

# **Kalinga University Atal Nagar (C.G.)**



## **SCHEME OF EXAMINATION & SYLLABUS**

**of**

**LLB**

**Bachelor of Legislative Law**

**UNDER**

**FACULTY OF LAW**

**w.e.f. Session 2021-22**

**RAIPUR**

**Kalinga University, Raipur**  
**Bachelor of Law (3 yrs Programme)**

<b>LLB</b>
<b>First semester</b>

Paper code	Subject	Credits	External	Internal	Total
LLB 1.1	Legal And Constitutional History	3	70	30	100
LLB 1.2	Law Of Torts	3	70	30	100
LLB 1.3	Contract I	3	70	30	100
LLB 1.4	IPC I	3	70	30	100
LLB 1.5	CrPC I	3	70	30	100
LLB 1.6	Family Law I	3	70	30	100
<b>Total</b>		<b>18</b>	<b>420</b>	<b>180</b>	<b>600</b>

<b>Second semester</b>
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Paper code	Subject	Credits	External	Internal	Total
LLB 2.1	IpC II	3	70	30	100
LLB 2.2	Crpc II	3	70	30	100
LLB 2.3	Contract II	3	70	30	100
LLB 2.4	Family Law II	3	70	30	100
LLB 2.5	Law Of Evidence	3	70	30	100
LLB 2.6	Jurisprudence And Legal Theory	3	70	30	100
<b>Total</b>		<b>18</b>	<b>420</b>	<b>180</b>	<b>600</b>

**Third semester**

Paper code	Subject	Credits	External	Internal	Total
LLB 3.1	Constitution - I	3	70	30	100
LLB 3.2	Administrative Law And RTI	3	70	30	100
LLB 3.3	Law Of Equity And Trust	3	70	30	100
LLB 3.4	Professional Ethics	3	70	30	100
LLB 3.5	Labour Law	3	70	30	100
LLB 3.6	Environmental Law	3	70	30	100
LLB 3.7	Women and Child	3	70	30	100
<b>Total</b>		<b>21</b>	<b>490</b>	<b>210</b>	<b>700</b>

**Fourth semester**

Paper code	Subject	Credits	External	Internal	Total
LLB 4.1	CONSTITUTION II	3	70	30	100
LLB 4.2	MEDICAL JURISPRUDENCE	3	70	30	100
LLB 4.3	CYBER LAW	3	70	30	100
LLB 4.4	ADR	3	70	30	100
LLB 4.5	MEDIA LAW	3	70	30	100
LLB 4.6	CG LAND REVENUE CODE	3	70	30	100
LL.B 4.7	CRIMINOLOGY AND PENOLOGY	3	70	30	100
<b>Total</b>		<b>21</b>	<b>490</b>	<b>210</b>	<b>700</b>

**Fifth semester**

Paper code	Subject	Credits	External	Internal	Total
LLB 5.1	COMPANY LAW	3	70	30	100
LLB 5.2	PUBLIC INTERNATIONAL LAW	3	70	30	100
LLB 5.3	INTERPRETATION OF STATUTES	3	70	30	100
LLB 5.4	TRANSFER OF PROPERTY	3	70	30	100
LLB 5.5	LEGAL RESEARCH AND WRITING	3	70	30	100
LLB 5.6-P	DRAFTING, PLEADING AND CONVEYANCE	4	70	30	100
LLB 5.7	VICTIMOLOGY	3	70	30	100
<b>Total</b>		<b>22</b>	<b>490</b>	<b>210</b>	<b>700</b>

**Sixth semester**

Paper code	Subject	Credits	External	Internal	Total
LLB 6.1	CPC	3	70	30	100
LLB 6.2	PRIVATE INTERNATIONAL LAW	3	70	30	100
LLB 6.3	LAW OF TAXATION	3	70	30	100
LLB 6.4	IPR	3	70	30	100
LLB 6.5-P	MOOT COURT -EXERCISE	5	70	30	100
LLB 6.6	BANKING AND INSURANCE LAW	3	70	30	100
<b>Total</b>		<b>20</b>	<b>420</b>	<b>180</b>	<b>600</b>

# FIRST SEMESTER

**LLB 1.1**

**External Marks: 70**

**Internal Marks: 30**

## **Legal and Constitutional History of India**

**Objective:** The course is to develop understanding of evolution of modern legal system in India.

### **PART-I LEGAL HISTORY OF INDIA**

#### **Unit I**

##### **Early Developments (1600- 1836)**

- a. Charters of the East India Company: 1600, 1661, 1726 and 1753
- b. Settlements: Surat, Madras, Bombay and Calcutta
- c. Courts: Mayor's Court of 1726 and Supreme Court of 1774
- d. Statutes: Regulating Act, 1773; Pitts India Act, 1784; The Act of Settlement 1781
- e. Conflict: Raja Nand Kumar, Kamaluddin, Patna Case, and Cossijurah
- f. Warren Hastings: Judicial Plans of 1772, 1774 and 1780
- g. Lord Cornwallis: Judicial Plans of 1787, 1790 and 1793
- h. Lord William Bentinck (With special focus on Appraisal of Criminal law)

#### **Unit II**

##### **Evolution of Law and Legal Institutions**

- a. Development of Personal Laws
- b. Development of Law in Presidency Towns
- c. Development of Civil law in Mufassil: Special Emphasis on Justice, Equity and Good Conscience

- d. Codification of Laws: Charter of 1833, The First Law Commission, the Charter of 1853, The Second Law Commission
- e. Establishment of High Courts, 1861
- f. Privy Council and Federal Court: Appeals and working of Privy Council, Appraisal of Privy Council, Features of Federal Court
- g. Evaluation: Special Reference to Racial Discrimination, Merit and Demerits

### **Unit III:**

#### **Legal Profession and Education**

- a. Early Developments through Major's Court, Supreme Court, Company's Adalat, High Court, Legal Practitioners Act of 1879, The Chamber and Indian Bar Committee of 1951
- b. The Advocates Act of 1961: Provisions and Disciplinary powers
- c. Law Reporting: Theory of Precedents, Features of Law reporting from 1773 to 1950
- d. Legal Education: History and Basic Aims of Legal Education

### **Unit IV:**

#### **Constitutional History**

- a. The Indian Councils Act, 1861
- b. The Indian Councils Act, 1892
- c. The Indian Councils Act, 1909
- d. The Government of India Act 1919
- e. The Government of India Act, 1935

### **Unit V**

#### **Constitutional developments leading to Indian Independence (1937—1947)**

1. The Indian Independence Act, 1947,
2. Shaping of the Indian Constitution,
3. The Constituent Assembly of India,
4. Evolution and the source of the Indian Constitution,
5. Salient features of the Indian Constitution

#### **Recommended Books:**

- 1- Herbert Cowell The History and the Constitution of the Court and Legislative Authority in India (1936) (6th edition published by S.C.Bagchi Calcutta)
- 2- A.B. Keith A Constitutional History of India- (1600 - 1935) Central Book Deppt Allahabad. 3- M.P.Jain Out Lines of Indian Legal History(Tripathi) (1998)
- 4- M.V.Paylee Constitutional History of India—(1600-1950) (Asia- Bombay-1967) 5- V.D.Kulshresth Land Mark in Indian Legal History (Eastern Book Co. Lucknow) 6- M. RamajoisWajons Legal and Constitutional History of India(1984) 2 Volumes. 7- N.V. Paranjape Indian Legal and Constitutional History (CLA)



**LLB 1.2**

**External Marks: 70**

**Internal Marks: 30**

## **Law of Torts**

Objectives: This paper is to make students understand the nature of tort and conditions of liability with reference to established case law. Further, it covers the Consumer Protection Act, 1986 and M.V Act.

### **PART-I LAW OF TORTS**

#### **Unit - I:**

##### **Introduction and Principles of Liability in Tort**

- a. Definition of Tort
- b. Development of Tort actions in England and India - Tort distinguished from contract, Quasi-contract and crime
- c. Constituents of Tort - Wrongful Act, Damage and Remedy
- d. Strict Liability and Absolute Liability
- e. Vicarious Liability - Scope and Justification
- f. Doctrine of Sovereign Immunity

#### **Unit - II:**

##### **Justification in Tort**

- a. Volenti non-fit Injuria
- b. Necessity, Plaintiff's default
- c. Act of God
- d. Inevitable accidents

- e. Private defences
- f. Judicial and Quasi – Judicial Acts
- g. Parental and quasi-parental authority

### **Unit – III:**

#### **Specific Torts**

- a. Defamation
- b. Negligence
- c. Nuisance
- d. Assault, battery and mayhem
- e. False imprisonment and malicious prosecution
- f. Nervous Shock

### **Unit - IV:**

#### **Consumer Protection**

- a. Basic Concepts: Consumer, Service, Goods
  - i. Authorities for consumer protection
  - ii. Remedies
- b. Motor Vehicles Act
- c. The Competition Act, 2002 -Prohibition of certain agreements, abuse of dominant position and regulation of combinations

### **Unit- V**

#### **Leading Cases:**

1. Indian medical association vs. V.P. Shantha (AIR1896 SC530)

2. Lucknow Development Authority vs. M.K. Gupta (AIR1994 SC787)
3. KasturilalRalia Ram vs. State of U.P. (AIR 1955, S.C.1939)
4. Saheli& woman resource centre vs. commissioner of police (AIR1990 S.C.51)
- 5 M.C. Mehta vs. Union of India (AIR1987 SC1086)

**Recommended Books:**

1. RatanlalDhirajlal - The law of torts (1997), WadwaNagpar.
2. Winfield and Jolowitz - on Torts (1999) Sweet & Maxwell, London.
3. Salmond and Houston - Tort (1999) Butterworth, London.
4. P.S. Achutan Pillai - The Law of Torts (2004) E.B.C. Lucknow.

## **LLB 1.3**

External Marks: 70

Internal Marks: 30

### **Contract I**

Objectives: The objective of this paper is to make students familiar with various principles of contract formation enunciated in the Indian Contract Act, 1872.

#### **PART-I LAW OF CONTRACT (GENERAL PRINCIPLES, SECTIONS 1—75)**

##### **Unit I**

1. Formation of Contract-Proposal and Acceptance
2. Capacity to Contract
3. Free Consent—Undue Influence, misrepresentation, Fraud, and Mistake
4. Lawful Consideration and Object
5. Void Agreements
6. Contingent Contract (Ss 31-36)

##### **Unit II**

1. Performance of Contract
2. Quasi Contracts
3. Breach of Contracts and damages

#### **PART-II THE SPECIFIC RELIEF ACT, 1963 (SECTIONS 1—42)**

##### **Unit III**

1. Specific Relief Act and its Applicability
2. Specific Performance of Contract
3. Persons for or against whom contracts may be specifically enforced

4. Discretion and powers of the Courts in decreeing specific performance

#### **Unit IV**

1. Enforcement of Awards
2. Rescission of Contracts
3. Rectification of Instrument
4. Cancellation of Instrument
5. Declaratory Decree and Injunctions (Temporary, Perpetual and Mandatory)

#### **Unit V**

1. Introduction of Negotiable Instruments Act
2. History and nature of Negotiable Instruments.
3. Different kinds of Negotiable Instruments viz.
4. Promissory Note, Bill of Exchange & Cheque; Definition and Nature
5. 'Holder' and 'Holder in Due Course'
6. Transfer of Negotiable Instruments
7. Liability of Parties and Discharge from Liability
8. Crossing of Cheques
9. Criminal Liability of drawer for issuing cheques without fund

#### **Recommended Books:**

1. Ansons Law of Contract (1998) Universal, Delhi.
2. Pollock and Mulla - Indian Contract and specific Relief Acts. 1999, Universal 650/-
3. Sarkar on Specific Relief Act. - Wadhwa, Nagpur.
4. Avtar Singh - Law of Contract, EBC, Lucknow.
5. Avtar Singh - Law of Contract and Specific Relief EBC, Lucknow.
6. Avtar Singh - Contract & Specific Relief Act (in Hindi)
7. Banerjee - Law of Specific Relief, Universal
8. Anand & Ayer Law of Specific Relief, Universal
9. Bangia R.K. - Law of Contract and Specific Relief

10. G.H. Treital - Law of Contract, Sweet & Maxwell 1997.

**LLB1.4**

External Marks: 70

Internal Marks: 30

### **IPC I**

Objectives: This paper is to deal with the basic principles of criminal law determining criminal liability and punishment.

#### **Unit - I**

1. Introduction to Criminal Law
2. Concept of Crime -
3. Mental elements in Crime -
4. Stages of Crime -
5. Mens rea & Strict liability

#### **UNIT 2**

1. General Explanations - He ,
2. government ,
3. wrongful gain -wrongful loss ,
4. dishonestly ,
5. fraudulently ,
6. reason to believe ,
7. act done by several persons in furtherance of common intention(section- 34) ,
8. voluntarily ,
9. injury ,

10. good faith

### UNIT 3

1. General Exceptions (Factors negativating guilty intention) -
2. Mistake of Fact& Mistake of Law -
3. Accident Indicial Act, -
4. Necessity -
5. Insanity -
6. Intoxication -
7. Infancy -
8. Private Defence

### UNIT 4

1. Abetment and criminal conspiracy:- -
2. Abetment of a thing -
3. Abettor -
4. Punishment of abetment
5. - Liability of abettor when one act abetted and a different act done
6. . - Abettor present when offence is committed -
7. Definition of criminal conspiracy -
8. Punishment of criminal conspiracy

### UNIT 5

1. Offences against the public tranquility -
2. Unlawful assembly -
3. Riot

**LLB1.5**

External Marks: 70

Internal Marks: 30

## **Cr.P.C -I**

**OBJECTIVES OF THE COURSE** The Criminal Procedure code was enacted many years ago. It has undergone many changes. It is too enormous for classroom discussion. But the students should have a fair idea about how the code works as a main spring of the criminal justice. With this perspective the course is designed to make the student understand how the Criminal Procedure code controls and regulates the working of the machinery set up for the investigation and trial of offence.

### Unit- I – Introduction

1. Object extent and scope of Criminal Procedure
2. Nature of Criminal Procedure
3. Preliminary Considerations
  - a. Classification of offences
  - b. Constitution of Criminal Courts
  - c. Functionaries under the Code

### Unit- II – Arrest

1. Meaning and purpose of arrest
2. Arrest with a warrant
3. Arrest without a warrant
4. Arrest by a private Person
5. Arrest of a woman
6. Arrest how made

### Unit – III – Search and Seizure

1. Search with a warrant



2. Search without warrant
3. General provisions relating to searches
4. Illegality in a search and its consequences

#### Unit – IV – Investigation

1. Meaning and purpose of Investigation
2. Who can investigate?
3. When police can investigate?
4. Information to the police
5. F.I.R. and procedure after the recording of the F.I.R
6. Evidentiary value of statements made to the police
7. Investigation in the case of unnatural deaths and suicides, in police custody etc.

#### Unit – V – Bail

1. Bail: concept, purpose: constitutional overtones
2. When release on bail is mandatory?
3. When release on bail is Discretion?
4. Anticipatory bail
5. Recent cases

LLB1.6

External Marks: 70

Internal Marks: 30

## **Family Laws I**

Objective: The objective of the paper is to apprise the students with the laws relating to family matters applicable to different communities in India.

### **Unit - I**

Nature and Origin of Hindu Law

Introduction to family Law

Evolution of Family Law

1. What is family law?
2. Different personal law for different communities
3. Codification of Hindu law –
4. Sources of Hindu law
  - Ancient sources
  - Modern sources

### **Unit II**

Schools of Hindu Law

1. Mitakshra School of Law
2. Dayabhaga school of law
3. Joint family and coparcenary
4. Application of Hindu Law
5. Who are governed by Hindu Law
6. Concept of Hindu Marriage
7. Evolution of the Institution of Hindu Marriage
8. Concept of Hindu Marriage -Marriage as a sacrament ,Marriage as a contract

### UNIT III

#### Forms of Hindu Marriage

1. Eight forms of Marriage Approved form Unapproved form
2. Marriage under the Hindu Marriage Act, 1955
3. Ceremonial requirements Guardianship in Marriage
4. Capacity to marry
  1. Inter caste and Inter-sub caste Marriage
  2. Gotra and Sapinda Prohibitions
  3. Degrees of Prohibited Relationship
  4. Mental Capacity
  5. Registration of Marriage

### UNIT IV

#### Matrimonial Causes - Nullity of Marriages

1. Void Marriages
2. Voidable Marriages
3. Children of void and voidable Marriages
5. Restitution of Conjugal rights
  1. Constitutional validity of the remedy
  2. Mode of execution of the decree for restitution of conjugal rights
6. Judicial separation
  1. Grounds for judicial separation
  2. Distinction between Judicial separation and divorce
7. Divorce
  1. Theories of Divorce
  2. Grounds of Divorce

### UNIT V –

#### Adoption and Maintenance – Adoption in Hindu Law

1. Origin and object of adoption
2. Customary adoption
3. Changes introduced by the Hindu Adoptions and Maintenance Act, 1956
4. Requisites of a valid Adoption
5. Maintenance Under Hindu Law
6. Minority and Guardianship Under Hindu law

# SECOND SEMESTER

**LLB 2.1**

External Marks: 70

Internal Marks: 30

## **IPC II**

Objectives: This paper is to deal with the basic principles of criminal law determining criminal liability and punishment.

### **Unit - I**

1. Specific Offences against human body -
2. Culpable Homicide -
3. Murder -
4. Dowry death -
5. Abetment of suicide and attempt to commit suicide -
6. Hurt,
7. Grievous Hurt -
8. Wrongful restraint,
9. wrongful confinement -
10. Kidnapping,
11. abduction - Rape and amendments in relation to it in the Criminal Amendment Act 2013 - Unnatural offences.

### **UNIT II**

1. Offences against property -
2. Theft -
3. Extortion -
4. Robbery &Dacoity -
5. Criminal misappropriation of property and criminal breach of trust -
6. Cheating -
7. Mischief

### **UNIT III**

1. Offences relating to marriage. -
2. Bigamy.
3. Adultery.
4. Cruelty by husband or relatives of husband
5. Defamation.

#### UNIT IV

#### **JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2015**

1. Definition of Juvenile
2. Juvenile justice board and its procedure
3. Observation Homes,
4. Special Homes for juvenile in conflicts of law
5. Escaped juvenile
6. Child welfare committee and its power and duties
7. Rehabilitation and Reorientation process-adoption, Foster care and after care organization and other important miscellaneous provisions

#### **Unit V**

#### **PROBATION OF OFFENDERS ACT, 2009**

1. Meaning and definition of Probation
2. nature and history
3. Admonition and Exemption from punishment below 21 years of age
4. Power of probation officer and its duty under the Act

**LLB2.2**

External Marks: 70

Internal Marks: 30

## **Cr.P.C -II**

**OBJECTIVES OF THE COURSE** The Criminal Procedure code was enacted many years ago. It has undergone many changes. It is too enormous for classroom discussion. But the students should have a fair idea about how the code works as a main spring of the criminal justice. With this perspective the course is designed to make the student understand how the Criminal Procedure code controls and regulates the working of the machinery set up for the investigation and trial of offence.

### **Unit I - Charge**

1. Framing of charge
2. Form and content of charge
3. Separate charges for distinct offence
4. Discharge - pre-charge evidence

### **Unit - II - Trials**

1. Trial before a court of session
2. Trial of warrant cases
3. Procedure for trial in a summons case
4. Summary trials

### **Unit - III- Appeal, Reference, Revision and Transfer**

1. Appeal
2. Reference to High Court
3. Revision
4. Transfer of cases

### **Unit - IV - Maintenance of wives, children and Parents**

1. Essential conditions for granting maintenance

2. Jurisdiction of Magistrates
3. Alteration of allowance
4. Cancellation of the order of the maintenance

### **UNIT V Law Commission Reports**

1. Forty first Report of the Law commission of India on the Code of Criminal Procedure 1898.
2. Thirty seventh Report of the Law commission of India on the Code of Criminal Procedure 1898.
3. Fourteenth Report of the Law commission of India on the Reform of Judicial Administration.

### **LLB 2.3**

Internal Marks: 30

External Marks: 70

## **Contract – II**

Objective: This paper is to impart knowledge various special contract, sale of goods and partnership and specific reliefs

### **Unit I**

#### **PART-I SPECIFIC CONTRACT**

1. Contract of Indemnity
2. Definition
3. indemnifiers liability
4. Contract of Guarantee
5. Guarantee and indemnity
6. surety consideration continuing guarantee and its revocation
7. Discharge of surety and principal debtor, co-surety and remedy for omission
8. Guarantee and Mental
9. liability of surety and co-surety in contribution

### **Unit II**

#### **Contract of Bailment**

1. Definition of Bailor and Bailee and its kinds
2. mode of delivery of goods bailed
3. duty of bailor and bailee to each other and exemption
4. consignor as a bailor
5. Gratuitous bailment and effect of death on it.
6. Bailor's rights and responsibility to bailee and right of third person
7. Position of finders of goods



### **Unit III**

Contract of Pledge

Pawnor and Pawnee; their rights

Contract of Agency

Ratification its mode and its effect.

Agents various duties towards principles

Principles duty to agent

### **UNIT IV**

#### **PART-II INDIAN PARTNERSHIP ACT 1932**

Provisions of Indian Partnership Act 1932, including - definition and nature of partnership. Advantage and disadvantages vis a vis partnership and private limited company. Mutual relationship between partners. Authority of partners, admission of partners, outgoing of partners. Registration of partnership & Dissolution of partnership.

### **UNIT V**

#### **PART-III SALES OF GOODS**

1. concept of sale on contract
2. Instances of sale of goods and the nature of such contract
3. Concept of caveat emptor
4. Conditions and warranties in a sale
5. transfer of title and passing of risk.
6. Delivery of goods : various rules regarding delivery of goods.
7. Unpaid seller and his rights.
8. Remedies for breach of contract.

LLB2.4

External Marks: 70

Internal Marks: 30

## Family Laws II

### UNIT I

Origin and Development of Muslim Law

1. Pre-Islamic Arabian Society
2. Historical development of Muslim Law
3. Schools of Muslim Law Sunni school of law Shia school of law

### UNIT II – Application of Muslim Law

1. Who is Muslim?
2. Application of Muslim law
3. Statutory authority of courts to apply Muslim law
4. Sources of Muslim Law
  1. Ancient Sources
  2. Modern sources

### UNIT III Marriage

Concept of Marriage

1. Nature of Muslim marriage
2. Essentials of valid marriage
3. Formalities in Muslim marriage
4. Impediments to marriage
5. Kinds of marriage

### UNIT IV

Dower

1. Concept of dower
2. Kinds of dower
  - Unspecified dower
  - Specified dower
3. Remission of Dower
4. Enforcement of right to dower

Dissolution of Marriage -Divorce under Muslim Law

1. Modes of dissolution of marriage
2. The Dissolution of Muslim Marriage Act, 1939

UNIT V – Maintenance and Guardianship

MAINTENANCE

1. Persons entitled to maintenance
2. Maintenance of divorced women Under Muslim personal Law Under Criminal Procedure code Under the Muslim women Act, 1986

Guardianship

1. Classification of Guardians
2. Powers and function of guardians

**LLB 2.5**

External Marks: 70

Internal Marks: 30

### **Law of Evidence**

Objectives: This paper is to orient students with importance of evidence for establishment of claims and the related rules and principles

#### **Unit I**

##### **INTRODUCTION, INTERPRETATION, CONCEPTIONS :**

1. Introduction-
2. Types of Evidence -
3. Witness
4. Standard of proof and presumption
5. proved, disproved and not proved.

##### **RELEVANCY OF FACTS :**

1. Doctrine of resgestae
2. Evidence of common intention
3. The problem of relevancy

#### **Unit II**

##### **ADMISSION & CONFESSION**

1. Admission - General principles concerning admission

2. Confession -
3. Difference between admission and confession,
4. Admissibility of custodial confession and other section relevant to confession
5. DYING DECLARATION AND STATEMENT MADE UNDER SPECIAL CIRCUMSTANCE

### **Unit III**

#### **RELEVANCY OF JUDGEMENT, CHARACTER AND EXPERT TESTIMONY**

1. Relevancy of judgement -
2. Expert testimony
3. Opinion of relationship when relevant
4. Relevancy of character in civil and criminal cases

#### **ORAL AND DOCUMENTARY EVIDENCE:, PRESUMPTION AND EXCLUSION**

1. Oral Documents
2. Documentary Evidence
3. Presumption as to documents of various types and kinds. Exclusion of oral by documentary evidence

### **Unit IV**

#### **THE BURDEN OF PROOF, ESTOPPEL & WITNESSES:**

1. The burden of proof -
2. General Conception of onus,
3. General and Special presumption and exception as to onus,
4. presumption as to dowry death.
5. Estoppel and witnesses -

#### **EXAMINATION AND CROSS EXAMINATIONS:**

1. Examination of witnesses
2. Cross examination of witness
3. Compulsion to answer questions put to witness
4. Hostile witness impeaching of the standing and or credit of witness

### **Unit V**

#### **Leading Cases:**

1. Kashmira Singh vs. State of M.P., AIR 1952 SC 159.

2. State of Punjab vs. SodhiSukhdeo Singh, AIR 1961 SC 493 (Majority Judgment Only)
3. Kulvindar Kaur vs. State of Punjab, AIR 1952 SC 354
4. State of U.P. vs. DeomanUpadhyay, 1960 SC 1125

**Recommended Books:**

1. RatanlalDhirajlal - Law of Evidence, 21th Ed. 2004, PB, Wadhwa, Nagpur.
2. Sarkar - On Evidence (2 Vol.) 15th ed. 2002, Wadhwa, Nagpur, 2390=00
3. Avatar Singh - Principles of law of Evidence, Universal, Delhi.
4. Vepa P. Sarathi - Law of Evidence EBC, Lucknow.
5. Ratan Lal Dheeraj Lal - Indian Evidence Act, 19th edi., (in Hindi)
6. Avtar Singh - Evidence Act (in Hindi)
7. M.D. Chaturvedi - Evidence Act (in Hindi)

**LLB 2.6**

External Marks: 70

Internal Marks: 30

## **Jurisprudence and Legal Theory**

**Objectives:** The course aims at developing an analytical approach to understand the nature of law, development of law and working of a legal system in different dimensions with reference to popular legal theorists.

### **Unit I**

**Introduction:** Meaning, Nature and Scope: Meaning of Jurisprudence, Definition, Nature and Scope of Jurisprudence its utility relation of jurisprudence with other Sciences. Jurisprudence in old scriptures both in Hindu and Muslim.

**Natural Law Theory:-**Its meaning and definition, Historical evolution of natural Law theory: Ancient period, medieval period, the period of renaissance, modern period critical appraisal of natural law theory, Natural Law in British, American and Indian Legal Systems.

### **Unit II**

**School of Jurisprudence and their exponent and their views:** Analytical school; Bentham, Austin, H.L.A. Hart and Kelson. Historical School: Savigny, Sir Henry Maine, Philosophical School: Hegel, Herbert Spencer. Economical School: Marx and Lenin. Sociological School: Rudolph Von Ihering, Eugen Ehrlich, Leon Duigvit, Dean Roscoe Pound.

Realistic School : Oliver Wendell Holmes, Alf Ross.

### **Unit III**

**Jurisprudence and Law:** Definition of Law, its nature, Kinds and Classification of Law. Law and Morality, Law and State theories of Origin and evolution of the State, Function of the state, The concept of world federation. Sovereignty, its definition nature, and essentials of Sovereignty, Assessment of Sovereignty, in the Constitution of Britain, America and India.

#### **Unit IV**

**Administration of Justice:** Concept Origin and importance of Administration of justice, Civil and criminal justice, Theories of Punishment. Concept of justice forms of justice theories of justice, Social justice, Concept of Social justice under the constitution of India.

#### **Unit V**

**Sources of Law:** Custom, Precedent, Legislations, Religion and Agreement.

**Legal Concept:** Rights and duties meaning and Classification of Legal Rights and Legal duties, Possession and Ownership, Person, Title, Liability, Obligation, Property and Evidence.

#### **Recommended Books:**

- 1- H.L.A. Hart- The concepts of Laws (Oxford) ELBS
- 2- Salmond- Jurisprudence (Tripathi) Bombay
- 3- G.W.Paton- Jurisprudence (Oxford) ELBS
- 4- RWM Dias- Jurisprudence (Indian Rep.) (Aditya) New Delhi
- 5- V.D.Mahajan- Jurisprudence and Legal Theory
- 6- W.Fridman- Legal Theory (1999) (Universal) Delhi
- 7- S.N.Dhyani- Jurisprudence
- 8- Dr.B.N.ManiTripathi- Jurisprudence
- 9- Anirudh Prasad- Vidhishastra ke Moolbhoot Shindhant (in Hindi)
- 10- Pro.N.V.Paranjape- Vidhishastra Awam Vidhi ke Shindhant (Hindi)

**THIRD  
SEMESTER**



**LLB 3.1**

External Marks: 70

Internal Marks: 30

### **Constitutional Law-I**

Objectives: The Objective of this paper is to provide understanding of basic concepts of Indian Constitution and various organs created by the constitution including their functions

#### **UNIT I – NATURE AND SALIENT FEATURES OF INDIAN CONSTITUTION**

1. Origin and development of Indian Constitution- -
2. Features of Indian Constitution
3. Parliamentary Supremacy-
4. Theory of Separation of Powers- -
5. Doctrine of checks and balances,
6. Doctrine of Judicial review- Federal, Quasi-Federal, Cooperative Federalism –
7. kinds of Constitution-Written and unwritten, rigid and flexible- executive parliamentary, presidential-combination of both.

#### **UNIT II – PREAMBLE, UNION AND ITS TERRITORIES AND CITIZENSHIP**

1. Preamble: meaning, scope, nature-
2. Union and its Territories
3. Citizenship

#### **UNIT III –STATE**

1. Definition
2. new judicial trends on concept of State- Judicial Review
3. pre-constitutional and post-constitutional laws-
4. Doctrine of Eclipse,
5. Doctrine of Severability,
6. Doctrine of Colourable legislation,
7. Doctrine of Pith and Substance
8. Judicial review of legislations included in the 9th schedule

#### UNIT IV – FUNDAMENTAL RIGHTS

1. Right to equality: - reasonable classification- intelligible differentia -protective discrimination clause, reservation and social justice under Art.15 and 16 -
2. Constitutional provisions on untouchability
3. Right to Freedom: reasonable restrictions on right to freedom under Art. 19(2) to Art.19 (6)- Judicial interpretations
4. Rights of the Accused:
5. Rights of the arrested person, ex-post facto law double jeopardy- self-incrimination.
6. Right to life and personal liberty:
7. Judicial interpretation on life and liberty, applicability of concept of reasonableness. Preventive detention
8. Right against preventive detention- exceptions safeguards.
9. Freedom of religion: -
10. judicial interpretation- restrictions.
11. Cultural and Educational rights:-
12. protection of minorities, recent trends on minority educational institutions
13. Right to Constitutional Remedies

#### UNIT V- DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

1. Directive principles of state policy
2. Relationship with fundamental rights and directive principles.
3. Fundamental Duties: Art.51 A- enforcement of fundamental duties.

#### TEXT BOOKS

1. V.N. Shukla- Constitution of India
2. M.P. Jain – Outline of Indian Legal History
3. Rama Jois- Legal and Constitutional History of India Volume 2
4. Prof. Rhona Smith, Dr, Eimear Spain, Richard Glancey, Nutshells Constitutional and Administrative law
5. Mahendra P Singh- Constitution of India
6. M P Jain- Indian Constitutional Law
7. Dr.Durga Das Basu- Introduction to the Constitution of India

**LLB 3.2**

## **Administrative Law and RTI**

**External Marks:70**

**Internal Marks: 30**

### **Unit- I**

1. Introduction of administrative law
2. Meaning, nature, history and function of administrative law,
3. Sources of administrative law, its origin and scope,
4. Administrative law and constitutional law, droit administrative
5. Doctrine of separation of powers
6. Administrative Process
7. Administrative Discretion

### **Unit- II**

1. Delegated legislation,
2. Administrative adjudication & Tribunal Delegated legislation,
3. Judicial control of delegated legislation - Doctrine of ultra vires, its kinds
4. administrative adjudication and tribunals
5. administrative tribunal act 1985
6. Administrative tribunals in India.

### **Unit-III**

1. Judicial Control of Administrative Action and Natural Justice
2. Power of the High Court, writ jurisdiction of High Court under Article 226 and 32  
Writs and its kinds

### **Unit-IV**

1. State Liability for Wrongs Act & Commission of Inquiry & Corporate
2. Remedies against administrative acts
3. Public enquiry and commission of enquiry, general enquiry under service rules, procedure in disciplinary action and Provisions of commission of enquiry act 1952
4. Corporation : Corporations, its kinds and characteristics, its classification, legal and constitutional provisions & their responsibilities in contract and in tort, position of their employee

5. Whether they are civil servants ? Control on corporation, legislative control, judicial control, governmental control and public controls.

#### Unit-V

1. Ombudsman
2. Vigilance commission & Right to Information Act Ombudsman
3. Lokpal and Lokayukt and their position
4. Public Interest litigations
5. Central vigilance commissions its powers and functions
6. Right to Information Act,2005

#### Reference Books

1. Jain and Jain - Principles of Administrative law, Tripathi (1986).
2. Wade - Administrative law (Indian Rep.) Universal Delhi.
3. J.C. Garner - Administrative law, Butherworth (1990)
4. D.D. Basu - Comparative Administrative law (Prentice Hall).
5. I.P. Massey - Administrative law EBC, Lucknow. (1996).
6. M.P. Jain - Cases and material on Indian Administrative law (Vol I & II) 1998 Universal book traders Delhi.
7. S.P. Sathe - Administrative law (1998), Butterworth (India), Delhi.
8. De Smith - Judicial review of Administrative Action (1995) with supplement, Sweet & Maxwell.
9. M.A. Fazal - Judicial control of administrative action in India Pakistan & Bangladesh (2000), Butterworth India.
10. Indian law institute - Cases and material on Administrative law in India vol. I (1996), Delhi. 11. D.R. Saxena - Ombudsman, Deep & Deep Delhi.
12. TusharkantiSaha - Administrative law - Kanishk Publication, New Delhi.
13. V.G. Ramchandran - Administrative law, Eastern Book Co., Lucknow.
14. Foulkes - Introduction to Administrative law, Butterworth.
15. Bhagwati Prasad Banerjee - Writ Remedies (1999) Wadhwa, Nagpur.

16. M.P. Jain - The evolving Indian Administrative law (1983) Tripathi, Bombay

**LLB 3.3** Law of Equity and Trust **External Marks:70**  
**Internal Marks: 30**

**Unit- I**

1. Law of Equity -Historical Introduction- Concept of Equity
2. Principles of Equity, Nature and Scope of Equity
3. Equity under the Roman, English and Indian Legal System.
4. Origin and Growth of Equity in England-Origin of Equitable Jurisdiction, Procedure in Equity.

**Unit- II**

1. Division of Equity Jurisdiction-Exclusive, Concurrent and Auxiliary
2. Jurisdiction Equity and the Common Law
3. Distinctive Features of Equity and Common Law
4. Relation of Equity with Common Law, Fusion of the Administration of Equity and Common Law
5. The Judicature Act, 1873-1875, Object and Effect of the Judicature Act

**Unit - III**

1. Maxims of Equity.
2. Nature of Equitable Rights and Interest,
3. Classification of Equitable Rights, Penalties and Forfeitures,
4. Mortgages, Liens and Charges,
5. Performance Satisfaction and Redemption,
6. Administration of Assets, Mistake , Misrepresentation, Fraud and Undue Influence, Accident, Set-off, Equitable Assignments and Equitable Estoppels.

**Unit - IV**

1. **Indian Trust Act, 1882** : Historical Background
2. Kinds of Trusts, Public or Charitable Trust, Doctrine of Cypres, Creation of Trust, The Appointment and Discharge of Trustees

3. The Duties and Liabilities of Trustees,

**Unit - V**

**CASES:**

1- DeokiNandan Vs. Murlidhar and Others AIR 1957  
S.C. 133.

2- JankiramAyyarVs. NeelkanthAyyar, AIR 1962 S.C.  
536.

3- Shyamlal Yadu Rao Bhau Vs. Yesha Ram LodkuPavan AIR 1954  
Nag. 334

4- SatyanarayanVs. G. Velloji Rao AIR 1965 S.C. 1465

**Reference Books**

1. Snell Principles of Equity
2. S.T.Desai Indian Trust Act
3. G.P. Singh Equity, Trust and Specific Relief
4. Aqil Ahmed Equity, Trust with Fiduciary Relations and Specific Relief
5. Basanti Lal Babel Equity, Trust and Specific Relief Act(In Hindi)

**LLB 3.4**

**Professional Ethics**

**External Marks:50**

**Internal marks: 50**

**Objectives:** The paper aims to imbue students with importance of Ethics in Legal profession. It also focuses on Court craft as part of Legal Profession

**UNIT I: History of Legal Profession in India**

This module contains the study of legal profession in India in ancient, medieval and especially the changes which the profession underwent during British rule and other related aspects essential to understand the history of legal profession in India.

**UNIT II: Professional Ethics and Duties of Lawyers**

This module includes issues like need and necessity of ethics in the legal profession, relevant theories explaining its value and relevance in legal profession. In addition, duties of lawyers towards his clients, court, public, his fellow attorneys, self, society, etc., will also be undertaken for discussion. Indian code of ethics will be discussed in comparison with that of American Code. The module will also include role played by a lawyer in the administration of justice and advocate's duty towards legal reform and duty to provide legal aid etc.

**UNIT III: Advocates Act, 1961**

This module covers the Advocates Act, 1961 and relevant provisions of The Bar Council of India Rules.

**UNIT IV: Rights and Limitations of such Rights**

The core contents of this module are right to practice, right to argue his case, right over his professional fees. Decisions of courts on Advocate's right to strike will be subject of deliberation. Conflicts of interests, lawyer's versus client's interests and limitations of the rights of lawyers including restrictions on advertising, bar from carrying on other professions, etc will also be taken up for discussion.

**UNIT V: Liability for Deficiency in Service and other Wrongs Committed by Lawyers**

This module includes essential skills of a lawyer, case laws and relevant enactments like consumer Protection Act, 1986; the contempt of Court Act, 1971 etc. which imposes liability upon an advocate for the wrongs he commits in the course of his professional service.

Impact of globalization on legal services in India The following important topics will be taken up for class discussion during the course: Impact of Globalization on legal profession, Legal outsourcing in India, Role of advocate in providing legal aid services, Advocate's role in outside court informal settlement of disputes and Age bar and entry into practice.

References:

1. Raju Ramachandran, Professional Ethics: Changing Profession and Changing Ethics, LexisNexis, Butterworths
2. P.B. Mukharji, Professional Ethics of the Advocate, University of Burdwan
3. P. RamanathaAiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, W adhwa Publications, Nagpur
4. Justice V.R. Krishna lyer, Law, Lawyers and Jusrice, B.R. Publishing Corp. Delhi
5. Stephen Gillers, Regulation of Lowyers: Problems of Law & Ethics, Little, Brown & Com Boston Toronto, London
6. Ross Grauston (ed.), Legal Ethics & Professional Responsibility, Clarendon Press, Oxford
7. Gary Bellow & Bea Moulton, TheLowvering Process: Ethics and Professional Responsibility, The Foundation Press, Inc.
8. D.V. SubbaRao, SarjivaRow 's The Advocates Act, 1961 , LexisNexis, Butterworths
9. Nicolson and Webb, Professional Legal Ethics, Oxford University Press
10. S.C. Sarkar, Hints on Modern Advocacy, Cross-Examination and Professional Ethics, India Law House, New Delhi



**LLB 3.5**

External Marks: 70

Internal Marks: 30

### **LABOUR AND INDUSTRIAL LAWS**

Objective: This paper focuses on various aspect of management of labour relation and disputesettlement bodies and techniques.

#### **Unit I**

The Industrial Disputes Act, 1947—Preliminary, (Sec. 1-2), Authorities under this Act (Sec. 3-9), Notice of change (Sec. 9A -9 B), Reference Of Certain Individual Disputes To Grievance Settlement Authorities (Sec. 9C ), Reference of Disputes to Boards, Courts or Tribunals (Sec. 10- 10A), Procedure, Power and Duties of Authorities (Sec. 11-21), Strikes and Lockouts (Sec. 22-25), Lay-Off and Retrenchment (Sec. 25A-25J ), Unfair Labour Practice (Sec. 25T-25U ), Penalties (Sec. 26-31).

The Trade Unions Act, 1926— Preliminary,(Sec. 1-2), Registration of Trade Unions (Sec. 3-14), Rights and Liabilities of Registered Trade Unions (Sec. 15-28), Regulations (Sec. 29-30), Penalties and Procedure (Sec. 31-33).

#### **Unit II**

The Factories Act, 1948— Preliminary (Definitions) (Sec. 1-7), Inspecting Staff (Sec. 8-10 ), Health (Sec. 11-20 ), Safety (Sec. 21-41 ), Welfare (Sec. 42-50 ), Working hours of Adults (Sec. 51-66 ), Employment of Young persons (Sec. 67-77 ), Annual leave with wages (Sec. 78-84 ).

#### **Unit III**

The Payment of Wages Act, 1936— Preliminary, (Sec. 1 1-2), Responsibility for Payment of Wages (Sec. 3-6), Deductions which may be made from wages (Sec. 7-13), Authorities under the Act, Inspectors, Facilities to be afforded to Inspectors, Authorities to hear claims, Single application in respect of claims from unpaid group, Appeal (Sec. 14-17), Power of authorities appointed under section 15 (Sec. 18-19 ), Miscellaneous Provisions (Sec. 20-26).

The Minimum Wages Act, 1948— Preliminary, (Sec. 1-2), Fixing of minimum rates of wages (Sec. 3-6 ), Advisory Board (Sec. 7-9 ), Wages in kind (Sec. 10-17 ), Maintenance of Registers and Records, etc. (Sec. 18-21 ), Penalties, etc. (Sec. 22-26 ), Power of Govt. to make rules (Sec. 27-31 ), All Schedules and all amendments made from time to time.

#### **Unit IV**

The Maternity Benefits Act, 1961— Preliminary (Definitions) (Sec. 1-3 ), Employment of, or work by woman prohibited during certain period , Right to payment of maternity benefit, Notice of claim for maternity benefit and payment thereof, Payment of maternity benefit in case of death of a woman, Payment of medical bonus, Leave for miscarriage, Other leaves, Nursing breaks, Dismissal during absence of pregnancy, Deduction of wages, Appointment of Inspectors, Powers and duties of Inspectors (Sec. 4-22 ), Cognizance of Offence (Sec. 23 ).

#### **Unit V**

The Child Labour(Prohibition and Regulation) Act, 1986- Preliminary (Definitions) (Sec. 1-2 ), Prohibition of Employment of Children in certain occupations and processes (Sec. 3-5 ), Regulation of conditions of work of children (Sec. 3-5 ), Miscellaneous (Sec. 14-26 ).Causes of child labour and Present prospect of child labour in India.

**LLB 3.6**

External Marks: 70

Internal Marks: 30

### **NATIONAL & INTERNATIONAL ENVIRONMENTAL LAW**

The Course shall comprise of the following:

#### **Unit-I**

1. People, development and Environment Law
  - a. Meaning, Definition and Concept of Environment - Components of Environment, Biosphere and Ecosystem, Types of Environment.
  - b. Concept of Pollution – Sources of Pollution, Types of Pollution, and Effects of Pollution.
  - c. Nature and Scope of Environmental Law – Importance, Law as a tool for Environmental Protection.
  - d. International Environmental Law and UN Conferences

#### **Unit-II**

2. Constitutional Aspects
  - (a) Distribution of Legislative Power
  - (b) Directive Principles of State Policy
  - (c) Fundamental Duties
  - (d) Fundamental Rights

#### **Unit-III**

3. The Water (Prevention and Control of Pollution) Act, 1974
  - (a) Salient Features of the Act
  - (b) Pollution Control Boards and their functions
  - (c) Mechanism to Control the Pollution with reference to sampling, consent mechanism and power to give directions
  - (d) Procedure and Penalties

#### **Unit-IV**

4. The Environment Protection Act, 1986
  - (a) Salient Features of the Act
  - (b) Definitions
  - (c) Central Government's powers to take environmental measures.
  - (d) Mechanism to Control the Pollution, procedure and Penalties
- (e) Environmental Impact Assessment and control of hazardous waste in India
- (f) National Green Tribunal

#### **Unit-V**

5. The Wildlife (Protection) Act, 1972.  
Authorities with special to:
  - (a) National Board and State Board Chief Wild Life Warden
  - (b) Powers and Functions of National Board, State Board.
  - (c) Sanctuary National Park, Hunting
  - (d) Cognizance of Offence
- (e) Prohibition of Trade in Wild Life with Special reference to 'Ivory trade'

**LLB 3.7**

External Marks: 70

Internal Marks: 30

### **WOMEN AND CHILD**

The Course shall comprise of the following:

1. Introduction:

1.1 Women as a vulnerable group, Causes of Vulnerability of Women 1.2 Magnitude and forms of Problems of Women 1.3 Concept of Child and Issues of Concern Related To Children 1.4 Issues of Concern Related To Children

2. International Commitments and Conventions

2.1. United Nation Charter, 1945 2.2. Universal Declaration on Human Rights,1948 2.3. Declaration on Elimination of discrimination against women, 1967 2.4. Convention on the Elimination of all forms of discrimination against women, 1979 2.5. Declaration on the Elimination of violence against women, 1993 2.6. Optional Protocol to the Convention on the Elimination of Discrimination against Women ,1999 2.7 Children's Rights Under International Law- An Overview

3. Safeguards under Indian Constitution

3.1. Preamble 3.2. Fundamental Rights 3.3. Directive Principles of State Policy 3.4 Fundamental Duties

4. Law Relating to Crime against

4.1 Women

A ) Dowry Death B) Causing of miscarriage - of injuries to unborn children, of the exposure of infants, and of the concealment of births C) Kidnapping, abduction, slavery and forced labour D) Sexual offences E) Unnatural offences F) Offences relating to Marriage G) Cruelty by Husband or Relatives of Husband

4.2 Child

A). child labour in India B) International Labour Organization C) Judicial Response in Child Labor Cases E)Child trafficking - India's legal and judicial response F) Child Sexual Abuse In India G) The Protection of Children from Sexual Offences Act, 2012 -An insight H) Judicial Response in Sexual Abuse Cases.

5. Child Marriages, Right To Education And Right to Child Healthcare

5.1 Child Marriage Related Legislations

5.2 Right To Education Under International law

5.3. Right To Education- Indian legal experience

5.4 Judicial Response in Right to Education Cases

5.5. Indian initiatives on right to child healthcare

References:-

- Asha Bajpai, Child Rights in India, 2nd Edi. Oxford Uni., Press
- Suman Lata, Child and the Law, APH Publishing Corp. Dr. NirmalKantiChakrabarti, Law and Child, R. Cambray& Co.
- G.B.Reddy, Women and the Law (2004), Gogia Law Agency, Hyderabad.

# FOURTH SEMESTER

**LLB 4.1**

External Marks: 70

Internal Marks: 30

## **CONSTITUTION II**

The Course shall comprise of the following:

### **UNIT I: The Executive**

1. The President and Vice President- Election, Tenure, Oath, Removal and Vacancy
2. The Governor- Appointment, Tenure, Oath and Removal
3. Protection and Immunities of President and Governors
4. Powers, Functions and Constitutional Position
5. Council of Ministers and Collective Responsibility

### **UNIT II: The Legislative**

1. Parliament – Composition, Qualifications and Disqualifications
2. Parliament – Powers and functions
3. Parliamentary Privileges
4. Anti-defection Law

### **UNIT III: The Judiciary**

1. The Union Judiciary- Establishment and Constitution of Supreme Court
2. Appointment and Removal of Judges
3. Jurisdiction of Supreme Court: Court of Record, Original, Appellate and Advisory
  - Doctrine of stare decisis (Art. 141)
  - Power to complete Justice (Art. 142)
4. The State Judiciary- High Courts in States
5. Appointment, Removal, Jurisdiction (Original, Appellate, Writ and Supervisory Jurisdiction).



## **UNIT IV: Centre - State Relations: Legislative**

1. Territorial distribution of legislative powers, Doctrine of territorial nexus
2. Subject matter distribution of legislative power and Principles of Interpretation of the list
  - Each entry to be interpreted broadly
  - Doctrine of Pith and Substance
  - Harmonious construction
  - Colourable legislation
  - Incidental and ancillary power
3. Repugnancy between centre and state laws
4. Residuary Power
5. Emergency Provisions

## **UNIT V: Constitutional Amendments**

1. Need for Amendment
2. Types of Amendment
3. 73<sup>rd</sup> and 74<sup>th</sup> Amendment
4. Judicial Review of Constituent Power -Doctrine of Basic Structure

### **List of Books/Reference Books/E-Books:**

1. Shukla, V.N. Constitution of India, 11th ed., pp. A 28-A 35 EBC, Lucknow.
2. Jain M. P., Indian Constitutional Law, 5th edition, page no. 568 to 652, Wadhwa, Nagpur.
3. Tope, T.K. Constitutional Law of India, 3rd edition Eastern Book Company, Lucknow.
4. Basu, Durga Das, Introduction to Constitution of India, Nagpur: Wadhwa publication, 2010.
5. Granville Austin, The Indian Constitution: Cornerstone of a Nation, OUP.
6. Seervai, H.M., Constitutional law of India, New Delhi: Universal law Publishing House, 2007.

## **MEDICAL JURISPRUDENCE**

:  
**LLB 4.2**

External Marks: 70

Internal Marks: 30

### **UNIT-I - INTRODUCTION**

1. The History of Medical Jurisprudence.
2. Structure and Principles of the British Legal Systems relevant to the practice of medicine.
3. The Law of Evidence. Civil and Criminal Law Procedure.
4. Duties and Responsibilities of the Medical and Scientific Witness.
5. Medico-legal systems in other countries

### **UNIT-II- MEDICO-LEGAL ASPECTS OF CRIMES**

1. The medical aspects of the law in relation to Offences against the Humans.
2. ( Infanticide, Poisons, Dangerous Drugs, Medical practice, National Health Service, Mental Health, Road Traffic and Factories)
3. Medico-Legal aspects of the Registration of Births and Deaths, Cremation and Coroner's procedure, the protection of Children and Young Persons,
4. Crimes of violence, Fatal accidents, Homicide, Suicide, National Insurance (Industrial Injuries), Workmen's compensation.
5. Medico-legal aspects of pregnancy and delivery; sexual offences

### **UNIT-III- INTERPRETATION AND PROCEDURE**

1. General procedure of enquiry into matters necessitating medico-legal investigation (clinical and pathological)
2. Common assault; Sexual Assault; Sexual deviation; Nullity; Divorce.
3. Wounds- Assessment and prognosis.
4. Unexpected or sudden death. Grounds for suspicion; time of death; identification.
5. Psychiatry from the point of view of diagnosis and disposal. Responsibility at law, including testamentary capacity; drug addiction; sexual deviation; suicide.

### **UNIT-IV- CLINICAL TOXICOLOGY**

1. Identification of common poisons.
2. Symptoms and signs of poisoning; diagnosis; collection of material for analysis; interpretation of results; principles of treatment of poisoning
3. Examination and assessment of cases of industrial accident and disease and persons for life assurance.
4. Examination with regard to intoxication.
5. Examination related to paternity disputes.

#### **UNIT-V- MEDICO-LEGAL ASPECTS OF PATHALOGY**

1. Post-mortem examination and medico-legal autopsy; examinations in the field; collection of trace evidence; methods of preservation of material; the use of photography.
2. The preparation and presentation of autopsy and laboratory reports.
3. Identification of human remains.
4. Organization to be adopted in disasters involving multiple deaths (e.g., fire, rail and aircraft accidents).
5. Exhumation procedure.

#### **Recommended Books**

1. Modi's Textbook of medical jurisprudence and toxicology, 24<sup>th</sup> Edition, EBC Publication

**LLB 4.3**

**CYBER LAW**

External Marks: 70

Internal Marks: 30

**Unit 1: Introduction to the Cyber World and Cyber Law**

***A. Cyber World: An Overview***

- a. The internet and online resources
- b. Security of information
- c. Digital signature

***B. An Overview Cyber Law***

- a. Introduction about the cyber space
- b. Regulation of cyber space – introducing cyber law
- c. Scope of Cyber laws – e-commerce; online contracts; IPRs (copyright, trademarks and software patenting); e-taxation; e-governance and cyber crimes
- d. Cyber law in India with special reference to Information Technology Act, 2000

**Unit II: Regulatory Framework**

***A. International Legal Regime***

- a. International legal regime relating to Cyber Crimes
- b. European Convention on Cyber Crimes
- c. Hague Convention on Jurisdiction and Foreign Judgments: Jurisdiction Agreement

***B. International legal regime relating to E-Commerce***

- a. UNCITRAL Model Law on Electronics Commerce 1996

- b. International legal regime relating to Intellectual Property Rights – (i) Berne Convention; (ii) Rome Convention; (iii) WIPO Copyright Treaty; (iv) WIPO Performance and Phonograms Treaty; (v) UDRP; (vi) OECD convention on Database protection

### ***C. Domestic Legal Regime – Cyber Law in India***

a. Information Technology Act, 2000 – Digital Signature; E-Governance; Regulation of Certifying Authorities; Duties of Subscribers; Penalties and Adjudications; Offences under the Act; Making of Rules and Regulations etc.

## **Unit III: Cyber Crimes**

### ***A. Introduction – computer crime and cybercrimes; Classification of cyber crimes.***

### ***B. Cybercrime and Related Concepts***

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

### ***C. Regulation of cyber crimes***

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

## **Unit IV: E-Commerce**

### ***A. Online business***

- a. Definition of E-commerce
- b. Types of E-commerce
- c. Important Issues in Global E-commerce
  - i. Issues relating to Access (to infrastructure; to contents; universal access; Digital Divide and Universal Divide);
  - ii. Trust, Privacy
  - iii. Security

- iv. Consumer Protection
  - v. Content Regulation; Uniformity in Legal Standards pertaining to internet.
- d. Application of conventional territory based law to E-commerce
- i. Taxation
  - ii. Intellectual Property Rights
  - iii. International Trade
  - iv. Commercial law and standards
  - v. Dispute resolution

#### UNIT V *IPR Issues*

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

## **ALTERNATE DISPUTE RESOLUTION**

**LLB 4.4**

External Marks: 70

Internal Marks: 30

Objectives: The objective of this paper is to acquaint students with various modes of ADR

### **Unit I**

Arbitration : meaning scope and types, Arbitration Agreement- essentials , kinds, Who can enter into arbitration agreement? Validity, Reference to arbitration, Interim measures by Court.

### **UNIT II**

Arbitral Tribunal, Appointment, Jurisdiction of arbitral tribunal, Grounds of challenge, Powers, Procedure, Court assistance, Award, Rules of guidance, Form and content, Correction and interpretation, Grounds of setting aside an award—Want of proper notice and hearing , Contravention of composition and procedure, Impartiality of the arbitrator, Bar of limitations, Res judicata, Consent of parties, Enforcement.

### **Unit III**

Appeal and Revision, Enforcement of foreign awards, New York Convention Award, Geneva Convention Awards.

### **UNIT IV Conciliation:**

Distinction between –conciliation||, –negotiation||, –mediation|| and –arbitration||,

Appointment of conciliator, Interaction between conciliator and parties, Communication, disclosure and confidentiality, Suggestions by parties, Resort to judicial proceedings, legal effect, Costs and deposit repeal

## UNIT V

**Rule making power:** Legal Services Authorities Act, LokAdalat, Legal Camp.

### **Recommended Books:**

1. AvtarSingh : Arbitration and Conciliation.
2. Goyal : Arbitration and Conciliation Act.
3. Shukla : Legal remedies.
4. Jhabvala : Law of Arbitration and Conciliation.
5. Dr.N.V.Paranjape : Arbitration and Alternative Dispute Resolution

**LLB 4.5**

External Marks: 70

Internal Marks: 30

## **MEDIA LAW**

The Course shall comprise of the following:

### **MEDIA LAW AND CENSORSHIP (INCL. SELF REGULATION)**

#### **1. Different forms of Media, Theories, History of Legislative Efforts (2Lectures)**

*1.1. Forms-Print media; Broadcast media; Socialmedia*

*1.2. Theories of media*

*1.3. History of legislative efforts in India*

#### **2. Media, Free Speech and the Constitution**

**2.1. Freedom of speech** and expression under Article 19 (1) (a) and the Reasonable restrictions under Article 19 (2); Derivative rights - right to know/right to receive information, right to advertise, right to broadcast; Hate Speech (**2Lectures**)

1. *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC106

2. *PrabhaDutt v. Union of India*, 1982 SCR (1)1184

3. *Secy., Ministry of Broadcasting v. Cricket Association of Bengal*, (1995) 2SCC 161

4. *ABP Pvt Ltd. v. Union of India*, (2014) 3SCC 327

5. *Shreya Singhal v. Union of India*, (2015) 5SCC 1

#### **2.2. Privacy, defamation and the sting operations (7Lectures)**

Privacy: Define "privacy"; right to privacy versus freedom of expression; Differentiating between right to privacy of a public figure and private figure; information in the public



domain; is there an expectation of reasonable amount of privacy; Paparazzi; Publishing information obtained illegally; Right of Publicity

6. *Rajagopal v. State of Tamil Nadu*, 1994 SCC(6)632

Media and acts of defamation: Against public person; Publishing with knowledge of falsity or with reckless disregard for the truth; Right to Reply

7. *Swatanter Kumar v. The Indian Express Ltd*, 207 (2014)DLT221

Sting Operations: Investigative Journalism; Leveson Report

8. *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8SCC106

9. *Rajat Prasad v. CBI*, (2014) 6SCC495

Ref: *Consultation Paper-cum-Questionnaire on Undercover Sting Operations*, Law Commission of India

### **2.3. Right to Information (2 Lectures)**

How far does public access to information go; Is there a right to gather news or attend meetings; Fairness doctrine and access to the media; Compelling journalist to disclose information related to crime and source

10. *CPIO, Supreme Court of India v. Subhash Chandra Aggarwal*, AIR 2010 Delhi 159

### **2.4. Trial by media and fair trial (2 Lectures)**

Pre-trial publicity; Cameras in Courtroom; Restrictive Orders

11. *M P Lohia v. State of West Bengal*, (2005) 2SCC686

12. *Naveen Jindal v. Zee Media Corporation Ltd*, (2014) 2SCC1

Ref: *Trial by Media: Free Speech and Fair Trial under Criminal Procedure Code*, 1973, 200<sup>th</sup> Report, Law Commission of India

### **3. Contempt of Court (4 Lectures)**

Scandalising, vilification of institution of Court; Unverified reporting; Fair comment and criticism

13. *In re S. Mulgaokar v. Unknown*, 1978 SCR(3)162

14. *Rajendra Sail v. Madhya Pradesh Bar Association*, (2005) 6SCC109

15. *Sanjoy Narayan Editor-in-Chief Hindustan v. Hon. High Court of Allahabad through R.G.*,

2011 (9)SCALE532

Department-Related Parliamentary Standing Committee on Personnel,  
Public Grievances, Law and Justice, the Contempt of Courts (Amendment)  
Bill, 2004 (Twelfth Report)

Paras 3.8.1 and 7.4, Report of the National Commission for the Review of  
the Working of the Constitution

#### **4. Media & Its Regulation (7 Lectures)**

Regulation can occur at the Central, State, local or self-regulatory level

##### **4.1.Regulation of the printmedia**

Ref: Press Council of India Act

Resolution for a Media Council, Press Council of India, 2012

##### **4.2.Regulation of the Broadcasting sector (Public andPrivate)**

*Secy., Ministry of Broadcasting v. Cricket Association of Bengal*, (1995) 2 SCC 161

Ref: Prasar Bharti Act 1990; Report of the PrasarBharati's Expert Committee, 2013;  
Cinematography Act 1952; Cable T.V. Networks (Regulation) Act of 1995

Consultation Paper on the Proposed Draft of the Broadcasting Services Regulation,  
MI&B,

Self Regulatory Measures-BCCC Guidelines on Self Regulation; BCCC Report to the  
MI&B; BCCC Orders and Advisories; NBSA Regulations; NBA Code of Ethics

##### **4.3.Regulation of the SocialMedia**

Sections 6,7, 8 and other relevant provisions of Information Technology Act, 2001

*Shreya Singhalv. Union of India*, (whether it would be asserted again- a need  
of such power)

Ref: Section 66A, Information Technology Act of 2001;

- 52<sup>nd</sup> Report of the Parliamentary Standing Committee on InformationTechnology

R A I P U R

- 31<sup>st</sup> Report of the Parliamentary Standing Committee on Subordinate Legislation, 2012-13
- Advisory on Implementation of Section 66-A of the Information Technology Act, 2000, Department of Electronics and Information Technology, 9 January, 2013
- Convergence Bill; Regulatory commissions of new media; Indian Telegraph Act of 1885

## 5. Media, Advertisement & the Law (2 Lectures)

5.1. Commercial speech: Commercial Speech Doctrine and protection provided under Art 19(1) (a); Regulating what is false or misleading / may regulate even truthful advertising

5.2. Government advertisements and the media: broadcasting political messages

18. *Ajay Goswami v. Union of India*, AIR 2007SC 493

Indecent Representation (Prohibition) Act, 1986

The Drugs and Magic Remedies (Objectionable) Advertisements Act of 1954



RAIPUR

Ref: Recommendations on Issues relating to Media Ownership, TRAI, 12 August 2014

Recommendations on Cross Media Holdings, TRAI, 25 February 2009

TRAI Consultation Paper on Cross Media Ownership, 15 March 2013

Report of the Administrative Staff College of India, July, 2009 (MI&B)

5.3. Competition issues

5.4. Licensing issues; responsibility of licensee

5.5. Copyright issues

*The List of statutes and references are indicative of the scope of the subject.*

**CG LAND REVENUE CODE**

**Objective:** The object of this paper is to focus on land reforms besides land acquisition procedures in Chhattisgarh and other local laws

**Unit-I**

C.G. LAND REVENUE CODE - Historical Development, Definitions, Abadi, Agriculture, Agriculture Year, Bonafide Agriculturist, Board, Co-operative Society, Government, Forest, Government Lessee, Holding. Improvement, Land, Landless Person, Land Records, Legal Practitioner, Mango Grove, Orchard, Recognized Agent, Rent, Revision, Revenue Officer, Revenue Year, Sub-Division of Survey Number, Tenant, Tennure Holder, Timber Tree, Urban Area, Unoccupied Land, Village, To Cultivate Personally, Survey Number.

**Unit-II**

Board of Revenue, Revenue Officers and their Classes and Powers, Procedure of Revenue Courts, Appeal Revision and Review, Land and Land Revenue, Revenue Survey and Settlement in Non-Urban Areas, Assessment and Re-assessment of Land Revenue in Urban Areas.

**Unit-III**

Land Records, Boundaries And Boundary Marks and Survey Marks, Tenure Holders, Government Lessee and Service Land, Occupancy Tenants, Alluvian and Diluvian, Consolidation of Holding, Village-Officers, Rights in Abadi and Unoccupied Land and its Produce.

**Unit-IV**

C.G. on Agricultural Holding Act, 1960 : Definitions, Exemptions and Restrictions on Transfer of Land, Fixing of Ceiling Area, Determination of Surplus Land and Acquisition Thereof, Payment of Compensation in Cumbrances on Surplus Land, Offences and Penalties and Miscellaneous.

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1. State of M.P Vs. Poonam Chand, 1968, J.L.J. 116.
2. M.P. State Vs. Babulal And others, 1980, J.L.J. 856 (SC).
3. Harprasad. B Horelal Vs. Board of Revenue, 1964, M.P.L.J. 370.
4. Nandu Vs. Babu and others. 965, M.P.L.J. 178.
5. Manmohan Lal Shukla Vs. Board of Revenue, 1964, M.P.L.J. 32.

### **Reference Books**

1. M.P. Land Revenue Code  
H.N. Dwivedi.
2. M.P. Land Revenue Code -  
R.D. Jain.

## **CRIMINOLOGY AND PENOLOGY**

The Course shall comprise of the following:

### **CRIMINOLOGY & PENELOGY**

#### **COURSE OUTLINE**

#### **MODULE 1: INTRODUCTION: CRIMES AND CRIMINOLOGY & SOCIO-ENVIRONMENTAL APPROACHES TO CRIME**

- Notions of Crime
- Who is the Criminal
- Criminology-Nature and Scope, whether criminology is a science?
- Current Trends in Criminology
- Anomie Theory, Durkeim, Merton
- Differential Association Theory Sutherland
- Social Disorganization Theory, Shaw & Mackay
- Labelling Theory, Cooley, Mead, Blumer, Becker
- Biosocial Theory
- Control Theory
- Individual Control
- Control Balance
- Community Based Control
- Evaluation of Control Theories
- Conflict Theory
- Karl Marx, Bonger, Ralf, Dahrendorf, Void, Quinney
- Environmental Criminology

#### **Case Laws:**

*Maru Ram &Ors.v. Union of India, AIR 1980 SC 2147*

#### **MODULE 2: INDIVIDUAL APPROACHES TO CRIME**

##### **PART 1 – BIOLOGICAL DETERMINISM & PSYCHOLOGICAL THEORIES.**

- Classical Theories of Criminology
- Cesare Beccaria, Jeremy Bentham
- Neo Classical Perspectives
- Rossi, Garraud, Joly
- Biological Trait Theory
- Cesare Lombroso, RafeleGarafelo, Enrico Ferri
- Psychoanalytic Explanation of Crime
- Freud
- Behavioural Approach to Criminality
- Pavlov, Skinner, Eyesench

- Cognitive Approach
- Tolman, Piaget, Kohlberg
- Intelligence and Crime
- Goddard, Hirshi, Hindclang
- Mental Disorder and Crime
- Neuroses, Psychosis

#### Case Laws:

- *Bachchan Singh v. State of Punjab, AIR 1980 SC 898*
- *Bachan Singh, Sher Singh &Anr., and Ujagar Singh &Anr. V. State of Punjab &Ors., AIR 1982 SC 1325*
- *Deena alias DeenDayal&Ors. v. Union of India &Ors., AIR 1983 SC 1155*
- *P. Rathinam/ Nagbhusan Patnaik v. Union of India &Anr., AIR1994SC1844*

#### MODULE 3: FACTORS ENHANCING CRIMINALITY & FEMALE PERSPECTIVES.

- Drug, Alcohol and Crime
- Media Influences
- Politics and Crime
- Youth and Criminality
- Race, Culture and Gender
- Female Criminality
- Lombroso
- Cowie, Slater, Pollack
- Thomas, Talcott Parsons
- Feminist Critique of Traditional Criminology
- Feminist Criminology
- Carol Smart, Maureen Cain and Susan Sharp

#### Case Laws:

- *Pearson v. R., (1835) 168 All ER 1108*
- *Manindra Lai Das v. Emperor, AIR 1937 Cal 432*
- *JethuramSukhraNagbanshi v. State ofMadhya Pradesh, AIR 1960 MP 242*
- *Patrick Okeke v. State, (1966) All NLR 275 (Decided by Supreme Court of Nigeria)*
- *R. v. Tandi, (1989) All ER 267 (AC)*

#### MODULE 4: REACTIONS TO CRIME & CHANGING NOTIONS OF PENAL POLICY

- Penology - Meaning, Nature & Scope
- Theories of Punishment - Expiative, Deterrent, Retributive, Reformative
- Types of Punishment - Fine, Imprisonment, Capital Sentence, Solitary Confinement,
- Transportation & Juvenile Delinquency
- Probation
- Parole
- Corrective Services
- Community Service



- Other Alternatives

**Case Laws:**

- *Jagmohan Singh v. State of Punjab, (1973) 1 SCC 20*
- *Ediga Anamma v. State of AP, (1974) 4 SCC 443*
- *Rajendra Prasad v. State of UP, AIR 1979SC 916*
- *Bachchan Singh v. State of Punjab, AIR 1980 SC 898*
- *Machhi Singh v. State of Punjab, AIR 1983 SC 957*
- *Kartar Singh v. State of Punjab, 1994 SCC (Cri) 899*
- *Swami Shraddhanand v. State of Karnataka, AIR 2008 SC 3040*
- *Ramji Missar v. State of Bihar, AIR 1963 SC 1088*
- *Jagdev Singh v. State of Punjab, AIR 1973 SC 2427*
- *Ram Naresh Pandey v. State of MP, (1974) 3 SCC 30*
- *Musa Khan v. State of Maharashtra, 1976 Cr. LJ 1987 (SC)*

**MODULE 5: POLICING AND THE POLICE & CORRECTIONS**

- Administration
- Role & Functions
- Police & Public
- Accountability in Performance
- Prison System in India
- Problems & Concerns
- Prisoners' Rights
- Open Peno Correctional Institutions

**Case Laws:**

- *RajniKanta v. State of Orissa, 1975 CrLJ 83*
- *Mohammad Giasuddin v. State of Andhra Pradesh, (1978) 1 SCR 153.*
- *M. H. Hoskot v. State of Maharashtra, (1978) 3 SCC 544*
- *Sunil Batra v. Delhi Adm. (1978) 4 SCC 494*
- *Sunil Batra v. Delhi Adm. (1980) 3 SCC 488*
- *Sher Singh v. State of Punjab (1983) 2 SCC 344*
- *BoddisattwaGautam v. Subhra Chakraborty AIR 1996 SC 922*
- *Chairman, Railway Board v. Chandrima Das - Manu/SC/0046/2000*
- *State of Andhra Pradesh v. Challa Ramakrishna Reddy, AIR 2000 SC 2083*
- *HiralalMullick v. State of Bihar, AIR 1977 SC 2236*

# FIFTH SEMESTER

## Company Law

Objective: The paper aims to provide insight into formation and winding up of companies and also about Share Capital and allotment.

### Unit-I

Introduction, History and Definition of Company, Registration of Corporate Entity, Corporate Veil, Company and Hindu undivided Family, company and Partnership, Club, Association of Persons, Advantages and Disadvantages of Incorporation, Kinds Companies and Application of the Act. Interpretation and Definitions of Various Terms.

### Unit-II

Formation of Companies, Promotion, Promoter and his Rights and Liabilities, Incorporation,

Memorandum of Association and Articles of Association, Doctrine of Ultra-Vires, Prospectus, Definition, Contents of Prospectus Punishment for Misrepresentation in the Prospectus, Members of the Company, Members and Shareholders and Public Trustees.

### Unit-III

Share and Share Capital, Allotment of Share, Statutory Restriction on Allotment, General Principles as to Allotment, Company which cannot issue prospectus,, Irregular Allotment, Return as to Allotment, Issue of Share at Discount, Underwriting Commission, Brokerage, Issue of Share at Premium, Share Capital : Definition, Nature of Share Certificate, Position of Transferor and Transferee, Procedure, Blank Transfer, Right to Refuse Registration, Restriction on the Acquisition and Transfer of Share, Certificate of Transfer, Kinds of Share, Power of Company to Accept Payment in Advance of Calls. Reserve Liability, Alteration of Capital Reorganization of Share Capital. Reduction of Capital, Share Warrant. Directors, Position of Directors, Appointment, Powers and Duties of Directors, Other Office Bearers of the Company.

### Unit-IV

Dividend, Debenture, Accounts and Audit, Borrowing Powers of the Company, Investment and Contract, Majority Powers and Minority Rights and Rule of Foss and Harbottle, Mismanagement and Remedies -Compromise. Arrangement, Reconstruction

and Amalgamation, Investigation and Liquidation and Consequences of Winding up of the Companies.

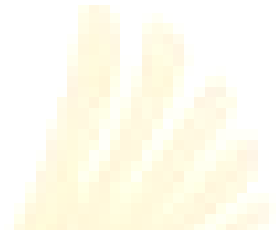
Unit v

**Leading Cases**

1. Saloman Vs. Soloman and Company Ltd., 1897, PC 22.

2. Income Tax Commissioner Vs. Shri Meenakshi Mills, A.I.R., 1967, SC 819. 3. Nareshchand Vs. Calcutta Stock Exchange Association AIR 1971, SC 422.

4. N. Goverdhandas & Company Vs. N.W. Industries Pvt. Ltd. AIR 1971, SC 2600. 5. Official Liquidator Vs. P.A. Tandolkar AIR 1973, SC 1104.



## **Public International Law & International Organization**

**Objective:** The objective of this paper is to acquaint the students with the basics of Public International Law and practice

### **Unit- I**

#### **INTRODUCTION:**

- a) Definition and Concept of International Law, Object of International Law, Nature and Origin and development of International Law,
- b) Sources of International Law, Codification of International Law Relationship between international and Municipal law and difference between Public International law and Law of conflicts subjects of PIL.
- c) Relationship between international and Municipal law and difference between Public International law and Law of conflicts, subjects of Public International Law

### **Unit II**

#### **GENERAL PRINCIPLES OF INTERNATIONAL LAW**

- a) State - its nature, evolution, and criteria of statehood, Recognition of States and Governments, Meaning and theory of Recognition, Mode of Recognition and legal effects of Recognition, Acquisition and Loss of State Territory
- b) State Succession-Its kinds and Principles of State Succession, Effect of Succession, State Jurisdiction and State Responsibility, Nationality, Extradition, Asylum, Diplomatic Agents and Treaties
- c) Law of the Sea - Territorial water, continental shelf, sea bed, ocean-floor, Economic zone, Contiguous Zone

### **Unit III**

#### **LAW OF WAR AND PEACE AND SETTLEMENT OF DISPUTES**

- a) Settlement of International Disputes- Peaceful or amicable methods and forcible methods for settlement of disputes, Intervention, Neutrality, Blockade, Contraband and Prize Courts.

b) International Organization- League of Nations and reasons of its failure, Role of United Nations Organization(UNO) and their specialized agencies. Composition, Powers and Functions of The General Assembly and The Security Council, Composition, Powers and Jurisdiction of the International Court of Justice

#### **Unit IV**

Some recent trends –International Criminal Courts of Justice, Doctrine of Self-determination, International Terrorism Disarmament and Genocide

#### **Unit-V**

##### **INTERNATIONAL ORGANISATION**

- 1 Concept and Nature of International Organization; Progress of Mankind Towards International Organization; Individual Visions and Organized Peace Movement
- 2 League of Nations : General Provisions, Organs of the League - Assembly, Council, Secretariat; Causes of the Failure of the League.
- 3 Comparative View of the League Covenant and the U.N. Charter.
- 4 United Nations : Genesis and Creation  
Purposes and Principles  
Membership  
Legal Capacity  
Privileges and Immunities
- 5 U.N. Organs : Their Composition; Power and Functions.
- 6 Achievements of the United Nations;
- 7 Review and Revision of the Charter
- 8 Specialized Agencies : Concept, Relationship with U.N., UNESCO, ILO, WTO
- 9 Regional Organizations
- 10 International humanitarian law (IHL)-Conventions and protocols
- 11 Implementation of IHL-Challenges

#### **Recommended Books:**

1. J.K. Starke - An Introduction to the International Law.
2. J. L. Brierley - The Law of Nations (Oxford)
3. K.C. Joshi - International Law and Human Rights
4. S.K. Verma - An Introduction to Public International Law (Prentice-Hall India).
5. All the Covenants and Conventions.
6. Shaw M.N. - International law (CUP).
7. M.C. Nair - The Law of Treaties (Oxford)
8. S.K.Kappor - Human Rights under International Law and Indian Law Central Law Agency Allahabad

**INTERPRETATION OF STATUTES**

Objective: The paper is to equip the students with various tools of interpretation of statutes

**Unit- I**

Principles and Legislation-Law Making - Legislature, Executive and Judiciary, Principle of Utility, Operation of these Principles upon Legislation, Distinction between Morals and Legislation.

INTERPRETATION OF STATUTES - Introduction, Meaning, Commencement, Operation and Repeal of Statutes, Purpose of Interpretation of Statutes Classification of Statutes.

**Unit II**

GENERAL PRINCIPLES OF INTERPRETATION - Primary Rules, Literal Rule, Golden Rule,

Mischief Rule (Rule in the Hydon's Case) Rule of Harmonious Construction. Secondary Rules, Noscitur a Sociis, Ejusdem Generis, Reddendo Singula Singulis, Utres Magis Valeat Quam Pereat, Contemporanea Expositio est Fortissima in Lege.

PRESUMPTIONS IN STATUTORY INTERPRETATION - Presumption as to Jurisdiction, Presumption Against inconvenient or Absurd, Presumption Against Intending Injustice, Presumption Against Impairing

Obligations or Permitting from One's Own Wrong, Prospective Operation of Statutes.

**Unit III**

AIDS TO INTERPRETATION AND MAXIMS OF STATUTORY INTERPRETATION - Internal Aids and External Aids, MAXIMS - Delegates Non Potest Delegare, Expressio Unius Exclusio Alterius, Generalia Specialibus non Derogant, In Pari Delicto Potior Est Condition Possidentis, Utres valet Potior Quam Pareat, Expressum Facit Cessare Tacitum, Jure Nature Sunt Immutabilia.

**Unit IV**

Interpretation with Reference to the Subject Matter and Purpose - Beneficial Construction, Strict Construction of Penal Statutes and Taxing Statutes, Construction and Interpretation of Welfare Legislation, Harmonious Construction of the Statutes, Interpretation of Statutes in Pari Materia, Amending, Consolidating and Codifying

Statutes, Mandatory and Directory Enactments and Conjunctive and Disjunctive Enactments.

## **Unit V**

Principles of Constitutional Interpretation - Principles of Implied Powers, Incidental or Ancillary Power, Doctrine of Pith and Substance and Colourable Legislation, Principles of Implied Prohibition, Occupied Field and Territorial Nexus, Doctrine of Severability and Repugnancy and Doctrine of Eclipse and Ancillary Powers.

Retrospective and Prospective Operation of Statutes.

### **Books Recommended :**

1. Principles of Statutory Interpretation - G.P. Singh.
2. Interpretation of Statutes and Legislation - M.P.Tondon and Rajesh Tondon.
3. Statute Law - Craies.
4. Interpretation of Statutes - V.P. Sarthi.
5. Maxwell's Interpretation of Statute - N.M. Tripathi.



**TRANSFER OF PROPERTY ACT AND INDIAN EASEMENT ACT**

**Objective:** The Objective of this paper is to focus on concept and classification of property as well as principles governing transfer of immovable property.

**Unit- I**

Historical evolution of Law of property, Introduction, Short title, Commencement, Repeal of Acts, Interpretation Clause (Ss 1-3), Transfer of Property by act of Parties - Definition of Property, Rule of Transferability, Persons Competent to Transfer, Operation of Transfer and Oral Transfer (Ss 5-9), Condition Restraining Alienation, Restriction Repugnant to Interest, Condition Making Interest Determinable on Insolvency or Attempted Alienation (Ss 10-12), Transfer for the Benefit of Unborn Person, Rule against Perpetuity etc. (Ss 13-18), Vested interest and Contingent Interest (Ss 19-24), Conditional Transfer, Doctrine of Acceleration, Doctrine of Conditional Limitation (Ss 25-34), Doctrine of Election (Ss 35-37), Transfer of Immovable Property (Ss 38-53-A).

**Unit II**

Sale of immovable property : Definition, Competency of Parties, Difference between Sale and Agreement to Sale, Rights and Liabilities of buyer and Seller (Ss 54-57), Mortgages charges of immovable (Ss 58), Property, Definition, Kinds of Mortgages, Obligation to transfer to third party instead of Mortgagor, Rights and Liabilities of Mortgager (Ss 58-66), Rights and Liabilities of Mortgagee (Ss 67-77), Other Provisions Related to Mortgage including charges (Ss 78-104).

**Unit III**

Leases of immovable property Definition, Essential Elements of Leases, Modes of Leases, Rights and Liabilities of Lessor and Lessee, Doctrine of Waiver, Determination of Lease and Other Related Provisions (Ss 105-117), Exchanges (Ss 118-121), Gift (Ss 122-129), Transfer of Actionable Claims (Ss 130-137).

**Unit IV**

Indian Easement Act, 1882 :- Introduction (Ss 1-3), Easement in General (Ss 4-7), Imposition, Acquisition and Transfer of Easements (Ss 8-19), Incidents of Easement (Ss 20-21), Disturbance of Easement (Ss 32-36), Extinguishment, Suspension and revival of easements (Ss 37-51), Licenses, Definition, Ingredients and Revocation of Licenses (Ss 52-64)

**Unit V**

**Leading Cases :**

1. NainsukhdasShivnarayan Vs. Goverdhan das AIR 1948, Nagpur 110.
2. Associated Hotel of India Vs. R.N. Kapoor AIR 1962, SC 1262.
3. Jama Masjid Vs. KociManindraDeviah and other, AIR 1962, SC 807.
4. KedarnathVs. Shivnarayan AIR 1970, SC 1717.
5. Kanji Manji Vs. Trusters of Port of Bombay AIR 1963, SC 268.
6. Murari Lal Vs. Devkaran AIR 1965, SC 225.

**Recommended Books:**

1. Transfer of Property Act - Mulla
2. SampattiAntaranAdhinyam - G.P. Tripathi
3. SampatiAntaranAdhinyam - S.N. Shukla
4. Transfer of Property Act 1882 - S.N. Shukla
5. Law of Easement - S.T. Desai
6. Transfer of Property Act, 1882 - G.P. Tripathi

## Legal research and writing

## Unit I INTRODUCTION

- a. Definition and Meaning of Research – Objectives- Motivation – Significance- Interrelation between Research and Knowledge- Levels and Types of Knowledge
- b. Types of Research – Descriptive vs. Analytical, Applied vs. Fundamental, Quantitative vs. Qualitative, Conceptual vs. Empirical, and other types like Historical and Action Research

## Unit II LEGAL RESEARCH

- a. Definition and Meaning of Legal Research- Objectives- Motivation- Significance b. Objectives & Research Process Types- Evolutive, Explicative, Identificatory, Projective, Collative, Impact Analysis, Interactive, Interpretative c. Social Value and Research, Logic and Research, Scientific Method and Research

## UNIT III RESEARCH METHODS

- a. Doctrinal or Traditional Research Methods- Meaning, Characteristics, M erits and Demerits b. Non-Doctrinal or Empirical Research- Meaning, Characteristics, M erits and Demerits c. Socio- Legal Research Methods: Need and Significance d. Induction and Deduction Research Methods

- UNIT IV RESEARCH METHODS IN LEGAL RESEARCH
- a. Research Method and Research Methodology- Definition, Meaning, Significance b. Doctrinal Research Method and the various steps c. Non-Doctrinal Research Method and the various steps d. Qualities of a Good Researcher e. Criteria for a Good Research f. Obstacles to Good Research in India

- UNIT V LEGAL WRITING
- a. Legal Writing – Meaning and Significance b. Research Report Writing – Dissertation & Thesis c. Footnotes – Blue Book Citations - ILI Format – MLA Format d. Bibliography e. E-Resources and Plagiarism

## REFERENCES

1. Agrawal S.K., Legal Education in India, Tripathi Publishers, Bombay (1973)
2. Anderson J Durstan; B. H. Pooli, Thesis and Assignment Writing, Eastern Books Limited, New Delhi, (1977)
3. Brayne H., N. Duncan, R. Grimes, Clinical Legal Education Active Learning in Your Law School, Oxford, (1998)
4. Goode W. J., Hatt P.K., Methods of Social Research, McGraw Hill, New York, (1962)
5. Jain S.N., Legal Research & Methodology, Indian Law Institute Publication, (Ed) TripathiPvt. Ltd., Bombay (1983)
6. Prof.TusharKantiSaha, Textbook on Legal Methods, Legal Systems and Research, Universal Law Publishing Co., New Delhi (2010).

## Drafting, Pleading and Conveyance

**Objective:** The object of this paper is to train students in the art of drafting both for court purposes as well as for other legal forums.

### PART-A

#### Unit-I

Pleading: (i) Civil: General Principles of Pleadings with Special Reference to the Following :- Complaint and

written statement with reference to the suits mentioned below :- (a) Money Suit (b) Ejectment Suit (c) Injunction (d) Interlocutory application under the provisions of C.P.C. (e) Suits under Hindu Marriage Act, 1955 (f) Suits for Specific Performance of Contract (g) Original Petition (h) Affidavit (i) Execution Petition (j) Memorandum of Appeal and Revision (k) Petition under Articles 226 and 32 of the Constitution of India.

#### Unit-II

(ii) Criminal: - Criminal Pleadings with respect to the following:- (a) Drafting of First Information Report

(FIR U/S 154, Cr.P.C.) (b) Drafting of Challan/Charge sheet (under section 173, Cr.P.C.) (c) Drafting of Charge by the Court (d) Complaints for Commission of offences u/s 294, 323/324, 325, 341, 352 and 506 of the Indian Penal Code. (e) Criminal Miscellaneous Petition. Interlocutory Application.

#### Unit-III

(a) Drafting of Bail Application u/s 436 and 437 of Cr.P.C. (b) Drafting of Anticipatory Bail Application

u/s 438, Cr.P.C. (c) Drafting of Cancellation of bail application u/s 439 (i) and (ii) of Cr.P.C. (d) Maintenance application u/s 125-128, Cr.P.C. (e) Memorandum of Appeal and Revision.

#### Unit-IV

Conveyancing : General Principles of Conveyancing with special reference to the following :- (a) Sale

Deed (b) Mortgage Deed (c) Lease Deed (d) Exchange Deed (e) Gift Deed (f) Will Deed (g) General Power of Attorney (h) Promissory Note

**Unit-V**

(a) C.G. High Court Rules and Orders (Civil) (b) C.G. High Court Rules and Orders (Criminal)

**PART-B-** will be based on the practical work carrying 30 marks including 10 marks of viva-voce. Practical Students will be required to attend the Civil Court for 5 days. The student will observe the proceedings of the Court and take down notes thereon.

## VICTIMOLOGY

### VICTIMOLOGY

#### MODULE 1- INTRODUCTION OF VICTIMOLOGY

- Conceptualizing Victim, Victimology and Victimization
- Meaning Victim, Victimology and Victimization
- Types of victims
- Schools of victimology
- Consequences of victimization

#### MODULE 2- CONTEMPORARY ISSUES IN VICTIMOLOGY •

- Victims of Rape
- Victims of Hate Crime
- Victims of Human Trafficking
- Victims of Terrorism

#### MODULE 3- VICTIM RIGHTS IN INTERNATIONAL LEVEL

- The evolution of victim rights and remedies
- United Nations contribution on victim rights
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985
- Victims of Crimes Act, 1996 (CANADA)

#### MODULE 4- LEGISLATIVE MEASURES IN INDIA

- Compensatory relief to victims
- Compensatory relief in Cr.P.C
- Compensatory relief Probation of Offenders Act
- Compensatory relief under MV act
- Justice Malimath Committee Report (2003)

#### MODULE 5 -IMPORANT JUDICIAL PRONOUNCEMENT IN INDIA

- HussainaraKhatoon&Ors v. Home Secretary, State Of Bihar, AIR 1979 SC 1369
- Rudal Shah v. State of Bihar AIR 1983 SC 1086
- Chairman, Railway Board v. Chandrima Das Manu/SC/0046/2000
- Sunil Batra v. Delhi Administration AIR 1980 SC 1597
- State of Punjab v. Ajaib Singh (1995)2 SCC 486



**SIXTH  
SEMESTER**

### **CIVIL PROCEDURE CODE**

**Objective:** This paper is to help a law student to acquire a thorough knowledge of procedural aspects of working of civil courts and other machineries.

#### Module –I: Suits in General

- a) Introduction
- b) Jurisdiction of the Courts (S.9)
- c) Res subjudice and Res judicata (S. 10 and 11)
- d) Foreign Judgment (S. 13)

#### Module II: Suits

- a) Preliminary
- b) Parties to Suits: (Order I)
- c) Frame of Suits (Order II)
- d) Complaint (Order VII)
- e) Written Statement - Set-off & Counter-claim (Order VIII)
- f) Pleadings generally (Order VI)

#### Module III: Trial of suits

- a) Summons-Issue and Service of Summons (Order V)
- b) Summoning and Attendance of witnesses (Orders XVI)
- c) Injunction and interlocutory orders (Order XXXIX)
- d) Receivers (Order XL)
- e) Arrest and Attachment before Judgment (Order XXXVIII)

#### Module IV: Order and Judgments

- a) Order
- b) Judgment (Order XX)
- c) Decree (Order XX)

#### Module V: Execution

- a) Execution of Decrees (Order XXI)
  - 1. Appeals
    - a) General provisions relating to appeals
    - b) Appeals to the Supreme Court
    - c) Reference
    - d) Review
    - e) Revision

#### 2: Special suits

- a) Suits by/and against minors and person of unsound mind
- b) Suits by/ and against indigent person.
- c) Suit by/and against Government.



## PRIVATE INTERNATIONAL LAW

### UNIT - I

1. Introduction
2. Scope of Private International Law
3. Theories of Private International Law
4. Conflict of Law or Private International Law
5. Codification of Private International Law
6. Hague Conventions
7. Distinction between Public International Law and Private International Law.

### UNIT - II

1. Jurisdiction
2. Choice of Law
3. Domicile
4. Residence
5. Renvoi
6. Forum Convinience.

### UNIT - III

1. Cases involving Private International Law
2. Marriage
3. Divorce
4. Adoption
5. Guardianship and Maintenance.

### UNIT - IV

1. Contract
2. Negotiable Instruments
3. Private International Law Relating to Corporations - Jurisdiction over Corporations
4. Insolvency Jurisdiction and effects of Foreign insolvency proceedings.

### UNIT - V

1. Enforcement of Foreign Judgements and Decrees
2. Enforcement of Foreign Arbitral Awards
3. Evidence and Procedure
4. Stay of Proceeding
5. Proof of Foreign Laws.

## **REFERENCE BOOKS:**

1. V. C. Govindaraj – The conflict of Law in India, Oxford.
2. ParasDiwan – Private International Law, Deep & Deep Publication.
3. Setalvad – Conflict of Laws, Lexis Nexis Publications
4. Cheshire, North and Fawcett – Private International Law

**LAW OF TAXATION**

Concept of income tax, heads of income, including foreign income assessment procedures, adjudication and settlement of tax disputes are the focus points of study in this paper

**Unit I****GENERAL INTRODUCTION:**

Historical Perspective

Historical Development of Tax Laws in India

Concepts of tax

Nature & characteristics of taxes

Distinction between tax & fee, tax, & cost

Distinction between Direct & Indirect tax

**Unit II****INCOME TAX ACT, 1961:**

Preliminary – Short Title, Extent and Commencement, Definitions, Previous Year Defined(Sec. 1-3) - Basis of charges of Income Tax: Residential status of assessee – its impact on tax liability(Sec. 4-9) Incomes which do not form part of total income(Sec. 10-13)

**Unit III**

Computation of Total Income(Heads of income) Salaries, Income from House Property, Profits and Gains of Business or Profession, Capital Gains and Income from Other Sources – general concepts – chargeability to tax – admissible & inadmissible deductions, exclusions and deductions from income(Sec. 14-59) Income of other persons included in assessee's Total Income(Sec. 60-65), Aggregation of Income and set-off and carry forward of losses(Sec. 66-80) Deductions to be made in computing total income, Deductions in respect of certain Payments and certain incomes and other deductions, Rebate of Income Tax and Relief for Income Tax(Sec. 80A-89),

**Unit IV**

Income tax authorities- Appointment and Control, Jurisdiction, powers & functions, Disclosure of Information(Sec.116-138), Procedure for Assessment(Sec.139-158), Collection and Recovery of Tax-Deduction at source and Collection at source,

Advance payment of tax, Collection and Recovery , Interest Chargeable in some cases and Refunds,(Sec. 190-245)Allotment of permanent account number, Settlement of Cases-Appeals and Revision, Appeals to the Appellate Tribunal, Reference to High Court,

Appeals to High Court, Appeals to the Supreme Court, Revision and reference(Sec. 245A-269) Penalties Imposable(Sec. 270-275) Offences and Prosecutions-

Penalties and prosecutions under income tax act, 1961 for non- compliance, contravention, avoidance and evasion of tax(Sec. 275A-280)

## **Unit V**

### **C.G. VALUE ADDED SALES TAX ACT, 2003**

Preliminary-Short Title, Extent and Commencement, Definitions, Taxing Authorities, Incidence of Tax(Sec. 1-7) Levy of Tax(Sec. 8-15) Registration of Dealers(Sec.16-18),Returns, Assessment, Payment and Recovery of Tax(Sec.19-38), Refund of Tax, Accounts and Issue of Acts, invoices or cash memoranda(Sec.39-42) Certain powers of the Commissioner and Delegation by the Commissioner(Sec.43-47), Appeals,

Revision and Rectification(Sec.48-56), Detection and Prevention of Tax Evasion(Sec.57-63), Offences and Penalties(Sec.64)Miscellaneous and Power to make Rules(Sec.65-74)

### **Leading Cases:**

- 1- Commissioner of Income Tax Vs. Anwar Ali AIR 1970 SC 1982
- 2- Calcutta Discount Co. Ltd. Vs. Income Tax Officer,(1961)41 ITR 191(SC) Reopening of Assessment Section-147(9)
- 3- Dwarka Das KeshardeoMorarka Vs. Commissioner of Income Tax(1962)42 ITR 529 On law of Estoppel in Taxation
- 4- Jute Corporation of India Vs. CIT, AIR 1991 SC 341

### **Recommended Books:**

- 1- A.K. Saxena Income Tax Act
- 2- Kailash Rai Income Tax Act
- 3- V.K. Shusha Kumari Law of Income Tax
- 4- B.L. Babel PratyakshKarVidhayan, Aparadh,AbhiyojanEvamShastiyam

## **INTELLECTUAL PROPERTY RIGHT**

Objective: The aim of this paper is to introduce the basic concepts of Intellectual property laws to the students for first time and familiarize them with the kind of rights, remedies and licensing regime associated with each kind of intellectual property so that students can have a basic understanding of Intellectual Property laws.

### Syllabus

#### Module I – Introduction

1. Basic concept of Intellectual Property
2. Characteristics and Nature of Intellectual Property right
3. Justifications for protection of IP
4. IPR and Economic Development
5. Major International Instruments relating to the protection of IP
  - i. Berne Convention
  - ii. Paris Convention
  - iii. TRIPS

#### Module II – Copyright

1. Meaning
2. Subject matter
  - i. Original literary, dramatic, musical, artistic works
  - ii. Cinematograph films
  - iii. Sound recordings
3. Ownership of copyright
4. Term of copyright
5. Rights of owner
  - i. Economic Rights
  - ii. Moral Rights
6. Assignment and license (including basic concept of statutory and compulsory license)of

rights

7. Performers rights and Broadcasters rights

8. Infringement of copyright

9. Fair use and Fair Dealing concepts

Relevant Sections: Sections 2,3,13, 14, 17, 18, 19, 22 to 31D, 37, 38, 51, 52, 63, 63A, 63B

### Module III – Patents

1. Meaning

2. Criteria for obtaining patents

i. Novelty

ii. Inventive step

iii. Utility

3. Non patentable inventions

4. Procedure for registration , Term of patent , Rights of patentee

5. Basic concept of Compulsory license and Government use of patent

6. Infringement of patents and remedies in case of infringement

Relevant Sections: 2, 3, 4, 6, 9, 10,11A, 11B, 12, 25, 43, 45, 47, 48, 50, 53, 82 to 85, 87, 94, 99, 100, 104, 107, 107A, 108, 114,

### Module IV – Trade Marks

1. Meaning of mark, trademark

2. Categories of Trademark: Certification Mark, Collective Mark and Well known Mark and Non-conventional Marks

3. Concept of distinctiveness

4. Absolute and relative grounds of refusal

5. Doctrine of honest concurrent user

6. Procedure for registration and Term of protection

7. Assignment and licensing of marks

8. Infringement and Passing Off

Relevant sections: 2, 9, 11, 12, 18 to 29, 38, 39, 122, 134, 135

### Module V – Designs, GI and other forms of IP

1. Designs

1. Meaning design protection

2. Concept of original design

3. Term of protection

Relevant Sections: Section 2 (a) (d) (j) (g), 4, 5, 11, 22.

2. Geographical Indication

1. Meaning of GI

2. Difference between GI and Trade Marks

3. Concept of Authorized user

4. Homonymous GI

Relevant Sections: Section 2 (e) (f) (k) (n) , 3, 7, 9, 10.

3. Trade-secret

1. Meaning

2. Criteria of Protection

4. Plant Variety Protection and Farmer's Right

1. Meaning

2. Criteria of protection

Relevant Sections: Section 2 (i) (j) (k) (l), 14, 15, 16, 39

## **Reference**

### Statutes

- The Copyright Act, 1957
- The Patent Act, 1970
- The Trade Marks Act, 1999
- The Designs Act, 2000
- The Geographical Indication of Goods Act, 1999
- The Protection of Plant Varieties and Farmers' Rights Act, 2001
- Books
- Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford.
- P. Narayanan, Intellectual Property Law, Eastern Law House

## MOOT COURT –EXERCISE

**Objective:** The object of this paper is to train students in the art of framing arguments and litigating for court purposes.

a. Moot Court - 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.

b. Observance of Trial in two cases, one Civil and one Criminal.

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

(c) Interviewing techniques and Pre-trial preparations and Internship diary.

Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/ petition. This will be recorded in the diary.

(d) The fourth component of this will be Viva Voce examination on all the above three aspects. The Court work shall be submitted by Student in own handwriting in the College/SOS in Law. The evaluation shall be made by the college/SOS in Law on the basis of participation and record. The college/SOS in Law after valuation shall sent the diaries and marks to the University. The Principal/ Head may himself evaluate and allot marks on the record or authorize any senior members of the staff, for this purpose. In the later case the Principal/Head shall countersign on the awarded marks.

**Recommended Books:**

1. Moot Court, Pre-trial Preparation and Participation in trial Proceedings - O.P. Mishra (Advocate).
2. Moot Court Pre-trial Preparation and Participation in trial Proceedings - Dr. S.P. Gupta.
3. Moot Court Pre-trial Preparation and Participation in trial Proceedings – J.P.S.Sirohi.
4. Practical training for Law students – Prof. J. k. Mittal



## **BANKING AND INCURANCE LAW**

### MODULE [I]

#### INTRODUCTION

- Evolution of Banking and its history in India.
- Bank, Banking and Bank Regulation.
- Structure and function of Banking Institutions—The different types of Banks viz. Central Bank, Commercial Bank, Co-operative Banks, Specialized Banks, Regional Rural Banks (RRBs), NABARD, Financial Institutions and their respective functions –An Overview.
- Commercial banks: Structure and function.
- Systems of Banking: Unit banking, branch banking, group banking and chain banking.

### MODULE [II]

#### RELATION BETWEEN BANKER AND CUSTOMER

- Legal character of Banker –Customer relationship.
- Rights and obligations of Banker.
- Types of Accounts.
- Principles of good lending.

### MODULE [III]

#### THE NEGOTIABLE INSTRUMENT ACT, 1881

Legal aspects of negotiable instrument in general and special features of the following instruments in particular:

i. Companies, Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Holder, Holder in due course, Inland Instrument, Foreign Instrument, negotiable Instrument, Negotiation, Indorsement, inchoate stamped Instruments.

ii. Crossing of Cheques--Criminal liability on dishonour of Cheque (Section 138 –142) the law relating to payment of customers cheque--rights and duties of paying banker and a collecting banker.

### MODULE [IV]

#### RESERVE BANK OF INDIA:

Structure and Functions i. Central Banking: Organizational Structure of RBI ii. Functions of the Reserve Bank • Primary functions • Secondary functions iii. Controlling function of RBI over Banking and Non-Banking Companies

### MODULE [V]

#### BANKING REGULATION ACT 1949 & EMERGING DIMENSIONS IN BANKING SYSTEM

i. E-commerce

ii.E-banking.Control over Management.ii.Prohibition of certain activities in relation to Banking Companies.

iii.Acquisition of the undertakings of Banking Companies

.iv.Suspension of Business and winding up of Banking Companies

.v.Special provisions for speedy disposal of winding up proceedings

.vi.Powers of the Central Government towards Banking Companies.



R A I P U R