

OPJS UNIVERSITY,CHURU(RAJ.)



SYLLABUS

for

LL.B. 3 YEAR COURSE

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**School of Law
Opjs University,Churu(Rajasthan)**

2014-15

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LL.B. (3 Years)

(List of Courses Prescribed for I-Semester)

COMPULSORY COURSE

<u>I-SEMESTER</u>	
Course Code	Course Title
BL-101	General Principles of Contract
BL-102	Constitutional Law -I
BL-103	Law of Tort (including Consumer Protection Act)
BL-104	Family Law-I (Hindu Law)
BL-105	Legal English

Details of Syllabus:-

{LL.B. First Semester}

BL-101-Paper- 1-General Principal of Contract

1. Contract:
 - (a) Meaning, elements and characteristics of contract
 - (b) Basis of Contract
 - (c) Classification of contract, including the standard form of contract.
2. Proposal:
 - (a) Meaning, elements, characteristics and kinds of proposal, distinction between proposal and invitation to Proposal.
 - (b) Acceptance: Meaning, Modes and Characteristics of Acceptance.
 - (c) Communication, revocation and termination of proposal and Acceptance.
3. Consideration
 - (a) Meaning, definition and Elements of consideration

- (b) Significance and adequacy of consideration
- (c) Unlawful consideration and object.
- (d) Concept of stranger to contract.
- 4. Capacity to contract:
 - (a) Who cannot make a contract, who is minor and the place of minor under the law of contract.
 - (b) Person of unsound mind, nature of contract 'by person of unsound mind
 - (c) Persons deprived of the capacity to contract.
- 5. Free Consent:
 - (a) Meaning of consent and free consent
 - (b) Factors rendering consent not free and their affect upon the validity of contract.
- 6. Void Agreements:
 - (a) Agreements in restraint of marriage: freedom of trade and right to initiate legal proceedings.
 - (b) Agreements involving uncertainty: wager and impossibility. Contingent Contract: Certain relations resembling to those created by contract (Quasi contract).
- 7. Performance of Contract:
 - (a) Who is liable to perform, joint rights and joint liability and performance of reciprocal promises?
 - (b) Time, place and manner or performance
 - (c) Discharge from liability to perform the contract.
- 8. Breach of Contract:
 - (a) Meaning and kinds.
 - (b) Remedies for breach of contract.
 - (i) Damages - Measure of damages and remoteness of damages.
 - (ii) Specific performance of contract and injunction under Specific Relief Act.

Leading Cases:

1. *Carlil V Carbolic Smoke Ball Co. (1883) 1QB 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. *Lalman Shukia V Gauri Dutt All IJ (1913) 409*
5. *Mohori Bibi V Dhurmodas Ghosh(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 : सं विदा विधि*
- 7 *I.C. Saxena & R.I. Nawalakha: सं विदा विधि*
- 8 *राम सिं ह:सं विदा विधि*

BL-102-Paper- 2- Constitutional Law -I

- I. Nature and Salient features of Constitution; Preamble; The Union and its Territory; Citizenship State (Art. 12)
- II. Fundamental Rights – To Whom Available; Judicial Review (Art. 13); Right to Equality (Art. 14-18); Right to Freedom (Art. 19-22)
- III. Right Against Exploitation (Art. 23 and 24); Freedom of Religion (Art. 25-28); Cultural and Educational Rights (Art. 29 and 30); Directive Principles of State Policy
- IV. Fundamental Duties; Union Judiciary; State Judiciary; Writs Jurisdictions of Higher Courts including Judicial Activism in India

Leading Cases:

Minerva Mills V. Union of India, AIR 1 978 SC, 1789.

Maneka Gandhi V. Union of India. AIR 1978 SC 597.

Keshavanand Bharti V. State of Kerala AIR 1973 SC 1476

Suggested Reading

<i>H.M. Seervai</i>	:	<i>Constitutional Law of India</i>
<i>M.P. Jain</i>	:	<i>Indian Constitution Law</i>
<i>D.D. Basu</i>	:	<i>Introduction of Constitution</i>
<i>J.N. Pandey</i>	:	<i>Constitutional Law of India</i>
<i>Kailash Rai</i>	:	<i>The Constitutional Law of India</i>

जय जय राम उपाध्याय : भारत का सविधान

BL-103-Paper-3-Law of Torts: (Including Consumer Protection Law)

1. Definition, nature, scope, objects and elements of Tort, Maxims, Extinction or Discharge of Tortious Liability, Joint Tort - Feasors.
2. General Defences of Tortious Liability. Vicarious Liability Doctrine of common employment, State Liability. Absolute or Strict Liability.
3. Remedies, Kinds and measure of damages, Remoteness of damages.
4. Torts to person and property including Negligence. Nuisance, nervous shock. Interference with contract or business, intimidation, conspiracy, deceit or fraud, malicious prosecution, defamation.
5. Consumer protection Act, 1986. Definitions, Consumer protection councils, Consumer Dispute Redressal agencies- Establishments, Jurisdiction Procedure and orders

Leading Cases:

1. Ushaben V. Bhagva Laxmi Chitra Mandir. AIR 1970 GUJ. 18.

2. Municipal Corpn. of Delhi V. Subhagwati. AIR 1966 SC 1750.

3. Rylands V. fletcher(1869) IRHT 330.

4. Dipal Girish Bhai v/s United Insurance Company, 2004 AIR, S.C.W. 1864.

Suggested Readings:

1. *Winfield: Law of Torts.*
2. *Rarnaswami Iyar: Law of Torts.*
3. *B.S. Saba : Law of Torts.*
4. जे .एन.पां डे :अपकृ त्य विधि
5. एम.एन.शु क्ला:अपकृ त्य विधि के सिधान्त
6. आर.के .बां गिया: अपकृ त्य विधि
7. *Avtar Singh : Law of Consumer Protection*

BL-104-Paper- 4-Family Law-I (Hindu Law)

1. Hindu Law: Sources, School and application, Coparcenary. Joint family property and self acquired property. Karta & his power and obligation. Religious and Charitable Endowments -Essentials of an endowment, kinds. Shebait and Mahant.
2. The Hindu Marriage Act, 1955: Condition of Hindu 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 divorce by mutual consent. One year bar to divorce, divorce persons when may marry again, Jurisdiction and procedure.
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.
4. The Hindu Adoption and 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.
5. The Hindu Minority and Guardianship Act, 1956: Natural guardians and their powers. Testamentary guardians and their powers. De-facto guardian, general provisions of guardianship.
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

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. *Bipin Chandra V. Prabhavati AIR 1957 S.C. 176.*
4. *Dr. N.G. Dastanee V. Sucheta Dastanee AIR 1975 S.C. 1534.*
5. *Dharmendra Kumar V. Usha Kumar AIR 1977 S.C. 2218.*

Suggested Readings:

1. *Mulla : Principles of Hindu Law.*

- 2 Raghvachariar: Hindu Law-Principles and precedents.
3. ParasDiwan:HinduLaw.
4. Tahir Mahmood: Hindu Law.
5. डॉ.पारस दीवान: आधुनिक हिन्दू विधि
6. के.सरीयू पी.डी: हिन्दू विधि
7. डॉ. आर.आर.मौर्य : हिन्दू विधि

BL-105-Paper-5-English and Legal Language

(A) Vocabulary:

1. Use of legal phrases and terms (list of legal terms given below)
2. Pairs of words.
3. One word substitution.
- 4 Latin Maxims (Listed Below)

(B) Composition Skills

1. Brief Writing and drafting notice. Letter and applications
2. Essay writing on topics of legal interest.
3. Translation (from English to Hindi and Hindi to English)
4. Precise writing.
5. Varieties of Sentence Structures & Verb Patterns.

List of legal terms which are relevant for LL.B. Students:

1. Abet Abstain Accomplice
2. Act of God Actionable Accused
3. Adjournment Actionable “ ‘ Admission
4. Affidavit Amendment Appeal
5. Acquittal Articles Assent
6. Attested Adornment Averment
7. Bail Bailment Citation
8. Clause Coercion Code
9. Cognizable Confusion p’ Compromise
10. Consent Conspiracy Contempt
11. Contingent Comorian . Conviction
12. Convention Corporate Custody
13. Damages Decree Defamation
14. Defense Escheat Estoppels
15. Eviction Executive Ex-parte
16. Finding Floating charge Forma Pauperise
17. Franchise Fraud Frustration
18. Good faith Guardian Habeas Corpus
19. Hearsay Homicide hypothecation
20. Illegal indent Inheritance
21. Bench Bill
22. Bill of attainder

23. Bill of rights Blockade Bonafide
24. By-laws Capital Punishment Charge
25. Chattles Justiciable Legislation
26. Legitimacy Liability Liberty
27. Licence Lieu Liquidation
28. Maintenance Malafide Malfeasance
29. Minor Misfeasance Mortgage
30. Murder Negligence Negotiable
31. Notification Nuisance Novation
32. Oath Obscence Offender
33. Order Ordinance over rule
34. Petilion Plaintiff Pledge
35. Preamble Pre-emption Prescription
36. Presumption Privilege Privit
37. Prize Process Promiss on Note
38. Proof Proposal Prosecution
39. Remand Remedy Rent

List of Latin Maxims:

1. Ab initio (from the beginning)
2. Actio personalis moritur cum persona (Personal rights by action dies with the person).
3. Actus curae neminein gravabit (an act of the court shall prejudice no one).
4. Actus non facit reum. nisi mens sit rea (the act itself does not constitute guilt unless done with agUILTY intent).
5. Actus reus (wrongful act).
6. Ad interim (in the meantime)
7. Ad tunc (for the suit).
8. Ad valorem (according to the value).
9. Alibi (plea of being elsewhere)
10. Amicus curiae (friend of the court).
11. Animus (intention).
12. Audi alteram (hear the other side).
13. Caveat emptor (buyer beware).
14. Convictio in re (by the things themselves).
15. Damnum sine injuria (damage without injury).
16. De facto (in fact).
17. De jure (in law).
18. De minimis not curat lex (the law takes no account of trifling matters).
19. Decree nisi (a decree which takes effect after a specified period), delegated).
20. Dolus in capax (incapable in malice).
21. Doctrina mortis causa (gift by a person on the death bed).
22. Eiusdem generis (of the same category).
23. Eminent domain (the supreme right).
24. Ex officio (by virtue of an office).

25. Ex-parte (not in the presence of the opposite party).
26. Ex-post4acto (by subsequent act).
27. Factum valet (the fact which cannot be altered).
28. Fait accompli (an accomplished fact).
29. Ignorantia legis neminem excuset (ignorance of law is no excuse).
30. In pari materia (in an analogous case, cause or position)
31. Injuria sine damno (injury without damage).
32. Interest republicac Ut sit fins litiuin (it is in the interest of the republic that there should be an end of law suit).
33. Intra vires (within the powers).
34. Jus terti (The right of a third party)
35. Lis pendens (pending suit).
36. Mens rea (a guilty mind)
37. Mesne profits (the profits received by a person on wrongful possession).
38. Nemo det quod non habet (no man can't transfer better little than be himself).
39. Neiw ck bis vn pro et idem causa (no man be tce xed for t1E sane cause).

Suggestive Books

1. Galnvile William : Learning the Law
2. Wren & Martin : English Grammar.
3. Ganga Sahai Sharraa: Fundamental of Legal Writing.
4. Hindi-English Legal glossary: Vidhi Sahitya Prakashan, Ministry of Law Government of India. New Delhi.
5. David Green : Contemporary English Grammar, structure and composition.
6. Ishtiaque Abidi: Law and Language
7. Dr. Anirudha Prasad: Legal Language & Writing.
8. Dr. Surendra Yadav : Legal Language, Legal Writing Including Gen. Eng
9. Dr. R.L. Jain : Legal Language, Legal Writing Including Gen. Eng
10. Dr. G.S.Sharma : Legal Language, Legal Writing
11. Dr. B.L. Babel : : Legal Language, Legal Writing

LL.B. (3 Years)

(List of Courses Prescribed for II-Semester)

COMPULSORY COURSE

<u>II-SEMESTER</u>	
Course Code	Course Title
BL-201	Special Contract
BL-202	Constitutional Law-II
BL-203	Legal & constitutional History of India
BL-204	Family Law-II (Muslim Law)
BL-205	(a) Public Interest Layering (Written Paper). (b) Moot Court Exercise & viva-voce

{LL. B. Second Semester}

BL-201-Paper-1-Special Contract

1. 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.
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
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.
4. 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.

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 of Gujarat 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. डॉ.आर.एल.राठी : सं विदा विधि
4. *V.G. Ramchandran : 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 & Hindi)*

BL-202-Paper-2-Constitutional Law-II

- I. Union Legislature including the Speaker; State Legislature; Privileges of Legislature and Anti Defection Law
- II. Union Executive; State Executive; Legislative Relations between Union and States; Administrative Relations between Union and States
- III. Liability of State in Torts and Contracts; Emergency Provisions; Election Commission: Constitution Powers and Functions
- IV. Freedom of Trade, Commerce and Inter-Course; Services under the Union and the States including Public Service Commission; Constitutional Provisions Relating to Tribunals and Administrative Tribunals; Amendments of the Constitution including the Doctrine of Basic Structure

Leading cases:

1. *Union of India. V. Tulsidas*, AIR 1985 SC 1416.
2. *Kedar Singh V. Union of India*, AIR 1989 SC 653.

Suggested Readings

<i>H.M. Seervai</i>	:	<i>Constitutional Law of India</i>
<i>M.P. Jain</i>	:	<i>Indian Constitution Law</i>
<i>D.D. Basu</i>	:	<i>Introduction of Constitution</i>
<i>J.N. Pandey</i>	:	<i>Constitutional Law of India(Hindi&English)</i>
<i>Kailash Rai</i>	:	<i>The Constitutional Law of India</i>

BL-203-Paper-3-Legal & constitutional History of India

- I. Importance of necessity of legal history; Charter of 1726 and establishment of Mayor's Court; Charter of 1753; The Regulating Act, 1773. The Supreme Court of Calcutta, Bombay and Madras Act of Settlement, 1781; Nand Kumar Trial, Patna case Cosijurah case.
- II. The beginning to the adalat system; the judicial plan of 1772 and 1774 introduced by warren hastings. Judicail reforms of cornwallis and william bentick.
- III. The high court: Dual judicature before 1861: Indian high court act 1861; Privy Council; Federal Court and good consciences), Development of Criminal Law. Charter Act of 1833. Codification of Law; Law Commission, Legislative Council, First, Second and Third Law Commissions
- IV. Government of India Act, 1858 and 1892 Act of 1909 ; Morley Minto reforms, Government of India Act, 1919.
- V. Simmon Commission, Round Table Conference: Federalism - Nature and Characteristics under Government of India Act, 1935; Provincial Autonomy, Cabinet Mission; Crips-mission; Indian Independence Act, 1947; Abolition of jurisdiction of Privy Council; Constituent Assembly - Its formation, working, contributions.

Leading Cases:

1. *Trial of Raja Nand Kumar, 1775.*
2. *Patna Case, 1777-79.*

Suggested Books:-

1. Jain, M.P.: Outlines of Indian Legal History (Hindi & English).
2. Keith, A.B.: Constitutional History of India,
3. Banerjee: The making of the Indian Constitution.
4. Mahajan, V.D.: Constitutional History of India.
5. Sinha, B.S.: Legal & Constitutional History of India.

6. Kulshrestha, V.D.: Land marks in Indian legal and Constitutional history (English & Hindi).
7. Bhansali, S.R.: Legal System of India

BL-204-Paper- 4 Family Law -II (Mohammedan Law)

1. Mohammedan Law: Origin development sources, schools. Application, interpretation and conversion.
2. Marriage: Nature of marriage, essential of marriage Khyar-ul-bulug Iddat. Khilwat-us-sahih, Matrimonial stipulations, kinds of marriage and effects of marriage.
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.
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.
5. Gift Hiba: Meaning and requisites of gift (Hiba): Gift of Musha, Conditional and future gifts. Life estate, Life interest, I-liba-bil-awaz, Hiba-bil-shart-ulawaj.
6. Will (Vasiyat): Competency of testator and legatee, valid subject of will Testamentary limitations, formalities of a will and abatement of legacy.
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.
8. Maintenance: Persons entitled to maintenance, Principles of maintenance, The Muslim Women (Protection of Rights on Divorce) Act, 1986.
9. Death Bed Transactions: Meaning and effect of Marj-ul-maut.
10. Wakf: Meaning, essential and kinds. Beneficiaries of wakf. The Wakf validating Act, 1913. Formalities for creation wakf, wakf of Musha, Muslim religious institutions and officers. Administration of Wakfs, Mutawali.
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 Ia 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.
4. Aquil Ahmed: Mohammedan Law.(English & Hindi)
5. Amir Au: Mohammedan Law.
6. के . पी. शर्मा : मु स्लिम विधि
7. Amir Ali: Outline of Mohammedan Law.
8. हफिजू रहमान: मु स्लिम विधि

BL-205-Paper- 5-(a) Public Interest Layering

1. Meaning, Nature, Scope and object of public interest Litigation (PIL). PIL against the state and other public bodies. Difference between Public interest litigation and Private interest litigation; Meaning of Social action litigation, Concept of Locus Stand.
2. Legal Aid under the -
 1. Constitution;
 2. Code of Criminal Procedure;
 3. Code of Civil procedure - The Legal Services Authorities Act, 1987, Legal Aid and Law School, Legal Aid and voluntary organization, Legal Aid and legal profession; District Legal Aid Committee
3. Lok Adalats - Its Jurisdiction, Working and Powers under the Legal Service Authority Act, 1987.
4. Writing of PIL Petitions Writings of Applications for Legal Aid

Leading Cases:

1. *Bandhua Mukti Morcha v/s. Union of India* (1984)3 SCC 161
2. *Olga Tellis V/s. Bombay Municipal Corporation* (1985) 3 SCC 545
3. *Sheel Barse V/s State of Maharashtra*, AIR 1988

Suggested Books For Study:

1. *P.N. Bhagwati :Legal Aid as a Human Right*
2. *Sujan Singh : Legal Aid - Human Right ofEquality*
3. *Sunil Dhesta :Lok Adalats in India - Genesisand Functioning*
4. *L.M. Singhvi : Law and PovertyCases and Material*
5. *Awadh Prasad : Lok Adalat*
6. *S.S. Sharma : Legal Assistance to Poor*
7. *P.N. Bajpayee :Legal Aid & the Bar Council*

LL.B. (3 Years)

(List of Courses Prescribed for III-Semester)

COMPULSORY COURSE

III-SEMESTER	
Course Code	Course Title
BL-301	Jurisprudence
BL-302	Law of Crime –I
BL-303	Property Law-I
BL-304	Labour Laws-I
BL-305(a) BL-305(b)	Option: - Any one of the following: (a) Administrative Law (b) Public International Law-I

{LL.B. Third Semester}

BL-301-Paper- 1-Jurisprudence

- I. Jurisprudence - Meaning, Nature and Scope. Definition of Law, Classification of Law, Relation between Law and Morals. Concept of Administration of Justice, Difference between Civil and Criminal Administration Justice, Theories of Punishment Sources of Law: Custom-Meaning, Kinds and Essentials of a Valid Custom, When does a Custom become Law? Precedent – Meaning, Importance, Merits & Demerits, Doctrine of Precedent and its Operation in India, Do the Judges make law? Legislation- Meaning, Kinds: Supreme and Subordinate Legislation.
- II. Analytical School of Law; Kelson’s Pure Theory of Law; Historical School of Law; Sociological School of Law; Natural Law School

III. State- Definition, elements of State, Theories of origin of State, Law and State. Codification-Meaning, Classification and its merits and demerits Rights and Duties – Meaning, Theories of Legal Rights, Essentials of Legal Right, Classification of Rights and Duties, Right and Duty Conflict Personality- Meaning and nature of legal personality, legal status of unborn person, dead man, animals, idol, mosque and State, Nature of corporate personality, theories of corporate personality, advantages of incorporation, liability of corporation.

IV. Possession- Meaning, De facto and De jure possession, Kinds of Possession, Acquisition of Possession, Possessory Remedies, Rights of Possessor, Analysis of Possession, Ownership – Definition, Essentials of Ownership, Kinds of Ownership, Modes of acquisition of Ownership, Distinction between Ownership and Possession. Property- Meaning, Theories of property, its Kinds and Modes of acquisition of Property.

Prescribed Books:-

Freidmann W. : *Legal Theory*

B.N.M. Tripathi : *An Introduction to Jurisprudence (Legal Theory)*

S.P. Dwivedi : *Jurisprudence and Legal Theory*

Paton G.W. : *A Text Book of Jurisprudence*

BL-302-Paper-2-Law of Crime –I

- I. Introduction to Substantive Criminal Law :
 - a. Extent and operation of the Indian Penal Code
 - b. Definition of Crime
 - c. Fundamental elements of crime
 - d. Stages in commission of a crime
 - e. Intention, Preparation, Attempt
- II. General Explanations and Exceptions:
 - a. Definitions
 - b. Constructive joint liability
 - c. Mistake
 - d. Judicial and Executive acts
 - e. Accident
 - f. Necessity
 - g. Infancy
 - h. Insanity
 - i. Intoxication
 - j. Consent
 - k. Good faith
 - l. Private defence
- III. Abetment and Criminal Conspiracy
- IV. Punishment

- a. Theories: Deterrent, Retributive, Preventive, Expiatory and Reformative Theory
- b. Punishment under the IPC: Fine, Imprisonment, Capital Punishment

Leading Cases:

1. Barendra Kumar Ghosh v. King Emperor – AIR 1925 PC
2. Basdev v. Stat of Pepsu – AIR 1956 SC 488
3. Delhi Judicial Service Association, Tis Hazari Court v. State of Gujrat AIR 1991 SC 2176
4. M Naughton's Case – (1843) 4St Tr (NS) 847
5. Rupan Deol Bajaj v. KPS Gill – AIR 1996 SC 309
6. Mahaboob Shah v. King Emperor – AIR 1945 pc 118
7. Kehar Singh v. State (Delhi Administrator) – AIR 1988 SC 1883

Prescribed Books:-

Ratanlal & Dhirajlal – The Indian Penal Code
H.S. Gaur – Penal Law of India
T.Bthacharya :Indian Penal Code (English/Hindi)

BL-303-Paper-3-Property Law-I

- I. 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; 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); Rule of Election (Sec.35)
- II. General Principles Governing Transfer of Immoveable Property; Transfer by ostensible owner Rule of feeding the grant by estoppels; Rule of Lis pendens; Fraudulent transfer; Rule of part performance; Vested and contingent interest; Conditional transfer

Prescribed Books:-

1. Sarathi V.P. Law of Transfer of Property
2. Shah S.M. Principles of the Law of Transfer
3. Mulla on Transfer of Property Act
4. Lahiri M.M. Transfer of Property Act
5. Mitra B.B. Transfer of Property Act
6. Shukla S.N. Transferof Property Act
7. Gupta R.R. Transferof Property Act (English/Hindi)

BL-304-Paper-4 -Labour Law-I

1. Trade Unions Act, 1926 Main features and the following:- History of Trade Unionism in India; Development of Trade Union Law in India; Right to Trade Union as part of fundamental right to freedom of association under the Indian Constitution; Definition of Trade Union and Trade Dispute; Distinction between Trade Dispute and Individual Dispute; Registration of Trade Unions; Rights and Liabilities of Registered Trade Unions; Recognition of Trade Unions; Collective Bargaining and Trade Disputes
2. The Industrial Disputes Act, 1947 – Main features and the following :- Definitions of Employer, Industry, Lay off, Lock out, Retrenchment, Strike, Unfair Labour Practice and workman. Authorities, Procedure, Powers & duties of Authorities. Reference of Disputes to Boards, Courts, Tribunals. Strike and Lock outs, Lay off and Retrenchment. Unfair Labour Practices. Penalties
3. The Minimum Wages Act, 1948 – Main features and the following :- Concept of wages – Minimum wages, fair wages, living wages. Definitions – Employer, Wages, Employee, Wage Structure, Fixation of Minimum Rates of wages, Working hours and Determination of wages & claims etc.
4. The Factories Act, 1948 - Main features and the following :- Definitions – Manufacturing Process, Worker, Factory and Occupation. Provisions relating to Health, Provisions relating to Safety. Provisions relating to Hazardous Processes. Provisions relating to welfare. Penalties.

BL-305(a)-Paper-5-(a) Administrative Law

- I. Evolution and Scope of Administrative Law
 - a. Nature, Scope and Development of Administrative Law
 - b. Rule of law and Administrative Law
 - c. Separation of powers and its relevance
 - d. Relationship between Constitutional law and Administrative Law
 - e. Administrative Law vis-à-vis privatization
 - f. Classification of functions of Administration
- II. Legislative Functions of Administration
 - a. Necessity and Constitutionality
 - b. Forms and requirements
 - c. Control
 - i. Legislative
 - ii. Judicial
 - iii. Procedural
 - d. Sub-delegation
- III. Judicial Functions of Administration
 - a. Need for devolution of adjudicatory authority on administration
 - b. Nature of tribunals – Constitution, powers, procedures, rules of evidence
 - c. Administrative Tribunals
 - d. Principles of Natural Justice
 - i. Rule against bias

- ii. Audi Alteram Partem
- iii. Reasoned decisions
 - e. Rules of evidence – no evidence, some evidence and substantial evidence
 - f. Institutional Decisions
- IV. Administrative Discretion and Judicial Control of Administrative Action
 - A. Administrative Discretion
 - a. Need and its relationship with rule of law
 - b. Constitutional imperatives and exercise of discretion
 - c. Grounds of judicial review
 - i. Abuse of discretion
 - ii. Failure to exercise discretion
 - d. Doctrine of legitimate expectations
 - B. Judicial Control of Administrative Action
 - a. Introduction
 - b. Court as the final authority to determine the legality of administrative action
 - c. Exhaustion of Administrative remedies
 - d. Locus standi
 - e. Res judicat
 - C. Methods of judicial review
 - a. Statutory appeals
 - b. Writs
 - c. Declaratory judgements and injunctions
 - d. Civil Suits for Compensation

Leading Cases:

1. Ram Jawaya v. State of Punjab (AIR 1955 SC 549)
2. A.K. Kraipak v. Union of India (AIR 1950 SC 150)
3. Maneka Gandhi v. Union of India (AIR 1978 SC 597)

Prescribed Books

1. Principles of Administrative Law – M.P. Jain & S.N. Jain
2. Administrative Law – I.P. Massey
 1. Administrative Law – Wade
 2. Lectures on Administrative Law – C.K. Takwani
 3. Administrative Law – S.P. Sathe
4. U. P. D. Kesri : Administrative Law.

BL-305(b)-Paper-5 (b) Public International Law-I

- I. Definition and nature, General and Regional rules of International Law, Distinction between public International Law and Private International Law, Hogo Grotius, Is International Law true Law? Sanctions of observance of International Law, Sources of International Law (Article 38, Statute of the International Court of Justice), Relationship between international law and municipal law (Monism, Dualism, British, American and Indian Practice),

Subject of international law, Individual as subject of international law characteristics of a State in International Law, Micro States, Sovereignty of States

- II. Recognition Definition of State Recognition, Recognition of Government, Theories of Recognition, Recognition De Jure and De Facto, The Duty to Recognize, Legal Effect of Recognition, Withdrawl of Recognition, Retroactive effect of Recognition. States Succession: Definition and Kinds of Succession consequences of state succession, Succession in respect of International Ogranisation. Intervention Definition and its Prohibition, Grounds of Intervention. Intervention by invitation. State Jurisdiction Territorial Jurisdiction and its limitations. State Responsibility: Kinds of State Responsibility, Consequences of State Responsibility.
- III.State Terrotory: Concept, modes of acquisition, International Rivers; Air Space; Various Throies, Aerial Navigation (Five freedom of Air), Outer Space Treaty, 1967; Maritime Belt, Contiguous Zone, Continental Shelf, Excculsive Econimic Zone, The High Seas, Land Locked States, International Tribunal.
- IV. Extradiction: Definition, Purpose of Extradition, Legal Duty, Extradiction of Political Offenders, Doctrine of Double Criminality, Rule of Speciality Asylum:Meaning, Right of Asylum, Types of Asylum Depломatic Agents:Who are Diplomatic Agent? Classification of Heads of Mission, Function of Diplomatic Agents, The basis of Immunities and Privileges, Privileges and Immunities, Waiver of Immunity, Termination of Diplomatic Mission. Consuls: Classification, function, privileges and Immunities. Internation Treaties: Meaning, kinds formation, Pacta Sunt Servanda, Rebus Sic Stantibus, Jus Cogens, Reservations and Termination.

Prescribed Books :-

1. Starke, Introduction to International Law
2. Rebecca Wallace, International Law
3. Brownlie, Principles of International Law
4. S.K.Kapoor, Public International
5. M.P.Tandon, Public International Law,
6. K.C.Joshi, International Law

{LL.B. Fourth Semester}

LL.B. (3 Years)

(List of Courses Prescribed for IV-Semester)

COMPULSORY COURSE

<u>IV-SEMESTER</u>	
Course Code	Course Title
BL-401	Law of Crime –II
BL-402	Property Law-II
BL-403	Company Law
BL-404(a) BL-404(b)	Option:-Any one of the following:- (a)Labour Laws-II (b)Public International Law-II
BL-405	(a) Professional Ethics & Bar Bench Relation (Written Paper) (b) Moot Court Exercise (viva-voce)

BL-401-Paper –1-Law of Crimes-II

- I. Offences affecting the Human body
 - a. Offences affecting life, causing miscarriage, or injuries to unborn children
 - b. Offences of hurt, of wrongful restraint and wrongful confinement
 - c. Offences of criminal force and Assault, offences of kidnapping and Abduction
- II. Offences against Women
 - a. Obscene acts and songs
 - b. Outraging the modesty of women
 - c. Rape
 - d. Cruelty by husband or relatives of husband
 - e. Offences relating to marriage
- III. Offences against Property
 - a. Theft, Extortion, robbery and decoity
 - b. Criminal misappropriation and criminal breach of trust
 - c. Cheating

- d. Mischief
- e. Criminal trespass
- IV. Defamation and offences relating to documents and property marks
 - a. Defamation
 - b. Forgery
 - c. Counterfeiting

Leading Cases:

1. Govinda's Case – (1876), Bom 342
2. K.M. Nanavati v. State of Maharashtra – 1962 (Bom) LR 488 (SC) - AIR 1962 SC 605
3. Bachan Singh v. State of Punjab (1980) 2 SCC 684
4. Tukaram v. State of Maharashtra – AIR 1979 SC 185
5. Gian Kaur v. State of Punjab – AIR 1996 SC 946

Prescribed Books:-

1. Ratanlal and Dhirajlal – The Indian Penal Code
2. H.S. Gaur – Penal Law of India Essential
3. T. Bhatnagar : Indian Penal Code (English/Hindi)
4. Raja Ram Yadav: भारतीय दंड संहिता
5. N.V. Paranjpe : Indian Penal Code (English/Hindi)

BL-402-Paper -2-Law of Property –II

▪ **Specific Transfers**

1. Sale (54-57)
 2. Mortgage and charge (58-104)
 3. Leases of immovable property (Ss 105-117)
 4. Exchanges (Ss 118-121)
 5. Gifts (Ss 122-129)
 6. Transfer of actionable claims (Ss 130-137)
- (A) The Indian Partnership Act, 1932
- a. Nature of partnership firm
 - b. Relations of partners to one another and outsiders
 - i. Rights /Duties of partners inter se
 - ii. Partnership Property
 - iii. Relations of Partners to third parties
 - iv. Liability for holding out
 - v. Minor as a partner
 - c. Incoming and outgoing partners
 - d. Dissolution
 - i. By consent,
 - ii. By agreement,
 - iii. compulsory dissolution,
 - iv. contingent dissolution,

- v. By notice,
 - vi. By Court.
 - vii. Consequences of dissolution
 - viii. firms and effects of non registration
- (B) The Indian Easements Act 1882
- 1. Easements (Ss 1-51)
 - 2. Licenses (Ss 52-64)

Prescribed Books:-

1. *Sarathi V.P. Law of Transfer of Property*
2. *Shah S.M. Principles of the Law of Transfer*
3. *Mulla on Transfer of Property Act*
4. *Lahiri M.M. Transfer of Property Act*
5. *Mitra B.B. Transfer of Property Act*
6. *Shukla S.N. Transfer of Property Act*
7. *Gupta R.R. Transfer of Property Act (English/Hindi)*
8. *Avtar Singh, Law of Contract and Specific Relief*
9. *R.K. Bangia, Law of Contracts*

BL-403-Paper -3-Company Law

1. Meaning of Corporation; Theories of corporate personality; Creation and extinction of corporations.
2. Forms of Corporate and Non-Corporate Organisations; Corporations, partnerships and other associations of persons; State corporations government companies, small scale, cooperative; corporate and joint sector.
3. Law relating to companies- public and private- Companies Act, 1956; Need of company for development formation of a company; registration and incorporation.; Memorandum of association- various clauses- alteration thereindocctrine of ultra vires.; Articles of association- binding force- alteration- its relation with memorandum of association- doctrine of constructive notice and indoor management- exceptions.
4. Prospectus- issue- contents-liability for misstatements statement in lieu of prospectus. Promoters- position-duties and liabilities. Share- general principles of allotment, statutory restrictions- share certificate its objects and effects transfer of shares- restrictions on transfer-procedure for transfer- refusal of transfer- role of public finance institutions-relationship between transferor and transferee issue of shares at premium and discount- depository receipts- dematerialized shares (DEMAT). Shareholder- who can be and who cannot be shareholder modes of becoming a shareholder- call on shares forfeiture and surrender of shares- lien on shares. Share capital- kinds- alteration and reduction of share

capital- further issue of capital- conversion of loans and debentures into capital- duties of courts to protect the interests of creditors and share holders. Directors- position- appointment- qualifications- vacation of office removal- resignation- powers and duties of directors- meeting, registers, loans - remuneration of directors- role of nominee directors- compensation for loss of office- managing directors compensation for loss of office-managing directors and other managerial personnel. Dividends- Debenture; Private companies- nature and advantages- government Winding up-types-.

Prescribed Books :-

1. Ashwin Labnnai Shah, Lectures on Company Law, Tripathi Pvt. td.; Mumbai
2. Avtar Singh, Indian Company Law, Eastern Book Company, Luknow
3. Ramaiya, Guide to Companies Act (Vol. 1 & 2), Wadhwa & Company, Nagpur
4. S. M. Shah, Lectures on Company Law, Tripathi, Bombay
5. S.S. Gulshan, Company Law, Excel Books
6. Dr. N. V. Paranjape, Company Law, Central Law Agency
7. B.K. Sen Gupta, Company Law, Eastern Law House, Kolkata

BL-404(a)-Paper -4.(a) Labour Laws-II

- A. The Remunerative Aspects – Wages – Concepts of wages - Minimum, Fair, Living Wages - Wage and Industrial Policies - Whitley Commission Recommendations - Provisions of Payment of Wages Act 1936 - Timely payment of wages - Authorised deductions – Claims - Minimum Wages Act 1948 - Definitions - Types of wages - Minimum rates of wages - Procedure for fixing and revising Minimum Wages – Claims - Remedy.
- B. Bonus – concept - Right to claim Bonus – Full Bench formula - Bonus Commission - Payment of Bonus Act 1965 - Application – Computation of gross profit, available, allocable surplus - Eligibility of Bonus - Disqualification of Bonus - set on – set off of allocable surplus- Minimum and Maximum Bonus-Recovery of Bonus.
- C. Employees Security and Welfare aspect - Social Security - Concept and meaning - Social Insurance - Social Assistance Schemes. Social Security Legislations - Law relating to workmen's compensation - The Workmen's Compensation Act 1923 – Definitions - Employer's liability for compensation - Nexus between injury and employment - payment of compensation - penalty for default - Employees State Insurance Act 1948 – Application - Benefits under the Act - Adjudication of disputes and claims – ESI Corporation. Employees Provident Fund and Miscellaneous Provisions Act 1952 – Contributions - Schemes under the Act - Benefits. The Maternity Benefit Act 1961 - Definitions-Application - Benefits. The

Payment of Gratuity Act 1972 – Definitions – application - Payment of gratuity - eligibility – forfeiture – Nomination - Controlling authorities

Suggested Readings

1. S.N.Misra, Labour and Industrial Laws, Central law publication-22nd edition. 2006.
2. N.G. Goswami, Labour and Industrial Laws, Central Law Agency.
3. Khan & Kahan, Labour Law-Asia Law house, Hyderabad
4. K.D. Srivastava, Payment of Bonus Act, Eastern Book Company
5. K.D. Srivastava, Payment of Wages Act
6. K.D. Srivastava, Industrial Employment (Standing Orders) Act 1947
7. S.C.Srivastava, Treatise on Social Security
8. Jidwitesukumar Singh, Labour Economics, Deep& Deep, New Delhi
9. V.J.Rao, Factories Law
10. G.S. Sharma: Labour Laws

BL-404(b)-Paper -4 (b) Public International Law-II

- I. International Organizations :Definition, the condition which should exits for their development, Their Legal Personality, capacity to enter into international treaties,, Privilege and Immunities, League of Nations: Principal Organs, Its weaknesses, Mandate System.
- II. United Nations: Establishment, Preamble, Purpose & Principles of UN, Membership,suspension, expulsion and with drawl. Principal Organs of the UN, Amendment to the Charter.
- III. Settlement of International disputes, Pecific and compulsive, War:Definition, Non-war armed conflict, Declaration, Legal Regulation, Effects of the Outbreak of War. The Law of Warfare-Need, Laws of Land, Maritime and aerial Warfare, War crime-Nuremberg and Tokyo Trials, Genocide : Meaning, Main provisions of the Genocide Convention.
- IV. Neutrality –Meaning under the UN Charter, Rights and duties of neutral and Belligerent States,End of Neutrality, Right of Angary, Contraband and the Doctrine of Continuous Voyage, Blockade, Right of Visit and Search, Prize Courts,

Suggested Readings

1. S.P.Gupta, International Organisation, ALA
2. H.O.Agrawal, International Law and Human Rights
3. S.K.Kapoor : International Law and Human Rights

BL-405-Paper -5 (a)-Professional Ethics & Bar Bench Relation

1. Nature and Characteristics of :
 - (a) Professional Ethics
 - (b) Legal Profession

2. Historical Perspective and Regulation of Legal Profession
3. Contempt of Court by the Lawyers :
 - (a) Civil Contempt
 - (b) Criminal Contempt
 - (c) Punishment
 - (d) Defences
4. Strike by the Lawyers
5. Extent of Professionalization of Legal Profession
6. Code of Ethics for Lawyers
7. Professional Misconduct and its Control
8. BENCH BAR RELATION:
 - Meaning and Kinds of Contempt of Court
 - I. Contempt of Court – Its meaning, Nature and main features
 - II. Kinds of contempt of courts
 1. Difference between civil contempt and criminal contempt
 2. Kinds
 - III. Civil Contempt
 1. Meaning and Nature
 2. Disobedience of the order, decree, etc. of the court or breach of undertaking given to the court.
 3. Wilful disobedience or breach
 - IV. Criminal Contempt. Contempt Proceedings – Nature and Main Features
 1. Nature and main features
 2. Cognizance and Procedure in case of contempt in face of the court.
 - A. Contempt in the face of the Supreme Court or High Court.
 - B. Contempt in the face of the Subordinate Courts.
 3. Contempt outside the court (Constructive Contempt's)
 4. Period of Limitation for initiation of contempt proceedings
 5. Parties to contempt proceedings.

{LL.B. Fifth Semester}

LL.B. (3 Years)

(List of Courses Prescribed for V-Semester)

COMPULSORY COURSE

<u>V-SEMESTER</u>

Course Code	Course Title
BL-501	Law of Evidence
BL-502	Criminal Procedure Code, Probation of Offenders Act and Juvenile Justice Act
BL-503	Civil Procedure Code & Limitation Act
BL-504	Environmental Law
BL-505(a) BL-505(b)	Option: - Any one of the following: (a)Criminology-I (b)Human Right & Practice

BL-501-Paper- 1-Law of Evidence

- I. Definitions and Relevancy of Facts; Admissions and Confessions; Statements by Persons who cannot be called as witnesses; Statements made under special Circumstances; How much of a statement is to be proved; Judgement of Courts of Justice when relevant.
- II. Opinions of Third Persons when relevant; Character when relevant; Facts which need not be proved of Oral Evidence of Documentary Evidence
- III. Of the Exclusion of Oral by Documentary Evidenced of the Burden of Proof – Estoppel
- IV. Of Witnesses; Of the Examination of Witnesses; Of Improper Admission and Rejection of Evidence

Suggested Readings

Avtar Singh : *Law of Evidence*
Rattan Lal & Dhiraj Lal : *The Law of Evidence*
S.R. Myneni : *Law of Evidence*
Batuklal : *Law of Evidence*
Monir : *Evidence*
 राजाराम यादव : साक्ष्य विधि

BL-502-Paper-2-Criminal Procedure Code, Probation of

Offenders Act and Juvenile Justice Act

1. The Code of Criminal Procedure, 1973 : The rationale of Criminal Procedure — The importance of fair trial — Constitutional Perspectives : Articles 14, 20 & 21 — The organization of Police, Prosecutor and Defence Counsel — Pre-trial Process — Arrest — Distinction between —cognizable and —non-cognizable offences — Steps to ensure presence of accused at trial -- Warrant and Summons cases — Arrest with and without Warrant — The absconder status — Rights of arrested persons under Cr.P.C. and Article 22 (2) of the Constitution of India.
2. Search and Seizure — Search with and without warrant — Police search during investigation — General Principles of Search — Seizure — Constitutional aspects of validity of Search and Seizure proceedings.
3. Trial Process: Commencement of Proceedings — Dismissal of Complaint — Bail, Bailable and Non-bailable Offences — Cancellation of Bails — Anticipatory Bail — General Principles concerning Bail Bond — Preliminary pleas to bar trial — Jurisdiction — Time Limitations — Pleas of Autrefois Acquit and Autrefois Convict — Fair Trial — Concept of fair trial — Presumption of innocence — Venue of trial —Jurisdiction of Criminal Courts — Rights of accused -- Constitutional Interpretation of Article 21 as a right to speedy trial — Charge — Form and content of Charge — Trial before a Court of Session : Procedural steps and substantive rights.
4. Judgment: Form and content -- Summary trial — Post-conviction orders in lieu of punishment — Modes of providing judgment copy — appeals, review and revisions- Reforms in Criminal Procedure Code .
5. Preventive Measures- removal of Public Nuisance- Security Provisions- Maintenance of wife, children & parents.
6. Probation and Parole: Authority granting Parole — Supervision — Conditional release -- suspension of sentence — Procedure under Probation of Offenders Act, 1958 -- Salient features of the Act. Juvenile Justice System -- Juvenile Justice (Care and Protection of Children) Act of 2000 -- Procedure under Juvenile Justice...Act — Treatment and Rehabilitation of Juveniles — Protection of Juvenile Offenders — Legislative and Judicial Role.

Suggested Readings:-

1. Ratanlal & Dhirajlal- *Criminal procedure Code*
2. Shaileendra Malik, *The Code Of Criminal Procedure Code*
3. R.N. Choudhari, *Juvenile Justice In India*
4. K.L. Sethi, *The Probation of offender Act, 1958*
5. N.V. Pranjpe : *Criminal procedure Code*

BL-503-Paper-3-Civil Procedure Code & Limitation Act

1. Codification of Civil Procedure and Introduction to CPC — Principal features of the Civil Procedure Code — recent Amendments in CPC - Hierarchy of courts--Suits — Parties to Suit — Framing of Suit — Institution of Suits — Bars of Suit - Doctrines of Sub Judice and Res Judicata — Place of Suing — Transfer of suits — Territorial Jurisdiction — Cause of Action and Jurisdictional Bars — Summons — Service of Foreign summons.
2. Pleadings — Contents of pleadings — Forms of Pleading — Striking out / Amendment of Pleadings - Plaint— Essentials of Plaint - Return of Plaint—Rejection of Plaint—Production and marking of Documents— Written Statement — Counter claim — Set off — Framing of issues.
3. Appearance and Examination of parties & Adjournments — Ex-parte Procedure — Summoning and Attendance of Witnesses — Examination — Admissions — Production, Impounding, Return of Documents — Hearing — Affidavit — Judgment and Decree — Concepts of Judgment, Decree, and Interim Orders and Stay — Injunctions — Appointment of Receivers and Commissions — Costs -- Execution — Concept of Execution — General Principles of Execution — Power of Execution — Power of Executing Courts — Procedure for Execution — Modes of Execution -- Arrest and detention — Attachment and Sale.
4. Suits in Particular Cases — Suits by or against Government — Suits relating to public matters;— Suits by or against minors, persons with unsound mind, - Suits by indigent persons – Interpleader suits — Incidental and supplementary proceedings - Appeals, Reference, Review and Revision — Appeals from Original Decrees — Appeals from Appellate Decrees — Appeals from Orders — General Provisions Relating to Appeals.
5. Law of Limitation — Concept of Limitation — Object of limitation - General Principles of Limitation — Extension — Condonation of delay — Sufficient Cause — Computation of limitation -- Acknowledgment and Part-payment — Legal Disability — Provisions of the Limitation Act, 1963 (Excluding Schedule).

Suggested Readings:-

1. Mulla, Code of Civil Procedure Code
2. C.K. Thakkar ,Code of Civil Procedure Code.
3. M.R.Mallik (ed)B.B. Mitra, On Limitation Act

4. P.K. Majumdar and R. P. Kataria, Commentry on the Code of Civil Procedure Code-1908
5. P.K.Mukharjee,Limitation Act
6. Shailendra Malik, Code Of Civil Procedure ,
7. Dr.Avtar Sing,Code of Civil Procedure,
8. Sarkars Commentry on The Civil Procedure Code ,Dwivedi ,Allahabad Law Agency.
9. B.L.Babel : Civil Procedure Code.

BL-504-Paper- 4-Environmental Law

- (1) General Background:
 - (a) Problems of Environmental Pollution and Protection
 - (b) History of Indian Environmental Laws
 - (c) Importance and Scope of Environmental Laws
 - (d) International Perspective of Environmental Law
- (2) Constitutional Aspects:
 - (a) Distribution of Legislative Power
 - (b) Directive Principles of State Policy
 - (c) Fundamental Duties
 - (d) Fundamental Rights
- (3) Select Legal Controls - The Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
 - (a) Salient Features of the Acts
 - (b) Definitions
 - (c) Authorities - Composition, Power and Function
 - (d) Mechanism to Control the Pollution
 - (e) Sanctions
- (4) Environment (Protection) Act, 1986:
 - (a) Definition of 'Environment'
 - (b) Salient Features of the Act
 - (c) Authorities - Composition, Powers, Functions
 - (d) Mechanism to Control Environmental Pollution
 - (e) Sanctions
- (5) Control of Noise Pollution:
 - (a) Legal Control
 - (b) Judicial Control
- (6) Emerging Principles: Historical Background and Judicial Approach in India
 - (a) Polluter Pays Principle
 - (b) Precautionary Principle
 - (c) Public Trust Doctrine
 - (d) Sustainable Development
- (7) Environmental Dispute and Grievance Settlement Mechanism:

- (a) National Environment Tribunal Act, 1995- Powers, Functions and Jurisdiction of the National Environmental Tribunal
- (b) National Environment Appellate Authority Act, 1997- Powers, Functions and Jurisdiction of the National Environment Appellate Authority.

Leading Cases:

- (a) M.C. Mehta vs. Union of India (AIR 1987 SC 965, 982, 1086)
- (b) M.C. Mehta vs. Union of India (AIR 1988 SC 1037, 1115)
- (c) Municipal Council, Ratlam vs. Vardhichand and Others (AIR 1980 SC 1622)

BL-505(a)-Paper- 5(a)-Criminology

1. Criminology: Definition. Nature and scope, method of studying, importance, and classification of crimes. Crime and social process: Economic Motivation. Socio cultural Motivations, home and community influence, white collar crime, Female offender, juvenile Delinquency, influence of mass-media, Alcoholisms and Drugs.
2. Schools of Criminological Thought (Factors in causation of Criminal Behaviors)
 1. Ancient School
 - (a) Demonological
 - (b) School of Free will
 2. Classical School.
 3. Cartographic or Ecological School.
 4. Typological School
 - (a) Italian or Positive School.
 - (b) Mental Testers School.
 - (c) Psychiativists School.
 5. Sociological School
 6. Multi factor School.
3. Control of Crime: Police and Law courts, Prison system, Re-socialisation of the offender, Rehabilitation of discharged prisoners in the administration of Criminal justice, prevention of crime delinquency.
4. Constitutional Guarantees -Principles of natural Justice as applicable to procedural law, Protection to arrestcd presons, Under-trials, detenue and convicted persons. Double jeopardy and self-incrimination, rights to life and legal aid.
5. The Probation of offenders Act, 1958 : Definitions - Power of court to require released offenders after admontion on probation of good conduct - power of Court to require released offenders to pay compensation under twenty one years of age. Variations of conditions of probation. Probabtion

in case of 'Offender' failing to observe conditions of bond, provision as to sureties, Probation Officers, Duties of Probation Officer.

Leading Cases :

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

Suggested Readings :

1. *Pillai, K.S. - Criminology.*
2. *Edwin, H. Sutherland and Donald R. Grussey - Principles of Criminology.*
3. *Shamshul Huda - Tagore Law Lectures on Criminal Law.*
4. *N.V. Paranjape - Criminology and Penology.*
5. *M.S. Chauhan – अपराध शास्त्र एवं अपराधिक विज्ञान सिद्धान्त*

BL-505(b)-Paper- 5 (b) Human Right & Practice

1. Jurisprudence of Human Rights; Nature, definition, origin and theories of Human Rights.
2. Universal Protection of Human Rights; United Nations and Human Rights- Universal Declaration of Human Rights, 1948. Various International Covenants about Human Rights.
3. Protection of Human Rights in India; National Human Rights Commissions and State Human Right Commissions.
4. Human Rights and the Constitution of India; Judicial trends about Protection of Human Rights in India.
5. Human Rights and Vulnerable Groups; Rights of Women, Children, Disabled, Tribal, Aged and Minorities.

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. *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. *S.K. Kapur : International law (English and Hindi)*
5. *M.P. Tondon : International Law (English and Hindi)*
6. *Nagendra Singh : Lectures on International Law.*
7. *Agrawal, H.O.: International law and Human Rights.*

{LL.B. Sixth Semester}
LL.B. (3 Years)

(List of Courses Prescribed for VI-Semester)
COMPULSORY COURSE

<u>VI-SEMESTER</u>	
Course Code	Course Title
BL-601	Interpretation of Statutes
BL-602	Land Laws including Tenure & Tenancy System
BL-603	Alternate Dispute Resolution and Legal Aid
BL-604(a) BL-604(b)	Option:- Any one of the following : (a)Criminology –II (Penology) (b)Intellectual Property Law
BL-605	(a) Drafting, Pleading and Conveyancing (Written Paper) (b) Moot Court Exercise (viva-voce)

BL-601-Paper-1-Interpretation of Statutes

1. Interpretation of Statutes
 - a. Meaning of the term 'Statutes', classification of statutes
 - b. The duties of a Judge and legislation.
 - c. Purpose of Interpretation of statutes.
 - d. Utility of rules of interpretation.
 - e. Commencement, Repeal of statutes.
2. Aids to Interpretation
 - Internal aids**
 - a. Title
 - b. Preamble
 - c. Heading and marginal notes
 - d. Punctuation marks

- e. Illustrations, exceptions, provisions and saving clauses.
- f. Schedules
- g. Non-obstinate clause
 - External aids
 - a. Dictionaries
 - b. Translations
 - c. Travaux Preparatoires
 - d. Stare decisis
 - e. Statutes in para material
 - f. Parliamentary History
 - g. Foreign Judgments
- 3. Rules of Statutory Interpretation
 - Primary Rules
 - a. Literal rule
 - b. Golden rule
 - c. Mischief rule (Rule in the Heydon's case)
 - d. Rule of harmonious construction
 - Secondary Rules
 - a. Noscitur a sociis
 - b. Ejusdem generis
 - c. Reddendo singula singulis
- 4. Presumptions in Statutory Interpretation
 - a. Statutes are valid
 - b. Statutes are territorial in operation
 - c. Presumption as to jurisdiction
 - d. Presumption against violation of International Law
 - e. Prospective operation of statutes
- 5. Maxims of Statutory Interpretation
 - a. Contemporanee expositio est fortissime in lege
 - b. Expressio unius est exclusio alterius
 - c. Generalia specialibus non derogant
 - d. Utres magis valet quam pereat
- 6. Interpretation with reference to the subject matter and purpose
 - a. Taxing Statutes
 - b. Penal Statutes
 - c. Interpretation of directory and mandatory provisions
- 7. Principles of Constitutional Interpretation
 - a. Harmonious construction
 - b. Doctrine of pith and substance
 - c. Colorable legislation
 - d. Doctrine of eclipse

Suggested Readings:

- 1. V.P. Sarathi : Interpretation of Statutes
- 2. G.P. Singh : Principles of Statutory Interpretation
- 3. Jagdish Swarup : Legislation and Interpretation

4. T.Bhattacharya : Interpretation of Statutes

BL-602-Paper-2-Land Laws

Acts of Study:

1. Rajasthan Tenancy Act, 1955.
2. Rajasthan Land Revenue Act, 1956.
3. The Rajasthan Imposition of ceiling on Agriculture Holding Act 1973. (All the acts are in full course)

Leading Cases:

1. Jagdish Singh v. State of Rajasthan, 1990, RRD, 493.
2. Executors of Estate of Late Maharana Shri Bhagwat Singh (Mewar)v. State of Rajasthan, 1992, RRD, 686.
3. Madanlal v. Murti Mandir Shri Ramlal Ji, 1992, RRD, 79 (DB). 4. Damodar v. Smit. Sundri, 1986, RRD, 55 H.C. (DB).
4. Bal Kishan v. State of Rajasthan, Purshottam Lalv. State of Rajasthan, 1981, RRD, Page 686.

Suggested Readings:

1. *Shyam Lal Gupta : The Rajasthan Tenancy Act.*
2. *Dutt, S.K. : Tenancy Law in Rajasthan*
3. *Dutt, S.K. : Rajasthan Land Revenue Act.*
4. *Suresh Chand H. Mathur : Law of Tenancy in Rajasthan*
5. *Karkara, G.S. : Rajasthan Land Laws (English &Hindi)*
6. *Babel, B.L. : Rajasthan Land Laws (Hindi)*
7. *Gehlot : The Rajasthan Tenancy Act. 1955.*

BL-603-Paper-3-Alternate Dispute Resolution & Legal Aid

1. The Arbitration and Conciliation Act, 1996 –Definitions -Form of Arbitration Agreement
-Constituents of Arbitration Agreement; Composition of Arbitral Tribunal; Removal of arbitrator; Termination of Mandate and substitution of Arbitration; Setting aside of arbitral award; Enforcement of award.
2. The Arbitration and Conciliation Act, 1996 - Scope of Conciliation; Appointment of Conciliators; Role of Concilator; Settlement agreement; Status and effect of settlement agreement; Confidentiality; Termination of Conciliation proceedings; Resort to arbitral or Judicial proceedings; Difference between Conciliation and Mediation; Distinction between Mediation and Arbitration
3. Alternative Means of Settlement of Disputes- Merits of ADR; Demerits of ADR12-Negotiation; Essential Ingredients of Negotiation; Sources of

Negotiation; Kinds of approaches to negotiation; Obstructions to Negotiation

4. Lok- Adalats & Legal Aid; Concept of Lok-Adalat; Establishment of Lok-Adalats; Jurisdiction of Lok-Adalats; Powers of the Lok-Adalats; Award of the Lok-Adalats; Legal Aid under Constitution of India, 1950; Free Legal Services under the Legal Services Authorities Act, 1987

Books Recommended:

1. *Dr. Avtar Singh, Law of Arbitration & Conciliation*
2. *S.C. Tripathi, Arbitration and Conciliation Act, 1996*
3. *Dr. N.V. Paranjape, Arbitration & Alternative Dispute Resolution*
4. *Dr. S.S. Mishra, Law of Arbitration & Conciliation in India*
5. *N.V. Paranjape, Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services.*
6. *S.S. Mishra, Legal Services, Public Interest Litigation and Para-Legal Services*
7. *Dr. Anupam Kulwal, An Introduction to ADR - A text book for Indian Law Students, Centre Law Publication (2011).*
8. *The Arbitration & Conciliation Act, 1996 (Bare Act)*
9. *The Legal Services Authorities Act, 1987 (Bare Act)*

BL-604(a)-Paper-4 (a) -Criminology –II (Penology)

1. Penology: Definition, nature and scope, method of studying, importance, forms of punishment and its objectives. Prison system in India.
2. Punishment, -Definition, Relationship between Criminology and Penology; Theories of Punishment; Expiatory, Preventive and reformative and purposes of punishment. Penal Science in India: School of Punishment Pre-classical School, Neo classical Positive school. The reformers, Clinical school and multiple Causation approach.
3. Kinds of Punishment : Modes of treatment of offenders, corporeal punishment, Transportation of criminals, Capital punishment, imprisonment, react ional treatment, Parole, Compensation, Admonition, Sex and adolescent offenders, Indeterminate Sentences, Borstral School, Criminal procedural Jurisprudence.
4. Juvenile Justice (Care and Protection of Children) Act, 2000 : Definitions - Competent authorities and institutions for juveniles. Neglected Delinquent Juveniles (Child in need of care and protection). Procedures of competent authorities. special offences in respect of juveniles. Juvenile in conflict of law.

Leading Cases:

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

Suggested Readings:

1. *Pillai, K.S. - Criminology.*
2. *Ahmed Siddiqui - Criminology - Problems & Perspective.*
3. *S. Venugopala Rao - Facts of Crime in India.*
4. *Garden Rose - The Struggle for Penal reform.*
5. *Shamshul Huda - Tagore Law Lectures on Criminal Law.*
6. *Gillin - Criminology and Penology.*
7. *Deccaria - Crime and Punishment.*

BL-604(b) Paper-4 (b)-Intellectual Property Law

- I. Copyright
 - a. Nature and Meaning
 - b. Scope of protection
 - c. Procedure for protection
 - d. Enforcement and Remedies
- II. Patents
 - a. Nature and Meaning
 - b. Scope of protection
 - c. Procedure for protection
 - d. Enforcement and Remedies
- III. Trademarks
 - a. Nature and Meaning
 - b. Scope of protection
 - c. Procedure for protection
 - d. Enforcement and Remedies
- IV. Designs
 - a. Nature and Meaning
 - b. Scope of protection
 - c. Procedure for protection
 - d. Enforcement and Remedies

Text books:

1. Paris Convention for the Protection of Industrial Property, 1883;
2. Indian Copyright Act, 1957;
3. Indian Patents Act, 1970;
4. Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994 (the TRIPS Agreement);
5. Indian Trademarks Act, 1999;
6. Indian Designs Act, 2000

BL-605-Paper-5 (a)-Drafting, Pleading and Conveyancing

1. Meaning, Scope and Object of Pleadings; Complaint and written statement; Fundamental rules of Pleadings; Place of Suing; Frame of suits and its essentials; Parties to suit
2. Complaint in suit for injunction; Complaint in suit for specific performance; Complaint in suit for breach of contract; Complaint in suit for accounts by the Principal against the agent; Suit for partition and possession; Suit for damages for malicious prosecution; Application for eviction of tenant under the East Punjab Rent Restriction Act, 1949; Application to set aside ex parte decree; Application for appointment of guardian of a minor; Written Statements
3.
 - Petition for Dissolution of Marriage under Section 13 of the Hindu Marriage Act,
 - Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act,
 - Petition for Decree of Nullity of Marriage under Section 11 & 12 of the Hindu Marriage Act,
 - Petition for Judicial Separation under Section 10 of the Hindu Marriage Act, 1955
 - Complaint for Maintenance of Peace and Order under Section 107 of the Code of Criminal Procedure, 1973
 - Complaint for Public Nuisance
 - Complaint for defamation
 - Application for Maintenance under Section 125 of the Code of Criminal Procedure,
 - Application for Bail
 - Application for Anticipatory Bail
4.
 - Meaning, Object and Functions of Conveyancing
 - Components of deeds
 - Agreement to sell property
 - Sale Deed
 - Gift Deed
 - Mortgage Deed
 - Lease Deed
 - Deed of Exchange
 - Will
 - Power of Attorney
 - Notice

Suggested Readings

- Mogha : Pleadings
 Mogha : Conveyancing
 A.N.Chaturvedi : Pleadings & Conveyancing

Bindra N.S. : Pleading & Practice

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