Publisher’s Note

The University of Pune has great pleasure in publishing the syllabus for the First and Second Year LL.B. (Three-Year Law Course) (Semester Pattern) Course under the Faculty of Law.

It is hoped that this syllabus will be most useful to the students of this course.

On behalf of the University, I thank the experts and authorities of the University for their keen interest and whole-hearted co-operation in bringing out this publication.

University of Pune
Ganeshkhind, Pune-411 007.

Dr. D. D. Deshmukh
Registrar
UNIVERSITY OF PUNE

Circular No. 230 of 2003

Subject : Syllabus of First and Second Year LL.B. (Three-Year Law Course) (Semester Pattern)

It is notified for the information of all concerned that the University Authorities have decided to implement the syllabus of I and II Year LL.B. (Three and Five Year Law course) (Semester Pattern). The syllabus is enclosed in the Appendix.

The above decision will come into force from Academic Year 2003-2004.

Ganeshkhind, Pune-411007
Ref. No. : CB/3524
Date : 12-6-2003

Sd/- D. M. Devke for Registrar
Semester Scheme for LLB (Three Year Law Course) and BSL LLB (Five-Year Law Course) from academic year 2003-2004

1. The 1st and 2nd years of the LLB (three year law course) and BSL LLB (Five year law course) will adhere to the following semester pattern from the academic year 2003-2004

2. The improved semester pattern of 100 marks for each paper will be introduced in a phased manner as shown below

**LLB (Three Year Law Course)**

<table>
<thead>
<tr>
<th>Year of the degree course</th>
<th>Academic year</th>
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</thead>
<tbody>
<tr>
<td>1st year LLB</td>
<td>2003-2004</td>
</tr>
<tr>
<td>2nd Year LLB</td>
<td>2003-2004</td>
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<tr>
<td>3rd Year LLB</td>
<td>2004-2005</td>
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</tbody>
</table>

**BSL LLB (Five Year Law Course)**

<table>
<thead>
<tr>
<th>Year of the degree course</th>
<th>Academic year</th>
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</thead>
<tbody>
<tr>
<td>1st year BSL</td>
<td>2003-2004</td>
</tr>
<tr>
<td>2nd year BSL</td>
<td>2003-2004</td>
</tr>
<tr>
<td>3rd year BSL</td>
<td>2004-2005</td>
</tr>
<tr>
<td>4th year BSL LLB</td>
<td>2005-2006</td>
</tr>
<tr>
<td>5th year BSL LLB</td>
<td>2006-2007</td>
</tr>
</tbody>
</table>

3. The detail syllabi for all the subjects of the 1st and 2nd years of the two courses are also enclosed

4. The rules of standard of passing are also enclosed.
5. The examination pattern has been simplified for the semester scheme and it shall be as follows
   a. Since law subjects of these two courses are the same with same prescribed syllabus as far as possible, only one paper will be set for the two courses at any examination session.
   b. Since one subject shall have only one paper during any session. All candidates (regular, repeaters, of all semesters and non-semester candidates of earlier years) will appear for the same paper.
   c. The papers for that subject will however have different code-numbers according to the course for identification.

University of Pune  
Faculty of Law  
LLB (Three-year LLB Course) 
Rules for Standard for Passing, Benefit etc.
1. Standard of Passing
   To Pass any examination, a candidate must obtain
   a. 35% of the full marks in each paper
   b. 50% of the total marks in the examination
2. Entitlement to appear at the end of the academic year
   A Candidate who has completed his term for Semester I, III or V of the three-year LLB Course, and has paid examination fees for such Semester-Examination, but has remained absent for any or all papers or has failed in any or all papers at such Semester Examination, shall
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be entitled to appear for any or all of such papers respectively along with the Semester II, IV or VI examinations respectively.

Any student who has appeared for Semester I, III or V Examination of the three-year LLB Course shall be entitled to re-appear for all or any of the papers respectively along with the Semesters II, IV or VI examinations for improving his marks.

3. Exemption
   A candidate who obtains at least 50% of the full marks or a paper shall at his option be exempted from that paper at a subsequent examination. He shall however have to pass in the remaining paper or papers in accordance with the standard of passing laid down above. The benefit of exemption so earned may be available for six years only.

4. First-Second Class
   At the end of the academic year, those of the successful candidates who obtain 50% or more of the total marks will be placed in the Second Class, those who obtain 55% or More marks will get higher II class and those who obtain 60% or more of the total marks will be placed in the First Class and those obtain 70% or more marks will be placed in First Class with Distinction.

5. Allowed to keep terms
   A candidate who obtains at the Ist and IInd yeArs of LLB three year LLB course) 50% of the full marks in any six out of the total number of papers prescribed for
the respective academic year shall be allowed to keep terms respective for the IIInd and IIIrd year of LLB Examination.

Provided however that he shall not be declared to have passed the IIInd LLB or the IIIrd LLB Examination unless he has passed the Ist LLB or the IIInd LLB Examination by passing in the remaining papers in accordance with the standard of passing laid down above.

Such a candidate shall not be eligible for a Class prize at scholarship awarded at the examination.

1st Year of LL.B. [Three-Year LL.B. Course]

Semester I (June-October)
1. Family Laws-I-100 marks
2. Law of Crimes-100 marks
3. Labour Laws-100 marks
4. Optional Papers (any one) -100 marks
   a. Trust, Equity and Fiduciary Relationships
   b. Criminology and Penology
   c. Woman and Law, and Law relating to the Child
   d. International Economic Law
5. Law of Contract-I- (General Principles of Contract and Specific relief Act)-100 marks

Semester II (November -April)
6. Family Laws-II-100 marks
7. Constitutional Law-100 marks
8. Law of Torts and Consumer Protection Act-100 marks
9. Practical Training III (Professional Ethics. Accountancy for Lawyers and Bar-Bench Relations)-100 marks
Ist year of LLB (Three-year LL.B Course)
Semantic I (June-October)
Paper I-Family Laws-I
100 marks
(With latest amendments and case-law)

Family Relations - Hindus, Muslims, Christians and Parsis.

1. Nature, Sources and Schools of
   a. Hindu Law
   b. Muslim Law

2. Marriage
   a. Formation
   b. Duration
   c. Disruption

3. Marital Relief
   a. Judicial separation
   b. Divorce
   c. Nullity of marriage
   d. Restitution of conjugal rights
   e. Dissolution

4. Law of Maintenance (Hindu and Muslim law)
   a. Claim of spouses
   b. Claim of parents and children
   c. Alimony (pendente lite and permanent)

5. Adoption

6. Minority and Guardianship

7. The Special Marriage Act 1954
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Statutes
1. The Hindu Marriage Act, 1955
2. The Hindu Adoptions and Maintenance Act, 1956
3. The Hindu Minority and Guardianship Act, 1956
4. The Christian Marriage Act, 1872
5. The Indian Divorce Act, 1869 (as amended by Amendment Act 49 and 51 of 2001)
6. The Parsi Marriage and Divorce Act, 1936
7. The Special Marriage Act, 1954
8. The Muslim Women’s (Protection on Divorce) Act, 1986

Recommended books and reading
1. Desai Kumud, Law of Marriage and Divorce
2. Diwan Paras Modern Hindu Law
3. Mayne’s Hindu Law and Usage
4. Diwan Paras, Family Law
5. Dr. T.V. Subbarao Family Law in India
6. Mulla, Principles of Mahommedan Law
7. Mahmood Tahir, Muslim Law of India.

Paper 2 Law of Crimes 100 marks
1. Indian Penal Code, 1860 - Sections I - 511
2. Criminal Jurisprudence - Essential of Crime, definition of crime and offence, related maxims, theories of punishment with relevant case-law
Recommended books
1. Ratanlal and Dhirajlal, The Indian Penal Code
3. Pillai, P.S.A., Criminal Law
4. Mishra S.N., Indian Penal Code
5. Bhattacharya T., The Indian Penal Code

References
1. Basu, Indian Penal Code, Vol. 1 & 2
2. Dr. H. S. Gour’s, Penal Law of India, Vol. 1 to 4
3. Gaur K.D. Criminal Law - Cases and Materials
4. Jaspal Singh, Indian Penal Code
5. Kenny, Outlines of Criminal Law
6. Nigam R.C., Principles of Criminal Law

Ist year of LL.B. (Three-year LL.B. Course)
Semester I (June-October)
Paper 3 Labour Laws

100 marks

UNIVERSITY OF PUNE
Circular No. 292 of 2003

Subject: Syllabus of Labour Laws at First Year of Three-Year Law Course - First Semester

It is notified for the information of all concerned that the University Authorities have decided that the number of Act minimized to six Acts instead of eight Acts for the First Year of Three-Year Law Course at Semester-I Paper-III - Labour Laws (100 marks). Six Acts are mentiond below:

1. Industrial Dispute Act, 1947 - 30 marks.
2. The Factories Act, 1948 - 20 marks.
6. The Payment of Wages Act, 1936 - 10 marks.

The above decision will come into force from the Academic Year 2003-04.
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Recommended books and readings

2. Malhotra O.P. Industrail Disputes Act, 1947
3. Shrivastava K.D., Commentaries on all Labour Laws
4. Kothari G.M., A study of Industrial Law
5. Sachedeva, Industrial and Labour Law
6. Reports of the National Commission on Labour I / II
7. Recommendation and Conventions of ILO

Semester I (June-October)

Paper 4 -Optional paper (a)

Trust, Equity and Fiduciary Relationships 100 marks

Division of marks

1. The Indian Trusts Act, 1882 40 marks
2. Fiduciary relations 10 marks
3. The Bombay Public Trusts Act, 1950 35 marks
4. Principles of equity and maxims 15 marks
(with latest amendments and case-law)

A. The Indian Trusts Act 1882

1. Preliminary
   a. Definitions - Trust, author of the trust, trustee, beneficiary, trust property, beneficial interest, instrument of trust, breach of trust, cestui que trust
   b. Comparison of trust with other relationships
      i. Private trust and Public/charitable trust
      ii. Trust and debt
      iii. Trust and Ownership
      iv. Trust and Bailment
      v. Trust and Agency
      vi. Trust and Contract
      vii. Trust and Conditions
      viii. Trust and Equitable Charge
      ix. Trust and Mortgage
      x. Trust and Administration

2. Kinds of trusts

3. Creation of trusts

4. Appointment of trustees

5. Duties and Liabilities of trustees

6. Rights and Powers of trustees

7. Disabilities of trustees

8. Rights and Liabilities of the Beneficiary

9. Vacating the Office of Trustee

10. Extinction of Trusts

11. Certain Obligations in the Nature of Trusts
B. **Fiduciary relations - concepts and kinds**

C. **The Bombay Public Trusts Act 1950**
   1. Definitions - public trust, math, person having interest, temple, wakf, trustee
   2. Establishments
   3. Charitable purposes and validity of certain public Trusts
   4. Registration of Public Trust
   5. Budget, Accounts and Audit
   6. Powers and duties and restrictions on trustee etc.
   7. Control, powers and functions of Charity Commissioner
   8. Other functions and powers of Charity Commissioner, Dharmada, cypress
   9. Special provision as respects religious and charitable institutions and endowments
   10. Public Trusts Administration Fund
   11. Offences and Penalties
   12. Function of Charity Commissioner, Procedure, jurisdiction and Appeals

D. **Principles of equity and maxims**
   1. Concept and definition of equity
   2. Origin and development
   3. Maxims of equity
      a. Equity will not suffer a wrong to be without a remedy.
b. Equity follows the law.
c. Where there is equal equity, the law shall prevail.
d. Where the equities are equal, the first in time shall prevail.
e. He who seeks equity must do equity.
f. He who comes into equity must come with clean hands.
g. Delay defeats equities.
h. Equality is equity.
i. Equity looks to the intent rather than to the form.
j. Equity looks on that as done which ought to be done.
k. Equity imputes an intention to fulfil an obligation
l. Equity acts in personam.

Recommended books and readings
1. Iyer N Suryanarayanan, The Indian Trust Act
2. Rangacharya I V, The Indian Trusts Act
3. Aggarwal O P, The Indian Trusts Act
4. Tandon M P, The Indian Trusts Act
9. Snell’s Principles of Equity
10. Ahmad Aquil, Equity, Trusts and Specific Relief
11. Baasu Durga Das, Equity, Trusts and Specific Relief
1. Criminology
   a. Definition
   b. Nature and scope of criminology and penology and the nature and extent of crime in India
   c. The concept of crime and characteristic of criminal law
   d. Determination and differential of crime
   e. The criminal - who is a criminal?
   f. Whether criminology is a science?
   g. Objective of criminal justice system
2. Schools of criminology
   a. The Classical school and Neo-classical School
   b. Cartographic
   c. Socialist
   d. Typological
   e. Lombrosian
   f. Psychistric
   g. Sociological and socio-psychological
3. Prevalence of crime
   a. Study of crime and criminal justice
   b. Identification of the causes of crime - theories
   c. Approaches to crime problem
   d. Focus on individual and environment
4. Role and function of police
   a. In action
   b. Police goals, objectives and functions
   c. National Police Commission (recommendations)
   d. Appointment of Polic commissioner
   e. Judicial Powers (Executive)
   f. Organised crimes
   g. Rights of victims
   h. Protection of the accused

5. **Imprisonment: History of Prisons**
   a. Aims and objectives, and conditions
   b. Types of prisons
   c. i. Success and failure of prisons
       ii. Discipline and control
   d. Open air institutions

B. 1. Prison work
    2. Education
    3. Prison reform - schools and reformations
    4. Rights of prisoners (contribution of the Supreme Court)
6. Prevention of crime and Delinquency
   a. Punitive approach
   b. Defence approach
   c. Interventionist approach - prevention policies, recidivism, intervention, mechanical approach, clinical approach

7. White collar crime
   a. Nature and definition
   b. Types of white collar crime and development
   c. Legislation to meet white collar crimes
   d. Judicial trends

Recommended books and readings
1. Siddique Ahmed, Criminology
2. Sethna M J, Society and the Criminal
3. Sirohi J P S, Criminology and Criminal Administration
4. Paranjape N V, Criminology and Penology
5. Mehta Rohinton, Crime and Criminology
6. Sutherland E H, and Cressy D R, Principles of Criminology
7. Sutherland E H, White Collar Crime
8. Reckless W C. The Crime Problem
9. Bhudhan Vidya, Prison System in India
10. Mulla Committee Report
Semester I (June-October)

Paper 4 - Optional paper (c)

Woman and Law, and Law relating to the Child 100 marks

Division of marks

m. Woman and Law - 50 marks
n. Law relating to the Child - 50 marks

(With latest amendments and case-law)

A. Woman and Law (50 marks)

1. Constitution of India - provisions regarding women
   a. Constitution of India - Articles 14, 15(1), 15(3), 16(1), 23 and (2), 39(d), 51
   b. Reservation of seats for women in local bodies - Article 243

2. Violence against women
   a. Domestic violence
      i. Protection against Cruelty
      ii. Harassment for dowry
      iii. Forced prostitution
      iv. State intervention
   b. Relevant provisions of
      i. The Indian Penal Code, 1890
      ii. The Criminal Procedure Code, 1973
      iii. The Indian Evidence Act, 1872
      iv. The Dowry Prohibition Act, 1961
      v. The Immoral Traffic (Prevention) Act, 1956
3. Women and Labour laws
   Relevant provisions of
   i. The Equal Remuneration Act, 1976
   ii. The Maternity Benefits Act, 1961
   iii. The Factories Act, 1948
   iv. The Mines Act, 1952
   v. The Employees’ State Insurance Act, 1948

4. Other protective legislations
   a. The National Commission for Women Act, 1990
   b. The Indecent Representation of Women (Prohibition) Act, 1986
   c. The Commission of Sati (Prevention) Act, 1987
   d. The Medical Termination of Pregnancy Act, 1971
   e. The Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act, 1994


   Recommended books and readings
   1. Diwan Paras and Divan Peeyushi, Women and Legal Protection (Deep and Deep Publications, New Delhi)
   4. The Hindu Window’s Re-marriage (Repeal) Act 1983
   5. Gangrade K D, Social Legislation in India, Vols I and II
6. Bhattacharjee A M, Matrimonial Laws and the Constitution
7. Kant Anjam, Women and Law
8. Dewan V. K., Law Relating to Offences against Women
9. Mishra O P, Law relating to Women and Child
10. Reddy G B, Women and the Law
12. The Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act, 1994
13. The Medical Termination of Pregnancy Act, 1971
14. The Muslim Women’s (Protection of Rights on Divorce) Act, 1986

B. Law relating to the child (50 marks)

1. Social and legal status of child
2. Constitutional protection to children under Articles 15(3), 24, 39(c) and (f), 45 of the Constitution of India
3. The National Commission for child
4. Legal control of employment of child labour under the following enactments
   a. The Factories Act, 1948
   b. The Apprentices Act, 1961
   c. The Bombay Shops and Establishments Act, 1948
   d. The Child Labour (Prohibition and Regulation) Act, 1986
5. Protective legislations for the child
   a. The Juvenile Justice (Care and Protection of Children) Act, 2000
   b. The Protection of Human Rights Act, 1993
   c. The Child Marriage Restraint Act, 1929
6. Child under litigation with reference to Civil Procedure Code 1908

Suggested reading
1. The National Commission for Child
2. Indian Law Institute, Child and the Law
3. Upendra Baxi, Law and Poverty

Semester I (June-October)
Paper 4 - Optional paper (d)

International Economic Law 100 marks
1. (a) Nature, development, scope and sources of International Economic Law
       (b) International Law - is it true law?
       (c) Theories of international law, private international law and public international law
2. International institutions, their functions and role in International Economic Law
   • New International Economic Order (NIEO), Charter on Economic Rights and Duties of States (ERDS)
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- United Nations Conference on Trade and Development (UNCTAD)
- United Nations Conference on International Trade Law (UNCITRAL)
- World Intellectual Property Organisation (WIPO)
- Paris Convention, Berne Convention
- International Bank for Reconstruction and Development (BRD)
- International Finance Corporation (IFC)
- International Development Association (IDA)
- United Nations Development Programme (UNDP)
- World Trade Organisation (WTO)
- Organisation for Economic Co-operation and Development (OECD)

3. Foreign Investment
   - Types and role of foreign investment
   - Measures to regulate and control foreign investment
   - World Bank guidelines
   - Introduction to International Finance

4. International Trade
   - Unification of the law of International Sale of Goods
   - Uniform Customs and Practice for Documentary Credits and the International Chamber of Commerce
22

- Conventions for Enforcement of Arbitration Awards
  - Geneva Protocol and Convention
  - New York Convention 1958
  - UNCITRAL model law on international Commercial Arbitration
- International Convention governing Bill of Lading
  - Brussels Convention
  - UNCITRAL Convention
- The Hague Draft Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters
  - Recognition and enforcement

5. General Agreement on Tariffs and Trade
   a. The legal and institutional aspects of GATT
      - Historical evolution of the GATT
      - Objectives and main principles of GATT
      - Procedure of negotiation Negotiation Rounds
      - The GATT 1994, salient features of the GATT 1994 (Final Act of Uruguay Round)
      - World Trade Organisation (WTO)
   b. Basic principles and core concepts of the GATT/WTO, Most Favoured Nation (MFN)
      - Treatment, National Treatment, Tariffs and Quotas
      - GATT 1994 - Articles I-V, VII, XIII, XVII-XXI, XXVII (Also Gatt 1994 - Articles XXII, XXIII)
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- Relevant Cases
- Dumping and subsidies GATT 1994 Articles VI, XVI
- WTO agreement Annexure IA

c. Exceptions to the GATT/WTO
   GATT 1994, Articles XX, XXI, XII, IX, XXIII, XXIV, XXXV, XXIV, XIX
   WTO Agreement on Safeguards of GATT 1994

d. Agreement of GATT 1994
   Controversial Agreements of GATT 1994
   Less controversial agreements of GATT 1994

e. Implications and Opportunities of GATT 1994 for India with particular reference to Agreement on
   Agriculture Agreement on TRIPS, Agreement on Textiles and Clothing
   GATs, TRIMs

f. Trade and Environment
   GATT and the Environment with relevant cases

6. Settlement of Disputes in International Economic Law

a. WTO/GATT System
   Article XXIII of GATT Dispute Settlement, Understanding,

b. International Court of Justice (ICJ)
   Constitution, Procedure, Jurisdiction, Relevant Cases (as enclosed)
c. World Bank Inspection Panel
   Function, Procedure

d. International Clauses for Settlement of Investment
   Disputes (ICSID), US-Iran Claims
   Tribunal, Function, Procedure

CASES PANEL REPORTS

1. Topic: Basic Principles and Core Concepts of GATT/
   WTO : MFN, National Treatment Tariffs and Quotas
   a. Belgium - Unity Allowances, G/32 adopted on 7
      November 1952, IS/39
   b. Spain - Tariff Treatment of Unroasted Coffee from
      Brazil, L/5 : 35, adopted on 11 June 1981 28S/02
   c. United States - Denial of Most Favoured Nation
      Treatment as to Non-rubber Footwear from Brazil,
   d. Japan-Tariff on Import of Spruce-Pine-Fir
      ("Dimension Lumber") adopted 19 July 1989. 36S/167
   e. Thailand-Restrictions on Importation of and
      Internal Taxes on Cigarettes BISD 37S/200.
   f. US-Section 337 of the Tariff Act of 1930, BISD
      36S/345.
   g. Japan-Taxes on Alcoholic Beverages, WTO/DSS/
      AB/R, WTO Panel report issued 11 July 1996,
      appeal filed by Japan, 8 August 1996


2. Topic : ICJ
   a. Anglo-Iranian Oil Co Case, ICJ Reports 1952, P. 93; 19 ILR 507
   b. Monetary Gold Case (Preliminary Question), ICJ Reports, 1954 p. 29; 20 IL 441
   c. Norwegian Loans Case, ICJ Reports 1957, p. 9; 24 ILR 782.
   d. Barcelona Traction Case, (New Application) Preliminary Objection, ICJ Reports 1964, p. 4; 46 ILR 18
      Secondary Phase, ICJ Reports 1970, p. 3; 46 ILR 178
   e. Electronica Sicula SPA (ELSI) Case ICJ Reports 1989; 89 ILR 311

   Recommended books and readings:
7. Primary texts and general reference texts for the Trade Section of the Course.

Semester I (June-October)

Paper 5 : Law of Contract - I (General Principles of Contract and Specific Relief Act) 100 marks

Division of marks :
General Principles of Contract - 80 marks
Specific Relief Act - 20 marks
(With latest amendments and case-law)

I. General Principles of Contract

1. Nature of Contract : Meaning, definition and elements, kinds of agreements and contract
2. Offer & Acceptance: definition, modes, legal rules as to offer, offer distinguished from invitation to offer, lapse of offer, standard Form contracts.
   Acceptance: definition, models, legal rules as to acceptance, effect of silence on acceptance.

3. Communication of offer, acceptance and revocation - rules regarding communication, contracts through post, contracts by telephone and telex.

4. Intention to create legal relations: Intention, types, social/domestic agreements, commercial/business agreements; when no contract

5. Capacity of Parties: Minor, law relating to minor’s agreement, persons of unsound mind, persons disqualified by law.

6. Free Consent: Definition, Ingredients of Free Consent - a) Coercion; b) Undue Influence; c) Fraud; d) Misrepresentation; e) Mistake

7. Consideration: Meaning definitions, legal rules as to consideration; “No Consideration : No Contract” and exceptions; Difference between Indian and English Law.

8. Doctrine of privity, and exceptions

9. Legality of Object and Consideration: Consideration/Object not lawful; Unlawful agreements. Agreements against public policy; Consequences of illegality

10. Other Legal Formalities: Contracts required to be in writing; Contracts required to be registered.
   Agreements declared to be void.
   a. Agreement in restraint of marriage
   b. Agreement in restraint of trade
   c. Agreement in restraint of legal proceedings
   d. Uncertain agreement
   e. Wagering agreement
   f. Agreement to do impossible acts.
   g. Object of Consideration Unlawful in part.

12. Contingent or conditional contracts - definition, essential characteristics of a contingent contract.
    Rules regarding the contingent contract.

13. Performance of contract - Offer to performance - tender, By whom contracts must be performed.
    Reciprocal promises, Time and place of performance: Assignment of right and liabilities.

14. Discharge of Contracts - Meaning
    Modes of discharge -
    a. Discharge by performance
    b. Discharge by mutual consent;
    c. Discharge by subsequent impossibility - doctrine of frustration;
    d. Discharge by operation of law;
    e. Discharge by breach of contract - anticipatory breach of contract.
    f. Material alteration
15. Remedies for Breach of Contract - Consequences of Breach, Different Reliefs:
   a. Rescission
   b. Damages - liquidated damages and Penalty;
   c. quantum meruit;
   d. Specific performance;
   e. Injunction;
   f. Rectification
   g. Cancellation.

16. Quasi contracts - What are - English and Indian law, certain relations resembling those created by contracts
   a. Supply of necessaries to incompetent person
   b. Reimbursement of interested person
   c. Liability to pay for non-gratuitous acts
   d. Finder of goods
   e. Delivery by mistake or under coercion

II. Specific Relief Act, 1963
 Specific performance - Section 9, 10, 14, 15, 16, 19, 20, 21-24,
 Rectification - Section 26,
 Rescission - Section 27,
 Cancellation - Section 31,
 Injunctions - Sections 36 to 42,
 Principles involved in the grant of above reliefs.
Recommended reading:
Avatar Singh - Indian Contract Act
Anson - Principles of the English Law of Contract
P R Desai - Principles of Law of Contract
Pollock and Mulla - Indian Contract and Specific Relief Acts
Subba Rao GC Law of Contract I & II
Anand & Iyer - Specific Relief
Kapoor SK- Contract along with Specific Relief Act, 1963

Semester II (November-April)

Paper 6- Family Laws - II 100 marks

Law relating to succession and property to Hindus, Muslims, Christians and Parsis (including State laws) (with latest amendments and up-to-date case-law)

A. Hindu Law
1. Hindu Joint Family System
2. Mitakshara Joint Family
3. Dayabhaga Joint Family
4. Son’s pious obligation
5. Partition
6. Stridhan
7. The Hindu Succession Act, 1956
B. Law relating to Muslims, Christians and Parsis
   1. Mahommedan law of succession-principles of inheritance
   2. Wakfb
   3. Gift
   4. Pre-emption
   5. Wills

C. The Indian Succession Act 1925 (Sections 1 to 191)

   Recommended books and reading
   1. Diwan Paras, Family Law
   2. Mulla, Principles of Mahomedan Law
   3. Mulla, Principles of Hindu Law
   4. Tahir Mahmood, Hindu Law
   5. Mayne, Hindu Law and Usage
   6. Derrett J.D.M., Introduction to Modern Hindu Law
   8. Tahir Mahmood, The Muslim Law of India

Semester II (November-April)

Paper 7 - Constitutional Law 100 marks

   Note: All inter-related Articles have to be so mentioned and taught accordingly.
   To be studied with latest amendments, and up-to-date case-law.
A. Constitution of India - Features, Preamble, Territory, Citizenship, Fundamental Rights and Directive Principles, Legislature, Executive and Judiciary

1. The Nature of the Constitution
2. Salient features of the Constitution
3. Preamble of the Constitution
4. The Union and its Territory (Articles 1-4)
5. Citizenship (Articles 5-11)
6. Fundamental Rights (also with reference to Emergency Articles 352-360 and Amendment provisions Art 368)
   a. General - Article 12, Definition of State - Article 13
   b. Right to Equality - Articles 14-18
      i. Equality before Law - Article 14
      ii. Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth - Article 15
      iv. Abolition of Untouchability - Article 17
      v. Abolition of Titles - Article 18
   c. Right to Freedom - Articles 19-22
      i. Protection of Certain Rights regarding Freedom of Speech, etc. - Article 19
ii. Protection in respect of Conviction for Offences - Article 20

iii. Protection in Life and Personal Liberty - Article 21

iv. Protection against Arrest and Detention in certain cases - Article 22

d. Right against Exploitation - Article 23-24
  i. Prohibition of Traffic in Human Beings and Forced Labour - Article 23
  ii. Prohibition of Employment of Children in Factories etc. - Article 24

e. Right to Freedom of Religion - Articles 25-28

f. Cultural and Educational Rights - Articles 29-30

g. Right to Constitutional Remedies - Articles 32-35

7. Directive Principles of State Policy - Articles 36-51

8. Fundamental Duties - Article 51-A

9. The Union Executive - The President, Vice President, Council of Ministers 52-78 & 129

10. The Parliament - Articles 79-122

11. The Union Judiciary - Articles 124-147

12. The Comptroller and Auditor General of India - Articles 148-151
B. Centre-state Relations

1. Introduction and concept of Federalism, Developments of Federation
2. The State Executives- Articles 153-167, 213
3. The State Legislature-Articles 168-212
4. The State Judiciary -Articles 214-237
5. The Panchayats- Articles 243, The Municipalities - Articles 243 P-243 ZG
6. Relations between the Union and State Articles 245-293
   a. Legislative Relations
   b. Administrative Relations
   c. Financial Relations
7. The State Liability Articles 299-300
8. Right to Property - Articles 300A
9. Freedom of Trade, Commerce and Intercourse - Articles 301-307
10. Services under the Union and States - Articles 308-323
11. Tribunals - Articles 323A-323B
12. Elections and Emergency (all articles), Amendment and related Articles - Articles 324-329

Recommended books and reading

1. Basu Durga Das, Introduction to the Constitution of India
2. Basu Durga Das, Shorter Constitution of India
3. Dr. Pandey J.N., Constitutional Law of India
4. Jain M.P., Indian Constitutional Law
5. Seervai H.M., Constitutional Law of India
6. Dr. Shukla V.N., The Constitution of India
7. Tope T.K., Constitutional Law of India

Semester II (November-April)

Paper 8 - Law of Torts and Consumer Protection Act

100 marks

Division of marks:
Law of Torts - 80 marks
Consumer Protection Act 1986 - 20 marks
(With latest amendments and case-law)

A. Law of Tort (80 marks)

1. Nature of Tort
   History, Definition of tort, Distinction between tort, crime and contract.

2. General Principles
   Constituents of tort, damnum sine injuria, injuria sine damno, ubi jus ibi remedium, General elements in tort, act and omission, voluntary act, malice, motive, intention, negligence and recklessness, fault, general principle of liability

3. Personal Capacity
   Convict, Alien enemy, Husband and Wife, Corporation, Trade unions, Insolvent, State and its Subordinates, Minor, Lunatic, Foreign sovereigns.
4. General Defences
Act of State, Act of God, judicial acts, executive act, Leave and licence (consent, necessity, Private defence, inevitable, Accident statutory authority, parental and quasi parental authority, Plaintiff a wrong doer, acts causing slight harm.

5. Discharge of Torts
Waiver, Accord and satisfaction, Release, Acquiescence, judgement recovered, Statutes of limitation.

6. Vicarious Liability - Liability by Relation
a. master and servant-principles of liability, vicarious liability of State
b. Principal and agent
c. Guardian and ward
d. Company and director
e. Employer and independent contractor
f. Firm and Partner

7. Remedies
Damages, injunctions, specific restitution of property, extra-judicial remedies

8. Trespass to Person
Assault and battery, false, Imprisonment, damages, justification

9. Defamation
Libel and slander, essentials of defamation, innuendo, defences, remedies.
10. Trespass to Property
   a. Trespass to immovable property
      Trespass to land, trespass by animal,
      defences to trespass, remedies, trespass
      ab-initio.
   b. Trespass to movable property
      Trespass to goods, by conversion, by
      detention.

11. Negligence
    Meaning, essentials, burden of proof, Res Ipsa
    Loquitur, looguitur, contributory negligence, strict
    and absolute liability.

12. Nuisance
    Kinds of nuisance, public nuisance and private
    nuisance, essentials, defences, remedies.

13. Malicious Proceedings
    Malicious prosecution, malicious civil proceedings

14. Liability for mis-statements
    Deceit or fraud, negligent mis-statements, innocent
    mistrepresentations.

15. Death in relation to tort - English law and Indian
    law

B. Consumer Protection Act 1986 (20 marks)
1. Object, Definitions, Consumers Protection
   Councils, Consumer Dispute Redressal Agencies,
   Composition and jurisdiction.

2. Procedure for filing complaint, appeals,
   enforcement of orders, penalties.
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Recommended books and reading

1. Ratanlal and Dhirajlal, The Law of Torts
2. Winfield on Tort,
5. Bangia V.K., Law of Torts

Semester II (November-April)

Paper: 9 : Practical Training III (Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations)

100 marks

Note:

1. The course will be taught in association with practising lawyers.
2. The examination consists of two parts
   A. Journal Work through the semester to be assessed by the teacher, and viva-voce examination at the end of the semester carrying -20 marks
   B. Written examination at the end of the semester - 80 marks
3. Candidate has to obtain for passing in this paper minimum of 7 marks in part A and 28 marks in Part B.

4. Division of marks for written examination:
   (I) Professional Ethics - 35 marks
   (II) Bar-bench relations - 15 marks
   (III) Accountancy for lawyers - 30 marks

(I) Professional Ethics

(II) Bar-Bench relations
   With reference to the following as affecting the legal profession and with relevant cases
   1. The Constitution of India
   2. The Advocates Act 1961
   3. The Contempt of Course Act 1973

(III) Accountancy for lawyers
   1. Theoretical information about the Cash Books, Ledger, Purchase register, Clients register, Capital amount
   2. Writing of Ledger, Sub-ledgers including that of Accounts receivables
   3. Bank Book
   4. Bank Reconciliation Statements
   5. Rectification of errors
   6. Preparation of Trial Balance
   7. Preparation of Income and Expenditure Accounts
   8. Preparation for Balance Sheet
   9. Information about Tally or Trio or any other Accounting Packages
Cases prescribed for study

7. Shambhu Ram Yadav v Hanumandas Khatry AIR 2001 SC 2509
8. D P Chdra v T N Mishra AIR 2001 SC 457
9. Harish Chandra Tiwari v Baiju AIR 2002 SC 548

Recommended books and readings

1. Krishnamurty Iyer, Advocacy
3. Iyer K J, Law of Contempt of Court, Legislature and Public Servants
4. J. R. Batliboi, Book Keeping and Accountancy
5. Skukla and Grewal, Advanced Accountancy
6. Rules framed by Bar Council of India.
SECOND LL.B

Semester III (June-October)

Paper No.10. Law of Evidence - 100 marks
Paper No.11. Environmental Law (including laws for protection of wild life and other living creatures and animals welfare) - 100 marks
Paper No.12. Human Rights and International Law - 100 marks
Paper No.13. Arbitration Conciliation and Alternative disputes Resolution System - 100 marks

Semester IV (November-April)

Paper No.15. Property Law including Transfer of Property Act and Easement Act - 100 marks
Paper No.16. Practical Training IV (Public Interest Lawyering, Legal Aid and Para-Legal Services) - 100 marks
Paper No.17. Optional Papers (any one) - 100 marks
  a. Comparative Law
  b. Law of Insurance
  c. Conflict of Laws
  d. Intellectual Property Law
Paper No.18. Law of Contract - II - 100 marks
Semester III (June-October)
Paper 10 - Law of Evidence
100 marks

The Indian Evidence Act 1872 (with latest amendments and up-to-date case-law)

1. Preliminary (Sec. 1 to 4)
   (Objects, Application and Definitions)

2. Evidence of facts in issue and relevant facts only (Sec. 5)

3. What facts are relevant (Sec. 6 to 16)

4. Admissions (Sec. 17 to 31) (Confession)

5. Statement by persons who cannot be called as witnesses (Sec. 32 & 33)

6. Statements made under special circumstances (Sec. 34 to 39)

7. Relevancy of Judgments (Sec. 40 to 44)

8. Relevancy of opinions of third persons (Sec. 45 to 51)

9. Relevancy of Character (Sec. 52 to 55)

10. Facts which need not be proved (Sec. 56 to 58)

11. Oral evidence (Sec. 59 to 60)

12. Documentary Evidence (Sec. 61 to 73 A)

13. Public Documents (Sec. 74 to 78)

14. Presumptions as to Documents (Sec. 79 to 90-A)

15. Exclusion of oral by documentary evidence (Sec. 91 to 100)

16. Burden of Proof (Sec. 101 to 114-A)
17. Estoppel (Sec. 115 to 117)
18. Competency of witnesses (Sec. 118 to 134)
19. Examination of witnesses (Sec. 135 to 166)
20. Improper admission and rejection of Evidence (Sec. 167)

Recommended books and readings
1. Ratanlal and Dhirajlal, The Law of Evidence
3. Avtar Singh, Principles of The Law of Evidence
5. Dr. Satish Chandra, Indian Evidence Act.

Semester III (June-October)

Paper 11 - Environmental Law (Including laws for protection of wild life and other living creatures and animal welfare)

100 marks

1. Introduction
   i. Nature, scope, need and application of Environmental law
   ii. Environmental pollution - causes and effects

   i. Right to life, right to Wholesome environment, right to development
      Directive principles of State policy, Fundamental duties, Constitution and environmental legislations
   ii. Environment Protection and Public Interest Litigation
3. International Environmental Law and Environment Protection
   i. Sustainable development, polluter-pays-principle, Precautionary principle
   ii. Salient features and critical study of Stockholm Conference on Human Environment, 1972
   iii. Nairobi Declarations, 1982
       - Rio Declaration
       - Convention on Biological Diversity, The Indian Biological Diversity Act 2002
       - Convention on Climate Change 1992

4. Environment Pollution and Laws in India
   i. Framework and analysis of anti-pollution Acts and Rules
   ii. Authorities under the Acts
   iii. Penalties and Liabilities under the Acts
   iv. Rules
       i. Noise Pollution (regulation and Control) Rules 2000
       ii. Hazardous Wastes (Management and Handling) Rules 1989
       iii. Manufacture, Storage and Import of Hazardous Chemical Rules 1989
       iv. Municipal Solid Wastes (Management and Handling) Rules, 2000
       v. Coastal Regulation Zone (CRZ) Notification of 1991
5. Environment and Development
   i. Important environmental issues involved in the development projects like big dams
      - The Silent Valley Project
      - The Tehri Dam Project
      - The Narmada Valley Project
   ii. Environmental Clearance
      - Environment Impact Assessment
         National Environment Appellate Authority Act 1997

6. Environmental Policies in India
   i. Pre-independence policy on environment
   ii. Post-independence policy on environment

7. Liability to pay compensation-no-fault liability
   i. The Public Liability Insurance Act 1991
   ii. The National Environment Tribunal Act 1995

8. Protection of Wild Life and Forests
   i. The Wild Life (Protection) Act 1972
   ii. The Indian Forest Act 1927
   iii. The Forest (Conservation) Act 1980

  Recommended books and reading

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

Semester III (June-October)

Paper 12 - Human Rights and International Law

100 marks

Division of marks:
A. Human Rights - 40 marks
B. International Law - 60 marks

A. Human Rights (40 marks)
1. Human Rights, nature, concept, origin and development, importance, classification.
4. Human Rights and Vulnerable groups, rights of women, Children, disabled, tribals, aged and minorities, National and international legal developments, Part IV A of the Constitution of India (Fundamental duties)

5. Enforcement of human rights, international regional and national mechanism (Legislative, executive and judicial) NHRC - Role of legal profession, NGOs and media

B. **International Law** (60 marks)

1. Introductory -
   a. History of International law
   b. Theories of International Law as to its basis
   c. Codification in international law
   d. Nature scope and present day position of international law

2. Sources of International Law
   a. Treaties
   b. Customs
   c. General principles of international law
   d. United Nations General Assembly resolutions as a source of international law
   e. Non-statute, other sources of international law.

3. Relationship between international law and municipal law (internal law)
   a. Theories
   b. State Practice, with special reference to Indian Practice
4. Subjects of International Law
   a. State including recognition of states and governments and State succession
   b. Individuals
   c. International Organisations and non-State entities
   d. Multinational companies and other private entities

5. Jurisdiction of states
   a. Territorial jurisdiction
   b. Personal jurisdiction
   c. Protective jurisdiction
   d. Universal jurisdiction (terrorism, hijacking, narcotics, war-crimes and crimes against peace)
   e. Diplomatic immunities and privileges
   f. State immunity

6. Law of State responsibility
   a. Responsibility arising our of
      i. Acts of State (Direct responsibility)
      ii. Acts of individuals (indirect responsibility)
      iii. Act of corporations
      iv. state responsibility for other subjects of international law
   b. Consequences of state responsibility
   c. Calvo clause - exhaustion of local remedies

7. Settlement of International disputes
   a. Peaceful settlement of International disputes
   b. Coercive settlement of International disputes (with reference to provisions of the UN charter)
   c. War and UN charter
8. International Transactions - Treaties
   a. Significance of Vienna Convention on law of treaties
   b. Creation of treaty - steps involved
   c. Termination, suspension and invalidation of treaties
   d. Interpretation of treaties
   e. Retro-active effect of treaties

9. Individuals and International law
   a. Extradition
   b. Asylum
   c. Nationality

10. International Institutions
   a. Basic purposes. Principles and membership of United Nations

11. Legal Control of International Conflicts
   a. Prohibition of use of force
   b. Weapons of mass destruction and International law
   c. International Humanitarian law

**Recommended books and reading**

1. Kapoor S K, Human Rights and Indian Laws
2. Agarwal H O, International Law and Human Rights
3. Tondon M.P, International Law
4. Gurdip Singh, International Law
5. Starke J.G, Introduction to International Law
6. Shaw Malcolm N, International Law
7. VR Krishna, Iyer Human Rights in India
8. Chandra Upendra, Human Rights
9. Diwan Paras, Human Rights and Law
10. Brownlie Ian, Principles of Public International Law
11. O’Connell, International Law
12. Oppenheilm, International Law (Vols 1 & 2)
13. Hamis, Cases and Materials on International Law
14. Green L.C., Cases and Materials on International Law
15. Indian Journal of International Law

Semester III (June-October)

Paper 13: Arbitration, Conciliation and Alternative Disputes Resolution Systems

Division of Marks: 100 Total
1. Arbitration and Conciliation: 50 Marks
2. Alternative Dispute Resolution System: 50 Marks

(A) SYLLABUS OF Arbitration and Conciliation Act 1996.

Preliminary: Section 1 Short Title, Extent and Commencement

PART-I: ARBITRATION

Chapter-I: Sections 2 to 6 General Provisions
Chapter-II: Sections 7 and 8 Arbitration Agreement
Sections 9 Interim measures by Court.
Chapter-III : Sections 10 to 15 Composition of Arbitral Tribunal
Chapter-IV : Sections 16 to 17 Jurisdiction of Arbitral Tribunals
Chapter-V : Sections 18 to 27 Conduct of Arbitral Tribunals
Chapter-VI : Sections 28 to 33 Making of Arbitral Award and termination of proceedings.
Chapter-VII : Sections 34 Recourse against Arbitral Award
Chapter-VIII : Sections 35 and 36 Finality and Enforcement of Arbitral award
Chapter-IX : Section 37 Appeals
Chapter-X : Section 38 to 43 Miscellaneous Provisions.
PART-II : CONCILIATIONS : Sections 61 to 81.

(B) ALTERNATIVE MODELS OF DISPUTE SETTLEMENT
2. Administrative tribunals - Article 323 A and B
3. Family Court under the Family Court Act, 1984.

LIST OF BOOKS IN ARBITRATION AND CONCILIATION ACT

3. Johari : Commentary on Arbitration and Conciliation Act (UBT)
8. Roy Chaudhari : Arbitration and Conciliation Act
10. Tewari O.P. : Arbitration and Conciliation Act (ALA Allahabad)
11. Rao P.C. : Alternative Dispute Resolution What it is and How it is (UBT)
A. Jurisprudence and Legal Theory


3. Administration of justice, necessity, criminal Justice and its purpose, Civil Justice & primary and sanctioning rights.

4. Sources of law - General.
   a. Legislation - a source of law, nature, supreme legislation, subordinate legislation, its relation with other sources.
   b. Precedent - a source of law, meaning, theories, doctrine of stare decisis in India, Power of the Supreme Court under Art 141 of the Constitution Circumstances destroying or weakening the binding force of precedent, ratio decidendi and obiter dicta with relevant Indian case-law.
   c. Custom - a source of law, definition, characteristics of customs.

5. Natural law theory

6. Positive theory of law
   a. Analytical school and imperative theory
   b. Pure theory of law
   c. Law as set of rules - H.L.A. Hart
7. Legal realism-
   a. American
   b. Scandinavian
8. Historical school of law
9. Sociological school of law

B. Concepts
1. Persons, the concept of legal personality, legal status of lower animals, dead men, unborn persons, corporation and the state
2. Legal definition - wrongs, duties, rights, characteristics of legal rights, Legal Rights in wider sense (Hohfeldian analysis of legal rights), kinds of legal rights
3. Ownership, definition, characteristic of ownership, subject-matter, kinds of ownership
4. Possession, idea, kinds, modes of acquiring possession and ownership, possessory remedies
5. Property, meaning, kinds, theories, modes of acquisition property
6. Liability, nature and kinds, theory of remedial liability, theory of penal liability, negligence, theory of strict liability, vicarious liability, measures of civil and criminal liability

Recommended books and reading
1. Fitzgerald P J, Salmond on Jurisprudence
2. Dias, Jurisprudence
3. Sethna M J, Jurisprudence
4. Mahajan V.D. Jurisprudence and Legal Theory
5. Tandon M P, Jurisprudence
7. Paranjpe N V, Jurisprudence and Legal Theory
Semester IV (November-April)

Paper 15- Property Law Including Transfer of Property
Act and Easement Act

100 Marks
(with latest amendments and up-to-date case-law)

A. The Transfer of Property Act 1882 - 80 marks
B. The Indian Easements Act 1882 - 20 marks

A. The Transfer of Property Act 1882
1. Preliminary - object, application, definitions and doctrine of notice (Ss 1-4, 102-104)
2. Transfer of property by act of parties (Ss 5-53A)
3. Sale of immovable property (Ss 54-57)
4. Mortgages of immovable property (Ss 58-98)
5. Charges (Ss 100-101)
6. Leases of immovable property (Ss 105-117)
7. Exchanges (Ss 118-121)
8. Gifts (Ss 122-129)
9. Transfer of actionable claims (Ss 130-137)

B. The Indian Easements Act 1882
1. Easements (Ss 1-51)
2. Licenses (Ss 52-64)

Recommended books and reading
1. Sarathi V.P. Law of Transfer of Property
2. Shah S.M. Principles of the Law of Transfer
3. Mulla on Transfer of Property Act
4. Lahiri M.M. Transfer of Property Act
5. Mitra B.B. Transfer of Property Act
6. Shukla S.N. Transfer of Property Act
Semester IV (November-April)
Paper 16: Practical Training (Public Interest Law, Lawyering, Legal Aid and Para-Legal Services)
100 marks

Division of Marks

A. Class lectures and practicals written in journal on topics mentioned below and assessed by the teacher-50 marks
B. Viva-voce examination about above work-50 marks

Important: Candidate has to obtain for passing in this subject minimum 18 marks in Part A and 17 marks in Part B.

Part A (50 marks)

1. Public Interest Lawyering (15 Marks)
   a. Conducting a project through research/legal survey and writing report of the project in the journal, all the working material must be submitted with the journal
   b. Writing essays on any aspects of each of the following topics (not exceeding 2000 words each)
      i. Public Interest Litigation, concept, development through decided cases, limitation
      ii. Lok Adalat
      iii. Role of Advocates in implementation of legal aid schemes
      iv. Amicus curiae
2. Legal Aid (15 marks)
   (a) Provisions Regarding Legal Aid in
   
i. The Constitution of India
ii. Legal Services Authorities Act 1987 (with latest amendments)
iii. Maharashtra State Legal Services Authorities Rules 1998
iv. Criminal Procedure Code 1973

b. Clinical Legal Education
   
i. Lessons in negotiations skills, counselling, office management, use of computer in legal work etc.

ii. Practical exercises should be conducted about dealing with clients at the legal Aid Centre or by simulation exercises in respect of negotiations, counselling, Visit to lawyer’s offices.

Reports to be written in the journal

3. Para Legal Services (10 Marks)

Participating in legal literacy camps or parelle training courses to NGOs. Public servants, or other students. Report to be written in the journal.

4. Case Comment or Critical article for a law journal on current legal issues (10 marks)
1. **Indemnity and Guarantee**
   Contract of indemnity, contract of guarantee, distinction between contracts of indemnity and guarantee, revocation of guarantee.

2. **Bailment and Pledge**
   a. **Bailment**: Definition, kinds of bailment, distinction between bailment and license, bailment and sale, rights and duties of a bailee, rights and duties of a bailor, rights of a bailee against wrong doer, termination of bailment, finder of lost goods, rights of finder of goods.
   b. **Pledge**: Definition, bailment and pledge, essentials of pledge, rights and duties of pawnor and pawnee.

3. **Agency**
   a. Appointment and authority of agent, sub-agents, kinds of agency, creation of agency, renunciation of agency and revocation of authority.
   b. Duties of principal and agent towards each other, effect of agency on contracts with third persons.
   c. Rights and duties of agent, rights and duties of principal, principal’s liability for acts of the agent, liability of undisclosed principal, liability of pretended agent personal liability of agent to third parties, termination of agency.
4. Partnership
   a. Nature of Partnership-
      Definition of partnership firm mode of determining
      existence of partnership, distinction between
      partnership and co-ownership, partnership and
      joint Hindu family business, partnership and
      company.
   b. Relations of partners to one another
      Rights of partner, duties and liabilities of partner,
      property of firm and its application
   c. Relations of partners to third parties
      Authority of the partner, liability of firm for
      partner’s acts liability by holding-out rights of
      a transferee of a partner’s interest, law relating to
      minors admitted to the benefits of partnership.
   d. Incoming and outgoing partners
      New partner, retirement of the partner, rights and
      liabilities of an outgoing partner, expulsion of
      a partner, deceased partner
   e. Dissolution of a partnership firm
      Mode of dissolution, grounds of dissolution
      consequences of dissolution, rights and liabilities
      of partners after dissolution, rules of settlement of
      accounts after dissolution.
   f. Registration of a firm
      General provisions of registration, effect of
      registration, effect of non-registration.
5. Sale of goods
   a. Contract of Sale, of Goods
      Essentials of contract of sale, distinction between
      sale and agreement to sell, formalities of the
      contract of sale
   b. Condition and Warrantries
      Definition of condition and warranty, express and
      implied condition and warranty, doctrine of caveat
      emptor
   c. Effect of Contract
      Transfer of property as between seller and buyer,
      transfer of title on sale.
   d. Performance of the contract of sale
      Duties of the seller and buyer, mode of delivery
      and rules as to delivery of goods.
   e. Rights of unpaid seller against the goods,
      Definition of unpaid seller, unpaid sellers’ right
      sellers lien, stoppage-in-transit, transfer by buyer
      and seller.
   f. Suits for breach of contract
      Remedies for breach of contract, repudiation of
      contract of sale.
   g. Sale by Auction

6. Hire-purchase agreement

   Hire-purchase agreement, concept, nature, scope

   Statutes
   1. Indian Contract Act, 1872
   2. Indian Partnership Act, 1932
   3. The Sale of Goods Act, 1930
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Recommended books and readings

1. Avtar Singh, Law of Contract
2. Mulla, Indian Contract Act
4. Bangia R K, Indian Contract Act
6. Pollock and Mulla, Indian Contract Act and speciti Relief
8. Pollock and Mulla, Sale of Goods Act and partnership Act
10. Avtar Singh, Law of Partnership

Semester IV (November-April)
Paper 18-Optional paper (a)
Comparative Law
100 Marks

1. Comparative Law
   Its Character definition its object
   Different phases used to explain this method of study
2. Origin and development of comparative law
3. Distinction between comparative law and private International Law
   Public International Law
   Legal History
   Sociology of Law
4. Functions, value and aim of comparative law

Law as a science cannot limit within territorial Limits
(Natural and medical science are international and not remain domestic)

Practical benefits of comparative law
a. As an aid to the legislator
b. as a tool of construction (Interpretation of domestic law)
c. as a Component of legal education by adopting in curriculum in the universities
d. as a tool for unification of law

5. Types of legal systems

*Different grouping by different jurists*

1. (a) Romanistic family
   (b) Germanic family
   (c) Nordic family
   (d) Common law family

2. (a) Civil Law system/continental system
   (b) Common law system

Factors decisive for classification
Historical development
Mode of legal thinking
Distinctive characters of legal institutions
Choice of sources of law
Ideology of each legal system
6. Method of studying comparative law

Comparative law as it is practised today (process of comparison)

Its functionality

Imagination and discipline

Comparativist must look outside the law

Choice of legal system for comparison (depends on the topic research)

Build a system

Critical evaluation of what has been discovered

7. Reference of Comparison between different legal systems

Value of judicial decision in civil law system and common law system

Statute law and its importance under different legal systems

Legal system having mixed features

Difference in legal terminology in various legal systems.

8. Comparative dimensions of

a. Contract - Formation of contracts, offer and acceptance formal requirements, illegality and immorality
b. Torts, in general, vicarious liability, strict liability
c. Invasions against right of personality
d. Judges and courts, training and recruitment of judges
e. Method of deciding cases
f. Manner of writing opinions and decisions, jury trial

Recommended books and reading
1. Zweigart and kotz, Introduction to Comparative Law
2. Gutteridge, Comparative Law
3. Rene David, Major Legal systems in the world Today an Introduction to the Comparative study of Law
4. Baxi and Markensinis, foreign Law and Comparative Methodology - A subject and a Thesis

Semester IV (November - April)
Paper 18 - Optional Paper (b)

Law of Insurance

100 marks

Division of marks:

1. General Principles of Insurance - (40 marks)


3. Insurance under the motor Vehicles Act 1988- (15 marks)
   (with latest amendments and upto date Case Law)
1. General Principles of Insurance- (40 marks)

a. Insurance : What is insurance : Functions and benefits of insurance : Double Insurance (See also 34 of the Marine Insurance Act 1963) : Re-insurance; Under-insurance: Classes of insurance - Voluntary, commercial, compulsory, Social

b. Risks : Insurable and other risks; handing risks, spreading risks; mathematical value risk; rating of risk. Extent of risk, loss caured by insured's own Act, commencement or duration of risk, termination of risk, period of Risk and time of loss; peril and proximate cause.

c. Insurance Contracts :
   i. What is a contract of insurance?
   ii. Subject matter of insurance- physical object chose-in-action, liability,
   iii. Types- Life, property, marine, fidelity, employer’s liability, motor accident railway accident miscellaneous
   v. Representations and warranties.
   vi. Duty of disclosure, material facts, duty of insured and of insurer, breach of duty, remedy Ss 19 to 22 of the Marine Insurance Act 1963, S 45 of Insurance Act 1938
vii. Documents- proposal, policy, slip- cover note certificate of insurance

viii. Conditions of policy- conditions implied in a contract of insurance, conditions precedent and subsequent to validity of policy, condition precedent to liability of insurer effect of breach, waiver of breach

ix. Indemnity extent


xi. Premium, calculation return : S 33, 54 of the Marine Insurance Act 1963

xii. Insurable interest, contractual and statutory, time when it must exist, insurance and wagering agreement; Ss 6 to 9,16, 17 of the Marine Insurance Act 1963

d. Doctrine of subrogation, limits on the doctrine : rights and remedies of insured exercise of the right, subrogation and abandonment

e. Contribution, conditions for exercise of right, methods of contribution


a. Insurance Act 1938

i. Terms and definitions-
1. Policy-holder, insurer, Authority
2. Chief agent, insurance agent, principal agent, special agent
3. Insurance company, Indian insurance company, insurance co-operative society.
4. Life insurance business, fire insurance business, general insurance business, marine insurance business, miscellaneous insurance business,

ii. Provisions applicable to insurers- Section 2c,3, 3B,4,5,6,6A,6AA,10,29
iii. Assignment or transfer of policies, nominations-Sections 38-39
iv. Licensing of agents, commission and rebates- Ss 40,40A,42,42A,42B,42C,43, 44.
v. Special Provisions- Ss45, 46, 47,47A,
vi. Tariff Advisory Committee and Control of Tariff Rates-Ss 64U, 64UA, 64UC, 64UE, 64UM.
vii. Provident Societies-Ss 65,65A 66,67,69

   i. Objects and Reasons for the statute
   ii. Sections 2-18. Schedule

c. Personal Injuries (Compensation Insurance) Act 1963
   i. Objects and Reasons for the statute
ii. Section 2- employer, partial disablement, total disablement, wages, workman
iii. Compensation payable under the Act - Ss 3,4,7,
d. Insurance Regulatory and Development Authority Act 1999
   i. Composition of Authority- Ss 4,5,8,10
   ii. Duties, powers and functions of the Authority - S 14.
   iii. Powers of the Authority under the Insurance Act 1938
e. Life Insurance Corporation Act 1956
   i. Functions of the Corporation S6
   ii. Exclusive privilege of life insurance business - Ss30,30A; opening of life insurance sector to private participants
   iii. Application of Insurance Act - Section 43(1)
   i. Transfer of shares of Indian insurance companies - Section 4
   ii. General Insurance Corporation of India - Sections 9, 10, 10A,
   iii. Functions of the General Insurance Corporation - Section 18
   iv. Exclusive privilege of carrying on general insurance business- Ss24, 24A; opening of insurance sector to private participants
3. Insurance under the Motor Vehicles Act 1988 - (15 marks)
   a. Compulsory Insurance of Motor-vehicles under the Motor Vehicles Act 1988, public places 146
   b. Requirement of policy and limits of liability - Section 147,
   c. Duty of insurer to satisfy judgment and settlement with insured-Section 149, 152, 155,
   d. Information about insurance-Sections 151, 158, 159, 160
   e. Certificate of insurance-Sections 156, 157.
   f. Liability of insurer in the case of ‘no-fault liability’, hit and run motor accidents and for payment of compensation on structured formula basis-Ss 140-142, 161, 163, 163A.

Recommended books and readings.
Ivamy, General Principles of Insurance Law

IIInd year of LLB. (Three-year LLB Course)
Paper 18 Conflict of Laws(Optional) (c)
Semester IV (November-April)
100 marks

Part I General Details
1. Introductory Details-
2. Choice of Jurisdiction (First Stage)
   - Meaning Bases of Jurisdiction, Limitations
   - Kinds of Jurisdiction
     - In personam
     - Inrem
     - Admiralty Action
     - Stay of Proceedings/Actions
     - Assumed Jurisdictions

3. Classification / Characterisation
   - Necessity for classifications
   - Various theories
   - Leading case illustrative of theories
     (Re Cohn Apt V. Apt, Shehnaz V. Rizwan, Ogden V. Odgen, De Nicols V. Curlier, Re Berehrold, Re. Maldonade)

Choice of law - Lex Causes
(Two parts of this stage)

(i) Connecting Factor (First Part)
- Why Connecting factor
- Selection of lex Causes (applicable law)

(ii) Application of lex causes (Second Part)
Three meanings of I.C.
Renvoi-Partial
Renvoi-Total, Foreign Court Theory
Critical Analysis of Renvoi

(iii) Leading Cases
Collier v. Rivaz, Re Duke of Willington.
Bremer v. Freeman, Re. Aske. Re Annesly.
Re Ross. Forege’s Case
Limitations on application or exclusion on foreign law
Incidental Question and Time Factor
Concept of Domicile

General Principles
Elements of Domicile: Intention & Residence
Royal infirmary
Kinds of Domicile
Domicile of Origin
Domicile of Choice
Domicile of Dependent
Domicile of Corporation.

8. Status and Universility of Status
   Part II - Family Law (Law of Persons)

1. Marriage
   Kinds - Monogamous Hyde V. Hyde Polygamous
   Questions of formal and essential validity. All other relevant details- details regarding matrimonial jurisdiction in India and Marriage Laws

2. Matrimonial Causes :-
   In England and in India Divorce. Nullity Judicial separation and restitution of Conjugal rights. Choice of jurisdiction and choice of Law positions.

3. Legitimacy - Legitimation and adoption
   Legitimacy What is legitimacy - Recognition of status of Legitimacy -
   What Law governs legitimacy- Legitimacy and succession

4. Legitimation - How it is different from legitimacy.
   Recognition of this Status - Different methods where by legitimation may take place, legitimation and succession.

5. Adoption
   Purpose of Adoption - Adoption at Common law and in Indian Law.
   Recognition of Foreign Adoption
   Adoption and succession.
Part III Law of Property :-

1. Distinction between Movables and Immovables
   Immovables-Let Situs rule- Mocabiquo Rule- exception
   The transfer of tangible movables- theories
   Lex domicile, lex situs, lex actus, proper law
   Lex situs prefer Cammell v. Bewell

2. Assignments of Intangible Movables
   - Kinds of assignments
   - Theories
   - Normal and essential Validity Lex domicile, lex situ, lex actus, proper law

3. Negotiable Instrument
   - Negotiability
   - What law governs

4. Succession -
   Testate and Intestate
   - Intestate succession - of movable
   - General Rule- lex domicile governs in exceptional circumstances lex situs.
   - Intestate succession to immovables- general rule lex situs governs
   - Testate succession- wills-capacity-lex domicile in case of succession to immovables by will, generally lex situs governs

5. Formal Validity.
   Lex domicile in case movable and lex situs in case of immovable.
6 Essential validity

Part-IV Law of Obligation

a Contracts-
   - Validity of Contracts
   - Capacity to contract
   - Formal validity
   - Essential Validity
   - Proper Law of contract- Subjective and objective theory

Torts
   - Various theories
   - Lex fori ex loci, proper law etc.
     philips v. Eyre, Boys v. Chaplin

Part V - Recognition and Enforcement of foreign Judgements

- Limitation

*Book recommended for this has been R.H. Graveson*

Now following books may be prescribed -
The Con of Law - R.H. Graveson
The Conflict of law - Morris J. C.
Indian Private Int. Law- S.S.Chavan
Private International Law - G. C. Cheshire
Paras Diwan - Indian Private International Law
Note: The Syllabus should be taught with necessary reference to Indian Law and Judicial decisions.

Conflict of Laws within Indian Personal Laws with reference to
(1) Marriage (2) Property

Semester IV (November - April)
Paper 18 - Optional Paper (d)
Intellectual Property Laws
100 Marks

Division of Mark
A. The Patents Act 1970  25 Marks
B. The Copyright Act 1957  25 Marks
C. The Trade and Merchandise Marks Act 1958/The Trade Marks Act 1999  25 Marks
D. The Designs Act 2000
E. Other types of intellectual property  25 marks
F. Intellectual Property in general (all laws with latest amendments and up-to-date case-law

A. The Patents Act-1970
1. Object of the statute, definitions, invention patentable inventions, inventor and his rights,

2. Procedure for grant of patent from its application to the grant of patent, including who may apply for a patent, specification, opposition to grant of patent, Patent of
addition, Product patent and process patent, Effect of grant of patent, Term of patent, Renewal of patent, Lapse of patent and its restoration.

3. Patentee, his rights and obligations; Limitations on patentee’s rights-government use; Compulsory licences; Compulsory licences; Government use of Invention and its acquisition, Assignment and licence of patent, and avoidance of restrictive conditions,

4. Revocation and surrender of patents

5. Infringement of patents, and remedies, Threat of Infringement Proceeding


B. The Copyright Act 1957

1. Nature and purpose of copyright, Works in which copyright subsist, Author and first owner of copyright, Owner of Copyright, Broadcast reproduction right and performer’s rights, Term of Copyright, Registration of copyright and its effect.

2. Rights conferred by copyright Broadcast Reproduction right, Assignment, transmission and relinquishment of copyright, -Voluntary and compulsory.

3. Infringement of copyright, Remedies for infringement, Offences and criminal proceeding, Acts not constituting infringement, Groundless threat of legal proceedings.

4. Copyright Societies, International copyright

C. The Trade and Merchandise Marks Act 1958/The Trade Marks Act 1999
(The Act of 1999 will be taught after it has come into force, but it shall not be part of an examination unless it is brought into force at least three months before the examination).

1. Object and purpose of the Act, Definitions, Mark; Trade mark Certification Mark; Associated Trade Marks, Collective Marks, Deceptive similarity, Well-known marks

2. Procedure and duration of registration including classification of goods, refusal of registration, limitations, Which marks can registered, Registration of trade marks, Certification marks and Associated marks and its effect and advantages, Rights conferred by registration, Consequences of non-registration Renewal, removal and restoration of registration Effect of non-use.

3. Rights of a proprietor of a trade mark; Assignment and Transmission of Various types of trade marks, Restrictions of assignment, Use of trade marks and Registered Users

4. Rectification and correction of register.

5. Infringement and passing off, jurisdiction of Courts Groundless threat of legal proceedings, Remedies, Appellate Board, its jurisdiction and procedure (under the Act of 1999), Offences and penalties, Marking of goods.

D. The Designs Act 2000

1. Object and purpose of the Act, Definition

2. Design, Registrable design
3. Procedure for registration of design, Copyright in design, Term of a registered design, Marking of goods and its effect,
4. Rights of a proprietor of a registered design, Assignment and transmission and avoidance of restrictive conditions.
5. Piracy of registered design, remedies and procedure, groundless threat of legal proceedings.

E. Other types of intellectual property
(These will be taught after the respective statutes concerning them have come into force, but these shall not be part of an examination unless the relevant statute is brought into force at least three months before the Examination)

Concept, definition, nature of the rights, including when these are registrable and when they cannot be registered in respect of the following types of intellectual property
(a) Geographical indications
(b) Semiconductor integrated Circuits layout design
(c) Plants Varieties.

F. Intellectual Property in general:
A special type of property, its nature and characteristics; comparison of intellectual property. The object and purpose of protection of each of them. International nature of intellectual property.

Text Books:
(1) Intellectual Property Law - P Narayanan
(2) Patents, Trade Marks Copyright, Designs and Geographical Indications - B L Wadhera
(3) Management of Intellectual Property - Satyawrat Ponkshe
80

Reference books:

(1) Patent Law - P Narayanan
(2) Copyright and Industrial Designs - P Narayanan
(3) Trade Marks and Passing off - P Narayanan
(4) Iyengar’s Copyright Act - R G Chaturvedi
(5) Intellectual Property - W R Cornish
(6) Cases and Materials on Intellectual property - W R Cornish
(7) Intellectual Property Rights - Unleashing the knowledge Economy - Prabuddha Ganguli

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