

SCHEME OF TEACHING
&
DETAILED SYLLABUS
For
BACHELOR OF LAWS
LL.B.



**SCHOOL OF LAW AND CONSTITUTIONAL
STUDIES**

**SHOBHIT UNIVERSITY, NH-58, MODIPURAM - MEERUT
(U.P.) – 250110**

**Approved and adopted in year 2019 (Board of Studies, August 3, 2019)
by 13th Academic council (Agenda no-4.4)**

INDEX

Sr. No.	Course	Subject	Subject Code	Percentage of changes made	Page No.
1	LL.B.	Law of Torts Including M.V. Act and Consumer Protection laws	LL.B. 104	20%	11-12
2	LL.B.	Constitutional Law – I	LL.B. 103	20%	09-10
3	LL.B.	Constitutional Law – II	LL.B. 203	10%	19-20
4	LL.B.	Company Law	LL.B. 304	30%	30-31
5	LL.B.	Labour Law –I	LL.B. 305	30%	32-33
6	LL.B.	Labour Law-II	LL.B. 401	20%	34-35
7	LL.B.	Environmental Law	LL.B. 105	20%	13-14
8	LL.B.	Administrative Law	LL.B. 303	20%	28-29

FIRST YEAR

First Semester

Paper Code	SUBJECTS	L	T	P	Credit
LLB 101	Law of Contract I	4	0	0	4
LLB 102	Family Law I (Hindu law)	4	0	0	4
LLB 103	Constitutional Law I	4	0	0	4
LLB 104	Law of Torts Including M.V. Act & Consumer Protection Laws	4	0	0	4
LLB 105	Environmental Law	4	0	0	4
	Total	20	0	0	20

Second Semester

Paper Code	SUBJECTS	L	T	P	Credit
LLB 201	Law of Contract II	4	0	0	4
LLB 202	Family law II (Muslim Law)	4	0	0	4
LLB 203	Constitutional Law II	4	0	0	4
LLB 204	Law of Crimes (I.P.C.)	4	0	0	4
LLB 205	Law of Evidence	4	0	0	4
	Total	20	0	0	20

SECOND YEAR

Third Semester

Paper Code	SUBJECTS	L	T	P	Credit
LLB 301	Jurisprudence	4	0	0	4
LLB 302	Law of Property	4	0	0	4
LLB 303	Administrative law	4	0	0	4
LLB 304	Company law	4	0	0	4
LLB 305	Labour Law I	4	0	0	4
	Total	20	0	0	20

Fourth Semester

Paper Code	SUBJECTS	L	T	P	Credit
LLB 401	Labour Law II	4	0	0	4
LLB 402	Public International Law	4	0	0	4
LLB 403	Interpretation of Statutes	4	0	0	4
LLB 404	U.P. Land laws	4	0	0	4
LLB 405	Intellectual Property Law	4	0		4
	Total	20	0	0	20

THIRD YEAR**Fifth Semester**

Paper Code	SUBJECTS	L	T	P	Credit
LLB 501	Civil Procedure Code and Law of Limitation	4	0	0	4
LLB 502	Criminal Procedure Code and Law of Juvenile Justice and Probation of Offenders	4	0	0	4
LLB 503	Law of banking and Negotiable Instruments	4	0	0	4
LLB 504	Alternate Dispute Resolution	2	0	8	6
LLB 505	Professional Ethics and Professional Accounting System	2	0	8	6
	Total	16	0	0	24

Sixth Semester

Paper Code	SUBJECTS	L	T	P	Credit
LLB 601	English and Legal Language	4	0	0	4
LLB 602	Information Technology Law	4			4
	Optional (Choose any one from the following) –	4	0	0	4
LLB 603	a. Law Relating to Women				
LLB 604	b. Human Rights Law				
LLB 605	c. Law of Investment and Securities				
LLB 606	Drafting Pleading and Conveyancing	1		8	6
LLB 607	Moot Court, Observation of trial, Pre – Trial preparation and Internship	--	--	--	6
	Total	13	0	14	24

LAW OF CONTRACT-I

Sub. Code: LLB 101

L – 4, C – 4.

Objective:

In the society wherein all major ventures are getting corporatised, a law student should acquaint himself with the knowledge of special contracts apart from equipping himself with general principles of contract. This law is contained in several legislations apart from the Indian Contract Act. This course equips the students to better appreciate the legal services required in a corporate office so that he can enhance his relevance as a lawyer in society.

Learning Outcomes: - Students graduating with Law of Contract will be able to:

LO1 Identify the relevant legal issues that arise on a given set of facts in the area of contract law.

LO2 Select and apply a range of approaches to written communication, and apply the critical thinking required to bring about creative solutions to complex legal problems in the area of contract law.

LO3 Formulate oral and written arguments in response to a given set of facts.

Unit I:

Definition and essentials of a valid Contract - Definition and essentials of a valid Offer - Definition and essentials of valid Acceptance - Communication of Offer and Acceptance - Revocation of Offer and Acceptance through various modes including electronic medium - Consideration - salient features - Exception to consideration - Doctrine of Privity of Contract - Exceptions to the privity of contract - Standard form of Contract.

Unit-II :

Capacity of the parties - Effect of Minor's Agreement - Contracts with insane persons and persons disqualified by law - Concepts of Free Consent - Coercion - Undue influence - Misrepresentation - Fraud - Mistake - Lawful Object - Immoral agreements and various heads of public policy - illegal agreements - Uncertain agreements - Wagering agreements - Contingent contracts - Void and Voidable contracts.

Unit-III:

Discharge of Contracts - By performance - Appropriation of payments - Performance by joint promisors - Discharge by Novation - Remission - Accord and Satisfaction - Discharge by impossibility of performance (Doctrine of Frustration) - Discharge by Breach - Anticipatory Breach - Actual breach.

Unit-IV :

Quasi Contract - Necessaries supplied to a person who is incapable of entering into a contract - Payment by an interested person - Liability to pay for non-gratuitous acts - Rights of finder of lost goods - Things delivered by mistake or coercion - Quantum meruit - Remedies for breach of contract - Kinds of damages - liquidated and unliquidated damages and penalty - Duty to mitigate.

Unit-V :

Specific Relief - Recovering possession of property - Specific performance of the contract - Rectification of instruments - Rescission of contracts - Cancellation of instruments - Declaratory Decrees - Preventive Relief - Injunctions - Generally - Temporary and Perpetual

injunctions - Mandatory & Prohibitory injunctions - Injunctions to perform negative agreement.

Suggested Readings:

1. Anson: *Law of Contract*, Clarendon Press, Oxford, 1998.
2. Krishnan Nair: *Law of Contract*, S.Gogia & Co., Hyderabad 1995.
3. G.C.V. Subba Rao: *Law of Contract*, S.Gogia & Co., Hyderabad 1995.
4. T.S.VenkatesaIyer: *Law of Contract*, revised by Dr. Krishnama Chary,
5. S. Gogia & Co.
6. Avtar Singh: *Law of Contract*, Eastern Book Company, Lucknow, 1998.

FAMILY LAW–I (Hindu Law)

Sub. Code: LLB 102

L – 4, C – 4.

Unit-I :

Sources of Hindu Law – Scope and application of Hindu Law – Schools of Hindu Law - Mitakshara and Dayabhaga Schools – Concept of Joint Family, Coparcenary, Joint Family Property and Coparcenary Property – Institution of Karta- Powers and Functions of Karta - Pious Obligation - Partition – Debts and alienation of property.

Unit-II :

Marriage - Definition - Importance of institution of marriage under Hindu Law – Conditions of Hindu Marriage – Ceremonies and Registration – Monogamy – Polygamy.

Unit-III:

Matrimonial Remedies under the Hindu Marriage Act, 1955 - Restitution of Conjugal Rights – Nullity of marriage – Judicial separation – Divorce – Maintenance *pendente lite* – importance of conciliation.

Unit-IV:

Concept of Adoption - Law of Maintenance - Law of Guardianship - Hindu Adoption and Maintenance Act, 1956 – Hindu Minority and Guardianship Act 1956.

Unit-V :

Succession – Intestate succession – Succession to the property of Hindu Male and Female; Dwelling House – Hindu Succession Act, 1956 as amended by the Hindu Succession (Andhra Pradesh Amendment) Act, 1986 & the Hindu Succession (Amendment) Act, 2005 – Notional Partition – Classes of heirs – Enlargement of limited estate of women into their absolute estate.

Suggested Readings:

1. Paras Diwan : *Modern Hindu Law*, 13th Edition 2000, Allahabad Agency, Delhi.
2. Paras Diwan: *Family Law*, 1994 Edition, Allahabad Agency, Delhi.
3. Mayne: *Hindu Law - Customs and Usages* , Bharat Law House, New Delhi.
4. Sharaf: *Law of Marriage and Divorce* , 1999.

Constitutional Law - I

Sub. Code: LLB 103

L – 4, C – 4.

Objective: The objective of this paper is to provide understanding of basic concepts of Indian Constitution and various organs created by the constitution including their functions.

Learning Outcome:

LO1 To create and set up a basic philosophical tenet of Indian Constitutional Law

LO2 To instill not just a bare understanding of but a perspective on constitutional developments in Indian Constitutional Law.

LO3 To understand the system of Government and the fundamental principles governing its organization.

LO4 To understand the detailed analysis of fundamental freedoms guaranteed under the Indian Constitution.

Unit-I

Constitution-Meaning and Significance - Evolution of Modern Constitutions -Classification of Constitutions-Indian Constitution - Historical Perspectives - Government of India Act, 1919 - Government of India Act, 1935 - Drafting of Indian Constitution - Role of Drafting Committee of the Constituent Assembly-Introduction; Concept Origin and Development; Magna Carta; The English Bill of Rights of 1689; The American Bill of Rights of 1791 The French Declaration of Rights of Man; The Universal Declaration of Human Rights, 1948, Need Fundamental Rights in India;

Unit-II

Nature and Salient Features of Indian Constitution - Preamble to Indian Constitution - Union and its Territories-Citizenship - General Principles relating to Fundamental Rights(Art.13) - Definition of State

Unit-III

Right to Equality(Art.14-18) – Freedoms and Restrictions under Art.19 - Protection against Ex-post facto law - Guarantee against Double Jeopardy - Privilege against Self-incrimination - Right to Life and Personal Liberty - Right to Education – Protection against Arrest and Preventive Detention

Unit-IV

Rights against Exploitation - Right to Freedom of Religion - Cultural and Educational Rights - Right to Constitutional Remedies - Limitations on Fundamental Rights(Art.31-A,B and C)

Unit-V

Directive Principles of State Policy – Significance – Nature – Classification - Application and Judicial Interpretation - Relationship between Fundamental Rights and Directive Principles - Fundamental Duties – Significance - Judicial Interpretation

Suggested Readings:

1. M.P.Jain, *Indian Constitutional Law*, Wadhwa& Co, Nagpur
2. V.N.Shukla, *Constitution of India*, Eastern Book Compamy, Lucknow
3. Granville Austin, *Indian Constitution-Cornerstone of a Nation*, OUP, New Delhi
4. H.M.Seervai, *Constitutional Law of India* (in 3 Volumes), N.M.Tripathi, Bombay
5. G.C.V.Subba Rao, *Indian Constitutional Law*, S.Gogia& Co., Hyderabad
6. B.Shiva Rao: *Framing of India's Constitution* (in 5 Volumes), Indian Institute of
i. Public Administration, New Delhi
7. J.N.Pandey, *Constitutional Law of India*, Central Law Agency, Allahabad

Law of Torts Including M.V. Act and Consumer Protection laws

Sub. Code: LLB 104

L – 4, C – 4.

Objective:

- The objective of this course is to learn the nature of torts, basic and general principles of torts, various specific torts, nuisance – negligence, liability under law of torts inter alia.
- To study the principles of Tortious liability. The capacity of parties to sue and be sued and matters connection there with. To study and evaluate the specific torts against the individual and property.

Learning Outcome:

Students graduating with Law of Torts included. M.V. Act and consumer Protection Law will be able to:

- To study the principles of Tortious liability, The defenses available in an action for torts, the capacity of parties to sue and be sued and matters connection there with.
- To study and evaluate the specific torts against the individual and property. With rapid industrialization, inadequacy of the law to protect the individual is exposed.
- The students should reflect on the alternative forms, and also the remedies provided under the Consumer Protection Act, 1986.

Unit-I :

Nature of Law of Torts - Definition of Tort - Elements of Tort - Development of Law of Torts in England and India - Wrongful Act and Legal Damage - *Damnum Sine Injuria* and *Injuria Sine Damnum* - Tort distinguished from Crime and Breach of Contract - General Principles of Liability in Torts - Fault - Wrongful intent - Malice - Negligence - Liability without fault - Statutory liability - Parties to proceedings.

Unit-II

General Defences to an action in Torts – Vicarious Liability - Liability of the State for Torts – Defence of Sovereign Immunity – Joint Liability – Liability of Joint Torfeasors – Rule of Strict Liability (*Rylands V Fletcher*) – Rule of Absolute Liability (*MC Mehta vs. Union of India*) – Occupiers liability – Extinction of liability – Waiver and Acquiescence – Release – Accord and Satisfaction - Death.

Unit-III

Specific Torts - Torts affecting the person - Assault - Battery - False Imprisonment - Malicious Prosecution - Nervous Shock - Torts affecting Immovable Property - Trespass to land - Nuisance - Public Nuisance and Private Nuisance - Torts relating to movable property – Liability arising out of accidents (Relevant provisions of the Motor Vehicles Act).

Unit-IV

Defamation - Negligence - Torts against Business Relations - Injurious falsehood - Negligent Misstatement - Passing off - Conspiracy - Torts affecting family relations - Remedies - Judicial and Extra-judicial Remedies – Damages – Kinds of Damages – Assessment of Damages – Remoteness of damage - Injunctions - Death in relation to tort - *Actiopersonalismoritur cum persona*.

Unit-V Consumer Laws:

An Introduction to Consumer Protection Law And Policies
Consumer Rights Legislative Framework on Consumer Protection In India
Salient Features Of Consumer Protection Act
Some Important Areas Covered Under The C.P. Act And Case Laws
Emerging Concerns In Consumer Protection And Law

Suggested Readings:

1. Winfield & Jolowicz : *Law of Tort*, XII edition, Sweet and Maxwell, London , 1984.
2. Salmond and Heuston : *Law of Torts*, XX edition, 2nd Indian reprint, Universal Book traders, New Delhi, 1994.
3. Ramaswamy Iyer: *The Law of Torts*, VII edition (Bombay, 1995).
4. Achutan Pillai: *Law of Tort*, VIII edition , Eastern Book Company, Lucknow, 1987.
5. Durga Das Basu: *The Law of Torts* ,X edition, Prentice Hall of India, New Delhi, 1998.
6. Ratan Lal & Dhirajlal: *The Law of Torts*, 22nd edition, Wadhwa & Company Nagpur, 1992.
7. R.K. Bangia: *Law of Torts*, XIV edition, Allahabad Law Agency, Allahabad, 1999.
8. J.N. Pandey: *Law of Torts*, 1st edition Central Law Publications, Allahabad, 1999.
9. Vivienne Harwood: *Law of Torts*, 1st edition, Cavendish Publishing Ltd. London, 1993.
10. Hepple & Mathews: *Tort - Cases and Materials* , 2nd edition
11. Butterworth, London, 1980.
12. D.N. Saraf: *Law of Consumer Protection in India*, Tripathi, Bombay
13. The Motor Vehicles Act, 1988

Environmental Laws

Sub. Code: LLB 105

L – 4, C – 4.

Objective:

Environmental problems have attained alarming proportions. It is essential to sensitize the students to environmental issues and the laws. The important principles in the field like intergeneration equity, carrying capacity, sustainable development and precautionary, polluter pays principles are to be appreciated. The law in practice is to be analyzed and evaluated. The course is designed towards these objectives.

Course Outcome

LO1 Students will be able to get basic knowledge of environment, pollution and various principles.

LO2 Students will be able to get the knowledge about Constitutional provisions for the protection of environment.

LO3 Students will learn about the legal provisions of the water pollution.

LO4 Students will also learn about the air pollution.

LO5 Students will get the knowledge about the Environment (protection) Act, powers of central government and state government to make laws and Environment Tribunals.

Unit-I

The meaning and definition of environment – Ecology - Ecosystems-Biosphere - Biomes - Ozone depletion - Global Warming - Climatic changes - Need for the preservation, conservation and protection of environment - Ancient Indian approach to environment- Environmental degradation and pollution - Kinds, causes and effects of pollution.

Unit-II

Common Law remedies against pollution - trespass, negligence, and theories of Strict Liability & Absolute Liability - Relevant provisions of I.P.C. and Cr.P.C. and C.P.C., for the abatement of public nuisance in pollution cases - Remedies under Specific Relief Act - Reliefs against smoke and noise - Noise Pollution.

Unit-III

The law relating to the preservation, conservation and protection of forests, wild life and endangered species, marine life, coastal ecosystems and lakes etc. - Prevention of cruelty towards animals - The law relating to prevention and control of water pollution - Air Pollution - Environment pollution control mechanism - Law relating to environment protection – National Environmental Tribunal and National Environmental Appellate Authority- BIO-DIVERSITY-Legal control, Convention on Biological Diversity, 1992, Biodiversity Act, 2002 Control of eco-unfriendly experimentation on animals, plants, seeds and micro organism.

Unit-IV:

Art. 48A and Art. 51A(g) of the Constitution of India - Constitutional making - development and property-oriented approach, Directive principles, Status, role and interrelationship with fundamental rights and fundamental duties, Fundamental Duty, Judicial approach, Fundamental Rights, Rights to clean and healthy environment, Environment v. Development- Right to wholesome environment - Right to development - Restriction on freedom of trade, profession, occupation for the protection of environment - Immunity of Environment

legislation from judicial scrutiny(Art.31C) - Legislative powers of the Centre and State Government - Writ jurisdiction - Role of Indian Judiciary in the evolution of environmental jurisprudence.

Unit-V

International Environmental Regime - Transactional Pollution - State Liability - Customary International Law - Liability of Multinational Corporations/Companies - Stockholm Declaration on Human Environment, 1972 - The role of UNEP for the protection of environment - Ramsar Convention 1971 – Bonn Convention (Migratory Birds) 1992 - Nairobi Convention, 1982 (CFCC) - Biodiversity Convention (Earth Summit), 1992 - Kyoto Protocol 1997, Johannesburg Convention 2002.

Suggested Readings:

1. Paras Diwan: *Studies on Environmental Cases*.
2. S.N. Jain (ed.): *Pollution Control and the Law*.
3. Armin Rosencranz and Shyam Divan: *Environmental Law and Policy in India*.
4. A. Agarwal (ed.): *Legal Control of Environmental Pollution*
5. Chetan Singh Mehta: *Environmental Protection and Law*
6. V.K. Krishna Iyer: *Environment Pollution and Law*
7. Shah : *Environmental Law*
8. Paras Diwan : *Environmental Law and Policy in India*, 1991
9. Dr. N. Maheshwara Swamy, *Environmental Law*, Asia Law House, Hyderabad.

Law of Contract - II

Sub. Code: LLB 201

L – 4, C – 4.

Objective:

In the society wherein all major ventures are getting corporatised, a law student should acquaint himself with the knowledge of special contracts apart from equipping himself with general principles of contract. This law is contained in several legislations apart from the Indian Contract Act. This course equips the students to better appreciate the legal services required in a corporate office so that he can enhance his relevance as a lawyer in society.

Learning Outcomes: - Students graduating with Law of Contract will be able to:

LO1 Identify the relevant legal issues that arise on a given set of facts in the area of contract law.

LO2 Select and apply a range of approaches to written communication, and apply the critical thinking required to bring about creative solutions to complex legal problems in the area of contract law.

LO3 Formulate oral and written arguments in response to a given set of facts.

Unit-I :

Indemnity and Guarantee - Contract of Indemnity, definition - Rights of Indemnity holder - Liability of the indemnified - Contract of Guarantee - Definition of Guarantee - Essential characteristics of Contract of Guarantee - Distinction between Indemnity and Guarantee - Kinds of Guarantee - Rights and liabilities of Surety - Discharge of surety. Contract of Bailment - Definition of bailment - Essential requisites of bailment - Kinds of bailment - Rights and duties of bailor and bailee - Termination of bailment - Pledge - Definition of pledge - Rights and duties of Pawnor and Pawnee - Pledge by non-owner.

Unit-II:

Contract of Agency - Definition of Agent - Creation of Agency - Rights and duties of Agent - Delegation of authority - Personal liability of agent - Relations of principal and agent with third parties - Termination of Agency.

Unit-III:

Contract of Sale of Goods - Formation of contract - Subject matter of sale - Conditions and Warranties - Express and implied conditions and warranties - Pricing - *Caveat Emptor*.

Unit-IV :

Property - Possession and Rules relating to passing of property - Sale by non-owner - *Nemodat quad non habet* - Delivery of goods - Rights and duties of seller and buyer before and after sale - Rights of unpaid seller - Remedies for breach.

Unit-V :

Contract of Partnership - Definition and nature of partnership - Formation of partnership - Test of partnership - Partnership and other associations - Registration of firm - Effect of non-registration - Relations of partners - Rights and duties of partners - Property of firm - Relation of partners to third parties - Implied authority of partners - Kinds of partners - Minor as partner - Reconstitution of firm - Dissolution of firm.

Suggested Readings:

1. Anson's *Law of Contract*, 25th Ed. 1998, Oxford University Press, London.
2. Venkatesh Iyyer: *The Law of Contracts and Tenders*, Gogia & Company
Hyderabad.
3. Cheshire & Fifoot: *Law of Contract*, Butterworth, London, 1976.
4. Mulla: *The Indian Contract Act*, N.M. Tripathi (P) Ltd. Bombay, 1984.
5. G.C.V. Subba Rao: *Law of Contracts*, S. Gogia & Co., Hyderabad, 1995.
6. Krishnan Nair: *Law of Contracts*, S. Gogia & Co. Hyderabad, 1995.
7. Avtar Singh: *Law of Contracts*, Eastern Book Company, Lucknow, 1998.
8. A Ramaiah's *Sale of Goods Act*, 4th Ed. 1998, The Law Book Co., Allahabad.
9. Benjamin's *Sale of Goods*, 1st Ed. 1978, Sweet & Maxwell, London.
10. P.S. Atiyah: *Sale of Goods Act*, 9th Ed. 1997, Universal Book Traders, Delhi.

FAMILY LAW – II (MUSLIM LAW)

Sub. Code: LLB 202

L – 4, C – 4.

Objective:

India being a secular country with diverse religions protects the individual freedom to profess a religion as constitutional guarantee. Indian community comprises of different religions such as Hinduism, Islam, and Christianity etc. In personal matters every Indian is governed by his personal law. There is nothing like uniform law in personal matters like marriage, divorce, adoption, succession etc. these matters are governed by the personal law of the parties.

Learning Outcome: The course's main objective is to introduce core issues related to the Islamic law.

LO1 Herein we focus on the legal sources and the areas of development of interpretation methodologies used by the Sunni and Shia schools of jurisprudence in premodern and modern periods.

LO2 After the completion of the course the student is expected to proficiently: Discuss the development and spread of each school of jurisprudence. Identify the variety of methods of interpretation of the basic sources of law used by each school of jurisprudence.

Unit-I :

Origin and development of Muslim Law - Sources of Muslim Law - Schools of Muslim Law - Difference between the Sunni and Shia Schools – Sub-schools of Sunni Law - Operation and application of Muslim Law - Conversion to Islam - Effects of conversion - Law of Marriage, nature of Muslim Marriage - Essential requirements of valid Marriage - Kinds of Marriages - distinction between void, irregular and valid marriage - Dower (Mahr) - Origin, nature and importance of dower, object of dower and classification of dower.

Unit-II:

Divorce - Classification of divorce - different modes of Talaq - Legal consequences of divorce - Dissolution of Muslim Marriage Act, 1939 - Maintenance, Principles of maintenance, Persons entitled to maintenance - The Muslim Women (Protection of Rights on Divorce) Act, 1986 - Effect of conversion on maintenance and difference between Shia and Sunni Law.

Unit-III:

Parentage - Maternity and Paternity - Legitimacy and acknowledgment - Guardianship - Meaning - Kinds of guardianship - Removal of guardian - Difference between Shia and Sunni Law. Gift - Definition of Gift - Requisites of valid gift - Gift formalities - Revocation of gift - Kinds of gift. Wills - Meaning of Will - Requisites of valid Will - Revocation of Will - Distinction between Will and Gift - Difference between Shia and Sunni Law.

Unit-IV :

Waqf _ Definition - Essentials of Waqf - Kinds of Waqf – Creation of Waqf - - Revocation of Waqf - Salient features of the Waqf Act, 1995 – Mutawalli - Who can be Mutawalli - Powers and duties of Mutawalli - Removal of Mutawalli and Management of Waqf property. Succession - Application of the property of a deceased Muslim - Legal position of heirs as representatives - Administration - Waqf Tribunals and Jurisdiction.

Unit-V :

Special Marriage Act, 1954 - Salient features of Indian Divorce Act, 1869 - Domicile - Maintenance to dependents/ Spouses - Intestate succession of Christians under the Indian Succession Act, 1925.

Suggested Readings:

1. Tahir Mahmood: *The Muslim Law of India*, 1980, Law Book Company, Allahabad.
1. Aquil Ahmed: *Text Book of Mohammadan Law*, 5th Edition 1992, Central Law Agency, Allahabad.
2. Prof. G.C.V. Subba Rao: *Family Law in India*, 6th Edition, 1993, S.Gogia & Company, Hyderabad.
3. Asaf A.A. Fyzee: *Outlines of Mohammadan Law*, 4th Edition, 1999, Oxford University Press, Delhi.

Constitutional Law – II

Sub. Code: LLB 203

L – 4, C – 4.

Objective: The objective of this paper is to provide understanding of basic concepts of Indian Constitution and various organs created by the constitution including their functions.

Learning Outcome:

LO1 To create and set up a basic philosophical tenet of Indian Constitutional Law

LO2 To instill not just a bare understanding of but a perspective on constitutional developments in Indian Constitutional Law.

LO3 To understand the system of Government and the fundamental principles governing its organization.

LO4 To understand the detailed analysis of fundamental freedoms guaranteed under the Indian Constitution.

Unit-I

Legislature under Indian Constitution - Union and State Legislatures - Composition, Powers, Functions and Privileges - Anti-Defection Law - Executive under Indian Constitution - President and Union Council of Ministers - Governor and State Council of Ministers - Powers and position of President and Governor

Unit-II

Judiciary under Constitution - Supreme Court - Appointment of Judges, Powers and Jurisdiction - High Courts - Appointment and Transfer of Judges - Powers and Jurisdiction - Subordinate Judiciary - Independence of judiciary - Judicial Accountability- Prerogative Writs – Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto. – Writ Jurisdictions of Supreme Court and High Courts.

Unit-III

Centre State Relations - Legislative, Administrative and Financial Relations - Cooperation and Coordination between the Centre and States - Judicial Interpretation of Centre-State Relations - Doctrines evolved by Judiciary

Unit-IV

Liability of State in Torts and Contracts - Freedom of Interstate Trade, Commerce and Inter course - Services under the State - All India Services - Public Service Commissions- Election commission – Composition, Powers and Functions, Role of EC in the Superintendence of Elections, Anti-defection Law, Representation of Peoples Act, 1951.

Unit-V

Emergency – Need of Emergency Powers - Different kinds of Emergency - National, State and Financial emergency - Impact of Emergency on Federalism and Fundamental Rights - Amendment of Indian Constitution and Basic Structure Theory

Suggested Readings:

1. M.P.Jain, *Indian Constitutional Law*, Wadhwa& Co, Nagpur

2. V.N.Shukla, *Constitution of India*, Eastern Book Company, Lucknow

3. Granville Austin, *Indian Constitution-Cornerstone of a Nation*, OUP, New Delhi
4. H.M.Seervai, *Constitutional Law of India* (in 3 Volumes), N.M.Tripathi, Bombay
5. G.C.V.Subba Rao, *Indian Constitutional Law*, S.Gogia& Co., Hyderabad
6. B.Shiva Rao, *Framing of India's Constitution* (in 5 Volumes), Indian Institute of Public Administration, New Delhi
7. J.N.Pandey, *Constitutional Law of India*, Central Law Agency, Allahabad

LAW OF CRIMES

Sub. Code: LLB 204

L – 4, C – 4.

Objective:

The objective of this Act is to provide a general Penal Code for India. Though this Code consolidates the whole of the law on the subject and is exhaustive on the matters in respect of which it declares the law, many more penal statutes governing various offences have been created in addition to this code.

Learning Outcome:

LO1 Understand and describe areas of criminal justice, law and society through a critical analysis of the subject

LO2 Analyze lacunas within the criminal justice system and suggest the amendments have to make to provide the justice according to the changing needs of the society.

LO3 Summarize the process of judicial review and identify criteria used by courts to evaluate the constitutionality of criminal law of India.

Unit-I:

Concept of crime - Definition and meaning of crime - Distinction between crime and tort - Stages of crime - Intention, Preparation, Attempt and Commission of Crime - Elements of Crime - *Actus Reus and Mensrea* - Codification of Law of Crimes in India - Application of the Indian Penal Code - Territorial and Extra Territorial application - General Explanations - Punishments.

Unit-II:

General exceptions - Abetment - Criminal Conspiracy - Offences against the State - Offences against public peace and Tranquility.

Unit-III:

Offences affecting human body (offences affecting human life) Culpable Homicide and Murder – Hurt and Grievous Hurt - Wrongful restraint and Wrongful confinement - Criminal force and Assault - Kidnapping and abduction - Sexual offences - Unnatural offences.

Unit-IV:

Offences affecting the public health, safety, convenience, decency and morals - Offences against Property - Theft - Extortion - Robbery & Dacoity - Cheating - Mischief - Criminal Trespass – Criminal misappropriation and Criminal breach of trust.

Unit-V :

Offences by or relating to public servants - False Evidence and Offences against Public Justice - Offences relating to documents - Offences relating to Marriage - Cruelty by husband and relatives of husband - Defamation.

Suggested Readings:

1. Ratan Lal and Dhiraj Lal: *Indian Penal Code*, Wadhwa & Co., 2000.
2. Achutan Pillai: *Criminal Law*, Butterworth Co., 2000.
3. Gour K.D.: *Criminal Law - Cases and Materials*, Butterworth Co., 1999.
4. Kenny's: *Outlines of Criminal Law*, (1998 Edition)

LAW OF EVIDENCE

Sub. Code: LLB 205

L – 4, C – 4.

Objective:

Sir James Fitzjames Stephen (1829-1894) played a significant part in drafting Indian Evidence Act, 1872. He was a student of Bentham and Austin as well as a judge. His aim was to adopt and to codify English Law of Evidence with some modifications necessary for the peculiar circumstances of India. The Indian Evidence Act was intended to be the complete code of evidence for India. The ultimate aim of producing evidence is to facilitate the judge to arrive at a rational conclusion with respect to the matters disputed before him. For this, Indian Evidence Act has within its fold four fundamental principles best evidence, relevancy, admissibility and appreciation.

Learning Outcome:

LO1 It is designed to familiarise students with the basic terms of law of evidence.

LO2 It acquaints students with the concept of relevancy of facts.

LO3 It deals with admissions and confessions and their relevance in proving a case.

LO4 It deals with the proof of facts on evidence of persons who cannot be called to court to give evidence.

LO5 It is to make the students understand the relevance of judgements and orders of courts in other cases to prove facts in the current case. Unit 6 clarifies the circumstances in which character can be proved.

Unit-I:

The Indian Evidence Act, 1872 — Salient features of the Act — Meaning and kinds of Evidence — Interpretation clause — May Presume, Shall presume and Conclusive proof - Fact, Fact in issue and Relevant facts — Distinction between Relevancy and Admissibility - Doctrine of *Res Gestae* — Motive, preparation and conduct — Conspiracy — When Facts not otherwise relevant become relevant — Right and custom — Facts showing the state of mind etc.

Unit-II :

Admissions & Confessions: General Principles concerning Admissions — Differences between "Admission" and "Confession" — Confessions obtained by inducement, threat or promise — Confessions made to police officer - Statement made in the custody of a police officer leading to the discovery of incriminating material — Admissibility of Confessions made by one accused person against co-accused.

Dying Declarations and their evidentiary value — Other Statements by persons who cannot be called as Witnesses — Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings.

Unit-III :

Relevancy of Judgments — Opinion of witnesses — Expert's opinion — Opinion on Relationship especially proof of marriage — Facts which need not be proved — Oral and Documentary Evidence - General Principles concerning oral evidence and documentary evidence — Primary and Secondary evidence — Modes of proof of execution of documents — Presumptions as to documents — General Principles regarding Exclusion of Oral by Documentary Evidence.

Unit-IV:

Rules relating to Burden of Proof - Presumption as to Dowry Death — Estoppel — Kinds of estoppel — Res Judicata, Waiver and Presumption.

Unit-V :

Competency to testify — Privileged communications - Testimony of Accomplice — Examination in Chief, Cross examination and Re-examination — Leading questions — Lawful questions in cross examination — Compulsion to answer questions put to witness — Hostile witness — Impeaching the credit of witness — Refreshing memory — Questions of corroboration — Improper admission and rejection of evidence.

Suggested Readings:

1. BatukLal: *The Law of Evidence*, 13th Edition, Central Law Agency, Allahabad, 1998.
2. M. Munir: *Principles and Digest of the Law of Evidence*, 10th Edition (in 2 vols), Universal Book Agency, Allahabad, 1994.
3. Vepa P. Saradhi: *Law of Evidence* 4th Edn. Eastern Book Co., Lucknow, 1989.
4. Avtar Singh: *Principles of the Law of Evidence*, 11th Edn. Central Law Publications.
5. V. Krishnama Chary: *The Law of Evidence*, 4th Edn. S.Gogia& Company, Hyderabad.

Jurisprudence

Sub. Code: LLB 301

L – 4, C – 4.

Objective: Jurisprudence in its etymological sense means the *science of law*. It is the foundation on which the entire edifice of law is structured. It is therefore imperative to have a clear understanding of jurisprudence as it is *sine qua non* for the study of any law subject. The subject acquaints the students with the complexities of laws and introduces them to the means of solving them based on sound jurisprudential principles. In spite of there being several schools of thought on this subject, there is a general convergence of the fundamental principles. The study of jurisprudence aids the lawyer in the analysis of legal concepts, sharpens his technique of logical thinking and aids in understanding the assumptions upon which a statute rests. It transcends technical aspects and moves more in the realm of law as a tool for social engineering. As J.G. Phillimore observes, “such is the exalted science of jurisprudence, the knowledge of which sends the students into civil life full of luminous precepts and notions, applicable to every exigency of human affairs.”

Learning Outcome: It provides a detailed understanding of concept of rights and its correlation with duty and freedom. The main objective of it deal with the concept person. It will give the students a better clarity of meaning and concept possession and ownership and about property and title and about liability. It deal with obligations and kinds of obligations along with substantive and procedure laws connected to it.

Unit-I:

Meaning and Definition of Jurisprudence — General and Particular Jurisprudence - Elements of Ancient Indian Jurisprudence — Schools of Jurisprudence — Analytical, Historical, Philosophical and Sociological Schools of Jurisprudence. Theories of Law — Meaning and Definition of Law — The Nature and Function of Law — The Purpose of Law — The Classification of Law — Equity, Law and Justice — Theory of Sovereignty.

Unit-II :

Sources of Law — Legal and Historical Sources — Legislation - Definition of legislation - Classification of legislation- Supreme and Subordinate Legislation - Direct and Indirect Legislation - Principles of Statutory Interpretation. Precedent — Definition of Precedent — Kinds of Precedent — *Stare Decisis* — Original and Declaratory Precedents — Authoritative and Persuasive Precedents. Custom – Definition of Custom – Kinds of Custom – General and Local Custom – Custom and Prescription - Requisites of a valid custom - Relative merits and demerits of Legislation , Precedent and Custom as a source of Law . Codification — Advantages and disadvantages of codification.

Unit-III:

Persons — Nature of personality — Legal Status of Lower Animals, Dead Persons and Unborn persons — Legal Persons — Corporations — Purpose of Incorporation — Nature of Corporate Personality - Rights and Duties — Definition of Right — Classification of Rights and Duties — Absolute and Relative Rights and Duties — Rights and Cognate concepts like Liberty, Power, Immunity, Privilege etc.

Unit-IV :

Obligation — Nature of Obligation — Obligation arising out of Contract, Quasi Contract, trust and breach of obligation etc. — Liability — Nature and kinds of liability — Acts —

Mens Rea — Intention and Motive — Relevance of Motive — Negligence — Strict Liability — Accident — Vicarious Liability — Measure of Civil and Criminal Liability.

Unit-V:

Ownership — Definition and kinds of Ownership - Possession — Elements of Possession - Relation between Ownership and Possession — Possessory Remedies — Property — Meaning — Kinds of Property — Modes of Acquisition of Property — Legal Sanctions - Meaning of Sanction — Classification of Sanctions — Civil and Criminal Justice — Concept of Justice — Theories regarding purpose of Criminal Justice — Deterrent, Preventive, Reformatory and Retributive theories.

Suggested Readings:

1. Salmond: *Jurisprudence*, Universal Publishers 12th Edn. 1966.
2. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publications, Delhi.
3. N.V. Pranjape – Jurisprudence
4. S.R. Dhyani - Jurisprudence

LAW OF PROPERTY

Sub. Code: LLB 302

L – 4, C – 4.

Objective: The focus of this course is on the study of the concept of 'Property', the 'nature of property rights' and the general principles governing the transfer of property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. The course is designed to enable the readers to understand the basic philosophy of property law and its nuances. It introduces them to the modes of transfer and their ramifications.

Learning Outcome:

LO1 On completion the students will be able to analyse the various terms that appears in the enactment so as to understand the objective of this Act better as well as for better understanding.

LO2 It will help the students to understand certain basic principles underlying any kind of transfers. The module also deals with certain cardinal principles which has to be followed regarding transfer. Election is an important concept of Transfer where the non-owner of the property gives an option to the owner of the property to exchange his property for a benefit which is a peculiar rule as only the owners have the right sell their property. The next module throws light on transfer for certain purposes and by certain owners.

LO3 The fifth module deals with specific type of transfer that is through Sale and exchange. The students will know the rights and duties of the seller and the buyer before and after sale. On completion of the sixth module students will be able to describe the different types of mortgage and their essentials, remedies available to the parties. On completion of the students will be able to explain the essentials of lease and distinguish it from licence. They will be able to tell the rights and duties of the parties.

Unit-I:

Meaning and concept of property — Kinds of property — Transfer of property — Transferable and non-transferable property — Who can transfer — Operation of transfer — Mode of transfer — Conditional transfer — Void and unlawful conditions — Condition precedent and condition subsequent — Vested and contingent interest — Transfer to unborn person

Unit-II:

Doctrine of Election — Covenants — Transfer by ostensible owner — Doctrine of Feeding the Grant by Estoppel — Doctrine of Lis Pendens — Fraudulent Transfer — Doctrine of Part-performance.

Unit-III:

Sale - Essential features — Mode of Sale — Rights and liabilities of parties. Mortgage - Kinds of Mortgages - Rights and liabilities of mortgagor and mortgagee — Marshalling and Contribution — Charges.

Unit-IV:

Lease — Essential features — Kinds of leases — Rights and liabilities of lessor and lessee — Termination of lease — forfeiture — Exchange — Gifts — Different types of gifts — Registration of Gifts — Transfer of Actionable Claims.

Unit-V:

Easements — Definition of easement — Distinction between Lease and License — Dominant and Servient Tenements. Acquisition of property through testamentary succession — Will — Codicil — Capacity to execute Will — Nature of bequests — Executors of Will — Rights and Obligations of Legatees.

Suggested Readings:

1. Mulla : *Transfer of Property*, Butterworths Publications.
2. Subba Rao GCV: *Commentaries on the Transfer of Property Act*.
3. Krishna Menon: *Law of Property*.
4. Upadhyaya's *Common Matrix of Transfer of Property*.

ADMINISTRATIVE LAW

Sub. Code: LLB 303

L – 4, C – 4.

Objective

One of the perennial problems of the civilized society is to control the exercise of public power. Administrative Law is concerned with controlling the misuse of public power, by laying down general norms of administrative behavior. This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. This course further deals with the role played by courts in the development of Administrative Law. The Focus is on their role in protecting the rights of individuals against abuse of administration. In addition adjudicatory powers of the administration and liability of administrative authorities are also studied in this course.

Course Outcome

LO1 It is the introductory module which seeks to introduce students to the fundamental concepts and doctrines and relationship between constitutional law and administrative law.

LO2 It acquaints students with the delegated legislation and quasi legislation and distinguish between them.

LO3 It deals with natural justice and its components and the effect of failure of natural justice.

LO4 It acquaints students with discretionary functions and the judicial review of the same. deals with judicial review of administrative actions.

Unit-I:

Movement from Laissez-faire to a Social Welfare State. Nature, Scope and Development of Administrative Law. . Droit Administratif.

Nature and scope of Administrative Law — Meaning, Definition and Evolution of Administrative Law—Reasons for the growth of Administrative Law — Relationship between Administrative Law and Constitutional Law.

Unit-II:

Basic concepts of Administrative Law — Rule of Law — **Interpretation** of Dicey's Principle of Rule of Law — Modern trends - Theory of Separation of Powers — Position in India, UK and USA

Unit-III:

Classification of Administrative functions — Legislative, Quasi-judicial, Administrative and Ministerial functions — Delegated Legislation — Meaning, Reasons for the growth and Classification of delegated legislation, constitutionality of delegated Legislation; Retrospective delegated legislation — Judicial and Legislative Control of Delegated litigation.

Unit-IV:

Judicial Control of Administrative Action - Grounds of Judicial Control — Principles of Natural Justice- Rule against bias and right of fair hearing, *Audi Alteram Partem*, Reasoned decisions. Administrative discretion and its control.

Nature of Tribunals- Constitution, Powers, Procedures, Rules of evidence, Administrative Tribunals, Institutional Decisions

Unit-V:

Remedies available against the State — Writs — Ombudsman : its origin, developments, nature and purpose; Lokpal and Lok Ayukta — Liability of the State in Torts and Contracts — Rule of Promissory Estoppel — Administrative Tribunals - Commissions of Inquiry — Public Corporations- their nature, liability, constitutionality and controls of statutory. Central Vigilance Commission, legitimate expectation;

Suggested Readings:

1. Griffith and Street: *Principles of Administrative Law*.
2. H.W.R.Wade: *Administrative Law*, Oxford Publications, 8th Edn. 2000, London.
3. De Smith: *Judicial Review of Administrative Action*, Sweet and Maxwell, 1998.
4. S.P. Sathe: *Administrative Law*, Butterworths, 6th Edn. 1998.
5. I.P.Massey: *Administrative Law*, Eastern Book Company, 5th Edn. 2001.

Company Law

Sub. Code: LLB 304

L – 4, C – 4.

Objective: The purpose of this course is to study the fundamental Concepts central to Company Law, with an overview of the History and Evolution of the Modern day developments in Company law.

Learning Objective:

- On completion of the first module students will be able to appreciate the importance of business associations, history and regulatory framework relating to the same.
- On completion of the second module students will get clarity about jurisprudential aspects of 'company' and classification of companies.
- On completion of the third module the process of formation of different kinds of companies and commencement of business will be made clear to the students.
- On completion of the fourth module students will come to know about the law and procedure relating to the basic documents for a company, obligations arising out of these documents.
- On completion of the fifth module Students will get an understanding of about the *ultra vires* actions, consequences and remedies available to the companies and their agents.

UNIT I: Historical development of concept of incorporation; emergence of principle of limited liability and development of company law in India. Distinction among Partnership Firm, Company and Business of HUF

Formation, Registration and Incorporation of Company Meaning of Corporation Nature and kinds of company Promoters: Position, duties and liabilities Mode and consequences of incorporation Uses and abuses of the corporate form, lifting of corporate veil.

UNIT II: Memorandum of Association, alteration and the doctrine of ultra vires Articles of Association, binding nature, alteration, relation with memorandum of Association, Doctrine of Constructive Notice and Indoor Management-exceptions

UNIT III: Capital Formation of Regulation Prospectus: Issues, contents, kinds, liabilities for misstatement, statement in lieu of prospectus The nature and classification of company securities Shares and general principles of allotment Statutory share certificate, its objects and effects Transfer of shares, restriction of transfer, relationship between transferor and transferee, issue of share at premium, role of public finance institutions Share Capital, reduction of share capital Conversion of loans debentures into capital Duties of court to protect interests of creditors and shareholders

Rules of issuance of shares, Call on shares, Buy-back of shares, Transfer and transmission of shares. Share certificate, Share warrant Forfeiture and surrender of shares Dividends-Payment-Capitalization and Profit. Debentures, stock, bonds, kinds, remedies of debenture holders, Debenture trust deed and trustees

UNIT IV: Corporate Administrative Directors: Kinds, Powers and Duties Role of nominee Directors, Managing Director and other managerial personnel. Legal position of director, Member: Mode of acquiring membership; who can be a member; cessation of membership; registration of members,

Requisites of Valid Meeting, procedure relating to convening and proceeding of general and, other meeting .– notice, quorum, mode of voting, proxy.

Division of powers between Board and Shareholders; monitoring and management.

Law relating to majority powers and minority rights.

Prevention of Oppression and Mismanagement - Rule in Foss v/s Harbottle (1843)

Unit V: Corporate Social Responsibility and Corporate Liquidation (Lectures-8)

a. Evolution of Corporate Social Responsibility, Corporate Criminal liability, Corporate Environmental Liability

Reconstruction – Merger, Amalgamation, Compromise and Arrangement of a company

National Company Law Tribunal, Insider Trading,

b. Different Types of Winding up of Company

c. Role of Courts in Winding up of Company

d. Merger and Acquisition of Company (eg. like Arcelor Mittal and Air India Case)

e. Cross Border Merger, Takeover Code: Role of SEBI

Suggested Readings:

1. Shah : *Lectures on Company Law*, N.M.Tripathi, Bombay.
2. Avtar Sing : *Company Law*, Eastern Book Company, 13th Edn. 2001.
3. Charlesworth: *Company Law*, Sweet and Maxwell, 1996.
4. Ramaiah: *Company Law*, Wadhwa& Co. 15th Edn. 2001.
5. Dutta: *Company Law*, Eastern Law House, Calcutta

LABOUR LAW –I

Sub. Code: LLB 305

L – 4, C – 4.

Objectives :

Today's labour is engaged in a battle for position of honour and status equal with management. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulations relating to the employment of the work force. Its wings spread wider. It has its aim on the societal impulses on, and state reactions to, the complex socio-economic, human and political problems arising out of the constant conflicts between different classes. The Globalization and Liberalization has posed many threats to the working condition of labour. The issues of Human Rights violation and standards of working hours have also affected the development of the labour

Learning Outcomes

LO1 It is designed to take stock of the jurisprudential facets of labour policy and underscores the need for industrial peace. It lays stress on the role played by the judiciary, especially in India.

LO2 It examines the all important aspect of resolution of industrial disputes from different angles as a means of ensuring industrial harmony.

LO3 It looks into the paramount aspect of standing orders and the pragmatic requirements of domestic inquiry of workmen for misconduct.

LO4 It is designed to impart the growth of trade unions, collective bargaining process as an important tool of workers and the rights and immunities of trade unionists.

LO5 It underscores the judicial interpretation of doctrine of the notional extension of employment with respect to the liability of an employer to pay compensation under prescribed circumstances.

Unit-I

Evolution of labour laws in India. Trade Unions: History of Trade Union Movement, **Trade unionism** - The Trade Union Act 1926 – Definitions - Registration – Rights and Liabilities of Registered Trade Unions – **Immunities** .**Amalgamation and dissolution of Unions – Reorganization of Trade Unions.** Immunities and privileges, Civil and Criminal liability of Registered Trade Union. Recognition of trade union, Mode of registration of trade union. Closed shop and union shop. **Workers' Right to form Union vis a vis Indian Constitution: the membership of trade union** **Amalgamation and dissolution of Unions**

Unit-II

Prevention and Settlement of Industrial Disputes in India - The role of State in Industrial Relations – The Industrial Disputes Act 1947 - Definition of industry - Industrial Dispute – Individual Dispute - workman- Lay off – Retrenchment - Closure -Award - Strike – Lockout **Procedure and Compensation relating to lay-off and retrenchment.**

Unit-III

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

The role of State in Industrial Relations, Prevention and Settlement of Industrial Disputes
National Industrial Tribunal- Constitution, powers and functions, Award of Tribunal

Unit-IV

Standing Orders -Concept and Nature of Standing Orders – scope and coverage- Certification process – its operation and binding effect – Modification and Temporary application of Model Standing Orders – Interpretation and enforcement of Standing Orders and provisions contained in the Industrial Employment (Standing Orders) Act 1946.

Unit-V

Disciplinary Proceedings in Industries - Charge sheet – Explanation – Domestic enquiry - Enquiry officer – Enquiry report – Punishment – Principles of Natural Justice.

Collective Bargaining- Meaning, concept and requisites

Unfair labour practice- meaning and remedies

Suggested Readings:

1. Srivastava: *Law of Trade Unions* , Eastern Book Company, Lucknow
2. .Goswami : *Labour and Industrial Law*, Central Law Agency.
3. R.F. Rustomji: *Law of Industrial Disputes* : Asia Publishing House, Mumbai
4. S.N. Misra : *Labour and Industrial Law*
5. J.N. Malik : *Trade Union Law*
6. Khan& Khan : *Labour Law* , Asia Law House, Hyderabad
7. S.C. Srivastava : *Industrial Relations and Labour Law*, Vikas Publishing House

LABOUR LAW-II

Sub. Code: LLB 401

L – 4, C – 4.

Objectives:

Today's labour is engaged in a battle for position of honour and status equal with management. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulations relating to the employment of the work force. Its wings spread wider. It has its aim on the societal impulses on, and state reactions to, the complex socio-economic, human and political problems arising out of the constant conflicts between different classes. The Globalization and Liberalization has posed many threats to the working condition of labour. The issues of Human Rights violation and standards of working hours have also affected the development of the labour

Learning Outcomes

LO1 It is designed to take stock of the jurisprudential facets of labour policy and underscores the need for industrial peace. It lays stress on the role played by the judiciary, especially in India.

LO2 It examines the all important aspect of resolution of industrial disputes from different angles as a means of ensuring industrial harmony.

LO3 It looks into the paramount aspect of standing orders and the pragmatic requirements of domestic inquiry of workmen for misconduct.

LO4 It is designed to impart the growth of trade unions, collective bargaining process as an important tool of workers and the rights and immunities of trade unionists.

LO5 It underscores the judicial interpretation of doctrine of the notional extension of employment with respect to the liability of an employer to pay compensation under prescribed circumstances.

Unit-I

Employment – Rights and obligation of workers and employers, Role of ILO

The Concept, Importance of Welfare Activities, Constitutional perspectives, Labour reforms. Constitutional validity of the Minimum wages Act, 1948.

The Remunerative Aspects – Wages – Concepts of wages - Minimum, Fair, Living Wages - Wage and Industrial Policies - Whitley Commission Recommendations -Provisions of Payment of Wages Act 1936 - Timely payment of wages - Authorised deductions – Claims - Minimum Wages Act 1948 - Definitions - Types of wages -Minimum rates of wages - Procedure for fixing and revising Minimum Wages – Claims -Remedy.

Unit-II

Bonus – concept - Right to claim Bonus – Full Bench formula - Bonus Commission - Payment of Bonus Act 1965 - Application – Computation of gross profit, available, allocable surplus - Eligibility of Bonus - Disqualification of Bonus - set on – set off of allocable surplus- Minimum and Maximum Bonus-Recovery of Bonus.

Unit-III

Employees Security and Welfare aspect - Social Security - Concept and meaning - Social Insurance - Social Assistance Schemes. Social Security Legislations - Law relating to

workmen's compensation - The Workmen's Compensation Act 1923 – Definitions - Employer's liability for compensation - Nexus between injury and employment.

Scope of arising out of and in the course of employment.

Doctrine of notional extension.

When employer is not liable.

- payment of compensation - penalty for default - Employees State Insurance Act 1948 – Application - Benefits under the Act - Adjudication of disputes and claims – ESI Corporation.

Unit-IV

Employees Provident Fund and Miscellaneous Provisions Act 1952 – Contributions - Schemes under the Act - Benefits. The Maternity Benefit Act 1961 - Definitions-Application - Benefits. The Payment of Gratuity Act 1972 – Definitions – application - Payment of gratuity - eligibility – forfeiture – Nomination - Controlling authorities.

Unit-V

The Factories Act 1948 - Concept of “factory”, “manufacturing process”, “workers” and “occupier”.

Chapters dealing with Health, Safety and Welfare of Labour.- Working hours of adults.

Employment of young person and children.

Annual leave with wages.

Additional provisions regulating employment of women in factory

Child Labour - Rights of child and the Indian Constitution - Salient features of the Child Labour(Prohibition and Regulation) Act 1986.

Suggested Readings

1. S.N.Misra, *Labour and Industrial Laws*, Central law publication-22nd edition. 2006.
2. N.G. Goswami, *Labour and Industrial Laws*, Central Law Agency.
3. Khan &Kahan, *Labour Law*-Asia Law house, Hyderabad
4. K.D. Srivastava, *Payment of Bonus Act*, Eastern Book Company
5. K.D. Srivastava, *Payment of Wages Act*
6. K.D. Srivastava, *Industrial Employment (Standing Orders) Act 1947*
7. S.C.Srivastava, *Treatise on Social Security*
8. Jidwitesukumar Singh, *Labour Economics*, Deep& Deep, New Delhi
9. V.J.Rao, *Factories Law*

PUBLIC INTERNATIONAL LAW

Sub. Code: LLB 402

L – 4, C – 4.

Objective:

Public International law is the regime of legal rules which primarily seeks to regulate relations between sovereign states. For example, public international law defines the minimum standard of treatment which a sovereign state must accord the nationals of another state on its territory and the responsibility of one state to another for failure to observe the required standard of treatment. Individuals, to an increasing extent, also are a direct concern of public international law. Examples of this development include the international criminal responsibility of individuals for war crimes, crimes against humanity and genocide and the network of treaties which aspires to define and protect human rights.

Learning Outcome:

LO1 It introduces students to the international law and its basis.

LO2 It deals with the sources of international law.

LO3 It deals with the relationship between international law and municipal law.

LO4 It introduces the students to the concept of state and its attributes.

LO5 It deals with the rules of recognition of states.

Unit-I:

Definition, Nature, Scope and Importance of International Law — Relation of International Law to Municipal Law — Sources of International Law — Codification.

Unit-II:

State Recognition — State Succession — Responsibility of States for International delinquencies — State Territory — Modes of acquiring State Territory

Unit-III:

Position of Individual in International Law — Nationality — Extradition — Asylum — Privileges and Immunities of Diplomatic Envoys — Treaties – Formation of Treaties - Modes of Consent, Reservation and termination.

Unit-IV:

The Legal Regime of the Seas – Evolution of the Law of the Sea – Freedoms of the High Seas – Common Heritage of Mankind – United Nations Convention on the Law of the Seas – Legal Regime of Airspace – Important Conventions relating to Airspace – Paris, Havana, Warsaw and Chicago Conventions – Five Freedoms of Air – Legal Regime of Outer space – Important Conventions such as Outer space Treaty, Agreement on Rescue and Return of Astronauts, Liability Convention, Agreement on Registration of Space objects, Moon Treaty - Unispace.

Unit-V:

International Organizations — League of Nations and United Nations — International Court of Justice — International Criminal Court - Specialized agencies of the UN — WHO, UNESCO, ILO, IMF and WTO.

Suggested Readings:

1. S.K. Kapoor, *Public International Law*, Central Law Agencies, Allahabad.

2. H.O. Agarwal, *International Law and Human Rights*, Central Law Publications, Allahabad.
3. S.K. Verma, *An Introduction to Public International Law*, Prentice Hall of India.

Interpretation of Statutes

Sub. Code: LLB 403

L – 4, C – 4.

Objective: In the age where legislation dominates the legal landscape, every aspect of legal practice has been predominated by the interpretation and construction of statutes. Thus, ability to interpret and understand the operation of legislation has become a skill essential to give a reasoned opinion to any given legislative provision. Thereby, Interpretation of Statutes as a subject has become the heart of contemporary law. It can be described as a process through which the legislative instruments are given meaning, so that they can be understood and applied accordingly. It has a specific focus on locating and using legislation, aids to interpretation, and deployment of interpretative techniques. This course will provide an advanced study of the rules and principles governing statutory interpretation and prepare students to work in a legal environment dominated by statutes.

- 1 To introduce basic rules, principles and the aids of statutory interpretation.
- 2 To find external aids that has shaped statutory interpretation.
- 3 To provide in-depth understanding about the nature of statutes and the consequent rules of interpretation applicable.
- 4 To introduce the presumptions and their application in statutory interpretation.
- 5 To ascertain the principles, presumptions and canons of construction and to learn their method of operation in varied case laws and interpretation of statutes.

Learning Outcome: By the end of the course the students will be able to:

- LO1 Demonstrate an understanding of the principles and process of statutory interpretation
- LO2 Formulation and development of arguments in support or against given interpretations
- LO3 Compare, contrast and reflect on theoretical concepts underlying the interpretation
- LO4 Apply a range of legal principles and methods to interpret legal instruments

Unit-I:

Meaning and Definition of Statutes — Classification of Statues — Meaning and Definition of Interpretation — General Principles of Interpretation — Rules of Construction under the General Clauses Act, 1897.

Unit-II:

Grammatical Rule of Interpretation — Golden Rule of Interpretation – Rule of Interpretation to avoid mischief.

Unit-III:

Interpretation of Penal Statutes and Statutes of Taxation — Beneficial Construction — Construction to avoid conflict with other provisions — Doctrine of Harmonious Construction.

Unit-IV:

External Aids to Interpretation — Statement of objects of legislation, Legislative debates, identification of purpose sought to be achieved through legislation — Internal Aids to Interpretation — Preamble, title, interpretation clause, marginal notes, explanations etc. — Presumptions.

Unit-V:

Effect of Repeal — Effect of amendments to statutes — Conflict between parent legislation and subordinate legislation — Methods of interpreting substantive and procedural laws.

Suggested Readings:

1. Vepa P. Sarathi: *Interpretation of Statutes*, Eastern Book Co, 4th Edition, 1976.
2. Chatterjee: *Interpretation of Statutes*.
3. G.P. Singh: *Principles of Statutory Interpretation*, Wadhwa and Company, 8th Ed., 2001.

UTTAR PRADESH LAND LAWS

Sub. Code: LLB 404

L-4, C-4

Unit I: Introduction

Interpretation Clause, Objects and Clause of UP Zamindari Abolition and Land Reforms Act 1950, Characteristics of Act.

Unit II: Classes and Rights of Tenure Holder

Bhumidhar with Transferable Rights, Bhumidhar with Non-Transferable Rights, Asami, Government Lease.

Unit III: Succession

General Order of Succession, Succession as per strips, Critical Approach to Law of Succession, Succession for Females.

Unit IV: Ejectment

Ejectment of Tenure Holder from the Land of Public Utility, Ejectment of Trespasser, Ejectment of Bhumidhar, Ejectment of Asami, Abandonment and Surrender.

Unit V: UP Land Revenue Act, 1901

Authorities under the Act, Procedure of Collecting Land Revenue, Bar on Jurisdiction of Civil Courts, Records of Rights, Mutation and Boundary Disputes.

Leading Cases For Detail Study

- *Abdul Saeed And Another Vs State Of Uttar Pradesh & Others
- *Smt. Mainia Vs Dy. Director Consolidation
- *Satyendra Singh Vs State Of Up
- *Lalsa Vs State Of Up
- *InduBhushan Vs State Of Up

Suggested Reading:

1. Maurya R.R., Uttar Pradesh Land Laws, Central Law Publications, Allahabad.
2. Singh C.P., Uttar Pradesh Land Laws, Central Law Agency, Allahabad.

Intellectual property law

Sub. Code: LLB 405

L -4, C -4

Intellectual property is an increasingly important generator of economic, social and cultural growth and development comprises not only valuable economic assets of private firms, but also the social and cultural assets of society. The potential impact of IP is so great that it is certain to have considerable effect on national and international economic development in the future. A clear understudying of the intellectual property system has, therefore, become a necessity for all those associated with creative and innovative endeavour from policy makers, business executives to educators as well as artists and inventors themselves. This course seeks to provide a foundation for students to understand the enormous potential and power of IP and regulatory framework in India.

Learning Outcomes:

LO1 It seeks to impart the underlying philosophy of IP and the fundamental notions of the major streams of IP laced with the international regime of IP.

LO2 It is designed to educate the students about, among others, the criteria for patents and patentee's rights.

LO3 It underscores the need for emphasizing on the conceptual hues of copyright and the different ways in which it can be transferred.

LO4 It is designed to appreciate, apart from the statutory provisions, the concept of Passing Off and Trade Secrets.

LO4 It aims at an understanding of the concept of designs and legal issues involved in the same.

Unit-I:

Meaning, Nature, Classification and protection of Intellectual Property — The main forms of Intellectual Property — Copyright, Trademarks, Patents, Designs (Industrial and Layout) -- Geographical Indications - Plant Varieties Protection and Biotechnology.

Unit-II:

Introduction to the leading International instruments concerning Intellectual Property Rights — The Berne Convention — Universal Copyright Convention — The Paris Union — Patent Co-operation Treaty -- The World Intellectual Property Organization (WIPO) and the UNEESCO, International Trade Agreements concerning IPR — WTO — TRIPS.

Unit-III :

Select aspects of the Law of Copyright in India — The Copy Right Act, 1957 - Historical evolution — Meaning of copyright — Copyright in literary, dramatic and musical works, computer programmes and cinematograph films — Neighbouring rights — Rights of performers and broadcasters, etc. — Ownership and Assignment of copyright — Author's special rights — Notion of infringement — Criteria of infringement — Infringement of copyright in films, literary and dramatic works — Authorities under the Act — Remedies for infringement of copyright.

Unit-IV:

Intellectual Property in Trademarks and the rationale of their protection - The Trade Marks Act, 1999 — Definition of Trademarks — Distinction between Trademark and Property Mark - Registration — Passing off — Infringement of Trademark — Criteria of Infringement — Remedies. The Designs Act, 2000 — Definition and characteristics of Design — Law in

India — Protection and rights of design holders — Copyright in design — Registration — Remedies for infringement.

Unit-V:

Patents — Concept of Patent — Historical overview of the Patents Law in India — Patentable Inventions — Kinds of Patents — Procedure for obtaining patent — The Patents Act, 1970 — Rights and obligations of a patentee — Term of patent protection — Use and exercise of rights — Exclusive Marketing Rights — Right to Secrecy — The notion of ‘abuse’ of patent rights — Infringement of patent rights and remedies available.

Suggested Readings:

1. P. Narayanan: *Patent Law*, Eastern Law House, 1995.
2. Roy Chowdhary, S.K. & Other: *Law of Trademark, Copyrights, Patents and Designs*, Kamal Law House, 1999.
3. Dr. G.B. Reddy, *Intellectual Property Rights and the Law* 5th Ed. 2005 GogiaLaw Agency.
4. John Holyoak and Paul Torremans: *Intellectual Property Law*.
5. B.L. Wadhera: *Intellectual Property Law*, Universal Publishers, 2nd Ed. 2000.
6. W.R. Cornish: *Intellectual Property Law*, Universal Publishers, 3rd Ed. 2001.

CIVIL PROCEDURE CODE AND LAW OF LIMITATION

Sub. Code: LLB 501

L -4, C -4

Objective: Civil Procedure Code is a subject of daily use by the courts and lawyers and a student cannot afford to have scant knowledge of civil procedure when he goes out to practise as a lawyer. 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 one enters the profession. While the substantive law determines the rights of parties, procedural law sets down the norms for enforcement. Whenever civil rights of persons are affected by action, judicial decisions will supply the omissions in the law.

Learning Outcome:

LO1 It is designed to make the students conversant with the basic terminology.

LO2 It is to acquaint students with the jurisdiction of civil courts. It is to introduce students to the rules of pleadings in civil matters.

LO3 It is designed equip students with the knowledge of different stages in a civil proceeding and the procedure at each of these stages. It is to introduce students to the execution proceedings.

LO4 It acquaints students with remedies available to a party aggrieved by the order of a court. It is to make the students aware of some special suits. It introduces students to the miscellaneous matters such as inter-pleader suits, caveats, inherent powers of the courts, etc. It is to equip students with the knowledge of the important provisions of Limitation Act.

Unit-I :

Codification of Civil Procedure and Introduction to CPC — Principal features of the Civil Procedure Code — Suits — Parties to Suit — Framing of Suit — Institution of Suits — Bars of Suit - Doctrines of *Sub Judice* and *Res Judicata* — Place of Suing — Transfer of suits — Territorial Jurisdiction — ‘Cause of Action’ and Jurisdictional Bars — Summons — Service of Foreign summons.

Unit-II :

Pleadings — Contents of pleadings — Forms of Pleading — Striking out / Amendment of Pleadings - Complaint — Essentials of Complaint - Return of Complaint — Rejection of Complaint — Production and marking of Documents — Written Statement — Counter claim — Set off — Framing of issues.

Unit-III :

Appearance and Examination of parties & Adjournments — *Ex-parte* Procedure — Summoning and Attendance of Witnesses — Examination — Admissions — Production, Impounding, Return of Documents — Hearing — Affidavit — Judgment and Decree — Concepts of Judgment, Decree, and Interim Orders and Stay — Injunctions — Appointment of Receivers and Commissions — Costs -- Execution — Concept of Execution — General Principles of Execution — Power of Execution — Power of Executing Courts — Procedure for Execution — Modes of Execution -- Arrest and detention — Attachment and Sale.

Unit-IV:

Suits in Particular Cases — Suits by or against Government — Suits relating to public matters; — Suits by or against minors, persons with unsound mind, - Suits by indigent persons -- Interpleader suits — Incidental and supplementary proceedings - Appeals,

Reference, Review and Revision — Appeals from Original Decrees — Appeals from Appellate Decrees — Appeals from Orders — General Provisions Relating to Appeals.

Unit-V:

Law of Limitation — Concept of Limitation — Object of limitation - General Principles of Limitation — Extension — Condonation of delay — Sufficient Cause — Computation of limitation -- Acknowledgment and Part-payment — Legal Disability — Provisions of the Limitation Act, 1963 (Excluding Schedule)

Suggested Readings:

1. Mulla: *Code of Civil Procedure*: Tripathi (Abridged Edition), 11th Edn.(Student Edition) Edited by P.M. Bakshi, Bombay, 1985.
2. A.N. Saha: *Code of Civil Procedure*.
3. C.K. Takwani: *Civil Procedure*, 4th Edn. Eastern Book Co., Lucknow, 1974.
4. B.B. Mitra: *Limitation Act*, 17th Edn. Eastern Law House, Calcutta, 1974, Allahabad.
5. Sanjiva Row: *Limitation Act*, 7th Edn. (in 2 Vols), Law Book Co., Allahabad,
6. Sanjiva Row: *Code of Civil Procedure*, 3rd Edn. (in 4 Vols), Law Book Co., Allahabad.
7. *AIR Commentaries on Limitation Act*, W.W. Chitaley, AIR Ltd., Nagpur

CRIMINAL PROCEDURE CODE, LAW OF JUVENILE JUSTICE AND PROBATION OF OFFENDERS

Sub. Code: LLB 502

L -4, C -4

Objective:

Law of Criminal Procedure is relevant and vibrant when the same is interpreted in the background of the preamble of our Constitution which incorporates the vision of justice. The decisions of our courts interpreting the constitutional vision have the potential to become vehicles of changes for the better. The course is devised to deal with the basic procedural aspects with regard to criminal law in action. Indeed, understanding of the same is a must for any aspiring litigation lawyer, and so it is aimed at satisfying this requirement. A thorough knowledge of the Code of Criminal Procedure is indispensable for effective implementation of criminal law.

Learning Outcome:

LO1 It is designed to introduce students to the basic aspects of criminal procedure. It acquaints students with the ways by which law prevents starvation and vagrancy etc leading to commission of crimes.

LO2 It teaches students about how the Code has also made provisions for the prevention of crimes. It is designed to acquaint students with the processing of private complaint. It is designed to impart knowledge about various aspects of investigation.

LO3 It acquaints students with understanding of various types of arrest, search and seizure under the CrPC.

LO4 It is to introduce the students to the provisions relating to bail. It acquaints students with the procedure of charge and conduct of trial. It deals with pronouncement of judgment and preferring appeal. It deals with process of reference, revision and transfer protect the life and liberty of the accused.

Unit-I :

The Code of Criminal Procedure, 1973 : The rationale of Criminal Procedure — The importance of fair trial — Constitutional Perspectives : Articles 14, 20 & 21 — The organization of Police, Prosecutor and Defence Counsel — Pre-trial Process — Arrest — Distinction between “cognizable” and “non-cognizable” offences — Steps to ensure presence of accused at trial -- Warrant and Summons cases — Arrest with and without Warrant — The absconder status — Rights of arrested persons under Cr.P.C. and Article 22 (2) of the Constitution of India.

Unit-II:

Search and Seizure — Search with and without warrant — Police search during investigation — General Principles of Search — Seizure — Constitutional aspects of validity of Search and Seizure proceedings.

Unit-III :

Trial Process: Commencement of Proceedings — Dismissal of Complaint — Bail, Bailable and Non-bailable Offences — Cancellation of Bails — Anticipatory Bail — General Principles concerning Bail Bond — Preliminary pleas to bar trial — Jurisdiction — Time Limitations — Pleas of *Autrefois Acquit and Autrefois Convict* — Fair Trial — Concept of fair trial — Presumption of innocence — Venue of trial — Jurisdiction of Criminal Courts — Rights of accused -- Constitutional Interpretation of Article 21 as a right to speedy trial — Charge — Form and content of Charge — Trial before a Court of Session : Procedural steps and substantive rights.

Unit-IV:

Judgment: Form and content -- Summary trial — Post-conviction orders in lieu of punishment — Modes of providing judgment copy — appeals, review and revisions.

Unit-V:

Probation and Parole: Authority granting Parole — Supervision — Conditional release -- suspension of sentence — Procedure under Probation of Offenders Act, 1958 -- Salient features of the Act. Juvenile Justice System -- Juvenile Justice (Care and Protection of Children) Act of 2000 -- Procedure under Juvenile Justice...Act — Treatment and Rehabilitation of Juveniles — Protection of Juvenile Offenders — Legislative and Judicial Role.

Suggested Readings:

1. Kelkar R.V.: *Criminal Procedure*, 3rd Edn. Eastern Book Co., Lucknow, 1993.
2. Ratanlal and Dhirajlal: *The Code of Criminal Procedure*, 15th Edn. Wadhwa & Co.,
3. Padala Rama Reddi: *The Code of Criminal Procedure*, 1973, Asia Law House, Hyderabad.
4. Prof. S.N. Misra: *The Code of Criminal Procedure*, Central Law Agency.
5. M.P. Tandon: *Criminal Procedure Code*, Allahabad Law Agency.
6. Shoorvir Tyagi: *The Code of Criminal Procedure*, Allahabad Law Agency.

LAW OF BANKING AND NEGOTIABLE INSTRUMENTS

Sub. Code: LLB 503

L -4, C -4

Objectives: The course aims to:

1. Equip students with skills to work as legal advisors to banking and financial Companies.
2. Train students in identifying legal issues and challenges faced in the Banking sector that needs further research.
3. Discuss and analyse important principles governing Banking sector.
4. Familiarize students with the working of the banking sector especially transactions that require legal assistance.

Learning Outcome: After completion of this course, student will be able to understand the Banking structure in India which would assist them in :

LO1 Draft arguments for and against Banking and Non-Banking Financial Companies.

LO2 Undertaking Research Projects related to Banking related law and policies.

LO3 Draft arguments in matters covering technology related legal issues.

LO4 Drafting policies related to banking sector.

Unit-I:

History of the Banking Regulation Act — Salient features — Banking Business and its importance in modern times.

Unit-II:

Relationship between Banker and Customer — Debtor and Creditor Relationship — Fiduciary Relationship — Trustee and Beneficiary — Principal and Agent — Bail and Bailee — Guarantor, etc.

Unit-III:

Cheques — Crossed Cheques — Account Payee — Banker's Drafts — Dividend Warrants — Postal order and money orders — Travelers cheques and circular notes — Negotiable instruments and deemed negotiable instruments — Salient features of Negotiable Instruments Act.

Unit-IV:

The Paying Banker — Statutory protection to Bankers — Forgeries—Collecting Banker - Statutory protection.

Unit-V:

Banker's lien and set off. -- Advances - Pledge - Land - Stocks - Shares - Life Policies - Document of title to Goods - Bank Guarantees - Letters of Credit.

Suggested Readings:

1. Tannan: *Banking Law & Practice in India*, 18th Edn., Orient Law House, New Delhi.
2. Avtar Singh: *Negotiable Instruments*, 3rd Edn., Eastern Book Company, Lucknow, 1997.
3. P.N.Varshney: *Banking Law & Practice*, 17th Edn. Sultan Chand & Sons, New Delhi.
4. Taxman: *Law of Banking*, India Law House

ALTERNATE DISPUTE RESOLUTION

Sub. Code: LLB 504

L -4, C -4

Objective:

The main objectives of the Course are to understand the strengths and weakness of various dispute resolution methods. The course aims to explain primary dispute resolution processes and functions and develop techniques and skill to make effective use of ADR methods. Also it is designed to compare and contrast various legal implications of each method and train students to be effective Arbitrators, Conciliators and Mediators.

Course Outcome:

LO1 At the end of this Unit, students would acquire the conceptual as well as the necessary practical approach to the art of Negotiation.

LO2 Enables the students to learn the about Mediation and Conciliation skills.

LO3 Students would get the required knowledge about the legal regime on Arbitration.

The written examination of this paper will be for 50 marks and the remaining 50 marks for record and *viva voce*. There shall be classroom instruction on the following topics:

Unit-I:

Alternate Dispute Resolution — Characteristics — Advantages and Disadvantages—— Unilateral — Bilateral — Triadic (Third Party) Intervention — Techniques and processes -- Negotiation — Conciliation — Arbitration — Distinction between Arbitration, Conciliation and Negotiation.

Unit-II:

The Arbitration and Conciliation Act, 1996 — Historical Background and Objectives of the Act — Definitions of Arbitration, Arbitrator, Arbitration Agreement -- Appointment of Arbitrator — Termination of Arbitrator -- Proceedings in Arbitral Tribunal -- Termination of Proceedings — Arbitral Award -- Setting aside of Arbitral Award — Finality and Enforcement of Award — Appeals – Enforcement of Foreign Awards. Conciliation – Appointment of Conciliators – Powers and Functions of Conciliator -- Procedure – Settlement of disputes through conciliation.

Unit-III:

Other Alternative Dispute Resolution Systems —Tribunals -- Lokpal and Lokayukta — Lok Adalats — Family Courts. Section 89 and Order X, Rules 1A, 1B and 1C of Civil Procedure Code.

Practical Exercises (30 marks)

(a) The students are required to participate in 5 (five) simulation proceedings relating to Arbitration, Conciliation, Mediation and Negotiation. Participation in each such simulation proceeding shall be evaluated for a maximum of 4 (four) marks (Total 5x4=20marks).

(b) Students are required to attend and observe the proceedings of Lok Adalats, Family Courts, Tribunals and other ADR Systems. Each student shall record the above observations in the diary which will be assessed. Record submitted by the student shall be evaluated for 10 marks by the teacher concerned. The Records of the students duly certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University before the commencement of the theory examinations

Viva- voce (20marks): There shall be viva-voce examination on the above components. The Viva-voce Board consisting of (i) Principal of the College/the teacher concerned (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law, and (iii) an advocate with 10 years experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

Note: Attendance of the students in all the four components of the paper (written examination, participation in simulation proceedings, submission of record and attendance in viva) shall be compulsory.

Suggested Readings:

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

PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

Sub. Code: LLB 505

L -4, C -4

Objective:

Professions are noble the movement of all professions, hitherto, has been from chaos to organization, organization to consolidation and consolidation to autonomy and monopoly Same is true of the law profession also. The prime reason for conferring autonomy and monopoly by the society on the professionals is the fact that they are a body of learned persons and the interest of society and individuals is safe in their hands. The Bar should set enviable standards of ethics and scrupulously adhere to them as also enforce them. It is too good of the society to trust the learned body of the professionals to regulate themselves and not to empower an outsider to sit in judgment over their activities. The trust reposed by the society in profession is to be zealously guarded The Bar should live up to the expectations of the society. The society has a right to expect of the professionals such ideal behaviour. The course is designed to imbue students with these high values forming the basis of the profession so that they can live up to those standards in their professional life Course contents.

Learning Outcome:

LO1 Need for professional ethics -7 lamps of advocacy –importance of ethics 7 morality in the practice of law SDMLC.

LO2 If professional ethics not followed then consequences –hearing by the Bar Council Proceedings and punishments.

LO3 Duties and responsibilities towards court, client, general public, society and nation. Contempt of court by the lawyers and consequences

The written examination of this paper will be for 50 marks and the remaining 50 marks for record and *viva voce*. There shall be classroom instruction on the following topics:

Unit-I: Development of Legal Profession in India — The Advocates Act, 1961 — Right to Practice — a right or privilege? - Constitutional guarantee under Article 19(1) (g) and its scope — Enrolment and Practice — Regulation governing enrolment and practice — Practice of Law — Solicitors firm — Elements of Advocacy.

Unit-II : Seven lamps of advocacy — Advocates duties towards public, clients, court, and other advocates and legal aid ; Bar Council Code of Ethics.

Unit-III: Disciplinary proceedings — Professional misconduct — Disqualifications — Functions of Bar Council of India/State Bar Councils in dealing with the disciplinary proceedings —Disciplinary Committees -- Powers and functions - Disqualification and removal from rolls.

Unit-IV: Accountancy for Lawyers — Nature and functions of accounting — Important branches of accounting — Accounting and Law – Bar Bench Relations.

Record (30 marks): Each student shall write 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court of India in the Record. The Record shall be evaluated for 30 marks by the teacher concerned. The Records of

the students duly certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University before the commencement of the theory examinations.

Viva- voce (20marks): There shall be viva-voce examination on the above components. The Viva-voce Board consisting of (i) Principal of the College/the teacher concerned (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law, and (iii) an advocate with 10 years experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

Note: All the three components of the paper (written examination, submission of record and attendance in viva) shall be compulsory.

Suggested Readings :

1. Myneni S.R.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House, Hyderabad.
2. Gupta S.P.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House, Hyderabad.
3. Kailash Rai: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Allahabad Law Agency.

English & Legal Language

Sub. Code: LLB 601

L -4, C -4

Unit I: Meaning and uses of legal terms

Commonly used Urdu words in courts

eqn~nbZ] tkfeu] tokcnkok] eqalfje] xokg] nkok] bDtkbZ] lihuk] gtkZuk] [kpkZ] jkthukek] fgckukek] oknh] izfroknh] bdjkjukek] dkfric] btjk] et:c] eQ:j] fpV~Bhet:ch] rLdj] Fkkuk&gkttk] jkstukepkvke] eqgfjZj] QnZcjkenxh] ekyeqdnek] dyecanc;ku] gyQukek] odkyrukek] fudkgukek] iSjksdkj] ltk;kchokjaV] [kpkZ , ikunku] esgj] gd "kqQk] x"r] ckfry] Qkfln] bfRryk] eqfYte] eqtfje] ltk;k¶rk] rkthjkr , fgan] eqofDdy] cSukek] c;kukgd&tkSft;r] olh;r] jgu] btc] [:kj&my&cqywx] fgtkur] oDQ] uQdk] f[kyor&my&lghg] gqnwn&,&njck] rLnhd] f"uk[r

Commonly used Latin terms in courts

Ab initio', Res judicata, Res- subjudice, Adhoc, Ad infinitum, Ad interim, Adjourn sine die, Ad litem, Ad valorem, Alibi, Aliter, Almamater, Amicus Curiae, Animus, Animus possidendi, Alimini, Anti-meridiem, Bonafide, Bona Vacantia, Causeausans, Coram non judice, Corpus Possessionis, Custodia Legis, Composmentis, Cypress, Defacto, De Jure, Denovo, Donation mortis cause, Enventresamere, Enroute, Ex officio, Ex gratia, Ex parte, Ex post facto, Factum valet, Femesele, Filius nullius, In forma pauperis, Ibid, In limine, In memoriam, In parimaterial, Intelligible differentia, Inter alia, Inter se, Ipso jure, Intoto, Ipsofacto, In invitum, In locoparentis, In pais, In pari delicto, potiores condition possidentis (or defendentis), In rem, Intervivos, Intravires, Justertii, Jus civile, Jus divinum, Lex Fori, Lex Loci delicti, Lisperdens, Locus standi, Malafide, Mens Rea, Modus operandi, Modus Vivendi, Non compos mentis, Nonfeasance, Nudum Pactum, Onus probandi, Pacta Sunt Servanda, Pari Passu, Pendentelite, Per annum, Per capita, Per diem, Per mensem, Per stripes, Persona non grata, Postmeridiem, Postmortem, Prima facie, Pro bono publica, Prorata, Pro tanto, Pro tem, Quasi-judicial, Quid pro quo, Ratiodeciding, Raison d'etre, Res Gestae, Res integra, Res nullius, Sine qua non, Sine die, Solatium, Stare decisis, Status quo, Sub-judice, Suppressioniovery, Scienter, Trespasser ab initio, Ultra-vires, Vice Versa, Vis-à-vis, Vis major

Unit II: Legal maxims

1. Absoluta sententia expositore non indiget
2. A bundanscautela non nocet.
3. Actio-personalismi moritur-cum persona
4. Actori incumbit onus probandi
5. Actus curiae neminem gravabit
6. Actus dei nemini facit injuriam
7. Actus reus
8. Actus legis nemini est damnosus
9. Actus non-facit reum nisi mens sit rea
10. Ejusdem Generis
11. Exturpi causa non oritur action

12. Noscitur o socii
13. Novus actusinterviniens
14. Respondent superior
15. Falsus in unofalsus in omnibus
16. Acquitas sequitur legem
17. Alleganscontraria non estaudiendus
18. Audi alterampartem
19. Caveat emptor
20. Damnum sine injuria
21. De minimis non curatlex
22. Dolomalopactum se non servabit
23. Delegates non-potestdelegare
24. Fiat Justitia ruatcaelum
25. Ignorantialegisneminemexcusat
26. Injuria sine damno
27. Interest republicaeut sit finis litium
28. Lex non cogit ad impossibilia
29. Nemodat quod non habet
30. Nemodebetessejudex in propria causa
31. Quantum meruit
32. Qui approbat non-reprobat
33. Qui facit per alium per-se
34. Res ipsa loquitur
35. Saluspopuliest Supreme Lex
36. Ubi-jus ibiremedium
37. Vigilantibus non-dormientibusjurasubveniunt

Unit III: Paragraph & Precise Writing of Legal Texts

Unit IV: Writing of Moot Memorials

Unit V: Translate Hindi to English & English to Hindi of case laws

Suggested Reading:

1. Myneni S.R., Legal language and Legal Writing, Central Law Agency,Allahabad.
2. Jain R.L., Legal Language, Central Law Agency, Allahabad.
3. Prasad Anirudh, Legal Language, Central Law Publications, Allahabad.

INFORMATION TECHNOLOGY LAW

Sub. Code: LLB 602

L -4, C -4

Objectives:

Free exchange of ideas is a basic pillar of a democratic society. Corruption thrives in sacred places, therefore it is stated that sunlight is the best disinfectant. There should be governance in sunshine. The course is designed to convince the students how right to information can infuse transparency and accountability in governance, preventing abuse of power. The course deals with the enactment, rules and regulations regarding the information technology. The object of this paper is to keep pace with legal developments in the context of emerging technology in various fields.

Unit-I

Concept of Information Technology and Cyber Space- Interface of Technology and Law - Jurisdiction in Cyber Space and Jurisdiction in traditional sense - Internet Jurisdiction - Indian Context of Jurisdiction - Enforcement agencies - International position of Internet Jurisdiction - Cases in Cyber Jurisdiction

Unit-II

Information Technology Act, 2000 - Aims and Objects — Overview of the Act – Jurisdiction - Electronic Governance – Legal Recognition of Electronic Records and Electronic Evidence - Digital Signature Certificates - Securing Electronic records and secure digital signatures - Duties of Subscribers - Role of Certifying Authorities - Regulators under the Act - The Cyber Regulations Appellate Tribunal - Internet Service Providers and their Liability – Powers of Police under the Act – Impact of the Act on other Laws .

Unit-III

E-Commerce - UNCITRAL Model - Legal aspects of E-Commerce - Digital Signatures - Technical and Legal issues - E-Commerce, Trends and Prospects - E-taxation, E-banking, online publishing and online credit card payment - Employment Contracts - Contractor Agreements, Sales, Re-Seller and Distributor Agreements, Non-Disclosure Agreements-Shrink Wrap Contract ,Source Code, Escrow Agreements etc.

Unit-IV

Cyber Law and IPRs-Understanding Copy Right in Information Technology - Software - Copyrights vs Patents debate - Authorship and Assignment Issues - Copyright in Internet - Multimedia and Copyright issues - Software Piracy –Patents - Understanding Patents - European Position on Computer related Patents - Legal position of U.S. on Computer related Patents - Indian Position on Computer related Patents –Trademarks - Trademarks in Internet - Domain name registration - Domain Name Disputes & WIPO -Databases in Information Technology - Protection of databases - Position in USA,EU and India

Unit-V

Cyber Crimes - Meaning of Cyber Crimes – Different Kinds of Cyber Crimes – Cyber Crimes under IPC, Cr.P.C and Indian Evidence Law - Cyber Crimes under the Information Technology Act,2000 - Cyber Crimes under International Law - Hacking Child Pornography, Cyber Stalking, Denial of service Attack, Virus Dissemination, Software Piracy,Internet Relay Chat (IRC) Crime, Credit Card Fraud, Net Extortion, Phishing etc - Cyber Terrorism - Violation of Privacy on Internet - Data Protection and Privacy

Suggested Readings:

1. Kamlesh N. & Murali D. Tiwari (Ed), *IT and Indian Legal System*, Macmillan India Ltd, New Delhi
2. K.L. James, *The Internet: A User's Guide* (2003), Prentice Hall of India, New Delhi
3. Chris Reed, *Internet Law-Text and Materials*, 2nd Edition, 2005, Universal Law Publishing Co., New Delhi

LAW RELATING TO WOMEN

Sub. Code: LLB 603

L -4, C -4

Objective: India is a country with diverse cultures. Irrespective of this fact, the plight of women has remained the same for all cultures and communities in India. Women, not only because of their being a weaker sex, but also due to the country's cultural drawbacks, have suffered subjugation and exploitation since ages and at all levels. Spread of education and technology has not been able to resolve women's issues; instead, the nature of issues relating to women, have further complicated and crimes aggravated. In the light of this, the course aims at making students learn about the laws relating to women, how women are being empowered through the instrument of law, and what are the lacunae which are to be discussed and dealt with etc.

Unit I deals with Women in Colonial India

Unit II deals with Woman's Right and Access to Justice

Unit III deals with Special Laws on Welfare of Woman

Unit IV deals with Woman's Rights

Unit V deals with Women and Property

Unit-I :

Historical background and status of women in ancient India — Constitutional Provisions and gender justice — Relevant provisions relating to women in Directive Principles of State Policy and Fundamental Duties etc. under the Indian Constitution.

Unit-II:

Laws relating to marriage, divorce and succession and maintenance under the relevant personal laws with special emphasis on women — Special Marriage Act — Maintenance under Cr. P.C.

Unit-III:

Special provisions relating to women under the Indian Evidence Act, 1872 — Offences against women under Indian Penal Code - outraging the modesty of women -sexual harassment – rape – bigamy - mock and fraudulent marriages – adultery - causing miscarriage - insulting women etc.

Unit-IV:

Socio-Legal position of women and the law — Dowry Prohibition Act, 1961, Medical Termination of Pregnancy Act — Law relating to the Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) and Sex selection — Immoral Traffic (Prevention) Act -- Law relating to domestic violence.

Unit-V:

Relevant provisions relating to women under Maternity Benefit Act, 1961, Factories Act and other Labour & Industrial Laws — Position of Women under International instruments — Salient features of Convention for Elimination of all forms of Discrimination Against Women (CEDAW) — International Covenant on Civil and Political Rights — International Covenant on Social, Cultural and Economic Rights.

Suggested Readings :

1. S.P. Sathe: *Towards Gender Justice*.
2. Dr. Vijay Sharma: *Protection to woman in Matrimonial home*
3. Dr. Sarojini Saxena: *Femijuris* (Law relating to Women in India)
4. Dr. Archana Parsher: *Women and Social Reform*
5. Dr. Paras Diwan: *Dowry and protection to married women*
6. Mary Wollstonecraft: *A Vindication of the rights of women*.

HUMAN RIGHTS LAW

Sub. Code: LLB 604

L -4, C -4

Objectives:

- The course is designed to inform the students about the evolution and the jurisprudence of human rights and the way they are read into our Constitution.
- That apart, it explores the different vistas of Human Rights with reference to crime, health, etc.
- The students are imparted the essential aspects of all the said issues.

Course Outcome :

- On completion of the first module students will be able to connect the core concepts involved evolution and development of human rights worldwide, the nature of Human Rights and Group Rights.
- On completion of the second module students will be able to understand the constitutional aspects along with the statutory framework of National and State Human Rights Commissions.
- On completion of the third module students will be able to understand the societal expectations in terms of human rights.
- On completion of the fourth module students will be able to comprehend the nuances of criminal infractions and the resultant rights abuse.
- On completion of the fifth module students will be able to understand the role of state on some of the fundamental issues relating to the enforcement of human rights.

Unit-I

Meaning and definition of Human Rights - Evolution of Human Rights - Human Rights and Domestic Jurisdiction

Unit-II

Adoption of Human Rights by the UN Charter - U.N.Commission on Human Rights - Universal Declaration of Human Rights - International Covenants on Human Rights(Civil and Political; Economic, Social and Cultural).

Unit-III

Regional Conventions on Human Rights - European Convention on Human Rights - American Convention on Human Rights - African Charter on Human Rights(Banjul).

Unit-IV

International Conventions on Human Rights - Genocide Convention, Convention against Torture, CEDAW, Child Rights Convention, Convention on Statelessness, Convention against Slavery, Convention on Refugees - International Conference on Human Rights(1968) - World Conference on Human Rights(1993).

Unit-V

Human Rights Protection in India - Human Rights Commissions - Protection of Human Rights Act - National Human Rights Commission (NHRC) - State Human Rights Commissions - Human Right Courts in Districts.

Suggested Readings:

1. P.R. Gandhi (ed): *Blackstone's International Human Rights Documents*, Universal Law Publishing Co. Delhi.
2. Richard B. Lillich and Frank C. Newman: *International Human Rights - Problems of Law and Policy*, Little Brown and Company, Boston and Toronto.
3. Frederick Quinn: *Human Rights and You*, OSCE/ ODIHR, Warsaw, Poland
4. T.S. Batra: *Human Rights – A Critique*, Metropolitan Book Company Pvt. Ltd., New Delhi.
5. Dr.U. Chandra: *Human Rights*, Allahabad Law Agency Publications, Allahabad.

LAW OF INVESTMENTS AND SECURITIES

Sub. Code: LLB 605

L -4, C -4

Objective: In the growing global economy, India must also compete successfully for capital against large dynamic nations and well-developed capital markets. The world has recognized the importance of a securities market regulatory system that protects investors and encourages fair, transparent, efficient and liquid markets in attracting and keeping capital. The continued growth of our capital markets and their potential for accelerated growth over the next decade and beyond, create enormous demands and opportunities for lawyers and other skilled securities market professionals with expertise in securities laws. The course will also develop broad perspectives on Indian and international securities laws in all their dimensions. Set forth the foundation of securities laws in India with an emphasis on comparative study across various jurisdictions with the objective of law reform and be instrumental in investor education as it relates to investor protection.

Learning Outcome:

LO1 Understand the legal issues in the administration and regulation of securities environment.

LO2 Analyse the principles laid down in the leading case laws.

LO3 Apply and Critique the efficacy of legal compliances and legal regime in securities environment.

Unit-I:

Administration of Company Law in relation to issue of prospectus and shares -- membership and share capital -- Kinds of shares -- public issue of shares -- procedure for issue of shares - allotment of shares -- transfer and transmission of shares.

Unit-II:

Debentures - Kinds of Debentures and Charges -- Dividend -- Inter-Corporate Loans and Investments.

Unit-III:

Basic features of the Security Contracts (Regulation) Act, 1956 — Recognition of Stock Exchanges — Regulation of Contracts and option in securities — Listing of securities -- Guidelines for listing of shares / debentures.

Unit-IV :

Basic features of the Security and Exchange Board of India Act, 1992 — Basic features of the Act — Establishment of SEBI -- Functions and Powers of SEBI -- Powers of the Central Government under the Act -- Guidelines for disclosure -- Investors Protection - SEBI Appellate Tribunal -- Appeals.

Unit-V:

Non-Banking Financial Institutions - Classification and Law Relating to NFBCs - AP Protection of Depositors Act, 1999.

Suggested Readings:

1. Avatar Singh: *Company Law*, 10th Edn. (Eastern Book Company, 1991).
2. *A Guide to Companies Act* by Ramaiah - Wadhwa Publications.

3. NavneetJyothi and Rajesh Gupta, *Practical Manual to Non Baking Financial Companies*, Taxman's Publications.
4. Ananta Raman: *Lectures on Company Law*, Wadhwa and Company.
5. Tandon M.P.: *Company Law*, Allahabad Law Agency, Allahabad.

DRAFTING, PLEADINGS AND CONVEYANCING

Sub. Code: LLB 606

L -1,P-6, C -4

Objective: Legal Drafting is one of the most important instruments of legal communication. It is also one of the demanding skills of a lawyer. Pleadings are the foundation of any suit/petition filed before the court. Thus, a strong case depends on how the pleadings are framed. Conveyancing is the art of transferring title to the property from one person to another by means of a written instrument.

The main objectives of the course are to develop:

- Strong command over the language
- Ability to deal effectively with abstract concepts
- Stimulate the investigative instincts
- Precise and organized drafting skill
- The art of scrutinizing the legal documents

Learning Outcome: At the end of the course the student will be able to;

LO1 Draft the legal deeds/documents/pleadings flawlessly.

LO2 Appreciate the abstract concepts and put forth an effective argument.

LO3 Identify the issues involved, collect appropriate evidence, get true and correct information.

LO4 Draft the legal deeds and documents with precision by following the appropriate legal format.

LO5 Scrutinize the legal documents and deeds.

Class-room instruction and simulation exercises on the following items shall be extended.

Unit-I

Drafting: General Principles of Drafting and relevant Substantive Rules shall be taught.

Unit-II

Pleadings: (i) Civil—Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision.

(ii) Petition under Article 226 and 32 of the Constitution of India - Drafting of Writ Petition and PIL Petition.

(iii) Criminal— Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.

Unit-III

Conveyancing: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed

Practical Exercises

Apart from teaching the relevant law, the course includes not less than 15 (fifteen) practical exercises in drafting of pleadings carrying a total of 45 marks (3 marks for each) and 15 (fifteen) exercises in conveyancing carrying another 45 marks (3 marks for each exercise) and remaining 10 marks for viva-voce.

These 30 exercises shall be recorded. Each student shall be served with different problems for the purpose of exercise. These exercises shall be assessed and marks may be allotted.

These exercises shall be evaluated by a common committee consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, O.U.; and (iii) an Advocate with 10 years experience at the Bar. The same committee will also conduct viva-voce on the above concepts. The proceedings of the viva-voce shall be recorded.

Note:

1. Attendance of the students for viva-voce shall be compulsory.

2. The above records certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University for Further Verification

Suggested Readings:

1. R.N. Chaturvedi : *Pleadings and Conveyancing*, Central Law Publications.
2. De Souza : *Conveyancing*, Eastern Law House.
3. Tiwari : *Drafting, Pleading and Conveyancing*, Central Law Agency.
4. Mogha: *Indian Conveyancer*, Eastern Law House.
5. Mogha: *Law of Pleadings in India*, Eastern Law House.
6. Shiv Gopal: *Conveyancing, Precedents and Forms*, Eastern Book Company

MOOT COURTS, OBSERVATION OF TRIAL, PRE-TRIAL PREPARATIONS AND INTERNSHIP

Sub. Code: LLB 607

L -0,P-8, C -4

Objective: This Paper is designed to introduce the students to the practical aspects of the profession by organizing moot courts and sending them to courts for a personal experience of the functioning of courts. It enables them to obtain a first-hand information of the practicalities of the working of courts.

Learning Outcome: On the conclusion of the first Module, the students would be able to appreciate the research, oratorical and articulation skills required of a lawyer. On completing the second Module, students will be able to comprehend the practicalities of the justice system and the pivotal role the courts play in dispensation of justice. They will also get a practical exposure to the techniques of client interviewing and the substantive as well as procedural steps involved in preparation of a brief by lawyers. Students will have practical experience of the professional aspects of the subjects they have studied. The last Module helps students unearth their potential for the profession and the desirable improvements for the same.

This paper has three components of 30 marks each and viva-voce for 10 marks.

(A) Moot Court (30 marks): Every student is required to participate in at least three moot courts in the VI Semester with 10 marks for each. The moot court work will be on an assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

Marks will be given on the basis of written submission and oral advocacy. Written submissions shall include brief summary of facts, issues involved, provisions of laws and arguments, citation, prayer, etc. Marks for oral advocacy may be awarded for communication skills, presentations, language, provisions of law; authorities quoted, court manners, etc. Written Memorials submitted by the students shall be kept by the College for Further Verification.

The performance of student in the moot court shall be evaluated by a committee consisting of (i) Principal of the College (ii) an Advocate with 10 years experience at the Bar; and (iii) the teacher concerned.

(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks):

Students are required to attend courts to observe at least one civil and one criminal case. They shall maintain a record and enter the various steps observed during their attendance on different days in the court assignment. The Court Observation Record submitted by the students should be evaluated by a committee consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, and (iii) an Advocate with 10 years experience at the Bar and average be taken. Court attendance shall be compulsory and attendance has to be recorded in a register kept therefor. This may be carried under the supervision of a teacher of the college. This scheme will carry 30 marks.

(C) Interviewing Techniques and Pre-Trial Preparations and Internship Diary (30 marks):

Each student should observe two 'interview sessions' of clients either in the Lawyer's Office or in the Legal Aid Office and record the proceedings in a diary, which will carry 15 marks.

Each student has to further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This shall be recorded in the diary which will carry 15 marks.

The diary shall clearly indicate the dates on which the above observations are made and they shall be authenticated by the advocate concerned.

Evaluation of the above diary shall be made by the committee consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, O.U.; and (iii) an Advocate with 10 years experience at the Bar and average be taken.

(D)Viva-voce (10 marks): There shall be viva-voce examination on all the above three components. The Viva-voce Board consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law; and (iii) an advocate with 10 years experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

Note:

1. Attendance of the students in all the four components of the paper shall be compulsory.

2. The above records, diary certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University for Further Verification.

Suggested Readings:

1. Dr. Kailash Rai: *Moot Court Pre-Trial Preparation and Participation in Trial Proceedings*, Central Law Publication.
2. Amita Danda: *Moot Court for Interactive Legal Education*, Gogia Law Agency, Hyderabad.
3. Blackstone's: *Books of Moots*, Oxford University Press.
4. Mishra: *Moot Court Pre-Trial Preparation and Participation in Trial Proceedings*, Central Law, Allahabad.