

LL.B. (Three Year New Course)  
I<sup>st</sup> to VI<sup>th</sup> Semester

Prospectus No.2018134

संत गाडगे बाबा अमरावती विद्यापीठ  
SANT GADGE BABA AMRAVATI UNIVERSITY

मानव विज्ञान विद्याशाखा  
(FACULTY OF HUMANITIES)

## PROSPECTUS

OF

Bachelor of Law (Semester Pattern Examination)  
Semester-I, III, V Examination, Winter-2018  
Semester-II, IV, VI Examination, Summer-2019



2018

Continued For  
2019-2020 Session  
(As it is)

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**Bachelor of Laws**  
(Prospectus No.2018134)

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**Syllabus of 3 Years Law Course****First Semester****Paper- I****Contract – I****(General Principles of Contract Act and Specific Relief Act)****(Implemented from 2014-2015 Academic Session)****(As amended vide Noti.No.70/2016)****Theory Marks : 80****(General Principles of Law of Contract under Indian Contract Act, 1872 and Specific Relief Act, 1963)**

1. Essentials of Contract : Proposal, Acceptance, Promise, Consideration, Agreement and Contract. Kinds of Agreements. Communication and Revocation of Proposal and Acceptance.
2. Competency of parties to Contract: Minor's Agreement, Incapacity arising out of unsound mind and persons disqualified by law.
3. Free Consent : Consent and Free Consent- Definition, Need and Effect, Factors vitiating Free Consent- Coercion, Undue Influence, Fraud, Misrepresentation and Mistake.
4. Lawful Object and Consideration: Meaning, Need and Significance, When Object and Consideration are unlawful- Forbidden by law, defeating the provisions of any law, fraudulent, injurious to person or property, immoral or against public policy.
5. Void Agreements : Agreement without consideration, Agreement in restraint of marriage, Agreement in restraint of Trade, Agreement in restraint of Legal Proceeding, uncertain agreements, wagering agreements.
6. Performance and Discharge of Contract : Performance of Contract, Non-performance of Contract, Discharge of Contract and its various modes.
7. Certain relations resembling those created by Contract : Quasi Contracts, Meaning, Significance and Kinds.
8. Remedies for Breach of Contract : Meaning and Scope, Various remedies for breach of contract under Indian Contract Act and Specific Relief Act- Damages, Quantum Meruit, Specific Performance, Rescission, Cancellation, Declaratory orders, Injunction.
9. Standard Form of Contracts : Meaning, Necessity, characteristics, judicial decisions, need for legislation governing such contracts.
10. Government Contracts : Meaning, Relevant Constitutional Provisions, settlement of disputes and remedies.

**Reference Books :**

1. Beatesen (ed.) Anson's Law of Contract
2. Mulla on Contract: Commentary by J. H. Dalal
3. Pollock and Mulla: Indian Contract Act and Specific Relief Act ( N. M. Tripathi, Mumbai)
4. Avtar Sign: Law of Contract

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**First Semester****Paper- II****Law of Torts & Consumer Protection****Theory Marks : 80****Law of Tort :**

1. **Nature of Tort** : Definition, Nature and Scope of Tort, Distinction between Tort, Crime and Contract.
2. **General Principles** : General conditions of liability in tort - Wrongful act, legal damage, legal Remedy.  
Mental elements- Malice, Motive, Intention, Negligence, Recklessness, Malfeasance, Misfeasance and Non-feasance.
3. **Personal capacity**: Who may sue- Who may not be sued?  
Convict, Alien Enemy, Husband and wife, Corporation, Trade Union, Insolvent, State and its Subordinates, Minor, Lunatic, Foreign Sovereign.
4. **General Defences** : Act of State, Act of God, Judicial Acts, Executive Acts, Leave and License (Consent), Necessity, Private Defence, Inevitable Accident, Statutory Authority, Parental and Quasi Parental Authority, Plaintiff a Wrongdoer, Acts Causing Slight Harm
5. **Discharge of Torts** : Waiver, Accord and Satisfaction, Release, Acquiescence, Judgment recovered, Statutes of Limitation.
6. **Vicarious Liability** :
  - (A) Vicarious Liability of State
  - (B) Liability by Relation -
    - (a) Master and servant -
    - (b) Principle and Agent.
    - (c) Guardian and ward.
    - (d) Company and Director
    - (e) Employer and Independent Contractor.
    - (f) Firm and Partner.

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10. Negli  
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Essem  
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13. Proce  
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**Reference I**

1. Ratan
2. Winfi
3. Rama
4. Pande
5. Bangi
6. Shakk
7. Tiwar
8. Guruj  
(Deep
9. Gurub  
Jaypu
10. Awtar
11. Paras
12. The C  
Nagpu

7. Remedies : Damages, Injunctions, Specific restitution of Property, Extra - Judicial remedies
  8. **Trespass to Person and Property :**
    - (a) Assault and battery, False imprisonment, Damages, Justifications.
    - (b) Trespass to immovable property -Trespass to land, Trespass by animal, defences to Trespass, Remedies, Trespass ab initio.  
Trespass to movable Property- Trespass to goods, by conversion.
  9. **Defamation :** Libel and slander, Essentials of defamation, Innuendo, Defences, Remedies.
  10. **Negligence :** Meaning, Essentials, Burden of proof, Res ipsa loquitor, Contributory negligence, strict and absolute liability.
  11. **Nuisance :** Kinds of nuisance, public nuisance and private nuisance, Essentials, Defences, Remedies.
- Consumer Protection Act 1986 :**
12. Object, Definitions, Consumer Protection Councils, and Consumer Dispute Redressal Agencies, composition, Jurisdiction and powers.
  13. Procedure for filling complaint, Appeals, Enforcement of orders, Penalties.

**Reference Books :**

1. Ratanlal and Dhirajlal—The Law of Torts
2. Winfield on Torts—The Law of Torts
3. Ramaswamy Iyer—The Law of Torts
4. Pandey J. N.—Law of Torts with Consumer Protection
5. Bangia R. K.—Law of Torts.
6. Shukla S. N.—Law of Torts
7. Tiwari O. P.—The Consumer Protection Act
8. Gurujet Singh—Law of Consumer Protection in India  
(Deep & Deep Publication New Delhi)
9. Gurubax Singh Law of Consumer Protection (Bharat Law Publication Jaypur)
10. Awtar Singh— Introduction to Law of Torts.
11. Paras Diwan - Law of Torts
12. The Consumer Protection Act- Dr. Shrikant R. Komawar (AIR, Nagpur)

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**First Semester  
Paper- III  
Constitutional Law – I**

**Theory Marks : 80**

1. **Introduction-** Historical Perspectives, Nature and salient features of Indian Constitution, Preamble. Difference between Unitary and Federal Government.
2. **The Union :-**  
**The Executive** – President, - Vice President, Qualification, Election and Impeachment, Functions and Powers.  
 Prime Minister – Council of Minister, Collective and Individual Responsibility, Attorney General, Election Commission, Comptroller and Auditor General.  
**The Parliament** – Constitution, Composition of Council of States (Rajya Sabha) and House of People (Lok Sabha), Qualification and Disqualification of the Members, Anti defection Law, Officers of the Parliament, Legislative Process, Legislative Privileges.  
**The Judiciary** - Composition of Supreme Court, Qualification, Appointment, Tenure and Removal of Supreme Court Judges.  
 Jurisdiction of Supreme Court - Court of Record, Original and Writ Jurisdiction, Appellate, Advisory Jurisdiction, Judicial Review.
3. **The States :**  
**The Executive** – Governor, Functions and Powers, Council of Ministers, Collective and Individual Responsibility, Advocate General  
**The State Legislature** – Composition of Legislative Council and Assembly, Legislative Process, Legislative Privileges.  
**The State Judiciary-** Constitution of High Courts for States, Qualification, Appointment, Tenure and Removal of High Court Judges.  
 Jurisdiction - Court of Record, General and Writ Jurisdiction, Appellate, Power of Superintendence.
4. **Relationship between Union and States :**  
 Legislative Relations, Administrative Relations, Financial Relations, Centers Powers in Emergency, Special Status of Jammu and Kashmir, Trade Commerce and Intercourse – Art. 301 to 307
5. **Constitutional Amendments :**  
 Necessity, Procedure, Amendment of the Fundamental Rights, Limitation on Amending Power- Development of the Basic Structure Theory

6. **Services under Constitution :**  
 Doctrine of pleasure, Protection against arbitrary dismissal, Removal or reduction in rank (Art .311) Exception to Article 311.

**Reference Books :**

1. H. M. Seervai- Constitution of India, VOL. I, II and III, Tripathi, Bombay.
2. M. P. Jain- Constitution of India, Butterworths Wadhwa, Nagpur.
3. D. D. Basu- Shorter Constitution of India, Prentice Hall India, Delhi.
4. Dr. J. N. Pandey- Constitution of India, Central Law Agency, Allahabad.
5. Granville Austin- The Indian Constitution Cornerstone of a Nation.

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**First Semester**

**Paper- IV**

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

**Theory Marks : 80**

1. Evolution of Institution of Family as a social unit, Forms of Family and Emerging trends, Disintegration of Joint Family, Composition of Family Status, Process of Social Change in Family.
2. Ancient and Modern Sources of Hindu Law
3. Schools of Hindu Law
4. Joint Family- Mitakshara and Dayabhaga, Coparcenaries, Joint Family and Separate Property. Hindu Gains of Learning Act, Karta/Manager, Doctrine of Pious Obligation, Partition and Re-union. Matrilineal Joint Family.
5. Hindu Succession Act, 1956
6. Study of equal property rights for women- Stridhan, Widows Estate, Section 14 of Hindu Succession Act, Maharashtra State and Central Amendments to Hindu Succession Act, 1956 for coparcenary rights of daughters.
7. Study of property laws for Christian and Parsi Men and Women
8. Evolution of Institution of Marriage and Hindu Marriage Act, 1955
9. Hindu Adoption and Maintenance Act, 1956
10. Hindu Minority and Guardianship Act, 1956
11. Family Courts Act, 1984

**Reference Books :**

1. Paras Diwan: Law of Intestate and Testamentary Succession
2. Paras Diwan: Family Law
3. Alladi Kuppaswami: Mayen's Hindu Law and Usage
4. G. C. V. Subbarao: Family Law of India
5. S. T. Desai: Mulla's Principles of Hindu Law
6. Vidya Bhushan, D. R. Sachdeva: An Introduction to Sociology

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**First Semester****Paper- V****Legal Language and Legal Writing****Theory Marks: 80**

1. **Introduction to Legal Language :**
  - (a) Characteristics of Legal Language
  - (b) Words, phrases and abbreviations in common use in legal language
  - (c) Use of thesaurus and legal encyclopedias
2. **Selected Legal Terms, Maxims, Latin words :**  
 Accomplice, Ab Initio, Actus Reus, Ad-hoc, Adoption, Alibi, Asylum, Award, Amicus Curiae, Caveat Emptor, Bail, Burden of proof, Certiorari, Codicil, Confession, Damages, De-facto & De-jure, Double Jeopardy, De Novo, Dying Declaration, Doli incapex, Euthanasia, Ex post Facto, Extradition, Factum valet, Hypothication, Hostile, In camera, Just Tertii, Witness, Laches, Mens rea, Pari Materia, Patent, Plea Bargaining, Lex Loci, Lex Fori, Denovo Trial, Ipso-Facto, Forma-Pauperis, Suo Motu.
3. **Selected Legal Maxims :**
  - i) Ignorantia facti excusat, ignorantia juris non excusat
  - ii) Audi Alteram Partem
  - iii) Res Ipsa loquitur
  - iv) Actio-Personalis Moritur Cum Persona
  - v) Delegatus Non Potest Delegare
  - vi) Actus Non Facit Reum Nisi Mens sit rea
  - vii) Delay Defeats Equity
  - viii) Justice Delayed Justice Denied
  - ix) Ex turpi causa non oritur actio
  - x) Nemo Dat Quod non habet

- xi) Volenti Non Fit Injuria
- xi) Nemo est supra leges
- xiii) Solus populi suprema lex
- xiv) Ubi jus ibi remedium
- xv) Lex posterior derogat priori
- xvi) Lex Non a rege est violanda
- xvii) In Loco parentis
- xviii) De minimis non curat lex
- xix) Generalia speliabus non derogant
- xx) In bonam partem

4. **Fundamental principles of Legal Writing**

5. **Essay on the topics related with Law.**

6. **Drafting a legal notice, statutory notice and reply.**

7. **Sources of Law – Custom, Legislation and Precedent.**

8. **Comments on decided cases as mentioned below :**

- 1) Dr. Surajmani Stella Kujur v. Durga Charan Hansdah, AIR 2001 SC 938 (Applicability of Hindu Marriage Act to Scheduled Tribes, and Offence of Bigamy)
- 2) Chairman Railway Board v. Chandrima Das, AIR 2000 SC 988 (Compensation to victim of rape)
- 3) Daniel Latifi v. Union of India, AIR 2001 SC 3958 (Term 'Provision' under the Muslim Women (Protection of Rights on Divorce) Act, 1986.
- 4) Sarla Mudgal Vs Union of India (1995 (3) SCC ,634) (Uniform Civil Code)
- 5) State of Rajasthan Vs Vidyavati (AIR 1962 SC 933) (Vicarious Liability of State )
- 6) Municipal Council, Ratlam Vs. Vardichand(AIR 1980 SC 1622) (Environmental problem relating to Sanitation and duty of Municipality)
- 7) Aruna Shanbaugh Vs Union of India (AIR 2011 SC 1290) (Right to Euthanasia)

**Case Comment shall be attempted under following heads -**

1. Title of the case
2. Provisions and principles of law involved
3. How the case reached the Supreme Court, history of the litigation
4. Finding the facts (Ratio)

5. Issues involved and answers to the issues
6. Judgment and Comment on the judgment
9. Rules of Interpretation - Literal Rule, Golden Rule, Mischief Rule, Harmonious Construction
10. Comprehension – Figure of Speech, Paraphrasing, Precise writing.
11. Translation from English into Marathi/ Hindi.

**Reference Books :**

1. Dr. Madabhushi Sridhar- Legal Language, Asia Law House
2. S.N.Mishra – Legal Language and Legal Writing
3. Bhatnagar R.P. and R.Bhargava-Law and Language
4. Garner, Bryan – A Dictionary of Modern Legal Usage
5. Dr. Anirudh Prasad – Outlines of Legal Language in India
6. Bryan A. Garner –Black's Law Dictionary
7. Venkataramaiya's Law Lexicon with Legal Maxims

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**First Semester  
Paper- VI  
Law of Crimes**

**Theory Marks : 80**

1. Crime and Criminal Liability under Criminal Law - Development of Criminal in India, concept of Crime and Criminal Liability Doctrine of Mens rea Principles of Criminal Liability Stages of Crime
2. Indian Penal Code – Historical background of IPC, Salient Features of IPC, Applicability of IPC
3. General Exception under Indian Penal Code.
4. Joint Liability, Preliminary Crimes, Abetment, Criminal conspiracy and Vicarious Liability under IPC.
5. Punishment – Meaning aims and objects, kinds and Theories of Punishment.
6. Offences against the public Tranquility – Unlawful assembly, Riot, Affray.
7. Offences against Human Body – Culpable Homicide, Murder, Distinction between CH and Murder, Death by Negligence, Dowry Death, abetment to commit Suicide.
8. Offences against Human Body— Hurt – Simple and Grievous, Acid attack. Wrongful restraint, wrongful confinement, Kidnapping and abduction.

9. Sexual offences and offences relating to marriage –  
Assault with Sexual Intention, Disrobing, Voyeurism, Stalking  
Sec. 375 – 377  
Sec. 494 – 498 A (Offences relating to Marriage)
10. Offences against Property –
  - a) Theft, Extortion, Robbery, Dacoity
  - b) Cheating, Receiving of stolen property Criminal Misappropriation, Criminal Breach of Trust, Mischief, Criminal Trespass, House Trespass, House Breaking, Lurking House Trespass.
11. Offences against Reputation –  
Defamation (S. 499 to 502) and offences relating to Intimidation, Insult and annoyance (S. 503 to 510)

**Reference Books :**

- 1) Ratanlal Dhirajlal- Indian Penal Code
- 2) Prof. T. Bhattacharyya – The Indian Penal code
- 3) K.D.Gaur –Criminal Law;Cases and Materials
- 4) Justice Hidaytullah –Indian penal Code
- 5) P.S. Achutan Pillai - Criminal Law

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*Second Semester***Paper I****Contract II**

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

(Implemented from 2014-2015 Academic Session)

**Theory Marks : 80**

1. **Indemnity and Guarantee :**  
 Contract of Indemnity –Definition, Nature and Scope - Rights of indemnity holder – Commencement of the indemnifier's liability – Documents/Agreements of Indemnity.  
 Contract of Guarantee – Definition, Nature and Scope – Difference between contract of indemnity and Guarantee – Continuing Guarantee - Rights of surety – Discharge of Surety – Extent of Surety's liability – Co-surety.
2. **Bailment and Pledge :**  
 Contract of Bailment – Definition – Kinds – Duties of Bailer and Bailee – Rights of Finder of Goods as a Bailee – Liability towards true owner – Rights to dispose off the goods.  
 Contract of Pledge – Definition – Comparison with Bailment – Rights and Duties of Pawnor and Pawnee
3. **Agency :**  
 Agency – Definition – Creation of Agency – Kinds of Agents – Distinction between Agent and Servant – Rights and Duties of Agent – Relation of Principal with third parties– Delegation – Duties and Rights of Agent – Extent of Agents authority – Personal liability of Agent – Termination of Agency.
4. **Sale of Goods :**  
 The Contract of Sale – Essentials of Contract of Sale- Conditions and Warranties- The rule of Caveat Emptor and its changing concept–Transfer of title and Passing of Risk – Performance of the Contract – Rights of Unpaid Seller against goods – Remedies for Breach of Contract.
5. **Partnership :**  
 Definition – Nature, Mode of determining the existence of Partnership – Relation of Partner to one another – Rights and duties of partner – Relation of partners with third parties – Types of partners – Admission of partners – Retirement – Expulsion – Dissolution of Firm – Registration of Firms.  
 Concept of Limited Liability under Partnership.

**Reference Books :**

1. Avtar Singh - Law of Contract, Eastern, Lucknow
2. Pollock and Mulla (R. K. Abhichandani) - Indian Contract Act and 3. Specific Relief Act
4. J. P. Verma - The Law of Partnership in India
5. Saharay H. K - Indian Partnership and Sale of Goods Act
6. Krishnan Nair - Law of Contract
7. Beatson; Anson's Law of Contract; Oxford; London.

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**Second Semester****Paper II****Family Law-II****(Muslim Law)****Theory Marks : 80**

1. Origin, Development and Applicability of Muslim Law, Sources of Muslim Law
2. Schools of Muslim Law
3. Law of Marriage
4. Law of Divorce
5. Law of Dower
6. Law of Maintenance
7. Muslim Women (Protection of Rights on Divorce Act, 1986)
8. Acknowledgement of paternity, guardianship of person and property
9. Law of Wakf
10. Law of Gifts
11. Law of pre-emptions
12. Law of Wills
13. General rules of succession and exclusion from succession

**Reference Books :**

1. A.A.A. Fyzee - Outline of Mohammedan Law
2. A.M. Bhattacharjee - Muslim Law and Constitution
3. Mulla - Mohammedan Law
4. Prof. G.C.V. Subba Rao - Family Law in India.
5. Paras Diwan - Muslim Law in Modern India.

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Second Semester  
Paper III  
Constitutional Law-II

Theory Marks : 80

1. **Fundamental Rights** – Concept, origin and development of Fundamental Rights, Fundamental Rights in India, Waiver of Fundamental Rights.  
Article 12 - The State – Definition and expanding horizon.  
Laws inconsistent with Fundamental Rights- Article 13, Doctrine of Eclipse and Doctrine of Severability.
2. **Right to Equality and Social Justice (Articles 14 to 18)** - Doctrine of Rule of Law, Equality Before Law and Equal Protection of Laws, Reasonable Classification and its constitutional validity, Gender Justice, Justice to the weaker sections of society. Prohibition of Discrimination, Equality of opportunity in Public Employment, Abolition of Untouchability, Abolition of Titles.
3. **Right to Freedom (Article 19)** - Freedom of Speech and Expression including Media, Press, Right to Information. Freedom of Speech and Contempt of Court. Freedom of Assembly, Freedom of Association, Freedom of Movement, Freedom of Reside and Settle, Freedom of Profession, Trade etc., Freedom of Property from Fundamental Right to Constitutional Right. Reasonable Restrictions.
4. **Personal Liberty (Articles 20 to 22)** - Protection against Ex-post facto laws/retrospective application of laws, Double Jeopardy, Self-Incrimination.  
Right to Life and Personal Liberty- Meaning, scope and limitations, expanding horizons of right to life and personal liberty.  
Right to Education.  
Constitutional safeguards against arbitrary arrest and preventive detention laws.
5. **Rights against Exploitation (Article 23-24)** - Prohibition of Traffic in Human beings and forced labour, Prohibition of Employment of Children in Factories etc.
6. **Right to Freedom of Religion and Secularism (Articles 25 to 30)** - Concept of Secularism, Freedom of Religion, its scope and limits. Minority Rights.
7. **Right to Constitutional Remedies-** Articles 32, Enforcement of Fundamental Rights, Article 32 vs. Article 226, *Locus Standi*, Public Interest Litigation.

8. **Directive Principles of State Policy and Fundamental Duties :**  
 Directive Principles, Directions for social change- A new social order.  
 Fundamental Rights and Directive Principles, Inter-relationship-  
 Judicial Balancing.  
 Constitutional Amendments to strengthen Directive Principles.  
 Reading Directive Principles into Fundamental Rights.  
 Fundamental Duties- Need and Status in Constitutional set-up, Inter-  
 relationship with Fundamental Rights and Directive Principles.
9. **Liability of the State: Contractual and Tortious Liability.**
10. **Emergency Provisions: Meaning and Scope, Proclamation of  
 Emergency, conditions.  
 Emergency and suspension of Fundamental Rights.**

**Reference Books :**

1. H. M. Seervai- Constitution of India, Vol. I, II and III, Tripathi, Bombay.
2. M. P. Jain- Constitution of India, Butterworths Wadhwa, Nagpur.
3. D. D. Basu- Shorter Constitution of India, Prentice Hall India, Delhi.
4. Dr. J. N. Pandey- Constitution of India, Central Law Agency, Allahabad.
5. Granville Austin- The Indian Constitution Cornerstone of a Nation.

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**Second Semester**

**Paper -IV**

**Company Law**

(The Companies Act, 2013 (As amended in 2013))

**Theory Marks : 80**

1. **Basic Principles-**  
 Meaning of Corporation  
 Theories of Corporate Personality,  
 Need of company for development  
 Creation and Extinction of Corporation  
 Advantages and Disadvantages of Corporation.
2. **Classification of Companies and Non-Corporate Organization.**
3. **Formation of Company-**  
 Promoters -Position -duties and liability,  
 Registration and incorporation

Memorandum of Association-various clauses- alteration therein-  
doctrine of ultra-virus

Articles of Association- alteration- its relation with Memorandum  
of Association, Doctrine of constructive notice and Indoor  
management-Exceptions

Deregistration.

4. **Prospectus and Allotment of Securities-**  
Public offer – Private placement.
5. **Share Capital and Debentures-**  
Kinds of Share Capital-Alteration and reduction  
Nature of Shares / Debentures, Allotment, Share Certificate, Transfer  
and transmission of Shares, Voting rights, Calls on Shares, Sweat  
equity, Bonus shares, declaration and payment of dividend, Debentures
6. **Registration of Charges.**
7. **Management and Administration .**
8. **Accounts and Audits.**
9. **Directors :**  
Appointment and qualifications of Directors, meetings of Board and  
its powers, appointment and remuneration of Managerial Personnel,  
Inspection, Enquiry and Investigation,
10. (a) **Compromises, arrangements and amalgamations.**  
(b) **Revival and Rehabilitation of Sick Companies.**
11. **Prevention of Operation and Mismanagement.**
12. **Winding up :**  
Winding up by the Tribunal  
Voluntary winding up  
Provisions applicable to every mode of winding up  
Official liquidators  
Winding up of unregistered companies.
13. **Company Incorporated outside in India.**
14. **National Company Law Tribunal and Appellate Tribunal, Special  
Courts.**
15. **Corporate Liability :**  
Legal liability of company – civil & criminal.  
Remedies – civil, criminal and tortuous – Specific Relief Act, writs,  
Liability under special statutes.

Reference Books:-

1. Avtar Singh – Indian company Law; Eastern; Lucknow.
2. S. M. Shah – Lectures on company Law; Tripathi; Bombay.
3. Insights into the New Company Law- Prachi Manekar, Lexis Nexis
4. L. C. B. Grower – Principles of Modern Company Law; Sweet & Maxwell; London.
5. A. Ramaiya – Guide to Companies Act; Wadhwa.
6. Companies Act, 2013- Eastern Book Company

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**Second Semester  
Paper V  
Human Rights**

Theory Marks : 80

1. **Conceptual background of Human Rights and Duties :**  
Rights- Inherent, Inalienable, Universal, Indivisible.  
Values- Dignity, Liberty, Equality, Justice, Unity in Diversity.  
Need for balance between Rights and Duties, Freedom and Responsibility.
2. **Philosophical and Historical Perspectives :**  
Theories of Human Rights,  
History of Human Rights Civilization,  
Human Rights Movement  
Classification of Human Rights
3. **International Human Rights Standards :**  
Universal Declaration of Human Rights, 1948  
International Covenant on Civil and Political Rights, 1966  
International Covenant on Economic, Social and Cultural Rights, 1966
4. **Human Rights and Duties in India :**  
Evolution- Independence Movement, Making of the Constitution,  
Indian Constitution.  
Fundamental Rights  
Directive Principles  
Fundamental Duties  
Inter-relationship of Fundamental Rights & Directive Principles of State Policy.

5. **Enforcement and Protection Mechanism of Human Rights In India**  
 Judiciary, National Human Rights Commission and Women's,  
 Minority, Backward Classes Commissions and Committee.  
 Non Governmental Organizations.  
 Information Media  
 Education,  
 Internalization of Human Rights and duties- Self inculcation endeavor  
 to live up these ideals
6. **Societal Problems and Human Rights :**  
 Women, Children, Disadvantaged Group, Disabled Persons, Older  
 Persons Poverty , Under-development and illiteracy
7. **Role of Regional Organizations :**  
 European Convention on Human Rights.  
 American Convention on Human Rights.  
 African Convention on Human Rights  
 SAARC
8. **United Nations and Human Rights :**  
 I LO and Human Rights.  
 United Nations Human Rights Council

**Reference Books :**

- 1) Dr. H. O. Agrawal – Human Rights, Central Law Publications.
- 2) Dr. S.K. Kapoor – Human Rights, Central Law Agency.
- 3) Awasthi – Kataria – Law Relating to Protection of Human Rights
- 4) A.D.Mane's (Edited by Dr. Vijay N. Ghormade) – Lectures on Human Rights

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LL.B. (3 Year Degree Course)  
Third Semester  
Paper-I  
Civil Procedure Code

Theory Marks: 80

**Unit I: Introduction :**

- 1.1 Concepts.
- 1.2 Affidavit, Order, Judgement, Decree, plaint, Restitution, Execution, Decree-holders, Judgement-debtor, mesne profits, written statement.
- 1.3 Distinction between decree and judgement and between decree and order.

**Unit II : 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.

**Unit III : Pleadings**

- 3.1 Rules of pleading, signing and verification.
  - 3.1.1 Alternative pleadings.
  - 3.1.2 Construction of pleadings.
- 3.2 Plaint : Particulars.
  - 3.2.1 Admission, Return and Rejection.
- 3.3 Written Statement :- Particulars, rules of evidence.
  - 3.3.1 Set-off and counter claim, Distinction.
- 3.4 Discovery, inspection and production of documents.
  - 3.4.1 Interrogatories.
  - 3.4.2 Privileged documents.
  - 3.4.3 Affidavits.

**Unit IV :**

4. Appearance, examination and trial
  - 4.1 Appearance
  - 4.2 Ex-party procedure.
  - 4.3 Summary and attendance of witnesses.
  - 4.4 Trial.
  - 4.5 Adjournments.
  - 4.6 Interim Orders :- Commission, arrest or attachment before judgement, injunction and appointment of receiver.

**Unit V: Execution.**

- 5.1 The concept.
- 5.2 General principles.
- 5.3 Powers for execution of decrees.
- 5.4 Procedure for execution. (S. 52-54)
- 5.5 Enforcement, arrest and detention. (S. 55-59)
- 5.6 Attachment. (S. 60-64)
- 5.7 Sale. (S. 65-97)
- 5.8 Delivery of property.
- 5.9 Stay of execution.

**Unit VI :**

6. Suits in Particular Cases.
  - 6.1 By or against Government. 9S. 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.

**Unit VII :**

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.

**Unit VIII :Review, Reference and Revision.**

**Unit IX :Miscellaneous.**

- 9.1 Transfer of cases.
- 9.2 Restitution.
- 9.3 Caveat.
- 9.4 Inherent powers of court.

**Unit X : 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 filling 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 Continuous running of time.
- 11.12 Computation of period of Limitation.

**BOOKSRECOMMENDED :**

- (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.

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## PAPER-II

## Criminal Procedure Code, Juvenile Justice Act And Probation Of Offenders Act

Theory Marks : 80

I CRIMINAL PROCEDURE CODE**Unit I A - Introductory :**

- i. Rational of criminal procedure - meaning, concept and principles of fair trial
- ii. Constitutional Perspectives-Article 14, 20, 21 and 22

**Unit II B- Functionaries under the Code of Criminal Procedure**

- i. Courts- Hierarchy of criminal courts and their powers
- ii. Police-The organization of police, duties functions and powers
- iii. Prosecutor and Defence counsel - Meaning, role in criminal trial, duties, functions and powers
- iv. Prison Authorities-Duties functions and powers

**C - Pre -Trial Process****Unit III- Offences and FIR****A. Offences-**

- i. Definition and classification of offences
- ii. Cognizable and Non Cognizable
- iii. Bailable and Non-Bailable
- iv. Compoundable and Non- compoundable

**B. FIR-**

- i. Meaning object and scope
- ii. Contents of FIR and effects of delay in filing
- iii. Evidentiary value

**Unit IV- Investigation and Arrest-****A. Investigation**

- i. Meaning and scope
- ii. Difference between Inquiry and Investigation
- iii. Procedure for investigation after FIR (Ss 157-173)

**B. Arrest-**

- 2.1 Definition meaning, object and scope
- 2.2 Arrest with and without warrant
- 2.3 Arrest by whom and how?
- 2.3 Procedure to be followed during and after arrest

## 2.4 Rights of arrested person

## Unit V- Bail, Bonds and Absconders Status

## A. Bail

- i. Concept, purpose and constitutional overtones
- ii. Bail in bailable offences
- iii. Bail in non-bailable offences
- iv. Compulsory Bail to undertrial prisoners in certain cases
- v. Default Bail
- vi. Anticipatory bail
- vii. Cancellation of bail
- viii. Appellate bail power

## B. Bonds

- i. Meaning scope and object
- ii. General principles concerning bonds

## C. Absconders Status

- i. Proclamation-Meaning, form, Scope, object and procedure
- ii. Attachment- Meaning, form, scope, object and procedure

## Unit VI- Search, Seizure and Charge Sheet-

- i. Search Warrant-Meaning and scope
- ii. Search without warrant-Meaning, object and scope
- iii. General principles of search Seizure-Meaning scope and constitutional validity
- iv. Charge Sheet- Meaning and scope

## D- TRIAL PROCESS :

Unit VII - Process to compel attendance of persons, Preliminary pleas to bar the trial and ChargeA. Process to compel attendance of persons

- i. Summons-Meaning, form and modes of service of summons
- ii. Warrant-Meaning, Form and modes for execution of warrant
- iii. Warrant in lieu of summons- Meaning and scope
- iv. Process to compel production of documents
- v. Summons to produce documents-Meaning form and scope

B. Preliminary pleas to bar the trial

- i. Jurisdiction of the criminal courts
- ii. Time limitations
- iii. Pleas of Autrefois acquit and Autrefois convict
- iv. Issue estoppels

v. Compounding of offences

**C. Charge**

- i. Meaning and object of charge
- ii. Form and content of charge
- iii. Framing and alteration of charge
- iv. Joinder of charges

**Unit VIII- Types of trial**

- i. Session trial-Meaning and various steps
- ii. Trial in a Warrant case-Meaning and procedural steps
- iii. Trial in a summons case-Meaning and procedural steps
- iv. Summary Trial- Meaning and procedural steps
- v. Complaint case-Meaning scope and procedural steps

**Unit IX- Judgment**

- i. Meaning and scope
- ii. Modes of pronouncing judgments
- iii. Form and contents of judgment

**E-POST TRIAL PROCESS**

**Unit X Appeal, Reference and Revision**

**A. Appeal:**

- i. Meaning object and rationale of appeal
- ii. No Appeal unless provided
- iii. Types of appeal
- iv. Procedure for dealing with appeal
- v. Judicial powers in the disposal of appeal

**B. Reference - Meaning and Procedure**

**C. Revision- Meaning scope and Procedure**

**F- SPECIAL PROVISIONS:**

**Unit XI**

A: Order for maintenance of Wives, Children and Parents

B: Maintenance of Public order and Tranquility

i) Unlawful Assembly

ii) Public Nuisance

**II JUVENILE JUSTICE**

**Unit XII**

- i. Meaning, nature and causes of Juvenile delinquency
- ii. Juvenile in conflict with law and Procedure

- iii. Observation and Special homes
- iv. Child in need of care and protection and Procedure
- v. Children's Home and Shelter Home
- vi. Rehabilitation and Social Reintegration

### III PROBATION OF OFFENDERS

#### **Unit XIII**

- i. Probation -Meaning and Scope
- ii. Powers of the Court
- iii. Probation officers-Meaning duties and report of probations officer

#### Recommended Books :

- 1) Ratanlal Dhirajlal- Criminal Procedure Code, Wadhava & Company, Nagpur
- 2) Chandrasekhar Pillai (Ed), Kelkar's Lectures on Criminal Procedure, Eastern, Lucknow
- 3) R.N. Chaudhary, Law Relating to Juvenile Justice in India, Orient Publishing Company
- 4) Batakial, Commentary on The Code of Criminal Procedure, 1973, Orient Publishing Company
- 5) K.I. Vibhute, Criminal Justice, Eastern Book Company
- 6) S.N. Mishra, The Code of Criminal Procedure, Central Law Publication, Allahabad

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### **Paper-III Law of Evidence**

**Theory Marks: 80**

#### **Unit I Introductory**

- i. Need and Scope of Evidence in a trial
- ii. Nature and significance of Indian Evidence Act
- iii. Extent of Indian Evidence Act and the problems of its applicability with special reference to :
  - a) Administrative tribunals
  - b) Industrial Tribunals
  - c) Commissions of Enquiry
  - d) Court Martial
  - e) Disciplinary Authorities

- iv. Other acts dealing with evidence (Special reference to CPC and Cr.PC)

### **Unit II Central Concepts in Law of Evidence**

- i. Fact- Meaning, definition, scope,
  - a) Relevant fact-Definition, meaning and scope
  - b) Fact in issue-Definition meaning and scope
  - c) Difference between relevant facts and facts in issue
- ii. Evidence-Definition, Meaning, scope
  - a) Oral and documentary evidence
  - b) Direct and Circumstantial evidence
  - c) Hearsay evidence
  - d) Electronic Evidence
  - e) Appreciation of evidence-Meaning and significance
- iii. Presumptions-Meaning and scope, kinds
  - f) May Presume- definition meaning and scope
  - g) Shall Presume- definition meaning and scope
  - h) Conclusive proof- definition meaning and scope
- iv. Proof of facts- Meaning and scope
  - i) Proved- definition meaning and scope
  - j) Disproved- definition meaning and scope
  - k) Not proved- definition meaning and scope

### **Unit III Relevancy of facts**

- i) Relevant facts connected with the issues (Ss 5-16)
- ii) Admissions
  - a) Definition, meaning, scope
  - b) Admissions by whom?
  - c) Proof of admission against the person making it
  - d) Communications without prejudice
- iii) Confessions
  - a) Definition meaning and scope
  - b) Confession made under inducement threat or promise
  - c) Confession made to police officer or made in police custody
  - d) Facts discovered during confession
  - e) Confession when admissible
  - f) Retracted confessions

- iv) Statement of persons who cannot be called as witness
  - a) Dying declarations-Meaning, scope, evidentiary value, difference between English and Indian Law
  - b) Other statements of the category
- v) Relevancy of judgments-Meaning, previous judgments when relevant
- vi) Relevancy of opinions
  - a) Expert Opinion -Meaning, scope, need of expert, types, evidentiary value
  - b) Opinion as to handwriting and digital signature
  - c) Opinion as to relationships
- vii) Relevancy of character
  - a) Rules as to admissibility of Good character
  - b) Rules as to admissibility of bad character

#### Unit IV Modes of Proof

- i) Oral evidence
  - a) Oral evidence must be direct
  - a) Exceptions to the rule of hearsay
- ii) Documentary Evidence
  - a) Primary Evidence-Meaning, scope and illustrations,
  - b) Secondary Evidence-Meaning, scope, illustrations, rules as to admissibility, rules as to notice to produce and exceptions to it
- iii) Procedure for proving documents
  - a) Proof of unattested documents
  - b) Proof of documents requiring attestation
  - c) Public documents- Meaning, certified copies, proof of public documents
- iv) Presumptions as to documents
- v) Exclusion of oral evidence by documentary evidence

#### Unit V Burden of Proof

- i) Meaning of burden of proof and its significance in a trial
- ii) Difference between burden of proof and onus
- iii) Burden of proof in civil and criminal cases
- iv) Burden of proof vs Presumptions
- v) General principles as to burden of proof under Indian Evidence Act(Sections 101-114)

- vi) Facts which need not be proved

**Unit VI Estoppel –**

- a) Meaning and rationale
- b) Estoppel, res judicata and waiver and presumption
- c) Estoppel by deed
- d) Estoppel by conduct
- e) Equitable and promissory estoppel

**Unit VII Competency of Witnesses**

- i) Competency to testify-Meaning, scope, illustrations, number of witnesses
- ii) Privileged communications
  - a) Communications during marriage
  - b) Official communications
  - c) Professional Communications
- iii) Accomplice and his status as witness

**Unit VIII Examination of witnesses**

- i) Judge to decide the admissibility of evidence
- ii) Kinds of examinations
  - a) Examination In chief-Meaning and scope
  - b) Cross examination-Meaning and scope
  - c) Re Examination-Meaning and scope
  - d) Order of examinations
- iii) Leading Questions-Meaning, scope, when they may be asked?
- iv) Evidence as to matters in writing
- v) Rules as to contradictions and corroborations
- vi) Questions lawful in cross examination
- vii) Hostile witness and his examination
- viii) Impeaching the credit of witness-meaning, scope and mode
- ix) Refreshing Memory-Meaning scope, procedure

**Books:-**

- (1) Indian Evidence Act. (Amendment upto date)
- (2) RatanlalDhirajlal : Law of Evidence, Wadhwa, Nagpur.
- (3) Avtar Singh, 'Principles of Law of Evidence', Central law Agency, New Delhi
- (4) Sarkar and Manohar, Sarkar on Evidence (1999), Wadhwa and Company, nagpur

- (5) Albert S. Osborn, 'The Problem of Proof'. (The first Indian Reprint 1998), Universal, Delhi.

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**PAPER-IV**  
**Banking Laws**

**Theory Marks : 80**

**UNIT - I Introduction**

Indian Banking Structure - Origin - Evolution of Banking Institutions - Banking Companies in India - Nationalization of Banks in India - Commercial Banks - Types and Functions - Opening of New Accounts - Types - Special types of customers - Minor's A/C, Joint A/C, Partnership A/C, Company's A/C, Married women's A/C, Trust A/C, Joint Hindu family A/C - Illiterate persons, lunatics, executors - administrators, clubs, societies and charitable institutions - Precautions to be taken while opening an Account.

**UNIT - II Banks and Customers**

Banker and customer Relationship - Definition of banker and customer - General relationship - Special relationship - Banker's duty of secrecy, banker's duty to honour cheques, banker's lien, and banker's right to set off - Appropriation of payments - Garnishee order - Customer's duties towards his banker.

**Unit - III Reserve Bank of India**

Central Bank - RBI - Constitution, Management and Functions - Control over Bank under Reserve Bank of India Act, 1934.

**UNIT - IV Control over Banks**

Control over Bank - By Government and by R.B.I. under Banking Regulation Act, 1949, Banking Ombudsman.

**UNIT - V Loans and Advances**

Employment of funds - Loans and Advances - Guarantees - Advances secured by Collateral securities - Letter of Credit and Demand Guarantee - Debt Recovery Tribunal - Establishment, Constitution and Functioning - The Securitization Act 2002

**UNIT - VI E- Banking**

Credit Card, Debit Card, ATM, Internet Banking, Core Banking, Electronic Fund Transfer.

**UNIT- VII Non-Banking financial institutions**

Concept of Non-Banking financial institution- Control By RBI-  
Chit Funds

**UNIT - VIII Negotiable Instruments**

Law relating to Negotiable Instruments, 1881 Act - Negotiable  
Instruments - Kinds - Holder and holder in due course - Parties  
-Negotiation- Assignment - Presentment - Endorsement -  
Liability of parties - Payment in due course - Special rules of  
evidence - Material alteration - Noting and protest - Paying  
banker and collecting banker - Bills in sets - Penal provisions  
under NI Act - Banker's Book Evidence Act.

**Books:**

1. M. L. Tannan- Law of Banking.
2. M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.
3. Taxman: *Law of Banking*, India Law House
4. R.N. Chaudhary, Banking Laws, Central Law Publications, Allahabad.
5. Avtar Singh - Negotiable Instruments Act.
6. Basu - Review of Current Banking: Theory and Practice.
7. Paget- Law of Banking.
8. L. C. Goyle- The Law of Banking and Bankers.
9. Relevant provisions of Information Technology Act, 2000
10. Reserve Bank of India 1934
11. Banking Regulation Act, 1949
12. The Securitization Act 2002

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**Third Semester****PAPER V****Law of Arbitration and ADR**

Law of Arbitration :

Theory Marks: 70

- Unit-I:** Alternate Dispute Resolution — Characteristics — Advantages and Disadvantages — Unilateral — Bilateral — Triadic (Third Party) Intervention — Techniques and processes — Negotiation — Conciliation — Arbitration — Distinction between Arbitration, Conciliation and Negotiation.
- Unit-II:** The Arbitration and Conciliation Act, 1996 — Historical Background and Objectives of the Act — Definitions of

Arbitration, Arbitrator, Arbitration Agreement — Appointment of Arbitrator — Termination of Arbitrator —

- Unit III** Conduct of Arbitral proceedings—Equal treatment of parties—Time and Place of hearing—Commencement and language—statement of claim and defence—default of a party—Appointment of experts— Court's assistance in taking evidence
- Unit IV** Arbitral Award — Setting aside of Arbitral Award — Finality and Enforcement of Award — Appeals —
- Unit V** Enforcement of Foreign Awards — Geneva Convention Award—New York Convention Award
- Unit VI** Conciliation — Appointment of Conciliators — Powers and Functions of Conciliator — Procedure — Settlement of disputes through conciliation.
- Unit-VII** Other Alternative Dispute Resolution Systems —Tribunals — LokAdalats — Family Courts,Section 89 and Order X, Rules 1A, 1B and 1C of Civil Procedure Code.

#### Alternative Dispute Resolution

**Practical Marks:30**

The course will be taught through classroom instructions, observations, and simulation exercises. Students have to prepare a record covering the topics on ADR.

The Student shall be required to attend and observe the proceedings of LokAdalats, Family Courts, Tribunals and other ADR Systems and shall record at least 10 proceedings in the diary. The record and Report shall be submitted within the stipulated time. Practical examination viva voce will be conducted by the External Examiner for 30 Marks in consultation with HOD/Principal.

#### Suggested Readings:

1. O.P. Tiwari :*The Arbitration and Conciliation Act* (2nd Edition): Allahabad Law Agency.
2. Johar's :*Commentary on Arbitration and Conciliation Act, 1996*: Kamal Law House.
3. Acharya N.K.: *Law relating to Arbitration and ADR*, Asia Law House,Hyderabad
4. Tripathi S.C.: *Arbitration, Conciliation and ADR*, Central Law Agency, Allahabad.
5. Avatar Singh: *Arbitration and Conciliation*, Eastern Law Book House, Lucknow.
6. KSR Murthy: *An introduction to ADR Mechanism*, Gogia Law Agency, Hyderabad

7. P.C. Rao : *Alternate Dispute Resolution*, 2001 Edition, Universal Book Traders, New Delhi.
8. S.D. Singh: *Alternate Dispute Resolution*, Universal Book Traders, New Delhi.

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**Third Semester  
PAPER VI  
Moot Court**

(Moot Court Exercise and Internship)

(This paper shall have three components of 30 marks each and a viva for 10 marks.)

**Unit I 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.

**Unit II 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.

**Unit III 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.

**Unit IV The fourth component of this paper will be viva-voce examination on the above 3 aspects.****(10 Marks)**

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**LL.B. (3 Year Degree Course)**  
**Fourth Semester**  
**Paper-I**  
**Environmental Law**

**Theory Marks :80**

**Unit – I Concept of Environment, Eco System and Pollution**

- i) Environment – Meaning and contents, Definition U/S 2 of the Environment Protection Act 1986, Eco System, Ecology, Biosphere, Green house effect, Global warming, Ozone depletion.
- ii) Pollution - Meaning, kinds and effects.

**Unit – II Legal Control: Historical Perspectives**

- i) Indian Tradition: Dharma of environment.
- ii) British Raj : Industrial development and exploitation of nature.
- iii) Nuisance : Common Law, Penal Code and Procedural Codes, Negligence, Strict Liability – Absolute Liability.
- iv) Post Independence Era – Environmental Policies after 1972

**Unit – III Constitutional Perspective**

- i) Fundamental Rights -
  - a) Right to Life- Right to clean and healthy environment.
  - b) Right to environmental education.
  - c) Right to information.
  - d) Environment vs. Development.- Application of Emerging principles. -  
Polluter Pays,, Precautionary principle, Public trust doctrine, Sustainable development.
- i) Directive Principles.-Status and role in Environment protection, Judicial approach
- ii) Fundamental Duty- Status and role in Environment protection, Judicial approach

**Unit IV Water and Air Pollution: Acts**

- i) Meaning and standards.
- ii) Scope, Nature and Legislative frame work of the Acts
- iii) Criminal Liability of Corporate officials and penalties
- iv) Judicial approach.

**Unit – V Environment Protection Act 1986**

- i) Salient features of the Act
- ii) Protection agencies : power and functions.

- iii) Protection : means and sanctions.
- iv) Judicial approach

**Unit – VI Emerging protection through delegated legislation.**

- i) Hazardous waste.
- ii) Bio-medical waste.
- iii) Genetic engineering.
- iv) Environment impact assessment.
- v) Coastal zone management.
- vi) Environmental audit and eco mark.
- vii) Noise Pollution

**Unit – VII Forest and Greenery**

- i) Greenery conservation laws.
  - a) Forest conservation.
  - b) Conservation agencies.
  - c) Prior approval and non-forest purpose.
  - d) Symbiotic relationship and tribal people.
  - e) Denudation of forest: judicial approach.
- ii) Wild life
  - a) Sanctuaries and national parks.
  - b) Licensing of zoos and parks.
  - c) State monopoly in the sale of wild life and wild life articles.
  - d) Offences against wild life.
  - e) Judicial approach

**Unit - VIII Bio-diversity**

- i) Legal control.
- ii) Control of eco-unfriendly experimentation on animals, plants, seeds and micro-organism.

**Unit – IX Remedies**

- i) Constitutional – Writ Jurisdiction under Art 32 and 226, PIL
- ii) National Green Tribunal
- iii) Remedies under Special Legislations

**Unit – X Global Aspects of Environmental Law**

- i) Stockholm conference.
- ii) Rio conference.
- iii) Johannesburg Conference
- iv) UN declaration on right to development.
- v) Wetlands.

**Select Bibliography :**

- 1) Armin 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 Essayson 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, Reportof the Committee for Recommending Legislative Measures andAdministrative Machinery for Ensuring EnvironmentalProtection, (1980), (Tiwari Committee Report).
- 9) Indian Journal of Public Administration, Special Number onEnvironment 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 ofIndian Environment 1999-2000.
- 11) World Commission on Environment and Development, Our CommonFeature (1987), Oxford.

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**Paper-II****Law of Trust**

(Law relating to Trusts, Equity and Fiduciary Relationships)

**Theory Marks : 80****Unit I : Introduction:**

Development of Law of Trust in India.

Concept of Trust: distinction with Contract, Agency and Bailment.

Trust: classification.

**Unit II : Creation and Extinction of Trust:**

Definition and nature of Trust.

Kinds of Trust.

Rules for creation of Trust.

Extinction of Trust

**Unit III : Appointment of Trustees:**

Duties and Liabilities of Trustees.

Rights and Powers of Trustees.

Disabilities of Trustees.

Appointment of new Trustees.

Discharge of Trustees

**Unit IV : Beneficiary:**

Rights and Liabilities of the Beneficiary.

**Unit V : Certain obligations in the nature of Trusts.****Unit VI : Maharashtra Public Trust Act 2009-**

Establishment, Charitable Purpose and Validity of certain Public Trust, Registration of Public Trust.

**Unit VII : Maharashtra Public Trust Act 2009-**

Powers and duties of trustees – Restriction on Trust – Control over trust- Function and Power of

Charity Commissioner- Procedure and Jurisdiction of Charity Commissioner-Public trust administration fund

**Unit VIII : Nature and Scope of Equity:**

General conception of Equity.

Nature, origin and growth of Equity.

Equity and the Common Law.

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)
10. Tandon M. P., Indian Trusts Act, 1882 (with Fiduciary Relations), (2014), Allahabad Law
11. Maharashtra Public Trust Act 2009

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**Paper-III**  
**Professional Ethics**

Theory Marks: 80

**Unit I INTRODUCTION:**

- Importance and Contribution of Legal Profession
- Development of Legal Profession in India
- Legal Profession before British Period
- Legal Profession during British Period
- Legal Profession after Independence

**Unit II PROFESSIONAL ETHICS OF LAWYERS:**

- i. Meaning and necessity of Professional Ethics
- ii. Standard of Professional Conduct and Etiquette
- iii. Duty to the Court
- iv. Duty to the Client
- v. Duty to the Opponent
- vi. Duty to the Colleagues
- vii. Duty towards Community
- viii. Duty towards Country
- ix. Tenets for successful Advocacy

**Unit III :The Advocates Act 1961****BAR COUNCILS**

- i. State Bar Council- Establishment, Constitution, Powers and Functions
- ii. Bar Council of India- Establishment, Constitution, Powers and Functions

**Unit IV :The Advocates Act 1961****ADMISSION, ENROLMENT AND RIGHTS OF ADVOCATE:**

- i. Admission and Enrolment
- ii. Senior Advocates and other Advocates
- iii. Person who may be admitted as an Advocate on a State Roll
- iv. Disqualification for Enrolment
- v. Authority to whom Application for Enrolment may be made
- vi. Disposal of Application for Admission as an Advocate
- vii. Removal of names from Roll of State Bar Council
- viii. Special provision for enrolment of certain Supreme Court Advocates
- ix. Dispute regarding Seniority of Advocate
- x. Certificate of Enrolment of Advocate
- xi. Right of Pre-audience
- xii. Rights of Advocates

**Unit V :The Advocates Act 1961****PROFESSIONAL AND OTHER MISCONDUCT:**

- i) Meaning and scope of Professional and other Misconduct
- ii) Power of State Bar Council to punish for Professional or other Misconduct
  - a) Procedure for initiating cases of Misconduct by State Bar Council
  - b) Powers of Disciplinary Committee of State Bar Council
- iii) Power of of Bar Council of India to punish for Professional or other Misconduct
  - a) Procedure for initiating cases of Misconduct
  - b) Powers of Disciplinary Committee Bar Council of India
- iv) Remedies to the Advocate against order of Punishment
  - a) Review of order by Disciplinary Committee
  - b) Appeal to Bar Council of India
  - c) Appeal to Supreme Court

**Unit VI LAW OF CONTEMPT OF COURT:**

- i) Concept of Contempt of Court in India
- ii) Background and object of Law of Contempt
- iii) Constitutional validity of Contempt of Courts Act, 1971
- iv) Categories of Contempt of Court
  - a) Civil Contempt

- b) Defences in Civil Contempt
- c) Criminal Contempt
- d) Defences in Criminal Contempt
- v) Contempt jurisdiction of High Court and Supreme Court
- vi) Contempt by Lawyers, Judges, State and Corporate Bodies
- vii) Remedies against Punishment
  - a) Apology, Appeal and Review

**Unit VII BENCH-BAR RELATION:**

- i) Co-operative interaction between Lawyers and Judges
- ii) Duties of Judges towards the Advocates
- iii) Duties of Bar towards the Bench

**Unit VIII PROFESSIONAL ACCOUNTING SYSTEM**

- i) Object and necessity of Bookkeeping and Accountancy
- ii) Books of Accounts to be maintained by Legal Professional

**Unit X Selected Judgments on Professional Ethics**

1. Tek Chand Vs. Pramod Kumar Chaudhary (BCI Tr. Case no. 22/ 1988)
2. Pandurang D. Khandekar vs The Bar Council Of Maharashtra, (AIR 1984, 110/ 1984 SCR (1) 414)
3. P.D. Gupta Vs. Ram Murti & Anr (Civil Appeal no. 115496/1986)
4. R.D. Saxena Vs. Balram Prasad Sharma (Civil Appeal no. 1938/ 2000)
5. BCI Vs. M.V. Dabholkar, AIR 1976 SC 242
6. Kanta Prasad Vs. Baldeo Sahai Rastogi (DC Appeal No. 28/ 1996)

**Books Recommended :**

- 1) Dr. S. P. Gupta, Professional Ethics, Accountancy For Lawyers & Bench-Bar Relation, (2004) Central Law Agency, Allahabad.
- 2) Prof. Anirudh Prasad, Principles of the Ethics of Legal Profession in India (2006) University Book House (P) Ltd. Jaipur.
- 3) Selected Judgements on Professional Ethics-Bar Council of India Trust

**Paper-IV****Public Interest Lawyering and Legal Aid (Practical)****Practical Marks : 100**

- Unit I** Public Interest Litigation.
- Unit II** Negotiation., Counselling, Pleading and Cross Examination.
- Unit III** Legal-aid.
- Unit IV** Ombudsman, Lokpal and Lokayukta
- Unit V** Consumer Disputes Redressal Agencies.
- Unit VI** Legal literacy/Legal Education in India.
- Unit VII** Law Journals and Reports.
- Unit VIII** Case Comments.
- Unit IX** Law Office Management.
- Unit X** Jail Visits and Police Station Visits.

The students are expected to cover all the aforesaid topics in their practical note book after observation/participation in the aforesaid exercises.

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**PAPER-V****Labour and Industrial Law****Theory Marks: 80.**

- UNIT-I Historical perspectives**  
Labour Capital conflicts - evolution of Labour laws- Laissez fair to Welfare State- Constitutional Perspectives of Labour welfare and Industrial relations;
- UNIT -II The Trade Union Act 1926**  
Concept of Collective bargaining; Trade Unions: History of Trade Union Movement - The Trade Union Act 1926 - Definitions - Registration - Rights and Liabilities of Registered Trade Unions - Immunities - Amalgamation and dissolution of Unions - Reorganization of Trade Unions.
- UNIT-III The Industrial Disputes Act 1947**  
Prevention and Settlement of Industrial Disputes in India - The role of State in Industrial Relations - The Industrial Disputes Act 1947 - Definition of industry - Industrial Dispute - Individual Dispute - workman- Lay off - Retrenchment - Closure -Award - Strike - Lockout

**UNIT—IV The Industrial Disputes Act 1947**

Authorities under the ID Act – Works committee – Conciliation  
 - Court of inquiry - Labour Courts- Tribunal – Powers and  
 functions of authorities - Voluntary Arbitration - Provisions under  
 Chapter V-A & V- B of the Act- Alteration of conditions of service  
 - Management rights of action during pendency of proceedings  
 - Recovery of money due from employer – Unfair labour  
 practices - miscellaneous provisions of the Act.

**UNIT—V The Employee's Compensation Act, 1923**

Aims & Objects of Act, Employer's Liability for compensation  
 Calculation and basis of determination, distribution of  
 compensation, Contracting out Authorities under the Act..

**UNIT -VI The Factories Act 1948**

The Factories Act 1948 – salient features of Factories Act, The  
 inspecting staff, Chapters dealing with Health, Safety and Welfare  
 of Labour.

**Suggested Readings:**

1. O.P.Malhotra: The Law of Industrial Disputes ,Universal ,Delhi
2. S.C.Srivastava: Commentaries on Factories Act, 1948, Eastern,  
Lucknow
3. Srivastava: *Law of Trade Unions* , Eastern Book Company, Lucknow
4. Goswami : *Labour and Industrial Law*, Central Law Agency.
5. R.F. Rastomji : *Law of Industrial Disputes* : Asia Publishing House,  
Mumbai
6. S.N. Misra : *Labour and Industrial Law*
7. J.N. Malik : *Trade Union Law*
8. Khan & Khan : *Labour Law* , Asia Law House, Hyderabad
9. S.C. Srivastava : *Industrial Relations and Labour Law*, Vikas  
Publishing House
10. Reports of the National commission on Labour I/II

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LL.B. (3 Years Degree Course)

Fifth Semester

Paper - I

**Jurisprudence**  
(Effective from 2016-2017)

**Theory Marks: 80**

**Unit I : Introduction :**

- i. Meaning of 'Jurisprudence'
- ii. Nature, Scope and importance of the Study of Jurisprudence
- iii. Definition, Nature and Purpose of Law
- iv. Classification of Law

**Unit II : Schools of Jurisprudence :**

- i. Natural Law Theory
- ii. Analytical Positivism
- iii. Historical School
- iv. Sociological School

**Unit III : Sources of Law :**

- i. Meaning and classification of sources of Law
- ii. Legislation
- iii. Precedent
- iv. Custom
- v. Juristic writings and professional opinion

**Unit IV : Legal Rights :**

- i. Concept and characteristics of legal right
- ii. Kinds of legal right
- iii. Right -Duty Correlation
- iv. Legal right in a wider sense – Hohfeldian Jural Analysis

**Unit V : Persons :**

- i. Concept of 'Person'
- ii. Kinds of Person
- iii. Legal status of unborn person, minor, lunatic and dead persons, legal status of idol, legal status of mosque, Legal status of animal.

**Unit VI : Possession :**

- i. Concept
- ii. Kinds of possession
- iii. Modes of acquiring possession

**Unit VII : Ownership :**

- i. Concept of ownership
- ii. Kinds of ownership

iii. Difference between possession and ownership  
**Unit VIII : Title**

**Unit IX : Property**

- i. Meaning
- ii. Kinds of property
- iii. Modes of acquiring property

**Unit X : Liability :**

- i. Definition and Kinds of Liability
- ii. Conditions for imposing liability
- iii. Wrongful Act
- iv. Damnum sine injuria & Injuria sine Damnum
- v. Mens rea
- vi. Intention
- vii. Negligence

**Unit XI : The law of Obligation**

- i. Meaning and Sources of Obligation
- ii. Nature and kinds of Obligation

**Unit XII : Procedure**

- i. Administration of Justice
- ii. Substantive and procedural Law
- iii. Evidence – Nature and Kinds

**Suggested Books :**

- 1) Fitzgerald, (ed) Salmond on Jurisprudence (1999), Tripathi Bombay.
- 2) Dias, Jurisprudence (1994 first Indian re-Print), Aditya Books, New Delhi.
- 3) W. Friedman, Legal Theory (1999) Universal Delhi.
- 4) V.D. Mahajan, Jurisprudence and Legal Theory (1996 re-print) Eastern, Lucknow
- 5) Roscoe Pond, Introduction to the Philosophy of Law (1998 Re-print) Universal Delhi.
- 6) Dhyani S.N. Jurisprudence: A Study of Indian Legal Theory 1985, Metropolitan, New Delhi.
- 7) Tripathi Mani B.N. An Introduction to Jurisprudence: Legal Theory, Allahabad Law Agency

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Fifth Semester  
 Paper – II  
 Public International Law

- Unit I : Introduction –**
- i. History of International Law
  - ii. Theories of International Law as to its basis
  - iii. Codification in International Law
  - iv. Definition, Nature, Scope and Present day position of International Law
  - v. Public and Private International Law
- Unit II : Sources of International Law –**
- i. International Customs
  - ii. International Treaties and Conventions
  - iii. General principles of International Law
  - iv. United Nations General Assembly resolutions
  - v. Non-statute, other sources
- Unit III : Relationship between International Law and Municipal Law (Internal Law)**
- i. Theories
  - ii. State Practice with special reference to Indian Practice
- Unit IV : Subjects of International Law**
- i. States
  - ii. Individuals
  - iii. International Organizations and Non-State entities
  - iv. Multinational companies and Other private entities
- Unit V : State**
- i. Nature and Kinds of State
  - ii. Recognition of State and Governments
  - iii. State succession
- Unit VI : Jurisdiction of State**
- i. Territorial jurisdiction
  - ii. Personal jurisdiction
  - iii. Protective jurisdiction
  - iv. Universal jurisdiction (terrorism, hijacking, narcotics, war-crimes and crimes against peace)
  - v. Diplomatic immunities and privileges
  - vi. State immunity
- Unit VII : Law of State responsibility**

- i. Responsibility arising out of
  - a. Acts of State (Direct responsibility)
  - b. Acts of Individuals (indirect responsibility)
  - c. Act of Corporations
  - d. State responsibility for other subjects of International Law
- ii. Consequences of state responsibility
- iii. Calvo clause - exhaustion of local remedies

**Unit VIII : Individuals and International law**

- i. Nationality
- ii. Extradition
- iii. Asylum

**Unit IX : International Transactions – Treaties**

- i. Significance of Vienna Convention on law of treaties
- ii. Creation of treaty - steps involved
- iii. Termination, suspension and invalidation of treaties
- iv. Interpretation of treaties
- v. Retro-active effect of treaties

**Unit X : Settlement of International disputes**

- i. Peaceful settlement of International disputes
- ii. Coercive settlement of International disputes (with reference to provisions of the UN Charter)
- iii. War and UN charter

**Unit XI : Legal Control of International Conflicts**

- i. Prohibition of use of force
- ii. Weapons of mass destruction and International law
- iii. International Humanitarian law

**Unit XII : Intervention**

- i. Meaning and Definition
- ii. Grounds of Intervention
- iii. Monroe Doctrine, Drago Doctrine

**Unit XII : International Institutions**

- i. Basic purpose, Principles and Membership of United Nations
- ii. Organs of United Nations - with special reference General Assembly, Security Council and International Court of Justice.

**Suggested Books:**

1. Kapoor S K, Human Rights and Indian Laws International Law, Central Law Agency, Allahabad
2. Agarwal H O, International Law and Human Rights, Central Law Publications, Allahabad
3. Tondon M.P, International Law, Allahabad Law House, Faridabad
4. Gurdip Singh, International Law, Mackmillan Indian Limited, New Delhi.
5. Starke J.G, Introduction to International Law, Aditya Books Pvt. Ltd., New Delhi.
6. Shaw Malcohm N, International Law, Cambridge University Press.
7. Brownlie Ian, Principles of Pubic International Law
8. O'Connell, International Law
9. Oppenheim, International Law (Vols 1 & 2)
10. Hamis, Cases and Material on International Law
11. Green L.C., Cases and Materials on International Law
12. Indian Journal of International Law.

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**Fifth Semester****Paper – III****Transfer of Property and Easement****Theory Marks : 80****Unit I : FUNDAMENTAL CONCEPT OF PROPERTY**

- i. Concept and Meaning of Property.
- ii. Kinds of Property.
- iii. Concept of Possession and Ownership – Finder of lost goods
- iv. Historical background of Transfer of Property Act.
- v. Application and Scope of Act.

**Unit II : GENERAL PRINCIPLES OF TRANSFER OF PROPERTY**

- i. Definition of 'Transfer of Property'.
- ii. What may be transferred?
- iii. Persons competent to transfer.
- iv. Operation of transfer.
- v. Kinds of transfer – Oral Transfer and Conditional Transfer.
- vi. Conditions/Restrictions affecting Interests (Sec. 10, 11 & 12).

- vii. Transfer for benefit of Unborn Person.
- viii. Rule against perpetuity.
- ix. Kinds of Interests - Vested Interest and Contingent Interest.
- x. Election.

**Unit III : TRANSFER OF IMMOVABLE PROPERTY**

- i. Transfer by some persons:
- ii. Transfer by person authorized only under certain circumstances.
- iii. Transfer by Ostensible Owner.
- iv. Transfer by person having authority to revoke former transfer.
- v. Transfer by unauthorized person who subsequently acquired interest in Property transferred.
- vi. Transfer by Co-Owner (Sec. 44, 46 & 47).
- vii. Joint Transfers
- viii. Priority of rights created by transfer.
- ix. Transfer of property pending suit relating thereto.
- x. Fraudulent transfer.
- xi. Part performance.

**Unit IV : SALE OF IMMOVABLE PROPERTY**

- i. Definition of 'Sale'.
- ii. Rights and liabilities of buyer and seller.
- iii. Marshalling by subsequent purchaser
- iv. Discharge of encumbrances on sale.

**Unit V : MORTGAGES OF IMMOVABLE PROPERTY AND CHARGES**

- i. Definition of 'Mortgage', 'Mortgagor', 'Mortgagee', 'Mortgage Money' and 'Mortgage Deed'.
- ii. Kinds of Mortgage.
- iii. Rights and liabilities of Mortgagor.
- iv. Rights and liabilities of Mortgagee.
- v. Redemption
- vi. Charges- Meaning, Enforcement and Extinction of Charge, Distinction between Charge and Lien.

**Unit VI : LEASE OF IMMOVABLE PROPERTY**

- i. Definition of 'Lease'.
- ii. Duration of lease.

- iii. Lease how made.
- iv. Rights and liabilities of the Lessor.
- v. Rights and liabilities of the Lessee.
- vi. Determination of Lease.

**Unit VII : EXCHANGE –**

- i. Meaning and Characteristics,
- ii. Rights and Liabilities of parties,
- iii. Distinction between - Sale and Exchange, Exchange and Partition

**Unit VIII : GIFT –**

- i. Meaning and Characteristics,
- ii. Mode of Transfer ,
- iii. Suspension and Revocation of Gifts
- iv. Kinds of Gifts ,
- v. Universal Donee

**Unit IX : ACTIONABLE CLAIMS-**

- i. Meaning, Transfer of Actionable Claim,
- ii. Liability of Transferee of actionable claim

**Unit X : EASEMENT**

- i. Meaning, Nature and characteristics of Easement.
- ii. Imposition, Acquisition and Transfer of Easement.
- iii. Incidents of Easement.
- iv. Disturbance of Easement.
- v. Extinction, Suspension and Revival of Easement.
- vi. Extinction of Easement. (Sec. 37 to 48).
- vii. Suspension of Easement. (Sec. 49 & 50).
- viii. Revival of Easement.
- ix. Licenses (Sec. 52 to 64).

**Suggested Books:**

1. Sarathi V.P., Law of Transfer of Property, Eastern book company, Lucknow.
2. Shah S.M. Principles of the Law of Transfer
3. Mulla on Transfer of Property Act, Tripathi Publication
4. Lahiri M.M. Transfer of Property Act, India Law House, New Delhi
5. Avtar Singh, The Transfer of Property Act, Universal Law Publishing Co., Delhi.

6. GCV Subba Rao, Law of Transfer of Property, ALT Publications

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**Fifth Semester  
Paper – IV  
Land Laws**

**Theory Marks: 80**

**Unit I: The Maharashtra Land Revenue Code, 1966.**

- i. Definitions (Sec.2)
- ii. Revenue Areas and Revenue Officers (Sec. 3-16)
- iii. Government Lands and restrictions on removal of natural products and cutting of trees. (Sec.20-28)
- iv. Grant of the Land (Sec. 29-36C)
  - a. Classes of persons holding Land
  - b. Alluvial Land
  - c. Disposal of intestate occupancies.
  - d. Disposal of relinquished and forfeited occupancies.
  - e. Restrictions on transfer of occupancies by Tribal.
- v. Use of Land (Sec.41-49)
  - a. Procedure for conversion of use of land from one purpose to another
  - b. Conversion Tax
  - c. Government titles to mines and minerals
  - d. Construction of water course through land belonging to other person
- vi. Encroachment on Land and regularization of encroachment (Sec.50-54)
- vii. Relinquishment of Land (Sec.55-60)
- viii. Land revenue and its Assessment (Sec.64-78)
- ix. Boundary and Boundary mark (Sec.132-146)
- x. Record of Rights (Sec. 147-159)
- xi. Nistarpatrak and wajib-ul-arz(Sec.160-167)
- xii. Methods of recovery of land revenue (Sec.168-191)
- xiii. Appeal , Revision and Review (Sec. 246-259)
- xiv. Maharashtra Revenue Tribunal (Sec.308-326)

**Unit II : MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966**

- i. Definitions (Sec.2)
- ii. Establishment of regions and constitution of Regional planning Board (Sec.3-12)
- iii. Regional Plan (Sec.13-20)
- iv. Development Plan (Sec.21-37)
- v. Unauthorised Development (Sec.52-58)
- vi. Town Planning Scheme (Sec. 59-71)
- vii. The Arbitrator and Tribunal of Appeal (Sec.72-95)
- viii. New Towns (Sec.113-124)

**Unit III : THE LAND ACQUISITION ACT**

- i. Definitions
- ii. Acquisition of Land
- iii. Reference to Court
- iv. Matters to be considered and Neglected in determining compensation
- v. Award by Court
- vi. Apportionment and payment of Compensation
- vii. Temporary Occupation of Land
- viii. Acquisition of Land for Companies

**Suggested Readings:**

1. A. K .Gupte and Dighe, The Maharashtra Land Revenue Code ,1966 Hind Law House, Pune.
2. Sameer Tendulkar and H. M. Bhatt, Maharashtra Regional and Town Planning Act, 1966
3. R. Choudhari, The Land Acquisition Act, Orient Law Agency, Allahabad
4. The Land Acquisition Act- Bare Act
5. Maharashtra Regional and Town Planning Act, 1966- Bare Act
6. Maharashtra Land Revenue Code, 1966- Bare Act
7. D. R. Chaudhari, A. N. Chaudhari – Land Laws in Maharashtra, CTJ Publications, Pune
8. Dr. N. MaheshwarSwamy – Land Laws under the Constitution of India, Asia Law House, Hyderabad.

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**Fifth Semester**  
**Paper – V**  
**Legal Research Methodology**

Theory Marks: 80

**Unit-I : Basic Concepts:**

- i. Meaning and characteristics of research.
- ii. Concepts and meaning of Social Science Research.
- iii. Meaning and characteristics of Legal Research
- iv. Plagiarism

**Unit-II : Legal Research and Legal Reasoning:**

- i. Doctrinal and Non-Doctrinal Research- Meaning and Characteristics
- ii. Advantages and Disadvantages of Doctrinal and Non-Doctrinal Research
- iii. Indian Background of Legal Research
- iv. Legal Research and Law Reform
- v. Legal Research for Practicing Lawyers
- vi. Legal Reasoning- Inductive and Deductive

**Unit-III: Research Design and Major Steps in Research**

- i. Selection and Formulation of Research Problem
- ii. Hypothesis- Qualities of a good Hypothesis ,Null Hypothesis & Alternative Hypothesis, Importance of Hypothesis ,Testing the Hypothesis
- iii. Analysis of concepts and variables
- iv. Collection of Data
- v. Analysis and Interpretation of Data
- vi. Finding, Conclusions, Suggestions and Reporting

**Unit-IV: Methods and Techniques of Data Collection**

- i. Universe of the Study
- ii. Census Method
- iii. Sampling Method and types of Sampling
- iv. Sources of Data- Primary and Secondary

**Unit-V : Tools of Data Collection**

- i. Observation
- ii. Interview
- iii. Questionnaire

**Unit-VI : Report Writing in Legal Research**

- i. Analysis of data
- ii. Interpretation of Data
- iii. Correct usage of citation, references and bibliography

**Guideline for Sessional / Assignment of 20 Marks:** Students are required to submit a Research Paper on relevant law subject by using doctrinal method as assigned by subject Teacher.

**Suggested Books:**

1. Bhandarkar and Wilkinson (2009), Methodology and Techniques of Social Research, Himalaya Publishing House, Mumbai.
2. Goode, W. J. & Hatt, P. K., Methods of Social Research, McGraw Hill, New York
3. S.K. Verma & Afzal Wani- Legal Research Methodology
4. Ratan Singh, Legal Research Methodology, Lexis Nexis, Gurgaon, Haryana
5. Indian Law Institute's Legal Research Methodology, edited by S. K. Varma, M. Afzal Wani, New Delhi.
6. Jain S. N., Legal Research Methodology, I.L.I. (1983), Publication, Ed; Tripathi Pvt. Ltd., Bombay.
7. Anderson J. Durstan, B.H. Pooli M. (1977), Thesis and Assignment Writing, Eastern Books Limited, New Delhi.

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**LL.B. (3 Years Degree Course)****Sixth Semester****Paper – I****Administrative Law****(Effective from 2016-2017)****Theory Marks: 80****Unit I: Evolution and Scope of Administrative Law**

- i. Nature, Scope and Development of Administrative Law
- ii. Rule of Law and Administrative Law
- iii. Separation of Powers and its relevance
- iv. Concept of State from laissez-fair to social welfare in Modern State

**Unit II : Legislative Function of Administration**

- i. Nature, Meaning and Growth and Need
- ii. Constitutional Validity
- iii. Control- Legislative, Judicial, Procedural
- iv. Sub delegation, Conditional legislation, Henry VIII Clause.

**Unit III: Administrative Tribunals:**

- i. Nature, growth and need.
- ii. Judicial control on Administrative Tribunals
- iii. Doctrine of Ultra virus, lack of Jurisdiction, delinking Jurisdiction.
- iv. Principles of Natural Justice: Rule against Bias, Audi AltermPartem: Essentials of hearing process, Cross examination, Legal representation, Pre and post-decisional hearing
- v. Rules of evidence-no evidence, some evidence and substantial evidence,
- vi. Reasoned decision.

**Unit IV : Administrative Discretion.**

- i. Need for Administrative Discretion
- ii. Judicial review of administrative discretion.
- iii. Judicial control of exercise of administrative discretion.

**Unit V : Judicial control of Administrative action:**

- i. Exhaustion of Administrative remedies, Standing Laches, Res Judicata, Jurisdictional error, Error apparent on face of record, Violation of principles of natural justice, unreasonableness, Legitimate expectation,
- ii. Writ-Mandamus, Certiorari, Prohibition, Quo Warranto, Habeas Corpus,
- iii. Specific performance and Civil suits for compensation, Declaratory judgments and Injunctions.

**Unit VI: Public Corporations:**

- i. Growth, need, rights and liabilities of Public Corporations.
- ii. Legislative and Government Control,

**Unit VII Liability for Wrongs**

- i. Suits against the Government in Torts and Contract,
- ii. Government Privileges in Legal Proceeding.

**Unit VIII: The Ombudsman:**

- i. The necessity of Ombudsman, check and control of administrative action, Ombudsman in India - The Lokpal and Lokayukta
- ii. Transparency in Administration, Right to Information Act

**Unit IX: Commission of Inquiry:**

- i. Nature, Scope, need and functions.
- ii. Procedure and legal status.

**Suggested Books :**

1. Wade, Administrative Law (VII Ed.) Indian Print, Universal
2. M.P.Jain, Principles of Administrative Law, Universal Delhi
3. S.P.Sathe, Administrative Law, Butterworths, Delhi
4. C.K.Thakkar, Administrative Law, Eastern Book Co.
5. Massey, Administrative Law
6. D. D. Basu, Comparative Administrative Law -

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**L.L.B. (3 Years Degree Course)****Sixth Semester****Paper - II****Cyber Law and Computer**

(Theory- Marks 70)

(Practical Exam Marks :30)

**Unit-I : Meaning and Concept of Cyber Law**

- i. Computer and Internet
- ii. Functional Components of Computer
- iii. Meaning of Cyber Law, Need for Cyber Law.

**Unit-II : Cyber Crimes and its Various Categories:**

- i. Meaning, Nature and Scope of Cyber Crime and relevance with Conventional Crimes.
- ii. Characteristics, Causes of Cyber Crimes and Measures to combat Cyber Crimes
- iii. Classification of Cyber Crimes, Cyber Crimes against Individuals, Institution and State.
- iv. Hacking and Cracking
- v. Digital Forgery
- vi. Cyber Stalking/Harassment

- vii. Cyber Pornography and Obscenity
- viii. Identity Theft
- ix. Cyber terrorism
- x. Cyber Defamation
- xi. Virus attacks
- xii. Computer Fraud
- xiii. Social Networking Crimes.

**Unit-III : Information Technology Act, 2000**

- i. Silent features of Information Technology Act, 2000,
- ii. Definitions, Digital Signatures, Authorities and Digital Signature Certificates, Electronic Governance, Security Procedures, Electronic Contracts, Penalties and Adjudication, Cyber Appellate Tribunal, Offences, Liabilities of Service Providers.
- iii. Impact on other related Acts (Amendments): Amendments to Indian Penal Code, 1860, Indian Evidence Act, 1872, Bankers Books Evidence Act, 1891, Reserve Bank of India Act, 1934.

**Unit-IV : Cyber Space Jurisdiction and Investigation of Cyber Crime:**

- i. Territorial jurisdiction, Extra Territorial jurisdiction and Personal jurisdiction in cyberspace.
- ii. Investigation of Cyber crime:
- iii. Introduction to Cyber Crime Investigation
- iv. Cyber Forensics, Investigation Tools
- v. Digital Evidence, Collection of Evidence
- vi. Admissibility of Electronic records
- vii. Problems in investigation

**Unit-V : Information Technology and Intellectual Property:**

- i. Relevant provisions of Indian Copyright Act, 1957 and Indian Trade Mark Act, 1999.
- ii. Software Piracy, Musical Piracy, Protection of Software and Hardware, Domain name disputes, Cyber Squatting, Law relating to Semiconductor, Layout and Design.

## Submission of Practical Journal and Viva-voce

**Unit-I : Windows**

Start button and task bar, hiding and showing task bars, windows appearance, basic mouse and keyboard techniques, keyboard shortcuts, customizing mouse, opening and closing windows and desktop settings.

**Unit-II : Introduction 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.

**Unit-III : Introduction to MS-Excel:**

Introduction to Excel, Concept of Worksheet and Workbook, Creating a new worksheet, saving and closing a worksheet, different views in Excel.

**Unit-IV : Introduction to MS-Powerpoint:**

Introduction to Powerpoint, Designing, Saving and closing presentation, Different views of Powerpoint. Inserting Slide, Pictures, Cliparts, Organization Chart, Tables, Chart, Text Styling, Hide and Unhide slide, Header and Footer Animation settings, Custom Animation, Transition, Applying Timings and sound effects to slide and text, Slide Show

**Unit-V : Internet**

Creation of Email ID, Exchange of Email with and without attachment, Searching Legal materials on Internet using different search engines, downloading and uploading of data, Searching cases from the official sites of Supreme Court of India and High Court of Bombay.

**Suggested Books :**

1. DuggalPavan, Cyber Law, Universal Law Publication company,2014
2. Rodney d Ryder, Intellectual Property and the Internet, Butterworth, Lexis Nexis
3. Stewart Room, Data Security Law and Practice, Butterworth, Lexis Nexis

4. Sharma Vikul, Information Technology Law and Practice, Universal Law Publication Co.
5. Nandan Kamath, Law Relating to Computer, Internet and E-commerce, Universal Law Publication Co.
6. Lillian Edwards, Law and the Internet: Regulating Cyber Space, Hart Publishing, Oxford
7. Paul Cullen, Computer Crime, Hart Publishing, Oxford

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**Sixth Semester  
Paper – III  
Interpretation of Statutes**

Theory Marks: 80

**Unit I: Principles of legislation**

- i. Law making- Legislature, Executive and Judiciary
- ii. Principles of utility
- iii. Relevance of John Rawls and Robert Nozick- Individual interest to community interest.
- iv. Morals and Law, Distinction between Morals and Law

**Unit II: Interpretation of Statute**

- i. Meaning of Statute, Perpetual and Temporary Statute, Delegated Legislation.
- ii. Commencement, Operation, Expiry and Repeal of Statute
- iii. Meaning, Objects and Purpose of Interpretation or Construction,
- iv. General Clauses Act.

**Unit III: Primary Rules of Statutory interpretation -**

- i. Literal rule
- ii. Golden rule
- iii. Mischief rule
- iv. Harmonious construction
- v. Statute must be read as a whole
- vi. Statute to be construed to make it effective and workable

**Unit IV: Subsidiary Rules of interpretation—**

- i. - Noscitur a sociis
- ii. Ejusdem Generis
- iii. Reddendo Singula Singulis

- iv. Non Obstante Clause
- v. Same word same meaning
- vi. Use of different words
- vii. Rule of Last Antecedent
- viii. Legal Fiction
- ix. Mandatory and Directory Provisions
- x. Conjunctive and Disjunctive words 'or'/'and'.

**Unit V: Interpretation of Penal, Taxing and Remedial Statutes**

**Unit VI: Internal Aids to Construction**

Title, Preamble, Definition, Sections, Heading, Marginal Notes, Punctuation, Illustrations, Proviso, Explanation and Schedule, Transitional Provisions

**Unit VII: External Aids to Construction**

Parliamentary history, Historical facts and surrounding circumstances, Later socio-political and economic developments and scientific inventions, Reference to other statutes, Contemporanea exposition, Dictionaries, Use of foreign decisions.

**Unit VIII: Presumptions in statutory interpretation -**

- i. Statutes are valid
- ii. Statutes are territorial in operation
- iii. Presumption as to jurisdiction
- iv. Presumption against what is inconvenient or absurd
- v. Presumption against intending injustice
- vi. Presumption against retrospectivity
- vii. Presumption against exceeding constitutional powers

**Unit IX: Principles of Constitutional Interpretation**

- i. Doctrine of Pith and Substance
- ii. Colourable Legislation
- iii. Occupied Field
- iv. Residuary powers
- v. Doctrine of Repugnancy
- vi. Doctrine of Pleasure

**Suggested Readings**

1. Vepa P. Sarathi: Interpretation of Statutes, Eastern Book Co, 4th Edition, 1976.
2. Maxwell: Interpretation of Statutes, Butterworths Publications, 1976, 12th Edition.

3. G.P. Singh: Principles of Statutory Interpretation, Wadhwa and Company, 8th Edn., 2001.
4. Crawford: Interpretation of Statutes, Universal Publishers.
5. Chatterjee: Interpretation of Statutes.

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## Sixth Semester

## Paper IV

## Intellectual Property Laws

Theory Marks: 80

**Unit-I : Introduction :**

- i. Origin and Development of Intellectual Property Law
- ii. Concept, Meaning and Scope of Intellectual Property
- iii. Main Forms of Intellectual Property- Copyright, Patent, Designs and Trademark
- iv. Rationale of Protection of Intellectual Property Rights.

**Unit-II : Copyright Law in India :**

- i. Historical evolution of Copyright Law, Meaning of Copyright, Works in which copyright subsist, Author and First owner of Copyright, Ownership of Copyright.
- ii. Assignment of Copyright, Author's Special Rights, Term of Copyright, Authorities under Copyright Act, Registration of Copyright and its effect.
- iii. Broadcast Reproduction Right, Performer's Rights.
- iv. Infringement of copyright, Remedies for Infringement.
- v. Copyright Societies.

**Unit-III : Patent Law in India :**

- i. Concept of Patent, Salient features of Patent, Historical overview of the Patent Law in India, Invention, Patentable Inventions, Protection of Traditional Knowledge.
- ii. Process of obtaining a Patent, Rights and Obligations of Patentee, Limitations of, the rights of Patentees, Transfer of the Patent Rights, Revocation and Surrender of Patents.
- iii. Authorities under Patent Act.
- iv. Infringement of Patents and remedies.

**Unit-IV : Trade Marks Law in India :**

- i. Definition and concept of Trade Mark, Service Mark.

- ii. Registration of Trade Mark, Doctrine of Honest concurrent user, Doctrine of Deceptive Similarity.
- iii. Protection Well Known Trade Mark, Collective Mark and Certification Mark.
- iv. Passing off and Infringement of Trade Marks, Passing off action, Remedies for Infringement of Trade Marks.

**Unit-V : Law relating to Designs in India :**

- i. Concept and Meaning of Design, Registration, Rights, Infringement and Remedies.
- ii. Other forms of Intellectual Property- Geographical Indications, Protection of Plant Variety, Semiconductor Integrated Circuits Layout- Design.

**Unit-VI : International regime of Intellectual Property:**

International Conventions-Berne Convention, Universal Copyright Convention, Paris Convention, Patent Co-operation Treaty, Madrid Agreement on Trade Marks, WIPO, TRIPS.

**Suggested Books:**

1. N.S. Gopalkrishnan: Cases & Materials on Intellectual property, Law, National Law School of India University, Bangalore, 1992
2. T.R. Srinivasa: The Copyright Act, 1957.
3. W.R. Cornish: Intellectual Property Law, Sweet and Maxwell
4. P. Narayanan: Intellectual property Law, Eastern Law House, Calcutta
5. W. R. Cornish: Intellectual Property, Patents, Trademarks, Copyrights and allied rights, Asial Law House, Hyderabad
6. P Narayanan - Patent Law
7. P Narayanan- Copyright and Industrial Designs
8. P Narayanan- Trade Marks and Passing off
9. R G Chaturvedi- - Iyengar's Copyright Act
10. Wadhera B L- Patents, Trade Marks Copyright, Designs and Geographical Indications.

**Important Case Laws:**

1. R.G Anand v. M/S. Deluxe Films AIR 1978 SC 1613
2. LallubhaiJariwala v. ChimanLalChunniLal& Co., AIR 1986
3. Indian Performing Right Society Ltd. v. Eastern Indian Picture Association and others AIR 1977 SC 1443
4. Bishwant Prasad RadheyShyam v. M/s Hindustan Metal Industries AIR 1982 SC 1444.

5. Manu Bhandari v. Kalavikas Pictures AIR 1987 Delhi 13
6. Ajay Industrial Corp. v. ShiroKanao of Iboraki City AIR 1986 Delhi 496
7. Case Related to The Turmeric (Curcuma longa Zingiberacea)
8. Case Related to Neem (Azadirachta Indica)
9. Case Related to Basmati (Oryza Sativa)

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## Sixth Semester

## Paper- V

Drafting, Pleading and Conveyancing - (Practical)

Total - 100 Marks

**Unit I: Drafting/Pleadings:**

Every student is required to do 15 exercises in drafting and pleading (to be written in Journal) with 3 Marks for each exercise.

**A. General Principles of Drafting and Pleadings****B. Civil**

- i. Complaint
- ii. Written Statement
- iii. Interlocutory Application
- iv. Affidavit
- v. Execution Petition
- vi. Memorandum of Appeal and Revision
- vii. Application under Indian Succession Act
- viii. Caveat Application
- ix. Special leave petition under Article-136
- x. Writ Petition
- xi. Public Interest Litigation

**C. Criminal**

- i. Complaints
- ii. Criminal Miscellaneous Petition.
- iii. Bail Application and Anticipatory Bail Application
- iv. Memorandum of Appeal and Revision

**Unit II: Conveyancing**

Every student is required to do 15 exercises in conveyance (to be written in Journal) with 3 Marks for each exercise.

- A. Meaning and scope of Conveyancing, Fundamental Principles of Conveyancing, Parts of a deed
- B. Deeds
  - i. Sale Deed
  - ii. Mortgage Deed
  - iii. Lease Deed
  - iv. Leave and License
  - v. Gift Deed
  - vi. Promissory Note
  - vii. Power of Attorney
  - viii. Will Deed and Codicil
  - ix. Assignments
  - x. Deed of Exchange
  - xi. Adoption Deed
  - xii. Partnership Deed and Deed of Dissolution of Partnership
  - xiii. Deed of Public Trust
  - xiv. Partition Deed

**Unit III: Viva Voce**

It includes viva voce examination on the above aspects for 10 Marks.

**Suggested Books:**

1. Mogha P. C. - Indian Conveyancing
2. D'souza - Conveyancing, Eastern Law House, Calcutta, New Delhi.
3. Tjoriwala M. T. - Law and Practice of Conveyancing
4. Bindra N. S. - Conveyancing, Draftsman, Interpretation Deed, Law Publisher, Allahabad
5. Mogha's Law of Pleading, Eastern Law House, Calcutta.
6. Banerjee B. N. - Criminal Pleading
7. G. M. Kothari - Drafting, Conveyancing and Pleading
8. Stone and Iyer - Pleadings.
9. Shiva Gopal - Conveyancing, Precedent and Forms, Eastern Book Company, Lucknow.
10. Adv. B. E. Avad - Draftsman
11. Chaturvedi - Law of Pleadings, Conveyancing
12. Civil Manual
13. Criminal Manual.

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**Sixth Semester**  
**Paper VI**  
**Court Visit and Internship**  
(Practical :100 Marks)

The students will have to complete not less than 30 Court Visits in the semester under the guidance of a practicing lawyer who shall be approved by the college as the guide and possess a minimum 10 years standing in the Bar. During this period the students are also required to attend the office of the guide / practicing lawyer for Internship work which shall be for not less than 12 weeks. A full time teacher shall monitor the visits as a supervisor for maintaining the attendance of students and signing the dairies of the students, maintaining the records along with the dates. The full time teacher will share work – load of 2 lectures in a week for court visit of one section / batch.

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