

**M.G.S. UNIVERSITY,  
BIKANER**

**SYLLABUS**

**SCHEME OF EXAMINATIONS AND  
COURSES OF STUDY**

**FACULTY OF LAW**

**LL.B.**

**LL.B.(P)/LL.B (A) FIRST YEAR EXAMINATION - 2016  
LL.B.(P)/LL.B (A) SECOND YEAR EXAMINATION -2016  
LL.B.(P)/LL.B (A) THIRD YEAR EXAMINATION -2016**



**सूर्य प्रकाशन मन्दिर**

दाऊजी रोड़ (नेहरू मार्ग), बीकानेर 5 (राज.)

## NOTICE

1. The Ordinances Governing the examination in the Faculties of Arts, Fine Arts, Social Sciences, Science, Commerce, Management, Engineering, Education and Law are contained in separate booklet. The students are advised to refer to the same.
2. Changes in Statutes / Ordinances/ Rules/ Regulations / Syllabus and Books may, from time to time, be made by amendment or remaking, and a candidate shall, except in so far as the University determines otherwise comply with any change that applies to years he has not completed at the time of change.
3. Any part of any subject(s) of the syllabus, if Amended, substituted, shall be the part of the syllabus in the concerned subject.

*Note: The decision taken by the Academic council shall be final.*

## सूचना

1. कला, ललितकला, सामाजिक विज्ञान, विज्ञान, वाणिज्य, प्रबन्ध, अभियांत्रिक शिक्षा एवं विधि संकाय की परीक्षाओं से सम्बद्ध अध्यादेश; आर्टीनेस, पृथक पुस्तिका में संकलित हैं। छात्रों को सलाह दी जाती है कि उनको देखें।
2. समय-समय पर संशोधन या पुनः निर्माण कर अधिनियमों/अध्यादेशों/नियमों/विनियमों/पाठ्यक्रमों व पुस्तकों में परिवर्तन किया जा सकता है, तथा किसी भी परिवर्तन को छात्र को उनको मानना होगा जो पाठ्यक्रम के उन वर्गों के लिए लागू हो जिसे परिवर्तन के समय पूरा नहीं किया हो, बशर्त कि विश्वविद्यालय ने अन्यथा प्रकार से उनको छूट न दे दी हो।
3. इस पाठ्यक्रम के किसी विषय में यदि कोई भाग संशोधित किया जाता है या किसी संविधि से प्रतिस्थापित किया जाता है तब सम्बन्धित विषय के संदर्भ में उक्त परिवर्तन पाठ्यक्रम का भाग माना जायेगा ।

नोट :- विद्या परिषद् द्वारा लिये गये निर्णय अन्तिम होंगे ।

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**ORDINANCES RELATED TO LL.B. EXAMINATIONS**  
**(Three - Year Course)**  
**(New Scheme)**  
**BACHELOR OF LAWS**  
**EXAMINATIONS - FACULTY OF LAW**

**0.251 :**

There shall be a three-years course for the degree of LL.B. (P) and two-year course for the degree of LL.B. (A) and the teaching shall be conducted through the lecture method, practicals and class performance during the session and examination shall be conducted through written papers, practicals and viva-voce at the end of each session.

**Three Year LL.B. (P) Course :**

1. LL.B. (P)/LL.B. (A) First Year Examination at the end of the First Year.
2. LL.B. (P)/LL.B.(A) Second Year Examination at the end of the Second Year.
3. LL.B. (P) Third Year Examination at the end of the Third Year.

**0.252 :** (1) A candidate who has taken the bachelor's or the master's degree in Arts/ Science/Commerce/Medicine/Management/Engineering/Nursing/Agriculture or the degree of Shastri/Acharya or the degree of Ayurvedacharya /Ayurveda Brihaspati, B.B.A., BCA, BPE, BFA, B.Sc. (Information Science), B.Sc. (Information System) and B.Sc. (Information Technology) of this university or any other university recognised for the purpose by the syndicate with full course prescribed for the degree and secured a minimum of 45% marks (excluding any concessional marks) in the aggregate marks prescribed for the examination for the aforesaid degree shall be eligible for admission to LL.B. First Year Course. Provided that not more than 20% of the total seats in LL.B. First Year shall be reserved for the candidates who will become eligible on the basis of Master's degree.

**Explanation**

For the purpose of this ordinance the marks of only those subjects/papers shall be taken into account which had been considered for awarding division at the Bachelor's/Master's Degree Examination.

Admission shall be made on the basis of merit and in accordance with the rules made there by the competent authority.

**0.253 :**

A candidate who has completed a regular course of study from the University/ Constituent College or from an affiliated College for First Year of LL.B. (P) or LL.B. (A) will, subject to the other provisions of the Act/Statutes, Ordinances, Rules and Regulations, be admitted to the First Year Examination of the LL.B.(P) or LL.B.(A) Course depending on the course he/she has taken.

**0.253-A :**

A candidate who after passing the examination of the First Year, has completed a regular course of study from the University/Constituent College or from an affiliated college for the Second Year of LL.B. (P) or LL.B. (A) course will, subject to the other provisions of the Act, Statutes, Ordinances, Rules and Regulations, be admitted to the Second Year Examination of LL.B. (P) or LL.B.(A) course, as the case may be.

**0.253-B :**

A Candidate who after passing the examination of the Second Year has completed a regular course of study from the University/ Constituent College or from an affiliated college for the Third Year of LL.B. (P) course, will subject to the other provisions of the Act, Ordinances, Statutes, Rules and Regulations, be admitted to the Third Year Examination of LL.B.(P).

**0.254 :**

A candidate who has once been awarded the degree of LL.B. (A) by the University and has thereafter appeared at and passed, after having undergone a regular course of study in the Third Year of the LL.B. (P) course, shall be awarded the degree of Bachelor of Laws (Professional) in supersession of his/her degree of the Bachelor of Laws (Academic). This fact shall be inserted in the degree of Bachelor of Laws (Professional).

**0.255 :**

Every candidate for the two years course for the degree of LL.B. (A) and the three years course for the degree of LL.B. (P) shall present him/herself for examination in the papers prescribed in the Regulations.

**\*0.256 :**

Each theory paper in LL.B. I, II and III Year shall be of 100 marks and of three hours duration. The Practical paper in each year of LL.B. I, II and III Year has been divided into two parts : Part "A" shall be of Written Examination of 80 marks and Part "B" shall be of 20 marks. A candidate shall be required to pass separately in Part A and Part B examinations.

**0.256-A :**

(1) Whenever, any option(s) in any paper has been provided in the syllabus of LL.B.I or II or III Year, the Principal or the Head of the Unit will determine at the beginning of each session the option or the options in which instructions will be provided during the session. The choice of the candidate will be limited to the options so provided for instructions.

(2) A candidate may opt for one additional paper at LL.B. I/II/III Year examination, if permitted by the Principal or Head of the Unit. For such additional paper no teaching facility will be provided and the

candidate will have to appear at the examination in such additional paper at his/her own risk and the marks obtained therein will not be counted while working out his result but will be shown in the marks-sheet separately. For a pass in such papers the candidate has to secure at least 36% marks.

**\*0.256-B:**

The Vice-Chancellor may, on the recommendation of the Dean, Faculty of Law, of the University, permit transfer of a candidate who has passed in any year of the LL.B.(P) or LL.B.(A) Examination of another University under a scheme which in detail is the same or similar to the scheme of this University of LL.B.(P) or LL.B.(A) Examination to such year of the LL.B.(P) or LL.B.(A) course and on such terms and conditions as he may lay down.

The marks of all the examinations viz. I Year Examination and II Year Examination in case of LL.B.(A) degree and I Year Examination, II Year Examination and III Year Examination in case of LL.B. (P) degree will be counted together for classification of result.

Schemes of Examination :

The Candidate shall be permitted one main (as regular student) and three more attempts (as an Ex-student) in LL.B. I/II/III Year Examination to pass that examination.

**\*0.163 :**

An Ex-student for the LL.B. I/II/III Year Examination shall be required to take the examination in the immediately following year and if he fails again or does not take the examination, he shall be given further two consecutive chances only to clear the examination.

An Ex. student for the LL.B. I/II/III year examination, who has passed in the part-B of the practical paper(s) namely 1.9, 2.9, 3.7, 3.8 & 3.9 of the LL.B. I/II/III year shall be exempted from re-appearing in the Part-B of the practical paper(s) in the subsequent year(s) and in that case the marks obtained by him/her in part-B of the practical paper(s) shall be added to the marks obtained by him/her in part-A of the practical paper(s) at subsequent examination (as an Ex-Student) in order to determine his/her result.

If a candidate fails in LL.B. I/II/III year examination consecutively four times, he/she has to take a fresh admission in that class as regular student.

For the purpose of passing in LL.B. I/II/III year Examination, a candidate has to obtain minimum 36% marks individually in theory and practical subjects and 48% marks in aggregate in all the three classes of LL.B. I/II/III year Examinations.

The successful candidate who secured 60% or more marks shall be placed in the first division and rest in the second division.

### **Eligibility for Supplementary Exams:**

A candidate who obtains minimum 36% marks individually and 48% marks in aggregate in at least five papers including Part-B of the practical paper(s) namely 1.9, 2.9 & 3.9 of the LL.B. I/II/III year of that Examination shall be eligible to re-appear in not more than four theory papers/Part-A of his/her choice at the following supplementary examination.

If a candidate does not secure minimum 36% marks in Part-B of the particular paper(s), he/she shall be allowed to re-appear in Part-B of the practical paper(s) in the following supplementary examination. If he/she is otherwise eligible to appear in supplementary examination.

A candidate fails to clear the LL.B. I/II/III Year Examination as the case may be in the afore-said manner in the supplementary examination, he/she will be allowed to reappear at the subsequent following examination in all the papers as an ex-student and provisional admission if granted in higher class shall be treated automatically cancelled.

The marks actually obtained by the candidate at the supplementary examination shall be taken into account only for the purpose of declaring him pass in the examination but not for awarding his/her division.

### **LL.B. First Year Exam. 2016**

First eight papers of LL.B. First Year Examination shall be of 100 marks and of 3 hours duration and the ninth paper(Practical Paper) shall contain two parts- Part-A and Part-B. Part-A shall be of 80 marks and of 3 hours duration and Part-B shall be of 20 marks.

Compulsory Papers :

- 1.1 Contract-I (General Principles of Contract, and consumer Protection Act, 1986) (as amended up-to date).
- 1.2 Contract-II (Specific Contract, Sale of Goods Act, 1930, Indian Partnership Act, 1932 and Specific Relief Act, 1963)
- 1.3 Law of Torts and Motor Vehicle Act.
- 1.4 Family Law-I (Hindu Law)
- 1.5 Family Law-II (Mohammedan Law)
- 1.6 Constitutional Law of India
- 1.7 Environmental Law

### **Optional Paper (Any One)**

- 1.8 (a) Legal and Constitutional History of India.
- 1.8 (b) Rajasthan Local Laws
- 1.8 (c) Criminal Minor Acts.

### **Practical Paper:**

1.9 Professional Ethics, Lawyer's accountability and Bar-Bench relations.

### **LL.B. Second Year Exam 2016**

First eight papers of LL.B. Second Year Examination shall be of 100 marks and of 3 hours duration and the ninth paper(Practical Paper)

shall contain two parts- Part-A and Part-B. Part-A shall be of 80 marks and of 3 hours duration and Part-B shall be of 20 marks.

**Compulsory Papers:**

- 2.1 Jurisprudence
- 2.2 Law of Crimes
- 2.3 Law relating to Transfer of property & Easement
- 2.4 Company Law
- 2.5 Public International law and Human rights
- 2.6 Labour Laws
- 2.7 Administrative Law

**Optional Paper: (Any One)**

- 2.8 (a) Taxation Law
- 2.8 (b) Insurance Law
- 2.8 (c) Banking Law including Negotiable Instrument Act, 1881.

**Practical Paper :**

- 2.9 Public Interest Lawyering, Legal Aid and Para Legal Services.

**LL.B. Third Year Exam 2016**

First eight papers of LL.B. Third Year Examination shall be of 100 marks and of 3 hours duration and the ninth paper(Practical Paper) shall contain two parts- Part-A and Part-B. Part-A shall be of 80 marks and of 3 hours duration and Part-B shall be of 20 marks.

**Compulsory Papers:**

- 3.1 Law of Evidence
- 3.2 The Code of Criminal Procedure, 1973, Juvenile Justice Act, 2000 and Probation of Offenders Act, 1958.
- 3.3 The Code of Civil Procedure, 1908 and Limitation Act, 1963.
- 3.4 Legal Language, Legal Writing including General English and Interpretation of Statutes.
- 3.5 Trust, Equity and Fiduciary Relationship

**Optional Paper: (Any One)**

- 3.6 (A) Criminology and Penology
- 3.6 (B) Intellectual Property Law
- 3.6 (C) Law of Medicine
- 3.7 Arbitration, Conciliation and alternative Disputes Resolution System.
- 3.8 Land Laws

**Practical Papers:**

- 3.9 Drafting, Pleading, Conveyancing and Moot Court trial.

## COURSE CONTENTS

### LL.B. Ist year

#### **Paper 1.1 Contract-I (General Principles of Contract and Consumer protection ACT, 1986).**

**Max.Marks : 100**

**Min.Pass Marks : 36**

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

#### **Syllabus**

#### **1. General Principles of Law of Contract**

- 1.1 History and nature of contractual obligations.
- 1.2 Agreement and contract: definitions, elements, characteristics and kinds.
- 1.3 Proposal and acceptance - various forms, essential elements, communication and revocation - proposal and invitation to proposal, floating offers, tenders.
- 1.4 Consideration - need, meaning, kinds, essential elements - nudum pactum - Privity of contract and of consideration - its exceptions, adequacy of consideration, present, past and future consideration, unlawful consideration and its effects, views of Law Commission of India on consideration, evaluation of the doctrine of consideration.
- 1.5 Capacity to contract - meaning - incapacity to contract - minor's Agreements- definition of 'minor', necessities supplied to a minor, agreements beneficial and detrimental to a minor, affirmation-restitution in cases of minor's agreements, fraud by a minor, agreements made on behalf of a minor, minor's agreements and estoppel, evaluation of the law relating to minor's agreements.
- 1.6 **Consent -Free consent - Its need, definition and factors vitiating free consent.**  
Coercion-definition, essential elements, duress and coercion Various illustrations of coercion, doctrine of economic duress, effect of coercion, Undue Influence-definition, essential elements, parties between whom such influence is presumed, where liability to prove the existence of undue influence, who is to prove it?, Illustrations of undue influence, independent advice, Pardahanashin women, unconscionable bargains, effect of undue influence, misrepresentation - definition, misrepresentation of law and of fact, their effects and illustration,



Fraud-definition, essential elements-suggestions *falsi-suppressio veri*, when does silence amounts to fraud?, Active-concealment, importance of intention.

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

**1.7 Legality of objects:**

Void and voidable agreements - void, voidable, illegal and unlawful agreements and their effects, Lawful and unlawful considerations and objects, Forbidden by law, Defeating the provision of any law, Fraudulent, Injurious to person or property, Immoral, Against public policy,

Void Agreements - Agreements without consideration, Agreements in restraint of marriage, Agreements in restraint of trade, its exceptions - sale of goodwill, section 11 restrictions, exceptions under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service, Agreements in restraint of legal proceedings - its exceptions, Uncertain agreements, Wagering agreement - its exception.

**1.8 Discharge of a contract and its various modes.**

By performance-conditions of valid tender of performance How?, By whom? Where? When? In what manner? Performance of reciprocal promises, time as essence of contract, By breach-anticipatory breach and present breach, Impossibility of performance - specific grounds of frustration-application to leases, theories of frustration, effect of frustration, frustration and restitution, By period of limitation, By agreement - rescission and alteration, their effect, remission and waiver of performance, extension of time - accord and satisfaction.

**1.9 Quasi-contracts or certain relations resembling those created by contract.**

**1.10. Remedies in contractual relations;**

Damages-kinds, remoteness of damages, ascertainment of damages, Injunction - when granted and when refused, Why?, Refund and restitution, Specific performance - When? Why?

**2. Government as a Contracting Party**

Constitutional provisions - government power to contract - procedural requirements.

**3. Standard Form Contracts**

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

**4. Consumer Protection Act - 1986 (Amended).**

### Leading Cases

- Carlil V/s Carbolic Smoke Ball Company (1883) I.Q.B.256.
- Bhagwan Das V/s Girdhari Lal & Company. AIR 1966. S.C.543.
- Lalman Sukha V/s Gauri Dutt All. IJ (1913) 409.
- Mohri Bibi V/s Dharmodas Ghose (1903) I.A.172.
- Indian Medical Association V/s V.P. Shantha, AIR 1996 SC 500
- J.J. Merchant V/s Shrinath Chaturvedi, AIR 2002 SC 2931

### Select Bibliography

- Beatesen (ed.), Anson's Law of Contract (27th ed. 1998).
- P.S.Atiya, Introduction to the Law of Contract 1992 reprint (Clarendon Law Series).
- Avtar Singh, Law of Contract (2000) Eastern, Lucknow.
- G.C.Cheshire, and H.S. Fifoot and M.P. Furmston, Law of Contract (1992)  
ELBS with Butterworths M.Krishnan Nair, Law of Contracts, (1998).
- G.H. Treitel, Law of Contract, Sweet & Maxwell (1997 Reprint).
- R.K. Abichandani, (ed.), Pollock and Mulla on the Indian Contract and the Specific Relief Act (1999), Tripathi.
- Anson, Law of Contract (1998), Universal.
- Avtar Singh - Law of Contract.
- Gurbax Singh - Law of Consumer Protection.
- P. Leela Krishna - Consumer Protection & Legal Contract.
- Avtar Singh, Law of Consumer Protection.



## PAPER 1.2 CONTRACT-II (SPECIFIC CONTRACTS, SALE OF GOODS ACT, 1930, INDIAN PARTNERSHIP ACT, 1932 AND SPECIFIC RELIEF ACT, 1963)

**Max. Marks: 100**

**Min. Pass Marks : 36**

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

### Syllabus

#### 1. Indemnity

The concept, Need for indemnity to facilitate commercial transactions, Methods of creating indemnity obligations, Definition of Indemnity, Nature and extent of liability of the indemnifier, Commencement of liability of the indemnifier, Situations of various types of indemnity creations, Nature of indemnity clauses.

#### 2. Guarantee

The concept, Definition of guarantee: as distinguished from Indemnity, Basic essentials for a valid guarantee contract, The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts, Position of

minor and validity of guarantee when minor is the principal debtor, creditor or surety, Continuing guarantee, Nature of surety's liability, Duration and termination of such liability, Illustrative situations of existence of continuing guarantee, Creation and identification of continuing guarantees, Letters of credit and bank guarantees as instances of guarantee transactions, Rights of surety, Position of surety in the eye of law, Various judicial interpretations to protect the surety, Co-surety and manner of sharing liabilities and rights, Extent of surety's liability, Discharge of surety's liability.

**3. Bailment**

Identification of bailment contracts in day today life, Manner of creation of such contracts, Commercial utility of bailment contracts, Definition of bailment, Kinds of bailees, Duties of Bailor and Bailee towards each other, Rights of bailor and bailee, Finder of goods as a bailee, Liability towards the true owner, Obligation to keep the goods safe, Right to dispose off the goods.

**4. Pledge**

Pledge: comparison with bailment, Commercial utility of pledge transaction, Definition of pledge transactions, Definition of pledge under the Indian contract Act, Rights of the pawner and pawnee, Pawnee's right of sale as compared to that of an ordinary bailee, Pledge by certain specified persons mentioned in the Indian Contract Act.

**5. Agency**

Identification of different kinds of agency transactions in day to day life in the commercial world, Kinds of agents and agencies, Distinction between agent and servant, Essentials of a agency transaction, Various methods of creation of agency, Delegation, Duties and rights of agent, Scope and extent of agent's authority, Liability of the principal of acts of the agent including misconduct and tort of the agent, Liability of the agent towards the principal, Personal liability towards the parties, Methods of termination of agency contract, Liability of the principal and agent before and after such termination.

**6. Sale of Goods**

Concept of sale as a contract, Illustrative instances of sale of goods and the nature of such contracts, Essentials of contract of sale, Essential conditions in every contract of sale, Implied terms in contract of sale, The rule of caveat emptor and the exceptions thereto under the Sale 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, Concept of nemo dat quad non habet with exceptions.

## 7. Partnership

Nature of partnership: definition, Distinct advantages 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.

8. Specific relief under Specific Relief Act, 1963

8.1 Specific performance of contract, Contract that can be specifically enforced, Persons against whom specific enforcement can be ordered.

8.2 Rescission and cancellation.

8.3 Injunction, Temporary, Perpetual.

8.4 Declaratory orders.

8.5. Limited Liability Partnership Act, 2008

### Leading Cases

- National Bank of India Ltd. V/s Sohan Lal, AIR 1962. Punjab 534.
- Amrit Lal Gordhan Lallan V/s State Bank of Travancore, AIR 1960 S.C.1432.
- Patnaik & Company V/s State of Orissa, AIR 1965 S.C. 1655.
- State of Gujarat V/s Maman Mohd., AIR 1967 S.C. 1885.

### Select bibliography

- R.K. Abhichandani (ed.), Pollock and Mulla on Contracts and Specific Relief Acts (1999) Tripathi, Bombay.
- Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- Krishnan Nair, Law of Contract, (1999) Orient
- Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern, Lucknow.
- J.P. Verma (ed.), Singh and Gupta, The Law of Partnership in India (1999), Orient Law House, New Delhi.
- A.G.Guest (ed.), Benjamin's Sale of Goods (1992), Sweet & Maxwell.
- Beatson (ed.), Ansons' Law of Contract, (1998), Oxford, London.
- Saharay, h.k., Indian Partnership and Sale of Goods Act (2000), Universal
- Ramnainga, The Sales of Goods Act (1998), Universal
- Dasai S.T. The Law of Partnership in India and Pakistan.
- Kapoor N.D. - Mercantile Law (Hindi & English).
- Banerjee, S.C., Law of Specific Relief (1998), Universal.
- Anand and Aiyer, Law of Specific Relief (1999), Universal.

## **PAPER 1.3 LAW OF TORTS AND MOTOR VEHICLE ACT**

Max. Marks : 100

Min. Pass Marks : 36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

### **Syllabus**

1. **Evolution of Law of Torts**  
England- forms of action - specific remedies from case to case, India - principles of justice equity and good conscience - uncodified character, advantages and disadvantages.
2. **Definition, Nature, Scope and Objects**  
A wrongful act - violation of duty imposed by law, duty which is owed to people generally (in rem), *damnum sine injuria* and *injuria sine damnum*, Tort distinguished from crime, breach of contract and Quasi Contract, The concept of unliquidated damages, Changing scope of law of torts : expanding character of duties owed to people generally due to complexities of modern society, Objects - prescribing standards of human conduct, redressal of wrongs by payment of compensation, prescribing unlawful conduct by injunction.
3. **Principles of Liability in Torts**  
Fault, Wrongful intent, negligence, Liability without fault, Violation of ethical codes, Statutory liability, Place of motive in torts.
4. **Justification in Tort**  
*Volenti non fit injuria*, Necessity, private and public, Plaintiff's default, Act of God, Inevitable accident, Private defence, Statutory authority, Judicial and quasi-judicial acts, Parental and quasi-parental authority.
5. **Extinguishment of liability in certain situations**  
*Actio personalis moritur cum persona* - exceptions, Waiver and acquiescence, Release, Accord and satisfaction, Limitation.
6. **Standing**  
Who may sue-aggrieved individual - class action - social action group, Statutes granting standing to certain persons or groups, Who may not be sued?
7. **Doctrine of sovereign immunity and its relevance in India**
8. **Vicarious Liability**  
Basic, scope and justification, Express authorization, Ratification, Abetment, Special relationships : Master and servant - arising out of and in the course of employment - who is master? - the control test, who is servant? - borrowed servant, independent contractor and servant, distinguished - Principal and agent, Corporation and principal officer.

**9. Torts against persons and personal relations**

Assault, battery, mayhem, False imprisonment, Defamation - libel, slander including law relating to privileges, Marital relations, domestic relations, parental relations, master and servant relations, Malicious prosecution, Shortened expectation of life, Nervous shock.

**10. Wrongs affecting property**

Trespass to land, trespass ab initio, dispossession, movable property- trespass to goods, detinue, conversion, Torts against business interests- injurious falsehood, misstatements, passing off.

**11. Negligence**

Basic concepts, Theories of negligence, Standards of care, duty to take care, carelessness, inadvertence, Doctrine of contributory negligence, Res ipsa loquitur and its importance in contemporary law, Liability due to negligence : different professionals, Liability of common carriers for negligence.

**12. Nuisance**

Definition, essentials and types, Acts which constitute nuisance obstructions of highway, pollution of air, water, noise, and interference with light and air.

**13. Absolute/Strict liability**

The rule in Rylands v. Fletcher, Liability for harm caused by inherently dangerous industries.

**14. Legal remedies**

Legal remedies, Award of damages - simple, special, punitive, Remoteness of damage - foresee ability and directness, Injunction, Specific restriction of property, Extra-legal remedies - self help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance.

**15. Central Motor Vehicle Act 1994** as amended up to date and rules under the Act.

**Leading Cases**

- Ushaben V/s Bhagya Laxmi Chitra Mandir. AIR 1970. GUJ. 18.
- Municipal Corpn. of Delhi V/s Subhagwanti AIR 1966. S.C.page 1750.0
- Rylands V/s Fletcher (1869) IR HT 330.
- Union Carbide Corporation V/s Union of India, AIR 1992 SC248
- M.C. Mehta V/s Union of India, AIR 1987 SC 965

**Select bibliography**

- Salmond and Heuston - On the Law of Torts (2000) Universal, Delhi.
- D.D. Basu, The Law of Torts (1982), Kamal, Calcutta.
- B.M. Gandhi, Law of Tort (1987), Eastern, Lucknow
- P.S. Achuthan Pillai, The law of Tort (1994) Eastern, Lucknow.
- Ratanlal & Dhirajlal, The Law of Torts (1997), Universal, Delhi.

- Jai Narayan Pandey- Law of Torts (Hindi)
- R.K. Bangia- Law of Torts (Hindi)
- N.M. Shukla- Law of Torts (Hindi)
- A.K. Dixit Law of Torts & Consumer Protection (Hindi)

**PAPER 1.4 Family Law-I (HINDU LAW)**

**Max. Marks: 100**

**Min. Pass Marks : 36**

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Syllabus**

1. Introduction - Sources, Schools and application, Religious and Charitable Endowment - Essentials of an Endowment, Kinds, Shebait and Mahant.
2. **Customary practices and State regulation**  
Conditions of Hindu Marriage, its ceremonies and Registrations, Void and Voidable marriage, Polygamy, Concubinage, Child marriage, Sati, Dowry.
3. **Conversion and its effect on family**  
Marriage, Adoption, Guardianship, Succession.
4. **Joint Family**  
Mitakshara joint family, Mitakshara coparcenary-formation and incidents, Property under Mitakshara law - separate property and coparcenary property, Dayabhaga coparcenary - formation and incidents, Property under Dayabhaga law, Karta of the joint family - his position, powers, privileges and obligations, Alienation of property - separate and coparcenary, Debts - doctrines of pious obligations and antecedent debt, Partition and re-union, Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it, Matrilineal joint family.
5. **Inheritance**  
Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act, 1956, Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act, 1956, Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956, Succession to property of Hindu Succession Act, 1956, Disqualification relating to succession, General rules of succession.
6. **Matrimonial Remedies**  
Non-judicial resolution of marital conflicts - (a) Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution, Judicial resolution of marital conflicts : the family court, Nullity of marriage, Option of

puberty, Restitution of conjugal rights, Judicial separation, Desertion : a ground for matrimonial relief, Cruelty : a ground for matrimonial relief, Adultery : a ground for matrimonial relief, Other grounds for matrimonial relief, Divorce by mutual consent under: Hindu Marriage Act, 1955: Bar to matrimonial relief: Doctrine of strict proof, Taking advantage of one's own wrong or disability, Accessory, Connivance, Collusion, Condonation, Improper or unnecessary delay, Residuary clause - no other legal ground exists for refusing the matrimonial relief.

**7. Alimony and maintenance**

Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves; provisions under the code of Criminal Procedure, 1973, Alimony and maintenance as an independent remedy: a review under personal law, need for reforming the law, Alimony and maintenance as an ancillary relief.

**8. Child and the Family**

Legitimacy, Adoption, Custody, maintenance and education, Guardianship and parental rights - welfare of the child principle.

**9. Family and its changing patterns**

New emerging trends, Attenuation of family ties, Working women and their impact on spousal relationship: composition of family, status and role of women, New property concepts, such as skill and job as new forms of property, Factors affecting the family: demographic, environmental, religious and legislative processes of social change in India: sanskritization, westernization, secularization, universalization, parochialization, modernization, industrialization and urbanization.

**10. Settlement of spousal property**

Need for development of law

**11. Establishment of Family Courts**

Constitution, power and functions, Administration of gender justice.

**12. Uniform Civil Code - need for**

Religious pluralism and its implications, Connotations of the directive contained in Article 44 of the Constitution, Impediments to the formulation of the Uniform Civil Code, The idea of Optional Uniform Civil Code.

**Leading Cases**

- Shastri Yagna Purushdasji V/s Muldas, AIR 1966 S.C. 1153.
- Hanooman Prasad V/s Mussamat Babooee Mandraj Kunwaree (1856) 6 M.I.A. 305.
- Gita Hariharan V/s Reserve Bank of India, AIR 1999 S.C. 1149.
- Bipin Chander V/s Prabhavati, AIR 1957 S.C. 176.
- Dr.N.G. Dastane V/s Sucheta Dastane, AIR 1975 S.C. 1534.



## Select Bibliography

- Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal.
- Basu, N.D., Law of Succession (2000), Universal.
- Kusem, Marriage and Divorce Law Manual (2000) Universal.
- Manchanda, S.C., Law and Practice of Divorce in India (2000) Universal.
- P.V.Kane, History of Dharmasastras Vol.2 pt.1 at 624-632 (1974).
- A.Kuppuswami (ed.) Mayne's Hindu Law and Usage Ch.4(1986).
- B.Sivaramayys, Inequalities and the Law, (1985).
- K.C.Daiya, "Population control through family planning in India, "Indian Journal of Legal Studies, 85 (1979).
- J.D.M. Derrett, Hindu Law : Past and Present.
- J.D.M. Derrett, Death of Marriage Law.
- J.D.M. Derrett, A Critique of Modern Hindu Law, (1970).
- Paras Diwan, Hindu Law (1985).
- S.T.Desai (ed.) Mulla's Principles of Hindu Law, (1998) - Butterworths-India.
- Paras Diwan, Family Law: Law of Marriage and Divorce in India, (1984).
- A.M.Bhattachargee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta.
- Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal.
- Paras Deewan- Hindu Law (Hindi)
- U.P.D. Kesri- Hindu Law (Hindi)

### PAPER 1.5. Family Law - II (Mohammedan Law)

**Max. Marks: 100**

**Min. Pass Marks : 36**

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

#### 1. Evolution and application of Law

- 1.1 Origin
- 1.2 Development
- 1.3 Sources
- 1.4 Schools
- 1.5 Application
- 1.6 Interpretation
- 1.7 conversion

#### 2. Marriage

- 2.1 Nature of marriage
- 2.2 Essentials of marriage
  - 2.2.1 Khyar-ul-bulug

2.2.2 Iddat

2.2.3 Khilwat-us-sahih

2.3 Matrimonial Stipulations

2.4 Kinds of marriages

2.5 Effects of marriages

**3. Mahar (Dower)**

3.1 Meaning

3.2 Nature

3.3 Kinds of Dower

3.4 Objects of Dower

3.5 Subject matter of Dower

3.6 Wife's right on non-payment of dower.

**4. Dissolution of marriage**

4.1 Historical background

4.2 Talaq

4.3 Various kinds of Talaq

4.4 Sec.2 of the Dissolution of Muslim Marriage Act, 1939.

4.5 Legal Effect of Divorce.

**5. Pre-emption (Haq Shufa)**

5.1 Historical background of law.

5.2 Meaning.

5.3 Nature of Pre-emption.

5.4 Classification of Pre-emption.

5.5 Essential formalities.

5.6 Right of Pre-emption when there is conflict of laws.

5.7 Subject matter of pre-emption.

5.8 Legal effect of pre-emption.

5.9 Devices for evading pre-emption.

**6. Gift (Hiba)**

6.1 Meaning

6.2 Requisites of valid gift.

6.2.1 Gift of musha

6.3 Conditional and future gift.

6.4 Life estate and life interest.

6.5 Hiba-bil-ewaj

6.6 Hiba-ba-shart-ul-ewaj.

**7. Will (Vasiyat)**

7.1 Competency of testator and legatee.

7.2 Valid subject of will.

7.3 Testamentary limitation.

7.4 Formalities of a will.

7.5 Abatement of Legacy.

**8. Legitimacy and Acknowledgement**

8.1 Legitimacy and Legitimation.

8.2 Presumption of Legitimacy under Muslim Law.

8.3 Presumption of Legitimacy under Sec.112 of the Indian Evidence Act.

8.4 Conditions for valid acknowledgement.

**9. Maintenance**

9.1 Meaning

9.2 Persons entitled to maintenance.

9.3 Principles of maintenance.

9.4 Maintenance of Divorced Muslim woman under the Muslim woman (Protection of Right on Divorce) Act 1986 - a critical review.

**10. Death Bed Transactions**

10.1 Meaning of Marz-ul-maut.

10.2 Effect on Transactions during Marz-ul-maut.

**11. Waqf**

11.1 Meaning of waqf.

11.2 Essentials of waqf.

11.3 Kinds of waqf.

11.4 Beneficiaries of waqf.

11.5 Formalities for creating waqf.

11.5.1 Waqf of musha.

11.6 Administration of waqf.

11.7 Mutawalli - Appointment, function, role, power, removal.

11.8 Various muslim religious institutions.

11.9 The waqf validating Act, 1913.

**12. Inheritance**

12.1 General Principles of Law of inheritance.

12.2 Classification of heirs under Hanafi and their shares and distribution of property.

**Leading cases**

13.1 Maina Bibi V/s Choudhary Vakil Anmad (1925) 52 La. 145.

13.2 Habibur Rahman V/s Altaf Ali (1921) 481. A.114.

13.3 Monshee Bazul-ul-Raheem V/s Luteefutoon - Nissa (1861) 8 MIA. 379.

13.4 Abdul Fata V/s Russmoy Chaudhary (1894) 2ZIA76.

13.5 Mohd. Ahmad Khan V/s Shah Bano Begum AIR 1985 S.C. 945.

**Select Bibliography**

1. Fyzee, Muhammedan Law.

2. Mulla, Principles of Mohammedan Law.

3. A.M. Bhattacharygee, Muslim Law and the constitution.

4. Prof. B.L.Verma, Islamic law.

5. Dr. D.S. Thalore, Muslim Law, UBH Jaipur

6. Akil Ahamed - Muslim Law

## **PAPER 1.6 CONSTITUTIONAL LAW OF INDIA**

Max. Marks: 100

Min. Pass Marks : 36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

### **Syllabus**

#### **1 Introductory**

- 1.1 Making of Indian Constitution.
- 1.2 Nature and special features of the Indian Constitution.
- 1.3 Challenges to Indian Federalism
- 1.4 Preamble
- 1.5 Citizenship and state

#### **2. Fundamental Rights, Directive Principles and Fundamental Duties -**

- 2.1 Concept of Fundamental Rights.
- 2.2 Constitutional provisions relating to Fundamental rights.
- 2.2(a) Trial by Media
- 2.3 Directive Principles - directions for social change -A new social order.
- 2.4 Inter-relationship between fundamental rights and directive principles.
- 2.5 Fundamental Duties - The need and status in constitutional set-up.

#### **3. The Union Executive**

The President and Vice-President of India, Council of Minister.

#### **4. The Union Legislature**

Lok Sabha, Rajya Sabha, privileges of the legislature.

#### **5. The State Executive**

The Governor, The Council of Ministers, Relationship between the Governor and the Council of Ministers.

#### **6. The State Legislature**

Vidhan Sabha, Vidhan Parishad.

#### **7. The Union Judiciary - The Supreme Court and High Courts.**

#### **8. Union and State Relationship**

- 8.1 Legislative relationship
- 8.2 Administrative relationship
- 8.3 Financial relationship

#### **9. Services under the constitution -**

- 9.1 Doctrine of Pleasure (Article 310)
- 9.2 Protection against arbitrary dismissal, removal or reduction in rank (Article 311) and exceptions to Article 311.
- 9.3 Public Service Commission of the Union and the states.

#### **10. Freedom of Trade, Commerce and Intercourse -**

- 10.1 State liability in contracts and Torts.

- 10.2 Suits by and against the state.
- 10.3 Property Rights (Article 300-A).

**11. Emergency**

- 11.1 Meaning and scope.
- 11.2 National, State and Financial emergency.
- 11.3 Proclamation of Emergency - conditions, effect of emergency on centre - state relations.
- 11.4 Emergency and suspension of fundamental rights.

**12. The Amendment of the Constitution**

- 12.1 Necessity of Amending provisions in the constitution.
- 12.2 Procedure for Amendment.
- 12.3 Amendments of fundamental rights.
- 12.4 Judicial review of amendment and the theory of Basic Structure.

**Leading cases**

- Keshvanand Bharti V/s State of Kerala, AIR 1973 S.C.1461
- Maneka Gandhi V/s Union of India, AIR 1978 S.C. 597.
- Indra Sawhney V/s Union of India, AIR 1993, S.C. 477.
- S.R.Bommai V/s Union of India, AIR 1994, S.C. 1918.
- Vishaka V/s State of Rajasthan, AIR 1997, S.C. 3014.

**Select Bibliography**

- D.D. Basu, Introduction of the constitution of India, Prentice Hall of India, Delhi.
- H.M.Seervai, Constitution of India, Vol.1-3, Tripathi, Bombay.
- V.N.Shukla, Constitutional law of India, Oxford.
- G.Austin, Indian Constitution : Cornerstone of a Nation.
- M.P. Jain, Indian Constitutional Law, Wadhwa and Company, Nagpur.
- Kagzi, The Constitution of India, India Law House, N.Delhi.
- G.N.Pandey- Constitution of India (Hindi)

**PAPER 1.7 ENVIRONMENTAL LAW**

Max. Marks : 100

Min. Pass Marks : 36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Syllabus**

**1. Concept of Environment and Pollution -**

- 1.1 Meaning and contents of environment
- 1.2 Meaning and contents of pollution
- 1.3 Kinds of pollution
- 1.4 Effects of pollution

**2. Legal Control : Historical Perspective -**

- 2.1 Indian tradition : Dharma of environment
- 2.2 British Raj - Industrial development and exploitation of nature

- 2.3 Nuisance - Penal code and procedural codes
- 2.4 Environmental Concerns in Modern India
- 3. Constitutional Protection to environment -**
  - 3.1 Constitution making - development and property oriented approach
  - 3.2 Fundamental Rights and Environment - Rights to clean and healthy environment, environment V/s development.
  - 3.3 Directive principles of state policy and environment
  - 3.4 Fundamental Duties and environment
  - 3.5 Other provisions of the constitution relevant to environment
  - 3.6 Emerging Principles - polluter pays, precautionary principle, public trust doctrine, sustainable development
- 4. Environment Protection Act, 1986**
  - 4.1 Application of the Act
  - 4.2 Definitions
  - 4.3 General Powers of the central government including the powers to give directions
  - 4.4 Prevention and control of environmental pollutions and procedure thereof
  - 4.5 Penalties
- 5. The Water (Prevention and Control of Pollution) Act, 1974**
  - 5.1 Application of the Act
  - 5.2 Definitions
  - 5.3 Constitution of central, state and joint boards
  - 5.4 Powers and functions of the Board
  - 5.5 Qualification and disqualification of the members
  - 5.6 Prevention and control of water pollution and procedure there of
  - 5.7 Funds, account and audit
  - 5.8 Penalties
- 6. The Air (Prevention and Control of pollution) Act, 1981**
  - 6.1 Application of the Act
  - 6.2 Definitions
  - 6.3 Constitutions of central, State and joint boards
  - 6.4 Powers and functions of the Board
  - 6.5 Qualifications and disqualifications of the members
  - 6.6 Prevention and control of Air pollution and procedure there of
  - 6.7 Funds, account and audit
  - 6.8 Penalties
- 7. Noise Pollution**
  - 7.1 Meaning of Noise pollution
  - 7.2 Sources of Noise pollution
  - 7.3 Effects of Noise pollution
  - 7.4 Legal Control

## 8. Forests and wild life protection

- 8.1 The Indian Forests Act, 1927 - Salient features of the Act, Applicability, Power to reserve forests, power to declare forests land, powers and functions of forest settlement officer, protected forests, penalties and contraventions.
- 8.2 The Forest (conservation) Act, 1980-Objectives, application and salient features of the Act, definitions, Restrictions on the de-reservation of forests, advisory committee, offences and penalties.
- 8.3 Wild life (Protection) Act, 1972 - Objectives, applicability and salient features of the Act, Authorities, Duties of wild life Advisory Board, Hunting of wild animals, sanctuaries, National Park, Closed areas, central Zoo authority, Trade or commerce in wild animals, Animal articles and trophies, Prevention and detection of offences, penalties.

## 9. International Regime

- 9.1 UN declaration on right to development
- 9.2 Stockholm, Rio etc. conferences.
- 9.3 Green House effect and Ozone depletion
- 9.4 Bio-diversity.

### Leading Cases

- M.C. Mehta V/s Union of India, AIR 1987 SC 965
- M.C. Mehta V/s Union of India, AIR 1988 SC 1115
- Vellore citizen's welfare forum V/s Union of India, AIR 1996 SC 2715
- Tarun Bharat Sangh, Alwar V/s Union of India, AIR 1992 SC514
- A.P. Pollution control Board (II) V/s Prof. M.V. Nayudu, (2001) 2 SCC 62.

### Select Bibliography

- Aarmin Rosencraz, Environmental Law and policy in India, Oxford.
- R.B. Singh & Suresh Mishra, Environmental Law in India, Concept Publishing Co., New Delhi.
- Kailash Thakur, Environmental Protection Law and policy in India, Deep & Deep publications, New Delhi.
- Leela Krishan, P, Law and Environment, Eastern, Lucknow
- S.C. Shastri, Environmental Law, Eastern, Lucknow
- S. Shantha Kumar, Introduction to Environmental Law, Wadhwa, Nagpur
- Dr. C.P. Singh, Environmental Law (Hindi)
- Satish Shastri, Noise Pollution (Hindi)
- Anjurdh Prasad - Environmental Law (Hindi)
- Dr. S.K. Saini and Dr. Surendra Singh - Environmental Law (Hindi)

**PAPER 1.8 (A) LEGAL AND  
CONSTITUTIONAL HISTORY**

Max. Marks: 100

Min. Pass Marks : 36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Legal History of India**

**1. Judicial Systems in Ancient India**

Judicial system in ancient India : Hindu period, Ancient Hindu social order and religions philosophy, Administration of justice, Judicial system in medieval India : Muslim period, The Mughal period : judicial system

**2. Administration of Justice in Bombay, Madras and Calcutta**

Emergence of the East India Company : development of authority under charters, Trading body to a territorial power : subsequent charters, Administration of justice in Madras from 1639 to 1726, Administration of justice in Bombay 1668-1726, Administration of justice in Calcutta 1619-1726.

**3. The Mayors Court**

Genesis of the Charter of 1726, Provisions of the charter, Working in judicial system, Charter of 1753, Defects of judicial systems.

**4. Adalat System**

Grant of Diwani, Execution of Diwani Functions, Judicial plan of 1772, Defects of the plan, New Plan of 1774, Reorganization of adalats in 1780, Reforms of 1781, The first civil code, Reforms in the administrations of criminal justice.

**5. The Regulating Act 1773**

Charter of 1774 and the Supreme Court of Calcutta, Some landmark cases: Issue of Raja Nandkumar (1775) : whether a judicial murder?, The Patna cases (1777-79), The Cossijurah case (1779-80), Act of settlement 1781, Major defects, Supreme Courts at Calcutta, Madras and Bombay, Law and administration in the Supreme Court.

**6. Judicial Reforms**

Judicial reforms of Cornwallis, Problems of judicial reforms 1793 1833, Impact of reforms by Cornwallis 1793, Reforms of Sir John Shore (1793) Reforms of Lord Wellesley (1798), Reforms of Lord Cornwallis (1805), Reforms of Lord Minto (1807), Lord Hastings' administration of justice (1813), Judicial reforms of Lord Bentick (1828), Defects of the systems.

**7. Establishment of the High Courts**

The Indian High Courts Act 1861, Charter of Calcutta High Court, Allahabad High Court, The Indian High Courts Act 1911, The Government of India Act 1915: other High Courts, Jurisdiction of high courts, Posts constitutional developments.



**8. The Federal Court of India**

Foundation of the Federal Court, Jurisdiction, Authority of law, Expansion of jurisdiction, Abolition of the Federal Court, An assessment.

**9. Privy Council**

Jurisdiction, Appeals from India, A unique institution.

**10. The Supreme Court of India**

Origin, Constitution, Jurisdiction and powers, Doctrine of precedents and the Supreme Court, Recent Changes.

**11 Growth of Criminal Law.**

**12 Growth of personal Law of Hindus and Muslims.**

**13 Charter Act 1833.**

**14 Influence of English Law in India.**

**15 Prerogative writs in India.**

**16 Racial discrimination.**

**17 Growth of Justice, equity and good conscience.**

*Constitutional History of India*

**1 The Indian Councils Act 1909,**

**2 The Government of India Act 1919,**

**3 The Simon Commission and developments up to 1935,**

**4 The Government of India Act 1935,**

**5 The Cripps Mission,**

**6 The Cabinet Mission,**

**7 The Indian Independence Act 1947.**

**Leading Cases -**

- (i) Raja Nand Kumar case.
- (ii) The Cossijurah Case
- (iii) The Patna Case
- (iv) Kamaluddeen Case

**Select Bibliography**

- Courtney Ilbert, Government of India (1962)
- Courtney Ilbert, The mechanics of Law Making (1914)
- M.P. Jain, Constitutional Law of India (1987) Tripathi, Bombay
- M.P. Jain, Outlines of Legal History (1998), Tripathi
- M. Rama Jois, Legal and constitutional History of India (1984)(Two volumes)
- A.B. Keith, Constitutional History of India 1600-1936 (1936)
- A.C.Banerjee - The making of Indian Constitution.
- Rankin, G.C. Background to Indian Law (1946)
- V.D. Mahajan - Constitutional History of India.
- V.D. Kulshreshtha, Landmarks in Indian Legal History (1992), Eastern Lughnow.
- B.S. Sinha - Legal and Constitutional History.
- Eric Stakes, The English Utilitarian's and India (1992), Oxford, Delhi.

**PAPER 1.8 (B) Rajasthan Local Laws**

**Max.Marks : 100**

**Min.Pass Marks : 36**

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

1. Rajasthan Panchayati Raj. Act., 1994
2. Rajasthan Municipalities Act, 2009
3. Rajasthan Right to Hearing Act, 2012
4. Rajasthan Guaranteed Delivery of Public Service Act, 2011

**PAPER 1.8 (C) Criminal Minor Act**

1. Narcotics Drugs Psychotropic Substance Act, 1985
2. SC/ST Prevention of Atrocities Act, 1989
3. Protection of Child from Sexual Offences Act, 2012
4. I.T. Act., 2000: Special Emphasis on Cyber Crimes.



**PAPER 1.9 PROFESSIONAL ETHICS,  
LAWYER'S ACCOUNTABILITY  
AND BAR - BENCH RELATIONS.**

This paper will consist of following two parts -

Written Paper : 80 marks

Min. Pass Marks : 29

Note : The questions paper shall contain 8 question in all. Candidate is required to attempt 4 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Practical Exam.: 20 marks**

**Min. Pass Marks : 7**

The Practical examination shall be conducted by a committee of 2 examiners. In this committee there shall be one internal and one external examiner.

**Written Paper :**

**1.1 Basic Postulates of Administration of Justice**

- 1.1 Image of justice.
- 1.2 Wheels of the chariot of justice.
  - 1.2.1 Bench-Judges in the image of justice.
  - 1.2.2 Bar - Act, Plead and Dress of Advocate.

**2. Historical Evolution of Legal Profession.**

- 2.1 Legal Profession in Ancient India.
- 2.2 Position of Legal Profession in Muslim Regime.
- 2.3 Legal Profession during the British Regime.

**3. Autonomy of Legal Profession**

- 3.1 Indian Bar Committee, 1923
- 3.2 Indian Bar Council Act, 1926
- 3.3 All India Bar Committee, 1951
- 3.4 Unified Bar - The necessity of time.
- 3.5 14th Report of the Law Commission.

- 3.6 Advocates Act, 1961.
  - 3.6.1 Provisions which strengthen Unified Bar.
  - 3.6.2 Organization of Bar on All India Basis
  - 3.6.3.1 Constitution of Bar Council and Elections.
  - 3.6.3.2 Admission and Disciplinary action.
  - 3.6.3.3 Regulation of Legal Education.
- 4. Image/Position of Legal Profession in Society**
  - 4.1 Advocacy is a profession not a business.
  - 4.2 Legal profession is a noble profession.
  - 4.3 Deterioration in Image of Legal Profession in Independent India.
  - 4.4 Role of Lawyers in Society.
- 5. The necessity of the Professional Ethics.**
  - 5.1 The Art of Advocacy.
  - 5.2 Professional Ethics.
    - 5.2.1 Nature of Professional Ethics and the problems of the code of Ethics.
    - 5.2.2 Advantages of having codified professional ethics.
    - 5.2.3 Professional Ethics - Rules of Conducts.
- 6. Bar-Bench Relationship**
  - 6.1 General Conception.
  - 6.2 Advocates duty to the Court.
  - 6.3 Duty of Judge towards the Advocate.
  - 6.4 Duty of the Bar towards the Bench.
  - 6.5 Grounds of disputes in Bar-Bench Relations.
  - 6.6 Suggestions to improve Bar-Bench Relations.
- 7. Contempt of Court**
  - 7.1 Purpose and meaning of contempt of court.
  - 7.2 Contempt of Court by Judge, lawyers and state.
    - 7.2.1 Contempt by Judge, Magistrate or other persons acting judicially.
    - 7.2.2 Contempt of Court by Advocates.
    - 7.2.3 Contempt of Court by State, Corporate bodies and their officers.
  - 7.3 Punishment - Nature and Extent.
  - 7.4 Power of Superior Courts in Contempt cases.
  - 7.5 Safeguards available in contempt cases.
- 8. Relationship between an Advocate and his client.**
  - 8.1 Code of conduct.
  - 8.2 Lawyers-client Relationship.
  - 8.3 Do's and Don't for advocate towards client.
- 9. Accountability of lawyers.**
- 10. Professional Ethics and Advocates Duties to colleagues and others**
  - 10.1 Advocates duty to colleagues.

- 10.2 Advocates duty to opponents.
- 10.3 Advocates duty towards witnesses.
- 10.4 Advocates duty to public.
- 11.3 Illustrations of other misconduct.
- 11.4 Disciplinary committee's approach in case of professional or other Misconduct.

**12. Authorities and Procedures to deal with professional misconduct and remedies against their order.**

- 12.1 State Bar Council and its disciplinary committee.
- 12.2 The Bar Council of India and its disciplinary committee.
- 12.3 Remedies against the order of punishment.
- 12.4 Quantum of punishment.

**Leading Cases**

1. In Re Vinay Chandra Mishra.
2. Hikmat Ali Khan v/s Ishwar Prasad Arya & others 1997,3SCC 1608
3. P.D. Gupta V/s Ram Murti and another. 7 S.C.C. 147 AIR 1998 S.C.283.
4. D.S. Dalal V/s State Bank of India and others. AIR 1993 S.C. 1608.
5. Delhi Judicial Services Association, Tis Hazari Court V/s State of Gujrat, AIR 1991 S.C. 2176.

**Select Bibliography**

1. The Bar Council Code of Ethics.
2. The contempt of Court Act.
3. Dr.Anirudh Prasad, Principles of the Ethics of Legal Profession in India.
4. Mamta Rao, Professional Ethics.
5. Raju Ramachandran, Professional Ethics : Changing profession, changing ethics, Butter worths, New Delhi.
6. Dr. Murlidhar Chaturvedi- Professional Ethics, Accountabiligy of Lawyers and bench (Hindi)

**Practical Exam:**

The candidate shall be required to submit in writing the facts,arguments and the principles of law laid down in any two important decisions of the Supreme Court and disciplinary committee of Bar Council of India. The division of marks will be as under :

- |                                     |          |
|-------------------------------------|----------|
| (1) Record submitted by the student | 10 marks |
| (2) Viva-voce                       | 10 marks |

The Viva-voce examination shall be conducted by a committee of 2 persons. In this committe there shall be one internal and one external examiner.

**LL.B. SECOND YEAR EXAMINATION  
PAPER - 2.1 JURISPRUDENCE**

**Max. Marks: 100**

**Min. Pass Marks: 36**

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Syllabus**

- 1.1 Introduction: Meaning, definition, nature, scope and importance of Jurisprudence.
- 1.2 Norms and the normative system.
  - 1.2.1 Different types of normative systems, such as of games, language, religious orders, unions, clubs and customary practice.
  - 1.2.2 Legal systems as a normative order: similarities and difference of the legal system with other normative systems.
- 1.3 Law: Nature and definition given by different jurists.
- 2 Schools of Jurisprudence:
  - 2.1 Analytical positivism
  - 2.2 Natural Law School
  - 2.3 Historical School
  - 2.4 Sociological School
  - 2.5 Economic Interpretation of Law
  - 2.6 Realist School.
  - 2.7 The Indian Jurisprudence: Origin and its nature, The concept of 'Dharma'
3. Purpose of Law: Justice, meaning and kinds, Justice and law: Approaches of different schools; Power of the Supreme Court of India to render complete Justice in a case with special reference to Article 142. Critical studies, Feminist Jurisprudence.
4. Sources of Law, Customs, legislations, judicial precedent and Juristic writings as a source of law. Concept of Stare decisis, obiter dicta and Ratio decedendi.
5. Concept of legal rights, its kinds and right-duty correlation.
6. Persons: Nature of personality, status of the unborn, minor, lunatic, drunken, dead person, idol and mosque; corporate personality- Corporate sole and corporate aggregate; dimensions of the modern legal personality of non-human beings.
7. Possession: Concept and kinds of possession.
8. Ownership: The concept, kinds. Relation between possession and ownership.
9. Title
10. Property: Concept and kinds of property.
11. Liability: Conditions required for imposing liability, wrongful act-damnum sine injuria and injuria sine damnum. Causation, mensrea,

intention, motive. Malice, negligence and recklessness. Strict and vicarious liability.

12. Obligation- nature, kinds and sources of obligation.
13. Procedure: difference between substantive and procedural laws. Evidence-nature and kinds.

### **Leading Cases**

1. Keshavanand Bharti Vs State of Kerala, AIR 1973 SC 1461 (Per Mathew J.) - Paras 1617-1620 (Sovereignty) 1685-1698 (Natural Law and Natural rights) 1726-1729 (Roscoe pound and Sociological Jurisprudence) 1738-1751 (Property rights and Social Justice).
2. A.K. Gopalan Vs State of Madras, AIR 1950 SC 27 (S.970 paras 18, 19 Per Kania C.J.) Paras 107-109 (Per Patanjali Shastri) Para 192 (Per Mukherji J.) Paras 228 (Per Das J. Natural Law and Positive Law)
3. Maharaja Shree Ummad Mills Ltd Vs Union of India, AIR 1963 SC 953 Paras 12, 13, 14 (Per SK. Das J.) Concept of Law; Legislative agreements)
4. Jaipur Udyog Ltd Vs Income Tax Commissioner, AIR 1965 Raj 162 Paras 12, 13, 14 (Per Tyagi J.) (Sovereignty, Separation of powers and functions).
5. Shrimati Indira Nehru Gandhi Vs Raj Narayan, AIR 1975 SC 2299 Paras 219 and 299 (Per Mathew J.) (generally as a property of law.)
6. In Re Article 143 (Keshav Singh) AIR 1965 SC 745 paras 9-17 (Per Sarkar J. Law making by judicial and legislative comity).
7. Bengal Immunity Co. Vs State of Bihar, AIR 1955 SC 661 (Precedent)
8. Trilokchand Motichand V. H.B Munshi AIR 1970 SC 898 (Para 4 to 11, per Hidayatulla CJ.) Para 36 per Bhachawat J.; Para 59-63 per Hegde J.). These excerpt illustrate problems and uses of Hohfeld analysis.
9. Menka Gandhi Vs Union of India, AIR 1978 SC 597

### **Bibliography**

1. Salmond: Jurisprudence
2. Dias: Jurisprudence
3. Wayne Morrison: Jurisprudence
4. Julius Stone: The province and function of Law
5. Holland: Jurisprudence
6. S.N. Dhyani: Jurisprudence- A study of Indian Legal Theory
7. N.V. Paranjape: Vidhi Shastra
8. V.D. Mahajan, Jurisprudence and Legal theory
9. Bodenheimer Jurisprudence- The Philosophy and method of law.
10. Mulla- Hindu Law
11. Mani Tripathi- Jurisprudence (Hindi)

## PAPER - 2.2 LAW OF CRIMES

**Max. Marks : 100**

**Min. Pass Marks : 36**

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

### Syllabus

1. General Introduction- Concept of crime: Its definition, nature and scope. Distinction between crime and other wrongs. Applicability of IPC: Intra and Extra territorial operation. Salient features of the IPC, general explanations.
2. Elements of criminal liability: Mental elements in crime- mensrea (evil intention), its importance and exceptions. (Trends to fix liability without mensrea). State's power to determine acts or omissions as crime.
3. Types of Punishment- Death punishment, its impacts and social relevance. Alternative to capital punishment; imprisonment for life with hard labour, simple imprisonment; Forfeiture of property and fine. Discretion of Court in awarding punishment. Minimum punishment in respect of certain offences.
4. Group Liability: Common intention, unlawful assembly and common object. Abetment: instigation, aiding and conspiracy. Mere act of abetment punishable. Provisions relating to criminal conspiracy. Riot and affray.
5. General Exceptions: Factors negating guilty intention: Mistake of fact not of law; judicial act, accident, necessity, minority and insanity; (Impairment of cognitive faculties, emotional imbalance) medical and legal insanity; Intoxication. Private defence- justification and limits when private defence extends to causing of death to protect body and property.
6. Offences against the state-waging war against the state and sedition.
7. Offences against public servant and public justice, Contempt of lawful authority of public servants; giving and fabricating false evidence and aggravated form of the crime.
8. Specific offences against Human body:-
  - (i) Culpable homicide, murder, distinction between culpable homicide and murder. Situation justifying treating murder as culpable homicide not amounting to murder-grave and sudden provocation, exceeding right of private defence, public servant exceeding legitimate use of force, death in sudden fight, death caused by consent of the deceased-ethanasia and surgical operation. Death caused of person other than the person intended. Rash and negligent act causing death.

- (ii) Hurt- simple and grievous
  - (iii) Wrongful restraint and wrongful confinement
  - (iv) Criminal force and assault
  - (v) Kidnapping and abduction.
9. Offences against women:-
- (i) Insulting the modesty of a woman, assault or criminal force with intent to outrage the modesty of a woman.
  - (ii) Miscarriage: Causing miscarriage without women's consent and causing death by miscarriage without women's consent.
  - (iii) Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse.
  - (iv) Buying or selling a minor for purposes of prostitution.
  - (v) Rape- custodial rape, gang rape, marital rape, unlawful sexual intercourse.
  - (vi) Prevention of immoral traffic and prevention of sati
  - (vii) Cruelty by husband or his relative
  - (viii) Dowry death
  - (ix) Prohibition of indecent representation of women
10. Offences against property- theft, extortion, robbery, dacoity, criminal misappropriation of property, criminal breach of trust, cheating, mischief and criminal trespass
11. Offences relating to documents: Forgery or making a forged document
12. Offences relating to marriage: Bigamy, marriage or fraudulently gone through without lawful marriage, adultery, enticing or deceiting a married woman.
13. Defamation: definition and exceptions
14. Stages of a crime- mere intention not punishable, preparation, attempt- tests for determining what constitutes attempt- proximity, equivocality and social danger, impossible attempts.
15. Protection of Women from Domestic Violence Act, 2005- Definitions, Power and duties of protection of officers and service providers, Application to Magistrate, Protection orders, Residence orders, Custody orders, Compensation orders and Monetary reliefs, Penalty for breach of protection orders by respondent.

### **Leading cases:**

- 1 Reg Vs Govinda IR 1876 1 BOM 342.
- 2 Kedarnath Vs State of Bihar AIR 1962 SC 955
- 3 T.D. Vadgama Vs State of Gujrat AIR 1973 SC 2313
- 4 Veliji Ragahvji Vs State of Maharashtra AIR 1965 SC 1433
- 5 K.N. Nanavati Vs State of Maharashtra AIR 1962 SC 605

### **Select Bibliography**

- 1 Dr. Hari Singh Gour- Penal law of India
- 2 Rattan Lal and Dhirajlal: The Indian Penal Code



- 3 P.S. Achuthan Pillai: Criminal law
- 4 B.M. Gandhi: Indian Penal Code
- 5 Prof. K.S.N. Murty & KVS Sarve: Criminal Law
- 6 T. Bhattacharya: Bhartiya Dand Sanhita

**PAPER - 2.3 PROPERTY LAW INCLUDING  
TRANSFER OF PROPERTY ACT  
AND EASEMENT ACT**

**Max. Marks: 100**

**Min. Pass Marks: 36**

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Syllabus**

1. Jurisprudential control of property:- Concept, meaning and kinds of property: Movable and immovable, tangible and intangible property. Intellectual property: copyright, patents, designs and trademarks.
2. Law relating to transfer of property:- Transfer of Property Act 1882- general principles of transfer of property, specific transfer, sale, mortgage, charge, lease, ex-change, gift and actionable claims.
3. Easements: Indian Easements Act, 1882- Nature, characteristics, creation and extinction of easements. Riparian rights and licenses.

**Leading cases:**

- 1 Smt. Shanta Bai Vs State of Bombay & Others, AIR 1958 SC 532
- 2 Rajender Vs Santa Singh, AIR 1973 SC 2537
- 3 Kreglinger Vs New Patagonia Meat and Cold Storage Comp. Ltd (1914) AC 25
- 4 Union of India Vs Sharda Mills Ltd, AIR 1973 SC 281
- 5 Nathu Lal Vs Phool Chand, AIR 1970 SC 546
- 6 Jumma Masjid Vs Deviah AIR 1962 SC 847

**Select Bibliography**

- 1 Mulla: Transfer of Property Act
- 2 S. Shah: Lectures on Transfer of Property
- 3 Vepa P Sarathi: Law of Transfer of Property
- 4 I.C. Saxena: Transfer of Property
- 5 B.B. Mitra: Transfer of Property
- 6 S.R. Bhansali and Sharma: Sampathi Antaran Adhiniyam
- 7 J.N. Kulshrestha: Sampathi Antaran Adhiniyam
- 8 S.N. Shukla: Sampathi Antaran Adhiniyam
- 9 G.P. Tripathi: Sampathi Antaran Adhiniyam
- 10 Dr. R.R. Gupta: Sampathi Antaran Adhiniyam and Sukhadhikar

**PAPER - 2.4 COMPANY LAW**

**Max. Marks: 100**

**Min. Pass Marks: 36**

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Syllabus**

1. General Introduction:- Theories of corporate personality, creation and extinction of corporations. Corporations, partnerships and other associations of persons, state corporations, government companies, small scale; cooperative, corporate and joint sectors. Holding and subsidiary companies. Public and private company.
2. Law relating to Public and Private Companies: Companies Act 1956 (as amended 2013 )
  - (i) Need of company for development, formation, registration and incorporation of a company.
  - (ii) Memorandum of association- various clauses, alteration there in- doctrine of ultra vires
  - (iii) Articles of association- binding force- alteration- its relation with memorandum of association-doctrine of constructive notice and indoor management and exceptions. Promoters- position-duties and liabilities.
  - (iv) Prospectus- issue, contents, liability for misstatements, statement in lieu of prospectus
  - (v) Shares- general principles of allotment, statutory restrictions, share certificate- its objects and effects, transfer of shares, procedure for transfer, issue of shares at premium and discount, depository receipts-dematerialized shares (DEMAT). Calls on shares, forfeiture and surrender of shares; lien on shares
  - (vi) Share capital- kinds, alteration and reduction of share capital, further issue of capital, conversion of loans and debentures into capital.
  - (vii) Borrowing powers- charges, mortgages, contract by companies, debenture- meaning, kinds and remedies available to debenture holders.
  - (viii) Directors- position, appointment, qualification, vacation of office, removal, resignation, powers and duties of directors. Managing directors and other managerial personnel.
  - (ix) Meetings- kinds, procedure and voting.
  - (x) Audit and accounts.
  - (xi) Dividends- payment, capitalization and profit.
  - (xii) Protection of minority rights.
  - (xiii) Protection of oppression and mismanagement- who can apply? Powers of the court, company and the central government. Investigation of company affairs

- (xiv) Reconstruction and amalgamation of company.
  - (xv) Winding up-types: By court-grounds-who can apply? Procedure-powers of liquidator-powers of court, consequences of winding up. Voluntary winding up by members and creditors, winding up subject to supervision of courts, payment of liabilities, winding up of unregistered company.
3. Law and multinational companies-
    - (i) International norms for control
    - (ii) Foreign exchange management Act, 1999- Joint ventures investment in India, repatriation of project.
    - (iii) Collaboration agreements for technology transfer.
  4. Corporate liability:
    - (i) Legal liability of companies- civil and criminal
    - (ii) Remedies against them civil, criminal and tortious- specific relief Act, writs.

### Leading Cases

- 1 Aron Soloman Vs Soloman and Co. (1897) AC 22
- 2 Royal British Bank Vs Turkund (1856) 119 ER 886
- 3 Bell House Ltd Vs City Wall Properties Ltd (1966) SC 2 QB 656
- 4 Bajaj Auto Ltd Vs N.K. Farodia & Others, AIR 1971 SC 321
- 5 Tata Engg and Locomotive Co Ltd Vs State of Bihar AIR 1965 SC 40
- 6 Seth Mohan Lal Vs Grain Chambers Ltd AIR 1968 SC 772
- 7 Vasudev Ram Chandra Shelat Vs Pranlal Jaya Nand Thakur AIR 1974 SC 1728
- 8 Shanti Prasad Jain Vs Kalinga Tubes Ltd AIR 1965 SC 1535

### Select Bibliography

- 1 Atiya: The companies act, 1956
- 2 Avtar Singh: Company law (English and Hindi)
- 3 L.C.B. Gower: Principles of Modern Company Law
- 4 A. Ramaiya: Guide to the Companies Act
- 5 R.R. Pennigton: Company Law
- 6 S.M. Shah: Lectures on Company Law
- 7 N.V. Paranjape- Company Law (amended upto date)

### PAPER - 2.5 PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

**Max. Marks: 100**

**Min. Pass Marks: 36**

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

### Syllabus

1. Introduction to international law- historical development, definition, nature, basis, sources, schools, relationship between international law and municipal law

2. The law of peace- place of individual in international law, nature of state, state responsibilities, recognition, intervention, state succession, state jurisdiction, state territory, the law of the sea, piracy, air law, outer space, nationality, extradition, asylum, international criminal court, disarmament.
- 3 International transactions- diplomatic agents, treaties.
- 4 International organizations- definitions, functions and evolution of international organization, the league of nations, the United nations- the general assembly, the security council, the international court of justice, secretariat.
- 5 The laws of war- settlement of international disputes, war- legal character and effects, enemy character, belligerent occupations, war crimes, genocide.
- 6 The law of neutrality- neutrality, blockade, contraband and doctrine of continuous voyage, right of angry, prize court.
- 7 New international economic order- international economic co operation, economic development and environment, the role of some specialized agencies- ILO, WHO, UNESCO, World Bank, IMF, WTO
- 8 Human Rights- historical development of the concept of human rights, human rights in Indian and western traditions, concept of natural law, human rights in legal tradition-international law and national law.
- 9 Protection of human rights- universal protection of human rights, regional protection of human rights, national protection of human rights- under Indian laws.

### **Leading Cases:-**

- 1 United Kingdom Vs Norway (Anglo Norwegian fisheries case) ICJ Report 1951 p. 116
- 2 The Nuremberg judgment, International Military Tribunal, Nuremberg 1946 AJIL Vol. 41, 1947 p. 172
- 3 In Re Government of India and Mubarak Ali Ahmad 1952 1 II Er 2060
- 4 Khutch Tribunal award case- foreign affairs report volume XVII March 68.
- 5 Right to passage over Indian territory case ICJ Report 1957 p. 125

### **Select Bibliography-**

- 1 Stark- An introduction to International Law
- 2 Oppenheim- International Law Vol. I and II
- 3 Antonio Cassese- International Law
- 4 Breirly- The Law of Nations
- 5 Nartin Dixon- Textbook on International Law
- 6 Dr. H.O. Agarwal- International Law and Human Rights
- 7 S.K. Kapoor- International Law, Human Rights (English and Hindi)

## PAPER - 2.6 LABOUR LAWS

Max. Marks: 100

Min. Pass Marks: 36

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

### Syllabus

1. Historical perspective of labour: Labour during feudal days, colonial labour laws. Labour capital conflicts: exploitation of labour, profit motive, poor bargaining capacity, poor working conditions, unorganized labour, bonded labour, surplus labour, division of labour and super specialization. Theories of labour and surplus value.
2. Trade Unionism:
  - (i) The history of trade union movement in India, Right to trade union as part of human right, freedom of association- international norms and the Indian constitution
  - (ii) The Trade Union Act, 1926: definitions, registration of trade union, functions of registrar, cancellation of registration and incorporation of registered trade unions. Funds- political and general, rights and liabilities of registered trade union, immunities, office bearers, change of name, amalgamation and dissolution of trade union, penalties.
3. State regulation of industrial relations-
  - (i) General- Theoretical foundations: Social justice, labour welfare, public interest, productivity, industrial peace and development.
  - (ii) The Industrial Dispute Act, 1947: Scope and objects, definitions, assistance to bi partite settlement- works committee, conciliation officer, authorities for solving disputes, reference power, lay off, strike, lock out, retrenchment, closure, transfer of undertakings, penalties and unfair labour practices.
4. Remuneration for labour- Theories of wages, concept of wages, components of wages, disparity in wages. The Minimum Wages Act, 1948: objects, definitions, fixation of minimum rates of wages, inspectors, payment of minimum rates of wages, overtime claims.
5. Health, safety and labour welfare provisions : Factories Act, 1948- Definitions, inspectors, provisions regarding health, safety, welfare and provisions relating to employment of young persons, annual leave with wages and penalties.
6. Protection of the Weaker Sections of Labour- Tribal labour: need for regulation, unorganized labour like domestic servants- problems and perspectives, bonded labour, contract labour. Child Labour Prohibition Act, 1986

**Leading Cases:-**

- 1 Workmen of Indian Standard Institutions V. Indian Standard Institution AIR 1976 SC 145.
- 2 Burmah Shell Co Vs Burmah Shell Management Staff Association 1970 I FLL J. 590 SC, AIR 1971 SC 922.
- 3 Workmen of firestone Tyre and Rubber Co. Ltd. Vs. The Management of Firestone Tyre and Rubber Co. Ltd. AIR 1972 SC 1227.
- 4 Delhi Cloth and General Mills Co Ltd Vs Ludh Budh Singh AIR 1972 SC 1031
- 5 Jay Engineering Works Vs State of West Bengal, AIR 1990 Cal 406
- 6 Bidi Leaves and Tobacco Merchants Association India and other Vs State of Bombay AIR 1962 SC 486
- 7 Bangalore Water Supply Vs A. Rajappa AIR 1978 SC 548
- 8 Express Newspapers Ltd Vs Union of India AIR 1958 SC 578

**Select Bibliography-**

- 1 O.P. Malhotra: Law of Industrial Disputes
- 2 S.C. Srivastava: Social Security and labour laws
- 3 V.V. Giri: Labour problems in Indian industry
- 4 R.C. Saxena: Labour problems and social welfare
- 5 S.N. Mishra: Labour and Industrial Laws
- 6 Anil Sachdeva: Industrial and Labour Laws
- 7 K.N. Pillai: Labour and Industrial Laws
- 8 Ganga Sahai Sharma: Shram Vidhi
- 9 N.D. Sharma : Shram Vidhi
- 10 Gopi Krishan Arora : Shram Vidhi

**PAPER - 2.7 ADMINISTRATIVE LAW**

Max. Marks: 100

Min. Pass Marks: 36

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Syllabus**

1. Evolution, nature and scope of Administrative Law- from a laissez faire to a social welfare state, evolution of administration as the fourth branch of government, conseil' detate, definition and scope of Administrative Law, relationship between Constitutional Law and Administrative Law, separation of powers and rule of law
2. Civil services in India- Nature and organization of civil services: from colonial relics to democratic aspiration, powers and functions, accountability and responsiveness: problems and perspective, administrative deviance-corruption, nepotism and mal-administration

- 3 Legislative powers of administration- Necessity for delegation of legislative power, constitutionality of delegated legislative powers of exclusion, inclusion and power to modify statute, requirement for the validity of delegated legislation. Legislative and judicial control of delegated legislation, sub-delegation of legislative powers, publications of delegated legislation, administrative directions, circulars and policy statements.
- 4 Judicial powers of administration-
  - (i) Need for devolution of adjudicatory authority on administration. Administrative tribunals-need, nature, constitution, jurisdiction and procedure. Distinction between quasi-judicial and administrative functions.
  - (ii) Principles of natural justice- the right to hearing- essential of hearing process, no man shall be judge in his own cause, no man shall be condemned unheard, reasoned decisions, the right to counsel.
- 5 Judicial control of administrative action: grounds-jurisdictional error, ultravires, abuse and non exercise of jurisdiction, error apparent on the face of record, violation of principles of natural justice, violation of public policy, unreasonableness and legitimate expectation. Remedies in judicial review, writs, declaratory judgments and injunctions, specific performance and civil suits for compensation.
- 6 Administrative discretion- Need for administrative discretion, administrative discretion and rule of law, limitations on exercise of discretion-malafide exercise of discretion, constitutional imperative and use of discretionary authority.
- 7 Contractual and tortious liability of state: Tortious liability, sovereign and non sovereign functions, statutory immunity, act of state, contractual liability of government, government privilege in legal proceedings-state secrets, public interest, transparency and right to information.
- 8 Corporation and Public undertakings:- State monopoly, liability of public and private corporations- departmental undertakings, legislative and governmental control, legal remedies, accountability- committee on public undertakings, estimate committee.
- 9 Public inquiries and commission inquiry, ombudsman: lokpal, lokayukta, vigilance commission, parliamentary committees.
- 10 Right to Information Act, 2005

**Leading cases:**

- 1 A.K. Kraipak Vs Union of India AIR 1970 SC 150
- 2 In re Delhi Laws Act, AIR 1951 SC 332
- 3 Raj Narayan V/s. Chairman, Patna Administration Committee, Patna AIR 1954 SC 569

- 4 Syed Yaqoob vs Radha Krishnan AIR 1964 SC 477
- 5 Rohtash industries Pvt Ltd Vs S.D. Agarwal AIR 1969 SC 707
- 6 State of Karnataka Vs Union of India AIR 1978 SC 68

**Select Bibliography :-**

- 1 M.C.J kagzi- The Indian Administrative Law
- 2 I.P. Massey: Administrative Law
- 3 D.D. Basu: Administrative Law
- 4 M.A. Fazal: Judicial control of Administrative action in India, Pakistan and Bangladesh
- 5 Wade: Administrative Law
- 6 S.P. Sathe: Administrative Law
- 7 U.P.D. Kesari: Prashasnic Vidhi
- 8 Jain and Jain- Principles of Administrative Law
- 9 J.J.R. Upadhayay- Prashasnic Vidhi

**PAPER - 2.8 (A) TAXATION LAWS**

Max. Marks: 100

Min. Pass Marks: 36

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Syllabus**

1. General perspective- History of tax law in India, fundamental principles relating to tax laws, concept of tax, nature and characteristics of taxes, distinction between tax and fees, tax and Access, direct and indirect taxes, tax evasion and tax avoidance, scope of taxing powers of parliament, state legislature and local bodies.
2. Income Tax Act, 1961 (amended upto date): Basic concepts income, agricultural income, total income, assessee, and person. Chargeable income- heads of income, salaries, income from house property, income from business or profession, capital gains, income from other sources, deductions, relief and exemptions. Rate of income tax, Income tax authorities-powers and functions, offences and penal sanctions.
3. Central Sales Tax Act, 1954 (amended upto date) and Rajasthan VAT . Meaning and importance of service tax, salient provisions of the VAT.and its Implications .

**Leading Cases:**

- 1 P. Krishana Menon Vs CIT, AIR 1956 SC 75
- 2 CIT West Bengal Vs Benoy Kumar Saha Roy, AIR 1957 SC 761
- 3 Mala Ram & Sons Vs CIT AIR 1956 SC 367
- 4 Pingle Industries Ltd Vs CIT AIR 1960 SC 1934
- 5 Banaras Cloth Dealers Syndicate V. Benaras 1964 ITR 50
- 6 CIT Vs Kothari (1963) 40 ITR 107 (SC)



### Select Bibliography

- 1 Ramesh Sharma, Supreme Court on Direct taxes
- 2 Kanga and Palkiwala, The Law and practice of Income Tax
- 3 R.V. Patel, The Central Sales Tax Act
- 4 S.D. Singh, Principles of Law of Sales Tax
- 5 H.C. Malhotra, Aykar Vidhan Lekha
- 6 Bhagwati Prasad, Aykar Vidhi
- 7 S. Bhattacharya : Indian Income Tax Law and Practice.
- 8 A.K. Saxena : Law on Income tax in India.
- 9 Nathulal Jain : Ayakar Vidhi.
- 10 Kailash Rai : Ayakar Vidhi.

### PAPER - 2.8 (B) INSURANCE LAW

**Max. Marks: 100**

**Min. Pass Marks: 36**

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

### Syllabus

1. Introduction- definition, nature and history of insurance, concept of insurance and law of contract and law of torts, future of insurance in globalize economy, history and development of insurance in India, insurance regulatory authority- role and functions.
2. General principles of law of insurance- Contract of insurance- classifications of contract of insurance, nature of various insurance contracts and parties thereto principle of good faith, insurable interest, the risk, the policy-classification of policies- its forms and contents, its commencements, duration, cancellation, alteration, rectification, renewal, conditions of the policy.
3. Life Insurance: Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract, event insured against life insurance contract, circumstances affecting the risk, amount recoverable under life policy, persons entitled to payment and settlement of claims.
4. Marine Insurance: (The Marine Insurance Act, 1963) Nature, scope, classification of marine policies, insurable interest, insurable value, conditions of policy. Voyage-deviations, perils of the sea, partial loss of ship and of freight, salvage, general average, particular charges, measure of indemnity, total valuation, liability to third parties.
5. Insurance against third party risks: The Motor Vehicle Act 1988- chapter VIII- definitions, abuse, drives and motor vehicles, requirements of policy, statutory contract between insurer and drive rights of third parties, limitation of third party's rights, duty to inform third party, claims tribunal- constitution, functions,

applications for compensation-who can apply? Procedure and powers of claims tribunal- its award.

- 6 Social insurance in India: important elements in social insurance, its needs, commercial insurance and social insurance. Sickness insurance, Adarkar Scheme, Stack and Rao scheme for wage earners and others risks covered, maturity and other benefits. Old age, premature death and invalidity insurance or pension insurance, public provident fund, unemployment insurance, social insurance for agricultural and un-organized labourers.
- 7 Public liability insurance: the scheme and authorities
- 8 Fire insurance: nature of fire insurance contract, non-disclosure and misrepresentation, standard fire policy, proximate cause, claims.

**Leading cases:**

- 1 Glickman Vs Lancashire and General Assurance Co. (1925) 2 KB 593
- 2 Johnson Vs Marshall (1906) AC 409
- 3 Digby Vs General Accident Fire and Life Insurance Co. Ltd. (1943) AC 121
- 4 Minu B. Mehta Vs Balakrishna AIR 1977 SC 1248
- 5 Prudential Insurance Co. Vs Inland Revenue Commissioner (1904) 2 KB 658.

**Select Bibliography**

- 1 Singh, B Anand, New Insurance Law
- 2 Sreenivasan, M.N.- Principles of Insurance Law
- 3 Banerjee, Law of Insurance
- 4 Mitra, B.C., Law relating to Marine Insurance
- 5 Srivastava, Blachand: Elements of Insurance
- 6 Dravid and Joshi: Bima Siddhant evam Vyavahar.

**PAPER - 2.8 (C) BANKING LAW INCLUDING  
NEGOTIABLE INSTRUMENT ACT, 1881**

**Max. Marks: 100**

**Min. Pass Marks: 36**

Note: The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**Syllabus**

**1. Introduction**

- 1.1 Banking: definition-common law and statutory law
- 1.2 Commercial Banks: functions
  - 1.2.1 Agency services
  - 1.2.2 General utility services
  - 1.2.3 International trading service
  - 1.2.4 Information services
- 1.3 Systems of banking: unit banking, branch banking, group banking

and chain banking

1.3.1 Banking companies in India

## **2. Banks and Customers**

2.1 Customer: meaning

2.2 Banker and customer relationship

2.3 Rights and obligations of banks- Right of set off, banker's lien, right to charge interest and commission, obligation to honour customer's cheques.

2.4 Duty- Duty of confidentiality, nature and justification of the duty, exceptions

2.5 Accounts of Customers- Current accounts, deposit accounts, joint accounts, trust accounts.

3. Control over Banks

3.1 Control by Government and its agencies

3.1.1 Need for elimination of systematic risk, avoidance money Laundering, consumer protection, promotion of fair competition.

3.1.2 Account, audit, money lending, re-organization and reconstruction, supervision and winding up.

3.2 Control by ombudsman

3.3 Reserve Bank of India (RBI) Act, 1934: definition, functions and powers, supervision and control over the other banks, control over non-banking financial institutions, capital management and business, determination of bank rate policy.

4. Lending by Banks

4.1 Principles of good lending

4.2 Securities for bank advances- pledge, mortgage, charge, goods or documents of title to goods, life insurance policies as securities, debentures as security, guarantee as security. Contract of guarantee and contract of indemnity.

4.3 Repayment, interest: rule against penalties.

4.4 Default and recovery- debt recovery tribunals- constitution and functioning.

5. Letter of Credit and Demand guarantee

5.1 Letter of credit

5.1.1 Basic features

5.1.2 Parties to a letter of credit

5.1.3 Fundamental principles

5.2 Demand guarantee- legal character, distinction between irrevocable letter of credit and demand guarantees

6. Law relating to negotiable instruments: (Negotiable Instruments Act, 1881)

6.1 Negotiable instruments- kinds

6.2 Holder and holder in due course

6.3 Parties, negotiation, presentment

- 6.4 Discharge from liability
- 6.5 Dishonour- civil and criminal liability
- 6.6 Duty to honour customer's cheques- conditions, exceptions to the duty to honour cheques
- 6.7 Money paid by mistake
- 6.8 The collecting banker- liability for conversion, duties, good faith and statutory protection to the collecting banker.

**Leading Cases:**

- 1 A.B. Miller Vs National Bank of India ILR 19 Cal 146
- 2 National Insurance Co. Ltd Vs Seema Malhotra (2001) ILRI 543
- 3 Radha Kisan Vs Hira Lal AIR (1919) Nag 39
- 4 Maneckji Pestonji Bharucha Vs Wadilal Sarabhai AIR 1926 PC 38
- 5 Nawab Major Sir Mohammad Akbar Khan Vs Attar Singh AIR 1936 PC 171

**Select Bibliography-**

- 1 S.N. Gupta, The Banking Law in theory and practices.
- 2 S.N. Gupta, Banks and the consumer protection law.
- 3 Mukherjee, T.K.- Banking Law and Practice.
- 4 Shekhar K.C- Banking theory and practice.
- 5 Kailash Rai- Negotiable Instrument Act.
- 6 Sharma and Sharma- Banking Vidhi.
- 7 Mangilal Sharma: Banking Vidhi Evam Vyavhar

**PRACTICAL PAPER**

**PAPER - 2.9 PUBLIC INTEREST LAWYERING;  
LEGAL AID AND PARA LEGAL SERVICES**

**Syllabus**

**The paper shall consist of following two parts:**

**A. WRITTEN PAPER**

Max. Marks: 80

Min. Pass Marks: 29

Note: The question paper shall contain 8 questions in all. Candidate is required to attempt 4 questions. Each question is divided into 2 parts- Part-A and Part-B having 16 and 4 marks respectively. Candidate has to answer Part-A in about 5 pages and Part-B in about 100 words.

**B. PRACTICAL PAPER**

**Max. Marks: 20 Marks**

**Min. Pass Marks: 7**

The practical exam shall be conducted by a committee of 2 examiners. In this committee there shall be one internal examiner and one external examiner.

**A. Written Paper**

**1 Introduction**

- 1.1 PIL- its origin and meaning
- 1.2 Scope and nature of PIL
- 1.3 Object of PIL

- 1.4 PIL and Private Interest Litigation
- 2. Locus Standi**
- 2.1 Principle of locus standi- traditional approach
- 2.2 Liberal approach
- 2.3 Guidelines for entertaining a PIL
- 2.4 Petition by public spirited person or association
- 2.5 Misuse of PIL
- 3. PIL and enforcement of Fundamental Rights**
- 3.1 General
- 3.2 Compensation for breach of fundamental rights
  - 3.2.1 Compensation for illegal detention
  - 3.2.2 Compensation to victim of police atrocities.
- 3.3 PIL as a redress to custodial violence cases.
4. PIL and Environmental Law
- 4.1 Pollution- a curse to mankind.**
- 4.1.1 Pollution free environment as a fundamental right.
- 4.1.2 Enforcement of environmental laws through filing PIL.
- 5. PIL for the enforcement of the rights of weaker sections of the society**
- 5.1 For the enforcement of the rights of women.
- 5.2 For the enforcement of the rights of children.
- 5.3 For the enforcement of the rights of bonded labour.
- 6. Legal Aid:**
- 6.1 Constitutional provisions
- 6.2 Provision of civil procedure code and code of criminal procedure regarding legal aid
- 6.3 The Legal Services Authorities Act and legal aid.
- 7. The Legal Services Authorities Act, 1987 (as amended by the Act of 2002)**
- 7.1 The national legal services authority- constitution and functions
- 7.2 State legal services authority- constitution and functions
- 7.3 District legal services authority, Taluk legal services committee-constitution and functions
- 7.4 Lok Adalat- organization, cognizances of cases, award and powers.
- 7.5 Pre litigation, conciliation and settlement
  - 7.5.1 Permanent lok adalat- establishment, cognizance of cases, procedure and award
  - 7.5.2 The Rajasthan State Legal Services Authority Regulations,1999- Legal literacy, legal awareness committee: Constitution and functions of High Court and District Legal awareness committee
  - 7.5.3 Organization of legal awareness camps by law schools
  - 7.5.4 Role of voluntary organizations

## **8 Drafting of PIL petitions and writing of applications for legal aid**

### **Leading Cases:**

- 1 Bandhua Mukti Morcha Vs Union of India AIR 1984 SC 802, (1984) 3 SCC 161
- 2 Olga Tellis v Bombay Municipal Corporation (1985) 3 SCC 545, AIR 1986 SC 180
- 3 Sukdas v. Union Territory of Arunachal Pradesh (1986) 2 SCC 401, AIR 1986 SC 991
- 4 Sheela Barse Vs State of Maharashtra AIR 1983 SC 378

### **Select Bibliography**

- 1 Dr. S.R. Myneni- Public Interest lawyering legal aid and para legal services
- 2 Sujan Singh- Legal aid-human right to equality
- 3 S.S. Sharma- legal assistance to Poor
- 4 P.N. Bhagwati- legal aid as human right
- 5 P.N. Bajpayee- Legal aid and the Bar council
- 6 Sunil Deshtra- lok adalats in India- genesis and functioning
- 7 Sampat Jain- Public Interst Litigation
- 8 Dr. Kailash Rai- Janhit Vakalat, vidhik sahyog evam ardh vidhik sevayen.
- 9 Suresh Bhatia- Nirdhan Vidhik Shayta, Rajasthan Hindi Granth Academy
- 10 P.M. Bakshi- Public Interest Litigation

### **B. PRACTICAL PAPER**

The candidate shall be required to attend at least two legal aid camps organized by the college. The candidate shall also be required to present a report regarding the problem along with his suggestions.

- (1) Attendance at the legal aid camp and submission of report- 10 Marks
- (2) Viva voce- 10 Marks

The Viva-voce examination shall be conducted by a committee of 2 persons. In this committee there shall be one internal examiner and one external examiner.

## **LL.B. THIRD YEAR EXAMINATION**

### **3.1 LAW OF EVIDENCE**

**Max. Marks : 100**

**Min. Pass Marks : 36**

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

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

presumptions regarding documents. Relevancy of facts : Explaining Res-gestae, occasion, cause, effect; motive, intention, preparation, previous and subsequent conduct, introductory and explanatory facts, facts not relevant when become relevant, accidental and incidental facts. Facts which need not be proved, improper admission and rejection of facts.

**2. Admission and Confession.**

- (a) Admission : Definition, whose admission is relevant, relevancy of admission in civil cases, admission is not conclusive proof . Admission and Estoppel.
- (b) Confession : definition, its kinds, confession caused by inducement, threat or promise, confession to police officer, confession in the custody of police, confession to Magistrate, confession by co-accused.
- (c) Difference between admission and confession, Relevancy of statements.
- (d) Dying Declarations - The justification for relevance on dying declarations (Section 32), The judicial standards for appreciation of evidentiary value of dying declarations.
- (e) Other Statement by Persons who cannot be called as Witnesses - General Principles, Special problems concerning violation of women's rights in marriage in the law of evidence.
- (f) Statement made under special circumstances.
- (g) Relevancy of judgement of a court of law.
- (h) Opinion of third person.
- (i) Opinion of experts / third person.
- (j) Relevancy of character

**3. Evidence :** Oral evidence, documentary evidence, kinds of documentary evidence, when secondary evidence is relevant. Public and private document. Exclusion of oral evidence by documentary evidence: Application of this principle and its exceptions, ambiguous documents, kinds of ambiguity.

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

**5. Estoppel :** meaning, essentials, nature and its kinds. Competency of witnesses, when a person can be compelled to appear as witness, privileged communications and documents, accomplice, hostile witness.

**6. Examination of Witnesses :** Order of examinations. kinds of examinations. leading question, impeaching the credit of witness, questions which can and which cannot be asked, refreshing the memory of witness, production of documents, Judge's power to

put questions and to order production. Effect of improper acceptance or rejection of evidence.

**Leading Cases :**

1. Nishi Kant Jha V. State of Bihar, AIR 1969 SC 422.
2. Himachal Pradesh Administration v. Om Prakash AIR 1972 SC 975.
3. Sat Paul v. Delhi Administration, AIR 1976 SC 294.
4. Laxmipat Chorasias v. State of Maharashtra, AIR 1968 SC 938.
5. Pakala Narayan Swami v. Emperor, AIR 1939 PC 47.
6. Bhardwade Bhogin Bhan Herrji Bhai v. State of Gujarat AIR 1988 SC 753.
7. RM Malkani v. State of Maharashtra, AIR 1973 2SCR 417

**Select Bibliography:**

1. Ratan Lal - The law of Evidence
2. Batuklal- Law of Evidence
3. Vepa P. Sarathi - Law of Evidence
4. Raja Ram Yadav- Law of Evidence (Hindi)
5. Shyam Sunder Sharma- Law of Evidence (Hindi)

**PAPER - 3.2, THE CODE OF CRIMINAL PROCEDURE, 1973, JUVENILE JUSTICE ACT, 2000 AND PROBATION OF OFFENDERS ACT, 1958.**

Max. Marks : 100

Min. Pass Marks : 36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

(A) The Code of Criminal Procedure, 1973

1. Preliminary :
  - (a) Object, Extent and definitions (Chapter 1)
  - (b) Duties of Public:
    - (i) To assist to police and Magistrate
    - (ii) To give information about certain offences (Chapter IV Ss. 37 to 40)
2. Criminal Courts
  - (a) Territorial divisions and Classifications (Chapter II, Ss 6 to 25).
  - (b) Powers (Chapter III, Ss. 26 to 31).
3. Pre-Trial Procedure :
  - (a) Arrest of Persons (Chapter V)
  - (b) Process to compel appearance (Chapter VI).
  - (c) Process to compel Production of things (Chapter VII).
  - (d) Information to the Police and their powers of Investigation (Chapter XII)
  - (e) Bail (Chapter XXXIII).



- (f) Jurisdiction of the courts in inquiries and trials (Chapter XIII); Order to furnish security for keeping peace and good behaviour (ss. 106-124)
- (g) Maintenance of Public Order and Tranquility (Chapter-X)
- 4. Conditions requisite for initiation of proceedings, Complaints to Magistrates, Cognizance of Offence and Charge (Chapter XIV, XV and XVII).
- 5. Types of Trials.
  - (i) Trial before Court of Session (Chapter XVIII).
  - (ii) Trial of Warrant and Summons Cases (Chapter XIX & XX)
  - (iii) Summary Trials (Chapter XXI)
- 6. Judgment (Chapter XXVII)
- 7. (a) Appeal (Chapter XXIX) Reference and revision (Chapter XXX).
- (b) Misc. Provisions:
  - (i) Irregular proceedings (Chapter XXXV)
  - (ii) Period of Limitation (Chapter XXXVI)
  - (iii) Autrefois acquit and Autrefois convict (Sec 300).
  - (iv) Legal Aid to the accused at State Expenses (S. 303 & 304)
  - (v) Pardon to an accomplice (Sec 306 to 308)
  - (vi) Saving of Inherent powers of High Court (Sec. 482).
  - (vii) Maintenance of Wife, Children and Parents (Sec. 125 to 128).

**(B) The Juvenile Justice Act, 2000.**

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

**(C) Probation of offenders Act, 1958:**

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

**Leading Cases :**

- 1. Tehsildar Singh V. State of UP , AIR 1959 SC. 1012
- 2. State of U.P. V. Singhara Singh, AIR 1964 SC 359.
- 3. Nisar Ali V. State of U.P. AIR 1957 SC 336.
- 4. Purshottam Das Dalmia V. State of West Bengal, AIR 1961 SC. 1589.
- 5. State of Andhra Pradesh V. Cheemalapati Ganeshwara Rao, AIR 1963 SC 1850

6. Satwant Singh V. State of Punjab, AIR 1960 S.C. 266.

**Select Bibliography :**

1. Ratan Lal : Criminal Procedure Code.
2. Ganguly, A.C. : A Guide to Criminal Code Practice.
3. The Juvenile Justice (care and Protection of children) Act,2000.
4. Probation of Offenders Act, 1958.
5. Chakravarti, N.K. - Probation system - in the Administration of Criminal justice.
6. Tiwari Y.K.- CR.P.C (Hindi)
7. Jain P.C.- CR.P.C (Hindi)
8. M.D. Chaturvedi- CR.P.C etc. (Hindi)
9. B.L. Babel- CR.P.C (Hindi)

**PAPER 3.3. THE CODE OF CIVIL PROCEDURE 1908  
AND THE LIMITATION ACT, 1963.**

Max. Marks : 100

Min. Pass Marks 36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

1. Definitions, suits in general suit of civil nature, stay of suit, Res-judicata, Res-sub judice, Foreign Judgment, Place of trial, Transfer of suits, Joinder, non-joinder and mis-joinder of parties and causes of action. Service of summon and pleadings.
2. Execution in general - Courts by which decrees may be executed, powers of the Court executing the decrees, transfer of decree for execution and modes of execution. Stay of execution.
3. Suits in particular cases (Orders XXIX to XXXV), Abatement of suits and summary procedure.
4. Supplemental proceedings, Attachment before judgement, Arrest before judgement, Temporary injunction and Appointment of Receiver.
5. Appeal- Appeal against order and appeal against decree, Review, Revision and Reference.
6. Miscellaneous - Transfer of cases, restitutions, caveat and inherent powers
7. The Limitation Act, 1963.  
Purpose, policy, nature and scope of the Act. Definitions: Application, bond, defendant, easement, goodfaith, plaintiff, period of limitation, relationship between limitation, laches, acquiescence, estoppel and resjudicata, disability, Limitation of suits, appeals and applications, computation of period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

**Leading Cases :**

1. Shri Sinha Ramanuja V. Ranga Ramanuja, AIR 1961 SC 1720.

2. Seth Hukamchand V. Maharaja Bahadur Singh AIR 1933 PC 193
3. Narain Bhagwant Rao V. Gopal Vinayak AIR 1960 SC 100
4. Garikapati Veerava V. Subbiah Chaudhary, AIR 1957 SC 540.
5. Deoki Nandan V. Murlidhar, AIR 1957 SC 133.
6. Deity Pattabhirama Swamy V. Hanmayya, AIR 1959 SC 57.
7. S.M. jakati V. B.M. Borker, AIR 1959 S.C. 282.

**Select Bibliography :**

1. Mulla- Civil Procedure Code.
2. Singh S.N. - Civil Procedure Code.
3. Sahai on Civil Procedure.
4. Tandon, M.P. - Civil Procedure Code (English & Hindi)
5. Mridula Srivastava - Civil procedure Code (Hindi)
6. A.N. Pandey - Civil Procedure Code (Hindi)
7. C.K. Tekwani- Civil Procedure Code
8. T.P. Tripathi- Civil Procedure Code (Hindi)

**PAPER - 3.4 LEGAL LANGUAGE, LEGAL WRITING  
INCLUDING GENERAL ENGLISH AND  
INTERPRETATION OF STATUTES.**

Max. Marks : 100

Min. Pass Marks:36

**Note :** The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**(A) Vocabulary :**

1. Use of legal phrases and terms (list of legal terms given below).
2. Pair of words.
3. One word substitution
4. Latin Maxims (Listed Below)

**(B) Composition Skills**

1. Brief Writing and drafting of notices, letters and applications.
2. Essay Writing on topics of legal interest.
3. Translation (from English to Hindi and Hindi to English)

**List of Legal terms which are relevant for LL.B. students:**

Abet	Abstain	Accomplice
Act of God	Actionable	Accused
Adjournment	Adjudication	Admission
Affidavit	Amendment	Appeal
Acquittal	Articles	Assent
Attested	Attornment	Averment
Bail	Bailment	Citation
Clause	Coercion	Code
Cognizable	Confession	Compromise
Consent	Conspiracy	Contempt
Contingent	Contraband	Conviction

Convention	Corporate	Custody
Damages	Decree	Defamation
Defence	Excheat	Estoppel
Eviction	Executive	Ex-parte
Finding	Floating charge	Forma Pauperis
Franchise	Fraud	Frustration
Goodfaith	Guardian	Habeas Corpus.
Hearsay	Homicide	Hypothication
Illegal	Indemnity	Inheritance
Bench	Bill	Bill of attainder
Bill of rights	Blockade	Bonafide
By-laws	Capital Punishment	Charge
Chattles	Justiciable	Legislation
Legitimacy	Liability	Liberty
Licence	Lien	Liquidation
Maintenance	Malafide	Malfeasance
Minor	Misfeasance	Mortgage
Murder	Negligence	Negotiable
Instruments	Neutrality	Non-feasance
Notification	Novation	Nuisance
Oath	Obscene	Offender
Order	Ordinance	Over-rule
De-facto	De Jure	Deposit
Detention	Discretion	Distress
Earnest Money	Enact	Enforceable
Equality	Partition	Perjury
Petition	Plaintiff	Pledge
Preamble	Pre-emption	Prescription
Presumption	Privilege	Privity
Prize	Process	Promissory Note
Proof	Proposal	Prosecution
Proviso	Ratify	Receiver
Redemption	Reference	Regulation
Remand	Remedy	Rent
Repeal	Res Judicata	Respondent
In Limine	Insanity	Institute
Insurance	Interstate	Issue
Judgement	Judicial	Jurisdiction
Justice	Restitution	Rule
Ruling	Schedule	Section
Settlement	Sovereignty	Specific Performance
Stamp duty	Status quo	Statute
Stay of execution	Succession	Summons
Surety	Tenant	Testator
Testatrix	Title	Tort

Trade Mark	Treason	Treaty
Trespass	Trial	Tribunal
Ultra Vires	Undue influence	Usage
Valid	Verdict	Vested
Violate	Vis-major	Void
Voidable	Wager	Waiver
Warrant	Warranty	Will
Writ	Wrong	

### LIST OF LATIN MAXIMS:

1. Ab initio (from the beginning)
2. Actio personalis moritur cum persona (Personal actions die with the death of person).
3. Actus Curae neminem gravabit (an act of the court shall prejudice no one).
4. Actus non facit reum, nisi mens sit rea (the act itself doesnotconstitute guilt unless done with a guilty intent).
5. Actus reus (wrongful act).
6. Ad interim (in the meantime)
7. Ad litem (for the suit).
8. Ad valorum (according to the value).
9. Alibi (Plea of being elsewhere)
10. Amicus curaie (friend of the court)
11. Animus (Intention)
12. Audi alterem partem (hear the other side).
13. Caveat emptor (buyer beware).
14. Consensus ad idem (agreement by two persons upon the same thing in the same sense).
15. Damnum sine injuria (damage without injury).
16. De facto (in fact).
17. De jure (in law).
18. De minimis non curat lex (the law takes no account of trifling matters).
19. Decree nisi (a decree which takes effect after a specified period).
20. Delegatus non potest delegare (a delegated power can not be further delegated).
21. Doli incapax (incapable in malice).
22. Donatio mortis causa (gift by a person on the death bed).
23. Ejusdem generis (of the same category).
24. Eminent domain (the supreme right).
25. Ex-officio (by virtue of an office).
26. Ex-parte (not in the presence of the opposite party).
27. Ex-post-facto (by subsequent act).
28. Factum valet (the fact which cannot be altered).
29. Fait accompli (an accomplished fact).

30. Ignorantia legis neminem excuset (ignorance of law is no excuse).
31. In pari materia (in an analogous case, cause or position).
32. Injuria sine damno (injury without damage)
33. Interest republicae ut sit finis litium (it is in the interest of the republic that there should be an end of law suit).
34. Intra-vires (within the powers)
35. Jus tertii (The right of a third party)
36. Lis pendens (pending suit)
37. Mens rea (a guilty mind)
38. Mesne profits (the profits received by a person on wrongful possession).
39. Nemo det quod non habet (no man can't transfer better title than he has himself).
40. Nemo det bis vexari pro et idem causa (no man be twice vexed for the same cause).
41. Nemo in propria causa judex esse debet (no one ought to be a judge in his own case)
42. Nolle prosequi (to be unwilling to prosecute).
43. Obiter dicta (an opinion of law not necessary to the decision)
44. Onus probandi (the burden of proof)
45. Pacta sunt servanda (pact must be respected)
46. Pendente lite (during litigation)
47. Per Capita (per head)
48. Per incuriam (through inadvertence or carelessness).
49. Per stripes (by stocks)
50. Plenum dominium (full stocks)
51. Pro bono publico (for the public good)
52. Ratio decidendi (grounds for decision, principles of the case).
53. Res geste (connected facts forming the part of the same transaction).
54. Res ipsa loquitur (the thing speaks for itself)
55. Res judicata (a matter already adjudicated upon).
56. Res nullius (an ownerless thing)
57. Rule nisi (a rule or order upon condition that is to become absolute when cause is shown to the contrary).
58. Status quo (existing position)
59. Sub judice (in course of adjudication).
60. Sui juris (one's own right).
61. Suo motu (of ones own accord)
62. Ubi jus ibi remedium (where there is a right, there is a remedy).
63. Ultra vires (beyond the powers of).
64. Volenti non fit injuria (Risk taken voluntarily is not actionable).

**Select Bibliography:**

1. Galville William : Learning the Law.
2. Wren & Martin : English Grammar.
3. Ganga Sahai Sharma : Fundamental of Legal Writing.

4. Hindi-English Legal glossary : Vidhi Sahitya Prakashan, Ministry of Law, Government of India, New Delhi.
5. David Green : Contemporary English Grammar, structure and composition.
6. Ishtiaque Abidi : Law and Language.
7. Law Lexicon & Legal Maxims by Venketaramanaija.

## INTERPRETATION OF STATUTES:

### Meaning of Interpretation -

Basic principles of interpretation - intention of the Legislature, Statute be read as whole, Plain meaning rule. Harmonious Construction. Golden and Mischief rule - Pith and Substance rule.

Aids to Interpretation - External - Parliamentary - Legislative debates, Statement of objects and reasons. Dictionary, Statute in Pari materia, Contemporanea expositio, Internal - Title, Preamble. Heading, Marginal Notes, Proviso and Punctuation, Principles of Interpretation of Constitution, Penal and Fiscal Statutes.

### Leading Cases :

1. Heydon's Case (1584) 3 Co Rep. 7a p. 76: ER 637
2. Bengal Immunity Company v. State of Bihar, AIR 1955 SC 661.
3. Alamgir V. State of Bihar, AIR 1959 SC 436.
4. Inder Singh V. State of Rajasthan, AIR 1957 SC 510.

### Select Bibliography:

1. Maxwell - The interpretation of Statutes.
2. Crawford - Statutory constitution.
3. Craies - Statute Law.
4. Swarup - Interpretation of Statutes.
5. Bindra - Interpretation of Statutes.
6. Sarathi - Interpretation of Statutes.
7. Bhattacharya, T., - Interpretation of Statutes (English & Hindi)
8. Radha Gupta- Interpretation of Statutes (Hindi)

## PAPER - 3.5 TRUST, EQUITY AND FIDUCIARY RELATIONS

**Max. Marks: 100**

**Min. Pass Marks : 36**

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

1. **Equity** : Concept of Equity - Origin and Growth of Equity in England - Maxims of equity - Equitable rights - Equitable remedies.
2. **Indian Trust Act, 1882**: Definition- Creation of Trusts- Duties and liabilities of Trustees- Rights and Powers of trustees- Disabilities of trustees- Rights and Liabilities of the Beneficiary,

Vacating the office of Trustees- Extinction of Trust- Certain obligations in the nature of Trust.

3. Rajasthan Public Trust Act, 1959: Definition and Validity of certain public trust- Registration of Public Trust- Management of Public Trust property- Powers of officers in relations to Public Trust- Control of Public Trust- Special provisions in respect of certain trust- Dharmada, Procedure and Penalties.

### Leading Cases :

1. Hindu religious Endowments, Madras V. Shri Lakshminder Thiratha Swamiar of Shri Shirur Mutt, AIR 1954 SC 282.
2. Durgah Committee, Ajmer V. Syed Hussain Ali AIR 1961 SC 1402.
3. Surajmal Singhvi V. State of Rajasthan , 1966 RLW 556.
4. Tilakayat Shri Govindlalji V. State of Rajasthan, AIR 1963 SC 1630.

### Select Bibliography:

1. Upadhyaya, J.J. R.- Equity, Trusts with Fiduciary Relation and Specific Relief.
2. Gandhi, B.M- Equity, Trusts and Specific Relief.
3. Varadachari, V.K.- Law of Hindu Religious and Charitable Endowments.
4. Varadachari, V.K. - Public Trusts and Taxation.
5. सिंह, जी.पी. : साम्या, न्यास एवं विशिष्ट अनुतोश अधिनियम



### PAPER 3.6 OPTIONAL PAPER (ANY ONE)

#### PAPER - 3.6 (A) CRIMINOLOGY AND PENOLOGY

Max. Marks : 100

Min. Pass Marks : 36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

1. **Criminology** : Definition, nature and scope, method of studying, importance and classification of crime.
2. **Criminal behaviour** :
  - (a) Explanations.
  - (b) Psychological theories, Alcoholism and Drugs.
  - (c) Crime and social process : Economic Motivation, Socio-cultural Motivations, home and community influences, white collar crime, Female offender, juvenile Delinquency, influence of mass-media
3. **Schools of Criminological Thought** ( Factors in causation of criminal behaviour).
  - i. Ancient School
    - (a) Demonological
    - (b) School of Free Will



- ii. Classical School.
- iii. Cartographic or ecological school.
- iv. Socialistic School
- v. Typological School
  - (a) Italian or positive school
  - (b) Mental Testers School
  - (c) Psychiativists School.
- vi. Sociological School.
- vii. Multi factor School.
4. **Control of Crime:** Police and Law courts, Prison system, Re-socialization of the offender, Rehabilitation of discharged prisoners in the administration of Criminal justice, prevention of crime delinquency.
5. **Definition of Punishment,** Relationship between Criminology and Penology; Theories of Punishment: Expiatory, Preventive and reformative and purposes of punishment.  
Penal Science in India: History of Punishment, Pre-classical School, Neoclassical, Positive School. Reformers, Clinical School and multiple causation approach.
6. **Kinds of Punishment :** modes of treatment of offenders, corporeal punishment, Transportation of criminals, Capital punishment, imprisonment, reactional treatment, parole, compensation, admonition, sex and adolescent offenders, indeterminate Sentences, Borstal School, Criminal procedural Jurisprudence. Constitutional Guarantees - Principles of natural Justice as applicable in procedural law, Protection to arrested persons. Under-trials, detinue and convicted persons. Double jeopardy, self-in-crimination and right to life and legal aid.

#### **Leading Cases :**

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

#### **Select Bibliography:**

1. Barnes, H.B. - Teeters - New Horizons in Criminology.
2. Vold, G.S. - Theoretical Criminology.
3. Pillai, K.S. - Criminology.
4. R. Taft, Donald - Criminology.
5. Edwin, H. Sutherland and Donald R. Grussey- Principles of Criminology
6. Horman Mannheim - Pioneers in Criminology.
7. Hon, Barren, Mays - Crime and the Social Structure.
8. Ahmed Siddiqui - Criminology - Problems & Perspectives
9. Lord Pakenham - Causes of Crime.

10. S.Venugopala Rao - Facts of Crime in India.
11. Korm, R.R. and Mc Gorble, LW - Criminology and Penology.
12. Grunhut - Penal Reforms.
13. Mandholm - Criminal Justice and Reconstruction.
14. Garden Rose - The Struggle for Penal reform.
15. I.L.I. - Essays on Indian Penal Code.
16. Ben - Penology - Old and New - Tagore Law Lectures.
17. Elliot - conflicting Penal Theories in Statutory in Criminal Law.
18. Shamshul Huda - Tagore Law Lectures on Criminal law.
19. Lawburse - Crime, Its causes and Remedies.
20. Dequires - Modern Theories of Criminology.
21. Gillin - Criminology and Penology.
22. Deccaria - Crime and Punishment.
23. N.V. Paranjape - अपराधशास्त्र एवं दण्ड प्रशासन
24. M.S. Chauhan - अपराधशास्त्र एवं अपराधिक विज्ञान सिद्धान्त
25. B.L. Babel - अपराधशास्त्र
26. The Criminal Procedure Code.
27. The Constitution of India.

### **PAPER - 3.6 (B) INTELLECTUAL PROPERTY LAW**

Max. Marks: 100

Min. Pass Marks: 36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

1. **Introductory** : The meaning of intellectual property, Competing rationales of the legal regimes for the protection of intellectual property, The main forms of intellectual property : copyright trademarks, patents, designs, The competing rationales for protection of rights in, Copyright, Trade marks, Patents, Design, Trade secrets, Other new forms such as plant varieties and geographical Indians, Introduction to the leading international instrument concerning intellectual property right : the Berne Convention, Universal Copyright Convention, the Paris Union TRIPS the World Intellectual Property Right Organization (WIPO) and the UNESCO.
2. **Select aspects of the law of copyright in India** : Historical evolution of the law, Meaning of copyright, Copyright in literary, dramatic and musical works, Copyright in sound records and cinematograph films, Copyright in computer programme, Ownership of copyright, Assignment of copyright, Author's special right, Notion of infringement, Criteria of infringement, Infringement of copyright by films of literary and dramatic works, Importation and infringement, Fair use provisions, Piracy in

internet, Aspects of copyright justice, Remedies, especially, the possibility of Anton pillar injunctive relief in India.

3. **Intellectual Property in Trademarks** : The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights, Definition and concept of trademarks, Registration, Distinction between trademark and property mark, The doctrine of honest Current User, The doctrine of deceptive similarity, Protection of well-known marks, Passing off and infringement, Criteria of infringement, Standards of proof in passing off action, Remedies.
4. **The law of intellectual property : patents** : Concept of patent, Historical view of the patents law in India, Patentable inventions with special reference to biotechnology products entailing creation of new forms of life, Patent protection for computer programme, Process of obtaining a patent : application, examination, opposition and sealing of patents : general introduction, Procedure for filing patents, patent co-operation treaty, Some grounds for opposition, The problems of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters, Wrongfully obtaining the invention, Prior publication of anticipation, Obviousness and the lack of inventive step, Insufficient description, Rights and obligations of a patentee, Patents as chose in action, Duration of patents : law and policy considerations, Use and exercise rights, Right of secrecy, The notion of “abuse” of patent rights, Compulsory licenses, Special Categories, Employee invention : Law and Policy Consideration, International Patents, Transfer of Technology, Know-How and problems of self reliant development, Infringement

#### **Leading Cases :**

1. Manu Bhandari v. Kalankar Pictures Pvt. Ltd. AIR (1987) Del. 13.
2. Nac Sahitya Prakash V. Anand Kumar, AIR 1981 All 200 at P.203.
3. Brudaban Sahu V. Rajendra Subudhi, AIR 1986 Orrisa 210 at p.211.
4. R.G. Anand V. Messers Deluxe Films, AIR 1978 SC 1513 p. 1627.

#### **Select Bibliography:**

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

**PAPER - 3.6 (C) LAW OF MEDICINE**

Max. Marks: 100

Min. Pass Marks:36

Note : The questions paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

1. The Establishment of Identity of Individuals - Branding, tattooing, Mutiating, Scars and Moles, Bantillon system : photography : fingerprints : ridge characteristics : Proscopy.
2. Injuries : (HURT) : Definition in law (Sec. 319, 320 I.P.C.) Grievous Injury, Classification, Cardinal fractures of different types of injuries, Age of injuries.
3. Burns & Scars : Classification of burns (Depurants), Causes of death after burns, Simple and grievous burns, Area of the body surface in burns and its relationships, Ante-mortem and post-mortem burns.
4. Ashpyxia and Drowning : Cause of asphyxia, post-mortem appearances, Various types of violent asphyxial deaths like hanging, Strangulation, throttling and traumatic asphyxia, and the post mortem appearances commonly seen in these conditions, Drowning - Cardinal post-mortem signs : Cadaveric apasm of hands, Signs in the air passages, Stomach contents, Sign in the lungs, Demonstration of diatoms in the viscera.
5. Secual Offence : Rape : Definition (Sec 375 I.P.C.), Examination of victim - Anatomy of hymen, Positive signs of rape, Examination of the accused, Medico legal aspects, Sodomy : Examination of the victim, Signs in the habitual passive agent, Examination of the accused,
6. Autopsy : Procedure - Aims & Objects - Difficulties, Problems, Times since death - Description of post- mortem changes, Estimation of time since death from rigor post-mortem staining, putrefaction, adipocere formation nummification changes in the eyes, skin, primary and secondary relaxation. In drowning cases from floatation of the body, In dead bodies after burial From the change in the degree of digestion of stomach contents, from the change of the cerebo spinal fluid and the narrow cells of the sternum, Cause and manner of a death, Ante mortem or post-mortem injuries, Examination of human remains skeletal and mutilated remains, Establishment of age, Sex and Stature for the purpose of identity, Infanticide, Definition dead born, still born viable foetus, criteria for separate existence, Exhumation : Rules and Procedure,
7. Examination of Blood Stains : Physical, Chemical & Serological, Blood grouping its basic principles.

8. Poisons : Classification of poisons, Diagnosis of poisoning. Examination of poisoning case. Brief Toxicology of the following common poisons-Opium, Dhatura Barbivaratcs, Cannabis India, Arsenic, Copper Sulphate, Lead Stryehnine, Cocaine, Alcohol Organo Phosphours Compunds, Carbonmonoxide, Hytiocyanci Acid, Pot Cynide, Phosphorus, Snake bite.

**Select Bibliography:**

1. Parikh's Text Book of Medical Jurisprudence and Toxicology, by Dr. C.K. Parikh.
2. Medical Jurisprudence and Toxicology by Jai Singh, S. Modi.
3. Forensic Chemistry and Scientific Criminal Investigation by Lucas A.
4. B.L.Babel- Medical Jurisprudence (Hindi)

**Leading Cases :**

1. Sada Shiv Mohan Chandra V. State of Kerala, AIR 1994 SC 565.
2. Keru Singh V. State of Rajasthan, 1994 Cr. Lj. 187 SC
3. Jose V. State of Kerala, 1994 SCC (Cr.) 1659
4. Miss Narayanamma V. State of Karnataka, 1994 SCC 573.
5. Hemchandra V. State of Haryana, AIR 1995 SC 120.

**PAPER - 3.7 ARBITRATION, CONCILIATION AND ALTERNATIVE DISPUTES RESOLUTION SYSTEMS**

Max. Marks: 100

Min. Pass Marks:36

Note : The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

1. **The Arbitration and Conciliation Act 1996:** General provisions, arbitration agreements; Arbitral tribunals (composition and jurisdiction) conduct of arbitral proceedings, Arbitral awards, Termination of proceedings, setting aside of arbitral award-enforcement of arbitral awards.
2. **Conciliation-** Conciliators, appointment of conciliators, relationship of conciliators with the parties, settlement agreement-status and effect of settlement agreements. Terminations of conciliation proceedings, resort to judicial proceedings, costs and deposits.
3. **Alternative dispute & resolution system:** Objects and role of committee for implementation of legal aid schemes (CILAS). The Legal services authorities act, 1987 (as amended by the act of 2002)- The national legal service authority, State legal service authority and District legal service authority- constitution and functions; Lok Adalat- Organisation, cognizance of cases, award and powers. Permanent Lok Adalat- establishment, cognizance of cases, procedure and award. Study of other alternative dispute

resolution system in brief such as Nyay Panchayat and Family courts.

**Leading Cases:**

1. Sundaram Finance Ltd. Vs NIPC India Ltd. (1999) 2 SCC 479
2. NMTC Ltd. Vs. Sterlite Industries Ltd. 1996(4) SCC 219
3. Lotus Investment and Securities Vs. Pramod S. Tiberwal 1996(2) SCC 579
4. State of Rajasthan Vs. Bharat Construction Co. 1998 (4) CCs 172 (Raj.)

**Selected Bibliography:**

1. G.C. Mathur, Arbitration and Conciliation Act, 1996.
2. S. Krishnamurthy: Law of Arbitration and Conciliation.
3. P.M.Bakshi: Arbitration Law.
4. O.P. Tiwari: The Arbitration and Conciliation Act, 1996
5. Avtar Singh: Law of Arbitration and Conciliation.

**PAPER - 3.8 LAND LAWS**

Max. Marks: 100

Min. Pass Marks: 36

Note : The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

1. **Rajasthan Tenancy Act 1955:** Preliminary, Khudakhasht, classes of tenants, conferment of rights on certain sub-tenants of Khudakhasht, primary rights of tenant; devolutions, transfer, exhcnage and divisions; Surrender, abandonment and extinction of tenancies; improvements; trees; ejection- general; grove holder, Ijaradar, thekedar; procedure and jurisdiction of revenue courts- general, power of courts, appeal, review, revision and reference; question of property in revenue court and question of tenancy right in civil courts, conflict of jursidiction.
2. **Rajasthan Land Revenue Act 1956:** Preliminary, the board of revenue, revenue courts and officers, appeal, reference, revision and review; land; survey and record operations- record of rights, maintenance of maps, records and annual registers. Settlement operations; division of land and collection of revenue.
3. **The Rajasthan Rent Control Act, 2001** (Act No. 01 of 2003 as amended by Rajasthan Act No. 21 and 22 of 2005): Preliminary, Revision of Rent, Tenancy- Limited period tenancy, eviction of tenants, right of landlord to recover immediate possession in certain cases. Restoration of possession of illegally evicted tenant and procedure thereof. Constitution of Tribunals, procedure for revision of rent and eviction, appeal and execution. Amenities and miscellaneous provisions.

**Selected Bibliography :**

1. S.K. Dutta- Rajasthan Tenancy Act, Rajasthan Land Revenue Act, Rent Control in Rajasthan.
2. Mathur & Mathur- Land Laws in Rajasthan.
3. Dr. G.S. Karkara- Land Laws in Rajasthan.

**Leading Cases :**

1. Ugam Raj v. Civil Judge(SD) Sojat City & ors. 2005(6) RRD 2180 (Raj.)
2. Heera Lal v. Rent Tribunal, Bikaner & ors. 2005(7) RRD 2648 (Raj.)
3. Nathu Singh v. Laxman Singh 1995 RRD 124
4. Panne Singh v. Guman Singh 1964 RRD 101
5. Shivshankar v. Murli Sri Bade Mathureshji 1996 RRD 316
6. Bhojra v. Ganesh 1996 RRD 71

**PRACTICAL PAPER : 3.9  
DRAFTING, PLEADING, CONVEYANCING  
AND MOOT COURT TRIAL**

This paper will consist of following two parts -

**(A) Written Paper : 80 marks** **Min. Pass Marks : 29**

Note : The question paper shall contain 8 questions in all. Candidate is required to attempt 4 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

**(B) Practical Paper : 20 marks** **Min. Pass Marks : 7**

The Practical examination shall be conducted by a committee of 2 examiners. In this committee there shall be one internal and one external examiner.

**3.9(A) Written Paper**

**(1) Drafting & Pleading :**

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

**(2) Drafting Exercise on Pleadings :**

(a) Civil - (i) Plaints (ii) Written Statement : (iii) Interlocutory application, (iv) Original petition, (v) Affidavit, (vi) Notice, (vii) Execution petition, (viii) Memorandum of Appeal and Revision, (ix) Writ petitions.

(b) Criminal- (i) Complaints ; (ii) Bail Applications; (iii) Accused's reply ; (iv) Criminal Miscellaneous Petition, (v) Appeal, Reference and Revision

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

**3.9(B) Practical Paper:**

- (1) **Pre-trial Preparation :** Each student will observe two interviewing session of clients at the advocate office / legal office and record the proceedings in a diary.
- (2) **Participation in Trial Proceedings :** Each student will attend two trials during the session and maintain a record and enter the various steps observed during in a diary.
- (3) **Moot Court :** Each student will participate in two Moot courts
- (4) **Viva-voce :** The Viva-voce examination shall be conducted by a committee of two persons. In this committee there shall be one Internal and one External Examiner. The committee shall award marks on the basis of Court diary, performance at the Moot court and Viva-voce Examination.

The division of marks will be as under:

- |                                      |          |
|--------------------------------------|----------|
| (1) Record maintained by the student | 5 marks  |
| (2) Participation in Moot court      | 5 marks  |
| (c) Viva-voce                        | 10 marks |