

**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 – 2019  
LL.B.(P)/LL.B (A) SECOND YEAR EXAMINATION -2020  
LL.B.(P)/LL.B (A) THIRD YEAR EXAMINATION -2021**

**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 Ayurved acharya /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. 2018**

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 Act

**Practical Paper:**

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

### **LL.B. Second Year Exam. 2019**

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 2020**

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

### **Note :**

#### **Theories Paper (Compulsory and Optional Both)**

- (I) The syllabus has been divided into five units. Questions will be set from each unit.
- (II) The questions paper shall contain three sections. Section A shall contain 10 questions two from each unit of 2 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 5 questions one from each unit with internal choice each question shall be of 7 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 5 questions of 15 marks each, one from each unit. The candidate is required to answer any 3 questions. The answers shall not exceed 500 words.
- (III) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.
- (IV) In the case of discrepancies between English and Hindi Version, English Version will prevail.
- (V) Acts are to be read with their Amendments

#### **Practical Paper :**

- (i) The syllabus has been divided into four units. Questions will be set from each unit.
- (ii) The questions paper shall contain three sections. Section A shall contain 8 questions two from each unit of 2 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 4 questions one from each unit with internal choice each question shall be of 10 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 4 questions of 20 marks each, one from each unit. The candidate is required to answer any 1 questions. The answers shall not exceed 500 words.
- (iii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.
- (iv) In the case of discrepancies between English and Hindi Version, English Version will prevail.
- (v) Acts are to be read with their Amendments

## 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

#### Syllabus UNIT-I

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

History and nature of contractual obligations.

Agreement and contract: definitions, elements, characteristics and kinds.

Proposal and acceptance - various forms, essential elements, communication and revocation - proposal and invitation to proposal, floating offers, tenders.

Consideration - need, meaning, kinds, essential elements - Privity of contract and of consideration - its exceptions, adequacy of consideration, present, past and future consideration, unlawful consideration and its effects.

#### UNIT-II

**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 estoppels.

**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, 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, when does silence amounts to fraud?, Active-concealment, importance of intention.

Mistake - definition, kinds, fundamental error, mistake of law and of fact, their effects.

#### UNIT-III

##### **Legality of objects:**

Void and voidable agreements - void, voidable, illegal and unlawful agreements and their effects, Lawful and unlawful considerations and objects

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

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

By performance-conditions of valid tender, 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.

#### **UNIT-IV**

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

**Remedies in contractual relations;**

Damages-kinds, remoteness of damages, ascertainment of damages, Injunction - Refund and restitution, Specific performance

**Government as a Contracting Party**

Constitutional provisions - government power to contract -procedural requirements.

**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.

#### **UNIT-V**

**Consumer Protection Act - 1986.**

**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).
- Shree Ram Singh – Law of Contract, Central Law Publication, Ed. 7, 2016
- Kailash Rai – Law of Contract
- R.K. Bangia – Law of Contract
- 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**

**Syllabus**  
**UNIT- I**

**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.

**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, 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.

**UNIT- II**

**Bailment**

Identification of bailment contracts in day today life, Manner of creation of such 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.

**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.

**UNIT- III**

**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.

### **Specific relief under Specific Relief Act, 1963**

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

Rescission and cancellation.

Injunction, Temporary, Perpetual.

Declaratory orders.

## **UNIT- IV**

### **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, 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.

## **UNIT- V**

### **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.

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.
- Shree Ram Singh – Specific Contract – Central Law Publication Ed. 7, 2016
- Kailash Rai – Contract II – Central Law Publication
- R.K. Bangia – Contract II – Allahabad Law Publication

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

Max. Marks : 100

Min. Pass Marks : 36

**Syllabus**  
**UNIT-I**

**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.

**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 : Objects - prescribing standards of human conduct, redressal of wrongs by payment of compensation, prescribing unlawful conduct by injunction.

**Principles of Liability in Torts**

Fault, Wrongful intent, negligence, Liability without fault, Violation of ethical codes, Statutory liability, Place of motive in torts.

**UNIT-II**

**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.

**Extinguishment of liability in certain situations**

*Actio personalis moritur cum persona* - exceptions, Waiver and acquiescence, Release, Accord and satisfaction, Limitation.

**Standing**

Who may sue-aggrieved individual - class action - social action group, Statutes granting standing to certain persons or groups, Who may not be sued?

**Doctrine of sovereign immunity and its relevance in India**

**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.

**Absolute/Strict liability**

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

### UNIT-III

#### **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.

#### **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.

### UNIT-IV

#### **Negligence**

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

#### **Nuisance**

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

### UNIT-V

#### **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.

**Motor Vehicle Act 1988** 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**

**Syllabus**

**UNIT-I**

**Introduction** - Sources, Schools and application, Religious and Charitable Endowment - Essentials of an Endowment, Kinds, Shebait and Mahant.

**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.

**UNIT-II**

**Customary practices and State regulation**

Conditions of Hindu Marriage, its ceremonies and Registrations, Void and Voidable marriage, Polygamy, Concubinage, Child marriage

**Matrimonial Remedies**

Restitution of conjugal Rights, Judicial Separation, Divorce, (a) Customary dissolution of marriage, divorce by mutual consent and other modes of dissolution, : the family court, Nullity of marriage : Bar to matrimonial relief : Under Hindu Marriage Act 1955 :

**UNIT-III**

**Inheritance**

Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act, 1956

**The Hindu Succession Act, 1956** : Definitions Succession to the property of a Hindu male. Succession to interest in coparcenary property, property of a Hindu female, Succession to the property of a Hindu female, General rules and disqualifications of succession, Escheat

**UNIT-IV**

**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, Legitimacy. Welfare of the child principle.

**The Hindu Adoption and Maintenance Act, 1956** : Requisites of valid adoption, Capacity to take in adoption, capacity to give 'in' adoption, persons who may be adopted, other conditions for a valid adoption. Effects of adoption, Miscellaneous provision of adoption.

**Maintenance** of wife, children and parents, Maintenance of widowed daughter- in law, Dependents and their maintenance. Amount of maintenance, Miscellaneous provisions of maintenance.

#### **UNIT-V**

**The Hindu Minority and Guardianship Act, 1956:** Natural guardians and their powers. Testamentary guardians and their powers, de facto guardian general provisions of guardianship

**Partition:** Meaning, property for partition, persons entitled to claim partition and allotment of shares, partition how effected, Determination of Share, Reopening of partition. Re-union, Debts-Doctrine of pious obligation. Antecedent Debts

#### **Establishment of Family Courts**

Constitution, power and functions, Administration of gender justice.

#### **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. Derret, 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**

**UNIT-I**

**Evolution and application of Law**

Origin, Development, Sources, Schools, Application, Interpretation, conversion

**Marriage**

Nature of marriage, Essentials of marriage, Khyar-ul-bulug, Iddat, Khilwat-us-sahih

Matrimonial Stipulations, Kinds of marriages, Effects of marriages

**UNIT-II**

**Mahar (Dower)**

Meaning, Nature, Kinds of Dower, Objects of Dower , Subject matter of Dower

Wife's right on non-payment of dower.

**Dissolution of marriage** Historical background, Talaq, Various kinds of Talaq  
Sec.2 of the Dissolution of Muslim Marriage Act, 1939., Legal Effect of Divorce.

**UNIT-III**

**Pre-emption (Haq Shufa)**

Meaning. Nature of Pre-emption., Classification of Pre-emption, Essential formalities.  
Subject matter of pre-emption., Devices for evading pre-emption.

**Gift (Hiba)**

Meaning , Requisites of valid gift., Gift of musha , Conditional and future gift.  
Life estate and life interest., Hiba-bil-ewaj , Hiba-ba-shart-ul-ewaj.

**UNIT-IV**

**Will (Vasiyat)** Competency of testator and legatee., Valid subject of will.,  
Testamentary limitation., Formalities of a will., Abatement of Legacy.

**Legitimacy and Acknowledgement**

Legitimacy and Legitimation., Presumption of Legitimacy under Sec.112 of the  
Indian Evidence Act. Conditions for valid acknowledgement.

**Maintenance** Meaning, Persons entitled to maintenance. Principles of maintenance.  
Maintenance of Divorced Muslim woman under the Muslim woman (Protection of Right  
on Divorce) Act 1986. Death Bed Transactions , Meaning of Marz-ul-maut.

**UNIT-V**

**Waqf** Meaning of waqf., Essentials of waqf. Kinds of waqf, Beneficiaries of waqf.  
Formalities for creating waqf. , Waqf of musha. Administration of waqf. Mutawalli -  
Appointment, function, role, power, removal. The waqf validating Act, 1913. Takia,  
Khankah

**Inheritance** General Principles of Law of inheritance., 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

**Syllabus**  
**UNIT-I**

**Introductory** Making of Indian Constitution., Nature and special features of the Indian Constitution. Challenges to Indian Federalism, Preamble, Citizenship and state

**Fundamental Rights, Directive Principles and Fundamental Duties** - Concept of Fundamental Rights. Constitutional provisions relating to Fundamental rights. Trial by Media Directive Principles - directions for social change -A new social order. Inter-relationship between fundamental rights and directive principles. Fundamental Duties - The need and status in constitutional set-up.

**UNIT-II**

**The Union Executive** The President and Vice-President of India, Council of Minister.

**The Union Legislature** Lok Sabha, Rajya Sabha, privileges of the legislature.

**The State Executive** The Governor, The Council of Ministers, Relationship between the Governor and the Council of Ministers.

**The State Legislature** Vidhan Sabha, Vidhan Parishad.

**UNIT-III**

**The Union and State Judiciary** - The Supreme Court and High Courts.

**Union and State Relationship** Legislative relationship, Administrative relationship  
Financial relationship

**UNIT-IV**

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

**Freedom of Trade, Commerce and Intercourse** - State liability in contracts and Torts. Suits by and against the state. Property Rights (Article 300-A).

**UNIT-V**

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

**The Amendment of the Constitution** Necessity of Amending provisions in the constitution. ; Procedure for Amendment. Amendments of fundamental rights. 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)

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## PAPER 1.7 ENVIRONMENTAL LAW

Max. Marks : 100

Min. Pass Marks : 36

### Syllabus

#### UNIT-I

**Concept of Environment and Pollution** - Meaning and contents of environment, Meaning and contents of pollution, Kinds of pollution, Effects of pollution

**Legal Control : Historical Perspective** - Indian tradition : Dharma of environment, British Raj - Industrial development and exploitation of nature Nuisance - Penal code and procedural codes Environmental Concerns in Modern India

#### UNIT-II

**Constitutional Protection to environment** - Constitution making - development and property oriented approach Fundamental Rights and Environment - Rights to clean and healthy environment, environment V/s development. Directive principles of state policy and environment Fundamental Duties and environment . Other provisions of the constitution relevant to environment Emerging Principles - polluter pays, precautionary principle, public trust doctrine, sustainable development. Public Interest Litigation Judicial Activism Pertaining to Environmental Pollution.

#### UNIT-III

**The Water (Prevention and Control of Pollution) Act, 1974** Application of the Act, Definitions Constitution of central, state and joint boards Powers and functions of the Board, Qualification and disqualification of the members Prevention and control of water pollution and procedure thereof, Funds, account and audit Penalties

**The Air (Prevention and Control of pollution) Act, 1981** Application of the Act, Definitions Constitutions of central, State and joint boards Powers and functions of the Board, Qualifications and disqualifications of the members Prevention and control of Air pollution and procedure thereof, Funds, account and audit Penalties

#### UNIT-IV

**Environment Protection Act, 1986** Application of the Act, Definitions, General Powers of the central government including the powers to give directions Prevention and control of environmental pollutions and procedure thereof Penalties

**Noise Pollution** Meaning of Noise pollution, Sources of Noise pollution, Effects of Noise pollution, Legal Control

#### UNIT-V

##### **Forests and wild life protection**

**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.

**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.

**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.

**International Regime** UN declaration on right to development, Stockholm, Rio etc. conferences. Green House effect and Ozone depletion 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)

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

Max. Marks: 100

Min. Pass Marks : 36

**Legal History of India**

**UNIT-I**

**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

**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.

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

**UNIT- II**

**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.

**The Regulating Act 1773** Charter of 1774 and the Supreme Court of Calcutta, Some land mark 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.

**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.

**UNIT- III**

**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.

**Growth of Criminal Law.**

**Charter Act 1833.**

## UNIT- IV

**The Indian Councils Act 1909,  
The Government of India Act 1919,**

## UNIT- V

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

**Privy Council** Jurisdiction, Appeals from India, A unique institution.

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

**Prerogative writs in India.**

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

**The Government of India Act 1935,**

**The Cripps Mission,**

**The Cabinet Mission,**

**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 Lukhnow.
- 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**

### **UNIT- I**

**Rajasthan Panchayati Raj. Act., 1994** Institution, Development, Basic and Wardsabha, Gram Sabha, Panchyatiraj.

### **UNIT- II**

**Rajasthan Municipalities Act, 2009**

**Historical Background, Definitions, Constitution, Election (Sections - 1-37)**

### **UNIT- III**

**Rajasthan Municipalities Act, 2009 Recognition, Removal etc. Etc. (Sections 38-344)**

### **UNIT-IV**

**Rajasthan Right to Hearing Act, 2012** Introduction, Complaint, Appeal, Revision etc. Institutions, Power of State Govt. Misc.

### **UNIT-V**

**Rajasthan Guaranteed Delivery of Public Service Act, 2011** Background, Development, , Appeal, Revision, Providing Service Penalty Action in Good Faith.

**Select Bibliography** – M.L. Jindal, Rajasthan Local Laws, Vol (1-3), India Publishing House  
Sarju Parsad, All Rajasthan Local Act and Rules, Law Publishing House

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

### **UNIT-I**

**Narcotics Drugs Psychotropic Substance Act, 1985-** Historical Background, Contribution Purpose, Preliminary, Authorities and officers, National Fund for Control of Drug Abuse, Prohibition, Control and Regulation, Offences and Penalties, Procedure, Forfeiture of Property etc. Punishment.

### **UNIT-II**

**SC/ST (Prevention of Atrocities Act, 1989)** Preliminary, Historical Background, Role, Purpose, Offenders, Victims, Offences, Punishments etc. Special Courts, Investigation, Rehabilitation.

### **UNIT-III**

**Protection of Child from Sexual Offences Act, 2012** – Historical Background, Purpose, Preliminary, Sexual Offences against children, using child for pornographic Purposes and Punishment, Abetment of and Attempt to commit offence, , Procedure for Reporting, Procedures for Recording Statement of the Child, Special courts, Procedure and powers, Miscellaneous.



#### **UNIT-IV**

I.T. Act., 2000 (A): Special Emphasis on Cyber Crimes. Historical Background, Preliminary Digital Signature, Attribution, Acknowledgement, Dispatch of Electronic Records, Secure Electronic, records and digital signatures, Regulations of Certifying Authorities .

#### **UNIT-V**

I.T. Act., 2000 (B): Digital Signature certificates, Duties of Subscribers, penalties and Adjudication, Cyber Regulations Appellate Tribunal, Offences, Network service providers not to be liable in certain case, Miscellaneous cyber crimes

Selection Bibliography :

Sarkar's criminal Minor Act, Buttersworths, Wadhwa Nagpur

Universal's Legal Manual

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

This paper will consist of following two parts –

Written Paper : 80 marks  
**Practical Exam.: 20 marks**

Min. Pass Marks : 29  
**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. The students have to clear the written paper as well as Viva Voce separately, i.e. 29 in marks in the written and 7 marks in the viva voce. Are necessary.

**UNIT-I**

**Basic Postulates of Administration of Justice** Image of justice. Wheels of the chariot of justice. Bench-Judges in the image of justice. Bar-Act, Plead and Dress of Advocate.

**Historical Evolution of Legal Profession.** Legal Profession in Ancient India. Position of Legal Profession in Muslim Regime. Legal Profession during the British Regime.

**Autonomy of Legal Profession** Indian Bar Committee, 1923 , Indian Bar Council Act, 1926 , All India Bar Committee, 1951, Unified Bar - The necessity of time., 14th Report of the Law Commission., Advocates Act, 1961., Provisions which strengthen Unified Bar., Organization of Bar on All India Basis, Constitution of Bar Council and Elections., Admission and Disciplinary action., Regulation of Legal Education.

**Image/Position of Legal Profession in Society** Advocacy is a profession not a business., Legal profession is a noble profession., Deterioration in Image of Legal Profession in Independent India. Role of Lawyers in Society.

**UNIT-II**

**The necessity of the Professional Ethics.** The Art of Advocacy., Professional Ethics. Nature of Professional Ethics and the problems of the code of Ethics. Advantages of having codified professional ethics. Professional Ethics - Rules of Conducts.

**Bar-Bench Relationship** General Conception., Advocates duty to the Court., Duty of Judge towards the Advocate. , Duty of the Bar towards the Bench. Grounds of disputes in Bar-Bench Relations. Suggestions to improve Bar-Bench Relations.

**UNIT-III**

**Relationship between an Advocate and his client.** Code of conduct., Lawyers-client Relationship. Do's and Don'ts for advocate towards client.

**Accountability of lawyers.**

**Professional Ethics and Advocates Duties to colleagues and others**

Advocates duty to colleagues., Advocates duty to opponents. Advocates duty towards witnesses. Advocates duty to public. Illustrations of other misconduct. Disciplinary committee's approach in case of professional or other Misconduct.

## UNIT-IV

### Contempt of Court

Purpose and meaning of contempt of court., Contempt of Court by Judge, lawyers and state., Contempt by Judge, Magistrate or other persons acting judicially. Contempt of Court by Advocates. Contempt of Court by State, Corporate bodies and their officers. Punishment - Nature and Extent. Power of Superior Courts in Contempt cases. Safeguards available in contempt cases.

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

State Bar Council and its disciplinary committee.

The Bar Council of India and its disciplinary committee.

Remedies against the order of punishment.

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 committee there shall be one internal and one external examiner.

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# LL.B. SECOND YEAR EXAMINATION

## COURSE CONTENTS

### Note :

#### Theories Paper (Compulsory and Optional Both)

- (VI) The syllabus has been divided into five units. Questions will be set from each unit .
- (VII) The questions paper shall contain three section. Section A shall contain 10 questions two from each unit of 2 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 5 questions one from each unit with internal choice each question shall be of 8 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 5 questions of 20 marks each, one from each unit. The candidate is required to answer any 2 questions. The answers shall not exceed 500 words.
- (VIII) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.
- (IX) In the case of discrepancies between English and Hindi Version, English Version will prevail.
- (X) Acts are to be read with their Amendments

#### Practical Paper :

- (vi) The syllabus has been divided into four units. Questions will be set from each unit.
- (vii) The questions paper shall contain three sections. Section A shall contain 8 questions two from each unit of 2.5 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 4 questions one from each unit with internal choice each question shall be of 10 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 4 questions of 20 marks each, one from each unit. The candidate is required to answer any 1 questions. The answers shall not exceed 500 words.
- (viii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.
- (ix) In the case of discrepancies between English and Hindi Version, English Version will prevail.
- (x) Acts are to be read with their Amendments

## Syllabus

### PAPER - 2.1 JURISPRUDENCE

Max. Marks: 100

Min. Pass Marks: 36

#### UNIT- I

**Introduction:** Meaning, definition, nature, scope and importance of Jurisprudence.

**Schools :** Historical School

#### UNIT- II

**Schools of Jurisprudence:** Analytical positivism and Pure theory of Law – Kellen etc. Natural Law School, Sociological School Realist School.

**The Indian Jurisprudence:** Origin and its nature, The concept of 'Dharma'

#### UNIT- III

**Law:** Meaning and kinds, Justice and law: Power of the Supreme Court of India to render complete Justice in a case with special reference to Article 142. Critical studies, Feminist Jurisprudence.

**Sources of Law :** Customs, legislations, judicial precedent and Juristic writings as a source of law. Concept of Stare decisis, obiter dicta and Ratio decedendi.

#### UNIT- IV

**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.

**Possession:** Concept and kinds of possession.

**Ownership:** The concept, kinds. Relation between possession and ownership.

#### UNIT- V

**Concept of legal rights,** its kinds and right-duty corelation.

**Title**

**Property:** Concept and kinds of property.

**Liability:** Conditions required for imposing liability, mensrea, intention, motive. Malice, negligence and recklessness.

**Obligation-** nature, kinds and sources of obligation.

**Procedure:** difference between substantive and procedural laws. Theory of Punishment, Administration of Justice, Capital Punishment

#### 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 Ummed Mills Ltd Vs Union of India, AIR 1963 SC 953 Paras 12, 13, 14 (Per SK. Das J.) Concept of Law; Legislative agreements)

4. In Re Article 143 (Keshav Singh) AIR 1965 SC 745 paras 9-17 (Per Sarkar J. Law making by judicial and legislative comity).
5. Bengal Immunity Co. Vs State of Bihar, AIR 1955 SC 661 (Precedent)
6. 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)

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## PAPER - 2.2 LAW OF CRIMES

Max. Marks : 100

Min. Pass Marks : 36

### Syllabus

#### UNIT- I

**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.

**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.

**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.

**Stages of a crime-** mere intention not punishable, preparation, attempt- tests for determining what constitutes attempt- proximity, equivocality and social danger, impossible attempts.

#### UNIT-II

**General Exceptions:** Factors negative 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.

#### UNIT-III

**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.

**Offences against the state-**waging war against the state and sedition.

**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.

#### UNIT-IV

**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- euthanasia 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.

**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

**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.

**UNIT-V**

**Offences against property-** theft, extortion, robbery, dacoity, criminal misappropriation of property, criminal breach of trust, cheating, mischief and criminal trespass

**Offences relating to documents:** Forgery or making a forged document

**Offences relating to marriage:** Bigamy, marriage or fraudulently gone through without lawful marriage, adultery, enticing or deceiting a married woman.

**Defamation:** definition and exceptions

**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 Dr. S.N. Mishra : The Indian Penal Code
- 4 O.P. Srivastava : Principles of Criminal Law
- 5 P.S. Achuthan Pillai: Criminal law
- 6 T. Bhattacharya: Bhartiya Dand Sanhita
- 7 K.D. Gaur : Cases and Materials on Criminal Law
- 8 M.P. Tondan : Indian Penal Code



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

**Max. Marks: 100**

**Min. Pass Marks: 36**

**Syllabus  
UNIT-I**

**Jurisprudential control of property:-** Concept, meaning and kinds of property: Movable and immovable, tangible and intangible property. Intellectual property: Definition and Concept.

**Preliminary :** Definition, Essentials of Transfer, Competence of parties, subject matter of transfer, transfer to unborn child, registration of transfer, etc.

**General Rules of Transfer:** (a) Restraints of alienation absolute or partial, Restraints of free enjoyment, Covenants affecting enjoyment, divesting on insolvency, perpetuities, Future estates, Doctrine of acceleration.

Accumulation of income, exceptions, Covenants and Transfer. General Rules of Transfer  
(b) Conditional transfer : Condition precedent, condition subsequent; vested and contingent interest.

**UNIT-II**

Election, Priority of rights, Notice, Implied transfers by limited owners, transfer of property out of which maintenance claims have to be met, ownership by holding out, ownership by estoppels, feeding the grant by estoppels. Doctrine of Part performance (Ss. 35-53 A) Sale of immovable property (Ss. 54 to 57).

**UNIT - III**

Mortgage and Charge : Kinds of mortgage, Rights and liabilities of Mortgagor and mortgagee, Priority, marshalling, contribution and subrogation.

**UNIT – IV**

Exchange, Lease, Gift, Actionable Claims.

**UNIT – V**

**Easements :** Indian Easements Act, 1882, Nature, Characteristics, Creation. Essentials of Easements, Imposition, Acquisition, Incidents, Disturbance, Extinction, Suspension and Revival of Easement, Riparian Rights, License, Difference between lease and license.

**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 Adhinyam
- 7 J.N. Kulshrestha: Sampathi Antaran Adhinyam
- 8 S.N. Shukla: Sampathi Antaran Adhinyam
- 9 G.P. Tripathi: Sampathi Antaran Adhinyam
- 10 Dr. R.R. Gupta: Sampathi Antaran Adhinyam and Sukhadhikar

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## PAPER - 2.4 COMPANY LAW

Max. Marks: 100

Min. Pass Marks: 36

### Syllabus

#### UNIT- I

**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.

**Law relating to Public and Private Companies:** Companies Act 2013

Need of company for development, Kinds of Company, formation, registration and incorporation of a company.

#### UNIT- II

**Memorandum of association-** various clauses, alteration there in- doctrine of ultra vires

**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.

#### UNIT-III

**Prospectus-** issue, contents, liability for misstatements, statement in lieu of prospectus

**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

**Share capital-** kinds, alteration and reduction of share capital, further issue of capital, conversion of loans and debentures into capital.

**Borrowing powers-** charges, mortgages, contract by companies, debenture- meaning, kinds and remedies available to debenture holders.

#### UNIT-IV

**Directors-** position, appointment, qualification, vacation of office, removal, resignation, powers and duties of directors. Managing directors and other managerial personnel.

**Meetings-** kinds, procedure and voting.

**Audit and accounts.**

**Dividends-** payment, capitalization and profit.

**Protection of minority rights.**

**Protection of oppression and mismanagement-** who can apply? Powers of the court, company and the central government. Investigation of company affairs

**Reconstruction and amalgamation of company.**

## UNIT-V

**Winding up of Company :** 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.

### **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 Pranolal 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)

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

**Max. Marks: 100**

**Min. Pass Marks: 36**

**Syllabus  
UNIT-I**

Definition, Historical developments, Nature and Basis of International Law, Weaknesses of International Law, Relation between International Law and State Law, Sources of International Law, Subjects of International Law, Place of individual in International Law, Nationality, Extradition and Asylum

**UNIT-II**

States Kinds of States and Non-State entities, Acquisition and loss of State Territory, Territorial water, Continental Shelf, Continuous zone and exclusive economic zone, Recognition of States and Governments, Recognition of Insurgency and belligerency, de facto and de jure recognition, State succession, state Jurisdiction, state Responsibility, Intervention

**UNIT-III**

Diplomatic agents, Classification and Functions of diplomatic agents, Privileges and Immunities of diplomatic agents with reference to Vienna Convention on Diplomatic Relation, 1961. Treaties : Definition, Basis, classification and formation of treaties. Interpretation and revision of treaties, principles of jus cogens and pacta sunt servanda, termination of treaties. Vienna Convention on the Law of Treaties. Pacific and compulsive means of settlement of international disputes

**International Institution** : League of Nations, United Nations. History and formation of United Nations, Organs of United Nations with specific reference to General Assembly, Security Council and International Court of Justice, New International Economic, Order Secretariat, International Criminal Court.

**UNIT-IV**

War : Its legal character and effects, Enemy character, Armed conflicts and other hostile relations, belligerent Occupation, War Crimes, termination of war and doctrine of postliminium, Prize courts, Genocide

The law of Neutrality-Basis of neutrality, Rights and duties of neutral state and belligerent States. Quasi neutrality and U.N. Charter. Right of Angary, Contraband, Blockade, unneutral Service, Right of Visit and Search, Disarmament

**UNIT-V**

Human Rights : Introduction, Meaning, Definition & Brief History. The Protection of Human Rights Act 1993 National Human Rights Commission, Human Rights Commission of Rajasthan, Role of Judiciary in Promotion and Protection of Human Rights. Universal Declaration of Human Rights, 1948, Covenant on Civil and Political Rights 1966 and covenant on Economic Social and Cultural Rights, 1966

**Corporate Liability:**

- (i) Legal liability of companies – civil and criminal
- (ii) Remedies against them civil, criminal and tortuous-specific relief Act, writs.

**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

### Syllabus

#### UNIT-I

Historical perspective of labour: unorganized labour, bonded labour, division of labour and super specialization. Theories of labour and surplus value.

#### State regulation of industrial relations-

- (i) Related values in Indian Constitution.
- (ii) The Industrial Dispute Act, 1947: Scope and objects, definitions, assistance to bipartite settlement- works committee, conciliation officer, authorities for solving disputes, reference power

#### UNIT-II

Strike and Lock-out, Lay-off and Retrenchment, Public Utility Services Special Provision Relating to Lay-off, Retrenchment and Closure transfer of undertakings, penalties, Change in condition of service during pendency of dispute, unfair labour practices

#### UNIT- III

#### Trade Unionism:

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

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.

#### UNIT-IV

Factories Act, 1948- Definitions, inspectors, provisions regarding health, safety, welfare and provisions relating to employment of young persons, women workers, annual leave with wages and penalties.

#### UNIT-V

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

**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. Payment of Wages Act, 1936.

**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

### Syllabus

#### UNIT-I

**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

**Civil services in India-** Nature and organization of civil services:

#### UNIT-II

**Delegated Legislation-** Necessity constitutionality of delegated legislation- and its limitations, powers of exclusion, inclusion and power to modify statute, procedure, Legislative and judicial control of delegated legislation, sub-delegation of legislative powers.

#### UNIT- III

**Judicial powers of administration-**

- (i) 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.

#### UNIT- IV

**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.

**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.

#### UNIT- V

**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.

**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.

**Public inquiries and commission inquiry, ombudsman:** lokpal, lokayukta, vigilance commission, parliamentary committees.

**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

### **Syllabus**

#### **UNIT-I**

Basic concept : Assessment year, Previous year, Person, Assessee, Income , Agricultural Income, Casual Income, Capital Asset, Charitable purpose, Total Income, Gross Total Income, step system and slab system, Capital and Revenue, Avoidance of tax and tax evasion, Income tax authorities. Residential; status and Tax Incidence – Exemptions and deductions of Income

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.

#### **UNIT-II**

Income Tax Act, 1961, Income under the Head `Salaries' Income from House Property, Income of other persons included in Assessee's Total income

#### **UNIT-III**

Profits and Gains of Business or Profession, Depreciation allowance, Capital Gains, Income from other sources, Set off and carry forward of losses

#### **UNIT-IV**

Return of Income, Assessment and Re-assessment, Assessment of Firms and Partners and Penalties offences and prosecution under this Act, Appeal and revision

#### **UNIT-V**

##### **WEALTH TAX ACT**

Valuation date, Net Wealth, Incidence of Tax, Assets, Assets exempted from Tax Return of Wealth, Assessment, Time limit for completion of assessment

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 .

Central Goods and Services Tax Act, 2017, and State Good and Service Tax Act, 2017- Historical Background, Need Importance

#### **Leading Cases:**

- 1 P. Krishana Menon Vs CIT, AIR 1956 SC 75
- 2 CIT West Bengal Vs Benoy Kumar Saha Roya, 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.

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## PAPER - 2.8 (B) INSURANCE LAW

Max. Marks: 100

Min. Pass Marks: 36

### Syllabus

#### UNIT- I

**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.

**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.

#### UNIT- II

**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.

#### UNIT- III

**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.

**Fire insurance:** nature of fire insurance contract, non-disclosure and misrepresentation, standard fire policy, proximate cause, claims.

#### UNIT- IV

**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.

#### UNIT- V

**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.

**Public liability insurance:** the scheme and authorities

#### 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 Draid and Joshi: Bima Siddhant evam Vyavahar.

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

**Max. Marks: 100**

**Min. Pass Marks: 36**

**Syllabus**

**UNIT- I**

**Introduction**

Banking: definition-common law and statutory law Commercial Banks: functions Agency services General utility services International trading service Information services Systems of banking: unit banking, branch banking, group banking and chain banking Banking companies in India

**UNIT- II**

**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.

**UNIT- III**

**Control over Banks :** Control by Government and its agencies Need for elimination of systematic risk, avoidance money Laundering, consumer protection, promotion of fair competition.Account, audit, money lending, re-organization and reconstruction, supervision and winding up. Control by ombudsman 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.

**UNIT- IV**

**Lending by Banks**

Principles of good lending, 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., Repayment, interest: rule against penalties. Default and recovery- debt recovery tribunals- constitution and functioning.

**Letter of Credit and Demand guarantee**

Letter of credit, Basic features Parties to a letter of credit Fundamental principles Demand guarantee- legal character, distinction between irrevocable letter of credit and demand guarantees

## UNIT- V

### **Law relating to negotiable instruments: (Negotiable Instruments Act, 1881)**

Negotiable instruments- kinds, Holder and holder in due course , Parties, negotiation, presentment , Discharge from liability , **Dishonour-** civil and criminal liability Duty to honour customer's cheques- conditions, exceptions to the duty to honour cheques Money paid by mistake 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

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**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**

B.

Max. Marks: 80

Min. Pass Marks: 29

**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**

**UNIT-I**

**Introduction** PIL- its origin and meaning Scope and nature of PIL Object of PIL PIL and Private Interest Litigation

**Locus Standi** Principle of locus standi- traditional approach Liberal approach Guidelines for entertaining a PIL Petition by public spirited person or association Misuse of PIL

**PIL and enforcement of Fundamental Rights** General Compensation for breach of fundamental rights Compensation for illegal detention Compensation to victim of police atrocities. PIL as a redress to custodial violence cases. PIL and Environmental Law

**UNIT- II**

**Pollution- a curse to mankind.**

Pollution free environment as a fundamental right.

Enforcement of environmental laws through filing PIL.

**PIL for the enforcement of the rights of weaker sections of the society**

For the enforcement of the rights of women.

For the enforcement of the rights of children.

For the enforcement of the rights of bonded labour.

**UNIT- III**

**Legal Aid** : Meaning, Nature, Scope, and Development Constitutional provisions ; Provision of civil procedure code and code of criminal procedure regarding legal aid The Legal Services Authorities Act and legal aid.

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

**UNIT-IV**

**The Legal Services Authorities Act, 1987 (as amended by the Act of 2002)**

The national legal services authority- constitution and functions

State legal services authority- constitution and functions

District legal services authority, Taluk legal services committee- constitution and functions

Lok Adalat- organization, cognizances of cases, award and powers.

Pre litigation, conciliation and settlement

Permanent lok adalat- establishment, cognizance of cases, procedure and award  
The Rajasthan State Legal Services Authority Regulations, 1999- Legal literacy, legal awareness committee: Constitution and functions of High Court and District Legal awareness committee  
Organization of legal awareness camps by law schools  
Role of voluntary organizations

**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 Interest 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.

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## LL.B. THIRD YEAR EXAMINATION

### COURSE CONTENTS

#### **Note :**

#### **Theories Paper (Compulsory and Optional Both)**

- (XI) The syllabus has been divided into five units. Questions will be set from each unit .
- (XII) The questions paper shall contain three section. Section A shall contain 10 questions two from each unit of 2 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 5 questions one from each unit with internal choice each question shall be of 8 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 5 questions of 20 marks each, one from each unit. The candidate is required to answer any 2 questions. The answers shall not exceed 500 words.
- (XIII) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.
- (XIV) In the case of discrepancies between English and Hindi Version, English Version will prevail.
- (XV) Acts are to be read with their Amendments

#### **Practical Paper :**

- (xi) The syllabus has been divided into four units. Questions will be set from each unit.
- (xii) The questions paper shall contain three sections. Section A shall contain 8 questions two from each unit of 2.5 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 4 questions one from each unit with internal choice each question shall be of 10 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 4 questions of 20 marks each, one from each unit. The candidate is required to answer any 1 questions. The answers shall not exceed 500 words.
- (xiii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.
- (xiv) In the case of discrepancies between English and Hindi Version, English Version will prevail.  
Acts are to be read with their Amendments

## 3.1 LAW OF EVIDENCE

**Max. Marks : 100**

**Min. Pass Marks : 36**

### UNIT- I

**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.

### UNIT-II

#### **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.

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.

### UNIT- III

**Statement made under special circumstances.**

**Relevancy of judgement of a court of law.**

**Opinion of third person.**

**Opinion of experts / third person.**

**Relevancy of character**

**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.

### UNIT- IV

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

**Estoppels** : 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.

#### **UNIT- V**

**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)

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**PAPER - 3.2, THE CODE OF CRIMINAL PROCEDURE, 1973, JUVENILE JUSTICE ACT, 2015 AND PROBATION OF OFFENDERS ACT, 1958.**

Max. Marks : 100

Min. Pass Marks : 36

**Note :**

**UNIT- I**

**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)

**Criminal Courts** (a) Territorial divisions and Classifications (Chapter II, Ss 6 to 25).  
(b) Powers (Chapter III, Ss. 26 to 31).

**UNIT- II**

**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)

Conditions requisite for initiation of proceedings, Complaints to Magistrates, Cognizance of Offence and Charge (Chapter XIV, XV and XVII).

**UNIT-III**

**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)
- (iv) Maintenance of Wife, Children and Parents (Sec. 125 to 128).

**UNIT - IV**

**Judgment (Chapter XXVII)**

- (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).

**UNIT- V**

**The Juvenile Justice Act, 2015.**

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

**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

**UNIT-I**

Definitions, suits in general, suits of civil nature, stay of suit, Res judicata, Res subjudice, Foreign Judgment

**UNIT-II**

Place of trial, Transfer of suits, Joinder, non-joinder and mis-joinder of parties and causes of action, Service of Summon, Attachment before judgment, Arrest before Judgment. Supplemental proceedings.

**UNIT- III**

Execution in general : Courts by which decrees may be executed, powers of the court executing the decrees. Transfer of decrees for execution and modes of execution, Stay of execution, Suits in particular cases (Orders xxix to xxxiii). Abatement of suits, summary proceedings.

**UNIT- IV**

Temporary injunction and Appointment of Receiver, Appeals-Appeals against order and appeal against decree, Review. Revision and Reference, Transfer of cases, Restitutions, Caveat, Inherent powers

**UNIT- V**

The Limitation Act, 1963 (Omitting the Schedule) Definitions : Purpose, Policy, Scope, Applicant, bond, Defendant, easement, good faith, plaintiff, period of limitation Relationship between limitation, laches, acquiescence, estoppels and res judicata; Limitation of suits, appeals and applications, disability, computation of period of limitation, acknowledgement and part payment, acquisition of ownership by prescription

**Leading Cases :**

1. Shri Sinha Ramanuja V. 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

**UNIT-I**

Meaning of interpretation, its distinction from constructions, kinds of interpretation Grammatical and logical, intention of legislation Cardinal principles of interpretation; Plain meaning rule; Golden rule and mischief rule, Aids to interpretation, Internal : Long title, Preamble, Headings, marginal Notes, Non obstante clause, Punctuation, Proviso, External : Parliamentary History; legislative debate, Reports of Committees and Commission, Statement of Objects and Reasons, Historical facts and surrounding circumstance, Dictionary.

**UNIT-II**

Maxims of interpretation : Ejusdem Generis, Noscitur a Sociis, Utres magis valeat qavam pereat, Statute in pari materia, Operation of statutes, Expiry and repeal of Statutes, Mandatory provisions, Use of Statutes, Construction of Fiscal Statutes Interpretation of Penal Statutes and Interpretation of Constitution, colourable legislation, Doctrine of pith and substance and Doctrine of eclipse, etc.

**UNIT-III**

Vocabulary: Use of legal phrases and terms; pairs of words; one word substitution

**(A) Vocabulary :**

**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		

#### UNIT-IV

Latin maxims: Meaning and use in sentences; Comprehension of legal texts; précis writing

##### 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 Curiae neminem gravabit (an act of the court shall prejudice no one).
4. Actus non facit reum, nisi mens sit rea (the act itself Does not constitute 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 valorem (according to the value).
9. Alibi (Plea of being elsewhere)
10. Amicus curiae (friend of the court)
11. Animus (Intention)
12. Audi alteram 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).

#### **UNIT-V**

Writing of legal drafts letters and applications; Essay writing on topics of legal interest; Translation from Hindi to English and English to Hindi.

Note : Except in a question relating to translation from English to Hindi; answers to Questions asked in unit 3, 4 & 5th are to be given in English.

#### **Select Bibliography:**

1. Galnville 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.

#### **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. Alangir 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)

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**PAPER - 3.5 TRUST, EQUITY AND  
FIDUCIARY RELATIONS**

**Max. Marks: 100**

**Min. Pass Marks : 36**

**UNIT- I**

**Equity** : Concept of Equity – Place function Nature of Equity, Origin and Growth of Equity in England –

**UNIT- II**

**Maxims of equity** - Equitable rights - Equitable remedies.

**UNIT-III**

**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.

**UNIT- IV**

**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-

**UNIT- V**

**Control of Public Trust-** Special provisions in respect of certain trust- Dharmada, Procedure and Penalties.

**Fiduciary Relation :** Fiduciary Relationship, Definition, Kinds, classification, Fiduciary principle.

**Leading Cases :**

1. Hindu religious Endowments, Madras V. Shri Lakshmindar 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. flag] th-ih- % lE;k] U;kl ,oa fof'k"V vuqrks"k vf/kfu;e

**PAPER 3.6 OPTIONAL PAPER (ANY ONE)**  
**PAPER - 3.6 (A) CRIMINOLOGY AND PENOLOGY**

**Max. Marks : 100**

**Min. Pass Marks : 36**

**UNIT-I**

**Criminology** : Definition, nature and scope, method of studying, importance and classification of crime.

**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

**UNIT- II**

**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.

**UNIT- III**

**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.

**UNIT-IV**

**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.

**UNIT- V**

**Miscellaneous:** 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**

### UNIT- I

**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.

### UNIT - II

**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.

### UNIT- III

**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.

### UNIT- IV

**Patents (A):** 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.

### UNIT- V

**Patents (B)** 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.

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

Max. Marks: 100

Min. Pass Marks:36

### **UNIT- I**

The Establishment of Identity of Individuals - Branding, tattooing, Mutilating, Scars and Moles, Bantillon system : photography : fingerprints : ridge characteristics : Proscopy.

### **UNIT- II**

Injuries : (HURT) : Definition in law (Sec. 319, 320 I.P.C.) Grievous Injury, Classification, Cardinal fractures of different types of injuries, Age of injuries.  
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.

### **UNIT- III**

Asphyxia 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.

### **UNIT-IV**

Sexual 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,  
Examination of Blood Stains : Physical, Chemical & Serological, Blood grouping its basic principles.

### **UNIT- V**

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 cerebro 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,  
8. Poisons : Classification of poisons, Diagnosis of poisoning. Examination of poisoning case. Brief Toxicology of the following common poisons-Opium, Dhatura Barbivartcs, Cannabis India, Arsenic, Copper Sulphate, Lead Stryehnine, Cocaine, Alcohol Organo Phosphours Compunds, Carbonmonoxide, Hytiocyanici 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

**UNIT-I**

Arbitration and Conciliation Act, 1996 : General provisions: Arbitration agreement; Arbitral Tribunal : Composition and Jurisdiction; Conduct of Arbitral Proceeding.

**UNIT-II**

Arbitral awards: Termination of proceedings, setting aside the Arbitral award; Enforcement of Arbitral awards, Appeals; Code of ethics for Arbitrators.

**UNIT-III**

Enforcement of Foreign-awards; Geneva Convention International arbitration institutions 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, cost and deposits.

**UNIT- IV**

**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;

**UNIT- V**

**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

### **UNIT-I**

#### **THE RAJASTHAN TENANCY ACT, 1955**

Preliminary Objects and Reasons Definitions (S.5) : Agricultural year, Grove holder Grove Land, Improvement, Land,

Tenant, Trespasser, Classes of Tenants, (S.14, 15, 17, 17-a) Lands on which Khatedari Rights do not accrue (S. 16), Primary Rights of tenants (Ss. 31 to 37)

Devolution of tenancies, Transfer of tenancies, Exchange of tenancies, Surrender.

Abandonment and extinction of tenancies, improvement and trees (Ss. 38 to 87)

Groveholders (Ss. 194 to 205)

### **UNIT-II**

Grounds for Ejectment of tenants and Remedies for Wrongful ejectment (Ss. 169 to 188), Provision for injunction and appointment of Receiver (S. 212), Procedure and Jurisdiction of Courts (Ss. 216 to 221), Appeal, Review, Revision, Reference (Ss. 222 to 232), Question of tenancy right in Civil Courts (S. 242) Conflict of Jurisdiction (S. 243)

### **UNIT-III**

#### **THE RAJASTHAN LAND REVENUE ACT, 1956**

The Board of Revenue (Ss. 4 to 14), Revenue Courts and Officers (Ss. 15 to 36), Appeal, Reference, Revision and Review (Ss. 74 to 87); Land : use of Agricultural Land for Non-Agricultural purposes (s. 90-A), unauthorised Occupation of Land (S. 91), Allotment of Land for Agricultural purpose (S. 101), Survey and Record operations: General (Ss. 106 to 109) Boundary Marks (Ss. 110 to 111) Maps and Field Books (S .112)

### **UNIT-IV**

Record of Rights (Ss. 113 to 121) Mutations (Ss. 122 to 137). Settlement operation: General (Ss.142 to 146), Economic Survey (S.148) Formation of Assessment Circles (S. 149), Soil classification (S.150), Evolution and Modification of rent rates, preparation of rent rate reports. its submission and finalisation (Ss. 151 1 to 167), Tenants option to refuse rent determined and its effect (Ss. 168 to 172), Preparation of Dastoor Ganwai (Ss. 173 to 174), Term of settlement (Ss. 175 to 177), Processes for Recovery of Revenue (S. 228), Writ of demand and citation to appear (Ss. 229 and 229- A), Attachment and Sale of movable property (S. 230), Attachment of the Land (Ss. 231 to 233), Sale of defaulters specific Area, Path or estate (Ss. 235 to 253)

### **UNIT-V**

**The Rajasthan Rent Control Act, 2001** (Act No. 01 of 2003 as amended by Rajasthan Act No. 21 and 22 of 2005): Definition, Application Preliminary, Revision of Rent, Determination of rent, Tenancy- Limited period tenancy, eviction of tenants, rights of landlord, Restoration of possession of illegally evicted tenant and procedure thereof. Constitution of Tribunals, Jurisdiction, 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. Bhohra 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**

**(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.

**(A)Written Paper**

**UNIT- I**

Pleading : Meaning, Kinds; Fundamental principles of pleading and their exceptions, amendment of pleadings, alternate and inconsistent pleadings Doctrine of set-off: Legal set-off and equitable set-off

**UNIT- II**

Drafting of pleadings Civil : Complaints, written statement, Original Petition, Affidavit, Notice, Execution Petitions, Memorandum of Appeal, Execution of Writ Petition. and Judgement writing

**UNIT- III**

Criminal complaints, Bail Application, Accused Reply, criminal Miscellaneous Petition, Appeal, Reference and Revision.

**UNIT- IV**

Conveyancing : Meaning, General Rules of Conveyancing, Salient parts of conveyancing, rules relating to their drafting

Drafting of Deeds : Partnership deed, mortgage by conditional sale, notice for eviction, writing of government contract, sale deed, Mortgage Deed, Gift Deed, Lease Deed, Rent Deed, Power of Attorney, Provisory Note and will .

**(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 |