

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

SYLLABUS

**SCHEME OF Examination
and Syllabus**

**FACULTY OF LAW
LL.B.**

LL.B. SECOND YEAR EXAMINATION -2021

LL.B. SECOND YEAR EXAMINATION

COURSE CONTENTS

Note :

Theories Paper (Compulsory and Optional Both)

- (I) The syllabus has been divided into five units. Questions will be set from each unit .
- (II) The questions paper shall contain three section. Section A shall contain 10 questions two from each unit of 2 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 5 questions one from each unit with internal choice each question shall be of 8 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 5 questions of 20 marks each, one from each unit. The candidate is required to answer any 2 questions. The answers shall not exceed 500 words.
- (III) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.
- (IV) In the case of discrepancies between English and Hindi Version, English Version will prevail.
- (V) Acts are to be read with their Amendments

Practical Paper :

- (i) The syllabus has been divided into four units. Questions will be set from each unit.
- (ii) The questions paper shall contain three sections. Section A shall contain 8 questions two from each unit of 2.5 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 4 questions one from each unit with internal choice each question shall be of 10 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 4 questions of 20 marks each, one from each unit. The candidate is required to answer any 1 questions. The answers shall not exceed 500 words.
- (iii) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.
- (iv) In the case of discrepancies between English and Hindi Version, English Version will prevail.
- (v) Acts are to be read with their Amendments

Syllabus

PAPER - 2.1 JURISPRUDENCE

Max. Marks: 100

Min. Pass Marks: 36

UNIT- I

Introduction: Meaning, definition, nature, scope and importance of Jurisprudence.

Norms and the normative system : Different types of normative systems, such as of games, language, religious orders, unions, clubs and customary practice. Legal systems as a normative order: similarities and difference of the legal system with other normative systems. Law: Nature and definition given by different jurists.

UNIT- II

Schools of Jurisprudence: Analytical positivism, Natural Law School, Historical School, Sociological School Economic Interpretation of Law, Realist School.

The Indian Jurisprudence: Origin and its nature, The concept of 'Dharma'

UNIT- III

Purpose of Law: Justice, meaning and kinds, Justice and law: Approaches of different schools; Power of the Supreme Court of India to render complete Justice in a case with special reference to Article 142. Critical studies, Feminist Jurisprudence.

Sources of Law : Customs, legislations, judicial precedent and Juristic writings as a source of law. Concept of Stare decisis, obiter dicta and Ratio decedendi.

UNIT- IV

Persons: Nature of personality, status of the unborn, minor, lunatic, drunken, dead person, idol and mosque; corporate personality- Corporate sole and corporate aggregate; dimensions of the modern legal personality of non-human beings.

Possession: Concept and kinds of possession.

Ownership: The concept, kinds. Relation between possession and ownership.

UNIT- V

Concept of legal rights, its kinds and right-duty corelation.

Title

Property: Concept and kinds of property.

Liability: Conditions required for imposing liability, wrongful act-damnum sine injuria and injuria sine damnum. Causation, mensrea, intention, motive. Malice, negligence and recklessness. Strict and vicarious liability.

Obligation- nature, kinds and sources of obligation.

Procedure: difference between substantive and procedural laws. Evidence-nature and kinds. Theory of Punishment, Administration of Justice, Capital Punishment

Leading Cases

1. Keshavanand Bharti Vs State of Kerala, AIR 1973 SC 1461 (Per Mathew J.) - Paras 1617-1620 (Sovereignty) 1685-1698 (Natural Law and Natural rights) 1726-1729 (Roscoe pound and Sociological Jurisprudence) 1738-1751 (Property rights and Social Justice).
2. A.K. Gopalan Vs State of Madras, AIR 1950 SC 27 (S.970 paras 18, 19 Per Kania C.J.) Paras 107-109 (Per Patanjali Shastri) Para 192 (Per Mukherji J.) Paras 228 (Per Das J. Natural Law and Positive Law)

3. Maharaja Shree Ummed Mills Ltd Vs Union of India, AIR 1963 SC 953 Paras 12, 13, 14 (Per SK. Das J.) Concept of Law; Legislative agreements)
4. Jaipur Udyog Ltd Vs Income Tax Commissioner, AIR 1965 Raj 162 Paras 12, 13, 14 (Per Tyagi J.) (Sovereignty, Separation of powers and functions).
5. Shrimati Indira Nehru Gandhi Vs Raj Narayan, AIR 1975 SC 2299 Paras 219 and 299 (Per Mathew J.) (generally as a property of law.)
6. In Re Article 143 (Keshav Singh) AIR 1965 SC 745 paras 9-17 (Per sarkar J. Law making by judicial and legislative comity).
7. Bengal Immunity Co. Vs State of Bihar, AIR 1955 SC 661 (Precedent)
8. Trilokchand Motichand V. H.B Munshi AIR 1970 SC 898 (Para 4 to 11, per Hidayatulla CJ.) Para 36 per Bhachawat J.; Para 59-63 per hegde J.). These excerpt illustrate problems and uses of Hohfeld analysis.
9. Menka Gandhi Vs Union of India, AIR 1978 SC 597

Bibliography

1. Salmond: Jurisprudence
2. Dias: Jurisprudence
3. Wayne Morrison: Jurisprudence
4. Julius stone: The province and function of Law
5. Holland: Jurisprudence
6. S.N. Dhyani: Jurisprudence- A study of Indian Legal Theory
7. N.V. Paranjape: Vidhi Shastra
8. V.D. Mahajan, Jurisprudence and Legal theory
9. Bodenheimer Jurisprudence- The Philosophy and method of law.
10. Mulla- Hindu Law
11. Mani Tripathi- Jurisprudence (Hindi)

PAPER - 2.2 LAW OF CRIMES

Max. Marks : 100

Min. Pass Marks : 36

Syllabus

UNIT- I

General Introduction- Concept of crime: Its definition, nature and scope. Distinction between crime and other wrongs. Applicability of IPC: Intra and Extra territorial operation. Salient features of the IPC, general explanations.

Elements of criminal liability: Mental elements in crime- mensrea (evil intention), its importance and exceptions. (Trends to fix liability without mensrea). State's power to determine acts or omissions as crime.

Types of Punishment- Death punishment, its impacts and social relevance. Alternative to capital punishment; imprisonment for life with hard labour, simple imprisonment; Forfeiture of property and fine. Discretion of Court in awarding punishment. Minimum punishment in respect of certain offences.

Stages of a crime- mere intention not punishable, preparation, attempt- tests for determining what constitutes attempt- proximity, equivocality and social danger, impossible attempts.

UNIT-II

General Exceptions: Factors negative guilty intention: Mistake of fact not of law; judicial act, accident, necessity, minority and insanity; (Impairment of cognitive faculties, emotional imbalance) medical and legal insanity; Intoxication. Private defence- justification and limits when private defence extends to causing of death to protect body and property.

UNIT-III

Group Liability: Common intention, unlawful assembly and common object. Abetment: instigation, aiding and conspiracy. Mere act of abetment punishable. Provisions relating to criminal conspiracy. Riot and affray.

Offences against the state-waging war against the state and sedition.

Offences against public servant and public justice, Contempt of lawful authority of public servants; giving and fabricating false evidence and aggravated form of the crime.

UNIT-IV

Specific offences against Human Body :-

- (i) Culpable homicide, murder, distinction between culpable homicide and murder. Situation justifying treating murder as culpable homicide not amounting to murder-grave and sudden provocation, exceeding right of private defence, public servant exceeding legitimate use of force, death in sudden fight, death caused by consent of the deceased- euthanasia and surgical operation. Death caused of person other than the person intended. Rash and negligent act causing death.
- (ii) Hurt- simple and grievous
- (iii) Wrongful restraint and wrongful confinement
- (iv) Criminal force and assault
- (v) Kidnapping and abduction.

Offences against women:-

- (i) Insulting the modesty of a woman, assault or criminal force with intent to outrage the modesty of a woman.
- (ii) Miscarriage: Causing miscarriage without women's consent and causing death by miscarriage without women's consent.
- (iii) Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse.
- (iv) Buying or selling a minor for purposes of prostitution.
- (v) Rape- custodial rape, gang rape, marital rape, unlawful sexual intercourse.
- (vi) Prevention of immoral traffic and prevention of sati
- (vii) Cruelty by husband or his relative
- (viii) Dowry death
- (ix) Prohibition of indecent representation of women

Protection of Women from Domestic Violence Act, 2005- Definitions, Power and duties of protection of officers and service providers, Application to Magistrate, Protection orders, Residence orders, Custody orders, Compensation orders and Monetary reliefs, Penalty for breach of protection orders by respondent.

UNIT-V

Offences against property- theft, extortion, robbery, dacoity, criminal misappropriation of property, criminal breach of trust, cheating, mischief and criminal trespass

Offences relating to documents: Forgery or making a forged document

Offences relating to marriage: Bigamy, marriage or fraudulently gone through without lawful marriage, adultery, enticing or deceiving a married woman.

Defamation: definition and exceptions

Leading cases:

- 1 Reg Vs Govinda IR 1876 1 BOM 342.
- 2 Kedarnath Vs State of Bihar AIR 1962 SC 955
- 3 T.D. Vadgama Vs State of Gujrat AIR 1973 SC 2313
- 4 Veliji Ragahvji Vs State of Maharashtra AIR 1965 SC 1433
- 5 K.N. Nanavati Vs State of Maharashtra AIR 1962 SC 605

Select Bibliography

- 1 Dr. Hari Singh Gour- Penal law of India
- 2 Rattan Lal and Dhirajlal: The Indian Penal Code
- 3 P.S. Achuthan Pillai: Criminal law
- 4 B.M. Gandhi: Indian Penal Code
- 5 Prof. K.S.N. Murty & KVS Sarve: Criminal Law
- 6 T. Bhattacharya: Bhartiya Dand Sanhita

**PAPER - 2.3 PROPERTY LAW INCLUDING
TRANSFER OF PROPERTY ACT
AND EASEMENT ACT**

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

UNIT-I

Jurisprudential control of property:- Concept, meaning and kinds of property: Movable and immovable, tangible and intangible property. Intellectual property: copyright, patents, designs and trademarks.

Preliminary : Definition, Essentials of Transfer, Competence of parties, subject matter of transfer, transfer to unborn child, registration of transfer, etc.

General Rules of Transfer: (a) Restraints of alienation absolute or partial, Restraints of free enjoyment, Covenants affecting enjoyment, divesting on insolvency, perpetuities, Future estates, Doctrine of acceleration.

Accumulation of income, exceptions, Covenants and Transfer. General Rules of Transfer (b) Conditional transfer : Condition precedent, condition subsequent; vested and contingent interest.

UNIT-II

Election, Priority of rights, Notice, Implied transfers by limited owners, transfer of property out of which maintenance claims have to be met, ownership by holding out, ownership by estoppels, feeding the grant by estoppels. Doctrine of Part performance (Ss. 35-53 A) Sale of immovable property (Ss. 54 to 57).

UNIT - III

Mortgage and Charge : Kinds of mortgage, Rights and liabilities of Mortgagor and mortgagee, Priority, marshalling, contribution and subrogation.

UNIT – IV

Exchange, Lease, Gift, Actionable Claims.

UNIT – V

Easements : Indian Easements Act, 1882, Nature, Characteristics, Creation. Essentials of Easements, Imposition, Acquisition, Incidents, Disturbance, Extinction, Suspension and Revival of Easement, Riparian Rights, License, Difference between lease and license.

Leading cases:

- 1 Smt. Shanta Bai Vs State of Bombay & Others, AIR 1958 SC 532
- 2 Rajender Vs Santa Singh, AIR 1973 SC 2537
- 3 Kreglinger Vs New Patagonia Meat and Cold Storage Comp. Ltd (1914) AC 25
- 4 Union of India Vs Sharda Mills Ltd, AIR 1973 SC 281
- 5 Nathu Lal Vs Phool Chand, AIR 1970 SC 546
- 6 Jumma Masjid Vs Deviah AIR 1962 SC 847

Select Bibliography

- 1 Mulla: Transfer of Property Act

- 2 S. Shah: Lectures on Transfer of Property
- 3 Vepa P Sarathi: Law of Transfer of Property
- 4 I.C. Saxena: Transfer of Property
- 5 B.B. Mitra: Transfer of Property
- 6 S.R. Bhansali and Sharma: Sampathi Antaran Adhinyam
- 7 J.N. Kulshrestha: Sampathi Antaran Adhinyam
- 8 S.N. Shukla: Sampathi Antaran Adhinyam
- 9 G.P. Tripathi: Sampathi Antaran Adhinyam
- 10 Dr. R.R. Gupta: Sampathi Antaran Adhinyam and Sukhadhikar

PAPER - 2.4 COMPANY LAW

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

UNIT- I

General Introduction:- Theories of corporate personality, creation and extinction of corporations. Corporations, partnerships and other associations of persons, state corporations, government companies, small scale; cooperative, corporate and joint sectors. Holding and subsidiary companies. Public and private company.

Law relating to Public and Private Companies: Companies Act 2013

Need of company for development, Kinds of Company, formation, registration and incorporation of a company.

UNIT- II

Memorandum of association- various clauses, alteration there in- doctrine of ultra vires

Articles of association- binding force- alteration- its relation with memorandum of association- doctrine of constructive notice and indoor management and exceptions. Promoters- position-duties and liabilities.

UNIT-III

Prospectus- issue, contents, liability for misstatements, statement in lieu of prospectus

Shares- general principles of allotment, statutory restrictions, share certificate- its objects and effects, transfer of shares, procedure for transfer, issue of shares at premium and discount, depository receipts-dematerialized shares (DEMAT). Calls on shares, forfeiture and surrender of shares; lien on shares

Share capital- kinds, alteration and reduction of share capital, further issue of capital, conversion of loans and debentures into capital.

Borrowing powers- charges, mortgages, contract by companies, debenture- meaning, kinds and remedies available to debenture holders.

UNIT-IV

Directors- position, appointment, qualification, vacation of office, removal, resignation, powers and duties of directors. Managing directors and other managerial personnel.

Meetings- kinds, procedure and voting.

Audit and accounts.

Dividends- payment, capitalization and profit.

Protection of minority rights.

Protection of oppression and mismanagement- who can apply? Powers of the court, company and the central government. Investigation of company affairs

Reconstruction and amalgamation of company.

UNIT-V

Winding up of Company : Winding up-types: By court-grounds-who can apply? Procedure-powers of liquidator-powers of court, consequences of winding up. Voluntary winding up by members and creditors, winding up subject to supervision of courts, payment of liabilities, winding up of unregistered company.

Law and multinational companies-

- (i) International norms for control

- (ii) Foreign exchange management Act, 1999- Joint ventures investment in India, repatriation of project.
- (iii) Collaboration agreements for technology transfer.

Corporate liability:

- (i) Legal liability of companies- civil and criminal
- (ii) Remedies against them civil, criminal and tortious- specific relief Act, writs.

Leading Cases

- 1 Aron Soloman Vs Soloman and Co. (1897) AC 22
- 2 Royal British Bank Vs Turkund (1856) 119 ER 886
- 3 Bell House Ltd Vs City Wall Properties Ltd (1966) SC 2 QB 656
- 4 Bajaj Auto Ltd Vs N.K. Farodia & Others, AIR 1971 SC 321
- 5 Tata Engg and Locomotive Co Ltd Vs State of Bihar AIR 1965 SC 40
- 6 Seth Mohan Lal Vs Grain Chambers Ltd AIR 1968 SC 772
- 7 Vasudev Ram Chandra Shelat Vs Pranlal Jaya Nand Thakur
AIR 1974 SC 1728
- 8 Shanti Prasad Jain Vs Kalinga Tubes Ltd AIR 1965 SC 1535

Select Bibliography

- 1 Atiya: The companies act, 1956
- 2 Avtar Singh: Company law (English and Hindi)
- 3 L.C.B. Gower: Principles of Modern Company Law
- 4 A. Ramaiya: Guide to the Companies Act
- 5 R.R. Pennigton: Company Law
- 6 S.M. Shah: Lectures on Company Law
- 7 N.V. Paranjape- Company Law (amended upto date)

PAPER - 2.5 PUBLIC INTERNATIONAL LAW

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

UNIT-I

Definition, Historical developments, Nature and Basis of International Law, is International Law a true Law? Weaknesses of International Law Codification and development of International Law, Relation between International Law and State Law, Sources of International Law, Subjects of International Law, Place of individual in International Law, Nationality, Extradition and Asylum

UNIT-II

States in general, Kinds of States and Non-State entities, Acquisition and loss of State Territory, Territorial water, Continental Shelf, Contiguous zone and exclusive economic zone, Freedom of the High Sea and Piracy Recognition of States and Governments, Recognition of Insurgency and belligerency, de facto and de jure recognition, State succession, state Jurisdiction, state Responsibility, Intervention

UNIT-III

Diplomatic agents, Counsels. Classification and Functions of diplomatic agents, Privileges and Immunities of diplomatic agents with reference to Vienna Convention on Diplomatic Relation, 1961. Treaties : Definition, Basis, classification and formation of treaties. Interpretation and revision of treaties, principles of jus cogens and pacta sunt servanda, termination of treaties. Vienna Convention on the Law of Treaties. Pacific and compulsive means of settlement of international disputes

UNIT-IV

War : Its legal character and effects, Enemy character, Armed conflicts and other hostile relations, belligerent Occupation, War Crimes, termination of war and doctrine of postliminium, Prize courts, Genocide

The law of Neutrality-Basis of neutrality, Rights and duties of neutral state and belligerent States. Quasi neutrality and U.N. Charter. Right of Angary, Contraband, Blockade, unneutral Service, Right of Visit and Search.

UNIT-V

International Institution : League of Nations, United Nations. History and formation of United Nations, Organs of United Nations with specific reference to General Assembly, Security Council and International Court of Justice, New International Economic Order and Disarmament. Secretariat, International Criminal Court.

Leading Cases:-

- 1 United Kingdom Vs Norway (Anglo Norwegian fisheries case)
ICJ Report 1951 p. 116

- 2 The Nuremberg judgment, International Military Tribunal,
Nuremberg 1946 AJIL Vol. 41, 1947 p. 172
- 3 In Re Government of India and Mubarak Ali Ahmad 1952 1 II Er 2060
- 4 Khutch Tribunal award case- foreign affairs report volume XVII March 68.
- 5 Right to passage over Indian territory case ICJ Report 1957 p. 125

Select Bibliography-

- 1 Stark- An introduction to International Law
- 2 Oppenheim- International Law Vol. I and II
- 3 Antonio Cassese- International Law
- 4 Breirly- The Law of Nations
- 5 Nartin Dixon- Textbook on International Law
- 6 Dr. H.O. Agarwal- International Law and Human Rights
- 7 S.K. Kapoor- International Law, Human Rights (English and Hindi)

PAPER - 2.6 LABOUR LAWS- I

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

Unit -I

Historical perspective of labour: (i) Labour through the ages : slave Labour- guild system division on caste basis labour during feudal days.

(ii)_ Labour Capital Conflicts : Exploitation & Labour profit motive, poor bargaining power, poor working condition, unorganized labour bonded labour, surplus, labour division of labour.

(iii) Transition from exploitation to protection and from status to contract.

Unit -II

Industrial Dispute Act- Scope and Object definitions, assistance to bipartite settlement, work committee, conciliation officer, authorities for saving disputes, reference power.

Provision Relating to Lay-off,

Unit - III

Trade Unionism:

Trade Union Freedoms: International perspective

The history of trade union movement in India, Right to trade union as part of human right, freedom of association- international norms and the Indian constitution

The Trade Union Act, 1926: definitions, registration of trade union, functions of registrar, cancellation of registration and incorporation of registered trade unions. Funds- political and general, rights and liabilities of registered trade union, immunities, office bearers, change of name, amalgamation and

dissolution of trade union, penalties.

Unit -IV

Complete Factories Act, 1948- Definitions, inspectors, provisions regarding health, safety,

welfare, provision relating to employment of young person, women workers, Annual leave with wages & Penalties.

Unit -V

Protection of the Weaker Sections of Labour- Tribal labour: need for regulation, unorganized labour like domestic servants- problems and perspectives, bonded labour, (Regulation & Abolition Act, 1970), Child Labour Prohibition Act, 1986

Leading Cases:-

1 Workmen of Indian Standard Institutions V. Indian Standard Institution AIR 1976 SC 145.

2 Burmah Shell Co Vs Burmah Shell Management Staff Association 1970 I FLL J. 590 SC, AIR 1971 SC 922.

3 Workmen of firestone Tyre and Rubber Co. Ltd. Vs. The Management of Firestone Tyre and Rubber Co. Ltd. AIR 1972 SC 1227.

4 Delhi Cloth and General Mills Co Ltd Vs Ludh Budh Singh AIR 1972 SC 1031

5 Jay Engineering Works Vs State of West Bengal, AIR 1990 Cal 406

6 Bidi Leaves and Tobacco Merchants Association India and other Vs State of Bombay AIR 1962 SC 486

7 Bangalore Water Supply Vs A. Rajappa AIR 1978 SC 548

8 Express Newspapers Ltd Vs Union of India AIR 1958 SC 578

Select Bibliography-

- 1 O.P. Malhotra: Law of Industrial Disputes
- 2 S.C. Srivastava: Social Security and labour laws
- 3 V.V. Giri: Labour problems in Indian industry
- 4 R.C. Saxena: Labour problems and social welfare
- 5 S.N. Mishra: Labour and Industrial Laws
- 6 Anil Sachdeva: Industrial and Labour Laws
- 7 K.N. Pillai: Labour and Industrial Laws
- 8 Ganga Sahai Sharma: Shram Vidhi
- 9 N.D. Sharma : Shram Vidhi
- 10 Gopi Krishan Arora : Shram Vidhi

PAPER - 2.7 LABOUR LAWS- II

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

Module -I

State regulation of industrial relations-

The Industrial Dispute Act, 1947: Strike and Lockout, Lay off and retrenchment, special provision relation of layoff, public utility services.

Retrenchment and Closure transfer of undertakings, penalties, Change in condition of service during pendency of dispute, unfair labour practices

Module -II

Workmen's Compensation Act, 1923: Historical perspective, Constitutionality of the Act; Definitions, Compensation for workmen; commissions : Appointment, function and power; Jurisdiction of civil court, Registration of agreement; Appeals and Power of State Government to make rules.

Module - III

Employee' State Insurance Act, 1948 Preliminary, definitions, corporation, standing committee and Medical benefit council; Employee State Insurance fund and purpose for which expenses can be incurred from the fund. Contribution Inspection function and duties; Recovery of contribution; Benefits Adjudication of disputes and claims; penalties; Miscellaneous provision.

Module -IV

Payment of Gratuity Act, 1972 Definition; payment of gratuity, forfeiture of gratuity, determination of the amount of gratuity, nomination, rights of the nominees; recovery of

gratuity, appointment of inspectors and their powers; penalties, cognizance of offence; protection of action taken in good faith; protection of gratuity.

Maternity Benefit Act, 1961 Definition, Maternity benefits; Right, obligations, Inspectors : appointment, power,, duties, penalties and Miscellaneous provision.

Module -V

Remuneration for labour- Theories of wages, concept of wages, components of wages, disparity in wages. The Minimum Wages Act, 1948: objects, definitions, fixation of minimum rates of wages, inspectors, payment of minimum rates of wages, overtime claims. Payment of Wages Act, 1936.

Leading Cases:-

1 Workmen of Indian Standard Institutions V. Indian Standard Institution AIR 1976 SC 145.

2 Burmah Shell Co Vs Burmah Shell Management Staff Association
1970 I FLL J. 590 SC, AIR 1971 SC 922.

3 Workmen of firestone Tyre and Rubber Co. Ltd. Vs. The Management of Firestone Tyre and Rubber Co. Ltd. AIR 1972 SC 1227.

4 Delhi Cloth and General Mills Co Ltd Vs Ludh Budh Singh AIR 1972 SC 1031

5 Jay Engineering Works Vs State of West Bengal, AIR 1990 Cal 406

6 Bidi Leaves and Tobacco Merchants Association India and other
Vs State of Bombay AIR 1962 SC 486

7 Bangalore Water Supply Vs A. Rajappa AIR 1978 SC 548

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- 3 V.V. Giri: Labour problems in Indian industry
- 4 R.C. Saxena: Labour problems and social welfare
- 5 S.N. Mishra: Labour and Industrial Laws
- 6 Anil Sachdeva: Industrial and Labour Laws
- 7 K.N. Pillai: Labour and Industrial Laws
- 8 Ganga Sahai Sharma: Shram Vidhi
- 9 N.D. Sharma : Shram Vidhi
- 10 Gopi Krishan Arora : Shram Vidhi

PAPER - 2.8 ADMINISTRATIVE LAW

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

UNIT-I

Evolution, nature and scope of Administrative Law- from a laissez faire to a social welfare state, evolution of administration as the fourth branch of government, conseil'detate, definition and scope of Administrative Law, relationship between Constitutional Law and Administrative Law, separation of powers and rule of law

Civil services in India- Nature and organization of civil services: from colonial relics to democratic aspiration, powers and functions, accountability and responsiveness: problems and perspective, administrative deviance-corruption, nepotism and mal-administration

UNIT-II

Legislative powers of administration- Necessity for delegation of legislative power, constitutionality of delegated legislation- powers of exclusion, inclusion and power to modify statute, requirement for the validity of delegated legislation. Legislative and judicial control of delegated legislation, sub-delegation of legislative powers, publications of delegated legislation, administrative directions, circulars and policy statements.

UNIT- III

Judicial powers of administration-

- (i) Need for devolution of adjudicatory authority on administration. Administrative tribunals-need, nature, constitution, jurisdiction and procedure. Distinction between quasi-judicial and administrative functions.
- (ii) Principles of natural justice- the right to hearing- essential of hearing process, no man shall be judge in his own cause, no man shall be condemned unheard, reasoned decisions, the right to counsel.

UNIT- IV

Judicial control of administrative action: grounds-jurisdictional error, ultravires, abuse and non exercise of jurisdiction, error apparent on the face of record, violation of principles of natural justice, violation of public policy, unreasonableness and legitimate expectation. Remedies in judicial review, writs, declaratory judgments and injunctions, specific performance and civil suits for compensation.

Administrative discretion- Need for administrative discretion, administrative discretion and rule of law, limitations on exercise of discretion-malafide exercise of discretion, constitutional imperative and use of discretionary authority.

UNIT- V

Contractual and tortious liability of state: Tortious liability, sovereign and non sovereign functions, statutory immunity, act of state, contractual liability of government, government privilege in legal proceedings-state secrets, public interest, transparency and right to information.

Corporation and Public undertakings:- State monopoly, liability of public and private corporations- departmental undertakings, legislative and governmental control, legal remedies, accountability- committee on public undertakings, estimate committee.

Public inquiries and commission inquiry, ombudsman: lokpal, lokayukta, vigilance commission, parliamentary committees.

Right to Information Act, 2005

Leading cases:

- 1 A.K. Kraipak Vs Union of India AIR 1970 SC 150
- 2 In re Delhi Laws Act, AIR 1951 SC 332
- 3 Raj Narayan V/s. Chairman, Patna Administration Committee Patna AIR 1954 SC 569
- 4 Syed Yaqoob vs Radha Krishnan AIR 1964 SC 477
- 5 Rohtash industries Pvt Ltd Vs S.D. Agarwal AIR 1969 SC 707
- 6 State of Karnataka Vs Union of India AIR 1978 SC 68

Select Bibliography :-

- 1 M.C.J kagzi- The Indian Administrative Law
- 2 I.P. Massey: Administrative Law
- 3 D.D. Basu: Administrative Law
- 4 M.A. Fazal: Judicial control of Administrative action in India, Pakistan and Bangladesh
- 5 Wade: Administrative Law
- 6 S.P. Sathé: Administrative Law
- 7 U.P.D. Kesari: Prashasnic Vidhi
- 8 Jain and Jain- Principles of Administrative Law
- 9 J.J.R. Upadhyay- Prashasnic Vidhi

PAPER - 2.9 (A) TAXATION LAWS

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

UNIT-I

Basic concept : Assessment year, Previous year, Person, Assessee, Income , Agricultural Income, Casual Income, Capital Asset, Charitable purpose, Total Income, Gross Total Income, step system and slab system, Capital and Revenue, Avoidance of tax and tax evasion, Income tax authorities. Residential; status and Tax Incidence – Exemptions and deductions of Income

General Perspective : History of tax law in India, fundamental principles relating to tax laws, concept of tax, nature and characteristics of taxes, distinction between tax and fees, tax and Access, direct and indirect taxes, tax evasion and tax avoidance, scope of taxing powers of parliament, state legislature and local bodies.

UNIT-II

Income Tax Act, 1961, Income under the Head `Salaries' Income from House Property, Income of other persons included in Assessee's Total income

UNIT-III

Profits and Gains of Business or Profession, Depreciation allowance, Capital Gains, Income from other sources, Set off and carry forward of losses

UNIT-IV

Return of Income, Assessment and Re-assessment, Assessment of Firms and Partners and Penalties offences and prosecution under this Act, Appeal and revision

UNIT-V

WEALTH TAX ACT

Valuation date, Net Wealth, Incidence of Tax, Assets, Assets exempted from Tax Return of Wealth, Assessment, Time limit for completion of assessment

KEY FEATURES OF CENTRAL GOODS AND SERVICES TAX ACT, 2017

Leading Cases:

- 1 P. Krishana Menon Vs CIT, AIR 1956 SC 75
- 2 CIT West Bengal Vs Benoy Kumar Saha Roy, AIR 1957 SC 761
- 3 Mala Ram & Sons Vs CIT AIR 1956 SC 367
- 4 Pingle Industries Ltd Vs CIT AIR 1960 SC 1934
- 5 Banaras Cloth Dealers Syndicate V. Benaras 1964 ITR 50
- 6 CIT Vs Kothari (1963) 40 ITR 107 (SC)

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- 1 Ramesh Sharma, Supreme Court on Direct taxes
- 2 Kanga and Palkiwala, The Law and practice of Income Tax

- 3 R.V. Patel, The Central Sales Tax Act
- 4 S.D. Singh, Principles of Law of Sales Tax
- 5 H.C. Malhotra, Aykar Vidhan Lekha
- 6 Bhagwati Prasad, Aykar Vidhi
- 7 S. Bhattacharya : Indian Income Tax Law and Practice.
- 8 A.K. Saxena : Law on Income tax in India.
- 9 Nathulal Jain : Ayakar Vidhi.
- 10 Kailash Rai : Ayakar Vidhi.

PAPER - 2.9 (B) INSURANCE LAW

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

UNIT- I

Introduction- definition, nature and history of insurance, concept of insurance and law of contract and law of torts, future of insurance in globalize economy, history and development of insurance in India, insurance regulatory authority- role and functions.

General principles of law of insurance- Contract of insurance- classifications of contract of insurance, nature of various insurance contracts and parties thereto principle of good faith, insurable interest, the risk, the policy-classification of policies- its forms and contents, its commencements, duration, cancellation, alteration, rectification, renewal, conditions of the policy.

UNIT- II

Life Insurance: Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract, event insured against life insurance contract, circumstances affecting the risk, amount recoverable under life policy, persons entitled to payment and settlement of claims.

UNIT- III

Marine Insurance: (The Marine Insurance Act, 1963) Nature, scope, classification of marine policies, insurable interest, insurable value, conditions of policy. Voyage-deviations, perils of the sea, partial loss of ship and of freight, salvage, general average, particular charges, measure of indemnity, total valuation, liability to third parties.

Fire insurance: nature of fire insurance contract, non-disclosure and misrepresentation, standard fire policy, proximate cause, claims.

UNIT- IV

Insurance against third party risks: The Motor Vehicle Act 1988-chapter VIII- definitions, abuse, drives and motor vehicles, requirements of policy, statutory contract between insurer and drive rights of third parties, limitation of third party's rights, duty to inform third party, claims tribunal- constitution, functions, applications for compensation-who can apply? Procedure and powers of claims tribunal- its award.

UNIT- V

Social insurance in India: important elements in social insurance, its needs, commercial insurance and social insurance. Sickness insurance, Adarkar Scheme, Stack and Rao scheme for wage earners and others risks covered, maturity and other benefits. Old age, premature death and invalidity insurance or pension insurance, public provident fund, unemployment insurance, social insurance for agricultural and un-organized labourers.

Public liability insurance: the scheme and authorities

Leading cases:

- 1 Glickman Vs Lancashire and General Assurance Co. (1925) 2 KB 593
- 2 Johnson Vs Marshall (1906) AC 409
- 3 Digby Vs General Accident Fire and Life Insurance Co. Ltd. (1943) AC 121
- 4 Minu B. Mehta Vs Balakrishna AIR 1977 SC 1248

5 Prudential Insurance Co. Vs Inland Revenue Commissioner (1904) 2 KB 658.

Select Bibliography

- 1 Singh, B Anand, New Insurance Law
- 2 Sreenivasan, M.N.- Principles of Insurance Law
- 3 Banerjee, Law of Insurance
- 4 Mitra, B.C., Law relating to Marine Insurance
- 5 Srivastava, Blachand: Elements of Insurance
- 6 Dravid and Joshi: Bima Siddhant evam Vyavahar.

**PAPER - 2.9 (C) BANKING LAW INCLUDING NEGOTIABLE INSTRUMENT ACT,
1881**

Max. Marks: 100

Min. Pass Marks: 36

Syllabus

UNIT- I

Introduction

Banking: definition-common law and statutory law Commercial Banks: functions Agency services General utility services International trading service Information services Systems of banking: unit banking, branch banking, group banking and chain banking Banking companies in India

UNIT- II

Banks and Customers

- 2.1 Customer: meaning
- 2.2 Banker and customer relationship
- 2.3 Rights and obligations of banks- Right of set off, banker's lien, right to charge interest and commission, obligation to honour customer's cheques.
- 2.4 Duty- Duty of confidentiality, nature and justification of the duty, exceptions
- 2.5 Accounts of Customers- Current accounts, deposit accounts, joint accounts, trust accounts.

UNIT- III

Control over Banks : Control by Government and its agencies Need for elimination of systematic risk, avoidance money Laundering, consumer protection, promotion of fair competition.Account, audit, money lending, re-organization and reconstruction, supervision and winding up. Control by ombudsman Reserve Bank of India (RBI) Act, 1934: definition, functions and powers, supervision and control over the other banks, control over non-banking financial institutions, capital management and business, determination of bank rate policy.

UNIT- IV

Lending by Banks

Principles of good lending, Securities for bank advances- pledge, mortgage, charge, goods or documents of title to goods, life insurance policies as securities, debentures as security, guarantee as security. Contract of guarantee and contract of indemnity., Repayment, interest: rule against penalties. Default and recovery- debt recovery tribunals- constitution and functioning.

Letter of Credit and Demand guarantee

Letter of credit, Basic features Parties to a letter of credit Fundamental principles Demand guarantee- legal character, distinction between irrevocable letter of credit and demand guarantees

UNIT- V

Law relating to negotiable instruments: (Negotiable Instruments Act, 1881)

Negotiable instruments- kinds, Holder and holder in due course , Parties, negotiation, presentment , Discharge from liability , **Dishonour-** civil and criminal liability Duty to honour customer's cheques- conditions, exceptions to the duty to honour cheques Money paid by mistake The collecting banker- liability for conversion, duties, good faith and statutory protection to the collecting banker.

Leading Cases:

- 1 A.B. Miller Vs National Bank of India ILR 19 Cal 146
- 2 National Insurance Co. Ltd Vs Seema Malhotra (2001) ILRI 543
- 3 Radha Kisan Vs Hira Lal AIR (1919) Nag 39
- 4 Maneckji Pestonji Bharucha Vs Wadilal Sarabhai AIR 1926 PC 38
- 5 Nawab Major Sir Mohammad Akbar Khan Vs Attar Singh AIR 1936 PC 171

Select Bibliography-

- 1 S.N. Gupta, The Banking Law in theory and practices.
- 2 S.N. Gupta, Banks and the consumer protection law.
- 3 Mukherjee, T.K.- Banking Law and Practice.
- 4 Shekhar K.C- Banking theory and practice.
- 5 Kailash Rai- Negotiable Instrument Act.
- 6 Sharma and Sharma- Banking Vidhi.
- 7 Mangilal Sharma: Banking Vidhi Evam Vyavhar

PRACTICAL PAPER
PAPER - 2.10 PUBLIC INTEREST LAWYERING;
LEGAL AID AND PARA LEGAL SERVICES

Syllabus

The paper shall consist of following two parts:

A. WRITTEN PAPER

B.

Max. Marks: 80

Min. Pass Marks: 29

B. PRACTICAL PAPER

Max. Marks: 20 Marks Min. Pass Marks: 7

The practical exam shall be conducted by a committee of 2 examiners. In this committee there shall be one internal examiner and one external examiner.

A. Written Paper

UNIT-I

Introduction PIL- its origin and meaning Scope and nature of PIL Object of PIL PIL and Private Interest Litigation

Locus Standi Principle of locus standi- traditional approach Liberal approach Guidelines for entertaining a PIL Petition by public spirited person or association Misuse of PIL

PIL and enforcement of Fundamental Rights General Compensation for breach of fundamental rights Compensation for illegal detention Compensation to victim of police atrocities. PIL as a redress to custodial violence cases. PIL and Environmental Law

UNIT- II

Pollution- a curse to mankind.

Pollution free environment as a fundamental right.

Enforcement of environmental laws through filing PIL.

PIL for the enforcement of the rights of weaker sections of the society

For the enforcement of the rights of women.

For the enforcement of the rights of children.

For the enforcement of the rights of bonded labour.

UNIT- III

Legal Aid : Meaning, Nature, Scope, and Development Constitutional provisions ; Provision of civil procedure code and code of criminal procedure regarding legal aid The Legal Services Authorities Act and legal aid.

Drafting of PIL petitions and writing of applications for legal aid

UNIT-IV

The Legal Services Authorities Act, 1987 (as amended by the Act of 2002)

The national legal services authority- constitution and functions

State legal services authority- constitution and functions

District legal services authority, Taluk legal services committee- constitution and functions

Lok Adalat- organization, cognizances of cases, award and powers.

Pre litigation, conciliation and settlement

Permanent lok adalat- establishment, cognizance of cases, procedure and award

The Rajasthan State Legal Services Authority Regulations, 1999- Legal literacy, legal awareness committee: Constitution and functions of High Court and District Legal awareness committee

Organization of legal awareness camps by law schools

Role of voluntary organizations

Leading Cases:

- 1 Bandhua Mukti Morcha Vs Union of India AIR 1984 SC 802, (1984) 3 SCC 161
- 2 Olga Tellis v Bombay Municipal Corporation (1985) 3 SCC 545, AIR 1986 SC 180
- 3 Sukdas v. Union Territory of Arunachal Pradesh (1986) 2 SCC 401, AIR 1986 SC 991
- 4 Sheela Barse Vs State of Maharashtra AIR 1983 SC 378

Select Bibliography

- 1 Dr. S.R. Myneni- Public Interest lawyering legal aid and para legal services
- 2 Sujan Singh- Legal aid-human right to equality
- 3 S.S. Sharma- legal assistance to Poor
- 4 P.N. Bhagwati- legal aid as human right
- 5 P.N. Bajpayee- Legal aid and the Bar council
- 6 Sunil Deshtra- lok adalats in India- genesis and functioning
- 7 Sampat Jain- Public Interest Litigation
- 8 Dr. Kailash Rai- Janhit Vakalat, vidhik sahyog evam ardh vidhik sevayen.
- 9 Suresh Bhatia- Nirdhan Vidhik Shayta, Rajasthan Hindi Granth Academy
- 10 P.M. Bakshi- Public Interest Litigation

B. PRACTICAL PAPER

The candidate shall be required to attend at least two legal aid camps organized by the college. The candidate shall also be required to present a report regarding the problem along with his suggestions.

- (1) Attendance at the legal aid camp and submission of report- 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 examiner and one external examiner.

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