

Shivaji University, Kolhapur



Faculty of Humanities (LL.B.-Three Year)

Bachelor of Laws Degree Program

Choice Based Credit System (CBCS)

(To be implemented from Academic Year 2019-20)

w.e.f July, 2019

(As Amended in March 2020)

NOTE:- In pursuance of four discussions in BOS Meeting changes have been made. Some

rules or points are inserted which are shown in **BOLD** and UNDERLINE style.

Shivaji University, Kolhapur
Regulations and Guidelines
Under Choice Based Credit System (CBCS)
Bachelor of Laws (LL.B.) Three Year Degree Program
 (To be implemented from Academic Year 2019-20)
(As Amended in March 2020)

1. **LL.B. Rule 1: Implementation of Regulations & guidelines-** The Regulations and guidelines shall be implemented as mentioned below-

LL.B. Part – I, Sem I & II from Academic year 2019-20 LL.B. Part– II, Sem III & IV from Academic year 2020-21 LL.B. Part– III, Sem V & VI from Academic year 2021-22

The Course and Duration:

- a) LL.B. degree course constitutes Bachelor's Degree Course in Law.
 b) The duration of the LL.B. Courses shall be 3 academic years consisting of 6 semesters.
 c) Each academic year shall be divided into two semesters:

Course	July to November / December	December to April / May
3 Year First LL.B.	Semester I	Semester II
3 Year Second LL.B.	Semester I II	Semester I V
3 Year Third LL.B.	Semester V	Semester VI

- d) Each Semester shall consist of 15 weeks with not less than 30 class hours per week.
 e) The papers and the syllabus shall be as given in the Scheduled –A appended to these regulations.

2. LL.B. Rule 2: Eligibility Criteria:

- a) Admission into 3 Year LL.B. Course is subject to MH-CET, Government of Maharashtra and Shivaji University Rules and Regulations.
 b) An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognized as a Deemed University or Foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years programme leading to conferment of LL.B. degree on successful completion of the regular programme conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the three years LL.B. programme.

Explanation: The applicants who have obtained 10+2 or graduation / post - graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law course.

3. LL.B.Rule3:MinimumpercentageofQualifyingExamination:

Bar Council of India may from time to time, stipulate the minimum percentage of marks not below 45% of the total marks in case of general category applicants, 42% of the total marks in case of OBC category and 40% of the total marks in case of SC and ST applicants, to be obtained for the qualifying examination, such as +2 Examination in case of Integrated Five Years' course or Degree course in any discipline for Three years' LL.B. course, for the purpose of applying for and getting admitted into a Law Degree Program of any recognized University in either of the streams.

Provided that such a minimum qualifying marks shall not automatically entitle a person to get admission into an institution but only shall entitle the person concerned to fulfill other institutional criteria notified by the institution concerned or by the government concerned (including LAW CET), from time to time to apply for admission.

4. **LL.B. Rule 4: Admission Procedure:** As per MH-CET admission procedure prescribed by Government of Maharashtra.

5. **LL.B.Rule5:Attendance:** No student of any of the degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises, tutorials and practical training conducted in the subject taken together.

Provided that if a student for any exceptional reasons fails to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the Centre of Legal Education, as the case may be, may allow the student to take the test if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together. The similar power shall rest with the Vice Chancellor or Director of a National Law University, or his authorized representative in the absence of the Dean of Law.

Provided further that a list of such students allowed to take the test with reasons recorded be forwarded to the Bar Council of India.

6. LL.B.Rule6:Prohibitionagainstlateralentryandexit:

There shall be no lateral entry on the plea of graduation in any subject or exit by way of awarding a degree splitting the integrated double degree course, at any intermediary stage of integrated double degree course.

However, a University may permit any person to audit any subject or number of subjects by attending classes regularly and taking the test for obtaining a Certificate of participation from the University/ Faculty according to the rules prescribed by the University from time to time and gives a Certificate therefore.

7. LL.B.Rule7:PatternofCBCS:

- a) **The CBCS System:** All programmes shall be run credit-based semester system. It is an instructional package developed to suit the needs of the students to keep pace with the developments in higher education and the quality assurance expected of it in the light of liberalisation and globalisation in the higher education.
- b) **Credit:** The term credit refers to the weightage given to the course, usually in the relation to the instructional hours assigned to it. For instance, four hour theory course and one hour practical work for week is given five credits. However, in no instance the credits of a course can be greater than the hours allotted to it.

a) Three Year LL.B. Programme comprising of 6 semesters shall be of total 36 courses of minimum 192 credits which include 30 Compulsory Core Courses (Discipline Specific Core Courses i.e DSC) and 6 Ability Enhancement Compulsory Courses (AECC). **It is applicable to only those students, who are writing University theory examination in ENGLISH.**

b) Three Year LL.B. Programme comprising of 6 semesters shall be of total 37 courses of minimum 198 credits which include 31 Compulsory Core Courses (Discipline Specific Core Courses i.e DSC) and 6 Ability Enhancement Compulsory Courses (AECC). **It is applicable to students who are writing University theory examination in MARATHI.**

(From Academic Year 2019-2020 as per BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Courses shall be compulsory for the students who intend to write University examination in MARATHI. It means there will be total 31 Discipline Specific Compulsory Courses.)

c) All compulsory Core Courses shall be of 70:30 pattern except 2 clinical papers in the final Year, namely 1) Drafting, Pleading and Conveyancing and 2) Moot Court and Internship.

d) Skill enhancement courses shall be of 50 marks internal; written examination at the college level. For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective types of questions of 2 marks each. The minimum passing criteria shall be 20 marks.

e) **Inclusion of mandatory subjects – Democracy, Election and Good Governance (Semester I)** as per the recommendations of Government of Maharashtra and Shivaji University, Kolhapur. Every student is required to obtain minimum passing grade in this course as per the Shivaji University norms for the award of degree.

8. **LL.B. Rule 8: Minimum Period of Internship:**

a) Each registered student shall have completed minimum of 12 weeks internship for Three Year Course stream and 20 weeks in case of Five Year Course stream during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and others such bodies as the University shall stipulate, where law is practiced either in action or in dispute resolution or in management.

Provided that internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates.

b) Each student shall keep Internship diary in such form as may be stipulated by the University concerned and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff each time. The total mark shall be assessed in the Final Semester of the course in the 4th Clinical course as stipulated under the Rules in Schedule II.

9. **LL.B. Rule 9: Formal Dress Code during internship:**

Students placed under internship or in moot court exercise shall have formal dress of legal professional in pupillage as follows: (For all) White/Black trouser, white shirt, black tie, black coat, black shoe and black socks. When students have problems of getting the entire formal dress for any reason, they have to have a white trouser, full sleeve shirt to be tucked in and covered shoe.

(Optional for Girl students) Black printed saree, with white full sleeve blouse and covered black shoe or Lawyer's Suit with black covered shoe.

The Organization or Advocate under whom the internee is placed is required to follow suitable dress code.

10. LL.B. Rule 10: Examinations and Assessment:

The pattern of CBCS for Semester examination shall be as mentioned below:

- a) **LL.B. Part – I, Sem I & II:** -70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
 - b) **LL.B. Part – II, Sem III & IV:** -70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
 - c) **LL.B. Part – III, Sem V & VI:** -70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
11. **LL.B. Rule 11: Weightage:** There shall be 3300 marks for 3 years having 6 Semesters LL.B. CBCS Program with 192 Credits. **It is applicable to students who are writing University theory examination in ENGLISH.**

12. **LL.B. Rule 12: Weightage:** There shall be 3400 marks for 3 years having 6 Semesters LL.B. CBCS Program with 198 Credits. **It is applicable to only those students who are writing University theory examination in MARATHI.**

a) **LL.B. Part – I (Sem I & II):**

For LL.B. Part I total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester. **It is applicable to those students who are writing University theory examination in ENGLISH.**

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Legal Research) and Paper 2 for Sem II (Public Interest Lawyering) each of 50 marks, as compulsory course.

- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.

- For LL.B. Part I total 5+6+2=13 papers with 5 and 6 papers of I and II semester respectively and total Credits shall be 70 with 32 and 38 Credits for Ist and IInd Semester respectively. **It is applicable to those students who are writing University theory examination in MARATHI.**

- III. **In Semester II there shall be SIX Discipline Specific Compulsory (DSC) papers. It is applicable to only those students who are writing University theory examination in MARATHI.**

- IV. DSC courses shall be assessed with 70 marks for end-semester theory examinations at University Level and 30 marks for internal assessment at College Level.

b) **LL.B. Part – II (Sem III & IV):**

For LL.B. Part II total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester. **It is applicable to those students who are writing University theory examination in ENGLISH.**

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Fundamentals of Cyber Law) and Paper 2 for Sem II (Law and Entrepreneur Skills) each of 50 marks, as compulsory course.
- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- III. DSC courses shall be assessed with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

c) **LL.B.Part-III(Sem V&VI)-**

For LL.B. Part I total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester. **It is applicable to those students who are writing University theory examination in ENGLISH.**

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Advocacy Skills) and Paper 2 for Sem II (Criminal Law Investigation and Forensic Science) each of 50 marks, as compulsory course.
- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- III. DSC courses (Except Practical Training Papers) shall be with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.
For Practical Training Papers of 1) drafting, Pleading and Conveyancing and 2) Moot Court and Internship, there will be Practical work at College Level, as per BCI norms for 90 marks and 10 marks will be for VIVA to be conducted by External Examiners appointed by the University.

d) **Credit distribution chart for LL.B. Program with Course Code:**

(It is applicable to students who are writing university theory examination in ENGLISH).

Course Name	Total Courses (Papers)	Total Credits	% of Total Credits
DSC: Discipline Specific Core Course	30	180	93.75

AECC: Ability Enhancement Compulsory Courses	6	1 2	6 . 2 5
TOTAL	36	1 9 2	1 0 0 %

e) **Credit distribution chart for LL.B. Program with Course Code:**
(It is applicable to students who are writing university theory examination in MARATHI.)

Course Name	Total Courses (Papers)	Total Credits	% in total Credits
<u>DSC: Discipline Specific Core Course</u>	<u>31</u>	<u>186</u>	<u>93</u>

<u>AECC:AbilityEnhancementCompulsory Courses</u>	<u>6</u>	<u>1</u> <u>2</u>	<u>6</u> <u>÷</u> <u>0</u> <u>7</u>
<u>TOTAL</u>	<u>37</u>	<u>1</u> <u>9</u> <u>8</u>	<u>1</u> <u>0</u> <u>0</u> <u>%</u>

(From Academic Year 2019-2020 as per BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write University examination in MARATHI. It means for them, there will be total 31 Discipline Specific Compulsory Courses.)

13. LL.B. Rule 12: Scheme of Examinations: Following is the Scheme of Examination:

- i) Each DSC course of 6 credits will be assessed on basis of 100 marks. The marks will be divided under two heads, internal assessment 30 marks and End- Semester University Examination 70 marks. Each DSC Course shall have continuous internal assessment of 30 marks. The student shall have to secure minimum 10 marks to pass in the internal assessment of the respective DSC course. For each DSC Course End Semester University Examination of 70 marks, the student shall have to secure minimum 25 marks to pass in the End-Semester University Examination. The minimum passing in each DSC Course shall be 35 marks (10+25) and the average passing percentage for every semester shall be 40 percent.

The weightage of internal assessments shall be based on the following.

Internal Assessment:

Assignment / Project Work / Presentation :20Marks Viva Voce College Level :10Marks

----- :30 Marks

- ii) Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks. This paper shall be in self instructional mode under the guidance of Class Mentors or Class Teacher. The assessment of the Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment- For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

- iii) The student failing in internal assessment of any course will be deemed to have failed in the End - Semester University Examination of the respective course. Such student shall be allowed to reappear for the internal assessment only in the next semester.
- iv) Appearing in Internal Written Test of all DSC Courses and Skill Enhancement Courses is strictly compulsory.
- v) The internal assessment marks for each semester for all DSC Courses, AECC along with requisite Credits earned by the student for the Compulsory Foundation Course shall have to be sent to the University, prior to the commencement of the respective End - Semester University Examination.

vi) A student who has passed in the internal assessment but has failed in the End-

Semester University Examination, his / her internal marks and credits earned for respective course/paper will be carried forward till the validity of his / her respective semester.

- vii) A student who has failed in the End- Semester theory examinations but passed in internal assessment can reappear for theory paper and his marks of internal assessment will be carried forward.

14. LL.B.Rule13:PracticalTrainingPapers:

- a) **Practical Training Paper I: Professional Ethics and Professional Accountancy for Lawyers and Bar-Bench Relations.** The theory End-Semester University Examination shall be 70 marks and internal assessment of 30 marks at collegelevel.
- b) **Practical Training Paper II: Alternative Disputes Resolution (ADR):** The theory End-Semester University Examination shall be 70 marks and internal assessment only of 30 marks at college level.
- c) **Practical Training Paper III: Drafting, Pleading and Conveyance (DPC):** The course will be taught class instructions and simulation exercises. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting of pleadings carrying the total of 45 marks (3 marks for each) and 15 exercises in Drafting of Conveyancing, carrying another 45 marks (3 marks for each). Remaining 10 marks will be given for viva voce. **The Standard of passing shall be minimum 35 inpractical training Course both internal (32 marks) + viva voce (03 marks)and average passing shall be 40 percent.**
- d) **Practical Training Paper IV: Moot Court Exercise and Internship:**This paper may have 3 components of 30 marks each and a viva of 10 marks (Moot Court 30 Marks, Observance of Trial in Two Cases 30 Marks, Interviewing Techniques and Pre-Trial Preparation and Internship Diary 30 Marks. **TheStandardof passingshallbe minimum35inpracticaltrainingCoursebothinternal (32 marks) + viva voce (03 marks) and average passing shall be 40percent.**
- e) **Duration of Semester Examination for each theory paper -** The duration of Semester Examination for each theory paper of 70 marks shall be of three hours.
- f) **Standard of passing-** The Standard of passing shall be minimum 35 in each DSC Course both theory (25 marks) + internal assessment (10 marks) and average passing for every semester shall be 40 percentages.
- g) **A student who intends to or opt for writing university End-semesterexamination in MARATHI has to pass in ENGLISH paper by time ofcompletion of course.**
- h) **ATKTruleshallbeapplicabletoTheoryPaperonlyasperUniversitynorms.**

A student who intends to opt for writing university End-Semester examination in MARATHI, fails or passes in ENGLISH subject, that shall not be considered for ATKT.

15. LL.B.Rule14:PassingandCarryingForwardtheSemester:

- 1) For grant of respective academic year, the student must have kept two terms with requisite attendance, must have appeared in the internal written test of each course / paper and has secured minimum passing marks in internal assessment of each course / paper shall be eligible.
- (2) The student who has passed all the papers of Semester I and II will be promoted to Semester III (Second year). The students who have passed minimum 7 papers out of 10 core papers will be allowed to keep terms(ATKT). **A student who intends to or opt for writing university End-Semester examination in MARATHI, though passes in ENGLISH subject, it shall not be considered for ATKT.**
- (3) The student who has passed all the paper of First Year and passed all the papers of Second Year i.e. Semester I, II, III and IV will be promoted to Semester V (Third year). The students who have passed minimum 7 papers out of 10 core papers of Semester III and IV(Second year) will be allowed to keep terms (ATKT).
- (4) ***The student who has passed Semester I, II, III, IV shall be awarded with a LL.B. General Degree (Completion of Two Years).***
- (5) ***The student who has passed Semester I, II, III, IV, V & VI shall be awarded with LL.B. Special Degree (Completion of Three Years). (However, the student who has opted to write Theory examination/papers in Marathi language, must have cleared the Paper of Advanced English which is pre-requisite of completion of the Degree.)***

16. LL.B.Rule15:GradationChart:

Marks Obtained	Numerical Grade (Grade Point)	CGPA	Letter Grade
Absent	0 (zero)	-	-
0 – 34	0 to 4	0.0 – 4.99	F (Fail)
35–	5	5.0	C

44		0– 5.4 9	
45– 54	6	5.5 0– 6.4 9	B
55– 64	7	6.5 0– 7.4 9	B+
65– 74	8	7.5 0– 8.4 9	A
75– 84	9	8.5 0– 9.4 9	A+
85– 100	10	9.5 0– 10. 0	O (O uts tan din g)

Note:

1. Marks obtained ≥ 0.5 shall be rounded off to next higher digit.
2. The SGPA & CGPA shall be rounded off to 2 decimal points.
3. Marks obtained in 50 marks or 200 mark papers shall be converted to 100 marks.

Calculation of SGPA & CGPA

1. Semester Grade Point Average (SGPA)

$$\text{GPA} = \frac{\sum (\text{Course credits} \times \text{Grade points obtained}) \text{ of a semester}^S}{\sum (\text{Course credits}) \text{ of respective semester}}$$

2. Cumulative Grade Point Average (CGPA)

$$\text{CGPA} = \frac{\sum (\text{Total credit of a semester} \times \text{SGPA of respective semester}) \text{ of all semesters}}{\sum (\text{Total course credits}) \text{ of all semesters}}$$

17. **LL.B. Rule 16: Result** - The result of each Semester shall be declared as Pass or Fail or Allowed to Keep Terms (A.T.K.T. for Semester II & IV) with grade/ grade points and Credits gained.
- Revised Rules** - These revised rules will be implemented with effect from the academic year 2019-20 onwards for LL.B. degree program. However the existing (i.e. pre-revised) rules shall remain in force for the students of old semester pattern during the transition period.
18. **LL.B. Rule 17: Question Paper Model:**
- The Question Paper of Three Year LL.B. 70 marks shall consist of total seven questions carrying 15 marks each, out of which a student can opt any four. The question number eighth shall be mandatory consisting of four short notes out of which the students have to opt any two of 5 marks each.
- Practical Training Paper I – Professional Ethics and Professional Accounting System and Practical Training Paper II – Alternative Disputes Resolution (ADR), the examination pattern is 70:30. For 70 marks University Written Examination will be conducted and for 30 marks internal assessment will be conducted at college level.
- i) Regarding practical training paper – III: Drafting, Pleading and Conveyance (DPC) and Practical Training Paper – IV: Moot Court Exercise and Internship, there shall be no theory examination. Viva Voce Examinations for 10 marks each will be conducted in presence of External Examiners appointed by the University. 90 marks will be allotted for both the papers as per BCI norms.
- The Standard of passing shall be minimum 35 in practical training Courses both internal (32 marks) + viva voce (03 marks) and average passing shall be 40 percent.**

Model Question Paper Format:

First year of Three Year LL.B., (Semester I) CBCS Examination, October, 2019
Law of Contract – I (Paper – I) Subject Code: _____

Day & Date: _____ **Total Marks:** 70

Time: _____

Instructions:

1. Attempt any four questions from Q.No. 1 to 7.
2. Q.No. 8 is compulsory.
3. Figure to the right indicate full marks.

	(15)
	(15)
	(15)
	(15)
	(15)
	(15)
	(15)

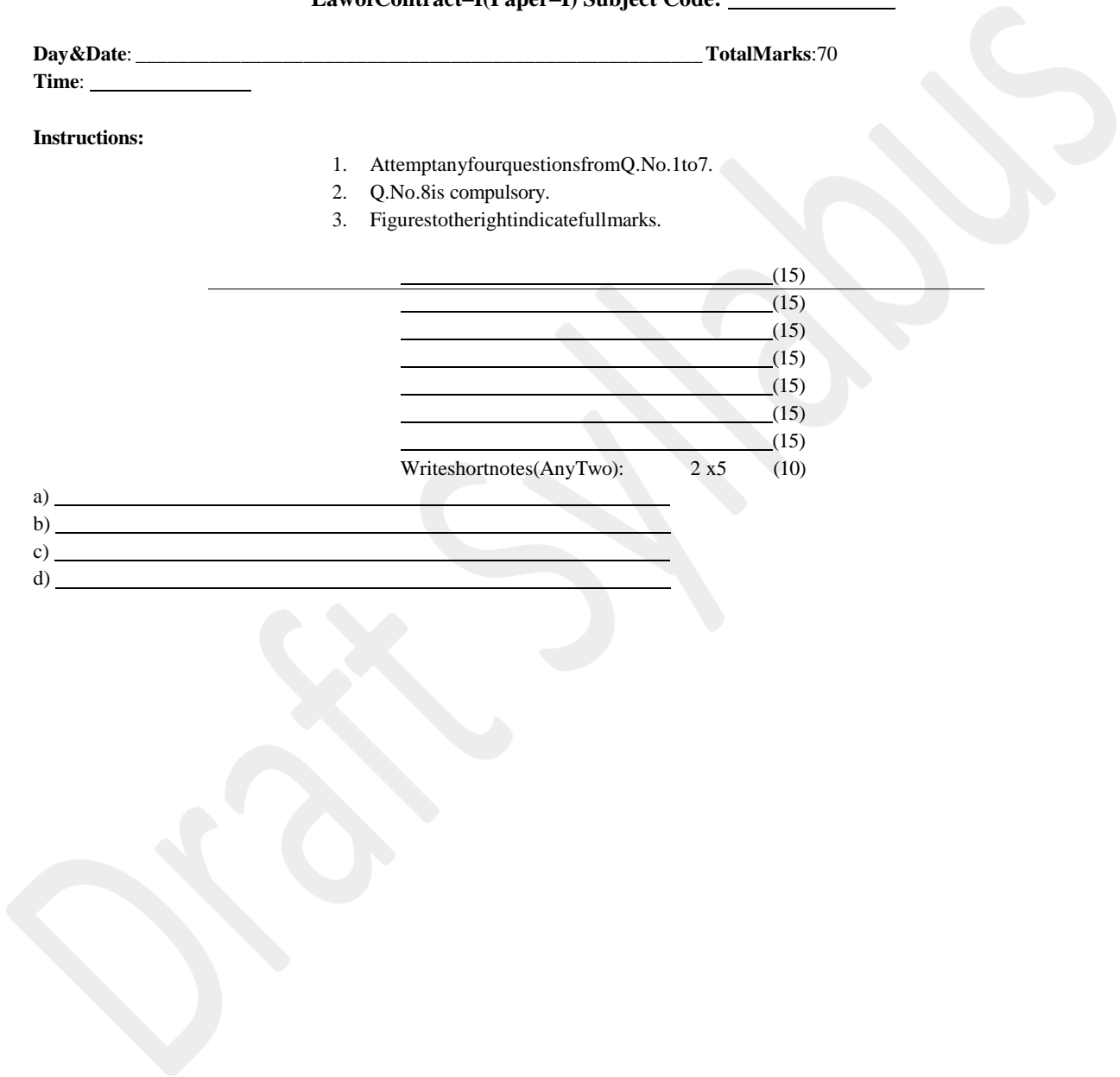
Write short notes (Any Two): 2 x 5 (10)

a) _____

b) _____

c) _____

d) _____



SCHEDULE-A

CBCS-LL.B.3Year:Structure: LL.B.Part-I

Semester I									
Teaching Scheme and Evaluation Scheme									
C	C	S	T						
o	o	u	h						
r		b	e						
s		j	x						
e		e	a						
		c	m						
		t	i						
		s	n						
			a						
			t						
			i						
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			n						
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		p							
		l							

		e s o f C o n t r a c t a n d S p e c i f i c R e l i e f A c t							
	I S C - L C - 2	C o n s t i t u t i o n a l L a w - I	7 0						
	I S C -	L a w o f T	7 0						

1 C 3	o r t s a n d C o n s u m e r P r o t e c t i o n A c t							
I S C I C 2	L a w o f C r i m e s - I (I n d i a n	7 0						

		P e n a l C o d e)						
	I S C L C S	F a m i l y L a w - I	7 0					
	A F C L C C	L e g a l R e s e a r c h	-					
		T o t a l	3 5 0					

(It is applicable to students who are writing university theory examination in ENGLISH.)

Semester II								
Teaching Scheme and Evaluation Scheme								
C o u r s e C o	S u b j e c t s	T h e o r y E x a m i						

d e		n a t i o n S h i v · U n i ·						
D S C - 2 0 1	S p e c i a l C o n t r a c t	7 0						
D S C - 2 0 2	C o n s t i t u t i o n a l L a w - I I	7 0						

D S C - 2 0 3	F a m i l y L a w - I I	7 0						
D S C - 2 0 4	E n v i r o n m e n t a l L a w	7 0						
D S C - 2 0 5	P r o f e s s i o n a l E t h i c s	7 0						
A E C C - 2 0 6	P u b l i c I	-						

	n t e r e s t L a w y e r i n g							
	T o t a l		3 5 0					

(ItisapplicabletostudentswhoarewritinguniversitytheoryexaminationinMARATHI.)

SemesterII								
TeachingSchemeandEvaluationScheme								
C o u r s e C o d e	S u b j e c t s	T h e o r y E x a m i n a t i o n S h i v . U n i .						
D S C - 2 0 1	S p e c i a l C o n t r a c t	7 0						
D S C - 2 0 2	C o n s t i t u t i o n	7 0						

		a l L a w - I I						
	D S C - 2 0 3	F a m i l y L a w - I I	7 0					
	D S C - 2 0 4	E n v i r o n m e n t a l L a w	7 0					
	D S C - 2 0 5	P r o f e s s i o n a l E t h i c s	7 0					

D S C - 2 0 7	A d v a n c e d E n g l i s h	7 0					
A E C C - 2 0 6	P u b l i c I n t e r e s t L a w y e r i n g	-					
	T o t a l	4 2 0					

From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write university examination in MARATHI.

CBCS-LL.B.3Year:Structure:LL.B.Part-II

Semester III								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination	Shiv.	Unit.				
DSO - 301	Jurisprudence	70						
DSO - 302	Property Law	70						
DSO	Comp	70						

- 3 0 3	a n y L a w							
D S C - 3 0 4	P u b l i c I n t e r n a t i o n a l L a w	7 0						
D S C - 3 0 5	C r i m i n o l o g y	7 0						
A E C C - 3 0 6	F u n d a m e n t a l s o f	-						

	C y b e r L a w							
	T o t a l		3 5 0					

Semester IV								
Teaching Scheme and Evaluation Scheme								
		Subjects	Theory Examination					
			Shiv Unit					
		Interpretation of Stat	70					

	u t e s							
	I n t e r n a t i o n a l H u m a n R i g h t s	7 0						
	A d m i n i s t r a t i v e L a w	7 0						

	B a n k i n g a n d I n s u r a n c e	7 0						
	A l t e r n a t i v e D i s p u t e s R e s o l	7 0						

	u t i o n (A D R)							
	L a w a n d E n t r e p r e n e u r S k i l l s	-						
	T o t a l	3 5 0						

CBCS-LL.B.3Year:Structure:LL.B.Part-III

Semester V							
Teaching Scheme and Evaluation Scheme							
C o u r s e C o d e	S u b j e c t s			I n t e r n a l A s s e s s m e n t C o l l e g e			V e k l y T e a c h i n g H o u r s
D S C - 5 0 1	C i v i l P r o c e d u r e C o d e & L			3 0			0 6

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D S C - 5 0 2		L a w o f E v i d e n c e			3 0			0 6
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-504	d L a w s							
D S C - 5 0 5	D r a f t i n g , P l e a d i n g a n d C o n v e y a n c i n g			4 5 + 4 5 = 9 0 V i v a = 1 0			0 6	
A E C C - 5 0 6	A d v o c a c y S k i l l s			5 0			0 2	

					270			32
Semester VI								
Teaching Scheme and Evaluation Scheme								
C o u r s e C o d e	S u b j e c t s				I n t e r n a l A s s e s s m e n t C o l l e g e			V e e k l y T e a c h i n g H o u r s
D S C - 6 0 1	L a w o f C r i m e s - I I (C				30			06

		ri m i n a l P r o c e d u r e C o d e)						
D S C - 6 0 2		I n t e l l e c t u a l P r o p e r t y			3 0			0 6
D S C - 6 0 3		L a b o u r L a w - II (S o c i a l S e			3 0			0 6

		c u r i t i e s L a w s)							
D S C - 6 0 4		P r i n c i p l e s o f T a x a t i o n			3 0				0 6
D S C - 6 0 5		M o o t C o u r t , P r e - T r i a l P r e p a r a t i o n &			3 0 + 3 0 + 3 0 = 9 0 V i v a = 1 0				0 6

	P a r t i c i p a t i o n i n T r i a l P r o c e e d i n g s							
A E C C - 6 0 6	C r i m i n a l L a w I n v e s t i g a t i o n & F o r e n s			5 0			0 2	

	i c S c i e n c e							
	T o t a l			2 7 0				3 2

DSE: Discipline Specific Elective Courses (Compulsory) Total = 6 semesters x 5 papers = 30 papers. Each paper 6 credits x 30 papers = 180 Credits.

AECC: Ability Enhancement Core Course (Compulsory) Total = 6 semesters x 1 paper = 6 papers of 2 credits each = 12 Credits

From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Courses shall be compulsory for the students who intend to write University examination in MARATHI.
(Following allotment of credits is applicable to students who are writing University theory examination in MARATHI.)

DSE: Discipline Specific Elective Courses (Compulsory) Total = 6 semesters x 5 papers = 30 + 1 = 31 papers. Each paper 6 credits x 31 papers = 186 Credits.

AECC: Ability Enhancement Core Course (Compulsory) Total = 6 semesters x 1 paper = 6 papers of 2 credits each = 12 Credits

Three Year LL.B. Semester I

DSC-101: LAW OF CONTRACT (GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF) (Paper-I)

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Law of contract being the pillar of the legal structure of a society, the fundamental goal of study is to critically evaluate principles underlying the legal postulates and propositions. This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts.

Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

Methods of teaching-learning: Lecture and Case-study method shall be the main method of learning to be followed. Dialectic method of mootings and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning device.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT I: INTRODUCTION

Historical Background of Indian Contract Laws

Contract: Meaning, Definition, Importance, Nature and Scope

Essentials of Contract

Indian Contract - Latest developments (e-Contracts)

UNIT II: PROPOSAL AND ACCEPTANCE - AGREEMENT (S.2-10)

Formation of an Agreement, Its Kinds – Valid, Void, Voidable, Unlawful, illegal

Intention to Create Legal Relationship

Proposal and Acceptance - Their various forms, Essential Elements

Communication and Revocation of Offer and Acceptance

What agreements are Contracts?

UNIT III: CAPACITY TO CONTRACT AND FREE CONSENT (S.11-22)

Legal Disability to Enter into Contract

Minors - Effects of Minors Agreement, Persons of Unsound Mind, Persons disqualified by Law

Consent and Free Consent – Definition 3.4 Vitiating Elements of Free Consent –

Coercion, Doctrine of Duress

Undue Influence

Fraud

Misrepresentation

Mistake

3.5 Effect on Contracts influenced by any factor Vitiating Free Consent

UNIT IV: CONSIDERATION AND OBJECT (S.23-25)

Meaning and Nature of Consideration and Object

Consideration - Its Exceptions

Legality of Consideration and Object

Doctrine of Privity of Contract

UNIT V: LIMITATIONS ON FREEDOM OF CONTRACT (S.23, 26-31)

Void Agreements

Agreements in Restraint of Marriage

Agreements in Restraint of Trade

Agreements in Restraint of Legal Proceedings 5.1.4 Ambiguous and Uncertain Agreement
 Wagering Agreements – Its exceptions
 Agreements with Unlawful Consideration
 Agreements without Consideration
 Agreements against Public Policy
 Contingent Contracts

UNIT VI: DISCHARGE AND REMEDIES FOR BREACH OF CONTRACT (S.37–67)

Meaning and Nature – Discharge of Contract

Different Modes –

By Performance

By Agreement – Novation, Alteration, Rescission, Remission, Waiver, Accord and Satisfaction

By Operation of Law – Insolvency, Merger, Alteration without consent, Death

By Breach – Anticipatory Breach – Actual breach

By Impossibility of Performance – Destruction of Subject Matter, Death or Personal Incapacity, Change of Law, non-existence or non-occurrence of particular state of thing, declaration of war – Doctrine of Frustration

By Lapse of Time

UNIT VII: CERTAIN RELATION RESEMBLING THOSE CREATED BY CONTRACT (QUASI CONTRACT) (S. 68 -72)

Concept and Classification of Quasi-Contract

Standard form of Contract

Government as a Contracting Party

UNIT VIII: REMEDIES FOR BREACH OF CONTRACT

Remedies under Indian Contract Act (S.73-75)

Cancellation or Rescission

Restitution

Quantum Merit

Damages – Types of Damages – General or ordinary, Special, Vindictive or exemplary, nominal –

Remoteness and Ascertainment of Damages

Remedies under Specific Relief Act, 1963 (S.5–43)

Recovering possession of property

Specific Performance

Declaratory Decrees

Injunctions

Preventive Relief

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DSC–102: CONSTITUTIONAL LAW- I
(Fundamental Rights & Directive Principles of State Policy) (Paper – II)

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India is a democracy and her Constitution embodies the Principles of the democratic government. A good understanding of the Constitution and the constitutional amendments, judicial decisions, constitutional practice and conventions, is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features of the Constitution and be-aware of the social, political and economic influence on it. A student must learn how various interpretations of the constitution are possible and how do they influence the growth of constitutional law. Judicial review is an important aspect of constitutional law. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law.

Methods of teaching-learning:

Lecture and Case-study method shall be the main method of learning to be followed. Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise after the basic issues are identified by lecture and discussion. Research of issue based conflict of interest through court cases may be an added advantage.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS:

UNIT I: MAKING OF CONSTITUTION AND FEATURES

Making of Indian Constitution

Nature of constitution

Salient Features of the Indian Constitution

Citizenship-under constitution and Citizenship Act 1955

Preamble

UNIT II: FUNDAMENTAL RIGHTS- JUSTICIABILITY- STATE OBLIGATION- ART 12-13

Fundamental Rights – meaning and scope of

Definition of 'State' for enforcement of fundamental rights

Justiciability of fundamental rights

Definition of law for constitutional law purpose

Doctrine of eclipse, severability, waiver.

UNIT III: RIGHT TO EQUALITY (ART 14-18)

Equality before law and equal protection of law

Classification for differential treatment-Constitutional validity

Protective measures—gender discrimination

Protective discrimination in favor of certain sections of the society

Untouchability and abolition of titles

UNIT V: FREEDOMS AND SOCIAL CONTROL UNITS (ART 19-22)

Freedoms and restrictions under (Art. 19)
 Protection in respect of conviction for offences (Art. 20)
 Right to life and personal liberty (Art. 21)
 Right to education (Art. 21A)
 Protection against arrest and preventive detention (Art. 22)

UNIT V: RIGHT AGAINST EXPLOITATION (ART 22-23)

Prohibition of traffic in human beings,
 Forced labours – bonded labour
 Trafficking of women and children
 Prohibition of employment of children
 Right of children a free and compulsory education

UNIT VI: RIGHT TO RELIGION AND MINORITY RIGHTS

Concept of Secularism – Historical perspective.
 Freedom of Religion – nature, scope and limitations.
 Right to Freedom of Religion – use and misuse – Indian scenario.
 Minority Rights
 Relationship between Religion and minority

UNIT VII: CONSTITUTIONAL AND LEGAL REMEDIES (ART 32)

Writ of Habeas Corpus
 Writ of Mandamus
 Writ of Certiorari
 Writ of Prohibition
 Writ of Quo-warranto

UNIT VIII: DIRECTIVE PRINCIPLES, FUNDAMENTAL DUTIES AND SOCIAL JUSTICE (ART 35-51A)

Underlying object and significance of Directive Principles.
 Classification of Directives.
 Fundamental Right and Directive principles – Interrelationship and Judicial balancing.
 Fundamental Duties – Need, Source and enforcement of fundamental duties.
 Relation of Fundamental Duties with Directive Principles and Fundamental Right

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2. G. Austin, History of Democratic Constitution: The Indian Experience (2000) Oxford.
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**DSC–103:LAWOFTORT&CONSUMERPROTECTIONLAW
Paper–III)**

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Independent of criminal or contract law, Tort law provides individuals and groups with redress for injury to every dimension of life from physical injury, to property damage, to personal insult. Over past decades no area of law within the civil justice system has experienced greater ferment than the law of Tort and this has resulted in vital changes the thinking of the tortious liability. The object of the course is to familiarize the students with the nature and extent of liability of the private enterprises, multinationals and the government authorities for the wrongs committed against the individual and their property, and to develop sound knowledge, skills and disposition amongst students of law on some of the contemporary issues of Specific Torts, Cyber Tort, Family Tort, and Economic Tort, Product Liability etc.

Presently the emphasis is on extending the principles not only to harmful acts but also to failure to comply with standards that are continuously changing due to advancement in science and technology. In the modern era of consumer, concern of goods and services, the law of torts has added significance in consumer protection. Taking this into consideration, a topic on Motor Vehicle Accident claims has been added. It emphasizes liability, Insurance and working of claim Tribunals.

Methods of teaching-learning: Lecture method shall be the main method of learning to be followed. Dialectic method of case study, mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment/ Project Work /Presentation: 20 Marks VivaVoce College Level :10 Marks

:30 Marks

SYLLABUS:**UNIT I: CONCEPT OF TORT, NATURE AND SCOPE**

History, Definition and Scope of Tort
 Nature of tort - Distinction between tort and crime
 Essential elements of law of tort
 Wrongful act
 Legal damage - a) Damnum Sine Injuria b) Injuria Sine Damnum
 Legal remedy
 Relevance of law of tort - Intention, Motive, Malice, Knowledge, Negligence
 Who may sue and who may not be sued?

UNIT II: GENERAL DEFENSES IN TORT -

Volenti non fit injuria
 Necessity & Act of God
 Inevitable accident & Private defense
 Statutory Authority
 Judicial and Quasi-Judicial Acts

UNIT III: DISCHARGE OF TORTUOUS LIABILITY -

By death of parties - action personalis moritur cum persona exceptions
 Waiver and acquiescence
 Release
 Accord & satisfaction
 Limitation

UNIT IV: TORTIOUS LIABILITY -

The concept of liability
 Basis and Scope of liability
 Modes of creation of vicarious liability
 Express authorization
 Ratification
 Abetment
 Liability - Special Relationship
 Master & Servant
 Independent Contractor & Servant
 Strict Liability and Absolute Liability
 Ryland vs Fletcher
 UCCV. Union of India
 Application of the rule in India

UNIT V: NEGLIGENCE AND NUISANCE

Definition and concept of Negligence
 Essentials of Negligence - Standard of care
 Doctrine of contributory negligence - *Res ipsa loquitur* and its importance in compensatory laws.
 Definition and concept of Nuisance
 Essential of Nuisance - Defenses - Remedy

UNIT VI: REMEDIES FOR TORT

Judicial Remedies
 Extra Judicial Remedies

UNITVII:DEFAMATION

Definitionandconcept
 Essentialsofdefamation
 Libel,slenderandInnuendo
 Defensesandremedies

UNITVIII:THECONSUMERPROTECTIONACT,1986

Meaning,Definitions,Importance,Nature&Scope
 RightsofConsumer
 RedressalMechanism
 Filingcomplaint,Appealandenforcement

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4. Ratan Lal and Dhiraj Lal on Law of Torts,
5. A Lakshminath MSridhar, Ramaswamy Iyer's, The Law of Torts, Lexis Nexis, Tenth Ed 2007
6. Tony Weir, An Introduction to Tort Law, 2nd Ed Oxford University Press 2006.
7. John Murphy, Streeton Torts, Eleventh Ed Oxford University Press 2006.
8. Tabrez Ahmad "Cyberlaw, E-Commerce & M-Commerce". APH Pub. Corp. New Delhi 2003.
9. Lee B. Burgunder, Legal Aspects of Managing Technology 2nd Edition West 2001.
10. Ramaswamy Iyer Law of Tort
11. Bangia's Law of Torts
12. Madden & Owen, On Product Liability, West Group
13. D.D. Basu - The Law of Torts (1982), Kamal, Kalkatta
14. Dr. Avtar Singh - The Law of Consumer Protection: Principles and Practice (2004), Eastern Book Company, Lucknow
15. Saraf D.N. - The Law of Consumer Protection in India, Tripathi, Bombay

References-

- Ratanlal & Dhiraj Lal on Law of Torts
- Salmond's Law of Torts
- Ramaswamy Iyer - Law of Tort
- Bangia's Law of Torts
- Avtar Singh - Law of Consumer Protection
- Saraf D.N. the Law of Consumer Protection in India
- Law of Torts and C.P. Law by Dr. N.V. Paranjape

DSC-104:LAW OF CRIMES I-(Indian Penal Code) (Paper – IV)

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Crime and Punishment has been the one of the most important task of rule of law of the State. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law. So proper understanding of these offences & criminal behaviors, methods of controlling them has now become extremely important in the larger context of Indians development & to build a just and humane society. The curriculum outlined here attempts to seek these objectives.

Methods of teaching-learning: Lecture method shall be the main method of learning to be followed. Dialectic method of moot and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Case comment can also be a method of research writing in this paper.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment/ Project Work /Presentation: 20 Marks Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS**UNIT I: CONCEPT OF CRIME (Sec. 1–75)**

Nature and Concept of crime & distinction between Crime, Ethical wrongs.

Definitions – General Explanations (Sec. 6-52A)

Stages and Elements of Crimes

Group Liability in Crimes – Common Intention and Common Object

Off Punishments (Sec. 53 to 75)

UNIT II: GENERAL EXCEPTIONS UNDER IPC (Sec. 76–106).

Mistake of fact, mistake of law

Necessity, Defense of Juvenile

Unsound mind and intoxication

Acting in good faith and consent

Right of private defense of body and property

UNIT III: INCHOATE OFFENCES (Sec. 107–120B and Sec. 141–160)

Meaning, Nature and importance of inchoate offences

Attempt and abatement

Criminal Conspiracy

Unlawful Assembly

Rioting

**UNITIV:OFFENCESAFFECTINGTHEPUBLICHEALTH,SAFETY,
CONVENIENCE, DECENCY AND MORALS (Sec 268-294A)
OffencesaffectingthePublicHealth(Section268-278)**

Public Nuisance(S.268)
 Acts likely to spread infection(section 269-271)
 Pollution of food or drink(section 272-273)
 Adulteration of drugs(section 274-276)
 Fouling water and relating atmosphere(section 277-278)
 Offences affecting the public safety and Convenience(Section 277-278)
 Rash Driving or riding on a public way.(Section 279)
 Rash or negligent navigation.(Section 280)
 Exposing false light, mark or being mislead navigator
 Conveying any person for hire by water in an unsafe and overloaded waste Vessel(Section 282)
 Causing danger or obstruction to any person in public way.(Section 283)
 Negligent conduct with respect to poisonous substance.(Section 284)
 Negligent conduct with respect to fire, combustibles substances.(section 285-289)
 Continuance of Nuisance.(Section 291)
 Public Decency and Morals(ss 292-294A)
 Prevention of obscenely(ss 292-294)
 Keeping Lottery Office(S294A)
 Cases related to spreading of infectious diseases

UNIT-V: OFFENCES AFFECTING THE HUMAN BODY (Sec. 299–377)

Culpable homicide. Murder
 Hurt & Grievous Hurt.
 Wrongful Restraint & wrongful Confinement.
 Criminal force & assault.
 Kidnapping & Abduction.

UNIT-VI: OFFENCES AGAINST PROPERTY (Sec. 378–462)

Theft and Extortion.
 Robbery & Dacoity.
 Criminal misappropriation of property and Criminal Breach of Trust.
 Receiving stolen property and Cheating, Mischief.
 Criminal Trespass, House Trespass, House Breaking

UNIT-VII: OFFENCES OF FALSE EVIDENCE & OFFENCES RELATING TO DOCUMENTS AND PROPERTY (Sec. 191 – 229A, 463-489E)

Giving false evidence & fabricating false evidence.(sec. 493) 7.2 Fraudulent claim to property
 7.3 Forgery and making false documents
 7.4 Forged documents

UNIT-VIII: OFFENSES RELATING TO SEXUAL, MARRIAGE (Sec. 375–377, 493-498A)

Rape
 Unnatural Offenses
 Bigamy
 Adultery
 Cruelty by husband and relatives

Reference Books:

Williams Glanville- The Text Book of Criminal Law
 Jerom Hall– Studies in Jurisprudence and Criminal Theory Jw Cecil Turner

(edt.)–Kenny’sOutlinesofCriminalLawJwCecilTurner-RusselonCrime Smith and Hogan – Criminal Law
 A.P.Simester&G.R.Sullivan–CriminalLawTheoryandDoctrine
 R.C.Nigam–PrinciplesofCriminalLawAsiaPublishingHouse,Lucknow.Prof.K.N.Chndranshekharpillai
 – Essay’s on Indian Penal Code
 R. C. Srivastava – Law Relating to Crima Punishment Andrew Ashworth – Principles of Criminal Law
 P.S/AchuthunPillai,CriminalLaw(1995)Eastern,Lucknow.
 Prof.K.D Gaur - Criminal Law Cases and Material(1991), Butterworths India. Dr. Hari Singh Gaur –
 Penal Law of India (4 volumes)
 R.A.Nelson–IndianPenalCode
 Prof.K.N.Chandranshekharpillai–Essay’sonIndianPenalCodeRatanLaland DhirajLal – Indian Penal
 Code
 Prof.Raghavan–IndianPenalCode
 B.M.Gandhi,IndianPenalCode(1996),Eastern,Nagpur
 K.D.Gaur,aTextBookontheIndianPenalCode(1998),UniversalDelhi

DSC–105:FAMILYLAW–I(Paper– V)

Object:

The course structure is designed mainly with three objectives in view. One is to provide adequate sociology perspectivessothatthebasicconcepts relatingto familyareexpoundedintheirsocialsetting.Thenextobjective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system ofpersonal laws based upon religions but as the one cutting across the religious lines and eventuallyenabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

ToevaluatethestrengthoffamilysysteminIndiaandtheextentoflegalsupport provided to the same and also to examine when and how and to what extent a Uniform Civil Code to regulate a religious part of family life, if any, may emerge!

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning mayalso be trulyeffective.Paperwritingand presentation maybe gainfullyemployed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluationmethods:TheoryExamination–70Marks

InternalAssessment:

Assignment/ Project Work /Presentation: 20 Marks VivaVoceCollegeLevel :10Marks

:30Marks

SYLLABUS

UNITI:FAMILYRELATIONS- HINDUS,MUSLIMS,CHRISTAINSANDPARSIS

NaturalandsourcesofHinduLaw

SchoolsofHinduLaw

NatureandsourcesofMuslimLaw

SchoolsofMuslimLaw

UNITII:MARRIAGEANDKINSHIP

EvolutionoftheinstitutionofmarriageandFamily

RoleofReligiousritualsandpracticesinmoldingtherulesregulatingtomaritalrelations

Typesoffamilybasedupon

Lineage–patrilineal,matrilineal

Authoritystructure–patriachcal;matriarchal

2.3.3.Locationpatrilocal,matrilocal

2.3.4Numberofconjugalunits–nuclear,extended,jointandcomposite

Emergingconcepts–maître–sambhandanddividedhomes.

UNITIII:MATRIMONIALREMEDIES

Maritalconflicts

Non-judicialresolutionofmaritalconflicts

Customarydissolutionofmarriage–unilateraldivorce,divorcebymutual consent and other modes of dissolution

DivorceunderMuslimpersonallaw–talaqandtalaq-e-tafweez

Judicialresolutionofmaritalconflicts:thefamilycourt

Nullityofmarriage

Optionofpuberty

Restitutionofconjugalrights

Judicialseparation

Desertion:agroundformatrimonialrelief

Cruelty:agroundformatrimonialrelief

Adultery:agroundformatrimonialrelief

Othergroundsformatrimonialrelief

Divorcebymutualconsentunder:

SpecialMarriageAct1954

HinduMarriageAct1955

Muslimlaw(KhulaandMubaraat)

UNITIV:BAR TOMATRIMONIALRELIEF

Doctrineofstrictproof

Takingadvantageofone'sownwrongordisability

Accessory

Connivance

Collusion

Condonation

Improperorunnecessarydelay

Residuaryclause–nootherlegalgroundexistsforrefusingthematrimonialrelief.

UNITV:LAWOFMAINTENANCE(HINDUANDMUSLIMLAW)

Claimofspouses

Claimofparentsandchildren

Alimony(pendentandpermanent)

UNITVIMINORITYANDADOPTION

AdoptionundertheHinduLaw

AcknowledgementundertheMuslimlaw

MinorityandGuardianship

UNITVII:CONVERSIONANDITSEFFECTONFAMILY

Marriage
Adoption
Guardianship
Succession

(Inviewoftheconflictofinter-personallaws,conversioniscausingproblems.Howconversionaffectsthefamilyandwhetheritiscompatiblewiththeconceptofsecularismandtowhatextentsuchproblemswould stand resolved with the enactment of a uniform civil code needs to be examined.)

UNITVIII:CUSTOMARYPRACTICESANDSTATEREGLATION

Polygamy
Concubine
ChildMarriage
Sati
Dowry

References:

- 1) ParasDiwan,HinduLaw
- 2) S.T.Desai(ed)Mulla’sPrinciplesofHinduLaw,(1998)Bitterorths,India
- 3) ParasDiwan,Familylaw:LawofMarriageandDivorceinIndia,(1984)
- 4) A.M.Bhattachargee,MuslimLawandConstitution(1994(EasternLawHouse,Calcutta
- 5) A.M.Bhattachargee,HinduLawandConstitution(1994(EasternLawHouse,Calcutta
- 6) ParasDiwan,LawofAdoption,Minority,GuardianshipandCustody(2000),Universal
- 7) A.A.A.Fyzee,OutlineofMuhammadamlaw,(1986)
- 8) J.D.M.Derrett,HinduLaw:Pastandpresent
- 9) J.D.M.Derrett,DeathofMarriageLaw
- 10) J.D.M.Derrett,acritiqueofmodernHindulaw

SuggestedBooks:

- 1) ParasDiwan,LawofIntestateandTestamentarySuccession(1998),Universal 2)Basu, N. D. Law of Succession (2000), Universal
- 3)Kusem, Marriage and Divorce Law Manual (2000), Universal
- 4)Malchand,S.C.LawandPracticeofDivorcein India(2000),Universal
- 5)P.V.Kane,HistoryofDharmasastrasVol.2pt.1at624-632(1974)
- 6)A.Kuppuswami(ed.)Mayne’sHinduLawandUsagech.4(1986)
- 7)B.Sivaramayys,InequalitiesandtheLaw,(1985)
- 8) K.C. Daiya, “Population control through family planning in India,” Indian Journal of Legal studies, 85(1979)
- 9)J.D.M.Derrett,HinduLaw,:PastandPresent
- 10) J.D.M.Derrett,DeathofMarriageLaw
- 11) A.A.A.Fyzee,OutlineofMuhammadanLaw,(1986)

- 12) J.D.M.Derrett, A Critique of Modern Hindu Law (1970)
- 13) Paras Diwan, Hindu Law (1985)
- 14) S.T.Desai (ed.) Mulla's Principles of Hindu Law, (1998)-Butterworths-India
- 15) Paras Diwan, Family Law: Law of marriage and Divorce in India, (1984)
- 16) A.M.Bhattacharjee, Muslim Law and the Constitution (1994) Eastern Law House, Calcutta
- 17) A.M.Bhattacharjee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta
- 18) Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal

AECC-106: FUNDAMENTALS OF RESEARCH

Research in common parlance refers to a search for knowledge. It is a scientific and systematic search for pertinent information on a specific topic. In fact, research is an art of scientific investigation. It is the pursuit of truth with the help of study, observation, comparison and experiment. Significance of Research is increasing in all disciplines as it reflects social values, attitudes and behavior. As we know law is a dynamic and not static, therefore law students should inevitably understand the basics of research. After going through the syllabus of

'Fundamentals of Research' the law students are expected to know-

1. The Basics of the Research with the conceptual foundation
2. The stages of the Research involved and
3. The ethics for Research and its principle.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment-For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT-I-CONCEPTUAL FOUNDATION OF RESEARCH

Introduction: Historical perspective and importance of Research

Meaning and Definition of Research

Objectives of Research

Types of Research

Concept of Legal Research

1.1.5 Research Methodology

UNIT-II-MAJOR STAGES OF RESEARCH

2.1.1 Identification and formulation of problem

2.1.2 Review of Literature and Formulation of Hypothesis

2.1.3 Research Design

2.1.4 Collection of data and its various modes 2.1.5 Analysis and interpretation of data 2.1.6 Findings, Suggestions and Conclusion

UNIT–III-TOOLSANDTECHNIQUESOFDATACOLLECTION

3.1.1 Questionnaire 3.1.2 Survey 3.1.3 Interview 3.1.4 Sampling 3.1.5 Observations 3.1.6 Schedule

UNIT–IV-RESEARCHETHICS

4.1.1 Moral Principles and Social Values in Research

4.1.2 Research Ethical Committee in Higher Education

4.1.3 Legal aspects–Copyright, Plagiarism, etc

Reference/Suggested Books

- 1 C.R.Kothari, Gaurav Garg (2018), Research Methodology: Methods And Techniques, New Age International Publishers Ltd.-New Delhi
- 2 Dr.S.R.Myneni (2017), Legal Research Methodology, Allahabad Law Agency, Allahabad
- 3 [R.Panneerselvam](#) (2nd Edition), Research Methodology, Kindle Edition (e-Book)
- 4 Yogesh Kumar Singh, Fundamentals of Research Methodology and Statistics, New Age International Publishers Ltd.-New Delhi
- 5 Dr.H.N.Tewari. (2016), *Legal Research Methodology*., Allahabad Law Agency, Allahabad
- 6 Goode, W.J. and Hatt, P.K. (1952), *Methods in social research*. New York, McGraw-Hill Book Comp, New York
- 7 Dr.Mona Purohit (2016), *Legal Education and Research Methodology*, Central Law Publications, Allahabad
- 8 Dr.G.P.Tripathi (2015), *Legal Research and Research Methodology*, Central Law Publications, Allahabad

***** **Three Year LL.B.Semester II**

DSC–201:SPECIAL CONTRACT(Paper–I)

Object:

The course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contract should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

We are witnessing a paradigm shift in every walk of life, especially commercial sector, due to computer technology. Internet has transformed traditional markets into global markets by facilitating online execution of commercial transactions including electronic transfer of goods and services through online advertising, online ordering, publishing, banking, investment, auction, travel, entertainment and professional and financial services.

Existing legal provisions have to be re-interpreted and applied to provide solutions to issues generated by new technology till the new legal provisions arrive. Students are expected to study the provisions that govern E-Contract including relevant provisions from Indian Contract act, Information technology Act and relevant amendments to Indian Penal code, Indian Evidence act, Negotiable Instruments act etc.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment/Project Work/Presentation: 20 Marks Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT I – INDEMNITY

12.3 The Concept
 .2 Need for indemnity to facilitate commercial transactions.
 Methods of creating indemnity obligations
 Definition of Indemnity
 Nature and extent of liability of the indemnifier
 Commencement of liability of the indemnifier
 Situations of various types of indemnity creations.
 Documents/agreements of indemnity

UNIT II – GUARANTEE

The Concept
 Definition of guarantee
 Basic essentials for a valid guarantee contract
 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
 Position of a minor and validity of guarantee when minor is the principal debtor, creditor or surety.
 Distinguished from Indemnity
 Continuing guarantee
 Nature of surety's liability
 Duration and terminations of such liability
 Illustrative situations of existence of continuing guarantee.
 Creations and identifications of continuing guarantees.
 Rights of surety
 Position of surety in the eye of law
 Various judicial interpretations to protect the surety.
 Co-surety and manner of sharing liabilities and rights.
 Extent of surety's liability
 Discharge of surety's liability

UNIT–III BAILMENT

The concept

Definition of Bailment

Identification of bailment contracts in day to day life and Manner of creation of such contracts.

Commercial utility of bailment contracts

Kinds of bailees

Duties of bailor and bailee

Rights of bailor and bailee

UNIT–IV PLEDGE

The Concept

Commercial utility of pledge transactions

Definition of pledge under the Indian Contract Act

Comparison with bailment

Rights of the pawnee and pawnor

Pawnor's right of sale as compared to that of an ordinary bailee

Pledge by certain specified persons mentioned in the Indian Contract Act.

UNIT–V AGENCY

The Concept–Agent & Principal

Kinds of agents

Essentials of an agency transaction

Various methods of creation of agency

Duties and rights of agents

Scope and extent of Agent's authority

Liability of the principal for acts of the agents

Liability of the agent towards the principal

Personal liability towards the parties

Methods of termination of agency contract

UNIT–VI SALE OF GOODS

Concept of sale as a contract

Essentials of a contract of sale

Essential conditions in every contract of sale

Implied terms in contract of sale

The rule of caveat emptor and the exceptions

Effect and meaning of implied warranties in a sale.

Transfer of title and passing of risk.

Delivery of goods: various rules regarding delivery of goods

Unpaid seller and his rights

Remedies for breach of contract

UNIT–VII PARTNERSHIP

Nature of partnership: Definition

Mutual relationship between partners

Incoming partner

Outgoing partner

Registration of Partnership

Dissolution of Partnership

UNIT–VIII CONTRACTS

The concept–Certifying Authority, digital signature, electronic record, cyber Appellate tribunal

Validity of Electronic Transactions

Authentication of Electronic Records
 Legal recognition of Electronic records & digital signature
 Retention of electronic records
 Communication & Revocation of offer
 Attribution of electronic records
 Acknowledgement of receipt
 Time & Place of dispatch and receipt of electronic records.

References:

1. Pollock & Mulla on Contracts
2. Avtar Singh – Contract Act
3. Krishnan Nair, Law of Contract
4. Saharay H.K., Indian Partnership Act & Sale of Goods Act
5. Ramnainga, The Sale of Goods Act
6. V.K. Rao, Contract II
7. The Information Technology Act, 2000 Asia Law House

Books:

- 1) R.K. Abhichandani (ed.), Pollock and Mulla on Contracts and Specific Relief Act (1999) Tripathi, Bombay.
- 2) Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- 3) Krishnan Nair, Law of Contract (1999) Orient
- 4) Avtar Singh, Principles of the Law of the Sale of Goods and Hire Purchase (1998) Eastern, Lucknow.
- 5) J.R. Verma (ed.), Singh and Gupta, The law of partnership in India (1999), Orient Law House New Delhi.
- 6) A.Q. Guest (ed.) Benjamin's Sale of Goods (1992), Sweet & Maxwell.
- 7) Bhashyam and Adiga. The Negotiable Instruments Act (1995), Bharath Allahabad.
- 8) MS. Parthasarathi (ed.) J.S. Khergamvala. The Negotiable Instruments Act.
- 9) Beatson (ed.), Anson's Law of Contract, (1998), Oxford, London.
- 10) Saharay, H.K., Indian Partnership and Sale of Goods Act (2000), Universal.
- 11) Ramnainga, The Sales of Goods Act (1998), Universal.
12. Information Technology Law and Practice, Cyber Law & E-Commerce by Vakul Sharma, 2005, Universal Law Publishing Co Pvt Ltd.
13. Cyber Law in India by Dr. Farooq Ahmad., 2005, Pioneer Books, New Era Law Publication Delhi.

Reference Books

1. Chitty, Contracts, Vol. 11, 29th Ed., Sweet & Maxwell, 2004.
2. V.K. Rao, Contract II – Cases and Materials, Butterworths, 2004.
3. M. Krishnan Nair, Law of Contracts, 1998.
4. Dutton Contract, H.K. Saharay, Universal, 2000.
5. Mulla, Indian Contract Act and Specific Relief Acts, Lexis Nexis 13th Ed. 2006.
6. Avtar Singh, Law of Partnership
7. Piyush Joshi, Law relating to Infrastructure Projects, Butterworths
8. Agarwal, Government Contracts, Law and Procedures, Eastern Book Corporation
9. Fired, The Law of Agency, Butterworth
10. Iyer Sale of Goods and Partnership Acts, Asia Law House
11. Reynolds & Davenport, Bowstead on Agency, Sweet & Maxwell

12. Mulla, Negotiable Instrument Act, Tripathy

Case Law (by way of illustration)

1. Amritlal Goverdhan Lal v. State Bank of Travancore AIR 1968 SC 1432
2. Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954
3. Vasireddi Seetharamaiah v. Srirama Motor Finance Corporation 1977 AP 164
4. Wheels India Ltd., Mount Road v. Khem Chand Raj Kumar 1970 MLJ 648
201
5. Maganbhai v Union of India AIR 1969 SC 785 Madhav Rao v. Union of India AIR 1971 SC 530
6. Delhi Science Forum & Others v. Union of India JT 1996 (2) SC 295
7. Canara Bank v. Canara Sales Corporation & Others AIR 1987 SC 1603
8. Indian Airlines Corporation v. Madhuri Choudhury AIR 1965 Cal 252
9. Gatewhite Ltd & Another v. Iberia Lineas de Espana SA (1989) 1 All E.R. 944

DSC-202: CONSTITUTIONAL LAW – II (Paper – II)**Object:**

To understand the political, social and economic value structure of the Constitution of India and the protection of human rights of individuals and balancing with the positive responsibility of the state to establish a economy of growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Method of study: Lecture method and interactive sessions of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment/Project Work/Presentation: 20 Marks Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS**UNIT I. PARLIAMENT**

1. Composition, Election, qualifications, disqualifications and tenure of members.
2. Functions of Parliament.
3. Privileges of Members, Parliamentary Privileges and fundamental rights
4. Relationship between Lok Sabha and Rajya Sabha
5. Officers of the parliament – Speaker, Chairperson, powers and functions

UNIT II. PARLIAMENTARY GOVERNMENT AND UNION EXECUTIVE

1. Westminster Model - Choice of Parliamentary Form - Council of Minister and Prime Minister, Cabinet system, collective responsibility - individual responsibility.
2. Co-alition Government
3. President of India - Election, qualification and Impeachment

4. powers(speciallytheordinancemakingpower)privilegesandconstitutionalposition
5. GovernoroftheState-Appointment,tenureetc.,positionandstatusofGovernor.

III.RELATIONSHIPBETWEENUNIONANDSTATES I- LEGISLATIVE RELATIONS

1. Legislativepowersoftheunion-extentandwidth-seventhschedule
2. Provisionastointroductionandpassingofordinarybills
3. Joinsittingofboththehouses
4. Parliament'spowertolegislatesonStatesubjects
5. PrinciplesofinterpretationofLists

IV--RELATIONSHIPBETWEENUNIONANDSTATES II- ADMINISTRATIVE AND FINANCIAL

1. Administrativerelationship
 - a) Co-extensivepowersofadministrativeorgan-Art73
 - b) Obligationofstates-assistanceandcoordination
 - c) Interstatecouncil
 - d) AllIndiaServices
 - e) Grantsinaid.
2. FinancialRelations---
 - a) DistributionofRevenuebetweenCentreandState.
 - b) MoneyBill-financebills
 - c) FinanceCommission

UNITV.-FREEDOMTRADE-COMMERCEANDSERVICESUNDERTHESTATE

1. FreedomTrade-extentandrelationshipwithfundamentalrights
2. RestrictionsonTradeandCommerce
3. DoctrineofPleasure
4. ConstitutionalsafeguardstoCivilServants
5. PublicServiceCommission

UNITVI.-EMERGENCYPROVISIONS

1. Nationalemergency-impositionandimplications
2. Constitutionalamendmentsrelatingtonationalemergency
3. Failureofconstitutionalemergencyinthestate-grounds
4. Misuseofstateemergency-safeguardsbyjudicialpronouncements
5. Financialemergency-groundsandimplications

UNITVII.-JUDICIARYUNDERCONSTITUTION

1. SupremeCourt-composition,Appointmentprocedure-collegiumsystem-removal
2. Jurisdictionofsupremecourt-original,appellate,advisoryandcurative
3. HighCourt-Composition,Appointment,jurisdictionetc.
4. IndependenceofJudiciary
5. DoctrineofJudicialReview-Natureandscope

UNITVIII.-CONSTITUTIONALPROCESSOFADAPTATIONANDALTERATION

1. Amendment-meaningandMethodsofConstitutionalamendment
2. constitutionalLimitationsuponconstituentpower
3. DoctrineofBasicStructure-emergenceandexpansion
4. Amendmentoffundamentalrights

5. Content and controversy of basic structure theory

Reference Books:

- 1) T.K. Tope: Constitutional of India.
- 2) G. Austin, History Democratic Constitution: The Indian Experience (2000) Oxford.
- 3) D.D. Basu: Shorter Constitution of India (1996) Prentice Hall of India, Delhi.
- 4) Constituent Assembly Debates Vol. 1 to 12 (1989)
 - 5) H.M. Seervai: Constitution of India Vol. 1-3 (1992), Tripathi, Bombay.
 - 6) M.P. Singh (ed) V.N. Shukul: Constitutional Law of India (2000) Oxford.
- 7) G. Austin: Indian Constitution: Cornerstone of a Nation (1972)
 - 8) M. Glanter: Competing Equalities - Law and the Backward Classes in India (1984)
 - 9) B. Sivaramayya : Inequalities and Law (1984) Eastern Lucknow.
- 10) S.C. Kashyap: Human Rights and Parliament (1978) Metropolitan.
- 11) Dr. Pandey J.N.: Constitutional Law of India. (2007) Central Law Agency.

DSC-203: FAMILY LAW-II (Paper-III)**Object:**

Succession is one every important way of transfer of property, of course after the life of the owner of the property. The study shall not only examine the law as it is and is interpreted by Courts in fact situation, it also shall aim at understanding the differences in the law of succession, both testamentary and intestate, amongst various religious groups.

Methodology of teaching-learning: Lecture method, Case study and presentation shall be dominant method. But research and paper-writing is also important. There shall be comparative studies in all presentations and lectures. Discussion and issue-based round table shall be emphasized instead of issue-based lecture.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment/ Project Work /Presentation: 20 Marks Viva Voce College Level : 10 Marks

:30 Marks

SYLLABUS:**UNIT I: JOINT FAMILY**

Mitakshara joint family

Mitakshara coparcenary – formation and incidents

Property under Mitakshara law – separate property and coparcenary property

Dayabhaga coparcenary – formation and incidents

Property under Dayabhaga law

Karta of the joint family – his position, powers, privileges and obligations

Alienation of property – separate and coparcenary

Partition and reunion

Joint Hindu Family as a social security institution and impact of Hindu gains of Learning act and various laws on it

Matrilineal joint family

UNIT II: INHERITANCE – HINDUS

Historical perspectives of traditional Hindu law as a background to the study of Hindu Succession act 1956

Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession act 1956

Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession act 1956

Succession to property of a Hindu female dying intestate under the provisions of Hindu Succession act 1956

Disqualification relating to succession

General rules of succession

Marumakkattayam and Aliyasana laws governing people living in Travancore–Cochin and the districts of Malabar and South Kanara.

UNIT III: INHERITANCE – MUSLIMS

General rules of succession and exclusion from succession

Classification of heirs under Hanafi and Ithna Ashri schools and their shares and distribution of property

Christians, Parsis and Jews

Heirs and their shares and distribution of property under the Indian Succession Act 1925

UNIT IV: WOMEN'S PROPERTY

Stridhan – concepts and characteristics, sources

Principles of succession

Comparative analysis of right to property of women under different religious and statutory law

UNIT V: TESTAMENTARY SUCCESSION

Power of testamentary succession under various religious and statutory law under Hindu, Islamic, Christian and Parsi Law

Competence of the testator, limitation to testamentation

Abatement of legacy, Will and administration of will – Probate, Codicil, execution of Privileged and unprivileged will

Attestation, alteration and revival of will

UNIT VI: RIGHT OF PRE-EMPTION:

Pre-emption, meaning, nature, constitutionality, classification

Who can claim the right, formalities and legal effect

Legal devices of evading right of pre-emption, when is the right lost

UNIT VII: GIFT UNDER THE ISLAMIC LAW

Hiba – nature and characteristics, kinds of hiba

Conditional and future gift, types of Hiba, Death-bed gift

Revocation of gift

UNIT VIII: RELIGIOUS ENDOWMENTS

Wakf

Meaning, character, formalities for creation

Administration, power of Mutawali, Muslim Religious Institutions and offices

Hindu Religious Endowment

Traditional religious principles of creation, administration and offices
 Statutory methods of creation of trust
 Powers and functions of the trustees

References:

- 1) Mulla, Hindu Law, Vol II and II, Butterworth
- 2) Mayne, Hindu Law and Usage, Bharat
- 3) Diwan, Modern Hindu Law, Universal
- 4) Tyabji, Muslim Law, Tripathy
- 5) Mulla, Principles of Mohammedan Law, Tripathy
- 6) Amer Ali, Mohammedan Law, Vol II and II, EBS
- 7) Tahir Mohammad, Family Law reforms in Muslim world, tripathy
- 8) Tahir Mohammad, Islamic Law in Modern India, Tripathy
- 9) Derret Hindu Law, Past and Present, Universal
- 10) Derret, Introduction to modern Hindu Law, Universal
- 11) Ghosh, the law of endowments, S.C. Sarkar
- 12) Row, Sanjiva, The Indian Succession Act, Lawbook Co
- 13) Basu, Indian Succession Act, eastern
- 14) Gaur, hindu code Vol II and II, Law Publisher
- 15) Diwan, law of Intested and testamentary Succession, wadhwa
- 16) Mukherjee, Hindu law of religious and charitable trust, eastern
- 17) Desai Kumud, Law of Marriages and Divorce
- 18) Mayne's Hindu law and usage
- 19) Paras diwan, Family law
- 20) Dr. T. V. Subbaroa Family law in India
- 21) Mulla, principles of Mahomedan law

DSC-204: ENVIRONMENTAL LAW (Paper-IV)

Object:

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues related to problematic about construction of a just, humane and healthy society.

Secondly environmental law necessarily demands an inter – disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology – related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning device. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation

: 20 Marks

Viva Voce College Level

: 10 Marks

:30 Marks

SYLLABUS

UNIT I--CONCEPT OF ENVIRONMENTAL AND POLLUTION

Meaning and definition of environment and pollution under different Acts

Kinds of pollution

Effects of pollution

UNIT II--HISTORICAL PERSPECTIVES OF ENVIRONMENT AND POLLUTION

Indian tradition: Dharma of environment

British Raj – Industrial development and exploitation of nature Nuisance : penal code and procedural codes

Free India – continuance of British influence

UNIT III--CONSTITUTIONAL PERSPECTIVES

Constitution making – development and property oriented approach

Directive principles

Judicial approach

Fundamental rights – Right to clean and healthy environment, Pollution Free Atmosphere etc.

Environments v. Development

Enforcing agencies and remedies

Emerging Principles

Polluter pays and Precautionary Principle: Public Liability Insurance

Public Trust Doctrine

Sustainable Development

UNIT IV--WATER AND AIR POLLUTION

Water and Air Pollution – Meaning and standards

Culprits and victims

Offences and penalties

Judicial approach

4.5 – Noise Pollution and Control

Legal control

Courts of balancing: permissible and impermissible noise

UNIT V--ENVIRONMENT PROTECTION

Protection means

Protection agencies: Power and functions

Emerging protection through delegated legislation

Hazardous waste

Bio-medical waste

Genetic engineering

Disaster emergency preparedness

Coastal zone management

Judiciary: complex problems in administration of environmental justice

UNITVI--FORESTANDGREENERY

Greeneryconservationlaws
 ForestConservationAct
 Symbioticrelationshipandtribalpeople
 7.1.5Denudationofforest:judicialapproach
 WildlifeProtectionAct

UNITVII--INTERNATIONALREGIME

Stockholmconference
 Greenhouseeffectandozonedepletion
 Rio Conference
 Bio–Diversity
 U.N.DeclarationonrighttoDevelopment

UNITVIII--PREVENTIONOFCRUELTYTOANIMALS

AnimalwelfareBoard
 CrueltytoAnimalsGenerally
 ExperimentationonAnimals
 Performinganimals

ReferenceBooks

1. BallandBell,Environmental Law
2. ShyamDivan:ArminRosencranzEnvironmentalLawsandPolicyinIndia-Cases,Materialsand Statutes
3. BaxiUpendra,TheBhopalCase
4. AggarwalAnil,TheStateofIndia’sEnvironment
5. Lal’sCommentariesonWaterandAirPollutionandEnvironmentProtectionLaws
6. PalChandra,EnvironmentalPollutionandDevelopment,ed1999
7. IyerVRKrishna,EnvironmentPollutionandtheLaw
8. Malaviya,EnvironmentPollutionanditsControlunderInternationalLaw
9. Leelakrishnan,EnvironmentalLawinIndia1986
10. TheEnvironment(Protection)Act1986andRules1986

SelectBibliography:

- 1) AarminRosencranz,etal,(eds.),EnvironmentalLawandPolicyinIndian,(2000),Oxford
- 2) R.B.Singh&SureshMisra,EnvironmentalLawinIndia(1996),ConceptPublishing, New Delhi.
- 3) KailashThakur,EnvironmentProtectionLawandPolicyinIndia(1997),Deep&Deep publications, New Delhi.
- 4) RichardL.Riversz,et.al.(eds.),EnvironmentLaw,theconomyandotherSustainable Development (2000), Cambridge
- 5) ChristopherD.Stone,ShouldTreesHaveStandingandotherEssaysonLaw,Moralsand the Environment (1996), Oceana
- 6) Leelakrishnan,Pet.al.(eds.),LawandEnvironment(1990),Eastern,Lucknow
- 7) Leelakrishnan,P,TheEnvironmentalLawinIndia(1999),Butterworths–India
- 8) Department of Science and Technology, Government of India Report of the Committee for RecommendingLegislativeMeasuresandAdministrativeMachineryforEnsuringEnvironmental protection (1980) (Tiwari Committee Report).
- 9) IndianJournalofPublicAdministration,SpecialNumberonEnvironmentand Administration,July–September1988,Vol.XXXV,No.3,pp.353-801

- 10) Center for Science and Environment, The State of Indian's Environment 1982, The State of India's Environment 1984 – 1985 and The State of Indian Environment 1999 – 2000
- 11) World Commission on Environment and Development, Our Common Future (1987), Oxford.
- 12) Maneka Gandhi et al. Animal Laws of India (2001)
- 13) Iyer VR Krishna, Environment Pollution and the Law
- 14) Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
- 15) Pal Chandra, Environmental Pollution and Development, ed 1999
- 16) Malaviya, Environment Pollution and its Control under International Law
- 17) The Environment (Protection) Act 1986 and Rules 1986

**DSC-205: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM
(Paper-V)**

Object:

Advocates have the dual responsibility of upholding the interests of the client fearlessly while conducting themselves as officers of the court. Accordingly, they are expected to adhere to the highest standards of probity and honour. An advocate's conduct should reflect their privileged position in society which derives from the nobility of this profession. The service of an advocate to the common man should be compassionate, moral and lawful. Indian Legal System can write up the next big success story in professional legal education and consequently higher efficiency in Justice Delivery System if it succeeds in facilitating high professional skills, building up of human resource with proper integration of knowledge to match the growing world standard.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation

: 20 Marks

Viva Voce College Level

: 10 Marks

:30 Marks

SYLLABUS

UNIT I--PROFESSIONAL ETHICS

Development of Legal Profession in India.

Concept, need and importance of Professional Ethics.

Bar Council of India Rules on Standards of professional Conduct and Etiquettes, seven lamps of advocacy

Duties and Obligations of Advocate (Norms of Professional Ethics) Section I -Duty to the Court.

Section II -Duty to Client. Section II -Duty to Opponent. Section IV -Duty to Colleagues

-

Duty to Professi

on

-Duty to Render Legal Aid.
 Restrictions on other employments.
 Senior Advocates and Restrictions on Senior Advocates.
 Form of Dresses or Robes to be worn by Advocate.
 Vakalatnama.

UNIT II--ADVOCATES ACT, 1961:

Chapter I (Sections 1 and 2) Definitions- Advocate, Legal Practitioner, Law Graduate.
 Chapter II (Sections 3 to 15)- Bar Councils Functions.
 Chapter III (Sections 16 to 28)- Admission and Enrolment of Advocates.
 Chapter IV (Sections 29 to 34)- Right to Practice.
 Chapter V (Sections 35 to 44)- Conduct of Advocates. Punishment of Advocates for misconduct.
 Chapter VI (Sections 45- Miscellaneous.)

UNIT III--BAR-BENCH RELATIONS AND CONTEMPT OF COURT.

Concept and Role of Bar-Bench Relation with reference to administration of Justice.
 The Contempt of Courts Act, 1971 Sections 1 to 24.

UNIT IV--ACCOUNTANCY FOR LAWYERS.

Definition, object, Importance and Utility of Book Keeping.
 Principles of Book-keeping and Accountancy, Accounting concepts and Accounting conventions.
 Meaning and Advantages of Double Entry Bookkeeping.
 Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.
 Types of Cash Book.
 Simple Cash Book.
 Cash Book with Cash and Discount columns.
 Cash Book with Cash, Bank and discount columns.
 Bank Reconciliation statement.
 Rectification of Errors.
 Preparation of Trial Balance.
 Preparation of Trading, Profit and Loss Account and Balance Sheet.
 Preparation of Income and Expenditure Account.
 Assessment of income and expenditure and payment of taxes by Advocates.

UNIT V--CASES & SELECTED OPINIONS PRESCRIBED FOR STUDY.

Major Judgements of Supreme Court on the subject :

- 1) Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997, SC, 1338
- 2) Hikmat Ali Khan V/s Ishwar Prasad, AIR, 1997, SC 864.
- 3) V.P. Kumarvelu V/s B.C.L., AIR, 1997, SC 1014
- 4) P.D. Gupta V/s Ram Murty, AIR, 1988, SC 283.
- 5) In Re. V.C. Mishra, AIR, 1995, SC 2348.
- 6) Supreme Court Bar Association V/s Union Bank of India, AIR, 1988, SC 1895.
- 7) U.P. Sales Tax Service Association V/s Taxation Bar Association, Agara AIR, 1996, SC 98.
- 8) John D'Souza V/s Edward Ani, AIR, 1994, SC 975.
- 9) Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ 1478.
- 10) Mr. Roma Banerji V/s Ushapati Banerji, AIR, 1958, CRLJ 1478.

Selected Opinions Of The Disciplinary Committee Of Bar Council Of India

- 1) B.C.I. TR Case No. 27/1988, Vol. 16(3&4) 1989, I.B.R. Y. V. R. (Complainant) V/s M.K.N. (Respondent).
- 2) B.C.I. TR Case No. 24/1986, Vol. 16(3&4) 1989, I.B.R. C.L. (Complainant) V/s N.T.S. (Respondent).
- 3) D.C. Appeal No. 6/1988, Vol. 16(3&4) 1989, I.B.R. J.E. (Appellant) V/s Smt. A (Respondent).
- 4) D.C. Appeal No. 28/1986, Vol. 15(3&4) 1988, I.B.R. J. (Appellant) V/s Smt. A (Respondent).
- 5) D.C. Appeal No. 35/1987, Vol. 16(3&4) 1989, I.B.R. N.M. (Appellant) V/s V.D. (Respondent).
- 6) D.C. Appeal No. 13/1975 (Mah.) Vol. 5(1-3) 1976, Journal of Bar 35 Council of India, A. (Appellant) V/s Bar Council of Maharashtra, (Respondent)
- 7) B.C.I., TR. Case No. 17/86. Vol. 15(3&4), 1988, I.B.R. M. (petitioner/complainant) V/s Bar Council of Maharashtra, (Respondent)
- 8) B.C.I., TR. Case No. 63/1983. Vol. 15(3&4), 1988, I.B.R. B. (Complainant) V/s R. (Respondent)
- 9) D.C. Appeal No. 21 of 1985. Vol. 15(3 and 4), 1988, I.B.R. G. (Applicant) V/s T. (Respondent)
- 10) B.C.I., TR. Case No. 61/1983. Vol. 14(2), 1987, I.B.R. D. (Complainant) V/s B. (Respondent)

Recommended Books

1. Sanjiva Row's Advocates Act, 1961.
2. Iyer's Law of Contempt of Courts.
3. Bar Council of India Trust Selected Judgments on Professional Ethics.
4. Bar Council of India Rules on Standards of Professional Conduct and Etiquette.
5. Dr. Kailash Rai - Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
6. Dr. S.P. Gupta - Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
7. M.G. Patkar - Book Keeping and Accountancy.
8. Mrs. Jayashree Kotibhaskar - Book Keeping and Accountancy.
9. Krishnamurti Iyer - Advocacy.
10. Shukla and Grewal - Advance Accountancy.
11. R.L. Gupta - Advanced Accountancy.
12. S.N. Maheshwari - Introduction to Accountancy.
13. Indian Bar Review - Journal.
14. M.P. Jain - Outline Indian Legal History - Chapter Development of Legal Profession.
15. V.K.V. Krishna Swami Iyer - Professional Conduct and Advocacy Chapters 10 to 17.
16. M.R. Mallick - Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
17. P.L. Mehta, Sushma Gupta - Legal Education and Legal Professional in India.
18. Law Reporters - A.I.R., S.C.C. (Relevant cases).
19. J.P.S. Sirohi - Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
20. Agarwal A.N. - Practical Aspects of Higher Accountancy.
21. Anand - Professional Ethics of Bar.
22. Jha Shriram Chandra - Selected Judgments on Professional Ethics.
23. Mynen S.R. - Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.

24. Reddy G.B.-Practical Advocacy for Lawyers.

AECC-206 PUBLIC INTEREST LAWYERING AND PARALEGAL SERVICES

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment-For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT-I-PUBLIC INTEREST LITIGATION

Meaning and object

Locus Standi

Merits and demerits of Public Interest Lawyering

Public Interest Litigation and Writ Jurisdiction

Social Revolution Through P.I.L. with Cases

UNIT-II LEGAL-AID AND LEGAL LITERACY PROGRAMME

Meaning, Object and Importance

Constitutional Provisions

Legal Services Authorities Act, 1987

Legal-Aid and Legal Profession

UNIT-III LOK ADALAT

Meaning of Lok Adalat

Organisation of Lok Adalat

Permanent Lok Adalat

Composition of Lok Adalat

Functioning of Lok Adalats

UNIT-IV-PARA-LEGAL TRAINING AND IMPORTANCE

Meaning, Objects and Importance

Role of DALSA, TALSA

Legal Literacy Campus

Negotiation

Counselling

UNIT-V-LOKNAYALAYA AND GRAM NYAYALAYA

Meaning, Objects and Importance

Features of the Gram Nyayalaya Act, 2008

Jurisdiction of Gram Nyayalaya

Appellate Provisions

Mobile Court

Books Recommended

- 1) Public Interest Lawyering, Legal-Aid and Para Legal Services by Prof. Kailash Rai
- 2) Public Interest Litigation by J. Gulab Gupta

3) Legal–AidtothepoorbyS.S.Sharma.

From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one moresubject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write university examination in MARATHI.

(ItisapplicabletostudentswhoarewritinguniversitytheoryexaminationinMARATHI.)

DSC–207-ADVANCEDENGLISH(Paper–VI)

Object:

As Indian legal system is heavilyimbedded in English language, the first skill that an Indian lawyer has to learn is to acquire strong grounding in English language and literature. Accordingly, English is introduced as a compulsory course in law study as per BCI Rule – IV of part – IV on Standards of Legal Education. While insisting on ‘Proficiency in English’ the Bar Council of India expects the law graduates to have the minimum linguistic skills necessary for effective legal practice in the trial and appellate Court. The skills contemplated as essential to a lawyer are communication skills (both written and oral) well as skills of comprehension (learning by reading and listening).There can be many methods and diverse materials in imparting those skills The minimum expected by the courses is to give a functional knowledge of the language for the purpose of communication and comprehension in legal business. This would require obviously emphasis on both General English as well as English for legal purpose. The main focus, however, is on the use of English language as the meansand methodsof effective communication,reading,writingand speaking, forthepurposeof understanding and transaction of legal business.

Methodologyofteaching-learning:

The effective method of teaching-learning and developing language skill is to read more and more English literature especially literatures created by Judges and Jurists in the name of Autobiography or biography or in special lecture-series. Listen, speak and write– are three straight ways of teaching-learning language. The analytical skill is developed with critical interpretations and explanation. So the best wayto learn language is to work in tutorials and group participation, Class activities and lectures.

Evaluationmethods:TheoryExamination–70Marks

InternalAssessment:

Assignment / Project Work / Presentation: 20 Marks VivaVoceCollegeLevel :10Marks

30Marks

SYLLABUS:

UNIT–I-INTRODUCTIONTOLEGALLANGUAGE

ImportanceofLegalLanguage
CharacteristicsofLegalLanguage
HistoryofLegalLanguage

UNIT–II-

WHATISWORD?

2.1.TypesofWords.

2.2 Types of Adverbs

UNIT–III-SYNTHESIS AND ANALYSIS OF SENTENCE

Sentence structures

Laws of the sequence of tenses

Conditionals

Analysis of Simple, Compound and Complex sentences

UNIT–IV-COMMON ERRORS

Parts of Speech

Articles

Tenses

UNIT–V-PHONETIC THEORY AND PRACTICE

Importance of Correct Pronunciation and Accent

Transcription of Words/Sentence

Strong Forms, Weak Forms and Contractions

Intonation

Conversational passages for practice

The problems of Accent and Dialects

UNIT–VI-COMPOSITION SKILLS

Use of Cohesive Devices in Legal Drafting

Case Writing

Essay Writing on topics of Legal Interest

UNIT–VII-TRANSLATION OF LEGAL TEXT FROM ENGLISH TO MARATHI OR HINDI

UNIT–VIII-BOOK REVIEW....

Federalism in India: Theory and Practice-S.C. Gangal

The five functions of the Lawyer: Arthur T. Vanderbilt

SECOND YEAR OF THREE YEAR LAW COURSE (SEMESTER – III)

DSC-301-JURISPRUDENCE (Paper I)

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Jurisprudence implies the study and systematic arrangement of the general principles of law.

Jurisprudence _____ course can impart

knowledge of doctrines about law and justice, developed over the years, in various nations and _____ historical

situations. A course in jurisprudence should, primarily, introduce the students about questions concerning nature and concepts of law so that he will be able to understand the complexities of Law and develop critical thinking about the law, legal system and legal processes. The undergraduate course should impart the analytical skills and equip the student with the basic problems concerning nature of law and the types of solutions sought. It should also help students to appreciate how diverse approaches to law influenced decision-

lawsonit

making in judicial process. Since a basic idea in the designing of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teacher should try to make use of the Indian material as far as possible.

The main objectives of the course is-

- To equip students of Jurisprudence to understand, analyze, explain and classify the law.
- To reveal the conceptual and theoretical part of various theories of jurisprudence.
- To compare and contrast law with other fields of knowledge such as literature, religion and social sciences.
- To understand the abstract nature of jurisprudence and complexities of law.

Teaching Learning Method:

Lectures, including special lectures by experts may be a good process of learning. Interactive sessions, tutorials, project and research paper presentation these are the good forms of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation

: 20 Marks Viva Voce College Level:

10 Marks

30 Marks

SYLLABUS:-

UNIT-I: JURISPRUDENCE-ITS MEANING, NATURE AND SCOPE:

Evolution of Jurisprudence

Nature, scope and utility of jurisprudence.

Relation of Jurisprudence with other Social Sciences.

Definition of Law - Natural Law School

The Bharat Jurisprudence, the Concept of 'Dharma'

UNIT-II: SCHOOLS OF JURISPRUDENCE:

Analytical school

Historical School

Sociological School

American Realism

UNIT-III: LAW AND ADMINISTRATION OF JUSTICE:

Kind of Law

Sources of law - Custom, Legislation, Judicial Precedent, Conventional law

Law and Morality

Law and Administration of Justice

Social Justice-Compensatory Jurisprudence

UNIT-IV: THE CONCEPT OF LEGAL RIGHTS AND DUTIES:

Meaning of Legal Rights, Duties

Classification of Legal Rights and Duties

Correlation of Rights and Duties—*Hohfield's Analysis*

UNIT-V: LEGAL STATUS OF PERSONS:

Definition and Nature of Personality

Legal Status of Unborn Children, Minor, Lunatic, Drunken and Dead Persons

Legal Status of Animals

Legal Personality of State and non-state entity

UNIT-VI: THE CONCEPT OF POSSESSION AND OWNERSHIP:

Concept of Possession

Elements of Possession

Kinds of Possession

Modes of Acquiring Possession

Concept of Ownership

Kinds of Ownership

Modes of Acquiring Ownership

UNIT-VII: LIABILITY:

The Definition and Nature of Liability.

Kinds of Liability

General Conditions of Civil and Criminal Liability

UNIT-VIII: THE LAW OF OBLIGATIONS:

Definition and Nature of Obligation.

Sources of Obligation.

Kinds of Obligation

Recommended Reading:-

1. Bodenheimer Jurisprudence—
The philosophy and Methods of Law (1996), Universal Publication, Delhi.
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999).
3. Tripathi, Bombay W. Friedman, Legal Theory (1999) Universal Pub., Delhi.

4. V.D.Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern Books, Lucknow.
5. M.D.A. Freeman (ed.), Lloyd's Introduction to Jurisprudence, (1994), Sweet and Maxwell.
6. Paton G.W. Jurisprudence (1972), Oxford, ELBS.
7. H.L.A. Hart, The Concept of Law (1970), Oxford, ELBS.
8. Roscoe Pound, Introduction to the Philosophy of Law (1998 Re-print), Universal Pub., Delhi.
9. Dias, Jurisprudence (1994), Adithya Books, New Delhi.
10. Dhyani S.N. Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.
11. M.P. Tondon, Jurisprudence Legal Theory, Allahabad Law Agency.
12. Dr. Vijay Ghormade, Jurisprudence and Legal Theory, Hind Law House.
13. N.V. Pranjape, Studies in Jurisprudence and legal theory, Central Law Agency.
14. N.V. Jayakumar, Lectures in Jurisprudence, 2nd Ed., Lexis-Nexis.
15. Dr. B.N. Mani Tripathi, Jurisprudence Legal Theory, Allahabad Law Agency.
16. P.S. Atchthen Pillai, Jurisprudence and Legal Theory, Eastern Book Company.
17. Prof. G.C. Venkata Subba Rao, Jurisprudence and Legal Theory, Eastern Book Comp.

DSC-302-PROPERTY LAW (Paper-II)

Objectives:

The course on Property Law primarily deals with the Transfer of Property Act, 1882, including specific modes of transfer of property, especially immovable property transferred by act of parties. It also covers rules relating to Easement and License for better enjoyment of property rights.

Growing urbanization, industrialization and technological advancements have made far-reaching changes in the field in property laws. Due to scarcity of land in urban areas, people may not afford houses on individual basis. This led to growing tendency to construct multi-storied buildings, apartments on ownership basis. Therefore, The Maharashtra Apartment Ownership Act, 1970 has been passed by the state of Maharashtra to constitute each apartment, a heritable and transferable immovable property for all purposes.

Further, to avoid malpractices in construction industry, to protect interest of consumers and to provide speedy and effective dispute redressal mechanism The Real Estate (Regulation and Development) Act 2016 is passed by the Central Govt.

Learning Outcomes:

1. Understanding various principles of Transfer of Property Act 1882
2. Understanding fundamental concepts and essential rules of Easement and License.
3. Acquisition of knowledge of the basic concepts of The Maharashtra Apartment Ownership Act, 1970
4. Understanding the mechanism of The Real Estate (Regulation and Development) Act 2016

Teaching Learning Methods: - Lectures, including special lectures of experts may be a good process of learning. Interactive sessions, tutorials, assignments, field visits, project and research paper presentation-

these are the good forms of teaching and learning.

Evaluation methods:

Theory Examination –

70 Marks

Internal Assessment:

Assignment / Project Work / Presentation:

20 Marks Viva Voce College

Level:

10 Marks

30 Marks

SYLLABUS:-

UNIT–I: THE TRANSFER OF PROPERTY ACT, 1882:

Concept and Kinds of Property

Concept of Immovable Property under T.P. Act, General Clauses Act, and Registration Act.

Definition of Transfer of Property (sec.5)

Test of Transfer- Whether family settlement, compromise, partition, surrender, release, relinquishment and charge amount to transfer.

Definition of Actionable Claims

UNIT–II: GENERAL PRINCIPLES OF TRANSFER OF PROPERTY:

General rules of Transferability of Property (Sec.6)

Competency of Parties to transfer and Effect of transfer (Sec.7-8)

Restrictive Conditions about the alienation of Property (Sec.10-12)

Transfer for the benefit of Unborn Person and Rule against Perpetuity (Sec. 13-14)

Directions for Accumulation (Sec.17)

UNIT–III: EQUITABLE PRINCIPLES OF TRANSFER OF PROPERTY:

Kinds of Interest – Vested Interest and Contingent Interest (Sec.19-21)

Conditional Transfer (Sec.25-29)

Doctrine of Election (Sec.35)

Doctrine of Lis Pendens (Sec.52)

Doctrine of Part-Performance (Sec.53A)

Transfer by Ostensible Owner and Fraudulent Transfers (Sec.41 and 53)

UNIT–IV: MODES OF TRANSFER OF OWNERSHIP:

Definition and Essentials of Valid Sale (Sec.54)

Rights and liabilities of buyer and seller (Sec.55).

Exchange of property (Sec.118)

Definition and essentials of Gift (Sec.122) Revocation of gift (Sec.126)

Onerous gift (Sec.127) and Universal Donee (Sec.128)

UNIT–V: MODES OF TRANSFER OF POSSESSION:

Definition and Kinds of Mortgage (Sec.58)

Rights and Liabilities of Mortgagor and Mortgagee (Sec.60-77) Doctrine of

Redemption (Sec.91)

Definition and Essentials of Lease (Sec.105)

Rights and Liabilities of Lessor and Lessee (Sec. 108) Determination of Lease (Sec. 111)
Transfer of Actionable Claim (Sec. 130-132)

UNIT–VI:EASEMENTANDLICENSE:

Concept, Definition and Classification of Easements (Sec. 4-7)
Imposition and Acquisition of Easement (Sec. 8-18)
Extinction of Easement (Sec. 37-48)
Definition and Characteristics of License (Sec. 52)
Revocation and deemed revocation of License (Sec. 60 to 62)

UNIT–VII:THEMAHARASHTRA OWNERSHIP OF APARTMENT ACT, 1970:

Applicability of the Act.
Definition, Status and Ownership of Apartment (Sec. 3-5)
Definition and Status of Common Areas and Facilities (Sec. 3 and 6)
Contents of Deed of Apartment and Deed or Declaration (Sec. 11 and 13)
Bye-Laws and its content (Sec. 16)

UNIT–VIII:THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016:

Provisions about registration of Real Estate Project (Sec. 3-7)
Functions and Duties of Promoter (Sec. 11-18)
Composition, Powers and Functions Real Estate Regulatory Authority (Sec. 20-21, 34-38)
Composition and powers of the Appellate Tribunal (Sec. 43, 45, 53-54)
Offences, Penalties (Sec. 59-68)

Books Recommended:

- 1) Mulla, Transfer of Property Act, (1999) Universal, Delhi Subbarao, Transfer of Property Act, (1994), C. Subbiah chetty, Madars.
- 2) Sivaramayya, The Equalities and the Law, (1997) Eastern Book Co., Lucknow.
- 3) P.C. Sen, The General Principles of Hindu Jurisprudence (1984 reprint) Allahabad Law Agency.
- 4) V.P. Sarathy, Transfer of Property (1995), Eastern Lucknow.
- 5) S.D. Dighe, Law and Practice of Ownership Flats and Apartments in Maharashtra (1995), Hindu Law Publication, Pune.
- 6) Amin, B.K. and Shashtri C.J. V.M. Shukla, The Law of Easements, Eastern Book Company, Lucknow.
- 7) C.B. Upadhyaya, Law of Easements, Malhotra Publishing House Allahabad.
- 8) The Real Estate (Regulation and Development) Act 2016 Bare Act.
- 9) S.N. Shukla, Transfer of Property Act, Allahabad Law Agency.
- 10) R.K. Agarawal, Indian Easement Act, Pioneer Printers, Agra.
- 11) The Maharashtra Ownership of Apartment Act, 1970, Bare Act
- 12) H.N. Tiwari, Transfer of Property Act, Allahabad Law Agency
- 13) Avtar Singh, Text Book on Transfer of Property Act, Universal Lexis Nexis.

DSC-303-COMPANYLAW(Paper-III)

Objective:

In view of the important developments that have taken place in the corporate sector, important regulations pertaining to the issue of shares and the capital raising have come into force. This course aims to impart the knowledge relating to corporate management, control, possible abuse, the remedies and government regulation of corporate business and winding up of companies.

Method of Teaching:

Lecture method and interactive sessions of learning is the best method. Practicing Company Secretaries and other stakeholders may be invited to impart practical knowledge to the students on relevant topics. Paper writing and presentation may be gainfully employed to maximize the teaching-learning device.

Evaluation Methods:-

Theory Examination: 70 Marks

Internal Assessment: Assignment/Project Work/Presentation

: 20 Marks

Viva Voce College Level:

10 Marks

30 Marks

SYLLABUS

Unit I: FORMATION OF A COMPANY

Meaning, features of company and kinds of companies

Lifting of Corporate Veil

Legal Position of Promoters and status of Pre-incorporation contracts.

Procedure for Registration and Incorporation of Company

Legal effect of Certificate of Incorporation & Commencement of Business.

Unit II: MEMORANDUM AND ARTICLES OF ASSOCIATION

Memorandum of Association: Contents and procedure for alteration

Articles of Association: Contents and procedure for alteration

Doctrine of *Ultra Vires*: Meaning, Object, Consequences of ultra vires transactions,

Doctrine of Constructive Notice

Doctrine of Indoor Management and its exceptions.

Unit III: PROSPECTUS

Meaning and Definition of Prospectus

Contents of Prospectus

Golden Rule/Golden Legacy for issue of Prospectus

Remedies for misrepresentation

Liability for misstatement in Prospectus - Civil and criminal

Unit IV: SHARES AND DEBENTURES

Shares, Types of Shares, General Principles of Allotment, Share Certificates and Share Warrants, Transfer and Transmission of Shares, Demat transfers

Modes of becoming Member - Collective membership rights

Share Capital, Kinds of Share Capital, Alteration and Reduction of Share Capital

Dividend, KindsofDividend, DeclarationofDividends–StatutoryRequirement
Debentures–KindsofDebentures, TypesofCharge, CrystallizationofCharge

UNIT V: DIRECTORS

Appointment of Directors, Types of Directors, Qualifications and Disqualifications.
 Legal Position of Directors: Agents, Trustees, Organs
 Powers, Functions and Duties of Directors.
 Liabilities of Directors
 Removal, Resignation and Vacation of the office of Director

UNIT VI: ACCOUNTS, AUDIT AND MEETINGS

Books of Accounts, Right to inspection of Books of Accounts
 Appointment, Removal and resignation of Auditor
 Legal position, Powers and Duties of Auditor
 Types of Shareholders Meetings
 Procedure and Requisites of Valid Meeting

UNIT VII: MINORITY RIGHTS AND WINDING UP OF COMPANY

Majority Powers and Minority Rights- Rule in *Foss vs. Harbottle*
 Compromise, Arrangement and Amalgamation
 Modes of Winding up of Company
 Consequences of Winding Up
 Role of Official Liquidator and National Company Law Tribunal

UNIT VIII: CORPORATE GOVERNANCE

Meaning and significance of Corporate Governance
 Inspection, Inquiry and Investigation
 Corporate Social Responsibility
 Resolution of Corporate Insolvency under Insolvency & Bankruptcy Code 2016
 Revival and Rehabilitation of Sick Companies.

Recommended Books:

1. Dr. Avtar Singh, Company Law, Eastern Book Company, Lucknow
2. Ramaiya, Guide to the Companies Act, Wadhawa Book Company, Nagpur
3. K.R. Chandratre, Company Directors, Bharat Law House, New Delhi
4. Dr. N.V. Paranjape, Company Law, Central Law Agency, Prayag Raj, UP
5. N.D. Kapoor, Elements of Company Law, S. Chand & Sons
6. Agarwal and Beby, SEBI Act, Taxmann
7. Kailash Rai, Company Law, Allahabad Law Agency, Faridabad, Haryana
8. B.K. Goyal, Company Law, Singhal Law Publication, New Delhi

DSC-304-PUBLIC INTERNATIONAL LAW-(PAPER-IV)**Objectives:**

The course includes the study of general principles of international law including law of peace. Third world concerns in respect of security and development and the role of U.N. and International Agencies in structuring solutions in the context of changing balance of power are also to be appreciated.

The subject covers various aspects associated with International recognition of law. The Students have able to understand wide spread mechanism of International law. Students have to learn UNO and its Agencies, their operations with different legal perspectives. They have to learn recent trends in International Law. Moreover, they have to understand significance and applicability of International

Law into domestic law.

Learning Outcomes:

1. To become well-acquainted with the historical and modern basic concepts & principles of International Law
2. To learn organizational structure, powers and functions of the UN system and its various Organs and Agencies.
3. To study relationship between International Law and Municipal Law with reference to diplomatic relations, peace and security, respect for human rights, socio-economic issues, etc.

Teaching Learning Methods:

Lectures, including special lectures of experts may be a good process of learning. Interactive sessions, tutorials, and research paper presentation – these are the good forms of teaching and learning.

Evaluation methods:**Theory Examination –**

70 Marks

Internal Assessment:

Assignment / Project Work / Presentation:

20 Marks Viva Voce College Level:

10 Marks

30 Marks

SYLLABUS**UNIT-I: THE CONCEPT, NATURE, AND HISTORY OF INTERNATIONAL LAW**

Definitions

Nature of International Law

Historical Development of International Law

Basis of International Law

Relationship between International Law and Municipal Law.

UNIT-II: MODERN SUBJECTS OF INTERNATIONAL LAW

International Legal Personality and Concept of Subject

Theories as to Subjects of International Law – Realist, Fictional and Functional Theory

Types of Subjects

- State as the basic Subject of International Law

- Individual as a Subject of International Law

- Non-State Entities

The United Nations and its Principal Organs

UNIT-III: SOURCES OF INTERNATIONAL LAW:

Customs and Usages

Treaties – In general

Judicial Decisions

Other Sources – Writings of Jurists, Equity, Resolutions of General Assembly, etc.

Law of the Treaties

Formation of Treaties

Termination of Treaties

Reservation of Treaties

UNIT–IV:STATES–TERRITORY,RECOGNITIONANDSUCCESSION

ConceptofState

Attributes of Statehood – Territory, Population, Government and Capacity to enter into relation with other states

StateTerritory–Land,NationalWatersandAirSpace

TheRecognitionofStates-Theories,Forms,Modes&Consequences

StateSuccession–Definition,Kinds,Theories&Consequences

UNIT–V:PURPOSESANDPRINCIPLESOFINTERNATIONALLAW:

PreambleandPurposesofUnitedNations–Art.1ofUNCharter

ThePrinciplesofUnitedNations–Art.2ofUNCharter

The Principles of State Jurisdiction on Terrorism, Hijacking, Narcotics, War Crimes and Crimes against Peace.

StateResponsibility–Concept,Kinds,etc.

UNIT–VI:INTERNATIONALMARITIME,AIRANDSPACE LAW:

ConceptofMaritime,AirandSpaceLaws

TheBasicPrinciplesofMaritimeLaw

TheBasicPrinciplesofAir Law

TheBasicPrinciplesofOuterSpaceLaw

PrincipleofCo-operationsinInternationalSpaceLaw

UNIT–VII:INDIVIDUALANDSTATE

Nationality-Acquisition&TerminationofNationality

Aliens

Extradition

Asylum

UNIT–VIII:ROLEOFINTERNATIONALORGANISATIONSINRESOLVING CONFLICTS:

War

ArmedConflicts

Aggression

Intervention

SelfDefense

RecommendedBooks:-

- 1) InternationalLawandHumanRights–ByH.O.Agarwal:CentralLawAgency,Allahabad.
- 2) PublicInternationalLaw–ByS.K.Kapoor:CentralLawAgency,Allahabad.
- 3) InternationalLaw–ByDr.S.K.Kapoor.
- 4) PublicInternationalLaw-ByBhattacharya,K.K.
- 5) PublicInternationalLaw–ByM.P.Tondon.
- 6) PublicInternationalLaw(1998),-ByS.K.Varma:Prentice-HallPub.,NewDelhi.

- 7) Introduction to International Law (1989), -By J.G. Starke: Aditya Books, 10th Ed.
- 8) The Law of Nations -By J.B. Brierly: Oxford Publications, London.
- 9) Principles of Public International Law -By Ian Brownlie: Oxford Publications, London.
- 10) World Trade Organization -By Bhagirath Lal Das.

DCS305-CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY (PAPER – V)

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The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behaviors particularly deviant behavior and also with a view to develop among students a greater understanding of social cost of crime and the effective ways of lessening them. Penology offers a specialist understanding of criminal policies including focus on theories of punishment, prison reforms and the focus on alternatives to existing punishments. The victim has traditionally been ignored as component of the crime. The development of Victimology as separate discipline will provide the student with insights into not only how important the victim is to an investigation, but why they are important in the overall scheme of the Criminal Justice System, which will shift the study from accused centric approach to much needed victim centric approach.

Teaching Learning Method:-

Lectures, Seminars, Debates, Case Study, Project Method, including field visits and lectures of experts may be good processes of learning.

Evaluation methods:

Theory Examination–

70 Marks

Internal Assessment:

Assignment/Project Work/Presentation: 20 Marks Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

UNIT – I: INTRODUCTION

Concept of Crime, Criminology

Nature, Scope and Significance of Criminology.

Theories and Schools of Criminology.

Pre-Classical and Neo-Classical School

Positive School – Lombroso, Enrico Ferri, Raffaele Garofello.

Sociological School – Social disorganization, Differential Association and Anomie Theories.

UNIT-II:SPECIFICCRIMES-NATURE,CAUSESANDMEASURESTOCONTROLIN INDIA

WhitecollarCrime
OrganizedCrime
Juveniledelinquency
CyberCrime
ImmoralTrafficking

UNIT–III: THEORIES AND FORMS OF PUNISHMENT

Penology–Meaning, Nature and Scope
 Punishment–Definitions, Forms and Theories.
 Penal Policy in India
 Sentencing policy and process

UNIT–IV: PRISON SYSTEM AND ADMINISTRATION

Imprisonment-Meaning, types and Significance.
 Administrative Organization of Prisons
 Problems of Prison Administration
 Prisons Reforms
 Overview of Model Prison Manual 2016

UNIT–V: PROBATION, PAROLE AND FURLOUGH

Concept, Definition and Legislative Framework of Probation
 Parole–Concept, Objectives and procedure for granting Parole
 Problems of the Released Offenders and attitude of community towards them
 Furlough–Conditions and Rules of Granting

UNIT–VI: NON-INSTITUTIONAL CORRECTIONAL METHODS

Grant of Pardon
 Commutation of sentence
 Reprieves and suspension of sentence
 Remission of sentence.

UNIT–VII: VICTIMOLOGY-NATURE AND SCOPE

7.1 History, Philosophy, Definition and Scope of Victimology 7.2 Definitions and Characteristics of Victim
 7.3 Compensatory relief and rights of Victims
 7.4 Specific Victimization in Indian scenario-Child Victim, Women Victim and victimization of under privileged class.(SC, ST)

UNIT–VIII: CRIME VICTIMS AND ROLE OF INSTITUTIONS

Legal Framework
 Role of Judiciary
 Role of NHRC
 Victims Assistance Programmes and Services
 Witness Protection Schemes

Recommended Books:-

- 1) Edwin H. Sutherland–Criminology
- 2) Ahmad Siddique–Criminology, Penology and Victimology.
- 3) V.N.Rajan–Victimology in India.
- 4) Prof.N.V.Paranjape–Criminology and Penology, Central Law Agency, Allhabad.21
- 5) Penology, Victimology and correctional Administration in India–
 Dr.Krishna Pal Malik.
- 6) Criminology and Criminal Justice System–Dr.N.Maheshwara Swamy.

Reference Books:-

- 1) Krishna Pal Malik–Penology-Sentencing process and treatment of offenders.
- 2) Rohinton Mehta–Crime and Penology

- 3) R. Taft, Donald – Criminology
- 4) S. Rao – Crime in our Society
- 5) J. M. Sethana – Society and Criminal
- 6) H. L. Hart – Punishment and Responsibility.
- 7) S. Chabra – Quantum of Punishment in Criminal Law.
- 8) Herbert L. Packer – The Limits of Criminal Sanctions.
- 10) Iyer – Prospective in Criminology, Law and Social Change.

AECC-306--FUNDAMENTALS OF CYBERLAWS

Objectives:

Change is the law of nature. The cave age to information age man has travelled a long journey. In last few decades the technological advancements have brought this generation to a situation where everything is moving at a fast pace. Computer and internet have converted the entire world into a global village what we call as cyberspace. Though a common heritage of mankind few people misuse it and many users who are unaware about what a computer crime means are exploited. People with intelligence have been grossly misusing this aspect of internet to perpetuate illegal acts in cyberspace. The changing goals of legal education always focus on the recent issues and concerns which touch the life of common man. The fundamentals of cyberlaw also take into consideration to make aware the students about the basics of this branch of legal education.

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment - For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two mark each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT I - CYBERLAWS IN INDIA

- a) Introduction and need of cyberlaw
- b) Cyber Law and Cyber Crimes
- c) Salient features of Information Technology Act, 2000 and constitutional perspective
- d) Fundamental Concepts - Access, Computer, Cyber Security, Data, Network, IP Address

UNIT II - OFFENCES AND PENALTIES UNDER IT ACT, 2000

- a) Penalties and Compensation for damage to computer and computer system S. 43, Failure to protect Data 43 A
- b) Other offences and Punishments S 65 to S 74
- c) Abetment and attempt of offences
- d) Power to Investigate

UNIT III - E-COMMERCE & INTELLECTUAL PROPERTY ISSUES

- a) Electronic/Digital Signature, Certifying Authority
- b) Electronic Contracts
- c) Copyright and Trademark Issue

d) ComputerSoftwareLicense

UNITIV-CYBERAPPELLATETRIBUNAL&OTHERPROVISIONSUNDERITACT

- a) EstablishmentandCompositionoftribunal
- b) ProcedureandPowerofTribunal
- c) PowerstoEnterandsearchbypoliceorotherofficer
- d) CyberCrimeandCyberForensic
- e) OtherrelatedRulesandrelevantcaselaws

REFERENCES:

VakulSharma:(FifthEdition)InformationTechnologyLawsandPractice,UniversalPublication

PavanDuggal:TextbookonCyberLaw,UniversalPublication

AnirudhRastogi:CyberLaw-LawofInformationTechnologyandInternet,LexisNexis **Aparna**

Vishwanathan: Cyber Law – Indian and International Perspective, Lexis Nexis **Justice Yatindra**

Singh: Cyber Laws, Universal Publication

M.P.Jain:IndianConstitutionalLaw,UniversalPublication Information Technology Act, 2000

LL.B.ThreeYearsLaw (SEMESTER–IV)

DSC401-INTERPRETATIONOFSTATUTES(PAPER–I)

Objectives:

Legislation is one of the sources of law. Draftsmen are experts in grammar, language skills and rules of drafting. They also foresee and try to avoid any possible absurdity, hardship, misinterpretation of codified statute. However, there are legislative gaps and ambiguities existing in statutory provisions by the reason of rapidly changing circumstances, arising complexities etc that need to be resolved. Therefore, Interpretation of statutory provisions and other instruments is a primary duty assigned to judiciary.

In this background, Subject of Interpretation of Statute is significant and guiding source not only for law students, but also for judges and law professionals. Syllabus of this paper incorporates primary and secondary principles of Interpretation and construction. It covers various aids to interpretation, presumptions and considerations to be taken into account while interpreting statutory provisions. Further, it also deals with principles of constitutional interpretation.

LearningOutcome:

- i. Acquisitionofknowledgeofrulesofinterpretation
- ii. Developsoflegalreasoning
- iii. Inculcatesskillsandtechniquesforinterpretingandconstructingstatutoryprovisions

TeachingandLearningMethods:

ClassroomteachingswiththehelpoflectureandDiscussionmethod,Casestudymethods,assignments, Tutorials,Paperswritinggetcareseveralmethodstobeadoptedbyfaculties.UseofICT,referenceofstudy

material relating to case law set etc is also beneficial for learners.

Evaluation methods:

Theory Examination–

70Marks

Internal Assessment:

Assignment / Project Work / Presentation:

20Marks VivaVoceCollegeLevel:
10Marks

30Marks

SYLLABUS

UNIT–I:ProcessofLaw,Legislationanditsinterpretation:

ConceptofLaw,LegislationandStatutes

Legislativepowersandprocess

JudicialLawMaking–JudicialActivismandJudicialRestraint

Interpretation–Meaning,PurposeandImportance

InterpretationandConstruction

UNIT–

II:RULESOFSTATUTORYINTERPRETATION:

PrimaryRulesofInterpretation

- Grammaticalruleofinterpretation
- Goldenruleofinterpretation
- Mischiefruleofinterpretation

SecondaryRulesof Interpretation

- Nosctiurasociis
- Ejusdemgeneris
- Reddindosingulasingulis
- Lawtobereadasawhole
- PredominanceofLegislativeintent

UNIT–

III:AIDSTOINTERPRETATIONOFSTATUTES:

InternalaidstointerpretationofStatutes

- Title
- Preamble
- StatementofObjectandReasons
- Headingsandmarginalnotes
- SectionsandSub-sections
- Punctuationmarks
- Illustrations,Exceptions,ProvisosandSavingclauses
- Schedules

- Non-obstinate clause
- External aid to interpretation of Statutes
- Dictionaries
- Translations
- Debates, Inquiry Commission Reports and Law Commission Reports
- Travaux Préparatoires
- Statutes in parimateria - Meaning, importance and interpretation
- Contemporanea exposito

UNIT-IV: PRESUMPTIONS IN STATUTORY INTERPRETATION:

Presumptions as to validity of Statutes

Presumptions as to territorial nexus of statutes

Presumption that statutes are consistent with International Law

Presumption as to prospective operation of Statutes

Presumption that Legislature knows Law and Judicial decisions

Legislature does not intend what is inconvenient and unreasonable

UNIT-V: CONSIDERATIONS IN STATUTORY INTERPRETATION:

Considerations of Absurdity and Futility

Considerations of Reasonableness

Considerations of Injustice and Hardship

Considerations of Inconvenience

Considerations of consequences

UNIT-VI: MAXIMS OF STATUTORY INTERPRETATION:

Delegatus non potest delegare

Expressio unius est exclusio alterius

Generalia specialibus non derogant

Ut res valet potius quam pareat

Expressum facit cessare tacitum

UNIT-

VII: INTERPRETATION OF CONSTITUTIONAL PRINCIPLES:

Doctrine of Harmonious Construction

Doctrine of Pith and Substance

Doctrine of Colourable Legislation

Doctrine of Repugnancy

Doctrine of Ancillary Powers

Doctrine of Occupied Field

Doctrine of Residuary Powers

UNIT–VIII-INTERPRETATIONWITHREFERENCETOSUBJECTMATTERAND PURPOSE:

WithreferencetoSubjectMatter–

- PenalStatutes
- TaxingStatutes
- WelfareLegislations

WithreferencetoPurpose –

- SubstantiveandProceduralLaws
- DirectoryandMandatoryProvisions
- CodifyingandConsolidatingStatutes
 - EnablingStatutes-ConferringRights
 - ConferringPowers

ReferenceBooks:

G.P.Sing, “PrinciplesofStatutoryInterpretation”, Wadhava&Co.,Nagpur

P.St.Langan(Ed),MaxwellontheInterpretationofStatutes,N.M.Tripathy,Mumbai.

N.S.Bindra’sInterpretationofStatutes,M.N.Rao&AmitaDhanda(Ed),ButterworthWadhava,Nagpur

V.P.Sarathy,”InterpretationofStatutes”,EasternBookCo.,Lucknow

Dr.M.P.Tondon,“InterpretationofStatutes”,AllahabadLawAgency,Faridabad.

D.N.Mathur,InterpretationofStatutes”,CentralLawPublication,Allahabad

Prof.T.Bhattacharya,InterpretationofStatutes”,CentralLawAgency,Allahabad

M.P.Jain,“ConstitutionalLawofIndia”,Wadhava&Co.,Nagpur

M.P.Sing,(Ed),V.N.Shukla’sConstitutionofIndia,EasternBookCo.,Lucknow

U.Baxi,“IntroductiontojusticeK.K.Mathew’sDemocracy,EqualityandFreedom,EasternBookCo.,Lucknow

DSC402-INTERNATIONALHUMANRIGHTS–(PAPER–II)**Objectives:**

The Concept of Human Rights has become a thought provoking challenge all over the world. The study of Human Rights is contemporary relevant. The main thrust of this course is to explore human rights law, Policy & Practice. This course will examine Human Rights Law at International, Regional & National levels. An attempt is made to introduce important norms of Human Rights at International Level Such as Civil, Political& Economic, Social & Cultural Rights, Protection Mechanism of Human Rights, Regional contribution for protection of Human Rights, Role of Specialized agencies of U.N. & NGO’S an attempt is also made to introduce rights of vulnerable groups.

This course is to be confirmed to deliberation of international law, to the growth of Human Rights law & how international norms & dissections are applied in municipal law of the country.

LearningOutcomes:

- ToknowtheconceptsofHumanRightsJurisprudence

- To Study International, Regional and National Perspectives of Human Rights.
- To learn Human Rights Promotion and Protection Mechanism

Teaching Learning Methods: - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-these are the good forms of teaching and learning.

Evaluation methods:

Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

UNIT-I: CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS:

Meaning, Definition, Importance and Scope of Human Rights

Kinds and Sources of Human Rights

Theories of Human Rights

Evolution of the Concept of Human Rights - Ancient Times [5th Century B.C., Ancient Greece] Middle Ages [12th Century to 19th Century] Modern Ages - 20th Century

Historical development of Human Rights in India (Ancient, Medieval & Modern)

UNIT-II: ROLE OF INTERNATIONAL INSTITUTIONS ON HUMAN RIGHTS:

First World War and Second World War - Consequences and Human Rights

Role of League of Nations

United Nations Charter and Human Rights

Role of Principal Organs of United Nations Organization on Human Rights

Role of UN Specialized Agencies

UNIT-III: INTERNATIONAL BILL OF RIGHTS:

Universal Declaration of Human Rights, 1948

The International Covenant on Civil and Political Rights, 1966

Optional protocol to the Covenant on Civil and Political Rights

The International Covenant on Economic, Social and Cultural Rights, 1966

Optional protocol to the covenant on International Covenant on Economic, Social and Cultural Rights

UNIT-IV: INTERNATIONAL CONVENTIONS ON INHUMAN ACTS:

Genocide, Apartheid and Racial Discrimination

Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Slavery and Slave Trade, Forced or Compulsory Labour

Traffic in Persons and Prostitutions

International Humanitarian Law

UNIT-V: HUMAN RIGHTS AT REGIONAL PERSPECTIVES:

Role and Importance of Regional Organisations
 European Convention on Human Rights
 American Convention on Human Rights
 African Charter on Human and People's Rights
 Human Rights in South Asia – SAARC

UNIT – VI: HUMAN RIGHTS AND VULNERABLE GROUPS:

Women and Human Rights
 Children and Human Rights
 Aged Persons and Human Rights
 Disabled Persons and Human Rights
 Refugees and Human Rights

UNIT – VII: HUMAN RIGHTS PROTECTION MECHANISM AT INTERNATIONAL LEVEL:

Role of Human Rights Commission
 Role of Human Rights Council
 Role of International Court of Justice (ICJ)
 Role of International Criminal Court (ICC)
 Role of International NGO's – Amnesty International, etc.

UNIT – VIII: HUMAN RIGHTS PROTECTION IN INDIA:

The Protection of Human Rights Act, 1993
 Role of Judiciary
 Role of Non Governmental Organisations (NGO's)
 National Commission on Women
 National Commission for Minorities and Backward Classes.

Recommended Reading:

1. K.C. Joshi, International Law & Human Rights, Eastern Book Company.
2. Dr. V.K. Anand, Human Rights, Allahabad Law Publication.
3. Dr. H.O. Agarwal – Human Rights, Central Law Publication.
4. Human Rights & Humanitarian Law, Developments in India & International Law, South Asia Human Rights documentation centre (Oxford)
5. Dr. U. Chandra Human Rights All Law Agency.

Reference books:-

1. N.K. Jaykumar, International Law & Human Rights, Lexis Nexis.
2. Paras Diwan, Human Rights & the law, Universal & India, Deep & Deep Publications.
3. M.P. Tondon, International Law & Human Rights.
4. S.K. Kapoor, International Law & Human Rights (Nutshell) 15th Ed.
5. Human Rights in Int. Law, Collected Texts – 2nd ed Universal Law Publication
6. Human Rights in the world, An introduction to the study of the International
7. Protection of Human Rights – 4th ed. A.H. Robertson & J.G. Merrills.
8. Ross Mallick, Development, Ethnicity & Human Rights in South Asia.

DSC-403–ADMINISTRATIVE LAW–(PAPER-III)

Objective:

To understand the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. To study different Constitutional principles, powers of administration, the control mechanism etc. Further to assess the liability of the government in torts and contract. In addition to aforesaid, to study the informal methods of settlement of disputes and grievance redressal procedures. Lastly, to trace out, understand the importance of Right to Information in administration in the present context. There is lot of scope of innovation and new interpretation. The main objectives of the course is-

- To equip students to understand, analyze, explain and classify the Administrative law.
- To unfold the conceptual and theoretical part of various Doctrines and Principles.
- To understand the abstract nature of jurisprudence and complexities of law.

Teaching Learning Method:-

Lectures, including special lectures by experts may be a good method of learning. Interactive– sessions, tutorials, project and research paper presentation these are the good forms of teaching and learning.

Evaluation methods: Theory Examination–70 Marks

Internal Assessment:

Assignment / Project Work / Presentation

:20 Marks Viva Voce College Level:

10 Marks

30 Marks

SYLLABUS

UNIT–I:EVOLUTION,NATUREANDSCOPEOFADMINISTRATIVE LAW:

Evolution, Definitions and scope of Administrative Law

Role of Modern Welfare State–From Laissez faire to welfare State

Relationship between Constitutional Law and Administrative Law

Reasons for growth of Administrative Law

Doctrine of Separation of Powers

Doctrine of Rule of Law

UNIT–II:LEGISLATIVEPOWERSOFADMINISTRATION:

Meaning of and Necessity for Delegated Legislation

Functions which may be delegated (Permissible Delegation)

Functions which may not be delegated (Impermissible Delegation)

Legislative control of delegated legislation

Judicial control of delegated legislation

UNIT–III:JUDICIALPOWERSOFADMINISTRATION

Need for devolution of adjudicatory authority on Administration

Tribunals–Meaning, Nature, Constitution, Jurisdiction and Procedure

Natural Justice–Meaning, Nature, content etc.

- Rule Against Bias–Types of Bias

- Right of Fair Hearing-Components of Fair Hearing
Exception to natural justice
Effect of violation of natural justice

UNIT-IV: JUDICIAL CONTROL OF ADMINISTRATIVE ACTION

Administrative actions-meaning and classification
Public law review-Prerogative writs-remedies
Grounds of Writ jurisdiction and judicial review

- Illegality
- Irrationality
- Procedural impropriety
- Unreasonableness
Conditions for exercising writ jurisdiction
- Exhaustion of administrative remedies
- Alternative remedy
- Laches
- Res Judicata
- 4.5 Private law review-remedies
- Injunction
- Declaration
- Suit for damages
- Specific performance and Civil Suits for compensation
- Statutory appeals
- 4.6. Public interest litigations for enforcement of public duty

UNIT-V: JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION

Meaning and Need for administrative discretion
Judicial Control of administrative discretion

- Failure to exercise discretion
- Abuse of discretion
Doctrine of Proportionality
Doctrine of Legitimate Expectation
Exclusion of Judicial Review

UNIT-VI: LIABILITY OF THE STATE

Sovereign and Non-Sovereign Function
Liability of government in Contracts
Liability of State in Torts
Doctrine of Estoppel and Waiver
Doctrine of Public Accountability
Government's privileges in legal proceedings

UNIT-VII: SETTLEMENT OF DISPUTES AND GRIEVANCE REDRESSAL PROCEDURES:

Informal methods of settlement of disputes-Conciliation and mediation etc
Commission of Enquiry-The Commission of Inquiry Act, 1952
Ombudsman in India-The Lokpal and Lokayuktas Act, 2013
Central Vigilance Commission-Central Vigilance Commission Act 2003

The Whistle Blowers Protection Act, 2014

UNIT–VIII: RIGHT TO INFORMATION:

Official Secrets Act-1923

Right to Information Act, 2005-Salient features of the Act

Citizen Charter-obligations of Public Authorities

Hurdles in the implementation of the Act

Recommended Books:-

- 1) C.K.Allen, Law and Orders (1985).
- 2) D.D.Basu, Comparative Administrative Law (1998).
 - 3) M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000), Butterworth – India.
- 4) Franks, Report of the Committee on Administrative Tribunals and Inquiries HMSO, 1959.
- 5) Peter Cane, An Introduction of Administrative Law (1996) Oxford.
- 6) Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi.
- 7) J.C.Garner, Administrative Law (1998) Butterworth (ed.B.L.Jones).
- 8) M.P.Jain Cases and Material on Indian Administrative Law Vol.I and II (1996), Universal, Delhi.
- 9) Jain and Jain, Principles of Administrative Law (1997), Universal Delhi.
- 10) S.P.Sathe, Administrative Law (1998), Butterworth–India, Delhi.
- 11) DeSmith, Judicial Review of Administrative Action (1995), Swest and Maxwell with supplement.
- 12) Indian Law Institute, Cases and Material on Administrative Law in India Vol II (1996), Delhi.
- 13) C.K.Takwani, Lectures on Administrative Law, Eastern Law Pub.Co.Luuknow.
- 14) N.K.Archarya, Commentary on Right to Information Act 2005, Asia Law House, Hyderabad.
 - 15) P.K.Das, Universal's Handbook on The Right to Information Act, 2005, Universal Law Publishing Co.Pvt. Ltd., New Delhi.

DSC-404–BANKING AND INSURANCE LAW (PAPER–IV)

Objectives:

Banking Institutions have become important players in the present day economy. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions into the agents of social change. Appreciating the importance, the Government has enacted several legislations to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance. The Course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students.

The insurance contract is subject to all the judicial interpretative techniques and has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

Method of Teaching:

Lecture method and interactive sessions of learning is the best method. Practising Advocates, Bank, Insurance officials and other stakeholders may be invited to impart practical knowledge to the

students on relevant topics. Paper writing and presentation may be gainfully employed to maximize the teaching-learning device.

Evaluation methods :

Theory Examination – 70 Marks

Internal Assessment: Assignment/Project Work/Presentation: 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

UNIT-I: INTRODUCTION TO BANKING

Nature of Indian Banking Business

Banker and Customer Relationship

Banker's duty of secrecy

Banker's duty to honour cheques,

Banker's lien, and banker's right to set off

UNIT-II: LAW RELATING TO NEGOTIABLE INSTRUMENTS:

Negotiable Instruments, 1881 Act & amended Act of 2002 – Salient features

Negotiable Instruments – Kinds

Sec. 138 of Negotiable Instruments Act – procedure of filing complaint, Defences and Punishment

Penal provisions under Negotiable Instruments Act 1881.

UNIT-III: BANKING REGULATION:

RBI – Constitution, Management and Functions

Banking Regulation Act, 1949 – Salient features.

Information Technology and E-Banking-

Bankers Book Evidence Act,

UNIT-IV: GRIEVANCE REDRESSAL AND DEBT RECOVERY

RBI – Grievance Redressal Agency

Banking ombudsman, Powers & functions.

Role of Consumer Forums

Debt Recovery Tribunal

UNIT-

V: INTRODUCTION TO INSURANCE LAW

:

Nature of Contract of Insurance

Principle of Insurable Interest

Principles of good faith

Effect of Misrepresentation in Insurance Contract

UNIT–VI:LIFEINSURANCECONTRACTS:

Risk and circumstance affecting the risk
 Amount recoverable under the Life Policy
 Persons entitled to payment
 Settlement of claim and payment of money

UNIT–VII:GENERALINSURANCECONTRACTS:

The Motor Vehicles Act, 1988–Sec.(140-176)
 Absolute or no fault liability.
 Third party or compulsory insurance of motor vehicles
 Claims Tribunal–Public Liability Insurance
 Own Damages Claims
 Third Party Liability Claims

UNIT–VIII:REGULATIONOFINSURANCEBUSINESS:

Life Insurance Act, 1956–Salient features
 General Insurance Act, 1972–Salient features
 Insurance Regulatory & Development Authority Act 1999-Salient features
 Insurance Ombudsman-Powers & functions.

Prescribed Books:

1. M.L.Tannan–Law of Banking.
2. M.S.Parthasarathy (Ed.) Khergamvala-Negotiable Instruments Act.
3. Avtar Singh–Negotiable Instruments Act.
4. Basu–Review of Current Banking: Theory and Practice.
5. L.C.Goyle–The Law of Banking and Bankers.
6. K.S.N.Murthy and K.V.S.Sharma–Modern Law of Insurance in India.
7. M.H.Srinivasan–Principles of Insurance Law.
8. E.R.Hardy Ivamy–General Principles of Insurance Law,
9. The Life Insurance Corporation Act, 1956.
10. Motor Vehicle Act, 1988.
11. Recovery of debts due to Banks & Financial Institutions Act 1993.

DSC405-ALTERNATEDISPUTERESOLUTION(PAPER–V)

Objectives:

The major concern of law is conflict resolution. Familiarization with modalities and techniques of resolution of conflict is a necessary component in the endeavors of developing expertise in juridical exercise. The traditional justice delivery system through adjudicatory by courts had already given way to a large extent to many an alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this

transformation everywhere. The study of ADR is highly significant in molding the students of law to act as soldiers of justice in the ever changing socio-economic scenario.

With the introduction of Section 89 in Civil Procedure Code 1908; Section 320 in Criminal Procedure Code, 1973 and amendments in the Arbitration and Conciliation Act 1996 in 2015 and 2019, alternative dispute resolution methods have been given a primary role in reducing arrears and promoting fast and affordable settlement of disputes. This course has two primary objectives. First, is to provide the students with the theoretical understanding of the concepts and the legal provisions relating to ADR. Secondly, the course is geared to train the students in the practical skills required to effectively participate in the ADR processes.

Teaching Learning Methods:

The teaching methods to be employed by teachers include lectures, simulation exercises, role plays/ field visits/ seminar/debate and other Clinical Legal Education methods.

Evaluation methods :

Theory Examination – 70 Marks

Internal Assessment: Assignment/Project Work/Presentation: 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

UNIT-I INTRODUCTION

Adjudication Methods of Dispute Resolution (Adversarial & Inquisitorial) and Alternative Dispute Resolution System

Reasons for need of Alternatives to the Formal Legal System

Advantages and Disadvantages of Alternative Dispute Resolution System

Methods of ADR: Arbitration, Conciliation, Mediation, Negotiation, Lok-Adalat, Nyaya Panchayat

Suitability of ADR to particular types of disputes.

International Commitments

UNIT-II ARBITRATION

Arbitration Meaning, Definitions and different kinds

Overview of Arbitration and Conciliation Act, 1996-

Qualities and Qualifications of an Arbitrator

Arbitration Agreement

Arbitral award- Appeal and Revision- Enforcement of foreign awards

Overview of International Rules: UNCITRAL Model Law

UNIT-III CONCILIATION

Conciliation Meaning and different kinds

3.2 Role, Qualities and Duties of Conciliator

Stages of Conciliation and its Process

Statutory provisions for Conciliation-

Arbitration and Conciliation Act, 1996.

Industrial Disputes Act, 1947;
 Family Courts Act, 1984;
 Hindu Marriage Act, 1955;

UNIT-IV MEDIATION:

Mediation Meaning, Kinds, Role and Skills of Mediator
 Stages of Mediation
 Code of Conduct for Mediator
 ADR & Mediation Rules, 2006

UNIT-V NEGOTIATION

Meaning of Negotiation
 Seven Elements of Negotiation
 Different styles and strategies of Negotiation
 Phases of Negotiation

UNIT-VI-ADR IN ADMINISTRATION OF CIVIL JUSTICE

129th Report of the Law Commission of India as well as Justice Malimath Committee Report
 6.2. Law Commission 222nd Report of India on Need for Justice-Dispensation through ADR
 6.3 Overview Arbitration and Conciliation Act, 1996 as amended in 2015 (Arbitration Council of India) and 2019 (amendments in Schedules)
 6.4 Sec. 89 and Order X 1A, B, C of Civil Procedure Code, 1908

UNIT-VII-ADR IN CRIMINAL JUSTICE SYSTEM

Sec. 320 of Criminal Procedure Code, 1973-compoundable offences
 Plea Bargaining-154th Report of Law Commission of India-Overview
 Plea Bargaining-Ch. XXIA of Criminal Procedure Code
 Critical analysis of Plea Bargaining in India

UNIT VIII-NEW DIMENSIONS OF ADR

Lok-Adalat, Nyaya Panchayat
 Co-operative matters
 Consumer matters
 Accidental claims
 Banking matters

Reference Books

1. P.C. Markanda: Law Relating To Arbitration and Conciliation, Lexis Nexis Publication
2. Sridhar Madabhushi: Alternative Dispute Resolution. Lexis Nexis Student edition
3. Rajan R.D.: A Primer on Alternative Dispute Resolution, Bharati Law Publication, Tirunelveli
4. S.C. Tripathi: Arbitration and Conciliation Act, 1996, Central Law Publication
5. Dr. Anupam Kurlwal: An Introduction to Alternative Dispute Resolution (ADR), Central Law Publication
6. B.P. Saraf and M. Jhunjhunwala, Law of Arbitration and Conciliation, Snow White, Mumbai.
7. A.K. Bansal, Law of International Commercial Arbitration (1999), Universal, Delhi.
8. P.C. Rao & William Sheffield, Alternative Disputes Resolution-what it is and How it Works, Universal Law Publication, Delhi.
9. G.K. Kwatra, The Arbitration and Conciliation Law of India, Universal Law Publication, Delhi.
10. Basu N.D. Law of Arbitration and Conciliation, Universal Law Publication, Delhi.
11. Johari, Commentary on Arbitration and Conciliation Act 1996, Universal Law Publication, Delhi

AECC406-LAW AND ENTREPRENEURSKILL

Objectives:

The main object of the course is to provide a basic knowledge of entrepreneurship and a legal perspective prevailing in India through which after successfully completed course student shall be able to:

- Analyse and critically evaluate the special conditions for companies, industries MSM (Micro, Small, Medium) entrepreneurship and other establishments.
- Account for and problematize the pros and cons of the working in local network on authorities, enterprises and such establishments.
- Account for basic legal foundations and contractual constructions for business incorporations and activities in such establishments.
- Explain basically how to handle accounting and financial management in transactions.

Teaching Learning Methods:

Lecture method including special lectures of experts may be good process of learning. Projects, Research Paper Presentation, conduction internal examination and taking the students for visit of relevant Govt. offices of such establishment are the good form of teaching and learning.

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment-For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT I-ENTREPRENEUR AND ENTREPRENEURSHIP: AN INTRODUCTION

A Philosophy of Entrepreneur and Characteristics of Entrepreneurship
History and Development of Entrepreneurship in India
Entrepreneurship: Social, Commercial it's Meaning & Concept
Basic Skills and Functions of Entrepreneurship

UNIT II-Entrepreneurship: Laws for Incorporation in India

Statutory Companies-its Incorporation Process
Incorporation of Companies-Public, Private and One Person Company (OPC)-It's MOA, AOA & Alteration Process - Companies Act, 2013
Partnership Firm-Registration Process, Grounds for Dissolution-Indian Partnership Act, 1932
Limited Liability Partnership (LLP)-Registration Process, Grounds for Dissolution LLP Act, 2008
Sole Proprietorship-Registration Process
Shop & Establishment Act

Ministry of MSME
GST Registration

UNIT III-Entrepreneurship: Contracting & Accounting

3.1 Definitions-

‘Proposal’, ‘Acceptance’, ‘Agreement’, ‘Contract’, ‘Consideration’ and 3.2 Essentials of Valid Contract – Indian Contract Act, 1872

Discharge of Contract and Remedies for Breach of Contract

Book Keeping – Meaning, Types and Balance Sheet

Income Tax Act, 1961 - Object and Scope, Certain Basic Concepts - ITR, TDS, Set- Off, Counterclaim, Exemption etc.

UNIT IV-Entrepreneurship: Concern Laws for Good Administration

Industrial Dispute Act, 1947 - Object & Scope, Settlement Mechanism

Employee’s Compensation Act, Employee’s State Insurance Act, Employee’s

Provident Fund & Miscellaneous Provisions Act – Objects and Benefits insured

Payment of Wages Act - Permissible Deductions, Minimum Wages Act - Object & Scope,

Factories Act - Salient Features

Intellectual Properties: It’s Kinds and Protecting Laws

Startup India Scheme, 2016

Reference/Suggested Books

1. Abha Mathur, *Fundamentals of Entrepreneurship*, Taxmann Publication
2. Rosedar S.R.A. *Company Law*, Lexis Nexis Publication.
3. Dr. N. V. Paranjape, *The New Company Law*, Central Law Agency, Allahabad.
4. R.C. Chawla, K.S. Garg, V.K. Sareen, *Merchantile Law*, Kalyani Publication.
5. Avtar Singh, *Law of Contract and Specific Relief*, Lexis Nexis Publication
6. Avtar Singh & Harpreet Kaur, *introduction to Labour and Industrial Laws*, Lexis Nexis Publication.
7. S.N. Mishra, *Labour & Industrial Laws*, Central Law Publication, Allahabad.
8. V.K. Ahuja, *Law Relating to Intellectual Property Rights*, Lexis Nexis Publication.
9. Dr. J.P. Mishra, *Introduction To Intellectual Property Rights*, Central Law Publication, Allahabad.

Shivaji University, Kolhapur



Faculty of Humanities

(LL. B. – Three Years) Degree

Programme Choice Based Credit

System (CBCS) Syllabus Part – III

(Semester V and VI)

To be implemented from Academic Year 2021-2022

THIRD YEAR OF THREE YEARS LAW COURSE SEMESTER

- V

DSC-501 CIVIL PROCEDURE CODE AND LIMITATION ACT

(Paper- I)

Object of the Course:

Civil Procedure Code is subject of daily use by the courts and lawyers. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before a law student enters the profession. While the substantive law determines the rights of persons affected by action, judicial decisions will supply the omissions in the law. The Code of Civil Procedure in India has a conquered history and lays down the detailed procedure for redressal of civil rights. Many questions may pop up when one goes to vindicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for institution of suit, the document in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suit, the complexities of executing a decree and provision for appeal and revision are all matters which a lawyer for any side is to be familiar with. A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter within time, this may place court in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed.

Teaching Learning Methods:

The teaching methodology suggested for this paper is clinical/ practical approach to make the students aware of all procedural technicalities along with theoretical knowledge through Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning of this subject.

Evaluation methods: Theory Examination – 70 Marks

Internal

Assessment:

ent:

Assignment / Project Work / Presentation

:20 Marks

Viva Voce College Level

:10 Marks

30 Marks

SYLLABUS

Unit- I: Introduction

The basic concepts in civil procedure code

Distinction between decree and judgment and between decree and order

Jurisdiction of Court
 Suit of civil nature - scope and limits
 1.4 Res-subjudice and Resjudicata
 1.6 Place of suing

Unit-II: Institution of Suit

Meaning and essentials of suit
 Institution of suit
 Parties to the suit, Joinder, mis-joinder or non-Joinder of parties
 Representative suit.
 Frame of suit: Importance of cause of action
 Summons and modes of service of summons

Unit-III: Pleadings

Fundamental rules of pleading, signing and verification.
 Plaint: rules and particulars,
 Admission of plaint and return and rejection of plaint
 Written statement: particulars, rules of evidence
 Set off and counterclaim distinction and Amendment of pleadings
 Settlement of Issues and Discovery, inspection and production of documents
 Interrogatories
 Privileged documents
 Affidavits

Unit-IV: Appearance, Examination and Trial

Appearance and Ex-parte procedure
 Summary Suits
 Summary and attendance of witnesses
 Trial
 Adjournments
 Interest and costs.

Unit-V Interim orders and Miscellaneous:

Injunction
 appointment of receiver
 commissions
 Arrest or attachment before judgment,
 Transfer of cases
 Caveat
 Inherent powers of Courts
 Judgment: Meaning and essentials

Unit-VI: Execution.

The concept.
 General principles (Ss. 52-54).
 Power for execution of decrees.

Procedureforexecution(Ss.55.54)
 Enforcement,arrestanddetection(Ss.55.59).
 Attachment(Ss.60-64).
 Sale(Ss.65-97).
 Deliveryofproperty.
 Stayofexecution.

Unit-VII:Suits,Appeals,Review,ReferenceandRevision

Byoragainstgovernment(Ss.79-82)
 Byaliensandbyoragainstforeignrulersorambassadors(Ss.83-87A)
 Settlementofdisputesoutsidethecourt(S.89)
 Suitsbyoragainstfirm
 Interpleadersuits
 Suitsrelatingtopubliccharities.
 Appeals,Review,ReferenceandRevision
 Appealsfrom originaldecree,appellatedecree,Order

Unit-VIII:TheLawofLimitation

Condonationofdelay
 BarofLimitation
 Expiryofprescribedperiodwhencourtisclosed
 Extensionofprescribedperiodincertaincases
 LegaldisabilityandContinuousrunningoftime
 Computationofperiodoflimitation
 Acquisitionofownershipbypossession

BooksRecommended:

1. Mulla-TheCodeofCivilProcedure-Tripathi
2. TakwaniC.K.-TheCodeofCivilProcedure,easternbookCompany,Lucknow
3. CivilManual-Issuedby theHighCourtBombay
4. GangulyA.C.-CivilCourtPracticeandProcedure
5. MitraB.R.-LimitationAct
6. Taxman's-TheCodeofCivilProcedure1908
7. SanjiwaRao-CivilProcedureCode.
8. JusticeC.K.Takkar(Takwani) -CodeofCivilProcedure.
9. Dr.S.R.Myneni-CodeofCivilProcedureandLimitation.
10. B.B.Mitra:LimitationAct,EasternlawHouse,Allahabad.

**DSC– 502LAW OF EVIDENCE
(Paper-II)**

Objectives of the Course:

The Law of Evidence is the very basis of the administration of justice. It is the basis of Rule of Law in all democratic states. It is an indispensable part of both substantive and procedural law. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the forum.

This paper enables the student to appreciate the concepts and principles understanding the law of Evidence and identify the recognized form of Evidence and its sources. The subject seeks to impart the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth.

The art of examination and cross examination and the shaping nature of burden of proof are crucial topics. In the beginning of the present century several amendments have been made to meet new social conditions. As a result of recommendations by the U.N. General Assembly in 1997, The Information Technology Act, 2000 was passed. It has made extensive changes in the act to provide legal recognition to transaction carried out by means of electronic data exchange and other means of electronic communications. The concepts brought in by amendments to the Law of Evidence are significant part of study in this course.

Teaching Learning Methods:

Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation	:20 Marks
Viva Voce College Level	:10 Marks

30 Marks

SYLLABUS:

Unit-I:Nature&FunctionsoftheLawofEvidence

Origin and Development of Law of Evidence during Ancient, Medieval and British Period.

Necessity andImportanceofLawofEvidence.

SalientfeaturesoftheIndianEvidenceAct,1872.

ImportantconceptsunderofIndianEvidenceAct,1872.**(Sec.1-5)**

- Evidence, Facts, Facts in issue, Relevant Facts, Proved, Disproved and Not Proved.
- Presumptions–MayPresume,ShallPresumeandConclusiveProof.
RelevancyandAdmissibilityofFacts,AppreciationofEvidence.
- -Rules of Evidence with special reference to other Acts i.e., CPC, Cr. P.C. and Information Technology Act, 2000.

Unit-II:TheTheoryofRelevancyofFacts(Ss6-31)

RelevancyofFactsconnectedwithfactsinissue:**(Sec.6-16)**

- Doctrineof*Resgestae*,
- Occasion,causeandeffect,
- Motive,PreparationandConduct
- Factsnecessarytoexplainorintroducerelevantfacts-Identification Parade
- FactstoproveexistenceofConspiracy-CommonIntention,
- PleaofAlibi,ProofofCustom,FactsconcerningandBusiness.

Rules relatingtoAdmissions:**(Sec.17–23and31)**

- Definition of Admission, Nature and Scope of Admissions, Formal and Informal Admissions, Vicarious Admissions, Proof of Admissions and its Propositions, when Admissions in Civil Cases are relevant.

RulesrelatingtoConfession:**(Sec.24–30)**

- Definition of Confession, Extra Judicial Confessions and Judicial confessions, Sec. 27 its importance, Retracted confession, Evidentiary Value of confession
DifferencesbetweenAdmissionsandConfession.

Unit-III: Theory of Relevancy of Statements, Judgments and Opinion: (Ss 32-55)

Relevancy of Statements made by Person Who cannot be called as witness-

- Dying declaration, Evidentiary value of Dying Declaration. **Sec. 31(1)**
- Statements made in different circumstances **32(2) to 32(8)**
 Relevancy of Statements made under special circumstances (**Sec 34-39**)
 Relevancy of Judgments of Courts (**Sec. 40-44**)
 Relevancy of Opinion of Third Person witnesses (**Sec. 45-51**)
 Relevancy of Character of the parties in civil cases and criminal proceedings (**Sec. 52-55**)

Unit-IV: Various Modes of Proof of Facts (Ss. 56-100)

Facts which need not to be proved (**Ss. 56-58**)
 Proof of Facts by oral Evidence (**Ss. 59-60**)
 Proof of Facts by Documentary Evidence (**Ss. 61-73A**)
 Kinds of Documents and its proof (**Ss. 74-78**)
 Presumption as to Documents (**Ss. 79-78**)
 Of the exclusion of oral by Documentary Evidence (**91-100**)

Unit-V: Production and Effect of Evidence- Burden of proof and Estoppels (Ss. 101-117)

Meaning of Burden of Proof

General Rules of Burden of Proof (**Sec. 101-103**)
 Specific Rules of Burden of Proof (**Sec. 104-114A**)
 Principles of Estoppel (**Ss. 115**)

- Estoppel and Admission, Estoppel and Waiver, Estoppel and Fraud
- Estoppel and its applications: Estoppel by Record, Estoppel by Deed,
- Estoppel in Pais, Promissory Estoppel, Constructive Estoppel.
 Specific Estoppel between tenant and Licensee (**Ss. 116**)
- Estoppel of Acceptor of bill of Exchange, bailee or Licensee (**Ss. 117**)

Unit-VI: Production & Effect of Evidence – Competency and Compellability of witnesses (Ss.118-134)

Meaning, Nature and Role of witness

Competency of witnesses (Ss.118-121)

- Who are competent witnesses? Tender years (child witness), Extreme Old age, Diseased whether body or mind, cause of any other kind.
- Dumb Witness
- Husband and Wife, Parties to Suit or Proceeding
- Judges and Magistrate

Compellability of Witnesses - Privileged communication (Ss.122-132)

Evidence of Accomplice (Ss.133-134)

Witness protection - The new Paradigm

Unit-VII: General Principles of Examination of Witnesses - (Ss.134-167)

Examination in chief, cross examination and Re-examination, order of Examination witness character, Examination of witness (Ss. 135-140)

Leading questions (Ss.141-143)

Hostile witness (Ss.154)

Impeaching the credit of witness (Ss.155)

Rejection of Evidence (Ss.167)

Unit-VIII: Evaluation of Evidence

In Civil and Criminal cases

By Tribunals, Administrative Tribunals

By Quasi-Judicial authorities and commission of Enquiry

By persona Designate

By Disciplinary Authorities

In wills, Appeals, Second Appeal and Revision

References:

1. **Ratanlal & Dhirajlal**; *The Law of Evidence* (1999), Wadhawa & Co., Nagpur.
2. **Avatar, Singh**; *Principles of the Law of Evidence* (2009), Central Law Publication, Allahabad.
3. **Dr. V Krishnamachari**; *Law of Evidence* (2006) S. Gogoa & Company, Hyderabad.
4. **P S Atchutan Pillai**; *The Law of Evidence* (1984), N M Tripathi Private Limited, Bombay.
5. **NK Acharya**; *Evaluation of Evidence* (2010), Asia Law House, Hyderabad.
6. **Pande, GS**; *Law of Evidence* (2009), University Book House, Jaipur.

DSC – 503 LABOUR LAW – I (Industrial Laws) (Paper - III)

Objectives of the Course:

The study of Industrial Law is a very significant part of the study of modern jurisprudence. It is estimated that in India, nearly one-sixth of litigation in the Supreme Court pertains to industrial law matters. Thus, Industrial Jurisprudence plays vital role in building the economic structure of the society. It also plays as an instrument of social justice. Industrial relations embrace a complex of relationships between the workers, employers and government, concerning with the terms of employment and conditions of labour of the workers. The law relating to labour and employment in India is primarily known under the broad category of "Industrial Law".

Labour Laws consist of the various enactments, administrative rules & regulations, judicial precedents, etc. which address the relationship between Government, Employers, Employees & their Organizations dealing with issues relating to payment of wages, terms of employment, working conditions, social security, etc. Additionally, there are several labour laws which regulate service conditions in specific industries, such as building and construction work, pharmaceuticals, dockyards, mines, etc. In other words, Labour law primarily, aims at and associated with the protection of the rights & interests of formal as well as informal workers, The Pre and Post-independence era witnessed some important developments in the field of labour

and Industrial Laws. But as we know, social Engineering is a continuing process, which goes on with the pace of time and here lies the importance of study of Industrial Jurisprudence.

The law and practice relating to labour and management is the story of conflict and battle. In this context, the law student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the various labour enactments with up to date amendments and emerging areas of possible future techniques and solutions.

Teaching-Learning Methods:

The teaching-learning mechanism with interactive sessions in classroom is primarily good method to understand theoretical knowledge. The case study, visits to various Industries, Trade Union Offices, Labour Courts, Industrial Tribunals, etc. are the good forms to understand practical knowledge of the Labour Laws.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation

: 20 Marks

Viva Voce College Level

: 10 Marks

30 Marks

SYLLABUS:

Unit-I: Industrial Revolution & Industrial Jurisprudence

1. Industrial Revolution in India - Industrial Relations, Industrial Peace and Industrial Harmony
2. Identification of Labour Problems & Labour Movements in India
3. Concept of 'Collective Bargaining'
4. Development of Industrial Jurisprudence in India
 - a. Principles of Labour Legislations
 - b. Principles of Industrial Adjudication
5. Development of Labour Laws in India –

- a. Pre and Post Constitutional era
- b. Recent Developments in Labour Codes

Unit - II: Trade Unions Act, 1926

1. Trade Union Movements
2. Nature, Scope & Objectives & Important Definitions of the Act
3. Registration of Trade Unions
4. Rights & Liabilities of Registered Trade Unions
5. Miscellaneous Provisions – Regulations, Penalty & Procedure

Unit - III: Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971

1. Nature, Scope and Object of the Act
2. Recognition of Unions, Obligations & Rights of Recognized Unions, Other Unions & Certain Employees
3. Illegal Strikes & Lockouts
4. Unfair Labour Practices
5. Powers of Courts, Labour Courts & Industrial Courts and Penalties

Unit-IV: The Industrial Employment (Standing Orders) Act, 1946

1. Nature, Object and Applicability of the Act
2. Procedure for Certification & Modification of Standing Orders
3. Legal Nature and Operation of Standing Orders
4. Authorities under the Act – Certifying Officers & Appellate Authorities
5. Penalties and Procedure

Unit-V: Industrial Dispute Act, 1947 (Chapters I to IV)

1. Nature, Scope, & Objectives of the Act
2. Important Definitions – Industry, Industrial Disputes, Award & Settlement
3. Mechanism for Settlement of Industrial Disputes under the Act –
Works Committee, Conciliation officers, Board of Conciliation, Courts of Enquiry, Labour Courts, Industrial Tribunal, National Tribunals, Arbitration Machinery and

Grievance Settlement Authority

4. Reference of Disputes
5. Procedure, Powers and Duties of Settlement Authorities

Unit - VI: Industrial Dispute Act, 1947 (Chapters V to VII)

1. Important Definition - Strikes, Lockouts, Lay-Off, Retrenchment, Public Utility Services, etc
2. Strikes & Lockouts
3. Lay-Off & Retrenchment
4. Closure & Transfer of Undertaking
5. Offences, Penalties & Miscellaneous Provisions

Unit - VII: Law relating to Wages

1. Meaning, Definition and Kinds of Wages – Minimum, Fair & Living Wages
2. Payment of Wages Act, 1936
 - a. Payment of Wages and Deductions from Wages
 - b. Authorities under the Act, Penalty, & Trial Procedure
3. Minimum Wages Act, 1948
 - a. Fixation and Revision Minimum Wages – Authorities, Procedure, etc.
 - b. Inspectors and Claims, Offences & Penalties for offences

Unit - VIII: The Apprentices Act, 1961

1. Object and Scope of the Act
2. Meaning, Definition and Types of Apprentice
3. Apprentices and Their Training
4. Authorities under the Act
5. Offences and Penalties

References:

1. John, Bowers & Simon Honeyball: *Textbook on Labour Law* (1996), Blackstone, London.

2. Srivastave, K. D., *Commentaries on Payment of Wages Act 1936* (1998), Eastern, Lucknow.
3. Srivastave, K. D., *Commentaries on Minimum Wages Act 1948* (1995), Eastern Book Company, Lucknow.
4. Giri, V. V., *Labour Problems in Indian Industry Chs. 1 and 15*, (1972) Indian Law Institute, Labour law and Labour Relation (1987) (1982) *Cochin University Law Review*, vol.6 pp.153-210, *Reports of the National Commission on Labour*. Ch.14-17, 22,23 and 24.
5. Rao, S. B., *Law and Practice on Minimum Wages* (1999), Law Publishing House, Allahabad.
6. Seth, D. D. *Commentaries on Industrial Disputes Act 1947* (1998), Law Publishing House, Allahabad.
7. Goswami, V. G., *Labour and Industrial Laws*, Central Law Agency, Allahabad.
8. S. N. Misra, *Labour & Industrial Laws*
9. V. P. Shintre, *Labour Laws*
10. G. M. Kothari, *A Study of Industrial Law*
11. Khan & Khan, *Commentary on Labour and Industrial Laws*
12. K. Madhavan Pillai, *Labour and Industrial Laws*
13. P. L. Malik, *Labour Law of India*
14. Dr. Avtar Singh, *Introduction to Labour and Industrial Law*
15. O. P. Malhotra, *Industrial Disputes Act, 1947*
16. *Reports of the National Commission on Labour*
17. *ILO Conventions & Recommendations*
18. Sachedeva, *Industrial and Labour Law*

DSC-504LANDLAWS (Paper-IV)

Objectivesofthecourse

The presentsubjectLandLawsincorporatesthreebasic landlawsviz,MaharashtraLand Revenue Code 1966, Maharashtra Rent Control Act, 1999 and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The famous maxim – salus populi est Suprema lex i.e. the welfare of the people is 'Paramount Law' is the corner-stone of the law of land. After 44th Amendment Act, 1978 now the right to property is legal right but not fundamental right guaranteed to the citizen under Constitution of India. The main aim or object of the The Right to Fair Compensation and Transparency in Land Acquisition,RehabilitationandResettlementAct,2013Actistoprovidealaw,whichwill enable the Stat to acquire the land of others; however, the power of Government to acquire

thelandisnotabsolute.Thecardinalruleisthatthereshouldbecompensationforacquisitio nof land so also resettlement and rehabilitation of the concerned persons. The power of the sovereign to take private property for public use and the consequent rights of the owner to compensation, rehabilitation and settlement are well established in the Act.

The remaining two parts of the subject deals with the Maharashtra Land Revenue Code, 1966 and Maharashtra Rent Control Act, 1999.

The Maharashtra Land Revenue Code, 1966 is not but Consolidated Act of various laws on the subject of Land and Land Revenue, which were in force in different parts of the State of Maharashtra. It collects all statutory enactments on the subject. Apart from this the syllabus includes the Maharashtra Rent Control 1999 which clearly defines the Rent, fixation of rent, Recovery of possession, sub tenancies and duties of the landlord.

In short, the purpose of the subject/course, is to acquaint the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land. Students are acquainted with the law of transfer of property. This course equips the student withall other laws that affect use and dealings of land, and activities that enable its best use.

TeachingLearningMethod:-

Lectures, including special lectures by experts may be a good method of learning. Interactive – sessions, tutorials, project and research paper presentation these are the good forms of teachingand learning.

Evaluation methods: Theory Examination – 70 Marks

**Internal
Assessment:**

Assignment / Project Work / Presentation

: 20 Marks

Viva Voce College Level

: 10 Marks

30 Marks

SYLLABUS--

A. The Maharashtra Land Revenue Code, 1966 Unit- I

Introduction:

1. Historical background of land revenue system
2. Object, application and definitions under the Code
3. Lands : Vesting, Extinction of rights, assignment for special purposes, pasturage, right to trees, trees and forests, recovery of value of natural products and trees etc, regulating cutting and supply of wood.
4. Grant of lands
5. Use of land
6. Encroachment on land
7. Relinquishment and Surrender of land

Unit - II Land Revenue

1. Land Revenue: Liability and assessment (Sections 64-78)
2. Assessment and settlement of land revenue of agricultural lands (Sections 90-107)
3. Assessment and settlement of land revenue of lands used for non agricultural purposes (Sections 108-120)
4. Revenue Surveys: Procedure for survey, Survey numbers, Partitions, subdivisions, (Sections 79-88)
5. Boundary and boundary marks (Sections 132-146)

Unit–**III Land Records and Procedure before Revenue Officers, Appeals and Tribunal:**

1. Record of rights (Sections 147-159)
2. Rights in unoccupied lands (Sections 160-167)
3. Realization of land revenue and other revenue demands: Liability, priority of claim, time for payment, recovery, enforcement (Sections 168-184)
4. Revenue Officers, their powers and duties
5. Procedure of Revenue Officers
6. Appeals, Revision and Review
7. Maharashtra Revenue Tribunal

B. The Maharashtra Rent Control Act, 1999 – Unit – IV Introduction:

1. Rent Control in urban areas, Object and Historical background of the Act
2. Application of the Act and Exemptions
3. Definitions: Landlord, legal representative, licensee, paying guest, premises, tenant
4. Relief against forfeiture
5. Recovery of possession by landlord (Sections 16, 18-22)

Unit–V Standard Rent, Repairs, Sub-Tenancies:

1. Definition: standard rent, permitted increase
 2. Standard rent: its concept, components, increase in rent, liability to pay standard rent, Application for fixing standard rent, Court's power to fix standard rent
3. Landlord's duty to repair, Recovery of possession for repairs (Sections 16(1)(h), 17)
4. Prohibition on sub-letting, assignment or transfer; Sub-tenant to become tenants
 5. Landlord's rights, duties and liabilities: enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges
6. Jurisdiction of courts, Appeals

C. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Unit–VI Introduction:

1. Object and Historical evolution of the Act
2. Application of the Act
3. Definitions-
4. Determination of Social Impact and Public Purpose (Sec. 4 to 9)
5. Notification and Acquisition (Sec. 11 to 30)
6. Rehabilitation and Resettlement Award (Sec. 31 to 42)

Unit–VII Rehabilitation and Resettlement:

1. Procedure and Manner of Rehabilitation and Resettlement (Sec. 43 to 47)
2. National Monitoring Committee for Rehabilitation and Resettlement (Sec. 48 to 50)
3. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority (Sec. 51 to 74)

Unit–VIII Payment of Compensation

Apportionment of Compensation (Sec. 75, 76)

Payment (Sec. 77 to 80)

Temporary Occupation of Land (Sec. 81 to 83)

Offences and Penalties (Sec. 84 to 90)

Recommended Readings:

1. AS Chandurkar, Maharashtra Rent Control Act, 1999, Shanti Law House, 2015
2. JH Dalal, Maharashtra Rent Control Act 1999, Hind Law Publication, 2013.
3. SDighe, Maharashtra Rent Control Act, 1999, Snowwhite, 2016
4. SDighe, Land Laws in Maharashtra, Snow White, 2016
5. A KGupte, G Sethi, Land Laws in Maharashtra, Hind Law House, 2016.
6. AKGupte, G Sethi, Maharashtra Land Revenue Code, 1966, Hind Law House, 2017
7. SDighe, Maharashtra Land Revenue Code, 1966, Snow White, 2016

DSC-505 DRAFTING, PLEADINGS AND CONVEYANCING

(Paper –V)

Objectives of the Course

The purpose of the practical training subject/course, is to acquaint the students about skill and practice the drafting of various drafts and documents as per provisions of Civil Procedure Code, Criminal Procedure Code etc to be filed in the various courts and further to develop the skill of drafting and pleading which is very important in the life of an Advocate. This practical training subject/course equips the student with all other forms and practical approach which are parts or covered in different laws used at various authorities in addition to regular courts enable its best use. **There is no theory examination of this subject/paper.**

Teaching Method : The course will be taught class teaching, instructions and assignments exercises.

Part I– This subject/paper is having total Marks 100(90+10). 90 marks are allotted for this paper as per BCI norms.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting of pleadings carrying the total of 45 marks (3 marks for each) and 15 exercises in Drafting of Conveyancing (Deeds), carrying another 45 marks (3 marks for each). The Internal marks for 90 will be evaluated by the practical training Teacher of the concerned college as per written exercises submitted by the student.

Part-II: Viva Voce Exam 10 marks

Viva Voce Examinations for 10 marks will be conducted in presence of External Examiners appointed by the University. As per BCI norms Internal marks for 90 will be evaluated by the practical training Teacher / Principal of the concerned college on the basis written exercises submitted by the student.

Syllabus–

Unit-I :Drafting and Pleading:

The General principles of Drafting, Pleading and Conveyancing and their relevant Substantive rules shall be taught.

Unit-II: Writing exercises on Drafting and Pleading (Civil & Criminal)

Plaint

Written Statement

Affidavit

Caveat

2.5. Injunction Application/Preliminary issue application
 Execution Petition
 Appeal/Revision (Civil)
 PIL Petition/Petition under Article 226/Article 32 of Constitution of India
 Application Motor Vehicle Act-M.A.C.P.
 Divorce Petition-H.M.P.
 Adjournment Application
 /Court Commission/Amendment Application
 Pursis
 Bail Application-Regular Bail u/s 439/Anticipatory Bail application u/s 438.
 Criminal Miscellaneous Petition-Maintenance Application u/s 125 of Cr.P.C.

Unit-III: Writing Exercises on Conveyancing [Deeds/Parts of Deed]

Agreement to sell deed
 Sale Deed
 Mortgage deed
 Lease deed
 Gift deed
 Power of Attorney
 Promissory Note
 Will & Codicil
 Trust deed
 Partnership deed
 Guarantee Bond
 Leave & License deed
 Adoption deed
 Partition Deed
 Deed of declaration

Reference:

1. Banerjee B.N.: *Criminal Pleading*.
2. Batukal: *Law of Evidence*.
3. Bindra N.S.: *Conveyancing Draftsman Interpretation Deed*
 –Law Book Publication (Allahabad)
4. Chaturvedi A. N.: *Law of Pleadings Conveyancing*. Allahabad Law Agency, Calcutta (1999)
5. D'souza: *Conveyancing*; Eastern Law House Agency
6. G.M. Kothari: *Drafting, Conveyancing and Pleading*.
7. Gupta and Dighe: *Civil Manual*.
8. Gupta and Dighe: *Criminal Manual*.
9. Mitra B.B.: *Law of Limitation*.
10. Mogha P.C.: *Indian Conveyancing*; Eastern Law House-Calcutta
11. Mogha's: *Law of Pleading*; Eastern Law House-(1992) Calcutta
12. Shiva Gopal: *Conveyancing Precedent and Forms*.
13. Stone and Iyer: *Pleading*.

14. Taxman's: *The Code of Civil Procedure*, 1908.
15. Taxman's: *The Code of Criminal Procedure*, 1973.
16. Tijoriwala M. T.: *Law and Practice of Conveyancing*; Snow White Publication
17. G.M. Divekar: *Conveyancing*.
18. Retwade: *Legal Drafting (Paperbook)*.-(HLH)Pune.
19. Mukherjee: *Law of Civil Appeals, Revisions References and law of Criminal appeals*, Revisions.
20. Banerjee and Awasthi: *Guide to Drafting*.
21. Retawade: *Drafting Pleading and Conveyancing*,-(HLH)Pune

AECC-506 ADVOCACY SKILL

Objectives of the course

Advocacy is a type of problem solving design to protect personal, legal rights, and to assure a dignified existence of all the people of society.

While studying Three Years Law / Five Years Law Course, students are informed, made aware and grasp the various provisions of different legislations in the syllabus, its utility, content, conceptual clarity so also some settled principles of Law from the various judgments of High Court and Supreme Court. To become versatile and good Advocate, in addition to theoretical knowledge he/she has to acquire/adopt some skills to get the successes in the profession. In this backdrop, the object of this paper is to enunciate some of the basic skills of Advocacy which will be required by every student in the beginning of their career. So also to prepare students for challenges and hurdles which advocates generally face in the beginning of their career due to not having enough knowledge about Advocacy skills, client counseling, court practice and procedure. Hence, the purpose is to prepare students for all the challenges and overcome obstacles in the starting itself.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weight-age for the continuous internal Assessments shall be based on the following.

Internal Assessment-

For passing this examination, 2 credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS---

Unit I–Legal Profession in India

- a) Legal Profession–Meaning, Definition
- b) History of Legal Profession in India
- c) Development of Legal Profession in India
- d) Seven Lamps of Advocacy

Unit II–Advocacy and Legal Profession

- a) Advocacy -Meaning, Definition
- b) Public Relation and Advocacy
- c) Principles of Advocacy

Unit III--Advocacy Skills

- a) Meaning of Skills
- b) Important Skills–
 - 1) Language
 - 2) Effective Communication
 - 3) Interviewing and Counseling Client
 - 4) Drafting Capability/Writing skill
 - 5) Negotiating settlement and Agreement
 - 6) Facilitating early Resolution of Dispute
 - 7) Representing Client
 - 8) Presentation

Unit IV--Court Practice and procedure

- a) Etiquettes
- b) Civil Practice and Procedure
- c) Criminal Practice and Procedure
- d) Application and appreciation of Law of Evidence
- e) Judgment writing (Civil and Criminal).

Reference Books:---

1. Sanjiva Row's Advocates Act, 1961.
2. Bar Council of India Rules on Standards of Professional conduct and Etiquette.
3. Dr. Kailash Rai- Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
4. Dr. S.P. Gupta- Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
5. Krishnamurti Iyer- Advocacy.

6. M.P.Jain-OutlineIndianLegalHistory-ChapterDevelopmentofLegalProfession.
7. V.K.V.KrishnaSwamiIyer-ProfessionalConductandAdvocacyChapters10to17.
8. M.R.Mallick-AdvocatesAct,1961withprofessionalEthicsAdvocacyandBarBench Relationship.
9. P.L.Mehta,SushmaGupta-LegalEducationandLegalProfessionalinIndia.
10. J.P.S.Sirohi-ProfessionalEthics,AccountancyforLawyersandBarBenchRelations.
11. Anand-ProfessionalEthicsofBar.
12. MynenS.R.-ProfessionalEthics,AccountancyforLawyersandBenchBarRelations.
13. ReddyG.B.-PracticalAdvocacyforLawyers.

SEMESTER-VI

DSC – 601 LAW OF CRIMES-II (CRIMINAL PROCEDURE CODE)(PAPER –

I)

Objectives of the Course:

The criminal trial involves increasing expenditure of government resources. At the same time, it confronts a crisis of intrusion into individual rights in order to protect the common weal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure, thus, makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, to enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

Teaching Learning Methods:

Lectures including class room discussion, inviting experts like judges, senior Advocates for interacting sessions, guest lectures etc are good teaching learning methods.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation	:20 Marks
Viva Voce College Level	:10 Marks

30 Marks

Syllabus--

Unit-I: Introductory

1. Salient features of the Code
2. Important Definitions
3. Functionaries under the Code- The police, the prosecutors, the criminal courts, the defense counsel, Prison authorities and their powers and functions
4. Classification of offences- Cognizable and Non-cognizable, Bailable and Non-Bailable, Compoundable and Non-Compoundable.
5. The concept and component of Fair Trial and its importance

Unit-II:Pre-TrialProcess-I

1. FirstInformationReport(Ss.154-155)
2. Investigationbythepolice(Ss.156-176)
3. SummonsandWarrant(S.61-81)
4. Proclamation,attachmentsandotherrules(S.82-90)
5. Searchandseizure(Ss.91-105)

Unit-III:Pre-TrialProcess-II

1. Arrestofpersons–withandwithoutwarrant-bywhomandhow-procedureand circumstances
2. Rightsof arrestedperson(Ss.41Ato60)
3. ProvisionsrelatingtoBailandBond(Ss.436-450)
4. Discretionarybail-Mandatorybail–circumstances
5. AnticipatoryBail(S.438)

Unit-IV: TrialProcess

1. Trialmeaningandnature,typesoftrial,Commonfeaturesoftrial
2. Proceedings before magistrate, Commencement of proceeding, Condition Requisites forInitiation of Proceeding (S. 190- 199)
3. ComplainttoMagistrates(S.200-203),CommencementofproceedingsbeforeMagistrates (S. 204- 207)
4. ChargesinCriminalTrial(Ss.211-224)
5. PleaBargaining(S.265A-265L,)andcompoundingofoffences(S.320)

Unit-V: Trialsandtheirprocedures

1. TrialbeforeCourtofSession(Ss.225-237)
2. TrialofwarrantcasesbyMagistrates(Ss.238-250)
3. TrialofsummonsbyMagistrates(Ss.251-259)
4. SummaryTrials(Ss.260-265)
5. InquiriesandTrials(Ss.266-339)

Unit-VI: Judgment(353-365)Appeals(372-394)

1. Form,contentandModesofprovidingJudgment(Ss.353,354,)
2. CompensationandCost(S.357,357A,357B,357C,358,362,363)
3. PostConvictionorder (S.360-362)
4. RightofAppeal,Appealagainstconviction(372-377),AppealagainstAcquittal(S.378)
5. ProcedureofAppeal(S.379-394)

**Unit - VII Reference and Revision (395-405) ,Execution, Suspension, remission, and
Commutation of sentences**

1. ReferencetoHighCourt(S.395)
2. RevisionalJurisdiction(Ss.397-401)RevisionalConditions&PowersofRevisionalCourts.
3. Executionofsentences(S.413-424)
4. Suspension(S.432),Postponement(S.415,416)
5. RemissionandCommutationofsentences(S.433-A)

**Unit-VIII: Preventive Measures, security proceedings and maintenance of wives,
children and parents**

1. Preventive actionofthePolice(S.149-153)
2. UnlawfulAssemblies(S.129-132)
3. Removalofpublicnuisance(S.133- 143)
4. Maintenanceofwives,childrenandparents(S.125-128)
5. LimitationperiodunderCodeofCriminalProcedure(S.467-473)

References:

1. Ratanlal&Dhirajlal:CriminalProcedureCode,UniversalPublications.
2. Kelkar,RV:LecturesofCriminalProcedure,EasternBookCompany.
3. Tondon:TheCodeofCriminalProdedure,AllahabadLawAgency.
4. Takwani,CK:CriminalProcedureCode,ButterworthsWadhawaCompany,Nagpur.
5. S.N.Misra:TheCodeofCriminalProcedure,1973,,CentralLawPublication

**DSC–602INTRODUCTIONTOINTELLECTUALPROPERTYLAW
(Paper–II)**

ObjectivesoftheCourse:

Intellectual Property Protection is an emerging global issue in the 21st Century.With the development of Internet and communication in the information age the technology has become a tool to infringe various Intellectual Property interests of the Rightful owners.

There is much public debate as to the effectiveness of the IP and IPLaws and their impact on the Industrial and economic development of the nation. India after joining WTO, started amending the domestic Intellectual Property Laws to satisfy the TRIPS obligation. Considering Indian Political scenario there is constant anxiety as to how the expanded IP laws are going to affect the Indian Society and its economy.

Thus, IPRs have opened new vistas in the life of man sitting in any corner of the globe. Intellectual Property Rights are of many kinds viz, patents, copy rights, Trade Marks, Designs, Information Technology, Emergence of E-Commerce and E-Banking and Traditional knowledge and so on. The paper however is intended to acquaint students with Major Intellectual Property Laws, more specifically Copyright, Trademark and Patent after giving general orientation of other Intellectual Property Laws.

Objectives of the Study:

- To impart knowledge of the basic principles underlying the various provisions of the IP Laws to the students.
- To develop an understanding of the basic concepts in a comparatively detailed manner so that the student should have no difficulty to know at least major types of IPs.

Teaching Learning Method:-

The teaching methodology suggested for this paper should be a class room teaching i.e. lecture method. The teacher is also advised to take group discussions, seminars, assignments for development of knowledge skills.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation

: 20 Marks

Viva Voce College Level

: 10 Marks

30 Marks

SYLLABUS--

Unit-

I: Introduction to the Principles of Intellectual Property and Relevant Laws in India

Introduction to Intellectual Property 1.1.1 Concept of property

Various forms of property

Nature of Intellectual Property Rights

Economic importance of Intellectual Property

Major Philosophical Justifications for Intellectual Property Protection: Western and Indian

Philosophies related to Intellectual Property

Natural Rights Theory

The Utilitarian Theory

Personality Theory

Constitution of India and Aspects of Property and Intellectual Property

An overview of Kinds of Intellectual Properties and Laws relating thereto in India

Kinds of Intellectual Properties

Trade Marks, Patents, Copyrights and Related Rights, Industrial Designs,

Geographical Indications, Layout Designs of Integrated Circuits, Plant Varieties,

Information Technology and Data Protection, Trade Secrets

Statutory and Common Law Protection to various Kinds of Intellectual Properties: A

Brief Overview of relevant Indian laws.

Unit-II: International Intellectual Property Regime

2.1 Historical Development of IPRs at International Level

2.2. Introduction to the leading international instruments concerning intellectual property rights:

2. 2.1 Paris Convention

Berne Convention

WIPO and agreements under it: WCT, PCT, Madrid, Hague,

Budapest Treaty

Trade Related Aspects of Intellectual Property Rights

2.3 Introduction to other International Agreements, Conventions and Enforcement

Mechanism dealing with Specific Intellectual Properties

Unit III: Introduction to the Concept and International Legal Instruments Relating to Copyright Law

Concept of copyright

Justification for Copyright Protection

Brief Historical development of Copyright Law

Indian History of Copyright Law 3.3.2 International Instruments related to Copyright

The Berne Convention for the Protection of Literary and Artistic Works, 1886.

Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).

Universal Copyright Convention, 1952

Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs),

WIPO Performances and Phonograms Treaty, 1996 (WPPT),

WIPO Copyright Treaty, 1996 (WCT),

3.4 Subject and Criteria of Protection under Copyright Law

Basic requirements to seek Copyright Protection over any work

Works in which Copyright Subsist: Copyright Act Provisions

3.5 Related Rights

3.5.1 Performer's Right

3.5.2 Broadcasting Organization's Right

Unit IV: Commercial dealing with Copyrighted Work

Who is an owner?

Economic and Moral Rights associated with Copyright recognised in India

Duration of copyright

Assignment of Copyright

Licensing of copyright

Voluntary

2 Compulsory

4.5.3 Statutory

Infringement of Copyright

Elements of infringement of copyright

Who can sue?

Burden of Proof

Secondary liability for infringement
 Exceptions: Purpose and usage of fair dealing – fair use

Remedies for infringement

Civil remedies
 Criminal Remedies
 47.3 Administrative remedies

Unit V: An Introduction to Trademarks

Meaning, Characteristics and Functions of trademark and Need for Trademarks Protection
 Evolution of Trademark Law in India

International Developments and Dimensions of Trademark Protection

Paris Convention 1883

TRIPS 1995

Madrid System of International Registration of Marks

Trademark Law Treaty 1994

Nice Agreement 1957

Vienna Agreement 1973

Kinds of Trademarks

Creation of Trademark

The distinctive Spectrum

Concept of Acquired Distinctiveness and Generic Marks

Bar to Trademark Protection

Absolute grounds of refusal

Relative grounds of refusal

Unit VI: Law regarding Registration, Rights, Infringement and Remedies related to Trademarks

Procedure for registration of Trademarks

Honest and Concurrent Use

Effectsofregistration:RightsofRegisteredTrademarkowners
 AssignmentandlicensingofTrademarks
 InfringementofTrademarks

 ProtectionofWell-knownTrademarks
 StatutoryRemediesforTrademarksInfringementandCommonLawremedyofPassingOff

 DefensesagainstTrademarksInfringement

Unit VII: Fundamentals of Patenting

MeaningandConceptofPatent
 SignificanceofPatentSystem
 HistoricalBackgroundofPatents
 HistoryofPatentLawinIndia
 PositionofPatentLawinIndia
 NatureandExtentof PatentRights
 RightsoftheCo-owners
 PersonsEntitledtoExercisethePatentRights
 HistoryofPatentLawinOtherCountries
 TypesofPatents
 WorldPatent
 BudapestTreaty
 PatentCooperationTreaty
 InternationalApplication
 Thingsthatmaybepatented(Sec-2)
 Thingsthatcannotbepatented(Sec-3)
 BasicElementsofPatentabilityinanInvention

Unit VIII: Law relating to Patent Application, Patent Infringement

ProcedureforfilingPatentApplication
 RevocationofPatent,Licensing,CompulsoryLicensing
 ParallelImport
 Priorpublicationoranticipation
 Obviousnessandthelackofinventivestep
 Insufficientdescription
 Infringement
 Criteriaofinfringement
 Onusofproof
 PatentInfringement
 Defensesinsuitsofinfringement

References:-

- 1) Rodney D Ryder, Intellectual Property and the Internet, Lexis Nexis Butterworths, New Delhi
- 2) New Delhi
- 3) Mishra J.P., An Introduction to Intellectual Property Rights, Central Law Publications, Allahabad.
- 4) Bhandari M.K., Law Relating to Intellectual Property Rights, Central Law Publications, Allahabad
- 5) Myneni S.R., Law of Intellectual Property, Asia Law House, Hyderabad.

DSC-603 LABOUR LAW-II (Social Security Laws)
Paper -III

Objectives of the Course:

Every society today faces a situation which has never been known before. The unprecedented rise in population growth and unbalanced development of industries has created certain implications. Insecurity of life has increased to a large extent. Hence to protect the individual and society from the uncertainties of future, social security has been adopted as an indispensable national program. The principle of social security under the Constitution of India holds responsible for protecting its citizens against certain contingencies of life. The Concurrent List of the Constitution of India mentions issues like Social security, social insurance, employment, welfare of the labour, provident fund, employer's liability, employees' compensation etc. During contingencies state will provide as per the enactments i.e. Medical care in times of illness, Maternity, Facilities, pension during inability.

Drawing from the Constitution of India and the ILO Convention on Social security some of the legislation have been enacted for social security relating to maternity benefits; workmen's compensation, sickness insurance, minimum wages, income security medical care etc. These conventions have been ratified by India in 1964. Hence there are number of social security enactments passed by the legislature for the protection of rights of Industrial workers.

The concept of social and economic justice under the Constitution of India is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the idea of welfare state. The concept of social justice has become an integral part of industrial law which protects interest not only of employees but also of the government and society too. As without seeking welfare of the employees we cannot expect the required production and profit of the industry. The required profit only leads to enhance our national economy and national development. The national development would only be computed on international level.

By studying this subject the student can understand the problems of labour and social welfare in different angles. The object of different social security law clearly provided that how it will be helpful to the employee, society, nation at international level.

Teaching Learning Methods:

The lecture is a method of exposition. In this method the student can be motivated for learning. Visiting the Industrial tours, the student can understand the facilities, protection available to the workers.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation

:20 Marks

Viva Voce College Level

:10 Marks

30 Marks

SYLLABUS-- SYLLABUS:

Unit-I: Social Security and Labour Welfare

Concept, Evolution and Objectives of Social Security
Theories of Social Security
Principles of Social Security Legislations
Social Security and Constitutional Provisions
Social Security from an International Perspective

Unit-II: Employees' Compensation Act 1923

Nature, scope and objectives of the Act
Meaning of Disablement, Partial Disablement, Total Disablement
Employer's Liability for Compensation
Theory of notional extension
Procedure and Machinery to determine compensation

Unit-III: Factories Act, 1948

History and Objectives of the Act
Definitions - Manufacturing process, occupier, factory and worker
Provisions relating to Health, Safety and Welfare of workers
Employment of Children and Young Persons
Penalties and Procedure

Unit-IV: Employees State Insurance Act, 1948

Background, Constitutional validity and Object of the Act
 Standing committee and Medical benefit council
 Employees State Insurance Funds and Contribution
 Benefits available under Employees Insurance Scheme
 Adjudication and settlement of disputes

Unit-V: Maternity Benefit Act, 1961

significant features of Maternity Benefit Act
 Eligibility criteria for maternity benefits for women employee
 Right of the women under Maternity Benefit Act
 Employers obligations under the act
 Powers and duties of inspectors

Unit-VI: Child Labour (Prohibition and Regulation) Act, 1986

Objectives of the Act
 Prohibition of Employment in hazardous occupation
 Regulation of conditions of work of children
 Child Labour Advisor Committee
 Procedure and Penalties related to offences

Unit-VII: The Unorganized Workers and Social Security Act, 2008

Meaning of unorganized sector
 Identification of unorganized problems
 Framing of the Scheme
 Central Government Scheme for workers
 National Social Security Board

Unit-VII: Other social Security legislations

Employees Provident Funds and Miscellaneous Provisions Act, 1952
 -- Object and Scope of the Act
 -- Kinds of Provident Funds
 Employer's liability under Employees Provident Fund Act
 Payment of Gratuity Act, 1972
 -- Object and Scope of the Act
 Eligibility for payment of Gratuity
 The Payment of Bonus Act, 1965
 -- Significant features of the Act

References:

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2. Srivastava, K. D., *Commentaries on Payment of Wages Act 1936* (1998), Eastern, Lucknow.

3. Srivastave, K. D., *Commentaries on Minimum Wages Act 1948* (1995), Eastern Book Company, Lucknow.
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5. Srivastave, K. D., *Commentaries on Factory Act 1948* (2000), Eastern Book Company, Lucknow.
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8. Seth, D. D. *Commentaries on Industrial Disputes Act 1947* (1998), Law Publishing House, Allahabad.
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DSC-604PRINCIPLES OF TAXATION LAW

(Paper-IV)

Objectives of the course:

The Tax system plays very significant role in governance of the Country. Tax is the right of government and duty of the citizen. In the context of a federal structure the distribution of the taxing powers assumes added significance. It is the fundamental duty of the citizen of this country to pay taxes to the Government.

The main objective of the course is providing knowledge of framework of taxation system in India to impart knowledge of the basic principles of underlying the substantive provisions of income tax, GST Law to the student. To equip students with application of principles and provisions of Tax laws in computation of income and taxation of a person excluding companies under various heads of income and their assessment procedure.

Methods of teaching-learning:

Lecture and Case-study method shall be the main method of learning to be followed. Visits to the Authorities like Income Tax Authorities or GST Authorities can be organized for better understanding of Practical aspect of Subject. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods: Theory Examination – 70 Marks

**Internal
Assessment:**

Assignment / Project Work / Presentation

:20 Marks

Viva Voce College Level

:10 Marks

30 Marks

Syllabus--

Unit-I: General Concept of Tax

History of Tax Laws in India

Fundamental principles relating to tax laws

Constitutional Provisions relating to tax

Scope of Taxing powers of parliament, state legislative and local bodies

Unit-II: The Income Tax Act - Concepts

Concept of Tax: Nature and characteristics of taxes Distinction between Tax and Fee, Tax and Cess, Direct and Indirect Tax, Tax evasion and Tax avoidance, Tax assessment

Basic Concept: Tax Definitions, concept of Income, Assesses, person previous year,

Assessment year, Residential Status, Income, Total income, Income not included in total income Deemed income, clubbing income

Basis of charge and Scope of total income

Incomes which do not form part of total Income

Unit-III: The Income Tax Act - Computation of Total Income Under Various Heads.

Salaries (Ss. 15, 16, 17)

Income from house property

Profit and gains of business or profession

Capital gains

Income from other sources

Unit-IV: Income Tax Act - Permissible Deductions/Exemptions

Deductions in respect of payment

Deductions in respect of incomes

Deduction of Tax at sources

Unit-V: Assessment

Assessment of Individual

Assessment of Hindu Undivided families

Assessment of firms and Associations

Assessment of cooperatives societies

Assessment of Charitable Trust and Religious Trust

Assessment of Company

Unit-VI: Income Tax- Authorities and Procedure for Assessment

Classes of IT authorities
Jurisdiction of IT authorities
Powers and functions of IT authorities
Procedure for Filing of Returns, E-filing
Income Tax Tribunal

Unit-VII: Introduction to GST-

Introduction to GST
Levy and Collection of GST
Concept of Supply
Input Tax Credit
Registration

Unit-VIII: GST- Procedure-

Returns under GST
Payment of Tax under GST
Assessment and Audit
Refund under GST
Reverse Charge.

References:

1. Ramesh, Sharma, *Supreme Court of Direct Taxes (2008)*, Bharath Law House, New Delhi.
2. Sampath, Iyengar, *Law of Income Tax (1998)*, Bharath Law House, New Delhi.
3. Diwan, B K & Sanjay Mehtani, *Formation, Taxation and Assessment Charitable and Religious Trusts (1999)*, Bharath Law House, New Delhi.
4. K. Parameshwaran, *Power of Taxation Under the Constitution (1987)*, Eastern Book Company, Lucknow.
5. Singh, SD, *Principles of Law Sales Tax (1973)*, Eastern, Lucknow.
6. Singhanian, V K, *Students Guide to Income Tax*, Taxman Publishing Pvt. Ltd., New Delhi.
7. A Birdseye view of GST – RK Jha and P K Singh
8. Hand Book on Tax Laws – Raj Agrawal
9. Goods and service Tax Act – Ghanshyam Upadhyay

**DSC – 605 MOOT COURT, PRE-TRIAL PREPARATION AND
PARTICIPATION IN TRIAL PROCEEDINGS
(PAPER –V)**

Objective of the Course:

This paper is aimed to impart the practical presentation of arguments, skill of research and case analysis at the original and appellate stages of a case. This course enables the student to apply all laws of the course in the practical.

The objectives of the course are to acquaint the students about – (a) court working and its procedure, (b) application substantive and procedural law to given facts, (c) court manners and discipline, (d) conversance with interview techniques and pre-trial preparations, (e) developing skills of arguments and presentation, and (f) learning skills of analysis and arrangement of facts.

The teaching methods used for this paper include hypothetical problems, role plays, simulation exercises, court attendance and advocate chamber visit etc. Active participation is expected from the students which maximize learning opportunities.

This paper split up into following components with scheme of marking-

A. Moot Court: (30 Marks)

The teacher teaching this course will supply **Three Moot Court (or two Moot Court and one Mock Trial)** problems to the students in the course of a single semester requiring them to work on all three problems assigned to them, prepare written submissions (memorials) and present oral arguments in a moot court setting. Marks for this component are divided equally between written submission and oral arguments. Students may be asked to work in teams at the discretion of teacher.

The concerned teachers shall reserve few lectures to guide the student on-

1. Framing/selection of Moot Court problem
2. Identifying the legal provisions and its applicability
3. Kind of Courts and its jurisdiction (an overview),
4. Court procedures (an overview), Court manners and discipline,
5. Rules of written submissions/memorials, modes of citation, use of library and e-resources
6. Rules/protocol of argument, Defence to the Court etc.

The concerned teacher may prescribe other guidelines for the students at his/her discretion as per requirement of the course.

B. Observance of Civil Trial/Family Trial/Tribunal Trial--(15 Marks)

The students are assigned to observe civil case whereas he/she has to observe actual proceeding of the Civil court or Family Court or Tribunal. Recording of the proceeding can be written in the diary with following components-

1. Case of the plaintiff
2. Case of the defendant
3. Issues or matters in controversy/grievance/dispute
4. Provisions of substantive law involved
5. Provisions of procedural law involved
6. Brief summary of examination of witnesses (If any)
7. Brief statement of important documents filed (If any)
8. Summary of arguments (if any)
9. Summary of Judgment or order passed (if any)

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

C. Observance of Criminal Trials---(15 Marks)

The students are assigned to observe Criminal case whereas he/she has to observe actual proceeding of the Civil court. Recording of the proceeding can be written in the diary in following components-

1. Case of the prosecution
2. Case of the accused
3. Offences or matters in grievance/dispute
4. Provisions of substantive law involved
5. Provisions of procedural law involved
6. Brief summary of examination of witnesses (If any)
7. Brief statement of important documents filed (If any)
8. Summary of arguments (if any)
9. Summary of Judgment or order passed (if any)

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

D. Pre-Trial Preparation---(20 Marks)

Each student should observe two interviewing sessions of clients at the lawyer's office/legal aid office and record the proceedings in the journal. Each student will further observe the preparation of documents and court papers by the Advocate and the Procedure for the suit/ petition/complaint as the case may be. This will be recorded in the Journal.

Guidelines for Pre-trial Preparations–

- a) Internship and pre-trial preparations should be at the beginning of the academic year
- b) Observation of interviewing sessions of client in the office of advocate or the legal aid office
- c) Observation of Advice given to the client by the advocate or authority of legal aid office
- d) Observation of maintaining confidentiality of the parties.

The concerned teacher may prescribe few other guidelines for the students at his / her discretion.

E. Internship Diary---(10 Marks)

The diary is an integral part of the course and it will be evaluated in terms of thoughtfulness and reflections about students learning experience. Each student shall keep Internship diary and the same shall be evaluated by Core Faculty member of the staff every year. The total mark shall be assessed in the Final Semester of the course in the Moot Court paper based on the attendance of student during entire internship period.

F. Viva-voce--10 Marks

Viva Voce Examinations for 10 marks will be conducted in presence of External Examiners appointed by the University. As per BCI norms Internal marks for 90 will be evaluated by the practical training Teacher / Principal of the concerned college on the basis written exercises submitted by the student.

References/Bibliography

1. O.P.Mishra, Moot Court, Central Law Agency, Allahabad
 2. John Snape and Garry Watt, How to Moot (a student guide to mooting), Oxford University Press
 3. Dr Kailash Rai, Moot Court, Central Law Publications, Allahabad
 4. Nomita Agarwal, 'A Beginner's Path to Moot Court' Universal Law Publishing, 2014
 5. Abhinandan Malik, Moot courts and mooting, Eastern Book Company, 2017
 6. K.L. Bhatiya, Moot court and Mock trial - Art to Art of Advocacy, essentials of court craft, Universal Law Publishing, 2013
 7. K. Evans, Language of Advocacy, 1st Indian Reprint, Universal Law Publishing, 2000
 8. J. Hill, Practical guide to Mooting, 1st Indian Reprint, Palgrave Macmillan,
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AECC--606 CRIME INVESTIGATION AND FORENSIC SCIENCE

Objectives of the Course

- 1) To acquaint Students with basic Concepts of Crime investigation and Forensic Science.
- 2) To acquaint Students with basic Criminal Law.
- 3) To provide knowledge of application of Crime investigation and Forensic Science in Criminal investigation.

UNIT I--GENERAL PRINCIPLES OF CRIME SCENE INVESTIGATION

- 1 Crime Investigations-Meaning and Types Of
- 2 Relationship between Crime Scene Investigation and Forensic Science
- 3 Steps involved in crime investigation-safeguards under Cr.P.C.
- 4 Role of forensic scientists, investigative officers, forensic doctors, fire brigade, judiciary etc
- 5 Importance of physical evidence, collection of physical evidence in crimes like murder theft, extortion, explosion etc.

UNIT II--INTRODUCTION TO FORENSIC SCIENCE

1. Meaning & Definition of Forensic Science.
2. Modern aspects of Forensic Science.
3. Application of Forensic Science.
4. Awareness, education of Forensic Science.

UNIT III-- BRANCHES OF FORENSIC SCIENCE, CRIME SCENE & EVIDENCE

1. Various Branches of Forensic Science.
2. Forensic Science Laboratory – Mobile Van Forensic.
3. Crime Scene – Methods of Investigation, Recording of Crime Scene &
4. Digital investigation, Digital crime scene evaluation process, Search & Seizure, Digital Forensic Lab Setup

- 1 Role of First Responding Officer. Coordination between police personnel and Forensic scientists at crime scenes. The evaluation of 5Ws (who? what? when? where? why?) and 1H (how?).
- 2 Scene of crime: Types, protection of scene of crime, preservation (recording) of scene of crime photography and sketching methods.
- 3 Physical evidence: Meaning, Types, search methods, collection and preservation, Forwarding.Chainofcustody.Collection,preservation,packingandforwardingof: blood,semenandotherbiologicalstains,firearmexhibits,documents,fingerprint, viscera, hair &fiber, glass, soil and dust, petroleum products, drugs and poisons, etc.
- 4 Documentationofcrimescenes–photography,videography,sketching-Baseline method, Triangulation method, coordinate method, extended coordinate method. Crime scene notes.
- 5 Search–Definition,Objectives,Patterns-Strip/Lanemethod,Gridmethod,Zone method, Spiral method, Wheel method.

ReferenceBooks-

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- M.S.Dahiya,PrinciplesandPracticesinContemporaryForensicSciences,Shanti Prakashan (2015)
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