

**M.G.S. UNIVERSITY,
BIKANER**

SYLLABUS

**SCHEME OF Examination
and Syllabus**

**FACULTY OF LAW
LL.B.**

LL.B. FIRST YEAR EXAMINATION – 2020

LL.B. I year`

Paper 1.1 Contract-I (General Principles of Contract and Consumer Protection Act, 1986).

Max. Marks : 100

Min. Pass Marks : 36

Syllabus

UNIT-I

1. General Principles of Law of Contract

History and nature of contractual obligations.

Agreement and contract: definitions, elements, characteristics and kinds.

Proposal and acceptance - various forms, essential elements, communication and revocation - proposal and invitation to proposal, floating offers, tenders.

Consideration - need, meaning, kinds, essential elements - nudum pactum - Privity of contract and of consideration - its exceptions, adequacy of consideration, present, past and future consideration, unlawful consideration and its effects, views of Law Commission of India on consideration, evaluation of the doctrine of consideration.

UNIT-II

Capacity to Contract - meaning - incapacity to contract - minor's Agreements- definition of 'minor', necessities supplied to a minor, agreements beneficial and detrimental to a minor, affirmation-restitution in cases of minor's agreements, fraud by a minor, agreements made on behalf of a minor, minor's agreements and estoppels, evaluation of the law relating to minor's agreements.

Consent -Free consent - Its need, definition and 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, parties between whom such influence is presumed, where liability to prove the existence of undue influence, 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-suggestions falsi-suppressio veri, when does silence amounts to fraud?, Active-concealment, importance of intention.

Mistake - definition, kinds, fundamental error, mistake of law and of fact, their effects, when does a mistake vitiate free consent and when does it not vitiate free consent?

UNIT-III

Legality of objects:

Void and voidable agreements - void, voidable, illegal and unlawful agreements and their effects, Lawful and unlawful considerations and objects, Forbidden by law, Defeating the provision of any law, Fraudulent, Injurious to person or property, Immoral, Against public policy,

Void Agreements - Agreements without consideration, Agreements in restraint of marriage, Agreements in restraint of trade, its exceptions - sale of goodwill, section 11 restrictions, exceptions under the partnership Act, trade combinations, exclusive dealing agreements,

restraints on employees under agreements of service, Agreements in restraint of legal proceedings - its exceptions, Uncertain agreements, Wagering agreement - its exception.

Discharge of a contract and its various modes.

By performance-conditions of valid tender of performance How?, By whom? Where? When? In what manner? Performance of reciprocal promises, time as essence of contract, 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, By agreement - rescission and alteration, their effect, remission and waiver of performance, extension of time - accord and satisfaction.

UNIT-IV

Quasi-contracts or certain relations resembling those created by contract.

Remedies in contractual relations;

Damages-kinds, remoteness of damages, ascertainment of damages, Injunction - when granted and when refused, Why?, Refund and restitution, Specific performance - When? Why?

Government as a Contracting Party

Constitutional provisions - government power to contract -procedural requirements.

Standard Form Contracts

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

UNIT-V

Consumer Protection Act - 1986.

Leading Cases

- Carlil V/s Carbolic Smoke Ball Company (1883) I.Q.B.256.
- Bhagwan Das V/s Girdhari Lal & Company. AIR 1966. S.C.543.
- Lalman Sukha V/s Gauri Dutt All. IJ (1913) 409.
- Mohri Bibi V/s Dharmodas Ghose (1903) I.A.172.
- Indian Medical Association V/s V.P. Shantha, AIR 1996 SC 500
- J.J. Merchant V/s Shrinath Chaturvedi, AIR 2002 SC 2931

Select Bibliography

- Beatesen (ed.), Anson's Law of Contract (27th ed. 1998).
- P.S.Atiya, Introduction to the Law of Contract 1992 reprint (Claredon Law Series).
- Avtar Singh, Law of Contract (2000) Eastern, Lucknow.
- G.C.Cheshire, and H.S. Fifoot and M.P. Furmston, Law of Contract (1992) ELBS with Butterworths M.Krishnan Nair, Law of Contracts, (1998).
- G.H. Treitel, Law of Contract, Sweet & Maxwell (1997 Reprint).
- R.K. Abichandani, (ed.), Pollock and Mulla on the Indian Contract and the Specific Relief Act (1999), Tripathi.
- Anson, Law of Contract (1998), Universal.
- Avtar Singh - Law of Contract.
- Gurbax Singh - Law of Consumer Protection.
- P. Leela Krishna - Consumer Protection & Legal Contract.
- Avtar Singh, Law of Consumer Protection.

PAPER 1.2

CONTRACT-II (SPECIFIC CONTRACTS, SALE OF GOODS ACT, 1930, INDIAN PARTNERSHIP ACT, 1932 AND SPECIFIC RELIEF ACT, 1963)

Max. Marks: 100

Min. Pass Marks : 36

Syllabus

UNIT- I

Indemnity

The concept, Need for indemnity to facilitate commercial transactions, Methods of creating indemnity obligations, Definition of Indemnity, Nature and extent of liability of the indemnifier, Commencement of liability of the indemnifier, Situations of various types of indemnity creations, Nature of indemnity clauses.

Guarantee

The concept, Definition of guarantee: as distinguished from Indemnity, Basic essentials for a valid guarantee contract, The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts, Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety, Continuing guarantee, Nature of surety's liability, Duration and termination of such liability, Illustrative situations of existence of continuing guarantee, Creation and identification of continuing guarantees, Letters of credit and bank guarantees as instances of guarantee transactions, Rights of surety, Position of surety in the eye of law, Various judicial interpretations to protect the surety, Co-surety and manner of sharing liabilities and rights, Extent of surety's liability, Discharge of surety's liability.

UNIT- II

Bailment

Identification of bailment contracts in day today life, Manner of creation of such contracts, Commercial utility of bailment contracts, Definition of bailment, Kinds of bailees, Duties of Bailor and Bailee towards each other, Rights of bailor and bailee, Finder of goods as a bailee, Liability towards the true owner, Obligation to keep the goods safe, Right to dispose off the goods.

Pledge

Pledge: comparison with bailment, Commercial utility of pledge transaction, Definition of pledge transactions, Definition of pledge under the Indian contract Act, Rights of the pawner and pawnee, Pawnee's right of sale as compared to that of an ordinary bailee, Pledge by certain specified persons mentioned in the Indian Contract Act.

UNIT- III

Agency

Identification of different kinds of agency transactions in day to day life in the commercial world, Kinds of agents and agencies, Distinction between agent and servant, Essentials of a agency transaction, Various methods of creation of agency, Delegation, Duties and rights of agent, Scope and extent of agent's authority, Liability of the principal of acts of the agent including misconduct and tort of the agent, Liability of the agent towards the principal, Personal liability towards the parties, Methods of termination of agency contract, Liability of the principal and agent before and after such termination.

Specific relief under Specific Relief Act, 1963

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.

UNIT- IV

Sale of Goods

Concept of sale as a contract, Illustrative instances of sale of goods and the nature of such contracts, Essentials of contract of sale, Essential conditions in every contract of sale, Implied terms in contract of sale, The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act, Changing concept of caveat emptor, Effect and meaning of implied warranties in a sale, Transfer of title and passing of risk, Delivery of goods: various rules regarding delivery of goods, Unpaid seller and his rights, Remedies for breach of contract, Concept of nemo dat quod non habet with exceptions.

UNIT- V

Partnership

Nature of partnership: definition, Distinct advantages and disadvantages vis-a-vis partnership and private limited company, Mutual relationship between partners, Authority of partners, Admission of partners, Outgoing of partners, Registration of Partnership, Dissolution of Partnership.

Limited Liability Partnership Act, 2008

Leading Cases

- National Bank of India Ltd. V/s Sohan Lal, AIR 1962. Punjab 534.
- Amrit Lal Gordhan Lallan V/s State Bank of Travancore, AIR 1960 S.C.1432.
- Patnaik & Company V/s State of Orissa, AIR 1965 S.C. 1655.
- State of Gujarat V/s Maman Mohd., AIR 1967 S.C. 1885.

Select bibliography

- R.K. Abhichandani (ed.), Pollock and Mulla on Contracts and Specific Relief Acts (1999) Tripathi, Bombay.
- Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- Krishnan Nair, Law of Contract, (1999) Orient
- Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern, Lucknow.
- J.P. Verma (ed.), Singh and Gupta, The Law of Partnership in India (1999), Orient Law House, New Delhi.
- A.G.Guest (ed.), Benjamin's Sale of Goods (1992), Sweet & Maxwell.
- Beatson (ed.), Ansons' Law of Contract, (1998), Oxford, London.
- Saharay, h.k., Indian Partnership and Sale of Goods Act (2000), Universal
- Ramnainga, The Sales of Goods Act (1998), Universal
- Dasai S.T. The Law of Partnership in India and Pakistan.
- Kapoor N.D. - Mercantile Law (Hindi & English).
- Banerjee, S.C., Law of Specific Relief (1998), Universal.
- Anand and Aiyer, Law of Specific Relief (1999), Universal.

PAPER 1.3
LAW OF TORTS AND MOTOR VEHICLE ACT

Max. Marks : 100

Min. Pass Marks : 36

Syllabus
UNIT-I

Evolution of Law of Torts

England- forms of action - specific remedies from case to case, India - principles of justice equity and good conscience - uncodified character, advantages and disadvantages.

Definition, Nature, Scope and Objects

A wrongful act - violation of duty imposed by law, duty which is owed to people generally (in rem), damnum sine injuria and injuria sine damnum, Tort distinguished from crime, breach of contract and Quasi Contract, The concept of unliquidated damages, Changing scope of law of torts : expanding character of duties owed to people generally due to complexities of modern society, Objects - prescribing standards of human conduct, redressal of wrongs by payment of compensation, prescribing unlawful conduct by injunction.

Principles of Liability in Torts

Fault, Wrongful intent, negligence, Liability without fault, Violation of ethical codes, Statutory liability, Place of motive in torts.

UNIT-II

Justification in Tort

Volenti non fit injuria, Necessity, private and public, Plaintiff's default, Act of God, Inevitable accident, Private defence, Statutory authority, Judicial and quasi-judicial acts, Parental and quasi-parental authority.

Extinguishment of liability in certain situations

Actio personalis moritur cum persona - exceptions, Waiver and acquiescence, Release, Accord and satisfaction, Limitation.

Standing

Who may sue-aggrieved individual - class action - social action group, Statutes granting standing to certain persons or groups, Who may not be sued?

Doctrine of sovereign immunity and its relevance in India

Vicarious Liability

Basic, scope and justification, Express authorization, Ratification, Abetment, Special relationships : Master and servant - arising out of and in the course of employment - who is master? - the control test, who is servant? - borrowed servant, independent contractor and servant, distinguished - Principal and agent, Corporation and principal officer.

Absolute/Strict liability

The rule in Rylands v. Fletcher, Liability for harm caused by inherently dangerous industries.

UNIT-III

Torts against persons and personal relations

Assault, battery, mayhem, False imprisonment, Defamation - libel, slander including law relating to privileges, Marital relations, domestic relations, parental relations, master and servant relations, Malicious prosecution, Shortened expectation of life, Nervous shock.

Wrongs affecting property

Trespass to land, trespass ab initio, dispossession, movable property- trespass to goods, detinue, conversion, Torts against business interests- injurious falsehood, misstatements, passing off.

UNIT-IV

Negligence

Basic concepts, Theories of negligence, Standards of care, duty to take care, carelessness, inadvertence, Doctrine of contributory negligence, Res ipsa loquitur and its importance in contemporary law, Liability due to negligence : different professionals, Liability of common carriers for negligence.

Nuisance

Definition, essentials and types, Acts which constitute nuisance obstructions of highway, pollution of air, water, noise, and interference with light and air.

UNIT-V

Legal remedies

Legal remedies, Award of damages - simple, special, punitive, Remoteness of damage - foresee ability and directness, Injunction, Specific restriction of property, Extra-legal remedies - self help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance.

Motor Vehicle Act 1988 as amended up to date and rules under the Act.

Leading Cases

- Ushaben V/s Bhagya Laxmi Chitra Mandir. AIR 1970. GUJ. 18.
- Municipal Corpn. of Delhi V/s Subhagwanti AIR 1966. S.C.page 1750.0
- Rylands V/s Fletcher (1869) IR HT 330.
- Union Carbide Corporation V/s Union of India, AIR 1992 SC248
- M.C. Mehta V/s Union of India, AIR 1987 SC 965

Select bibliography

- Salmond and Heuston - On the Law of Torts (2000) Universal, Delhi.
- D.D. Basu, The Law of Torts (1982), Kamal, Calcutta.
- B.M. Gandhi, Law of Tort (1987), Eastern, Lucknow
- P.S. Achuthan Pillai, The law of Tort (1994) Eastern, Lucknow.
- Ratanlal & Dhirajlal, The Law of Torts (1997), Universal, Delhi.
- Jai Narayan Pandey- Law of Torts (Hindi)
- R.K. Bangia- Law of Torts (Hindi)
- N.M. Shukla- Law of Torts (Hindi)
- A.K. Dixit Law of Torts & Consumer Protection (Hindi)



PAPER 1.4 Family Law-I (HINDU LAW)

Max. Marks: 100

Min. Pass Marks : 36

Syllabus

UNIT-I

Introduction - Sources, Schools and application, Religious and Charitable Endowment - Essentials of an Endowment, Kinds, Shebait and Mahant.

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, powers, privileges and obligations, Alienation of property - separate and coparcenary, Debts - doctrines of pious obligations and antecedent debt, Partition and re-union, Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it, Matrilineal joint family.

UNIT-II

Customary practices and State regulation

Conditions of Hindu Marriage, its ceremonies and Registrations, Void and Voidable marriage, Polygamy, Concubinage, Child marriage, Sati, Dowry.

Conversion and its effect on family

Marriage, Adoption, Guardianship, Succession.

Matrimonial Remedies

Non-judicial resolution of marital conflicts - (a) Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution, Judicial resolution of marital conflicts : the family court, Nullity of marriage, Option of puberty, Restitution of conjugal rights, Judicial separation, Desertion : a ground for matrimonial relief, Cruelty : a ground for matrimonial relief, Adultery : a ground for matrimonial relief, Other grounds for matrimonial relief, Divorce by mutual consent under: Hindu Marriage Act, 1955: Bar to matrimonial relief: Doctrine of strict proof, Taking advantage of one's own wrong or disability, Accessory, Connivance, Collusion, Condonation, Improper or unnecessary delay, Residuary clause - no other legal ground exists for refusing the matrimonial relief.

UNIT-III

Inheritance

Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act, 1956, Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act, 1956, Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956, Succession to property of Hindu Succession Act, 1956, Disqualification relating to succession, General rules of succession.

The Hindu Succession Act, 1956 : Succession to the property of a Hindu male. Succession to interest in coparcenary property, property of a Hindu female, Succession to the property of a Hindu female, General rules and disqualifications of succession, Escheat

UNIT-IV

Alimony and maintenance

Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves; provisions under the code of Criminal Procedure, 1973, Alimony and maintenance as an independent remedy: a review under personal law, need for reforming the law, Alimony and maintenance as an ancillary relief.

Child and the Family

Legitimacy, Adoption, Custody, maintenance and education, Guardianship and parental rights - welfare of the child principle.

The Hindu Adoption and Maintenance Act, 1956 : Requisites of valid adoption, Capacity to take in adoption, capacity to give 'in' adoption, persons who may be adopted, other conditions for a valid adoption. Effects of adoption, Miscellaneous provision of adoption.

Maintenance of wife, children and parents, Maintenance of widowed daughter- in law, Dependents and their maintenance. Amount of maintenance, Miscellaneous provisions of maintenance.

UNIT-V

The Hindu Minority and Guardianship Act, 1956: Natural guardians and their powers. Testamentary guardians and their powers, de facto guardian general provisions of guardianship

Partition: Meaning, property for partition, persons entitled to claim partition and allotment of shares, partition how effected, Determination of Share, Reopening of partition. Re-union, Debts-Doctrine of pious obligation. Antecedent Debts

Family and its changing patterns

New emerging trends, Attenuation of family ties, Working women and their impact on spousal relationship: composition of family, status and role of women, New property concepts, such as skill and job as new forms of property, Factors affecting the family: demographic, environmental, religious and legislative processes of social change in India: sanskritization, westernization, secularization, universalization, parochialization, modernization, industrialization and urbanization.

Settlement of spousal property

Need for development of law

Establishment of Family Courts

Constitution, power and functions, Administration of gender justice.

Uniform Civil Code - need for

Religious pluralism and its implications, Connotations of the directive contained in Article 44 of the Constitution, Impediments to the formulation of the Uniform Civil Code, The idea of Optional Uniform Civil Code.

Leading Cases

- Shastri Yagna Purushdasji V/s Muldas, AIR 1966 S.C. 1153.
- Hanooman Prasad V/s Mussamat Babooee Mandraj Kunwaree (1856) 6 M.I.A. 305.
- Gita Hariharan V/s Reserve Bank of India, AIR 1999 S.C. 1149.
- Bipin Chander V/s Prabhavati, AIR 1957 S.C. 176.
- Dr.N.G. Dastane V/s Sucheta Dastane, AIR 1975 S.C. 1534.

Select Bibliography

- Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal.

- Basu, N.D., Law of Succession (2000), Universal.
- Kusem, Marriage and Divorce Law Manual (2000) Universal.
- Manchanda, S.C., Law and Practice of Divorce in India (2000) Universal.
- P.V.Kane, History of Dharmasastras Vol.2 pt.1 at 624-632 (1974).
- A.Kuppuswami (ed.) Mayne's Hindu Law and Usage Ch.4(1986).
- B.Sivaramayys, Inequalities and the Law, (1985).
- K.C.Daiya, "Population control through family planning in India, "Indian Journal of Legal Studies, 85 (1979).
- J.D.M. Derrett, Hindu Law : Past and Present.
- J.D.M. Derrett, Death of Marriage Law.
- 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) - Butterworths-India.
- Paras Diwan, Family Law: Law of Marriage and Divorce in India, (1984).
- A.M.Bhattachargee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta.
- Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal.
- Paras Deewan- Hindu Law (Hindi)
- U.P.D. Kesri- Hindu Law (Hindi)

.PAPER 1.5. Family Law - II (Mohammedan Law)

Max. Marks: 100

Min. Pass Marks : 36

UNIT-I

Evolution and application of Law

Origin, Development, Sources, Schools, Application, Interpretation, conversion

Marriage

Nature of marriage, Essentials of marriage, Khyar-ul-bulug, Iddat, Khilwat-us-sahih
Matrimonial Stipulations, Kinds of marriages, Effects of marriages

UNIT-II

Mahar (Dower)

Meaning, Nature, Kinds of Dower, Objects of Dower , Subject matter of Dower
Wife's right on non-payment of dower.

Dissolution of marriage Historical background, Talaq, Various kinds of Talaq
Sec.2 of the Dissolution of Muslim Marriage Act, 1939., Legal Effect of Divorce.

UNIT-III

Pre-emption (Haq Shufa)

Historical background of law., Meaning. Nature of Pre-emption., Classification of Pre-emption, Essential formalities. Right of Pre-emption when there is conflict of laws. Subject matter of pre-emption., Legal effect of pre-emption., Devices for evading pre-emption.

Gift (Hiba)

Meaning , Requisites of valid gift., Gift of musha , Conditional and future gift.
Life estate and life interest., Hiba-bil-ewaj , Hiba-ba-shart-ul-ewaj.

UNIT-IV

Will (Vasiyat) Competency of testator and legatee., Valid subject of will., Testamentary limitation., Formalities of a will., Abatement of Legacy.

Legitimacy and Acknowledgement

Legitimacy and Legitimation., Presumption of Legitimacy under Muslim Law.
Presumption of Legitimacy under Sec.112 of the Indian , Evidence Act. Conditions for valid acknowledgement.

Maintenance Meaning, Persons entitled to maintenance. Principles of maintenance.

Maintenance of Divorced Muslim woman under the Muslim woman (Protection of Right on Divorce) Act 1986 - a critical review. Death Bed Transactions , Meaning of Marz-ul-maut., Effect on Transactions during Marz-ul-maut.

UNIT-V

Waqf Meaning of waqf., Essentials of waqf. Kinds of waqf, Beneficiaries of waqf. Formalities for creating waqf. , Waqf of musha. Administration of waqf. Mutawalli - Appointment, function, role, power, removal. Various muslim religious institutions. The waqf validating Act, 1913.

Inheritance General Principles of Law of inheritance., Classification of heirs under Hanafi and their shares and distribution of property.

Leading cases

- 13.1 Maina Bibi V/s Choudhary Vakil Anmad (1925) 52 La.145.
- 13.2 Habibur Rahman V/s Altaf Ali (1921) 481. A.114.
- 13.3 Monshee Bazul-ul-Raheem V/s Luteefutoon - Nissa (1861) 8 MIA. 379.
- 13.4 Abdul Fata V/s Russmoy Chaudhary (1894) 2ZIA76.
- 13.5 Mohd. Ahmad Khan V/s Shah Bano Begum AIR 1985 S.C. 945.

Select Bibliography

1. Fyzee, Muhammedan Law.
2. Mulla, Principles of Mohammedan Law.
3. A.M. Bhattacharygee, Muslim Law and the constitution.
4. Prof. B.L.Verma, Islamic law.
5. Dr. D.S. Thalore, Muslim Law, UBH Jaipur
6. Akil Ahamed - Muslim Law

PAPER 1.6
CONSTITUTIONAL LAW OF INDIA- I

Max. Marks: 100

Min. Pass Marks : 36

Syllabus

Unit -I

Introductory Making of Indian Constitution., Short Title, commencement of the constitution, authoratative text in the Hindi language, Nature and special features of the Indian

Constitution. Challenges to Indian Federalism, Preamble, The Union & its territortory
Citizenship and state

Fundamental Rights - Concept of Fundamental Rights. Constitutional provisions relating to Fundamental rights. Articles 12 to 35

Unit -II

The Union Executive The President Election, qualifications, salary and impeachment, Power : Legislative, Executive and dictionary power Constitutional provision. and Vice-President of India, Council of Ministers. Prime Minister- Cabinet system- Collective responsibility, Coalition Government.

The Union Legislature Lok Sabha, Rajya Sabha, Legislative process privileges of the parliament & state legislature, legislative privileges and fundamental rights.

Unit -III

Judiciary under the Indian Consitution : Judicial independence The Union and

State Judiciary - The Supreme Court and High Courts.

Subordinate Judiciary Judges : appointment, , removal transfer and condition of services

Judicial review – nature and scope.

Unit -IV

Services under the constitution - Doctrine of Pleasure (Article 310), Protection against arbitrary dismissal, removal or reduction in rank (Article 311) and exceptions to Article 311., Public Service Commission of the Union and the states.

Unit -V

Emergency Meaning and scope., National, State and Financial emergency.

Proclamation of Emergency - conditions, effect of emergency on centre - state relations. Emergency and suspension of fundamental rights.

Leading cases

- Keshvanand Bharti V/s State of Kerala, AIR 1973 S.C.1461
- Maneka Gandhi V/s Union of India, AIR 1978 S.C. 597.
- Indra Sawhney V/s Union of India, AIR 1993, S.C. 477.
- S.R.Bommai V/s Union of India, AIR 1994, S.C. 1918.
- Vishaka V/s State of Rajasthan, AIR 1997, S.C. 3014.

Select Bibliography

- D.D. Basu, Introduction of the constitution of India, Prentice Hall of India, Delhi.
- H.M.Seervai, Constitution of India, Vol.1-3, Tripathi, Bombay.
- V.N.Shukla, Constitutional law of India, Oxford.
- G.Austin, Indian Constitution : Cornerstone of a Nation.
- M.P. Jain, Indian Constitutional Law, Wadhwa and Company Nagpur.
- Kagzi, The Constitution of India, India Law House, N.Delhi.
- G.N.Pandey- Constitution of India (Hindi)

PAPER 1.7
CONSTITUTIONAL LAW OF INDIA- II

Max. Marks: 100

Min. Pass Marks : 36

Syllabus

Unit –I

Directive Principles and Fundamental Duties -

Directive Principles - directions for social change -A new social order. Interrelationship between fundamental rights and directive principles. Fundamental Duties – The need and status in constitutional set-up.

Unit –II

The State Executive The Governor, The Council of Ministers, Relationship between the Governor and the Council of Ministers.

The State Legislature Vidhan Sabha, Vidhan Parishad.

The Panchyats The Municipalties

Unit –III

Union and State Relationship Legislative relationship, Administrative relationship
Financial relationship

Unit –IV

- State liability in contracts and Torts. Suits by and against the state. Property Rights (Article 300-A). **Freedom of Trade, Commerce and Intercourse**

Unit -V

The Amendment of the Constitution Necessity of Amending provisions in the constitution. ; Procedure for Amendment. Amendments of fundamental rights.

Judicial review of amendment and the theory of Basic Structure.

Temporary provision with respect of the state of J& K

Union of India, AIR 1978 SC 1789

Leading cases

Keshvanand Bharti V/s State of Kerala, AIR 1973 S.C.1461

Maneka Gandhi V/s Union of India, AIR 1978 S.C. 597.

Indra Sawhney V/s Union of India, AIR 1993, S.C. 477.

S.R.Bommai V/s Union of India, AIR 1994, S.C. 1918.

Vishaka V/s State of Rajasthan, AIR 1997, S.C. 3014.

Select Bibliography

- D.D. Basu, Introduction of the constitution of India, Prentice Hall of India, Delhi.

- H.M.Seervai, Constitution of India, Vol.1-3, Tripathi, Bombay.

- V.N.Shukla, Constitutional law of India, Oxford.

- G.Austin, Indian Constitution : Cornerstone of a Nation.

- M.P. Jain, Indian Constitutional Law, Wadhwa and Company, Nagpur.

- Kagzi, The Constitution of India, India Law House, N.Delhi.

- J.N.Pandey- Constitution of India (English)

PAPER 1.8 ENVIRONMENTAL LAW

Max. Marks : 100

Min. Pass Marks : 36

Syllabus

UNIT-I

Concept of Environment and Pollution - Meaning and contents of environment, Meaning and contents of pollution, Kinds of pollution, Effects of pollution

Legal Control : Historical Perspective - Indian tradition : Dharma of environment, British Raj - Industrial development and exploitation of nature Nuisance - Penal code and procedural codes Environmental Concerns in Modern India

UNIT-II

Constitutional Protection to environment - Constitution making - development and property oriented approach Fundamental Rights and Environment - Rights to clean and healthy environment, environment V/s development. Directive principles of state policy and environment Fundamental Duties and environment . Other provisions of the constitution relevant to environment Emerging Principles - polluter pays, precautionary principle, public trust doctrine, sustainable development. Public Interest Litigation Judicial Activism Pertaining to Environmental Pollution.

UNIT-III

The Water (Prevention and Control of Pollution) Act, 1974 Application of the Act, Definitions Constitution of central, state and joint boards Powers and functions of the Board, Qualification and disqualification of the members Prevention and control of water pollution and procedure thereof, Funds, account and audit Penalties

The Air (Prevention and Control of pollution) Act, 1981 Application of the Act, Definitions Constitutions of central, State and joint boards Powers and functions of the Board, Qualifications and disqualifications of the members Prevention and control of Air pollution and procedure thereof, Funds, account and audit Penalties

UNIT-IV

Environment Protection Act, 1986 Application of the Act, Definitions, General Powers of the central government including the powers to give directions Prevention and control of environmental pollutions and procedure thereof Penalties

UNIT-V

Noise Pollution Meaning of Noise pollution, Sources of Noise pollution, Effects of Noise pollution, Legal Control

Forests and wild life protection

The Indian Forests Act, 1927 - Salient features of the Act, Applicability, Power to reserve forests, power to declare forests land, powers and functions of forest settlement officer, protected forests, penalties and contraventions.

The Forest (conservation) Act, 1980-Objectives, application and salient features of the Act, definitions, Restrictions on the de-reservation of forests, advisory committee, offences and penalties.

Wild life (Protection) Act, 1972 - Objectives, applicability and salient features of the Act, Authorities, Duties of wild life Advisory Board, Hunting of wild animals, sanctuaries, National

Park, Closed areas, central Zoo authority, Trade or commerce in wild animals, Animal articles and trophies, Prevention and detection of offences, penalties.

International Regime UN declaration on right to development, Stockholm, Rio etc. conferences. Green House effect and Ozone depletion Bio-diversity.

Leading Cases

- M.C. Mehta V/s Union of India, AIR 1987 SC 965
- M.C. Mehta V/s Union of India, AIR 1988 SC 1115
- Vellore citizen's welfare forum V/s Union of India, AIR 1996 SC 2715
- Tarun Bharat Sangh, Alwar V/s Union of India, AIR 1992 SC514
- A.P. Pollution control Board (II) V/s Prof. M.V. Nayudu, (2001) 2 SCC 62.

Select Bibliography

- Aarmin Rosencraz, Environmental Law and policy in India, Oxford.
- R.B. Singh & Suresh Mishra, Environmental Law in India, Concept Publishing Co., New Delhi.
- Kailash Thakur, Environmental Protection Law and policy in India, Deep & Deep publications, New Delhi.
- Leela Krishan, P, Law and Environment, Eastern, Lucknow
- S.C. Shastri, Environmental Law, Eastern, Lucknow
- S. Shantha Kumar, Introduction to Environmental Law, Wadhwa, Nagpur
- Dr. C.P. Singh, Environmental Law (Hindi)
- Satish Shastri, Noise Pollution (Hindi)
- Anjurdh Prasad - Environmental Law (Hindi)
- Dr. S.K. Saini and Dr. Surendra Singh - Environmental Law (Hindi)

**PAPER 1.9 (A) LEGAL AND
CONSTITUTIONAL HISTORY**

Max. Marks: 100

Min. Pass Marks : 36

Legal History of India

UNIT-I

Judicial Systems in Ancient India Judicial system in ancient India : Hindu period, Ancient Hindu social order and religions philosophy, Administration of justice, Judicial system in medieval India : Muslim period, The Mughal period : judicial system

Administration of Justice in Bombay, Madras and Calcutta Emergence of the East India Company : development of authority under charters, Trading body to a territorial power : subsequent charters, Administration of justice in Madras from 1639 to 1726, Administration of justice in Bombay 1668-1726, Administration of justice in Calcutta 1619-1726.

The Mayors Court Genesis of the Charter of 1726, Provisions of the charter, Working in judicial system, Charter of 1753, Defects of judicial systems.

UNIT- II

Adalat System Grant of Diwani, Execution of Diwani Functions, Judicial plan of 1772, Defects of the plan, New Plan of 1774, Reorganization of adalats in 1780, Reforms of 1781, The first civil code, Reforms in the administrations of criminal justice.

The Regulating Act 1773 Charter of 1774 and the Supreme Court of Calcutta, Some land mark cases: Issue of Raja Nandkumar (1775) : whether a judicial murder?, The Patna cases (1777-79), The Cossijurah case (1779-80), Act of settlement 1781, Major defects, Supreme Courts at Calcutta, Madras and Bombay, Law and administration in the Supreme Court.

Judicial Reforms Judicial reforms of Cornwallis, Problems of judicial reforms 1793 1833, Impact of reforms by Cornwallis 1793, Reforms of Sir John Shore (1793) Reforms of Lord Wellesley (1798), Reforms of Lord Cornwallis (1805), Reforms of Lord Minto (1807), Lord Hastings' administration of justice (1813), Judicial reforms of Lord Bentick (1828), Defects of the systems.

UNIT- III

Establishment of the High Courts

The Indian High Courts Act 1861, Charter of Calcutta High Court, Allahabad High Court, The Indian High Courts Act 1911, The Government of India Act 1915: other High Courts, Jurisdiction of high courts, Posts constitutional developments.

Growth of Criminal Law.

Growth of personal Law of Hindus and Muslims.

Charter Act 1833.

Growth of Justice, equity and good conscience.

UNIT- IV

**The Indian Councils Act 1909,
The Government of India Act 1919,**

UNIT- V

The Federal Court of India Foundation of the Federal Court, Jurisdiction, Authority of law, Expansion of jurisdiction, Abolition of the Federal Court, An assessment.

Privy Council Jurisdiction, Appeals from India, A unique institution.

The Supreme Court of India Origin, Constitution, Jurisdiction and powers, Doctrine of precedents and the Supreme Court, Recent Changes.

Influence of English Law in India.

Prerogative writs in India.

Racial discrimination.

The Simon Commission and developments up to 1935,

The Government of India Act 1935,

The Cripps Mission,

The Cabinet Mission,

The Indian Independence Act 1947.

Leading Cases -

- (i) Raja Nand Kumar case.
- (ii) The Cossijurah Case
- (iii) The Patna Case
- (iv) Kamaluddeen Case

Select Bibliography

- Courtney Ilbert, Government of India (1962)
- Courtney Ilbert, 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 (1984)(Two volumes)
- A.B. Keith, Constitutional History of India 1600-1936 (1936)
- A.C.Banerjee - The making of Indian Constitution.
- Rankin, G.C. Background to Indian Law (1946)
- V.D. Mahajan - Constitutional History of India.
- V.D. Kulshreshtha, Landmarks in Indian Legal History (1992), Eastern Lukhnow.
- B.S. Sinha - Legal and Constitutional History.
- Eric Stakes, The English Utilitarian's and India (1992), Oxford, Delhi.

PAPER 1.9 (B) Rajasthan Local Laws

Max.Marks : 100

Min.Pass Marks : 36

UNIT- I

Rajasthan Panchayati Raj. Act., 1994 Institution, Development, Basic and Wardsabha, Gram Sabha, Panchyatiraj.

UNIT- II

Rajasthan Municipalities Act, 2009

Historical Background, Definitions, Constitution, Election (Sections - 1-37)

UNIT- III

Rajasthan Municipalities Act, 2009 Recognition, Removal etc. Etc. (Sections 38-344)

UNIT-IV

Rajasthan Right to Hearing Act, 2012 Introduction, Complaint, Appeal, Revision etc. Institutions, Power of Sate Govt. Misc.

UNIT-V

Rajasthan Guaranteed Delivery of Public Service Act, 2011 Background, Development, Appeal, Revision, Providing Service Penalty Action in Good Faith.

PAPER 1.9 (C) Criminal Minor Act

UNIT-I

Narcotics Drugs Psychotropic Substance Act, 1985- Historical Background, Contribution Purpose, Preliminary, Authorities and officers, National Fund for Control of Drug Abuse, Prohibition, Control and Regulation, Offences and Penalties, Procedure, Forfeiture of Property etc. Punishment.

UNIT-II

SC/ST (Prevention of Atrocities Act, 1989) Preliminary, Historical Background, Role, Purpose, Offenders, Victims, Offences, Punishments etc. Special Courts, Investigation, Rehabilitation.

UNIT-III

Protection of Child from Sexual Offences Act, 2012 – Historical Background, Purpose, Preliminary, Sexual Offences against children, using child for pornographic Purposes and Punishment, Abetment of and Attempt to commit offence, , Procedure for Reporting, Procedures for Recording Statement of the Child, Special courts, Procedure and powers, Miscellaneous.

UNIT-IV

I.T. Act., 2000 (A): Special Emphasis on Cyber Crimes. Historical Background, Preliminary Digital Signature, Attribution, Acknowledgement, Dispatch of Electronic Records, Secure Electronic, records and digital signatures, Regulations of Certifying Authorities .

UNIT-V

I.T. Act., 2000 (B): Digital Signature certificates, Duties of Subscribers, penalties and Adjudication, Cyber Regulations Appellate Tribunal, Offences, Network service providers not to be liable in certain case, Miscellaneous cyber crimes

**PAPER 1.10 PROFESSIONAL ETHICS,
LAWYER'S ACCOUNTABILITY
AND BAR - BENCH RELATIONS.**

This paper will consist of following two parts –

Written Paper : 80 marks

Practical Exam.: 20 marks

Min. Pass Marks : 29

Min. Pass Marks : 7

The Practical examination shall be conducted by a committee of 2 examiners. In this committee there shall be one internal and one external examiner. The students have to clear the written paper as well as Viva Voce separately, i.e. 29 in marks in the written and 7 marks in the viva voce. Are necessary.

UNIT-I

Basic Postulates of Administration of Justice Image of justice. Wheels of the chariot of justice. Bench-Judges in the image of justice. Bar-Act, Plead and Dress of Advocate.

Historical Evolution of Legal Profession. Legal Profession in Ancient India. Position of Legal Profession in Muslim Regime. Legal Profession during the British Regime.

Autonomy of Legal Profession Indian Bar Committee, 1923 , Indian Bar Council Act, 1926 , All India Bar Committee, 1951, Unified Bar - The necessity of time., 14th Report of the Law Commission., Advocates Act, 1961., Provisions which strengthen Unified Bar., Organization of Bar on All India Basis, Constitution of Bar Council and Elections., Admission and Disciplinary action., Regulation of Legal Education.

Image/Position of Legal Profession in Society Advocacy is a profession not a business., Legal profession is a noble profession., Deterioration in Image of Legal Profession in Independent India. Role of Lawyers in Society.

UNIT-II

The necessity of the Professional Ethics. The Art of Advocacy., Professional Ethics. Nature of Professional Ethics and the problems of the code of Ethics. Advantages of having codified professional ethics. Professional Ethics - Rules of Conducts.

Bar-Bench Relationship General Conception., Advocates duty to the Court., Duty of Judge towards the Advocate. , Duty of the Bar towards the Bench. Grounds of disputes in Bar-Bench Relations. Suggestions to improve Bar-Bench Relations.

UNIT-III

Relationship between an Advocate and his client. Code of conduct., Lawyers-client Relationship. Do's and Don'ts for advocate towards client.

Accountability of lawyers.

Professional Ethics and Advocates Duties to colleagues and others

Advocates duty to colleagues., Advocates duty to opponents. Advocates duty towards witnesses. Advocates duty to public. Illustrations of other misconduct. Disciplinary committee's approach in case of professional or other Misconduct.

UNIT-IV

Contempt of Court

Purpose and meaning of contempt of court., Contempt of Court by Judge, lawyers and state., Contempt by Judge, Magistrate or other persons acting judicially. Contempt of Court by Advocates. Contempt of Court by State, Corporate bodies and their officers. Punishment - Nature and Extent. Power of Superior Courts in Contempt cases. Safeguards available in contempt cases.

Authorities and Procedures to deal with professional , misconduct and remedies against their order.

State Bar Council and its disciplinary committee.

The Bar Council of India and its disciplinary committee.

Remedies against the order of punishment.

Quantum of punishment.

Leading Cases

1. In Re Vinay Chandra Mishra.
2. Hikmat Ali Khan v/s Ishwar Prasad Arya & others 1997,3SCC 1608
3. P.D. Gupta V/s Ram Murli and another. 7 S.C.C. 147 AIR 1998 S.C.283.
4. D.S. Dalal V/s State Bank of India and others. AIR 1993 S.C. 1608.
5. Delhi Judicial Services Association, Tis Hazari Court V/s State of Gujrat, AIR 1991 S.C. 2176.

Select Bibliography

1. The Bar Council Code of Ethics.
2. The contempt of Court Act.
3. Dr.Anirudh Prasad, Principles of the Ethics of Legal Profession in India.
4. Mamta Rao, Professional Ethics.
5. Raju Ramachandran, Professional Ethics : Changing profession, changing ethics, Butter worths, New Delhi.
6. Dr. Murlidhar Chaturvedi- Professional Ethics, Accountabiligy of Lawyers and bench (Hindi)

Practical Exam:

The candidate shall be required to submit in writing the facts, arguments and the principles of law laid down in any two important decisions of the Supreme Court and disciplinary committee of Bar Council of India. The division of marks will be as under :

- | | |
|-------------------------------------|----------|
| (1) Record submitted by the student | 10 marks |
| (2) Viva-voce | 10 marks |

The Viva-voce examination shall be conducted by a committee of 2 persons. In this committee there shall be one internal and one external examiner.