

# SHIVAJI UNIVERSITY, KOLHAPUR



**Faculty of Humanities**  
**(LL.B. – Three Year) Programme**  
**Choice Based Credit System (CBCS)**  
(To be implemented from Academic Year 2019-20)

**Regulations and Guidelines  
Under Choice Based Credit System (CBCS)  
LL.B. - Three Years Programme**  
(To be implemented from Academic Year 2019-20)

**1. LL.B. Rule 1: Implementation of Regulations & guidelines** - The Regulations and guidelines shall be implemented as mentioned below-

**LL.B. Part – I, Sem I&II from Academic year 2019-20**

**LL.B. Part – II, Sem III &IV from Academic year 2020-21**

**LL.B. Part – III, Sem V &VI from Academic year 2021- 22**

**The Course and Duration:**

- a) LL.B. degree course constitutes Bachelor's Degree Course in Law.
- b) The duration of the LL.B. Course shall be 3 academic years consisting of 6 semesters.
- c) Each academic year shall be divided into two semesters:

Course	July to November / December	December to April / May
3 Year First LL.B.	Semester I	Semester II
3 Year Second LL.B.	Semester III	Semester IV
3 Year Third LL.B.	Semester V	Semester VI

- d) Each Semester shall consist of 15 weeks with not less than 30 class hours per week.
- e) The papers and the syllabus shall be as given in the Scheduled –A appended to these regulations.

**2. LL.B. Rule 2: Eligibility Criteria:**

- a) Admission into 3 Year LL.B. Course is subject to MH-CET, Government of Maharashtra and Shivaji University Rules and Regulations.
- b) An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognized as a Deemed University or Foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years programme leading to conferment of LL.B. degree on successful completion of the regular programme conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the three years LL.B. programme.

**Explanation:** The applicants who have obtained 10+2 or graduation / post - graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law course.

**3. LL.B. Rule 3: Minimum percentage of Qualifying Examination:**

Bar Council of India may from time to time, stipulate the minimum percentage of marks not below 45% of the total marks in case of generalcategory applicants, 42% of the total marks in case ofOBC category and 40% of the total marks in case of SC and ST applicants, to be obtained for the qualifying examination, such as +2 Examination in case of Integrated Five Years' course or Degree course in any discipline for Three years' LL.B. course, for the purpose of applying for and getting admitted into a Law Degree Program of any recognized University in either of thestreams.

Provided that such a minimum qualifying marks shall not automatically entitle a person to get admission into an institution but only shall entitle the person concerned to fulfill other institutional criteria notified by the institution concerned or by the government concerned from time to time to apply for admission.

**4. LL.B. Rule 4: Admission Procedure:** As per MH-CET admission procedure prescribed by Government of Maharashtra.

**5. LL.B. Rule 5: Attendance:** No student of any of the degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises, tutorials and practical training conducted in the subject taken together.

Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the Centre of Legal Education, as the case may be, may allow the student to take the test if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together. The similar power shall rest with the Vice Chancellor or Director of a National Law University, or his authorized representative in the absence of the Dean of Law.

Provided further that a list of such students allowed to take the test with reasons recorded be forwarded to the Bar Council of India.

**6. LL.B. Rule 6: Prohibition against lateral entry andexit:**

There shall be no lateral entry on the plea of graduation in any subject or exit by way of awarding a degree splitting the integrated double degree course, at any intermediary stage of integrated double degreecourse.

However, a University may permit any person to audit any subject or number of subjects by attending classes regularly and taking the test for obtaining a Certificate of participation from the University/ Faculty according to the rules prescribed by the University from time to time and gives a Certificate therefore.

**7. LL.B. Rule 7: Pattern of CBCS :**

**a) The CBCS System:** All programmes shall be run credit-based semester system. It is an instructional package developed to suit the needs of the students to keep pace with the developments in higher education and the quality assurance expected of it in the light of liberalisation and globalisation in the higher education.

**b) Credit:** The term credit refers to the weightage given to the course, usually in the relation to the instructional hours assigned to it. For instance, four hour theory course and one hour practical work for week is given five credits. However, in no instance the credits of a course can be greater than the hours allotted to it.

- c) Three Year LL.B. Programme comprising of 6 semesters shall be of total 36 courses of minimum 192 credits which include 30 Compulsory Core Courses (Discipline Specific Core Courses i.eDSC) and 6 Ability Enhancement Compulsory Courses (AECC).
- d) All compulsory Core Courses shall be of 70:30 pattern except 4 clinical papers, whereas, skill enhancement courses shall be of 50 marks internal; written examination at the college level. For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective types of questions of 2 marks each. The minimum passing criteria shall be 20 marks.
- e) Inclusion of mandatory subjects – Democracy, Election and Good Governance (Semester I) as per the recommendations of Government of Maharashtra and Shivaji University, Kolhapur. Every student is required to obtain minimum passing grade in this course as per the Shivaji University norms for the award of degree.

**8. LL.B. Rule 8: Minimum Period of Internship:**

- a) Each registered student shall have completed minimum of 12 weeks internship for Three Year Course stream and 20 weeks in case of Five Year Course stream during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies as the University shall stipulate, where law is practiced either in action or in dispute resolution or in management.

Provided that internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least go through once in the entire academic period with Trial and Appellate Advocates.

- b) Each student shall keep Internship diary in such form as may be stipulated by the University concerned and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff each time. The total mark shall be assessed in the Final Semester of the course in the 4<sup>th</sup> Clinical course as stipulated under the Rules in Schedule II.

**9. LL.B. Rule 9: Formal Dress Code during Internship:**

Students placed under internship or in moot court exercise shall have formal dress of legal professional in pupilage as follows: (For all) White/Black trouser, white shirt, black tie, black coat, black shoe and black socks. When students have problems of getting the entire formal dress for any reason, they have to have a white trouser, full sleeve shirt to be tucked in and covered shoe.

(Optional for Girl students) Black printed saree, with white full sleeve blouse and covered black shoe or Lawyer's Suit with black covered shoe.

The Organization or Advocate under whom the internee is placed is required to follow suitable dress code.

**10. LL.B. Rule 10: Examinations and Assessment:**

**The pattern of CBCS for Semester examinations shall be as mentioned below:**

- a) **LL.B. Part – I, Sem I & II:** 70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
- b) **LL.B. Part – II, Sem III & IV:** 70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.

c) **LL.B. Part – III, Sem V & VI:** -70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.

11. **LL.B. Rule 11: Weightage:** There shall be 3300 marks for 3 years having 6 Semesters LL.B. CBCS Program with 192 Credits.

**a) LL.B. Part – I (Sem I & II):**

For LL.B. Part I total  $10+2=12$  papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester.

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Legal Research) and Paper 2 for Sem II (Public Interest Lawyering) each of 50 marks, as compulsory course.
- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- III. There shall be five DSC courses with 70 marks for end-semester theory examinations at University Level and 30 marks for internal assessment at College Level.

**b) LL.B. Part –II (Sem III & IV):**

For LL.B. Part I total  $10+2=12$  papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester.

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Fundamentals of Cyber Law) and Paper 2 for Sem II (Law and Entrepreneur Skills) each of 50 marks, as compulsory course.
- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- III. There shall be five DSC courses with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

**c) LL.B. Part –III (Sem V & VI):**

For LL.B. Part I total  $10+2=12$  papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester.

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Advocacy Skills) and Paper 2 for Sem II (Criminal Law Investigation and Forensic Science) each of 50 marks, as compulsory course.
- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- III. There shall be five DSC courses with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

**d) Credit distribution chart for LL.B. Program with Course Code:**

Course Name	Total Courses(Papers)	Total Credits	% in total course
DSC : Discipline Specific Core Course	30	180	93.75
AECC : Ability Enhancement Compulsory Courses	6	12	6.25
<b>TOTAL</b>	<b>36</b>	<b>192</b>	<b>100%</b>

## 12. LL.B. Rule 12: Scheme of Examinations:

### Following is the Scheme of Examination:

i) Each DSC course of 6 credits will be assessed on basis of 100 marks. The marks will be divided under two heads, internal assessment 30 marks and End- Semester University Examination 70 marks. Each DSC Course shall have continuous internal assessment of 30 marks. The student shall have to secure minimum 10 marks to pass in the internal assessment of the respective DSC course. For each DSC Course End Semester University Examination of 70 marks, the student shall have to secure minimum 25 marks to pass in the End-Semester University Examination. The minimum passing in each DSC Course shall be 35 marks (10+25) and the average passing percentage for every semester shall be 40 percent.

The weightage of internal assessment shall be based on the following.

#### **Internal Assessment:**

Assignment / Project Work / Presentation	: 20 Marks
Viva VoceCollege Level	: 10 Marks
<hr/>	
<b>: 30 Marks</b>	

ii) Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks. This paper shall be in self instructional mode under the guidance of Class Mentors or Class Teacher. The assessment of the Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

**Internal Assessment** -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

iii) The student failing in internal assessment of any course will be deemed to have failed in the End - Semester University Examination of the respective course. Such student shall be allowed to reappear for the internal assessment only in the next semester.

iv) Appearing in Internal Written Test of all DSC Courses and Skill Enhancement Courses is strictly compulsory.

v) The internal assessment marks for each semester for all DSC Courses, AECC along with requisite Credits earned by the student for the Compulsory Foundation Course shall have to be sent to the University, prior to the commencement of the respective End - Semester University Examination.

vi) A student who has passed in the internal assessment but has failed in the End - Semester University Examination, his / her internal marks and credits earned for respective course/paper will be carried forward till the validity of his / her respective semester.

vii) A student who has failed in the End- Semester theory examinations but passed in

internal assessment can reappear for theory paper and his marks of internal assessment will be carried forward.

#### 13. LL.B. Rule 13: Practical Training Papers:

- a) **Practical Training Paper I: Professional Ethics and Professional Accountancy for Lawyers and Bar-Bench Relations.** The theory End-Semester University Examination shall be 70 marks and internal assessment of 30 marks at college level.
- b) **Practical Training Paper II: Alternative Disputes Resolution (ADR):** The theory End-Semester University Examination shall be 70 marks and internal assessment only of 30 marks at college level.
- c) **Practical Training Paper III: Drafting, Pleading and Conveyance (DPC):** The course will be taught class instructions and simulation exercises. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting of pleadings carrying the total of 45 marks (3 marks for each) and 15 exercises in Drafting of Conveyancing, carrying another 45 marks (3 marks for each). Remaining 10 marks will be given for viva voce.
- d) **Practical Training Paper IV: Moot Court Exercise and Internship:** This paper may have 3 components of 30 marks each and a viva of 10 marks (Moot Court 30 Marks, Observance of Trial in Two Cases 30 Marks, Interviewing Techniques and Pre-Trial Preparation and Internship Diary 30 Marks).
- e) **Duration of Semester Examination for each theory paper -** The duration of Semester Examination for each theory paper of 70 marks shall be of three hours.
- f) **Standard of passing-** The Standard of passing shall be minimum 35 in each DSC Course both theory + internal assessment and average passing for every semester shall be 40 percentages. **However ATKT rules shall be applicable to Theory Paper only as per University norms.**

#### 14. LL.B. Rule 14: Passing and Carrying Forward the Semester:

- 1) For grant of respective academic year, the student must have kept two terms with requisite attendance, must have appeared in the internal written test of each course / paper and has secured minimum passing marks in internal assessment of each course / paper shall be eligible.
- (2) The student who has passed all the papers of Semester I and II will be promoted to Semester III (Second year). The students who have passed minimum 7 papers out of 10 core papers will be allowed to keep terms (ATKT).
- (3) The student who has passed all the paper of First Year and passed all the papers of Second Year i.e. Semester I, II, III and IV will be promoted to Semester V (Third year). The students who have passed minimum 7 papers out of 10 core papers of Semester III and IV (Second year) will be allowed to keep terms (ATKT).
- (4) ***The student who has passed Semester I, II, III, IV shall be awarded with a***

**LL.B. General Degree (Completion of Two Years).**

(5) *The student who has passed Semester I, II, III, IV, V& VI shall be awarded with LL.B. Special Degree (Completion of Three Years).*

**15. LL.B. Rule 15: Gradation Chart:**

Marks Obtained	Numerical Grade (Grade Point)	CGPA	Letter Grade
Absent	0 (zero)	-	-
0 – 34	0 to 4	0.0 – 4.99	F (Fail)
35 – 44	5	5.00 – 5.49	C
45 – 54	6	5.50 – 6.49	B
55 – 64	7	6.50 – 7.49	B+
65 – 74	8	7.50 – 8.49	A
75 – 84	9	8.50 – 9.49	A+
85 – 100	10	9.50 – 10.0	O (Outstanding)

**Note:**

1. Marks obtained  $\geq 0.5$  shall be rounded off to next higher digit.
2. The SGPA & CGPA shall be rounded off to 2 decimal points.
3. Marks obtained in 50 marks or 200 marks paper shall be converted to 100 marks.

**Calculation of SGPA & CGPA****1. Semester Grade Point Average (SGPA)**

$$GPA = \frac{\sum_{S} (Course credits \times Grade point obtained) of a semester}{\sum_{S} (Course credits) of respective semester}$$

**2. Cumulative Grade Point Average (CGPA)**

$$CGPA = \frac{\sum_{S} (Total credits of a semester \times SGPA of respective semester) of all semesters}{\sum_{S} (Total course credits) of all semesters}$$

**16. LL.B. Rule 16: Result** - The result of each Semester shall be declared as Pass or Fail or Allowed to Keep Terms (A.T.K.T. for Semester II & IV) with grade/ grade points and Credits gained.

**Revised Rules** - These revised rules will be implemented with effect from the academic year 2019-20 onwards for LL.B. degree program. However the existing (i.e. pre-revised) rules shall remain in force for the students of old semester pattern during the transition period.

### **17. LL.B. Rule 17: Question Paper Model:**

The Question Paper of Three Year LL.B. 70 marks shall consists of total seven questions carrying 15 marks each, out of which a student can opt any four. The question number eighth shall be mandatory consisting of four short notes out of which the students have to opt any two of 5 marks each.

Practical Training Paper I – Professional Ethics and Professional Accounting System and Practical Training Paper II – Alternative Disputes Resolution (ADR), the examination pattern is 70:30. For 70 marks University Written Examination will be conducted and for 30 marks internal assessment will be conducted at college level.

Regarding practical training paper – III: Drafting, Pleading and Conveyance (DPC) and Practical Training Paper – IV: Moot Court Exercise and Internship, there shall be no theory examination. Viva Voce Examinations for 10 marks each will be conducted in presence of External Examiners appointed by the University. 90 marks will be allotted for both the papers as per BCI norms.

### **Model Question Paper Format:**

**First year of Three Year LL.B., (Semester I) CBCS**

**Examination, October, 2019**

**Law of Contract – I (Paper – I)**

**Subject Code: \_\_\_\_\_**

**Day & Date: \_\_\_\_\_**

**Total Marks: 70**

**Time: \_\_\_\_\_**

**Instructions:**

1. Attempt any four questions from Q.No. 1 to 7.
2. Q. No. 8 is compulsory.
3. Figures to the right indicate full marks.

Q.1. \_\_\_\_\_ (15)

Q.2. \_\_\_\_\_ (15)

Q.3. \_\_\_\_\_ (15)

Q.4. \_\_\_\_\_ (15)

Q.5. \_\_\_\_\_ (15)

Q.6. \_\_\_\_\_ (15)

Q.7. \_\_\_\_\_ (15)

Q.8. Write short notes (Any Two): 2 x 5 (10)

a) \_\_\_\_\_

b) \_\_\_\_\_

c) \_\_\_\_\_

d) \_\_\_\_\_

**CBCS - LL.B. 3 Year :Structure:LL.B. Part –I**

<b>Semester I</b>								
<b>Teaching Scheme and Evaluation Scheme</b>								
<b>Course Code</b>	<b>Subjects</b>	<b>Theory Examination Shiv. Uni.</b>	<b>Hours</b>	<b>Internal Assessment College</b>	<b>Hours</b>	<b>Total Marks</b>	<b>Weekly Teaching Hours</b>	<b>Total Credits</b>
DSC-101	Law of Contract (General Principles of Contract and Specific Relief Act)	70	4.2	30	1.8	100	06	06
DSC-102	Constitutional Law -I	70	4.2	30	1.8	100	06	06
DSC-103	Law of Torts and Consumer Protection Act	70	4.2	30	1.8	100	06	06
DSC-104	Law of Crimes-I (Indian Penal Code)	70	4.2	30	1.8	100	06	06
DSC-105	Family Law-I	70	4.2	30	1.8	100	06	06
AECC-106	Legal Research	-	-	50	-	50	-	02
	<b>Total</b>	<b>350</b>	<b>21.00</b>	<b>200</b>	<b>9.0</b>	<b>550</b>	<b>30</b>	<b>32</b>

<b>Semester II</b>								
<b>Teaching Scheme and Evaluation Scheme</b>								
<b>Course Code</b>	<b>Subjects</b>	<b>Theory Examination Shiv. Uni.</b>	<b>Hours</b>	<b>Internal Assessment College</b>	<b>Hours</b>	<b>Total Marks</b>	<b>Weekly Teaching Hours</b>	<b>Total Credits</b>
DSC-201	Special Contract	70	4.2	30	1.8	100	06	06
DSC-202	Constitutional Law – II	70	4.2	30	1.8	100	06	06
DSC-203	Family Law - II	70	4.2	30	1.8	100	06	06
DSC-204	Environmental Law	70	4.2	30	1.8	100	06	06
DSC-205	Professional Ethics	70	4.2	30	1.8	100	06	06
AECC-206	Public Interest Lawyering	-	-	50	-	50	-	02
	<b>Total</b>	<b>350</b>	<b>21.00</b>	<b>200</b>	<b>9.0</b>	<b>550</b>	<b>30</b>	<b>32</b>

**CBCS - LL.B. 3 Year : Structure:LL.B. Part -II**

<b>Semester III</b>								
<b>Teaching Scheme and Evaluation Scheme</b>								
<b>Course Code</b>	<b>Subjects</b>	<b>Theory Examination Shiv. Uni.</b>	<b>Hours</b>	<b>Internal Assessment College</b>	<b>Hours</b>	<b>Total Marks</b>	<b>Weekly Teaching Hours</b>	<b>Total Credits</b>
DSC-301	Jurisprudence	70	4.2	30	1.8	100	06	06
DSC-302	Property Law	70	4.2	30	1.8	100	06	06
DSC-303	Company Law	70	4.2	30	1.8	100	06	06
DSC-304	Public International Law	70	4.2	30	1.8	100	06	06
DSC-305	Criminology	70	4.2	30	1.8	100	06	06
AECC-306	Fundamentals of Cyber Law	-	-	50	-	50	-	02
	<b>Total</b>	<b>350</b>	<b>21.00</b>	<b>200</b>	<b>9.0</b>	<b>550</b>	<b>30</b>	<b>32</b>

<b>Semester IV</b>								
<b>Teaching Scheme and Evaluation Scheme</b>								
<b>Course Code</b>	<b>Subjects</b>	<b>Theory Examination Shiv. Uni.</b>	<b>Hours</b>	<b>Internal Assessment College</b>	<b>Hours</b>	<b>Total Marks</b>	<b>Weekly Teaching Hours</b>	<b>Total Credits</b>
DSC-401	Interpretation of Statutes	70	4.2	30	1.8	100	06	06
DSC-402	International Human Rights	70	4.2	30	1.8	100	06	06
DSC-403	Administrative Law	70	4.2	30	1.8	100	06	06
DSC-404	Banking and Insurance	70	4.2	30	1.8	100	06	06
DSC-405	Alternative Disputes Resolution (ADR)	70	4.2	30	1.8	100	06	06
AECC-406	Law and Entrepreneur Skills	-	-	50	-	50	-	02
	<b>Total</b>	<b>350</b>	<b>21.00</b>	<b>200</b>	<b>9.0</b>	<b>550</b>	<b>30</b>	<b>32</b>

Semester V								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Exam Shivaji Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-501	Civil Procedure Code & Limitation Act	70	4.2	30	1.8	100	06	06
DSC-502	Law of Evidence	70	4.2	30	1.8	100	06	06
DSC-503	Labour Law-I (Industrial Laws)	70	4.2	30	1.8	100	06	06
DSC-504	Land Laws	70	4.2	30	1.8	100	06	06
DSC-505	Drafting, Pleading and Conveyancing	No Theory Exam	-	45 + 45 = 90 Viva = 10	1.8	100	06	06
AECC-506	Advocacy Skills	-	-	50	-	50	-	02
	<b>Total</b>	<b>280</b>	<b>16.80</b>	<b>270</b>	<b>9.0</b>	<b>550</b>	<b>30</b>	<b>32</b>

Semester VI								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Exam Shivaji Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-601	Law of Crimes-II (Criminal Procedure Code)	70	4.2	30	1.8	100	06	06
DSC-602	Intellectual Property	70	4.2	30	1.8	100	06	06
DSC-603	Labour Law –II (Social Securities Laws)	70	4.2	30	1.8	100	06	06
DSC-604	Principles of Taxation	70	4.2	30	1.8	100	06	06
DSC-605	Moot Court, Pre-Trial Preparation & Participation in Trial Proceedings	No Theory Exam	-	30+30+30 = 90 Viva = 10	1.8	100	06	06
AECC-606	Criminal Law Investigation & Forensic Science	-	-	50	-	50	-	02
	<b>Total</b>	<b>280</b>	<b>16.80</b>	<b>270</b>	<b>9.00</b>	<b>550</b>	<b>30</b>	<b>32</b>

**DSE:** Discipline Specific Elective Courses (Compulsory) Total = 6 semesters x 5 papers = 30 papers. Each paper 6 credits x 30 paper = 180 Credits.

**AECC :**Ability Enhancement Core Course (Compulsory)Total = 6 semesters x 1 paper = 6 papers of 2 credits each = 12 Credits

**DSC-101: LAW OF CONTRACT**  
**(GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF)**

**Object:** Law of contract being the pillar of the legal structure of a society, the fundamental goal of study is to critically evaluate principles underlying the legal postulates and propositions. This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

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

**Methods of teaching-learning:** Lecture and Case-study method shall be the main method of learning to be followed. Dialectic method of mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation:	20 Marks
Viva Voce College Level	: 10 Marks

**30 Marks**

**SYLLABUS**

**UNIT I: INTRODUCTION**

- 1.1 Historical Background of Indian Contract Laws
- 1.2 Contract: Meaning, Definition, Importance, Nature and Scope
- 1.3 Essentials of Contract
- 1.4 Indian Contract- Latest developments ( e-Contracts)

**UNIT II: PROPOSAL AND ACCEPTANCE- AGREEMENT(S. 2-10)**

- 2.1 Formation of an Agreement, It's Kinds – Valid, Void, Voidable, Unlawful, illegal
- 2.2 Intention to Create Legal Relationship
- 2.3 Proposal and Acceptance- Their various forms, Essential Elements
- 2.4 Communication and Revocation of Offer and Acceptance
- 2.5 What agreements are Contracts?

**UNIT III: CAPACITY TO CONTRACT AND FREE CONSENT (S. 11 - 22)**

- 3.1 Legal Disability to Enter into Contract
- 3.2 Minors - Effects of Minors Agreement, Persons of Unsound Mind, Persons disqualify by Law
- 3.3 Consent and Free Consent – Definition
- 3.4 Vitiating Elements of Free Consent –
- 3.4.1 Coercion, Doctrine of Duress
- 3.4.2 Undue Influence
- 3.4.3 Fraud
- 3.4.4 Misrepresentation
- 3.4.5 Mistake
- 3.5 Effect on Contracts influenced by any factor Vitiating Free Consent

#### **UNIT IV: CONSIDERATION AND OBJECT (S. 23 - 25)**

- 4.1 Meaning and Nature of Consideration and Object
- 4.2 Consideration- Its Exceptions
- 4.3 Legality of Consideration and Object
- 4.4 Doctrine of Privity of Contract

#### **UNIT V: LIMITATIONS ON FREEDOM OF CONTRACT (S. 23, 26 – 31)**

- 5.1 Void Agreements
- 5.1.1 Agreements in Restraint of Marriage
- 5.1.2 Agreements in Restraint of Trade
- 5.1.3 Agreements in Restraint of Legal Proceedings
- 5.1.4 Ambiguous and Uncertain Agreement
- 5.1.5 Wagering Agreements – Its exceptions
- 5.1.6 Agreements with Unlawful Consideration
- 5.1.7 Agreements without Consideration
- 5.1.8 Agreements against Public Policy
- 5.2 Contingent Contracts

#### **UNIT VI: DISCHARGE AND REMEDIES FOR BREACH OF CONTRACT (S. 37 – 67)**

- 6.1 Meaning and Nature - Discharge of Contract
- 6.2 Different Modes -
  - 6.2.1 By Performance
  - 6.2.2 By Agreement – Novation, Alteration, Rescission, Remission, Waiver, Accord and Satisfaction
  - 6.2.3 By Operation of Law – Insolvency, Merger, Alteration without consent , Death
  - 6.2.4 By Breach- Anticipatory Breach - Actual breach
  - 6.2.5 By Impossibility of Performance – Destruction of Subject Matter, Death or Personal Incapacity, Change of Law, non-existence or non-occurrence of particular state of thing, declaration of war – Doctrine of Frustration
  - 6.2.6 By Lapse of Time

#### **UNIT VII: CERTAIN RELATION RESEMBLING THOSE CREATED BY CONTRACT (QUASI CONTRACT) (S. 68 -72)**

- 7.1 Concept and Classification of Quasi-Contract
- 7.2 Standard form of Contract
- 7.3 Government as a Contracting Party

#### **UNIT VIII: REMEDIES FOR BREACH OF CONTRACT**

- 8.1 Remedies under Indian Contract Act (S.73 - 75)
- 8.1.1 Cancellation or Rescission
- 8.1.2 Restitution
- 8.1.3 Quantum Meruit
- 8.1.4 Damages – Types of Damages – General or ordinary, Special, Vindictive or exemplary, nominal – Remoteness and Ascertainment of Damages
- 8.2 Remedies under Specific Relief Act, 1963 (S.5 – 43)
- 8.2.1 Recovering possession of property
- 8.2.2 Specific Performance
- 8.2.3 Declaratory Decrees
- 8.2.4 Injunctions
- 8.2.5 Preventive Relief

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7. LalmanShukla v. GauriDutta, II ALJ 489;
8. Felth House v. Bindley (1862) 11, CB (NS) 86;
9. MohriBibee v. DharmodassGhosh, (1903) 30 IA 114.
10. Derry v. Peek, (1889) 14 AC 337.
11. MithooLalNayak v. LIC of India,
12. AIR 1962 SC 814; Subhas Chandra Das
13. Mushib v. Ganga Prasad Das Mushib and others AIR 1967 SC 878;
14. Central Inland Water Transport Corporation v. B.K Ganguly, AIR 1986 SC 157;
15. Kalyanpur Lime Works Ltd. v. State of Bihar and another AIR 1954 SC 165;
16. Gujarat Bottling Co. Ltd. v. Coca Cola Co. (1995) 5 SCC 545 ;
17. National Insurance co Ltd v. S. G Nayak& co AIR 1997 SC 2049.
18. SatyabrataGhose v. MugneeramBangur AIR 1954 SC 44;
19. State of Bihar v. Majeed AIR 1954 SC 786.
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**DSC – 102: CONSTITUTIONAL LAW- I**  
**(Fundamental Rights & Directive Principles of State Policy)**

**Object:**

India is a democracy and her Constitution embodies the Principles of the democratic government. A good understanding of the Constitution and the constitutional amendments, judicial decisions, constitutional practice and conventions, is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features of the Constitution and be aware of the social, political and economic influence on it. A student must learn how various interpretations of the constitution are possible and how do they influence the growth of constitutional law.

Judicial review is an important aspect of constitutional law. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law.

**Methods of teaching-learning:** Lecture and Case-study method shall be the main method of learning to be followed. Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise after the basic issues are identified by lecture and discussion. Research of issue based conflict of interest through court cases may be an added advantage.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation:	20 Marks
Viva Voce College Level	: 10 Marks

**30 Marks**

**SYLLABUS:**

**UNIT I: MAKING OF CONSTITUTION AND FEATURES**

- 1.1 Making of Indian Constitution
- 1.2 Nature of constitution
- 1.3 Salient Features of the Indian Constitution
- 1.4 Citizenship-under constitution and Citizenship Act 1955
- 1.5 Preamble

**UNIT II: FUNDAMENTAL RIGHTS- JUSTICIABILITY- STATE OBLIGATION- ART 12-13**

- 2.1 Fundamental Rights – meaning and scope of
- 2.2 Definition of ‘State’ for enforcement of fundamental rights
- 2.3 Justiciability of fundamental rights
- 2.4 Definition of law for constitutional law purpose
- 2.5 Doctrine of eclipse, severability, waiver.

**UNIT III: RIGHT TO EQUALITY (ART 14-18)**

- 3.1 Equality before law and equal protection of law
- 3.2 Classification for differential treatment- Constitutional validity
- 3.3 Protective measures –gender discrimination
- 3.4 Protective discrimination in favor of certain sections of the society
- 3.5 Untouchability and abolition of titles

#### **UNIT IV: FREEDOMS AND SOCIAL CONTROL UNITS (ART 19-22)**

- 4.1 Freedoms and restrictions under (Art.19)
- 4.2 Protection in respect of conviction for offences (Art.20)
- 4.3 Right to life and personal liberty (Art.21)
- 4.4 Right to education (Art. 21 A)
- 4.5 Protection against arrest and Preventive Detention (Art.22)

#### **UNIT V: RIGHT AGAINST EXPLOITATION (ART 22-23)**

- 5.1 Prohibition of traffic in human beings,
- 5.2 Forced labours – bonded labour
- 5.3 Trafficking of women and children
- 5.4 Prohibition of employment of children
- 5.5 Right of children a free and compulsory education

#### **UNIT VI:RIGHT TO RELIGION AND MINORITY RIGHTS**

- 6.1 Concept of Secularism- Historical perspective.
- 6.2 Freedom of Religion-nature, scope and limitations.
- 6.3 Right to Freedom of Religion- use and misuse- Indian scenario.
- 6.4 Minority Rights
- 6.5 Relationship between Religion and minority

#### **UNIT VII: CONSTITUTIONAL AND LEGAL REMEDIES (ART 32)**

- 7.1 Writ of Habeas Corpus
- 7.2 Writ of Mandamus
- 7.3 Writ of Certiorari
- 7.4 Writ of Prohibition
- 7.5 Writ of Quo-warranto

#### **UNIT VIII: DIRECTIVE PRINCIPLES, FUNDAMENTAL DUTIES AND SOCIAL JUSTICE (ART 35-51A)**

- 8.1 Underlying object and significance of Directive Principles.
- 8.2 Classification of Directives.
- 8.3 Fundamental Right and Directive principles- Interrelationship and Judicial balancing.
- 8.4 Fundamental Duties--- Need, Source and enforcement of fundamental duties.
- 8.5 Relation of Fundamental Duties with Directive Principles and Fundamental Right

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5. WamanRao v. Union of India AIR 1981 SC 271;
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8. State of West Bengal v. Anwar Ali AIR 1951 SC 75,
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15. Shiv Charan v. State of Mysore AIR 1965 SC 280,
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17. Sagir Ahmed v. State of Utter Pradesh AIR 1954 Sc 728,
18. T.M.A. Pai Foundation v. State of Karnataka AIR 2003 SC 355,
19. Express Newspapers v. Union of India AIR 1986 SC 872
20. Khare v. State of Delhi AIR 1950 SC 211,
21. State of Maharastra v. RajendraJ.Gandhi AIR 1997 SC 3986
22. Francis CoralieMullin v. Administration of Delhi AIR 1981 SC 746,
23. M.C.Mehta v. Union of India AIR 1987 SC 1086,
24. BandhuaMuktiMorcha v. Union of India AIR 1984 SC 802,
25. Indian Council for Enviro-legal Action v. Union of India AIR 1996 SC 1446.
26. Vellore Citizens Welfare Forum v. Union of India AIR 1996 SC 2715
27. State of Punjab v. Mahinder Singh Chawla AIR 1997 SC 1225.
28. PaschimBangalKhetMazdoor Society v. State of West Bengal, AIR 1996 SC 2426
29. Air India Statutory Corporation v. United Labour Union AIR 1997 SC 645,
30. Maneka Gandhi v. Union Of India AIR 1978 SC 597,
31. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 186,
32. People's Union of Civil Liberty v. Union of India AIR 1997 SC 568,
33. Hussainara v. Home Secretary,State of Bihar AIR 1979 SC 1819
34. J.P.Unnikrishnan v. State of Andhra Pradesh AIR 1993 SC 2178
35. Mr. X v. Hospital Z AIR 1999 SC 495
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38. Gaurav Jain v. Union of India AIR 1990 SC 1412,
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- 5. H.M. Seervai : Constitution of India. Vol.-1-3 (1992), Tripathy, Bombay.
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- 7. G.Austin: Indian Constitution:- Cornerstone of a Nation (1972)
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**DSC – 103: LAW OF TORT & CONSUMER PROTECTION LAW**

**Object :**

Independent of criminal or contract law, Tort law provides individuals and groups with redress for injury to every dimension of life from physical injury, to property damage, to personal insult. Over past decades no area of law within the civil justice system has experienced greater ferment than the law of Tort and this has resulted in vital changes the thinking of the tortious liability. The object of the course is to familiarize the students with the nature and extent of liability of the private enterprises, multinationals and the government authorities for the wrongs committed against the individual and their property, and to develop sound knowledge, skills and disposition amongst students of law on some of the contemporary issues of Specific Torts, Cyber Tort, Family Tort, and Economic Tort, Product Liability etc.

Presently the emphasis is on extending the principles not only to harmful acts but also to failure to comply with standards that are continuously changing due to advancement in science and technology. In the modern era of consumer, concern of goods and services, the law of torts has added significance in consumer protection. Taking this into consideration, a topic on Motor Vehicle Accident claims has been added. It emphasizes liability, Insurance and working of claim Tribunals.

**Methods of teaching-learning:** Lecture method shall be the main method of learning to be followed. Dialectic method of case study, mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

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: 30 Marks

## SYLLABUS:

### **Unit I: Concept of Tort, Nature and Scope**

- 1.1 History, Definition and Scope of Tort
- 1.2 Nature of tort-Distinction between tort and crime
- 1.3 Essential elements of law of tort
  - 1.3.1 Wrongful act
  - 1.3.2 Legal damage-a) Damnum Sine injuria b) Injuria sine damnum
  - 1.3.3 Legal remedy
- 1.4 Relevance of law of tort - Intention, Motive, Malice, Knowledge, Negligence
- 1.5 Who May Sue and who may not be sued?

### **Unit: II General Defenses in Tort-**

- 2.1 Volenti non fit injuria
- 2.2 Necessity & Act of God
- 2.3 Inevitable accident & Private defense
- 2.4 Statutory Authority
- 2.5 Judicial and Quasi-Judicial Acts

### **Unit III: Discharge of Tortious Liability-**

- 3.1 By death of parties- action personal is monitor cum persona exceptions
- 3.2 Waiver and acquiescence
- 3.3 Release
- 3.4 Accord & satisfaction
- 3.5 Limitation

### **Unit IV: Tortious Liability-**

- 4.1 The concept of liability
- 4.2 Basis and Scope of liability
- 4.3 Modes of creation of vicarious liability
  - 4.3.1 Express authorization
  - 4.3.2 Ratification
  - 4.3.3 Abetment
- 4.4 Liability-Special Relationship
  - 4.4.1 Master & Servant
  - 4.4.2 Independent Contractor & Servant
- 4.5 Strict Liability and Absolute Liability
  - 4.2.1 Ryland Vs Fletcher
  - 4.2.2 UCC V. Union of India
  - 4.2.3 Application of the rule in India

### **Unit V: Negligence and Nuisance**

- 5.1 Definition and concept of Negligence
- 5.2 Essentials of Negligence - Standard of care
- 5.3 Doctrine of contributory negligence - *Res ipsaloquitor* and its importance in compensatory laws.
- 5.4 Definition and concept of Nuisance
- 5.5 Essential of Nuisance – Defenses - Remedy

### **Unit VI: Remedies for Tort**

- 6.1 Judicial Remedies

## 6.2 Extra Judicial Remedies

### **Unit VII: Defamation**

- 7.1 Definition and concept
- 7.2 Essentials of defamation
- 7.3 Libel, slander and Innuendo
- 7.4 Defenses and remedies

### **Unit VIII: The Consumer Protection Act, 1986**

- 8.1 Meaning, Definitions, Importance, Nature & Scope
- 8.2 Rights of Consumer
- 8.3 Redressal Mechanism
- 8.4 Filing complaint, Appeal and enforcement

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- Saraf D.N. the Law of Consumer Protection in India
- Law of Torts and C.P. Law by Dr. N.V. Paranjape

## **DSC – 104: LAW OF CRIMES I- (Indian Penal Code)**

### **Object:**

Crime and Punishment has been the one of the most important task of rule of law of the State. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law. So proper understanding of these offences & criminal behaviors, methods of controlling them has now became extremely important in the larger context of Indians development & to build a just and humane society. The curriculum outlined here attempts to seek these objectives.

**Methods of teaching-learning:** Lecture method shall be the main method of learning to be followed. Dialectic method of mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Case comment can also be a method of research writing in this paper.

### **Evaluation methods:** Theory Examination – 70 Marks

#### **Internal Assessment:**

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks
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<b>30 Marks</b>	

### **SYLLABUS**

#### **Unit I: Concept of crime (Sec. 1 – 75)**

- 1.1 Nature and Concept of crime & distinction between Crime, Ethical wrongs.
- 1.2 Definitions – General Explanations (Sec. 6-52A)
- 1.3 Stages and Elements of Crimes
- 1.4 Group Liability in Crimes – Common Intention and Common Object
- 1.5 Off Punishments (Sec. 53 to 75)

#### **Unit II: General Exceptions under IPC (Sec. 76 – 106).**

- 2.1 Mistake of facts mistake of law
- 2.2 Necessity, Defense of Juvenile
- 2.3 Unsound mind and intoxication
- 2.4 Act in good faith and consent
- 2.5 Right of private defense of body and property

#### **Unit III: Inchoate Offences (Sec. 107 – 120 B and Sec. 141 – 160)**

- 3.1 Meaning, Nature and importance of inchoate offences
- 3.2 Attempt and abatement
- 3.3 Criminal Conspiracy
- 3.4 Unlawful Assembly
- 3.5 Rioting

#### **Unit IV: Offences affecting the public Health, Safety, Convenience, Decency and Morals (Sec 268-294A)**

- 4.1 Offences affecting the Public Health (Section 268-278)
  - 4.1.1 Public Nuisance (S.268)
  - 4.1.2 Acts likely to spread infection (section 269-271)
  - 4.1.3 Pollution of food or drink (section 272-273)
  - 4.1.4 Adullualia of drugs (section 274-276)
  - 4.1.5 Fouling water and relating atmosphere (section 277-278)
- 4.2 Offences affecting the public safety and Convenience (Section 277-278)
  - 4.2.1 Rash Driving or riding on a public way. (Section 279)
  - 4.2.2 Rash or negligent navigation. (Section 280)
  - 4.2.3 Exposing false light, mark or being mislead navigator
  - 4.2.4 Conveying any person for hire by water in an unsafe and overloaded waste Vessel(Section 282)
  - 4.2.5 Causing danger or obstruction to any person in public way. (Section 283)
  - 4.2.6 Negligent conduct with respect to poisonous substance.(Section 284)
  - 4.2.7 Negligent conduct with respect to fire, combustible substances. (section 285-289)
  - 4.2.8 Continuance of Nuisance. (Section 291)
- 4.3 Public Decency and Morals (ss 292-294A)
  - 4.3.1 Prevention of obscenely (ss 292-294)
  - 4.3.2 Keeping Lottery Office (S 294A)
  - 4.3.3 Cases related to spreading of infectious diseases

#### **Unit- V: Offences affecting the human body (Sec. 299 – 377)**

- 5.1 Culpable homicide. Murder
- 5.2 Hurt & Grievous Hurt.
- 5.3 Wrongful Restraint & wrongful Confinement.
- 5.4 Criminal force & assault.
- 5.5 Kidnapping & Abduction.

#### **Unit- VI: Offences against Property (Sec. 378 – 462)**

- 6.1 Theft and Extortion.
- 6.2 Robbery & Dacoity.
- 6.3 Criminal misappropriation of property and Criminal Breach of Trust.
- 6.4 Receiving stolen property and Cheating, Mischief.
- 6.5 Criminal Trespass, House Trespass, House Breaking

#### **Unit-VII: Offences of False Evidence & Offences Relating to Documents and Property (Sec. 191 – 229A, 463-489E)**

- 7.1 Giving false evidence & fabricating false evidence.(sec.493)
- 7.2 Fraudulent claim to property
- 7.3 Forgery and making false documents
- 7.4 Forged documents

#### **Unit-VII: Offenses Relating to Sexual, Marriage (Sec. 375 – 377, 493-498A)**

- 8.1 Rape
- 8.2 Unnatural Offenses
- 8.3 Bigamy
- 8.4 Adultery
- 8.5 Cruelty by husband and relatives

#### **Reference Books:**

Williams Glanville- The Text Book of Criminal Law

Jerom Hall – Studies in Jurisprudence and Criminal Theory Jw Cecil Turner (edt.) – Kenny's Outlines of Criminal Law Jw Cecil Turner - Russel on Crime

Smith and Hogan – Criminal Law

A.P. Simester& G.R. Sullivan – Criminal Law Theory and Doctrine

R. C. Nigam – Principles of Criminal Law Asia Publishing House, Lucknow. Prof. K.N. ChndranshekharPillai – Essay's on Indian Penal Code

R. C. Srivastava – Law Relating to Crima Punishment Andrew Ashworth – Principles of Criminal Law

P.S/AchuthunPillai, Criminal Law (1995) Eastern, Lucknow.

Prof K.D Gaur - Criminal Law Cases and Material(1991), Butterworths India. Dr. Hari Singh Gaur – Penal Law of India (4 volumes)

R. A Nelson – Indian Penal Code

Prof. K.N. ChandranshekharPillai – Essay's on Indian Penal Code RatanLal and DhirajLal – Indian Penal Code

Prof. Raghavan – Indian Penal Code

B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur

K.D.Gaur, a Text Book on the Indian Penal Code (1998), Universal Delhi

### **DSC – 105: FAMILY LAW - I**

#### **Object :**

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

To evaluate the strength of family system in India and the extent of legal support provided to the same and also to examine when and how and to what extent a Uniform Civil Code to regulate a religious part of family life, if any, may emerge!

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

#### **Evaluation methods: Theory Examination – 70 Marks**

##### **Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

**-----  
: 30 Marks**

## **SYLLABUS**

### **Unit I : Family Relations- Hindus, Muslims, Christains and Parsis**

1.1 Natural and sources of Hindu Law

1.2 Schools of Hindu Law

- 1.3 Nature and sources of Muslim Law
- 1.4 Schools of Muslim Law

## **Unit II: Marriage and Kinship**

- 2.1 Evolution of the institution of marriage and Family
- 2.2 Role of Religious rituals and practises in moulding the rules regulating to marital relations
- 2.3 Types pf family based upon
  - 2.3.1 Lineage – patrilineal, matrilineal
  - 2.3.2 Authority structure –patriachcal; matriarchal
  - 2.3.3. Location patrilocal, matrilocal
  - 2.3.4 Number of conjugal units – nuclear, extended, joint and composite
- 2.4 Emerging concepts – maître – sambhand and divided homes.

## **Unit III: Matrimonial Remedies**

- 3.1 Marital conflicts
  - 3.1.1 Non- judicial resolution of marital conflicts
  - 3.1.2 Customary dissolution of marriage – unilateral divorce, divorce by mutual consent and other modes of dissolution
  - 3.1.3 Divorce under Muslim personal law – talaq and talaq-e-tafweez
- 3.2 Judicial resolution of marital conflicts : the family court
- 3.3 Nullity of marriage
- 3.4 Option of puberty
- 3.5 Restitution of conjugal rights
- 3.6 Judicial separation
- 3.7 Desertion : a ground for matrimonial relief
- 3.8 Cruelty: a ground for matrimonial relief
- 3.9 Adultery : a ground for matrimonial relief
- 3.10 Other grounds for matrimonial relief
- 3.11 Divorce by mutual consent under :
  - 3.11.1 Special Marriage Act 1954
  - 3.11.2 Hindu Marriage Act 1955
  - 3.11.3 Muslim law (Khula and Mubaraat)

## **Unit IV : Bar to matrimonial relief**

- 4.1 Doctrine of strict proof
- 4.1.1 Taking advantage of one's own wrong or disability
- 4.2 Accessory
- 4.3 Connivance
- 4.4 Collusion
- 4.5 Condonation
- 4.6 Improper or unnecessary delay
- 4.7 Residuary clause – no other legal ground exists for refusing the matrimonial relief.

## **Unit V: Law of maintenance (Hindu and Muslim Law)**

- 5.1 Claim of spouses
- 5.2 Claim of parents and children
- 5.3 Alimony (pendent and permanent)

## **Unit VI Minority and adoption**

- 6.1 Adoption under the Hindu Law

- 6.2 Acknowledgement under the Muslim law
- 6.3 Minority and Guardianship

### **Unit VII : Conversion and its effect on family**

- 7.1 Marriage
- 7.2 Adoption
- 7.3 Guardianship
- 7.4 Succession

( In view of the conflict of inter-personal laws, conversion is causing problems. How conversion affects the family and whether it is compatible with the concept of secularism and to what extent such problems would stand resolved with the enactment of a uniform civil code needs to be examined.)

### **Unit VIII : Customary practises and State regulation**

- 8.1 Polygamy
- 8.2 Concubine
- 8.3 Child Marriage
- 8.4 Sati
- 8.5 Dowry

### **References :**

- 1) ParasDiwan, Hindu Law
- 2) S. T. Desai (ed) Mulla's Principles of Hindu Law, (1998) Bitterorths , India
- 3) ParasDiwan, Family law : Law of Marriage and Divorce in India, (1984)
- 4) A. M. Bhattacharjee, Muslim Law and Constitution(1994( Eastern Law House, Calcutta
- 5) A. M. Bhattacharjee, Hindu Law and Constitution(1994( Eastern Law House, Calcutta
- 6) ParasDiwan, Law of Adoption, Minority, Guardianship and Custody (2000), Universal
- 7) A.A.A. Fyzee, Outline of Muhammadan law, (1986)
- 8) J.D.M. Derrett, Hindu Law : Past and present
- 9) J.D.M. Derrett, Death of Marriage Law
- 10) J.D.M. Derrett, a critique of modern Hindu law

### **Suggested Books:**

- 1) ParasDiwan, Law of Intestate and Testamentary Succession (1998), Universal
- 2) Basu, N. D. Law of Succession (2000), Universal
- 3) Kusem, Marriage and Divorce Law Manual (2000), Universal
- 4) Malchandu, S.C. Law and Practice of Divorce in India (2000), Universal
- 5) P.V. Kane, History of Dharmasastras Vol. 2 pt. 1 at 624-632 (1974)
- 6) A. Kuppuswami (ed.) Mayne's Hindu Law and Usage ch. 4 (1986)
- 7) B. Sivaramayys, Inequalities and the Law, (1985)
- 8) K.C. Daiya, "Population control through family planning in India," Indian Journal of Legal studies, 85(1979)
- 9) J.D.M. Derrett, Hindu Law,: Past and Present
- 10) J.D.M. Derrett, Death of Marriage Law
- 11) A.A.A. Fyzee, Outline of Muhammadan Law, (1986)
- 12) J.D.M. Derrett, A Critique of Modern Hindu Law (1970)

- 13) ParasDiwan, Hindu Law (1985)
- 14) S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998)- Butterorts-India
- 15) ParasDiwan, Family Law : Law of marriage and Divorce in India, (1984)
- 16) A. M. Bhattacharjee, Muslim Law and the Constitution (1994) Eastern Law House, Calcutta
- 17) A. M. Bhattacharjee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta
- 18) ParasDiwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal

### **AECC – 106: FUNDAMENTALS OF RESEARCH**

Research in common parlance refers to a search for knowledge. It is a scientific and systematic search for pertinent information on a specific topic. In fact, research is an art of scientific investigation. It is the pursuit of truth with the help of study, observation, comparison and experiment. Significance of Research is increasing in all discipline as it reflects social values, attitudes and behavior. As we know law is a dynamic and not static, therefore law student should inevitably understand the basics of research. After gone through the syllabus of

‘Fundamentals of Research’ the law students are came to know-

- 1. The Basics of the Research with the conceptual foundation
- 2. The stages of the Research involved and
- 3. The ethics for Research and its principle.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

### **UNIT I**

#### **1. CONCEPTUAL FOUNDATION OF RESEARCH**

- 1.1.1 Introduction : Historical perspective and importance of Research
- 1.1.2 Meaning and Definitions of Research
- 1.1.3 Objectives of Research
- 1.1.4 Types of Research
- 1.1.5 Concept of Legal Research
- 1.1.5 Research Methodology

### **UNIT II**

#### **2.1 MAJOR STAGES OF RESEARCH**

- 2.1.1 Identification and formulation of problem
- 2.1.2 Review of Literature and Formulation of Hypothesis
- 2.1.3 Research Design
- 2.1.4 Collection of data and its various modes
- 2.1.5 Analysis and interpretation of data
- 2.1.6 Findings, Suggestions and Conclusion

### **UNIT III**

#### **3.1 TOOLS AND TECHNIQUES OF DATA COLLECTION**

- 3.1.1 Questionnaire
- 3.1.2 Survey

- 3.1.3 Interview
- 3.1.4 Sampling
- 3.1.5 Observations
- 3.1.6 Schedule

## UNIT IV

### 4.1 RESEARCH ETHICS

- 4.1.1 Moral Principles and Social Values in Research
- 4.1.2 Research Ethical Committee in Higher Education
- 4.1.3 Legal aspects – Copyright, Plagiarism, etc

### Reference/ Suggested Books

- 1 C.R.Kothari, GauravGarg (2018), Research Methodology : Methods And Techniques, New Age International Publishers Ltd.-New Delhi
- 2 Dr.S.R.Myneni (2017), Legal Research Methodology, Allahabad Law Agency, Allahabad
- 3 [R. Panneerselvam](#) (2<sup>nd</sup> Edition), Research Methodology, Kindle Edition (e-Book)
- 4 Yogesh Kumar Singh, Fundamentals of Research Methodology and Statistics, New Age International Publishers Ltd.-New Delhi
- 5 Dr. H. N. Tewari.(2016), *Legal Research Methodology.*, Allahabad Law Agency, Allahabad
- 6 Goode, W.J. and Hatt, P. K. (1952), Methods in social research. New York, McGraw-Hill Book Comp, New York
- 7 Dr.MonaPurohit (2016), Legal Education and Research Methodology, Central Law Publications, Allahabad
- 8 Dr.G.P.Tripathi (2015), Legal Research and Research Methodology, Central Law Publications, Allahabad

### Three Year LL.B. Semester II

#### Paper – I SPECIAL CONTRACT

##### Object :

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

We are witnessing a paradigm shift in every walk of life, especially commercial sector, due to computer technology. Internet has transformed traditional markets into global markets by facilitating online execution of commercial transactions including electronic transfer of goods and services through online advertising, online ordering, publishing, banking, investment, auction, travel, entertainment and professional and financial services.

Existing legal provisions have to be re-interpreted and applied to provide solutions to issues generated by new technology till the new legal provisions arrive. Students are expected to study the provisions that govern E-Contract including relevant provisions from Indian Contract act, Information technology Act and relevant amendments to Indian Penal code, Indian Evidence act, Negotiable Instruments act etc.

**Method of study:** Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully

employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks
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	: 30 Marks
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**I LL.B., Sem II**  
**DSC – 201: Special Contract**

**Syllabus :**

**Unit I – Indemnity**

- 12.3 The Concept
- .2 Need for indemnity to facilitate commercial transactions.
- 1.3 Methods of creating indemnity obligations
- 1.4 Definition of Indemnity
- 1.5 Nature and extent of liability of the indemnifier
- 1.6 Commencement of liability of the indemnifier
- 1.7 Situations of various types of indemnity creations.
- 1.8 Documents / agreements of indemnity

**Unit 2 – Guarantee**

- 2.1 The Concept
- 2.2 Definition of guarantee
- 2.3 Basic essentials for a valid guarantee contract
- 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
- 12.3 Position of a minor and validity of guarantee when minor is the principal debtor, creditor or surety.
- 2.6 Distinguished from Indemnity
- 2.7 Continuing guarantee
  - 2.7.1 Nature of surety's liability
  - 2.7.2 Duration and terminations of such liability
  - 2.7.3 Illustrative situations of existence of continuing guarantee.
  - 2.7.4 Creations and identifications of continuing guarantees.
- 2.8 Rights of surety
  - 2.8.1 Position of surety in the eye of law
  - 2.8.2 Various judicial interpretations to protect the surety.
- 2.9 Co-surety and manner of sharing liabilities and rights.
- 2.10 Extent of surety's liability
- 2.11 Discharge of surety's liability

**Unit – 3 Bailment**

- 3.1 The concept

- 3.2 Definition of Bailment
- 3.3 Identification of bailment contracts in day today life and Manner of creation of such contracts.
- 3.4 Commercial utility of bailment contracts
- 3.5 Kinds of bailees
- 3.6 Duties of bailor and bailee
- 3.7 Rights of bailor and bailee

#### **Unit – 4 Pledge**

- 4.1 The Concept
- 4.2 Commercial utility of pledge transactions
- 4.3 Definition of pledge under the Indian Contract Act
- 4.4 Comparison with bailment
- 4.5 Rights of the pawnner and pawnee
- 4.6 Pawnee's right of sale as compared to that of an ordinary bailee
- 4.7 Pledge by certain specified persons mentioned in the Indian Contract Act.

#### **Unit – 5 Agency**

- 5.1 The Concept – Agent & Principal
- 5.2 Kinds of agents
- 5.3 Essentials of an agency transaction
- 5.4 Various methods of creation of agency
- 5.5 Duties and rights of agents
- 5.6 Scope and extent of Agent's authority
- 5.7 Liability of the principal for acts of the agents
- 5.8 Liability of the agent towards the principal
- 5.9 Personal liability towards the parties
- 5.10 Methods of termination of agency contract

#### **Unit – 6 Sale of Goods**

- 6.1 Concept of sale as a contract
- 6.2 Essentials of a contract of sale
- 6.3 Essential conditions in every contract of sale
- 6.4 Implied terms in contract of sale
- 6.5 The rule of caveat emptor and the exceptions
- 6.6 Effect and meaning of implied warranties in a sale.
- 6.7 Transfer of title and passing of risk.
- 6.8 Delivery of goods : various rules regarding delivery of goods
- 6.9 Unpaid seller and his rights
- 6.10 Remedies for breach of contract

#### **Unit – 7 Partnership**

- 7.1 Nature of partnership : Definition
- 7.2 Mutual relationship between partners
- 7.3 Incoming partner
- 7.4 Outgoing partner
- 7.5 Registration of Partnership
- 7.6 Dissolution of Partnership

#### **Unit – 8 E- contracts**

- 8.1 The concept – Certifying Authority, digital signature, electronic record, cyber Appellate tribunal
- 8.2 Validity of Electronics Transactions
  - 8.2.1 Authentication of Electronic Records
  - 8.2.2 Legal recognition of Electronic records & digital signature

- 8.2.3 Retention of electronic records
- 8.3 Communication & Revocation of offer
- 8.3.1 Attribution of electronic records
- 8.3.2 Acknowledgement of receipt
- 8.3.3 Time & Place of dispatch and receipt of electronic records.

**References :**

1. Pollock & Mulla on Contracts
2. Avtar Singh – Contract Act
3. Krishnan Nair , Law of Contract
4. Saharay H.K., Indian Partnership Act & Sale of Goods Act
5. Ramnainga , The sale of Goods Act
6. V.K. Rao, Contract II
7. The Information Technology Act, 2000 Asia Law House

**Books :**

- 1) R.K. Abhichandani (ed.), Pollock and Mulla on Contracts and Specific Relief Act (1999) Tripathi, Bombay.
- 2) Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- 3) Krishnan Nair, Law of Contract (1999) Orient
- 4) Avtar Singh, Principles of the Law of the Sale of Goods and Hire Purchase (1998) Eastern, Lucknow.
- 5) J.Rverma(ed.), Singh and Gupta, The law of partnership in India (1999), Orient Law House New Delhi.
- 6) A.Q. Guest (ed.) Benjamin's Sale of Goods (1992), Sweet & Maxwell.
- 7) Bhashyam and Adiga. The Negotiable Instruments Act (1995), Bharath Allahabad.
- 8) MS. Parthasarathi (ed.) J.S. Khergamvala. The Negotiable Instruments Act.
- 9) Beatson (ed.), Ansons' Law of Contract, (1998), Oxford, London.
- 10) Saharay, H.K., Indian Partnership and Sale of Goods Act (2000), Universal.
- 11) Ramnainga, The Sales of Goods Act (1998), Universal.
12. Information Technology Law and Practice, Cyber Law & E-Commerce by Vakul Sharma, 2005, Universal Law Publishing Co Pvt Ltd.
13. Cyber Law in India by Dr.Farooq Ahmad.,2005, Pioneer Books , New Era Law Publication Delhi.

**Reference Books**

1. Chitty, Contracts, Vol. 1I, 29<sup>th</sup> Ed., Sweet & Maxwell, 2004.
2. V.K. Rao, Contract II – Cases and Materials, Butterworths, 2004.
3. M. Krishnan Nair, Law of Contracts, 1998.
4. Dutt on Contract, H.K. Saharay, Universal, 2000.
5. Mulla, Indian Contract Act and Specific Relief Acts, Lexis Nexis 13<sup>th</sup> Ed. 2006.
6. Avtar Singh, Law of Partnership
7. Piyush Joshi, Law relating to Infrastructure Projects, Butterworths
8. Agarwal, Government Contracts, Law and Procedures, Eastern Book Corporation
9. Fired, The Law of Agency, Butterworth

10. Iyer Sale of Goods and Partnership Acts, Asia Law House
11. Reynolds & Davenport, Bowstead on Agency, Sweet & Maxwell
12. Mulla, Negotiable Instrument Act, Tripathy

Case Law (by way of illustration)

1. AmritlalGoverdhanLal v. State Bank of Travancore AIR 1968 SC 1432
2. Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954
3. VasireddiSeetharamaiah v. Srirama Motor Finance Corporation 1977 AP 164
4. Wheels India Ltd., Mount Road v Khem Chand Raj Kumar 1970 MLJ 648  
201
5. Maganbhai v Union of India AIR 1969 SC 785Madhav Rao v. Union of India AIR 1971 SC 530
6. Delhi Science Forum & Others v. Union of India JT 1996 (2) SC 295
7. Canara Bank v Canara Sales Corporation & Others AIR 1987 SC 1603
8. Indian Airlines Corporation v MadhuriChoudhury AIR 1965 Cal 252
9. Gatewhite Ltd & Another v. Iberia Lineas de Espana SA (1989) 1 All E.R. 944

## **DSC-202: CONSTITUTIONAL LAW – II**

### **Object :**

To understand the political, social and economic value structure of the Constitution of India and the protection of human rights of individuals and balancing with the positive responsibility of the state to establish a economy of growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Method of study: Lecture method and interactive sessions of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation

**Evaluation methods:** Theory Examination – 70 Marks

#### **Internal Assessment:**

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

**: 30 Marks**

### **Syllabus**

#### **UNIT I. PARLIAMENT**

1. Composition, Election, qualifications, disqualifications and tenure of members.
2. Functions of Parliament.
3. Privileges of Members, Parliamentary Privileges and fundamental rights
4. Relationship between LokSabha and RajyaSabha
5. Officers of the parliament – Speaker, Chairperson, powers and functions

#### **UNIT II. PARLIAMENTARY GOVERNMENT AND UNION EXECUTIVE**

1. Westminster Model- Choice of Parliamentary Form-Council of Minister and Prime Minister, Cabinet system, collective responsibility- individual responsibility.
2. Co-alition Government
3. President of India- Election, qualification and Impeachment
4. powers (specially the ordinance making power) privileges and constitutional position
5. Governor of the State- Appointment, tenure etc., position and status of Governor.

### **UNIT III. RELATIONSHIP BETWEEN UNION AND STATES – I- LEGISLATIVE RELATIONS**

1. Legislative powers of the union- extent and width- seventh schedule
2. Provision as to introduction and passing of ordinary bills
3. Joint sitting of both the houses
4. Parliament's power to legislate on State subjects
5. Principles of interpretation of Lists

### **UNIT IV. RELATIONSHIP BETWEEN UNION AND STATES – II- ADMINISTRATIVE AND FINANCIAL**

1. Administrative relationship
  - a) Co-extensive powers of administrative organ- Art 73
  - b) Obligation of states- assistance and coordination
  - c) Inter state council
  - d) All India Services
  - e) Grants in aid.
2. Financial Relations---
  - a) Distribution of Revenue between Centre and State.
  - b) Money Bill- finance bills
  - c) Finance Commission

### **UNIT V. FREEDOM TRADE-COMMERCE AND SERVICES UNDER THE STATE**

1. Freedom Trade-extent and relationship with fundamental rights
2. Restrictions on Trade and Commerce
3. Doctrine of Pleasure
4. Constitutional safeguards to Civil Servants
5. Public Service Commission

### **UNIT VI. EMERGENCY PROVISIONS**

1. National emergency- imposition and implications
2. Constitutional amendments relating to national emergency
3. Failure of constitutional emergency in the state- grounds
4. Misuse of state emergency -safeguards by judicial pronouncements
5. Financial emergency – grounds and implications

### **UNIT VII. JUDICIARY UNDER CONSTITUTION**

1. Supreme Court- composition, Appointment procedure- collegium system- removal
2. Jurisdiction of supreme court- original, appellate, advisory and curative
3. High Court-Composition, Appointment, jurisdiction etc.
4. Independence of Judiciary
5. Doctrine of Judicial Review- Nature and scope

### **UNIT VIII. CONSTITUTIONAL PROCESS OF ADAPTATION AND ALTERATION**

1. Amendment- meaning and Methods of Constitutional amendment
2. constitutional Limitations upon constituent power
3. Doctrine of Basic Structure- emergence and expansion
4. Amendment of fundamental rights
5. Content and controversy of basic structure theory

**Books:**

- 1) T.K. Tope: Constitutional of India.
- 2) G.Austin, History Democratic Constitution: The Indian Experience (2000) Oxford.
- 3) D.D. Basu : Shorter Constitution of India (1996) Prentice Hall of India, Delhi.
- 4) Constituent Assembly Debates Vol. 1 to 12 (1989)
- 5) H.M. Seervai: Constitution of India Vol. 1-3 (1992), Tripathi, Bombay.
- 6) M.P. Singh (ed) V.N. Shukal : Constitutional Law of India (2000) Oxford.
- 7) G.Austin : Indian Constitution : Cornerstone of a Nation (1972)
- 8) M.Glanter : Competing Equalities- Law and the Backward Classes in India (1984)
- 9) B.Sivaramayya : Inequalities and Law (1984) Eastern Lucknow.
- 10) S.C.Kashyap : Human Rights and Parliament (1978) Metropolitan.
- 11) Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.

**DSC – 203: FAMILY LAW - II**

**Object:**

Succession is one every important way of transfer of property, of course after the life of the owner of the property. The study shall not only examine the law as it is and is interpreted by Courts in fact situation, it also shall aim at understanding the differences in the law of succession, both testamentary and intestate, amongst various religious groups.

Methodology of teaching-learning: Lecture method, Case study and presentation shall be dominant method. But research and paper-writing is also important. There shall be comparative studies in all presentations and lectures. Discussion and issue-based round table shall be emphasized instead of issue-based lecture.

**Evaluation methods:** Theory Examination – 70 Marks

**Internal Assessment:**

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

**: 30 Marks**

**SYLLABUS:**

**Paper Number III: Family Law II**

**Unit 1 : Joint Family**

- 1.1 Mitakshara joint family
- 1.2 Mitakshara coparcenary – formation and incidents
- 1.3 Property under Mitakshara law – separate property and coparcenary property
- 1.4 Dayabhaga coparcenary – formation and incidents
- 1.5 Property under Dayabhaga law
- 1.6 Karta of the joint family – his position, powers, privileges and obligations
- 1.7 Alination of property – separate and coparcenary

- 1.8 Partition and reunion
- 1.9 Joint Hindu Family as a social security institution and impact of Hindu gains of Learning act and various tax laws on it
- 1.10 Matrilineal joint family

## **Unit 2 ; Inheritance – Hindus**

- 2.1 Historical perspectives of traditional Hindu law as a background to the study of Hindu Succession act 1956
- 2.2 Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession act 1956
- 2.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession act 1956
- 2.4 Succession to property of a Hindu female dying intestate under the provisions of Hindu Succession act 1956
- 2.5 Disqualification relating to succession
- 2.6 General rules of succession
- 2.7 Marumakkattayam and Aliyasantana laws governing people living in Travancore – Cochin and the districts of Malabar and South Kanara.

## **Unit 3 : Inheritance – Muslims**

- 3.1 General rules of succession and exclusion from succession
- 3.2 Classification of heirs under Hanafi and IthnaAshria schools and their shares and distribution of property
- 3.3 Christains, Parsis and Jews
- 3.3.1 Heirs and their shares and distribution of property under the Indian Succession Act 1925

## **Unit 4 : Women's property**

- 4.1 Stridhan – concepts and characteristics, sources
- 4.2 Principles of succession
- 4.3 Comparative analysis of right to property of women under different religious and statutory law

## **Unit 5 : Testamentary Succession**

- 5.1 Power of testamentary succession under various religious and statutory law under Hindu, Islamic, Christian and Parsi Law
- 5.2 Competence of the testator, limitation to testamentation
- 5.3 Abetment of legacy, Will and administration of will – Probate, Codicil, execution of Privileged and unprivileged will
- 5.4 Attestation, alteration and revival of will

## **Unit 6 : Right of Pre-emption:**

- 6.1 Pre-emption, meaning, nature, constitutionality, classification
- 6.2 Who can claim the right, formalities and legal effect
- 6.3 legal devises of evading right of pre-emption, when is the right lost

## **Unit 7 : Gift under the Islamic law**

- 7.1 Hiba – nature and characteristics, kinds of hiba
- 7.2 Conditional and future gift, types of Hiba, Death-bed gift
- 7.3 Revocation of gift

## Unit 8 : Religious Endowments

- 8.1 Wakf
- 8.1.1 Meaning, character, formalities for creation
- 8.1.2 Administration, power of Mutawali, Muslim Religious Institutions and offices
- 8.2 Hindu Religious Endowment
- 8.2.1 Traditional religious principles of creation, administration and offices
- 8.2.2 Statutory methods of creation of trust
- 8.2.3 Powers and functions of the trustees

### References:

- 1) Mulla, Hindu Law, Vol I and II, Butterworth
- 2) Mayne, Hindu Law and Usage, Bharat
- 3) Diwan, Modern Hindu law, Universal
- 4) Tyabji, Muslim Law, Tripathy
- 5) Mulla, Principles of Mohammedan Law, Tripathy
- 6) Amer Ali, Mohammedan Law, Vol I and II, EBS
- 7) TahirMohammad, Family Law reforms in Muslim world, tripathy
- 8) TahirMohammad, Islamic Law in Modern India, Tripathy
- 9) Derret Hindu Law, Past and Present, Universal
- 10) Derret, Introduction to modern Hindu Law, Universal
- 11) Ghosh, the law of endowments, S.C. Sarkar
- 12) Row, Sanjiva, The Indian Succession Act, Law book Co
- 13) Basu, Indian Succession Act, eastern
- 14) Gaur, Hindu code Vol I and II, Law Publisher
- 15) Diwan, law of Intested and testamentary Succession, wadhwa
- 16) Mukherjee, Hindu law of religious and charitable trust, eastern
- 17) Desai Kumud, Law of Marriages and Divorce
- 18) Mayne's Hindu law and usage
- 19) Parasdiwan, Family law
- 20) Dr. T. V. Subbarao Family law in India
- 21) Mulla, principles of Mohammedan law

## DSC – 204: ENVIRONMENTAL LAW

### Object:

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues related to problematic about construction of a just, humane and healthy society.

Secondly environmental law necessarily demands an inter – disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology – related knowledge has brought about in recent times. The development of ecological knowledge has

necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environments law is essential.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective.

Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

## **Evaluation methods: Theory Examination – 70 Marks**

### **Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks  
Viva Voce College Level : 10 Marks

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: 30 Marks**

## **Syllabus**

### **Unit 1- Concept of Environmental and Pollution**

- 1.1 Meaning and definition of environment and pollution under different Acts
- 1.2 Kinds of pollution
- 1.3 Effects of pollution

### **Unit 2 Historical perspectives of environment and pollution**

- 2.1 Indian tradition : Dharma of environment
- 2.2 British Raj – Industrial development and exploitation of nature
- Nuisance : penal code and procedural codes
- 2.3 Free India – continuance of British influence

### **Unit 3- Constitutional Perspectives**

- 3.1 Constitution making – development and property oriented approach
- 3.2 Directive principles
- 3.2.1 Judicial approach
- 3.3 Fundamental rights - Right to clean and healthy environment, Pollution Free Atmosphere etc.
- 3.4 Environments v. Development
- 3.5 Enforcing agencies and remedies
- 3.6 Emerging Principles
- 3.6.1 Polluter pays and Precautionary Principle : Public Liability Insurance
- 3.6.2 Public Trust Doctrine
- 3.6.3 Sustainable Development

### **Unit 4- Water and Air Pollution**

- 4.1 Water and Air Pollution - Meaning and standards
- 4.2 Culprits and victims
- 4.3 Offences and penalties
- 4.4 Judicial approach
- 4.5- Noise Pollution and Control
- 4.5.1 Legal control
- 4.5.2 Courts of balancing : permissible and impermissible noise

## **Unit 5- Environment Protection**

- 6.1 Protection means
- 6.2 Protection agencies : Power and functions
- 6.3 Emerging protection through delegated legislation
- 6.3.1 Hazardous waste
- 6.3.2 Bio – medical waste
- 6.3.3 Genetic engineering
- 6.3.4 Disaster emergency preparedness
- 6.3.5 Coastal zone management
- 6.4 Judiciary : complex problems in administration of environmental justice

## **Unit 6- Forest and greenery**

- 7.1 Greenery conservation laws
- 7.1.1 Forest Conservation Act
- 7.1.2 Symbiotic relationship and tribal people
- 7.1.5 Denudation of forest : judicial approach
- 7.2 Wild life Protection Act

## **Unit 7 - International Regime**

- 8.1 Stockholm conference
- 8.2 Green house effect and ozone depletion
- 8.3 Rio Conference
- 8.4 Bio – Diversity
- 8.5 U. N. Declaration on right to Development

## **Unit 8- Prevention of cruelty to animals**

- 9.1 Animal welfare Board
- 9.2 Cruelty to Animals Generally
- 9.3 Experimentation on Animals
- 9.4 Performing animals

## **Books**

1. Ball and Bell, Environmental Law
2. ShyamDivan : Armin Rosencranz Environmental Laws and Policy in India - Cases, Materials and Statutes
3. BaxiUpendra, The Bhopal Case
4. Aggarwal Anil, The State of India's Environment
5. Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
6. Pal Chandra, Environmental Pollution and Development, ed 1999
7. Iyer V R Krishna, Environment Pollution and the Law
8. Malaviya, Environment Pollution and its Control under International Law
9. Leelakrishnan, Environmental Law in India 1986
10. The Environment (Protection) Act 1986 and Rules 1986

## **Select Bibliography :**

- 1) AarminRosencranz, et al, (eds.), Environmental Law and Policy in Indian, (2000), Oxford
- 2) R. B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing, New Delhi.
- 3) Kailash Thakur, Environment Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.

- 4) Richard L. Riversz, et.al. (eds.), Environment Law, the economy and other Sustainable Development (2000), Cambridge
- 5) Christopher D. Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana
- 6) Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow
- 7) Leelakrishnan, P, The Environmental Law in India (1999), Butterworths – India
- 8) Department of Science and Technology, Government of India Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental protection (1980) (Tiwari Committee Report).
- 9) Indian Journal of Public Administration, Special Number on Environment and Administration, July – September 1988, Vol. XXXV, No. 3, pp. 353 - 801
- 10) Center for Science and Environment, The State of Indian's Environment 1982, The State of India's Environment 1984 – 1985 and The State of Indian Environment 1999 – 2000
- 11) World Commission on Environment and Development, Our Common Future (1987), Oxford.
- 12) Maneka Gandhi et. all Animal Laws of India (2001)
- 13) Iyer V R Krishna, Environment Pollution and the Law
- 14) Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
- 15) Pal Chandra, Environmental Pollution and Development, ed 1999
- 16) Malaviya, Environment Pollution and its Control under International Law
- 17) The Environment (Protection) Act 1986 and Rules 1986

## **DSC – 205: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM**

### **Object:**

Advocates have the dual responsibility of upholding the interestsofthe client fearlessly while conducting themselves as officers of the court. Accordingly, they are expected to adhere to the highest standards of probity and honour. An advocate's conduct should reflect their privileged position in society which derives from the nobility of this profession. The service of an advocate to the common man should be compassionate, moral and lawful. Indian Legal System can write up the next big success story in professional legal education and consequently higher efficiency in Justice Delivery System if it succeeds in facilitating high professional skills, building up of human resource with proper integration of knowledge to match the growing world standard.

**Method of study:** Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

**Evaluation methods:** Theory Examination – 70 Marks

### **Internal Assessment:**

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

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: 30 Marks

### **Syllabus :**

#### **Unit 1. Professional Ethics. ( 20 marks)**

1.1 Development of Legal Profession in India.

1.2 Concept, need and importance of Professional Ethics.

1.3 Bar Council of India Rules on Standards of professional Conduct and Etiquettes, seven lamps of advocacy

1.4 Duties and Obligations of Advocate (Norms of Professional Ethics) Section I -Duty to the Court.

Section II -Duty to Client.

Section II -Duty to Opponent.

Section IV -Duty to Colleagues

-Duty to Profession

-Duty to Render Legal Aid.

1.5 Restrictions on other employments.

1.6 Senior Advocates and Restrictions on Senior Advocates.

1.7 Form of Dresses or Robes to be worn by Advocate.

1.8 Vakalatnama.

## **Unit 2. Advocates Act, 1961 : ( 20 marks)**

2.1 Chapter I (Sections 1 and 2) Definitions-Advocate, Legal Practitioner, Law Graduate.

2.2 Chapter II (Sections 3 to 15) -Bar Councils Functions.

2.3 Chapter III (Sections 16 to 28) -Admission and Enrolment of Advocates.

2.4 Chapter IV (Sections 29 to 34) -Right to Practice.

2.5 Chapter V (Sections 35 to 44) -Conduct of Advocates. Punishment of Advocates for misconduct.

2.6 Chapter VI (Sections 45 -Miscellaneous.)

## **Unit 3. Bar-Bench Relations and Contempt of Court.( 10 marks)**

3.1 Concept and Role of Bar-Bench Relation with reference to administration of Justice.

3.2 The Contempt of Courts Act, 1971 Sections 1 to 24.

## **Unit 4. Accountancy for Lawyers.( 10 marks)**

4.1 Definition, object, Importance and Utility of Book Keeping.

4.2 Principles of Book-keeping and Accountancy, Accounting concepts and Accounting conventions.

4.3 Meaning and Advantages of Double Entry Bookkeeping.

4.4 Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.

4.5 Types of Cash Book.

(a) Simple Cash Book.

(b) Cash Book with Cash and Discount columns.

(c) Cash Book with Cash, Bank and discount columns. 4.6 Bank Reconciliation statement.

4.7 Rectification of Errors.

4.8 Preparation of Trial Balance.

4.9 Preparation of Trading, Profit and Loss Account and Balance Sheet.

4.10 Preparation of Income and Expenditure Account.

4.11 Assessment of income and expenditure and payment of taxes by Advocates.

### **Unit 5. Cases & Selected Opinions Prescribed for Study.**

#### **5.1 Major Judgements of Supreme Court on the subject :**

- 1) Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997, SC, 1338
- 2) Hikmat Ali Khan V/s IshwarPrasd, AIR, 1997, SC 864.
- 3) V. P. Kumarvelu V/s B.C.L., AIR, 1997, SC 1014
- 4) P.D. Gupta V/s Ram Murty, AIR, 1988, SC 283.
- 5) In Re. V.C. Mishra, AIR, 1995, SC 2348.
- 6) Supreme Court Bar Association V/s Union Bank of India, AIR, 1988, SC 1895.
- 7) U.P. Sales Tax Service Association V/s Taxation bar Association, Agara AIR, 1996, SC 98.
- 8) John D' Souza V/s Edward Ani, AIR, 1994, SC 975.
- 9) Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ 1478.
- 10) Mr. Roma Banerji V/s UshapatiBanerji, AIR, 1958, CRLJ 1478.

#### **5.2 Selected Opinions Of The Disciplinary Committee Of Bar Council Of India**

- 1) B.C.I. TR Case No. 27/1988, Vol. 16(3&4) 1989, I.B.R. Y.V.R. (Complainant) V/s M.K.N. (Respondent).
- 2) B.C.I. TR Case No. 24/1986, Vol. 16(3&4) 1989, I.B.R.C.L. (Complainant) V/s N.T.S. (Respondent).
- 3) D.C. Appeal No. 6/1988, Vol. 16(3&4) 1989, I.B.R.J.E. (Appellant) V/s Smt. A (Respondent).
- 4) D.C. Appeal No. 28/1986, Vol. 15(3&4) 1988, I.B.R.J. (Appellant) V/s Smt. A (Respondent).
- 5) D.C. Appeal No. 35/1987, Vol. 16(3&4) 1989, I.B.R.N.M. (Appellant) V/s V. D. (Respondent).
- 6) D.C. Appeal No. 131975 (Mah.) Vol. 5 (1-3) 1976, Journal of Bar 35 Council of India, A. (Appellant) V/s Bar Council of Maharashtra, (Respondent)
- 7) B.C.I. , TR. Case No. 17/86. Vol. 15(3&4), 1988, I.B.R. M. (petitioner/complainant) V/s Bar Council of Maharashtra, (Respondent)
- 8) B.C.I. , TR. Case No. 63/1983. Vol. 15(3&4), 1988, I.B.R. B. (Complainant) V/s R. (Respondent)
- 9) D.C. Appeal No. 21 of 1985. Vol. 15(3 and 4), 1988, I.B.R.G. (Applicant) V/s T. (Respondent)

10) B.C.I. , TR. Case No. 61/1983. Vol. 14(2), 1987, I.B.R. D. (Complainant) V/s B. (Respondent)

**Recommended Books**

1. Sanjiva Row's Advocates Act, 1961.
2. Iyer's Law of Contempt of Courts.
3. Bar Council of India Trust Selected Judgments on Professional Ethics.
4. Bar Council of India Rules on Standards of Professional conduct and Etiquette.
5. Dr. KailashRai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
6. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
7. M. G. Patkar-Book Keeping and Accountancy.
8. Mrs. JayashreeKotibhaskar-Book Keeping and Accountancy.
9. KrishnamurtiIyer-Advocacy.
10. Shukla and Grewal-Advance Accountancy.
11. R. L. Gupta-Advanced Accountancy.
12. S. N. Maheshwari-Introduction to Accountancy.
13. Indian Bar Review-Journal.
14. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
15. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
16. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
17. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
18. Law Reporters-A.I.R., S.C.C. (Relevant cases).
19. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
20. Agarwal A. N.-Practical Aspects of Higher Accountancy.
21. Anand-Professional Ethics of Bar.
22. JhaShriram Chandra-Selected Judgments on Professional Ethics.
23. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.
24. Reddy G. B.-Practical Advocacy for Lawyers.

**AECC – 206 PUBLIC INTEREST LAWYERING AND PARA LEGAL SERVICES**

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

**Unit – 1 Public Interest Litigation**

- 1.1 Meaning and object
- 1.2 Locus Standy
- 1.3 Merits and demerits of Public Interest Lawyering

- 1.4 Public Interest Litigation and Writ Jurisdiction
- 1.5 Social Revolution Through P.I.L. with Cases

## **Unit – 2 Legal – Aid and Legal Literacy Programme**

- 2.1 Meaning, Object and Importance
- 2.2 Constitutional Provisions
- 2.3 Legal Services Authorities Act, 1987
- 2.4 Legal – Aid and Legal Profession

## **Unit – 3 LokAdalat**

- 3.1 Meaning of LokAdalat
- 3.2 Organisation of LokAdalat
- 3.3 Permanent LokAdalat
- 3.4 Composition of LokAdalat
- 3.5 Functioning of LokAdalats

## **Unit – 4 Para-Legal Training and Importance**

- 4.1 Meaning, Objects and Importance
- 4.2 Role of DALSA, TALSA
- 4.3 Legal Literacy Campus
- 4.4 Negotiation
- 4.5 Counselling

## **Unit – 5 LokNayalaya and Gram Nyayalaya**

- 5.1 Meaning, Objects and Importance
- 5.2 Features of the Gram Nayalaya Act, 2008
- 5.3 Jurisdiction of Gram Nyayalaya
- 5.4 Appellate Provisions
- 5.5 Mobile Court

- Books Recommended
  - 1) Public Interest Lawyering, Legal-Aid and Para Legal Services by Prof. Kailash Rai
  - 2) Public Interest Litigation by J. Gulab Gupta
  - 3) Legal – Aid to the poor by S.S. Sharma.

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