

CH. CHARAN SINGH UNIVERSITY

LL.B. 3 YEAR (SIX SEMESTER) COURSE

AMENDED SYLLABUS

(w.e.f. : 2017 – 18 Session)

SCHEME OF EXAMINATION

The Syllabus of LL.B. 3 Year (Six Semester) Course shall be applicable in **all Affiliated Colleges and Legal Study Center (Self- Financed)** of Ch. Charan Singh University, Meerut.

SEMESTER – I: (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Jurisprudence – I (Legal Theory)	K-1001	100
II	Constitutional Law of India – I (Nature of the Constitution And Fundamental Rights)	K-1002	100
III	Law of Torts	K-1003	100
IV	Law of Crimes – I (Indian Penal Code)	K-1004	100
V	Contract – I (General Principles of Contract)	K-1005	100

SEMESTER – II: (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Jurisprudence – II (Legal Concepts)	K-2001	100
II	Constitutional Law of India – II (Structure And Working of the Indian Constitution)	K-2002	100
III	Family Law – I (Hindu Law)	K-2003	100
IV	Contract – II (Specific Contract And Law of Partnership)	K-2004	100
V	<u>Optional Papers</u>		
	Student has to opt any one optional Paper (subject to availability of expert Faculty in the Department) among the following :		
	Indian Legal And Constitutional History OR Law of Taxation	K-2005 K-2006	100 100

SEMESTER – III: (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Family Law – II (Muslim Law)	K-3001	100
II	Public International Law	K-3002	100
III	Administrative Law	K-3003	100
IV	Law of Property And Easement	K-3004	100
V	Professional Ethics, Accountability of Lawyers and Bar Bench Relation (Practical Training)	K-3005	100

Note : Paper Code – K-3005 entitled, “Professional Ethics, Accountability of Lawyers And Bar Bench Relation (Practical Training)” course will be taught in association with the practicing Lawyers / retired Judges / retired Law Teachers. This paper will carry **Maximum 100 Marks**. The written examination on this paper (Theory Paper) will be in **descriptive form** and of **three (03) hours duration** and will carry **50 Marks**. The written examination (Theory Paper) shall be held by way of paper with the other theory papers. **The Practical / Viva-voce Examination will carry 50 Marks**. The students shall be given **Assignment** by the subject teacher. Students will record answer to all the Assignment by preparing a **Project File**. **The Project File will carry 30 Marks**. **The Project File will be evaluated by the Board of Examiners at the time of Practical / Viva-voce examination**. The **Viva-voce** will carry **20 Marks**.

SEMESTER – IV : (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Company Law	K-4001	100
II	Labour And Industrial Law	K-4002	100
III	Environmental Law	K-4003	100
IV	<u>Optional Papers</u>		
	Student has to opt any one optional Paper (subject to availability of expert Faculty in the Department) among the following :		
	Criminology And Penology OR	K-4004	100
	Law of Trust, Equity And Fiduciary Relation OR	K-4005	100
	Banking Law Including Negotiable Instrument Act	K-4006	100
V	Arbitration, Conciliation And Alternate Dispute Resolution (Practical Training)	K-4007	100

Note : Paper Code – K-4007 entitled, “Arbitration, Conciliation And Alternate Dispute Resolution (Practical Training)” will be taught partly through class room lectures including simulating exercise and partly through extension programme like Lok-Adalat, etc. This paper will carry **Maximum 100 Marks**. The written examination on this paper (**Theory Paper**) will be in **descriptive form** and of **three (03) hours duration** and will carry **50 Marks**. The written examination (Theory Paper) shall be held by way of paper with the other theory papers. **The Practical / Viva-voce Examination will carry 50 Marks**. The Course will be taught in association with **practicing lawyers / retired Judges / retired Law Teachers**. The Class room instructions shall include lessons on the concepts and practice of Arbitration, Conciliation and Alternate Dispute Resolution. Students shall be required to maintain the **Diary of the Sessional Work** for this paper in which they shall **record the written exercises assigned to them** by the subject teacher during the session and their observations about the field work / training work of Lok Adalat etc. organized by the Law Department of the College / University and attended by them. **This Paper will carry Maximum 100 Marks**. The **Sessional Diary** will carry **20 Marks**

and will be **evaluated by the Board of Examiners at the time of Semester Practical / Viva-voce examination. Twenty (20) Marks** are assigned for the **legal field work** assigned by his / her subject teacher / supervisor carried on by student during the Session. **Such field work will be evaluated by Board of Examiners (Internal & External Examiners).** The marks earned by the students for the legal field work during the Session will be conveyed to the Ch. Charan Singh University, Meerut by Board of Examiners to be held at the time of Practical / Viva-voce examination. The **Viva-voce will carry 10 Marks.**

Guidelines : It is advisable that the Law Department of the College / University should organize field work in such a manner that all the students get an opportunity to participate in field work so that each candidate may be able to attend at least two such field assignments.

SEMESTER – V : (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Civil Procedure Code And Limitation Act	K-5001	100
II	Law of Crimes – II (Code of Criminal Procedure)	K-5002	100
III	Law of Evidence	K-5003	100
IV	Land Laws Including Ceiling And Other Local Laws	K-5004	100
V	Drafting of Pleading And Conveyancing (Practical Training)	K-5005	100

Note : Paper Code – K-5005 entitled, “Drafting of Pleading And Conveyancing” will carry **Maximum 100 Marks** which will be divided into **Theory Paper** and **Practical / Viva-voce examination carrying 50 Marks each**. The Theory paper will be conducted at the time of other Theory papers. This course will be taught through class instructions and simulation exercises, preferably with the assistance of practicing Lawyers / retired Judges. Apart from teaching the relevant provisions of law, the course will include **10 written exercises in Drafting of pleading carrying 20 Marks (2 Marks for each exercise)** and **10 written exercises in Conveyancing carrying 20 Marks (2 Marks for each exercise)**. Each student will maintain a **Sessional Exercise Book** for the purpose and write down all the exercise in Pleading and Conveyancing during regular classes. **It will be assessed by the Board of Practical / Viva-voce Examiners. The Viva-voce will be of 10 Marks.**

SEMESTER – VI : (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Interpretation of Statutes	K-6001	100
II	Legal Language and Legal Writing Including Proficiency In General English	K-6002	100
III	Law of Human Rights	K-6003	100
IV	<u>Optional Papers</u> Student has to opt any one optional Paper (subject to availability of expert Faculty in the Department) among the following :		
	Intellectual Property Law OR	K-6004	100
	Information Technology And Cyber Law OR	K-6005	100
	Law Relating To Women And Child OR	K-6006	100
	Law Relating To Right To Information	K-6007	100
V	Moot Court, Pre-Trial Preparation And Participation In Trial Proceedings’ (Practical Training)	K-6008	100

Note : Paper Code – K-6008 entitled, “Moot Court, Pre-Trial Preparation And Participation In Trial Proceedings (Practical Training)” shall comprise of the following :

(A). Moot Court : The **Maximum Marks to this Paper will be 100.** Each student will do **at least Two Moot Courts** in a Semester with **10 Marks each.** The Moot Court work will be on assigned problem and will be evaluated for **5 Marks** for written submissions (to be recorded in Sessional Diary) and **5 Marks** for Oral Advocacy.

Guidelines : For the purpose of Moot Court, **groups will be formed of 8/10 students** and cases involving several issues shall be assigned in Court practice *i.e.* Operation of Courts and legal professionals on panel of the College / University may be sought, especially in the matter of getting copies of paper books of cases which have been decided by various Courts.

The Course shall emphasize points of Court craft and decorum. The **male students shall wear white pant – shirt** and a **Black Tie** and **female students shall wear white dress with black scarf** while addressing a Moot Court and during their visits to the Court / Advocates chambers and other practical training programmes.

Practice Moots shall be held as a routine in the class itself and the three compulsory test Moots for examination shall be held after such practice Moots near the end of semester term. Attendance at such practice Moot Courts shall be counted. Each student shall be required to maintain a regular record of his / her preparation for all the Moot Courts attended by him / her in the Sessional Diary. **The Sessional Diary will carry 15 Marks (5 Marks for each Test Moot).**

(B). Court Assignments : Observation of Trial in **Four Cases** *i.e.* **Two Cases in Civil and Two in Criminal.** Each student will attend **Four Trial Courts during the Semester term.** He / She will maintain record of his / her visits in his / her Diary of Sessional Work and enter the various steps observed during his / her attendance on different days in the Court assignment. This Scheme will carry **25 Marks.**

(c). Interviewing Techniques And Pre-Trial Preparation :

(i). Each student will observe for Interviewing Sessions of Clients at the Lawyer’s Office / Legal Aid Office and record the proceedings in the Diary of Sessional Work, which will carry **10 Marks.**

(ii). Each student will further observe the preparation of documents and Court Papers by the Advocate and procedure for filing the Suit / Petition. This will be recorded in **Sessional Diary** which will carry **10 Marks.**

Guidelines : To make the training meaningful, students visits have to be organized for a continuous period, sufficiently long to observe and understand the process taking place in their proper context. Efforts should be directed to acquaint the students in the different branches of legal practice including **Civil, Criminal, Revenue, and Labour Court Practice.** Besides the legal Professionals on the College / University Panel, the students should regularly be supervised and helped by the subject teacher / tutor. It is desirable that besides Advocates Chambers the students are taken for academic Family Court / Revenue Court / Income Tax & Sales Tax Offices and other venues where judicial administrative proceedings are held. The **Indian Law Institute, Parliament, Supreme Court, and High Courts, Tribunals etc.,** may be visited to make the training academically multifarious. This programme can be intellectually and professionally challenging if properly organized and integrated with Curriculum.

(D). Viva-voce : The **Fourth Component** of this Paper will be **Viva-voce examination** by the **Board of Examiners on the above three aspects.** This will carry **10 Marks.**

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COURSE SYLLABUS
(w.e.f. : 2017 – 18 Session)
SEMESTER – I

PAPER – 6
JURISPRUDENCE - I
(Legal Theory)
(Paper Code : K-1001)

The course shall comprise of the following :

- (1) **Introduction** : Definition, Nature and Scope of Jurisprudence, Importance of the Study of Jurisprudence
- (2) **Natural Law School** : Classical Natural Law, Revival of Natural Law : Rudolf Stammler and Kohler.
- (3) **Analytical School** : John Austin, Hans Kelsen, And H.L.A. Hart.
- (3) **Historical School** : Frederick Karl Von Savigny, Sir Henry Sumner Maine.
- (5) **Sociological School** : Background and Characteristics, Roscoe Pound, Leon Dugit.
- (6) American Modern Realism.
- (7) **Economic Approach of Law** : Marxist Economic Approach on Law.

BOOKS RECOMMENDED

Bodenheilmer : *Jurisprudence*.
Dias, *Jurisprudence*.
Friedman, *Law in Changing Society*.
Llyoyd, *Introduction of Jurisprudence*.
Mahajan V.D., *Jurisprudence*.
Paton : *Jurisprudence*.
Salmond : *Jurisprudence*.

PAPER – 7
CONSTITUTIONAL LAW OF INDIA - I
(Nature of The Constitution And Fundamental Rights)
(Paper Code : K-1002)

The course shall comprise of the following :

- (1). Nature of the Indian Constitution. Special emphasis shall be placed on
 - (a) Federal Structure and
 - (b) Form of the Government.
- (2). Preamble of the Constitution
- (3). Fundamental Rights –
 - (a) General :** Scheme of Fundamental Rights, Who can claim Fundamental Rights : Against whom Fundamental Rights are available ? Suspension of Fundamental Rights.
 - (b) Specific Fundamental Rights-**
 - Right to Equality (Articles 14 to 18)
 - Right to Freedom of Speech and Expression (Article 19(1)(a))
 - Protection in respect of Conviction for offences (Article 20)
 - Right to Life and Personal Liberty (Article 21)
 - Right to Education (Article 21A)
 - Right against Exploitation (Articles 23 to 24)
 - Right to Freedom of Religion (Articles 25 to 28)
 - Cultural and Educational Rights of Minorities (Articles 29 to 30)
 - Right to Constitutional Remedies (Article 32)
- (5) Directive Principles of State Policy, their importance and relationship with Fundamental Rights.
- (6) Fundamental Duties

BOOKS RECOMMENDED

Chander Pal, *Centre State Relations and Indian Cooperative Federalism*.
Chander Pal, *State Autonomy in Indian Federation: Emerging Trends*.
Hidayatullah M., *Constitutional Law of India*.
Jain M.P., *Constitutional Law*.
Pandey J.N., *Constitutional Law of India*.
Seervai H.M., *Constitutional Law of India*.
Shukla V.N., *Constitutional Law of India*.
Tope T.R., *Constitutional Law of India*.

PAPER – 8
LAW OF TORTS AND CONSUMER PROTECTION LAWS
(Paper Code : K-1003)

The course shall comprise of the following :

1. Torts and Tortious Liability Introduction

- Definition, Nature and Characteristics of Torts
- Constituents of Tort
- Fault – Damnum sine injuria, Injuria sine damnum
- Mental element – Malice, Negligence, Motive
- Who ,may sue, who may not be sued ?
- Strict and Absolute Liability

2. Justification in Tort

- Volenti non fit injuria
- Necessity
- Inevitable accident and Act of God
- Statutory authority

3. Liability for Torts Committed by Others

- Vicarious Liability
- Liability of the State – Doctrine of sovereign Immunity
- Joint Tort- feasers

4. Specific Torts

- Negligence
- Nuisance
- Trespass
- Defamation

5. Consumer Protection Act

- Consumer definition and concept
- Contract of service and contract for service
- Enforcement of Consumer rights.

BOOKS RECOMMENDED

Aggarwal V.K., *Law on Consumer Protection* (students edition).
Bangia R.K., *The Law of Torts*.
Kapoor S.K., *Law of Torts*.
Lal Rattan & Lal Dhiraj, *The Law of Torts*.
Paranjape N.V., *Law of Torts*.
Salmond W.G., *Law of Torts*.
Winfield and Jolowicz, *Torts*.

PAPER – 9
LAW OF CRIMES - I
(Indian Penal Code)
(Paper Code : K-1004)

The course shall comprise of the following :

- **General Principles of Crime :** Concept of crime; Elements of crime ; stages of crime; Concept of Strict Liability, Constructive Liability, Common Intention and Common Object.
- **Inchoate Crime/ Preliminary offences:** Abetment, conspiracy and attempt
- **General Exception:** Mistake, accident , necessity, Young age, unsoundness of mind, drunkenness, Right of Private Defence.
- **Specific Offences :**
 1. **Offences Affecting Human Body :** Culpable Homicide, Murder, Homicide by Rash and Negligent Act, Hurt and Grievous Hurt; Kidnapping and Abduction, Wrongful Restraint and Wrongful Confinement, Assault, Criminal Force.
 2. **Offences Against Property :** Theft Extortion; Robbery; Dacoity; Cheating;
 3. **Offences Against State and Public Tranquility :** Sedition; Unlawful Assembly; Rioting and Affray.
 4. **Offences Against Marriage :** Bigamy and Adultery

BOOKS RECOMMENDED

Gaur Hari Singh (Dr.), *Penal Law of India*.
Gaur K.D., *Criminal Law cases and materials*.
Lal Rattan Lal Dhiraj, *Indian Penal Code*.
Misra S.N., *Indian Penal Code*.
Nigam R.C., *Principles of Criminal Law*.

**PAPER –
CONTRACT - I
(General Principles of Contract)
(Paper Code : K-1005)**

The course shall comprise of the following :

- (1) Purpose, Evolution and Scope of Law of Contracts
- (2) Proposal and Promise Including Communication of Proposal, Acceptance and Communication of the Revocation of Proposal and Acceptance.
- (3) Consideration and Doctrine of Privity of Contract.
- (4) Lawful Object and Consideration.
- (5) Capacity to Contract : Minors, Persons of Unsound Mind and Others Disqualified by Law ; Nature and Effects of Minor's Agreements; Doctrine of Restitution.
- (6) Consent and Free Consent.
- (7) Standard Form of Contracts
- (8) Agreements Declared Void and Voidable Under the Contract Act.
- (9) Contingent Contracts
- (10) Law Relating to Certain Relations Resembling those Created by Contracts, viz., Quasi-Contracts.
- (11) Discharge of contracts with special reference to the doctrine of frustration.
- (12) Remedies in the form of compensation

BOOKS RECOMMENDED

Anson's *Law of Contract*.

Bangia R.K. (Dr.), *Indian Contract Act*

Desai S.T., *The Indian Contract Act*

Kapoor S.K., *Contract*

Mitra A.C., (Dr.), *Principles and Digest of Indian Contract Act*.

Pollock and Mulla, *Indian Contract and Specific Relief Act*

Singh Avtar (Dr.), *Law of Contract*

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SEMESTER – II

**PAPER –
JURISPRUDENCE - II
(Legal Concepts)
(Paper Code : K-2001)**

The course shall comprise the following :

1. **Legal Person** : Nature and Concept, Theories of Legal Personality.
2. **Legal Rights And Duties** : Definition, Basis and Characteristics and Kinds of Legal Rights, Relationship between Rights and Duties, Wider sense of right.
3. **Possession**: Theories of Possession, Possession in Fact and Possession in Law, Kinds of Possession.
4. **Ownership** : Definition, Kinds of Ownership, Relationship between Ownership and Possession.
5. **Liability** : Remedial and Penal Liability, Strict and Vicarious Liability, Mens rea and Negligence.
6. **Law and Justice** : Administration of Justice, Theories of Punishment.
7. **Concept of State and Sovereignty**.
8. **Law and Morality** : Relation between Law and Morals, Legal Enforcement of Morality.
9. **Sources of Law** : Custom, Precedent, and Legislation.

BOOKS RECOMMENDED

Bodenheilmer : *Jurisprudence*.
Dias, *Jurisprudence*.
Friedman, *Law in Changing Society*.
Llyoyd, *Introduction of Jurisprudence*.
Mahajan V.D., *Jurisprudence*.
Paton : *Jurisprudence*.
Salmond : *Jurisprudence*.
Tripathi B.N.M., *Jurisprudence*.

PAPER – 13
CONSTITUTIONAL LAW OF INDIA - II
(Structure And Working of The Indian Constitution)
(Paper Code : K-2002)

The course shall comprise of the following

- (1) Union Parliament : Organization, Procedure regarding Enactment of Legislation, Parliamentary Privileges.
- (2) Union Executive : The President, his Powers and Position including Ordinance Making Power.
- (3) Prime Minister and the Cabinet. Is the Prime Minister Real Head?
- (4) Distribution of Legislative Powers between Union and the States. Territorial and Topical Distribution of Powers. Power of Parliament to Legislate on State Matters. Doctrine of Territorial Nexus. Doctrine of Pith and Substance, Doctrine of Colourable Legislation.
- (5) Emergency Provisions with Special References to Proclamation of Emergency and President's Rule.
- (6) Union Judiciary : Supreme Court of India. Composition and Jurisdiction
- (7) Amendment of the Constitution. Power and Procedure; Basic Structure of the Constitution.

BOOKS RECOMMENDED

Chander Pal, *Centre State Relations and Indian Cooperative Federalism*.
Chander Pal, *State Autonomy in Indian Federation: Emerging Trends*.
Hidayatullah M., *Constitutional Law of India*.
Jain M.P., *Constitutional Law*.
Pandey J.N., *Constitutional Law of India*.
Seervai H.M., *Constitutional Law of India*.
Shukla V.N., *Constitutional Law of India*.
Tope T.R., *Constitutional Law of India*.

PAPER – 14
FAMILY LAW - I
(Hindu Law)
(Paper Code : K-2003)

The course shall comprise of the following :

- (1) Sources of Hindu Law
- (2) Schools and Sub-Schools of Hindu Law
- (3) Marriage : Essentials of a Valid Marriage, Void and Voidable Marriage
- (4) Matrimonial Relief : Concept and Grounds of Various Matrimonial Reliefs viz.
 - Restitution of Conjugal Rights
 - Judicial Separation
 - Nullity of Marriage
 - Divorce
- (5) Legitimacy - Legal Status of Children Born of Void and Voidable Marriage.
- (6) Adoption
- (7) Hindu Minority and Guardianship Act, 1956
- (8) Law of Maintenance – Hindu Adoption and Maintenance Act, 1956.
- (9) Law of Succession under The Hindu Succession Act, 1956 – Devolution of interest of coparcenary property (Section 6), General rules of succession in the case of male Hindus (Section 8), General rules of succession in the case of female Hindus (Section 15), Testamentary succession (Section 30).

BOOKS RECOMMENDED

Mulla, *Principles of Hindu Law*
Diwan Paras (Dr.), *Modern Hindu Law*
Mayne's, *Hindu Law and Usage*
Kesari U.P.D. (Dr.), *Modern Hindu Law*
Sharma B. K.- *Modern Hindu Law*

PAPER – 15
CONTRACT - II
(Specific Contract And Law of Partnership)
(Paper Code : K-2004)

The course shall comprise of the following :

1. Contract of Indemnity, Contract of Guarantee, Bailment and Pledge.
2. Contract of Agency.
3. Definition of Sale, Essentials of Contract of Sale and Agreement to Sale, Duties of Sellers and Buyers, Sale by Sample, Sale by Description, Conditions and Warranties, Rule of Caveat Emptor.
4. Transfer of Title, Passing of Property in Goods, Delivery of Goods – Rules regarding Delivery of Goods, Unpaid Seller and his Rights, Remedies for the Breach of Contract.
5. Network of Partnership, Difference between Partnership and a Company, Mutual relationship between Partners, Authority of Partners, Dissolution of Partnership, Minor as Partner, Effect of non-registration of Firm.

BOOKS RECOMMENDED

Anson, *Law of Contract*.
Bangia R.K. (Dr.), *Indian Contract Act*.
Desai S.T., *The Indian Contract Act*.
Kapoor S.K., *Contract*.
Moitra A.C., (Dr.), *Principles and Digest of Indian Contract Act*.
Narayana P.S., *The Law of Partnership*.
Pollock and Mulla, *Indian Contract and Specific Relief Act*.
Singh Avtar (Dr.), *Introduction to Law of Partnership*.
Singh Avtar (Dr.), *Law of Contract*.

PAPER – V
INDIAN LEGAL AND CONSTITUTIONAL HISTORY
(Optional Paper)
(Paper Code : K-2005)

This course is intended to introduce students to the Legal and Constitutional History of India (1600-1950). Emphasis will be laid on the following :

I. Legal History :

The Early Charters and the Administration of Justice by the East India Company, the Mayor's Courts; Judicial Reforms of Warren Hastings and the Advent of Adalat System; the Regulating Act, Pitts India Act, and the Act of Settlement; Judicial Reforms of Cornwallis and Lord William Bentick; the High Courts; Privy Council; the Supreme Court of India; the Law Commissions and Codification, Development of Criminal Law, Law of Contract and Law of Evidence in India; Personal Laws of Hindu and Mohammedans.

II. Constitutional History :

Position of Native States and the development of the Doctrine of Paramountcy, Development of Legislative Institutions, Indian Council Act 1861, Government of India Act 1909, Government of India Act 1919, Government of India Act 1935, Independence Act, 1947, The story of Framing of Indian Constitution.

BOOKS RECOMMENDED

Jain, M.P., *Outlines of Indian Legal History*
Kulshreshtha, V.D., *Landmarks in Indian Legal and Constitutional History*
Pranjpe, N.V., *Legal and Constitutional History of India*
Puri, S.K., *Legal and Constitutional History of India*
Ramajois, M., *Legal and Constitutional History of India, Volume-I,II*
Shilwant, S.S., *Turning Points in Indian Legal and Constitutional History*
Singh, M.P., *Outlines of Indian Legal and Constitutional History*

PAPER – V
LAW OF TAXATION
(Optional Paper)
(Paper Code : K-2006)

The course shall comprise of the following :

- (1) **Introduction** : History and Objects of Taxation, Direct and Indirect Taxes, Concept of Tax and Fee.
- (2) **Definitions** : Assessee, Assessment Year, Previous Year, Business, Agricultural Income, Income, Person.
- (3) Residence (Sections 6, 7 and 9)
- (4) Salaries (Sections 15 to 17)
- (5) Income from House Property (Sections 22 to 27)
- (6) Profits and Gains of Business or Profession (Section 28)
- (7) Depreciation Allowance (Section 32)
- (8) Business Expenditure and Loss (Section 37)
- (9) Capital Gains (Sections 45, 46 and 54)
- (10) Income from other Sources (Sections 56 to 58).

BOOKS RECOMMENDED

Rai Kailash (Dr.), *Taxation Law*.
Singhania V.K. (Dr.), *Students Guide to Income Tax*.
Kanga & Palkiwala, *Law of Income Tax*.
Taxman, *Three Direct Taxes*.

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SEMESTER – III

**PAPER –
FAMILY LAW - II
(Muslim Law)
(Paper Code : K-3001)**

The course shall comprise of the following :

1. Introduction to Muslim Law
2. Sources of Muslim Law
3. Schools of Muslim Law
4. Applicability of Muslim Law
5. Marriage
6. Mahr (Dower)
7. Talaq and its kinds, Dissolution of Marriage (Divorce) under Muslim Women Protection of Rights on Divorce Act, Maintenance of Wives (125 Cr.P.C, Shah Bano Case etc.)
8. Wills
9. Gifts
10. Wakf
11. Pre-emption
12. Acknowledgement and Guardianship.

BOOKS RECOMMENDED

Ahmad Aqeel, *Mohammdan Law*.
Ali Ameer, *Principles of Mohammadan Law*.
Fyzee, *Outlines of Mohammedan Law*.
Mahmood Tahir, *Muslim Law of India*.
Mulla, *Principles of Mohammadan Law*.
Rashid Khalid, *Muslim Law*.
Wilson, *Muslim Law*.

Cental Acts : *Dissolution of Muslim Marriage Act, 1939*.
: *Family Courts Act, 1984*.
: *Muslim Personal Law(Shariat) Application Act, 1937*.
: *Muslim Women (Protection of Rights on Divorce) Act, 1986*.

PAPER – 20
PUBLIC INTERNATIONAL LAW
(Paper Code : K-3002)

The course shall comprise of the following :

(1) Theoretical Foundation of International Law:

- (a) Definition,
- (b) Nature and Scope

(2) Sources of International Law:

- (a) Custom,
- (b) International Conventions,
- (c) General Principles of Law,
- (d) Judicial Decisions and Juristic Works

(3) Relation between International Law and Municipal Law:

- (a) Theories of Relationship,
- (b) Indian and British Practices

(4) State : State Sovereignty, State Territories and Jurisdiction, Recognition, Succession, Intervention, Nationality, Diplomatic Agents, Extradition and Asylum.

(5) Laws of War : War Crimes and Crime against Peace, Settlement of International Disputes – Pacific and Coercive, Hijacking Narcotics, Treatment of Aliens, Enemy Character, Contraband, Blockade, State Jurisdiction on Terrorism.

(6) Law of the Sea: Maritime Belt, Contiguous Zone, EEZ, Continental Shelf Jurisdiction.

BOOKS RECOMMENDED

Aggarwal, H.O., *Public International Law and Human Rights*.
Greig, D.W., *International Law*.
Harris, D.J., *Cases and Material on International Law*.
Kappor, S.K., *International Law*.
Starke, J.G., *An Introduction to International Law*.

PAPER – 21
ADMINISTRATIVE LAW
(Paper Code : K-3003)

The course shall comprise of the following :

- (1) Evolution of Administrative Law, Definition and its Scope.
- (2) Rule of Law.
- (3) Separation of Powers
- (4) Delegated Legislation :**
 - (a) Necessity of Delegated Legislation
 - (b) Constitutionality of Delegated Legislation
 - (c) Control Over Delegated Legislation
 1. Judicial Control,
 2. Parliamentary Control,
 3. Procedural Control.
- (5) Principles of Natural Justice :**
 - (a) Nemo judex in sua causa (Rule Against Bias),
 - (b) Audi alteram partem,
 - (c) Reasoned decision,
 - (d) Doctrine of Legitimate Expectation.
- (6) Writs with Special Reference to :**
 - (a) Writ of Habeas Corpus
 - (b) Writ of Prohibition
 - (a) Writ of Certiorari
 - (b) Writ of Mandamus
 - (c) Writ of Quo-Warranto
- (7) Public Interest Litigation.
- (8) Ombudsman (Lokpal) in India & Lokayukta in State of U.P.,
- (9) Administrative Tribunals - With Special Reference to Central Administrative Tribunals.**

BOOKS RECOMMENDED

Basu D.D., *Comparative Administrative Law*.
Jain M.P. & Jain S.N., *Principles of Administrative Law*.
Joshi K.C., *Administrative Law*.
Massey I.P., *Administrative Law*.
S.P.Sathe, *Administrative Law*.
Takwani C.K., *Lectures on Administrative Law*.
Thakkar C.K., *Administrative Law*.
Wade H.P.W., *Principles of Administrative Law*.

PAPER – 22
LAW OF PROPERTY AND EASEMENT
(Paper Code : K-3004)

The course shall comprise of the following :

1. Preliminary (Sections 1 - 4)
2. Transfer of Property whether movable or immovable (Sections 5 – 37), Transfer of Immovable Property [Sec 38 – 53(A)]
3. Sales of Immovable Property (Sec 54 - 57)
4. Mortgages of Immovable Property and charges (Sections 58 – 104)
5. Leases of Immovable Property (Sections 105 – 117)
6. Exchanges (Sections 118 - 121)
7. Gifts (Sections 122 - 129)
8. Transfer of Actionable Claims (Sections 130-137)
9. The Indian Easement Act

BOOKS RECOMMENDED

Diwan Paras, *Transfer of Property*.
Lahri S.M., *Transfer of Property*.
Mulla D.F., *Transfer of Property Act* .
Shah S.M., *Lecturers of Transfer of Property*.
Shukla S.N., *Transfer of Property*.
Shukla V.N., *Transfer of Property*.
Sinha S.N., *Transfer of Property*.
Tripathi G.P., *Transfer of Property*.

PAPER –
PROFESSIONAL ETHICS, ACCOUNTANCY OF LAWYERS AND BAR BENCH RELATION
(Practical Training)
(Paper Code : K-3005)

This course will be taught in association with the practicing Lawyers / retired Judges / retired Law Teachers. This paper will carry **Maximum 100 Marks**. The written examination on this paper (Theory Paper) will be in **descriptive form** and of **three (03) hours duration** and will carry **50 Marks**. The written examination (Theory Paper) shall be held by way of paper with the other theory papers. **The Practical / Viva-voce Examination will carry 50 Marks**. The students will be given **Assignment** by the subject teacher. Students will record answer to all the Assignment by preparing a **Project File**. **The Project File will carry 30 Marks**. **The Project File will be evaluated by the consensus of Board of Examiners (Internal & External Examiners) at the time of Practical / Viva-voce examination**. The **Viva-voce** will carry **20 Marks**.

The course shall comprise of the following :

- (1) Historical Perspective and Regulation of Legal Profession.
- (2) Admission, Enrolment and Rights of Advocate, Bar Councils.
- (3) Nature and Characteristics of :
 - (a) Ethics of Legal Profession,
 - (b) Legal Profession
- (4) Contempt of Court :
 - (a) Civil Contempt
 - (b) Criminal Contempt
 - (c) Punishment for Contempt
 - (d) Defences Against Contempt.
 - (e) Constitutional Validity of Contempt Law.
 - (f) Contempt by Lawyers, Judges, State, and Corporate Bodies
- (4) Strike by the Lawyers
- (5) Extent of Professionalization of Legal Profession
 - (a) Code of Ethics for Lawyers
 - (b) Professional Misconduct and its Control
 - (c) Bar-Bench Relations
 - (d) Accountability of Lawyers towards Court, Clients and Society
 - (e) Role of Law and Legal Profession in Social Transformation

BOOKS RECOMMENDED

Gupta S.P., *Professional Ethics, Accountancy for Lawyers & Bench Bar Relations*.
Rai Kailash, *Professional Ethics, Accountancy for Lawyers & Bench Bar Relations*.
Sirohi (Dr.), *Professional Ethics, Accountancy for Lawyers & Bench Bar Relations*.

CH. CHARAN SINGH UNIVERSITY
LL.B. 3 YEAR (SIX SEMESTER)
COURSE SYLLABUS
(w.e.f. : 2017 – 18 Session)
SEMESTER – IV

**PAPER –
COMPANY LAW
(Paper Code : K-4001)**

The Course shall comprise of the following:

1. Formation of Companies :

- (1) History of Company Legislation in India.
- (2) Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over other forms of Business Organizations.
- (3) Kinds of Companies.
- (4) Corporate Personality and Lifting the Corporate Veil.
- (5) Promotion of Companies – Promoters and Pre- Incorporation Contracts.
- (6) Memorandum of Association and Articles of Association :
 - (a) Meaning, Nature and Contents and Relationship Between the two.
 - (b) Objects Clauses and Doctrine of *Ultra – vires*, Doctrine of Indoor Management.
- (7) Prospectus and Statement in Lieu of Prospectus.
- (8) Membership of Company – Its Acquisition and Termination.

2. Corporate Capital :

- (1) Share and Share Capital : Meaning, Nature and Kinds ; Various rights and Duties Attached to these Shares.
- (2) Issuance and Allotment of Shares.
- (3) Alteration of Share Capital :
 - (a) Increase in Share Capital
 - (b) Reduction of Share Capital
 - (c) Pre- Emptive Rights and Variation of Class Rights

3. Company Management and Administration:

- (1) Company and its Various Organs Including Division of Powers between Board of Directors and Company in General Meeting.
- (2) Company Meetings and Resolution : Types / Kinds of Meetings, Essential Conditions of a Valid Meeting, Procedure for Calling Company Meetings, Resolution Kinds and Procedures relating thereto.
- (3) Directors and Managing Director : Appointment and Legal Position.
- (4) Oppression and Mismanagement Majority Rule and Minority Protection.
- (5) Investigation into the Affairs of Companies.
- (6) Reconstruction and Amalgamation.
- (7) **National Company Law Tribunal** : Composition and Powers.

4. Winding up of Company: Modes of Winding Up, Compulsory Winding Up – Conditions and Positions, Voluntary Winding Up: Kinds and Distinctions, Officials Liquidator and Liquidator, Appointment and Powers.

Note – All above topics shall be discussed as per provisions of the recent Companies Act.

BOOKS RECOMMENDED

Majumdar A.K., *Company Law and Practice*.
Kapoor G.K. (Dr.) & Gower L.C.B., *Principles of Modern Company Law*.
Singh Avtar (Dr.), *Indian Company Law*.
Ramayya A., *A Guide to Companies Act*.
Rai Kailash, *Principles of Company Law*.
Dhingra L.C. (Dr.), *Principles of Company Law*
Tripathi S.C. (Dr.), *Modern Company Law*.

PAPER – 26
LABOUR AND INDUSTRIAL LAW
(Paper Code : K- 4002)

The course shall comprise of the following:

- 1. Evolution of Industrial Legislation in India**
- 2. Industrial Disputes Act 1947.**
 - (a) Scope Object & Main Features.
 - (b) Industry
 - (c) Industrial Dispute and Individual Dispute
 - (d) Workman and Employee
 - (e) Authorities under the Act & Grievance Redressal Machinery
 - (f) Strike
 - (g) Lock – Out
 - (h) Retrenchment
 - (i) Lay - off
 - (j) Transfer and Closure
- 3. Trade Unions Act, 1926**
 - (a) Growth of Unions in india
 - (b) Definitions
 - (c) Registration of Trade Unions
 - (d) Rights and Liabilities of Registered Trade Unions
 - (e) Concepts of Collective Bargaining, Recognition, Multiplicity of Trade Unions & Role of outsiders in Trade Unions.
- 4. Payment of Wages Act, 1936**
- 5. Workmen Compensation Act, 1923.**
- 6. Employees Provident Funds Act, 1991.**
- 7. Maternity Benefits Act, 1961 with recent Amendments.**

BOOKS RECOMMENDED

Bangri P.R., *Law of Industrial Disputes*.
Dhingra L.C., *Law on Industrial Adjudication in India*.
Goswami V.G., *Labour & Industrial Law*.
Kothari G.M. (Dr.), *A Study of Industrial Law*.
Malhotra O.P., *Law of Industrial Disputes*.
Mishra S.N., *Labour and Industrial Law*.
Puri S.K., *Labour and Industrial Law*.
Srivastav K.D., *Law relating to Trade Unions & Unfair Labour Practices in India*.

PAPER – 27
ENVIRONMENTAL LAW
(Paper Code : K-4003)

The course shall comprise of the following :

1. Meaning and definition of environment and pollution, kinds of pollution, sources and consequences of pollution, Ancient Indian Philosophy relating to environment protection.
2. Constitutional provisions, concerning environment pollution under Code of Criminal Procedure, Indian Penal Code Environment and development, Current environment problems, Public Interest Litigations.
3. Present regulations and enactments regarding environmental pollution – Definitions and Measures that have been adopted through different legislation –
 - (i). The Environment (Protection) Act, 1986.
 - (ii). The Air (Prevention and Control of Pollution) Act, 1981.
 - (iii).The Water (Prevention (Prevention and Control of Pollution) Act, 1974
 - (iv).The Forest Act,1927.
4. Polluter Pays Principle, Precautionary Principle, Public Trust Doctrine, Sustainable Development, cases at National Green Law Tribunal, Powers and functions of NGT.

BOOKS RECOMMENDED

Diwan Paras, *Environment Administration, Law and Judicial Attitude.*

Jaswal P.S., *Environmental Law.*

Kumar Naresh : *Air Pollution and Environment Protection.*

Pal Chandra, *Environmental Pollution & Development.*

Singh Gurdip, *Environmentl Law.*

PAPER – IV
CRIMINOLOGY AND PENOLOGY
(Optional Paper)
(Paper Code : K-4004)

The course shall comprise of the following :

1. **Criminology** – Definition, Nature and scope of Criminology, Method of studying Criminology
2. Schools of Criminology.
3. Factors in Causation of Crimes.
4. **Specific Crime** – Organized Crime, White Collar crime, socio – Economic Crime, Juvenile Delinquency.
5. New Dimensions of criminology.
6. **Penology** - Concept and definition of punishment, Concept of Treatment , Object of Punishment.
7. Schools of Penology, Theories of Punishment.
8. Capital Punishment.
9. Prison Reform.
10. **Alternatives to Imprisonment-** Probation, Parole, Open Prison etc.

BOOKS RECOMMENDED

Sutherland E. and Cressy, *Principles of Criminology*.
James Teary, *Introduction of Criminology*.
Sethna S.M., *Society and Criminology*.
Pannanan M., *Criminology and Penology*.
Siddique Ahmad, *Criminology: Problems and Perspectives*.
Paranjape N.V. , *Criminology and Penology*.
Sirohi J.P., *Criminology and Criminal Administration*.

PAPER – IV
LAW OF TRUST, EQUITY AND FIDUCIARY RELATION
(Optional Paper)
(Paper Code : K-4005)

The course shall comprise of the following :

History, nature and principles of Equity-Emergence of law of trust from Equity— The making of Indian Law of Trust and provisions of law of Trust-Religious Trusts-Principles of Equity and Equitable Remedies, Equitable Relief in different branches of law with special reference to property law.

(1) Equity

- (a) Nature of Equity, (b) History of Courts of Equity, (c) Relations of law of Equity, (d) The maxims of equity, (e) Different Equitable remedies.

(2) Trust & Fiduciary Relations :

- (a) Essentials of Trust
- (b) Fiduciary Relationship— Concept, kinds *vis-a-vis* Trusteeship
- (c) Trust and contract, Power, condition, charge and personal obligations— distinguished
- (d) Classification of Trust and its importance
- (e) Private Trusts
- (f) Public Trusts
- (g) Appointments, Retirement and removal of Trustee
- (h) Rights, Power, Discretion and control of Trustees
- (i) Duties of trustee in relation to :
 - (i) Trust property; and (ii) Beneficiary
- (j) The Administration of Trust
- (k) Liability for Breach of Trust
- (l) Rights and Remedies of the Beneficiary
- (m) Constructive Trusts.

BOOKS RECOMMENDED

Ahmad Aquil, *Equity, Trusts and Specific Relief*.
Desai S.T., *Equity, Trusts and Specific Relief*.
Hansbury & Mousley, *Modern Equity*.
Jhabwala N.H, *Elements of Equity, Trusts and Specific Relief*.
Rao GCV Subha, *Equity, Trust and Fiduciary Relation*.
Singh G.P., *Principles of Equity*.
Snell, *Principles of Equity*.
Tondon M.P., *Principles of Equity and Trusts*.

PAPER – IV
BANKING LAW INCLUDING NEGOTIABLE INSTRUMENT ACT
(Optional Paper)
(Paper Code : K-4006)

The course shall comprise of the following :

- (1) Nature and Development of Banking
- (2) Relationship of Banker and Customer:
 - (a) Banks, Banking Business, Meaning of Customer, Types of Accounts, Banker as Borrower
 - (b) Contract Between Banker and Customer - Their Rights and Duties
 - (c) Banker's Lien
 - (d) Banking Instruments
 - (e) Banking Services.
- (3) Laws Regulating the Business of Banking (Salient Features Only) :
 - (a) Banking Companies Act, 1949
 - (b) Reserve Bank of India Act, 1934
 - (c) Foreign Exchange Management Act, 1998
- (4) Meaning and Kinds of Negotiable Instruments
- (5) Indorsement, Negotiability and Assignability
- (6) Holder and Holder in Due Course
- (7) Rights and Liabilities of Paying and Collecting Banker
- (8) Dishonour of Negotiable Instruments Including Criminal Liability of Drawer and Protection of Collecting Banker.

BOOKS RECOMMENDED

Bangia R.K., *Negotiable Instrument Act.*
Bashyam & Adiga: *The Negotiable Instrument Act.*
Chorley Lord, *Law of Banking.*
Faizi O..P., *The Negotiable Instrument Act.*
Gupta S.N., *Banks and the Customer Protection Law.*
Gupta S.N., *The Banking Law and Practice in India.*
Megraha Maurice & Ryder F.R., *Page's Law of Banking.*
Parthasarathy M.P., *Negotiable Instrument Act.*
Singh Avtar (Dr.), *Negotiable Instrument Act.*
Tannen M.L., *Banking Law and Practice in India.*

PAPER – V
ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE RESOLUTION
(Practical Training)
(Paper Code : K-4007)

The Course will be taught partly through class room lectures including simulating exercise and partly through extension programme like Lok-Adalat, etc. This paper will carry **Maximum 100 Marks**. The written examination on this paper (**Theory Paper**) will be in **descriptive form** and of **three (03) hours duration** and will carry **50 Marks**. The written examination (Theory Paper) shall be held by way of paper with the other theory papers. **The Practical / Viva-voce Examination will carry 50 Marks**. The Course will be taught in association with **practicing lawyers / retired Judges / retired Law Teachers**. The Class room instructions shall include lessons on the concepts and practice of Arbitration, Conciliation and Alternate Dispute Resolution. Students shall be required to maintain the **Diary of the Sessional Work** for this paper in which they shall **record the written exercises assigned to them** by the subject teacher during the session and their observations about the field work / training work of Lok Adalat etc. organized by the Law Department of the College / University and attended by them. **This Paper will carry Maximum 100 Marks**. The **Sessional Diary** will carry **20 Marks** and will be **evaluated by the Board of Examiners at the time of Semester Practical / Viva-voce examination**. **Twenty (20) Marks** are assigned for the **legal field work** assigned by his / her subject teacher / supervisor carried on by student during the Session. **Such field work will be evaluated by consensus of Board of Examiners (Internal & External Examiners)**. The marks earned by the students for the legal field work during the Session will be conveyed to the Ch. Charan Singh University, Meerut by Board of Examiners to be held at the time of Practical / Viva-voce examination. **The Viva-voce will carry 10 Marks**.

Guidelines : It is advisable that the Law Department of the College / University should organize field work in such a manner that all the students get an opportunity to participate in field work so that each candidate may be able to attend at least two such field assignments.

The course shall comprise the followings:

1. **ARBITRATION**– Definition, Nature, Scope and importance of Arbitration; Arbitration Agreement, Composition of Arbitral Tribunal; Jurisdiction of Arbitral Tribunals, Conduct of Arbitral Proceedings; Making of Arbitral Award, Termination of Proceedings; Resource against Arbitral Award, Finality and enforcement of Arbitral Awards; Appeal and Revision.
2. **FOREIGN AWARDS** – New York Convention Awards; Geneva Convention Awards.
3. **CONCILIATION** – Application, Scope, Commencement of Proceedings; Appointment of Conciliators, Submission of statement to conciliators; Role of Conciliator, Communication between Conciliator and Parties; Settlement Agreement, Termination of Conciliation Proceedings; Costs and Deposits of Conciliation Proceedings.
4. **RULE- MAKING POWERS** – High Courts, Central Government.
5. **ALTERNATE DISPUTE RESOLUTION SYSTEM**
 - (i) Development, Meaning, Objective and Advantages of A.D.R. System.
 - (ii) **Types of A.D.R. System** – Mediation, Arbitration, Negotiation, Mini-Trial, Judicial Settlement, Fast Track Arbitration, Final Offer Arbitration, Multi door Court House, Medola, Online Dispute Resolution, Family Settlements etc.
 - (iii) **Lok Adalats** – Organization, Cognizance of Cases, Awards and Powers of Lok Adalats.
 - (iv) Any two Cases of Arbitration and Conciliation

BOOKS RECOMMENDED

Rao P.C., *Alternative Dispute Resolution*.
Basu N.D., *Law of Arbitration and Conciliation*.
Kwatra G.K., *The Arbitration and Conciliation Law of India*.
Bansal A.K., *Law of International Commercial Arbitration*.
Saraf B.P. & Jhunjhuwala M., *Arbitration and Conciliation*.
Malhotra O.P., *The Law and Practice of Arbitration and Conciliation*

Law Commission of India Report :

Law Commission of India Report on Grama Nyayalayas
Law Commission of India Report on Urban Litigation- Mediation

Statutes

The Arbitration and Conciliation Act, 1996.
The Legal Services Authorities Act, 1987.

CH. CHARAN SINGH UNIVERSITY
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(w.e.f. : 2017 – 18 Session)
SEMESTER – V

PAPER –
CIVIL PROCEDURE CODE AND LIMITATION ACT
(Paper Code : K-5001)

The Course shall comprise of the following :

- (1) Preliminary, Definitions, Suits of civil nature, Principles of Res-judicata and Res-subjudice, Foreign judgement, place of suing.
- (2) Parties to suit, Frame of suit, Pleading : Plaint, Written statement, Set-off, Counter claim, Suits by indigent persons, Suits in particular cases.
- (3) Summons and Discovery, Issues of Summons, Appearance of parties, Summoning and Attendance of witness, Execution of Decrees.
- (4) Incidental proceedings : Commission, Letter of request, Supplemental proceedings : Arrest and Attachment before judgement, Temporary injunction, Interlocutory orders, Receiver appeals, References, Review, Revision, Restitution, Caveat, Inherent powers of court.
- (5) Limitation of suits, appeals and applications, Period of Limitation, Continuous running of time, Effect of sufficient cause for not preferring appeals or making applications within the period of limitation, Legal disability, Computation of period of Limitation and Execution of time in legal proceedings, Effect of Death, Fraud, Acknowledgement in writing, Acquisition of ownership by possession.

BOOKS RECOMMENDED

Mulla, *Code of Civil Procedure*.
Takwani C.K., *Civil Procedure*.
Mathur D.N., *The Code of Civil Procedure*.
Jain J.D., *Indian Limitation Act*.

PAPER – 34
LAW OF CRIMES - II
(CODE OF CRIMINAL PROCEDURE)
(Paper Code : K-5002)

The course shall comprise of the following:

1. Definitions Constitution of Criminal Courts and their Powers & Jurisdiction
2. Arrest of persons and the rights of arrested persons ; Bail
3. Information to the police and their powers to investigate.
4. Cognizance of offences by the magistrate and court of sessions.
5. Complaints to Magistrates and commencement of Proceedings before Magistrates
6. The Charge:
 - a). Form of Charges
 - b). Joinder of Charges
7. Principal features of fair trial. Trial Procedures –
 - a). Sessions Trial
 - b). Warrant Trial
 - i) Cases Instituted upon a Police Report
 - ii) Cases Instituted otherwise than on a Police Report
 - iii) Conclusion of Trial
 - c). Summons Trial by Magistrates
 - d). Summary Trial
8. Appeal, Revision & Reference.
9. Maintenance of wives, children and parents (Section 125 to 128).

BOOKS RECOMMENDED

Banerjee P.C., *Criminal Trial and Investigation*.
Kelkar R.V., *Criminal Procedure Code*.
Kelkar R.V., *Lecturers on Criminal Procedure*.
Lal Ratan & Lal Dhiraj, *The Code of Criminal Procedure*.
Mishra S.N., *The Code of Criminal Procedure*.
Sarkar S.C., *Law of Criminal Procedure*.

PAPER – 35
LAW OF EVIDENCE
(Paper Code : K-5003)

The course shall comprise of the following :

- (1) Fact In-Issue; Relevant Facts; Document
- (2) Evidence : Proved; Disproved; Not proved;
- (3) May Presume, Shall Presume, and Conclusive Proof
- (4) Circumstantial Evidence
- (5) Relevancy and Admissibility; Res Gestae (Sections 6 to 13)
- (6) Admission ; Confession (Sections 17 to 31)
- (7) Dying Declaration (Section 32(1))
- (8) Relevancy of Judgments (Sections 40 to 44)
- (9) Opinion of Experts; Opinion of Third Persons (Sections 45 to 47)
- (10) Conduct and Character of Parties (Sections 52 to 55)
- (11) Judicial Notice (Sections 56 to 57)
- (12) Estoppel (Sections 115 to 116)
- (13) Means of Proof : Oral Evidence; Documents - Public Document, Private Document, Primary and Secondary Evidence; (Sections 59 to 65 and 74 to 78); Exclusion of Oral by Documentary Evidence (Sections 91 to 92)
- (14) Burden of Proof (Sections 101 to 106)
- (15) Witnesses : Competency and Compellability of Witnesses; Examination of Witnesses; Privileges : State Privilege and Private Privilege (Sections 118 to 155).

BOOKS RECOMMENDED

Lal Batuk, *Law of Evidence*.
Ratanal & Dhiraj Lal, *The Law of Evidence*.
Sarathi Vepa P, *Law of Evidence*.
Sarkar M.C. & Sarkar S.C., *Law of Evidence in India*.
Sarkar S. & Ejaz Ahmed, *Law of Evidence*.
Singh Avatar (Dr.), *Law of Evidence*.

PAPER – 36
LAND LAWS
(U.P. Revenue Code, 2006))
(Paper Code : K-5004)

The course shall comprise of the following :

1. Division and Constitution of U.P. into Revenue Areas, Powers and Function of Revenue Board, Commissioners, Collectors, Additional Collectors, Tahsildar and Lekhpal.
2. Boundary and Boundary Marks – Fixation, Demarcation, Repair and Renewal, Penalty for Damage and destruction, Settlement of Boundary disputes.
3. Maintenance and Revision of Village Records – Record of Rights, Mutation Proceedings, Record and Survey Operation, Preparation of New Record of Rights.
4. Management of Land and Other Properties by Gram Panchayat, Land Management Committee, Gaon Fund, Consolidated Gaon Fund.
5. Classes and Rights of Land Tenures – Bhumidhar with Transferable Rights, Bhumidhar with non Transferable Rights and Asami. Declaration, Bequeth, Transfer, Exchange, Lease, Mortgage, Division.
6. Devolution – Order of Succession and Survivorship.
7. Abandonment, Surrender, Ejectment and Declaratory Suit and Rent.
8. Land Revenue – Liability, First Charge, Process of Collection of Land Revenue.
9. Revenue Courts – Jurisdiction and Procedure, First Appeal, Second Appeal, Board's Power of Review.

BOOKS RECOMMENDED

Maurya R.R., *Uttar Pradesh Land Laws*.

Singh D.P. Kanwal , *Land Laws (Including Land Acquisition and Rent Laws)*

Singh Yatindra, *The Uttar Pradesh Imposition of Ceiling of Land Holding Act, 1960*.

Uttar Pradesh Revenue Code, 2006 as amended by U.P. Revenue Code (Amendment) Act, 2016 (4 of 2016) (w.e.f. 18-12-2015 & 11-02-2016).

PAPER –
DRAFTING OF PLEADING AND CONVEYANCING
(Practical Training)
(Paper Code : K-5005)

This paper will carry **Maximum 100 Marks** which will be divided into **Theory Paper** and **Practical / Viva-voce examination carrying 50 Marks each**. The Theory paper will be conducted at the time of other Theory papers. This course will be taught through class instructions and simulation exercises, preferably with the assistance of practicing Lawyers / retired Judges. Apart from teaching the relevant provisions of law, the course will include **10 written exercises in Drafting of Pleading carrying 20 Marks (2 Marks for each exercise)** and **10 written exercises in Conveyancing carrying 20 Marks (2 Marks for each exercise)**. Each student will maintain a **Sessional Exercise Book** for the purpose and write down all the exercise in Pleading and Conveyancing during regular classes. **It will be assessed by the consensus of Board of Practical / Viva-voce Examiners (Internal & External Examiners). The Viva-voce will be of 10 Marks.**

The course shall comprise the following :

I. Drafting :

General Principles of Drafting and Relevant Substantive Rules shall be taught.

II. Pleadings :

(1) Civil

- (a) Complaint
- (b) Written Statement
- (c) Interlocutory Application
- (d) Original Petition
- (e) Affidavit
- (f) Execution Petition
- (g) Memorandum of Appeal
- (h) Memorandum of Revision
- (i) Petition under Articles 226 and 32 of the Constitution of India.

(2) Criminal

- (a) Complaints
- (b) Criminal Miscellaneous Petition
- (c) Bail Application
- (d) Memorandum of Appeal and Revision.

III. Conveyancing : Essentials of Deed, Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Agreements.

BOOKS RECOMMENDED

Chaturvedi A.N., *Pleadings, Conveyancing and Drafting and Legal Professional Ethics*.
Chaturvedi R.N., *Pleading, Drafting and Conveyancing*.
Moga P.C., *The Law of Pleadings in India*.
Singh B.P., *Pleadings, Conveyancing and Drafting*.

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SEMESTER – VI

**PAPER –
INTERPRETATION OF STATUTES
(Paper Code : K-6001)**

The course shall comprise of the following :

1. **Introductory** : Meaning, Purpose and Scope of Interpretation of Statutes; Nature of Statutes and their Classification.
2. **Internal Aids to Interpretation** : Title; Preamble; Headings and Marginal Notes. External Aids to Interpretation; Parliamentary History; Stare Decisis (Judicial Precedents); Dictionaries.
3. **Rules of Statutory Interpretation** : Primary (Basic) Rules; Secondary (Subsidiary) Rules; Literal Rule; Golden Rule; Mischief Rule.
4. **Judicial Activism** : Nature and Scope.
5. **Presumptions in Statutory Interpretation** : Presumption as to Jurisdiction; Presumption as to Prospective Operation of Statutes; Presumption Against Violation of International Law.
6. **Maxims of Statutory Interpretation** : Ejusdem Generis; Expressio Unius Est Exklusio Alterius; Ut Res Magis Valeat Quam Paraeat, Noscitur a sociis, Raddendo singular singularis.
7. **Interpretation with Reference to the Subject Matter and Purpose of Statutes** : Penal Statutes; Taxing Statutes, Welfare Legislation, Prospective and Retrospective Operation.
8. **Principles of Constitutional Interpretation** : Harmonious Construction; Doctrine of Pith and Substance; Doctrine of Colourable Legislation; Occupied Field; Repugnancy.

BOOKS RECOMMENDED

Langan P.St., *Maxwell on the Interpretation of Statutes*.
Mathur D.N., *Interpretation of Statutes*.
Miers David R., *Sweet & Maxwell (Interpretation of Statute)*.
Sarathi V.P., *Interpretation of Statutes*.
Singh Avtar (Dr.), *Interpretation of Statutes*.
Singh G.P., *Principles of Statutory Interpretation*.
Srivastva R.D., *Interpretation of Statutes and Legislation*.

PAPER – 40
LEGAL LANGUAGE AND LEGAL WRITING INCLUDING PROFICIENCY IN
GENERAL ENGLISH
(Paper Code : K-6002)

The course shall comprise of the following :

1. Need and Importance of Legal Language

2. Proficiency in General English

- (a) Parts and Types of Sentences
- (b) Parts of Speech – A Brief Introduction
- (c) Tenses: Forms and Use
- (d) Active and Passive Voice
- (e) Direct and Indirect (or Reported) Speech
- (f) Some Common Mistakes in English

3. (a). Legal Terminology, Legal Terminology, Foreign words, Legal Maxims.

(b). Synonyms, Antonyms, Homonyms, One word substitution.

(c). Consulting a Dictionary

(d). Preparation of Bibliography.

(e). Abbreviations – Common abbreviations used in footnotes and general legal writings; abbreviations used for Indian and foreign legal periodicals.

4. Writing of Case Comment

(a) Understanding physical structure of a case reported in a Legal journals such as A.I.R., S.C.C., Scale, J.T. etc.

(b) General introduction of doctrine of precedent

(i) Precedent as source of Law (Ratio Decidendi and Obiter dictum).

(ii) Circumstances which destroy or weaken the binding force of precedent

(iii) Circumstances which increases the authority of a precedent.

(c) Method of writing a case comment.

5. **Translation** – English to Hindi and Hindi to English (on legal topic).

6. Comprehension of Legal Text.

7. Essay Writing on Topics of Legal Interest in English.

8. Former legal Correspondence, Letter Writing in English.

BOOKS RECOMMENDED

Abidi Ishtiaque, *Law and Language*.

Sharma K.S. (Dr.), *Legal Language, Legal Writing and English Usage*.

Hindi English Legal Glossary, Vidhi Sahitya Prakashan, Ministry of Law, New Delhi.

PAPER – 41
LAW OF HUMAN RIGHTS
(Paper Code : K-6003)

The course shall comprise of the following :

- (1) Meaning and Definition of Human Rights, Concept of Human Rights.
- (2) Human Rights and the United Nations.
 - (a) Charter Provisions.
 - (b) International Protection of Human Rights.
- (3) Universal Declaration of Human Rights
- (4) Generations of Human Rights (Three Generations) :**
 - (a) International Covenant on Civil and Political Rights and Two Protocols
 - (b) International Covenant on Economic, Social and Cultural Rights
 - (c) Collective Rights
- (5) European Convention on Human Rights and Fundamental Freedoms
- (6) American Convention on Human Rights
- (7) National Human Rights Institutions with Special reference to National Human Rights Commission (NHRC) and National Commission for Women (NCW).
- (8) Inclusion of Human Rights Jurisprudence Under the Constitution of India Through Judicial Interpretation

BOOKS RECOMMENDED

Agrawal H.O., *Human Rights*.
Basu D.D., *Human Rights in Constitutional Law*.
Khera S.C., *Human Rights and United Nation*.

PAPER – IV
INTELLECTUAL PROPERTY LAW
(Optional Paper)
(Paper Code : K-6004)

The course shall comprise of the following :

The course comprise of the following :

1. **Concept of Property vis-à-vis Intellectual Property** – Concept of Property - An overview, Need for Protecting Intellectual Property – Types of Intellectual Property Origin and Development – an Overview
2. **Role of International Institutions** – Agreements & treaties World Intellectual Property Organization (WIPO), Function of WIPO, TRIPS, PARIS & BERN convention & other important conventions & treaties.
3. **Copyright** – Copyright what and why, Works Protected Under Copy Right Act, Rights Conferred by the act , Author's Special Rights, Term of Copy right, Infringements and Remedies - Civil, Criminal and Administrative.
4. **Trademarks** – Definition of Trade Marks, Service Marks , Property Marks, Conditions for Registration, Duration of Registration, Effect of Registration, Rights of the Trade mark owner, Passing – Off and Infringement of Trade Mark, Appellate Board, Offences, Penalties and Procedure.
5. **Patent** – Meaning of Patent, Subject Matter of the patent, Inventions - Concept of Novelty, Inventive Step and Utility , Inventions not Patentable , Process and Product Patent, Acquisition of Patent, Rights of Patentees and other 's, Term of Patent, Infringement of patent and Remedies.

BOOKS RECOMMENDED

Ahuja, V.K., *Intellectual Property Rights in India*.
Bently, Lionel & Sharman BRAD., *Intellectual Property Law*.
Narayanan P., *Intellectual Property Law*.
Wadehra, B.L., *Law Relating to Intellectual Property*.

Prescribed Acts

The Patent Act, 1970.
The Copyright Act, 1957.
The Trade Marks Act 1999.

PAPER – IV
INFORMATION TECHNOLOGY AND CYBER LAW
(Optional Paper)
(Paper Code : K-6005)

The course shall comprise of the following :

(A) INTRODUCTION

- 1. Basic concept of Technology and Law :** Understanding the Technology, Scope of Cyber Laws, Cyber Jurisprudence
- 2. Understanding Electronic Contracts :** The Indian Law of Contract, Types of Electronic Contracts, Construction of Electronic Contracts

(B) IPR IN CYBER SPACE

- 1. Copyright in Information Technology:** Copyright in internet, Software Piracy, Multimedia and copyright issues.
- 2. Patents :** Indian position on computer related patents, International context of patents.
- 3. Trademarks :** Trade mark Law in India, Infringement and passing off.

(A) INFORMATION TECHNOLOGY ACT 2000 : Digital Signature, E-Governance, Regulation of Certifying Authorities, Duties of Subscribers, Penalties and Adjudication, Offences under the Act, Making of Rules and Regulation.

(B) CYBER CRIMES

- 1. Understanding Cyber Crimes :** Crime in context of Internet, Types of Crime in Internet
- 2. Indian Penal Law & Cyber Crimes :** Fraud, Hacking, Mischief, Trespass, Defamation, Stalking, Spam
- 3. Issues of Internet Governance :** Freedom of Expression in Internet, Issues of Censorship, Hate Speech, Sedition, Libel, Subversion, Privacy Issues, International position on Free Speech in Internet

BOOKS RECOMMENDED

Gerold R.Ferresc, *Cyber Law*(Text & Cases)
Prof. S.R. Bhansali, *Information Technology Act*
Rodney D.Ryder, *Guide to Cyber Law*
Vakul Sharma , *Cyber Crime*.

PAPER – IV
LAW RELATING TO WOMEN AND CHILD
(Optional Paper)
(Paper Code : K-6006)

The course shall comprise of the following :

(A) Law Relating to Women :

(1) Legal Position of Women in Pre-Independence Period :

- (a) Legal Position of Women in Ancient India,
- (b) Legal Position of Women in Medieval India,
- (c) Legal Position of Women in British India

(2) Women's Right and Indian Constitution :

Constitutional Provisions Concerning Equality and Protection of Women in Chapters of Fundamental Rights and Directive Principles.

(3) U.N. Convention on Elimination of Discrimination Against Women, 1979.

(4) U.N. Machinery for Advancement of Women's Equality and Women's Welfare.

- (a) International Commission on Status of Women, (b) CEDAW

(5) Social Legislation for Women : Dowry Prohibition Act, 1961,

(6) Penal Remedy to Indian Women –

- (a) Dowry Crimes and I.P.C. 1860.

1. Cruelty Against Married Women (Section 498 A)

2. Offence of Dowry Death (Section 304 B)

- (b) Rape and Sexual Crimes –

1. Criminal Law Amendment Act 2013 (Nirbhaya Act 2013),

2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(7) Stree Dhan and Matrimonial Property

(8) Women's Right to Control their Re-Productivity

(B) Law Relating to Child : Legal protection to child, Child and criminal liability, State responsibility for the education of child, Family relations and child, Legal control of child labour, Discrimination against female child, child and contracted liability.

BOOKS RECOMMENDED

Jain S.N., *Child And The Law*.

Mukherjee Roma, *Legal Status And Remedies For Women In India*.

Saxena Shobha, *Crime Against Women And Protective Laws*.

Swaroop K. (Dr.), *Legal Protection to Children*.

PAPER – 45
LAW RELATING TO RIGHT TO INFORMATION
(Optional Paper)
(Paper Code : K-6007)

The course shall comprise of the following :

1. Meaning and Scope of Right to Information
2. Historical Background : Indian Perspective, Global Perspective
3. Media Access to Official Information
4. Right to Information and Human Rights Violations
5. Right to Information different from Right to Obtain Information
6. Basic Elements of Right to Information Law
7. Factors Restricting Free Flow of Information
8. **THE RIGHT TO INFORMATION ACT, 2005** : Preliminary (Section 1 to 2), The Central Information Commission (Section 12 to 14), Right to Information and Obligations of Public Authorities (Section 3 to 11), The State Information Commission (Section 15 to 17), Powers & Function of the Information Commission, appeals & penalties (Section 18 to 20), Miscellaneous (Section 21 to 31).
9. **JUDICIARY ON RIGHT TO INFORMATION** :
 - (a). Free flow of Information for Public Record
 - (b). Right to information: Fundamental Right
 - (c). Disclosure of Information
 - (d). Right to Know
 - (e). Right to Acquire & Disseminate Information
 - (f). Direction on Voter's Right to Information
 - (g). Right to Information and Community Participation
 - (h). Third Party Information
 - (i). Public Authority under Art. 12 of the Indian Constitution

BOOKS RECOMMENDED

Das P.K., *The Right to Information Act*.
Jain N.K., *Right to Information Concept Law and Practice*.
Khandelwal Dheera & Khandelwal Krishana K., *The Right to Information Act, 2005*.
Niraj Kumar Dr., *Treatise on Right to Information Act, 2005*.

MOOT COURT, PRE-TRIAL PREPARATIONS AND PARTICIPATION IN TRIAL PROCEEDINGS

PAPER - II (Practical Training)

(Paper Code : K-6008)

The course shall comprise of the following :

(A). Moot Court : The **Maximum Marks to this Paper will be 100**. Each student will do **at least Two Moot Courts** in a Semester with **10 Marks each**. The Moot Court work will be on assigned problem and will be evaluated for **5 Marks** for written submissions (to be recorded in Sessional Diary) and **5 Marks** for Oral Advocacy.

Guidelines : For the purpose of Moot Court, groups will be formed of 8/10 students and cases involving several issues shall be assigned in Court practice *i.e.* Operation of Courts and legal professionals on panel of the College / University may be sought, especially in the matter of getting copies of paper books of cases which have been decided by various Courts.

The Course shall emphasize points of Court craft and decorum. The **male students shall wear white pant – shirt** and a **Black Tie** and **female students shall wear white dress with black scarf** while addressing a Moot Court and during their visits to the Court / Advocates chambers and other practical training programmes.

Practice Moots shall be held as a routine in the class itself and the three compulsory test Moots for examination shall be held after such practice Moots near the end of semester term. Attendance at such practice Moot Courts shall be counted. Each student shall be required to maintain a regular record of his / her preparation for all the Moot Courts attended by him / her in the Sessional Diary. **The Sessional Diary will carry 15 Marks (5 Marks for each Test Moot).**

(B). Court Assignments : Observation of Trial in **Four Cases** *i.e.* **Two Cases in Civil** and **Two in Criminal**. Each student will attend **Four Trial Courts during the Semester term**. He / She will maintain record of his / her visits in his / her Diary of Sessional Work and enter the various steps observed during his / her attendance on different days in the Court assignment. This Scheme will carry **25 Marks**.

(c). Interviewing Techniques And Pre-Trial Preparation :

(i). Each student will observe for Interviewing Sessions of Clients at the Lawyer's Office / Legal Aid

Office and record the proceedings in the Diary of Sessional Work, which will carry **10 Marks**.

(ii). Each student will further observe the preparation of documents and Court Papers by the Advocate and procedure for filing the Suit / Petition. This will be recorded in Sessional Diary which will carry **10 Marks**.

Guidelines : To make the training meaningful, students visits have to be organized for a continuous period, sufficiently long to observe and understand the process taking place in their proper context. Efforts should be directed to acquaint the students in the different branches of legal practice including **Civil, Criminal, Revenue, and Labour Court Practice**. Besides the legal Professionals on the College / University Panel, the students should regularly be supervised and helped by the subject teacher / tutor. It is desirable that besides Advocates Chambers the students are taken for academic Family Court / Revenue Court / Income Tax & Sales Tax Offices and other venues where judicial administrative proceedings are held. The **Indian Law Institute, Parliament, Supreme Court, and High Courts, Tribunals etc.,** may be visited to make the training academically multifarious. This programme can be intellectually and professionally challenging if properly organized and integrated with Curriculum.

(D). Viva-voce : The **Fourth Component** of this Paper will be **Viva-voce examination** by the **consensus of Board of Practical / Viva-voce Examiners (Internal & External Examiners)** on the above three aspects. This will carry **10 Marks**.

BOOKS RECOMMENDED

Rai Kailash (Dr.), *Moot Court, Pre-Trial Preparations & Participation in Trial Proceedings*.
Awasthi S.K. (Prof.), *Practical Training of Law, Moot Court & Viva-Voce*.