

# **GUJARAT UNIVERSITY**

**SYLLABI OF THREE YEARS LL.B.**

**PROGRAMME WITH CREDIT**

**BASED SYSTEM**

**Effective from the academic year**

**2017-18**

**(As prescribed by the BAR COUNCIL OF INDIA and as per the Rules of Legal Education, 2008)**

# **THREE YEARS' LL.B. PROGRAMME**

## **First LL. B.**

### **Semester – I**

LL.B. -SEMESTER – I (FIRST LL.B. MONSOON SEMESTER)						
PER WEEK	SUBJECTS	LECTURE S	OTHERS	TOTAL	CREDITS (SEM)29	Marks
CORE COURSE 101	Law of Tort including MV Accident And Consumer Protection Laws	4	1	5	5	100
CORE COURSE 102	Criminal Law Paper – I (General Principles of Penal Law)	4	1	5	5	100
CORE COURSE 103	Criminal Law Paper – II (Specific Offences)	4	1	5	5	100
CORE COURSE 104	Law of Contract	4	1	5	5	100
CORE COURSE 105	Special Contract	4	1	5	5	100
FOUNDATION 106 F	Constitutional History of India	1	1	2	2	100
SOFT SKILL 107 K	Use of Law Journals and Legal Software	1	1	2	2	100

# **Semester – I**

## **Monsoon Semester**

### **CORE COURSE 101 : LAW OF TORT INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAWS**

#### **Objectives of the Course :**

With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings. Presently the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed economies.

In modern era of consumer concern of goods and services, the law of torts has an added significance with its forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial decisions in India, so connected with the human right for a healthy life and environment, has now become a core subject to be taught as an indispensable part of a socially relevant curriculum. The provisions of the Motor Vehicles Act relating to payment of compensation in case of hit and run accidents and compulsory third party insurance are also included in this paper.

## **Syllabus :**

### **1. General Principles of Tort**

- 1.1 Tort : Definition, Distinction from Crime, Breach of Contract etc., Nature, Scope and object of Tort, who may sue? Who may not be sued ?
- 1.2 Damnum sine Injuria, Injuria Sine Demnum
- 1.3 Volenti non fit Injuria, ubi jus ibi remedium
- 1.4 Vicarious Liability : Basis, scope, Justification, Different types
- 1.5 Extinguishment of Liability in Tort
- 1.6 Justification in Tort, defences to the defendants

### **2. Torts against person, property, Freedom & Reputation**

- 2.1 Trespass to person : Assault, Battery, Mayhem, False Imprisonment
- 2.2 Torts affecting Property (Movable & Immovable) : Trespass, Traspas ab initio etc.
- 2.3 Torts related to Reputation (Defamation) & personal relations
- 2.4 Torts affecting person & Property : Nuisance, Negligence, Fraud
- 2.5 Third party liability of owner under the Motor Vehicles Act

### **3. Principles of Liability in Torts and Legal Remedies**

- 3.1 Principle of Strict Liability : Ryland V. Fletcher case with exceptions
- 3.2 Principle of Absolute Liability : Bhopal Gas Disaster case and Shree Ram Food Gas Leakage case
- 3.3 Remoteness of damage – foresee ability and directness Injunction  
Specific restitution of property
- 3.4 Extra-legal remedies – self-help, re-entry on land, re-caption of goods, *distress damage feasant*

## **4. Concept of Consumer & Consumer Protection Act**

4.1 Consumer : Definition,

4.2 Services : Types of services, Deficiency- meaning,

4.3 Commercial & Professional Services, Medical Services

4.4 Denial of Services

4.5 Consumer Protection Councils

4.6 Consumer Disputes Redressal Agencies : District Forum, State  
Commission & National Commission, Judicial Review

### **Suggested Reading**

Salmond and Heuston – On the Law of Torts, Universal, Delhi

D.D. Basu. The Law of Torts, Kamal , Calcutta. D. M.

Gandhi Law of Torts Eastern, Lucknow

P.S. Achuthan Pillai, The Law of Torts, Eastern, Lucknow

Ratanlal & Dhirajlal.. The Law of Torts, Universal, Delhi.

Winfield and Jolowiz on Torts, Sweet and Maxwell, London.

Saraf, D. N. Law of Consumer Protection in India, Tripathi, Bombay.

Avtar Singh. The Law of Consumer Protection, Principles and Practice, Eastern  
Book Co. Lucknow.

J. N. Barowalia, Commentary on Consumer Protection Act, 1986, Universal  
Delhi.

P. K. Majundar, The Law of Consumer Protection In India, Orient Publishing  
Co. New Delhi.

R.M. Vats, Consumer and the Law, Universal, Delhi. Winfield and  
Jolowiz on Torts , Sweet and Maxwell London.

Saraf, D. n. Law of Consumer Protection In India, Tripathi, Bombay.

Avtar Singh, The Law of Consumer Protection Principles and Practice, Eastern  
Book Co. Lucknow

J. N. Barowalia, Commentary on Consumer Protection Act, 1986, Universal  
Delhi.

P. K. Majundar. The law of Consumer Protection In India, Orient Publishing Co  
. New Delhi.

R. M. Vats, Consumer and the Law, Universal, Delhi. Motor  
Vehicles Act, 1988 : Eastern Book Company

A. P. Mathur's Law Relating to Motor Vehicles : Eastern Book Company  
(Revised by Justice G. C. Mathur(Retd.))

# **LL.B. Semester – I**

## **Core Course 102 : CRIMINAL LAW PAPER – I (GENERAL PRINCIPLES OF CRIMINAL LAW)**

### **Objective of the course :**

The Indian society has changed very rapidly since independence. A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development . If students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new perspectives.

### **SYLLABUS :**

#### **1. General :**

- 1.1 Conception of Crime, Stages of Crime, (including Section 511)Mens Rea
- 1.2 Applicability of the Indian Penal Code : Intra-Territorial Jurisdiction and Extra-Territorial Jurisdiction
- 1.3 General Explanations : Public Servant, Wrongful Gain, Wrongful Loss, Valuable Security, Harbour
- 1.4 Group Liability
  - 1.4.1 Common Intention
  - 1.4.2 Criminal Conspiracy
- 1.5 Abetment

#### **2. Punishments**

- 2.1 Theories of punishment
- 2.2 Kinds of Punishment :

- 2.2.1 Death Sentence : Constitutionality & Judicial Approach
- 2.2.2 Life Imprisonment
- 2.2.3 Imprisonment : Simple and Rigorous, Solitary Confinement
- 2.2.4 Forfeiture of Property
- 2.2.5 Fine : Rules imposing fine
- 2.3 Discretion in awarding punishment

## **2. General Defenses :**

- 2.1 Mental Incapacity, Minority, involuntary intoxication and  
Insanity as a defence
- 2.2 Right of Private Defence : Justification and limits
- 2.3 When private defence extends to causing of death to protect body  
and property ?
- 2.4 Necessity
- 2.5 Mistake of facts

## **3. Offences Relating to Public Tranquility :**

- 3.1 Unlawful Assembly
- 3.2 Rioting
- 3.3 Affray
- 3.4 Common Object
- 3.5 Distinction between Common Object & Common Intention

## **4. Offences against State, giving of false evidence, etc. :**

- 4.1 Offences against State :
  - 4.1.1 Wagging war against the Government of India etc.
  - 4.1.2 Sedition
- 4.2 Giving/fabricating false evidences : Offences & Punishment
- 4.3 Offences relating to election
- 4.4 Offences by or against Public Servants



### **Suggested Reading :**

Kenny's Outlines of Criminal Law – Universal Law Publishing Co.

Russell on Crime – Universal Law Publishing Co. (2 Volumes)

K. D. Gaur, Criminal Law Cases and Materials, Butterworths, India

Ratanlal & Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur

K. D. Gaur, A text Book on the Indian Penal Code, Universal Delhi.

P. S. Achuthan Pillai, Criminal Law Eastern Book Co.,

B. M. Gandhi , Indian Penal Code, Eastern Book Co,

# **LL.B. Semester – I**

## **Core Course 103 : CRIMINAL LAW PAPER – II (SPECIFIC OFFENCES)**

### **SYLLABUS :**

#### **1. Offences against Human Body - I**

- 1.1 Culpable Homicide
- 1.2 Murder :
  - 1.2.1 Ingredients and exceptions
  - 1.2.2 Distinction between Culpable Homicide and Murder
- 1.3 When Culpable Homicide is Murder ?
- 1.4 Suicide : Attempt punishable as offence & its Constitutionality

#### **2. Offences against Human Body - II**

- 2.1 Hurt, Grievous Hurt
- 2.2 Criminal Force, Wrongful Restraint, Wrongful Confinement
- 2.3 Kidnapping : Types, Abduction
- 2.4 Causing death by rash or negligent Act
- 2.5 Death caused by consent of the deceased – euthanasia and surgical operation: Constitutionality

#### **3. Offences against Property, Defamation & Miscellaneous offences :**

- 3.1 Theft & Extortion, Robbery and Dacoity, Distinction between them, receiving and disposing of Stolen Property & other related offences
- 3.2 Criminal Misappropriation, Criminal Breach of Trust, Mischief
- 3.3 Cheating : Types, Forgery and Making false documents
- 3.4 Defamation : Exceptions
- 3.5 Criminal Intimidation

#### **4. Offences against Women**

- 4.1 Rape : Custodial Rape, Relevancy of Consent,
- 4.2 Intercourse by man with his wife : When Rape, Un-natural offence
- 4.3 Dowry Death, Cruelty by Husband or Relatives of Husband
- 4.4 Offences relating to marriage
- 4.5 Outraging modesty and annoyance of woman

#### **Suggested Reading :**

Kenny's Outlines of Criminal Law – Universal Law Publishing Co.  
Russell on Crime – Universal Law Publishing Co. (2 Volumes)  
K. D. Gaur, Criminal Law Cases and Materials, Butterworths, India  
Ratanlal & Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur  
K. D. Gaur, A text Book on the Indian Penal Code, Universal Delhi.  
P. S. Achuthan Pillai, Criminal Law Eastern Book Co.,  
B. M. Gandhi , Indian Penal Code, Eastern Book Co,

# **LL.B. Semester – I**

## **CORE COURSE 104 : LAW OF CONTRACT**

### **Objectives of the course:**

Every man in his day to day life from dawn to dusk makes a variety of contracts, Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognize this contract making power of person. This prompted Roscoe Pound to make his celebrated observation: "Wealth, in a commercial age, is made up largely of promises . In this sense India is also a "Promissory" Society.

The conferment and protection by the law of this contract making power of person gives them a considerable leeway to strike best bargain for the contract making person. In a way they are permitted to regulate and define their relations in a best possible manner they chose. However, the contours of contractual relations in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in an independent and developing Indian society. Whatever may be the nature of a given society, the contractual relations as are obtained in that society, are governed by certain principles which are more or less of a general and basic nature. In India these general principles are enacted in the form of the Indian Contract Act, 1972.

This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

## **SYLLABUS :**

### **1. General Principles of Law of contract :**

- 1.1 Agreement and contract definitions, elements and kinds  
Proposal, Communication and revocation – proposal and invitation for proposal – floating offers
- 1.2 Acceptance – their various forms, essential elements
- 1.3 Consideration –its need, meaning, kinds, essential elements
- 1.4 Capacity to Contract

### **2. Capacity to contract & Free Consent :**

- 2.1 Minor, Age of Majority, Nature of minor's agreement & effects thereof, Accessories supplied to a minor, Agreement beneficial and detrimental to a minor
- 2.2 Free consent –its need and definition, Effects of force, coercion & undue influence on contract
- 2.3 Mistake : definition – kinds- fundamental error mistake of law and of fact – their effects
- 2.4 Legality of objects :
  - 2.4.1 Unlawful Agreements: Kinds and effects thereof
  - 2.4.2 Void Agreements, Uncertain Agreements, Wagering Agreements, Illegal & Void Agreements

### **3. Discharge of Contract & Quasi-Contracts :**

- 3.1 Various modes of discharge of contract and effects thereof
- 3.2 Anticipatory Breach of Contract

- 3.3 Impossibility of performance – specific grounds of frustration – application to leases- theories of frustration – effect of frustration – frustration and restitution, by period of limitation
- 3.4 Rescission and alteration – their effect- remission and waiver of performance – extension of time – accord and satisfaction
- 3.5 Quasi-contracts or certain relations resembling those created by contracts, Quantum Meruit

#### **4. Specific Relief Act**

- 4.1 Persons against whom specific enforcement can be ordered
- 4.2 Rescission and cancellation
- 4.3 Injunction : Temporary and Perpetual
- 4.4 Declaratory orders
- 4.5 Discretion and power of court

#### **Suggested Reading**

Beasten (Ed), Anson's Law of Contract

P. S. Atiya, Introduction to the Law of Contract ( Claredon Law Series)

Avtar Singh, Law of Contract, Eastern Lucknow

G. C. Cheshire, and H. S. Fifoot and M. P. Formston Law Contract ELBS with Butterworths.

M. Krishnan Nair, Law of Contract,

G.H. Trinel , Law of Contract Sweet & Maxwell

R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication

Benerjee S.C. Law of Specific Relief, Universal

Anson, Law of Contract, Universal

Dutt on Contract, Universal

Anand and Aiyer, Law of Specific Relief, Universal.

# **LL.B. Semester – I**

## **CORE COURSE 105 : SPECIAL CONTRACT**

### **Objectives of course :**

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of valid contract and on the existence of contractual relationship in various instances. Obviously a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

### **SYLLABUS :**

#### **1. Indemnity and Guarantee**

1.1 Indemnity : concept, Need for indemnity, definition

1.2 Methods of creating indemnity obligations

1.3 Commencement, Nature and extent of liability of the indemnifier

1.4 Situations of various type of indemnity creations,  
Documents/

agreements of indemnity, Nature of indemnity clauses

1.5 Guarantee : Concept, essentials for a valid guarantee contract

1.6 Rights & Liabilities of Surety

## **2. Bailment, Pledge and Agency :**

2.1 Bailment : Essential Features, Rights & duties of Bailor & Bailee

2.2 Pledge : Definition Rights and duties of Pawnee, who can pledge?

2.3 Agency :

2.3.1 Definition, Essentials, kinds of agents, creation of Agency

2.3.2 Relations of Principal and Agent : Rights and duties of Agent

2.3.3 Relations of Principal with Third Parties

2.3.4 Methods of termination of Agency Contract

2.3.5 Liabilities of Principal and Agent before and after termination  
of Agency Contract

## **3. Sale of Goods Act :**

3.1 Contract of sale : Concept, Essentials, Implied Terms

3.2 Rule of Caveat Emptor

3.3 Conditions and Warranties

3.4 Transfer of title and passing of risk

3.5 various rules regarding delivery of goods

3.6 Unpaid Seller and his rights

## **4. Partnership Act :**

4.1 Partnership : Nature, Scope, Definition, Kinds of Partnership

4.2 Rights and duties of Partners, Liabilities of Partners

4.3 Registration of Firm, Effect of non-Registration

4.4 Dissolution of firm and its effects

4.5 Liability of Partners under the Limited Liability Partnership Act



## **Suggested Reading**

Beasten (Ed), Anson's Law of Contract

P. S. Atiya, Introduction to the Law of Contract ( Claredon Law Series)

Avtar Singh, Law of Contract, Eastern Lucknow

G. C. Cheshire, and H. S. Fifoot and M. P. Formston Law Contract ELBS with  
Butterworths.

M. Krishnan Nair, Law of Contract,

G.H. Trinel , Law of Contract Sweet & Maxwell

R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief  
Act, Butterworths Publication

Benerjee S.C. Law of Specific Relief, Universal

Anson, Law of Contract, Universal

Dutt on Contract, Universal

Anand and Aiyer, Law of Specific Relief, Universal.

Pollok and Mulla, Partnership Act, Butterworths Publication

Mulla on Sale of Goods Act

# **LL.B. Semester – I**

## **FOUNDATION 106 F CONSTITUTIONAL HISTORY OF INDIA**

### **1. Constitutional History of India**

- 1.1 Fourth Law Commission's Recommendations regarding Independence
- 1.2 Simon Commission Report
- 1.3 Motilal Nehru Report on Simon Commission
- 1.4 Muslim League Demand and Poona Pact, 1932 (Communal Award)
- 1.5 Government of India Act, 1935 :
  - 1.5.1 Federal Government
  - 1.5.2 Federal Court
  - 1.5.3 Provincial Autonomy
  - 1.5.4 Provincial Government
  - 1.5.5 All India Federation
  - 1.5.6 Dyarchy at the Center
  - 1.5.7 Federal Legislature
    - Provincial Legislature
  - 1.5.8 Distribution of Power between center and provinces
  - 1.5.9 Special Provisions for Minority
  - 1.5.10 Abolition of Indian Council

### **2. Important Constitutional Developments before framing of Constitution of India :**

- 2.1 Round Table Conferences
- 2.2 The Cripps Mission, 1942
- 2.3 Cabinet Mission
- 2.4 C. Rajagopalachari's Formula, 1944
- 2.5 Wavell Plan and Simla Conference, 1945
- 2.6 Attlee's Statement (1947)
- 2.7 Mountbatten Plan, 1947

### **3. Committees to draft the Constitution of India**

- 3.1 Framing of the Constitution of India
- 3.2 Constituent Assembly, Chairman, members and their contribution
- 3.3 Drafting Committee, Chairman, members and their contribution,
- 3.4 Final Draft and adoption of the Constitution of India
- 3.5 Indian Independence Act, 1947 : Main Features

### **Suggested Reading**

- D. D. Basu : Introduction to the Constitution of India
- G. N. Singh : Landmark in Indian Constitutional & National Development
- V. D. Kulshreshtha's Landmarks in Indian Legal & Constitutional History, Eastern Book Co.
- J. N. Pandey : Constitutional Law of India
- Keith : Constitutional History in India
- M. P. Jain : Indian Constitutional Law
- M. V. Pylee : Constitutional History of India
- Shiva Rao : Framing of the Constitution of India (Vols. 1-4)
- V. N. Shukla : Constitution of India

# **LL.B. Semester – I**

## **SOFT SKILL 107 K Use of Law Journals and Legal Software**

### **Objectives of the Course :**

The purpose behind introduction of this course is to provide the law students basic information about various Indian and Foreign Law Journals and make them acquaint with the use thereof. An art to find out the judgments supporting a legal issue will be taught to the student. After having acquired basic knowledge, by continuous practice, students are expected to know how to read and interpret the judgments of court. In the era of ICT, knowledge of Legal Software and use thereof has become inevitable. In this course, with the theoretical background, the students will become familiar about the use of legal software and its application at the library or at the office of a law firm.

### **1. Requirements of Legal Journalism & Basic about Law Journals**

- 1.1 Code of Ethics of Legal Journalism (Adopted at the Stockholm Symposiums, 1991)
- 1.2 Legal Reasoning : meaning, nature application and Importance
- 1.3 Importance of Law Journals in the legal profession :
  - 1.3.1 Importance of Legal Articles
  - 1.3.2 Importance of criticism and analysis of judgments
- 1.4 Information about new Bills and Legislations from Law Journals
- 1.5 International and Foreign Law Journals : its importance in India
- 1.6 Kinds of International & Foreign Law Journals :
  - 1.6.1. All England Reports
  - 1.6.2 Halsbury's Laws of England

### **2. Use of Law Journals and importance thereof**

- 2.1 Format of Law Journals
- 2.2 Types of Law Journals
- 2.3 Art of finding relevant judgments from Law Journals
- 2.4 How to read a Judgment : Significance of Minority and Majority views

### **3. Legal Software : General Information and use :**

#### 3.1 Various types of Legal Softwares :

3.1.1 General Information about Legal Software

3.1.2 Characteristics and features of various Legal Software

3.1.3 Legal Software : Operating System, Utility Programme, upgradation  
& Installation, Dongle Lock Facility in Legal Software

3.1.4 Various Options available for searching judgments from Legal  
Software

3.1.5 Options to find out relied and overruled judgments from legal  
software

#### 3.2 Court Cases :

3.2.1 Commenting and Reporting of Judgments

3.2.2 Crime Reporting

**Note : While teaching the subject, the college may select any one of the various well known legal software for providing the information to the students.**

### **Suggested Reading**

Nandan Kamath :- Law Relating to Computers and Internet, Universal Law Publishing Co.

Allan M. Gahten :- Internet : Law and Legal Profession

Kant D. Stuckey :- Internet and online law

Michael D. Rostoker :- Computer Jurisprudence and Legal Responses to the  
Information

Revolution

Rega Rao :- Use of computer, Interned for Law students & Legal Profession (Asia  
Law Book House, Hyderabad)

Baxi Upendra :- Legal Education in 21<sup>st</sup> Century

# **THREE YEARS' LL.B. PROGRAMME**

## **LL. B. Semester – II**

PER WEEK	SUBJECTS	LECTURES	OTHERS	TOTAL	CREDITS (SEM)29	Marks
CORE COURSE 108	Constitutional Law Paper – I	4	1	5	5	100
CORE COURSE 109	Constitutional Law Paper – II	4	1	5	5	100
CORE COURSE 110	Company Law	4	1	5	5	100
CORE COURSE 111	Environmental Law	4	1	5	5	100
CORE COURSE 112	Property Law	4	1	5	5	100
FOUNDATION 113 F	Principles of Political Science & Theory	1	1	2	2	100
SOFT SKILL 114 K	Use of Internet in Legal Education	1	1	2	2	100

# **LL.B. Semester – II**

## **CORE COURSE 108      CONSTITUTIONAL LAW- I**

### **OBJECTIVES:**

India is a democracy and her Constitution embodies the main principles of the democratic government – how it comes into being, what are its powers, functions, responsibilities and obligations how power is limited and distributed. Whatever might have been the original power base of the construction today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence of the Constitution.

The purpose of teaching constitutional law is highlight its never ending growth. Constitutional interpretation is bound to be influenced by one's social, economic and political predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why significant interrelation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law.

Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are, and are to be interpreted progressively.

## **SYLLABUS :**

### **1. Preamble of the Constitution :**

- 1.1 Preamble : purpose, objectives importance
- 1.2 Preamble – Whether a part of the Constitution, Application of Basic Structure Theory to the Preamble
- 1.3 Amendment made in the Preamble : Effects thereof
- 1.4 Use of Preamble in Interpretation of Constitutional Provisions
- 1.5 Salient Features of the Constitution of India

### **2. Fundamental Rights - I :**

- 2.1 Concept of “State” under Article 12 and judicial approach, Meaning of Law under Article 13
- 2.2 Right to equality and protective discrimination, Equality of opportunity in the matter of Public Employment
- 2.3 Freedoms guaranteed to citizens of India under Article 19 and reasonable restrictions
- 2.4 Right against exploitation, Abolition of untouchability and Titles
- 2.5 Right of Self-incrimination and Principle of Double Jeopardy
- 2.6 Constitutional Remedy for the enforcement of Fundamental Rights (Writ remedies under Articles 32, Distinction from writs under Article 226)

### **3. Fundamental Rights - II**

- 3.1 Right to life and personal liberty, due process of law (Article 21)
- 3.2 Safeguards against arbitrary Arrest and Detention
- 3.3 Right to Freedom of Religion & Secularism
- 3.4 Prohibition of Traffic in Human beings and forced labour
- 3.5 Prohibition of Employment of Children in factories etc.



3.6 Right to Education (Article 21 and 21-A and its developments)

3.7 Cultural and Educational Rights : Articles 29 & 30

#### **4. Directive Principles of State Policy and Fundamental Duties :**

4.1 Directive Principles : Nature, ideals, Distinction from Fundamental Rights & Inter-relationship with fundamental rights

4.2 Non-enforceability of Directive Principles before the court

4.3 Classification of Directive Principles, Uniform Civil Code

4.4 Reading Directive Principles into Fundamental Rights

4.5 Fundamental Duties

#### **SUGGESTED READING :**

Constitutional Law of India : D. D. Basu

Introduction to the Constitution of India D.D.

Basu Shorter Constitution of India : Durga Das

Basu Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitutional Law of India (Vol. 1-3) : H. M. Seervai

Constitutional law of India : P. M. Baxi

Introduction to the Constitutional Law of India : Narendra Kumar, Allahabad Law Agency

# **LL.B. Semester – II**

## **CORE COURSE 109      CONSTITUTIONAL LAW- II**

### **1. Executive, Legislature and Judiciary :**

- 1.1 Union Executive : President, Prime Minister, their qualifications, powers and duties, position of the President vis-à-vis Prime Minister
- 1.2 State Executive : Governor, Chief Minister, Powers, Council of Ministers
- 1.3 Union Legislature : Composition of Parliament, Lok Sabha, Rajya Sabha, Qualifications and Disqualifications of the Member of Parliament, Schedule X, Speaker and Dy. Speaker of both Houses and their powers, Procedure for passing Ordinary Bill & Money Bill, Joint Session of House
- 1.4 State Legislature : Composition of House, Qualifications and disqualifications of MLAs, Legislative Procedure of State Legislature
- 1.5 Union Judiciary : Supreme Court Judges & Chief Justice :Procedure for appointment and removal, qualifications, Powers and Jurisdiction of SC : Original, Appellate, Advisory, Article 141, 142
- 1.6 State Judiciary : Appointment, Transfer and removal procedure of High Court Judges and Chief Justice of High Court, Powers and Jurisdiction of High Courts, Writs : Article 226 and 227, Distinction between them

### **2. Amendment of the Constitution :**

- 2.1 Procedure to amend the Constitution under Article 368
- 2.2 Limited power of the Parliament to amend the provisions of the Constitution
- 2.3 Judicial Pronouncements of the Supreme Court and relevant Constitutional Amendments
- 2.4 Basic Structure Doctrine

### **3. Emergency provisions :**

- 3.1 National Emergency : Grounds, Effects of proclamation of Emergency : Suspension of Fundamental Rights during Emergency, Revocation of Emergency
- 3.2 Emergency due to failure of Constitutional Machinery in States : Grounds
- 3.3 Report of Sarkaria Commission, Guidelines of S. R. Bommai's case
- 3.4 Financial Emergency

### **4. Miscellaneous**

- 4.1 Article 31-B & Schedule IX, Doctrine of Pleasure, Constitutional safeguards to Civil Servants, Attorney General, Advocate General, Chief Election Commissioner and Election Commission, Official Language
- 4.2 Freedom of Trade, Commerce and Intercourse
- 4.3 Special provisions relating to Jammu and Kashmir
- 4.4 Relations between Union and State : Legislative, Administrative and Financial, Schedule VII
- 4.5 Consolidated funds, Contingency Funds, CAG, Public Service Commission

### **SUGGESTED READING :**

Constitutional Law of India : D. D. Basu

Introduction to the Constitution of India : D. D.

Basu Shorter Constitution of India : Durga Das

Basu Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitutional Law of India : H. M. Seervai

Constitutional Law of India : P. M. Baxi

Introduction to the Constitutional Law of India : Narendra Kumar, Allahabad Law Agency

# **LL.B. Semester – II**

## **CORE COURSE 110    COMPANY LAW**

### **OBJECTIVES:**

Industrialization plays a very vital role in the economic development of India. In the post Independence era industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risk.. hence taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

### **Syllabus :**

#### **1. Introduction, Memorandum & Article of Association :**

- 1.1 Company : Definition, Theories of Corporate personality
- 1.2 Kinds of Companies : Private Companies – nature and advantages – Government Companies- holding and subsidiary companies,
- 1.3 Registration and Incorporation of company
- 1.4 Memorandum of Association, Various clauses, Alteration therein, Doctrine of ultra virus, Consequences of ultra virus transaction
- 1.5 Articles of Association : binding force, alteration, its relation with Memorandum, doctrine of constructive notice and indoor management

## **2. Prospectus, Promoters, Shares, Share holder & Members, Share Capital etc.**

- 2.1 Prospectus : contents, Shelf Prospectus, Misrepresentation in prospectus, Remedies for misrepresentation and liabilities thereof, Red Herring Prospectus
- 2.2 Promoters, Shares : General Principles for allotment, statutory restrictions, Share Certificates, Transfer of shares, dematerialized shares (DEMAT)
- 2.3 Shareholder and members of company : Distinction, Modes of becoming members of company
- 2.4 Share Capital : Kinds, alteration and reduction of share capital, Buy-back of shares

## **3. Directors, Dividends, Audit, Accounts, Oppression & Mismanagement etc.**

- 3.1 Directors : Position, appointment, qualifications, vacation of office, removal, resignation, powers and duties of directors, Managing Director
- 3.2 Dividends, Audits and accounts, Debentures, Fixed and floating charges, kinds of debentures, protection of minority rights
- 3.3 Prevention of Oppression and Mismanagement

## **4. Provisions for Reconstruction, Amalgamation & Winding up of company :**

- 4.1 Reconstruction and Amalgamation of Company
- 4.2 Types of winding up under the Companies Act, 2013 : Reasons, grounds, who can apply? Procedure, powers of liquidator, powers of court
- 4.3 Corporate Social Responsibility
- 4.4 Corporate liability : Civil and Criminal

## **SUGGESTED READING :**

**Note : Provisions of Companies Act, 2013 shall be in the syllabus.**

Avtar Singh, Introduction to Company Law, Eastern Book Co., Lucknow

Avtar Singh, Company Law, Eastern Book Co.

L.C.B. Gower, Principles of Modern Company Law, Sweet and Maxwell, London

Palmer, Palmer's Company Law, Stevens, London R.R.

Pennington, Company Law, Butterworths.

A,Ramaiya, Guide to the Companies Act, Wadhva

S.M. Shah, Lectures on Company Law, Tripathi, Bombay.

Kailas Rai : Company Law, Allahabad Law Agency

Shah S. M., Lectures on Company Law

N. D. Kapoor & G. K. Kapoor, Company Law, Sultan Chand &

Sons Law Pub., New Delhi.

# **LL.B. Semester – II**

## **CORE COURSE 111      ENVIRONMENTAL LAW**

**(Including laws for Protection of wild life and other living creatures including animal welfare)**

### **Syllabus :**

#### **1. Environment & Environmental Pollution**

- 1.1 Environment : Meaning, Types : Natural & Man-made Environment
- 1.2 Eco System, Balance of Ecology
- 1.3 Environmental Pollution : Meaning, causes, Factors & Effects of Environmental Pollution
- 1.4 Types of Environmental Pollution : Air, Water and Noise Pollution

#### **2. Environment Protection : International Scenario & Constitutional Remedies :**

- 2.1 International Scenario : Stockholm Conference, Rio de' Janeiro Conference Sustainable Development and subsequent International Developments related to Environment Laws and its implication in India.
- 2.2 Constitutional perspectives for protection of Environment : Article 21, 48-A, 51-A(g), 32 and 226 42<sup>nd</sup> Constitutional Amendment
- 2.3 Contribution of Judiciary in Environment Protection through PILs, relevant decisions of the Supreme Court
- 2.4 Public Trust Doctrine, Polluter Pays Principle

#### **3. Legislations for the protection of Environment :**

- 3.1 Offences, Remedies and Procedure for prevention of Water Pollution under the Water (Prevention and Control of Pollution) Act, 1974
- 3.2 Offences, Remedies and Procedure for prevention of Air Pollution under

- the Air (Prevention and Control of Pollution) Act, 1981
- 3.3 Noise Pollution : Causes, effects and control measures
- 3.4 Environment (Protection) Act, 1986 : Need to enact this legislation, Powers of the Central Government, Provisions for Prevention, Control and Abatement of Environmental Pollution : Offences & Punishment
- 3.5 Special provisions relating to Hazardous Process : Chapter IV-A of the Factories Act, 1948
- 3.6 Criminal Procedure Code : Public Nuisance – Sec. 133-143

#### **4. Miscellaneous :**

- 4.1 Public Liability Insurance Act, 1991 : Liabilities of owners, Compulsory Insurance & Procedure for payment of compensation,
- 4.2 Wild Life (Protection) Act, 1972 : Authorities : Hunting of Wild Animals, Protected Areas, Offences
- 4.3 Forest Act, 1927 : Reserved Forests, Centuries, Powers of Forest Officer
- 4.4 National Environmental Tribunals Act : Functions, Jurisdiction
- 4.5 Prevention of Cruelty to the Animals Act : Objects & main features
- 4.6 National Green Tribunals Act, 2010 : Objects, reasons and salient features

#### **SUGGESTED READING :**

- The Water (Prevention and Control of Pollution) Act, 1974
- The Air (Prevention and Control of Pollution) Act, 1981
- The Environment (Protection) Act, 1986
- The National Environment Tribunal Act, 1995
- The Public Liability Insurance Act, 1991
- The Factories Act -1948 (Cpat. IV-A)
- Environmental Law and Policy in India by Armin Rusencranz, Syam Divan Tripathi Publication
- Lal's Commentaries on Water, Air Pollution and Environment (Protection) Laws by Law Publishers (India) Pvt. Ltd.
- Environmental Law in India by Jain and Jain (Idnore Law House)
- Environmental Law by Prof. S. C. Shastri, Eastern Book Co.
- Environment Law by Sumeet Malik, Edition, Eastern Book Co.



Aarmin Rosencranz, et. Al. (eds.) Environmental Law and Policy an India, Oxford

R.B. Singh & Suresh Misra, Environmental law in India Concept Publishing Co. New Delhi.

Kailash Thakur, Environmental Protection Law and Policy in India, Deep & Deep Publications, New Delhi.

Richard L . Riverz, Et. Al. (eds. ) Environmental law, the Economy and Sustainable Development, Cambridge.

Christopher D. Stone, Should Trees Have standing and other Essays on Law, Morals and the Environment, Oceana.

Leelakrishanan, P. Et. Al. (eds.) Law and Environment, Eastern, Lucknow.

Leelakrishnan, P. The Environmental Law in India, Butterworths- India

Department of science and Technology, Government of India, Report of the committee for recommending legislative Measures and Administrative Machinery for Ensuring Environmental Protection, (Tiwari Committee Report)

Indian Journal of Public Administration, Specvial Number on Environment and Administration, July-September, 1988 Vol., XXXV No.3 PP 353-801 .

Centre for Science and Environment . The State of India's Environment 1982, the State of India, Environment 1984-85 and the State of Indian Environment 1999-2000.

National Green Tribunals Act, 2010 : Bare Act

# **LL.B. Semester – II**

## **CORE COURSE 112      Property Law**

### **OBJECTIVES OF THE COURSE :**

The course on property conventionally deals with the Transfer of Property Act, 1882. More than a Century has elapsed since the passing of the Act and far-reaching changes have occurred in the field in property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the rule against perpetuities find a place in the Act, the post , independence development relating to control and use of agricultural land do not find a place. The obsolescence of the Transfer of Property Act can be best illustrated by citing the provisions relating to leases on unmovable properties.

### **Syllabus :**

#### **1. General Principles of Transfer of Property - I**

- 1.1 Kinds of property : Movable, Immovable, Tangible and non-tangible property, Intellectual Property
- 1.2 Which properties may be transferred ? – Competency of person to transfer : Transfer for the benefit of unborn child
- 1.3 Rule against perpetuity
- 1.4 Vested Interest and Contingent Interest

#### **2. General Principles of Transfer of Property – II**

- 2.1 Doctrine of Election
- 2.2 Lis Pendens : Principle, Salient Features, application in India, Essential Requirements, Exceptions
- 2.3 Fraudulent Transfer : Essential Requirements, Exceptions
- 2.4 Doctrine of Part-performance : Essentials and Exceptions

### **3. Specific Transfers**

- 3.1 Sale : Essentials, Rights & Liabilities of Buyer and Seller
- 3.2 Mortgage & Charge : Definition, Kinds of Mortgage, Rights & Liabilities of Mortgager – Mortgagee, Redemption-Clog on Redemption
- 3.3 Lease : Definition, Essentials, Rights & Liabilities of Lessor and Lessee
- 3.4 Gift : Definition, Essential requirements, Kinds of Gift, Onerous Gifts, Universal Donee, Exchange : Definition & Features
- 3.5 Actionable Claim : Definition & transfer of Actionable Claims

### **4. Easements :**

- 4.1 Easements : Meaning, Nature, Essentials and Characteristics
- 4.2 Kinds of Easements, Incidents of Easements, Creation of Easement
- 4.3 Various Easementary Rights :Right of Way, Right of Air, Right of support, Right of water etc.
- 4.4 Extinction, Suspension and Revival of Easements,
- 4.5 Licences : Meaning, elements, Grant and Revocation of Licences

### **SUGGESTED READING :**

Mulla, Transfer of Property Act, Universal Delhi

Subbarao, Transfer of Property Act, C. Subbiah Chetty, Madras

B. Sivaramayya, The equalities and the Law, Eastern Book Co. Lucknow.

P.C. Sen. The General Principles of Hindu, Jurisprudence (reprint) Allahabad Law Agency.

B.H. Baden- Powell, Land Systems of British India, Vol. 1 to 3 (1892),

Oxford V. P. Sarthy, Transfer of Property, Eastern Book Company,

Lucknow. Vepa P. Sarathi : Law of Transfer of Property, Eastern Book

Company T. R. Desai : The Indian Easements Act, 1982

B. B. Katiyar : Easements and Licences, Universal Law Publishing Co.

Sanjiva Row : The Indian Easements Act

K. Joshi : Easements and Licences Peacock : The Law relating to Easements

# **LL.B. Semester – II**

## **FOUNDATION 113 F PRINCIPLES OF POLITICAL SCIENCE & THEORY**

### **Syllabus :**

#### **1. Concept of Citizenship, and Federalism :**

- 1.1 Citizenship : Definition under the Constitution of India
- 1.2 State-Citizen : Inter-relationship, Rights-Duties towards each other
- 1.3 Federalism : Unitary and Federal System : Distinction, True Federalism and Quasi-Federalism – meaning, distinction, Merits & Demerits of Quasi Federalism
- 1.4 Federal and State Power
- 1.5 Federalism : Basic Structure of the Constitution, Golaknath’s case and Kesavananda Bharti’s case and other relevant cases for reference
- 1.6 Doctrine of Judicial Review : Meaning, need and importance in democratic system

#### **2. Meaning of “State” under Article 12 and its Significance and other Constitutional Principles :**

- 2.1 Definition of “State” under Article 12 of the Constitution of India
- 2.2 Changing notion of “State” under Article 12 of the Constitution of India through Judicial Pronouncements
- 2.3 Change of trend in the Definition of State in the era of Liberalization
- 2.4 Change in the Judicial Trend in interpreting the definition of State after the year 2002
- 2.5 Sovereignty : Definition, concept, characteristics, Austin’s theory on sovereignty
- 2.6 Supremacy of the Constitution : Meaning and importance along with the Supreme Court decisions

#### **3. Democratic Systems and Constitutional Doctrines :**

- 3.1 Democracy : Parliamentary Democratic System vis-à-vis Presidential Democratic System, Merits & Demerits
- 3.2 Doctrine of Separation of Powers : Legislature, Judiciary & Executive
- 3.3 Doctrine of Eclipse : Application and Importance
- 3.4 Doctrine of Waiver of Fundamental Rights : Circumstances
- 3.5 Principle of Rule of Law, application in India and other countries, importance,
- 3.6 Procedure established by law (under Article 21) : Meaning, interpretation by the Judiciary and its importance

## **SUGGESTED READING :**

L. S. Rathore & S.A.H. Haqqi : Principles of Political Theory and Organisation, Eastern Book Co.

Gilchrist, R. N. : Principles of Political Science

Laski, Harold J. : The State in Theory &

Practice Fairlie J. A. : Separation of Powers

Lindsay A. D. : Essentials of Democracy

Constitutional Law of India : D. D. Basu

Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitution of India : P. M. Baxi

Constitution of India : Kailas Rai

# **LL.B. Semester – II**

## **SOFT SKILL 114 K USE OF INTERNET IN LEGAL EDUCATION**

### **Objectives of course :**

In the era of computer technology, Internet and Web World, it becomes very essential for a law student to equip himself for the maximum use of the ICT technology to upgrade his legal knowledge. The use of ICT, not only gives speedy information but it is useful to compare the legal position, legislative approach and view of judiciary prevailing in India as well as in different countries. For the above purpose, basic theoretical knowledge about the utilization of internet, search engines and different web sites etc. for legal knowledge is must. This course will be taught in the form of theoretical information in order to give the proper guidance to the law students for effective and maximum use of the ICT.

### **Syllabus :**

#### **1. Theoretical Knowledge about Internet use in Legal Education :**

- 1.1 Law Related Websites : Basic knowledge, Kinds and importance
- 1.2 Selection of Law Related Websites :
  - 1.2.1 For finding out International Conventions & Treaties
  - 1.2.2 For knowing legal situation in other countries
  - 1.2.3 For finding out Indian Legislations
  - 1.2.4 For searching Judgments of various courts & comments there upon
- 1.3 For sending Articles/abstract of the paper to be presented at the seminar and to know the status of acceptance
- 1.4 Use of Internet for gathering speedy legal information by the law students/ researchers

## **2. Application of ICT in Legal Field :**

- 2.1 Search Engines & Websites : Use for legal education purpose
- 2.2 Use of Law related Internet Sites : Knowledge about pdf & ppt files
- 2.3 Use of Internet for searching Head-notes, Cases & Legal Articles
- 2.4 Updating the legal news, current status of the pending Bills in the House through Internet
- 2.5 On line search of Supreme Court and other courts' Judgments

## **3. Use of ICT : Finding the status of cases & Legal Profession Office**

### **Management :**

- 3.1 Knowledge of status of cases pending before High Courts and Supreme Court through Internet
- 3.2 Legal Profession Office Management through Internet :
  - 3.2.1 for knowing the case- list of the next day
  - 3.2.2 to know about the business allotted to the judges etc.
  - 3.2.3 to view the judgments of the unreported judgments from the website of the High Court
- 3.3 Speedy verification and perusal of the drafted memo/case and related instruction through Internet
- 3.4 Obtaining the latest status of the case law decided by the Apex Court (before its publication in the Law Journals)
- 3.6 Use of Internet in Legal Research and on line submission of Articles/Seminar papers by Researchers in Law

### **Suggested Reading**

Prof. R. P. SAoni, Harshal Arolkar & Dr. Sonal Jain, Working with Personal Computer Software, Wiley-India Pvt. Ltd., New Delhi

Nandan Kamath :- Law Relating to Computers and Internet, Universal Law Publishing Co.

Allan M. Gahten :- Internet : Law and Legal Profession

Kant D. Stuckey :- Internet and online law

Michoel D. Rostoker :- Computer Jurisprudence and Legal Responses to the Information Revolution

Rega Rao :- Use of computer, Interned for Law students & Legal Profession (Asia Law Book House, Hyderabad)

Baxi Upendra :- Legal Education in 21<sup>st</sup> Century

# **THREE YEARS' LL.B.** **POGRAMME**

## **LL.B. Semester – III** **(Second LL.B. Monsoon Semester)**

LL.B. - SEMESTER III						Marks
PER WEEK	SUBJECTS	Per Week			CREDITS (SEM)29	
		LECTURES	OTHERS	TOTAL		
CORE COURSE 201	Family Law - I	4	1	5	5	100
CORE COURSE 202	Labour & Industrial Law - I	4	1	5	5	100
CORE COURSE 203	Principles of Taxation Law	4	1	5	5	100
CORE COURSE 204	Administrative Law	4	1	5	5	100
CORE COURSE 205	Public International Law	4	1	5	5	100
FOUNDATION 206 F	Principles of Equity	1	1	2	2	100
SOFT SKILL 207 K	Legal Terms, Phrases & Maxims	1	1	2	2	100



# **LL.B. Semester – III**

## **CORE COURSE 201      Family LAW – I**

### **OBJECTIVE OF THE COURSE:**

The course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal law based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restricting would make the study of familial relations more meaningful.

### **SYLLABUS :**

#### **1.    General :**

1.1 Concept of Family and Development of Family System,

Types of Family

1.2 Sources of Family Law

1.3 Schools of Family Law

1.4 Uniform Civil Code : Concept, reasons, Need to enact, problems, relevant Constitutional provisions, Judicial pronouncements

## **2. MARRIAGE ;**

- 2.1 Concept of Marriage, Essentials of valid Marriage under Different laws- Hindu, Muslim, Parsi, Christian laws and Special Marriage Act,
- 2.2 Emerging concepts : Maitri Sambandh (Live in Relationship) and divided home
- 2.3 Regular, irregular and void marriages under different family laws and effects thereof
- 2.4 Iddat and its types under Muslim Law
- 2.5 State Regulations over customary practices like Polygamy, Concubine, Child Marriage, Dowry, Sati System etc. by different legislations
- 2.6 Guardianship in Marriage (Jabar) and option of puberty under Muslim law

## **3. MATRIMONIAL DISPUTES AND REMEDIES :**

- 3.1 Non-judicial resolution of marital conflicts.
- 3.2 Matrimonial Remedies : Restitution of Conjugal Rights, Judicial Separation and Dissolution of Marriage
- 3.3 Dissolution of Marriage ;
  - 3.3.1 Customary dissolution of marriage
  - 3.3.2 Unilateral divorce
  - 3.3.3 Divorce by mutual consent
  - 3.3.4 Other modes of dissolution of marriage like cruelty, desertion, adultery etc.
- 3.4 Emerging concept : Irretrievably breakdown Theory for granting divorce and Judicial pronouncements

### 3.5 Divorce under Muslim personal law –

3.5.1 Talak and its kinds, Talaq-e-tafweez, Kinds of divorce

3.5.2 Grounds for Divorce under the Dissolution of Muslim Marriages Act, 1939

3.5.3 Judicial Approach on Triple Talaq

### 3.6 Re-marriage under different Family Laws

Judicial resolution of marital conflicts: the family court

## 4. **GUARDIANSHIP, ADOPTION, ALIMONY AND MAINTENANCE:**

4.1 Guardianship under different family laws

4.2 Provisions for adoption under various family laws and CARA Guidelines for Adoption

4.3 Maintenance and alimony under the Criminal Procedure Code and various Family Laws:

4.3.1 Maintenance of neglected wives and divorced wives

4.3.2 Maintenance of children : disabled, legitimate and illegitimate

4.3.3 Maintenance of Parents and Grand Parents

4.3.4 Alimony and maintenance as an independent remedy: a review under different personal laws - need for reforming the law, Alimony and maintenance as an ancillary relief

4.3.5 Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act, 1986: a critical review, Judicial pronouncement on the issue : Shah Banoo's case and Danial Litfi v. Union of India's case

## **Suggested Reading :**

Paras Diwan, Law of Interstate and Testamentary Succession, Universal

Basu, N.D. Law of Succession, Universal

Kusern, Marriage and Divorce Law Manual, Universal

Machanda S. C. Law and Practice of Divorce in India, Universal

P.V. Kane, History of Dharmasastras Vol.2 Pl.1 at 624-632

A. Kuppuswami (ed) Mayne's Hindu Law and Usage Ch.4

B. Sivaramayys, Inequalities and the Law

K.C. Daiya, "Population control through family planning in India" Indian Journal of Legal Studies,

J.D.M. Derrett, Hindu Law Past and Present

J.D.M. Death of Marriage Law

A.A.A. Fyzee, Outline of Muhammadan Law, Alladi Kuppuswami, Mayne's Hindu Law and Usage J.D.M. Derrett, A Critique of Modern Hindu Law

Paras Diwan, Hindu Law

Juvenile Justice (Care and Protection of Children) Act, 2015 : Bare Act (Adoption related provisions)

# **LL.B. Semester – III**

## **CORE COURSE : 202 LABOUR AND INDUSTRIAL LAW – I**

### **OBJECTIVES OF THE COURSE :**

Protection of labour is a constitutional mandate. A constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is factor of national progress. Labour makes significant contribution in this respect.

Is labour merely a commodity? Is it only a factor in production? There may be different approaches towards this question. One fact is certain. Today's labour is engaged in a battle for position of honour and status equal with management. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulations is relating to the employment of the work force. Its wings speared wider. It has aim on the societal impulses on, and state reactions to the complex social-economic, human and political problems arising out of the constant conflicts between different classes.

The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence.

In order to meet with the above objectives important Labour Laws are divided into two courses to be studied in Sem. III and IV respectively.

## **SYLLABUS**

### **1. The Industrial Disputes Act, 1947 :**

- 1.1 Scope, objects and main features of the Act, Definitions : Industry, Industrial Dispute (Individual and Collective), Workman etc. and Judicial Pronouncements
- 1.2 Authorities under the Act : Works Committee, Conciliation Officer, Boards of conciliation, Courts of Inquiry, Labour Court, Tribunals
- 1.3 Procedure, powers and duties of the Authorities
- 1.4 Strikes and Lock-outs, Lay-off and Retrenchment
- 1.5 Unfair Labour Practices

### **2. The Industrial Employment (Standing Orders) Act, 1946**

- 2.1 Application of the Act
- 2.2 Standing Orders. Model Standing Orders,
- 2.3 Certification and Cancellation of Standing Orders
- 2.4 Provisions of Appeal
- 2.5 Disciplinary Procedures : Departmental Enquiries

### **3. Trade Unions Act, 1926**

- 3.1 History and Development of Trade Unionism in India
- 3.2 Registration of Trade Union : Procedure
- 3.3 Rights and Liabilities of Registered Trade Unions
- 3.4 Privileges of Registered Trade Unions

### **4. Gujarat Industrial Relations Act (former BIR Act) & Collective Bargaining :**

- 4.1 Important definitions : Industry, Workman, Employee, Wage Board,
- 4.2 Classification of Unions : Primary Union, Qualified Union, Representative Union
- 4.3 Rights, duties and privileges of the Representative Union
- 4.4 Notice of Change
- 4.5 Concept and importance of Principle of Collective Bargaining

## **Suggested Reading :**

John Bowers and Simon Honeyball, Text Book on Labour Law, Blackstone, London.

Srivastava K. D. Commentaries on payment of Wages Act, 1936, Eastern, Lucknow.

Srivastava K. D. Commentaries on Minimum Wages Act, 1948, Eastern, Lucknow.

Rao S. B. Law and Practice on Minimum Wage, Law Publishing House, Allahabad.

Sheth D. D. Commentaries on industrial Disputes Act, 1947, Law Publishing House, Allahabad.

Srivastava K. D. Disciplinary Action against Industrial Employees and its Remedies, Eastern, Lucknow.

Srivastava K. D. Commentaries on Factories Act, 1948, Eastern, Lucknow.

R. C. Saxena, Labour Problems and Social Welfare Chapter 1.5 and V. V. Giri, Labour Problems in Indian Industry Chs. 1 and 15

Indian Law Institute, Labour Law and Labour Relation, Cochin University law Review, Vol. 6 app. 153-210

Report of the National Commission on Labour Ch. 14-17, 22, 23, and 24

O. P. Malhotra, The Law of Industrial Dispute, Universal, Delhi.

S.C. Srivastava, Social Security and Labour Laws, Universal Delhi.

S.C. Srivastava, Commentary on the Factories Act, 1948, Universal, Delhi.

# **LL.B. Semester – III**

## **Gujarat University LL. B. Semester III Syllabus**

### **Core Course Law 203 : Principles of Taxation Laws :**

#### **Section I : Income Tax Act**

**50 Marks**

1 . Income Tax Act

#### **Section II. Intra State Goods and Service Tax**

**40 Marks**

##### **Part A :**

#### **2. Gujarat Goods and Service Tax Act, 2017**

- 2.1 Concept, Object and Reasons of Gujarat Goods and Service Tax Act : Minimal interface between Tax Payer and Authorities, Defects of structure of old Indirect Tax Provisions in India, Goods and Service Tax : meaning, advantages- benefits of GST – Prevention of evasion of tax- frauds
- 2.2 Important Definitions of the Gujarat GST Act and Central GST Act :  
Adjudicating Authority, Aggregate Turnover, Appellate Authority, Appellate Tribunal,  
Assessment, Business, Business Vertical, Capital Goods, Casual Taxable Person, Composite Supply, Continuous Supply of Goods, Continuous supply of Services, Drawback (Rebate of Duty), Exempt Supply, Input Service Distributor, Input Tax, Output Tax, Outward Supply, Place of Business, Recipient, Turnover in State, Works Contract
- 2.3 Input Tax Credit, Levy and Exemption of Input Tax Credit : Conditions, Registration – Persons liable and not liable for registration, Procedure, Deemed Registration, Cancellation and Revocation of Registration
- 2.4 Payment of Tax, interest, penalty etc., Tax Deduction at Source and Collection of Tax at source, filing of various returns : Monthly, Quarterly, annually, Refund of Tax, interest on delayed refunds, Consumer Welfare Fund
- 2.5 Assessment : self and provisional, Scrutiny of returns, Audit , Powers of Inspection, Search, Seizure and Arrest, Provisions relating to Appeal and Reasons, ADR Mechanism
- 2.6 Offences and Penalties under the Gujarat GST Act.



## **Part : B**

### **3. Central Goods and Service Tax Act, 2017 and Service Tax Act**

- 3.1 **Central Goods and Service Tax Act and Service Tax Act**
  - 3.1.1 Salient features, objects, reasons, and Importance of Central GST Act
  - 3.1.2 Application of Central GST Act : with reference to Levy and Collection of Service Act
- 3.2 Salient Constitutional Perspectives related to GST :
  - 3.2.1 Article 279-A of the Constitution of India : Goods and Service Tax Council : Constitution, functions and powers

### **Section III. Inter State Goods and Service Tax**

**10 Marks**

#### **4.. Integrated Goods and Services Tax Act, 2017**

- 4.1 Salient Features, Object and Reasons of IGST Act, 2017
- 4.2 Application of IGST Act, 2017
- 4.3 Goods and Services : Place of supply –Imported into or Exported from India, Location of Supplier/recipient is in India or outside India
- 4.4 Refund, apportionment of tax and settlement of fund, Transfer of Input Tax Credit

### **Suggested Reading :**

Ramesh Sharma, Supreme Court on Direct Taxes, Bharath Law House, New Delhi.

Sampath Lyengar, Law of Income Tax, Bharath Law House, New Delhi

Diwan B. K. and Sanjay Mehtani, Formation, Taxation, and Assessment Charitable and Religious Trusts, Bharath law House, New Delhi.

Kanga and Palkiwala. The Law and Practic e of Income Tax, Wadha, Nagpur

K. Parameswaran, Power of Taxation under the Constitution , Eastern Lucknow

V. Ramachandran & T.A. Ramakrishnan (eds) A. N. Aiyar's Indian Tax Laws, Company Law Institute of India Pvt. Ltd. Chennai.

S. Bhattacharya & H. R. . Garg, Hbandbook of Direct Taxes. Eastern Law House, Calcutta.

V. Ramachandran & T.A. Ramakrishnan (eds) A. N. Aiyar's Indian Tax

Laws (2000) Company Law Institute of India Pvt. Ltd. Chennai.

S. Bhattacharya & H. R. . Garg, Hbandbook of Direct Taxes (1990) Eastern

Law House, Calcutta.

Bhalla Monish, Commercial's GST DECODED (2017) Commercial Law Publishers

(India) Pvt. Ltd.

Bharat's GST Manual, 2017

V. S. Datey, TAXMANN'S GST Ready Reckoner, (2017)

Garg Rakesh, Garg Sandeep, GST Laws Manual (2017), Bloomsbury Publishers, New  
Delhi

Bare Act : Gujarat Goods and Services Tax Act, 2017

Bare Act : Central Goods and Services Tax Act, 2017

Bare Act : Integrated Goods and Services Tax Act, 2017

Constitution of India (122<sup>nd</sup> Amendment) Act, 2016

Constitution of India : Baxi P M, Eastern Book Company 2017 Edi...

Constitution of India : Basu D.D., Eastern Book Co.

Constitution of India : Shukla V.N., Eastern Book Co.

Constitution of India : Jain M. P. Eastern Book Co.

# **LL.B. Semester – III**

## **CORE COURSE 204      ADMINISTRATIVE LAW**

### **OBJECTIVES OF THE COURSE :**

The modern state governs in the traditional sense, that is maintains law and order, adjudicates upon disputes and regulates economic and social life of individuals and group in the state. At the same time it is also the provider of essential service. In the event of need occasioned by unforeseen hazards of life in a complex society, it engages itself in giving relief and helps the citizenry towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution on authority of numerous state functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs in an age of science and technology . The aggregate of such functionaries is an essential component of modern administration.

A formidable body of law has come into existence for the purpose of exercising control over administration. For long administrative lawyers have primarily been concerned with such matters as excess or abuse of power, mal administration and abuse of discretion. However, in recent years there has been a shift in emphasis from finding what the administration may not do to what it must do. The courts in Indian, no doubt, strike down administrative acts which are ultra vires or in violation of procedural norms however, not much has so far been achieved in compelling the administration to perform statutory duties, though a beginning has been made in respect of matters relating to fundamental human liberties, Most of the statutory duties imposed on administrative agencies or authorities remain largely in the realm of discretion.

A course on administrative law must, therefore, lay emphasis on understanding the structure and modus operandi of administration. It must take note of developmental perspectives and attainment of social welfare objectives through bureaucratic process. It should go into matter, which facilitate or hinder the attainment of these objectives.

Though in the matter of protection of rights of individual against administration the role of courts can not be minimized, it is no less important to know the advantages of informal methods of settlement. Many new methods of grievance redressal have been devised which are not only efficacious but also inexpensive and less time consuming. Remedies available for administrative deviance need a critical study and evaluation in the context of realities.

## **SYLLABUS :**

### **1. Introduction and Basic Constitutional Principles :**

- 1.1 Administrative Law : Definition, Nature, Scope Reasons for its growth
- 1.2 Development of Administrative Law, its relation with Constitutional law
- 1.3 Basic Constitutional Principles :
  - 1.3.1 Rule of Law
  - 1.3.2 Doctrine of Separation of Powers
  - 1.3.3 Principles of Natural Justice, relevant statutory provisions, Natural Justice Principle as accepted in India, Judicial approach and important cases
- 1.4 Classification of Administrative actions, Administrative functions, Judicial Functions and Quasi-Judicial functions

### **2. Delegated Legislation and Quasi-Judicial Functions :**

- 2.1 Delegated Legislation : Definition, Reasons of its growth
- 2.2 Delegated Legislation in USA and in India
- 2.3 Functions which can be and cannot be delegated, Conditional Legislation, Sub-delegation, General Principles for delegated legislations
- 2.4 Controls and Safeguards over Delegated Legislation : Purpose
- 2.5 Judicial, Legislative and other controls over Delegated Legislation
- 2.6 Quasi-judicial functions : Definition, distinction from Administrative functions

### **3. Judicial Review of Administrative Discretion and Remedies :**

3.1 Administrative Discretion, Judicial Review Definition

3.2 Judicial Review of Administrative Discretion :

3.2.1 Failure to exercise discretion

3.2.2 Excess or abuse of discretion

3.3 Judicial and other remedies :

3.3.1 Writ remedies, Kinds of writs, jurisdiction, powers, against whom writ to be issued, relevant constitutional provisions

3.3.2 Statutory remedies : Civil Suits, Appeals to Courts, Appeal to tribunals, Appeal before the Supreme Court, SLP, Public Interest Litigation

3.3.3 Other remedies like Council de Etat, Ombudsman, Lokpal & Lokayukt, self- help etc.

3.4 Administrative Tribunals : Definition, Origin, Nature, Scope, reasons for its growth,

3.5 Characteristics of Administrative Tribunals, Distinction from courts, Kinds of Administrative Tribunals, relevant Constitutional provisions and amendments-effects thereof, Important judicial pronouncements : Case of Sampat Kumar, L. Chandrakumar

### **4. Miscellaneous :**

4.1 Liability of the Government

4.1.1 Contractual Liability

4.1.2 Tortious liability, Doctrine of Estoppel, Crown Privilege

4.2 Public Corporations : Definition, characteristics, classification and working

4.3 Rights and liabilities of Public Corporations, Control over Public Corporations

4.4 Vigilance Commission,

4.5 Doctrine of Legitimate Expectation, Doctrine of unjust enrichment

## **Suggested Reading :**

C. K. Thakker, Administrative Law

C. K. Takwani, Lectures on Administrative Law, Eastern Book Co.

C. K. Allen, Law & Orders D.D. Basu, Comparative Administrative law

M.A. Fazal, Judicial Control of Administrative Action in India , Pakistan and Bangladesh, Butterworths - India.

Franks, Reports of the Committee on Administrative Tribunals and Inquiries HMSO, 1959

Peter Cane An Introduction to Administrative Law, Oxford.

Wade, Administrative law (Seventh Edition, Indian Print, Universal, Delhi.

J.C. Garner, Administrated Law, Butterworths (ed. B. L. Jones )

M. P. Jain, Cases and Materials on Indian Administrative Law, Vol . I and II Supplement

S. P. Sathe, Administrative Law

B.Schwartz, An Introduction to American Administrative Law

Indian Law Institute, Cases and Materials on Administrative Law in India, Vo. I Delhi.

# **LL.B. Semester – III**

## **CORE COURSE 205      PUBLIC INTERNATIONAL LAW**

### **OBJECTIVES OF THE COURSE :**

The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels. There need not be an attempt to teach the whole gamut of international law in this course. The HR Dimensions shall be discussed in other papers like Environmental Law (BCI C 18). In the era of Globalization, it is a need of time to acquaint the law students about the Principles of Public International Law and its application to the Municipal Laws of the member nations.

### **SYLLABUS :**

#### **1. Definition and Concept of International Law**

- 1.1 Definition
- 1.2 Public International Law & Private International Law
- 1.3 Nature of International Law and its functions
- 1.4 International Law – a weak law
- 1.5 Development of International Law in India

#### **2. Theoretical Foundations of International Law :**

- 2.1 Basic principles: sovereign equality of state – non-intervention, non use of force, international co-operation, peaceful settlement of disputes
- 2.2 Individuals as subject of international law
- 2.3 State jurisdiction on terrorism, hijacking, narcotics, war crimes and  
Crimes against peace

2.4 Treatment of aliens

2.5 Mechanism : Amnesty International, International Labour Organization (ILO)  
UNESCO, UNICEF

### **3. Concept :**

3.1 Sources of International Law : Customs, Treaties, General Principles of Law  
recognized by the Civilized Nations, Judicial Decisions, Writing of Jurists,  
Equity, Resolutions of General Assembly

3.2 Subjects of International Law

3.3 Jurisdiction of States

3.4 Legal Responsibility of State

### **4. Miscellaneous :**

4.1 States, Recognition, State Territory, State Jurisdiction, State Responsibility

1.2 Aliens

1.3 Extradition

1.4 Asylum

1.5 Treaties

1.6 Security Council

1.7 International Terrorism : Aircraft Hijacking, piracy

1.8 Disarmament : Threat to Human Rights

### **Suggested Reading :**

S. K. Verma, Public International Law Prentice- Hall, New Delhi.

Peter J. Van Kricken (ed) . The Exclusion on Clause, Kluwer

Human Rights Watch Women's Rights Project. The Human Rights Watch Global Report on  
Women's Human Rights, Oxford

Limacora, Nowak and Tretter, International Human Rights, Sweet & Maxwell

Wallace, International Human Rights, Text & Materials, Sweet & Maxwell



Muntarbhom. The Statu of Refugees in Asia, Oxford

Human Rights and Global Diversity, Frank Cass, London

Nirmal C.J. (ed) Human Rights in India, Oxford

Nirmal B.C. The Rights to Self determination in International Law, Deep & Deep

P.R. Gandhin, International Human Right Documents, Universal, Delhi.

Agrawal : Public International Law

Dr. S. K. Kapoor : International Law : Central Law Agency

# **LL.B. Semester – III**

## **FOUNDATION 206 K      PRINCIPLES OF EQUITY**

### **SYLLABUS :**

#### **1. Equity : Origin, Development & Importance:**

- 1.1 Origin and Historical Background of Equity
- 1.2 Definition, nature and scope of Equity
- 1.3 Equity as a Branch of Law
- 1.4 Basis of Equity :
  - 1.4.1 Equity - A matter of grace,
  - 1.4.2 Equity – A matter of conscience
- 1.5 Development of Equity in India
- 1.6 Importance of Equity
- 1.7 Practice use of Equity in enacting and interpreting the statutes
- 1.8 Nature of Equitable Rights and interests :
  - 1.8.1 Evolution of Equitable Interests in property
  - 1.8.2 Difference between Legal and equitable estates

#### **2. Maxims of Equity :**

- 2.1 Equity will not suffer a wrong to be without a remedy
- 2.2 Equity Follows the Law
- 2.3 He who seeks Equity must do Equity
- 2.4 He who comes to Equity must come with clean hands
- 2.5 Delay defeats Equity
- 2.6 Equality is Equity

#### **3. Maxims of Equity :**

- 3.1 Equity looks to the Intent rather to the Form

- 3.2 Equity looks on that as done which ought to have been done
- 3.3 Equity imputes an intention to fulfill an obligation
- 3.4 Equity acts in Personam
- 3.5 Where the Equities are equal the first in time shall prevail
- 3.6 Where there is equal Equity, the law shall prevail

### **Suggested Reading :**

Snell, Equity

Curzon L. B., Equity

Horsfield, Peter M., Equity in a nutshell

Pettit, Philip H., Equity and the Law of Trusts Butterworths Publication

Keeton G. W., and L. A. Sheridan, Equity, Pitman

H. G. Hanbury, Modern Equity The Principles of Equity English Language Book Society

Aquil Ahmad, Equity, Trusts and Specific Relief, Central Law Publication

Basu D. D., Equity, Trusts, Specific Relief

Desai T. R., Equity, Trusts and Specific Relief

B. M. Gandhi, Equity, Trusts and Specific Relief, Eastern Book Company

# LL.B. Semester – III

## **SOFT SKILL 207 K      LEGAL TERMS, PHRASES & MAXIMS**

### **1. Legal Terms and Phrases :**

- 1.1 Meaning and use in sentence
- 1.2 Importance of Legal Terms
- 1.3 Use Equivalent Legal Terms
- 1.4 Examples of Legal Terms :

*Abandon, Abscond, Accord, Acquiescence, Ad interim, Bona fide, Caveat Emptor, Capricious, Causus Omissus, Cypres, Codicil, Coparcenery, Damage and damages, Damage Feascent, De hors, De novo, Domicile, Double Jeopardy, Endowment, Frivolous and Vexatious, Hereditary, Juvenile Delinquency, Legum Baccalaureus, Lunatic, reciprocal, Onerous, Pro bono Publico, Quid Pro Quo, Ratification, Rescind Contract, Rule absolute, Rule Discharged, Sub Judis, Submission, Subrogation, Testamentary, Tenure, Undue Influence, Vakalatnama, Valuable Security, Verdict, Vicarious Liability, Viva voce, Void and voidable,*

**Note : Above Legal Terms should be taught in the classrooms by explaining their meaning used in various laws and practically demonstrated by framing appropriate sentences.**

### **2. Legal Maxims :**

- 2.1 Meaning and importance of Legal Maxims
- 2.2 Legal Maxims :

- *Actio Personalis Moritur cum Persona*
- *Actus Non Facit, Reum, Nisi Mens Sit Sea*
- *Delegates non potest delegare*
- *Damnum Sine Injuria Esse Potest*
- *Delegatus Non Potest Delegate*
- *Ex Nudo Pacto Non Oritur Actio*
- *Ex Turpi Causa Non Oritur Actio*
- *Falsus In Uno Falsus In Omnibus*

- *Ignorantia Facit Excusact Ignorantia Juris Non Excusat (Ignorance Legis Neminem Excusant)*
- *In Jure Non Remota Causa, Sed Proxima Spectatus*
- *Injuria Sine Damno*

### 3. Legal Maxims :

- *In bonam partem*
- *Nemo Dat Quod Non Habet*
- *Novus Actus (Or Causa) Interveniens*
- *Qui Facit Per Alium Facit Per Se*
- *Res Ipsa Loquitur*
- *Respondeat Superior*
- *Re Non Potest Peceare*
- *Salus Populi Supreme Lex*
- *Sic Utero Tuo Ut Alienum Non Leadas*
- *Ubi Jus Ibi Idem Remedium (or) Ubi Jus Ibi Remedium*
- *Ut Res Magis Valeat Quam Pereat*
- *Volenti Non Fit Injuria*

**Note : Above Maxims should be taught taking into consideration the relevant decided cases as well as the illustrative Examples.**

### **Suggested Reading :**

P. Ramaswami Aiyar, Law Laxicon, Wadhwa and Co.

Ramanathan Aiyer P., The Law Lexicon

Dr. Amit Sen : Text book of Legal Language

Gary Slapper and David Kelley : Lectures on Language System

Brayan Garner : A Dictionary of Modern Legal Usage

John Gibbons : Language and the Law

Peter M. Tiersma : Nature of Legal Language

Wikipedia : Legal English

# **THREE YEARS' LL.B.** **PROGRAMME**

## **LL.B. – SEMESTER - IV**

<b>LL.B. - SEMESTER IV</b>						
<b>PER WEEK</b>	<b>SUBJECTS</b>	<b>Per Week</b>			<b>CREDITS (SEM)29</b>	<b>Marks</b>
		<b>LECTURES</b>	<b>OTHERS</b>	<b>TOTAL</b>		
<b>CORE COURSE 208</b>	<b>Legal Methods &amp; Legal Theories (Jurisprudence)</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>100</b>
<b>CORE COURSE 209</b>	<b>Family Law - II</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>100</b>
<b>CORE COURSE 210</b>	<b>Interpretation of Statutes and Principles of Legislation</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>100</b>
<b>CORE COURSE 211</b>	<b>Labour &amp; Industrial Law – II</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>100</b>
<b>ELECTIVE COURSE 212 E</b>	<b>Human Right Law and Practice</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>100</b>
<b>FOUNDATION 213 F</b>	<b>Principles of Banking Laws</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>100</b>
<b>SOFT SKILL 214 K</b>	<b>Legal Principles through Case Study</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>100</b>

# **LL.B. Semester – IV**

## **CORE COURSE 208      LEGAL METHODS & LEGAL THEORIES (Jurisprudence)**

### **OBJECTIVE OF THE COURSE :**

At the heart of the legal enterprise is the concept of law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is unable to present various statutes, cases procedure, practices and customs as a systematic body of knowledge, nor is it able to show the inter-connection between these various branches of law, procedures and principles. The fact that the basic nature and purpose of law should be clear to every student and that it should be the very foundation of law teaching needs little argument. A course in jurisprudence should, primarily, induct the student into a realm of questions concerning law so that he is able to live with their perplexity or complexity and is driven to seek out answers for himself.

It may not be possible that a one year jurisprudence course can impart knowledge of doctrines about law and justice, developed over the years, in various nations and historical situations. At best an undergraduate course should impart the analytical skill and equip the student with the basic problems concerning law and the types of solutions sought. Thus the student not only will be able to use this skill in practice but also is motivated to take up detailed historical studies on his own after the course. Since a basic idea in the designation of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teachers should try to make use of the Indian materials as far as possible.

## **SYLLABUS :**

### **1. Introduction and sources of Law**

1.1 Meaning of the term 'jurisprudence', Importance

1.2 Nature and definition of law, Relation between : Law and Morality, Law and Justice

1.3 Sources of law : Legislation, custom, Precedents: concept of *stare decisis*, Juristic writings

### **2. Schools of Jurisprudence**

2.1 Analytical positivism : Bentham and Austin's view, Criticism of Austin's theory of positivism

2.2 Natural law School, Historical school, Sociological School

2.3 Kelson's Pure Theory of Law, H.L.A. Hart's Theory

### **4. Legal Rights, duties, persons, Titles, liabilities etc. :**

3.1 Rights, Duties and Wrongs : Definitions and relationship, Rights : kinds,

Legal Rights as defined by Hohfeld, Right-Duty Correlations

3.2 Nature of personality, types of persons : Natural and artificial persons

3.3 Corporate personality : Corporation sole and aggregate, Rights & liabilities

3.4 Status of the unborn, minor, lunatic, drunken and dead persons

3.5 Titles : kinds

3.6 Liabilities : conditions for imposing liabilities, Mens rea, Intention, negligence, Vicarious liability, Strict Liability,

3.7 Theories of punishment



## **5. Ownership, Possession and Property :**

5.1 Possession : Definition, concept and importance

5.2 Kinds of possession, Essentials of possession : *Corpus Possessiones* and *Animus Possidendi*

5.3 Ownership : Definition, concept, kinds of ownership

5.4 Distinction between ownership and possession, Kinds of property

### **Suggested Reading :**

Bodenheimer Jurisprudence - The Philosophy and Method of Law (1996), Universal. Delhi.

Fitgerald, (ed) Salmond on Jurisprudence, Tripathi, Bombay.

W. Friedmann, Legal Theory, Universal, Delhi,

V. D. Mahajan, Jurisprudence and Legal Theory, Eastern, Lucknow M.D.A. Freeman (ed),  
Lloyd's Introduction to Jurisprudence, Sweet & Maxwell Paton G. W., Jurisprudence Oxford,  
ELBS

H.L.A. Hart the concept of law, Oxford, ELBS

Roscoe pond introduction to the philosophy of Law, Universal Delhi

Dias, Jurisprudence, Adithya Books New Delhi.

Dhyani S.N. Jurisprudence A Study of Indian Legal Theory, Metropolitan, New Delhi.

# **LL.B. Semester – IV**

## **CORE COURSE 209 : FAMILY LAW - II**

### **OBJECTIVE OF THE COURSE :**

The course structure is designed mainly with flute objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating, to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

### **SYLLABUS**

#### **1. JOINT FAMILY:**

1.1 Mitakshara joint family

1.2 Mitakshara coparcenary –

1.2.1 formation and incidents

1.2.2 Property under Mitakshara law- separate property and coparcener/property, Share of women in coparcenary property : Judicial Approach

1.3 Dayabhaga coparacenary –

1.3.1 formation and incidents

1.3.2 Property under Dayabhaga law

1.4 Karta of the joint family - his position, powers privileges and obligations

1.5 Alienation of property - separate and coparcenary.

1.6 Partition and re-union.

1.7 Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

## **2. INHERITANCE:**

### 2.1 Hindus

2.1.1 Historical perspective of traditional Hindu Law as a background to the study of the Hindu Succession Act., 1956

2.2.2 Succession to property of a Hindu male dying intestate under the provisions of the Hindu Succession Act, 1956.

2.2.3 Devolution of interest in Mitakshara coparcenary with reference to the provision.: of Hindu Succession Act, 1956

2.2.4 Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956

2.2.5 Disqualification relating to succession, General rules of succession,

### 2.2 Muslims

2.2.1 General rules of succession and exclusion from succession.

2.2.2 Classification of heirs under Hanafi and Ithana Ashria school and their share and distribution of property

### 2.3 Christians, Parsis and Jews

2.3.1 Heirs and their shares and distribution of property under Indian Succession Act of 1925

2.3.2 Testamentary Succession under the Indian Succession Act : Rules for distribution of property of Christians, Parsis and Jews

2.3.3 Distribution of property of Christians, Parsis and Jews dying intestate

### **3. Gifts :**

3.1 Essentials of valid gift under different family laws :

3.2 kinds of Gift : Competency of donor and donee, Subject matter of gift, properties which can be and cannot be the subject matter of gift, void gifts

3.3 Essentials of valid Hiba (Gift) under Muslim Law, kinds of Hiba, Sadquah, Marz-ul-maut, Revocation of gift

### **4. Family Court Act and Miscellaneous Provisions :**

4.1 Family Courts : Concept, need, Law Commission Reports

4.2 Powers and jurisdiction of the Family Court

4.3 Issues to be decided by the Family Court, Qualifications of Family Court Judge

4.4 provisions regarding appearance of advocates in family courts Exemption from court fees etc.

4.5 Provisions of Appeal under the Family Courts Act

4.6 Salient Features of the Protection against the Domestic Violence Act, 2005

### **Suggested Reading :**

Paras Diwan, Family Law

Paras Diwan, Law of Intestate and Testamentary Succession (1PPS), Universal

Basu, N.D. Law of Succession, Universal

Kusem, Marriage and Divorce Law Manual, Universal

Machanda S.C. Law and Practice of Divorce in India, Universal

P.V. Kane, History of Dharmasastras Vol.2 Pt1 at 624-632

A. Kuppuswami (e.d.) Mayne's Hindu Law and Usage Ch.4

B. Sivaramayys, Inequalities and the Law

K. C. Daiya, "Population control through family planning n India," Indian Journal of Legal Studies,

J.D.M. Derrett, Hindu Law past and present

J.D.M. Derrett, Death of marriage Law

A.A.A Fyzee outline of Muhammadan Law

Alladi Kappuswami (ed) Mayne's Hindu Law and Used J.D.M. Derret a Critique of Modern Hindu Law

Paras Diwan Hindu Law

# **LL.B. Semester – IV**

## **CORE COURSE 210 INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION**

### **OBJECTIVES OF THE COURSE :**

Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. What are the techniques adopted by courts in construing statutes? How far are they successful in their strategy?

### **SYLLABUS**

#### **1. GENERAL AND RULES OF STATUTORY INTERPRETATION :**

- 1.1 Meaning of the term “Statute”.
- 1.2 Commencement, operation and repeal of statutes
- 1.3 Purpose and importance of Interpretation of Statutes
- 1.4 Meaning : ‘Interpretation’ and ‘construction’
- 1.5 Rules of Statutory Interpretation

- 1.5.1 Primary Rules
- 1.5.2 Literal Rule
- 1.5.3 Golden Rule
- 1.5.4 Mischief Rule (Rule in Heydon's Case)
- 1.5.5 Rule of Harmonious Construction
- 1.5.6 Secondary Rules :

*Noscitur a sociis*

*Ejusdem generis*

*Reddendo singula singulis*

## **2. AIDS TO INTERPRETATION:**

### 2.1 Internal aids

- 2.1.1 Title, Preamble, Headings and marginal notes
- 2.1.2 Sections and sub-sections, Punctuation marks
- 2.1.3 Illustrations, exceptions, provisos and saving clauses
- 2.1.4 Schedules, Non-obstante clause

### 2.2 External aids

- 2.2.1 .Dictionaries
- 2.2.2 Translations
- 2.2.3 Travaux Preparatoires
- 2.2.4 Statutes in pari material
- 2.2.5 Contemporanea Exposito
- 2.2.6 Debates, inquiry commission report and Law Commission reports

## **3. PRESUMPTIONS IN STATUTORY INTERPRETATION:**

- 3.1 Statutes are valid
- 3.2 Statutes are territorial in operation
- 3.3 Presumption as to jurisdiction
- 3.4 Presumption against what is inconvenient or absurd
- 3.5 Presumption against intending injustice

3.6 Presumption against impairing obligations or permitting advantage from one's own wrong

3.7 Prospective operation of statutes

#### **4. INTERPRETATION WITH REFERENCE TO THE SUBJECT MATTER & PURPOSE AND PRINCIPLES OF CONSTITUTIONAL INTERPRETATION**

4.1 Interpretation with reference to the subject matter & Purpose

4.1.1 Restrictive and beneficial construction

4.1.2 Taxing statutes

4.1.3 Penal states

4.1.4 Welfare legislation

4.2 Principles of Constitutional Interpretation :

4.2.1 Harmonious construction

4.2.2 Doctrine of pith and substance

4.2.3 Colorable legislation

4.2.4 Doctrine of repugnancy

4.2.5 Prospective Overruling

4.2.6 Doctrine of Eclips

#### **Suggested Reading :**

G.P. Singh, Principles of Statutory Interpretation, Wadhwa, Nagpur.

P. St. Langan (Ed), Maxwell on The Interpretation of Statutes, N.M. Tripathi, Bombay.

K. Shanmukham, N.S. Binclras' Interpretation of Statutes, The Law Book Co. Allahabad.

V. Sarathi, Interpretation of Statutes, Eastern, Lucknow.

M.P. Jam, Constitutional Law of India, Wadhawa & Co

M.P. Singh (Ed), V.N. Shukla's Constitution of India, Eastern, Lucknow.

U. Baxi, Introduction to Justice K.K. Mathew's Democracy Equality and Freedom Eastern, Lucknow.



# **LL.B. Semester – IV**

**CORE COURSE 211      LABOUR & INDUSTRIAL LAW - II**

## **SYLLABUS :**

### **1. Payment of Wages Act and Payment of Bonus Act :**

#### 1.1 Payment of Wages Act

- 1.1.1 Application and concept of Wages
- 1.1.2 Important Definitions : Wages, Workman etc.
- 1.1.3 Liabilities of employer for payment of wages
- 1.1.4 Authorised and Unauthorized Deductions
- 1.1.5 Remedies against unauthorized deductions (u/s. 15)

#### 1.2 Payment of Bonus Act :

- 1.2.1 Application and concept of Bonus
- 1.2.2 Important Definitions : Bonus, Employees, continuous Services
- 1.2.3 Calculation of Bonus : Available surplus and allocable surplus
- 1.2.4 Provisions for new establishments relating to calculation of Bonus,  
Calculation of Bonus : Available surplus and allocable surplus
- 1.2.5 Minimum Bonus & Maximum Bonus, Qualifications & Disqualifications  
for Bonus, Recovery of Bonus

### **2. Factories Act, 1948 :**

#### 2.1 Application of the Act, Important Definitions : Factory, Worker, Manufacturing Process

- 2.1.1 Provisions relating to adolescent and women
- 2.1.2 Provisions relating to working hours to adult workers, women and adolescent

#### 2.2 Provisions relating to Health of Workers

#### 2.3 Provisions relating to safety and Welfare of Workers

2.4 Special provisions relating to Hazardous Process (Chapter IV-A) & provisions relating to Leave with Wages

2.5 Authorities under the Factories Act

### **3. Employees' State Insurance Act :**

3.1 Application and coverage of the Act

3.2 Important Definitions : Workmen, Benefit Period, Contribution Period, Wages, employer

3.3 Benefits available to the Employees under the Act

### **4. Payment of Gratuity Act and Maternity Benefits Act :**

4.1. Payment of Gratuity Act :

4.1.1 Application and coverage of Act

4.1.2 Important Definitions : Wages, employee, continuous services

4.1.3 Qualifications and disqualifications of Gratuity

4.1.4 Formula for calculation of Gratuity and related Judicial Pronouncements

4.1.5 Recovery of Gratuity and authorities under the Act

4.2 Maternity Benefits Act : Object, Reasons and Salient Features.

### **Suggested Reading :**

John Bowers and Simon Honeyball, Tex Book on Labour Law, Blackstone, London.

Srivastava K. D. Commentaries on payment of Wages Act, 1936 Eastern, Lucknow.

Srivastava K. D. Commentaries on Minimum Wages Act, 1948, Eastern, Lucknow.

Rao S. B. Law and Practice on Minimum Wage, Law Publishing House, Allahabad.

Sheth D. D. Commentaries on industrial Disputes Act, 1947, Law Publishing House, Allahabad.

Srivastava K. D. Disciplinary Action against Industrial Employees and its Remedies, Eastern, Lucknow.

Srivastava K. D. Commentaries on Factories Act, 1948, Eastern, Lucknow.

R. C. Saxena, Labour Problems and Social Welfare

V. V. Giri, Labour Problems in Indian Industry Chs. 1 and 15

Indian Law Institute, Labour Law and Labour Relation, Cochin University law Review,  
Vol. 6 app. 153-210

Report of the National Commission on Labour Ch. 14-17, 22, 23, and 24

O. P. Malhotra, The Law of Industrial Dispute, Universal, Delhi.

S.C. Srivastava, Social Security and Labour Laws Pts. 5 and 6, Universal Delhi.

S.C. Srivastava, Commentary on the Factories Act, 1948, Universal, Delhi.

# **LL.B. Semester – IV**

## **ELECTIVE COURSE 212     HUMAN RIGHT LAW & PRACTICE**

### **1.     HUMAN RIGHTS : GENERAL**

#### 1.1 Theoretical Foundations of Human Rights :

1.1.1 Meaning, Basic Concept and Origin of Human Rights,

1.1.2 Sources and significance of Human Rights

1.1.3 Different definitions of Human Rights, First Official Use of the term ‘Human Right’ at UN Meeting, Classification of Human Rights

1.1.4 Theories of Human Rights

#### 1.2 Historical development of the concept of Human Rights :

1.2.1 Human rights in Indian tradition: ancient, medieval and modern.

1.2.2 Human rights in Western tradition

1.2.3 Concept of natural Law, Concept of natural rights

1.2.4 Human rights in legal tradition, international Law and National Law

### **2.     UN and Human Rights:**

#### 2.1 International Documents relating to Human Rights

2.1.1 Universal Declaration of Human Rights (1948) : Individual and group rights, its significance and limitations

#### 2.1.2 International Covenant on Human Rights :

- International Covenant on Civil & Political Rights, 1966
- International Covenant on Economic, Social & Cultural Rights, 1966

2.1.3 I.L.O. and other Conventions and Protocols dealing with human rights

2.1.4 Importance and binding effect of above documents on the member countries of UN

#### 2.2 Impact and implementation of international human rights norms in India :

2.2.1 Human rights norms reflected in fundamental rights under the Constitution of India

2.2.2 Directive Principles legislative and administrative implementation of international human rights norms.

2.2.3 Implementation of international human rights norms through judicial process .

### **3. Human Rights under the Constitution and different Legislation in India :**

3.1 Provisions for enshrining human rights to Women and Children

3.2 Human Rights granted to Schedule Caste, Schedule Tribes and other socially and economically backward communities

3.3 Human Rights of prisoners and arrestees

3.4 Human Rights of victims and development of compensatory jurisprudence

### **4. . Enforcement of Human Rights and machinery thereof :**

4.1 International Commission of Human Rights, Amnesty International

4.2 Role of Courts : the Supreme Court, High Courts and other courts : Relevant Important decisions of the Supreme Court

4.3 Statutory commissions –

4.3.1 National Commission for Women

4.3.2 National Commission for Minority

4.3.3 National Commission for Schedule Castes and Schedule Tribes

4.4 . Protection of Human Rights Act, 1993 :

- National Human Rights Commission
- State Human Rights Commission
- Human Right Courts
- Protection of Human Rights Act, 1993 : adequacy of the legislation

4.6 Role of various NGOs in the protection of Human Rights

## **Suggested Reading :**

S. K. Avesti and R.P. Kataria, Law Relating Human Rights , Chh. IV, V, VIII, XIV XXIX, and XXXIX Orient, New Delhi.

Human Rights Watch Women's Rights Project. The Human Rights Watch Global Report on Women's Human Rights Oxford

Limacora, Nowak and Tretter, International Human Rights, Sweet & Maxwell

Wallace, International Human Rights, Text & Materials, Sweet & Maxwell

Muntarbhom. The Statu of Refugees in Asia, Oxford

Human Rights and Global Diversity, Frank Cass, London

Nirmal C.J. (ed) Human Rights in India, Oxford

P.R. Gandhin, International Human Right Documents, Universal, Delhi.

K. C. Joshi : Internal Law & Human Rights, Eastern Book Company

Dr. Vijay Chitnis : Human Rights and the Law : National & Global Perspectives, Sno White Publication Pvt. Ltd.

Khwaja Abdul Muntaquim : Protection of Human Rights : Law Publishers (India) Pvt. Ltd.

Law Relating to Human Rights : Asia Law House

Dr. S. K. Kapoor : Human Rights under International Law and Indian Law : Central Law Agency

Dr. Vijay S. Chitnis :Human Rights & Princes of Poverty : Snow White Publication Ltd.

Dr. N. Subramanya : Human Rights and Refugees : A.P.H. Publishing Corporation, New Delhi

Mangari Rajender : The Protection of Human Rights Act and Relating Laws : Law Book Agency

# **LL.B. Semester – IV**

## **FOUNDATION COURSE 213 F PRINCIPLES OF BANKING LAWS**

### **OBJECTIVES OF COURSE :**

The modern society functions, contrary to the old batter system, on monetary transactions. In a developing country like India, the banking system takes off becomes quite common even among the common people. The services banks render to the general public do have a significant contribution to the development of the economy Pan passu, the security to the assets money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the bank. The variety of assistance tended by the banks to the common people and business community cannot be over emphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

### **SYLLABUS:**

#### **1. Origin and Development of Banking System :**

- 1.1 Evolution of Banking Institutions, Origin of word 'Bank'
- 1.2 Development of British Banking and Banking System in India
- 1.3 Types of Banks in India, Nationalized Banks, Co-operative Banks, Multi functional Banks etc and their functions
- 1.4 Reserve Bank of India and its functions , Role of RBI as Central Bank

#### **2. Constitutional Perspectives and Regulation of Banks & Banking Business in India :**

- 2.1 Constitutional Perspectives relating to Banking Laws : Entries : 36, 37, 38, 43, 44, 45, 46 of List – I of the Schedule VII, Entry 30 of List II of Schedule VII of the Constitution of India

2.2 Bankers' Books Evidence Act : Main provisions

2.3 Banking Ombudsman System : Settlement of Disputes and complaints relating to Banking Services

2.4 Main provisions of Banking Regulation Act, 1949

2.4.1 Regulation of Banking Companies

2.4.2 Suspension and winding up of Banking Companies

### **3. Recovery of Debt due to Banks & other Financial Institutions :**

3.1 Recovery of Debt due to Banks and other Financial Institutions Act

3.1.1 Amount of Debt, who can initiate litigations ?

3.1.2 Procedure to recover Debt under the Act

3.1.3 Debt Recovery Tribunal : Constitution, Powers and Jurisdiction

3.1.4 Powers of the Recovery Officer

3.1.5 Provisions of Appeal

3.2 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002

3.2.1 Objects and reasons of the act

3.2.2 Main provisions of the act

3.2.3 Issues covered under the act

### **Suggested Reading :**

1. Recovery of Debt. Due to Bankers and Financial Institutions Act, 1993  
Asia Law House Ltd.
2. Banking Regulation Act, 1949
3. Reserve Bank of India Act, 1935
4. Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act
5. M.L. Tannen, Tannen's Banking Law and Practice in India India Law House, New Delhi
6. S.N. Gupta, The Banking Law in Theory and Practice, Universal New Delhi



# **LL.B. Semester – IV**

## **SOFT SKILL COURSE 214 K LEGAL PRINCIPLES THROUGH CASE STUDY**

### **OBJECTIVES OF COURSE :**

The main object of this course is to appraise the law students from various legal principles established by the apex court and/or foreign courts to develop the learning, understanding and writing skills. By reading the judgments taking into consideration the legal principles laid down in the judgments, the law students are expected to develop their skills of legal reasoning and applying the legal principles in practice and procedure.

1. Principle of Pro Bono Publico  
Illustrative Case : Bandhua Mukti Morcha v. Union of India (AIR) 1984 SC 802)
2. Rule of Prospective Overruling :  
Illustrative Case : Golak Nath v. State of Punjab (AIR 1967 SC 1642)
3. Basic Structure Theory  
Illustrative Case : Kesavananda Bharti v. State of Kerala (AIR 1973 SC 1461)
4. Maintenance to Muslim Divorced Women & Tripal Talaq :  
Mohd. Ahmed Khan v. Shah Banoo Begum (AIR 1985 SC 945)  
Danial Litifi's case (2002), Recent Judicial Approach on Triple Talaq
5. Uniform Civil Code  
Sarila Mudgal President v. Union of India (AIR 1995 SC 153) and subsequent cases on the similar issue
6. Guidelines of Prevention of Sexual Harassment to women at working place  
Visakha v. State of Rajasthan (AIR 1997 SC 3011)
7. Principle of Absolute Liability  
Sri Ram Food Gas Leakage Case
8. Medical Negligence and liabilities of Medical Practitioners :  
Jacob Methew v. State of Punjab (AIR 2005 SC 3180)
9. Principle of Vicarious Liability :

- State of Rajasthan v. Vidhyawati (AIR 1963 SC 1295)
10. Polluter Pays Principle and Public Trust Doctrine:
    - M. C. Mehta v. Kamal Nath (1997) 1 SCC 388
    - M. C. Mehta v. Union of India (1996) 4 SCC 750
    - Council for Enviro Legal Action v. Union of India (1996) 5 SCC 281
  11. Principle of Sustainable Development and Precautionary Principle :
    - Vellore Citizens' Welfare Forum v. Union of India (1996) 5 SCC 647
  12. Doctrine of Ultra Vires :
    - Ashbury's Railway Company v. Riche
  13. Doctrine of Indoor Management :
    - Royal British Bank v. Turquand
  14. Principle of Lifting the Corporate veil :
    - Soloman v. Soloman's case
  15. The Right of the Majority Rule (Company Law) :
    - Foss v. Harbottle (1843) 67 ER 189
  16. Principle of Contributory Negligence
    - Donogue v. Stevenson (1932) AC. 562
  17. Reps Ipsa Loquitor :
    - Gulli v. Swan
    - Byrne v. Boadle (1863) 2 HBE 722
  18. Principle of Remoteness of Damages :
    - Scott v. Shephard 96 Eng. Rep. 525 (K.B. 1773)
    - Re Polimis v. Wagon Mound case [1961] AC 388 House of Lords
  19. Death Sentence for Murder : Rarest of Rare Cases :
    - Bachchan Singh v. State of Punjab (AIR 1980 SC 898)
  20. Contract with minors : *Void ab initio*
    - Case : Mohri Bibee v. Dharamdas Ghosh (1903) 30 IA 114
  21. Maneka Gandhi v. Union of India
    - Due process of Law under Article 21 of the Constitution.
  22. Dharm Dutta & Others vs. Union of India [ (2004) 1 SCC 712 ]
    - (No right to strike, but right to Collective Bargaining)
  23. State of Gujarat v. Umedbhai M. Patel (AIR 2010 SC 1109)
    - (Principles laid down for Compulsory Retirement)

24. Rupan Deol Bajaj v. K. P. S. Gill (AIR 1996 SC 309)

State of Hariyana v. Bhajan Lal (AIR 1992 SC 604)

Power of High Court to quash FIR, Criminal Complaints and pending Criminal Proceedings u/s. 482 of the Cr.P.C.

**Note : Each law college will be at liberty to teach the selected Legal Principles from the above suggested List. However, while teaching above legal principles, the colleges may take into consideration and discuss other relevant and relied cases of the Apex Court or foreign courts.**

### **Suggested Reading :**

All Law Journals

Legal Software

Comments on the above cases

# **THREE YEARS' LL.B.** **PROGRAMME**

## **Semester – V**

(THIRD LL.B. –MONSOON SEMESTER)

PER WEEK	SUBJECTS	LECTURES	OTHERS	TOTAL	CREDITS (SEM)29	Marks
CORE COURSE 301	<b>Civil Procedure Code and Limitation Act</b>	4	1	5	5	100
CORE COURSE 302	<b>Criminal Procedure Code</b>	4	1	5	5	100
CORE COURSE 303	<b>Law of Evidence</b>	4	1	5	5	100
ELECTIVE COURSE 304 E	<b>Public Interest Lawyering</b>	4	1	5	5	100
ELECTIVE COURSE 305 E	<b>Intellectual Property Law</b>	4	1	5	5	100
FOUNDATION 306 F	<b>Principles of Negotiable Instruments</b>	1	1	2	2	100
SOFT SKILL 307 K	<b>Rehabilitation of Criminals &amp; Juveniles in Society &amp; Law</b>	1	1	2	2	100

# **LL.B. Semester V**

**(Third LL.B. Monsoon Semester)**

## **Law 301 : Civil Procedure Code & Limitation Act**

### **Objectives of the course :**

Civil Procedure code is a subject daily use by the courts and lawyers and a student cannot afford to have scant knowledge of civil procedure when he goes out to practise as a lawyer. True that it is through expenses one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before one enters the profession. While the substantive law determines the rights of parties. Procedural law sets down the norms for enforcement . Whenever civil rights of persons are affected by action, judicial decisions will supply the omissions in the law.

The Code of Civil Procedure in India has a chequered history and lays down the details of procedure for redressal of civil rights. Many questions may prop up when one goes to indicate one's civil rights. The courts where the suit is to be filed, the essential forms and procedure for institution of suit, the documents in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal and revision are all matters which a lawyer for any side is to be familiar with.

A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter on time, may place courts in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence the statute of Limitation fixes a period within which a case has to be filed.

**Weightage of Marks :**

**Civil Procedure Code : 80 Marks**

**Limitation Act : 20 Marks**

**Syllabus :**

**1. Introduction, Basic Principles and Jurisdiction of the Courts :**

1.1 Concept, Complaint, Written Statement, Affidavit, Order, Judgment, Decree

1.2 Restitution, Execution, Decree-holder, Judgment-debtor, Mesne Profits

1.3 Distinction between decree and judgment and between decree and order.

1.4 Kinds and Jurisdiction of Courts, Hierarchy of Courts :

1.4.1 Suits of Civil Nature : Scope and limits, Place of Suing, Institution of Suit

1.4.2 Parties to suit, Joinder, Non-Joinder and Mis-joinder of Parties,  
Representative suit, Framing of Suit, Cause of Action,

1.4.3 Res Judicata and Res Sub-judice, Foreign Judgment & its enforcement

1.4.4 Provisions relating to ADR : Settlement of the Disputes outside the courts  
(Sec.89) – object, purpose, background and procedure

1.4.5 Issuance of Summons

**2. Trial Procedure, Judgment, Suits in particular cases :**

2.1 Appearance of parties, Ex-parte procedure, Effect of Death, Marriage & Insolvency of Parties

2.2 Attendance of witnesses, Adjournments, Set off and Counter Claims, Discovery, Inspection & Production of Documents

2.3 Trial procedure, Interim orders : Commission, arrest or attachment before judgment, injunction and appointment of receiver, Interest and costs

2.4 Suits in particular cases :

2.4.1 Suits by or against Government/Public Officers (Sec. 79-82)

2.4.2 Suits by aliens and by or against foreign rules or ambassadors (ss83- 87A)

2.4.2 Suits relating to Public nuisance ( ss 91-93)

2.4.3 Suits by or against firm

2.4.4 Suit by Indignant persons(O. 33), Suit of Mortgage

2.4.5. Interpleader suits

2.4.6 Suits relating to public charities

2.4.7 Summary Suits and other special suits

2.5 Execution : Concept, General Principles, Procedure & Powers Execution of Decree (Sec.52-54)

2.6 Enforcement, arrest and Detention (Sec. 55-59), Attachment (Sec. 60-64), Sale (Sec.65-97), Delivery of Property, Stay of Execution

### **3. Appeals, Review, Reference, Revision and Miscellaneous**

3.1 Appeals : Concept and General Provisions

3.1.1 Appeals from original decree

3.1.2 Appeals from appellate decree

3.1.3 Appeals from orders

3.1.4 Appeal to the Supreme Court

3.1.5 First Appeal and Second Appeal

3.2 Review, Reference and Revision

3.3 Miscellaneous Provisions :

3.3.1 Transfer of cases

3.3.2 Restitution

3.3.3 Caveat

3.3.4 Inherent powers of courts

3.4 Law Reform : Law Commission on Civil Procedure Amendments

#### **4. Limitation Act :**

4.1 Concept and object of the Act

4.2 law assists only vigilant and not those who sleeps over his rights

4.3 Distinction with laches, acquiescence, Prescription

4.4 Extension and suspension of Limitation, Liability of Govt. Departments for delay & Judicial pronouncements

4.5 Sufficient cause for not filling the proceedings :

4.5.1 Illness

4.5.2 Mistaken Legal Advice

4.5.3 Mistaken view of Law

4.5.4 Poverty , minority and Purdha Imprisonment

Defective Vakalatnama, Legal Liabilities

4.5.5 Foreign rule of limitation : contract entered into under a foreign law, Acknowledgement - essential requisites



continuing tort and continuing breach of contract

### **Suggested Readings :**

Mulla, Code of Civil Procedure , Universal, Delhi.

C.K. Thakker, Code of Civil Procedure, Universal, Delhi.

M.R. Mallick (ed), B.B. Mitra on Limitation Act, Eastern Lacknow.

Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure, 1908, Universal ,  
Delhi .

Jain M.P., Code of Civil Procedure with Amendments, Wadhwa

Shah A.N. The code of civil procedure, Universal , Delhi.

Sarkar's Law of Civil Procedure, Vols, Universal, Delhi.

Sukumar Ray, Textbook on the Code of Civil Procedure, Universal Law Book Co.

Dr. Avtar Singh, Code of Civil Procedure, Central Law Publication

Universal's Code of Civil Procedure

Jain M P, The Code of Civil Procedure, Wadhwa Nagpur Publication

Avtar Singh, Code of Civil Procedure, Central Law Publication

Mathur D. N., The Code of Civil Proceudre, Central Law Publication

U. N. Mitra, Limitation and Prescription

AIR Commentaries on the Limitation Act

S. R. Myneni, Law of Limitation, Asia Law House, Hyderabad

# **LL.B. Semester V**

## **(Third LL.B. Monsoon Semester)**

### **Law 302 : Criminal Procedure Code**

#### **1. Constitution and powers of Criminal Courts and Police Officers & Provisions relating to Maintenance of Wives, Children & Parents :**

- 1.1 Definitions : Bailable and Non-bailable offences, Cognizable and Non-cognizable offences, Investigation,
- 1.2 Constitution, Classes of Criminal Courts, Powers of superior officers of police, Provisions relating to arrest of persons, Service of Summons
- 1.3 Provisions relating to attachment and forfeiture of property, Security for keeping peace and good behavior
- 1.4 Order for maintenance of Wives, Children and Parents
  - 1.4.1 Maintenance of divorced wives
  - 1.4.2 Judicial Pronouncements

#### **2. Maintenance of Public Order & Tranquility, Investigation, Inquiry and Jurisdiction of the Criminal Courts and Trial Procedures in Criminal Cases :**

- 2.1 Maintenance of Public Order & Tranquility, Powers of the police to take preventive actions
- 2.2 FIR, Criminal Complaint, Power of Police to make investigation, procedure, filing of report, Charge-sheet
- 2.3 Jurisdiction of Criminal Courts in Inquiries and trials
- 2.4 Charge :
  - 2.4.1 Provisions relating to framing of Charge
  - 2.4.2 Addition of Charge/s
  - 2.4.3 Alteration of Charge
  - 2.4.4 Separate charges for distinct offences

### **3 . Trial Procedure in Criminal Cases & its General Provisions :**

#### 3.1 Criminal Trials :

- 3.1.1 Trial before the Court of Session
- 3.1.2 Warrant Trial Cases by Magistrates – procedure
- 3.1.3 Summons Trial Cases by Magistrates – Procedure
- 3.1.4 Summary Trials
- 3.1.5 Distinction : Discharge, Acquittal and Conviction

#### 3.2 Plea Bargaining procedure

#### 3.3 General Provisions relating to Inquiries and Trials :

- 3.3.1 Person once convicted/acquitted, not to be tried for same offence
- 3.3.2 Public Prosecutors, Legal Aid to accused, Tender of Pardon to accomplice, Compounding of Offences and other provisions

#### 3.4 Provisions as to accused persons of unsound mind

#### 3.5 Provisions relating to judgment

#### 3.6 Submission of Death Sentence for confirmation

### **4 Appeals, Reference, Revision, Transfer of cases, Provisions relating to Bail and Bonds and Miscellaneous provisions**

#### 4.1 Appeal : Concept – creation of statute – cannot be filed as a matter of right

##### 4.1.1 Kinds of Appeal :

- 4.1.1.1 Against conviction
- 4.1.1.2 For enhancement of sentence
- 4.1.1.3 Against acquittal order : By Public Prosecutor & by private person
- 4.1.1.4 For compensation to victims

##### 4.1.2 When appeal is not permissible

- 4.1.3 Special Right to prefer appeal (Appeal in non-appealable cases)
- 4.1.4 Powers of the Appellate Court

#### 4.2 Revision : Scope and purpose

- 4.2.1 When permissible ?

#### 4.2.2 Revisional Courts & their Powers

#### 4.3 Reference : purpose and significance

#### 4.4 Execution, Suspension, Remission and Commutation of Sentences

#### 4.5 Provisions relating to Bail and Bonds,

##### 4.5.1 Bail in Bailable and Non-bailable Offences & related provisions

##### 4.5.2 Anticipatory Bail

##### 4.5.3 Approach of the Apex Court in granting Bail

#### 4.6 Miscellaneous :

##### 4.6.1 Inherent Powers of High Courts

##### 4.6.1.1 Powers to quash FIR, Criminal Complaints and Criminal Proceedings

##### 4.6.1.2 Judicial approach and guidelines given by the Apex Court while exercising quashing powers by High Courts

### **Suggested Readings :**

Retanlal & Dhirajilal , Code of Criminal Procedure, LexisNexis – Butterworths Wadhwa, Nagpur

Chandrasekharan Pillai (Ed), Kelkar Lectures on Criminal Procedure, Eastern, Lucknow.

Principles, Commentaries on the Code of Criminal Procedure, 2 Vol., Universal

Woodroffe : Commentaries on Code of Criminal Procedure, 2 Vol, Universal

Chandrasekharan Pillai (Ed) , Kalkar's Outlines of Criminal Procedure, Eastern, Lacknow.

AIR's Criminal Major Act, AIR, Nagpur

R.V. Kelkar, Criminal Procedure, Eastern Book Co.

C. K. Thakkar, Criminal Procedure Code, Eastern Book Co.

S. N. Mishra, Code of Criminal Procedure, 1973 with Probation of Offenders Act and Juvenile Justice (Care & Protection of Children) Act, 2000, Central Law Publication

D. A. Sen, Criminal Major Act, Bharat Publication

# **LL.B. Semester V**

(Third LL.B. Monsoon Semester)

## **Law 303 : Law of Evidence**

### **Objectives of the course :**

The law of evidence, is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the both. The art of examination and cross-examination and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

#### **1. Introduction, Definitions and Relevancy of Facts :**

- 1.1 Main features of the Evidence Act and its applicability
- 1.2 Definitions : 'Proved', 'Disproved' and 'Not Proved', 'May Presume' and 'Shall Presume', 'Conclusive Proof'
- 1.3 Relevancy of Facts, Facts in Issue, Distinction between them
  - 1.3.1 Facts necessary to explain/introduce relevant facts
  - 1.3.2 When Facts not otherwise relevant become relevant
- 1.4 Admission : definition,
  - 1.4.1 Admission by different persons,
  - 1.4.2 Oral admission, relevant provisions
- 1.5 Confession : Definition, Distinction between Admission and Confession
  - 1.5.1 Confession made before different persons/authorities and its relevancy and evidential importance, relevant provisions
- 1.6 Distinction between Oral and Documentary Evidence
- 1.7 Statement by persons who cannot be called as witnesses

1.8 Statements made under special circumstances

1.9 Judgments of courts of justice, when relevant

1.10 Opinion of third persons : Its relevancy :

1.10.1 Opinion of Experts

1.10.2 Opinion as to handwriting experts

1.10.3 Opinion as to digital signature other relevant provisions as to expert opinion

1.10.4 Relevancy of opinion as to character

## **2. Types of evidence :**

2.1 Judicial Notice

2.2 Oral Evidence : General Provisions

2.3 Documentary Evidence : General Provisions

2.3.1 Primary and Secondary Evidence and its related provisions

2.3.2 Special provisions as to evidence relating to electronic record and its Admissibility, proof as to digital Signature & its Verification

2.3.3 Public documents and private documents

2.4 Presumptions as to documents including Gazettes in electronic forms

2.5 Statement by persons who cannot be called as witnesses

2.6 Presumption in case of Dowry Death and cases involving violation of women's rights

## **3. Dying Declaration, Stages of Examination of Witnesses :**

3.1 Dying Declaration : Definition, Principle for relying upon Dying Declaration

3.1.1 Evidential Value of Dying Declaration

3.1.2 Essentials for recording Dying Declaration

3.1.3 Judicial Approach for appreciation of the contents of Dying Declaration

3.2 Stages of Examination of Witnesses :

3.2.1 Examination in Chief

3.2.2 Cross Examination :

- Essentials

- Art of Cross Examination

3.2.3 Re-examination

3.3 General Principles of examination and cross examination

3.4 Lawful questions in cross – examination

3.5 Leading questions

3.6 Hostile witness, Impeaching of the standing or credit of witness

## **4. Burden of Proof and Estoppel :**

- 4.1 Burden of Proof : Meaning
  - 4.1.1 The general conception of *onus probandi*
  - 4.1.2 General and special exceptions to *onus probandi*
- 4.2 The Justification of presumption and of the doctrine of judicial notice
- 4.3 Justification as to presumptions as to certain offences
  - 4.3.1 Presumption as to abetment of suicide by a married woman (Sec. 113-A) and dowry death (Section 113-B)
  - 4.3.2 Presumption as to absence of consent in certain prosecution for rape (Sec. 114-A)
- 4.4 The Scope of the doctrine of judicial notice (Section 114)
- 4.5 Estoppel : Meaning, importance
  - 4.5.1 Distinction : Estoppel, res judicata, Waiver and presumption
  - 4.5.2 Kinds of Estoppel :
    - Estoppel by deed
    - Estoppel by conduct
    - Equitable and Promissory Estoppel
    - Tenancy Estoppel
- 4.6 Questions of corroboration (Section 156-157)

### **Suggested Readings :**

- Sarkar and manohar , Sarkar and Evidence, Wadha & Co. Nagpur
- Sir John Wood Roffe & Syed S. Amir Ali's Law of Evidence Vol. 1-4
- Indian Evidence Act, (Amendment up to date)
- Rattan Lal & Dhiraj Lal Law of Evidence, LexisNexis – Butterworths Wadhwa, Nagpur
- Pole in Murphy, Evidence) Universal Delhi.
- Albert S. Osborn, The Problem of Proof, Universal Publication, Delhi.
- Avtar Singh, Principles of the Law of Evidence, Central Law Agency, New Delhi
- Batuk Lal, The Law of Evidence, Central Law Agency

# **LL.B. Semester V**

**(Third LL.B. Monsoon Semester)**

## **Law 304 E :Public Interest Lawyering**

### **Objectives of the course :**

The entire paper is designed taking into consideration the development, growth, popularity and importance of Public Interest Litigation in the country. It is expected from the law students to thoroughly digest necessary principles, rules, cases and relevant Constitutional provisions before initiating Public Interest Litigation. The object of the PIL is to secure and protect the fundamental rights of people at large, more particularly the rights of poor, illiterate and ignorant people. The study of relevant constitutional provisions is also must. In this course students will also study the concept of PIL by observing the trend of Judicial Activism of the Courts as well as landmark decisions of the courts in important areas like Human Rights, Environment Protection, Protection of Rights of Women, prevention of Misuse of Powers by Public Officials etc. Students are expected to study and prepare themselves by studying Hypothetical problems also. The new entrant to the Bar must know that the Public Interest Litigation is not for gaining cheap popularity or taking revenge or for obtaining personal benefit. The course is designed for imparting theoretical as well as practical knowledge of Public Interest Litigation.

### **Syllabus :**

#### **1. Public Interest Lawyering**

- 1.1 Historical Background of PIL, Concept and Meaning,
- 1.2 Origin of PIL in other countries and in India
- 1.3 Development & Scope of PIL in India



- 1.4 When PILs can be filed and when cannot be filed ?
- 1.5 PIL – As a silent Revolution
- 1.6 PIL – Relaxation of the Principle of *Locus Standi*

## **2. Powers of the Courts to entertain Public Interest Litigation :**

- 2.1 Jurisdiction of the Courts to hear PILs :
  - 2.1.1 Relevant Constitutional Provisions : PIL – part of Writ Jurisdiction
  - 2.1.2 Powers of High Courts under Article 226 of the Constitution
  - 2.1.3 Supreme Court Powers under Article 32 and Article 142 of the Constitution
- 2.2 The High Court of Gujarat [Practice and Procedure for Public Interest Litigation] Rules, 2010 and proforma for filing PIL before the High Court of Gujarat
- 2.3 Powers of Courts to award compensation in PILs
- 2.4 Precautions necessary for a lawyer before filing PILs

## **3. Advantages, Disadvantages and Limitations of PILs :**

- 3.1 Advantages of PIL :
  - 3.1.1 PIL : Blessings for poor and illiterate persons
  - 3.1.2 PIL : protecting Human Rights of Prisoners (Including Article 21), persons in police custody
  - 3.1.3 PIL : An effective tool for protection of Environment
  - 3.1.4 PIL : Necessary to prevent politicians / Executives from exercising arbitrary powers
  - 3.1.5 PIL : Necessary to issue guidelines in the event of lacuna of law in any situation (Article 142)
  - 3.1.6 PIL : Necessary for Protecting Women's Rights and safety
  - 3.1.7 PIL : Necessary for maintaining independence and impartiality of Judiciary
  - 3.1.8 Other advantages of PIL
- 3.2 Disadvantages of PILs :
  - 3.2.1 PIL : Breach of doctrine of Separation of Powers
  - 3.2.2 PIL : Responsible for Judicial over-activism
  - 3.2.3 Often difficult for the Executives to obey orders due to financial constraints, shortage of time or for other reasons
- 3.3 Limitations of PILs :
  - 3.3.1 Every wrong cannot be rectified through PIL
  - 3.3.2 Impossible to curtail the misuse of PIL by the Courts

- 3.3.3 Consumption of time during litigation
- 3.3.4 Problems of implementation of orders through administrative agencies and practical difficulties to implement the orders

#### **4. Judicial Pronouncements and Hypothetical Problems related to PILs :**

- 4.1 Important Judicial Pronouncements of the Supreme Court in various areas like Human Rights, Environment, Protection of FRs of people at large, Compensation to victims etc. (Latest important cases may be taken into consideration)
- 4.2 For laying down important Principles like : Polluter Pays Principle, Public Trust Doctrine, Precautionary Principle, Principle of Absolute Liability, Principle of Sustainable Development etc.
- 4.3 Problems of PILs based on Hypothetical Facts

### **Suggested Readings :**

Kailas Rai : Public Interest Lawyering

Dr. B. L. Wadehra, Public Interest Litigation, Universal Law Book Publication

V. N. Shukla, Constitutional Law of India , Eastern Book Company

M. P. Jain, Constitutional Law of India , Eastern Book Co.

Pandey J. N., Constitution of India,

M. P. Jain, Constitutional History of India

Dr. N. V. Paranjape, Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services, Central Law Agency

Dr. S. S. Sharma, Legal Services, Public Interest Litigation and Para-legal Services, Central Law Agency

S. Bava, Public Interest Litigation, Allahabad Law Agency

O. P. Tewari, Public Interest Litigations, Allahabad Law Agency

Mamta Rao, Public Interest Litigation (Legal Aid and Lok Adalats), Eastern Book Company

Dr. S. R. Myneni, Public Interest Lawyering, Legal Aid and Para Legal Services, Asia Law House

G. B. Reddy, Judicial Activism in India : Gogiya Law Agency, Hyderabad

Public Interest Litigation : P. S. Narayana : Asia Law House

Reputed Law Journals and Legal Software for perusal of Latest Cases on PIL

[www.gujarathighcourt.nic.in](http://www.gujarathighcourt.nic.in) (for Gujarat High Court PIL Rules, 2010)

# **LL.B. Semester - V**

**(Third LL.B. Monsoon Semester)**

## **Law 305 E : Intellectual Property Law**

### **OBJECTIVES OF THE COURSE :**

The importance of this Branch of their law is to be sufficiently realized in the Indian Legal Education. Compendious courses on the law of copyright, trademarks and patents are offered in few law schools as optional courses, but these do not either integrate the significance of these subject matters under any comprehensive aspect of "modernization " or " development " nor do they spread even emphasis between and among the subject area s represented by these three interconnected bodies of the law.

The three areas are now internationally conceptualized as representing intellectual property. It is often the case that while the law of patents and trademarks is referred to as industrial property, the law relating to copyright is named intellectual property. While both these terms could be suitably invoked, we here speak of intellectual property as signifying all the three bodies of the law as well as the law on industrial designs.

Unlike other forms of property, intellectual property refers to regimes of legal recognition of primarily the products of the mind or imagination. The subject matter of property related rights is here pre-eminently based on mental labour the law relating to intellectual property protects the right to mental labour.

The law confers right of proprietary nature on relative intellectual labour primarily on the basis that it is in the interest of society and state to promote

creativity and inventiveness. Limited monopoly provides incentive for greater inventive and innovative efforts in society. An important aspect of the exploration in this course would be the ways in which the laws strike a fair balance between the interests and rights of the intellectual labourers on the one hand and organized industrial enterprises on the other. Another dimension in a study of the ways in which this regime of laws militates against or favours, community property in national cultures.

As concerns "modernization" crucial questions arise in the field of copyright protection in computer software and hardware, interest electronic music and scientific research. Both copyright, trademarks, design and patent law here relate basically to the law of unfair competition and constitute an aspect of consumer protection and welfare not only in the context of national perspectives but also in view of the waves of globalization already set in. Both from the standpoint of human resources development, modernization and justice it is important that the curricular change takes serious notice of these areas.

## **Syllabus :**

### **1. Introductory :**

- 1.1 The meaning of intellectual property
- 1.2 Competing rationales of the legal regimes for the protection of intellectual property
- 1.3 The main forms of intellectual property : copyright trademarks, patents, designs
- 1.4 Other new forms such as plant varieties and geographical Indicators Introductions to the leading international instruments concerning intellectual property rights : The Berne Convention, Universal Copyright Convention, Union TRIPS the World Intellectual Property Rights Organization (WIPO) and the UNESCO.
- 1.5 The status and position of IPRs in India in context with the International Regime
- 1.6 Amendments in various legislations relating to IPRs India including legislations of Patent, Copyright and Trademark in India and effects thereof

### **2. Select Aspects of the Copyright Law in India :**

- 2.1 Historical evolution of the law

2.2 Meaning of copyright,

2.3 Availability of Copyright protection :

2.2.1 Copyright in literary and Artistic work, dramatic and musical works

2.2.2 Copyright in sound records and cinematograph films

2.2.3 Copyright in computer programme, Internet and database

2.4 Author and Ownership of copyright, Term of copyright, authorities under the Copyright Act and their powers, Registration of copyright, Copyright Society and its powers, Appeal provisions

2.5 Rights conferred by copyright, Assignment, Transmission and relinquishment of copyright, Provisions relating to licence

2.6 Infringement of Copyright : Criteria, various types of infringement

2.7 Acts not constituting infringement, Fair use provisions, Piracy in internet

2.8 International copyright

2.8 Remedies and Penalty provisions

### **3. Intellectual Property Rights in Trademarks and Design :**

3.1 The rationale of protection of trademarks as (a) an aspect of commercial and

(b) of consumer rights, Definition and concept of trademarks in goods & services

3.2 Registration, Distinction between trademark and property mark

The doctrine of honest current user, Doctrine of deceptive similarity

Protection of well-known marks

3.3 Passing off and infringement of trademarks : (Definitions, Concept and Distinction)

3.4 Standards of proof in passing off action

3.5 Remedies and Penalty provisions

3.6 Industrial Designs, Designs Act, 2000 : Authorities, Procedure for registration of designs, Controller and Registrar : powers and duties, Assignment and transmission of designs, Powers of the Central Government, Copyright on registration of Industrial Designs : related provisions, Patents to designs, Piracy of registered designs, Remedial aspects, Appeal provisions,

#### 4. **The Law of Intellectual Property : Patents :**

4.1 Concept of patent, Essentials, Historical view of the patents law in India

4.2 Patentable inventions with special reference to biotechnology products entailing creation of new forms of life including Amendments of the year 2005

4.3 Patent protection for computer programme and computer software

4.4 Process of obtaining a patent :

4.4.1 Application and Examination : Procedure, Essentials for obtaining patent : Elements of Novelty, Non-obviousness

4.4.2 Opposition and sealing of patent : general introduction, Grounds for opposition

4.4.3 . The problem of limited *locus standi* to oppose, especially in relation inventions having potential of ecological and mass disasters

4.5 Patent Co-operation treaty : Object, reasons and important provisions

4.6 Wrong fully obtaining the invention : Prior Publication or anticipation, Obviousness and the lack of inventive step, Insufficient description

4.7 Rights and obligations of a Patentee :

4.7.1 Patents as chose in action

4.7.2 Duration of patents law and policy considerations, Use and exercise rights,

Right to secrecy

4.7.3 The notion of "abuse" of patent rights, Compulsory licenses,

Special Categories, Employee Invention Law and Policy Consideration

4.8 International Patents, Transfer of Technology, Know-How and problems of self reliant development.

4.9 Infringement, Criteria of infringement, Onus of Proof in India, Modes of infringement, Doctrine of Colorable Variation

4.10 Remedies in case of Infringement : Injunctions and related remedies, Defense in suits of infringement

4.11 Penal Provisions

## **Suggested Readings :**

Cornish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights, Asia Law House, Hyderabad.

Vikas Vashishth, Law and Practice of Intellectual Property, Bharat Law House, Delhi.

P. Narayanan, Intellectual Property Law, Eastern Law House, Calcutta.

Dr. B. L. Wadehra, Law relating to Intellectual Property, Universal Law Publishing Co.

Chakravarty's Intellectual Property Law, Ashoka Law House, New Delhi

Bibeck Debroy (ed) , Intellectual Property Rights Rajiv Gandhi Foundation , Delhi.

E.I.F. Anderfelt, International Patent Legislation and Developing Countries

W.R. Cornish. Intellectual Property, Sweet and Maxwell.

Mata Din, Law of Passing off and Infringement Action of Trade Marks

P.S. Sengal and Kishore Singh, Indian Patent System and Paris Convention : Legal Perspectives



K. Thairani, Copyright The Indian Experience

W.R. Cornish, Para and Materials on Intellectual Property, Sweet & Maxwell.

N. K. Acharya, Textbook on Intellectual Property Rights, Asia Law House

Dr. S. R. Myneni, Law of Intellectual Property, Asia Law House

Justice P. S. Narayana's Intellectual Property in India, Gogia Law Agency

Manish Arora, Guide to Trademarks Law, Universal Law Book Co.

Iyengar's The Trademarks Act, Universal Law Book Co.

Pr. Ashwani Kr. Bansal, The Designs Law, Universal Book Co.

Dr. B. L. Wadehra, Law Relating to Patent, Trademarks, Copyright, Designs & Geographical Indication, Universal Law Publishing Co.

Patent Co-operation Treaty

# **LL.B. Semester - V**

**(Third LL.B. Monsoon Semester)**

## **Law 306 F : Principles of Negotiable Instruments**

### **OBJECTIVES OF THE COURSE :**

In a fast growing society, no business transaction is possible in absence of any Negotiable Instrument. It has now become very essential, not only for the law students but even for a common man to know the provisions relating to transaction of the Negotiable Instruments like Promissory Notes, Bills of Exchange and Cheques. It is very important to know all the rights conferred to the payee and remedies available to him to recover the debts from the debtor under the Act. Being innocent and bonafide payee of any instrument, one can claim all the rights available over any Negotiable Instrument and claim the amount mentioned therein. The provisions relating to Electronic Cheque is also required to be studied along with the basic concept and types of the Negotiable Instruments under the Act.

There is a drastic change in the provisions relating to dishonour of cheque and its remedies available to the creditor under the Negotiable Instruments Act, 1881. In the year 2002, there are significant amendments made in Chapter XVII of the Negotiable Instruments Act, 1881 in order to effectively protect the right of the Payee of a cheque. The Burden of Proof is upon the drawer of the cheque in the criminal prosecution. Mens rea is not considered at all. The entire chapter is to be studied taking into consideration various important decisions of the Supreme Court on the different issues arising out of civil and criminal litigations relating to dishonour of cheque.

## **Syllabus :**

### **1. Introduction :**

- 1.1 The Negotiable Instruments Act, 1881 : Object and Reasons
- 1.2 Types of Negotiable Instruments
- 1.3 Negotiable Instruments covered under the Act : Promissory Notes, Bills of Exchange and Cheques including Electronic Cheque, Validity period of cheque (3 months by RBI amendment)
- 1.4 Definition and Characteristics of the Negotiable Instruments
- 1.5 Presumptions relating to Negotiable Instruments
- 1.6 Drawer, Drawee and Payee : Definition, Rights and duties
- 1.7 Honder and Holder in due course : advantages, rights and powers
- 1.8 Distinction between Holder and Holder in due course

### **2. Various terms and phenomenon under the Act :**

- 2.1 Ambiguous Instrument, Inchoate Stamped Instrument
- 2.2 Drawee in case of need
- 2.3 Acceptance for honour, Payment for honour
- 2.4 Notice of Dishonour, liabilities of Drawee and Drawer
- 2.5 Maturity of Negotiable Instrument and Days of Grace
- 2.6 Endorsement : Types and advantages
- 2.7 Crossing of Cheque : kinds of crossing, advantages of crossing
- 2.8 Negotiation of Instrument, Negotiation Back
- 2.9 Noting and Protest

### **3. Special provisions relating to Dishonour of Cheque and its remedies**

:

(Section 138 to 147 of the Negotiable Instruments Act, 1881)

- 3.1 Remedy to initiate criminal proceedings in case of dishonour of Cheque

- 3.2 Absolute Liability of Drawer of Cheque in case of its dishonour, absence of Mens rea no defence at all (Sec.139), Object and reasons of inserting chapter XVII under the Act
- 3.3 Modes of Dishonour of Cheque : Stop Payment, Funds not arranged for, Account Closed, Referred to the Drawer, Insufficient Funds, Post Dated Cheque etc. – its consequences
- 3.4 Essentials for criminal proceedings in case of dishonour of cheque :
  - 3.4.1 Cheque must be written pursuant to Legal Debt
  - 3.4.2 Notice of dishonour within prescribed time
  - 3.4.3 Cheque : can be deposited in bank more than once within its validity period before initiating criminal proceedings
  - 3.4.4 Filing of criminal complaint : formalities, Forum of Criminal court, time limit, jurisdiction of criminal courts
- 3.5 Penal Provisions under the Act in case of dishonour of cheque
- 3.6 Dishonour of cheque by a company or a firm : consequences, joint and several liabilities, Discharge from liability in case of Ex-officio Directors of Government Companies
- 3.7 Offence committed against a company or firm, persons competent to file criminal complaints, prior formalities
- 3.8 Delay in filing of criminal complaint u/s 138 of the Act : consequences
- 3.9 Compounding of offences under the Act : Powers of the Magistrate
- 3.10 Defences available to the Drawer of the Cheque
- 3.11 Important decisions of the Supreme Court

## **Suggested Readings :**

Avtar Singh, Negotiable Instruments Act, 1881 : Eastern Book Company

Bhashyam & Adiga, Negotiable Instruments Act, 1881, Bharat Law House, Delhi

Tannan's Banking Law & Practice in India, India Law House

Avtar Singh, Law of Banking & Negotiable Instruments, Central Law Publication

P. L. Malik, Negotiable Instruments Act, Eastern Book Company

Saharay, Negotiable Instruments Act with Special Emphasis on Dishonour of Cheques, Central Book Agency, Kolkotta

R. K. Suri, Dishonour of Cheques (Prosecution & Penalties), ALT Publications, Hyderabad

K. S. Gopala, Dishonour of Cheques (Law, Practice & Procedure), ALT Publications

P. S. Narayan, Law of Negotiable Instruments and Dishonour of Cheques, Asia Law House

Khergauwala, Negotiable Instruments Act, Butterworths

S. N. Gupta, Dishonour of Cheques- Liability – Civil and Criminal, Universal Law Book Co.

R. K. Bangia, Negotiable Instruments Act, Allahabad Law Agency

S. M. Chaturvedi, Negotiable Instruments Act, Central Law Agency

R. Swaroop, A Case Book on Dishonour of Cheques, Jain Book Depot.

# **LL.B. Semester - V**

**(Third LL.B. Monsoon Semester)**

## **Law 307 K : Rehabilitation of Criminals & Juveniles in Society & Law**

### **OBJECTIVES OF THE COURSE :**

It is impossible to imagine any civilized society without crime and criminals. At the same time we should not forget that the factor of punishment is necessary to maintain law and order in the society. For every law student it becomes necessary to study the causes of crime and socio-economic factors behind crime and different theories for causation of crime as well as theories of punishment, kinds of punishment and significance thereof. In the modern era, the object of rehabilitation of the criminals in the main stream is given prime importance and accordingly the legislations are enacted taking into consideration the rehabilitation criteria for the first offenders as well as juveniles. This has become the dire need of the society. It is expected from the law students to thoroughly digest the Constitutional as well as legislative aspects relating to criminal and juveniles and the process of their reformation.

### **Syllabus :**

#### **1. Introduction :**

##### **1.1 Crime Causation :**

- 1.1.1 "Man is not born as a criminal, but circumstances compels him to do crime."
- 1.1.2 Broken Home Theory, Neglected Juveniles' involvement in crime
- 1.1.3 Various theories of causation of Crimes : Lombroso, Enrico Ferri, Taft etc.
- 1.1.4 Differential Association Theory of Crime (Sutherland's Theory)

##### **1.2 Punishment :**

- 1.2.1 Meaning, need and object
- 1.2.2 Different Theories of Punishment in civil Society
  - Retributive Theory

- Deterrent Theory
- Preventive Theory
- Expiation Theory
- Reformatory Theory

1.2.3 World wide acceptance of Reformatory Theory of Punishment in civilized and cultural societies

- "Kill the crime, not the criminal."

1.3 Kinds of Punishment :

1.3.1 Various kinds of punishment

1.3.2 Punishments accepted under the Indian Penal Code

## **2. Constitutional and Legislative Measures towards rehabilitation of Criminals on their good behavior :**

2.1 Constitutional Provisions :

2.1.1 Powers of the President of India to tender the pardon to the criminal

2.1.2 Powers of the Governor of State to tender the pardon to the criminal

2.1.3 Powers of the Supreme Court under Article 142 (Complete Justice)

2.2 Criminal Procedure Code :

2.2.1 Chapter VIII : Security for Good Behaviour ( Sec. 108-109)

2.2.2 Tender of pardon to accomplice (Sec. 306-308)

2.2.3 Order to release on Probation of good conduct or after admonition (Sec.360-361)

2.3 Indian Penal Code

2.3.1 Commutation of Death Sentence and Life Imprisonment (Sec. 54-55)

2.4 Parole and Furlough to the prisoners : concept, facilities and rules

2.5 Probation of Offenders' Act, 1958

2.5.1 Powers of the court

- To release certain offenders after admonition
- To release certain offenders on probation of good conduct
- To require released offenders to pay compensation and costs

2.5.2 Restriction on imprisonment of offenders under 21 years of age

2.5.3 Powers and duties of the probation officer

## **3. Legislative Protection and care for Juveniles :**

- 3.1 Juvenile Justice (Care and Protection of Children) Act, 2000 (or any other legislation substituted for the time being in force)
  - 3.1.1 Object, reasons and salient features of the Act
  - 3.1.2 Definitions : child in need of care and protection, Juvenile, Juvenile in conflict with law
  - 3.1.3 Machineries for taking care and rehabilitation of Juveniles : Remand Homes, Observation Homes, Shelter Homes, Special Homes : Roles and functions
  - 3.1.4 Juvenile Justice Board, Child Welfare Committee : Constitution, Functions and Powers
  - 3.1.5 Provisions relating to escaped juveniles
  - 3.1.6 Provisions relating to protection, employment and rehabilitation of Juveniles (Sec. 23-26)
  - 3.1.7 Rehabilitation and social integration of Juveniles (Chapter IV - Sec. 40-45)
  - 3.1.8 Presumption and determination of age of Juvenile
- 3.2 Approach of the society towards rehabilitation of Criminals and Juveniles :
  - 3.2.1 Role of parents, society, Government and NGOs

### **Suggested Readings :**

Sutherland, H.W. and Cressey, D.R.: Principles of Criminology, 6th Edition, The Times of India Press, Bombay

N.V.Paranjape, Criminology and Penology, Eastern Book Co.

Ahmed Siddiki, Criminology & Penology, Eastern Book Co.

S.S. Srivastava, Criminology & Criminal Administration, Central Law Agency, Allahabad

J.P.S. Sirohi, Criminology and Penology, Allahabad Law Agency

S. N. Mishra, Code of Criminal Procedure, 1973 with Probation of Offenders Act and Juvenile Justice (Care & Protection of Children) Act, 2000, Central Law Publication

S. K. Bava, Law relating to Juvenile Justice, Probation of Offender, Allahabad Law Agency

K.S.Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Surver of Sociology and Social Anthropology 1969-179(National Report)

S. K. Bhattacharyya, Juvenile Justice : an Indian Scenario, Regency Publications, New Delhi

K.G.Balakrishnan J., Vijay Hansaria, P. I. Jose, Juvenile justice system : along with Juvenile Justice (Care and Protection of Children) Act, 2000 and rules, 2007 : working manual for stake holders, Universal Law Publication Co.

Universal's Juvenile Justice (Care and Protection of Children) Act, 2000



D. K. Ganguli, Commentaries on Juvenile Justice (Care and Protection of Children) Act, 2000,  
Dwevedi Law Agency

Asutosh Mookarjee, Commentaries on Juvenile Justice (Care and Protection of Children) Act,  
2000, Kamal Law House,

Ke Pt Simha, Chitragada Singh, A Handbook on Juvenile Justice: With Commentary on the  
Juvenile Justice (Care and Protection of Children) Act, 2000 & the Juvenile Justice (Care and  
Protection of Children) Rules, 2007, Bright Law House

Prem Prakash Batra, The Probation of Offenders Act, 1958, Khurana Publication

N. K. Chakrabarti, Probation system, in the administration of criminal justice, Regal  
Publication (former Deep & Deep Publication), New Delhi

S. C. Raina, Probation : Philosophy, Law & Practice, Regency Publications, New Delhi

# THREE YEARS' LL.B. PROGRAMME

## **LL.B. Semester : VI**

**(Third LL.B. Winter Semester)**

PER WEEK	SUBJECTS	LECTURES	OTHERS	TOTAL	CREDITS (SEM)29	Marks
CORE COURSE 308	Drafting of Pleading and Conveyancing	4	1	5	5	100
CORE COURSE 309	Professional Ethics & Professional Accounting System	4	1	5	5	100
CORE COURSE 310	Alternative Dispute Resolution	4	1	5	5	100
CORE COURSE 311	Moot Court Exercise and Internship	4	1	5	5	100
CORE COURSE 312	Legal Language/Legal Writing including General English	4	1	5	5	100
FOUNDATION 313 F	Forensic Science, Law & Crime Detection Methods	1	1	2	2	100
SOFT SKILL 314 K	Legal Aid, Para-legal Services & Clinical Training	1	1	2	2	100

# **LL.B. Semester : VI**

**(Third LL.B. Winter Semester)**

## **Law 308 : Drafting, Pleading & Conveyance**

### **OBJECTIVES OF THE COURSE :**

This is a Compulsory Clinical Course as prescribed under the Bar Council of India – Rules of Legal Education, 2008. The entire course is designed in order to apprise the law students about the practical knowledge of drafting of pleading and conveyancing deeds. This course is expected to be taught through class instructions and stimulation exercises, preferably with the assistance of practising lawyers/retired judges. The law students will have to draft the prescribed civil and criminal Pleading exercises as well as prescribed conveyancing deeds by understanding the general principles and relevant legislations in the class rooms. The law students should make themselves comfortable in drafting different cases and deeds based upon any given hypothetical facts taking into consideration the procedural laws like Code of Civil Procedure, Code of Criminal Procedure, Evidence Act as well as Constitutional Law of India, Transfer of Property Act, Registration Act, Limitation Act, Negotiable Instruments Act, Family Courts Act etc.

There will be 90 marks Theoretical Examination and 10 Marks viva voice Examination, both to be taken by the Gujarat University in this course.

**Theoretical Examination : 90 Marks**

**Viva Voice Examination : 10 Marks**

## **1. Drafting and Pleadings :**

1.1 General Principles of drafting and relevant substantive rules

1.2 Pleadings : Civil

1.2.1 Complaint

1.2.2 Written Statement

1.2.3 Memorandum of Appeal

1.2.4 Civil Revision Application (u/s. 115 of the CPC & under the Rent Act)

1.2.5 Interlocutory Application

1.2.6 Execution Application

1.2.7 Affidavit

1.2.8 Writ of Mandamus

1.2.9 Writ of Habeas Corpus

1.2.10 Writ of Certiorari

1.2.11 Criminal Complaint

1.2.12 Bail Application

1.2.13 Anticipatory Bail Application

1.2.14 Criminal Appeal

1.2.15 Criminal Revision

## **2. Conveyancing Deeds :**

2.1 Conveyancing Deeds : Meaning, Importance and types – Deed Pole and Indenture,  
General Principles

2.2 Various conveyancing deeds :

2.2.1 Notice : General, Statutory Notice (Sec. 80 of CPC) and Notice u/s. 138 of  
the Negotiable Instruments Act, 1881

2.2.2 Agreement to Sell

2.2.3 Sale Deed

2.2.4 Mortgage Deeds

2.2.5 Lease Deed

2.2.6 Rent Note

2.2.7 Power of Attorney : General and Special

2.2.8 Gift Deed

- 2.2.9 Will and codicil
- 2.2.10 Trust Deed
- 2.2.11 Partnership Deed

## **Suggested Readings :**

Mogha's Law of Pleadings with precedents : Eastern Law House

Bindra on Conveyancing Vol. I-III, Law Publishers

S. C. Ghosh, Principles & Forms of Pleading, Eastern Law House

K. S. Gopala Krishnan, Pleadings and Practice (Civil & Criminal), ALT Publication

Chaturvedi A. N., Principles and Forms of Pleadings and Conveyancing with Advocacy and Professional Ethics : Allahabad Law Agency

Pandit and Amin, Principles and Precedents of Pleadings and Conveyancing

Shiva Gopal, Conveyancing, Precedents & Forms, Eastern Book Co.

S. R. Myneni, Drafting, Pleading & Conveyancing, Asia Law House

Swamy NM, Text Book on Drafting, Pleading & Conveyancing, Asia Law House

P. S. Narayan Civil Pleading & Practice, Asia Law House

P. S. Narayan Criminal Pleading & Practice, Asia Law House

K. K. Srivastava, Law of Pleadings, Drafting & Conveyancing, Central Law Agency

# **LL.B. Semester - VI**

**(Third LL.B. Winter Semester)**

## **Law 309 : Professional Ethics & Professional Accounting System**

### **OBJECTIVES OF THE COURSE :**

This is a Compulsory Clinical Course as prescribed under the Bar Council of India – Rules of Legal Education, 2008. The very object of the course is that every law student must not only become good lawyer, but also a good human being and should render his service to the society. Instead of charging exorbitant fees, a lawyer should also utilize his efficiencies, knowledge and skill by taking genuine cases without charging fees. A lawyer should refrain from unethical practice and also respect the judges, his colleagues and his clients. It is expected from the law colleges that this course should be taught in association with practising lawyers. The main purpose and objective of this course is to get every law student realized that the legal profession is a noble profession having its own unique ethics and dignity. Lawyer should concentrate upon rendering service to the poor and needy people rather than earning of money. This course also contains the main provisions of the Advocates' Act, 1961, the Contempt of Courts Act and also selected judgments of the Apex Court relating to the Professional Misconduct and selected opinions of the Disciplinary Committee of the Bar Council of India. It also appraises the law students about various duties of an advocate. The course also includes the necessary aspects of the accountancy for lawyers and the relations between lawyers and judges (Bar-Bench Relations).

The course is designed having 80 marks theoretical examination as well as viva voice examination, both to be conducted by the Gujarat University.

**Theoretical Examination : 80 Marks**

**Viva Voice Examination : 20 Marks**

## **Syllabus :**

### **1. Legal Profession :**

1.1 Distinction between Business and Profession

1.2 Legal Profession :

1.2.1 History

1.2.2 Importance

1.2.3 Why Noble Profession ?

1.3 Ethics and Code of Conduct of Legal Profession

1.4 Seven Lamps of Advocacy and meaning thereof

1.5 Hoffman's 50 Resolutions for lawyer and importance thereof

1.6 Ten Commandments for lawyers

1.7 Bench-Bar Relations

### **2. Advocates' Act, 1961 :**

2.1 Admission, Enrolment, duties, privileges and Rights of Advocate

2.1.1 Who can be admitted as advocate on a State Roll

2.1.2 Certificate for Enrollment

2.1.3 Disqualification for enrollment as an Advocate

2.1.4 Duties of an Advocate

- Towards client
- Towards courts
- Towards Judges
- Towards his colleagues

2.1.5 Rights and privileges of Advocates

2.2 Bar Councils

2.2.1 State Bar Council : Establishment, organization,

2.2.2 Powers and functions of State Bar Council

2.2.3 Various committees of State Bar Council and functions thereof

- Executive Committee
- Disciplinary Committee
- Welfare Committee
- Enrolment Committee

2.2.4 Bar Council of India : Organization

2.2.5 Various Powers and functions of the Bar Council of India

2.3 Rules relating to dress code of an Advocate

2.4 Professional Misconduct : Meaning

2.4.1 Professional Misconduct by advocate

2.4.2 Procedure for filing complaint against lawyer for professional misconduct

2.4.3 Punishment for Professional Misconduct

2.5 Accountancy for Lawyers : General Principles

### **3. Contempt of Court and practice :**

3.1 Contempt of Courts Act, 1971 :

3.1.1 Contempt of Court : meaning and nature

3.1.2 Distinction between Contempt of Court and Professional Misconduct

3.2 Categories of contempt under the Act : Civil and Criminal Contempt - Distinction

3.2.1 Civil Contempt : Essentials

3.2.2 Criminal Contempt : Essentials

3.2.3 Contempt of Court within the court and outside the court

3.2.4 Defenses available to the condemner :

3.2.5 Defences in Civil Contempt and in Criminal Contempt

3.2.6 Remedies against Punishment in contempt

3.2.7 Penalty provisions for the Contempt of Court under the Contempt of Courts Act

3.3 Contempt jurisdiction of High Courts and the Supreme Court under the Constitution of India

3.4 Contempt jurisdiction of the Subordinate Courts

### **4. Important Cases and Selected Opinions of the Disciplinary Committee :**

4.1 Important Cases of the Apex Court relating to Professional Misconduct of lawyers

4.2 50 selected opinions of the Disciplinary Committee

4.3 Important cases of the Supreme Court relating to the Contempt of Court



## **Suggested Readings :**

Mr. Krishnamurthy Iyer's Books on "Advocacy"

Dr. Kailas Rai, Legal Ethics Accountancy for Lawyers & Bench-Bar Relation: Central Law Pub.

Dr. S. R. Myneni, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House

Subramanyams, Commentaries on Advocate's Act with Professional Ethics & Allied Laws, Law Publishers India.

The Bar Council Code of Ethics

50 selected opinions of the Disciplinary Committees of Bar Councils

Sanjiva Row, The Advocates Act, 1961, Lexis Nexis Butterworths

S. P. Gupta, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations

JPS Sirohi, Professional Ethics, Lawyer's Accountability, Bench-Bar Relationship

GCV Subba Rao, Commentary on Contempt of Courts Act, 1971, ALT Publications

V. N. Shukla, Constitutional Law of India , Eastern Book Company

T. K. Tope, Constitutional Law of India , Eastern Book Company

M. P. Jain, Constitutional Law of India , Eastern Book Co.

Authenticated Law Journals and Legal Software for perusal of Supreme Court Decisions

# **LL.B. Semester - VI**

**(Third LL.B. Winter Semester)**

## **Law 310 : Alternate Dispute Resolution**

### **OBJECTIVES OF THE COURSE :**

The above course is also one of the Compulsory Clinical Courses prescribed by the Bar Council of India – Rules of Legal Education, 2008. The Major concern of law is conflict resolution. Familiarization with the modalities and techniques of resolution of conflict is necessary component in the endeavors of developing expertise in juridical exercise. The traditional justice delivery system through adjudication by courts had already given way to a large extent of back log of cases. There are many alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this transformation everywhere. The study of ADR is highly significant in molding the students of law to act as soldiers of justice in the ever - changing socioeconomic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its away in the past and in the new areas of conflicts that demand resolution by alternative methods, No doubt, the course has to be taught with comparative and international perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context. In this course there will be a theoretical Examination of 80 Marks to be taken by the University and the rest of 20 Marks are to be given by the college evaluating the students through their visits to various ADR centers, Arbitration Tribunals, Mediation Centers etc and through practical exercises.

**Theoretical Examination : 80 Marks**

**Practical Exercises : 20 Marks**

**Syllabus :**

**1. Alternate Dispute Resolution :**

1.1 Meaning, object and importance

1.1.1 Arbitration, Conciliation, Mediation

1.1.2 Distinction between Arbitration, Conciliation and Mediation

1.2 Arbitration : Meaning and scope

1.3 Arbitration Agreement :

1.3.1 Essentials, Kinds of Arbitration Agreements

1.3.2 Who can enter into Arbitration Agreement

1.3.3 Validity and reference to Arbitration

1.4 Arbitration Tribunal :

1.4.1 Appointment of the Arbitration Tribunal

1.4.2 Grounds for challenge

1.4.3 Procedure of the Tribunal :

1.4.4 Time, Place and Language of Hearing

1.4.5 Statement of Claim and defence, counter claim and other proceedings

1.4.6 Jurisdiction and Powers of the Tribunal

**2. Arbitration Award :**

2.1 Rules of Guidance

2.2 Forms and Content of the Arbitration Award

2.3 Settlement through ADR

2.4 Interim Award, Award of interest by Arbitrator

2.5 Requirements of Valid Award

2.6 Correction and interpretation of Award

## 2.7 Grounds for setting aside the Award

2.41 Incapacity of the Party

2.4.2 Invalidity of Arbitration Agreement

2.4.3 Want of proper notice and hearing

2.4.4 Contravention of composition and procedure

2.4.5 Breach of conviviality

2.4.6 Impartiality of the arbitrator

2.4.7 Bar of limitation, *res judicata*

2.4.8 Consent of parties

## 2.8 Termination Proceedings

## 2.9 Powers of Arbitrators

### **3. Enforcement of the Foreign Award and Miscellaneous :**

3.1 Foreign Award, International and Commercial Arbitration : Essentials

3.2 Choice of place and proper law of arbitration

3.2 Enforcement of Foreign Awards : Procedure and essentials

3.2.1 New York Convention Awards

3.2.2 Geneva Convention Awards

3.3 Conciliation, Conciliators : Number and qualifications, appointment procedure

3.4 Principles of Conciliation Procedure, Procedure, Settlement, Restrictions on the role of conciliators, Termination of Conciliation proceedings

3.4 Provisions of Appeal and Revision

3.4 Rule making powers of High Courts and Central Government

## **Practical Exercises :**

**20 Marks**

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

The above mentioned exercises are required to be conducted by senior legal practitioners through simulation and case studies. At least three practical exercises/case study reports shall be written in a journal after having visited the Arbitration-Conciliation Centers by a student. Evaluation thereof shall be conducted in practical exercises to be submitted by a student in a journal/diary to the concerned law college and the marks thereof will be sent by the college after evaluation to the Gujarat University.

## **Suggested Readings :**

Avtar Singh, Law of Arbitration and conciliation and Alternative Dispute Resolution, Eastern Book Company

Dr. S. C. Tripathi, Alternate Dispute System (ADR), Central Law Publication

Dr. S. K. Roychowdhary & H. K. Saharay, Arbitration & Conciliation, Eastern Law House

Sukumar Ray, ADR, Eastern Law House

S. K. Chawla, Law of Arbitration & Conciliation including other ADRs, Eastern Law House

Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, Universal Law Publishing Co., New Delhi

P. K. Basu Majumdar, Law of Arbitration, Universal Law Publishing Co., New Delhi

B.P. Saraf and M. Jhunjhunwala , Law of Arbitration and conciliation, Snow white, Mumbai.

Gerald R. Willame (ed) , The New Arbitration and Conciliation Law of India, Indian Council of Arbitration New Delhi.

A.K. Bansal, Law of International Commercial Arbitration, Universal, Delhi.

P.C. Rao & Willam Sheffield , Alternative Disputes Resolution - What it is and How it works ? Universal, Delhi.

G.K. Kwatra, The Arbitration and Conciliation Law of India, Universal Delhi.

Basu N.D. Law of Arbitration and Conciliation, Universal Delhi.

Johari, Commantary on Arbitration and Conciliatino Act, 1996 , Universal , Delhi.

Markanda P.C. Law relation to Arbitration and Conciliation, Universal Delhi.

Dr. S. R. Myneni, Alternate Dispute Resolution, Asia Law House

Dr. U. Pattabhi Ramiah, Arbitration & ADR, Asia Law House

Dr. N. V. Paranjape, Arbitration & Alternative Dispute Resolution, Central Law Agency

S. P. Gupta, Arbitration & Conciliation, Allahabad Law Agency

Justice P. S. Narayana, The Arbitration and Conciliation Act, 1996, ALT Publications

Sarfaraz Ahmed Khan, Lok adalat : an effective alternative dispute resolution mechanism, A.P.H. Pub. House, New Delhi

# LL.B. Semester : VI

(Third LL.B. Winter Semester)

## Law 311 : Moot Court Exercise & Internship

### OBJECTIVES OF THE COURSE :

The Bar Council of India has through Rules of Legal Education, 2008 designed this course as one of the Compulsory Clinical Course taking into consideration the development of over all skill of law students including Oral Advocacy, skill of presenting the case, Imagination, Rules for conducting Civil Case or Criminal Trial, visit to the courts, Interviewing Techniques for gathering information from the clients and also pre-trial preparations. The students are required to compulsory attend at least one Civil Case and one Criminal Trial within a span of three years of LL.B. Programme. The law students are expected to observe dialogue between a lawyer and client and learn the skill of advocacy out of it. As per the Rules of Legal Education, 2008, the entire course is divided into following three components including 30 marks each to be written in journal, to be evaluated by the college as well as a viva voice of 10 marks to be conducted by the Gujarat University.

	Marks
(a) Moot Court (Three Exercises & Arguments)	30
(b) Observance and writing the proceedings of Trial in two cases, one <u>Civil</u> and one <u>Criminal</u>	30
(c) Interviewing techniques, dialogues between Advocate & clients and <u>Pre-trial</u> preparations	30
(d) Viva-voce examination	10
<b>Total</b>	<b>100</b>

**(a) Moot-Court:**

**30 Marks**

Each student will conduct at least three Moot Courts in a semester with 10 marks for Each. The moot court work will be assigned Problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy. The written submission shall be recorded in the prescribed diary.

The panel to evaluate moot court performance of each student shall consist of the Principal or his/her nominee and the concerned teacher assigned with the subject.

**(b) Observance of trial in two cases one Civil and one Criminal.**

Civil Case

**15 Marks**

Criminal Case

**15 Marks**

Students will attend **two trials during their course of Three Years' LL.B.** Programme.

They will maintain a record thereof and enter various steps observed during their attendance on different days in the court



assignment ( diary ) . Attendance and performance to be certified by Advocates, enrolled and recognized by the Bar Council .

**(c) Interviewing techniques and Pre-trial**

**Preparations.**

- Interviewing techniques **15 Marks**
- Pre-trial preparations **15 Marks**

Each student will observe two interviewing sessions of clients at the Lawyer's Office / Legal Aid Office and record the Proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and procedure for filing of the suit / petition This will be recorded in the diary.

Practical work is to be evaluated by the Committee

Constituted as per VI-CL. (c).

**(d) Viva-voce Examination on the above **10 Marks****

Three aspects. Viva-voce examination is to be conducted by the committee constituted of Principal and two examination to be appointed by the University.

## **Suggested Readings :**

Dr. S. R. Mayneni, Moot Court, Pre-Trial Preparation and Participation in Trial Proceedings & Viva-Voce, Asia Law House

Aggarwal Prof. Nomita & Mukesh Anand, Beginners Path to Moot Court, Universal Law Publication Co.

Bhatia Prof. Dr. K.L., Moot Court and Mock Trial - Art to and Art of Advocacy: Essentials of Court Craft, Universal Law Publication Co.

Om Prakash Mishra, Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law Agency

Dr. Sant Prasad Gupta, Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law Agency

JPS Sirohi, Moot Court Etc., Allahabad Law Agency

H. N. Tewari, Moot Court, Allahabad Law Agency

# **LL.B. Semester : VI**

**(Third LL.B. Winter Semester)**

## **Law 312 : Legal Language/Legal Writing including General English**

### **OBJECTIVES OF THE COURSE :**

This course is designed with a view to see that every law student must have basic knowledge of English. In the era of Globalization, there will be more litigations involving foreign and/or multi-national companies. Moreover, the International Treaties, Agreements and judgments of the Apex Court as well as High Courts are in English Language. The law students should be conversant with the Latin Terminology frequently used and accepted by the Indian Judiciary and lawyers. The writing of essays, pricy writing, comprehension etc. will further improve the drafting skill and command over the language. The course also gives importance to the development of translation skill and the study of legal problems. Over all, the above course will definitely help the law students during their practice as an advocate.

### **Syllabus :**

- 1. Essay on the topics relating to law**
- 2. Legal Phrases**
- 3. Comprehension or Pricy Writing**
- 4. Translation**
- 5. Practical Legal Problems relating to Law of Crimes, Law of Torts,  
Law of Contract and Family Law**

## **Suggested Readings :**

Prof. K. L. Bhatia, Legal Language & Legal Writing, Universal Law Publishers

B. M. Gandhi, Legal Language, Legal Writing and General English, Eastern Book Company

R. L. Jain, Legal Language/Writing (including General English), Central Law Agency

M. P. Tandon, Legal Language, Legal Writing, Allahabad Law Agency

S. K. Mishra, Legal Language, Legal Writing, Allahabad Law Agency

S. R. Mayneni, Legal Language and Legal Writing, Asia Law House

Rega Surya Rao, Lectures on Legal Language and Legal Writing, Asia Law House

Sridhar M., Legal Language, Asia Law House

**Instruction : - Students are requested to peruse the concerned law books for perusal of Practical Legal Problems prescribed in Unit No.5**

# **LL.B. Semester : VI**

**(Third LL.B. Winter Semester)**

## **Law 313 F : Forensic Science, Law and Crime Detection Methods**

### **OBJECTIVES OF THE COURSE :**

The main object of including this course is to make the law students familiarize about the Forensic Science Technologies as well as role and functions Forensic Science Laboratories and how they are useful in detecting the crime and criminals. In the era of computer technology and internet, we can effectively solve the complicated cases of cyber crimes, forgery, rape, fire-arm used in the crime, identification of trace elements, identifying paternity of child or about various toxic materials. In the incidents of bomb-blast or terrorist attack, forensic science helps us to reach to the root of crime and catching the criminals. It is also possible to find out truth by application of various Forensic Psychology Techniques like lie detection test, brain mapping or narco test. While understanding various methods of Forensic Science in detection of crimes, law students are expected to understand the constitutionality of all the methods as well as the evidential value thereof.

### **Syllabus :**

- 1. History, Scope, Need and application of Forensic Science in Crime Detection :**
  - 1.1 History and scope of Forensic Science
  - 1.2 Need of Forensic Science in understanding modus operandi of criminals as well as Crime Investigation and Detection
  - 1.3 Basic Principle of Criminal Jurisprudence relied in Forensic Science :” Man may lie, but circumstances cannot.”

1.4 Evidence collected through Forensic Science Techniques and Report of Forensic Expert : Evidential value thereof

1.5 Various general techniques of Forensic Science used in detection of crimes :

- 1.5.1 Blood-Alcohol Analysis
- 1.5.2 Toxicology Reports
- 1.5.3 Ballistic Expert Report regarding use of fire-arm or residues of firearm parts at the scene of offence
- 1.5.4 Analysis of Body Fluids : Blood, Serum, saliva etc.
- 1.5.5 Reports of Handwriting Experts (in crimes of forgery) & Finger-print Experts and identification of Handwriting in questioned documents
- 1.5.6 Identification of Narcotic and Psychotropic Substances like Opium, Brown Sugar, Heroin etc.
- 1.5.7 Crime detection/investigation through Track marks : Foot Prints, Naked Footprints etc.

## **2. Forensic Psychology Techniques, Crime Detection/Investigation and Law :**

2.1 Forensic Psychology Techniques and importance thereof

2.2 Various types of Forensic Psychology Techniques used in Crime Detection :

- 2.2.1 Lie Detection Test and its procedure
- 2.2.2 Polygraph Test and its techniques
- 2.2.3 Brain Mapping Test and procedure thereof
- 2.2.4 Narco Analysis Test (Truth Serum Test)
- 2.2.5 Hypnotism

2.3 Constitutional validity of Forensic Psychology Techniques in context with Fundamental Right of Self Incrimination under Article 20(3) and 22 of the Constitution

2.4 Drawbacks and Hazards of Forensic Psychology Techniques

2.5 Evidential Value of confession of the accused made through or evidences gathered through Forensic Psychology Techniques

2.6 Judicial approach about acceptance of evidence gathered by Forensic Psychology Techniques

## **3. Recent Forensic Science Techniques for Crime Detection and Future Challenges :**

3.1 Cyber Crime detection through forensic science

- 3.1.1 Retrieving the data from Computer Hard-disk
- 3.1.2 Retrieving SMS/MMS from mobile after having deleted
- 3.1.3 Detecting E-mail Hackers, Website Hackers and Computer Hackers

- 3.1.4 Tracking of E-mails in locating the criminals
- 3.1.5 Tracking offences of Electronic Fund Transfer and related crimes
- 3.1.6 Tracking offences related to Digital Signature, Software Piracy and other related crimes
- 3.2 Use of Facial Reconstruction and Skull Superimposition Techniques in crime detection
- 3.3 Voice Identification Technique
- 3.4 DNA Profiling : meaning
  - 3.4.1 Importance and Nature of DNA Profiling
  - 3.4.2 Evidentiary clue materials of DNA Profiling : Hair, Body Tissues etc.
  - 3.4.3 Parental Identification and its Constitutional validity - Fundamental Right under Article 20(3) not available in Civil Proceedings
  - 3.4.4 Judicial Pronouncements
- 3.5 Future Challenges to Forensic Sciences in countering the Global Terrorism, Cyber Terrorism and other technical offences

## **Suggested Readings :**

Sharma B. R., Forensic Science in Criminal Investigation & Trials, Universal Law Publishing Co.

Sharma B. R., Law Relating to Handwriting Forensics, Universal Law Publishing Co.

Nanda B.B. & Tewari R. K., Forensic Science in India : A Vision for 21<sup>st</sup> Century, Select Publisher, New Delhi

Tewari R. K., Shashtri P. K. & Ravikumar K. V.. Computer Crime & Computer Forensics, Select Publications

Dr. Veerraghavan, Handbook of Forensic Psychology

Dr. Rukmani Krishnamurthy Crime Scene Management with Special Emphasis on National Level Crime Cases

Parikh, Text Book of Medical Jurisprudence, Forensic Medicine and Toxicology

Abhijeet Sharma, Guide to DNA Test in Paternity Determination and Criminal Investigation (A Lawyer's Handbook), Butterworths

Modi's Medical Jurisprudence and Toxicology, Butterworths Publication

# **LL.B. Semester - VI**

**(Third LL.B. Winter Semester)**

## **Law 314 K : Legal Aid, Para-Legal Services & Clinical Training**

### **1. Provisions under the Constitutional and Procedural Laws to provide Legal Aid :**

1.1 Free Legal Aid : Need, concept and scope - for providing social security and equal justice to all

1.2 Constitutional Provisions ensuring Legal Aid :

1.2.1 Preamble of the Constitution

1.2.2 Article 14 : Equality before Law and Equal Protection of Law

1.2.3 Article 39-A : Equal Justice and Free Legal Aid

1.3 Provisions under the Code of Criminal Procedure to provide Legal Aid :

1.3.1 Section 304 : Legal Aid to the accused at the expense of the State

1.4 Provisions under the Code of Civil Procedure to provide Legal Aid :

1.4.1 Suit by indignant person (O. 33)

### **2. Legal Services Authorities Act, 1987 :**

2.1 Object and reasons of the Act

2.2 Authorities under the Act, their constitution, term and functions :

2.2.1 National Legal Services Authorities

2.2.2 State Legal Services Authorities

2.2.3 District Legal Services Authorities

2.3 Committees under the Act, their constitution, term and functions

2.3.1 Supreme Court Legal Services Committee

2.3.2 High Court Legal Services Committee

2.3.3 Taluka Legal Services Committee

2.4 Criteria for giving Legal Services

2.5 Entitlement for Legal Services



2.6 National, State and District Legal Aid Fund

2.7 Lok Adalats :

- 2.7.1 Concept and significance of Lok Adalats & Permanent Lok Adalats
- 2.7.2 Organization of Lok Adalats
- 2.7.3 Awards of Lok Adalats
- 2.7.4 Powers of Lok Adalats

2.8 Pre-litigation Conciliation and Settlement provisions :

- 2.8.1 Establishment and powers of Permanent Lok Adalats
- 2.8.2 Cognizance of cases by it and procedure thereof
- 2.8.3 Award of the Permanent Lok Adalats : Final and binding to the parties

2.9 Rule making powers of State and Central Government

2.10 Regulation making powers of various authorities under the Act

### **3. Para-legal Services and Clinical Training :**

3.1 Para-legal Services : Meaning, object and importance

3.2 Spreading Legal Awareness through Legal Literacy Camps

- 3.2.1 Legal Literacy Camps by the authorities under the Act
- 3.2.2 Legal Literacy Camps by law students in association with Authorities/NGOs

3.3 Legal Aid Camps

- 3.3.1 For weaker section of the society for strengthening their rights
- 3.3.2 For women empowerment
- 3.3.3 For preventing Child Labour

3.4 Legal Aid Clinics : Object and Services

- 3.4.1 Permanent Legal Aid Clinic and its services : Counseling, Pre-litigation solution through different cells like Pension Cell, SC/ST Cell, Women Cell etc., Providing para-legal training to law students and assigning clinical work to law students

3.5 Involvement of NGOs in providing Free Legal Services

3.6 Role of Law Students in securing Free Legal Aid and Advise

3.7 Para-legal Training by law students, its application and importance

## **Suggested Readings :**

Prof. Kailash Rai, Public Interest Lawyering Legal – Aid and Para – Legal Services, Central Law Publication

Dr. N. V. Paranjape, Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services, Central Law Agency

Dr. S. S. Sharma, Legal Services, Public Interest Litigation and Para-legal Services, Central Law Agency

Dr. S. R. Myneni, Public Interest Lawyering, Legal Aid and Para Legal Services, Asia Law House

Mamta Rao, Public Interest Litigation (Legal Aid and Lok Adalats), Eastern Book Company

Ajay Gulati, Public Interest Lawyering, Legal – Aid and Para – Legal Services, Central Law Publication

Sarfraz Ahmed Khan, Lok adalat : an effective alternative dispute resolution mechanism, A.P.H. Pub. House, New Delhi

Roma Mukerjii, Women, Law and Free Legal Aid in India, Regal Publication, New Delhi (Deep & Deep Publication)

Bare Act : Legal Services Authorities Act (with Amendments of 2002)