

# **GUJARAT UNIVERSITY**

## **SYLLABI OF THREE YEARS LL.B. PROGRAMME WITH CREDIT BASED SYSTEM**

**(As prescribed by the BAR COUNCIL OF INDIA and as per the Rules  
of Legal Education, 2008)**

**Effective from the academic year 2011-12**

# **THREE YEARS' LL.B. PROGRAMME**

## **First LL. B.**

### **Semester – I**

<b>FIRST LL.B. - SEMESTER 1 (MONSOON)</b>					
<b>PER WEEK</b>	<b>SUBJECTS</b>	<b>LECTURES</b>	<b>OTHERS</b>	<b>TOTAL</b>	<b>CREDITS (SEM)29</b>
CORE COURSE 101	Law of Tort including MV Accident And Consumer Protection Laws	4	1	5	5
CORE COURSE 102	Criminal Law Paper – I (General Principles of Penal Law)	4	1	5	5
CORE COURSE 103	Criminal Law Paper – II (Specific Offences)	4	1	5	5
CORE COURSE 104	Law of Contract	4	1	5	5
CORE COURSE 105	Special Contract	4	1	5	5
FOUNDATION 106 F	Constitutional History of India	1	1	2	2
SOFT SKILL 107 K	Use of Law Journals and Legal Software	1	1	2	2

# **Semester – I**

## **Monsoon Semester**

### **CORE COURSE 101 : LAW OF TORT INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAWS**

#### **Objectives of the Course :**

With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings. Presently the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed economies.

In modern era of consumer concern of goods and services, the law of torts has an added significance with its forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislations and judicial decisions in India, so connected with the human right for a healthy life and environment, has now become a core subject to be taught as an indispensable part of a socially relevant curriculum. The provisions of the Motor Vehicles Act relating to payment of compensation in case of hit and run accidents and compulsory third party insurance are also included in this paper.

## **Syllabus :**

### **1. General Principles of Tort**

- 1.1 Tort : Definition, Distinction from Crime, Breach of Contract etc.,  
Nature, Scope and object of Tort, who may sue? Who may not  
be sued ?
- 1.2 Damnum sine Injuria, Injuria Sine Demnum
- 1.3 Volenti non fit Injuria, ubi jus ibi remedium
- 1.4 Vicarious Liability : Basis, scope, Justification, Different types
- 1.5 Extinguishment of Liability in Tort
- 1.6 Justification in Tort, defences to the defendants

### **2. Torts against person, property, Freedom & Reputation**

- 2.1 Trespass to person : Assault, Battery, Mayhem, False Imprisonment
- 2.2 Torts affecting Property (Movable & Immovable) : Trespass,  
Traspass ab initio etc.
- 2.3 Torts related to Reputation (Defamation) & personal relations
- 2.4 Torts affecting person & Property : Nuisance, Negligence, Fraud
- 2.5 Third party liability of owner under the Motor Vehicles Act

### **3. Principles of Liability in Torts and Legal Remedies**

- 3.1 Principle of Strict Liability : Ryland V. Fletcher case with exceptions
- 3.2 Principle of Absolute Liability : Bhopal Gas Disaster case and Shree  
Ram Food Gas Leakage case
- 3.3 Remoteness of damage – foresee ability and directness Injunction  
Specific restitution of property
- 3.4 Extra-legal remedies – self-help, re-entry on land, re-caption  
of goods, *distress damage feasant*

## **4. Concept of Consumer & Consumer Protection Act**

4.1 Consumer : Definition,

4.2 Services : Types of services, Deficiency- meaning,

4.3 Commercial & Professional Services, Medical Services

4.4 Denial of Services

4.5 Consumer Protection Councils

4.6 Consumer Disputes Redressal Agencies : District Forum, State  
Commission & National Commission, Judicial Review

### **Suggested Reading**

Salmond and Heuston – On the Law of Torts, Universal, Delhi

D.D. Basu. The Law of Torts, Kamal , Calcutta. D. M.

Gandhi Law of Torts Eastern, Lucknow

P.S. Achuthan Pillai, The Law of Torts, Eastern, Lucknow

Ratanlal & Dhirajlal.. The Law of Torts, Universal, Delhi.

Winfield and Jolowiz on Torts, Sweet and Maxwell, London.

Saraf, D. N. Law of Consumer Protection in India, Tripathi, Bombay.

Avtar Singh. The Law of Consumer Protection, Principles and Practice, Eastern  
Book Co. Lucknow.

J. N. Barowalia, Commentary on Consumer Protection Act, 1986, Universal  
Delhi.

P. K. Majumdar, The Law of Consumer Protection In India, Orient Publishing  
Co. New Delhi.

R.M. Vats, Consumer and the Law, Universal, Delhi. Winfield and  
Jolowiz on Torts , Sweet and Maxwell London.

Saraf, D. n. Law of Consumer Protection In India, Tripathi, Bombay.

Avtar Singh, The Law of Consumer Protection Principles and Practice, Eastern  
Book Co. Lucknow

J. N. Barowalia, Commentary on Consumer Protection Act, 1986, Universal  
Delhi.

P. K. Majundar. The law of Consumer Protection In India, Orient Publishing Co . New Delhi.

R. M. Vats, Consumer and the Law, Universal, Delhi. Motor Vehicles Act, 1988 : Eastern Book Company

A. P. Mathur's Law Relating to Motor Vehicles : Eastern Book Company  
(Revised by Justice G. C. Mathur(Retd.))

# **LL.B. Semester – I**

## **Core Course 102 : CRIMINAL LAW PAPER – I (GENERAL PRINCIPLES OF CRIMINAL LAW)**

### **Objective of the course :**

The Indian society has changed very rapidly since independence. A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development . If students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new perspectives.

### **SYLLABUS :**

#### **1. General :**

- 1.1 Conception of Crime, Stages of Crime, Mens Rea
- 1.2 Applicability of the Indian Penal Code : Intra-Territorial Jurisdiction and Extra-Territorial Jurisdiction
- 1.3 General Explanations : Public Servant, Wrongful Gain, Wrongful Loss, Valuable Security, Harbour
- 1.4 Group Liability
  - 1.4.1 Common Intention
  - 1.4.2 Criminal Conspiracy
- 1.5 Abetment

#### **2. Punishments**

- 2.1 Theories of punishment
- 2.2 Kinds of Punishment :

- 2.2.1 Death Sentence : Constitutionality & Judicial Approach
- 2.2.2 Life Imprisonment
- 2.2.3 Imprisonment : Simple and Rigorous, Solitary Confinement
- 2.2.4 Forfeiture of Property
- 2.2.5 Fine : Rules imposing fine
- 2.3 Discretion in awarding punishment

## **2. General Defenses :**

- 2.1 Mental Incapacity, Minority, involuntary intoxication and  
Insanity as a defence
- 2.2 Right of Private Defence : Justification and limits
- 2.3 When private defence extends to causing of death to protect body  
and property ?
- 2.4 Necessity
- 2.5 Mistake of facts

## **3. Offences Relating to Public Tranquility :**

- 3.1 Unlawful Assembly
- 3.2 Rioting
- 3.3 Affray
- 3.4 Common Object
- 3.5 Distinction between Common Object & Common Intention

## **4. Offences against State, giving of false evidence, etc. :**

- 4.1 Offences against State :
  - 4.1.1 Waging war against the Government of India etc.
  - 4.1.2 Sedition
- 4.2 Giving/fabricating false evidences : Offences & Punishment
- 4.3 Offences relating to election
- 4.4 Offences by or against Public Servants



**Suggested Reading :**

Kenny's Outlines of Criminal Law – Universal Law Publishing Co.

Russell on Crime – Universal Law Publishing Co. (2 Volumes)

K. D. Gaur, Criminal Law Cases and Materials, Butterworths, India

Ratanlal & Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur

K. D. Gaur, A text Book on the Indian Penal Code, Universal Delhi.

P. S. Achuthan Pillai, Criminal Law Eastern Book Co.,

B. M. Gandhi , Indian Penal Code, Eastern Book Co,

# **LL.B. Semester – I**

## **Core Course 103 : CRIMINAL LAW PAPER – II (SPECIFIC OFFENCES)**

### **SYLLABUS :**

#### **1. Offences against Human Body - I**

1.1 Culpable Homicide

1.2 Murder :

1.2.1 Ingredients and exceptions

1.2.2 Distinction between Culpable Homicide and Murder

1.3 When Culpable Homicide is Murder ?

1.4 Suicide : Attempt punishable as offence & its Constitutionality

#### **2. Offences against Human Body - II**

2.1 Hurt, Grievous Hurt

2.2 Criminal Force, Wrongful Restraint, Wrongful Confinement

2.3 Kidnapping : Types, Abduction

2.4 Causing death by rash or negligent Act

2.5 Death caused by consent of the deceased – euthanasia and surgical operation: Constitutionality

#### **3. Offences against Property**

3.1 Theft & Extortion, Robbery, Dacoity

3.2 Criminal Misappropriation, Criminal Breach of Trust, Mischief

3.3 Cheating : types, Forgery and Making false documents

3.4 Defamation : Exceptions

3.5 Criminal Intimidation, Attempt to commit offence

#### **4. Offences against Women**

- 4.1 Rape : Custodial Rape, Relevancy of Consent,
- 4.2 Intercourse by man with his wife : When Rape, Un-natural offence
- 4.3 Dowry Death, Cruelty by Husband or Relatives of Husband
- 4.4 Offences relating to marriage
- 4.5 Outraging modesty of woman

#### **Suggested Reading :**

- Kenny's Outlines of Criminal Law – Universal Law Publishing Co.  
Russell on Crime – Universal Law Publishing Co. (2 Volumes)  
K. D. Gaur, Criminal Law Cases and Materials, Butterworths, India  
Ratanlal & Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur  
K. D. Gaur, A text Book on the Indian Penal Code, Universal Delhi.  
P. S. Achuthan Pillai, Criminal Law Eastern Book Co.,  
B. M. Gandhi , Indian Penal Code, Eastern Book Co,

# **LL.B. Semester – I**

## **CORE COURSE 104 : LAW OF CONTRACT**

### **Objectives of the course:**

Every man in his day to day life from dawn to dusk makes a variety of contracts, Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognize this contract making power of person. This prompted Roscoe Pound to make his celebrated observation: "Wealth, in a commercial age, is made up largely of promises . In this sense India is also a "Promissory" Society.

The conferment and protection by the law of this contract making power of person gives them a considerable leeway to strike best bargain for the contract making person. In a way they are permitted to regulate and define their relations in a best possible manner they chose. However, the contours of contractual relations in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in an independent and developing Indian society. Whatever may be the nature of a given society, the contractual relations as are obtained in that society, are governed by certain principles which are more or less of a general and basic nature. In India these general principles are statutised in the form of the Indian Contract Act, 1972.

This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

## **SYLLABUS :**

### **1. General Principles of Law of contract :**

- 1.1 Agreement and contract definitions, elements and kinds  
Proposal, Communication and revocation – proposal and invitation for proposal – floating offers
- 1.2 Acceptance – their various forms, essential elements
- 1.3 Consideration –its need, meaning, kinds, essential elements
- 1.4 Capacity to Contract

### **2. Capacity to contract & Free Consent :**

- 2.1 Minor, Age of Majority, Nature of minor's agreement & effects thereof, Accessories supplied to a minor, Agreement beneficial and detrimental to a minor
- 2.2 Free consent –its need and definition, Effects of force, coercion & undue influence on contract
- 2.3 Mistake : definition – kinds- fundamental error mistake of law and of fact – their effects
- 2.4 Legality of objects :
  - 2.4.1 Unlawful Agreements: Kinds and effects thereof
  - 2.4.2 Void Agreements, Uncertain Agreements, Wagering Agreements, Illegal & Void Agreements

### **3. Discharge of Contract & Quasi-Contracts :**

- 3.1 Various modes of discharge of contract and effects thereof
- 3.2 Anticipatory Breach of Contract

- 3.3 Impossibility of performance – specific grounds of frustration – application to leases- theories of frustration – effect of frustration – frustration and restitution, by period of limitation
- 3.4 Rescission and alteration – their effect- remission and waiver of performance – extension of time – accord and satisfaction
- 3.5 Quasi-contracts or certain relations resembling those created by contracts, Quantum Meruit

#### **4. Specific Relief Act**

- 4.1 Persons against whom specific enforcement can be ordered
- 4.2 Rescission and cancellation
- 4.3 Injunction : Temporary and Perpetual
- 4.4 Declaratory orders
- 4.5 Discretion and power of court

#### **Suggested Reading**

- Beasten (Ed), Anson's Law of Contract
- P. S. Atiya, Introduction to the Law of Contract ( Claredon Law Series)
- Avtar Singh, Law of Contract, Eastern Lucknow
- G. C. Cheshire, and H. S. Fifoot and M. P. Formston Law Contract ELBS with Butterworths.
- M. Krishnan Nair, Law of Contract,
- G.H. Trinel , Law of Contract Sweet & Maxwell
- R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication
- Benerjee S.C. Law of Specific Relief, Universal
- Anson, Law of Contract, Universal
- Dutt on Contract, Universal
- Anand and Aiyer, Law of Specific Relief, Universal.

# **LL.B. Semester – I**

## **CORE COURSE 105 : SPECIAL CONTRACT**

### **Objectives of course :**

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

### **SYLLABUS :**

#### **1. Indemnity and Guarantee**

1.1 Indemnity : concept, Need for indemnity, definition

1.2 Methods of creating indemnity obligations

1.3 Commencement, Nature and extent of liability of the indemnifier

1.4 Situations of various type of indemnity creations,  
Documents/

agreements of indemnity, Nature of indemnity clauses

1.5 Guarantee : Concept, essentials for a valid guarantee contract

1.6 Rights & Liabilities of Surety

## **2. Bailment, Pledge and Agency :**

2.1 Bailment : Essential Features, Rights & duties of Bailor & Bailee

2.2 Pledge : Definition Rights and duties of Pawnee, who can pledge?

2.3 Agency :

2.3.1 Definition, Essentials, kinds of agents, creation of Agency

2.3.2 Relations of Principal and Agent : Rights and duties of Agent

2.3.3 Relations of Principal with Third Parties

2.3.4 Methods of termination of Agency Contract

2.3.5 Liabilities of Principal and Agent before and after termination  
of Agency Contract

## **3. Sale of Goods Act :**

3.1 Contract of sale : Concept, Essentials, Implied Terms

3.2 Rule of Caveat Emptor

3.3 Conditions and Warranties

3.4 Transfer of title and passing of risk

3.5 various rules regarding delivery of goods

3.6 Unpaid Seller and his rights

## **4. Partnership Act :**

4.1 Partnership : Nature, Scope, Definition, Kinds of Partnership

4.2 Rights and duties of Partners, Liabilities of Partners

4.3 Registration of Firm, Effect of non-Registration

4.4 Dissolution of firm and its effects

4.5 Liability of Partners under the Limited Liability Partnership Act

### **Suggested Reading**

Beasten (Ed), Anson's Law of Contract



P. S. Atiya, Introduction to the Law of Contract ( Claredon Law Series)  
Avtar Singh, Law of Contract, Eastern Lucknow  
G. C. Cheshire, and H. S. Fifoot and M. P. Formston Law Contract ELBS with  
Butterworths.  
M. Krishnan Nair, Law of Contract,  
G.H. Trinel , Law of Contract Sweet & Maxwell  
R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief  
Act, Butterworths Publication  
Benerjee S.C. Law of Specific Relief, Universal  
Anson, Law of Contract, Universal  
Dutt on Contract, Universal  
Anand and Aiyer, Law of Specific Relief, Universal.  
Pollok and Mulla, Partnership Act, Butterworths Publication  
Mulla on Sale of Goods Act

# **LL.B. Semester – I**

## **FOUNDATION 106 F CONSTITUTIONAL HISTORY OF INDIA**

### **1. Constitutional History of India**

- 1.1 Government of India Act, 1935 :
  - 1.1.1 Federal Government
  - 1.1.2 Federal Court
  - 1.1.3 Provincial Government
- 1.2 Round Table Conferences
- 1.3 The Cripps Mission, 1942
- 1.4 C. Rajagopalachari's Formula, 1944
- 1.5 Wavell Plan and Simla Conference, 1945

### **2. Important Constitutional Developments before framing of Constitution of India :**

- 2.1 Cabinet Mission
- 2.2 Attlee's Statement (1947)
- 2.3 Mountbatten Plan, 1947
- 2.4 Indian Independence Act, 1947 : Main Features

### **3. Committees to draft the Constitution of India**

- 3.1 Framing of the Constitution of India
- 3.2 Constituent Assembly, Chairman, members and their contribution,
- 3.2 Drafting Committee, Chairman, members and their contribution,
- 3.3 Final Draft and adoption of the Constitution of India

### **Suggested Reading**

D. D. Basu : Introduction to the Constitution of India

G. N. Singh : Landmark in Indian Constitutional & National Development

V. D. Kulshreshtha's Landmarks in Indian Legal & Constitutional History, Eastern Book Co.

J. N. Pandey : Constitutional Law of India

Keith : Constitutional History in India

M. P. Jain : Indian Constitutional Law

M. V. Pylee : Constitutional History of India

Shiva Rao : Framing of the Constitution of India (Vols. 1-4)

V. N. Shukla : Constitution of India

# **LL.B. Semester – I**

## **SOFT SKILL 107 K Use of Law Journals and Legal Software**

### **Objectives of the Course**

:

The purpose behind introduction of this course is to provide the law students basic information about various Indian and Foreign Law Journals and make them acquaint with the use thereof. An art to find out the judgments supporting a legal issue will be taught to the student. After having acquired basic knowledge, by continuous practice, students are expected to know how to read and interpret the judgments of court. In the era of ICT, knowledge of Legal Software and use thereof has become inevitable. In this course, with the theoretical background, the students will become familiar about the use of legal software and its application at the library or at the office of a law firm.

### **1. Requirements of Legal Journalism & Basic about Law Journals**

- 1.1 Code of Ethics of Legal Journalism (Adopted at the Stockholm Symposiums, 1991)
- 1.2 Legal Reasoning : meaning, nature application and Importance
- 1.3 Importance of Law Journals in the legal profession :
  - 1.3.1 Importance of Legal Articles
  - 1.3.2 Importance of criticism and analysis of judgments
- 1.4 Information about new Bills and Legislations from Law Journals

### **2. Use of Law Journals and importance thereof**

- 2.1 Format of Law Journals
- 2.2 Types of Law Journals
- 2.3 Art of finding relevant judgments from Law Journals
- 2.4 How to read a Judgment : Significance of Minority and Majority views

### **3. Legal Software : General Information and use :**

#### 3.1 Various types of Legal Softwares :

3.1.1 General Information about Legal Software

3.1.2 Characteristics and features of various Legal Software

3.1.3 Legal Software : Operating System, Utility Programme, upgradation  
& Installation

3.1.4 Various Options available for searching judgments from Legal  
Software

3.1.5 Options to find out relied and overruled judgments from legal  
software

#### 3.2 Court Cases :

3.2.1 Commenting and Reporting of Judgments

3.2.2 Crime Reporting

**Note : While teaching the subject, the college may select any one of the various well known legal software for providing the information to the students.**

### **Suggested Reading**

Nandan Kamath :- Law Relating to Computers and Internet, Universal Law Publishing Co.

Allan M. Gahten :- Internet : Law and Legal Profession

Kant D. Stuckey :- Internet and online law

Michoel D. Rostoker :- Computer Jurisprudence and Legal Responses to the  
Information  
Revolution

Rega Rao :- Use of computer, Interned for Law students & Legal Profession (Asia  
Law Book House, Hyderabad)

Baxi Upendra :- Legal Education in 21<sup>st</sup> Century

# **THREE YEARS' LL.B. PROGRAMME**

## **LL. B. Semester – II**

PER WEEK	SUBJECTS	LECTURES	OTHERS	TOTAL	CREDITS (SEM)29
CORE COURSE 108	Constitutional Law Paper – I	4	1	5	5
CORE COURSE 109	Constitutional Law Paper – II	4	1	5	5
CORE COURSE 110	Company Law	4	1	5	5
CORE COURSE 111	Environmental Law	4	1	5	5
CORE COURSE 112	Property Law	4	1	5	5
FOUNDATION 113 F	Principles of Political Science & Theory	1	1	2	2
SOFT SKILL 114 K	Use of Internet in Legal Education	1	1	2	2

# **LL.B. Semester – II**

## **CORE COURSE 108      CONSTITUTIONAL LAW- I**

### **OBJECTIVES:**

India is a democracy and her Constitution embodies the main principles of the democratic government – how it comes into being, what are its powers, functions, responsibilities and obligations how power is limited and distributed. Whatever might have been the original power base of the construction today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence of the Constitution.

The purpose of teaching constitutional law is highlight its never ending growth. Constitutional interpretation is bound to be influenced by one's social, economic and political predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why significant interrelation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law.

Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are, and are to be interpreted progressively.

## **SYLLABUS :**

### **1. Preamble of the Constitution :**

- 1.1 Preamble : purpose, objectives importance
- 1.2 Preamble – Whether a part of the Constitution, Application of Basic
  - Structure Theory to the Preamble
- 1.3 Amendment made in the Preamble : Effects thereof
- 1.4 Use of Preamble in Interpretation of Constitutional Provisions
- 1.5 Salient Features of the Constitution of India

### **2. Fundamental Rights - I :**

- 2.1 Concept of “State” under Article 12 and judicial approach, Meaning of Law under Article 13
- 2.2 Right to equality and protective discrimination
- 2.3 Freedoms guaranteed to citizens of India under Article 19 and reasonable restrictions
- 2.4 Right of Self-incrimination and Principle of Double Jeopardy
- 2.5 Constitutional Remedy for the enforcement of Fundamental Rights (Writ remedies under Articles 32, Distinction from writs under Article 226)

### **3. Fundamental Rights - II**

- 3.1 Right to life and personal liberty, due process of law (Article 21)
- 3.2 Safeguards against arbitrary Arrest and Detention
- 3.3 Right to Freedom of Religion & Secularism
- 3.4 Right to Education
- 3.5 Cultural and Educational Rights : Articles 29 & 30



#### **4. Directive Principles of State Policy and Fundamental Duties :**

- 4.1 Directive Principles : Nature, ideals, Distinction from Fundamental Rights & Inter-relationship with fundamental rights
- 4.2 Non-enforceability of Directive Principles before the court
- 4.3 Classification of Directive Principles, Uniform Civil Code
- 4.4 Reading Directive Principles into Fundamental Rights
- 4.5 Fundamental Duties

#### **SUGGESTED READING :**

Constitutional Law of India : D. D. Basu

Introduction to the Constitution of India D.D.

Basu Shorter Constitution of India : Durga Das

Basu Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitutional Law of India (Vol. 1-3) : H. M. Seervai

Constitutional law of India : P. M. Baxi

Introduction to the Constitutional Law of India : Narendra Kumar, Allahabad Law Agency

# **LL.B. Semester – II**

## **CORE COURSE 109      CONSTITUTIONAL LAW- II**

### **1. Executive, Legislature and Judiciary :**

- 1.1 Union Executive : President, Prime Minister, their qualifications, position of the President vis-à-vis Prime Minister
- 1.2 State Executive : Governor, Chief Minister, Powers, Council of Ministers
- 1.3 Union Legislature : Composition of Parliament, Lok Sabha, Rajya Sabha, Qualifications and disqualifications of the Member of Parliament, Schedule X, Speaker, Dy. Speaker, Procedure for passing Ordinary Bill & Money Bill, Joint Session of House
- 1.4 State Legislature : Composition of House, Qualifications and disqualifications of MLAs
- 1.5 Union Judiciary : Supreme Court Judges & Chief Justice : Procedure for appointment and removal, qualifications, Jurisdiction of SC : Original, Appellate, Advisory, Article 141, 142
- 1.6 State Judiciary : Appointment, Transfer and removal procedure of High Court Judges and Chief Justice of High Court, Jurisdiction of High Courts, Writs

### **2. Amendment of the Constitution :**

- 2.1 Procedure to amend the Constitution under Article 368
- 2.2 Limited power of the Parliament to amend the provisions of the Constitution
- 2.3 Judicial Pronouncements of the Supreme Court and relevant Constitutional Amendments
- 2.4 Basic Structure Doctrine

### **3. Emergency provisions :**

- 3.1 National Emergency : Grounds, Effects of proclamation of Emergency : Suspension of Fundamental Rights during Emergency, Revocation of Emergency
- 3.2 Emergency due to failure of Constitutional Machinery in States : Grounds
- 3.3 Report of Sarkaria Commission, Guidelines of S. R. Bommai's case
- 3.4 Financial Emergency

### **4. Miscellaneous**

- 4.1 Article 31-B & Schedule IX, Doctrine of Pleasure, Constitutional safeguards to Civil Servants, Attorney General, Advocate General, Chief Election Commissioner, Official Language
- 4.2 Freedom of Trade, Commerce and Intercourse
- 4.3 Special provisions relating to Jammu and Kashmir
- 4.4 Relations between Union and State : Legislative, Administrative and Financial, Schedule VII
- 4.5 Consolidated funds, Contingency Funds, CAG, Public Service Commission

### **SUGGESTED READING :**

Constitutional Law of India : D. D. Basu

Introduction to the Constitution of India : D. D.

Basu Shorter Constitution of India : Durga Das

Basu Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitutional Law of India : H. M. Seervai

Constitutional Law of India : P. M. Baxi

Introduction to the Constitutional Law of India : Narendra Kumar, Allahabad Law Agency

# **LL.B. Semester – II**

## **CORE COURSE 110    COMPANY LAW**

### **OBJECTIVES:**

Industrialization plays a very vital role in the economic development of India. In the post Independence era industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risk.. hence taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

### **Syllabus :**

#### **1. Introduction, Memorandum & Article of Association :**

- 1.1 Company : Definition, Theories of Corporate personality
- 1.2 Kinds of Companies : Private Companies – nature and advantages – Government Companies- holding and subsidiary companies
- 1.3 Registration and Incorporation of company
- 1.4 Memorandum of Association, Various clauses, Alteration therein, Doctrine of ultra virus, Consequences of ultra virus transaction
- 1.5 Articles of Association : binding force, alteration, its relation with Memorandum, doctrine of constructive notice and indoor management

## **2. Prospectus, Promoters, Shares, Share holder & Members, Share Capital etc.**

- 2.1 Prospectus : contents, Shelf Prospectus, Misrepresentation in prospectus, Remedies for misrepresentation and liabilities thereof
- 2.2 Promoters, Shares : General Principles for allotment, statutory restrictions, Share Certificates, Transfer of shares, dematerialized shares (DEMAT)
- 2.3 Shareholder and members of company : Distinction, Modes of becoming members of company
- 2.4 Share Capital : Kinds, alteration and reduction of share capital, Buy-back of shares

## **3. Directors, Dividends, Audit, Accounts, Oppression & Mismanagement etc.**

- 3.1 Directors : Position, appointment, qualifications, vacation of office, removal, resignation, powers and duties of directors, Managing Director
- 3.2 Dividends, Audits and accounts, Debentures, Fixed and floating charges, kinds of debentures, protection of minority rights
- 3.3 Prevention of Oppression and Mismanagement

## **4. Provisions for Reconstruction, Amalgamation & Winding up of company :**

- 4.1 Reconstruction and Amalgamation of Company
- 4.2 Types of winding up :Winding up by court : Reasons, grounds, who can apply? Procedure, powers of liquidator, powers of court
- 4.3 Voluntary Winding Up
- 4.4 Corporate liability : Civil and Criminal

**SUGGESTED READING :**

Avtar Singh, Introduction to Company Law, Eastern Book Co., Lucknow

Avtar Singh, Company Law, Eastern Book Co.

L.C.B. Gower, Principles of Modern Company Law, Sweet and Maxwell, London

Palmer, Palmer's Company Law, Stevens, London R.R.

Pennington, Company Law, Butterworths.

A.Ramaiya, Guide to the Companies Act, Wadhva

S.M. Shah, Lectures on Company Law, Tripathi, Bombay.

Kailas Rai : Company Law, Allahabad Law Agency

Shah S. M., Lectures on Company Law

N. D. Kapoor & G. K. Kapoor, Company Law, Sultan Chand & Sons Law Pub., New Delhi.

# **LL.B. Semester – II**

## **CORE COURSE 111      ENVIRONMENTAL LAW**

**(Including laws for Protection of wild life and other living creatures including animal welfare)**

### **Syllabus :**

#### **1. Environment & Environmental Pollution**

- 1.1 Environment : Meaning, Types : Natural & Man-made Environment
- 1.2 Eco System, Balance of Ecology
- 1.3 Environmental Pollution : Meaning, causes, Factors & Effects of Environmental Pollution
- 1.4 Types of Environmental Pollution : Air, Water and Noise Pollution

#### **2. Environment Protection : International Scenario & Constitutional Remedies :**

- 2.1 International Scenario : Stockholm Conference, Rio de' Janeiro Conference Sustainable Development
- 2.2 Constitutional perspectives for protection of Environment : Article 21, 48-A, 51-A(g), 32 and 226 42<sup>nd</sup> Constitutional Amendment
- 2.3 Contribution of Judiciary in Environment Protection through PILs, relevant decisions of the Supreme Court
- 2.4 Public Trust Doctrine, Polluter Pays Principle

#### **3. Legislations for the protection of Environment :**

- 3.1 Offences, Remedies and Procedure for prevention of Water Pollution under the Water (Prevention and Control of Pollution) Act, 1974
- 3.2 Offences, Remedies and Procedure for prevention of Air Pollution under the

Air (Prevention and Control of Pollution) Act, 1981

3.3 Environment (Protection) Act, 1986 : Need to enact this legislation, Powers of the Central Government, Provisions for Prevention, Control and Abatement of Environmental Pollution : Offences & Punishment

3.4 Special provisions relating to Hazardous Process : Chapter IV-A of the Factories Act, 1948

3.5 Criminal Procedure Code : Public Nuisance – Sec. 133-143

#### **4. Miscellaneous :**

4.1 Public Liability Insurance Act, 1991 : Liabilities of owners, Compulsory Insurance & Procedure for payment of compensation,

4.2 Wild Life (Protection) Act, 1972 : Authorities : Hunting of Wild Animals, Protected Areas, Offences

4.3 Forest Act, 1927 : Reserved Forests, Centuries, Powers of Forest Officer

4.4 National Environmental Tribunals Act : Functions, Jurisdiction

4.5 Prevention of Cruelty to the Animals Act : Objects & main features

#### **SUGGESTED READING :**

The Water (Prevention and Control of Pollution) Act, 1974

The Air (Prevention and Control of Pollution) Act, 1981

The Environment (Protection) Act, 1986

The National Environment Tribunal Act, 1995

The Public Liability Insurance Act, 1991

The Factories Act -1948 (Cpat. IV-A)

Environmental Law and Policy in India by Armin Rusencranz, Syam Divan Tripathi Publication

Lal's Commentaries on Water, Air Pollution and Environment (Protection) Laws by Law Publishers (India) Pvt. Ltd.

Environmental Law in India by Jain and Jain (Idnore Law House)

Environmental Law by Prof. S. C. Shastri, Eastern Book Co.

Environment Law by Sumeet Malik, Edition, Eastern Book Co.



Aarmin Rosencranz, et. Al. (eds.) Environmental Law and Policy an India, Oxford

R.B. Singh & Suresh Misra, Environmental law in India Concept Publishing Co. New Delhi.

Kailash Thakur, Environmental Protection Law and Policy in India, Deep & Deep Publications, New Delhi.

Richard L . Riverz, Et. Al. (eds. ) Environmental law, the Economy and Sustainable Development, Cambridge.

Christopher D. Stone, Should Trees Have standing and other Essays on Law, Morals and the Environment, Oceana.

Leelakrishanan, P. Et. Al. (eds.) Law and Environment, Eastern, Lucknow.

Leelakrishnan, P. The Environmental Law in India, Butterworths- India

Department of science and Technology, Government of India, Report of the committee for recommending legislative Measures and Administrative Machinery for Ensuring Environmental Protection, (Tiwari Committee Report)

Indian Journal of Public Administration, Specvial Number on Environment and Administration, July-September, 1988 Vol., XXXV No.3 PP 353-801 .

Centre for Science and Environment . The State of India's Environment 1982, the State of India, Environment 1984-85and the State of Indian Environment 1999-2000.

# **LL.B. Semester – II**

## **CORE COURSE 112      Property Law**

### **OBJECTIVES OF THE COURSE :**

The course on property conventionally deals with the Transfer of Property Act, 1882. More than a Century has elapsed since the passing of the Act and far-reaching changes have occurred in the field in property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the rule against perpetuities find a place in the Act, the post , independence development relating to control and use of agricultural land do not find a place. The obsolescence of the Transfer of Property Act, can be best illustrated by citing the provisions relating to leases on unmovable properties.

### **Syllabus :**

#### **1. General Principles of Transfer of Property - I**

- 1.1 Kinds of property : Movable, Immovable, Tangible and non-tangible property, Intellectual Property
- 1.2 Which properties may be transferred ? – Competency of person to transfer : Transfer for the benefit of unborn child
- 1.3 Rule against perpetuity
- 1.4 Vested Interest and Contingent Interest

#### **2. General Principles of Transfer of Property – II**

- 2.1 Doctrine of Election
- 2.2 Lis Pendens : Principle, Salient Features, application in India, Essential Requirements, Exceptions
- 2.3 Fraudulent Transfer : Essential Requirements, Exceptions
- 2.4 Doctrine of Part-performance : Essentials and Exceptions

### **3. Specific Transfers**

- 3.1 Sale : Essentials, Rights & Liabilities of Buyer and Seller
- 3.2 Mortgage & Charge : Definition, Kinds of Mortgage, Rights & Liabilities of Mortgager – Mortgagee, Redemption-Clog on Redemption
- 3.3 Lease : Definition, Essentials, Rights & Liabilities of Lessor and Lessee
- 3.4 Gift : Definition, Essential requirements, Kinds of Gift, Onerous Gifts, Universal Donee, Exchange : Definition & Features
- 3.5 Actionable Claim : Definition & transfer of Actionable Claims

### **4. Easements :**

- 4.1 Easements : Meaning, Nature, Essentials and Characteristics
- 4.2 Kinds of Easements, Incidents of Easements, Creation of Easement
- 4.3 Various Easementary Rights :Right of Way, Right of Air, Right of support, Right of water etc.
- 4.4 Extinction, Suspension and Revival of Easements,
- 4.5 Licences : Meaning, elements, Grant and Revocation of Licences

### **SUGGESTED READING :**

- Mulla, Transfer of Property Act, Universal Delhi
- Subbarao, Transfer of Property Act, C. Subbiah Chetty, Madras
- B. Sivaramayya, The equalities and the Law, Eastern Book Co. Lucknow.
- P.C. Sen. The General Principles of Hindu, Jurisprudence (reprint) Allahabad Law Agency.
- B.H. Baden- Powell, Land Systems of British India, Vol. 1 to 3 (1892), Oxford V. P. Sarthy, Transfer of Property, Eastern Book Company, Lucknow. Vepa P. Sarathi : Law of Transfer of Property, Eastern Book Company T. R. Desai : The Indian Easements Act, 1982
- B. B. Katiyar : Easements and Licences, Universal Law Publishing Co.
- Sanjiva Row : The Indian Easements Act
- K. Joshi : Easements and Licences Peacock : The Law relating to Easements

# **LL.B. Semester – II**

## **FOUNDATION 113 F PRINCIPLES OF POLITICAL SCIENCE & THEORY**

### **Syllabus :**

#### **1. Concept of Citizenship and Federalism :**

- 1.1 Citizenship : Definition under the Constitution of India
- 1.2 State-Citizen : Inter-relationship, Rights-Duties towards each other
- 1.3 Federalism : True Federalism and Quasi-Federalism – meaning, distinction, Merits & Demerits of Quasi Federalism

#### **2. Meaning of “State” under Article 12 and its Significance :**

- 2.1 Definition of “State” under Article 12 of the Constitution of India
- 2.2 Changing notion of “State” under Article 12 of the Constitution of India through Judicial Pronouncements
- 2.3 Change of trend in the Definition of State in the era of Liberalization
- 2.4 Change in the Judicial Trend in interpreting the definition of State after the year 2002

#### **3. Democratic Systems and Constitutional Doctrines :**

- 3.1 Democracy : Parliamentary Democratic System vis-à-vis Presidential Democratic System, Merits & Demerits
- 3.2 Doctrine of Separation of Powers : Legislature, Judiciary & Executive
- 3.3 Doctrine of Eclipse : Application and Importance
- 3.4 Doctrine of Waiver of Fundamental Rights : Circumstances

## **SUGGESTED READING :**

L. S. Rathore & S.A.H. Haqqi : Principles of Political Theory and Organisation, Eastern Book Co.

Gilchrist, R. N. : Principles of Political Science

Laski, Harold J. : The State in Theory &

Practice Fairlie J. A. : Separation of Powers

Lindsay A. D. : Essentials of Democracy

Constitutional Law of India : D. D. Basu

Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitution of India : P. M. Baxi

Constitution of India : Kailas Rai

# **LL.B. Semester – II**

## **SOFT SKILL 114 K USE OF INTERNET IN LEGAL EDUCATION**

### **Objectives of course :**

In the era of computer technology, Internet and Web World, it becomes very essential for a law student to equip himself for the maximum use of the ICT technology to upgrade his legal knowledge. The use of ICT, not only gives speedy information but it is useful to compare the legal position, legislative approach and view of judiciary prevailing in India as well as in different countries. For the above purpose, basic theoretical knowledge about the utilization of internet, search engines and different web sites etc. for legal knowledge is must. This course will be taught in the form of theoretical information in order to give the proper guidance to the law students for effective and maximum use of the ICT.

### **Syllabus :**

#### **1. Theoretical Knowledge about Internet use in Legal Education :**

1.1 Law Related Websites : Basic knowledge, Kinds and importance

1.2 Selection of Law Related Websites :

1.2.1 For finding out International Conventions & Treaties

1.2.2 For knowing legal situation in other countries

1.2.3 For finding out Indian Legislations

1.2.4 For searching Judgments of various courts & comments there upon

## **2. Application of ICT in Legal Field :**

- 2.1 Search Engines & Websites : Use for legal education purpose
- 2.2 Use of Law related Internet Sites : Knowledge about pdf & ppt files
- 2.3 Use of Internet for searching Head-notes, Cases & Legal Articles

## **3. Use of ICT : Finding the status of cases & Legal Profession Office Management :**

- 3.1 Knowledge of status of cases pending before High Courts and Supreme Court through Internet
- 3.2 Legal Profession Office Management through Internet : for knowing the case- list of the next day, to know about the business allotted to the judges etc.

### **Suggested Reading**

Prof. R. P. SAoni, Harshal Arolkar & Dr. Sonal Jain, Working with Personal Computer Software, Wiley-India Pvt. Ltd., New Delhi

Nandan Kamath :- Law Relating to Computers and Internet, Universal Law Publishing Co.

Allan M. Gahten :- Internet : Law and Legal Profession

Kant D. Stuckey :- Internet and online law

Michael D. Rostoker :- Computer Jurisprudence and Legal Responses to the Information Revolution

Rega Rao :- Use of computer, Interned for Law students & Legal Profession (Asia Law Book House, Hyderabad)

Baxi Upendra :- Legal Education in 21<sup>st</sup> Century

# LL.B. Semester – III

LL.B. - SEMESTER III						Marks		
PER WEEK	SUBJECTS	Per Week			CREDITS (SEM)29	Int.	Ext.	Total
		LECTURES	OTHERS	TOTAL				
CORE COURSE 201	Family Law - I	4	1	5	5	30	70	100
CORE COURSE 202	Labour & Industrial Law - I	4	1	5	5	30	70	100
CORE COURSE 203	Principles of Taxation Law	4	1	5	5	30	70	100
CORE COURSE 204	Administrative Law	4	1	5	5	30	70	100
CORE COURSE 205	Public International Law	4	1	5	5	30	70	100
FOUNDATION 206 F	Principles of Equity	1	1	2	2	100	--	100
SOFT SKILL 207 K	Legal Terms, Phrases & Maxims	1	1	2	2	100	--	100



# **LL.B. Semester – III**

## **CORE COURSE 201      Family LAW – I**

### **OBJECTIVE OF THE COURSE:**

The course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal law based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

### **SYLLABUS :**

#### **1.      General :**

1.1 Concept of Family and Development of Family System,

Types of Family

1.2 Sources of Family Law

1.3 Schools of Family Law

1.4 Uniform Civil Code : Concept, reasons, Need to enact, problems, relevant Constitutional provisions, Judicial pronouncements

## **2. MARRIAGE ;**

- 2.1 Concept of Marriage, Essentials of valid Marriage under Different laws- Hindu, Muslim, Parsi, Christian laws and Special Marriage Act,
- 2.2 Emerging concepts : Maitri Sambandh (Live in Relationship) and divided home
- 2.3 Regular, irregular and void marriages under different family laws and effects thereof
- 2.4 Iddat and its types under Muslim Law
- 2.5 State Regulations over customary practices like Polygamy, Concubine, Child Marriage, Dowry, Sati System etc. by different legislations
- 2.6 Guardianship in Marriage (Jabar) and option of puberty under Muslim law

## **3. MATRIMONIAL DISPUTES AND REMEDIES :**

- 3.1 Non-judicial resolution of marital conflicts.
- 3.2 Matrimonial Remedies : Restitution of Conjugal Rights, Judicial Separation and Dissolution of Marriage
- 3.3 Dissolution of Marriage ;
  - 3.3.1 Customary dissolution of marriage
  - 3.3.2 Unilateral divorce
  - 3.3.3 Divorce by mutual consent
  - 3.3.4 Other modes of dissolution of marriage like cruelty, desertion, adultery etc.

3.4 Emerging concept : Irretrievably breakdown Theory for granting divorce and Judicial pronouncements

3.5 Divorce under Muslim personal law –

3.5.1 Talak and its kinds, Talaq-e-tafweez, Kinds of divorce

3.5.2 Grounds for Divorce under the Dissolution of Muslim Marriages Act, 1939

3.6 Re-marriage under different Family Laws

Judicial resolution of marital conflicts: the family court

#### **4. GUARDIANSHIP, ADOPTION, ALIMONY AND MAINTENANCE:**

4.1 Guardianship under different family laws

4.2 Provisions for adoption under various family laws and CARA Guidelines for Adoption

4.3 Maintenance and alimony under the Criminal Procedure Code and various Family Laws:

4.3.1 Maintenance of neglected wives and divorced wives

4.3.2 Maintenance of children : disabled, legitimate and illegitimate

4.3.3 Maintenance of Parents and Grand Parents

4.3.4 Alimony and maintenance as an independent remedy: a review under different personal laws - need for reforming the law, Alimony and maintenance as an ancillary relief

4.3.5 Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act, 1986: a critical review,

Judicial pronouncement on the issue : Shah Banoo's case and Ismail Faruki's case

### **Suggested Reading :**

Paras Diwan, Law of Interstate and Testamentary Succession, Universal

Basu, N.D. Law of Succession, Universal

Kusern, Marriage and Divorce Law Manual, Universal

Machanda S. C. Law and Practice of Divorce in India, Universal

P.V. Kane, History of Dharmasastras Vol.2 Pl.1 at 624-632

A. Kuppuswami (ed) Mayne's Hindu Law and Usage Ch.4

B. Sivaramayys, Inequalities and the Law

K.C. Daiya, "Population control through family planning in India" Indian Journal of Legal Studies,

J.D.M. Derrett, Hindu Law Past and Present

J.D.M. Death of Marriage Law

A.A.A. Fyzee, Outline of Muhammadan Law, Alladi Kuppuswami, Mayne's Hindu Law and Usage J.D.M. Derret, A Critique of Modern Hindu Law

Paras Diwan, Hindu Law

# **LL.B. Semester – III**

## **CORE COURSE : 202 LABOUR AND INDUSTRIAL LAW – I**

### **OBJECTIVES OF THE COURSE :**

Protection of labour is a constitutional mandate. A constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is factor of national progress. Labour makes significant contribution in this respect.

Is labour merely a commodity? Is it only a factor in production? There may be different approaches towards this question. One fact is certain. 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 aim on the societal impulses on, and state reactions to the complex social-economic, human and political problems arising out of the constant conflicts between different classes.

The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence.

In order to meet with the above objectives important Labour Laws are divided into two courses to be studied in Sem. III and IV respectively.

## **SYLLABUS**

### **1. The Industrial Disputes Act, 1947 :**

- 1.1 Scope, objects and main features of the Act, Definitions : Industry, Industrial Dispute (Individual and Collective), Workman etc. and Judicial Pronouncements
- 1.2 Authorities under the Act : Works Committee, Conciliation Officer, Boards of conciliation, Courts of Inquiry, Labour Court, Tribunals
- 1.3 Procedure, powers and duties of the Authorities
- 1.4 Strikes and Lock-outs, Lay-off and Retrenchment
- 1.5 Unfair Labour Practices

### **2. The Industrial Employment (Standing Orders) Act, 1946**

- 2.1 Application of the Act
- 2.2 Standing Orders. Model Standing Orders,
- 2.3 Certification and Cancellation of Standing Orders
- 2.4 Provisions of Appeal
- 2.5 Disciplinary Procedures : Departmental Enquiries

### **3. Trade Unions Act, 1926**

- 3.1 History and Development of Trade Unionism in India
- 3.2 Registration of Trade Union : Procedure
- 3.3 Rights and Liabilities of Registered Trade Unions
- 3.4 Privileges of Registered Trade Unions

### **4. Gujarat Industrial Relations Act (former BIR Act) & Collective Bargaining :**

- 4.1 Important definitions : Industry, Workman, Employee, Wage Board,
- 4.2 Classification of Unions : Primary Union, Qualified Union, Representative Union
- 4.3 Rights, duties and privileges of the Representative Union
- 4.4 Notice of Change
- 4.5 Concept and importance of Principle of Collective Bargaining

## **Suggested Reading :**

John Bowers and Simon Honeyball, Text Book on Labour Law, Blackstone, London.

Srivastava K. D. Commentaries on payment of Wages Act, 1936, Eastern, Lucknow.

Srivastava K. D. Commentaries on Minimum Wages Act, 1948, Eastern, Lucknow.

Rao S. B. Law and Practice on Minimum Wage, Law Publishing House, Allahabad.

Sheth D. D. Commentaries on industrial Disputes Act, 1947, Law Publishing House, Allahabad.

Srivastava K. D. Disciplinary Action against Industrial Employees and its Remedies, Eastern, Lucknow.

Srivastava K. D. Commentaries on Factories Act, 1948, Eastern, Lucknow.

R. C. Saxena, Labour Problems and Social Welfare Chapter 1.5 and V. V. Giri, Labour Problems in Indian Industry Chs. 1 and 15

Indian Law Institute, Labour Law and Labour Relation, Cochin University law Review, Vol. 6 app. 153-210

Report of the National Commission on Labour Ch. 14-17, 22, 23, and 24

O. P. Malhotra, The Law of Industrial Dispute, Universal, Delhi.

S.C. Srivastava, Social Security and Labour Laws, Universal Delhi.

S.C. Srivastava, Commentary on the Factories Act, 1948, Universal, Delhi.

# **LL.B. Semester – III**

## **CORE COURSE 203      PRINCIPLES OF TAXATION LAW**

### **OBJECTIVES OF THE COURSE :**

Power to tax had been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax. Is this true ? is not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be conferred on the state ? The power to tax shall not go unregulated . In the context of a federal structure the distribution of the taxing powers assumes added significance. Obviously, a study of the constitutional framework on taxation becomes important. Along with this, an analysis of the different laws enacted in exercise o these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the States.

### **SYLLABUS :**

- 1. Income Tax Act (15 Marks)**
- 2. Income Tax Act (15 Marks)**
- 3. Gujarat Value Added Tax (VAT) (15 Marks)**
- 4. Central Sales Tax Act (15 Marks)**
- 5. Wealth Tax Act (10 Marks)**



## **STATUTORY MATERIALS :**

1. Income Tax Act
2. Central Sales Tax Act, 1965
3. Value Added Tax Act, 2003
4. Wealth Tax Act, 1957.

Chapters : 1,2,3,4,5,6 and 8 only  
Sections 35 and 43.

## **Suggested Reading :**

Ramesh Sharma, Supreme Court on Direct Taxes, Bharath Law House, New Delhi.

Sampath Lyengar, Law of Income Tax, Bharath Law House, New Delhi

Diwan B. K. and Sanjay Mehtani, Formation, Taxation, and Assessment Charitable and Religious Trusts, Bharath law House, New Delhi.

Kanga and Palkiwala. The Law and Practice of Income Tax, Wadha, Nagpur

K. Parameswaran, Power of Taxation under the Constitution , Eastern Lucknow

V. Ramachandran & T.A. Ramakrishnan (eds) A. N. Aiyar's Indian Tax Laws, Company Law Institute of India Pvt. Ltd. Chennai.

S. Bhattacharya & H. R. . Garg, Hbandbook of Direct Taxes. Eastern Law House, Calcutta.

C.A. Gularickar, Law and Practice of Wealth Tax and Valuation, Gularikar, Mumbai.

Walter R. Mahler, Sales and Excise Taxation in India, Orient Longman, Delhi.

R.V. Pattel. The Central Sales Tax Act, Thripathi Bombay.

S.D. Singh, Principles of Law of Sales Tax, Eastern, Lucknow.

Harish N. Shah : The Gujarat Vat Manual, SBD Publication

Sanjeev Malhotra : Practice Procedures & Conveyancing undge VAT & CST : Bharat Publication

# **LL.B. Semester – III**

## **CORE COURSE 204      ADMINISTRATIVE LAW**

### **OBJECTIVES OF THE COURSE :**

The modern state governs in the traditional sense, that is maintains law and order, adjudicates upon disputes and regulates economic and social life of individuals and group in the state. At the same time it is also the provider of essential service. In the event of need occasioned by unforeseen hazards of life in a complex society, it engages itself in giving relief and helps the citizenry towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution on authority of numerous state functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs in an age of science and technology . The aggregate of such functionaries is an essential component of modern administration.

A formidable body of law has come into existence for the purpose of exercising control over administration. For long administrative lawyers have primarily been concerned with such matters as excess or abuse of power, mal administration and abuse of discretion. However, in recent years there has been a shift in emphasis from finding what the administration may not do to what it must do. The courts in Indian, no doubt, strike down administrative acts which are ultra vires or in violation of procedural norms however, not much has so far been achieved in compelling the administration to perform statutory duties, though a beginning has been made in respect of matters relating to fundamental human liberties, Most of the statutory duties imposed on administrative agencies or authorities remain largely in the realm of discretion.

A course on administrative law must, therefore, lay emphasis on understanding the structure and modus operandi of administration. It must take note of developmental perspectives and attainment of social welfare objectives through bureaucratic process. It should go into matter, which facilitate or hinder the attainment of these objectives.

Though in the matter of protection of rights of individual against administration the role of courts can not be minimized, it is no less important to know the advantages of informal methods of settlement. Many new methods of grievance redressal have been devised which are not only efficacious but also inexpensive and less time consuming. Remedies available for administrative deviance need a critical study and evaluation in the context of realities.

## **SYLLABUS :**

### **1. Introduction and Basic Constitutional Principles :**

- 1.1 Administrative Law : Definition, Nature, Scope Reasons for its growth
- 1.2 Development of Administrative Law, its relation with Constitutional law
- 1.3 Basic Constitutional Principles :
  - 1.3.1 Rule of Law
  - 1.3.2 Doctrine of Separation of Powers
  - 1.3.3 Principles of Natural Justice, relevant statutory provisions, Natural Justice Principle as accepted in India, Judicial approach and important cases
- 1.4 Classification of Administrative actions, Administrative functions, Judicial Functions and Quasi-Judicial functions

### **2. Delegated Legislation and Quasi-Judicial Functions :**

- 2.1 Delegated Legislation : Definition, Reasons of its growth
- 2.2 Delegated Legislation in USA and in India
- 2.3 Functions which can be and cannot be delegated, Conditional Legislation, Sub-delegation, General Principles for delegated legislations
- 2.4 Controls and Safeguards over Delegated Legislation : Purpose
- 2.5 Judicial, Legislative and other controls over Delegated Legislation
- 2.6 Quasi-judicial functions : Definition, distinction from Administrative functions

### **3. Judicial Review of Administrative Discretion and Remedies :**

3.1 Administrative Discretion, Judicial Review Definition

3.2 Judicial Review of Administrative Discretion :

3.2.1 Failure to exercise discretion

3.2.2 Excess or abuse of discretion

3.3 Judicial and other remedies :

3.3.1 Writ remedies, Kinds of writs, jurisdiction, powers, against whom writ to be issued, relevant constitutional provisions

3.3.2 Statutory remedies : Civil Suits, Appeals to Courts, Appeal to tribunals, Appeal before the Supreme Court, SLP, Public Interest Litigation

3.3.3 Other remedies like Council de Etat, Ombudsman, Lokpal & Lokayukt, self- help etc.

3.4 Administrative Tribunals : Definition, Origin, Nature, Scope, reasons for its growth,

3.5 Characteristics of Administrative Tribunals, Distinction from courts, Kinds of Administrative Tribunals, relevant Constitutional provisions and amendments-effects thereof, Important judicial pronouncements : Case of Sampat Kumar, L. Chandrakumar

### **4. Miscellaneous :**

4.1 Liability of the Government

4.1.1 Contractual Liability

4.1.2 Tortious liability, Doctrine of Estoppel, Crown Privilege

4.2 Public Corporations : Definition, characteristics, classification and working

4.3 Rights and liabilities of Public Corporations, Control over Public Corporations

4.4 Vigilance Commission,

4.5 Doctrine of Legitimate Expectation, Doctrine of unjust enrichment

## **Suggested Reading :**

C. K. Thakker, Administrative Law

C. K. Takwani, Lectures on Administrative Law, Eastern Book Co.

C. K. Allen, Law & Orders D.D. Basu, Comparative Administrative law

M.A. Fazal, Judicial Control of Administrative Action in India , Pakistan and Bangladesh, Butterworths - India.

Franks, Reports of the Committee on Administrative Tribunals and Inquiries HMSO, 1959

Peter Cane An Introduction to Administrative Law, Oxford.

Wade, Administrative law (Seventh Edition, Indian Print, Universal, Delhi.

J.C. Garner, Administrated Law, Butterworths (ed. B. L. Jones )

M. P. Jain, Cases and Materials on Indian Administrative Law, Vol . I and II Supplement

S. P. Sathe, Administrative Law

B.Schwartz, An Introduction to American Administrative Law

Indian Law Institute, Cases and Materials on Administrative Law in India, Vo. I Delhi.

# **LL.B. Semester – III**

## **CORE COURSE 205      PUBLIC INTERNATIONAL LAW**

### **OBJECTIVES OF THE COURSE :**

The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels. There need not be an attempt to teach the whole gamut of international law in this course. The HR Dimensions shall be discussed in other papers like Environmental Law (BCI C 18). In the era of Globalization, it is a need of time to acquaint the law students about the Principles of Public International Law and its application to the Municipal Laws of the member nations.

### **SYLLABUS :**

#### **1. Definition and Concept of International Law**

- 1.1 Definition
- 1.2 Public International Law & Private International Law
- 1.3 Nature of International Law and its functions
- 1.4 International Law – a weak law
- 1.5 Development of International Law in India

#### **2. Theoretical Foundations of International Law :**

- 2.1 Basic principles: sovereign equality of state – non-intervention, non use of force, international co-operation, peaceful settlement of disputes
- 2.2 Individuals as subject of international law
- 2.3 State jurisdiction on terrorism, hijacking, narcotics, war crimes and Crimes against peace

2.4 Treatment of aliens

2.5 Mechanism : Amnesty International, International Labour Organization (ILO)  
UNESCO, UNICEF

### **3. Concept :**

3.1 Sources of International Law : Customs, Treaties, General Principles of Law recognized by the Civilized Nations, Judicial Decisions, Writing of Jurists, Equity, Resolutions of General Assembly

3.2 Subjects of International Law

3.3 Jurisdiction of States

3.4 Legal Responsibility of State

### **4. Miscellaneous :**

4.1 States, Recognition, State Territory, State Jurisdiction, State Responsibility

4.2 Aliens

4.3 Extradition

4.4 Asylum

4.5 Treaties

4.6 Security Council

4.7 International Terrorism : Aircraft Hijacking, piracy

4.8 Disarmament : Threat to Human Rights

### **Suggested Reading :**

S. K. Verma, Public International Law Prentice- Hall, New Delhi.

Peter J. Van Krieken (ed) . The Exclusion on Clause, Kluwer

Human Rights Watch Women's Rights Project. The Human Rights Watch Global Report on Women's Human Rights, Oxford

Limacora, Nowak and Tretter, International Human Rights, Sweet & Maxwell

Wallace, International Human Rights, Text & Materials, Sweet & Maxwell

Muntarbhom. The Statu of Refugees in Asia, Oxford

Human Rights and Global Diversity, Frank Cass, London

Nirmal C.J. (ed) Human Rights in India, Oxford

Nirmal B.C. The Rights to Self determination in International Law, Deep & Deep

P.R. Gandhin, International Human Right Documents, Universal, Delhi.

Agrawal : Public International Law

Dr. S. K. Kapoor : International Law : Central Law Agency



# **LL.B. Semester – III**

## **FOUNDATION 206 K      PRINCIPLES OF EQUITY**

### **SYLLABUS :**

#### **1. Equity : Origin, Development & Importance:**

- 1.1 Origin and Historical Background of Equity
- 1.2 Definition, nature and scope of Equity
- 1.3 Equity as a Branch of Law
- 1.4 Basis of Equity :
  - 1.4.1 Equity - A matter of grace,
  - 1.4.2 Equity – A matter of conscience
- 1.5 Development of Equity in India
- 1.6 Importance of Equity
- 1.7 Nature of Equitable Rights and interests :
  - 1.7.1 Evolution of Equitable Interests in property
  - 1.7.2 Difference between Legal and equitable estates

#### **2. Maxims of Equity :**

- 2.1 Equity will not suffer a wrong to be without a remedy
- 2.2 Equity Follows the Law
- 2.3 He who seeks Equity must do Equity
- 2.4 He who comes to Equity must come with clean hands
- 2.5 Delay defeats Equity
- 2.6 Equality is Equity

#### **3. Maxims of Equity :**

- 3.1 Equity looks to the Intent rather to the Form
- 3.2 Equity looks on that as done which ought to have been done

- 3.3 Equity imputes an intention to fulfil an obligation
- 3.4 Equity acts in Personam
- 3.5 Where the Equities are equal the first in time shall prevail
- 3.6 Where there is equal Equity, the law shall prevail

### **Suggested Reading :**

Snell, Equity

Curzon L. B., Euity

Horsfield, Peter M., Equity in a nutshell

Pettit, Philip H., Equity and the Law of Trusts Butterworths Publication

Keeton G. W., and L. A. Sheridan, Equity, Pitman

H. G. Hanbury, Modern Equity The Principles of Equity English Language Book Society

Aquil Ahmad, Equity, Trusts and Specific Relief, Central Law Publication

Basu D. D., Equity, Trusts, Specific Relief

Desai T. R., Equity, Trusts and Specific Relief

B. M. Gandhi, Equity, Trusts and Specific Relief, Eastern Book Company

# **LL.B. Semester – III**

## **SOFT SKILL 207 K      LEGAL TERMS, PHRASES & MAXIMS**

### **1. Legal Terms and Phrases :**

- 1.1 Meaning and use in sentence
- 1.2 Importance of Legal Terms
- 1.3 Use Equivalent Legal Terms
- 1.4 Examples of Legal Terms :

*Abandon, Abscond, Accord, Acquiescence, Ad interim, Bona fide, Caveat Emptor, Capricious, Causus Omissus, Cypres, Codicil, Coparcenery, Damage and damages, Damage Feascent, De hors, De novo, Domicile, Double Jeopardy, Endowment, Frivolous and Vexatious, Hereditary, Juvenile Delinquency, Legum Baccalaureus, Lunatic, reciprocal, Onerous, Pro bono Publico, Quid Pro Quo, Ratification, Rescind Contract, Rule absolute, Rule Discharged, Sub Judis, Submission, Subrogation, Testamentary, Tenure, Undue Influence, Vakalatnama, Valuable Security, Verdict, Vicarious Liability, Viva voce, Void and voidable,*

**Note : Above Legal Terms should be taught in the classrooms by explaining their meaning used in various laws and practically demonstrated by framing appropriate sentences.**

### **2. Legal Maxims :**

- 2.1 Meaning and importance of Legal Maxims
- 2.2 Legal Maxims :
  - *Actio Personalis Moritur cum Persona*
  - *Actus Non Facit, Reum, Nisi Mens Sit Sea*
  - *Delegates non potest delegare*
  - *Damnum Sine Injuria Esse Potest*
  - *Delegatus Non Potest Delegate*
  - *Ex Nudo Pacto Non Oritur Actio*
  - *Ex Turpi Causa Non Oritur Actio*
  - *Falsus In Uno Falsus In Omnibus*

- *Ignorantia Facit Excusact Ignorantia Juris Non Excusat (Ignorance Legis Neminem Excusant)*
- *In Jure Non Remota Causa, Sed Proxima Spectatus*
- *Injuria Sine Damno*

### 3. Legal Maxims :

- *In bonam partem*
- *Nemo Dat Quod Non Habet*
- *Novus Actus (Or Causa) Interveniens*
- *Qui Facit Per Alium Facit Per Se*
- *Res Ipsa Loquitur*
- *Respondeat Superior*
- *Re Non Potest Peceare*
- *Salus Populi Supreme Lex*
- *Sic Utero Tuo Ut Alienum Non Leadas*
- *Ubi Jus Ibi Idem Remedium (or) Ubi Jus Ibi Remedium*
- *Ut Res Magis Valeat Quam Pereat*
- *Volenti Non Fit Injuria*

**Note : Above Maxims should be taught taking into consideration the relevant decided cases as well as the illustrative Examples.**

### **Suggested Reading :**

P. Ramaswami Aiyar, Law Laxicon, Wadhwa and Co.

Ramanathan Aiyer P., The Law Lexicon

Dr. Amit Sen : Text book of Legal Language

Gary Slapper and David Kelley : Lectures on Language System

Brayan Garner : A Dictionary of Modern Legal Usage

John Gibbons : Language and the Law

Peter M. Tiersma : Nature of Legal Language

Wikipedia : Legal English

## LL.B. - SEMESTER IV

LL.B. - SEMESTER IV						Marks		
PER WEEK	SUBJECTS	Per Week			CREDITS (SEM)29	Int.	Ext.	Total
		LECTURES	OTHERS	TOTAL				
<b>CORE COURSE 208</b>	<b>Legal Methods &amp; Legal Theories</b>	4	1	5	5	30	70	100
<b>CORE COURSE 209</b>	<b>Family Law - II</b>	4	1	5	5	30	70	100
<b>CORE COURSE 210</b>	<b>Interpretation of Statutes and Principles of Legislation</b>	4	1	5	5	30	70	100
<b>CORE COURSE 211</b>	<b>Labour &amp; Industrial Law – II</b>	4	1	5	5	30	70	100
<b>ELECTIVE COURSE 212 E</b>	<b>Human Right Law and Practice</b>	4	1	5	5	30	70	100
<b>FOUNDATION 213 F</b>	<b>Principles of Banking Laws</b>	1	1	2	2	100	--	100
<b>SOFT SKILL 214 K</b>	<b>Legal Principles through Case Study</b>	1	1	2	2	100	--	100

# **LL.B. Semester – IV**

## **CORE COURSE 208      LEGAL METHODS & LEGAL THEORIES**

### **OBJECTIVE OF THE COURSE :**

At the heart of the legal enterprise is the concept of law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is unable to present various statutes, cases procedure, practices and customs as a systematic body of knowledge, nor is it able to show the inter-connection between these various branches of law, procedures and principles. The fact that the basic nature and purpose of law should be clear to every student and that it should be the very foundation of law teaching needs little argument. A course in jurisprudence should, primarily, induct the student into a realm of questions concerning law so that he is able to live with their perplexity or complexity and is driven to seek out answers for himself.

It may not be possible that a one year jurisprudence course can impart knowledge of doctrines about law and justice, developed over the years, in various nations and historical situations. At best an undergraduate course should impart the analytical skill and equip the student with the basic problems concerning law and the types of solutions sought. Thus the student not only will be able to use this skill in practice but also is motivated to take up detailed historical studies on his own after the course. Since a basic idea in the designation of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teachers should try to make use of the Indian materials as far as possible.

## **SYLLABUS :**

### **1. Introduction and sources of Law**

1.1 Meaning of the term 'jurisprudence', Importance

1.2 Nature and definition of law, Relation between : Law and Morality, Law and Justice

1.3 Sources of law : Legislation, custom, Precedents: concept of *stare decisis*, Juristic writings

### **2. Schools of Jurisprudence**

2.1 Analytical positivism : Bentham and Austin's view, Criticism of Austin's theory of positivism

2.2 Natural law School, Historical school, Sociological School

2.3 Kelson's Pure Theory of Law

### **4. Legal Rights, duties, persons, Titles, liabilities etc. :**

3.1 Rights, Duties and Wrongs : Definitions and relationship, Rights : kinds,

Legal Rights as defined by Hohfeld, Right-duty Correlations

3.2 Nature of personality, types of persons : Natural and artificial persons

3.3 Corporate personality : Corporation sole and aggregate, Rights & liabilities

3.4 Status of the unborn, minor, lunatic, drunken and dead persons

3.5 Titles : kinds

3.6 Liabilities : conditions for imposing liabilities, Mens rea, Intention, negligence, Vicarious liability, Strict Liability,

3.7 Theories of punishment



## **5. Ownership, Possession and Property :**

5.1 Possession : Definition, concept and importance

5.2 Kinds of possession, Essentials of possession : *Corpus Possessiones* and *Animus Possidendi*

5.3 Ownership : Definition, concept, kinds of ownership

5.4 Distinction between ownership and possession, Kinds of property

### **Suggested Reading :**

Bodenheimer Jurisprudence - The Philosophy and Method of Law (1996), Universal. Delhi.

Fitgerald, (ed) Salmond on Jurisprudence, Tripathi, Bombay.

W. Friedmann, Legal Theory, Universal, Delhi,

V. D. Mahajan, Jurisprudence and Legal Theory, Eastern, Lucknow M.D.A. Freeman (ed),  
Lloyd's Introduction to Jurisprudence, Sweet & Maxwell Paton G. W., Jurisprudence Oxford,  
ELBS

H.L.A. Hart the concept of law, Oxford, ELBS

Roscoe pond introduction to the philosophy of Law, Universal Delhi

Dias, Jurisprudence, Adithya Books New Delhi.

Dhyani S.N. Jurisprudence A Study of Indian Legal Theory, Metropolitan, New Delhi.

# **LL.B. Semester – IV**

**CORE COURSE 209      FAMILY LAW - II**

## **OBJECTIVE OF THE COURSE :**

The course structure is designed mainly with future objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

## **SYLLABUS**

### **1.      JOINT FAMILY:**

1.1 Mitakshara joint family

1.2 Mitakshara coparcenary –

1.2.1 formation and incidents

1.2.2 Property under Mitakshara law- separate property and coparcener/property

1.3 Dayabhaga coparcenary –

1.3.1 formation and incidents

1.3.2 Property under Dayabhaga law

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

1.5 Alienation of property - separate and coparcenary.

1.6 Partition and re-union.

1.7 Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

## **2. INHERITANCE:**

### 2.1 Hindus

2.1.1 Historical perspective of traditional Hindu Law as a background to the study of the Hindu Succession Act., 1956

2.2.2 Succession to property of a Hindu male dying intestate under the provisions of the Hindu Succession Act, 1956.

2.2.3 Devolution of interest in Mitakshara coparcenary with reference to the provision.: of Hindu Succession Act, 1956

2.2.4 Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956

2.2.5 Disqualification relating to succession, General rules of succession

### 2.2 Muslims

2.2.1 General rules of succession and exclusion from succession.

2.2.2 Classification of heirs under Hanafi and Ithana Ashria school and their share and distribution of property

### 2.3 Christians, Parsis and Jews

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

2.3.2 Testamentary Succession under the Indian Succession Act : Rules for distribution of property of Christians, Parsis and Jews

2.3.3 Distribution of property of Christians, Parsis and Jews dying intestate

### 3. Gifts :

3.1 Essentials of valid gift under different family laws :

3.2 kinds of Gift : Competency of donor and donee, Subject matter of gift, properties which can be and cannot be the subject matter of gift, void gifts

3.3 Essentials of valid Hiba (Gift) under Muslim Law, kinds of Hiba, Sadquah, Marz-ul-maut, Revocation of gift

### 4. Family Court Act and Miscellaneous Provisions :

4.1 Family Courts : Concept, need, Law Commission Reports

4.2 Powers and jurisdiction of the Family Court

4.3 Issues to be decided by the Family Court, Qualifications of Family Court Judge

4.4 provisions regarding appearance of advocates in family courts Exemption from court fees etc.

4.5 Provisions of Appeal under the Family Courts Act

4.6 Salient Features of the Protection against the Domestic Violence Act, 2005

### **Suggested Reading :**

Paras Diwan, Family Law

Paras Diwan, Law of Intestate and Testamentary Succession (1PPS), Universal

Basu, N.D. Law of Succession, Universal

Kusem, Marriage and Divorce Law Manual, Universal

Machanda S.C. Law and Practice of Divorce in India, Universal

P.V. Kane, History of Dharmasastras Vol.2 Pt1 at 624-632

A. Kuppuswami (e.d.) Mayne's Hindu Law and Usage Ch.4

B. Sivaramayys, Inequalities and the Law

K. C. Daiya, "Population control through family planning n India," Indian Journal of Legal Studies,

J.D.M. Derrett, Hindu Law past and present

J.D.M. Derrett, Death of marriage Law

A.A.A Fyzee outline of Muhammadan Law

Alladi Kappuswami (ed) Mayne's Hindu Law and Used J.D.M. Derret a Critique of Modern Hindu Law

Paras Diwan Hindu Law

# **LL.B. Semester – IV**

## **CORE COURSE 210 INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION**

### **OBJECTIVES OF THE COURSE :**

Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. What are the techniques adopted by courts in construing statutes? How far are they successful in their strategy?

### **SYLLABUS**

#### **1. GENERAL AND RULES OF STATUTORY INTERPRETATION :**

- 1.1 Meaning of the term “Statute”.
- 1.2 Commencement, operation and repeal of statutes
- 1.3 Purpose and importance of Interpretation of Statutes
- 1.4 Meaning : ‘Interpretation’ and ‘construction’

## 1.5 Rules of Statutory Interpretation

1.5.1 Primary Rules

1.5.2 Literal Rule

1.5.3 Golden Rule

1.5.4 Mischief Rule (Rule in Heydon's Case)

1.5.5 Rule of Harmonious Construction

1.5.6 Secondary Rules :

*Noscitur a sociis*

*Ejusdem generis*

*Reddendo singula singulis*

## **2. AIDS TO INTERPRETATION:**

### 2.1 Internal aids

2.1.1 Title, Preamble, Headings and marginal notes

2.1.2 Sections and sub-sections, Punctuation marks

2.1.3 Illustrations, exceptions, provisos and saving clauses

2.1.4 Schedules, Non-obstante clause

### 2.2 External aids

2.2.1 .Dictionaries

2.2.2 Translations

2.2.3 Travaux Preparatoires

2.2.4 Statutes in pari material

2.2.5 Contemporanea Exposito

2.2.6 Debates, inquiry commission report and Law Commission reports

### **3. PRESUMPTIONS IN STATUTORY INTERPRETATION:**

3.1 Statutes are valid

3.2 Statutes are territorial in operation

3.3 Presumption as to jurisdiction

3.4 Presumption against what is inconvenient or absurd

3.5 Presumption against intending injustice

3.6 Presumption against impairing obligations or permitting advantage from one's own wrong

3.7 Prospective operation of statutes

### **4. INTERPRETATION WITH REFERENCE TO THE SUBJECT MATTER & PURPOSE AND PRINCIPLES OF CONSTITUTIONAL INTERPRETATION**

4.1 Interpretation with reference to the subject matter & Purpose

4.1.1 Restrictive and beneficial construction

4.1.2 Taxing statutes

4.1.3 Penal states

4.1.4 Welfare legislation

4.2 Principles of Constitutional Interpretation :

4.2.1 Harmonious construction

4.2.2 Doctrine of pith and substance

4.2.3 Colorable legislation

4.2.4 Doctrine of repugnancy



4.2.5 Prospective Overruling

4.2.6 Doctrine of Eclips

### **Suggested Reading :**

G.P. Singh, Principles of Statutory Interpretation, Wadhwa, Nagpur.

P. St. Langan (Ed), Maxwell on The Interpretation of Statutes, N.M. Tripathi, Bombay.

K. Shanmukham, N.S. Binclras' Interpretation of Statutes, The Law Book Co. Allahabad.

V. Sarathi, Interpretation of Statutes, Eastern, Lucknow.

M.P. Jam, Constitutional Law of India, Wadhawa & Co

M.P. Singh (Ed), V.N. Shukla's Constitution of India, Eastern, Lucknow.

U. Baxi, Introduction to Justice K.K. Mathew's Democracy Equality and Freedom  
Eastern, Lucknow.

# **LL.B. Semester – IV**

## **CORE COURSE 211      LABOUR & INDUSTRIAL LAW - II**

### **SYLLABUS :**

#### **1. Payment of Wages Act and Payment of Bonus Act :**

##### 1.1 Payment of Wages Act

- 1.1.1 Application and concept of Wages
- 1.1.2 Important Definitions : Wages, Workman etc.
- 1.1.3 Liabilities of employer for payment of wages
- 1.1.4 Authorised and Unauthorized Deductions
- 1.1.5 Remedies against unauthorized deductions (u/s. 15)

##### 1.2 Payment of Bonus Act :

- 1.2.1 Application and concept of Bonus
- 1.2.2 Important Definitions : Bonus, Employees, continuous Services
- 1.2.3 Calculation of Bonus : Available surplus and allocable surplus
- 1.2.4 Provisions for new establishments relating to calculation of Bonus,  
Calculation of Bonus : Available surplus and allocable surplus
- 1.2.5 Minimum Bonus & Maximum Bonus, Qualifications & Disqualifications  
for Bonus, Recovery of Bonus

#### **2. Factories Act, 1948 :**

##### 2.1 Application of the Act, Important Definitions : Factory, Worker, Manufacturing Process

- 2.1.1 Provisions relating to adolescent and women
- 2.1.2 Provisions relating to working hours to adult workers, women and adolescent

##### 2.2 Provisions relating to Health of Workers

##### 2.3 Provisions relating to safety and Welfare of Workers

2.4 Special provisions relating to Hazardous Process (Chapter IV-A) & provisions relating to Leave with Wages

2.5 Authorities under the Factories Act

### **3. Employees' State Insurance Act :**

3.1 Application and coverage of the Act

3.2 Important Definitions : Workmen, Benefit Period, Contribution Period, Wages, employer

3.3 Benefits available to the Employees under the Act

### **4. Payment of Gratuity Act :**

4.1 Application and coverage of Act

4.2 Important Definitions : Wages, employee, continuous services

4.3 Qualifications and disqualifications of Gratuity

4.4 Formula for calculation of Gratuity and related Judicial Pronouncements

4.5 Recovery of Gratuity and authorities under the Act

### **Suggested Reading :**

John Bowers and Simon Honeyball, Tex Book on Labour Law, Blackstone, London.

Srivastava K. D. Commentaries on payment of Wages Act, 1936 Eastern, Lucknow.

Srivastava K. D. Commentaries on Minimum Wages Act, 1948, Eastern, Lucknow.

Rao S. B. Law and Practice on Minimum Wage, Law Publishing House, Allahabad.

Sheth D. D. Commentaries on industrial Disputes Act, 1947, Law Publishing House, Allahabad.

Srivastava K. D. Disciplinary Action against Industrial Employees and its Remedies, Eastern, Lucknow.

Srivastava K. D. Commentaries on Factories Act, 1948, Eastern, Lucknow.

R. C. Saxena, Labour Problems and Social Welfare

V. V. Giri, Labour Problems in Indian Industry Chs. 1 and 15

Indian Law Institute, Labour Law and Labour Relation, Cochin University law Review,  
Vol. 6 app. 153-210

Report of the National Commission on Labour Ch. 14-17, 22, 23, and 24

O. P. Malhotra, The Law of Industrial Dispute, Universal, Delhi.

S.C. Srivastava, Social Security and Labour Laws Pts. 5 and 6, Universal Delhi.

S.C. Srivastava, Commentary on the Factories Act, 1948, Universal, Delhi.

# **LL.B. Semester – IV**

## **ELECTIVE COURSE 212     HUMAN RIGHT LAW & PRACTICE**

### **1. HUMAN RIGHTS : GENERAL**

#### 1.1 Theoretical Foundations of Human Rights :

1.1.1 Meaning, Basic Concept and Origin of Human Rights,

1.1.2 Sources and significance of Human Rights

1.1.3 Different definitions of Human Rights, First Official Use of the term 'Human Right' at UN Meeting, Classification of Human Rights

1.1.4 Theories of Human Rights

#### 1.2 Historical development of the concept of Human Rights :

1.2.1 Human rights in Indian tradition: ancient, medieval and modern.

1.2.2 Human rights in Western tradition

1.2.3 Concept of natural Law, Concept of natural rights

1.2.4 Human rights in legal tradition, international Law and National Law

### **2. UN and Human Rights:**

#### 2.1 International Documents relating to Human Rights

2.1.1 Universal Declaration of Human Rights (1948) : Individual and group rights, its significance and limitations

#### 2.1.2 International Covenant on Human Rights :

- International Covenant on Civil & Political Rights, 1966
- International Covenant on Economic, Social & Cultural Rights, 1966

2.1.3 I.L.O. and other Conventions and Protocols dealing with human rights

2.1.4 Importance and binding effect of above documents on the member countries of UN

2.2 Impact and implementation of international human rights norms in India :

2.2.1 Human rights norms reflected in fundamental rights under the Constitution of India

2.2.2 Directive Principles legislative and administrative implementation of international human rights norms.

2.2.3 Implementation of international human rights norms through judicial process .

### **3. Human Rights under the Constitution and different Legislation in India :**

3.1 Provisions for enshrining human rights to Women and Children

3.2 Human Rights granted to Schedule Caste, Schedule Tribes and other socially and economically backward communities

3.3 Human Rights of prisoners and arrestees

3.4 Human Rights of victims and development of compensatory jurisprudence

### **4. Enforcement of Human Rights and machinery thereof :**

4.1 International Commission of Human Rights, Amnesty International

4.2 Role of Courts : the Supreme Court, High Courts and other courts

4.3 Statutory commissions –

4.3.1 National Commission for Women

4.3.2 National Commission for Minority

4.3.3 National Commission for Schedule Castes and Schedule Tribes

4.4 . Protection of Human Rights Act, 1993 :

- National Human Rights Commission
- State Human Rights Commission
- Human Right Courts
- Protection of Human Rights Act, 1993 : adequacy of the legislation

4.5 Role of various NGOs in the protection of Human Rights

## **Suggested Reading :**

S. K. Avesti and R.P. Kataria, Law Relating Human Rights , Chh. IV, V, VIII, XIV XXIX, and XXXIX Orient, New Delhi.

Human Rights Watch Women's Rights Project. The Human Rights Watch Global Report on Women's Human Rights Oxford

Limacora, Nowak and Tretter, International Human Rights, Sweet & Maxwell

Wallace, International Human Rights, Text & Materials, Sweet & Maxwell

Muntarbhom. The Statu of Refugees in Asia, Oxford

Human Rights and Global Diversity, Frank Cass, London

Nirmal C.J. (ed) Human Rights in India, Oxford

P.R. Gandhin, International Human Right Documents, Universal, Delhi.

K. C. Joshi : Internal Law & Human Rights, Eastern Book Company

Dr. Vijay Chitnis : Human Rights and the Law : National & Global Perspectives, Sno White Publication Pvt. Ltd.

Khwaja Abdul Muntaquim : Protection of Human Rights : Law Publishers (India) Pvt. Ltd.

Law Relating to Human Rights : Asia Law House

Dr. S. K. Kapoor : Human Rights under International Law and Indian Law : Central Law Agency

Dr. Vijay S. Chitnis :Human Rights & Princes of Poverty : Snow White Publication Ltd.

Dr. N. Subramanya : Human Rights and Refugees : A.P.H. Publishing Corporation, New Delhi

Mangari Rajender : The Protection of Human Rights Act and Relating Laws : Law Book Agency

# **LL.B. Semester – IV**

## **FOUNDATION COURSE 213 F PRINCIPLES OF BANKING LAWS**

### **OBJECTIVES OF COURSE :**

The modern society functions, contrary to the old batter system, on monetary transactions. In a developing country like India, the banking system takes off becomes quite common even among the common people. The services banks render to the general public do have a significant contribution to the development of the economy Pan passu, the security to the assets money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the bank. The variety of assistance tended by the banks to the common people and business community cannot be over emphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

### **SYLLABUS:**

#### **1. Origin and Development of Banking System :**

- 1.1 Evolution of Banking Institutions, Origin of word 'Bank'
- 1.2 Development of British Banking and Banking System in India
- 1.3 Types of Banks in India, Nationalized Banks, Co-operative Banks, Multi functional Banks etc and their functions
- 1.4 Reserve Bank of India and its functions , Role of RBI as Central Bank

#### **2. Constitutional Perspectives and Regulation of Banks & Banking Business in India :**

- 2.1 Constitutional Perspectives relating to Banking Laws : Entries : 36, 37, 38, 43, 44, 45, 46 of List – I of the Schedule VII, Entry 30 of List II of Schedule VII of the Constitution of India



- 2.2 Bankers' Books Evidence Act : Main provisions
- 2.3 Banking Ombudsman System : Settlement of Disputes and complaints relating to Banking Services
- 2.4 Main provisions of Banking Regulation Act, 1949
  - 2.4.1 Regulation of Banking Companies
  - 2.4.2 Suspension and winding up of Banking Companies

### **3. Recovery of Debt due to Banks & other Financial Institutions :**

- 3.1 Recovery of Debt due to Banks and other Financial Institutions Act
  - 3.1.1 Amount of Debt, who can initiate litigations ?
  - 3.1.2 Procedure to recover Debt under the Act
  - 3.1.3 Debt Recovery Tribunal : Constitution, Powers and Jurisdiction
  - 3.1.4 Powers of the Recovery Officer
  - 3.1.5 Provisions of Appeal
- 3.2 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002
  - 3.2.1 Objects and reasons of the act
  - 3.2.2 Main provisions of the act
  - 3.2.3 Issues covered under the act

### **Suggested Reading :**

1. Recovery of Debt. Due to Bankers and Financial Institutions Act, 1993  
Asia Law House Ltd.
2. Banking Regulation Act, 1949
3. Reserve Bank of India Act, 1935
4. Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act
5. M.L. Tannen, Tannen's Banking Law and Practice in India India Law House, New Delhi
6. S.N. Gupta, The Banking Law in Theory and Practice, Universal New Delhi

# **LL.B. Semester – IV**

## **SOFT SKILL COURSE 214 K LEGAL PRINCIPLES THROUGH CASE STUDY**

### **OBJECTIVES OF COURSE :**

The main object of this course is to appraise the law students from various legal principles established by the apex court and/or foreign courts to develop the learning, understanding and writing skills. By reading the judgments taking into consideration the legal principles laid down in the judgments, the law students are expected to develop their skills of legal reasoning and applying the legal principles in practice and procedure.

1. Principle of Pro Bono Publico  
Illustrative Case : Bandhua Mukti Morcha v. Union of India (AIR) 1984 SC 802)
2. Rule of Prospective Overruling :  
Illustrative Case : Golak Nath v. State of Punjab (AIR 1967 SC 1642)
3. Basic Structure Theory  
Illustrative Case : Kesavananda Bharti v. State of Kerala (AIR 1973 SC 1461)
4. Maintenance to Muslim Divorced Women :  
Mohd. Ahmed Khan v. Shah Banoo Begum (AIR 1985 SC 945)  
Ismail Faruki's case (2002)
5. Uniform Civil Code  
Sarila Mudgal President v. Union of India (AIR 1995 SC 153)
6. Guidelines of Prevention of Sexual Harassment to women at working place  
Visakha v. State of Rajasthan (AIR 1997 SC 3011)
7. Principle of Absolute Liability  
M. C. Mehta v. Union of India (Bhopal Gas Disaster Case)
8. Medical Negligence and liabilities of Medical Practitioners :  
Jacob Methew v. State of Punjab (AIR 2005 SC 3180)
9. Principle of Vicarious Liability :  
State of Rajasthan v. Vidhyawati (AIR 1963 SC 1295)

10. Polluter Pays Principle :  
M. C. Mehta v. Kamal Nath
11. Death Sentence for Murder : Rarest of Rare Cases :  
Bachchan Singh v. State of Punjab (AIR 1980 SC 898)
12. Contract with minors : *Void ab initio*  
Case : Mohri Bibee v. Dharamdas Ghosh (1903) 30 IA 114
13. Naveen Kohli v. Neely Kohli (AIR 2006 SC 1675)  
Irretrievable breakdown of Marriage Theory leading to amendment in the Hindu Marriage Act, 1955
14. Dharm Dutta & Others vs. Union of India [ (2004) 1 SCC 712 ]  
(No right to strike, but right to Collective Bargaining)
15. State of Gujarat v. Umedbhai M. Patel (AIR 2010 SC 1109)  
(Principles laid down for Compulsory Retirement)
16. Rupan Deol Bajaj v. K. P. S. Gill (AIR 1996 SC 309)  
State of Hariyana v. Bhajan Lal (AIR 1992 SC 604)  
Power of High Court to quash FIR, Criminal Complaints and pending Criminal Proceedings u/s. 482 of the Cr.P.C.

**Note : Each law college will be at liberty to teach the selected Legal Principles from the above suggested List. However, while teaching above legal principles, the colleges may take into consideration and discuss other relevant and relied cases of the Apex Court or foreign courts.**

### **Suggested Reading :**

All Law Journals

Legal Software

Comments on the above cases