

Law of Crimes-I

Max. Marks = 100

Paper-1

Note: The subject includes a comprehensive and upto date study of various aspects of law of crimes. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Introduction to Criminal Law:
 - a) Purpose and scope of Criminal Law
 - b) Nature and concept of crime
2. Definitions under sections 21,22,23,24,25,39,40 and 52 of IPC
3. Elements of criminal liability
 - a) Actus Reus
 - b) Mensrea- Importance of Mensrea and recent trends to fix liability without mensrea in certain socio-economic offences.

Unit-II

General Defences:-

1. Mistake
2. Judicial and Executive acts
3. Accident
4. Necessity
5. Infancy

Unit-III

General Defences (Continued)

1. Insanity
2. Intoxication
3. Consent
4. Right of Private Defence

Unit-IV

1. Group liability under sections 34 and 149 of the IPC
2. Unlawful Assembly, Rioting and Affray

Unit V

Preliminary Crimes

1. Abetment: Section 107-109 IPC
2. Criminal Conspiracy: Section 120A and 120B of IPC
3. Criminal Attempt: Sections 511 and 307 of IPC
 - a. Attempt when punishable
 - b. Tests for determining what constitutes attempt
 - c. Impossible attempt.

Leading cases should be read as under

1. Queen v. Prince, (1875) LR 2CCR 154 (HL)
2. Queen v. Tolson, (1889) 23 QBD168 (HL)
3. State of Maharashtra v. M.H. George, AIR 1965 SC 722
4. Lim Chin Aik v. The Queen, (1963)1 All ER 23 (PC)
5. Nathulal v. State of M.P., AIR 1966 SC 43
6. State of West Bengal v. Shew Mangal Singh AIR 1981 SC 1917
7. R.v. Daniel M'Naughten (1843) Revised Reports Vol.59: 8ER 718 (HL)
8. Shrikant Anandrao Bhosale v. State of Maharashtra, (2002) 7 SCC 748
9. Vishwanath v. State of UP AIR 1960 SC 67
10. Bhupindra Singh A. V. Chudasama v. State of Gujrat 1998 2SCC 603
11. Moti Singh v. State of Maharashtra (2002) 9 SCC 494
12. Mehboob Shah v. Emperor, AIR 1943 PC 118
13. Barendra Kumar Ghosh v. King Emperor AIR 1925 PC 1.
14. Faguna Kanta Nath v. State of Assam, AIR 1959 SC 673
15. State (CBI/SIT) v. Nalini (Rajiv Gandhi Murder Case), (1995) 5 SC60.
16. Mohd Khalid v. State of W.B, (2002) 7 SCC 334
17. Devendra Pal Singh v. State of NCT of Delhi, (2002) 5 SCC 234
18. Abhayanand Mishra v. State of Bihar, AIR 1961 SC 1698.
19. Om Prakash v. State of Punjab, AIR 1961 SC 1782.

CONTRACT -I

Max. Marks = 100

Paper –II

Note: The subject includes a comprehensive and upto date study of various aspects of law of contracts. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. The students shall have to attempt 3 questions from this section.

Unit-1

- General Principles of Law of Contract
Agreement and contract: definitions, elements and kinds.
Proposal-acceptance- their various forms, essential elements, communications and revocation- proposal and invitations for proposal- tenders
Intention to create legal relationship.

Unit-2

- Consideration- its need, meaning, kinds, essential elements-privity of contract, promissory estoppel, exceptions to consideration- - adequacy of consideration- present, past and executory consideration- unlawful consideration and its effects- views of Law Commission of India on consideration- evaluation of the doctrine of consideration.
- Capacity to contract-meaning- definition of minor, necessities supplied to a minor, agreements beneficial and detrimental to a minor affirmation- restitution in cases of minor's agreement- fraud by minor- agreements made on behalf of a minor's agreement and tested-evaluation of the law relating to minor's agreement.

Unit-3

- Free consent-definition-essential factors vitiating free consent.
Coercion-definition-essential-elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion.
Undue influence-definition-essential elements –Who is to prove it? Illustrations of undue influence-independent advice-pardahanashin women- unconscionable bargains – effect of undue influence.
Misrepresentation- definition-misrepresentation of law and of fact their effects and illustration.
Fraud-definition-essential elements-suggestion falsi-suppresio veri- when does silence amounts to fraud? Active –concealment of truth- importance of intention.
Mistake- definition- kinds- fundamental error- mistake of law and of fact – their effect- when does a mistake vitiate free consent and when does it not vitiate free consent?
- Legality of objects:
Void agreements – lawful and unlawful considerations and objects- void, violable, illegal and unlawful agreements and their effects.
Forbidden by law

Defeating the provision of any law
 Fraudulent
 Injurious to person or property
 Immoral
 Against public policy
 Void agreements:
 Agreements in restraint of trade – its exceptions- sale of goodwill, section 11 of the Partnership Act, trade combinations exclusive dealing agreements, restraint on employees under agreements of service.
 Agreement in restraints of legal proceedings – its exceptions.

Unit-IV

Discharge of contract and its various modes
 By breach- anticipatory breach and present breach.
 Impossibility of performance – specific grounds of frustration – application to leases- theories of frustration – effect of frustration –frustration and restitution
 By period of limitation

- Quasi-contracts of Certain Relations Resembling those Created by Contract
- Damages Kinds- Remoteness of damages- ascertainment of damages.

Unit-V

- Specific Relief
 - Specific performance of contract
 - Contract that can be specifically enforced
 - Persons against whom specific enforcement can be ordered
 - Rescission and cancellation
 - Injunction
 - Temporary
 - Perpetual
 - Declaratory orders
 - Discretion and powers of court

Leading Cases

- 1) Carlill V. Carbolic Smoke Ball Co. (1892) 2QB. 484
- 2) Chinnaya V. Ramayya (1882) 4 Mad. 137
- 3) Mohori Bibee V. Dhurmodas Ghose (1903) ILR 30 Cal. 539 (PC)
- 4) Nordenfelt V. Maxim Nordenfelt Gunns & Ammunition Co. Ltd. (1894) AC 535
- 5) Satyabrata Ghose V. Mugneeram Bangur & Co. AIR 1954 SC 44.
- 6) Hadley V. Baxendale 16 LQR 275 (1900)

Recommended Readings

- 1) Mulla Indian Contract Act.
- 2) R.K. Bangia Indian Contract Act.
- 3) Desai Indian Contract Act.
- 4) Anson Law Contract.
- 5) Pollock and Mulla Indian Contract and Special Relief Acts.
- 6) Beatesen (ed.) Anson's Law of Contract (27th ed. 1998)
- 7) P.S. Atiyya, Introduction to the law of contract 1992 reprint
- 8) Avtar Singh, Law of Contract (2000)
- 9) M.Krishnan Nair, Law of Contracts (1998)
- 10) G.H. Treitel, Law of Contract
- 11) Anson, Law of Contracts (1998)
- 12) Dutt on Contract (2000)

Family Law-I

Max. Marks = 100

Paper III

Note: The subject includes a comprehensive and upto date study of various aspects of family law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

Sources & Schools of Muslim Law.

Unit-2

Marriage

- a) Evolution of the institution of Marriage and Family.
- b) Nature, scope and validity of marriage
- c) Classification of marriage.
- d) Polygamy

Divorce and Matrimonial Remedies

Non-Judicial Resolution of Marital Conflicts

- e) Customary dissolution of marriage unilateral divorce. Divorce by mutual consent and other modes of dissolution
- f) Divorce under Muslim Personal Law – Talaq -e-tafweez.
- g) Dissolution of Muslim Marriage Act 1939.

Unit-3

Alimony and maintenance

- Maintenance of, divorced wives, minor children, disabled children and parents who are unable to support themselves: provisions under the Code of Criminal Procedure. 1973.
- Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act. 1986.

Unit-4

Child and the family

- Legitimacy
- Guardianship

Wakfs and Will

General Principles of inheritance

Unit-5**Establishment of Family Courts**

- Concept of family court, status of family court
- Jurisdiction of family court
- Procedure
- Camera proceedings and exclusion of lawyer.
- Support of auxiliary services

Uniform Civil Code

- a) Religions pluralism and its implications.
- b) Connotations of the directive contained in Article 44 of the constitution.
- c) The idea of optional uniform civil code.

Leading Cases on Muslim Law

1. Sarla Mudgal V. Union of India (1995) 3 SCC 635
2. Sayyed Ali V. Andra Pradesh Wakf Board AIR 1998 SC 972
3. Mohammad Ahmad Khan V. Shah Banu Begum AIR 1985 SC 945
4. Ghousiyar Khan V. Fatima Begum AIR 1988 AP 354
5. Begum Sabanu V. A.M. Abdul Gafoor AIR 1987 SC 1103.

Recommended Readings

- 1) Fyzee A.A.A. Outlines of Mohammadan Law
- 2) TahirMohmood The Muslim Law of India
- 3) Paras Diwan Muslim Law in Modern India
- 4) S.Athar Hussain and S. Khalid Rashid. Wakf Laws and Administration in India
- 5) Al-haji Muhammad-Ullah The Muslim Law of Inheritance
- 6) Paras Diwan: Law of interstate and testamentary succession (1998)
Universal
- 7) Basu N.D. Law of Succession (2000) Universal
- 8) Kusem- Marriage and Divorce Law Manual (2000) Universal
 - a) Machanda S.c., law and Practice of Divorce in India (2000) Universal
- 9) P.V. Kane. History of Dharmasratra Vol 2. Pt. 1. At 624-632 (1974)
- 10) Kuppaswani (ed); Maynis Hindu Law and Usage ch 4(1986)
- 11) B. Sivaramayy's Inequatitus and the Law (1985)
- 12) J.D.M. Derrett. Hindu Law: Past and Present
- 13) J.D.M Derrett; Death of marriage Law
- 14) A.A.A. Fyzee. Outlines of Muhammadan Law (1998)
- 15) Arradi Kuppaswami (ed) Mayne's Hindu Law and Usage (1986)
- 16) J.D.M. Derret. A Critique of Modern Hindu Law (1970)
- 17) Paras Diwan : Hindus Law (1985)
- 18) S.T. Desai (Ed); Mulla's Principles of Hindu Law (1998)
- 19) Paras Diwan: Family Law of Marriage and Divorce in India (1984)
- 20) A.M. Bhattachargu: Muslim Law and the Constitution (1994)
- 21) A.M. Battachargu: Hindu law and Constitution (1994)
- 22) Paras Diwan: Law of Adoption Ministry Guardianship and Custody (2000) Universal

LAW OF TORTS, CONSUMER PROTECTION AND MOTOR VEHICLES ACT

Max. Marks = 100

PAPER-IV

Note: The subject includes a comprehensive and upto date study of various aspects of Law of Torts, Consumer Protection and Motor Vehicles Act. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. The students shall have to attempt 3 questions, selecting two from Law of Torts.

Unit-I Introduction and Principles of Liability in Torts

1. Definition of Torts
2. Development of Tort actions in England and India Tort distinguished from contract, quasi contract and crime
3. Constituents of Torts - wrongful act, Damage – Injuria sine Damno & Damnum sine Injuria;
4. Strict liability & Absolute liability.
5. Vicarious liability

Unit-II Justification in Tort

1. Volenti non fit injuria
2. Act of God
3. Inevitable Accident
4. Necessity
5. Private defence
6. Judicial & quasi Judicial acts

Unit-III Specific Torts

1. Defamation
2. Negligence
3. Nuisance
4. Trespass to Person
5. Malicious prosecution and Nervous Shock

Unit-IV Consumer Protection

1. Basic concepts: Consumer, service and goods
2. Authorities for consumer protection
3. Remedies

Unit-V Motor Vehicles Act,

- 1) General overview of the Law.
- 2) Rule for Payment of compensation
- 3) Fault based liability.
- 4) No-fault liability
- 5) Liability of insurer
- 6) Claims Tribunals.

Leading Cases**Law of Torts:**

- 1) Ashby V. White (1703) Ld. Raym. 938
- 2) Haynes V. Harwood (1935) IKB 146
- 3) Donoghue V. Stevenson (1932) AC 562
- 4) Municipal Corporaion of Delhi V. Subhagwanti AIR 1966 SC 1750.
- 5) In Re Polemis and Furness Withy & Co. Ltd. (1920) 2KB 560
- 6) Ryland V. Fletcher (1868) LR-I Ex. 265.
- 7) M.C. Mehta V. Union of India AIR 1987 SC. 1086.
- 8) Bhim Sigh V. State of J&K AIR 1986 SC 494.
- 9) Town Area Committee V. Prabudayal AIR 1975 All 132.
- 10) Kasturi Lal Ralia Ram Jain V. State of U.P AIR 1962.
- 11) Union Carbide of India Ltd. V. Union of India AIR 1990 SC 273.

Motor Vehicles Act.

- 1) Prabhu Dhayal Agarwal V. Saraswati Bhai 1975 ACJ. 355
- 2) Divisional Manager L I C v. Raj Kumari Mittal 1985 ACJ 179 (DB)
- 3) B.P. Venkatapa V. B.L. Lakshmiah AIR 1973 Mysore 350
- 4) Gyarsilal V. Sitacharn AIR 1963 MP 164
- 5) Minu B. Mehta V. Balkrishna AIR 1977 SC 1248.

Recommended Redings:

- | | |
|---------------------------|---|
| 1) Banga R.K. | Law of Torts |
| 2) Ratanlal Dhirajlal | Cases on Law of Torts |
| 3) Rogers, W.H.V. | Winfield and Jolowicz on Torts. |
| 4) Heuston R.V. F. | Salmond on Law of Torts |
| 5) Arora J C. | Motor Vehicles Act With Ready Referencer. |
| 6) Salmond and Heuston | On the Law of Torts (2000) |
| 7) D.D. Basu, | The Law of Torts (1982) |
| 8) D.M. Gandhi | Law of Torts (1987) |
| 9) P.S. Achuthan Pillai, | The Law of Torts (1994) |
| 10) Ratanlal & Dhirajlal, | The Law of Torts (1997) |

PUBLIC INTERNATIONAL LAW -I

Max. Marks = 100

PAPER –V

Note: The subject includes a comprehensive and upto date study of various aspects of International Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- Origin, Development, Definition, Nature and Theories of International Law;
- Its relation with Municipal Laws

Unit-2

- Sources of International Law, Custom, Treaties (including an overview of the law of treaties) General Principles of Law and writings.

Unit-3

- Subjects of international Law:
 - I. State including Recognition of States
 - II. Individuals and peoples
 - III. International organizations,
- Jurisdiction of States: Territorial, Personal and Universal

Unit-4

- Extradition and Asylum
- Law of State Responsibility

Unit-5

- Peaceful Settlement of Disputes including Judicial settlement by ICJ
- Use of Forces under international law.

Cases:

- | | | |
|-------|--------------------------------|----------------------------|
| I. | Asylum case | (1950)ICJ. |
| II. | The Lotus case | (1927)ICJ |
| III. | Luther V. Sagor | (1921) 3II B532. |
| IV. | Corfu channel case | (1949)ICJ) |
| V. | South West Africa Namibia Case | (1962)ICJ,2319,(1966)ICJ 6 |
| VI. | Reparations for injuries case | (1949 ICJ) |
| VII. | Hostage case | ICJ (1980) |
| VIII. | Lockcrbie and Pinochet case | |
| IX. | Island of Palma's Case | |

Recommended Redings:

- | | |
|-------------------|---|
| 1. Oppenheim | International Law |
| 2. Stark, J.G | Introduction to International Law |
| 3. Max Sorenson | A manual of Public International Law |
| 4. M.P.Tandon | International Law |
| 5. S.K.Kapoor | International Law |
| 6. S.K. Verma | Public International Law |
| 7. R.C. Hingorani | Modern International Law |
| 8. Tim Hillier | Source-book on Public International Law |

Legal History

Max. Marks = 100

Paper-VI

Note: The subject includes a comprehensive and upto date study of various aspects of Legal History. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Administration of justice in Bombay, Madras and Calcutta
 - 1.1. Emergence of the East India Company: development of authority under charters
 - 1.2. Trading body to a territorial power: subsequent charters
 - 1.3. Administration of justice in Madras from 1639 to 1726
 - 1.4. Administration of justice in Bombay 1668-1726
 - 1.5. Administration of justice in Calcutta 1619-1726
2. The Mayors Court
 - 2.1. Genesis of the charter of 1726
 - 2.2. Provisions of the charter
 - 2.3. Working of judicial system
 - 2.4. Charter of 1753
 - 2.5. Defects of judicial systems

Unit-2

1. Adalat System
 - 1.1. Grant of Diwani
 - 1.2. Execution Diwani functions
 - 1.3. Judicial plan of 1772
 - 1.4. Defects of the plan
 - 1.5. New plan of 1774
 - 1.6. Reorganization of adalats in 1780
 - 1.7. Reforms of 1781
 - 1.8. The first civil code
 - 1.9. Reforms in the administrations of criminal justice.

Unit-3

1. The Regulating Act 1773
 - 1.1. Charter of 1774 and the Supreme Court of Calcutta
 - 1.2. Some land mark cases
 - 1.2.1. Issue of Raj Nandkumar (1775): whether a judicial murder?
 - 1.2.2. The Patna case (1777-79)
 - 1.2.3. The Cossijurah case (1779-80)

- 1.3. Act of settlement 1781
- 1.4. Major defects
- 1.5. Supreme Courts at Calcutta, Madras and Bombay.
- 1.6. Law and administration in the Supreme Court.

Unit-4

1. Process of Codification in India.
 - 1.1. The Charter Act of 1833.
 - 1.2. The First Law Commission.
 - 1.3. The Second Law Commission.
 - 1.4. The Third Law Commission.
 - 1.5. The Fourth Law Commission.
 - 1.6. Development of Criminal Law.

Unit-5

1. Establishment of the High Courts
 - 1.1. The Indian High Court Act 1861
2. The Federal Court of India
 - 2.1. Foundation of the Federal Court
 - 2.2. Jurisdiction
 - 2.3. Authority of law
 - 2.4. Expansion of jurisdiction
 - 2.5. Abolition of the Federal Court: an assessment

Recommended Readings

- Courtney Illbert, Government of India (1962)
Courtney Illbert, The Mechanics of Law making (1914)
M.P. Jain, Constitutional Law of India (1987) Tripathi, Bombay
M.P. Jain, Outlines of Legal History (1998), Tripathi
M.Rama Jois, Legal and constitutional History of India 1600-1936 (1936)
Rankin. G.C. Background to Indian Law (1946)
V.D. Kulshreshtha's Landmarks in Indian Legal History (1992), Eastern Lucknow.
Eric Stakes, the English Utilitarian and India (1992) Oxford Delhi.
Mittal J.K. Legal & Constitutional History of India.

II-Semester

Law of Crimes-II

Paper I

Max. Marks: 100

Note: The subject includes a comprehensive and upto-date study of various aspects of Law of Crimes. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- 1) Specific Offences Against Human Body:
 - a) Causing death of human beings
 - b) Culpable homicide and murder
 - c) Distinction between culpable homicide and murder
 - d) Situations justifying treating murder as culpable homicide not amounting to murder
 - i) Grave and sudden provocation
 - ii) Exceeding right to private defence
 - iii) Public servant exceeding legitimate use of force,
 - iv) Death in sudden fight,
 - v) Death caused by consent of deceased
 - e) Death caused of a person other than the person intended
 - f) Death due to rash and negligent act
 - g) Dowry death and Cruelty by husband and his relatives

Unit-II

1. Hurt and grievous hurt: Sections 319-326 IPC
2. Wrongful restraint and wrongful confinement: Sections 339-343 I.P.C
3. Kidnapping and abduction: section 359-363 IPC
4. Criminal Force and Assault : Section 349-352 IPC

Unit-III

1. Obscenity – Sections 292-294 of IPC
2. Forgery – Sections 463-465 of IPC
3. Bigamy – Sections 494 and 495 of IPC
4. Adultery – section 497 of IPC

Unit-IV

1. Offences Against Property
 - Theft : Sections 378 & 379 of IPC
 - Extortion: Sections 383 & 384 of IPC
 - Robbery : Sections 390 & 392 of IPC
 - Dacoity: Sections 391 & 395 of IPC

Unit-V

1. Criminal Misappropriation and Criminal Breach of Trust : Sections 403 & 405 of IPC
2. Cheating : Sections 415 - 417 of IPC
3. Mischief : Sections 425 & 426 of IPC

Leading Cases:

1. Reg v. Govinda, ILR (1876) 1 Bom. 342
2. Abdul Waheed Khan v. State of Andhra Pradesh, (2002) 7 SCC 175.
3. Virsa Singh v. State of Punjab, AIR 1958 SC 465
4. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605.
5. Bachan Singh v. State of Punjab AIR 1980 SC 898 and AIR 1982 SC 1325
6. Machhi Singh v. State of Punjab AIR 1983 SC 957.
7. Suresh Gupta v. Govt. of NCT of Delhi, AIR 2004 SC 4091.
8. K. Prema S. Rao v. Yadla Srinivasa Rao, (2003) 1 SCC 217
9. State (Delhi Administration) v. Laxman Kumar and Indian Federation of Women Lawyers v. Shakuntala, AIR 1986 SC 250.
10. S. Varadarajan v. State of Madras, AIR 1965 SC 942
11. State of Punjab v. Gurmit Singh, AIR 1996 SC 1393.
12. Ranjit D. Udeshi, AIR 1965 SC 881
13. Body Art International V. Om Pal Singh Hoon, (1996) 4 SCALE 75.
14. Dr. Vimla v. Delhi Administration AIR 1963 SC 1572
15. Sarla Mudgal v. Union of India, AIR 1995 SC 1531
16. Lily Thomas v. Union of India, AIR 2000 SC 1650
17. Yusuf Abdul Aziz v. State of Bom. 1954 Cri.LJ. 886 (SC)
18. K.N. Mehra v. State of Rajasthan, AIR 1957 SC 369.
19. Common Cause, A Registered Society v. Union of India, (1996) 6SCC530 and AIR 1999 SC 2979.

Recommended Readings

1. Pillai, P.S Criminal Law
2. Nigam R.C. Law of Crimes in India.
3. K.D.Gaur Cases and Materials on Criminal Law.
4. H.S. Gour Penal Law of India.
5. S.N.Mishra Indian Penal Code.

CONTRACT- II

(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts)

Paper II

Max. Marks: 100

Note: The subject includes a comprehensive and upto-date study of various aspects of Law of Contract. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Indemnity

- 1.1. Definition of Indemnity
- 1.2. Nature and extent of liability of the indemnifier
- 1.3. Commencement of liability of the indemnifier

2. Guarantee

- 2.1. The concept
- 2.2. Definition of guarantee: as distinguished from indemnity.
- 2.3. Basic essentials for a valid guarantee contract.
- 2.4. Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety
- 2.5. Continuing guarantee
- 2.6. Nature of surety's liability
- 2.7. Illustrative situations of existence of continuing guarantee.
- 2.8. Rights of surety
- 2.9. Position of surety in the eyes of law
- 2.10. Various judicial interpretations to protect the surety
- 2.11. Co-surety and manner of sharing liabilities and rights
- 2.12. Extent of surety's liability
- 2.13. Discharge of surety's liability

Unit-II

1. Bailment

- 1.1. Definition of bailment
- 1.2. Kinds of bailees
- 1.3. Duties of bailor and bailee towards each other
- 1.4. Rights of bailor and bailee
- 1.5. Finder of goods as a bailee

2. Agency

- 2.1. Kinds of agents and agencies
- 2.2. Distinction between agent and servant
- 2.3. Essentials of a agency transaction

- 2.4. Various methods of creation of agency
- 2.5. Delegation

Unit-III

- 1. Sale of Goods
 - 1.1. Concept of sale as a contract
 - 1.2. Essentials of contract of sale
 - 1.3. Implied terms in contract of sale
 - 1.4. The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act.
 - 1.5. Changing concept of caveat emptor
 - 1.6. Unpaid seller and his rights

Unit-IV

- 1. Partnership
 - 1.1. Nature of partnership: definition
 - 1.2. Mutual relationship between partners

Unit-V

- 1. Registration of Partnership
- 2. Dissolution of Partnership

Leading Cases:

- 1. Somnath Berman V. Dr S P Raju AIR 1970 SC 846
- 2. Beswick V. Beswick (1967) 2 All ER 1197 HL
- 3. Cicka Lingam V. T Ianickavasagam AIR 1974 SC 104
- 4. M/S Balga V. Manglore City Corporation AIR 1998 Kant.
- 5. Kaliram V.V.Durai AIR 1998 Mad. 657 B.
- 6. Rather Ford V. Acton Adams 1915 AC 866
- 7. Munawar Hussan V. Zakir Hussan 1984 (10) ALR 73 (FB)

Recommended Readings

- 1. R.K Abhichandani (ed.) Pollock and Mulla on Contracts and Specific Relief Acts (1999), Tripathi, Bombay
- 2. Avtar Singh, Contract Act (2000), Eastern, Lucknow
- 3. Krishnan Nair, Law of Contract (1999), Orient, New Delhi
- 4. Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern, Lucknow
- 5. J.P Verma (ed.) Singh and Gupta, the Law Partnership in India (1999), Orient, New Delhi
- 6. A.G. Guest (ed.) Benjamin's sale of Goods (1992), Sweet & Maywell
- 7. Beatson (ed.), Ansons, law of Contract, (1998), Oxford, London
- 8. Saharay, H.K, Indian Partnership and Sale of goods Act (2000), Universal
- 9. Ramnainga, The Sales of Goods Act (1998), Universal

Family Law-II

Paper III

Max. Marks: 100

Note: The subject includes a comprehensive and upto-date study of various aspects of Hindu Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1) Marriage

- a) Evolution of the institution of Marriage and family.
- b) Nature and Concept of Hindu Marriage
- c) Essential conditions of a Hindu Marriage
- d) Grounds for Divorce
- e) Divorce by Mutual consent.

Unit-II

1. Joint Family

- Mitakshara Joint family
- Mitakshara coparcenary- formation and incidents.
- Property under Mitakshara law – Separate property and coparcenary property.
- Dayabhaga coparcenary- formation and incidents.
- Property under Dayabhaga Law.
- Karta of the Joint family – his position, power, privileges and obligations.

Unit-III

1) Child and the family

- Adoption
- Guardianship- welfare of the child principal.
- Custody, maintenance and education.

Unit-IV

1) Matrimonial remedies

- Nullity of marriage
- Restitution of conjugal rights
- Judicial separation
- Dissolution of marriage.
- Desertion- a ground for matrimonial relief
- Cruelty – a ground for matrimonial relief
- Adultery- a ground for matrimonial relief
- Other grounds for matrimonial relief
- Doctrine of strict proof
- Taking advantage of ones own wrong or disability.

- Accessory
- Connivance
- Collusion
- Condonation
- Improper or unnecessary delay.

Unit-V

1) Inheritance

- Historical perspectives of traditional Hindu law as a background to the study of Hindu succession Act. 1956
- Succession of property of a Hindu male dying interstate under the provisions of Hindu succession Act 1956
- Succession of property of a Hindu female dying interstate under the provision of Hindu succession Act 1956
- Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu succession Act 1956.

Leading Cases

- 1) Sarla Mudgal V. Union of India (1995) 3 SCC 635
- 2) Kapoor Chand V. Ganesh Dutt AIR (1993) SC 1145
- 3) Gurpad Khandappa Medgum V. Hereibai AIR 1978 SC 1239.
- 4) Sawan Ram V. Kulwati 1967 SC 1761.

Selected Bibliography

- Paras Diwan: Law of interstate and testamentary succession (1998) Universal
- Basu N.D. law of Succession (2000) Universal
- Kusem- Marriage and Divorce Law Manual (2000) Universal
- Machanda S.c., law and Practice of Divorce in India (2000) Universal
- P.V. Kane. History of Dharmasatras Vol 2. Pt. 1. At 624-632 (1974)
- A. Kuppuswami (ed); Maynis Hindu Law and Usage ch 4(1986)
- B. Sivaramayy's Inequities and the Law (1985)
- J.D.M. Derrett. Hindu Law: Part and Present
- J.D.M Derrett; Death of marriage Law
- A.A.A. Fyzee. Outlines of Muhammadan Law (1998)
- Arradi Kuppuswami (ed) Mayne's Hindu Law and Usage (1986)
- J.D.M. Derret. A critique of Modern Hindu Law (1970)
- Paras Diwan : Hindu Law (1985)
- S.T. Desai (Ed); Mulla's Principles of Hindu Law (1998)
- Paras Diwan: Family Law of Marriage and Divorce in India (1984)
- A.M. Bhattachargu: Muslim Law and the Constitution (1994)
- A.M. Battachargu: Hindu law and Constitution (1994)
- Paras Diwan: Law of Adoption Ministry Guardianship and custody (2000) Universal

Environmental Law

Paper IV

Max. Marks: 100

Note: The subject includes a comprehensive and upto date study of various aspects of Environmental Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- a) Environment: meaning, environment pollution – Meaning and issues
- b) Historical Development of Environmental Laws in India
Nuisance: Penal Code, Criminal and civil Procedure Codes, old laws and new interpretations – Absolute and no-fault liability under Environmental Laws
- c) Constitutional Provisions – Art. 14,19(1)(g),48-A, 51A,g,Art,21, right to wholesome environment – evolution and application. PIL and protection of the Environment.

Unit-2

The Water and Air Pollution Control Acts

- a) Standards, CPCB and SPCB, Consent Mechanism, Control Areas and Restraint Orders
- b) Citizen Suit and Access to Environmental information
- c) Corporate and Governmental Liability for environmental Offences,

Unit-3

Environmental Protection Act, 1986 and other Environmental legislation.

- a) Powers of Central Govt, Citizen suit, Policing of Pollution
- b) Rules.
Bio-medical Waste Rules, 1998
Hazardous Waste Rules.1998
Ozone Deleting Substances Rules
Noise Pollution control Rules, 2000
- c) EIA, Bio-logical Diversity Act 2003 and National Environmental Appellate Authority Act, 1997.

Unit-4

International Environmental Law and Norms

- a) Stockholm Declaration, Global Warming and Ozone conventions
- b) Sustainable development, Public Trust doctrine
- c) Precautionary Principle, polluter Pays Principle

Unit-5

Local Environmental Laws and Problems in J&K

- a) Forest Act 1930, J&K Wild Life Protection Act J&K Forest Conservation Act, (Summary of the Provisions with special emphasis on Forest Dwellers and Forests, medicinal Plants and related traditional knowledge)
- b) Protection of Biodiversity in J&K- Local Laws and central Acts – Forest (Protection) Force Act
- c) Preservation and protection of lakes and waterways in J&K: Existing related laws and future legal needs

Recommended Readings

- | | |
|--|--|
| (1) Centre For Science and Environment | Citizen's Reports - Anil Agarwal |
| (2) Rosencranz, Diwan Noble | Environmental Law And Policy In India |
| (3) Lal | Commentaries on Water And Air Pollution Law |
| (4) Chaturvedis | Law On Protection of Environment and Prevention of pollution |

- (5) Baxi Upendra The Environment Protection Act ,
An Agenda for Implementation (ILI Publication)
- (6) Bakshi P.M The Air Act, 1986.
- (7) Bakshi P.M. The Environment Protection Act.
- (8) P. LeelaKrishnan Environmental Law in India. .
- (9) Iyer V. R Krishna Environmental Pollution And the Law.
- 10) Kashmir University Law Review – Relevant papers

International Documents

Stockholm Conference, Ozone Convention, climate change convention

Local Legislations :

J & K Wildlife (Protection) Act, 1978

J&K Prevention of Cruelty to Animals Act, 1934

J&K Forest (Protection) Force Act, 2001

J&K Kuth Act , 1921, J&K Preservation of Specified Trees Act, 1969

Central Legislations :

1. The Water (Prevention and Control of Pollution) Act, 1974.
2. The Air (Prevention and Control of Pollution) Act, 1981.
3. The Environment (Protection) Act, 1986.
4. Noise Pollution Control Rules, 2000
5. Bio Medical Waste Management Rules, 1998 as amended
6. Ozone Depletion (Substances and Control) Rules;
7. Hazardous Waste Management Rules
8. Ozone Depleting Substances Rules
9. Bio-logical Diversity Act,

Essential Case Law

1. Subhash Kumar V. State of Bihar, AIR 1991 SC 420
2. M C Mehta V. Union of India, AIR 1997 SC 734
3. M C Mehta v. Kamal Nath, AIR 2000 SC 1997.
4. M/s Abhilash Textiles v. Rajkot Municipal Corpn, AIR 1988 Guj. 57
5. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446
6. Vellore Citizen welfare Forum v. Union of India , AIR 1996 SC 2715
7. A.P. Pollution Control Board v. M.V. Nayudu, AIR 1999 SC 812
8. Narmada Bachao Andolen v. Union of India, AIR 2000 Sc 3751
9. M.C. Mehta v. Union of India, AIR 2002 SC 1696
10. M.C. Mehta v. Union of India, AIR 1988 Sc 1037
11. M.C. Mehta v. Union of India, AIR 1988 SC 1115
12. M/S Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution AIR 1986 Del. 152
13. Tata Tea Ltd. v. State of Kerala 1984, KLT 645.
14. M.C. Mehta v. Union of India, AIR 2001 SC 1948
15. M.C. Mehta v. Union of India, AIR 1998 (4) SCALE 196
16. Orissa State Pollution Control Board v. M/S Orient Paper Mills, AIR 2003 SC 1966
17. Tarun Bharat Singh v. Union of India (1994) 2 SCALE 68
18. T.N Godavarman Thirumulkpad v. Union of India AIR 1998 SC 769
19. Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715
20. S. Jagannath v. Union of India, AIR 1997 SC 811
21. M.C. Mehta v. Union of India, AIR 2002 SC 1696
22. M.C. Mehta v. Union of India, AIR 1987 SC 965
23. M.C. Mehta v. Union of India, AIR 1987 SC 982
24. M.C. Mehta v. Union of India, AIR 1987 SC 1086
25. M.C. Mehta v. Union of India, AIR (Relocation of Industries in Delhi), AIR 1996, SC 2231
26. A.P. Pollution Control Board v. M.V. Nayudu, AIR 199 SC 812

Human Rights

Paper V

Max. Marks: 100

Note: The subject includes a comprehensive and upto-date study of various aspects of Human Rights. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

- 1) Theoretical and Historical Development of the Concept of Human Rights.

Unit-II

- 1) The United Nations and Human Rights
 - i) The UN Charter
 - ii) The Universal Declaration of Human Rights (1948)
 - iii) The Covenant on Civil and Political Rights (1966)
 - iv) The Covenant on Economic, Social and Cultural Rights (1966)
 - v) UN Charter based institutions for implementation
- 2) Protection agencies and mechanism
 - a) UN
 - b) Amnesty International
 - c) Role of NGO's

Unit-III

- 1) Regional Conventions on Human Rights
 - a) European Convention of Human Rights
 - b) The American Convention on Human Rights
 - c) The African Charter on Human Rights

Unit-IV

- 1) International Humanitarian Law
 - a) Definition, Origin and Development
 - b) Protection of Defenceless in war
 - c) Limitation on methods and use of force during armed conflicts contemporary issues and challenges

Unit-V

- 1) Impact and implementation of international Human Rights norms in India
 - a) India and International Human Rights Treaties
 - b) An overview of Part III and Part IV of the Indian Constitution
 - c) Enforcement of Human Rights in India
 - i) Role of the Courts;
 - ii) Statutory Commission- National HRC, State HRC

Leading Cases

Namibia case, Filartiga V Pena-Irala, Ireland V United Kingdom, Golder V United Kingdom, Sunil Batra V Delhi Administration, Hussain Ara Khatoun V Home Secretary, Maneka Gandhi V Union of India.

Recommended Readings:

- | | |
|----------------------------------|---|
| 1) Lauterpacht | International Law and Human Rights |
| 2) Lavis and Burgemtja, | International Protection of Human Rights |
| 3) S.K. Avesti and R.P. Kataria, | Law Relating to Human Rights |
| 4) Wallace; | International Human Rights – Text & Materials |
| 5) Nirmal C.J; | Human Rights In India |
| 6) I. Menon | Human Rights in International Law |
| 7) A.B. Kailash | Human Rights in International Law |
| 8) S.C. Khare | Human Rights and United Nations |
| 9) Krishna Iyer | Human Rights and Inhuman wrongs |
| 10) Upendra Baxi | The Right to be Human |
| 11) C.K. Agarwal | Human Rights |
| 12) H.O Agarwal | International Law and Human Rights |

KCEF LAW COLLEGE PULWANA

Cyber Laws

Paper VI (Optional)

Max. Marks: 100

Note: The subject includes a comprehensive and upto-date study of various aspects of Cyber Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

Development of Internet

I. History of Internet

- (a) Genesis of Internet
- (b) Internet Functioning
- (c) Access to Internet
- (d) Modes of Communication
 - (i) e-mail
 - (ii) Listserve
 - (iii) Distributed Message Databases
 - (iv) Real Time Text Based Communications
 - (v) Real Time Remote Computer Utilization
 - (vi) Remote Retrieval of Information

Genesis, Object and Scope of the IT Act

I. Genesis

II. Object

III. Scope

Unit-II

Authentication of Electronic Records and Electronic Governance

I. Authentication of Electronic Records

- (a) Digital Signatures
- (b) Hash function
- (c) Digital Signatures in practice
- (d) Secure Electronic record and Secure Digital Signatures

- II. Electronic Governance
 - (a) Legal Recognition of Electronic Records
 - (b) Legal Recognition of Digital Signatures
 - (c) Use of Electronic Records and Digital Signatures in Government and its Agencies
 - (d) Retention of Electronic Records

Unit-III

Certifying Authorities

- I. Need of Certifying Authority
- II. Functioning of the Certifying Authority
- III. Types of Certificates
 - (a) Identification Certificate
 - (b) Authorizing Certificate
 - (c) Transactional Certificate
 - (d) Digital Time Stamping Service
- IV. Validity Period of Digital Signatures
- V. Certificate Chain
- VI. Appointment of Controller
- VII. Functions of Controller
- VIII. Controller to act as a Repository
- IX. Powers of Controller
 - (a) Power to Recognize Foreign Certifying Authorities
 - (b) Power to issue Licence
 - (c) Power to Renew Licence
 - (d) Power to Suspend or Revoke Licence
 - (e) Power to Delegate and Investigate
 - (f) Power of Search & Seizure
 - (g) Power to Call for Information
 - (h) Power of Survey
 - (i) Power to Collect Certain Information
 - (j) Power to Inspect Registers of Companies
 - (k) Power to have Access to Computers and Data
 - (l) Power to Issue Directions
 - (m) Power to Decrypt Information
 - (n) Power to Make Regulations
- X. Database of Certifying Authorities
- XI. Who can be a Certifying Authority?
- XII. Application for Licence
- XIII. Certification practice statement
- XIV. Issuance of Licence

- XV. Refusal of Licence
- XVI. Surrender of Licence
- XVII. Cross Certification
- XVIII Duties of Certifying Authorities
- XIX Certifying Authority to Follow Procedures
- XX Certifying Authority as an Indemnifier
 - XXII Commencement of commercial operation by licensed Certifying Authorities.
 - XXIII Requirements prior to Cessation as Certifying Authority
 - XXIV Digital Signature Certificates
 - XXV Digital Signature Standard
 - XXVI Representation upon Issuance of Digital Signature Certificate
 - XXVII Generation of Digital Signature Certificate
 - XXVIII Issue of Digital Signature Certificate
 - XXIX Certificate life time
 - XXX Suspension of Digital Signature Certificate
 - XXXI Revocation of Digital Signature Certificate
 - XXXII Certification Revocation List (CRL)
 - XXXIII Compromise of Digital Signature Certificate
 - XXXVII Duties of Subscribers
 - (a) Generating Key Pair
 - (b) Acceptance of Digital Certificate
 - (c) Control of Private Key

Unit-IV

Electronic Commerce

- I. Introduction
- II. Formation of Electronic Contracts
 - (a) Contract by Electronic Data Interchange
 - (b) Cyber Contracts
- i. E-mail
- ii. World Wide Web (www)
- III. Validity of Electronic Transactions
- IV. Dichotomy of Offer and Invitation to Treat
- V. Application of Mirror Image Rule
- VI. Communication of Offer and Acceptance
- VII. Revocation of Offer and Acceptance
- VIII. Incorporation of Terms by Reference
- IX. Attribution of Electronic Records
- X. Time and Place of Despatch and Receipt of Electronic Record
- XI. Jurisdiction
- XII. Identity of the Parties

Unit-V

Cyber Regulations Appellate Tribunal

- I. Establishment and Composition of Cyber Appellate Tribunal
- II. Qualifications of Presiding Officer
- III. Resignation, Removal and Filling up of Vacancies
- IV. Jurisdiction of Cyber Appellate Tribunal
- V. Adjudicating Officer
- VI. Powers of the Adjudicating Officer
- VII. Factors to be taken into account by the Adjudicating Officer
- VIII. Power to Award Compensation
- IX. Power of Adjudicating officer to impose penalty
- X. Compounding of Contraventions
- XI. Appeal to Cyber Regulations Appellate Tribunal
- XII. Procedure and Powers of the Cyber Appellate Tribunal
- XIII. Contents of Applications
- XIV. Powers, Functions and Duties of the Registrar
- XV. Service of Notice of Application on the Respondents
- XVI. Filing of Reply and other documents by the Respondent
- XVII. Hearing on Application
- XVIII. Orders and Directions of the Tribunal

Potential for Invasion of Privacy

- I. Right to Privacy- Constitutional Dialectics
- II. Privacy and Clipper Chip Debate
- III. Indian Solution

Computer Systems and Liability Issues (Cyber Crimes)

- I. Definition of Cyber Crimes
- II. Classification of Cyber crimes
- III. Target of computer crime
- IV. Challenges of Cyber crime
- V. Indian Scheme of offences and Punishment
 - a. Damage to Computer, Computer System etc.
 - b. Unauthorised Access
 - c. Computer Contaminant or Computer virus
 - i. Virus
 - ii. Logic Bomb

- iii. Worms
- iv. Trojan Horse programme
- v. Denial of Service
- d. Tampering with computer source Documents
- e. Measures for preventing Cyber Crimes
 - i. Passwords
 - ii. Firewall
 - iii. Encryption
 - iv. Digital Signature
 - v. Clipper Chip
 - vi. Routers or Gateways

Recommended Readings

Cees J. Hamelink, The Ethics of Cyberspace (2001) Sage
Markandey Katju, Law in the Scientific Era (2000), Universal, New Delhi.
Farooq Ahmad ,Cyber Law in India (2002) Pioneer Book Publisher Delhi
Chris Reed Computer Law, Universal, New Delhi.
Nandi Kamath The Law Relating to Computers

Insurance Law

Paper VI (Optional)

Max. Marks: 100

Note: The subject includes a comprehensive and upto-date study of various aspects of Insurance Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Introduction

- 1.1. Definition, nature and history of insurance
- 1.2. Concept of insurance and law of contract and law of torts future of insurance in globalized economy.
- 1.3. History and development of insurance in India
- 1.4. Insurance Regulatory Authority- role and functions

Unit-II

1. General Principles of Law of Insurance

- 1.1. Contract of Insurance- classification of contract of insurance nature of various insurance contracts, parties thereto
- 1.2. Principle of good faith-non-disclosure-misrepresentation in insurance contract
- 1.3. Insurable interest

Unit-III

- 1) The risk
- 2) The policy, classification of policies-its and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction
- 3) Conditions of the policy
- 4) Alteration of the risk
- 5) Assignment of the subject matter

Unit-IV

1. Life insurance

- 1.1. Nature and scope of life, definition, kinds of life insurance, the policy and formation of a life insurance contract
- 1.2. Event insured against life insurance contract
- 1.3. Circumstances affecting the risk
- 1.4. Amounts recoverable under life policies
- 1.5. Settlement of claim and payment of money

Unit-V

1. Marine insurance

- 1.1. Nature and scope
- 1.2. Classification of Marine policies

- 1.2.1. The marine insurance Act 1963
- 1.2.2. Insurable interest, insurable value
- 1.2.3. Marine insurance policy- conditions-express warranties construction of terms of policy
- 1.2.4. Voyage- deviation
- 1.2.5. Perils of the sea

Leading Cases

1. Union of India V Sri sarda Mills Air SC 281
2. Vulacari Insurance Co. Ltd. V. Maharaj Singh AIR 1976 SC 287
3. LIC of India V.G.M. Channabasemine AIR 1991 SC 393
4. Congoganis V Guardain Assurance Co. Ltd. AIR 1921 PC 95
5. LIC of India V Raga Basireddy Komalawalli Kamba and others AIR 1948 SC 1014
6. Mithoo Lal Naik V LIC of India AIR 1962 SC 814
7. Reserve Bank of India V Peerless General Finance and Investment Co. AIR SC 1023
8. General Assurance Society Ltd. V. Chand Mull Jain and Another AIR 1996 Sc 1644

Recommended Readings

- | | |
|----------------------------------|----------------------------------|
| 1. E.W. Patterson | Elements of Insurance Law |
| 2. W.H. Rodda | Fire and Property Insurance |
| 3. R.M. Ray | Life Insurance in India |
| 4. K.V.S. Murthy and K.V.S.Sarmr | Insurance in India |
| 5. Justice Gyanendra Kumar | Hand Book on Insurance Laws |
| 1. Mr. Arif Khan | Theory and Practice of Insurance |

III Semester

Jurisprudence-I

Max. Marks 100

Paper –I

Note: The subject includes a comprehensive and upto date study of various aspects of Jurisprudence. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Introduction

- Meaning and scope of term “Jurisprudence”
- Nature and definition of “Law”

Unit-II

- Relationship of Jurisprudence with other social sciences
- Analytical positivism
- Natural Law

Unit-III

- Historical School
- Sociological School

Unit-IV

- Justice
- Meaning & kinds
- Justice & Law: approaches of different schools
- Power of Supreme Court of India to do complete justice in a case: Article 142.
- Critical studies
- Feminist jurisprudence

Unit-V

- Legislation
- Precedents : concept of stare decisis
- Customs
- Juristic writings

Leading cases;

- A.K.Gopalan V. State of Madras AIR 1950 SC 27-137.
 Maneka Gandhi V., Union of India AIR 1978 SC 597.
 Gokhul Chand V. Parvin Kumar AIR 1952 SC 862.
 Bengal Immunity Co. V. State of Bihar AIR 1955 SC 661.
 Ganga Sugar Corporation V. State of U.P. AIR 1980 SC 286.

Recommended Readings:

1. Salmond Jurisprudence
2. Dias Jurisprudence.
3. Friedman Legal Theory
4. Paton G.W. A Text Book of Jurisprudence.
5. S.N. Dhyani Jurisprudence: A study on Legal Theory.

Constitutional Law-I

Max. Marks 100

Paper –II

Note: The subject includes a comprehensive and upto date study of various aspects of Constitutional Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- Constitutional law: Salient Features- Written Constitution- Preamble- Federal Constitution.
- Parliamentary form of Government:

Unit-2

- Westminster Model- President of India- Election, Qualifications, Impeachment,.
- Position & powers.
- Legislative Privileges- Privileges V. Fundamental Rights.
- Cabinet System, Collective responsibility- Individual responsibility, President- Prime Minister relationship.

Unit-3

- **Federalism:**
- Principles- Distribution of Legislative Powers-- Arts. 245, 246, and 254. Failure of Constitutional Machinery (Art.356)- J&K Special Status (Art 370).

Unit-4

- Constitutional Amendment- Methods of Constitutional Amendment- Limitation.(Article 368)
- Freedom of Trade and Commerce- Position in other countries, Position in India
- Regulatory and Compensatory measures (Articles 301-304).

Unit-5

- Articles 141 & 143
- Appointment and impeachment of the Judges of the High Courts and Supreme Court.
- Services Under the Constitution- Doctrine of Pleasure 310, Restrictions 311.

Leading Cases

1. Ramjawaya V, State of Punjab AIR 1955 SC 549.
2. U.N.Rao V. Indira Gandhi AIR 1971
3. Shamsher Singh V. State of Punjab AIR 1955 SC 556.
4. A.K.Roy V. Union of India 1982 SC 710.
5. K.M. Nanavati V. State of Bombay AIR 1961 SC 112.
6. Gunupati V.N. Hasan AIR 1959 SC 395.
7. Keshav Singh V. Speaker Legislative Assembly AIR 1965 All. 359
8. In re Keshav Sing AIR 1965 SC 745.
9. M.S.M. Sharma V. Sri Krishan Sinha AIR 1959 SC 395.
10. State of Bombay V. R.M.D. Chamarbaugwala AIR 1957 SC 699.
11. Prafulla Kumar V. Bank of Commerce, Khulna 74 I.A.
12. Moopit Nair V. State of Kerala, AIR 1959 SC 648.
13. Purshotam Lal Dhingra V. Union Of India AIR 1958 SC 316
14. Union of India V. Tusiram Patel AIR 1985 SC 1416.
15. Deep Chand V. State of U.P. AIR 1959 SC 648.
16. Zaverbhai V. State of Bombay AIR 1954 Sc 752.
17. In Re-presidential Reference AIR 1999. SC 1
18. Advocates on Record Association v Union of India AIR 1994. SC 268
19. Dharam Dutt v. Union of India (2004) ISCC 712
20. Raja Rampal v. Hon'ble speaker Lok Sabha (2007) 35CC184

Recommended Readings:

- | | | |
|----|-------------|-------------------------------------|
| 1. | D.D.Basu | Commentary on Constitution of India |
| 2. | M.P.jain | Indian Constitutional law. |
| 3. | M.P.Singh | Shukla's Constitutional law. |
| 4. | H.M.Seervai | Constitution of India. |
| 5. | K.C. Wheare | Modern Constitution. |
| 6. | Dicey | Law of the Constitution. |

Labour Law – I

Max. Marks 100

Paper –III

Note: The subject includes a comprehensive and upto date study of various aspects of Labour Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

- Labour – Changing Perspectives and labour Policy.
- History of Trade Union Movement in India.
- Definition of Trade Union and the right to form the Trade Union
- Legal Control and Protection of Trade Union: Registration, amalgamation, rights, immunities, liabilities and dissolution. Trade Union Funds.

Unit-II

- Problems: multiplicity of unions, over politicization- intra-union and inter-union rivalry, outside leadership, closed shop and union shop, recognition of unions.
- Collective bargaining
- Theoretical foundations of state regulations of Industrial relation: social justice, labour welfare, public interest, and productivity.
- The conceptual conundrum: industry, industrial dispute, and workmen.

Unit-III

- Machinery for settlement of industrial disputes and power of reference
- Strikes, lock-outs, lay off and retrenchment Transfer and closure

Unit-IV

- Unfair labour practices
- Disciplinary proceedings.
- Labour welfare: concept, classification and importance
- Obligations of employer for health, safety and welfare
- Working hours of adults” and “Annual Leave with wages

Unit-V

- Liability for hazardous and inherently dangerous industries- environmental protection.
- Employment of young persons: prohibition of employment of children, regulation of employment of young persons.
- Women and labour force: equal remuneration law, maternity benefits, and protective provisions for women under factories law.
- Sexual Harassment of Women at Work Place

Leading Cases:

Air India V Nergesh Meerza and others AIR 1981 SC 1929
 Assistant general Manager, SBI V Thomas Jose (2000) 10 SCC280.
 Bangalore Water Supply V. A.Rajappa, AIR 1978 SC 548.
 Hariprasad Shiv Shanker Shukla V. A.D.Divakar Air 1957 SC 121.
 Mackinon Mackenzie & Co Ltd V Andrey D'costa AIR 1987SC 1281
 Mihir Kumar Guha VS Registrar of Trade Unions West Bengal Calcutta AIR 1961
 Calcutta 165.
 Minicipal Corporation of Delhi V Prem Chand Gupta (2000) 10SCC115.
 Municipal Corporation of Delhi V Female Workers AIR 2000 S.C. 1275
 Omana Oommen VS F.A.C.T. Ltd. (1991)2 LLJ541.
 People's Union for Civil Liberties V Union of India (1998)8SCC485.
 Rohtas Industries Staff Union VS State of Bihar AIR 1963 Pat. 531.
 Santosh Gupta Vstate Bank of India (1980) II LLJ 72 (SC)
 Syndicate Bank V. K.Umesh Nayak AIR 1995 SC 319.
 Tamil nadu NGO Union Vs Registrar of Trade Unions AIR 1962 Madras 234.
 Rajangam Vs State of Tamil Nadu (1991) Lab. IC 241.
 Vishaka V. State of Rajasthan and others AIR 1962 Madras 234.
 Apparel Export Promotion Council v. A.K Chopra AIR SC 625.

Recommended Readings

John Bowers and Simon

Honey Ball :	Text Book on Labour Law
O.P. Malhotra	The law of industrial Disputes
R.C. Saxena	Labour Problems and Social welfare
V.V. Giri	Labour Problems in Indian Industry
S.C. Srivastava	Commentary on Factories Act.
S.C. Srivastava	Industrial Relations and Labour Laws
S.N. Dhyani	Trade Unions and the Right to striks
G.Q. Mir	Women workers and the Law
Report of the National Commission on Labour 1969.	

Administrative Law-I

Max. Marks 100

Paper –IV

Note: The subject includes a comprehensive and upto date study of various aspects of Administrative Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Evolution, Nature and Scope of Administrative Law
 - 1.1. From laissez- faire to a social welfare state
 - 1.1.1. State as regulator of private interest
 - 1.1.2. State as provider of services
 - 1.1.3. Other functions of modern state: relief and welfare
 - 1.2. Necessity for delegation of powers of administration.
 - 1.3. Function of administrative law
 - 1.4. Definition, nature and scope of administrative law
2. Some Constitutional Principles And Their Impact On Administrative Law
 - 2.1. Relation between constitutional law and administrative law
 - 2.2. Rule of law
 - 2.3. Separation of powers
 - 2.4. Droit administrative

Unit-II

3. Classification Of Administrative Action
 - 3.1. Definition of administrative action
 - 3.2. Need for classification
 - 3.3. Identification of legislative action
 - 3.4. Identification of quasi-judicial and administrative actions
 - 3.5. Distinction between quasi-judicial and administrative actions
4. Legislative powers of administration
 - 4.1. Necessity for delegation of legislative powers
 - 4.2. Constitutionality of delegated legislation
 - 4.3. Delegation of various types of legislative powers, Power of inclusion and exclusion, taxing power, power of modification including Henry VIII Clause
 - 4.4. Some procedural safeguards
 - 4.4.1. Consultation of affected interests and public participation in rule-making
 - 4.4.2. Publication of delegated legislation
 - 4.5. Legislative control of delegated legislation.

- 4.5.1. Laying procedure and their efficacy
- 4.5.2. Committees on subordinate legislation
- 4.6. Judicial control of delegated legislation
- 4.7. Sub-delegation of legislative powers

Unit-III

- 5. Judicial Powers Of Administration
 - 5.1. Need for devolution of adjudicatory authority on administrative:
 - 5.2. Administrative tribunals and other adjudicatory authorities: their adhoc character
 - 5.3. Tribunals need, nature, constitution, jurisdiction and procedure.
 - 5.4. Problems of administrative adjudication
 - 5.5. Articles 323 A and 323B
 - 5.5.1. CAT and SAT
- 6. Natural Justice- Applicability
 - 6.1. Natural Justice: Need for
 - 6.2. The right to hearing: when can it be claimed
 - 6.3. Doctrine of fairness
 - 6.4. Doctrine of legitimate expectation
 - 6.5. Exclusion of natural justice
 - 6.6. Post-decisional hearing

Unit-IV

- 7. Natural Justice: Principles
 - 7.1. No man shall be judge in his own cause
 - 7.2. No man shall be condemned unheard.
 - 7.3. Rules of evidence- no evidence, some evidence and substantial evidence rules
 - 7.4. Reasoned decisions
 - 7.5. Institutional decisions
 - 7.6. Failure of natural justice

Unit-V

- 8. Judicial Control Of Administrative Action
 - 8.1. Exhaustion of administrative and other remedies
 - 8.2. Locus standi
 - 8.3. Public interest litigation
 - 8.4. Laches
 - 8.5. Res-judication
 - 8.6. Grounds of judicial control
 - 8.6.1. Error of jurisdiction
 - 8.6.2. Error of law apparent on the face of the record
 - 8.6.3. Jurisdictional fact
 - 8.6.4. Findings of fact
 - 8.6.5. Moulding of relief
 - 8.7. Remedies in judicial review
 - 8.7.1. Mandamus
 - 8.7.2. Certiorari
 - 8.7.3. Prohibition
 - 8.7.4. Habeas corpus

Recommended Readings

D.D. Basu, Comparative Administrative Law (1998)

Wade, Administrative Law (Seventh Edition, Indian print 1997) Universal, Delhi

M.P. Jain, Cases and Materials on Indian Administrative Law, Vol. I & II (1996), Universal, Delhi

Jain & Jain, Principles of Administrative Law (1997) Universal, Delhi

S.P. Sathe, Administrative Law (1998) Butterworths-Indian, Delhi

Schwartz, An Introduction to American Administrative Law

Massey Administrative law

KCEF LAW COLLEGE PULWAMA

COMPANY LAW

Max. Marks 100

Paper –V

Note: The subject includes a comprehensive and upto date study of various aspects of Company Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

- **Law relating to companies- public and private- Companies Act 1956**
- Need of company for development formation of a company registration and incorporation.
- Memorandum of association- various clauses- alteration therein- doctrine of ultra vires

Unit-II

- Articles of association- binding force- alteration- its relation with memorandum of association- doctrine of constructive notice and indoor management- exceptions.
- Prospectus- issue- contents – liability for misstatements- statement in lieu of prospectus.
- Promoters- position- duties and liabilities

Unit-III

- Shares- general principles of allotment statutory restrictions – share certificate its objects and effects- transfer of shares- restrictions on transfer- procedure for transfer- refusal of transfer- role of public finance institutions- relationship between transferor and transferee- issue of shares at premium and discount- depository receipts- dematerialized shares (DEMAT)
- Shareholder- who can be and who cannot be a shareholder- modes of becoming a shareholder- calls on shares- forfeiture and surrender of shares – lien on shares

Unit-IV

- Share capital- kinds- alteration and reduction of share capital- further issue of capital- conversion of loans and debentures into capital duties of courts to protect the interests of creditors and share holders
- Directors- position- appointment- qualifications- vacation of office- removal resignation- powers and duties of directors- meeting registers, loans-remuneration of directors- role of nominee directors –compensation for loss of office- managing directors- compensation for loss of office – managing directors and other managerial personnel
- Meetings- kinds- procedure- voting

- Debentures- meaning- fixed and floating charge- kinds of debentures- shareholder and debenture holder- remedies of debenture holders

Unit-V

- Protection of minority rights
- Winding up - types - by court – reasonable – grounds - who can apply - power of court - consequences of winding up order - voluntary winding up by members and creditors- winding up subject to supervision of courts liability of past members- payment of liabilities- preferential payment, unclaimed dividends winding up of unregistered company.

Leading Cases:

Solomon V. Soloman & Co 1897 AC 22.

Daimler Co.Ltd V. Continental Tyre & Rubber Co. 1916 2 AC 307.

Lakshmanasawami Mudaliar V. Life Insurance Corporation of India AIR 1963 SC 1185.

Royal British Bank. V. Turquand (1856) 119 ER 886.

T.R. Pratt (Bombay) Ltd. V. M.T. Ltd.AIR 1938 PC 159.

Foss V. Harbottle (1957) Camp. LJ. 194

Shanti Prasad Jain V. Kalinga Tubes AIR 1965 IC 1535.

Recommended Readings:

Avtar Singh, Indian Company Law (1999)

L.C.B. Gower, Principles of Modern Company Law (1997)

Palmer, Palmer's Company law (1987)

R.R. Pennington, Company Law (1990)

A. Ramaiya, Guide to the Companies Act (1998)

S.M.Shah, Lectures on Company Law (1988)

Women and the Law & Child and the Law

Max. Marks 100
Paper-VI (Optional)

Note: The subject includes a comprehensive and upto date study of various aspects of Women and the Law & Child and the Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

Woman and the Law

1. State Commission for Women Act, 1999
2. Constitutional Protection
3. Dowry and Dowry Related Crimes
4. Female Infanticide and Female Foeticide.
5. Women and Employment .
6. Women and Domestic Violence .

Unit-II

Child and the Law

1. **Constitutional Concerns**
Articles 15(3), 23,24.39 (e) & (f)

2 .International Concerns

U N Declaration of the Rights of the Child,1924,1959.
U N General Assembly Declaration of 1979 as the year of the Child

Unit-III

- **Rights of Unborn Child**

Tortious liability against injuries to unborn Child
Coparcenary and Property Rights of the unborn Child

- **Legal Control of Child Labour**

Concept of Child Labour .Child Labour Prohibition and Regulation Act, 1986
Factories Act, 1948

Unit-IV**• Child and Contractual Liability**

Minors Agreement

Testimony of Children ,Suits by or against minor

- a) Section 10 & 11 of the Contract Act
- b) Indian Majority Act, section- 3
- c) Specific Relief Act ,Section33 (2)
- d) Indian Evidence Act, Section 118
- e) Partnership Act, 1932 Section-30

Unit-V**• Child and Criminal Liability**

Sections 82 and 83 of the IPC

Section 299 Explanation 3,

Section 363A, 372, 376 of IPC

Child Marriage Restraint Act: Penal Provisions

Recommended Readings:

- 1 K. Kumar And Punam Rani, Offences Against Women: Socio-legal Perspective (1996) (Regency Publication New Delhi)
2. Paras Diwan Dowry and Protection to Married Women (1995) Deep and Deep Publications F-159 Rajouri Garden, New Delhi.
3. Shamsuddin Shams, Women Law and Social change.
4. R.K . Sapru, Women and Development
5. Mrs. Savitri, Women, Work and Discrimination.
6. N.J. Usha Rao, Women and Development Society .
7. Child and the Law (S.N Jain ed. Indian Law Institute1979)
8. Law and Poverty,(U.Baxi Selected Readings1988)
9. Child labour and Legal control -A Socio-legal study(Altaf Ahmad Mir)

Criminology and Penal Administration

Max. Marks 100

Paper-VI (Optional)

Note: The subject includes a comprehensive and upto date study of various aspects of Criminology and Penal Administration. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

- Nature and Scope of Crime and Criminology.
- Schools of Criminology

Unit-II

- Factors in Relation to Criminal Behaviour:
- Physical and physiological factors
- Psychological factors
- Economic factors
- Social factors with special emphasis on:
 - Home and Family in relation to Crime;
 - Mass Media and Crime;
 - Theory of Differential Association;
 - Multiple factor Approach to Crime Causation.

Unit-III

- Punishment of Offenders:
- Evolution, Nature and Theories of Punishment;
- Kinds of punishment with special emphasis on Imprisonment and Capital punishment.

Unit-IV

- Prison system in India
- Police system in India

Unit-V

- Prevention and Control of Crimes and Delinquency
- Recidivism: Causes and Prevention.
- Drug Addiction;
 - Extent, Causes and Effects
 - Control of Drug Addiction

Recommended Readings:

- | | | |
|----|----------------|---|
| 1. | Sutherland | Principles of Criminology. |
| 2. | Ahmad Siddique | Criminology Problems and Perspectives. |
| 3. | Gillin | Criminology and Penology |
| 4. | Sirohi | Criminology and Criminal Administration . |
| 5. | Sethna | Society and the Criminal. |
| 6. | Qadri, M.A | Police and Law- A Socio Legal Analysis. |
| 7. | Chadha, K.K | The Indian Jail :A Contemporary Study. |
| 8. | Sharma, P.D | Police And Criminal Administration in India . |
| 9. | Carry, J.C | Indian Police |

IV Semester Jurisprudence-II

Paper –I

Max. Marks 100

Purpose of this course is impart analytical skill among students and equip them with an understanding of basic concepts concerning law and suggested solutions propounded by various schools of Jurisprudence.

Note: The subject includes a comprehensive and upto date study of various aspects of Jurisprudence. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

Legal Rights: The Concept

- Rights : Kinds
- Right duty correlation

Unit-II

Persons

- Nature of Personality
- Status of the unborn, minor, lunatic drunken and dead person.
- Corporate personality
- Dimensions of the modern legal personality legal personality of non-human beings

Unit-III

Possession: the Concept

- Kinds of Possession

Unit-IV

Ownership: the Concept

- Kinds of Ownership
- Difference between possession & ownership.
- Property: the concept
 - Kinds of property

Unit-V

- Administration of Justice, Civil & Criminal Theories of punishment
- Liability, Concept, Civil & Criminal Liability

Recommended Readings

1. Bodenheimer Jurisprudence – The philosophy & Methods of law (1996), Universal Delhi
2. Filzgerald (ed.,) Salmond on Jurisprudence (1999) Taipathi, Bombay
3. W. Friedmann, Legal theory (1999) Universal Delhi
4. V.D. Mahajan, Jurisprudence & Legal Theory (1996 reprint) Eastern, Lucknow
5. M.D.A Treeman (ed) Cloyds Introduction Jurisprudence, (1994) Seveet & Maxwell
6. Paton G.W. Jurisprudence (1972) Oxford, ELBS
7. H.LA Hart, The Concept of Law (1970) Oxford, ELBS
8. Rosecoe Pond, Introduction to Philosophy of the Law (1998 Reprint) Universal Delhi
9. Dias, Jurisprudence (1994 First Indian reprint) Adithya Books, New Delhi
10. Dhyani S.N. Jurisprudence: A study of Indian Legal Theory (1985), Matropolitain, New Delhi.

Constitutional Law-II

Paper-II

Max. Marks 100

Note: The subject includes a comprehensive and upto date study of the Fundamental Rights, Directive Principles and the Emergency Provisions under the Indian Constitution. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- Fundamental Rights- Concept Of State (Art 12).
- Justifiability of Fundamental Rights (Art 13.)

Unit-2

- Right to equality- Articles 14 ,15and 16.
- Right to Freedom- Art.19,

Unit-3

Personal Liberty Arts.20 to 22.

- Freedom of Religion- Arts 25 to 28.

Unit-4

- Cultural and Educational Rights- Arts 29 and 30.
- Constitutional Remedies:
- Writ Jurisdiction
 - Scope of Article 32
 - Scope of Article 226.

Unit-5

- Directive Principles-Relationship between Directive principles and Fundamental Rights
- Emergency Provisions: Arts 352 to 354, ,358 and 359.

LEADING CASES:

1. P.Mohan Pillai v. State of Kerala & Ors 2007(3) SCALE 548
2. Pradeep Kumar Biswas v. Indian Institute of chemical Biology 2002 5 SCC 111
3. Lt. Governor of Delhi v. V.K. Sodi AIR 2007 SC 2885
4. Air India Cabin Crew Assn v. Yesaswinee Merchant 2003 111 LLJ SC1
5. M. Nagaraj v. Union of India 2006 8SCC 212

6. State of Bihar v. Project Uchala Vidya Sikshak (2006) 2SCC 545
7. Electricity Board Rajasthan V. Mohan Lal AIR 1967 SC 1857
8. R.D. Shetty V. The International Airport Authority AIR 1979 SC 1628.
9. Sodan Singh V. New Delhi Municipal Committee AIR 1984 SC 1966.
10. Ajay Hashia V. Khalid Mujib AIR 1981 SC 487.
11. State of West Bengal V. Anwasr Ali Sarkar AIR 1952 SC 75.
12. Kathi Ranni Rawat V.State of Saurashtra AIR 1952 SC 123.
13. In re Special Court Bill, 1978, AIR 1979 SC 478.
14. Air India V.Nargesh Meerza AIR 1981 SC 1829.
15. Indra Sawhney V.Union of India AIR 1993 SC 477.
16. L.I.C. India V.M.D. Shah(1992) 3 SCC 615.
17. Bijoe Emmanuel V. State of Kerala(1986) 3 SCC 615.
18. Mohni Jain V.State of Karnataka (1993) 1 SCC 666.
19. Unni Krishnan V State of A.P (1993) 1 SCC 645.
20. A.K. Gopalan V. State of Madras AIR 1950 SC 597.
21. Kharak Singh V.State of U.P. AIR 1963 SC1295.
22. Francis Coralie V.Union Territory of Delhi AIR 1978 SC 597.
23. Manika Gandhi V.Union of India AIR 1981 SC 746.
24. Ministry of I &B V. Cricket Association of West Bengal 1995 2SCC161.
25. Shankri Prasad V. Union of India 1951 SC 455.
26. Sajjan Singh V. State of Rajasthan AIR 1965 SC 845.
27. Golak Nath V. State of Punjab AIR 1971 SC 1643.
28. Kesavananda Bharati V. State of Kerala AIR 1973 SC 1461.
29. Minerva Mills V. Union of India AIR 1980 SC1789.
30. A.D.M. Jabalpur V. S.Shukla AIR 1976 SC 1207
31. Mr. "X" v Hospital Z AIR 1999. SC 495
32. Ahmadabad Municipal Corporation v Nawab Khan Gulab Khan (1997) II SCC 21
33. D.K.V. Basu v State of West Bengal (1997) I SCC 416.
34. Vishaka v State of Rajasthan AIR 1997 SC 3011.
35. T.A Pai Faindatren v. State of Karnataka (200) 8SCC 481
36. Union of India v. Association for Democratic Reforms (2000) 5 SCC 294
37. Air India Cabin Crew Association v. Yeshaswinee Merchant (2003) 6 SCC 277
38. Islamic Academy of Education v. State of Karnataka (2003) 6 SCC 697.

Recommended Readings:

- | | | |
|----|--------------|--------------------------------------|
| 1 | D.D. Basu | Commentary on Constitution of India. |
| 2. | M.P.Jain | Indian Constitutional Law. |
| 3. | M.P. Singh | Shukla's Constitutional Law. |
| 4. | H.M. Seervai | Constitution of India. |
| 5. | K .C. Wheare | Modern Constitution . |
| 6. | Dicey | Law of the Constitution. |

Labour Law –II

Paper III

Max. Marks 100

Note:. The subject includes a comprehensive and upto date study of Labour Law in India. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Concept of minimum wage, fair wage, living wage and need based minimum wage;
2. Constitutional validity of the Minimum wages Act, 1948.
3. Procedure for fixation and revision of minimum wages
4. Procedure for hearing and deciding claims
5. components of wages: dearness allowance, principle of fixation.

Unit-II

1. National Wage policy
2. Principles of wage fixation by adjudication and by wage Board and Pay Commission.
3. Definition of wage under Payment of Wages Act 1936 and responsibility for payment of wages.
4. Fixation of wage period and time of payment of wage.
5. Deductions from wages
6. Remedial measures.

Unit-III

- Social security: concept and scope
- Concept of employer, workmen, dependant, disablement.
- Workmen's compensation: employer's liability for compensation, amount and distribution of compensation.

Unit-IV

- Employee's state insurance : benefits, ESI fund and contribution.
- Concept of bouns: computation of bonus
- Gratuity
- Provident fund and family pension.

Unit-V

- Un-organised labour: problems and perspectives.
- Agricultural labour
- Bonded labour
- Contract labour
- Tribal labour
- Domestic labour
- Daily wage workers
- Inter-state migrant workmen: regulation of employment and conditions of service

Leading Cases:

Air India Statutory Corporation V United Labour Union (1997) 9SCC 377
Airfreight Ltd. V State of Karnataka (1999) 6SCC 567.
Arya Munni V. Union of India (1965) ILLJ 24.
B. Shah V. Labour Court Coimbatore AIR 1978 SC 12.
Kerala State Electricity Board V Valsala K (1999) 8 SCC 254
Manganese Ore (India) Ltd. V. Chandi Lal Sinha 1991 Lab. IC 524.
National Insurance Co.Ltd. V. Balawwa 1994 ILLJ 433 (Karnataka)
Peoples Union for Democratic Rights V. Union of India (1982) II LLJ. 454 (SC)
Pratap Narain Singh Deo V. Srinivas AIR 1976 SC 222.
Regional Provident Fund Commissioner V Shiv Kumar Joshi 200 LLR 217.
Royal Talkies Hyderabad V. E.S.I. Corporation AIR 1978 SC 1478.
State Bank Staff Union V. State Bank of India 1991 Lab. I 197.
Steel Authority of India Ltd. V. National Union Water Front Workers 2001 L/L r 961

Recommended Readings:

1. K.D. Srivastava Commentaries on the payment of wages Act
2. K.D. Srivastava Commentaries on Minimum Wages Act
3. R.C. Saxena Labour Problems and social welfare
4. S.C. Srivastava Social Security and Labour Laws
5. Abdul Majid Legal Protection to Un-organised Labour
6. Indian Law Institute: Labour Law and Labour Relations
7. Report of the National Commission on Labour, 1969.

Administrative Law-II

Paper IV

Max. Marks: 100

Note: The subject includes a comprehensive and upto date study of Administrative Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Administrative Discretion
 - Need for administrative discretion
 - Administrative discretion and rule of law
 - Need for safeguards
2. Doctrine Of Excessive Delegation Of Discretion
 - Constitutionality of discretionary powers
 - Administrative discrimination and arbitrariness

Unit-II

1. De tournement De peuvor
 - Malafide exercise of discretion
 - Improper purpose
 - Irrelevant considerations
 - Unreasonableness
 - Non- exercise of discretionary powers

Unit-III

1. Liability Of The Government
 - Statutory- immunity
 - Act of state
 - Contractual liability of government
 - Government privilege in legal proceedings
 - Public accountability

Unit-IV

1. Corporations And Public Undertakings
 - Characteristics and classification
 - Liabilities of public corporations

- Legislative and government control.
 - Legal Remedies
2. Statutory Judicial Remedies: General
 - Declaratory judgment compared with certiorari
 - Injunctions
 - Injunctions compared with Mandamus.
 - Specific performance and civil suits for compensation
 - Specific statutory remedies

Unit-V

1. Exclusion of Judicial Review
 - Scope of exclusionary and finality clauses
 - Impact of doctrine of ultra vires on privative clauses
2. Ombudsman
3. Vigilance commission.

Recommended Readings

1. D.D. Basu, Comparative Administrative Law (1998)
2. Wade, Administrative Law (Seventh Edition, Indian print 1997) Universal, Delhi
3. M.P. Jain, Cases and Materials on Indian Administrative Law, Vol. I & II (1996), Universal, Delhi
4. Jain & Jain, Principles of Administrative Law (1997) Universal, Delhi
5. S.P. Sathe, Administrative Law (1998) Butterworths-Indian, Delhi
6. Schwartz, An Introduction to American Administrative Law
7. Massey Administrative law

Practical Training Programme-I

Paper V

Max. Marks: 100

Moot Court, Pretrial Preparation, And Participation In Court Proceedings

For the breakup of the syllabus and allocation of marks, refer to regulation- of the statutes governing LL.B. Programme of the Department of Law.

The break up of the marks for practical training programme of 4th semester shall be as under:

- | | |
|--|------------|
| 1. Moot Courts | 30 (Marks) |
| Observance of trials | 30 (Marks) |
| Interviewing Techniques & Pre-trial preparations | 30 (Marks) |
| Viva Voce | 10 (Marks) |

Taxation Laws

Paper VI (Optional)

Max. Marks : 100

Note: The subject includes a comprehensive and upto date study of Taxation Laws. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Income Tax

Unit-I

1. Basic Concepts
 - Income
 - Total income
 - Assessee
 - Person
 - Residential Status
2. Income not include in total income
3. Heads Of Income
 - Salaries
 - Income from house property
 - Income from business or profession
 - Capital gains
 - Income from other sources

Unit-II Income Tax

1. Deductions, relief and exemptions
2. Income Tax Authorities
3. Procedure for Assessment
 - Filing of Return
 - Self Assessment
 - Best Judgement Assessment
 - Re-assessment
4. Offences and Penalties

Unit-III Wealth Tax

1. Taxable Wealth,
2. Valuation of Assets
3. Exemptions
4. Wealth tax authorities
5. Offences and penalties

Unit-IV Service Tax

1. Taxable Service (Definition, Nature)
2. Scope and Importance
3. Valuation of Taxable Service
4. Offences and Penalties

Unit-V J&K Value Added Tax, 2005 (VAT)

1. Meaning and Definition
2. Procedure for Assessment
3. Authorities

Leading Cases:

1. Madhu Kishwar V. State of Bihar 1996 5 SCC 125.
2. Union of India V. Raghubir Singh 1989 178 ITR 548 SC
3. CIT V. Carew and Co.Ltd 1979 120 ITR 540 SC
4. CIT V. G.K. Karthi Keyen 1993 201 ITR 866 SC/
5. B.C. Srinivasa Setty V. CIT 1981 128 ITR 284 SC.
6. Alembic Chemical Works Co.Ltd. V CIT 1989 177 ITR 377 Cal..
7. CIT V. Associated Cement Co's Ltd 1988 172 ITR 257 SC.
8. Commissioner of Sales Tax V. Gramophone Co. of India 1992. 84 STC 473 Del.
9. Hindustan Paper Corporation Ltd. V. State of Kerala 1993 89 STC 473 SC.
10. Commissioner of Sales Tax UP V. Suresh Chand Jain 1988 70 STC 45.

Recommended Readings

1. Taxman, Tax Planning & management (1998)
2. Kanga & Palkhivala: Income Tax Law (2004)
3. A.C. Sampat Iyengar, Three Taxes
4. K.Chaturvedi and S.M Pithisaria, Income Tax Law
5. Bhagwati Prasad, Direct Taxes : Law & Practice (1996) Wisha Prakasan, New Delhi.
6. Chaturvedi & Ashokan: Value Added Tax, Wadhwa, New Delhi
7. B.R Gupta, Manual of Value Added Tax, Jay Kay Law Reporter, Jammu.
8. A.N. Aiyars Indian Tax Laws
9. Service tax law by Manmohan Lavy
10. Indian Wealth Tax Act 1957 by Sen
11. Income Tax in India 1860-2001 by Indian Tax Foundation, India
12. Policy issue in Designing a system of Income tax (2001) Indian Tax Foundation, India
13. Tax incidence studies in India- A Survey, Indian Tax Foundation (2001)
14. Sales Tax in India 1938-2001 Indian Tax Foundation (2001)
15. Tax Reforms in India 1991-2001 Indian Tax Foundation (2001)
16. Kunwar Deo Prasad, Taxation in Ancient India, 1987.

International Economic Law

Paper VI (Optional)

Max. Marks 100

Note: The subject includes a comprehensive and upto date study of various aspects of International Economic Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from sections A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Historical Perspectives

- united Nations : GATT
- Evolution of New International Economic Order (NIEO)
- Essential components of NIEO
- State acceptance and practice of NIEO principles

2. Institutions

- UNCTAD (United Nations Conference on Trade and Development)
- UNCITRAL
- GATT
- Objectives
- Strengths and weaknesses
- Salient features of GATT 1994 (Final Act of Uruguay Round)

3. WTO

- Structure, principles and working
- Difference between GATT and WTO
- India and WTO

Unit-II

1. Trade in Goods

2. Trade related investment measures (TRIMS)

- Relationships with GATT
- Inalienable rights of member countries

3. General Agreements on Trade in Services (GATS)

- Principle: non-discrimination
- Benefits to India

Unit-III

1. Trade Related Intellectual Property Rights (TRIPS)

- Structure
- Principles
- Minimum standards
- Enforcement of IPR
- New issues

Unit-IV**1. Dispute settlement WTO**

- Judicial system: Dispute Settlement Board (DSB)
- Elements of the system
- Prompt settlement
- Balancing of rights and obligations
- Objective of satisfactory settlements
- Outcomes
- Withdrawal of measure- violation of WTO
- Continuation of the measures with retaliation by the affected country to make good the loss suffered by the affected country
- Special steps of DSB and WTO secretaries for developing countries
- Process of settlement by DSB

Unit-V**1. Sustainable Development**

- The concept
- Stockholm to Rio: developments of the concept
- Right to development
- UNCED (UN Commission on Environment and Development) report
- Principles
- Rio Principles related to sustainable developments

Recommended Readings

1. Bandari Surendra, World Trade Organization and Developing Countries (1995)
2. Myneni Srinivasa Rao, International Economic Law (1996)
3. Arun Goyal (ed) WTO in the new Millennium (2000)
4. Schwarzenberger, Economic World Order (1970) Manchester University Press
5. Jayanta Bagchi, World Trade Organization: An Indian Perspective
6. J.G. Starke, Introduction to International Law (1989)
7. UNCED, our Common Future (1986)

V Semester

Law of Evidence-I

Paper-I

Max. Marks:100

Note: The subject includes a comprehensive and upto-date study of various aspects of Law of Evidence. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

Section 1-16 of Indian Evidence Act. (1872)

Unit-II

Section 17-31 of Indian Evidence Act. (1872)

Unit-III

Section 32-38 of Indian Evidence Act. (1872)

Unit-IV

Section 39-44 of Indian Evidence Act. (1872)

Unit-V

Section 45-55 of Indian Evidence Act. (1872)

Leading Case:

1. R.V. Foster, 172 ER 1261.
2. Awadesh V. State of UP, AIR 1995 SC 375.
3. Brij Mohan V. Amar Nath AIR 1980 JK 54.
4. Pakala Naryan Swami V. Emp AIR 1939 PC 47.
5. Dagdu V. State of Maharashtra 1977 SC 3.
6. State of UP V. Deoman Upadhyya AIR 1960 SC 1125.
7. R.Singh V. State of Punjab 1976 1SCC 181.
8. State V. Bal Krishna n 1992 CRLJ 1872.
9. Tuka Ram V. State of Maharashtra AIR 1979 SC 185
10. Union of India V. Ramaswamy AIR 1997 SC 2055
11. R.K.Dalmia V. Delhi Administration AIR 1962 SC 1821.
12. Ram Krishan V. Savitri Devi AIR 1982, Delhi.
13. Rafiq V.State of UP AIR 1981 SC 559.

Recommended Readings:

1. Sarkar Evidence
2. Field C.D. Law of Evidence
3. Monir, M. Law of Evidence
4. Rattan Lal & Dhiraj Lal Law of Evidence
5. Amir Ali & Woodroff Law of Evidence
6. Sarathi V.P. Elements of Law of Evidence

Civil Procedure Code & Limitation Act

Paper-II

Max. Marks:100

Note: The subject includes a comprehensive and upto-date study of various aspects of C.P.C & Limitation Act. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1 Introduction

- a) Definition Decree, Judgement, Order, Foreign Court, Foreign Judgement, mesne profits;
- b) Important concepts: Res judicata & subjudice, Restitution, inherent powers, civil suit.

Unit-II Initial steps in a suit

- i) Jurisdiction & Place of suing
- ii) Institution of suit
- iii) Discovery, inspection & Production of documents
- iv) Appearance & Non-appearance of parties
- v) First hearing
- vi) Interim orders and commissions.

Unit-III Suits in Particular cases

- i) Suits by or against – Govt./Corporations
- ii) Suits by indigent persons
- iii) Inter-pleader suit
- iv) Summary procedure
- v) Suits relating to public nuisance

Unit-IV Judgement, Decree & Execution

- i) Judgement: Definition, essentials, pronouncement, contents and alterations;
- ii) Decree: Essentials, drawing up of a decree, contents, decree in particular cases;
- iii) Costs and interest
- iv) Courts by which decree may be executed
- v) Payment under decree & modes of execution, stay of execution, questions to be determined by executing court.

Unit-V Appeals, Revision, Reference and Review

- i) Appeals from original appellate decrees, appeals by indigent persons
- ii) General provisions relating to appeals to Supreme Court
- iii) Reference to High Court
- iv) Review
- v) Revision

Leading Cases:

- 1) Topandas V. Gorakhram, AIR 1964 Sc 1348
- 2) Dhulabai v. State of H.P. AIR 1969 SC 78
- 3) Premier Automobile v. Kamlakar, 1976 (1) SCC 496
- 4) Rajasthan State Road Transport Corp. v. Krishna Kant 1995(5) SCC 75
- 5) Pandurang v. Shantibai AIR 1989 SC 2240
- 6) Workmen C.P. Trust v. Board of Trustee, 1978(3) SCC 119
- 7) Razia Begum v. Anwar Begum, AIR 1958 SC 886 (895)
- 8) B.K.N. Pillai v. P. Pillas AIR 2000 SC 614
- 9) Sangram Singh v. Election Tribunal AIR 1955 SC 425
- 10) Martin Burn Ltd. v. Banerjee AIR 1958 SC 79
- 11) Dalpat v. Prahlad, 1992(1) SCC 225
- 12) Gurjrat Bottling Co. Ltd. V. Coca Cola., 1995 (5) SCC 545
- 13) Morgan Stanly v. Kartick Das, 1994 (4) SCC 225
- 14) Bihari Chordhary v. Ramesh Kumar, AIR 1984 (2) SCC 624
- 15) Raj Duggal v. Ramesh Kumar, AIR 1990 SC 2218

Recommended Readings

1. Mulla: Code of Civil Procedure.
2. Sarkar's Code of Civil Procedure
3. C.K. Takawani Code of Civil Procedure

Reference

- 1) Code of Civil Procedure 1908 (relevant provisions)
- 2) Ganuley :Civil Court, Practice and Procedure
- 3) Code of Civil Procedure, Svt. 1977.

Cr. P.C - I and Juvenile Justice (Care and Protection of Children) Act,2000

Paper-III

Max. Marks:100

Note: The subject includes a comprehensive and upto-date study of various aspects of Cr. P.C Ist and Juvenile Justice (Care and Protection of Children) Act,2000. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

- I. Definitions (Section 2) of Cr.P.C. 1973
 - a) Bailable offence, non bailable offence
 - b) Charge
 - c) Cognizable offence, non cognizable offence
 - d) Complaint
 - e) High Court, Metropolitan Area
 - f) Offence

- II Constitution and Powers of Criminal Courts: Sections 6 to 12, 20 to 22, 26 to 34.

Unit-II

Arrest of Persons:

- a) Powers of police to arrest without warrant: Section 41.
- b) Arrest on refusal to give name and address: Section 42.
- c) Arrest by private persons; Section 43.
- d) Arrest by Magistrate: Section 44.
- e) Person arrested to be informed grounds of arrest and section 50 right to bail.
- f) obligation of person making arrest to inform a nominated person about his arrest: Section 50 A.
- g) Arrested person medically examined and not to be detained for more than 24 hours: Section 54,57.

Unit-III

Powers to Compel Appearances:

- a) Summons: Sections 61 to 69
- b) Warrant of Arrest: Sections 70 to 81.
- c) Proclamation and Attachment: Sections 82 to 86.

Unit-IV

Information to Police and their powers to Investigate: Sections 154 to 164, 164A.

Remand: 167,

Police Report on completion of investigation: Section 173

Inquiry by Magistrate into cause of death: 176.

Unit-V

1. Nature and scope of Juvenile Delinquency.
2. Extent of the problem of Juvenile Delinquency in India
3. Causes of Juvenile Delinquency.
4. Control of Juvenile Delinquency and role of Police and other agencies.
5. Sections 1 to 45 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Leading cases:

1. D.K. Basu V. State of West Bengal 1997 Cri.L.J 750 SC.
2. Prem Shankar Shukla V. Delhi Administration AIR 1980 SC 1535.
3. Roshan Beevi V. Home Secretary, State of Tamil Nadu 1984 Cri.L.J. 134.
4. Habib V. State of Bihar AIR 1972 SC 283.
5. State V. Nidhan Singh 1984 Cri.L.J 1362 J&K.
6. Tapinder Singh V. State of Punjab AIR 1970 SC 1566..
7. Mantoo Majumdar V. State of Bihar AIR 1980 SC 347 .
8. Munna V State of UP AIR 1982 SC806
9. Sanjay Suri V Delhi Administration 1988 SCC (Cri.) 248

Recommended Readings:

1. Ratanlal and Dhirajlal Code of Criminal Procedure.
2. Kelker R.V. Outlines of Criminal Procedure.
3. Qadri, M.A. Police and Law- A Socio- Legal Analysis.
4. Juvenile Justice (Care and Protection of Children) Act ,2000

Property Law Including Transfer of Property Act And Easement Act.

Paper-IV

Max. Marks:100

Note:. The subject includes a comprehensive and upto-date study of various aspects of Property Law Including Transfer of Property Act And Easement Act. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-1

Transfer of Property Act:

1. Interpretation Clause- Section 3 and Transfer of Property by Sections 5 to 10 Act of Parties

Unit-II

Transfer of Property by Act of Parties continued sections 11 to 21 and sections 25 to 29.

Unit-III

Doctrine of Election Section 35,54, Sale of immovable Property Section 55, Mortgage of Immovable Property- Sections 58, 60,67,81,82,91 to 93.

Unit-IV

Charge and lease of Immovable Property- Sections 100, 101,105 to 108 and 111.

Unit-V

The Indian Easement Act, 1882.

1. Easement generally.
2. The incidents and disturbance of easements.
3. Licences: Lease and Easement, distinction.

Leading cases:

1. Associated Hotels V.R.N. Kapoor AIR 1959 SC 1262
2. Mrs. Achamma Cyriac V. The Kerala Financial Corpn. And Others AIR 1997 Kerala.

3. Nemi Chand V. Onkar Lal AIR 1991 SC 2046.
4. Munisami Naidu V. R.Ranganathan AIR 1991 SC 492.
5. A.K. Veeraghava Lyengar V. N.V.Prasad AIR 1994 SC 2357.
6. Shanta Bai V. State of Bombay, AIR 1958 SC 582.
7. Barndev Panigrahi V. Smt.Moharama AIR 1974 AP.
8. Ahmadabad Municipal Corporation V. Haji Abdul Gofoor, AIR 1971 SC 1201.
9. Ram Baran V. Ram Mohit AIR 1967 SC 755
10. R.Kempraj V. Barton Sons and Co. AIR 1970 SC 1872.
11. Rajesh Kanta Roy V. Smt.Shanti Devi AIR 1957 SC 255.
12. Aamirtham Kudumbah V. Sarnam Kudumbah AIR 1991 SC 1256.

Recommended Readings:

1. Mulla Transfer of Property Act.
2. B.B. Mitra Transfer of Property Act.
3. Suba Rao Lectures and Commentaries on Transfer of Property.
4. Shukla Transfer of Property
5. Tripathi G.P. The India Easement Act.
6. Jain J.D. The Indian Easement Act.

Arbitration, Conciliation and Alternate Dispute Resolution System

Paper-V

Max. Marks:100

Note: The subject includes a comprehensive and upto-date study of various aspects of Property Law Including Transfer of Property Act And Easement Act. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I Introduction

- a) Alternative Dispute Resolution (ADR): Concept and Need
- b) International Commercial arbitration and ADR under Legal Services Schemes
 - Concept, Dimensions and Practice of International Commercial arbitration
 - Legal Services Authority Act, 1987 / Section 89 CPC
 - Legal Literacy Mission

Unit-II Techniques of ADR-I

- Negotiation /conciliation
- Mediation
- Good offices

Unit-III Techniques of ADR-II

- Conciliation: Nature, Scope and methods, applicable law
- Arbitration – Arbitration agreement / Clause, Jurisdiction of the arbitral tribunal, Applicable Law, IIC, UNCITRAL, KSID.

Unit-IV The Arbitration and Conciliation Act 1996

Arbitration Sections 3-34

Unit-V Recognition and Enforcement

- ◆ Indian Practice
- ◆ International Practice

Leading Cases:

1. State of Jharkand v. R.K. onstruction (Pvt) Ltd. AIR 2006 Jhar 98.
2. Reshtriya Ispat Nigam Ltd. v. Verma Transport Company, AIR 200 SC 2800
3. P. Anand Gajapathi Raju v. P.V.G Raju (Dead), 2000(4) SCC 539
4. Mahesh Kumar v. Rajasthan State Road Transport Corporation, AIR 2006 Raj 56.
5. Kalpana Kothari v. Sdha Yadaw, AIR 2001 SC 404
6. Baby Arya v. Delhi Vidyut Board , AIR 2002 Dal 50
7. M.M.T.C Ltd. v. Sterlite Industries (Indir) Ltd. AIR 1997 SC 60
8. Sanshin Chemicals Ltd., AIR 2001 SC 1219
9. Tamil Nadu Electricity Board v. Bridge Tunnel Constrictions AIR 1997 SC 1376.
10. T.P. George v. State of Kerala AIR 1997 SC 816
11. Union of India v. G.S. Atwal & Co., AIR 1996 Sc 2965
12. National Thermal Power Corp v. Singer Co.
13. First Day Lawson Ltd. v. Jindal Export Ltd. AIR 2001 Sc 2293.

Recommended Readings

1. P.C. Rao et al., Alternate Dispute Resolution : What It is and How It Works? ICADR(1997)
2. M. Menon Clinical Legal Education Relevant Chapters

Legislation

The Arbitration and Conciliation Act, 1996 with upto date amendments

Practical Training Programme-II

(Public Interest Lawyering, Legal Aid And Para legal Services)

Paper VI

Max. Marks: 100

Note:. The subject includes a comprehensive and upto-date study of various aspects of Public Interest Lawyering, Legal Aid And Para legal Services with special emphasis on the State of Jammu and Kashmir. The subject shall include two parts- Part I and Part II. The question paper for Part I shall be of 80 marks, spread over the whole syllabus and comprising of three section, A, B and C. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, carrying 20 marks, two questions from each Unit. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions to be answered in about 400-500 words) shall have five questions, one from each unit carrying 10 marks each. In section C any three questions out of 5 have to be attempted. Part II of the subject shall be of 20 marks to be evaluated by the internal examiner.

PART -I

Unit-I

1. Legal Aid

- Concept, Constitutional Mandate and Historical Perspective
 - i) Concept and Constitutional Mandate
 - ii) Historical perspective of Legal Aid in (a) India (b) State of Jammu and Kashmir.
- Legal Aid to scheduled Castes and Defence Personnel Rules, 1971, 1973, Legal Aid to the Poor Rules- 1984 and 1987.

Unit-II

- The Jammu and Kashmir Legal Services Authorities Act, 1997
 - i) Legal Services Authorities and their powers and Functions.
 - ii) Entitlement to Legal Aid -Beneficiaries Modes and Procedure.
 - iii) Working of Legal Services Authorities
 - iv) Duties of Lawyers and Aided Persons

Unit-III

Lok Addalat and other forms of Alternate Dispute Resolution System,

- i) Organization of Lok Adalates, Cognizance of Cases, Awards: Procedure and Practice
- ii) Lok Adalates: procedural and other socio-legal problems
- iii) Role of lawyers
- iv) Other forms of ADR- mediation, negotiation and conciliation and their application in J&K.

Unit-IV

Legal Aid, Para Legal Services and Clinical Legal Education

- i) Clinical Legal Education: Concept and contemporary practices
- ii) Need for legal literacy and para-legal Services
- iii) Role of Lawyers, Law students and NGO's in Legal aid and Para Legal Services
- iv) Para Legal Service Training.

Unit-V

- Public Interest Lawyering

- i) Public Interest Litigation in India
- ii) PIL: Consumer and Environmental Protection. Scope of Public Interest Lawyering
- iii) PIL and Public Involvement
- iv) Law Student and PIL : Incentives and Scope of Involvement

Part - II

- Simulation exercises
 - (a) Like Lok Adalat, Legal Aid Camp, Legal Literacy Programmes, Clinical Services and services in legal Aid offices
 - (b) Legal Research, Case Comments and Editing skills

Recommended Readings

1. Menon, N.R.Madhava Clinical Legal Education (1998)
2. Baxi, Upendra Law and Poverty Critical Essays (1988)
3. Iyer, V.R.Krishna Law and the Urban Poor (1988)

Reports

1. Iyer V.R.Krishna Report of the Committee on legal Aid 1973
2. Bhagwati P.N - Report of the Committee on legal Aid -Processal Justice-1977

Acts:

- The Legal Services Authorities Act, 1987
- The Jammu and Kashmir legal Services Authorities Act, 1997

VI Semester

Law of Evidence-II

Paper-I

Max. Marks:100

Note: The subject includes a comprehensive and upto-date study of various aspects of Law of Evidence. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Facts which need not be proved (Sec. 56-58)
2. Modes of Proof (Sec. 59)

Unit-II

1. Oral Evidence (Sec. 60)
2. Documentary Evidence (Sec. 61-73A)
3. Exclusion of Oral by documentary evidence (Sec. 91-92)
4. Ambiguous documents (Sec. 93-95)

Unit-III

1. Burden of proof (Sec. 101-106)
2. Survivorship and Death (Sec. 107-113)
3. Presumption (Sec. 113A-114-A)

Unit-IV

1. Estoppel (Sec. 115-117)
2. Witnesses (Sec. 118-121)
3. Privileged communications (122-132)

Unit-V

1. Accomplice (Sec. 133-134)
2. Examination of Witnesses (sec. 135-166)
3. Rejection of Evidence (Sec. 167)

Leading Case:

1. R.V. Foster, 172 ER 1261.
2. Awadesh V. State of UP, AIR 1995 SC 375.
3. Brij Mohan V. Amar Nath AIR 1980 JK 54.
4. Pakala Naryan Swami V. Emp AIR 1939 PC 47.

5. Dagdu V. State of Maharashtra 1977 SC 3.
6. State of UP V. Deoman Upadhya AIR 1960 SC 1125.
7. R.Singh V. State of Punjab 1976 1SCC 181.
8. State V. Bal Krishna n 1992 CRLJ 1872.
9. Tuka Ram V. State of Maharashtra AIR 1979 SC 185
10. Union of India V. Ramaswamy AIR 1997 SC 2055
11. R.K.Dalmia V. Delhi Administration AIR 1962 SC 1821.
12. Ram Krishan V. Savitri Devi AIR 1982,Delhi.
13. Rafiq V.State of UP AIR 1981 SC 559.

Recommended Readings:

1. Sarkar Evidence
2. Field C.D. Law of Evidence
3. Monir,M. Law of Evidence
4. Rattan Lal & Dhiraj Lal Law of Evidence
5. Amir Ali & Woodrof Law of Evidence
6. Sarathi V.P. Elements of Law of Evidence

Cr. P.C II and Probation of Offenders Act, 1958

Paper- II

Max. Marks:100

Note:. The subject includes a comprehensive and upto-date study of various aspects of Cr.P.C and Probation of Offenders Act,1958. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Security Proceedings: Section 106-110
2. Disputes to immovable Property : Section 145-146.

Unit-II

Charge including Joinder of charge: Section 211-224.

Unit-III

Trials : Section 238-259.Plea Bargaining – 265 A,B,C.

Unit-IV

Provisions relating to Bail and Bond : Section 436-438.

Maintenance to wives, children and parents, Section 125-128.

Unit-V

- a. origin and development of probation
- b. concept and objects of Probation
- c. Probation and judicial approach
- d. Powers and duties of probation officer.

Leading Cases:

1. Iqbal Ahmad Khan V., State of U.P 1980 Cri.L.J 80
2. Bai Tahira V. Ali Hussain AIR 1979 SC 362
3. Mohammed Ahmad Khan V. Shah Bano 1985 Cri.L.J 875 SC
4. Moti Ram V. State of M,P. AIR 1978 SC 1594.
5. Hussain Ara Khatoon V. Home Secretary, State of Bihar 1980 I SCC 81.
6. Sheela Barse V. Union of India 1986 3 SCC 596.
7. Abdul Qayoom V. State of Bihar (1972 .) SCC103
8. Ramji Missar V State of Bihar (1963)2 Cr. L.J. 173 (SC)
9. P .K .Tejane V. M R. Dange (1974) 1 SCC 174

Recommended Readings:

1. Ratanlal & Dhirajlal Code of Criminal Procedure
2. Kelker R.V. Outlines of Criminal Procedure
3. Ahmad Siddique Criminology, Problem and Pererspective.
4. Tandon M.P. Code of Criminal Procedure
5. Sohni Criminal Procedure Code.
6. Probation of Offenders Act, 1958

Interpretation of Statutes

Paper-III

Max. Marks: 100

Note: The subject includes a comprehensive and upto-date study of various aspects of Interpretation of Statutes. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. Introduction
2. Classification of Statutes.

Unit-II

1. Methods of Interpretation.

Unit-III

1. Aids of Construction
 - a) Intrinsic
 - b) Extrinsic

Unit-IV

1. Specific Interpretations
 - a) Tax Statutes
 - b) Penal Statutes

Unit-V

1. Interpretation of Constitution
2. Repeal, Repugnance and Retrospective Doctrine.

Leading Cases:

1. Surajeet Singh V., State of UP 1984 AIR SC 98
2. London Rubbver Co.Ltd.V. Durex Productions Incorporated and another AIR 1963 SC 1982.
3. Maneka Gandhi V. Union of India AIR 1978 Sc 597
4. Reserve Bank of India & others V.Peerless General Finance and Investment Co.Ltd and another 1996 1 SCC 642.
5. State of Patiala and Others V. S.K. Sharma 1996 3 SCC 364.
6. S.Gopal Reddy V. State of AP AIR 1996 SC 2184
7. Shanmugam Servai V. P.Periyankaruppan Seervai AIR 1996 Madras 411.

Recommended Readings:

1. Maxwell Interpretation of Statutes
2. Bindra N.S. Interpretation of Statutes
3. Chattarji Interpretation of Statutes
4. Sarathi Vepa Interpretation of Statutes

Land and Local Laws-I

Paper IV

Max. Marks: 100

Note: The subject includes a comprehensive and upto-date study of various aspects of Land and Local Laws. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I

1. The J&K Agrarian Reforms Act, 1976
 - Land to tiller
 - Vesting of rights – S(4-8)
 - Restrictions on rights in land S. (9-17)
 - Jurisdiction & procedure for settlement of disputes S. (18-25)

Unit-II

1. The J&K Land Revenue Act, 1996 (Svt.)
 - Definitions
 - Revenue officers- Classification, appointment & powers (15-19A)
 - Record of Rights & Annual Records (21-34)

Unit-III

1. Assessment
2. Recovery of land revenue
3. Exclusion of Jurisdiction of Civil Courts (Section 139)

Unit-IV

1. The Jammu and Kashmir Houses & Shops Rent control Act, 1966.
 - History Object and scope of Rent Legislation in J&K
 - Definitions (Sec. 2)
 - Payment of Rent (Sec. 3-10)
 - Proceedings for Eviction (Sec. 11-13)

Unit-V

- Deposit of Rent (Sec. 14-16)
- Powers & functions of controller Sec. 17-20)
- Appeal, Review and Revision (Sec. 21)
- Rights & Duties of Landlord (Sec. 27-29)

Leading Cases:

1. Jai Manmohan Kapoor V Kedar Nath Sekhri J K LR (1991) Vol 21
2. Mst Bega Begum & Others V Abdul Ahad Khan AIR 1979 Sc 272 Vol 66
3. Abdul Rashid Bakshi V. Devki Durrani JKIR P 382 Vol 10
4. Haji Gh Mohd Bhat V. Gh Hassan Nahavi JKLR. 1981 at 433
5. Thuru V. Rasal Sing AIR 1997 J&K
6. Asha V. Rasaloo AIR 1997) J&K 39
7. Premnath Raina & Others V. State of Jammu And Kashmir AIR 1983 SC920

Recommended Readings

1. J&K Houses & Shops Rent Control Act, 1966
2. Commentary on J&K Houses & Shops Rent Control Act 1966
3. J&K Land Revenue Act 1996 (Smt.)
4. J&K Agrarian Reforms Act 1976
5. Constitution of India (Relevant Provisions)

KCEF LAW COLLEGE PULWAMA

Practical Training-III

(Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.)

Paper-V

Max. Marks: 80+20

Note: The subject includes a comprehensive and upto-date study of various aspects of Practical Training (Professional Ethics, Accountancy for Lawyers and Bar Bench Relations). The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section. The paper shall besides carry 20 marks for via voce to be awarded by external examiner.

Unit-I

- 1) Supreme Court Rules 1966.
- 2) J&K High Court Rules 1995

Unit-II

- 1) J&K Limitation Act 1938 as amended
- 2) J&K Registration Act 1920 A.D. as amended.

Unit-III Bench Bar Relations

- 1) Bar Council of India - Powers & functions
- 2) State Bar Council – Powers and functions
- 3) Professional and other Misconduct.
- 4) Rights and privileges of Advocates
- 5) Reciprocity as partners in administration of justice

Unit-IV Legal Ethics

- 1) Ethics in present Era
- 2) Ethics and statutory sanctions
- 3) Ethics and professional Duty
- 4) Conflicts between interest and duty
- 5) Duty of Court
- 6) Duty of client
- 7) Duty of opponent
- 8) Duty of colleague
- 9) Duty towards society and obligation to render legal aid

Unit-V Contempt of Court

- 1) Classification
- 2) Constitutional validity of contempt law
- 3) Contempt law in J&K

Leading Cases:

1. A.M. Mathur v. Pramod Kumar Gupta, 1990(2) SCC 533
2. Bar Council of Maharashtra v. M.V. Dabhulkar 1976(1) SCR 306 also 1976 (2) SCR 48
3. Hanraj L. Chulani v. Patna High Court, 1986.
4. K. Daniel v. Hymavathy Amma, AIR 1985 Ker. 233
5. Advocate Gen. Bihar v. Patna High Court, 1986(2) SCC 577
6. P.D. Gupta v. Ram Murti, 1977(7) SCC 147
7. H.D. Srivastava v. G.N. Verma 1977 (2) SCR 6011
8. Mangilal v. State of M.P. 1994(4) SCC 564
9. Harish Uppal v. Union of India, AIR 2003 Sc 739
10. Copeland v. Smth 2000(I) All. E.R. 457
11. In the matter of P an advocate AIR 1963 SC 1313
12. R.D. Saxena v. Balram Prasad AIR 2000 SC 2912
13. Indian Council of Legal Aid v. Bar Council of India, AIR 1995 Sc 691
14. In Re Sanjiv Dutta 1995 (3) SCC 619
15. Vikas Deshpande v. Bar Council AIR 2003 SC 309

Recommended Readings

- 1) Kailesh Rai : Legal Ethics , Accountancy for Lawyers and Bench Bar Relation.
- 2) B.R. Aggarwal: Supreme Court Practice and procedure

References

- 1) P. Ramanatha Iyer – Legal and Professional Ethics
- 2) BB Mitra – The Limitation Act.

Practical Training IV

(Legal Language, Writing, Pleading, and Conveyancing)

Paper-VI

Max. Marks:100

Note:. The subject includes a comprehensive and upto-date study of various aspects of Practical Training Programme-II. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer types questions in about 10-20 words) shall have 10 questions, two questions from each Unit carrying 2 marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A and B have to be attempted. Section C (long answer type questions in about 400-500 words) shall have five questions, one from each unit carrying 15 marks each. Any three questions out of 5 have to be attempted from this section.

Unit-I Fundamental Rules of Pleadings

- a) Complaint Structure
- b) Description of Parties
- c) Written Statement and affidavit
- d) Application for setting ex-parte decree

Unit-II Ordinary suit for Recovery

- a) Suit under order XXXVII of CPC
- b) Suit for Permanent Injunction
- c) Application for temporary injunction, Order XXXIX of CPC
- d) Suit for Specific Performance
- e) Petition for Eviction and fair rent J&K Houses and Shops Rent Control Act

Unit-III General Principles of Criminal Pleadings

- a. Application for bail
- b. Application under section 125 Cr.P.C
- c. FIR – Under section 154 Cr.P.C.

Unit-IV Model Drafts-I

Forms

- i) Notice to the tenant under section 106 of Transfer of Property Act
- ii) Notice under section 80 of CPC
- iii) Reply to notice
- iv) General Power of Attorney
- v) Will
- vi) Agreement to sell
- vii) Sale – Deed
- viii) Suit for dissolution of Partnership

- ix) Petition for grant of probate/letters of Administration
- x) Application for appointment of receiver/Local Commissioner
- xi) Application for compromise of suit
- xii) Application for appointment of Guardian
- xiii) Application to sue as an indigent person under Order 33 CPC
- xiv) Appeal from original decree under order 41 of CPC
- xv) Appeal from orders under order 43 of CPC
- xvi) Revision petition.
- xvii) Review Petition
- xviii) Application under 5 of Limitation Act
- xix) Application for execution

Unit-V Model Drafts-II

- i) Writ Petitions under Art. 32 & 226
- ii) Application under section 148A of CPC
- iii) Compounding of offences by way of compromise under section 320(I) Cr.P.C
- iv) Lease deed
- v) Special power of attorney
- vi) Relinquishment Deed
- vii) Partnership Deed
- viii) Mortgage Deed
- ix) Reference to Arbitration and Deed of Arbitration
- x) Deed of Gift
- xi) Notice under section 434 of the Companies Act
- xii) Notice for specific performance of Contract
- xiii) Complaint

Books Recommended

- (1) Conveyancing – N.S. Bindra
- (2) Conveyancing – A.N. Chaturvedi
- (3) Mogha's Law of Pleading
- (4) Conveyancing – D'Souza

Leading Cases:

1. Brij Mohan and Others V. Sughra Begam & others 1990 4 SCC 147-48.
2. Nana Tuka Ram V. Sona-Bai AIR 1982 Bom 437
3. Sait Tarajee Khim Chand V. Yelamarti Satyam AIR 1971 SC 1865
4. Datatraya V. Rangnath Gopalra Kawatherkar AIR 1971 SC 2548 at 2549.
5. Rama Shanker Pathak V. Collector Central Excise AIR 1971 All. 287 at P.289.
6. K. Appu Kuttan Panicker V. S.K.R. Athapachetliar AIR 1966 Ker.303