

FACULTY OF LAW
SAURASHTRA UNIVERSITY,
RAJKOT.



ACCREDITED GRADE 'A' BY NAAC
SYLLABUS OF THREE YEARS
LL.B. PROGRAMME

EFFECTIVE FROM : 2019-2020
SAURASHTRA UNIVERSITY,
UNIVERSITY CAMPUS, RAJKOT. 360005
GUJARAT - INDIA.

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Saurashtra University

Syllabus

Semester One

No.	Course Code	Course Name	Marks	Credit
1	190101	Law of Contract	100	5
2	190102	Constitutional Law – I	100	5
3	190103	Law of Torts including M.V. Act and Consumer Protection Act.	100	5
4	190104	Law of Crimes – I (Indian Penal Code)	100	5
5	190105	Banking Laws	100	5
6	190106	Foundation/Soft Skill : Constitutional History of India	100	2

LAW OF CONTRACT (190101)

OBJECTIVE OF THE COURSE:

Every man in his day to day life from dawn to dusk makes a variety of contract, Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognize this contract making power of person. This prompted Roscoe Pound to make his celebrated observation wealth, in a commercial age, is made up largely of promises. In this sense India is also a Promissory Society. The conferment and protection by the law of this contract making power of person gives them a considerable leeway to strike best bargain for the contract making person. In a way they are permitted to regulate and define their relation in a best possible manner they chose. However, the contours of contractual relation in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in a independent and developing India society. Whatever may be the nature of a given society, the contractual relation as are obtained in that society, are governed by certain principle which are more or less of a general and basic nature. India these general principles are enacted in the form of the Indian Contract Act, 1972.

This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relation. Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contract that can be specifically enforced and the methods of enforcement forms a significant of this study.

SYLLABUS:

UNIT-1

1. GENERAL PRINCIPLE OF LAW OF CONTRACT:

- 1.1 Agreement and contract definitions, elements and kinds Proposal, Communication and revocation - proposal and invitation for proposal - floating offers.
- 1.2 Acceptance - their various forms, essential elements
- 1.3 Consideration - is need, meaning, kinds, essential elements
- 1.4 Capacity to Contract

UNIT-2

2. CAPACITY TO CONTRACT & FREE CONSENT:

- 2.1 Minor, age of Majority, Nature's of minor's agreement & effects thereof, Accessories supplied to a minor, Agreement beneficial and detrimental to a minor.

2.2 Free consent- its need and definition, Effects of force, coercion & undue influence on contract.

2.3 Mistake: definition - kinds - fundamental error mistake of law and of fact - their effects.

2.4 Legality of objects:

2.4.1 unlawful Agreements: kinds and effects thereof

2.4.2 Void Agreement, Uncertain Agreements, Wagering Agreements, Illegal & Void Agreements

UNIT-3

3. DISCHARGE OF CONTRACT & QUASI-CONTRACT:

3.1 Various modes of discharge of contract and effect thereof

3.2 Anticipatory Breach of Contract

3.3 Impossibility of performance - specific ground of frustration-application to leases- leases- theories of frustration-effect of frustration and restitution, by period of limitation.

3.4 Rescission and alteration - their effect - remission and waiver of performance - extension of time - accord and satisfaction

3.5 Quasi-contract or certain relation resembling those created by contract, Quantum Meruit.

UNIT-4

4. SPECIFIC RELIEF ACT:

4.1 Person against whom specific enforcement can be ordered

4.2 Rescission and cancellation

4.3 Injunction: Temporary and Perpetual

4.4 Declaratory orders

4.5 Discretion and power of court

SUGGESTED READING:

1. Beasten (Ed), Anson's Law of Contract, P.S. Atiya,
2. Introduction to the law of Contract (Claredon Law Series) Avtar Singh,
3. Law of Contract, Eastern Law House, Lucknow
4. G.C. Cheshire, and H.S. Fitoot and M.P. Formston Law Contract
5. ELBS with Butterworths. M. Krishnan Nair, Law of Contract,
6. G.H. Trinel, Law of Contract Sweet & Maxwell, R.K.Abichandani (ed),

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7. Pollock and Mulla on the Indian contract and the Specific Relief Act,
 8. Butterworths Publication, Benerjee S.C. Law of Specific Relief, Universal Anson,
 9. Law of Contract, Universal Dutt on Contract, Universal Anand and Aiyer, Law of Specific Relief, Universal Law House.

CONSTITUTIONAL LAW – I (190102)

OBJECTIVE OF THE COURSE:

India is a democracy and her Constitution embodies the main principles of the democratic Government - how it comes into being, what are its powers, functions, responsibilities and obligations how power is limited and distributed. Whatever might have been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

The purpose of teaching constitutional law is to highlight its never- ending growth. Constitutional interpretation is bound to be influenced by one's social, economic or political predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law.

Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are, and are to be, interpreted progressively.

SYLLABUS:

UNIT-1

1. PREAMBLE:

- 1.1 Preamble: Purposes, Objectives, Importance.
- 1.2 Preamble: Whether a part of the Constitution, Application of Basic Structure Theory to the Preamble.
- 1.3 Amendment made in the Preamble: Effects thereof.
- 1.4 Use of Preamble in Interpretation of constitution Provisions.
- 1.5 Salient Features of the Constitution of India.

UNIT-2

2. FUNDAMENTAL RIGHTS –I

- 2.1 Under Article 12 and Judicial Approach. Meaning of Law under Article 13.
- 2.2 Right to Equality and Protective Discrimination, Equality of Opportunity in the matter of Public Employment.
- 2.3 Freedoms Guaranteed to Citizens of India under Article 19 and reasonable Restrictions.
- 2.4 Right against Exploitation, Abolition of Untouchability and titles.
- 2.5 Right of Self- Incrimination and Principle of Double Jeopardy.
- 2.6 Constitutional Remedy for the Enforcement of Fundamental Right (writ remedies under article 32, distinction from writ under article 226)

UNIT-3

3. FUNDAMENTAL RIGHTS –II

- 3.1 Right to Life and Personal Liberty, due Process of Law (Article 21)
- 3.2 Safeguards against Arbitrary Arrest and Detention.
- 3.3 Right to Freedom of Religion and Secularism.
- 3.4 Prohibition of Traffic in Human beings and Forced Labour.
- 3.5 Prohibition of Employment of Children in Factories Act.
- 3.6 Right to Education (Article 21 and Article 21 A and its developments)
Cultural and Educational Right: Articles 29 and 30.

UNIT-4

4. DIRECTIVE PRINCIPLES AND FUNDAMENTAL DUTIES OF THE STATE:

- 4.1 Directive Principle: Nature, Ideals, Distinction from Fundamental Right and Inter-relationship with Fundamental Rights.
- 4.2 Non – Enforceability of Directive Principles before the Court.
- 4.3 Classification of Directive Principles, Uniform Civil Code.
- 4.4 Reading Directive Principles into Fundamental Rights.
- 4.5 Fundamental Duties.

SUGGESTED READING:

- 1. Constitution Law of India: D.D. BASU
- 2. Introduction to the Constitution of India D.D. BASU

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3. Shorter Constitution Law of India: Durga Das Basu
 4. Constitution Law of India: V.N.SUKHLA
 5. Constitution of India: J.N. PANDEY
 6. Constitution Law of India: M.P.JAIN
 7. Constitution Law of India (Vol. 1-3): H.M.SEERVAI
 8. Constitution Law of India: P.M.BAXI
 9. Introduction to the Constitution Law of India: NARENDRA KUMAR

LAW OF TORT INCLUDING MOTOR VEHICLE ACCIDENT AND CONSUMER PROTECTION LAWS (190103)

OBJECTIVE OF THE COURSE:

With rapid industrialization, tort action came to use against manufacturers and industrial unit for products injurious to human beings. Presently the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product Liability is now assuming a new dimension in developed economics.

In modern era of consumer concern of goods and services, the law of torts has an added significant weight this forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and into those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial decisions in India, so connected with the human right for a healthy life and environment, has now a core subject to be taught as an indispensable part of a socially relevant curriculum. The provisions of the Motor Vehicles Act relating to payment of compensation in case of hit and run accident and compulsory third party insurance are also included in this paper.

SYLLABUS:

UNIT-1

1. GENERAL PRINCIPLE OF TORT:

- 1.1 Tort: Definition, Distinction from crime, Breach of Contract etc. Nature, Scope and object of Tort, who may sue? who may not be sued?
- 1.2 Damnum sine Injuria Sine Damnum.
- 1.3 Volenti non fit injuria, ubi jus ibi remedium
- 1.4 Vicarious Liability: Basis, scope, Justification, Different types.
- 1.5 Extinguishment of Liability in Tort
- 1.6 Justification in Tort, defences to the defendants

UNIT-2

2. TORTS AGAINST PERSON, PROPERTY, FREEDOM & REPUTATION:

- 2.1 Trespass to person: Assault, Battery, Mayhem, False Imprisonment.
- 2.2 Torts affecting Property (Movable & Immovable): Trespass, Trespass ab initio
- 2.3 Torts related to Reputation (Defamation) & personal relations

2.4 Torts affecting person & property: Nuisance, Negligence, Fraud

2.5 Third party liability of owner under the Motor Vehicles Act.

UNIT-3

3. PRINCIPLES OF LIABILITY IN TORTS AND LEGAL REMEDIES:

3.1 Principle of strict liability: Ryland V/s. Fletcher case with exceptions

3.2 Principle of Absolute Liability: Bhopal Gas Disaster case and Shree Ram Food case.

3.3 Remoteness of damage - foresee ability and directness Injunction Specific restitution of property.

3.4 Extra-legal remedies - self - help, re-entry on land, re-capture of goods, distress damage feasant.

UNIT-4

4. CONCEPT OF CONSUMER PROTECTION ACT:

4.1 Consumer: Definition.

4.2 Services: Types of services, Deficiency meaning.

4.3 Commercial & Professional Services, Medical Services.

4.4 Denial of Services.

4.5 Consumer Protection Councils.

4.6 Consumer Disputes Redressal Agencies: District Forums, State Commission & National Commission, Judicial Review.

SUGGESTED READING:

1. Salmond and Heuston - On the Law of Torts (2000) Universal, Delhi.
2. D.D.Basu, The Law of Torts (1982), Kamal, Calcutta.
3. B.M.Gandhi, Law of Tort (1987), Eastern, Lucknow
4. P.S.Achuthan Pillai, The law of Tort (1994) Eastern, Lucknow
5. Ratanlal & Dhirajlal, The Law of Torts (1997), Universal, Delhi. Law 38
6. Winfield and Jolowiz on Tort (1999), Sweet and Maxwell, London.
7. Saraf, D.N., Law of Consumer Protection in India (1995), Tripathi, Bombay
8. Avtar Singh, The Law of Consumer Protection: Principles and Practice (2000), Eastern Book Co., Lucknow
9. J.N.Barowalia, Commentary on Consumer Protection Act 1986 (2000), Universal, Delhi.
10. P.K.Majundar, The Law of Consumer Protection In India (1998), Orient Publishing Co. New Delhi.

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11. R.M. Vats, Consumer and the Law (1994), Universal, Delhi
 12. Ratanlal Dhirajlal, Law of Torts
 13. The Consumer Protection Act. (Bare Act)
 14. The Motor Vehicle Act (Bare Act)

LAW OF CRIMES - 1 (INDIAN PENAL CODE) (190104)

OBJECTIVE OF THE COURSE:

The Indian society has changed very rapidly since independence. A paper understanding of crimes, method of controlling them and the socio-economic and political reason for their existence is now extremely important in the larger context of India's development. It student are to use their knowledge and skills to build a just and human society. The curriculum outlined here attempts to bring in these new perspectives.

SYLLABUS:

UNIT-1

1. GENERAL:

- 1.1 Conception of crime, Stages of Crime, (including Section 511) Mens Rea.
- 1.2 Applicability of the Indian Penal Code: Intra-Territorial Jurisdiction and Extra-Territorial Jurisdiction.
- 1.3 General Explanations: Public Servant, Wrongful Gain, Wrongful Loss, Valuable Security, Harbour.
- 1.4 Group Liability
 - 1.4.1 Common Intention
 - 1.4.2 Criminal Conspiracy
- 1.5 Abetment

UNIT-2

2. PUNISHMENTS:

- 2.1 Theories of punishment
- 2.2 Kinds of punishment
 - 2.2.1 Death Sentence: Constitutionality & Judicial Approach
 - 2.2.2 Life Imprisonment
 - 2.2.3 Imprisonment: Simple and Rigorous, Solitary Confinement
 - 2.2.4 Forfeiture of Property
 - 2.2.5 Fine: Rules imposing fine
- 2.3 Discretion in awarding punishment

UNIT-3

3. GENERAL DEFENCES:

- 3.1 Mental Incapacity, Minority, involuntary intoxication and Insanity as a defence

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- 3.2 Right of Private Defence: Justification and limits
 - 3.3 when private defence extends to causing of death to protect body and property?
 - 3.4 Necessity
 - 3.5 Mistake of facts

UNIT-4

4. OFFENCE RELATING TO PUBLIC TRANSPORT QUALITY:

- 4.1 Unlawful Assembly
- 4.2 Rioting
- 4.3 Affray
- 4.4 Distinction between Common Object & Common Intention

UNIT-5

5. OFFENCES AGAINST STATE, GIVING OF FALSE EVIDENCE, ETC.:

- 5.1 Offences against State:
 - 5.1.1 Waging war against the Government of India etc.
 - 5.1.2 Sedition
- 5.2 Giving/fabricating false evidence: Offence & Punishment
- 5.3 Offences relating to election
- 5.4 Offences by or against Public Servants

UNIT-6

6. OFFENCES AGAINST HUMAN BODY:

- 6.1 Culpable Homicide
- 6.2 Murder:
 - 6.2.1 Ingredients and exception
 - 6.2.2 Distinction between Culpable Homicide and Murder
- 6.3 When Culpable Homicide is Murder?
- 6.4 Suicide: Attempt punishable as offence & its Constitutionality
- 6.5 Hurt, Grievous Hurt
- 6.6 Criminal Force, Wrongful Restraint, Wrongful Confinement
- 6.7 Kidnapping: Types, Abduction
- 6.8 Causing death by rash or negligent Act.
- 6.9 Death caused by consent of the deceased - euthanasia and surgical operation:
Constitutionality

UNIT-7

7. OFFENCES AGAINST PROPERTY, DEFAMATION & MISCELLANEOUS OFFENCES:

- 7.1 Theft & Extortion, Robbery and Dacoity, Distinction between them, receiving and disposing of stolen Property & other related offences
- 7.2 Criminal Misappropriation, Criminal Breach of Trust, Mischief
- 7.3 Cheating: Types, Forgery and Making False documents
- 7.4 Defamation: Exceptions
- 7.5 Criminal Intimidation

UNIT-8

8. OFFENCES AGAINST WOMEN:

- 8.1 Rape: Custodial Rape, Relevancy of Consent,
- 8.2 Intercourse by man with his wife: When Rape, Un-natural offence
- 8.3 Dowry Death, Cruelty by Husband or Relatives of Husband
- 8.4 Offences relating to marriage.
- 8.5 Outraging modesty and annoyance of woman.

SUGGESTED READING:

1. Kenny's Outlines of Criminal Law - Universal Law Publishing Co.
2. Russell on crime - Universal Law Publishing Co. (2 Volumes)
3. K.D.Gaur, Criminal Law Cases and Materials, Butterworth's, India
4. Ratanlal&Dhirajlal's Indian Penal Code Butterworth's Wadhwa, Nagpur
5. K.D.Gaur, A text Book on the Indian Penal Code, Universal Delhi.
6. P.S.Achuthanpillai, Criminal Law Eastern Book Co.,
7. B.M. Gandhi, Indian Penal Code, Eastern Book Co,

PRINCIPAL OF BANKING LAWS (190105)

OBJECTIVE OF THE COURSE:

The modern society functions , contrary to the old better system, on monetary transactions, In a developing country like India ,the banking system takes off becomes quite common even among the common people . The services banks render to the general public do have a significant contribution to the development of the economy pan passu, the security to the asset's money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the bank. The variety of assistance tended by the banks to the common people and business community cannot be over emphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

SYLLABUS:

UNIT-1

1. ORIGIN AND DEVELOPMENT OF BANKING SYSTEM:

- 1.1 Evolution of Banking Institutions, Origin of Word Bank.
- 1.2 Development of British Banking and Banking System in India.
- 1.3 Types of Banks in India, Nationalised Banks, Co- Operative Banks, Multi-Functional Banks etc. and their Functions.
- 1.4 Reserve Bank of India and its Functions. Role of RBI AS Central Bank.

UNIT-2

2. CONSTITUTIONAL PERSPECTIVES AND REGULATION OF BANKS AND BANKING BUSINESS IN INDIA:

- 2.1 Constitutional Perspectives Relating to Banking Laws : Entries :36,37,38,43,44,45,46 of List- I of the Schedule VII, Entry 30 of List II of Schedule VII of the Constitution of India.
- 2.2 Bankers Books Evidence Act : Main Provisions
- 2.3 Banking Ombudsman System of Disputes and Complaints Relating to Banking Services.
- 2.4 Main Provisions of Banking Regulation Act, 1949:
 - 2.4.1 Regulation of Banking Companies.
 - 2.4.2 Suspension and Winding up of Banking Companies.

UNIT-3

3. RECOVERY OF DEBT DUE TO BANKS AND OTHER FINANCIAL INSTITUTIONS:

3.1 Recovery of Debt due to Banks and Other Financial Institution Act.

3.1.1 Amount of Debt, who can Initiate Litigation.

3.1.2 Procedure to Recover Debt under the Act.

3.1.3 Debt Recovery Tribunal: Constitution, Powers and Jurisdiction.

3.1.4 Power of the Recovery Officer.

3.1.5 Provision of Appeal.

3.2 Securitisation and reconstruction of financial assets and enforcement of security interest (sarfaesi) act ,2002

3.2.1 Object and Reasons of the Act.

3.2.2 Main Provisions of the Act.

3.2.3 Issues Covered under the Act.

UNIT-4

4. NEGOTIABLE INSTRUMENT ACT.

SUGGESTED READING:

1. Recovery of Debt due to Bankers and Financial Institution Act, 1993 Asia Law House Ltd.
2. Banking Regulation Act, 1949
3. Reserve Bank of India ,1935
4. Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest (SARFAESI) Act.
5. M.L.Tannen, Tannens Banking Law and Practice in India, India Law House, New Delhi.
6. S.N.Gupta, The Banking Law in Theory and Practice, Universal, New Delhi.
7. Negotiable Instrument Act.

CONSTITUTIONAL HISTORY OF INDIA (190106)

SYLLABUS:

UNIT-1

1. CONSTITUTIONAL HISTORY OF INDIA:

- 1.1 What is Constitution?
- 1.2 Historical Background
- 1.3 Motilal Nehru Report on Simon Commission
- 1.4 Muslim League Demand and Poona Pact, 1932 (Communal Award)
- 1.5 Government of India Act, 1935:
 - 1.5.1 Federal Government
 - 1.5.2 Federal Court
 - 1.5.3 Provincial Autonomy
 - 1.5.4 Provincial Government
 - 1.5.5 All India Federation
 - 1.5.6 Dyarchy at the Centre
 - 1.5.7 Federal Legislature Provincial Legislature
 - 1.5.8 Distribution of Power between centre and provinces
 - 1.5.9 Special Provisions for Minority
 - 1.5.10 Abolition of Indian Council

UNIT-2

2. IMPORTANT CONSTITUTIONAL DEVELOPMENTS BEFORE FRAMING OF CONSTITUTION OF INDIA: (TOWARDS INDEPENDENCE):

- 2.1 Round Table Conferences
- 2.2 The Cripps Mission, 1942
- 2.3 Cabinet Mission
- 2.4 C. Rajagopalachari's Formula, 1944
- 2.5 Wavell Plan and Simla Conference, 1945
- 2.6 Attlee's Statement (1947)
- 2.7 Mountbatten Plan, 1947

UNIT-3

3. CONSTITUTIONAL ASSEMBLY DEBATES (SUMMARY):

- 3.1 Framing of the Constitution of India
- 3.2 Various Committee.

3.3 Drafting Committee, Chairman, members and their contribution,

3.4 Final Draft and adoption of the Constitution of India

3.5 Indian Independence Act, 1947: Main Features

SUGGESTED READING:

1. D. D. Basu : Introduction to the Constitution of India
2. G. N. Singh : Landmark in Indian Constitutional & National Development
3. V. D. Kulshreshtha's Landmarks in Indian Legal & Constitutional History, Eastern Book Co.
4. J. N. Pandey : Constitutional Law of India
5. Keith : Constitutional History in India
6. M. P. Jain : Indian Constitutional Law
7. M. V. Pylee : Constitutional History of India
8. Shiva Rao : Framing of the Constitution of India (Vols. 1-4)
9. V. N. Shukla : Constitution of India

<http://cadindia.clpr.org.in/>

<http://164.100.47.194/Loksabha/Debates/cadebadvsearch.aspx>

https://rajyasabha.nic.in/rsnew/official_sites/constituent.asp

Saurashtra University

Syllabus

Semester Two

No.	Course Code	Course Name	Marks	Credit
1	190201	Special Contract	100	5
2	190202	Constitutional Law - II	100	5
3	190203	Property Law	100	5
4	190204	Environment Law	100	5
5	190205	Information Technology Laws and Cyber Crimes.	100	5
6	190206	Foundation/Soft Skill : Use of Internet in Legal Education and Legal Software	100	2

SPECIAL CONTRACT (190201)

OBJECTIVE OF THE COURSE:

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphases is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein.

This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

SALLYBUS:

UNIT - 1

1. INDEMNITY AND GUARANTEE:

- 1.1 Indemnity: concept, Need for Indemnity, definition.
- 1.2 Method of creating Indemnity obligation.
- 1.3 Commencement, Nature and extent of liability of the Indemnifier.
- 1.4 Situation of various type of Indemnity creation, Document/ agreement of Indemnity, Nature of Indemnity clauses
- 1.5 Guarantee: Concept, essentials for a valid guarantee contract
- 1.6 Rights & Liabilities of Surety.

UNIT - 2

2. BAILMENT, PLEDGE AND AGENCY:

- 2.1 Bailment: Essential Features, Rights & duties of Bailor & Bailee
- 2.2 Pledge: Definition Rights and duties of Pawnee, who can pledge?
- 2.3 Agency:
 - 2.3.1 Definition, Essentials, kinds of agents, creation of Agency
 - 2.3.2 Relation, Essentials, kinds of agents, creation of Agency
 - 2.3.3 Relation of Principle with Third Parties
 - 2.3.4 Methods of termination of Agency Contract
 - 2.3.5 Liabilities of Principle and Agent before and after termination of Agency Contract.

UNIT - 3

3. SALE OF GOODS ACT:

- 3.1 Contract of sale: Concept, Essentials, Implied Terms
- 3.2 Rule of Caveat Emptor
- 3.3 Condition and Warrantees
- 3.4 Transfer of title and passing of risk
- 3.5 various rules regarding delivery of goods
- 3.6 Unpaid Seller and his rights.

UNIT - 4

4. PARTNERSHIP ACT:

- 4.1 Partnership: Nature, Scope, Definition, Kinds of Partnership
- 4.2 Rights and duties of Partners, Liabilities of Partners
- 4.3 Registration of Firm, Effect of non-Registration
- 4.4 Dissolution of firm and its effects
- 4.5 Liability of partners under the Limited Liability Partnership Act.

SUGGESTED READING:

1. P.S. Atiya, Introduction to the Law of Contract (Claredon Law Series)
2. Avtar Singh, Law of Contract, Eastern Law House Lucknow
3. G.C. Cheshire, and H.S. Fifoot and M.P. Formston Law Contract ELBS with Butterworths
4. M.Krishnan Nair, Law of Contract ,
5. G.H.Trinel, Law of Contract Sweet & Maxwell
6. R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication
7. Benerjee S.C. Law of Specific Relief, Universal
8. Anand and Aiyer, Law of Specific Relief, Universal Law Publication.
9. Pollock and Mulla, Partnership Act, Butterworths Publication
10. Mulla on Sale of Goods Act.

CONSTITUTIONAL LAW – II (190202)

SYLLABUS:

UNIT-I

1. EXECUTIVE, LEGISLATURE AND JUDICIARY:

- 1.1 Union Executive: President, Prime Minister, their qualifications, power and duties, position of the President vis-a-vis Prime Minister
- 1.2 State Executive: Governor, chief Minister, power, Council of Ministers
- 1.3 Union Legislature: Composition of parliament, Lok Sabha , Rajya Sabha , Qualifications and Disqualifications of the Member of parliament , Schedule X, Speaker and Dy. Speaker of both Houses and their powers, Procedure for passing Ordinary Bill & Money Bill, Joint Session of House
- 1.4 State Legislature: Composition of House, Qualifications and Disqualifications of MLAs, Legislative Procedure of State Legislature
- 1.5 Union Judiciary: Supreme Court Judges & Chief Justice: Procedure for appointment and removal, qualifications, power and Jurisdiction of SC: Original, Appellate, Advising, Article 141,142.
- 1.6 State Judiciary: Appointment, Transfer and Removal Procedure of H.C. Judges and Chief Justice of H.C, Powers and Jurisdiction of HC, Writs, Article 226 and 227 Distinction Between them.

UNIT- 2

2. AMENDMENT OF THE CONSTITUTION:

- 2.1 Procedure to amend the Constitution under Article 368
- 2.2 Limited power of the Parliament to amend the provision of the Constitution
- 2.3 Judicial Pronouncements of the Supreme Court and relevant Constitutional Amendments
- 2.4 Doctrine of Basic Structure.

UNIT - 3

3. EMERGENCY PROVISIONS:

- 3.1 National Emergency: Grounds, Effects of proclamation of Emergency: Suspension of Fundamental Right during Emergency, Revocation of Emergency
- 3.2 Emergency due to failure of Constitutional Machinery in states: Grounds
- 3.3 Report of Sarkaria Commission, Guidelines of S.R. Bommai 's case
- 3.4 Financial Emergency.

UNIT-4

4. MISCELLANEOUS:

- 4.1 Article 31-B & Schedule IX, Doctrine of Pleasure, Constitutional safeguards to Civil servants, Attorney General, Advocate General, Chief Election Commission and Commission, Official Language
- 4.2 Freedom of Trade, Commerce and Intercourse
- 4.3 Special provisions relating to Jammu and Kashmir
- 4.4 Relation between Union and the State: Legislative and Financial, Schedule VII
- 4.5 Consolidated funds, Contingency Funds, CAG, Public Service Commission

SUGGESTED READING:

1. Constitution Law of India : D.D. BASU
2. Introduction to the Constitution of India D.D Basu
3. Shorter Constitution Law of India :Durga Das Basu
4. Constitution Law of India : V.N.SUKHLA
5. Constitution of India: J.N. PANDEY Constitution Law of India.
6. M.P.JAIN Constitution Law of India (Vol. 1-3)
7. H.M.SEERVAI Constitution Law of India
8. P.M.BAXI Introduction to the Constitution Law of India

PROPERTY LAW (190203)

OBJECTIVES OF THE COURSE:

The Course on Property Conventionally Deals with The Transfer of Property Act, 1882. More Than A Century Has Elapsed Since The Passing Of The Act And Far-Reaching Changes Have Occurred In The Field In Property Laws Owing To Altered Social Condition. While Archaic Feudal Rules Enacted by The Colonial Administration Like the Rule Against Perpetuities Find A Place in The Act, The Post, Independence Development Relating to Control and Use of Agricultural Land Do Not Find A Place. The Obsolescence of The Transfer of Property Act Can Be Best Illustrated by Citing the Provision Relating to Leases On unmovable Properties.

SYLLABUS:

UNIT - 1

1. GENERAL PRINCIPLES OF TRANSFER OF PROPERTY:

- 1.1 Kinds of property: Movable Immovable, Tangible and non-tangible Property, Intellectual Property.
- 1.2 Which properties may be transferred? – Competency of person to Transfer: Transfer for the benefit of unborn child
- 1.3 Rule against perpetuity
- 1.4 Vested Interest and Contingent Interest.

UNIT - 2

2. DOCTRINE OF ELECTION:

- 2.1 Lis Pendens: Principal, Salient Features, application in India, Essential requirements, Exceptions
- 2.2 Fraudulent Transfer: Essential Requirements, Exceptions
- 2.3 Doctrine of Part-n performance: Essentials and Exceptions

UNIT - 3

3. SPECIFIC TRANSFERS:

- 3.1 Sale: Essentials, Rights & Liabilities of Buyer and seller.
- 3.2 Mortgage & Charge: Definition, Kinds of Mortgage, Rights and Seller Mortgager – Mortgagee, Redemption – Clog on Redemption
- 3.3 Lease: Definition, Essentials, Rights & Liabilities of Lessor and Lessee

3.4 Gift: Definition, Essentials, Rights & Liabilities of Gift, Onerous Gifts, universal Donee, Exchange: Definition & Features

3.5 Actionable Claim: Definition & transfer of Actionable Claims

UNIT - 4

4. EASEMENTS:

4.1 Easements: Meaning, Nature, Essentials and Characteristics

4.2 Kinds of Easements, Incidents of Easements, Creation of easement

4.3 Various Easementary Rights: Right of Air, Right of support, Right of water etc.

4.4 Extinction, Suspension and Revival of Easements,

4.5 Licences: Meaning, elements, Grant and Revocation of Licences

SUGGESTED READING:

1. Mulla, Transfer of Property Act, Universal, Delhi.
2. Subbarao, Transfer of Property ACT,
3. B.Sivaramayya, The equalities and the Law, Eastern Book Co., Lucknow.
4. P.C.Sen. The General Principles of Hindu, Jurisprudence (reprint) Allahabad Law Agency.
V.P. Sarthy, Transfer of Property, Eastern Book Company, Lucknow,
5. Vepa P. Sarathi : Law of Transfer of Property, Eastern Book Company
6. T.R. Desai : The Indian Easements Act, 1982 B.B. Katiyar :Easements and Licences, Universal Law Publishing Co.

ENVIRONMENT LAWS (190204)

(Including laws for Protection wild life and other living creatures including animal welfare)

OBJECTIVES OF THE COURSE:

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter-generational equity and prevention of pollution. All these issues relate to problematic about construction of a just, humane and healthy society. Secondly, environmental law necessarily demands an inter-disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology-related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

SYLLABUS:

UNIT - 1

1 ENVIRONMENT & ENVIRONMENTAL POLLUTION:

- 1.1 Environment: Meaning
- 1.2 Eco System, Balance of Ecology
- 1.3 Environment Pollution: Meaning, causes, Factors & Effects of Environmental Pollution
- 1.4 Types of Environmental Pollution: Air, Water and Noise Pollution

UNIT - 2

2 ENVIRONMENT PROTECTION: INTERNATIONAL SCENARIO & CONSTITUTIONAL REMEDIES:

- 2.1 International Scenario: Stockholm Conference, 'Rio-de' jenario Conference, Sustainable Development.
- 2.2 Constitutional perspectives for protection of Environment: Article 21, 48-A,51-A(g), 32 and 226 42nd Constitutional Amendment
- 2.3 Constitution of Judiciary in Environment Protection though PILs, relevant decisions of the supreme court

2.4 Doctrine of Public Trust, Principle of Polluter Pays.

UNIT - 3

3. LEGISLATION FOR THE PROTECTION OF ENVIRONMENT:

- 3.1 Offences, Remedies and Procedure for prevention of Water Pollution under the Water (prevention and Control of Pollution) Act, 1974
- 3.2 Offences, Remedies and Procedure for prevention of Air Pollution under the Air (prevention and Control of Pollution) Act, 1981
- 3.3 Noise Pollution: Causes, effects and control measures
- 3.4 Environment (Protection) Act, 1986: Need to enact this legislation, Powers of the Central Government, Provisions for Prevention Control and Abatement of Environment Pollution: Offences & Punishment
- 3.5 Special provisions relating to Hazardous Process: Chapter IV-A of the Factories Act, 1948
- 3.6 Criminal Procedure Code: Public Nuisance – sec.133-143

UNIT 4

4. MISCELLANEOUS:

- 4.1 Public Liability Insurance Act, 1991: Liabilities of owners, Compulsory Insurance & Procedure for payment of compensation,
- 4.2 Wild life (Protection) Act, 1972: Authorities: Hunting of Wild Animals, protected Areas, Offences
- 4.3 Forest Act, 1927; Reserved Forests, Sanctuaries, powers of Forest officer
- 4.4 National Environmental Tribunals Act: Functions, Jurisdiction
- 4.5 Prevention of Cruelty to the Animals Act: Objects & main features

SUGGESTED READING:

- 1. The Water (prevention and Control of Pollution) Act, 1974.
- 2. The Air (prevention and Control of Pollution) Act, 1981.
- 3. The Environment (Protection) Act, 1986.
- 4. The National Environmental Tribunals Act, 1995.
- 5. Public Liability Insurance Act, 1991.
- 6. The Factories Act -1948.
- 7. Environmental Law and Policy in India : Armin Resencranz.
- 8. Air Pollution and Environment (Protection) Laws: Lal's Commentaries on Water Environmental Law in India : Jain and Jain

-
9. Environmental Law by Prof. S. C. Shastri, Eastern Book Co.
 10. Environmental Law : Sumeet Malik
 11. Environmental Law and Policy in India Aarmin Rosencranz et. Al (eds.,)
 12. Environmental Law and Policy in India : R.B.Singh & Suresh Misra
 13. Environmental Protection Law and Policy in India : Kailash Thakur
 14. The Environment Law in India : Leelakrishanan, P.
 15. Department of science and Technology, Government of India ,Report of the Committee for recommending legislative Measures and Administrative Machinery For Ensuring Environmental Protection, (Tiwari Committee Report) India Journal of Public Administration, Specvil Number on Environment and Administration, July –September, 1988 Vol.,XXXV No.3 PP 353-801 .
 16. Centre for Science and Environment . The state of India 's Environment 1982, the state of India, Environment 1984-85 and the State of India Environment 1999-2000 .

INFORMATION TECHNOLOGY LAWS AND CYBER CRIMES

(190205)

OBJECTIVES OF THE COURSE:

The technological revolution in the field of communication has brought out revolutionary changes in the mode of carrying out business and commerce. The exchange of physical documents is no longer necessary for carrying out business transactions. The electronic commerce is the new buzzword in both national and international trade. Electronic commerce involves carrying out business transitive by means of electronic data interchange and other means of electronic communication involving the use of alternatives to paper-based methods of communication and storage of information. The international trade is growing at a vast pace and the whole has become almost a global village. The World Trade Organization (WTO) has further contributed towards the blast growth in trade, commerce and other field amongst different countries of the world.

The general assembly of the United Nations, recognizing this fast also resolved on 30.01.1997, to adopt a model law on electronic framed by United Nations Commission of International Trade Law. The resolution recommends that all states give favourable consideration to the said model law when they communicate or revise their laws in view of the need of uniformity in the law application to alternatives to paper based methods of communication and storage of information.

The Government of India, keeping in view the above facts, got enacted by Parliament the Information Technology Act, 2000.

Post 2000, after the promulgation of cyber laws by Government of India in the form of Information Technology Act, 2000 along with allied Rules, the issue of E-commerce, Online contracting, cybercrime like hacking, phishing, data theft, identity theft, source code theft cloning, stalking cyber terrorism, cyber defamation etc. have become common. There should be effective enforcement of laws to protect, preserve, promote and regulate cyber security in the context of use of computers, computer systems. Computer networks, computer resources as also communication devices and to ensure fair usage.

To prevent and protect common people from cyber-crimes Government has started initiatives like cyber suraksha kavach, awareness programme etc..

SYLLABUS:

UNIT – 1

1. Evolution of the Information Technology Act, Genesis and Necessity.
 - 1.1 International Perspective.
 - 1.2 History of Cyber law in India.
- 2 Salient features of the Information Technology Act, 2000.
 - 2.1 Various concepts (Definitions)
- 3 Digital Signature
- 4 Electronic Governance.
- 5 Attribution, Acknowledgement and Despatch of Electronic Records.
- 6 Secure Electronic Records and Secure Digital Signatures.
- 7 Regulation of Certifying Authorities.
- 8 Digital Signature Certificates.
- 9 Duties of Subscribers.

UNIT – 2

1. Penalties and Adjudication.
2. The Cyber Regulations Appellate Tribunal.
3. Offences.
4. Network Service providers not to be liable in certain cases.
5. Miscellaneous.
 - 5.1 Various Government Initiatives for awareness.
 - 5.2 The Information Technology (Amendment) Bill, 2006

UNIT – 3

1. Impact of other related Acts (Amendments)
 - 1.1 Amendments to Indian Penal Code.
 - 1.2 Amendments to Criminal Procedure Code.
 - 1.3 Amendments to Indian Evidence Act.
 - 1.4 Amendments to Bankers Books Evidence Act.
 - 1.5 Amendments to Reserve Bank of India Act.
- 2 The Information Technology (Certifying Authorities) rules, 2001.
- 3 The Cyber Regulations appellate Tribunals (Procedure) rules, 2000.
- 4 The Information Technology (Certifying Authorities) regulations, 2001
- 5 The Cyber regulations appellate tribunal (Procedure for investigation of misbehaviour of incapacity of presiding officer) Rules, 2003.

6 The Information Technology (Qualification and Experience of Adjudicating officers and manner of holding enquiry) Rules, 2003.

6.1 Performa for complain to the adjudicating officer.

7 The Information Technology (use of electronic record and digital signatures) Rules, 2004

8 The Information Technology (Security procedure) Rules, 2004.

UNIT – 4 (CYBER CRIMES)

1. Introduction of Cyber crimes, meaning, definition, nature of cyber crimes.

2. Cyber Crimes.

2.1 Malicious Code.

2.2 Web Hacking.

2.3 Email Hacking

2.4 Cyber Stalking

2.5 Cyber Terrorism.

2.6 Pornography.

2.7 Cyber Bullying.

3. Cyber Crimes Investigation.

3.1 Basic Investigation Techniques.

3.2 Setting up c cyber crime investigation cell.

3.3 Future Challenges.

SUGGESTED READING:

1. Raj, Niharikia, Law & Technology, Universal Law Publishing.

2. Information Technology Act, 2000.

3. Jain, P.K., Computer for Law Students, Scientific Publisher, Jodhpur.

www.prsindia.org

USE OF INTERNET IN LEGAL EDUCATION AND LEGAL SOFTWARE (190206)

OBJECTIVES OF THE COURSE:

In the era of computer technology, Internet and Web World, it becomes very essential for a law student to equip himself for the maximum use of the ICT technology to upgrade his legal knowledge. The use of ICT, not only gives speedy information but it is useful to compare the legal position, legislative approach and view of judiciary prevailing in India as well as in different countries. For the above purpose, basic theoretical knowledge about the utilization of internet, search engines and different web sites etc. for legal knowledge is must. This course will be taught in the form of theoretical information in order to give the proper guidance to the law students for effective and maximum use of the ICT.

SYLLABUS:

UNIT – 1

1. THEORETICAL KNOWLEDGE ABOUT INTERNET USE IN LEGAL EDUCATION:

1.1 Law Related Websites: Basic knowledge, Kinds and importance

1.2 Selection of Law Related Websites:

1.2.1 For finding out International Conventions & Treaties

1.2.2 For knowing legal situation in other countries

1.2.3 For finding out Indian Legislations

1.2.4 For searching Judgments of various courts & comments there upon

1.3 For sending Articles/abstract of the paper to be presented at the seminar and to know the status of acceptance

1.4 Use of Internet for gathering speedy legal information by the law students/researchers

UNIT – 2

2. APPLICATION OF ICT IN LEGAL FIELD:

2.1 Search Engines & Websites: Use for legal education purpose

2.2 Use of Law related Internet Sites: Knowledge about pdf & ppt files

2.3 Use of Internet for searching Head-notes, Cases & Legal Articles

2.4 Updating the legal news, current status of the pending Bills in the House through Internet

2.5 On line search of Supreme Court and other courts' Judgments

UNIT – 3

3. USE OF ICT: FINDING THE STATUS OF CASES & LEGAL PROFESSION

OFFICE MANAGEMENT:

3.1 Knowledge of status of cases pending before High Courts and Supreme Court through Internet

3.2 Legal Profession Office Management through Internet:

3.2.1 for knowing the case- list of the next day

3.2.2 to know about the business allotted to the judges etc.

3.2.3 to view the judgments of the unreported judgments from the website of the High Court

3.3 Speedy verification and perusal of the drafted memo/case and related instruction through Internet

3.4 Obtaining the latest status of the case law decided by the Apex Court (before its publication in the Law Journals)

3.5 Use of Internet in Legal Research and on line submission of Articles/Seminar papers by Researchers in Law.

UNIT – 4

4. LEGAL SOFTWARE:

4.1 Various types of Legal Software:

4.1.1 General Information about Legal Software

4.1.2 Characteristics and features of various Legal Software

4.1.3 Legal Software: Operating System, Utility Programme, upgradation & Installation, Dongle Lock Facility in Legal Software

4.1.4 Various Options available for searching judgments from Legal Software

4.1.5 Options to find out relied and overruled judgments from legal software

4.2 Court Cases:

4.2.1 Commenting and Reporting of Judgments

Note : The college may select any one of the various well known legal software for providing the information to the students.

SUGGESTED READING:

1. Prof. R. P.Soni, Harshal Arolkar & Dr. Sonal Jain, Working with Personal Computer Software, Wiley-India Pvt. Ltd., New Delhi
2. Nandan Kamath: - Law Relating to Computers and Internet, Universal Law Publishing Co.
3. Allan M. Gahten :- Internet : Law and Legal Profession
4. Kant D. Stuckey: - Internet and online law
5. Michael D. Rostoker:- Computer Jurisprudence and Legal Responses to the Information Revolution
6. Rega Rao:- Use of computer, Interned for Law students & Legal Profession (Asia Law Book House, Hyderabad)
7. Baxi Upendra: - Legal Education in 21st Century
<https://loksabha.nic.in/>
<https://rajyasabha.nic.in/>
<https://www.sci.gov.in/>
<http://gujarathighcourt.nic.in/>
<https://www.prsindia.org/>
<http://commonlii.org/>

Saurashtra University

Syllabus

Semester Three

No.	Course Code	Course Name	Marks	Credit
1	190301	Family Law – I	100	5
2	190302	Administrative Law	100	5
3	190303	Labour and Industrial Law - I	100	5
4	190304	Principles of Taxation Laws	100	5
5	190305	Interpretation of Statutes.	100	5
6	190306	Foundation/Soft Skill - Public Interest Lawyering	100	2

FAMILY LAW-I (190301)

OBJECTIVE OF THE COURSE:

The course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspective so that the basic concept relating to family is expanded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities with large in the various family concepts. The third objective is to view family law not merely as a separate system of personal law based upon religions but as the one cutting across the religious lines and eventually enabling us fulfill the constitutional directive of uniform civil code. Such restricting makes the study of familial relations more meaningful.

SYLLABUS:

UNIT – 1

1. GENERAL:

- 1.1 Concept of Family and Development of Family System, Types of Family Law
- 1.2 Sources of Family Law
- 1.3 Schools of Family Law
- 1.4 Uniform Civil Code: Concept, reasons, need to enact, problems, relevant Constitutional provisions, Judicial pronouncements

UNIT – 2

2. MARRIAGE:

- 2.1 Concept of Marriage, Essentials of valid Marriage under Different laws – Hindu, Muslim, Parsi, Christian law and Special Marriage Act,
- 2.2 Emerging concept: Maitri Sambandh (Live in Relationship) and divided home
- 2.3 Regular, irregular and void marriages under different family laws and effects thereof
- 2.4 Iddat and Types under Muslim Law
- 2.5 State Regulation over Customary Practices like Polygamy, Concubine, Child Marriage, Dowry, Sati System etc. by different legislations
- 2.6 Guardianship in Marriage (Jabar) and option of puberty under Muslim Law

UNIT – 3

3. MATRIMONIAL DISPUTES AND REMEDIES:

- 3.1 Non-judicial resolution of marital conflicts.

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- 3.2 Matrimonial Remedies: Restitution of Conjugal Rights, Judicial Separation and Dissolution of Marriage
 - 3.3 Modes of Dissolution of Marriage
 - 3.3.1 Customary Dissolution of Marriage
 - 3.3.2 Unilateral Divorce
 - 3.3.3 Divorce by Mutual Consent
 - 3.3.4 Other Modes of Dissolution of Marriage like cruelty, Desertion, Adultery etc.
 - 3.4 Emerging Concept: Irretrievably breakdown theory for granting divorce and Judicial pronouncements
 - 3.5 Divorce under Muslim personal law-
 - 3.5.1 Talak and its Talaq-e-tafweez, Kinds of divorce
 - 3.5.2 Grounds for Divorce under the Dissolution of Muslim Marriages Act, 1939
 - 3.6 Re-marriage under different Family Law
Judicial resolution of conflicts: the family court.

UNIT – 4

4. GUARDIANSHIP, ADOPTION, ALIMONY AND MAINTENANCE:

- 4.1 Guardianship under different family Laws
- 4.2 Provisions for adoption under various family law and CARA Guidelines for Adoption
- 4.3 Maintenance and Alimony under the Criminal Procedure Code and various Family Laws
 - 4.3.1 Maintenance of neglected Wives and Divorced wives
 - 4.3.2 Maintenance of children: disabled, legitimate and illegitimate
 - 4.3.3 Maintenance of Parents and Grand Parents
 - 4.3.4 Alimony and maintenance as an independent remedy: a reviews under different personal laws – need for reforming the law, Alimony and maintenance as an ancillary relief
 - 4.3.5 Maintenance of divorced Muslim women under Muslim Woman (Protection of Rights on Divorce) Act, 1986: a critical review I review, Judicial pronouncement on the issue: Shah Banoo’s case and Danial Lefty v. Union of India’s case.

SUGGESTED READING:

1. Paras Diwan, Law of Intersate and Testamentary Succession, Universal
2. Banu, N. D. Law of Succession, Universal
3. Kuser, Marriage and Divice Law Manual, Universal
4. Machanda S. C Law and Practice of Divorce in India, Universal
5. P.V. Kane, History of Dharmasatras vol.2 Pl.1 at 624-632
6. Kuppuswami (ed) Mayne's Hindu Law and Usage ch.4
7. B. Sivaramayys, Inequalities and the Law
8. K. C. Dioiya "Population control through Family planning in India" Indian Journal of Legal Studies,
9. J.D.M. Derrett, Hindu Law
10. A.A.A Fyzee, Outline of Muhammadan Law, Law, Alladi Kuppuswami,
11. Mayne's Hindu Law and Usage
12. J.D.M. Derret, A Critique of Modern Hindu Law
13. Paras Diwan, Hindu Law.

ADMINISTRATIVE LAW (190302)

OBJECTIVE OF THE COURSE:

The modern state governs in the traditional sense, that is maintains law and order, adjudicates upon dispute and regulates economic and social life of individuals and group in the state. At the same time, it is also the provider of essential service. In the event of need occasioned by unforeseen hazard of life in a complex society, it engages itself in giving relief and helps the citizenry towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution on authority of numerous state functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs in an age of science and technology. The aggregated of such functionaries is an essential component of modern administration.

A formidable body of law has come into existence for the purpose of exercising control over administration. For long administrative lawyers have primarily been concerned with such matters as excess or abuse of power, Administration and abuse of discretion. However, in recent years there has been a shift in emphasis from finding what the administration may not do to what it must do. The courts in India, no doubt, strike down administrative acts which are ultra-virus or in violation of procedural norms however, not much has so far been achieved in compelling the administration of perform statutory duties, though a beginning has been made in respect of matters relating to fundamental human liberties, Most of the statutory duties imposed on administrative agencies or authorities remain largely in the realm of discretion.

A course on administrative law must, therefore, lay emphasis on understanding the structure and modus operandi of administration. It must take note of developmental perspective and attainment of social welfare objectives through bureaucratic process. It should go into matter, which facilitate or hinder the attainment of these objectives.

Though in the matter of protection of right of individual against administration the role of courts cannot be minimized, it is no less important to know the advantages of informal method of settlement. Many new methods of grievance redressed have been devise which are not only efficacious but also inexpensive and less time consuming. Remedies available for administrative deviance need a critical study and evaluation in the context of realities.

SYLLABUS:

UNIT – 1

1. INTRODUCTION AND BASIC CONSTITUTIONAL PRINCIPLE:

- 1.1 Administrative law : Definition, Nature, Scope Reasons for its growth
- 1.2 Development of Administrative Law, its relation with Constitutional law
- 1.3 Basic Constitutional Principles :
 - 1.3.1 Rule of Law
 - 1.3.2 Doctrine of Separation of Power

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- 1.3.3 Principles of Natural Justice, relevant statutory provisions, Natural Justice Principles as accepted in India, Judicial approach and important cases
 - 1.4 Classification of Administration actions, Administrative functions, Judicial Functional and Quasi-Judicial functions.

UNIT – 2

2. DELEGATED LEGISLATION AND QUASI-JUDICIAL FUNCTION:

- 2.1 Delegated Legislation: Definition, Reasons of its growth
- 2.2 Delegated Legislation in USA and in India
- 2.3 Functions which can be and cannot be delegated, Conditional Legislation, Sub-delegation, General Principles for delegated legislation
- 2.4 Controls and Safeguards over delegated Legislation: Purpose
- 2.5 Judicial, Legislative and other controls over delegated Legislation
- 2.6 Quasi-judicial function: Definition, distinction from Administrative functions

UNIT – 3

3. JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION AND REMEDIES:

- 3.1 Administrative Discretion, judicial review definition
- 3.2 Judicial review of Administrative Discretion
 - 3.2.1 Failure to exercise discretion
 - 3.2.2 Excess or abuse of discretion
- 3.3 Judicial and other remedies:
 - 3.3.1 Writ remedies, Kinds of writ, jurisdiction, powers, against whom writ to be issued, relevant constitutional provisions
 - 3.3.2 Statutory remedies: Civil Suits, Appeals to Courts, Appeal to tribunals, Appeal before the Supreme Courts, SLP, Public Interest Litigation.
 - 3.3.3 Other remedies like Council de Etat, Ombudsman, Lokpal & Lokayukt, self-help etc.
- 3.4 Administrative Tribunal: Definition, Origin, Nature, Scope, reasons for its growth
- 3.5 Characteristics of Administrative Tribunals, Distinction from courts, Kinds of Administrative Tribunals, relevant Constitutional provisions and amendments-effects thereof, Important judicial pronouncements: Case of Sampat Kumar, L.Chandrakumar.

UNIT – 4

4. MISCELLANEOUS:

4.1 Liability of the Government

4.1.1 Contractual Liability

4.1.2 Tortious liability, Doctrine of Estoppel, Crown Privilege

4.2 Public Corporation: Definition, Characteristics, Control over public Corporations

4.3 Right and Liabilities of Public Corporations, Control over public Corporations

4.4 Vigilance Commission,

4.5 Doctrine of Legitimate Expectation, Doctrine of Unjust Enrichment

SUGGESTED READING:

1. U.P.D.kesri, Administrative Law ,20 Edn.2008,CPL ,Allahabad.
2. S.P.Santhe , Administrative Law ,ALAP ,Allahabad.
3. Kailash Rai ,ALAP ,Allahabad.
4. Dr.G.S.Sharma ,Administrative Law ,UBH ,Jaipur
5. Molan,Text Book Administrative Law ,3rdEdn.
6. Baret ,Constitutional and Administrative Law ,4 Edn.

LABOUR AND INDUSTRIAL LAW-I (190303)

OBJECTIVE OF THE COURSE:

Protection of labour a constitutional mandate. A constitutional inspire by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is factor of national progress. Labour makes significant contribution in this respect.

Is labour merely a commodity? Is it only a factor in production? There may be different approaches towards this question. One fact is certain. Today's labour is engaged in a battle for position of honour and status equal with managements. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulations is relating to the employment of the work force. Its wings speared wider. It has aim on the societal impulses on, and state reactions to the complex social-economic, human and political problems arising out of the constant conflicts between different classes.

The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudents.

In order to meet with the above objectives important labour law are divided into two courses to be studied in Sem. III and IV respectively.

SYLLABUS:

UNIT – 1

1. THE INDUSTRIAL DISPUTES ACT, 1947

- 1.1 Scope, objective and main features of the Act, Definition: Industry, Industrial Dispute (Individual and collective), Workmen etc. and judicial pronouncement.
- 1.2 Authorities under the Act : Works committee, conciliation, courts of inquiry, labour court, Tribunal
- 1.3 Procedure, powers and duties of the Authorities
- 1.4 Strikes and Lock- outs, lay-off and Retrenchment
- 1.5 Unfair labour practices

UNIT – 2

2. THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

- 2.1 Application of the Act
- 2.2 Standing orders. Model standing orders,

2.3 Certification and cancellation of standing orders

2.4 Provisions of Appeal

2.5 Disciplinary procedures: Departmental enquiries

UNIT – 3

3. TRADE UNIONS ACT, 1926

3.1 History and development of trade unionism in India

3.2 Registration of trade union: procedure

3.3 Rights and Liabilities of registered trade unions

UNIT – 4

4. GUJARAT INDUSTRIAL RELATIONS ACT (FORMER BIR ACT) & COLLECTIVE BARGAINING.

4.1 Important definitions: Industry, Workmen, Employee, Wage Board,

4.2 Classification of unions: Primary union, qualified union, representative union

4.3 Right, duties and privileges of the representative union

4.4 Notice of change

4.5 Concept and importance of principle of collective bargaining

SUGGESTED READING:

1. Srivastava K.D. Commentaries on payment of wages Act, 1936, Eastern book, Lucknow.
2. Srivastava K.D. Commentaries on minimum wages Act, 1948 Eastern book, Lucknow.
3. Rao S.B. Law and practice on minimum wages, law publishing House, Allahabad.
4. Sheth D.D. commentaries on industrial dispute Act, 1947, law publishing house, Allahabad.
5. Srivastava K.D. commentaries on factories Act, 1948, Eastern, Lucknow.
6. R.C.Saxena, Labour problems and social welfare chapter 1.5 and V.V.Giri, labour problems in Indian Industry cha.1 and 15
7. Indian Law institute, labour law and labour relation, Cochin University law review. Vol.6 app. 15-210
8. Report of the national commission on labour ch.14-17, 22, 23 and 24
9. O.P.Malhotra, The law of industrial dispute, universal, Delhi.
10. S.C. Srivastava, social security and labour laws, universal, Delhi
11. S.C. Srivastava, Commentary on the factories Act, 1948 universal, Delhi

PRINCIPLES OF TAXATION LAWS (190304)

OBJECTIVE OF THE COURSE:

Power to tax has been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax is not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be confirmed on the state.

The power to tax shall not go unregulated. In the context of a federal structure the distribution of the taxing powers assumes added significance. Obviously, a study of the constitutional frame work on taxation becomes important. Along with this, an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the union and the states.

SYLLABUS:

UNIT - 1

1. BASIC CONCEPTS EXTENT AND COMMENCEMENT

- 1.1 Person-Residential status and tax planning
- 1.2 Computation of total income
- 1.3 Income which do not form part of total income
- 1.4 Deduction to be mad in computing total income
- 1.5 Income forming part of total income on which no income tax is payable.

UNIT - 2

2. HEADS OF INCOME TAX

- 2.1 Salary
- 2.2 Income from House Property
- 2.3 Profits and gains of business or profession-Depreciation allowance and development –rebate
- 2.4 Capital gains
- 2.5 Agricultural and non-agricultural Income.

UNIT - 3

3. MISCELLANEOUS

- 3.1 Income From Other Sources
- 3.2 Set off and carry forward of losses
- 3.3 Procedure for assessment-Rebate and relief-Collection recovery and refund of tax

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- 3.4 Income Tax Authorities
 - 3.5 Appellate tribunal reference to high court
 - 3.6 Penalty and prosecution.

UNIT - 4

4. GOODS AND SERVICE TAX

- 4.1 GST in India : Concept, Nature and Features of GST
- 4.2 Need & Benefits of GST
- 4.3 Relevant Definitions
- 4.4 Constitutional Validity of GST
- 4.5 Taxes subsumed in GST
- 4.6 Incidence of Tax
- 4.7 Basic Concepts – Supply, Composite and Mixed supplies, Charge of tax
- 4.8 GST Council

SUGGESTED READING:

1. Law of Taxation –Taxman
2. Law of Taxation - Dr. Myneni
3. Law of income tax -V.K.Sushakumari
4. Income Tax Law –Dutta
5. Income Tax Act -O.C.Tandon
6. Law of Income Tax -Kailash Rai
7. PoddarAvinashS : Glimpses of GST , CCH India – A Wolter Kluwer Business
8. Batra Ashok, GST Law and Practice, CCH India– A Wolter Kluwer Business
9. Datey V S, GST Ready Reckoner, Taxmann
10. Mohan Rajat Illustrative Guide to GST, Bharat Law House
11. PoddarAvinash S., Desai Mehul P., GST Saral Samjhuti, SBD Publication, Ahmadabad

INTERPRETATION OF STATUTES (190305)

OBJECTIVE OF THE COURSE:

Interpretation of statute became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old existing statutes contextually relevant, court used to develop certain rules, doctrines and principal of interpretation. Judiciary plays a highly creative role in this respect. What are the techniques adopted by court in construing statutes? How are they successful in their strategy?

SYLLABUS

UNIT - 1

1. GENERAL RULES OF STATUTORY INTERPRETATION

- 1.1 Meaning of the term Statute
- 1.2 Commencement, operation and repeal of statute
- 1.3 Purpose and importance of interpretation of statutes
- 1.4 Meanings: interpretation and construction
- 1.5 Rules of statutory interpretation
 - 1.5.1 Primary rules
 - 1.5.2 Literal rules
 - 1.5.3 Golden rules
 - 1.5.4 Mischief rules (rule in Heydon's case)
 - 1.5.5 Rules of harmonious construction.
 - 1.5.6 Secondary rules
 - Noscitur a social
 - Ejusdem generis
 - Redden do singular singles

2. AIDS TO INTERPRETATION

- 2.1 Internal aids
 - 2.1.1 Title, preamble, heading and marginal notes
 - 2.1.2 Sections and sub section, punctuation marks
 - 2.1.3 Illustration, exception, provision and saving clauses
 - 2.1.4 Schedules, Non – Obstante Clause
- 2.2 External aids
 - 2.2.1 Dictionaries

2.2.2 Translations.

2.2.3 Travaux Preparations

2.2.4 Statutes in pair materials

2.2.5 Contemporanea Exposito

2.2.6 Debates, Inquiry Commission Report and Law Commission Reports.

3. PRESUMPTIONS IN STATUTORY INTERPRETATION

3.1 Statutes are valid

3.2 Statutes are territorial in operation

3.3 Presumption as to jurisdiction

3.4 Presumption against what is inconvenient or absurd

3.5 Presumption against Intending Injustice

3.6 Presumption against Impairing Obligations or Permitting Advantage from One's own Wrong

3.7 Prospective operation of statutes

4. INTERPRETATION WITH REFERENCE TO THE SUBJECT MATTER AND PURPOSE AND PRINCIPLES OF CONSTITUTIONAL INTERPRETATION

4.1 Interpretation with Reference to the subject Matter and Purpose

4.2 Restrictive and beneficial construction

4.3 Taxing statutes

4.4 Penal statutes

4.5 Principle of constitutional Interpretation

4.5.1 Harmonious construction

4.5.2 Doctrine of pith and substance

4.5.3 Doctrine of Repugnancy

4.5.4 Prospective overruling

4.5.5 doctrine of eclipse

SUGGESTED READING

1. G.P.Singh, Principle of statutory interpretation, wadhwa, Nagpur.
2. P.st.langan(Ed.),Maxwell on the interpretation of statutes, N.M.Tripathi, Bombay
3. K.Shanmukham,N.S.Binclras interpretation of statutes, the law book compay Allahabad
4. V.Shastrri interpretation of Statutes ,Eastern, Luchnow

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5. M.P.Jain, Constitution law of india, wadhva and co.
 6. M.P.Singh (Ed.)V.N.Shukla constitution of india, Eastern, Luchnow
 7. U.Baxi , Introduction to justice K.K. Mathew Democracy Equality and freedom.

PUBLIC INTEREST LAWYERING (190306)

OBJECTIVE OF THE COURSE:

The entire paper is designed taking into consideration the development, growth, popularity and importance of Public Interest Litigation in the country. It is expected from the law students to thoroughly digest necessary principles, rules, cases and relevant Constitutional provisions before initiating Public Interest Litigation. The object of the PIL is to secure and protect the fundamental rights of people at large, more particularly the rights of poor, illiterate and ignorant people. The study of relevant constitutional provisions is also must. In this course students will also study the concept of PIL by observing the trend of Judicial Activism of the Courts as well as landmark decisions of the courts in important areas like Human Rights, Environment Protection, Protection of Rights of Women, prevention of Misuse of Powers by Public Officials etc. Students are expected to study and prepare themselves by studying Hypothetical problems also. The new entrant to the Bar must know that the Public Interest Litigation is not for gaining cheap popularity or taking revenge or for obtaining personal benefit. The course is designed for imparting theoretical as well as practical knowledge of Public Interest Litigation.

SYLLABUS:

UNIT-1

1. PUBLIC INTEREST LAWYERING:

- 1.1 Historical Background of PIL, Concept and Meaning,
- 1.2 Origin of PIL in other countries and in India
- 1.3 Development & Scope of PIL in India
- 1.4 When PILs can be filed and when cannot be filed?
- 1.5 PIL – As a silent Revolution
- 1.6 PIL – Relaxation of the Principle of Locus Standi

2. POWERS OF THE COURTS TO ENTERTAIN PUBLIC INTEREST LITIGATION:

- 2.1 Jurisdiction of the Courts to hear PILs :
 - 2.1.1 Relevant Constitutional Provisions : PIL – part of Writ Jurisdiction
 - 2.1.2 Powers of High Courts under Article 226 of the Constitution
 - 2.1.3 Supreme Court Powers under Article 32 and Article 142 of the Constitution
- 2.2 The High Court of Gujarat [Practice and Procedure for Public Interest Litigation] Rules, 2010 and proforma for filing PIL before the High Court of Gujarat

2.3 Powers of Courts to award compensation in PILs

2.4 Precautions necessary for a lawyer before filing PILs

3. ADVANTAGES, DISADVANTAGES AND LIMITATIONS OF PILS:

3.1 Advantages of PIL :

3.1.1 Blessings for poor and illiterate persons

3.1.2 Protecting Human Rights of Prisoners (Including Article 21), persons in police custody

3.1.3 An effective tool for protection of Environment

3.1.4 Necessary to prevent politicians / Executives from exercising arbitrary powers

3.1.5 Necessary to issue guidelines in the event of lacuna of law in any situation (Article 142)

3.1.6 Necessary for Protecting Women's Rights and safety

3.1.7 Necessary for maintaining independence and impartiality of Judiciary

3.1.8 Other advantages of PIL

3.2 Disadvantages of PILs :

3.2.1 Breach of doctrine of Separation of Powers

3.2.2 Responsible for Judicial over-activism

3.2.3 Often difficult for the Executives to obey orders due to financial constraints, shortage of time or for other reasons

3.3 Limitations of PILs:

3.3.1 Every wrong cannot be rectified through PIL

3.3.2 Impossible to curtail the misuse of PIL by the Courts

3.3.3 Consumption of time during litigation

3.3.4 Problems of implementation of orders through administrative agencies and practical difficulties to implement the orders

4. JUDICIAL PRONOUNCEMENTS AND HYPOTHETICAL PROBLEMS RELATED TO PILS :

4.1 Important Judicial Pronouncements of the Supreme Court in various areas like Human Rights, Environment, Protection of FRs of people at large, Compensation to victims etc. (Latest important cases may be taken into consideration)

4.2 For laying down important Principles like : Polluter Pays Principle, Public Trust Doctrine, Precautionary Principle, Principle of Absolute Liability, Principle of Sustainable Development etc.

4.3. Problems of PILs based on Hypothetical Facts.

SUGGESTED READING

1. Kailas Rai : Public Interest Lawyering
2. Dr. B. L. Wadehra, Public Interest Litigation,
3. Universal Law Book Publication V. N. Shukla,
4. Constitutional Law of India , Eastern Book Company
5. M. P. Jain, Constitutional Law of India ,
6. Eastern Book Co.
7. Pandey J. N., Constitution of India,
8. M. P. Jain, Constitutional History of India
9. Dr. N. V. Paranjape, Public Interest Litigation, Legal Aid & Services, Lok Adalats& Para-Legal Services, Central Law Agency
10. Dr. S. S. Sharma, Legal Services, Public Interest Litigation and Para-legal Services, Central Law Agency S. Bava, Public Interest Litigation, Allahabad Law Agency.

Saurashtra University

Syllabus

Semester Four

No.	Course Code	Course Name	Marks	Credit
1	190401	Jurisprudence	100	5
2	190402	Family Law – II	100	5
3	190403	Labour and Industrial Laws - II	100	5
4	190404	Company Law	100	5
5	190405	Human Rights Law and Practice	100	5
6	190406	Foundation/Soft Skill – Project Work	100	2

JURISPRUDENCE (190401)

OBJECTIVE OF THE COURSE:

At the heart of the legal enterprise is the concept of law, without a deep understanding of the concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and teleological foundation for the discipline, pedagogy becomes a mere teaching of the rules. It is not unable to present various statutes, cases procedure, practices and customs as a systematic body of knowledge, nor is it able to show the inter-connection between these various branches of law, procedures and principles. The fact that the basic nature and purpose of law should be clear to every student and that it should be the very foundation of law teaching needs little argument. A course in jurisprudence should, primarily, induct the student into a realm of questions concerning law so that he is able to live with their perplexity of complexity and is driven to seek out answers for himself.

It may not be possible that a one year jurisprudence course can impart knowledge of doctrines about law and justice, developed over the year, in various nations and historical situations. At best an undergraduate course should impart the analytical skill and equip the student with the basic problems concerning law and the types of solutions sought. Thus the student not only will be able to use this skill in practice but also is motivated to take up detailed historical studies on his own after the course. Since a basic idea in the designation of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teachers should try to make use of the Indian materials as far as possible.

SYLLABUS :

UNIT -1

1. INTRODUCTION AND SOURCES OF LAW:

- 1.1 Meaning and Importance of the term 'Jurisprudence'
- 1.2 Nature and Definition of Law, Relation between : Law and Morality, Law and Justice
- 1.3 Sources of Law : Legislation, Customs, Precedents : Concept of State decisions Writings.

UNIT - 2

2. SCHOOLS OF JURISPRUDENCE:

- 2.1 Analytical Positivism: Bentham and Austin's view, Criticism of Austin's theory of Positivism
- 2.2 Natural Law School, Historical school, Sociological School
- 2.3 Kelson's Pure Theory of Law, H.L.A Hart's theory

UNIT - 3

3. LEGAL RIGHTS, DUTIES, PERSONS, TITLES, LIABILITIES ETC:

- 3.1 Rights, Duties and Wrongs: Definitions and relationship, Rights Legal Rights as defined by Hopfield, Right –Duty Correlations
- 3.2 Nature of Personality: Corporation Sole and Aggregate, Rights & Liabilities
- 3.3 Corporate Personality: Corporation Sole and Aggregate, Rights & Liabilities
- 3.4 Status of the Unborn, Minor, lunatic, Drunken and Dead persons
- 3.5 Kinds of legal Rights and duties.
- 3.6 Liabilities: conditions for imposing liabilities, Mens rea, International, Negligence, Vicarious liability, Strict Liability,
- 3.7 Theories of Punishment

UNIT - 4

4. OWNERSHIP, POSSESSION AND PROPERTY:

- 4.1 Possession: Definition, concept and importance
- 4.2 Kinds of possession, Essentials of possession: Corpus Possessions And Animus Possidendi.
- 4.3 Ownership: Definition, Concept, kind of ownership
- 4.4 Distinction between ownership and possession, kind's property

SUGGESTED READING:

1. Bodenheim Jurisprudence – The Philosophy and Method of Law (1996), Delhi. Fitrgersld, (ed) Salmond on Jurisprudence, Tripathi, Bombay.
2. W.Friedranann, Legal Throry, Universal, Delhi,
3. V.D. Mahajan Jurisprudence and Legal Theory, Eastern, Lucccknow M.D.A Freeman (ed).
4. Lloy's Introduction to Jurispridence, Sweer& Maxwell Paton G.W. Jurispridence Oxford, ELBS
5. H.L.A Hart The concept of law, Oxford ELBS

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6. Roscoe Pound introduction to the philosophy of Law, Universal Delhi
 7. Dias, Jurisprudence, Adithaya Books New Delhi
 8. Dhyani S.N., Jurisprudence A Study of Indian Legal Theory, Metropolitan, New Delhi.

FAMILY LAW–II (190402)

OBJECTIVE OF THE COURSE:

The course structure is designed mainly with flute objectives in view. One is to provide adequate sociological perspectives so that basic concepts relating, to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities with large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon regions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

SYLLABUS:

UNIT - 1

1. JOINT FAMILY:

1.1 Mitakshara Joint Family

1.2 Mitakshara coparcenary -

1.2.1 Formation and Incidents

1.2.2 Property under Miltakshara Law –Suppurate property and coparcener/
property

1.3 Dayabhagacoparacenary–

1.3.1 Formation and Incidents

1.3.2 Property under Dayaybhaga law

1.4 Karta of the Joint family – His position, Powers Privileges and Obligations

1.5 Alienation of Property – Separate and Coparcenary.

1.6 Partition and Re – union.

1.7 Joint Hindu family as a Social Security Institution and Impact of Hindus Gains of Learning Act and Various tax laws on it.

UNIT - 2

2 INHERITANCE:

2.1 Hindus

2.1.1 Historical Perspective of Traditional Hindu Law as a background to the study of the Hindu Succession Act; 1956

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- 2.1.2 Succession to property of a Hindu male dying intestate under the provisions of the Hindu Succession Act, 1956.
 - 2.1.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions: of the Hindu Succession Act, 1956.
 - 2.1.4 Succession to property of Hindu Female dying intestate under the Hindu Succession Act, 1956
 - 2.1.5 Disqualification relating to succession, General rules of Succession
 - 2.2 Muslims
 - 2.2.1 General Rules of Succession and Exclusion from Succession.
 - 2.2.2 Classification of Heirs under Hanafi and Ithana Ashria school and their share and distribution of property
 - 2.3 Christians, Parsis and Jews
 - 2.3.1 Heirs and their shares and distribution of property under Indian Succession Act of 1925
 - 2.3.2 Testamentary Succession under the Indian Succession Act : Rules for distribution of property of Christians, Parsis and Jews
 - 2.3.3 Distribution of property of Christians, Parsis and Jews dying intestate.

UNIT - 3

3. GIFTS:

- 3.1 Essentials of valid Gift under Different Family Laws:
- 3.2 Kinds of Gift: Competency of Donor and Donee, Subject Matter of Gift, properties which can be and cannot be the subject matter of gift, void gifts.
- 3.3 Essentials of Valid Hiba (Gift) under Muslim Law, Kinds of Hiba, Sadquah, Marz-ul-maut, Revocations of gift.

UNIT - 4

4. FAMILY COURT ACT AND MISCELLANEOUS PROVISIONS:

- 4.1 Family Courts: Concept, need, Law Commission Reports
- 4.2 Powers and Jurisdiction of the Family Court
- 4.3 Issue to be decided by the family Court, Qualifications of Family Court Judge
- 4.4 Provisions regarding appearance of advocates in family courts Exemption from Court fees etc.
- 4.5 Provisions of Appeal under the Family Courts Act
- 4.6 Salient Features of the Protection against the Domestic Violence Act, 2005

SUGGESTED READING:

1. Paras Diwan, Family Law
2. Paras Diwan, Law of Intestate and Testamentary Succession (1 PPS), Universal Law Books.
3. Basu, N.D., Law of Succession, Universal
4. Kusem, Marriage and Divorce Law Manual, Universal
5. Machanda S.C., Law and Practice of Divorce in India, Universal
6. P.V. Kane History of Dharamansasstras Vo;.2 Ptl at 624-632
7. A.Kuppsuwami (ed.) Mayne's Hindu Law and Usage Ch.4
8. B.Sivramayys, Inequalities and the Law
9. K.C.Daiya, " Population control through family planning n India, " Indian Journal of Legal Studies.
10. J.D.M Derrett, Hindu Law
11. Fyzee Outlines of Muhammadan law
12. Alladi Kappuswami (ed.) Mayne's Hindu Law and Used J.D.M Derret a Critique of Modern Hindu Law.

LABOUR & INDUSTRIAL LAW –II (190403)

OBJECTIVE OF THE COURSE:

Protection of labour a constitutional mandate. A constitutional inspire by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is factor of national progress. Labour makes significant contribution this respect.

Is labour merely a commodity? Is it only a factor in production? There may be different approaches towards this question. One fact is certain. Today's labour is engaged in a battle for position of honour and status equal with managements. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulations is relating to the employment of the work force. Its wings speared wider. It has aim on the societal impulses on, and state reactions to the complex social-economic, human and political problems arising out of the constant conflicts between different classes.

The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudents.

In order to meet with the above objectives important labour law are divided into two courses to be studied in Sem. III and IV respectively.

SYLLABUS:

UNIT - 1

1. PAYMENT OF WAGES ACT AND PAYMENT OF BONUS ACT

1.1 PAYMENT OF WAGES ACT

- 1.1.1 Application and concept of Wages
- 1.1.2 Important Definitions: Wages, Workman etc.
- 1.1.3 Liabilities of employer for payment of wages
- 1.1.4 Authorized and Unauthorized Deductions
- 1.1.5 Remedies against unauthorized deductions (u/s.15)

1.2 PAYMENT OF BONUS ACT

- 1.2.1 Application and concept of Bonus
- 1.2.2 Important Definitions : Bonus, Employees, continuous Services
- 1.2.3 Calculation of Bonus : Available surplus and allocable surplus

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- 1.2.4 Provisions for new establishments relating to calculation of Bonus,
Calculation of Bonus : Available surplus and allocable surplus
 - 1.2.5 Minimum Bonus & Maximum Bonus ,Qualifications& Disqualifications
for Bonus, Recovery of Bonus.

UNIT - 2

2. FACTORIES ACT, 1948 :

- 2.1 Application of the Act , Important Definitions : Factory , Worker, Manufacturing
Process
 - 2.1.1 Provisions relating to adolescent and women
 - 2.1.2 Provisions relating to working hours for adult workers, woman and
adolescent
- 2.2 Provisions relating to Health of Workers
- 2.3 Provisions relating to safety and Welfare of Workers
- 2.4 Special Provisions relating to Hazardous Process (Chapter IV-A) & provisions
relating to leave with wages
- 2.5 Authorities under the Factories Act

UNIT - 3

3. EMPLOYEES' STATE INSURANCE ACT:

- 3.1 Application and coverage of Act
- 3.2 Important Definitions: Workmen, Benefit Period, Contribution Period, Wages,
Employer.

UNIT - 4

4. PAYMENT OF GRATUITY ACT

- 4.1 Application and coverage of Act
- 4.2 Important Definitions: Wages, Employees, Continuous Service
- 4.3 Qualifications and Disqualifications of Gratuity
- 4.4 Formula for calculation of Gratuity and related judicial Pronouncements
- 4.5 Recovery of Gratuity and authorities under the Act

SUGGESTED READING

1. John Bowers and Simon Honey ball, Text Book on Law, Blackstone, London.
2. Srivastava K.D., Commentaries on payment of Wages Act, 1936Eastern Lucknow.
3. Srivastava K.D., Commentaries on Minimum Wages Act, 1948, Eastern, Lucknow.
4. Rao S.B., Law and Practice on Minimum Wages, Law Publishing House, Allahabad.

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5. Sheth D.D., Commentaries on industrial Disputes Act, 1947, Law Publishing House, Allahabad.
 6. Srivastava K.D., Disciplinary action against Industrial Employees and its remedies, Eastern, Lucknow.
 7. R.C.Saxena, Labour Problems and Social Welfare
 8. V. V.Giri, Labour Problems in Industry Ch. 1 and 15
 9. India Law Institute, Labour Law and Labour Relation, Cochin University law Review, Vol. 6 app. 153-210
 10. Report of the National Commission Labour Ch. 14-17, 22-23, and 24
 11. O. P. Malhotra, The Law of Industrial Dipure, Universal Delhi
 12. S. C. Srivastva , Social Seciurity and Labour Laws Pts. 5 and 6, Universal Delhi
 13. S. C. Srivastva , Commentary on the Factories Act, 1948, Universal, Delhi

COMPANY LAW (190404)

OBJECTIVE OF THE COURSE:

Industrialisation plays a very vital role in the economic development of India. In the post-Independence era, industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, best varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risks. Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

SYLLABUS:

UNIT - 1

1. INTRODUCTION, MEMORANDUM & ARTICLE OF ASSOCIATION:

- 1.1 Company: Definition, Theories of Corporate personality
- 1.2 Kinds of Companies: Private Companies – nature and advantages – Government Companies – holding and subsidiary companies
- 1.3 Registration and Incorporation of company
- 1.4 Memorandum of association, Various clauses, Alteration therein, Doctrine of ultra-virus, Consequences of ultra-virus transaction
- 1.5 Article of Association: binding force , alteration with Memorandum, doctrine of constructive notice and indoor management.

UNIT -2

2. PROSPECTUS, PROMOTERS, SHAREHOLDER& MEMBERS, SHARE CAPITAL ETC.:

- 2.1 Prospectus: contents, Shelf Prospectus, Misrepresentation in prospectus, Remedies for misrepresentation and liabilities thereof
- 2.2 Promoters, Shares, General Principles for allotment, statutory restrictions, share certificates, Transfer of shares, dematerialized shares (DEMAT)
- 2.3 Shareholder and members of company: Distinction, Modes of becoming members of company

2.4 Share Capital: Kinds, alteration and reduction of share capital, Buy back of shares.

UNIT - 3

3. DIRECTORS, DIVIDENDS, AUDIT, ACCOUNTS, OPPRESSION & MISMANAGEMENT ETC.:

3.1 Directors: Position appointment, qualifications, vacation of office, removal, resignation. Powers and duties of directors, Managing Director

3.2 Dividends, Audits and accounts, Debentures, Fixed and floating charges, kinds of debentures, protection of minority rights

3.3 Prevention of Oppression and Mismanagement.

UNIT - 4

4. PROVISIONS FOR RECONSTRUCTION, AMALGAMATION & WINDING UP OF COMPANY:

4.1 Reconstruction and Amalgamation of Company

4.2 Types of winding up: winding up by court; Reasons, grounds, who can apply? Procedure, powers of liquidator, powers of court

4.3 Voluntary Winding Up

4.4 Corporate liability : Civil and Criminal

SUGGESTED READING:

1. Introduction to Company Law : Avtar Singh
2. Company Law : Avtar Singh
3. Principles of Modern Company Law : L.C.B. Gower
4. Company Law : Palmer, Palmer's
5. Guide to the Company Act : Pennington, Company LawA, Ramaiya
6. Lectures on Company Law :S.M.Shah
7. Company Law : Kailas Rai
8. Company Law :N.D.Kapoor&G.K.Kappor

HUMAN RIGHTS LAW & PRACTICE (190405)

OBJECTIVE OF THE COURSE:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary. The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty discriminations based on caste, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders or manufacturers, provisions against hazardous industries and so on and so forth. Human rights are an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them. The following syllabus prepared with this perspective will be spread over a period of one semester.

SYLLABUS:

UNIT - 1

1. HUMAN RIGHTS: GENERAL

1.1 Theoretical Foundations of Human Rights:

- 1.1.1 Meaning Basic Concept and Origin of Human Rights,
- 1.1.2 Source and significance of Human Rights

1.1.3 Different definitions of Human Rights, First Official Use of the term
'Human Right' at UN Meeting, Classification Of Human Rights

1.1.4 Theories of Human Rights

1.2 Historical development of the concept of Human Rights

1.2.1 Human rights in Indian tradition: ancient, medieval and modern.

1.2.2 Human rights in Western tradition

1.2.3 Concept of natural Law, Concept of natural rights

1.2.4 Human rights in legal tradition, international Law and National Law

UNIT - 2

2. UN AND HUMAN RIGHTS:

2.1 International Documents relating to Human Rights

2.1.1 Universal Declaration of Human Rights (1948) : Individual and group
rights, its significance and limitations

2.1.2 International Covenant on Human Rights:

- International Covenant on Civil & Political Rights, 1966
- International Covenant on Economic, Social & Cultural Rights,
1966

2.1.3 I.L.O and other Conventions and Protocols dealing with human rights

2.1.4 Importance and binding effect of above document on the member
countries of UN

2.2 Impact and implementation of international human rights norms in India:

2.2.1 Human rights norms reflected in fundamental rights under the
Constitution of India

2.2.2 Directive Principles legislative and administrative implementation of
international human right norms.

2.2.3 Implementation of international human rights norms thoughts judicial
process.

UNIT - 3

3. HUMAN RIGHTS UNDER THE CONSTITUTION AND DIFFERENT LEGISLATION IN INDIA :

3.1 Provisions for enshrining human rights to Woman and Children

3.2 Human Rights granted to Schedule Caste , Schedule Tribes and other socially and
economically backward communities

3.3 Human Rights of prisoners and arrestees

3.4 Human Rights of victims and development of compensatory jurisprudence

UNIT - 4

4. ENFORCEMENT OF HUMAN RIGHTS AND MACHINERY THEREOF :

4.1 International Commission of Human Rights , Amnesty International

4.2 Role of Courts : the Supreme Court, High Courts and other courts

4.3 Statutory commissions –

4.3.1 National Commission for Women

4.3.2 National Commission for Minority

4.3.3 National Commission for Schedule Castes and Schedule Tribes

4.4 Protection of Human Rights Act,1993

- National Human Rights Commission
- State Human Rights Commission
- Human Right Courts
- Protection of Human Rights Act,1993 : adequacy of the legislation

4.5 Role of various NGOs in the protection of Human Rights

SUGGESTED READING

1. S. K. Avesti and R. P. Kataria, Law Relating Human Rights ,Chh IV,V,VIII,XIV,XXIX, and XXXIX Orient, New Delhi.
2. Human Rights Watch Women's Rights Project. The Human Rights Watch Global Report on Women's Human Rights Oxford
3. Limacora, Network and Tretter, International Human Rights, Sweet & Maxwell
4. Wallace, International Human Rights, Text & Materials, Sweet & Maxwell
5. Muntarbhom. The Status of Refugees in Asia. Oxford
6. Human Rights and Global Diversity, Frank Cass, London
7. Niraml C.J. (ed) Human Rights in India, Oxford
8. P.R. Gandhin, International Human Right Documents, Universal, Delhi.
9. K.C. joshi : Internal Law & Human Rights, Eastern Book Company
10. Dr.VijayChitnis : Human Right and Law : National & Global Perspectives, Snow White Publication Pvt. Ltd.
11. Khwaja Abdul Muntaquim : Protection Of Humna Rights : Law Publisher (India) Pvt. Ltd.
12. Law Realting to Human Rights : Asia Law House

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13. Dr. S.K.Kapoort : Human Rights Under International law Indian Law : Central Law Agency
 14. Dr.Vijay S Chitnis : Human Rights & Princes of Poverty : Snow White Publication Ltd.
 15. Dr. N. Subramanya : Human Rights nd Refugees : A.P.H Publishing Corportation, New Delhi.
 16. MangariRajender : The Protection of Human Rights Act and Relationg Law : Law Book Agency

PROJECT WORK (190406)

OBJECTIVE OF THE COURSE:

Translation of thoughts into words- spoken and written is an essential ingredient of an effective lawyer. The students should be trained in drafting of pleadings and conveyances and other essential documents. The skill of drafting and preparation of relevant documents can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills and preparation of documents skill.

SYLLABUS:

UNIT-1

PROCEDURE FOR JUDICIAL DRAFTING

1. Birth and Death Registration Process
2. Consumer Complain
3. Application / Complaint under the Domestic violence Act
4. How to Draft a Legal Notice and its reply
5. Cr.P.C. 125- Maintenance
6. Labour Complain

UNIT-2 PROCEDURE FOR NON JUDICIAL DRAFTING

1. I.P.R. Registration (Patent, Trademark, Copy Right and Design)
2. Marriage Registration
3. Trust Registration
4. Mortgage Registration

Note : Each students has to prepare any five hypothetical cases with relevant documents.

Cases: 75 Marks

Viva : 25 Marks

SUGGESTED READING:

1. P.S.Narayan Civil Pleading & Practice, Asia Law House
2. P.S.Narayan Criminal Pleading & Practice, Asia Law House
3. K.K. Srivastava, Law Of Pleading, Drafting & Conveyancing, Central Law Agency.
4. K.S. Gopala Krishnan, Pleading and Practice (Civil & Criminal), ALT Publication
5. Universal Law Publishing's Intellectual Property Laws

Saurashtra University

Syllabus

Semester Five

No.	Course Code	Course Name	Marks	Credit
1	190501	Law of Crimes – II (Criminal Procedure Code)	100	5
2	190502	Civil Procedure Code and Indian Limitation Act.	100	5
3	190503	Law of Evidence	100	5
4	190504	Public International Law	100	5
5	190505	Intellectual Property Laws	100	5
6	190506	Foundation – Legal Principles through Case study	100	2

CRIMINAL PROCEDURE CODE (190501)

OBJECTIVE OF THE COURSE:

The criminal process involves increasing expenditure of government resources. At the same time it confronts a crisis of intrusion into individual rights in order to protect the common will. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure, thus, makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, too enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

SYLLABUS:

UNIT - 1

1. CONSTITUTION AND POWER OF CRIMINAL COURTS AND POLICE OFFICER & PROVISION RELATING TO MAINTENANCE OF WIVES, CHILDREN & PARENTS:

- 1.1 Definition : Bailable and Non-bailable offences, Cognizable and Non-cognizable offences, Investigation,
- 1.2 Constitution, Classes of Criminal Courts, Power of superior officers of police, Provision relating to arrest of person, service of Summons
- 1.3 Provision relating to attachment and forfeiture of property, Security for keeping peace and good behaviour
- 1.4 Order for maintenance of Wives, Children and Parents
 - 1.4.1 Maintenance of divorced wives
 - 1.4.2 Judicial Pronouncements

UNIT - 2

2. MAINTENANCE OF PUBLIC ORDER & TRANQUILLITY, INVESTIGATION, INQUIRY AND JURISDICTION OF THE CRIMINAL COURTS AND TRIAL PROCEDURE IN CRIMINAL CASES :

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- 2.1 Maintenance of Public Order & Tranquillity. Power of the police to take preventive actions
 - 2.2 FIR, Criminal Complaint, Power of Police to make investigation, procedure, filing of report, Charge-sheet
 - 2.3 Jurisdiction of Criminal Courts in Inquiries and trials
 - 2.4 Charge :
 - 2.4.1 provisions relating to framing of Charge
 - 2.4.2 Addition of Charge
 - 2.4.3 Alteration of Charge
 - 2.4.4 Separate charges for distinct offences.

UNIT - 3

3. TRIAL PROCEDURE IN CRIMINAL CASES & ITS GENERAL PROVISION:

- 3.1 Criminal Trials :
 - 3.1.1 Trial before the Courts of Session
 - 3.1.2 Warrant Trial Cases by Magistrates-procedure
 - 3.1.3 Summons Trial Cases by Magistrates-procedure
 - 3.1.4 Summary Trials
 - 3.1.5 Distinction : Discharge, Acquittal and Conviction
- 3.2 Plea Bargaining Procedure
- 3.3 General Provisions relating to Inquiries and Trials:
 - 3.3.1 Person once convicted/acquitted, not to be trial for same offence
 - 3.3.2 Public Prosecutor, Legal Aid to accused, Tender of Pardon to accomplice, Compounding of Offences and other provision
- 3.4 Provision as to accused persons of unsound mind
- 3.5 Provision relating to judgment
- 3.6 Submission of Death Sentence for confirmation

UNIT - 4

4. APPEALS, REFERENCE, REVISION, TRANSFER OF CASES, PROVISION RELATING TO BAIL AND BONDS AND MISCELLANEOUS PROVISION

- 4.1 Appeal: Concept - Creation of Statute – Cannot be filed as matter of right
 - 4.1.1 Kinds of Appeal:
 - 4.1.1.1 Against conviction
 - 4.1.1.2 For enhancement of sentence
 - 4.1.1.3 Against acquittal order: By Public Prosecutor & by private person

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- 4.1.1.4 For compensation to victims
 - 4.1.2 When appeal is not permissible?
 - 4.1.3 Special Right to permissible (For non-appealable cases)
 - 4.1.4 Power of the Appellate Courts
 - 4.2 Revision: Scope and purpose
 - 4.2.1 When permissible?
 - 4.2.2 Revision Courts & their power
 - 4.3 Reference: Purpose and Significance
 - 4.4 Execution, Suspension, Remission and Commutation of Sentences
 - 4.5 Provision relating to Bail and Bonds
 - 4.5.1 Bail in Bailable and non Bailable Offences and related Provisions.
 - 4.5.2 Anticipatory Bail.
 - 4.5.3 Approach of the Apex Court in granting Bail.
 - 4.6 Miscellaneous:
 - 4.6.1 Inherent Power of High Courts
 - 4.6.1.1 Power to quash FIR, Criminal Complaints And Criminal Proceedings
 - 4.6.1.2 Judicial approach and guidelines given by The Apex Court while exercising quashing Power by High Courts

SUGGESTED READINGS:

1. Ratanlal & Dhirajilal , Code of Criminal Procedure, Lexis Nexis-Butterworth Wadhwa, Nagpura
2. Chandrasekharan Pillai (Ed), Kelkar Lecture on Criminal Procedure, Eastern, lucknow.
3. Principles, Commentaries on the Code of Criminal Procedure, 2 Vol, Universal
4. Woodroffe : Commentaries on the Code of Criminal Procedure, 2 Vol, Universal
5. Chandrasekharan Pillai (Ed), Kalkars' Outlines of Criminal Procedure, Eastern, Lacknow.
6. AIR Criminal Manoj Act, AIR, Nagpur
7. R.V.Kelkar, Criminal Procedure, Eastern Book Co.
8. C.K. Thakkar, Criminal Procedure Code, Eastern Book Co.
9. S.N. Mishra , Code of Criminal Procedure, 1973 with Probation of Offenders Act and Juvenile Justice (Care & Protection of Children) Act, 2000, Central Law Publication.

CIVIL PROCEDURE CODE & INDIAN LIMITATION (190502)

OBJECTIVES OF THE COURSE:

Civil Procedure is code is subject daily the use by the lawyer and a student cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. True that it is thought expenses one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before one enters the profession. While the substantive law determine the right of parties. Procedure law sets down the norms for enforcement whenever civil rights of persons are affected by action, judicial decision will supply the omission in the law.

The Code of Civil Procedure in India has a chequered history and lays down the details of procedure for Redressal of civil rights. Many questions may prop up when one goes to indicate one's civil rights. The courts where the suit is to be filed, the essential forms and procedure for institution of suit, the documents in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal revision are all matter which a lawyer for any side is be familiar with.

A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter on time, may place courts in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence the Statute of Limitation fixes a period within which a case has to be filed.

SYLLABUS:

UNIT - 1

1. INTRODUCTION, BASIC PRINCIPLES AND JURISDICTION OF THE COURTS :

- 1.1 Concept, Complaint, Written Statements, Affidavit, Order, Judgement, Decree
- 1.2 Restitution, Execution, Decree-holder, Judgment-debter, Mesne Profits
- 1.3 Distinction between decree and judgment and between decree and order.
- 1.4 Kinds and Jurisdiction of Courts, Hierarchy of Courts :
 - 1.4.1 Suits of Civil Name : Scope and limits, Place of Suing, Institution of Suit
 - 1.4.2 Parties to suit, Joinder and Non-joinder and Miss-joinder of Parties, Representative suit, Framing of Suit, Cause of Action,
 - 1.4.3 Res Judicata and Res Sub-Judice, Foreign Judgment & its enforcement

1.4.4 Provision relating to ADR: Settlement of the Disputers outside the courts
(Sec.89)-object, purpose, background and procedure

1.4.5 Issuance of Summons.

UNIT - 2

2. TRIAL PROCEDURE, JUDGMENT, SUITS ,IN PARTICULAR CASES:

2.1 Appearance of parties, Ex-parte procedure, Effect of Death, Marriage & Insolvency of Parties

2.2 Attendance of witnesses, Adjournments, Set off and Counter Claims, Discovery, Inspection & Production of Documents

2.3 Trial procedure, Interim orders : Commission, arrest or attachment before judgment, injunction and appointment of receiver , interest and costs

2.4 Suits in particular cases :

2.4.1 Suits by or against Government/Public Officers (Sec.79-82)

2.4.2 Suit by relating aliens by or against foreign rules or ambassadors (Sec.83-87)

2.4.3 Suits relating to Public nuisance (Sec. 91-93)

2.4.4 Suits by or against firm

2.4.5 Suit by Indigent persons (O.33), Suit of Mortgage

2.4.6 Interpleader suits

2.4.7 Suits relating to public charities

2.4.8 Summary Suits and other special suits

2.5 Execution : Concept, General Principles, Procedure & Powers Execution of Decree (Sec.52-54)

2.6 Enforcement, arrest and Detention (Sec. 55-59), Attachment (Sec.60-64), Sale (Sec.65-97), Delivery of Property , Stay of Execution.

UNIT - 3

3. APPEALS, REVIEW, REFERENCE AND MISCELLANEOUS

3.1 Appeals: Concept and General Provisions

3.1.1 Appeals from original decrees

3.1.2 Appeals from appellate decrees

3.1.3 Appeals from orders

3.1.4 Appeals to the Supreme Court

3.1.5 First Appeal and Second Appeal

3.2 Reference, Review and Revision

3.3 Miscellaneous Provisions:

3.3.1 Transfer of cases

3.3.2 Restitution

3.3.3 Caveat

3.3.4 Inherent power of courts

3.4 Law Reform: Law Commission on Civil Procedure Amendments.

UNIT – 4

4. INDIAN LIMITATION ACT :

4.1 Concept and object of the Act

4.2 Law assists only vigilant and not those who sleeps over his rights

4.3 Distinction and with laches, acquiescence, Prescription

4.4 Extension and suspension of Limitation, Liability of Govt. Departments for delay & Judicial pronouncements

4.5 Sufficient cause for not filling the proceeding :

4.5.1 Illness

4.5.2 Mistaken Legal Advise

4.5.3 Mistaken view of Law

4.5.4 Poverty, minority and Purdah Imprisonment Defective Vakalatnama, Legal Liabilities

4.5.5 Foreign rule of limitation : contract entered into under a foreign law, Acknowledgement – essential requisites continuing tort and continuing breach of contract

SUGGESTED READINGS:

1. Mulla, Code of civil Procedure, Universal, Delhi.
2. C.K.Thakker, Code of civil Procedure, Universal, Delhi.
3. M.R.Mallick(ed),B.B.Mitra on Limitation Act, Eastern Lacknow.
4. Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure, 1908, Universal, Delhi.
5. Jain M.P., Code of Civil Procedure with Amendments, Wadhwa
6. Shah A.N.The code of civil Procedure, Universal, Delhi.
7. Sarkar’s Law of Civil Procedure, Vols , Universal, Delhi.
8. Sukumar Ray, Textbook on the Code of Civil Procedure, Universal, Law Book Co.

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9. Dr. Avtar Singh, Code of Civil Procedure, Central Law Publication
 10. Universal's Code of Civil Procedure
 11. Jain M P, The Code of Civil Procedure , Wadhwa Nagpur Publication
 12. Dr. Avtar Singh, Code of Civil Procedure, Central Law Publication
 13. Mathur D.N., The Code of Civil Procedure , Central Law Publication
 14. U.N.Mitra , Limitation and Prescription
 15. AIR Commentaries on the Limitation Act
 16. SR. Myneni, Law of Limitation Asia Law House , Hyderabad

LAW OF EVIDENCE (190503)

OBJECTIVES OF THE COURSE:

The law of evidence is an indispensable part of both substantive and procedure laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. This paper enables the students to appreciate the concepts and principles underlying the law of evidence and identify the recognized form of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the both. The art of examination and cross-examination and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

SYLLABUS:

UNIT - 1

1. INTRODUCTION, DEFINITIONS AND RELEVANCY OF FACTS:

- 1.1 Main feature of the Evidence Act and its applicability
- 1.2 Definitions: 'Proved', 'Disproved' and 'Not Proved', 'May Presume' and 'Shall Presume', 'Conclusive Proof'
- 1.3 Relevancy of Facts, Facts in Issue, Distinction between them
 - 1.3.1 Facts necessary to explain/introduce relevant facts
 - 1.3.2 When Facts not otherwise relevant become relevant
- 1.4 Admission: Definition
 - 1.4.1 Admission by different person,
 - 1.4.2 Oral admission, relevant provisions
- 1.5 Confession: Distinction between Admission and Confession
 - 1.5.1 Confession made before different persons/ authorities and its relevancy and evidence importance, relevant
- 1.6 Distinction between oral and Documentary Evidence
- 1.7 Statement by persons who cannot be called as witnesses
- 1.8 Statements made under special circumstances
- 1.9 Judgments of courts of justice, when relevant
- 1.10 Relevancy of Opinion of Third persons

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- 1.11 Opinion of Experts
 - 1.12 Opinion as to Handwriting Experts
 - 1.13 Opinion as to digital signature other relevant provisions as to expert opinion
 - 1.13.1 Relevancy of opinion as to character.

UNIT - 2

2. TYPES OF EVIDENCE :

- 2.1 Judicial Notice
- 2.2 Oral Evidence : General Provisions
- 2.3 Documentary Evidence : General Provision
 - 2.3.1 Primary and Secondary Evidence and its related provisions
 - 2.3.2 Special provision as to evidence relating to electronic record and its Admissibility, proof as to digital Signature & its Verification
 - 2.3.3 Public documents and private documents
- 2.4 Presumption as to documents including Gazettes in electronic forms
- 2.5 Statement by persons who cannot be called as witnesses
- 2.6 Presumption in case of Dowry Death and cases involving violation of women's rights

UNIT - 3

3. DYING DECLARATION, STAGES OF EXAMINATION OF WITNESSES :

- 3.1 Dying Declaration : Definition, Principles for relying upon Dying Declaration
 - 3.1.1 Evidence Value of Dying Declaration
 - 3.1.2 Essentials for recording Declaration
 - 3.1.3 Judicial Approach for appreciation the contents of Dying Declaration
- 3.2 Stages of Examination of Witnesses :
 - 3.2.1 Examination in chief.
 - 3.2.2 Cross Examination :
 - Essentials
 - Art of Cross Examination
 - 3.2.3 Re-examination
- 3.3 General Principles of Examination and Cross Examination
- 3.4 Lawful question in Cross Examination
- 3.5 Leading question
- 3.6 Hostile witness, Impeaching of the standing or credit of witness

UNIT - 4

4. BURDEN OF PROOF AND ESTOPPEL:

4.1 Burden of Proof :Meaning

4.1.1 The general conception of onus probandi

4.1.2 General and special exceptions to onus probandi

4.2 The Justification of presumption and of the doctrine of judicial notice

4.3 Justification as to presumption and as to certain offences

4.3.1 Presumption as to abetment of suicide by a married woman (Sec. 113-A) and dowry death (Sec. 113-B)

4.3.2 Presumption as to absence of consent in certain prosecution for rape (Sec.114.A)

4.4 The Scope of the Doctrine of judicial notice (Section-114)

4.5 Estoppel: Meaning, importance

4.5.1 Distinction : Estoppel, Res Judicata, Waiver and presumption

4.5.2 Kinds of Estoppel:

- Estoppel by deed
- Estoppel by conduct
- Equitable and Promissory Estoppel
- Tenancy Estoppel

4.6 Question of corroboration (Section 156-157)

SUGGESTED READING:

1. Sarkaar and manohar , Sankar and Evidence, Wadha& Co. Nagpur
2. Sir John Wood Roffe& Syed S. Amir Ali's Law of Evidence Vol.1-4
3. Indian Evidence Act, (Amendment up to date)
4. Rattan Lal & Dhiraj Lal, Law of Evidence, LexisNexis – Butter worths
5. Wadhwa, Nagpur
6. Pole in Murphy, Evidence Universal, Delhi.
7. Albert S. Osborn, The Problem of Proof, Universal Publication, Delhi.
8. Avtar Singh, Principles of the Law of Evidence, Central Law Agency, New Delhi.
9. Batuk Lal, The Law of Evidence , Central Law Agency.

PUBLIC INTERNATIONAL LAW (190504)

OBJECTIVES OF THE COURSE:

The main thrust of this course shall be development of human rights law and jurisprudence at international, regional and national levels. There need not be an attempt to teach the whole gamut of international law in this course. The Human Rights Dimensions shall be discussed in other papers like Environmental Law in the Municipal Laws of the member nations.

SYLLABUS:

UNIT -1

1. DEFINITION AND CONCEPT OF INTERNATIONAL LAW:

- 1.1 Definition
- 1.2 Public International Law & Private International Law
- 1.3 Nature Of International Law and its functions
- 1.4 International Law – A weak law
- 1.5 Development of International Law in India

UNIT -2

2. THEORETICAL FOUNDATIONS OF INTERNATIONAL LAW:

- 2.1 Basic Principles : Sovereign equality of State – Non-intervention, Non use of force, International co-operation, Peaceful settlement of dispute
- 2.2 Individuals as subject of international law
- 2.3 State Jurisdiction on Terrorism, hijacking, Narcotics, War crimes and Crimes against Peace
- 2.4 Treatment of Aliens
- 2.5 Mechanism: Amnesty International, International Labour Organization (ILO) UNESCO , UNICEF.

UNIT-3

3. CONCEPT:

- 3.1 Sources of International Law : Customs, Treaties, General Principles of Law recognized by the Civilized Nations, Judicial Decisions, Writing of Jurists, Equity, Resolutions of General Assembly
- 3.2 Subjects of International Law
- 3.3 Jurisdiction of States

3.4 Legal Responsibility of State

UNIT - 4

4. MISCELLANEOUS:

4.1 States, Recognition, State Territory, State Jurisdiction, State Responsibility

4.2 Aliens

4.3 Extradition

4.4 Asylum

4.5 Treaties

4.6 Security Council

4.7 International Terrorism: Aircraft Hijacking, Piracy

4.8 Disarmament: Threat to Human Rights

SUGGESTED BOOK:

1. S.K. Verma, Public International Law Practice – Hall, New Delhi.
2. Peter J. VanKrieken (ed). The Exclusion on Clause, Kluwer
3. S Rights Project. The Human Rights Watch Global Report on Women's Human Rights, Oxford
4. Limacora, Nowak and Tretter, International Human Rights, Sweet & Maxwell
5. Wallace, International Human Rights, Text & Materials, Sweet & Maxwell
6. Muntrabhom. The State of Refugees in Asia, Oxford
7. Human Rights and Global Diversity, Frank Cass, London
8. Nirmal C.J. (ed) Human Rights in India, Oxford
9. Nirmal B.C. The Rights to Self determination in International Law, Deep & Deep
10. P.R. Gandhin, International Human Right Documents, Universal, Delhi.
11. Agrwal : Public International Law
12. Dr. S.K.Kapoor : International Law : Central Law Agency

INTELLECTUAL PROPERTY LAWS (190505)

OBJECTIVES OF THE COURSE:

The importance of this Branch of their law is to be sufficiently realized in the India Legal Education. Compendious courses on the law of copyright, trademarks and patents are offered in few law schools as option courses, but these do not either integrate the significance of these subject matters under any comprehensive aspect of “Modernization” or “Development” nor do they spread even emphasis between and among the subject areas represented by these interconnected bodies of the law.

The Three areas are now internationally conceptualized as representing intellectual property. It is often the case that while the law of patents and trademarks is referred to as industrial property, the law relating to copyright is named intellectual property. While both these terms could be suitably invoked, we here speak of intellectual property as signifying all the three bodies of the law as well as the law on industrial designs.

Unlike other forms of property, refers to regimes of legal recognition primarily the products of the mind or imagination. The subject matter of property related rights is here pre-eminently based on mental labour the law relating to intellectual property protects the rights mental labour.

The law confers rights of proprietary nature on relative intellectual labour primarily on the basis that it is in the interest of society and state to promote creativeness and inventiveness. Limited monopoly provides incentive for greater inventive and innovative efforts in society. An important aspect of the exploration in this course would be the ways in which the laws strike a fair balance between the interests and rights of the intellectual labourers on the one hand and organized industrial enterprises on the other dimension in a study of the in which this regime of laws militates against or favours, community in national culture.

As concerns “Modernization” crucial arises in the field of copyright protection in computer software and hardware, interest electronic music and scientific research. Both copyright, trademarks, design and patent law here relate basically to law of unfair competition and constitute an aspect of consumer protection and welfares not only in the context of national perspectives but also in view of globalization already set in. Both from the standpoint of human resources development, modernization and justice. It is important that the curricular change takes serious notice of these areas.

SYLLABUS:

UNIT - 1

1. INTRODUCTORY:

- 1.1 The meaning of intellectual property
- 1.2 Competing rationales of the legal regimes for the protection of intellectual property
- 1.3 The main forms of intellectual property : copyright trademarks, patents, designs
- 1.4 Other new forms such as plant varieties and Geographical Indications: Introduction to the leading international instruments concerning intellectual property rights: The Berne Convention Copyright Convention, Union TRIPS the World Intellectual Property Rights Organization (WIPO) and the UNESCO.
- 1.5 The status and position of IPRs in context with the International Regime
- 1.6 Amendments in various legislations relating to IPRs India including legislation of patent, Copyright and Trademark in India and effects thereof.

UNIT - 2

2. SELECT ASPECTS OF THE COPYRIGHT LAW IN INDIA:

- 2.1 Historical evolution of the law
- 2.2 Meaning of copyright,
- 2.3 Availability of Copyright protection :
 - 2.3.1 Copyright in literary and Artistic work, dramatic and musical works
 - 2.3.2 Copyright in sound records and cinematograph films
 - 2.3.3 Copyright in computer program, Internet and database
- 2.4 Author and Ownership of copyright, Term of copyright, authorities under The copyright Act and their power, Registration of copyright, copyright Society and its powers, Appeal provisions
- 2.5 Rights conferred by copyright, Assignment, Transmission and Relinquishment of copyright, Provisions relating to licence
- 2.6 Infringement of Copyright: Criteria, various types of infringement
- 2.7 Acts not constituting infringement, Fair use provision, Piracy in internet
- 2.8 International copyright
- 2.9 Remedies and Penalty provision.

UNIT -3

3. INTELLECTUAL PROPERTY RIGHTS IN TRADEMARKS AND DESIGN:

- 3.1 The rationale of protection of trademarks as (a) aspect of commercial and (b) of consumer rights, Definition and concept to trademarks in goods & services
- 3.2 Registration, Distinction trademark and property mark, the doctrine of honest current use, Doctrine of deceptive similarity Protection of well-known marks
- 3.3 Passing off and infringement of trademarks: (Definitions, Concept and Distinction)
- 3.4 Standard of proof in passing off action
- 3.5 Remedies and Penalty provisions
- 3.6 Industrial Designs, Designs Act, 2000: Authorities, Procedure for registration of designs, Controller and Registrar: power and duties, assignment and transmission of designs, Power of the Central Government, Copyright on Industrial Designs: related provision to designs, piracy of designs, Remedial aspects, Appeal provision,

UNIT -4

4. THE LAW OF INTELLECTUAL PROPERTY: PATENT

- 4.1 Concept of patent, Essentials, Historical view of the patents law in India
- 4.2 Patentable inventions with special reference to biotechnology products entailing creation of new forms of life including Amendments of the year 2005
- 4.3 Patent protection for computer programme and computer software
- 4.4 Process of obtaining a patent :
 - 4.4.1 Application and examination: Procedure, Essentials for obtaining patent : Elements of Novelty, Non-obviousness
 - 4.4.2 Opposition and sealing patent : general introduction, Grounds for opposition
 - 4.4.3 The problem of limited locus standi to oppose, especially in relation inventions having potential of ecological and mass disaster
- 4.5 Patent Co-operation treaty : Object, reasons and important provisions
- 4.6 Wrong fully obtaining the invention: Prior Publication or anticipation, Obviousness and the lack of inventive step, Insufficient description
- 4.7 Rights and obligations of a Patentee :
 - 4.7.1 Patents as chose in action
 - 4.7.2 Duration of patents law policy considerations, Use and exercise rights,

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- 4.7.3 The notice of “abuse” of patent rights, Compulsory licenses, Special Categories, Employee Invention Law and Policy Consideration
- 4.8 International Patents, Transfer of Technology, Know-How and problems of self-reliant development.
- 4.9 Infringement, Criteria of infringement, Onus of Proof in India, Modes of infringement, Doctrine of Colourable Variation
- 4.10 Remedies in case of Infringement : Injunction and related remedies, Defence in suits of infringement
- 4.11 Penal Provision

SUGGESTED READINGS:

1. Cornish W.R., Intellectual Property, Patents, Trade Marks, Copyrights and Allied Rights, Asia Law House, Hyderabad.
2. Vikas Vashishth, Law and Practice of Intellectual Property, Bharat Law House, Delhi.
3. P. Narayanan, Intellectual Property Law, Eastern Law House, Calcutta.
4. Dr. B. L. Wadehra, Law relating to Intellectual Property, Universal Law Publishing Co.
5. Chakravarty's Intellectual Property Law, Ashok Law House, New Delhi
6. Bibeck Debroy (ed) , Intellectual Property Rights, Rajiv Gandhi Foundation, Delhi.
7. E.I.F. Ander felt, International Patent Legislation and Developing Countries
8. W.R. Cornish Intellectual Property, Sweet and Maxwell.
9. Mata Din, Law of Passing off and Infringement Action of Trade Marks
10. P.S. Segal and Kishore Singh India Patent System and Paris Convention: Legal Perspectives
11. K. Thairani, Copyright The Indian Experience
12. W.R. Cornish, Para materials on Intellectual Property, Sweet & Maxwell.
13. N.K Achrya, Textbook on Intellectual Property Rights, Asia Law House
14. Dr .S. R. Myneni, Law of Intellectual Property, Asia Law House
15. Justice P.S. Narayana's Intellectual Property in India, Gogia Law Agency
16. Manish Arora, Guide to Trademarks Law, Universal Law Book Co.
17. Iyengar's The Trademarks, Universal Law Book Co.
18. Pr. Ashwani Kr. Bansal, The Designs Law, Universal Law Book Co.
19. Dr. B. L. Wadehra, Law Relating to Patent, Trademarks, Copyright, Designs & Geographical Indication, Universal Law Publishing Co.

LEGAL PRINCIPLES THROUGH CASE STUDY (190506)

OBJECTIVES:

The main object of this course is to appraise the law students from various legal principles established by the apex court and/or foreign courts to develop the learning, understanding and writing skills. By reading the judgments taking into consideration the legal principles laid down in the judgments, the law students are expected to develop their skills of legal reasoning and applying the legal principles in practice and procedure.

SYLLABUS:

1. PRINCIPLE OF PRO BONO PUBLICO:

Illustrative Case :Bandhua Mukti Morcha v. Union of India (AIR 1984 SC 802)

2. RULE OF PROSPECTIVE OVERRULING:

Illustrative Case : Golak Nath v. State of Punjab (AIR 1967 SC 1642)

3. BASIC STRUCTURE THEORY:

Illustrative Case : Kesavananda Bharti v. State of Kerala (AIR 1973 SC 1461)

4. MAINTENANCE TO MUSLIM DIVORCED WOMEN & TRIPLE TALAQ:

Illustrative Case : Mohd. Ahmed Khan v. Shah Banoo Begum (AIR 1985 SC 945)
Danial Latifi's case (2002), Recent Judicial Approach on Triple Talaq

5. UNIFORM CIVIL CODE:

Illustrative Case: Sarla Mudgal President v. Union of India (AIR 1995 SC 153) and subsequent cases on the similar issue

6. GUIDELINES OF PREVENTION OF SEXUAL HARASSMENT TO WOMEN AT WORKING PLACE:

Illustrative Case : Vishakha v. State of Rajasthan (AIR 1997 SC 3011)

7. PRINCIPLE OF ABSOLUTE LIABILITY:

Illustrative Case : Sri Ram Food Gas Leakage Case

8. MEDICAL NEGLIGENCE AND LIABILITIES OF MEDICAL PRACTITIONERS:

Illustrative Case: Jacob Mathew v. State of Punjab (AIR 2005 SC 3180)

9. PRINCIPLE OF VICARIOUS LIABILITY:

Illustrative Case: State of Rajasthan v. Vidhyawati (AIR 1963 SC 1295)

10. POLLUTER PAYS PRINCIPLE AND PUBLIC TRUST DOCTRINE:

Illustrative Case : M. C. Mehta v. Kamal Nath (1997) 1 SCC 388 , M. C.Mehta v. Union of India (1996) 4 SCC 750, Indian Council for Enviro-Legal Action v. Union of India (1996) 5 SCC 281

11. PRINCIPLE OF SUSTAINABLE DEVELOPMENT AND PRECAUTIONARY PRINCIPLE:

Illustrative Case: Vellore Citizens' Welfare Forum v. Union of India (1996)5 SCC 647

12. DOCTRINE OF ULTRA VIRES:

Illustrative Case: Ashbury's Railway Carriage Company v. Riche

13. DOCTRINE OF INDOOR MANAGEMENT:

Illustrative Case : Royal British Bank v. Turquand

14. PRINCIPLE OF LIFTING THE CORPORATE VEIL:

Illustrative Case : Soloman v. Soloman's case

15. THE RIGHT OF THE MAJORITY RULE (COMPANY LAW):

Illustrative Case : Foss v. Harbottle (1843) 67 ER 189 16.

Principle of Contributory Negligence Donoghue v. Stevenson (1932) AC. 562

16. REPS IPSA LOQUITOR:

Illustrative Case : Gulli v. Swan, Byrne v. Boadle (1863)2 HBE 722

17. PRINCIPLE OF REMOTENESS OF DAMAGES:

Illustrative Case: Scott v. Shepherd 96 Eng. Rep. 525 (K.B. 1773), Re Polemis v. Wagon Mound case [1961] AC 388 House of Lords

18. DEATH SENTENCE FOR MURDER : RAREST OF RARE CASES:

Illustrative Case : Bachan Singh v. State of Punjab (AIR 1980 SC 898)

19. CONTRACT WITH MINORS : VOID AB INITIO CASE:

Illustrative Case: Mohori Bibee v. Dharmodas Ghose (1903) 30 IA 114

20. ARTICLE 21 OF THE CONSTITUTION.

MANEKA GANDHI V. UNION OF INDIA UNDER

21. NO RIGHT TO STRIKE, BUT RIGHT TO COLLECTIVE BARGAINING

DHARAM DUTT & OTHERS VS. UNION OF INDIA [(2004) 1 SCC 712]

22. PRINCIPLES LAID DOWN FOR COMPULSORY RETIREMENT

STATE OF GUJARAT V. UMEDEBHAI M. PATEL (AIR 2010 SC 1109)

23. RUPANDEOL BAJAJ V. K. P. S. GILL (AIR 1996 SC 309) STATE OF HARIYANA V. BHAJAN LAL (AIR 1992 SC 604) POWER OF HIGH COURT TO QUASH FIR,

**CRIMINAL COMPLAINTS AND PENDING CRIMINAL PROCEEDINGS U/S. 482 OF
THE CR.P.C.**

SUGGESTED BOOKS:

1. All Law Journals.
2. Legal Software.

Saurashtra University

Syllabus

Semester Six

No.	Course Code	Course Name	Practical	Viva	Total Marks	Credit
1	190601	Practical Paper-I (Drafting, Pleading and Conveyance)	90	10	100	5
2	190602	Practical Paper-II (Moot Court Exercise and Internship)	90	10	100	5
3	190603	Professional Ethics, Accountancy for Lawyers and Bar Bench Relations	80 (Theory)	20	100	5
4	190604	Alternative Disputes Resolution System	70 (Theory)	30 (Practical)	100	5
5	190605	Legal Language.	-	-	100	5
6	190606	Foundation/Soft Skill – Principles of Equity	-	-	100	2

PRACTICAL PAPER-I

DRAFTING, PLEADING & CONVEYANCE (190601)

OBJECTIVES OF THE COURSE:

This is Compulsory Clinical Course as prescribed under the Bar Council of India-Rules of Legal Education, 2008. The entire course is designed in order to apprise the law students about the practical knowledge of drafting of pleading and conveyancing deeds. This is expected to be taught through class instructions and stimulation exercises, preferably with the assistance of practicing lawyers/retired judges. The Law students will have to draft the prescribed civil and criminal Pleading Exercises as well as prescribed conveyancing deeds by understanding the general principles and relevant legislations in the class rooms. The law students should make themselves comfortable in drafting different cases and deeds based upon any given hypothetical facts taking into consideration the procedural laws like Code of Civil Procedure, Code of Criminal Procedure, Evidence Act as well as Constitutional Law of India, Transfer of Property Act, Registration Act, Limitation Act, Negotiable Instruments Act, Family Courts Act etc.

Note : (1) Strictly follow the Syllabus prescribed by Bar Council of India.

(2) Use prescribed format for journal.

Theoretical Examination: 90 Marks

Viva Voice Examination: 10 Marks

SYLLABUS:

1. DRAFTING AND PLEADING :

- 1.1 General Principles of drafting and relevant substantive rules
- 1.2 Pleadings : Civil
 - 1.2.1 Complaint
 - 1.2.2 Written Statement
 - 1.2.3 Memorandum of Appeal
 - 1.2.4 Civil Revision Application (u.s/s. 115 of the CPC & under the Rent Act)
 - 1.2.5 Interlocutory Application
 - 1.2.6 Execution Application
 - 1.2.7 Affidavit
 - 1.2.8 Writ of Mandamus

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- 1.2.9 Writ of Habeas Corpus
 - 1.2.10 Writ of Certiorari
 - 1.2.11 Criminal Complaint
 - 1.2.12 Bail Application
 - 1.2.13 Anticipatory Bail Application
 - 1.2.14 Criminal Appeal
 - 1.2.15 Criminal Revision.

2. CONVEYANCING DEEDS :

2.1 Conveyancing Deeds : Meaning Importance and types – Deed Pole and Indenture, General Principles

2.2 Various conveyancing deeds:

- 2.2.1 Notice : General, Statutory Notice (Sec.80 of CPC) and Notice (u/s. 138 of the Negotiable Instruments Act, 1881)
- 2.2.2 Agreement to sell
- 2.2.3 Sale Deed
- 2.2.4 Mortgage Deed
- 2.2.5 Lease Deed
- 2.2.6 Rent Note
- 2.2.7 Power of Attorney : General and Special
- 2.2.8 Gift Deed
- 2.2.9 Will and Codicil
- 2.2.10 Trust Deed
- 2.2.11 Partnership Deed

SUGGESTED READINGS:

1. Mogha's Law of Pleadings with precedents: Eastern Law House
2. Bindra on Conveyancing Vol. I –III Law Publishers
3. S.C Ghosh, Principles & Forms of Pleading, Eastern Law House
4. K.S. Gopala Krishnan, Pleading and Practice (Civil & Criminal), ALT Publication
5. Chaturvedi A.N, Principles and Forms of Pleadings and Conveyancing with Advocacy and Professional Ethics: Allahabad Law Agency
6. Pandit and Amin, Principles & Precedents of Pleading and Conveyancing
7. Shiv Gopal Conveyancing, Precedents & Forms, Eastern Book Co.
8. S.R.Myneni, Drafting, Pleading & Conveyancing, Asia Law House

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9. Swamy NM, Text Book on Drafting, Pleading & Conveyancing, Asia Law House
 10. P.S.Narayan Civil Pleading & Practice, Asia Law House
 11. P.S.Narayan Criminal Pleading & Practice, Asia Law House
 12. K.K. Srivastava, Law Of Pleading, Drafting & Conveyancing, Central Law Agency.

PRACTICAL PAPER-II

MOOT COURT EXERCISE & INTERNSHIP (190602)

OBJECTIVES OF THE COURSE:

The Bar Council of India has through Rules of Legal Education, 2008 designed this course as one of the Compulsory Clinical Course taking into consideration the development of over all skill of law students including Oral Advocacy, skill of presenting the case, Imagination, Rules for conducting Civil Case or Criminal Trail, visit to the courts, Interviewing Techniques for gathering information from the clients and also pre-trial preparations. The students are required to compulsory attend at least one Civil Case and one Criminal Trial within a span of three years of LL.B Programme. The law students are expected to observe dialogue between a lawyer and client and learn the skill of advocacy out of it. As per the Rules of Legal Education, 2008, the entire course is divided into following three components including 30 marks each to be written in journal, to be evaluated by the college as well as a viva voce of 10 marks to be conducted by the Saurashtra University.

	Marks
(a) Moot Court (Three Exercises & Arguments)	30
(b) Observance and writing the proceedings of Trial in two cases, one Civil and one Criminal	30
(c) Interviewing techniques, dialogues between Advocate & Clients and Pre-Trial preparations	30
(d) Viva –voce examination	10
Total	100

MOOT COURT: 30 Marks

Each student will conduct at least three Moot Courts in a semester with 10 Marks for Each. The Moot Court work will be assigned Problems and it will be evaluated for 5 Marks for written submissions and 5 marks for oral advocacy. The written submission shall be recorded in the prescribed diary.

The panel to evaluate moot court performance of each student shall consist of the Principal or his/her nominee and concerned teacher assigned with the subject.

(a) OBSERVANCE OF TRIAL IN TWO CASES ONE CIVIL AND ONE CRIMINAL

Civil Case **15 Marks**

Criminal Case **15 Marks**

Students will attend two trials during their Course of Three Year's LL.B. Programme. They will maintain a record thereof and enter various steps observed during their attendance on different days in the court Assignment (diary). Attendance and performance to be certified by Advocates enrolled and recognized by the Bar Council.

(b) INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATIONS.

- **Interviewing techniques** **15 Marks**

- **Pre-trial preparations.** **15 Marks**

Each student will observe two interviewing sessions of clients at the Lawyer's Office/ Legal Aid Office and record the Proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and procedure for filling of the suit/ petition. This will be recorded in the diary. Practical work is to be evaluated by the Committee Constituted as per VI-CL. (c).

(c) VIVA-VOCE EXAMINATION ON THE ABOVE **10 Marks**

Three aspects. Viva-voce examination is to be conducted by the committee constituted of Principal and two examiners to be appointed by the University.

SUGGESTED READINGS:

1. Dr.S.R.Mayneni, Moot Court, Pre-Trial Preparation and Participation in Trial
2. Proceeding & Viva-voce, Asia Law House
3. Aggrwal Prof. Nomita & Mukesh Anand, Beginners Path to Moot Court, Universal Law Publication Co.
4. Bahtia Prof. Dr. K.L. Moot Court and Mock Trial – Art to and Art of Advocacy :
5. Essentials of Court Craft, Universal Law Publication Co.
6. Om Prakasah Mishra, Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law Agency
7. Dr. Sant Prasand Gupta, Moot Court Pre- Trial Preparation and Participation in Trial Proceedings, Central Law Agency
8. JPS Sirohi, Moot Court Etc., Allahabad Law Agency
9. H.N. Tewari, Moot Court, Allahabad Law Agency

**PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTANCY FOR LAWYERS
AND BAR BENCH RELATIONS. (190603)**

OBJECTIVES OF THE COURSE:

This is a Compulsory Clinical Course as prescribed under the Bar Council of India – Rules of Legal Education, 2008. The very object of the course is that every law student must not only become good lawyer, but also a good human being and should render his service to the society. Instead of charging exorbitant fees, a lawyer should also utilize his efficiencies, knowledge and skill by taking genuine cases without charging fees. A lawyer should refrain from unethical practice and also respect the judges, his colleagues and his clients. It is expected from the law colleges that this course should be taught in association with practicing lawyers. The main purpose and objective of this course is to get every law student realized that the legal profession is a noble profession having its own unique ethics and dignity. Lawyer should concentrate upon rendering service to the poor and needy people rather than earning of money. This course also contains the main provisions of the Advocates' Act 1961, the Contempt of Courts Act and also selected judgments of the Apex court relating to the Professional Misconduct and selected opinions of the Disciplinary Committee of the Bar Council of India. It also appraises the law students about various duties of an advocate. The course also includes the necessary aspects of the accountancy for lawyers and the relations between lawyers and judges (Bar –Bench Relations).

Theoretical examination: 80 Marks

Viva Voce Examination: 20 Marks

SYLLABUS:

UNIT: 1

1. Legal Profession :
 - 1.1 Distinction between Business and Profession
 - 1.2 Legal Profession :
 - 1.2.1 History
 - 1.2.2 Importance
 - 1.2.3 Why Noble Profession?
 - 1.3 Ethics and Code of Conduct of Legal Profession
 - 1.4 Seven Lamps of Advocacy and meaning thereof
 - 1.5 Hoffman's 50 Resolutions for lawyer and importance thereof
 - 1.6 Ten Commandments for lawyers

1.7 Bench –Bar Relations.

UNIT: 2

2. Advocates' Act-1961 :

2.1 Admission, Enrolment, duties, Privileges and Rights of Advocate

2.1.1 Who can be admitted as advocate on a State Roll

2.1.2 Certificate for Enrollment

2.1.3 Disqualification for enrollment as an Advocate

2.1.4 Duties of an Advocate

- Towards client
- Towards Courts
- Towards Judges
- Towards his colleagues
- Towards Society

2.1.5 Rights and privileges of Advocates

2.2 Bar Councils

2.2.1 State Bar Council : Establishment, Organization,

2.2.2 Powers and functions of State Bar Council

2.2.3 Various committees of State Bar Council and Functions thereof

- Executive Committee
- Disciplinary Committee
- Welfare Committee
- Enrolment Committee

2.2.4 Bar Council of India : Organization

2.2.5 Various Powers and functions of the Bar Council of India

2.3 Rules relating to dress code of an Advocate

2.4 Professional Misconduct : Meaning

2.4.1 Professional Misconduct by advocate

2.4.2 Procedure for filing complaint against lawyer for professional misconduct

2.4.3 Punishment for Professional Misconduct

2.5 Accountancy for Lawyers : General Principles

UNIT : 3

3. Contempt of Court and Practice :

3.1 Contempt of Courts Act, 1971 :

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- 3.1.1 Contempt of Court : meaning and nature
 - 3.1.2 Distinction between Contempt of Court of Court and Professional Misconduct
 - 3.2 Categories of contempt under the Act : Civil and Criminal Contempt- Distinction
 - 3.2.1 Civil Contempt : Essentials
 - 3.2.2 Criminal Contempt of Court within the court and outside the court
 - 3.2.3 Contempt of Court within the court and outside the court
 - 3.2.4 Defenses in civil Contempt and in Criminal Contempt
 - 3.2.5 Remedies against Punishment in contempt
 - 3.2.6 Penalty provisions for the Contempt of Court under the Contempt of Courts Act
 - 3.3 Contempt jurisdiction of High Courts and the Supreme Court under the Constitution of India.
 - 3.4 Contempt Jurisdiction of the Subordinate Courts.

UNIT : 4

- 4. Important Cases and Selected Opinions of the Disciplinary Committee :
 - 4.1 Important Cases of the Apex Court relating to Professional Misconduct of Lawyers
 - 4.2 50 selected opinions of the Disciplinary Committee
 - 4.3 Important cases of the Supreme Court relating to the Contempt of Court

SUGGESTED READINGS:

1. Mr. Krishnamurthy Iyer's Books on "Advocacy"
2. Dr. Kailas Rai, Legal Ethics Accountancy for Lawyers & Bench- Bar Relation: Central Law Pub.
3. Dr. S.R. Myneni, Professional Ethic, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House
4. Subrmanyams, Commentaries on Advocate's Act with Professional Ethics & Allied Laws, Law Publishers India.
5. The Bar Council Code of Ethics
6. 50 selected opinions of the Disciplinary Committees of Bar Councils
7. Sanjiva Row, The Advocates Act, 1961, Lexis Nexis Butterworths
8. S.P. Gupta, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations
9. JPD Sirohi, Professional Ethics, Lawyer's Accountability, Bench-bar Relationship

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10. GCA Subba Rao, Commentary on Contempt of Courts Act, 1971, ALT Publications.
 11. V.N. Shukla, Constitutional Law of India, Eastern Book Company
 12. T.K. Tope, Constitutional Law of India, Eastern Book Company
 13. M.P.Jain, Constitutional Law of India, Eastern Book Company
 14. Authenticated Law Journals and Legal Software for perusal of Supreme Court Decisions.

ALTERNATE DISPUTE RESOLUTION (190604)

OBJECTIVES OF THE COURSE:

The above course is also one of the Compulsory Clinical Course prescribed by the Bar Council of India- Rules of Legal Education, 2008. The Major concern of Law is conflict resolutions. Familiarization with the modalities and techniques of resolution of conflict is necessary component in the endeavors of developing expertise in juridical exercise. The Traditional justice delivery system through adjudication by courts had already given way to a large extent of back log of cases. There are many alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this transformation everywhere. The Study of ADR is highly significant in molding the students of law to act as soldiers of justice in the ever – changing socioeconomic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and dimidiation in areas where the traditional judicial system had its away in the past and in the new areas of conflicts that demand resolution by alternative methods, No doubt, the course has to be taught with comparative and international perspective with a view to bringing out the essential awareness of the national and international system emerging at the present context. In this course there a theoretical examination of 70 Marks to be taken by the University and the rest of 30 Marks are to be given by the college evaluating the students through their visits to various ADR centers, Arbitration Tribunals, Mediation Centers etc. Negotiation skill through practical exercises.

Theoretical Examination: 70 Marks

Practical Exercises: 30 Marks

SYLLABUS:

THEORETICAL EXAMINATION: 70 Marks

UNIT: 1

1. ALTERNATE DISPUTE RESOLUTION:

1.1 Meaning object and importance

1.1.1 Arbitration, Conciliation, Mediation

1.1.2 Distinction between Arbitration, Conciliation and Mediation

1.2 Arbitration : Meaning and scope

1.3 Arbitration Agreement :

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- 1.3.1 Essential, Kinds of Arbitration Agreement
 - 1.3.2 Who can enter into Arbitration Agreement
 - 1.3.3 Validity and reference to Arbitration
 - 1.4 Arbitration Tribunal :
 - 1.4.1 Appointment of the Arbitration Tribunal
 - 1.4.2 Grounds for challenges
 - 1.4.3 Procedure of the Tribunal :
 - 1.4.4 Time, Place and Language of Hearing
 - 1.4.5 Statement of Claim and defiance, counter claim and other proceedings
 - 1.4.6 Jurisdiction and Powers of the Tribunal

UNIT: 2

2. ARBITRATION AWARD:

- 2.1 Rules of Guidance
- 2.2 Forms and Content of the Arbitration Award
- 2.3 Settlement through ADR
- 2.4 Interim Award, Award of interest by Arbitrator
- 2.5 Requirements of Valid Award
- 2.6 Correction and interpretation of Award
- 2.7 Grounds for setting aside the Award
 - 2.7.1 Incapacity of the Party
 - 2.7.2 Invalidity of Arbitration Agreement
 - 2.7.3 Want of proper notice and hearing
 - 2.7.4 Contravention of composition and procedure
 - 2.7.5 Breach of conviviality
 - 2.7.6 Impartiality of the arbitrator
 - 2.7.7 Bar of limitation, res judicata
 - 2.7.8 Consent of Parties
- 2.8 Termination Proceedings
- 2.9 Powers of Arbitrators.

UNIT : 3

3. ENFORCEMENT OF THE FOREIGN AWARD AND MISCELLANEOUS:

- 3.1 Foreign Award, International and Commercial Arbitration: Essentials
- 3.2 Choice of place and proper law of arbitration
- 3.2 Enforcement of Foreign Awards: Procedure and essentials

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- 3.2.1 New York Convention Awards
 - 3.2.2 Geneva Convention Awards
 - 3.3 Conciliation, Conciliators: Number and qualifications, appointment procedure
 - 3.4 Principles of Conciliation Procedure, Procedure, Settlement, Restrictions on the role of conciliators. Termination of Conciliation proceedings
 - 3.5 Rule making powers of High Courts and Central Government

PRACTICAL EXERCISE: 30 Marks

- (i) Negotiation skills to be learned with simulated program
- (ii) Conciliation skills
- (iii) Arbitration Law and Practice including International arbitration and Arbitration rules.

The above mentioned exercises are required to be conducted by senior legal practitioners through simulation and case studies. At least three practical exercises/case study reports shall be written in a journal after having visited the Arbitration – Conciliation Centers by a student. Evaluation thereof shall be conducted in practical exercises to be submitted by a student in a journal/diary to the concerned law college.

SUGGESTED READINGS:

1. Avtar Singh, Law of Arbitration and Conciliation and Alternative Dispute Resolution , Eastern Book Company
2. Dr. S.C.Tripathi, Alternative Dispute System (ADR), Central Law Publication
3. Dr.S.K. Roy chowdhary & H.K. Sahray, Arbitration & Conciliation, Eastern Law House Sukumar Ray, ADR, Eastern Law House
4. S.K.Chawla, Law of Arbitration & Conciliation including other ADRs, Eastern Law House
5. Madhusudan Saharay, Textbook on Arbitration in& Conciliation with Alternative Dispute Resolution, Universal Law Publishing Co. New Delhi
6. B.P.Saraf and M. Jhunjhunuwala, Law of Arbitration and conciliation, Snowwhite, Mumbai.
7. Gerald R. Williame (ED), The New Arbitration and Conciliation Law of India, Indian Council Of Arbitration, New Delhi.
8. A.K.Bansal, Law of International Commercial Arbitration, Universal, Delhi.

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9. P.C.Rao & William Sheffuekd, Alternative Disputes Resolution –What it is and How it works? Universal, Delhi.
 10. G.K.Kwatra, the Arbitration and Conciliation Law of India, Universal, Delhi.
 11. Basu N.D Law of Arbitration and Conciliation, Universal, Delhi.
 12. Joharu, Commantary on Arbitration and Conciliation, Universal, Delhi.
 13. Johri Commantary on Arbitration and Conciliation Act, 1996, Universal, Delhi.
 14. Markanda P.C.Law relation to Arbitration and Concilation, Universal, Delhi.
 15. Dr.S.R.Myneni, Alternate Dispute Resolution, Aisa Law House
 16. Dr.U,Pattabhi Ramiah, Arbitration & ADR, Aisa Law House
 17. Dr.N.V. Paranjape, Arbitration & Alternative Disputes Resolution, Central Law Agency.
 18. S.P.Gupta, Arbitration & Conciliation, Allahabad Law Agency.
 19. Justice P.S. Naryana, The Arbitration and Conciliation Act, 1996, ALT Publications
 20. Sarfaraz Ahmed Khan, Lok adalat : an effective alternative dispute resolution mechanism, A.P.H Pub. House, New Delhi.

LEGAL LANGUAGE/LEGAL WRITING INCLUDING GENERAL ENGLISH (190605)

OBJECTIVES OF THE COURSE:

This course is designed with a view to see that every law student must have basic knowledge of English, in the era of Globalization, there will be more litigations involving foreign and/or multi-national companies. Moreover, the International Treaties, Agreements and judgments of the Apex Court as well as High Courts are in English Language. The Law students should be conversant with the Latin Terminology frequently used and accepted by the Indian Judiciary and Lawyers. The writing of essays, précis writing, comprehension etc. will further improve the drafting skill and command over the language. The course also gives importance to the development of translation skill and the study of legal problems. Over all, the above course will definitely help the law students during their practice as an advocate.

SYLLABUS:

- 1. Essay on the topics relating to law**
- 2. Legal Phrases**
- 3. Comprehension or Précis Writing**
- 4. Translation**
- 5. Practical Legal Problems relating to Law of Crimes, Law of Torts, Law of Contract and Family Law.**

SUGGESTED READINGS:

1. Prof. K.L.Bhatia, Legal Language & Legal Writing, Universal Law Publishers
2. B.M.Gandhi, Legal Writing and General English, Eastern Book Company
3. R.L.Jain, Legal Language/Writing (Including General English), Central Law Agency
4. M.P. Tandon, Legal Language, Legal Writing, Allahabad Law Agency
5. S.K. Mishra, Legal Language, Legal Writing, Allahabad Law Agency
6. S.E. Myneni, Legal Language and Legal Writing, Asia law House
7. Rega Surya Rao, Lectures on Legal Language and Legal Writing, Asia Law House
8. Sridgar M., Legal Language, Asia Law House

INSTRUCTIONS: Students are requested to peruse the concerned law books for perusal of Practical Legal Problems prescribed in Unit No. 5

PRINCIPLES OF EQUITY (190606)

OBJECTIVES OF THE COURSE:

The objective of the course is to acquaint the students with the general equity maxims, evolution of the law thereto coupled with fusion of law and equity with stress on concept of Trust.

This course acquaints students with the general equitable principles sum of which are already finding mention in various statutes and in addition students can acquire an in depth knowledge of institutions like Trust.

SYLLABUS:

UNIT – 1

1. ORIGIN AND GROWTH OF EQUITY:

- 1.1. Term Equity
- 1.2. Nature
- 1.3. Historical Development
- 1.4. Origin in England

UNIT – 2

2. EQUITY AND THE COMMON LAW:

- 2.1 Common Law defined
- 2.2 The Chancellor
- 2.3 Growth of Chancellor's Jurisdiction
- 2.4 Equity acts on the Conscience

UNIT – 3

3. DEVELOPMENT AND CONSOLIDATION:

- 3.1 Procedural Reforms
- 3.2 Three forms of Jurisdiction
- 3.3 The Effect of the Judicature Act

UNIT – 4

4. 'EQUITABLE RIGHTS' DEFINED:

- 4.1 Legal and Equitable Rights
- 4.2 Similarities
- 4.3 Differences
- 4.4 In India

UNIT – 5

5. THE MAXIMS OF EQUITY:

5.1 Twelve (12) Maxims and its Principles, Applications. Exception

SUGGESTED READINGS:

1. Ahmad Aquil, Equity, Trusts and Specific Relief
2. T.R. Desai, Equity, Trusts and Specific Relief
3. Hansbury & Mousley, Modern Equity
4. Jhabvala N.H. Elements of Equity, Trusts and Specific Relief
5. Rao GCV Subha, Equity, Trust and Fiduciary Relation
6. Singh G.P., Principles of Equity
7. Snell, Principles of Equity
8. M.P. Tondan, Principles of Equity with Trusts & Specific Relief
9. B.M.Gandhi, Equity, Trusts and Specific Relief