

# **Career Point University, Kota**

**School of Legal Studies and Governance**

**PROSPECTUS OF STUDIES**

**IN**

**SIX - SEMESTER LL.B THREE YEAR DEGREE COURSE**

### **ADMISSION PROCEDURE**

1. Admission in LL.B . I-Semester programme of study shall be made on fulfilling the criteria mentioned in eligibility requirement.
2. The Faculty shall have an Admission Committee for LL.B. undergraduate admission, constituted under the provisions of Ordinances and consisting of the Dean or his nominee and two senior-most members of the teaching staff of the Faculty. Admission shall be made in accordance with these ordinances and the rules made thereunder.
3. Admission cannot, however, be claimed by any candidate as a matter of right. The admission or re-admission of a candidate shall be entirely at the discretion of the Admission Committee which may refuse to admit any student without assigning any reason there for.
4. On his/her selection for admission to the LL.B .Semester I programme, the candidate shall, within the time fixed by the Dean, Faculty of Law deposit the fees prescribed for the programme. If the candidate fails to deposit fees within the stipulated time, his/her selection shall automatically stand cancelled. Such a candidate shall not be admitted to the concerned programme unless a fresh order of selection and extension of date for payment of fees is issued.

### **RESERVATION/WEIGHTAGES**

1. 15% Seats shall be reserved for Scheduled Caste, 7.5% for Scheduled Tribe and 27% for Other Backward Class candidates. Admission against these seats shall be made provided the candidate has passed the qualifying examination and appeared in the Entrance Test. The vacant seats reserved for SC/ST/OBC candidates, if any, shall be filled as per Rules.
2. The Faculty may admit students under the supernumerary paid seat quota as per the norms fixed by the University from time to time and laid in the Information Bulletin for the concerned year of admission.
3. 3% seats, on horizontal reservation basis, shall be reserved for PC (Physically Challenged) candidates (visually impaired 1% + hearing impaired 1% + orthopedically handicapped 1%) provided they fulfill the minimum eligibility requirements and qualify in the UET. They shall have to submit a PC certificate issued by the district CMO at the time of submitting the application. Candidates who claim for PC category shall be considered under this category on an approval from the University Medical Board only at the time of admission.
4. Admission under sports Seats shall be done as per the University rules.

### **ATTENDANCE**

- (a) A student is required to have full, i.e., 100%, attendance and condonation upto 30% can be considered for specific cogent reasons. Out of this 30%, only 10% condonation will be permitted without taking any application from the student. Rest 20% condonation may be given by the Dean. Further, a student shall be deemed to have minimum percentage of attendance only if, apart from the above, he/she has attended at least 50% of the classes in each subject also. The cogent reasons for condonation are given below.

- (i) Participation in NCC/NSC/NSS Camps duly supported by certificate or to participate any social services organised by the University.
  - (ii) Participation in University or College Team Games or Interstate or Inter-University tournaments, duly supported by certificate from the Secretary of the University Sports Board or President of the College Athletic Association concerned.
  - (iii) Participation in Educational Excursions, which form a part of teaching in any subject conducted on working days duly certified by the Dean.
  - (iv) University Deputation for Youth Festival duly certified by the Dean.
  - (v) Prolonged illness duly certified by Registered Medical Practitioner, provided such certificate is submitted to the Dean, Faculty of Law in time.
  - (vi) All other cases can only be approved with prior approval of Chancellor of the university.
- (b) The attendance of a newly admitted candidate shall be counted from the date of his/her admission, or date of beginning of classes which ever is later, while in the case of promoted candidates, attendance shall be counted from the date on which respective class begins. However in case of promotion after declaration of results of supplementary examination (if any), the attendance will be counted from the date of admission in the respective case.
- (c) There shall be an Attendance Monitoring Committee in the Faculty under the Chairmanship of the Dean.

## **SYSTEM OF EXAMINATION**

### **Examination System:**

Each course shall be of 100 marks. For evaluation, the overall structure of the distribution of marks in a theory based course shall be such that 30 marks are allotted to various assessments during the semester, while 70 marks shall be allotted for the end semester examinations. For core, elective and activity based compulsory courses, the examination system would be different as per rules of the examination.

### **BREAK IN THE COURSE**

Any student taking admission in LL.B .Degree programme of the Faculty shall not be allowed to pursue any other full time programme/ course in the Faculty or elsewhere in the entire period of the programme meaning thereby that if a student leaves the programme after passing some of the semesters/ courses and takes up a full-time programme/ course elsewhere, then he/she shall not be allowed to continue the programme further in the Faculty.

**LL.B. 3 YEARS SYLLABUS SCHEME**

Code No.	LL.B. I-Semester	Nature of Course	L	T	P	Credits
LBL411	Constitutional Law of India	Core	3	1	0	4
LBL412	Law of Contract – I	Core	3	1	0	4
LBL413	Family Law – I (Hindu Law)	Core	3	1	0	4
LBL414	Legal and Constitutional History	Core	3	1	0	4
	<b>Optional Paper (any One)</b>					
LBLE415	Land Laws including Tenure and Tenancy System	Elective	3	1	0	4
LBLE416	Insurance Law	Elective	3	1	0	4
LBL417	English and Legal Language	Compulsory	3	1	0	4
	<b>Total Credits</b>					28

**LBL411 Constitutional Law of India**

**UNIT 1: Introduction:** Salient Features of the Constitution. Nature of the Indian Federalism : Preamble, Citizenship and State, Fundamental Rights, Directive Principles and Fundamental Duties.

**UNIT 2: Union and State Executive :** President, Governor, Election, appointment, Powers, Position : Council of Ministers, Prime Minister, Parliamentary System of Government Union and State legislature; Lok Sabha, Vidhan Sabha Rajya Sabha, and Vidhan Parishad, Composition : Speaker, Chairman; Privileges; Legislative procedure

**UNIT 3: Union-State Judiciary :** Supreme Court and High Court, Composition and Powers, Writs Union-State Legislative Relationship-Distribution of legislative powers, Administrative and financial relationship.

**UNIT 4: Service under the Union and the State,** Constitutional protection to civil servants; Public Service Commission of the Union and the States Art. 300 A-Property Rights, Freedom of Trade, Commerce and Intercourse : State Liability in Contracts and Torts, Suit by and against the State

**UNIT 5:** (a) **Emergency provisions**-National, State and Financial  
(b) Amendment of the Constitution-Constitutionality of Ordinary Laws and Amendment Laws, Judicial Review of Amendment and the Doctrine of Basic Structure-Major Amendments and their Constitutional value.

**Leading Cases:**

1. Minerva Mills Vs. Union of India, A.I.R. 1978 SC, 1789
2. Maneka Gandhi Vs Union of India, A.I.R 1978 SC 597
3. Union of India Vs Tulsidas, A.I.R. 1985 SC 1416
4. Keshavanand Bharti Vs State of Kerala, A.I.R. 1973 SC 1476
5. Kedar Singh Vs Union of India, A.I.R 1989 SC 653

**Suggested Readings:**

1. Constitution of India as amended up to-date.
2. Shukla V.N. : Constitution of india.
3. Jam, M.P. : Constitutional law of India (Eng. & Hindi)
4. Basu, D.D. Tntroduction of the Constitution of India.
5. Paras Diwan: Constitution of India.
6. M.C.J. Kagzi : Constitution of India (Eng. & Hindi Ed.).

**LBL412 LAW OF CONTRACT-I**

**UNIT 1: Evalution and Scope of Law of Contract :**

Nature of contract, Defination of contract, object of contract.

**UNIT 2: Formation of Contract:**

- (a) Proposal and acceptance: Meaning and law relating to communication of proposal, acceptance and its revocation.
- (b) Consideration: Meaning, essential conditions and doctrine of privity of contract.
- (c) Lawful object and lawful consideration.
- (d) Consent and free consent: Meaning and essential conditions including standard Form Contracts.
- (e) Capacity to contract including nature and effects of minor's agreement
- (f) Void agreement: Meaning and agreements declared to be void by the Indian contract Act, 1872 with special emphasis on agreements in restraint of trade and wagering agreements.

**UNIT 3: Discharge of Contract: Meaning and Modes:**

- (a) Discharge by Performance
- (b) Discharge by breach including anticipatory breach of contract.
- (c) Discharge by agreement
- (d) Discharge by impossibility of performance and its relation with English Law

**UNIT 4: Quasi –Contract:**

Law Relating to certain Relations resembling those created by contract with special emphasis on doctrine of unjust enrichment.

**UNIT 5: Remedies Available Under Indian Contract Act 1872:**

- (a) Compensation: Meaning and nature
- (b) Law relating to award of compensation in case of breach of contract.
- (c) Liquidated damages and penalty.
- (d) Provisions related to award of compensation, specific performance of contract and injunction under Specific Relief Act, 1963.

**Leading Cases:**

1. Carlill V Carbolic Smoke Ball Co. (1883) IQB 256
2. Bhagwandas V Girdhari Lal & Co. AIR 1966 SC 543
3. Motilal Padampur Sugar Mill Co. Ltd. Vs State of UP AIR 1979 SC 621
4. LalmanShukia V Gauri Dutt All IJ (1913) 409
5. Mohori Bibi V DhurmodasGhosh(1903)I.A. 172

**Suggested Readings:**

1. Atiyah, P.S.: An introduction to the law of contract.
2. Pollock: Principles of the law of contract.
3. Pollock & Mulla: Indian Contract & Specific Relief Act.
4. T..R. Desai: Principles of law of contract.
5. Avtar Singh : Law of contract.
6. Avtar Singh :lafonkfof/k
7. I.C. Saxena & R.I. Nawalakha: lafonkfof/k

**LBL413 FAMILY LAW-I (HINDU LAW)**

**UNIT 1: Hindu Law:** Sources, School and application, Coparcenary. Joint family property and selfacquired property. Karta & his power and obligation. Religious and Charitable Endowments - Essentials of an endowment, kinds. Shebait and Mahant.

**UNIT 2: The Hindu Marriage Act , 1955:** Condition ofHindu Marriage its ceremonies and registration. Void and voidable marriages. Restitution of conjugal rights. Judicial separation, legitimacy of children, void-voidable marriages. Divorce, alternative relief in divorce, proceedings of 8 divorce by mutual consent. One year bar to divorce, divorce persons when may marry again, Jurisdiction and procedure.

**UNIT 3: The Hindu Succession Act, 1956-**Succession to the property of a Hindu Male. Succession to interest in coparcenary property, property of Hindu female. Succession to the property of Hindu female. General rules and disqualifications of Succession Escheat.

**UNIT 4: The Hindu Adoption & Maintenance Act, 1956:** Requisites of valid adoption. Succession to take an adoption. Effect of adoption, persons who may be adopted, other condition for a valid adoption. Effect of Adoption: Miscellaneous provisions of adoptions. Maintenance of

**UNIT 5: The Hindu Minority & Guardiandhip act, 1956:** Natural guardians and their powers. Testamentary guardians and their powers. De-facto guardian, general provisions of guardianship.

**UNIT 6: Partition Under Hindu Law:** Meaning property for partition, persons entitled to sue for partition and allotment of shares, partition, how affected. Determination of shares. Re-opening of partition. Re-union. Debts-Doctrine pious obligation: Antecedent Debt.

**Leading Cases:**

1. Shastri Yajna Purushasji V. Muldas AIR 1966 SC 11153
2. Hanooman Prasad, V. Mussamat Babooce Munraj Koonwaree (1856) 6 M.1.A. 305.
3. Gita Hariharan V. State Bank of India AIR 1996 SC 1149.
4. Bipin Chandra V. Prabhavati AIR 1957 S.C. 176.
5. Dr. N.G. Dastanee V. Sucheta Dastanee AIR 1975 S.C. 1534.
6. Dharmendra Kumar V. Usha Kumar AIR 1977 S.C. 2218.
7. Tulsan V. Seshareddi, AIR 1977 S.C. 1944.

**Suggested Readings:**

1. Mulla : Principles of Hindu Law.
2. Raghvachariar: Hindu Law-Principles and precedents.
3. Paras Diwan: Hindu Law.
4. Tahir Mahmood: Hindu Law.

**LBL414 Legal and Constitutional History**

**UNIT 1: Introduction:** The early Charters (Charters of 1600 and 1661) and Surat Factory, Administration of Justice in Madras, Bombay and Calcutta before 1726, Charter of 1726 and Establishment of Mayor's Court; Charter of 1753

**UNIT 2: The Regulating Act, 1773,** The Supreme Court of Calcutta, Bombay and Madras. Merits and Defects of Regulating Act and the Act of Settlement, 1781 Cases:  
(a) Trial of Raja Nand Kumar  
(b) Patna Case, and  
(c) Cossijurah Case  
(d) The Beginning of the Adalat System. The Judicial Plans of 1772 and 1774 introduced by Warren Hastings, Judicial Reforms of Cornwallis and Bentick

**UNIT 3: The High Court :** Dual Judicature before 1861, Indian High Courts Act, 1861 Privy Council, Federal Court, Development of Law in Mofussil (Justice, Equity and Good conscience) Development of Criminal Law, Changes in Criminal-Law 1790-1861 Charter Act of 1833 Codification of Law : Law Commission, Legislative Council, First, Second and Third Law Commissions. The Lex Loci Report

**UNIT 4: The Government of India Act, .1858,** Indian Councils Act of 1861 and 1892 Act of 1909: Morely Minto Reforms, Government of India Act, 1919

**UNIT 5: Simon Commission,** Round Table Conference, Government of India Act, 1935  
Federalism : Nature and characteristics under the Act. Executive Powers of Governor General, Federal Legislature, Federal Court, Provincial Autonomy, Powers of the Governor, Cripps Mission, Indian Independence Act, 1947, Abolition of Jurisdiction of Privy Council, Constituent Assembly; its formation, working and contribution

**Suggested Readings:**

1. Jain, M.P. : Outlines of Indian Legal History
2. Keith, A.B. : Constitutional History of India (1973), Chapters VII, VIII, X, XI and XII only
3. Banerjee, A.C. : The Making of the Indian Constitution Mahajan,
4. V.D. : Constitutional history of India
5. Sinha, B. S.: Legal History of India Jois, M. Rama : Legal History of India Kulshreshtha,
6. V.D. : Landmarks in Indian Legal and Constitutional History
7. Jain, M.P. : Bharatiya Vidhi ka Itihas

**LBLE415 Land Laws including Tenure and Tenancy System**

**UNIT 1: Rajasthan Tenancy Act, 1955 :** Objects and reasons, definition. Khudakhasht (section 2 to 13. Ijredars, grove holder (sections 194 to 205). Classes of tenants (sections 14 to 17 A) conferment of rights of subtenants or tenants Khuda Khasht (section 19) Primary rights of tenants 9 sections 31 to 37 Surrender. abandonment and extinction of tenancies (sections 55 to 64), improvement trees (section 65 to 87) declaratory suits (sections 88 to 92) Determination and modification of Rent (sections 93 to 129), Payment and Recovery of tenants, Remedies for wrongful ejection (section 216 to 221) provision for injunction and appointment of receiver (section 212) Appeal, review, revision (sections 222 to 232), Reference, Questions of proprietary rights in revenue courts (section 239) Question of Tenancy Rights in civil court (Section 242) Conflict of Jurisdiction (Section 243).

**UNIT 2: Rajasthan Land Revenue Act 1956:** The Board of Revenue, Revenue courts and officers (section 4 to 30) Appeal. Reference revision and review (Ss 74-87) Land (Ss 88 to 105) 9 Survey (Ss 100-112). Record of Rights, Maintenance of maps and record. Annual Registers (Ss 113-137). Settlement operations; Rent Ratio, determination of rent, term of settlement (Ss 142-177). Collection of Revenue (Ss 224 to 257).

**UNIT 3: Rajasthan Premises (Control of Rent and Eviction) Act. 2000.** Definition, Rent kinds, fixation eviction of tenants grounds, restriction on eviction, restitution of possession, waiver on default with new amendments of Rajasthan rent control (amendment) act 2017.



**Leading Cases :**

1. Khemchand v. State and Others 1999 D.N.J. Raj 239.
2. Sarla Ahuja v. united Insurance Co. Ltd. AIR 1999 SC 100
3. Nathu Singh v. Laxaman Singh 1995 RRD 124.
4. Panne Singh v. Guman Singh 1964 RRD 101.
5. Bhonra v. Ganes 1996 RRD 71.
6. Shivshankar V. Murli Sri Bade Muthuresthan land 1996 RRD 316.

**Suggested Readings:**

1. S.K. Dutta- Rajasthan Tenancy Law Rajasthan Land Revenue Act. Rent Control in Rajasthan.
2. Mathur & Mathur- Land Laws in Rajasthan.
3. Dr. G.S. Karkara - Land Laws in Rajasthan.
4. B.L.Babel- Rajasthan Ki Bhoomi Vidhia

**LBLE416 Insurance Law**

**UNIT 1: Principles of Insurance:** Life Insurance introduction, Life Insurance Policies annuities, Conditions of Life Insurance Policy. Premium computations.

**UNIT 2: Life Insurance Act. 1956:** Definitions: Its establishment- function- Transfer of existing Life Insurance, Business to the corporation- Management, Finance, accounts & Audit Miscellaneous.

**UNIT 3: General Insurance:** Corpn. of India- Scheme for reorganization of General insurance, business- Function of corporation and acquiring companies and their management Miscellaneous.

**UNIT 4: Marine Insurance Act. 1963.**

**UNIT 5: Insurance Regulatory and Development Authority Act 2000**

**UNIT 6: Insurance against Third Party Risks: The Motor Vehicles Act, 1988,** Nature and Scope, Effect of Insolvency or death on claims of insolvency and death of parties, certificate of insurance, Claims tribunal: Constitution, functions, application for compensation, procedure powers and award, Liability Insurance : Nature and kinds of such insurance.

**Suggested Readings:**

1. Srivastava, Baichand: Elements of Insurance.
2. Dravid& Joshi: Bima Siddhant Evam Vyavahar.
3. Life Insurance Act. 1956.

## **LBL417 English and Legal Language**

### **UNIT 1: Introduction to Legal Language**

- a. Need and Importance of Legal Language
- b. Vocabulary : (a) Legal terms as under : 1. ab initio (from the beginning) 2. actus reus (wrongful act) 3. ad interim (in the mean time) 4. ad litem (for the suit) 5. ad Valorem (according to the) 6. alibi (plea of being elsewhere) 7. amicus curiae (friend of the court) 8. animus (intention) 9. audi alteram partem (here the other side) 10. caveat emptor (Buyer be aware) 11. consensus ad idem (agreement by two persons the same thing in the same sense) 12. damnum sine injuria (damages without injury) 13. de facto (in fact) 14. de jure (in law) 15. decree nisi (a decree which takes effect after a specified period) 16. delegatus non potest delegare (a delegated power cannot be further delegated) 17. doli in capax (incapable in malice) 18. donation mortis causa (gift by a person on the death bed) 19. edjusedem generis (of the same category) 20. eminent domain (the supreme right) 21. ex-officio (by virtue of an office) 22. ex-parte (not in the presence of the opposite party) 23. ex post facto (by subsequent act) 24. factum valet (the fact which cannot be altered) 25. fait accompli (an accomplished fact) 26. ignorantia legis nominem exusat (ignorance of law is no excuse) 27. in pari material (in an analogous case, cause or position) 28. injuria sine damnum (injury without damages) 29. intra vires (within the powers) 30. just terti (the right of a third party) 31. lis pendens (pending suit) 32. mense profits (the profits received by a person in wrongful possession) 33. nemo dat quod non habet (no man can transfer better title than he himself has) 34. nemo degat bis vexari pro una et oadim causa (no man be twice vexed for the same cause) 35. nemo in propria causa judrex esse debe (no one ought to be a judge in his own cause) 36. nell prosequi (to be unwilling to prosecute) 37. obiter dicta (an opinion of law not necessary to the decision) 38. onus probandi (the burden of proof) 39. pacta sunt sevanda (pacts must be respected) 40. pendent elite (during litigation) 41. per capita (counting heads) 42. pro bono punlico(for the public good) 43. ratio decidendi (grounds for decision, principle of the case) 44. res gatae (connected facts forming the part of the same transaction) 45. res ipsa loquitur (the thing speaks for itself) 46. res judicata (a matter already adjudicated upon) 47. res nullius (an ownerless thing) 48. rule nisi (a rule or order upn condition that is not to become absolute when cause is shown to the contrary) 49. status quo (existing position) 50. sub judice (in course of adjudication) 51. sui juris (in one's own right) 52. suo motu (of one's own accord) 53. ubi jus ibi remedium (where there is a right there is a remedy) 54. ultra vires (beyond the powers of) volenti non fit injuria (risk taken voluntarily not actionable)

### **UNIT2: Proficiency in General English**

- (a) Parts and Types of the Sentences
- (b) Parts of Speech - A Brief Introduction
- (c) Tenses: Forms and Uses
- (d) Active and Passive Voice
- (e) Direct and Indirect (or Reported) Speech
- (f) Some Common Mistakes in English

**UNIT3: Legal Terminology**

- (a) Meaning and use of the following shall be explained: Translation of passages from English to Hindi and from Hindi to English.  
(b) Précis Writing in English

**UNIT4 : Essay Writing in English on Topics of Legal Interest**

**UNIT 5: vocabulary : glossary of legal terms**

Comprehension of a Legal Passage letter and application writing

Code No.	LL.B. II-Semester	Nature of Course	L	T	P	Credits
LBL421	Law of Torts including MV Accident and Consumer Protection Laws	Core	3	1	0	4
LBL422	Law of Contract -II	Core	3	1	0	4
LBL423	Family Law – II (Mohammeden Law)	Core	3	1	0	4
LBL424	Jurisprudence	Core	3	1	0	4
	<b>Optional Paper (any One)</b>					
LBLE425	Interpretation of Statues Including General clauses Act	Elective	3	1	0	4
LBLE426	Equity, Trust and Bankruptcy Law	Elective	3	1	0	4
	<b>Total Credits</b>					<b>24</b>

**LBL421 Law of Torts including MV Accident and Consumer Protection Laws**

**UNIT 1: Introduction:** Definition, nature, scope, objects and elements of Tort, Maxims, Extinction or Discharge of Tortious Liability, Joint Tortfeasors.

**UNIT 2: General Defences of Tortious Liability:** Vicarious Liability Doctrine of common employment, State Liability. Absolute or Strict Liability.

**UNIT 3: Remedies:** Kinds and measure of damages, Remoteness of damages, Personal capacity to sue; Trespass to person; Wrongs to movable property.

**UNIT 4: Torts to person and property including Negligence:** Nuisance, nervous shock, interference with contract or business, intimidation, conspiracy, deceit or fraud, malicious prosecution, defamation.

**UNIT 5: The following provisions of The Motor Vehicle Act, 1988 :**

- (a) Liability without fault in certain cases, chapter 10, from sections 140 to 144.  
(b) Insurance of Motor Vehicle against third party, chapter 11, from sections 145 to 166. Claims Tribunal, chapter 12, sections 165 to 176, with concerning Rajasthan Motor Vehicle Rules, 1990.

**UNIT 6: Consumer protection Act, 1986:** Definitions, Consumer protection councils, Consumer Dispute Redressal agencies Establishments, Jurisdiction Procedure and orders.s

**Leading Cases:**

1. Ushaben V. Bhagva Laxmi Chitra Mandir. AIR 1970 GUJ. 18.
2. N. Mahendra Rao V. State of A.P. AIR S.C. 2663.
3. Municipal Corpn. of Delhi V. Subhagwati. AIR 1966 SC 1750.
4. Rylands V. Fletcher (1869) IRHT 330.
5. Indian Medical Association Vs V.P. Shantha AIR 1996 SC 500.
6. Dipal Girish Bhai v/s United Insurance Company, 2004 AIR, S.C.W. 1864.
7. Shivaji Dayani Palit v/s Smt. Vatsala Uttam More, AIR 1991 SC, 1769.
8. United India Insurance Co. Ltd. Shimla v/s Tilak Singh, AIR 2006 SC 1576.

**Suggested Readings:**

1. Winfield: Law of Torts.
2. Rarnaswamlyar: Law of Torts.
3. B.S. Saba : Law of Torts.
4. Salrnond: Law of Torts.
5. Street: Law of Torts.
6. G.S. Karkara: Contributory Negligence.
7. Gurbax Singh : Law of Consumer Protection
8. Avtar Singh : Law of Consumer Protection
9. P. Leela Krishan : Consumer Protection & Legal Contracts
10. Motor Vehicle Act, 1988 and its rules.

**LBL422 Law of Contract -II**

**UNIT1: Contract of Indemnity and Guarantees:**

- (a) Meaning, Distinction between indemnity and guarantee and kind of guarantees.
- (b) Right of indemnity holder.
- (c) Rights of the surety, extent of liability of the surety.
- (d) Discharge of liability of the surety.

**UNIT 2: Contracts of Bailment and Pledge:**

- (a) Meaning and kinds of contract of Bailment-Bailment without consideration
- (b) Rights and duties of bailee and bailor.
- (c) Termination of contract of Bailment.
- (d) Position of the finder of goods under law.
- (e) Contract of pledge - meaning and definition. Pledge by unauthorised persons.
- (f) Rights and duties of pawner and pawnee

**UNIT 3: Contract of Agency:**

- (a) Definition, kinds and modes of creation of Agency.
- (b) Relations between the Principal and agent. The Principal and third party and The agent and the third party.
- (c) Determination of agent's Authority :- By the acts of parties and by operation of Law. Irrevocable authority.

**UNIT 4: Contract of Sale of Goods:**

- (a) Sale - Meaning Definition and elements.
- (b) Agreement to sell, hire-purchase agreements and a contract for work and labour - meaning and distinctions from sale.
- (c) Goods - existing future and contingent.
- (d) Condition and warranties.
- (e) Passing of property and risk from seller to buyer.
- (f) Sale by unauthorised person.
- (g) Law relating to performance of sale.
- (h) Rights of unpaired seller.

**UNIT 5: Contract of Partnership:**

- (a) Meaning definition, formation and the characteristics of contract of partnership.
- (b) Distinction between:
  - (i) Co-ownership and partnership
  - (ii) Joint Hindu Family firm and partnership ; and
  - (iii) Company and partnership
- (c) Position of Minor
- (d) Relations interest of partners and relation of partners with third parties.
- (e) Registration of partnership firm
- (f) Dissolution of partnership and of firm.
- (g) Rights and duties of partners.

**Leading cases:**

1. National Bank of India Ltd. V Sohanlal, AIR 1962 Punj.534.
2. Amritlal Goverdhan Lallan V State Bank of Travancore, AIR 1960 SC 1432.
3. Patnaik & Co. V State of Orissa, AIR 1965 S.C. 1655.
4. State ofGujarat V Maman Mohd. AIR 1967 SC 1885.

**Suggested Readings:**

1. Atiyah P.S. : An introduction to the law of contract.
2. Pollock : Principles of the Law of contract.
3. Pollock & Mulla: Indian Contract and Specific Relief Acts. 11
4. V.G. Rarnchandran : The law of Contract in India.
5. V.G. Ramchandran : Law of Agency.
6. Desai S.T. : The law of partnership in India and Pakistan.
7. Avtar Singh: Law of contract (English & Hindi)
8. Avtar Singh: Law of partnership (English & 1-lindi)

**LBL423 Family Law – II (Mohammeden Law)**

- UNIT 1: Mohammedan Law:** Origin development sources, schools. Application, interpretation and conversion.
- UNIT 2: Marriage:** Nature of marriage, essential of marriage Khyar-ul-bulug Iddat. Khilwat-us-sahih, Matrimonial stipulations, kinds of marriage and effects of marriage.
- UNIT 3: Mahr:** Meaning, nature, kinds, Objects and subject matter. Wife's right on non-payment of dower. Dissolution of marriage : Talaq, ha, Zihar Mahr: Meaning, nature, kinds. object and subject matter. Matter. Wife's right on non-payment of dower. Dissolution of marriage : Talaq, ha, Zihar, Talaq-ulTafweez, Mubarat, Khula, Lien, Fashk, Section 2 of the Dissolution of Muslim Marriage Act, 1939. Legal effects of divorce.
- UNIT 4: Pre-emption:** Meaning, nature and classification of Haq shufa (Pre-emption) Right of preemption when conflict of law, subject matter and formalities of pre-emption, legal effects of Pre-exemption. Devices for evading preemption.
- UNIT 5: Gift Hiba:** Meaning and requisites of gift (Hiba): Gift of Musha, Conditional and future gifts. Life estate, Life interest, I-iiba-bil-awaz, Hiba-bil-shart-ulawaj.
- UNIT 6: Will (Vasiyat):** Competancy of testator and legatee, valid subject of will Testamentary limitations, formalities of a will and abatement of legacy.
- UNIT 7: Legitimacy and acknowledgment:** Legitimacy and legitimation, presumption of legitimacy under Muslim law and section 112 of the Indian Evidence Act, conditions of a valid acknowledgment.
- UNIT 8: Maintenance:** Persons entitled to maintenance, Principles of maintenance, The Muslim Women (Protection of Rights on Divorce) Act, 1986.
- UNIT 9: Death Bed Transactions:** Meaning and effect of Marj-ul-maut.
- UNIT 10: Wakf:** Meaning, essential and kinds. Beneficiaries of wakf. The Wakf validating Act, 1913. Formalities for creation wakf, wakf of Musha, Muslim religions institutions and officers. Administration of Wakfs, Mutawali.
- UNIT 11: Inheritance:** General Principles of law of inheritance. Doctrine of Aul and Radd under hanafi and shia law.

**Leading Cases:**

1. Mama Bibi V. Chaudhary Vakil Ahmed (1923)52 la 145.
2. HabiburRehman V. AltafAli(1921)481A 114.
3. Moonshee Buzul-ul-Rahem V. Luteefun Nissa, (1861)3 MIA 379.
4. Abdul Fata V. Russomoy Choudhary (1894)221 A 76.
5. Mohd. Abmad Khan V. ShahBano Begum, AIR 1985 S.C.945.

**Suggested Readings:**

1. Fyzee : Mohammedan Law.
2. Mulla : Principles of Mohammedan Law.
3. Verma B.R.: Islamic Law. 13
4. Aquil Ahmed: Mohammedan Law.
5. Amir Au: Mohammedan Law.

**LBL424 Jurisprudence**

**UNIT 1: Introduction:** Definition, Nature, Scope and Utility of Jurisprudence and Sources of Law: Customs, Judicial Precedents and Legislation.

**UNIT 2: a. Analytical Positivism:**

- (i) Imperative Theory of Law: John Austin
- (ii) Pure Theory of Law: Hans Kelsen

**b. Schools of Law: Historical School:**

- (i) Volkgeist Theory of Law: Frederick Karl Von Savigny
- (ii) Anthropological Theory of Law: Sir Henry Summer Maine

**UNIT 3: Sociological School:**

- (a) Background and Characteristics
- (b) Social Engineering Theory: Roscoe Pound
- (c) Natural Law School: Principles and contribution, definition of law given by different jurists and their relevance. Realist School: Principles and contribution.

**UNIT 4:** Concept and Theories of Justice and punishment and concepts of Rights and Duties and Legal Person.

**UNIT 5:** Legal Concepts: Possession and Ownership, Liability and Obligation and Property.

**Suggested Readings:**

1. Salmond: Jurisprudence.
2. Dias : Jurisprudence.
3. S.N. Dhyani : Jurisprudence - A study of Indian Legal Theory.
4. Henery Maine : Ancient Law.
5. Vijay Mani Tripathi : Jurisprudence.

## **LBLE425 Interpretation of Statues Including General clauses Act**

**UNIT 1: Introduction:** Meaning of Interpretation — Basic principles of interpretation — intention of the legislature statute be read as a whole. Plain meaning rule. Harmonious Construction, Golden and Mischief rule — pith and substance rule.

**UNIT 2: Aids to Interpretation** — External — Parliamentary — legislative debates. Statement of objects and reasons. Dictionary. Statute in Pari materia. Contemporanea exposition, Internal — Title, preamble, Heading. Marginal Notes. proviso and function. Principle of Interpretation of Constitution and Penal and Fiscal Statutes.

**UNIT 3: Maxims Of Statutory Interpretation:** Delegatus non potest delegare ,Expressio unius exclusion alterius ,Generilia specialibus non derogant In pari delicto potior est condition possidentis Utres valet potior quam pariat Expressum facit cessare tacitum. In bonam partem

### **UNIT 4: Interpretation with Reference to Subject Matter and Purpose**

- (a) Restrictive and beneficial construction
- (b) Taxing statutes
- (c) Penal Statutes
- (d) Welfare Legislations
- (e) Substantive and adjunctival Statute
- (f) Discretionary and mandatory provisions
- (g) Enabling statutes
- (h) Codifying and Consolidating statute
- (i) Right conferring statute
- (j) Power conferring statute

### **UNIT 5: General Clauses Act, 1897**

#### **Leading Cases :**

1. Alamgir v. State of Bihar, AIR 1979, SC 436.
2. Inder Singh v. State of Rajasihan, AIR 1957, SC 510.
3. Suraj Ma1-Singhvi v. State of Rájasthan, 1966 RLW 566.
4. Tilakayat Shri Govind Lal Ji v. State of Rajasthan, AIR 1963 SC 1630.

#### **Suggested Readings :**

1. Maxwell — the interpretation of Statute.
2. Grawford — Statutory constitution.
3. Craies — Statute Law.
4. Swarup — Interpretation of Statutes.
5. Bindra — interpretation of Statutes.
6. Sarathi— Interpretation of Statutes.
7. Bhattacharva, T. — Interpretation of Statutes (Hindi & English)



## **LBLE426 Equity, Trust and Bankruptcy Law**

### **UNIT 1:**

1. Equity: Concept of Equity - Origin and Growth of Equity in England - Maxims of equity.
2. Indian Trusts Act, 1982: Definition- Creation of Trusts - Duties and liabilities of Trustees - Rights and Powers of trustees - Disabilities of trustees - Rights and Liabilities of the Beneficiary, Vacating the office of Trustees - Extinction of Trustees - Certain obligations in the nature of Trusts.
3. Rajasthan Public Trusts Act, 1959 : Definition and validity of certain public trusts - Registration of Public Trusts - Management of Public Trust property - Powers of officers in 14 relation to Public Trusts - Control of Public Trusts - Social provisions in respect to certain trusts - Dharmada - Procedure and Penalties.

### **UNIT 2:**

- A. Acts for study.
  1. The provincial Insolvency Act, 1920.
  2. The presidency Towns Insolvency Act, 1909.
  3. The Rajasthan Insolvency Rules.
- B. Contents: - Definition, - Origin and History of bankruptcy law, Constitution and power of Court, Proceedings form act of insolvency of discharge. Order of adjudication, Proceeding consequent on order of adjudication, Discharge, Annulment of Adjudication, Administration of property Realization
- C. Distribution of property, Appeal to court against receiver Penalties, Summary Administration, Appeals Miscellaneous.

### **Leading Cases:**

1. Official Assigners V. Tehmina Dineshaw Tehrani AIR 1972 Mad. 187.
2. Abdul ShakoorV. Arji Law AIR 1967 SC 1150.
3. Gandhi V. Gitanjali 1972 IMLJ -234.
4. Mahomed Siddiqui V. The Official Assignee (1943) 70 IA 93.
5. Khat Mal V. Chaggaraj, AIR 1963 Rajasthan 123.
6. Hindu religious Endowments, Madras V. shri Lakshmindar Thiratha Swamiar of Shri Shirur Mutt, 1954 SC 282.
7. Durgah Committee, Ajmer V. Syed hussain Au, AIR 1961 SC 1402.
8. Surajthal Singhvi V. State ofRajasthan, 1966 RLW 566.
9. Tilakayat Shri Govindlaji V. State ofRajasthan, AIR 1963 SC 1630.

### **Suggested Readings:**

1. Mulla: The law of insolvency in India.
2. Williams on Bankruptcy.
3. Rameshwar Dayal : Commentary on the Provincial insolvency Act.
4. Mulla & Bhagwati : The Law of insolvency in India'
5. Upadhyaya, J.J.R. - Equity, Trusts with Fiduciary Relation and. Specific Relief.
6. Gandhi, B.M. - Equity, Trusts and Specific Relief.
7. Varadachari, V.K. - Law of Hindu Religious and Charitable Endowments.
8. Varadachari, V.K.- Public Trusts and Taxation.

Code No.	LL.B. III-Semester	Nature of Course	L	T	P	Credits
<b>LBL511</b>	Administrative Law	Core	3	1	0	4
<b>LBL512</b>	Law of Crimes-I (Indian Penal Code).	Core	3	1	0	4
<b>LBL513</b>	Labour and Industrial Laws	Core	3	1	0	4
<b>LBL514</b>	Environmental Law	Core	3	1	0	4
	<b>Clinical Paper</b>					
<b>LBC515</b>	Drafting, Pleading and Conveyancing	Core	3	0	6	6
	<b>Total Credits</b>					22

### **LBL511 Administrative Law**

**UNIT 1 : Introduction:** Definition, growth and development of Administrative Law

**UNIT 2 : Rule of Law:** Separation of Powers

**UNIT 3 : Delegated Legislation:** Necessity and Constitutionality, Judicial, Parliamentary and Procedural Control Principles of Natural Justice

**UNIT 4 : Writs:** Certiorari, Mandamus and Quo-warranto, habeas corpus, prohibition -grounds and scope

**UNIT 5 :** Administrative Tribunal Act, 1985 The Lokpal and Lokayuktas Act ,2013

#### **Leading Cases:**

1. A.K. Kripak V/s Union of India A.I.R. 1970, S.C. 150(1969)2SCC 262.
2. In re-Delhi Laws Act etc. A.I.R. 1951 S.C. 332.
3. RajNarayan V/s Chairman, Patna Administration A.I.R. 1954 S.C. 569.
4. Syed Yaqoob V/s Radha Krishan A.I.R. 1964 S.C. 477.
5. Rohtash Industries Pvt. Ltd. V/s S.D. Agarwal A.I.R. 1969 S.C. 707.
6. State of Karnataka V/s Union of India A.I.R. 1978 S.C. 68.

#### **Suggested Readings :**

1. Constitution of India
2. Massy's Administrative Law
3. Paranjapey, Prasasanik Vidhi
4. Upadhyay, J.J., Prasasanik Vidhi
5. Dyise 'Rule of Law.
6. Takwani,C.K. 'Prasasanik Vidhi.

**LBL512 Law of Crimes-I (Indian Penal Code).**

**UNIT 1: Introduction:** Definition, nature and stages of crime; General conditions creating criminal liability; Strict Liability, Theories of punishment.

**UNIT 2: General Exceptions:**

- (a) Mistake (Sections 76 and 79)
- (b) Accident (S.80)
- (c) Necessity (Section 81)
- (d) Infancy (Sections 82-83)
- (e) Unsoundness of Mind ( Section 84)
- (f) Intoxication (Sections 85-86)
- (g) Consent (Sections 87-90, 94)
- (h) Right of Private Defence (Sections 96-106)

**UNIT 3: Joint and Constructive Liability** (Section 34 and 149) Preliminary Offences: Abetment, Attempt; Criminal Conspiracy; Offences against State and Public Tranquility: Unlawful Assembly, Sedition, Rioting and Affray.

**UNIT 4: Offences against Human Body:**

- (a) Culpable Homicide
- (b) Murder
- (c) Hurt: Simple and Grievous
- (d) Wrongful confinement and wrongful restraint.
- (e) Criminal force and Assault.
- (f) Sexual Harassment.
- (g) Kidnapping and Abduction
- (h) Rape.
- (i) Unnatural sexual offence.

**UNIT 5: Offences against Property:**

- (a) Theft
- (b) Extortion
- (c) Robbery and Dacoity
- (d) Criminal Trespass
- (e) Mischief and Cheating

**UNIT6: Offences Against Marriage:**

- (a) Bigamy
- (b) Adultery
- (c) Criminal Intimidation and Defamation.

**Leading Cases :**

1. Reg. v. Govinda IR 1876 I Bom 342.
2. Kedarnath v. State of Bihar AIR 1962 SC 955.
3. T.D. Vadgama v. State of Gujrat, AIR 1973 SC 2215.
4. VeljiRaghavji v. State of Maharashtra, AIR 1965 SC 1433.
5. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605.

**Suggested Readings :**

1. Ratanlal and Dhirajlal : The Indian Penal Code.
2. T. Bhattacharya : The Indian Penal Code.
3. Hari Singh : Indian Penal Law of India.
4. Jaspal Singh : Indian Penal Code.
5. T. Bhattacharya : Bhartiya Dand Samhita.
6. Amar Singh and VimlaYadav :Dand Vidhi kesidhantevambhartiyaDand Samhita.

**LBL513 Labour and Industrial Laws**

1. Evolution of Industrial Legislation in India.
2. Industrial Disputes Act, 1947
3. Trade Unions Act, 1926
4. Factory Act, 1948
5. Employee's Provident Fund Act, 1952
6. Employee's Insurance Act, 1948
7. Workman Compensation Act, 1923 (Amendment, 2010)
8. Minimum Wages Act, 1948
9. Payment of Wages Act, 1936

**Suggested Readings :**

1. Indian Law Institute : Law and labour Management relations in India.
2. Rustamjee : The Law of industrial disputes.
3. O.P. Malhotra : Law of Industrial disputes vol. 1.
4. S.N. Mishra : Labour and Industrial Laws (English and Hindi).
5. Gopikrishna Arora : Shram Vidhi.
6. Ganga Sahai Sharma : Shram Vidhi.
7. N.D. Sharma : Shram Vidhi.
8. S.C. Srivastava: Social Security and Labour Laws.

**LBL514 Environmental Law**

**UNIT 1:** Introduction: Concept and dimension of environment; Enormity of Environmental degradation and its causes; Environmental concern in the Traditional knowledge system of India; Environmental concern in modern in India; post independence policy framework.

**UNIT 2:** Constitution and the Environment: Dimensions of the Right to pollution free Environment under article 21 of the Constitution of India; Specific constitutional provisions to ensure pollution free Environment; judicial activism and environmental protection.

**UNIT 3:** The Water (Prevention and Control of Pollution) Act 1974: Application of the Act. Definition, constitution of central state and joint board, power and function of the Board, qualifications and disqualifications of the member, prevention and control of water pollution and procedure there of; power to give directions; funds, account and audit, penalties and procedure and miscellaneous provisions.

**UNIT 4:** The Air (Prevention and Control of Pollution) Act 1981: Application of the Act. Definition, constitution of Central, State and joint Board, power and function of the Board, qualifications and disqualifications of the member, prevention and control of air pollution and procedure there of; power to give directions; funds, account and audit, penalties and procedure and miscellaneous provisions.

**UNIT 5:** Environment (Protection) Act 1988: Application of the Act. Definitions, General powers of the Central Government including the powers to give directions; prevention and control and Environmental pollutions and procedure there of; penalties and procedure and miscellaneous.

**Leading Cases:**

1. M.C. Mehta v/s Union of India, AIR 1987 SC 965.
2. M.C. Mehta v/s Union of India, AIR 1988 SC 1115.
3. Municipal Council Ratlam v/s Vardichand, AIR 1980 SC 1622.
4. Vallore Citizens forum v/s Union of India (1996) 5 SCC 647
5. Tarun Bharat Singh v/s Union of India, AIR 1992 SC 514.

**Suggested readings:**

1. V.R. Krishna Iyer, Environmental Pollution and Law.
2. Shaw, Environmental Law.
3. Rodgers, Environmental Law.
4. P. Leelakrishnan, et.al. (Eds.), Law and Environment.
5. P. Leelakrishnan, Environmental Law in India.
6. Armin Rosencranz, et.al. - Environmental Law and Policy in India.
7. David Hughes, Environmental Law.
8. Paras Diwan, Environmental Law, Policy Administration.
9. Ashok A. Desai, Environmental Jurisprudence

**LBC515 Drafting, Pleading and Conveyancing**

**UNIT 1:** General Principles of Drafting and relevant substantive rules of pleading and their exceptions: Amendments of pleading: alternative and inconsistent pleadings. 34

**UNIT 2:** Drafting Exercise on Pleadings:

Civil –

- (a) Plaints
- (b) Written statement
- (c) interlocutory application,
- (d) Original petition:
- (e) Affidavit;
- (f) Notice;
- (g) Execution petition;
- (h) Memorandum of Appeal and Revision,
- (i) Writ petition and its appeal.

**UNIT 3:** Criminal –

- (a) Complaints,
- (b) Bail Application
- (c) Accused Reply
- (d) Criminal miscellaneous petition,
- (e) Memorandum of Appeal, Reference and Revision

**UNIT 4:** Conveyancing – Drafting exercise on Conveyancing.

- (a) Sale Deed;
- (b) Mortgage Deed
- (c) Gift Deed
- (d) Lease Deed
- (e) Rent Deed
- (f) Partnership Deed
- (g) Power of Attorney
- (h) Promissory Note and
- (i) Will.

**Note (I – theory) :** There shall be a written examination of 70 marks of three hours duration. The question paper shall be in two parts

**Note (II – practical) :** There shall be a practical examination of 30 marks by an external examiner appointed by the university and an internal examiner appointed by the Principal or H.O.D. Distribution of practical marks:

1. Submission of record – 10 marks. (At least 10 drafts of pleading & Conveyancing)
2. Test for drafting – 10 marks
3. Viva voce – 10 marks.

**Note (III) :** Practical exercises shall be given for drafting in test.

Code No.	LLB. IV-Semester	Nature of Course	L	T	P	Credits
<b>LBL521</b>	Public International Law	Core	3	1	0	4
<b>LBL522</b>	Law of Crimes – II (Criminal Procedural Code)	Core	3	1	0	4
<b>LBL523</b>	Property Law	Core	3	1	0	4
<b>LBL524</b>	Information Technology Law and R.T.I. Act	Core	3	1	0	4
	<b>Clinical Paper</b>					
<b>LBC525</b>	Moot court Exercise and Internship	Core	0	0	12	6
	<b>Total Credits</b>					22

### **LBL521 Public International Law**

**UNIT 1:** Definition of International law. Nature and Basis of International law. Sources of International Law.

**UNIT 2:** Relationship of International law and Municipal law, codification of International law, Subjects of International law, place of individual in International law.

**UNIT 3:** State Territory : Theory of recognition of state, acquisition and loss of state territory, state jurisdiction, state succession. Law relating to Sea, Outer Space, Asylum. Extradition; Diplomatic Agents.

**UNIT 4:** U.N.O. - General Assembly; Security Council; International court of Justice. Settlements of Disputes, intervention.

**UNIT 5:** War, laws of war, war crimes, aggression. Belligerent Occupation: Neutrality, Blockade and control. Asylum. War crimes & War trials. Terrorism.

#### **Leading Cases:**

1. United Kingdom v. Norway (Anglo Norwegian Case) ICJ Report 1951 p. 116.
2. The Nuremberg Judgement, International Military Tribunal, Nuremberg 1946 AJIL Vol. 41, 1947 p. 12
3. In Re Govt. of India and Mubarak Ali Ahamd 1952, 1 IIER 2060.
4. Kutch tribunal Award Case-Foreign Affairs Report volume XVII March 68.
5. Right to passage over Indian Territory case ICJ Report 1960 p. 06.

#### **Suggested Readings:**

1. Strark : An introduction to International Law.
2. Oppenheim : International Law vol. I and II.
3. Breirly : The Law of Nations.
4. S.K. Kapur : International law (English and Hindi)
5. M.P. Tondon : International Law (English and Hindi)
6. Nagendra Singh : Lectures on International Law

**LBL522 Law of Crimes – II (Criminal Procedural Code)**

**UNIT 1: Preliminary:**

- (a) Object, extent and definitions (Chapter 1)
- (b) Duties of Public
  - (i) To assist police and Magistrate
  - (ii) To give information about certain offences (Chapter IV Ss. 37 to 40)

**UNIT 2: Criminal Courts:**

- (a) Territorial divisions and Classifications (Chapter II, Ss 10,14,15,19,22 and 23)
- (b) Powers (Chapter II, Ss 26 to 31). Pre trial Procedures:
- (c) Process to compel appearance (Chapter VI)
- (d) Process to compel production of things (Chapter VII)
- (e) Arrest to persons (Chapter V)
- (f) Information to the police and their powers of investigation (Chapter XII)
- (g) Bail (Chapter XXXIII)
- (h) Jurisdiction of the courts in inquiries and trials (Chapter XIII)
- (i) Maintenance of public order and tranquility (Chapter X) 2. Jurisdiction of the Courts in the inquiries and trials (Chapter XIII)

- UNIT 3:**
- a. Complaints to Magistrate and Cognizance of Offence (Chapter XV and XIV). Charge (Chapter XVII)
  - b. Types of Trials:
    - (i) Trial before Court of Session (Chapter XVIII).
    - (ii) Trial of Summons and Warrant Cases (Chapters XIX & XX).
    - (iii) Summary Trials (Chapter XXI)
    - (iv) Judgments (Chapter XXVII)

- UNIT 4:**
- a. Appeals (Chapter XXIX) References and Revision (Chapter XXX).
  - b. Misc. Provision:
    - (i) Period of Limitation (Chapter XXXVI)
    - (ii) Irregular proceedings (Chapter XXXV)
    - (iii) Autrefois acquit and Autrefois convict.
    - (iv) Legal Aid to accused at State expenses (S. 304)
    - (v) Pardon to an accomplice
    - (vi) Saving of Inherent powers of High Court.
    - (vii) Maintenance of Wives. Children and Parents.

- UNIT 5:** Juvenile justice (care and protection) of children act 2015



**Leadings Cases:**

1. Tehsildar Singh v. State of Delhi, AIR 1955 SC 196.
2. State of U.P. v. Singh, AIR 1964 SC 359.
3. Nisar Ali v. State of U.P., AIR 1957 SC 336.
4. Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1989.
5. State of Andhra Pradesh v. Ganeshwara Rao, AIR 1968 SC 1050.
6. Satwant Singh v. State of Punjab, AIR 1956 SC 415. 36

**Suggested Readings:**

1. Ratan Lal: Criminal Procedure Code.
2. Ganguly, A.C.: A Guide to Criminal Procedure Code.
3. Saxena R.N. : Criminal Procedure Code,
4. Kelker R.V. : Outlines of Criminal Procedure Code

**LBL523 Property Law**

**UNIT 1:** Introduction Concept of Property and General Principles Relating to Transfer of Property Concept of property: distinction between moveable and immoveable property Definition clause: Immoveable property, Attestation, Notice, Actionable claim

**UNIT 2:** Definition to transfer of property (Sec.5), Transfer and non-transfer property (Sec.10-12), Transfer to an unborn person and rule against perpetuity (Sec.13, 14), Vested and Contingent interest (Sec.19 & 21)

**UNIT 3:** Rule of Election (Sec.35), General Principles Governing Transfer of Immoveable Property Transfer by ostensible owner, Rule of feeding the grant by estoppel, Rule of Lis pendens, Fraudulent transfer, Rule of part performance, Vested and contingent interest, Conditional transfer, Specific Transfers

**UNIT 4:** Sale and Gift, Mortgage and Charge, Lease and Licence, Exchange and Actionable Claims.

**UNIT 5:** Easement Act The Indian Easement Act, 1882; Easement in general ; imposition and transfer of easements; incident of easements; distribution of easements; extinction, suspension and revival of easements ; and license.

**Leading Cases:**

1. Smt. Shanta Bai v. State of Bombay and others, AIR 1985 SC 532.
2. Rajendra v. Santa Singh, AIR SC 2537.
3. Kreglinger v. New Patagonia Meat and Cold Storage Comp. Ltd., (1914) AC 25.
4. Union of India v. Sharda Mills Ltd., AIR 1973 SC 281.
5. Nathu Lal v. Phool Chand, AIR 1970 SC 54.
6. Jumma Masjid v. Danish and others, AIR 1962 SC 847.

**Suggested Readings:**

1. Mulla : Transfer of property Act.
2. S. Shah : Lecturers on Transfer of property.
3. I.C. Saxena : Transfer of property. 22
4. B.B. Mitra : Transfer of property.
5. S.R. Bhansali and Sharma : Sampatti Antaran Adhiniyam.
6. J.N. Kulshreshtra : Sampatti Antaran Adhiniyam.
7. S.N. Shukla : Sampatti Antaran Adhiniyam.
8. G.P. Tripathi : Sampatti Antaran Adhiniyam.
9. Acts: The Transfer of Property Act, 1882 & The Indian Easement Act, 1882.

**LBL524 Information Technology Law and R.T.I. Act**

**UNIT 1: The Information and Technology Act,2000:-** 1. Aims and Objectives of the I.T. Act, 2000, Definition, Authentication of Electric records.

**UNIT 2:** Introduction to Development of Science and Technology and its impact on Human Rights and Duties. Definitions of Information Technology and its scope.

**UNIT 3:** Electronic Governance; Digital Signature & its legal perspective. Cyber Crimes; Obscenity, Defamation, Hacking and Cracking, Crime through Mobile Phones, Regulations of Certifying Authorities cyber crime, Penalties and Adjudication, Cyber Regulations Appellate Tribunal Regulating Authorities & penalties.

**UNIT4: The Right of Information Act, 2005-** Definition of Information law and its importance. Historical Background before RTI Act.2005. Significance in democracy; constitutional basis. Type of Information; Restricted Information.

**UNIT 5:** Application about information & its formalities. Obligation of public authorities. Appeal and penalties.

**Leading Cases:**

1. YousafalliEsmailNagree v. State of Maharashtra, AIR 1986 SC 147
2. SidhathKejiwal v. E.S.I.; 1997, Comp. Cas (Ker.) 496.
3. Shreya Singhal v .Union of India AIR 2015SC 1523

**Suggested Readings:**

1. The Information and Technology Act,2000.
2. The Right of Information Act, 2005.
3. Prof. S.R. Bhansali, Information Techology Act, 2000
4. Gerald R. Ferrera, Cyber law (Text and Cases)
5. Vikul Sharma, Cyber Crime.
6. J.N. Barowalia; Commentary on the RTI Act.
7. S.V. Joga Rao; Law Relating to RTI.
8. Dr. P.M. Bakshi and Dr.R.K.Suri; Hand book of Cyber & E- Commerce Laws.

### **LBC525 Moot court Exercise and Internship**

This paper may have three components of 30 marks each and a viva voce for 10 marks.

Moot Court (30marks) –

Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

Observance of Trial in two cases, one civil and one criminal (30marks).

Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment., This scheme will carry 30 marks.

Interviewing techniques and Pre-trial preparations and Internship diary (30 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, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

#### **Minimum Period of Internship:**

- (a) Each registered student shall have Completed minimum of 20 weeks internship during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies , where law is practiced either in action or in dispute resolution or in management; as directed by the head of the institution.. Provided that internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least have gone through once in the entire academic period with Trial and Appellate Advocates. The internship shall preferably be done during each summer vacation for four weeks during every year of the course.
- (b) The fourth component of this paper will be viva voce examination on all the above three aspects. This will carry 10 marks. The internal viva-voce will be conducted by Three senior most Law Faculty of each institution.

**Reference:** Amita Dhanda, Moot Court for Interactive Legal Education. For all practical training papers, students have to maintain separate records of practical work done, as instructed by the head of the institution and the teacher concerned. The records shall be submitted to the teacher concerned before the end of the relevant semester. Students shall not be admitted for the viva-voce examination without the completed record with the signature of the teacher and the head of the institution.

Code No.	LL.B. V-Semester	Nature of course	L	T	P	Credits
<b>LBL611</b>	Civil Procedure Code and Limitation Act	Core	3	1	0	4
<b>LBL612</b>	Law of Evidence	Core	3	1	0	4
<b>LBL613</b>	Women and Child Law	Core	3	1	0	4
	<b>Optional Paper</b>					
<b>LBLE614</b>	Criminal Sociology	Electives	3	1	0	4
<b>LBLE615</b>	Human Rights Law and Practice	Electives	3	1	0	4
	<b>Clinical Paper</b>					
<b>LBC 616</b>	Alternative Dispute Resolution	Core	3	0	6	6
	<b>Total Credits</b>					26

### **LBL611 Civil Procedure Code and Limitation Act**

**UNIT 1: The Code of Civil Procedure Code, 1908** Definition – suits in general suit to civil nature.

**UNIT 2: Suit of Civil Nature**, Res-Subjudice ad Res judicata, Foreign Judgments, Place of trial, transfer of suits, Joinder non – joinder and mis – joinder of parties and causes of action. Service of summon and pleadings.

**UNIT 3: Execution in general** – Courts by which decrees may be executed, powers of the Court executing the decrees, transfer of decrees for execution and modes of execution. Stay of execution. Suit in particular cases (Orders XXIX to XXIII). Abatement of suits

**UNIT 4: Particular types of suit:** Suit by indigent persons and suit by or against minor, appearance of parties, commission, interpleader suit

**UNIT 5: Supplemental proceedings** - Attachment before judgement. Arrest before judgement. Temporary injunction and appointment of receiver, summary procedure.

**UNIT 6: Plaint** ,Written statement, counter claim, set off

**UNIT 7: Appeal:** First appeal and Second appeal. Reference, review and Revision

**UNIT 8: The Limitation – Act 1963** (Omitting the Schedule). Purpose, policy, nature and scope of the Act. Definition: Applicant, bond, defendant, easement, good faith, plaintiff, period of limitation. Relationship between limitations. Laches, acquiescence. estoppel and resjudicata; Limitation of suits. Appeals and applications. Disability, computation of period of limitation

**Leading Cases:**

1. Shri Sinha Ramanujan v. Ramanujun, AIR 1961 SC 1720.
2. Seth Hukamchand v. Maharaja Bahadur Singh, 60 IA 313.
3. Narayan Bhagwant Rao v. Gopal Vinayak, AIR 1960 SC 104.
4. Garikapati Veerava v. N. Subhia Choudhary, AIR 1957 SC 540.
5. Deoki Nandan v. Murlidhar, AIR 1957 SC 133.
6. Deity Pattabhirama Swami v. Hanmayya, AIR 1959 SC 57.
7. S.M. Jakati v. B.M. Broker, AIR SC 282.

**Suggested Readings:**

1. Mulla – Civil Procedure Code.
2. Singh S.N. – Civil Procedure Code.
3. Sahai on Civil Procedure.
4. Tandon, M.P. – Civil Procedure Code (English & Hindi).
5. Mridula Srivastava – Civil Procedure Code (Hindi).
6. A.N. Pandey – Civil Procedure Code (Hindi).

**LBL612 Law of Evidence**

**UNIT 1:** Fact I-Issue; Relevant Facts; Document, Evidence: Proved; Disproved; Not proved; May Presume, Shall Presume, and Conclusive Proof, Circumstantial Evidence

**UNIT 2:** Relevancy and Admissibility; Res Gestac (Sections 6 to 13), Admission: Confession (Sections 17 to 31 ), Dying Declaration ( Section 32 (1) )

**UNIT 3:** Relevancy of Judgments ( Sections 40 to 44), Opinion of Experts; Opinion of Third Persons ( Section 45 to 47), Conduct and Character of Parties ( Section 52 to 55), Judicial Notice ( Sections 56 to 57 ,58)

**UNIT 4:** Means of Proof: Oral Evidence; Documents – Public Document, Private Document, Primary and Secondary Evidence; (Sections 59 to 65 and 74 to 78), Exclusion of oral evidence by documentary evidence : Application of this principle, its exceptions, ambiguous documents, kinds of ambiguity

**UNIT 5:** Burden of Proof ( Sections 101 to 106), Estoppel ( Sections 115 to 116 ), Witness: Competency and compellability of Witnesses; Examination of Witnesses; Privileges: State Privilege and Private Privilege (Sections 118 to 155)

**Leading cases:**

1. Nishi Kant Jha v. State of Bihar, AIR 1969 SC 422.
2. Himachal Pradesh Administration v. Om Prakash AIR 1972 SC 975.
3. Sat Paul v. Delhi Administration, AIR 1976 SC 294
4. Laxmipat Chorasias v. State of Maharashtra, AIR 1968 SC 938.
5. Pakala Narayan Swami v. Emperor, AIR 1939 PC 47. 30
6. Bhardwade Bhogin Bhan Herrji Bhai v. State of Gujrat, AIR 1988 SC 753.
7. RM Malkani v. State of Maharashtra, AIR 1973 SC157.

### **Suggested Readings**

1. Ratan Lal – The Law of Evidence
2. Batuklal - Law of Evidence
3. Vepa P. Sarathi - Law of Evidence
4. Awatar Singh, Sachaya Vidhi and Law of Evidence
5. Raja Ram Yadav, Sachaya Vidhi.

### **LBL613 Women and Child Law**

#### **UNIT 1: Women in India**

##### **a. Pre- Independence period**

- (i) Social and Legal inequality
- (ii) Social Reform Movements in India

##### **b. Post-independence period**

- (i) Preamble of the constitution, Equality provisions in Fundamental Rights and Directive Principles of State Policy.
- (ii) Uniform Civil Code towards Gender Justice
- (iii) Participation of woman in democratic government

#### **UNIT 2: Protection and Safeguard of Women under Personal Laws:**

- (a) Provisions for Marriage and Divorce : , Hindu laws- Muslim laws -Christian law , Overview of Indian Divorce Act , Maintenance provisions under Special Marriage Act and S.125 of CrPC. , Rights of women in live-in relationship.
- (b) Law on Guardianship , Right of women to adopt a child , Problems of woman guardianing
- (c) Gender inequality in Inheritance Rights: , Hindu Law- Muslim Law , Movement towards Uniform Civil Code

#### **UNIT 3 Protection and Safeguards under Law of Crimes:**

- (a) Offences Affecting Public Decency & Morals S.292 – S.294 of Indian Penal Code, 1860.
- (b) Offences against human body (marital rape)
- (c) Offences related to marriage & cruelty
- (d) Criminal intimidation v. Reforms under The Criminal Law (Amendment) Act, 2013: An analysis.
- (e) Law related to Dowry Prohibition & Domestic violence Prevention of immoral Trafficking and Forced Prostitution
- (f) Cyber Crime and the Victimization of Women , Termination of pregnancy and related privacy concerns.
- (g) Sexual harassment at workplace

**UNIT 4: Problems of conception, birth and nourishment and health of the child**

Legal status of child in work, Tortious liability against injuries to unborn children, Coparcenary and property rights of the unborn children, Law relating to maternity benefit and relief, Lack of legal protection of children of impoverished parentage. State responsibility for the education of children, Legal Control of Child Labour Regulation of the employment: protection of the health and well-being, International conventions and recommendations of the ILO, Recommendations of the National Commission of Labour, Legislation relating to factories

**UNIT 5: Law and Offences Against Child**

Protection of neglected children, Institutions for the protection of neglected children; Juvenile Justice Act; Juvenile delinquency : law and offences against child, Contribution by parents, licensing; Protection of girls from immoral traffic; Prevention of vagrancy and beggary. Law relating to protection of children from sexual offences

**Relevant case Law**

1. Revasia & Revasia, Women Social Justice & Human Rights (1998) PP.H. Publishing, New
2. Delhi Ajnes, Flavia, Law as Gender inequality, N. Delhi, Oxford (1999)
3. Sumithra Vashnu V. Union of India 1985 SC 1618 42nd Report Law Commission, the
4. Dissenting Note of Justice Anna Chandy on provision of adultery, p. 366.
5. Vishakha vs State of Rajasthan AIR 1997 SC 3011

**Suggested Readings**

1. Gandhi to the Women (ed. Hingorani) 1941, Position of Women, 12 Tean Down the Purdah p. 213, Young India 1918.
2. Jawaharlal Nehru thoughts on women-economic bondage of Indian women (Produced Memorial and Library)
3. Towards Equality – Report of the Committee on the Status of Women (Govt. of India), Chapters IV & Section IV General Conclusions & Recommendations.
4. Balram – Women workers the labour legislation in India 1984 (2) I.L.J. 1527.
5. Lotika Sarkar, The Law Commission of India (1988) Indian Law Institute, Child and the Law (1979, S.N. Jain ed.)

**LBLE614 Criminal Sociology**

**UNIT 1: The Concept of Crime**

- (a) Concept of Crime, Early Concept (Demonological), modern conception and definition of crime.
- (b) Characteristics of Crime
- (c) Classification of Crimes

**UNIT 2: Schools of Crime Theory and perspectives**

- (a) The Classical School- Free Will Theory
- (b) Organic deficiency Theory-Cesar Lambroso,
- (c) Sociological School- Sutherlands, Cohen,
- (d) Victimological Perspectiv

**UNIT 3: Changing Profile of Crime**

- (a) Organized Crime: Meaning and features
- (b) White Collar Crime: Meaning features, causes, extent
- (c) Crime against Women-- rape, Female Foeticide, Eve-teasing, and Dowry Death, Domestic Violence and Sexual Abuse
- (d) Terrorism Concept, and characteristics, causes of terrorism in India
- (e) Cyber Crimes

**UNIT 4: Correction of Criminals**

- (a) Meaning and Significance of Correction
- (b) Punishment-- Types of Punishment -a) Retribution, b) Deterrent, c) Prevention,
- (c) Reformation
- (d) Prisons, Problems of Prisons, National Policy and Prison Reforms in India – Tihar Model (Kiran Bedi)

**UNIT 5: Alternative Imprisonment (only concepts)**

- (a) Probation
- (b) Parole
- (c) Open Prisons
- (d) Rehabilitation of Prisoners

**Leading Cases :**

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

**Suggested Readings**

1. Ahuja, Ram : Social Problems in India, Rawat Publication, Delhi and Jaipur.
2. Ahuja, Ram : Criminology, Rawat Publication, Delhi and Jaipur. MA Sociology syllabus for 2008-2010 39
3. Ahmed Siddique - Criminology - Problems and Perspectives; Eastern Book Co.
4. Bedi Kiran- It is Always Possible; Starlings Publications, New Delhi.
5. Criminology Theory, New Jersey : Prentice Hall. Williamson, Hearld E, 1990 : The Correction Profession, New Delhi : Sage Publications
6. Chander D. : Open Air Prisons (A Sociological study), Vohra Publishers and Distributors, Allahabad.



7. Dr. S.S. Srivastava - Criminology and Criminal Administration; Central Law Agency
8. Gill, S. S., 1998: The Pathology of Corruption, New Delhi, Harper Collin-Ministry of Home Affairs
9. Goal Rakesh, Manohar Pawar - Computer Crime : Concept, Control and Prevention; Sysman Computers Pvt. Ltd, Bombay.
10. Lilly J. Roberts, Francis T. Wallen & Richard Ball - Criminology Theory-Context and Consequences; 1995, Sage Publications, New Delhi.
11. Makkar, S.P. Singh and Paul C Friday - Global Perspective in Criminology; 1993, ABC Publications, Jalandar
12. Ministry of Home Affairs, 1998 : Crime in India, New Delhi : Government
13. M. Ponnaian - Criminology and Penology; Pioneer Books
14. Merton, R. K., 1972 : Social Theory and Social Structure, New Delhi, Emerind Publishing Co.
15. Paranjpe N. V. : Criminology and Penology, Central Law Publication : Allahabad.
16. Parsonage Willam H., 1979: Perspective on Criminology, London, Sage Publications.
17. Teeters, Negley and Harry Elnar Barnes, 1959 : New Horizons in Criminology, New Delhi, Prentice Hall of India.
18. Reid, Suetitus; 1976, Illinayse - Crime and Criminology; Deydan Press
19. Sutherland, Edwin, H. and Donald R. Creassy, 1968 : -Principles of Criminology, Bombay, Times of India Press.
20. Shankar Dass Rani Dhawan; 2000 - Punishment and the Prison - India and International Perspective; Sage Publications, New Delhi.
21. S. S. Srivastav. Criminology and Criminal Adminis-tration. Central Law Agency.
22. Sinha, Niraj, Edited : Women and Violence, Vikas Publishing House.
23. Reid. Suetitus, 1976 : Crime and Criminology, Illinois, Deyden Press.
24. Walklete, Sandra; 1998 - Understanding Crimnology; philadelphia Open University Press
25. Williams, Frank P. and Marilyn D. Meshare; 1998 - Criminology Theory; New Jersy, Prentice Hall
26. Williamson, Herald E., 1990 - The Correction Profession; Sage Publications, New Delhi.

### **LBLE615 Human Rights Law and Practice**

**UNIT 1: Introduction:** Law and Procedure, Jurisprudence of Human Rights; Nature, definition, origin and theories of human Rights

- (a) Civil and Political Rights
- (b) Economic, Social and Cultural Rights

**UNIT 2:** Protection of Human Rights Act

- (a) National Human Rights Commission
- (b) State Human Rights Commission
- (c) Human Rights Court

**UNIT 3:** Human Right and Indian Constitution

- (a) Human Right under part iii of Indian Constitution
- (b) Human Right under part iv of Indian Constitution

**UNIT 4:** Law Relating to Vulnerable Class

- (a) Women
- (b) children
- (c) Disabled Persons
- (d) Dalits

**UNIT 5:** Programs and Policies

- (a) Integrated Child Development Scheme
- (b) School Education and Mid day meal
- (c) Rural Health and Employment
- (d) Welfare Schemes

**UNIT 5:** Promotion and Respect of Human Rights

- (a) Role of Civil Society and the Media
- (b) Role of Educational Institutions
- (c) Obstacles
- (d) Human Rights and Challenges of Globalization

**Leading Cases:**

1. Bandhua Mukti Morcha v Union of India, AIR 1984 SC 802.
2. Vishakha v State of Rajasthan, AIR 1987 SC 579.
3. Prem Sankar Sukla v Delhi Administration, AIR 1980 SC 1535.
4. Sunil Batra v Delhi Administration, AIR 1978 SC 1675.

**Suggested Readings:**

1. UNO Charter.
2. Universal Declaration of Human Rights, 1948.
3. Human Rights and the Constitution Act, 1993.
4. Dr Nitu Nawal : Human Right and The Laws (English)
5. S.K. Kapur : International law (English and Hindi)
6. M.P. Tondon : International Law (English and Hindi)
7. Nagendra Singh : Lectures on International Law.
8. Agrawal, H.O.: International law and Human Rights.

## **LBC 616 Alternative Dispute Resolution**

**UNIT 1:** Arbitration Agreement, International Commercial Arbitration, Composition and Jurisdiction of Arbitral Tribunals.

**UNIT 2:** Conduct of Arbitral Proceedings and its Termination and Making of Arbitral Award

**UNIT 3:** Finality and Enforcement of Arbitral Award, Recourse Against Arbitral Award Enforcement of Foreign awards (New York Convention Awards and Geneva Convention Awards)

**UNIT 4:** Conciliation - Commencement of Proceedings, Appointment and Role of Conciliators, Submission of Statement to Conciliators, Settlement Agreement, Termination, Cost and Deposits of Proceedings, Protection for Conciliation Proceedings.

**UNIT 5:** Negotiation Skills, Legal Services Authority Act, 1987 – Lok Adalat and Permanent Lok Adalat Substantial part of evaluation shall be done by simulation and case exercises

The course is required to be conducted by senior legal practitioners and academicians' through simulation and case studies. Evaluation may also be conducted in theory exam 70 marks and 30marks for practical exercises at least for a significant part of the evaluation.

### **Leading Cases:**

1. Sundaram Finance Ltd. (1999) 2 SCC 479 NIPC India Ltd. Interpretation of provisions 96 Act, 1940, section 9.21 discussed (The scope of the Act discussed).
2. State of U.P. v. Harishchandra & Co. Arbitration Power to grant interest.
3. Union of India v. Girdhari Lal 1998 (2) 1403 the scheme of the Act Discussed whether D.J. Designation by C.J. as subordinate authority to H.C. (Section 6 of the Act)
4. NMTC Ltd. V. Sterlite Industries Ltd. 1996 (4) CCS 219 (S) appointment arbitrator 7, 10, 11.
5. Lotus investment and securities v. Pramod S. Tiberwal 1996 (2) CCS 579 (Bom) settings aside of award.
6. State of Rajasthan v. Bharat Construction Co. 1998 (4) CCS 172 (Raj.).

### **Suggested Readings:**

1. G.C. Mathur, Arbitration and Conciliation Act, 1996.
2. S. Krishnamurthy : Law of Arbitration and Conciliation.
3. P.M. Bakshi: Arbitration Law.
4. O.P. Tiwari: The Arbitration Conciliation Act, 1996.
5. Avtar Singh: Law of Arbitration and Conciliation
6. Sunil Deshtha: Lok Adalats in India.
7. Legal Service Authorities Act, 1987
8. Arbitration and Conciliation Act, 1996

Code No.	LL.B. VI-Semester	Nature of course	L	T	P	Credits
<b>LBL621</b>	Company Law	Core	3	1	0	4
<b>LBL622</b>	Principles of Taxation Law	Core	3	1	0	4
<b>LBL623</b>	Patent Law	Core	3	1	0	4
	<b>Optional Paper</b>					
<b>LBLE624</b>	Banking Law	Electives	3	1	0	4
<b>LBLE625</b>	Competition Law	Electives	3	1	0	4
	<b>Clinical Paper</b>					
<b>LBC626</b>	Professional Ethics & Professional Accounting System	Core	3	0	6	6
	<b>Total Credits</b>					26

### **LBL621 Company Law**

**UNIT 1:** Company: Meaning, Kinds, Characteristics and companies distinguished from other forms of business organizations. With new companies act 2013, Corporate personality and lifting the veil of corporate personality.

**UNIT 2:** Promoter: Meaning, legal position and liability of promoter and company for pre-incorporation contracts.

**UNIT 3:** Memorandum of Association and Articles of Association:  
 (a) Meaning nature, contents and relationship between Memorandum of Association and Articles of Association.  
 (b) Objects clause and doctrine of ultra-vires  
 (c) Doctrine of indoor management and rule of constructive notice.  
 (d) Prospectus: Meaning, Kinds and liability for untrue statement in the prospectus.

**UNIT 4:** Share and share capital: Meaning, Kinds of share and distinction between equity share and preference share. Company Meeting: Meaning and kinds with special emphasis on members meetings.

**UNIT 5:** directors of a company, reconstruction and amalgamation of a company, winding of a company

#### **Leading Cases:**

1. Aron Soloman v. Soloman and Co. (1897) AC 22.
2. Royal British bank v. Turkund (1856) 119 ER 886.
3. Deputy Secretary to Government of India, Ministry of Finance v.S.N. Das Gupta AIR 1956 Cal 414.
4. Tata Engg. and Locomotive Co. Ltd. v. State of Bihar, AIR 1966 SC 40.
5. Shanti Pd. Jain v. Kalinga Tyre and Tube co. AIR 1956 SC.

6. Vasudev Ram Chandra Shetal v. Pranla Jaya and Thakur.
7. Bajaj Auto Ltd. v.N.K. Farodia & Others (1970) 2 SC.
8. Bell House Ltd. v. City wall Properties Ltd. (1966) SC.
9. Seth Mohan Lal v. Grain Chambers Ltd., AIR 1968 SC 777.
10. Bharat Commerce and Industries Ltd. v. Registrar Com. West Bengal (1973) 43 Company cases 775.

**Suggested Readings:**

1. Indian Companies Act 1956 with upto date amendments.
2. Aiyas : The comapnies Act 1956.
3. Lectures on Company Law.
4. Avtar Singh : Company Law (English and Hindi)
5. Ramayan : A guide to Company Law.

**LBL622 Principles of Taxation Law**

**UNIT 1:** Constitutional Provisions- - Scope of Tax Laws: b. Tax and Fee. Capital Receipt and Revenue Receipt distinguished, Scheme of division of powers of taxation between the centre and the States and sharing of tax revenue between the Centre and the States in a federal constitution., Taxation and Freedom of Trade, Commence and Intercourse

**UNIT 2:** Direct Tax Laws : Income Tax Law: Historical out line, Definitions-‘Income’ ‘Agriculture Income’ Previous Year’ and Assessee’ Incidence of Tax and Residential Status. Statutory exemptions , classification of Income and Heads of Income., Assessment, Collection and Recovery of Tax , Double Taxation Relief Clubbing of Incomes

**UNIT 3:** Income Tax Authorities, Settlement of cases . Appeals and Revisions, Penalties, offences and prosecution.

**UNIT 4:** Wealth Tax Act: Definitions of Asset, Net Wealth. Valuation Date Deemed Assets. Exempted Assets.

**UNIT 5:** Indirect Tax Laws: Goods and Service Tax Act **2017**  
(a) The Central Goods and Service Tax Act 2017  
(b) Nature and definitions in GST ,Administration and Collection of Tax ,Time and Value of supply, Input tax credit ,Registration, Accounts and records, Returns, Search and seizure, Appeals and revision , Advance Ruling .  
(c) The Integrated and Union Territories Goods and Service Tax Act 2017  
(d) The Integrated Goods & Service Tax Act 2017,

**UNIT 6:** Important Legal decisions

**Suggested Readings:**

1. Dr. Vinod K. Singhania, Student Guide to Income Tax, Taxman.
2. Dr. Vinod K. Singhania, Direct Taxes Law & Practice, Taxman Allied Service Pvt. Limited.
3. Myneni S.R., Law of Taxation, Allahabad Law Series.
4. Kailash Rai, Taxation Laws, Allahabad Law Agency.
5. Dr. Gurish Ahuja, Systematic Approach to Income Tax, Bharat Law House Pvt. Limited, Delhi
6. V.S. Datey: Law and Practice Central Sales Tax Act, 2003, Taxman Publications.
7. Nani Palkivala: Income Tax, Butterworths Publications.
8. Dr. GK Pillai, VAT- A Model for Indian Tax Reforms
9. Naidu's Sales Tax Act

Reference for new syllabus of GST in Taxation Law:

1. Taxman, Basis of GST
2. Taxman, GST Made Easy
3. Handbook of GST in India Rakesh Garg, Sandeep Garg - Bloomsbury India Professional

**LBL623 Patent Law**

**UNIT 1:** Introduction to Patent Law

- (a) Paris Convention
- (b) Patent Cooperation Treaty
- (c) WTO- TRIPs
- (d) Harmonization of CBD and TRIPs

**UNIT 2:** Indian Patent Law

- (a) The Patents Act, 1970 with its amendments
- (b) Patentable Subject Matter, Patentability Criteria

**UNIT 3:** Procedure for Filing Patent Applications and Patent Granting Procedure, Revocation, Patent Infringement and Remedies, Public Interest Provisions for Preventing abuse of Patent Rights

**UNIT 4:** Relevant Provisions of the Biological Diversity Act, 2002

**UNIT 5:** Access and Benefit Sharing Issues

**LBLE624 Banking Law**

**UNIT 1: Introduction:** Origin and Development of Banking System, Relationship of Banker and Customer and their rights and duties, E-Banking System and Legal Aspects, Laws Relating to the Banking Companies in India.

**UNIT 2: Reserve Bank of India Act, 1934**

- (a) Evolution of Reserve Bank of India
- (b) Compositions and functions of Reserve Bank of India
- (c) Reserve Bank as a banker's bank and advisor to the Government

**UNIT 3: Banking Regulation Act, 1949**

- (a) Business of Banking Companies
- (b) Prohibited Banking functions
- (c) Suspension of Business and Winding Up of Banking Companies
- (d) Application to Co-operative Banks

**UNIT 4: Foreign Exchange Management Act, 1999**

- (a) Objectives, Scope and Commencement of the Act
- (b) Contravention and Penalties
- (c) Adjudication and Appeal
- (d) Directorate of Enforcement

**UNIT 5: Meaning and kinds of Negotiable Instruments**

- (a) Endorsement, Negotiability and Assignability
- (b) Holder and Holder in due course
- (c) Rights and Liabilities of Paying and Collecting Banker
- (d) Dishonour of Negotiable Instruments Including Criminal Liability of Drawer and Protection of Collecting Banker

**Suggested Readings:**

1. M.L. Tannan, Banking Law and Practice in India.
2. Lord Chorley - Law of Banking. Sheldon, Practice and Law of Banking.
3. L.C. Goyle, Law of Banking and Bankers. Paget, Law of Banking

**LBLE625 Competition Law**

**UNIT 1 :** Aims and objects of competition Act, 2002 and its relationship with Monopolies and Restrictive Trade Practices Act, 1969.

**UNIT 2 :** Definition and meaning of following words:

- (a) Acquisition
- (b) Agreement
- (c) Consumer
- (d) Enterprise
- (e) Person
- (f) Service

**UNIT 3 :** Law relating to Prohibition of certain agreements, Abuse of dominant position and Regulation of Combinations.

**UNIT 4 :** Competition Commission of India: Establishment Composition, Powers, Duties and Functions.

**UNIT 5 :** Benches of Competition Commission: Composition, Distribution of business amongst commission and Benches, Jurisdiction of Benches and Procedure for adjudication of matters before it, Penalties for offences under Competition Act, 2002.

## **LBC626 Professional Ethics & Professional Accounting System**

**UNIT 1: Professional Ethics.** Historical Perspective and Regulation of Legal Profession. Nature and Characteristics of Legal Profession. Code of Ethics for Lawyers and Professional Misconduct Bar Council of India Rules on Standards of professional Conduct and Etiquettes, seven lamps of advocacy 1.4 Duties and Obligations of Advocate (Norms of Professional Ethics) Section I -Duty to the Court. Section II - Duty to Client. Section II -Duty to Opponent. Section IV -Duty to Colleagues -Duty to Profession -Duty to Render Legal Aid. 1.5 Restrictions on other employments. 1.6 Senior Advocates and Restrictions on Senior Advocates. 1.7 Form of Dresses or Robes to be worn by Advocate. 1.8 Vakalatnama.

**UNIT 2: Advocates Act, 1961** -Admission and Enrolment of Advocates, Right to Practice, Conduct of Advocates, Punishment of Advocates for misconduct.  
Changing Profession and Changing Ethics  
(a) Right to Advertisement  
(b) Entry of Foreign Law Firms in India  
(c) Multi-disciplinary Practice of Law  
(d) Limited Liability Partnership

**UNIT 3: Extent of Professionalization of Legal Profession. Contempt of Court by the Lawyers:**  
The Contempt of Courts Act, 1971  
(a) Civil Contempt  
(b) Criminal Contempt  
(i) Punishment  
(ii) Defences

**UNIT 4: Accountability of Lawyers towards Court and Bar Bench Relations:** Definition, object, Importance and Utility of Book Keeping. Principles of Book-keeping and Accountancy, Accounting concepts and Accounting conventions. Meaning and Advantages of Double Entry Bookkeeping. Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books. Types of Cash Book.  
(a) Simple Cash Book.  
(b) Cash Book with Cash and Discount columns.  
(c) Cash Book with Cash, Bank and discount columns. Bank Reconciliation statement. Rectification of Errors. Preparation of Trial Balance. Preparation of Trading, Profit and Loss Account and Balance Sheet. 4.10 Preparation of Income and Expenditure Account. Assessment of income and expenditure and payment of taxes by Advocates.



**UNIT 5: Cases & Selected Opinions Prescribed for Study.** Major Judgements of Supreme Court on the subject : 1) Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997, SC, 1338 2) Hikmat Ali Khan V/s Ishwar Prasad, AIR, 1997, SC 864. 3) V. P. Kumarvelu V/s B.C.L., AIR, 1997, SC 1014 4) P.D. Gupta V/s Ram Murty, AIR, 1988, SC 283. 5) In Re. V.C. Mishra, AIR, 1995, SC 2348. 6) Supreme Court Bar Association V/s Union Bank of India, AIR, 1988, SC 1895. 7) U.P. Sales Tax Service Association V/s Taxation Bar Association, AIR, 1996, SC 98. 8) John D' Souza V/s Edward Anji, AIR, 1994, SC 975. 9) Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ 1478. 10) Mr. Roma Banerji V/s Ushapati Banerji, AIR, 1958, CRLJ 1478

**Suggested Readings:**

1. The Bar Council Code of ethics.
2. The contempt of Court Act
3. Mr. Krishnamurthy Laivyer's book on "Advocacy".
4. Major judgements of the supreme court on misconduct.

Syllabus: Unit 1. ( 20 marks) 1.1 Development of Legal Profession in India. 1.2 Concept, need and importance of Professional Ethics. 1.3 B Unit 2.: ( 20 marks) 2.1 Chapter I (Sections 1 and 2) Definitions-Advocate, Legal Practitioner, LawGraduate. 2.2 Chapter II (Sections 3 to 15) -Bar Councils Functions. 2.3 Chapter III (Sections 16 to 28).4 Chapter IV (Sections 29 to 34) Sections 1 to 24. Unit 4.