

*Strong Room*

**ORDINANCE AND REVISED CURRICULUM  
FOR  
LL.B. THREE YEAR  
(SIX SEMESTERS) DEGREE COURSE**

(Effective from 2009-10)

जदल। इअ पाठ्यक्रम  
III व 8th. डिप्लोमा  
IV व 8th डिप्लोमा  
VI व 8th डिप्लोमा



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V.E.S. PURVANCHAL UNIVERSITY  
JAUNPUR

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JAUNPUR**

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**REVISED CURRICULUM FOR THREE YEAR  
(SIX SEMESTERS) LL.B. DEGREE COURSE TO BE  
IMPLEMENTED BY THE SESSION : 2009-2010**

WHEREAS, the Bar Council of India at its meeting held on 14<sup>th</sup> September, 2008 vide resolution No. 110/2008 has approved and adopted the revised rules of legal education and revised curriculum for LL.B. 3 year and LL.B. 5 year courses prescribing 20 compulsory papers, 4 clinical papers and 6 optional papers to be selected from a list of optional papers, and one paper on English as compulsory paper.

AND WHEREAS the Bar Council of India has communicated to all universities/centres of legal education alongwith letter no. BCI : D : 1518 : 2008 (LE/RULES – PART IV) dated 24.12.2008 and has asked them to implement the revised curriculum from the academic year 2009-2010.

AND WHEREAS, the Bar Council of India has issued the circular No. BCI : LE : Cir. No. 1/2008 (LE : UNI) dated 27.02.2009 to all universities/centres of legal education in the country to remind and advice them to adopt and implement the revised curriculum and rules by the academic year 2009-2010.

NOW THEREFORE, it is expedient to revise the curriculum of LL.B. three year (six semesters) in the light of the revised curriculum approved and adopted by the Bar Council of India.

Proposed ordinance relating to the revised curriculum for LL.B. three year (Six semesters) degree course.

1. The Veer Bahadur Singh Purvanchal University, Jaunpur may confer the Degree of Bachelor of Laws on such candidates who being eligible for admission have been admitted to the LL.B. Degree course, have received regular instructions in the prescribed courses of study, undergone required practical training, passed relevant examinations and being suitable by virtue of their character, have fulfilled such other conditions as may be laid down from time to time.

2. The curriculum of study for the LL.B. Degree shall be spread over three academic years and shall be divided into six semesters for the examination purposes, called as First, Second, Third, Fourth, Fifth and Sixth Semesters.

3. The candidates seeking admission to the LL.B. Degree course must be a graduate in any discipline of knowledge from a University established by an  
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Act of Parliament or by a State Legislature or an equivalent National Institution recognized as a Deemed to be University or Foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, with 45% of marks. However a relaxation of 5% shall be admissible in favour of SC/ST candidates.

4. There shall be an Entrance Test conducted by the college for the admission in the LL.B. course. The admission shall be made in order of merit obtained by the candidates in the entrance test.

5. No candidate shall be admitted to LL.B. course if he/she has not obtained 35% marks in the Entrance Test and 45% marks in the graduation examination.

6. The maximum age for seeking admission in LL.B. Three year course has limited to thirty years, with right of the University to give concession of further 5 years for the applicant belonging to SC or ST or any other backward communities.

7. There shall be six semesters in the LL.B. Three years Degree Course viz. LL.B. I year (I+II Semester), LL.B. II year (III+IV Semester) and LL.B. III year (V+VI Semester). The examination of I, III and V  
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academic session shall not be admitted to LL.B. part II (III Semester) or LL.B. part III (V Semester) as the case may be.

12. (a) A candidate for LL.B. I year, LL.B. II year or LL.B. III year examination, as the case may be, who has fulfilled all the required conditions for appearing in the said examination but has failed to pass or to appear in that examination shall not be eligible to be readmitted in the same class but maybe allowed to appear in LL.B. I year, LL.B. II year or LL.B. III year examination, as the case may be, as an ex-student for the next two consecutive sessions after his first failure to pass or to appear in such examination.

- (b) The maximum span of time for completion of LL.B. Degree Course shall be six years.

13. (a) A candidate who has failed in theory papers only in LL.B. II year or III year examination, as the case may be, and is appearing as an ex-student in the concerned examination, his clinical course Viva-Voce marks shall be reserved and added in the result of his examination as an ex-student.

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- (b) A candidate who has failed in theory and clinical papers both and is appearing as an ex-student shall be required to take admission in clinical course/courses only by depositing Rs. 200/- in the college office.

14. No regular student of LL.B. I year, II year or III year shall be allowed

to appear in the examination unless he has attended at least 75% of lectures in the theory and practical classes held separately. Provided that on reasonable ground the requirement of attendance in individual case may be reduced to 66% by the Vice-Chancellor on the recommendation of the Dean, Faculty of Law.

15. Rules for conducting and Assessment of clinical courses and Viva-Voce examination :-

For conducting Practical & Viva-Voce Examination there shall be A board of Three Examination : Two internal and one external. One internal must be from amongst the whole time Law Teachers of the College concerned, to be appointed by the Principal at the recommendation of the Head of Law Faculty, on the basis of rotation. The other internal examiner must be a Law Teacher of any other affiliated college of this University having teaching

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experience not less than five years or retired teacher of any affiliated college of this University to be appointed by the Vice Chancellor of the University at the recommendation of the Board of Studies, Law faculty on the basis of rotation in order of seniority of the university. The External Examiner shall be a permanent teacher of the University or from any other affiliated college of the University other than VBS Purvanchal University, Jaunpur having 10 years teaching experience or a practicing lawyer having 20 years standing at the bar, to be appointed by the Vice Chancellor on the recommendation of Board of Studies.

#### **(i) Clinical Course**

Professional Ethics Accountability for lawyers and Bar Bench Relation, which has been allotted in LL.B. II year (III Semester) course as paper No. 4 will be examined by written examination for 80 marks conducted by the university like other theoretical papers and 20 marks shall be reserved for Viva-Voce examination to be examined by Board constituted under para 15.

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#### **(ii) Clinical Course**

Alternate Dispute Resolution, which has been allotted as paper No. 4 in LL.B. II year (IV semester) course will be assessed by a Board of Examiners which will be constituted as in accordance with the rule contained in para 15. This paper shall contain four components- (i) Negotiation skills (25 marks), (ii) Conciliation skills (25 marks), (iii) Arbitration law and practice (30 marks) and (iv) Viva voce (20 marks). The assessment of this paper, shall be on the basis of the work done by the students in different programmes on the above components and their reports as maintained in DIARY.

#### **(iii) Clinical Course**

Drafting Pleading and conveyancing which has been allotted in LL.B. III year (V Semester) course as paper No. 4, will be examined and assessed by a Board of Examination which will be constituted as in accordance with the rule contained in Para 15. The assessment of this paper out of 100 marks, shall be on the basis of Diary maintained by the students and checked by the teacher concerned. Out of 100 marks divided as 45 marks for drafting (15 exercises of 3 marks each) and 45 marks for conveyancing

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(15 exercise of 3 marks each) and 10 marks for Viva-voce on above two aspect allotted therefore.

#### (iv) Clinical Course

Moot Court exercise and internship in trial proceeding which has been allotted in LL.B. III year (VI Semester) course as paper no. 4 will be examined and assessed by A Board of Examiners which will be constituted as in accordance with the rule contained in Para 15. The assessment of this paper shall contain 4 components, each component should be assessed separately on the basis of Diary maintained by the students and Viva Voce divided out of 100 mark as 30 marks for Moot court, 30 marks for trial in two cases, one civil and other criminal, 30 marks for interviewing techniques, pretrial preparation and internship diary and 10 marks for Viva voce on all the above three aspects.

16. One Board shall examine generally 250 students/examinees.

17. The assessment of Awards in triplicate in a sealed and confidential envelope shall be submitted to the Head of Law Faculty, for onward submission to the Registrar (Exam) Purvanchal University, Jaunpur and

one copy of award shall be submitted to Head of Law Deptt. Principal of the college concerned to be kept as record of the college.

18. All diaries and reports/records of clinical courses as prepared by the students, checked by the teacher concerned will be signed by the Board of examiners at the time of assessment and after assessment shall be sent through head law faculty to the Registrar Purvanchal University, Jaunpur in duly packed and sealed bundle.

19. The Dean Faculty of Law may issue, through Registrar of the University, such directives to the college as may be necessary to maintain uniformities and for improvement of standard.

20. There shall be no improvement (Back paper) examination in LL.B. Degree course.

#### **21. Rules Regarding Promotion**

(i) Subject to the provisions of these ordinances, a candidate who has pursued a regular course of study for LL.B. I year (I and II Semesters) or LL.B. II year (III and IV Semesters) and appeared at the relevant examinations shall be eligible to be promoted for pursuing regular

course of study for LL.B. II year (III and IV semesters) or LL.B. III year (V and VI semesters), as the case may be.

(ii) A candidate of the first, third and fifth semesters shall be promoted to the second, fourth and sixth semesters respectively, irrespective of the number of papers in which he/she has appeared in the first, third and fifth semester examinations, as the case may be.

(iii) A candidate shall be promoted to third semester if/she has passed at least in Eight papers (barring General English and Legal Language paper) and has obtained 45% marks in aggregate of all papers of LL.B. I year (I and II semesters taken together) and shall be allowed to appear in such two papers in which he/she has failed with the concerned semester examination.

(iv) A candidate shall be promoted to fifth semester if he/she has passed at least in eight papers and has obtained 45% marks in aggregate of all papers of LL.B. II year (III and IV semester taken together) and shall be allowed to appear

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in such two papers in which he/she has failed with the concerned semester examinations.

(v) A candidate who has secured minimum pass marks in all the papers and has failed to secure minimum pass marks i.e. 45% but has secured 42% marks in aggregate of LL.B. I year (I & II semester taken together) or LL.B. II year (III & IV semester taken together), as the case may be, shall be promoted to third and fifth semester respectively and shall be allowed to appear in any two papers of LL.B. I year or LL.B. II year, as the case may be with the concerned semester examination.

(vi) A candidate who has passed at least in eight papers of LL.B. III year (V and VI semesters taken together) shall appear in such two papers, in which he/she has failed, with the concerned semester examination.

(vii) A candidate who has secured minimum pass marks in all the papers but has failed to secure minimum pass marks i.e. 45% but has secured 42% marks in aggregate of LL.B. III year (V & VI semesters taken together) shall be allowed

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**LL.B. I year  
I Semester**

S.No.	Name of Papers	Max. Marks.	Min. Marks.
✓1.	Law of Contract I	100	36
✓2.	Constitutional Law I	100	36
✓3.	Law of Torts Including M.V. Accident & Consumer Protection Laws	100	36
✓4.	Family Law I	100	36
✓5.	Any one of the following:	100	36
✓	a) Indian Federalism		
✓	b) Human Rights Law and Practice		
✓	c) Banking Law		
✓6.	General English and Legal Language	100	36

**II Semester**

S.No.	Name of Papers	Max. Marks.	Min. Marks.
✓1.	Special Contract	100	36
✓2.	Constitutional Law II	100	36
✓3.	Public International Law	100	36
✓4.	Family Law II	100	36
✓5.	Any one of the following:	100	36
✓	a) Right of Information		
✓	b) Insurance Law		
✓	c) Health Law		

**I.L.B. II year  
III Semester**

S.No.	Name of Papers	Max. Marks.	Min. Marks.
1.	Jurisprudence	100	36
2.	Indian Penal Code	100	36
3.	Company Law	100	36
4.	Professional Ethics and Accountancy for lawyers and Bar-Bench Relations	80+20	29+7
5.	Any one of the following:	100	36
	a) Interpretation of Statutes and Principles of Legislation		
	b) Information of Technology Law		
	c) Forensic Science		

**IV Semester**

S.No.	Name of Papers	Max. Marks.	Min. Marks.
1.	Civil Procedure Code	100	36
2.	Criminal Procedure Code	100	36
3.	Property Law	100	36
4.	Alternate Dispute Resolution	25+25+30+20	36
5.	Any one of the following:	100	36
	a) Penology and Victimology		
	b) Private International Law		
	c) Copyright		

23. The curriculum regarding semester system will come into force with effect from session 2009-10. This revised curriculum is hereby approved by the Board of Studies meeting held on this day i.e. 10.07.2009.

**Note:** The marks obtained by a candidate in the paper of English which is prescribed as paper no. 6 in LL.B. I year, I semester shall not be included towards his/her result. If a candidate fails to secure minimum pass marks in this paper he shall be allowed to re appear in the paper with the first semester examinations next year.

### **Detailed Course of Study for Bachelor of**

#### **Laws**

#### **LL.B. First Year**

#### **I-SEMESTER**

#### **PAPER I : LAW OF CONTRACT – I**

1. History and nature of contractual obligation.
2. Agreement and Contract : Proposal and acceptance, communication and revocation – proposal and invitations for proposal, Consideration.
3. Capacity to contract, Free consent, Factors vitiating free consent-Coercion, Undue Influence, Misrepresentation, Fraud, Mistake.
4. Void, Voidable, and Unlawful Agreements

5. Government Contracts
6. Standard Form Contracts
7. Discharge of Contract and its various modes.
8. Quasi-Contracts or certain relations resembling those created by contract.
9. Remedies in Contractual Relations.
10. Specific relief:

Specific performance of contract, Rescission and cancellation, Injunction, Declaratory orders.

#### **Select Bibliography**

- Beaisen (ed.) Anson's Law of Contract (27<sup>th</sup> ed. 1998).
- P.S. Atiya. Introduction to the Law of Contract 1992 reprint (Clarendon Law Series)
- Avatar Singh, Law of Contract (2000) Eastern, Lucknow.
- G.C. Cheshire, and H.S. Fifoot and M.P. Furmston, Law of Contract (1992) ELBS with Butterworths.
- M. Krishnan Nair, Law of Contract, (1998)
- G.H. Treital, Law of Contract, Sweet & Maxwell (1997 Reprint)
- R.K. Abichandani, (ed.) Pollock and Mulla on the Indian Contract and the Specific Relief Act (1999), Tripathi

- Shri Ram Singh-Samvida Vidhi I (Hindi)
- Indra Jeet Singh & Kamlesh Shukla-Samvida Vidhi (Hindi)
- Kailash Rai-Samvida Vidhi I (Hindi)

## PAPER II : CONSTITUTION LAW - I

1. General  
Meaning and nature of Constitution Law, Concept of Constitutionalism, Historical background of Indian Constitution, Essential features of Indian Constitution, Preamble of Indian Constitution.
2. System of Government under Indian Constitution  
Separation of power Union & State Executive, Powers & Functions of President and Governors, Council of Ministers Appointment of Ministers, Collective Responsibility, Constitutional Position of President and Governors. Duties of Prime Ministers and Chief Ministers, Ordinance making power of President & Governor.  
Union & State Judiciary, Appointment, Duration, Qualification and other conditions of services of the Judges of Supreme Court and High Courts. Power and Jurisdictions of Supreme Court and High Court, Independence of Judiciary and Judicial Activism.

3. Union of State Legislature, Procedure of Law making. Ordinary Bills, Money Bills & Finance Bills, Parliamentary Privileges.  
Concept of Federalism]  
Division or Distribution of Powers, concept of cooperative Federalism, Union & State Legislative Relations (Article 245-255), Interstate Trade & Commerce, Emergency Provisions and Impact of Emergency on Federal System, Constitutional Amendment, Judiciary Vs Parliament, Theory of Basic Structure of the Constitution
4. Fundamental Rights – Generally  
Meaning of "State" against which fundamental rights are available, Doctrine of Judicial Review, Pre & Post Constitution Laws which are violative of fundamental rights, Doctrine of Waiver, Doctrine of Eclipse, Doctrine of Severability, Doctrine of Prospective Over-ruling.

### Bibliography

- Dr. M.D. Chaturvedi : Bharat Ka Samvidhan
- Dr. J.N. Pandey : Bharat Ka Samvidhan
- D.D. Basu : Constitution of Indian (Shorter)
- Dr. P.K. Tripathi : भारतीय संविधान के प्रमुख तत्व
- Dr. V.N. Shukla : Constitution of India

- H.M. Seervai: Constitutional of India
- Austin: Indian Constitution: Cornerstone of Nation (1972)

## PAPER III : TORTS AND CONSUMER

### PROTECTION LAWS

1. Evolution of Law of Torts
2. Definition, Nature, Scope and Objects  
A wrongful act- violations of duty imposed by law, *damnum sine injuria* and *injuria sine damnum*, Tort distinguished from crime and breach of contract, Changing scope of law of torts.
3. Principles of Liability in Torts  
Fault, Liability without fault, Violation of ethical codes, Statutory liability, Place of motive in torts
4. Justification of Tort  
*Volenti non fit injuria*, Necessity, Plaintiff's default, Act of God, Inevitable accident, Private defence, Statutory authority, Judicial and quasi-judicial acts, Parental and quasi-parental acts
5. Extinguishment of liability in certain situations  
*Actio personalis moritur cum persona*-exceptions, Waiver and acquiescence, Release, Accord and satisfaction, Limitation
6. Standing

Who may sue and Who may not be sued?

7. Doctrine of sovereign immunity and its relevance in India
8. Vicarious Liability
9. Torts against persons and personal relations  
Assault, battery, mayhem, False imprisonment, Defamation, Marital relations, domestic relations, parental relations, master and servant relations, Malicious prosecution, Shortened expectation of life, Nervous shock.
10. Wrong affecting property  
Trespass to land. Trespass *ab initio*, Trespass to goods, Detinue, Conversion, Injurious falsehood, Misstatements, Passing off.
11. Negligence
12. Nuisance
13. Absolute/Strict liability  
The rule in *Rylands v. Fletcher*, Liability for harm caused by inherently dangerous industries, No fault liability under Motor Vehicles Act, 1988
14. Remedies  
Legal remedies- Award of damages, Injunction, Specific restitution of property, Extra-legal remedies- self-help, re-entry onland, re-capture of goods, distress damage feasant and abatement of nuisance.

## 15. Consumer Protection

Consumerism in India : food adulteration, drugs and cosmetics- essential commodities, The Consumer Protection Act 1986 (CPA)- Object and Scope, Consumer, Unfair Trade Practices, Consumer of goods, Defects in goods- Standards of purity, quality, quantity and potency, Price control, Supply and distribution of goods, Service-Deficiency – meaning; Professional services, Public Utilities, Enforcement of consumer rights, Consumer for a under CPA : jurisdiction, powers and functions

### Bibliography

- Salmond and Heuston, On the Law of Torts (2000) Universal, Delhi.
- D.D. Basu, The Law of Torts (1982), Kamal, Calcutta.
- D.M. Gandhi, Law of Tort (1987), Eastern, Lucknow.
- P.S. Achuthan Pillai, The Law of Tort (1994), Eastern, Lucknow
- Ratanlal & Dhirajlal, The Law of Tort (1997), Universal, Delhi.
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- Saraf, D.N., Law of Consumer Protection in India (1995), Tripathi, Bombay.

- Avatar Singh, The Law of Consumer Protection : Principles and practice (2000), Eastern Book Co. Lucknow.
- J.N. Barwalia, Commentary on Consumer Protection Act 1986 (2000), Universal, Delhi.
- P.K. Majumdar, The Law of Consumer Protection in India (1998), Orient Publishing Co., New Delhi.
- R.M. Vats, Consumers and The Law (1994), Universal, Delhi.
- Dr. Ram Avatar Singh, Apkritya Vidhi (Hindi)
- Dr. M.D. Chaurvedi, Apkritya Ki Vidhi (Hindi)

### PAPER IV : FAMILY LAW – I

1. Sources of Hindu Law and Muslim Law
2. Marriage amongst Hindu (with special references to relevant enactments, including Hindu Marriage Act 1955 and Special Marriage Act 1954) and Marriage amongst Muslims in India- Nature, Kinds of Marriage, Requirements of Marriage, Matrimonial remedies- Restitution of Conjugal Rights, Judicial Separation, Decree of Nullity and Dissolution of Marriage.
3. Minority and Guardianship amongst Hindu and Muslims.



4. Maintenance amongst Hindus and Muslims.
5. Adoption amongst Hindus and Acknowledgement of Paternity under Muslim Law.
6. Dowry Prohibition Act, 1961.

#### **Bibliography**

- Hindu Marriage Act, 1955
- Hindu Minority and Guardianship Act, 1956
- Hindu Adoption and Maintenance Act, 1956
- Special Marriage Act, 1954
- Dowry Prohibition Act, 1961
- Muslim Marriage Dissolution Act, 1939
- D.F. Mulla, Hindu Law
- Mulla on Muslim Law
- Dr. Paras Diwan, Hindu Vidhi
- Aquil Ahmed, Muslim Vidhi
- R.R. Maurya, Hindu Vidhi
- Kamlesh Shukla, Hindu Vidhi

**Anyone of the following**

#### **PAPER V (A) : INDIAN FEDERALISM**

**(TO BE PRESCRIBED)**

#### **PAPER V (B) : HUMAN RIGHTS LAW & PRACTICE**

1. Concept, Origin, Development, Importance, Classification.

2. Fundamental Rights and Directive Principles of State Policy under Constitution of Indian and International Instruments
3. Human Rights and Vulnerable Group-Right of Women, Children Disabled Tribals and Minorities with Special reference to Part IV-A of the Constitution of India (Fundamental Duties)
4. Enforcement of Human Rights in International Law
5. International Humanitarian Law applicable to Armed Conflicts
  - a. Civilian and Armed Conflicts
  - b. Prisoners of War
  - c. Punishment of War Crimes
6. Refugee Law – Origin, Definition, Development, Right and Responsibilities, Protection of Internally disabled persons.

#### **Bibliography**

- S.K. Avasthi and R.P. Kataria, *Law Relating to Human Rights*, Ch IV, V, VIII, XIV, XXIV, AND XXXIX (2000) Orient, New Delhi.
- S.K. Verma, *Public International Law* (1998), Prentice-Hall, New Delhi.
- Peter J. Van Krieken (ed.) *The Exclusion Clause* (1990), Kluwer

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- Nirmal, B.C., The Right to self determination in International Law (1995), Deep & Deep
- P.R. Gandhi, International Human Rights Document (1999) Universal, Delhi
- Protection of Human Rights Act, 1993.
- S.D. Basu, Human Rights and Constitution Law
- Sen, Human Rights in Developing Countries.

## **PAPER V (C) : BANKING LAW**

1. Introduction  
Banking, definition-common law and statutory, Commercial banks and their functions.
2. Banks and Customers

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- (Customer, meaning, Banker- customer relationship, Rights and obligations of banks, Account of customers, Special types of customers Lunatics, minors, agents, administrators and executors, partnership firms and companies,
3. Control over Banks
  4. Central Banking Theory and RBI
  5. Lending by banks
  6. Merchant Banking
  7. Letter of Credit and Demand Guarantee
  8. Law Relating to Negotiable Instruments

## **Bibliography**

- M.S. Parthasarthy (Ed.), Khergamvala on the Negotiable Instruments Act (1998) Butterworth, New Delhi
- M.L. Tannen, Tannen's Banking Law and Practice in India, (2000) India Law House, New Delhi
- S.N. Gupta, The Banking Law in Theory and Practice, (1999), Universal, New Delhi
- G.S.N. Tripathi (Ed.) Sethi's Commentaries of Banking Regulation Act 1949 and Allied Banking Law (2000) Law Publishers, Allahabad.
- Baslyam and Adiga, The Negotiable Instruments Act (1997) Bharath Law House, New Delhi

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- S.N. Gupta, Banks and the Consumer Protection Law (2000), Universal, Delhi
- Mukherjee, T.N. Banking Law and Practice (1999), Universal, Delhi

## PAPER VI : GENERAL ENGLISH AND LEGAL LANGUAGE

1. Formation of Sentences- Simple sentences, Active to Passive, Affirmative to Interrogative, Positive to Negative, Complex and Compound
2. Legal terms; Words & Phrases:  
Ab-initio, Actus reus, Ad infinitum, Ad interm, Amicus curiae, Animus possidendi, Causa sine qua non, Caveat emptor, Defacto, De jure, De novo, Ejusdem Generis, Ex parte, Expost Facto, In forma Pauperis, In limine, In rem, Inter alia, Lis pendens, Locus standi, Mesne profits, Mutatis mutandis, Nemo, Obiter-dicta, Onus probandi, Pari passu Mensrea, Mala prohibita, Quid proquo, Ratio decidendi Res gestae, Res judicata, Res nullius, Rule nisi, Stare decisis, Sub Judice, suo motu, ultra vires.
3. Abbreviations
4. One Word Substitution
5. Letter Writing: Commercial Letters either in Hindi or in English.

6. Composition Skills: Paragraph writing
7. Precis Writing
8. Legal Essay : In Hindi and English (at least 200 words) on Fundamental Duties, Criminalisation of Politics, Pollution and its effects. Globalisation, Uniform Civil Code, Secularism, Public Interest Litigation, Consumer Protection, Lok Adalat
9. Translation : From Hindi to English and English to Hindi

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- James and Stebbings, A Dictionary of Legal Quotations (1997) Universal, New Delhi.
- Trayner's Latin Maxims, (1997) University, New Delhi.

## II-SEMESTER

### PAPER I : SPECIAL CONTRACT

#### 1. Indemnity

Paper - First Special Contract Sem-II  
Indemnity

1. The concept, Need for indemnity to facilitate commercial transactions, Methods of creating indemnity obligations, Definition of indemnity, Nature and extent of liability of the indemnified, Commencement of liability of the indemnified, Situations of various types of indemnity creations, Documents/agreements of indemnity, Nature of indemnity clauses, Indemnity in cases of International transactions, Indemnity by governments during interstate transactions.

#### 2.

##### Guarantee

The concept, Definition of guarantee: as distinguished from indemnity, Basic essentials for a valid guarantee contract, The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts, Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety, Continuing guarantee, Creation and identification of continuing guarantee, Rights of surety, Co-surety and manner of sharing liabilities and rights, Extent of surety's liability, Discharge of surety's liability.

#### 3.

##### Bailment

Definition of bailment, Kinds of bailees, Duties of Bailor and Bailee towards each other, Rights of bailor

and bailee. Finder of goods as a bailee- Liability towards the true owner, Obligation to keep the goods safe, Right to dispose off the goods.

4. Pledge

Pledge comparison with bailment, Commercial unity of pledges transactions, Definition of pledge under the Indian Contract Act, Rights of the pawner and pawnee, Pledge by certain specified person mentioned in the Indian Contract Act.

5. Agency

Different kinds of agency transactions in day to day life in the commercial world, Kinds of agents and agencies, Distinction between agent and servant, Essentials of a agency transaction, Various methods of creation of agency, Delegation, Duties and rights of agent, Scope and extent of agent's authority, Liability of the principal for acts of the agent including misconduct and tort of the agent, Liability of the agent towards the principal, Personal liability towards the parties, Methods of termination of agency contract, Liability of the

principal and agent before and after such termination.

6. Sale of Goods-

Concept of sale as a contract, Illustrative instances of sales of goods and the nature of such contracts,

(34)

Essentials of contracts of sale, Essential conditions in every contract of sale, Implied terms in contract of sale, The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act, Changing concept of caveat emptor, Effect and meaning of implied warranties in a sale, Transfer of title and passing of risk, Delivery of goods, various rules regarding delivery of goods, Unpaid seller and his rights, Remedies for breach of contract

7. Partnership-

Nature and definition of Partnership, Distinct advantages and disadvantages vis-à-vis partnership and private limited company, Mutual relationship between partners, Authority of partners, Admission of partners, Ongoing of partners, Registration of partnership, Dissolution of partnership

**Bibliography**

- R. K. Abhichandani (ed.) Pollock and Mulla on Contracts and Specific Relief Acts (1999) Tripathi, Bombay
- Avatar Singh, Contract Act (2000), Eastern, Lucknow
- Anson's, Law for Contract
- J.P. Singhal, Contract Act
- Shri Ram Singh & Dr. T.B. Singh, Samvida Vidhi II

(35)

- Dr. Awtar Singh, Sale of Goods Act
- Dr. Awtar Singh, Partnership Act
- Kamallesh Shukla & Indrajeet Singh, Vinjyik idhi
- Kailash Rai, Samvida II

## PAPER II : CONSTITUTIONAL LAW - II

1. Right to Equality  
Equality before law, Prohibition of discrimination  
Equality in the matter of Public Employment,  
Abolition of untouchability. Abolition of titles.
2. Right to Freedom  
Freedom of speech and expression, right to assemble,  
to form union & Association, movement, reside and  
settlement, profession, occupation trade & business,  
Ground of reasonable restriction.
3. Personal Liberty  
i. Retroactive punishment, double jeopardy, self  
incrimination.  
ii. Right to life & personal liberty.  
iii. Preventive detention, rights against  
exploitation.
4. Right to Religion  
Freedom to religion, scope, ground of restrictions,  
Denominational rights, rights against the imposition  
of tax for the promotion of particular religion, right

5. Cultural & Educational Rights  
Right to minority to protect religion, language and  
script. to establish  
and administer educational institution.
6. Right to Constitutional Remedy  
Right to go before Supreme Court and High Court  
for the enforcement of fundamental rights. writs.  
Public Interest Litigations. Impact of Emergency  
Fundamental rights.
7. Directive principles of State Policy and Relation with  
Fundamental Rights.
8. Fundamental Duties and Relation with Fundamental  
Rights.

### Bibliography

- Dr. M.D. Chaturvedi : Bharat Ka Samvidhan
- Dr. J.N. Pandey : Bharat Ka Samvidhan
- D.D. Basu : Constitution of India (Shorter)
- Dr. P.K. Tripathi : भारतीय संविधान के प्रमुख तत्व
- Dr. V.N. Shukla : Constitution of India
- H.M. Seervai : Constitution of India
- Austin : Indian Constitution : Cornerstone of Nation  
(1972).



### **PAPER III : PUBLIC INTERNATIONAL LAW**

1. Definition and Nature of International Law
2. Sources of International Law its relation with Municipal Law
3. Recognition of State, Acquisition of Territory, Extradition, Asylum
4. Law of Treaties
5. Settlement of International Disputes
6. Diplomatic Relations
7. United Nations, Main Organs of United Nations

#### **Bibliography**

- S.K. Verma, Public International Law (1998), Prentice Hall, New Delhi.
- Peter J. Van Krieken (ed.) The Exclusion Clause (1990), Kluwer
- Nirmal, B.C., The Right to self determination in international Law (1995), Deep & Deep
- Starke, International Law
- Fenwick, International Law
- S.K. Kapoor, Antarrashtriya Vidhi
- Bhattacharya, Antarrashtriya Vidhi

### **PAPER IV : FAMILY LAW II**

1. Joint Hindu Family

(-9)

- i. Coparcenary
- ii. Alienation
- iii. Debts
- iv. Partition

2. Religious and Charitable endowments
  3. Stridhan and woman estate
  4. Hindu Succession Act 1956
  5. Pre emption
  6. Wills and Gifts in Muslim Law
  7. General Principles of inheritance amongst Muslims
  8. Indian Succession Act 1925
- Part-I, Part-IV, Part-V : Chapter I, Chapter II, Part VI, Chapter I, V and Part X

#### **Bibliography**

- Kamlesh Shukla, Hindu Vidhi Ki Ruprekha
- Dr. Paras Diwan, Adhunik Hindu Vidhi
- Dr. Paras Diwan, Muslim Law
- Dr. Hari Singh Gour, Hindu Law

Anyone of the following

### **PAPER V (A) : RIGHT TO INFORMATION (TO BE PRESCRIBED)**

(39)

## PAPER V (B): INSURANCE

1. Introduction  
Definition, Nature of Insurance, History and development of insurance in India, Insurance Regulatory Authority-role and functions
2. General principles of law of Insurance;  
Contract of Insurance, Principles of good faith, insurable interest, The risk, The policy, classification of policies-its form and content, its commencement, duration, cancellation, alternation, rectification, renewal assignment, construction, Condition of the policy, Alternation of the risk, Assignment of the subject matter
3. Life Insurance  
Nature, definition and scope of life insurance, kinds of life insurance,  
Event insured against life insurance contract, circumstances affecting the risk, Amounts recoverable under life policy, Persons entitled to payment, Settlement of claim and payment of money
4. Marine Insurance  
Nature and Scope, Classification of marine policies- The Marine Insurance Act 1963, Insurable interest, insurable value, Marine insurance policy – conditions
5. Insurance Against Third Party Risks  
The Motor Vehicles Act, 1988 (Chapter VIII), Nature and scope, Person governed definition of "use" "drives" "motor vehicle", requirement of policy, statutory contract between insurer and drive rights of third parties, limitations on third party's rights duty to inform third party, Effect of insolvency or death on claims insolvency and death of parties, certificate of insurance, Conditions to be satisfied, Claims tribunal, constitution, functions, application for compensation – who can apply? procedure and powers of claims tribunal – its award, Co-operative insurance (Motor Vehicles Rules)
6. Social Insurance in India  
Important elements in social insurance, its need, Commercial insurance and social insurance, Workmen's compensation – scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity, amount of compensation, nature of injuries, dependents, schedule, Sickness insurance,

Adrakar Scheme, Stack and Rao scheme for wage earners and other, risks covered maturity and other benefits Old age, premature death and invalidity insurance or pension insurance, public provident fund jeevandhara policy, Unemployment insurance, Social insurance for people like seaman, circus workers, and agricultural workers.

7. Public Liability Insurance

The scheme, Authorities

8. The Emerging Legislative Trends

**Bibliography**

- Singh, Bridge Anand, New Insurance Law (2000) Union Book Publishers, Allahabad.
- Lavamy, Case book on Insurance Law (1984) Butterworths
- Lavamy, General Principles of Insurance Laws (1993) Butterworths
- John Birds, Modern Insurance Law (1988) Sweet and Maxwell
- Sreeivasan M.N., Principals of Insurance Law (1997), Ramaiya Publishiers, Banglore

**PAPER V (C) : HEALTHY LAW  
(TO BE PRESCRIBED)**

**LL.B. III year  
V Semester**

S.No.	Name of Papers	Max. Marks.	Min. Marks.
✓ 1.	Administrative Law	100	36
✓ 2.	Labour Law I	100	36
✓ 3.	Evidence	100	36
X 4.	Drafting Pleading and Conveyance	45+45+10	36
✓ 5.	Any one of the following:	100	36
✓ a)	Bankruptcy and Insolvency		
✓ b)	Equity and Trust		
✓ c)	IT Offence		

**VI Semester**

S.No.	Name of Papers	Max. Marks.	Min. Marks.
✓ 1.	Environmental Law	100	36
✓ 2.	Labour Law II	100	36
✓ 3.	Principles of Taxation Law	100	36
X 4.	Moot Court Exercise and Internship	30+30+30+10	36
5.	Any one of the following:	100	36
✓ a)	Land Laws including Tenure and Tenancy System		
✓ b)	Trade Mark and Design		
✓ c)	Maritime Law		

23. The curriculum regarding semester system will come into force with effect from session 2009-10. This revised curriculum is hereby approved by the Board of Studies meeting held on this day i.e. 10.07.2009.

**Note:** The marks obtained by a candidate in the paper of English which is prescribed as paper no. 6 in LL.B. I year, I semester shall not be included towards his/her result. If a candidate fails to secure minimum pass marks in this paper he shall be allowed to re appear in the paper with the first semester examinations next year.

## **Detailed Course of Study for Bachelor of Laws**

LL.B. First Year





**PAPER I : JURISPRUDENCE**

1. Introduction

Meaning of the term jurisprudence, Norms and the normative system : Different types of normative systems, such as of games, languages, religious orders, unions, clubs and customary practices, Legal system as a normative order similarities and differences of the legal system with other normative systems Nature and definition of Law

2. Schools of Jurisprudence

Analytical positivism, Natural Law, Historical School, Sociological School, Economic interpretation of law, The Bharat jurisprudence : The Ancient Concept of Dharma, The Modern: **PIL**, social justice, compensatory jurisprudence

3. Sources of Law

Legislation, Precedents concept of stare decisis, Customs, Juristic writings

4. Legal Rights

Concept, Kinds, Right duty correlation

5. Persons

Nature of personality, Status of the unborn, minor, lunatic drunken and dead persons, Corporate



personality. Dimensions of the modern legal personality: Legal personality of non-human beings

6. Possession  
Concept, Kinds of possession
7. Ownership  
Concept, Kinds of ownership, Difference between possession and ownership, Title
8. Property  
Concept, Kinds of property
9. Liability  
Conditions for imposing liability - Wrongful act, *Damnum sine injuria*, Causation, *Mens rea*, Intention, Malice, Negligence and recklessness, Strict liability, Vicarious liability

#### **Bibliography**

- Bodenheimer Jurisprudence—The Philosophy and Method of Law (1996), Universal, Delhi.
- Fitzgerald, (ed.) Salmond on Jurisprudence (1999), Tripathi, Bombay
- W. Friedman, Legal Theory (1999) Universal, Delhi.
- V.D. Mahajan, Jurisprudence and Legal Theory (1996 reprint), Eastern, Lucknow

- M.D.A. Freeman (ed.), Lloyd's Introduction Jurisprudence, (1994), Sweet & Maxwell
- Paton G.W., Jurisprudence (1972) Oxford, ELBS
- H.L.A. Hart, The Concept of Law (1970), Oxford, ELBS
- Roscoe Pound, Introduction to the Philosophy of Law (1998 Reprint) Universal Delhi
- Dias, Jurisprudence (1994 First Indian re-print), Aditha Books, New Delhi
- Dhyan S.N., Jurisprudence, A study of Indian Legal Theory (1985), Metropolitan, New Delhi
- Dr. Aniruddha Prasad- Vidhishashtra Ka Mool Siddhant (Hindi)
- Dr. T.P. Tripathi- Vidhishashtra (Hindi)
- Dr. B.N. Mani Tripathi- Jurisprudence (English-Hindi)

#### **PAPER II : INDIAN PENAL CODE**

1. General  
Concept of crime, Distinction between crime and other wrongs, Applicability and Salient features of I.P.C.
2. Elements of criminal liability
3. Group liability

- Common intention, Abetment, Criminal conspiracy, Unlawful assembly, Rioting as a specific offence
- 4. Stages of crime
- Guilty intention, Preparation, Attempt
- 5. General Exception
- 6. Types of punishment
- Death : Social relevance of capital punishment, Alternatives to capital punishment, Imprisonment- for life, with hard labour, simple imprisonment, Forfeiture of property, Fine, Discretion in awarding punishment : Minimum punishment in respect of certain offences
- 7. Specific offences against human body
- Culpable homicide, Murder, Distinction between culpable homicide and murder, culpable homicide not amounting to murder, Rash and negligent act causing death, Hurt- grievous and simple, Assault and criminal force, Wrongful restraint and wrongful confinement- Kidnapping and abduction
- 8. Offences against women
- Insulting the modesty of woman, Assault or criminal force with intent to outrage the modesty of women, Causing miscarriage without woman's consent, Kidnapping or abducting woman to compel her to

- marry or force her to illicit intercourse, Buying a minor for purpose of prostitution, Rape, Prevention of immoral traffic, Cruelty by husband or his relatives, Prohibition of indecent representation of woman
- 9. Offences against Property
- Theft, Extortion, Robbery, Dacoity, Cheating, Mischief, Criminal misrepresentation and criminal breach of trust
- 10. New kinds of crimes such as terrorism, Pollution and adulteration
- 11. Law Reforms

#### **Bibliography**

- K.D. Gaur, Criminal Law : Cases and Materials (1999), Butterworths, India
- K.D. Gaur, A text book on the Indian Penal Code (1998), Universal Delhi
- P.S. Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow
- Hidayatulla, M., et.al., Ratanlal and Dhirajlals The Indian Penal code (1994 reprint), Wadhwa & Co., Nagpur
- M.D. Chaturvedi, Bharatiya Dand Samhita (Hindi)
- Sharatendu Chaturvedi, Bharat Ki Dand Vidhi (Hindi)
- S.N. Mishra, Bharatiya Dand Samhita (Hindi)

## PAPER III : COMPANY LAW

1. Meaning of Corporation;  
Theories of corporate personality, Creation and extinction of corporations.
2. Forms of Corporate and Non-corporate Organisations
3. Law relating to companies- public and private- Companies Act, 1956.  
Formation of a company registration and incorporations, Memorandum of Association, Articles of Association, Prospectus, Promoter – position – duties and liabilities
4. Shares, Shareholder, Share capital, Debentures
5. Directors – position – appointment – qualification – vacation of office – removal – registration – powers and duties of directors- meeting- registers, loans remuneration of directors- role of nominee directors- compensation for loss of office- managing directors- compensation for loss of office-managing directors and other managerial personnel.
6. Meetings-kinds-procedure-voting
7. Dividends-payment-capitalisation profit
8. Audit and Accounts, Borrowing powers
9. Protection of minority rights, Oppression and mismanagement, Investigation

10. Reconstruction and amalgamation, Winding up
11. Multinational Companies
12. Corporate Liability

### Bibliography

- Avatar Singh, Indian Company Law (1999), Eastern Lucknow
- L.C.B. Gowar, Principles of Modern Company Law (1997), Sweet and Maxwell London
- Palmer, Palmer's Company Law (1987), Stevens, London
- R.R. Penington, Company Law (1999), Butterworths
- A Ramaiya, Guide to the Companies Act, (1998), Wadhwa
- S.M. Shah, Lectures on Company Law (1988), Tripathi, Bombay.
- Dr. N.V. Paranjapey, Company Vidhi (Hindi)
- Dr. Avtar Singh, Company Vidhi (Hindi)

## PAPER IV : PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS

The courses will be taught in association with practicing lawyers on the basis of the following materials:

- a) Mr. Krishnamurthy Iyer's book on "Advocacy"
- b) The Contempt Law and Practice

- c) The Bar Council Code of Ethics
  - d) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject
  - A. Written Examination of 60 marks in the semester examination.
  - B. VIVA – VOCE Examination of 20 marks.
- Bibliography**
- Dr. M.D. Chaturvedi, Professional Ethics, Lawyers' Accountability and Bar-Bench Relationships
  - Kailash Rai, Professional Ethics, Lawyer's Accountability and Bar-Bench Relationships

Anyone of the following

#### PAPER V (A) : INTERPRETATION OF STATUTES

#### AND PRINCIPLES OF LEGISLATION

1. Definition of interpretation and construction.
2. Nature of Judicial process judges as law makers.
3. Principles of statutory interpretation, General aspects, why rules necessary for interpretation of statute, rules of law and rules for interpretation, the distinction.
4. The three rules, Primary rule, Mischief rule, Golden rule

5. Intention of the legislature
6. Aids to construction
7. Internal Aids, External Aids
8. Effect and operation of Statutes
9. Repeal of Statutes, Retrospective operation of Statutes, Effect of statutes on the State
10. Construction of Penal Statutes
11. Construction of Taxing Statutes
12. Interpretation of Constitution

#### Bibliography

- G.P. Singh, Principles of Statutory Interpretation, (7<sup>th</sup> Edition) 1999, Wadhwa, Nagpur.
- P. St. Langan (Ed.) Maxwell on the Interpretation of Statutes (1976) N.M. Tripathi, Bombay
- K. Shanmukham, N.S. Bindras's Interpretation of Statutes, (1977) The Law Book Co. Allahabad.
- V. Sarthi, Interpretation of Statutes (1984), Eastern Lucknow
- M.P. Jain, Constitutional Law of India, (1994) Wadhwa & Co.
- M.P. Singh, (Ed.) V.N. Shukla's Constitution of India, (1994) Eastern Lucknow
- U. Baxi, Introduction to Justice K.K. Mathew's Democracy & Freedom (1978) Eastern Lucknow.

PAPER V (B): INFORMATION TECHNOLOGY LAW  
(TO BE PRESCRIBED)

PAPER V (C) : FORENSIC SCIENCE  
(TO BE PRESCRIBED)  
IV – SEMESTER

PAPER I : CIVIL PROCEDURE CODE

1. Introduction  
Concepts : Affidavit, order, judgement, decree, plaint, restitution, execution, decree-holder, judgement-debtor, meanse profits, written statement.
2. Jurisdiction  
Kinds, Res-subjudice and Resjudicata, Foreign judgement-enforcement, Place of suing, Institution of suit, Parties to suit, mis-joinder or non-joinder of parties: representative suit- Frame of suit: cause of action, Summons
3. Pleadings  
Rules of pleading, signing and verification- Alternative pleadings, Construction of pleadings, Plaint: particulars, Admission, return and rejection, Written statement: particulars, rules of evidence, Set off and counter claim: distinction, Discovery, inspection and production of documents.
4. Appearing, examination and trial

Appearance, Ex-part procedure, Summary and attendance of witnesses, Trial, Adjournments, Interim orders : commission, arrest or attachment before judgement, injunction and appointment of receiver, Interest and costs

5. Execution

The concept, General principles, Power for execution of decrees, Procedure for execution, Enforcement, Arrest and Detention, Attachment, Sale, Delivery of property, Stay of execution

6. Suits in particular cases

By or against government, Public nuisance, Suits by or against firm, Suits in forma pauperis, Interpleader suits, Suits relating to public charities

7. Appeals

Appeals from original decree, Appeals from appellate decree, Appeals from orders, General provisions relating to appeal, Appeal to the Supreme Court

8. Review, Reference and Revision

9. Miscellaneous

Transfer of cases, Restitution, Caveat, Inherent powers of courts

## Bibliography

- Mulla, Code of Civil Procedure (1999)m, Universal, Delhi.
- C.K. Thacker, Code of Civil Procedure (2000), Universal, Delhi
- Majumdar, P.K. and Kataria, R.R. Commentary on the Code of Civil Procedure, 1908 (1998), Universal, Delhi.
- Saha, A.N., The code of Civil Procedure (2000), Universal, Delhi.
- Sarkar's Law of Civil Procedure, VDs. (2000), Universal, Delhi
- Universal's Code of Civil Procedure, (2000)
- P.C. Vishwakarma, Civil Prakriya samhita (Hindi)
- T.P. Tripathi, Civil Prakriya Samhita (Hindi)

## PAPER II : CRIMINAL PROCEDURE CODE

### 1. Introductory

The rationale of criminal procedure: the importance of fair trial, Constitutional perspective: Articles 14, 20 & 21, The variety of criminal procedures (the class should examine, in particular the procedure for trial of social offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act), The organization

(54)

2. Constitution and Powers of criminal Courts
3. Pre-trial process:

Arrest, Arrest with and without warrant, Right of the arrested person.

4. Pre-trial process: Search and Seizure
5. Pre-trial Process

F.I.R., Evidentiary value of F.I.R.

6. Pre-trial Process: Magisterial Powers to Take Cognizance

7. Trial Process

Commencement of proceedings, Dismissal of complaints, Bail

8. Fair Trial

9. Charge

10. Preliminary pleas to bar the trial

Jurisdiction, Time limitation: rationale and scope, Pleas of autrefois acquit and autrefois convict, Issue-Estoppel, Compounding of offence.

(55)



11. Trial before a Court of Session : Procedural Steps & Substantive Rights, Summons Trial, Warrant Trial and Summary Trial
12. Judgement
13. Appeal, Review, Revision

#### Bibliography

- Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal Delhi.
- Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (1998) Eastern, Lucknow
- Principles, Commentaries on the Code of Criminal Procedure, 2 Vol. (2000), Universal
- Dr. Murlidhar Chaturvedi, Dand Prakriya Samhita.
- Woodroffe: Commentaries on Code of Criminal Procedure, 2 Vol. (2000), Universal.
- J. Mahabeer Singh, Dand Prakriya Samhita.
- Chandrasekharan Pillai (ed.) Kelkar's Outline of Criminal Procedure (2001), Eastern, Lucknow.

### PAPER III : PROPERTY LAW

#### A. Transfer of Property Act 1982

1. General Principles (Section 1 to 53 A)

2. Sales
3. Mortgages
4. Leases
5. Exchange
6. Gifts
7. Actionable Claim
- B. Easements Act 1982

#### Bibliography

- Mulla, Transfer of Property Act, (1999) Universal, Delhi
- Subbarao, Transfer of Property Act, (1994), C. Subbiah Chetty, Madras
- B. Sivaramayya, The equalities and the Law (1997), Eastern Book Co., Lucknow
- P.C. Sen, The General Principles of Hindu Jurisprudence (1984 reprint) Allahabad Law Agency
- B.H. Baden-Powell, Land Systems of British India, Vol. 1 to 3 (1892), Oxford
- V.P. Sarathy, Transfer of Property (1995), Eastern, Lucknow
- S.N. Shukla, Property Law
- S.N. Shukla, Sampati Antaran Adhiniyam (Hindi)
- Dr. M.D. Chaturvedi, Sampati Antaran Adhiniyam (Hindi)

Dr. G.P. Tripathi, Sampati Antagaran Adhinyam

(Hindi)

- Dr. R.A. Singh, Indian Easements Act (Hindi)

#### **PAPER IV : ALTERNATIVE DISPUTE RESOLUTION**

Outline of the sources:

- a) Negotiation skills to be learned with simulated program
- b) Conciliation skills
- c) Arbitration Law and practice including International arbitration and Arbitration rules.

The course is required to be conducted by senior legal parishioners through simulation and case studies. Evaluation may also be conducted in practical exercises at least for a significant part of evaluation.

**Anyone of the following**

#### **PAPER V (A) : PENOLOGY AND VICTIMOLOGY**

1. Definition and Nature of Penology – Relation with Criminal Law and Criminology

#### **2. Concept of Punishment**

Evolution, kinds, Theories, Desirability to abolish capital punishment compensation and reparation, Indeterminate sentence.

(58)

3.

Machineries of Criminal Justice

Police system, criminal court, juvenile court, probation with reference to probation of Offender Act, 1958, Parole, Pardon, Prison administration, prospects of correction

#### **4. Statutory protection to criminal**

5. Prevention of Crime-General prevention of crime and delinquency Statutory Premonition

#### **6. Victims of Crime**

#### **Bibliography**

- Katherine S. Williams, Text Book on Criminology (1997), Blackstone, London
- Loveland, The Frontiers of Criminally (1995), Sweet Maxwell
- Martin Wasik, Emmins on Sentencing (1998), Black stone, London
- Hall, J. Law, Social Science and Criminal Theory (1982)
- Mannheim, H. Comparative Criminology: A Text Book (1965)
- Ross H. (Lawrence Ed.) Law and Deviance (1981)
- Sutherland, E and Cressy, Principles of Criminology (1978)
- Walker, N Crime and Criminology: A Critical Introduction (1987)

(59)

- S. Rao, Crime in Our Society (1983)
- J.M. Sethna, Society and the Criminal (1980)
- Siddique, Criminology : Problems and Perspective (1997)
- E. Sutherland, White Collar Crime (1949)
- S. Kaldare, Society, Delinquent and Juvenile Courts (1982)
- W.C. Reckless, The Prevention of Juvenile Delinquency (1972)
- D.C. Pandey, Habitual Offenders and the law (1983)
- D. Abrahansen, David : Crime and the Human Mind (1979)
- Conard, John P. : Crime and its Correction : An international survey of Attitudes and Practices
- Krishna Iyer report on Female Prisoners (1986)
- Mulla Committee Report (1983)
- P. Rajgopal, Violence and Response: A Critique of Indian Criminal Justice System (1988)
- Dr. Paranjape – Principles of Criminology
- Dr. M.D. Chaturvedi – Apradh Shashtra Evam Apradh Prashashan
- Dr. Paranjape – Apradh Shashtra Ke Sidhant

## **PAPER V (B) : PRIVATE INTERNATIONAL LAW**

### **1. Introductory**

1. Meaning, Nature and Scope of Private International Law, Difference between public and private international law, Unification effects : In Europe and America
2. Choice of Jurisdictions (First stage)
3. Choice of Law-Lex Causes (Second Stage)
4. Limitations on applications or exclusion of foreign law
5. Incidental Question and Time Factor in private International Law
6. Concept of Domicile
7. Elements, Kinds
8. Status
9. Marriage
10. Marriage as a contract and also how different from other contracts (social personal contract), Kinds of Marriage, How in India, marriage as a concept moved from partially polygamous towards monogamous type and total sacrament to secularization to some extent, Questions of formal and essential validity, Capacity to marriage, Essential validity usually governed by lex domicilii, Matrimonial Reliefs
9. Legitimacy and Legitimation

10. Adoption
11. Custody and Guardianship
12. Property

Distinction between movable and immovable property. Immovables governed by *lex situs*-exceptions in English Law-s. 16 C.P.C. *lex situs* rule, Succession to immovable property- *lex patrae*, Movables; tangible and intangible. Transfer of Tangible Movables (Particulars Assignment).

13. Succession  
Testate and intestate succession, Will – Formal and Essential Validity, Capacity-*lex domicilii* to make will (movables generally). In case of immovables, *lex situs* governs

14. Contracts  
Contracts, Validity of contracts, Capacity to contract- Main four theories *Lex Loci*, *Lex Domicilii*, *lex situs* and proper law, Formal validity, Essential validity

15. Recognition and Enforcement of Foreign Judgments

#### **Bibliography**

- Paras Diwan, Private International law (1998) Deep & Deep, New Delhi.

(62)

- Cheshire, Private International law
- Sornberg, Private International law
- A.V. Dicey, Conflict of Laws

#### **PAPER V (C) : COPY RIGHT**

1. Historical evolution of the law
2. Meaning of copyright, Copyright in literary, dramatic and musical works, Copyright in sound records and cinematography films, Copyright in computer programme
3. Ownership of copyright, Assignment of copyright
4. Authors special rights
5. Notion of infringement, Criteria of infringement, Infringement of copyright by films of literary and dramatic works, Importations and infringement
6. Fair use provisions
7. Privacy in internet
8. Aspects of copyright justice
9. Remedies, especially, the possibility of Anton Pillar injunctive relief in India.

#### **Bibliography**

- Cornish W.R. Intellectual Property, Patents, Trade Marks, copy rights, and Allied Rights (1999). Asia Law House, Hyderabad.

(63)

- Vikas Vashishth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi
- P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta.
- Bibeck Debroy (ed.) Intellectual Property Rights (1998) Rajiv Gandhi Foundation, Delhi.
- W.R. Cornish, Intellectual Property (3<sup>rd</sup> ed.) (1996) Sweet and Maxwell
- W.R. Mann, Transfer of Technology (1982).
- Mata Din, Law of Passing off and Infringement Action of Trade marks (1986).
- K. Thairani, Copyright : The Indian Experience (1987).
- W.R. Cornish, Materials on Intellectual Property (1999), Sweet & Maxwell.

✓  
**LL.B Third Year**  
**V - SEMESTER**

**PAPER I : ADMINISTRATIVE LAW**

1. Meaning and growth of administrative Law
2. Administrative Law and Constitutional Law, relation between two and Rule of Law
3. Administrative action, discretion and direction, Judicial control of administrative discretion

4. Legislative Power of administrative agency
5. Administrative Tribunals
6. Liability of and suit against union of India and State and other Public authority
7. Power of adjudication of administrative Agency
8. Control of administrative adjudication
9. Lokpal and Lok Ayukta

**Bibliography**

- C.K., Allen, Law & Orders (1985)
- D.D. Basu, Comparative Administrative Action in India, Pakistan and Bangladesh (2000), Butterworths-India
- Franks, Report of the Committee on Administrative Tribunals and Inquiries, MSO, 1959
- Peter Cane, An Introduction to Administrative Law (1996), Oxford
- Wade, Administrative Law (Seventh Edition, Indian print 1997), Universal, Delhi
- J.C. Garner, Administrative Law (1989), Butterworths (ed. B.L. Jones)
- M.P. Jain, Case and Materials on Indian Administrative Law, Vol. I and II (1996), Universal, Delhi
- Jain & Jain Principles of Administrative Law (1997), Universal, Delhi

- S.P. Sathe, Administrative Law (1998), Butterworths-India, Delhi
- De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell with Supplement
- B. Schwartz, An Introduction to American Administrative Law Indian Law Institute, Cases and Materials on Administrative Law in India, Vol. 1 (1996), Delhi
- Dr. I.P. Massey, Administrative Law
- S.P. Sathe, Prashashi Vidhi (Hindi)
- Dr. J.J.R. Upadhyay, Prashashi Vidhi (Hindi)
- Dr. U.P.D. Keshari, Prashashi Vidhi (Hindi)

## PAPER II : LABOUR LAW – I

### 1. Historical perspectives on Labour

Labour through the ages- slave **labour**- guild system division on caste basis- labour during feudal days, Colonial labour law and policy, Labour capital conflicts : exploitation of labour, profit motive, poor bargaining power, poor working conditions, unorganised labour, **bonded** labour surplus labour, division of labour and **super**-specialisation- lack of alternative employment, Theories of labour and surplus value

### 2. The Industrial Disputes Act, 1947

(66)

3. The Trade union Act, 1926
4. The Factories Act, 1948

### Bibliography

- John Bowers and Simon Honeyball, Text Book on Labour Law (1996), Blackstone, London
- Srivastava, K.D., Commentaries on Payment of Wages Act 1936 (1998), Eastern, Lucknow
- Srivastava K.D., Commentaries on Minimum Wages Act 1948 (1995), Eastern Lucknow
- Rao, S.B., Law and Practice on Minimum Wages (1999), Law Publishing House, Allahabad
- Seth, D.D., Commentaries on Industrial Disputes, Act 1947 (1998), Law Publishing House, Allahabad
- Srivastava K.D., Disciplinary Action against Industrial Employees and Its Remedies (1990), Eastern, Lucknow
- Srivastava K.D., Commentaries on Factories Act 1948 (2000), Eastern Lucknow
- R.C. Saxena, Labour Problems and Social Welfare Chapter 1, 5 and 6 (1974)
- V.V. Giri, Labour Problems in Indian Industry Chs. 1 and 15 (1972)
- Indian Law Institute, Labour Law and Labour Relations (1987)

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- (1982) Cochin University Law Review, Vol 6 pp. 153-210
- Report of the National Commission on Labour, Ch. 14-17, 22, 23 and 24
- O.P. Malhotra, The Law of Industrial Disputes (1998), Universal, Delhi
- S.C. Srivastava, Social Security and Labour Laws Pie, S and 6 (1985), Universal Delhi
- S.C. Srivastava, Commentary on the Factories Act 1948 (1999), Universal, Delhi
- Chakrawarti- Workmen Comprehension Act
- Indra Jeet Singh, Sharmik Vidhiyan (Hindi)
- S.N. Mishra, Sharam Evam Audyogik Vidhi (Hindi)
- Dr. G.S. Sharma, Shram Vidhiyan (Hindi)
- Dr. V.G. Goswami, Industrial Law

### **PAPER III : EVIDENCE**

1. Preliminary
2. Of the Relevancy Facts
3. Admissions, Confession
4. Statements by persons who can not be called as witness, Statements made under special circumstances
5. How much of a statement is to be proved
6. Opinion of persons when relevant
7. Character when relevant

(68)

8. Oral evidence, and Documentary evidence, Exclusion of Oral Evidence by Documentary Evidence
9. Documents Public and Private Presumption as to documents.
10. Of the Burden of proof
11. Estoppel
12. Of Witnesses, Examination of Witness
13. Of Improper Admission of Evidence

### **Bibliography**

- Sarkar and Manohar, Sarkar on Evidence (1999), Wadhwa, Nagpur.
- Indian Evidence Act, (Amendment up to date).
- Rattan Lal, Dhiraj Lal : Law of Evidence (1994), Wadhwa, Nagpur.
- Polein Murphy, Evidence 5<sup>th</sup> Edn Re-print (2000), Universal Delhi.
- Albert S. Osborn, The Problem of Proof (First Indian Reprint (1998), Universal, Delhi.
- Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency
- Evidence Act, Woodroffe & Amir Ali

(69)



- R.R. Yadava, Bharatiya Sakshya Adhiniyam (Hindi)
- Dr. Avtar Singh, Sakshya Vidhi (Hindi)
- Dr. M.D. Chaturvedi, Sakshya Vidhi (Hindi)
- Sri A.K. Dubey, Sakshya Adhiniyam (Hindi)

#### **PAPER IV : DRAFTING, PLEADING AND CONVEYANCE**

This course will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law, the course will include 15 exercise in Drafting carrying a total of 45 marks and 15 exercises in Conveyancing carrying another 45 marks. (3 marks for each exercise), remaining 10 marks will be given for viva-voce.

##### **(a) Drafting**

General principles of drafting and relevant substantive rules shall be taught:

##### **(b) Pleadings :**

- (1) Civil; (i) Plaint (ii) Written statement (iii) Interlocutory Application (iv) Original Petition (v) Affidavit (vi) Executive Petition (vii) Memorandum of Appeal and Revision (viii) Petition under Article 226 and 32 of the Constitution of India.

- (2) Criminal (i) Complaints (ii) Criminal Miscellaneous Petition, (iii) Bail Application and (iv) Memorandum of Appeal and Revision.
- (c) Conveyancing :

- (1) Sale Deed (ii) Mortgage Deed (iii) Lease Deed (iv) Gift Deed (v) promissory Note (vi) Power of Attorney (vii) Will.

The remaining 10 marks will be given in viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

##### **Bibliography**

- Mogha, Principles of Pleading
- Dr. P.C. Vishwakarma, Abhivachan Evam Hastanta Lekhan Prarupan
- M.I. Singhal, Pleading, Charge and judgment writing
- Dr. M.D. Chaturvedi, Abhivachan Hastantam Ki Kala

##### **Any one of the following**

#### **PAPER V (A) : BANKRUPTCY AND INSOLVENCY**

##### **1. Introductory**

The concept: inability to pay debt, Comparative perspectives : England, United States, India

##### **2. Insolvency jurisdiction**

Courts and their powers

3. Acts of Insolvency
4. Insolvency Petition
5. Appointment of interim receiver, Interim proceedings against the debtor, Duties of Debtors, Release of Debtor, Procedure at hearing, Dismissal of petition filed by a creditor
6. Order of adjudication, Proceedings consequent on order of adjudication, Annulment of adjudication
7. Post adjudicatory scheme for satisfaction of the debt, Discharge of debtor
8. Effect of insolvency on antecedent transaction, Realization of property, Distribution of property
9. Offences by debtors
10. Disqualification of insolvent
11. Appeal
12. Suit by Indigent Persons

#### **Bibliography**

- The Provincial Insolvency Act 1920
- Insolvency Acts of various States
- Halesbury's Laws of England, Vol. 3 (2) on Bankruptcy and Insolvency (1989)
- Henry R. Cheseman, Business, Law, Ch. 28 (1998), Prentice Hall, New Jersey

- Aiyar, S.K., Law of Bankruptcy (1998) Universal, Delhi.

#### **PAPER V (B) : EQUITY AND TRUSTS**

1. The concept of trust: distinction with agency and contract
2. Trusts- Definition, Nature and Classification, Creation of trusts
3. Rights, Duties, Powers and Disabilities of Trustees
4. Rights and Liabilities of Beneficiaries
5. Discharge of Trustees
6. Appointment of New Trustees
7. Extinction of Trust
8. Nature History and growth of Equity
9. Maxims of Equity

#### **Bibliography**

- S. Krishnamurthy Aiyer and Harbans Lal Swin, Principles and Digest of Trusts Laws (1998), University Book Agency, Allahabad.
- R.H. Mandsley and E.H. Burn, Trust and Trustees cases and Materials (1978) Butterworths, London.
- R.E. Megarry, and P.V. Baker, Snel's principles of Equity (1964) ELBS, Snel and Maxwell.
- Philip H. Pettit, Equity and Law of Trust (1979)

- Jayar N., Indian trust Act (1997), Delhi Law House, New Delhi.
- Ahmedullah Khan, The Law of Wakf in India (1997) Delhi Law House, Delhi
- Rajaraman, Nararajan and Thankara Commentary on Charitable Trusts and Religious Institutions (2000) Universal, Delhi.
- Mukherjee, Commentary on Indian Press Act (1999) Universal, Delhi
- Rao, C.R. The Indian Trust Act and Allied Laws (1999)
- G.P. Singh – Law of Equity and Trust (Hindi)
- Aquil Ahmad – Law of Equity and Trust (Hindi)

#### PAPER V (C) : IT OFFENCES

##### (TO BE PRESCRIBED)

##### VI – SEMESTER

#### PAPER I : ENVIRONMENTAL LAW

1. Concept of environment and Pollution  
Environment – Meaning and contents,  
Pollution – Meaning, Kinds of pollution, Effect of pollution
2. Legal Control : Historical perspective

3. Indian tradition: dharmma of environment, British Raj- Industrial development and exploitation of nature, Free India- continuance of British influence  
Constitutional Perspective

Constitutional making – development and property oriented approach Directive principles, Fundamental Duty, Fundamental Rights, Rights to clean and healthy environment, Right to education, Right to information, Environment v. development, Enforcing agencies and remedies, Courts, Tribunal, Constitutional, statutory and judicial remedies, Emerging principles, Polluter pays principle, Public liability insurance, Precautionary principle, Public trust doctrine, Sustainable development

4. Water and Air Pollution

Meaning and standards, Culprits and victims, Offences and penalties, Judicial approach

5. Noise Pollution – Meaning and Legal Control
6. Environmental Protection

Protection agencies: Power and functions, Protection: means and sanctions, Emerging protection through delegated legislation- Hazardous waste, Genetic engineering, Environment impact assessment, Coastal zone- management, Environmental audit and eco mark

7. Forest and greenery  
Greenery conservation laws- Forest conservation,  
Conservation agencies, Wild life
8. Bio-diversity  
Legal control, Control of eco-unfriendly  
experimentation on animals, plants and micro  
organism
9. International regime  
Stockholm conference, Green house effect and ozone  
depletion, Rio conference, Bio-diversity, U.N.  
declaration on right to development Wetlands

#### Bibliography

- Aarmin Rosencranz, et.al. (eds). Environmental law  
and policy in India, (2000), Oxford.
- R.B. Singh & Suresh Misra, Environmental Law in  
India (1996), Concept Publishing co. New Delhi.
- Kailash Thakur, Environmental Protection Law and  
Policy in India (1997), Deep & Deep Publications,  
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- Richard L. Riversz, et.al., (eds) Environmental Law,  
the Economy and Sustainable Development (2000),  
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- Christopher D. Stone, Should Trees have standing  
and other Essays on law, Morals and the Environment  
(1996), Oceana

- Leelkrishnan, P. et. al. (eds), Law and Environment  
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- Leelakrishnan, P. The Environmental Law in India  
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Legislative Measures and Administrative Machinery  
for Ensuring Environmental Protection (1980)  
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September 1988, Vo. XXV, No. 3, pp. 353-801.
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- World Commission on Environment and  
Development, Our Common Future (1987), Oxford.
- Dr. Anirudh Prasad - Parayānvarn Vidhi (Hindi)
- A.K. Dubey - Parayānvarn Vidhi (Hindi)
- Jai Jai Ram Upadhyay - Parayānvarn Vidhi (Hindi)

#### PAPER II : LABOUR LAW - II

1. The Workmen's Compensation Act, 1923
2. The Minimum Wages Act, 1948
3. The Payment of Wages Act, 1936

4. The Employee's State Insurance Act, 1948
5. The Bonded Labour System (Abolition) Act, 1976

#### Bibliography

- John Bowers and Simon Honeyball, Text Book on Labour Law (1996), Blackstone, London
- Srivastava, K.D., Commentaries on Payment of Wages Act 1936 (1998), Eastern, Lucknow
- Srivastava K.D., Commentaries on Minimum Wages Act 1948 (1995), Eastern, Lucknow
- Rao, S.B., Law and Practice on Minimum Wages (1999), Law Publishing House, Allahabad
- Seth, D.D. Commentaries on Industrial Disputes Act 1947 (1998), Law Publishing House, Allahabad
- Srivastava K.D., Disciplinary Action against Industrial Employees and Its Remedies (1990), Eastern, Lucknow
- Srivastava K.D., Commentaries on Factories Act 1948 (2000), Eastern Lucknow
- R.C. Saxena, Labour Problems and Social Welfare Chapter 1, 5 and 6 (1974)
- V.V. Giri, Labour Problems in Indian Industry Chs. 1 and 15 (1972)
- Indian Law Institute, Labour Law and Labour Relations (1987)

- (1982) Cochin University Law Review, Vol. 6 pp. 153-210

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

- O.P. Malhotra, The Law of Industrial Disputes (1998), Universal, Delhi
- S.C. Srivastava, Social Security and Labour Laws Pre. S and 6 (1985), Universal, Delhi
- S.C. Srivastava, Commentary on the Factories Act 1948 (1999), Universal, Delhi
- Chakrawarti – Workmen Comprehension Act
- Indra Jeet Singh, Sharnik Vidhivan (Hindi)
- S.N. Mishra, Shram Evam Audyogic Vidhi (Hindi)
- Dr. G.S. Sharma, Shram Vidhiyan (Hindi)
- Dr. V.G. Goswami, Industrial Law

#### PAPER III : PRINCIPLES OF TAXATION LAW

##### 1. General perspective

History of tax law in India, Fundamental Principle relating to tax laws, Governmental financial policy, tax structure and their role in the national economy, Concept of tax, Nature and characteristic of taxes, Distinction between, Tax and fee, Tax and cess, Direct and indirect taxes, Tax evasion and tax

avoidance, Scope of taxing powers of Parliament, State Legislature and Local bodies.

## 2. Income Tax Act, 1961

Definitions- Agricultural Income, Assessee, Assessing Officer, Assessment year, Previous Year, Person, Business, Books of Account, Additional Commissioner, Deputy Commissioner,

Basic Concept : Income, Total income, Income not included in total income, Deemed income, Clubbing of income

Heads of Income- Salaries, Income from house property, Income from business or profession, Capital gains, Income from other sources, Deductions, relief and exemptions, Rate of income tax

Income Tax Authorities- Power and functions  
Settlement of grievances, Authorities, Powers and functions

## 3. Wealth Tax Act

Taxable wealth, determination of value of assets, exemptions, and rate of wealth tax, Wealth tax authorities, Offences and penalties

## 4. Central Sales Tax Act, 1956

Meaning of sale, Sale in the course of inter-state trade and commerce, Sale or purchase of goods to take

place outside a State, Sale or purchase of goods to take place in the course of export or import, Registration of Dealers, Central sales tax authorities, Offences and penalties

## 5. Service Tax

Taxable service, Meaning and importance of service tax, Constitutional perspective, Salient provisions of the service tax law, Valuation of taxable service, Offences and Penalties

## 6. UP Value Added Tax Act, 2008

Definitions : Appellate authority, Assessing authority, Assessment year, Business, Goods, Exempted goods, Manufacturer, Non-Vat goods, Purchase Price, Sales Price, Taxable goods

Incidence, Levy and Rate of Tax, Registration, Security and Maintenance of Accounts, Assessment of Tax, Refunds and Adjustments, Tax Audit, Inspection, Search and Seizure, Penalties, Appeal, Revision and Review

## Bibliography

- Ramesh Sharma, Supreme Court on Direct Taxes (1998), Bharath Law House, New Delhi.
- Sampath Lyengar, Law of Income Tax (1998), Bharath Law House, New Delhi.



- Kanga and Palkiwala, The Law and Practice of Income Tax (1999), Wadhwa, Nagpur.
- K. Parameswaran, Power of Taxation under the Constitution (1987), Eastern, Lucknow.
- V. Ramachandran & T. A. Ramakrishnan (eds.) A. N. Aiyar's Indian Tax Laws (2000) Company Law Institute of India Pvt. Ltd. Chennai
- S. Bhattacharya & H.R. Garg, Handbook of Direct Taxes (1990) Eastern Law House, Calcutta
- C.A. Gularickar, Law and Practice of Wealth Tax and Valuation (1998), Mumbai.
- Walter, R. Mahler, Sales and Exercise Taxation in India (1970) Orient Longman, Delhi
- R.V. Patel, The Central Sales Tax Act (1966) Tripathi, Bombay.
- S.D. Singh, Principals of Law of sales Tax (1993), Eastern, Lucknow

#### **PAPER IV : MOOT COURT EXERCISE AND INTERNSHIP**

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

- (a) Moot Court (30 marks) Every student will 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

(82)

- (b) 5 marks for written submissions and 5 marks for oral advocacy.
- (b) Observance of Trial in two cases, one Civil and one Criminal (30 marks):

Student will attend two trials in the course of last 2 or 3 years of LL.B. Studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

- (c) Interviewing techniques and Pre-trial preparations and internship diary (30 marks): Each student will observe two interviewing sessions of clients at the Lawyers Office/Legal Aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

1. The fourth components of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

(83)



### **Bibliography**

- Mishra O.P., Moot Court
- Basanti Lal Babel, Moot Court

Any one of the following

### **PAPER V (A): LAND LAWS INCLUDING TENURE**

#### **AND TENANCY SYSTEM**

1. U.P. Zamindari, Abolition and Land Reforms Act, 1950.
2. U.P. Land Revenue Act.

### **Bibliography**

- V.P. Srivastava, U.P. Land Law
- R.R. Maurya, U.P. Bhumi Vidhyan (Hindi)
- Indra Jeet Singh, Bhumi Vidhan (Hindi)
- R.P. Singh, U.P. Bhumi Vidhiya (Hindi)

### **PAPER V (B) : TRADE MARK AND DESIGN**

1. The rationale of protections of trademarks as (a) an aspect of commercial and (b) of consumer rights.
2. Definition and concept of trade marks
3. Registration
4. Distinction between trademark and property mark
5. The doctrine of honest Current use.
6. The doctrine of deceptive similarity
7. Protection of well-known marks

8. Passing off and infringement
9. Criteria of infringement
10. Standard of proof in passing off action
11. Remedies

### **Bibliography**

- Cornish W.R. Intellectual Property, Patents, Trade Marks, copy rights, and Allied Rights (1999). Asia Law House, Hyderabad
- Vikas Vashisth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi
- P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta.
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- W.R. Cornish, Intellectual Property (3<sup>rd</sup> ed.) (1996) Sweet and Maxwell
- W.R. Mann, Transfer of Technology (1982).
- Mala Din, Law of Passing off and infringement Action of Trade marks (1986).
- K-Thairani, Copyright : The Indian Experience (1987).
- W.R. Cornish, Materials on Intellectual Property (1999), Sweet & Maxwell.

## 17 PAPER V (C): MARITIME LAW

1. Maritime Law  
Sources- Custom, International conventions, Resolution and recommendation of international organizations, Decisions of courts: ICJ, international arbitration and national courts, State practices, Juristic writings.
2. Internal waters  
Meanings, Maritime boundary, Innocent passage, Regime of maritime ports.
3. Territorial waters  
Territorial sea: concept and development, Width, conflicting claims of coastal states, Coastal state jurisdiction, Access of ships to the territorial sea, Scientific research jurisdiction
4. Contiguous Zone  
Concept and relevance in present time, Coastal state jurisdiction over customs and law and other confined to contiguous or not
5. Exclusive Economic Zone, Continental Shelf
6. International straits and archipelagos
7. International fisheries

8. High Seas  
Concept of patrimonial sea and common heritage of mankind, Access to high seas: conflict between maritime states and land locked states, Piracy, Hot pursuit, International sea bed authority: constitutional, power and jurisdiction, Exploration and exploitation of sea bed, Pioneer investors
9. Conservation and Exploitation of Maritime Resources  
Living and Non-living resources Importance, Kinds, Conservation and management of the resources, Exploitation of the resources, Marine pollution.

### Bibliography

- Orrego Vicuna, *The Changing International Law of the high seas Fisheries* (1999), Cambridge
- Ian Brownlie, *Principles of Public International Law* (1998), Clarendon press, Oxford
- P. Chandrasekhara Rao, *The New Law of Maritime Zones* (1983) Miling Publications, New Delhi
- Samir Mankabady, *The International Shipping Rules* (1986), Croom Helm, London
- Nagendra Singh, *International Maritime Law Conventions*, Vol. I, Navigation (1983) Stevens & Maxwell, London

- Myron H. Nordquist and John Norton Moor (eds.),  
Ocean Policy – New Institutions, Challenges and  
Opportunities (1999), Kluwer.

Session 2021-22 21/11/21

NEW ONLY III SEM

LL.B. III Semester, Company Law, Paper-III

**Incorporating the Provisions of The Companies Act, 2013 and Amended Act, 2015**

**1- Basic features of a company.**

- (a) What is Company: Growth of Company Legislation in England and India
- (b) Company distinguished from Partnership Firm
- (c) Advantages and disadvantages of Incorporation
- (d) The Registrar of Companies (ROC)

**2- Registration and incorporation of a company.**

**3- Kinds of companies.**

- (a) Private and Public Companies
- (b) Company Limited by guarantee
- (c) Companies with unlimited liability
- (d) One person Companies
- (e) Small Companies
- (f) Associates Companies
- (g) Foreign Companies
- (h) Government Companies
- (i) Non profit Companies
- (j) Holding and Subsidiary Companies

**4- Promoters.**

**5- Memorandum of Association.**

- (a) The memorandum: its contents and alteration
- (b) The Doctrine of Ultra-Vires

**6- Article of Association.**

- (a) Article of Association: content and alteration
- (b) Memorandum and Articles compared and distinguished
- (c) Binding force of memorandum and articles
- (d) The doctrine of constructive notice

Signature: [Handwritten signatures]

(c) The doctrine of indoor management

#### 7- Prospectus.

(a) How a company can issue securities

(b) What is a prospectus

(c) Contents and requirement of a prospectus

(d) Civil and Criminal liability for misstatements in a prospectus

#### 8- Shares

(a) What is share; rights and liabilities of share holders

(b) Allotment of shares

(c) Share certificate and share warrant

(d) Transfer and transmission of shares

(e) Nomination of shares

(f) Issue of shares at a premium and discount

(g) Companies lien on shares

(h) Forfeiture and surrender of shares

#### 9- Members and Shareholders

(a) Who is a member

(b) Modes of becoming a member

(c) Mode of ceasing to be a member

(d) Liability of a member

(e) Register of members

#### 10-Share Capital

(a) Types of shares and share capital

i- Different types of share capitals of a company: authorized, issued, subscribed, called up and paid up capital

ii- Equity shares, sweet equity shares, bonus shares and preference shares

iii- Cumulative and noncumulative preference shares

iv- Participating and non participating preference shares

v- Redeemable and non-redeemable preference shares

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- (b) Reduction of share capital
- (c) Variation of share holders rights
- (d) Purchase by company of its own shares
- (e) By back of shares

#### **11-Directors**

- (a) Who is Director: legal position of directors
- (b) appointments of directors
- (c) Qualification and disqualification of directors
- (d) Remuneration of directors (managerial remuneration)
- (e) Meetings of directors
- (f) Powers of directors
- (g) Duties of directors
- (h) Vacating the office of a directors
- (i) Removal of directors
- (j) Resignation of directors

#### **12-Members, Meetings**

- (a) Statutory meeting
- (b) Annual general meeting
- (c) Extra ordinary general meeting
- (d) General provisions relating to meeting

#### **13-Dividend**

#### **14-Accounts, Audit and Auditors**

- (a) Accounts and books of account
- (b) Appointments of auditors
- (c) Qualification of an auditor
- (d) Restrictions on the numbers of auditor ship
- (e) Remuneration of auditors
- (f) Removal of an auditors
- (g) Rights, duties and liabilities of an auditor

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To the right, the word "Direct" is written vertically, with a checkmark and another signature next to it.

(h) Cost audit, audit committee, corporate social responsibility (CSR)

**15-Borrowing, Lending and Investment**

**16-Debentures**

**17-Rule of majority: *Foss v. Harbottle***

**18-Operation and Mismanagement**

**19-Inquiry and Investigation into the Affairs of the Company**

**20-Compromise, Arrangements, Reconstruction and Amalgamation**

- (a) Companies and arrangements
- (b) Reconstruction and amalgamation
- (c) Powers of central government to order amalgamation in public interest
- (d) Reservation of books and papers

**21-Removal of a company's name from the Register**

**22-Winding up of a Company**

- (a) What is winding up: modes of winding up
- (b) Contributories
- (c) Winding up by the tribunal (compulsory winding up)
  - i- Grounds of compulsory winding up
  - ii- Persons who can file a winding up petition
  - iii- Powers of tribunal
  - iv- Powers and duties of the companies liquidator
  - v- The official liquidator and summary procedure
- (d) Voluntary winding up
- (e) Provisions applicable to both kinds of winding up
- (f) Winding up subject to the supervision of the court
- (g) Winding up of unregistered companies
- (h) Consequences of winding up

**23-The National Company Law Tribunal, Appellate Tribunal and Special Court**

**24-Revival and Rehabilitation of Sick Company**

**25-Multinational Companies**

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**Suggested Readings:**

- 1 Dr. Avatar Singh, Indian Company law (2015) Reprint, Eastern law Company
- 2 S M Shah, Lectures on Company Law (1998), Tripathi & Co. Bombay.
- 3 Dr. Avatar Singh Company Vidhi (In Hindi)
- 4 Dr. N V Paranjapey, Company Vidhi (In Hindi)
- 5 L. C. D. Grower, Principles of Modern Company Law (1997) Sweet & Maxwell London
- 6 Palmer Palmer's Company Law (1987) Stevan S London
- 7 A Ramaiya, Guide to companies Act (1998), Vadhawa & Co. New Delhi

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**LL.B, III Semester, Company Law, Paper-III**

**Incorporating the Provisions of The Companies Act, 2013 and Amended Act, 2015**

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- (a) Article of Association: content and alteration
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- (c) Binding force of memorandum and articles
- (d) The doctrine of constructive notice



(e) The doctrine of indoor management

## 7- Prospectus.

- (a) How a company can issue securities
- (b) What is a prospectus
- (c) Contents and requirement of a prospectus
- (d) Civil and Criminal liability for misstatements in a prospectus

## 8- Shares

- (a) What is share; rights and liabilities of share holders
- (b) Allotment of shares
- (c) Share certificate and share warrant
- (d) Transfer and transmission of shares
- (e) Nomination of shares
- (f) Issue of shares at a premium and discount
- (g) Companies lien on shares
- (h) Forfeiture and surrender of shares

## 9- Members and Shareholders

- (a) Who is a member
- (b) Modes of becoming a member
- (c) Mode of ceasing to be a member
- (d) Liability of a member
- (e) Register of members

## 10-Share Capital

- (a) Types of shares and share capital
  - i- Different types of share capitals of a company: authorized, issued, subscribed, called up and paid up capital
  - ii- Equity shares, sweet equity shares, bonus shares and preference shares
  - iii- Cumulative and noncumulative preference shares
  - iv- Participating and non participating preference shares
  - v- Redeemable and non-redeemable preference shares

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- (b) Reduction of share capital
- (c) Variation of share holders rights
- (d) Purchase by company of its own shares
- (e) By back of shares

### 11-Directors

- (a) Who is Director: legal position of directors
- (b) appointments of directors
- (c) Qualification and disqualification of directors
- (d) Remuneration of directors (managerial remuneration)
- (e) Meetings of directors
- (f) Powers of directors
- (g) Duties of directors
- (h) Vacating the office of a directors
- (i) Removal of directors
- (j) Resignation of directors

### 12-Members, Meetings

- (a) Statutory meeting
- (b) Annual general meeting
- (c) Extra ordinary general meeting
- (d) General provisions relating to meeting

### 13-Dividend

### 14-Accounts, Audit and Auditors

- (a) Accounts and books of account
- (b) Appointments of auditors
- (c) Qualification of an auditor
- (d) Restrictions on the numbers of auditor ship
- (e) Remuneration of auditors
- (f) Removal of an auditors
- (g) Rights, duties and liabilities of an auditor

*Li* *Agenda* *Spent* *Account*

(h) Cost audit, audit committee, corporate social responsibility (CSR)

### 15-Borrowing, Lending and Investment

### 16-Debentures

### 17-Rule of majority: *Foss v. Harbottle*

### 18-Operation and Mismanagement

### 19-Inquiry and Investigation into the Affairs of the Company

### 20-Compromise, Arrangements, Reconstruction and Amalgamation

- (a) Companies and arrangements
- (b) Reconstruction and amalgamation
- (c) Powers of central government to order amalgamation in public interest
- (d) Reservation of books and papers

### 21-Removal of a company's name from the Register

### 22-Winding up of a Company

- (a) What is winding up: modes of winding up
- (b) Contributories
- (c) Winding up by the tribunal (compulsory winding up)
  - i- Grounds of compulsory winding up
  - ii- Persons who can file a winding up petition
  - iii- Powers of tribunal
  - iv- Powers and duties of the companies liquidator
  - v- The official liquidator and summary procedure
- (d) Voluntary winding up
- (e) Provisions applicable to both kinds of winding up
- (f) Winding up subject to the supervision of the court
- (g) Winding up of unregistered companies
- (h) Consequences of winding up

### 23-The National Company Law Tribunal, Appellate Tribunal and Special Court

### 24-Revival and Rehabilitation of Sick Company

### 25-Multinational Companies

*h-mi. 00 Apurva Singh Khandelwal*

**Suggested Readings:**

- 1 Dr. Avatar Singh, Indian Company law (2015) Reprint, Eastern law Company
- 2 S M Shah, Lectures on Company Law (1998), Tripathi & Co. Bombay.
- 3 Dr. Avatar Singh Company Vidhi (In Hindi)
- 4 Dr. N V Paranjapey, Company Vidhi (In Hindi)
- 5 L. C. D. Grower, Principles of Modern Company Law (1997) Sweet & Maxwell London
- 6 Palmer Palmer's Company Law (1987) Stevan S London
- 7 A Ramaiya, Guide to companies Act (1998), Vadhawa & Co. New Delhi

The block contains several handwritten signatures and initials in black ink. On the left, there is a signature that appears to be 'Anurag'. In the center, there is a signature that reads 'Ajay Singh' with 'Singh' written below it. To the right of 'Ajay Singh' is another signature that appears to be 'Rajesh'. Below these, there are more initials and a signature that is partially obscured.