

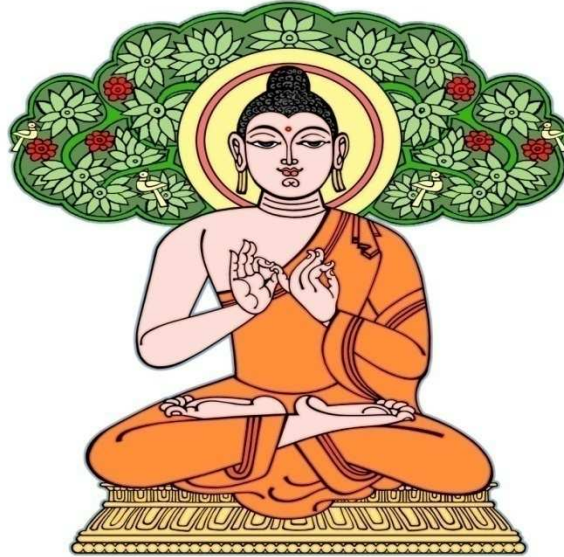


Smt.VELAGAPUDI DURGAMBA  
**SIDDHARTHA LAW COLLEGE**

KANURU, VIJAYAWADA - 520007

Phone No: 0866 - 2582592

**SYLLABUS 3 YEARS LL.B**



**I/ III LL.B.**  
**First Semester**  
**PAPER -I**  
**CONTRACTS - I**  
**(Including the Specific Relief Act,1963)**

**GENERAL PRINCIPLES OF LAW OF CONTRACT:**

- UNIT- 1 :** History and nature of contractual obligations - writs of debt, covenant and account and action of assumpsit consideration - moral basis for contractual obligations subjective and objective theories, sanctity of contracts.
- UNIT - 2 :** Agreement and contract definitions, elements and different kinds.
- UNIT-3 :** Proposal and acceptance - their various forms, essential elements, communication and revocation - proposal and invitations for proposal - floating offers - tenders - dumping of goods.
- UNIT -4 :** Consideration - nudump actum - its need, meaning, kinds, essential elements - privity of contract and of consideration -its exceptions - adequacy of consideration present, past and future consideration - unlawful consideration and its effects -views of Law Commission of India on consideration- evaluation of the doctrine of consideration.
- UNIT - 5 :** Capacity to contract - meaning - incapacity arising out of status and mental defect - minor's agreements beneficial and detrimental to minor affirmation - restitution in cases of minor's agreements - fraud by a minor - ratification in cases by a person of an agreement made by him while he was minor - agreements and estoppel - evaluation of the law relating to minor's agreements- other illustrations of incapacity to contract.
- UNIT- 6 :** Free consent - its need and definition - factors vitiating free consent. 6.1 Coercion - definition - essential elements - duress and coercion - various illustrations of coercion doctrine of economic duress - effect of coercion - evaluation of Sec.15. 6.2Undue Influence - definition - essential elements - between which parties can it exist? who has to prove it? illustrations of undue influence - independent advice - pardanashin women. unconscionable bargains effect of undue influence. 6.3Misrepresentation - definition - misrepresentation of law and of fact - their effects and illustration. 6.4 Fraud - definition -essential elements -suggestion falsi- suppression very. When does silence amount to fraud? Active concealment of truth importance of intention.

**UNIT- 7 : LEGALITY OF OBJECTS:**

1.1 Void agreements - lawful and unlawful considerations, Objects - void, voidable, illegal and unlawful agreements the ireffects. 7.2 Unlawful consideration and objects. 7.2.1 For bidden by law 7.2.2 Defeating the provision of any law 7.2.3 Fradulent7.2.4 Injurious to person or property 7.2.5 Immoral 7.2.6 Against public policy 7.3 Void Agreements 7.3.1 Agreements without consideration 7.3.2 Agreements in restraint of marriage 7.3.3. Agreements in restraint of trade - its exceptions- sale of goods -will, Sec. 11 restrictions, under the Partnership Act, trade combinations exclusive dealing agreements, restraints on employees under agreements of service. 7.3.4 Agreements in restraint of legal proceedings - its exceptions 7.3.5 Uncertain agreements 7.3.6 Wagering agreements - its exception

**UNIT-8 DISCHARGE OF A CONTRACT AND ITS VARIOUS MODES:**

8.1 By performance - conditions of valid tender of performance- how? By Whom? Where? When/In what manner? Performance of reciprocal promises - time essence of contract.8.2 By breach - anticipatory breach and present breach. 8.3 Impossibility of performance - specific grounds of frustration- application to leases - theories of frustration - effect of frustration -of frustration and restitution. 8.4 By period of limitation8.5By agreement - rescission and alteration - their effect -remission and waiver of performance extension of time – accord and satisfaction.

**UNIT-9 : QUASI-CONTRACTS OR CERTAIN RELATIONS RESEMBLINGTHOSE CREATED BY CONTRACTS.****UNIT-10 : REMEDIES IN CONTRACTUAL RELATIONS**

10.1 Damages - kinds - remoteness of damages –ascertainment of damages. 10.2 Injunction - when granted and when refuse. Why? 10.3 Refund and restitution 10.4Specific performance - When? Why?

**UNIT-11 SPECIFIC RELIEF (THE SPECIFIC RELIEF ACT, 1963)**

11.1 Definition 11.2 Recovering possession of property 11.3Specific performance of contracts 11.4 Rectification of instruments 11.5 Rescission of contracts 11.6 Cancellation of Instruments 11.7 Declaratory decrees 11.8 Preventive relief.

**I/ III LL.B.**  
**PAPER -II**  
**CONTRACTS - II**  
**(Including Partnership Act, Sale of Goods Act)**

- UNIT-1 : INDEMNITY AND GUARANTEE** (Sec. 134, 127 of Indian Contract Act, 1872)1.1 Contract of Indemnity 1.2Definition 1.3 Rights of Indemnity holder 1.4 Liability of the Indemnifier 1.5 Contract of Guarantee 1.6 Definition of Guarantee 1.7 Essential characteristics of contract of Guarantee 1.8 Distinction between contract of indemnity and contract of Guarantee 1.9 Kinds of guarantee 1.10 Rights and liabilities of surety 1.11 Discharge of surety. **CONTRACT OF BAILMENT** (Secs. 148-181 of Indian Contract, Act, 1872)
- UNIT-2 : BAILMENT**  
2.1 Definition 2.2 Essential requisites of Bailment 2.3 Kinds of Bailment 2.4 Rights and Duties of Bailor and Bailee 2.5Termination of Bailment 2.6 Pledge 2.7 Definition 2.8 Rights and duties of pawn or and Pawnee 2.9 Pledge by Non Owners
- UNIT-3 : CONTRACT OF AGENCY** (Secs. 182-238 of the Indian Contract Act. 1872)  
3.1 Definition of Agency 3.2 Creation of Agency 3.3 Rights and duties of Agent 3.4 Delegation of authority 3.5 Personal Liability of Agent 3.6 Relations of Principal with third parties3.7 Termination of Agency
- UNIT- 4 : CONTRACT OF SALE OF GOODS** (The Sale of Goods Act, 1930)4.1 Formation of Contract 4.2 Subject-matter of contract of Sale 4.3 Conditions and Warranties 4.4 Express and implied conditions and warranties 4.5 Caveat Emptor 4.6 Property, Possession and risk 4.7 Passing of Property 4.8 Sale by non- owners 4.9 Delivery of goods 4.10 Rights and duties of Seller and buyer before and after sale 4.11 Rights of unpaid seller.
- UNIT-5 : CONTRACT OF PARTNERSHIP** (The Indian Partnership Act,1932)  
5.1 Definition and nature of Partnership 5.2 Formation of Partnership 5.3 Test of Partnership 5.4 Partnership and other associations 5.5 Registration of Firms 5.6 Effect of non registration5.7 Relation of Partners 5.8 Rights and duties of Partners 5.9 Properties of the Firm 5.10 Relation of Partners to third parties 5.11 Implied authority of a partner 5.12 Kinds of partners 5.13 Minor as a partner 5.14 Reconstitution of a firm 5.15 Dissolution of firm.
- UNIT- 6 : THE NEGOTIABLE INSTRUMENTS ACT,1881.**

**I/III LL.B.**  
**PAPER -III**  
**TORTS AND CONSUMER PROTECTION LAW**

**UNIT-1 : EVOLUTION OF LAW OF TORTS:**

1.1 Its development by courts in England 1.2 Forms of Action 1.3 Emergence of specific remedies from case to case 1.4 Reception of Law of Torts in India 1.5 Principles of Equity, Justice and good conscience 1.6 Uncodified character -advantages and disadvantages

**UNIT-2 : DEFINITION, NATURE, SCOPE AND OBJECTS:**

2.1 A Wrongful act violation of a duty (in rem) imposed by law, duty which is owed to people generally, Legal damaged annumsine in juria and in juria sine damnum. 2.2 Tort distinguished from, Crime, Breach of Contract etc. 2.3 The concept of unliquidated damages 2.4 Changing scope of Law of Torts: Expanding character of duties owed to people generally due to complexities of modern society -scientific and technological progress, industrialisation, urbanisation, specialisation, occupational hazards. 2.5 Objects- Prescribing standards of human conduct, redressal of wrongs by payment of compensation prohibition unlawful conduct by injunctions.

**UNIT- 3 : PRINCIPLES OF LIABILITY IN TORTS:**

3.1 Fault 3.1.1 Wrongful intent 3.1.2 Negligence 3.2 Liability without fault 3.3 Violation of Ethical codes 3.4 Statutory liability 3.4.1 Fatal Accidents Act 3.4.2 Railway Act 3.4.3 Employee's compensation Act 3.4.4 Motor Vehicles Act 3.4.5 Carrier Act 3.4.6 Insurance Laws 3.5 Place of motive in Torts.

**UNIT-4 : JUSTIFICATION IN TORT**

1.1 volent in fit injuria - What is free consent? Consent mere knowledge and knowledge coupled with assumption of risk 4.2 Necessity, Private and public 4.3 Plaintiff's default 4.4 Act of God and Inevitable Accident 4.5 Private defence 4.6 Statutory Authority 4.7 Judicial and Quasi-judicial Acts 4.8 Parental and quasi parental authority.

**UNIT-5 : EXTINGUISHMENT OF LAIBILITY IN CERTAIN SITUATIONS**

5.1 Death, *action personalismoritur cum persona*. Exceptions, Law Reform (Miscellaneous Provisions) Act. 1934. 5.2 Waiver and acquiescence 5.3 Release 5.4 Accord and satisfaction 5.5 Limitation

**UNIT-6 : STANDING**

6.1 Who may sue in torts 6.1.1 Aggrieved individuals 6.1.2 Class Action, Order 1 Rule 8 6.1.3 Social Action Groups 6.1.4 Statutes granting standing to certain persons, groups 6.2 Who may not be sued 6.2.2 Lunatics 6.2.3 Infants.

**UNIT-7 : DOCTRINE OF SOVEREIGN IMMUNITY AND ITS RELEVANCE IN INDIA :**

7.1 Liability of State-Sovereign and non-sovereign functions, Crown Proceedings Act of U.K., Federal Tort Claims Act of U.S.A. Constitution of India, Arts 294 and 300. 7.2 Act of State.

**UNIT-8 : VICARIOUS LIABILITY**

8.1 Basis, Scope and justification 8.1.1 Express authorization 8.1.2 Ratification 8.1.3 Abetment 8.2 Special Relationship 8.2.1 Master and servant - arising out of and in the course of employment. Who is master? - Control test. Who is servant? Borrowed servant, Independent contractor. 8.2.2 Corporation and Principal Officer.

**UNIT-9 : TORTS AGAINST PERSONS AND PERSONAL RELATIONS**

9.1 Assault, Battery, Mayhem 9.2 False Imprisonment 9.3 Defamation - Libel, slander including law relating to privileges 9.4 Marital Relations, domestic Relations, parental Relations Master and Servant relations. 9.5 Malicious prosecution 9.6 Shortened Expectation of life 9.7 Nervous Shock 9.8 Defences

**UNIT-10 : WRONG AFFECTING PROPERTY**

10.1 Trespass to land, Trespass ab initio, Dispossession 10.2 Movable Property-Trespass to goods, detinue, conversion 10.3 Torts against Business interest- Injurious falsehood, misstatements, passing off - 10.4 Defences.

**UNIT-11 : NEGLIGENCE**

11.1 Basic concepts 11.1.1 Theories of Negligence 11.1.2 Standards of care, Duty to take care, carelessness in advertence 11.1.3 Doctrine of contributory negligence 11.1.4 *res ipsa loquitur* and its importance in contemporary 11.2 Professional liability due to Negligence with special reference to consumer Protection Law.

**UNIT-12 : ABSOLUTE/STRICT LIABILITY**

12.1 The Rule in Ryland vs. Fletcher. Principle for application of these rules. 12.1.1 Storing of dangerous things 12.1.2 Escape of dangerous things- application of principles in concrete cases of damage arising out of industrial activity. (The Bhopal Disaster. Oleum Gas Escape, Mchchhu Dam Burst, M.C.Mehta Case, Nuclear Installations and their hazards) 12.2 Defences 12.3 Liability under Motor Vehicle Act, Rail- way Act, etc.

**UNIT-13 : NUISANCE**

13.1 Definition, Essentials, Types 13.2 Acts which constitute nuisance- obstructions on highways, pollution of air, water, noise, interference with light and air.

**UNIT-14 : LEGAL REMEDIES**

14.1 Legal Remedies 14.1.1 Award of damages-simple, special, punitive 14.1.2 Remoteness of Damages-for foreseeability and directness tests 14.1.3 Injunction 14.1.4 Specific Restitution of Property 14.2 Extra-Legal Remedies-self help, Re-entry in land, Re-capture of goods, distress damage feasant abatement to nuisance.

**UNIT-15 : JUDICIAL PROCESS IN TORT**

15.1 Dilatoriness 15.2 Complicated rules of procedures and evidence 15.3 Experts trial process, Reports of Testing labs 15.4 Court fees, Problems of access.

**UNIT-16 : TORT AND CONSUMER PROTECTION LAW**

16.1 Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professionals  
16.2 Caveat emptor and caveat venditor 16.3 Deceit and false advertisement  
16.4 Liability for hazardous and inherently dangerous industrial activity  
16.5 Product liability-EEC directives 16.6 Right to common property resources-right to pass and re pass on path- ways.

**I / III LL. B.**  
**PAPER -IV**  
**CONSTITUTIONAL LAW**

**UNIT-1 : HISTORICAL PERSPECTIVE**

1.1 Constitutional Developments since 1858 to 1947 Morle Minto Reform Dyarchy-Montague-chelmsford Reforms. Indian National Congress 1885 - Various Trends of opinion- social Reform vs. political Independence. Protest against British Repression. Jalianwala Baag. Rowlatt Act-Sedition Trials of Tilak. 1.2 Making of India's Constitution - concept of constitution and Constitutionalism's Salient features - Constituent Assembly- Sovereignty. 1.3 Preamble-Status and its goals.

**UNIT-2 : PARLIAMENTARY GOVERNMENT**

2.1 Westminster Model- Indian experience before Independence choice of Parliamentary Government 2.2 President of India-Election Qualifications, impeachment, Salary, etc., 2.3 Council of Ministers-President's constitutional position 2.4 Governor and State Government-President's constitutional relationship 2.5 Legislative Process-Privileges, freedom of speech. Practice of law-making etc. 2.6 Legislative privileges vs. Fundamental Rights. In re Art 143 of the Constitution of India. 2.7 Prime Minister- Cabinet system- collective responsibility - Individual responsibility - President - P.M. Relationship. 2.8 Party System-Anti-defection law. Freedom of an M.P/M.L.A to dissent.

**UNIT-3 : FEDERALISM**

3.1 Federalism-principles-Comparative study of other Federations. Why India has a federal Government 3.2 Indian Federalism-President of India-Council of States Process of Constitutional Amendment. Identification of Federal Features. 3.3 Legislative Relations between the Centre and the States. 3.4 Administrative relations-Centre-States 3.5. Financial Relations - Centre-States. 3.6 Governor's position from the perspective of Federalism 3.7 Centre's Powers over the States-Art. 356 3.8. J & K - Special Status 3.9. Critical problems of India Federalism - Sarkaria Commission-Greater autonomy vs. Central Control one party domination. Emergence of Political Federalism. Growth of Regional parties.

**UNIT-4 : CONSTITUTIONAL PROCESSES OF ADAPTATION AND ALTERATION**

1.1 Methods of Constitutional Amendment-Written-Unwritten-Rigid-flexible Constitutions. Provisions which can be amended by ordinary procedure. Special procedure, review of Constitutional Amendments. 4.2 Limitations upon Constitutional Amendments Shankari Prasad, Sajjan Singh 4.3 Golak Nath vs. Punjab-Why should Fundamental Rights be immune from the process of Constitutional Amendment. 4.4 Basic Structure Doctrine as limitation-Kesavan and Bharati



4.5 Development of the Basic Structure Doctrine Constituent power of the Supreme Court. Waman Rao, Minerva Mills, etc. 4.6. Indira Gandhi vs. Raj Narain; Judicial consensus on Basic Structure. 4.7 Legislature and Judicial attempts to bury the Basic Structure Doctrine, Legitimation of the Basic Structure Doctrine. Special bench to reconsider the Basic Structure issue. Forty -second Constitutional Amendment. Forty fourth Constitutional Amendment. 4.8 Minerva Mills and subsequent developments of the basic Structure Doctrine. Responsibility of the court; Activism vs. Restraint.

#### **UNIT-5 : SECULARISM**

5.1 Concept of Secularism-Indian Constitutional Provisions, Historical Perspective of Indian Secularism. 5.2 Religion and State-in India-State control and non-interference with Religion. Concept of Secularism; American Model-Separation of State church-Is it relevant to India/ Tradition in India-Equal respect. for All Religions? 5.3 Minority Rights-Why/ Scope-meaning of Minority 5.4 Minority's Right to Educational Institutions.

#### **UNIT-6 : EQUALITY AND SOCIAL JUSTICE**

6.1 Equality before the law and Equal protection of laws meaning- Constitutional provisions-total conspectus – Articles 14,15,16,17,29 (2), 325. 6.2. classification for Differential Treatment 6.3 Gender Justice. Arts. 15(1),(2),(3)16,29(2) 6.4 Administrative discretion and Equality 6.5 Compensatory Discrimination for Backward Classes/SC&ST.

#### **UNIT-7 : FREEDOMS AND SOCIAL CONTROL**

7.1 Freedom of speech and expression 7.2 Freedom of the press 7.3 Freedom of speech and contempt of court 7.4 Freedom of Assembly 7.5 Freedom of Association 7.6 Freedom of movement 7.7 Freedom to Reside and Settle 7.8 Freedom of profession/business etc., 7.9 Property and social control 1950 to 1978. 10 Property and social control – After 1978

#### **UNIT-8 : PERSONAL LIBERTY**

8.1 Rights of an accused-Double Jeopardy 8.2 Right against self-incrimination 8.3 Right against Retroactive Punishment 8.4 Right to life and personal Liberty-Meaning of - Art.21. Gopalan 8.5 'Personal Liberty' - Meaning of - Maneka Gandhi, Sunil Batra, etc., 8.6 Procedure established by law-Gopalan, Kharak Singh 8.7 Procedure established by law - Due process Maneka Gandhi and after. 8.8 Preventive detention Constitutional Policy Art. 22 8.9 Preventive detention-Safeguards under the constitution.

#### **UNIT-9 : FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES**

9.1 Directive Principles-Reasons for incorporation 9.2 Directive principles-Directions of Social Change- A new social order 9.3 Fundamental Rights and Directive principles - Inter-relationship- Judicial balancing 9.4 Constitutional Amendments- Arts, 31 A, 31-B and 31-C to strengthen Directive Principles. 9.5 Judicial policy towards Directive Principles from Champakam to Minerva Mills. 9.6 What is "State"? Art.12 9.7 Naresh vs. Maharashtra - is Judiciary "State"?

**UNIT-10 : EMERGENCY**

10.1 Emergency need for such a provision. Types of Emergencies. Experience in other democracies. 10.2 Proclamation of emergency-conditions- Art. 352 - Effect of Emergency on Centre-State relations. 10.3 Emergency and suspension of fundamental rights. Arts.358,359Makhan Singh Tarasikhato A.D.M. Jabalpur. 10.4 Financial Emergency.

**UNIT-11 : JUDICIAL PROCESS UNDER THE CONSTITUTION**

11.1 Judicial Review - Arts. 32, 226, 227 11.2 Nature of Judicial Review 11.3 Court system in India: Backlogs, Arrears, Alternatives. Lok Adalats etc. 11.4 Judges, Appointments, Conditions of Service etc. 11.5 Subordinate Judiciary 11.6Jurisdiction of Supreme Court and High Courts. 11.7 Advisory Jurisdiction of the Supreme Court. 11.8 Public Interest Litigation.

**UNIT-12 : SERVICES UNDER THE CONSTITUTION**

12.1 Doctrine of pleasure (Art.310). 12.2 Protection against Arbitrary Dismissal, Removal or Reduction in Rank (Art.311).12.3 Tulsiram Patel - exceptions to Art.311

**I /III LL.B.**  
**PAPER -V**  
**LEGAL LANGUAGE AND LEGAL WRITING**  
**(Including General English)**  
**PART-A**

**UNIT-1 : Uses of the Language**

1.1 Three basic functions 1.1.1 Communicative 1.1.2 Expressive 1.1.3 Directive 1.1.4 Ceremonial and Performative

**UNIT-2 : SENTENCE**

2.1 Declarative 2.2 Interrogative 2.3 Imperative 2.4 Exclamatory

**UNIT-3 :** Reasoning, Inference, Prepositions, Questions, Commands, Exclamation, Statements, Arguments (different types of arguments), Conclusion indicators, Premise indicators.

**UNIT-4 : DEFINITIONS**

4.1 Purposes - Increased Vocabulary - Elimination of ambiguity, reducing vagueness, explain theoretically, influencing attitudes. 4.2 Types of definitions - Stipulative - Lexical - precision Theoretical - Persuasive

**UNIT-5 : "MEANING"**

5.1 Various meanings of "Meaning". 5.2 Differential denotative and connotative

**UNIT-6 : LEGAL LANGUAGE**

6.1 Reasons for its special characteristics 6.2. Flexibility of language 6.3 Syntactic ambiguity 6.4 Polycemey 6.5 Homonym

**UNIT-7 : FUNDAMENTAL PRINCIPLES OF LEGAL WRITING**

7.1 Concision's - clarity - cogency 7.2 Simplicity of structure 7.3 attention and awareness of practical legal import of sentence 7.4 Communicative skills.

**UNIT-8 : GENERAL GUIDELINES RELATIVE TO LEGAL WRITING**

8.1 Titles - short straightforward - Punchy etc. 8.2 Headings :Definite message to readers, avoid general headings, uniformly brief etc. 8.3 italics - use of 8.4 Numbers 8.5 Definition of Terms 8.6 Contractions e.g., Instead of Can't prefer cannot 8.7 Use of first person 8.8 Enumeration's 8.9 Quotations 8.10 Ellipses and alternations 8.11 Citations 8.12 Footnotes 8.13 forms and address of references 8.14 Signing off.

**UNIT-9 : GENERALLY USED LEGAL TERMS AND EXPLANATIONS IN TELUGU/ENGLISH**

**UNIT-10 :** The student shall be explained about reading for understanding the contents and organization of the text, reading for details and language study, vocabulary, identification of source are ferred law book, journal or judicial decision may given from the passage. The student may be asked to 10.1 Identify 'legal terms' 10.2 Explain those terms 10.3 Use equivalent other terms 10.4 Identify Case law 10.5 Analyze the point of law involved 10.6 Precise 10.7 Answer the questions put based on that passage (Compulsory question to be answered to the examination)

## **PART-C**

### **UNIT-11 : LAW - CLASSIFICATION**

11. 1 Common law - Civil law - Public Law - Private Law-Territorial Law - Personal law - Substantive law – Procedural law - Secular law - Theocratic law - Fundamental law – Derivative law.

11.2 Meanings of law

as aggregate of laws

as a system

as a process

## **PART-D**

**UNIT-12** : Translation of Legal forms - English to Telugu or Writing of Legal terms in English

## **PART-E**

**UNIT-13** : Translation of brief passage from English to Telugu I Comprehension. Pleadings and conveyancing in Telugu/English plaint, Written Statement. Sale and Agreement to sell, Gift, Lease, Mortgage, Will. (essential elements of the above also to be taught) Those whose mother tongue is not Telugu they may be permitted to write in English.

**Unit-14** : Legal Maxims: I. audialterampartem; II. nemodebetessejudex in propriacausa; III. Custom overweighs a written textof law IV. Nemodat quod non habet; V. Delegatus non potestdelegare; VI.actus non facitreum nisi mensrea VII. Necessityknows no law; VIII. resipsaloquitor IX.pactasuntservanda;X. ubi jus ibiremedium.

## **REFERENCE MATERIAL**

1. Introduction to logic: Irving M. Copi, Part I i.e. Introduction use of language definition.
2. Legal Style:
3. Language of law: DevidMallinKoff
4. Learning legal rules: James A. Holland & Julian S. Webb pages 88 to 101
5. Language and Law: Glanville Williams Pages 72 to 85, 300 to 308
6. Legal Writing: Elliott Siskind
7. Law and Language: IrfanHabibi, Aligarh Law University publications

8. Legal Method: Farhar 1<sup>st</sup> and relevant chapters

Articles.- Indian bar Review (10(3) 1983

Communication and Style in legal language - Ashok R. Kalkher

Language of the Law - Mahavir Singh

Language of the law - S.P. Sathe

Law, Legal language and Social reality - Rajeev Dhavan

Law, Language and Reality - Olive Crona

Advanced readings

Language perspective - Christopher D. Stone Yale Law Journal

Volume 90, Page 1149

Hart and Cho, asky contrasting views on - Washington Law Review

nature of language 1966-67 page 847

Practical exercises

English for Law: alison riley

Mac Millan Professional English

Mac Millan Publishers

**I /III LL.B.**  
**Sixth Semester**  
**PAPER -I**  
**FAMILY LAW-I**

**UNIT-1 : MARRIAGE AND KINSHIP**

1.1 Evolution of the institution of marriage and family 1.2 Role of religion, rituals, and practices in moulding the rules regulating marital relations. 1.3 Types of family based upon: Lineages –patrilineal matrilineal: Authority structure - patriarchal and matriarchal; Location patrilocal and matrilocal; and ·number of aconjugal units nuclear, extended, joint and composite. 1.4Applicability of law 1.4.1 Who is a Hindu, who is a Muslim, who is a Christian 1.4.2 Sources of Hindu law, Muslim law and Christian law.

**UNIT-2 : CUSTOMARY PRACTICES AND THE STATE**

2.1 Polygamy 2.2 Concubinage 2.3 Child marriage 2.4 Sati 2.5 Dowry 2.6 State intervention through various legal measures.

**UNIT-3 : CONVERSION AND ITS EFFECT ON FAMILY**

3.1 Marriage 3.2 Adoption 3.3 Guardianship 3.4 Succession.

**UNIT-4 : MATRIMONIAL REMEDIES**

4.1 Non-Judicial resolution of marital conflict problems (a) Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution. (b) Divorce under Muslim Personal law - Talaq and talaq-e-tafweez 4.2 Judicial resolution of marital conflict problems: a general perspective of matrimonial fault theory and the principle of irretrievable breakdown of marriage. 4.3 Nullity of marriage 4.4 Option of puberty 4.5 Restitution of conjugal rights 4.6 Judicial separation 4.7 Desertion: a ground for matrimonial relief 4.8 Cruelty : a ground for matrimonial relief 4.9 Adultery :a ground for matrimonial relief 4.10 Other grounds for matrimonial relief 4.11 Divorce by mutual consent under Special Marriage Act, 1954 4.12 Bars to matrimonial relief 4.12.1 Doctrine of strict proof 4.12.2 Taking advantage of one's own wrong or disability 4.12 .3 Accessory 4.12 .4 Connivance 4.12.5 Collusion 4.12 .6 Condonation 4.12.7 Improper or unnecessary delay 4.12.8 Residuary clause - no other legal ground exist for refusing the matrimonial relief

**UNIT-5 : ALIMONY AND MAINTENANCE**

5.1 Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves under the code of Criminal Procedure, 1973. 5.2 Alimony and maintenance as an independent remedy; are view under different personal laws. 5.3 Alimony and maintenance as an ancillary relief. Alimony pendent lite and permanent maintenance. 5.4 Maintenance of divorced Muslim women under the under the Muslim Women (Protection of Rights on Divorce) Act, 1986, a Critical review.

**UNIT-6 : CHILD AND THE FAMILY**

6.1 Legitimacy 6.2 Adoption 6.3 Custody, Maintenance 6.4Guardianship

**UNIT-7 :FAMILY AND ITS CHANGING PATTERN**

7.1 New emerging trends 7.1.1 Attenuation of family ties 7.1.2Working Women and their impact on spousal relation- ship, composition of family, status, and role of Women, and decision making authority structure. 7.2 Factors affecting the family: demographic, environmental religious and legislative. 7.3 Process of social change in India: Sanskritization, Westernization, Secularization, Universalization, parochialization and Modernization including industrialisation and urbanization.

**UNIT-8 : ESTABLISHMENT OF FAMILY COURTS:**

**UNIT-9 : SECURING OF A UNIFORM CIVIL CODE**

9.1 Religious pluralism and its implications 9.2 connotations of the directive contained in Article 44 of the Constitution 9.3Impediments to the formulation of the Uniform Civil Code.

**I /III LL.B.**  
**PAPER -II**  
**FAMILY LAW-II**

**UNIT-1 : JOINT FAMILY {MITAKSHARA AND DAYABHAGA}**

1.1 Mitakshara joint family 1.2 Mitakshara Coparcenary – formation and incidents 1.3 Property under Mitakshara law separate property and Coparcenary property 1.4 Dayabhagacoparcenary - Formation and incidents 1.5 Property under Dayabhaga Law 1.6 Karta of the joint family his position, powers, privileges and obligations 1.7 Alienation of property separate and coparcenary 1.8 debts-doctrine of pious obligation and antecedent debt. 1.9 Partition and Re-union 1.10 Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

**UNIT-2 : INHERITANCE**

2.1 Hindus 2.1.1 Historical perspective of traditional Hindu law as a background of the study of Hindu succession Act, 1956. 2.1.2 Succession to property of Hindu male dying intestate under the provisions of Hindu Succession Act, 1956 2.1.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956 2.1.4 Succession to property of Hindu female dying intestate under the Hindu succession Act, 1956 2.1.5 Disqualification relating to succession 2.1.6 General Rules of Succession 2. 1.7 Marumakkattayam and Aliyasantana laws governing people living in Travancore Cochin and the districts of Malabar and South Kerala.

**UNIT-3 : NEW PROPERTY CONCEPTS, SUCH AS SKILL, JOB, ETC., AS NEW FORMS OF PROPERTY**

**UNIT-4 : MUSLIM LAW OF INHERITANCE AND SUCCESSION** 4.1 Rules governing Sunni and Shia Law of inheritance 4.2 Differences between Shia and Sunni Law 4.3 Administration of Estates 4.4 Wills under Muslim Law

**UNIT-5 : INDIAN SUCCESSION ACT, 1925.**

5.1 Domicile 5.2 Intestate Succession 5.3 Will-codicil 5.4 Interpretation-Revocation of Wills 5.5 Bequests -conditional -contingent or void bequests 5.6 Legacies 5.7 Probate and letters of administration 5.8 Executor-administrator 5.9 Succession certificate.



**PAPER -III**  
**LAW OF CRIMES**

**UNIT-1 : GENERAL**

1.1 Conception of Crime 1.2 State's power to determine acts or omissions as crimes 1.3 State's responsibility to detect, control and punish crime 1.4 Distinction between crime and other wrongs 1.5 Pre-colonial notion of crime as reflected in Hindu, Muslim and Tribal law 1.6 The colonial reception-Macaulay's Draft based essentially on British notions 1.7 IPCa reflection of different social and moral-values 1.8 Applicability of IPC 1.8.1 Territorial 1.8.2 Personal 1.9 Salient Features of the I.P.C.

**UNIT-2 : ELEMENTS OF CRIMINAL LIABILITY**

2.1 Author of crime-natural person and a fit subject for punishment, companies and corporations 2.2 Mensrea-Evil intention 2.3 Importance of mensrea 2.4 Recent trends to fix liability without mensrea in certain socio-economic offences 2.5 An act in furtherance of guilty intent 2.6 An omission as specifically includes in the code 2.7 Injury to another.

**UNIT-3 : GROUP LIABILITY**

3.1 Stringent provision in case of combination of persons attempting to disturb peace 3.2 Common intention 3.3 Abetment 3.3.1 Instigation, aiding and conspiracy 3.3.2 Mere act of abetment punishable 3.4 Unlawful Assembly 3.5 Criminal Conspiracy 3.6 Rioting as specific offence

**UNIT-4 : STAGES OF CRIME**

4.1 guilty intention - Mere intention not punishable 4.2 Preparation 4.2.1 Preparation not punishable 4.2.2 Exception in respect of certain offences of grave nature or of a peculiar kind such as possession of counterfeit coins, false weights and measures 4.3 Attempt 4.3.1 Attempt when punishable specific IPC provisions 4.3.2 Test for determining what constitutes attempt proximity, equivocality and social danger 4.3.3 Impossible attempt.

**UNIT-5 : FACTORS NEGATING GUILTY INTENTION**

5.1 Mental incapacity 5.1.1 Minority 5.1.2 Insanity impairment of cognitive facilities, emotional imbalance 5.1.3 Medical and legal insanity 5.2 Intoxication-involuntary 5.3 Private Defence justification and limits 5.3.1 When private defence extends to causing of death, protect body and property 5.4 Necessity 5.5 Mistake of fact

**UNIT-6 : TYPES OF PUNISHMENT**

6.1 Death 6.1.1 Social relevance of capital punishment 6.1.2 Alternatives to capital punishment 6.2 Imprisonment for life, with hard labour, simple imprisonment 6.3 Forfeiture of property 6.4 Fine 6.5 Discretion in awarding punishment 6.5.1 Minimum punishment in respect of certain offences

**UNIT-7 : SPECIFIC OFFENCES AGAINST HUMAN BODY**

7.1 Causing death of human beings 7.1.1 Culpable homicide 7.1.2 Murder 7.2 Distinction between culpable homicide and murder 7.2.1 Specific mental element requirement in respect of murder 7.3 Situation justifying treating murder as culpable homicide not amounting to murder 7.3.1 Grave and sudden provocation 7.3.2 Exceeding right to private defence 7.3.3 Public servant exceeding legitimate use of force 7.3.4 Death in sudden fight 7.3.5 Death caused by consent of the deceased-Euthanasia 7.3.6 Death caused of person other than the person intended 7.3.7 Miscarriage with or without consent 7.4 Rash and negligent act causing death 7.5 Hurt- grievous and simple 7.6 Assault and criminal force 7.7 Wrongful restraint and wrongful confinement-kidnapping from lawful guardianship and to outside India 7.8 Abduction

**UNIT-8 : OFFENCES AGAINST WOMEN**

8.1 Insulting the modesty of woman 8.2 Assault or criminal force with intent to outrage the modesty of a woman 8.3 Causing miscarriage without woman's consent 8.3.1 Causing. Death by causing miscarriage without woman's consent 8.4 Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse. 8.5 Buying a minor for purposes of prostitution 8.6 Rape 8.6.1 Custodial rape 8.6.2 Marital rape 8.7 Cruelty by husband or relatives of the husband 8.8 Common law remedies to protect against obscene/indecent depiction of women.

**UNIT-9 : OFFENCES AGAINST PROPERTY**

9.1 Theft 9.2 Cheating 9.3 Extortion 9.3.1 Robbery and Dacoity 9.4 Mischief 9.5 Criminal Misrepresentation and criminal Breach of Trust

**UNIT-10 : FORGERY, DEFAMATION AND TRESSPASS AND OFFENCES AGAINST THE STATE**

**UNIT-11 : THE PREVENTION OF CORRUPTION ACT, 1986.**

**I /III B.A.,LL.B.**  
**PAPER -IV**  
**ENVIRONMENTAL LAW**

(Including Laws for The Protection Of The Wild Life And Other Living Creatures  
Including Animal Welfare)

**UNIT-1 : THE MEANING OF 'ENVIRONMENT' AND 'POLLUTION'**

1.1 Definition: As defined in the Environment protection Act,1986 Section 2(a); "pollution" as defined in the same Act. Section 2(b)(c)(d)(e); and in the Water (Prevention and Control of Pollution) Act, 1974. 'forests', as defined in the Indian Forest Act, 1927. And the Forest (Conservation) Act, 1980.Theintended meaning of environment in the constitution, Arts.15(2)(b)24, 39(a)(b)(c)(e)(f)47,48A, 49. 1.2 Causative factors of Pollution.

**UNIT-2 : SUBJECT MATTER OF ENVIRONMENTAL LAWS**

**UNIT-3 : TYPES AND FUNCTIONS OF ENVIRONMENTAL LAWS**

3.1 Primary protective Laws

3.1.1 For human-beings

Laws pertaining to

- a) Water b) Air c) Noise d) Nuclear Radiation
- e) toxic Substances

3.1.2 For non human-beings

Laws pertaining to

- a) Wild life b) Marine life c) Forests
- d) Minor forests e) Restrictions on trade

3.2 Primary planning Laws

3.2.1 For production

Laws pertaining to

- a) land use b) Irrigation c) Industries
- d) Mining e) Grazing land f) Catchment areas
- g) Wet land h) Estuaries

3.2.2 For production

Laws pertaining to

- a) land ceiling    b) Town Planning/Zoning
- c) Slums            d) Housing            e) Recreational areas
- f) Parks            g) sanctuaries        h) Biospheres

#### **UNIT-4 : SECONDARY LAWS**

4.1 Pertaining to the administration and functioning of Pollution Control Boards; Water Boards; the Factories Acts, Forest Act. Land Reform and Development Acts. Industries Act, etc. 4.2 Laws relating to the administration within the Ministry of Environment and forest 4.3 Laws relating to the collection, dissemination and publication of data by the Boards or Ministry, concerning. a) hazardous material b) endangering Industries c) levels of pollution, d) types of safety measures available and implemented 4.4 Laws relating to the role of the lower courts (including the forest courts).

#### **UNIT-5 : TERRITORY OF LAWS**

5.1 Constitutional provisions concerning inter-state relations that concern acquisition regulation and distribution of natural resources (Water, Forests, mines, oil). (With special emphasis on Articles 14, 19, 31-A, 31-B, 31-C, 39(b)(c) Union list; 6, 52, 56, 57. State List: 17, 18, 21, 23. Concurrent list : 17, 17-A, 17-B, 18, 20 and the Ninth Schedule 5.2. Constitutional provisions: The Constitution of India Articles: 14, 15, 2(b) 19(e) 21, 31-C, 32, 38, 39, 42, 47, 48-A, 49, 51, 51-A(g)

#### **UNIT-6 : INTERNATIONAL PARAMETERS OF ENVIRONMENT**

6.1 Stockholm Declaration and its impact 6.2 Rio summit 6.3 United Nations Environmental Programme (UNEP) 6.4 State responsibility for Environmental Pollution 6.5 North-South Perspective.

#### **UNIT-7 : LEGAL STRATEGIES REGULATION**

7.1 Deterrence through Criminal Liability, Strict Liability Absolute Liability and Vicarious Liability. 7.2 Principles of calculating penalties and economic sanctions against offenders 7.3 Principles and methods of standardization Environmental impact assessment cost Benefit Analysis 7.4 Managerial 7.4.1 Principles of tortious liability 7.4.2 Estoppel 7.4.3 Strategies of incentives, through non-taxation. Deductions, etc. 7.4.4 Methods of recovery through insurances, sureties, bonds, etc. 7.4.5 Creation of Environmental Fund 7.5 Environmental Courts. Tribunals.

#### **UNIT-8 : JUDICIAL ACTIVISM AND ENVIRONMENT**

**I /III LL.B.**  
**PAPER -V**  
**HUMAN RIGHTS AND PRACTICE**

**Unit-1**

Concept of Human Rights - Evolution of Human Rights - Meaning of Human Rights, Kinds of Human Rights - Civil Liberties - International Human Rights Law - Human Rights under the UN Charter- Promotion and protection of human rights by United Nations - Commission on Human Rights - UN High Commissioner for Human Rights - Implementation and Monitoring of Human Rights - Human Rights and Domestic Jurisdiction Human Rights and impunity-Issues of Accountability.

**Unit-2**

Universal Declaration of Human Rights - Influence and Legal effects of the Declaration - International covenants on Human Rights -International Covenants on Inhuman acts - Death penalty.

**Unit-3**

Regional Conventions on Human Rights - Regional arrangements on Human rights - European Convention on Human Rights - American Convention on Human Rights - African Charter on Human and People's Rights

**Unit-4**

Vulnerable Groups and Human Rights - Prisoners -Women - Children -Refugees - Minorities - Disabled people - indigent persons - Migrant workers- Stateless persons.

**Unit-5**

International Humanitarian law - Historical development of Humanitarian Law- Penalty charter on Humanitarian Law Protection of prisoners of war -Protection of civilian population Protection and care of wounded and sick persons - Protection of medical units - Treatment of dead bodies - Treatment of Aliens - Non-international armed conflicts

**Unit-6**

India and Human Rights - Genesis of Human Rights in India - Philosophy of Human Rights under the Indian Constitution - International Covenants and India - Human Right vis-a-vis Fundamental rights - Human Rights and Directive Principles of State policy Emergency and Human rights.

**Unit -7**

The Protection of Human Rights Act, 1993 - Evolution of the Protection of Human Rights Act - National Human Rights Commission (NHRC) - State Human Rights Commissions - Andhra Pradesh Human Rights Commission - Human Rights Courts in Districts - The National Commission for Minorities Act, 1992 - The National Commission for Backward Classes Act, 1993.

**Unit -8**

Enforcement of Human Rights in India - Constitutional remedies for enforcement of Human Rights - Mechanism for Enforcement and Protection of Human Rights - Machinery under the Constitution of India - Mechanism under the Protection of Human Rights Act - Non-Governmental Organizations.

**II /III LL.B.**  
**Third Semester**  
**PAPER -I**  
**JURISPRUDENCE**

- Unit-1** : Need to study jurisprudence - its relationship with political and power structures and just society.
- Unit-2** : What is a concept? - 2.1. Concept, ideas and notions 2.2 What is a theory - difference between theory, hypothesis, conjecture, opinions.
- Unit-3** : What is a norm? 3.1. Differences between maxims, rules, principles and customary rules. 3.2. Differences between primary rules and secondary rules. 3.3. What is a normative system?
- Unit-4** : Concept of law, its difference with laws of natural sciences, social sciences, statistics, history. 4.1. Laws of obligations.
- Unit-5** : Why laws are obligatory? 5.1. Define and discuss the following legal concepts Liability, obligation, sanction, coercion, compulsion, duty, estoppel, promise, dharma with case material. 5.2. CONTRACTARIAN THEORIES- general –will theories and free-will theories and autonomous theories particularly positivist theories connected development of Austin onwards: Reference to Dworkin, Rawls and Marxian terms of the doctrine of the withering away of State, including TRANSCENDENTAL THEORIES. 5.3. Whom does the law obligate? Personality: people: State-with particular reference to Directive Principles of State Policy: Locus standi. Randhir, Golaknath and other relevant cases.
- Unit-6** : Theories of Authority. 6.1 Types of authority - Legislative, judicial and customary - their binding nature. 6.2. Bindingness with regard to precedent. Determination of ratio and methods of Wanbaugh, Salmond, Goodhart, Simpson’s approach in Jacob’s case. Also the studying factors of Lewlyn (information to be provided that there is no distinction between making and declaring, basing on Gestalt psychology. (Ref. Peter Brett).
- Unit-7** : Limits on legislative authority. 7.1. Positivist view that there is no limits. Discuss with reference to Austin, Kelsen. Golaknath and D.C.Wadhwa’s case.7.2. Natural law view that the limits are defined by principles of morality or natural justice – the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis.7.3. The Rationalis view that the limits are set by rational principles of justice - Discuss with reference to Kant, Rawls.7.4. The Basic structure Doctrine - that the limits are set by the basic structure of the constitution or the law itself; any legislation contrary to the basic structure is non-law (Ref: Kesavananda Case) ∴ 7.5. Define and discuss the basic legal concept of reasonableness with reference to Indian cases. State of Madras V. V.G.Row (AIR 1952 SC 196).Dwaraka Prasad Laxmi Narayan V. State of U.P. (AIR 1954 SC 224).Krishan Chandra Arora V. Commissioner of Police (1961 3 SCR135).Hardhan Shah V.State of West Bengal (1975 3SCC 198).AIR INDIA V. Nargesh Meerza (AIR 1987 SC 1829). Maneka Gandhi V. Union of India (1978 2 SCR 621).

**Unit-8** : The functions of law. 8.1. Law as the upholder of the moral order in the society. 8.2. Concept of Dharma and connection between law and morality. 8.3. Law for bringing efficiency and social stability: the utilitarian views. 8.4. The differences between the ends of a legal order, a political order and a religious order. Are they interchangeable? Can one replace another? Issue concerning the dialectics of law. 8.5. Law as a means of social control. 8.6. Law as volksgeist.

**II /III B.A.,LL.B.**  
**PAPER -II**  
**PROPERTY LAW INCLUDING TRANSFER OF**  
**PROPERTY ACT AND EASEMENT ACT**

**Unit I :** Jurisprudential contours of property:1.1. Concept and meaning of property - New property - Governmental Largesse. 1.2. Kinds of property - movable and immovable property - tangible and intangible property - intellectual property - copyright – patents and designs - trade-marks. 1.3. Private and public property -natural resources as property - privatisation of public property.1.4. Capitalist and Socialist analysis of property - property in means of production. 1.5. Possession and ownership as man- property relationship - finder of lost of goods. 1.6. Social functions of property.

**Unit II :** LAW RELATING TO TRANSFER OF PROPERTY: 2.1.

General principles of Transfer of property. 2.2. Specific Transfers 2.1. Sale 2.2.2. Mortgages: 2.2.2.1 Kinds of mortgages, simple mortgage. Mortgage by conditional sale -Distinguished from sale with a condition for repurchase. Usufructuary mortgage, English mortgage - Distinguished from mortgage by conditional sale. Mortgage by deposit of title deeds- when registration is necessary? Anomalous mortgage.2.2.2.2. Systematic Constraints: When formalities are required. Formalities - effect of non- registration - debt may be proved2.2.2.3. Rights of Mortgagor. Right to redeem, Distinction between “due” and “Payable”. Clog on redemption. Partial redemption. Accessions to mortgaged property and improvements. Mortgagor’s power to lease. 2.2.2.4. Rights and liabilities of Mortgagees. Right to foreclose or sale. Right to sue for Mortgage money. Accession to mortgaged property. Rights of mortgages in possession. Substituted security.2.2.2.5.Liabilities of a mortgages in possession 2.2.2.6.Postponement of prior mortgage. 2.2.2.7. Marshalling and contribution 2.2.2.8. Who may sue for redemption 2.2.2.9. Conventional subrogation - Legal subrogation - “Redeem up and foreclose down” 2.3.Security Interests immovables 2.4.Charges 2.5.Leases 2.6.Exchange 2.7.Gifts 2.8.Actionableclaims

**Unit-3 :** Easements 3.1. Creation of easements 3.2.Nature and characteristics of easements. 3.3. Extinction of easements 3.4.Riparian rights 3.5. Licences.

**Unit-4 :** RECORDATION OF PROPERTY RIGHTS: 4.1. Law relating to registration of documents affection proper relations -Exemptions of leases and mortgages in favour of Land Development Bank from registration.4.2. Recordation of rights in agricultural land with special reference to property. 4.4. Law relating to stamp duties 4.4.1. the liability of instruments to duty 4.4.2. Duties by whom payable 4.4.3. Effect of not duly stamping instruments: Examination impounding of instruments: Inadmissibility on evidence. Impounding of instruments.



## II /III LL. B.

### PAPER -III

#### ADMINISTRATIVE LAW

**Unit I :** Evolution, Nature and Scope of Administrative law 1.1. Fromlaissez faire to social welfare state -State as regulator of private interest-State as provider of services - Other functions of modern state - relief, welfare 1.2. Evolution of administration as the fourth branch of Government - Necessity for delegation of powers of administration. 1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration. 1.3.1. Regulatory agencies in the United States.1.3.2. Conseil'd'Etat of France 1.3.3. Tribunalisation in England and India. 1.4. Relationship between Constitutional law and Administrative law Public Administration. 1.5. Separation of powers - to what extent relevant administrative functions. 1.6.Rule of law and Administrative law 1.7. Definitions of Administrative law 1.8. Scope of Administrative law 1.9.Emerging trends positive duties of administration under the modern social welfare legislation and compulsions of planning.

**Unit II :** BUREAUCRACY IN INDIA: 2.1. Nature and organisation of civil service. Central and State.2.2.Its hierarchical character, account ability and responsiveness. 2.3. Powers and functions 2.4. Attainment of developmental and social welfare goals through Bureaucracy - Problems and perspectives 2.5.Class, character and structure 2.6.Administrative deviance -corruption, nepotism, mal- administration. Disciplinary proceedings and prosecutions under the Prevention of Corruption Act.

**Unit III :** LEGISLATIVE POWERS OF ADMINISTRATION:

3.1. Necessity for delegation of legislative power 3.2.Constitutionality of delegated legislation - power of exclusion and inclusion and power to modify statute 3.3.Requirementsfor the validity of delegated legislation 3.3.1.Consultation of affected interests and public participation in decision-making3.3.2.publication of delegated legislation 3.4. Administrative directions, circulars and policy statements. 3.5. Legislative control of delegated legislation 3.5.1. Laying procedures and their efficacy. 3.5.2. Committees on delegated legislation – their constitution, function and effectiveness. 3.5.3. Hearings before legislative committees 3.6. Judicial control of delegated legislation - Doctrine of Ultravires. 3.7. Sub-delegation of legislative powers.

**Unit IV : JUDICIAL POWERS OF ADMINISTRATION:** 4.1 Need for evolution of adjudicatory authority on administration 4.2. Administrative tribunals and other adjudicating authorities their ad-hoc characters- Compare administration of Justice in Courts with that of Tribunals(Ref.Robson) 4.3. Nature of tribunals - Constitution, procedure, rules of evidence etc., with special reference to the following 4.3.1. Central Board of Customs and Excise 4.3.2. MRTP Commission 4.3.3. EIL Courts 4.3.4. Service Tribunals. 4.4. Jurisdiction of administrative tribunals and other authorities: Distinction between quasi-judicial and administrative functions and relevance of this distinction in the light of recent decisions of the Supreme Court 4.5. The right to hearing - Essentials of Hearing process, bias (No one can be a judge in his own cause) oral hearing etc., 4.6. Rules of evidence - no evidence, some evidence and substantial evidence rules. 6.7 Requirements regarding reasoned decisions 6.B. The right to counsel 4.9. Institutional decisions 4.10. Administrative Appeals 4.11. Council on Tribunals and Inquiries in England 4.12. U.S. Regulatory Agencies and Administrative Procedures Act, 1946 4.13. Emerging Trends of Tribunalisation in India as means to relieve congestion in the courts and utilization of administrative expertise.

**Unit V : JUDICIAL CONTROL OF ADMINISTRATIVE ACTION:**

5.1. Preliminary 5.1.1. Courts as the final authority to determine legality of administrative action-problems and perspectives. 5.1.2. Exhaustion of administrative remedies 5.1.3. - Standing. Standing for social action litigation 5.1.4. Laches 5.1.6. Res Judicata 5.2. Trends of Judicial Review: Scope of Judicial review 5.2.1. Jurisdictional errors/ ultravires 5.2.2. Abuse and non exercise of Jurisdiction 5.2.3. Error apparent on the face of the record 5.2.4. Violation of principles of natural justice 5.2.5. Violation of public policy 5.2.6. Primary jurisdiction . 5.2.7. Absence of ripeness 5.2.8. Political questions 5.2.9. Doctrine of legitimate expectation 5.3. Methods of Judicial Review: 5.3.1. Statutory appeals 5.3.2. Certiorari 5.3.3. Mandamus 5.3.4. Prohibition 5.3.5. Quo-warranto 5.3.6. Habeas Corpus 5.3.7. Specific performance and civil suits for compensation 5.3.9. Fact-finding commissions.

**Unit VI : ADMINISTRATIVE DISCRETION:**

6.1. Need for administrative discretion 6.2. Administrative discretion and rule of law 5.3. Mala fide exercise of discretion 6.4. Constitutional imperatives and use of discretionary authority 6.5. Irrelevant considerations 6.6. Non-exercise of discretionary power 6.7. Discretion to prosecute or to withdraw prosecution 6.3. Limiting, confining and structuring discretion- General discretion, technical discretion.

**Unit VII : LIABILITY FOR WRONGS (Tortious and contractual)**

7.1. Tortious liability: sovereign and non-sovereign functions  
7.2. Crown Proceedings Act of U.K. and Torts claims of U.S.  
7.3. Statutory immunity  
7.4. Act of State  
7.5. Contractual liability of Government  
7.6. Government privilege in legal proceedings - State secrets, public interest, etc.  
7.7. Right to information and open Government  
7.8. Estoppel and Waiver  
**Unit VIII: CORPORATIONS AND PUBLIC UNDERTAKINGS:**  
8.1. State Monopoly- Remedies against arbitrary action or for acting against public policy  
8.2. Liability of public and private corporations of Departmental undertakings  
8.3. Legal remedies  
8.4. Accountability - Committee on public undertakings, Estimates Committee, etc.

**Unit IX : INFORMAL METHODS OF SETTLEMENT OF DISPUTES AND GRIEVANCE REDRESSAL PROCEDURES:**

9.1. Conciliation and mediation through social action groups.  
9.2. Use of Media, lobbying and public participation in policymaking  
9.3. Public inquiries and commissions of inquiry  
9.4. Ombudsman, Parliamentary Commissioner  
9.5. Lok pal, Lok Ayukta  
9.6. Vigilance Commission  
9.7. Congressional Parliamentary Committees.

**I /III LL. B.**  
**PAPER -IV**  
**COMPANY LAW**

**Unit I** :MEANING OF COMPANY- VARIOUS THEORIES OF CORPORATE PERSONALITY - CREATION AND EXTINCTION OF COMPANY

**Unit II** : FORMS OF CORPORATE AND NON-CORPORATE ORGANISATIONS: 2.1. Corporation, partnerships and other association of persons, state corporations, government companies, public sector; small scale, co-operative, corporate and joint sectors; foreign collaboration; their role, functions and accountability - companies and the rule of law, their civil and criminal liability; their essential characteristics.

**Unit III** : FORMATION OF A COMPANY:

3.1 Law relating to companies - Companies Act, 1956 3.1.2. Need of company for development. Formation of a company, registration and incorporation. 3.2. Memorandum of association- various clauses - alteration therein - binding force- its relation with articles of association- doctrine of constructive notice and indoor management - exceptions. 3.4. Prospectus issue-contents - liability for misstatements. 3.5. Promoters - position - duties and liabilities.

**Unit IV** : SHAREHOLDERS AND DIRECTORS: Shares – general principles of allotment its objects and effects - transfer of shares- restrictions on transfer - procedure for transfer - refusal of transfer - role of public financial institutions – relationship between transferor and transferee - issue of shares at premium and discount. 4.2. Shareholder - who can be and who cannot be a shareholder - modes of becoming a shareholder, calls on shares – forfeiture and surrender of shares -lien on shares rights and liabilities of a shareholder. 4.3. Share capital – kinds- alteration and reduction of share capital - further issue of capital - conversion of loans and debentures into capital, duties of court to protect the interests of creditors and share holders. 4.4. Directors - position - appointment - qualifications, vacation of Office - removal, resignation - powers and duties of directors- meeting, registers, loans - remuneration of directors - role of nominee directors - compensation for loss of office – managing director and other managerial personnel.

**Unit V** : DIVIDENDS, DEBENTURES, BORROWING POWERS:

**Unit VI** : Meetings - kinds - procedure - voting. 5.1. Dividends -payment - capitalisation of bonus shares - 5.2. Audit and accounts - 5.3. Borrowing - powers - effects of unauthorised borrowing - charges and mortgages - loans to other companies - contracts by companies. 5.4. Debentures -meaning - floating charge - kinds of debentures - share holder and debenture holder - remedies of debenture holders

**Unit VII** :Protection of minority rights. Prevention of oppression and who can apply - when he apply, powers of the court and of the Central Government.

**Unit VIII : OTHER ALLIED ASPECTS:**

8.1. Private Companies - nature - advantages – conversion into public company - Foreign companies – Government companies, holding and subsidiary companies. 8.2. Investigations - powers. 8.3. Reconstruction and amalgamation. 8.4. Defunct companies.

**Unit IX :** WINDING UP: - Winding up - types - by the Tribunal – grounds- who can apply - procedure - powers of liquidator - powers of Tribunal - consequences of winding up order- voluntary winding up by members and creditors - winding up subject to supervision of court - liability of past members - payment of liabilities - preferential payments - unclaimed dividends - winding up of unregistered company.

**Unit X :** Law and multinational companies: 10.1. Collaboration agreements for technology transfer. 10.2. Control and regulation of foreign companies, taxation of foreign companies, share capital in such companies.

**II /III LL.B.**  
**PAPER -V**  
**PUBLIC INTERNATIONAL LAW**

**Unit I : CONCEPT AND EVOLUTION OF HUMAN RIGHTS :**

1.1. Meaning of Human Rights. 1.2. Perspectives of Developed and Developing countries. 1.3. Evolution of Human rights. 1.3.1. Evolution of Human Rights prior to United Nations- League of nations. 1.3.2. Adoption of UN Charter 1.3.3. Universal Declaration of Human Rights 1.3.4. Covenants. 1.4. Emerging International regime Against Terrorism 1.5. International Humanitarian Law Standards.

**Unit II : HUMAN RIGHTS REGIONAL ARRANGEMENTS:** 2.1. African convention of Human Rights 2.2. European Convention on Human Rights. 2.3. American Convention of Human Rights. 2.4. National Human Rights Commission (NHRC). **PROTECTION OF HUMAN RIGHTS:** 3.1. Protection of Human Rights in the administration of Criminal Justice. 3.2. CEDAW 3.3. Protection of Rights of the Child. 3.4. Beijing Conference.

**Unit IV : PEOPLES PARTICIPATION IN PROTECTION OF HUMAN RIGHTS AND ROLE OF NGO'S.**

**Unit V : STATES AS SUBJECTS OF INTERNATIONAL LAW :**

5.1. Nature of International law. 5.2. Evolution of Nature of 'State' as a subject of International law. 5.3. Criteria of Statehood. 5.4. Distinction between State and Government. 5.5. Recognition of 'States' and 'Governments'. 5.6. The notion of 'State succession'.

**Unit VI : STATES AS MAKERS OF INTERNATIONAL LAW:** 6.1.

Custom-creation through state practice. 6.1.1. Concept of "State Practices" creative of "Custom". 6.1.2. Types of 'Custom' 6.1.3. Proof of 'custom'. 6.1.4. Place of custom- any international law in the evolution, and for the future of International law. 6.2. Treaties. 6.2.1. Concept of Treaties 6.2.2. Types of Treaties. (Bilateral/regional/multilateral: dispositive/non-dispositive: law creating) 6.2.3. Authority to enter into treaties with special reference to India. 6.2.4. Essentials of a Valid Interpretation. 6.2. International Adjudication, General Principles of 'Civilized Nations' and Juristic writing (publicists) as Acknowledged Subsidiary International Law Creating Acts. 6.4. The Resolutions of the General Assembly as Law Creating Acts. 6.5. The Status of Specialized United Nations Agencies. 6.6. The Role of International NGOs in International Law Creation.

**Unit VII : INDIVIDUALS, NON-STATE COMMUNITIES AND PEOPLES IN INTERNATIONAL LAW:** 7.1. The Traditional Discourse Concerning Individual as a Subject and Object of International law. 7.2. The Basic Modification. Post- charter, in the position of the Individual.

**Unit VIII : EQUITABLE RESOURCE UTILIZATION AND JUST WORLDORDER:** 8.1. The Traditional Concepts of State Jurisdiction.8.2. The Reformulation of the Law of the Common Heritage of Mankind. 8.2.2. Territorial Waters. 8.2.3. Continental Shelf8.2.4. Sea-bed and Ocean Floor. 8.2.5. Special problems of Antarctica. 8.3. The Law of Outer Space (The Moon Treaty, Geostationary objects in outer space, problems of Liability in the case of Hazards. The emerging law concerning Transboundary pollution accidents (Charnoby, Basly and Bhopal).

**Unit IX : INTERNATIONAL ECONOMIC LAW:** 9.1. The IBRD, the IMF9.2.The GATT 9.3.The UNCTAD-WTO.

**II /III LL.B.**  
**Eighth Semester**  
**PAPER -I**  
**LABOUR LAWS**

- Unit I : HISTORICAL PERSPECTIVES ON LABOUR:** 1.1. Labour through the ages - Slave Labour - Guild system - division on case basis - labour during feudal days. 1.2. Colonial labour law and policy. 1.3. Labour - capital conflicts: Exploitation of labour, profit, motive, poor bargaining power, poor working conditions unorganised labour, surplus labour, division of labour and super specialisation, lack of alternative employment. 6.4. International Labour, Standards and their implementation. 6.5. From Laissez faire to Welfare State: transition from exploitation to protection and from contract to Statute.
- Unit II : TRADE UNIONISM:** 2.1. Labour Movement as a countermeasure to exploitation - History of trade union movement in India. 2.2. Right to trade union as part of human right freedom of association, amalgamation, rights and liabilities dissolution. 2.3. Legal control and protection of trade union: registration, amalgamation, rights and liabilities, dissolution. 2.4. Problems: multiplicity of Unions, over politicisation - intra-union and interunion rivalry, outside leadership, closed shop and union-shop, recognition of unions.
- Unit III : COLLECTIVE BARGAINING:** 3.1. Concept of collective bargaining. 6.2. International norms-conditions precedent -merits and demerits. 3.3. Bargaining' process. 3.3.1. Negotiation 3.3.2. Pressurization: Strike and Lockout, go- slow, work to rule, gherao. 3.4. Structure of bargaining: Plant, industry and national levels. 3.5. Duration and enforcement of bipartite agreement. 3.6: Reforms in law.
- Unit IV : STATE REGULATION OF INDUSTRIAL RELATIONS:**  
4.1. Theoretical foundations: Social Justice, labour welfare, public interest productivity, productivity, industrial peace and development, price control. 4.2. Recognition of mutual arrangements. 4.2.2. Assistance to bipartite settlement: Conciliation, voluntary arbitration, formulation of standing orders. 4.2.3. State prescription of machinery: reference for adjudication (the political overtones), the adjudicatory mechanisms (How do they differ from courts) Award and its binding nature, judicial review of awards. 4.2.4. State prescription of standards in layoff, strike, lockout, retrenchment, closure and transfer of undertakings. 4.3. The conception alconundrum: Industry, industrial disputes, workmen. 4.4. unfair labour practices.
- Unit V : DISCIPLINE IN INDUSTRY : RESTRAINTS ON MANAGERIAL PREROGATIVES:**  
5.1. Doctrine of hire and fire -history of management's prerogative. 5.2. Fairness in disciplinary process: 5.2.1. Punishment for misconduct -meaning of misconduct. 5.2.2. the right to know: the charge sheet. 6.2.3. the right to defend: domestic enquiry, notice, evidence, cross-examination, representation, unbiased inquiry officer and reasoned decision. 5.2.4. Prenatal (permission) and postnatal (Approval) control during dependency of proceedings (s.33 of the I.D. Act).



**Unit VI : REMUNERATION FOR LABOUR:** 6.1.Theories of wages: Marginal productivity, subsistence, wages fund, supply and demand and, residual claimant, standard of living. 6.2. Concepts of Wages (minimum wages, fair wages, living wages, need based minimum wages).6.3.Components of wages: dearness allowance, principle of fixation. 6.4. Disparity in wages indifferent sectors - Need for rationalisation and national approach.6.5.Wage determining process - modes and modalities 6.5.1.unilateral fixation by employer.6.5.2.Bilateral fixation 6.5.3.Conciliation, arbitration and adjudication. 6.5.4.Wage Board and Pay Commission. 6.5.5. Principles of Wage fixation.6.6. Concept of bonus - Computation of bonus6.7.Protection of Wages: Non-payment, delayed payment, unauthorised deductions remedial measures.

**Unit VII : HEALTH AND SAFETY:** 7.1. Obligations for health and safety of workmen-Legislative controls: Factory, mines, and plantations. 7.2. Employer's liability 7.2.1. Employee's compensation. 7.2.2. Employees' State Insurance 7.2.3.Liability for hazardous and inherently dangerous industries - Environmental protection.

**Unit VIII : LABOUR WELFARE :**8.1. Welfare provided by the employers and through bipartite agreements and by statutory prescription.8.2. Provident Fund and family pension. 8.3.Gratuity. 8.4. Inter-state migrant workmen - regulation of employment and conditions of service.8.5. Regulation of working hours: Statutory controls. 8.6. Women and labour force. 8.6.1. Equal Remuneration law, Maternity benefits, protective provisions for women under factories, plantations and Mines laws. 8.7.Employment of young persons – prohibition of employment of children, regulation of employment of young persons.

**Unit IX : PROTECTION OF THE WEAKER SECTIONS OF LABOUR:**

9.1.Tribal labour: Need for regulation. 9.2.Beedi workers9.3.Unorganised labour like domestic servants- Problems and perspectives. 9.4. Bonded Labour: Socio- economic programmes for rehabilitation. 9.5. Contract labour - regulation.9.6. Constitutional dimensions of labour standards.

## II /III LL.B.

### PAPER -II

#### INTERPRETATION OF STATUTES

- Unit I :** INTRODUCTION: 1.1.Difference between Construction and interpretation. 1.2.Concept and power of interpretation.1.2.1.Literal Construction. 1.2.2.Other principles of interpretation.1.3.GENERAL PRINCIPLES OF INTERPRETATION:1.3.1. The Primary rule: Literal construction.1.3.2.The other main principles of interpretation. 1.3.3. Reading words in their context: the external aspect. 1.3.4.Reading words in content: the statutory aspect.
- Unit II :** BENEFICIAL CONSTRUCTION AND RESTRICTIVECONSTRUCTION: 2.1. Consequences to be considered.2.2.Presumption against change in the common law 2.3. Mensrea in statutory offences
- Unit III :** THEORETICAL OR IDEOLOGICAL APPROACHES TOINTERPRETATION: 3.1. Judicial Restraint. 3.2. Judicial activism 3.3. Juristic restrained 3.4.Juristic activism.
- Unit IV :** PRESUMPTIONS REGARDING JURISDICTION:4.1.Presumptions against ousting established jurisdictions. 4.2.Presumptions against creating new and enlarging established jurisdictions 4.3. How far statutes affect the crown.FURTHER PRESUMPTIONS REGARDING JURISDICTION:4.4.Territorial extent of British legislation. 4.5.How far statutes conferring rights affect Foreigners. 4.6.Presumption against violation of International law.
- Unit V :** CONSTRUCTION TO AVOID COLLUSION WITH OTHERPROVISIONS, CONSTRUCTION MOST AGGREABLE TOJUSTICE AND REASON: 5.1. Presumption against intending what is inconvenient or unreasonable. 5.2. Presumption against intending injustice or absurdity. 5.3. Presumption against impairing obligations, permitting advantage from one's own wrong. 5.4.Retrospective operation of statutes.

- Unit VI : EXCEPTIONAL CONSTRUCTION:** 6.1. Modification of the Language to meet the intention. 6.2. Equitable construction. 6.3. Strict Construction of penal Laws. 6.4. Statutes encroaching on rights or imposing burdens. 6.5. Construction to prevent evasion. 6.6. Construction to prevent abuse of powers. **Unit VII: SUBORDINATE PRINCIPLES:** 7.1. Usage and contempance exposit 7.2. Construction imposed by statute. 7.3. Construction of words in bonam pattern 7.4. Change of Language. 7.5. Understanding associate words in a commonsense, and the expression unique. 7.6. General words following more specific. 7.7. Meaning of some particular expressions.
- Unit VIII : INTENTIONS ATTRIBUTED TO THE LEGISLATURE WHEN IT EXPRESSES NONE:** 8.1. Imperative and directory and enhancements. 8.2. Absolute and qualified duties. 8.3. Impossibility of compliance. 8.4. Waiver. 8.5. Public and private remedies.
- Unit IX : STARE DECISIS:** 9.1. The doctrine has inherited by us. 9.2. Techniques of innovation (subversion) of stare decisis. 9.3. Supreme Court's authority to overrule its own decisions (Eg. Antulay Case). 9.4. Advisory jurisdiction and its import on precedent. 9.5. Prospective overruling in India. 9.6. Objections to judicial review as anti majoritarian.
- Unit X : STATUTORY INTERPRETATION AS ASPECTS OF JUDICIAL PROCESS:** 10.1. Rules of statutory interpretation: their judge-made character. 10.2. Legalism and rule of literal interpretation. 10.3. Creativity : Mischief and Golden Rule. 10.4. Self Discipline: Rule of construction in Fiscal and Criminal Statutes. 10.5. Technicality: Rules as to necessary and implied repeal: Rules for interpretation of codifying, consolidating and amending statute. 10.6. Values and interpretation.
- Unit XI : Constructional interpretation:** 11.1. Differentiation from statutory interpretation Rex Vs. Burah as example. 11.2. Literal interpretations. 11.3. Harmonious construction. 11.4. Reference to Constituent Assembly debates. 11.5. Pith and substance. 11.6. Occupied field. 11.7. Residuary power. 11.8. Repugnancy. 11.9. Amending power. 11.10. Directive Principles as source of Constitutional interpretation.

**II /III LL.B.**  
**PAPER -III**  
**INTELLECTUAL PROPERTY LAWS**

**Unit I :** INTRODUCTORY: 1.1. The Meaning of Intellectual Property.1.2.Competing rationales of the legal regimes for the protection of intellectual property.1.3.The main forms of intellectual property - Copy right - Trade Marks, Patents, Designs -Geographical indications, Merchandise, Franchise and forms of unfair competition. 1.4. The competing rationalise for protection of rights 1.4.1.Copy right 1.4.2.trade marks1.4.3.Patents 1.4.4.designs.1.5. Introduction to the leading international instruments concerning intellectual property rights: the Berne convention. Universal Copy right convention, the Paris union, the world Intellectual property rights organization(WIPO) and the UNESCO, TRIPS, TRIMS, WTO.

**Unit II :** SELECT ASPECTS OF THE LAW OF COPYRIGHT ININDIA:2.1. Historical evolution of the law. 2.2. Meaning of copyright. 2.3. Copyright in literary, dramatic and musical works. 2.4.Copy right in Musical works and cinematograph films. 2.5. Ownership of Copyright.2.6.Assignment ofCopyright.2.7. Author's special Rights. 2.8.Nation of Infringement. 2.9.Criteria of Infringement. 2.10. Infringement of copyright by films of literary and dramatic works.2.11. Importation of Infringement. 2.12.Fair use provisions.2.12.Video piracy. 2.14.Aspects of Copyright Justice. 2.15.Remedies, especially the possibility of Anton Pillar Injunctive relief in India.

**Unit III :** INTELLECTUAL PROPERTY IN TRADEMARKS: 3.1. The rationale of protection of trade marks as (a) and aspect of commercial and (b) of consumer rights. 3.2. Definition Conception of Trade Marks.3.3.Registration. 3.4.Distinctionbetween Trade Mark and Property Mark.3.5. The Doctrine of Honest Concurrent user 3.6.The Doctrine of DeceptiveSimilarity.3.7.Passing off and Infringement, Criteria of Infringment 3.8.Standards of proof in passing-off action.3.9. Remedies.

**Unit IV : THE LAW OF INTELLECTUAL PROPERTY: Patents:** 4.1. Conception of patent. 4.2. Historical overview of the patents law in India. 4.3. Patentable Inventions with special reference to Biotechnology products entailing creation of new forms of life. 4.4. Process of obtaining a patent: Application, examination, opposition, and sealing of patents: general introduction. 4.4.1. The problem of limited locus stand to oppose, specially in relation to inventions having potential of ecological and mass disasters. 4.4.2. Wrongfully obtaining the invention. 4.4.3. prior publication or Anticipation. 4.4.4. Obviousness and the lack of Inventive Step. 4.4.5. Insufficient description. 4.5. Rights and obligations of a patentee. 4.5.1. Patents as chose in action. 4.5.2. Duration of patent: Law and Policy consideration. 4.5.3. Use and exercise rights. 4.5.4. Right to secrecy. 4.5.5. The notion of "abuse" of patent rights. 4.5.6. Compulsory Licenses. 4.6. Special Categories. 4.6.1. Employee Invention: Law and Policy Consideration. 4.6.2. Combination and selection patents. 4.6.3. International patents, Transfer of Technology, know-how and problems of self-reliant development. 4.6.4. Biotechnology patents. {New varieties of plant breeds and medical plants}. 4.6.5. Patents in Nuclear power. 4.7. Infringement. 4.7.1. Criteria of Infringement: 4.7.2. Onus of proof. 4.7.3. Modes of Infringement: The Doctrine of colourable variation. 4.7.4. Defences in suits of infringement. 4.7.5. Injunctions and related remedies. consideration of some aspects of reform in the law of intellectual property : 6.1. Information technology and exclusive marketing rights.

**Unit IV :** Intellectual property and remedies under Criminal Law.

**II /III LL.B.**  
**PAPER -IV**  
**LAND LAWS INCLUDING CEILING AND OTHER LOCAL LAWS**

- Unit I** : Ownership of land - Doctrine of eminent Domain - Doctrine of escheat.
- Unit II** : MOVEMENT OF LAW REFORMS: 2.1. Pre-Independence position – Zamindari Settlement - Ryotwari Settlement - Mahalwari system - Intermediaries - Absentee Landlordism - Large holdings. 2.2. Post-independence Reforms: 2.2.1. Abolition of Zamindaries. 2.2.2. Laws relating to Abolition of Intermediaries.
- Unit III** : LAWS RELATING TO ACQUISITION OF PROPERTY AND GOVERNMENTAL CONTROL AND USE OF LAND – LAND ACQUISITION ACT OF 1994.
- Unit IV** : LAWS RELATING TO CEILING ON LAND HOLDINGS: 4.1. Urban land ceiling. 4.2. Agricultural land ceiling.
- Unit V** : LAWS RELATING TO TENANCY REFORMS: 5.1. Land to the Tillor  
1.1 Rent control and protection against eviction.
- Unit VI** : LAWS RELATING TO ALIENATION/ASSIGNMENT IN SCHEDULED AREAS:
- Unit VII** : LAWS RELATING TO GRABBING
- Unit VIII** : FOREST LAWS-CONSERVATION OF FOREST ACT.

**II /III LL.B.**  
**PAPER -V**  
**LAW OF BANKING**

1. The Nature and Development of Banking
  - 1.1. History of Banking in India - Evolution.
  - 1.2. Constitutional perspectives - Union List, entries 36, 37, 38,43, 44, 45 and 46 - State List, entry 30 of List II.
  
2. Relationship of Banker and Customer
  - 2.1. Banker, Banking business, Meaning of Customer, Types of Customers, Types of Accounts.
  - 2.2. Contract between Banker and Customer, General relation, Legal relation - Their rights and duties.
  - 2.3. Banker's lien
  - 2.4. Banking instruments: Bank Notes, Bankers Drafts, Deposit receipts, Letter of Credit, Indemnities, Traveller's cheques, Postal orders, Dividend Warrants, Bonds.
  
3. Law Relating to Banking Companies in India:
  - 3.1. The Banking Companies Act, 1949. Extent and application.
  - 3.2. The Banking Regulation Act, 1948: Extent and application Business of Banking companies. Provisions for winding up.
  - 3.3. Reserve Bank of India Act, 1934. Characteristics and Functions, Objectives, Legal status and organisational structure functions such as: Banking. Currency, Banker to Government, Exchange Control over non-banking companies and supervision of other Banks (See Sections 17, 18 and 42).
  - 3.4. Cooperative Banking Law: Banking Regulation (Cooperative Societies) Rules, 1966 - Cooperative Credit Society Act, 1904and 1925.

4. Nationalisation of Banks: Banking Companies (Acquisition and Transfer of undertaking) Act, 1969 and 1970.
  - 4.1. Legislative competence for Nationalisation : Entries 43, 44 and 45 of List I, Entry 42 of List III, Entry 7 and 52 of List I, Entries 24, 26, 27 of List II, 33 of List III, Entries 54, 56 of List I, Articles 19(1) (f), 19(5), 31, 31(1).
  - 4.2. Banks before and after Nationalisation : Growth, assets and Disabilities, efficiency and profitability, Recovery, Frauds in Banks, Bank Robberies.
5. Foreign Exchange Control and Banking for Non Resident Indians.
  - 5.1. FEMA, 1999, Authorised Dealers in Foreign Exchange : Restrictions on dealing on payment
6. Law Relating to Negotiable Instruments: Negotiable Instruments Act, 1881; Meaning; Kinds of Negotiable Instruments – Promissory Notes, Bill of Exchange, Holder - Holder in due course, parties, Negotiation, Presentment, Discharge from liability, Dishonour – Noting and payment for honour of cheques, Crossing of Cheques, Pledge of stocks, shares, life policies, documents of title to goods – Guarantee and hypothecation.
7. Reforms in Indian Banking Law: The Indian Banking Commission and Banking Laws; Committee of Government of India - A review of their Recommendations.

#### BOOKS RECOMMENDED FOR STUDY:

1. Paget - Law of Banking
2. Sheldon - Law of Banking
3. Gulati - Banking Companies Act
4. Maheswari - Banking law and practice
5. Ravi R. Mehta - Fundamentals of Banking
6. Promod Kumar Mukargee - Modern Banking Theory
7. B.G. Papapolkar - Banking in India.



**III /III LL.B.**  
**Ninth Semester**  
**PAPER -I**  
**CIVIL PROCEDURE CODE AND LIMITATION ACT**

1. INTRODUCTION:
  - 1.1 Conceptions of Civil Procedure in India before the advent of the British Rule
  - 1.2 Evolution of Civil Procedure from 1712 to 1901,
  - 1.3 Principal features of the Civil Procedure Code
  - 1.4 Importance of State Amendments
  - 1.5 Types of Procedures - Inquisitorial & Adversary -Importance of observance of Procedures.
2. SUITS:
  - 2.1 Concept of Law Suit
  - 2.2 Order I, Parties to Suit
  - 2.3 Order II, Frame of Suit
  - 2.4 Order, IV, Institution of Suits
  - 2.5 Bars & Suit: Doctrines of Res Sub Judice & Res Judicata
  - 2.6 Place of Suing (Section 15,20) - Territorial Jurisdiction.
  - 2.7 "Cause of Action" and Jurisdictional Bars
  - 2.8 Summons (Sections 27,28,31, orders V, VI,IX)
  - 2.9 Service of Foreign Summons (Section 29)
  - 2.10 Power for order (Section 30, Order XI)
3. PLEADINGS: (ORDER VI)
  - 3.1 Material Facts
  - 3.2 Forms of Pleading
  - 3.3 Condition Precedent
  - 3.4 Presumptions of Law
  - 3.5 Striking Out / Amendment
4. PLAINT: (ORDER VII)
  - 4.1 Particulars (esp. in money suits / suits for immovable property)
  - 4.2 Showing of defendant's interest and liability
  - 4.3 Ground of Limitation
  - 4.4 Return of Complaint
  - 4.5 Rejection of Complaint
  - 4.6 Production and listing of Documents
  - 4.7 Written Statement
  - 4.8 Counter-Claim
  - 4.9 Set-off
  - 4.10 -Framing of issues
5. APPEARANCE AND EXAMINATIONS:
  - 5.1 Appearance
  - 5.2 Ex parte procedure
  - 5.3 Default of Parties
  - 5.4 summoning and attendance of witnesses
  - 5.5 Examination
  - 5.6 Admissions
  - 5.7 Production, Impounding and Return of Documents
  - 5.8 Hearing
  - 5.9 Affidavit.
6. ADJOURNMENTS:
  - 6.1. Order XVII
  - 6.2. Adjournment, Judicial Discretion and Problems of arrears

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***"All love is expansion;, all selfishness is contraction. Love, therefore, is the only law of life. He who loves lives, he who is selfish is dying. Therefore, love for love sake, because it is the only law of life, just as you breathe to life". Swami Vivekananda***

7. JUDGEMENT AND DECREE:
  - 7.1 Concepts of Judgment, Decree, and Interim Orders and stay
  - 7.2 Injunctions
  - 7.3 Appointment of Receivers
  - 7.4. Costs.
8. EXECUTION: (ORDER. XXI)
  - 8.1 Concept of "Execution"
  - 8.2 General Principles of Execution
  - 8.3 Power of Execution of Decrees Rules (38-46)
  - 8.4 Procedure for Execution Rules (51-54)
  - 8.5 Enforcement: Arrest and Detention (Sections 55-59)
  - 8.6 Attachment (Rules 60-64)
  - 8.7 Sale (Rules 65-67)
9. SUITS IN PARTICULAR CASES:
  - 9.1 Suits by or against Government (Sections 79-82)
  - 9.2 Suits by Aliens and by or against Foreign Rulers, Ambassadors (Sections 91-93)
  - 9.3 Suits relating to public matters.
  - 9.4 Incidental and supplementary Proceedings (Sections 75-78,94-95)
  - 9.5 Suits against Minors, persons with unsound mind, indigent persons etc.
  - 9.6 Interpleader suits.
10. APPEALS:
  - 1.1 Appeals from original Decrees (Sections 96-99-A and Order XLI)
  - 1.2 Appeals from Appellate Decrees (Sections 100-101)
  - 1.3 Appeals from Orders (Sections 104-106) (Or XLIII)
  - 1.4 General Provisions Relating to Appeals (Sections 107-108)
  - 1.5 Appeals to the Supreme Court (Section 108)
11. COMMISSIONS:
  - 11.1 The Rationale of Commissions
  - 11.2 Order XXVI
  - 11.3 Socio-Legal Commissions of Inquiry in "Social Action" or "Public Interest Litigation"
12. LAW REFORMS
13. LIMITATION
  - 13.1 Concept of Limitation - Why Limitation?
  - 13.2 General Principles of Limitation
  - 13.3 Extension - sufficient cause – acknowledgement
  - 13.4 Legal disability - Condonation - Which comes to an end?
  - 13.5. The Limitation Act, 1963 (Excluding Schedules).

**III /III LL.B.**  
**PAPER -II**  
**CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND**  
**PROBATION OF OFFENDERS ACT**

1. INTRODUCTORY:
  - 1.1 The rationale of Criminal Procedure: the importance of Fair Trial.
  - 1.2 Constitutional Perspectives: Articles 14, 20&21.
  - 1.3 The variety of Criminal Procedures and
  - 1.4 The organization of police, prosecutor, defence counsel and prison authorities their duties, functions and powers.
  - 1.5 Types of Procedures - Inquisitorial & Adversary -Importance of Procedure.
  
2. PRE-TRIAL PROCESS : ARREST
  - 2.1 The distinction between “Cognizable” and non-cognizable offences: relevance and adequacy problems.
  - 2.2 Steps to ensure accused’s presence at trial : warrant and Summons cases.
  - 2.3 Arrest with and without Warrant (sections 70-73, and 41)
  - 2.4 The absconder status (sections 82, 83,84,&85)
  - 2.5 Rights of the arrested
    - 2.5.1 Right to be informed of Grounds of arrest (sections 60(1), 55, 75)
  - 2.6 Right to be taken to magistrate without Delay (sections 56,57)
  - 2.7 Right of not being detained for more than twenty four hours (section 57),Article 22(2) of the Constitution of India.
  - 2.8 Right to consult legal practitioner and legal aid.
  - 2.9 Right to be examined by a medical practitioner (section 54).
  
3. PRE-TRIAL PROCESS: SEARCH AND SEIZURE
  - 3.1 Search warrant (sections 83, 94,97, 98) and searches without warrant (section 103)
  - 3.2 Police search during investigation (section 165,166,153)
  - 3.3 General Principles of Search (Section 100)
  - 3.4 Seizure (section 102)
  - 3.5 Constitutional aspects of validity of Search and Seizure proceedings.
  
4. PRE - TRIAL PROCESS: FIR
  - 4.1 F.I.R. (Section 154)
  - 4.2 Evidentiary value of F.I.R. (see Sections 145 and 157 of Evidence Act)
  
5. Pre-Trial process : Magisterial Powers to take cognizance.(Sections 195 to 199 Cr. P.C.)

6. TRIAL PROCESS:
  - 6.1 Commencement of Proceedings: (Sections 200,201,202)
  - 6.2 Dismissal of Complaints (Sections 203, 204)
  - 6.3 Bail: 6.3.1 "Bailable" and Non-Bailable" offences (section 436, 437, 439) 6.3.2 Cancellation of bails (section 437(5)) 6.3.3 Anticipatory bail (section 438) 6.3.4 Appellate bail Powers - suspension of sentence (section 389(1),395(1),437(5)) 6.3.5 General Principles concerning Bond (Sections 441-450) 6.3.6 Constitutional Principle regarding Bail.
  
7. FAIR TRIAL:
  - 7.1 Conception of Fair Trial
  - 7.2 Presumption of innocence
  - 7.3 Venue of trial (sections 177-189) - Jurisdiction of Criminal Courts.
  - 7.4 Right of Accused to know the Accusation (Sections 221-224)
  - 7.5 The trial must generally be held in accused's presence (Section 205, 273,317)
  - 7.6 Right to Cross examine and to offer evidence in defence.
  - 7.7 Constitutional Interpretation of Article 21 as a right to speedy trial.
  
8. CHARGE:
  - 8.1 Form and Content of Charge (sections 211,212,216)
  - 8.2 Separate charges for distinct - offences (Sections 218,219,220,221,223)
  
9. PRELIMINARY PLEAS TO BAR TRIAL
  - 9.1 Jurisdiction (Sections 26, 177-188,461,462,479)
  - 9.2 Time Limitations: Rationale and Scope (sections 468-473)
  - 9.3 Pleas of autrefois acquit and autrefois convict (section 300, Article 20(2) of the Constitution of India.
  
10. TRIAL BEFORE A COURT OF SESSION:
 

(Procedural steps and substantive rights under Sections 226-236)
  
11. JUDGEMENT
  - 11.1 Form and Content (section 354)
  - 11.2 Summary trial (Sec. 350)
  - 11.3 Post - Conviction orders in lieu of punishment: emerging penal policy (section 360,361,31)
  - 11.4 Compensation and Cost (section 357,358)
  - 11.5 Modes of providing judgement (Section 353, 362, 363)
  
12. APPEALS & REVISION
  - 12.1 No appeal in certain cases (sections 372, 375, 376)
  - 12.2 The rationale of appeals review, revisions.
  - 12.3 the multiple range of appellate remedies:
    - 12.3.1 Supreme Court of India (sections 374, 379, Articles 132, 134;
    - 12.3.2 High Court (section 374)
    - 12.3.3 Sessions Court (Section 374)
    - 12.3.4 Special right to appeal (section 380)
    - 12.3.5 Governmental Appeal against Sentencing (sections 377,378)
    - 12.3.6 Judicial Powers in disposal of appeals (Sec. 168)
    - 12.3.7 Legal Aid in Appeals.
  
13. Reform of criminal procedure -select areas
  
14. PROBATION
  - 14.1 Problems and principles
  - 14.2 Suspension of sentence

15. PAROLE

15.1 Meaning of Parole 15.2 Authority granting Parole 15.3 Supervision 15.4 Conditional release.

16. Procedures under the Probation of Offenders Act.

17. SPECIAL PROCEDURES IN CRIMINAL MATTERS.

17.1 Procedures under The Juvenile Justice [Care and Protection of Children] Act, 2000. 17.2 Juvenile Justice System 17.3 Treatment and rehabilitation of Juveniles 17.4 Juvenile-adult crimes 17.5 Protection of Juvenile offenders - Legislative and Judicial role 17.6 Concept of Juvenile Delinquency.

**III /III LL.B.**  
**PAPER -III**  
**LAW OF EVIDENCE**

1. INTRODUCTORY

1.1 Conceptions of evidence in classical Hindu and Islamic Jurisprudence.1.2 Evidence in Customary Law Systems (non-state law) 1.3The Introduction of the British “Principles” of evidence. 1.4 The Main Features of the Indian Evidence Act, 1862. 1.5 Other Acts which deal with Evidence (special reference to C.P.C., Cr.P.C., Cerebral Acts such as Banker’s Book Evidence Act, Commercial Documents Evidence Act, Fiscal and Revenue Laws etc.) 1.6 Problem of Applicability of Evidence Act. 1.6.1 Administrative 1.6.2 Administrative Tribunals 1.6.3 Industrial Tribunals 1.6.4 Commissions of Inquiry1.6.5 Court-martial 1.6.6 Need for Industrial Tribunals, Commissions of Inquiry, court-martial, unfair means at examinations, arbitration, disciplinary proceedings.

2. CENTRAL CONCEPTIONS IN LAW OF EVIDENCE:

2.1 Facts: Section 3 definition & distinction (relevant facts/facts in issue) 2.2 Evidence: Oral and documentary (is “real” or “Material” Evidence, covered by this) - Primary and secondary evidence. 2.3Circumstantial Evidence and Direct Evidence - Hearsay Evidence2.4 Presumption (Section 4) 2.5 “Proving” and “Disproving” 2.6Witness 2.7 Appreciation of Evidence

3. FACTS:RELEVANCY

3.1 The Doctrine of res gestae (Section 6,7,8) 3.2 Evidence of Common Intention (section 10) 3.3 The problems of relevancy of “Otherwise” - Irrelevant Facts 3.4 Relevant Facts for Proof of Custom (Section 13) 3.5 Facts concerning bodies & mental state (Sections 14,15)

4. ADMISSIONS AND CONFESSIONS

4.1 General Principles concerning Admissions (Sections 17-23) 4.2Differences between “Admission” and “Confession” 4.3 The problems of non-admissibility of confessions caused by “Any inducement, threat or promises” (section 24) 4.4 Inadmissibility of Confession made before a Police Officer (section 25) 4.5 Admissibility of “ Custodial” Confessions (section 26) 4.6 Admissibility of “information” received from an accused person in custody; with special reference to the problem of discovery based on “joint statement” (Section27) 4.7 Confession by co-accused (section 30) 4.8 The problems with the judicial action based on a “retracted confession”

5. DYING DECLARATIONS:

5.1 The justification for relevance on dying declarations (Section 32) 5.2 The judicial standards for appreciation of evidentiary value/of dying declarations.

6. OTHER STATEMENTS BY PERSONS WHO CANNOT BE CALLEDAS WITNESS

6.1 Section 33(2) to (8): general principles. 6.2 Special Problems concerning violation of women’s right in marriage in the Law of Evidence:

## 7. RELEVANCE OF JUDGEMENTS

7.1 General Principles (Sections 40-44) 7.2 Admissibility of Judgments in Civil and Criminal matters (Section 43) 7.3 "Fraud" and "collusion" (Section 44)

## 8. EXPERT TESTIMONY:

8.1 General Principles (Sections 45-50) 8.2 Who is an expert? Types of Expert Evidence 8.3 Opinion on Relationship especially proof of marriage (Section 50) 8.4 The problems of judicial defence to expert testimony.

## 9. ORAL AND DOCUMENTARY EVIDENCE:

9.1 General Principles Concerning Oral Evidence (Sections 59-60) 9.2 General Principles concerning Documentary Evidence (Sections 67-90A) 9.3 General Principles Regarding Exclusion of Oral Evidence by Documentary Evidence 9.4 Special Problems regarding Hearsay Evidence 9.5 Estoppel in relation to oral and documentary evidence.

## 10. WITNESSES, EXAMINATION AND CROSS EXAMINATION.

10.1 Competency to Testify (Section 118) 10.2 State Privilege (Section 123) 10.3 Professional privilege (Section 126, 127, 128) 10.4 Approver Testimony (Section 133) 10.5 General Principles of Examination (Sections 135-166) 10.6 Leading Questions (Sections 141-143) 10.7 Lawful Questions in Cross-Examination (Section 146) 10.8 Compulsion to answer questions put to witness (Section 70, 147, 11, 53) 10.9 Hostile witness (Section 154) 10.10 Impeaching of the standing or credit of witness (Section 155)

## 11. BURDEN OF PROOF:

11.1 The general conception of onus probandi (Section 101) 11.2 General and Special Exceptions to Onus Probandi .11.3 The justification of presumptions and of the doctrine of judicial notice 11.4 Justification as to presumption as to certain offences (Section 113A) 11.5 Presumption as to Dowry Death (Sections 113-B) 11.6 The Scope of the Doctrine of Judicial Notice.

## 12. ESTOPPEL:

12.1 What is Estoppel? Introduction as to the rationale (Section 115) 12.2 Estoppel, Res Judicata and Waiver; and Presumption 12.3 Estoppel as a matter of Defence 12.4 Estoppel by Deed 12.5 Estoppel in fact 12.6 Equitable and promissory estoppel 12.7 Questions of corroboration (Sections 156-157) 12.8 Improper admission and of witness in civil and criminal cases.

## 13. LAW REFORM

Arising out of discussion of these areas, the class should take up issues of law reform. The Sixty-Ninth Report on the Indian Evidence Act by the Law Commission of India proposes many changes. Some of these must be considered closely in this topic especially those which relate to the promotion of human rights in the administration of justice.

**III /III LL.B.**  
**PAPER -IV**  
**ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE**  
**RESOLUTION SYSTEMS**

**Unit 1: JUDICIAL DISPUTE RESOLUTIONS:**

- 1.1 Characteristics 1.1.1 Operating Principles 1.1.1.1 Party participation and Control 1.1.1.2 Short focus on issues 1.1.1.3 Reasoned Decision 1.1.1.4 Finality 1.1.2 Adversary Process 1.1.3 Why courts do and do not do effectively? 1.2 Advantages and Disadvantages of such resolution
2. ALTERNATE DISPUTE RESOLUTION:
  - 2.1 Alternate to formal adjudication - Techniques processes 2.1.1 Unilateral - Bilateral - triadic (Third party) Intervention 2.2 Advantages - Limitations 2.3 Negotiations 2.4 Conciliation 2.5 Distinction between arbitration - conciliation and negotiation
3. DISTINCTION BETWEEN JUDICIAL SETTLEMENT AND ALTERNATE DISPUTE RESOLUTION:
4. THE ARBITRATION AND CONCILIATION ACT, 1996
  - 4.1 Background of the Act 4.2 Efforts of United Nations commission on International Trade Law 4.3 Model Arbitration Law 4.4 Recommendations of Law Commissions of India.
5. ARBITRATION
  - 5.1 Definitions of "Arbitration". "Arbitrator", "Arbitration Agreement"
  - 5.2 Appointment of "Arbitrator" 5.3 Grounds for challenging the arbitrator 5.4 Termination of Arbitrator.
6. PROCEEDINGS IN ARBITRAL TRIBUNALS:
  - 6.1. Arbitral Award 6.2 Termination of Proceedings 6.3 Setting aside of arbitral award 6.4 Finality and Enforcement 6.5 Appeals 6.6 Power of the High Court to make rules
7. ENFORCEMENT OF FOREIGN AWARDS:
  - 7.1 New York and Geneva Convention Awards
8. CONCILIATION:
  - 8.1 Meaning and Definition 8.2 Appointment of conciliators 8.3 Powers and functions of conciliators 8.4 Conciliation agreements 8.5 Conciliation Proceedings 8.6 Enforceability
9. ALTERNATE MODES OF DISPUTE RESOLUTIONS:
  - 9.1 Role of Panchayat 9.2 Role of Grama Sabhas 9.3 Lokpal-Lakayukta 9.4 Lok Adalats 9.5 Family Court-Counselling centers 9.6 Tribunals
10. LEGAL SERVICES AUTHORITY
11. ROLE OF N.G.OS IN DISPUTE RESOLUTIONS



**III /III B.A.,LL.B.**  
**PAPER -V**  
**LAW OF INSURANCE**

Insurance - Definition and meaning of the term - Insurance Distinguished from wager and conditional contracts - History of Insurance in England and India in brief-out line - Kinds of Insurance: Life, Fire and Marine, Accident, Burglary and other Insurance - Construction of Insurance Policies - Subject matter of Insurance - The Risk - The Premium -Double Insurance - Reinsurance - Conditions in Insurance - Non-Disclosure, Misrepresentation, Waiver and estoppel - contribution -Subrogation.

LIFE INSURANCE : Basis of the contract - event insured against -circumstances affecting the risk - assignment of life policies – payment under life policies.

FIRE INSURANCE: Perils insured against - Proximate cause - Interest in particular cases - Assignment of Interest - Reinstatement - Salvage.

MARINE INSURANCE: Peril insured against - Assignment of policy -Avoidance of policy - General average - Measures of loss for which in surersare liable - Total loss - Redemption.

**BOOKS FOR STUDY:**

1. K.S.N. MURTHY: MODERN LAW OF INSURANCE IN INDIA
2. E.W. PATTERSON: ELEMENTS OF INSURANCE LAW
3. MAC GILI/VARY: INSURANCE LAW
4. Mc ARNOLD: LAW OF MARINE INSURANCE

**III /III LL.B.**  
**Tenth Semester**  
**PAPER -I**  
**LAW OF TAXATION (OR) WOMEN AND THE LAW**

**INCOME TAX:** Definition of Income Tax, Agricultural income, casual income, Basis of charge and Principles relating thereto; Assessee, Residential and legal status of a person, previous year, Assessment, year, Income chargeable under the Head 'Salaries', perquisites and method of valuing perquisites such as (a) rent free residential accommodation, (b) accommodation provided at concessional rates (c) Free gas, electricity or water (d) Free educational facilities (e) Free Transport provided by employer. Income from house property: Kinds of income chargeable to tax under the head 'Profits and Gains of Business' - Definition of capital gains and mode of its computation - Income from other sources - Double taxation relief - Self assessment; deduction of tax at source; the enforcement machinery.

**WEALTH TAX:** Concept of 'Assets', net wealth, Valuation date, charge of wealth tax, Deemed assets, exempted assets, self - assessment and regular assessment. The Wealth Tax Act, 1957 was removed from Financial Year 2015-16 onwards.

**SALES TAX:** Definition of 'Sales Tax', 'Turnover' registration of dealers, Sale or purchase of goods in the course of import and export. Power of Government to notify exemptions and reduction of Tax.

**BOOKS FOR STUDY:**

1. KANGA AND PALKHIVALA: INCOME TAX
2. BATTACHARYA, S: LAW AND PRACTICE OF WEALTH TAX
3. THE A.P. GENERAL SALES TAX ACT.
4. THE CENTRAL SALES TAX ACT.

## **WOMEN AND THE LAW**

Historical Background - Preamble of the Indian Constitution – Equality provisions in fundamental Rights and Directive Principles of State Policy; Art 23 - Different personal Laws regarding marriage, divorce and succession in Hindu, Muslim and Christian Laws - Uniform Civil Code towards gender justice.

Criminal Law - Adultery, Rape and Bigamy, Matrimonial Cruelty under Indian Penal Code, 1860.

Dowry Prohibition Act of 1961 - Dowry Death and Dowry suicide. Termination of pregnancy and female child- Amniocentesis. Women and Employment - Special Provisions Labour Laws regarding Women- Inadequate implementation of protective labour legislation-Matrimonial property.

### BOOKS FOR STUDY:

1. S.P. SATHE : TOWARDS GENDER JUSTICE
2. DR. VIJAY SHARMA : PROTECTIONS TO WOMEN  
IN MATRIMONIAL HOME
3. DR. SAROJINI SAXENA : FEMIJURES (LAW RELATING  
TO WOMEN IN INDIA)
4. DR.ARCHANA PARASHER : WOMEN AND FAMILY LAW  
REFORM IN INDIA
5. MALLADI SUBBAMMA : WOMEN AND SOCIAL RE FORM
6. DR. PARAS DIWAN : DOWRY AND PROTECTION  
TO MARRIED WOMEN
7. MARY WOLLSTONECRAFT : A VINCICAN OFTHE RIGHTS  
OF WOMEN

**III /III LL.B.**  
**PAPER -II**  
**DRAFTING, PLEADINGS AND CONVEYANCING**

Class room instructions and simulation exercises on the following items shall be extended :

- 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) Execution 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:
    - (i) Sale Deed (ii) Mortgage Deed (iii) Lease Deed (iv) Gift Deed (v) Promissory Note (vi) Power of Attorney (vii) Will
- There shall be a university written examination of this paper for 80 marks and internal assignment carrying 20 marks. The candidate shall get a minimum 1/3 rd of marks allocated for each component and 40% aggregate of the total.

**III /III LL. B.**  
**PAPER -III**  
**PROFESSIONAL ETHICS, ACCOUNTANCY OF LAWYERS AND**  
**BAR-BENCH RELATIONS**

**Unit - I**

1.1. Law and Legal profession - Development of Legal profession in India.1.2 Right to practice - a right or privilege? Constitutional guarantee under article 19(9) and its scope.

**Unit - II**

2.1 Regulation governing enrolment and practice. 2.2 Practice of Law - Whether a business? 2.2 Solicitors firm - Whether an Industry 2.3 Elements of Advocacy

**Unit - III : Ethics**

3.1 Seven lamps of advocacy 3.2 Advocates duties towards Public, Clients, Court, towards other advocates and Legal Aid.3.3 Bar Council Code of Ethics.

**Unit - IV**

4. Disciplinary proceedings.

4.1 Professional misconduct - disqualifications 4.2 Functions of Bar Council of India/State Bar Councils in dealing with the Disciplinary proceedings. 4.3 Disciplinary Committee 4.4 Disqualifications and removal from rolls. \*50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgements of the Supreme Court on the subject to be covered.

**Unit - V - Bar - Bench relations**

**Unit - VI : Accountancy of Lawyers**

6.1 Nature and functions of accounting. 6.2 Important branches of accounting 6.3 Accounting and Law 6.4 Use of knowledge of accountancy in Legal Disputes especially arising out of Law of Contracts, Tax Law, etc. 6.5 Accountancy in Lawyers office/firm. 6.5.1 Basic financial statements. - Income & Loss account- Balance sheet - Interpretation thereof - Feature of Balance sheet 6.5.2 Standard Costing. There shall be a University written examination on this paper for 80 marks and viva voce examination carrying 20 marks. The candidate shall get a minimum 1/3 rd of marks allocated for each component and 40% on the aggregate.

**III /III LL.B.**  
**PAPER -IV**  
**MOOT COURTS, PRE-TRIAL PREPARATIONS AND**  
**PARTICIPATION IN TRIAL PROCEEDINGS**

- A) Moot Court (80 Marks) : Every student shall attend two moot courts. The Moot Court work will be on assigned problems one civil and one criminal. It will be evaluated for 40 marks for each by the Moot Court Committee.
- B) Observance of Trial in two cases, one civil and one criminal (20marks).Students will attend two trials in the course of the last two semesters of 3 and 5 year law 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 20 marks.

**III /III LL. B.**  
**PAPER -V**  
**PUBLIC INTEREST LAWYERING LEGAL AID AND**  
**PARA LEGAL SERVICES**

1. Classroom instructions shall be imparted on the following topics:1. Use of computers in legal work 2. Legal Refreshing in support of PIL 3. Case Comments 4. Editing of Law Journal. 5. Writing an article on the topics of Law 6. Law office management

A University examination for 80 marks shall be conducted on the above topics at the end of the academic year

- II The following extension work shall be under taken by the students and the college / Department concerned shall facilitate the same1. Lok-Adalat 2. Legal Aid Camp 3. Legal Literacy 4. Para legal training5. Negotiation and the counselling These extension works shall be recorded and these records shall be evaluated by the teacher concerned. 20 marks are allocated for the same. The candidate shall get a minimum of 1/3 rd of marks allocated for each component and 40% on the aggregate in order to qualify and pass in the above paper. The above record shall be submitted to the University which may cause verification if necessary.

## MOOT COURT EXERCISE AND INTERNSHIP

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

- a) 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.
- b) Observance of Trial in two cases, one Civil and one Criminal (30Marks). Students may be required to attend two trials in the course of the last two or three years of LL.B., studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. The scheme will carry 30 marks.
- c) Interviewing techniques and Pre-trial preparations and Internship diary(30Marks).

Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

- d) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

“There is one kind of robber, whom law doesn't strike at, and who steals what is most precious to men and that is undoubtedly, TIME”. Napoleon Bonaparte



END