

TMV's
Lokmanya Tilak Law College,
Pune

Academic Year 2022-23

LL.B. Three Years Course

Syllabus

(As per Bar Council of India)

Revised Pattern-2022

LL.B. Ist Year, SEMESTER – I

Law of Contract – I

Revised Pattern-2022

General Principles of Contract and Specific Relief Act

Paper Code : LW – 102

(Credits: 4)

Syllabus

Unit – 1

General Principles of Contract

- Meaning and Nature of Contract
- Definition and Elements of Contract
- Kinds of agreements and contract

Offer

- Definition and Modes
- Legal rules as to offer
- Offer distinguished from invitation to offer
- Lapse of offer
- Standard Form Contracts.

Acceptance

- Definition
- Legal rules as to Acceptance
- Effect of silence on acceptance.

Consideration

- Meaning and definition
- Legal rules as to consideration
- “No Consideration : No Contract” and exceptions;
- Difference between Indian and English Law.
- Doctrine of Privity of Contract and its exceptions

Legality of Object and Consideration

- Unlawful agreements
- Agreements against public policy
- Consequences of Illegality

Other Legal Formalities

- Contracts required to be in writing
- Contracts required to be registered.

Communication of offer, acceptance and revocation -

- Rules regarding communication
- Contracts through post
- Contracts by telephone and telex

Intention to create legal relations

- Intention
- Social/domestic agreements
- commercial/business agreements

Unit – 2

Capacity of Parties

- Minor
- Law relating to minor's agreement
- Persons of unsound mind
- Persons disqualified by law

Free Consent

- Definition and Ingredients of Free Consent
- Coercion
- Undue Influence
- Fraud
- Misrepresentation
- Mistake

Void Agreements

- Nature of Void Agreements
- Agreements declared to be void
- Agreement in restraint of marriage
- Agreement in restraint of trade
- Agreement in restraint of legal proceedings
- Uncertain agreement
- Wagering agreement
- Agreement to do impossible acts
- Object of Consideration Unlawful in part

Contingent or conditional contracts

- Definition
- Essential characteristics of a contingent contract
- Rules regarding the contingent contract

Unit – 3

Performance of Contract

- Offer to performance - Tender
- By whom contracts must be performed
- Reciprocal promises
- Time and place of performance
- Assignment of right and liabilities

Discharge of Contracts

- Modes of Discharge
- Discharge by performance
- Discharge by mutual consent;
- Discharge by subsequent impossibility – Doctrine of frustration
- Discharge by operation of law;
- Discharge by breach of contract – Anticipatory breach of contract
- Material alteration

Remedies for Breach of Contract

- Consequences of Breach
- Different Reliefs
- Rescission
- Damages - liquidated damages and Penalty
- Quantum Meruit

- Specific performance
- Injunction;
- Rectification
- Cancellation.

Quasi contracts

- English and Indian law relating to Quasi Contracts
- Certain relations resembling those created by contracts
- Supply of necessaries to incompetent person
- Reimbursement of interested person
- Liability to pay for non-gratuitous acts
- Finder of goods
- Delivery by mistake or under coercion

Unit – 4

Specific Relief Act, 1963

- Specific performance - Section 1,2,3,9, 10, 14, 15, 16, 19, 20, 21-24.
- Rescission - Section 27
- Cancellation - Section 31
- Injunctions - Sections 36 to 42
- Principles involved in the grant of above reliefs

Recommended Books:

- Law of Contract & Specific Relief by Avatar Singh.
- Law of Contracts I & II by G C V Subba Rao
- Law of Contracts I & II by Dr. S S Srivastav
- The Indian Contract Act by Sir Dinshaw Fardunji Mulla.
- Principles of the English Law of Contract by Anson.
- Principles of Law of Contract by P R Desai.
- Latest Bare Act, Professional Book Publishers

Family Law–I

**(Laws Relating To the Marriage, Divorce, Maintenance, Adoption,
Guardianship)**

Revised Pattern-2022

Paper code – LW 101

(Credits: 4)

Syllabus

Unit – I

Introduction

- Concept, Nature and Evolution of the Family Along With the Various Personal Laws in India.

Nature, Sources and Schools of

- Hindu Law
- Muslim Law

Unit – II

1. Marriage

- Formation
- Duration
- Disruption

2. Matrimonial Reliefs

- Restitution of conjugal rights
- Judicial separation
- Divorce
- Nullity of marriage
- Dissolution

3. Law of Maintenance (Hindu and Muslim law)

- Claim of spouses
- Claim of parents and children
- Alimony (pendent elite and permanent)
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Unit – III

Adoption

- Minority and Guardianship

Unit – IV

The Special Marriage Act 1954

Unit – V

Recent Developments in Family Law

Reference Books and Statutes:

- Desai Kumud, Law of Marriage and Divorce
- Diwan Paras Modern Hindu Law
- Mayne's Hindu Law and Usage
- Diwan Paras, Family Law
- Dr. T.V. Subbarao Family Law in India
- Mulla, Principles of Mahomedan Law
- Mahmood Tahir, Muslim Law of India.
- The Hindu Marriage Act, 1955
- The Hindu Adoptions and Maintenance Act, 1956
- The Hindu Minority and Guardianship Act, 1956
- The Christian Marriage Act, 1872
- The Indian Divorce Act, 1869 (as amended by Amendment Act 49 and 51 of 2001)
- The Parsi Marriage and Divorce Act, 1936
- The Special Marriage Act, 1954
- The Muslim Women's (Protection on Divorce) Act, 1986
- The Dissolution of Muslim Marriages Act.
- Latest Bare Act, Professional Book Publishers

Law of Crimes

Revised Pattern-2022

Paper Code – LW 103

(Credits: 4)

Syllabus

Unit - 1

Principles of Criminal Law

- Concept of Crime
- Elements of criminal liability
- Author of crime – natural and legal person – human being
- *Mens rea* – evil intention
- Act in furtherance of guilty intention
- Stages of a crime
- Intention to commit an offence
- Preparation
- Attempt
- Accomplishment
- Jurisdiction
- General Explanations
- Common intention - Common object.
- Punishment
- Abetment
- Criminal Conspiracy

Unit – 2

General Exceptions: Factors negating guilty intention (Sections76-106)

- Mistake of Fact
- Judicial Acts
- Accident
- Necessity
- Infancy
- Insanity
- Intoxication
- Consent
- Good Faith & Communication in Good Faith
- Triviality
- Private Defence

Unit- 3

Offences against State (Sections121 to 130) and against Public Tranquillity (Sections141 to 160)

Offences against the State

- Waging war against the government of India.
- Assaulting President, Governor etc.

- Sedition
- Waging war against a power at peace with the government of India.

Offences against Public Tranquillity

- Unlawful Assembly
- Rioting
- Promoting enmity between different classes
- Affray

Unit - 4

Offences affecting human body (Sections 299 to 377) and Reputation (Sections 499 to 502)

- Culpable homicide
- Murder
- Homicide by rash or negligent act
- Dowry death
- Abetment of Suicide
- Attempt to commit Suicide
- Causing Miscarriage, Exposure and abandonment of children & concealment of births and death of children.
- Hurt and grievous hurt
- Wrongful restraint
- Wrongful confinement
- Criminal force
- Assault
- Sexual Harassment
- Voyeurism
- Stalking
- Kidnapping
- Abduction
- Rape and Punishments for Rape.
- Unnatural offences
- Defamation

Unit -5

Offences Relating to Marriage (Sections 493 to 498 A)

- Bigamy
- Adultery
- Cruelty to Married Woman

Unit-6

Offences against Property (Sections 378 to 462)

- Theft
- Extortion
- Robbery
- Dacoity
- Criminal misappropriation of property
- Criminal Breach of Trust
- Receiving Stolen Property

- Cheating
- Mischief
- Criminal Trespass

Recommended Books:

Ratan Lal and Dhiraj Lal- The Indian Penal Code.

K.D. Gaur -The Indian Penal Code

Prof. N V Paranjape - Indian Penal Code

Prof. T. Bhattacharyya -The Indian Penal Code.

S.N. Mishra- The Indian Penal Code.

R.C. Nigam - Law of Crimes in India

Kenny's -Outlines on Criminal Law

Latest Bare Act, Professional Book Publishers

Constitutional Law – I

Revised Pattern-2022

Paper code – LW 104

(Credits: 4)

Syllabus

Unit 1: Preamble, Indian Territory & Citizenship

- Nature of state Proposed
- Sovereign, Socialist, Secular, Democratic, Republic
- Justice, Liberty, Equality, Fraternity
- Citizenship under the Constitution (Articles 5 to 11)
- Citizenship under the Citizenship Act, 1955

Unit 2: Fundamental Rights – I

- Concept of the State (Art. 12)
- Concept of Law (Art. 13)
- Doctrine of Severability, Eclipse and Waiver
- Equality (Art. 14, 15, 16, 17)

Unit 3: Fundamental Rights – II

- Freedoms (Art. 19, 20)
- Right to life and liberty (Art. 21, 22)
- Right to education, Art. 21A
- Right against exploitation (Art. 23 and 24)

Unit 4: Fundamental Rights – III

- Right to freedom of religion (Art. 25 – 28)
- Cultural and Educational rights of minorities (Art. 29 and 30)
- Saving of certain laws (Art. 31A, 31B, 31C and Ninth schedule)
- Right to Constitutional Remedies and Judicial Review

Unit 5: Directive Principles and Fundamental duties

- Directive Principles of State Policy (Art 37 to Art 51)
- Fundamental Duties (Art 51 – A including Art 51 – A (K))

Recommended Books:

- Constitutional Law of India by J.N. Pandey
- Constitutional Law of India by V.N. Shukla .
- Constitutional Law of India by M.P. Jain
- Shorter Constitution by D.D. Basu
- Constitutional Law of India by Brij Kishore Sarma
- Constitutional Assembly Debate Vol. 1 to 12 (1989).

Optional Subject Woman and Law

Revised Syllabus – 2022

Paper code – LW 105

(Credits: 4)

Syllabus

Unit –1

Constitution of India - provisions regarding women

- Constitution of India –Articles 14, 15(1), 15(3), 16(1), 23 and (2), 39(d), 51
- Reservation of seats for women in local bodies - Article 243

Unit -2

Violence against women and relevant provisions under

- Domestic Violence Act
- The Indian Penal Code, 1890
- The Criminal Procedure Code, 1973
- The Indian Evidence Act, 1872
- The Dowry Prohibition Act, 1961
- The Immoral Traffic (Prevention) Act, 1956

Unit 3

Other Crimes against women

- Honour Killings
- Sati

Unit – 4

Women and Labour laws

- The Equal Remuneration Act, 1976
- The Maternity Benefits Act, 1961
- The Factories Act, 1948
- The Mines Act, 1952
- The Employees' State Insurance Act, 1948

Unit – 5

Women and other protective legislations

- The National Commission for Women Act, 1990
- The Indecent Representation of Women (Prohibition) Act, 1986
- The Commission of Sati (Prevention) Act, 1987
- The Medical Termination of Pregnancy Act, 1971
- The Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act, 1994

Unit – 6

Uniform Civil Code towards gender justice

Recommended books and readings

- Mamta Rao, Law Relating to Women and Children, Eastern Book Company
- Dr. S. R. Myneni, Law Relating to Women , Asia Law House Hyderabad
- Diwan Paras and Divan Peeyushi, Women and Legal Protection (Deep and Deep Publications, New Delhi)
- “Towards Equality”, Report on the Commission on Status of Women Empowerment in India
- Mishra O P, Law relating to Women and Child
- Dewan V. K., Law Relating to Offences against Women
- Latest Bare Act, Professional Book Publishers

Criminology and Penology

Revised Pattern-2022

Paper code – LW 106

(Credits: 4)

Syllabus

UNIT I

Introduction of Criminology

- Definition , Nature, Scope of Criminology and Penology
- The concept of crime and characteristics of criminal law
- Whether criminology is a science?
- Criminology and public policy

Unit II

Schools of Criminology

- Pre classical school (Demonology)
- Classical school
- Neo-classical School
- Positivist School
- Cesare Lombroso
- Enrico Ferri
- Raffaele Garofalo
- Sociological and socio-psychological School

Unit III

Causes of Crime

- Environment, home and community influences
- Identification of the causes of crime –
- Socio- cultural
- Physical
- Economic
- Psychological
- Mass Media and Crime
- Approaches to crime problem

Unit IV

Specific Crime

- Organized Crime.
- White Collar Crime
- Definition and Nature
- Types of White Collar Crime and Development
- Judicial Trends
- Juvenile Delinquency
- Concept of Juvenile Delinquency
- Prevention of Juvenile Delinquency

- Treatment of Juvenile Delinquency
- Legal Position in India

Unit V

Police System in India

- Origin of Police
- Nature, Objectives and goals of Indian Police System
- Structural organization of police at the centre and the states
- Legal functions of police
- Liability of police for custodial violence
- Relationship between police and prosecution
- Rights of victims and protection of accused
- National Police Commission report

Unit VI

The Prison System in India

- History of Prisons System
- Prison in British India
- Role of Prison in Modern Penology
- Administrative organization of prisons
- Types of Prisons

Problems of Prisons

- Over Crowding
- Basic Amenities
- Prison Discipline
- Prisoner's Health
- Criminality in Prison
- Problems of Under-trials
- Rights of Prisoners(contribution of the Supreme Court)
- Prison reforms- Role of inquiry committees and commission

Recommended books

- Criminology- by Ahmed Siddique
- Society and the Criminal- by M J .Sethna,
- Criminology and Criminal Administration- by J P S.Sirohi
- Criminology and Penology- by N V Paranjape
- Crime and Criminology – by Rohinton Mehta
- Principles of Criminology- by E.H Sutherland and D.R. Cressy
- White Collar Crime- by E H Sutherland
- The Crime Problem- by W.C Reckless
- Prison System in India- by Vidya Bhudhan
- Mulla Committee Report
- Criminology : Problems and Perspectives- by A. Siddique
- White Collar Crime- by E. Sutherland

LL.B. Ist Year, SEMESTER – II

Law of Contract – II

Revised Pattern-2022

Paper code – LW 202

(Credits: 4)

Syllabus

Unit - 1

Indemnity and Guarantee (Sections 124 to 147)

- Contract of indemnity
- Contract of guarantee
- Distinction between contracts of indemnity and guarantee
- Continuing guarantee and its revocation
- Discharge of surety.

Bailment and Pledge (Sections 148 to 171)

Bailment

- Definition of Bailment
- Kinds of bailment
- Distinction between bailment and license
- Distinction between bailment and sale
- Rights and duties of a bailee
- Rights and duties of a bailor
- Rights of a bailee against wrong doer
- Termination of bailment
- Finder of lost goods
- Rights of finder of goods

Pledge (Sections 172-181)

- Definition of Pledge
- Distinction between bailment and pledge
- Essentials of pledge
- Rights and duties of Pawnor and Pawnee

Agency (Sections. 182-238)

- Definition of Agent and Principal,
- Appointment and authority of agent
- Sub-agents
- Kinds of agency
- Creation of agency,
- Renunciation of agency

- Revocation of authority.
- Duties of principal and agent towards each other
- Effect of agency on contracts with third persons
- Rights and duties of Agent,
- Rights and duties of principal
- Principal's liability for acts of the agent
- Liability of undisclosed Principal
- Liability of pretended agent personal liability of agent to third parties
- Termination of Agency.

Unit – II

Indian Partnership Act, 1932

Preliminary

- Nature of Partnership
- Definition of a Partnership firm
- Mode of determining existence of partnership
- Distinction between Partnership and Co-ownership
- Distinction between Partnership and Joint Hindu Family Business
- Distinction between Partnership and Company

Relations of partners to one another

- Rights of partner
- Duties and Liabilities of Partner
- Property of firm and its application

Relations of partners to third parties

- Authority of the partner
- Liability of firm for partner's acts
- Liability by 'holding-out'
- Rights of a transferee of a partner's interest,
- Law relating to minors admitted to the benefits of partnership

Incoming and Outgoing partners

- New partner
- Retirement of the partner,
- Rights and liabilities of an outgoing partner
- Expulsion of a partner
- Deceased partner

Dissolution of a partnership firm

- Mode of dissolution
- Rights and liabilities of partners after dissolution
- Rules of settlement of accounts after dissolution.

Registration of a firm

- General provisions of registration
- Effect of registration

- Effect of non-registration

Unit – III

Sale of Goods Act, 1930.

Preliminary

- General principles of Contract of Sale
- Distinction between sale and agreement to sell
- Condition and Warranties
- Definition of condition and warranty
- Express and implied condition and warranty
- Doctrine of Caveat emptor

Effect of Contract

- Transfer of property as between seller and buyer
- Transfer of title on Sale

Performance of the contract of sale

- Rules as to delivery of goods

Rights of unpaid seller against the goods,

- Definition of unpaid Seller
- Rights of unpaid Seller.

Suits for breach of contract of Sale

- Remedies for breach of contract
- Repudiation of contract of sale before the date of delivery.

Sale by Auction

Recommended Books:

- Law of Contract & Specific Relief by Avatar Singh.
- Law of Contracts I & II by G C V Subba Rao
- Law of Contracts I & II by Dr. S S Srivastav
- The Indian Contract Act by Sir Dinshaw Fardunji Mulla.
- Principles of the English Law of Contract by Anson.
- Principles of Law of Contract by P R Desai.
- Latest Bare Act, Professional Book Publishers

Family Law – II

Revised Pattern-2022

Paper code – LW 201

(Credits: 4)

Syllabus

Unit – 1

Hindu Law

- Hindu Joint Family System
- Mitakshara Joint Family
- Coparcener and Right of Coparcener
- Classification of Property
- Karta of Joint Family
- Dayabhaga Joint Family
- Son's pious obligation
- Alienation
- Partition
- Stridhan / Woman's estate

Unit – 2

The Hindu Succession Act, 1956

Unit – 3

Law relating to Muslims, Christians and Parsis

- Mahomedan law of succession-principles of inheritance
- Wakf
- Gift
- Pre-emption
- Wills

Unit – 4

The Indian Succession Act, 1925

Reference Books

- Diwan Paras, Family Law
- Mulla, Principles of Mahomedan Law
- Mulla, Principles of Hindu Law
- Tahir Mahmood, Hindu Law
- Mayne, Hindu Law and Usage

- Derrett J.D.M., Introduction to Modern Hindu Law
- Paruck, The Indian Succession Act (latest edition)
- Tahir Mahmood, The Muslim Law of India
- Subba Rao G.C.V., Family Law
- Latest Bare Act, Professional Book Publishers

Labour Laws

Revised Pattern-2022

Paper code – LW-18- 204

(Credits: 4)

Syllabus

Unit 1

Labour Legislation and Indian Constitution

Unit -2

Industrial Dispute Act, 1947

- Definitions
- collective bargaining,
- Authorities under the Industrial Dispute Act, 1947; Procedure, Power and Duties of Authorities, Reference of Disputes to Boards, Courts or Tribunals.
- Arbitration
- Award
- Provisions regarding Strike, Lock Out, Lay off, Retrenchment and Closure, Unfair Labour Practices, Penalties

Unit - 3

The Factories Act, 1948

1. Definitions, Object, and Application
2. Powers of Inspectors
3. Provisions related to Health, Safety and welfare of Workers,
4. Provisions related to Hazardous Processes,
5. Working hours with respect to Adults, Adolescent, and Young Persons
6. Certificate of fitness and certifying surgeon
7. Penalties. (Comparison with the Code on Wages, 2019)

Unit – 4

The Minimum Wages Act, 1948

1. Object of the Act, Applicability, Definitions
2. Wages in Kinds
3. Concept of Living Wages, Fair Wages and Minimum Wages,
4. Fixation and Revision of Minimum Wages
5. Advisory Boards, Fixation of Working Hours and Overtime ,
6. Authorities under the Act
7. Offences under the Act (Comparison with the Code on Wages, 2019)

Unit – 5

The Employees' Compensation Act, 2010

1. Concept of Social Security
2. Object, Scope and Application, Definitions
3. Compensation, Employer's Liability for compensation, Calculation of Compensation

4. Notional Extension
5. Appointment and power of Commissioner.
6. Contracting out

Unit – 6

The Payment of Wages Act, 1936

1. Object and Applicability, Definitions
2. Deductions and Fines,
3. Authorities, Penal Provisions.
4. Important Amendments. (Comparison with the Code on Wages, 2019)

Unit-7

Trade unions Act 1926

1. Collective Bargaining- Concept and Process, Legal control, Factor affecting collective bargaining, Merit and Demerit of collective bargaining
2. History and Development of Trade Union Movement with reference to India, Registration of Trade Union, cancellation of registration, Rights and Liabilities of Registered Trade Union, Penalties and procedure, Powers and duties of Labour officers, Penalties and procedure

Reference books and readings

1. S. N. Misra, Labour and Industrial Laws
2. S. P. Jain, Industrial and Labour Laws
3. S. R. Myneni, Labour Laws
4. Avtar Singh & Harpreet Kaur, Introduction to Labour and Industrial Laws
5. Dr. V. G. Goswami, Labour & Industrial Laws
6. Latest Bare Act, Professional Book Publishers

Constitutional Law – II

Revised Pattern-2022

Paper code – LW 203

(Credits: 4)

Syllabus

Unit 1

The Union and The State

The Union and State Executive.

- The President and the Vice President's qualifications, election, term of office, powers, and impeachment. (Articles 5 -272)
- Governor - Appointment and powers. (Arts 153-161)
- Nature, scope and extent of executive power of the Union and States. (Arts. 73,162)
- Relationship of the President/Governor with the Council of Ministers.

Parliament and State Legislatures.

- Composition of Parliament and State Legislatures.
- Qualification/Disqualification of Members.
- Powers, privileges and immunities of parliament/ State Legislatures and its members (Arts. 105,194).
- Parliamentary privilege and fundamental rights.

Unit 2

Union and State Judiciary:

- Union Judiciary-Supreme Court of India (Arts. 124-147)
- State Judiciary-High Court in the States.
- Jurisdiction of Supreme Court & High Court
- Writs (Arts. 32 & 226)
- Judicial review, independence of judiciary and judicial activism.

Unit 3

Relationship between the Union and the States:

- Distribution of legislative powers. (Arts 245-255)
- Administrative relation. (Arts 256-262)
- Financial relation. (Art. 264-267)

Unit 4

Emergency and Amendment Provisions:

- Emergency provisions meaning and scope.
- Proclamation of emergency. (Arts. 352)
- Grounds of imposition of state emergency in states. (Arts. 356-357)
- Financial emergency. (Art. 360)
- Emergency and its effect.
- Amendment of the Constitution
- Power of the Parliament to amend the Constitution and procedure. (Art.368)

- Limitation upon constitutional power: doctrine of basic feature / structure.

Unit 5

Freedom of Trade, Commerce and Intercourse and Services under the Union and the States and election:

Freedom of Trade, Commerce and intercourse (Arts. 301-307) -

- Meaning of Freedom of Trade, Commerce and Intercourse
- Power of Parliament
- Restrictions

Services under the union and the states-

- Doctrine of Pleasure (Art. 310 & 311)
- Election

References Books:

- Constitutional Law of India by J.N. Pandey.
- Constitutional Law of India by V.N. Shukla.
- Constitutional Law of India by M.P. Jain.
- Constitutional Law of India by Brij Kishore Sharma.
- Shorter Constitution by D.D. Basu.
- Latest Bare Act, Professional Book Publishers

(Optional Subject)

a) Health Care Law

Revised Pattern-2022

Paper code – LW 205

(Credits: 4)

Syllabus

Unit 1

Medicine and Healthcare

- Healthcare as an issue at the national and international level
- Constitutional provisions
- Right to Health as a Fundamental Right
- Remedies available under the Indian Constitution
- Right to health vis-à-vis the right to confidentiality
- Access to medical records

Unit 2

Professional Obligations of Doctors

- Transplantation of Human Organs Act, 1994
- Pre Conception & Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
- International Code of Medical Ethics
- Indian Medicine Central Council Act, 1970
- The Drugs and Cosmetics Act, 1940

Unit 3

Medical Negligence

- Ingredients
- Role of consent in medical practice
- Error of judgment and gross negligence
- Wrongful diagnosis and negligent diagnosis

Unit 4

Remedies for Medical negligence

- Law of Torts
- Law of Crimes
- Consumer Protection Law

Reference books

- Vijay Malik – Drug and Cosmetic Act, 1940
- Anoop K. Kaushal – Medical Negligence & Legal Remedies
- Dr. Jagdish Singh – Medical negligence Compensation
- B.K. Dutta – Drug Control
- Latest Bare Act, Professional Book Publishers

Optional Subjects

b) Media and Law

Revised Pattern-2022

Paper code – LW 206

(Credits: 4)

Syllabus

Unit 1

Need of Law in Media - Introduction

- Introduction to media
- Importance of media in democracy
- Kinds of media- visual and non- visual
- Function of media- information, surveillance, service the economic system, hold society together, entertain, act as a community forum, service the political system, etc.

Unit 2

History of Press and Theories of Press

- Historical Foundations of Media Laws in India (Pre- Independence and Post- Independence)

Theories of Press-

- Authoritarian Theory
- Libertarian Theory
- Communist Theory
- Theory of Social Responsibility
- Development Media Theory
- Democratic Participant Media Theory

Unit 3

Constitutional Framework of Freedom of Media in India

- Freedom of Speech and Expression in Indian Constitution

Facets of Freedom of Speech and Expression

- Freedom of Speech and Expression includes Freedom of Press
- Right to Circulation
- Right to Receive Information
- Right to Advertise
- Right to Telecast / Broadcast
- Censorship

Law Commission of India

- 101st Report on Freedom of Speech
- Expression under Article 19 of the Constitution - an Overview
- Reasonable restrictions- Art. 19(2) of Constitution
- Legislative Privileges and Media

Unit 4

Legal Dimensions of Media

- Media and Criminal Law (Sedition, Obscenity and Defamation)
- Media and Judiciary (Contempt of Court)
- Advertising Standards Council of India and its codes
- The Press Council of India Act, 1978
- The Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017

UNIT 5

Issues in Media

- Trial by Media (Law Commission of India : 200th Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973 – an Overview)
- Sting Operation and Media
- Role of media in electoral process (Press Council of India, Report on Paid News, 2010, Ministry of Law and Justice, Report of the Committee on Electoral Reforms, 2010 - an Overview)

Reference Books:

- Madhavi Goradia - Divan - "Facets of Media Law" Eastern Book Company
- M.P. Jain "Indian Constitutional Law" LexisNexis, Butterworths, Wadhwa, Nagpur
- P.M. Bakshi, "Law of Defamation - Some Aspects", N.M. Tripathi, Bombay
- B. N. Ahuja, "History of Press, Press Laws and Communications", Surjeet Publications, Delhi.
- Latest Bare Act, Professional Book Publishers

LL.B. IInd Year, SEMESTER – III

Property Laws including Transfer of Property Act, 1882 and Easement Act, 1882

Revised Pattern-2022

Paper code – LW-18- 301

(Credits: 4)

Syllabus

Unit 1

Introduction:

- Definition, Object and Scope of the Act.
- Transfer of Property movable and immovable.
- Interpretation Clause ‘Immovable clause’, ‘Instrument’, ‘Attested’, ‘Registered’, ‘attached to the earth’, ‘actionable claim’, ‘notice’, ‘actually express and constructive notice.
- Vested and Contingent interest, Difference, Conditional Transfer, Difference between Contingent interest and spes-successionis.

Unit 2

Transfer of Property by Act of Parties:

- Sec. 6: Spes-successionis, Mere right of re-entry, Easements, Restricted interest, Right to future maintenance, Mere right to sue, Pensions and stipends,
- Sec. 7: Persons competent to transfer, Easements of valid transfer, Competency of transfer.
- Sec. 8: Operation of transfer.
- Sec. 9: Oral transfer.
- Sec. 10: Conditions restraining alienation.
- Sec.14:Rule against perpetuity- Object, Maximum remoteness of vesting, ultimate beneficiary in mothers’ womb, Exceptions to the Rule.
- Sec. 26 to 29: Condition Precedent and Condition subsequent; Fulfillment of Condition Precedent and Condition subsequent
- Sec.35: Doctrine of Election.

Unit 3

Transfer of Immovable Property

- Sec.38: Transfer by person authorized only under certain circumstances to transfer.
- Sec.39: Transfer where third person is entitled to maintenance.
- Sec. 40: Burden of obligation imposing restriction on use of land or of obligation annexed to ownership, but not amounting to interest of easement.
- Sec. 41: Transfer by Ostensible Owner, Benami Transaction Act, 1988.

- Sec. 42: Transfer by person having authority to revoke former transfer, Sec. 44 & 47, Transfer by Coowner,
- Sec. 44 & 46, joint transfer for consideration,
- Sec. 48 & 78: Priority of Rights created by Transfer.
- Sec. 49: Transferee's rights under policy.
- Sec. 50 & 51: Bonafide holders under defective title.
- Sec. 52: Transfer of property during pendency of suit. (Doctrine of Lis Pendens).
- Sec. 53: Fraudulent Transfer, voidable by creditors.
- Sec. 53A: Doctrine of Part Performance, Partial information of equity of redemption, difference between English and Indian Law.

Unit 4

Sales of Immovable Property

- Sec. 54: Definition of Sale, how made, 'Contract for sale', Essential of valid sale.
- Hirepurchase agreements, Distinction between sale and exchange, Distinction between sale and gift.
- Sec. 55: Rights and liabilities of buyer and seller.
- Sec. 56: Marshalling by subsequent purchase.
- Sec. 57: Provision by Court for encumbrances and sale freed there from.

Unit 5

Mortgages, Leases, Exchanges, Gift & Actionable Claims:

- Sec. 58: Mortgages, Definition and Essential its kinds of Rights and Liabilities of Mortgagees and Mortgagors.
- Sec. 100: Charges: Definition and kinds- Distinction between charge and mortgage, charge and lien.
- Sec. 105: Leases – Definition of Lease, Lessor, Lessee, premium and rent.
- Sec. 107: How made Sec. Rights and Liabilities of Lessor and Lessee.
- Sec. 111: Forfeiture of Lease. Holding over, Determination of Lease.
- Sec. 118: Exchange- Definition, Rights and Liabilities of parties.
- Sec. 122: Gift- Definition and Essential.
- Sec. 123: Transfer how effected, modes of making gift.
- Sec. 124: Gift of existing and future property.
- Sec. 125: Gift to several of whom one does not accept.
- Sec. 126: When gift may be suspended & revoked.
- Sec. 127: Onerous gift.
- Sec. 128: Universal donee.
- Sec. 130: Transfer of Actionable claim, Definition, Transfer how effected,
- Sec. 130 & 132: Rights of a transfer of an actionable claim.
- Sec. 133 & 134: Warranty of solvency of debtor, Mortgaged debt.
- Sec. 135: Assignment of rights under policy of insurance against fire.

Unit –6

The Indian Easements Act 1882

- Easements (Ss 1-51)

- Licenses (Ss 52-64)

Reference Books:

- Transfer of Property and Easements By Prof. R. K. Sinha, (Publisher Central Law Agency)
- Transfer of Property by H. N. Tiwari,
- Property Laws, by S. N. Sukla.
- Transfer of Property by S. M. Lahiri
- Transfer of Property Act by D. F. Mulla.
- Latest Bare Act, Professional Book Publishers

Legal Language

Revised Pattern-2022

Paper code – LW 302

(Credits: 4)

Syllabus

Unit 1

Vocabulary

- Major categories of words and phrases of foreign languages that are used in English, especially used in legal field.
- Certain set expressions and phrases in common use in legal usage.

Unit 2

Introduction to legal terms

- Proper understanding of some legal terms frequently used in legal writing.

Unit 3

Composition skill

- Sentence building exercise with special attention to word order, avoidance of ambiguity and vagueness and avoidance of obscurity.
- Essay writing on topics of interest to the legal profession.

Unit 4

Comprehension and Appreciation of legal prose

- Practice in slow careful reading of functional prose in general and legal prose in particular.
- Practice in fast reading and retaining the content in the form of notes.
- Exercise in note taking from speech as well as writing and précis writing.
- Answering comprehension question on non-legal passages with emphasis on identifying logical fallacies and persuasive devices/the non-legal passages should be narrative, descriptive, expository and argumentative/the legal passages should be drawn from notices, complaints, petitions, court orders, suits etc.

Unit 5

Expressing opinions on the given statements upholding or denying the contents in the statements.

Unit 6

Translation, Precis-writing & Para-phrasing

- The students will translate English passage into Marathi/ Hindi.
- Precis Writing
- Para-phrasing

Unit 7

Legal Writing

Exercises on writing documents such as

- Notices
- Will
- Gift Deed
- Lease
- Sale-deed
- Power-of-Attorney.

Reference Books

- Legal language and legal writing by Mishra Dr. Shrikant, Pioneer Publications.
- Legal language, legal writing and legal drafting by Sen Dr. Amit, Kamal Law House, Calcutta.
- Legal language and legal writing by Tandon M. P.

Human Rights and Public International Law

Revised Pattern -2022

Paper code – LW 303

(Credits: 4)

Syllabus

Unit 1

Human Rights

- Human Rights, nature, concept, origin and development, importance, classification.
- Civil and Political rights, International instruments - UN Charter, UDHR International Covenant on Civil and Political Rights, Part III of the Constitution of India
- Social and economic Rights, International instruments including International Covenant on Economic, Social and Cultural Rights, Part IV of the Constitution of India
- Human Rights and Vulnerable groups, rights of women, Children, disabled, tribals, aged and minorities, National and international legal developments, Part IV A of the Constitution of India (Fundamental duties)
- Enforcement of human rights, international regional and national mechanism (Legislative, executive and judicial) NHRC - Role of legal profession, NGOs and media

Unit 2

International Law

- Introductory
- History of International law
- Theories of International Law as to its basis
- Codification in International law
- Nature scope and present day position of International law

Sources of International Law

- Treaties
- Customs
- General principles of International law
- United Nations General Assembly resolutions as a source of International law
- Non-statute, other sources of International law.

Relationship between international law and municipal law

- Theories
- State Practice, with special reference to Indian Practice

Subjects of International Law

- State including recognition of states and governments and State succession
- Individuals
- International Organizations and non-State entities

- Multinational companies and other private entities

Jurisdiction of States

- Territorial jurisdiction
- Personal jurisdiction
- Protective jurisdiction
- Universal jurisdiction (terrorism, hijacking, narcotics, war-crimes and crimes against peace)
- Diplomatic immunities and privileges
- State immunity

Law of State Responsibility

Responsibility arising out of

- Acts of State (Direct responsibility)
- Acts of individuals (indirect responsibility)
- Act of corporations
- State responsibility for other subjects of international law
- Consequences of state responsibility
- Calvo clause - exhaustion of local remedies

Settlement of International disputes

- Peaceful settlement of International disputes
- Coercive settlement of International disputes (with reference to provisions of the UN charter)
- War and UN charter

International Transactions - Treaties

- Significance of Vienna Convention on law of treaties
- Creation of treaty - steps involved
- Termination, suspension and invalidation of treaties
- Interpretation of treaties
- Retro-active effect of treaties

Individuals and International law

- Extradition
- Asylum
- Nationality

International Institutions

- Basic purposes. Principles and membership of United Nations
- Organs of United Nations - with special reference General Assembly, Security Council and International Court of Justice.

Legal Control of International Conflicts

- Prohibition of use of force
- Weapons of mass destruction and International law
- International Humanitarian law

Reference Books

- Kapoor S K, Human Rights and Indian Laws International Law
- Agarwal H O, International Law and Human Rights
- Tondon M.P, International Law
- Gurdip singh, International Law
- Starke J.G, Introduction to International Law
- Shaw Malcohm N, International Law
- VR Krishna, Iyer Human Rights in India
- Chandra Upendra, Human Rights
- Diwan Paras, Human Rights and Law
- Brownlie Ian, Principles of Pubic International Law
- O'Connell, International Law
- Oppenheiml, International Law (Vols 1 & 2)
- Hamis, cases and Material on International Law
- Green L.C., Cases and Materials on International Law
- Indian Journal of International Law

Arbitration and Conciliation and Alternative Disputes Resolution Systems Revised Pattern -2022

Paper code – LW 304

(Credits: 4)

Syllabus

Unit 1

Arbitration

- Chapter-I : Sections 2 to 6 General Provisions
- Chapter-II : Sections 7 and 8 Arbitration Agreement Sections 9 Interim measures by Court.
- Chapter-III : Sections 10 to 15 Composition of Arbitral Tribunal
- Chapter-IV : Sections 16 to 17 Jurisdiction of Arbitral Tribunals
- Chapter-V : Sections 18 to 27 Conduct of Arbitral Tribunals
- Chapter-VI : Sections 28 to 33 Making of Arbitral Award and termination of proceedings.
- Chapter-VII : Sections 34 Recourse against Arbitral Award
- Chapter-VIII : Sections 35 and 36 Finality and Enforcement of Arbitral award
- Chapter-IX : Section 37 Appeals
- Chapter-X : Section 38 to 43 Miscellaneous Provisions.

Unit 2

Conciliation

- Sections 61 to 81.

Unit 3

Alternative models of dispute settlement

- Models of Dispute Settlement, Litigation versus Arbitration Models of Alternative Dispute Resolutions. Negotiation, Conciliation, Mediation, Mini-trial, Fast Track Arbitration. Nature, Scope, Limitations and necessity of alternative models of disputes resolution.
- Administrative tribunals - Article 323 A and B
- Family Court under the Family Court Act, 1984.
- Settlement of Dispute through Lok Adalat and Lok Nyayalayas. Grassroots Justice and Panchayat System for Resolution of dispute.

Reference Books

- Law of Arbitration and Conciliation by Avtar Singh:
- Arbitration and Conciliation Act by Basu N.D. :
- Commentary on Arbitration and Conciliation Act by Johari :
- Law of Arbitration and Conciliation by Krishnamurthys :

- New Arbitration and Conciliation Law of India Comparative Study of old and new by Kwatra G.K.
- Arbitration and Conciliation Act, 1996 by Mathur G.C.
- Arbitration and Conciliation Act by Roy P.C.
- Arbitration and Conciliation Act by Roy Chaudhari
- Arbitration and Conciliation Act by Narayana P.S.
- Arbitration and Conciliation Act by Tewari O.P.
- Alternative Dispute Resolution What it is and How it is by Rao P.C.
- Crisis of the Indian Legal System, (1982) by Upendra Baxi
- The Law of Arbitration and Conciliation by B.S.Patil
- The Law Arbitration by S.D.Singh
- Latest Bare Act, Professional Book Publishers

Optional Subject
Cyber Law
Revised Syllabus - 2022

Paper code –LW 306

(Credits: 4)

Syllabus

Unit 1

Advancement of Law in Cyberspace

- Concept and Definitions of Cyberspace
- Overview of Computer and Web technology
- Application of Network
- Origins of Internet and WWW,

Unit 2

Cyber Crimes

- Definition and Nature
- Evolution of Cyber Crime
- Classification of Cyber crimes
- Grounds for Computer Vulnerability
- Cases - Online banking, Credit Card Frauds, Identity Theft, crimes relating to Social Networking websites and Social Media.

Unit 3

Indian Cyber Law

- Objectives and Scope of the Information Technology Act 2000
- Regulation of Certifying Authorities, the Cyber Appellate Tribunal
- Offences and Penalties
- Information Technology (Amendment) Act 2008

Unit 4

Cyber Jurisdiction

- Definition of Jurisdiction in Cyberspace
- Model for Jurisdictional Analysis
- Personal Jurisdiction
- Issue of Geography & Sovereignty

Unit 5

International scenario and Cyber Crime

- United Nations
- The Council of Europe Convention on Cyber Crime

Unit 6

Intellectual Property Issues and Cyberspace

- Concept and nature of Intellectual property
- Copyright and the Internet
- Liability of Domain name registrant

- Trademark issues in Cyberspace
- Status of Computer Software's under Patent Law.

Unit 7

Electronic Records and Electronic Governance

- Formation of Electronic Contract
- Legal issues in Cyber Contract and E Commerce
- Digital Signature
- Liabilities of an Internet Service Provider in Cyberspace

Unit 8

Permissibility of Digital Evidence

- Concept of Digital Evidence
- Conditions for the admissibility of Digital Evidence
- Examination of a witness by video conference
- Changes in the Evidence Act.

Reference Books

- Information Technology (Amendment) Act, 2008, Bare Act Taxmann, Delhi.
- Dr.R .K.Chaubey," An Introduction to Cyber Crime and Cyber Law", Kamal Law House.
- Dr.Farooq Ahmad., "Cyber Law In India (Law on Internet)", Pioneer Books, Delhi.
- Justice Yatindra Singh., "Cyber Laws". 2nd Edition, Universal Law Publishing Co.Pvt.Ltd.Delhi
- Kamath Nandon, "Law Relating to Computers, Internet & E- commerce", Universal Law Publishing Co. Pvt.ltd., Delhi.
- Latest Bare Act, Professional Book Publishers

Cooperative Law

Revised Pattern-2022

Paper code: LW 307

(Credit: 4)

Syllabus

Unit-1

General Principles of Co-operation and its Historical Development

- Capitalist, socialist and co-operative forms of organisation
- Definition of co-operation
- Fundamental principles of co-operation
- History, growth and development of co-operative movement in India, Growth and development through Five-Year Plans

Unit-2

Co-operative Societies

- Characteristics of a co-operative society
- Role and functions of different kinds of co-operative societies: Credit, finance, banking; Producers, farmers, dairy; Consumers; Housing; Marketing.
- Comparison with other forms of organization, viz, company, trust and partnership firms

Unit-3

Registration of Societies under the The Maharashtra Co- operative Societies Act 1960 and Rules

- Societies that can be registered, and limited liability,
- Classification of societies
- Conditions of registration,
- Procedure for registration
- Bye-laws, important features of Model Bye-laws
- Cancellation of registration, De-registration
- Amalgamation, Transfer, Division or Conversion Societies

Unit-4

Members of a Society

- Who is a member
- Types of members
- Open membership
- Who can become a member
- Procedure for admission
- Continuation and cessation of membership
- Removal and expulsion of a member
- Rights, privileges, duties, disabilities and liabilities of members, Voting power of a member

Unit-5

Elections and Management of a Society

- Election of the Managing Committee, Procedure, Supervision over elections
- Elections to specified and notified societies, No-confidence against officers of societies
- The Managing Committee, Constitution, Who can be its members
- Reservation of seats, its powers and functions, Liability of members of the managing committee
- Appointment and nomination of members of committee, Disqualification of membership of the committee
- Meetings of General Body and Managing Committee, Annual general meeting and special general meeting, Conduct of business at such meetings

Unit-6

Dispute Settlement

- Types of disputes, and forums for redressal, Cooperative Court, Registrar;
- Exclusive jurisdiction of the cooperative court, Jurisdiction, Limitation period
- Powers of the Co-operative court, Its decision, Appeals against decisions,
- Constitution and powers of the Maharashtra State Co-operative Appellate Court
- Liquidation of Cooperative Societies
- Procedure for liquidation and winding up.

Unit-7

Finance, Accounts and Audit

- Funds and their utilization, Restrictions on utilization of funds, Reserve Fund,
- Restriction on dividends, Investment of funds
- Maintenance of account books and registers,

- Audit of cooperative societies, need for audit,
- Rectification of defects in accounts

Reference Books:

- B B Goel, Cooperative Legislation – Trends and Dimensions, Deep and Deep Publications.
- Rish Pal Nainta, Laws Relating to Cooperative Societies – A Commentary.
- Sunil Dighe.: Maharashtra Co-Operative Societies Act, 1960 and Rules, 1961. Snow White Publications, 2017
- S Desai, Commentary on Co-operative Housing Societies.
- V V Ghanekar, Co-Operative Movement in India, Institute of Rural Development & Education.
- A K Gupte and S D Dighe, Maharashtra Co-operative Societies Act 1960 with Rules 1961.
- M C Jain and H M Bhatt, Maharashtra Co-Operative Societies Act, 1960.
- A E Karmali, Maharashtra Co-operative Societies Act, 1960 and Rules, 1961.
- H A Mehta, Guide to Co-Operative Housing Societies,
- R K Pillai, Maharashtra Co-Operative Societies Act, 1960,
- Latest Bare Act, Professional Book Publishers

LL.B. IInd Year, SEMESTER – IV

Revised Syllabus-2022

Paper-16 -Jurisprudence

Paper code – LW 401

(Credits: 4)

Syllabus

Introduction

- Definition, Nature and Scope of Jurisprudence
- Administration of Justice
- Civil and Criminal Administration of Justice
- Theories of Punishment

Sources of Law

- Legal and Historical sources of Law
- Legislation
- Precedent
- Custom

Unit 2

Schools of Law

Natural Law School

- Origin, Development and Revival in 20th century.
- Reflection of Natural Law in Indian Constitution.
- Concepts of Dharma –Supremacy of Law over King and State.

Analytical Legal Positivism

Different approaches of

- Austin
- Bentham,
- Kelson
- Hart

Historical School of Law

- Savigny
- Sir.Henry Maine

Sociological School of Law.

- Ihering
- Elrich
- Duguit
- Roscoe Pound's Theory of 'Social Engineering'.

American Realism and Scandinavian Realism.

Unit 3

Legal Concepts

- Legal Rights and Duties
- Hohfeldian Classification of Legal Rights

Ownership

- Kinds of Ownership

Possession

- Kinds of Possession
- Distinction between Ownership and Possession

Legal Personality

- Natural and Artificial Legal Persons – Implications

Liability

- Civil and Criminal Liability
- Vicarious Liability, Strict Liability and Absolute Liability

Obligations

- Meaning
- Types

Reference Books:

- Jurisprudence and Legal Theory – by V.D. Mahajan.
- Fundamentals of Jurisprudence – The Indian Approach – by Dr. S.N. Dhyani.
- Jurisprudence – The Philosophy and Method of Law – by Bodenheimer.
- Jurisprudence – by Dias.
- Jurisprudence – Legal Theory – by Dr. B.N. Mani Tripathi.
- The Concept of Law – by H.L.A. Hart.
- Introduction to Jurisprudence – by Dr. Avtar Singh.
- Salmond on Jurisprudence – by P.J. Fitzgerald
- Lectures on Jurisprudence & Legal Theory by Dr. Vijay Ghormade.
- Jurisprudence & Legal Theory by N.V.Paranjape.
- A Textbook of Jurisprudence by Sir George *Paton*.

Law of Torts including Motor Vehicle Accident and Consumer Protection Laws Revised Pattern -2022

Paper code – LW 402

(Credits: 4)

Syllabus

Unit 1

Definition and Nature of Tort

- General Principles – Definition, nature, scope, characteristics – Tort in England and Tort in India.
- Distinction between Tort and Crime, Tort and Breach of Contract, Tort and Breach of Trust, Tort and Quasi Contract etc.

Essential Conditions of Liability in Tort

- Damnum Sine Injuria
- Injuria Sine Damnum
- Malice, Motive, Intention

Foundation of tortious liability,

- Fault liability
- Strict liability
- Statutory liability
- No fault liability

Unit 2:

General Exception to Liability in Tort and Vicarious Liability

- Volenti Non fit Injuria, Act of God, Inevitable Accident, Necessity, Private Defence, Statutory Authority.
- Act of State, Plaintiff the wrongdoer, Judicial and Quasi – Judicial acts, Executive act, Mistake, Parental and Quasi – Parental authority.
- Vicarious liability – Master and Servant relation, Distinction between servant and Independent Contractor, Course of Employment, Hospital cases, Common Employment, Liability for tort in independent contractor, Master's duties towards servant, Servants duties to the Master, Joint Tort Feasors.

Unit 3:

Specific Torts

- Trespass to the Person – Assault, battery
- Trespass to land – its remedies
- Defamation (with essentials) – Innuendo, Libel, Slander, Defences

- Nuisance – Private and Public Nuisance
- Negligence – Contributory Negligence
- Abuse of legal procedure – Malicious Prosecution
- Deceit – Rule in Derry Vs. Peak

Unit 4:

Consumer Disputes Redressal Agencies

- Definition of Consumer, Deficiency in service, defects in Goods, Complaint, Complainant, Recognized consumer Association etc. and Objectives of the Consumer Protection Act, 2019.
- Patient is Consumer under Medical services.
- Composition, Jurisdiction, Power and Functions of District Forum, State Commission and National Commission.
- Making of complaints, procedure on receipt of complaint, Finding of the District Forum, Appeals and execution of orders.
- Important Guidelines for protecting consumer Rights.

Unit 5:

Motor Vehicle Act, 1988

- Introduction
- Compensation
- Liability of Insurer
- Claims Tribunal

Reference Books:

- Law of Torts by R.K. Bangia (including compensation under the Motor Vehicle Act & Consumer Protection Laws)
- The Law of Tort and Consumer Protection Act – by M.N. Shukla
- Law of Torts – by Dr. S.K. Kapoor
- Law of Torts- Dr. N. V. Paranjape
- Latest Bare Act, Professional Book Publishers

Interpretation of Statutes

Revised Pattern-2022

Paper code – LW 403

(Credits: 4)

Details of Syllabus

Unit 1

Interpretation of Statutes

- Meaning, Objects and Scope of ‘interpretation’, ‘construction’ and ‘statute’
- Nature and Kinds of Indian Laws: Statutory, Non-statutory, Codified, Uncodified, State-made and State-recognised laws
- Commencement, operation and repeal of statutes
- Purpose of interpretation of statutes.

Basic Sources of Statutory Interpretation

- The General Clauses Act, 1897: Nature, Scope and Relevance (Ss.6- 8)
- Definition clauses in various Legislations: Nature and Interpretative Role

Unit 2

Interpretation

Aids to Interpretation (Parts of the statute and their interpretative role)

- Internal aids
 - Title
 - Preamble
 - Headings and marginal notes.
 - Sections and sub-sections
 - Punctuation marks.
 - Illustrations, exceptions, provisos, saving clauses, explanations and schedules
 - Non-obstante clause.
- External aids
 - Role of Constituent Assembly debates in the interpretation of the Constitution of India
 - Legislative history- Legislative Intention, Statement of objects and reasons, legislative debates, Committee reports, Law Commission reports etc.
 - International-law and human-rights documents
 - Dictionaries-Translations
 - Statutes in pari materia

Unit 3

Rules of Statutory Interpretation

- Primary Rule
 - Literal rule
 - Golden rule
 - Mischief rule (rule in the Heydon’s case)

- Rule of harmonious construction
- Secondary Rules
- Noscitur a sociis (Associated words)
- Ejusdem generis
- Reddendo singula singulis

Unit 4

Maxims of Statutory Interpretation

- Delegatus non potest delegare
- Expressio unius exclusio alterius
- Generalia specialibus non derogant
- In pari delicto potior est conditio possidentis
- Utres valet potior quam pareat
- Expressum facit cessare tacitum In bonam partem

Unit 5:

Interpretation with reference to subject matter and purpose

- Taxing Statute
- Penal Statute
- Welfare legislation
- Colourable legislation
- Residuary power
- Doctrine of repugnancy

Prescribed Legislation:

The General Clauses Act, 1897

Reference Books:

- P. St. J. Langan, *Maxwell on the Interpretation of Statutes* (12th ed., 1969)
- Vepa P. Sarathi, *Interpretation of Statutes* (4th ed., 2003)
- G.P. Singh, *Principles of Statutory Interpretation* (11th ed., 2008)
- S.G.G. Edgar, *Craies on Statute Law* (1999)
- Swarup Jagdish, *Legislation and Interpretation*
- P. St. Langan (Ed.). *Maxwell on The Interpretation of Statutes* (1976) N.M.Tripathi, Bombay
- K. Shanmukham, *N.S.Bindras's Interpretation of Statutes*, (1997) The Law Book Co. Allahabad.
- V.Sarathi, *Interpretation of Statutes*, (1984) Eastern, Lucknow
- M.P. Jain, *Constitutional Law of India*, (1994) Wadhwa & Co.
- M.P .Singh, (Ed.) *V.N.Sukla's Constitution of India*, (1994) Eastern, Lucknow.
- U. Baxi, *Introduction to Justice K.K.Mathew's, Democracy Equality and Freedom* (1978) Eastern, Lucknow

Principles of Taxation Law

Revised Pattern-2022

Paper code – LW 404

(Credit: 4)

Syllabus

Unit 1.

Introduction – Nature and Scope of Taxation

- History of tax law in India
- Fundamental principles relating to tax laws
- Governmental financial policy, tax structure and their role in the national economy.
- Concept of tax:

Nature and characteristics of taxes

- 1 Distinction between:
- 2 Tax and fee
- 3 Tax and cess
- 4 Direct and indirect taxes
- 5 Tax evasion and tax avoidance

Scope of taxing powers of Parliament, state Legislature and local bodies.

Unit - 2.

Income Tax Act 1961

- Basic Concepts
- Heads of income
- Deductions, relief and exemptions
- Income Tax Authorities
- Offences and penal sanctions
- Settlement of grievances
- Authorities, powers and functions

Unit - 3.

GST

Reference Books:

- Remesh Sharma, Supreme Court on Direct Taxes (1998), Bharath law House, New Delhi Sampath Iyengar,

- Law of income Tax (1998), Bharath law House, New Delhi Diwan B.K. and Sanjay Mehtani,
- Formation, Taxation and Assessment Charitable and Religious Trusts (1999), Bharath law House, New Delhi Kanga and Palkiwala,
- The Law and Practice of Income Tax (1999), Wadha, Nagpur. K. Parameswaran,
- Power of Taxation under the Constitution (1987), Eastern, Lucknow V.Ramachandran & T.A. Ramakrishnan (eds.)
- A.N. Ayar's Indian Tax Laws (2000) Company Law Institute of India Pvt. Ltd. Chennai. S. Bhattacharya & H.R. Garg,
- Handbook of Direct Taxes (1990) Eastern Law House, Calcutta. C.A. Gularickar,
- Law and Practice of Wealth Tax and Valuation (1998), Gularikar, Mumbai. Walter R. Mahler,
- Sales and Execise Taxation in India (1970) Orient Longman, Delhi. R.V. Pattel,
- The Central Sales Tax Act (1966) Thripathi, Bombay. S.D. Singh,
- Principles of Law and Sales Tax (1973), Eastern, Lucknow.
- Latest Bare Act, Professional Book Publishers

Company Law

Revised Syllabus-2022

Paper code – LW-18- 405

(Credits: 4)

Syllabus

Unit 1

Introduction

- Historical background
- Meaning, definition, features or characteristics of a company
- Different types of companies, definitions, distinction and conversion.
- 4 Distinction between company and partnership

Unit 2

Formation of Company

- Formation, Registration and Incorporation, Certificate of Incorporation, Commencement of Business, Advantages and Disadvantages of Incorporation of Company.
- Promoter, meaning, legal position, duties and liabilities.
- Memorandum of association, articles of association, clauses and conditions, legal effects, alteration, doctrine of *ultra-vires*, constructive notice, doctrine of indoor management.

Unit 3

Prospectus, Shares and Membership

- Prospectus, meaning, definition, significance and contents, registration of prospectus, statement in lieu of prospectus, golden rule of framing prospectus, liability of misstatement or untrue statement in prospectus.
- Shares, meaning, definition, characteristics, classifications, distinction, allotment, transfer and transmission of shares, share certificate, share warrant, stock and shares, forfeiture of shares.
- Members, modes of acquiring membership, shareholders, their rights, duties and liabilities.
- Majority rule, oppression of minority shareholders, protection of minority against oppression and mismanagement.

Unit 4

Law Relating to Debt, Finance and Company Management

- Debenture, meaning, definition, nature and classification, creation of charges, fixed and floating charges, conversion, distinction between debenture and share.
- Company meeting, Types of Meeting.

- Directors, managing director, appointment, qualification, legal position, disqualification, disabilities, retirement, removal, powers and duties, rights and liabilities etc.
- Auditors, appointment, removal, rights, duties and liabilities.

Unit 5

Administrative Regulations and Winding up

- Central government control by registrar of companies
- Company law tribunals, role of National Company Law Tribunal (NCLT) and National Company Law Appellant Tribunal (NCLAT) etc.
- Winding up, meaning, definition, classification, consequences, liquidator, contributory etc.

Reference Books:

- Company Law by – Palm
- Company Law by – Gower
- Company Law by – Avtar Singh
- Morden Company Law by – S.C.Tripathi
- Elements of Mercantile Law by N D Kapoor
- Latest Bare Act, Professional Book Publishers

LL.B. IIIrd Year, SEMESTER – V

Revised Syllabus-2022

Paper- The Code of Civil Procedure, 1908 and the Limitation Act, 1963

Paper code – LW 501

(Credits: 4)

Syllabus

Unit 1

introduction: suits in general (s.1 – 35)

- Object of the code, scope, meaning of substantive law and procedural law, important terms and definitions related with the code – Affidavit, Appeal, Cause of Action, Caveat, Issue, Jurisdiction, Suit, Summons, Pleading, Written Statement, Decree, Judgment, Order, Decree holder and Decree debtor, Legal representative, Mesne Profit, Execution etc.
- Jurisdiction of Civil Courts, Cause of Action, Res sub-judice, Res judicata, Constructive Res judicata.
- Institution of Suit, Essentials of Suits, Parties to Suit, Representative Suit, Frame of Suit.
- Pleadings, Definition, Basic Rules, Construction of Pleadings, Signing and verification of pleading, Amendment of pleading.
- Plaint– Meaning, particulars, Written Statement, Set-off, Legal set-off, Equitable setoff, Setoff and Counter – claim.
- Issue and Service of summons, Meaning and essentials of summons, contents of summon, modes of service of summons.

Unit 2

appearance & non– appearance of parties – withdrawal & compromise of suits, trial and special suits

- Appearance and non appearance of parties, Ex parte decree.
- First Hearing – Meaning, object. Disposal of Suit at first hearing.
- Discovery, Inspection and Production of Documents.
- Issue – meaning, framing of issues, kinds of issue, importance of issues, materials for framing issues, omission to France issues, Disposal of suit, penalty for default Adjournments.
- Interim orders, Issue of commission and its purpose arrest before judgment, attachment before judgment, Temporary injunctions, Interlocutory orders (order 39, Rules 1-5)
- Withdrawal and Compromise of suits.
- Summoning and attendance of witness, summons to produce documents, adjournments
- Hearing of suit.
- Judgment – its essentials, pronouncement of judgment, copy and contents of judgment, alteration in judgment.
- Decree – its essentials, decree and judgment, contents etc.

- Award of Interest and Award of Costs

UNIT 3

SPECIAL SUITS

- Suits by or against Government or public officers, suits by aliens, suits by or against Foreign Rules, Ambassadors and Envoys.
- Suits by or against corporations, suits by or against partnership firms, suits by or against trustees, executors and administrators.
- Suits against minors and lunatics, guardians or next friends, suits concerning family matters.
- Inter-pleader Suit.
- Suits by indigent persons.
- Summary Suits.
- Arrest and attachment before judgment.
- Temporary Injunctions and Interlocutory orders.
- Appointment of Receiver

Unit 4

Appeals, reference, review, revision and execution

- Meaning of Appeals, Reference, Review and Revision.
 - First Appeals – meanings, essentials,
 - different stages of Appeals,
 - right of appeal,
 - who may appeal, who cannot appeal,
 - decision where appeal heard by two or more judges,
 - cross-objection,
 - cross appeal,
 - powers of Appellate Court,
 - Appeal from appellate decree.
- Second Appeal 100 to 103, 107 – 108 and Order 42 – substantial question of law.
- Appeals from orders, appeals by indigent/ persons, appeals to Supreme Court, Limitation, Savings powers of High Court
- Review – meaning, nature and scope, object, review and appeal, review and reference, review and revision, circumstances, grounds, procedure at hearings.
- Revision – meaning, Sec. 115, nature and scope, object, revision and appeal, revision and second appeal, revision and reference, revision and review, appeal, reference, review and revision – distinction.
- Reference – object, nature and object, condition, who may apply, power and duty of the referring court, power and duty of High Court, distinction with appeal, review and revision, reference under CPC and Cr.P.C., reference under CPC and Constitution.
- Execution (Sec. 36 -74)
 - meaning, nature and scope, execution proceedings.
 - Courts executing decrees,
 - court passing a decree, courts by which decrees may be executed.
 - Application for execution, procedure on receiving application, mode of execution.

- Attachment of Property, garnishee order.
- Miscellaneous
 - restitution
 - Notice under C.P.C
 - Caveat – meaning, Sec. 148 – A.
 - Inherent Powers of the Court (S. 148 to 151)
 - Causes of delay, in Civil Litigation, amendment of 1999 and 2002.

Unit 5

Limitation act, 1963 – sec. 1-31

- Meaning of law of limitation, nature and object,
- Plea of bar of limitation and its efficiency
- Condonation of delay and the doctrine of sufficient cause.
- Doctrine legal disability, continuous running of time,
- Rules regarding execution of prescribed time.
- Effect of certain events on computation of period of limitation

Recommended Books:

- Civil Procedure Code with Limitation Act, 1963- by C.K. Takwani (Thakkar)
- Code of Civil Procedure- by Dr. Avtar Singh
- Guide to C.P.C- by N.K. Acharya
- The Code Of Civil Procedure- by Dr. T.P. Tripathi
- The Code of Civil Procedure- by M.P. Jain
- The Key to Indian Practice(A summary of CPC)- by Mulla
- Code of Civil Procedure and Limitation Act- by S.R. Myneni.
- Code of Civil Procedure – by Shailender Malik
- The Code of Civil Procedure – by D.N. Mathur
- Latest Bare Act, Professional Book Publishers

Law of Limitation

- Law of Limitation –by S.R. Myneni
- The Limitation Act- by J.D. Jain
- Limitation Act- by Dr. D.N.R. Pande
- Latest Bare Act, Professional Book Publishers

Law of Evidence

Revised Pattern-2022

Paper code – LW-18- 502

(Credits: 4)

Syllabus

Unit 1

Introduction

- The main features of the Indian Evidence Act, 1872
- Definition of Evidence Interpretation clause – Sec. 3-4, Nature and Purpose Law of Evidence in Civil and Criminal cases, ‘May presume’, ‘Shall presume’, Conclusive Proof.
- Central conceptions in Law of Evidence
- Facts, Distinction between Relevant facts and facts in issue.
- Proved, Not Proved and Disproved.
- Oral and Documentary Evidence.
- Circumstantial Evidence and Direct Evidence.
- Presumption (Ss. 4, 113A, 113B, 114)
- Witness
- Appreciation of evidence.
- Applicability of Evidence Act on Electronic Record.
- Division of Evidence – Direct, Indirect, Real and Personal, Original and Hearsay, Primary and Secondary, Oral and of Documentary, judicial etc.

Unit 2

Relevancy & Admissibility of Facts:

- Facts – Relevancy of facts (S.S – 16), facts in Issue, Facts distinguished from law, facts which is to be proved, not proved and Proof in civil and criminal cases disproved
- Doctrine of Res Gestae (Ss. 6,9, 11)
- Evidence of Common Intention – relating to conspiracy (S. 10)
- The problems of relevancy of “otherwise” irrelevant facts (Sec. 11)
- Relevant facts for proof of custom (S. 13)
- Facts concerning bodies and mental state (Ss. 14, 15)
- Relevancy and Admissibility of facts
- Admission and confession (Ss. 24 to30)
- Definition
- Similarity and difference between ‘admission’ and ‘confession’
- Admission in civil cases, when relevant (S. 23)
- Classification of confession – judicial and Extra-judicial
- Confession to police (Ss. 25to30)
- Retracted confession (S. 27)
- Improper admission and rejection of evidence

Unit 3

Dying Declaration (Ss. 32 to55)

- Statements by persons who cannot be called as witnesses (Ss. 32,33)
- Justification for relevance on dying declarations
- Judicial standards for appreciation of evidentiary value of dying declaration
- How much of a statement to be proved (S. 39)
- Relevance of judgment (Ss. 40,44)
- Opinion of third person when relevant (Ss. 45,51)
- Character when relevant (Ss. 52,55)
in civil cases, character to prove conduct imputed, irrelevant in criminal cases, previous good character relevant, previous bad character not relevant, except in reply, character as affecting damages.

Unit 4

Proof, Burden of Proof and Estoppel

- Facts which need not be proved (Ss. 56,58)
- Oral Evidence (Ss. 59,60)
- Documentary Evidence (Ss. 61,73) in aspect of electronic records, video conferencing and digital signatures and its verification.
- Public Documents (Ss. 74,78)
- Presumptions of documents (Ss. 79 to90), including electronic forms, electronic agreements, electronic records and digital signatures, electronic messages etc.
- Presumption to electronic records of five years old (Ss. 90A)
- Exclusion of oral by documentary evidence (Ss. 91to 100)
- Burden of Proof. – in civil and criminal cases (Ss. 101 to114A)
- Estoppel (Ss. 115to117)

Unit 5

Witnesses and Examination of Witnesses (Ss. 118-166)

- Who may testify
- Dumb witnesses
- Parties to a civil suit and their wives or husbands
- Husband of wife of person under criminal trial.
- Judicial privileges
- Privileged communications during marriage, as to affairs of state
- Information as to commission of offences sources of information as to offences
- Official communication, Professional communication, position of interpreters etc.
- voluntary evidence, – non compellable witnesses
- confidential communications
- production of electronic records which another person having possession (S. 131), (as substituted by the Information Technology Act, 2000)
- Evidence of Accomplice
- Examination of witnesses

- Examination in chief, cross examination, re-examination, order of examination - leading questions,
- Hostile witness
- Child witness
- Improper admission and rejection of evidence

Reference Books:

- The Indian Evidence Act, by Ratanlal Dhirajlal
- The Indian Evidence Act, by Dr. Artar Singh
- The Indian Evidence Act, by Batuk Lal
- The Indian Evidence Act, by Rameshwar Dayal
- The Indian Evidence Act, by Vepa P. Sarathi
- The Indian Evidence Act, by Robert Cross
- The Indian Evidence Act, by Sarkar
- Latest Bare Act, Professional Book Publishers

Administrative Law

Revised Pattern-2022

Paper code – LW 503

(Credits: 4)

Syllabus

Details of Syllabus Marks

Unit 1

Introduction

- Definition, Nature and scope of Administrative Law.
- Reasons for Development and Growth of Administrative Law
- Sources of Administrative Law.
- Droit Administrative – *Conseil D'etat*.
- Rule of Law- Meaning and concept, Merits & Demerits, Rule of Law in Indian context.
- Doctrine of separation of Power, Principle of Checks & Balances, application of separation of Power in India, United states of America and United Kingdom.
- Administrative Action, its classification (quasi legislative, quasi judicial and administrative)
- Administrative Discretion – meaning and action – Abuse of Discretion

Unit 2

Delegated Legislation

- Meaning and concept of Delegated Legislation.
- Reasons for growth, Advantages and Disadvantages of Delegated Legislation.
- Delegated Legislation in United States of America and United Kingdom.
- Committees on delegated legislation – its constitution and functions.
- Delegated Legislation of Taxing Statute. – Control Mechanism
- Judicial, Parliamentary, Procedural control
- Sub-Delegations of legislative powers – delegatus non potest delegare.

Unit 3

Principles of Natural Justice

- Concept of Principles of Natural justice
- Rule against Bias – Nemo debet case judex in propria cause
- Personal Bias
- Pecuniary Bias
- Subject matter Bias
- Departmental Bias
- Bias on account of obstinacy – Doctrine of Necessity
- Rule of Fair Hearing – Audi Alteram Partem
- Right to Notice
- Right to Hearing
- Reasoned Decisions – Speaking Order
- Institutional Decision
- Post Decisional Hearing
- Exclusion of Principles of Natural justice

- Administrative tribunals and other adjudicating authorities – powers and functions
- Tribunals – nature, constitution, jurisdiction, procedure, advantages and Disadvantages
- Distinction between Quasi Judicial and Administrative functions
- Distinction between Tribunals and Courts of Law

Unit 4

Judicial Review of Administrative Action – Judicial Remedies

- Jurisdiction of the Supreme Court and High Court
- Under Articles 32 and 136
- Rules restricting judicial review – locus standi, laches, resjudicata, exhaustion of Alternative/administrative remedies, no dismissal of petition – without speaking order, finality of administrative action
- Violation of Procedural norms
- Doctrine of Legitimate Expectation
- Doctrine of Public Accountability
- Doctrine of Proportionality

Unit 5

Other Remedial Procedures –

P.I.L., Liability of Administration, statutory and Non statutory Public Undertakings, Constitutional Protection of civil servants etc.

- Nature and purpose of Public Interest Litigation, Locus Standi, procedure, class actions.
- Liability of the Administration in Contract
- Liability of Administration in Tort
- Privileges and Immunities of the Administration in suits
- Statutory Public Corporations, its characteristics, classifications, liability, status of employers control of statutory corporations – Government companies.
- Ombudsman meaning and objectives, development in England, U.S.A. and India
- Working of Lokayuktas in the states
- Right to know – working of Right to Information Act, 2005
- Control by Vigilance Commission
- Constitutional Protections of civil servants
- Procedural safeguards - No termination by subordinate authority Reasonable opportunity to defend
- Working of the Administrative
- Tribunals – central Administrative
- Tribunals and state Administrative Tribunals

Reference Books

- Administrative Law by C.K. Thakker
- Administrative Law by Kailash Rai
- Law of Constitution by D.D. Basu
- Law of Constitution by M.P. Gain
- The Tribunal System in India by S.P. Sathe
- Administrative Tribunals in India by S.N. Gain

Revised Syllabus-2022

Drafting, Pleading and Conveyancing

Paper code – LW-18-504

(Credit: 4)

Syllabus

Drafting

- General principles of Drafting
- Relevant Substantive Rules

Pleadings

- Pleadings in general
- Object of pleadings
- Fundamental rules of pleadings

Civil Pleadings

- Plaint
- Written statement
- Interlocutory application
- Original petition
- Affidavit
- Execution petition
- Memorandum of appeal and revision
- Petition under Article 226 and 32 of the Constitution of India.

Criminal Pleadings

- Complaint
- Criminal miscellaneous petition
- Bail application
- Memorandum of appeal and revision.

Various forms of Pleadings

- Suit for recovery under order XXXVII of the Code of Civil Procedure 1908.
- Suit for Permanent Injunction.
- Application for Temporary Injunction under Order 39 Rules 1 & 2 of the CPC.
- Application under Order 39, Rule 2-A of the CPC.
- Suit for Ejectment and Damages for Wrongful Use and Occupation.
- Petition for Restitution of Conjugal Rights under S.9 of the Hindu Marriage Act, 1955.
- Petition for Judicial Separation under S.10 of the Hindu Marriage Act, 1955.
- Petition for Dissolution of Marriage by Decree of Divorce under S.13 & S.13B (1) of the Hindu Marriage Act, 1955.
- Petition for Grant of Probate in High Court.
- Petition for Grant of Letters of Administration.

- Contempt Petition under Ss. 11 & 12 of the Contempt of Courts Act, 1971 before High Court.
- Writ petition under Article 226 of Constitution of India.
- Caveat under S. 148-A of CPC.
- Caveat for Special Leave Petition (Civil) under Article 136 of the Constitution of India.
- Special Leave Petition (civil) under Article 136 of the Constitution of India.
- Counter Affidavit in Special Leave Petition (Civil).
- Application for Bail.
- Application for Grant of Anticipatory Bail.
- Complaint under S. 138 of the Negotiable Instruments Act, 1881.
- Application U/S. 125 of Cr. P.C.
- Special Leave Petition (Criminal) under Article 136 of the Constitution of India.
- Transfer Petition (Civil) U/S. 25 of CPC.
- Curative Petition under Articles 129, 137, 141 and 142 of the Constitution of India.
- Complaint under S. 12 of the Consumer Protection Act, 1986.
- Written Statement to the Complaint under Consumer Protection Act, 1986.

Conveyancing

- Conveyancing in general
- Object of conveyancing
- Component parts of a deed.

Forms of Deeds and Notices

- Sale deed
- Mortgage deed
- Lease deed
- Gift deed
- Promissory note
- Power of attorney – general and special power of attorney
- Will
- Trust deed
- Relinquishment deed
- Partnership deed
- Deed of dissolution partnership
- Hire-purchase agreement
- Deed of family settlement between rival claimants of an estate
- Notice of ejection to the tenant under Sec. 106 of the Transfer of Property, Act, 1982
- Notice under S. 80 of the Code of Civil Procedure, 1908.

Viva voce

Viva voce examination of 10 marks will be mainly on the above practical works to test the understanding of the students on the topics besides general principles of drafting, pleadings and conveyancing.

Note 1: The practical exercises should regularly be submitted by the students to the teacher of the paper throughout the semester for continuous evaluation.

Note 2: The evaluated exercises along with the list of the marks awarded would be placed before the external examiner at the time of viva-voce examination. The teacher of this paper would be internal examiner who along with the external examiner would jointly award final marks on the exercises and viva-voce examination.

Reference Books:

- Legal Drafting Drafting, Pleading and Conveyancing by Rajaram Retawade.
- Drafting, Pleading and Conveyancing by Medha Kolhatkar.
- Drafting and Conveyancing by S. P. Aggarwal.
- Pleading, Drafting and Conveyancing by Dr.R. N. Chaturvedi.
- The Law of Pleading Drafting and Conveyancing by Dr.K. K. Srivastava.
- Drafting and Conveyancing by Dr.N. Maheshwara Swamy.
- The Law of Pleading Drafting and Conveyancing by Dr.Y.S. Sharma.
- Latest Bare Act, Professional Book Publishers

Optional Subject
Revised Syllabus - 2022
Intellectual Property Laws

Paper Code –LW 505

(Credits: 4)

Syllabus

Unit 1

Introduction

- Introduction to IPRs
- Basic concepts and need for Intellectual Property - Patents, Copyrights, Geographical Indications etc.
- International Convention and treaties
- International organizations related to Intellectual property
 - Trade related Aspects of Intellectual property (TRIPs)
 - World Intellectual property Organization (WIPO)
 - World Trade Organization (WTO)

Unit 2

Patent

- Patent Act 1970, Concept and History of Patent in India
- Essential Features of Patents
- Patentable & Non Patentable Inventions
- Types of Patent, Term of Patent
- Rights and Obligations of Patentee
- Limitations on patentee's rights
- Registration and Licensing of Patents
- Infringement of patent and remedies
- Offences and penalties
- Patent Agents
- Case Laws

Unit 3

Copyright

- Copyright Act 1957, Meaning and application
- Nature and purpose of copyright
- Author and first owner of copyright
- Rights of owner of Copyright
- Publication and term of Copyright
- Registration of copyright and its effect
- Assignment and Licence of Copyright
- Infringement of copyright, Remedies against infringement, Offences and punishment

- Case Laws

Unit 4

Trademark

- Trade Mark Act 1999, Object and purpose of the Act
- Types of Trademark
- Signs used as Trademark- TM, SM and ®
- Trademark Registration-Procedure and duration of registration including classification of goods, refusal of registration, and limitations
- Rights conferred by registration, Consequences of non-registration Renewal, removal and restoration of registration Effect of non-use.
- Rights of a proprietor of a trade mark; Assignment and Transmission of Various types of trade marks
- Infringement and passing off action and Remedies, Offences and penalties
- Case Laws
-

Unit 5

Design

- The Designs Act 2000, Object and purpose of the Act
- Salient features of Design Act, 2000
- Registration of Designs
- Rights of a proprietor of a registered design, Assignment and transmission and avoidance of restrictive conditions.
- Piracy of registered design, remedies and procedure
- Case Laws

Unit 6

Geographical indications

- Introduction to GI
- Registration of GI
- Infringement of GI
- Remedies against infringement
- Offences and Penalties
- Case Laws

Reference books:

- Patent Law - P Narayanan

- Patents, Trade Marks Copyright, Designs and Geographical Indications - B L Wadhera
- Copyright and Industrial Designs - P Narayanan
- Trade Marks and Passing off - P Narayanan
- Iyengar's Copyright Act- R G Chaturvedi
- Intellectual Property - W R Cornish
- Dr.G.B Reddy's Intellectual Property Rights and the Law.
- Dr.G.B.Reddy's Copyright Law in India, Published by GOGIA Law Publications
- Latest Bare Act, Professional Book Publishers

b) Banking Laws

Revised Pattern-2022

Paper code – LW 506

(Credits: 4)

Syllabus

Course contents

Unit 1

- Indian Banking Structure Origin Evolution of Banking Institutions
- Types and functions of Banks
- Commercial banks & its functions
- Banking Companies in India
- RBI - Constitution, Management and Functions
- Banking Regulation Act, 1949 – State Bank of India- UTI, IDBI, RRBs’ -Local banks

Unit 2

- Employment of funds Loans and Advances Guarantees- Advances secured by Collateral securities
- Agency Services- Financing of Exports- Special Banking Services –Advances to Priority Sectors and Credit Guarantee schemes
- Securitization Act, 2002.

Unit 3

- Law relating to Negotiable Instruments, 1881 Act (Read with the amended Act of 2002) - Negotiable Instruments
- Kinds - Holder and holder in due course – Parties – Negotiation- Assignment – Presentment – Endorsement – Liability of parties – Payment in due course – Special rules of evidence - Material alteration – Noting and protest – Paying banker and collecting banker – Bills in sets
- Penal provisions under NI Act - Banker’s book evidence Act.

Unit 4

- Banker and customer Relationship - Definition of banker and customer – General relationship – Special relationship - Banker's duty of secrecy, banker's duty to honour cheques, banker's lien, and banker's right to set off
- Appropriation of payments - Garnishee order - Customer's duties towards his banker
- Opening of New Accounts – Special types of customers - Minor's A/C, Joint A/C, Partnership A/C, Company's A/C, Married women's A/C, Trust A/C, Joint Hindu family A/C - Illiterate persons, lunatics, executors - Precautions required in case of administrators, Clubs, Societies and Charitable institutions to open an account.

Unit 5

- Ancillary Services and E- Banking: Remittances
- General, DD, MT, TT, Traveler's cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, and gift cheques, stock invest.
- E-Banking - Definition – E-Banking includes - Internet banking, mobile banking, ATM banking, computerized banking –E- banking services – retail services – wholesale services – E- Cheque-authentication
- Cyber Evidence-Banking Ombudsman.

Reference Books:

- M. L. Tannan- Law of Banking.
- M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.
- Justice Bhaghabati Prasad Banerjee- Guide to Securitizations and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
- Avtar Singh – Negotiable Instruments Act.
- Basu - Review of Current Banking: Theory and Practice.
- Paget- Law of Banking.
- L. C. Goyle- The Law of Banking and Bankers.
- Relevant provisions of Information Technology Act, 2000
- Latest Bare Act, Professional Book Publishers

LL.B. IIIrd Year, SEMESTER – VI

The Code of Criminal Procedure, 1973, Juvenile Justice Act, 2015 and Probation of Offenders Act, 1958 Revised Pattern-2022

Paper code – LW 601

(Credits: 4)

Unit 1

Introductory:

- The rationale of criminal procedure: the importance of fair trial
- Constitutional perspective: Article 14, 20 & 21
- Constitution of Criminal Courts under CrPC
- The Organisation of police, prosecutor, defence counsel and its functions and powers

Unit 2

Pre-trial process: arrest:

- Distinction between cognizable and non-cognizable offence
- Warrant and Summons: Arrest with and without warrant. a. The absconder status.
- Rights of the accused person
- Pre-trial process: Search and Seizure: a. Search warrant b. search without warrant
- Powers of Police officers

Unit 3

Pre-trial Process: FIR:

- .F.I.R.
- Evidentiary value of F.I.R.
- Pre-trial Process: Magisterial Power to Take Cognizance

Unit 4

Trial Process:

- Commencement of proceeding.
- Dismissal of complaints.
- Bail: Concept and purpose.
- Bailable and Non-Bailable offences.
- Cancellation of bail.

- Anticipatory bail.

Unit 5

Fair Trial:

- Conception of fair trial Presumption of innocence
- Charge: Framing of charge
- Preliminary pleas to bar the trial: Jurisdiction.
- Time limitation: rational and scope.
- Pleas of autrefois acquit and autrefois convict.
- Issue- Estoppel.
- Compounding of offences.

UNIT 6

Trials and Execution:

- Trial before a court of session
- Trial of warrant cases by magistrate
- Trial of summons cases by magistrate
- Summary Trials
- Submission of Death sentences for confirmation Execution, Suspension, remission and commutation of sentence

Unit 7

- Appeal, Review, revision: No appeal in certain cases
- The rationale of appeal, review and revision
- Supreme Court of India
- High Court Sessions Court.
- Special right to appeal

Unit 8

Miscellaneous:

- Maintenance of wives, children and parents
- Transfer of criminal cases
- Limitations of taking cognizance Compounding of Offences and Plea-bargaining.
- Security for peace and good behaviour Maintenance of Public order and tranquillity

Unit 9

Probation:

- Concept of Probation: Origin and Development in India
- Probation of offender's law Judicial attitude
- Mechanism of probation: Standards of probation services

- Problem and prospects of probation

UNIT 10

Juvenile delinquency:

- Nature and magnitude of the problem Causes Juvenile Court system
- Treatment and rehabilitation of juveniles

Reference Books:

- Chandrasekharan Pillai, (Ed.), Kelkar's Outline of Criminal Procedure, Eastern Book Company, Lucknow.
- Ratanlal and Dirajlal, Code of Criminal Procedure, Lexis Nexis.
- Woodroffe, Commentaries on Criminal Procedure Code, Universal , Delhi.
- Chandrasekharan Pillai ed., Kelkar's Lectures on Criminal Procedure, Eastern Book Company, Lucknow.
- D. D. Basu, Criminal Procedure Code 1973, Vol I & II, Lexis Nexis (2017).
- Sarkar on Criminal Procedure Code, Vol I & II, Lexis Nexis.
- N.K. Chakrabarti, Probation System in the Administration of Criminal Justice.
- Latest Bare Act, Professional Book Publishers

Environmental Law

Revised Pattern-2022

Paper code – LW 602

(Credits: 4)

Syllabus

Unit 1

Concept of Nature, Environment & Eco-system:

- Nature, scope, need and application of Environmental law
- Environmental pollution - causes and effects
- Study of Ecological Cycle

Unit 2

Constitutional Provisions and Environmental legislations:

- Right to life, Right to Wholesome environment, Right to development, Right to clean & decent environment, Directive Principles of State Policy, Fundamental Duties
- Environment Protection and Public Interest Litigation

Unit 3

Common Law aspects of Environmental Protection:

- Traditional remedies under Law of Torts for Nuisance, Negligence and Strict Liability
- Remedies under Specific Relief Act - Reliefs against Smoke and Noise Pollution.
- Writ Jurisdiction under Art 32 and 226 and Public Interest Litigation.

Unit 4

International Environmental Regime:

- Sustainable Development, Polluter-Pays-Principle, Precautionary Principle
- Salient features and critical study of Stockholm Conference on Human Environment, 1972
- Copenhagen Conference on Environment and Development, 1995
- Rio-Conference on Environment and Development, 1992 (Earth Summit)
 - i. Rio Declaration
 - ii. Convention on Biological Diversity, The Indian Biological Diversity Act 2002
 - iii. Convention on Climate Change 1992

Unit 5

Environment Protection Act (1986):

- Environment Protection Rules, Coastal Zone Regulation, ECO-Mark
- Environment Impact Assessment, Environmental Audit
- Public Participation in Environmental decision making, Environment information, public hearing
- Regulation on Bio-Medical Waste.

Unit 6

Problems of Environmental Pollution, Control Measures and Acts:

- Environment Pollution - Causes and effects
- Environment Pollution Control Mechanism
 - i. Air (Prevention and Control of Pollution) Act
 - ii. Water (Prevention and Control of Pollution) Act
- Protection of Wild Life and Forests
 - i. The Wild Life (Protection) Amendment Act, 2006
 - ii. The Indian Forest Act, 1927
 - iii. The Forest (Conservation) Act, 1980
- National Environmental Tribunal and National Environmental Appellate Authority.

Reference Books:

- Dr. S.K. Nanda, Environmental Law
- Dr. S.C, Tripathi, Environmental Law
- Dr. I.A. Khan, Environmental Law
- Gurdip Sing, Environmental Law in India
- Kailash Rai, Environmental Protection Law and Policy in India
- Latest Bare Act, Professional Book Publishers

Professional Ethics, Bar Bench Relations and Accountancy for Lawyers Revised Pattern-2022

Paper code – LW-18- 603

(Credits: 4)

Syllabus

Unit 1

Introduction to legal profession

- **Law and Legal Profession**
 - Meaning, Scope, Objective development and responsibilities of legal profession.
 - Right To Practice Constitutional Guarantee under Article 19(9)
 - conduct of Lawyers in court, professional conduct in general, privileges of Lawyers, salient features of Advocates Act 1961,
 - Bar Council Code of Ethics.

- **Duties of Advocate towards the court –**
 - Duty to court, Duty to client, Duty to opponent, Duty to colleagues, Duty towards society and obligation to render legal aid

- **Disciplinary Proceedings –**
 - Standards of professional conduct and etiquette,
 - Professional misconduct, disqualification,
 - Functions of Bar Council of India/ State Bar Councils in dealings with disciplinary proceedings.
 - Disciplinary Committees - Powers and removal from rolls.
 - Rights and Privileges of Advocates Bench-Bar Relationship
 -

Unit 2

Relation of bar and bench

- **Bar bench relations –**
 - Meaning, necessity, nature and scope
 - Bar Council of India and State Bar Council
 - constitution, function, powers and jurisdiction

- **Contempt of courts Act 1971-**
 - Concept of contempt of court,
 - Definition, kinds of contempt,
 - Procedure, Punishment for contempt,
 - Defences under contempt of Court Act.

Unit 3

Accounting system for lawyers

- Accounting system for lawyers
- Need for maintenance of accounts
- Books of accounts that need to be maintained
- Theoretical information about the cash books, ledgers, purchase register, capital amount.
- Writing of Ledger, Sub- Ledgers including that of accounts receivables
- Bank Book
- Bank Reconciliation statements
- Rectification of errors
- Preparation of Trial Balance
- Preparation of Income and Expenditure
- Preparation for Balance sheet

Unit 4

Selected cases prescribed for study

- Bar Council of Maharashtra Vs. M. V. Dabholkar etc. AIR 1976 SC 242
- V. C. Rangadurai Vs. D. Gopalan & Others AIR 1979 SC 201
- P D Khandekar Vs. Bar Council of Maharashtra (1984) 2 SCC 556
- M Veerabhadra Rao Vs. Bar Tek Chand (1984) Supp. SCC 571
- P J Ratnam Vs. D Kanikaram AIR 1989 SC 245
- In Re V. C. Mishra AIR 1995 SC 2348
- Prahlad Saran Gupta Vs. Bar Council of India (1997) 3 SCC 585
- V P Kumaravelu Vs. Bar Council of India (1997) 4 SCC. 266
- D P Chaddha Vs. T N Mishra AIR 2001 SC 457
- Harish Chandra Tiwari Vs. Baiju AIR 2002 SC 548

Reference Books:

- Advocacy – by Iyer Krishnamurty
- Advocates Act 1961-by Sanjeev Rao
- Law of Contempt of Court Legislature and Public Servants – by K.J Iyer
- Book Keeping and Accountancy-by J. R. Batloboi ,
- Advanced Accountancy –by Shukla and Grewal,
- Accountancy- by B. S. Raman
- Clinical Legal Education –by N. R. Madhava Menon
- Art of Lawyers - by Dr. B. Malik
- Professional Ethics, Lawyers Accountability, Bench Bar Relationship- by JPS Sirohi,
- Professional Ethics, Accountancy for Lawyers, Bench Bar Relation – by Kailash Rai
- Professional Ethics, Accountancy for Lawyers, Bench Bar Relation- by S.P Gupta
- Latest Bare Act, Professional Book Publishers

Land Laws

Revised Pattern-2022

Paper code – LW 604

(Credits: 4)

Syllabus

Unit - 1. The Maharashtra Rent Control Act, 1999

Unit - 2. The Maharashtra Land Revenue Code, 1966

Unit - 3. The Bombay Tenancy and Agricultural Lands Act, 1948

Unit - 4. The Maharashtra Agricultural Land (Ceiling) Act, 1961

Reference Books:

- D. V. Parulekar - The Bombay Tenancy and Agricultural Land Act, 1948.
- D. H. Choudhary - The Maharashtra Land Revenue Code, 1966.
- Govt. Publication - Agricultural Land Ceiling Act, 1961.
- Gupte A. K. and Dighe S. D. - Maharashtra Land Revenue Code, 1966.
- Gupte K. S. - Bombay Tenancy and Agricultural Land Act, 1948.
- The Maharashtra Rent Control Act, 1999.
- Latest Bare Act, Professional Book Publishers

Practical Training and Moot Courts

Revised Pattern-2022

Paper code – LW 605

(Credits: 4)

Syllabus

Unit 1

Moot Court

Every student will do at least 3 (three) moot courts with 10 marks each. Each moot court work will be on assigned problem and it will be evaluated as follows:

- Written submission: 5 marks
- Oral advocacy: 5 marks

Unit 2

Observance of Trial in two cases:

- One Civil case : 15 marks
- One Criminal case : 15 marks

Students in a group of not more than 10 (ten) students will **attend two trials in the course of the last two or three years of law course**. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.

Unit 3

Interviewing techniques and Pre-trial preparations

- Two interviewing sessions of clients: 15 marks
- Observation of the preparation of documents and court papers: 15 marks

Each student will observe 2 (two) interviewing sessions of clients at the Lawyers' Office/ Legal Aid Office and record the proceedings in the diary which will carry 15 marks.

Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

Viva Voce examination [on all the above three aspects]

Note 1: Written submissions on Moot Courts, Written Records of Observance of Trials in Courts and Written Diaries regarding Interviewing Techniques and Pre-trial preparations must be

submitted to the teacher of this paper regularly and the teacher will evaluate those continuously throughout the semester and award marks.

Note 2: All the evaluated works along with the list of marks awarded would be placed before the external examiner at the time of viva-voce examination. The teacher of this paper would be internal examiner who along with external examiner would jointly award final marks on the above works and viva-voce.
