



**UNIVERSITY OF RAJASTHAN**

**JAIPUR**

**SYLLABUS**

**Faculty of Law**

**L.L.B.**

<b>L.L.B. (P)/L.L.B.(A)First Year Examination</b>	<b>2022-23</b>
<b>L.L.B. (P)/L.L.B.(A)Second Year Examination</b>	<b>2023-24</b>
<b>L.L.B. (P) Third Year Examination</b>	<b>2024-25</b>

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## LL.B. I Year

2021 - 2022

Paper 1.1	:	CONTRACT -I (GENERAL PRINCIPLES)
Paper 1.2.	:	CONTRACT--II (SPECIFIC CONTRACTS)
Paper 1.3	:	LAW OF TORT & CONSUMER PROTECTION
Paper 1.4	:	FAMILY LAW - I (HINDU LAW)
Paper 1.5	:	FAMILY LAW - II (MOHAMMEDAN LAW)
Paper 1.6	:	CONSTITUTIONAL LAW
Paper 1.7	:	LEGAL LANGUAGE AND LEGAL WRITING INCLUDING GENERAL ENGLISH

### OPTIONAL PAPERS

Paper 1.8(a)	:	LEGAL AND CONSTITUTIONAL HISTORY OF INDIA
Paper 1.8(b)	:	TRUSTS, EQUITY AND FIDUCIARY RELATIONS
Paper 1.8(c)	:	BANKRUPTCY AND INSOLVENCY LAWS PRACTICAL PAPER
Paper 1.9(a)	:	PUBLIC INTEREST LAWYERING LEGAL AID, PARA-LEGAL SERVICES AND MOOT COURT
Paper 1.9(b)	:	VIVA—VOCE EXAMINATION

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# LL.B. I Year (Three Year Course)

Paper I.I.

## CONTRACT - I (GENERAL PRINCIPLES)

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) Meaning, elements and characteristics of Contract  
(b) Basis of Contract  
(c) Classification of Contract, including the Standard form of Contract  
(d) E- Contracts: Definition, Silent Features, Formation and types, Differences between E- Contract and Traditional Contract, Advantages and Disadvantages of E - Contracts
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
3. Consideration:  
(a) Meaning, Definition and Elements of Consideration.  
(b) Significance and adequacy of consideration  
(c) Unlawful Consideration and Object  
(d) Concept of Stranger to Contract
4. 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.  
(c) Persons deprived of the Capacity to Contract.
5. Free Consent :  
(a) Meaning of Consent and Free Consent;  
(b) Factors rendering consent not free and their effect upon the validity of Contract.  
Void Agreements:  
(a) Agreements in restraint of marriage; freedom of trade and right to initiate legal proceedings;  
(b) Agreements involving uncertainty, wager and impossibility Contingent Contract: Certain relations resembling to those created by Contract (Quasi Contract)
6. Performance of Contract:  
(a) Who is liable to perform. Joint rights and joint liability and performance of reciprocal promises.  
(b) Time, Place and Manner of Performance.  
(c) Discharge from liability to perform the contract.  
Breach of Contract :  
(a) Meaning and Kinds;  
(b) Remedies for Breach of Contract:  
(i) Damages—Measure of damages and remoteness of damages;  
(ii) Specific Performance of contract and injunctions under Specific Relief Act, 1963 and Amendments.

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**Leading Cases :**

1. Carlill v. Carbolic Smoke Ball Co. (183) 1 QB 256
2. Bhagwandas v. Girdhari Lal & Co. AIR 1966 SC 543
3. Motilal Padampat Sugar Mills v. State of U.P. AIR 1979 SC 621
4. Lalman Shukla v. Gauri Datt (1913)
5. Mohori Bibi v. Dharmodas Ghose, (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. Avtar Singh: Law of Contract, (English & Hindi)
7. R.K. Bangia: Contract I (English & Hindi)

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**CONTRACT—II (SPECIFIC CONTRACTS)**

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. Contracts 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 Consideration
- (b) Rights and Duties of Bailee and Bailor
- (c) Termination of Contract of Bailment
- (d) Contract of Pledge-Meaning and Definition, Pledge by Unauthorized Persons

**3. Contract of Agency :**

- (a) Definition, Kinds and Modes of Creation of Agency
- (b) Relation between
  - i) The Principal and Agent
  - ii) The Principal and Third Party, and
  - iii) The Agent and the Third Party
- (c) Determination of Agent's authority –
  - i) By Act of Parties; and
  - ii) By Operation of Law – Irrevocable Authority

**4. Contract of Sale of Goods :**

- (a) Sale-Meaning, Definition and Distinguish between Agreement to Sell, Hire-Purchase Agreement
- (c) Goods-Existing, Future and Contingent
- (d) Conditions and Warranties
- (e) Passing of Property from Seller to Buyer
- (f) Sale by Unauthorized Person
- (g) Law relating to Performance of Sale
- (h) Rights of Unpaid Seller

**5. Contract of Partnership :**

- (a) Meaning, Definition, Creation and the Characteristics of Contract of Partnership
- (b) Kinds of Partner and Partnership
- (c) Distinction between:

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- i) Co-ownership and Partnership
- ii) Joint Hindu Family Firm and Partnership;
- iii) Company and Partnership
- iv) Limited Liability Partnership and Partnership
- (d) Position of Minor
- (e) Relations inter-se of partners and relation of Partners with third parties
- (f) Registration of Partnership firm
- (g) Effect of Non - Registration of Partnership Firm
- (h) Dissolution of Firm

**Leading Cases :**

1. National Bank of India Ltd. v. Sohan Lal AIR (1962)
2. Amritlal Goverdhan Lallan v. State Bank of Travancore, AIR (1960) SC 1432
3. Patnaik & Co. v. State of Orissa AIR (1965) SC 1655
4. State of Gujarat v. Mamon Mohd. AIR (1967) SC 1885

**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)

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**LAW OF TORT & CONSUMER PROTECTION**

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. Definition, Nature, Scope, Objects and Elements of Tort, Maxims, Extinction or Discharge of Tortious Liability, Joint Tort-feasors.
2. General Defenses of Tortious Liability.
3. Vicarious Liability, Doctrine of Common Employment, State Liability, Absolute and Strict Liability.
4. Remedies, Kinds and Measure of Damages, Remoteness of Damage.
5. Torts to Person and Property – Assault, Battery and False Imprisonment, Negligence, Nuisance, Nervous Shock, Interference with Contract or Business, Intimidation, Conspiracy, Deceit or Fraud, Malicious Prosecution, Defamation.
7. **Consumer Protection Act, 1986 (INCLUDING LATEST AMENDMENTS IF ANY)** Definitions, Consumer Protection Councils, Consumer Dispute, Redressal Agencies – Establishment, Jurisdiction, Procedure, Order.

**Leading Cases :**

1. Klaus Mittlebachert v. East India Hotels Pvt. Ltd. AIR 1997 Delhi 201
2. Ushaben v. Bhagya Laxmi Chitra Mandir, AIR (1978) Guj. 13.
3. N. Nagendra Rao v. State of Andhra Pradesh, AIR (1994) SC 2663.
4. Municipal Corporation of Delhi v. Smt. Subhagwati, AIR (1966) SC 17.
5. Rylands v. Fletcher, (1868) LP. 3 HL 330.
6. Indian Medical Association v. V. P. Shantha, AIR (1996) SC 558.
7. Donogue v. Stevenson (1932)
8. Carlill v. Carbolic Smoke Ball Company (1892)

**Suggested Readings :**

1. Winfield : Law of Tort
2. Ramswami Iyer : Law of Torts
3. B.S. Sinha : Law of Torts
4. Salmond : Law of Torts
5. Street : Law of Torts
6. G.S. Karkara : Contributory Negligence
7. Gurbax Singh : Law of Consumer Protection
8. P. Leelakrishan : Consumer Protection & Legal Control
9. Avtar Singh: Law of Consumer Protection (Principles and Practice)

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**FAMILY LAW – I**  
**(HINDU 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. **Hindu Law:** 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, Shebait and Mahant.
2. **The Hindu Marriage Act, 1955: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Conditions of a valid Hindu Marriage; Its ceremonies and registration, Void and Voidable Marriage : Restitution of Conjugal Rights; Judicial Separation, Legitimacy of Children of Void and Voidable Marriage; Divorce and its grounds; Alternative relief in divorce proceedings, Divorce by Mutual Consent, One year bar to Divorce; Divorced persons when may marry again; Jurisdiction and Procedure. The Prohibition of Child Marriage Act, 2006. Validity of Child Marriage.
3. **The Hindu Secession Act, 1956: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Succession to the property of a Hindu male; Succession to interest in Coparcenary property, Property of a Female Hindu to be her absolute Property; Succession to the property of a Hindu female; General rules and disqualifications of succession, Escheat.
4. **The Hindu Adoption and Maintenance Act, 1956: (INCLUDING LATEST AMENDMENTS IF ANY)**  
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 daughter-in-law; Dependants and their maintenance; Amount of Maintenance.
5. **The Hindu Minority and Guardianship Act, 1956: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Natural Guardians and their powers; Testamentary guardian and their powers, De Facto Guardian, General Provisions of Guardianship.
6. **Partition under Hindu Law** – Meaning, Property for Partition, person entitled to sue for partition and allotment of shares, Partition, and allotment of shares, how effected, Determination of shares, Re-opening of Partition, Reunion, Debts – Doctrine of Pious Obligation; Antecedent Debts.

**Leading Cases :**

1. Shastri Yajna Purusdasji v. Muldas, AIR 1966 SC 1119
2. Hanooman Prasad v. Mussamat Babooes Munraj Koonware, (1856) 6 MIA 395.
3. Brij Narayan v. Mangla Prasad, (1924) 51 IA 129.
4. Bipin Chandra v. Prabhavati, AIR (1957) SC 176.
5. Dr. Narayan Ganesh Dastane v. Sucheta 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 :**

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1. Mulla : Principles of Hindu Law
2. Raghavachariar : Hindu Law – Principles and Precedents
3. Paras Diwan : Modern Hindu Law
4. Tahir Mehmood : Hindu Law

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**FAMILY LAW – II**  
**(MOHAMMEDAN 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. **Mohammedan Law:** Origin, Development, Sources, Schools, Application, Interpretation and Conversion.
2. **Marriage:** Definitions, Nature of Marriage, Essentials of Marriage; Prohibitions of Marriage, Khyar-ul-bulugh, Matrimonial Stipulation, Kinds of Marriage and Effects of Marriage.  
Mahr: Meaning, Nature, Kinds, Object and Subject-Matter. Wife's rights on non-payment of dower.  
Dissolution of marriage: By Death of either party, By Act of either parties, By Mutual Consent, By Court – Section 2 of the dissolution of Muslim Marriage Act, 1939 (including amendments if any); Legal effects of divorce, Iddat, Hiba-e-Muddat, Legal Status of Triple Talaq, Concept of Halala.
3. **Pre-emption:** Meaning, Nature and Classification of Haq Shufa (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.  
Gift : Meaning and requisites to gift (Hiba); Gift of Musha, Conditional and Future Gifts, Life Estate, Life Interest, (Hiba-bil-Ewaj, Hiba-bil-Shartul-Ewaj).
4. **Will (Vasiyat) Competence of Testator and Legatee, Valid subjects of Will:**  
Testamentary Limitations, Formalities of a Will and Abatement of Legacy.  
Legitimacy and Acknowledgement : Legitimacy and Legitimation, Presumption of Legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, 1872  
Conditions of a Valid Acknowledgement.  
Maintenance: Persons entitled to Maintenance, Principles of Maintenance; The Muslim Women (Protection of Rights on Divorce) Act, 1986. (INCLUDING LATEST AMENDMENTS IF ANY)  
Death Bed Transactions : Meaning and Effect of Marz-ul-Maut.
5. **Wakf:** Meaning, Essentials and Kinds, Beneficiaries of Wakf; The Wakf Validating Act, 1913; Formalities for Creation of Wakf; Wakf of Musha; Muslim religious institution and officers; Administration of Wakf; Mutawalli.  
Inheritance: General Principles, Doctrines of Aul and Radd under Hanafi and Shia Law.

**Leading Cases:**

1. Maina Bibi v. Choudhary Vakil Ahmed, (1923) 52 IA 145
2. Habibur Rahman v. Altaf Ali (1921) 42 IA 114
3. Moonshee Buzul-ul-Rahim v. Lateefunnisa, (1861) 8, MIA 379.
4. Abul Fata Mohd. v. Russomoy Dhur Chowdhary (1894) 22 IA 76
5. Mohd. Ahmed Khan v. Shah Bano Begum, AIR (1985) SC 945
6. Shabana Bano v. Imran Khan, AIR (2010) SC 305
7. Shayara Bano v. Union of India and Ors., (2017) 9 SCC 1
8. Danial Latifi v. Union of India (2001) 1 SC 740

**Suggested Reading :**

1. Fyzee : Mohammedan Law
2. Mulla : Principles of Mohammedan Law
3. Verma, B.R. : Islamic Law
4. Aqil Ahmed : Mohammedan Law
5. Amir Ali : Mohammedan Law

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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. Salient features of the Constitution; Nature of the Indian Federalism, Preamble, Citizenship and State.
2. Fundamental Rights, Directive Principles of State Policy and Fundamental Duties.
3. Parliament and State Legislatures: Composition, Powers and Functions, Law Making Procedure, Parliamentary Privileges.
4. Union and State Executive: The President- Powers and Functions of the President, position *vis a vis* Prime Minister, Governor.
5. Union and State Judiciary-Supreme Court and High Court, Composition, Appointment of Judges and Jurisdiction, Writs.
6. Right to Property
7. Emergency Provisions
8. Amendment of the Constitution: Power of the Parliament and Procedure thereof, Amendability of the Constitution and Basic Structure.

**Leading Cases :**

1. Minerva Mills v. Union of India, AIR (1978) SC 1789
2. Maneka Gandhi v. Union of India, AIR (1978) SC 597
3. Union of India v. Tulsiram Patel, AIR (1985) SC 1416
4. Kesavananda Bharthi v. State of Kerala, AIR (1973) SC 1476
5. Kehar Singh v. Union of India, AIR (1989) SC 653
6. Justice K.S. Puttaswamy v. Union of India and Ors. (Retd.) and Anr. 2017 SC

**Suggested Readings :**

1. Constitution of India as amended up to-date
2. Shukla, V.N. : Constitution of India
3. Jain, M.P. : Constitutional Law of India (English & Hindi)
4. Basu, D.D. : Introduction to the Constitution of India (English & Hindi)
5. Paras Diwan : Constitution of India
6. M.C.J., Kagzi : Constitution of India (English & Hindi)
7. Dr. Narendra Kumar : Constitution of India.

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**LEGAL LANGUAGE AND LEGAL WRITING INCLUDING GENERAL ENGLISH**

Max. Marks : 100

Min. Pass Marks: 36

**Course Objectives :**

This is designed to scientifically relate the Law and English Language as the means and methods for development of effective reading, writing, communication and presentation skills.

**Teaching Method:** Lectures, discussion, class activities/exercises and presentation.

**1. Legal Language**

- i. Introduction to Language and Communication
- ii. Use of Legal Phrases and Terms List of Legal Terms
- iii. Latin Maxims
- iv. Pair of words
- v. One-word substitution

**2. Reading and Comprehension Skills**

- i. Comprehension of Legal Texts
- ii. Prescribed Leading Cases
- iii. Newspaper Reading

**3. Legal Writing**

- i. Fundamental Principles of Legal Writing
- ii. General Guidelines Relating to Legal Writing
- iii. How to write a case comment
- iv. Precise Writing
- v. Brief Writing and Drafting of reports; letters and applications.
- vi. Essay writing and topics of legal interest.
- vii. Translation (from English to Hindi and Hindi to English).
- viii. Resume
- ix. Writing for Employment-Designing Cover letters

**4. Communication & Presentation Skills**

- i. Importance of communication skills for a legal professional
- ii. Verbal, Non-verbal and Paralinguistic Communication
- iii. Brevity, Clarity, Simplicity, Accuracy and Appropriateness
- iv. Barriers to good communication and how to avoid them
- v. Etiquettes and Manners for Law Professionals
- vi. Body Language
- vii. Group Discussion
- viii. How to Face an Interview
- ix. Presentation techniques

**List of Legal terms:**

Abet

Abstain

Act of God

Accuse

Abate

Accomplice

Actionable

Adjournment

Adjudication	Enact	Minor	Repeal
Admission	Enforceable	Misfeasance	Res Judicata
Affidavit	Equality	Mortgage	Respondent
Amendment	Escheat	Murder	Restitution
Appeal	Estoppel	Negligence	Rule
Acquittal	Eviction	Negotiable	Ruling
Articles	Executive	Instruments	Schedule
Assent	Ex-parte	Neutrality	Section
Attested	Finding	Non-feasance	Settlement
Attornment	Floating charge	Notification	Sovereignty
Averment	Franchise	Novation	Stamp Duty
Bail	Fraud	Nuisance	Status quo
Bailment	Frustration	Oath	Statute
Blockade	Good Faith	Obscene	Succession
Bonafide	Guardian	Offender	Summons
By-laws	<i>Habeas Corpus</i>	Order	Surety
Charge	Hearsay	Ordinance	Tenant
Chattels	Homicide	Overrule	Testator
Citation	Inheritance	Partition	Testatrix
Clause	Illegal	Perjury	Title
Coercion	Indemnity	Petition	Tort
Code	Inheritance	Plaintiff	Trade Mark
Cognizable	<i>In limine</i>	Pledge	Treason
Confession	Insanity	Preamble	Treaty
Compromise	Institute	Pre-emption	Trespass
Consent	Insurance	Prescription	Trial
Conspiracy	Intestate	Presumption	Tribunal
Contempt	Issue	Privilege	Trust
Contingent	Judicial	Privity	Ultra vires
Contraband	Jurisdiction	Process	Undue influence
Conviction	Justice	Promissory Note	Usage
Convention	Judgment	Proof	Verdict
Corporate	Justiciable	Proposal	Vested
Custody	Legislation	Prosecution	Violate
Damages	Legitimacy	Procedural	Vis-major
Decree	Liable	Proviso	Void
Defamation	Liberty	Ratify	Voidable
Defense	License	Receiver	Waiver
Deposit	Lieu	Redemption	Warrant
Detention	Liquidation	Reference	Warranty
Discretion	Maintenance	Regulation	Will
Distress	Malafide	Remand	Writ
Earnest Money	Malfeasance	Remedy	Wrong

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### List of Latin Maxims:

1. A mensa et thoro (from table and bed)
2. Ab initio (from the beginning)
3. Actio personalis moritur cum persona (Personal right of action dies with the person)
4. Actus curiae neminem gravabit (an act of the Court shall prejudice no one)
5. Actus non facit reum, nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).
6. Actus reus (wrongful act)
7. Ad interim (in the meantime)
8. Ad litem (for the suit)
9. Ad valorem (according to the value)
10. Adjournment sine die (adjournment without a day for a further meeting or hearing)
11. Alibi (plea of being elsewhere)
12. Allegans Contraria Non Est Audiendus (One making contradictory statements is not to be heard)
13. Amicus curiae (friend of the Court)
14. Animus (intention)
15. Audi alteram partem (hear the other side)
16. Bonus iudex secundum aequum et bonum iudicat et aequitatem stricto juri praefert (A good judge decides according to justice and right and prefers equity to strict law.)
17. Caveat emptor (buyer beware)
18. Consensus ad idem (agreement by the persons upon the same thing in the same sense)
19. Corpus delicti (Body of the crime)
20. Corpus juris civilis (Body of civil law)
21. Dammum sine injuria (damage without injury)
22. De facto (in fact)
23. De jure (in law)
24. Decree nisi (a decree which takes effect after a specified period)
25. Delegates non potest delegare (a delegated power cannot be further delegated)
26. De minimis non curat lex (the law does not account of the trifles)
27. Donatio mortis causa (gift by a person on the death-bed)
28. Doli incapax (incapable in malice)
29. Ei incumbit probatio qui dicit, non qui negat (The burden of proof is on the one who declares, not on one who denies)
30. Ejusdem generis (of the same category)
31. Eminent domain (the supreme rights)
32. Ex officio (from the office)
33. Ex specialis derogat legi generali (Specific law takes away from the general law)
34. Ex turpi causa non oritur actio (No action arises on an immoral contract.)
35. Ex parte (not in the presence of the opposite party)
36. Ex post facto (by subsequent act)
37. Factum valet (the fact which cannot be altered)
38. Fact accompli (an accomplished fact)
39. Fortior est custodia legis quam hominis (The custody of the law is stronger than that of man)
40. Fraus et jus nunquam cohabitant (Fraud and justice never dwell together.)
41. Ignorantia legis neminem excusat (ignorance of law is no excuse)
42. In pari materia (in an analogous case, cause or position)
43. Injuria sine damno (injury without damage)
44. Interest re publicate ut sit finis litium (it in the interest of the republic that there should be an end of law suit)
45. Interpretare et concordare leges legibus est optimus interpretandi modus (To interpret and harmonize laws is the best method of interpretation.)
46. Intra vires (within the powers)
47. Iudex non potest esse testis in propria causa - A judge cannot be witness in his own cause.
48. Jus terti (the right of a third party)

49. *Justitia nemini neganda est* (Justice is to be denied to no one)
50. *Lex citius tolerare vult privatum damnum quam publicum malum* (The law would rather tolerate a private injury than a public evil.)
51. *Lis pendens* (pending suit)
52. *Mens rea* (guilty mind)
53. *Mesne profits* (the profits received by a person on wrongful possession)
54. *Mors dicitur ultimum supplicium* (Death is called the extreme penalty.)
55. *Nemo dat quod non habet* (no man can transfer better title than he himself has)
56. *Nemo Debet Bis Vexari Pro Una Et Eadem Causa* (no man can be twice vexed for the same cause)
57. *Nemo judex in causa sua* (no one shall be a judge in his own case)
58. *Nemo punitur pro alieno delicto* - No one is punished for the crime of another.
59. *Obiter dicta* (an opinion of law not necessary to the decision)
60. *Onus probandi* (the burden of proof)
61. *Pacta sunt servanda* (pacts must be respected)
62. *Pendent elite* (during litigation)
63. *Per capita* (counting heads)
64. *Per incuriam* (though inadvertence or carelessness)
65. *Post mortem* - After death
66. *Prima facie* - On the face of it
67. *Pro bono publico* (for the public good)
68. *Pro rata* - In proportion.
69. *Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba expressa fienda est* - When there is no ambiguity in words, then no exposition contrary to the expressed words is to be made.
70. *Ratio decidendi* -Reason for the decision
71. *Ratio est legis anima, mutata legis ratione mutatur et lex* - Reason is the soul of the law; when the reason of the law changes the law also is changed.
72. *Res gestae* (connected facts forming the part of the same transaction)
73. *Res ipsa loquitur* (the thing speaks for itself)
74. *Res judicata* (a matter already adjudicated upon)
75. *Res nallius* (an ownerless thing)
76. *Respondeat superior* -let the master answer
77. *Rule nisi* (a rule or order upon condition that is to become absolute case is shown to the contrary)
78. *Status quo* (existing position)
79. *Sub judice* (in course of adjudication)
80. *Sui juris* (on one's own right).
81. *Suo motu* (of ones own accord)
82. *Ubi jus ibi remedium* (where there is a right, there is a remedy)
83. *ultra vires* (beyond the powers of)
84. *Vigilantibus non dormientibus aequitas subvenit* -Equity aids the vigilant, not the sleeping
85. *Volenti non fit Injuria* (Risk taken voluntarily is not actionable)



### Suggested Readings:

1. Black's Law Dictionary
2. Hindi-English Legal Glossary: Vidhi Sahitya Prakashan, Ministry of Law, Government of India, New Delhi
3. David Green: Contemporary English Grammar, Structure and Composition
4. Dr. Anirudh Prasad: Outlines of legal language in India
5. Ganga Sahai Sharma: Fundamental of Legal Writing
6. Glanville Williams: Learning the Law
7. H. K. Mukherjee: Legal Language, Legal Writing and General English
8. Ishtiaque Abidi: Law and Language
9. Mohan and Banerji: Developing Communication Skills
10. Paul Rylance: Legal Writing and Drafting
11. S. C. Tripathi: Legal Language, Legal Writing and General English
12. Seema Gupta: Correct Etiquette & Manners for all occasions
13. Thomson and Martinet: A practical English Grammar
14. Wren and Martin: English Grammar and Composition

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## OPTIONAL PAPERS

Paper 1.8. (a)

### LEGAL AND CONSTITUTIONAL HISTORY OF INDIA

Max Marks: 100

Min. Pass Marks : 36

1. Importance and Necessity of Legal History, Administration of Justice in Madras, Bombay and Calcutta before 1726, Charter of 1726 and Establishment of Mayor's Court, Charter of 1753, Regulating Act of 1773, Settlement Act of 1781, Lord William Bentinck, The Madras Act of Settlement, 1781; Nand Kumar Trial, Patna Case, Cossijurah Case.
2. The beginning of the Adalat System; The Judicial Plans of 1772 and 1774 introduced by Warren Hastings; Judicial Reforms of Lord Cornwallis.
3. Charter Act of 1833, The High Court: Dual Judicature before 1861; Indian High Court Act, 1861; Development of Law in Mofussil (Justice, Equity and Good Conscience), Privy Council.
4. Development of Criminal Law, Codification of Law; Law Commission, First, Second and Third Law Commissions; The De Loci Report.
5. Government of India Act, 1858, Indian Councils Act, 1861; Indian Councils Act, 1892, Indian Councils Act, 1909 (Morley - Minto Reforms).
6. Government of India Act, 1919 (Montague - Chelmsford Reforms), Dyarchy System.
7. Government of India Act, 1935: Federalism, Provincial Autonomy, Federal Court; Cabinet Mission Plan, Indian Independence Act, 1947, Constituent Assembly—Its Formation, Working and Contributions.

#### Leading Cases :

- Cossijurah Case, 1789-90
- Gorachand Dutt v. Hosea
- Kamaluddin Case, 1775
- Patna Case, 1777-79
- Trial of Raja Nand Kumar, 1775

#### Suggested Readings :

1. Jain, M.P., Outlines of Indian Legal History, Lexis Nexis.
2. Keith, A.B., Constitutional History of India, Methuen and Co. Ltd.
3. Banerjee, A.C., The Making of the Indian Constitution,
4. Mahajan, V.D., Constitutional History of India.
6. Kulshrestha, V.D., Landmarks in Indian Legal and Constitutional History.
7. Jois, Rama M., Legal And Constitutional History of India, Universal Law Publications Ltd.

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Paper 1.8 (b)

**TRUSTS, EQUITY AND FIDUCIARY RELATIONS**

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. **Equity:** Concept of Equity – Origin and Growth of Equity in England Maxims of equity – Equitable rights – Equitable remedies.
2. **Indian Trust Act, 1882: (as amended by the Indian Trust (Amendment) Act, 2016) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)** Definition -- Creation of Trusts – Duties and Liabilities of Trustees – Rights and Powers of Trustees – Disability of Trustees – Rights and Liabilities of the Beneficiary – Vacating the office of Trustees Extinction of Trustees – Certain obligations in the nature of Trust.
3. **Rajasthan Public Trust Act, 1959: (INCLUDING LATEST AMENDMENTS IF ANY)** Definition and validity of certain public trusts – Registration of public Trusts – Management of Public Trust Property – Powers of Officers in relation to Public Trusts – Control of Public Trusts – Social provisions in respect to certain trusts.  
**Dharmada** – Procedure and Penalties.

**Leading Cases :**

1. Hindu Religious Endowments, Madras v. Shri Lakshmindar Thiratha Swamiar of Shri Shirur Mutt, AIR 1954 SC 282.
2. Durgah Committee, Ajmer v. Syed Hussain Ali, 1961 SC 1402
3. Surajmal Singhvi v. State of Rajasthan, 1966 RLW 566
4. Tilkyat Shri Govindalaji v. State of Rajasthan, AIR 1963 SC 1630

**Suggested Readings :**

1. Upadhyaya, J.J.R. : Equity, Trusts with Fiduciary Relations and Specific Relief
2. Gandhi, B.M.: Equity, Trusts and Specific Relief
3. Varadachari, V.K : Law of Hindu Religious and Charitable Endowments
4. Varadachari, V.K. : Public Trusts and Taxation

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**BANKRUPTCY AND INSOLVENCY LAWS**

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

1. Origin and History of Bankruptcy Law, Brief study of The Provincial Insolvency Act, 1920; The Presidency Towns Insolvency Act, 1909; The Rajasthan Insolvency Rules. The Insolvency and Bankruptcy Code, 2016: (INCLUDING LATEST AMENDMENTS IF ANY)  
Object and Applicability of Act; Definitions.
2. Insolvency resolution and liquidation for corporate persons: Application and Definitions, corporate insolvency resolution process, liquidation process, fast track corporate insolvency resolution process, voluntary liquidation of corporate persons, adjudicating authority for corporate persons, offences and penalties
3. Insolvency resolution and bankruptcy for individuals and partnership firms : Application and Definitions, fresh start process, insolvency resolution process, bankruptcy order for individuals and partnership firms, administration and distribution of the estate of the bankrupt, adjudicating authority for individuals and partnership firms, offences and penalties
4. Regulation of insolvency professionals, agencies and information utilities : the insolvency and bankruptcy board of India, powers and functions of the board, insolvency professional agencies, insolvency professionals, information utilities, inspection and investigation, finance, accounts and audit

**Leading Cases:**

1. Official Assignee v. Tchemina Dinshaw Tehrani, AIR 1971 Mad. 187
2. Addul Shukoor v. Arji Papa Lao. AIR 1967 SC 1150
3. Macquarie Bank Limited v. Shilpi Cable Technologies Limited Civil Appeal No.15135 OF 2017
4. M/s. Innovative Industries Limited v. ICICI bank & Anr., CA (AT) Insolvency No. 1 & 2 of 2017-15/05/2017
5. Smart Timing Steel Ltd v. National Steel and Agro Industries Ltd., C.P. No. 896/I & BP/NCLT/MB/MAH/2017-19/05/2017
6. Nikhil Mehta & Sons (HUF) & Ors. v. M/s AMR Industries Ltd., C.P. No. (ISB)-03/PB/2017-23/01/2017)
7. JK Jute Mills Company Ltd. v. M/s. Surendra Trading Company, Company Appeal (AT) No. 09 of 2017- 01/05/2017

**Suggested Readings:**

1. Mulla—The Law of Insolvency in India
2. Williams on Bankruptcy
3. Khataavkar Pranav : Commentary on The Insolvency and Bankruptcy Code, 2016

4. Kothari Vinod and Bansal Sikha : Law relating to The Insolvency and Bankruptcy Code, 2016:
5. Myneni Dr. S. R. : Law of Insolvency and Bankruptcy

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PRACTICAL PAPER

Paper 1.9. (a)

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 | — | 80 marks |
| (b) Viva vice examination   | — | 20 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 Profession; District Legal Aid Committee.
- (3) Lok Adalats —Their jurisdiction, working and Powers under the **Legal Services Authorities Act, 1987. (INCLUDING LATEST AMENDMENTS IF ANY)**
- (4) Writing of Pubic Interest Litigation.  
Writing of applications for Legal Aid.

Leading Cases :

1. Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.
2. Olga Tellis v. Bombay Muncipal Corporation, (1985) 3 SCC 545.
3. Sukhdas v. Union Territory of Arunachal Pradesh, AIR 1986 SC 928.
4. Sheela Barse v. State of Maharashtra, AIR 1988 SC 378.

Suggested Readings :

1. RN. Bhagwati—Legal Aid as a Human Right
2. Sujan Singh—Legal Aid-Human Right to Equality.
3. Sunil Deshta—Lok Adalats in India—Genesis and Functioning.
4. L.M. Singhvi— Law and Poverty — Cases and Material.
5. Awadh Prasad-Lok Adalat
6. S .S. Sharma—PIL, Legal Aid, Para Legal Services Moot Court.
7. RN. Bajpayee—Legal Aid and the Bar Council.
8. Kailash Rai—PIL., Legal Aid & Para Legal Services (English & Hindi)

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Maintaining Diary on Court visits; Legal Aid and Lok Adalat Proceedings, Moot Court. Performance done on the basis of prescribed leading cases in LLB- I 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 at least fifty per cent of such Moot Courts. The teachers 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 person. 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.

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LL.B. II Year

2022-23

- Paper 2.1 : JURISPRUDENCE  
Paper 2.2 : LAW OF CRIMES  
Paper 2.3 : THE LAW RELATING TO TRANSFER OF PROPERTY AND  
EASEMENTS  
Paper 2.4 : COMPANY LAW  
Paper 2.5 : PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS  
Paper 2.6 : LABOUR LAW  
Paper 2.7 : ADMINISTRATIVE LAW

OPTIONAL PAPERS

- Paper 2.8. (a) : TAXATION LAW  
Paper 2.8.(b) : INSURANCE LAW  
Paper 2.8. (c) : BANKING LAWS INCLUDING NEGOTIABLE  
INSTRUMENTS ACT  
Paper-2.9. (a) : PROFESSIONAL ETHICS, BAR - BENCH RELATIONS  
AND MOOT COURT  
Paper 2.9. (b) : VIVA-VOCE EXAMINATION

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## LL.B. II Year (Three Year Course)

### 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.

#### (1.) Jurisprudence:

- (i) Definition Nature, Scope and Importance - Salmond, Austin, Holland and Julius Stone
- (ii) Schools of Jurisprudence; Natural Law School, Analytical, Historical, Sociological, American Realism and Feminism

#### (2.) Sources of Law:

- (i) Custom, Meaning, Kinds, Tests of particular Legal Custom; Importance of Custom; Theories of Customary Law;
- (ii) Precedents, Kinds, Ratio Decidendi Obiter Dicta; Declaratory Theory of Precedent; Judge-made Law Theory;
- (iii) Legislation; Kinds, Comparison between Legislation and other sources of laws

#### (3.) Concepts of Law:

- (i) Rights and Duties: Nature of Rights and Duties; Correlation of Rights and Duties;
- (ii) Kinds of rights and Duties;
- (iii) Property; Definition and Kinds;
- (iii) Negligence;
- (iv) Criminal liability.
- (v) Ownership and Possession: Meaning of Ownership; Kinds, Definition of Ownership by Austin and Salmond, Relation between Ownership and Possession. Importance of Possession; Elements of Corporeal Possession and problems; Theories of Possession; Salmond and Savigny.
- (vi) Person: Nature of Personality; Corporate Personality and its Kinds, Theories of Corporate Personality
- (vii) Administration of Justice

#### Leading Cases :

1. Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1451; (Per Mathew J) 1974; paras 1617; 1616 (Sovereignty) 1685 – 1698 (Natural Law and Natural Rights); 1726 – 1729 (Roscoe Pound and Sociological Jurisprudence).

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2. Maharaja Shree Umaid Mills Ltd. v. Union of India, AIR 1963 SC 953 paras 12, 13, 14 (Per S.K. Das) Concept of Law; Legislative Agreements.
3. Smt. Indra Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299, Paras 299, 489 (Per Mathew, J). (Generality 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.
7. Minerva Mills Ltd. & Ors. v. Union of India & Ors. 1980 SC

**Suggested Readings :**

1. Salmond : Jurisprudence
2. Dias : Jurisprudence
3. Dhyani S.N. : Fundamentals of Jurisprudence
4. Mahajan V.D. : Jurisprudence and Legal Theory

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**LAW OF CRIMES**

Max. Marks: 100

Min. Pass Pass: 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 : (INCLUDING LATEST AMENDMENTS IF ANY)**  
Territorial Jurisdiction, Elements and Stages of Crime : Doctrine of Mens Rea; Inchoate Crimes – Preparation, Attempt, General Explanations, 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 :  
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, Acts done with consent, Act done in good faith without consent, Communication made in good faith: Acts done under compulsion, Act causing Slight Harm; Right of Private Defense.
4. Joint Liability : Common Intention, Common Object, Abettment, Criminal Conspiracy, Constructive Liability
5. Offences Affecting Public Peace & State Authorities : Unlawful Assembly, Rioting, Affray, Public Servant, Taking gratification other than legal remuneration in respect of official act, giving false evidence, Fabricating false evidence, sedition, Public nuisance
6. Offences Affecting the Human Body : Culpable homicide, murder, Criminal negligence and rashness, Attempt of commit murder and suicide; miscarriage hurt, Grievous hurt, Voluntary restraint and wrongful confinement, force and criminal force, Assault, Kidnapping and abduction
7. Offences Against Property : Theft, Extortion, Robbery, Dacoity, Criminal misappropriation of property; Criminal breach of trust; receiving stolen property Cheating, mischief, criminal trespass; House breaking
8. Offence Relating to Document : Forgery, Making a false document
9. Offence relating to Sex and Marriage : Rape, Sexual offences, Unnatural Offence, Adultery, Bigamy
10. Offences Affecting Personal Peace and Reputation : Defamation, Criminal Intimidation, Criminal Insult

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**Leading Cases :**

1. Reg. v. Govinda (1876) ILR I Bom. 342
2. Kedar Nath v. State of Bihar, AIR 1962 SC 955, (1962), 2 Cr.LJ 103 (SC)
3. Laxman Kalu v. State of Maharashtra, AIR 968 SC 1890, 1968 Cr.L.J.
4. T.V. Vadgama v. State of Gujarat, AIR 1973 SC 2213; 1972 Cr.LJ 1542 (SC)
5. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605 (1965) 2 Cr.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.)
3. Nigam, R.C. : Principles of Criminal Law (English & Hindi)
4. Shamshul Huda : Principle of Criminal Law
5. Hari Singh Gaur : Penal Law of India
6. T. Bhattacharyya : Indian Penal Code (Hindi)
7. Amar Sing Yadav : Indian Penal Code (Hindi)
8. Raja Ram Yadav : Indian Penal Code (Hindi)

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**THE LAW RELATING TO TRANSFER OF PROPERTY AND  
EASEMENTS**

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. **Transfer of Property Act, 1882** (INCLUDING LATEST AMENDMENTS IF ANY)  
Historical Background, Object, Scope and Scheme of the Act.  
Interpretation: Immovable Property, Attestation, Notice, Actionable Claim  
Preliminary: Definition and Essentials of Transfer of Property, What may be Transferred, Persons competent to transfer, Operation of transfer, Oral Transfer.  
(a) Conditions restraining Alienation, Enjoyment, Covenants affecting enjoyment, diverting on insolvency, Transfer to unborn person, Rule against perpetuities, Accumulation of income. Exceptions.  
(b) Vested and contingent interest, Conditional transfer: Condition precedent, Condition subsequent; Doctrine of acceleration
2. Election, Priority of rights, Implied transfers by limited owners, Transfer by Ostensible owner, Feeding the grant by Estoppels, Rule of Joint Transfers, *Doctrine of Lis Pendens*, Fraudulent Transfer, Doctrine of Part-Performance
3. Sale; Rights and Liabilities of Buyer and Seller  
Mortgage and Charge : Kinds of mortgage, Rights and liabilities of Mortgage and mortgagee, priority, marshalling, contribution and subrogation
4. Lease, Exchange, Gift, Actionable Claims
5. **Indian Easements Act, 1882:** (INCLUDING LATEST AMENDMENTS IF ANY)  
Easements: Essentials of Easements, Imposition Acquisition, Incidents, Disturbance, Extinction. Suspension and Revival of Easement, Licence: Definition, Revocation, Rights of licensee's on revocation Difference between Lease and Licence

**Leading Cases :**

1. Rajesh Kanta Roy v. Smt. Shanti Devi, AIR 1957 SC 255
2. M. L. Abdul Jabbar v. H. Venkata Sastri and Sons, AIR 1969 S. C. 1147
3. J.N. Rao v. V. G. Bassarayappa, AIR 1956 SC 727.
4. Gokal Das Gopal Dass v. Puranmal Preamsukha Dass, ILR 10-Cal.1035 (PC)
5. Ram Kumar Koondoo, and others v. John and Maria Mequeen (1872) I Beng LR 46 (PC) XXII A.Vol.Suppl. (1872-73)
6. Webb v. Macpherson, ILR 31 Cal.57 (PC)
7. Associated Hostels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262

8. Raja Bajrang Bahadur Singh v. Thukurani Bakhraj Kaur, AIR 1953 SC 7

**Suggested Reading:**

1. The Transfer of Property Act ,1882
2. Indian Easement Act, 1882
3. Mulla: Transfer of Property Act
4. Joshi : The Indian Easements Act, 1882
5. Menon, A.K.: The Law of Property
6. Sarathi, Vera P.: Law of Transfer of Property
7. Shukla, S.N.: Transfer of Property Act
8. Saxena, I.C.: Transfer of Property Act
9. Bhansali & Sharma: Transfer of Property Act (Hindi)
10. Kulshresthan, J.N.: Transfer of Property Act (Hindi)
11. Tripathi, G.P.: Transfer of Property Act (Hindi)
12. Gupta, R.R.: Transfer of Property Act (Hindi)

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## COMPANY 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.

### **Companies Act 2013 with Recent Amendments:**

1. Definition, Evolution, Characteristic and Nature of Company, Advantages and Disadvantages of Incorporation, Corporate Personality, Doctrine of Lifting of Corporate Veil and expectation, Kinds of Companies, Registration and Incorporation
2. Promoters and Pre-incorporation Contracts, Memorandum of Association and Articles of Association, Alteration of MoA and AoA, Doctrine of Ultra Vires, Constructive Notice of MoA & AoA, Doctrine of Indoor Management
3. Prospectus and its kinds, Civil and Criminal liabilities for misrepresentation in prospectus, Share capital, Shares, Transfer & Transmission of shares, procedures, restrictions on transfer, Call, forfeiture, surrender of shares, Share certificate, share warrant, Debentures, Borrowing powers, Charge, Membership of Company
4. Directors and its kinds, position, appointment, Powers and duties of Directors & Board, Others Managerial Personnel, appointment, their powers, duties, liabilities, functions, Meetings and its Kinds, voting, Resolutions, Majority powers and Minority Rights, NCLT & Appellate Tribunal, Special Courts
5. Oppression and Mismanagement, Compromise, Reconstruction and Amalgamation, Winding up of Companies, Dissolution of Companies, Legal liability of Companies – Civil and Criminal, Remedies against them Civil, Criminal and Tortious; Specific Relief Act, Writs, Liability under Special Statutes

### **Leading Cases :**

1. Avon Soloman v. Soloman Co. Ltd. (1897) AC 22.
2. Royal British Bank v. Turquand, (1856) 6 E & B 327
3. Ramkrishna Das Dhanuka v. Satya Gharan, AIR 1950 PC 51
4. Tata Engineering and Locomotive Ltd. v. State of Bihar, AIR 1965 SC 40.
5. Bajaj Auto Ltd., Poona v. N.K. Florida, AIR 1971 SC 321
6. Ashbury Railway Carriage and Iron Co Ltd v Riche (1875) LR 7 HL 653
7. Foss. v. Harbottle (1843) 67 ER 189

### **Suggested Readings:**

1. Shah, S.M. : Lectures on Company Law
2. Avtar Singh : Company Law (English & Hindi)
3. Sen, G.M. : Company Law (cases and Materials)
4. Sanghal, P.S. : National and Multinational companies

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5. Dhingra, L.C. : Principles of Company Law
6. Paranjape, N.V. : Company Law (English & Hindi)
7. Bangia, Dr. R.K. : 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 they are relevant.

1. Definition, Nature and Basis of International Law. Weakness 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, Counsels, 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 Servenda, 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, Un-neutral Service, Right of Visit and Search.
6. International Institution : United Nations, History and formation of United Nations, Organs 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, Regional Conventions on Human Rights, 1948. International Covenants on Civil and Political Rights, 1966, International Convention on Economic, Social and Cultural Rights, 1966, Regional Conventions on Human Rights, Rights of Women and Child, Protection of Human Rights Act, 1993.

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### 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 Judgment - The International Military Tribunal - Nuremberg, 1946 41 AJL 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 (6)

### Suggested Readings :

1. Starke : An Introduction to International Law
2. Oppenheim : International Law, Vol. I and II.
3. Breirly : The Law of nations.
4. S.K. Kapoor : International Law (English & Hindi)
5. Tandon, M.P. : International Law (English & Hindi)
6. Robertson, 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. Nagendra Singh : Protection of Human Rights
10. Satish Chandra : International Documents of Human Rights.
11. Daiya, K.C. : Human Rights Jurisprudence.
12. Karkara G.S. : Commentary on Protection of Human Rights Act.

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**LABOUR 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. **Industrial Disputes Act, 1947**, Historical Development; 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; Appeals to Supreme Court and Writs to HC's. Strikes and Lock-outs, Lay-off and Retrenchment. Special Provisions Relating to Lay-off, Retrenchment and Closure in certain establishments, Compensation in transfer of Undertakings, miscellaneous provisions, Penalties, Unfair Labour Practice etc.

2. **Trade Unions Act, 1926** : (INCLUDING LATEST AMENDMENTS IF ANY)

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

**Registration of Trade Unions** (INCLUDING LATEST AMENDMENTS IF ANY)

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

3. **The Factories Act 1948** : (INCLUDING LATEST AMENDMENTS IF ANY)

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, Women and Young Persons -Annual leave with wages. Special provisions—Penalties and Procedure—New Provisions inserted vide Factories (Amendment) Act of 1987.

4. **The Minimum Wages Act, 1948** : (INCLUDING LATEST AMENDMENTS IF ANY)

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.

5. **Maternity Benefits Act, 1961 (as amended by Maternity Benefit Amendment Act 2017)** (INCLUDING OTHER LATEST AMENDMENTS IF ANY)

Nature, Eligibility, Other Privileges, Role of Inspectors.

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### Leading Cases:

1. Workmen of Indian Standards Institution v. Indian Standard Institution, AIR 1976 SC 145.
2. Delhi Cloth and General Mills Co. Ltd. v. Ludh Budh Singh, 1970 I LLJ 180 (SC) AIR 1972 SC 103.
3. Jay Engineering Works Ltd. v. State of West Bengal, AIR 1968 Cal. 406.
4. V.P. Gopala Rao v. Public Prosecutor, Andhra Pradesh, AIR 1970 SC 65.
5. P.U.D.R. and other v. Union of India, 1982 II LLJ 454 SC
6. Express Newspapers Pvt. Ltd. and others v. Union of India and other, AIR 1958 SC 578.

### Suggested Readings :

1. Indian Law Institute : Law and Labour Management Relations in India
2. Rustamajee : Law of Industrial Disputes
3. Mishra, S.N. : Labour & Industrial Law (English & Hindi)
4. Srivastava, K.D. : Commentary on Factories Act, 1949
5. Srivastava, K.D. : Commentary on Industrial Disputes Act, 1947.
6. Srivastava, K.D. : Cominentary on minimum Wages Act, 1948
7. Myres, Charles : Industrial Relations in India
8. Malhotra, O.P. : Law of Industrial Disputes, Vol. I
9. Darwell & Karr : Law of Service in Industry, Vol. 2, 1956.
10. Srivastava, K.D. : Commentary on Trade Union Act, 1926.

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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 are relevant.

1. Definition, Evolution of Administration as the Fourth Branch of Government Necessity for Delegation of Powers on Administration, Tribalization in India.
2. Nature, Scope, Rule of Law, Separation of Powers, Relationship between Administrative Law and Constitutional Law, Sources, of Administrative Law. Government, Administrative Authorities and Bodies.
3. Statutory Corporations including their control, the extent of executive power, Administrative Finality and the Court review.
4. Delegated Legislation – Nature, Scope, Forms, Necessity for Delegation of Legislative Power, Control which includes - Laying Procedures and their Efficacy, Committees on Delegated Legislation and their Constitution, Functions and Effectiveness, Hearing before Legislative Committees, Judicial Control and Delegated Legislation Doctrine of Ultra Virus, Sub-Delegation of Legislative Powers.
5. Administrative Process – Administrative Action, Administrative Discretion and Quasi-Judicial Elements in Administrative Procedure. Administrative Discretion - Meaning of Discretion, Grounds of Judicial Review, Arbitrariness, Discrimination, Unreasonableness, Bad faith, Mala-fide, Ignoring relevant considerations or reliance on irrelevant considerations, Non-exercise of power
6. Grounds of Judicial Review and Scpe of Judicial Review: Jurisdictional Error/Ultra Vires, Abuse and Non-Exercise Jurisdiction, Error Apparent on the Face of the Record, Violation of Principles of Natural Justice-Rule against Bias (Nemo Judex in Causa sua) and Audi Alteram Partam, rights to Consult, Reasoned Decision
7. Administrative Adjudication – Reasons for growth, Structure and Procedure of Administrative Bodies, like Tribunals; Finality of the Tribunal, Decisions, Administrative Tribunals Act, 1985
8. Judicial Redressal – Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act, Ombudsman, Lokpal; Lokayukts of the State of Rajasthan
9. 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

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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.
7. G. Sadanandan v. State of Kerala, AIR 1966 SC 1925
8. Rupa Ashok Hura v. Ashok Hura, (2002) 4 SCC 388
9. L. Chandra Kumar. v. U.O.I, AIR 1997 SC 1125
10. State of West Bengal v. Ashish Kumar Roy, AIR 2005 SC 254
11. State of Bombay v. K.P. Krishnan, AIR 1960 SC 1223
12. Ram Manohar Lohia v. State of Bihar, AIR 1966 SC 740
13. Commr. Of Police v. Goardhan Das Bhanji AIR 1952 SC 16

**Suggested Readings :**

1. Indian Law Institute – Delegated (Legislation in India)
2. Griffith J.A.G. 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
6. Kesari, U.P.D. – Administrative Law
7. Sathe, S.P. – Administrative Law
8. M.P. Jain & S.N. Jain, Principles of Administrative Law, 4<sup>th</sup> Edn, (Wadhwa and Company, Nagpur, 2005) , Chapters – 1 (pages. 9-26)
9. P. Massey, Administrative Law, 5<sup>th</sup> ed. (Eastern Book Company, Lucknow, 2003) Chapters 1 & 2 (pages 1- 33)

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**OPTIONAL PAPERS**

Paper 2.8. (a)

**TAXATION 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. INDIAN INCOME TAX ACT, 1961 (INCLUDING LATEST AMENDMENTS IF ANY)**

**Income Tax Act:**

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 – Non-resident, Transfer.

Basic of Charge – Charges of Income-tax, Scope of Total Income, Residence in India, Income deemed to be received, Divided income, Income deemed to Accrue or Arise in India

Income which do not form part of total income.

Computation of total income – Head of Income – Salaries, Interest on securities, Income from House Property, Profit & Gains of business or Profession, capital gains, Income from other sources.

Income of other persons included in assesses total income

Deductions to be made in computing total Income.

Relief in respect of income-tax.

Determination of tax in certain specific cases.

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. GOODS AND SERVICES TAX, 2017 (G.S.T. hereinafter):**

**(INCLUDING LATEST AMENDMENTS IF ANY)**

**Introduction to G.S.T.-** Indirect tax structure in India, Issues in Indirect Tax, Rationale for Transition to GST. GST-Meaning, Definition of GST, Types of GST, Features of GST, Benefits of GST, Problems on Introduction to GST

**Definitions-** Actionable claim, Address of Delivery, Aggregate Turnover, Agriculturist, Associated Enterprises, Business, GST Council, Credit Note and Debit Note, Draw-back, Electronic Credit Accounting, Exempt Supplies, Input, Input Service, Input Service Distributor, Input Tax, Input Tax Credit, Intra-state supply of Goods, Job work, Reverse Charge, Invoice, Composition Levy, Mixed Supply, Outward supply, Person, Turnover in State.

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**Levy and Collection of Tax:** Introduction Supply-meaning and scope of supply, treatment of mixed and composite supply, Liability of taxable person, Rate and value of tax, transactions without considerations, list of transactions for goods and services and list of Transactions for non-supply of goods and services, Reverse charge mechanism and Exemptions from GST

**Time of supply-**Introduction, time of supply-forward charge, reverse charge, residuary, special charges, time of supply of service-forward charge, reverse charge, vouchers, residuary, and special charges. Problems on determination of time of supply

**Value of taxable supply-**conditions, inclusions, Consideration not wholly in money, Supply between two related persons, Supply through agent, Cost based value, Residual valuation, Specific supplies, Service of pure agent Problems on value of supply

**Input tax credit-**meaning, conditions for taking credit, ineligible input tax credit, availability of credit in special circumstances, input tax credit and change in form of registered person, income tax for the inputs and capital goods for input tax credit, Manner of Distribution of Credit by Input Service Distributor (ISD)

**Registration under GST-**Persons liable for registration, compulsory registration, Procedure for registration, Rejection of application for registration, cancellation of registration, Returns-Furnishing details of outward supplies and inward supply, GST forms-1 to 8, Steps for a brief introduction filing forms, Levy of late fee, Refund

**Assessment-** meaning and an overview of various types of assessment

**Appeal, Review and Revision-** Advance Ruling – Definitions for Advance Ruling, Search, Seizure and Arrest ,Appeals to Appellate Authority – Powers of provisional authority - Constitution of Appellate Tribunal and benches thereof – offences and penalties

**Integrated Goods and Service Tax (IGST)** Meaning, levy and Collection of IGST Place of Supply of Goods and Services Apportionment of IGST between Central and State Governments

(All the provisions in the Central GST, State GST and Integrated GST Acts and Rules as amended up to date will be applicable)

#### **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 Bajjnath. (1972) 86 ITR (SC)
3. Surjit Lal Chhabda v. Commissioner of Income-Tax (1975) 10 J ITR 76 (SC)
4. P. Krishna Menon v. Commissioner of Income-Tax (1959) 35 ITR 48 (SC)
5. Commissioner of Income Tax v. HarPrasad and Co. (P) Ltd. (1975) 99 ITR 118 (SC)

#### **Suggested Readings:**

1. Gupta, R.R. – Income Tax and Practice.
2. Kanga & Palkiwala – The Law and Practice of Income tax.
3. Income Tax Act – A.K. Saxena (English & Hindi)

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4. Jain, S.L. – Income Tax Act (Hindi)
5. Indirect Taxes - Vinod K Singania, Taxmann's Publications, New Delhi
6. Indirect Taxes - H.C. Mehrotra, Sahitya Bhavan Publications, New Delhi
7. Illustrated Guide to Goods and Service Tax- CA Rajat Mohan- Bharat Publications
8. All About GST- V. S. Datey- Taxmann Publications.
9. Beginner's Guide to GST- Dr. Vandana Bangar and Dr Yogendra Bangar- Aadhya Prakashan Banagar
10. Bare Act of GST, IGST, SGST

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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.

The object of this course is to acquire specific knowledge of law and practice relating to Insurance. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law.

**1. Historical Development of Insurance Law :**

Origin & History of Insurance in India, Definition & Working of Insurance, Insurance Act, 1938: An Overview, Nationalisation of Insurance Business, Insurance Regulatory and Development Authority Act, 1999: Duties, Powers & Functions of IRDA; Insurance Advertisement & Disclosures Regulations, 2000 & Protection of Policy Holders Interest Regulations, 2002; Registration of Insurance Companies

**2. General Principles of Insurance :**

Contract of Insurance – Classification of Contract of Insurance, Nature of Various Insurance Contracts, Parties Thereto, Principle of Utmost Good Faith-non-disclosure-misrepresentation in Insurance Contract, Insurable Interest, Doctrine of Indemnity, Doctrine of Proximate Cause. Alternation of the risk, Assignment of the Subject Matter

**3. Life Insurance :**

Basic Principles of Life Insurance, Insurable Interest: Own Life Policy, Life of Spouse, Insurance taken on life of parent & child, other relations. Implications of Concealment, Non-Disclosures, Misrepresentation. Assignment and Nomination. Role & Function of Life Insurance Companies

**4. Public Liability Insurance:**

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 authorized officers under the Act- Penalties-Liability of Companies or Government Departments

**5. Fire, Health, Marine and Motor Vehicle Insurance:**

Fire Insurance: Nature, Proximate Cause, Loss by fire.

Motor Insurance: Necessity for Insurance against Third Party Risk; No Fault Liability; Persons Insured in Respect of Third Party Risks; Transfer of insurance upon Sale of Vehicle; "Hit and Run" Accident; Motor Accidents Claim Tribunals.

Health Insurance: Mediclaim for Individual & Group Mediclaim

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Marine Insurance: Insurable Interest; Utmost Good faith; Voyage and Time Policies; Double Insurance; Warranties; Deviation; Proximate Cause; Total Loss & Partial Loss; Subrogation & Contribution.

**Legislations: (INCLUDING LATEST AMENDMENTS IF ANY)**

1. The Insurance Act, 1938
2. THE INSURANCE LAWS (AMENDMENT) ACT, 2015
3. The Life Insurance Corporation Act, 1956
4. The Life Insurance Corporation (Amendment) Act, 2011
5. The Motor Vehicle Act, 1988
6. The Insurance regulatory Development Authority Act, 1999
7. The Marine Insurance Act, 1963
8. The Public Liability Insurance Act, 1991.

**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 1078.
4. Digby v. General Accident (1943) AC 121, 138
5. Glickinan v. Lancashire and General Assurance Co. Ltd. (1978) ACT 139 (HL)

**Suggested Readings:**

1. Birds, Modern Insurance Law (1988) Sweet and Maxwell.
2. Singh, Bridge Anand, New Insurance Law (2000) Union Book Publishers, Allahabad
3. S.V.J. Rao & M.N. Srinivasan: Principles of Insurance Law. Lexisnexus, 9<sup>th</sup> Edition.
4. Ivamy, Case Book on Insurance Law (1984) Butterworths
5. Ivamy, General Principles of Insurance Law (1993) Butterworths
6. Sreenivasan M.N., Principles of Insurance Law (1997) Ramaniya Publishers, Bangalore.
7. Surendra Yadav – Insurance Law (in Hindi).
8. Rao, C.K. – Treatise on the Law of Insurance

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**BANKING LAWS 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: (as amended by the Banking Regulation Amendment Act, 2017) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)**

Business of Banking Companies, Control over Management; Prohibition of certain activities in relation to banking 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. Reserve Bank of India : (as amended by the The Reserve Bank Of India (Amendment) Act, 2006) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)**

Incorporation of Capital management and Business, Increase and reduction of Share Capital, Local Boards, Central Banking functions, Protection of action taken in good faith, Transactions in Foreign Exchange.

**3. Regional Rural Banks Act. 1976: (as amended by Regional Rural Banks (Amendment) Act, 2015) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)**

Definitions. Incorporation and Capital or 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: (INCLUDING LATEST AMENDMENTS IF ANY)**

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

**5. The Industrial Reconstruction Bank of India Act, 1984: (INCLUDING LATEST AMENDMENTS IF ANY)**

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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.

6. **Negotiable Instruments Act, 1881: (as amended by Negotiable Instruments (Amendment) Act, 2015 & 2018) (INCLUDING OTHER LATEST AMENDMENTS IF ANY)**

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 a payment for honour and reference; Compensation: Rules of Evidence.

Provisions regarding Crossed Cheques, Bills in Sets; International Law governing Instruments. Criminal Liability.

**Leading Cases :**

1. Bhawanipore Banking Corpn. Ltd. v. Gauri Shanker Sharma, AIR (1950) SC 6.
2. The Bharal Bank Ltd. Delhi v. The Employees of Bharat Bank Ltd. and the Bharal Bank Employee's Union; AIR 1950 SC 188.
3. V. Ramaswami Aiyanger & others v. N.V. Kailasa Thever, 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 M 311. LJ 1229.

**Suggested Readings :**

1. Jagdish Lal —Banking Regulation Act, 1949.
2. Sethi, R.B.—Banking Regulation Act, 1949.
3. Tokhi, MR. & Shanna, —Rural Banking in India, 1975.
4. Mahesh Wari, 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. Kulshrestha, V.D.—Government Regulation of Financial Management of Private Corporate Sector in India.
13. Khagainvala, T.S. The Negotiable instruments Act. 1881.

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**PROFESSIONAL ETHICS, BAR - BENCH RELATIONS**  
**AND MOOT COURT**

Max. Marks : 100

Min. Pass Marks : 36

This paper shall consist of following two parts ;

- |                             |   |          |
|-----------------------------|---|----------|
| (a) Practical written paper | — | 80 marks |
| (b) Viva vice examination   | — | 20 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.

**(1.) Practical Written Paper :**

Basic Postulates of Administration of Justice ; Image of Justice; Wheels of the Chariot of Justice; Bench-Judges in the image of justice; Bar - Act, Plead and Dress of Advocate.

Historical Evolution of Legal Profession; Legal Profession in Ancient India; Position of Legal Profession in Muslim Regime; Legal Profession during the British Regime; Autonomy of Legal Profession.

**Indian Bar Committee, 1923; Indian Bar Council Act, 1926;**

**All India Bar Committee, 1951; Unified Bar - The necessity of Time; 14th Report of the Law Commission; Advocates Act, 1961; (INCLUDING LATEST AMENDMENTS IF ANY)**

Provisions which strengthen Unified Bar; Organization of Bar on All India Basis; Constitution of Bar Council and Elections; Admission and Disciplinary action; Regulation of Legal Education

Image/Position of Legal Profession in Society; Advocacy is a profession not a business; Legal profession is a Noble Profession; Deterioration in Image of Legal Profession in Independent India; Role of Lawyers in Society.

The Necessity of the Professional Ethics; The Art of Advocacy; Professional Ethics; Nature of Professional Ethics and the Problems of the Code of Ethics; Advantages of having codified Professional Ethics; Professional Ethics - Rules of Conducts

Bar-Bench Relationship: General Conception; Advocates duty to the Court; Duty of Judge towards the Advocate; Duty of the Bar towards the Bench; Grounds of disputes in Bar-Bench Relations; Suggestions to improve Bar-Bench Relations.

Contempt of Court: Purpose and meaning of contempt of court; Contempt of Court by Judge; lawyers and state; Contempt by Judge ; Magistrate or other persons acting judicially; Contempt of Court by Advocates; Contempt of Court by State; Corporate bodies and their officers; Punishment - Nature and Extent; Power of Superior Courts in Contempt cases; Safeguards available in contempt cases.

Relationship between an Advocate and his client; Code of conduct

Lawyers-clients Relationship; Do's and Don't for advocates towards clients.

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### Accountability of lawyers:

Professional Ethics and Advocates Duties to colleagues and others; Advocate's duty to colleagues; Advocate's duty to opponents; Advocates duty towards witnesses; Advocate's duty to public.

Illustrations of other misconduct; Disciplinary committee's approach in case of professional or other Misconduct.

Authorities and Procedures to deal with professional misconduct and remedies against their order; State Bar Council and its disciplinary committee; The Bar Council of India and its disciplinary committee; Remedies against the order of punishment; Quantum of punishment.

### Leading Cases :

1. In Re Vinay Chandra Mishra, AIR 1995 SC 2348
2. Hikmat Ali Khan v. Ishwar Prasad Arya & others 1997, 3 SCC 1608
3. P.D. Gupta v. Ram Murti and another. 7 S.C.C. 147 AIR 1998 SC 283
4. D.S. Dalal v. State Bank of India and others. AIR 1993 S.C.1608
5. Delhi Judicial Services Association, Tis Hazari Court v. State of Gujarat, AIR 1991 S.C. 2176.

### Suggested Readings :

1. The Bar Council Code of Ethics.
2. The Contempt of Court Act.
3. Dr. Anirudh Prasad, Principles of the Ethics of Legal Profession in India.
4. Mamta Rao, Professional Ethics.
5. Raju Ramachandran, Professional Ethics : Changing profession, changing ethics, Butter worths, New Delhi.
6. Dr. Murlidhar Chaturvedi- Professional Ethics, Accountability of Lawyers and bench (Hindi)

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Paper 2.9. (b)

VIVA-VOCE EXAMINATION

Marks : 20

Maintaining diary on court visits, recording the Bar-Bench relations and Professional Ethics: Moot Court Performance done on the basis of prescribed leading cases in LLB. II Year under the supervision of the concerned teacher. The teacher shall conduct at least two Moot Court 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 the basis of Court diary, and performance at the Moot Court and viva-voce examinations.

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## LL.B. III Year 2023-24

- Paper : 3.1 : LAW OF EVIDENCE
- Paper 3.2 : LAW RELATING TO CRIMINAL PROCEDURE, JUVENILE JUSTICE AND PROBATION OF OFFENDERS
- Paper 3.3. : CODE OF CIVIL PROCEDURE AND LIMITATION ACT
- Paper 3.4 : ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE RESOLUTION SYSTEMS
- Paper 3.5 : LAND LAWS
- Paper : 3.6 : INTERPRETATION OF STATUTES
- Paper 3.7 : ENVIRONMENTAL LAW

### OPTIONAL PAPERS

- Paper 3.8. (a) : CRIMINOLOGY AND PENOLOGY
- Paper 3.8. (b) : INTELLECTUAL PROPERTY LAW
- Paper 3.8. (c) : CYBER LAWS
- Paper 3.9 (a) : DRAFTING, PLEADING AND CONVEYANCING; PRE-TRIAL PREPARATION; PREPARATION IN TRIAL PROCEEDING AND MOOT COURT
- Paper 3.9 (b) : VIVA-VOCE EXAMINATION

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## LL.B. III Year (Three Year Course)

Paper : 3.1.

### LAW OF EVIDENCE

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

(INCLUDING LATEST AMENDMENTS IF ANY)

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, may presume, shall presume, and conclusive proof. Presumptions of fact and law, presumptions regarding documents.  
Relevancy of facts : Explaining – Res-gestae, occasion, cause, effect, motive, intention, preparation, previous and subsequent conduct, introductory and explanatory facts, facts otherwise relevant become relevant, accidental and incidental facts.
2. Admission and Confession:
  - (a) Admission : Definition, whose admission is relevant, relevancy of admission in civil cases, admission not conclusive proof but act 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 (Relevancy of Polygraph test, Narco analysis, Brain Mapping)
    - f) Relevancy of Character.
3. Evidence :

Oral evidence, Documentary evidence, kinds of documentary evidence, when secondary evidence is relevant, public and private document.  
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.

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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, Kinds of examination, leading questions, 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 productions, Effect of improper acceptance or rejection of evidence.
6. Special provisions as to evidence relating to electronic record and its admissibility; Witness Protection Scheme, Evidentiary value of D.N.A. test, Landmark judgments, recent developments in the law of Evidence.

#### Leading Cases :

1. Nishi Kant Jha v. State of Bihar, AIR 1969 SC 422.
2. Himachal Pradesh Administration v. Om Prakash, AIR 1972 SC 975
3. Satpaul v. Delhi Administration, AIR 1976 SC 294
4. Laxmipat Chorasias v. State of Maharashtra, AIR 1968 SC 938
5. Pakala Narayan Swami v. Emperor AIR 1939 PC 47
6. Bhardwada Bhogin Bhan Heerji Bhai v. State of Gujarat, AIR 1988 SC 753
7. R.M. Malkani v. State of Maharashtra, AIR 1973 SC 157
8. Selvi and others v. State of Karnataka and another AIR 2010 SC
9. State (NCT of Delhi) v. Navjot Sandhu @ Afsan Guru 2005 SC
10. Palvinder Kaur v. State of Punjab AIR 1952 SC
11. Harpal Singh v. State of Punjab 2016 SC

#### Suggested Readings :

1. Ratan Lal : The Law of Evidence
2. Batukala : Law of Evidence
3. Vepa P. Sarathi : Law of Evidence
4. Avtar Singh : Law of Evidence
5. Raja Ram Yadav : Evidence Law

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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.

**Code of Criminal Procedure, 1973 (INCLUDING LATEST AMENDMENTS IF ANY)**

1. Preliminary:
  - (a) Object, Extent and Definitions
  - (b) Duties of Public:
    - (i) To assist Police and Magistrate
    - (ii) To give information about certain offences.
2. Criminal Courts:
  - (a) Territorial Divisions and Classification
  - (b) Powers
3. Pre-Trial Procedures:
  - i. Process to compel appearance
  - ii. Process to compel Production of things
  - iii. Arrest of Persons
  - iv. Information to the Police and their powers of Investigation
  - v. Bail
  - vi. Jurisdiction of the Courts in inquiries and Trial
  - vii. Maintenance of Public Order and Tranquility
4. Jurisdiction of the Courts in inquiries and Trial
5. Complaints to Magistrates and Cognizance of Offence
6. Charge
7. Kinds of Trials:
  - i. Trial before Court of Session
  - ii. Trial of Summons and Warrant Cases
  - iii. Summary Trials
  - iv. Plea Bargaining
  - iv. Judgment
8. Appeals  
Reference and Revision  
Miscellaneous Provisions:
  - i. Period of Limitation
  - ii. Irregular Proceedings

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- iii. Autrefois acquit and Autrefois convict
  - iv. Legal Aid to accused at State expenses
  - v. Pardon to an accomplice
  - vi. Saving of inherent Powers of High Court
  - vii. Maintenance of wives, Children and Parents
9. Juvenile Justice (Care and Protection of Children) Act, 2015
  10. Probation of Offenders Act, 1958

### **Juvenile Justice (Care and Protection of Children) Act, 2015**

#### **(INCLUDING LATEST AMENDMENTS IF ANY)**

Definitions – Competent Authorities and Institutions for Juveniles, Neglected Juveniles, Delinquent Juveniles, Juvenile Justice Board, Its Powers & Functions, Procedures of competent authorities, Adoption, Offences in respect of Juveniles.

### **Probation of Offenders Act, 1958**

#### **(INCLUDING LATEST AMENDMENTS IF ANY)**

Definitions – Power of Court to release certain offenders after admonition, 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 to observe conditions of bond, Provisions as to sureties, Probation Officers, Duties of Probation Officers.

#### **Leading Cases :**

1. Tahsildar Singh v. State of Delhi, AIR 1955 SC 196
2. State of U.P. v. Singhara 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. Ganeshwara Rao, AIR 1968 SC 1050
6. Satwant Singh v. State of Punjab, AIR 1956 SC 286
7. Pritam Singh v. State of Punjab, AIR 1956 SC 415

#### **Suggested Readings :**

1. Ratan Lal – Criminal Procedure Code
2. Ganguly, A.C. – A Guide to Criminal Code Practice
3. Juvenile Justice Act, 1980
4. Probation of Offender Act, 1950
5. Khatri B.D. – Law of Probation in India along with Juvenile Justice Act, 1988
6. Chakravarti, N.K. – Probation System – in the Administration of Criminal Justice.

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**CODE OF CIVIL PROCEDURE AND LIMITATION 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.) Code of Civil Procedure, 1908 (INCLUDING LATEST AMENDMENTS IF ANY)**

- i. Application of the Code, Definitions, Jurisdiction of the Civil Courts, Suits of Civil Nature, Stay of Suit, Res-Judicata, Presumptions as to Foreign Judgment, Place of Suits, Transfer of Suits and Appeal, Institution of Suit, Joinder, Non-joinder and Mis-joinder of parties and Causes of Action, Service of summon, Pleading- Plaintiff and written statement, Appearance of the parties and consequences of non appearance.
- ii. Examination of the Parties, Admissions, Production of documents, Settlements of Issues, Hearing of the Suit and Examination of Witnesses, Judgment and Decree.
- iii. Execution of Decrees and Orders, Courts by which Decrees may be executed, Powers of the Court executing the decrees, Questions to be determined by the Court Executing the decree. Transfer of decrees for execution, Stay of Execution. Modes of Execution- arrest and detention in civil prison, attachment of properties, sale and other modes.
- iv. Death, Marriage and Insolvency of the Parties, Withdrawal and Adjustment of the Suits, Security of Costs, Commission, Suits of Special Nature and Supplemental Proceedings.
- v. Appeals from Original Decrees, Appeals from Appellate Decrees, Appeals from Orders, Appeals before the Supreme Court, Reference, Review and Revision.

**(2.) The Limitation Act, 1963 (INCLUDING LATEST AMENDMENTS IF ANY)**

- i. 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 limit at on.
- ii. Relationship between Limitation, Laches, Acquiescence, Estoppels and Res Judicata; Limitation of Suits, Appeals and Applications, Disability, Computation of Period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

**Leading Cases :**

1. Bhanu Kumar Jain v. Archana Kumar, AIR 2005 SC 626
2. C.T. Nikam v. Municipal Corporation of Ahmedabad, AIR 2002 SC 997
3. Md. Sirajuddin v. Md. Abdul Khaliq, AIR 2005 Gauhati 40
4. Shri Sinha Ramanju v. Ramanuja, AIR 1961 SC 1720
5. Narain Bhagwantrao v. Gopal Vinayak, AIR 1960 SC 104

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6. Garilapati Veerava v. N. Subhia Choudhary, AIR 1957 SC 540
7. Deoki Nadan v. Murlidhar, AIR 1957 SC 133
8. Dety Pattabhirama Swamy v. Hannayya, AIR 1959 SC 57
9. S.M. Jakati v. B.M. Borker, AIR 1959 SC 282

**Suggested Reading :**

1. Takwani, C.K. – The Code of Civil Procedure
2. Mulla – Civil Procedure Code
3. Singh, S.N. – Civil Procedure Code
4. Gupta, R.R. – Civil Procedure Code (Hindi)
5. Tandon, M.P. – Civil Procedure Code (Hindi)
6. Mridul Srivastava – Civil Procedure Code (Hindi)
7. A.N. Pandey – Civil Procedure Code (Hindi)

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**ARBITRATION, CONCILIATION AND  
ALTERNATE DISPUTE RESOLUTION SYSTEMS**

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. **ADR (Alternate Dispute Resolution System)**

Introduction, Concept of ADR , History and Reasons for the growth of ADR , Advantages of ADR , Legislative and Judicial Sanction for ADR, Important forms of ADR, Mechanism of Alternative Dispute Resolution, ADRs and their Importance, Alternatives to Judicial Process, Negotiation , Mediation , Compromise, Conciliation , Arbitration, Ombudsman, Lok Pal and Lokayukta, Lok-Adalat, Distinction between ADR & Judicial Dispute Resolution.

2. **The Arbitration and Conciliation Act, 1996 as amended in 2015:**

**(INCLUDING LATEST AMENDMENTS IF ANY)**

(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 – Conciliators – Procedure of Conciliation Relationship of Conciliator with Parties – Settlement-Agreement – Termination of Conciliation Proceedings – Resort to Arbitral or Judicial Proceedings-Costs and Deposits.

3. **Lok Adalats –**

Objects, Role of Committee for Implementation of Legal Aid Schemes (CILAS) Permanent Conciliatory Centres in Gujarat – The Legal Services Authorities Act, 1987, **(INCLUDING LATEST AMENDMENTS IF ANY)** Functions of National Legal Services Authority, State Legal Services Authority and District Legal Services Authority; Organization of Lok Adalat, Jurisdiction and Powers of Lok Adalats, Procedure for determination of Dispute before the Lok Adalat.

**Leading Cases :**

1. State of Bihar v. Kamleshwar Singh, AIR 1952 SC 252
2. Vallabhdas Meghji v. Cowosji Franceji, AIR 1925 Bom. 409

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3. Firm Madanlal Roshanlal Mahajan v. Humum 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 Thakur Shipping Co., AIR 1975 SC 465
6. The Bay of Bengal Maritime Boundary Arbitration between the People's Republic of Bangladesh and The Republic of India (Baagladesh v India), Award of the Arbitral Tribunal, Permanent Court of Arbitration, dated 07 July 2014.
7. White Industries Australia Ltd. v Republic of India, UNCITRAL Final Award, 30 November 2011. Saipem S.P.A. v The People's Republic of Bangladesh, ICSID Case no. ARB/05/07, Decision on jurisdiction and recommendation on provisional measures dated 21 March 2007.
8. Asian Agricultural Products Ltd. v Republic of Sri Lanka, ICSID Case No. ARB/87/3, Final Award, dated 21 June 1990
9. Shri Lal Mahal Ltd. v. Progetto Grano Spa, 3 Civil Appeal No. 5085 of 2013 arising from SLP (C) No. 13721 of 2012, Judgment of the Supreme Court of India, dated 03 July 2013.
10. Aerial Incident of 10 August 1999 (Pakistan v India), Jurisdiction of the Court, Judgment [2000] ICJ Rep 12.

**Suggested Readings :**

1. Sunil Deshta Lok Adalats in India – Genesis & Functioning
2. Bakshi, P.M. - Arbitration Law
3. Paruck, P.L. – Indian Arbitration Act
4. Avtar Singh – Law of Arbitration and Conciliation
5. Robert J. Niemic, Donna Stienstra and Randall E. Ravitz, Guide to Judicial Management of Cases in ADR, Federal Judicial Centre, 2001
6. Abraham P. Ordover and Andrea Doneff, Alternatives to Litigation: Mediation, Arbitration, and the Art of Dispute Resolution, Notre Dame: National Institute for Trial Advocacy, 2002
7. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press, 2005 (Fifth Edn.)

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LAND LAWS

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 : (INCLUDING LATEST AMENDMENTS IF ANY)

1. Rajasthan Tenancy Act, 1955
2. Rajasthan Land Revenue Act, 1956
3. Rajasthan Rent Control Act, 2001

**Rajasthan Tenancy Act, 1955:**

1. Preliminary : Objects and Reasons, Definition, Khudkasht , Jredars, Grove Holder : Classes of tenants: Conferment of rights on sub-tenants of Khud Kasht, Primary Right of Tenants : Surrender, Abandonment and Extinction of tenancies; Improvements and Trees : Declaratory Suits : Determination and Modification of Rent: Payment and Recovery of Rent : Grounds for Ejection of Tenants, Remedies for Wrongful Ejection
2. Procedure and Jurisdiction of Court, Provisions for injunction and appointment of Receiver; Appeal, Review, Revision: Reference, Question of Proprietary Rights in Revenue Courts: Question of Tenancy right in Civil Court, Conflict of Jurisdiction

**The Rajasthan Land Revenue Act, 1956:**

3. The Board of Revenue, Revenue Courts and Officers; Appeal, Reference, Revision and Review; Land; Survey.
4. Record of Rights, Maintenance of maps and record, Annual Registers; Settlement operations; Rent Ratio, Determination of rent, Term of Settlement; Collection or Revenue

**Rajasthan Rent Control Act, 2001:**

5. Preliminary: Object and Reasons, Definition-Amenities, Landlord, Premises, Tenant. Revision of Rent, limited period tenancy, eviction of tenants, right of landlord to recover immediate possession in certain cases, restoration of possession of illegally evicted tenant and procedure thereof. Constitution of tribunals, procedure for revision of rent and eviction, Appeal and Execution Amenities.
6. Land Acquisition Law- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013- Preliminary: object and reason, Definition: affected family, agriculture land, cost of acquisition, displaced family, infrastructure project; marginal farmer, market value, person interested, public purpose, and resettlement area, Procedure of land Acquisition, Notification, Determination of social impact Consent of Land Owners -- Award Inquiry and public purpose, special provision to

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safeguard food security, Rehabilitation and Resettlement Award and procedure relating to it. Procedure relating to land acquisition, rehabilitation and resettlement authority, apportionment and payment of compensation, Reference to civil courts etc.

7. **RERA Act 2016:** Salient Features, Definitions. Real Estate Regulatory Authority, Registration with the Regulatory Authority, Carpet Area, 70% of realisation from allottees in a separate bank account, Acceptance or refusal of registration, Revocation or lapse of registration, Website of the Regulatory Authority, Advertisement or prospectus issued by the promoter, Limit on receipt of advance payment, Restriction on addition and alteration in the plans, Structural defect, Restriction on transfer and assignment, Refund of amount in case of delay in handing over possession, Other relevant provisions, Real Estate Appellate Tribunal, Adjudicating Officer, Offences and Penalty, Overriding effect.

**Leading Cases :**

1. Prabhu v. Ramdeo, AIR 1966 SC 172
2. Kanaimal v. Kanhaiya Lal, 1966 RLW 179
3. Bohra v. Ganesh, 1966 RRD 71 (FB) 1966 RLW
4. Yasin Shah v. Munir Shah, 1967 RRD 37
5. Mangi Lal v. Chottu, 1967 RRD 433
6. Smt. Mulashi v. Rama Lal, 1976 RRD 88.

**Suggested Reading:**

- |                             |   |                                       |
|-----------------------------|---|---------------------------------------|
| 1. Shyam Lal Gupta          | - | The Rajasthan Tenancy Act             |
| 2. Dutt, S.K.               | - | Tenancy Law in Rajasthan              |
| 3. Dutt, S.K.               | - | Rajasthan Land Revenue Act            |
| 4. Suresh Chand & H. Mathur | - | Law of Tenancy in Rajasthan           |
| 5. Dutta, S.K.              | - | Rent Control in Rajasthan             |
| 6. Karkara, G.S.            | - | Rajasthan Land Laws (English & Hindi) |

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Paper : 3.6

## INTERPRETATION OF STATUTES

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 Concepts:** Interpretation of Statute: Meaning, Object and Scope; Importance, Advantages; Disadvantages; Interpretation and Construction, Differences between them; Intention of Legislature, Limits of Interpretation. Statutes: Nature and Classification; Structure of Statute.
2. **Rules of Interpretation:** Primary (Basic Rules) Secondary (subsidiary) Rules; Literal Rule; Golden Rule; Mischief Rule; Harmonious Construction
3. **Maxims and Presumptions: Maxims of Statutory Interpretation:** Ejusdem Generis; Noscitur a Sociis; Expressio Unius Exclusio Alterius; Ut Res Magis Valeat Quam Percat; Delegatus Non Potest Delegare; Contemporanea Expositio Est Optima Et Fortissima in Lege; Construction Expressio Unius Est Exclusio Alterius; Reddendo Singula Singulis
4. **Aids to Interpretation:** Internal Aids: Title; Preamble; Headings; Marginal Notes; Interpretation Clauses; Proviso; Explanation; Exception & Saving Clause. External Aids: Parliamentary and Constitutional history; Historical facts and Surrounding Circumstances; Social, Political and Economic Developments and Scientific Inventions; Stare Decisis (Judicial Precedents); Dictionaries; Literature; Reference to other Statutes (Pari Materia).
5. **Interpretation with reference to the Subject Matter and Purpose of Statutes:** Interpretation of Penal Statutes (Strict Construction); Interpretation of Taxing Statutes; Interpretation of the Constitution: Principle of Pith and Substance; Principle of Colourable Legislation; Principle of Severability; Principle of Eclipse.

### Leading Cases:

- Ramavatar v. Assistant Sales Tax Officer (1961 SC)
- Motipur Zamindari Co. Pvt. Ltd. v. State of Bihar (1962 SC)
- Ranjit Udeshi v. State of Maharashtra (1965 SC)
- Bengal Immunity Company v. State of Bihar 1955 SC

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- Mangoo Singh v. Election Tribunal 1957 SC
- Alangir v. State of Bihar 1959 SC
- Smith v. Hughes 1960
- Heydon's Case
- Lily Thomas v. Union of India 2000 SC
- K. M. Nanavati v. State of Bombay 1961 SC
- U.P. State Electricity Board v. Harishanker 1979 SC
- Nandini Satpathi v. P.L. Dani (1978 SC)

**Books:**

- P. St. J. Langan, Maxwell on the Interpretation of Statutes (12th ed., 1969)
- Vepa P. Sarathi, Interpretation of Statutes (4th ed., 2003)
- G.P. Singh, Principles of Statutory Interpretation (11th ed., 2008)
- S.G.G. Edgar, Craies on Statute Law (1999)
- Swarup Jagdish, Legislation and Interpretation
- P. St. Langan (Ed.). Maxwell on The Interpretation of Statutes (1976) N.M.Tripathi, Bombay
- K.Shanmukham, N.S.Bindras's Interpretation of Statutes, (1997) The Law Book Co. Allahabad.
- V.Sarathi, Interpretation of Statutes, (1984) Eastern, Lucknow
- M.P.Jain, Constitutional Law of India, (1994) Wadhwa & Co.
- M.P.Singh, (Ed.) V.N.Sukla's Constitution of India, (1994) Eastern, Lucknow.
- U.Baxi, Introduction to Justice K.K.Mathew's, Democracy Equality and Freedom (1978) Eastern, Lucknow

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ENVIRONMENTAL 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. Meaning and contents of Environment and Environment Pollution, History and Development of Environmental Legislation in India, Constitutional and Other statutory provisions related to Environment, Doctrine of Sustainable Development, Polluter Pays Principles, Precautionary Principles, Public Trust, Other Common laws and statutory remedies, Judicial Activism Pertaining to Environmental Pollution, International Environment Law.
2. **The Environment (Protection) Act, 1986: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Objects, Definition, General powers of the Central Government, Prevention, Control and Abatement of Environmental Pollution; Penalties and Procedure, Power to make Rules  
**National Green Tribunal Act, 2010: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Object, Definitions, Establishment of Tribunal, Jurisdiction, Powers, Proceedings and Penalty
3. **The Wild Life (Protection) Act 1972: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Need to conserve Wild Life, Definitions, Authorities under the Act, Hunting of Wild Life Animals, Protection of Specified Plants; Sanctuaries, National Parks and Closed Areas; Central Zoo Authority and Recognition of Zoos; Trade or Commerce in Wild Animals, Animal Articles and Trophies and its Prohibition; Prevention and Detection of Offences; Power to Make Rules.
4. **The Water (Prevention and Control of Pollution) Act, 1974: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Object and Application of the Act; Definitions; Constitution, Powers and Functions of Central, State and Joint Boards, Prevention and Control of Water Pollution, Water Laboratories, Funds Accounts and Audits, Penalties and Procedure, Power of Government to Supersede and make rules.
5. **The Air (Preventions & Control of Pollution) Act, 1981: (INCLUDING LATEST AMENDMENTS IF ANY)**  
Object and Application of the Act; Definitions; the Constitution, Powers and Functions of Central and State Boards, Prevention and Control of Air Pollution, Funds Accounts and

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Audits, Penalties and Procedures; Powers of the Government to supersede and Dissolution of the State Board and its effects, Powers of Government to Make Rules.  
**The Rajasthan Noise Control Act, 1963 (Basic Concepts) (INCLUDING LATEST AMENDMENTS IF ANY)**

**Leading Cases:**

1. Charan Lal Sahu v. Union of India, AIR 1990 SC 1480.
2. Rural Litigation & Entitlement Kendra, Dehradun v. State of U.P., AIR 1985 SC 659
3. Mehta, M.C. v. Union of India, AIR 1987 SC 1086
4. Mehta, M.C. v. Union of India, AIR 1988 SC 1115
5. House of God (Full Gospel) of India v. K.K. R.M.C. Welfare Association & Others AIR 2002 SC 2237.
6. A.P. Pollution Control Board v. Prof. M.V. Nayadu, AIR 1999 SC 812
7. Vellore Citizen's Welfare Forum v. U.O.I. AIR 1996 SC 2715

**Suggested Reading :**

1. Shanta Kumar S. : Environmental Law
2. Karkara G.S. : Environmental Law
3. Singh C. P.: Environment Law (Hindi)
4. Rathi R. L.: Environment Law (Hindi)
5. Jain, Suresh & Jain Vimla : Environmental Law in India.
6. Gurbax Singh : Environmental Law in India
7. Shastri, Satish : Environmental Law in India (2004)
8. Divan Shyam & Arvin Rosencronze : Environmental Law & Policy in India (2002)

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OPTIONAL PAPERS

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:

(i) Explanations

(ii) Psychological Theories – Alcoholisms and Drugs

Crime and Social Processes: Economic Motivation, Socio-cultural Movements, Crime and Community, 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 Ecological school

4. Socialistic School

5. Typological School

(a) Italian or Positive School (b) Mental Testers School

(c) Psychiativists 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 Theories and Purposes of Punishment.

Penal Science in India : History of Punishment, Pre-classical school-classical school, Neo-classical Positive school, The Reformer, Clinical School and Multiple Causation approach.

4. **Kinds of Punishment :** Modes of treatment of offenders, Corporeal punishment, Transportation of Criminals, Capital Punishment, Imprisonment, Reactional, Treatment, Probation, Parole, Compensation, Admonition, Treatment of Habitual Juvenile, Sex and

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- Adolescent Offenders, Indevaminita Sentences, Borastal School, Criminal Procedural Jurisprudence.
5. **Constitutional Guarantees** – Principle of Natural Justice as applicable to Procedural Law, Protection to Arrested Persons, Under-trials, Detenue and Convicted Persons. Double Jeopardy and Self-Incrimination, Rights to Life and Legal Aid.
  6. **Victimology:**
    - (a) Compensation, Restitution, Assistance and Rehabilitation
    - (b) Compensation as a mode of Punishment
    - (c) Constitutional Perspective for Compensation

**Leading Cases:**

1. Gurti Singh v. State of Rajasthan, 1984 Cr. LJ 1423 (1428)
2. Bandhua Mukti Morcha v. Union of India, AIR (1984) SC 802
3. Francis Coralie Mullin v. Union Territory Delhi, AIR 1981 SC 746
4. R.K. Garg v. Union of India, (1981) 133 ITR 239
5. Mithu v. State of Punjab, AIR 1983 SC473.

**Suggested Readings:**

1. Barnes, H.B. and Tecters – New Horizons in Criminology
2. Vold, G.S. – Theoretical Criminology
3. Edwin H. Sutherland and Donald R. Grussey – Principles of Criminology
4. Hon, Barren, Mays – Crime and the Social Structure
5. Ahmed Siddiqui – Criminology – Problems & Perspectives
6. Lord Pakenham – Causes of Crime
7. S. Venugopala Rao – Facts of Crime in India
8. Korm, R.R. And Mc Gorble, LW – Criminology and Penology
9. Grunhut – Penal Reforms
10. Mandholm – Criminal Justice and Reconstruction
11. I.L.I. – Essays on Indian Penal Code.
12. Ben – Penology – Old and News – Tagore Law Lectures
13. Shamsul Huda – Tagore Law Lectures on Criminal Law
14. Lawburse – Crime, Its Causes and Remedies.
15. Dequires - Modern Theories of Criminology
16. Deccaria— Crime and Punishment.
17. N.V. Puranjape-अपराधशास्त्र एवं दण्ड प्रशासन
18. MS. Chauhan— अपराधशास्त्र एवं अपराधिक विज्ञान सिद्धान्त
19. Sky Thakur - Victim Compensation in India Criminal Justice System

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**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.

**INTRODUCTION:** Introduction to Intellectual Property; Kinds of Intellectual Property Rights: **(Basic Overview)** Copyright and Related Rights, Patents, Trademarks, Plant Varieties, Farmer's Rights, Traditional Knowledge, Traditional Knowledge Digital Library, Convention on Biological Diversity, Trade Secrets, The Semiconductor Integrated Circuits Layout-Design; International Institutions and Basic International Conventions related to Intellectual Property: **(Basic Overview)** Paris Convention for the Protection of Industrial Property, 1883; The Berne Convention for the Protection of Literary and Artistic Works, 1886; W.T.O. & T.R.I.P.S. Agreement, 1995; W.I.P.O.

**THE COPYRIGHT ACT, 1957:** History, Enactment and Implementation etc. ; Interpretation Clause ; Copyright Office and Copyright Board; Copyright; Ownership of Copyright and the Rights of the Owner; Term of Copyright, Licences; Rights of Broadcasting Organization and of Performers; Registration of Copyright; Infringement of Copyright; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

**THE DESIGNS ACT, 2000:** History, Enactment and Implementation etc.; Interpretation Clause; Registration of Designs; Copyright in Registered Designs; Legal Proceedings; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

**THE GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999:** History, Enactment and Implementation etc.; Interpretation Clause; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Special Provisions relating to Trademarks; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

**THE PATENTS ACT, 1970:** History, Enactment and Implementation etc.; Interpretation Clause; Inventions Not Patentable; Applications for Patents; Publication and Examination of Applications; Opposition and Anticipation; Grant of Patents and Rights Conferred Thereby; Restoration, Surrender and Revocation of Patents; Register of Patents; Patent Office and Its Establishment; Working of Patents, Compulsory Licenses and Revocation; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

**THE TRADEMARKS ACT, 1999:** History, Enactment and Implementation etc.; Interpretation Clause; Kinds of Trademarks; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Use of Trademarks and Registered Users;

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Collective Marks and Certification Trademarks; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

**Suggested Readings:**

1. A. K. Bansal, Law of Trademark in India, Thomson & Reutes, 2014
2. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012
3. Dr. Wadhwa, B.L., Law relating to IPR, Universal Publication, (5th Edition, 2011)
4. Elizabeth Verkey, Law of Patents, Eastern Book Company, 2nd Edition, 2012
5. Kankanala, Kalyan C., Indian Patent Law and Practice, (2010), India, Oxford University Press
6. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008
7. P. Narayanan, Copyright and Industrial Designs, Third Edition, Eastern Law House, New Delhi, 2007
8. V. K. Ahuja, Law relating to Intellectual Property rights, 2nd Edition, (2013) LexisNexis.
9. W. R. Cornish, Intellectual Property: Patents Copyright Trademarks and allied rights, Sweet & Maxwell, London, 2010.

**Leading Cases: (Not an Exhaustive List)**

1. Biocon Ltd. & Mylan Pharmaceuticals Pvt. Ltd. v. F. Hoffmann-La Roche AG & Ors.
2. Eastern Book Company & Ors v. D.B. Modak & Anr.
3. Indian Performing Right Society Ltd v/s. Eastern India Motion Picture Association
4. Monsanto Technology LLC & Ors. v. Nuziveedu Seeds Ltd. & Ors.
5. Natco Pharma Ltd. v. Bayer Corporation
6. Novartis A.G. v. Union of India 2013 SC
7. R.G Anand v. M/S. Delux Films & Ors.
8. Tea Board India v. ITC Limited Kolkata HC
9. The Coca-Cola Company v. Bisleri International Pvt. Ltd. [Manu/DE/2698/2009]
10. The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Ors.
11. Yahoo! Inc. v. Akash Arora & Anr 1999 PTC 201 (Delhi H.C.)

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CYBER LAWS

Maximum Marks: 100

Minimum Passing Marks: 36

**1. Introduction:** Cyber Law- Genesis & Scope; Cyberspace and its components; Evolution of Internet and WWW; Defining computer, computer network, computer system, computer resource; Cyber Jurisprudence at International and National Level: UNCITRAL Model Law on Electronic Commerce 1996; Council Of Europe - Budapest Convention On Cybercrime; Role of ICANN; National Cyber Security Policy 2013

**2. Information Technology Act and Amendments:** (INCLUDING LATEST AMENDMENTS IF ANY)

Salient features of the IT Act, 2000 (as amended in 2008); Impact on other related Acts (Amendments) : Amendments to Indian Penal Code, Indian Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act.

Various authorities under IT Act and their powers: Controller of Certifying Authorities, Appellate Tribunal, Appropriate Authority – Central & State Government.

National nodal agency: In-CERT; Liability of Intermediaries; Examiner of Electronic Evidence

**3. Cyber Space Jurisdiction:** Jurisdiction issues under IT Act, 2000; Traditional principles of Jurisdiction; Extra-terrestrial Jurisdiction; Case Laws on Cyber Space Jurisdiction

**4. Electronic Commerce and Electronic Governance:** E-Commerce; Issues and provisions in Indian Law, Salient Features, advantages and challenges posed, Models of E-commerce like B2B, B2C & C2C, E-Contracts; E-taxation, E-banking.

E-Governance; concept and practical aspects in India; Concept of electronic records and electronic signatures; Rules for attribution, acknowledgement and dispatch of such records.

**5. Cyber Crimes & Indian Legal Framework:** Understanding Cyber Crimes -difference between traditional crime and cyber crimes; Classification of Cyber Crimes -against person, against property, against government; Penalties, Compensation and Adjudication; Offences under IT Act, 2000; Cyber Crimes under Indian Penal Code, 1860.

**6. Intellectual Property Issues in Cyber Space:** Interface with Copyright Law; Interface with Patent Law; Trademarks & Domain Names Related issues and Other Contemporary Issues.

**Suggested Readings:**

1. Information Technology Act, 2000 and amendments
2. UNCITRAL Model Law on Electronic Commerce, 1996
3. Council Of Europe - Budapest Convention On Cybercrime, 2001
4. National Cyber Security Policy, 2013
5. J. P. Mishra, An Introduction to Cyber Laws ,Central Law Publications
6. Karnika Seth, Computers, Internet and New Technology Laws, Lexis Nexis Butterworths Wadhwa
7. S. K. Verma & Raman Mittal, Legal Dimensions of Cyber Space, Indian Law Institute
8. Pavan Duggal, Textbook On Cyber Law Paperback, Universal Law Publishing
9. Anirudh Rastogi, Law of Information Technology and Internet, Lexis Nexis
10. Garima Tiwari, Understanding Cyber Laws & Cyber Crimes, Lexis Nexis
11. Debarati Haldar & K. Jaishankar, Cybercrime against women in India, Sage Publishing

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12. Prashant Mali, Cyber Law & Cyber Crimes Simplified, Cyber Infomedia
13. Talat Fatima, Cyber Crimes, Eastern Book Company
14. देबारी हालदर, के. जयशंकर, भारत में महिलाओं के विरुद्ध साइबर अपराध, सेज पब्लिशिंग
15. जय प्रकाश मिश्र, साइबर विधि, सेंट्रल लॉ पब्लिकेशन
16. तलत फातिमा, इन्टरनेट विधि एवं साइबर अपराध, ईस्टर्न बुक कंपनी
17. प्रशांत माली, साइबर कानून एवं साइबर अपराध, साइबर इन्फोमीडिया

**Leading Cases:**

1. Shreya Singhal v. Union of India AIR 2015 SC
2. P.U.C.L. v. Union of India AIR 2019 SC
3. Avnish Bajaj v. State (NCT of Delhi) (Bazee.com) 2008 Delhi HC
4. Sharat Babu Digumarti v. Govt. of N.C.T. of Delhi AIR 2017 SC
5. Harpal Singh v. State of Punjab 2016 SC

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**DRAFTING, PLEADING AND CONVEYANCING; PRE-TRIAL  
PREPARATION; PREPARATION IN TRIAL PROCEEDING AND MOOT  
COURT**

Max. Marks : 100

Min. Pass Marks : 36

This paper shall consist of following two parts ;

- |                             |   |          |
|-----------------------------|---|----------|
| (a) Practical written paper | — | 80 marks |
| (b) Viva vice examination   | — | 20 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.

**(1.) Written Paper**

(i.) **Drafting & Pleading :** General principles of Drafting and relevant substantive rules of pleading and their exceptions: Amendments of Pleading ;Alternative and Inconsistent Pleadings.

**(ii.) Drafting Exercise on Pleadings :**

(a) 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 petitions.

(b) Criminal- (i) Complaints ; (ii) Bail Applications; (iii) Reply by Accused ; (iv) Criminal Miscellaneous Petition, (v) Appeal, Reference and Revision (c) 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.

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Paper 3.9 (b)

## VIVA-VOCE EXAMINATION

20 Marks

- (i.) Pre-trial Preparation : Each student will observe two interviewing session of clients at the advocate office / legal office and record the proceedings in a diary.
- (ii.) Participation in Trial Proceedings : Each student will attend two trials during the session and maintain a record and enter the various steps observed during in a diary.
- (iii.) Moot Court : Each student will participate in two Moot courts
- (iv.) Viva-voce : The Viva-voce examination shall be conducted by a committee of two persons. In this committee, there shall be one Internal and one External Examiner. The committee shall award marks on the basis of Court diary, performance at the Moot court and Viva-voce Examination. The division of marks will be as under

- (1) Record maintained by the student (5 marks)
- (2) Participation in Moot court (5 marks)
- (3) Viva-voce (10 marks)

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