

Syllabus for Entrance Test of LL.B, BA.,LLB and LL.M Course
Session 2012

LL.B 3 Year Course

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| a) | General Knowledge | 40 Marks |
| b) | Legal Aptitude | 20 Marks |

BA.,LL.B Five Year Integrated Course

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| a) | General Knowledge | 50 Marks |
| b) | Reasoning | 10 Marks |

LL.M Course

Unit-I Jurisprudence

1. Introduction

- Meaning and scope of term “Jurisprudence”
- Nature and definition of “Law”

- Relationship of Jurisprudence with other social sciences
- Analytical positivism
- Natural Law

- Historical School
- Sociological School

- Justice
- Meaning & kinds
- Justice & Law: approaches of different schools
- Power of Supreme Court of India to do complete justice in a case: Article 142.
- Critical studies
- Feminist jurisprudence

- Legislation
- Precedents : concept of stare decisis
- Customs
- Juristic writings

Concept: Rights, right to Duty Co-relation; Person; Possession; Ownership, Property; Liability.

Unit-II Constitutional Law-I

Constitutional law: Salient Features- Written Constitution- Preamble- Federal Constitution.

- Parliamentary form of Government:
- Westminster Model- President of India- Election, Qualifications, Impeachment, Position & powers.
- Legislative Privileges- Privileges V. Fundamental Rights.
- Cabinet System, Collective responsibility- Individual responsibility, President- Prime Minister relationship.
- **Federalism:**
- Principles- Distribution of Legislative Powers-- Arts. 245, 246, and 254. Failure of Constitutional Machinery (Art.356)- J&K Special Status (Art 370).
- Constitutional Amendment- Methods of Constitutional Amendment- Limitation.(Article 368)
- Freedom of Trade and Commerce- Position in other countries, Position in India
- Regulatory and Compensatory measures (Articles 301-304).
- Articles 141 & 143
- Appointment and impeachment of the Judges of the High Courts and Supreme Court.
- Services Under the Constitution- Doctrine of Pleasure 310, Restrictions 311.

Unit-III Constitutional Law-II

- Fundamental Rights- Concept Of State (Art 12).
- Justifiability of Fundamental Rights (Art 13.)
- Right to equality- Articles 14 ,15 and 16.
- Right to Freedom- Art.19,

Personal Liberty Arts.20 to 22.

- Freedom of Religion- Arts 25 to 28.
- Cultural and Educational Rights- Arts 29 and 30.
- Constitutional Remedies:

- Writ Jurisdiction
Scope of Article 32
Scope of Article 226.
- Directive Principles-Relationship between Directive principles and Fundamental Rights
- Emergency Provisions: Arts 352 to 354, 358 and 359.

Unit-IV Commercial Laws-I

i. Law of Contract

- General Principles of Law of Contract
Agreement and contract: definitions, elements and kinds.
Proposal-acceptance- their various forms, essential elements, communications and revocation- proposal and invitations for proposal- tenders
Intention to create legal relationship.
- Consideration- its need, meaning, kinds, essential elements-privity of contract, promissory estoppel, exceptions to consideration- adequacy of consideration- present, past and executory consideration- unlawful consideration and its effects- views of Law Commission of India on consideration- evaluation of the doctrine of consideration.
- Capacity to contract-meaning- definition of minor, necessities supplied to a minor, agreements beneficial and detrimental to a minor affirmation- restitution in cases of minor's agreement- fraud by minor- agreements made on behalf of a minor's agreement and tested-evaluation of the law relating to minor's agreement.

Free consent-definition-essential factors vitiating free consent.

Coercion-definition-essential-elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion.

Undue influence-definition-essential elements –Who is to prove it? Illustrations of undue influence-independent advice-pardahanashin women- unconscionable bargains – effect of undue influence.

Misrepresentation- definition-misrepresentation of law and of fact their effects and illustration.

Fraud-definition-essential elements-suggestion falsi-suppresio veri- when does silence amounts to fraud? Active –concealment of truth- importance of intention.

Mistake- definition- kinds- fundamental error- mistake of law and of fact – their effect- when does a mistake vitiate free consent and when does it not vitiate free consent?

- Legality of objects:
Void agreements – lawful and unlawful considerations and objects- void, violable, illegal and unlawful agreements and their effects.
Forbidden by law

Defeating the provision of any law

Fraudulent

Injurious to person or property

Immoral

Against public policy

Void agreements:

Agreements in restraint of trade – its exceptions- sale of goodwill, section 11 of the Partnership Act, trade combinations exclusive dealing agreements, restraint on employees under agreements of service.

Agreement in restraints of legal proceedings – its exceptions.

Discharge of contract and its various modes

By breach- anticipatory breach and present breach.

Impossibility of performance – specific grounds of frustration – application to leases- theories of frustration – effect of frustration –frustration and restitution

By period of limitation

- Quasi-contracts of Certain Relations Resembling those Created by Contract
- Damages Kinds- Remoteness of damages- ascertainment of damages.

- Specific Relief
 - Specific performance of contract
 - Contract that can be specifically enforced
 - Persons against whom specific enforcement can be ordered
 - Rescission and cancellation
 - Injunction
 - Temporary
 - Perpetual
 - Declaratory orders
 - Discretion and powers of court

Unit-V

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

1. Indemnity

1.1. Definition of Indemnity

1.2. Nature and extent of liability of the indemnifier

1.3. Commencement of liability of the indemnifier

2. Guarantee

2.1. The concept

2.2. Definition of guarantee: as distinguished from indemnity.

2.3. Basic essentials for a valid guarantee contract.

2.4. Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety

2.5. Continuing guarantee

2.6. Nature of surety's liability

2.7. Illustrative situations of existence of continuing guarantee.

2.8. Rights of surety

2.9. Position of surety in the eyes of law

2.10. Various judicial interpretations to protect the surety

2.11. Co-surety and manner of sharing liabilities and rights

- 2.12. Extent of surety's liability
 - 2.13. Discharge of surety's liability
1. Bailment
 - 1.1. Definition of bailment
 - 1.2. Kinds of bailees
 - 1.3. Duties of bailor and bailee towards each other
 - 1.4. Rights of bailor and bailee
 - 1.5. Finder of goods as a bailee
 2. Agency
 - 2.1. Kinds of agents and agencies
 - 2.2. Distinction between agent and servant
 - 2.3. Essentials of a agency transaction
 - 2.4. Various methods of creation of agency
 - 2.5. Delegation
1. Sale of Goods
 - 1.1. Concept of sale as a contract
 - 1.2. Essentials of contract of sale
 - 1.3. Implied terms in contract of sale
 - 1.4. The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act.
 - 1.5. Changing concept of caveat emptor
 - 1.6. Unpaid seller and his rights
1. Partnership
 - 1.1. Nature of partnership: definition
 - 1.2. Mutual relationship between partners
1. Registration of Partnership
 2. Dissolution of Partnership

Unit-VI

Company Law

- **Law relating to companies- public and private- Companies Act 1956**
- Need of company for development formation of a company registration and incorporation.
- Memorandum of association- various clauses- alteration therein- doctrine of ultra vires
- Articles of association- binding force- alteration- its relation with memorandum of association- doctrine of constructive notice and indoor management- exceptions.
- Prospectus- issue- contents – liability for misstatements- statement in lieu of prospectus.
- Promoters- position- duties and liabilities

- Shares- general principles of allotment statutory restrictions – share certificate its objects and effects- transfer of shares- restrictions on transfer- procedure for transfer- refusal of transfer- role of public finance institutions- relationship between transferor and transferee- issue of shares at premium and discount- depository receipts- dematerialized shares (DEMAT)
- Shareholder- who can be and who cannot be a shareholder- modes of becoming a shareholder- calls on shares- forfeiture and surrender of shares – lien on shares
- Share capital- kinds- alteration and reduction of share capital- further issue of capital- conversion of loans and debentures into capital duties of courts to protect the interests of creditors and share holders
- Directors- position- appointment- qualifications- vacation of office- removal resignation- powers and duties of directors- meeting registers, loans- remuneration of directors- role of nominee directors –compensation for loss of office- managing directors- compensation for loss of office – managing directors and other managerial personnel
- Meetings- kinds- procedure- voting
- Debentures- meaning- fixed and floating charge- kinds of debentures- shareholder and debenture holder- remedies of debenture holders
- Protection of minority rights
- Winding up - types - by court – reasonable – grounds - who can apply - power of court - consequences of winding up order - voluntary winding up by members and creditors- winding up subject to supervision of courts liability of past members- payment of liabilities- preferential payment, unclaimed dividends winding up of unregistered company.

Unit-VII Transfer of Property Laws

Transfer of Property Act:

1. Interpretation Clause-
Section 5-31, 35,54,55,58,60,67,81,82,91,92,93, 100,101, 105-108, 111

Unit- VIII Family Law

Sources & Schools of Muslim Law.

Marriage

- a) Evolution of the institution of Marriage and Family.
- b) Nature, scope and validity of marriage
- c) Classification of marriage.
- d) Polygamy

Divorce and Matrimonial Remedies

Non-Judicial Resolution of Marital Conflicts

- e) Customary dissolution of marriage unilateral divorce. Divorce by mutual consent and other modes of dissolution
- f) Divorce under Muslim Personal Law – Talaq -e-tafweez.
- g) Dissolution of Muslim Marriage Act 1939.

Alimony and maintenance

- Maintenance of, divorced wives, minor children, disabled children and parents who are unable to support themselves: provisions under the Code of Criminal Procedure. 1973.
- Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act. 1986.

Child and the family

- Legitimacy
- Guardianship

Hindu Law

1) Marriage

- a) Evolution of the institution of Marriage and family.
- b) Nature and Concept of Hindu Marriage
- c) Essential conditions of a Hindu Marriage
- d) Grounds for Divorce
- e) Divorce by Mutual consent.

1. Joint Family

- Mitakshara Joint family
- Mitakshara coparcenary- formation and incidents.
- Property under Mitakshara law – Separate property and coparcenary property.
- Dayabhaga coparcenary- formation and incidents.
- Property under Dayabhaga Law.
- Karta of the Joint family – his position, power, privileges and obligations.

1) Child and the family

- Adoption
- Guardianship- welfare of the child principal.
- Custody, maintenance and education.

1) Matrimonial remedies

- Nullity of marriage
- Restitution of conjugal rights
- Judicial separation
- Dissolution of marriage.
- Desertion- a ground for matrimonial relief
- Cruelty – a ground for matrimonial relief
- Adultery- a ground for matrimonial relief
- Other grounds for matrimonial relief

- Doctrine of strict proof
- Taking advantage of ones own wrong or disability.
 - Accessory
 - Connivance
 - Collusion
 - Condonation
 - Improper or unnecessary delay.

1) **Inheritance**

- Historical perspectives of traditional Hindu law as a background to the study of Hindu succession Act. 1956
- Succession of property of a Hindu male dying interstate under the provisions of Hindu succession Act 1956
- Succession of property of a Hindu female dying interstate under the provision of Hindu succession Act 1956
- Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindus succession Act 1956.

Unit-IX- Criminal Law-I

General Defences:-

Section 76-106 IPC

1. Group liability under sections 34 and 149 of the IPC
2. Unlawful Assembly, Rioting and Affray

Preliminary Crimes

1. Abetment: Section 107-109 IPC
2. Criminal Conspiracy: Section 120A and 120B of IPC
3. Criminal Attempt: Sections 511 and 307 of IPC
 - a. Attempt when punishable
 - b. Tests for determining what constitutes attempt
 - c. Impossible attempt.

Unit-X Criminal Law-II

Specific Offences against Human Body

Section: 299-304, 319-326, 339-343, 359-363, 349-353

Offences against property

Sections: 378,379, 383,384,390,392,391,395,403,405,415-417, 425,426

Unit-XI Law of Torts & Consumer Protection

Introduction and Principles of Liability in Torts

1. Definition of Torts

2. Development of Tort actions in England and India Tort distinguished from contract, quasi contract and crime
3. Constituents of Torts - wrongful act, Damage – Injuria sine Damno & Damnum sine Injuria;
4. Strict liability & Absolute liability.
5. Vicarious liability

Justification in Tort

1. Volenti non fit injuria
2. Act of God
3. Inevitable Accident
4. Necessity
5. Private defence
6. Judicial & quasi Judicial acts

Specific Torts

1. Defamation
2. Negligence
3. Nuisance
4. Trespass to Person
5. Malicious prosecution and Nervous Shock

Consumer Protection

1. Basic concepts: Consumer, service and goods
2. Authorities for consumer protection
3. Remedies

Motor Vehicles Act,

- 1) General overview of the Law.
- 2) Rule for Payment of compensation
- 3) Fault based liability.
- 4) No-fault liability
- 5) Liability of insurer
- 6) Claims Tribunals.

Unit-XII : International Law including Human rights

- Origin, Development, Definition, Nature and Theories of International Law;
- Its relation with Municipal Laws

- Sources of International Law, Custom, Treaties (including an overview of the law of treaties) General Principles of Law and writings.

- Subjects of international Law:
 - I. State including Recognition of States
 - II. Individuals and peoples
 - III. International organizations,
- Jurisdiction of States: Territorial, Personal and Universal

- Extradition and Asylum
- Law of State Responsibility

- Peaceful Settlement of Disputes including Judicial settlement by ICJ

- Use of Forces under international law.

Human Rights

- Origin development and nature of Human Rights
- International Bill of Human Rights
- Regional Systems of Human Rights Law
- Protection of Human Rights Act
- International Humanitarian Law

Unit-XIII : Administrative Law-I

1. Classification Of Administrative Action
 - 1.1. Definition of administrative action
 - 1.2. Need for classification
 - 1.3. Identification of legislative action
 - 1.4. Identification of quasi-judicial and administrative actions
 - 1.5. Distinction between quasi-judicial and administrative actions
2. Legislative powers of administration
 - 2.1. Necessity for delegation of legislative powers
 - 2.2. Constitutionality of delegated legislation
 - 2.3. Delegation of various types of legislative powers, Power of inclusion and exclusion, taxing power, power of modification including Henry VIII Clause
 - 2.4. Some procedural safeguards
 - 2.4.1. Consultation of affected interests and public participation in rule-making
 - 2.4.2. Publication of delegated legislation
 - 2.5. Legislative control of delegated legislation.
 - 2.5.1. Laying procedure and their efficacy
 - 2.5.2. Committees on subordinate legislation
 - 2.6. Judicial control of delegated legislation
 - 2.7. Sub-delegation of legislative powers
3. Natural Justice- Applicability
 - 3.1. Natural Justice: Need for
 - 3.2. The right to hearing: when can it be claimed
 - 3.3. Doctrine of fairness
 - 3.4. Doctrine of legitimate expectation
 - 3.5. Exclusion of natural justice
 - 3.6. Post-decisional hearing
4. Natural Justice: Principles
 - 4.1. No man shall be judge in his own cause
 - 4.2. No man shall be condemned unheard.
 - 4.3. Rules of evidence- no evidence, some evidence and substantial evidence rules
 - 4.4. Reasoned decisions

- 4.5. Institutional decisions
- 4.6. Failure of natural justice
- 5. Judicial Control Of Administrative Action
 - 5.1. Exhaustion of administrative and other remedies
 - 5.2. Locus standi
 - 5.3. Public interest litigation
 - 5.4. Laches
 - 5.5. Res-judication
 - 5.6. Grounds of judicial control
 - 5.6.1. Error of jurisdiction
 - 5.6.2. Error of law apparent on the face of the record
 - 5.6.3. Jurisdictional fact
 - 5.6.4. Findings of fact
 - 5.6.5. Moulding of relief
 - 5.7. Remedies in judicial review
 - 5.7.1. Mandamus
 - 5.7.2. Certiorari
 - 5.7.3. Prohibition
 - 5.7.4. Habeas corpus

Unit-XIV: Administrative Law-II

1. Administrative Discretion
 - Need for administrative discretion
 - Administrative discretion and rule of law
 - Need for safeguards
2. Doctrine Of Excessive Delegation Of Discretion
 - Constitutionality of discretionary powers
 - Administrative discrimination and arbitrariness

1. De tournement De pouvoir
 - Malafide exercise of discretion
 - Improper purpose
 - Irrelevant considerations
 - Unreasonableness
 - Non- exercise of discretionary powers

1. Liability Of The Government
 - Statutory- immunity
 - Act of state
 - Contractual liability of government
 - Government privilege in legal proceedings
 - Public accountability

Corporations And Public Undertakings

- Characteristics and classification

- Liabilities of public corporations
 - Legislative and government control.
 - Legal Remedies
1. Statutory Judicial Remedies: General
 - Declaratory judgment compared with certiorari
 - Injunctions
 - Injunctions compared with Mandamus.
 - Specific performance and civil suits for compensation
 - Specific statutory remedies
- Exclusion of Judicial Review
 - Scope of exclusionary and finality clauses
 - Impact of doctrine of ultra vires on privative clauses
 - Ombudsman
 - Vigilance commission.

Unit-XV: Labour Laws

- Definition of Trade Union and the right to form the Trade Union
- Legal Control and Protection of Trade Union: Registration, amalgamation, rights, immunities, liabilities and dissolution. Trade Union Funds.
- Problems: multiplicity of unions, over politicization- intra-union and inter-union rivalry, out side leadership, closed shop and union shop, recognition of unions.
- Collective bargaining
- Theoretical foundations of state regulations of Industrial relation: social justice, labour welfare, public interest, and productivity.
- The conceptual conundrum: industry, industrial dispute, and workmen.
- Machinery for settlement of industrial disputes and power of reference
- Strikes, lock-outs, lay off and retrenchment Transfer and closure
- Unfair labour practices
- Disciplinary proceedings.
- Labour welfare: concept, classification and importance
- Obligations of employer for health, safety and welfare
- Working hours of adults” and “Annual Leave with wages
- Liability for hazardous and inherently dangerous industries- environmental protection.
- Employment of young persons: prohibition of employment of children, regulation of employment of young persons.

- Women and labour force: equal remuneration law, maternity benefits, and protective provisions for women under factories law.
- Sexual Harassment of Women at Work Place

1. Concept of minimum wage, fair wage, living wage and need based minimum wage;
2. Constitutional validity of the Minimum wages Act, 1948.
3. Procedure for fixation and revision of minimum wages
4. Procedure for hearing and deciding claims
5. components of wages: dearness allowance, principle of fixation.

1. National Wage policy
2. Principles of wage fixation by adjudication and by wage Board and Pay Commission.
3. Definition of wage under Payment of Wages Act 1936 and responsibility for payment of wages.
4. Fixation of wage period and time of payment of wage.
5. Deductions from wages
6. Remedial measures.

- Social security: concept and scope
- Concept of employer, workmen, dependant, disablement.
- Workmen's compensation: employer's liability for compensation, amount and distribution of compensation.

- Employee's state insurance : benefits, ESI fund and contribution.
- Concept of bouns: computation of bonus
- Gratuity
- Provident fund and family pension.

- Un-organised labour: problems and perspectives.
- Agricultural labour
- Bonded labour
- Contract labour
- Tribal labour
- Domestic labour
- Daily wage workers
- Inter-state migrant workmen: regulation of employment and conditions of service