

# **LL.B.(Three Year)**

## **FIRST SEMESTER**

### **1. STRUCTURE AND WORKING OF THE INDIAN CONSTITUTION ( CONSTITUTIONAL LAW – II)**

The course shall comprise of the following

- (1) Characteristics of the Indian Constitutions. Special Emphasis shall be placed on (A) Federal Structure and (B) Form of the Government.
- (2) Union Parliament: Organization, Procedure regarding Enactment of Legislation, Parliamentary Privileges
- (3) Union Executive: The President, his Powers and Position including Ordinance Making Power.
- (4) Prime Minister and the Cabinet. Is the Prime Minister Real Head?
- (5) Distribution of Legislative Powers. Power of Parliament to Legislate on State Matters. Doctrine of Territorial Nexus. Doctrine of Pith and Substance, Doctrine of Colourable Legislation.
- (6) Emergency Provisions with Special References to Proclamation of Emergency and President's Rule.

### **2. LAW OF CONTRACT ( CONTRACT – I)**

The course shall comprise of the following

- (1) Purpose, Evolution and Scope of Law of Contracts
- (2) Proposal and Promise Including Communication of Proposal, Acceptance and Communication of the Revocation of Proposal and Acceptance
- (3) Consideration and Doctrine of Privity of Contract
- (4) Lawful Object and Consideration.
- (5) Capacity to Contract: Minors, Persons of Unsound Mind and Others Disqualified by Law: Nature and Effects of Minor's Agreements; Doctrine of Restitution.
- (6) Consent and Free Consent.
- (7) Standard Form of Contracts
- (8) Agreements Declared Void Under the Contract Act
- (9) Contingent Contracts
- (10) Law Relating to Certain Relations Resembling those Created by Contracts, viz., Quasi- Contracts.
- (11) Discharge of Contract:
  - (i) Discharge by Performance
  - (ii) Discharge by Breach Including Anticipatory Breach
  - (iii) Discharge by Agreement
  - (iv) Discharge by Impossibility of Performance with Particular Reference to English Law Doctrine of Frustration
- (12) Remedies Available Under Indian Contract Act, 1872 Compensation: Meaning Nature and Kinds; Remoteness of Damage; Measure of Damages; Contracts Containing Stipulation by Way of Penalty.
- (13) Remedies Available Under Specific Relief Act, 1963
  - (i) General Principles of Granting Specific Relief
  - (ii) Specific Performance of Contracts Including Contracts which cannot be Specifically Enforced
  - (iii) Injunctive Relief

### 3. FAMILY LAW – I ( HINDU LAW)

The course shall comprise of the following:

- (1) Sources of Hindu Law, Schools and Sub-Schools of Hindu Law
- (2) Marriage: Essentials of a Valid Marriage, Void and Voidable Marriage
- (3) Matrimonial Relief:

Concept and Grounds of Various Matrimonial Reliefs viz.

- Restitution of Conjugal Rights
  - Judicial Separation
  - Nullity of Marriage
  - Divorce
- (4) Legitimacy – Legal Status of Children Born of Void and Voidable Marriage
  - (5) Adoption
  - (6) Hindu Minority and Guardianship Act, 1956
  - (7) Law of Maintenance – Hindu Adoption and Maintenance Act, 1956
  - (8) Joint Hindu Family ( Mitakshara and Dayabhaga)
    - (a) Coparcenary – Its Formation and Incidents
    - (b) Kinds of Property – Obstructed and Un-obstructed Heritage, Coparcenary Property and Separate Property
    - (c) Rights and Duties of Karta
    - (d) Alienation of Coparcenary Property, Alienation of Undivided Coparcenary Interest
  - (9) Law of Partition and Re-Union
    - Nature of Partition
    - Partition how Effected and Reopened
    - Subject Matter of Partition
    - Re-union
  - (10) Law of Succession

### 4. GENERAL PRINCIPLES OF CRIMES (LAW OF CRIMES – I)

The course shall comprise of the following with special reference to the Indian Penal Code, 1860

- (1) Concept of crime; Element of crime- external and internal; Motive; Concept of Strict Liability;
- (2) General Exceptions viz. Mistake, Superior order, Action in pursuance of legal obligation, accident, necessity, young age, unsoundness of mind, drunkenness, consent compulsion, trifling act, communication made in good faith;
- (3) Right of Private Defence; Joint and constructive liability; Preliminary offences viz. Abetment, conspiracy and attempt,
- (4) Offences Affecting Human Body, viz. Culpable Homicide, Murder, Homicide by Rash and Negligent Act, Hurt and Grievous Hurt; Wrongful Restraint and Wrongful Confinement; Criminal Force; Assault; Outraging the Modesty of Woman; Kidnapping and Abduction.
- (5) Offences Against Property, viz. Theft; Extortion; Robbery; Dacoity; Criminal Misappropriation; Criminal Breach of Trust; Cheating; Mischief; Criminal Trespass.
- (6) (i) Offences Against Public Tranquility viz. Unlawful Assembly; Rioting and Affray.  
(ii) Offences Against Marriage viz. Bigamy and Adultery

## 5. LAW OF TORTS INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAW

The course shall comprise of the following:

- (1) Evolution, Definition, Nature and Scope of Torts.
  - (a) Its Development by Courts in England and India
  - (b) A wrongful Act – Legal Damage
    - (i) Damnum Sine Injuria
    - (ii) Injuria Sine Damno
  - (c) Joint and Several Tort Feasors
  - (d) Tort distinguished from Crime and Contract
- (2) General Defences in Torts: With Special Reference to Volenti Non Fit Injuria, Act of God, Inevitable Accident, Statutory Authority.
- (3) Vicarious Liability with Special Reference to Master's Liability for Acts of Servant
- (4) Absolute and Strict Liability, Absolute liability under the Motor Vehicles Act 1988 (Section 140 to 143, 161 to 163)
- (5) Torts based on Intentional Wrong- Doing
  - (a) Affecting Person – Assault, Battery and False Imprisonment
  - (b) Malicious Prosecution
  - (c) Affecting Immovable Property – Trespass to Land
- (6) Torts based on Intentional and Negligent Wrong –Doing
  - (a) Nervous Shock
  - (b) Nuisance
  - (c) Defamation
- (7) Remoteness of Damage
- (8) (a) Need of Consumer Protection and Consumerism
  - (b) Doctrine of Caveat Emptor
  - (c) Consumer Protection & Doctrine of Negligence
- (9) Consumer Protection Act 1986 : Salient Features of the Act and the Relationship of the Act with Other Consumer Protection Legislations.
- (10) Consumer Dispute Redressal Agencies – Their Constitution Jurisdiction and Procedure

# **SECOND SEMESTER**

## **1. CONSTITUTIONAL RIGHTS AND LIBERTIES (CONSTITUTIONAL LAW – II) (SECOND SEMESTER)**

The course shall comprise of the following:

- (1) Fundamental Rights – General : Scheme of Fundamental Rights, Who can Claim Fundamental Rights: Against whom Fundamental Rights are Available? Suspension of Fundamental Rights.
- (2) Fundamental Rights – Specific: Special Emphasis shall be Placed on the Following Rights:
  - (a) Right to Equality (Articles 14 to 18)
  - (b) Right to Freedom of Speech and Expression ( Article 19(1)(a))
  - (c) Right to Life and Personal Liberty ( Article 21)
  - (d) Right to Freedom of Religion (Articles 25 to 28)
  - (e) Right to Constitutional Remedies ( Article 32)
- (3) Directive Principles of State Policy Their Importance and Relationship with Fundamental Rights
- (4) Fundamental Duties
- (5) Union Judiciary: Supreme Court of India. Composition and Jurisdiction
- (6) Amendment of the Constitution Power and Procedure; Basic Structure of the Constitution

## **2. SPECIFIC CONTRACTS (CONTRACT – II)**

(SECOND SEMESTER)

The course shall comprise of the following:

- (1) (i) Nature and Definition of Contract of Indemnity : Extent of Indemnifier's Liability.  
(ii) Nature and Definition of Contract of Guarantee, Rights, Liabilities and Discharge of Surety
- (2) Meaning and Definition of Contract of Bailment, Rights and Duties of Bailor and Bailee
- (3) Meaning of Bailment of Pledge; Pledge by Persons other than the Owner
- (4) Contract of Agency:
  - (i) Nature of Contract of Agency
  - (ii) Modes of Creation of Agency
  - (iii) Modes of Termination of Agency
- (5) (i) Rights and Duties of Principal and Agent  
(ii) Rights and Liabilities of undisclosed principle  
(iii) Personal Liability of an Agent
- (6) Contract of Partnership:
  - (i) Nature and Definition of Contract of Partnership
  - (ii) Non – Partnership Interests
  - (iii) Formation of Partnership and Partner by Holding out
  - (iv) Minor and Partnership Firm
  - (v) Registration of Firms and Effects of Non – Registration
  - (vi) Dissolution of Firms
- (7) Contract of sale of Goods:
  - (i) Nature and Definition of Contract of Sale of Goods
  - (ii) Conditions and Warranties
  - (iii) Rule of Caveat Emptor
  - (iv) Nemo dat quad non habet
  - (v) Definition and Rights of an Unpaid Seller

### **3. FAMILY LAW – II ( MUSLIM LAW)**

The course shall comprise of the following:

- (1) Introduction: Who is Muslim, Conversion, Apostasy
- (2) Sources of Muslim Law
- (3) Schools of Muslim Law
- (4) Marriage: Definition, Nature, Capacity, Classification and Legal Effect of Marriage.
- (5) Dower
- (6) Dissolution of Marriage under Muslim Law: (Divorce) Talaq, Ila, Khula, Mubarrat, Talaq-e-Tafweed, Lian, Faskh etc.
- (7) Dissolution of Muslim Marriage Act, 1939
- (8) Maintenance of Wives with Special Reference to Section 125 Cr.P.C.
- (9) Shah Banu Case and the Ensuing Legislation.
- (10) Parentage and Legitimacy: Acknowledgement of Legitimacy. Brief study of Section 112 of the Evidence Act.
- (11) Will
- (12) Gift
- (13) Hiba- Marz-ul Maut
- (14) Law of Pre-emption
- (15) General rule of Inheritance

### **4. COMPANY LAW**

The course shall comprise of the following

A. Formation of Companies:

- (1) Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over Other Forms of Business Organisations
- (2) Kinds of Companies
- (3) Corporate Personality and Lifting the Corporate Veil
- (4) Promotion of Companies:
  - (a) Promoters and Pre- Incorporation Contracts
  - (b) Registration of Companies
- (5) Memorandum of Association and Articles of Association:
  - (a) Meaning, Nature and Contents and Relationship Between the two
  - (b) Objects Clause and Doctrine of Ultra- Vires
- (6) Prospectus and Statement in Lieu of Prospectus
- (7) Membership of Company – its Acquisition and Termination.

B. Corporate Capital:

- (1) Share and Share Capital : Meaning, Nature and Kinds; Various Rights and Duties Attached to these Shares.
- (2) Issuance and Allotment of Shares

C. Company Management and Administration:

- (1) Company and its Various Organs Including Division of Powers between Board of Directors and Company in General Meeting
- (2) Company Meetings and Resolutions:
  - (a) Types/ Kinds of Meetings
  - (b) Essential Conditions of a Valid Meeting
  - (c) Procedure of Calling Company Meetings
  - (d) Resolution Kinds and Procedures Relating Thereto
- (3) Directors and Managing Director: Appointment and Legal Position
- (4) Oppression and Mismanagement
- (5) National Company Law Tribunal : Composition and Powers

D. Winding up of Company :

- (1) Modes of Winding Up:
- (2) Compulsory Winding Up-Conditions and Positions
- (3) Voluntary Winding up: Kinds and Distinctions.

## 5. PROPERTY LAW

The course shall comprise of the following:

### I. General Principles Applicable to Transfer of Both Moveable and Immoveable Properties:

- (1) General Definitions – Immovable Property, Attestation, Notice
  - (a) Meaning of ‘Transfer of Property’ (Section 5)
  - (b) Meaning of ‘Property’ Including Non-transferable properties (section 6)
- (2) (a) Persons Competent to Transfer, Incidents of Transfer, Oral Transfer (Sections 7,8 and 9)
  - (b) Conditions Restraining Alienation (sections 10 to 12)
- (3) Transfer for Benefit of Unborn Person and Rule Against Perpetuity ( sections 13 to 18)
- (4) Vested and Contingent Interests (sections 19 and 21)
- (5) Conditional Transfers (sections 25 to 29)
- (6) Elections ( section 35)

### II. General Principles applicable to transfer of Immoveable Properties only

- (7) (a) Transfer by Unauthorised Persons Other than Full Owner (sections 41 and 43)
- (c) Restrictive Covenant and Protection and Third Persons Rights (sections 39 and 40)
- (8) Lis Pendens (section 52)
- (9) Fraudulent Transfer (sections 53)
- (10) Part – Performance (sections 53A)
- (11) Sale of Immoveable Property: Definition and Mode of Sale and Exchange (sections 54 and 118)
- (12) Mortgages: Definitions: Mortgage, Mortgagor, Mortgagee, Mortgage Money, Mortgage Deed (section 58), Charge (section 100) Kinds of Mortgage (section 58) Mode of Formalities for Creation of Mortgages (section 59) Right to Redeem, Partial Redemption, Clog on Redemption (section 60), Marshalling and Contribution (Sections 81 and 82), Subrogation (sections 91 and 92)
- (13) Leases of Immoveable Property: Definition of Lease (section 105) and Licence, Leases How Made (section 107) Determination of Lease (section 111) Effect of Holding Over (section 116)
- (14) Gift: Definition of Gift (section 122) Transfer how Effected (section 123) Onerous Gift (section 127) Universal Donee (section 128)
- (15) Easements :Definition, Acquisition and Kinds of Easements (sections 4 to 18)



# **THIRD SEMESTER**

## **1. ADMINISTRATIVE LAW (THIRD SEMESTER)**

The course shall comprise of the following:

- (1) Reasons for the Development of Administrative Law, Definition and its Scope
- (2) Rule of Law
- (3) Separation of Powers
- (4) Delegated Legislation:
  - (a) Necessity of Delegated Legislation
  - (b) Constitutionality of Delegated Legislation
  - (c) Judicial Control
  - (d) Parliamentary Control
  - (e) Procedural Control
- (5) Government Liability in Torts
- (6) Government Contracts and Government Liability in Contracts
- (7) Promissory Estoppel
- (8) Principles of Natural Justice
- (9) Writs with Special Reference to:
  - (a) Writ of Certiorari
  - (b) Writ of Mandamus
  - (c) Writ of Quo-Warranto
- (10) Public Interest Litigation and Judicial Review of Administrative Action
- (11) Ombudsman in India
- (12) Public Corporation

## 2. ENVIRONMENTAL LAW

The Course shall comprise of the following

- (1) General Background:
  - (a) Problems of Environmental Pollution and Protection
  - (b) History of Indian Environmental Laws
  - (c) Importance and Scope of Environmental Laws
  - (d) International Perspective of Environmental Law
- (2) Constitutional Aspects:
  - (a) Distribution of Legislative Power
  - (b) Directive Principles of State Policy
  - (c) Fundamental Duties
  - (d) Fundamental Rights
- (3) Select Legal Controls – The Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981
  - (a) Salient Features of the Acts
  - (b) Definitions
  - (c) Authorities – Composition, Power and Function
  - (d) Mechanism to Control and Pollution
  - (e) Sanctions
- (4) Environment (Protection) Act, 1986:
  - (a) Definition of Environment
  - (b) Salient Features of the Act
  - (c) Authorities – Composition, Powers, Functions
  - (d) Mechanism to Control Environmental Pollution
  - (e) Sanctions
- (5) Control of Noise Pollution:
  - (a) Legal Control
  - (b) Judicial Control
- (6) Judicial Justice – Select Case Laws:
  - (a) M.C. Mehta vs. Union of India (AIR 1987 SC 965, 982, 1086)
  - (b) M.C. Mehta vs. Union of India (AIR 1988 SC 1037, 1115)
  - (c) Municipal Council, Ratlam vs. Vardhichand and Others (AIR 1980 SC 1622)
- (7) Emerging Principle : Historical Background and Judicial Approach in India
  - (a) Polluter Pays Principle
  - (b) Precautionary Principle
  - (c) Public Trust Doctrine
  - (d) Sustainable Development
- (8) Environmental Dispute and Grievance Settlement Mechanism:
  - (a) National Environment Tribunal Act, 1995 – Powers, Functions and Jurisdiction of the National Environmental Tribunal
  - (b) National Environmental Appellate Act, 1997 – Powers, Functions and Jurisdiction of the National Environmental Appellate Authority

### 3. LABOUR LAW – I

The Course shall comprise of the following:

#### I. Evolution of Industrial Legislation in India

#### II. Industrial Disputes Act, 1947

- (1) Scope and Object, Main Features, Important Definition
- (2) Industry
- (3) Industrial Dispute and Individual Dispute
- (4) Workman and Employer
- (5) Reference of Disputes
- (6) Voluntary Arbitration ( Section 10A)
- (7) Award
- (8) Authorities under the Act
- (9) Procedures, Powers and Duties of Authorities
- (10) Strike
- (11) Lock – Out
- (12) Retrenchment
- (13) Transfer and Closure
- (14) Regulation of Management's Prerogative During Pendency of Proceedings

#### III. Trade Unions Act, 1926

- (1) Growth of Unions
- (2) Important Definitions
- (3) Registrations of Trade Unions
- (4) Rights and Liabilities of Registered Trade Unions
- (5) Collective Bargaining

#### 4. PUBLIC INTERNATIONAL LAW

The Course shall comprise of the following :

- (1) Theoretical Foundation of International Law:
  - (a) Definition
  - (b) Nature and Scope
  - (c) Schools of International Law
- (2) Sources of International Law:
  - (a) Custom
  - (b) International Conventions
  - (c) General Principles of Law
  - (d) Judicial Decisions and Juristic Works
- (3) Relations between International Law and Municipal Law
  - (a) Theories of Relationship
  - (b) Indian and British Practices
- (4) Recognition in International Law:
  - (a) Concept, kind and Theories
  - (b) Legal Consequence of Recognition
- (5) State Territory:
  - (a) Law of the Sea
  - (b) Air space
- (6) Jurisdiction:
  - (a) Territorial Jurisdiction
  - (b) Extraterritorial Jurisdiction
- (7) Asylum and Extradition
- (8) Pacific Settlement of International Disputes

## 5. PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM (CLINICAL / PRACTICAL)

This course will be taught in association with practicing lawyers on the basis of the following topics

(A) The Course shall comprise of the following:

(1) Nature and Characteristics of:

(a) Professional Ethics

(b) Legal Profession

(2) Historical Perspective and Regulation of Legal Profession, Constitution, Function, Powers and Jurisdiction of State Bar Council and Bar Council of India Admission and enrolment of Advocates

(3) Contempt of Court by the Lawyers:

(a) Civil Contempt

(b) Criminal Contempt: - Punishment, Defences

(4) Strike by the Lawyers

(5) Extent of Professionalisation of Legal Profession

(6) Code of Ethics for Lawyers

(7) Professional Misconduct and its Control

(8) Bar-Bench Relations

(9) Accountability of Lawyers Towards: - Court, Clients, Society

(10) Role of Law and Legal Profession in Social Transform

(11) Viva- Voice

Case ( 10 Selected Cases )

1. Rajendra V Pai v Alex Frnandes AIR 2002 SC 1808

2. In re; A an advocate AIR 1962 SC 1337

3. In re; Mr. G a Senior Advocate of SC AIR 1954 SC 557

4. In re; Lalit Mohan Das AIR 1957 SC 250

5. Sheo Narayan Jafa v Judge Allahabad H.C. AIR 1953 SC 368

6. P.J. Ratnam v d. Kanik ran AIR 1964 SC 244

7. In re; "M" and Advocate AUR 1957 SC 149

8. Jhon D' Souza v Edward Ani ( 1994) 2 SCC 64

9. In re; V.C. Mishra AIR 1995 SC 2348

10. L.D. Jaisingham v Narain das N Punjabi (1976)1 ACC 354

Acts and Rule

1. The Advocate Act, 1961, The Bar Council of India Rules, 1961

2. Contempt of Court Act, 1971

3. The Advocates Welfare Fund Act, 2001

The Division of Marks :

- Written Assignment – 40 Marks,

- On the Spot written test at the time of practical on above topics conducted by External and Internal examiners – 40 Marks (One hours Duration )

B. Viva Voice – 20 Marks

# **FOURTH SEMESTER**

## **1. LAW OF EVIDENCE (FOURTH SEMESTER)**

The course shall comprise of the following:

- (1) Fact in – Issue; Relevant Facts; Document
- (2) Evidence: Proved; Disproved; Not proved;
- (3) May Presume, Shall Presume, and Conclusive Proof
- (4) Circumstantial Evidence
- (5) Relevancy and Admissibility; Res Gestae (sections 6 to 13)
- (6) Admission; Confession (Sections 17 to 31)
- (7) Dying Declaration (Section 32(1))
- (8) Relevancy of Judgments (Sections 40 to 44)
- (9) Opinion of Experts; Opinion of Third Persons ( Sections 45 to 47)
- (10) Conduct and Character of Parties (Sections 52 to 55)
- (11) Judicial Notice ( Sections 56 to 57)
- (12) Estoppel (Sections 115 to 116)
- (13) Means of Proof: Oral Evidence; Documents – Public Document, Private Document, Primary and Secondary Evidence; ( Sections 59 to 65 and 74 to 78); Exclusion of Oral by Documentary Evidence ( Sections 91 to 92)
- (14)
  - (i) Burden of Proof ( Sections 101 to 106)
  - (ii) Witnesses: Competency and Compellability of Witnesses; Examination of Witnesses; Privileges: State Privilege and Private Privilege (Sections 118 to 155)

## **2. LAW OF CRIME – II ( CRIMINAL PROCEDURE CODE)**

The Course Shall comprise of the following:

- (1) Constitution of Criminal Courts and their Powers
  - (2) Arrest of Persons and the Rights of Arrested Persons
  - (3) Information to the Police and their Powers to Investigate
  - (4) Cognisance of Offences by the Magistrate and Court of Sessions
  - (5) Complaints to Magistrates and Commencement of Proceedings before Magistrates
  - (6) The Charges:
    - (a) Forms of Charges
    - (b) Joinder of Charges
  - (7) Trials of the Cases :
    - (a) Sessions Trial
    - (b) Warrant Trial
      - (i) Cases Instituted upon a Police Report
      - (ii) Cases Instituted Otherwise than on a Police Report
    - (iii) Conclusion of Trial
  - (c) Summons Trial by Magistrates
  - (d) Summary Trial
- (8) Provisions as to Bails and Bonds
- (9) Maintenance of Wives and Children
- (10) Maintenance of Public Order and Tranquility
- (11) Dispute as to Immovable Property
- (12) Appeal, Revision and Reference

## **3. CIVIL PROCEDURE CODE AND LIMITATION ACT**

The course shall comprise of the following:

- (1) Definition: Decree, Order, Mesne Profit, Gradation of Court, Suit of Civil Nature
- (2) Principle of Res-Judicata and Res Sub-Judice
- (3) Cause of Action, Place of Suing, Parties to the Suits, Farming of Issues, Appearance and Consequences of Non- Appearances of Parties
- (4) Suits by Indigent Persons, Suit by or Against Minors and Persons of Unsound Mind
- (5) Judgment, Decree and Orders
- (6) Mode of Execution, Attachment and Sale of Movable and Immovable Properties in Execution
- (7) Arrest, Restitution, Simultaneous Execution, Ratable Distribution
- (8) Appeals: Appeal from Original Decree, Power of the Appellate Courts, Reference, Review, Revision, Inherent
- (9) Interim Orders: Commission, Arrest before judgment Attachment
- (10) Inherent Powers of Courts, Suits against Government
- (11) Limitation of Suits, Appeal and Applications, Period of Limitation, Continuous Running of Time, Effect of Sufficient cause for not Preferring Appeal or Making an Application within a Period of Limitation, Legal Disabilities.
- (12) Computation of Period of Limitation and Exclusion of Time in Legal Proceeding, Effect of Death, Fraud, Acknowledgement in Writing

#### 4. LABOUR LAW – II

The Course shall comprise of the following:

I. Employees States Insurance Act, 1948:

- (1) Historical Development
- (2) Objects and Application of the Act, Important Definitions
- (3) Employment Injury
- (4) Liability of the Employers for Accidents During and In the Course of Employment
- (5) Various Benefits Available Under the Act
- (6) Constitution, Jurisdiction and Powers of Employees State Insurance Court

II. The Minimum Wages Act, 1948

- (1) Object, Constitutional Validity and Salient Features of the Act
- (2) Important Definitions
- (3) Fixation of Minimum Rates of Wages

III. The payment of Wages Act, 1936

- (1) Scope and Applicability of the Act.
- (2) Important Definitions
- (3) Payment of Wages and Deductions from Wages
- (4) Authorities Under the Act

IV. The Factories Act, 1948

- (1) Important Definitions
- (2) Inspecting Staff
- (3) Health, Safety and Welfare Measures
- (4) Working Hours of Adults
- (5) Employment of Young Persons
- (6) Annual Leave with Wages

V. The Payment of Bonus Act, 1965

- (1) Scope and Applicability of the Act
- (2) Important Definitions
- (3) Minimum Bonus and Maximum Bonus
- (4) Calculation of Bonus
- (5) Eligibility and Disqualification for Bonus

VI. Employees Compensation Act, 1923 (Workmen Compensation Amendment Act 2009 act no 45 of 2009 amended the name of Workmen Compensation Act 1923)

- (1) Conceptual frame work of Social Security Evolution and concept of Social Security
- (2) Employees Compensation Act, 1923 Definitions, Aims & Object
- (3) Liability of Employer, National Extension & Defenses
- (4) Determination of Amount of Compensation, Compensation When due Penalty for default, Contracting Out (Sec. 17)
- (5) Appointment & Powers of Commissioner (Sec. 19 – 31)



## 5. Alternate Dispute Resolution (Clinical / Practical )

The course shall comprise of the following:

- (i) Negotiation skills to be learned with simulated program
- (ii) Conciliation skills
- (iii) Arbitration Law and Practice including International arbitration and Arbitration rules.

The Course is required to be conducted by senior legal practitioners through simulation and case studies . Evaluation may also be conducted in practical exercises at least for a significant part of evaluation (assessment through case study, viva and periodical problem solution besides the written test)

The Division of marks:

- case-study and periodical problem solution – 50 marks
- On the spot written test at the time of practical conducted by Internal and External examiners – 30 marks ( One hours Duration) and
- Viva Voce – 20 marks

# **FIFTH SEMESTER**

## 1. JURISPRUDENCE (FIFTH SEMESTER)

The course shall comprise of the following:

- (1) Introduction
  - (a) Definition, Nature and Scope of Jurisprudence
  - (b) Importance of the Study of Jurisprudence
- (2) Analytical School
  - (a) Analytical Positivism
  - (b) Imperative Theory: John Austin
  - (c) Pure Theory of Law : Hans Kelsen
- (3) Historical School
  - (a) Frederick Karl Von Savigny
  - (b) Sir Henry Sumner Maine
- (4) Natural Law School
  - (a) Classical Natural Law
  - (b) Revival of Natural Law: Rudolf Stammler
- (5) Sociological School
  - (a) Background and Characteristics
  - (b) Roscoe Pound
- (6) American Realist School
  - (a) Karl Llewellyn
  - (b) Jerone Frank
- (7) Legal Person:
  - (a) Nature and Concept
  - (b) Theories of Legal Personality
- (8) Legal Rights:
  - (a) Definition, Basis and Characteristics
  - (b) Kinds of Legal Rights
- (9) Possession and Ownership:
  - (a) Possession of Fact and Possession in Law
  - (b) Relation between Possession and Ownership
- (10) Liability:
  - (a) Theory of Remedial Liability
  - (b) Theory of Penal Liability
- (11) Law and Morality:
  - (a) Relation between Law and Morals
  - (b) Legal Enforcement of Morality

## 2. DRAFTING, PLEADING AND CONVEYANCE

Outline of the course:

- (a) Drafting:- General principles of drafting and relevant substantive rules shall be taught
- (b) Pleadings:-
  - (i) Civil: Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition Memorandum of Appeal and Revision, Petition under Article 226 and 32 of the Constitution of India
  - (ii) Criminal: Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision
  - (iii) Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, will, Trust Deed
  - (iv) Drafting of writ petition and PIL petition

Note:

The course will be taught class instructions and simulation exercises, preferably with assistance of practicing lawyers/ retired judges. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting and 15 exercises in conveyanceing. Each student is required to maintain a diary under the guidance of subject teacher. The evaluation of marks will be as under:

- (i) Preparation & maintenance of diary ( Evaluation of Diary by internal and External Examiners will be done in consultation with subject teacher) – 60 marks
- (ii) On Spot written examination at the time of practical for evaluating drafting skill of student, conducted by Internal and External Examiners – 30 marks (One hours and thirty minutes duration)
- (iii) Viva Voce – 10 marks

# **SIXTH SEMESTER**

## **1. PRINCIPLES OF TAXATION LAW (SIXTH SEMESTER)**

The course shall comprise of the following:

- (1) Introduction: Origin, History and Need of Taxation
- (2) Concept of Tax and Fee, Distinction between Tax and Fee
- (3) Canons of Taxation (Characteristics of a good tax system)
- (4) Direct and Indirect tax
- (5) Constitutional provisions relating to Taxation : Nature and Scope of Tax
  - (a) Taxation and Right to equality
  - (b) Taxation and Freedom of Trade, Commerce and Intercourse
  - (c) Residuary Power of Taxation Under Entry 97 of the Union List
- (6) Power to levy taxes on income
- (7) Power to levy Excise Duties
- (8) Taxes on Sale or Purchase of Goods
- (9) Distribution of Tax Revenues between centre and states
- (10) Inter-Governmental Tax Immunities in a federation
- (11) Judicial Review of the Orders of Tax Authorities
- (12) Tax evasion & Black money Causes & effects of Tax Evasion, Tax evasion distinguished with Tax Avoidance and Tax Planning

## **2. MOOT COURT EXERCISE AND INTERNSHIP**

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

- (a) Moot Court ( 30 marks) Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy .
- (b) Observance of Trial in two cases, one Civil and one Criminal ( 30 marks) Students may be required to attend two trial in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.
- (c) Interviewing techniques and Pre-trial preparations and Internship diary ( 30 marks) Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/ petition. This will be recorded in the diary, which will carry 15 marks.
- (d) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

### 3. GENERAL ENGLISH AND LEGAL LANGUAGE

The course shall comprise of the following:

1. Introduction to Legal Language :
  - (a) Need and Importance of Legal Language
  - (b) Legal Language in India
  - (c) Official Language – the Constitutional Position ( Articles 343 to 347, 348, 349,351)
2. Proficiency in General English
  - (a) Parts and Types of the Sentences
  - (b) Parts of Speech – A Brief Introduction
  - (c) Tenses : Forms and Use
  - (d) Active and Passive Voice
  - (e) Direct and Indirect ( or Reported ) Speech
  - (f) Some Common Mistakes in English
3. Legal Terminology:
  - (a) Terms Used in Civil and Criminal Law
  - (b) Latin Words and Expressions Meaning and use of the following shall be taught – Ab Initio, Ad Idem, Ad Infinitum, Ad Nauseam, Ad Valorem, Alibi, Ambiguitas Latens, Ambiguitas Patens, Amicus Curiae, Animus Possidendi, Audi Alteram Partem, Bonafide, Caveat, Emptor, De Facto, De Jure, De Novo, Ejusdem Generis, Ex Gratia, Ex Parte, Ex Post Facto, Factum Valet, Fait Accompli, Fiat Justitia, Inter Alia, In Limine, Jus Ad Rem, Jus in Personam, Letter Rogatory, Locus Standi, Malafide, Modus, Operandi, Mutatis Mutandis, Nudum, Pactum, Obiter, Onus, Probandi, Parens Patriae, Pari Passu, Per Incuriam, Prima Facie, Pro Bono Publico Quid Pro Quo Ratio Decidendi, Raison D etre Res Integre Res Nullius Sine Qua Non Intra Vires Ultra Vires
4.
  - (a) Essay Writing on Topics of Legal Interests in English
  - (b) Letter Writing in English
5.
  - (a) Translations : English to Hindi and Hindi to English
  - (b) Precis Writing in English

# **FIFTH SEMESTER (Optional Papers)**

## **Interpretation of Statutes and Principle of Legislation (FIFTH SEMESTER) Paper I**

The Course shall comprise of the following:

1. Introductory: Meaning, Purpose and Scope of Interpretation of Statutes; Nature of Statutes and their Classification
2. Internal Aids to Interpretation : Title; Preamble; Headings and Marginal Notes.
3. External Aids to Interpretation; Parliamentary History; Stare Decisis ( Judicila Precedents); Dictionaries
4. Rules of Statutory Interpretation : Primary ( Basic) Rules; Secondary ( Subsidiary ) Rules; Literal Rule; Golden Rule; Mischief Rule
5. Judicial Activism : Nature and Scope
6. Presumptions in Statutory Interpretation : Presumption as to Jurisdiction; Presumption as to Prospective Operation of Statutes; Presumption Against Violation of International Law
7. Maxims of Statutory Interpretation : Ejusdem Generis; Expressio Unius Est Exuclusio Alterius; Ut Res Magis Valeat Quam Paraeat
8. Interpretation with Reference to the Subject Matter and Purpose of Statutes: Penal Statutes; Taxing Statutes
9. Principles of Constitutional Interpretation : Harmonious Construction; Doctrine of Pith and Substance; Doctrine of Colourable Legislation; Occupied Field; Repugnancy

**Human Right Law and Practice** (FIFTH SEMESTER) Optional Paper II

The Course shall comprise of the following:

1. Meaning and Concept of Human Rights
2. Evolution and Development of Human Rights Law:
  - (a) Impact of Natural Law and Natural Rights
  - (b) Human Rights Classification
3. Human Rights and the United Nations:
  - (a) Charter Provisions
  - (b) International Protection of Human Rights
4. Universal Declaration of Human Rights
5. International Covenants and the Protocols:
  - (a) Civil and Political Rights
  - (b) Economic, Social and Cultural Rights
6. Human Rights in India Human Rights and Indian Constitution
7. The Protection of Human Rights Act, 1993 (a) National Human Rights Commission (b) State Human Rights Commission (c) Human Rights Court
8. Judicial activism & Protection of Human Rights in India, Role of Non- Governmental organization in the Promotion and Protection of Human Rights
9. Programmes and Polices
  - (a) Integrated CI Development Scheme
  - (b) School Education and Mid day meal
  - (c) Rural Health and Employment
  - (d) Welfare Schemes
10. Promotion and Respect of Human Rights:
  - (a) Role of Civil Society and the Media
  - (b) Role of Educational Institutions
  - (c) Obstacles
11. Human Rights and Challenges of Globalization
12. Future of Human Rights

**Penology & Victimology** (FIFTH SEMESTER) Optional Paper III

The course shall comprise of the following:

1. Relation between Criminology and Penology
2. Concept and Forms of Punishment: From Ancient to Modern
3. Theories and Punishment
4. Capital Punishment
5. Crime Prevention and the Role of Police
6. Concept of Treatment with Special reference to Prison, Probation and parole
7. Victimology
8. New Dimensions of Penology – Compensation to Victims of Crime

# **SIXTH SEMESTER (Optional Papers)**

## **Land Laws including Tenure & Tenancy System (SIXTH SEMESTER) Paper IV**

The Course shall comprise of the following:

1. U.P. Zamindari Abolition and Land Reforms Act, 1950
  - (a) History and Development of the Land Tenure System in U.P.
  - (b) The Aim and Objectives of the U.P.Z.A. and L.R. Act, 1950 and its Achievements.
2. Meaning and Definition of:
  - (a) (i) Estate (ii) Intermediary, (iii) Vesting, (iv) Date of Vesting (v) Subject Matter of Vesting
  - (b) Consequences of Vesting
  - (c) Classes of Land Tenures
    - (i) Bhumidar with Transferable Rights
    - (ii) Bhumidar with Non Transferable Rights
    - (iii) Asami
  - (d) Rights and Liabilities of the Classes of Land Tenures
    - (i) Transfer (ii) Inheritance (iii) Forfeiture and Extinction
  - (e) (i) Surrender (ii) Abandonment
  - (f) Management and Allotment of Land under the UPZA and L.R. Act, 1950
3. U.P. Land Revenue Act, 1901
  - (a) Constitution and Jurisdiction of the board and Revenue
  - (b) Officers and Courts under the U.P. Land Revenue Act, 1901
  - (c) Maintenance of Maps and Record (i) Sagara (ii) Khasra (iii) Khatauni (iv) Mutation
  - (d) (i) Appeals (ii) Reference and (iii) Revision under the U.P. Land Revenue Act, 1901 ( Statutory Materials )
4. Salient feature of the U.P. Consolidation of Land Holdings Act, 1953
5. Salient feature of the U.P. Imposition of Ceiling on Land Holdings Act, 1961

**Right to Information** (SIXTH SEMESTER) Paper V

The Course shall comprise of the following:

1. Conceptual Background : Right to know, Open Government and Transparency in Governance
2. Privilege to withhold disclosure of Documents / Informations Comparative analysis of Law in other Common Law countries with special reference to (i) England (ii) U.S.A
3. Privilege to withhold documents and the law in India with special reference to:
  - (i) Indian Evidence Act, 1872
  - (ii) Indian Telegraph Act, 1885
  - (iii) The Official Secret Act, 1923
  - (iv) The Atomic Energy Act, 1962
4. Right to Information and Legislative Measures in India Efforts/ attempts made to legislate Right to Information Act, 2005
5. Right to Information Act, 2005:
  - (i) Right to Information and Obligation of Public Authorities
    - (a) Designation of Public Information Officer
    - (b) Disposal of request
    - (c) Third Party Information
      - (ii) The State Information Commission : Constitution, Powers and Function
      - (iii) The Central Information Commission Constitution, Powers and Function
      - (iv) Appeal and Penalties
6. Right to-Information and Judiciary Supreme Court on Right to Information
  - Electoral reforms privilege and immunities of journalist involved in legal reporting



## **Law of Trust Equity and Fiduciary Relation (SIXTH SEMESTER) Paper VI**

This course is designed to acquaint students with general principles of Equity, Trust and Fiduciary Relations and remedies available under Equity. The course shall be divided in two parts:

- (1) Equity (2) Trust & Fiduciary Relations

The Course shall comprise of the following:

History, nature and principles of Equity Emergence of law of trust from Equity The making of Indian Law of Trust and provisions of law of Trust Religious Trust Principles of Equity and Equitable Remedies, Equitable Relief in different branches of law with special reference to property law

1. Equity
  - (a) Nature of Equity
  - (b) History of Courts of Equity
  - (c) Relations of law of Equity
  - (d) The maxims of equity
  - (e) Different Equitable remedies
2. Trust & Fiduciary Relations:
  - (a) Essentials of Trust
  - (b) Fiduciary Relationship – Concept, kinds vis-a-vis Trusteeship
  - (c) Trust and contract, Power, condition, charge and personal obligations distinguished
  - (d) Classification of Trust and its importance
  - (e) Private Trusts
  - (f) Public Trusts
  - (g) Appointments, Retirement and removal of Trustee
  - (h) Rights, Power, Discretion and control of Trustees
  - (i) Duties of trustee in relation to:
    - Trust property; and
    - Beneficiary
  - (j) The Administration of Trust
  - (k) Liability for Breach of Trust
  - (l) Rights and Remedies of the Beneficiary (m) Constructive Trusts.