



B  
Accredited By NAAC  
(2011)  
Rules relating to  
**Syllabus For**  
(Three Years Law Degree Course)  
Implemented from the  
Academic Year 2011-12  
(i.e. June- 2011)



### Shivaji University, Kolhapur.

#### Proposed Rules & Syllabi of the Three Years LL.B. Degree Course To be Implemented from the Academic Year 2011-12 (i.e. June- 2011)

**R. Law. 1 :** Revised Syllabus for 1<sup>st</sup> and 2<sup>nd</sup> Semester of Three Year LL.B. Degree Course will be introduced from the Academic Year 2011-2012.

**R. Law. 2 :** Revised Syllabus for 3<sup>rd</sup> and 4<sup>th</sup> Semester of Three Year LL.B. Degree Course will be introduced from the Academic Year 2012-2013.

**R. Law. 3 :** Revised Syllabus for 5<sup>th</sup> and 6<sup>th</sup> Semester of Three Year LL.B. Degree Course will be introduced from the Academic Year 2013-2014.

**R. Law. 4 :** The 3 Year LL.B. Degree Course shall be of Six Semester Full-time course leading to LL.B. (Special) Degree. LL.B. (General) Degree will be conferred after completing four semesters.

**R. Law. 5 :** Each Theory Paper of each Semester will be of 80 marks out of total 100 marks, except four Practical training Papers. The scheme of marking for practical training papers shall be as follows:

Sr No	Semester	Paper	Theory *	Practical *	Viva *	Total marks
1	Sem. VI of Five Year law Course & Sem. II of Three Year Law Course	Professional Ethics and Professional Accounting System	60 (Minimum marks for Passing- 21)	20 (Minimum marks for Passing- 7)	20 (Minimum marks for Passing 7)	100
2	Sem. VIII of Five Year law Course & Sem. IV of Three Year Law Course	Alternate Dispute Resolution	60 (Minimum marks for Passing- 21)	20 (Minimum marks for Passing- 7)	20 (Minimum marks for Passing- 7)	100
3	Sem. IX of Five Year law Course & Sem. V of Three Year Law Course	Moot Court exercise and internship		30+30+30 (Minimum marks for Passing- 31)	10 (Minimum marks for Passing- 4)	100
4	Sem. X of Five Year law Course & Sem. VI of Three Year Law Course	Drafting, Pleading and Conveyance		45+45 (Minimum marks for Passing -31)	10 (Minimum marks for Passing -4)	100

\* Separate head of passing

(As per BCI Part IV Rules, at Schedule III Rule 25 – Compulsory Clinical Courses, at page no. 24 and, Rule 25- Minimum Period of Internship at Schedule III at page 34)

**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 gone 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 4th Clinical course as stipulated under the Rules in Schedule II.

**R. Law. 6 :** There shall be examination at the end of each Semester.

**Both the Law courses shall be conducted in Semester System in not less than 15 weeks for Three Year Law Course or not less than 18 weeks in Five year Law Course with not less than 30 class-hours per week , including tutorials, moot room exercise and seminars provided there shall be at least 24 lecture hours per week.**

**R. Law. 7 :** The LL.B. Degree in either of the courses in Law will not be conferred upon a candidate unless the candidate has passed in all the papers prescribed for each Semester Examination.

**R. Law. 8 :** The College may be allowed to admit students for the entire Academic Year i.e. for both the Semesters during the Academic Year at one time.

**R. Law. 9 :** 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 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.**

**R. Law. 10 : Standard of Passing** – A candidate shall be declared ‘Passed’ in the Examination of a Semester, if he has secured minimum 33% of the total marks in every paper and aggregate of 50% of the marks in all papers of the Semester/Examination Attempt. However, the conditions of Aggregate marks for 1st, 2nd, 3rd, 4th Semesters of Five Year LL.B. Degree Course will be 45% marks.

Of the successful candidate, those who secure 60% or more marks shall be placed in First Class and the rest in Second Class.

The candidate shall also be entitled to the benefit of Grace Marks as per University Rules.

**R. Law. 11 : Exemption:** The Student may be exempted at his choice from appearing in any of the Papers, if he has secured 50% of the total marks in the Paper. **The benefit of exemption so earned will be available for six years only.**

**R. Law. 12 :** To pass any of the Semester Examination, a Student must have passed in all the papers of that Semester.

**R. Law. 13 :** The result of the candidate appearing at 4th, 6th, 8th and 10th Semester of Five year LL.B. course shall not be declared unless and until the candidate has been declared ‘Passed’ in all the papers up to 2nd, 4th, 6th and 8th Semester respectively.

**R. Law. 14 :** The result of the candidate appearing at the 4th and 6th semester of Three Year LL.B. course shall not be declared unless and until the candidate has been declared ‘Passed’ in all the papers up to 2nd and 4th Semester respectively.

**R. Law. 15 : Eligibility for admissions to three Year LL.B. course.**

i) 1st Semester- For Admission to the 1st Semester of Three Year LL.B. Course. A Student must have passed Bachelor’s or Master’s Degree Examination in any Faculty of a recognised University with minimum 45% of marks (including Grace Marks) at the qualifying examination. However, the above percentage of marks will be 40% for the students belonging to SC/ST categories.

**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 fulfil other institutional criteria notified by the institution concerned or by the government concerned from time to time to apply for admission.**

**Also Provided that applicants who have obtained First degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in three years LL.B course.**

**Explanation:** The applicants who have obtained 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 courses.

ii) 2nd, 4th and 6th Semester –A student for being eligible for admission to the 2nd, 4th and 6th Semester must have successfully kept the terms for the 1st, 3rd, & 5th Semester respectively, irrespective of the result of these Semester examination.

iii) 3rd Semester – A student for being eligible for admission to the 3rd Semester must have either passed in the 1st & 2nd Semester or must have got exemption in at least six Papers of the 1st & 2nd Semester.

iv) 5th Semester – A student for being eligible for admission to the 5th Semester must have either passed in the 3rd & 4th Semester or must have got exemption in at least six Papers of the 3rd & 4th Semester.

**R. Law. 16 : Rules for internal evaluation for both the Law Courses:**

Each paper of Five years law Course shall consist of 100 marks.

Out of 100 marks for each paper (except practical Training papers) there shall be theory examination conducted by the University carrying 80 marks and 20 marks will be allotted for internal assessment to be conducted by the college.

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce –10 marks (Minimum marks for Passing- 4)

Internal Examination will be compulsory for all students. If a student fails / is absent in the internal examination then he /she will have to clear the internal examination in subsequent attempt in the following semester. There will be a separate head of passing in internal examination, theory examination and practical head of passing. However, ATKT rules shall be made applicable in respect of theory and practical head of passing only.

**R. Law. 17 : New Rule 17 prescribes the structure of the syllabi as given below:**

Proposed Rule 17: **A) Syllabus Structure of Three Year Law Course**

➤ **First Year of Three Year Law Course :- Semester - I**

Sr.No.	Paper No	Subject (Semester – I )	Total Marks
1	I	Law of Contract	80 + 20 = 100
2	II	Constitutional Law – I	80 + 20 = 100
3	III	Law of Tort including MV Accident & Consumer Protection laws	80 + 20 = 100
4	IV	Law of Crimes I-(Indian Penal Code)	80 + 20 = 100
5	V	Family Law - I	80 + 20 = 100

**First Year of Three Year Law Course :- Semester - II**

Sr.No.	Paper No	Subject (Semester – II )	Total Marks
6	I	Special Contract	80 + 20 = 100
7	II	Constitutional Law – II	80 + 20 = 100

8	III	Family Law - II	80 + 20 = 100
9	IV	Environmental Law	80 + 20 = 100
10	V	Professional Ethics and Professional Accounting System	(60 + 20)* + 20* = 100

### ➤ Second Year of Three Year Law Course :- Semester - III

Sr.No.	Paper No	Subject (Semester – III )	Total Marks
11	I	Jurisprudence	80 + 20 = 100
12	II	Property Law	80 + 20 = 100
13	III	Company Law	80 + 20 = 100
14	IV	Public International Law	80 + 20 = 100
15	V	Criminology	80 + 20 = 100

### Second Year of Three Year Law Course :- Semester - IV

Sr.No.	Paper No	Subject (Semester – IV )	Total Marks
16	I	Interpretation of statutes	80 + 20 = 100
17	II	International Human Rights	80 + 20 = 100
18	III	Administrative Law	80 + 20 = 100
19	IV	Banking and Insurance	80 + 20 = 100
20	V	Alternate Dispute Resolution	*(60 + 20) + 20 * = 100

### ➤ Third Year of Three Year Law Course :- Semester - V

Sr.No.	Paper No	Subject (Semester – V )	Total Marks
21	I	Civil Procedure Code and Limitation Act	80 + 20 = 100
22	II	Law of Evidence	80 + 20 = 100
23	III	Labour Law I	80 + 20 = 100
24	IV	Land Law	80 + 20 = 100
25	V	Moot Court Exercise and Internship	(30+30+30) * +10* = 100

### Third Year of Three Year Law Course :- Semester - VI

Sr.No.	Paper No	Subject (Semester – VI )	Total Marks
26	I	Law of Crimes II (Criminal Procedure Code)	80 + 20 = 100
27	II	Intellectual Property Law	80 + 20 = 100
28	III	Labour Law – II (Industrial Law)	80 + 20 = 100

29	IV	Principles of Taxation Law	80 + 20 = 100
30	V	Drafting, Pleading and Conveyance	* (45+45)+10* = 100

\* Separate head of passing

## DETAIL STRUCTURE OF THE SYLLABI

### Syllabus Structure of First Year of Three Year Law Course

#### ➤ First Year of Three Year Law Course :- Semester - I

Sr.No.	Paper No	Subject (Semester – I )	Total Marks
1	I	Law of Contract	80 + 20 = 100
2	II	Constitutional Law – I	80 + 20 = 100
3	III	Law of Tort including MV Accident & Consumer Protection laws	80 + 20 = 100
4	IV	Law of Crimes I-Indian Penal Code	80 + 20 = 100
5	V	Family Law - I	80 + 20 = 100

**Paper No:I**  
**LAW OF CONTRACT**  
 (GENERAL PRICIPLES 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:**

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce -10 marks (Minimum marks for Passing- 4)

**SYLLABUS**

**Unit -1**

**General Principles of Law of Contract**

- 1.1 History and nature of contractual obligations
- 1.2 *Agreement and contract* : definition, elements and kinds.
- 1.3 *Proposal and acceptance* – their various forms, essential elements. Communication and revocation- proposal and invitations for proposal-floating offers-tenders-dumping of goods
- 1.4 *Consideration* – its need, meaning, kinds, essential element- nudum pactum- privity of contract and of consideration – its exceptions – adequacy of consideration-present, past and adequate consideration-evolution of the doctrine of consideration.
- 1.5 *Capacity of contract*- meaning- incapacity arising out of status



and mental defect- minor's agreements- definition of 'minor'- necessities supplied to a minor- agreements beneficial and detrimental to a minor- affirmation- restitution in cases minor's agreements- fraud by a minor- agreements made on behalf of a minor-minor's agreements and estoppels- evolution of the law relating to minor's agreements- other illustrations of incapacity to contract.

## **Unit -2      Free consent- Its need and definition- factors vitiating free consent.**

- 2.1      *Coercion*- definition- essential elements- duress and coercion- various illustrations of coercion ,doctrine of economic duress- effect of coercion
- 2.2      *Undue influence*- definition-essential elements- between which parties can it exit? Who is to prove it? Illustrations of undue influence- Independent advice- pardahanashin Women- unconscionable bargains- effect of undue influence.
- 2.3      *Misrepresentation*- definition- misrepresentation of law and of fact-their effects and illustration.
- 2.4      *Fraud*- definition- essential elements – suggestion falsi – suppression veri- when does silence amounts to fraud? Active concealment of truth importance of intention.
- 2.5      *Mistake*- definition- Kinds- fundamental error- mistake of law and of fact- their effects- when does a mistake vitiate free consent and when it does not vitiate free consent?

## **Unit -3      Legality of objects:**

- 3.1      *Void agreements*- lawful and unlawful considerations, and objects- void, voidable, illegal and unlawful agreements and their effects.
- 3.2      *Unlawful considerations and objects:*
  - 3.2.1      Forbidden by law
  - 3.2.2      Defeating the provision of any law
  - 3.2.3      Fraudulent
  - 3.2.4      Injurious to person or property
  - 3.2.5      Immoral
  - 3.2.6      Against public policy
- 3.3      *Void Agreements*
  - 3.3.1      Agreement without consideration
  - 3.3.2      Agreement in restraint of marriage
  - 3.3.3      Agreements in restraint of trade- its exceptions- sale of goodwill, section 11 restrictions, under the

partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.

3.3.4 Agreements in restraint of legal proceedings- its exceptions.

3.3.5 Uncertain agreements

3.3.6 Wagering agreement- its exception.

#### **Unit -4**

#### **Discharge of a contract and its various modes.**

4.1 *By performance*- conditions of valid tender of performance- How? By whom? Where? When in what manner? Performance of reciprocal promises- time as essence of contract.

4.1.2 *By breach*- anticipatory breach and present breach.

4.1.3 *Impossibility of performance*- specific grounds of frustration- application to leases- theories of frustration- effect of frustration and restitution.

4.1.4 *By period of limitation*

4.1.5 By agreement- rescission and alteration- their effect- remission and waiver of performance- extension of time- accord and satisfaction.

#### **Unit -5**

#### **Quasi Contracts or certain relations resembling those created by contract**

#### **Unit -6**

#### **Remedies in contractual relations:**

6.1 Damages- kinds- remoteness of damages- ascertainment of damages

6.1.2 Injection- When granted and when refused- why?

6.1.3 Refund and restitution

6.1.4 Specific performance- When? why?

#### **Unit -7**

#### **Government as a Contracting Party**

Constitutional provision- government power to contract- procedural requirements- kinds of government contracts their usual clauses- performance of such contracts- settlements of disputes and remedies.

#### **Standard Form Contract**

Nature advantages- unilateral character, principles of protection against the possibility of exploitation- judicial approach to such contracts exemption classes – class between two standard form contracts- Law commission of India's views.

#### **Unit -8**

#### **Specific Relief**

- 8.1 Specific performance of contract
  - 8.1.1 Contract that can be specifically enforced
  - 8.1.2 Persons against whom specific enforcement can be ordered
- 8.2 Recession and cancellation
- 8.3 Injunction
  - 8.3.1 Temporary
  - 8.3.2 Perpetual
- 8.4 Declaratory orders
- 8.5 Discretion and powers of court

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5. Bank of India Ltd v. Swarubar, AIR 2003 SC 858.;
6. Hervey v. Facie, (1893) AC 552.
7. Lalman Shukla v. Gauri Dutta, II ALJ 489;
8. Felth House v. Bindley (1862) 11, CB (NS) 86;
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10. Derry v. Peek, (1889) 14 AC 337.
11. Mithoo Lal Nayak 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. Satyabrata Ghose v. Mugneeram Bangur AIR 1954 SC 44;
19. State of Bihar v. Majeed AIR 1954 SC 786.



- 1.3 Nature of Indian Constitution.
- 1.4 Salient features of Indian Constitution.

## **Unit -2 Preamble and Citizenship-**

- 2.1 purpose, and status.
- 2.2 Citizenship- Meaning
- 2.3 Citizenship at the commencement of Constitution.
- 2.4 Citizenship under the Citizenship Act. 1955.

## **Unit -3 Fundamental Rights (Art. 12 and 13)-**

- 3.1 Origin and development of Fundamental Rights.
- 3.2 Nature of Fundamental Rights.
- 3.3 New Judicial Trend
- 3.4 Doctrine of Severability.
- 3.5 Doctrine of Eclipse.

## **Unit -4 Right to Equality (Art.14 to 18)-**

- 4.1 Equality before law and Equal Protection of Law.
- 4.2 Classification of differential treatment : constitutional validity.
- 4.3 Gender Justice and Protective Discrimination.
- 4.4 Justice to the weaker sections of society- Social Justice.
- 4.5 Abolition of untouchability.
- 4.6 Abolition of Title.

## **Unit -5 Freedoms and Social Control units-(Art-19 to 22)**

- 5.1 Freedom of Speech and Expression.
- 5.2 Freedom of Assembly.
- 5.3 Freedom of form Association.
- 5.4 Freedom to Reside and Settle.
- 5.5 Freedom of Profession, occupation, Trade of Business.
- 5.6 Right to Property- from Fundamental Right to Constitutional Right.
- 5.7 Right to Personal Liberty---- Art 20 & 21
  - Rights of accused- Double Jeopardy, Self-Incrimination and Retroactive Punishments.
  - Right to Life and Personal Liberty- meaning, scope and limitations.
  - Preventative Detention and constitutional policy, Art 22

## **Unit -6 Secularism---**

- 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.

## **Unit –7 Right to Constitutional Remedies— Art 32**

- 7.1 A dynamic approach- Public Interest Litigation- Nature, scope, merits and demerits.
- 7.2 Judicial Activism.

## **Unit –8 Directive Principles of State Policy and Fundamental Duties—**

- 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---
  - 8.4.1 Need
  - 8.4.2 Source and enforcement of fundamental duties.
- 8.5 Relation of Fundamental Duties with Directive Principles and Fundamental Right

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**Paper No III**

**LAW OF TORT INCLUDING MV ACCIDENT  
& CONSUMER PROTECTION LAWS**

**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 tortuous 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, mooted 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:**

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce -10 marks (Minimum marks for Passing- 4)

**SYLLABUS:**

**Unit 1- Definition, Nature and Scope.**

- 1.1 Definition of Tort, Distinction between Tort and Crime.
- 1.2 Concept of unliquidated damages.
- 1.3 Relevance of Mental Elements in determining tortuous liability-
  - 1.3.1 Intention, Motive, Malice, Knowledge, Negligence.



- 1.4 General principles of tortious liability-
  - 1.4.1 A wrongful act
  - 1.4.2 Legal damage- a) Damnum Sine Injuria  
b) Injuria Sine Damno
  - 1.4.3 Legal remedy- Ubi jus ibi remedium
- 1.5 Who may sue?- Aggrieved individual, Class action and social action groups.
- 1.6 Who may not be sued?

## **Unit –2 - Justifications or Defenses in tort-**

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

## **Unit –3 - - Discharge of tortious liability-**

- 3.1 By death of parties- actio personalis moritur cum persona exceptions
- 3.2 Waiver and acquiescence
- 3.3 Release
- 3.4 Accord and satisfaction
- 3.5 Limitation

## **Unit –4 - – Vicarious Liability**

- 4.1 Basis and scope
  - 4.1.1 Express authorization
  - 4.1.2 Ratification
  - 4.1.3 Abetment
- 4.2 Master and servant- relationship arising out of and in the course of employment-who is master?- The control test- who is servant?  
Distinction between independent contractor and servant.
- Strict and Absolute Liability**
- 4.3 The rule in Rylands Vs Fletcher along with exceptions.
- 4.4 Application of the rule in India.

## **Unit –5 - - Negligence**

- 5.1 Definition and concept of Negligence
- 5.2 Standard of care

- 5.3 Doctrine of contributory negligence
- 5.4 Res ipsa loquitor and its importance in compensatory laws.

### **Unit –6 - The Consumer Protection the Act, 1986**

#### **Definitions under the Act.**

- 6.1 Consumer, complaint, complainant, manufacturer, consumer dispute, unfair trade practices, restrictive trade practices
- 6.2 Rights of the consumer, who is not consumer?

#### **Consumer of goods**

- 6.3 Meaning of defects in goods, standards of purity, quality, quantity and potency of goods.

#### **Consumer of Service**

- 6.4 Service and deficiency in service
- 6.5 Medical, Housing, Electricity, Telecommunication and postal services, Public Transportation, Educational services.

### **Unit –7 - Consumer Dispute Redressal Agencies**

- 7.1 The District Forum, State Commission, National Commission- composition, jurisdiction, procedure and powers.

### **Remedies under Consumer Protection Act. Motor Vehicles Act, 1988**

#### **Liability without fault in certain cases-**

- 7.2 Liability to pay compensation in certain cases on the principle of no fault [Sec.140]
- 7.3 Provision as to other right to claim compensation for death or permanent disablement. . Motor Vehicles Act,1988
  - a. Chapter-X Liability without Fault (Ss.140-144)
  - b. Chapter-XI Insurance of Motor Vehicles (Ss.145-164)
  - c. Chapter- XII Claims Tribunal (Ss. 165-173)

### **Unit –8 - - Insurance of Motor vehicles against third party risks-**

- 8.1 Necessity for insurance against third party risk [Sec.146]
- 8.2 Requirements of policies and limits of liability [Sec.147]
- 8.3 Duty of insurers to satisfy judgments and awards against persons insured in respects of third party risks [Sec. 149]
- 8.4 Special provisions as to compensation in case of hit and run motor accident [Sec.161]
- 8.5 Refund in certain cases of compensation [Sec.162]
- 8.6 Special provisions as to payment of compensation on structured formula basis [Sec. 163-A along with Second Schedule]

#### **Claims Tribunals- Sec.165 to Sec. 176**

**List of Cases: ( For reference )**

1. Ashby v. White (1703)2 LR 938;
2. Rudal Shah v. State of Bihar, AIR 1983 SC 1086
3. Saheli v. Commissioner of Police, Delhi AIR 1990 SC 513;
4. Gloucester Grammer School case (14190 V.B. Hill 11.;
5. Mayor of Broadford Corporation v. Pickles (1895) AC 587;
6. Bhim Singh v. State of Jammu & Kashmir AIR 1986 SC 494;
7. Usha Ben v. Bhagya Laxmi Chitra Mandir, AIR 1978 Guj.
8. Lucknow Development Authority v M.K. Gupta AIR 1994 1 SC 243;
9. State of Rajasthan v. Vidyawati Devi AIR 1962 SC 933;
10. Donoghue v. Stevenson, 1932,AC 562;
11. Kasturi Lal v. State of U.P. AIR 1965 SC 1039;
12. Nicholes v. Marshland (1876)2 Ex.D. 1;
13. Smith v. London and South Western Railway Co. (1870) LR 6;
14. Loyd v. Grame Smith &Co. (1912) AC 716;
15. Jay Laxmi Salt Works (P) Ltd. V. State of Gujarat 1994(4) SCC 1;
16. Dr.Laxman V. Dr. Trimbak AIR 1969 SC 128;
17. Davis v. Redcliffe, (1990)2 AER 536;
18. F V. Birkshire Health Authority (1989) 2 All ER 545 (HL);
19. Maynard V. Midlands Health Authority ( 1985) 1 All ER 635 (HL);
20. Achutrao Haribhau Khodwa V. State of Maharashtra AIR 1996 SC 2377 ;
21. M.P. State Road Transport Corp. v. Basanti bai (1971) MPLJ 706 (DB);
22. Indian Air Lines v. Madhuri Chaudhri AIR 1964 Cal. 252;
23. Glasgow Corporation v. Muir (1943) AC 448;
24. Municipal Corporation of Delhi v. Subhagwati AIR 1966 SC 1750;
25. Ratlam Municipality v. Vardhichand (1980) 4SCC 162
26. Hall v. Brookaland Auto Racing Club ;
27. Smith v. Backer (1981) AC 325;
28. Stanley v.Powell (1891)11 Q.B. 86;
29. Heynes v. Harwood (1935) 1 KB 146
30. Leta Fay Ford V. Revlon, Inc. Supreme Court of Arizona (153 Ariz. 38, 734 P.2d 580) 1987;
31. Noor Mohd. v, Mohd Jiauddin AIR 1992 MP 244;
32. Hayward v. Thompson (1981)3All E R 450;
33. M.C. Verhese v. T.J. Poonam, AIR 1970 SC1876;
34. T.S. Bhatt v. A. K. Bhatt AIR 1978 Ker 111;
35. Girija Prasad Sharma v. Uma Shankar Pathak AIR 1973 MP 79;
36. Quinn v. Leathem,( 1901)AC 495;
37. Municipal Board of Kanauj v. Mohanlal AIR 1951 All 867
38. State v. Gangadhar AIR 1967 Raj 199;
39. Rajalingam v. Lingaiah (1964) 1ALT 391;
40. Sobha Ram v. Tika Ram(1936) ILR 58 All 903
41. Reyland v. Fletcher (1868) L.R. 3 H.L. 30;
42. M.C. Mehta v.Union of India (1987)1 SCC395
43. In Re Polemise Case (1921)3 KB 560 CA;
44. Wagaon Mound Case (1961)AC 388
45. Leisbosch Dredger v. Edison, (1933) AC 449 HL.
46. Barrett v. Fonorow, 799 N.E.2d 916 (Ill. App. 2003)

47. .Barrett v. Rosnethal, 112 Cal. App. 4th 749 (2003).
48. Bill Mc Laren, Jr. V. Microsoft Corporation, Court of Appeals of Texas, Dallas (1999) WL 339015.;
49. CompuServe Inc. v. Cyber Promotions, Inc., 962 F.Supp 1015 (SD Ohio 1997).
50. Doe v. AOL, Inc., 783 So. 2d 1010 (Fl 2001).
51. EBAY, Inc., Plaintiff, V. BIDDER'S EDGE, Inc., Defendant. United States District Court for the Northern District of California . 100 F.Supp. 2d 1058(2000).
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54. United States of America V. Hambrick U.S District Court, W.D. Virginia 55F. Supp. 2d 504, (1999)]

### **Books**

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2. Salmond, J W, Salmond's Law of Torts (8th edition, Sweet & Maxwell, London, 1934)
3. Fleming, J G, The Law of Torts (9th edition, LBC Information Services, Sydney, 1998)
4. Ratan Lal and Dhiraj Lal on Law of Torts,
5. A Lakshminath M Sridhar, Ramaswamy Iyer's, The Law of Torts, Lexis Nexis, Tenth Edi 2007
6. Tony Weir, An Introduction to Tort Law, 2nd Edi Oxford University Press 2006.
7. John Murphy, Street on Torts ,Eleventh Edi Oxford University Press 2006.
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9. Lee B. Burgunder, Legal Aspects of Managing Technology 2nd Edition West 2001.
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13. D.D. Basu- The Law of Torts (1982), Kamal, Kalkatta
14. Dr.Avtar Sing- The Law of Consumer Protection : Prpinciples and practice (2004), Eastern Book Company, Lucknow
15. The Motor Vehicles Act, 1988,- Bare Act, Universal, Delhi
16. Saraf D.N.- The Law of Consumer Protection in India, Tripathi, Bombay

## **Paper No. IV- LAW OF CRIMES I- (Indian Penal Code)**

### **Object of the Course**

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 become 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 mootings 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:**

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce -10 marks (Minimum marks for Passing- 4)

**SYLLABUS**

**Unit- 1 – Concept of crime.**

- 1.1 Concept of crime & distinction between Crime ,Ethical wrongs,sin & Moral wrongs.
- 1.2 Applicability of Indian Penal Code, 1860
  - Territorial applicability- Extra Territorial & Intra- Territorial.
  - Personal applicability.
- 1.3 Salient features of Indian Penal Code, 1860
- 1.4 General Concepts under IPC 1860.  
Person, Public servant, Movable Property, Document, Injury, Valuable security, Judge.

**Unit- 2 - Foundation of Criminal Liability.**

- 2.1 -Stages of Crime-Intention, Preparation, Attempt & commission.
- 2.2 –Elements of Crimes Liability.
  - Actus Reus
  - Mens Rea.
  - Various concepts depicting Mens Rea under I.P.C.  
Dishonestly, fraudulently, voluntarily, Good faith, Knowingly, Negligently,
- 2.3 Recent trends in fixing criminal liability without mens rea
- 2.4 – Group liability in crimes- common intention & common Factors Negativating guilty Intention.
- 2.5 Need for providing defenses /exception.

**Unit- 3 -General exceptions under sec. 76 to 106**

### **Unit- 4 - Of Punishment.**

- 4.1 Concept & object of Punishment.
- 4.2 Various types of punishment under IPC.
- 4.3 Discretion in awarding punishments.

### **Unit- 5 – Inchoate Offences.**

- 5.1 Concept of Inchoate offences.
- 5.2 Various types of inchoate offences.  
Attempt, Abetment & Conspiracy.
- 5.3 Group liability offences-  
Unlawful Assembly, Rioting.

### **Unit- 6- Offences affecting Life.**

- 6.1 Culpable homicide. Murder
- 6.2 Hurt & Grievous Hurt.
- 6.3 Wrongful Restraint & wrongful Confinement.
- 6.4 Criminal force & assault.
- 6.5 Kidnapping & Abduction.

### **Unit- 7- Offences against Property.**

- 7.1 Theft.
- 7.2 Extortion.
- 7.3 Robbery & Dacoity.
- 7.4 Criminal misappropriation of property.
- 7.5 Criminal Breach of Trust.
- 7.6 Receiving stolen property.
- 7.7 Cheating & Mischief.
- 7.8 Criminal Trespass
- 7.8.1 House Trespass & lurking house trespass.
- 7.8.2 House breaking & housebreaking by night.

### **Unit- 8- Offences of False Evidence & Offences Relating To Documents.**

- 8.1 Giving false evidence & fabricating false evidence.(sec.493)
- 8.2 Forgery & making false document
- 8.3 Forged document.

### **Unit- 9 – Of Defamation.**

-Defamation under sections 499 to 502.

## **Unit- 10 - Offences affecting the public Health, Safety, Convenience, Decency and Morals (Sec 268-294A)**

### **10.1 Offences affecting the Public Health (Section 268-278)**

- (i) Public Nuisance (S.268)
- (ii) Acts likely to spread infection (section 269-271)
- (iii) Pollution of food or drink (section 272-273)
- (iv) Adullualia of drugs (section 274-276)
- (v) Fouling water and relating atmosphere (section 277-278)

### **10.2. Offences affecting the public safety and Convenience (Section 277-278)**

- (i) Rash Driving or riding on a public way. (Section 279)
- (ii) Rash or negligent navigation. (Section 280)
- (iii) Exposing false light, mark or being mislead navigator
- (iv) Conveying any person for hire by water in an unsafe and overloaded waste Vessel(Section 282)
- (v) Causing danger or obstruction to any person in public way. (Section 283)
- (vi) Negligent conduct with respect to poisonous substance.(Section 284)
- (vii) Negligent conduct with respect to fire, combustible substances. (section 285-289)
- (viii) Continuance of Nuisance. (Section 291)

### **10.3. Public Decency and Morals (ss 292-294A)**

- A. Prevention of obscenely (ss 292-294)
- B. Keeping Lottery Office (S 294A)
- C. Cases related to spreading of infectious diseases

## **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. Chndranshekhar Pillai – Essay’s on Indian Penal Code
- R. C. Srivastava – Law Relating to Crima Punishment
- Andrew Ashworth – Principles of Criminal Law
- P.S/Achuthun Pillai, 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. Chandranshekar Pillai – Essay's on Indian Penal Code
  - Ratan Lal and Dhiraj Lal – 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

## **Paper V- 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:**

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce -10 marks (Minimum marks for Passing- 4)

### **SYLLABUS**

#### **Unit-1 Marriage and Kinship**

- 1.1 Evolution of the institution of marriage and family
- 1.2 Role of religious rituals and practices in moulding the



- rules regulating to marital relations
- 1.3 Types of family based upon
  - 1.3.1 Lineage- patrilineal matrilineal
  - 1.3.2 Authority structure- patriarchal and matriarchal
  - 1.3.3 Location- patrilocal and matrilocal
  - 1.3.4 Number of conjugal units- nuclear, extended, joint and composite
- 1.4 Emerging concepts: maitri sambandh and divided home

## **Unit-2 Customary practices and State regulation**

- 2.1 Polygamy
- 2.2 Concubinage
- 2.3 Child marriage
- 2.4 Sati
- 2.5 Dowry

## **Unit-3 Conversion and its effect on family**

- 3.1 Marriage
- 3.2 Adoption
- 3.3 Guardianship
- 3.4 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-4 Joint Family**

- 4.1 Mitakshara joint family
- 4.2 Mitakshara coparcenary- formation and incidents
- 4.3 Property under Mitakshara law-separate property and coparcenary property
- 4.4 Dayabhaga coparcenary- formation and incidents
- 4.5 Property under Dayabhaga law
- 4.6 Karta of the joint family-his position, powers, privileges and obligations
- 4.7 Alienation of property-separate and coparcenary.
- 4.8 Partition and re-union
- 4.9 Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
- 4.10 Matrilineal joint family

- Unit-5**
- 5.1 **Inheritance- Hindus**
- 5.1.1 Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act 1956
- 5.1.2 Succession to property of a Hindu male dying intestate under the provisions of Hindu succession Act 1956
- 5.1.3 Devolution of interest in Mitakshara coparcenary with reference to the provision of Hindu Succession Act 1956
- 5.1.4 Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956
- 5.1.5 Disqualification relating to succession
- 5.1.6 General rules of succession
- 5.1.7 Marumakkattayam and Aliyasantana laws governing people living in Travancore- cochin and the districts of Malabar and South Kanara.
- Unit-6**
- 6.1 **Inheritance- Muslims**
- 6.2.1 General rules of succession and exclusion from succession.
- 6.2.2 Classification of heirs under Hanafi and Ithna Ashria Schools and their shares and distribution of property
- 6.3 Christians, Parsis and Jews
- 6.3.1 Heirs and their shares and distribution of property under the Indian Succession Act of 1925
- Unit-7**
- Matrimonial Remedies**
- 7.1 Non-judicial resolution of marital conflicts.  
Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution  
Divorce under Muslim personal law-talaq and talaq-e-tafweez
- 7.2 Judicial resolution of marital conflicts: the family court
- 7.3 Nullity of marriage
- 7.4 Option of puberty
- 7.5 Restitution of conjugal rights
- 7.6 Judicial separation
- 7.7 Desertion : a ground for matrimonial relief
- 7.8 Cruelty : a ground for matrimonial relief
- 7.9 Adultery: a ground for matrimonial relief
- 7.10 Other grounds for matrimonial relief
- 7.11 Divorce by mutual consent under:  
Special Marriage Act 1954;

Hindu Marriage Act 1955;  
Muslim law (Khula and Mubaraat)

<b>Unit-8</b>	8. 1	<b>Bar to matrimonial relief</b>
	8. 2.1	Doctrine of strict proof
	8. 2.2	Taking advantage of one's own wrong or disability
	8. 3	Accessory
	8. 4	Connivance
	8. 5	Collusion
	8. 6	Condonation
	8. 7	Improper or unnecessary delay
	8. 8	Residuary clause-no other legal ground exists for refusing the matrimonial relief.

**Books :**

- 1) Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal
- 2) Basu, N. D. Law of Succession (2000), Universal
- 3) Kusum, 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. Kuppaswami (ed.) Mayne's Hindu Law and Usage ch. 4 (1986)
- 7) B. Sivaramayya, Inequalities and the Law, (1985)
- 8) K.C. Datta, "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) Paras Diwan, Hindu Law (1985)
- 14) S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998)- Butterworths-India
- 15) Paras Diwan, 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) Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal

## First Year of Three Year Law Course :- Semester - II

Sr.No.	Paper No	Subject (Semester – II)	Total Marks
6	I	Special Contract	80 + 20 = 100
7	II	Constitutional Law – II	80 + 20 = 100
8	III	Family Law - II	80 + 20 = 100
9	IV	Environmental Law	80 + 20 = 100
10	V	Professional Ethics and Professional Accounting System	(60 + 20)* + 20* = 100

### Paper No. 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:**

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce -10 marks (Minimum marks for Passing- 4)

**SYLLABUS**

**Unit -1. Indemnity**

- 1.1 The Concept
- 1.2 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
- 1.9 Nature of indemnity clauses.
- 1.10 Indemnity in cases of International transactions
- 1.11 Indemnity by governments during interstate transactions.

**Unit 2 Guarantee**

- 2.1 The concept
- 2.2 Definition of guarantee : as distinguished from, indemnity.
- 2.3 Basic essentials for a valid guarantee contract.
- 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
- 2.5 Position of a minor and validity of guarantee when minor is the principal debtor, creditor or surety.
- 2.6 Continuing guarantee
  - 2.6.1 Nature of surety's liability.
  - 2.6.2 Duration and terminations of such liability.
- 2.7 Illustrative situations of existence of continuing guarantee.
  - 2.7.1 Creations and identifications of continuing guarantees.
- 2.8 Letters of credit and bank guarantees as instances of guarantee transactions.
- 2.9 Rights of surety.
  - 2.9.01 Position of surety in the eye of law.

- 2.9.2 Various judicial interpretations to protect the surety.
- 2.10 Co-surety and manner of sharing liabilities and rights.
- 2.11 Extent of surety's liability.
- 2.12 Discharge of surety's liability.

### **Unit-3 Bailment and Pledge**

- 3.1 **Bailment** Identification of bailment contracts in day today life.  
and Manner of creation of such contracts.

Commercial utility of bailment contracts

Definition of bailment

Kinds of bailees

Duties of bailor and bailee towards each other

Rights of bailor and bailee

Finder of goods as a bailee

- Liability towards the true owner.
- Obligation to keep the goods safe.
- Right to dispose of the goods.

- 3.2 **Pledge** : Comparison with bailment

Commercial utility of pledge transactions

Definition of pledge under the Indian Contract Act.

Other statutory regulations (State & Center) regarding pledge reasons for the same.

Rights of the pawner and pawnee.

Pawnee's right of sale as compared to that of an ordinary bailee

Pledge by certain specified persons mentioned in the Indian Contract Act.

### **Unit-4 . Agency**

- 4.1 Identification of different kinds of agency transactions in day to day life in the commercial world.
- 4.2 Kinds of agents and agencies
- 4.3 Essentials of an agency transaction.
- 4.4 Various methods of creation of agency
- 4.5 Delegation
- 4.6 Duties and rights of agents
- 4.7 Scope and extent of Agent's authority
- 4.8 Liability of the principal for acts of the agents including misconduct and tort of the agent.
- 4.9 Liability of the agent towards the principal
- 4.10 Personal liability towards the parties.
- 4.11 Methods of termination of agency contract.

- 4.12 Liability of the principal and agent before and after such termination.

### **Unit-5 . Sale of Goods**

- 5.1 Concept of sale as a contract.
- 5.2 Illustrative instances of sale of goods and the nature of such contracts.
- 5.3 Essentials of a contract of sale.
- 5.4 Essential conditions in every contract of sale.
- 5.5 Implied terms in contract of sale.
- 5.6 The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act.
- 5.7 Changing concept of caveat emptor
- 5.8 Effect and meaning of implied warranties in a sale.
- 5.9 Transfer of title and passing of risk.
- 5.10 Delivery of goods : various rules regarding delivery of goods.
- 5.11 Unpaid seller and his rights
- 5.12 Remedies for breach of contract.

### **Unit-6 Partnership**

- 6.1 Nature of partnership : definition
- 6.2 Distinct advantages and disadvantages vis-a-vis partnership and private limited company.
- 6.3 Mutual relationship between partners
- 6.4 Authority of partners
- 6.5 Admission of partners
- 6.6 Outgoing of partners
- 6.7 Registration of Partnership
- 6.8 Dissolution of Partnership

### **Unit-7 . Negotiable Instruments**

- 7.1 The concept
- 7.2 Various kinds
- 7.3 Essential requirements to make an instrument negotiable.
- 7.4 Competent parties for making and negotiation
- 7.5 Acceptance of the instrument
- 7.6 Dishonor by non acceptance and remedies available to the holder.
- 7.7 Holder and holder in due course: meaning, essential conditions, rights and privileges of holder in due course and endorsee from the holder in due course.
- 7.7 Negotiation of the instrument
- 7.8 Presentment of the instrument
- 7.9 Cheques : rules regarding payment of cheque.
  - 7.10.1 Liability of the collecting banker and paying banker.
  - 7.10.2 Dishonour of cheque and its effect.

- 7.10.3 Discharge from liability.
- 7.11 Kinds of bills
- 7.12 Evidence
  - 7.12.1 Special rules of evidence regarding negotiable instruments

## **Unit-8. E-Contracts**

- 8.1 **The Concept:** E-commerce, E-contract, Electronic record, Digital signature, General principles applicable on cyber contract, jurisdiction, taxation, and application of law, Certifying Authority, Cyber Appellate Tribunal, offences in cyber relation, authorities – role of various linking process in Cyber contract
- 8.2 **Various Kinds**
  - a) Electronic Data Interchange
  - b) Cyber Contracts / Mouse click contracts
- 8.3 **Validity of Electronics Transactions.**
  - Under Information Technology Act.2000
  - 8.3.1 Application of information Technology Act under section 1 of IT Act 2000
  - 8.3.2 Authentication of Electronics records
  - 8.3.3 Legal recognition of Electronic record & Digital Signature
  - 8.3.4 Retention and Publication of electronic record
- 8.4 **Communication & revocation of offer and acceptance.**
  - 8.3.5 Attribution of electronic records
  - 8.3.6 Acknowledgement of receipt.
  - 8.4.3 Time and Place of dispatch and receipt of electronic record.
- 8.5 **Special Provisions as to Evidence relating to electronic record.**
  - 8.3.7 Admissibility of electronic records
  - 8.3.8 Presumption as to electronic agreement
- 8.6 **Other relevant Provisions .**
  - 8.6.1 Amendment to Indian Penal code in sections 463 ( Making false Electronic Records)
  - 8.6.2 Amendment to the Negotiable Instruments Act,1881 in S.6

## **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.R.Verma(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. Amritlal Goverdhan Lal v. State Bank of Travancore AIR 1968 SC 1432
2. Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954
3. Vasireddi Seetha ramaiah 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 Madhuri Choudhury AIR 1965 Cal 252
9. Gatewhite Ltd & Another v. Iberia Lineas de Espana SA (1989) 1 All E.R. 944

## **Paper No- II- 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:**

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce -10 marks (Minimum marks for Passing- 4)

**Syllabus**

**Unit-1 Parliament-**

- 1.1 Composition
- 1.2 Election, qualifications and tenure of members.
- 1.3 Functions of Parliament.
- 1.4 Privileges of Members
- 1.5 Parliamentary Privileges and fundamental rights.

**Unit-2 Parliamentary Government**

- 2.1 Westminster Model- Choice of Parliamentary form of Government at the Centre and the State.
- 2.2 President of India- Election, qualification and Impeachment, powers and privileges.
- 2.3 Governor of the State- Appointment, tenure etc., position and status of Governor.
- 2.4 Council of Minister and Prime Minister Cabinet system, collective responsibility- individual responsibility.
- 2.5 Coalition Government- Anti Defection Law.

**Federalism -----**

- 2.6 Federalism Principles- comparative study.
- 2.7 Indian Federalism- Identification of federal features.
- 2.8 Challenges to Indian federalism- Sarkaria Commission.

**Unit-3 Relations between Union and States-**

**3.1 Legislative Relations----**

- 3.1.1 Distribution of Legislative Powers

- 3.1.2 Principles of interpretation of Lists.
- 3.1.3 Parliament's power to legislate on State subjects.
- 3.2 **Administrative Relations ---**
  - 3.2.1 All India Services
  - 3.2.2 Grants in aid.
- 3.3 **Financial Relations---**
  - 3.3.1 Distribution of Revenue between Centre and State.
  - 3.3.2 Finance Commission.
  - 3.3.3 Process of Law making- Ordinary Bill, Money Bill, procedure etc.

#### **Unit-4 Freedom Trade-Commerce ---**

- 4.1 Historical Perspective.
- 4.2 Object and significance of such provision in federal constitution.
- 4.3 Restrictions on Trade and Commerce.

#### **Unit-5 Services under the State---**

- 5.1 Doctrine of Pleasure.
- 5.2 Constitutional safeguards to Civil Servants.
- 5.3 Limitations on Doctrine of Pleasure.
- 5.4 Public Service Commission

#### **Unit-6 Emergency Provisions---**

- 6.1 Emergency---meaning.
- 6.2 Various kinds of Emergencies.
- 6.3 Effects of emergency.

#### **Unit-7 Judiciary under Constitution---**

- 7.1 Supreme Court---composition, appointment, Jurisdiction, removal etc.
- 7.2 High Court---Composition, Appointment, jurisdiction etc.
- 7.3 Doctrine of Judicial Review- Nature and scope.
- 7.4 Independence of Judiciary.

#### **Unit-8 Constitutional process of Adaptation and alteration--**

- 8.1 Amendment- meaning
- 8.2 Methods of Constitutional amendment
- 8.3 Limitations upon constituent power.
- 8.4 Doctrine of Basic Structure.

### **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.

## **Paper No III 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:**

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce -10 marks (Minimum marks for Passing- 4)

## **SYLLABUS**

### **Unit 1: Family Relations - Hindus, Muslims, Christians and Parsis.**

#### **1.1. Nature, Sources and Schools of**

- a. Hindu Law
- b. Muslim Law

1.2. Adoption

1.3. Minority and Guardianship

## **Unit 2: Law of Maintenance (Hindu and Muslim law)**

2.1. Claim of spouses

2.2. Claim of parents and children

2.3. Alimony (pendente lite and permanent)

## **Unit 3: Women's Property:**

3.1 Stridhan – concepts and characteristics; Sources,

3.2 principle of succession,

3.3 Comparative analysis of right to property of women under different Religious and Statutory Law

## **Unit 4: Testamentary Succession :**

4.1 Power of testamentary succession under various religious and statutory Law under Hindu, Islamic, Christian and Parsi Law;

4.2 Competence of the testator, limitation to testamentation,

4.3 Abetment of legacy; Will and Administration of will – Probate, Codicil, execution of privileged and unprivileged Will,

4.4 attestation, alteration and revival of Will

## **Unit 5: Right of Pre-emption :**

5.1 Pre-emption, meaning, nature, constitutionality, classification;

5.2 who can claim the right, formalities and legal effect;

5.3 legal devices of evading right of pre-emption,; when is the right lost

## **Unit 6: Gift under Islamic Law :**

6.1 Hiba – nature and characteristics Kinds of Hiba,

6.2 conditional and Future Gift, Types of Hiba; death-bed gift,

6.3 Revocation of gift

## **Unit 7: Wakf :**

7.1 Meaning, character, formalities for creation,

7.2 Administration, Power of Mutawali; Muslim Religious Institutions and Offices

## **Unit 8: Hindu Religious Endowment :**

8.1 Traditional religious principles of creation, administration and offices;

8.2 Statutory methods of creation of Trust;

8.3 Powers and functions of the Trustees

**Books**

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 & II, EBS
7. Tahir Mahmmod, Family Law Reform in Muslim World, Tripathy
8. Tahir Mahmmod, Islamic Law in Modern India, Tripathy
9. Derrett Hindu Law Past and Present, Universal
10. Derrett, Introduction to Modern Hindu Law Universal
11. Ghosh, The Law of Endowment, 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 & II, Law Publisher
15. Diwan, Law of Intestate and Testamentary Succession, Wadhwa
16. Mukherjee, Hindu Law of Religious & Charitable Trust, Eastern
17. Desai Kumud, Law of Marriage and Divorce
18. Mayne's Hindu Law and Usage
19. Diwan Paras, Family Law
20. Dr. T.V. Subbarao Family Law in India
21. Mulla, Principles of Mahommedan Law

## Paper No. IV                      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 device. There are a lot of scope of innovation and new interpretation.

### **Evaluation methods:**

- a) Theory Examination of 80 marks (Minimum marks for Passing- 27)
- b) Internal assessment of 20 marks shall consist of
  - i) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - ii) Viva Voce -10 marks (Minimum marks for Passing- 4)

## **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
- 1.4 Causative factors 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
  - Old laws and new interpretations

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

- 3.1 Constitution making – development and property oriented approach
- 3.2 Directive principles
  - 3.2.1 Status, role and interrelationship with fundamental rights and fundamental duties
- 3.3 Fundamental Duty
  - 3.3.1 Contents
  - 3.3.2 Judicial approach
- 3.4 Fundamental rights
  - 3.4.1 Right to clean and healthy environment
  - 3.4.2 Right to education
  - 3.4.3 Right to information
  - 3.4.4 Environments v. Development
- 3.5 Enforcing agencies and remedies
  - 3.5.1 Courts
  - 3.5.2 Tribunal
  - 3.5.3 Constitutional, statutory and judicial remedies
- 3.6 Emerging principles

3.6.1 Polluter pays : public liability insurance

3.6.2 Precautionary principle

3.6.3 Public trust doctrine

3.6.4 Sustainable development

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

4.1 Meaning and standards

4.2 Culprits and victims

4.3 Offences and penalties

4.4 Judicial approach

#### **Unit 5- Noise Pollution**

5.1 Legal control

5.2 Courts of balancing : permissible and impermissible noise

#### **Unit 6- Environment Protection**

6.1 Protection agencies : power and functions

6.2 Protection: means and sanctions

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 Environment impact assessment

6.3.6 Coastal zone management

6.3.7 Environment audit and eco mark

6.4 Judiciary : complex problems in administration of environmental justice

#### **Unit 7- Forest and greenery**

7.1 Greenery conservation laws

7.1.1 Forest conservation

7.1.2 Conservation agencies

7.1.3 Prior approval and non-forest purpose

7.1.4 Symbiotic relationship and tribal people

7.1.5 Denudation of forest : judicial approach

7.2 Wild life Protection

7.2.1 Sanctuaries and national parks.

7.2.2 Licensing of zoos and parks.

7.2.3 State monopoly in the sale of wild life and wild life articles

7.2.4 Offences against wild life

#### **Unit 8 - 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

8.6 Wetlands

## **Unit 9- 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. Shyam Divan : Armin Rosencranz Environmental Laws and Policy in India - Cases, Materials and Statutes
3. Baxi Upendra, 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) Aarmin Rosencranz, 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

## **Paper No. V - PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM**

**Object:** Advocates have the dual responsibility of upholding the interests of the 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.

The course will be taught in association with practicing lawyers on the basis of the following materials.

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy"
- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 10 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject
- (v) Other reading materials prescribed by the University

### **Evaluation methods:**

**The examination consists of three parts**

**A Written examination :** Theory examination of 60 marks at the end of the semester (minimum marks for passing 21)

**B Journal Work :** Preparation of journal relating to case studies, periodical problems, hypothetical problems relating to law. Marks allotted to this parties 20 (Minimum pass marks 7)

**C. Viva Voce :** The Viva Voce examination will be conducted by the University by appointing panel of examiners for seeing the performance, written work of students.

**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, LawGraduate.
- 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 Ishwar Prasad, 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 Ushapati Banerji, 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. Kailash Rai-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. Jayashree Kotibhaskar-Book Keeping and Accountancy.
9. Krishnamurti Iyer-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. Jha Shriram 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.

Nature of Question Paper for 80 marks  
For Three years Law Course Theory Papers Semester I to  
Semester VI

**Total – 80 Marks**

Q. 1	Answer any 2 questions out of 4 questions (Essay type long questions)	2 x 15= 30 marks
	1)	
	2)	
	3)	
	4)	
Q.2	Answer any 3 questions out of 6 questions (Medium type questions)	3 x 12= 36 marks
	1)	
	2)	
	3)	
	4)	
	5)	
	6)	
Q.3	Answer any 2 questions out of 4 questions (Short Notes)	2 x 7 = 14 marks
	1)	
	2)	
	3)	
	4)	

## Nature of Question Paper for 60 marks For Practical Training Theory Papers

**Total – 60 Marks**

All questions are compulsory

Q. 1	Answer any 2 questions out of 4 questions (Essay type long questions)	2 x 12= 24 marks
	1)	
	2)	
	3)	
	4)	
Q.2	Answer any 3 questions out of 6 questions (Medium type questions)	3 x 8= 24 marks
	1)	
	2)	
	3)	
	4)	
	5)	
	6)	
Q.3	Answer any 2 questions out of 4 questions (Short Notes)	2 x 6 = 12 marks
	1)	
	2)	
	3)	
	4)	