essentials of Sovereignty, Assessment of Sovereignty, in the Constitution of Britain, America and India.
4. **Administration of Justice:** Concept Origin and importance of Administration of justice, Civil and criminal justice, Theories of Punishment. Concept of justice forms of justice theories of justice, Social justice, Concept of Social justice under the constitution of India.
5. **Sources of Law:** Custom, Precedent, Legislations, Religion and Agreement.
6. **Legal Concept:** Rights and duties meaning and Classification of Legal Rights and Legal duties, Possession and Ownership, Person, Title, Liability, Obligation, Property and Evidence.

**RECOMMENDED BOOKS**

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|--------------------------|--|
| 1-H.L.A. Hart-           | The concepts of Laws (Oxford) ELBS             |
| 2-Salmond-               | Jurisprudence (Tripathi) Bombay                |
| 3-G.W.Paton-             | Jurisprudence (Oxford) ELBS                    |
| 4- RWM Dias-             | Jurisprudence (Indian Rep.) (Aditya) New Delhi |
| 5-V.D.Mahajan-           | Jurisprudence and Legal Theory                 |
| 6-W.Fridman-             | Legal Theory (1999) (Universal) Delhi          |
| 7-S.N.Dhyani-            | Jurisprudence                                  |
| 8-Dr. B.N.Mani Tripathi- | Jurisprudence                                  |
| 9-Anirudh Prasad-        | Vidhishastra ke Moolbhoot Shindhant (inHindi)  |
| 10-Pro. N.V.Paranjape-   | Vidhishastra Awam Vidhi Ke Shindhant(Hindi)    |

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**LAW OF CONTRACT (GENERAL PRINCIPLES)**  
**AND SPECIFIC RELIEF ACT, 1963**

**PAPER—II**

**PART—I LAW OF CONTRACT (GENERAL PRINCIPLES, SECTIONS 1—75)**

Formation of Contract-Proposal and Acceptance (Ss 1-10), Capacity to Contract ( Ss 11,12,& 68) Free Consent—Undue Influence, misrepresentation, Fraud, and Mistake (Ss 13-22) Lawful Consideration and Object (Ss 2(d), 23, 24, 25) Void Agreements (Ss 26-30) Contingent Contract (Ss 31-36)

Performance of Contract, (Ss 37-39 & 56), By Whom Contracts must be performed,( Ss 40-45), Time and place for performance,(Ss 46-50), Performance of reciprocal promises,(Ss 51-58), Appropriation of payments, (Ss 59-61), Contracts which need not be performed, (Ss 62-67), Quasi Contracts, (Ss 68-72), Breach of Contracts and damages, (Ss 73-75).

**PART---II THE SPECIFIC RELIEF ACT, 1963 (SECTIONS 1—42)**

Specific Relief Act and its Applicability, (Ss 1-8), Specific Performance of Contract, (Ss 9-14), Persons for or against whom contracts may be specifically enforced, (Ss 15-19), Discretion and powers of the Courts in decreeing specific performance, (Ss 20-24)

Enforcement of Awards, Rescission of Contracts, Rectification of Instrument, Cancellation of Instrument, Declaratory Decree and Injunctions (Temporary, Perpetual and Mandatory) (Ss 25—42).

**LEADING CASES:**

1. Carlill Vs. Carbolic Smoke Ball Co. (1893) (i) Q.B. 256
2. Mohribibi Vs. Dharmodas Ghose, ILR 30 Cal. 539 P.C.
3. Satya Brat Ghose Vs. Mangeeram, AIR 1954 SC 44
4. Lala Kapoorchand and Others Vs. Mir Nawab Himayat Ali Khan AIR 1963 SC 250.

**BOOKS RECOMMENDED:**

1. Ansons Law of Contract (1998) Universal, Delhi.
2. Pollock and Mulla - Indian Contract and specific Relief Acts. 1999, Universal 650/-
3. Sarkar on Specific Relief Act. - Wadhwa, Nagpur.
4. Avtar Singh - Law of Contract, EBC, Lucknow.
5. Avtar Singh - Law of Contract and Specific Relief EBC, Lucknow.
6. Avtar Singh - Contract & Specific Relief Act (in Hindi)
7. Benerjees - Law of Specific Relief, Universal
8. Anand & Ayer Law of Specific Relief, Universal
9. Bangia R.K. - Law of Contract and Specific Relief 595/-
10. G.H. Treital - Law of Contract, Sweet & Maxwell 1997.

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**SPECIFIC CONTRACT, INDIAN PARTNERSHIP ACT, 1932 &  
SALE OF GOODS ACT, 1930**

**PAPER III**

**PART-I SPECIFIC CONTRACT (Sec. 124 - 238)**

1 - Contract of Indemnity (sec. 124 - 125): Definition, its commencement and extent of indemnifiers liability, His right and when he can sue? (See 124-125).

2 - Contract of Guarantee (sec. 126 - 147): Guarantee and indemnity, surety consideration continuing guarantee and its revocation (see 126-132). Discharge of surety and principle debtor, co-surety and remedy for omission (see 133 to 139). Guarantee and Mental aspects; Uberrima fides, liability of surety and co-surety in contribution (see 140-147).

3 - Contract of Bailment (sec. 148 - 171): Definition of Bailor and Bailee and its kinds ; mode of delivery of goods bailed, duty of bailor and bailee to each other and exemption, mixing good bailed and its consequences (sec. 148 to 157).

Repayment of expenses increased by bailor ; restoration and return of goods ; consignor as a bailor, his right to sue if consignment is not returned ; Gratuitous bailment and effect of death on it. Bailor's rights and responsibility to bailee and right of third person. (sec. 158 to 167).

Position of finders of goods, His liability towards owners ; and his obligation to keep goods safe and rig... to dispose of good (if perishable). Bailee's lien and general line of Bankers etc. (sec. 168 to 171)

4 - Contract of Pledge (172 - 181): Pawnor and Pawnee; their rights, right to redeem in case of default. Pledge by mercantile agent, Pledge under voidable contract and pledgor with limited interest (172 to 179) and suit by bailor or bailee against wrongdoer and apportionment of relief and compensation (see 180-181)..

5 - Contract of Agency - (sec. 182 to 238): Appointment and authority of agent who is agent and principle? Who and by whom an agent may be appointed? Mode of appointment of agents. Duties and rights of agent and his authority, sub-agent and his position under the act, delegation of power. His responsibility towards agent and principle. (sec. 182 to 195).

Ratification its mode and its effect. Ratification of unauthorized act. Revocation of authority and its various mode termination of agency, compensation for revocation. Revocation and renunciation position of parties after termination of authorities. (sec. 196 to 210).

Agents various duties towards principles, position when agents remuneration is due ? and Agents lien in principal's property. (sec. 211-221).

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Principles duty to agent : His right to be indemnified against consequences of lawful act and acts done in good faith and for negligent act of principal, Principals liability for ultra vires act of agent, agent is not personally liable on behalf of principal, liability of the principal for acts of agent including misconduct of the agent. Effect of Fraud and his representation of the agent. (sec. 222-238).

## PART-II INDIAN PARTNERSHIP ACT 1932

Provisions of Indian Partnership Act 1932, including - definition and nature of partnership. Advantage and disadvantages vis a vis partnership and private limited company. Mutual relationship between partners. Authority of partners, admission of partners, outgoing of partners. Registration of partnership & Dissolution of partnership.

## PART-III SALES OF GOODS

Sales of goods act 1930 (Whole Act) which includes concept of sale on contract, instances of sale of goods and the nature of such contract, essentials of contract of sale, essential condition in every contract of sale, implied terms in contract of sale, the sale of caveat emptor and the exceptions there to under the sales of goods act. Changing concept of caveat emptor. Effect and meaning of implied warranties in a sale, transfer of title and passing of risk. Delivery of goods : various rules regarding delivery of goods. Unpaid seller and his rights. Remedies for breach of contract.

## PART-IV LEADING CASES

- (1) Bina Murlidhar Hunde V. Kanahiyalal lakram Hunde (AIR 1999 SC 2171)
- (2) M/s. Lalliwal Biharilal v. Rambaboo Vaishya (AIR 1990 M.P. 64)
- (3) Premlata v. M/s. Ishwar Das Chamanlal (AIR 1995 S.C. 714)
- (4) Gherulal Parekh v. Mahadeo Das (AIR 1959 S.C. 78)

## BOOKS RECOMMENDED:

1. Avtar Singh - Contract Act (2000) E.B.C. Lucknow.
2. Saharay H.K. - Indian Partnership a Sales of goods Act (2000)
3. Beatson (Ed.) - Anson's law of contract (1998) Oxford, Universal London.
4. A.G. Guest (Ed.) - Benjamin's Sale of Goods (1992) Sweat & Maxwell.
5. Pollock Mulla on contract (1999) Tripathi, Bombay.
6. T.R. Desai - Contract sales of goods & Partnership

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7. B.L.Babel – Contract – II C.L.A. Allahabad (in Hindi).
8. S.K. Kapoor – Contract - II C.L.A. Allahabad (in Hindi).
9. Krishann Nair - Law of Contract (1999) Orient.
10. Avtar Singh - Principles of the law of sales & goods and hire purchase (1990) E.B.C. Lucknow.
11. Rawlings - The Sales of goods Act (1998) Universal.
12. Dr. J.N. Pandey – Indian Partnership Act (in Hindi).
13. Avtar Singh - Introduction to law of Partnership

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**LAW OF TORTS INCLUDING MOTOR VEHICLE ACCIDENT ACT &  
CONSUMER PROTECTION LAWS  
PAPER – IV**

**PART-I LAW OF TORTS**

**1 – Definition, Nature, Scope, Object & General Principles of Law of Torts:**

Historical Background of law of Torts - Evolution in England and India, Form of Action and its uncodified characters. It's Indian Origin from the principles of equity justice and good conscience.

Definition Torts : Its comparison with crime and breach of contract, its nature, purpose and functions, general principles of liability, its kinds, demum sine injuria and injuria sine demnum. General Elements in torts - Acts and omission voluntary and non-voluntary act.

Mental Element in torts - Malice, intention, negligence, motive, recklessness, carelessness, malafide, malfeasance, misfeasance, non-feasance and fault.

**2 - Immunities, Justification, Remedies, Discharge and Effect of Death.**

Immunities from tortious liability. Justification and defences in action of torts - Act of God Act of State, Judicial act, inevitable accident, Private defence, necessity, consent, leave and license.

Remedies - damages and its kind, quantum of damages, injunction and its types, Specific restitution of property, joint-tort feors, contribution between wrongdoer, remedies under constitution and compensation as prescribed by statutes, self help, distress damage feasant, discharge of torts - by accord and satisfaction, waiver by election, release acquiescence judgment recovered and statute of limitation and effect of death on tort claim.

**3 - Wrongs relating to person & property relations; rights:**

Wrongs relating to person, assault, battery, false imprisonment and malicious prosecution. Wrong relating to domestic and other rights. Intimidation and conspiracy, fraud and deceit, interference with trade business and occupation by unlawful means.

Wrongs relating to immovable - trespass to land, trespass by animal, trespass abinitio injury to reversion & waste and casent,

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wrongs relating to movable property, trespass to goods, conversion and detention.

Torts affecting immovable and movable property - slender of title, slender of goods: maintenance and champerty.

In-corporal personal property right – patent, copyright & trademarks act etc.

#### **4 - NEGLIGENCE, Nuisance, Defamation and Liability for Wrongs Committed by Others:**

**Negligence** - Its nature, condition and exception, negligence of various persons is occupied, carriers counsel, doctors, animal, keepers, dangerous goods holder, street and statutory duty and contributing negligence.

**Nuisance** - Nature classification and kind injury to property and remedies.

**Defamation** - Its kinds libel and slender, its definition and essentials, repetition, defences in defamation and remedies for defamation.

**Liability for wrongs committed by others** - liability by ratification by relations i.e. master and servants, principal and agent, owner and independent contractor, liability of the State, doctrine of common employment, liability for abatement, absolute and strict liability.

#### **PART-II THE MOTOR VEHICLES ACT, 1988:**

Introduction- aims and objects of M.V.A, title, extent and commencement of the act with modification, definitions, licensing of drivers of motor vehicles(ss 3-28), licensing of conductors of stage carriages,(Ss 29-38), registration of motor vehicles,(ss 39-65), control of transport vehicles,( Ss 66-96), control of traffic,(ss 112-138), liability without fault in certain cases,(ss 140-144), insurance of motor vehicles against third party risk,(ss 145—164), claims tribunals,(ss 165-173), offences, penalties and procedure,(ss174-205), power of police officer to impound documents and detain vehicles used without certificate of registration, permit etc., summary disposal of cases, appeal and revision on orders passed by original authority,

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### **PART-III THE CONSUMER PROTECTION ACT, 1986**

Introduction- Aims, object and scope of Consumer Protection ACT, Definitions, Central Consumer Council, State Consumer Council.

Consumer Disputers Redressal Agencies- Composition, Jurisdiction and function of district forum, State Commission and National Commission, Procedure adopted in dealing with complaint and appeal cases, Enforcement and execution of orders by Consumer Fora under section 25 and 27 of Consumer Protection ACT,1986.

#### **LEADING CASES:**

- 1- Indian medical association vs. V.P. Shantha (AIR1896 SC530)
- 2- Lucknow Development Authority vs. M.K. Gupta (AIR1994 SC787)
- 3- Kasturi lal Ralia Ram vs. State of U.P. (AIR 1955, S.C.1939)
- 4- Saheli & woman resource centre vs. commissioner of police (AIR1990 S.C.51) 5 M.C. Mehta vs. Union of India (AIR1987 SC1086)

#### **Books Recommended:**

1. Ratanlal Dhirajlal - The law of torts (1997), Wadwa Nagpar.
2. Winfield and Jolowitz - on Torts (1999) Sweet & Maxwell, London.
3. Salmond and Houston - Tort (1999) Butterworth, London.
4. P.S. Achutan Pillai - The Law of Torts (2004) E.B.C. Lucknow.
5. D.N. Saraf - Law of consumer protection in India (1995) Tripathi.
6. P.R. Majundar - Law of consumer protection in India (1998) Orient, New Delhi.
7. Ramaswami Aiyer - Law of Torts (1999) Tripathi, Bombay.
8. M.D. Chaturvedi – Apkrtyo ki vidhi (1998) EBCL (in Hindi)

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# LEGAL AND CONSTITUTIONAL HISTORY OF INDIA

## PAPER—V

### **PART—I LEGAL HISTORY OF INDIA**

- 1- Early Charters (Charter of 1600), Administration of justice in Presidency Town (Madras, Bombay and Calcutta), Mayor's Court, (Charters of 1726 and 1753), Beginning of Adalat System, Judicial Plan of 1772, Judicial Plan of Warren Hastings, Working of Supreme Court at Calcutta, Trial of Nand Kumar, The Patna Case, The Cossijurah Case, Act of Settlement 1781,
- 2- Judicial reform of Cornwallis (1787-1793), Judicial reform of Sir John Shore, Lord Wellesley and Lord Bentinck, Racial Discrimination in the Judicial System, Indian High Court Act, 1861, Privy Council—its history, development, jurisdiction and appeal,
- 3- Development of Civil and Criminal Law in India, Codification of Indian Laws and Law Commissions, Growth of Legal Profession, Law Reporting in India, History of Legal Education in India..

### **PART—II CONSTITUTIONAL HISTORY OF INDIA**

- 4-The Regulating Act, 1773, The Pitt's India Act, 1784, The Charter Act of 1833 and 1853, The Government of India Act, 1858, Indian Council Act, 1861, Indian Council Act, 1892, Indian Council Act, 1909, Government of India Act, 1919, Government of India Act, 1935 (Federal Legislative, Federal Executive and Federal Judiciary (Federal Court) under the Act of 1935)
- 5-Constitutional developments leading to Indian Independence (1937—1947) The Indian Independence Act, 1947, Shaping of the Indian Constitution, The Constituent Assembly of India, Evolution and the source of the Indian Constitution, Salient features of the Indian Constitution

### **BOOKS RECOMMENDED:**

- 1- Herbert Cowell                      The History and the Constitution of the Court and Legislative Authority in India (1936)  
(6<sup>th</sup> edition published by S.C. Bagchi Calcutta)
- 2- A.B. Keith                              A Constitutional History of India-(1600-1935) Central Book Depot Allahabad.
- 3- M.P. Jain                                Out Lines of Indian Legal History (Tripathi) (1998)
- 4- M.V. Paylee                             Constitutional History of India—(1600-1950)  
(Asia- Bombay-1967)
- 5- V.D. Kulshresth                        Land Mark in Indian Legal History

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- (Eastern Book Co. Lucknow)
- 6- M. Ramajois Wajons Legal and Constitutional History of India(1984) 2 Volumes .
- 7- N.V. Paranjape Indian Legal and Constitutional History (CLA)
- 8- Dr. Sushila Yadav भारत का वैधानिक एवं संवैधानिक इतिहास

Dr. Sushila Yadav  
3/6/19

Dr. SUSHILA YADAV  
3/6/19

LL.B. THREE YEAR LAW DEGREE COURSE  
(Semester System) Semester – II  
PAPER-I  
LAW OF CRIMES (INDIAN PENAL CODE, 1860)

Operation of the Code,(Ss 1-5)  
General Explanation,(Ss 6-52 A)  
Punishments,(Ss 53-75)  
General Exception,(Ss 76-95)  
Right of Private Defence, (Ss 96-105)  
Abetment, (Ss 107-120)  
Criminal Conspiracy, (Ss 120-A, 120-B)  
Offences against the State, (Ss 121-130)  
Offences relating to the Army, Navy and Air force,(Ss 131-140)  
Offences against the Public Tranquility,(Ss 141-160)  
Offences relating to Public Servants,(Ss 161-171-C)  
Offences relating to Election,(Ss 171-A, 171-B, 171-C, 171-D, 171-E, 171-F, 171-G, 171-H, 171-I)  
Contempt of lawful authority of Public Servants,(Ss 172-190)  
False Evidence and offences against Public Justice,(Ss 191-229)  
Offences relating to coin and Government Stamps,(Ss 230-263-A)  
Offences relating to Weight and Measures,(Ss 264-267)  
Offences affecting the Public Health, Safety Convenience, Decency and Morals,(Ss 268—294-A)  
Offences relating to Religion,(Ss 295-298)  
Offences affecting to the Human Body,(Ss 299-377)  
Offences against the Property,(Ss 378-462)  
Offences relating to the Documents etc.(Ss 463-489-A)  
Criminal Breach of Contract of Service,(Ss 490-492)  
Offences relating to Marriage,(Ss 493-498)  
Defamation,(Ss 499-502)  
Criminal Intimidation, Insult etc.(Ss 503-510)  
Attempts to Commit Offences,(Ss 511).

**Leading cases:**

- 1- Reg. Vs. Govinda ILR Bom. 942
- 2- Inzargul Khan Vs. Emperor, AIR 1936 Nag. 194
- 3- Mehboob Shah Vs Emperor, AIR 1945 PC 118
- 4- Amjad Khan Vs, State, AIR 1952 SC 165

**Books Recommended:**

- |                         |                         |
|-------------------------|-------------------------|
| 1- Ratan Lal Dhiraj Lal | Indian Penal Code, 1860 |
| 2- R.N.Saxena           | Indian Penal Code, 1860 |
| 3- S.N.Mishra           | Indian Penal Code, 1860 |

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- 4- K.D.Gaur A Text Book on the Indian Penal Code  
(1998) Universal Delhi
- 5- Ratan Lal Dhiraj Lal Indian Penal Code, 1860 (in Hindi)
- 6- Amar singh Yadav Bhartiya Dand Vidhan(in Hindi)
- 7- M.D.Chaturvedi Bhartiya Dand Shamhita(in Hindi)

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## LAW OF CRIMES --- II

### CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT,

#### Paper-II

#### (1) CRIMINAL PROCEDURE CODE 1973

Preliminary (Ss 1-5) Constitution of Criminal Courts and Officers(Ss 6-25), Powers of Courts,(Ss 26—35), Powers of Superior Officers of Police,(36—40) Arrest of Persons,(Ss 41—60)Processes to compel appearance,(Ss 61—90), Process to compel the production of things(Ss 91—105), Security for keeping peace and good behavior,(Ss 106—124), Order for maintenance of wives, children & parents(Ss 125—128)Maintenance of Public order & tranquility(Ss 129—148),Preventive action of the police,(Ss 149—153) Information to the police & power to investigate, (Ss 154—176), Jurisdiction of the criminal courts in inquiries and trials,(Ss 177—189), Conditions requisites for initiation of proceedings,(Ss 190-191)

Complaints to magistrate,(Ss 200—203), Commencement of proceedings before magistrates,(Ss 204—210), The Charge,(Ss 211—224), Trial before a Court of Session ,(Ss225-237), Trials of Warrant cases by magistrates,(Ss 238—259) Summary trials,(Ss 260—265), Attendance of persons confined or detained in prison,(Ss 266—271), Evidence in inquiries and trials,(Ss 272—299)

General provisions as to inquiries and trials,(Ss 300—327), Provisions as to accused persons of unsound mind,(Ss 328-365), Provisions as to offences affecting the administration of justices, (Ss 340-365), Submission of death sentences for confirmation ,(Ss 366-371), Appeals,(Ss 373-394), Reference and Revision,(Ss 395-405), Transfer of criminal cases, (Ss 406-412),

Execution, suspension, remission and computation of sentences, (Ss 413-435), Provisions as to bail and bonds, (Ss 436-450), Disposal of property, (Ss 451-459), Irregular proceedings, (Ss 460-466), Limitation for taking cognizance of certain offences, (Ss 467-473), Miscellaneous, (Ss 474-484), All Schedules are in course. All amendments made from time to time.

#### (2) JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2015

Preliminary and Definition of Juvenile etc under JJ(C & P of C) ACT,2015,(Ss 1-2) Juvenile justice board and its procedure,(Ss 4-9), Procedure In Relation to Children in Conflict with Law, (Ss 10-26), Child Welfare Committee, Procedure in relation to children in need of care and protection (Ss 27-38), Rehabilitation and Social Re-integration,(Ss 39-55), Adoption(Ss 56-73), Other Offences Against Children (Ss 74-88), Appeal and Revision (Ss 101-112).

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### (3) PROBATION OF OFFENDERS ACT, 1958

Probation of offenders Act, 1958 – Meaning and definition of Probation, its nature and history. Admonition and Exemption from punishment below 21 years of age, Power of probation officer and its duty under the Act (Ss 1-19)

#### Leading Cases:

- (1) Gurubaksh Singh Sibba Vs. State of Punjab AIR 1980 SC 1632
- (2) Rajpati Vs. Bechar AIR 1981 SC 19
- (3) Suptd & Remmemberances of legal Affairs Vs. Anil Kumar AIR 1980 SC 52
- (4) Anil Rai Vs. State of Bihar (2001) SCC 318(330)
- (5)

#### RECOMMENDED BOOKS:

- 1- R.V. Kelkar : Outlines of Criminal Procedure Code
- 2- R. D. Agrawal : Code of Criminal Procedure
- 3- P. C. Sarkar : Criminal Procedure Code
- 4- M. P. Tondon : Code of Criminal Procedure
- 5- Vijay Malik : Dandniya Manual (Three Major Arts, Cr. P. C., I.P.C. & Evidene (in Hindi)
- 6- Murli Manohar : Dand Prakriya Vyakhyan (Code of Criminal Procedure)
- 7- Mahavir Singh : Code of Criminal Procedure (in Hindi)
- 8- Ratanlal Dhirajlal : Criminal Procedure Code
- 9- Ratanlal Dhirajlal : Criminal Procedure Code (in Hindi)
- 10- N. V. Paranjape : Code of Criminal Procedure, Juvenile Justice ACT and Probation of offenders Act, (in Hindi)
- 11- D. D. Basu : Criminal Procedure Code

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# LAW OF EVIDENCE

## PAPER – III

### 1. INTRODUCTION, INTERPRETATION, CONCEPTIONS :

Introduction- Main feature of the Indian Evidence Act. Problem of Applicability of Evidence Act.

Types of Evidence - Oral, Written and Circumstantial evidence, Medical evidence and evidence of relatives, Eye witness, Chance witness and child witness and direct witnesses.

Standard of proof and presumption - May presume, shall presume, conclusive proof, proved, disproved and not proved.

### 2. RELEVANCY OF FACTS :

Doctrine of resgestae (Sec. 6, 7, 8, 10). Evidence of common intention (Sec. 10). The problem of relevancy of "otherwise" irrelevant facts (Sec. 11). Relevant facts for proof of custom (Sec. 13) Facts concerning body and mental state. (Sec. 14 & 15)

### 3. ADMISSION & CONFESSION (Sec 17 – 31):

Admission - General principles concerning admission (Sec. 17 to 23)

Confession - Difference between admission and confession, non admissibility of confession caused by inducement, threat and promise and confession made before a police officer, Admissibility of custodial confession and other section relevant to confession. (Sec. 24-31)

### 4. DYING DECLARATION AND STATEMENT MADE UNDER SPECIAL CIRCUMSTANCE (Sec. 32 to 39)

Dying Declaration - The justification for relevance on dying declaration. The judicial standard for appreciation of evidentiary value of dying declaration (Sec. 32 & 33)

Statement made under special circumstance and how much of a statement is to be proved, (Sec. 34-39)

### 5. RELEVANCY OF JUDGEMENT, CHARACTER AND EXPERT TESTIMONY

Relevancy of judgement - General principles, Admissibility of judgement in civil and criminal matter. Fraud and collusion in obtaining judgement (Sec. 40-44).

Expert testimony - General Principles, Who is an expert ? Type of Expert evidence.

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Opinion of relationship when relevant - specially proof of marriage and opinion as to the existence of right or custom or usage and tenancy and problem of judicial defence to expert testimony. (Sec. 45-51)

Relevancy of character in civil and criminal cases. (Sec. 52-55)

**6. ORAL AND DOCUMENTARY EVIDENCE:, PRESUMPTION AND EXCLUSION (Chapter IV, V & VI)**

Oral Documents and how it is proved ? requirement for valid and admissible oral documents. (Sec. 59-60)

Documentary Evidence - General Principles, public and private documents, How it is proved ? (Sec. 61-78)

Presumption as to documents of various types and kinds. (Sec. 79-90).

Exclusion of oral by documentary evidence. (Sec. 91-99)

**7. THE BURDEN OF PROOF, ESTOPPEL & WITNESSES:**

The burden of proof - Facts which need not be proved. (Sec. 56-58), General Conception of onus, General and Special presumption and exception as to onus, presumption as to dowry death etc. (Sec. 101-114A)

Estoppel and witnesses - Estoppel by deed and estoppel by conduct, equitable and promissory estoppel. (Sec. 115-117). Various kinds of witness, communication - privileged and confidential Accomplice and information as to the commission of offences. (Sec. 118-134)

**8. EXAMINATION AND CROSS EXAMINATIONS:**

Examination of witnesses - General principles of examination, cross and re-examination, Leading questions (Sec. 141-143), Lawful question etc.

Cross examination of witness - General Principles of cross examination, lawful questions in cross examination, (Sec. 141-146), Compulsion to answer questions put to witness, Hostile witness impeaching of the standing and or credit of witness (Sec. 135-166)

**9. Leading Cases:**

1. Kashmira Singh vs. State of M.P., AIR 1952 SC 159.
2. State of Punjab vs. Sodhi Sukhdeo Singh, AIR 1961 SC 493 (Majority Judgment Only)
3. Kulvindar Kaur vs. State of Punjab, AIR 1952 SC 354
4. State of U.P. vs. Deoman Upadhyay, 1960 SC 1125

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**Books Recommended –**

1. Ratanlal Dhirajlal - Law of Evidence, 21th Ed. 2004, PB, Wadhwa, Nagpur.
2. Sarkar - On Evidence (2 Vol.) 15th ed. 2002, Wadhwa, Nagpur, 2390=00
3. Avatar Singh - Principles of law of Evidence, Universal, Delhi.
4. Vepa P. Sarathi - Law of Evidence EBC, Lucknow.
5. Ratan Lal Dheeraj Lal - Indian Evidence Act, 19<sup>th</sup> edi., (in Hindi)
- 6 Avtar Singh - Evidence Act (in Hindi)
- 7 M.D. Chaturvedi - Evidence Act (in Hindi)

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# FAMILY LAWS – I: HINDU LAW

## PAPER – IV

- 1 - **Nature, Origin, Sources, Applicability and General Principles of Inheritance** Nature and origin of Hindu law, applicability of Hindu Law sources of Hindu law - Smritis and their commentaries, custom, legislation, judicial decision, equity, justice and good conscience as a source, general principle of inheritance (prior to Hindu succession Act 1956) in mitakshara law and Dayabhaga, School and difference between Mitakshara and Dayabhaga succession and the Hindu Marriage Act 1955. (doctrine of representation & spes successionis)
- 2 - **Schools, Joint Hindu Family, Coparcenary adoption and provisions of Hindu Adoption and Maintenance Act 1956.**

**Schools of Hindu Law** - Mitakshara and Dayabhaga and their sub-schools, difference between the Mitakshra and Dayabhaga school, comparison between them, Migration and the schools of law.

**Joint Hindu Family** - Origin, Growth, Nature and Constitution, members of J.H.F. and property of J.H.F.

**Coparcenary** - its nature, distinction between J.H.F. and coparcenary, rights of coparcener, Karta, his powers and duties, alienation of property comparison between Mitakshara and Dayabhaga law, Debts - its liability to pay, nature and duration of liability, doctrine of pious obligation and antecedent debt, Bengal rule of Dayabhaga law, rule of Damdupat.
- 3 - **Adoption** – Object, form and requirement of valid adoption. Persons who may lawfully take in adoption, adoption by widow under authority from his husband, nature and form of authority, general rules as to adoption by widows, and termination of widows power to adopt, persons lawfully capable of giving in adoption & persons who may be lawfully taken in adoption only son, orphan, stranger, adoption by two persons, simultaneous result and effect of adoption, right of adopted son in property, maintenance under Hindu Law and provisions of Hindu Adoption and Maintenance, Act 1956, and changes made by this Act.
- 4 - **Partitions, Stridhan, Women's Estate, Gift & Hindu Succession Act 1956**

**Partition** - Meaning of partition, partition and family arrangement, person entitled to partition, property liable to partition. Allotment of share, final shares, reopening of partition and reunion, point of similarity and distinction Mitakshara and Dayabhaga, partial partition, its effect.

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- 5 - **Stridhan** : its meaning, kinds, special feature and characteristics, enumeration of stridhan, rights of a women over her stridhan, general rule of succession common to all school, succession to stridhan under Mitakshra and Dayabhaga school, maidens property.
- 6 - **Women's Estate** - its meaning, nature and sources. Incidents of widow's estate, power of alienation, reversion, compromise, surrender and setting aside. Unauthorized alienation and effect of Hindu Succession Act 1956.
- Gift** - its definition under T.P. and Hindu law, its subject matter, essential of valid gift, restriction and revocation, 'donatio mortis causa' and gift to trust and Provision of Hindu Succession Act 1956.
- 7 - **Wills imparatible estate, religious and charitable endowments and H.M. Act 1955 & H.M. & G. Act 1956 :**
- Wills-** Its definition, person capable of wills, property as a subject matter of wills under mitakshara and Dayabhaga law, revocation and alteration of wills,. Bequest to unborn person when it is void ? Rules against perpetuity, latter of administration and probate.
- Impartible estate** - its definition, origin and nature, rules of succession and separation of impartible estate.
- Religious and charitable endowment-** Essential of endowment, kinds- idol, math, devasthanam, and Dharmashala, Mahant, Hindu Marriage Act 1955 & Hindu and Minority & Guardian ship Act 1956.
- 8 - **Some codified laws relating to Hindu**
- Special Marriage Act 1954 (Whole Act)
- Dowry Prohibition Act 1981 (Whole Act)
- Family Courts Act 1984 (Whole Act)
- 9 - **Leading cases.**
- 1 Kisan Lal V. State (2000) ISCC 310.
  2. Rameshwari Devi V. State of Bihar AIR 2000 SC 735 (739).
  3. Balwant Kaur V. Chaman Singh AIR 2000 SC 1908-12.
  4. Digamber Adhar Patel V. Dev Rani Girdhari Patel AIR (1995) SC, 1728.

**Books Recommended:**

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1. R.K. Agrawal - Hindu Law, C.L.A., Allahabad.
2. Paras Diwan - Modern Hindu Law (Universal).
3. S.T. Desai (Ed.) - Mulla Hindu Law (1996), Butterwrith, India.
4. Paras Diwan - Law of adoption, minority, guardianship and custody (2000) Universal.
5. Basu N.D. - Law of succession (Universal).
6. Paras Diwan - Law of intestate and testamentary succession (1998), Universal.
7. Paras Diwan - Adhunik Hindu Vidhi (in Hindi)

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## FAMILY LAWS – II: MOHAMMEDAN LAW

### PAPER V

#### 1 - **History, Origin Development Sources :**

Historical background of Islamic law - its origin and comparison with other personal laws. Who is Muslim ? Prophet and his companion, his tradition, development of Muslim law.

Sources of Muslim law- Primary sources- Quran, Hadis, Ijma, Kyas, secondary sources- custom, judicial decision, legislation, comparison with sources of Hindu law.

#### 2 - **Schools of Muslim Law :**

Schools (section and sub-section) of Muslim law - Sunni School - Hanifi, Maliki, Shifai and Humbali, Shia School and their sub-sections, difference between both Shia and Sunni on important matter. Effect of conversion to Islam and Apostasy.

#### 3 - **Marriage & Dower (Mehr) :**

Marriage (Nikah) - Its object and nature, requisite and condition for valid marriage. Effect of incapacity absolute, relative and declaratory, kind of marriage, option of puberty. Restitution of conjugal rights muta marriage, difference between Shia & Sunni law and marriage.

Dower (Mehr)- Definition, nature & classification of dower law of shia sect on dower, confirmation of dower, remission of dower, non-payment of dower effect of apostasy on mehr liabilities of heir for dower, dower as a debt. widows rights in case of non-payment of dower, Kharchi-i-pandan, & Mehr-i-misl.

#### 4 - **Divorce :**

Divorce (Talaq)- Quranic provisions regarding talaq kind, nature, classification and effect of divorce on the parties, apostasy and conversion as ground of divorce, Iddat utility its rationale and utility divorce through agreement or by mutual consent Khula, Mubarat, Ila & Zihar, Lian; Effect of false charges of adultery. Tolaq-i-Tafwid, Fask (Annulment of marriage by court) provision of dissolution of Muslim marriage Act. 1939. Legal Effect of Divorce, Difference between Shia & Sunni Law on Divorce.

#### 5 - **Parentage, Legitimacy & Acknowledgement**

Parentage - Maternity and paternity. How it is established ? Legitimacy and acknowledgement, acknowledgement as a proof Of legitimacy, prescription of legitimacy condition of valid acknowledgement and its effects. Position of adoption in Muslim Law ? A comparison between acknowledgement and adoption.

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**6 - Guardianship and Maintenance :**

Guardianship (Vilaya) - Concept of guardianship in Islam. Appointment of guardian. Their kinds age of majority, disqualification of guardian, guardianship of property. Power of guardian to dispose of to purchase and to alienate the immovable property of the minor.

Maintenance (Nafaqa)- Introduction, definition and quran decree regarding maintenance, Person entitled to maintenance. Relevent provision of Muslim women (Protection of right on divorce) Act 1986.

**7 - Succession, Administration & Inheritance :**

Succession- General rule of succession and exclusion from succession.

Administration - Administration of the estate of a decedent. Provision of Indian succession act 1925.

Inheritance- General rule of Inheritance (sunni & shia) Position of birth right and heritable property. Principle of renunciation and transfer of chance of succession (spes succession) vested inheritance classification of heirs- sharer, residuary and distant kindred. Their share and distribution of property. Doctrine of increase (Aul) Return (Radd) and position of rules relating to (shia & sunni) illegitimate child, missing person, acknowledge kins man, universal legatee & successor by contact eldest son and childless widow.

**8 - Wills :**

Wills- Person capable of making wills, its forms, position of heir on wills, limit of testamentary power, abatement and lapse of legacy, subject of legacy, position of unborn person in wills, various kinds of bequest i.e. bequest in future, contingent and conditional alienation, revocation of bequest, its types, position of probate and letter of administration in case of muslim wills.

**9 - Marzul Maut, Hiba, Waqf and Pre-emption:**

Marzulmaut- Death bed gift, its condition for validity acknowledgement of debt at death-bed. Hiba (gift)- Definition, capacity of making gift extents of donors powers. Gift to unborn person, gift with intent to defraud creditor, position of gifts i.e. - gift of actionable claim and incorporeal property, gift of equity of redemption, gift of property held adversely to donor, requisite for gift and essential of gift (declaration acceptance & delivery of possession), Gift of movable and immovables and corporeal & property and incorporeal property and actionable claim, gift in family and out of family, gift to bailee to two are more donee : Mushaa,

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conditional & contingent gift, gift in future, revocation of gift, Gift with exchange (Hiba-bil-iwaz) Hibh-ba shartul iwaz, sadaqah areeat.

**Waqf-** Definition, object and subject of waqf, condition for valid waqf, doctrine of cy-pres. Form and kind of waqf, waqf how completed ? Revocation of waqf, contingant waqf, waqf aald aulad, alienation of waqf property, muttawalli- his appointment power and function & renuwal and provision of waqf act 1995, Khanqah, imambera, sajjadanashir kazi, takiya.

**Pre-amption-** its nature and kind, who may claim it, its requisite and condition.

**10 - Leading Cases :**

1. Kapoor Chand v. Kedarunnisa (AIR 1953 S.C.413)
2. Janjira Khatoon v. Mohd. Fakrulla (AIR 1922 Cal 429)
3. Habibur Rahman v. Atafali (AIR 1922 PC 159)
4. Maina Bibi v. Chawdhari Vakil Ahme... 673 (PC) (AIR 1925 PC 63)
5. Ms. Jorden Diegdeh vs. S.S. Chopra (AIR 1985 SC 935)

**Recommended Books:**

1. Syed Khalid Rashid - Muslim law - EBC Lucknow (Hindi English)
2. A.A.A. Fyzee - Outline of Muhammada law (1998)
3. A.M. Bhattacharya - Muslim law and the constitution
4. Aquil Ahmed - Muslim law - CLA Allahabad (Hindi)
5. S.K. Awasthi - The waqf act 1995 (Hindi/English) India law House 22, Sikh Mohalla, Indore
6. Mulla's - Principles of Mohammedan law, Tripathi
7. Paras Diwan – Adhunik Muslim Vidhi (in Hindi)
8. Akeel Ahmed - Muslim Vidhi (in Hindi)
9. Scatcht - Mohd. Jurisprudence.
10. Caulson - Principles of Mohd. mheritance.

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## DETAIL SYLLABUS OF LL.B. PART-II (SEMESTER SYSTEM)

### THIRD SEMESTER

#### CONSTITUTION-I

#### CONSTITUTIONAL LAW OF INDIA

#### Paper-I

- 1- Philosophy of Constitution, Definition and Classification, Main features of Federal and Unitary Constitutions, Nature and Salient features of Indian Constitution, Welfare State, Preamble of the Indian Constitution, Union and its Territory(Art. 1-4), Formation of New States, Citizenship(Art. 5-11).
- 2- State, Fundamental Rights and their position under the Constitution, Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, Right to Constitutional Remedies including Public Interest Litigation(Art.12-35)
- 3- Directive Principles of State Policy, their relevance, Comparison with Fundamental Rights, Classification of Directive Principles of State Policy, Correlation between Fundamental Rights(Art.36-51) Fundamental Duties(Art.51-A).
- 4- Union Executive- President, Vice President, Council of Ministers, Attorney General, and conduct of Government Business (Art. 52-78). Union Legislature (The Parliament)-Constitution, Composition, Duration of Houses, Qualification of Members and other General Provisions, Officers of the Parliament(Art. 79-104),Powers, Privileges and immunities of the members (Art. 105-106),Legislative Procedure including procedure in financial matters(Art. 107-122), Legislative Powers of the President(Art. 123), Union Judiciary- Supreme Court of India(Art. 124-144), Comptroller General of India(Art.148-151)
- 5- State Executive-Governor, Council of Ministers, Advocate General for the State, Conduct of Government Business(Art. 152-167) State Legislature-Constitution, Composition, Powers, Privileges and immunities of State Legislatures and their Members, Legislative Procedure(Art. 168-212) Legislative Powers of Governor(Art. 213)  
State Judiciary- High Courts in the States and Subordinate Judiciary (Art. 214-237):
- 6- **LEADING CASES:**

- (1) Meneka Gandhi Vs. Union of India, AIR 1978 SC 597
- (2) Hussainara Khatoon Vs. Home Secretary State of Bihar AIR 1979 SC 1396
- (3) J.R. Kohli Vs. State of Tamilnadu, AIR 2007 SC 861

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**RECOMMENDED BOOKS:**

- |   |                 |                               |
|---|-----------------|-------------------------------|
| 1 | V.N. Shukla     | Constitution of India         |
| 2 | J.N. Pandey     | Constitutional Law of India   |
| 3 | M.P. Jain       | Constitution of India         |
| 4 | D.D.Basu        | Shorter Constitution of India |
| 5 | Kagzi's         | The Constitution of India     |
| 6 | M.D. Chaturvedi | Bharat Ka Savindhan(Hindi)    |

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**CONSTITUTIONAL LAW-II**  
**CONSTITUTIONAL LAW OF INDIA**  
**Paper-II**

- 1- Administration of Union Territories(Art.239-241), The Panchayats-Definitions, Gram Sabha, Constitution and Composition of Panchayats, Reservation of Seats, Duration, Disqualifications for Membership, Powers, Authority and responsibilities of Panchayats(Art.243-243-O)The Municipalities-Definition, Constitution and Composition of Municipalities and Wards Committees, Reservation of Seats, Duration, Disqualifications for Membership, Powers, Authority and responsibilities of Municipalities, Power to impose Taxes, Finance Commission etc.(Art.243-P-243-ZG)  
The Scheduled and Tribal Areas (Art.244-244-A)
- 2- Relations between Union and the States-Legislative Relations (Art.245-255)  
Administrative Relations, Disputes Relating to Waters and Co-ordination Between States (Art. 256-263), Provisions Regarding Finance(Art.264-279)  
Finance Commission(Art.280-281)Miscellaneous Financial Provisions(Art.282-290)  
Borrowing by the Government of India and the States(Art.292-293),  
Constitutional Provisions Regarding Property, Contracts, Rights, Liabilities  
Obligations and Suits(Art.292-300)  
Right to Property (Art.300-A)
- 3- Trade Commerce and Intercourse (Art.301-307) Service under the Union and the States (Art. 308-313) Public Service Commissions (Art.315-323) Administrative Tribunals and Tribunals for other Matters (Art. 323-A-323-B), Provisions regarding Election and Election Commission (Art.324-329), Special Provisions regarding to certain Classes (Art. 330-342)
- 4- Official Language-Language of the Union, Regional Languages, Language of the Supreme Court and the High Courts etc, Special Directives as to Languages(Art.343-351), Emergency Provisions(Art. 352-360) Miscellaneous Provisions(Art.361-367), Amendment of the Constitution(Art. 368),Temporary, Transitional and Special Provisions(Art,369-392),Short Title, Commencement, Authoritative Text in Hindi and Repeals, All Schedules and Amendments.

**5- Leading Cases:**

- (1)- P.L.Dhingra Vs. Union of India, AIR 1958 S.C. 36
- (2)- T.N. Seshan Vs. Union of India (1995) 4 SCC 611
- (3)- Minerva Mills Vs. Union of India AIR 1980 S.C. 1789.

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**RECOMMENDED BOOKS:**

- |   |                 |                               |
|---|-----------------|-------------------------------|
| 1 | V.N. Shukla     | Constitution of India         |
| 2 | J.N. Pandey     | Constitutional Law of India   |
| 3 | M.P. Jain       | Constitution of India         |
| 4 | D.D.Basu        | Shorter Constitution of India |
| 5 | Kagzi's         | The Constitution of India     |
| 6 | M.D. Chaturvedi | Bharat Ka Savindhan(Hindi)    |

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**ADMINISTRATIVE LAW**  
**Paper-III**

**1- Introduction of administrative law, administrative process, discretion and direction:**

Meaning, nature, history and function of administrative law, sources of administrative law, its origin and scope, reasons for its growth, its historical development in England, America and India, administrative law and constitutional law, droit administrative ... and council, D. Etate, constitutional foundation of administrative law, the rule of law, its meaning, supremacy of regular laws and equality before the laws, doctrine of separation of powers, its meaning and its position in U.K., U.S.A. & India.

**2- Administrative Process** - Nature of administrative process, and its classification, legislative, judicial, quasi-judicial and pure executive action, their characteristics and difference among them.

**3- Administrative Discretion** - Meaning, nature and criteria, its use or principle applicable for its use, need for administrative discretion, limit on exercise of discretion, malafide exercise of discretion acting under dictation, constitutional imperative... and use of discretionary authority, non-application of mind, unreasonableness and standard of reasonableness, taking irrelevant consideration or not taking in to consideration among relevant matter, non exercise of discretionary powers, administrative arbitrariness and bias. Procedural safeguards for use of discretion.

**4- Administrative Direction** - its use and classification, its unenforceability.

**5- Delegated legislation, Administrative adjudication & Tribunal**

Delegated legislation, its historical background and function, reasons for its growth, need for delegation of administrative power, kinds of delegated legislation, sub-delegated legislation and conditional legislation, constitutionality of delegated legislation in Britain and India, Re Delhi Laws Act, Power of exclusion and inclusion and power to modify statutes, essential legislative functions, requirement for the validity of delegated legislation.

**6- Judicial control of delegated legislation** - Doctrine of ultra vires, its kinds, substantive and procedural grounds for its applicability, consultation, sub delegation, publication, administrative directions, circular legislative or parliamentary control on delegated legislation, laying procedure, policy statement, committees on delegated legislation and hearing before it, sub delegation & powers, guide-lines for it, and control of sub delegation, administrative adjudication and tribunals, reasons for proliferation of administrative tribunals, functional approach characteristics and feature of administrative tribunals, Basic difference between a court and a tribunals, position of tribunals in India, CAT its purpose, establishment and

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composition, jurisdiction power and authorities, aspect of tribunal practice and administrative procedure, procedure before the enquiry or hearing, procedure at the tribunal hearing and procedure after tribunal hearing, frank committee report, administrative tribunal act 1985, administrative tribunals and appeal judicial review and finality of the tribunal decision, reopening of tribunal proceeding rule of res judicata, Administrative tribunals in India.

#### **7- Judicial Control of Administrative Action and Natural Justice**

Power of the High Court, writ jurisdiction of High Court under Article 226, limitation of jurisdiction, territorial limit, general limitations, Locus standi, non-existence of alternative remedies lashes, acquiescence, doctrine of legitimate expectation, doctrine of public accountability, doctrine of proportionality, grounds and condition for writs and orders, mandamus, certiorari, prohibition, Quo warrants, Habeas corpus, nature of relief practice and procedure, power of supreme court under Art 32, role of natural justice on administrative law - principals of natural justice, (1) No man shall be a judge in his own cause or if he has any bias (Pecuniary personal & official) against a party or any interest in subject matter of the enquiry (2) Audi Alteram Partem - "Hear the other side and limit of audi alteram partem (3) The party must be known the reasons for the decisions, the use of principle of natural justice in disciplinary process and exclusion & violation of principles of natural justice and its effect.

#### **8- State Liability for Wrongs Act & Commission of Inquiry & Corporate:**

Liabilities for torts, distinction between sovereign and commercial functions, constitutional provisions in this regard, act of state and statutory immunities contractual liability of Govt., Government privilege in legal proceeding state secrets, public interest, transparency and right to information estoppel and waiver.

Remedies against administrative acts, constitutional remedies writ injunctions, its nature and types, distinction between injunction and mandamus, suit for declaration, its condition and nature, suits for damages.

Public enquiry and commission of enquiry, general enquiry under service rules, procedure in disciplinary action and Provisions of commission of enquiry act 1952, and

9- **Corporation:** Corporations, its kinds and characteristics, its classification, legal and constitutional provisions & their responsibilities in contract and in tort, position of their employee whether they are civil servants? Control on corporation, legislative control, judicial control, governmental control and public controls.

#### **10- Ombudsman vigilance commission & leading cases**

Ombudsman, its development in Newzealand, Britain and Australia, Position of Ombudsman in India, Lokpal and Lokayukt and their position,

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Public Interest litigations its nature and importance in Democracy. Central vigilance commissions its powers and functions

11-Right to Information Act, 2005-Introduction, Right to Information and Voluntary Organization, Right to Information in the Foreign Countries, Request for Right to Information, Constitution, Rights and Obligations of the Information Agencies, Procedure of Disposal of Applications and Complaints by State Commissions with special reference to Section 18, 19 and 20 of Right to Information Act 2005.

**11- Leading cases:**

1. A.K. Kraipak v. Union of India (AIR 1970 SC 150)
2. Bharat Bank Ltd. v. Employees of Bharat Bank (AIR 1970, SC188)
3. Bhagat Raja, Union of India (AIR 1967 SC1606)

**Books Recommended:**

1. Jain and Jain - Principles of Administrative law, Tripathi (1986).
2. Wade - Administrative law (Indian Rep.) Universal Delhi.
3. J.C. Garner - Administrative law, Butterworth (1990)
4. D.D. Basu - Comparative Administrative law (Prentice Hall).
5. I.P. Massey - Administrative law EBC, Lucknow. (1996).
6. M.P. Jain - Cases and material on Indian Administrative law (Vol. I & II) 1998  
Universal book traders Delhi.
7. S.P. Sathe - Administrative law (1998), Butterworth (India), Delhi.
8. De Smith - Judicial review of Administrative Action (1995) with supplement, Sweet & Maxwell.
9. M.A. Fazal - Judicial control of administrative action in India Pakistan & Bangladesh (2000), Butterworth India.
10. Indian law institute - Cases and material on Administrative law in India vol. I (1996), Delhi.
13. D.R. Saxena - Ombudsman, Deep & Deep Delhi.
14. Tusharkanti Saha - Administrative law - Kanishk Publication, New Delhi.
15. V.G. Ramchandran - Administrative law, Eastern Book Co., Lucknow.
16. Foulkes - Introduction to Administrative law, Butterworth.
17. Bhagwati Prasad Banerjee - Writ Remedies (1999) Wadhwa, Nagpur.
18. M.P. Jain - The evolving Indian Administrative law (1983) Tripathi, Bombay.

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# LAW OF EQUITY AND INDIAN TRUST ACT, 1882

## Paper- IV

### PART-A

#### **EQUITY**

Historical Introduction- Concept of Equity, Principles of Equity, Nature and Scope of Equity, Equity under the Roman, English and Indian Legal System.

Origin and Growth of Equity in England-Origin of Equitable Jurisdiction, Procedure in Equity.

Division of Equity Jurisdiction-Exclusive, Concurrent and Auxiliary Jurisdiction  
Equity and the Common Law- Distinctive Features of Equity and Common Law, Relation of Equity with Common Law, Fusion of the Administration of Equity and Common Law, The Judicature Act, 1873-1875, Object and Effect of the Judicature Act  
Maxims of Equity.

Nature of Equitable Rights and Interest, Classification of Equitable Rights, Penalties and Forfeitures, Mortgages, Liens and Charges, Married Women, Guardians, Infants, Idiots and Lunatics, Conversion and Re-conversion, Election, Performance Satisfaction and Ademption, Administration of Assets, Mistake, Misrepresentation, Fraud and Undue Influence, Accident, Set-off, Equitable Assignments and Equitable Estoppels.

### PART-B

#### **INDIAN TRUST ACT, 1882**

Historical Background- Importance of Trust, Origin and Development of Trust under Roman Law, English Law and Indian Law.

Definition of Trust and Comparison with other Analogous Relations, Kinds of Trusts, Public or Charitable Trust, Doctrine of Cypres, Creation of Trust, The Appointment and Discharge of Trustees, The Duties and Liabilities of Trustees, The Rights and Powers of Trustees, Disabilities of Trustees, Rights and Liabilities of Beneficiaries, Vacating the Office of Trustee, Extinction of Trust, Certain Obligation in the Nature of Trust.

#### **LEADING CASES:**

- 1- Deoki Nandan Vs. Murlidhar and Others AIR 1957 S.C. 133.
- 2- Jankiram Ayyar Vs. Neelkanth Ayyar, AIR 1962 S.C. 536.
- 3- Shyamlal Yadu Rao Bhau Vs. Yesha Ram Lodku Pavan AIR 1954 Nag. 334
- 4- Satyanarayan Vs. G. Velloji Rao AIR 1965 S.C. 1465

#### **RECOMMENDED BOOKS:**

- |                      |  |
|----------------------|--|
| 1- Snell             | Principles of Equity   |
| 2- S.T.Desai         | Indian Trust Act   |
| 3- G.P. Singh        | Equity, Trust and Specific Relief                              |
| 4- Aqil Ahmed        | Equity, Trust with Fiduciary Relations and Specific Relief Act |
| 5- Basanti Lal Babel | Equity, Trust and Specific Relief Act(In Hindi)                |
| 6- Suryanarayan Iyer | Indian Trust Act   |

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# PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

## (PRACTICALS)

### Paper-V

**OUTLINE OF THE COURSE:** Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations

This Course will be taught in association with practicing lawyers on the basis of 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 opinion of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject
- (v) Other reading materials as may be prescribed by the University

### SCHEME OF EXAMINATION

(1)	Written Examination	50
(2)	Seminar two (each of 10 marks)	20
(3)	Project Report (on any topic of the material)	20
(4)	Viva-Voce	10

The written examination shall be conducted from the prescribed course. The seminar shall also be conducted from the important topics of the materials. The presentation of Project Report and appearance in seminar and viva-voce examination is compulsory. The candidate who does not appear in seminar and viva-voce examination or who does not prepare Project Report will be declared fail in this paper.

The Practical work/Project Report shall be submitted by the students in own handwriting in the College. The evaluation shall be made by the college on the basis of participation and record. The college after valuation shall be sent the diaries and marks to the University. The Principal may himself evaluate and allot marks on the record or may

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authorize any senior member(s) of the staff, for this purpose. In the later case The Principal shall countersign on the awarded marks. Viva-voce shall be conducted by the external examiner appointment by University.

**DETAILED COURSE CONTENT OF WRITTEN EXAMINATION**  
(50 marks)

- 1. GENESIS NATURE AND EVOLUTION OF INDIAN BAR**
  - a) Evolution of Indian Bar - Regulating Act 1773. Bengal Regulation of 1793. and The Legal Practitioners Act 1846.
  - b) The Legal Practitioners Act 1853 and the legal practitioners Act 1879.
  - c) The Bar Councils Act 1926 and The Report of the All India Bar Committee 1953.
  - d) History and circumstances before the passing of the Advocate Act 1961.
  
- 2. SOURCES & SANCTIONS OF PROFESSIONAL ETHICS & MISCONDUCTS**
  - a) Sources of Rules of Professional Ethics - Judicial and extra Judicial sanctions and advantages of study of professional ethics.
  - b) Lawyers misconduct - Professional and others.
  - c) Equipment of Advocate Reverence for the law learning public service, brotherhood organization. Love for professional ideals.
  - d) Independence and integrity of The Bench and the Bar.
  
- 3. PRIVILEGES RIGHTS POWERS AND DISABILITIES OF LEGAL PRACTITIONERS**
  - a) Right and duties of Advocates
  - b) Privileges of Advocate
  - c) Powers of Legal practitioners
  - d) Disabilities of legal practitioners

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**4. ADVOCATES AND THEIR RELATION WITH OTHERS IN THE LIGHT OF B.C.I. RULES 1976**

- a) Advocate and the Court.
- b) Advocates relation with his opponent and with his client.
- c) Advocates relation with his colleagues and witnesses
- d) Advocates and the public and other employment and Advocates

**5. ADVOCATE ACT, CODE OF ETHICS AND CONTEMPT OF COURT**

- a) Indian Advocates Act, 1961.
- b) The contempt law & practice - Indian contempt of court Act 1976.
- c) Other statutory provisions relating to contempt in IPC, Cr. P.C and CPC.
- d) Supreme Court on professional misconduct - Important cases.

**BOOK RECOMMENDED**

1. C.L. Anand - Professional Ethics of the Bar (Law Book Co., S.P. Marg Allahabad).
2. V.G. Ramchandran's - Contempt of Court EBC, Lucknow.
3. The Bar Council Code of Ethics and Indian Advocate Act 1961.
4. Indian Contempt of Court Act 1996.
5. M. Krishnamurthy - Advocacy
6. AVROM Sherr - Advocacy, Universal Book Traders, 80, Gokhale Market, Delhi.

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**DETAIL SYLLABUS OF LL.B. PART-II (SEMESTER SYSTEM)**  
**FOURTH SEMESTER**  
**LAND LAWS INCLUDING OTHER LOCAL LAWS**  
**Paper-I**

**1. The Chhattisgarh Land Revenue Code 1959 (Amended 2006)**

**2. The C.G. Ceilings on Agricultural Holding Act, 1960 (as Amended 2006)**

- (1) C.G. LAND REVENUE CODE - Historical Development, Definitions, Abadi, Agriculture, Agriculture Year, Bonafide Agriculturist, Board, Co-operative Society, Government, Forest, Government Lessee, Holding. Improvement, Land, Landless Person, Land Records, Legal Practitioner, Mango Grove, Orchard, Recognized Agent, Rent, Revision, Revenue Officer, Revenue Year, Sub-Division of Survey Number, Tenant, Tenure Holder, Timber Tree, Urban Area, Unoccupied Land, Village, To Cultivate Personally, Survey Number.
- (2) Board of Revenue, Revenue Officers and their Classes and Powers, Procedure of Revenue Courts, Appeal Revision and Review, Land and Land Revenue ,Revenue Survey and Settlement in Non-Urban Areas, Assessment and Re-assessment of Land Revenue in Urban Areas.
- (3) Land Records, Boundaries And Boundary Marks and Survey Marks, Tenure Holders, Government Lessee and Service Land, Occupancy Tenants, Alluvian and Dilluvian, Consolidation of Holding, Village-Officers, Rights in Abadi and Unoccupied Land and its Produce.
- (4) C.G. on Agricultural Holding Act, 1960 : Definitions, Exemptions and Restrictions on Transfer of Land, Fixing of Ceiling Area, Determination of Surplus Land and Acquisition Thereof, Payment of Compensation in Cumbrances on Surplus Land, Offences and Penalties and Miscellaneous.
- (5) **Leading Cases**
  - 1.State of M.P. Vs. Poonam Chand, 1968, J.L.J. 116.
  - 2.M.P. State Vs. Babulal And others, 1980, J.L.J. 856 (SC).
  - 3.Harprasad. B Horelal Vs. Board of Revenue, 1964, M.P.L.J. 370.
  - 4.Nandu Vs. Babu and others. 965, M.P.L.J. 178.
  - 5.Manmohan Lal Shukla Vs. Board of Revenue, 1964, M.P.L.J. 32.

**Books Recommended :**

1. M.P. Land Revenue Code - H.N. Dwivedi.
2. M.P. Land Revenue Code - R.D. Jain.

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**ENVIRONMENTAL LAWS INCLUDING WILD LIFE  
PROTECTION AND ANIMAL WELFARE.**

**Paper-II**

**This paper includes following Statutes-**

1. The Water (Prevention and control of pollution) Act, 1974.
2. The Air (Prevention and control of pollution) Act, 1981.
3. Environment Protection Act, 1986.
4. The Wild Life (Protection) Act, 1972
5. Prevention of Cruelty to Animals Act, 1960.

**Detail course contents-**

1. **Concept of Environment and Pollution-** Environment, meaning and concept, pollution meaning and effect, environmental pollution, Provisions of Indian Constitution as to Environment.
2. **The Water (Prevention and control of pollution) Act, 1974-** Application and Commencement (S.1), definition(S.2), the control and state Boards for prevention and control of water pollution(S.3-12), Constitution of joint Boards(S. 13-15), Powers and functions of Boards(S. 16-18), Prevention and control of Water pollution(S. 19-33), Funds, Accounts and Audit (S. 34-40), penalties and procedure (S. 41-50), Miscellaneous(S. 51-64).
3. **The Air (Prevention and control of pollution) Act, 1981-** Preliminary (Ss. 1-2), Central and State Boards for the Prevention and Control of Air Pollution (Ss. 3-15), Powers and Functions of Boards (Ss. 16-18), Prevention Control of Air pollution (Ss. 19-31), Fund, Accounts and Audit (Ss. 32-36), Penalties and Procedure (Ss. 37-46), Miscellaneous (47-54) Schedules.
4. **The Wild Life (Protection) Act, 1972 (No. 53 of 1972) -** Preliminary (Ss. 1-2), Authorities to be appointed or constituted under the act (Ss. 3-8), Hunting of wild animals(Ss. 9-17), Sanctuaries, national parks game reserves and closed areas (Ss. 18-38), Trade and commerce in wild animal articles and trophies (Ss. 39-49), prevention and detection of offences (Ss. 50-58), Miscellaneous (Ss. 59-66).
5. **Prevention of Cruelty to Animals Act, 1960-** Preliminary (Ss. 1-3), Animal Welfare Board (Ss. 4-10), Cruelty to animals generally (Ss. 11-13) Experimentation on Animals (Ss. 14-20).
6. **Leading Cases-**
  - (i) M.C. Mehta vs. Union of India, 1994 S.C.C. 750,
  - (ii) Morena Mandal Sahkari Shakkar Karkhana Society vs. M.P. Board of Prevention of Water Pollution 1993 MPLJ 270.
  - (iii) Santosh Kumar Gupta vs. Secretary Ministry of Environment New Delhi 1997 (2) MPLJ. 602.
  - (iv) M.P. Rice Mill Association vs. State of M.P. 1999 (1) MPLJ 315

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### Books Recommended -

1. Trivedi R.K. & P.K. Goel- Introduction to Air Pollution (Techno Science Publication).
2. Jadhav & Bhosle V.M. -Environmental Protection and Laws (Himalaya Publishing House, Delhi)
3. Clark R.S. - Marine Pollution (Cleradon Press Oxford)
4. Cenningham W.P. Cooper, T.H. Gorhani & Hepworth M.T. - Environmental Encyclopedia (Jaico Publishing House, Mumbai - 1196 P.)
5. Rao R.N. & Dutta A.K.- Waste water Treatment (Oxford & IBH) 1987.
6. R.B. Singh & Suresh Mishra- Environmental Law in India (Concept Publishing Co. (New Delhi 1996).
7. Leela Krishnan P. (Ed.) -Law & Environment (EBC Lucknow 1990)
8. Leela Krishnan P.P. - The Environmental Law in India Butterworth India (1999)
9. Nagendra Singh - Environmental Law in India (1986)
10. Suresh Jain - Environmental Law in India (1986)
11. B.L. Babel - Environmental Protection Law 1997.
12. Kailash Thakur - Environmental Protection Law & Policy in India (Deep & Deep Publishing Co., New Delhi (1977).
13. R.K. Trivedi - Hand Book of Environmental laws, Rules Guidelines Compliance and standard Vol. I & II.
14. Dr. Anirudhha Prasad - Paryavaran ayam paryavarniya sanrakshan vidhiya

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# LABOUR AND INDUSTRIAL LAWS-I

## Paper-III

### **This Paper includes Following Statutes**

- (1) The Industrial Disputes Act, 1947
- (2) The Trade Unions Act, 1926
- (3) The Workmen's Compensation Act, 1923
- (4) The Payment of Wages Act, 1936
- (5) The Minimum Wages Act, 1948

### **Detail Course Contents**

(1) **General Introduction**-Industrial Jurisprudence, Labour Policy in India, Industrial Revolution of India, Evil of Industrialization, Labour Problems, Principles of Labour Legislation, Growth of Labour Legislation in India, Classification of Labour and Industrial Legislations.

(2) **The Industrial Disputes Act, 1947**—Preliminary, (Sec. 1-2), Authorities under this Act (Sec. 3-9), Notice of change (Sec. 9A -9 B), Reference Of Certain Individual Disputes To Grievance Settlement Authorities (Sec. 9C ), Reference of Disputes to Boards, Courts or Tribunals (Sec. 10- 10A), Procedure, Power and Duties of Authorities (Sec. 11-21), Strikes and Lockouts (Sec. 22-25), Lay-Off and Retrenchment (Sec. 25A-25J ), Unfair Labour Practice (Sec. 25T-25U ), Penalties (Sec. 26-31).

(3) **The Trade Unions Act, 1926**-- Preliminary,(Sec. 1-2), Registration of Trade Unions (Sec. 3-14), Rights and Liabilities of Registered Trade Unions (Sec. 15-28), Regulations (Sec. 29-30), Penalties and Procedure (Sec. 31-33).

(4) **The Workmen's Compensation Act, 1923**-- Preliminary, (Sec. 1-2), Workmen's Compensation (Sec. 3-18), Commissioners – Reference to Commissioners, Appointment and Powers of Commissioners, Powers and Procedure of Commissioners, Appeals (Sec. 19-21), Rules 32-36, All Schedules, All Schedules and amendments made from time to time.

(5) **The Payment of Wages Act, 1936**-- Preliminary, (Sec. 1-2), Responsibility for Payment of Wages (Sec. 3-6), Deductions which may be made from wages (Sec. 7-13), Authorities under the Act, Inspectors, Facilities to be afforded to Inspectors, Authorities to hear claims, Single application in respect of claims from unpaid group, Appeal (Sec. 14-17), Power of authorities appointed under section 15 (Sec. 18-19 ), Miscellaneous Provisions (Sec. 20-26).

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(6) **The Minimum Wages Act, 1948**-- Preliminary, (Sec. 1-2), Fixing of minimum rates of wages (Sec. 3-6 ), Advisory Board (Sec. 7-9 ), Wages in kind (Sec. 10-17 ), Maintenance of Registers and Records, etc. (Sec. 18-21 ), Penalties, etc. (Sec. 22-26 ), Power of Govt. to make rules (Sec. 27-31 ), All Schedules and all amendments made from time to time.

**LEADING CASES:**

1. A Maikenji Vs. J.S. Ishaq AIR 1970 SC 1906
2. Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and Others AIR 1978 SC 553
3. Pottery Majdoor Panchayat Vs. The Perfect Pottery Co. Ltd. A.I.R. 1979, S.C. 1356.

**Books Recommended:**

1. H.K. Sharey - Industrial & labour laws in India (Prentice-Hall) New Delhi.
2. I.A. Sayieed - Labour laws, Himalayan Publishing Co. Nagpur
3. Reshma Arora - Labour law, Himalayan Publishing Co. Nagpur
4. S.K. Mishra - Labour and Industrial law - Allahabad law agency H.N. 387, Sector 16-A Faridabad.
5. Taxmann - Labour laws - Bare Act (Taxmann allied series, Allahabad)
6. S.C. Shrivastava - Treatise on social security and labour laws EBC Lucknow.
7. S.N. Mishra - Labour & Industrial laws CLA Allahabad.
- 8 P.L. Malik - Hand Book of Labour and Industrial laws, EBC Lucknow.
  
9. Seth D.D. - Commentaries on Industrial Act (Law publishing house - Allahabad)
10. K.D. Shrivastava - Commentary of payment of wages act (1998) EBC Lucknow.
11. O.P. Malhotra - The law of Industrial Disputes (1998) Universal Delhi.
12. V.G. Goswami - Labour and Industrial laws, CLA Allahabad.
13. P.K. Padhi -Labour and Industrial Laws, Prentice Hall of India Pvt. Ltd. New Delhi.

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## LABOUR AND INDUSTRIAL LAWS-II

### Paper-IV

#### This Paper includes following Statutes:

- (1) The Employees' State Insurance Act, 1948
- (2) The Factories Act, 1948
- (3) The Child Labour(Prohibition and Regulation) Act, 1
- (4) The Maternity Benefits Act, 1961
- (5) The Gratuity Act, 1972

#### Detail Course contents:

(1) **The Employees' State Insurance Act, 1948**—Preliminary (Definitions) (Sec. 1-2), Corporation, Standing Committee and Medical Benefit Council (Sec. 3-25 ), Finance and Audit (Sec. 26-37 ), Contributions (Sec. 38-45 ), Benefits (Sec. 46-59 ), Adjudication of Disputes and Claims (Sec. 74-83 ), Penalties (Sec. 84-86 ).

(2) **The Factories Act, 1948**-- Preliminary (Definitions) (Sec. 1-7), Inspecting Staff (Sec. 8-10 ), Health (Sec. 11-20 ), Safety (Sec. 21-41 ), Welfare (Sec. 42-50 ), Working hours of Adults (Sec. 51-66 ), Employment of Young persons (Sec. 67-77 ), Annual leave with wages (Sec. 78-84 ).

(3) **The Child Labour(Prohibition and Regulation) Act, 1986**- Preliminary (Definitions) (Sec. 1-2 ), Prohibition of Employment of Children in certain occupations and processes (Sec. 3-5 ), Regulation of conditions of work of children (Sec. 3-5 ), Miscellaneous (Sec. 14-26 ). Causes of child labour and Present prospect of child labour in India.

(4) **The Maternity Benefits Act, 1961**-- Preliminary (Definitions) (Sec. 1-3 ), Employment of, or work by woman prohibited during certain period , Right to payment of maternity benefit, Notice of claim for maternity benefit and payment thereof, Payment of maternity benefit in case of death of a woman, Payment of medical bonus, Leave for miscarriage, Other leaves, Nursing breaks, Dismissal during absence of pregnancy, Deduction of wages, Appointment of Inspectors, Powers and duties of Inspectors (Sec. 4-22 ), Cognizance of Offence (Sec. 23 ).

(5) **The Gratuity Act, 1972**-- Preliminary (Definitions) (Sec. 1-2), Controlling Authority, Payment of Gratuity, Nomination (Sec. 3-6 ), Determination of the amount of gratuity (Sec. 7 ), Inspector , Recovery of gratuity, Penalties (Sec. 8-9), Cognizance of Offences (Sec. 11-14 ), Power to make rule (Sec. 15 )

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(6) **LEADING CASES:.**

- (1) B.Shah Vs. Labour Court AIR 1978 SC 12
- (2) Ahemdabad Private Primary Education Association Vs. Administrative Officers (2004) I SCC 755
- (3) Peoples Union for Democratic Rights Vs. Union of India AIR 1982 SC 1480

**Books Recommended:**

1. H.K. Sharey - Industrial & labour laws in India (Prentice-Hall) New Delhi.
2. I.A. Sayieed - Labour laws, Himalyan Publishing Co. Nagpur
3. Reshma Arora - Labour law, Himalyan Publishing Co. Nagpur
4. S.K. Mishra - Labour and Industrial law - Allahabad law agency H.N. 387, Sector 16-A Faridabad.
5. Taxmann - Labour laws - Bare Act (Taxmann allied series, Allahabad)
6. S.C. Shrivastava - Treatise on social security and labour laws EBC Lucknow.
7. S.N. Mishra - Labour & Industrial laws CLA Allahabad.
- 8 P.L. Malik - Hand Book of Labour and Industrial laws, EBC Lucknow.
  
9. Seth D.D. - Commentaries on Industrial Act (Law publishing house - Allahabad)
10. K.D. Shrivastava - Commentary of payment of wages act (1998) EBC Lucknow.
11. O.P. Malhotra - The law of Industrial Disputes (1998) Universal Delhi.
12. V.G. Goswami - Labour and Industrial laws, CLA Allahabad.
13. P.K. Padhi -Labour and Industrial Laws, Prentice Hall of India Pvt. Ltd. New Delhi.

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# ALTERNATIVE DISPUTES RESOLUTION

## ( PRACTICALS)

### Paper V:

#### Outline of the Course:

- (i) Negotiation skills to be learned with simulated program.
- (ii) Conciliation skills.
- (iii) Arbitration Law and Practice including International arbitration and Arbitration rules.

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

#### SCHEME OF EXAMINATION

(1)	Written Examination	50
(2)	Seminar two (each of 10 marks)	20
(3)	Project Report (on any topic of the material)	20
(4)	Viva-Voce	10

The written examination shall be conducted from the prescribed course. The seminar shall also be conducted from the important topics of the materials. The presentation of Project Report and appearance in seminar and viva-voce examination is compulsory. The candidate who does not appear in seminar and viva-voce examination or who does not prepare Project Report will be declared fail in this paper. Viva-voce shall be conducted by the external examiner appointment by University.

The Practical work/Project Report shall be submitted by the students in own handwriting in the College. The evaluation shall be made by the college on the basis of participation and record. The college after valuation shall be sent the diaries and marks to the University. The Principal may himself evaluate and allot marks on the record or may authorize any senior member(s) of the staff, for this purpose. In the later case The Principal shall countersign on the awarded marks.

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## DETAILED COURSE CONTENT OF WRITTEN EXAMINATION

(50 marks):

1. Arbitration : meaning scope and types, Arbitration Agreement- essentials , kinds , Who can enter into arbitration agreement? Validity, Reference to arbitration, Interim measures by Court.
2. Arbitral Tribunal, Appointment, Jurisdiction of arbitral tribunal, Grounds of challenge, Powers, Procedure, Court assistance, Award, Rules of guidance, Form and content, Correction and interpretation, Grounds of setting aside an award-- Want of proper notice and hearing , Contravention of composition and procedure, Impartiality of the arbitrator, Bar of limitations, Res judicata, Consent of parties, Enforcement.
3. Appeal and Revision, Enforcement of foreign awards, New York Convention Award, Geneva Convention Awards.
4. Conciliation: Distinction between “conciliation”, “negotiation”, “mediation” and “arbitration”, Appointment of conciliator, Interaction between conciliator and parties, Communication, disclosure and confidentiality, Suggestions by parties, Resort to judicial proceedings, legal effect, Costs and deposit repeal.
5. Rule making power: Legal Services Authorities Act, Lok Adalat, Legal Camp.

### BOOKS RECOMMENDED:

1. Avtar Singh : Arbitration and Conciliation.
2. Goyal : Arbitration and Conciliation Act.
3. Shukla : Legal remedies.
4. Jhabvala : Law of Arbitration and Conciliation.
5. Dr. N.V.Paranjape: Arbitration and Alternative Dispute Resolution.

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LL.B PART-III (SEMESTER SYSTEM)EXAMINATION(SESSION 2017-18)

FIFTH SEMESTER  
(July to December)

S.NO.	Papers	Max. Marks
1	Company Law	100
2	Public International Law	100
3	Interpretation of Statutes	100
4	Human Rights Law	100
5	Drafting, Pleading and Conveyancing (Practicals)	100
<b>Total Marks</b>		<b>500</b>

SIXTH SEMESTER  
(Jan to June)

S.NO.	Papers	Max. Marks
1	Transfer of Property Act and Easement Act	100
2	Civil Procedure Code and Limitation Act	100
3	Law of Taxation	100
4	Intellectual Property Law & Information Technology Act, 2000	100
5	Moot Court Exercise and Internship(Practicals)	100
<b>Total Marks</b>		<b>500</b>

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**DETAIL SYLLABUS OF LL.B. PART-III (SEMESTER SYSTEM)**

**FIFTH SEMESTER  
COMPANY LAW**

**PAPER – I**

**(INDIAN COMPANY ACT, 2013 WITH AMENDMENTS)**

- (1) Introduction, History and Definition of Company, Registration of Corporate Entity, Corporate Veil, Company and Hindu undivided Family, company and Partnership, Club, Association of Persons, Advantages and Disadvantages of Incorporation, Kinds Companies and Application of the Act.

Interpretation and Definitions of Various Terms.

- (2) Formation of Companies, Promotion, Promotor and his Rights and Liabilities, Incorporation, Memorandum of Association and Articles of Association, Doctrine of Ultra-Vires, Prospectus, Definition, Contents of Prospectus Punishment for Misrepresentation in the Prospectus, Members of the Company, Members and Shareholders and Public Trustees.

- (3) Share and Share Capital, Allotment of Share, Statutory Restriction on Allotment, General Principles as to Allotment, Company which cannot issue prospectus,, Irregular Allotment, Return as to Allotment, Issue of Share at Discount, Underwriting Commission, Brokerage, Issue of Share at Premium, Share Capital : Definition, Nature of Share Certificate, Position of Transferor and Transferee, Procedure, Blank Transfer, Right to Refuse Registration, Restriction on the Acquisition and Transfer of Share, Certificate of Transfer, Kinds of Share, Power of Company to Accept Payment in Advance of Calls. Reserve Liability, Alteration of Capital Reorganisation of Share Capital. Reduction of Capital, Share Warrant.

Directors, Position of Directors, Appointment, Powers and Duties of Directors, Other Office Bearers of the Company.

- (4) Dividend, Debenture, Accounts and Audit, Borrowing Powers of the Company, Investment and Contract, Majority Powers and Minority Rights and Rule of Foss and Harbottle, Mismanagement and Reonadies ----- Compromise.

Arrangement, Reconstruction and Amalgamation, Investigation and Liquidation and Consequences of Winding up of the Companies.

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(5) **Leading Cases**

1. Saloman Vs. Soloman and Company Ltd., 1897, PC 22.
2. Income Tax Commissioner Vs. Shri Meenakshi Mills, A.I.R., 1967, SC 819.
3. Nareshchand Vs. Calcutta Stock Exchange Association AIR 1971, SC 422.
4. N. Goverdhandas & Company Vs. N.W. Industries Pvt. Ltd. AIR 1971, SC 2600.
5. Official Liquidator Vs. P.A. Tandolkar AIR 1973, SC 1104.
6. R. Methlone Vs. Bombay Life Insurance Corporation Ltd. AIR 1953, SC 195.

**Books Recommended :**

1. Company Lax - Philip. K. Thayil.
2. Lectures on Company Law - S.M. Shah.
3. Indian Company Law - Awtar Singh.
4. Company Law - R.R. Maurya.
5. Company Law - Dr. Ramchandran.
6. Students Guide to Company Law – Taxmann
7. Company Law- N.V Paranjape.

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# **PUBLIC INTERNATIONAL LAW**

## **PAPER--II**

### **(A) INTRODUCTION:**

- a) Definition and Concept of International Law, Object of International Law, Nature and Origin and development of International Law,
- b) Sources of International Law, Codification of International Law Relationship between international and Municipal law and difference between Public International law and Law of conflicts subjects of PIL.
- c) Relationship between international and Municipal law and difference between Public International law and Law of conflicts, subjects of Public International Law

### **(B) GENERAL PRINCIPLES OF INTERNATIONAL LAW**

- a) State - its nature, evolution, and criteria of statehood, Recognition of States and Governments, Meaning and theory of Recognition, Mode of Recognition and legal effects of Recognition, Acquisition and Loss of State Territory
- b) State Succession-Its kinds and Principles of State Succession, Effect of Succession, State Jurisdiction and State Responsibility, Nationality, Extradition, Asylum, Diplomatic Agents and Treaties
- c) Law of the Sea - Territorial water, continental shelf, sea bed, ocean-floor, Economic zone, Contiguous Zone

### **(C) LAW OF WAR AND PEACE AND SETTLEMENT OF DISPUTES**

- a) Settlement of International Disputes- Peaceful or amicable methods and forcible or coercive methods for settlement of disputes, Intervention, Neutrality, Blockade, Contraband and Prize Courts
- b) International Organization- League of Nations and reasons of its failure, Role of United Nations Organization (UNO) and their specialized agencies. Composition, Powers and Functions of The General Assembly and The Security Council, Composition, Powers and Jurisdiction of the International Court of Justice
- c) Some recent trends –International Criminal Courts of Justice, Doctrine of Self-determination, International Terrorism Disarmament and Genocide

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## LEADING CASES:

- 1-Daimlar Co. Ltd Vs. Continental Tyre and Rubber Co. Ltd.(1961)2 A.C. 307
- 2-Anglo Indian Oil Co. Case(1952) I.C.J.R. 93
- 3-Harbhajan Singh Vs. Union of India, AIR 1987 S.C. 9

## Recommended Reading Material :

1. J.K. Starke - An Introduction to the International Law.
2. J. L. Brierley - The Law of Nations (Oxford)
3. K.C. Joshi - International Law and Human Rights
4. S.K. Verma - An Introduction to Public International Law (Prentice-Hall India).
5. All the Covenants and Conventions.
6. Shaw M.N. - International law (CUP).
7. M.C. Nair - The Law of Treaties (Oxford)
8. S.K.Kappor - Human Rights under International Law and Indian Law Central Law Agency Allahabad
9. S.K.Kappor - Human Rights under International Law and Indian Law Central Law Agency Allahabad(In Hindi)
10. H.O. Agrawal - International Law and Human Right(In Hindi)

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# INTERPRETATION OF STATUTES

## PAPER - III

- (1) Principles and Legislation-Law Making - Legislature, Executive and Judiciary, Principle of Utility, Operation of these Principles upon Legislation, Distinction between Morals and Legislation.

INTERPRETATION OF STATUTES - Introduction, Meaning, Commencement, Operation and Repeal of Statutes, Purpose of Interpretation of Statutes Classification of Statutes.

- (2) GENERAL PRINCIPLES OF INTERPRETATION - Primary Rules, Literal Rule, Golden Rule, Mischief Rule (Rule in the Hydon's Case) Rule of Harmonious Construction. Secondary Rules, Noscitur a Soclis, Ejusdem Generis, Reddendo Singula Singulis, Utres Magis Valeat Quam Pereat, Contemporanea Expositio est Fortissima in Lege.

PRESUMPTIONS IN STATUTORY INTERPRETATION - Presumption as to Jurisdiction, Presumption Against inconvenient or Absurd, Presumption Against Intending Injustice, Presumption Against Impairing Obligations or Permitting from One's Own Wrong, Prospective Operation of Statutes.

- (3) AIDS TO INTERPRETATION AND MAXIMS OF STATUTORY INTERPRETATION - Internal Aids and External Aids, MAXIMS - Delegates Non Potest Delegare, Expressio Unius Exclusio Alterius, Generalia Specialibus non Derogant, In Pari Delicto Potior Est Condition Possidentis, Utresvalet Potior Quam Pareat, Expressum Facit Cessare Tacitum, Jure Nature Sunt Immutabilia.

- (4) Interpretation with Reference to the Subject Matter and Purpose - Beneficial Construction, Strict Construction of Penal Statutes and Taxing Statutes, Construction and Interpretation of Welfare Legislation, Harmonious Costruction of the Statutes, Interpretation of Statutes in Pari Materia, Amending, Consolidating and Codifying Statutes, Mandatory and Directory Enactments and Conjunctive and Disjunctive Enactments.

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- (5) Principles of Constitutional Interpretation - Principles of Implied Powers, Incidental or Ancillary Power, Doctrine of Pith and Substance and Colourable Legislation, Principles of Implied Prohibition, Occupied Field and Territorial Nexus, Doctrine of Severability and Repugnancy and Doctrine of Eclipse and Ancillary Powers.

Retrospective and Prospective Operation of Statutes.

**Books Recommended :**

1. Principles of Statutory Interpretation - G.P. Singh.
2. Interpretation of Statutes and Legislation - M.P.Tondon and Rajesh Tondon.
3. Statute Law - Craies.
4. Interpretation of Statutes - V.P. Sarthi.
5. Maxwell's Interpretation of Statute - N.M. Tripathi.

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**HUMAN RIGHTS LAW & PRACTICE**  
**PAPER-IV**

**(A) GENERAL BACKGROUND & HISTORICAL PERSPECTIVE**

1. Historical Development and concept of Human Right
2. Meaning and definition of Human Rights
3. Theories of Human Rights
4. Kinds and Classification of Human Rights
5. Human Right in India ancient, medieval and modern concept rights
6. Human Right in Western tradition
7. Concept of natural law and natural rights

**(B) INTERNATIONAL PROTECTION OF HUMAN RIGHTS**

- 1 Evolution of the concept of Human Rights
- 2 Sources of International Human Rights Law
- 3 Protection and implementation of Human Rights under the U.N.O. Charter
- 4 Universal Declaration of Human Rights, 1948 –Importance of declaration, Legal Effect and influence of the Universal Declaration
- 5 International Covenant on Economic, Social and Cultural Rights, 1966
- 6 International Covenant on Civil and Political Rights, 1966
- 7 Convention on the elimination Of all forms of discrimination against women
- 8 Convention on the rights of the child

**(C) REGIONAL PROTECTION OF HUMAN RIGHTS:**

- 1 European Convention for the protection of Human Rights and Fundamental Freedoms (1950) and European Social Charter, 1961
- 2 American Convention on Human Rights, 1969
- 3 African Charter on Human and People's Rights, 1981
- 4 Arab Commission on Human Rights

**(D) NATIONAL PROTECTION OF HUMAN RIGHTS:**

- 1 Impact and Implementation of International Human Rights Norms in India
- 2 Human rights norms reflected in fundamental rights in the constitution
- 3 Directive principles: legislative and administrative implementation of international human rights norms through judicial process
- 4 Enforcement of Human Right in India
- 5 Role of courts: the Supreme Court, High Courts and other Courts

**(E) PROTECTION OF HUMAN RIGHTS ACT, 1993:**

- 1 The National Human Rights Commission- Constitution, Functions and powers of the Commission, Power of Investigation and inquiry into Complaints
- 2 The State Human Rights Commission—Constitution, Functions and powers of the Commission , Power of Investigation and inquiry into Complaints
- 3 Human Rights Courts
- 4 Other Statutory Commissions – Women's, Minority, ST, SC and Backward classes

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**(F) LEADING CASES:**

1. Gaurav Jain Vs. Union of India, AIR 1997 SC 3021
2. Vikram Dev Sing Tomar Vs. State of Bihar, AIR 1988 SC 178

**Selected Bibliography**

1. S.K. Avesti and kataria Law relating to Human Rights, Orient New Delhi
2. Human Rights watch women's Rights watch global report on women's Human Rights (2000), Oxford
3. Ermacora Nowak and Tretter, International Human Rights (1993), Sweet and Maxwell
4. Wallace, International Human Rights: Text & Materials (1996), Sweet & Maxwell
5. Human Rights & Global Diversity (2001), Frank Cass, Landon
6. Nirmal B.C. The Right of self Determination in International Law (1995), Deep and Deep
7. P.R. Gandhi, International Human Rights Documents (1999) Universal Delhi
8. H.O. Agrawal, International Law and Human Rights, Central Law Publication
9. S.K. Kapoor, Human Rights Under International Law and Indian Law

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## Moot Court Exercise and Internship

### Paper –V

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

Moot Court (30 marks)- every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

Observance of Trial in two cases, one Civil and one Criminal (30 marks).

Students may be required to attend two trials in the course of the last two or three years of LL.B studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

(c)Interviewing techniques and Pre-trial preparations and Internship dairy 30 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, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/ petition. This will be recorded in the dairy, which will carry 15 marks.

(d)The fourth component of this will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

The Court work shall be submitted by Student in own handwriting in the College/SOS in Law. The evaluation shall be made by the college/SOS in Law on the basis of participation and record. The college/SOS in Law after valuation shall sent the diaries and marks to the University. The Principal/ Head may himself evaluate and allot marks on the record or authorize any senior members of the staff, for this purpose. In the later case the Principal/Head shall countersign on the awarded marks. Viva-voce shall be conducted by the external examiner appointment by University.


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**Books Recommended:**

1. Moot Court, Pre-trial Preparation and Participation in trial Proceedings - O.P. Mishra (Advocate).
2. Moot Court Pre-trial Preparation and Participation in trial Proceedings - Dr. S.P. Gupta.
3. Moot Court Pre-trial Preparation and Participation in trial Proceedings – J.P.S.Sirohi.
4. Practical training for Law students – Prof. J. k. Mittal.

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**LL.B. (PART - III) SEMESTER SYSTEM**  
**SIXTH SEMESTER**  
**TRANSFER OF PROPERTY ACT, 1882 AND**  
**INDIAN EASEMENT ACT, 1882**  
**PAPER - I**

- (1) Historical evolution of Law of property, Introduction, Short title, Commencement, Repeal of Acts, Interpretation Clause (Ss 1-3), Transfer of Property by act of Parties - Definition of Property, Rule of Transferability, Persons Competent to Transfer, Operation of Transfer and Oral Transfer (Ss 5-9), Condition Restraining Alienation, Restriction Repugnant to Interest, Condition Making Interest Determinable on Insolvency or Attempted Alienation (Ss 10-12), Transfer for the Benefit of Unborn Person, Rule against Perpetuity etc. (Ss 13-18), Vested interest and Contingent Interest (Ss 19-24), Conditional Transfer, Doctrine of Acceleration, Doctrine of Conditional Limitation (Ss 25-34), Doctrine of Election (Ss 35-37), Transfer of Immovable Property (Ss 38-53-A).
- (2) Sale of immovable property : Definition, Competency of Parties, Difference between Sale and Agreement to Sale, Rights and Liabilities of buyer and Seller (Ss 54-57), Mortgages charges of immovable (Ss 58), Property, Definition, Kinds of Mortgages, Obligation to transfer to third party instead of Mortgagor, Rights and Liabilities of Mortgager (Ss 58-66), Rights and Liabilities of Mortgagee (Ss 67-77), Other Provisions Related to Mortgage including charges (Ss 78-104).
- (3) Leases of immovable property Definition, Essential Elements of Leases, Modes of Leases, Rights and Liabilities of Lessor and Lessee, Doctrine of Waiver, Determination of Lease and Other Related Provisions (Ss 105-117), Exchanges (Ss 118-121), Gift (Ss 122-129), Transfer of Actionable Claims (Ss 130-137).
- (4) Indian Easement Act, 1882 :- Introduction (Ss 1-3), Easement in General (Ss 4-7), Imposition, Acquisition and Transfer of Easements (Ss 8-19), Incidents of Easement (Ss 20-21), Disturbance of Easement (Ss 32-36), Extinguishment, Suspension and revival of easements (Ss 37-51), Licenses, Definition, Ingredients and Revocation of Licenses (Ss 52-64)

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(5) **Leading Cases :**

1. Nainsukhdas Shivnarayan Vs. Goverdhan das AIR 1948, Nagpur 110.
2. Associated Hotel of India Vs. R.N. Kapoor AIR 1962, SC 1262.
3. Jama Masjid Vs. Koci Manindra Deviah and other, AIR 1962, SC 807.
4. Kedarnath Vs. Shivnarayan AIR 1970, SC 1717.
5. Kanji Manji Vs. Trusters of Port of Bombay AIR 1963, SC 268.
6. Murari Lal Vs. Devkaran AIR 1965, SC 225.

**Books Recommended**

1. Transfer of Property Act - Mulla
2. Sampatti Antaran Adhinyam - G.P. Tripathi
3. Sampati Antaran Adhinyam - S.N. Shukla
4. Transfer of Property Act 1882 - S.N. Shukla
5. Law of Easement - S.T. Desai
6. Transfer of Property Act, 1882 - G.P. Tripathi

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# CIVIL PROCEDURE CODE AND LIMITATION ACT

## PAPER - II

### 1. Civil Procedure Code 1908

### 2. Limitation Act, 1963

- (1) Civil Procedure Code - Historical Background, Introduction, Short Title, Definition, Kinds of Courts and their Jurisdiction, Stay of Suit, Resjudicata, Bar to Further Suit etc. (Ss 1-14), Place of Suing, Institution of Suit, Summons and discovery, Judgment and Decree, Interest and Costs (Ss 15-35-B), Execution Proceedings, Courts by which decree may be executed, Procedure in Execution, Arrest, Detention, Attachment and Sale, Resistance to Execution (Ss 36-74), Incidental Proceedings, Suit in Particular case, Suit by or against the Government, Suit by Aliens and by or against foreign rulers/ambassadors suits against rulers of former Indian States and Interpleader Suit (Ss 75-88), Appeals, Reference, Review and Revision (Ss 96-115), Miscellaneous Proceedings, Application for Restitution, Right to Lodge a Caveat, Power to make-up deficiency of Court fees, Inherent Powers of Courts, Amendment of Judgement, decrees and order and General power to Amend (Ss 144-153).
- (2) Parties to Suits, Plaintiff and Defendants, Representative Suit, Joinder, Misjoinder and non-joinder, (Order - I Rules 1-13), Frame of Suit, Recognised Agents and Pleader, Institution of Suits, Issue and Service of Summons (Order II - V), Pleading Generally, Plaint, Written-Statement, Set-off and Counter-Claim (Order VI-VIII), Appearance of Parties and Consequences of non-appearance, dismissal of suits and ex-parte Decree and Order, Examination of Parties by the Court, Discovery and Inspection, Admission, (Order IX-XII), Settlement of Issues and Determination thereof, Summary Disposal, Summoning Attendance and Examination of Witnesses, Adjournment of Hearing and Affidavit (Order XIV-XIX).
- (3) Judgement and Decree, Execution of Decrees and Orders, Death, Marriage and Insolvency of Parties, Withdrawal and Adjustment of Suits (Order XX-XXIII), Commission, Suits by or against the Government and Public Officers, Suits Involving a Substantial Question of Law, Suits by or against Military, Naval or Airmen, Suits by or against Corporation, Suits by or against Firms, Trustees, Executors and Administrators, Suits by or against Minors and Persons of Unsound Mind, Suits Relating to Matters,

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Concerning the Family, Suit by Indigent Persons, Suits Relating to Mortgagor, Interpleader Suit (Order XXIV-XXXV), Arrest and Attachment before Judgment, Temporary Injunctions and Interlocutory Order, Appointment of Receiver, Appeal from Original Decrees, Appeal from Appellate Decrees, Appeal from Orders, Appeal by Indigent Persons, Appeal to the Supreme Court, Reference and Review (Order XXXVIII-XLVII).

(4) Limitation Act, 1963 - Historical Background, Short Title, Extent, Commencement and Definition (Ss 1-2), Limitation of Suits, Appeals and Applications (Ss 3-11), Computation of Period of Limitation, Exclusion of Time in Legal Proceedings, Effect of Death on or before the accrual of right to Sue, Effect of Fraud or Mistake, Effect of Acknowledgement in Writing, Effect of Substituting or Adding New Plaintiff or Defendant etc. (Ss 12-24), Acquisition of Ownership by Possession, Acquisition of Easement by Prescription, Reversioner and Extinguishment of Right to Property (Ss 25-27).

(5) **Leading Cases -**

1. P.G.H. Patil Vs. R.S. Patil and others AIR 1957, SC 363.
2. M.P. Shrivastava Vs. Mrs. Veena AIR 1967, SC 1193.
3. Kiran Singh & Others Vs. Chaman Paswan and others AIR 1954, SC 340.
4. State Vs. Administrator AIR 1972, SC 749.
5. Hindustan Aeronautics Vs. Ajit Prasad AIR 1973, SC 76.

### **Books Recommended**

1. Civil Procedure Code - Mulla
2. Civil Procedure Code - Viswanath Iyer
3. Code of Civil Procedure - P.K. Majumdar
4. A Guide to Civil Procedure Code - Rama Rao
5. Civil Procedure Code - Sarkar
6. Civil Procedure Code - M.P. Jain
7. Law of Limitation & Prescription - U.N. Mitra
8. Law of Limitation - Dr. N.M. Swami
9. Limitation Act - Sarkar.

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# LAW OF TAXATION

## PAPER- III

### UNIT – I GENERAL INTRODUCTION:

Historical Perspective  
Historical Development of Tax Laws in India  
Concepts of tax  
Nature & characteristics of taxes  
Distinction between tax & fee, tax, & cost  
Distinction between Direct & Indirect tax

### UNIT- II INCOME TAX ACT, 1961:

Preliminary – Short Title, Extent and Commencement, Definitions, Previous Year Defined(Sec. 1-3) - Basis of charges of Income Tax: Residential status of assessee – its impact on tax liability(Sec. 4-9) Incomes which do not form part of total income(Sec. 10-13)

### UNIT-III

Computation of Total Income(Heads of income) Salaries, Income from House Property, Profits and Gains of Business or Profession, Capital Gains and Income from Other Sources – general concepts – chargeability to tax – admissible & inadmissible deductions, exclusions and deductions from income(Sec. 14-59)  
Income of other persons included in assessee's Total Income(Sec. 60-65), Aggregation of Income and set-off and carry forward of losses(Sec. 66-80) Deductions to be made in computing total income, Deductions in respect of certain Payments and certain incomes and other deductions, Rebate of Income Tax and Relief for Income Tax(Sec. 80A-89),

### UNIT- IV

Income tax authorities- Appointment and Control, Jurisdiction, powers & functions, Disclosure of Information(Sec.116-138), Procedure for Assessment(Sec.139-158), Collection and Recovery of Tax-Deduction at source and Collection at source, Advance payment of tax, Collection and Recovery, Interest Chargeable in some cases and Refunds,(Sec. 190-245)Allotment of permanent account number, Settlement of Cases- Appeals and Revision, Appeals to the Appellate Tribunal, Reference to High Court, Appeals to High Court, Appeals to the Supreme Court, Revision and reference(Sec. 245A-269) Penalties Imposable(Sec. 270-275) Offences and Prosecutions- Penalties and prosecutions under income tax act, 1961 for non-compliance, contravention, avoidance and evasion of tax(Sec. 275A-280)

### UNIT – V THE CENTRAL GOODS AND SERVICES ACT, 2017

Preliminary-Short Title, Extent and Commencement, Definitions, Taxing Authorities, Incidence of Tax(Sec. 1-7) Levy of Tax(Sec. 8-15) Registration of Dealers(Sec.16-18),Returns, Assessment, Payment and Recovery of Tax(Sec.19-38), Refund of Tax, Accounts and Issue of Acts, invoices or cash memoranda(Sec.39-42) Certain powers of the Commissioner and Delegation by the Commissioner(Sec.43-47), Appeals, Revision and Rectification(Sec.48-56), Detection and Prevention of Tax Evasion(Sec.57-63), Offences and Penalties(Sec.64)Miscellaneous and Power to make Rules(Sec.65-74)

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## LEADING CASES:

- 1- Commissioner of Income Tax Vs. Anwar Ali AIR 1970 SC 1982
- 2- Calcutta Discount Co. Ltd. Vs. Income Tax Officer,(1961)41 ITR 191(SC) Reopening of Assessment Section-147(9)
- 3- Dwarka Das Keshardeo Morarka Vs. Commissioner of Income Tax(1962)42 ITR 529 On law of Estoppel in Taxation
- 4- Jute Corporation of India Vs. CIT, AIR 1991 SC 341

## BOOKS RECOMMENDED:

- |                      |  |
|----------------------|--|
| 1- A.K. Saxena       | Income Tax Act   |
| 2- Kailash Rai       | Income Tax Act   |
| 3 V.K. Shusha Kumari | Law of Income Tax  |
| 4- B.L. Babel        | Pratyaksh Kar Vidhayan, Aparadh,<br>Abhiyojan Evam Shastiyam |

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# INTELLECTUAL PROPERTY LAW & I.T. ACT 2000

## PAPER - IV

### (1) **Introduction Nature Basic Concepts and International Conventions**

Nature and meaning of Intellectual property, need for protection of right of intellectual property. The types of intellectual property. The types of intellectual property and enhancement of area of I.P. History and introduction to the leading international instrument concerning intellectual property rights i.e. WIPO (world intellectual property organisation) and its paris convention on protection of industrial property (PIP) and patents co-operation treaty (PCT) The Berne (1971) and Rome convention (1961) on copy right. Universal copy right convention (UCC) of 1952, and neighbouring rights and madrid agreement on trade mark registration.

The general agreement on tariffs and trade (GATT) and its creations, World trade organisation (WTO), Uruguay Round (April 1997) and its highly significant instrument "Trade Related intellectual property agreement" (TRIPS).

### (2) **Copyrights its contents and forms & related act :**

Copyrights its history and definition, provisions of Copy-right act 1957 and copyrights (amedment) act 1994 which includes copyright its nature and meaning. Subject matter of copyright, forms of copyrights, ownership of copyrights assignment of copy rights. copyrights as an authors special rights. Notion and criteria of infringement, their definition and exception, proposition relating to infringement, authorisation of infringement, acts not constituting infringement, infringement of literary, dramatic, musical and artistic works, cimetographic films and sound recording.

Remedies against infringement of copyright - nature and kind of remedies civil and criminal under Copyright Act sec. 55-57, 62, 63-70, slender of title Anton Piller order, international copyrights, copyrights societies and copyright office, copyrights board, legislation of copyright and appeal.

### (3) **Trade Marks & designs - their nature & related acts :**

Introduction definition evolution and concept of trade marks, Distriction between trade marks and property works, the doctrine of honest current user and doctrine of deceptive similarity, provisions of The trade mark act 1999, it includes definition and interpretation, condition for registration, trade mark registry. Property in a trade-mark, registration of trade mark, its refusal,

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Berne principles of registration of trade marks, its procedure and evidence. Marks, not registrable, effect and limit on effect. registered trade work, assignment and transmission of registered trade marks, use of trade mark and registered user, rectification and correction of the registration, collective marks, provisions relating to textile goods, offences, penalties and procedure, appellate board, its constitution, powers and duties and procedures and other miscellaneous provisions of the act, provisions of Design act 2000, it includes following chapter - definition, registration of design, copyright in registered design legal proceedings, general powers and duties of controller Evidence agency & powers of central government.

**(4) Patents its introduction grant, registration and patents act 1970 :**

Provisions of Patents act 1970 which includes patents, its introduction concept and history, process of obtaining patents, specification, application for patents, examination of application, position to grant a patent, invention not patentable, register of patents and patent office, register and obligation of a patent. Transfer of patent right, Right of the Govt. in case of use of invention provisions for secrecy of certain invention. Patents in addition, procedure for restoration of lapse patents. revocation and surrender of patents. Registration of patents, patents office, its constitution, controller and its power, infringement of patents and treat of infringement proceedings of officers penalties for the Violation of act. licences .. of right, compulsory licences patent agent etc. and miscellaneous provision of the act.

**(5) The Information Technology Act 2000 and Leading Cases**

Provision of ITA 2000, it includes introduction, need, coverage, definition digital signature, electronic record certifying authorities, electronic governance, their regulation, penalties, cyber regulation appellate tribunals under ITA act and following leading cases.

1. Grama phone co. of India v. B.B. Pandey (AIR 1984 SC 667)
2. Indian Performing Right Society Ltd. v. Eastern India Molion pictures association (AIR 1977 SC 1443).
3. Monsanto Co. v. Caromandal Idag product (AIR 1986, SC 712).
4. American House Product Corpn. v. Mac Laboratories (Pvt) Ltd. (AIR 1986 SC 137)  
(Dristan Case)

**Books Recommended :**

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1. Parvin Anand - The law of Intellectual Property (Batter Worth)
2. Bibek Deb Roy - The Intellectual Property Rights (B.R. Publishing, New Delhi)
3. Terrel - Law of Patents (Rajiv Gandhi Institute of Concept Studies)
4. P.S. Sanyal & Kishore Singh - Indian Patent System
5. Stewart - International copyright and neighbouring right.
6. P. Narayanan - Intellectual Property Law (Eastern Law House, Kolkata / Delhi, 315/-)
7. Vikas Vashisth - Intellectual Property Law (Bharat Law House)
8. Cornish W.R. - Intellectual Property Patents, Trade Names, Copyrights and allied rights (1999) (Universal law publishing Co. Pvt. Ltd.) Ansal's Dilkhush Industrial Estate, G.T. Karnal Rd., Delhi.
9. W.R. Cornish - Intellectual Property (Sweet & Maxwell)
10. Mata Din - Law of passing off and infringement action of trade marks.
11. UIE Anderfelt - International patent legislation and developing countries.
12. The Patent Act 1970
13. The Design Act 2000
14. The Trade Mark Act 1999
15. The Copyright Act 1957.
16. The Information Technology Act, 2000.

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# DRAFTING, PLEADING AND CONVEYANCING

## PAPER - V

There shall be two parts of this paper. Part- A will consists of theoretical aspect of drafting, pleading and conveyancing caring 70 marks.

Part- B will be based on the practical works caring 30 marks including 10 marks of viva-voce.

The theatrical paper of 70 marks will be taught through the class instructors and simulation exercises preferably with the assistance of retired judges/ practicing lawyers.

### PART – A (70 marks)

Part – A shall consist of the following:

#### UNIT - I Pleading:

(i) **Civil:** General Principles of Pleadings with Special Reference to the Following :-

Plaint and written statement with reference to the suits mentioned below :-

- (a) Money Suit
- (b) Ejectment Suit
- (c) Injunction
- (d) Interlocutory application under the provisions of C.P.C.
- (e) Suits under Hindu Marriage Act, 1955
- (f) Suits for Specific Performance of Contract
- (g) Original Petition
- (h) Affidavit
- (i) Execution Petition
- (j) Memorandum of Appeal and Revision
- (k) Petition under Articles 226 and 32 of the Constitution of India.

**UNIT-II** (ii) **Criminal:** - Criminal Pleadings with respect to the following:-

- (a) Drafting of First Information Report (FIR U/S 154, Cr.P.C.)
- (b) Drafting of Challan/Chargesheet (under section 173, Cr.P.C.)
- (c) Drafting of Charge by the Court

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- (d) Complaints for Commission of offences u/s 294, 323/324, 325, 341, 352 and 506 of the Indian Penal Code.
- (e) Criminal Miscellaneous Petition. Interlocutory Application.

- UNIT-III**
- (a) Drafting of Bail Application u/s 436 and 437 of Cr.P.C.
  - (b) Drafting of Anticipatory Bail Application u/s 438, Cr.P.C.
  - (c) Drafting of Cancellation of bail application u/s 439 (i) and (ii) of Cr.P.C.
  - (d) Maintenance application u/s 125-128, Cr.P.C.
  - (e) Memorandum of Appeal and Revision.

**UNIT-IV Conveyancing:** General Principles of Conveyancing with special reference to the following :-

- (a) Sale Deed
- (b) Mortgage Deed
- (c) Lease Deed
- (d) Exchange Deed
- (e) Gift Deed
- (f) Will Deed
- (g) General Power of Attorney
- (h) Promissory Note

- UNIT - V**
- (a) C.G. High Court Rules and Orders (Civil)
  - (b) C.G. High Court Rules and Orders (Criminal)

**PART – B (30 marks)**

**Part – B will be based on the practical work carrying 30 marks including 10 marks of viva-voce.**

**Practicle:**

Students will be required to attend the Civil Court for 5 days. The student will observe the proceedings of the Court and take down notes thierown.

After the completion of the attendance and observation of the Court the student will have to submit the report of the proceedings and procedural aspects with their own comments

The evaluation shall be made by the College/SOS in Law on the basis of Participation and record. The Principal/ Head may himself evaluate and allot marks on the record or authorize any senior member of the staff for this

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purpose. In the later case, the Principal/Head shall countersign on the awarded marks. Viva-voce shall be conducted by the external examiner appointment by University.

**Books Recommended :-**

1. Mogha's - Pleading
2. Mogha's - Conveyancing
3. N.S. Bindra - Pleading and Practice
4. Murli Manohar - Art of Conveyancing and Pleading
5. Shiv Gopal - Conveyancing, Precedents & Forms.
6. A.K. Banerjee and S.K. Awasthi – Guide to Drafting.
7. Prof. J.K. Mittal : Practical training for law students.

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