



**UNIVERSITY OF RAJASTHAN**

**JAIPUR**

**SYLLABUS**

**Faculty of Law**

**L.L.B.**

<b>L.L.B. (A)/L.L.B.(P)First Year Examination</b>	<b>2023-24</b>
<b>L.L.B. (A)/L.L.B.(P)Second Year Examination</b>	<b>2024-25</b>
<b>L.L.B. (P) Third Year Examination</b>	<b>2025-26</b>

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**DEPARTMENT OF LAW  
UNIVERSITY OF RAJASTHAN, JAIPUR**



**SYLLABUS  
FACULTY OF LAW  
LL.B. THREE YEAR DEGREE COURSE  
(ACADEMIC/PROFESSIONAL)  
(ANNUAL SCHEME)**

LL.B. (A)/LL.B.(P) First Year Examination	2023-24
LL.B. (A)/LL.B.(P) Second Year Examination	2024-25
LL.B.(P) Third Year Examination	2025-26

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**EXAMINATIONS - FACULTY OF LAW**  
**Bachelor of Laws (Three Year Course)**  
**(New Scheme)**

**O.251, O.252, O.253, O.253-A, O.253-B AND O.253-C BE REFRAMED AS**  
**FOLLOWS:**

**O.251:**

There shall be a Three-Year Course for the degree of LL.B. (Professional) {LL.B. (P) hereinafter} and Two-Year Course for the degree of LL.B. (Academic) {LL.B. (A) hereinafter} for which the teaching shall be conducted through the Lecture method, practical's and class performance of students during the current existing session for which an examination shall be conducted through written papers, practical's and viva-voce of the student's at the end of each year.

**Three Year LL.B. (P) Course:**

1. LL.B (P) // LL.B. (A): First Year Examination at the end of the First Year.
2. LL.B (P) // LL.B. (A): Second Year Examination at the end of the Second Year.
3. LL.B (P): Third Year Examination at the end of the Third Year.

All students would be admitted to LL.B. First Year Professional Course only and those who would like to take admission in LL.B. First Year Academic Course will have to apply separately for that purpose else they would be deemed to have been admitted to the Professional Course.

**O.252:**

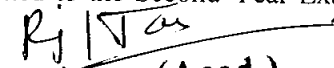
- (1) A candidate who has taken the Bachelor's or the Master's Degree in Arts/ Science/ Commerce/ Medicine/ Engineering/ Nursing/ Agriculture or the Degree of Shastri/ Acharya or the Degree of Ayurvedacharya / Ayurveda Brahaspati of this University or any other university recognized for the purpose by the Syndicate with full course prescribed for the degree and has secured a minimum of 45% marks (excluding any concessional marks) in the aggregate marks prescribed for the examination for the aforesaid degree shall be eligible for admission to LL.B. First Year Course.

- (2) Admission shall be made on the basis of merit and in accordance with the rules made by the competent authority.

Provided further that the condition of obtaining a minimum of 45% marks in the aggregate at the qualifying examination shall not apply to the Natural Born sons/daughters of parents belonging to Scheduled Castes//Scheduled Tribes of India.

**O.253.A:**

After passing the examination of the First Year, a candidate who has completed a regular course of study in the University constituent college or in an affiliated college, for the Second Year of the LL.B.(P) or LL.B. (A) course shall be admitted to the Second Year Examination of the

  
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LL.B.(P) or LL.B.(A) course, as the case may be, subject to the other provisions of the Act, Ordinance, Statues, Rules and Regulations.

**O.253.B:**

A candidate who after passing the examination of the Second Year has completed a regular course of study in the University constituent college or in an affiliated college for the Third Year of the LL.B.(P) course, shall be admitted to the Third Year Examination of the LL.B.(P), subject to the other provisions of the Act, Ordinance, Statues, Rules and Regulations.

**O.253.C:**

(1) A Candidate who is declared eligible for appearing at the supplementary examination of LL.B. First Year (P)/(A) class will be allowed provisional admission to LL.B. Second Year (P)/(A) class. Such candidate will be permitted for **three more attempts** for clearing the examination of LL.B. First Year Examination.

In the event of his/her failing at three such supplementary examination(s), such candidate then will have to appear in LL.B. First Year examination as an Ex-student in all the manners prescribed for the course.

(2) A candidate who is declared eligible for appearing at the supplementary examination at the LL.B. Second Year (P)/(A) class will be allowed provisional admission to LL.B. Third Year (P) class.

Such candidate will be permitted for **three more attempts** for clearing the examination of LL.B. Second Year examination.

In the event of his/her failing at three such supplementary examinations, such candidate will have to appear in LL.B. Second Year examination as an Ex-student in all the papers prescribed for the course.

(3) A candidate who is declared eligible for appearing in the supplementary examination at LL.B. (P) Third Year class will be permitted to appear in **three more attempts** for clearing the LL.B. Third Year (P) examination.

In the event of his/her failing at three such supplementary examinations, such candidate will have to appear in LL.B. Third Year examination as an Ex-student in all the papers prescribed for the course.

**O.256:**

Each theory paper in LL.B. I, II and III Year shall be of 100 marks. The practical paper in each year of LL.B. I, II and III Year has been divided into two parts:

**Part 'A'** shall be of Practical Written Examination of 80 marks and

**Part 'B'** shall be of Viva-Voce of 20 marks.

A candidate shall be required to pass separately in both Practical Written Exam and in the Viva-Voce.

**O.256-A:**

(1) Wherever any option(s) in any subject(s) has been provided in the syllabus of LL.B. I, II or III Year, the Principal or the Head of the Unit (as the case may be) shall determine at the beginning of each session the option(s) for which instruction(s) will be provided

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during the session. The choice of the candidates will be limited to the Options so provided in the instructions.

- (2) A candidate may opt for one additional optional paper at LL.B. I/II/III year examination, if permitted by the Principal or Head of the Unit.

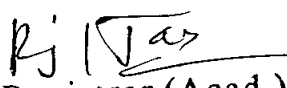
For such additional paper, no teaching faculty will be provided and the candidate will have to appear at the examination in such additional paper at his own risk and the marks obtained therein will not be counted while working out his result but will be shown in the marks-sheet separately. For a pass in such paper the candidate has to secure at least 36% marks.

**O. 256-B :**

On the recommendation of the Dean, Faculty of Law of the University, the Vice-Chancellor may permit transfer of a candidate who has passed in any year of the LL.B.(P) or LL.B.(A) Examination of another University under a scheme whose details are similar or identical to the scheme of this University concerning LL.B. (P) or LL.B. (A) Examination to such year of the LL.B.(P) or LL.B.(A) course and on such terms and conditions as the Hon'ble Vice-Chancellor may lay down.

**REGULATION 21-A (NEW SCHEME):**

- (1) For a pass, in each of the LLB. I Year, II Year (Academic /Professional) Examination and LL.B. III Year (Professional) Examination, a candidate must obtain not less than 36% marks in each paper (theory and practical separately) and 48% marks in aggregate of theory and practical papers prescribed for the examination concerned, provided further that :
- (i) A candidate who fails at the LL.B. First Year / Second Year or Third Year examination and has obtained not less than 36% marks in at least five (05) theory papers and one (01) practical paper **OR** six (06) theory papers, shall be permitted to reappear in one or two theory papers and practical, or at the most three theory papers of his choice at the immediately following supplementary examination.
- (ii) Thereafter, actual marks obtained by a candidate in the papers in which he reappears in the supplementary examination will be taken into account along with earlier marks of other papers for working out his final and updated result.
- (2) A candidate who has passed LL.B. I Year // II Year or III Year Examination and desires to improve his performance, may be permitted to reappear at the same examination in the same subject(s)// paper(s) in the immediately following year on the conditions mentioned in **Ordinance 169-E**.
- (3) Of the successful candidates, those who secure 60% or more marks shall be placed in the First Division and the rest in the Second Division.
- (4) The papers (theory//practical) for LL.B. I Year, II Year and III Year (Academic / Professional) Examinations will be as follows :

  
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## LL.B. FIRST YEAR

### **COMPULSORY PAPERS :**

- 1.1. CONTRACT—I (GENERAL PRINCIPLES)
- 1.2. CONTRACT-II (SPECIFIC CONTRACTS)
- 1.3. LAW OF TORT AND CONSUMER PROTECTION
- 1.4. FAMILY LAW—I (HINDU LAW)
- 1.5. FAMILY LAW—II (MOHAMMEDAN LAW)
- 1.6. CONSTITUTIONAL LAW - I
- 1.7. LEGAL LANGUAGE AND LEGAL WRITING INCLUDING GENERAL ENGLISH

### **OPTIONAL PAPERS : (ANY ONE) :**


- 1.8. (a) LEGAL AND CONSTITUTIONAL HISTORY OF INDIA  
OR
- 1.8. (b) TRUSTS, EQUITY AND FIDUCIARY RELATIONS  
OR
- 1.8. (c) BANKRUPTCY AND INSOLVENCY LAWS

### **PRACTICAL PAPER :**

- 1.9. PUBLIC INTEREST LAWYERING, LEGAL AID,  
PARA-LEGAL SERVICES AND MOOT COURT

This paper shall consist of following two parts :

- 1.9. (a) PRACTICAL WRITTEN PAPER - 80 marks
- 1.9. (b) VIVA-VOCE EXAMINATION - 20 marks
- 1.10. CONSTITUTIONAL LAW - II

  
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## LL.B. SECOND YEAR

### COMPULSORY PAPERS :

- 2.1. JURISPRUDENCE
- 2.2. LAW OF CRIMES
- 2.3. LAW RELATING TO TRANSFER OF PROPERTY AND EASEMENTS
- 2.4. COMPANY LAW
- 2.5. PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS
- 2.6. LABOUR LAW - I
- 2.7. ADMINISTRATIVE LAW

### OPTIONAL PAPERS : (ANY ONE) :

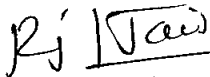
- 2.8. (a) TAXATION LAW  
OR
- 2.8. (b) INSURANCE LAW  
OR
- 2.8. (c) BANKING LAWS INCLUDING NEGOTIABLE INSTRUMENTS ACT

### PRACTICAL PAPER :

- 2.9. PROFESSIONAL ETHICS, BAR-BENCH RELATIONS AND MOOT COURT

This paper shall consist of following two parts :

- 2.9. (a) PRACTICAL WRITTEN PAPER - 80 marks
- 2.9. (b) VIVA-VOCE EXAMINATION - 20 marks
- 2.10. LABOUR LAW - II

  
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## LL.B. THIRD YEAR

### COMPULSORY PAPERS :

- 3.1. LAW OF EVIDENCE
- 3.2. LAW RELATING TO CRIMINAL PROCEDURE, JUVENILE JUSTICE AND PROBATION OF OFFENDERS
- 3.3. CODE OF CIVIL PROCEDURE AND LIMITATION ACT
- 3.4. ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE RESOLUTION SYSTEMS
- 3.5. LAND LAWS
- 3.6. INTERPRETATION OF STATUES
- 3.7. ENVIRONMENTAL LAW

### OPTIONAL PAPERS : (ANY ONE) :

- 3.8. (a) CRIMINOLOGY AND PENOLOGY  
OR
  - 3.8. (b) INTELLECTUAL PROPERTY LAW  
OR
  - 3.8. (c) CYBER LAWS
- 3.9. DRAFTING, PLEADING AND CONVEYANCING

### PRACTICAL PAPER :

- 3.10 MOOT COURT EXERCISE AND INTERNSHIP

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# LL.B. I YEAR (THREE YEAR COURSE)

## PAPER 1.1

### CONTRACT - I (GENERAL PRINCIPLES)

Max. Marks: 100

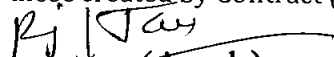
Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
- 
1. (a) Meaning, elements and characteristics of Contract  
(b) Basis of Contract  
(c) Classification of Contract, including the Standard form of Contract  
(d) E- Contracts: Definition, Silent Features, Formation and types, Differences between E- Contract and Traditional Contract, Advantages and Disadvantages of E - Contracts
  2. (a) Proposal: Meaning, Elements Characteristics and Kinds of Proposal, Distinction between Proposal and Invitation to Proposal  
(b) Acceptance: Meaning, Modes and Characteristics of Acceptance  
(c) Communication, Revocation and Termination of Proposal and Acceptance
  3. Consideration:  
(a) Meaning, Definition and Elements of Consideration  
(b) Significance and adequacy of consideration  
(c) Unlawful Consideration and Object  
(d) Concept of Stranger to Contract
  4. Capacity to Contract:  
(a) Who cannot make a contract. Who is minor: The place of minor under the Law of Contract  
(b) Person of unsound mind, nature of contract by person of unsound mind.  
(c) Persons deprived of the Capacity to Contract.
  5. Free Consent :  
(a) Meaning of Consent and Free Consent;  
(b) Factors rendering consent not free and their effect upon the validity of Contract.

Void Agreements:

- (a) Agreements in restraint of marriage; freedom of trade and right to initiate legal proceedings;
- (b) Agreements involving uncertainty, wager and impossibility Contingent Contract: Certain relations resembling to those created by Contract (Quasi Contract)

  
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6. Performance of Contract:

- (a) Who is liable to perform. Joint rights and joint liability and performance of reciprocal promises.
- (b) Time, Place and Manner of Performance.
- (c) Discharge from liability to perform the contract.

Breach of Contract :

- (a) Meaning and Kinds;
- (b) Remedies for Breach of Contract:
  - (i) Damages—Measure of damages and remoteness of damages;
  - (ii) Specific Performance of contract and injunctions under Specific Relief Act, 1963 and Amendments.

**Leading Cases :**

1. Carlill v. Carbolic Smoke Ball Co. (183) 1 QB 256
2. Bhagwandas v. Girdhari Lal & Co. AIR 1966 SC 543
3. Motilal Padampat Sugar Mills v. State of U.P. AIR 1979 SC 621
4. Lalman Shukla v. Gauri Datt (1913)
5. Mohori Bibi v. Dharmodas Ghose, (1903) 30 I.A. 114

**Suggested Readings :**

1. Atiyah P.S.: An Introduction to the Law of Contract
2. Avtar Singh: Law of Contract, (English & Hindi)
3. P.R. Desai: Principles of Law of Contract.
4. Pollock: Principles of the Law of Contract.
5. Pollock & Mulla: Indian contract and Specific Relief Act.
6. R.K. Bangia: Contract I (English & Hindi)
7. V.G. Ramchandra: The Law of Contract in India

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**PAPER 1.2.**  
**CONTRACT - II (SPECIFIC CONTRACTS)**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**1. Contracts of Indemnity and Guarantee:**

- a) Meaning, Distinction between Indemnity and Guarantee and Kind of Guarantee
- b) Rights of Indemnity Holder
- c) Rights of the Surety, Extent of the Liability of the Surety
- d) Discharge of liability of the Surety
- e) Letters of credit and bank guarantees as instances of guarantee transactions.

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

- a) Meaning and Kinds of Contracts of Bailment – Bailment without Consideration
- b) Rights and Duties of Bailee and Bailor
- c) Termination of Contract of Bailment
- d) Contract of Pledge-Meaning and Definition, Pledge by Unauthorized Persons,
- e) Hypothecation, Commercial utility of pledge transactions

**3. Contract of Agency:**

- a) Definition, Kinds of Agents and Agencies
- b) Modes of Creation of Agency
- c) Relation between
  - i. The Principal and Agent
  - ii. The Principal and Third Party, and
  - iii. The Agent and the Third Party
- d) Determination of Agent's authority –
  - i. By Act of Parties; and
  - ii. By Operation of Law – Irrevocable Authority

**4. Contract of Sale of Goods:**

- a) Sale-Meaning, Definition and Distinguish between Agreement to Sell, Hire-Purchase Agreement
- b) Goods-Existing, Future and Contingent
- c) Conditions and Warranties
- d) Passing of Property from Seller to Buyer
- e) Sale by Unauthorized Person
- f) Law relating to Performance of Sale
- g) Rights of Unpaid Seller
- h) The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act, 1930, Changing concept of caveat emptor

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### 5. Contract of Partnership:

- a) Meaning, Definition, Creation and the Characteristics of Contract of Partnership
- b) Kinds of Partner and Partnership
- c) Distinction between:
  - i. Co-ownership and Partnership
  - ii. Joint Hindu Family Firm and Partnership;
  - iii. Company and Partnership
  - iv. Limited Liability Partnership and Partnership
- d) Position of Minor
- e) Relations inter-se of partners and relation of Partners with third parties
- f) Registration of Partnership firm
- g) Effect of Non - Registration of Partnership Firm
- h) Dissolution of Firm

### Leading Cases :

1. Amritlal Goverdhan Lallan v. State Bank of Travancore, AIR (1960) SC 1432
2. Cox v. Hickman, (1860) 8HLC 268
3. Lee v. Griffin, (1861) 30 LJ QB 252
4. National Bank of India Ltd. v. Sohan Lal AIR (1962)
5. Niblett v. Confectioners' Materials Co., (1921) 3 KB 387 (CA)
6. Patnaik & Co. v. State of Orissa AIR (1965) SC 1655
7. Shantiranjan Das Gupta v. Dasuram Murzamull, (1973) 3SCC 463
8. State of Gujarat v. Mamon Mohd. AIR (1967) SC 1885

NB The students will be imparted teaching of latest case- law of the Supreme Court and the High Court's along with the legislative changes and amendments from time to time.

### Suggested Readings:

1. Agarwal, O.P. : The Indian Partnership Act, 1932
2. Agarwal, O.P. : The Sale of Goods Act, 1930
3. Atiyah P.S. : An Introduction to the Law of Contract
4. Atiyah P.S., Sale of Goods, Pearson Education, 2010 (12th Edn)
5. Avtar Singh : Law of Partnership (English and Hindi)
6. Avtar Singh : Principal of the Law of Sale of Goods (English and Hindi)
7. Avtar Singh; : Law of Contract(English and Hindi)
8. Cheshire and Fifoot, Law of Contract, Lexis Nexis, 2010 (10th Edn)
9. Kapoor, N.D.: Mercantile Law
10. Michael G. Bridge (ed.), Benjamin's Sale of Goods, Sweet & Maxwell, 2013 (8th Edn)
11. Pollock & Mulla : Indian Contract and Specific Relief Act
12. R.K. Bangia : Contract II
13. V.G. Ramchandra : Law of Agency
14. V.G Ramchandra : The Law of Contract in India

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**PAPER 1.3.**  
**LAW OF TORT & CONSUMER PROTECTION**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
1. Definition, Nature, Scope, Objects and Elements of Tort, Maxims, Extinction or Discharge of Tortious Liability, Joint Tort-feasors.
  2. General Defenses of Tortious Liability.
  3. Vicarious Liability, Doctrine of Common Employment, State Liability, Absolute and Strict Liability.
  4. Remedies, Kinds and Measure of Damages, Remoteness of Damage.
  5. Torts to Person and Property – Assault, Battery and False Imprisonment, Negligence, Nuisance, Nervous Shock, Interference with Contract or Business, Intimidation, Conspiracy, Deceit or Fraud, Malicious Prosecution, Defamation.
  6. **Consumer Protection Act, 2019 (INCLUDING LATEST AMENDMENTS IF ANY)**  
Evolution of Consumer Protection Movement, Consumer movement, Definitions, Consumer Dispute, Redressal Agencies – Establishment, Jurisdiction, Procedure, Order, Mediation, Product Liability, Offences and Penalties with latest amendments

**Leading Cases:**

1. Carlill v. Carbolic Smoke Ball Company (1892)
2. Donogue v. Stevenson (1932)
3. Indian Medical Association v. V. P. Shantha, AIR (1996) SC 558.
4. Klaus Mittlebachert v. East India Hotels Pvt. Ltd. AIR 1997 Delhi 201
5. Municipal Corporation of Delhi v. Smt. Subhagwati, AIR (1966) SC 17.
6. N. Nagendra Rao v. State of Andhra Pradesh, AIR (1994) SC 2663.
7. Rylands v. Fletcher, (1868) LP. 3 HL 330.
8. Ushaben v. Bhagya Laxmi Chitra Mandir, AIR (1978) Guj. 13.

**Suggested Readings:**

1. Avtar Singh: Law of Consumer Protection (Principles and Practice)
2. B.S. Sinha : Law of Torts
3. G.S. Karkara : Contributory Negligence
4. Gurbax Singh : Law of Consumer Protection
5. P. Leelakrishan : Consumer Protection & Legal Control
6. Ramswami Iyer : Law of Torts
7. Salmond : Law of Torts
8. Street : Law of Torts
9. Winfield : Law of Tort

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**PAPER 1.4.**  
**FAMILY LAW - I (HINDU LAW)**

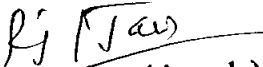
Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
1. **Hindu Law:** Sources, School and Application, Coparcenary, Joint Family Property and Self-acquired property; Karta and his powers and obligations, Religious and Charitable Endowments – Essentials of an Endowment Kinds, Shebait and Mahant.
  2. **The Hindu Marriage Act, 1955:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Conditions of a valid Hindu Marriage; Its ceremonies and registration, Void and Voidable Marriage : Restitution of Conjugal Rights; Judicial Separation, Legitimacy of Children of Void and Voidable Marriage; Divorce and its grounds; Alternative relief in divorce proceedings, Divorce by Mutual Consent, One year bar to Divorce; Divorced persons when may marry again; Jurisdiction and Procedure. The Prohibition of Child Marriage Act, 2006. Validity of Child Marriage.
  3. **The Hindu Secession Act, 1956:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Succession to the property of a Hindu male; Succession to interest in Coparcenary property, Property of a Female Hindu to be her absolute Property; Succession to the property of a Hindu female; General rules and disqualifications of succession, Escheat.
  4. **The Hindu Adoption and Maintenance Act, 1956:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Requisites of a valid adoption; Capacity to take in adoption; Capacity to give in Adoption, Effects of Adoption; Miscellaneous provisions of adoptions; Maintenance of wife, children and parents; Maintenance of widowed daughter-in-law; Dependents and their maintenance; Amount of Maintenance.
  5. **The Hindu Minority and Guardianship Act, 1956:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Natural Guardians and their powers; Testamentary guardian and their powers, De Facto Guardian, General Provisions of Guardianship.
  6. **Partition under Hindu Law** – Meaning, Property for Partition, person entitled to sue for partition and allotment of shares, Partition, and allotment of shares, how effected, Determination of shares, Re-opening of Partition, Reunion, Debts – Doctrine of Pious Obligation; Antecedent Debts.

**Leading Cases:**

  
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**Leading Cases:**

1. Bipin Chandra v. Prabhavati, AIR (1957) SC 176.
2. Brij Narayan v. Mangla Prasad, (1924) 51 IA 129.
3. Dharmendra Kumar v. Usha Kumar, AIR (1977) SC 2218
4. Dr. Narayan Ganesh Dastane v. Sucheta Dastane AIR (1975) SC 1534
5. Hanooman Prasad v. Mussamat Babooes Munraj Koonware, (1856) 6 MIA 395.
6. Shastri Yajna Purusdasji v. Muldas, AIR 1966 SC 1119
7. Tulsamma v. Sesha Reddi, AIR (1977) SC 1944

**Suggested Readings:**

1. Mulla : Principles of Hindu Law
2. Paras Diwan : Modern Hindu Law
3. Raghavachariar : Hindu Law – Principles and Precedents
4. Tahir Mehmood : Hindu Law

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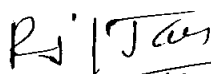
**PAPER 1.5**  
**FAMILY LAW – II (MOHAMMEDAN LAW)**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
1. **Origin and development of Muslim Law** - Sources of Muslim Law, Schools of Muslim Law, Difference between the Sunni and Shia Schools, Sub-schools of Sunni Law, Operation and application of Muslim Law, Conversion to Islam - Effects of conversion
  2. **Law relating to Marriage and Dower**- Nature of Muslim Marriage, Essential requirements of valid Marriage, Kinds of Marriages - distinction between void, irregular and valid marriage  
Dower (Mahr) - Origin, nature and importance of dower, object of dower and classification of dower.
  3. **Divorce and Maintenance** - Classification of divorce - different modes of Talaq - Legal consequences of divorce - Dissolution of Muslim Marriage Act, 1939 (including amendments if any)  
Maintenance, Principles of maintenance, Persons entitled to maintenance - The Muslim Women (Protection of Rights on Divorce) Act, 1986 (including amendments if any) - Effect of conversion on maintenance and difference between Shia and Sunni Law.
  4. **Pre-emption**: Meaning, Nature and Classification of Haq Shufa (Pre-emption); Rights of pre-emption, when Conflict of Laws, Subject matter and Formalities of Pre-emption, legal effects of pre-emption, Devices for evading pre-emption.
  5. **Parentage** - Maternity and Paternity - Legitimacy and acknowledgment - Guardianship - Meaning - Kinds of guardianship - Removal of guardian - Difference between Shia and Sunni Law. Legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, 1872 Conditions of a Valid Acknowledgement.
  6. **Gift and Will** - Definition of Gift - Requisites of valid gift - Gift formalities - Revocation of gift - Kinds of gift.  
Wills - Meaning of Will - Requisites of valid Will - Revocation of Will - Distinction between Will and Gift - Difference between Shia and Sunni Law. Death Bed Transactions
  7. **Waqf** - Definition - Essentials of Waqf - Kinds of Waqf – Creation of Waqf - Revocation of Waqf - Salient features of the Waqf Act, 1995 – Mutawalli - Who can be Mutawalli - Powers and duties of Mutawalli - Removal of Mutawalli and Management of Waqf property.

  
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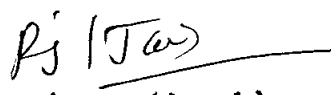
8. **Succession** - Application of the property of a deceased Muslim - Legal position of heirs as representatives - Administration - Waqf Tribunals and Jurisdiction.

**Leading Cases:**

1. Abul Fata Mohd. v. Russomoy Dhur Chowdhary (1894) 22 IA 76
2. Danial Latifi v. Union of India (2001) 1 SC 740
3. Habibur Rahman v. Altaf Ali (1921) 42 IA 114
4. Maina Bibi v. Choudhary Vakil Ahmed, (1923) 52 IA 145
5. Mohd. Ahmed Khan v. Shah Bano Begum, AIR (1985) SC 945
6. Moonshee Buzul-ul-Rahim v. Lateefunnisa, (1861) 8, MIA 379.
7. Shabana Bano v. Imran Khan, AIR (2010) SC 305
8. Shayara Bano v. Union of India and Ors., (2017) 9 SCC 1

**Suggested Reading :**

1. Aquil Ahmed: Text Book of Mohammadan Law, 5th Edition 1992, Central Law Agency, Allahabad.
2. Fyzee : Mohammedan Law
3. Mulla : Principles of Mohammedan Law
4. Paras Divan: Family Law (Hindu, Muslim, Christian, Parsi and Others), Allahabad Law Agency, Allahabad
5. Tahir Mahmood: The Muslim Law of India, 1980, Law Book Company, Allahabad.
6. Tandon M.P.: Muslim Law in India, 10th Edition, 1996, Allahabad Law Agency, Allahabad.
7. Verma, B.R. : Islamic Law

  
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**PAPER 1.6**  
**CONSTITUTIONAL LAW - I**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**1. General**

Constitution – Fundamental Law of the Land: Making of the Indian Constitution; Aims and Objectives; Essential Features of Constitution; Theory of Basic Structure; Principles of Federalism; Nature of the Indian Constitution – Federal, Unitary, Quasi-federal; Cooperative and Competitive Federalism; Scheduled and Tribal Areas

**2. The Union and its Territory**

Power to cede Indian territory to a Foreign Nation; Power to create/extinguish a state; Alteration of name, area and boundary of existing states – Procedure (Articles 1 – 4)

**3. The Union and the State Executives**

- a) The President and Vice President – Qualifications, Election, Term of Office, Powers, Impeachment (Articles 52-72); Governor – Appointment - Term of Office – Removal and Powers (Articles 153 – 161)
- b) Nature, Scope and Extent of Executive Powers of the Union and States (Article 73, 162)
- c) Union Council of Ministers – Powers and Position of the President (Articles 74-75); State Council of Ministers (Articles 163-164); Relationship of the President/Governor with the Council of Ministers; Scope and Extent of Judicial Review of Executive Actions (Articles 74, 75, 77, 78, 111, 102, 103(2), 217(3), 163)

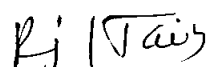
**4. Parliament and State Legislatures**

Composition of Parliament and State legislatures; Qualification/Disqualification of Members; Legislative Procedure, Legislative Privilege (Articles 79 – 122, 168 – 212)

**5. Legislative Power of the Executive (Ordinances)**

Essential conditions for promulgation of an Ordinance: ‘Ordinance’ under Article 13; Judicial Review; Validity of successive promulgation of the same Ordinance (Articles 123, 213)

**6. Union and State Judiciary (Part-I Composition, Appointment, Removal and Jurisdiction)**

  
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- a) The Union Judiciary: the Supreme Court of India (Articles 124-147); Composition, Appointment and Removal of Judges (Articles 124-130); Procedure (Article 145); the High Courts in the States (Articles 214-231)
- b) Jurisdiction of Supreme Court: Original Exclusive (Articles 71, 131), Original Concurrent Jurisdiction of Supreme Court and High Courts (Articles 32, 226).
- c) Appellate Jurisdiction of Supreme Court: Civil, Criminal and in other matters (Articles.132-135); Enlargement of Jurisdiction (Article 138); Binding nature of the law declared by the Supreme Court, enforcement of decrees and orders, (Articles 141 and 142)
- d) Special Leave to Appeal (Article 136)
- e) Power of Review (Article 137)
- f) Advisory Jurisdiction (Article 143)
- g) Curative Petition
- h) Writs – habeas corpus, mandamus, prohibition, quo warranto and certiorari

**7. Procedural requirements and innovations**

- a) Judicial Activism and overreach/self-restraint, Locus Standi, Laches, Res Judicata, Exhaustion of Alternative Remedies and Public Interest Litigation – PIL (Concept of pro bono public)
- b) Power to issue appropriate orders and directions; Power to award Compensation

**8. Distribution of Legislative Powers (Articles 245 – 255, Schedule VII)**


- a) Doctrine of Territorial Nexus (Article 245)
- b) Subject-matter of laws made by Parliament/Legislatures of States; Position of Union Territories (Article 246)
- c) Interpretation of legislative lists:
  - i. Plenary and Ancillary Power of Legislation
  - ii. Effect of Non-Obstante Clause □ Doctrine of Harmonious Construction
  - iii. Doctrine of Pith and Substance
  - iv. Colourable Exercise of Legislative Power
- d) Residuary Power of Legislation (Article 248)
- e) Parliament's Power to Legislate in List II (State List) – (Articles 246 (4), 247, 249-253, 352, 356)
- f) Doctrine of Repugnancy (Article 254)

**9. Freedom of Trade, Commerce and Intercourse**

Concept of trade and commerce; scope of freedom of trade, commerce and intercourse; fiscal measures; direct and immediate restrictions; regulatory measures; compensatory taxes; restrictions on trade, commerce and intercourse among states, power of Parliament and state legislatures; state monopoly (Articles 301-307)

**10. Emergency Provisions**

- a) Proclamation of Emergency on grounds of war, external aggression and armed rebellion (Articles 352, 358, 359) b)

  
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- b) Power of Union Executive to issue directions (e. g. Articles 256, 257) and the effect of non-compliance (Article 365); Duty of the Union to protect the States against external aggression and internal disturbance (Article 355)
- c) Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357)
- d) Financial Emergency (Article 360)

**Leading Cases:** The students will be imparted teaching of latest case- law of the Supreme Court and the High Court's.

**Suggested Reading:**

1. B. Shiva Rao, The Framing of India's Constitution– Select Documents (1967)
2. D.D. Basu, Shorter Constitution of India (15th ed., 2018)
3. Granville Austin, The Indian Constitution: Cornerstone of a Nation (1966)
4. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)
5. H.M. Seervai, Constitutional Law of India (4th ed., Vol 1 (1991), Vol. 2 (1993), Vol. 3 (2019 Rep.))
6. M. P. Singh, V. N. Shukla's Constitution of India (13th ed., 2019)
7. M.P. Jain, Indian Constitutional Law (8th ed., 2018)
8. Report of the Commission on Centre – State Relations (Sarkaria Commission) (1987)
9. Report of the National Commission to Review the Working of the Constitution (2002)
10. The Constitution of India, 1950

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**PAPER 1.7**  
**LEGAL LANGUAGE AND LEGAL WRITING INCLUDING**  
**GENERAL ENGLISH**

Max. Marks : 100

Min. Pass Marks: 36

**Course Objectives:**

This is designed to scientifically relate the Law and English Language as the means and methods for development of effective reading, writing, communication and presentation skills.

**Teaching Method:** Lectures, discussion, class activities/exercises and presentation.

**1. Legal Language**

- i. Introduction to Language and Communication
- ii. Use of Legal Phrases and Terms List of Legal Terms
- iii. Latin Maxims
- iv. Pair of words
- v. One-word substitution

**2. Reading and Comprehension Skills**

- i. Comprehension of Legal Texts
- ii. Prescribed Leading Cases
- iii. Newspaper Reading

**3. Legal Writing**

- i. Fundamental Principles of Legal Writing
- ii. General Guidelines Relating to Legal Writing
- iii. How to write a case comment
- iv. Precise Writing
- v. Brief Writing and Drafting of reports; letters and applications.
- vi. Essay writing and topics of legal interest.
- vii. Translation (from English to Hindi and Hindi to English).
- viii. Resume
- ix. Writing for Employment-Designing Cover letters

**4. Communication & Presentation Skills**

- i. Importance of communication skills for a legal professional
- ii. Verbal, Non-verbal and Paralinguistic Communication
- iii. Brevity, Clarity, Simplicity, Accuracy and Appropriateness
- iv. Barriers to good communication and how to avoid them
- v. Etiquettes and Manners for Law Professionals
- vi. Body Language
- vii. Group Discussion
- viii. How to Face an Interview
- ix. Presentation techniques

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**List of Legal terms:**

Abet	Defense	Liquidation	Remand
Abate	Deposit	Maintenance	Remedy
Abstain	Detention	Malafide	Repeal
Accomplice	Discretion	Malfeasance	Res Judicata
Act of God	Distress	Minor	Respondent
Actionable	Earnest Money	Misfeasance	Restitution
Accuse	Enact	Mortgage	Rule
Adjournment	Enforceable	Murder	Ruling
Adjudication	Equality	Negligence	Schedule
Admission	Escheat	Negotiable	Section
Affidavit	Estoppel	Instruments	Settlement
Amendment	Eviction	Neutrality	Sovereignty
Appeal	Executive	Non-feasance	Stamp Duty
Acquittal	Ex-parte	Notification	Status quo
Articles	Finding	Novation	Statute
Assent	Floating charge	Nuisance	Succession
Attested	Franchise	Oath	Summons
Attornment	Fraud	Obscene	Surety
Averment	Frustration	Offender	Tenant
Bail	Good Faith	Order	Testator
Bailment	Guardian	Ordinance	Testatrix
Blockade	<i>Habeas Corpus</i>	Overrule	Title
Bonafide	Hearsay	Partition	Tort
By-laws	Homicide	Perjury	Trade Mark
Charge	Inheritance	Petition	Treason
Chattels	Illegal	Plaintiff	Treaty
Citation	Indemnity	Pledge	Trespass
Clause	Inheritance	Preamble	Trial
Coercion	<i>In limine</i>	Pre-emption	Tribunal
Code	Insanity	Prescription	Trust
Cognizable	Institute	Presumption	Ultra vires
Confession	Insurance	Privilege	Undue influence
Compromise	Intestate	Privity	Usage
Consent	Issue	Process	Verdict
Conspiracy	Judicial	Promissory Note	Vested
Contempt	Jurisdiction	Proof	Violate
Contingent	Justice	Proposal	Vis-major
Contraband	Judgment	Prosecution	Void
Conviction	Justiciable	Procedural	Voidable
Convention	Legislation	Proviso	Waiver
Corporate	Legitimacy	Ratify	Warrant
Custody	Liable	Receiver	Warranty
Damages	Liberty	Redemption	Will
Decree	License	Reference	Writ
Defamation	Lieu	Regulation	Wrong

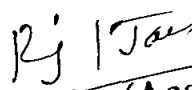
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### List of Latin Maxims:

1. A mensa et thoro (from table and bed)
2. Ab initio (from the beginning)
3. Actio personalis moritur cum persona (Personal right of action dies with the person)
4. Actus curiae neminem gravabit (an act of the Court shall prejudice no one)
5. Actus non facit reum, nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).
6. Actus reus (wrongful act)
7. Ad interim (in the meantime)
8. Ad litem (for the suit)
9. Ad valorem (according to the value)
10. Adjournment sine die (adjournment without a day for a further meeting or hearing)
11. Alibi (plea of being elsewhere)
12. Allegans Contraria Non Est Audiendus (One making contradictory statements is not to be heard)
13. Amicus curiae (friend of the Court)
14. Animus (intention)
15. Audi alteram partem (hear the other side)
16. Bonus iudex secundum aequum et bonum iudicat et aequitatem stricto iuri praefert (A good judge decides according to justice and right and prefers equity to strict law.)
17. Caveat emptor (buyer beware)
18. Consensus ad idem (agreement by the persons upon the same thing in the same sense)
19. Corpus delicti (Body of the crime)
20. Corpus juris civilis (Body of civil law)
21. Dammum sine injuria (damage without injury)
22. De facto (in fact)
23. De jure (in law)
24. Decree nisi (a decree which takes effect after a specified period)
25. Delegates non potest delegare (a delegated power cannot be further delegated)
26. De minimis non curat lex (the law does not account of the trifles)
27. Denatio martis cause (gift by a person on the death-bed)
28. Doli incapax (incapable in malice)
29. Ei incumbit probatio qui dicit, non qui negat (The burden of proof is on the one who declares, not on one who denies)
30. Eiusdem generis (of the same category)
31. Eminent domain (the supreme rights)
32. Ex officio (from the office)
33. Ex specialis derogat legi generali (Specific law takes away from the general law)
34. Ex turpi causa non oritur actio (No action arises on an immoral contract.)
35. Ex parte (not in the presence of the opposite party)
36. Ex post facto (by subsequent act)
37. Factum valet (the fact which cannot be altered)
38. Fait accompli (an accomplished fact)
39. Fortior est custodia legis quam hominis (The custody of the law is stronger than that of man)
40. Fraus et jus nunquam cohabitant (Fraud and justice never dwell together.)
41. Ignorantia legis neminem excusat (ignorance of law is no excuse)
42. In pari materia (in an analogous case, cause or position)
43. Injuria sine damno (injury without damage)
44. Interest re publicate ut sit finis litium (it in the interest of the republic that there should be an end of law suit)
45. Interpretare et concordare leges legibus est optimus interpretandi modus (To interpret and harmonize laws is the best method of interpretation.)
46. Intra vires (within the powers)
47. Iudex non potest esse testis in propria causa - A judge cannot be witness in his own cause.
48. Jus terti (the right of a third party)

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49. Justitia nemini neganda est (Justice is to be denied to no one)
50. Lex citius tolerare vult privatum damnum quam publicum malum (The law would rather tolerate a private injury than a public evil.)
51. Lis pendens (pending suit)
52. Mens rea (guilty mind)
53. Mesne profits (the profits received by a person on wrongful possession)
54. Mors dicitur ultimum supplicium (Death is called the extreme penalty.)
55. Nemo dat quod non habet (no man can transfer better title than he himself has)
56. Nemo Debet Bis Vexari Pro Una Et Eadem Causa (no man can be twice vexed for the same cause)
57. Nemo iudex in causa sua (no one shall be a judge in his own case)
58. Nemo punitur pro alieno delicto - No one is punished for the crime of another.
59. Obiter dicta (an opinion of law not necessary to the decision)
60. Onus probandi (the burden of proof)
61. Pacta sunt servanda (pacts must be respected)
62. Pendent lite (during litigation)
63. Per capita (counting heads)
64. Per incuriam (though inadvertence or carelessness)
65. Post mortem - After death
66. Prima facie - On the face of it
67. Pro bono publico (for the public good)
68. Pro rata - In proportion.
69. Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba expressa fienda est - When there is no ambiguity in words, then no exposition contrary to the expressed words is to be made.
70. Ratio decidendi -Reason for the decision
71. Ratio est legis anima, mutata legis ratione mutatur et lex - Reason is the soul of the law; when the reason of the law changes the law also is changed.
72. Res gestae (connected facts forming the part of the same transaction)
73. Res ipsa loquitur (the thing speaks for itself)
74. Res judicata (a matter already adjudicated upon)
75. Res nullius (an ownerless thing)
76. Respondeat superior -let the master answer
77. Rule nisi (a rule or order upon condition that is to become absolute case is shown to the contrary)
78. Status quo (existing position)
79. Sub judice (in course of adjudication)
80. Sui juris (on one's own right).
81. Suo motu (of ones own accord)
82. Ubi jus ibi remedium (where there is a right, there is a remedy)
83. ultra vires (beyond the powers of)
84. Vigilantibus non dormientibus aequitas subvenit -Equity aids the vigilant, not the sleeping
85. Volenti non fit Injuria (Risk taken voluntarily is not actionable)

  
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**Suggested Readings:**

1. Black's Law Dictionary
2. David Green: Contemporary English Grammar, Structure and Composition
3. Dr. Anirudh Prasad: Outlines of legal language in India
4. Ganga Sahai Sharma: Fundamental of Legal Writing
5. Glanville Williams: Learning the Law
6. H. K. Mukherjee: Legal Language, Legal Writing and General English
7. Hindi-English Legal Glossary: Vidhi Sahitya Prakashan, Ministry of Law, Government of India, New Delhi
8. Ishtiaque Abidi: Law and Language
9. Mohan and Banerji: Developing Communication Skills
10. Paul Rylance: Legal Writing and Drafting
11. S. C. Tripathi: Legal Language, Legal Writing and General English
12. Seema Gupta: Correct Etiquette & Manners for all occasions
13. Thomson and Martinet: A practical English Grammar
14. Wren and Martin: English Grammar and Composition

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## OPTIONAL PAPERS

### PAPER 1.8 (A)

#### LEGAL AND CONSTITUTIONAL HISTORY OF INDIA

Max Marks: 100

Min. Pass Marks : 36

#### Note:

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
1. Importance and Necessity of Legal History, Administration of Justice in Madras, Bombay and Calcutta before 1726, Charter of 1726 and Establishment of Mayor's Court, Charter of 1753, Regulating Act of 1773, Settlement Act of 1781, Lord William Bentinck, The Madras Act of Settlement, 1781; Nand Kumar Trial, Patna Case, Cossijurah Case.
  2. The beginning of the Adalat System; The Judicial Plans of 1772 and 1774 introduced by Warren Hastings; Judicial Reforms of Lord Cornwallis.
  3. Charter Act of 1833, The High Court: Dual Judicature before 1861; Indian High Court Act, 1861, Development of Law in Mofussil (Justice, Equity and Good Conscience), Privy Council.
  4. Development of Criminal Law, Codification of Law; Law Commission, First, Second and Third Law Commissions; The De Loci Report.
  5. Government of India Act, 1858, Indian Councils Act, 1861; Indian Councils Act, 1892, Indian Councils Act, 1909 (Morley - Minto Reforms).
  6. Government of India Act, 1919 (Montague - Chelmsford Reforms), Dyarchy System.
  7. Government of India Act, 1935: Federalism, Provincial Autonomy, Federal Court; Cabinet Mission Plan, Indian Independence Act, 1947, Constituent Assembly—Its Formation, Working and Contributions.

#### Leading Cases :

1. Cossijurah Case, 1789-90
2. Gorachand Dutt v. Hosea
3. Kamaluddin Case, 1775
4. Patna Case, 1777-79
5. Trial of Raja Nand Kumar, 1775

#### Suggested Readings : .

1. Banerjee, A.C., The Making of the Indian Constitution,
2. Jain, M.P., Outlines of Indian Legal History, Lexis Nexis.
3. Jois, Rama M., Legal and Constitutional History of India, Universal Law Publications Ltd.
4. Keith, A.B., Constitutional History of India, Methuen and Co. Ltd.
5. Kulshrestha, V.D., Landmarks in Indian Legal and Constitutional History.
6. Mahajan, V.D., Constitutional History of India.

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**PAPER 1.8 (B)**  
**TRUSTS, EQUITY AND FIDUCIARY RELATIONS**

Max Marks: 100

Min. Pass Marks : 36

**Note:**

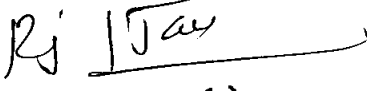
- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
1. **Equity:** Concept of Equity – Origin and Growth of Equity in England Maxims of equity – Equitable rights – Equitable remedies.
  2. **Indian Trust Act, 1882: (as amended by the Indian Trust (Amendment) Act, 2016)** (INCLUDING OTHER LATEST AMENDMENTS IF ANY) Definition – Creation of Trusts – Duties and Liabilities of Trustees – Rights and Powers of Trustees – Disability of Trustees – Rights and Liabilities of the Beneficiary – Vacating the office of Trustees Extinction of Trustees – Certain obligations in the nature of Trust.
  3. **Rajasthan Public Trust Act, 1959: (INCLUDING LATEST AMENDMENTS IF ANY)** Definition and validity of certain public trusts – Registration of public Trusts – Management of Public Trust Property – Powers of Officers in relation to Public Trusts – Control of Public Trusts – Social provisions in respect to certain trusts.  
**Dharmada** – Procedure and Penalties.

**Leading Cases :**

1. Durgah Committee, Ajmer v. Syed Hussain Ali, 1961 SC 1402
2. Hindu Religious Endowments, Madras v. Shri Lakshmindar Thiratha Swamiar of Shri Shirur Mutt, AIR 1954 SC 282.
3. Surajmal Singhvi v. State of Rajasthan, 1966 RLW 566
4. Tilkyat Shri Govindalaji v. State of Rajasthan, AIR 1963 SC 1630

**Suggested Readings :**

1. Gandhi, B.M.: Equity, Trusts and Specific Relief
2. Upadhyaya, J.J.R. : Equity, Trusts with Fiduciary Relations and Specific Relief
3. Varadachari, V.K : Law of Hindu Religious and Charitable Endowments
4. Varadachari, V.K. : Public Trusts and Taxation

  
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**PAPER 1.8. (C)**  
**BANKRUPTCY AND INSOLVENCY LAWS**

Max Marks: 100

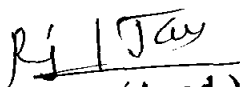
Min. Pass Marks : 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
- 
1. Origin and History of Bankruptcy Law, Brief study (object, applicability of Act and definitions) of:
    - **The Provincial Insolvency Act, 1920;**
    - **The Presidency Towns Insolvency Act, 1909;**
    - **The Rajasthan Insolvency Rules.**
    - **The Insolvency and Bankruptcy Code, 2016: (INCLUDING LATEST AMENDMENTS IF ANY)**
  1. Insolvency resolution and liquidation for corporate persons: Application and Definitions, corporate insolvency resolution process, liquidation process, fast track corporate insolvency resolution process, voluntary liquidation of corporate persons, adjudicating authority for corporate persons, offences and penalties
  2. Insolvency resolution and bankruptcy for individuals and partnership firms: Application and Definitions, fresh start process, insolvency resolution process, bankruptcy order for individuals and partnership firms, administration and distribution of the estate of the bankrupt, adjudicating authority for individuals and partnership firms, offences and penalties
  3. Regulation of insolvency professionals, agencies and information utilities: the insolvency and bankruptcy board of India, powers and functions of the board, insolvency professional agencies, insolvency professionals, information utilities, inspection and investigation, finance, accounts and audit

**Leading Cases:**

1. Addul Shukoor v. Arji Papa Lao. AIR 1967 SC 1150
2. JK Jute Mills Company Ltd. v. M/s. Surendra Trading Company, Company Appeal (AT) No. 09 of 2017- 01/05/2017
3. M/s. Innovative Industries Limited v. ICICI bank & Anr., CA (AT) Insolvency No. 1 & 2 of 2017-15/05/2017
4. Macquarie Bank Limited v. Shilpi Cable Technologies Limited Civil Appeal No.15135 OF 2017
5. Nikhil Mehta & Sons (HUF) & Ors. v. M/s AMR Industries Ltd., C.P. No. (ISB)-03/PB/2017-23/01/2017)
6. Official Assignee v. Tchmina Dinshaw Tehrani, AIR 1971 Mad. 187

  
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7. Smart Timing Steel Ltd v. National Steel and Agro Industries Ltd., C.P. No. 896/I & BP/NCLT/MB/MAH/2017-19/05/2017

**Suggested Readings:**

1. Khatavkar Pranav : Commentary on The Insolvency and Bankruptcy Code, 2016
2. Kothari Vinod and Bansal Sikha : Law relating to The Insolvency and Bankruptcy Code, 2016:
3. Mulla—The Law of Insolvency in India
4. Myneni Dr. S. R. : Law of Insolvency and Bankruptcy
5. Williams on Bankruptcy

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## **PRACTICAL PAPER**

### **PAPER 1.9. (A) PUBLIC INTEREST LAWYERING LEGAL AID, PARA-LEGAL SERVICES AND MOOT COURT**

Max. Marks: 100

Min. Pass Marks: 36

This paper shall consist of following two parts:

- |                            |   |          |
|----------------------------|---|----------|
| a) Practical written paper | — | 70 marks |
| b) Viva-voce examination   | — | 30 marks |

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

#### **(a) PRACTICAL WRITTEN PAPER**

1. Meaning, nature, scope and object of Public Interest Litigation (PIL); PIL against the State and other public bodies; Difference between Public Interest Litigation and Private Interest Litigation; Judicial Responses--- Meaning of Social Action Litigation, Concept of Locus Standi.
2. Legal Aid under the:
  - a. Constitution;
  - b. Code of Criminal Procedure; and
  - c. Code of Civil Procedure.
3. The Legal Services Authorities Act, 1987, Legal Aid and Law Schools, Legal Aid and Voluntary Organisations legal Aid and Legal Profession; District Legal Aid Committee.
4. Lok Adalats: Their jurisdiction. working and Powers under the **Legal Services Authorities Act, 1987 (INCLUDING LATEST AMENDMENTS IF ANY)**
5. Writing of Public Interest Litigation, Writing of applications for Legal Aid.
6. Legal Aid Counseling and services
7. Lok Adalat Observation

#### **(b) VIVA-VOCE EXAMINATION**

This paper shall be divided into three heads:

1. **Moot Court Exercise:** There shall be two class moot court exercise in a year based on leading case laws. Student shall prepare a moot court diary on the basis of moot court attended.
2. **Court Trial:** The student shall observe two court trials (one civil and one criminal) and shall maintain a diary of the contents observed.
3. **Internship:** 04 weeks internship under an Advocate/NGO/Judiciary/legal regulatory authority shall be completed by the students of concerned class to observe the preparation of documents and court papers by the Advocate/concerned authority

and the procedure for the filling of the suit/petition. All the work done under internship will be recorded in a diary with date and duly signed by the Lawyer shall which internship has been done.

NB Diary maintained under above three heads shall be of 15 marks (5 marks for each head) Viva Voce: On the basis of above three heads a viva voce shall be conducted of 15 marks.

**Leading Cases :**

1. Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.
2. Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545.
3. Sheela Barse v. State of Maharashtra, AIR 1988 SC 378.
4. Sukhdas v. Union Territory of Arunachal Pradesh, AIR 1986 SC 928.

**Suggested Readings :**

1. Awadh Prasad-Lok Adalat
2. Kailash Rai—PIL, Legal Aid & Para Legal Services (English & Hindi)
3. L. M. Singhvi— Law and Poverty — Cases and Material.
4. R. N. Bajpayee—Legal Aid and the Bar Council.
5. R. N. Bhagwati—Legal Aid as a Human Right
6. S. S. Sharma—PIL, Legal Aid, Para Legal Services Moot Court.
7. Sujan Singh—Legal Aid-Human Right to Equality.
8. Sunil Deshta—Lok Adalats in India—Genesis and Functioning.

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**PAPER 1.10**  
**CONSTITUTIONAL LAW -II**

Max Marks: 100  
36

Min. Pass Marks:

**Note:**


- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**1. Fundamental Rights (General)**

- (a) "State" under Article 12
- (b) "Law" under Article 13; Also Articles 31A, 31B, 31C, 368
  - a. Doctrine of Eclipse
  - b. Waiver of Fundamental Rights
  - c. Severability
- (c) Power of Parliament to modify the fundamental rights (Article 33)
- (d) Martial Law (Article 34)

**2. Right to Equality (Articles 14 – 18)**

- (a) Equality among Equals; Treating un-equals as equals violates equality clause
- (b) Classification as such not completely prohibited: Reasonable Classification Permissible
- (c) Single Person may be treated as a separate class
- (d) Establishment of Special Courts
- (e) Conferment and/or exercise of discretionary or arbitrary power is antithesis of right to equality
- (f) Distribution of state largesse
- (g) Special provisions for women and children; requirements relating to residence; requirement of a particular religion being professed by the incumbent of an office related to a religious or denominational institution
- (h) Protective Discrimination - Reservations in appointments and promotions; Special provisions for socially and educationally backward classes of citizens and for Scheduled Castes and Scheduled Tribes
- (i) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

  
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- (j) The Central Educational Institutions (Reservation in Admission) Act, 2006
- (k) Abolition of Untouchability (Articles 17, 35)
  - a. The Protection of Civil Rights Act, 1955
  - b. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- (l) Abolition of Titles (Article 18)

### 3. Right to Freedom (Articles 19 - 22)

- a) Right to Freedoms available only to citizens of India; Foreign nationals and artificial persons like bodies corporate (companies) are not citizens either under Part II of the Constitution of India or under the Citizenship Act, 1955
  - i. Freedom of speech and expression;
  - ii. Freedom to assemble peaceably and without arms;
  - iii. Freedom to form association or unions;
  - iv. Freedom to move freely throughout the territory of India;
  - v. Freedom to reside and settle in any part of the territory of India;
  - vi. Freedom to practise any profession, or to carry on any occupation, trade or business.
- b) Protection in respect of conviction for offences (Article 20)
  - i. Ex-post Facto Law
  - ii. Doctrine of Double Jeopardy
  - iii. Right against Self Incrimination
- c) Protection of life and personal liberty (Article 21)
- d) Right to Education (Article 21A)
- e) Protection against arrest and detention (Article 22)

### 4. Right against Exploitation (Articles 23, 24)

### 5. Right to Freedom of Religion (Articles 25 – 28)

### 6. Educational and Cultural Rights (Articles 29, 30)

Right to establish and administer educational institutions – rights of minorities and non-minorities; Degree of State Control in aided and non-aided educational institutions

### 7. Right to Constitutional Remedies (Article 32)

Power of Judicial Review under Article 32 is a basic feature of the Constitution; Concurrent jurisdiction of the High Courts under Article 226 – Res judicata; Laches, Rule of locus standi, Public Interest Litigation; Existence of alternative remedies; Nature and scope of relief

### 8. Fundamental Duties (Article 51A)

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Directive Principles of State Policy (Articles 36 - 51) Importance; Relationship, and the effect of inconsistency, between the Fundamental Rights and legislations aimed at implementing the Directive Principles of State Policy. Some significant legislations shall be mentioned

**9. Civil Servants (Articles 308 - 323)**

Doctrine of Pleasure; Power to regulate the recruitment and conditions of service of civil servants; Constitutional Protection to Civil Servants; All India Services

**10. Amendment of the Constitution (Article 368)**

Power and Procedure to amend the Constitution; Limitations on amending Power - Doctrine of Basic Feature/Structure; Judicial Review of Legislations included in the Ninth Schedule

**Leading Cases:** The students will be imparted teaching of latest case- law of the Supreme Court and the High Court's.

**Suggested Reading:**

1. The Constitution of India, 1950
2. D.D. Basu, Shorter Constitution of India (14th ed., 2009)
3. H.M. Seervai, Constitutional Law of India [4th ed., Vol. 1 (1991), Vol. 2 (1993), Vol. 3 (1996)]
4. M.P. Jain, Indian Constitutional Law (5th ed., 2003)
5. Mahendra P. Singh, V. N. Shukla's Constitution of India (11th ed., 2008)

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# LL.B. II YEAR (THREE YEAR COURSE)

## PAPER 2.1

### JURISPRUDENCE

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**1. Jurisprudence:**

- i. Definition Nature, Scope and Importance - Salmond, Austin, Holland and Julius Stone
- ii. Schools of Jurisprudence; Natural Law School, Analytical, Historical, Sociological, American Realism and Feminism

**2. Sources of Law:**

- i. Custom, Meaning, Kinds, Tests of particular Legal Custom; Importance of Custom; Theories of Customary Law;
- ii. Precedents, Kinds, Ratio Decidendi Obiter Dicta; Declaratory Theory of Precedent; Judge-made Law Theory;
- iii. Legislation; Kinds, Comparison between Legislation and other sources of laws

**3. Concepts of Law:**

- i. Rights and Duties: Nature of Rights and Duties; Correlation of Rights and Duties;
- ii. Kinds of rights and Duties;
- iii. Property; Definition and Kinds;
- iv. Negligence; Criminal liability.
- v. Ownership and Possession: Meaning of Ownership; Kinds, Definition of Ownership by Austin and Salmond, Relation between Ownership and Possession. Importance of Possession; Elements of Corporeal Possession and problems; Theories of Possession; Salmond and Savigny.
- vi. Person: Nature of Personality; Corporate Personality and its Kinds, Theories of Corporate Personality
- vii. Administration of Justice

**Leading Cases:**

1. Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 561, (Precedent).

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**Leading Cases:**

1. Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 561, (Precedent).
2. Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1451; (Per Mathew J) 1974; paras 1617; 1616 (Sovereignty) 1685 – 1698 (Natural Law and Natural Rights); 1726 – 1729 (Roscoe Pound and Sociological Jurisprudence).
3. Keshav Singh v. State of U.P., AIR 1965 SC 9 to 17 (Per Sarkar, J) Law making by Judicial and Legislative Comity.
4. Maharaja Shree Umaid Mills Ltd. v. Union of India, AIR 1963 SC 953 paras 12, 13, 14 (Per S.K. Das) Concept of Law; Legislative Agreements.
5. Maneka Gandhi v. Union of India, AIR 1978 SC 597.
6. Minerva Mills Ltd. & Ors. v. Union of India & Ors. 1980 SC
7. Smt. Indra Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299, Paras 299, 489 (Per Mathew, J). (Generality as a Property of Law).

**Suggested Readings:**

1. Dhyani S.N. : Fundamentals of Jurisprudence
2. Dias : Jurisprudence
3. Mahajan V.D. : Jurisprudence and Legal Theory
4. Salmond : Jurisprudence

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**PAPER 2.2**  
**LAW OF CRIMES**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

1. General Principles of Criminal Law

2. **The Indian Penal Code, 1860: (INCLUDING LATEST AMENDMENTS IF ANY)**

Territorial Jurisdiction, Elements and Stages of Crime: Doctrine of Mens Rea; Inchoate Crimes – Preparation, Attempt, General Explanations, Public Servant, Movable Property; Wrongful gain and wrongful loss; Dishonestly, Fraudulently, Reason to Believe, Counterfeit; Valuable Security, 'Act' and 'Omission', Voluntarily, Injury, Good faith, Illegal, Injury, Offence, Document, Harbour, Judge.

3. General Exceptions:

Mistake of facts and Mistake of Law, Judicial Act, Accident, Act done without criminal intention and to prevent other harm; Act of person of unsound mind, Act of Intoxicated Person, Acts done with consent, Act done in good faith without consent, Communication made in good faith: Acts done under compulsion, Act causing Slight Harm; Right of Private Defense.

4. Joint Liability: Common Intention, Common Object, Abetment, Criminal Conspiracy, Constructive Liability

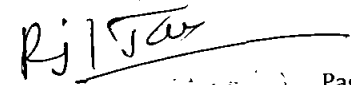
5. Offences Affecting Public Peace & State Authorities: Unlawful Assembly, Rioting, Affray, Public Servant, Taking gratification other than legal remuneration in respect of official act, giving false evidence, Fabricating false evidence, sedition, Public nuisance

6. Offences Affecting the Human Body: Culpable homicide, murder, Criminal negligence and rashness, attempt to commit murder and suicide; miscarriage hurt, Grievous hurt, Voluntary restraint and wrongful confinement, force and criminal force, Assault, Kidnapping and abduction

7. Offences Against Property: Theft, Extortion, Robbery, Dacoity, Criminal misappropriation of property; Criminal breach of trust; receiving stolen property Cheating, mischief, criminal trespass, Housebreaking

8. Offence Relating to Document: Forgery, Making a false document

9. Offence relating to Sex and Marriage: Rape, Sexual offences, Unnatural Offence, Adultery, Bigamy

  
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10. Offences Affecting Personal Peace and Reputation: Defamation, Criminal Intimidation, Criminal Insult

**Leading Cases :**

1. Reg. v. Govinda (1876) ILR I Bom. 342
2. Kedar Nath v. State of Bihar, AIR 1962 SC 955, (1962), 2 Cr.LJ 103 (SC)
3. Laxman Kalu v. State of Maharashtra, AIR 968 SC 1890, 1968 Cr.L.J.
4. T.V. Vadgama v. State of Gujarat, AIR 1973 SC 2213; 1972 Cr.LJ 1542 (SC)
5. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605 (1965) 2 Cr.LJ 521 (SC)
6. Bachan Singh v. State of Punjab, AIR 1980 SC 896.

**Suggested Readings :**

1. Ratan Lal : The Indian Penal Code.
2. Kenny : Outlines of Criminal Law (First four chapters.)
3. Nigam, R.C. : Principles of Criminal Law (English & Hindi)
4. Shamshul Huda : Principle of Criminal Law
5. Hari Singh Gaur : Penal Law of India
6. T. Bhattacharyya : Indian Penal Code (Hindi)
7. Amar Sing Yadav : Indian Penal Code (Hindi)
8. Raja Ram Yadav : Indian Penal Code (Hindi)

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## PAPER 2.3.

### THE LAW RELATING TO TRANSFER OF PROPERTY AND EASEMENTS

Max. Marks: 100

Min. Pass Marks: 36

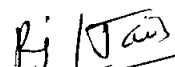
**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

1. **Transfer of Property Act, 1882** (INCLUDING LATEST AMENDMENTS IF ANY)  
Historical Background, Object, Scope and Scheme of the Act.  
Interpretation: Immovable Property, Attestation, Notice, Actionable Claim  
Preliminary: Definition and Essentials of Transfer of Property, what may be Transferred, Persons competent to transfer, Operation of transfer, Oral Transfer.
  - (a) Conditions restraining Alienation, Enjoyment, Covenants affecting enjoyment, diverting on insolvency, Transfer to unborn person, Rule against perpetuities, Accumulation of income. Exceptions.
  - (b) Vested and contingent interest, Conditional transfer: Condition precedent, Condition subsequent; Doctrine of acceleration
2. Election, Priority of rights, Implied transfers by limited owners, Transfer by Ostensible owner, Feeding the grant by Estoppels, Rule of Joint Transfers, *Doctrine of Lis Pendens*, Fraudulent Transfer, Doctrine of Part-Performance
3. Sale; Rights and Liabilities of Buyer and Seller  
Mortgage and Charge: Kinds of mortgage, Rights and liabilities of Mortgage and mortgagee, priority, marshalling, contribution and subrogation
4. Lease, Exchange, Gift, Actionable Claims
5. **Indian Easements Act, 1882:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Easements: Essentials of Easements, Imposition Acquisition, Incidents, Disturbance, Extinction. Suspension and Revival of Easement, Licence: Definition, Revocation, Rights of a licensee on revocation, Difference between Lease and Licence

**Leading Cases :**

1. Associated Hostels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262
2. Gokal Das Gopal Dass v. Puranmal Premsukha Dass, ILR 10-Cal.1035 (PC)
3. J.N. Rao v. V. G. Bassarayappa, AIR 1956 SC 727.
4. M. L. Abdul Jabbar v. H. Venkata Sastri and Sons, AIR 1969 S. C. 1147
5. Raja Bajrang Bahadur Singh v. Thukurani Bakhraj Kaur, AIR 1953 SC 7

  
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6. Rajesh Kanta Roy v. Smt. Shanti Devi, AIR 1957 SC 255
7. Ram Kumar Koondoo, and others v. John and Maria Mequeen (1872) I Beng LR 46 (PC) XXII A.Vol.Suppl. (1872-73)
8. Webb v. Macpherson, ILR 31 Cal.57 (PC)

**Suggested Reading:**

1. Bhansali & Sharma: Transfer of Property Act (Hindi)
2. Gupta, R.R.: Transfer of Property Act (Hindi)
3. Indian Easement Act, 1882
4. Joshi : The Indian Easements Act, 1882
5. Kulshresthan, J.N.: Transfer of Property Act (Hindi)
6. Menon, A.K.: The Law of Property
7. Mulla: Transfer of Property Act
8. Sarathi, Vera P.: Law of Transfer of Property
9. Saxena, I.C.: Transfer of Property Act
10. Shukla, S.N.: Transfer of Property Act
11. The Transfer of Property Act ,1882
12. Tripathi, G.P.: Transfer of Property Act (Hindi)

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**PAPER 2.4**  
**COMPANY LAW**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

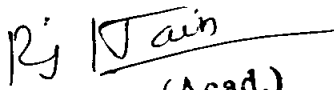
- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**Companies Act 2013 with Recent Amendments:**

1. Definition, Evolution, Characteristic and Nature of Company, Advantages and Disadvantages of Incorporation, Corporate Personality, Doctrine of Lifting of Corporate Veil and expectation, Kinds of Companies, Registration and Incorporation
2. Promoters and Pre-incorporation Contracts, Memorandum of Association and Articles of Association, Alteration of MoA and AoA, Doctrine of Ultra Vires, Constructive Notice of MoA & AoA, Doctrine of Indoor Management
3. Prospectus and its kinds, Civil and Criminal liabilities for misrepresentation in prospectus, share capital, Shares, Transfer & Transmission of shares, procedures, restrictions on transfer, Call, forfeiture, surrender of shares, Share certificate, share warrant, Debentures, Borrowing powers, Charge, Membership of Company
4. Directors and its kinds, position, appointment, Powers and duties of Directors & Board, Others Managerial Personnel, appointment, their powers, duties, liabilities, functions, Meetings and its Kinds, voting, Resolutions, Majority powers and Minority Rights, NCLT & Appellate Tribunal, Special Courts
5. Oppression and Mismanagement, Compromise, Reconstruction and Amalgamation, Winding up of Companies, Dissolution of Companies, Legal liability of Companies – Civil and Criminal, Remedies against them Civil, Criminal and Tortious; Specific Relief Act, Writs, Liability under Special Statutes

**Leading Cases :**

1. Ashbury Railway Carriage and Iron Co Ltd v Riche (1875) LR 7 HL 653
2. Avon Soloman v. Soloman Co. Ltd. (1897) AC 22.
3. Bajaj Auto Ltd., Poona v. N.K. Florida, AIR 1971 SC 321
4. Foss. v. Harbottle (1843) 67 ER 189
5. Ramkrishna Das Dhanuka v. Satya Gharan, AIR 1950 PC 51
6. Royal British Bank v. Turquand, (1856) 6 E & B 327
7. Tata Engineering and Locomotive Ltd. v. State of Bihar, AIR 1965 SC 40.

  
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**Suggested Readings:**

1. Shah, S.M. : Lectures on Company Law
2. Avtar Singh : Company Law (English & Hindi)
3. Sen, G.M. : Company Law (cases and Materials)
4. Sanghal, P.S. : National and Multinational companies
5. Dhingra, L.C. : Principles of Company Law
6. Paranjape, N.V. : Company Law (English & Hindi)
7. Bangia, Dr. R.K. : Company Law (English & Hindi)

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## PAPER 2.5

### PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
1. Definition, Nature and Basis of International Law. Weakness of International Law, Codification and Development of International Law. Relation between International Law, Municipal Law, Subjects of International Law, Nationality, Extradition and Asylum.
  2. States in General : Kinds of States and Non-States Entities; Acquisition and Loss of State Territory; Territorial Water, Continental Shelf, Contiguous Zone, Exclusive Economic Zone. Freedom of the High Sea and Piracy. Recognition of States and Governments. Recognition of Insurgency and Belligerency De Facto and De Jure Recognition. State succession; State Jurisdiction; Territorial Sovereignty, Criminal Jurisdiction in International Law, Intervention.
  3. Diplomatic Agents, Counsels, Classification and Function of Diplomatic Agents, Privileges and Immunities with reference to Vienna Convention on Diplomatic Relation, 1961, Treaties Definition, Basis, Classification and formation of treaties, Interpretation and Revision of Treaties, Principle of Jus Cogens and Pacta Sunt Servenda, Termination of Treaties, Vienna Convention on the Law of Treaties, Pacific and Compulsive means of Settlement of International Disputes. International Court of Justice-Jurisdiction and Contribution towards Development of International Law.
  4. War, its Legal Character and Effects, Enemy Character, Armed Conflicts and other hostile relations. Belligerent Occupation, War Crimes. Termination of war and doctrine of Post liminium and Prize Courts.
  5. The Law of Neutrality- Basis of neutrality, Rights and duties of Neutral States, Quasi-Neutrality, Neutrality and U.N. Charter, Right of Angary, Contraband, Blockade, Un-neutral Service, Right of Visit and Search.
  6. International Institution : United Nations, History and formation of United Nations, Organs of United Nations, Organs of United Nations with specific reference to General Assembly, Security Council and International Court of Justice.
  7. Human Rights : Meaning, Universal Declaration of Human Rights, 1948, Regional Conventions on Human Rights, 1940. International Covenants on Civil and Political Rights, 1966, International Convention on Economic, Social and Cultural Rights, 1966,

Regional Conventions on Human Rights, Rights of Women and Child, Protection of Human Rights Act, 1993.

**Leading Cases :**

1. Civil Air Transport Inc. v. Central Air Transport Corporation, Judicial Committee of the Privy Council, (1953) AC 70.
2. Nuremberg Judgment - The International Military Tribunal – Nuremberg, 1946 41 AJL 1947, P. 12.
3. Re-government of India and Mubarak Ali Ahmed 1952. 1 All ER 1960.
4. Right of Passing Over Indian Territory, ICJ Report, 1969 (6)
5. South West Africa Case, ICJ Report, 1966.
6. United Kingdom v. Norway (Anglo-Norwegian Fisheries Case (ICJ Report) (1951) 116.

**Suggested Readings :**

1. Basu, D.D. : human Rights in Constitutional Law.
2. Breirly : The Law of nations.
3. Daiya, K.C. : Human Rights Jurisprudence.
4. Karkara G.S. : Commentary on Protection of Human Rights Act.
5. Khare, S.C. : Human Rights and United Nations.
6. Nagendra Singh : Protection of Human Rights
7. Oppenheim : International Law, Vol. I and II.
8. Robertson, A.H. : Human Rights in the World
9. S.K. Kapoor : International Law (English & Hindi)
10. Satish Chandra : International Documents of Human Rights.
11. Starke : An Introduction to International Law
12. Tandon, M.P. : International Law (English & Hindi)

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**PAPER 2.6**  
**LABOUR LAW- I**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
- Labour Jurisprudence: Concept and Growth of Labour Welfare Jurisprudence; Natural Justice, Concept of Social Justice and Labour; Constitution of India, 1950 [Articles: 14,19,21,23-24, 38, and 41-43A];
- The Industrial Disputes Act, 1947: Need; Importance; Objectives; Definitions; Concept, Authorities, Dispute Resolution Mechanisms; Key Features of the Act; Penalties & Procedures;
- The Trade Unions Act, 1926 along with The Trade Union's Amendment Act, 2001: Need; Importance; Objectives; Definitions; Concept; Key Features of the Act; Registration of Trade Unions; Rights and liabilities of Registered Trade Unions; Regulations and Judicial Responses;
- The Payment of Wages Act, 1936 along with The Payment of Wages (Amendment) Act(s) of 2005 and 2017: Need; Importance; Objectives; Definitions; Concept; Key Features of the Act(s); Penalties & Procedures;

**LEADING CASES:**

1. Excel Wear v. Union of India 1978, L.C.J. 527 SC
2. National Textiles Workers Union v. Ram Krishna AIR 1983 S.C. 759.
3. People Union for Democratic Rights & others. v. Union of India. 1982 II L.L.J. 454 S.C.
4. The Delhi Cloth & General Mills Ltd. v. Sambhunath Mukerjee 1935 I.L.J. 36 S.C.
5. Air India v. Nargesh Meerza, A. I. R. 1981 SC 1830.
6. B. E. S. T. Undertaking Bombay v. Mrs. Agens AIR 1964 SC 193.
7. D. S. Nakara v. Union of India A. I. R. 1983 SC 130.
8. Express Newspaper Ltd. & others v. Union of India & others. AIR 1958 SC 578.

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### BOOKS RECOMMENDED:

- ★ Central Labour Ministry Website: <https://labour.gov.in/industrial-relations>
- ★ Central Labour Ministry Website: <https://labour.gov.in/list-enactments-ministry>
- ★ John T. Dulop : Industrial Relations System.
- ★ J. Henry Richardson : An Introduction of the Study of Industrial Relations.
- ★ S.N. Mishra : An Introduction of Labour and Industrial Law.
- ★ Sarma, A.M. (2011) Industrial Jurisprudence and Labour Legislation, Himalaya PublishingHouse, Mumbai.
- ★ Taxmann (2009) Labour Laws, Taxmann Allied Services Pvt. Ltd.
- ★ Government of India: Report of the Committee on Labour Welfare, 1970
- ★ Govt. of India : Report of National Commission on Labour
- ★ K.N. Vaid: Labour Welfare in India.
- ★ M.V. Moorthy: Principles of Labour Welfare.
- ★ David Miller: Social Justice.
- ★ G. K. Johri: Indian Tripartite System.
- ★ Govt. of India : Report of National Commission of Labour.
- ★ Govt. of India : Tripartite Consultations.
- ★ Kamal Mathur and N. R. Seth: Tripartitism in Labour Policy
- ★ Mahesh Chandra: Industrial Jurisprudence.
- ★ R. G. Chaturvedi: Natural and Social Justice.
- ★ S. K. Agrawal: K. N. Mushi Lecures on Public Interest Litigation in India.

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**PAPER 2.7**  
**ADMINISTRATIVE LAW**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition, Evolution of Administration as the Fourth Branch of Government Necessity for Delegation of Powers on Administration, Tribalization in India.
2. Nature, Scope, Rule of Law, Separation of Powers, Relationship between Administrative Law and Constitutional Law, Sources, of Administrative Law. Government, Administrative Authorities and Bodies.
3. Statutory Corporations including their control, the extent of executive power, Administrative Finality and the Court review.
4. Delegated Legislation – Nature, Scope, Forms, Necessity for Delegation of Legislative Power, Control which includes - Laying Procedures and their Efficacy, Committees on Delegated Legislation and their Constitution, Functions and Effectiveness, Hearing before Legislative Committees, Judicial Control and Delegated Legislation Doctrine of Ultra Virus, Sub-Delegation of Legislative Powers.
5. Administrative Process – Administrative Action, Administrative Discretion and Quasi-Judicial Elements in Administrative Procedure. Administrative Discretion - Meaning of Discretion, Grounds of Judicial Review, Arbitrariness, Discrimination, Unreasonableness, Bad faith, Mala-fide, Ignoring relevant considerations or reliance on irrelevant considerations, non-exercise of power
6. Grounds of Judicial Review and Scope of Judicial Review: Jurisdictional Error/Ultra Vires, Abuse and Non-Exercise Jurisdiction, Error Apparent on the Face of the Record, Violation of Principles of Natural Justice-Rule against Bias (Nemo Judex in Causa sua) and Audi Alteram Partem, rights to Consult, Reasoned Decision
7. Administrative Adjudication – Reasons for growth, Structure and Procedure of Administrative Bodies, like Tribunals; Finality of the Tribunal, Decisions, Administrative Tribunals Act, 1985
8. Judicial Redressal – Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act, Ombudsman, Lokpal; Lokayukts of the State of Rajasthan
9. Government liability in Torts and Contracts, Suits against the Government and Public Authorities

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**Leading Cases :**

1. A.K. Kripak v. Union of India, AIR 1970 SC 150 (1969) 2 SCC 262.
2. Commr. Of Police v. Goardhan Das Bhanji AIR 1952 SC 16
3. G. Sadanandan v. State of Kerala, AIR 1966 SC 1925
4. In Re-Delhi Laws Act. Etc. AIR 1951 SC 332
5. L. Chandra Kumar. v. U.O.I, AIR 1997 SC 1125
6. Raj Narain v. Chairman, Patna Administration, AIR 1954 SC 569
7. Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740
8. Rohtas Industries Pvt. Ltd. V. S.D. Agarwal, AIR 1969 SC 707
9. Rupa Ashok Hura v. Ashok Hura, (2002) 4 SCC 388
10. State of Bombay v. K.P. Krishnan, AIR 1960 SC 1223
11. State of Karnataka v. Union of India, AIR 1978 SC 68.
12. State of West Bengal v. Ashish Kumar Roy, AIR 2005 SC 254
13. Syed Yakoob v. Radha Krishna, AIR 1964 SC 477

**Suggested Readings :**

1. Dr. Jain, M.P. & Dr. Jain, S.N. – Principles of Indian Administrative
2. Griffith J.A.G. and Street, H.- Principles of Administrative Law.
3. Indian Law Institute – Delegated (Legislation in India)
4. Kagzi, M.C.J. – A Case Book in Administrative Law
5. Kagzi, M.C.J. – Administrative Law in India
6. Kesari, U.P.D. – Administrative Law
7. M.P. Jain & S.N. Jain, Principles of Administrative Law, 4<sup>th</sup> Edn, (Wadhwa and Company, Nagpur, 2005) , Chapters – 1 (pages. 9-26)
8. P. Massey, Administrative Law, 5<sup>th</sup> ed. (Eastern Book Company, Lucknow, 2003) Chapters 1 & 2 (pages 1- 33) Sathe, S.P. – Administrative Law

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## OPTIONAL PAPERS

### PAPER 2.8 (A)

### TAXATION LAW

Max. Marks: 100

Min. Pass Marks: 36

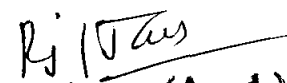
**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**Course Objectives:** This course primarily focuses on providing an overview on matters relating to Indian tax laws in a systematic manner. The course being divided into two parts i.e., direct and indirect taxes, help the students understand the significant aspects of tax laws. The main aim of this course is to impart knowledge to the students about basic principles as enunciated through legislative provisions and case laws. Through this course, students are equipped to apply the principles and provisions of tax laws and are guided to interpret and understand the taxation statutes and judgments including The Income Tax Act, 1961 and The Central Goods and Services Tax Act, 2017

#### **1. INDIAN INCOME TAX ACT, 1961 (INCLUDING LATEST AMENDMENTS IF ANY)**

- Definitions – Assessment Year, Previous year Agriculture, Income Assessment, Capital Asset, Dividend, Income, Casual Income, Total Income, Gross Total Income; Maximum and Minimum marginal Rate, Person, Resident – Non-resident, Transfer.
- Basic of Charge – Charges of Income-tax, Scope of Total Income, Residence in India, Income deemed to be received, Divided income, Income deemed to Accrue or Arise in India
- Income which does not form part of total income.
- Computation of total income – Head of Income – Salaries, Interest on securities, Income from House Property, Profit & Gains of business or Profession, capital gains, Income from other sources.
- Income of other persons included in assesses total income
- Deductions to be made in computing total Income.
- Relief in respect of income-tax.
- Determination of tax in certain specific cases.
- Income Tax authorities – Appointment and Control; Jurisdiction, Powers, Procedure for Assessment, Liability in Special cases, Collection and recovery of Tax, Appeals, Revision and Reference.

  
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2. **GOODS AND SERVICES TAX, 2017 (G.S.T. hereinafter) (INCLUDING LATEST AMENDMENTS IF ANY)**

- **Introduction to G.S.T.-** Indirect tax structure in India, Issues in Indirect Tax, Rationale for Transition to GST. GST-Meaning, Definition of GST, Types of GST, Features of GST, Benefits of GST, Problems on Introduction to GST
- **Definitions-**Actionable claim, Address of Delivery, Aggregate Turnover, Agriculturist, Associated Enterprises, Business, GST Council, Credit Note and Debit Note, Draw-back, Electronic Credit Accounting, Exempt Supplies, Input, Input Service, Input Service Distributor , Input Tax, Input Tax Credit, Intra-state supply of Goods, Job work, Reverse Charge, Invoice, Composition Levy, Mixed Supply, Outward supply, Person, Turnover in State.
- **Levy and Collection of Tax:** Introduction Supply-meaning and scope of supply, treatment of mixed and composite supply, Liability of taxable person, Rate and value of tax, transactions without considerations, list of transactions for goods and services and list of Transactions for non-supply of goods and services, Reverse charge mechanism and Exemptions from GST
- **Time of supply-**Introduction, time of supply-forward charge, reverse charge, residuary, special charges, time of supply of service-forward charge, reverse charge, vouchers, residuary, and special charges. Problems on determination of time of supply
- **Value of taxable supply-**conditions, inclusions, Consideration not wholly in money, Supply between two related persons, Supply through agent, Cost based value, Residual valuation, Specific supplies, Service of pure agent Problems on value of supply
- **Input tax credit-**meaning, conditions for taking credit, ineligible input tax credit, availability of credit in special circumstances, input tax credit and change in form of registered person, income tax for the inputs and capital goods for input tax credit, Manner of Distribution of Credit by Input Service Distributor (ISD)
- **Registration under GST-**Persons liable for registration, compulsory registration, Procedure for registration, Rejection of application for registration, cancellation of registration, Returns-Furnishing details of outward supplies and inward supply, GST forms-1 to 8, Steps for a brief introduction filing form, Levy of late fee, Refund
- **Assessment-** meaning and an overview of various types of assessment
- **Appeal, Review and Revision-** Advance Ruling – Definitions for Advance Ruling, Search, Seizure and Arrest, Appeals to Appellate Authority – Powers of provisional

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- authority - Constitution of Appellate Tribunal and benches thereof – offences and penalties  
(All the provisions in the Central GST Act and Rules as amended up to date will be applicable)

**Leading Cases:**

1. Commissioner of Income Tax v. HarPrasad and Co. (P) Ltd. (1975) 99 ITR 118 (SC)
2. Commissioner of Income-Tax v. Gangadhar Baijnath. (1972) 86 ITR (SC)
3. Commissioner of Income-Tax v. Raja Beney Kumar Sahas Roy, (1957) 32 ITR 466 (SC)
4. P. Krishna Menon v. Commissioner of Income-Tax (1959) 35 ITR 48 (SC)
5. Surjit Lal Chhabda v. Commissioner of Income-Tax (1975) 10 J ITR 76 (SC)

**Suggested Readings:**

1. All About GST- V. S. Datey- Taxmann Publications.
2. Bare Act of CGST
3. Beginner's Guide to GST- Dr. Vandana Bangar and Dr Yogendra Bangar- Aadhya Prakashan Banagar
4. Gupta, R.R. – Income Tax and Practice.
5. Illustrated Guide to Goods and Service Tax- CA Rajat Mohan- Bharat Publications
6. Income Tax Act – A.K. Saxena (English & Hindi)
7. Indirect Taxes - H.C. Mehrotra, Sahitya Bhavan Publications, New Delhi
8. Indirect Taxes - Vinod K Singania, Taxmann's Publications, New Delhi
9. Jain, S.L. – Income Tax Act (Hindi)
10. Kanga & Palkiwala – The Law and Practice of Income tax.

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**PAPER 2.8 (B)**  
**INSURANCE LAW .**

Max. Marks: 100

Min. Pass Marks:

36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**Course Objectives:** The object of this course is to acquire specific knowledge of law and practice relating to Insurance. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law.

**1. Historical Development of Insurance Law:**

Origin & History of Insurance in India, Definition & Working of Insurance, Insurance Act, 1938: An Overview, Nationalisation of Insurance Business, Insurance Regulatory and Development Authority Act, 1999: Duties, Powers & Functions of IRDA; Insurance Advertisement & Disclosures Regulations, 2000 & Protection of Policy Holders Interest Regulations, 2002; Registration of Insurance Companies

**2. General Principles of Insurance:**

Contract of Insurance, Classification of Contract of Insurance, Nature of Various Insurance Contracts, Parties Thereto, Principle of Utmost Good Faith-non-disclosure-misrepresentation in Insurance Contract, Insurable Interest, Doctrine of Indemnity, Doctrine of Proximate Cause. Alternation of the risk, Assignment of the Subject Matter

**3. Life Insurance:**

Basic Principles of Life Insurance, Insurable Interest: Own Life Policy, Life of Spouse, Insurance taken on life of parent & child, other relations. Implications of Concealment, Non-Disclosures, Misrepresentation. Assignment and Nomination. Role & Function of Life Insurance Companies

**4. Public Liability Insurance:**

Definitions, Criminal liability based on no fault. Verification and publication of accidents by Collector. Application for claim for relief-Environmental Relief Fund – Claim of Compensation under other laws, Powers of the Central Government or its authorized officers under the Act-Penalties-Liability of Companies or Government Departments.

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### 5. Fire, Health, Marine and Motor Vehicle Insurance:

- Fire Insurance: Nature, Proximate Cause, Loss by fire.
- Motor Insurance: Necessity for Insurance against Third Party Risk; No Fault Liability; Persons Insured in Respect of Third-Party Risks; Transfer of insurance upon Sale of Vehicle; "Hit and Run" Accident; Motor Accidents Claim Tribunals.
- Health Insurance: Mediclaim for Individual & Group Mediclaim
- Marine Insurance: Insurable Interest; Utmost Good faith; Voyage and Time Policies; Double Insurance; Warranties; Deviation; Proximate Cause; Total Loss & Partial Loss; Subrogation & Contribution.

### 6. Legislations: (INCLUDING LATEST AMENDMENTS IF ANY)

1. The Insurance Act, 1938
2. THE INSURANCE LAWS (AMENDMENT) ACT, 2015
3. The Insurance regulatory Development Authority Act, 1999
4. The Life Insurance Corporation (Amendment) Act, 2011
5. The Life Insurance Corporation Act, 1956
6. The Marine Insurance Act, 1963
7. The Motor Vehicle Act, 1988
8. The Public Liability Insurance Act, 1991.

### Leading Cases:

1. Digby v. General Accident (1943) AC 121, 138
2. Glickman v. Lancashire and General Assurance Co. Ltd. (1978) ACT 139 (HL)
3. Mills v. Smith (1963) 2 All. ER 1078.
4. New India Assurance Co. v. Radhey Shyam Motilal Khandelwal, AIR 1974 Bom.228.
5. Prudential Insurance Co. v. Inland Revenue Commissioners, (1904) 2 KB 658.

### Suggested Readings:

1. Birds, Modern Insurance Law (1988) Sweet and Maxwell.
2. Ivamy, Case Book on Insurance Law (1984) Butterworths
3. Ivamy, General Principles of Insurance Law (1993) Butterworths
4. Rao, C.K. – Treatise on the Law of Insurance
5. S.V.J. Rao & M.N. Srinivasan: Principles of Insurance Law. Lexisnexis, 9<sup>th</sup> Edition.
6. Singh, Bridge Anand, New Insurance Law (2000) Union Book Publishers, Allahabad
7. Sreenivasan M.N., Principles of Insurance Law (1997) Ramaniya Publishers, Bangalore.
8. Surendra Yadav – Insurance Law (in Hindi).

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## PAPER 2.8. (C)

### BANKING LAWS INCLUDING NEGOTIABLE INSTRUMENTS ACT

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

- 1. Banking Regulation Act, 1949: (as amended by the Banking Regulation Amendment Act, 2017) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)**  
Business of Banking Companies, Control over Management: Prohibition of certain activities in relation to banking companies. Acquisition of the undertaking of Banking Companies in- certain cases. Suspension of Business and winding up of Banking Companies. Special provisions for speedy disposal, of 'winding up proceedings. Miscellaneous, Application of the Act to the co—operative societies.
- 2. Reserve Bank of India: (as amended by the The Reserve Bank Of India (Amendment) Act, 2006) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)**  
Incorporation of Capital management and Business, Increase and reduction of Share Capital, Local Boards, Central Banking functions, Protection of action taken in good faith, Transactions in Foreign Exchange.
- 3. Regional Rural Banks Act. 1976: (as amended by Regional Rural Banks (Amendment) Act, 2015) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)**  
Definitions, Incorporation and Capital or Regional Rural Banks. Management, Business. Powers of Central Government, National Bank for Agriculture and Rural Development Act, 1981; Definitions, Establishment of NABARD, Management, Transfer of business, Borrowing, Credit and other function, Funds, Protection of Action, Indemnity of directors and penalties.
- 4. Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Definitions, Transfers of the Undertaking of existing Banks, Payment of Compensation, Management of corresponding New Banks, Indemnity, Dissolution.

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**5. The Industrial Reconstruction Bank of India Act, 1984: (INCLUDING LATEST AMENDMENTS IF ANY)**

Definitions. Establishment, Acquisition and Transfer of the undertaking of the Industrial Reconstruction Corporation of India Limited. Management of Reconstruction Bank; Special powers of the Reconstruction Bank.

**6. Negotiable Instruments Act, 1881: (as amended by Negotiable Instruments (Amendment) Act, 2015 & 2018) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)**

Object, Definitions, Parties to Notes, Bills and Cheques; Negotiations of Instruments; Presentment, Discharge from liability on Notices, Bills and Cheques. Dishonour and Notice of dishonour. Reasonable time for Notice, Noting and Protest, Acceptance a payment for honour and reference; Compensation: Rules of Evidence.

Provisions regarding Crossed Cheques, Bills in Sets; International Law governing Instruments. Criminal Liability.

**Leading Cases :**

1. Bhawanipore Banking Corpn. Ltd. v. Gauri Shanker Sharma, AIR (1950) SC 6.
2. The Bharal Bank Ltd. Delhi v. The Employees of Bharat Bank Ltd. and the Bharal Bank Employee's Union, AIR 1950 SC 188.
3. V. Ramaswami Aiyanger & others v. N.V. Kailasa Thever, AIR 1951 SC 185.
4. Mahavecr Prasad Bubna v. Union Bank of India, AIR (1992) Cal. 270.
5. Narayandas Bhagwandas Patni v. Union of India, 1993 M 311. LJ 1229.

**Suggested Readings :**

1. Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and 1980.
2. Industrial reconstruction Bank of India Act, 1964.
3. Jagdish Lal —Banking Regulation Act, 1949.
4. Khegainvala, T.S. The Negotiable instruments Act. 1881.
5. Kulshrestha, V.D., Government Regulation of Financial Management of Private Corporate Sector in India.
6. Mahesh Wari, S.N.—Banking Law and Practice;
7. National Bank for Agriculture & Rural Development Act, 1981.
8. Rajasthan Co-operative Societies Act, 1965.
9. Regional Rural Banks Act, 1976..
10. Sethi, R.B.—Banking Regulation Act, 1949.
11. State Bank of India (Subsidiary Bank) Act, 1959.
12. State Bank of India Act, 1955
13. Tokhi, MR. & Shanna, —Rural Banking in India, 1975.

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**PRACTICAL PAPER**

**PAPER-2.9 (a)**

**PROFESSIONAL ETHICS, BAR - BENCH RELATIONS  
AND MOOT COURT**

Max. Marks: 100  
36

Min. Pass Marks:

This paper shall consist of following two parts:

- |                            |   |          |
|----------------------------|---|----------|
| c) Practical written paper | — | 70 marks |
| d) Viva-voce examination   | — | 30 marks |

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

**(a) PRACTICAL WRITTEN PAPER**

**1. Introduction to Legal Profession:**

Law and Legal Profession , Development of Legal Profession in India, Right to practice, Right or privilege, Constitutional guarantee under Article 19(g) and its scope.

**2. Basic Postulates of Administration of Justice-** Image of justice. Wheels of the chariot of justice, Bench Judges in the image of justice. Bar-Act, Plead and Dress of Advocate.

**3. Historical Evolution of Legal Profession-** Legal Profession in Ancient India. Position of Legal Profession in Muslim Regime. Legal Profession during the British Regime.

**4. Autonomy of Legal Profession-** Indian Bar committee, 1923, Indian Bar Council Act, 1926, All India Bar committee, 1951, Unified Bar- The necessity of time., 14th Report of the Law commission., Advocates Act, 1961., (INCLUDING LATEST AMENDMENTS IF ANY) Provisions which strengthen Unified Bar., Organization of Bar on All India Basis, Constitution of Bar council and Elections., Admission and Disciplinary action., Regulation of Legal Education.

**5. Advocates Welfare and Opinions of Bar Council of India:**

Objectives and Salient features of Advocates Welfare Act 2001, Various Welfare activities for advocate, Opinions of Disciplinary Committee, Disciplinary Committee Appeals and BCI Transfer Cases.

**6. Image/Position of legal profession in Society-** Advocacy is a profession not a business. Legal profession is a noble profession, Deterioration in Image of Legal profession in Independent India. Role of Lawyers towards Society.

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7. **The necessity of the Professional Ethics-** The Art of Advocacy, Professional Ethics. Nature of professional ethics and the problems of the code of Ethics. Advantages of having codified professional ethics. Professional Ethics- Rules of Conducts.
8. **Bar-Bench Relationship-** General Conception, Advocates duty to the Court, Duty of Judge towards the Advocate, Duty of the Bar towards the Bench. Grounds of disputes between Bar-Bench. Suggestions to improve Bar-Bench Relations.
9. **Relationship between an Advocate and his client**
10. **Accountability of lawyers.**
11. **Professional Ethics and Advocates Duties to colleagues and others-** Advocates duty to colleagues., Advocates duty to opponents, Advocates duty towards witnesses. Advocates duty to public. Illustrations of other misconduct. Disciplinary committee's approach in case of professional or other Misconduct.
12. **Contempt of Court-** Meaning and categories of Contempt, Criminal and Civil, Origin, development, object and constitutional validity of contempt law, Contempt by State and Corporate bodies, Defences and Punishment for contempt of court, selected major judgments of the Supreme Court. Safeguards available in contempt cases.
13. **Authorities and Procedures to deal with professional, misconduct and remedies against their order.**

**(b) VIVA-VOCE EXAMINATION**

This paper shall be divided into three heads:

- I. **Moot Court Exercise:** There shall be two class moot court exercise in a year based on leading case laws. Student shall prepare a moot court diary on the basis of moot court attended.
- II. **Court Trial:** The student shall observe two court trials (one civil and one criminal) and shall maintain a diary of the contents observed.
- III. **Internship:** 04 weeks internship under an Advocate/NGO/Judiciary/legal regulatory authority shall be completed by the students of concerned class to observe the preparation of documents and court papers by the Advocate/concerned authority and the procedure for the filling of the suit/petition. All the work done under internship will be recorded in a diary with date and duly signed by the Lawyer shall which internship has been done.

**NB** Diary maintained under above three heads shall be of 15 marks (5 marks for each head) Viva Voce: On the basis of above three heads a viva voce shall be conducted of 15 marks.

**Leading Cases :**

1. D.S. Dalal v. State Bank of India and others. AIR 1993 S.C.1608
2. Delhi Judicial Services Association, Tis Hazari Court v. State of Gujarat, AIR 1991 S.C. 2176.

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3. Hikmat Ali Khan v. Ishwar Prasad Arya & others 1997, 3 SCC 1608
4. In Re Vinay Chandra Mishra, AIR 1995 SC 2348
5. P.D. Gupta v. Ram Murti and another. 7 S.C.C. 147 AIR 1998 SC 283

**Suggested Readings :**

1. Dr. Anirudh Prasad, Principles of the Ethics of Legal Profession in India.
2. Dr. Murlidhar Chaturvedi- Professional Ethics, Accountability of Lawyers and bench (Hindi)
3. Kailash Rai: Professional Ethics, Accountancy for Lawyers and Bench, Bar Relation, Allahabad Law Agency.
4. Mamta Rao, Professional Ethics.
5. Myneni S.R.: Professional Ethics, Accountancy for Lawyers and Bench, Bar Relation, Asia Law House, Hyderabad.
6. Raju Ramachandran, Professional Ethics: Changing profession, changing ethics, Butterworths, New Delhi.
7. The Bar Council Code of Ethics.
8. The Contempt of Court Act.

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**PAPER 2.10**  
**LABOUR LAW- II**

Max. Marks: 100

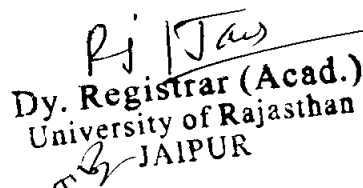
Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
- 
- The Factories Act, 1948: Need; Importance; Objectives; Definitions; Concept; Key Features of the Act; the Inspecting Staff; Health; Safety; Provisions Relating To Hazardous Processes; Welfare; Working Hours of Adults; Employment of Young Persons; Annual Leave With Wages; Special Provisions; Penalties And Procedure;
  - The Minimum Wages Act, 1948: Need; Importance; Objectives; Definitions; Concept; Key Features of the Act(s); Penalties & Procedures;
  - Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Need; Importance; Objectives; Definitions; Concept; Key Features of the Act(s); Penalties & Procedures;
  - Maternity Benefits Act, 1961 (as amended by Maternity Benefit Amendment Act 2017): Need; Importance; Objectives; Definitions; Concept; Key Features of the Act(s); Penalties & Procedures;
  - International Labour Organization (I.L.O.): International Labour Organization (I.L.O.): Need, Importance, Objectives; Definition, Concept, Key features and History of the Organization; How the ILO works: ILO Director-General; Multilateral system; Partnering for Development Programme and budget; Accountability and Transparency; Organizational Structure; Member States; 2030 Development Agenda, Mission and Impact of I.L.O.; I.L.O. and Human Rights in India;

**LEADING CASES:**

1. Balmer Lawrie Workers Union Bombay v. Balmer Lawrie & Co. Ltd. 1984 I. L.L. J. 314 (S.C.)
2. Jay Engineering Work Ltd. v. State of West Bengal A.I.R. 1968 Cal. 406.
3. L.I.C. of India v. D.T. Bahadur 1981 I L.L.J. I (S.C.)
4. Rohtas Industries v. Its. Union A.I.R. 1967 S.C. 425.
5. Alembic Chemical Works v. Its workman, A.I.R. 1961, S.C. 647.

  
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6. Rural Litigation and Entitlement Kendra Dehradun v. State of U.P. A. I. R. 1985 S.C. 652.
7. Bandhua Mukti Morcha v. Union of India A. I. R. 1984 S.C. 802.

#### BOOKS RECOMMENDED:

- ★ Central Labour Ministry Website: <https://labour.gov.in/industrial-relations>
- ★ John T. Dulop : Industrial Relations System.
- ★ J. Henry Richardson : An Introduction of the Study of Industrial Relations.
- ★ S.N. Mishra : An Introduction of Labour and Industrial Law.
- ★ Sarma, A.M. (2011) Industrial Jurisprudence and Labour Legislation, Himalaya Publishing House, Mumbai.
- ★ Taxmann (2009) Labour Laws, Taxmann Allied Services Pvt. Ltd.
- ★ Government of India: Report of the Committee on Labour Welfare, 1970
- ★ Govt. of India : Report of National Commission on Labour
- ★ K.N. Vaid: Labour Welfare in India.
- ★ M.V. Moorthy: Principles of Labour Welfare.
- ★ David Miller: Social Justice.
- ★ G. K. Johri: Indian Tripartite System.
- ★ Govt. of India : Report of National Commission of Labour.
- ★ Govt. of India : Tripartite Consultations.
- ★ Kamal Mathur and N. R. Seth: Tripartitism in Labour Policy
- ★ Mahesh Chandra: Industrial Jurisprudence.
- ★ R. G. Chaturvedi: Natural and Social Justice.
- ★ S. K. Agrawal: K. N. Mushi Lectures on Public Interest Litigation in India.
- ★ Central Labour Ministry Website: <https://labour.gov.in/industrial-safety-health>
- ★ <https://labour.gov.in/whatsnew/child-labour-prohibition-and-regulation-amendment-act-2016>
- ★ [https://labour.gov.in/sites/default/files/The\\_Child\\_and\\_Adolescent.pdf](https://labour.gov.in/sites/default/files/The_Child_and_Adolescent.pdf)
- ★ [https://labour.gov.in/sites/default/files/Notification\\_for\\_enforcementofchild.pdf](https://labour.gov.in/sites/default/files/Notification_for_enforcementofchild.pdf)
- ★ ILO Official Website: <https://www.ilo.org/global/lang--en/index.htm>
- ★ Central Labour Ministry Website: <https://labour.gov.in/list-enactments-ministry>

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# LL.B. III YEAR (THREE YEAR COURSE)

## PAPER: 3.1

### LAW OF EVIDENCE

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**Course Objectives:** The Law of Evidence doesn't come under the purview of substantive or procedural law but under 'adjective law' which defines the pleading and procedure via which substantive laws are brought into practice. It is the machinery by which substantive laws are set and kept in motion. So, it can be said that the Law of Evidence deals with rights as well as, procedures. It imparts credulity to the adjudicatory process by indicating the degree of veracity to be attributed to the facts before the form. This paper enables the students to appreciate the concept and principles underlying the Law of Evidence and to identify the recognized forms of evidence and its sources.

#### 1. Introduction:

History, Enactment and Implementation of the Indian Evidence Act, 1872; Objects, Application and Definitions (Sections 01 and 03); May Presume, Shall Presume and Conclusive Proof (Section 04); Facts In Issue and Relevant Facts (Section 05)

Of the Relevancy of Facts: Relevancy and Admissibility (Inter-linkages and Major Differences); Sections 06 - 39; Difference between Admission, Confession and Plea of Guilt; Dying declaration; Expert evidence; Judgments of Courts when Relevant under Sections 40- 44; Opinions of Third Persons when Relevant (Sections 45 - 51); Character When Relevant (Sections 52 - 55)

#### 2. Oral and Documentary Evidence:

Oral Evidence: Proof of facts by Oral Evidence (Section 59); Oral evidence must be direct (Section 60); Documentary Evidence: Sections 61 - 78; Presumptions as to Documents (Sections 79 - 90A); Exclusion of Oral By Documentary Evidence: Sections 91 - 100.

#### 3. Burden of Proof:

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Section 101 - 114A; Estoppel (Section 115), Estoppel of Tenant and of Licensee of Person in Possession (Section 116), Estoppel of Acceptor of Bill of Exchange, Baillie or Licensee

**4. Witnesses:**

Sections 118 - 128; The Oaths Act, 1969 and its relation with the Law of Evidence, 1872; Sections 132, 133 & 134; Harmony between Section 133 and Section 114 Illustration (b); Difference between the terms Accomplice, Approver, Co-Accused and Hostile Witness with regard to Section 133 (together with relevant Sections of Cr.P.C., 1973).

**5. Examination of Witnesses:**

Sections 135 - 165; Facts which Need Not Be Proved (Sections 56 - 58); No New Trial for Improper Admission or Rejection of Evidence (Section 167)

**6. Contemporary Developments in the Law of Evidence:**

Case-Law Analysis; Impact of Forensic Science: Evidentiary Value in D.N.A. Test, Narco-Analysis etc.; Impact of social media in the Law of Evidence; Witness Protection Schemes.

**Leading Cases:**

1. Aghnoo Nagesia v. State of Bihar 1966 SC
2. DudhNath Pandey v. The State of U.P. AIR 1981 SC 911
3. Goutam Kundu v. State of West Bengal And Anr. AIR 1993 SC 2295
4. M.C. Verghese v. T.J. Ponnann & Another 1969 SC
5. Mahender Chawla & Others v. Union of India & Others 2018 SCC Online SC 2678
6. Nishi Kant Jha v. State of Bihar 1969 SC
7. Pakala Narayana Swami v. Emperor 1939 BOMLR
8. Palvinder Kaur v. The State of Punjab 1952 SC
9. Selvi & Others v. State of Karnataka & Another 2010 SC
10. The State of Bombay v. Kathi Kalu Oghad & Others 1961 SC

**Suggested Readings:**

1. Anirudh Rastogi, Law of Information Technology and Internet, Lexis Nexis, 2014
2. Avtar Singh, Law of Evidence, (Hindi) Central Law Publishers, 24<sup>th</sup> ed. 2020
3. Avtar Singh, Principles of the Law of Evidence, (Hindi) Central Law Publishers, 24<sup>th</sup>ed. 2020
4. Batuk Lal, The Law of Evidence, Central Law Agency, 2018
5. Chief Justice M. Monir, Textbook on The Law of Evidence, Universal Law Publishing, 11<sup>th</sup>Ed, 2018
6. Dr. V. Nageswara Rao: Indian Evidence Act, LexisNexis, 2<sup>nd</sup> Ed. 2015
7. Justice U.L. Bhat Relevancy, Proof and Evaluation of Evidence in Criminal Cases: Universal Law Publishing, 1<sup>st</sup> Ed. 2016

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8. N. V. Paranjpe Indian Evidence Act (Hindi) Central Law Publishers, 1<sup>st</sup>Ed. 2018
9. Rajaram Yadav Indian Evidence Act ( Hindi) Central Law Publishers, 2019
10. Ram Jethmalani and D. S. Chopra, Law of Evidence: Concise Commentary, Thomson Reuters, 2015.
11. Ratanlal & Dhirajlal (Revised by Shakil Ahmad Khan), Lexis Nexis, 25<sup>th</sup>Ed. 2018
12. Stephen Mason, Electronic Evidence, 4<sup>th</sup> Ed., 2017  
<http://humanitiesdigitallibrary.org/index.php/hdl/catalog/book/electronicvidence>
13. Stephen Mason, Electronic Signatures in Law, 4th Ed, 2016, <http://humanities-digital-library.org/index.php/hdl/catalog/book/electronic-signatures>
14. V. P. Sarathi (By Abhinandan Malik) Law of Evidence, Eastern Book Company, 7<sup>th</sup>Ed. 2017, Reprinted 2018.
15. Woodroffe & Amir Ali (Revised by B. M. Prasad & Manish Mohan) Law of Evidence (Set of 04 Volumes): Lexis Nexis, 20<sup>th</sup> Ed. 2017.

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**PAPER 3.2**  
**LAW RELATING TO CRIMINAL PROCEDURE, JUVENILE JUSTICE AND**  
**PROBATION OF OFFENDERS**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**I. Code of Criminal Procedure, 1973 (INCLUDING LATEST AMENDMENTS IF ANY)**

**Preliminary:**

- a. Object, Extent and Definitions
- b. Duties of Public:
  - i. To assist Police and Magistrate
  - ii. To give information about certain offences.

**Criminal Courts:**

- a. Territorial Divisions and Classification
- b. Powers

**Pre-Trial Procedures:**

- i. Process to compel appearance
- ii. Process to compel Production of things
- iii. Arrest of Persons
- iv. Information to the Police and their powers of Investigation
- v. Bail
- vi. Jurisdiction of the Courts in inquiries and Trial
- vii. Maintenance of Public Order and Tranquility

**Jurisdiction of the Courts in inquiries and Trial**

**Complaints to Magistrates and Cognizance of Offence**

**Charge**

**Kinds of Trials:**

- i. Trial before Court of Session
- ii. Trial of Summons and Warrant Cases
- iii. Summary Trials
- iv. Plea Bargaining

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- v. Judgment

**Appeals, Reference and Revision and Miscellaneous Provisions:**

- a. Period of Limitation
- b. Irregular Proceedings
- c. Autrefois acquit and Autrefois convict
- d. Legal Aid to accused at State expenses
- e. Pardon to an accomplice
- f. Saving of inherent Powers of High Court
- g. Maintenance of wives, Children and Parents

**II. Juvenile Justice (Care and Protection of Children) Act, 2015 (INCLUDING LATEST AMENDMENTS IF ANY)**

Definitions – Competent Authorities and Institutions for Juveniles, Neglected Juveniles, Delinquent Juveniles, Juvenile Justice Board, Its Powers & Functions, Procedures of competent authorities, Adoption, Offences in respect of Juveniles.

**III. Probation of Offenders Act, 1958 (INCLUDING LATEST AMENDMENTS IF ANY)**

Definitions – Power of Court to release certain offenders after admonition, On probation of good conduct – Power of Court to require released offenders to pay compensation under twenty one years of age, Variations of conditions of probation, Probation in case of ‘Offender’ failing to observe conditions of bond, Provision as to sureties, Probation Officers to observe conditions of bond, Provisions as to sureties, Probation Officers, Duties of Probation Officers.

**Leading Cases:**

1. Nisar Ali v. State of U.P., AIR 1957 SC 336
2. Pritam Singh v. State of Punjab, AIR 1956 SC 415
3. Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1589
4. Satwant Singh v. State of Punjab, AIR 1956 SC 286
5. State of Andhra Pradesh v. Ganeshwara Rao, AIR 1968 SC 1050
6. State of U.P. v. Singhara Singh, AIR 1964 SC 359
7. Tahsildar Singh v. State of Delhi, AIR 1955 SC 196

**Suggested Readings:**

1. Chakravarti, N.K. – Probation System – in the Administration of Criminal Justice.
2. Ganguly, A.C. – A Guide to Criminal Code Practice
3. Juvenile Justice Act, 1980
4. Khatri B.D. – Law of Probation in India along with Juvenile Justice Act, 1988
5. Probation of Offender Act, 1950
6. Ratan Lal – Criminal Procedure Code

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## PAPER 3.3

### CODE OF CIVIL PROCEDURE AND LIMITATION ACT

Max. Marks: 100

Min. Pass Marks:

36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**I. Code of Civil Procedure, 1908 (INCLUDING LATEST AMENDMENTS IF ANY)**

- i. Application of the Code, Definitions, Jurisdiction of the Civil Courts, Suits of Civil Nature, Stay of Suit, Res-Judicata, Presumptions as to Foreign Judgment, Place of Suits, Transfer of Suits and Appeal, Institution of Suit, Joinder, Non-joinder and Mis-joinder of parties and Causes of Action, Service of summon, Pleading- Plaint and written statement, Appearance of the parties and consequences of non-appearance.
- ii. Examination of the Parties, Admissions, Production of documents, Settlements of Issues, Hearing of the Suit and Examination of Witnesses, Judgment and Decree.
- iii. Execution of Decrees and Orders, Courts by which Decrees may be executed, Powers of the Court executing the decrees, Questions to be determined by the Court Executing the decree. Transfer of decrees for execution, Stay of Execution. Modes of Execution- arrest and detention in civil prison, attachment of properties, sale and other modes.
- iv. Death, Marriage and Insolvency of the Parties, Withdrawal and Adjustment of the Suits, Security of Costs, Commission, Suits of Special Nature and Supplemental Proceedings.
- v. Appeals from Original Decrees, Appeals from Appellate Decrees, Appeals from Orders, Appeals before the Supreme Court, Reference, Review and Revision.

**III. The Limitation Act, 1963 (INCLUDING LATEST AMENDMENTS IF ANY)**

- i. The Limitation Act, 1963 (Omitting the Schedule) Purpose, Policy, Nature and Scope of the Act., Definitions: Applicant, bond, defendant, easement, good faith, plaintiff, period of limit at on.
- ii. Relationship between Limitation, Laches, Acquiescence, Estoppels and Res Judicata; Limitation of Suits, Appeals and Applications, Disability, Computation of Period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

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**Leading Cases:**

1. Bhanu Kumar Jain v. Archana Kumar, AIR 2005 SC 626
2. C.T. Nikam v. Municipal Corporation of Ahmedabad, AIR 2002 SC 997
3. Deoki Nadan v. Murlidhar, AIR 1957 SC 133
4. Dety Pattabhirama Swamy v. Hanmayya, AIR 1959 SC 57
5. Garilapati Veerava v. N. Subhia Choudhary, AIR 1957 SC 540
6. Md. Sirajuddin v. Md. Abdul Khalique, AIR 2005 Gauhati 40
7. Narain Bhagwantrao v. Gopal Vinayak, AIR 1960 SC 104
8. S.M. Jakati v. B.M. Borker, AIR 1959 SC 282
9. Shri Sinha Ramanju v. Ramanuja, AIR 1961 SC 1720

**Suggested Reading:**

1. A.N. Pandey – Civil Procedure Code (Hindi)
2. Gupta, R.R. – Civil Procedure Code (Hindi)
3. Mridul Srivastava – Civil Procedure Code (Hindi)
4. Mulla – Civil Procedure Code
5. Singh, S.N. – Civil Procedure Code
6. Takwani, C.K. – The Code of Civil Procedure
7. Tandon, M.P. – Civil Procedure Code (Hindi)

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**PAPER 3.4**  
**ARBITRATION, CONCILIATION AND**  
**ALTERNATE DISPUTE RESOLUTION SYSTEMS**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**I. ADR (Alternate Dispute Resolution System)**

Introduction, Concept of ADR, History and Reasons for the growth of ADR, Advantages of ADR, Legislative and Judicial Sanction for ADR, Important forms of ADR, Mechanism of Alternative Dispute Resolution, ADRs and their Importance, Alternatives to Judicial Process, Negotiation, Mediation, Compromise, Conciliation, Arbitration, Ombudsman, Lok Pal and Lokayukta, Lok-Adalat, Distinction between ADR & Judicial Dispute Resolution.

**II. The Arbitration and Conciliation Act, 1996 as amended in 2015 (INCLUDING LATEST AMENDMENTS IF ANY)**

- a. General provisions – Arbitration Agreement – Arbitral Tribunals (Composition and jurisdiction) – Conduct of Arbitral Proceedings – Arbitral Awards – Termination of Proceedings – Setting aside of arbitral award – Enforcement of arbitral awards. Enforcement of Foreign Awards – New York Convention – Awards, Geneva Convention Awards.
- b. Conciliation – Conciliators – Procedure of Conciliation Relationship of Conciliator with Parties – Settlement-Agreement – Termination of Conciliation Proceedings – Resort to Arbitral or Judicial Proceedings-Costs and Deposits.

**III. Lok Adalats**

Objects, Role of Committee for Implementation of Legal Aid Schemes (CILAS) Permanent Conciliatory Centres in Gujarat – The Legal Services Authorities Act, 1987, (INCLUDING LATEST AMENDMENTS IF ANY) Functions of National Legal Services Authority, State Legal Services Authority and District Legal Services Authority; Organization of Lok Adalat, Jurisdiction and Powers of Lok Adalats, Procedure for determination of Dispute before the Lok Adalat.

**Leading Cases :**

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1. Aerial Incident of 10 August 1999 (Pakistan v India), Jurisdiction of the Court, Judgment [2000] ICJ Rep 12.
2. Asian Agricultural Products Ltd. v Republic of Sri Lanka, ICSID Case No. ARB/87/3, Final Award, dated 21 June 1990
3. Firm Madanlal Roshanlal Mahajan v. Humum Chand Mills Ltd., AIR 1967 SC 1030
4. Food Corporation of India v. M/s Thakur Shipping Co., AIR 1975 SC 465
5. Shri Lal Mahal Ltd. v. Progetto Grano Spa, 3 Civil Appeal No. 5085 of 2013 arising from SLP (C) No. 13721 of 2012, Judgment of the Supreme Court of India, dated 03 July 2013.
6. State Electricity Board, Tamil Nadu v. Sree Meenakshi Mills Ltd., AIR 1975 Mad. 139
7. State of Bihar v. Kamleshwar Singh, AIR 1952 SC 252
8. The Bay of Bengal Maritime Boundary Arbitration between the People's Republic of Bangladesh and The Republic of India (Bangladesh v India), Award of the Arbitral Tribunal, Permanent Court of Arbitration, dated 07 July 2014.
9. Vallabhdas Meghji v. Cowosji Franceji, AIR 1925 Bom. 409
10. White Industries Australia Ltd. v Republic of India, UNCITRAL Final Award, 30 November 2011. Saipem S.P.A. v The People's Republic of Bangladesh, ICSID Case no. ARB/05/07, Decision on jurisdiction and recommendation on provisional measures dated 21 March 2007.

**Suggested Readings :**

1. Abraham P. Ordoover and Andrea Doneff, Alternatives to Litigation: Mediation, Arbitration, and the Art of Dispute Resolution, Notre Dame: National Institute for Trial Advocacy, 2002
2. Avtar Singh – Law of Arbitration and Conciliation
3. Bakshi, P.M. - Arbitration Law
4. J. G. Merrills, International Dispute Settlement. U.K: Cambridge University Press, 2005 (Fifth Edn.)
5. Paruck, P.L. – Indian Arbitration Act
6. Robert J. Niemic, Donna Stienstra and Randall E. Ravitz, Guide to Judicial Management of Cases in ADR, Federal Judicial Centre, 2001
7. Sunil Deshta Lok Adalats in India – Genesis & Functioning

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**PAPER 3.5**  
**LAND LAWS**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**I. Rajasthan Tenancy Act, 1955 (INCLUDING LATEST AMENDMENTS IF ANY):**

1. Preliminary: Objects and Reasons, Definition, Khudkasht, Ijredars, Grove Holder : Classes of tenants: Conferment of rights on sub-tenants of Khud Kasht, Primary Right of Tenants : Surrender, Abandonment and Extinction of tenancies; Improvements and Trees : Declaratory Suits : Determination and Modification of Rent: Payment and Recovery of Rent : Grounds for Ejectment of Tenants, Remedies for Wrongful Ejectment
2. Procedure and Jurisdiction of Court, Provisions for injunction and appointment of Receiver; Appeal, Review, Revision: Reference, Question of Proprietary Rights in Revenue Courts: Question of Tenancy right in Civil Court, Conflict of Jurisdiction

**II. The Rajasthan Land Revenue Act, 1956 (INCLUDING LATEST AMENDMENTS IF ANY):**

1. The Board of Revenue, Revenue Courts and Officers; Appeal, Reference, Revision and Review; Land; Survey.
2. Record of Rights, Maintenance of maps and record, Annual Registers; Settlement operations; Rent Ratio, Determination of rent, Term of Settlement; Collection or Revenue

**III. Rajasthan Rent Control Act, 2001 (INCLUDING LATEST AMENDMENTS IF ANY):**

1. Preliminary: Object and Reasons, Definition-Amenities, Landlord, Premises, Tenant. Revision of Rent, limited period tenancy, eviction of tenants, right of landlord to recover immediate possession in certain cases, restoration of possession of illegally evicted tenant and procedure thereof. Constitution of tribunals, procedure for revision of rent and eviction, Appeal and Execution Amenities.

**IV. Land Acquisition Law- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013-**

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Preliminary: object and reason, Definition: affected family, agriculture land, cost of acquisition, displaced family, infrastructure project, marginal farmer, market value, person interested, public purpose, and resettlement area, Procedure of land Acquisition, Notification, Determination of social impact Consent of Land Owners – Award Inquiry and public purpose, special provision to safeguard food security, Rehabilitation and Resettlement Award and procedure relating to it. Procedure relating to land acquisition, rehabilitation and resettlement authority, apportionment and payment of compensation, Reference to civil courts etc.

**V. RERA Act 2016 (INCLUDING LATEST AMENDMENTS IF ANY):**

Salient Features, Definitions. Real Estate Regulatory Authority, Registration with the Regulatory Authority, Carpet Area, 70% of realisation from allottees in a separate bank account, Acceptance or refusal of registration, Revocation or lapse of registration, Website of the Regulatory Authority, Advertisement or prospectus issued by the promoter, Limit on receipt of advance payment, Restriction on addition and alteration in the plans, Structural defect, Restriction on transfer and assignment, Refund of amount in case of delay in handing over possession, Other relevant provisions, Real Estate Appellate Tribunal, Adjudicating Officer, Offences and Penalty, Overriding effect.

**Leading Cases:**

1. Bohra v. Ganesh, 1966 RRD 71 (FB) 1966 RLW
2. Kanaimal v. Kanhaiya Lal, 1966 RLW 179
3. Mangi Lal v. Chottu, 1967 RRD 433
4. Prabhu v. Ramdeo, AIR 1966 SC 172
5. Smt. Mulashi v. Rama Lal, 1976 RRD 88.
6. Yasin Shah v. Munir Shah, 1967 RRD 37

**Suggested Reading:**

- |                             |   |                                       |
|-----------------------------|---|---------------------------------------|
| 1. Shyam Lal Gupta          | - | The Rajasthan Tenancy Act             |
| 2. Dutt, S.K.               | - | Tenancy Law in Rajasthan              |
| 3. Dutt, S.K.               | - | Rajasthan Land Revenue Act            |
| 4. Suresh Chand & H. Mathur | - | Law of Tenancy in Rajasthan           |
| 5. Dutta, S.K.              | - | Rent Control in Rajasthan             |
| 6. Karkara, G.S.            | - | Rajasthan Land Laws (English & Hindi) |

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## PAPER: 3.6

### INTERPRETATION OF STATUTES

Max. Marks: 100

Min. Pass Marks:

36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**Course Objectives:** This course is largely confined to Common Law system of statutory interpretation. This course aims to acquaint the students with basic principles of interpretation of statutes. It focuses on general and specific rules of interpretation of statutes. It also prescribes the guidelines on interpretation of remedial, penal and taxing statutes. It provides for internal and external aids for interpretation of statutes. It also contains the rules regulating commencement, operation and repeal of statutes.

- I. **General Concepts:** Interpretation of Statute: Meaning, Object and Scope; Importance, Advantages, Disadvantages; Interpretation and Construction, Differences between them; Intention of Legislature, Limits of Interpretation. Statutes: Nature and Classification; Structure of Statute.
- II. **Rules of Interpretation:** Primary (Basic Rules) Secondary (subsidiary) Rules; Literal Rule; Golden Rule; Mischief Rule; Harmonious Construction; Statute Should be Read as a Whole
- III. **Maxims and Presumptions:** Maxims of Statutory Interpretation: Ejusdem Generis; Noscitur a Sociis; Construction Expressio Unius Exclusio Alterius; Ut Res Magis Valeat Quam Pereat; Delegatus Non Potest Delegare; Contemporanea Expositio Est Optima Et Fortissima in Lege; Construction Expressio Unius Est Exclusio Alterius; Reddendo Singula Singulis
- IV. **Aids to Interpretation:**
  - a. Internal Aids: Title; Preamble; Headings; Marginal Notes; Interpretation Clauses; Proviso; Explanation; Exception & Saving Clause.
  - b. External Aids: Parliamentary and Constitutional history; Historical facts and Surrounding Circumstances; Social, Political and Economic Developments and Scientific Inventions; Stare Decisis (Judicial Precedents); Dictionaries; Literature; Reference to other Statutes (Pari Materia); e-Resources;
- V. **Interpretation with reference to the Subject Matter and Purpose of Statutes:** Interpretation of Penal Statutes (Strict Construction); Interpretation of Taxing Statutes; Interpretation of the Constitution: Principle of Pith and Substance; Principle of Colourable Legislation; Principle of Severability; Principle of Eclipse; Principle of Occupied Field; Principle of Territorial Nexus

**Leading Cases:**


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1. Alamgir v. State of Bihar AIR1959 SC436
2. Bengal Immunity Company v. State of Bihar AIR1955 SC 661
3. Heydon's Case (1584) 76 ER 637
4. K. M. Nanavati v. State of Bombay AIR1961 SC 112
5. Lily Thomas v. Union of India AIR 2000 SC 1650
6. Mangoo Singh v. Election Tribunal AIR1957 SC 871
7. Motipur Zamindari Co. Pvt. Ltd. v. State of Bihar AIR1962 SC
8. Ramavatar v. Assistant Sales Tax Officer AIR 1961 SC1325
9. Ranjit Udeshi v. State of Maharashtra AIR 1965 SC 881
10. Smith v. Hughes (1871) LR 6 QB 597

**Suggested Readings:**

1. Anirudh Prasad, Samvidhik Nirvachan Ke Siddhant, Ed.8th, C.L.P., 2019 (Hindi)
2. Avtar Singh, Introduction to Interpretation of Statutes, LexisNexis, Butterworths Wadhwa, 2014
3. Bhattacharya T., Interpretation of Statutes (Central Law Agency), 2017
4. Bindra N.S., Interpretation of Statutes (LexisNexis, Butterworth Wadhwa), 2016
5. Brandon J. Murrill, Modes of Constitutional Interpretation, Congressional Research Service, March 2018, at <https://fas.org/sgp/crs/misc/R45129.pdf>
6. Chopra, D.S., Interpretation of Statutes, 1st ed. New Delhi: Thomson Reuters, 2014.
7. Dhanda, Amita (Ed.), N. S. Bindra's Interpretation of Statutes, 12<sup>th</sup>Ed., New Delhi: Lexis Nexis,2017.
8. Jeremy Bentham, Theory of Legislation, Lexis Nexis, 2010
9. Jone, Oliver (Ed), Bennion on Statutory Interpretation 5th ed. London: Lexis Nexis, 2013
10. Katju, Markandey, (Ed.), K. L. Sarkar's Mimansa Rules of Interpretation, 4<sup>th</sup>ed. New Delhi, Thomson Reuters, 2013.
11. Langan, P. St. J.(Ed.),Maxwell on the Interpretation of Statutes. 12<sup>th</sup>ed. New Delhi: Lexis Nexis,1969
12. Maxwell, Interpretation of Statutes (Sweet and Maxwell), 1969
13. Rupert Cross, Statutory Interpretation (Butterworth), 1976
14. Sarathi, Vepa P.,Interpretation of Statutes. 5<sup>th</sup>ed. New Delhi: Eastern Book Company,2010.

  
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**PAPER 3.7**  
**ENVIRONMENTAL LAW**

Max. Marks: 100  
36

Min. Pass Marks:

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
  - ii. Leading cases prescribed under this paper may be read wherever they are relevant.
- 
1. Meaning and contents of Environment and Environment Pollution, History and Development of Environmental Legislation in India, Constitutional and Other statutory provisions related to Environment, Doctrine of Sustainable Development, Polluter Pays Principles, Precautionary Principles, Public Trust, Other Common laws and statutory remedies, Judicial Activism Pertaining to Environmental Pollution, International Environment Law.
  2. **The Environment (Protection) Act, 1986:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Objects, Definition, General powers of the Central Government, Prevention, Control and Abatement of Environmental Pollution; Penalties and Procedure, Power to make Rules
  3. **National Green Tribunal Act, 2010:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Object, Definitions, Establishment of Tribunal, Jurisdiction, Powers, Proceedings and Penalty
  4. **The Wild Life (Protection) Act 1972:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Need to conserve Wild Life, Definitions, Authorities under the Act, Hunting of Wild Life Animals, Protection of Specified Plants; Sanctuaries, National Parks and Closed Areas; Central Zoo Authority and Recognition of Zoos; Trade or Commerce in Wild Animals, Animal Articles and Trophies and its Prohibition; Prevention and Detection of Offences; Power to Make Rules.
  5. **The Water (Prevention and Control of Pollution) Act, 1974:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Object and Application of the Act; Definitions; Constitution, Powers and Functions of Central, State and Joint Boards, Prevention and Control of Water Pollution, Water Laboratories, Funds Accounts and Audits, Penalties and Procedure, Power of Government to Supersede and make rules.
  6. **The Air (Preventions & Control of Pollution) Act, 1981:** (INCLUDING LATEST AMENDMENTS IF ANY)

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Object and Application of the Act; Definitions; the Constitution, Powers and Functions of Central and State Boards, Prevention and Control of Air Pollution, Funds Accounts and Audits, Penalties and Procedures; Powers of the Government to supersede and Dissolution of the State Board and its effects, Powers of Government to Make Rules.

7. **The Rajasthan Noise Control Act, 1963** (Basic Concepts) (INCLUDING LATEST AMENDMENTS IF ANY)

**Leading Cases:**

1. A.P. Pollution Control Board v. Prof. M.V. Nayadu, AIR 1999 SC 812
2. Charan Lal Sahu v. Union of India, AIR 1990 SC 1480.
3. House of God (Full Gospel) of India v. K.K. R.M.C. Welfare Association & Others AIR 2002 SC 2237.
4. Mehta, M.C. v. Union of India, AIR 1987 SC 1086
5. Mehta, M.C. v. Union of India, AIR 1988 SC 1115
6. Rural Litigation & Entitlement Kendra, Dehradun v. State of U.P., AIR 1985 SC 659
7. Vellore Citizen's Welfare Forum v. U.O.I. AIR 1996 SC 2715

**Suggested Reading :**

1. Divan Shyam & Arvin Rosencronze : Environmental Law & Policy in India (2002)
2. Gurbax Singh : Environmental Law in India
3. Jain, Suresh & Jain Vimla : Environmental Law in India.
4. Karkara G.S. : Environmental Law
5. Rathi R. L.: Environment Law (Hindi)
6. Shanta Kumar S. : Environmental Law
7. Shastri, Satish : Environmental Law in India (2004)
8. Singh C. P.: Environment Law (Hindi)

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## OPTIONAL PAPERS

### PAPER 3.8 (A)

#### CRIMINOLOGY AND PENOLOGY

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**1. Criminology:** Definition, nature and scope, methods of Studying, Importance and classification of crime.

Criminal Behaviour:

(i) Explanations

(ii) Psychological Theories – Alcoholisms and Drugs

Crime and Social Processes: Economic Motivation, Socio-cultural Movements, Crime and Community, Female Offender, Juvenile Delinquency, Influence of Mass-Media.

**2. Schools of Criminological Thought (Factors in causation of Criminal Behaviour)**

- i. Ancient School: Demonological, School of Free-well
- ii. Classical School
- iii. Cartographic or Ecological school
- iv. Socialistic School
- v. Typological School: Italian or Positive School, Mental Testers School, Psychiativists School.
- vi. Sociological School
- vii. Multi-factor School

Control of Crime: Police and Law Courts: Prison System-Re-socialisation of the offender, Rehabilitation of discharged prisoners in the administration of Criminal Justice, Prevention of Crime Delinquency.

**3. Definition of Punishment, Relationship between Criminology and Penology; Theories of Punishment, Expiatory, Preventive and Reformative Theories and Purposes of Punishment.**

Penal Science in India: History of Punishment, Pre-classical school-classical school, Neo-classical Positive school, The Reformer, Clinical School and Multiple Causation approach.

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4. **Kinds of Punishment:** Modes of treatment of offenders, Corporeal punishment, Transportation of Criminals, Capital Punishment, Imprisonment, Reactional, Treatment, Probation, Parole, Compensation, Admonition, Treatment of Habitual Juvenile, Sex and Adolescent Offenders, Indevaminita Sentences, Borastal School, Criminal Procedural Jurisprudence.
5. **Constitutional Guarantees** – Principle of Natural Justice as applicable to Procedural Law, Protection to Arrested Persons, Under-trials, Detenue and Convicted Persons. Double Jeopardy and Self-Incrimination, Rights to Life and Legal Aid.
6. **Victimology:**
  - (a) Compensation, Restitution, Assistance and Rehabilitation
  - (b) Compensation as a mode of Punishment
  - (c) Constitutional Perspective for Compensation

**Leading Cases:**

1. Bandhua Mukti Morcha v. Union of India, AIR (1984) SC 802
2. Francis Coralie Mullin v. Union Terrifory Delhi, AIR 1981 SC 746
3. Guru Singh v. State of Rajasthan, 1984 Cr. LJ 1423 (1428)
4. Mithu v. State of Punjab, AIR 1983 SC473.
5. R.K. Garg v. Union of India, (1981) 133 ITR 239

**Suggested Readings:**

1. Ahmed Siddiqui – Criminology – Problems & Perspectives
2. Barnes, H.B. and Tectors – New Horizons in Criminology
3. Ben – Penology – Old and News –Tagore Law Lectures
4. Deccaria— Crime and Punishment.
5. Dequires - Modern Theories of Criminology
6. Edwin H. Sutherland and Donald R. Grussey – Principles of Criminology
7. Grunhut – Penal Reforms
8. Hon, Barren, Mays – Crime and the Social Structure
9. I.L.I. – Essays on Indian Penal Code.
10. Korm, R.R. And Mc Gorble, LW – Criminology and Penology
11. Lawburse – Crime, Its Causes and Remedies.
12. Lord Pakenham – Causes of Crime
13. Mandholm – Criminal Justice and Reconstruction
14. S. Venugopala Rao – Facts of Crime in India
15. Shamsul Huda – Tagore Law Lectures on Criminal Law
16. Vold, G.S. – Theoretical Criminology
17. N. V. Puranjape: vijk/k'kkL= ,oa n.M iz'kklu
18. M. S. Chauhan: vijk/k'kkL= ,oa vijkf/kd foKku fl)kUr
19. Sky Thakur - Victim Compensation in India Criminal Justice System

**PAPER 3.8 (B)**  
**INTELLECTUAL PROPERTY LAW**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**OBJECTIVES OF THE COURSE:**

With the view to create awareness on the significance of IPR's to the students who are being imparted law education and in order to cater to the needs of the stakeholders of knowledge economy this course on Intellectual Property Rights is framed for those young students interested in pursuing a career in IPR's, which opens opportunities in the fields of IP Analysts, IP Attorneys, IP Consultants, IP Managers and the like together with appraising the students with other relevant amendments in the law forming the significant part of this course.

**I. Introduction to Intellectual Property:**

Theories of Intellectual Property (Basic Concepts), Justifications for the Protection of Intellectual Property; IPR and Constitution of India; Kinds of Intellectual Property Rights:(Basic Overview)


Copyright and Related Rights, Patents, Trademarks, Design, Plant Varieties, Farmer's Rights, Traditional Knowledge, Traditional Knowledge Digital Library, Convention on Biological Diversity, Trade Secrets, The Semiconductor Integrated Circuits Layout-Design.

**II. International Institutions and Basic International Conventions related to Intellectual Property:(Basic Overview)**

Berne Convention for the Protection of Literary and Artistic Works 1886; Paris Convention for the Protection of Industrial Property, 1883; World Intellectual Property Organization (WIPO);

**III. The World Trade Organization (WTO):**

Introduction to International trade and the law of the WTO, Sources of WTO Law, Basic rules and principles of WTO Law; Historical Background; Membership; Institutional Structure; WTO Dispute Settlement; TRIPS Agreement: IPR's covered by TRIP's; Indian response to the TRIP's.

  
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#### **IV. The Patents Act, 1970:**

History, Enactment and Implementation etc.; Interpretation Clause; Inventions Not Patentable; Applications for Patents; Publication and Examination of Applications; Opposition and Anticipation; Grant of Patents and Rights Conferred Thereby; Restoration, Surrender and Revocation of Patents; Register of Patents; Patent Office and Its Establishment; Jurisdiction and Appellate Jurisdiction (As amended); Working of Patents, Compulsory Licenses and Revocation; Landmark Cases;

#### **V. The Trademarks Act, 1999:**

History, Enactment and Implementation etc.; Interpretation Clause; Kinds of Trademarks; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Use of Trademarks and Registered Users; Collective Marks and Certification Trademarks; Jurisdiction and Appellate Jurisdiction (As amended); Landmark Cases;

#### **VI. The Geographical Indication of Goods (Registration and Protection) Act, 1999:**

History, Enactment and Implementation etc.; Interpretation Clause; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Special Provisions relating to Trademarks; Jurisdiction and Appellate Jurisdiction (As amended); Landmark Cases;

#### **VII. The Copyright Act, 1957:**

History, Enactment and Implementation etc.; Interpretation Clause; Copyright Office and Copyright Board; Copyright; Ownership of Copyright and the Rights of the Owner; Term of Copyright, Licences; Rights of Broadcasting Organization and of Performers; Registration of Copyright; Infringement of Copyright; Jurisdiction and Appellate Jurisdiction (As amended); Landmark Cases;

#### **VIII. The Designs Act, 2000:**

History, Enactment and Implementation etc.; Interpretation Clause; Registration of Designs; Copyright in Registered Designs; Legal Proceedings; Jurisdiction and Appellate Jurisdiction (As amended); Landmark Cases;

#### **LEADING CASES:**

- 1) Biocon Ltd. & Mylan Pharmaceuticals Pvt. Ltd. v. F. Hoffmann-La Roche AG &Ors.
- 2) Eastern Book Company & Ors v. D.B. Modak&Anr.
- 3) Gramophone Co. of India Ltd. v. Birendra Bahadur Pandey
- 4) Indian Performing Right Society Ltd v. Eastern India Motion Picture Association
- 5) Monsanto Technology LLC &Ors. v. Nuziveedu Seeds Ltd. &Ors.

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- 6) Natco Pharma Ltd. v. Bayer Corp.
- 7) Novartis A.G. v. Union of India 2013 SC
- 8) R.G Anand v. M/S. Delux Films &Ors.
- 9) Tea Board India v. ITC Limited Kolkata HC
- 10) The Coca-Cola Company v. Bisleri International Pvt. Ltd. Manu/DE/2698/2009
- 11) The Chancellor, Masters & Scholars of the University of Oxford &Ors. v. Rameshwari Photocopy Services &Ors.
- 12) Yahoo Inc. v. Akash Arora &Anr 1999 (19) PTC 201 (Delhi HC)

#### SUGGESTED READINGS:

- Ahuja, V. K., Law of Copyright and Neighbouring Rights, (2007), New Delhi, Lexis Nexis
- Cornish, William Intellectual Property: Patents, Copyright, Trademarks and allied rights, (2010) 7th ed., London Sweet & Maxwell.
- Dev Gangjee, Relocating the Law of GI, Cambridge University Press, 2012
- Elizabeth Verkey, Law of Patents, Eastern Book Company, 2nd Edition, 2012
- Feroz Ali Khader, The Law of Patents-With a Special Focus on Pharmaceuticals in India, LexisNexis, 2nd Edition, 2011
- Ganguli Prabuddha "Geographical Indications--its evolving contours" accessible in [http://iips.nmims.edu/files/2012/05/main\\_book.pdf](http://iips.nmims.edu/files/2012/05/main_book.pdf) (2009)
- Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, 2001
- K. C. Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
- Kankanala, Kalyan C., Indian Patent Law and Practice, (2010), India, Oxford University Press
- Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005
- Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008
- Prof. (Dr.) V.K. Ahuja and Dr. ArchaVashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters 2020
- S. Sivakumar & Lisa P. Lukose, Broadcasting Reproduction Right in India: Copyright and Neighbouring Right Issues, ILI, New Delhi, 2013
- V. K. Ahuja, Law relating to Intellectual Property rights, 2nd Edition, (2013) LexisNexis.
- Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997
- W. R. Cornish, Intellectual Property: Patents Copyright Trademarks and allied rights, Sweet & Maxwell, London, 2010.

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## PAPER 3.8 (C)

### CYBER LAWS

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

#### Course Objectives

The object of this course is to acquire specific knowledge of law and practice relating to Cyberspace. This course is designed to acquaint the students with the conceptual and operational parameters of Cyber Law. The learning outcome of the course will be understanding the provisions of Cyber Laws provided to facilitate electronic commerce - electronic signatures, data protection, cyber security; penalties & offences under the IT Act, dispute resolution, and other contemporary issues.

#### I. Introduction

- Cyber Law- Genesis & Scope;
- Cyberspace and its components;
- Evolution of Internet and WWW;
- Defining computer, computer network, computer system, computer resource, information, cyber security, data;
- Cyber Jurisprudence at International and National Level: UNCITRAL Model Law on Electronic Commerce 1996; Council of Europe - Budapest Convention on Cybercrime; Role of ICANN; National Cyber Security Policy 2013

#### II. Information Technology Act and Amendments:

- Salient features of the IT Act, 2000, Amendments to Indian Penal Code, Indian Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act.
- Salient features of the IT (Amendment Act), 2008
- Various authorities under IT Act and their powers: Controller of Certifying Authorities, Adjudicating Officer & Appellate Tribunal
- National Nodal agency: In-CERT
- Liability of Intermediaries
- Examiner of Electronic Evidence

#### III. Cyber Space Jurisdiction

- Traditional principles of Jurisdiction
- Extra-terrestrial Jurisdiction
- Jurisdiction under IT Act, 2000
- Challenges in Cyber Space Jurisdiction

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#### **IV. Electronic Commerce and Electronic Governance**

- E-Commerce: Provisions under IT Act, salient Features, advantages and challenges.
- Models of E-commerce like B2B, B2C & C2C.
- E-Contracts, E-taxation & E-banking.
- E-Governance: Concept and practical aspects in India, Provisions under IT Act.
- Concept of electronic records and electronic signatures
- Rules for attribution, acknowledgement and despatch of electronic records.

#### **V. Contraventions and Cyber Crimes**

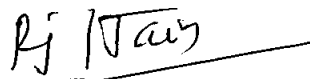
- Penalties, Compensation and Adjudication
- Understanding Cyber Crimes -difference between traditional crime and cybercrimes.
- Classification of Cyber Crimes
- Offences under IT Act, 2000
- Cyber Crimes under Indian Penal Code, 1860.
- Investigation and Powers of Police

#### **VI. Intellectual Property Issues in Cyber Space**

- Interface with Copyright Law
- Interface with Patent Law
- Online Trademark Infringement & Domain Names Disputes

#### **Leading Cases:**

1. Adobe Systems Inc. vs Sachin Naik (Delhi High Court – 2013)
2. Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal and Ors (Decided on July 14, 2020 by SC)
3. Avnish Bajaj v. State (NCT of Delhi) (Bazee.com), 2008 (105) DRJ 721, decided on 29.05.2008
4. Bhim Sen Garg vs State Of Rajasthan and Others. on 13 June, 2006 (2006 CriLJ 3643)
5. CHRISTIAN LOUBOUTIN SAS versus NAKUL BAJAJ & ORS [CS (COMM) 344/2018]
6. Dharambir v Central Bureau of Investigation, 148 (2008) DLT 289)
7. Google India Pvt. Ltd. vs. Visaka Industries Limited, C.P. No. 7207 of 2009
8. Harpal Singh v. State of Punjab 2016 SC
9. K. Ramajayam @ Appu vs The Inspector Of Police, Criminal Appeal No.110 of 2015 (decided on 27 January, 2016, Madras HC)
10. Sharat Babu Digumarti v. Govt. of N.C.T. of Delhi, AIR 2017 SC
11. Shreya Singhal v. Union of India, AIR 2015 SC
12. SMC Pneumatics India Pvt. Ltd. v. Jogesh Kwatra, CS(OS) No. 1279/2001 (Delhi High Court, 2001)
13. Syed Asifuddin And Ors. vs The State Of Andhra Pradesh [2005 CriLJ 4314]
14. United States Supreme Court in the matter of CALDER v. JONES, (1984)
15. Vyakti Vikas Kendra, India Public Charitable Trust Thr Trustee Mahesh Gupta & Ors vs. Jitender Bagga & Anr., CS(OS) No. 1340/2012 (Delhi High Court, 2012)

  
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16. Yahoo! Inc. vs Akash Arora (1999)

**Suggested Readings:**

**Legislations**

1. Information Technology Act, 2000
2. Information Technology (Amendment) Act, 2008
3. UNCITRAL Model Law on Electronic Commerce, 1996
4. Council Of Europe - Budapest Convention On Cybercrime, 2001
5. National Cyber Security Policy, 2013

**Books**

1. J. P. Mishra, An Introduction to Cyber Laws, Central Law Publications
2. Karnika Seth, Computers, Internet and New Technology Laws, Lexis Nexis Butterworths Wadhwa
3. S. K. Verma & Raman Mittal, Legal Dimensions of Cyber Space, Indian Law Institute
4. Pavan Duggal, Textbook on Cyber Law Paperback, Universal Law Publishing
5. Anirudh Rastogi, Law of Information Technology and Internet, Lexis Nexis
6. Garima Tiwari, Understanding Cyber Laws & Cyber Crimes, Lexis Nexis
7. Debarati Haldar & K. Jaishankar, Cybercrime against women in India, Sage Publishing
8. Prashant Mali, Cyber Law & Cyber Crimes Simplified, Cyber Infomedia
9. Talat Fatima, Cyber Crimes, Eastern Book Company
10. देवारती हालदर, के. जयशंकर, भारत में महिलाओं के विरुद्ध साइबर अपराध, सेज पब्लिशिंग
11. जय प्रकाश मिश्र, साइबर विधि, सेंट्रल लॉ पब्लिकेशन
12. तलत फातिमा, इन्टरनेट विधि एवं साइबर अपराध, ईस्टर्न बुक कंपनी
13. प्रशांत माली, साइबर कानून एवं साइबर अपराध, साइबर इन्फोमीडिया

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## PAPER 3.9

### DRAFTING, PLEADING AND CONVEYANCING

Max. Marks: 100

Min. Pass Marks:

36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.

**I. Drafting & Pleading:** General principles of Drafting and relevant substantive rules of pleading and their exceptions: Amendments of Pleading; Alternative and Inconsistent Pleadings.

**II. Drafting Exercise on Pleadings:**

- (a) **Civil** - (i) Plaints (ii) Written Statement: (iii) Interlocutory application, (iv) Original petition, (v) Affidavit (vi) Notice (vii) Execution petition (viii) Memorandum of Appeal and Revision, (ix) Writ petitions.
- (b) **Criminal**- (i) Complaints; (ii) Bail Applications; (iii) Reply by Accused; (iv) Criminal Miscellaneous Petition, (v) Appeal, Reference and Revision (c) Conveyancing - Drafting exercise on conveyancing (i) Sale Deed; (ii) Mortgage Deed; (iii) Gift Deed; (iv) Lease Deed; (v) Rent Deed; (vi) Partnership Deed; (vii) Power of Attorney; (viii) Promissory Note and (ix) Will.

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**PAPER 3.10**  
**MOOT COURT EXERCISE AND INTERNSHIP**

Max. Marks: 100

Min. Pass Marks: 36

**Note:**

- i. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- ii. Leading cases prescribed under this paper may be read wherever they are relevant.
- iii. This paper will have three components of 30 marks each and a viva for 10 marks.

**Evaluation Criteria:**

- i. Oral Advocacy in Moot Court (Internal Examination) – 15 Marks
- ii. Diary (External Examiner) – 75 Marks
- iii. Viva-Voce (External Examiners) - 10 Marks

**Course Objectives:** For the LL.B. III year, it is also suggested that to strengthen the lawyering skills of the students, train them in pre-trial preparations and to equip them with practical training, the Committee suggests to introduce 10th Paper in LL.B. III Year with following scheme and nomenclature: Paper 3.10: Moot Court Exercise and Internship.

**I. Moot Court (30 Marks):**

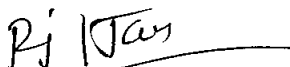
Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

**II. Observance of Trial in two cases (30 marks)**

Under this head students have to observe Court Trial in two cases (one civil and one criminal). A diary has to be maintained by the student with date for the observations of the various steps of the Court proceedings. There shall be 15 marks for each case observation.

**III. Interviewing techniques and Pre-trial preparations and Internship diary (30 marks)**

Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court

  
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papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

- IV. The fourth component of this paper will be Viva-Voce examination on all the above three aspects. (10 marks)**

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