

LL.B. (Five Year Course)
Ist to Xth Semester

Prospectus No.

संत गाडगे बाबा अमरावती विद्यापीठ

SANT GADGE BABA AMRAVATI UNIVERSITY

विधिशाखा
(FACULTY OF LAW)

PROSPECTUS

Prescribed for
Bachelor of Law (Semester pattern)
Ist to Xth Semester
Session 2011-2012



2011

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Syllabus of LL.B. (5 Year Course)**Semester Ist****Paper-English**

(Implemented from the session 2009-2010)

Total Marks : 100

1. Seven Prose Selections from EASY ENGLISH by Suresh Chandra, S. Chand Publications (25 Marks)

1. Essential of Education ... Sir. Richard Livingstone
2. Child Marriage ... M.K. Gandhi
3. The panorama of India's Past ... J.L. Nehru
4. My Lost Dollar ... Stephen Leacock
5. The Tiger for Malgudi ... R.K. Narayanan
6. The Golden Wathc ... Mulk Raj Anand
7. The Two Friends ... Margret Atwood

2. Seven Poetic Selections from EASY ENGLISH by Suresh Chandra, S. Chand Publications (25 Marks)

1. Wander Thirst ... Gerard Gould
2. Trees ... Keshav Meshram
3. The Cloud ... P.B. Shelley
4. Stopping by Woods on a Snowy Evening ... Robert Frost
5. The Railway Clerk ... Nissim Ezekeil
6. The Unknown Citizen ... W.H. Auden
7. Yussouf ... James russell Lowell

3. Composition (20 Marks)

1. An Essay of 250 words on Socio – Cultural Topics
2. Letter Writing – Formal, Informal and Letter to the Editor

4. Vocabulary (10 Marks)

1. Synonyms
2. Antonyms
3. One Word Substitution

5. Grammar (10 Marks)

1. Active and Passive Voice
2. Direct and Indirect Speech
3. Question Tag
4. Affirmative and Negative Sentence
5. Exclamatory Sentence

6. Comprehension (10 Marks)

1. Unseen passage with five questions
2. Precis Writing

**Paper-I
Political Science**

Total Marks : 100

1. Nature and scope of Political Science
2. The State, Elements of State, State distinguished from Society, Government, Association and nation.
3. Sovereignty – Meaning, Characteristics and kinds.
4. Pluralism – Meaning and essential features.
5. Nation and Nationality.
6. Constitution, Characteristics of good Constitution, Classification of Constitutions, Constitutionalism.
7. Political Ideas of Karl Mark
8. Democracy – Meaning, Kinds, conditions necessary for successful working of democracy
9. Socialism, Meaning and Arguments, Democratic Socialism.
10. Political Ideas of M. Gandhi.

Recommended Books.

1. Principles of Political science – A.C. Kapoor.
2. Principles of Political Science – R.C. Agrawal
3. Principles of Political Science – J.C. Johari.

**Paper-I
History (Ancient Times)****I. Sources of Ancient Indian History.****A. Literary Sources**

- 1) Religious - Hindu Text
Buddhist Text
Jain Text

- 2) Foreign Travelers and Writers.
- 3) Contemporary works.

B. Archaeological Sources

- 1) Monuments
- 2) Inscriptions
- 3) Numis Maties.

II. Origin of Kinship

1. Origin of Kinship
2. Duties and Checks on King
3. Council of Ministers
4. Sabha and Samiti

III. Republics in Ancient India

1. Lichchhavis – Origin – Constitution

2. Magadhe – Bimbisane Ajestshatru

IV. Systems of Administration

- (A) Mourya - Central Administration
Provincial Administration
Judicial Administration
Municipal Administration
- (B) Guptas - Central Administration
Provincial Administration
Local Administration
Judicial Administration

V. Age of Satavahena.

VI. Religions

- (A) Buddhism
- (B) Jainism
- 1) Teaching
 - 2) Causes of Spread
 - 3) Decline

VII. (A) Art and Architecture in Ancient India

- 1) Buddhist
- 2) Jain
- 3) Hindu
- 4) Kushan

(B) Literature

Sangam Literature

- (C) Education – Nalanda
- Takshasheela
- (D) Society – Position of Women

VIII. Judicial Administration in Ancient India

- 1) Ancient Law - givers
- 2) Jury System
- 3) Judges and their Duties
- 4) Royal Court and other Popu. Courts.
- 5) Judicial Procedure.
- 6) Crimes and Punishments.

Books recommended :-

- 1) A.S. Altekar - State and Govt. in Ancient India
- 2) Beni Prasad - The Political Theory in ancient India
- 3) R.C. Mujumdar - Ancient India
- 4) D.D. Kosambi - The Culture and Civilization of Ancient India
- 5) R.K. Mookerji - Hindu Civilization

- 6) V.D. Mahajan - Ancient India
- 7) K.L. Khurana - Ancient India
- 8) K.P. Jaiswal - Hindu Polity
- 9) Beni Prasad - State in Ancient India
- 10) D.R. Bhandakar - Some aspects of Ancient India.

**ECONOMICS – I
MICROECONOMICS**

100 Marks

Unit – I NATURE AND SCOPE OF ECONOMICS

- Definition of Economics - Adam Smith, Marshall, Robbins and P.A. Samuelson.
- Critical Evaluation of Robbin's Definition
- Positive Economics and Normative Economics
- Approaches to Economic Analysis : Micro Economics and Macro Economics
- Relevance of Economics to Law, What is Law, Salient features of Laws.

Unit-II METHODS AND LAW OF ECONOMICS

- Deductive Method and Inductive Method.
- Fundamental Problems of an Economy
- Nature and Limitations of Economic Laws.
- Difference between : Economic Laws, Laws of Physical Sciences, Laws of State and Moral Laws.

Unit-III THE THEORY OF CONSUMER'S BEHAVIOUR

- Utility Cardinal and ordinal approaches, meaning of utility total utility and marginal utility, characteristics of utility
- Law of Diminishing Marginal Utility : Assumptions, Explanation, Importance and Limitations to the Law.
- Critical evaluation of Marshall's Cardinal Marginal Utility Analysis.

Unit-IV UTILITY ANALYSIS OF DEMAND.

- Demand :- Its meaning types, factors influencing demand, (variations and changes in demand) Extension of demand and contraction in demand, Increase and decrease in demand.
- Law of Demand : Assumptions, Explanation and Exceptions to the Law.
- Elasticity of Demand : Kinds, Concept and Measurement of Price Elasticity of Demand, Determinants of elasticity of demand, Importance of Elasticity of demand.

Unit-V SUPPLY

- Meaning of supply, supply land stock, factors determining supply
- Law of supply : Supply Schedule, Supply Curve, assumptions and exceptions.
- Extension land contraction in supply ; Changes in supply.

Unit-VI THEORY OF PRODUCTION

- Factors of Production
- Meaning of Production
- Land, Labour, Capital characteristics entrepreneur functions.

Unit-VII COST OF PRODUCTION

- Concept of Cost of Production.
- Nominal and Real Cost, Economic Cost.
- Implicit and Explicit Cost.

Unit-VIII MARKET STRUCTURE

- Meaning of Market and classification of market structure.
- Perfect competition : characteristics
- Monopoly, Oligopoly, Monopolistic competition characteristics
- Concept of Revenue Average Revenue; Marginal Revenue.

Unit-IX PRICE-OUTPUT DETERMINATION UNDER PERFECT COMPETITION.

- Price determination under perfect competition.
- Equilibrium price.

Unit-X BUSINESS ORGANIZATION

- Chief forms of Business organization.
- Advantages and disadvantages of business organization.

Suggested Books.

- 1) M.L. Jhingan -Micro Economics (Konark Publishers, New Delhi)
- 2) Gauld, U.P. and Edward P.L.(1996), Microeconomic Theory Richard Irwin. Homewood.
- 3) Ray, N.C. - An Introduction to Microeconomics, Macmillon Company of India Ltd. Delhi.
- 4) Myneni S.R. - Principles of Economics for Law Students.
- 5) K.K. Dewett - Modern Economics Theory
- 6) Meyers - Elements of Modern Economics Varian, H.R. (2000) Intermediate Microeconomics; A modern Approach (5th Edition), East – West press New Delhi.
- 7) E. Benham- Economics
- 8) Prof.Pimparkar and Baper E. Business Economics Part-I Orient Longmans.

- 9) Prem J. Bhutani - Principles of Economics (Taxmann)

**PHILOSOPHY-I
PAPER-I (LOGIC)**

Marks : 100

1. Definition and Scope of Logic
 - (a) Nature and definition of logic
 - (b) Knowledge
 - Sources of knowledge.
 - Forms of knowledge
 - (c) Argument
 - Structure of argument.
 - Premise and conclusion
 - Deductive and inductive argument.
 - Form and matter.
 - Truth and Validity.
 - Formal and material truth..
 - (d) Science :- Positive and normative.
 - (e) Logic and Psychology .
2. Terms
 - (a) Words and terms : Categorematic and syncategorematic words
 - (b) Definition of term.
 - (c) Division of terms.
 - Simple and composite.
 - Singular and general
 - Collective and non collective.
 - Positive Negative and privative.
 - Concrete and abstract.
3. Proposition
 - (a) Sentence and proposition.
 - (b) Kinds of proposition
 - (c) Categorical proposition.
 - Quality
 - Quantity
 - General Schema of Standard form of categorical proposition.
 - (d) Simplification of proposition.
 - Forms of proposition according to quality and quantity.
 - Distribution of terms

- Reduction of sentences into logical form of proposition.
- 4. Opposition of Proposition
 - (a) Forms of opposition.
 - Contraries.
 - Sub-contraries
 - Sub-alternation
 - Contradictories.
 - (b) The square of opposition.
- 5. Immediate inference.
 - (a) Inference.
 - Deductive and inductive inference.
 - Mediate and immediate inference.
 - (b) Conversion
 - Definition and rules of conversion
 - Kinds of conversions
 - (c) Obversion
 - Definition and rules of obversion.
 - (d) Definition and rules of contraposition.
- 6. Syllogism
 - a) Categorical Syllogism.
 - * Definition of Syllogism – its characteristics.
 - * Structure of syllogism.
 - * Kinds of syllogism
 - * Rules of Categorical syllogism and fallacies.
 - * Figure of syllogism
 - * Mood of syllogism
 - * Determination of valid mood (special rules of figures.).
- 7. Mixed Syllogism
 - (a) Hypothetical categorical syllogism
 - Definition
 - Rules
 - Fallacies.
 - (b) Disjunctive categorical syllogism
 - Definition
 - Rules
 - Fallacy
 - (c) Dilemma
 - Structure of dilemma.
 - Forms of dilemma
 - Rebutting dilemma
 - Testing a dilemma.

- 8. Enthymeme
- 9. Non-formal fallacies
 - (a) Definition of fallacy
 - (b) Fallacies of relevance
 - * argument ad ignarantiam
 - * Argument ad Verecundiam
 - * Argument ad hominem
 - * Argument ad populum
 - * Argument ad misericordiam
 - * Argument ad baculum.
 - (c) Fallacies of presumption
 - * Begging the question : Petitio Principii
 - * Accident
 - * Converse accident
 - (d) Fallacies of ambiguity
 - Composition
 - Division
 - Equivocation
 - Accent.

Books Prescribed :-

Text – Book of deductive logic – Bholanath Roy.
 Introduction to logic - I.M. Copi.

**Paper-I
 Contract-I**

(General Principles of Contract and Specific Relief)

- A. General Principles of Law of Contract :
 1. Agreement and contract : definition, elements and kinds -
 1. Proposal and acceptance.
 2. Consideration
 3. Capacity to contract – meaning – incapacity arising out of status and mental defect, minor’s agreements – definition of minor – accessories supplied to a minor – agreements beneficial and detrimental to a minor – affirmation – restitution in cases of minor’s agreements and estoppels – evolution of the law relating to minor’s agreements other illustration of incapacity to contract.
 4. Free Consent – its need and definition – factors vitiating free consent.

- i. Coercion – definition – essential elements – duress and coercion – various illustrations of coercion – doctrine of economic duress – effect of coercion.
 - ii. Under Influence – definition – essential elements – between which parties can its exist ? Who is to prove it ? Illustrations of undue influence – independent advice – pardhanasin women – unconscionable bargains – effect of undue influence.
 - iii. Misrepresentation – definition – misrepresentation of law and of fact their effects and illustration.
 - iv. Fraud – definition – essential element – suggestion falsi suppressio veri – when does silence amounts to fraud ? Active – concealment of truth – importance of intention.
 - v. Mistake definition kinds fundamental error mistake of law and fact their effect – when does it does not vitiate free consent ?
5. Legality of objects :
- a) Void agreement – lawful and unlawful consideration, and objects – void, voidable, illegal and unlawful agreements and their effects.
 - b) Unlawful consideration and objects :
 - i) Forbidden by Law
 - ii) Defeating the provision of any law
 - iii) Fraudulent
 - iv) Injurious to person or property
 - v) Immoral
 - vi) Against public policy
 - c) Void Agreement :
 - i) Agreement without consideration
 - ii) Agreement in restraint of marriage
 - iii) Agreement in restraint of trade-its exceptions.
 - iv) Agreement in restraint of legal proceedings – its exceptions.
 - v) uncertain agreements.
 - vi) Wagering agreements – its exception.
6. Discharge of Contract and its various modes-
- a. By performance
 - b. By breach
 - c. Impossibility of performance
 - d. By periods of limitation
 - e. By agreement

- 7 Quasi Contracts or certain relations resembling those created by contract.
8. Remedies in contractual relations-
- a. Damages – kinds – remoteness of damages – ascertainment of damages.
 - b. Injunction – when granted and when refused and Why ?
 - c. Refund restitution
 - d. Specific performance – When ? Why ?
- B. Government as Contracting Party**
Constitutional provision – government power to contract – procedural requirements kinds of government contract – their usual clauses performance of such contract – settlements of disputes and remedies.
- C. Standard Form of Contract**
Nature, advantages – unilateral character, principles of protects on against the possibility of exploitation – judicial approach to such contracts – exemption clauses clash between two standard form of contracts.
- D. Strategic and constraint to enforce contractual obligations.**
- a. Judicial methods – redressal forum, remedies.
 - b. Other methods like arbitration Lok Adalat, Nyaya Panchayat and other such non formal methods.
 - c. Court fees, Service of summons, injunctions, delay.
- E. Specific relief**
- a. Specific performance of contract
 - i) Contracts that can be specifically enforced.
 - ii) Persons against whom specific enforcement can be ordered.
 - b. Rescission and cancellation
 - c. Injunction
 - i) Temporary
 - ii) Perpetual
 - d. Declaratory orders.
 - e. Discretion and power of the court.

Reference Books :

1. Beatesen (ed), - Anson's Law of Contract (27th ed 1998)
2. P.S. Atiya, - Introduction to the law of Contract 1992 reprint.
3. Avtar Singh - Law of Contract 2000
4. M. Krishnan Nair - Law of Contract (1998)
5. Banerjee S.C. - Law of Specific Relief (1998) Universal.
6. Anand and Aiyer - Law of Specific Relief (1999) Universal.

Paper-II**Law of Torts**

1. Definition, Nature, Scope and objects.
 - a. A wrongful act – violation of duty imposed by law , duty which is owed to people generally (in rem) – damnum sine injuria and injuria sine damnum.
 - b. Tort distinguished from crime and breach of contract.
 - c. concept of unliquidated damages.
 - d. Object – prescribed standards of human conduct, redresses of wrong by payment of compensation, prescribed unlawful conduct by injunction.
2. Principles Liability in Torts :
 - a. Fault :- i) Wrongful intent ii) Negligence
 - b. Liability without fault
 - c. Violation of ethical codes
 - d. Statutory Liability
 - e. Place of motive in torts
3. Justification in Tort
4. Extinguishments of liability in certain situations
5. Standing
 - a. Who may sue – aggrieved individual – class action – social action group
 - b. Statutes granting standing to certain persons or group.
 - c. Who may not be sued.
6. Doctrine of sovereign immunity and its relevance in India
7. Vicarious Liability
8. Torts against persons and personal relations.
9. Wrongs affecting property
10. Negligence
11. Nuisance
12. Absolute / Strict liability
13. Legal remedies.

Reference Books :-

1. Paras Diwan - Law of Torts
2. D.D. Basu - law of Torts (1982)
3. Ratanlal & Dhirajlal - Laws of Torts (1997)

COURT VISITS

The students from 1st to 4th Semester (5 Years law course) and the students of 1st to 2nd Semester (3 Years law course) will have to visit the court on every 1st & 3rd Saturday of the month. If it is not possible to visit on 1st and 3rd Saturday then on any other day the court visit can be arranged.

There shall be 30 visits in a Semester. For these visits, a lawyer shall be approved by the college as the Guide, who must have 10 years standing in the Bar, a core faculty (Full Time Teacher) shall be the Supervisor and shall also be responsible to make these visits fruitful. He shall be responsible as a Supervisor for maintaining the attendance of students and signing the diaries of students on day to day basis for maintaining the records along with the dates.

There shall be a viva by the internal and external examiner. The viva shall carry 100 marks and the marks are to be allotted on the basis of the written diary and viva.

**Court Visit is also on
Page No. 23 & 24**

Syllabus of LL.B. (5 Year Course)**SECOND SEMESTER****ENGLISH - II**

Total Marks : 100

1. Seven Prose Selections from **THE EAST AND THE WEST** by N. Mukherji, S. Chand Publications Marks 25
 1. The Gifts ... O. Henry
 2. A Day's Wait ... Ernest Hemingway
 3. The Refugee ... Pearl S. Buck
 4. The Ant and the Grasshopper ... Somerset Maugham
 5. The Doctor's Word ... R.K. Narayan
 6. The Bet ... Anton Chekov
 7. The Postmaster ... Rabindranath Tagore
2. Seven Poetic Selections from **FIVE CENTURIES OF POETRY** by N. Ramchandran and Radha Achar Macmillan Publications Marks 25
 1. When to the Session ... William Shakespeare
 2. Song ... John Donne
 3. To His Coy Mistress ... Andrew Marvell
 4. To a Skylark ... P.B. Shelly
 5. Snake ... D.H. Lawrence
 6. Church Going ... Philip Larkin
 7. Mirror ... Sylvia Plath
3. Composition Marks 30
 1. Report Writing
 2. Paragraph Writing
 3. Drafting Notice of General Nature
4. Vocabulary Marks 10
 1. Use as Noun and Verb
 2. Idioms and Phrases
5. Grammar Marks 10
 1. Simple to Complex and Compound Sentence
 2. Complex to Simple and Compound Sentence
 3. Compound to Simple and Complex Sentence
 4. Use of 'No Sooner ... Than'
 5. Sentence with 'to' / 'so'

Political Science – Paper -II

Marks :100

1. Organs of Government –Legislature Functions of Legislature, Methods of Legislation

2. Executive – Types of Executive, Function of Executive.
3. Judiciary – Function of Judiciary, Independence of Judiciary
4. Unitary form of Government
Merits and Demerits of Unitary form of Government.
5. Federal form of Government
Essential features, Merits and Demerits of federal form of Government
6. Confederation
7. Theory of Separation of Powers
8. Parliamentary form of Government, Features, Merits and Demerits.
9. Presidential form of Government, Features, Merits, and Demerits.
10. Political Parties, Importance of Political Parties in Democracy, Functions of Political Parties.

Recommended Books.

1. Principles of Political Science – A.C. Kapoor
2. Principles of Political Science – R.C. Agrawal, S. Chand and Company Ltd. New Delhi
1. Principles of Political Science – J.C. Johari Sterling Publishers Pvt. Ltd. New Delhi -032

History - II**Medieval Period – From 713-14 A.D. to 1800 A.D.**

(Medieval Indian ideas and institutions with special emphasis on the administrative, socio-economic and judicial history of the Muslim and the Maratha Period)

1. Advent of Islam :
 - 1.1 Early life and career of Prophet Mohammad.
 - 1.2 Teachings of Prophet Mohammad.
 - 1.3 Spread of Islam.
2. Nature and State of Government in Medieval India :
 - 2.1 State and Government under the Delhi Sultanate.
 - 2.2 State and Government under the Mughals.
 - 2.3 Administration of the Vijayanagar Empire.
 - 2.4 Central, Provincial and Local Administration.
3. **Rise of Maratha Empire :**
 - 3.1 Early life and career of Shivaji.
 - 3.2 Maratha Administration under Shivaji
 - 3.3 Maratha Administration under Peshwas.
4. Economic and Revenue Administration :
 - 4.1 Under the Delhi Sultanate

- 4.2 Under the Mughals
 4.3 Under the Marathas
 4.4 Agrarian System under the Mughals and the Marathas.
5. Growth of Industries in the Medieval Period :
 5.1 Kinds of Industries
 5.2 Agro-based Industries
 5.3 Foreign Trade
6. Position of Women in the Medieval Period
7. Judicial Administration in the Medieval Period
 7.1 Sources of Law
 7.2 Popular Courts
 7.3 Judicial Procedure
 7.4 Crimes and Punishments
 7.5 Judicial Innovations.
8. **Emergence of Synthetic Culture :**
 8.1 Bhakti Movement
 8.2 Sufi Movement and Popular Sufi Orders in India.
 8.3 Sikhism
9. **Certain Important Events :**
 9.1 Invasion of Mohammad – bin – Qasim
 9.2 Mahmud of Ghazni's Indian Invasion.
 9.3 battles of Tarain.
 9.4 Alauddin Khilji's Southern Invasion
 9.5 Battles of Panipat
 9.6 Battles of Chausa and Kanauj
 9.7 Nadir Shah's Indian Invasion.

Recommended Books :

- 1) A.S. Shrivastava : The Mughal Empire.
- 2) K.N. Chitnis : Socio-Economic Aspects of Medieval India.
- 3) K.N. Chitnis : Glimses of Medieval Indian States and Institutions.
- 4) S.R. Sharma : Mughal Government and Administration.
- 5) I.A. Qureshi : The Administration of Mughal Empire
- 6) R.L. Khurana : History of India.
- 7) V.D. Mahajan : Medieval India.
- 8) Satish Chandra : Medieval India, A History Text Book.
- 9) Jadunath Sarkar : Mughal Administration.
- 10) U.N. Dey : The Government of the Sultanate.
- 11) A.L. Shrivastava : Medieval Indian Culture.

ECONOMICS - II
MACROECONOMICS

100 Marks

Contents :-

- Unit – I NATIONAL INCOME : CONCEPTS AND MEASUREMENT
- National Income : Meaning, Circular flow of National Income, features of National Income
 - Concepts of National Income.
 - Measurement of National Income.
 - Difficulties in the Measurement of National Income in India.
- Unit – II UNEMPLOYMENT AND FULL EMPLOYMENT POLICY
- Types of unemployment
 - Meaning of full employment
 - Measures to achieve full employment
 - Remedies of unemployment.
- Unit – III CENTRAL BANKING
- Definition and importance of Central Banks.
 - Principles of Central Banking.
 - Functions of Central Banks.
- Unit – IV COMMERCIAL BANKING
- Definition and types of Commercial Banks
 - Functions of Commercial Banks
 - Credit creation by Commercial Banks.
- Unit – V PUBLIC FINANCE
- Principles of Public Finance
 - Taxation : Definition, characteristics and Canons of Taxation.
 - Proportional, Progressive and Regressive Taxation System – Direct and Indirect Taxation.
- Unit – VI PUBLIC DEBT
- Public-debt – Classification, Causes and effects.
 - Public expenditure – Meaning, Principles and classification.
- Unit – VII ECONOMIC PLANNING
- Meaning and objectives of economic planning.
 - Broad achievements.
 - Current five year plan – objectives, allocation and targets.
 - Types of economic planning.
- Unit – VIII CO-OPERATIVE BANKS
- Functions
 - Co-operative credit societies
 - Sources of Agricultural Finance.
- Unit – IX AGRICULTURAL CREDIT

- Non Institutional sources
- Institutional credit.

Unit – X TRADE CYCLES

- Meaning of a Trade Cycle
- Characteristics of a Trade Cycle.
- Phases of a Trade Cycle.

Suggested Books :

1. Misra and Puri : Modern Macro Economic Theory (Himalaya Publishing House, New Delhi.
2. Sharpo E : Macro Economic Analysis, Galgotia Publications, New Delhi (1984)
3. Dalt, R. and K.P.M. Sundharam (2001), Indian Economy, S. Chand Company Ltd., New Delhi.
4. Dhingra, I.C. (2001), The Indian Economy, Environment and Policy, Sultan Chand and sons, New Delhi.
5. Misra, S.K. and V.K. Puri (2001), Indian Economy its development experience, Himalaya Publishing House, Mumbai.
6. Jalan B. (1992), The Indian Economy : Problems and prospects, Viking, New Delhi.
7. Bhagwati J. and P. Desai (1970), India : Planning for Industrilizaion Oxford University Press, London.
8. Slok Ghosh : Indian Economy : Its Nature and problem.

Philosophy – Paper-II (Logic)

Symbolic Logic
Argument forms and argument
Statement forms and Material Equivalence
Logical Equivalence
The Paradoxes of Material Implication.
The three laws of thought
The method of deduction
Quantification Theory
Definition

Marks : 100

Books Prescribed

Text book of Deductive Logic – Bholanath Roy
Introduction to logic — I.M. Copi.

Paper – VI CONTRACT - II

(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and other Specific Contracts)

1. Indemnity
 - 1.1 The Concept.
 - 1.2 Need for indemnity to facilitate the commercial transactions.
 - 1.3 Methods of creating indemnity obligations.
 - 1.4 Definition of Indemnity.
 - 1.5 Nature and extent of liability of the indemnifier.
 - 1.6 Commencement of liability of indemnifier.
 - 1.7 Situations of various types of indemnity creations
 - 1.8 Documents/Agreements of indemnity.
 - 1.9 Nature of indemnity clauses.
 - 1.10 Indemnity in cases of international transactions.
 - 1.11 Indemnity by Government during interstate transactions.
2. Guarantee
 - 2.1 The concept.
 - 2.2 Definition of Guarantee :- As distinguished from Indemnity.
 - 2.3 Basic essentials for a valid guarantee contract.
 - 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in Guarantee Contracts.
 - 2.5 Position of Minor and validity of guarantee when the minor is Principle Debtor, Creditor or Surety.
 - 2.6 Continuing Guarantee.
 - 2.6.1 Nature of surety's liabilities.
 - 2.6.2 Duration and termination of such liability.
 - 2.7 Illustrative situations of existence of Continuing Guarantee.
 - 2.7.1 Creation and Identification of Continuing Guarantees.
 - 2.8 Letters of Credits and Bank Guarantees as instances of guarantee transaction.
 - 2.9 Rights of Surety.
 - 2.9.1 Position of Surety in the eye of Law.
 - 2.9.2 Various judicial interpretations to protect the surety.
 - 2.10 Co-surety and manner of sharing liability and rights.
 - 2.11 Extent of surety's liabilities.
 - 2.12 Discharge of surety's liability.
3. Bailment
 - 3.1 Identification of Bailment Contract in day to day life.
 - 3.1.1 Manner of creation of such contract.

- 3.2 Commercial utility of bailment contracts.
- 3.3 Definition of Bailment.
- 3.4 Kinds of bailees.
- 3.5 Duties of bailor and bailee.
- 3.6 Rights of bailor and bailee.
- 3.7 Finder of goods as la bailee.
 - 3.7.1 Liability towards the true owner.
 - 3.7.2 Obligation to keep the goods safe.
 - 3.7.3 Right to dispose off the goods.
- 4 Pledge
 - 4.1 Pledge :- Comparison with Bailment.
 - 4.2 Commercial utility of pledge transactions.
 - 4.3 Definition of Pledge under the Indian Contract Act.
 - 4.4 Other statutory regulations (State & Centre) regarding pledge, reasons for the same.
 - 4.5 Rights of the Pawner and pawnee.
 - 4.5.1 Pownee's right of sale as compared to that of an ordinary bailee.
 - 4.6 Pledge by certain specified person mentioned in the Indian Contract Act.
- 5 Agency
 - 5.1 Identification of different kinds of agency transactions in day to day life in the commercial world.
 - 5.2 Kinds of agents and agencies.
 - 5.3 Distinction between Agent and Servant.
 - 5.4 Various methods of creation of agency.
 - 5.5 Delegation
 - 5.6 Duties and rights of agent.
 - 5.7 Scope and extent of agent's authority.
 - 5.8 Liability of principal for acts of the agents including misconduct and tort of the agent.
 - 5.9 Liability of the agent towards the principal.
 - 5.10 personal liability towards the party.
 - 5.11 Methods of termination of agency contract.
- 6 Sale of Goods
 - 6.1 Concept of sale as a contract.
 - 6.2 Illustrative instances of sale of goods and nature of such contract.
 - 6.3 Essentials of Contract of Sale.
 - 6.4 Essential conditions in every Contract of Sale.
 - 6.5 Implied terms in Contract of Sale.

- 6.6 The rule Caveat Emptor and the exceptions there to under Sale of Goods Act.
- 6.7 Changing concept of Caveat Emptor.
- 6.8 Effected meaning of implied warranties in a sale.
- 6.9 Transfer of title and passing of risk.
- 6.10 Delivery of goods – various rules regarding delivery of goods.
- 6.11 Unpaid seller and his rights.
- 6.12 Remedies for breach of contract.
- 7 Partnership
 - 7.1 Nature of partnership :- Definition.
 - 7.2 Distinct advantages and disadvantages vis-a-vis Partnership and Private Limited Co.
 - 7.3 Mutual relations between partners.
 - 7.4 Authority of partners.
 - 7.5 Admission of partners.
 - 7.6 Outgoing partners.
 - 7.7 Registration of partnership.
 - 7.8 Dissolution of partnership.
- 8 Negotiable Instrument Act
 - 8.1 The Concept
 - 8.2 Various kinds.
 - 8.3 Essentials requirements to make an instrument negotiable.
 - 8.4 Competent parties for making and negotiation.
 - 8.5 Acceptance of the instrument.
 - 8.6 Dishonour by non-acceptance and remedies available to the holder.
 - 8.7 Holder and Holder-in-due-course :- meaning, essential conditions, rights and privileges in course and endorsee's from the holder in due course.
 - 8.8 Negotiation of the instrument.
 - 8.9 Presentation of the instrument.
 - 8.10 Cheques :- Rules regarding payment of cheques.
 - 8.10.1 Liability of the collecting and paying banker
 - 8.10.2 Dishonour of cheque and it's effects.
 - 8.10.3 Discharge from the liability.
 - 8.11 Kinds of Bills.
 - 8.12 Evidence.
 - 8.12.1 Special rules of evidence regarding negotiable instrument.

Books

- (1) R.K. Abhichandani; (Ed), Pollock & Mulla on Contract and specific Relief Act; Tripathy; Bombay.
- (2) Avtar Singh; Contract Act; Eastern, Lucknow.
- (1) Avtar Singh; Principles of the Law of Sale of Goods and Hire Purchase; Eastern, Lucknow.
- (2) J.P. Verma; (Ed) Singh and Gupta; The Law of Partnership in India; Orient Law House New Delhi.
- (3) M.S. Parthasarathy; (Ed) J.S. Khergamvala; The Negotiable instrument Act.
- (4) Beatson; (Ed) Anson's Law of Contract; Oxford; London.
- (5) Saharay H.K.; Indian Partnership and Sale of Goods Act; Universal.

Paper-VII**Constitutional Law – I**

- 1) Nature, Salient features of Indian Constitution
- 2) **Parliamentary Government.**
 - a. Westminster model choice of parliamentary government at the Centre and States.
 - b. President of India
 - c. Election, qualification, salary and impeachment
 - d. Powers : legislative, executive and discretionary powers
 - e. Council of ministers.
 - f. Governor and state government – Constitutional relationship
 - g. Legislative process
 - h. Practice of law making.
 - i. Legislative privileges and fundamental rights.
 - j. Prime Minister – Cabinet system – collective responsibility – individual responsibility.
 - k. Coalition Government : Anti defection law
- 3) **Federalism**
 - a. Indian federalism : identification of federal features
 - i. Legislative relations
 - ii. Administrative relation
 - iii. Financial relation.
 - b. Governor's role
 - c. Center's power over the states – emergency.
 - d. J. & K. special status.
- 4) **Constitutional Processes of Adaptation and Alteration**
 - a. Methods of constitutional amendment

- b. Limitations upon constituent power
- c. Development of the basic Structure : Doctrine of Judicial activism restraint
- 5) **Judiciary under the Constitution**
- 6) Services under the Constitution
 - a. Doctrine of Pleasure
 - b. Protection against arbitrary dismissal, removal or reduction in rank (Art 311)
 - c. Exception to Art 311.
- 7) **Trade Commerce & Inter course (Art 301 to 307)**

COURT VISITS**NOTE**

- 1 The 'concept of court visit' need to be made crystal clear.
- 2 The 'concept internship' need to be clarified further and also to be stated to whom it is applicable

NOTE ON INTERNSHIP

Minimum period of Internship

For 5 years course Minimum 20 weeks

During the entire period of legal studies under NGO, Trial & Appellate advocates, Judiciary, Legal Regulatory Authorities, Legislature and Parliament, other legal functionaries, market Institutions, Law Firms, Companies, Local Self-Government and other such bodies where law is practice either in action or in dispute resolution or in management. In an academic session the internship is limited only to 4 weeks continuously and not more than that. All students shall atleast gone through once in the entire academic period with trial and appellate advocates i.e. one full session the student must attend the office of trial and appellate advocates. After completion of Internship the student shall acquire a certificate from the concerned lawyer that he has completed internship of 12 weeks for 3 years course and of 20 weeks for 5 years course.

During the internship period the student shall maintain the diary of his day-to-day attendance and shall be signed by the concerned lawyer. A full time teacher shall act as supervisor for the said internship. The Student has to brief the supervisor about his day-to-day attendance and all that he has learnt in the internship. The supervisor shall sign his diary and shall give a certificate to the effect that the student has completed internship under his supervision. There shall be 100 marks allotted on this internship alongwith viva-voce. There shall be internal and external examiners who shall conduct the viva-voce and allot the marks on the basis of the maintenance of the diary, the certificates issued by the lawyer and supervisor and the viva-voce.

Court visits for Ist Semester -5 years course

The students of 1st Semester -5 years course shall cover the following course in their court

visits :-

- (A) Entire of process of civil Litigation.
- (B) The Registration of the documents and the office of the registrar of the /sub-registrar

Court visits for IInd Semester -5 years course

The students of 2nd Semester -5 years course shall cover the following course in their court

visits :-

- (A) The procedure, process, working of Labour and Industrial Courts and Tribunals.
- (B) Civil Appeal in the District Court, High Court and the Supreme Court.

Court visits for IIIrd Semester -5 years course

The students of 3rd Semester -5 years course shall cover the following course in their court

visits :-

- (A) Criminal Trials, Criminal Procedures, Criminal Appellate side in the District Court.
- (B) Procedure for filing writs in High Court and the Supreme Court and Appeals in District Court, High Court and the Supreme Court.

Court visits for IVth Semester -5 years course

The students of 4th Semester -5 years course shall cover the following course in their court

visits :-

- (A) The working and the process of different and various tribunals..
- (B) The working and functioning of Charity Commissioner's Office, Co-operative Courts.
- (C) Registration of Societies, and other similar bodies.
- (D) The procedure for filing Social ILitigation and other litigation for the Public Welfare and for the Public Interest.

LL.B. (5 Year Degree Course)**THIRD SEMESTER**

(Implemented from the session 2010-2011)

English – III**1. Seven Prose Selections from SESAME by K.K. Reddy, S. Chand Publications. Marks 25**

- | | | | |
|----|------------------------------|-----|------------------|
| 1. | The First Case | ... | M.K. Gandhi |
| 2. | Socrates | ... | J.B. Nelson |
| 3. | The Verger | ... | Somerset Maugham |
| 4. | On the Rule of the Road | ... | A.G Gardiner |
| 5. | Tolstoy's Home | ... | K.P.S. Menon |
| 6. | How to Make a Speech | ... | Edgar I. Baker |
| 7. | Marriage is a Private Affair | ... | Chinua Achebe |

2. Seven Poetic Selection from THE MYSYTIC DRUM by Vilas Salunke, H.O. Parashar, V.B. Jadhav etc, Orient Longman Publication Marks 25

- | | | | |
|----|-----------------------|-----|-------------------|
| 1. | The Sunne Rising | ... | John Donne |
| 2. | London | ... | William Blake |
| 3. | Kubla Khan | ... | Coleridge |
| 4. | Journey of the Magi | ... | T.S. Eliot |
| 5. | Hunger | ... | Jayanta Mahapatra |
| 6. | Father Returning Home | ... | Dilip Chitre |
| 7. | The Old Playhouse | ... | Kamala Das |

3. Composition Marks 30

1. Expansion of a passage
2. Dialogue Writing
3. Letter Writing

4. Vocabulary Marks 10

1. Synonyms
2. Antonyms

5. Grammar Marks 10

1. Two or more sentences into one simple sentence
2. Two or more sentences into one complex sentence
3. Two or more sentences into one compound sentence.

Political Science – III

Marks : 100

1. Law, Meaning, Sources, Specific Kinds, Law and liberty, law and morality, Rule of law.
2. Liberty, Meaning and Nature, Specific Kinds, liberty and authority.

3. Equality, Meaning and nature, Specific Kinds, Equality and Liberty.
4. Justice, Meaning and nature, Political economic, Social and Distributive Justice.
5. Property, Meaning and nature, forms of property.
6. Rights – Meaning and Nature, Kinds of Rights.
7. Power, Legitimacy and Authority, types of Authority.
8. Political obligation, Meaning and Nature, Characteristics.
9. Political Participation
10. Secularism, Meaning and Importance

Recommended Books.

1. Contemporary Political Theory – J.C. Johary
2. Principles of Political Science – A.C. Kapoor.

History – III**(Modern Period – From 1498 A.D. to 1857 A.D.)**

(Foundation and expansion of the British Empire in India between 1600 A.D. to 1857 A.D. under the East India Company with special reference to the administrative and constitutional developments)

1. Advent of the Europeans :
 - 1.1 Factors leading to the arrival of European companies in India.
 - 1.2 The Portuguese
 - 1.3 The Dutch
 - 1.4 The English
 - 1.5 The French
2. Administration of Justice in Bombay, Madras and Calcutta.
 - 2.1 Early Charters of the East India Company.
 - 2.2 Transformation of the East India Company from a trading corporation into a territorial power.
 - 2.3 Administrative of Justice in Madras from 1639 to 1726.
 - 2.4 Administrative of Justice in Bombay from 1668 to 1726.
 - 2.5 Administrative of Justice in Calcutta from 1690 to 1726.
3. Growth of British Empire in Bengal :
 - 3.1 Battle of Plassey.
 - 3.2 Battle of Buxar.
 - 3.3 Dual Government in Bengal.
 - 3.4 Grant of Diwani.
4. Administrative Structure under the East India Company.
 - 4.1 Administrative Reforms under Lord Warren Hestings.
 - 4.2 Lord Cornwallis and his Permanent Land Settlement.

- 4.3 Administrative reforms under Lord William Bentinck.
- 4.4 Lord Wellesley's Subsidiary alliance System
- 4.5 Lord Dalhousie's administrative measures with special reference to his policy of Doctrine of Lapse.
5. Mayor's Court :-
 - 5.1 Genesis of Charter of 1726
 - 5.2 Provisions of the Charter of 1726
 - 5.3 Charter of 1753
 - 5.4 Defects of Judicial System.
6. Growth of Modern Communication System and Educational Policy under the British :
 - 6.1 Development of Railways, Telegraph System, Postal System and public Works Department.
 - 6.2 Introduction of English Education in India;
 - 6.3 Woods dispatch as the Magna Carta of Modern Education in India.
7. Adalat System under the Company and some important cases :
 - 7.1 Judicial plan of 1772
 - 7.2 Regulating Act of 1773
 - 7.3 Charter of 1774
 - 7.4 Re-organization of Adalats in 1780
 - 7.5. Act of Settlement of 1781
 - 7.6 Raja Nandkumar's case (1775)
 - 7.7 The Patna Case (1777-79)
 - 7.8 The Cossijurah Case (1779-80)
8. Judicial Reforms :
 - 8.1 Reforms of Lord Cornwallis
 - 8.2 Reforms of Sir John Shore.
 - 8.3 Reforms of Lord Wellesley.
 - 8.4 Reforms of Lord Minto
 - 8.5 Reforms of Lord William Bentick.
9. Revolt of 1857 :
 - 9.1 Causes of the Revolt
 - 9.2 Nature of the Revolt
 - 9.3 Queen's Proclamation of 1858
 - 9.4 Act of Better Governance 1858.

Recommended Books :

1. B.L. Grover and S. Grover, A New Look at Modern Indian History.
2. V.D. Mahajan : Modern Indian History from 1707 to the Present Day.
3. B.B. Mishra : Administration of East India Company.
4. Majumdar, Raychaudhari and Dutta : An Advance History of India

5. M.P. Jain : Outlines of Legal History.
6. M.P. Jain : Constitutional Law of India.
7. M.Rama Jois : Legal and Constitutional History of India.
8. A.B. Keith : Constitutional History of India
9. J.K. Mittal : Indian Legal and Constitutional History
10. K.B. Keshwani : History of Modern India.
11. P.K. Mishra : Political History of India.
12. P.E. Robert : History of British India.
13. S.C. Sarkar and K.K. Dutta : Modern Indian History.
14. R.P. Manasi : British in India.

ECONOMICS-III

INTERACTIONAL DIMENSIONS OF ECONOMICS AND LAW CONTENTS

Marks 100

- Unit – I CONCEPT AND FUNCTION OF MONEY
- Difficulties of Barter System
 - Evolution, definition, nature and functions of money.
 - Types of money
- Unit – II ROLE OF MONEY
- Role of money in a capitalistic economy and Socialistic economy
 - Advantages and devils of money.
- Unit-III VALUE OF MONEY
- Quantity Theory of Money.
 - Fisher's version and Cambridge's version with their limitations.
- Unit-IV CHANGES IN THE VALUE OF MONEY
- Inflation
 - Disinflation
 - Stagflation
 - Deflation
 - Reflation. Their effects on the economy.
- Unit-V FEATURE OF LABOUR
- Definition
 - Division of labour : Advantages and disadvantages.
- Unit-VI WAGES
- Concept of wages
 - Types of wages
 - Functions of wage boards

- Wage differentials.
- Unit-VII INDUSTRIAL DISPUTE
 - Main features
 - Reasons for Industrial dispute
 - Machinery for prevention and settlement of Industrial disputes
 - Effects of disputes on : Workers, Employers and society.
- Unit-VIII ECONOMIC LEGISLATION
 - Meaning
 - Nature and scope
 - Need and Importance of Industrial legislation – Principles
Labour Legislation – Principles
- Unit-IX ECONOMIC ANALYSIS OF LAW
 - Introduction to legal reasoning
 - Efficiency
 - Market and Efficiency
 - Market failure
 - Legal Education
- Unit-X MICRO-MACRO ECONOMICS AND LAW
 - Broad view with Illustrations.

Suggested Books :

1. S.B. Gupta, Monetary Economics, S. Chand & Co.
2. T.T. Sethi, “Money, Banking and International Trade”.
3. D.M. Mithani, “Money theory and Banking”.
4. D.N. Jhingam, “Money, Banking and International Theory, Public Finance
5. Dalt, R and K.P.M. Sundharam (2001), Indian Economy, S. Chand & Company Ltd., New Delhi.
6. Dhingra, I.C. (2001), The Indian Economy : Environment and Policy, Sultan Chand and Sons, New Delhi.
7. Posner R.A. (1998), Economic Analysis of Law, Little Brown, Boston
8. Posner R.A. and F. Parizi (1997) “Law and Economics” Edward Elgar Publishing Ltd., U.K.
9. S.R. Myneine : Principles of Economics for Law Students.
10. K.C. Gopalkrishnan “Legal Economics”.

**Paper-III
Philosophy (Logic)**

Marks : 100

Induction

1. Law of Nature
 - Meaning & types of Laws
 - What is Law of nature
 - Law of nature & Law of state.
2. Inductive generalization
 - Need for Induction
 - Inductive / Deductive
 - Simple enumeration
 - Analogy, legal & moral reasoning
 - Scientific Induction.
3. Hypothesis
 - Definition & nature of hypothesis
 - Origin of Hypothesis
 - Condition of good Hypothesis
 - Ad-hoc-Hypothesis
 - Verification & Proof of Hypothesis
4. Causality & Mill’s Methods
 - Causal reasoning – Its nature
 - What is cause
 - Necessary condition
 - Sufficient condition
 - Mill’s methods
 - Method of Agreement
 - Method of difference
 - Joint method of Agreement & difference
 - Method of Residues
 - Method of concomitant variation
 - Limitations of Mill’s methods.

Books recommended :-

1. Introduction to Logic – Patrick J Hurley
2. Logic – Informal, Symbolic & Inductive – Chhanda Chakraborti
3. Inductive Logic – Bholanath Roy
4. Introduction to Logic – I.M. Copi

Paper –VI
Constitutional Law – II

1. Secularism
 - 1.1 Concept of secularism : Historical Perspective.
 - 1.2 Indian Constitutional Provisions
 - 1.3 Freedom of Religion – Scope.
 - 1.4 Religion and the State – Limits.
 - 1.5 Minority Rights.
 - 1.6 Rights of Minority educational institutions.
2. Equality and Social Justice
 - 2.1 Equality before law and equal protections of law.
 - 2.2 Classification for differential treatment – constitutional validity.
 - 2.3 Gender Justice.
 - 2.4 Justice to the weaker sections of society :- Schedule Caste, Schedule Tribe and other Backward classes.
 - 2.5 Strategies for ameliorative justice.
 - 2.6 Freedom and Social Controls.
 - 2.6.1 Freedom of speech and expression.
 - 2.6.2 Media, Press and information.
 - 2.6.3 Freedom of Speech and Contempt of Court.
 - 2.6.4 Freedom of Assembly.
 - 2.6.5 Freedom of Association.
 - 2.6.6 Freedom of Movement
 - 2.6.7 Freedom to Reside and Settle.
 - 2.6.8 Freedom of Profession/Business.
 - 2.6.9 Property – From Fundamental Right to Constitutional Rights.
3. **Personal Liberty**
 - 3.1 Rights of an accuse.
 - a) Double Jeopardy.
 - b) Self-incrimination.
 - c) Retrospective punishment.
 - d) Right to Life and Personal Liberty – Meaning, Scope and Limitations.
 - e) Preventive Detention – Constitutional Policy.
4. **Fundamental Rights and Directive Principles**
 - 4.1 Directive Principles – Directions for social change – A new social order.
 - 4.2 Fundamental Rights and Directive Principles. Inter-relationship – Judicial Balancing.
 - 4.3 Constitutional Amendments to strengthen directive principles.

- 4.4 Reading directive principles into fundamental rights.
5. Fundamental Duties
 - 5.1 Need and status in Constitutional set-up.
 - 5.2 Inter-relationship with Fundamental Rights and Directive Principles.
6. Emergency
 - 6.1 Emergency – Meaning and Scope.
 - 6.2 Proclamation of Emergency – Conditions – Effects of emergency on Central State Relations.
 - 6.3 Emergency and suspension of fundamental rights.
7. Judiciary under Constitution
 - 7.1 Judicial Process.
 - 7.2 Court System :- The Supreme Court, High Court, Subordinate Judiciary and their jurisdiction.
 - 7.3. Judges :- Appointment, Removal, Transfer and conditions of Service.
 - 7.4 Judicial independence.
 - 7.5 Judicial Review : Nature an Scope.
8. Article – 12. The State
 - 8.1 Is judiciary the State ?
 - 8.2 The other and Local Authorities within the territory of India.
9. Article - 13
 - 9.1 Doctrine of Eclipse.
 - 9.2 Doctrine of severability.
10. Judicial Remedies
 - 10.1 Constitutional remedies.
 - 10.2 Statutory remedies.
 - 10.3 Equitable remedies.
 - 10.4 Common law remedies.
11. Liability of the State
 - 11.1 Contractual liability.
 - 11.2 Tortious liability.

Books :-

- (1) D.D. Basu – Shorter Constitution of India; Prentice Hall India; Delhi.
- (2) M.P. Jain – Constitution of India.
- (3) M.P. Jain – constitutional of India; Vol. I & Vol. II.
- (4) H.M. Seervai – Constitutional of India; Vol. I and Vol. II and Vol. III; Tripathi; Bombay.

Paper – VII**Family Law – I (Hindu Law)**

1. Ancient and Modern Sources of Hindu Law, Schools of Hindu Law.
2. Joint Family – Mitakshara and Dayabhaga Coparcenary, Separate and coparcenary property, Karta
- his position, Power, Doctrine of pious obligation, partition and reunion.
3. Joint Hindu Family as a social security institution and impact of Hindu Gains of learning Act and various Tax law on it.
4. Matrilineal Joint Family.
5. Hindu Succession Act, 1956.
6. Hindu Maintenance Act, 1956.
7. Study of equal property Rights for Women- State Amendments of coparcenary Rights for daughters.
8. Comparative study of property law under Christian, Parsi & Jews for men & women.
9. Evolution of the institution of marriage and family.
10. Hindu Marriage Act 1955.
11. Family and its Changing pattern now emerging trends. Composition of family. Status, role of women, Legislative, religious environmental factors affecting the family.
12. Need for development of law relating to settlement of spousal property. Child and the family – Legitimacy Adoption (Hindu Adoption and Maintenance Act 1956) Custody, Education, maintenance of child, Hindu Minorities and Guardianship Act 1956 and Parental Rights – Welfare of Child Principle. Family Courts – Constitution, Power and function (Family Courts Act 1984)
13. Uniform Civil Code – Implication of religious Pluralism. Article 44 of Indian Constitution Impediments to the formulation of Uniform Civil Code, the Idea of optional Uniform Civil Code.

Reference Books :-

- 1) Paras Diwan – Law of intestate and testamentary succession (1998)
- 2) Alladi Kuppaswami Mayen's Hindu Law and Usage (1986)
- 3) Paras Diwan Family law of marriage and divorce in India (1984)
- 4) S. Subbarao – Family Law in India.
- 5) S.T. Desai – Mulla's Principles of Hindu Law 1998.

COURT VISITS

The students from 1st to 4th Semester (5 Years law course) and the students of 1st to 2nd Semester (3 Years law course) will have to visit the court on every 1st & 3rd Saturday of the month. If it is not possible to visit on 1st and 3rd Saturday then on any other day the court visit can be arranged.

There shall be 30 visits in a Semester. For these visits, a lawyer shall be approved by the college as the Guide, who must have 10 years standing in the Bar, a core faculty (Full Time Teacher) shall be the Supervisor and shall also be responsible to make these visits fruitful. He shall be responsible as a Supervisor for maintaining the attendance of students and signing the diaries of students on day to day basis for maintaining the records along with the dates.

There shall be a viva by the internal and external examiner. The viva shall carry 100 marks and the marks are to be allotted on the basis of the written diary and viva.

Family Law-I (Hindu Law)**PAPER - VII**

- 1 Ancient and Modern sources of Hindu Law, Schools of Hindu Law.
- 2 Joint Family - Mitakshara and Dayabhaga Coparcenary., separate and coparcenary property, Karta - His position, power, doctrine of pious obligation, partition and reunion
- 3 Joint Hindu Family as social security institution and impact of Hindu gains of learning Act and various Tax Law on it.
- 4 Matrilineal Joint Family
- 5 Hindu Succession Act, 1956
- 6 Hindu Maintenance Act, 1956
- 7 Study of equal Property Rights for Women - State amendments of coparcenary rights for daughters
- 8 Comparative study of Property Law under Christian, Parsi and Jews for men and women
- 9 Evolution of the institution of marriage and family
- 10 Hindu Marriage Act 1955
- 11 Family and its changing pattern now emerging trends. Composition of family. Status, role of women. Legislative, Religious environmental factors affecting the family.
- 12 Need for development of law relating to settlement of spousal property. Child and the family - Legitimacy, Adoption (Hindu Adoption and Maintenance Act 1956) Custody, Education, maintenance of child, Hindu Minorities and Guardianship Act 1956

and parental Rights - Welfare of child principle.

Family Courts - Constitution, Power and Function (Family Courts Acvt 1984)

- 13 Uniform Civil Code - Implication of religious Pluralism, Article 44 of Indian Constitution, Impediments to the formulation of Uniform Civil Code, the idea of optional Uniform Civil Code

14

14.1 Role of religious rituals and practices in moulding the rules regulating to marital relations.

14.2 Types of family based upon.

14.3 Lineage - Patrilineal, Matrilineal.

14.4 Authority structure - Patriarchal and matriarchal.

14.5 Location - Patri-local and Matri-local.

14.6 Number of conjugal units - Nuclear, extended, joint and composite.

14.7 Emerging concept - Maitri Sambandh and divided home.

- 15 Customary Practices and State Regulation

15.1 Polygamy.

15.2 Concubinage.

15.3 Child marriage.

15.4 Sati.

15.5 Dowry.

- 16 Conversion and its effect on family

16.1 Marriage.

16.2 Adoption.

16.3 Guardianship.

16.4 Succession.

- 17 Family and its changing patterns

17.1 Attenuation of family ties.

17.2 Working women and their impact on spousal relationship. Composition of family status and role of women.

17.3 New property concept, such as skill and job as new forms of property.

17.4 Processes of social change in India : Sanskritization, Westernization, Secularization, Universalization, Parochialization, Modernization, Industrialization and Urbanization.

BOOKS

- 1 Paras Diwan - Law of Intestate and Testamentary Succession (1998)
- 2 Alladi Kuppaswami Mayen's Hindu Law and Usage (1986)
- 3 Paras Diwan - Family Law of Marriage and Divorce in India (1984)

- 4 S. Subbarao - Family Law in India

- 5 S.T.Desai - Mulla's Principles of Hindu Law (1998)

Syllabus of LL.B. 5th Years Degree Course

Semester IVth

Paper-I

English-IV

Marks :100

1. Five Short Stories from Modern Short Stories by S.Chand Publications
Marks : 20

- | | | |
|-----------------------------|---|-----------------------|
| 1. The Grave | - | Katherine Anne Porter |
| 2. The Rocking Horse Winner | - | D.H. Lawrence |
| 3. The Man from Kabul | - | Rabindranath Tagore |
| 4. The Axe | - | R.K. Narayan |
| 5. Cargo from Singapore | - | Manohar Malgonkar |

2. Three One Act Plays from EASY ENGLISH by Suresh Chandra, S. Chand Publications
Marks : 15

- | | | |
|------------------------------|---|-------------------|
| 1. Refund | - | Fritz Karinthy |
| 2. Michael | - | Miles Malleon |
| 3. Abu Hassan Pays His Debts | - | Ronald Hadlington |

3. Seven Poetic Selections from THE MYSTIC DRUM by Vilas Salunke etc, Orient Longman Publications.

Marks : 25

- | | | |
|-------------------------------|---|-----------------|
| 1. The Invocation | - | John Milton |
| 2. To His Coy Mistress | - | Andrew Marvel |
| 3. Ode to the West Wind | - | P.B. Shelley |
| 4. After Great Pain | - | Emily Dickinson |
| 5. Refugee Mother and Child | - | Chinnu Achebe |
| 6. This is a Photograph of Me | - | Margaret Atwood |
| 7. I'm Getting Old Now | - | Robert Kroetsch |

4. Communication Skills
Marks : 25

1. Self Image
2. Body Language
3. Effective Public Speaking
4. Effective Communication
5. Leadership Skills

5. Composition
Marks : 15

1. General Essay of 250 words on any Legal Topics
2. Paraphrasing

Paper-II
Political Science IV

Marks : 100

1. International Relations – Meaning, nature and Importance.
2. Elements of National Power.
3. National Interest, Kinds and Methods for the Promotion of National Interest.
4. Impact of Cold war and New Cold war on International Relations.
5. Non Alignment, Meaning, factors responsible for adoption of Non Alignment. Relevance of Non Alignment.
6. Asian African resurgence and its impact on international Relations.
7. Role of international law in international Relations.
8. The United Nations, Objectives, Principals, Functions and Security Council, ECOSOC, ICI.
Specialized Agencies – ILO, UNICEF, WIPO, IAEA, WTO, GATT..
9. Diplomatic Theory. Types of Diplomacy, Immunities and Privileges of Diplomats.
10. Basic Principles of India Foreign Policy.

Recommended Books :

- a. B.S. Murthy – International Relations and Organizations Eastern Book Company 34, Lalbagh, Lucknow.
- b. Prakash Chander, Prem Arora – International Relations
- c. Quincy Wright – The study of International Relations.

Paper-III
History IV

Modern Period – From 1857 A.D. to 1965 A.D.

Marks : 100

(Legal and Constitutional Developments under the Crown with special reference to the History of Freedom Movement in India)

- 1) Growth of Nationalism :
 - 1.1 Causes responsible for the rise of Nationalism in the 19th Century.
 - 1.2 Birth of Political Associations.
 - 1.3 Circumstances leading to the birth of Indian National Congress.
- 2) Socio-Religious Reforms in India :
 - 2.1 Brahma Samaj and Raja Ram Mohan Roy
 - 2.2 Arya Samaj and Swami Dayanand
 - 2.3 Prarthana Samaj

- 2.4 Ramkrishna Mission
- 2.5 Theosophical Society
- 2.6 Muslim Reform Movement
- 2.7 Parsi Reform Movement
- 2.8 Sikh Reform Movement
- 2.9 Lower Caste Movement and Role of Mahatma Jotiba Phule and Dr. Babasaheb Ambedkar.
3. Changes in the Administrative Structure and Politics under the Crown :
 - 3.1 Judiciary
 - 3.2 Local Self-Government
4. Freedom Struggle :
 - 4.1 Era of Moderates (1885-1905)
 - 4.2 Era of Extremists (1905-1919)
 - 4.3 Gandhian Era (1919-1947)
 - 4.4 Non-Cooperation Movement
 - 4.5 Civil Disobedience Movement
 - 4.6 Quit India Movement
5. British Policy of Divide and Rule :
 - 5.1 Partition of Bengal (1905)
 - 5.2 Birth of Muslim League (1906)
 - 5.3 Factors Leading to the Growth of Communalism
 - 5.4 Communal Award (1932)
 - 5.5 Mountbatten Plan
6. Growth of Modern Education after 1857 :
 - 6.1 Hunter Commission Report
 - 6.2 Indian Universities Act
 - 6.3 Sadler Commission
 - 6.4 Wardha Scheme of Basic Education
 - 6.5 Radhakrishna Commission
 - 6.6 Creation of University Grants Commission
7. Constitutional Development from 1909-1947 :
 - 7.1 Morley-Minto Reform Act, 1909
 - 7.2 Government of Indian Act, 1919
 - 7.3 Simon Commission 1927
 - 7.4 Nehru Report 1928
 - 7.5 Round Table Conferences 1930, 1931 and 1932
 - 7.6 Poona Pact, 1932
 - 7.7 Government of India Act, 1935
 - 7.8 August Offer 1940
 - 7.9 Cripps Mission 1942

- 7.10 Cabinet Mission Plan 1946
7.11 Indian Independence Act, 1947
8. Contribution of Some Prominent Leaders to Indian National Movement :
- 8.1 Bal Gangadhar Tilak
8.2 Role of Gandhiji
8.3 Jawaharlal Nehru
8.4 Subhash Chandra Bose
9. Establishment of High Courts and Supreme Court of India :
- 9.1 The Indian High Courts Act of 1861 and 1911
9.2 Charter of Calcutta High Court
9.3 Jurisdiction of High Courts
9.4 Origin, Constitution and Jurisdiction of the Supreme Court

Recommended Books :

- 1) Courtney Ilbert : Government of India (1962)
- 2) Courtney Ilbert : The Mechanics of Law Making (1914)
- 3) B.L. Grover and S. Grover : A New Look at Modern Indian History.
- 4) M.P. Jain : Constitutional Law of India
- 5) M.P. Jain : Outlines of Legal History
- 6) G.C. Rankin : Background of Indian Law
- 7) V.D. Kulshrestha : Landmarks in Indian Legal History (1992)
- 8) Erik Stakes : The English Utilitarians and India (1962)
- 9) V.D. Mahajan : Modern Indian History from 1907 to Present Day.
- 10) Majumdar, Raychaudhari and Dutta : An Advanced History of India.
- 11) M. Rama Jois : Legal and Constitutional History of India.
- 12) A.B. Kaith : Constitutional History of India.
- 13) J.K. Mittal : Indian Legal and Constitutional History.
- 14) K.B. Keshwani : History of Modern India.
- 15) P.E. Robert : History of British India.
- 16) R.P. Manasi : British in India.

Paper-IV
ECONOMICS - IV
INDIAN ECONOMY, ECONOMIC DEVELOPMENT AND
ECONOMIC GROWTH

Marks : 100

- Unit-I STRUCTURE OF THE INDIAN ECONOMY :
- Basic features
 - Natural resources – Land, Water and forest resources.

- Broad demographic features – Population size and growth rates, Sex composition, Problem of over population
 - Occupational distribution
 - Infrastructure development
- Unit-II ECONOMIC DEVELOPMENT AND GROWTH :
- Concept
 - Differences
 - Developed, Underdeveloped and Developing Countries – their features
 - Factors affecting economic growth.
- Unit-III PLANNING : BROAD FEATURES OF INDIAN PLANNING :
- Role of planning commission
 - New Economic Reforms – Liberalization, Privatization and Globalization.
 - Concepts : Privatisation, Disinvestment, Public Sector, Private Sector, Joint Sector.
- Unit-IV AGRICULTURE AND INDUSTRY :
- Nature and Importance
 - Trends in agricultural production and productivity
 - Broad features of reforms
 - Recent Industrial Policy of 1991.
 - Growth and problems of small scale industries.
- Unit-V CENTRE – STATE FINANCIAL RELATIONS :
- Features
 - Problems
 - Suggestions
- Unit-VI BROAD FEATURES OF :
- Labour Policy
 - Monetary Policy
 - Fiscal Policy
- Unit-VII CONCENTRATION OF ECONOMIC POWER :
- Causes
 - Effects
- Unit-VIII MRTP Act 1969 AND COMPETITIONS Act, 2002 :
- Objectives
 - Features
 - Effects : Favourable & Unfavourable.

Suggested Books :

- Datt, R. and K.P.M. Sundharam (2001), Indian Economy, S. Chand & Company Ltd, New Delhi.

- Misra, S.K. and V.K. Puri (2004), Indian Economy – Its Development experience, Himalaya Publishing House, Mumbai.
- Ahluwalia, I.J. and I.M.D. Little (Eds.) (1999) India's Economy reforms and development (Essays in honour of Manmohan Singh), Oxford University Press, New Delhi.
- Jalan B. (1996) India's Economic Policy – Preparing for the twenty first century, Viking, New Delhi.
- Datt R (Ed.) (2001), Second generation economic reforms in India, Deep and Deep publications, New Delhi.
- Hayami, Y. (1997), Development Economics, Oxford University Press, New York.
- Thirlwal, AP. (1999), Growth and development Macmillan, London.
- Brahmananda. P.R. and C.N. Vakil (1956), Planning for and expanding economy, Vora and Co., Bombay.
- Jathar and Jathar : Indian Economic
- Slok Ghosh. Indian Economy, Its Nature and problem
- Mehrotra, S. and J. Richard (1998), Development with a Human face, Oxford University Press, New Delhi.

Paper-IV
Philosophy (Logic)

Marks : 100

Practical Ethics / Applied Ethics

- About Ethics
- Equality & its Implication
- Equality for Animals
- What is wrong with killing ?
- Taking life the embryo ? The foetus
- Rich & Poor
- The Environment
- Ends & means
- Why act morally ?

Books Recommended

Practical Ethics – Peter Singer.

Paper-IV
(Philosophy) Practical Ethics
IV Seme. Philosophy

Chapter – I

- About Ethics
- What Ethics is not.

What Ethics is ?

Chapter – 2

- Equality & Its Implication
- The Basis of Equality
- Equality & Genetic Diversity
- Sexual differences & Sexual Equality
- From Equality of opportunity to Equality of Consideration
- Affirmative Action
- Equality & disability.

Chapter – 3

- Equality for Animals ?
- Racism & Speciasism
- Speciesism in Practice
- Experimenting on animals
- How Do We Know that animals can feel Pain
- Difference between human & Animals
- Ethics & Reciprocity

Chapter – 4

- What wrong with killing
- Human life
- The Value of persons life
- Does the Person Have a Right to Life ?
- People & Respect for Autonomy
- Conscious Life
- Should we Valu Conscious Life
- Comparing the Value of different lives

Chapter – 5

- Taking Life Animals
- Can A Non-Human Animals Be Human
- Killing Non-Human Persons
- Killing other Animals Conclusion

Chapter – 6

- Taking Life : The Embrjo & The Fetues
- The Problem
- Birth
- Viability
- Quickening
- Some Liberal Arguments
- a) The consequences of Restructive Laws
- b) Not the Laws Business ?
- c) Feminist Arguments

- d) The Value of Fetal Life
- e) The Futures as Potential Life
- f) The State of the embryo in the Laboratory
- g) Making use of the fetus

Chapter -7

- Rich & Poor
- Some facts about Poverty
- Some facts about wealth
- Moral equivalent to Murder
- The Obligation to Assist.

Chapter – 8

- The Environment
- Western Tradition
- Future generations
- Is there Value Beyond Sentient Beings ?
- Reverence for Life
- Deep Ecology
- Developing An Environmental Ethic

Chapter – 9

- End & Means
- Individual Conscience & The Laws
- Law & Order
- Democracy
- Disobedience, Civil OR Otherwise
- Violence

Chapter – 10

- Why Act Morally
- Understanding the Question
- Reason & Ethics
- Ethics & Self interest
- Has Life a meaning

Family Law - II
Muslim Law
Paper - VI

- 1 Sources of Mohammedan Laws.
- 2 Schools of Mohammedan Laws.
- 3 Law of Marriage.
- 4 Law of Divorce, Divorce by mutual consent (Kula, Mubaraat).

- 5 Law of Dowry.
- 6 Law of Maintenance under Mohammedan Law.
- 7 Muslim Women (Protection of Rights on Divorce Act, 1986).
- 8 Acknowledgement of paternity.
- 9 Guardianship of person.
- 10 Law of Wakf.
- 11 Law of Gifts.
- 12 Law of pre-emptions.
- 13 Law of Wills.
- 14 Alimony and maintenance as an independent remedy - Need for reforming the law.
- 15 General rules of succession and exclusion from succession.
 - 15.1 Classification of Heirs under Hanafi and Ithna Ashria School and their shares and distribution of properties.

Books

- (1) A.A.A Fyzee - Outline of Mohammedan Law.
- (2) Mulla - Mohammedan Law.
- (3) Paras Diwan - Family Law.
- (4) A.M.Bhattacharjee - Muslim Law and Constitution, Eastern Law House; Calcutta.

Legal Language and Legal Writing
Paper - VII

- 1 Necessity of learning Legal Language, Legal Writing and General English
- 2 General guidelines relating to legal writing
 - 2.1 Organising case and argument.
 - 2.2 Characteristics of Legal Language
 - 2.3 Legal Terminology
 - 2.4 Terms used in Civil and Criminal Laws
 - 2.5 Latin words and expressions law register.
 - 2.6 Rules of Interpretations
 - 2.7 Legal Maxims
 - 2.8 Precise writing
 - 2.9 Fundamental Principles of Legal Writing
 - 2.10 Brief Writing and Drafting of Law Reports
 - 2.11 Writing of Case Comments
 - 2.12 Essay writing on topics of legal interest
 - 2.13 Paraphrasing
 - 2.14 Figure of speech

- 3 Letter writing
 - 3.1 Various parts of a letter.
 - 3.2 Various and different letters to different authorities and persons.
- 3 Drafting of Report writing

BOOKS:

- 1 Legal Language - Dr. Madabhuski Sridhar - Asia Law House, Hyderabad.
- 2 Legal Language Legal Writing and General English - H.K.Mukherjee - Law Point, Kolkata.
- 3 Legal Language - Prof.Ratanlal Jain - Central Law Agency, Allahabad.
- 4 Legal Language and Legal Writing - Meera Akhani.

Paper-VIII**Court Visit**

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Syllabus of LL.B. 5th Years Degree Course (B.A.LL.B.Course)**Semester Vth****Paper-I****Sociology – I**

(Implemented from the session 2011-2012)

Marks : 100

UNDERSTANDING INDIAN SOCIETY

1. Tribal Community in India :
Characteristics of Tribal Community
— ways of acquiring masses in tribal
Community, Dermitories in Tribal India
Tribal Economic Organization, Problems of Tribal Community.
2. Rural Community in India :
Characteristics of Rural Society,
The Jajmani systems, Village Panchayat,
Problems of Rural Community
3. The Urban Community in India :
Characteristics of Urban Community
Social effects of Urbanizations
Problems of Urban Community
4. Joint Family :
Characteristics, Advantages and Disadvantages of Joint Family
Recent Trends in Joint Family System in India

5. Caste System :
Characteristics, Advantages and disadvantages of caste system
Changes in the caste system in contemporary India
6. The Institution of Marriage in India :
The Hindu Marriage
The Muslim Marriage
The Christian Marriage
Recent changes in the Institution of Marriage.
7. Status of women in India :
Status of women in Hindu Society
Status of women in Muslim Society
Status of women in Christian Society
Status of women in Tribal Community
8. Socio – Religious Re-movements in India :
(a) Brahma Samaj
(b) Prarthana Samaj
(c) Arya Samaj
(d) Bhoodan Movement
(e) Sarvodaya Movement
(f) Aligarh Movement
9. National Integration :
Meaning and Problems of National Integration
Unity and Diversity in Indian Society
Geographical, Political, Cultural, Religious and Emotional unity in
Indian Society
10. Changes in Indian Society :
Sanskritization as a process of social change
Changes through westernization
Secularization and changes in Indian Society
Modernization as a process of social change.

Books Recommended :

1. Singh Yogendra – Modernization of India Tradition
2. Karve Irawati – Hindu Society an interpretation
3. Panchanandikar K.C. – Determinants of social structure and social change in India
4. Philip Masion – India and cyclone Unity and Diversity
5. Ghurvey G.S. – Caste in India
6. Desai A.R. – Social Background of Indian Nationalism
7. Shrinivas M.N. – Social Change in modern India
8. Nehru Jawaharlal – The Discovery of India

9. Gore M.S. – Urbanization and family change
10. R.N. Mohanty - Understanding the Indian Society
11. R.N. Sharma – Society and Culture in India
12. Pradhan V. - Indian Sociology
13. Kuppaswami - Social Change in India
14. Naidu A.K.M. - Indian Society.

Paper-II
Computer (Theory)

Marks : 50

Unit 1 : Computer and its Basics :

- Block Diagram of Computer, Functions of Computer, Generations of Computer (1st to Vth Generation), Classification of Computer, Characteristics, Advantages and limitations of computer.
- Central Processing unit (CPU) Computer Memory : Primary and Secondary, Types of memory, Storage devices. Floppy Disk, Hard Disk Magnetic Tapes, Optical Disk, Pen Drive.
- Input Devices Keyboard, Mouse Scanner, Touch Screen, Bar Code Reader.
- Output Devices, Monitor, Printers and its functions & its classifications
- Meaning of Hardware and Software (Application & System Software).
- Types of Languages Machine, Assembly and High Level
- Meaning of Computer and Interpreter.

Unit-2 : Networking and Internet :

- Computer Network and its need : Types of networks. LAN (Local Area Network), WAN (Wide Area Network), MAN (Metropolitan Area Network), VAN(Value Added Network).
- Concept of Network Topology, Type of Topologies (Ring, Bus, Star, Hybrid)
- Transmission media: Twisted Pair Cable, Broadband, Coaxial cable. fiber optic cable.
- Components of networks: Server, Nodes, Hubs, Cable Connectors, Network Cards, Modems and Multiplexing.
- Virus Definition Types of Viruses, Anti Virus - functions of antivirus, advantages and disadvantages of antivirus..
- Introduction of Internet, History of Internet. www (World Wide Web), Web Browsers (Internet Explorer, Mozilla Firefox, Netscap Navigator, Macweb, Win web , Google Chrome and Cello). Internet Servers and its types.

- URL, Internet Architecture, Cyber Space, TCP/IP Internet Service Provider, Domain names, Introduction of email, Communication using Email.

Unit-3 : E-Commerce :

- Introduction, Scope, Definition, Traditional vs. E-Commerce , Advantages and Disadvantages of E-Commerce.
- E-Commerce and the Trade Cycle.
- Function of E-Commerce.
- Types of E-Commerce – B2B (Business to Business), B2C (Business to Consumer, C2B (Consumer to Business), C2C (Consumer to Consumer).
- E-Commerce applications : Internet Payment System, Consumer Oriented, E- Commerce, Business Oriented E-Commerce.
- E-Services, E-Banking, E-Stock Trading, E-Investing, E-Auction, E-Employments, E-Governance and E-Jobs.
- Electronics Markets : Usage, Advantages and Disadvantages and its future.
- Electronic Data Interchange – Introduction, Benefits and example.

Unit-4 : Introduction to Disk Operating System :

- File types, directory structure, Booting – warm and cold.
- Internal and external command, Introduction to autoexec and config files.
- Directory commands DIR, MD, CD, RD, TREE, PATH, SUBSET.
- Commands related to file management. COPY, DEL, ERASE, REN, ATTRIBUTE, XCOPY, BACKUP and RESTORE commands.
- General Commands. TYPE, DATE, TIME, PROMPT.
- Wildcard characters.

Unit-5 : Introduction to Windows Operating System :

- Introduction, Benefits of operating system, Various applications of Windows Operating System, Graphical User Interface (GUI)
- Starting applications, creating short cuts, Creating folders, Copying files and folders.
- Control Panel – Add hardware, add or remove program, date and time properties, mouse properties, sounds, system, User Accounts.
- Accessories – Notepad, Paintbrush, Calculator.
- Recycle Bin, My Documents, My Computer, Windows Explorer.

- System Tools-Disk clean up, Disk defragmenter, Scandisk.

Books Recommended :

1. IT Today (Encyclopedia) – S. Jaiswal, Galgotra Publications.
2. Computer Fundamentals – P.K. Sinha, Priti Sinha, BPB Publications
3. E-Commerce – CSV Murty, Himalaya Publishing House

Paper-II

Computer (Practical)

Marks : 50

Unit-1 : Introduction to Disk Operating System :

- File types, directory structure, Booting – warm and cold.
- Internal and external command, Introduction to autoexec and config files.
- Directory commands DIR, MD, CD, RD, TREE, PATH, SUBSET.
- Commands related to file management. COPY, DEL, ERASE, REN, ATTRIB, XCOPY, BACKUP and RESTORE commands.
- General Commands. TYPE, DATE, TIME, PROMPT.
- Wildcard characters.

Unit-2 : Introduction to Windows Operating System :

- Introduction, Benefits of operating system, Various applications of Windows Operating System, Graphical User Interface (GUI)
- Starting applications, creating short cuts, Creating folders, Copying files and folders
- Control panel-Add hardware, add or remove program, date and time properties, mouse properties, Sounds, system, User Accounts
- Accessories- Notepad, Paintbrush, Calculator
- Recycle Bin, My Documents, My Computer, Windows Explorer
- System Tools-Disk clean up, Disk defragmenter, Scandisk

Unit-3 : Internet :

- Creation of Email ID
- Exchange of Emails and Sending Attachments
- Searching Materials on net using different search engines.

MARKS DISTRIBUTION

Theory Part	(Total Marks – 50)
Unit-I -	10 Marks,

Unit-II -	10 Marks,
Unit-III -	10 Marks,
Unit-IV -	10 Marks &
Unit-V -	10 Marks.

Practical Part (Total Marks – 50)

1. Prepare two practical questions on 3 units. (Give only one practical on each unit) Both the questions answers solve in the answer book. Execute any one and take a printout and attached printout to the answer book . 30 Marks
2. External Viva Voce. 20 Marks

Paper-III (Vth Semester)

Regional Language – Marathi (Compulsory)

2. मराठी आवश्यक

वेळ : 3 तास	एकूण जुज- 100
प्रश्न 1 पाठ्यपुस्तक आधारित निबंध जघपाठावर	20 जुज
प्रश्न 2 दीर्घोत्तरी पद्यावर	20 जुज
प्रश्न 3 लघुत्तरी पूर्ण प्रश्न जघावर, त्याला पर्यायी दुसरा जट जघावर	20 जुज
प्रश्न 4 लघुत्तरी 4 चा जट त्याला पर्यायी 4 चा दुसरा जट प्रत्येकी पांच जुज	20 जुज
(जघावर एज, पद्यावर एज आजि व्यावहारिज मराठी वर दोन असे एकूण चार प्रश्न राहतील) प्रत्येकी 5 जुज	20 जुज
(जघ पद्यावर प्रत्येकी एज व्यावहारिज मराठी वरील दोन प्रश्न असे एकूण चार प्रश्न राहतील.)	

सूचना :-

1. साहित्य विहार भाज-1 या पाठ्यपुस्तकातील सर्व पाठ परीजेसाठी राहतील.
2. जुज विभाजनी- जघावर 50, पद्यावर 30, व्यावहारिज मराठीवर 20 अशी एकूण 100 जुजांची प्रश्नपत्रिज राहिल.

किं वा

Paper-III**Foreign Language – French (Compulsory)**

Time : 3 Hours

(Full Marks – 100)

Paper : 80

Viva Voce: 20

The Distribution of Marks will be as follows :

Paper		Viva – Voce	
1. Text	.... 30 Marks	Dictation	... 5 Marks
2. Grammar	.... 25 Marks	Comprehension	... 5 Marks
3. Translation	.... 10 Marks	Conversation	... 5 Marks
(with ways)			
4. Composition	....15 Marks	Reading	... 5 Marks
<hr/>		<hr/>	
<u>80 Marks</u>		<u>20 Marks</u>	

Text Prescribed :

The text book for detailed study :

Le Nouveall Sons Frontiers – Tome I, Published by – CLE International Paris Available at French Book Centre Pvt. Ltd. A.3, Shopping complex Opp. Moolchand Hospital Ring Road, Defence Colony, New Delhi.

Civil Procedure Code**Paper - IV****1. Introduction**

- 1.1 Major amendments in the code of CPC.
- 1.2 Amendments of 1976.
- 1.3 Some important changes brought about by the Amendments Act No. 104 of 1976.
- 1.4 Amendments of 1999.
- 1.5 Some important changes proposed in the Amendments Act No. 46 of 1999.
- 1.6 Amendments of 2002.
- 1.7 Object of the Code.
- 1.8 It is a Procedural Law.
- 1.9 Scheme of the Code.
- 1.10 Interpretation.
- 1.11 Concepts.
- 1.12 Affidavit, order, judgement, decree, plaint, restitution, execution, decree-holder, judgement-debtor, mesne profits, written statement.

- 1.13 Distinction between decree and judgment and between decree and order.

2. Jurisdiction

- 2.1 Kinds.
- 2.2 Hierarchy of Courts.
- 2.3 Suit of Civil nature - Scope and limits.
- 2.4 Res-subjudice and Resjudicata.
- 2.5 Foreign judgement - enforcement.
- 2.6 Place of suing.
- 2.7 Institution of Suit.
- 2.8 Parties to suit :- joinder, Mis-joinder or non-joinder. of parties :- Representative Suit.
 - 2.8.1 Frame of Suit :- cause of action.
 - 2.8.2 Alternative disputes resolution. (ADR)
 - 2.8.3 Summons.
 - 2.8.4 Summons to defendant.
 - 2.8.5 Appearance of defendant.
 - 2.8.6 Contents of summons.
 - 2.8.7 Service of summons.
 - 2.8.8 Persons on whom summons shall be served.
 - 2.8.9 Service of summons by court.
 - 2.8.10 Service of summons by plaintiff through 'Hamdast'.
 - 2.8.11 Acknowledgement and endorsement.
 - 2.8.12 Effect of substituted service.
 - 2.8.13 Service of summons when defendant resides in another state.
 - 2.8.14 Service of summons in special cases.
 - 2.5.15 Service of Foreign summons.
- 2.9 Transfer of suits.
- 2.10 Objection to jurisdiction.
- 2.11 General power of transfer & withdraw (Section 24)
- 2.12 Power of Supreme Court to transfer suit. (Section 25)

3. Pleadings

- 3.1 Meaning of pleading.
- 3.2 Purpose of pleading.
- 3.3 Fundamental rules of pleading.
- 3.4 Power to order discovery and the like.
 - 3.4.1 Summons to witness.
 - 3.4.2 Penalty for default.
 - 3.4.3 Discovery and inspection of documents.

- 3.4.4 Discovery of facts.
- 3.4.5 When the interrogatories may be allowed.
- 3.4.6 When the interrogatories may be precluded.
- 3.4.7 Rules relating to interrogatories.
- 3.4.8 Discovery of documents.
- 3.4.9 Rules relating to discovery of documents.
- 3.4.10 Inspection of documents.
- 3.4.11 Kinds of documents.
- 3.4.12 Documents referred to in pleading of the parties.
- 3.4.13 Documents in possession of a party but not referred to in his pleading.
- 3.4.14 Privileged Documents.
- 3.4.15 Premature discovery.
- 3.4.16 Consequences of non-compliance of order of discovery or inspection.
- 3.4.17 Answer to interrogatories may be used at the trial.
- 3.4.18 Admission.
- 3.4.19 Notice of admission of case.
- 3.4.20 Notice to admit documents.
- 3.4.21 Notice to admit facts.
- 3.4.22 Judgement on admission.
- 3.4.23 Production, impounding and return of documents.
- 3.4.24 Production of documents.
- 3.4.25 Endorsement on admitted documents.
- 3.4.26 Endorsement on rejected documents.
- 3.4.27 Impounding of documents.
- 3.4.28 Return of documents.
- 3.4.29 Rejected documents shall be returned.
- 3.4.30 Impounded documents shall not be returned.
- 3.4.31 Admitted documents may be returned under certain circumstances.
- 3.5 Other rules of pleading.
- 3.6 Amendments of pleading.
- 3.7 Rules of pleading, signing and verification.
 - 3.7.1 Alternative pleadings.
 - 3.7.2 Construction of pleadings.
- 3.8 **Plaint :- Particulars.**
 - 3.8.1 Admission, Return and Rejection.
- 3.9 **Written Statement :- Particulars, Rules of evidence.**
 - 3.9.1 Set-off and counter claim, Distinction.
- 3.10 Discovery, inspection and production of documents.

- 3.10.1 Interrogatories.
- 3.10.2 Privileged documents.
- 3.10.3 Affidavits.
- 3.11 **Plaint – What is plaint**
 - 3.11.1 Various parts of plaint.
 - 3.11.2 Contents of a plaint.
 - 3.11.3 Documents relied on in plaint.
- 3.12 What is written statement?
- 3.13 Various parts of written statement.
- 3.14 Rules relating to written statement.
- 3.15 Contents of written statement.
- 3.16 Subsequent pleading.
- 4. **Appearance, examination and trial.**
 - 4.1 Parties must comply with summons.
 - 4.2 Consequence of non-appearance of parties in defiance of summons.
 - 4.3 Ex-parte Decree.
 - 4.4 Setting aside ex-parte decree.
 - 4.5 Effect of setting aside ex-parte decree.
 - 4.6 Appearance in person, by recognise Agent or by pleader.
 - 4.7 Service of process on recognised Agent.
 - 4.8 Appointment of pleader.
 - 4.9 Service of process on pleader.
 - 4.10 Agent to accept service.
 - 4.11 First hearing.
 - 4.12 Examination of parties by the Court.
 - 4.13 Settlement of issues.
 - 4.14 Framing of issues.
 - 4.15 What is meant by issues.
 - 4.16 What is material proposition of lower fact.
 - 4.17 Kinds of issues.
 - 4.18 How issues are framed.
 - 4.19 Significance of issues.
 - 4.20 Material from which issues may be framed.
 - 4.21 Questions of facts or law may be agreement be stated in form of issues.
 - 4.22 Court may examine witnesses or documents before framing issues.
 - 4.23 Amendments and striking out of issues.
 - 4.24 Court to pronounce judgement on all issues.
 - 4.25 Disposal of the suit at first hearing.

- 4.26 Appearance.
- 4.27 Ex-parte procedure.
- 4.28 Summary and attendance of witnesses.
- 4.29 Trial.
- 4.30 Adjournments.
- 4.31 Interim Orders :- Commission, arrest or attachment before judgement, injunction and appointment of receiver.
- 4.32 Interests and costs.
- 4.33 Interlocutory orders
 - 4.33.1 Meaning of interlocutory orders.
 - 4.33.2 Purpose of interlocutory orders.
 - 4.33.3 Various interlocutory orders that may be passed.
 - 4.33.3.1 Commissions and Letters of requests – incidental proceedings.
 - 4.33.3.2 Arrest and attachment before judgement.
 - 4.33.3.3 Temporary injunctions.
 - 4.33.3.4 Interim sale of movable property.
 - 4.33.3.5 Detention, preservation, inspection of suit property.
 - 4.33.3.6 Putting a party in immediate possession of land or tenor.
 - 4.33.3.7 Deposit of money in court.
 - 4.33.3.8 Appointment of receiver.
 - 4.33.3.9 Deposit of claim amount by defendant.
 - 4.33.3.10 Security for costs.
 - 4.33.4 Effect of death, marriage and insolvency of parties on the suit.
 - 4.33.5 Withdrawal and adjustments of suits.
 - 4.33.6 Summons to witnesses and compelling their attendance.
 - 4.33.7 Adjournments.
 - 4.33.8 Hearing of suit and examination of witness.
 - 4.33.9 Judgement & decree.
 - 4.33.10 Interest and costs.
 - 4.33.11 Foreign Judgement, it's conclusiveness and presumption.

5. Execution.

- 5.1 Meaning of execution of decree.
- 5.2 Powers of court to enforce execution.

- 5.3 Who may apply for execution of decree.
- 5.4 Modes of execution of decree.
- 5.5 Choice of mode of execution.
- 5.6 Restrictions on execution of a money decree.
- 5.7 Concurrent execution.
- 5.8 Execution of decree
 - 5.8.1 Delivery of property.
 - 5.8.2 Attachment and sale of property or sale without attachment of property.
 - 5.8.3 Arrest and detention of judgement debtor in prison.
 - 5.8.4 Appointment of receiver.
 - 5.8.5 In such other manner as the nature of relief granted may require.
 - 5.8.6 Partition of estate or separation of share.
 - 5.8.7 Cross decrees.
 - 5.8.8 Cross claims under the same decree.
 - 5.8.9 Payment of money.
 - 5.8.10 Specific performance of contract.
 - 5.8.11 Injunction.
 - 5.8.12 Restitution of conjugal right.
 - 5.8.13 Execution of documents.
 - 5.8.14 Endorsement of Negotiable Instruments.
 - 5.8.15 Decree against a Corporation.
 - 5.8.16 Decree for rent Mense Profit etc.
 - 5.8.17 Decree against Firm.
 - 5.8.18 Attachment of decree.
 - 5.8.19 Payment of coin or currency notes.
- 5.9 Application for execution of decree
 - 5.9.1 Who is entitled to apply for execution of decree.
 - 5.9.2 Against whom the decree may be executed.
 - 5.9.3 To which court the application for execution shall be made.
 - 5.9.4 Particulars to be furnished in the application for execution of decree.
 - 5.9.5 Procedure on receipt of application for execution of a decree.
 - 5.9.6 Notice of execution of decree in certain cases.
 - 5.9.7 Procedure after the notice of execution of decree is issued.
 - 5.9.8 Hearing of application for execution of decree.
 - 5.9.9 Execution of decree against Legal Representative

- 5.9.9.1 Transferee.
- 5.9.9.2 Legal Representative.
- 5.9.9.3 Enforcement of decree against legal representative.
- 5.9.9.4 Liability of ancestral property.
- 5.10 Courts which may execute a decree
 - 5.10.1 Applications to orders.
 - 5.10.2 Definition of court which passed a decree.
 - 5.10.3 Courts by which decree may be executed.
 - 5.10.4 Transfer of decree.
 - 5.10.5 Transfer of decree to court in another State.
 - 5.10.6 Result of execution proceedings to be certified.
 - 5.10.7 Powers of Court in executing transfer decree.
 - 5.10.8 Execution of decrees passed by Civil Court in places to which this court does not extent.
 - 5.10.9 Execution of decrees passed by court in reciprocatory territory.
 - 5.10.10 Execution of decrees outside India.
 - 5.10.11 Precepts.
 - 5.10.12 Execution barred in certain cases.
 - 5.10.13 Questions to be determined by court in executing decree.
- 5.11 General principles of execution.
- 5.12 Powers for execution of decrees.
- 5.13 Procedure for execution. (S. 52-54)
- 5.14 Enforcement, arrest and detention. (S. 55-59)
- 5.15 Attachment. (S. 60-64)
- 5.16 Sale. (S. 65-97)
- 5.17 Delivery of property.
- 5.18 Stay of execution.
- 6. **Arrest and detention of judgement debtor**
 - 6.1 Prohibition of arrest and detention of woman in execution of decree for money.
 - 6.2 Subsistence allowance.
 - 6.3 Detention and release.
 - 6.4 Release on grounds of illness.
 - 6.5 Re-arrest of judgement debtor.
 - 6.6 Notice to judgement debtor to show cause against detention.
 - 6.7 Proceedings when judgement debtor appears or is brought after arrest.

- 6.8 Attachment of property of judgement debtor
 - 6.8.1 Property liable to attachment and sale in execution of decree.
- 6.9 Distribution of proceeds of execution/sale.
- 6.10 Suit by or against Government and Public Officers.
 - 6.10.1 Execution of decree.
 - 6.10.2 Exemption from arrest and personal appearance.
 - 6.10.3 Suit by alien or by or against Foreign Rulers, Ambassadors and Envoys.
 - 6.10.4 Suit by or against Solicitor, Corporation, Firms, Trustees, Executors, Administrators, Minors and Lunatics.
 - 6.10.5 Suits relating to Family matters.
 - 6.10.6 Suits by indigent persons.
 - 6.10.7 Suits relating to mortgages of immovable property.
 - 6.10.8 Interpleader Suits.
- 6. **Suits in Particular Cases.**
 - 6.1 By or against Government. (S. 72-82)
 - 6.2 By aliens and by or against Foreign rulers or ambassadors. (S. 83-87A)
 - 6.3 Public Nuisance. (S. 91-93)
 - 6.4 Suits by or against Firm.
 - 6.5 Suits in Forma pauperis.
 - 6.6 Mortgages.
 - 6.7 Interpleader Suits.
 - 6.8 Suits relating to public charities.
- 7. **Appeals.**
 - 7.1 Appeals from original decree.
 - 7.2 Appeals from appellate decree.
 - 7.3 Appeals from orders.
 - 7.4 General provisions relating to appeal.
 - 7.5 Appeal to the Supreme Court.
- 8. **Review, reference and Revision.**
- 9. **Miscellaneous.**
 - 9.1 Transfer of cases.
 - 9.2 Restitution.
 - 9.3 Caveat.
 - 9.4 Inherent powers of courts.
- 10. **Law Reform :- Law Commission on Civil Procedure - amendments.**
- 11. **Law of Limitation.**

- 11.1 The concept :- the law assists the vigilant and not those who sleep over the rights.
- 11.2 Objects.
- 11.3 Distinction with laches, acquiescence, prescription.
- 11.4 Extension and suspension of Limitation.
- 11.5 Sufficient cause for not filing the procedure.
 - 11.5.1 Illness.
 - 11.5.2 Mistaken legal advise.
 - 11.5.3 Mistaken view of law.
 - 11.5.4 Poverty, Minority and Purdha.
 - 11.5.5 Imprisonment.
- 11.6 Defective Vakalatnama.
- 11.7 Legal Disabilities.
- 11.8 Acknowledgement - Essential requisites.
- 11.9 Foreign rule of Limitation :- Contract entered into under a Foreign Law.
- 11.10 Continuing tort and continuing breach of contract.
- 11.11 Contineous running of time.
- 11.12 Computation of period of Limitation.

BOOKS

- (1) Mulla Code of Civil Procedure (1999), Universal, Delhi.
- (2) C.K.Thacker Code of Civil Procedure (2000), Universal, Delhi.
- (3) M.R.Mallick (Ed.), B.B.Mitra on Limitation Act (1998), Eastern, Lucknow.

Criminal Procedure Code, Juvenile Justice Act And Probation of Offenders Act Paper - V

- 1 **Introductory**
 - 1.1 The rationale of Criminal Procedure : the importance of fair trial.
 - 1.2 Constitutional perspectives : Article 14, 20 & 21.
 - 1.3 The variety of Criminal procedures (the class should examine, in particular, the procedure for trial of special offences, specially offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act)
 - 1.4 The organisation of Police, prosecutor, defence counsel and prison authorities and their duties, functions and powers.
 - 1.5 Classes of Criminal Courts.

- 1.6 Territorial Divisions.
- 1.7 Metropolitan Areas.
- 1.8 Special Judicial Magistrate.
- 1.9 Courts of Metropolitan Magistrate.
- 1.10 Chief Metropolitan Magistrate.
- 1.11 Executive Magistrate.
- 1.12 Special Executive Magistrate.
- 1.13 Aid to Magistrate and to the police (Section 37-40)
 - 1.13.1 Public when to assist Magistrate and police.
 - 1.13.2 Aid to person other than police officer, executing warrant. (Section 38)
 - 1.13.3 Public to give information of certain offences. (Section 39)
 - 1.13.4 Duty of officers employed in connection with the affairs of a village to make certain report. (Section 40)

Process to compel appearance (Section 61 to 69)

- 1 Forms of summons.
- 2 Summons how served.
- 3 Service of summons on corporate bodies and Societies.
- 4 Service when person's summoned can't be found.
- 5 Procedure when service can't be effected as before provided.
- 6 Service on Government Servant.
- 7 Security for good behaviour from persons disseminating seditious matters.
- 8 Security for good behaviour from suspected persons.
- 9 Security for good behaviour from habitual offenders.

Order for maintenance of wife, children and parents. (Section 125)

- 1 Order for maintenance of wife, children and parents. (Section 125)
- 2 Procedure. (Section 126)
- 3 Alteration in allowance. (Section 127)
- 4 Enforcement of order of maintenance. (Section 128)

Complaints to Magistrate

- 1 Examination of complainant.
- 2 The procedure by Magistrate not competent to take cognizance of case.
- 3 Postponement of issue of process.
- 4 Dismissal of complaint.

2 **Pre-trial process : Arrest.**

- 2.1 The distinction between cognisable and non-cognisable offences : relevance and adequacy problems.
- 2.2 Steps to ensure accused's presence at trial : warrant and summons.
- 2.3 Arrest with and without warrant. (S. 70-73 & 41)
- 2.4 The absconder status. (S. 82, 83, 84 & 85)
- 2.5 Right of the arrested person.
- 2.6 Right to know grounds of arrest. (S. 50(i), 55 & 75)
- 2.7 Right to be taken to Magistrate without delay. (S. 56 & 57)
- 2.8 Right of not being detained for more than twenty four hours (S. 57)
- 2.9 Article 22(2) of the Constitution of India. Right to consult legal practitioner, legal aid and the right to be told of rights to bail.
- 2.10 Right to be examined by a medical practitioner. (S. 54)
- 3 **Pre-trial process : Search & Seizure.**
 - 3.1 Search warrant (S. 83, 94, 97 & 98) and search without warrant (S. 103)
 - 3.2 Police search during investigation. (S. 165, 166 & 153)
 - 3.3 General principles of search. (S. 100)
 - 3.4 Seizure. (S. 102)
 - 3.5 Constitutional aspects of validity of search and seizure proceedings.
- 4 **Pre-trial Process : FIR**
 - 4.1 F.I.R. (S. 154)
 - 4.2 Evidentiary value of F.I.R. (S. 145 & 157 of Evidence Act)
- 5 **Pre-trial Process : Magisterial powers to take cognisance**
- 6 **Trail Process**
 - 6.1 Commencement of Proceedings. (S. 200, 201 & 202)
 - 6.2 Dismissal of Complaints. (S. 203 & 204)
 - 6.3 Bail : Concept, purpose, constitutional overtones.
 - 6.3.1 Bailable & Non-bailable offences. (S. 436, 437 & 439)
 - 6.3.2 Cancellation of Bail. (S. 437(5))
 - 6.3.3 Anticipatory Bail. (S. 438)
 - 6.3.4 Appellate Bail power. (S. 389(1), 395(1) & 437(5))
 - 6.3.5 General principles concerning Bond. (S. 441 to 450)
- 7 **Fair Trial**
 - 7.1 Conception of Fair Trial.
 - 7.2 Presumption of innocence.
 - 7.3 Venue of Trial.
 - 7.4 Right of the accused to know to accusation. (S. 221 to 224)

- 7.5 The trial must generally be held in accused's presence. (S. 221 to 224)
- 7.6 Right of Cross-examination and offering evidence and defence the accused's statement.
- 7.7 Right to Speedy Trial.
- 8 **Charge**
- 8.1 Framing of charge.
- 8.2 A Form and Contents of charge. (S. 211, 212 & 216)
- 8.3 Separate charges for distinct offences. (S. 218, 219, 220, 221 & 223)
- 8.4 Dis-charge - pre-charge evidence.
- 9 **Preliminary Pleas to Bar the Trial**
- 9.1 Jurisdiction. (S. 26, 177 to 188, 461, 462 & 479)
- 9.2 Time Limitations : Rationale & Scope. (S. 468 to 473)
- 9.3 Pleas of autrefois acquit and autrefois convict. (S. 300 & 22(d))
- 9.4 Issue - Estoppel.
- 9.5 Compounding of offences.
- 10 **Trial before a Court of Sessions :- Procedural steps and substantive Rights.**
- 11 **Judgement**
- 11.1 Form and Content. (S. 354)
- 11.2 Summary trial.
- 11.3 Post-conviction Order in lieu of punishment :- Emerging penal policy. (S. 360, 361 & 31)
- 11.4 Compensation & cost. (S. 357 & 358)
- 11.5 Modes of providing judgement. (S. 353, 362 & 363)
- 12 **Appeal, Review, Revision**
- 12.1 No appeal in certain cases. (S. 372, 375 & 376)
- 12.2 The Rationale appeals, review, revision.
- 12.3 The multiple range of appellate remedies.
- 12.3.1 Supreme Court of India. (S. 374, 379, Art. 31, Art. 132, 134, 136)
- 12.3.2 High Court. (S. 374)
- 12.3.3 Session's Court. (S. 374)
- 12.3.4 Special Right to appeal. (S. 380)
- 12.3.5 Governmental appeal against sentencing. (S. 377 & 378)
- 12.3.6 Judicial power in disposal of appeals. (S. 368)
- 12.3.7 Legal aid in appeals.
- 12.4 Revisional jurisdiction. (S. 397 - 405)
- 12.5 Transfer of cases. (S. 406 & 407)

- 13 **Juvenile Delinquency**
- 13.1 Nature and magnitude of problem.
- 13.2 Causes.
- 13.3 Juvenile Court System.
- 13.4 Treatment & rehabilitation of juveniles.
- 13.5 Juvenile and adults crimes.
- 13.6 Legislative and judicial protection of juvenile offender.
- 13.7 Juvenile Justice Act, 1988.
- 14 **Probation**
- 14.1 Probation of Offender's Law
- 14.2 The judicial attitude.
- 14.3 Mechanism of probation : Standards of probation Services.
- 14.4 Problems and prospects of probation.
- 14.5 The suspended sentence.
- 15 **Reform of Criminal Procedure.**

BOOKS

- (1) Ratanlal Dhirajlal - Criminal Procedure Code, Universal, Delhi.
- (2) Chandrasekharan Pillai (Ed), Kelkar Lectures on Criminal Procedure, Eastern, Lucknow.
- (3) Criminal Procedure Code as amended upto date.
- (4) Chandrasekharan Pillai (Ed), Kelkar's outline of Criminal Procedure Code, Eastern, Lucknow.

Law of Evidence

Paper - VI

- 1 **Introductory**
- 1.1 The main features of the Indian Evidence Act, 1861.
- 1.2 Other acts which deal with evidence. (Special reference to C.P.C., Cr.P.C.)
- 1.3 Problems of applicability of evidence act.
- 1.4 Administration.
- 1.5 Administrative Tribunals.
- 1.6 Industrial Tribunals.
- 1.7 Commissions of Enquiry.
- 1.8 Court martial.
- 1.9 Disciplinary authorities in educational institutions.
- 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.

- 2.3 Circumstantial evidence and direct evidence.
- 2.4 Presumption. (S. 4)
- 2.5 Proving, not proving and disproving.
- 2.6 Witness.
- 2.7 Appreciation of evidence.
- 3 **Facts - Relevancy**
 - 3.1 The Doctrine of res-gestae. (S. 6, 7, 8 & 10)
 - 3.2 Evidence of common intension. (S. 10)
 - 3.3 The problems of relevancy of 'otherwise' irrelevant facts. (S. 11)
 - 3.4 Relevant facts for proof custom. (S. 13)
 - 3.5 Facts concerning bodies and mental state. (S. 14 & 15)
- 4 **Admissions and Confessions**
 - 4.1 General principle concerning admission. (S. 17 & 23)
 - 4.2 Difference between admission and confession.
 - 4.3 The problems of non-admissibility of Confession cause by any inducement, treat or promise.
 - 4.4 Inadmissibility of confession made before police officer. (S. 25)
 - 4.5 Admissibility of custodial confession. (S. 26)
 - 4.6 Admissibility of 'information' received from accused person 'in custody', with special reference to problem of discovery biased on 'joint statement'. (S. 27)
 - 4.7 Confession by co-accuse. (S. 30)
 - 4.8 The problems with the judicial action biased on 'retracted confession'.
- 5 **Dying Declarations**
 - 5.1 The justification for relevance of dying declaration. (S. 32)
 - 5.2 The judicial standards for appreciation of evidentiary value of dying declaration.
- 6 **Other statements by persons who can't be called as witness**
 - 6.1 General principles.
 - 6.2 Special problems concerning violation of human rights in marriage in the Law of Evidence.
 - 6A **Statements made under special circumstances**
 - 6A.1 Entries in books of accounts when relevant.
 - 6A.2 Relevancy of entry made in public in performance of public duty.
 - 6A.3 Relevancy of statements in maps, plans and charts.
 - 6A.4 Relevancy of statement as to fact of public nature content in certain acts and notification.

- 6A.5 Relevancy of statement as to any law content in law books.
- 7 **Judgement of Courts of Justice when relevant**
 - 7.1 General principles.
 - 7.2 Admissibility of judgement in Civil and Criminal matter. (S. 43)
 - 7.3 'Fraud' Collision. (S. 44)
 - 7.4 Previous judgement to bar a second suit or trial. (Section 40)
 - 7.5 Relevancy of certain judgement in probate etc. jurisdiction.
 - 7.6 Relevancy and effects of judgement, orders, decrees, other than those mentioned in Section 41.
- Character when relevant (Section 52 to Section 55)
 - 1 In civil cases character to prove conduct imputed, irrelevant. (Section 52)
 - 2 In criminal cases, previous good character is relevant. (Section 54)
 - 3 Previous bad character not relevant except in reply.
 - 4 Character as affecting damages.
- Facts which need not be proved
 - 1 Facts judiciable noticeable need not be proved. (Section 56)
 - 2 Facts of which court must take judicial notice. (Section 57)
 - 3 Facts admitted need not be proved. (Section 58)
- 8 **Expert Testimony**
 - 8.1 General principles.
 - 8.2 Who is an Expert? :- Types of expert evidence.
 - 8.3 Option on relationship specially proof of marriage. (S. 50)
 - 8.4 The problems of judicial defence to expert testimony.
- 9 **Oral and Documentary Evidence**
 - 9.1 General principles concerning oral evidence. (S. 59 & 60)
 - 9.2 General principles concerning documentary evidence. (S. 67 & 96)
 - 9.3 General principles regarding exclusion of oral by documentary evidence.
 - 9.4 Special problem : Re-hearing evidence.
 - 9.5 Issue estoppel.
 - 9.6 Tenancy estoppel. (S. 116)
 - 9.7 Primary evidence. (Section 62)
 - 9.8 Secondary evidence. (Section 63)
 - 9.9 Proof of documents by Primary Evidence. (Section 64)
 - 9.10 Cases in which secondary evidence relating to documents may be given. (Section 65)

- 9.11 Public Documents
- 9.11.1 Public documents. (Section 74)
- 9.11.2 Private documents. (Section 75)
- 9.11.3 Presumption as to documents 30 years old.
- 9.11.4 Presumption as to electronic records 5 years old.
- 10 **Witnesses, Examination & Cross-examination**
- 10.1 Who may testify. (Section 118)
- 10.2 Dumb witnesses. (Section 119)
- 10.3 Parties to civil suit, and their wives or husbands, husband or wife or person under Criminal trial. (Section 120)
- 10.4 Judges and Magistrates. (Section 121)
- 10.5 Communication during marriage. (Section 122)
- 10.6 Official communication. (Section 124)
- 10.7 Information as to commission of offence. (Section 125)
- 10.8 Professional communication. (Section 126)
- 10.9 Confidential communication with legal advisers. (Section 129)
- 10.10 Accomplice. (Section 133)
- 10.11 Competency to testify. (S. 118)
- 10.12 State privilege. (S. 123)
- 10.13 Professional privilege. (S. 126, 127 & 128)
- 10.14 Approval testimony. (S. 133)
- 10.15 General principles of examination and cross-examination. (S. 135-166)
- 10.16 Leading questions. (S. 141-143)
- 10.17 Lawful questions in cross-examination. (S. 146)
- 10.18 Compulsion to answer question put to witness.
- 10.19 Hostile witness. (S. 154)
- 10.20 Impeaching of the standing or credit of witness. (S. 155)
- 10.21 No new trial for Improper admission and rejection of evidence. (Section 167)
- 11 **Burden of Proof**
- 11.1 The general conception of onus probandi. (S. 101)
- 11.2 General and special exception to onus probandi.
- 11.3 The justification of presumption and of the doctrine of judicial notice.
- 11.4 Justification as to presumption as to certain offences. (S. 111A)
- 11.5 Presumption as to dowry death. (S. 113-A)
- 11.6 The scope of doctrine of judicial notice. (S. 114)

12 **Estoppel**

- 12.1 Why estoppel ? The rationale. (S. 115)
- 12.2 Estoppel, Res-judicata, weavier and presumption.
- 12.3 Estoppel by deed.
- 12.4 Estoppel by conduct.
- 12.5 Equitable and promissory estoppel.
- 12.6 Question of corroboration. (S. 156, 157)
- 12.7 Improper admission of witness in civil and criminal cases.

Books

- (1) Indian Evidence Act. (Amendment upto date)
- (2) Ratanlal Dhirajlal : Law of Evidence, Wadhwa, Nagpur.
- (3) Avtar Singh, 'Principles of Law of Evidence', Central Law Agency, New Delhi.
- (4) Albert S. Osborn, 'The Problem of Proof'. (The first Indian Reprint 1998), Universal, Delhi.

Paper-VII
Law of Crimes

1. Concept of Crime
2. Pre-colonial notions of crimes as reflected in Hindu, Muslim and trail law.
3. State's power to determine act or omission as crimes.
4. State's responsibility to detect, control and punish crimes
5. Distinction between crime and other wrongs.
6. IPC a reflection of different social and moral values
7. Origin of Criminal Law
8. Development of Modern Criminal Law in India
9. Mental elements in crimes"-
 - 9.1 Intension
 - 9.2 Motive
 - 9.3 Men's Rea.
 - 9.4 Knowledge.
 - 9.5 Innocence.
 - 9.6 Mistake of fact.
 - 9.7 Mistake of Law.
10. Terrotorial, Jurisdiction
 - 10.1 Punishment of offences committed in India. (Section -2)
 - 10.2 Punishment of offences committed beyond but which by law may be tried in India (Section-3)
 - 10.3 Extension of code to extra territorial offences. (S.4)
 - 10.4 Crimes committed outside India

- 10.4.1 Extradition.
- 10.4.2 Extra-territorial jurisdiction
 - 10.4.2.1 Land
 - 10.4.2.2 Admiralty, Piracy
 - 10.4.2.3 Aircraft
 - 10.4.2.4 Liability of Foreigners in India for offences committed outside its limit
 - 10.4.2.5 Certain laws not to be affected by IPC (Section 5)
- 11. Definitions

Gender, Number, 'Man', 'Women', Person, Public, Government, Judge, Court of Justice, Public Servant, Movable Property, Wrongful Gain, Wrongful Loss, Gaining Wrongfully, Losing Wrongfully, Dishonesty, Fraudulently, reason to believe, Counterfeit, Document, Valuable Security, Act, Omission.
- 12. Act done by several persons in furtherance of common intention (Section 34)
- 13. When such an act is criminal by reason of its being done with a criminal knowledge on intention (S. 35)
- 14. Voluntarily (Section 39)
- 15. Offence (Section 40)
- 16. Special Law (Section 41)
- 17. Local Law (Section 42)
- 18. Illegal (Section 48)
 - Injury (Section 44)
 - Life (Section 45)
 - Death (Section 46)
 - Animal (Section 47)
 - Vessel (Section 48)
 - Good faith (Section 52)
 - Harbour (Section 52-A)
 - Punishments (Section 53)
 - Construction of reference to transportation (Section 53-A)
 - Fractions of terms of punishment (Section-56)
 - Sentence may be wholly or partly rigorous
 - Limit of punishment of offence made up of several offences (Section 71)
 - Solitary confinement (Section 73)
 - Limit of solitary confinement (Section 74)
- General exceptions (Section 76 to Section 106)
 - Abetment of a thing (Section 107)

- Abettor (Section 108)
- Definition of Criminal Conspiracy (Section 120-A)
- Unlawful assembly (Section 141)
- Being a member of unlawful assembly (Section 142)
- Rioting (Section 146)
- Affray (Section 159)
- Giving false evidence (Section 191)
- Fabricating false evidence (Section 192)
- Using evidence known to be false (Section 196)
- Harboring offender (Section 212)
- Counterfeiting coins (Section 231)
- Counterfeiting Indian coins (Section 232)
- Counterfeiting Government Stamp (Section 255)
- Sale of counterfeit Government stamp (Section 258)
- Public nuisance (Section 268)
- Culpable Homicide (Section 299)
- Murder (Section 300)
- Causing death by negligence (Section 304-A)
- Dowry death (Section 304-B)
- Causing miscarriage (Section 312)
- Hurt (Section 319)
- Grievous hurt (Section 320)
- Wrongful restraint (Section 340)
- Force (Section 349)
- Criminal force (Section 350)
- Assault (Section 351)
- Kidnapping (Section 359)
- Kidnapping from India (Section 360)
- Kidnapping from lawful guardianship (Section 361)
- Abduction (Section 362)
- Rape (Section 375)
- Intercourse by a man with his wife during separation (Section 376-A)
- Unnatural offences (Section 377)
- Theft (Section 378)
- Extortion (Section 383)
- Robbery (Section 390)
- Dacoity (Section 391)
- Dishonest misappropriation of property (Section 403)
- Criminal breach of trust (Section 405)
- Stolen property (Section 410)

- Dishonestly receiving stolen property (Section 411)
- Cheating (Section 415)
- Cheating and dishonestly inducing delivery of property (Section 420)
- Mischief (Section 425)
- Criminal Trespass (Section 441)
- House trespass (Section 442)
- Lurking house trespass (Section 443)
- Lurking house trespass by night (Section 444)
- House breaking (Section 445)
- House breaking by night (Section 446)
- Forgery (Section 463)
- Making a false document (Section 464)
- Cohabitation caused by man deceitfully inducing a belief of lawful marriage (Section 493)
- Marriage again during life time of husband and wife (Section 494)
- Adultery (Section 497)
- Defamation (Section 499)
- Criminal intimidation (Section 503)
- Punishment for attempting to commit offences punishable with imprisonment for life or others imprisonment (Section 511)

Books :-

1. Ratanlal & Dhiraj - Indian Penal Code (1994) Reprint
2. K.D. Gaur - Criminal law : Cases and Materials (1999)
3. Justice Hidayatullah - Indian Penal Code
4. P.S. Achutan Pillai - Criminal Law.

Paper - VIII**Court Visit**

Syllabus of LL.B. 5th Years Degree Course (B.A.LL.B.Course)**Semester VIth****Paper-I****Sociology – II**

Marks : 100

SOCIOLOGICAL PERSPECTIVE

1. **Social Stratification** :
Social Stratification – a Functionalist perspective
Talcott Parsons
Kingsley Davis and Wilbert E Moore
Melvin M Tumin
Michael Young
Eva Rorelfeld
Social stratification – A Marxian perspective
Social Stratification – A Weberian perspective
2. **Power and Politics** :
Power a functionalist perspective
Power a Marxian perspective
Elite Theory
Classical Elite theory – Vilfredo Pareto and Gaetano Mosca
Elite theory and the U.S.A. – C.W. Mills and Floyd Hunter.
Elite theory and communist societies
Pluralism - Power and Political in western Democracies
Pluralism and the U.S.A. – Robert A Dhal and Arnold M. Rose.
3. **Poverty** :
Poverty as a positive feedback system
The culture of poverty
Poverty - a Marxian perspective
Poverty – a Weberian perspective
Absolute poverty
Relative poverty
Subjective poverty
4. **Education** :
Education a functionalist perspective
E-mail Durkheim
Talcott Parsons
Kingsley Davis and Wilbert E Moore
Education – a Marxian perspective
Louis Althusser – the reproduction of labour power
5. **Work and Leisure** :
Work and leisure – a Marxian perspective

Karl Marx – alienated Labour
 C.W. Mills – White collar Alienation
 Andre Gorz and Herbert Marcuse – alienation from work and Leisure
 Emile Durkheim – The Division of Labour in Society – a functionalist perspective.

6. Organization and Bureaucracy :

Bureaucracy – a Weberian perspective
 Bureaucracy – a Marxian perspective
 Robert K. Merton – the dysfunctions of bureaucracy
 Peter Blau – formal and informal structure
 Alvin W Gouldner – degrees of bureaucratization.

7. Family :

George peter Murdock :- the family – a universal social institution
 The New world Black Family – an exception to the rule
 The kibbutz – the abolition of the family
 The family – a functionalist perspective – George peter Murdock –
 The universal functions of family.
 Talcott Persons the basic and irreducible functions family
 The functions of family in modern industrial society.

8. Woman and Society :

Lionel Tiger and Robin Fox the human biogrammer
 George peter Murdock – biology and practicality
 Talcott parsons – biology and expressive female
 John Bowlby the mother – Child bond
 Ann Oakley – the cultural division of labour
 Bruno Bettelheim – collective child rearing
 Womana Marxian perspective
 Marxism, women and capitalist society
 The abolition of gender roles

9. Deviance :

Physiological and psychological theories of deviance
 Deviance – a functionalist perspective
 The functions of deviance
 Robert K Merton – social structure and anomie
 Structural and sub cultural theories of deviance – Albert K Cohen
 Walter B Miller, Richard A Claward and Lloyed E Ohlin

10. Religion :

Religion – a functionalist perspective
 Emile Durkheim
 Broinslaw Malinowski
 Talcott Parsons

Religion – a Marxian perspective
 Religion and Social Change – Max Weber

Recommended Books :

- 1) M. Haralambos and R.M. Heald – Sociology – Themes and Perspectives
- 2) N. Jayapalan – Sociological Theories
- 3) Francis Abraham and J.H. Morgan – Social Thought
- 4) R.N. Sharma and R.K. Sharma – History of Social Thought
- 5) Bert. N. Adams and R.A. Sydie – Sociological Theory
- 6) R.N. Mukherjee and Arunashu Ghosal – Social Thought.

Paper-II
Computer (Theory)

Marks : 50

Unit-I: Introduction to MS – Word :

- Starting Word, Creating documents, Designing a Documents, Saving & Closing Documents, Different Views of Documents.
- Formatting, Selection, Cut, Copy, Paste, Delete, Alignments, Bold, Italic, Underline, Border & Shedding, Paragraph Settings, Printing, Print Preview, Page setup, Spelling & Grammer check, Drop caps, Bullets & Numbering, Columns Setting, Header & Footer, Footnote & Endnote, Inserting Pictures, Word art, Text box operations, Find & Replace, Clipboard, Change Case.
- Creating tables, Add and remove Columns and rows, Inserting formula in the table. Sort (Ascending & Descending), Change text direction, table properties, table auto format.
- Creating templates
- Mail Merge.

Unit-II : Introduction to MS-Excel :

- Introduction to Excel, Difference between Worksheet & Workbook, Starting Excel Creating Worksheet, Designing, Saving & Closing Workbook, Toolbars and their operations, Different Views of Worksheet.
- Formatting Selection, Cut, Copy, Paste Paste Special, Delete, Alignments, Bold, Italic, Underline, Merge Cell, Split Cell, find, Border & Shedding, Printing, Print Preview, Page setup, Conditional Formatting, Header & Footer, Inserting Pictures Word Art, Symbols and Clipboard.

- Inserting Functions Mathematical, Logical, Statistical and Financial.
- Insert Chart, Formatting of Chart
- Data Sort (Ascending & Descending), Auto Filter, Advance Filter.
- Goal Seek Function
- Data Consolidation
- Data Form
- Workbook Linking and Worksheet Linking
- Design Template.

Unit-3 : Introduction to MS-Power Point :

- Introduction to Power Point, Toolbars and their operations, Different Views of Power Point, Designing, Saving & Closing Presentation.
- Inserting Slide, Pictures, Clip art, Organization chart, Table, chart, Text Styling, Send to Back, Hide Slide, Header & Footer.
- Design Template, Master Slide, Animation Setting, Slide Transition and Auto content Wizard.

Unit-4 : Introduction to DBMS & RDBMS :

- Introduction to database management system, DBMS Vs RDBMS.
- Introduction to Microsoft Access, Creating a Database in Access.
- Using Database wizard & Blank Database
- Creating table, Database view and Design View
- Creating queries, forms and Reports in MS Access.

Unit-5 : Internet :

- Downloading data from websites
- Uploading Data
- Creation of Blogs

Books Recommended :

1. A First Course in Computer 2000 Sanjay Saxena
2. Mastering MS-Office
3. Learning ME Office EP – Ramesh Bagra.

Paper-II
Computer (Practical)

Marks : 50

Unit-I : Introduction to MS – Word :

- Starting Word, Creating documents, Designing a Documents, Saving & Closing Documents, Different Views of Documents.
- Formatting, Selection, Cut, Copy, Paste, Delete, Alignments, Bold, Italic, Underline, Border & Shading, Paragraph Settings, Printing, Print Preview, Page setup, Spelling & Grammar check, Drop caps, Bullets & Numbering, Columns Setting, Header & Footer, Footnote & Endnote, Inserting Pictures, Word art, Text box operations, Find & Replace, Clipboard, Change Case.
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- Inserting Functions Mathematical, Logical, Statistical and Financial.
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Closing Presentation.

- Inserting Slide, Pictures, Clip art, Organization chart, Table, chart, Text Styling, Send to Back, Hide Slide, Header & Footer.
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- Creating queries, forms and Reports in MS Access.

Unit-5 : Internet :

- Downloading data from websites
- Uploading Data
- Creation of Blogs

MARKSDISTRIBUTION

Theory Part	(Total Marks – 50)
Unit-I	- 10 Marks,
Unit-II	- 10 Marks,
Unit-III	- 10 Marks,
Unit-IV	- 10 Marks &
Unit-V	- 10 Marks.

Practical Part (Total Marks – 50)

1. Prepare two practical questions on 5 units. (Give only one practical on each unit)
Both the questions answers solve in the answer book. Execute any one and take a printout and attached printout to the answer book . 30 Marks
2. External Viva Voce. 20 Marks

Paper-III (VIth Semester)

Regional Language – Marathi (Compulsory)

2. मराठी आवश्यक

वेळ : 3 तास

एकूण नुज- 100

प्रश्न-1 पाठ्यपुस्तक आधारित निबंध (जद्यपाठावर) 20 नुज

प्रश्न-2 दीर्घोत्तरी (पद्यावर) 20 नुज

- प्रश्न-3 लघुत्तरी (अ) 4 चा एक नट जिंवा 4 चा दुसरा नट (जद्य पाठावर) 20 नुज
- प्रश्न-4 लघुत्तरी (अ) 4 चा नट जिंवा 4 चा दुसरा नट (जद्यावर एक, पद्यावर एक आजि व्याहारिज मराठीवर दोन असे एकूण चार प्रश्न राहतील) 20 नुज
- प्रश्न-5 अतिलघुत्तरी एकूण 4 प्रश्न विद्यारावेत प्रत्येकी 5 20 नुज
(जद्य पद्यावर प्रत्येकी एक व्यावहारिज मराठी वरील दोन प्रश्न असे एकूण चार प्रश्न राहतील.) एकूण नुज 100

सूच-पा :-

1. अतिलघुत्तरी प्रश्न चारही नटातून राहतील.
2. या प्रश्नपत्रिचे त “60 नुज (जद्यावर)” व “40 नुज (पद्यावर)” अशी जुनांची विभाजनी आहे.

जिंवा

Paper-III

Compulsory Language (Modern European)

French

Time : 3 Hours

(Full Marks – 100)

The Distribution of Marks will be as follows :

- | | | |
|-----------------|------|----------|
| 1. Text | .... | 50 Marks |
| 2. Rapid Reader | .... | 20 Marks |
| 3. Composition | .... | 30 Marks |

Total 100 Marks

Text Prescribed :

1. Le Nouveua Sons Frontieres 11, Published by CLE International Pris, Available at Frech Book centre Pvt. Ltd., 1-3, shopping complex, opp. Moolchand Hospital Ring road, Defence Colony, New Delhi.
2. Les” petis Recits de grands Ecrivains by G.A. deleury and Y.K. Sohoni.

Published by University of Poona

1. Le Bagnard et L Eveque
2. Le condamne encombrant
3. Brunain, La Vache ducure
4. L. histore de charse.

Law of Trust
(Law relating to Trusts, Equity and Fiduciary Relationships)

Paper – IV

- 1 **Introduction**
 - 1.1 The concept of trust : distinction with agency and contract.
 - 1.2 Development of law : common law and equity.
 - 1.3 Trusts : classification.
- 2 **Definition and nature of trusts under Indian Law**
 - 2.1 Creation of trusts : rules.
- 3 **Duties of Trustees**
 - 3.1 Execution.
 - 3.2 Acquaintance with nature of property.
 - 3.3 Duties in respect to title.
 - 3.4 Duty of care.
 - 3.5 Conversion.
 - 3.6 Impartiality.
 - 3.7 Prevention of waste.
 - 3.8 Keeping of accounts and giving of information.
 - 3.9 Investment.
 - 3.10 Sale.
 - 3.11 Liability for breach of trust.
- 4 **Rights of Trustees**
 - 4.1 Title Deed.
 - 4.2 Reimbursement.
 - 4.3 Indemnity.
 - 4.4 Seeking direction from court.
 - 4.5 Settlement of accounts.
 - 4.6 General authority.
- 5 **Powers of Trustees**
 - 5.1 Sale.
 - 5.2 Varying of investment.
 - 5.3 Property of minors.
 - 5.4 Giving receipts.
 - 5.5 Power to compound, compromise and settle.
 - 5.6 Exercising authority on death or disclaimer of one of the trustees.
 - 5.7 Suspension of trustee's power.
- 6 **Liabilities of Trustees**
- 7 **Disabilities of Trustees (Section 46 to 54)**
- 8 **Of vacating the office of Trustee (Section 70 to 76)**
- 9 **Certain obligations in the nature of trust (Section 80 to 96)**

- 10 **Rights of Beneficiaries**
 - 10.1 Rents and profits.
 - 10.2 Specific execution.
 - 10.3 Inspection and Information.
 - 10.4 Transfer.
 - 10.5 Suit for execution.
 - 10.6 To have proper trustees.
 - 10.7 Right to compel trustees to do the duties.
 - 10.8 Right on wrongful purchase or acquisition by trustees.
 - 10.9 Follow up of trust properties in the hands of third parties.
 - 10.10 Blending of property by trustees.
 - 10.11 Employment by partner - trustee of trust - property for partnership purposes.
- 11 **Liabilities of the Beneficiaries**
- 12 **Discharge of Trustees**
- 13 **Appointment of New Trustees**
- 14 **Extinction of Trust**
- 15 **Constructive trust : equitable and fiduciary relationship.**
 - 15.1 Transfer without intent to dispose beneficial interest.
 - 15.2 Trust incapable of execution and trust executed fully without exhausting property - the Cypriss Doctrine.
 - 15.3 Transfer and request for illegal purposes.
 - 15.4 Transfer pursuant to rescindable contract.
 - 15.5 Debtor becoming creditor's representative.
 - 15.6 Advantage from undue influence.
 - 15.7 Advantage by qualified owner.
 - 15.8 Property acquired with notice of existing contract.
 - 15.9 Purchase by person contracting to buy property to be held by trust.
 - 15.10 Possession of property without whole beneficial interest.
 - 15.11 Duties of constructive trustees.
 - 15.12 Rights of bona-fide purchases.
- 16 **Special Legislation - Charity and Religious Trust**
- 17 **Common property resources and public trust doctrine.**
- 18 **Nature and Scope of equity.**
 - 18.1 General conception of Equity.
 - 18.2 Nature, Origin and Growth of Equity.
 - 18.3 Equity and the Common Law.
 - 18.4 The Maxims of Equity.

Select Bibliography

- 1) S.Krishnamurthy Aiyer and Harbans Lal Swin, Principles and Digest of Trust Laws, (1998), University Book Agency, Allahabad.
- 2) R.H.Mandsley and E.H.Burn, Trust and Trustees : Cases and Materials, (1978), Butterworths, London.
- 3) R.E.Megarry and P.V.Baker, Snell's Principles of Equity, (1964), ELBS, Sweet and Maxwell.
- 4) Philip H. Pettit, Equity and Law of Trust, (1970).
- 5) Iyer N., Indian Trust Act, (1997), New Delhi Law House, New Delhi.
- 6) Ahmadullah Khan, The Law of Wakf in India, (1997), Delhi Law House, Delhi.
- 7) Rajarathnam, Natrajan and Thankaraj, Commentary of Charitable Trust and Religious Institutions, (2000), Universal, Delhi.
- 8) Mukherjee, Commentary on Indian Press Act, (1999), Universal, Delhi.
- 9) Rao C.R., The Indian Trust Act and Allied Laws, (1999).

LAND LAWS AND LOCAL LAWS**The Maharashtra Land Revenue Code, 1966****Paper - V**

- 1 **Definitions**
- 2 **Revenue Areas**
 - 2.1 Division of State into Revenue areas.
 - 2.2 Constitution of Revenue areas.
- 3 **Revenue Officers : Their powers and Duties**
 - 3.1 Chief Controlling Authority in revenue matters.
 - 3.2 Revenue Officers in division.
 - 3.3 Revenue Officers in district.
 - 3.4 Survey Officers.
 - 3.5 Combination of officers.
 - 3.5.1 Delegation of powers.
 - 3.6 Temporary vacancies.
 - 3.7 Subordination of officers.
 - 3.8 Appointments to be notified.
 - 3.9 Powers and duties of Revenue Officers.
 - 3.10 Powers and duties of Survey Officers, Circle Officers etc.
 - 3.11 Conferral by State Government of owners of revenue officers on other persons.
 - 3.12 Seals.

4 Provision for recovery of money, papers or other Government property

- 4.1 Demands for money, papers etc. to be made known in writing to person concerned etc.
- 4.2 Public moneys may also be recovered as arrears of revenue, search warrants may be issued for recovery of papers or property.
- 4.3 Officer or person in jail may secure his release by furnishing security.

5 Of Lands

- 5.1 Title of State in all lands, public roads, etc. which are not property of others.
- 5.2 Extinction of rights of public in or over any public road, lane or path not required for use of public.
- 5.3 Lands may be assigned for special purposes and when assigned shall not be otherwise used without sanction of Collector.
- 5.4 Regulation of use of pasturage.
- 5.5 Recovering value of natural products unauthorisedly removed from certain lands.
- 5.6 Right to trees in holdings.
- 5.7 Trees and forests vesting in Government.
- 5.8 Recovery of value of trees etc. unauthorisedly appropriated.
- 5.9 Regulation of cutting and supply of wood etc.

6 Of the Grant of Land

- 6.1 Classes of persons holding land.
- 6.2 Occupation of unalienated granted under provisions of the Code.
- 6.3 Unoccupied land may be granted on conditions.
- 6.4 Grant of alluvial land vesting in Government.
- 6.5 Temporary right to alluvial lands of small extent.
- 6.6 Disposal of inter-state occupancies.
- 6.7 Disposal of relinquished or forfeited sub-division.
- 6.8 Occupancy to be transferable and heritable subject to certain restrictions.
 - 6.8.1 Restrictions on transfers of occupancies by Tribals.
 - 6.8.2 Damages for use and occupation of occupancies in certain cases.
 - 6.8.2.1 Pleaders, etc. excluded from appearance.
 - 6.8.3 Bar of jurisdiction of Civil Court or authority.
- 6.9 Occupant's rights are conditional.
- 6.10 Power to grant leases.

- 6.11 Occupant to pay land revenue and Government lease to pay rent fixed.
- 6.12 Savings powers of Government.
- 7 **Of use of Land**
- 7.1 Uses to which holder of land for purpose of agriculture may put his land.
- 7.2 Permission for non-agricultural use.
- 7.3 Restriction on use.
- 7.4 Procedure for conversion of use of land from one purpose to another.
- 7.5 Penalty for so using land without conversion.
- 7.6 Responsibility of tenant or other person for wrongful use.
- 7.7 Power of State Government to exempt lands from provisions of Section 41,42,44,45 or 46.
- 7.7.1 Liability for payment of conversion tax by holder for change of user of land.
- 7.8 Government title to mines and minerals.
- 7.9 Construction of water course through land belonging to other person.
- 8 **Of Encroachments on Lands**
- 8.1 Removal of encroachments on land vesting in Government : provisions for penalty and other incidental matters.
- 8.2 Regularization of encroachments.
- 8.3 Value and land revenue : how calculated.
- 8.4 Summary eviction of person unauthorisedly occupying land vesting in Government.
- 8.5 Forfeiture and removal of property left over after summary eviction.
- 8.5.1 Additional temporary powers for termination of licenses and removal of any building or other structure on any land or foreshore which is forfeited and of persons re-entering or remaining on the land or foreshore after eviction.
- 9 **Of Relinquishment of Land**
- 9.1 Relinquishment.
- 9.2 Relinquishment of alienated land.
- 9.3 Right of way to relinquished land.
- 9.4 Saving of operation of Section 55 in certain cases.
- 9.5 Summary eviction of person unauthorisedly occupying land.
- 9.6 Power of State Government to suspend operation of Section 55.

- 10 **Protection of certain occupancies from process of courts**
- 10.1 Occupancy when not liable to process of Civil Court, court to give effect to Collector's Certificate.
- 10.2 Bar of attachment or sale.
- 10.3 Bar of foreclosure or attachment or sale of Bhumidhari's right.
- 11 **Of Land Revenue**
- 11.1 All land liable to pay revenue unless specifically exempted.
- 11.2 Liability of alluvial lands to land revenue.
- 11.3 Assessment of land revenue in cases if diluvian.
- 11.4 Manner of assessment and alteration of assessment.
- 11.5 Assessment by whom to be fixed.
- 11.6 Settlement of assessment to be made with holder directly from State Government.
- 11.7 Rates for use of water.
- 11.8 The fixing of assessment under this code limited to ordinary land revenue.
- 11.9 Land Revenue to be paramount charge on land.
- 11.10 Forfeited holdings may be taken possession of and otherwise disposed.
- 11.11 To prevent forfeiture of occupancy of certain persons other than occupant may pay land revenue.
- 11.12 Register of alienated lands.
- 11.13 Receipts.
- 11.14 Penalty for failure to grant receipts.
- 11.15 Reduction, suspension or remission of land revenue.
- 12 **Of Lands within the Sites of Villages, Towns and Cities.**
- 12.1 Application of chapter.
- 12.2 Limits of sites of villages, towns and cities how to be fixed.
- 12.3 No land revenue to be levied in certain cases on lands within sites of villages, towns or cities.
- 12.4 Right to exempt to be determined by Collector.
- 12.5 Pardi and wada lands exempted from payment of land revenue.
- 12.6 Survey of lands in village sites : how to be conducted.
- 12.7 In certain cases survey fees to be charged.
- 12.8 Maps of village sites.
- 12.9 Sanad to be granted without extra charge.
- 12.10 Grant of sanad on alteration of holding.

- 12.11 Duplicate sanads may be granted.
- 13 **Boundary and Boundary Marks**
- 13.1 Fixation and demarcation : boundaries.
- 13.2 Determination of village boundaries.
- 13.3 Determination of field boundaries.
- 13.4 Disputes regarding boundaries between villages, survey numbers and sub-divisions.
- 13.5 Demarcation of boundaries : of survey number or sub-division.
- 13.6 Straightening out crooked boundaries.
- 13.7 Effect of settlement of boundaries.
- 13.8 Construction and repair of boundary marks of survey numbers and villages, etc.
- 13.9 Responsibility for maintenance of boundary marks and survey marks.
- 13.10 Collector to have charge of boundary marks and survey marks after introduction of survey.
- 13.11 Demarcation and maintenance of boundary marks between holding and village road.
- 13.12 Right of way over boundaries.
- 13.13 Demarcation of boundaries in area under town planning scheme or improvement scheme or consolidation scheme.
- 13.14 Penalty for injuring boundary marks.
- 13.15 Power to exempt operation from this chapter.
- 14 **Land Records**
- 14.1 Record of Rights.
- 14.1.1 Exemption from provisions of this chapter.
- 14.1.2 Record of rights.
- 14.1.3 Acquisition of rights to be reported.
- 14.1.4 Register of mutations and register of disputed cases.
- 14.1.5 Obligation to furnish information, obligation to furnish entries from record of rights etc. to holder or tenant in booklet form and to maintain booklet etc.
- 14.1.6 Fine for neglect to afford information.
- 14.1.7 Requisition of assistance in preparation of maps.
- 14.1.8 Intimation of transfers by registering officers.
- 14.1.9 Correction of clerical errors.
- 14.1.10 Land Records.
- 14.1.11 Presumption of correctness of entries in record of rights and register of mutations.
- 14.1.12 Bar of Suits.
- 14.1.13 Record of rights at commencement of Code.

- 14.2 Rights in unoccupied lands.
- 14.2.1 Application of provisions of Section 161 to 167.
- 14.2.2 Nistar Patrak.
- 14.2.3 Matters to be provided for in Nistar Patrak.
- 14.2.4 Provisions in Nistar Patrak for certain matters.
- 14.2.5 Right in waste land of another village.
- 14.2.6 Wajib-ul-arz.
- 14.2.7 Regulation of fishing etc.
- 14.2.8 Punishment of contravention of provisions.
- 15 **Realisation of Land Revenue and Other Revenue Demands**
- 15.1 Liability for land revenue.
- 15.2 Claims of State Government to have precedence over all others.
- 15.3 Dates on which land revenue falls due and is payable.
- 15.4 Temporary attachment and management of village or share of village.
- 15.5 Temporary attachment and management of village or share of village to be vacated (withdrawn) on security being furnished.
- 16 **'Arrears', 'Defaulter'**
- 16.1 Penalty for default of payment of land revenue.
- 16.2 Certified account to be evidence as to arrears.
- 16.3 Process of recovery of arrears.
- 16.4 Revenue demands of former years : how recoverable.
- 16.5 When notice of demand may issue.
- 16.6 Occupancy or alienated holding for which arrears is due may be forfeited.
- 16.7 Distraint and sale of defaulter's movable property.
- 16.8 Sale of defaulter's immovable property.
- 16.9 Power to attach defaulter's immovable property and take it under management.
- 17 **Arrest and detention of defaulter**
- 17.1 Power to arrest by whom to be exercised.
- 17.2 Power to attach defaulter's village and take it under management.
- 17.3 Lands of such village to revert free of encumbrances.
- 17.4 Revenue management of villages or estates not belonging to Government that may be temporarily under management of State Government.
- 17.5 Application of surplus profits.
- 17.6 Restoration of village so attached.

17.7 Village, etc. to vest in State Government if not redeemed within twelve years.

17.8 But all processes to be stayed on security being given.

18 **Procedure in effecting sales**

18.1 Notification of sale.

18.2 Sale by whom to be made, time of sale etc.

18.3 Postponement of sale.

18.4 Sale of perishable articles.

18.5 When sale may be stayed.

18.6 Sale of movable property when liable to confirmation.

18.7 Mode of payment for movable property when sale is concluded at once.

18.8 Mode of payment when sale is subject to confirmation.

18.9 Deposit by purchaser on case of sale to confirmation.

18.10 Purchase money when paid.

18.11 Effect of default.

18.12 Liability of purchaser for loss by re-sale.

18.13 Notification before re-sale.

18.14 Setting aside sales of movables.

18.15 Application to set aside sale of immovables.

18.16 Order confirming or setting aside sale.

18.17 Purchaser may apply to set aside sale under certain circumstances.

18.18 Application to set aside sale by person owing or holding interest in property.

18.19 Refund of deposit or purchase money when sale set aside.

18.20 On confirmation of sale, purchaser to be put in possession. Certificate of purchase.

19 **Bar of suit against certified purchaser**

19.1 Application of proceeds of sale.

19.2 Surplus not to be paid to creditors, except under order of court.

19.3 Certified purchaser liable only for land revenue subsequently due.

19.4 Purchaser's title.

19.5 Claims to attached property, how to be disposed.

19.6 Bar of revenue officer to bid, etc. at sale.

19.7 Purchase on nominal bid.

19.8 Sum recovered under provisions of this Chapter.

19.9 Recovery of free grants as arrears of revenue in case of misuse.

19.10 Recovery of monies from surety.

20 **Procedure of Revenue Officers**

20.1 Subordination of revenue officers.

20.2 Power to transfer cases.

20.3 Power to transfer cases to and from subordinate.

20.4 Power to summon persons to give evidence and produce documents.

20.5 Summons to be in writing, signed and sealed: service of summons.

20.6 Compelling attendance of witness.

20.7 Mode of serving notice.

20.8 Procedure for producing attendance of witnesses.

20.9 Hearing in absence of party.

20.10 Adjournment if hearing.

20.11 Mode of taking evidence in formal enquiries.

20.12 Writing and expansion of decisions.

20.13 Summary enquiries how to be conducted.

20.14 Formal and summary enquiries to be deemed judicial proceedings.

20.15 Ordinary enquiries - how to be conducted.

20.16 Copies and translations, etc. how to be obtained.

20.17 Arrest of defaulter to be made upon warrant.

20.18 Power to enter upon and survey land.

20.19 Collector how to proceed in order to evict any person wrongfully under possession of land.

20.20 Power to give and apportion cost.

20.21 Persons by whom appearances and applications may be made before and to revenue or survey officer.

20.22 Saving.

21 **Appeals, Revision and Review**

21.1 Application of this Chapter.

21.2 Appeal and appellate authorities.

21.3 Appeal when to lie to State Government.

21.4 Appeal against review or revision.

21.5 Periods within which appeals must be brought.

21.6 Admission of appeal after period of limitation.

21.7 Appeal shall not be against certain orders.

21.8 Provision where last day for appeal falls on Sunday or Holiday.

21.9 Copy of order to accompany petition of appeal.

21.10 Power of appellate authority.

21.11 Stay of execution of orders.

- 21.12 Power of State Governments and of certain revenue and survey officers to call for and examine records and proceedings of subordinate officers.
- 21.13 Review of orders.
- 21.14 Rules as to decisions or orders expressly made final.
- 22 **Maharashtra Revenue Tribunal**
- 22.1 Definitions.
- 22.2 Maharashtra Revenue Tribunal.
- 22.3 President and members.
- 22.4 Vacancy and temporary absence.
- 22.5 Registrar and Deputy Registrar.
- 22.6 Headquarters.
- 22.7 Place of sitting.
- 22.8 Jurisdiction of tribunal.
- 22.9 Jurisdiction barred in certain cases.
- 22.10 Powers of Tribunal under other laws not affected.
- 22.11 Tribunal to have power of civil court.
- 22.12 Practice and procedure.
- 22.13 State Government to be heard in certain cases.
- 22.14 No appeal to State Government and jurisdiction of court barred.
- 22.15 Reviews of orders of tribunal.
- 22.16 Manner of executing orders passed by tribunal.
- 22.17 Provision for court fees.
- 22.18 Rules.
- 22.19 Saving.
- 23 **Miscellaneous**
- 23.1 Maps and land records open to inspection, etc.
- 23.2 Rules.
- 23.3 Provision for previous publication of and penalty for breach of rules.
- 23.4 Laying of rules before Legislature.
- 23.5 Delegation of powers and duties.
- 23.6 Certain provisions to apply to alienated villages.
- 23.7 Holders of land in alienated villages.
- 23.8 Construction of this code.
- 23.9 Amendments of enactments.
- 23.10 Power to remove difficulty.
- 23.11 Repeal and savings.
- 23.12 Construction of reference.

- 1 **Definitions**
- 2 **Provisions relating to regional plans**
- 2.1 Regions.
- 2.1.1 Establishment of Region and alteration of its limits.
- 2.2 Constitution of Regional Planning Boards.
- 2.2.1 Constitution of Regional Planning Boards.
- 2.2.2 Terms of office and conditions of service of members.
- 2.2.3 Resignation of members.
- 2.2.4 Vacancies.
- 2.2.5 Powers and duties of Board.
- 2.2.6 Meetings of Regional Board, etc.
- 2.2.7 Consultation or association worth experts : Regional Planning Committee.
- 2.2.8 Power of Regional Board to appoint staff.
- 2.2.9 Expenses of Regional Board.
- 2.3 Regional Plans.
- 2.3.1 Survey of region and preparation of Regional Plan.
- 2.3.2 Contents of Regional Plan.
- 2.3.3 Submission of Regional Plan to State Government for approval.
- 2.3.4 Procedure to be followed in preparing and approving Regional Plans.
- 2.3.5 Publication of Regional Plan and date of its operation.
- 2.3.6 Restriction on change of user of land or development thereof.
- 2.3.7 Exclusion of claims for compensation for injurious affection.
- 2.3.8 Revision or modification of Regional Plan.
- 3 **Development Plan**
- 3.1 Preparation, submission and sanction in Development Plan.
- 3.1.1 Development Plan.
- 3.1.2 Contents of Development Plan.
- 2.1.2.1 Modification of substantial nature.
- 3.2 Procedure to be followed in preparing and sanctioning development plan.
- 3.2.1 Declaration of intention to prepare development plan.
- 3.2.2 Town Planning Officer.
- 3.2.3 Provisions for survey and preparation of existing land use maps.

- 3.2.4 Preparation and publication of notice of draft Development Plan.
- 3.2.5 Provision of Regional Plan to be considered.
- 3.2.6 Objections to draft Development Plan.
- 3.2.7 Modifications made after preparing and publishing notice of draft Development Plan.
- 3.2.8 Submission of draft Development Plan.
- 3.2.9 Sanction to draft Development Plan.
- 3.3 Provisions for preparation of interim Development plans, plans for areas of Comprehensive development, etc.
 - 3.3.1 Interim Development Plan.
 - 3.3.2 Plans for areas of Comprehensive development.
 - 3.3.3 Preparation of development plan for additional area.
 - 3.3.4 Development plan sanctioned by State Government before commencement of this act.
 - 3.3.5 Development plan prepared prior to this act.
 - 3.3.6 Minor modification of final Development Plan.
 - 3.3.7 Revision of Development Plan.
 - 3.3.8 Variation of town planning scheme by the development plan.
 - 3.3.9 Special Planning Authority for developing certain notified areas.
 - 3.3.10 Expenses Special Planning Authority to be met by contribution by local authorities.
 - 3.3.11 Implementation of plans.
- 4 **Control of Development and Use of Land Included in Development Plans**
 - 4.1 Restriction on development of land.
 - 4.2 Application for permission for development.
 - 4.3 Grant or refusal of permission.
 - 4.4 Provisions of Development Plan to be considered before granting permission.
 - 4.5 Appeal.
 - 4.6 Lapse of permission.
 - 4.7 Obligation to acquire land on refusal of permission or on grant of permission in certain cases.
 - 4.8 Deletion of reservation of designated land for interim, draft or final Development plans.
 - 4.9 Power of revocation and notification of permission to development.
- 5 **Unauthorised Development**

- 5.1 Penalty for unauthorised development or for use otherwise than in conformity with Development Plan.
- 5.2 Power to require removal of unauthorised development.
- 5.3 Power to stop unauthorised development.
- 5.4 Removal or discontinuance of unauthorised temporary development summarily.
- 5.5 Power to require removal of unauthorised development or use.
- 5.6 Recovery of expenses incurred.
- 5.7 Development undertaken on behalf of Government.
- 6 **Town Planning Schemes**
 - 6.1 Making of Town Planning Schemes.
 - 6.1.1 Preparation and contents of town planning schemes.
 - 6.1.2 Power of Planning Authority to resolve on declaration of intention to make scheme.
 - 6.1.3 Making and publication of draft scheme by means of notice.
 - 6.1.4 Inclusion of additional area in draft scheme.
 - 6.1.5 Power of State Government to require Planning Authority to make scheme.
 - 6.1.6 Contents of draft scheme.
 - 6.1.7 Reconstituted plot.
 - 6.1.8 Compensation for discontinuance of use.
 - 6.1.9 Objections to draft schemes to be considered.
 - 6.1.10 Power of State Government to sanction draft scheme.
 - 6.1.11 Restriction on use and development of land after declaration for town planning scheme.
 - 6.1.12 Power of State Government to suspend rule, bye-law, etc.
 - 6.1.13 Disputed ownership.
 - 6.2 The Arbitrator and the Tribunal of Appeal.
 - 6.2.1 Arbitrator, his powers and duties.
 - 6.2.2 Certain decisions of arbitrator to be final.
 - 6.2.3 Appeal.
 - 6.2.4 Constitution of Tribunal of Appeal.
 - 6.2.5 Arbitrator to assist Tribunal in advisory capacity and his remuneration.
 - 6.2.6 Place where tribunal may sit.
 - 6.2.7 Decision of questions of law and other questions.
 - 6.2.8 Power of tribunal to decide matter finally.
 - 6.2.9 Tribunal not to be court.

- 6.2.10 Remuneration of Arbitrator and Assessors and payment of incidental expenses of Tribunal.
- 6.2.11 Decisions of Arbitrator to be final in certain matters.
- 6.2.12 Possession of land in advance of town planning scheme.
- 6.2.13 Commissioner of Police or Magistrate to enforce delivery of possession of land.
- 6.2.14 Owner of land of which possession is taken entitled to interest.
- 6.2.15 Sanction by State Government to final scheme.
- 6.2.16 Withdrawal for scheme.
- 6.2.17 Effect of final scheme.
- 6.3 Enforcement of Schemes.
 - 6.3.1 Power of Planning Authority to evict summarily.
 - 6.3.2 Power to enforce scheme.
- 6.4 Variation of scheme.
 - 6.4.1 Power to vary scheme on ground of error, irregularity or informality.
 - 6.4.2 Power to vary Town Planning Scheme.
 - 6.4.3 Apportionment of cost of scheme withdrawn or not sanctioned.
- 6.5 Proceedings before Arbitrator and Tribunal.
 - 6.5.1 Right to appear by recognised agent.
 - 6.5.2 Power to compel attendance of witness.
- 6.6 Joint Development Plans and Joint Town Planning Schemes.
- 6.7 Compensation.
 - 6.7.1 Compensation in respect of property or right injuriously affected by scheme.
 - 6.7.2 Exclusion or limitation of compensation in certain cases.
 - 6.7.3 Provision for cases in which amount payable to owner exceeds amount due from him.
 - 6.7.4 Provision for cases in which value of developed plot is less than amount payable by owner.
 - 6.7.5 Payment by adjustment of account.
 - 6.7.6 Payment of net amount due to Planning Authority.
- 6.8 Miscellaneous.
 - 6.8.1 Power of Planning Authority to make agreement.
 - 6.8.2 Recovery of arrears.
 - 6.8.3 Disposal of surplus amount.

- 6.8.4 Execution of works in final schemes by Planning Authority.
- 6.8.5 Penalty for removal of boundary stones.

7

New Towns

- 7.1 Designation of site for new town.
 - 7.1.1 Power of State Government to acquire land for Corporation or Company declared to be New Town Development Authority.
- 7.2 Objects of Development Authority.
- 7.3 Planning and control of development in new towns.
- 7.4 Acquisition of land by Developmental Authority constituted under Section 113(2).
- 7.5 Obligation to purchase designated land.
- 7.6 Disposal of land by Developmental Authority.
- 7.7 Directions by State Government for disposal of land.
- 7.8 Power to make agreement for provision of services.
- 7.9 Contributions by Development Authority towards expenditure of local authorities and statutory authority.
- 7.10 Advances and payments by State Government to Development Authorities.
 - 7.10.1 Power of Development Authority to borrow and to accept deposits.
- 7.11 Transfer of Undertaking of Development Authority.
- 7.12 Combination and transfer of Development Authorities.

The Land Acquisition Act, 1894

1 **Definitions**2 **Acquisition**

- 2.1 Preliminary Investigation.
 - 2.1.1 Publication of preliminary notification, and powers of officers thereupon.
 - 2.1.2 Payment for damages.
 - 2.1.2.1 Objections.
 - 2.1.2.1.1 Hearing of objections.
- 2.2 Declaration of intended Acquisition.
 - 2.2.1 Declaration that land is required for public purposes.
 - 2.2.2 After declaration, Collector to take order for acquisition.
 - 2.2.3 Land to be marked out, measured and planned.
 - 2.2.4 Notice to persons interested.

- 2.2.5 Power to require and enforce the making of statements as to names and interests.
- 2.3 Enquiry into measurements, value and claims and Award by the Collector.
 - 2.3.1 Enquiry and Award by Collector.
 - 2.3.1.1 Period within which an award shall be made.
 - 2.3.2 Award of Collector - when to be final.
 - 2.3.3 Adjournment of enquiry.
 - 2.3.3.1 Corrections of clerical errors, etc.
 - 2.3.4 Power to summon and enforce attendance of witnesses and production of documents.
 - 2.3.5 Matters to be considered and neglected.
 - 2.3.5.1 Power to call for records, etc.
- 2.4 Taking possession.
 - 2.4.1 Power to take possession.
 - 2.4.2 Special powers in case of urgency.
- 3 **Reference to Court and Procedure thereon**
 - 3.1 Reference to Court.
 - 3.2 Collector's statement to the Court.
 - 3.3 Service of notice.
 - 3.4 Restriction on scope of proceedings.
 - 3.5 Proceedings to be in open court.
 - 3.6 Matters to be considered in determining compensation.
 - 3.7 Matters to be neglected in determining compensation.
 - 3.8 Amount of compensation awarded by Court not to be lower than amount awarded by Collector.
 - 3.9 Forms of Awards.
 - 3.10 Costs.
 - 3.11 Collector may be directed to pay interest on excess compensation.
 - 3.11.1 Re-determination of the amount of compensation on the basis of the Award of the Court.
- 4 **Apportionment of compensation**
 - 4.1 Particulars of apportionment to be specified.
 - 4.2 Dispute as to apportionment.
- 5 **Payment**
 - 5.1 Payment of compensation or deposit of same in court.
 - 5.2 Investment of money deposited in respect of land belonging to persons incompetent to alienate.
 - 5.3 Investment of money deposited in other cases.

- 5.4 Payment of interest.
- 6 **Temporary Occupation of Land**
 - 6.1 Temporary occupation of waste or arable land - procedure when difference as to compensation exists.
 - 6.2 Power to enter and take possession and compensation on restoration.
 - 6.3 Difference as to condition of land.
- 7 **Acquisition of Land for Companies**
 - 7.1 Industrial concern to be deemed Company for certain purposes.
 - 7.2 Previous consent of appropriate Government and execution of agreement necessary.
 - 7.3 Previous enquiry.
 - 7.4 Agreement with appropriate Government.
 - 7.5 Publication of agreement.
 - 7.6 Section 39 to 42 not to apply where Government bound by agreement to provide land for Companies.
 - 7.7 How agreement with Railway Company may be proved.
 - 7.7.1 Restriction on transfer, etc.
 - 7.7.2 Land not to be acquired under this part except for certain purpose for private companies other than Government Companies.
- 8 **Miscellaneous**
 - 8.1 Service of notices.
 - 8.2 Penalty for obstructing acquisition of land.
 - 8.3 Magistrate to enforce surrender.
 - 8.4 Completion of acquisition not compulsory, but compensation to be awarded when not completed.
 - 8.5 Acquisition of part of house or building.
 - 8.6 Acquisition of land at cost of a local authority or Company.
 - 8.7 Exemption from stamp duty and fees.
 - 8.7.1 Acceptance of certified copy as evidence.
 - 8.8 Notice in case of suits for anything done in pursuance of Act.
 - 8.9 Code of Civil Procedure to apply to proceedings before Court.
 - 8.10 Appeal in proceedings before Court.
 - 8.11 Power to make rules.
 - 8.12 The Land Acquisition Amendment Act, 1984.

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PUBLIC INTERNATIONAL LAW

Paper - VI

- 1 **Foundation of International Law**
 1.1 Definition, nature and origin of International Law.
 1.2 Theories as to basis of International Law.
 1.3 Distinction between Public International Law and Private International Law.
- 2 **Sources of International Law**
 2.1 Customs.
 2.2 Treaties.
 2.3 Decisions of Tribunals.
 2.4 Writing of jurists.
 2.5 General principles of law.
 2.6 Decisions or Determinations of the organs of international institutions, or of international conferences.
- 3 **Relationship between International Law and Municipal Law**
 3.1 Theories as to relationship.
 3.1.1 Dualist view.
 3.1.2 The Monistic Doctrine.
 3.2 International Law as a part of Municipal Law.
 3.3 Rules of Municipal Law prescribed by International Law.
- 4 **Subjects of International Law**
 4.1 States as subjects of International Law.
 4.2 Individuals as subjects of International Law - Place of individuals in International Law.
 4.3 Non-state entities as subjects.
- 5 **Codification of International Law**
 5.1 Work of the First and Second Hague Peace Conference.
 5.2 Codification under League of Nations.
 5.3 Codification under United Nations.
 5.4 International Law Commission. (I.L.C.)
 5.5 United Nations Commission for International Trade Law. (UNCITRAL)
 5.6 General Assembly.
 5.7 Specialised Agency.
- 6 **States as subjects of International Law**

- 6.1 Nature of a state at International Law.
 6.1.1 Essentials of a state.
 6.1.2 Concept of sovereignty.
 6.1.3 Equality of states.
- 6.2 Kinds of state and Non-state entities.
 6.2.1 Confederation.
 6.2.2 Federal State.
 6.2.3 Condominium.
 6.2.4 Vassal states.
 6.2.5 Protectorate state.
 6.2.6 Difference between Protectorate and Vassal state.
- 7 **Recognition of states**
 7.1 General concept of recognition i.e. Meaning and Definition.
 7.2 Kinds of recognition.
 7.2.1 Implied recognition. Express recognition.
 7.2.2 Conditional recognition.
 7.2.3 Collective recognition.
 7.2.4 Recognition De-jure and De-facto.
 7.3 Recognition of a head of state or a new Government.
 7.4 Recognition of Insurgency and Belligerency.
 7.5 Is there a duty to recognize ?
 7.6 Legal effects of recognition.
 7.7 Consequence of non-recognition.
- 8 **State Jurisdiction**
 8.1 Territorial jurisdiction.
 8.2 Personal jurisdiction.
 8.3 Jurisdiction according to the Universal Principle.
 8.4 Jurisdiction according to Protective Jurisdiction.
 8.5 Problem of jurisdiction with regards to aircraft.
- 9 **State Territory**
 9.1 Land Territory.
 9.2 National Waters.
 9.3 Rivers.
 9.4 Canals.
 9.5 Straits.
 9.6 Bays.
 9.7 Lakes and Land-Lock-Seas.
 9.8 Territorial Sea.
 9.9 Air Space.
 9.10 Sub-soil under earth.
- 10 **State responsibility**

- 10.1 Meaning and nature of state responsibility.
- 10.2 Currents of state responsibility.
- 10.3 Calvo Clause.
- 11 **State succession**
 - 11.1 Meaning and definition of state succession.
 - 11.2 Kinds of succession.
 - 11.2.1 Universal.
 - 11.2.2 Partial.
 - 11.3 Theories of state succession.
 - 11.4 Passing of rights and obligations upon external changes of sovereignty over territory.
 - 11.5 Passing of rights and obligations upon internal changes of sovereignty.
- 12 **State and the Individual**
 - 12.1 Nationality.
 - 12.2 Rights and Duties of States with regards to Aliens.
 - 12.3 Extradition, Rendition and Asylum.
 - 12.4 Human Rights and Fundamental Freedoms.
- 13 **Development and the environment.**
 - 13.1 Development.
 - 13.2 Protection and improvement of human environment.
 - 13.3 Stockholm Conference of 1972.
 - 13.4 Nuclear safety and the environment.
- 14 **The agents of international business**
 - 14.1 Diplomatic Envoys.
 - 14.1.1 Classification of diplomatic agent.
 - 14.1.2 Functions.
 - 14.1.3 Immunities and privileges available to diplomatic agents.
 - 14.2 Consuls.
 - 14.2.1 Classification of Consuls.
 - 14.2.2 Functions.
 - 14.2.3 Rights and immunities of consuls.
 - 14.3 Special missions of a non-permanent nature.
 - 14.4 Other categories of representatives and agents.
- 15 **Treaties**
 - 15.1 Nature and functions of treaties.
 - 15.2 Parties to treaties.
 - 15.3 Formation and Ratification.
 - 15.4 Reservation.
 - 15.5 Interpretation of treaties.

- 15.6 Termination of treaties.
- 15.7 Unequal treaties Jus Cogens.
- 16 **International Disputes**
 - 16.1 Peaceful/Amicable means of settling international disputes
 - 16.1.1 Arbitration.
 - 16.1.2 Judicial settlement.
 - 16.1.3 Negotiations.
 - 16.1.4 Good offices.
 - 16.1.5 Mediation.
 - 16.1.6 Conciliation.
 - 16.1.7 Enquiry.
 - 16.1.8 Settlement under the U.N.
 - 16.2 Forcible means of settling international disputes
 - 16.2.1 Retorsions.
 - 16.2.2 Reprisals.
 - 16.2.3 Embargo.
 - 16.2.4 Pacific Blockade.
 - 16.2.5 Intervention.
- 17 **War, armed conflicts and other hostile relations**
 - 17.1 Meaning.
 - 17.2 Non-war armed conflicts.
 - 17.3 Commencement of war or other hostilities.
 - 17.4 Legal regulation of right to resort to war or other armed conflicts.
 - 17.5 Effects of out break of war.
 - 17.6 Modes of terminating of war and other hostilities.
 - 17.7 War crimes and trials pertaining to it.
- 18 **Neutrality, Quasi Neutrality and Non-belligerency.**
 - 18.1 Definition of Neutrality
 - 18.1.1 Development of law of neutrality.
 - 18.1.2 Duties of neutral states.
 - 18.1.3 Kinds of neutrality.
 - 18.1.4 Distinction between neutrality and neutralisation.
 - 18.1.5 Privilege of angary.
 - 18.2 Meaning of quasi-neutral.
 - 18.3 Meaning of non-belligerent.
 - 18.4 Rights and duties in general of neutrals, quasi-neutral and non-belligerents.
- 19 **International institutions.**
- 20 **International Organisation**
 - 20.1 Definition.

- 20.2 Kinds of International Organisations.
- 20.3 Law of International Organisation.
- 20.4 Legal personality of Organisation.
- 20.5 Legal functions of Organisation.
- 20.6 Evolution of International Organisation
 - 20.6.1 United Nations Organisation.
 - 20.6.2 General Assembly.
 - 20.6.3 Security Council.
 - 20.6.4 Economic & Social Council.
 - 20.6.5 Trusteeship Council.
- 20.7 Settlement of disputes : Peaceful means and coercive means.
- 20.8 Intervention.
- 20.9 War.
- 20.10 Enemy Character.
- 20.11 Neutrality.
- 20.12 War Crimes.
- 21 **Intervention : Monroe Doctrine, Drago Doctrine.**
- 22 **Contra Band and Doctrine of Continuous Voyage.**
- 23 **Blockade.**

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Labour and Industrial Law - I

Paper - VII

- 1 **Historical perspective on Labour**
 - 1.1 Labour through the ages - Slave labour - Guild system - Division on Caste 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, Bonded labour, surplus labour, division of labour and super-specialisation, lack of alternative employment.
 - 1.4 From Laissez, fair to welfarism and and to globalization : Transition from exploitation to protection and from contract to status : changing perspectives on labour.
- 2 **Industrial Disputes Act, 1947**
 - 2.1 Objects of Industrial Disputes Act.

- 2.2 Definitions. (S-2)
- 2.3 Judicial exposition of important definitions.
- 2.4 Notice of change. (S : 9-A 9-B)
- 2.5 Authorities under the Act. (S: 3, 9-C, 4, 5, 12, 6, 7, 7-A, 7-B, 7-C, 8, 9, 12)
 - 2.5.1 Non-adjudicatory
 - 2.5.1.1 Work Committees – Efficacy, weakness, reasons.
 - 2.5.1.2 Conciliation officers appointment, powers, functions.
 - 2.5.1.3 Board of conciliation - Constitution, functions, procedure.
 - 2.5.1.4 Voluntary Arbitration - Meaning, requirements, whether statutory.
 - 2.5.1.5 Court of Enquiry - Ambit, effect.
- 2.6 Compulsory adjudication of Industrial Disputes
 - 2.6.1 Machinery
 - 2.6.1.1 Labour Court - Appointment, functions, jurisdiction.
 - 2.6.1.2 Industrial Tribunal Jurisdiction.
 - 2.6.1.3 National Industrial Tribunal - Constitution, consequences.
 - 2.6.1.4 Difference with ordinary courts.
 - 2.6.1.5 Duties, procedure, practice, rules of natural justice.
 - 2.6.1.6 General principles of labour adjudication.
 - 2.6.1.7 Can't enlarge scope of reference, decides all issues, not to relinquish jurisdiction, res-judicata, implied powers, Section-11A enlarge jurisdiction, reappraisal of evidence.
- 2.7 Reference of Industrial Disputes
 - 2.7.1 Scope, conditions, discretionary, mandatory, Government's powers, grounds to attack reference.
- 2.8 Award
 - 2.8.1 Conditions.
 - 2.8.2 Interim, Final, Operatory effect, period, persons bound, change of service conditions.
- 2.9 **Strike and Lock-out**
 - 2.9.1 Definition, kinds of strikes, lock-out defined, distinct from closure.
 - 2.9.2 Restrictions, Public Utility Services, General restrictions, Essential Services Act.

- 2.9.3 Justified, Unjustified strike, legal & Illegal strike.
- 2.9.4 Lock-out : Grounds, impact,
- 2.9.5 Gherao : Compare to strike.
- 2.10 Lay-off – Retrenchment
 - 9.10.1 Lay-off
 - 9.10.1.1 Application, conditions.
 - 9.10.1.2 Lay-off - Definition, different from Lock-out.
 - 9.10.1.3 Rights of workman.
 - 9.10.1.4 Continuous service, compensation denial when justified.
 - 9.10.2 Retrenchment
 - 9.10.2.1 Definition, impact of judicial decisions, 1984 amendment, exclusion from retrenchment, conditions for valid retrenchment, retrenchment procedure, last come first go, departure, re-employment.
 - 9.10.3 Retrenchment - compensation on transfer of undertaking
 - 9.10.3.1 Scope, conditions to entitle compensation.
 - 9.10.3.2 Closure - S 25 FFF, Meaning, compensation.
- 3 Unfair Labour Practices
 - 10.1 Prohibition for unfair labour practice.
 - 10.2 Disciplinary Action (Standing Orders).
 - 10.3 Central Rules, Procedure.
 - 10.4 Unfair Labour Practices, victimisation, code of discipline, wrongful dismissal.
 - 10.5 Penalty for committing unfair labour practices. (S. 26, 27, 28, 29, 30, 30-A, 31)
 - 10.6 Reference of Disputes to Boards, Courts, Tribunals. (S: 10, 10-A)
 - 10.7 Procedures, powers and duties of authorities. (S: 11, 11-A, 15, 16, 17, 17-A, 18, 19, 20, 21)
 - 10.8 Lay-off, Retrenchment, transfer and closer. (S: 25-C to 25-E, 25-B, 25-F, 25-H, 25-FF, 25-FFF, 25-FFA, 25-J)
- 4 **Unfair Labour Practices**
- 5 **Penalties (S: 26, 27, 28, 29, 30, 30-A, 31)**
- 6 **Miscellaneous Matters**
 - (S: 32, 33, 33-A, 33-B, 33-C, 34, 35, 36, 36-A, 36-B, 37, 38, 39, 40)
 - Schedule [Vth (I) (10)]
 - Schedule [Vth (5)]

- 7 **Factories Act, 1948**
 - 7.1 Salient features of Factories Act 1948.
 - 7.2 The Factories Amendment Act 1976 [Act 940F(1976)]
 - 7.3 Regulations of work-shops and small factories.
 - 7.4 Law regulating conditions in particular industry.
 - 7.5 Preamble and object of Act.
 - 7.6 Definitions.
 - 7.7 The Inspecting Staff. (S: 8, 9, 10)
 - 7.8 Health. (S: 11 to 20)
 - 7.9 Safety. (S: 21 to 41, 91-A)
 - 7.10 Provisions relating to hazardous Processes. (S: 41-A, 41-B, 41-C, 41-D, 41-E, 41-F, 41-G, 41-H)
 - 7.11 Welfare. (S: 42 to 50)
 - 7.12 Working hours of adults. (S: 51 to 66)
 - 7.13 Employment of young persons. (S: 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77)
 - 7.14 Annual leave with wages. (S: 79 to 84)
 - 7.15 Special provisions. (S: 85 to 91-A)
 - 7.16 Penalties and provisions. (S: 92 to 106)
 - 7.17 Supplemental. (S: 107 to 119)
- 8 **Trade Unions Act**
 - 8.1 Development of Trade Union Law in India.
 - 8.2 Trade Union Act 1926 : Definition. (S:2)
 - 8.3 Registration of Trade Union. (S: 3 to 14, 21, 21-A, 28)
 - 8.4 Rights and Liabilities of Registered Trade Union. (S: 15 to 27)
 - 8.5 Penalties and Procedure. (S: 31 to 33)
- 9 **Trade Union Act 1926**
 - 9.1 General
 - 9.1.1 Background, object, scope, definition.
 - 9.1.2 Registration Vs Recognition, Registration formalities.
 - 9.1.3 Cancellation, withdrawal of Registration.
 - 9.1.4 Change of Union's name, office bearer rules.
 - 9.1.5 Amalgamation, dissolution of Unions, Membership, Office Bearer, Outside Leadership in Trade Union.
 - 9.2 Rights and Liabilities of Trade Unions.
 - 9.2.1 General Fund, Political Fund.
 - 9.2.2 Immunities - Criminal, civil.
 - 9.2.3 Verification, penalties, Rule of Trade Unions, Salary for Union work, labour partnership in management.

- 9.3 Collective Bargaining
- 9.3.1 Meaning, scope, other countries, Indian context.
- 9.3.2 Advantages, disadvantages.
- 9.3.3 Bargaining powers, process, structure.
- 9.3.4 Enforcement, evaluation.
- 9.3.5 Tri-partism.

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- 6 K. Madhavan Pillai - Labour and Industrial Laws, 7th Ed. - Allahabad Law Agency, Allahabad.

Paper-VIII**Court Visit**

Syllabus of LL.B. 5th Years Degree Course (B.A.LL.B.Course)**Semester VIIth****Paper-I****Sociology – III****(With Effect from the session 2012-2013)**

Marks : 100

SOCIAL PROBLEMS AND RELATED LEGISLATION

1. **DOWRY:**
Causes of dowry, consequences of dowry
Remedial measures as dowry
Legislation relating to dowry
2. **Desertion and Divorce:**
Causes of desertion Temporary and Permanent desertion, causes of divorce. Legal grounds for divorce.
3. **Population Explosion:**
Causes of Population Explosion
Consequences of population explosion

- Remedies of population explosion
Population Policy of Govt. of India
Legislation relating to population policy.
4. **Unemployment :**
Causes of unemployment
Consequences of unemployment
Types of unemployment
Governmental efforts to solve the problem of unemployment
Legislation relating to unemployment.
 5. **Corruption :**
Causes as corruption Impact of corruption in society
Corruption among public servants Political Corruption
Legislation relating to prevent the corruption
 6. **Black Money :**
The concept of Black Money
Causes of generating black money
Effects of black money in society
Measures to control black money
Legislation relating to control the black money
 7. **White Collar Crime :**
The concept of white collar crime
Forms of white collar crime
Causes of white collar crime
Characteristics of white collar criminals
Legislation relating to control the white collar crime.
 8. **Drug abuse and Drug addiction :**
Nature and impact of abusable drugs, Motivation in drug usage
Role of family and peer group in drug abuse Measures to combat drug trafficking
Treating addicts and preventing drug abuse
Legislation relating to control the drug abuse
 9. **Environmental Pollution :**
Causes of environmental Pollution
Types of environmental Pollution
Air Pollution
Water Pollution
Soil Pollution
Noise Pollution
Legislation relating to environmental Pollution.
 10. **Terrorism :**
The concept of terrorism

Characteristics of terrorism
 Perspectives of terrorism
 Terrorism in India and around the world
 Different models of combating terrorism
 Legislation relating to Combat the terrorism.

Recommended Books :

1. Elliot and Merrill – Social Disorganization
2. G.R. Madan – Indian Social Problems Vol.-I, II
3. C.B. Mamoria – Social Disorganization and Social Problems in India
4. Dr. Ogale – The Tragedy of too many
5. Ram Ahuja – Social Problems in India
6. Bishwanath Ghosh – Contemporary Social Problems in India
7. R.N. Mohanty – Social Problems in India
8. Dennis E. Poplin – Social Problems
9. R.N. Sharma – Social Problems in India
10. Gadgil Madhav and Ghuha r – the use and abuse of nature in contempamy India
11. N. Manishivasakam – Environmental Pollution.

Arbitration Law

Paper - II

- 1 Arbitration :- Meaning, scope and types.
 - 1.1 Meaning, Scope and Types.
 - 1.2 Distinction between 1940 Law and 1996 Law - UNCITRAL Model Law.
 - 1.3 Arbitration and Conciliation.
 - 1.4 Arbitration and Expert determination.
 - 1.5 Extent of judicial intervention.
 - 1.6 International Commercial Arbitration.
- 2 Arbitration and Conciliation Act 1996
 - 2.1 Scope of Arbitration Law in India.
 - 2.2 Preamble, Objects and Reasons.
 - 2.3 Salient features of Arbitration and Conciliation Act 1996.
 - 2.4 Arbitration Agreement :-
 - 2.4.1 Essentials of Arbitration Agreement.
 - 2.4.2 Kinds of Arbitration Agreements.
 - 2.4.3 Who can enter into Arbitration Agreement.
 - 2.4.4 Validity.
 - 2.4.5 Reference to Arbitration.

2.4.6 Interim measures by Court.

- 3 Arbitration Tribunal
 - 3.1 Composition of Tribunal.
 - 3.2 Appointment of Arbitrators.
 - 3.3 Grounds for challenge.
 - 3.4 Termination of Mandate and substitution of arbitrator.
 - 3.5 Jurisdiction of Arbitral Tribunal.
 - 3.6 Powers of Arbitral Tribunal.
 - 3.7 Procedure of Arbitral Tribunal.
 - 3.8 Court assistance.
 - 3.9 Interim measures etc. by Court.
- 4 Conduct of Arbitral Proceedings
 - 4.1 Equal treatment of parties.
 - 4.2 Time and place of hearing.
 - 4.3 Commencement and language.
 - 4.4 Statement of claim and defence.
 - 4.5 Default of a party.
 - 4.6 Appointment of experts.
 - 4.7 Court's assistance in taking evidence.
- 5 Awards
 - 5.1 Rules of guidance.
 - 5.2 Form and Content.
 - 5.3 Correction and Interpretation.
 - 5.4 Grounds of setting aside an award.
 - 5.5 Can misconduct be a ground ?
 - 5.6 Incapacity of a party, invalidity of arbitration agreement.
 - 5.7 Want of proper notice and hearing.
 - 5.8 Beyond the scope of reference.
 - 5.9 Contravention of composition and procedure.
 - 5.10 Breach of confidentiality.
 - 5.11 Impartiality of arbitrator.
 - 5.12 Bar of limitation, res-judicata.
 - 5.13 Consent of parties.
 - 5.14 Enforcement.
- 6 Appeals and Revision
- 7 Enforcement of Foreign Award
 - 7.1 New York Convention Award.
 - 7.2 Geneva Convention Award.
- 8 Conciliation
 - 8.1 Distinction between Conciliation, Negotiation, Mediation and Arbitration.

- 8.2 Appointment of Conciliators.
- 8.3 Statements to Conciliators.
- 8.4 Interaction between Conciliator and Parties.
- 8.5 Communication.
- 8.6 Duties of the parties to co-operate.
- 8.7 Suggestions by parties.
- 8.8 Confidentiality.
- 8.9 Resort to judicial proceedings.
- 8.10 Costs.
- 8.11 Termination of Conciliation Proceedings.
- 9 Rule Making Power
 - 9.1 High Court.
 - 9.2 Central Government.
 - 9.3 Removal of difficulties.
- 10 Instruments of Arbitration and Conciliation
 - 10.1 ICC Rules of Conciliation and Arbitration.
 - 10.2 The rules of Arbitration of Indian Council of Arbitration 1993.

Books

- (1) B.P.Saraf and M. Jhunjhunwala - Law of Arbitration and Conciliation, Snow White, Mumbai.
- (2) Gerald R. Willime [Ed]. The New Arbitration and Conciliation Law of India, Indian Council of Arbitration, New Delhi.
- (3) G.K.Kwatra. The Arbitration and Conciliation Law of India, Universal, Delhi.
- (4) Markanda P. C. - Law Relation to Arbitration and Conciliation, Universal, Delhi.
- (5) Johari, Commentary on Arbitration and Conciliation Act 1996, Universal, Delhi.

Banking Laws

Paper - III

1 Introduction

- 1.1 Evolution of Banking Co. Globally & in India.
- 1.2 Banking Definitions :- Common Law & Statutory.
- 1.3 Functions of Commercial Banks.
 - 1.3.1 Essential functions.
 - 1.3.2 Agency Services.
 - 1.3.3 General Utility Services.
 - 1.3.4 International Trading Services.

- 1.3.5 Information Services.
- 1.3.6 Emergence of multifunctional dimension.
- 1.3.7 Nationalisation of Banks.
- 1.4 Systems of Banking.
 - 1.4.1 Unit Banking.
 - 1.4.2 Branch Banking.
 - 1.4.3 Group Banking.
 - 1.4.4 Chain Banking.
- 1.5 Banking companies in India.
- 2 **Banks & Customers**
 - 2.1 Meaning of Customer.
 - 2.2 Banker-Customer relationship and it's legal character.
 - 2.3 General relationship.
 - 2.4 Special relationship.
 - 2.5 Garnishee Orders.
 - 2.6 Rights and obligations of Banks.
 - 2.7 Right of set-off.
 - 2.8 Banker's lien.
 - 2.9 Right to charge interest and commission.
 - 2.10 Obligation to honour Customer's cheque.
 - 2.11 Duty of confidentiality.
 - 2.12 Nature and justification of duty.
 - 2.13 Exceptions to the duty.
 - 2.14 Accounts of customers.
 - 2.14.1 Current account.
 - 2.14.2 Deposit account.
 - 2.14.3 Joint account.
 - 2.14.4 Trust account.
 - 2.14.5 Recurring account.
 - 2.15 Special types of customers.
 - 2.15.1 Lunatic.
 - 2.15.2 Minor.
 - 2.15.3 Agents.
 - 2.15.4 Administrator or Executors.
 - 2.15.5 Partnership Firms & Companies.
- 3 **Control over Banks.**
 - 3.1 Control by Government and it's agencies.
 - 3.2 Need for - Elimination of Systematic Risk avoiding money laundering, customer protection, promotion of fair competition on Management.
 - 3.3 On account and audit.

- 3.4 On money lending.
- 3.5 Re-organisation and reconstruction.
- 3.6 On suspension and winding up.
- 3.7 Control by ombudsman.
- 4 **Control Banking Theory and R.B.I. Act, 1938**
 - 4.1 Evolution of Central Bank.
 - 4.2 Characteristics and Functions of Central Bank.
 - 4.3 Central Bank as Banker and advisor of the State.
 - 4.4 Central Bank as Banker's Bank.
 - 4.5 The R.B.I. as Central Bank in India.
 - 4.6 Objectives and organisational structure.
 - 4.7 Functions and Powers of R.B.I.
 - 4.8 Regulations of Monetary System.
 - 4.9 Monopoly of Note issue.
 - 4.10 Credit Control.
 - 4.11 Determination of Bank Rate Policy.
 - 4.12 Open market operations.
 - 4.13 Banker to Government.
 - 4.14 Control over Non-Banking Financial Institutions.
 - 4.15 Economic and Statistical Research.
 - 4.16 Staff Training.
 - 4.17 The control and supervision of other Banks.
 - 4.18 R.B.I. and its promotional role.
 - 4.19 R.B.I. and Commercial Banks.
- 5 **Lending by Banks**
 - 5.1 Principles of good lending.
 - 5.2 Securities for Bank advances.
 - 5.3 Pledge.
 - 5.4 Mortgage.
 - 5.5 Charge.
 - 5.6 Goods or Documents of Title to goods.
 - 5.7 Life Insurance Policy as security.
 - 5.8 Debentures as security.
 - 5.9 Guarantees as security.
 - 5.10 Contract of Guarantee and Contract of Indemnity.
 - 5.11 Kinds of Guarantee : Specific and Continuing.
 - 5.12 Surety's Rights and Liabilities.
 - 5.13 Repayment Interest : Rules against penalties.
 - 5.14 Default and Recovery.
 - 5.15 Recovery of debts due to Bank and Financial Institutions Act 1993.

- 5.16 Establishment of Debts Recovery Tribunal - Constitution and functioning.
- 6 **Letter of Credit and Demand Guarantee**
 - 6.1 Letter of Credit.
 - 6.2 Basic features.
 - 6.3 Parties to a Letter of Credit
 - 6.4 Fundamental principles.
 - 6.5 Demand Guarantee.
 - 6.6 Legal character.
 - 6.7 Distinction between Irrevocable Letter of Credit and Demand Guarantee.
- 7 **Banking Regulation Act 1949**
 - 7.1 History, Social control.
 - 7.2 Licensing of Banking Companies.
 - 7.3 Suspension of business under the order of High Court and Central Government.
 - 7.4 Applicability of the Banking Regulation Act.
- 8 **Banking Organisation**
 - 8.1 Private, Individual, Partnership Firm.
 - 8.2 Hindu Joint Family System.
 - 8.3 Director's - Civil Liability.
- 9 **Banker's as Borrower**
 - 9.1 Bankers as borrower.
 - 9.2 Forms of borrowing.
 - 9.3 Discounting of Bills.
 - 9.4 Participation Certificate.
 - 9.5 Bank Deposits
 - 9.5.1 Forms of Deposits.
 - 9.5.2 Explanation.
 - 9.5.3 Fixed Deposits as investment.
 - 9.5.4 Deposit Insurance Corporation.
 - 9.5.5 Deposit rates in India.
 - 9.5.6 Fixed Deposits.
 - 9.5.7 Attachment of deposits by Income-Tax Authority.
 - 9.6 Deposit rules in India.
 - 9.7 Types of deposits.
 - 9.8 Special types of customers.
 - 9.9 Limitation on Powers to borrow.
- 10 **Foreign Exchange Control Regime in India.**
 - 10.1 Introduction.
 - 10.2 Changes in the pattern of Exchange Control.

- 10.3 Development of industries through banking.
 10.4 Foreign Exchange Management Act 1999.
 10.5 Authorised persons to deal in Foreign Exchange
 10.6 Authorities under FEMA.
 10.7 Adjudicatory Authority.
 10.8 Procedure by the adjudicating authority.
 10.9 Enforcement of the orders of adjudicating authority.
 10.10 Special Directors.(Appeals)
 10.11 Appellate Tribunal.
 10.12 Bar of jurisdiction of Civil Court.
 10.13 Appeals to High Court.
 10.14 Directorate of Enforcement.
 10.15 Concept of Foreign Exchange Regulation.
 10.16 Administration of exchange.
- 11 **Historical background of Securities.**
 11.1 Securities : the concept.
 11.2 Kinds of Securities.
 11.2.1 Government Securities.
 11.2.2 Securities issued by Banks.
 11.2.3 Securities issued by Corporations.
 11.2.4 Securities in Mutual Fund and Collective Investment Scheme.
 11.2.5 Depository Receipts.
- 12 **Investment in non-banking financial institutions.**
 12.1 Concept of Non-Banking Financial Institutions.
 12.2 Control by R.B.I.
 12.3 Regulation on non-banking financial and non-financial companies.
 12.4 Chit Funds.
- 13 **E-Banking.**
 13.1 Revolution in Banking Co. (Payment in due course)
 13.2 Credit Card, Debit Card, A.T.M.
 13.3 Internet Banking.
 13.4 Core Banking.
 13.5 Scope of electronic fund transfer.
 13.6 Electronic fund transfer - system proposed by R.B.I.

Books

- (1) M. L. Tannan : Tannan's Banking Law and Practice in India.
 (2) S. N. Gupta : The Banking Law in Theory & Practice, Universal, Delhi.
 (3) Mukerjee T. K. : Banking Law & Practice, Universal, Delhi.
 (4) Banking Regulation Act, 1949.

- (5) Reserve Bank of India Act, 1938.

MOOT COURT**(Moot Court Exercise And Internship)****Paper - IV**

This paper shall 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 semester 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 (30 marks) :**
 Students may be required to attend two trials in the course. They will maintain a record and enter the various steps observed during their attendance on different days on court assignment. This scheme will carry 30 marks.
- c) **Interviewing techniques and pre-trial preparations and internship Diary (30 marks) :**
 Each student will observe two interviewing sessions of client at 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 filing of 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 the above 3 aspects. This will carry 10 marks.

Alternative Disputes Resolution**Paper - V**

- Alternative Disputes Resolution - Necessity/why required/why needed?
 - Merits of Alternative Disputes Resolution
 - Demerits of Alternative Disputes Resolution
 - Difference between Adjudication and Alternative Disputes Resolution process.
 - Alternative Disputes Resolution - knowing the problems in hand
 - Models - client's interview
- 1 **Additional advantage of Alternative Disputes Resolution**

- 2 **Importance of Alternative means of Disputes Redressal**
- 3 **Commencement of Alternative Disputes Resolution proceedings**
 - 3.1 Where there is an agreement to refer to the rules.
 - 3.2 Where there is **no** agreement to refer to the rules.
 - 3.3 Selection of the Neutral.
 - 3.4 Fees and Costs.
 - 3.5 Conduct of the Alternative Disputes Resolution procedure.
 - 3.6 Termination of Alternative Disputes Resolution proceedings.
 - 3.7 General provisions.
 - 3.8 Obligation to consider Alternative Disputes Resolution
 - 3.9 Obligation to submit disputes to ADR with an automatic expiration mechanism.
 - 3.10 Obligation to submit disputes to ADR followed ICC arbitration as required
- 4 **Mediation and Arbitration - Distinction of**
 - 4.1 Who is mediator?
 - 4.2 Why mediator?
 - 4.3 Rules for mediation.
 - 4.4 Limitation of mediator.
 - 4.5 How to enforce mediator settlement.
 - 4.6 When mediator's settlement may not be enforced.
- 5 **Settlement of disputes through Lok-Adalat**
 - 5.1 What is Lok-Adalat?
 - 5.2 Benefits under Lok-Adalats
 - 5.2.1 Establishment of Lok-Adalat
 - 5.2.2 Jurisdiction of Lok-Adalat
 - 5.2.3 Cognizance of case by Lok-Adalat
 - 5.2.4 Award of Lok-Adalat
 - 5.2.5 Award of Lok-Adalat shall be final
 - 5.2.6 Powers of the Lok-Adalat
 - 5.2.7 Lok-Adalat Awards as good as court's decision
 - 5.2.8 Lok-Adalat can pass order only when there is compromise between the parties
 - 5.2.9 Lok-Adalat can make an award touching rights of minor
 - 5.3 Legal Aid as Human Right
 - 5.4 Present adjudicatory system
 - 5.5 Constitution of committee for implementing Legal Aid Scheme CILAS (Lok-Adalat)
 - 5.6 History of Lok-Adalat movement

- 5.7 Types of cases taken up at Lok-Adalat
- 5.8 Guidelines for organising Lok-Adalat
- 5.9 Finance
- 5.10 Himachal Pradesh Experience
- 5.11 Rajasthan Models
- 5.12 Achievements
- 5.13 Positions of Lok-Adalat under Legal Services Authorities Act 1987
- 5.14 Refund of court fees if case is settled through Lok-Adalat
- 6 **Disputes resolution within and outside the court - U.S. Experience**
 - 6.1 ADR Mechanism - Primary disputes Resolution process.
- 7 **Multi-door Court House Approach**
 - 7.1 Nature of case
 - 7.2 Relationship of the parties
 - 7.3 History of negotiation between disputants
 - 7.4 Nature of relief sought by plaintiff
 - 7.5 Size and complexities of claims
 - 7.6 Institutionalization of dispute resolution
 - 7.7 Lawyer and Law Firms
- 8 **National Legal Aid Services Authorities**
 - 8.1 Appointment of Chairman of State Legal authorities
 - 8.2 Organisation, Powers and Functions
 - 8.3 Function of the Central Authority
- 9 **Alternative means of disputes Resolution in India**
 - 9.1 Arbitration is an important alternative dispute resolution (ADR process)
- 10 **Alternatives to Litigation in India**
 - 10.1 Negotiation
 - 10.2 Conciliation/Mediation
 - 10.3 Mediation - Arbitration
 - 10.4 MEDOLA [Mediator an arbitrator]
 - 10.5 Mini Trial [An opportunity to negotiate settlement with the assistance of neutral advisor]
 - 10.6 Arbitration
 - 10.7 Fast-track arbitration
 - 10.8 Settlement of domestic and international disputes by different modes of ADR
- 11 **The problems under the Alternative Disputes Resolution**
 - 11.1 The Historical past
 - 11.2 The Substantive Law and the attitudes it engendered

BOOKS

- 1 By P. C. Rao and William Sheffield, 'Alternative Dispute Resolution what it is and how it works'. Universal Law Publishing Private Limited
- 2 By Dr. S. C. Tripathi, 'Arbitration and Conciliation with alternative means of settlement of disputes', Central Law Publication, Allahabad

Labour and Industrial Law - II**Paper - VI****1 Minimum Wages Act 1948**

1.1

- 1.1.1 Preamble of the Act.
- 1.1.2 Statements of objects and reasons.
- 1.1.3 Constitutionality of minimum wages act.
- 1.1.4 Minimum Wages (Amendment) Act, 1957.

1.2 Definitions. (S: 2)

1.3 Procedure for revising minimum wages.

1.4 Fixing of minimum rates of wages. (S: 3 to 31)

2 Workman's Compensation Act 1923

2.1

- 2.1.1 Definitions. (S: 2)
- 2.1.2 Employer's Liability for compensation. (S: 3)
- 2.1.3 Determination of amount of compensation. (S:4)
- 2.1.4 Section: 4-A.
- 2.1.5 Section: 6, 7, 8, 9.
- 2.1.6 Section: 10, 10-A, 10-B, 11.
- 2.1.7 Section: 12, 13, 14, 14-A, 15, 15-A, 15-B, 16, 17, 18-A.
- 2.1.8 Commissioner's. (Section: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31)
- 2.1.9 Rules. (Section: 32 to 36)
- 2.1.10 Historical study of Compensation Laws in India.
- 2.1.11 Aims, Objects and Scope of the Act.
- 2.1.12 Preamble of the Act.

2.2 Maternity Benefit 1961 - Object and scope.

- 2.2.1 Restriction on employment or work by woman.
- 2.2.2 Right to payment of Maternity Benefits.
- 2.2.3 Continuous of payment of maternity benefit in certain cases.
- 2.2.4 Forfeiture of maternity benefits.

- 2.2.5 Notice of claim for maternity benefit and payment thereof.
- 2.2.6 Payment of maternity benefit in case of death of woman.
- 2.2.7 Leave of miscarriage.
- 2.2.8 Leave with wages for Tubectomy operation.
- 2.2.9 Leave for illness arising out of pregnancy.
- 2.2.10 Nursing breaks.
- 2.2.11 Prohibition of dismissal during absence of pregnancy.
- 2.2.12 No deduction of wages.
- 2.2.13 Effects of Laws and agreement inconsistent with this Act.
- 2.2.14 Administration, enforcement and penalties.
- 2.2.15 Appointment of Inspector.
- 2.2.16 Inspector to be Public Servant.
- 2.2.17 Power of inspector to direct payment to be made.
- 2.2.18 Penalty for contravention of Act by employer.
- 2.2.19 Penalty for obstructing Inspector.
- 2.2.20 Cognizance of offence.
- 2.2.21 Protection of action taken in good faith.
- 2.2.22 Power of Central Government to give direction.
- 2.2.23 Power to exempt establishment.
- 2.2.24 Power to make rules.
- 2.2.25 Equal pay for work of equal value.

3 Payment of Wages Act, 1936

3.1

- 3.1.1 Recommendation of Royal Commission.
- 3.1.2 Preamble of the Act.
- 3.1.3 Object of the Act.

3.2 Definitions. (Section: 2)

3.3 Section: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13-A.

3.4 Section: 14, 14(4), 14-A.

3.5 Section: 15, 16, 17, 17-A, 18, 20, 21, 22, 22-A, 23, 24, 25, 25-A, 26.

4 Employees Provident Fund and Miscellaneous provisions Act 1952

4.1 Aims and objects of the Act.

4.2 Definitions. (Section: 2)

4.3 Establishments to include all departments and branches. (Section: 2-A)

4.4 Section: 3, 4, 5.

- 4.5 Section: 6 to 22.
- 5 **Payment of Gratuity Act 1972**
- 5.1 Statement of object.
- 5.2 Salient features of the Act.
- 5.3 Definitions. (Section: 2)
- 5.4 Section: 3, 4, 4-A, 5, 6, 7, 8, 7-A, 7-B, 9, 10, 11, 12, 13, 14, 15.
- 6 **Maternity Benefits Act, 1961**
- 7 Child Labour (Prohibition & Regulation) Act, 1986
- 7.1 Introduction.
- 7.2 Contribution of ILO to prohibition and regulation.
- 7.3 Indian scenario.
- 7.4 Constitution call.
- 7.5 Regulation of employment of children.
- 7.6 Aims and Objects, Extent and Commencement.
- 7.7 Definitions.
- 7.8 Prohibition of employment of children in certain occupations and processes.
- 7.9 What to do?
- 7.10 Power to amend the schedule.
- 7.11 Child Labour Technical Advisory Committee.
- 7.12 Application of part.
- 7.13 Hours and period of work.
- 7.14 Weekly holidays.
- 7.15 Notice of Inspector.
- 7.16 Dispute as to age.
- 7.17 Maintenance of register.
- 7.18 Display of notice containing abstract of Section 3 and 14.
- 7.19 Health and safety.
- 7.20 Penalties.
- 7.21 Modified application of certain laws in relation to penalties.
- 7.22 Procedure relating to offences.
- 7.23 Appointment of Inspector.
- 7.24 Power to make rules.
- 7.25 Rules and notification to be laid before Parliament or State Legislature.
- 7.26 Certain other provisions to be laid before Parliament or State Legislature.
- 7.27 Certain other provisions of law not barred.
- 7.28 Power to remove difficulties.

BOOKS

- 1 K. Madhavan Pillai - Labour And Industrial Laws, 7th Ed. - Allahabad Law Agency, Allahabad.
- 2 Dr. Avtar Singh - Introduction to Labour and Industrial Law, Ed. 2002 - Wadhwa, Nagpur. 112
- 3 S.C. Shrivastava - Industrial Relations and Labour Law (1999) - Vikas.
- 4 Shrivastava K.D. - Commentaries on Payment of Wages Act 1936 (1998) - Eastern, Lucknow.
- 5 Shrivastava K.D. - Commentaries on Minimum Wages Act 1948 (1995) - Eastern, Lucknow.
- 6 Rao S.B. - Law and Practice on Minimum Wages (1999) - Law Publishing House, Allahabad.

Law of Taxation**Paper - VII****(A) Income Tax**

- 1 Historical background of Income Tax Budget, Finance Bill and Finance Act.
- 2 Fundamental Principles and basic concepts of Income Tax Laws.
- 3 Important Definitions.
- 4 Income Tax Authorities and their jurisdictions.
- 5 Income Tax Rates Structures.
- 6 Residential status and its assessability of Tax.
- 7 Sources or Heads of Income.
- 8 Permanent Account Number (PAN) and Tax Accounting Number (TAN).
- 9 Collection of Taxes - Advance Tax and Tax Deducted at Source (TDS).
- 10 Income Exempt from Tax (Section 10).
- 11 Heads of Income.
 - a) Salary.
 - b) Income from House Property.
 - c) Income from business/profession or vocation AND Estimated Income Schemes.
 - d) Income from Capital Gains.
 - e) Income from Other Sources.
- 12 Income of other persons included in Assessee's Income i.e. clubbing of Income.
- 13 Losses set off and carried forward of Losses.
- 14 Computation of total income and permissible deductions.

- 15 Assessment procedure.
 - a) Filing of Returns and due dates.
 - b) Kinds of assessments.
 - c) Reopening of assessments.
 - d) Scrutiny of assessments.
 - 16 Kinds of surveys.
 - 17 Search Seizure proceedings.
 - 18 Aggregation of income.
 - 19 Appeals & Revision provisions.
 - 20 Charging of penal interest, penalties and prosecutions,
 - 21 Recovery of Taxes.
 - 22 Settlement of cases & Refunds.
 - 23 Miscellaneous provisions.
 - a) Double Taxation Relief.
 - b) Evasion of Tax and Avoidance of Tax.
 - c) Corporate Taxes. (Minimum Alternative Tax)
 - d) Service of Notices.
 - e) Fringe Benefit Tax. (FBT)
 - f) Banking Cash Transaction Tax.
 - g) Tax on Gift in certain cases.
- (B) **Wealth Tax**
- 1 Basic concepts and definitions in Wealth Tax.
 - 2 Charging of Wealth Tax.
 - 3 Deemed Assets i.e. clubbing provisions.
 - 4 Exemptions U/S 5 of the Wealth Tax Act.
 - 5 Valuation of assets.
 - 6 Assessment procedure.
 - 7 Appeals and Revision.
 - 8 Penalty and Prosecutions.
 - 9 Miscellaneous provisions.
- (C) **Value Added Tax (VAT) 2005**
- 1 Historical background of Value Added Tax (VAT).
 - 2 Concept of Value Added Tax.
 - 3 Important definitions under M.V.A.T.
 - 4 Registration procedure under MVAT and its impact in Taxation.
 - 5 Assessment procedure.
 - a) Filing of Returns and Due Dates.
 - b) Kinds of assessments.
 - c) Re-opening of assessments.
 - d) Scrutiny of assessments.
 - 6 Composition Scheme under MVAT.

- 7 Set off procedure and refunds.
 - 8 Appeals and Revision provisions.
 - 9 Penalties and Prosecutions.
 - 10 Miscellaneous provisions.
- (D) **Central Sales Tax Act (CST) 1956**
- 1 Historical background of Central Sales Tax Act 1956.
 - 2 Concept of C.S.T. and its implications.
 - 3 Important definitions under CST.
 - 4 Registration procedures and its impact in Taxation.
 - 5 Different kinds of interstate transactions.
 - 6 Appeals and Revision.
 - 7 Penalties and Prosecutions.
 - 8 Miscellaneous provisions.
- (E) **Service Tax Act 1994**
- 1 Historical background and fundamental principles in imposing service tax.
 - 2 Important definitions under Service Tax Act 1994.
 - 3 Registration procedure under Service Tax Act and its impact in Taxation.
 - 4 Salient features of Service Tax Laws.
 - 5 Assessment procedure.
 - a) Due dates of filing of return.
 - b) Kinds of assessment.
 - c) Re-opening of assessment.
 - d) Scrutiny of assessment.
 - 6 Service Tax Credit Scheme.
 - 7 Appeals and Revisions.
 - 8 Penalties and Prosecutions.
 - 9 Miscellaneous provisions.

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Paper-VIII**Court Visit**

8th Semester - B.A.LL.B - 5 years course**Intellectual Property Law****Paper - I**

- 1 **Introductory**
 - 1.1 The meaning of intellectual property.
 - 1.2 Competing rationales of legal regimes for the protection of intellectual property.
 - 1.3 The main forms of intellectual property : Copyright, Trademarks, Patents, Designs.
 - 1.4 Competing rationales for protection of rights in
 - 1.4.1 Copyright.
 - 1.4.2 Trademarks.
 - 1.4.3 Patents.
 - 1.4.4 Designs.
 - 1.4.5 Trade Secrets.
 - 1.4.6 Other new forms such as plant varieties and geographical indications.
 - 1.5 Introduction to the leading international instruments concerning intellectual property rights : The Bern Convention, Universal Copyright Convention, The Paris Union TRIPS, The World Intellectual Property Rights Organization (WIPO) and The UNESCO.
- 2 **Copyright Act 1957**
 - 2.1 **Select aspects of Law of Copyright in India**
 - 2.1.1 Historical evolution of the law.
 - 2.1.2 Meaning of copyright.

- 2.1.3 Copyright in literary, dramatic and musical works.
- 2.1.4 Copyright in sound, records and cinematograph film.
- 2.1.5 Copyright in Computer Programmes
- 2.1.6 Ownership of Copyright.
- 2.1.7 Assignment of Copyright.
- 2.1.8 Author's special rights.
- 2.1.9 Notion of infringement.
- 2.1.10 Criteria of infringement.
- 2.1.11 Infringement of copyright by films of literary and dramatic works.
- 2.1.12 Importation and infringement.
- 2.1.13 Fair use provisions.
- 2.1.14 Piracy in internet.
- 2.1.15 Aspects of copyright justice.
- 2.1.16 Remedies, especially, the possibility of Anton pillar injunctive relief in India.
- 2.2 Copyright Office and Copyright Board.
- 2.3 Works in which copyright subsists.
- 2.4 Special provisions regarding copyright in designs registered or capable of being registered under the Design Act 1911.
- 2.5 Ownership of copyright and rights of owner
 - 2.5.1 First owner of copyright.
 - 2.5.2 Mode of assignment.
 - 2.5.3 Disputes with respect to assignment of copyright.
- 2.6 Transmission of copyright in manuscript by testamentary dispossession.
- 2.7 Right of author to relinquish copyright.
- 2.8 Terms of copyright
 - 2.8.1 Term of right in anonymous.
 - 2.8.2 Term of copyright pseudonymous works.
 - 2.8.3 Term of copyright in posthumous work.
 - 2.8.4 Term of copyright in photographs.
 - 2.8.5 Term of copyright in Government work.
 - 2.8.6 Term of copyright in works of public undertaking.
 - 2.8.7 Term of copyright in works of international organisation.
- 2.9 Copyright Societies (Section 33 to Section 36A)
 - 2.9.1 Rights of Broadcasting Organisation and of performers. (Section 37 to S. 39A)
 - 2.9.2 International Copyright. (Section 40 to Section 43)

- 2.10 Licenses (Section 30 to Section 32B)
 - 2.10.1 Registration of copyright.
 - 2.10.2 Civil Remedies. (Section 54 to Section 62)
 - 2.10.3 Appeals. (Section 71 to Section 73)
- 3 **Intellectual Property in Trademarks**
 - 3.1 The rationale of protection of trademarks as (a) an aspect of commercial and (b) consumer rights.
 - 3.2 Definition and concept of trademarks.
 - 3.3 Registration.
 - 3.4 Distinction between trademark and property mark.
 - 3.5 Doctrine of honest current user.
 - 3.6 Doctrine of deceptive similarity.
 - 3.7 Protection of well known mark.
 - 3.8 Passing off and infringement.
 - 3.9 Criteria of infringement.
 - 3.10 Standards of proof in passing off action.
 - 3.11 Remedies.
 - 3.12 Trade Marks Act 1999
 - 3.12.1 The register and conditions for registration.
 - 3.12.2 Procedure and duration of registration.
 - 3.12.3 Effect of registration.
 - 3.12.4 Assignment & transmission.
 - 3.12.5 Use of Trade Marks and registered users.
 - 3.12.6 Certification of Trade Marks.
 - 3.12.7 Offences, penalties and procedures.
- 4 **The Law of Intellectual Property : Patents**
 - 4.1 Concept of patent.
 - 4.2 Historical view 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 Patent protection for computer programmes.
 - 4.5 Process of obtaining a patent : Application, Examination, Opposition and sealing of patents : General introduction.
 - 4.6 Procedure of filing patents : Patent co-operation treaty.
 - 4.7 Some grounds for opposition
 - 4.7.1 The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disaster.
 - 4.7.2 Wrongfully obtaining the invention.
 - 4.7.3 Prior publication or anticipation.

- 4.7.4 Obviousness and the lack of inventive steps.
- 4.7.5 Insufficient description.
- 4.8 Rights and obligations of patentee
 - 4.8.1 Patents as chose in action.
 - 4.8.2 Duration of patents : Law and Policy consideration.
 - 4.8.3 Use and exercise rights.
 - 4.8.4 Right to secrecy.
 - 4.8.5 The notion of 'abuse' of patent rights.
 - 4.8.6 Compulsory licenses.
- 4.9 Special categories
 - 4.9.1 Employee invention : Law and Policy Consideration.
 - 4.9.2 International patents, transfer of technology, know-how and problems to self-reliant development.
- 4.10 Patent Act 1970
 - 4.10.1 Invention not patented.
 - 4.10.2 Opposition proceedings for grant of patent.
 - 4.10.3 Anticipation.
 - 4.10.4 Provisions for secrecy of certain inventions.
 - 4.10.5 Grant of patent and rights conferred thereby.
 - 4.10.6 Patent of addition.
 - 4.10.7 Restoration of lapsed patents.
 - 4.10.8 Surrender and Revocation of patent.
 - 4.10.9 Register of patent.
 - 4.10.10 Patent Office and it's establishment.
 - 4.10.11 Powers of Controller General.
 - 4.10.12 Working of patent, compulsory licenses and revocation.
 - 4.10.13 Use of inventions for purposes of Government and acquisition of investment by Central Government.
 - 4.10.14 Suits concerning infringement of patent.
 - 4.10.15 The appeals to the appellate boards.
 - 4.10.16 Penalties.
 - 4.10.17 International arrangements.
 - 4.10.18 Power of controller to call for information from patentee. (Section 146)
 - 4.10.19 Patent to bind Government. (Section 156)
 - 4.10.20 Right of Government to sell or use forfeited articles. (Section 157)
- 4.11 The Design Act 2000
 - 4.11.1 Registration of Design.
 - 4.11.2 Copyright in Registered Design.

- 4.11.3 Legal Proceedings
 - 4.11.3.1 Piracy of Registered Design.
 - 4.11.3.2 Application of certain provisions of the Act as to patent to design.
- 4.11.4 Powers and duties of controller.
- 4.11.5 Powers etc. of Central Government.

5 **Infringement**

- 5.1 Criteria of infringement.
- 5.2 Onus of proof.
- 5.3 Modes of infringement : doctrine of colourable variation.
- 5.4 Defences in suits of infringement.
- 5.5 Injunctions and related remedies.

Books :

- 1) Comish W. R. - Intellectual Property, Patents, Trademarks, Copyrights and Allied Rights, (1999), Asia Law House, Hyderabad.
- 2) Vikas Vashisht - Law and Practice of Intellectual Property, (1999), Bharat Law House, Delhi.
- 3) P. Narayanan - Intellectual Property Law, (1999), (ed.), Eastern Law House, Calcutta.
- 4) Bibeck Debroy - (ed.), Intellectual Property Rights, (1998), Rajiv Gandhi Foundation, Delhi.
- 5) U.I.F. Anderfelt - International Patent Legislation and Developing Countries, (1971).
- 6) Comish W. R. - Intellectual Property, (3rd Edn.), (1996), Sweet & Maxwell.
- 7) W. R. Mann - Transfer of Technology, (1982).
- 8) Mata Din - Law of Passing Off and Infringement Action of Trademarks, (1986).
- 9) P. S. Sangal & Kishore Singh - Indian Patent System and Paris Convention-Legal Perspectives, (1987).

JURISPRUDENCE

Paper - II

1 **Introduction**

- 1.1 Meaning of the term jurisprudence.
- 1.2 Nature and value of jurisprudence.
- 1.3 Definition of Law, Nature of Law.

2 **Schools of Jurisprudence**

- 2.1 Analytical positivism.
 - 2.1.1 John Austin's theory of Imperative Law.
- 2.2 Natural Law.

- 2.3 Historical School.
- 2.4 Sociological School.
 - 2A Administration of justice.
- 2.5 Law as a practice of the court (Legal Realism)
- 2.6 Law as system of rules
 - 2.6.1 The function and the purpose of law - Justice, stability, peaceful change.
 - 2.6.2 Law and fact.
 - 2.6.3 The territorial nature of law.
 - 2.6.4 Constitutional Law.

3 **Administration of Justice**

- 3.1 Necessity of administration of justice.
- 3.2 Civil & Criminal justice.
- 3.3 The purpose of criminal justice – punishment.
- 3.4 Civil justice, primary and sanctioning rights.
- 3.5 Secondary functions of court of law.

4 **Sources of Law**

- 4.1 Legal and historical sources
- 4.2 The legal sources of English Law.
- 4.3 Legislation – the nature of legislation
 - 4.3.1 Supreme Legislation.
 - 4.3.2 Sub-ordinate Legislation.
 - 4.3.3 Relation of legislation to other sources.
 - 4.3.4 Codification.
- 4.4 Legislation as a source of law.
- 4.5 Doctrine of Precedents Stare Decisis.
- 4.6 Custom as a source of law.
- 4.7 Juristic writings and Professional opinion.
- 4.8 Interpretation of enacted law
- 4.9 Precedent
 - 4.9.1 The authority of precedent.
 - 4.9.2 Circumstances destroying or weakening the binding force of precedent.
 - 4.9.3 The hierarchy of authority.
 - 4.9.4 The Ratio – decidenti.
 - 4.9.5 Judicial reasoning.
- 4.10 Custom
 - 4.10.1 The early importance of customary law.
 - 4.10.2 Reasons for the reception of customary law.
 - 4.10.3 Kinds of custom.
 - 4.10.4 Conventional custom.

- 4.10.5 Local custom.
- 4.10.6 Custom and prescription.
- 4.10.7 General custom of the Realm.
- 4.11 Legal Rights
 - 4.11.1 Definition of legal rights.
 - 4.11.2 Wrongs.
 - 4.11.3 Duties.
 - 4.11.4 Rights.
 - 4.11.5 The characteristics of legal right.
 - 4.11.6 Legal rights in a wider sense of the term.
- 4.12 The kinds of legal rights
 - 4.12.1 Ownership
 - 4.12.1.1 The idea of ownership.
 - 4.12.1.2 Subject matter of ownership.
 - 4.12.1.3 Sole ownership and co-ownership.
 - 4.12.1.4 Trust and beneficial ownership.
 - 4.12.1.5 Legal and equitable ownership.
 - 4.12.1.6 Vested and contingent ownership.
 - 4.12.2 Possession
 - 4.12.2.1 The idea of possession.
 - 4.12.2.2 Possession in fact.
 - 4.12.2.3 Possession in law.
 - 4.12.2.4 Immediate and mediate possession.
 - 4.12.2.5 Concurrent possession.
 - 4.12.2.6 The acquisition of possession.
 - 4.12.2.7 The continuous of possession.
 - 4.12.2.8 The incorporeal possession.
 - 4.12.2.9 Possession and ownership.
 - 4.12.2.10 Possessory remedies.

5 **Persons**

- 5.1 The nature of personality.
- 5.2 The legal status of the lower animals.
- 5.3 The legal status of Dead Man.
- 5.4 The legal status of unborn person.
- 5.5 Legal persons.
- 5.6 Corporations.
- 5.7 The Agents, Beneficiaries and members of a Corporation.
- 5.8 The Acts and Liabilities of a Corporation.
- 5.9 The uses and purpose of Incorporation.
- 5.10 The creation and extinction of Corporation.

- 5.11 The State as a Corporation.
- 5.12 Unincorporated associations.
- 5.13 Corporate personality.

5

Titles

- 5.1 Vestitive facts.
- 5.2 Acts in the law.
- 5.3 Agreements.
- 5.4 The classes of Agreements.
- 5.5 Void and Voidable Agreements.

6

Liability

- 6.1 The nature and kinds of liability.
- 6.2 Theory of Remedial Liability.
- 6.3 Theory of Penal Liability.
- 6.4 Acts.
- 6.5 Two classes of wrongful acts.
- 6.6 *Dumnum sie Injuria*.
- 6.7 The place and Time of an Act.
- 6.8 Causation.
- 6.9 *Mens Rea*.
- 6.10 *Intension*.
- 6.11 Motives.
- 6.12 Malice.
- 6.13 Relevance and irrelevance of motives.
- 6.14 *Jus Necessitatis*.
- 6.15 Negligence.
- 6.16 The Duty of Care.
- 6.17 The Standard of Care.
- 6.18 Degrees in negligence.
- 6.19 The subjective and objective theories of negligence.
- 6.20 Theory of strict liability.
- 6.21 Extent of strict liability.
- 6.22 Mistake of Law.
- 6.23 Mistake of Fact.
- 6.24 Accident.
- 6.25 Vicarious Responsibility.
- 6.26 The measure of Criminal Liability.
- 6.27 The measure of Civil Liability.

7

Property

- 7.1 The meaning of the term Property.
- 7.2 Kinds of Property.
- 7.3 Movable and Immovable Property.

- 7.4 Real & Personal Property.
- 7.5 Rights in Re-propria – in immaterial things.
- 7.6 Leases.
- 7.7 Servitudes.
- 7.8 Securities.
- 7.9 Modes of acquisition – possession, prescription, agreement, inheritance.
- 8 **Legal Rights : The Concept**
 - 8.1 Kinds.
 - 8.2 Characteristics.
 - 8.3 Right Duty correlation.
 - 8.4 Claim, Liberty, Power, Immunity. (Holfeld's analysis)
- 9 **The Law of Obligations**
 - 9.1 Sources of obligation.
 - 9.2 Nature and kinds of obligations.
- 10 **The Law of Procedure**
 - 10.1 Substantive law and the law of procedure : Difference.
 - 10.2 Evidence : Nature and kinds.
 - 10.3 The valuation of evidence.
 - 10.4 The production of evidence.

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- (4) V.D.Mahajan, Jurisprudence and Legal Theory, (1996 re-print), Eastern, Lucknow.
- (5) M.D.A.Freeman, (ed), Lloyd's Introduction to Jurisprudence, (1994), Sweet & Maxwell.
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- (7) H.L.A.Hart, The Concepts of Law, (1970), Oxford, ELBS.
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- (9) Dias, Jurisprudence, (1994 first Indian re-print), Adithya Books, New Delhi.
- (10) Dhyani S. N., Jurisprudence : A Study of Indian Legal Theory, (1985), Metropolitan, New Delhi.
- (11) Salmond, Jurisprudence.

Professional Ethics

Paper - III

- 1 **Development of Legal Profession in India**
 - 1.1 Importance of Legal Profession.
 - 1.2 Legal Profession in Pre-British Era and after Independence.
- 2 **Professional Ethics**
 - 2.1 Meaning, Nature and Need.
 - 2.2 Duties:
 - 2.2.1 Towards Country.
 - 2.2.2 Towards Community.
 - 2.2.3 To the Court.
 - 2.2.4 To the Client.
 - 2.2.5 To the Opponent.
 - 2.2.6 To the Colleagues.
 - 2.3 Advocacy.
 - 2.3.1 Requisites for successful advocacy.
 - 2.4 Co-operative interaction between lawyers and judges.
 - 2.5 Professionalism in advocacy.
 - 2.6 Secrets of success of an advocate.
- 3 **The Advocates Act, 1961**
 - 3.1 Admission and Enrolment.
 - 3.1.1 Senior Advocates and Other Advocates.
 - 3.1.2 Persons who may be admitted as advocate on a state roll.
 - 3.1.3 Disqualification for enrolment.
 - 3.1.4 Authority to whom application for enrolment may be made.
 - 3.1.5 Disposal of application for admission.
 - 3.1.6 Removal of names from roll.
 - 3.1.7 Special provisions for enrolling certain advocates of the Supreme Court.
 - 3.1.8 Dispute regarding seniority.
 - 3.1.9 Certificate of enrolment.
 - 3.1.10 Right of pre-audience.
 - 3.2 Rights of advocates.
- 4 **Bar Councils**
 - 4.1 State Bar Council.
 - 4.1.1 Constitution, Powers and Functions.
 - 4.2 Bar Council of India.
 - 4.2.1 Constitution, Powers and Functions.
- 5 **Professional or other misconduct**

- 5.1 Meaning & Scope.
- 5.2 A body or authority empowered to punish for misconduct.
- 5.2.1 Disciplinary Committee of the State Bar Council : Its composition, powers and functions - initiative and procedure.
- 5.2.2 Disciplinary Committee of the Bar Council of India : Its composition, powers and functions - initiation and procedure.
- 5.3 Remedies:
- 5.3.1 Review over order of punishment.
- 5.3.2 Appeal against order of punishment.

6 Contempt of Court

- 6.1 Meaning and Scope.
- 6.2 Categories : Civil and Criminal.
- 6.3 Punishment for contempt of court.
- 6.4 Remedies against punishment - apology, appeal, review.
- 6.5 Constitutional validity of Contempt of Courts Act.
- 6.6 Contempt jurisdiction of the subordinate court, High Court and Supreme Court.
- 6.7 Contempt by lawyers, judges, State and Corporate bodies and their offices.

7 Bench-Bar relations

8 Professional Ethics and Professional Accounting System

Outline of the course : Professional ethics, Accountancy for Lawyers, and Bar-Bench relations.

This course will be taught in association with practising lawyers on the basis of the following materials.

- (1) Mr. Krishnamurthy Iyer's book on "Advocacy".
- (2) The Contempt Law and Practice.
- (3) The Bar Council Code of Ethics.
- (4) 50 selected opinions of the Disciplinary Committee of Bar Councils and 10 major judgements of the Supreme Court on the subject.
- (5) **It shall include assessment through case-study, viva and periodical problem solution besides the written tests.**

Public Interest Lawyering and Accountancy

Paper - IV

- 1 Public Interest Litigation.
- 2 Negotiation., Counselling, Pleading and Cross Examination.
- 3 Legal-aid.

- 4 Lok-Adalat.
- 5 Ombudsman, Lokpal and Lokayukta.
- 6 Consumer Disputes Redressal Agencies.
- 7 Legal literacy/Legal Education in India.
- 8 Law Journals and Reports.
- 9 Case Comments.
- 10 Law Office Management.
- 11 Jail Visits.
- 12 Police Station Visits.
- 13 The students are expected to cover all the aforesaid topics in their practical note book after they have actually participated in the aforesaid exercises.

Company Law

Paper - V

1 Meaning of Corporation

- 1.1 Theories of corporate personality.
- 1.2 Creation and extinction of corporation.
- 1.3 Definition of company.
- 1.4 Evolution of company.
- 1.5 Nature of corporate firm and advantages
 - 1.5.1 Independent corporate existence.
 - 1.5.2 Limited liability.
 - 1.5.3 Perpetual succession.
 - 1.5.4 Separate property.
 - 1.5.5 Transferable shares.
 - 1.5.6 Capacity to sue and be sued.
 - 1.5.7 Professional management.
 - 1.5.8 Finances.
- 1.6 Disadvantages
 - 1.6.1 Lifting the corporate veil.
 - 1.6.2 Determination of character.
 - 1.6.3 Benefit of revenue.
 - 1.6.4 Fraud or improper conduct.
 - 1.6.5 Government companies, Agency or trust, where no functioning autonomy granted.
- 1.7 Personal liabilities of Directors or Members – Statutory provisions
 - 1.7.1 Reduction in membership.
 - 1.7.2 Mis-description of name.

- 1.7.3 Fraudulent conduct of business.
 - 1.7.4 Holding and subsidiary companies.
 - 1.7.5 Subsidiary of multi-national liability for insolvent subsidiary.
 - 1.7.6 Subsidiary establishment.
 - 1.7.7 Formality and expense.
 - 1.7.8 Company is not a citizen, Nationality, domicile and residence.
- 2 **Forms of Corporate and Non-Corporate Organisations**
- 2.1 Corporations, partnerships and other associations of persons, State Corporations, Government Companies, Small Scale, Co-operative, Corporate and Joint Sectors.
- 3 **Law relating to companies - Public & Private - Companies Act, 1956**
- 3.1 Need of company for development, formation of a company, registration and incorporation.
 - 3.2 Memorandum of Association - various clauses - alteration therein - doctrine of ultra virus.
 - 3.3 Articles of Association - binding force - alteration - its relation with memorandum of association - doctrine of constructive notice and indoor management - exceptions.
 - 3.3.1 Prospectus - issue - contents - liability for misstatements - statement in lieu of prospectus, shelf prospectus, Information memorandum, Remedies for misstatements in prospectus.
 - 3.4 Promoters - position - duties and liabilities.
 - 3.4.1 Shares - General Principles of allotment, Statutory restrictions - Share Certificate - its objects and effects - transfer of shares - restrictions on transfer - procedure for transfer - refusal of transfer - role of Public Finance Institutions - relationship between transferer and transferee - issue of shares at premium and discount - depository receipts - dematerialised shares (DEMAT), buyback of shares by company.
 - 3.4.2 Shareholder - who can be and who can not be a shareholder - modes of becoming a shareholder - calls on shares - forfeiture and surrender of shares, share warrants - lien on shares.
 - 3.4.3 Share Capital - Kinds - alteration and reduction of share capital - future issue of capital - conversion of loans and debentures into capital - duties of courts to protect the interest of creditors and shareholders.

- 3.5 Directors - position - appointment - qualifications - vacation of office - removal - resignation - powers and duties of directors - meetings, registers, loans, remuneration of directors - role of nominee directors - compensation for loss of office - managing directors and other managerial personnel - maximum number of Directorship a person can hold.
 - 3.5.1 Meetings - kinds - procedure - voting.
 - 3.5.2 Profit - Dividends - payments - capitalisation.
- 3.6 Audit and Accounts.
- 3.7 Borrowing powers - powers - effect of unauthorised borrowings - charges and mortgages - loans to other companies - investments - contracts by companies.
- 3.8 Debentures - meaning fixed and floating charge - kinds of debentures - shareholder and debenture holder - remedies of debenture holder.
- 3.9 Protection of Minority rights.
- 3.10 Protection of oppression and mismanagement - who can apply - powers of the company courts and of the Central Government.
- 3.11 Investigation - powers.
- 3.12 Private Companies - nature and advantages - Government Companies - holding and subsidiary companies.
- 3.13 Regulation and amalgamation.
- 3.14 Winding up - Types - by court - reasons - grounds - who can apply - procedure - powers of liquidator - powers of courts - consequences of winding up order - voluntary winding up by members and creditors - winding up by the Tribunal - liability of past members - payment of liabilities - preferential payment - unclaimed dividends - winding up of unregistered company
- 3.15 Registration and Incorporation
 - 3.15.1 Procedure of Registration.
 - 3.15.2 Certificate of Incorporation.
 - 3.15.3 Certificate as conclusive evidence.
 - 3.15.4 Judicial Review.
 - 3.15.5 Pre-incorporation contracts.
 - 3.15.6 Company can not be sued on pre-incorporation contract.
 - 3.15.7 Ratification of pre-incorporation contract.
 - 3.15.8 Personal right and liability of contracting Agent.
 - 3.15.9 Statutory Reforms

- Commencement of business
 - i) Main Object
 - ii) Other Object
- 3.16 Prevention of oppression and mismanagement
 - 3.16.1 Prevention of oppression.
 - 3.16.2 Who can apply. (Section 399)
 - 3.16.3 Company itself can not apply. Conditions of relief. (Section 397)
 - 3.16.4 The oppression.
 - 3.16.5 Existence of alternative relief.
 - 3.16.6 Oppression of majority.
 - 3.16.7 Oppression members.
 - 3.16.8 Oppression in conduct of affair.
 - 3.16.9 Private agreement amongst members as to share transfer.
 - 3.16.10 Facts must justify winding-up.
 - 3.16.11 Unfair prejudice.
 - 3.16.12 Oppression and unfair prejudice difference.
 - 3.16.13 Oppression of continuing nature.
 - 3.16.14 Fairness of petitioner's conduct.
 - 3.16.15 Effect of arbitration clause.
 - 3.16.16 Prevention of mismanagement. (Section 398)
 - 3.16.17 Powers of Company Law Board. (Section 402)
 - 3.16.18 Compromise.
 - 3.16.19 Date of valuation.
 - 3.16.20 Central Government's power to appoint directors on CLB's orders.
 - 3.16.21 Power to prevent change in Board of Directors. (Section 409)
 - 3.16.22 Transfer of powers to Company Law Board.
 - 3.16.23 Civil Suit.
 - 3.16.24 Transfer of power to tribunal.
- 3.17 Kinds of company
 - 3.17.1 Unlimited Company.
 - 3.17.2 Guarantees Company.
 - 3.17.3 Private Company.
 - 3.17.3.1 Minimum paid-up capital.
 - 3.17.3.2 Restriction on transferability of shares.
 - 3.17.3.3 Restrictions on number of members.
 - 3.17.3.4 Prohibition on issue of prospectus.

- 3.17.4 Conversion of Private Company into Public Company
 - 3.17.4.1 Conversion by default.
 - 3.17.4.2 Conversion by oppression of law.
 - 3.17.4.3 Conversion by choice.
 - 3.17.4.4 Conversion of Public Company into Private Company.
 - 3.17.4.5 Foreign Companies.
 - 3.17.4.6 Accounts of Foreign Company.
 - 3.17.4.7 Prospectus of Foreign Company.
 - 3.17.4.8 Offer of Indian Depository Receipts. (Section 605-A)
 - 3.17.4.9 Government Companies. (Section 617)
 - 3.17.4.10 Downsizing employees.
 - 3.17.4.11 Holding Companies and subsidiary. (Section 4)
 - 3.17.4.12 Involvement of Section 372-A.
 - 3.17.4.13 Accounts of holding company.
 - 3.17.4.14 Inspection of subsidiaries, Books of Accounts.
 - 3.17.4.15 Investment in holding companies. (Section 42)
 - 3.17.4.16 Illegal association.
 - 3.17.4.17 When registration compulsory.
 - 3.17.4.18 Consequences of illegality.
- 3.18 Reconstruction and Amalgamation
 - 3.18.1 Compromises and arrangements.
 - 3.18.2 Sanction of courts. (Section 391)
 - 3.18.3 Jurisdiction.
 - 3.18.4 Duties and powers of courts.
 - 3.18.5 Compliance with statutory provisions.
 - 3.18.6 Bonafide exercise of majority power.
 - 3.18.7 Reasonableness of scheme.
 - 3.18.8 Burden of proving unfairness.
 - 3.18.9 Disclosure of material facts.
 - 3.18.10 Interest of creditors.
 - 3.18.11 No power to stay criminal proceedings.
 - 3.18.12 Advantages of court sanction.
 - 3.18.13 Power of enforcement and supervision. (Section 392)
 - 3.18.14 Reconstruction and Amalgamation (Section 394)
 - 3.18.14.1 Reconstruction.

- 3.18.14.2 Amalgamation.
- 3.18.14.3 Power of Amalgamation.
- 3.18.14.4 Form of re-construction and amalgamation.
- 3.18.14.5 Official reports.
- 3.18.14.6 Notice to Central Government – Fairness of exchange ratio. (S.394)
- 3.18.14.7 Vesting of rights and transfer of obligation.
- 3.18.14.8 De-merger.
- 3.18.14.9 Take over and acquisition of minority interest. (S. 395)
- 3.18.14.10 Amalgamation in National Interest. (S.396)
- 3.18.14.11 Preservation of Books and Papers of amalgamated company

4 **Law and Multinational Companies**

- 4.1 International norms for control.
- 4.2 National Law FEMA (Foreign Exchange Management Act 1999) - controls - joint ventures - investment in India - repatriation of project.
- 4.3 Collaboration agreements for technology transfer.

5 **Corporate Liability**

- 5.1 Legal liability of company - civil & criminal.
- 5.2 Remedies against them - civil, criminal and tortious - specific relief act, writs, liability under special statutes.

Books

- (1) Avtar Singh - Indian Company Law; Eastern; Lucknow.
- (2) S. M. Shah - Lectures on Company Law; Tripathi; Bombay.
- (3) L.C.B. Grower - Principles of Modern Company Law; Sweet & Maxwell; London.
- (4) A. Ramaiya - Guide to Companies Act; Wadhwa.

Consumer Protection Law

Paper - VI

1 **Consumer movements : Historical Perspectives.**

- 1.1 Common law protection : contract and torts.
- 1.2 Consumerism in India : Food adulteration, drugs and cosmetics, essential commodities.

- 1.2.1 Criminal sanction : State of noxious and adulterated substances, false weights and measures, use of unsafe carriers.
- 1.2.2 Consumer Protection Council
- 1.2.3 Consumer disputes redressal agency.
- 1.2.4 Consumer Protection Act - Definitions.

2 **Consumer - The concept**

- 2.1 General perspectives.
- 2.2 Statutory and Government services : to be included or not ?
- 2.3 Definition and Scope : The Consumer Protection Act, 1986 (CPA).
- 2.4 Who is not a consumer ?

3 **Unfair Trade Practices**

- 3.1 Misleading and false advertising.
- 3.2 Unsafe and hazardous products.
- 3.3 Disparaging competitions.
- 3.4 Business ethics and business self-regulation.
- 3.5 Falsification of Trade Marks.

4 **Consumer of Goods**

- 4.1 Meaning of defects in good.
- 4.2 Standard of purity, quality, quantity and potency.
- 4.3 Statutes : food and drugs, engineering and electrical goods.
- 4.4 Common law decision of courts.
- 4.5 Price control.
- 4.6 Administrative fixation.
- 4.7 Competitive market.
- 4.8 Supply and distribution of goods.

5 **Supply of essential commodities**

- 5.1 Quality control.
- 5.2 Sale of goods and hire purchase law.
- 5.3 Prescribing standards of quality - BIS and Agmark, Essential commodities law.

6 **Consumer safety**

- 6.1 Starting, distribution and handling of unsafe and hazardous products.
- 6.2 Insecticides and pesticides and other poisonous substances.

7 **Services**

- 7.1 Deficiency - meaning.
- 7.2 Professional services.
 - a) Medical services.

- b) How to determine negligence ?
- c) Violation of statute.
- d) Denial of medical services : Violation of human rights.
- e) Lawyering services : duty towards courts and duty to client dilemma, break of confidentiality, negligence and misconduct.

7.3 Public utility.

- 7.3.1 Supply of electricity.
- 7.3.2 Telecommunication and postal service.
- 7.3.3 Housing.
- 7.3.4 Banking.

8 Commercial Services

- 8.1 Hiring.
- 8.2 Financing.
- 8.3 Agency services.

9 Enforcement of Consumer Right

- 9.1 Consumer for a under CPA : Jurisdiction, power and functions.
- 9.2 Execution of orders.
- 9.3 Judicial Review.
- 9.4 Public Interest Litigation.
- 9.5 Class action.
- 9.6 Remedies.
- 9.7 Administrative remedies.

Books

- (1) Saraf D. N. - Law of Consumer Protection in India, Tripathi, Bombay.
- (2) Avtar Singh - Law of Consumer Protection - Principles and Practice.
- (3) J. N. Barowalia - Commentary on Consumer Protection Act 1986; Universal, Delhi.
- (4) P. K. Mujumdar - Law of Consumer Protection in India; Orient Publication; New Delhi.

DRAFTING, PLEADING AND CONVEYANCING-I

Paper - VII

1 Drafting

- 1.1 Meaning, Definition, Purpose, Objects and Scope.
- 1.2 General principles of drafting.
- 1.3 The relevant substantive rules of drafting.

2 Pleadings

- 2.1 Civil.

- 2.1.1 Plaint.
- 2.1.2 Written Statement.
- 2.1.3 Interlocutory application.
- 2.1.4 Original petition.
- 2.1.5 Affidavit.
- 2.1.6 Execution petition.
- 2.1.7 Memorandum of appeal and revision.
- 2.1.8 Petition u/ A 226 and A-32 of the Constitution of India.

2.2 Criminal.

- 2.2.1 Complaint.
- 2.2.2 Criminal miscellaneous petition.
- 2.2.3 Bail application.
- 2.2.4 Memorandum of appeal and revision.

3 Conveyance

- 3.1 Definition, Meaning, Objects, Fundamentals of Conveyancing.
- 3.2 General requirements and parts of deed.
- 3.3 Sale Deed.
- 3.4 Mortgage Deed.
- 3.5 Lease Deed.
- 3.6 Gift Deed.
- 3.7 Promissory Note.
- 3.8 Power of Attorney.
- 3.9 Will.
- 3.10 Trust Deed.

4 Drafting of Writ Petition

5 Drafting of Public Interest Litigation

Book recommended :

- 1. 'The Advocacy' - Dr. J.L. Aparajit & Shri Shukla, Udayan Publisher, Nagpur.

Paper-VIII Court Visit

9th Semester - B.A.LL.B - 5 years Course**ENVIRONMENTALLAW****Paper - I**

(With Effect from the session 2013-2014)

- 1 **Concept of Environment and Pollution**
 - 1.1 Environment.
 - 1.1.1 Meaning and contents.
 - 1.1.2 Environments variables
 - 1.1.2.1 Population growth.
 - 1.1.2.2 Energy consumption.
 - 1.1.2.3 Climate change.
 - 1.1.2.4 Ozone depletion.
 - 1.1.2.5 Forest degradation.
 - 1.1.2.6 Water supplies.
 - 1.1.2.7 Bio-diversity.
 - 1.1.3 Environmental Perception
 - 1.1.3.1 Environment.
 - 1.1.3.2 Eco-system.
 - 1.1.3.3 Ecology.
 - 1.1.3.4 Biosphere.
 - 1.1.3.4.1 Limiting factors.
 - 1.1.3.4.2 Preservation of biosphere.
 - 1.1.4 Environment and Development
 - 1.1.5 Sustainable development
 - 1.1.6 Legal response to environmental challenges
 - 1.1.7 Changing dimensions
 - 1.2 Pollution.
 - 1.2.1 Meaning.
 - 1.2.2 Kinds of pollution.
 - 1.2.3 Effects of pollution.
- 2 **Legal control: historical perspectives**
 - 2.1 Indian tradition : dharma of environment.
 - 2.2 British Raj : Industrial development and exploitation of nature.
 - 2.2.1 Nuisance : Penal code and procedural codes.
 - 2.3 Free India : Continuance of British influence.
 - 2.3.1 Old laws and new interpretations.
- 3 **Constitutional Perspective**
 - 3.1 Constitution making : development and property oriented approach.
 - 3.2 Directive principles.

- 3.2.1 Status, role and interrelationship with fundamental rights and fundamental duties.
- 3.3 Fundamental Duty.
 - 3.3.1 Contents.
 - 3.3.2 Judicial approach.
- 3.4 Fundamental Rights.
 - 3.4.1 Right to clean and healthy environment.
 - 3.4.2 Right to education.
 - 3.4.3 Right to information.
 - 3.4.4 Environment vs. Development.
- 3.5 Enforcing agencies and remedies.
 - 3.5.1 Courts.
 - 3.5.2 Tribunals.
 - 3.5.3 Constitutional, statutory and judicial remedies.
- 3.6 Emerging principles.
 - 3.6.1 Polluter pays : Public liability insurance.
 - 3.6.2 Precautionary principle.
 - 3.6.3 Public trust doctrine.
 - 3.6.4 Sustainable development.
- 4 **Water and Air Pollution: Acts with Rules**
 - 4.1 Meaning and standards.
 - 4.2 Culprits and victims.
 - 4.3 Offences and penalties.
 - 4.4 Judicial approach.
- 5 **Noise Pollution**
 - 5.1 Legal control.
 - 5.2 Court's of balancing : permissible and impermissible noise.
- 6 **Environment protection**
 - 6.1 Protection agencies : power and functions.
 - 6.2 Protection : means and sanctions.
 - 6.3 Emerging protection through delegated legislation.
 - 6.3.1 Hazardous waste.
 - 6.3.2 Bio-medical waste.
 - 6.3.3 Genetic engineering.
 - 6.3.4 Environment impact assessment.
 - 6.3.5 Coastal zone management.
 - 6.3.6 Environmental audit and eco mark.
 - 6.3.7 Judiciary : complex problems in administration of environmental justice.
- 7 **Town and Country Planning**
 - 7.1 Law : enforcement and constrain.

- 7.2 Planning : management policies.
- 8 **Forest and Greenery**
- 8.1 Greenery conservation laws.
- 8.1.1 Forest conservation.
- 8.1.2 Conservation agencies.
- 8.1.3 Prior approval and non-forest purpose.
- 8.1.4 Symbiotic relationship and tribal people.
- 8.1.5 Denudation of forest : judicial approach.
- 8.2 Wild life.
- 8.2.1 Sanctuaries and national parks.
- 8.2.2 Licensing of zoos and parks.
- 8.2.3 State monopoly in the sale of wild life and wild life articles.
- 8.2.4 Offences against wild life.
- 9 **Bio-diversity**
- 9.1 Legal control.
- 9.2 Control of eco-unfriendly experimentation on animals, plants, seeds and micro-organism.
- 10 **International Regime**
- 10.1 Stockholm conference.
- 10.2 Greenhouse effect and ozone depletion.
- 10.3 Rio conference.
- 10.4 Bio diversity.
- 10.5 UN declaration on right to development.
- 10.6 Wetlands.
- 11 **Environmental terms – Mainly conceptual**
- 11.1 Environment
- 11.2 Eco-system.
- 11.2.1 Components of eco-system.
- 11.2.2 Functioning of eco-system.
- 11.2.3 Eco-system productivity.
- 11.3 Ecology.
- 11.4 Acid Rain.
- 11.5 Aquifer.
- 11.6 Atmosphere.
- 11.7 Biodiversity.
- 11.8 Biological resources.
- 11.9 Biotechnology.
- 11.10 Chlorofluorocarbons. (CFCs)
- 11.11 Climate change.
- 11.12 Climate system.

- 11.13 Coniferous forest.
- 11.14 Deciduous forest.
- 11.15 Desertification.
- 11.16 Dry lands.
- 11.17 Environmental pollution.
- 11.18 Environmental degradation.
- 11.19 Global warming.
- 11.20 Green revolution.
- 11.21 Greenhouse effect.
- 11.22 Greenhouse gases.
- 11.23 Ozone depletion.
- 11.24 El Nino Effect.
- 11.25 Habitat.
- 11.26 TransFrontier Pollution.
- 11.27 Biomass.
- 12 **Enviro-Legal Remedies**
- 12.1 General.
- 12.2 Common Law remedies.
- 12.3 Statutory remedies.
- 12.4 Writs.

Select Bibliography

- 1) Aarmin Resencranz, et al, (eds), Environmental and policy in India, (2000), Oxford.
- 2) R.B.Sing and Suresh Mishra, Environmental law in India, (1996), Concept Publishing Co., New Delhi.
- 3) Kailash Thakur, Environmental Protection Law and Policy in India, (1997), Deep & Deep Publications, New Delhi.
- 4) Richard L. Riversz, et al (eds), Environmental Law, The Economy and Sustainable Development, (2000), Cambridge.
- 5) Christopher D. Stone, Should Tree Have Standing and Other Essays on Law, Morals and Environment, (1996), Oceana.
- 6) Leelakrishnan. P. et al(eds), Law and Environment, (1990), eastern, Lucknow.
- 7) Leelakrishnan. P., The Environmental Law in India, (1999), Buttersworth-India.
- 8) Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection, (1980), (Tiwari Committee Report).
- 9) Indian Journal of Public Administration, Special Number on Environment and Administration, July- September 1998, Vol. XXXV,

No.3, pp. 353-801.

- 10) Centre for Science and Environment, The State of India's Environment 1982, The State of India's Environment 1984-85 and The State of Indian Environment 1999-2000.
- 11) World Commission on Environment and Development, Our Common Future (1987), Oxford.

Cyber Law
Paper - II

- 1 **Cyber Crimes and Cyber Terrorism**
- a. Cyber crimes and the categories of crime
 - i) Cyber frauds ii) Cyber thefts iii) Cyber stalking
 - b. Cyber Terrorism
 - c. Cyber Defamation
 - d. Hacking, Types of hackers, Hacking v/s Cracking
 - e. Virus : Definition, Types of viruses (Data diddling, Salami attack, Denial of Service attack, Virus/Worm attacks, Logic Bombs, Trojan attacks, Internet time theft (Web jacking), Anti-Virus - functions of anti-virus, advantages and disadvantages of anti-nirus.
 - f. Prevention to Computer Crime.
- 2 **Internet Security Concept**
- a. Concept of security.
 - b. Secure Transaction.
 - c. Privacy issues.
 - d. Security Procedure : Firewall and Types, Encryption, Password, Access Control List, Digital Certificate.
 - e. Biometrics.
 - f. Security Products.
- 3 **Cryptography, Digital Signatures, PKI**
- a. Introduction of Cryptography, Types, Goals, Key and Key-pair.
 - b. Concept of Digital and Electronic Signature, Recognition and authentication of Digital and Electronic Signature, Benefits and Drawback.
 - c. PKI Concept, Application, Certification.
- 4 **Silent Features of IT Act, 2000**
- a. Definitions. Digital and Electronic Signature, Authentication, Electronic Governance.
 - b. Various authorities under IT Act and their powers.
 - c. Penalties, Offences, Miscellaneous.

- 5 **Impact on other related Acts**
- a. Amendments to Indian Penal Code, Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act.
 - b. Concept of Cyber Space Jurisdiction, Territorial Jurisdiction, Extra Territorial Jurisdiction.
 - c. Investigation of Cyber Crime (Technical issue).
- 6 **Electronic Data Interchange**
- a. EDI : Concept and legal issues.
 - b. UNCITRAL Model Law, Cryptography Laws.
 - c. Laws of major countries (Electronic Signature, Cyber Laws).
- 7 **Law of Intellectual Property**
- a. Copyright Act, Trade and Merchandise Act, Patent Act.
 - b. Domain Name Disputes.
 - c. Cyber-squatting.
 - d. Important case laws.
- Domain name dispute and Trade Mark Law
- a. Background of Domain names
 - b. Intersection of Internet Domain Name and the Trade Mark Law
 - c. Commercial use of the mark.
 - d. New concepts in trademark jurisprudence
 1. Reverse hijacking.
 2. Metatages
 3. Keyword Banners.
 4. Hyperlinks.
 5. Framming.
 6. Grip Sites and Fan Sites.
 7. Spamming.
 8. Jurisdictions in trademark disputes.
8. **Judicial trends in India**
9. **Encryption**
- a. Introduction.
 - b. Meaning.
 - c. Symmetric or Shared Key encryption.
 - d. Limitation of Symmetric crypto system.
 - e. Data Encryption standard.

PRACTICAL : 30 Marks

- a. Project Report 20
- b. Seminar 10

International Trade Law**Paper - III**

- 1 **International Sale of Goods**
 - 1.1 Special trade terms in export sales - Definitions, kinds, Differences between Rights and duties of buyers and sellers.
 - 1.2 Standardisation of terms in International Sales : Uniform Conditions of Export Sales - Role of UNCITRAL, International Chamber of Commerce Publications, Standard contract forms applied to specified international transactions.
 - 1.3 Offer and acceptance.
 - 1.4 Performance of contract.
 - 1.5 Rights of unpaid seller.
 - 1.6 Countertrade.
 - 1.7 Frustration of contract.
 - 1.8 Conflict of laws.
 - 1.9 Unification of the Law of International Sales.
- 2 **Financing and Payment in International Trade.**
 - 2.1 Meaning, types and control of foreign investment.
 - 2.2 Bill of Exchange - Meaning.
 - 2.3 Letters of Credit - Characteristics and kinds.
 - 2.4 Bank Guarantees and other contract guarantees.
- 3 **Transportation of Exports.**
 - 3.1 Carriage of Goods by Sea.
 - 3.2 Carriage of Goods by Air.
 - 3.3 Carriage of Goods by Land.
- 4 **Dispute Settlement Non-judicial dispute settlement : Arbitration and Conciliation.**

BOOKS

- 1 Carr nad Kidner - Statutes and Conventions on International Trade Law, 1993.
- 2 Jason Chuah - International Trade Law, Cavendish Publishing Ltd., London, 1995.
- 3 Motiwal and Awasthi, 'International Trade', 1st Edition, 1995, Bhowmik and Co., New Delhi.
- 4 Law of International Trade Transactions - Ed. Rahmatullah Khan, Tripathi Pvt. Ltd., Bombay, 1973.
- 5 UNCITRAL Year Book, 1970-1995, United Nations, New York.
- 6 M.C.Vaish, Sudama Singh : International Economic Law, 4th Edn., Oxford and IBH Publishing Co.

- 7 B.C.Mitra - Law Relating to Bills of Lading and Charter party (Air, Land & Sea) 1998.
- 8 Avtar Singh Law of Carriage (Road, Rail, Air & Sea), 3rd Edn., Eastern Book Co.

Research Methodology**Paper - IV**

- 1 **Basic Concepts**
 - 1.1 Meaning and characteristics of research.
 - 1.2 Meaning and characteristics of legal research.
 - 1.3 Concepts and meaning of social science research.
 - 1.4 Law and Social Science.
- 2 **Legal Research**
 - 2.1 Indian background of legal research.
 - 2.2 Methods/tools of legal research for practicing lawyer.
 - 2.3 Doctrinal and Non-doctrinal Research.
 - 2.4 Major steps involved in doing Legal Research.
 - 2.5 Selection or formulation of Legal Research problem or topic.
 - 2.6 Sampling design for Legal Research.
 - 2.7 Methods of Legal Research for Law Reform.
- 3 **Developing Research Design**
 - 3.1 The Nature and Type of legal research.
 - 3.1.1 Exploratory/Formulative.
 - 3.1.2 Explanatory.
 - 3.1.3 Descriptive.
 - 3.1.4 Historical.
 - 3.1.5 Experimental.
 - 3.1.6 Diagnostic.
 - 3.1.7 Analytical.
 - 3.2 Deriving objectives of legal research.
 - 3.3 Major concepts and variables of the study.
 - 3.4 Developing hypotheses and research questions.
- 4 **The Nature of Data in Legal Research**
 - 4.1 The Universe of the study.
 - 4.2 The sampling design.
 - 4.2.1 The adequacy of the sample size.
 - 4.2.2 Representatives of the sample.
 - 4.3 Source of data, primary and secondary.
- 5 **Data Collection and Data Processing in Legal Research**
 - 5.1 The research, methods and tools.

- 5.1.1 Interview Schedule.
- 5.1.2 Questionnaire.
- 5.1.3 Observational Schedule.

6 **Report writing in Legal Research**

- 6.1 Analysis of the report.
- 6.2 Interpretation of data.
- 6.3 Correct usage of citation, references and bibliography.

Books Suggested for Reading

- (1) Anderson J. Durstan, B.H.Pooli M. (1977), Thesis and Assignment Writing, Eastern Books Limited, New Delhi.
- (2) Goode W.J. and Hatt P. K., (1962), Methods of Social Research, McGraw Hill, New York.
- (3) Young P. V., (1975), Scientific Social Surveys and Research, Prentice Hall, New Delhi.
- (4) Jain S. N., Legal Research & Methodology, I.L.I. (1983), Publication, Ed; Tripathi Pvt. Ltd., Bombay.
- (5) Adem Stott, Legal Research Series, Editor: Julie MacFarlane, 1996.
- (6) Legal Research Methodology by Dr. S.K.Verma, Indian Law Institute, New Delhi.

TRANSFER OF PROPERTY ACT AND EASEMENT

Paper - V

1 **Jurisprudential Controls of Property**

- 1.1 Concept and meaning of property - new property - Government largesse.
- 1.2 Kinds of Property - movable and immovable property - tangible and intangible property - intellectual property - copyright - patent and designs - trademarks.
- 1.3 The concept of possession and ownership - finder of lost goods.

2 **Law relating to Transfer of Property**

- 2.1 General Principles of Transfer of Property.
 - 2.1.1 Definition of Transfer of Property - what may be transferred - competence to transfer property.
- 2.2 Rules regarding transfer : Movable and Immovable Property.
 - 2.2.1 Kinds of transfer - Oral transfer, conditional transfer.
 - 2.2.2 Conditions/Restrictions affecting interests (Section 10,11,12).
 - 2.2.3 Transfer for benefit of unborn persons.
 - 2.2.4 Rules against perpetuity.

- 2.2.5 Vested Interest - Contingent Interest.

- 2.2.6 Elections.

2.3 **Transfer of Immovable Property.**

- 2.3.1 Transfer by some persons : Ostensible owner - persons having authority to revoke former transfers - unauthorised person subsequently acquiring interest in property transferred - co-owner.
- 2.3.2 Joint transfer for consideration - by persons having distinct interest.
- 2.3.3 Priority of rights created by transfer.
- 2.3.4 Fraudulent transfer, part performance.

3 **Specific Transfers : Immovable Property**

- 3.1 Sale and Law relating thereto.
- 3.2 Mortgage and Law relating thereto.

4 **Redemption**

5 **Charges**

6 **Leases**

7 **Exchange**

8 **Gifts**

9 **Actionable claims**

10 **Easements**

- 10.1 Nature and characteristics of Easement.
- 10.2 Imposition, Acquisition and Transfer.
- 10.3 Incidents of Easement.
- 10.4 Disturbance of Easement.
- 10.5 Extinction, Suspension and Revival of Easement.
 - 10.5.1 Extinction of Easement. (Section 37-48)
 - 10.5.2 Suspension of Easement. (Section 49-50)
 - 10.5.3 Revival of Easement. (Section 51)
- 10.6 Licenses. (Section 52-64)

Select Bibliography

- (1) Mulla, Transfer of Property Act, (1999), Universal, Delhi.
- (2) Subbarao, Transfer of Property Act, (1994), C.Subbiah Chetty, Madras (Chennai).
- (3) B. Sivaramayya, The Equalities and the Law, (1997), Eastern Book Company, Lucknow.

Human Rights**Paper - VI**

- 1 **Conceptual background of Human Rights and Duties**
 - 1.1 Rights - Inherent, Inalienable, Universal, Indivisible.
 - 1.2 Values - Dignity, Liberty, Equality, Justice, Unity in diversity.
 - 1.3 Need for balance between Rights and Duties, Freedom and Responsibility.
- 2 **Philosophical and Historical Perspectives**
 - 2.1 Theories of Human Rights.
 - 2.2 History of Human Right Civilization.
 - 2.3 Human Rights Movements.
- 3 **International Human Rights Standards**
 - 3.1 Universal Declaration of Human Rights 1948.
 - 3.2 International Covenant on Civil and Political Rights 1966.
 - 3.3 International Covenant on Economic, Social and Cultural Rights 1966.
 - 3.4 International covenants on Human Rights.
 - 3.5 Vulnerable groups and Human Rights
 - 3.5.1 Women.
 - 3.5.2 Child.
 - 3.5.3 Migrant workers.
 - 3.5.4 Refugees.
 - 3.5.5 Internally displaced persons.
 - 3.5.6 Stateless persons.
 - 3.5.7 Disabled persons.
 - 3.5.8 Indigenous persons.
 - 3.5.9 Older persons.
 - 3.5.10 Persons belonging to national or ethnic.
 - 3.5.11 Religious or Linguistic minorities.
- 4 India and International Conventions
- 5 India and Human Rights Conventions
- 6 Human Rights Commission in India
- 7 **Human Rights and Duties in India**
 - 7.1 Evolution - Independence movement, making of the Constitution.
 - 7.2 Indian Constitution.
 - 7.2.1 Fundamental Rights.
 - 7.2.2 Directive Principles.
 - 7.2.3 Fundamental Duties.
 - 7.2.4 Their Inter-relationship.
 - 7.3 Enforcement and Protection mechanism of Human Rights in India.
 - 7.3.1 Judiciary.

- 7.3.2 National Human Rights Commission and other commissions and committees.
- 7.3.3 Non-Governmental Organizations.
- 7.3.4 Information Media.
- 7.3.5 Education.
- 8 **Societal Problems - Core Problems :-**
 - 8.1 Poverty, under-development and illiteracy.
 - 8.2 Women, children and the disadvantaged groups.
- 9 **Importance of Internalizing Human Rights and Duties**

Importance of internalizing Human Rights Values - Urgent need for not only sensitizing others of Human Rights and Duties but of practicing oneself those values. Self-inculcation endeavour to live up to those ideals - Duty to respect other's rights, respect each other's human dignity.
- 10 **Enforcement of Human Rights in India**

Role of Courts :- Supreme Court, High Courts and other courts.

Statutory Commissions :- Human Rights, Women's, Minority and Backward Classes.
- 11 **Role of Regional Organizations**
 - 11.1 European Convention on Human Rights.
 - 11.2 American Convention on Human Rights.
 - 11.3 African Convention on Human Rights.
 - 11.4 SAARC
- 12 **United Nations and Human Rights**
 - 12.1 ILO and other conventions and protocols dealing with Human Rights.
 - 12.2 Solidarity Rights.
 - 12.3 Disarmament Threat to Human Rights.
 - 12.4 International Human Rights Commission.
 - 12.5 Mandates to State and Right to development.

Paper-VII**Court Visit**

Xth Semester - B.A.LL.B - 5 years course**Administrative Law****Paper - I**

- 1 **Evolution, Nature and Scope of Administrative Law**
 - 1.1 From a laissez faire to a social welfare state
 - 1.1.1 State as regulator of private interest.
 - 1.1.2 State as a provider of services.
 - 1.1.3 Other functions of modern state : relief, welfare.
 - 1.2 Evolution of administration as the fourth branch of the government - necessity of delegation of powers on administration.
 - 1.3 Evolution of agencies and procedures of settlement of disputes between individual and administration
 - 1.3.1 Regulatory agencies on the United States.
 - 1.3.2 Conseil d'Etat
 - 1.3.3 Tribunalisation in India.
 - 1.4 Definition and scope of administrative law.
 - 1.5 Relationship between constitutional law and administrative law.
 - 1.6 Separation of powers.
 - 1.7 Rule of law.
- 2 **Civil Service in India**
 - 2.1 Nature and organisation of civil service. From colonial relics to democratic aspirations.
 - 2.2 Powers and functions.
 - 2.3 Accountability and responsiveness : problems and perspectives.
 - 2.4 Administrative deviance - Corruption, Nepotism, Mal-administration.
 - 2A **Classification of functions**
 - 2A.1 Tripartite functions of Administration.
 - 2A.2 Difficulties in characterisation functions.
 - 2A.3 Legislative Functions.
 - 2A.4 Quasi judicial functions.
 - 2A.5 Administrative Functions.
- 3 **Legislative powers of administration**
 - 3.1 Necessity for delegation of legislative power.
 - 3.2 Constitutionality of delegated legislation - Powers of exclusion and power to modify statute.
 - 3.3 Requirements for validity of delegated legislation
 - 3.3.1 Consultation of affected interest and public participation in rule making.

- 3.3.2 Publication of delegated legislation.
- 3.4 Administrative directions, circulars and policy statement.
- 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.
- 3.7 Sub-delegation of legislative powers.
- 4 **Judicial powers of administration**
 - 4.1 Need for devolution of adjudicatory authority on administration.
 - 4.2 Administrative tribunals and their adjudicating authorities : their ad-hoc character.
 - 4.3 Tribunals - need, nature, constitution, jurisdiction and procedure.
 - 4.4 Jurisdiction of administrative tribunals and other authorities.
 - 4.5 Distinction between quasi-judicial and administrative functions.
 - 4.6 The right to hearing - essentials of hearing process
 - 4.6.1 No man shall be judge in his own cause.
 - 4.6.2 No man shall be condemned unheard.
 - 4.7 Rules of evidence - No evidence, some evidence and substantial evidence rules.
 - 4.8 Reasoned decisions.
 - 4.9 Right to counsel.
 - 4.10 Institutional decisions.
 - 4.11 Administrative appeals.
- 5 **Judicial control of administrative action**
 - 5.1 Exhaustion of administrative remedies.
 - 5.2 Standing : Standing for Public Interest Litigation (social action litigation) collusion, bias.
 - 5.3 Laches.
 - 5.4 Res judicata.
 - 5.5 Grounds
 - 5.5.1 Jurisdictional error/ultra vires.
 - 5.5.2 Abuse and non-exercise of jurisdiction.
 - 5.5.3 Error apparent on face of record.
 - 5.5.4 Violation of principles of natural justice.
 - 5.5.5 Violation of public policy.
 - 5.5.6 Unreasonableness.

- 5.5.7 Legitimate expectation.
- 5.6 Remedies in judicial review
 - 5.6.1 Statutory appeals.
 - 5.6.2 Mandamus.
 - 5.6.3 Certiorari.
 - 5.6.4 Prohibition.
 - 5.6.5 Quo-warranto.
 - 5.6.6 Habeas Corpus.
 - 5.6.7 Declaratory judgement and injunctions.
 - 5.6.8 Specific performance and civil suits for compensation.
- 6 **Administrative Discretion**
 - 6.1 Need for administrative discretion.
 - 6.2 Administrative discretion and rule of law.
 - 6.3 Limitation on exercise of discretion
 - 6.3.1 Mala-fide exercise of discretion.
 - 6.3.2 Constitutional imperatives and use of discretionary authority.
 - 6.3.3 Irrelevant consideration.
 - 6.3.4 Non-exercise of Discretionary Power.
- 7 **Liability for Wrongs (Tortious and contractual)**
 - 7.1 Tortious Liability : sovereign and non-sovereign functions.
 - 7.2 Statutory Immunity.
 - 7.3 Act of State.
 - 7.4 Contractual liability of government.
 - 7.5 Government privilege in legal proceedings - state secrets, public interest.
 - 7.6 Transparency and right to information.
 - 7.7 Estoppels and waiver.
- 8 **Corporation and Public Undertaking**
 - 8.1 State monopoly - Remedies against arbitrary action or for acting against public policy.
 - 8.2 Liability of public and private corporations - Departmental undertaking.
 - 8.3 Legislative and Governmental control.
 - 8.4 Legal remedies.
 - 8.5 Accountability - committee on public undertakings, Estimates committee, etc.
- 9 **Informal Methods of Settlements of Disputes and Grievance redressal procedure**
 - 9.1 Conciliation and Mediation through Social Action Groups.

- 9.2 Use of Media, Lobbying and Public participation.
 9.3 Public enquiries and commissions of enquiries.
 9.4 Ombudsman - Lokpal, Lokayukta.
 9.5 Vigilance Commission.
 9.6 Congressional and Parliamentary Committees.
- 10 **Administrative Directions**
- 10.1 Directions as distinguished from rules
 10.1.1 Direction verses rule.
 10.2 Identification of directions
 10.2.1 Service matter.
 10.2.2 Khanzode.
 10.2.3 Regina.
 10.2.4 Imports and Exports.
 10.2.5 Anglo-Afghan.
 10.2.6 Jayantilal.
 10.2.7 Symbals orders.
 10.2.8 When rules can be treated as directions.
 10.2.9 Proposition to identifying rules directions.
 10.2.10 Interpretative rules.
 10.2.11 Rules made by private bodies.
 10.2.12 Rules made by statutory bodies.
 10.3 Enforceability of directions
 10.3.1 Exceptions to the rule of non-enforceability.
 10.3.2 Directions under Income Tax Act.
 10.3.3 Circulars under the Central Excise Act.
 10.3.4 Directions inconsistent with rules or statutes are bad.
 10.3.5 Discretion and Direction.
 10.3.6 Direction may not affect individual rights.
 10.4 Directions and Article 14 of the Constitution
 10.5 Publication of Directors
 10.6 Directions to Quasi Judicial bodies
 10.7 Need for directions
 10.8 Defects of the system of directions
- 11 **Right to Information**
- 1 Introductory
 2 Presentation of document in the court
 3 Official Secrecy
 3.1 The Official Secrets Act 1923
 3.2 Secrecy in the Government of India : Government practice

- 3.3 Right to Information in India.
 3.4 Position in England regarding official secrets.
 3.5 Access to information in U.K.
 3.6 Access to information in U.S.A.
 3.7 Access to information in Australia.
 3.8 Access to information in New Zealand
- 12 **Government privileges in Legal Proceedings**
- 12.1 Whether the State is bound by statute.
 12.2 Government privilege not to produce documents
 12.2.1 Position in England.
 12.2.2 Position in India.
 12.3 Miscellaneous privileges of the Government
 12.3.1 Notice.
 12.3.2 Limitation.
 12.3.3 Enforcement of Court orders

Books :

- 1) D. D. Basu - Comparative Administrative Law, (1998).
- 2) C. K. Allen - Law and Orders.
- 3) Wade - Administrative Law, Universal, Delhi.
- 4) J. C. Garner - Administrative Law, Butterworths.
- 5) Jain and Jain - Principles of Administrative Law, Universal, Delhi.
- 6) S. P. Sathe - Administrative Law, Butterworths-India, Delhi.
- 7) De. Smith - Judicial Review of Administrative Action, Sweet and Maxwell, with supplement.

Drafting, Pleading, Conveyancing-II

Paper - II

Prescribed Topics :

CRIMINAL

- 1 First Information Report.
- 2 Private Criminal Complaint in Court relating to :
 2.1 Criminal trespass, hurt, abuses and threatening.
 2.2 Cheating.
 2.3 Defamation
 2.4 Bigamous Marriage.
- 3 Memo of appeal against the judgement and order of conviction.
- 4 Memo of revision application against an order of maintenance.
- 5 Application for;
 5.1 Maintenance or written statement to the same.

- 5.2 Execution of maintenance order already passed in favour of a wife.
- 6 Application for;
 - 6.1 Bail before a Magistrate.
 - 6.2 Anticipatory Bail.
 - 6.3 Application for cancellation of a bail.
- 7 Application for;
 - 7.1 Taking adjournment.
 - 7.2 Taking the case on board.
 - 7.3 Issue of summons to witnesses.
 - 7.4 Admission of documents.

CIVIL

- 1 Principles of pleadings.
- 2 Complaint in suit for;
 - 2.1 Specific performance of contract or damages in the alternative.
 - 2.2 Dissolution of partnership and rendition of accounts.
 - 2.3 Permanent injunction.
 - 2.4 Damages for;
 - 2.4.1 Defamation.
 - 2.4.2 Against a doctor for negligent act.
 - 2.5 Recovery of money for price of goods sold or work done.
 - 2.6 Recovery of money on the basis of a Promissory Note.
 - 2.7 Mesne Profits.
 - 2.8 Partition in Hindu Joint Family.
 - 2.9 Setting aside a decree obtained by fraud.
 - 2.10 Wrongful dismissal against the Government.
- 3 **Written statement in :**
 - 3.1 A suit for specific performance of a contract.
 - 3.2 A suit for dissolution of partnership and rendition of accounts.
 - 3.3 A suit for damages for defamation.
 - 3.4 A suit for possession by the landlord against his tenant on the ground of default and bonafide personal requirement.
 - 3.5 A petition for restitution of conjugal rights.
- 4 **Suit :**
 - 4.1 For possession by landlord against the tenant under the Rent Control Act.
 - 4.2 Application by a tenant for fixation of standard rent.
- 5 **Matrimonial :** Petitions under the Hindu Marriage Act, 1955 for;
 - 5.1 Restitution of conjugal rights.

- 5.2 Judicial separation.
- 5.3 Divorce.
- 5.4 Divorce by mutual consent.
- 6 **Petition for;**
 - 6.1 Succession certificate.
 - 6.2 Probate on the basis of Will.
- 7 **Application for damages before the Motor Accidents Claims Tribunal.**
- 8 **Writs of;**
 - 8.1 Habeas Corpus.
 - 8.2 Mandamus.
 - 8.3 Quo-warranto.
 - 8.4 Certiorari.
- 9 **Execution Petition :** i.e. Darkhast on the basis of a decree of a Civil Court.
- 10 **Application under Civil Procedure Code for;**
 - 10.1 Amendment of the complaint or written statement. (06/R17)
 - 10.2 Better particulars.
 - 10.3 Granting leave to deliver interrogatories. (11/2)
 - 10.4 An order for inspection. (11/8)
 - 10.5 Framing additional issues. (14/50)
 - 10.6 Bringing legal heirs and representatives on record. [22/9/ (4)]
 - 10.7 Withdrawal of the suit with liberty to institute a fresh suit. [23/C3]
 - 10.8 Appointment of commissioner (26), for examination of a witness. (26/1 & 4)

OR

- for local examination. (29/9)
- 10.9 Temporary injunction. (39/1 & 2)
- 10.10 For stay of the execution of the decree pending appeal.
- 10.11 Caveat.

CONVEYANCING

- 1 General principles of conveyancing.
- 2 General requirements and parts of a Deed.
- 3 Deeds of;
 - 3.1 Agreement of Sale and other legal relationships of commercial nature.
 - 3.2 Sale Deed.
 - 3.3 Gift Deed.
 - 3.4 Lease Deed.

- 3.5 Partnership Deed.
- 3.6 Power of Attorney
 - 3.6.1 General.
 - 3.6.2 Special.
- 3.7 Will.
- 3.8 Partition between members of Joint Hindu Family.
- 3.9 Promissory Note payable on demand.

AFFIDAVITS

- 1 1.1 Form and contents of an affidavit.
- 1.2 Meaning of terms, such as Oath, Swear, Affirm, Declare etc.
- 1.3 Authorities before whom affidavit may be made.
- 1.4 Affidavits when necessary and in which applications under Civil Procedure Code.

NOTICES

- 1 1.1 Object and importance of a Notice.
- 1.2 Classification of notices.
- 1.3 Requirements in a notice.
- 1.4 Various modes of service and resumptions.
- 1.5 Persons competent to issue a notice.
- 1.6 Persons competent to accept notice.
(See Chapters 1 to 6 of the Mujumdar's Law relating to Notices)
- 2 **Drafting of Notice**
 - 2.1 By a landlord to his tenant, terminating his tenancy under the Rent Act.
 - 2.2 To quit under Section 106 of the Transfer of Property Act.
 - 2.3 To a husband on behalf of a wife claiming maintenance.
 - 2.4 For dissolution of partnership of Will.
 - 2.5 Under Section 80, Civil Procedure Code against.
 - 2.6 A Public Notice in a Newspaper.

BOOKS :

- 1) Dr.J.L.Aparajit & Shri Shukla - The Advocacy – Udayan Publilsher, Nagpur
- 2) Mogha, P. C. - Indian Conveyancer.
- 3) Gopal Shiv - Conveyancing, Precedents & Forms, Revised by C. G. Mathur, Reprinted 1990.
- 4) C.K.V.Krishnaswamy Iyer - Professional Conduct & Advocacy, (Relevant portions)
- 5) N.D.Mujumdar - Advocates Act & Professional Ethics.
- 6) Advocate's Act, 1961 (Chapter V).

- 7) Bar Council of India Rules and Maharashtra State Bar Council Rules (Relevant portions).
- 8) The Indian Bar Council Act, 1926.
- 9) C.Rama Rao, Y.Nageshwara Rao & Y.V.Tayaru - Professional Ethics & Advocacy, 1987)
- 10) Mujumdar - Law relating to Notices.

Note : The students will have to prepare practical note book for Paper II and there shall be viva-voice conducted by internal and external examiner for 100 marks.

GUIDELINES FOR SOCIO-LEGAL RESEARCH

Paper - III

- A. Research Scholars are required to follow the steps given below for preparation of Socio-Legal Research Project
 - A Research Methodology
 - 1 Title of the study
 - 2 Problem of the study
 - 3 Rationale of the study
 - 4 Review of literature
 - 5 Research design
 - i Nature/Type of the study
 - ii Universe
 - .. Population
 - .. Sample and sample size
 - .. Sampling method
 - iii Method of data collection
 - iv Sources of data collection
 - v Tools of data collection
 - 6 Chapterisation
 - 7 Objectives of the study
 - 8 Hypothesis
 - 9 Operational concepts and variables of the study
 - 10 Limitations of study
 - 11 Time schedule
 - 12 Possible contribution of the study
- B Socio-Legal Research shall have the following structure
 - 1 Cover Page
 - 2 Certificate
 - 3 Acknowledgement
 - 4 List of Case Laws

- 5 List of Tables
- 6 List of Maps
- 7 Abbreviations
- 8 Contents
- 9 CHAPTER I : Theoretical Background
- 10 CHAPTER II : Research Methodology (As given in 'A')
- 11 CHAPTER III : Analysis and Interpretation of data
- 12 CHAPTER IV : Major findings, Conclusions and suggestion.
- 13 Bibliography
- 14 Annexures : Interview Schedules/Questionnaires
Master charts
Acts, Bills, Maps, etc.

The students will undertake Socio-Legal Research Project on any topic of social relevance for the study. It will be an imperial work (through field study) of 40 to 50 pages. The students are required to follow the guidelines given in Section 'A'. The written work (report) will carry 75 marks and viva will carry 25 marks. The structure of the project will be as given in Section 'B'. The candidate will carry out the work under the supervision of supervisor/guide.

Interpretation of Statutes

Paper - IV

- 1 **Principles of legislation**
 - 1.1 Law making - the legislature, executive and the judiciary.
 - 1.2 Principle of utility.
 - 1.3 Relevance of John Rawls and Robert Nozick - individual interest to community interest.
 - 1.4 Operation of these principles upon legislation.
 - 1.5 Distinction between moral and legislation.
- 2 **Interpretation of Statutes**
 - 2.1 Meaning of the term 'statutes'.
 - 2.2 Commencement, operation and repeal of statutes.
 - 2.3 Purpose of interpretation of statutes.
- 3 **Basic Principles**
 - 3.1 Meaning of Interpretation or Construction
 - 3.2 Intention of Legislature
 - 3.3 Statute must read as a whole in it's context
 - 3.4 Statute to construed to make it effective and workable

- 3.5 If meaning plain, effect must be given to it irrespective of consequences
- 3.6 Appraisal of the principle of plain meaning
- 3.7 **Aids to interpretation**
 - 3.7.1 **Internal aids**
 - 3.7.1.1 Title.
 - 3.7.1.2 Preamble.
 - 3.7.1.3 Heading and Marginal notes.
 - 3.7.1.4 Sections and sub-sections.
 - 3.7.1.5 Punctuations marks.
 - 3.7.1.6 Illustrations, exceptions, provisos and saving clauses.
 - 3.7.1.7 Schedules.
 - 3.7.1.8 Non-obstante clause.
 - 3.7.1.9 Explanation.
 - 3.7.1.10 Definition clause.
 - 3.7.2 **External aids**
 - 3.7.2.1 Dictionaries.
 - 3.7.2.2 Translation.
 - 3.7.2.3 Travaux preparatoires.
 - 3.7.2.4 Statutes in pari materia.
 - 3.7.2.5 Contemporanea exposito.
 - 3.7.2.6 Debates, Inquiry Commission, Law Commission Reports.
 - 3.7.2.7 Parliamentary History.
 - 3.7.2.8 Historical Facts and Surroundings.
- 4 **Rules of Statutory Interpretation**
 - 4.1 **Guiding rules**
 - 4.1.1 Language of the Statute should be read as it is.
 - 4.1.2 The Rule of Literal Construction.
 - 4.1.3 Regard to subject and object.
 - 4.1.4 Regard to consequences.
 - 4.2 **Primary Rules**
 - 4.2.1 Literal rule.
 - 4.2.2 Golden rule.
 - 4.2.3 Mischief rule (rule in Heydon's case).
 - 4.2.4 Rule of harmonious construction.
 - 4.2.5 Intention of legislature.
 - 4.3 **Secondary Rules**
 - 4.3.1 Noscitur a sociis.
 - 4.3.2 Ejusdem generie.

- 4.3.3 Reddendo singula singulis.
- 5 **Subsidiary Rules**
- 5.1 Same words same meaning.
- 5.2 Use of different words.
- 5.3 Rule of last antecedent.
- 5.4 Non-abstante clause.
- 5.5 Legal fiction.
- 5.6 Mandatory and directory provisions.
- 5.7 Conjunctive and disjunctive words 'OR' and 'AND'.
- 5.8 Construction of general words
- 5.9 Presumption in Statutory interpretation
- 5.9.1 Statutes are valid.
- 5.9.2 Statutes are territorial in operation.
- 5.9.3 Presumption as to jurisdiction.
- 5.9.4 Presumption against what is inconvenient or absurd.
- 5.9.5 Presumption against intending injustice.
- 5.9.6 Presumption against impairing obligation or permitting advantage from one's own wrong.
- 5.9.7 Prospective operation of statutes.
- 5.9.8 Presumption against retrospectivity.
- 6 Operation of Statute
- 6.1 Commencement
- 6.2 Retrospective operation
- 6.2.1 General principles.
- 6.2.2 Statutes regulating succession.
- 6.2.3 Statutes regulating transfer and contracts.
- 6.2.4 Statute of limitation.
- 6.2.5 Fiscal statute.
- 6.2.6 Pinal statute.
- 6.2.7 Statute prescribing posterior disqualification on past conduct.
- 6.2.8 Statute conferring prospective benefits on antecedent facts : Remedial statute.
- 6.2.9 Declaratory statute.
- 6.2.10 Statute regulating appeals.
- 6.2.11 Statute affecting finality of order.
- 6.3 Operation Control on consideration of constitutionality :
Presumption against exceeding Constitutional powers
- 6.3.1 Legislative power
- 6.3.2 Presumption of constitutionality.
- 6.3.3 Rule of construction.

- 6.3.4 Limitations of the rule.
- 6.3.5 Severalibility
- 6.4 Operation controlled on consideration of territorial nexus
- 6.4.1 Presumption against exceeding territorial powers.
- 6.5 Other relevant consideration relating to operation
- 6.6 Expiry and repealing statutes
- 6.6.1 Perpetual and Temporary statutes.
- 6.6.2 Effect of expiry of temporary statute.
- 6.6.3 Power to repeal is consistent with power to enact and is not controlled by previous legislation – Repeal may be express or implied.
- 6.6.4 Express Repeal
- 6.6.5 Implied Repeal.
- 6.6.6 Consequences of repeal.
- 6.6.7 Subordinate legislation under repeal statutes.
- 6.6.8 Quasi repeal by desuetude.
- 6.6.9 Statutes affecting jurisdiction of courts
- 6.6.9.1 General Principles
- (A) Exclusion must be explicitly express or clearly implied.
- (B) Three classes of cases.
- (C) Cases of breach of statutory duties
- 6.6.9.2 The extent of exclusion
- (A) Construction of exclusionary clauses.
- (B) Cases of nullity.
- (C) Rule of conclusive evidence.
- 6.6.9.3 Exclusion of jurisdiction of superior court
- 6.7 Construction of taxing statutes and evasion of statutes
- 6.7.1 Strict construction of taxing statutes
- 6.7.1.1 General principle of strict construction.
- 6.7.1.2 Illustrative cases.
- 6.7.1.3 Limits of the rules of strict construction.
- 6.7.1.4 American view.
- 6.7.2 Evasion of statute : Remedial and Penal Statutes
- A) Distinction between remedial and penal statutes
- B) Liberal construction of remedial statute

- (i) General principle.
 - (ii) Illustrative cases.
 - C) Strict construction of penal statutes
 - (i) General principle.
 - (ii) Illustrative cases.
 - D) Men's rea in statutory offences
 - (i) General principle.
 - (ii) Illustrative cases.
 - E) Varicious responsibility in statutory offences
 - F) Men's rea under the Indian Penal Code.
- 6.7.3 Delegated legislation
- (1) Forms of delegated legislation.
 - (2) Constitution limits of delegated legislation.
 - (3) Delegated legislation and judicial review.
 - (4) Procedural requirement.
 - (5) Power implied from general clauses Act 1897.
 - (6) Enabling Acts and delegated legislation.
 - (7) Sub-delegation.

7 **Maxims of statutory interpretation**

- 7.1 Delegatus non potest delegare.
- 7.2 Expressio unius exclusio alterius.
- 7.3 Genrelia specialibus non derogant.
- 7.4 In pari delicto potior est conditio possidentis.
- 7.5 Ut Res magis valet quam Peveat.
- 7.6 Expressum facit cessare tacitum.
- 7.7 In bonam partem.
- 7.8 Ex-visceribus Actus.
- 7.9 Casus Omissus.

8 **Interpretation with reference to the subject matter and purpose**

- 8.1 Restrictive and beneficial construction
 - 8.1.1 Taxing statutes.
 - 8.1.2 Penal statutes.
 - 8.1.3 Welfare legislation.
- 8.2 Interpretation of substantive and adjunctive statutes.
- 8.3 Interpretation of directory and mandatory provisions.

- 8.4 Interpretation of enabling statutes.
- 8.5 Interpretation of codifying and consolidating statutes.
- 8.6 Interpretation of statutes conferring rights.
- 8.7 Interpretation of statutes conferring powers.
- 9 **Principles of Constitutional Interpretation**
 - 9.1 Harmonious construction.
 - 9.2 Doctrine of Pith and Substance.
 - 9.3 Colourable Legislation.
 - 9.4 Ancillary powers.
 - 9.5 "Occupied field"
 - 9.6 Residuary Powers.
 - 9.7 Doctrine of Repugnancy.
 - 9.8 Legal Fiction.
- 10 **Expiry and Repeal of Statutes**
 - 10.1 Perpetual & Temporary Statutes.
 - 10.2 Effect of expiry of temporary Statutes.
 - 10.3 Effect of Repeal.
 - 10.4 Supplied and Express Repeal.
- 11 **Delegated legislation.**

Books :

- 1) G. P. Singh - Principles of Statutory Interpretation (7th Edn.) 1999, Wadhwa, Nagpur.
- 2) P. S. Langan - (Ed.). Maxwell on Interpretation of Statutes, (1976), N.M.Tripathi, Bombay.
- 3) K. Shanmukham, N.S.Bindra's Interpretation of Statutes, (1997), The Law Book Company, Allahabad.
- 4) V. Sarathi - Interpretation of Statutes, (1984), Eastern, Lucknow.
- 5) M.P.Jain (ed.) V.N.Shukla's Constitution of India, (1994), Eastern, Lucknow.
- 6) M.P.Jain - Constitutional Law of India, (1994), Wadhwa & Co.
- 7) U.Baxi - Introduction to Justice K.K.Mathew's Democracy Equality and Freedom, (1978), Eastern, Lucknow.

SANTGADGE BABAAMRAVATI UNIVERSITY AMRAVATI
SPECIAL NOTE FOR INFORMATION OF THE STUDENTS

- (1) Notwithstanding anything to the contrary, it is notified for general information and guidance of all concerned that a person, who has passed the qualifying examination and is eligible for admission only to the corresponding next higher examination as an ex-student or an external candidate, shall be examined in accordance with the syllabus of such next higher examination in force at the time of such examination in such subjects papers or combination of papers in which students from University Departments or Colleges are to be examined by the University.
- (2) Be it known to all the students desirous to take examination/s for which this prospectus has been prescribed should, if found necessary for any other information regarding examinations etc., refer the University Ordinances Booklet the various conditions/provisions pertaining to examination as prescribed in the following Ordinances.

Ordinance No. 1	:	Enrolment of Students.
Ordinance No. 2	:	Admission of Students
Ordinance No. 4	:	National cadet corps
Ordinance No. 6	:	Examinations in General (relevent extracts)
Ordinance No. 18/2001	:	An Ordinance to provide grace marks for passing in a Head of passing and Improvement of Division (Higher Class) and getting Distinction in the subject and condonation of defficiency of marks in a subject in all the faculties prescribed by the Statute NO.18, Ordinance 2001.
Ordinance No. 9	:	Conduct of Examinations (relevent extracts)
Ordinance No. 10	:	Providing for Exemptions and Compartments
Ordinance No. 19	:	Admission of Candidates to Degrees.
Ordinance No. 109	:	Recording of a change of name of a University student in the records of the University.

Ordinance No. 6 of 2008	:	Improvement of Division/Grade Ordinance, 2008.
Ordinance No.19/2001	:	An Ordinance for Central Assessment Programme, Scheme of Evaluation and Moderation of answerbooks and preparation of results of the examinations, conducted by the University, Ordinance 2001.

Dineshkumar Joshi
 Registrar
 Sant Gadge Baba Amravati University