

TMV's
Lokmanya Tilak Law College,
Pune

Academic Year 2021-22

LL.B. Three Year Course
Syllabus

LL.B. Ist Year, SEMESTER – I

Family Law–I

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

Paper code – LW 101

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit – I	15
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1 .Introduction –

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

2. Nature, Sources and Schools of

- a. Hindu Law
- b. Muslim Law

Unit – II	45
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1. Marriage

- a. Formation
- b. Duration
- c. Disruption

2. Matrimonial Reliefs

- a. Restitution of conjugal rights
- b. Judicial separation
- c. Divorce
- d. Nullity of marriage
- e. Dissolution

3. Law of Maintenance (Hindu and Muslim law)

- a. Claim of spouses
- b. Claim of parents and children
- c. Alimony (pendent elite and permanent)

Unit – III	15
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1. Adoption

2. Minority and Guardianship

Unit – IV

15

The Special Marriage Act 1954

Unit – V

Recent Development in Family Law

Statutes

10

1. The Hindu Marriage Act, 1955
2. The Hindu Adoptions and Maintenance Act, 1956
3. The Hindu Minority and Guardianship Act, 1956
4. The Christian Marriage Act, 1872
5. The Indian Divorce Act, 1869 (as amended by Amendment Act 49 and 51 of 2001)
6. The Parsi Marriage and Divorce Act, 1936
7. The Special Marriage Act, 1954
8. The Muslim Women's (Protection on Divorce) Act, 1986
9. The Dissolution of Muslim Marriages Act.

Recommended books and reading

1. Desai Kumud, Law of Marriage and Divorce
2. Diwan Paras Modern Hindu Law
3. Mayne's Hindu Law and Usage
4. Diwan Paras, Family Law
5. Dr. T.V. Subbarao Family Law in India
6. Mulla, Principles of Mahommedan Law
7. Mahmood Tahir, Muslim Law of India.

Law of Contract - I

Paper code – LW 102

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks:50 [30 +20]

(General Principles of Contract and Specific Relief Act)

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit – I	30
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General Principles of Contract

1. **Nature of Contract:** Meaning, definition and elements, Kinds of agreements and contract

2. **Offer & Acceptance:** definition, modes, legal rules as to offer, offer distinguished from invitation to offer, lapse of offer, Standard Form Contracts.

Acceptance: definition, models, legal rules as to Acceptance, effect of silence on acceptance.

3. **Consideration** – Meaning, definitions, legal rules as to consideration; - “No Consideration : No Contract” and exceptions; Difference between Indian and English Law.

4. **Doctrine of privity, and exceptions.**

5. **Legality of Object and Consideration** - Consideration/ Object not lawful; Unlawful agreements. Agreements against public policy; Consequences of Illegality.

6. **Other Legal Formalities** - Contracts required to be in writing; Contracts required to be registered.

7. **Communication of offer, acceptance and revocation** -

Rules regarding communication, contracts through post, contracts by telephone and telex.

8. **Intention to create legal relations** - Intention, types, social/domestic agreements, commercial/business agreements; when no contract

Unit – II	25
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1. **Capacity of Parties** - Minor, law relating to minor’s agreement; persons of unsound mind; persons disqualified by law.

2. **Free Consent** - Definition, Ingredients of Free Consent - a) Coercion; b) Undue Influence; c) Fraud; d) Misrepresentation; e) Mistake

3. **Void Agreements** – Nature; Agreements declared to be void.

a. Agreement in restraint of marriage

- b. Agreement in restraint of trade
- c. Agreement in restraint of legal proceedings
- d. Uncertain agreement
- e. Wagering agreement
- f. Agreement to do impossible acts.
- g. Object of Consideration, Unlawful in part.

4. Contingent or Conditional contracts - Definition, essential characteristics of a contingent contract. Rules regarding contingent contracts.

Unit – III

25

1. 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.

2. Discharge of Contracts - Meaning

Modes of discharge -

- a. Discharge by performance
- b. Discharge by mutual consent;
- c. Discharge by subsequent impossibility – doctrine of frustration;
- d. Discharge by operation of law;
- e. Discharge by breach of contract – anticipatory breach of contract.
- f. Material alteration

3. Remedies for Breach of Contract - Consequences of Breach, Different Reliefs:

- a. Rescission
- b. Damages - liquidated damages and Penalty;
- c. *quantum meruit*;
- d. Specific performance;
- e. Injunction;
- f. Rectification
- g. Cancellation.

4. Quasi contracts - Under English and Indian law, - certain relations resembling those created by contracts

- a. Supply of necessities to incompetent person
- b. Reimbursement of interested person
- c. Liability to pay for non-gratuitous acts
- d. Finder of goods

e. Delivery by mistake or under coercion

Unit – IV

20

Specific Relief Act, 1963

Specific performance - Section 9, 10, 14, 15, 16, 19, 20, 21-24,

Rectification - Section 26,

Rescission - Section 27,

Cancellation - Section 31,

Injunctions - Sections 36 to 42,

Principles involved in the grant of above reliefs.

Recommended reading:

Avatar Singh - Indian Contract Act

Mulla - Indian Contract Act.

Anson - Principles of the English Law of Contract

P R Desai - Principles of Law of Contract

Pollock and Mulla - Indian Contract and Specific Relief Acts

Subba Rao GC Law of Contract I & II

Anand & Iyer - Specific Relief

Kapoor SK- Contract along with Specific Relief Act, 1963

Law of Crimes

Paper code – LW 103

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
Unit 1: Introduction	20
1.1 Conception of Crime	
1.2 Elements of criminal liability	
1.2.1 Author of crime – natural and legal person – human being	
1.2.2 <i>Mens rea</i> – evil intention	
1.2.3 Act in furtherance of guilty intention	
1.2.4 Injury to another	
1.3 Stages of a crime	
1.3.1 Intention to commit an offence	
1.3.2 Preparation	
1.3.3 Attempt (SS. 511, 307)	
1.3.4 Accomplishment	
1.4 Salient features of I.P.C.	
1.4.1 Definitions	
1.4.2 Jurisdiction – Territorial – Personal	
1.4.3 General Explanation	
1.4.4 Group liability – Common intention – Common object. (SS. 34, 149)	
1.4.5 Punishment	
1.4.6 White collar crime	
Unit 2: General Exceptions: Factors negating guilty intention (SS. 76 -106)	15
2.1 Mental incapacity	
2.1.1 Minority	
2.1.2 Insanity – Medical and legal insanity	
2.2 Intoxication – involuntary	
2.3 Private defence : Justification and limits	
2.3.1 When private defence extends to causing of death to protect	

body and property.

2.3.2 Necessity

2.3.3 Mistake of fact

2.4 Abetment

2.5 Criminal Conspiracy

Unit 3: Offences against State and the Public

15

3.1 Offences against the state

3.1.1 Waging war against the government of India. (SS. 121, 121A, 122, 123).

3.1.2 Assaulting high officers (S. 124).

3.1.3 Seditious (S. 124A).

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

3.2 Offences against public Tranquility

3.2.1 Unlawful Assembly (S. 141)

3.2.2 Rioting (SS. 146, 147)

3.2.3 Promoting enmity between different classes (S. 153 A)

3.2.4 Affray (SS. 159, 160)

Unit 4: Offences affecting human body and the reputation

25

4.1 Unlawful homicide-

4.1.1 Culpable homicide (S. 299)

4.1.2 Murder (S. 300)

4.1.3 Homicide by rash or negligent act (S. 304 A)

4.1.4 Suicide (S. 309)

4.1.5 Dowry death (304 B)

4.2 Hurt and grievous hurt (319 -338)

4.3 Wrongful restraint (339)

4.4 Wrongful confinement (340)

4.5 Criminal force (349 and 350)

4.6 Assault (351-358)

4.7 Kidnapping and Abduction (359- 374)

4.8 Sexual Assault (Rape) and other sexual offences (375- 377)

4.10 Cruelty to married woman (S. 498 A)

4.11 Defamation (499-500)

Unit 5: Offences against Property

25

5.1 Theft (S. 378)

5.2 Extortion (S. 383)

5.3 Robbery (S. 390)

5.4 Dacoity (S. 391)

5.5 Criminal misappropriation of property (S. 403)

5.6 Criminal Breach of Trust (S. 405)

Recommended Books:

1. Ratan Lal and Dhiraj Lal – The Indian Penal Code.
2. K.D. Gaur – Criminal Law – Cases and Materials (2008), Butterworths India.
3. Prof. T. Bhattacharyya – The Indian Penal Code.
4. S.N. Misra – The Indian Penal Code.
5. R.C. Nigam – Law of Crimes in India, Vol. I & II

Constitutional Law – I

Paper code – LW 104

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Details of Syllabus	Marks
Unit 1: Preamble, Indian Territory & Citizenship	20
1.1 Nature of state Proposed	
1.2 Sovereign, Socialist, Secular, Democratic, Republic	
1.3 Justice, Liberty, Equality, Fraternity	
1.4 India and its territory	
1.5 Citizenship under the Constitution (Articles 5-11)	
1.6 Citizenship under the Citizenship Act, 1955 (as amended upto date)	
1.7 The Foreigners Act, 1946 and The Foreigners Rules, 1964	
1.8 The Passports Act, 1967	
Unit 2: Fundamental Rights – I	20
2.1 Concept of the State (Art. 12)	
2.2 Concept of Law (Art. 13)	
2.3 Doctrine of Severability, Eclipse and Waiver	
2.4 Equality (Art. 14, 15, 16, 17)	
Unit 3: Fundamental Rights – II	20
3.1 Freedoms (Art. 19, 20)	
3.2 Right to life and liberty (Art. 21, 22)	
3.3 Right to education, Art. 21-A	
3.4 Right against exploitation (Art. 23 and 24)	
Unit 4: Fundamental Rights – III	20
4.1 Right to freedom of religion (Art. 25 – 28)	
4.2 Cultural and Educational rights of minorities (Art. 29 and 30)	
4.3 Saving of certain laws (Art. 31-A, 31-B, 31-C and Ninth schedule)	
4.4 Right to Constitutional Remedies and Judicial Review	
Unit 5: Directive Principles and Fundamental duties	20

5.1 Directive Principles of State Policy (Art 37, Art 38, Art 39, Art 39-A, Art 41, Art 44, Art 45, Art 46, Art 47, 48-A, Art 49, Art 51)

5.2 Fundamental Duties (Art 51 – A including Art 51 – A (K))

Recommended Books:

1. J.N. Pandey – Constitutional Law of India.
2. V.N. Shukla – Constitutional Law of India.
3. M.P. Jain – Constitutional Law of India.
4. D.D. Basu – Shorter Constitution.
5. Brij Kishore Sarma – Constitutional Law of India.
6. Constitutional Assembly Debate Vol. 1 to 12 (1989).
7. Granville Austin, The Indian Constitution : Cornerstone of a Nation 1966.

Optional Subjects
a) Woman and Law

Paper code – LW 105

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit –1	20
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Constitution of India - provisions regarding women

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

Unit -2	20
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Violence against women

a. Domestic violence

- i. Protection against Cruelty
- ii. Harassment for dowry
- iii. Forced prostitution
- iv. State intervention

b. Relevant provisions of

- i. The Indian Penal Code, 1890
- ii. The Criminal Procedure Code, 1973
- iii. The Indian Evidence Act, 1872
- iv. The Dowry Prohibition Act, 1961
- v. The Immoral Traffic (Prevention) Act, 1956

Unit – 3	20
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Women and Labour laws

Relevant provisions of

- i. The Equal Remuneration Act, 1976
- ii. The Maternity Benefits Act, 1961
- iii. The Factories Act, 1948
- iv. The Mines Act, 1952
- v. The Employees' State Insurance Act, 1948

Unit – 4	20
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Other protective legislations

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

Unit – 5

20

Need for gender justice. Uniform Civil Code.

Recommended books and readings

1. Diwan Paras and Divan Peeyushi, Women and Legal Protection (Deep and Deep Publications, New Delhi)
2. Shamsi Dhamsuddin, Women, Law and Social Change (Ashish Publishing House, New Delhi)
3. “Towards Equality”, Report on the Commission on Status of Women Empowerment in India. Chapters IV and Sec IV
4. The Hindu Window’s Re-marriage (Repeal) Act 1983
5. Gangrade K D, Social Legislation in India, Vols I and II
6. Bhattacharjee A M, Matrimonial Laws and the Constitution
7. Kant Anjam, Women and Law
8. Dewan V. K., Law Relating to Offences against Women
9. Mishra O P, Law relating to Women and Child
10. Reddy G B, Women and the Law
11. Batra Manjula, Woman and Law & Law Relating to Children in India.
12. The Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act, 1994
13. The Medical Termination of Pregnancy Act, 1971
14. The Muslim Women’s (Protection of Rights on Divorce) Act, 1986

b) Criminology and Penology

Paper code – LW 106

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
<u>Unit -1</u>	20
a. Definition	
b. Nature and scope of criminology and penology and the nature and extent of crime in India.	
c. The concept of crime and characteristic of criminal law	
d. Determination and differential of crime	
e. The criminal - who is a criminal?	
f. Whether criminology is a science?	
g. Objective of criminal justice system	
<u>Unit – 2 :</u> Schools of criminology	20
a. The Classical school and Neo-classical School	
b. Cartographic	
c. Socialist	
d. Typological	
e. Lombrosian	
f. Psychiatric	
g. Sociological and socio-psychological	
<u>Unit – 3</u>	20
a. Prevalence of crime	
b. Study of crime and criminal justice	
c. Identification of the causes of crime - theories	
d. Approaches to crime problem	
e. Focus on individual and environment	
<u>Unit – 4 :</u> Role and function of police	20
a. In action	
b. Police goals, objectives and functions	

- c. National Police Commission (recommendations)
- d. Appointment of Police commissioner
- e. Judicial Powers (Executive)
- f. Organised crimes
- g. Rights of victims
- h. Protection of the accused

Unit - 5

20

A. Imprisonment: History of Prisons

- a. Aims and objectives, and conditions
- b. Types of prisons
 - i. Success and failure of prisons
 - ii. Discipline and control
- c. Open air institutions

B. 1. Prison work

- 2. Education
- 3. Prison reform - schools and reformations
- 4. Rights of prisoners (contribution of the Supreme Court)
- 5. Prevention of crime and Delinquency
 - a. Punitive approach
 - b. Defence approach
 - c. Interventionist approach - prevention policies, recidivism, intervention, mechanical approach, clinical approach
- 7. White collar crime
 - a. Nature and definition
 - b. Types of white collar crime and development
 - c. Legislation to meet white collar crimes
 - d. Judicial trends

Recommended books and readings

- 1. Siddique Ahmed, Criminology
- 2. Sethna M J, Society and the Criminal
- 3. Sirohi J P S, Criminology and Criminal Administration
- 4. Paranjape N V, Criminology and Penology
- 5. Mehta Rohinton, Crime and Criminology

6. Sutherland E H, and Cressy D R, Principles of Criminology
7. Sutherland E H, White Collar Crime
8. Reckless W C. The Crime Problem
9. Bhudhan Vidya, Prison System in India
10. Mulla Committee Report

Soft Skills

Paper code – LW 108

(Credit: 2)

Full Marks: 50

Pass marks: 25

Details of Syllabus

Unit	Name of the Topic
01	Communication Skills Importance of Communication , Communication Process , Components of Effective Communication ,Effective Listening Skills, Types of Communications ,7Cs of Communication
02	Personality Development & Self Grooming Aspect of personality: Physical, Professional, spiritual, Mental.
	SELF ANALYSIS: Understanding self: Attitude, aptitude, assertiveness, self esteem, Confidence buildings. Concept of motivation
	SELF DEVELOPMENT Stress Management-Concept, causes, effects, remedies to Avoid/minimize stress. Health Management – Importance, dietary guidelines and exercises. Time management- Importance, Process of time planning, Urgent Vs importance, Factors leading to time loss and ways to handle it, Tips for effective time management. Emotion-concept, types, controlling, emotional intelligent. Creativity- concept, factors enhances creativity. Goal setting-concept, setting smart goal.
	Positive attitude: The power of Positive Attitude, Ways to develop a positive attitude.
03	FORMAL WRITTEN SKILLS Office Drafting: Circular, Notice, and Memo. Job Application with resume. Business Etiquettes. Business correspondence: Enquiry, Order letter, Complaint letter, and Adjustment letter. Report writing: Structure of Report, Report Styles
04	PRESENTATION SKILLS Body language, Dress like the audience, Posture, Gestures, Eye contact and facial expressions. Presentation Skill, Stage fright Voice and language - Volume, Pitch, Inflection, Speed, Pause Pronunciation, Articulation, Language, Practice of speech. Use of aids -OHP,LCD projector, white board

<p>05</p>	<p>GROUP DISCUSSION AND INTERVIEW TECHNIQUE</p> <ul style="list-style-type: none"> • Introduction to group discussion • Ways to carry out group discussion, Parameters— Contact, body language, analytical and logical thinking, decision making • Interview technique: Necessity, Tips for handling common questions.
<p>06</p>	<p>PROBLEM SOLVING</p> <ul style="list-style-type: none"> • Steps in problem solving, • Identify and clarify the problems • Information gathering related to problem, • Evaluate the evidence, • Consider alternative solutions and their implications • Choose and implement the best alternative • Review • Problem solving technique(any one technique may be considered): <p>1. Trial and error 2. Brain storming 3. Lateral thinking</p>
<p>07</p>	<p>WORKING IN TEAMS</p> <ul style="list-style-type: none"> • Understand and work within the dynamics of a groups. • Tips to work effectively in teams. • Establish good rapport, interest with others and work effectively with them to meet common objectives. • Tips to provide and accept feedback in a constructive and • Considerate way • Leadership in teams, handling frustrations in group.
<p>08</p>	<p>TASK MANAGEMENT</p> <ul style="list-style-type: none"> • Introduction • Task identification • Task planning, organizing and execution. • Closing the task

LL.B. Ist Year, SEMESTER – II

Family Law - II

Paper code – LW 201

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Law relating to succession and property to Hindus, Muslims, Christians and Parsis (including State laws) (with Latest amendments and up-to-date case-law)

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit – 1	25
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Hindu Law

1. Hindu Joint Family System
2. Mitakshara Joint Family
3. Coparcener and Right of Coparcener
4. Classification of Property
5. Karta of Joint Family
6. Dayabhaga Joint Family
7. Son's pious obligation
8. Alienation
9. Partition
10. Stridhan / Woman's estate

Unit – 2	25
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The Hindu Succession Act, 1956

Unit – 3	25
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Law relating to Muslims, Christians and Parsis

1. Mahomedan law of succession-principles of inheritance
2. Wakf
3. Gift
4. Pre-emption
5. Wills

Unit – 4	25
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The Indian Succession Act, 1925

Recommended books and reading

1. Diwan Paras, Family Law
2. Mulla, Principles of Mahomedan Law
3. Mulla, Principles of Hindu Law
4. Tahir Mahmood, Hindu Law
5. Mayne, Hindu Law and Usage
6. Derrett J.D.M., Introduction to Modern Hindu Law
7. Paruck, The Indian Succession Act (latest edition)
8. Tahir Mahmood, The Muslim Law of India
9. Subba Rao G.C.V., Family Law

Law of Contract - II

Paper code – LW 202

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Details of Syllabus	Marks
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Unit - 1.	25
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1. Indemnity and Guarantee

- a. Contract of indemnity (S.124-125)
- b. Contract of guarantee (S.126- 147)

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

2. Bailment and Pledge (S. 148-171)

a. Bailment- Definition, kinds of bailment, distinction between bailment and license, 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.

b. Pledge (S. 172-181)

Definition, bailment and pledge, essentials of pledge, rights and duties of pawnor and pawnee.

3. Agency (S. 182-238)

- a. Agent, Principal, Appointment and authority of agent, sub-agents, kinds of agency, creation of agency, renunciation of agency and revocation of authority.
- b. Duties of principal and agent towards each other, effect of agency on contracts with third persons.
- c. 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

25

Indian Partnership Act, 1932

1. Preliminary

2. Nature of Partnership-

Definition of partnership firm; Mode of determining existence of partnership; Distinction between Partnership and Co-ownership, Partnership and Joint Hindu Family Business, Partnership and Company.

3. Relations of partners to one another

Rights of partner, duties and liabilities of partner, property of firm and its application

4. 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.

5. Incoming and outgoing partners:

New partner, retirement of the partner, rights and liabilities of an outgoing partner, expulsion of a partner, deceased partner

6. Dissolution of a partnership firm:

Mode of dissolution, rights and liabilities of partners after dissolution, rules of settlement of accounts after dissolution.

7. Registration of a firm:

General provisions of registration, effect of registration, effect of non-registration.

Unit – III

25

Sale of Goods Act, 1930.

1. Preliminary

2. Formation of The Contract

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

3. Effect of Contract

Transfer of property as between seller and buyer, transfer of title on sale.

4. Performance of the contract of sale

Rules as to delivery of goods.

5. Rights of unpaid seller against the goods,

Definition of unpaid seller, unpaid sellers' right, sellers' lien, stoppage-in-transit, Right of re-sale.

6. Suits for breach of contract of Sale -

Remedies for breach of contract, repudiation of contract of sale before the date delivery.

7. Sale by Auction

Unit – IV

Negotiable Instruments

1. Negotiable Instruments – Definition

- a) Promissory Note
- b) Bill of Exchange – distinction between bill & promissory note
- c) Cheques – Crossing of cheques

2. Parties to Negotiable Instruments –

- a) Holder – Rights & Powers
- b) Holder in due course – Rights & Privilege

3. Endorsement –

- a) Kinds of Endorsement
- b) Effect of Endorsement

4. Presentment of Negotiable Instrument

- a) Presentment for Acceptance
- b) Presentment for Sight
- c) Presentment for Payment

5. Payment & Crossing of Cheques

6. Liabilities of Parties to Negotiable Instruments

- a) Liability of Drawer
- b) Liability of Drawee
- c) Liability of the Banker
- d) Forged Instrument
- e) Forged Endorsement
- f) Bearer Instruments

7. Dishonour of Cheque

- a) Dishonour by Non-Acceptance
- b) Dishonour by Non- Payment
- c) Notice of Dishonour
- d) Penalties in case of Dishonour of cheque

8. Discharge of Negotiable Instruments

- a) Discharge of an Instrument
- b) Discharge of a Party.

1. Indian Contract Act, 1872
2. Indian Partnership Act, 1932
3. The Sale of Goods Act, 1930
4. Negotiable Instrument Act, 1881

Recommended books and readings

1. Avtar Singh, Law of Contract
2. Mulla, Indian Contract Act
3. Mulla, Sale of Goods Act and Partnership Act
4. Bangia R K, Indian Contract Act
5. Desai P R, Principles of Law of Contract
6. Pollock and Mulla, Indian Contract Act and specific Relief
7. W. R Anson, Principles of English Law of Contract
8. Pollock and Mulla, Sale of Goods Act and partnership Act
9. Agarwal, sale of Goods Act, 1930 and Partnership Act.1932
10. Avtar Singh, Law of Partnership
11. Kapoor S.K, Law of Contract.
12. Chitty, On Contract

Constitutional Law – II

Paper code – LW 203

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Details of Syllabus	Marks
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Unit 1: The Union and The State	20
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1.1. The Union and State Executive.

1.1.1. The President and the Vice President's qualifications, election, term of office, powers, impeachment. (Articles-52-72)

1.1.2. Governor-Appointment and powers. (Arts 153-161)

1.1.3. Nature, scope and extent of executive power of the Union and States. (Arts. 73,162)

1.1.4. Relationship of the President/Governor with the Council of Ministers. (Arts. 74,75,77,78,111,102,103 (2), 217 (3), 163)

1.2. Parliament and State Legislatures.

1.2.1. Composition of Parliament and State Legislatures.

1.2.2. Qualification/Disqualification of Members.

1.2.3. Powers, privileges and immunities of parliament/ State Legislatures and its members (Arts. 105,194).

1.2.4. Parliamentary privilege and fundamental rights.

Unit 2 Union and State Judiciary:	20
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2.1 Union Judiciary- Supreme Court of India (Arts. 124-147) composition, appointment and removal of judges of Supreme Court.

2.2 State judiciary-High Court in the States.

2.3 Jurisdiction of Supreme Court – original jurisdiction, appellate jurisdiction, statutory appeal, special leave to appeal power of review, advisory jurisdiction.

2.4 Writs (Arts. 32 & 226)

2.5 Judicial review, independence of judiciary and judicial activism.

Unit 3: Relationship between the Union and the States:	20
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3.1 Distribution of legislative powers. (Arts 245-255)

3.2 Administrative relation. (Arts 256-262)

3.3 Financial relation. (Art. 264-267)

Unit 4: Emergency and Amendment Provisions:	20
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4.1 Emergency provisions-meaning and scope.

1.1.1 Proclamation of emergency. (Arts. 352,358,359)

1.1.2 Grounds of imposition of state emergency in states. (Arts. 356-357)

1.1.3 Financial emergency. (Art. 360)

1.1.4 Emergency and its effect.

1.2 Amendment of the Constitution

1.2.1 Power of the Parliament to amend the Constitution and procedure. (Art.368)

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

Unit 5: Freedom of Trade, Commerce and Inter-Course and Services under the Union and the States and election: 20

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
- Protection against arbitrary dismissal removed or reduction in rank
- Inception to Art. 311
- Election

Recommended Books:

1. Constitutional Law of India by J.N. Pandey.
2. Constitutional Law of India by V.N. Shukla.
3. Constitutional Law of India by M.P. Jain.
4. Constitutional Law of India by Brij Kishore Sharma.
5. Shorter Constitution by D.D. Basu.

Labour Laws

Paper code – LW-18-204

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Details of Syllabus

Marks

It is notified for the information of all concerned that the University Authorities have decided that the number of Act minimized to six Acts instead of eight Acts. Six Acts are mentioned below

Unit -1. Industrial Dispute Act, 1947	20
Unit - 2. The Factories Act, 1948	20
Unit - 3. The Minimum Wages Act, 1948	15
Unit - 4. The Workmen's Compensation Act, 1923	15
Unit - 5. Employees State Insurance Act, 1948	15
Unit - 6. The Payment of Wages Act, 1936	15

Recommended books and readings

1. Malik P. L. Handbook of Labour and Industrial Law.
2. Malhotra O.P. Industrial Disputes Act, 1947
3. Shrivastava K.D., Commentaries on all Labour Laws
4. Kothari G.M., A study of Industrial Law
5. Sachedeva, Industrial and Labour Law
6. Reports of the National Commission on Lanour I / II
7. Recommendation and Conventions of ILO

(Optional Subject)

a) Health Care Law

Paper code – LW 205

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit – I:	25
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Medicine and Healthcare

a. Healthcare as an issue at the national and international level

b. 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 – II:	25
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Professional Obligations of Doctors

a. Transplantation of Human Organs Act, 1994

b. Pre Conception & Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994

b. International Code of Medical Ethics

c. Indian Medicine Central Council Act, 1970

d. Dentists Act, 1948

e. The Homeopathy Central Council Act, 1973

f. The Drugs and Cosmetics Act, 1940

Unit – III:	25
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Medical Negligence

a. Ingredients

b. Role of consent in medical practice

c. Error of judgment and gross negligence

d. Wrongful diagnosis and negligent diagnosis

Unit – IV:	25
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Remedies for Medical negligence

- a. Law of Torts
- b. Law of Crimes
- c. Consumer Protection Law

Text books:

- 1. Vijay Malik – Drug and Cosmetic Act, 1940
- 2. Anoop K. Kaushal – Medical Negligence & Legal Remedies

References:

- 1. Dr. Jagdish Singh – Medical negligence Compensation
- 2. B.K. Dutta – Drug Contro

b) Media and Law

Paper code – LW 206

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit 1:	20
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Need of Law in Media

1. Freedom of Speech and Expression under the Indian Constitution and Restrictions
2. Media Personal Privileges

Unit 2:	20
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Print Media and Press Law

1. Introduction of Print Media and Press Law
2. Broadcasting and its privileges
3. Performer's Rights

Unit 3:	20
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Copy Right Act, 1999

1. Indian Copy Right Act as amended

Unit 4:	20
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Defamation

1. Provisions embodied in the Indian Penal Code
2. Indecent Representation Act, 1986

Unit 5:	20
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Print Media and Registration Act, 1867

1. National Security Act, 1980

Recommended Books:

1. Madhavi Goradia, *Facet Of Media Law*
2. *Media , Press and Telecommunication Law, 2007*
3. DR. A. Verma, *Cyber Crimes & Law*

LL.B. IInd Year, SEMESTER – III

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

Paper code – LW-18- 301

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit 1: Introduction:	10
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1.1. Definition, Object and Scope of the Act.

1.2. Transfer of Property- movable and immovable.

1.3. Interpretation Clause- ‘Immovable clause’, ‘Instrument’, ‘Attested’, ‘Registered’, ‘attached to the earth’, ‘actionable claim’, ‘notice’, ‘actually express and constructive notice.

1.4. Vested and Contingent interest, Difference, Conditional Transfer, Difference between Contingent interest and spes-successionis.

Unit 2: Transfer of Property by Act of Parties:	20
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2.1 Sec. 6- Spes-successionis, Mere right of re-entry, Easements, Restricted interest, Right to future maintenance, Mere right to sue, Pensions and stipends,

2.2 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.

2.3 Sec. 14- Rule against perpetuity- Object, Maximum remoteness of vesting, ultimate beneficiary in mothers’ womb, Exceptions to the Rule.

2.4 Sec. 26 to 29- Condition Precedent and Condition subsequent; Fulfillment of Condition Precedent and Condition subsequent

2.5 Sec.35- Doctrine of Election.

Unit 3: Transfer of Immovable Property	20
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3.1 Sec.38- Transfer by person authorized only under certain circumstances to transfer.

3.2 Sec.39- Transfer where third person is entitled to maintenance.

3.3 Sec. 40- Burden of obligation imposing restriction on use of land or of obligation annexed to ownership, but not amounting to interest of easement.

3.4 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 Co-owner, Sec. 44-46, joint transfer for consideration, Sec. 48 & 78- Priority of Rights created by Transfer. Sec. 49- Transferee's rights under policy.

3.5 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:

15

4.1 Sec. 54- Definition of Sale, how made, 'Contract for sale', Essential of valid sale.

4.2 Hire- purchase agreements, Distinction between sale and exchange, Distinction between sale and gift.

4.3 Sec. 55- Rights and liabilities of buyer and seller.

4.4 Sec. 56- Marshalling by subsequent purchase.

4.5 Sec. 57- Provision by Court for encumbrances and sale freed therefrom.

Unit 5: Mortgages, Leases, Exchanges, Gift & Actionable Claims :

20

5.1 Sec. 58- Mortgages- Definition and Essential its kinds of Rights and Liabilities of Mortgagors and Mortgagees. Sec. 100- Charges- Definition and kinds- Distinction between charge and mortgage, charge and lien.

5.2 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.

5.3 Sec. 118- Exchange- Definition, Rights and Liabilities of parties.

5.4 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.

5.5 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

15

The Indian Easements Act 1882

1. Easements (Ss 1-51)

2. Licenses (Ss 52-64)

Recommended Books on The Transfer of Property Act.:

1. By- Prof. R. K. Sinha, Transfer of Property and Easements (Publisher- Central Law Agency)

2. By- H. N. Tiwari, Transfer of Property (Publisher- Allahabad Law Agency)

3. By- S. N. Sukla. - Property Laws, Allahabad Law Agency

4. By- S. M. Lahiri – Transfer of Property

5. By- D. F. Mulla- Transfer of Property Act

Legal Language

Paper code – LW 302

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Details of Syllabus	Marks
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Unit – I	15
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Vocabulary

1. Major categories of words and phrases of foreign languages that are used in English, especially used in legal field.
2. Discrimination between synonyms and words often confused.
3. Certain set expressions and phrases in common use in legal usage.
4. Rephrasing of given sentences in different ways so as to make it milder, strongest, more defensive, more offensive or the like.

Unit – II	15
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Introduction to legal terms

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

Unit – III	15
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Composition skill

1. Sentence building exercise with special attention to word order, avoidance of ambiguity and vagueness and avoidance of obscurity.
2. Sentence linking exercises with the help of cohesive devices such as pronouns, adverbs, conjunctions etc. with special emphasis on legal writing.
3. Essay writing on topics of interest to the legal profession.

Unit – IV	15
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Comprehension and Appreciation of legal prose

1. Practice in slow careful reading of functional prose in general and legal prose in particular.
2. Practice in fast reading and retaining the content in the form of notes.
3. Exercise in note taking from speech as well as writing and précis writing.
4. 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 – V

10

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

Unit – VI

10

Translation from Marathi/Hindi to English and vice-versa, precis-writing

The students will translate English passage into Marathi/ Hindi and Marathi/Hindi passage into English of legal and non-legal passages. For this question of translation, there shall be a compulsory option of a question on Precis-writing.

Unit – VII

20

Legal Writing

Exercises on writing documents such as Will, Gift Deed, Lease, Sale-deed, Power-of-Attorney.

Recommended books and reading

1. Mishra Dr. Shrikant, Legal language and legal writing, Pioneer Publications.
2. Sen Dr. Amit, legal language, legal writing and legal drafting, Kamal Law House, Calcutta.
3. Tandon M. P. : Legal language and legal writing.
4. Bhatnagar & Bhargava, law and language, Macmillan.

Human Rights and International Law

Paper code – LW 303

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Details of Syllabus	Marks
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Unit – I	50
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Human Rights

1. Human Rights, nature, concept, origin and development, importance, classification.
2. Civil and Political rights, International instruments - UN Charter, UDHR International Covenant on Civil and Political Rights, Part III of the Constitution of India
3. Social and economic Rights, International instruments including International Covenant on Economic, Social and Cultural Rights, Part IV of the Constitution of India
4. 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)
5. Enforcement of human rights, international regional and national mechanism (Legislative, executive and judicial) NHRC - Role of legal profession, NGOs and media

Unit – II	50
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International Law

1. Introductory -
 - a History of International law
 - b. Theories of International Law as to its basis
 - c. Codification in International law
 - d. Nature scope and present day position of International law
2. Sources of International Law
 - a Treaties
 - b. Customs
 - c. General principles of International law
 - d. United Nations General Assembly resolutions as a source of International law
 - e. Non-statute, other sources of International law.
3. Relationship between international law and municipal law (internal law)
 - a. Theories
 - b. State Practice, with special reference to Indian Practice

4. Subjects of International Law

- a. State including recognition of states and governments and State succession
- b. Individuals
- c. International Organisations and non-State entities
- d. Multinational companies and other private entities

5. Jurisdiction of states

- a. Territorial jurisdiction
- b. Personal jurisdiction
- c. Protective jurisdiction
- d. Universal jurisdiction (terrorism, hijacking, narcotics, war-crimes and crimes against peace)
- e. Diplomatic immunities and privileges
- f. State immunity

6. Law of State responsibility

- a. Responsibility arising out of
 - i. Acts of State (Direct responsibility)
 - ii Acts of individuals (indirect responsibility)
 - iii. Act of corporations
 - iv. State responsibility for other subjects of international law
- b. Consequences of state responsibility
- c. Calvo clause - exhaustion of local remedies

7. Settlement of International disputes

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

8. International Transactions - Treaties

- a. Significance of Vienna Convention on law of treaties
- b. Creation of treaty - steps involved
- c. Termination, suspension and invalidation of treaties
- d. Interpretation of treaties
- e. Retro-active effect of treaties

9. Individuals and International law

- a. Extradition

b. Asylum

c. Nationality

10. International Institutions

a. Basic purposes. Principles and membership of United Nations

b. Organs of United Nations - with special reference General Assembly, Security Council and International Court of Justice.

11. Legal Control of International Conflicts

a. Prohibition of use of force

b. Weapons of mass destruction and International law

c. International Humanitarian law

Recommended books and reading

1. Kapoor S K, Human Rights and Indian Laws International Law

2. Agarwal H O, International Law and Human Rights

3. Tondon M.P, International Law

4. Gurdip singh, International Law

5. Starke J.G, Introduction to International Law

6. Shaw Malcohm N, International Law

7. VR Krishna, Iyer Human Rights in India

8. Chandra Upendra, Human Rights

9. Diwan Paras, Human Rights and Law

10. Brownlie Ian, Principles of Pubic International Law

11. O'Connell, International Law

12. Oppenheiml, International Law (Vols 1 & 2)

13. Hamis, cases and Material on International Law

14. Green L.C., Cases and Materials on International Law

15. Indian Journal of International Law

Arbitration and Conciliation and Alternative Disputes Resolution Systems

Paper code – LW 304

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit-I ARBITRATION	50
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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-II :	20
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CONCILIATIONS : Sections 61 to 81.

Unit – III	30
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ALTERNATIVE MODELS OF DISPUTE SETTLEMENT

1. Models of Dispute Settlement, Litigation versus Arbitration Models of Alternative Dispute Resolutions. Negotiation, Conciliation, Mediation, Mini-trial, Fast Tract Arbitration. Nature, Scope, Limitations and necessity of alternative models of disputes resolution.

2. Administrative tribunals - Article 323 A and B

3. Family Court under the Family Court Act, 1984.

4. Consumer Council and forums under the Consumer Protection Act, 1986.

5. Settlement of Dispute through Lok Adalat and Lok Nyayalayas. Grassroots Justice and Panchayat System for Resolution of dispute.

LIST OF BOOKS IN ARBITRATION AND CONCILIATION ACT

1. Avtar Singh: Law of Arbitration and Conciliation (E.B.C. Lucknow)
2. Basu N.D. : Arbitration and Conciliation Act (UBT)
3. Johari : Commentary on Arbitration and Conciliation Act (UBT)
4. Krishnamurthys : Law of Arbitration and Conciliation (E.B.C. lunknow)
5. Kwatra G.K. : New Arbitration and Conciliation Law of India Comparative Study of old and new.(Indian Council of Arbitration, Federation House, Tansen Marg, New Delhi)
6. Mathur G.C. : Arbitration and Conciliation Act, 1996
7. Roy P.C. : Arbitration and Conciliation Act (UBT)
8. Roy Chaudhari : Arbitration and Conciliation Act
9. Narayana P.S. : Arbitration and Conciliation Act
10. Tewari O.P. : Arbitration and Conciliation Act (ALA Allahabad)
11. Rao P.C. : Alternative Dispute Resolution What it is and How it is (UBT)
12. Upendra Baxi : Crisis of the Indian Legal System, (1982)
13. B.S.Patil : The Law of Arbitration and Conciliation
14. S.D.Singh : The Law Arbitration

Optional Subject

a) Cyber Laws

Paper code – LW 306

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit I: Introduction to the Cyber World and Cyber Law	25
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- A. Cyber World: An Overview
 - a. The internet and online resources
 - b. Security of information
 - c. Digital signature
- B. An Overview Cyber Law
 - a. Introduction about the cyber space
 - b. Regulation of cyber space – introducing cyber law
 - c. Scope of Cyber laws – e-commerce; online contracts; IPRs (copyright, trademarks and software patenting); e-taxation; e-governance and cyber crimes
 - d. Cyber law in India with special reference to Information Technology Act, 2000 (Amended Till Date)

Unit II: Regulatory Framework	25
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- A. International Legal Regime
 - a. International legal regime relating to Cyber Crimes
 - b. European Convention on Cyber Crimes
 - c. Hague Convention on Jurisdiction and Foreign Judgments: Jurisdiction Agreement
- B. International legal regime relating to E-Commerce
 - a. UNCITRAL Model Law on Electronics Commerce 1996
 - b. International legal regime relating to Intellectual Property Rights – (i) Berne Convention; (ii) Rome Convention; (iii) WIPO Copyright Treaty; (iv) WIPO Performance and Phonograms Treaty; (v) UDRP; (vi) OECD convention on Database protection
- C. Domestic Legal Regime – Cyber Law in India
 - Information Technology Act, 2000 – Digital Signature; E-Governance; Regulation of Certifying Authorities; Duties of Subscribers; Penalties and Adjudications; Offences under the Act; Making of Rules and Regulations etc.

Unit III: Cyber Crimes	25
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- A. Introduction – computer crime and cyber crimes; Classification of cyber crimes.
- B. Cyber crime and Related Concepts

- a. Distinction between cyber crime and conventional crimes
- b. Reasons for commission of cyber crime
- c. Cyber forensic
- d. Cyber criminals and their objectives
- e. Kinds of cyber crimes – cyber stalking; cyber pornography; forgery and fraud; crime related to IPRs; Cyber terrorism; computer vandalism etc.

C. Regulation of cyber crimes

- a. Issues relating to Investigation
- b. Issues relating to Jurisdiction
- c. Issues relating to Evidence
- d. Relevant provisions under Information Technology Act, 2000, Indian Penal Code, Pornography Act and Evidence Act etc.

Unit IV: E-Commerce

25

A. Online business

- a. Definition of E-commerce
- b. Types of E-commerce
- c. Important Issues in Global E-commerce
 - i. Issues relating to Access (to infrastructure; to contents; universal access; Digital Divide and Universal Divide);
 - ii. Trust, Privacy
 - iii. Security
 - iv. Consumer Protection
 - v. Content Regulation; Uniformity in Legal Standards pertaining to internet.
- d. Application of conventional territory based law to E-commerce
 - i. Taxation
 - ii. Intellectual Property Rights
 - iii. International Trade
 - iv. Commercial law and standards
 - v. Dispute resolution

B. IPR Issues

- a. IPR – An Overview
- b. Copyright Issues in Cyberspace
 - i. Linking
 - ii. In-lining
 - iii. Framing
 - iv. Protection of content on web site
 - v. International Treaties
- c. Trademark Issues in cyberspace
 - i. Domain Name Dispute
 - ii. Cyber squatting
 - iii. Uniform Dispute Resolution Policy
 - iv. Meta-tags and Key words
- d. Computer Software and Related IPR Issues

Suggestive Readings:-

1. Cyber Law in India by Farooq Ahmad – Pioneer Books
2. Information Technology Law and Practice by Vakul Sharma – Universal Law Publishing Co. Pvt. Ltd.
3. The Indian Cyber Law by Suresh T Vishwanathan – Bharat Law house New Delhi.
4. Hand book of Cyber & E-commerce Laws by P.M. Bakshi & R.K.Suri – Bharat Law house, New Delhi.
5. Guide to Cyber Laws by Rodney D. Ryder – Wadhwa and Company Nagpur. The Information Technology Act,2000 – Bare Act – Professional Book Publishers – New Delhi
6. Cyber Laws by Justice Yatindra Singh
7. Fundamental of Cyber Law - Rohas Nagpal

b) Trust and Equity

Paper code – LW 307

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit – I	40
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The Indian Trusts Act 1882

1. Preliminary

a. Definitions - Trust, author of the trust, trustee, beneficiary, trust property, beneficial interest, instrument of trust, breach of trust, cestui que trust

b. Comparison of trust with other relationships

i. Private trust and Public/charitable trust

ii. Trust and debt

iii. Trust and Ownership

iv. Trust and Bailment

v. Trust and Agency

vi. Trust and Contract

vii. Trust and Conditions

viii. Trust and Equitable Charge

ix. Trust and Mortgage

x. Trust and Administration

2. Kinds of trusts

3. Creation of trusts

4. Appointment of trustees

5. Duties and Liabilities of trustees

6. Rights and Powers of trustees

7. Disabilities of trustees

8. Rights and Liabilities of the Beneficiary

9. Vacating the Office of Trustee

10. Extinction of Trusts

11. Certain Obligations in the Nature of Trusts

12. Fiduciary relations - concepts and kinds

Unit – II

40

The Bombay Public Trusts Act 1950

1. Definitions - public trust, math, person having interest, temple, wakf, trustee
2. Establishments
3. Charitable purposes and validity of certain public Trusts
4. Registration of Public Trust
5. Budget, Accounts and Audit
6. Powers and duties and restrictions on trustee etc.
7. Control, powers and functions of Charity Commissioner
8. Other functions and powers of Charity Commissioner, Dharmada, cypress
9. Special provision as respects religious and charitable institutions and endowments
10. Public Trusts Administration Fund
11. Offences and Penalties
12. Function of Charity Commissioner, Procedure, jurisdiction and Appeals

Unit – III

20

Principles of equity and maxims

1. Concept and definition of equity
2. Origin and development
3. Maxims of equity
 - a. Equity will not suffer a wrong to be without a remedy.
 - b. Equity follows the law.
 - c. Where there is equal equity, the law shall prevail.
 - d. Where the equities are equal, the first in time shall prevail.
 - e. He who seeks equity must do equity.
 - f. He who comes into equity must come with clean hands.
 - g. Delay defeats equities.
 - h. Equality is equity.
 - i. Equity looks to the intent rather than to the form.
 - j. Equity looks on that as done which ought to be done.
 - k. Equity imputes an intention to fulfill an obligation
 - l. Equity acts in personam.

Recommended books and readings

1. Iyer N Suryanarayanan, The Indian Trust Act
2. Rangacharya I V, The Indian Trusts Act
3. Aggarwal O P, The Indian Trusts Act
4. Tandon M P, The Indian Trusts Act
5. Chaudhari D H, The Bombay Public Trusts Act, 1950
6. Shah K N, The Bombay Public Trusts Act, 1950
7. Apte M S, The Bombay Public Trusts Act, 1950
8. Gupte and Dighe, The Bombay Public Trusts Act, 1950
9. Snell's Principles of Equity
10. Ahmad Aquil, Equity, Trusts and Specific Relief
11. Baasu Durga Das, Equity, Trusts and Specific Relief

LL.B. IInd Year, SEMESTER – IV

Jurisprudence

Paper code – LW 401

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
Unit 1: Introduction	20
1.1 Definition, Nature and Scope of Jurisprudence	
1.2 Definition, nature and kinds of Law, State and Sovereignty	
1.3 Justice – Meaning and kinds, Civil and Criminal Justice. – Administration of Justice, Punishment theories	
1.4 Sources of Law – Legal and Historical sources of Law – Legislation – Precedent – Custom – Writings of Jurists – Conventions and Treaties, etc.	
Unit 2: Basic Theory of Law : Schools of Law (Part – I)	20
2.1 Analytical Legal Positivism - Different approaches of Austin, Bentham and Hart	
2.2 Kelson’s Pure Theory of Law - ‘Grundnorm’	
2.3 Historical School of Law - Contribution of Savigny - Distinction between Legal History and Historical Jurisprudence - Analytical School and Historical School	
Unit 3: Basic Theory of Law : Schools of Law (Part - II)	20
3.1 Sociological School of Law. - approaches of Ihering, Duguit, Spencer.	
3.2 Roscoe Pound’s ‘Social Engineering’.	
3.3 ‘Social Solidarity’ and its implications.	
3.4 American Realism – ‘Human Factor’ and Scandinavian Realists.	
3.5 Natural Law School – Origin, Development and revival in 20th century.	

- Human Rights – Fundamental Rights in Indian Constitution.
- Reflections in the Constitution of India as well as in the decisions of Supreme Court of India with special reference to Maneka Gandhi Vs. Union of India, AIR 1978 SC 597.

Unit 4: Legal Concepts

20

4.1 Persons – Natural and Artificial of Legal – implications.

4.2 Legal Rights and Duties

- Analysis of legal rights and kinds of legal rights
- Hohfeld's Theory

4.3 Definition, nature and kinds of Liability

- Civil and Criminal Liability
- Remedial and Vicarious Liability etc.
- Negligence and Duty of Care, Strict Liability

4.4 The Law of Obligations

4.5 The Law of Property

4.6 Ownership and Possession

- Concepts & Distinction
- Kinds of Ownership
- Social control of Ownership
- Kinds of Possession
- Possessory remedies

4.7 Feminist Jurisprudence

4.8 Law of Procedure

Unit 5: Indian Legal System

20

5.1 Concepts of Dharma – Shrutis and Smritis Supremacy of Law over King & State – Law is the King of Kings.

5.2 Indian Legal System after independence

5.3 Natural Law – Indian concepts and perception with special reference to Kesavananda Bharti Vs. State of Kerala AIR 1973 SC 1461

5.4 Concept of Truth (Satya), Non-violence (Ahimsa) and Right code of Moral conduct (Sadachar) and Indian Constitution

5.5 Analytical Positivism and Legal Positivism

Recommended Books:

1. Jurisprudence and Legal Theory – by V.D. Mahajan.
2. Fundamentals of Jurisprudence – The Indian Approach – by Dr. S.N. Dhyani.
3. Jurisprudence – The Philosophy and Method of Law – by Bodenheimer.
4. Jurisprudence – by R.W.M. Dias.
5. Jurisprudence – Legal Theory – by Dr. B.N. Mani Tripathi.
6. The Concept of Law – by H.L.A. Hart.
7. Introduction to Jurisprudence – by Dr. Avtar Singh.
8. Salmond on Jurisprudence – by Sir P.J. Fitzgerald

Law of Torts including Motor Vehicle Accident and Consumer Protection Laws

Paper code – LW 402

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit 1: Definition and Nature of Tort	20
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1.1 General Principles – Definition, nature, scope, characteristics – Tort in England and Tort in India.

1.2 Distinction between Tort and Crime, Tort and Breach of Contract, Tort and Breach of Trust, Tort and Quasi Contract etc.

1.3 Essential Conditions of Liability in Tort

- Damnum Sine Injuria

- Injuria Sine Damnum

- Malice, Motive, Intention

1.4 Foundation of tortious liability, Fault liability, Strict liability, Statutory liability, Liability without fault, Principles of Insurance in tort.

Unit 2: General Exception to Liability in Tort and Vicarious Liability	20
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2.1 Volenti Non fit Injuria, Act of God, Inevitable Accident, Necessity, Private Defence, Statutory Authority.

2.2 Act of State, Plaintiff the wrongdoer, Judicial and Quasi – Judicial acts, Executive act, Mistake, Parental and Quasi – Parental authority.

2.3 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	20
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3.1 Trespass to the Person – Assault battery, mayhem

– False imprisonment

3.2 Trespass to land – its remedies

3.3 Defamation (with essentials) – Innuendo, Libel, Slander, Defences

3.4 Nuisance – Private and Public Nuisance

- 3.5 Negligence – Contributory Negligence
- 3.6 Abuse of legal procedure – Malicious Prosecution
- 3.7 Deceit – Rule in Derry Vs. Peak
- 3.8 Strict liability – Rule in Rylands Vs. Fletcher

Unit 4: Consumer Disputes Redressal Agencies

30

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

Unit 5: Motor Vehicle Act, 1988

10

- Introduction
- No Faulty Liability
- Compensation
- Liability of Insurer
- Claims Tribunal

Recommended Books:

1. *Law of Torts by R.K. Bangia (including compensation under the Motor Vehicle Act & Consumer Protection Laws) – (Allahabad Law Agency)*
2. *The Law of Tort and Consumer Protection Act – by M.N. Shukla (Central Law Agency)*
3. *Law of Torts – by Dr. S.K. Kapoor (Central Law Agency)*
4. *Law of Torts- Dr. N. V. Paranjape (Central Law Agency)*

Interpretation of Statute

Paper code – LW 403

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Details of Syllabus	Marks
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Unit 1: Interpretation of Statutes	20
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- 1.1 Meaning, Objects and Scope of ‘interpretation’, ‘construction’ and ‘statute’
- 1.2 Nature and Kinds of Indian Laws: Statutory, Non-statutory, Codified, Uncodified, State-made and State-recognised laws
- 1.3 Commencement, operation and repeal of statutes
- 1.4 Purpose of interpretation of statutes.
 - 1.4.1 Basic Sources of Statutory Interpretation
 - (i) The General Clauses Act, 1897: Nature, Scope and Relevance (Ss.6- 8)
 - (ii) Definition clauses in various Legislations: Nature and Interpretative Role

Unit 2: Interpretation	20
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- 2.1 Aids to Interpretation (Parts of the statute and their interpretative role)
 - 2.1.1 Internal aids
 - 2.1.2 Title
 - 2.1.3 Preamble
 - 2.1.4 Headings and marginal notes.
 - 2.1.5 Sections and sub-sections
 - 2.1.6 Punctuation marks.
 - 2.1.7 Illustrations, exceptions, provisos, saving clauses, explanations and schedules
 - 2.1.8 Non-obstante clause.
 - 2.2 External aids
 - 2.2.1 Role of Constituent Assembly debates in the interpretation of the Constitution of India
 - 2.2.2 Legislative history- Legislative Intention, Statement of objects and reasons, legislative debates, Committee reports, Law Commission reports etc.
 - 2.2.3 International-law and human-rights documents
 - 2.2.4 Dictionaries-Translations
 - 2.2.5 Statutes in pari materia

Unit 3: Rules of Statutory Interpretation **20**

3.1 Primary Rules

3.2 Literal rule

3.3 Golden rule

3.4 Mischief rule (rule in the Heydon's case)

3.5 Rule of harmonious construction

3.6 Secondary Rules

3.6.1. Noscitur a sociis (Associated words)

3.6.2. Eiusdem generis

3.6.3. Reddendo singula singulis

Unit 4: Maxims of Statutory Interpretation **20**

4.1 Delegatus non potest delegare

4.2 Expressio unius exclusio alterius

4.3 Generalia specialibus non derogant

4.4 In pari delicto potior est conditio possidentis

4.5 Utres valet potior quam pareat

4.6 Expressum facit cessare tacitum

4.7 In bonam partem

Unit 5: Interpretation with reference to subject matter and purpose **20**

5.1 Taxing Statute

5.2 Penal Statute

5.3 Welfare legislation

5.4 Colourable legislation

5.5 Residuary power

5.6 Doctrine of repugnancy

Prescribed Legislation:

The General Clauses Act, 1897

Recommended Books:

1. P. St. J. Langan, *Maxwell on the Interpretation of Statutes* (12th ed., 1969)

2. Vepa P. Sarathi, *Interpretation of Statutes* (4th ed., 2003)

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

Principles of Taxation Law

Paper code – LW 404

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

Details of Syllabus	Marks
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Unit -1.	30
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Introduction – Nature and Scope of Taxation

1. History of tax law in India
2. Fundamental principles relating to tax laws
3. Governmental financial policy, tax structure and their role in the national economy.
4. Concept of tax:
5. Nature and characteristics of taxes
 - Distinction between:
 - Tax and fee
 - Tax and cess
 - Direct and indirect taxes
 - Tax evasion and tax avoidance
6. Scope of taxing powers of Parliament, state Legislature and local bodies.

Unit - 2.	35
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Income Tax Act 1961

1. Basic Concepts
2. Heads of income
3. Deductions, relief and exemptions
4. Income Tax Authorities
5. Offences and penal sanctions
6. Settlement of grievances
7. Authorities, powers and functions

Unit - 3.	35
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GST

Recommended 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 Excise 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.

Company Law

Paper code – LW-18- 405

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
Unit 1: Introduction	20
1.1 Historical background	
1.2 Meaning, definition, features or characteristics of a company.	
1.3 Different types of companies, definitions, distinction and conversion.	
1.4 Distinction between company and partnership.	
Unit 2: Formation of Company	20
2.1 Formation, Registration and Incorporation, Certificate of Incorporation, Commencement of Business, Advantages and Disadvantages of Incorporation of Company.	
2.2 Promoter, meaning, legal position, duties and liabilities.	
2.3 Memorandum of association, articles of association, clauses and conditions, legal effects, alteration, doctrine of <i>ultra-vires</i> , constructive notice, doctrine of indoor management.	
Unit 3: Prospectus, Shares and Membership	20
3.1 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.	
3.2 Shares, meaning, definition, characteristics, classifications, distinction, allotment, transfer and transmission of shares, share certificate, share warrant, stock and shares, share at discount, call on shares, forfeiture of shares.	
3.3 Members, modes of acquiring membership, shareholders, their rights, duties and liabilities.	
3.4 Majority rule, oppression of minority shareholders, protection of minority against oppression and mismanagement.	
Unit 4: Law Relating to Debt, Finance and Company Management	20

4.1 Debenture, meaning, definition, nature and classification, creation of charges, fixed and floating charges, conversion, distinction between debenture and share.

4.2 Shareholders' meeting, meaning, classification, resolutions etc.

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

4.4 Auditors, appointment, removal, rights, duties and liabilities, auditors are watch dogs and not blood hounds etc.

Unit 5: Administrative Regulations and Winding up

20

5.1 Central government control by registrar of companies

5.2 Company law tribunals, role of National Company Law Tribunal (NCLT) and National Company Law Appellant Tribunal (NCLAT) etc.

5.3 SEBI (Security Exchange Board India)

5.4 Winding up, meaning, definition, classification, consequences, liquidator, contributory etc.

Recommended Books:

1. Company law by – Palm
2. Company law by – Gower
3. Company law by – Avtar Singh
4. Morden Company law by – S.C. Tripathi

LL.B. IIIrd Year, SEMESTER – V

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

Paper code – LW 501

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 40 [24+16]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit 1: Introduction	20
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1.1 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, Plaint, Pleading, Written Statement, Decree, Judgment, Order, Decree holder and Decree debtor, Legal representative, Mesne Profit, Execution etc.

1.2 Jurisdiction of Civil Courts, Cause of Action, Res sub-judice, Res judicata, Constructive Res judicata.

1.3 Institution of Suit, Essentials of Suits, Parties to Suit, Representative Suit, Frame of Suit.

1.4 Pleadings- Definition, Basic Rules, Construction of Pleadings, Signing and verification of pleading , Amendment of pleading.

1.5 Plaint– Meaning, particulars, Written Statement, Set-off, Legal set-off, Equitable set-off, Set-off and Counter – claim.

1.6 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:	20
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2.1 Appearance and non- appearance of parties, Ex parte decree.

2.2 First Hearing – Meaning, object. Disposal of Suit at first hearing.

2.3 Discovery, Inspection and Production of Documents.

2.4 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.

2.5 Interim orders, Issue of commission and its purpose arrest before judgment, attachment before judgment,

- Temporary injunctions, Interlocutory orders (order 39, Rules 1-5)

2.6 Withdrawal and Compromise of suits.

2.7 Summoning and attendance of witness, summons to produce documents, adjournments,

2.8 Hearing of suit.

2.9 Judgment – its essentials, pronouncement of judgment, copy and contents of judgment, alteration in judgment.

2.10 Decree – its essentials, decree and judgment, contents etc.

2.11 Award of Interest and Award of Costs.

Unit 3: Special Suits:

20

3.1 Suits by or against Government or public officers, suits by aliens, suits by or against Foreign Rules, Ambassadors and Envoys.

3.2 Suits by or against corporations, suits by or against partnership firms, suits by or against trustees, executors and administrators.

3.3 Suits against minors and lunatics, guardians or next friends, suits concerning family matters.

3.4 Inter-pleader Suit.

3.5 Suits by indigent persons.

3.6 Summary Suits.

3.7 Arrest and attachment before judgment.

3.8 Temporary Injunctions and Interlocutory orders.

3.9 Appointment of Receiver.

Unit 4: Appeals, Reference, Review, Revision and Execution

20

4.1 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.

4.2 Review – meaning, nature and scope, object, review and appeal, review and reference, review and revision, circumstances, grounds, procedure at hearings.

4.3 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.

4.4 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.

4.5 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.

4.6 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

20

5.1 Meaning of law of limitation, nature and object,

5.2 Plea of bar of limitation and its efficiency

5.3 Condonation of delay and the doctrine of sufficient cause.

5.4 Doctrine legal disability, continuous running of time,

5.5 Rules regarding execution of prescribed time.

5.6 Effect of certain events on computation of period of limitation.

Recommended Books: *on The Civil Procedure Code by,*

1. C.K. Takwani (Thakkar)

2. Dr. Avtar Singh

3. M.P. Tandon

4. S.N. Singh

5. S. Rows.

on Law of Limitation by,

1. K.K. Srivastava

2. Dr. D.N.R. Pandey

Law of Evidence

Paper Code – LW-18- 502

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit 1: Introduction	20
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- 1.1 The main features of the Indian Evidence Act, 1872
- 1.2 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.
- 1.3 Central conceptions in Law of Evidence
 - 1.3.1 Facts, Distinction between Relevant facts and facts in issue.
 - 1.3.2 Proved, Not Proved and Disproved.
 - 1.3.3 Oral and Documentary Evidence.
 - 1.3.4 Circumstantial Evidence and Direct Evidence.
 - 1.3.5 Presumption (Ss. 4, 113A-113-B, 114)
 - 1.3.6 Witness
 - 1.3.7 Appreciation of evidence.
- 1.4 Applicability of Evidence Act on Electronic Record.
- 1.5 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:	20
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- 2.1 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
- 2.2 Doctrine of Res Gestae (Ss. 6-9, 11)
- 2.3 Evidence of Common Intention – relating to conspiracy (S. 10)
- 2.4 The problems of relevancy of “otherwise” irrelevant facts (Sec. 11)
- 2.5 Relevant facts for proof of custom (S. 13)
- 2.6 Facts concerning bodies and mental state (Ss. 14, 15)
- 2.7 Relevancy and Admissibility of facts
- 2.8 Admission and confession (Ss. 24-30)
 - 2.8.1 Definition
 - 2.8.2 Similarity and difference between ‘admission’ and ‘confession’

- 2.8.3 Admission in civil cases, when relevant (S. 23)
- 2.8.4 Classification of confession – judicial and Extra-judicial
- 2.8.5 Confession to police (Ss. 25-30)
- 2.8.6 Retracted confession (S. 27)
- 2.8.7 Improper admission and rejection of evidence

Unit 3: Dying Declaration (Ss. 32-55) 20

- 3.1 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
- 3.2 How much of a statement to be proved (S. 39)
- 3.3 Relevance of judgment (Ss. 40-44)
- 3.4 Opinion of third person when relevant (Ss. 45-51)
- 3.5 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 : 20

- 4.1 Facts which need not be proved (Ss. 56-58)
- 4.2 Oral Evidence (Ss. 59-60)
- 4.3 Documentary Evidence (Ss. 61-73)
 - in aspect of electronic records, video conferencing and digital signatures and its verification.
- 4.4 Public Documents (Ss. 74-78)
- 4.5 Presumptions of documents (Ss. 79-90), including electronic forms, electronic agreements, electronic records and digital signatures, electronic messages etc.
 - Presumption to electronic records of five years old (Ss. 90-A)
- 4.6 Exclusion of oral by documentary evidence (Ss. 91-100)
- 4.7 Burden of Proof. – in civil and criminal cases (Ss. 101-114A)
- 4.8 Estoppel (Ss. 115-117)

Unit 5: Witnesses and Examination of Witnesses (Ss. 118-166) 20

5.1 Who may testify

5.2 Dumb witnesses

5.3 Parties to a civil suit and their wives or husbands

– Husband of wife of person under criminal trial.

5.4 Judicial privileges

5.5 Privileged communications

– during marriage, as to affairs of state

– information as to commission of offences

– sources of information as to offences

5.6 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)

5.7 Evidence of Accomplice

5.8 Examination of witnesses

– Examination in chief, cross examination, re-examination, order of examination - leading questions,

– Hostile witnesses

– Child witness

5.9 Improper admission and rejection of evidence

Recommended Books on The Indian Evidence Act, by:

1. Ratanlal Dhirajlal

2. Dr. Artar Singh

3. Batuk Lal

4. Rameshwar Dayal

5. Vepa P. Sarathi

6. Robert Cross

7. Sarkar

Administrative Law

Paper code – LW 503

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit 1: Introduction :	20
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1.1 Definition, Nature and scope of Administrative Law.

1.2 Reasons for Development and Growth of Administrative Law.

1.3 Sources of Administrative Law.

1.4 Relationship between constitutional Law and Administrative Law.

1.5 Droit Administrative – *Conseil D'etat*.

1.6 Meaning and concept of Rule of Law, Dicey's concept of Rule of Law, Rule of Law in Indian context.

– Dicey's Rule of Law and Droit Administrative.

1.7 Doctrine of separation of Power, application of separation of Power in India, United states of America and United Kingdom.

1.8 Administrative Action, its classification (quasi legislative, quasi judicial and administrative)

1.9 Administrative Discretion – meaning and action – Abuse of Discretion

1.10 Administrative Discretion and Administrative Discrimination.

Unit 2: Delegated Legislation:	20
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2.1 Meaning and concept of Delegated Legislation.

2.2 Reasons for growth of Delegated Legislation.

2.3 Advantages and Disadvantages of Delegated Legislation.

2.4 Delegated Legislation in United States of America and United Kingdom.

2.5 Committees on delegated legislation – its constitution and functions.

2.6 Delegated Legislation of Taxing Statute.

– Control Mechanism

2.6.1 Judicial control

2.6.2 Parliamentary control

2.6.3 Procedural control

2.7 Sub-Delegations of legislative powers – *delegata potestas non potest delegare*.

Unit 3: Principles of Natural Justice (Practice and Procedure of Administrative Adjudication)

20

3.1 Concept of Principles of Natural justice

3.2 Rule against Bias – Nemo debet esse iudex in propria causa

3.2.1 Personal Bias

3.2.2 Pecuniary Bias

3.2.3 Subject matter Bias

3.2.4 Departmental Bias

3.2.5 Preconceived Bias

3.2.6 Bias on account of obstinacy – Doctrine of Necessity

3.3 Rule of Fair Hearing – Audi Alteram Partem

3.3.1 Right to Notice

3.3.2 Right to know the evidence against him

3.3.3 Right to present case and evidence

3.3.4 Right to rebut adverse evidence

3.3.5 Report of the enquiring to be shown to the other party

3.3.6 No Evidence at the back of other party

3.3.7 Right to cross examination

3.3.8 Financial incapacity to attend the Enquiring

3.4 Reasoned Decisions

3.4.1 Institutional Decision

3.4.2 Post Decisional Hearing

3.5 Exclusion of Principles of Natural justice

3.6 Administrative tribunals and other adjudicating authorities – powers and functions

3.7 Tribunals – nature, constitution, jurisdiction and procedure

3.8 Advantages of justice by Tribunals – openness, Fairness, Impartiality, Absence of Technicalities of Evidence and Procedure

3.9 Administrative Tribunals established under the Administrative Tribunals Act, 1985

3.10 Distinction between Quasi-Judicial and Administrative functions

3.11 Distinction between Tribunals and Courts of Law

Unit 4: Judicial Review of Administrative Action – Judicial Remedies

20

4.1 Jurisdiction of the Supreme Court and High Court

4.1.1 Under Articles 32 and 136

4.1.2 Jurisdiction of the High Court's under Articles 226 and 227

4.2 Rules restricting judicial review – locus standi, laches, resjudicata, exhaustion of Alternative/administrative remedies, no dismissal of petition – without speaking order, finality of administrative action

4.3 Violation of Procedural norms

– Doctrine of Legitimate Expectation

– Doctrine of Public Accountability

– Doctrine of Proportionality

4.4 Remedies in judicial Review – writs

4.4.1 Writ of *Certiorari*

4.4.2 Writ of *Prohibition*

4.4.3 Writ of *Mandamus*

4.4.4 Writ of *Quo Warranto*

4.4.5 Writ of *Habeas Corpus*

Unit 5: Other Remedial Procedures –

20

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

5.1 Nature and purpose of Public Interest Litigation, Locus Standi, procedure, class actions.

5.2 Liability of the Administration in Contract

5.3 Liability of Administration in Tort

5.4 Privileges and Immunities of the Administration in suits

5.5 Statutory Public Corporations, its characteristics, classifications, liability, status of employers control of statutory corporations – Government companies.

5.6 Ombudsman meaning and objectives, development in England, U.S.A. and India

5.6.1 Working of Lokayuktas in the states

5.6.2 Right to know – working of Right to Information Act, 2005

5.6.3 Control by Vigilance Commission

5.7 Constitutional Protections of civil servants

– Doctrine of Pleasure

– Constituency of Article 311

5.7.1 Procedural safeguards

– No termination by subordinate authority

– Reasonable opportunity to defend

5.7.2 Working of the Administrative

Tribunals – central Administrative

Tribunals and state Administrative Tribunals

Recommended Books on Administrative Law by:

1. I.P. Massay
2. C.K. Thakker
3. Kailash Rai
4. D.D. Basu
5. V.J.R. Upadhyay
6. V.P.D. Kesari
7. M.P. Gain
8. S.P. Sathe – The Tribunal System in India
9. H.W.R. Wade and C.F. Toroth
10. S.N. Gain – Administrative Tribunals in India

Drafting, Pleading and Conveyancing

Paper code – LW-18-504

(Credit: 4)

Full Marks: 100 [90 +10]

Pass marks: 50

Outline of the course:

a) Drafting – General principles of drafting and relevant substantive rules shall be taught.

b) Pleadings –

i) Pleadings in general, object of pleadings and fundamental rules of pleadings.

ii) Civil: 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.

iii) Criminal: Complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.

iv) Form of Pleadings: Practical exercises on any of the 15 following topics:

15x3 = 45

- 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.

c) Conveyancing:

i) Conveyancing in general, object of conveyancing and component parts of a deed.

ii) Forms of deeds and notices: practical exercises on any fifteen of the following: -

15x3=45

- 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 ejectment to the tenant under S. 106 of the T.P. Act., 1982
- Notice under S. 80 of the Code of Civil Procedure, 1908.

Viva-voce 10

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 (minimum 15 for Drafting and minimum 15 for Conveyancing) 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.

Prescribed Legislation:

The Code of Civil Procedure. 1908, Orders VI to VIII.

Recommended Books:

1. M.C. Agarwal and G.C. Mogha, *Mogha's The Law of Pleadings in India*
2. J.M. Srivastava and G.C. Mogha, *Mogha's The Indian Conveyancer*
3. M.R. Mallick, Ganguly's, *Civil Code: Practice and Procedure*
4. C.R. Datta and M.N. Das, *De Souza's, Forms and Precedents of Conveyancing.*
5. N.S. Bindra, *Conveyancing*, Vol. 1-5, Law Publisher, Allahabad

Optional Subject

a) Intellectual Property Rights

Paper code – LW 505

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit – I	20
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The Patents Act, 1970

1. Object of the statute, definitions, invention patentable inventions, inventor and his rights,
2. Procedure for grant of patent from its application to the grant of patent, including who may apply for a patent, specification, opposition to grant of patent, Patent of addition, Product patent and process patent, Effect of grant of patent, Term of patent, Renewal of patent, Lapse of patent and its restoration.
3. Patentee, his rights and obligations; Limitations on patentee's rights-government use; Compulsory licenses; Government use of Invention and its acquisition, Assignment and license of patent, and avoidance of restrictive conditions,
4. Revocation and surrender of patents
5. Infringement of patents, and remedies, Threat of Infringement Proceeding
6. Exclusive Marketing Rights, Patent Agents, International Arrangements

Unit – II	20
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The Copyright Act, 1957

1. Nature and purpose of copyright, Works in which copyright subsist, Author and first owner of copyright, Owner of Copyright, Broadcast reproduction right and performer's rights, Term of Copyright, Registration of copyright and its effect.
2. Rights conferred by copyright Broadcast Reproduction right, Assignment, transmission and relinquishment of copyright, -Voluntary and compulsory.
3. Infringement of copyright, Remedies for infringement, Offences and criminal proceeding, Acts not constituting Infringement, Groundless threat of legal proceedings.
4. Copyright Societies, International copyright

Unit – III

20

The Trade and Merchandise Marks Act, 1958/ The Trade Marks Act, 1999

(The Act of 1999 will be taught after it has come into force, but it shall not be part of an examination unless it is brought into force at least three months before the examination).

1. Object and purpose of the Act, Definitions, Mark; Trade mark Certification Mark; Associated Trade Marks, Collective Marks, Deceptive similarity, Well-known marks
2. Procedure and duration of registration including classification of goods, refusal of registration, limitations, which marks can registered, Registration of trademarks, Certification marks and Associated marks and its effect and advantages, Rights conferred by registration, Consequences of non-registration Renewal, removal and restoration of registration Effect of non-use.
3. Rights of a proprietor of a trade mark; Assignment and Transmission of Various types of trademarks, Restrictions of assignment, Use of trademarks and Registered Users
4. Rectification and correction of register.
5. Infringement and passing off, jurisdiction of Courts Groundless threat of legal proceedings, Remedies, Appellate Board, its jurisdiction and procedure (under the Act of 1999), Offences and penalties, Marking of goods.

Unit – IV

20

The Designs Act 2000

1. Object and purpose of the Act, Definition
2. Design, registrable design
3. Procedure for registration of design, Copyright in design, Term of a registered design, Marking of goods and its effect,
4. Rights of a proprietor of a registered design, Assignment and transmission and avoidance of restrictive conditions. 5. Piracy of registered design, remedies and procedure, groundless threat of legal proceedings.

Unit – V

10

Other types of intellectual property

(These will be taught after the respective statutes concerning them have come into force, but these shall not be part of an examination unless the relevant statute is brought into force at least three months before the Examination) Concept, definition, nature of their

rights, including when these are registrable and when they cannot be registered in respect of the following types of intellectual property

- (a) Geographical indications
- (b) Semi Conductor integrated Circuits layout design
- (c) Plants Varieties.

Unit – VI

10

Intellectual Property in general:

A special type of property, its nature and characteristics; comparison of intellectual property. The object and purpose of protection of each of them. International nature of intellectual property.

Text Books :

- (1) Intellectual Property Law - P Narayanan
- (2) Patents, Trade Marks Copyright, Designs and Geographical Indications - B L Wadhera
- (3) Management of Intellectual Property – Satyawrat Ponkshe

Reference books:

- (1) Patent Law - P Narayanan
- (2) Copyright and Industrial Designs - P Narayanan
- (3) Trade Marks and Passing off - P Narayanan
- (4) Iyengar's Copyright Act- R G Chaturvedi
- (5) Intellectual Property - W R Cornish
- (6) Cases and Materials on Intellectual property - W R Cornish
- (7) Intellectual Property Rights - Unleashing the knowledge Economy –
Prabuddha Ganguli

b) Banking Laws

Paper code – LW 506

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Course contents:	20
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UNIT – I

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

UNIT - II	20
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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 - III	20
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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 – IV	20
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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.

Ancillary Services and E- Banking: Remittances - General, DD, MT, TT, Traveler's cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, 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.

Prescribed Books:

M. L. Tannan- Law of Banking.

M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.

Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Reference Books:

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

LL.B. IIIrd Year, SEMESTER – VI

The Code of Criminal Procedure, 1973, Juvenile Justice Act, 2015 and Probation of Offenders Act, 1958

Paper code – LW 601

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit 1: Introduction	20
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- 1.1 Importance of Criminal Procedure, (S 6)
- 1.2 Classes of Criminal Courts, Powers and Jurisdiction (Ss. 7, 9-19, 26-35)
- 1.3 Executive Magistrates (Ss. 20, 21, 22, 23)
- 1.4 Powers (Ss. 106-124, 129-132, 133-148, 177-189)
- 1.5 Powers of Police Officers (Ss. 36-40)

Unit 2: Arrest of Persons, Rights of arrested Persons (Ss. 41-57)	20
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- 2.1 First Information Report (S. 154)
 - Evidentiary value of F.I.R.
- 2.2 Summons and warrant of arrest (Ss. 61-69, 70-81)
- 2.3 Proclamation and Attachment (Ss. 82-86)
- 2.4 Search warrant (Ss. 93-105)
- 2.5 Maintenance of wife, children and parents (Ss. 125-128)
- 2.6 Police Investigation (Ss. 154-175)
- 2.7 Bail – Anticipatory Bail (SS 437-439)

Unit 3: Condition requisite for initiation of proceedings (Ss. 196-199)	20
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- 3.1 Public Prosecutors (Ss. 24, 225-226)
- 3.2 Complaints to Magistrates and commencement of proceedings (Ss. 200- 210)
- 3.3 Charges and Joinder of Charges (Ss. 211-224)

Unit 4: Trials	20
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- 4.1 Trial before Court of Sessions (Ss. 227-237)
- 4.2 Trial of Warrant Cases
 - a. Instituted on police report (Ss. 238-243)
 - b. Instituted on other than police report (Ss. 244-247)
- 4.3 Trials summon cases by Magistrate (Ss. 251-259)

4.4 Summary trials (Ss. 260-265)

4.5 Plea Bargaining (Ss. 265A-265L)

4.6 Commissions for the examination of witnesses (Ss. 284-291 and 291 A)

4.7 General Provision for enquiry and trial (Ss. 300-311A, 318-321, 323, 326, 328, 329, 344, 348)

Unit 5: Appeals, Revisions etc.

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5.1 Appeals (Ss. 372-394)

5.2 Revisions (Ss. 395-405)

5.3 Transfer of criminal cases (Ss. 406-412)

5.4 Execution of order

Recommended Books:

1. Ratanlal & Dhirajlal, Criminal Procedure Code

2. M.P. Tendon, Criminal Procedure Code

3. K.N. Chandrasekharan, Pillai, Kelkar's Criminal Procedures Code

Environmental Law

Paper code – LW 602

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 40 [24+16]

Details of Syllabus	Marks
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Unit 1: Introduction	20
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1.1 Meaning of environment, meaning of environmental pollution and causes of environmental pollution

1.2 Global issues of depletion of ozone layer and global warming (green house effect), importance of green house effect and global warming and action plan.

1.3 International concern for environmental protection

1.4 Indian scenario and people's response.

1.5 Environment and Indian Constitution.

Unit 2: Environmental Pollution- Legal Remedies and Procedure	20
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2.1 Remedies under law of Tort

2.1.1 Nuisance

2.1.2 Negligence

2.1.3 Trespass

2.1.4 Strict Liability

2.1.5 Absolute Liability

2.2 The writ Jurisdiction

2.3 Statutory remedies

2.4 Criminal law remedies

2.4.1 India penal code

2.4.2 Code of Criminal procedure

2.5 Remedies for environmental justice

2.5.1 Damages

2.5.2 Injunction

2.6 Public Interest Litigation

2.6.1 New dynamic role of the Judiciary

2.6.2 Emergence of Public Interest Litigation

2.6.3 Public Interest Litigation entering the Area of Environmental Pollution

Unit 3: Sustainable Development and Law	20
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- 3.1 The concept of International perspective
 - 3.1.1 Stock Declaration, (ii) Montreal Protocol
 - 3.1.2 Brundtland Commission
 - 3.1.3 Earth Summit 1992
- 1. Rio Declaration
- 2. Agenda 21
- 3. Convention on climate change
 - 3.1.4 U.N. Commission on Sustainable Development
 - 3.1.5 Kyota Conference
 - 3.1.6 Earth Summit 2002, Johannesburg Declaration on Sustainable Development
 - 3.1.7 Copenhagen Summit
- 3.2 Salient principle of sustainable development
 - 3.2.1 Precautionary principle
 - 3.2.2 Polluter principle

Unit 4: Water, Air and Noise Pollution and Its Control

20

4.1 The Water (Prevention and Control of Pollution) Act, 1974

- 4.1.1 Introduction
- 4.1.2 Meaning of Water Pollution
- 4.1.3 Sources of Water Pollution
- 4.1.4 Central Pollution Control Board
- 4.1.5 State Pollution Control Board
- 4.1.6 Prevention and Control of Water Pollution
- 4.1.7 Offences and Penalties

4.2 The Air (Prevention and Control of Pollution) Act, 1981

- 4.2.1 Introduction
- 4.2.2 Meaning of Air Pollution
- 4.2.3 Sources of Sources of Pollution
- 4.2.4 Effects of Air Pollution
- 4.2.5 Central pollution Control Board
- 4.2.6 State Pollution Control Board
- 4.2.7 Prevention and Control of Air Pollution
- 4.2.8 Offences and Penalties

4.3 Noise Pollution

- 4.3.1 Meaning of Noise Pollution

4.3.2 Sources and Effect of Noise Pollution

4.3.3 Legal control

Unit V:

20

5. 1 Environment (Protection Act) 1986

5.1.1 Salient Features

5.1.2 Power and function of Central Govt.

5.1.3 Prevention, Offences and penalties of Environment pollution

5.1.4 Citizen's suit provision

5.2 The National Environment Appellate Authority Act, 1997

5.3 Principle of no fault and the Public Liability Insurance Act, 1991 liability

5.4 Forest conservation and the Law

5.4.1 Indian Forest Act, 1927

5.4.2 Forest Conservation and Judicial Attitude

Recommended Books:

1. Dr. S.K. Nanda, Environmental Law

2. Dr. S,C, Tripathi, Environmental Law

3. Dr. I.A. Khan, Environmental Law

4. Gurdip Sing, Environmental Law in India

5. Kailash Rai, Environmental Protection Law and Policy in India



Professional Ethics, Bar Bench Relations and Accountancy for Lawyers

Paper code – LW-18- 603

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit – 1	30
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1) Professional Ethics:-

Meaning and Scope, development of legal profession and its responsibilities, conduct of Lawyers in court, professional conduct in general, privileges of Lawyers, salient features of Advocates Act 1961, Bar Council Code of Ethics.

2) Duties of Advocate towards the court –

Duty to the opponent, to his clients, duty to self, duty to public and state.

3) Disciplinary Proceedings –

Professional misconduct, disqualification, functions of Bar Council of India/ State Bar Councils in dealings with disciplinary proceedings.

Disciplinary Committees - Powers and removal from rolls.

Unit – 2	30
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1) Bar bench relations –

Meaning, necessity, nature and scope

2) Contempt of Courts Act, 1971-

Concept of contempt of court, Definition, kinds of contempt, Procedure, Punishment for contempt, Defenses under contempt of Court Act.

Unit – 3	20
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Accounting system for lawyers –

- a. Need for maintenance of accounts
- b. Books of accounts that need to be maintained
- c. Theoretical information about the cash books, ledgers, purchase register, capital amount.
- d. Writing of Ledger, Sub- Ledgers including that of accounts receivables
- e. Bank Book
- f. Bank Reconciliation statements
- g. Rectification of errors

- h. Preparation of Trial Balance
- i. Preparation of Income and Expenditure
- j. Preparation for Balance sheet

Unit – 4

20

Selected cases prescribed for study :

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

Recommended books and readings:

- 1) Krishnamurty Iyer, Advocacy
- 2) Rao Sanjeev, Advocates Act 1961
- 3) Iyer K. J. Law of Contempt of Court, Legislature and Public Servants
- 4) J. R. Batloboi , Book Keeping and Accountancy
- 5) Shukla and Grewal, Advanced Accountancy
- 6) B. S. Raman- Accountancy
- 7) N. R. Madhava Menon (ed) – Clinical Legal Education (1998)
- 8) Dr. B. Malik (ed) – Art of Lawyers
- 9) JPS Sirohi, Professional Ethics, Lawyers Accountability, Bench Bar Relationship
- 10) Kailash Rai : Professional Ethics, Accountancy for Lawyers, Bench Bar Relation
- 11) Gupta S. P.: Professional Ethics, Accountancy for Lawyers, Bench Bar Relation

Land Laws

Paper code – LW 604

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
Unit - 1. The Maharashtra Rent Control Act, 1999	25
Unit - 2. The Maharashtra Land Revenue Code,1966	25
Unit - 3. The Bombay Tenancy and Agricultural Lands Act, 1948	25
Unit - 4. The Maharashtra Agricultural Land (Ceiling) Act, 1961	25

Books Recommended :

1. D. V. Parulekar - The Bombay Tenancy and Agricultural Land Act, 1948.
2. D. H. Choudhary - The Maharashtra Land Revenue Code, 1966.
3. Govt. Publication - Agricultural Land Ceiling Act, 1961.
4. Gupte A. K. and Dighe S. D. - Maharashtra Land Revenue Code, 1966.
5. Gupte K. S. - Bombay Tenancy and Agricultural Land Act, 1948.
6. The Maharashtra Rent Control Act, 1999.

Practical Training and Moot Courts

Paper code – LW 605

(Credit: 4)

Full Marks: 100 [Written Paper 60 + Internal Assessment 40]

Pass marks: 50 [30 +20]

<u>Details of Syllabus</u>	<u>Marks</u>
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Unit 1: Moot Court	30
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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:

1.1 Written submission: 5 marks

1.2 Oral advocacy: 5 marks

Unit 2: Observance of Trial in two cases :	30
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2.1 One Civil case : 15 marks

2.2 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	30
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3.1 Two interviewing sessions of clients: 15 marks

3.2 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]	10
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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.
