

ORDINANCES RELATED TO LL.B. EXAMINATIONS
(Three - Year Course)
(New Scheme)
BACHELOR OF LAWS
EXAMINATIONS - FACULTY OF LAW

0.251:

There shall be a three-years course for the degree of LL.B. (P) and two-year course for the degree of LL.B. (A) and the teaching shall be conducted through the lecture method, practical and class performance during the session and examination shall be conducted through written papers, practical and viva-voce at the end of each session.

Three Year LL.B. (P) Course:

1. LL.B. (P)/LL.B. (A) First Year Examination at the end of the First Year.
2. LL.B. (P)/LL.B.(A) Second Year Examination at the end of the Second Year.
3. LL.B. (P) Third Year Examination at the end of the Third Year.

0.252 : (1) A candidate who has taken the bachelor's or the master's degree in Arts/ Science/Commerce/Medicine/Management/Engineering/Nursing/Agriculture or the degree of Shastri/Acharya or the degree of Ayurvedacharya /Ayurveda Brihaspati, B.B.A., BCA, BPE, BFA, B.Sc. (Information Science), B.Sc. (Information System) and B.Sc. (Information Technology) of this university or any other university recognised for the purpose by the syndicate with full course prescribed for the degree and secured a minimum of 45% marks (excluding any concessional marks) in the aggregate marks prescribed for the examination for the aforesaid degree shall be eligible for admission to LL.B. First Year Course. Provided that not more than 20% of the total seats in LL.B. First Year shall be reserved for the candidates who will become eligible on the basis of Master's degree.

Explanation

For the purpose of this ordinance the marks of only those subjects/papers shall be taken into account which had been considered for awarding division at the Bachelor's/Master's Degree Examination.

Admission shall be made on the basis of merit and in accordance with the rules made there by the competent authority.

0.253:

A candidate who has completed a regular course of study from the University/ Constituent College or from an affiliated College for First Year of LL.B. (P) or LL.B. (A) will, subject to the other provisions of the Act/Statutes, Ordinances, Rules and Regulations, be admitted to the First Year Examination of the LL.B. (P) or LL.B.(A) Course depending on the course he/she has taken.

0.253-A:

A candidate who after passing the examination of the First Year, has completed a regular course of study from the University/Constituent College or from an affiliated college for the Second Year of LL.B. (P) or LL.B. (A) course will, subject to the other provisions of the Act, Statutes, Ordinances, Rules and Regulations, be admitted to the Second Year Examination of LL.B. (P) or LL.B. (A) course, as the case may be.

0.253-B:

A Candidate who after passing the examination of the Second Year has completed a regular course of study from the University/Constituent College or from an affiliated college for the Third Year of LL.B. (P) course, will subject to the other provisions of the Act, Ordinances, Statutes, Rules and Regulations, be admitted to the Third Year Examination of LL.B.(P).

0.254:

A candidate who has once been awarded the degree of LL.B. (A) by the University and has thereafter appeared at and passed, after having undergone a regular course of study in the Third Year of the LL.B. (P) course, shall be awarded the degree of Bachelor of Laws (Professional) in supersession of his/her degree of the Bachelor of Laws (Academic). This fact shall be inserted in the degree of Bachelor of Laws (Professional).

0.255:

Every candidate for the two years course for the degree of LL.B. (A) and the three years course for the degree of LL.B. (P) shall present him/herself for examination in the papers prescribed in the Regulations.

***0.256:**

Each theory paper in LL.B. I, II and III Year shall be of 100 marks and of three hours duration. The Practical paper in each year of LL.B. I, II and III Year has been divided into two parts: Part "A" shall be of Written Examination of 80 marks and Part "B" shall be of 20 marks. A candidate shall be required to pass separately in Part A and Part B examinations.

0.256-A:

(1) Whenever, any option(s) in any paper has been provided in the syllabus of LL.B.I or II or III Year, the Principal or the Head of the Unit will determine at the beginning of each session the option or the options in which instructions will be provided during the session. The choice of the candidate will be limited to the options so provided for instructions.

(2) A candidate may opt for one additional paper at LL.B. I/II/III Year examination, if permitted by the Principal or Head of the Unit. For such additional paper no teaching facility will be provided and the candidate will have to appear at the examination in such additional paper at his/her own risk and the marks obtained therein will not be counted while working out his result but will be shown in the marks-sheet separately. For a pass in such papers the candidate has to secure at least 36% marks.

***0.256-B:**

The Vice-Chancellor may, on the recommendation of the Dean, Faculty of Law, of the University, permit transfer of a candidate who has passed in any year of the LL.B.(P) or LL.B.(A) Examination of another University under a scheme which in detail is the same or similar to the scheme of this University of LL.B.(P) or LL.B.(A) Examination to such year of the LL.B.(P) or LL.B.(A) course and on such terms and conditions as he may lay down.

The marks of all the examinations viz. I Year Examination and II Year Examination in case of LL.B. (A) degree and I Year Examination, II Year Examination and III Year Examination in case of LL.B. (P) degree will be counted together for classification of result.

Schemes of Examination:

The Candidate shall be permitted one main (as regular student) and three more attempts (as an Ex-student) in LL.B. I/II/III Year Examination to pass that examination.

***0.163:**

An Ex-student for the LL.B. I/II/III Year Examination shall be required to take the examination in the immediately following year and if he fails again or does not take the examination, he shall be given further two consecutive chances only to clear the examination.

An Ex. student for the LL.B. I/II/III year examination, who has passed in the part-B of the practical paper(s) namely 1.9, 2.9, 3.7, 3.8 & 3.9 of the LL.B. I/II/III year shall be exempted from re-appearing in the Part-B of the practical paper(s) in the subsequent year(s) and in that case the marks obtained by him/her in part-B of the practical paper(s) shall be added to the marks obtained by him/her in part-A of the practical paper(s) at subsequent examination (as an Ex-Student) in order to determine his/her result.

If a candidate fails in LL.B. I/II/III year examination consecutively four times, he/she has to take a fresh admission in that class as regular student.

For the purpose of passing in LL.B. I/II/III year Examination, a candidate has to obtain minimum 36% marks individually in theory and practical subjects and 48% marks in aggregate in all the three classes of LL.B. I/II/III year Examinations.

The successful candidate who secured 60% or more marks shall be placed in the first division and rest in the second division.

Eligibility for Supplementary Exams:

A candidate who obtains minimum 36% marks individually and 48% marks in aggregate in at least five papers including Part-B of the practical paper(s) namely 1.9, 2.9 & 3.9 of the LL.B. I/II/III year of that Examination shall be eligible to re-appear in not more than four theory papers/Part-A of his/her choice at the following supplementary examination.

If a candidate does not secure minimum 36% marks in Part-B of the particular paper(s), he/she shall be allowed to re-appear in Part-B of the practical paper(s) in the following supplementary examination. If he/she is otherwise eligible to appear in supplementary examination.

A candidate fails to clear the LL.B. I/II/III Year Examination as the case may be in the afore-said manner in the supplementary examination, he/she will be allowed to reappear at the subsequent following examination in all the papers as an ex-student and provisional admission if granted in higher class shall be treated automatically cancelled.

The marks actually obtained by the candidate at the supplementary examination shall be taken into account only for the purpose of declaring him pass in the examination but not for awarding his/her division.

LL.B. SECOND YEAR EXAMINATION

PAPER - 2.1

JURISPRUDENCE

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

- 1.1 Introduction: Meaning, definition, nature, scope and importance of Jurisprudence.
- 1.2 Norms and the normative system.

- 1.2.1 Different types of normative systems, such as of games, language, religious orders, unions, clubs and customary practice.
- 1.2.2 Legal systems as a normative order: similarities and difference of the legal system with other normative systems.
- 1.3 Law: Nature and definition given by different jurists.
- 2 Schools of Jurisprudence:
 - 2.1 Analytical positivism
 - 2.2 Natural Law School
 - 2.3 Historical School
 - 2.4 Sociological School
 - 2.5 Economic Interpretation of Law
 - 2.6 Realist School.
 - 2.7 The Indian Jurisprudence: Origin and its nature, The concept of 'Dharma'
3. Purpose of Law: Justice, meaning and kinds, Justice and law: Approaches of different schools; Power of the Supreme Court of India to render complete Justice in a case with special reference to Article 142. Critical studies, Feminist Jurisprudence.
4. Sources of Law, Customs, legislations, judicial precedent and Juristic writings as a source of law. Concept of Stare decisis, obiter dicta and Ratio decedendi.
5. Concept of legal rights, its kinds and right-duty correlation.
6. Persons: Nature of personality, status of the unborn, minor, lunatic, drunken, dead person, idol and mosque; corporate personality- Corporate sole and corporate aggregate; dimensions of the modern legal personality of non-human beings.
7. Possession: Concept and kinds of possession.
8. Ownership: The concept, kinds. Relation between possession and ownership.
9. Title
10. Property: Concept and kinds of property.
11. Liability: Conditions required for imposing liability, wrongful act-damnum sine injuria and injuria sine damnum. Causation, mens rea, intention, motive. Malice, negligence and recklessness. Strict and vicarious liability.
12. Obligation- nature, kinds and sources of obligation.
13. Procedure: difference between substantive and procedural laws. Evidence-nature and kinds.

Leading Cases

1. Keshavanand Bharti Vs State of Kerala, AIR 1973 SC 1461 (Per Mathew J.) - Paras 1617-1620 (Sovereignty) 1685-1698 (Natural Law and Natural rights) 1726-1729 (Roscoe pound and Sociological Jurisprudence) 1738-1751 (Property rights and Social Justice).
2. A.K. Gopalan Vs State of Madras, AIR 1950 SC 27 (S.970 paras 18, 19 Per Kania C.J.) Paras 107-109 (Per Patanjali Shastri) Para 192 (Per Mukherji J.) Paras 228 (Per Das J. Natural Law and Positive Law)
3. Maharaja Shree Ummed Mills Ltd Vs Union of India, AIR 1963 SC 953 Paras 12, 13, 14 (Per SK. Das J.) Concept of Law; Legislative agreements)
4. Jaipur Udyog Ltd Vs Income Tax Commissioner, AIR 1965 Raj 162 Paras 12, 13, 14 (Per Tyagi J.) (Sovereignty, Separation of powers and functions).
5. Shrimati Indira Nehru Gandhi Vs Raj Narayan, AIR 1975 SC 2299 Paras 219 and 299 (Per Mathew J.) (generally as a property of law.)

6. In Re Article 143 (Keshav Singh) AIR 1965 SC 745 paras 9-17 (Per Sarkar J. Law making by judicial and legislative comity).
7. Bengal Immunity Co. Vs State of Bihar, AIR 1955 SC 661 (Precedent)
8. Trilokchand Motichand V. H.B Munshi AIR 1970 SC 898 (Para 4 to 11, per Hidayatulla CJ.) Para 36 per Bhachawat J.; Para 59-63 per Hegde J.). These excerpts illustrate problems and uses of Hohfeld analysis.
9. Menka Gandhi Vs Union of India, AIR 1978 SC 597

Bibliography

1. Salmond: Jurisprudence
2. Dias: Jurisprudence
3. Wayne Morrison: Jurisprudence
4. Julius Stone: The Province and Function of Law
5. Holland: Jurisprudence
6. S.N. Dhyani: Jurisprudence- A Study of Indian Legal Theory
7. N.V. Paranjape: Vidhi Shastra
8. V.D. Mahajan, Jurisprudence and Legal Theory
9. Bodenheimer: Jurisprudence- The Philosophy and Method of Law.
10. Mulla- Hindu Law
11. Mani Tripathi- Jurisprudence (Hindi)

PAPER - 2.2 LAW OF CRIMES

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. General Introduction- Concept of crime: Its definition, nature and scope. Distinction between crime and other wrongs. Applicability of IPC: Intra and Extra territorial operation. Salient features of the IPC, general explanations.
2. Elements of criminal liability: Mental elements in crime- mens rea (evil intention), its importance and exceptions. (Trends to fix liability without mens rea). State's power to determine acts or omissions as crime.
3. Types of Punishment- Death punishment, its impacts and social relevance. Alternative to capital punishment; imprisonment for life with hard labour, simple imprisonment; Forfeiture of property and fine. Discretion of Court in awarding punishment. Minimum punishment in respect of certain offences.
4. Group Liability: Common intention, unlawful assembly and common object. Abetment: instigation, aiding and conspiracy. Mere act of abetment punishable. Provisions relating to criminal conspiracy. Riot and affray.
5. General Exceptions: Factors negating guilty intention: Mistake of fact not of law; judicial act, accident, necessity, minority and insanity; (Impairment of cognitive faculties, emotional imbalance) medical and legal insanity; Intoxication. Private defence- justification and limits when private defence extends to causing of death to protect body and property.

6. Offences against the state-waging war against the state and sedition.
7. Offences against public servant and public justice, Contempt of lawful authority of public servants; giving and fabricating false evidence and aggravated form of the crime.
8. Specific offences against Human body:-
 - (i) Culpable homicide, murder, distinction between culpable homicide and murder. Situation justifying treating murder as culpable homicide not amounting to murder-grave and sudden provocation, exceeding right of private defence, public servant exceeding legitimate use of force, death in sudden fight, death caused by consent of the deceased- euthanasia and surgical operation. Death caused of person other than the person intended. Rash and negligent act causing death.
 - (ii) Hurt- simple and grievous
 - (iii) Wrongful restraint and wrongful confinement
 - (iv) Criminal force and assault
 - (v) Kidnapping and abduction.
9. Offences against women:-
 - (i) Insulting the modesty of a woman, assault or criminal force with intent to outrage the modesty of a woman.
 - (ii) Miscarriage: Causing miscarriage without women's consent and causing death by miscarriage without women's consent.
 - (iii) Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse.
 - (iv) Buying or selling a minor for purposes of prostitution.
 - (v) Rape- custodial rape, gang rape, marital rape, unlawful sexual intercourse.
 - (vi) Prevention of immoral traffic and prevention of sati
 - (vii) Cruelty by husband or his relative
 - (viii) Dowry death
 - (ix) Prohibition of indecent representation of women
10. Offences against property- theft, extortion, robbery, dacoity, criminal misappropriation of property, criminal breach of trust, cheating, mischief and criminal trespass
11. Offences relating to documents: Forgery or making a forged document
12. Offences relating to marriage: Bigamy, marriage or fraudulently gone through without lawful marriage, adultery, enticing or deceiting a married woman.
13. Defamation: definition and exceptions
14. Stages of a crime- mere intention not punishable, preparation, attempt- tests for determining what constitutes attempt- proximity, equivocality and social danger, impossible attempts.
15. Protection of Women from Domestic Violence Act, 2005- Definitions, Power and duties of protection of officers and service providers, Application to Magistrate, Protection orders, Residence orders, Custody orders, Compensation orders and Monetary reliefs, Penalty for breach of protection orders by respondent.

Leading cases:

- 1 Reg Vs Govinda IR 1876 1 BOM 342.
- 2 Kedarnath Vs State of Bihar AIR 1962 SC 955
- 3 T.D. Vadgama Vs State of Gujrat AIR 1973 SC 2313
- 4 Veliji Ragahvji Vs State of Maharashtra AIR 1965 SC 1433
- 5 K.N. Nanavati Vs State of Maharashtra AIR 1962 SC 605

Select Bibliography

- 1 Dr. Hari Singh Gour- Penal law of India
- 2 Rattan Lal and Dhirajlal: The Indian Penal Code
- 3 P.S. Achuthan Pillai: Criminal law
- 4 B.M. Gandhi: Indian Penal Code
- 5 Prof. K.S.N. Murty & KVS Sarve: Criminal Law
- 6 T. Bhattacharya: Bhartiya Dand Sanhita

PAPER - 2.3

PROPERTY LAW INCLUDING TRANSFER OF PROPERTY ACT, 1882 AND EASEMENT ACT, 1882

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. Jurisprudential concept of property: - Concept, meaning and kinds of property: Movable and immovable, tangible and intangible property. Intellectual property: copyright, patents, designs and trademarks.
2. Law relating to transfer of property: - Transfer of Property Act 1882- general principles of transfer of property, specific transfer, sale, mortgage, charge, lease, ex-change, gift and actionable claims.
3. Easements: Indian Easements Act, 1882- Nature, characteristics, creation and extinction of easements. Riparian rights and licenses.

Leading cases:

- 1 Smt. Shanta Bai Vs State of Bombay & Others, AIR 1958 SC 532
- 2 Rajender Vs Santa Singh, AIR 1973 SC 2537
- 3 Kreglinger Vs New Patagonia Meat and Cold Storage Comp. Ltd (1914) AC 25
- 4 Union of India Vs Sharda Mills Ltd, AIR 1973 SC 281
- 5 Nathu Lal Vs Phool Chand, AIR 1970 SC 546
- 6 Jumma Masjid Vs Deviah AIR 1962 SC 847

Select Bibliography

- 1 Mulla: Transfer of Property Act
- 2 S. Shah: Lectures on Transfer of Property
- 3 Vepa P Sarathi: Law of Transfer of Property
- 4 I.C. Saxena: Transfer of Property
- 5 B.B. Mitra: Transfer of Property
- 6 S.R. Bhansali and Sharma: Sampathi Antaran Adhiniyam
- 7 J.N. Kulshrestha: Sampathi Antaran Adhiniyam
- 8 S.N. Shukla: Sampathi Antaran Adhiniyam
- 9 G.P. Tripathi: Sampathi Antaran Adhiniyam
- 10 Dr. R.R. Gupta: Sampathi Antaran Adhiniyam and Sukhadhikar

PAPER - 2.4
COMPANY LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. General Introduction:- Theories of corporate personality, creation and extinction of corporations. Corporations, partnerships and other associations of persons, state corporations, government companies, small scale; cooperative, corporate and joint sectors. Holding and subsidiary companies. Public and private company.
2. Law relating to Public and Private Companies: THE COMPANIES ACT, 2013
 - (i) Need of company for development, formation, registration and incorporation of a company.
 - (ii) Memorandum of association- various clauses, alteration there in- doctrine of ultra vires
 - (iii) Articles of association- binding force- alteration- its relation with memorandum of association-doctrine of constructive notice and indoor management and exceptions. Promoters-position-duties and liabilities.
 - (iv) Prospectus- issue, contents, liability for misstatements, statement in lieu of prospectus
 - (v) Shares- general principles of allotment, statutory restrictions, share certificate- its objects and effects, transfer of shares, procedure for transfer, issue of shares at premium and discount, depository receipts-dematerialized shares (DEMAT). Calls on shares, forfeiture and surrender of shares; lien on shares
 - (vi) Share capital- kinds, alteration and reduction of share capital, further issue of capital, conversion of loans and debentures into capital.
 - (vii) Borrowing powers- charges, mortgages, contract by companies, debenture- meaning, kinds and remedies available to debenture holders.
 - (viii) Directors- position, appointment, qualification, vacation of office, removal, resignation, powers and duties of directors. Managing directors and other managerial personnel.
 - (ix) Meetings- kinds, procedure and voting.
 - (x) Audit and accounts.
 - (xi) Dividends- payment, capitalization and profit.
 - (xii) Protection of minority rights.
 - (xiii) Protection of oppression and mismanagement- who can apply? Powers of the court, company and the central government. Investigation of company affairs
 - (xiv) Reconstruction and amalgamation of company.
 - (xv) Winding up-types: By court-grounds-who can apply? Procedure-powers of liquidator-powers of court, consequences of winding up. Voluntary winding up by members and creditors, winding up subject to supervision of courts, payment of liabilities, winding up of unregistered company.
3. Law and multinational companies-
 - (i) International norms for control

- (ii) Foreign exchange management Act, 1999- Joint ventures investment in India, repatriation of project.
 - (iii) Collaboration agreements for technology transfer.
4. Corporate liability:
- (i) Legal liability of companies- civil and criminal
 - (ii) Remedies against them civil, criminal and tortious- specific relief Act, writs.

Leading Cases

- 1 Aron Soloman Vs Soloman and Co. (1897) AC 22
- 2 Royal British Bank Vs Turkund (1856) 119 ER 886
- 3 Bell House Ltd Vs City Wall Properties Ltd (1966) SC 2 QB 656
- 4 Bajaj Auto Ltd Vs N.K. Farodia & Others, AIR 1971 SC 321
- 5 Tata Engg and Locomotive Co Ltd Vs State of Bihar AIR 1965 SC 40
- 6 Seth Mohan Lal Vs Grain Chambers Ltd AIR 1968 SC 772
- 7 Vasudev Ram Chandra Shelat Vs Pranlal Jaya Nand Thakur AIR 1974 SC 1728
- 8 Shanti Prasad Jain Vs Kalinga Tubes Ltd AIR 1965 SC 1535

Select Bibliography

- 1 Atiya: The companies act, 1956
- 2 Avtar Singh: Company law (English and Hindi)
- 3 L.C.B. Gower: Principles of Modern Company Law
- 4 A. Ramaiya: Guide to the Companies Act
- 5 R.R. Pennigton: Company Law
- 6 S.M. Shah: Lectures on Company Law
- 7 N.V. Paranjape- Company Law (amended upto date)

PAPER - 2.5

PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. Introduction to international law- historical development, definition, nature, basis, sources, schools, relationship between international law and municipal law
2. The law of peace- place of individual in international law, nature of state, state responsibilities, recognition, intervention, state succession, state jurisdiction, state territory, the law of the sea, piracy, air law, outer space, nationality, extradition, asylum, international criminal court, disarmament.
3. International transactions- diplomatic agents, treaties.
4. International organizations- definitions, functions and evolution of international organization, the league of nations, the United nations- the general assembly, the security council, the international court of justice, secretariat.
5. The laws of war- settlement of international disputes, war- legal character and effects, enemy character, belligerent occupations, war crimes, genocide.

- 6 The law of neutrality- neutrality, blockade, contraband and doctrine of continuous voyage, right of angry, prize court.
- 7 New international economic order- international economic co operation, economic development and environment, the role of some specialized agencies- ILO, WHO, UNESCO, World Bank, IMF, WTO
- 8 Human Rights- historical development of the concept of human rights, human rights in Indian and western traditions, concept of natural law, human rights in legal tradition- international law and national law.
- 9 Protection of human rights- universal protection of human rights, regional protection of human rights, national protection of human rights- under Indian laws.

Leading Cases:-

- 1 United Kingdom Vs Norway (Anglo Norwegian fisheries case)
ICJ Report 1951 p. 116
- 2 The Nuremberg judgment, International Military Tribunal,
Nuremberg 1946 AJIL Vol. 41, 1947 p. 172
- 3 In Re Government of India and Mubarak Ali Ahmad 1952 1 II Er 2060
- 4 Khutch Tribunal award case- foreign affairs report volume XVII March 68.
- 5 Right to passage over Indian territory case ICJ Report 1957 p. 125

Select Bibliography-

- 1 Stark- An introduction to International Law
- 2 Oppenheim- International Law Vol. I and II
- 3 Antonio Cassese- International Law
- 4 Breirly- The Law of Nations
- 5 Nartin Dixon- Textbook on International Law
- 6 Dr. H.O. Agarwal- International Law and Human Rights
- 7 S.K. Kapoor- International Law, Human Rights (English and Hindi)

**PAPER - 2.6
LABOUR LAWS**

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. Historical perspective of labour: Labour during feudal days, colonial labour laws. Labour capital conflicts: exploitation of labour, profit motive, poor bargaining capacity, poor working conditions, unorganized labour, bonded labour, surplus labour, division of labour and super specialization. Theories of labour and surplus value.
2. Trade Unionism:
 - (i) The history of trade union movement in India, Right to trade union as part of human right, freedom of association- international norms and the Indian constitution
 - (ii) The Trade Union Act, 1926: definitions, registration of trade union, functions of registrar, cancellation of registration and incorporation of registered trade unions. Funds- political and general, rights and liabilities of registered trade union,

- immunities, office bearers, change of name, amalgamation and dissolution of trade union, penalties.
- 3 State regulation of industrial relations-
 - (i) General- Theoretical foundations: Social justice, labour welfare, public interest, productivity, industrial peace and development.
 - (ii) The Industrial Dispute Act, 1947: Scope and objects, definitions, assistance to bipartite settlement- works committee, conciliation officer, authorities for solving disputes, reference power, lay off, strike, lock out, retrenchment, closure, transfer of undertakings, penalties and unfair labour practices.
 - 4 Remuneration for labour- Theories of wages, concept of wages, components of wages, disparity in wages. The Minimum Wages Act, 1948: objects, definitions, fixation of minimum rates of wages, inspectors, payment of minimum rates of wages, overtime claims.
 - 5 Health, safety and labour welfare provisions : Factories Act, 1948- Definitions, inspectors, provisions regarding health, safety, welfare and provisions relating to employment of young persons, annual leave with wages and penalties.
 - 6 Protection of the Weaker Sections of Labour- Tribal labour: need for regulation, unorganized labour like domestic servants- problems and perspectives, bonded labour, contract labour. Child Labour Prohibition Act, 1986

Leading Cases:-

- 1 Workmen of Indian Standard Institutions V. Indian Standard Institution AIR 1976 SC 145.
- 2 *Burmah Shell Co Vs Burmah Shell Management Staff Association* 1970 I FLL J. 590 SC, AIR 1971 SC 922.
- 3 *Workmen of firestone Tyre and Rubber Co. Ltd. Vs. The Management of Firestone Tyre and Rubber Co. Ltd.* AIR 1972 SC 1227.
- 4 *Delhi Cloth and General Mills Co Ltd Vs Ludh Budh Singh* AIR 1972 SC 1031
- 5 *Jay Engineering Works Vs State of West Bengal*, AIR 1990 Cal 406
- 6 *Bidi Leaves and Tobacco Merchants Association India and other Vs State of Bombay* AIR 1962 SC 486
- 7 *Bangalore Water Supply Vs A. Rajappa* AIR 1978 SC 548
- 8 *Express Newspapers Ltd Vs Union of India* AIR 1958 SC 578

Select Bibliography-

- 1 O.P. Malhotra: Law of Industrial Disputes
- 2 S.C. Srivastava: Social Security and labour laws
- 3 V.V. Giri: Labour problems in Indian industry
- 4 R.C. Saxena: Labour problems and social welfare
- 5 S.N. Mishra: Labour and Industrial Laws
- 6 Anil Sachdeva: Industrial and Labour Laws
- 7 K.N. Pillai: Labour and Industrial Laws
- 8 Ganga Sahai Sharma: Shram Vidhi
- 9 N.D. Sharma : Shram Vidhi
- 10 Gopi Krishan Arora : Shram Vidhi

PAPER - 2.7
ADMINISTRATIVE LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. Evolution, nature and scope of Administrative Law- from a laissez faire to a social welfare state, evolution of administration as the fourth branch of government, conseil'detate, definition and scope of Administrative Law, relationship between Constitutional Law and Administrative Law, separation of powers and rule of law
2. Civil services in India- Nature and organization of civil services: from colonial relics to democratic aspiration, powers and functions, accountability and responsiveness: problems and perspective, administrative deviance-corruption, nepotism and mal-administration
3. Legislative powers of administration- Necessity for delegation of legislative power, constitutionality of delegated legislation- powers of exclusion, inclusion and power to modify statute, requirement for the validity of delegated legislation. Legislative and judicial control of delegated legislation, sub-delegation of legislative powers, publications of delegated legislation, administrative directions, circulars and policy statements.
4. Judicial powers of administration-
 - (i) Need for devolution of adjudicatory authority on administration. Administrative tribunals-need, nature, constitution, jurisdiction and procedure. Distinction between quasi-judicial and administrative functions.
 - (ii) Principles of natural justice- the right to hearing- essential of hearing process, no man shall be judge in his own cause, no man shall be condemned unheard, reasoned decisions, the right to counsel.
5. Judicial control of administrative action: grounds-jurisdictional error, ultravires, abuse and non exercise of jurisdiction, error apparent on the face of record, violation of principles of natural justice, violation of public policy, unreasonableness and legitimate expectation. Remedies in judicial review, writs, declaratory judgments and injunctions, specific performance and civil suits for compensation.
6. Administrative discretion- Need for administrative discretion, administrative discretion and rule of law, limitations on exercise of discretion-malafide exercise of discretion, constitutional imperative and use of discretionary authority.
7. Contractual and tortious liability of state: Tortious liability, sovereign and non sovereign functions, statutory immunity, act of state, contractual liability of government, government privilege in legal proceedings-state secrets, public interest, transparency and right to information.
8. Corporation and Public undertakings:- State monopoly, liability of public and private corporations- departmental undertakings, legislative and governmental control, legal remedies, accountability- committee on public undertakings, estimate committee.
9. Public inquiries and commission inquiry, ombudsman: lokpal, lokayukta, vigilance commission, parliamentary committees.
10. Right to Information Act, 2005

Leading cases:

1. A.K. Kraipak Vs Union of India AIR 1970 SC 150
2. In re Delhi Laws Act, AIR 1951 SC 332
3. Raj Narayan V/s. Chairman, Patna Administration Committee, Patna AIR 1954 SC 569

- 4 Syed Yaqoob vs Radha Krishnan AIR 1964 SC 477
- 5 Rohtash industries Pvt Ltd Vs S.D. Agarwal AIR 1969 SC 707
- 6 State of Karnataka Vs Union of India AIR 1978 SC 68

Select Bibliography:-

- 1 M.C.J kagzi- The Indian Administrative Law
- 2 I.P. Massey: Administrative Law
- 3 D.D. Basu: Administrative Law
- 4 M.A. Fazal: Judicial control of Administrative action in India, Pakistan and Bangladesh
- 5 Wade: Administrative Law
- 6 S.P. Sathe: Administrative Law
- 7 U.P.D. Kesari: Prashasnic Vidhi
- 8 Jain and Jain- Principles of Administrative Law
- 9 J.J.R. Upadhayay- Prashasnic Vidhi

PAPER - 2.8

(A) TAXATION LAWS

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. General perspective- History of tax law in India, fundamental principles relating to tax laws, concept of tax, nature and characteristics of taxes, distinction between tax and fees, tax and Access, direct and indirect taxes, tax evasion and tax avoidance, scope of taxing powers of parliament, state legislature and local bodies.
2. Income Tax Act, 1961 (amended up to date): Basic concepts income, agricultural income, total income, assessee and person. Chargeable income- heads of income, salaries, income from house property, income from business or profession, capital gains, income from other sources, deductions, relief and exemptions. Rate of income tax, Income tax authorities- powers and functions, offences and penal sanctions.
3. Central Sales Tax Act, 1954 (amended up to date) and Rajasthan VAT . Meaning and importance of service tax, salient provisions of the VAT. and its Implications .

Leading Cases:

- 1 P. Krishana Menon Vs CIT, AIR 1956 SC 75
- 2 CIT West Bengal Vs Benoy Kumar Saha Roy, AIR 1957 SC 761
- 3 Mala Ram & Sons Vs CIT AIR 1956 SC 367
- 4 Pingle Industries Ltd Vs CIT AIR 1960 SC 1934
- 5 Banaras Cloth Dealers Syndicate V. Benaras 1964 ITR 50
- 6 CIT Vs Kothari (1963) 40 ITR 107 (SC)

Select Bibliography

- 1 Ramesh Sharma, Supreme Court on Direct taxes
- 2 Kanga and Palkiwala, The Law and practice of Income Tax
- 3 R.V. Patel, The Central Sales Tax Act
- 4 S.D. Singh, Principles of Law of Sales Tax
- 5 H.C. Malhotra, Aykar Vidhan Lekha
- 6 Bhagwati Prasad, Aykar Vidhi

- 7 S. Bhattacharya : Indian Income Tax Law and Practice.
- 8 A.K. Saxena : Law on Income tax in India.
- 9 Nathulal Jain : Ayakar Vidhi.
- 10 Kailash Rai : Ayakar Vidhi.

PAPER - 2.8
(B) INSURANCE LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. Introduction- definition, nature and history of insurance, concept of insurance and law of contract and law of torts, future of insurance in globalize economy, history and development of insurance in India, insurance regulatory authority- role and functions.
2. General principles of law of insurance- Contract of insurance- classifications of contract of insurance, nature of various insurance contracts and parties thereto principle of good faith, insurable interest, the risk, the policy-classification of policies- its forms and contents, its commencements, duration, cancellation, alteration, rectification, renewal, conditions of the policy.
3. Life Insurance: Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract, event insured against life insurance contract, circumstances affecting the risk, amount recoverable under life policy, persons entitled to payment and settlement of claims.
4. Marine Insurance: (The Marine Insurance Act, 1963) Nature, scope, classification of marine policies, insurable interest, insurable value, conditions of policy. Voyage-deviations, perils of the sea, partial loss of ship and of freight, salvage, general average, particular charges, measure of indemnity, total valuation, liability to third parties.
5. Insurance against third party risks: The Motor Vehicle Act 1988-chapter VIII- definitions, abuse, drives and motor vehicles, requirements of policy, statutory contract between insurer and drive rights of third parties, limitation of third party's rights, duty to inform third party, claims tribunal- constitution, functions, applications for compensation-who can apply? Procedure and powers of claims tribunal- its award.
6. Social insurance in India: important elements in social insurance, its needs, commercial insurance and social insurance. Sickness insurance, Adarkar Scheme, Stack and Rao scheme for wage earners and others risks covered, maturity and other benefits. Old age, premature death and invalidity insurance or pension insurance, public provident fund, unemployment insurance, social insurance for agricultural and un-organized labourers.
7. Public liability insurance: the scheme and authorities
8. Fire insurance: nature of fire insurance contract, non-disclosure and misrepresentation, standard fire policy, proximate cause, claims.

Leading cases:

- 1 Glickman Vs Lancashire and General Assurance Co. (1925) 2 KB 593
- 2 Johnson Vs Marshall (1906) AC 409
- 3 Digby Vs General Accident Fire and Life Insurance Co. Ltd. (1943) AC 121
- 4 Minu B. Mehta Vs Balakrishna AIR 1977 SC 1248

5 Prudential Insurance Co. Vs Inland Revenue Commissioner (1904) 2 KB 658.

Select Bibliography

- 1 Singh, B Anand, New Insurance Law
- 2 Sreenivasan, M.N. - Principles of Insurance Law
- 3 Banerjee, Law of Insurance
- 4 Mitra, B.C., Law relating to Marine Insurance
- 5 Srivastava, Blachand: Elements of Insurance
- 6 Dravid and Joshi: Bima Siddhant evam Vyavahar.

PAPER - 2.8

(C) BANKING LAW INCLUDING NEGOTIABLE INSTRUMENT ACT, 1881

Max. Marks: 100

Min. Pass Marks: 36

Note: The question paper shall contain 10 questions in all. Candidate is required to attempt 5 questions. Each question is divided into two parts - Part A and Part B having 16 and 4 marks respectively. Candidate has to answer part A in about 5 pages and Part B in about 100 words.

Syllabus

1. Introduction

- 1.1 Banking: definition-common law and statutory law
- 1.2 Commercial Banks: functions
 - 1.2.1 Agency services
 - 1.2.2 General utility services
 - 1.2.3 International trading service
 - 1.2.4 Information services
- 1.3 Systems of banking: unit banking, branch banking, group banking and chain banking
 - 1.3.1 Banking companies in India

2. Banks and Customers

- 2.1 Customer: meaning
- 2.2 Banker and customer relationship
- 2.3 Rights and obligations of banks- Right of set off, banker's lien, right to charge interest and commission, obligation to honour customer's cheques.
- 2.4 Duty- Duty of confidentiality, nature and justification of the duty, exceptions
- 2.5 Accounts of Customers- Current accounts, deposit accounts, joint accounts, trust accounts.
3. Control over Banks
 - 3.1 Control by Government and its agencies
 - 3.1.1 Need for elimination of systematic risk, avoidance money Laundering, consumer protection, promotion of fair competition.
 - 3.1.2 Account, audit, money lending, re-organization and reconstruction, supervision and winding up.
 - 3.2 Control by ombudsman
 - 3.3 Reserve Bank of India (RBI) Act, 1934: definition, functions and powers, supervision and control over the other banks, control over non-banking financial institutions, capital management and business, determination of bank rate policy.
4. Lending by Banks

- 4.1 Principles of good lending
- 4.2 Securities for bank advances- pledge, mortgage, charge, goods or documents of title to goods, life insurance policies as securities, debentures as security, guarantee as security. Contract of guarantee and contract of indemnity.
- 4.3 Repayment, interest: rule against penalties.
- 4.4 Default and recovery- debt recovery tribunals- constitution and functioning.
5. Letter of Credit and Demand guarantee
- 5.1 Letter of credit
 - 5.1.1 Basic features
 - 5.1.2 Parties to a letter of credit
 - 5.1.3 Fundamental principles
- 5.2 Demand guarantee- legal character, distinction between irrevocable letter of credit and demand guarantees
6. Law relating to negotiable instruments: (Negotiable Instruments Act, 1881)
- 6.1 Negotiable instruments- kinds
- 6.2 Holder and holder in due course
- 6.3 Parties, negotiation, presentment
- 6.4 Discharge from liability
- 6.5 Dishonour- civil and criminal liability
- 6.6 Duty to honour customer's cheques- conditions, exceptions to the duty to honour cheques
- 6.7 Money paid by mistake
- 6.8 The collecting banker- liability for conversion, duties, good faith and statutory protection to the collecting banker.

Leading Cases:

- 1 A.B. Miller Vs National Bank of India ILR 19 Cal 146
- 2 National Insurance Co. Ltd Vs Seema Malhotra (2001) ILRI 543
- 3 Radha Kisan Vs Hira Lal AIR (1919) Nag 39
- 4 Maneckji Pestonji Bharucha Vs Wadilal Sarabhai AIR 1926 PC 38
- 5 Nawab Major Sir Mohammad Akbar Khan Vs Attar Singh AIR 1936 PC 171

Select Bibliography-

- 1 S.N. Gupta, The Banking Law in theory and practices.
- 2 S.N. Gupta, Banks and the consumer protection law.
- 3 Mukherjee, T.K.- Banking Law and Practice.
- 4 Shekhar K.C- Banking theory and practice.
- 5 Kailash Rai- Negotiable Instrument Act.
- 6 Sharma and Sharma- Banking Vidhi.
- 7 Mangilal Sharma: Banking Vidhi Evam Vyavhar

PRACTICAL PAPER

PAPER - 2.9

PUBLIC INTEREST LAWYERING; LEGAL AID AND PARA LEGAL SERVICES

Syllabus

The paper shall consist of following two parts:

A. WRITTEN PAPER

Max. Marks: 80

Min. Pass Marks: 29

Note: The question paper shall contain 8 questions in all. Candidate is required to attempt 4 questions. Each question is divided into 2 parts- Part-A and Part-B having 16 and 4 marks respectively. Candidate has to answer Part-A in about 5 pages and Part-B in about 100 words.

B. PRACTICAL PAPER

Max. Marks: 20 Marks

Min. Pass Marks: 7

The practical exam shall be conducted by a committee of 2 examiners. In this committee there shall be one internal examiner and one external examiner.

A. WRITTEN PAPER

1 Introduction

- 1.1 PIL- its origin and meaning
- 1.2 Scope and nature of PIL
- 1.3 Object of PIL
- 1.4 PIL and Private Interest Litigation

2. Locus Standi

- 2.1 Principle of locus standi- traditional approach
- 2.2 Liberal approach
- 2.3 Guidelines for entertaining a PIL
- 2.4 Petition by public spirited person or association
- 2.5 Misuse of PIL

3. PIL and enforcement of Fundamental Rights

- 3.1 General
- 3.2 Compensation for breach of fundamental rights
 - 3.2.1 Compensation for illegal detention
 - 3.2.2 Compensation to victim of police atrocities.
- 3.3 PIL as a redress to custodial violence cases.

4. PIL and Environmental Law

4.1 Pollution- a curse to mankind.

- 4.1.1 Pollution free environment as a fundamental right.
- 4.1.2 Enforcement of environmental laws through filing PIL.

5. PIL for the enforcement of the rights of weaker sections of the society

- 5.1 For the enforcement of the rights of women.
- 5.2 For the enforcement of the rights of children.
- 5.3 For the enforcement of the rights of bonded labour.

6. Legal Aid:

- 6.1 Constitutional provisions
- 6.2 Provision of civil procedure code and code of criminal procedure regarding legal aid
- 6.3 The Legal Services Authorities Act and legal aid.

7. The Legal Services Authorities Act, 1987 (as amended by the Act of 2002)

- 7.1 The national legal services authority- constitution and functions
- 7.2 State legal services authority- constitution and functions
- 7.3 District legal services authority, Taluk legal services committee- constitution and functions
- 7.4 Lok Adalat- organization, cognizances of cases, award and powers.
- 7.5 Pre litigation, conciliation and settlement
 - 7.5.1 Permanent lok adalat- establishment, cognizance of cases, procedure and award

7.5.2 The Rajasthan State Legal Services Authority Regulations, 1999- Legal literacy, legal awareness committee: Constitution and functions of High Court and District Legal awareness committee

7.5.3 Organization of legal awareness camps by law schools

7.5.4 Role of voluntary organizations

8 Drafting of PIL petitions and writing of applications for legal aid

Leading Cases:

- 1 Bandhua Mukti Morcha Vs Union of India AIR 1984 SC 802, (1984) 3 SCC 161
- 2 Olga Tellis v Bombay Municipal Corporation (1985) 3 SCC 545, AIR 1986 SC 180
- 3 Sukdas v. Union Territory of Arunachal Pradesh (1986) 2 SCC 401, AIR 1986 SC 991
- 4 Sheela Barse Vs State of Maharashtra AIR 1983 SC 378

Select Bibliography

- 1 Dr. S.R. Myneni- Public Interest lawyering legal aid and para legal services
- 2 Sujan Singh- Legal aid-human right to equality
- 3 S.S. Sharma- legal assistance to Poor
- 4 P.N. Bhagwati- legal aid as human right
- 5 P.N. Bajpayee- Legal aid and the Bar council
- 6 Sunil Deshtra- lok adalats in India- genesis and functioning
- 7 Sampat Jain- Public Interst Litigation
- 8 Dr. Kailash Rai- Janhit Vakalat, vidhik sahyog evam ardh vidhik sevayen.
- 9 Suresh Bhatia- Nirdhan Vidhik Shayta, Rajasthan Hindi Granth Academy
- 10 P.M. Bakshi- Public Interest Litigation

B. PRACTICAL PAPER

The candidate shall be required to attend at least two legal aid camps organized by the college. The candidate shall also be required to present a report regarding the problem along with his suggestions.

- (1) Attendance at the legal aid camp and submission of report- 10 Marks
- (2) Viva voce- 10 Marks

The Viva-voce examination shall be conducted by a committee of 2 persons. In this committee there shall be one internal examiner and one external examiner.