



**RAJ RISHI BHARTRIHARI
MATSYA UNIVERSITY,
ALWAR**

Syllabus

Faculty of Law

LL.B.

- LL.B. (P)/LL.B.(A) First Year Examination
LL.B. (P)/LL.B.(A) Second Year Examination
LL.B. (P) Third Year Examination


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अकादमिक-प्रथम

Year Course class provided they secure minimum percentage of marks as described above.

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

Provided further that the condition of obtaining a minimum of 48% marks in the aggregate of theory and practical papers shall not apply to the Natural Born sons/daughters of parent belonging to Scheduled Caste/Scheduled Tribe.

O.253: A candidate who has completed regular course of study in the University or in an affiliated college for First Year will, subject to the other provision of the Act, Statutes, Ordinances, Rules and Regulations be admitted to the First Year Examination of the LL.B. (P) or LL.B. (A) course depending on the course he has taken.

Q.253-A: A candidate who after passing the examination of the First Year has completed a regular course of study in the University constituent college or an affiliated college for the Second Year of the LL.B. (P) or LL.B. (A) course, Regulations, be admitted to the Second Year Examination of the LL.B. (P) or LL.B. (A) course, as the case may be.

Q.253-B: A candidate who after passing the examination of the Second Year has completed a regular course of study in the University constituent college or an affiliated college for the Third Year of the LL.B. (P) course, will subject to the other provisions of the Act, Ordinances, Statutes, Rules and Regulations, be admitted to the Third Year Examination of the LL.B. (P) course.

Ordinance 253-C be rewarded as follows:

(i) A Candidate who is declared eligible for appearing at the supplementary examination at LL.B. First Year (P)/(A) class will be allowed provisional admission to LL.B. Second Year (P)/(A) class. Such candidate will be permitted three more attempts for clearing the examination of LL.B. First Year examination. In the event of his failing at three such supplementary examinations, such candidate will have to appear in LL.B. First Year examination as an Ex-student in all the papers prescribed for the course.

(ii) A candidate who is declared eligible for appearing at the supplementary examination at the LL.B. Second Year (P)/(A) class will be allowed provisional admission to LL.B. Third Year (P) class. Such candidate will be permitted three more attempts for clearing the examination of LL.B. Second Year examination. In the event of his failing at three such supplementary examinations, such candidate will have to appear in LL.B. Second Year examination as an Ex-student in all the papers prescribed for the course.

(iii) A candidate who is declared eligible for appearing at the supplementary examination at LL.B. Third Year (P) class will be permitted to appear in three more attempts for clearing the LL.B. Third Year (P) examination. In the event of his failing at three such supplementary examinations he will have to appear in LL.B. Third Year examination as an Ex-student in all the papers prescribed for the course.

Regulation 21-A (1) For a pass, in each of the LL.B. I Year, II Year (Academic/ Professional) Examination and LL.B. III Year (Professional) Examination, a candidate must obtain not less than 36% marks in each paper (Theory and Practical) and 48% marks in aggregate of theory and practical papers prescribed for the examination concerned provided further that:

(1) A candidate who fails at the LL.B. First Year/Second Year or Third Year Examinations and has obtained not less than 36% marks in atleast 5 theory papers and practical or 6 theory papers shall be permitted to reappear in one or two theory papers and practical, or at the most three theory papers of his choice immediately following supplementary examination.

(ii) Actual marks obtained by a candidate in the papers in which he appears in the supplementary examination will be taken into account along with earlier marks of other papers for working out his result.

(2) A candidate who has passed LL.B. I Year, II Year or III Year Examination and desires to improve his performance, may be permitted to reappear in the same examination in the same subject in the immediate following year on the conditions stated in Regulation 159-E.

(3) Of the successful candidates, those who secure 60% or more marks shall be placed in the first division and the rest in the Second Division.

Q.254: A candidate who has once been awarded the degree of LL.B. (A) by the University and has thereafter appeared at and passed, after having undergone a regular course of study in the Third Year of the LL.B. (P) course, shall be awarded the degree of Bachelor of Laws (Professional) on supersession of his degree of the Bachelor of Laws (Academic). This fact shall be inserted in the Register of Laws (Professional).

Every candidate for the two year course for the degree of LL.B. (A) shall present himself for the examination in the papers prescribed in the Regulations.

Q.256 be rewarded as follows:

(i) The theory paper in LL.B. I, II and III Year shall be of 100 marks. The paper in each year of LL.B. I, II and III Year has been divided into two parts. Part A shall be of Practical Written Examination of 80 marks and Part B shall be of Viva-Voce of 20 marks. A candidate shall be required to appear in Particualr written and Viva-Voce Examinations.

(ii) O.256-B (already omitted), O.256-C and O.256-D be omitted and a new scheme and new O.256-A be inserted, which is as follows:

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

(2) Candidates who have opted for additional optional paper at LL.B. III Year shall be permitted to appear in the examination, if permitted by the Principal or Head of the Unit For

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University of Rajasthan, Jaipur

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such additional paper no teaching facility will be provided and the candidate will have to appear at the examination in such additional paper at his own risk and the marks obtained therein will not be counted while working out his result but will be shown in the marks sheet separately. For a pass in such paper the candidate has to secure atleast 50% marks.

5. O. 256-D be reworded as follows and renumbered as O. 256-B :
O. 256-B :

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

6. In order to make the transitory provisions for Three-Year LL.B. (P) (Old Scheme) / Two-Year LL.B. (A) (Old Scheme), the following consequential changes be made :

**Bachelor of Laws
(Old Scheme)**

Transitory provisions applicable to the student admitted to Three-Year LL.B. (P) / Two-Year LL.B. (A) Course :

The existing O. 251-A be renumbered as O. 256-C and reworded as follows :

O. 256-C :

The examination in the old course shall be conducted through Tutorial and class performance during the session and written papers at the end of each year, namely :

Three Year LL.B. (P) Course :

1. LL.B. (P) LL.B. (A) : First Year Examination at the end of the First Year.

2. LL.B. (P) / LL.B. (A) : Second Year Examination at the end of the Second Year.

3. LL.B. (P) : Third Year Examination at the end of the Third Year.

7. O. 252 in the Old Scheme, which has already been retained as such will rewording thereof for the purposes of new courses, will stand deleted for the purposes of old scheme.

8. The existing O. 253, O. 253-A, O. 253-B and O. 253-C, which have been renumbered and retained with their original numbering for the purposes of new scheme, be renumbered as follows for the old scheme (transitory provisions) :

O. 253 be renumbered as O. 256-D
O. 253-A be renumbered as O. 256-E

O. 253-B be renumbered as O. 256-F
O. 253-C be renumbered as O. 256-G

9. O. 254 and O. 255, which have been retained with their original numbering as they are for the new scheme, be renumbered for the old course, as O. 256-H and O. 256-I respectively.

10. O. 256, which has been reworded and retained with its original number for the purpose of new scheme, be renumbered as O. 256-J by retaining the text thereof as it is for the purpose of the old scheme.

11. The existing O. 256-C, which has been reworded and retained with its original number for the purpose of the new scheme, be renumbered as O. 256-K retaining the text thereof for the old scheme.

12. The existing O. 256-C-1 be renumbered as O. 256-L for the purpose of old scheme retaining its text as it is.

13. The existing O. 256-D, which has already been renumbered as O. 256-B for the new scheme and reworded accordingly, be renumbered as O. 256-M for the old scheme retaining the text thereof as it is.

14. The earlier O. 256-E to O. 256-E-5 (2) being obsolete stand omitted.

**Bachelor of Laws
(Five-Year Course)**

15. For making appropriate provisions for the Bachelor of Laws (Five-Year Course), the following amendment be made :

The existing O. 251 be renumbered as O. 256-N and the expression "shall" appearing in the first line of the Ordinance be substituted by the expression "may". The remaining text of the Ordinance be retained as it is.

**Bachelor of Laws
(Honours Course)**

Appropriate provisions for LL.B. Hons. Course, the following amendment be made :
The new O. 256-O be inserted which should provide as follows :

O. 256-O :

(1) There may be a Three Year LL.B. (Hons.) Course, which shall be conducted through written papers as well as Practical, Seminar, Moot Court and Tutorial and Viva-voce Examination at the end of the each year namely :

- 1. LL.B. I Year at the end of first year.
- 2. LL.B. II Year at the end of second year.
- 3. LL.B. III Year at the end of third year.

A candidate having Bachelor's degree with 45% marks is eligible to seek admission in the LL.B. (Hons.) Course. The admission shall be offered by Pre-Law Test. A merit list shall be prepared on the basis of result of

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University of Rajasthan, Jaipur

Pre-Law Test and admission shall be offered accordingly.

(3) There shall be one section of L.L.B. (Honours) Course for not more than 30 students in 1 Year of the L.L.B. (Hons.) Course.

(4) Teaching shall be provided in day class. There shall be exclusively separate classes for Honours-course only. Each subject of the L.L.B. Honours Course may be divided into 2 parts with distribution of marks as given below:

Paper A—Theory Paper	Max. Marks—60
Paper B—Practical, Seminar	—5
Moot Court & Tutorial	—5
Viva-Voce	—5
Total marks	75

(5) The practical test shall be conducted by Two examiners—one external and one internal examiner.

(6) The distribution of papers in each subject in each year of the L.L.B. Hons. Course shall be as under:

L.L.B. 1st Year:	
1. Law of Contract	General Principles Specific Contract Constitutional Admini- strative Law
2. Constitution of India	Paper—II Paper—I
3. Law of Torts & Easements	General Principles Specific Wrongs Easements
4. Family Law	Hindu Law Mohd. Law
	Paper—II Paper—I Paper—II

Optional:
Any three of the following:

1. Labour Law
2. Forest, Environment Protection and Law
3. Intellectual Property Law
4. Law, Women & Child
5. Equity and Trusts
6. Human Rights.

L.L.B. II Year:

1. Jurisprudence and Legal History	1. Jurisprudence Constitutional History	Paper—II Paper—II
2. Indian Penal Code	I.P.C.	Paper—I
3. Public International Law	I.P.C. Law of Peace Law of War and Int. Org.	Paper—II Paper—I Paper—I Paper—II

Property Law	Law relating to Transfer of Property and Rent Control	Paper—I
Land Law	Raj. Tenancy Act, 1955, Raj. Land Revenue Act, 1956.	Paper—II

Optional:

Any three of the following:

1. Insurance Law
2. Company Law
3. Bankruptcy and Insolvency
4. Dismissal and Peace Strategies
5. Criminology & Criminal Justice

L.L.B. III Year:		
1. Cr.P.C., Evidence and Specific Relief	Cr. P.C. Arbitration and Specific Relief	Paper—I Paper—II
2. C.P.C., Arbitration and Specific Relief	C.P.C.	Paper—I

Practical Training	
1. Pleadings & Conveyancing and Legal Language	Paper—I
2. Practical Training	Paper—II

Evidence and Limitation	
Evidence	Paper—I
Evidence & Limitation	Paper—II

Any three of the following:

1. Legal Remedies
- Law of Intestacy
- Consumer Law
- Law & Poverty
- Private International Law
- Labour Law

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(2) Each Compulsory subject shall be of 150 marks, divided into two papers of 75 marks each. Each optional subject shall be of one paper of 75 marks only.

For each of the First, Second and Final Year Examinations in L.L.B. Honours Course, for a candidate shall be required to obtain atleast 40% marks in each part of the paper and atleast 48% marks in aggregate of all subjects.

A candidate shall be eligible for the Degree of Bachelor of Laws (Honours) after he passes all the aforesaid examinations. A candidate who secures 60% or more marks in the aggregate shall be placed in the First Division while one who obtains less than 60% marks in the aggregate but not less than 48% shall be placed in the Second Division.

(8) Supplementary Examination :

Candidate who fails at the immediately preceding First, Second or Final Year Examination in two subjects only and obtains 48% marks in the aggregate of the remaining five subjects in which he has passed, or in the case of the candidate failing in the aggregate only, obtains 48% marks in the aggregate of the five subjects excluding the subjects in which he has secured the lowest marks, shall be permitted to appear in those subjects in which he has obtained the lowest marks.

In order to be declared successful at the Supplementary Examination, a candidate must obtain atleast 40% marks in the subject/paper and 48% marks in aggregate.

No division shall be awarded to the candidate passing L.L.B. Honours Degree Examination after having appeared at the Supplementary Examination more than once during the entire course.

(9) An ex-student is one :

- (a) Who has appeared at the examination and failed, or
- (b) Who has satisfied all the requirements of the minimum attendance to appear at the examination and has applied for appearing at the examination but does not appear at the examination on account of illness or some other bona fide reason to be determined by the Dean.

17. The existing O. 256-F to O. 256-T be renumbered as follows :

Old Ordinance	New Ordinance
O. 256-F	O. 256-R
O. 256-G	O. 256-Q
O. 256-H	O. 256-R
O. 256-I	O. 256-S

O. 256-J	O. 256-T
O. 256-K	O. 256-U
O. 256-L	O. 256-V
O. 256-M	O. 256-W
O. 256-N	O. 256-X
O. 256-O	O. 256-Y
O. 256-P	O. 256-Z
O. 256-Q	O. 256-Z-1
O. 256-R	O. 256-Z-2
O. 256-S	O. 256-Z-3
O. 256-T	O. 256-Z-4

18. The expression "Old Scheme" in the bracket be inserted against the expression "Regulation 21" :

19. In order to provide the details of papers and scheme of Examination for L.L.B. New Course, Regulation 21-A be inserted before the heading "One Year Postgraduate Diploma Course in Labour Law." This Regulation 21-A be as follows :

Regulation 21-A (New Scheme) :

1. For a pass in each of the L.L.B. I Year, II Year (Academic / Professional) Examination and L.L.B. III Year (Professional) Examination, a candidate must obtain not less than 36% marks in each paper (theory and practical separately) and 48% marks in aggregate of theory and practical papers prescribed for the examination concerned, provided further that :

- (i) A candidate who fails at the L.L.B. First Year / Second Year or Third Year examination and has obtained not less than 36% marks in atleast 5 theory papers and practical or 6 theory papers shall be permitted to reappear in one or two theory papers and practical, or at the most three theory papers of his choice at the immediately following supplementary examination.

(ii) Actual marks obtained by a candidate in the papers in which he reappears in the supplementary examination will be taken into account, along with earlier marks of other papers for working out his result.

(iii) A candidate who has passed L.L.B. I Year, II Year or III Year Examination and desires to improve his performance, may be permitted to reappear in the examination in the same subject(s) / paper(s) in the immediately following year on the conditions mentioned in Ordinance 169-E.

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LL.B. I Year

Compulsory Papers:

- 1.1 Contract – I (General Principles)
- 1.2 Contract – II (Specific Contracts)
- 1.3 Law of Tort and Consumer Protection
- 1.4 Family Law – I (Hindu Law)
- 1.5 Family Law – II (Mohammedan Law)
- 1.6 Constitutional Law – I
- 1.7 Legal Language and Legal Writing including General English
- 1.10 Constitutional Law - II

Optional Paper (Any one):

- 1.8 (a) Legal and Constitutional History of India
- (b) Trusts, Equity and Fiduciary Relationships.
- (c) Bankruptcy Laws

Practical Paper:

- 1.9 Public Interest Lawyering, Legal Aid Para- Legal Services and Moot Court.

This paper shall consist of following two parts:

- (a) Practical, Written Paper – 80 marks.
- (b) Viva – Voce Examination – 20 marks.

LL.B. II Year

Compulsory Paper:

- 2.1 Jurisprudence
- 2.2 Law of Crime
- 2.3 Law Relating to Transfer of Property & Easement
- 2.4 Company Law
- 2.5 Public International Law and Human Rights
- 2.6 Labour Law - I
- 2.7 Administrative Law
- 2.10 Labour Law. – II

Optional paper (Any One):

- 2.8 (a) Women and Law; or (b) Insurance Law; or
- (c) Banking Law including Negotiable Instrument Act.

Practical Paper:

- 2.9 Professional Ethics, Bar-Bench Relations and Moot Court.

This paper shall consist of following two parts:

- (a) Practical, Written Paper – 80 marks.
- (b) Viva – Voce Examination – 20 marks


प्रभारी अधिकारी
अकादमिक-प्रथम

Compulsory Papers:

- 3.1 Law of Evidence
- 3.2 Law Relating to Criminal Procedure, Juvenile Justice and Probation of Offenders.
- 3.3 Code of Civil Procedure and Limitation Act.
- 3.4 Arbitration, Conciliation and Alternate Dispute Resolution Systems.
- 3.5 Land Laws.
- 3.6 Interpretation of Statutes.
- 3.7 Environmental Law
- 3.10 Taxation Law

Optional Papers(Any One):

- 3.8 (a) Criminology and Penology; or
- (b) Intellectual Property Law; or
- (c) Law and Medicine

Practical Paper:

- 3.9 Drafting, Pleading and Conveyancing; Pre-trial Preparations Preparation in Trial Proceedings and Moot Chart.

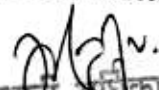
This paper shall consist of following two parts:

- (a) Practical, Written Paper – 80 marks.
- (b) Viva – Voce Examination – 20 marks

20. (i) In Regulation 22, the figure 66 wherever it appears, be substitutes by the figure 60.
- (ii) The expression “Legal Theory” appearing against Paper I be substituted by the expression “Jurisprudence” in Regulation 22.

List of Compulsory Papers (21):

1. Jurisprudence.
2. Contract – I (General Principle of Contract-Sections-1 to 75 and Specific Relief).
3. Contract – II(Indian Contract Act, Indian Partnership Act, Sale of Good Act and Other Specific Contracts).
4. Tort and Consumer Protection Laws
5. Family Law – I
6. Family Law – II
7. Law of Crimes.
8. Code of Criminal Procedure Juvenile Justice Act and Probation of Offenders Act.
9. Constitutional Law.
10. Property law including Transfer of Property Act and Easement Act.
11. Law of Evidence.
12. Code of Civil Procedure and Limitation Act.


 प्रमरी अधिकारी
 अकादमिक-प्रथम

13. Legal Language, Legal Writing including General English.
14. Administrative Law.
15. Company Law.
16. Human Rights and International Law.
17. Arbitration, Conciliation and Alternative Dispute Resolution Systems.
18. Environmental Law.
19. Labour Law.
20. Interpretation of Statutes.
21. Land Laws including Ceiling and any other legal laws.

List of Optional Papers (3) :

1. International Economic Law.
2. Bankruptcy Laws.
3. Taxation Laws.
4. Comparative Law / Legal History.
5. Insurance Law.
6. Conflict of Laws.
7. Banking Laws including Negotiable Instruments Act.
8. Investment and Security Laws.
9. Trusts, Equity and Fiduciary Relations.
10. Criminology and Penology.
11. Air and Space Laws.
12. Law and Medicine.
13. Women and Law and Law Relating to Child; Law, Poverty and Development.
14. Intellectual Property Law.
15. Maritime Law.

List of Practical Training Papers (4) :

1. Paper I
— Moot Court, Pre-Trial Preparations and Participation in Trial Proceedings.
2. Paper II
— Drafting, Pleadings and Conveyancing.
3. Paper III
— Professional Ethics, Accountability for Lawyers and Bar Bench Relations.
4. Paper IV
— Public Interest Litigation, Legal Aid and Para-Legal Services.

From the above list, it would appear that there must be 21 compulsory papers, 3 optional papers and 4 compulsory practical training papers in the curriculum for the 3 year LL.B. Course. The Committee has identified into all the proposed papers as well as the existing papers in LL.B. 3 year Course of the University of Rajasthan, and have resolved to distribute the papers as specified in the Bar Council of India's 3 years course as follows :

LL.B. THIRD YEAR EXAMINATION

Topic: —

Contract — I

Max. Marks : 100

(General Principles) Min. Pass Marks : 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examples shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

- 1 (a) Meaning, elements and characteristics of Contract
- (b) Basis of Contract.
- (c) Classification of Contract, including the Standard form Contract.
- 2 (a) Proposal : Meaning, Elements Characteristics and Kinds of proposal, Distinction between Proposal and Invitation to Proposal.
- (b) Acceptance: Meaning, Modes and Characteristics of Acceptance.
- (c) Communication, revocation and termination of proposal and acceptance.

Consideration :

- (a) Meaning, definition and Elements of Consideration.
- (b) Significance and legal consequences of consideration.
- (c) Unlawful consideration and object.
- (d) Concept of stranger to contract.

Capacity to Contract :

- (a) Who cannot make a contract Who is minor: The place of minor under the Law of Contract.
- (b) Person of unsound mind, nature of contract by person of unsound mind.

Persons deprived of the capacity to contract.

Consent :

- (a) Meaning of consent and free consent.
- (b) Factors rendering consent not free and their effect upon the validity of contract.

Defects in consent :

- (a) Fraud: its nature and effect on the contract.
- (b) Misrepresentation: its nature and effect on the contract.
- (c) Mistake: its nature and effect on the contract.
- (d) Duress: its nature and effect on the contract.
- (e) Undue Influence: its nature and effect on the contract.

Agreements in restraint of marriage; freedom of trade and right to practice legal proceedings.

Agreements involving uncertainty, wager and impossibility.

Assignment of Contract.

Assignment of Contract: its nature and effect on the contract.

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- (b) time, place and manner of performance.
- (c) Discharge from liability to perform the contract.

Branch of Contract:

- (a) Meaning and kinds:
- (b) Remedies for breach of contract:

(i) Damages—Measure of damages and remoteness of damage;
 (ii) Specific Performance of contract and Injunctions under Specific Relief Act

Leading Cases:

1. Carlill v. Carbolic Smoke Ball Co. (1893) 1 QB 256.
2. Bhagwandas v. Girdhar Lal & Co. AIR/1966/SC/3543.
3. Moolas Padampur Sugar Mill Co. Ltd. v. State of U.P. AIR/1979/SC 621.
4. Lalman Shukla v. Gauri Dutt. (1913) II ALLJ 489.
5. Mohori Bibi v. Dharmodas Ghosh, (1903) 30 I.A. 114.

Suggested Readings:

1. Atiyah P.S.: An Introduction to the Law of Contract.
2. Pollock: Principles of the Law of Contract.
3. Pollock & Mulla: Indian contract and Specific Relief act.
4. V.G. Ramchandra: The Law of Contract in India.
5. P.R. Desai: Principles of Law of Contract.
6. Awar Singh: Law of Contract. (English & Hindi)
7. R.K. Baveja Contract (English & Hindi)
8. I.C. Saxena & R.L. Nawalsha: हिंदी में हिंदी
9. S.K. त्रिपाठी हिंदी
10. श्री, श्री, श्री: हिंदी में हिंदी

LAW OF CONTRACT—II

Paper 1.2—

Max. Marks : 100

(General Principles)
 Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

- Contract of Indemnity and Guarantee:
- (a) Meaning. Distinction between Indemnity and guarantee and kind of guarantee.
 - (b) Rights of Indemnity holder.
 - (c) Rights of the Surety, Extent of the Liability of the Surety.
 - (d) Discharge of Liability of the Surety.

2. Contracts of Bailment and Pledge

- (a) Meaning and kinds of contracts of bailment—Bailment without and with a receipt.
- (b) Rights and duties of bailor and bailee.
- (c) Termination of Contract of Bailment.
- (d) Contract of Pledge—meaning and definition. Pledge by unauthorised persons.

Contract of Agency:

- (a) Definition, kinds and modes of creation of Agency.
- (b) Relation of Agent and Principal.
- (c) Rights of Agent and Principal.
- (d) Termination of Agency.
- (e) Liability of Agent and Principal.
- (f) The agent and the third party.
- (g) Power of agent's authority—
 - (i) By act of parties; and
 - (ii) By operation of Law—Implied and authority.

Contract of Sale of Goods:

- (a) Definition, kinds and modes of creation of Agency.
- (b) Relation of Agent and Principal.
- (c) Rights of Agent and Principal.
- (d) Termination of Agency.
- (e) Liability of Agent and Principal.
- (f) The agent and the third party.
- (g) Power of agent's authority—
 - (i) By act of parties; and
 - (ii) By operation of Law—Implied and authority.

Contract of Partnership:

- (a) Meaning, definition, formation and the characteristics of contract of partnership.
- (b) Distinction between Partnership and Co-ownership.
- (c) Partnership Firm and Partnership and Partnership.
- (d) Company and Partnership.
- (e) Position of Minor.
- (f) Obligations towards partners and relation of Partners with third parties.
- (g) Registration of Partnership firm.

Contract of Indemnity and Guarantee:

- (a) Meaning. Distinction between Indemnity and guarantee and kind of guarantee.
- (b) Rights of Indemnity holder.
- (c) Rights of the Surety, Extent of the Liability of the Surety.
- (d) Discharge of Liability of the Surety.

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Suggested Readings :

1. Atiyah P.S. : An Introduction to the Law of Contract.
2. Pollock & Mulla : Indian Contract and Specific Relief act.
3. V.G. Ramchandra : The Law of Contract in India.
4. V.G. Ramchandra : Law of Agency.
5. R.K. Bangia : Contract II
6. Agarwal, O.P. : The Indian Partnership Act, 1932.
7. Agarwal, O.P. : The Sale of Goods Act, 1930.
8. Kapoor, N.D. : Mercantile Law.
9. Avtar Singh : Law of Contract (English and Hindi).
10. Avtar Singh : Law of Partnership (English and Hindi).
11. Avtar Singh : Principal of the Law of Sale of goods (English and Hindi).
12. Saxena & Nawalsha :
13. Kapoor : Specific Part II
14. R.L. Rathi : Specific Part II

Paper 1.3. Tort and Consumer Protection Law.
 Max. Marks : 100
 Mr. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition, Nature, Scope, Object and Elements of Tort, Maxims, Extinction or discharge of Tortious Liability, Joint Tort-feasors.
2. Quasi Delictes of Tortious Liability.
3. Vicarious Liability, Doctrine of Common employment, State Liability, Absolute of Strict Liability.
4. Remedies, Kinds and measure of damages, Remoteness of damage.
5. Torts to person- Assault, Battery and False Imputation meant
6. Torts to person and property including Negligence, Nuisance, Nervous shock, interference with contract or business, Intimidation, Conspiracy, deceit or fraud, malicious prosecution, Defamation.
7. Consumer Protection Act, 1986, Defunctious—consumer Protection Councils, Consumer Disputes, Redressal Agencies—Establishment, Jurisdiction, Procedure, Orders.

Leading Cases :

1. Ushaben v. Bhagya Laxmi Chitra Mandir, AIR (1978) Guj. 13.
2. N. Negendra Rao v. State of Andhra Pradesh, AIR (1994) SC 2663.
3. Municipal Corporation of Delhi v. Smt. Subbawati, AIR (1966) SC 17.
4. Rylands v. Fletcher (1868) LR 3 HL 330.
5. Indian Medical Association v. V.P. Shantha, AIR (1996) SC 558.

Suggested Readings :

1. Winfield Law of Tort

2. Kumar Anil Kumar : Law of Torts.
3. G.S. Karika : Contributory Negligence.
4. Sreed : Law of Torts.
5. G.S. Karika : Law of Torts.
6. Sreed : Law of Torts.
7. Sreed : Law of Torts.
8. Sreed : Law of Torts.
9. Sreed : Law of Torts.
10. Sreed : Law of Torts.

Paper 1.3. Law of Consumer Protection (Principles and Practices).
 Max. Marks : 100
 Mr. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Sources, school and application, Coparcenary, Joint family property and Self-acquired property; Karta and his powers and obligations; Religious and Charitable endowments—Essentials of an endowment, Kinds, shabait and Mahant.
2. Hindu Marriage Act, 1955 : conditions of a Hindu Marriage. Its ceremonies and registration, Void and voidable marriage; Resumption of conjugal rights; Judicial Separation, Legitimacy of children of void and voidable marriage; Divorce; Alternative relief in divorce proceedings; Divorce by mutual consent, One year bar to divorce; Betrothed persons when may marry again; Jurisdiction and procedure.
3. The Hindu Succession Act, 1956: Succession to the property of a Hindu male; Succession to interest in Coparcenary property; property of a Hindu female; Succession to the property of a Hindu female; General rules and disqualifications of succession, Escheat.
4. The Hindu Adoption and Maintenance Act, 1956: Requisites of a valid adoption; Capacity to take in adoption; Capacity to give in adoption, Effects of Adoption; Miscellaneous provisions of adoptions; Maintenance of wife, children and parents; Maintenance of widowed women; Power of disposition of property; Appointment of guardian of minors; Testamentary guardian and his powers.

The Minority and Guardianship Act, 1955 : Natural Guardians of Minors; Testamentary guardian and his powers.

Guardian, general provisions of guardianship.
 6. Partition under Hindu Law—Meaning, Property for partition, persons entitled to sue for partition and allotment of shares, partition how effected, Determination of shares, Re-opening of partition, Reunion Duhis—Doctrine of pious obligation; Antecedent Duhis.

Leading Cases :

1. Shashin Yajna Purusdasji v Muldas, AIR 1966 SC 1119.
2. Hanumanth Prasad v. Mussammi Baihoos Murrji Koonwar, (1856) 6 MIA 395.
3. Rijj Narayan v. Mangla Prasad, (1924) 51 IA 129.
4. Bipin Chandra v. Prabhavati, AIR (1957) SC 176.
5. Dr. Narayan Ganesh Dastane v. Sushila Dastane AIR (1975) SC 1534.
6. Dharmendra Kumar v. Usha Kumar, AIR (1977) SC 2218.
7. Tulsamma v. Sesha Reddi, AIR (1977) SC 1944.

Suggested Readings :

1. Mulla : Principles of Hindu Law.
 2. Raghavachariar : Hindu Law—Principles and Precedents.
 3. Paras Diwan : Modern Hindu Law.
 4. Talur Mehmood : Hindu Law.
 5. सार्वभौम : भारतीय हिन्दू धर्मशास्त्र
 6. कृष्ण, वृत्त, श्री : हिन्दू धर्मशास्त्र
- Paper 1.5. Family Law—II
 Max. Marks : 100
 (Mohammedan Law)
 Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to rephrase the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are available.

1. Mohammedan Law : Origin, development, sources, Schools, Application, Interpretation and conversion.
2. Marriage : Nature of marriage, essentials of marriage, Khyat-bulugh, Iddat, Khalwat-us-sahba, Matrimonial stipulation, Mahr, polygamy, marriage and effects of marriage.
 Mahr : Meaning, nature, kinds, object and subject-matter, wife's rights on non-payment of dower.
 Dissolution of marriage : Talag Ila, Zihar, Talag-e-Tabarrat, Khula, Lian, Faskh—Section 2 of the dissolution of Marriage Act, 1939; Legal effects of divorce.
3. Guardianship—Appointment of guardian, kinds of guardianship, Pre-emption : Meaning, nature and classification of Esq. Mahr (Pre-emption); Rights of pre-emption, when conflict of laws, subject matter and formalities of pre-emption, legal effects of pre-emption, Devices for evading pre-emption

Will (Wasiyat) Competence of testator and legatee, Valid subjects of will : Testamentary limitations, Formalities of a will and abatement of will.

Legacy:

Legitimacy and acknowledgement : Legitimacy and legitimation, Presumption of legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, conditions of a valid acknowledgement.
 Maintenance : Persons entitled to maintenance, Principles of maintenance; The Muslim Women (Protection of Rights on Divorce) Act, 1986.

Wakf: Meaning, essentials and kinds, Beneficiaries of wakf; The Wakf Validation Act, 1913; Formalities for creation of Wakf; Wakf of Mushki; Muslim religious institution and officers; Administration of Wakf; Wakf-ul-Awqaf.

Principles of Law of Inheritance, Doctrines of Avul and Mawla under Hanafi and Shia Law.

Leading Cases :

1. Maina Bibi v. Choudhary Vakil Ahmed, (1923) 52 IA 145.
2. Habibur Rahman v. Araf Ali (1921) 42 IA 114.
3. Moonstee Buzul-ul-Rahem v. Luiseefulla Nissa, (1061) 8 M.L.A. 379.
4. Abu Fala Mohd. v. Ruseenraj Eshar Choudhary (1894) 22 IA 76.
5. Mohd. Ahmed Khan v. Shah Bano Begum, AIR (1985) SC 945.

Suggested Reading :

1. Fyzee : Mohammedan Law
2. Mulla : Principles of Mohammedan Law.
3. Verma, B.R. : Islamic Law.
4. Agil Ahmed : Mohammedan Law.
5. Amir Ali : Mohammedan Law.
6. सार्वभौम : भारतीय मुस्लिम धर्मशास्त्र
7. कृष्ण, वृत्त, श्री : मुस्लिम धर्मशास्त्र

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LL.B. I Year
Paper –VI

Max Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Constitutional Law of India – I

1. Introductory: Salient feature of the Constitution; Nature of the Indian, Federalism: Preamble, Citizenship and State,
2. Fundamental Rights, Directive Principles and Fundamental Duties.
3. Amendment of the Constitutions – Constitutionality of ordinary Laws and Constitutional Amendment, Judicial Review of Amendment and the Doctrine of Basic Structure – Major Amendments and their Constitutional Values.

Leading Cases:

1. Minerva Mills Vs. Union of India, AIR (1978) SC 1789,
2. Maneka Gandhi Vs. Union of India, AIR (1978) SC 597.
3. Kehar Singh Vs. Union of India, AIR (1989) SC 653.

Paper –VII

Max Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

English Language and Legal Writing Including General English

- (A) Vocabulary:
 Use of Legal phrases and terms (list of legal terms given below).
 Pair of words.
 One word substitution
 Latin Maxims (listed below).


 प्रभारी अधिकारी
 अकादमिक-प्रथम

(B) Comprehensive Skills :

1. Common Logical Fallacies.
 - (a) Valid Rules of Syllogism.
 - (b) Syllogistic fallacies.
 - (c) Other types of Material or Verbal Fallacies.
2. Comprehension of Legal Texts : Reading materials.
The prescribed leading cases.

(C) Composition Skills :

1. Use of Cohesive devices (Legal drafting).
2. Precise Writing.
3. Brief writing and drafting of reports; letters and applications.
4. Essay writing and topics of legal interest.
5. Varieties of sentence structures and verb patterns.
6. Translation (from English to Hindi and Hindi to English).

List of Legal terms which are relevant for LL.B. students :

Abet	Abstain	Accomplice
Act of God	Actionable	Accused
Adjournment	Adjudication	Admission
Affidavit	Amendment	Appeal
Acquittal	Articles	Assent
Attested	Attornment	Averment
Bail	Ballment	Citation
Clause	Coercion	Code
Cognizable	Confession	Compromise
Consent	Conspiracy	Contempt
Contingent	Contraband	Conviction
Convention	Corporate	Custody
Damages	Decree	Defamation
Defence	Escheat	Estoppel
Eviction	Executive	Ex parte
Finding	Floating charge	Forma Pauperis
Franchise	Fraud	Frustration
Good Faith	Guardian	Habeas Corpus
Hearsay	Homicide	Hypothecation
Illegal	Indemnity	Inheritance
Bench	Bill	Bill of remainder
Bill of Rights	Blockade	Bonafide
By-laws	Capital Punishment	Charge
Chattels	Justiciable	Legislation
Legitimacy	Liability	Liberty
Licence	Lieu	Liquidation
Maintenance	Malafide	Malfesance
Minor	Misfeasance	Mortgage


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Murder	Negligence	Negotiable Instrument
Notification	Neurology	Non-Feasance
Oboli	Obese	Nuisance
Order	Ordinance	Offender
De facio	De Jure	Overture
Detention	Discretion	Deposit
Earnest Money	Emet	Distress
Equality	Partition	Enforceable
Peuton	Plaintiff	Perjury
Preamble	Pre-emption	Pledge
Pre-emption	Privilege	Prescription
Prize	Process	Privily
Proof	Proposal	Promissory Note
Proviso	Ratify	Prosecution
Redemption	Reference	Recalver
Remand	Remedy	Regulation
Repeal	Res Judicata	Rent
In limine	Insanity	Respondent
Insurance	Intestate	Instituto
Judgement	Judicial	Issue
Justice	Restoration	Jurisdiction
Ruling	Schedule	Rule
Settlement	Sovereignty	Section
Stamp duty	Status quo	Specific Performance
Sury of execution	Succession	Statute
Surety	Tenant	Summons
Testatrix	Title	Tutor
Trade Mark	Treason	Tort
Trespass	Thal	Treaty
Trust	Ultra vires	Tribunal
Usage	Valid	Undue Influence
Veiled	Violate	Verdict
Void	Voidable	Vandalor
Waiver	Warrant	Warranty
Will	Whi	Wrong

List of Latin Maxims :

1. Ab initio (from the beginning)
2. action personal is mortur cum petrona (Personal right of action dies with the person).
3. actus curae neminem gravabit (act of the Court shall perjure no one).
4. actus non facit reum, nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).

5. actus reus (wrongful act).
6. ad injuriam (in the meantime).
7. ad litram (for the suit).
8. ad valorem (according to the value).
9. alibi (place of being elsewhere).
10. Amicus curiae (friend of the Court).
11. animus (intention).
12. audi alteram partem (hear the other side).
13. caveat emptor (Buyer beware).
14. consensus ad idem (agreement by two persons upon the same thing in the same sense).
15. damnum sine injuria (damage without injury).
16. de facio (in fact).
17. de jure (in law).
18. de iuribus non curat lex (the law does not account of the trifles).
19. decree nisi (a decree which takes effect after a specified period).
20. delegatus non potest delegare (a delegated power cannot be further delegated).
21. doll incapax (incapable in malice).
22. denatio mariti cause (gift by a person on the death-bed).
23. ejusdem generis (of the same category).
24. eminent domain (the supreme rights).
25. ex officio (by subsequent act).
26. experts (not in the presence of the opposite party)
27. export facto (by subsequent act).
28. factum valet (the fact which cannot be altered).
29. facti accompli (an accomplished fact).
30. ignorantia legis neminem excusat (ignorance of law is no excuse).
31. in pari materia (in an analogous case, cause or position).
32. injuria sine damno (injury without damage).
33. Interest re publicae ut sit facta litium (It is the interest of the republic that there should be an end of law suit).
34. lata vires (within the powers)
35. jus tertii (the right of a third party).
36. Litis pendens (pending suit):
37. mens rea (guilty mind).
38. mensura probis (the profits received by a person on wrongful possession).
39. nemo dat quod non habet (no man can transfer better title than he himself has).
40. nemo delegat bis vexari pro una et eadem causa (no man be twice vexed for the same cause).
41. nemo in propria causa judex esse debet (no one ought to be a judge in his own cause).

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प्रकारी अधिकारी
अकादमिक-प्रशासन

28. University of Rajasthan

42. nite ptesqui (to be unwilling to prosecute).
43. Obiter dicta (an opinion of law not necessary to the decision).
44. onus probandi (the burden of proof).
45. pacta sunt servanda (pacts must be respected).
46. pendente lite (during litigation).
47. per capita (counting heads).
48. per incuriam (through inadvertance or carelessness).
49. per stripes (by stocks).
50. plannum dominium (full stocks).
51. pro bono publico (for the public good).
52. ratio decidendi (grounds for decision, principle of the case).
53. res gestae (connected facts forming the part of the same transaction)
54. res ipsa loquitur (the thing speaks for itself).
55. res judicata (a matter already adjudicated upon)
56. res nullius (an ownerless thing).
57. rule nisi (a rule or order upon condition that is to become absolute if cause is shown to the contrary).
58. status quo (existing position).
59. sub judice (in course of adjudication).
60. sui juris (on one's own right).
61. suo motu (of ones own accord).
62. ubi jus ibi remedium (where there is a right, there is a remedy).
63. ultra vires (beyond the powers of).
64. volenti non fit injuria (Risk taken voluntarily is not actionable).

Leading Cases :

1. State of Rajasthan v. Smt Kalbj & another.
AIR 1981 SC 1980.
2. Kuljeet Singh alias Ranga v. Union of India,
AIR 1981 SC 1572.
3. State of Maharashtra v. Champalal Punjaji Shab,
AIR 1981 SC 1675.
4. Nand Lal Bajaj v State of Punjab and another
AIR 1981 SC 2041
5. Smt. Jewanti Pandey v. Kishan Chandra Pandey,
(1980) SCC 517.

Suggested Readings :

1. Glanville Williams : Learning the Law.
2. Wren & Martin : English Grammar
3. Ganga Sahai Sharma : Fundamentals of Legal Writing.
4. Hindi-English Legal Glossary : Vidhi Sahitya Prakashan, Ministry of Law, Government of India, New Delhi.
5. David Green : Contemporary English Grammar, Structure and Composition.
6. Ishuque Abidi : Law and Language.
7. Law Lexicon & Legal Maxims by Venkataramaiya.
8. Richard C. Wydick : Plain English for Lawyers.
9. Surendra yadav - Legal Language.


 प्रभारी अधिकारी
 अकादमिक-प्रथम

LL.B. I Year
Compulsory paper
Paper –X

Max Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Constitutional Law of India – II

1. Union and State Executive: President, Governor-Election, appointment, Powers, Position, Council of Ministers, Prime Minister, Parliamentary; System of Government; Union and State Legislature: Lok Sabha; Rajya Sabha ; Vidhan Sabha and Vidhan Parishad – Composition, Speaker, Chairman, privileges, Legislative Procedure.
2. Union and State Judiciary – Supreme Court and High Court, Composition and powers, Writs.
Union State Legislative Relationship – Distribution of Legislative power, Administrative and Financial relationship.
3. Services under the Union and State, Constitutional protection to civil servants, Public Service Commission's of the Union and State, Article 300 – D-A-Property Rights: Freedom of Trade, Commerce and Inter-course; State liability in Contracts and Torts, Suit by and against the State.
4. Emergency provisions: National, State and Financial.

Leading Cases:

1. Union of India Vs. Tulsiram Patel, AIR (1985) SC 1416.
2. Kesavananda Bharti Vs. State of Kerala, AIR (1973) SC 1476.


प्रभार अधिकारी
उत्पादक-ग्राम

OPTIONAL PAPER

Paper 1.8. (a) Legal and Constitutional History of India

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Administration of Justice in Madras, Bombay and Calcutta before 1726.
2. Importance and necessity of legal history; Charter of 1726 and Establishment of Mayor's Court; Charter of 1753; The Madras, Act of Settlement, 1781; Nand Kumar Trial; Patna Case, Cossijurah case.
3. The beginning of the Adalat System; The Judicial Plans of 1772 and 1774 introduced by Warren Hastings. Judicial Reforms of Cornwallis and William Bentinck.
4. The High Court : Dual Judicature before 1861; Indian High Court Act, 1861; Indian Council Act, 1861 Privy Council; Federal Court; Development of Law in Mofussil (Justice, Equity and Good Conscience) Development of Criminal Law. Charter Act of 1833 :
Codification of Law; Law Commission, Legislative Council, First Second and Third Law Commissions; The Le Locl Report.
5. Government of India Act, 1858 and 1892 :
6. Simon Commission, Round Table Conference :
Federalism—Nature and Characteristics under Government of India Act, 1935; Provincial Autonomy, Cabinet Mission; Crips Mission Indian Independence Act, 1947; Abolition of Jurisdiction of Privy Council; Constituent Assembly—Its formation, working and contributions.

Leading Cases :

- | | |
|-----------------------------------|---------------------------|
| 1. Trial of Raja Nand Kumar, 1775 | 2. Patna Case, 1777-79. |
| 3. Cossijurah Case, 1789-90. | 4. Kamaluddin Case, 1775. |
| 5. Gorachand Dutt v. Hosca. | |

Suggested Readings :

1. Jain M.P.—Outlines of Indian Legal History (English and Hindi).
2. Keith, A.B.—Constitutional History of India. Chapters VII, VIII, X, XI and XII only.
3. Banerjee, A.C.—The Making of the Indian Constitution.
4. Mahajan, V.D.—Constitutional History of India.

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Paper 1.9—Public Interest Lawyering :
Legal Aid, Para-Legal Services and Moot Court.
Max. Marks : 100
Min. Pass Marks : 36

This paper shall consist of following two parts :
(a) Practical written paper
(b) Viva-voce examination

—80 marks

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

(a) Practical Written Paper :

(1) Meaning, nature, scope and object of Public Interest Litigation (PIL). PIL against the State and other Public Bodies. Difference between Public Interest Litigation and Private Interest Litigation.—Meaning of Social Action Litigation, Concept of Locus standi.

(2) Legal Aid under the—

- (i) Constitution;
- (ii) Code of Criminal Procedure; and
- (iii) Code of Civil Procedure.

The Legal Services Authorities Act, 1987. Legal Aid and Law Schools, Legal Aid and Voluntary Organisations; Legal Aid and Legal Professions; District Legal Aid Committee.

(3) Lok Adalats—Their jurisdiction, working and Powers under the Legal Services Authorities Act, 1987.

(4) Writing of applications for Legal Aid.

Leading Cases :

1. Hanuman Mukti Morcha v Union of India, (1984) 3 SCC 161.
2. Olga Tellis v Bombay Municipal Corporation, (1985) 3 SCC 545.
3. Sukdas v Union Territory of Arunachal Pradesh, AIR 1986 SC 928.
4. Shreeji Bhuve v State of Maharashtra, AIR 1988 SC 378.

Suggested Readings :

1. P.N. Bhagwati—Legal Aid as a Human Right.
2. Sujan Singh—Legal Aid—Human Right to Equality.
3. Sunil Desai—Lok Adalats in India—Cases and Functioning.
4. L.M. Singhvi—Law and Law and Poverty—Cases and Materials.
5. Award Prasad—Lok Adalat (Quoting Publishers, New Delhi).
6. S.S. Sharma—PL, Legal Aid, Para Legal Services Moot Court.
7. P.N. Bajpayee—Legal Aid and the Bar Council.
8. Kalash Rai—PL, Legal Aid & Para Legal Services (Eng. & Hindi)
9. फॉर एरिबोर-सोसलर सुक्रेन, फॉर एरिबोर सुक्रेन एव फॉर एरिबोर सुक्रेन

Paper 1.9 (b)

VIVA-VOCE

20 marks

Maintaining Diary on Court visits; Legal Aid and Lok Adalat Proceedings, Moot Court, Performance done on the basis of prescribed leading cases in LL.B. 1 year paper under the supervision of the concerned teacher. The teacher(s) shall conduct at least two 'Moot Courts' during the session and it will be compulsory for the candidates to participate in atleast fifty per cent of such Moot Courts. The teacher can also conduct Moot Court on the basis of the cases other than the prescribed leading cases. The Viva-voce examination shall be conducted by a Committee of three persons. In this Committee, there shall be two Internal examiners and one External examiner. The Committee shall award marks on the basis of Court diary and performance at the Moot Court and viva-voce examination.

SECOND YEAR LL.B. (APP) EXAMINATION

Paper 2.1

Jurisprudence

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Contents :

Jurisprudence :

- (i) Importance of Jurisprudence.
- (ii) Schools of Jurisprudence: Analytical, Historical and Sociological including American Realism and Natural Law School.

Nature of Law :

Definition—Austin, Salmond, Holland, Gray, Hart.

Sources of Law :

- (A) Meaning, Custom, Kinds, Tests of particular legal custom; Importance of custom; Theories of customary law.
- (B) Precedents, Kinds, Ratio decidendi, obiter dicta; Declaratory theory of precedent; Judge-made law theory.
- (C) Legislation; Kinds, comparison between legislation and other sources of law.

Concept of Law :

Rights and Duties : Nature of Rights and Duties; Correlation of Rights and Duties; Kinds of Rights and Duties; Property; Definition and Kinds; Negligence; Criminal liability.

Ownership and Possession :

(A) Meaning of Ownership; Kinds, Definition of ownership by Austin and Salmond

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अकादमिक-प्रश्न

(A) Relation between ownership and possession. Importance of Possession: Elements of corporeal possession and problems: Theories of possession: Bailment and Savings for bailment

Person : Nature of personality, kinds, corporate personality and its kinds, theories of corporate personality, problems legal persons and punishment. Leading Cases :

1. Kesavanand Bhanu v. State of Kerala, AIR 1973 SC 1451; (Per Mathew J) 1974; paras 1617, 1616 (Sovereign) 1585—1698 (Natural Law and Natural Rights); 1726—1729 (Rescove Pound and Sociological Jurisprudence).
2. Maharashtra Shree Umaid Mills Ltd. v. Union of India, AIR 1963 SC 953 paras 12, 13, 14 (Per S.K. Das) Concept of Law; Legislative agreement.
3. Smt. Indra Nehru Gaudli v. Raj Narain, AIR 1975 SC 2299; Para 299, 489 (Per Mathew, J) (Generally as a Property of Law).
4. Keshav Singh v. State of U.P., AIR 1965 SC 9 to 17, (Per Sarkar, J), Law making by Judicial and Legislative Comity).
5. Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 561, (Precedent).
6. Maneka Gandhi v. Union of India, AIR 1978 SC 597.

Suggested Readings :

1. Salmond : Jurisprudence.
2. Dias : Jurisprudence.
3. Dhyan S.N. : Fundamentals of Jurisprudence.
4. Mahajan V. D. : Jurisprudence and Legal theory.
5. ब्रह्म वरदा. : तर्क शास्त्र
6. अर्थशास्त्र : कर्तव्य शास्त्र के अन्तर्गत
7. Agarwal & Razada : Some thoughts on Modern Jurisprudence.
8. R.D. Yadav : Glimpes of Jurisprudence.

Paper 2.2 Law of Crimes

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. General Principles of Criminal Law.
2. The Indian Penal Code, 1860 : Territorial Jurisdiction, Stages of crime : Doctrine of Mens rea, Inchoat crimes—Preparation, attempt, General Explanation, Public Servant, Movable Property, Wrongful gain and wrongful loss, Dishonestly, Fraudulently, Reason to believe, Counterfeit, Valuable Security, Act and Omission, Voluntarily, Injury, Good faith, Illegal Injury.

Offence, Document, Harbour, Judge.

3. General Exceptions :

(A) Mistake of facts and mistake of Law, Judicial act, Accident, Act done without criminal intention and to prevent other harm; Act of person of unsound mind, Act of intoxicated person.

4. General Exceptions :

(B) Acts done with consent, Act done in good faith without consent, Communication made in good faith: act done under compulsion, Act causing slight harm; Right of Private defence.

5. Joint Liability : Common intention, common object, Abettment, Criminal Conspiracy, Constructive Liability.

6. Offences Affecting Public Peace & State Authority : Unlawful assembly, Rioting, Affray, Public Servant, Taking gratification other than legal remuneration in respect of official act, giving evidence, Fabricating false evidence, sedition, Public nuisance.

7. Offences Affecting the Human Body : Culpable homicide, murder, Criminal negligence and rashness, Attempt to commit murder and suicide; miscarriage, hurt, Grievous hurt, Voluntary restraint and wrongful confinement, force and criminal force, Assault, Kidnapping and abduction.

8. Offences Against Property : Theft, Extortion, robbery, Dacoity, Criminal misappropriation of property, Criminal breach of trust; receiving stolen property Cheating, mischief, criminal trespass, House breaking.

9. Offence Relating to Document : Forgery, Making a false document, Offence relating to Secular Heritage : Rape, Sexual offences, Unnatural offence, Adultery, Bigamy.

11. Offences Affecting Personal Peace and Reputation : Defamation, Criminal Intimidation, Criminal Insult.

Leading Cases :

1. Reg. v. Govinda (1876) ILR 1 Bom. 343.
2. Kedar Nath v. State of Bihar, AIR 1962 SC 955, (1962), 2 C, LJ 103 (SC).
3. Laxman Kalu v. State of Maharashtra, AIR 1968 SC 1890, 1968 C, LJ 1647.
4. T. V. Vadgama v. State of Gujarat, AIR 1973 SC 2213, 1973 C, LJ 1543 (SC).
5. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605 (1962) 2 C, LJ 521 (SC).
6. Bachan Singh v. State of Punjab, AIR 1980 SC 896.

Suggested Readings :

1. Ratan Lal : The Indian Penal Code.
2. Kenny : Outlines of Criminal Law (First four chapters).

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1. Nigam, R. C. : Principles of Criminal Law (English & Hindi).
 2. Shantishil Nanda-Principles of Criminal Law.
 3. Pt. Singh Gaur : Penal Law of India.
 4. Bhattacharyya : Indian Penal Code (English & Hindi).
 5. Anur Singh Yadav : Indian Penal Code (Hindi).
 6. Raja Ram Yadav : Indian Penal Code (Hindi).
 7. The Law Relating to Transfer of Property and Easement
- Paper 2, 3
Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Preliminary : Definition, Essentials of Transfer, Competence of Parties, subject matter of transfer, transfer to unborn person, Registration of transfer, etc. General Rules of Transfer :

- a) Transfers of alienation absolute or partial, Restraints of free enjoyment, Transfers affecting enjoyment, divesting on insolvency, Perpetuity, Covenants affecting enjoyment, divesting on insolvency, perpetuity, Future interests, forfeiture of acceleration-Accumulation of Income. Exceptions, Covenants and Transfers, General Rules of Transfer,
- b) Conditional transfer : Condition precedent, Condition subsequent; vested and contingent interest.

Section, Priority of rights, Notice, Implied transfers by limited owners, transfer of property out of which maintenance claims have to be met, ownership by holding out, ownership by estoppel, feeding the grant by estoppel, Doctrine of part-performance, Sale, Mortgage and Charge : Kinds of mortgage, Rights and liabilities of mortgagee and mortgagor, priority, marshalling, contribution and apportionment.

Exchange, Lease, Gift, Actionable claims, Transfers : Essentials of Easement, Imposition Acquisition, Incidents, Termination, Extinction, Suspension and Revival of Easement, Licence, Difference between Lease and Licence.

Leading Cases :

1. J. Rao v. Vasudevappa, AIR 1956 SC 727.
2. Jai Das Gopal Dass v. Premnukha Dass, ILR 10-Cal. 1035 (PC).
3. Jai Kumar Koonoo and others v. John and Maria Mequeen (1872)
4. Kant LR 46 (PC) XXII A. Vol. Supp. (1872-73).
5. Moh v. Maheshwar, ILR 31 Cal. 37 (PC).
6. Jaihind Hotel of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262.
7. Jai Bahadur Bahadur Singh v. Tribhuvan Bakery Kaur, AIR 1953 SC 471.

Suggested Readings :

1. The Transfers of Property Act (Act IV of 1882) as amended up-to-date.
 2. Mulla : Transfers of Property Act (Act IV of 1882) as amended up-to-date.
 3. Meall : Transfers of Property Act.
 4. Menon, A.K. : The Indian Easements Act (Act V of 1882).
 5. Sarthi, V.P. : The Law of Property.
 6. Shukla, S.N. : Law of Transfer of Property.
 7. Saxena, I.C. : Transfer of Property Act.
 8. Bhanuaji, I.C. : Transfer of Property Act.
 9. Kulkarni & Sharma : Transfer of Property Act (Hindi).
 10. Tripathi, J.N. : Transfer of Property Act (Hindi).
 11. Gupta, R.R. : Transfer of Property Act (Hindi).
- Paper 2, 4
Max. Marks : 100
Company Law
Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition of Company—kinds of company, corporate personality, Association and Incorporation. The Memorandum and Articles of Association.
 2. Promoters and Preliminary Contracts Prospectus, Share-capital, Shares, Majority and share-holders, Debentures, Directors and Borrowing.
 3. Prevention of oppression and minority rights. Reconstruction of oppression, Mts Management, amalgamation and Formation, Meetings of company, winding-up and Dissolution.
- Leading Cases :**

1. Avon Soloman v. Soloman Co. Ltd. (1897) AC 22.
 2. Laxmi Swamy v. Laxmi Swamy, AIR 1965 SC 1185.
 3. Royal British Bank v. Turquand, (1856) 6 E & B 327.
 4. Ramchandra Bank v. Turquand, (1856) 6 E & B 327.
 5. The English and American Bank, AIR 1950 PC 51.
 6. Baji and Sons Ltd. v. State of Bihar, AIR 1965 SC 40.
- Suggested Readings :**

1. Shah, S.M.
 2. Avtar Singh
 3. Sen, O.M.
 4. Sanghal, P.S.
 5. Dillon, L.C.
 6. Paranjape, N.V.
- Lectures on Company Law.
Company Law (English & Hindi).
Company Law (Cases and Materials)
Company Law & Multinational Companies
National and International Companies
Some Legal Issues.
Principles of Company Law.
Company Law (English & Hindi)

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Paper 2.5 Public International Law and Human Rights
Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever relevant.

1. Definition, Nature and Basis of International Law, Weaknesses of International Law, Codification and Development of International Law, Relation between International Law, Municipal Law; Subjects of International Law, Nationality, Extradition and Asylum.
2. States in general : Kinds of States and non-States entities; Acquisition and loss of State territory; Territorial Water, Continental Shelf, Contiguous Zone, Exclusive Economic Zone, Freedom of the High Sea and Piracy. Recognition of States and Governments. Recognition of Insurgency and belligerency, de facto and de jure recognition, State succession, State Jurisdiction, Territorial sovereignty, Criminal Jurisdiction in International Law, Intervention.
3. Diplomatic agents, Consuls, Classification and Function of Diplomatic agents, Privileges and Immunities with reference to Vienna Convention on Diplomatic Relation, 1961, Treaties, Definition, Basis, Classification and formation of treaties, Interpretation and revision of treaties, Principle of jus cogens and pacta sunt servanda, termination of treaties, Vienna Convention on the law of treaties, Pacific and Compulsive means of settlement of International disputes, International Court of Justice- Jurisdiction and Contribution towards development of International Law.
4. War, its legal character and effects, Enemy character, Armed conflicts and other hostile relations, Belligerent occupation, War crimes, Termination of war and doctrine of post liminium and Prize Courts.
5. The Law of Neutrality—Basis of neutrality, Rights and duties of neutral states, quasi-neutrality, neutrality and U.N. Charter, Right of Angary, Contraband, Blockade, Unneutral service, Right of visit and search.
6. International Institution : United Nations, History and formation of United Nations, Organs of United Nations with specific reference to General Assembly, Security Council and International Court of Justice.
7. Human Rights : Meaning, Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, 1966, Regional Conventions on Economic, Social and Cultural Rights, Child, Protection of Human Rights Act, 1993.

Leading Cases :

1. United Kingdom v. Norway (Anglo-Norwegian Fisheries Case) (ICJ Report (1951) 116

2. Civil Air Transport Inc. v. Central Air Transport Corporation, Judicial Committee of the Privy Council, (1953) AC 70.
3. Nuremberg Judgement—The International Military Tribunal—Nuremberg, 1946 & IJL 1947, p. 12.
4. Re—Government of India and Mubarak Ali Ahmed 1952, 1 All ER 1960.
5. South West Africa Case, ICJ Report, 1966.
6. Right of Passing Over Indian Territory, ICJ Report, 1969 (8).

Suggested Readings :

1. Sturke : An Introduction to International Law.
2. Oppenheim : International Law, Vol. I and II.
3. Brechly : The Law of Nations.
4. S.K. Kapoor : International Law (English & Hindi).
5. Tandon, M.P. : International Law (English & Hindi)
6. Robertsoe, A.H. : Human Rights in the World.
7. Khare, S.C. : Human Rights and United Nations.
8. Basu, D.D. : Human Rights in Constitutional Law.
9. Negendra Singh : Protection of Human Rights.
10. Satish Chandra : International Documents of Human Rights.
11. Datta, K.C. : Human Rights Jurisprudence.
12. Kartara, G.S. : Commentary on Protection of Human Rights Act.


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**RAJ RISHI BHARTRIHARI MATSYA UNIVERSITY,
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LL.B.II Year
Paper VI - Labour Law I

Max Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Industrial Dispute Act, 1947

Historical Development of Industrial Disputes, Legislation in India: Various modes of Settlement of disputes, Object and Reasons, Scope, Definitions of Important terms – Authorities under this Act, voluntary Arbitration and Compulsory Adjudication. Reference of Disputes to Boards, Courts or Tribunals; Procedure, Powers and Duties of Authorities, Implementation of Awards, with-holding of Awards, Appeals to Supreme Court and writs to HCs. Strikes and Lock-outs, Lay-off and Retrenchment, Special provisions Relating to Lay-off, Retrenchment and closure in certain establishments, Compensation in transfer of under-trading, Section 33, 33-A, 33-B, 33-C and other miscellaneous provisions, Penalties, Unfair Labour Practice etc.

Trade Unions Act, 1926

The Philosophy of Trade Unionism, History of Trade Union, Trade Union Movement: in India – Aims and Objects – Extent and Commencement of the Indian Trade Unions Act, 1926 – Definition and Nature of Trade Union.

Registration of Trade Unions – Right and Liabilities of Registered Trade Unions – (Recognition of Trade Unions, Regulations, penalties and Procedure, Dissolution Collective Bargaining and Trade Disputes – Unfair Labour Practices).

The Contract Labour (Regulation and Abolition) Act, 1970

Definitions, advisory boards, registration of establishments employing contract labour, licensing of contractors, welfare and health of contract labour, penalties and procedure, Miscellaneous-inspecting staff, registers and other records to be maintained, power to exempt in special cases, protection of action taken under this Act.

The Bonded Labour System (Abolition) Act, 1976

Definitions, abolition of bonded labour system, extinguishments of liability to pay bonded debt, implementing authorities, vigilance committees, offences and procedure for trial, Miscellaneous - Protection of action taken in good faith, Jurisdiction of civil courts barred, Power to make rules, Repeal and saving.

Leading Cases:

1. Workman of Indian Standard Institutions vs Indian Standard Institution AIR 1976 SC 145.
2. Delhi Cloth and General Mills Co.Ltd vs Ludh Budh Singh, 1976 ILLJ 180 (SC) AIR 1972 SC 103.
3. Jay Engineering Works vs State of West Bangal, AIR 1968, Cal 406.


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Paper 2.7

Administrative Law

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they relevant.

Definition, Nature, Scope, Rule of Law, Separation of powers, Relationship between Administrative Law and Constitutional Law, Sources of Administrative Law, Government, Administrative Authorities and Bodies, Statutory Corporations including their control, the extent of executive power, Administrative Finality and the Court review.

Delegated Legislation—Nature, Scope, Forms, Necessity, Control, including judicial Parliamentary and Legislative, Conditional legislation and Sub-delegation.

Henry III Clause

Administrative Process—Administrative Action, Administrative Discretion and Quasi-Judicial Elements in Administrative Procedure.

Principles of Natural Justice and their Control, Doctrine of Bias, Audi Alteram Partem, rights to Consult, Reasoned Decision.

Administrative Adjudication—Reasons for growth, Structure and Procedure of Administrative Bodies, like Tribunals; Finality of the Tribunal, Decisions, Administrative Tribunals Act, 1985.

Judicial Control of Administrative Action—Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo warranto writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act, Ombudsman, Lokpal; Lokayuktas of the State of Rajasthan.

Government liability in Torts and Contracts, Suits against the Government and Public Authorities.

Leading Cases :

1. A.K. Kripak v Union of India, AIR 1970 SC 150 (1969) 2 SCC 262.
2. In Re-Delhi Laws Act, etc. AIR 1951 SC 332.
3. Raj Narain v. Chairman, Patna Administration AIR 1954 SC 569.
4. Syed Yakoob v. Radha Krishna, AIR 1964 SC 477.
5. Rohtas Industries Pvt Ltd. v S.D. Agarwal. AIR 1969 SC 707.
6. State of Karnataka v. Union of India, (AIR 1978 SC 68.

Suggested Readings :

1. Indian Law Institute—Delegated (Legislation in India).
2. Griffith J.A.O. and Street, H.—Principles of Administrative Law.
3. Kagzi, M.C.J.—Administrative Law in India.
4. Kagzi, M.C.J.—A Case Book in Administrative law.
5. Dr. Jain, M.P. & Dr. Jain, S.N.—Principles of Indian Administrative Law.
6. Kesari, U.P.D.—Administrative Law.
7. कसरी यू.पी.डी. : प्रशासनिक विधि
8. उपाध्याय जे.जे. : प्रशासनिक विधि
9. Sathe, S.P.—Administrative Law


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LL.B.II Year
Paper X- Labour Law II

Max Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

The Factories Act 1948:

History of Factory Legislation – Concept of Welfare Objects and Reasons – Scope and Applicability – Definitions of some important terms.

The Inspecting Staff – Health, Safety, Welfare, Working Hours of Adults – Employment of young persons – Annual leave with wages. Special Provisions – Penalties and Procedure – New provisions inserted vide Factories(Amendment) Act of 1987.

The Minimum Wages Act, 1948:

Concept of Wages, particularly Minimum Fair and Living Wages, Need Based minimum Wage – Aims and objects of Minimum Wages Act – Application, Exceptions and Exemptions – Kinds of Wages.

Fixation and revision of minimum rates of wages Adjudication of claims relating to minimum wages and Miscellaneous provisions.

CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

THE PAYMENT OF GRATUITY ACT, 1972

MATERNITY BENEFIT ACT, 1961

THE PAYMENT OF BONUS ACT, 1965

EMPLOYEE’S COMPENSATION ACT, 1923

Leading Cases:

1. V.P. Gopala Rao vs Public Prosecutor, Andhra Pradesh, AIR 1970 SC 65
2. PUDR and others vs Union of India, 1982 IPLLJ 454 SC.
3. Express News paper Ltd and Other vs Union of India and others, AIR 1958 SC 578

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LL.B. II Year
Optional Paper
Paper –VIII

Max Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

(a) Women and Law

1. STATUS OF WOMEN IN CONTEMPORARY INDIAN SOCIETY

- (i) Poverty, Illiteracy, Lack of Independence, Oppressive Social Customs and Gender Bias.
- (ii) Violence against and abuse of women in Public and Private domains.

2. THE CONSTITUTION OF INDIA AND STATUS OF WOMEN

- (i) Fundamental Rights and Directive principles and fundamnet duties under the Constitution.
- (ii) Special provisions for the protection of women: Article 15(3), Article 39(d) & (e), Article 42, Article 243-D & 243-T.

3. SPECIAL LAWS AND POLICIES FOR PROTECTION OF WOMEN

- (i) Special Laws: Suppression of Immoral Traffic Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1987, Medical Termination of Pregnancy Act, 1971, Maternity Benefit Act 1961, Equal Remuneration Act, 1976, Dowry Prohibition Act, 1961; Other Laws having a direct bearing on protection of women.

4. INSTITUTIONAL MECHANISM FOR PROTECTION OF THE WOMEN

- (i) Constitutional Mechanisms: Legislature, Executive and Judiciary (special contribution of judiciary)
- (ii) Statutory mechanism: National Commission for Women, National Human Rights Commission, State Commissions.
- (iii) Role of Education.

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Paper : 2-8-b

Insurance Law

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. (a) Evolution and development of the concept of Insurance, Role and importance of Insurance.

(b) General principles of the contract of Insurance, nature of contract of Insurance.

(c) Classification of policies, Selection and measurement of risk, Treatment of sub-standard risk, calculation of premium

(d) Licensing of Insurance agents, Duties and powers of Controller of Insurance under the Insurance Act, 1938.

(e) Status and legal position of the nominee under the Insurance Act, 1938.

2. (a) Establishment of Life Insurance Corporation of India.

(b) Investment provisions and Rights of the Policy holders under the Life Insurance Corporation Act, 1956; Marine Insurance and Fire Insurance.

(c) Motor Insurance, Live-stock-Insurance against deterioration of stocks, loss of profit Insurance, Contractor's All Risk Insurance and Credit Guarantee.

3. Public Liability Insurance Act, 1992

Definitions, Criminal liability based on no fault, Verification and publication of accidents by Collector, Application for claim for relief-Environmental Relief Fund-Claim of Compensation under other laws; Powers of the Central Government or its authorised officers under the Act-Penalties- liability of Companies or Government Departments.

Leading Cases :

1. New India Assurance Co. v. Radhey Shyam Motilal Khandelwal, AIR 1974 Bom. 228.

2. Prudential Insurance Co. v. Inland Revenue Commissioners, (1904) 2 KB 658.

3. Mills v. Smith (1963) 2 All. ER 1072.

4. Digby v. General Accident (1943) AC 121, 138.

5. Glickman v. Lancashire and General Assurance Co. Ltd., (1978) AC 139 (HL).

Suggested Readings :

1. Mishra, M.N.-Insurance-Principles and Practices.

2. Rao, C.K.-Treatise on the Law of Insurance.

3. The Insurance Act, 1938.

4. The Life Insurance Corporation Act, 1957.

5. Karkara, G.S.-Commentary on Public Liability Insurance Act.

6. Murby & Sharma-Modern Law of Insurance in India.

7. Surendra Yadav-Insurance Law (In Hindi).

Paper 2.8 (c) Banking Law Including Negotiable Instruments Act

Max. Marks : 100

Min. Pass Marks : 36

Note (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Banking Regulation Act, 1949 : Business of Banking Companies, control over management; prohibition of certain activities in relation to banking

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companies, Acquisition of the undertaking of Banking Companies in certain cases Suspension of Business and winding up of Banking Companies. Special provisions for speedy disposal of winding up proceedings. Miscellaneous, Application of the Act to the co-operative societies.

2. State Bank of India Act, 1955 : Definitions, Incorporation and share capital of State Bank, Shares, Management, Business and Miscellaneous, State Bank of India (Subsidiary Banks Act, 1959—Definitions, Constitution of New Banks and change of name of any subsidiary Bank, Compensation, Shares, Management, Business, Inspection).
3. Regional Rural Banks Act, 1976, Definitions, Incorporation and capital of Regional Rural Banks. Management, Business. Powers of Central Government, National Bank for Agriculture and Rural Development Act, 1981; Definitions, Establishment of NABARD, Management, Transfer of business, Borrowing, Credit and other function, Funds, Protection of action, indemnity of directors and penalties.
4. Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970.

Definitions, Transfers of the Undertaking of existing Banks. Payment of Compensation, Management of corresponding New Banks, Indemnity, Dissolution.

The Industrial Reconstruction Bank of India Act, 1934. Definitions, Establishment, Acquisition and Transfer of the undertaking of the Industrial Reconstruction Corporation of India Limited, Management of Reconstruction Bank; special powers of the Reconstruction Bank.


5. Negotiable Instruments Act, 1981 : Object, Definitions, parties to notes, Bills and cheques; Negotiations, of Instruments; Presentment, Discharge from liability on Notices, Bills and cheques. Dishonour and Notice of dishonour, Reasonable time for Notice, noting and protest, Acceptance and payment for honour and reference; compensation: Rules of Evidence; Provisions regarding crossed cheques, Bills in sets; International Law governing Instruments.

Leading Cases :

1. Bhawanipore Banking Corpn. Ltd. v. Gaur: Shunker Sharma, AIR (1950) SC 6.
2. The Bharat Bank Ltd. Delhi v. The Employees of Bharat Bank Ltd. and the Bharat Bank Employee's Union, AIR 1950 SC 188.
3. V. Ramaswami Aiyangar & others v. T.N.V. Kailasa Thevar, AIR 1951 SC 185.
4. Mahaveer Prasad Bubna v. Union Bank of India, AIR (1992) Cal. 270.
5. Narayandas Bhagwandas Patni v. Union of India, 1993 Mah. LJ 1229.

Suggested Readings :

1. Jagdishlal—Banking Regulation Act, 1949.
2. Sethi, R.B.—Banking Regulation Act, 1949.


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3. Iyer, N.K. & Sharma, V.R.—Kural Banking in India, 1975.
4. Mughshwan, S.N.—Banking Law and Practice.
5. State Bank of India Act, 1955.
6. State Bank of India (Subsidiary Bank) Act, 1959.
7. Regional Rural Banks Act, 1976.
8. National Bank for Agriculture & Rural Development Act, 1981.
9. Rajasthan Co-operative Societies Act, 1965.
10. Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and 1980.

11. Industrial reconstruction Bank of India Act, 1964.
12. Kulkreshtha, V.D.—Governmental Regulation of Financial Management of Private Corporate Sector in India.
13. Khogshwala, T.S.—The Negotiable Instruments Act, 1981.

Paper 2.9. Professional Ethics, Bar-Bench Relations and the Mool Court
 Max. Marks : 100
 Min. Pass Marks : 36

This paper shall consist of following two parts.
 (a) Practical Written paper—80 marks
 (b) Viva-voce Examination—20 marks

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36% marks in each paper, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

2.9 (a) **Practical Written Paper**
Professional Ethics—Meaning and Scope, Duties of an Advocate towards the Court, his client, other fellow Advocates and the Public.

Bar-Bench Relations—Meaning, necessity, nature and scope. The contempt law and practice. Supreme Court pronouncements relating to (a) the Bar-Bench Relations and (b) the contempt of Court.

2.9 (b) **Viva-voce Paper :**
Maintaining diary on court visits, recording the Bar-Bench relations and Professional Ethics.

Mool Court Performance done on the basis of prescribed leading cases in L.L.B. II year under the supervision of the concerned teacher. The teacher shall conduct at least two Mool Courts and it will be compulsory for the candidates to participate in at least fifty per cent of such Mool Courts. The teacher can also conduct Mool Court on the basis of cases other than the prescribed leading cases. The viva-voce examination shall be conducted by a Committee of three persons. In this Committee there shall be two Internal Examiners and one External Examiner. The Committee shall award marks on the basis of Court diary, and performance at the Mool Court and viva-voce examinations.

- Suggested Readings :**
1. The Bar Council Code of Ethics.
 2. The Contempt of Court Act
 3. Mr. Krishnamurthy Lyaer's book on 'Advocacy'.

LL.B. THIRD YEAR EXAMINATION

Law of Evidence

Paper 3.1
 Max. Marks : 100
 Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Indian Evidence Act, 1872

1. **Preliminary :** Application of Indian Evidence Act. Definition : Court, fact-fact in issue and relevant fact, evidence-meaning and its kinds, proved, disproved, not proved, my presume, shall presume, and conclusive proof. Presumptions of fact and law, presumptions regarding documents.

Relevancy of facts : Explaining—Ret-gerise, occasion, cause, effect, motive, intention, preparation, previous and subsequent conduct, introductory and explanatory facts, facts and otherwise relevant become relevant, accidental and incidental facts.

Facts which need not be proved, in-jurip admission and rejection of facts.

2. **Admission and Confession :**

(a) **Admission :** Definition, whose admission is relevant, relevancy of admission in civil cases, admission is not conclusive proof, admission as an estoppel.

(b) **Confession :** Definition, its kinds, confession caused by inducement, threat or promise, confession to police officer, confession in the custody of police, confession to Magistrate, confession by co-accused.

(c) **Difference between admission and confession, Relevancy of statements:**

(a) Statements by persons who cannot be called as witness.

(b) Statement made under special circumstances.

(c) Relevancy of judgment of a Court of Law.

(d) Opinions of third person.

(e) Opinion of experts.

(f) Relevancy of character.

3. **Evidence :** Oral evidence, documentary evidence, kinds of documentary evidence, when secondary evidence is relevant, public document, private document.

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Exclusion of oral evidence; by documentary evidence. Application of this principle, its exceptions, ambiguous documents, kinds of ambiguity. *Burden of Proof*: Meaning, general principles of burden of proof in civil and criminal cases and exceptions to it. When burden of proof shifts, proof of legitimacy of child, proof in dowry deaths and in the matters of rape.

4. *Estoppel*: Meaning, essentials, nature and its kinds.

Witness: Competency of witness, when persons can be compelled to appear as witnesses, privileged communications and documents, accomplice, hostile witness.

5. *Examination of Witnesses*: Order of examinations, Kind of examination, leading question, impeaching the credit of witness, questions which can and which cannot be asked, refreshing the memory of witness, production of document, Judge's power to put questions and to order production. Effect of improper acceptance or rejection of evidence.

Leading Cases:

1. Nishi Kanti Jha v. State of Bihar, AIR 1969 SC 422.
2. Minachal Pradesh Administration v. Om Prakash, AIR 1972 SC 975.
3. Sri Paul v. Delhi Administration, AIR 1978 SC 294.
4. Latempat Chorasia v. State of Maharashtra, AIR, 1968 SC 938.
5. Pokala Narayan Swami v. Emperor AIR 1939 PC 47.
6. Bhardwada Bhogju Bhan Hecruji Ulal v. State of Gujarat, AIR 1988 SC 751
7. R.M. Malkani v. State of Maharashtra, AIR 1973 SC 157.

Suggested Readings:

1. Ratan Lal: The Law of Evidence.
2. Baijral: Law of Evidence.
3. Vepa P. Sarathi: Law of Evidence.

Paper 3.2 Law Relating to Criminal Procedure, Juvenile Justice and Probation of Offenders

Max Marks: 100

Min. Pass Marks: 36

Note (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Preliminary:

- (a) Object, Extent and Definitions (Chapter 1).
- (b) Duties of Public:
 - (i) To assist police and Magistrate,
 - (ii) To give information about certain offences (Chapter IV, Ss. 37 to 40)

2. Criminal Courts:

- (a) Territorial Divisions and Classification (Chapter II, Ss. 10, 14, 15, 19, 22 and 23).
- (b) Powers (Chapter III, Ss. 26 to 31).

Pre-Trial Procedures:

- (a) Process to compel appearance (Chapter VI).
- (b) Process to compel Production of things (Chapter VII).
- (c) Arrest of Persons (Chapter V).
- (d) Information to the Police and their powers of Investigation. (Chapter XII).
- (e) Bail (Chapter XXXIII).

- (f) Jurisdiction of the Courts in inquiries and trials (Chapter XIII).
- (g) Maintenance of Public Order and Tranquillity (Chapter X).
3. Jurisdiction of the Courts in inquiries and Trials, (Ch. XIII).
4. Complaints to Magistrates and Cognizance of Offence (Chapter XV and XIV).

Charge (Chapter XVII).

4. Types of Trials:

- (i) Trial before Court of Session (Chapter XVIII).
 - (ii) Trial of Summons and Warrant Cases (Chapter XIX and XX).
 - (iii) Summary Trials (Chapter XX).
 - (iv) Judgment (Chapter XXVII).
 5. (a) Appeals (Chapter XXX).
- Reference to Revision (Chapter XXV).

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(v) Misc. Provisions:

- (i) Period of Limitation (Chapter XXXV)
- (ii) Irregular Proceedings (Chapter XXXV).
- (iii) Aurofols acquit and Aurofols convict.
- (iv) Legal Aid to accused at State expenses (S. 304).
- (v) Pardon to an accomplice.
- (vi) Saving of Inherent Powers of High Court.
- (vii) Maintenance of wives, Children and Parents.

Juvenile Justice Act.

Probation of Offenders Act.

Juvenile Justice Act, 2000

Definitions—Competent authorities and Institutions for juveniles, Neglected Juveniles, Delinquent Juveniles, Procedures of competent authorities, special offences in respect of juveniles.

Probation of Offenders Act, 1958 :

Definitions—Power of Court to release certain offenders after admission, on probation of good conduct—Power of Court to require released offenders to pay compensation under twenty one years of age, Variations of conditions of probation, Probation in case of 'Offender failing to observe conditions of bond, Provision as to sureties, Probation Officers, Duties of Probation Officers.

Leading Cases :

- 1. Tahmidur Singh v. State of Delhi, AIR 1955 SC 196.
- 2. State of U.P. v. Singhar Singh, AIR 1964 SC 359.
- 3. Nisar Ali v. State of U.P., AIR 1957 SC 336
- 4. Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1589.
- 5. State of Andhra Pradesh v. Ganeshwar Rao, AIR 1968 SC 1050.
- 6. Sulwant Singh v. State of Punjab, AIR 1956 SC 286.
- 7. Priyam Singh v. State of Punjab, AIR 1956 SC 415.

Suggested Readings :

- 1. Ramon Lal—Criminal Procedure Code.
- 2. Ganguly, A.C.—A Guide to Criminal Code Practice.
- 3. Juvenile Justice Act, 1980.
- 4. Probation of Offenders Act, 1950.

5. Khairi B.D.—Law of Probation in India alongwith Juvenile Justice Act, 1988.

6. (Tahkvarri, N.K.—Probation System—in the Administration of Criminal Justice.

7. शिरोडी, श्री.के. : एच शिरोडी शिरोडी

8. श्री, श्री.श्री. : एच शिरोडी शिरोडी

Paper 3.3 Law of Civil Procedure and Limitation

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper, may be read wherever they are relevant.

1. Code of Civil Procedure, 1908.

Definitions—suits in general, suits of civil nature, stay of suit, Res Judicata, Res Subjudice, Foreign Judgment, Place of trial, Transfer of suits, Joinder, non-joinder and mis-joinder of parties and causes of action Service of summons and pleadings.

2. Executive in general—Courts by which decrees may be executed, powers of the Court executing the decrees, Transfer of decrees for execution and modes of execution, Stay of execution, Suits in particular cases (Orders XXIX to XXXII), Abatement of suits.

3. Supplemental proceedings, Attachment before judgement, Arrest before judgement, Temporary injunction and Appointment of Receiver, 4. Appeals—Appeals against order and appeals against decrees, Review, Revision and Reference.

5. The Limitation Act, 1963 (Omitting the Schedule).

Purpose, policy, nature and scope of the Act.

Definitions : Applicant, bond, defendant, easement, good faith, plaintiff, period of limitation on.

Relationship between limitation, laches, acquiescence, estoppel and res judicate; Limitation of suits, appeals and applications, disability, computation of period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

Leading Cases :

- 1. Shri Sinha Ramnauja v. Ramnauja, AIR 1961 SC 1720.
- 2. Seth Huzamchand v. Maharaja Bahadur Singh, 60 LA 313

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33

- 1. Narain Bhagwanrao v. Gopal Vinayak, AIR 1960 SC 104.
- 2. Girdharaji Vetrava v. N. Subbia Chaudhary, AIR 1957 SC 540.
- 3. Laksh Nandan v. Marudhar, AIR 1957 SC 131.
- 4. Dony Parabhirama Swamy v. Hanmappa, AIR 1959 SC 57.
- 5. S. M. Jaisri v. B. M. Borke, AIR 1959 SC 282.

Suggested Readings :

- 1. Mulla—Civil Procedure Code.
- 2. Singhi, S.N.—Civil Procedure Code.
- 3. Subair—On Civil Procedure.
- 4. Tandon, M.P.—Civil Procedure (English & Hindi).
- 5. Mirdul Srivastava—Civil Procedure Code-(Hindi).
- 6. A. N. Pande—Civil Procedure Code (Hindi).

Paper 3.4 Arbitration, Conciliation and Alternate Dispute Resolution System

Max. Marks : 100 Min. Pass Marks : 36

Note (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. The arbitration and Conciliation Act, 1996 :

- (a) General provisions—Arbitration agreement—Arbitral Tribunals (Composition and Jurisdiction)—Conduct of arbitral proceedings—Arbitral awards—Termination of Proceedings—Setting aside of arbitral award—Enforcement of arbitral awards.
- Enforcement of foreign awards—New York Convention-Awards, Geneva Convention Awards.

- (b) Conciliation—Conciliator-Procedure of Conciliation Relationship of conciliator with parties—Settlement-agreement—Termination of Conciliation Proceedings—Resort to Arbitral or Judicial proceedings—Costs and Deposits.

2. Lok Adalats—

Objects, role of Committee for implementation of Legal Aid Schemes (CLAS) Permanent Conciliatory Centres in Gujarat—The Legal Services Authorities Act, 1987 Functions of National Legal Services Authority, State Legal Services Authority and District Legal Services Authority; Organisation of Lok Adalat, Jurisdiction and powers, of Lok Adalats, Procedure for determination of Dispute before the Lok Adalat, Alternate Dispute Settlement System for Multinational corporations :

Leading Cases :

- 1. State of Bihar v. Kancherwar Singh, AIR 1952 SC 252.
- 2. Vallabhdas Meghji v. Cowasji Framji AIR 1925 Bom. 409.
- 3. Firm Madanlal Roshanlal Mahajan v. Hubam Chand Mills Ltd. AIR 1967 Sc 1030.
- 4. State Electricity Board, Tamil Nadu v. Sree Meenakshi Mills Ltd. AIR 1975 mad. 139.
- 5. Food Corporation of India v. M/s Thacker Shipping Co., AIR 1975 Sc 469.

Suggested Readings :

- 1. The Arbitration and Conciliation Act, 1996.
- 2. Sunil Datta—Lok Adalats in India—Genesis & Functioning.
- 3. Bakshi, P.M.—Arbitration Law.
- 4. Paruck, P.L.—Indian Arbitration Act.
- 5. Avtar Singh—Law of Arbitration and Conciliation.

Paper 3.5 Land Law

Max. Marks : 100 Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Acts of Study :

- 1. Rajasthan Tenancy Act, 1955.
- 2. Rajasthan Land Revenue Act, 1956.
- 3. Rajasthan Rent Control, 2002.

Rajasthan Tenancy Act, 1955 :

- 1. Preliminary : Object and Reasons, Definition, Khudkashi (Sections 1 to 130, Jredara, Grove Holder (sections 194 to 205) : Classes of tenants (Section 14 to 17-A) : Conferment of rights on sub-tenants or tenants of Khud Kashi (19), Primary right of tenants (Section 31 to 37) : Surrender, Abandonment and Exclusion of tenancies of tenants (Sections 55 to 64), Improvements and Trees (Sections 65 to 87) : Declaratory Suits (Sec. 88 to 92) : Detachment and Modification of Rent (Sec. 93 to 129). Payment and Recovery of Rent (Sec. 130 to 160) : grounds for Ejectment of Tenants, Remedies for wrongful ejectment (Sections 169 to 190)

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2. Procedure and Jurisdiction of Courts (Sec. 216 to 221). Provision for injunction and appointment of Receiver (Section 212). Appeal, Review, Revision (Sec. 222-232); Reference, Question of Proprietary Rights in Revenue Cases (S. 239); Question of Tenancy Right in Civil Court (S. 242), Conflict of Jurisdiction (Sec. 243).

The Rajasthan Land Revenue Act, 1956:

3. The Board of Revenue, Revenue Courts and Officers (Sec. 4-30) Appeal, Reference, Revision and Review (Sec. 74-87), Land (Sec. 88 to 105; Survey (Sec. 100-112).

4. Record of Rights, Maintenance of maps and records, Annual Registers (Ss. 113-137); Settlement operations; Rent Kistis, Determination of rent, Term of Settlement-(Ss. 142-177); Collection of Revenue (Ss. 224 to 257).

Rajasthan Rent control Act, 2002

Leading Cases :

1. Prabhu V. Ramdeo, AIR 1966 SC 172.
2. Karamlal V. Karabaiya Lal, 1966 RLV 179.
3. Mohan V. Ganeshi, 1966 RRD 71 (PFI) 1966 RLV.
4. Yashu Shahu V. Manir Shahu, 1967 RLV 37.
5. Mangal Lal V. Chaitu, 1967 RRD 433.
6. Smt. Mulshahi V. Ram Lal, 1976 RRD 88.

Suggested Readings :

- | | | |
|----------------------|---|------------------------------|
| 1. Shivaji Lal Gupta | - | The Rajasthan Tenancy Act. |
| 2. Jain, S.K. | - | Tenancy Law in Rajasthan. |
| 3. Jain, S.K. | - | Rajasthan Land Revenue Act. |
| 4. Surash Chand | - | Law of Tenancy in Rajasthan. |
| 5. Datta, S.K. | - | Rent Control in Rajasthan. |
| 6. Karan, G.S. | - | Rajasthan Land Laws |

7. Babel, B.L.

Interpretation of Statutes (English & Hindi).
Rajasthan Land Laws (Hindi).

Paper 3.6

Max. Marks : 100

Note (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Meaning of Interpretation—Basic principles of interpretation—Intention of the Legislature, Statute be read as a whole, Plain meaning rule, Harmonious Construction, Golden and Mischief Rule—Utracmagie quam valent parent.

Aids to Interpretation : External—Parliamentary—Legislative debates, Statement of objects and reasons, Dictionary, Statute in Performance, Contemporanea, Expositio, Internal : Title, Preamble, heading, Marginal Notes, Proviso and function.

Principle of Interpretation of Constitution and Penal and Fiscal Statutes.

Delegatus non potest delegare, Eiusdem Generis, Pith and Substance Rule, Expression—Utine exclusive, Alterius Non-obstante clause, Mandatory and Directory provision, Necessity, A Sociis, Reddendo Singula Singulis, Operation, Expiry and Repeal of Statutes.

Leading Cases :

1. Haydon's Case (1584) 3 Co. Rep. 7a, p. 76 : ER 637.
2. Bengal Immunity Company v. State of Bihar, AIR 1955 SC 661.
3. Alami v. State of Bihar, AIR 1959 SC 436.
4. Inder Singh v State of Rajasthan, AIR 1957 SC 510.
5. Ran Avtar v. Assistant Sales Tax Officer.

Suggested Readings :

- | | | |
|-------------------|---|---|
| 1. Maxwell | - | The Interpretation of Statute. |
| 2. Crawford | - | Statutory Constitution. |
| 3. Crater | - | Statute Law. |
| 4. Swarup | - | Interpretation of Statutes. |
| 5. Bindra | - | Interpretation of Statutes. |
| 6. Sarathi | - | Interpretation of Statutes. |
| 7. Dattacharya, T | - | Interpretation of Statutes (English & Hindi). |

Paper 3.7

Max. Marks : 100

Note (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. The Environment (Protection) Act, 1986 : Object and reasons of the Act, Definition : General power of the Central Government, Jurisdiction, Provisions, Control and Abatement of Environment.

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Pollution, Penalties and Procedure. Standards for emission or discharge of environmental pollutants.

The Air (Prevention & Control of Pollution) Act, 1981; Application of the Act; Definitions; the Constitution powers and functions of Central and State Boards for Prevention and control of air pollution. Powers of the State Government, Penalties and Procedures; rules and procedures.

The Water (Prevention and Control of Pollution) Act, 1974-Application of the Act Definitions; Constitution, Powers and functions of Central and State Boards. Joint Boards for Prevention and control of water pollution; Power of State Governments; Penalties and Procedures.

Law relating to prevention and control of air, water and noise pollution in Rajasthan.

The Rajasthan Water (Prevention & Control of Pollution) Rules, 1974.

The Rajasthan Water (Prevention & Control of Pollution) Appeal Rules, 1977.

The Rajasthan Air (Prevention & Control of Pollution) Rules, 1983.

The Rajasthan Noise Control Act, 1963-Judicial activism to protect environmental pollution.

Leading Cases :

Charan Lal Sahu v. Union of India, AIR 1990 SC 1480.

Rural Litigation & Entitlement Kendra, Dehradun vs. State of U.R., AIR 1985 SC 659

Mehta, M.C. v. Union of India, AIR 1987 SC. 1086.

Mehta, M.C. v. Union of India, AIR 1988 SC. 1115.

House of God (Full Gospel) of India v. K.K. R.M.C. Welfare ASCO AIR 2002 SC 2237

A.P. Pollution Control Board v. Prof. M.V. Nayadu AIR 1999 SC 812

Suggested Readings:

The Water (Prevention & Control of Pollution) Act, 1974 as amended up-to-date

The Air (Prevention & Control of Pollution) Act, 1981 as amended up-to-date

Shanta Kumar S.—Environmental Law.

Karkara G.S. Environmental Law.

The Rajasthan Noise Act, 1963.

सिंह, सी.पी. : पर्यावरण विधि

शास्त्री, सतीश: ध्वनि प्रदूषण (1990)

Jain, Suresh & Jain Vimla-Environmental Law in India.

Gurbax Singh Environmental Law in India.

Shastri, Satish: Environmental Law in India (2004)

Divan Shyam & Arvin Rosencronz-Environmental Law & Policy in India 2002

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Paper 2.00

Law of Taxation

Max. Marks: 100

Min. Pass Marks : 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus; examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Indian Income Tax Act, 1961

- 1) Definitions- Assessment Year, Previous Year, Agriculture Income, Assessment, Capital Asset, Dividend, Income, Casual Income, Total income, Gross Total Income, Maximum and Minimum marginal rate, Person, resident, nonresident, transfer.
- 2) Basis of Charge- Charges of Income tax, Scope of total income, Residence in India, Income deemed to be received, dividend income, Income deemed to accrue or arise in India.
- 3) Income which do not form part of total income.
- 4) Computation of total income-Head of income-Salaries, Interest on Securities, Income from house property, Profit and Gains of business and profession, Capital gains, Income from other sources.
- 5) Income of other persons included in assessee's total income
- 6) Deductions to be made in computing total income
- 7) Relief in respect of income tax
- 8) Determination of tax in certain specific cases
- 9) Income tax authorities- appointment and control, Jurisdiction, Powers, Procedure for Assessment, Liability in special cases, collection and recovery of tax, appeals, revision and reference.

2. Central Goods and Services Tax Act, 2017 (Act 12 of 2017)**Leading Cases:**

- 1) Commissioner of Income Tax v. Raja Beney Kumar Sahas Roy (1957) 32 ITR 466 (SC)
- 2) Commissioner of Income Tax v. Gangadhar Baijnath (1972) 86 ITR (SC)
- 3) Surjit Lal Chhabda v. Commissioner of Income Tax (1975) 10 J ITR 76 (SC)
- 4) Agarwal & Co. v. Commissioner of Income Tax (1973) 88 ITR 336 Bom. (SC)

- 5) P. Krishna Menon v. Commissioner of Income Tax (1959) 35 ITR 48 (SC)
- 6) Commissioner of Income Tax v. Harprasad & Co. (P) Ltd. 1975 AIR 1282, 1975 SCC(3) 868

Suggested Reading:

1. Gupta, RR- Income Tax and Practice
2. Kanga and Palkiwala- The Law and Practice of Income Tax
3. Income Tax Act- A.K. Saxena (English and Hindi)
4. Jain, S.L. - Income Tax Act. (Hindi)
5. The Central Goods and Services Tax Act, 2017 (12 of 2017)
6. The Constitution (One hundred and First Amendment) Act, 2016
7. Gupta S.S. ; GST-How to meet your obligations (April 2017), Taxman Publications.
8. Halakandhi, S. ; G.S.T. (Vastu and Sevakar) (Hindi), Vol.-1, 2017
9. Gutpa. S.S. ; Vastu and Sevkar, Taman Publication, 2017
10. Vastu and Sevakar Vidhan by Government of India.

Note : 1. More readings for this paper will be notified in due course of time.

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Optional-Paper Syllabus : Faculty of Law (57

Paper 3.8 (a) Criminology and Penology

Max Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Criminology : Definition, nature and scope, methods of Studying, importance and classification of crime.

Criminal behaviour :

(1) Explanations.

(2) Psychological theories—Alcoholosis and Drugs.

Crime and social processes : Economic Motivation, Socio-cultural movements, crime and community movements, white-collar crime, Female offender, Juvenile Delinquency, Influence of mass-media.

2. Schools of Criminological Thought (Factors in causation of Criminal Behaviour).

1. Ancient School

(a) Demonological

(b) School of Free-will.

2. Classical School.

3. Cartographic or sociological school.

4. Socialist School.

5. Typological School

(a) Italian or Positive School.

(b) Mental testers School.

(c) Psychiatrists School.

6. Sociological School.

7. Multi-factor School.

Control of crime : Police and Law Courts; Prison system-Re-socialisation of the offender, Rehabilitation of discharged prisoners in the administration of Criminal justice, prevention of crime delinquency.

3. Definition of Punishment, Relationship between Criminology and Penology; Theories of Punishment, Expiatory, Preventive and reformative and purposes of punishment.

Penal Science in India : History of Punishment, Pre-classical school—classical school, Neo-classical Positive school, The reformers, Clinical school and multiple Causation approach.

4. Kinds of Punishment : Modes of treatment of offenders, Corporal punishment, Transportation of Criminals, Capital Punishment.

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administration, treatment of habitual juvenile, sex and adolescent offenders, indeterminate sentences, Borstal School, Criminal Procedural Jurisprudence.

9. Constitutional Guarantees: - Principle of natural justice as applicable to procedural law, Protection to arrested persons, Under-trials, detentive and convicted persons.

Double jeopardy and self-incrimination, rights in life and legal aid.

Leading Cases :

1. *Chun Singh v. State of Rajasthan*, 1984 Cr. L.J. 1423 (1428).
2. *Ranjitha Mukti Morcha v. Union of India*, AIR (1984) SC 802.
3. *Francis Corbie Mullin v. Union Territory, Delhi*, AIR (1981) Sc 746.
4. *R.K. Garg v. Union of India* (1981) 133 JTR 239.
5. *Mithu v. State of Punjab*, AIR 1983 SC 473.

Suggested Readings :

1. Barnes, H.B. and Teeters—*New Horizons in Criminology*.
2. Vold, G.S.—*Theoretical Criminology*.
3. Fritlar, K.S.—*Criminology*.
4. R. Taft, Donald—*Criminology*.
5. Edwin H. Sutherland and Donald R. Cressey—*Principles of Criminology*.
6. Horman, Mannheim—*Pioneers in Criminology*.
7. Hon. Barron, Mays—*Crime and the Society: Structure*.
8. Ahmed Siddiqui—*Criminology- Problems & Perspectives*.
9. Lowd Pakenham—*Causes of Crime*.
10. S. Venugopala Rao—*Facts of Crime in India*.
11. Korm, R.R. and McGorble, L.W.—*Criminology and Penology*.
12. Granbur—*Penal Reform*.
13. Mandholm—*Criminal Justice and Reconstruction*.
14. Gordon Rose—*The Struggle for Penal Reform*.
15. I.L.I.—*Essays on Indian Penal Code*.
16. Ben—*Penology-Old and New-Tagore Law Lectures*.
17. Ellhout—*Conflicting Penal Theories in Statutory Criminal Law*.
18. Shamsul Huda—*Tagore Law Lectures on Criminal Law*.
19. Lawburse—*Crime, its Causes and Remedies*.
20. Dequires—*Modern Theories of Criminology*.

22. Decaurs—*Crime and Punishment*.

23. N.V. Paranjape—*अद्वयता वद वद प्रसिदा*

24. M.S. Chaudhan—*अद्वयता वद अद्वयता वद प्रसिदा*

25. H.L. Haked अद्वयता

26. The Criminal Procedure Code.

27. The Constitution of India.

Paper 38 (b) Intellectual Property Law

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Law relating to Copy-right :

Preliminary, Copyright Office and Board; Ownership of Copyright and the right of owners; Term of copyright; Licence, Performing Rights Societies; Rights of Broadcasting Authorities, Registration of Copyright, Civil Remedies; Offences, Appeals.

2. Law relating to Patents.

Leading Cases :

1. *Manu Dhanraj v. Kalankas Pictures Pvt. Ltd.*, AIR (1987) Del. 13.
2. *Nav Sahitya Prakash v. Anand Kumar*, AIR 1981 All. 200 at p. 203.
3. *Brundaban Sahu v. B. Rajendra Subudhi*, AIR 1986 Orissa 210 at p. 211.
4. *R.G. Anand v. Messers Deluxe Films*, AIR 1978 SC 1513 p. 1627.

Suggested Readings :

1. *Designs and Patents Act, 1988.*
2. *International Copy-right and Neighbouring Rights—S.M. Stewart.*
3. *Indian Copy-right Act, 1957.*
4. *Berne Convention Implementation Act, 1988.*

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Max. Marks : 100
Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever are relevant.

Medical Jurisprudence :

Introduction and Legal Procedure, Identification of Person; Medical Aspect of Death, Death from Asphyxia, Starvation, Cold and Heat Injuries, Sexual offences, Infanticide, Abortion.

Forensic Science :

Examination of Biological Fluids, Stains and other materials; Introduction and law relating to poison, Drug Addition, Sedatives.

Suggested Readings :

1. Parikh's Text Book of Medical Jurisprudence and Toxicology, by Dr. C.K. Parikh.

2. Medical Jurisprudence and Toxicology by Jai Singh S. Modi.

3. Forensic Chemistry and Scientific Criminal Investigation, by Lucas, A.

Leading Cases :

1. Sada Shiv Mohan Chandra V. State of Kerala, AIR 1994 SC 565.

2. Keru Singh v. State of Rajasthan, 1994 Cr. LJ 187 SC 1843, 8 E.R. 718.

3. Jore v. State of Kerala, 1994 5 CC (Cr.) 1659 SC.

4. Mrs. Nayyamma v. State of Kerala, 1994 SCC 1573.

5. Hem Chandra v. State of Haryana, AIR 1995 SC 120.

PRACTICAL PAPER

Paper 3.9 Drafting, Pleading, Conveyancing, Pre-trial Preparations, Participation in Trial Proceeding and Moot Court

Max Marks : 100

Min. Pass Marks : 36

This paper shall consist of following two parts :

Practical Written Paper — 80 Marks

Viva-voce Examination — 20 Marks

The candidate must pass in paper (a) and (b) separately, i.e. 29 marks out of 80 and 7 marks out of 20 marks :

PRACTICAL WRITTEN PAPER

Drafting & Pleading :

General principles of Drafting and relevant substantive rules of pleading and their exceptions; Amendment of Pleadings; Alternative and Inconsistent Pleadings.

Drafting Exercise on Pleadings :

(A) (i) Civil—(i) Plaints, (ii) Written statement, (iii) Interlocutory application, (iv) original petition; (v) Affidavit, (vi) Notice, (vii) Execution Petition; (viii) Memorandum of Appeal and Revision, (ix) Writ petition and its appeal.

(ii) Criminal—(i) Complaints, (ii) Bail Application, (iii) Accused's reply; (iv) Criminal Miscellaneous Petition, (v) Memorandum of Appeal, Reference and Revision.

(B) Conveyancing :

Drafting exercise on Conveyancing—(i) Sale Deed; (ii) Mortgage Deed; (iii) Gift Deed; (iv) Lease Deed; (v) Rent Deed; (vi) Partnership Deed; (vii) Power of Attorney; (viii) Promissory Note and (ix) Will.

(C) Pre-Trial Preparations :

Each student will observe, two interviewing sessions of clients or the Advocate's Office/Legal Office and record the proceedings in a diary.

(D) Participation in Trial Proceedings :

Each student will attend two trials in the Final Year Course and maintain a diary recording the steps observed during the trial.

(E) Moot Court :

Each student will do at least two Moot Courts in the Final year.

Paper 3.9 (b)

Viva-Voce Paper

Maintaining diary on Court visit, recording pre-trial preparation and participations in trial proceedings.

Moot Court performances done on the basis of prescribed leading cases in L.L.B. III year under the Supervision of concerned teacher. The teacher shall conduct at least two Moot Courts and it will be compulsory for the candidates to participate in at least fifty percent of such Moot Courts. The teacher can also conduct Moot Court on the basis of cases, other than the prescribed leading cases. The viva-voce examination shall be conducted by a Committee of three persons. In this Committee, there shall be two Internal Examiners and one External Examiner. The Committee shall award marks on

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basis of Court diary and performance at the Moor Court and viva-voce examinations.

In order to frame the scheme of examination for the LL.B. Course, the committee has looked into the provisions of the Act, Statutes, Ordinances and regulations, and has also discussed at length the necessity of suggesting changes in the scheme of examinations.

According to Section 8(2) of the University of Rajasthan Act, the areas of studies and curricula to be followed in the University, of its affiliated colleges may be prescribed by the Statute and Ordinances and subject thereto by the regulations.

According to Ordinance 48, the following subjects have been assigned the Faculty in place of these subject. The Committee suggests that most of the subjects stated in Column 1, may be substituted, as suggested in Column 2 :

Col 1	Col 2
(1) Substantive Private Law in force in India, Law of Contracts, Transfer of Property, Trusts, Specific Relief, Torts and Easements, Hindu Law, Mohammedan Law and Company Law.	(1) Contract, Law of Torts and Consumer Protection, Family Law, Constitutional Law, Legal Writing including General English, Legal and Constitutional History of India, Trust, Equity and Fiduciary Relationship, Public Interest Lawyering, Legal Aid Para-Legal Services and Moor Courts.
(2) Adjective Private Law in force in India, Law of Evidence, Civil procedure and Limitation.	(2) Jurisprudence, Law of Crimes, Law relating to Transfer of Property and Easement, Company Law Public International Law and Human Rights, Labour Law, Administrative Law, Taxation Law, Insurance Law, Banking Law, Including Negotiable Instruments Act, Professional Ethics, Bar-Bench Relations, Law of Evidence, Law relating to Criminal Procedure—Juvenile Offenders, Civil
(3) Public Law of India, Constitutional Law, Revenue Law, Income Tax Law, Criminal	(3) Law of Evidence, Law relating to Criminal Procedure—Juvenile Offenders, Civil

Law and Procedure.

(4) Legal Theory, Principles of English Common Law & Equity, Jurisprudence & Principles of Legislation International Law and Conflict of Law.	(4) Procedure and Limitation, Arbitration, Conciliation and Alternate Dispute Resolution System, Land Laws, Interpretation of Statutes, Environmental Law, Criminology and Penology; Intellectual Property Law, Law & Medicine, Drafting, Pleading & Conveyancing, Trial Proceedings, Substantive Private Law, Adjective Private Law & Public Law in India; Principles of Legislation, Conflict of Law, Legislative Research and Philosophy of Law.
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Ordinance 251 provides for new scheme of LL.B. (Professional) Five Years Course. Ord. 251-A provides for the transitional provisions applicable to the students admitted to three year LL.B. (P) and two years LL.B. (A) Course.

Before coming to any conclusion on the main rec. amendments of this Committee, it would be proper to suggest as follows :

1. Ordinance 48 may be amended as suggested above.
2. The term new scheme above the Ordinance 251 may be deleted.
3. The following words appearing above Ordinance 251-A may also be deleted.

“Old Scheme—transitory provisions applicable to students admitted to three year LL.B. (P)/two years LL.B. (A) Course.”

In order to frame the scheme of examinations for the proposed course of LL.B. three years, the Committee has resolved to recommend, that the following basic principles may first be accepted by the BOS and the Faculty of Law, and thereafter necessary scheme should be prepared—

- (1) All students would be admitted in LL.B. 1 year professional Course only and those who would like to take admission in LL.B. 1 Year Academic Course will have to apply separately. Those who do not apply separately would be deemed to have been admitted to Professional Course.
- (2) The teaching shall be conducted through the lecture-method, practicals and class performance during the Session and examination shall be conducted through written papers, practicals and viva-voce.

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- (3) The instructions shall be provided in each paper of LL. B. I, II and III year for 3 hours a week by all the institutions running the LL. B. Classes.
- (4) Each theory paper in LL. B. I, II and III year shall be of 100 marks—the practical paper in each year of LL. B. I, II and III year has been divided into two parts : Part 'A' shall be of Practical Written Examination of 80 marks and Part 'B' shall be of viva-voce of 20 marks. A candidate shall be required to pass separately in Practical written and viva-voce examinations.
- (5) For a pass, in each of the LL. B. I year/ II year or III year Examination, a candidate will be required to obtain not less than 48% marks in aggregate of theory and practical papers prescribed for the examination concerned, provided further that :
 - (i) A candidate who fails at the LL. B. First Year/Second Year or Third Year Examinations and has obtained not less than 36% marks in atleast 5 theory papers and practical or 6 theory papers shall be permitted to reappear in one or two theory papers and practical, or at the most three theory papers of his choice at the three successive subsequent examinations.
 - (ii) If a candidate fails to clear the LL. B. First Year or Second Year or Third Year Examination, as the case may be, in the aforesaid manner, he will be required to reappear in all the papers afresh as an ex-student, subject to the provisions of Clause (ii) or Ord. 163.

N.B. : Actual marks obtained by a candidate in the papers in which he reappears will be taken into account and the earlier marks of other papers will be carried forward for working out his result. In carrying forward the earlier marks of other papers, the marks obtained by the candidate in each paper in the last of the attempts made by him will be taken into account.
- 6) A candidate who has passed LL. B. I year, II year or III year examination and desires to improve his performance may be permitted to re-appear at the same examination in the same subject(s)/Papers in the immediately following year on the conditions mentioned in Ordinance 169/E.

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[Signature]
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