

MAA SHAKUMBHARI UNIVERSITY
LL.B. 3 YEAR (SIX SEMESTER) COURSE
AMENDED SYLLABUS
(w.e.f. : 2022 – 23 Session)

SCHEME OF EXAMINATION

The Syllabus of LL.B. 3 Year (Six Semester) Course shall be applicable in **all Affiliated Colleges** of MAA Shakumbhari University, Saharanpur.

SEMESTER – I: (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Jurisprudence–I (Legal Theory)	0178001		100
II	Constitutional Law of India – I (Nature of the Constitution And Fundamental Rights)	0178002		100
III	Law of Torts and Consumer Protection Laws	0178003		100
IV	Law of Crimes–I (Indian Penal Code)	0178004		100
V	Contract–I (General Principles of Contract)	0178005		100

SEMESTER – II: (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Jurisprudence –II (Legal Concepts)	0278001		100
II	Constitutional Law of India –II (Structure And Working of the Indian Constitution)	0278002		100
III	Family Law–I (Hindu Law)	0278003		100
IV	Contract–II (Specific Contract And Law of Partnership)	0278004		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	0278005		100
	Law of Taxation	0278006		100

SEMESTER – III: (Total : 500 Marks)

Paper No.	Title of the Paper	Paper Code	catch	Max. Marks
I	Family Law – II (Muslim Law)	0378001		100
II	Public International Law	0378002		100
III	Administrative Law	0378003		100
IV	Law of Property And Easement	0378004		100
V	Professional Ethics, Accountability of Lawyers and Bar Bench Relation	0378005		50
VI	Professional Ethics, Accountability of Lawyers and Bar Bench Relation (Practical)	0378080		50

Note : Paper Code – 0378080 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	0478001		100
II	Labour And Industrial Law	0478002		100
III	Environmental Law	0478003		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	0478004		100
	OR			
	Law of Trust, Equity And Fiduciary Relation	0478005		100
V	OR			
	Banking Law Including Negotiable Instrument Act	0478006		100
V	Arbitration, Conciliation And Alternate Dispute Resolution	0478007		50
VI	Arbitration, Conciliation And Alternate Dispute Resolution (Practical)	0478080		50

Note : Paper Code – 0478080 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	Catch	Max. Marks
I	Civil Procedure Code And Limitation Act	0578001		100
II	Law of Crimes–II (Code of Criminal Procedure)	0578002		100
III	Law of Evidence	0578003		100
IV	Land Laws (UP Revenue Code 2006)	0578004		100
V	Drafting of Pleading And Conveyancing	0578005		50
VI	Drafting of Pleading And Conveyancing (Practical)	0578080		50

Note : Paper Code – 0578080 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	Catch	Max. Marks
I	Interpretation of Statutes	0678001		100
II	Legal Language and Legal Writing Including Proficiency In General English	0678002		100
III	Law of Human Rights	0678003		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	0678004		100
	Information Technology And Cyber Law OR	0678005		100
	Law Relating To Women And Child OR	0678006		100
	Law Relating To Right To Information	0678007		100
	Moot Court, Pre-Trial Preparation And Participation In Trial Proceedings' (Practical)	0678080		100

Note-

1 As per Ordinances the Pass marks of the Candidate is 36% Marks in each paper and 48% Marks in Aggregate 2 In a semester a Candidate be allowed either upto 5 Grace marks in one paper/two papers taken together to attain 36% marks in each paper or upto 3 Marks to meet the aggregate of 48% marks. 3 No Grace marks shall be awarded in the Practical Examination, Project Work. Viva-Voce & Seminar. 4 As per University rules, these Grace Marks are not added to the Total Marks obtained.

5 First Division - 60% and Second Division -48%. 6 Passing Marks in Practicals will be 48%. No grace will be allowed in Practical Examination.

Note : Paper Code – 0678080 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.**

MAA SHAKUMBHARIUNIVERSITY
LL.B. 3 YEAR (SIX SEMESTER COURSE)
SYLLABUS
(w.e.f. : 2022 – 23 Session)
SEMESTER – I

PAPER-I
JURISPRUDENCE - I
(Legal Theory)
(Paper Code : 0178001)

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** : Jeremy Bentham ,John Austin, Hans Kelsen, And H.L.A. Hart.
- (3) **Historical School** : Frederick Karl Von Savigny, Sir Henry James Sumner Maine,Hegel
- (5) **Sociological School** : Background and Characteristics, Roscoe Pound, Leon Duguit, Ihering,Eugen Ehrlich .
- (6) **American Modern Realism**
- (7) **Economic Approach of Law** : Marxist Economic Approach on Law.

BOOKS RECOMENDED

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

- Jurisprudence (Legal Theory) By. Myneni S.R.(Dr.)
- Studies in Jurisprudence & Legal Theory Pranjape N.V. (Dr.)
- Jurisprudence : A Study In Indian Legal Theory Dhyani S.N. (Dr.)

PAPER-II
CONSTITUTIONAL LAW OF INDIA - I
(Nature of The Constitution And Fundamental Rights)
(Paper Code : 0178002)

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) The concept of citizenship under Indian constitution
- (4) 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 19-22)
 - 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 RECOMMEND

- 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*.
- *Constitutional Law of India New Challenges* by Tripathi G.P. (Dr.)
- *Constitutional Law of India* by Kumar Narendra
- *Constitutional Law of India* by Joshi K.C. (Dr.).

PAPER-III
LAW OF TORTS AND CONSUMER PROTECTION LAWS
(Paper Code : 0178003)

The course shall comprise of the following :

1. Torts and Tortious Liability Introduction

- Definition, Nature and Characteristics of Tort
- 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 Law

- Consumer definition and concept(The Consmer Protection Act ,2019)
- 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*.
- Consumer Protection Act : A Commentary Reddy , G.B.
- By Myneni S.R.(Dr).Consumer Protection Law
- Taxmaan`s Consumer Protection Law and Practice :a Comprehensive guide to Consumer Protection Law
- Consumer Protection Laws by Bangia R.K.(Dr.)Edn.2022

PAPER-IV
LAW OF CRIMES - I
(Indian Penal Code)
(Paper Code :
0178004)

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; Forgery
 3. **Offences Against State and Public Tranquility :** Sedition; Unlawful Assembly; Rioting and Affray.
 4. **Offences Against Marriage : Bigamy and Adultery:** Changing social context.
 5. **Defamation :** Offence against reputation .

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*.
- By Gandhi B.M. , *Indian Penal Code* .
- By Nelson R.K. *Indian Penal Code* .
- Jethmalani Ram , *The Indian Penal Code : A Concise Commentary* .
- Joshi Manmohan , *Indian Penal Code* .

PAPER-V
CONTRACT - I
(General Principles of Contract)
(Paper Code : 0178005)

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.
- (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*
- Moitra 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*

**MAA SHAKUMBHARI
UNIVERSITY**

LL.B. 3 YEAR (SIX SEMESTER)

COURSE SYLLABUS

(w.e.f. : 2022 – 23 Session)

SEMESTER – II

PAPER-I
JURISPRUDENCE - II
(Legal Concepts)
(Paper Code :0278001)

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 and Titles.
5. **Liability** : Remedial and Penal Liability, Strict and Vicarious Liability, Mens rea and Negligence.
6. **Law and Justice** : Administration of Justice, Theories of Punishment, Euthanasia: Right to Life Vs. Right to Die
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.

SUGGESTED READINGS

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

PAPER-II
CONSTITUTIONAL LAW OF INDIA - II
(Paper Code : 0278002)

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 .
- (3) Prime Minister and the Cabinet.
- (4) Union Judiciary :Supreme Courts of India ,Composition and Jurisdiction

(5)State Legislature:Organization,Procedure regarding enactment of legislation

(6)State Executive : Governor , His Powers and Position .

(7)Chief Minister and Cabinet .

(8)State Judiciary:Composition of High Court and Jurisdiction

(9)Distribution of Legislative Powers Between Union and 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.

(10) Emergency Provisions Article 352-360.

(11)Amendment of the Constitution: Power and Procedure and Basic Structure Theory .

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*.
- Jain A.K.(Dr.) ,*Constitutional law of India (Part-2)*

PAPER-III
FAMILY LAW - I
(Hindu Law)
(Paper Code : 0278003)

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*
- Gandhi B.M.-*Hindu Law, EBC*

PAPER –IV
CONTRACT - II
(Specific Contract And Law of Partnership)
(Paper Code : 0278004)

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 :
0278005)

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.

SUGGESTED READINGS

- 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 : 0278006)

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*.
- Singhanian V.K. (Dr.), *Students Guide to Income Tax*.
- Kanga & Palkiwala, *Law of Income Tax*.
- Taxman, *Three Direct Taxes*.

**MAA SHAKUMBHARI
UNIVERSITY**

LL.B. 3 YEAR (SIX SEMESTER)

COURSE SYLLABUS

(w.e.f. : 2022 – 23 Session)

SEMESTER – III

PAPER –I
FAMILY LAW - II
(Muslim Law)
(Paper Code : 0378001)

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*.

Central 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-II
PUBLIC INTERNATIONAL LAW
(Paper Code : 0378002)

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 and Treaties .
- (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-III
ADMINISTRATIVE LAW
(Paper Code : 0378003)

The course shall comprise of the following :

- (1) Evolution of Administrative Law, Definition and its Scope and Content .
- (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) Judicial Review of Administrative Action: Rule of Locus Standi-Public Interest Litigation/Judicial Activism,Misuse of PIL .
- (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 Administration*
- Kumar Narendra , Prof., *Nature and Concepts of Administrative Law*

PAPER-IV
LAW OF PROPERTY AND EASEMENT
(Paper Code : 0378004)

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,(1882).

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-V
PROFESSIONAL ETHICS, ACCOUNTABILITY OF LAWYERS AND BAR- BENCH
RELATION
(Theory)
(Paper Code :
0378005)

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*.
- Mathur D.N. *Professional Ethics , Accountability for Lawyers and Bar-Bench Relations*

**MAA SHAKUMBHARI
UNIVERSITY**

**LL.B. 3 YEAR (SIX SEMESTER)
COURSE SYLLABUS**

(w.e.f. : 2022 – 23 Session)

SEMESTER – IV

Paper-I
COMPANY LAW
(Paper Code : 0478001)

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, Debentures and Dividend
- (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, Official 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-II
LABOUR AND INDUSTRIAL LAW
(Paper Code : 0478002)

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.*

- Taxmann`s Labour Laws

PAPER-III
ENVIRONMENTAL LAW
(Paper Code : 0478003)

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.
5. Noise Pollution Act 2000, Wild Life Protection ,1972.

BOOKS RECOMMENDED

- Tripathi S.C. , Environmental Law
- 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.*
- Tiwari HN.(Dr.), *Environmental Law .*

- Pranjape Vinay , Environmental Law ,CLA

PAPER – IV
CRIMINOLOGY AND PENOLOGY
(Optional Paper)
(Paper Code :
0478004)

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.
11. **Victimology**: Meaning, Definition , Objectives , Contents and Theories of Victimology and Crime Victims

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*
- B.Vijyalakshmi (Dr.), *Victimology and common justice* .
- Singh Shiv Shankar (Dr.), *Penology and Victimology* ,UBH,Pvt.Ltd,Jaipur .

PAPER – IV
LAW OF TRUST, EQUITY AND FIDUCIARY RELATION
(Optional Paper)
(Paper Code : 0478005)

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 and Equity, (d) Themaxims 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 : 0478006)

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.*
- Megrah 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
(Theory)
(Paper Code : 0478007)

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. & Jhunjhnuwala 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.

**MAA SHAKUMBHARI
UNIVERSITY**

LL.B. 3 YEAR (SIX SEMESTER)

COURSE SYLLABUS

(w.e.f. : 2022 – 23 Session)

SEMESTER – V

PAPER -I
CIVIL PROCEDURE CODE AND LIMITATION ACT
(Paper Code : 0578001)

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*.
- Myneni S.R.(Dr.), *Code of Civil Procedure & Limitation Act*.
- Singh Pramod Kumar(Dr.), *A to Z Civil Procedure Code*.
- Singh Avtar, *The Code of Civil Procedure*.
- Jain Ashok K. (Dr.), *Code of Civil Procedure : Leading Cases & Materials*.
- Jain M.P., *The Code of Civil Procedure*, Lexis Nexis

PAPER-II
LAW OF CRIMES - II
(CODE OF CRIMINAL PROCEDURE)
(Paper Code : 0578002)

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*.
- Jhabvala N.H., *The Code of Criminal Procedure*, C Jamnadas and Company
- Thakkar C.K.(Justice) and Thakkar M.C. Mrs., *Criminal Procedures* , Lexis Nexis
- Rao Rega Surya (Dr.), *Lectures on Criminal Procedure Code* , Asia Law House

PAPER-III
LAW OF EVIDENCE
(Paper Code : 0578003)

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*
- Mulla , *Commentary on Law of Evidence* ,Delhi Law House.
- Monir M. (Chief Justice) , *Text Book on the Law of Evidence* ,Universal Law Pub.
- Krishnamachari V.(Dr.) , *Law of Evidence* , Narendra Gogia &Co, Hyderabad .

PAPER-IV
LAND LAWS
(U.P. Revenue Code, 2006))
(Paper Code : 0578004)

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, Bequeath, 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.
10. Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1951: Main features , Objects and Objectives Achieved .

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).
- Chaudhary Ram Naresh, Chaudhary Suni Kumar , *U.P. Revenue Code , EBC*

DRAFTING OF PLEADING AND CONVEYANCING
(Theory)
(Paper Code : 0578005)

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.
- (j) Notice ,Sec -80 CPC .

(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.*
- Lawmann's, *Pleadings ,Drafting and Conveyancing .*
- Jain Ashok K.(Dr.), *Drafting Pleadings and Conveyancing , Ascent Pub.*
- Swami Maheshwara N. (Dr.) , *Textbook of Drafting Pleadings and Conveyancing,Asia Law House.*

**MAA SHAKUMBHARI
UNIVERSITY**

LL.B. 3 YEAR (SIX SEMESTER)

COURSE SYLLABUS

(w.e.f. : 2022 – 23 Session)

SEMESTER – VI

Paper-I
INTERPRETATION OF STATUTES
(Paper Code : 0678001)

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, Harmonious Construction .
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** : ;Doctrine of Pith and Substance; Doctrine of Colourable Legislation; Occupied Field; Repugnancy, Doctrine of Territorial Nexus , Doctrine of Suverability , Doctrine of Prospective Overruling , Doctrine of Eclipses

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-II
LEGAL LANGUAGE AND LEGAL WRITING INCLUDING PROFICIENCY IN
GENERAL ENGLISH
(Paper Code : 0678002)

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

- Sharma K.S. (Dr.), *Legal Language, Legal Writing and English Usage*.
- *Hindi English Legal Glossary*, Vidhi Sahitya Prakashan, Ministry of Law, New Delhi.
- Bhatia K.L. (Dr.) Prof., *Textbook on Legal Language and Legal Writing*.
- Prasad Anirudh, *Outlines of Legal Language in India*, CLP
- Wagh Vinod H. *Legal Language and Legal Writing*
- Rao Rega Surya (Dr.), *Lectures on legal Language and Legal Writings*.

PAPER-III
LAW OF HUMAN RIGHTS
(Paper Code : 0678003)

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) The Protection of Human Rights Act , 1993, 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*.
- Kapoor S.K.(Dr.) *Human Rights under International Law and Indian Law*.
- Dhaktode S.S.(Dr.) *Human Rights and Indian Constitution* .
- Padma T.(Dr.) and Rao K.P.C., *The Principles of Human Rights Law* .

PAPER – IV
Paper-IV
INTELLECTUAL PROPERTY LAW
(Optional Paper)
(Paper Code : 0678004)

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.
6. Geographical Indications .

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*.
- Sherman Brad ,*Intellectual Property Law (2001)*.

Prescribed Acts

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

PAPER – IV
Paper-IV
INFORMATION TECHNOLOGY AND CYBER LAW
(Optional Paper)
(Paper Code : 0678005)

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 : 0678006)

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, Protection of Women from Domestic Violence Act, 2005 .**
 - (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, Juvenile Justice (Care and Protection of Children) Act, 2015.

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 – IV
LAW RELATING TO RIGHT TO INFORMATION
(Optional Paper)
(Paper Code : 0678007)

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*.

PAPER –V
MOOT COURT, PRE-TRIAL PREPARATIONS AND PARTICIPATION
IN TRIAL PROCEEDINGS
(Practical Training)
(Paper Code : 0678080)

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*.
- Myneni S.R. , *Moot Court ,Exercise and Internship*
- Bhatia K.L. (Prof.), *Moot Court and Mock Trials :Essentials of Court Craft* .

MAA SHAKUMBHARI UNIVERSITY

LL.M. 2 YEAR (FOUR SEMESTER) COURSE SYLLABUS (w.e.f. : 2023 – 24 Session)

SCHEME OF EXAMINATION

The Syllabus of LL.M. 2 Year (Four Semester) Course shall be applicable in Affiliated College of the Maa Shakumbhari University, Saharanpur and Legal Study Center (Self- Financed) of Maa Shakumbhari University, Saharanpur.

SEMESTER – I (Compulsory Papers): (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Constitutional Law of India	0178101		100
II	Jurisprudence– I (Theories of Law and Legal Concepts)	0178102		100
III	Principles of Legislation ,Interpretation and Judicial Process	0178103		100
IV	Legal Education and Research Methodology	0178104		100

SEMESTER – II (Compulsory Papers): (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code		Max. Marks
I	Law and Social Transformation In India	0278101		100
II	Law of Human Rights	0278102		100
III	General Principles of Criminal Law and Forensic Studies	0278103		100
IV	Environment Protection Law	0278104		100

Note : SEMESTER – III & IV (Papers Based on Optional Groups)

- ❖ There will be **Three (03) Law Group Courses in Semester III & IV**. The Student has to opt **any one Law Group** in LL.M. IIIrd and IV Semester. **Once a group opted by the student in LL.M. III Semester, he/she cannot change the Group in LL.M. IV Semester i.e. they shall keep the same Group with them**. All the Theory Paper of LL.M. IIIrd and IVth Semester will carry Maximum **100 Marks**.
- ❖ The Student has to appear in **FOUR Theory Papers in LL.M. IIIrd Semester**. Each Theory Paper will carry **100 Marks**
- ❖ The Student will **start writing a Dissertation in LL.M. III Semester** on the topic **(Any topic)**

pertaining to Law and the Society) of his choice with prior consent of his / her Guide / Supervisor. It will be submitted by the students latest by one month (30 days) from the date of last theory paper of LL.M. IVth Semester examination. The Dissertation will carry 100 Marks.

- ❖ The Student has to appear in **TWO Theory Papers in LL.M. IVth Semester. The Subject Group will be same as it was taken in Semester III by the student.** Each Theory Paper will carry **100 Marks.**
- ❖ The Student will appear in **Viva-voce examination** in LL.M. IVth Semester which will carry **100 Marks.**

❖ **LL.M. Semester III & IV Law Groups are as under :**

- **GROUP (A) : Constitutional And Administrative Law Group**

OR

- **GROUP (B) : Business Law Group**

OR

- **GROUP (C) : Family Law Group**

SEMESTER – III [GROUP (A) : Constitutional And Administrative Law Group] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Constitutionalism And Constitutional Development in India and England	0378101		100
II	Comparative And Cooperative Federalism (India, America And Australia)	0378102		100
III	Civil And Political Rights : Comparative Study of Select Constitutions (India, USA and U.K.)	0378103		100
IV	Local Self Government Law	0378104		100

SEMESTER – III [GROUP (B) : Business Law Group] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Contract – I (General Principles of Contract)	0378105		100
II	Contract – II (Specific Contract, Sales of Goods And Law of Partnership)	0378106		100
III	Company Law	0378107		100
IV	Banking Law	0378108		100

SEMESTER – III [GROUP (C) : FAMILY LAW GROUP] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code		Max. Marks
I	FAMILY LAW Ist (HINDU LAW)	0378109		100
II	FAMILY LAW IInd (MUSLIM LAW)	0378110		100
III	GENDER JUSTICE AND WELFARE LAWS IN INDIA	0378111		100

IV	WOMEN AND VIOLENCE- CENTRIC LAWS IN INDIA	0378112		100
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SEMESTER – IV [GROUP (A) : Constitutional And Administrative Law Group] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Administrative Law of India – I	0478101		100
II	Administrative Law of India – II	0478102		100
III	Dissertation (Compulsory for all Students)	0478103		100
IV	Viva-voce	0478104		100

SEMESTER – IV [GROUP (B) : Business Law Group] : (Total : 400 Marks)

Optional Papers

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Insurance Law	0478105		100
II	Student has to opt any one optional Paper among the following. (subject to availability of expert Faculty in the Department)			
	International Trade Law (Optional Paper)	0478106		100
III	Dissertation (Compulsory for all Students)	0478107		100
IV	Viva-voce	0478108		100

SEMESTER – IV [GROUP (C) : FAMILY LAW GROUP] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Family Dispute Resolution under Indian Law	0478109		100
II	Personal Laws of Christians , Parsis And Jews	0478110		100
III	Dissertation (Compulsory for all Students)	0478111		100
IV	Viva-voce	0478112		100

LL.M. Ist SEMESTER

(COMPULSORY PAPERS)

- ❖ **The Student has to appear in FOUR Theory Papers in LL.M. IIIrd Semester. Each Theory Paper will carry 100 Marks.**

PAPER –I
CONSTITUTIONAL LAW OF INDIA
Paper Code : 0178101

Unit I

Nature of the Indian Constitution ,Concept of Federalism , Cooperative Federalism.
Relationship between Centre and State. Challenges before the Indian Federalism.

Unit-II

Preamble,

Widening definition of State,

Right to Equality, its new concepts and Protective Discrimination, Dynamism of Rule of Law
and Separation of Powers

Freedom of Speech & Expression with reference to RTI

Unit-III

Art 20-protection in respect of Conviction for offences,

Right to Life & Personal Liberty, Emerging Regime of New Rights and Remedies under the Garb
of Fundamental Rights,

Right to Education

Unit-IV

Secularism and Freedom of Religion

Rights of Minorities,

Constitutional Remedies

The Concept of Judicial Review

Relation between Fundamental rights & Directive Principles & Fundamental Duties

Unit-V

Judicial Independence:-Appointment, transfer and removal of judges,

Legislative Relations between Centre and States,

Freedom of Trade and Commerce,

Election Commission & Electoral reforms,

Special Status of J&K,

Emergency Provisions,

Amending Power and Theory of Basic Structure

SUGGESTED READINGS

- Cardozo, The Nature of Judiciary Process (1995), Universal, New Delhi.
- Duncan Derret, The State, Religion and the Law in India (1999) Oxford University Press, New Delhi.
- H.M.Seervai, Constitution of India, Vol. 1-3(1992), Tripathi, Bombay.

- Indian Law Institute, Law and Social Change: Indo-American Reflections (1988) Tripathi.
- J. Stone, The Legal System and the Lawyer's Reasoning (1999), Universal, New Delhi,
- M.P. Singh (ed.), V.N. Shukla, Constitution of India (2000), Oxford.
- M.P. Jain, Outlines of Indian Legal History (1993) Tripathi, Bombay.
- Marc Glanter (ed.), Law and Society in Modern India (1997) Oxford.
- Ravi Prakash, Constitution, Fundamental Rights and Judicial Activism in India (1997).
- U. Baxi, The Indian Supreme Court and Politics (1980) Eastern, Lucknow.
- Upendra Baxi, The Crises of the Indian Legal System (1982) Vikas, New Delhi

Paper II
JURISPRUDENCE
(Theories of Law & Legal Concepts)
Paper Code : 0178102

Unit-1

Nature of Jurisprudence: Meaning of Jurisprudence, Relevance of Jurisprudence, Concept of 'Legal Theory' and 'Jurisprudence'.

Concept and Philosophy of Law:

The Definition of Law

The Evolution of Law: Primitive Law, Middle Law, Classical Law, Post-Classical

Sources of Law, Custom Precedents and Ownership

Legal personality Legal Rights and Duties & Liability

Unit-II

Natural Law and its Re-emergence:

Philosophical Idealism of Ancient Era: Meaning and Origin Greeks and Romans Philosophy

Medieval Era: Renaissance, And Reformation, Grotius and International

Law, Philosophy of Social Contract.

Natural Law in Nineteenth and Twentieth Centuries Modern Value Philosophies and Revival of Natural Law Theories

Indian Perspective of Natural Law School

Analytical Positivism:

Bentham's English Positivism: Utilitarian Approach of Law, Pleasure and

Pain Principle in Legislation, Bentham on Codification and Law Reforms

Austin's Theory of Law

The Pure Theory of Law

Modern Trends in Analytical Jurisprudence: Hart's Concept of Law Indian Perspective of Analytical School

Unit-III

Historical School of Thought:

The Romantic Reaction: Herder and Hegel,

Savigny and Historical School in Germany,

Law and Anthropology,

Historical School in England, United States and India

Sociological Jurisprudence and Sociology of Law:

Comte and Sociology, Laissez Faire and Herbert Spencer, Jhering,

Max Weber, Emile Durkheim, Eugen Ehrlich, Roscoe Pound.
Sociological Jurisprudence since Pound and Towards Sociology of Law
Indian Constitution and Sociological Jurisprudence
American and Scandinavian Jurisprudence
Concept of Morality and its Relationship with Law: Hart Fuller Controversy

Unit-IV

Theories of Jurisprudence and Postmodernism

Critical Legal Studies Movement,
Feminist Jurisprudence
Postmodernist Jurisprudence & Critical Race Theory

Globalisation: Meaning. Significance and different dimensions,
Impact of Globalisation, Administration of Justice, Theories of Punishment--Recent Trends, Concept of Euthanasia .

SUGGESTED READINGS:

- Lloyd's Introduction to Jurisprudence
- R.W.N. Dass: Jurisprudence 5th ed. Aditya Books Private Ltd. New Delhi, 1994
- G.W. Paton: A Text Book of Jurisprudence
- Karl N Lewellyn: Jurisprudence Realism in Theory and Practice.
- W. Friedman: Legal Theory 5th ed. London Stevens & Sons 1967
- Dhyani: Fundamentals of Jurisprudence and Jurisprudence and Legal Theory
- William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009)
- Amartya Sen, 'Idea of Justice'

PAPER III
**(PRINCIPLES OF LEGISLATION, INTERPRETATION
AND JUDICIAL PROCESS)**
Paper Code : 0178103

UNIT I

Principles of Legislation: Bentham's Theory of Utility: Its Relevance, Inter-relationship of Law and Public Opinion.

UNIT II

Interpretation of Statutes,
Commencement, Repeal and Revival of Statutes,
Enabling, Consolidating and Codifying Statutes
The Primary Rule: literal construction
Mischief Rule; Golden Rule.

Unit III

Harmonious Construction,
Ut res magis Valeat quam Pereat,
Statutes to be read as a whole (Ex Visceribus Actus),
Beneficial Construction,
Interpretation of the Constitution: Doctrine of Pith and Substance, Doctrine of Eclipse, D
Colourable Legislation, Doctrine of Severability, Doctrine of Eclipse

Unit IV:

INTERNAL AIDS

Title: Preamble, Definition or Interpretation Clause; Headings;
Marginal Notes; Punctuation Marks; Illustrations; Proviso, Explanation; Schedule;
Legal fiction, non obstante clause

EXTERNAL AIDS

Parliamentary History of the Enactment, Legislative History,
General Social Policy; Public Policy, Historical Setting,
Previous Legislation and Statutes in Pari materia
Previous Decision &,
Text Books, Dictionaries,
International Conventions,
Retrospective Operation of Statutes,

Doctrine of Prospective Over Ruling

SUBORDINATE PRINCIPLES OF INTERPRETATION

Uni est Exclusio Alterius

Generalia Specialibus Non-derogant; -Treatment of General Words

Doctrine of Eiusdem Generis

Rules of casus omissus,

Redendo Singula Singulis; Noscitur a Sociis

Contemporanea expositio est fortissima in lege

Unit V

Judicial Process:

- The concept of justice and relation between Law and Justice. the concept of 'Dharma' in Indian thought. 'Dharma' as the foundation of legal ordering. Various theories of justice in the Western thought.
- The nature of Judicial Process. Judicial process as an instrument of social ordering. Judicial process and creativity in law. The tools and techniques of judicial creativity and precedents.
- Judicial Process in India. Indian debate on the role of judges and on the notion of judicial review. Danger signals and New challenges before the Indian Judiciary.
- Independence of judiciary and the nature of judicial process. Provisions of the Indian Constitution guaranteeing Independence of judiciary. Attitude of confrontation with the Legislature & Executive. Appointment & transfer of judges and its effect on independence of Judiciary.
- Judicial Activism and Constitutional obligations of the court. Evolution of the concept. Reasons in defense of judicial activism. Constitution of India and judicial activism. Role played by the Supreme Court of India. The tools and techniques of the judicial activism. Need for care and caution.
- Decision making in the Supreme Court of India: Nature of participation- Dissent, concurrence, unanimity and voted with majority etc.

SUGGESTED READINGS:

- G. P. Singh, Principles of Statutory Interpretation. (7th Edition) 1999, Wadhwa, Nagpur.
- .P. St. Langan (Ed.), Maxwell on the Interpretation of Statutes (1976), N. M. Tripathi, Bombay
- .K. Shanmukham, N. S. Bindras's Interpretations of Statutes, (1997)
- Sarathi, Interpretations of Statutes, (1994) Eastern, Lucknow
- M. P. Jain, Constitutional of Statutes, (1984) Wadhwa & Co.
- M.P. Singh, (Ed.) V.N. Sukla's Constitution of India, (1994) Eastern, Lucknow
- U. Baxi, Introduction of Justic K. K. Mathew's Democracy Equity and freedom (1978) Eastern, Lucknow
- Maxwell on the Interpretation of Statutes

PAPER IV
LEGAL EDUCATION AND RESEARCH
METHODOLOGY
(Paper Code : 0178104)

Unit-I

Legal Research: Nature, scope and objectives. Various approaches to Legal Research: Doctrinal and Non Doctrinal. Socio-Legal Research. Identification and formulation of Research Problem. Survey of existing literature. Research Design.

Unit-II

Hypothesis.

Sampling techniques in research.

Primary and Secondary Data; Data collection techniques: Case Study. Observation, Interview, Questionnaire and Schedule, Survey, Historical.

Unit-III

Data processing: Editing, Coding and Classification. Techniques of Data Presentation in Research: Tabulation, Diagrammatic and Graphic. Analysis and Interpretation of Data.

Unit-IV

Legal Research Report: Various Aspects- Research Proposal Dissertation/ Thesis Writing, Foot Notes and Bibliographic Techniques

Unit-V

Role of Library, Computer, Internet and Legal Data bases in research. Issues of Copy right and Plagiarism in Research. Research Funding: Role of Government and other Agencies; Practical difficulties involved in allocation and utilization of Funds. Ethics in Legal Research.

SUGGESTED READINGS:

- Denzin, N.K. and Yvonna, S. Lincoln, (Ed), Collecting and Interpreting Qualitative Materials, SAGE Publications, Inc. California, Fourth Edition, 2013.
- Fitzgerald J. and Jerry Fitzgerald, Statistics for Criminal Justice and Criminology in Practice and Research-An Introduction, 2014
- Goode, W.J. and Paul, K. Hatt., Research Methodology. Prentice Hall of India Pvt. Ltd. New Delhi, Latest Edition.
- Guest, G. (et. al), Collecting Qualitative Data- A Field Manual for Applied Research. SAGE Publications Inc. California, 2013.
- Kumar, R., Research Methodology-A Step by Step Guide For Beginners, SAGE Publications India Pvt. Ltd., New Delhi, Latest Edition.
- Myneni, S.R., Legal Research Methodology. Allahabad Law Agency, Faridabad, Fifth Edition, 2012.
- Richards, L. and Janice M. Morse., README First For a User's Guide to Qualitative Methods, SAGE Publications, Inc. California, 2013.
- Singh, Rattan, Legal Research Methodology, Lexis Nexis Publications, Gurgaon, Haryana, Edition, 2013
- Yaqin, A., Legal Research and Writing Methods, LexisNexis Butterworths Wadhwa, Nagpur First Reprint, 2011
- Menan Madhav NR, Clinical Legal Education, EBC

LL.M. IInd SEMESTER

(COMPULSORY PAPERS)

- ❖ **The Student has to appear in FOUR Theory Papers in LL.M. IInd Semester. Each Theory Paper will carry 100 Marks**

PAPER-I
LAW AND SOCIAL TRANSFORMATION IN INDIA
(Paper Code : 0278101)

UNIT-I

Law and Social Change

Law as an Instrument of Social Change: Law and Development, Limits of Law in bringing out Social Change

Concept of Social Engineering - Its evaluation and critique in the light of common law tradition and the legal institutions in India

UNIT-II

Community and the Law Caste as a divisive factor

Non-discrimination on the ground of caste: Constitutional and Statutory Provisions

Acceptance of caste as a factor to undo past injustices: Protective

Discrimination and Reservation

UNIT-III

Women and the Law Crimes against Women: Legislative and Judicial Initiatives

Gender injustice and its various forms Women's Commission and Protection of Women's Rights in India

UNIT-IV

Children and the Law

Child Labour: Constitutional and Legislative Provisions

Sexual exploitation of Children: Legislative measures Children and Education

UNIT-V

Contemporary Society and the law

Industrial reforms / Economic Reforms. Agrarian reforms. Modernization & the law.

Reforms of family law. Prison Reforms. Reforms in justice delivery system.

SUGGESTED READINGS:

- U.Baxi, The Crisis of the Indian legal System (1982), Vikas, New Delhi
- Savitri Gunasekhare, Children, Law and Justice (1997)
- Marc Galanter (ed.), law and Society in Modern India
- Indian law Institute, Law and Social Change: Indo-American Reflections. Tripathi, (1988) .
- Agnes Flavia, Law and Gender Inequality: The Politics of women's Rightsin India (1999) Oxford, new Delhi.
- Virendre Kumar: Dynamics of Reservation Policy: Towards a More Inclusive Social Order 50, Journal of ICI PP 478-517 (2007)
- M.P. Jain, Outlines of Indian Legal History (1993), Tripathi, Bombay

PAPER-II
LAW OF HUMAN RIGHTS
(Paper Code : 0278102)

UNIT-I:

Human Rights and the United Nations Charter:

Normative and Institutional Framework of the UN

- Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights

UNIT-II

- Universal Declaration on Human Rights:
- History of the Declaration
- Structure of the Declaration
- Legal Significance
- International Covenants: ICCPR and ICESCR
- Nature and Characteristic
- Optional Protocol

UNIT-III

Regional Instruments

- European Convention on Human Rights
- American Convention on Human Rights
- African Charter on Human and People's Rights
- Asia and Human Rights

UNIT-IV

- Implementation and Enforcement Mechanism of Human Rights in India. Remedies provided by the Judiciary and National Human Rights Commission.
- Right to Life and Personal Liberty: Evolution of New Dimension of Human Rights Through Judicial Interpretation.

UNIT-V

- Fundamental Duties. Article 51-A of the Constitution concept and need of Fundamental Duties. Enforcement and Effectuation of Fundamental Duties.
- Emerging regime of new Human Rights in India. Taking guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

SUGGESTED READINGS

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

- Agrawal H.O., *Human Rights*.

- Amartya Sen - "The Idea of Justice"
- G. G. Parikh (editor) - "India and Human Rights: Reflections"
- Alison Brysk - "Human Rights and Global Justice"
- John Rawls - "A Theory of Justice"
- Joseph Raz - "The Concept of Human Rights"
- Andrew Clapham - "Human Rights: A Very Short Introduction"
- Dr.Tripathi T.P., "An Introduction to the study of HUMAN Rights", ALA

PAPER-III

PaperCode-0278103

General principles of Criminal Law and Forensic Studies

UNIT I

-Constituents of Crime:

-*ACTUS REUS* , *MENS REA*

General principles of Criminal Liability:

-Principle of Legality

-Corporate Criminal Liability

-Various Liability with special reference to section 34 and 149 IPC

-Strict Liability

UNIT II

-Inchoate Crimes

-Abetment

-Criminal Conspiracy

-Attempt

UNIT III

-General Defenses

-Mistake, Accident, Necessity ,Insanity, Intoxication, Private Defence .

UNIT IV

Definition ,nature and scope of forensic science

History and development of forensic science

Crime scene investigation: Understanding and pupose of crime scene examination

and investigation ,physical evidence its collection packing and transportation chain of custody
evidentiary of forensic report.

UNIT V

Difference between suicidal homicidal and accidental wounds

Recent advances in forensic science:narco analysis , brain mapping ,dna finger printing and their
admissibility in the court polygraph test and NHRC guidelines of administration of polygraph
test .

SUGGESTED READINGS:

- Modis, Medical Jurisprudence And Toxicology , Lexis Nexis , New Delhi, 2006.
- B.R. Sharma, Forensic Science in Criminal Investigation & Trials, Universal Law Publishing Co., New Delhi, 2014.
- Andrew Ashworth and Jeremy Horder, Principles of Criminal Law, Oxford University Press, New York, 2013.
- Card and Cross and Jones, Criminal Law, Oxford University Press, 2012
- Mike Molan, Duncan Bloy and Denis Lanser Modern Criminal Law
- Cavendish Publishing Limited, London, 2003.
- PSA Pillai, Criminal Law, LexisNexis Butterworths Wadhwa, Nagpur; (10 Edition, Reprinted 2012).
- O.P. Srivastva, Principles of Criminal Law, Easter Book Company, Lucknow; 4th Edition
- Glanville Williams, Criminal Law, Universal Law Publishing Co. Pvt. Ltd.2009
- Jonathan Herring, Criminal Law, Oxford University Press, New York,2006,
- David Ormerod, Criminal Law, Oxford Press, New York, 2005,
- R.C. Nigam, Law of Crimes in India - Vol. 1 Principles of Criminal Law, Asia Publishing House, Bombay.1965
- S.N. Misra, Indian Penal Code, Central Law Publications
- K. Mathiharan and Amrit K Patnaik, Modi's Medical Jurisprudence and . Toxicology, LexisNexis, Buttersworth, 2010.
- K. Kannan and K. Mathiharan, Textbook of Medical Jurisprudence and Toxicology, Butterworth's India, 2012.
- R.M. Jhala and K Raju, Medical Jurisprudence, Eastern Book company,1997.
- K.S. Narayan Reddy, Medical Jurisprudence and Toxicology (Law Practiceand Procedure), ALT Publications, 2006 .
- Krishan Vij, Forensic Medicine and Toxicology, Principles and Practice, Elsevier India Private Limited, 2014
- Robert Milne, Forensic Intelligence, Taylor & Francis Group , London,2013.
- B.R. Sharma, Forensic Science in Criminal Investigation & Trials, Universal Law Publishing Co., New Delhi, 2014.

PAPER-IV
PAPER CODE :0278104
ENVIROMENT PROTECTION LAW

Unit-I

Global and National Environmental Issues and Problems: Air Pollution, Water Waste and Hazardous Wastes Disposal.

Pollution, Noise Pollution, Ozone Layer Depletion, Environmental Hazards related to Hazardous Chemicals, Batteries, Bio-Medical Waste, Municipal Solid

The Water (Prevention and Control) of Pollution Act, 1974 The Air (Prevention and Control) of Pollution Act, 1981-

Unit-II

The Environment Protection Act, 1986 The Noise Pollution (Regulation and Control) Rules, 2000

Hazardous and Other Wastes (Management and Tranboundary Movement)Rules, 2016

Unit- III

The Chemical Accidents (Emergency) Planning, Preparedness and Response Rules, 1996

The Bio-Medical Waste (Management) Rules, 2016

The Plastic Waste Management Rules, 2016

The Solid Wastes (Management) Rules, 2016

Unit-IV

Public Liability Insurance Act, 1991.

The National Green Tribunal Act, 2010

Batteries Management and Handling Rules, 2001 including 2010 Amendment

The E-Waste (Management) Rules, 2016.

UNIT -V

Liability for Environmental Damage

State Liability and State Responsibility for Environmental Damage: Defining Environmental Damage, Threshold at which environmental damage entails liability, standard of care and reparationThe Work of International Law Commission on Prevention of Transboundary harm and Allocation of Loss and 2001 Articles on State Responsibility,State practice and United Nations Compensation Commission's Report and Recommendations Concerning the Third Installment of "F4" Environmental Damage Claims

Civil Liability for environmental damage under international law: Issues and Challenges Scope,

SUGGESTED READINGS

- P.S.Jaswal and Nishtha Jaswal, Environmental Law, Pioneer Publications, Allahabad Law Agency, Faridabad, 2014 N.M. Swamy, N.Ranjit and N. Chaithanya, Law Relating to environmental
- Pollution and Protection, Asia Law House, 2013 LAL'S Commentary on Water and Air Pollution and Environment (Protection) Laws, Revised by M.C. Mehta, Delhi Law House, 2007
- P. Leelakrishnan, Environmental Law in India, Third Edition, Lexis Nexis, Butterworths, Nagpur, 2010 E. John, A. Matthews, J. Patrick, SAGE Handbook of Environmental
- Change Vol. I and II SAGE Publication, L.A. 2012 P.B. Sahasranaman, Oxford Handbook of Environmental Law, Oxford University Press, 2012
- Dr. Vidya Bhagat, Environmental Laws Issues and Concerns, Regal
- Publication, New Delhi, 2011
- Ritwick Dutta, The Environmental Activists Handbook, Published by Socio-Legal Information Centre, Mumbai, 2002 Donald Anton and Dinah L. Shelton, Environmental Protection and Human Rights, Cambridge University Press, Cambridge, 2011

LL.M. IIIrd & IVth SEMESTER (OPTIONAL GROUP PAPERS)

The Student has to opt any one Law Group among the following Law Groups in LL.M. IIIrd and Fourth Semester. Once a group opted by the student in LL.M. III Semester, he/she cannot change the Group in LL.M. IV Semester *i.e.* they shall keep the same Group with them . All the Theory Paper of LL.M. IIIrd and IVth Semester will carry Maximum 100 Marks.

- **GROUP (A) : Constitutional And Administrative Law Group**

OR

- **GROUP (B) : Business Law Group**

OR

- **GROUP (C) : Family Law Group**

IIIrd SEMESTER Syllabus

- **GROUP (A) : Constitutional And Administrative Law Group**
- ❖ **The Student has to appear in FOUR Theory Papers in LL.M. IIIrd Semester. Each Theory Paper will carry 100 Marks.**
- ❖ **The Student will start writing a Dissertation on the topic of his choice (Any topic pertaining to Law and the Society) with prior consent of his / her Supervisor / Guide. It will be submitted by the students latest by one and half month (45 days) from the date of last theory paper of LL.M. IVth Semester examination.**

Paper-I
CONSTITUTIONALISM AND CONSTITUTIONAL DEVELOPMENT
IN INDIA AND ENGLAND
(Paper Code : 0378101)

UNIT-I

What is a Constitution? Constitution, Constitutional Law and Constitutionalism. Concept of Limited Government and limitations on government power. Conventions of constitutionalism- Law and conventions. Historical evaluation of constitutional government in India and England.

UNIT-II

Rule of Law. Concept and new horizons; Separation of powers. Concept and its applicability in India and England.

UNIT-III

Sovereignty of British Parliament, Powers and Functions Privileges of the Parliament and Courts- Indian and British position.

UNIT-IV

The King of England. Prerogatives of the Crown. Position of the King in England. Cabinet System of government in India and England.

UNIT-V

The Judicial system in England. Crown Proceeding Act 1947. Judicial Review and Constitutionalism in India. Prerogative writs.

SUGGESTED READINGS

- Begehot Walter, *The English Constitution*.
- Boqdanor Vernon, *The New British Constitution*
- .Hidayatullah M., *Constitutional Law of India*.
- Jain M.P., *Constitutional Law*.
- King Anthoni, *The British Constitution*.
- Pandey J.N., *Constitutional Law of India*.
- Seervai H.M., *Constitutional Law of India*.
- Shukla V.N., *Constitutional Law of India*.

PAPER-II
COMPARATIVE AND COOPERATIVE FEDERALISM
(India, America, And Australia)
(Paper Code : 0378102)

UNIT I

Concept of Federalism. Requisite conditions of federalism Patterns of federal government of U.S.A. and Australia. Federal Control v. State autonomy.

Indian Federal Constitution and its present shape.

The changing dimension of modern federal Constitutions New trends in federalism. and **Cooperative Federalism.**

UNIT II

The scheme of the distribution of legislative powers in India and a comparative study of the scheme of U.S.A. and Australia. The specific legislative powers: Defence & External affairs.

UNIT III

Emergency provisions. Effect of Emergency on the federal structure. Judicial approach. Indian and American experiences.

UNIT IV

Judicial Review for federal Umpiring. Scope of judicial review in the federal constitutions The approach of Indian & American Supreme Court.

UNIT V

Scope of Constituent power. Amending Process and Process in action. Judicial Response. The direction of the Indian constituent power.

SUGGESTED READINGS

- Amar Akhil Reed, *America's Constitution : A Select Bibliography*.
- French Robert, Lindell Geoffrey and Saunders Cheryl (ed.), *Reflections on the Australian Constitution*.
- Hidayatullah M., *Constitutional Law of India*.
- Jain M.P., *Constitutional Law*.
- Landynski Jacob & Padover Saul, *The Living U.S. Constitution*.
- Mason, *The Australian Constitution in Retrospect and Prospect*.
- Pandey J.N., *Constitutional Law of India*.
- Saunders Cheryl, *The Constitution of Australia*.
- Seervai H.M., *Constitutional Law of India*.
- Shukla V.N., *Constitutional Law of India*.
- Stevens Richard G., *The American Constitution and Its Provenance*.
- Vile John R., *A Companion to the United States Constitution and Its Amendments*.

PAPER-III
CIVIL AND POLITICAL RIGHTS : COMPARATIVE STUDY OF SELECT CONSTITUTIONS
(India, United States of America and United Kingdom)

(Paper Code : 0378103)

UNIT I

Right to Equality. General principles. Protective discrimination with special references to emerging judicial response to the problems of group inequalities.

Comparative study of the decisions of the Indian and American courts.

UNIT II

Freedom of Speech and Expression: Special attention will be paid to the liberty of Press as interpreted by the Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution.

Right to life and Personal Liberty: Judicial determination of the scope of the term “personal liberty”, “procedure established by law” and the American expressions “liberty” and ‘due process’. Radical changes in judicial thinking in this area.

UNIT III

Freedom of Religion Judicial interpretation of the freedom under the Constitution of India and of the United States.

UNIT IV

Amendment of Rights: Adaptability of the Constitutional law to the changing needs of the society. Power and Procedure for amendments of these rights under the American and Indian constitution.

UNIT V

Elections and the Franchise: Constitutional foundation of the right to vote. The voting rights Acts. Judicial supervision of Elections.

SUGGESTED READINGS

- Amar Akhil Reed, *America's Constitution : A Select Bibliography*.
- Begehot Walter, *The English Constitution*. Boqdanor Vernon, *The New British Constitution*. Hidayatullah M., *Constitutional Law of India*.
- Jain M.P., *Constitutional Law*.
- Landynski Jacob & Padover Saul, *The Living U.S. Constitution*.
- Pandey J.N., *Constitutional Law of India*. Saunders Cheryl, *The Constitution of Australia*. Seervai H.M., *Constitutional Law of India*.
- Shukla V.N., *Constitutional Law of India*.
- Stevens Richard G., *The American Constitution and Its Provenance*

Vile John R., *A Companion to the United States Constitution and Its Amendments*.

PAPER-IV
LOCAL SELF GOVERNMENT LAW
(Paper Code : 0378104)

UNIT I

Historical Perspectives: Early period, Gram Swaraj-the Gandhian concept
Constitutional Scheme: Directive Principles, Structure and powers of local bodies

UNIT II

Legislative Powers: Direct democracy and grass root planning, Municipalities and corporation, gram Sabha

Financial powers:levying taxes,licensing power,financial resources and powers

UNIT III

Quasi-legislative Powers: Rule making power of the State Government, Regulations and Bye-laws **Judicial and Quasi-judicial** powers of the Local Bodies

UNIT IV

Election to Local Bodies Conduct of Meetings – Corporation, Municipal Council, **Panchayat Committee** and Gram Sabha

UNIT V

Institutional and Judicial Control

SUGGESTED FREADINGS

- *Dhaliwal S.S., Local Self Government.*
- *Jain M.P., Constitutional Law.*
- *Mudgal Rahul, Local Self Government in India.*
- *Pandey J.N., Constitutional Law of India.*
- *Seervai H.M., Constitutional Law of India.*
- *Shukla V.N., Constitutional Law of India*
- *Swami Satpal, Local Self Government.*
- *Vidyasagar I.S., Local Self Government – Theoretical Perspective.*

IIIrd SEMESTER

Syllabus

- **GROUP (B) : Business Law Group**
- **The Student has to appear in FOUR Theory Papers in LL.M. IIIrd Semester. Each Theory Paper will carry 100 Marks.**
- **The Student will start writing a Dissertation on the topic of his choice (Any topic pertaining to Law and the Society) with prior consent of his / her Supervisor / Guide. It will be submitted by the students latest by one and half month (45days) from the date of last theory paper of LL.M. IVth Semester examination.**

PAPER-I
(CONTRACT – I : GENERAL PRINCIPLES OF CONTRACT)
(Paper Code : 0378105)

UNIT I

Formation of Contract: A critical study of Offer and Acceptance.

Doctrine of Consideration and Privity of Contract

UNIT II

Capacity to contract: Nature of minor's agreements and the Doctrine of Restitution.

Consent: Meaning, Importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.

UNIT III

Standard form Contracts.

Void Agreements: With special reference to agreements relating to Restraint of Trade and Wagering Agreements.

UNIT IV

Discharge of contracts with special reference to the Doctrine of Frustration.

Relations resembling those created by contract.

UNIT V

Remedies in the form of Compensation.

SUGGESTED READINGS

- Anson's *Law of Contract*.
- Moitra A.C., *(Principles and digest of indian contract)*
- Pollock and Mulla, *Indian Contract and Specific Relief Act*.
- Bangia R.K. (Dr.), *Indian Contract Act*
- Desai S.T., *The Indian Contract Act*
- Kapoor S.K., *Contract*
- Singh Avtar (Dr.), *Law of Contract*

PAPER-II
(CONTRACT – II : SPECIFIC CONTRACT, SALES OF GOODS AND LAW OF PARTNERSHIP)
(Paper Code : 0378106)

UNIT I

Contract of Indemnity : Definition and nature of contract of indemnity, Extent and commencement of liability.

Contract of Guarantee : Meaning and Essentials of Contract of Guarantee, Extent of Surety's Liability, Discharge of Surety's Liability, Rights of Surety.

UNIT II Contract of Bailment & Pledge : Meaning and Essentials of Contract of Bailment, Duties of Bailor and Bailee, Rights of Bailee, Meaning and Essentials of Pledge and persons entitled to pledge.

Contract of Agency : Nature and Essentials of Contract of Agency, Creation of Agency: Implied Agency and Agency of Necessity, Agency by Ratification, Termination of Agency.

UNIT III

Delineation 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.

UNIT IV

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.

UNIT V

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.

Limited Liability Partnership.

SUGGESTED READINGS

- Anson's *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.), *Law of Contract*.

**PAPER-III
COMPANY LAW
(Paper Code : 0378107)**

UNIT I

Introduction – History of Company Legislation, Characteristic features of company , Lifting of Corporate veil, Kind of companies.

Memorandum and Articles of association – Meaning, Contents and alteration,
Doctrine of *Ultra Vires*, Doctrine of Indoor Management.

UNIT II

Prospectus – Meaning, definition and contents of a prospectus, statement in lieu of prospectus, Mis Statement in a prospectus and their consequences.

Share and Share Capital – Meaning and Kinds of Shares, Allotment, Forfeiture, Transfer, Transmission of Shares, Underwriting and Brokerage, Bonus shares, Right shares, Reduction of Share Capital.

Investment, loans and borrowings – Investments, Charges , Debentures, Kinds of Debentures, Debenture Trust deed.

UNIT III

Company Management- Qualification and Disqualification of directors, appointment and removal of directors, legal position, duties, liabilities and power of directors.

Company Meetings – Types / Kinds of Meeting, Quorum and resolution of meetings

Majority Rule and Minority Protection – *Foss v. Harbottle*, Exception to the rule, Prevention of Oppression and Mismanagement.

UNIT IV

Amalgamation, Merger Take over and Reconstruction.

Winding –up – Modes of Winding up, Dissolution of Companies, Liquidators, NCLT.

UNIT V

Corporate Governance and Corporate Social Responsibility.

SUGGESTED READINGS

- 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. The Companies Act, 2013*.

PAPER-IV
BANKING LAW
(Paper Code : 0378108)

UNIT I

Introduction: Nature and development of banking. History of banking in India and elsewhere-indigenous banking-evolution of banking in India-different kinds of banks and their functions, Multi-functional banks- growth and legal issues.

UNIT II

Law Relating to Banking Companies in India: Controls by government and its agencies. On management, On accounts and audit, Lending, Credit policy, Reconstruction and reorganization, Suspension and winding up, Contract between banker and customer; their rights and duties.

Social Control over Banking: Nationalization, Evaluation: private ownership, nationalization and disinvestments, Protection depositors, Priority lending, Promotion of under privileged classes.

UNIT III

Deposit Insurance: The Deposit Insurance Corporation Act 1961: Objects and Reasons, Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors, Relations between insured banks, DIC the Reserve Bank of India.

The Central Bank: Evolution of Central Bank, Characteristic and functions, Economic and social objectives, The Central Bank and the State as bankers' bank, The Reserve Bank of India as the central Bank, Organizational structure, Functions of the RBI, Regulation monetary mechanism of the economy, Credit control, Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non-banking companies, Financial companies, Non-financial companies.

UNIT IV

Relationship of Banker and Customer: Legal character, Contract between banker and customer, Banker's lien, Protection of bankers, Customers, Nature and type of accounts, Special classes of customers-lunatics, minor, partnership, corporations, local authorities Banking duty to customers, Consumer protection: banking as service.

Negotiable Instruments: meaning and kinds, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties.

Lending by Banks: Good lending principles, Lending to poor masses, Securities for advances, Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty, Default and recovery, Debt recovery tribunal.

UNIT V

Recent Trends of Banking System in India: New technology, Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit cards.

Reforms in Indian Banking Law: Recommendations of committees: a review.

SUGGESTED READINGS

- 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.
- Megrah Maurice & Ryder F.R., Pagets Law of Banking.
- Parthasarathy M.P., Negotiable Instrument Act.
- Singh Avtar (Dr.), Negotiable Instrument Act.
- Tannen M.L., Banking Law and Practice in India.

IIIrd SEMESTER Syllabus

- **GROUP (C) : Family Law Group**

- ❖ **The Student has to appear in FOUR Theory Papers in LL.M. IIIrd Semester. Each Theory Paper will carry 100 Marks.**
- ❖ **The Student will start writing a Dissertation on the topic of his choice (Any topic pertaining to Law and the Society) with prior consent of his / her Supervisor / Guide. It will be submitted by the students latest by one and half month (45 days) from the date of last theory paper of LL.M. IVth Semester examination.**

PAPER- I
FAMILY LAW-I
(HINDU LAW)
Paper Code-0378109

UNIT I:

INTRODUCTION: Basic Principles of Hindu Jurisprudence, Concept of Dharma , Ancient and Modern Sources of Hindu Law, Importance and impact of Dharma-shastras on Legislation. Two Principal Schools of Hindu law ,Application of Hindu Law .

UNIT II

Marriage and Kinship -Evolution of the Institution of Marriage and Family Law before Hindu Marriage Act ,1955, A detailed study of **Hindu Marriage Act 1955**.:**Matrimonial Remedies** :Nullity of Marriage ,Restitution of Conjugal Rights , Judicial Saperation ,Divorse ,**Maintenance, Alimony** .
Customary Practices and legislative provisions relating to **Dowry Prohibition**.

UNIT III

Hindu Undivided Family-Mitakshara Joint Family :Formation and Incidents,
Property under both schools - **Mitakshara** and **Dayabhag** ,**Karta** : His Position ,Powers ,Privileges and Obligations
Debts :**Doctrine of Pious Obligation** -**Partition** and **Reunion**
:Religious and

Inheritance and Succession – Historical Perspective of Traditional Hindu Law relating to Inheritance –
A detailed study of Hindu Succession Act, 1956 .

STRIDHAN: Women`s property :Recent State and Central ammendments to Hindu Succession Act ,1956.

WOMAN`S ESTATE: Position before the passing of the Hindu Succession Act ,1956
Change brought about by the Hindu Succession Act,1956.

Property of a Female Hindu and Rules of Succession(sections :14,15,16)

UNIT V

The law relating to Hindu Minority and Guardianship: Kinds of Guardians
Duties and Powers of Guardians : A detailed study of
Hindu Adoption and Maintenance Act 1956:changing concept of adoption (from religious to secular)
Maintenance : Traditional Rights and rights of Hindu Adoption and Maintenance Act ,1956.

SUGGESTED READINGS

- Mayne, Treatise on Hindu Law and Usages, Bharat Law House, West
- Modern Hindu Law By Dr. Paras Diwan by Dr. Paras Diwan
- Modern hindu law with incorporating personal laws by Dr U.P.D Kesari
- Hindu Laws with State Amendments – Bare Act with Short Notes by Universal
- Marriage & Divorce Laws Paperback Family Law for Competitive Exams and Practitioners
- Lectures on Family Laws (Hindu, Muslim & Personal Laws)
- Family Law-1 by Dr. Shivani Goswami
- Family Law Lectures Family Law-II by Dr. Poonam Pradhan Saxena
- Mulla: Principles of Hindu Law

PAPER-II
FAMILY LAW-II
(MUSLIM LAW)
Paper Code - 0378110

UNIT I

ISLAM :An Introduction :Definition of Islamic Jurisprudence,Basic Principles of Islamic Jurisprudence.

Subject Matter of Islamic Jurisprudence , Works on Islamic Jurisprudence and Development of Muslim Law ,
Schools:Sunni and Shia- their sub-divisions , Sources of Islamic Law: Primary and Secondary Sources , **The Shariat Act , 1937 ;**
Emergence of different Schools of Islamic Jurisprudence :Definitions Object and Nature .

UNIT II

Muslim Marriage :Essential requirements of , Classification of Marriage ;Legal effects of valid,void and irregular marriages ;Concept of **Muta Marriage;**

Dissolution of marriage:Types of Divorce, **Constitutionality of Talaq-ul- Biddat :**Divorce available to a woman under Dissolution of **Muslim Marriage Act ,1939 .**

The Concept of Dower:Explanation , Types and Importance of ‘Mehr’.

UNIT III

Matrimonial Remedies under Muslim law and Indian Divorce Act ,1869 (Amended Act -Indian Divorce Act , 2001)-

Nullity of Marriage-Bar to Matrimonial Relief ,Alimony and Maintenance ,

Alimony and maintenance as an independent remedy,

Indian Divorce Act 1869,Provisions under the Civil Procedure Code ,1973;

Maintenance of Divorced Muslim women under Muslim Women (Protection of Rights on Divorce)Act ,1986.

UNIT IV

Guardianship: Types of Guardianship in Muslim Law , Guardianship and Parental rights

Succession ;Child and Family , Legitimacy,Custody ,Maintenance and Education.

Inheritance:General Principles of Inheritance.

Right of Pre-Emption .

UNIT V

GIFT-Meaning , essential ingredients ,Exceptions ,Formalities and revocation of gift; Concept of Mushaa and exceptions to Mushaa, Gift made during marz-ul -maut.

WILL: Meaning , Object , Significance ,Difference between Hiba and Wills ,Requisites,Subject Matter , Extent and Revocation of Will.

Waqf:Meaning , Purpose,Essential , Legal Incidents, Modes ,Subject Matter, Kinds of Waqf , Who can create Waqf ,For whom it can be created , the Concept of Mutwalli .

SUGESTED READINGS

- Agnes Flavia: Family Law vol. II: Marriage, Divorce and Matrimonial Litigation, (Oxford University Press, New Delhi, 2011)
- Qureshi, M.A.: Muslim Law, (Central Law Publication, 2002)-

- Desai Kumud: Indian Law of Marriage and Divorce, (Lexis Nexis Buttersworths Wadhwa Nagpur, 2011) Diwan, Paras and Peeyushi Diwan,
- Law of Marriage and Divorce, (Universal Law Publishing Co. Ltd., New Delhi, 2008).
- Fyzee,
- F.A.A: Outlines of Muhammadan Law, (Oxford University Press,4th ed.).

PAPER-III
GENDER JUSTICE And WELFARE LAWS IN INDIA
Paper Code -0378111

UNIT I

Gender Justice: Meaning, Conceptual Position, Importance,
Gender justice as basic Human Right, Gender Justice as Social Justice,
Constitutional protection to women in India: Preamble provision,
Equality provisions, Protection Under Directive Principles.

UNIT II

Gender Justice in India: Rights of women in Pre – Independence Era: Contribution of Social Reformers (Raja Ram Mohan Roy, Jyotibha Phule, Savitri Bai Phule, Vivekananda, Annie Besant) for bringing about Equal Rights for Women like Education, Remarriage and Right to property, Role of United Nations in creating awareness for Gender Equality and Justice: Universal Declaration of Human Rights 1948, CEDAW (Convention on the Elimination of all Forms of Discrimination Against), 1979.

UNIT III

Violence against Husband: Arising out of the Judicial cognizance of widespread misuse of provisions under section 498A and 304-B.(IPC),

Women and Criminal Laws: Crimes against women under Indian Penal Code; offences affecting the Human Body; Offences related to: Miscarriage, Bigamy, Slavery and Good Conduct.

Labour Laws and Women: Factories Act, 1948; The Mine, Act 1952, The Employee's State Insurance Act, 1948; Maternity Benefit Act, 1961-Entitlement to Maternity Benefit and Miscellaneous Provisions; The Equal Remuneration Act, 1976.

UNIT IV

Uniform Civil Code: Pros and Cons; Impact of Modernization, Gender Neutral Laws

Women and Criminal Laws: Crimes against women under Indian Penal Code; offences affecting the Human Body; Offences related to: Miscarriage, Bigamy, Slavery and Good Conduct.

Succession: The Hindu Succession Act 1956: Entitlement to a Share equal to the Male Heirs,
Stridhan: As Distinguished from Women's Estate.

UNIT V

Special Women Welfare Laws: The Hindu Widow Remarriage Act, 1856;
The Child Marriage Restraint Act, 1929; The Immoral Traffic (Prevention) Act, 1956;
Dowry Prohibition Act, 1961; The Indecent Representation Prohibition Act, 1986;
The Commission of Sati (Prevention) Act, 1987; National Commission for Women Act, 1990.

SUGGESTED READINGS

- Chawla Monica: Gender Justice: Women and Law in India.
- Kanwal (Dr.) Sheetal, Gender Justice and Feminist Jurisprudence.
- Chatterjee Ishita (Dr.), Gender Justice and Feminist Jurisprudence.
- Rao Mamta, Law relating to Women and Children.

PAPER IV
WOMEN AND VIOLENCE- CENTRIC LAWS IN INDIA
Paper Code -0378112

UNIT I

Violence and Violence against women : Meaning and Conceptual Position.

Meaning and Definition of Domestic Violence :by United Nations and International Community;

Types and causes of Domestic Violence ;Determination of Abuse .

Causes of delayed recognition of Domestic Violence as Potential Violence to Women ;Legal

Definition of Domestic Violence : Section-4(Protection of Women against Domestic Violence Act,2005).

UNIT II

Causes Of Violence To Women:

Socio-Cultural And Structural Causes: Patriarchal Reason ;Various Manifestations and Forms of Violence against women like ,Rape ,Incest,Domestic Violence ,Female Foeticide and Infanticide, Molestation ,Eve-Teasing ,Harrasement and Trafficking of Women .

UNIT III

Role of NGOs in safeguarding women from domestic violence,

Meaning of NGOs(Non Government Organization); the various roles of NGOs towards

Women Empowerment , Guarantee Wommen participation in Women Empowerment,

Educating the rural women , Promoting Rural Leadership,Promoting Technology in Rural areas.

UNIT IV

Supreme court on Domestic Violence : Vishakha vs. State of Rajasthan(1997)—Detailed Guidelines.

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

Supreme court on Domestic Violence :

Declaration on Elimination of Domestic Violence against Women ,1993;

Unsuccess of Dowry Prohibition Act for Women .

The Medical Termination of Pregnancy;Indecent;The Pre-conception and Pre-natal Diagnostic Techniques Causes of Faliure(Prohibition of Sex Selection)Act,1994.

UNIT V

National Commission for Women Act , 1990

Its ,constitution ,objectives and Functions .

SUGGESTED READINGS

- Violence and Protection Measures for women development and empowerment by Aruna Goel
- Philosophy of crime by Pradip Kumar *Deep and Deep Publications Pvt.Ltd.*
- Marriage and family in divorce and changing scenario by A.Ratra ,P.Kumar . and S.Chikkara,
Deep and Deep Publications Pvt.Ltd.
- Organisation and structure of women development and empowerment
by Aruna Goel *Deep and Deep Publications Pvt.Ltd.*
- The Protection of Women from Domestic Violence Acts & Rules by N.A.Zuberi, ALA.
- Law Relating to Women and Child by:O.P. Mishra,CA

IVth SEMESTER

Syllabus

- **GROUP (A) : Constitutional And Administrative Law Group**
 - ❖ **The Student has to appear in TWO Theory Papers in LL.M. IVth Semester. Each Theory Paper will carry 100 Marks.**
 - ❖ **The Student will submit his / her Dissertation latest by one and half month (45 days) from the date of last theory paper of LL.M. IVth Semester. The Dissertation will carry 100 Marks.**
 - ❖ **The Student will appear in Viva-voce examination in LL.M. IVth Semester which will carry 100 Marks.**

PAPER-I
ADMINISTRATIVE LAW IN INDIA – I
(Paper Code : 0478101)

UNIT I

Approach Importance, Scope and content of Administrative Law: **English approach , American approach, French System : Droit Administratif**: definition origin ,historical development ,distinctive features of french administrative law and **Dicey`s criticism of Droit administratif.**

UNIT II

Rule of Law: **Dicey`s** formulation of rule of law , **Wade`s** Exposition of ‘Rule of Law’ ;Rule of law in England , Rule of Law in America ,Rule of Law in India
Separation of Powers: Meaning, Origin of the **Doctrine , Systems of Checks and Balances** :Position in England ,Separation of Powers in America , Separations of Powers in India .

UNIT III

Delegated Legislation:

- a. Constitutionality;
- b. Judicial Control;
- c. Parliamentary Control;
- d. Procedural Control

UNIT IV

Ombudsman in India (Lokpal)

Central Vigilance Commission

UNIT V

Judicial Review of Administrative Action ,Commission of Enquiry Act 1952.

SUGGESTED READINGS

- 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*.

- Basu D.D., *Comparative Administrative Law*.
- Jain M.P. & Jain S.N., *Principles of Administrative Law*
- .Joshi K.C., *Administrative Law*

PAPER-II
ADMINISTRATIVE LAW IN INDIA – II
(Paper Code : 0478102)

UNIT I

Judicial Review of Discretionary Power.

- (1) Writ of Habeas Corpus
- (2) Writ of Mandamus.
- (3) Writ of Certiorari.
- (4) Writ of Prohibition.
- (5) Writ of Quo-warranto.

UNIT II

- (6) Natural Justice: Rule Against Bias, Opportunity of Hearing (Audi alteram partem), Exceptions to **Natural Justice** .

UNIT III

Administrative Tribunals: Composition ,Position and Practice of Tribunals ,Other Statutory Tribunals : Income Tax Appellate Tribunal ,The Industrial Tribunal , Motor Accidents Claims Tribunal.

UNIT IV

Domestic Inquiries.

Administrative Finality.

UNIT V

Role of Declaratory Decree as Public Law Remedy.

Role of Injunction as Public Law Remedy.

SUGGESTED READINGS

- 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*.

DISSERTATION (Code :0478103) (100 Marks) : Dissertation will be submitted by the students latest by one and half month **(45 days)** from the date of last theory paper of LL.M. IVth Semester examination.

- **VIVA- VOCE (Code :0478104)--- 100 Marks.**

IVth SEMESTER Syllabus

• GROUP (B) : Business Law Group

- ❖ **The Student has to appear in TWO Theory Papers in LL.M. IVth Semester. Each Theory Paper will carry 100 Marks.**
- ❖ **The Student will submit his / her Dissertation latest by one and half month (45days) from the date of last theory paper of LL.M. IVth Semester. The Dissertation will carry 100 Marks.**
- ❖ **The Student will appear in Viva-voce examination in LL.M. IVth Semester which will carry 100 Marks.**

PAPER-I
INSURANCE LAW
(Paper Code : 0478105)

UNIT I

Nature and definition of Contract of Insurance – Definition of Contract of Insurance, Contract is ‘Aleatory’, Contract of utmost good faith, Contract of indemnity, Contract of Wager.
General Principle of Law of Insurance – The Risk – Commencement, Attachment and duration, Assignment and alteration, Settlement of Claim and Subrogation, Effect of War upon policies, Insurable Interest, Double Insurance and Re- Insurance.

UNIT II

Life Insurance – Nature and scope, Event insured against Life Insurance Contract, Circumstances affecting the risk, settlement of claim and payment of money.

UNIT III

Marine Insurance – Nature and scope, Classification of marine policies, Insurable interest, Insurable value, Voyage – deviation, Perils of the Sea, Assignment of Policy.

UNIT IV

Property Insurance –

Fire Insurance, Policies covering accidental loss, damage to property, Risk of explosion, Storm and tempest, Burglary and theft policies, Goods in transit insurance, Agriculture insurance .

Insurance against accidents and third party risks, Assessment of Compensation, Contributory Negligence, Apportionment of compensation and liability, Compulsory insurance, Liability Insurance, Public Liability Insurance.

UNIT V

Miscellaneous – Group Life Insurance, Medi-claim, Sickness Insurance, Insurance Regulatory and Development Authority.

SUGGESTED READINGS

- Ray R.M., *Life Insurance in India*.
- Singh Avtar, *Law of Insurance*
- Mishra M.N., *Principles of Insurance and Practices*.
- Mishra M.N., *Principles of Insurance*.
- Rao C.R., *Treaties on the Law of Insurance*.
- Singh Brij Nandan, *Insurance Law*.

PAPER-II
INTERNATIONAL TRADE LAW
(Optional Paper)
(Paper Code : 0478106)

UNIT I

International Trade and Trading Blocks – Institutionalization of Trade Rounds – GATT – Regional Trading Blocks, Co- Operation with International and regional organization;
WTO and International Trade – WTO agreements, additional; agreements, Protection of Intellectual property under WTO agreements, World Intellectual Property Organization.

UNIT II

Anti-Dumping Duties, Subsidies and Countervailing Duties and Measures, Procedure for Arbitration, Categories of Subsidies, SCM agreements.

UNIT III

Competition Law and International Trade – Concept of Competition, International Trade and Competition Interface between competition and Trade, Competition and WTO, Competition and Consumer forum, vertical restraints, Prohibition of Anti – competitive agreements, Unfair Trade Practices, Power of Competition Commission of India.

UNIT IV

International Commercial Arbitration – International Contracts, International Conventions and Treaties, UNCITRAL Neutrality, International Court of Arbitration, Permanent Court of Arbitration

UNIT V

Settlement of Disputes under WTO – Dispute Settlement Undertaking, Rule based system, Participation in dispute settlement, Dispute Settlement procedure, Tenure of Dispute, Expert Review Groups, Appeals.

SUGGESTED READINGS

- Kaul Krishan, Avtar, *The General Agreement on Tariffs and Trade/World Trade Organization-Law, Economics and Politics.*
- Carr, Indira, *Principles of International Trade Law.*
- Charley, Janetle, *International Trade Law.*
- Motiwal O.P., *International Trade- The Law and Practice.*
- Bhalla Raj, *International Trade Law: Theory & Practice.*
- Lowenfield A., *Law of International Trade.*
- Goyal Arun, *WTO in New Millennium.* Bagchi Jayanta, *World Trade Organization.*
- Rao M.B. & Guru Manjula, *WTO and International Trade.*

- **DISSERTATION (Code :0478107) (100 Marks)** : Dissertation will be submitted by the students latest by one and half month **(45 days)** from the date of last theory paper of LL.M. IVth Semester examination.
- **VIVA- VOCE (Code:0478108)--- 100 Marks**

IVth SEMESTER Syllabus

- **GROUP (C) : FAMILY LAW**

- ❖ **The Student has to appear in TWO Theory Papers in LL.M. IVth Semester. Each Theory Paper will carry 100 Marks.**
- ❖ **The Student will submit his / her Dissertation latest by one and half month (45 days) from the date of last theory paper of LL.M. IVth Semester. The Dissertation will carry 100 Marks.**
- ❖ **The Student will appear in Viva-voce examination in LL.M. IVth Semester which will carry 100 Marks.**

PAPER -I
Family Dispute Resolution in Indian Law
PAPER CODE:0478109

UNIT I :

Family:Meaning and Types;**Family Disputes:**Meaning and definition.

Introduction To Dispute Resolution Mechanism:

Meaning of Alternate Dispute Resolution ,The Mechanism of Alternate Dispute Resolution,
Overview of dispute Resolution Methods;

The Legal- framework for ADR in India :The Arbitration and Conciliation Act ,(1996) and
Other relevent Laws .

UNIT II

Arbitration :Principles and Process ,Types of Arbitration ,Essentials and Enforcement of
Arbitration Agreement,

Arbitration Proceedings : Appiontent of Arbitators ,Arbitral Award ,Conduct of Proceedings ,
Role of Courts in Arbitration.

UNIT III

Mediation and Conciliation: Its Principles and Processes

Differences and Similarities between **Mediation, Conciliation** and **Negotiation**

Role of Mediators and Conciliators ,

Pre-Mediation and conciliation stage , Actual-Mediation , Conciliation Sessions

Post Mediation and Conciliation Stage .

UNIT IV

Lok Adalat And Other Forms Of Alternate Dispute Resolution(ADR):

Lok Adalat under Legal Services Authorities Act, (1987), Establishment of Permanent Lok Adalat under
the ammended Legal Services Authorities Act, (2002), Cognizance of matters by Lok Adalat ,

The Legal Effect of the Awards passed by the Lok Adalat, Meaning of Public Utility Services in relation to
Permanent Lok Adalat, Further scope of **Conciliation** , **Mediation** and **Pre-trial Settlement Methodology** under
ammended Code of Civil Procedure ,(2002), Sec-89,

Constitutional validity of ADR under Sec-89,CPC.

Other relevant sections regarding ADR – Sections -19,20,21and 22 of Legal Services Authorities Act ,(1987).

UNIT V

Contemporary Issues and Challenges in ADR :

The role of ADR in access to justice.

Online Dispute Resolution (ODR): Understanding, benefits, and challenges.

Confidentiality and ethics in ADR.

Enforceability of ADR decisions.

International ADR and the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law (UNCITRAL).

SUGGESTED READINGS

- Barlow Anne ,HunterRosemary ,Smithson Janet ,Maping Paths to family Justice .
- Singh Awtar`s, Arbitration and Conciliation .
- Taylor Alison , The Handbook of Family Dispute Resolution.
- Murphy Jane C. & Singer Jana B.,Divorced from Reality:Rethinking Family Dispute Resolution .

PAPER-II

Personal Laws of Christians , Parsis and Jews

Paper Code:0478110

UNIT I

Introduction to Personal Laws in India : Role of personal Laws in secular India, Relevance, Acceptance and application of Personal Laws in Indian Legal System; Personal Laws and Constitution of India ; Importance of ‘Customary Laws’ of Christians, Parsis and Jews ; Salient Features of Legislation Enacted for the Christians and Parsis.

UNIT II

Hybrid Legal System : Salient Features of Hybrid Legal System ;Meaning and importance ;Role of Custom In Christian Law ;

Role of Custom in Parsi Law ;Customs relating to Marriage, Adoption and Succession In Parsis ;Role of Custom in Jewish Law;Matrimonial Customs of Jews in India .

UNIT III

History of Christian Law in India : The Indian Christian Marriage ,Act 1872-Its Provisions and Applications;The Indian Divorce Act ,1869: Its provisions and applications; Adoption and Guardianship in Christian Law ;Personal Laws governing Jews: Uncodified Jewish Law ,Jewish Law of Inheritance and succession ;Adoption and Guardianship And Case Studies.

UNIT IV

Comparative Study of Christian, Parsis and Jewish Laws; Personal Laws and Human Rights; Women`s Rights Under Personal Laws ; Contemporary Issues and Challenges, Conversion,Interfaith Marriages etc.

UNIT V

Constitutional Mandate of UCC in Article 44 of Indian Constitution .

Concept of Uniform Civil Code (UCC);Its Contents and objectives and
Critical Analysis.

Advantages and Disadvantages of UCC in India ;UCC in USA ,

Canada , Australia , U.K., Russia and UCC in Goa (India) ,Need For UCC in India

And the way forward .

SUGGESTED READINGS

- Manushi: A Journal about Women and Society, no. 100, 1997. Supinder Kaur. Law of Succession in India, Lexis
- Agarwal, K.B. Family law in India. Kluwer Law International, 2016,
- Archana Parashar.
- Women and Family Reform in Sivaramayya, B. "Law: Of Daughters,
- Sons and Widows Discrimination in Inheritance.
 - India, Sage Publications, 1992
- Basanth Kumar Sharma. Hind Law, Central Law Vibhuti Patel "All Personal Laws in India are Publications, 2011.
- Inheritance and Property Rights under the Hindu Succession Act 1956, Lawyer Collective Women's Rights Initiative.
- https://www.researchgate.net/publication/340379989_Comparative_Study_of_Personal_Law_in_India

- **DISSERTATION (Code :0478111) (100 Marks)** : Dissertation will be submitted by the students latest by one and half month **(45 days)** after the date of last theory paper of LL.M. IVth Semester examination.
- **VIVA- VOCE (Code :0478112) – (100 Marks).**

