

**FACULTY OF LAW  
SAURASHTRA UNIVERSITY,  
RAJKOT**



[ Accredited Grade "A" ]  
By NAAC

**FACULTY OF LAW**

**LL.B. Syllabus -3-Years- [ CBCS ]  
Effective From June - 2017**

**Saurashtra University  
University Campus, Rajkot – 360 005  
Gujarat , India.**

**Website : [www.saurashtrauniversity.edu](http://www.saurashtrauniversity.edu)**

**SAURASHTRA UNIVERSITY**

**RAJKOT – 360005**

(Established under the Gujarat Act, No. 39 of 1965)

**Faculty of Law**

Ordinances and Regulations for the Degree of

**Bachelor of Law (LL. B.)**

(Based on the Standards and Rules of the Bar Council of India and CBCS)

**Effective from June- 2017**

**O. Gen. Law – 1**

Candidate who has graduated in any discipline from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognized as a Deemed to be University or foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence shall be eligible for three years Degree programme in Law. Such a candidate should have obtained 45% of total marks at Degree examination in case of general category; 42% in case of OBC category and 40% in case of SC and ST candidate. The admission requirements shall stand amended as and when it is amended by the Bar Council of India.

**O. Gen. Law:- 2**

LL.B. Degree programme is of three academic years' duration, consisting of Six Semesters, which will be required to complete within 6 academic years from his/her date of first admission in the Semester First.

**O. Gen. Law:-3**

LL.B. three year (six semesters) Degree programme is a regular & fulltime programme and therefore admitted candidate can not join any other regular course of study, which runs at least five hours a day continuously with an additional half an hour recess every day and running not less than thirty hours of working schedule per week..

**O. Gen. Law:- 4**

Medium of Instruction & Examination shall be English, Hindi or Gujarati as the case may be which will not be changed during the entire Degree programme.

Provided the medium of instruction and examination is other than English the candidate will have to keep a term & appear in the examination of English compulsory paper as provided in B.C.I. Rules.

### **O. Gen. Law- 5**

Admission granted by the affiliated college/institution to any student shall be provisional till the enrolment/registration/enlistment is made by the University & in case the admission is granted on the bases of provisional eligibility certificate, the conditions and instruction given by the University should be complied within the time limit fixed by the University or latest by the beginning of next semester otherwise term kept by the such a student will be cancelled and no fees on any account will be refunded.

### **O. Gen. Law-6**

Candidate admitted to the LL.B. three years Degree programme shall observe the attendance rules as they are laid down by the B.C.I. which is 70% of attendance in the classes held in each of the course as per BCI rules 2008.

### **O. Gen. Law-7**

Every affiliated College or Institution shall have to take appropriate measure against Ragging & Gender problems in the college/institution. The word college/institution includes College building, Sports complex, Hostels and such other components which are within the purview of the College.

In case of occurrence of any such incident the violator shall be dealt with very seriously and appropriate stringent action be taken by the Principal of the College observing principle of natural justice. The head of college may appoint a Committee to inquire in to the matter which will also observe the principle of natural justice. The Committee will submit its report to the Head of College who may take further necessary action in the matter.

### **O. Gen. Law-8**

All admitting authority (Including the College/University Department/ P. G. Centre/Institute or centralized admission committee etc.) will have to strictly observe the provisions of reservation policy of the Govt./U.G.C./rehabilitation council of India etc. Before admission process is undertaken, the authority will ascertain quota and number of seats available for reserved class candidates will be allotted to the eligible candidates. The data based information should also be provided to the University only after conclusion of the entire process of admission.

### **O. Gen. Law-9**

No candidate shall be admitted to the First Semester of LL.B. examination unless he has passed qualifying Degree examination of this or any other recognized University with adequate percentage of marks or last higher examination specified under the Rule of the Bar Council of India.

### **O. Gen. Law-10**

A candidate who has passed the Degree examination with Non English course of this or any other recognized University be admitted to First Semester Examination on

the condition that the candidate will have to pass English test course of 100 marks before his/her admission in Semester-IV.

#### **O. Gen. Law-11**

A Candidate who has passed F.Y or S.Y L.L.B. examination by obtaining at least 40% marks in each course subjects and aggregate 50% in SEE where the CBCS Semester system is not made applicable & parent of such a candidate is transferred from other state to the state of Gujarat may be admitted in Semester– III or V (as the case may be) provided the subjects passed by the candidate are the same and the teaching & examination scheme in force at the time of admission is also the same. In such a case admission can be granted by the Vice-Chancellor on the bases of the recommendation made by the Dean of the Law Faculty.

When such admission is granted to a candidate all applicable Ordinances & Regulations shall be applied to such a candidate and his/her result of the Degree level University examination will be declared by converting his/her percentage of marks/grade which he/she has obtained at the examination of other recognized University as per provisions contained in CBCS introduced by the University w.e.f. the academic year 2010-2011.

The benefit of this Ordinance shall be made available to the refugees of Jammu & Kashmir.

#### **O. Gen. Law-12**

Defence personnel or his/her dependent who have on account of transfer came from other state to the state of Gujarat and who have passed first year or second year LL.B. examination by obtaining at least 40% marks or equivalent grade under three years Degree programme from other recognized University will also be eligible to obtain admission in Semester– III or V (as the case may be) provided that the scheme of examination & subject with which he/she has passed above said examinations are the same, further.

- (1) If he/she has applied for admission in the mid of Semester but within 15 days from the date of his/her parents joining in the state of Gujarat, the deficiency in attendance up to 25% will be condoned by the principal of the concerned affiliated college. However minimum attendance should not be less than 70% in the classes held in each of the subjects.
- (2) Admitted candidate will have to keep terms for Semester– III to VI or V & VI as a regular other candidate & all applicable provisions of the University Ordinances Regulations & Rules shall apply to the candidate.
- (3) The result of such a candidate at the end of Semester– III, and onwards will be declared in normal course with other candidate's result. The result of the final Semester will be declared by converting percentage of marks or grade which candidate has obtained at the examination of other University.

**O. Gen. Law-13**

- 13 Rules and the Procedure for granting Re-admission to the student shall be as under,
- 13.1 Who had not put in the required attendance in a course in the concerned Programme of a Semester and thus detained, or
- 13.2 Who had not cleared the required number of Courses (subject/paper) and thus detained; or
- 13.3 Who had not, after completing a Semester continued the studies in the next immediate Semester on personal / health grounds but desired to continue his/her studies after a short break; such a student shall be eligible to rejoin the Programme from where he/she had left it subject to clause 4.5 & 4.6. A student who had put in not less than 40% of attendance in a Semester and not registered for the examination shall be considered for the re-admission in the same semester.
- 13.4 A student who had put in not less than 40% of attendance in a Semester and not registered for the examination shall be considered for the re-admission in the same semester.
- 13.5 The student who, after completing the first two Semesters of the Programme, if opts out of the Programme, then he or she shall be eligible to rejoin the Programme, subject to the time period elapsed has not exceeded two years.
- 13.6 Such readmissions shall be granted by the Principal of the concerned college directly, subject to the fulfillment of the following conditions:
- The concerned teachers have granted the attendance of the Course in each Semester. The student shall complete the Programme within double the duration of the Programme from the year of the original admission. No readmission shall be granted after the first four weeks of the Semester in which he/she is seeking admission. However the provision regarding minimum attendance must be observed strictly.
- 13.7 Readmission shall not be applicable to the Programme in which admission is granted by a Central Admission Committee / college itself.
- 13.8 The Six-Semester (three year) Programme shall be completed by a student within 6 years period.

**O. Gen. Law-14 : Admission to higher Semester:**

A candidate having enrolled for semester -I shall be eligible for admission up to semester- VI provided his/her term is sanctioned by the college /department / recognized institute/ P.G. center irrespective of passing or appearing in CCA and is also registered for Semester End Examination & examination seat number is allotted to the candidate for all respective semesters.

The result of semester VI will be declared only when he/she have cleared all the courses of semester I to V and obtained minimum credits and percentage of marks in each of the course as prescribed in the syllabus.

**O. Gen. Law-15**

If candidate, at a University Semester End Examination, fails to obtain minimum marks for passing in particular courses/subjects he/she will be required to reappear in that courses/subjects without keeping term for that semester. The candidate will have to reappear in the Semester End Examination by paying fresh examination fee along with the application form. Such candidate, when he/she obtains minimum or more than minimum marks for passing in the subjects/courses, his/her marks of reappearance will be carried forward for determining his/her class.

**O. Gen. Law-16**

Candidate shall be required to pass Semester-I to VI LL.B. examination within the period of five academic years to be counted from the date of candidate's admission in the First Semester in the programme. On expiry of above specified period term kept by the student will automatically be treated as lapsed and such a candidate will be required to keep all the terms again at an affiliated Law college.

**O. Gen. Law-17**

No candidate shall be entitled to appear in the VI Semester End Examination, unless the candidate has successfully completed Moot Courts Exercise, Case Law Studies as per the provision contained in schedule – II Part (B) para 24 and has completed internship as per para 25<sup>th</sup> of the schedule- III of the Bar Council of India rules of 2008.

**O. Gen. Law-18**

To successfully complete a course, candidate will be required to obtain minimum 12 out of 30 mark in CCA (internal) examination as well as 28 out of 70 marks in each paper / Subject Semester End Examination (SEE), i.e. external and should have also obtained 50% of marks in aggregate in each of the semester/course and necessary credits as prescribed in the syllabus.

**O. Gen. Law-19**

No student shall be allowed to attend the College without wearing the dress code i.e. White Shirt and Black Trouser for boys and for girls as prescribed by the Bar Council of India.

**O. Gen. Law-20**

**Minimum Period of Internship : (a) Each registered student shall have completed minimum of 12 weeks internship for Three Year Course stream and 20 weeks in case of Five Year Course stream during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies as the University shall stipulate, where law is practiced either in action or in dispute resolution or in management.**

**Provided that internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates.**

**(b) Each student shall keep internship diary in such form as may be stipulated by the University concerned and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff each time. The total mark shall be assessed in the Final Semester of the course in the 4<sup>th</sup> Clinical course as stipulated under the Rules in Schedule II.**

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**R. Law -1**

Candidates must forward their applications for admission to University examination to the Registrar on or before the prescribed date with a certificate of attendance duly signed by the principal along with the examination fees fixed by the University.

**R. Law-2**

An affiliated Law college may assess the component of 30% internal evaluation i.e. CCA on the bases of assignments and viva-voce examination etc. to be held by the CLE after 5<sup>th</sup>, 10<sup>th</sup> and 15<sup>th</sup> week of the concerned Semester. The student shall have to obtain at least 12 marks out of 30 maximum marks for passing in this component. The principal shall communicate the same to the University along with the application form for admission in Semester End Examination to be conducted by the University.

**R. Law-3**

To pass any of the Semester End Examination, candidate must obtain not less than (a) 40% marks in each course/subject and not less than 50% marks in the aggregate in SEE. In case of the final Semester end Examination.

**R. Law-4**

Thirty percent internal evaluation i.e. CCA shall be within the exclusive purview of the concerned affiliated College which requires purity, transparency & accuracy in the evaluation & assessment of students. Benefits of Re-assessment scheme will not be made available to the students in this regards.

**R. Law -5 Marking Scheme**

Every paper shall carry 100 marks out of which 70 marks are for written examination, i.e. SEE and 30 marks for internal assessment, i.e. CCA. The criteria for internal assessment shall be as follows:

i) Viva- Voce	10 Marks
ii) Home assignments	10 Marks
iii) Presentation	10 Marks
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<b>TOTAL MARKS (CCA)</b>	<b>30 Mark</b>

**R. Law -6: Paper Style**

Question No.	Type	Weightage (Marks)
1,2,3 & 4	Essays Type Question	56 (14 each)
5	Short Note / Essay	14 (7 each)
	<b>Total</b>	<b>70</b>

Every paper shall be evaluated externally for 70 marks in addition to the continuous comprehensive assessment of 30 marks described in R. Law – 5.



**R. Law -7**

Class shall be awarded on the basis of total marks obtained in the aggregate i.e. A successful candidate who obtains 66% or more of the total marks obtainable in the aggregate i.e. of semester I to VI taken together, will be placed in the First Class. A successful candidate who obtains less than 66% but not less than 50% of the total marks obtainable in the aggregate i.e. of semester I to VI taken together, will be placed in the Second Class.

**R. Law -8 : Course Structure :**

The following are the subjects/papers for the study of Semester -I to VI under the Three years LL.B. Degree programme.

**Semester – 1**

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010001010100	Law of Torts, etc.	5	30	70	100
2.	1604010001010200	Constitutional Law – I	5	30	70	100
3.	1604010001010300	Constitutional Law – II	5	30	70	100
4.	1604010001010400	Law of Crime – 1 (IPC)	5	30	70	100
5.	1604010001010500	Human Rights Law and Practice	5	30	70	100

C = Credits

IM=Internal Marks

EM=External Marks

TM=Total Marks

CCT=Core Course

SO=Sill Oriented Course

ICT=Interdisciplinary Course

SS=Self Study Course

DP=Dissertation / Project Work

ECT=Elective Course

**Semester – 2**

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010001020100	Law of Contract-1	5	30	70	100
2.	1604010001020200	Special Contract	5	30	70	100
3.	1604010001020300	Property Law	5	30	70	100
4.	1604010001020400	Administrative Law	5	30	70	100
5.	1604010001020500	Offences against Children and Juvenile Offence	5	30	70	100

**C = Credits**  
**IM=Internal Marks**  
**EM=External Marks**  
**TM=Total Marks**  
**CCT=Core Course**  
**SO=Sill Oriented Course**  
**ICT=Interdisciplinary Course**  
**SS=Self Study Course**  
**DP=Dissertation / Project Work**  
**ECT=Elective Course**

### Semester – 3

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010001030100	Principles of Taxation Law	5	30	70	100
2.	1604010001030200	Labour & Industrial Law-I	5	30	70	100
3.	1604010001030300	Labour & Industrial Law-II	5	30	70	100
4.	1604010001030400	Environmental Laws	5	30	70	100
5.	1604020001030500	Banking Law	5	30	70	100

**C = Credits**  
**IM=Internal Marks**  
**EM=External Marks**  
**TM=Total Marks**  
**CCT=Core Course**  
**SO=Sill Oriented Course**  
**ICT=Interdisciplinary Course**  
**SS=Self Study Course**  
**DP=Dissertation / Project Work**  
**ECT=Elective Course**

### Semester – 4

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010001040100	Family Law -I	5	30	70	100
2.	1604010001040200	Family Law -II	5	30	70	100
3.	1604010001040300	Jurisprudence	5	30	70	100
4.	1604010001040400	Company Law	5	30	70	100
5.	1604020001040500	Public International Law	5	30	70	100

**C = Credits**  
**IM=Internal Marks**  
**EM=External Marks**  
**TM=Total Marks**  
**CCT=Core Course**  
**SO=Sill Oriented Course**  
**ICT=Interdisciplinary Course**  
**SS=Self Study Course**  
**DP=Dissertation / Project Work**  
**ECT=Elective Course**

## Semester – 5

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010001050100	Law of Crime – 2 (Cr. P.C.)	5	30	70	100
2.	1604010001050200	Legal English	5	00	100	100
3.	1604010001050300	Clinical Paper (Drafting of Pleadings etc.)	5	90	10 viva	100
4.	1604010001050400	Clinical Paper (Professional Ethics)	5	80	20 viva	100
5.	1604020001050500	Equity and Trust etc.	5	30	70	100

**C = Credits**

**IM=Internal Marks**

**EM=External Marks**

**TM=Total Marks**

**CCT=Core Course**

**SO=Sill Oriented Course**

**ICT=Interdisciplinary Course**

**SS=Self Study Course**

**DP=Dissertation / Project Work**

**ECT=Elective Course**

## Semester – 6

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010001060100	Law of Evidence	5	30	70	100
2.	1604010001060200	Civil Procedure Code, Limitation Act	5	30	70	100
3.	1604010001060300	Clinical Paper (Alternative Dispute Resolution)	5	100	-	100
4.	1604010001060400	Clinical Paper (Moot Court etc.)	5	90	10	100
5.	1604020001060500	Interpretation of Statutes & Principles of Legislation.	5	30	70	100
6.	1604020001060600	Intellectual Property Law	5	30	70	100

**C = Credits**

**IM=Internal Marks**

**EM=External Marks**

**TM=Total Marks**

**CCT=Core Course**

**SO=Sill Oriented Course**

**ICT=Interdisciplinary Course**

**SS=Self Study Course**

**DP=Dissertation / Project Work**

**ECT=Elective Course**

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## **Syllabus LL.B. ( Three Years ) -cbcs– 2016**

**Saurashtra University, Rajkot**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core	1604010001010100	Law of Torts including MV Accident Law and Consumer Protection Laws	5	30	70	-	Two Hours Thirty Minutes

### **1. Law of Torts Including MV Accident Law and Consumer Protection Laws**

#### **Course objectives:**

- With rapid industrialization, tort action came to be used against manufacturers and industrial units 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 the modern era of consumer concern of goods and services, the law of torts has an added significance with this forage into the emerging law of consumer protection.

#### **Course Contents:**

##### **Unit -1. Evolution of Law of Torts**

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

##### **Unit-2. Definition, Nature, Scope and Objects.**

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

##### **Unit-3. Principles of Liability in Torts.**

- 3.1 Fault :
  - 3.1.1. Wrongful intent.
- 3.2. Negligence.
- 3.3. Liability without fault.
- 3.4. Violation of ethical codes.
- 3.5 Statutory liability.
- 3.6 Place of motive in torts.

**Unit-4. Justification in Tort.**

- 4.1. Volention fir injuria.
- 4.2. Necessity, private and public.
- 4.3. Plaintiff's default.
- 4.4. Act of God.
- 4.5. Inevitable accident.
- 4.6. Private defence.
- 4.7. Statutory authority.
- 4.8. Judicial and quasi-judicial acts.
- 4.9. Parental and quasi-parental authority.

**Unit-5. Extinguishment of liability in certain situations.**

- 5.1. Actio personalise moritur cum persona-exceptions.
- 5.2. Waiver and acquiescence.
- 5.3. Release.
- 5.4. Accord and satisfaction.
- 5.5. Limitation.

**Unit-6. Standing.**

- 6.1. Who may sue-aggrieved individual – class action – social action group.
- 6.2. Statutes granting standing to certain persons or groups.
- 6.3. Who may not be sued?

**Unit-7. Doctrine of sovereign immunity and its relevance in India.**

**Unit-8. Vicarious Liability.**

- 8.1. Basis, scope and justification.
  - 8.1.1. Express authorization
    - 8.1.1.1. Ratification.
  - 8.1.2. Abetment.
- 8.2. Special Relationships:
  - 8.2.1. Master and servant – arising out of and in the course of employment – who is master? – the control test – who is servant ? – borrowed servant – independent contractor and servant, distinguished.
  - 8.2.2. Principal and agent.
  - 8.2.3. Corporation and principal officer.

**Unit-9. Torts against persons and personal relations.**

- 9.1. Assault, battery, mayhem
- 9.2. False imprisonment
- 9.3. Defamation – libel, slander including law relating to privileges.
- 9.4. Marital relations, domestic relations, parental relations, master and servant relations.
- 9.5. Malicious prosecution.
- 9.6. Shortened expectation of life.
- 9.7. Nervous shock.

**Unit-10. Wrongs affecting property.**

- 10.1. Trespass to land, trespass ab initio, dispossession.
- 10.2. Movable property – trespass to goods, detainee, conversion.
- 10.3. Torts against business interests – injurious falsehood, misstatements, passing off.

**Unit-11. Negligence.**

- 11.1. Basic concepts.
- 11.1.1. Theories of negligence.
- 11.1.2. Standards of care, duty to take care, carelessness, inadvertence.
- 11.1.3. Doctrine of contributory negligence.
- 11.1.4. Res ipsa loquitur and its importance in contemporary law.
- 11.2. Liability due to negligence : different professionals.
- 11.3. Liability of common carriers for negligence.
- 11.4. Product liability due to negligence : liability of manufacturers and business houses for their products.

**Unit-12. Nuisance.**

- 12.1 Definition, essentials and types.
- 12.2 Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, and interference with light and air.

**Unit-13. Absolute / Strict liability.**

- 13.1. The rule in Rylands v. fletcher.
- 13.2. Liability for harm caused by inherently dangerous industries.
- 13.3.

**Unit-14. Legal remedies.**

- 14.1. Legal remedies :
- 14.1.1. Award of damages – simple, special, punitive.
- 14.1.2. Remoteness of damage – foreseeability and directness.
- 14.1.3. Injunction.
- 14.1.4. Specific restitution of property.
- 14.2. Extra-legal remedies – self-help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance.

**Unit-15. MV Accidents**

Liability without fault in certain cases

Liability to pay compensation on the principle of no fault

Provisions to the right to claim compensation for death or permanent disablement

Necessity for insurance third party risk.

Requirement of policies and limits of liability

Rights of third parties against insurer on insolvency of insured

Settlement between insurer and insured persons

Duty to furnish particulars of vehicle involved in accident

Special provisions as to compensation in case of hit and run motor accident

Refund in certain cases of compensation paid under section 161.

Scheme for payment of compensation in case of hit and run under motor vehicle act

**Unit-16. Consumer Protection Act.**

**Select Bibliography:**

1. B.M. Gandhi, law of Tort (1987), Eastern, Lucknow.
2. Consumer Protection Act
3. Motor Vehicle Act

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/ Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core	1604010001010200	Constitutional Law-1	5	30	70	-	Two Hours Thirty Minutes

## 2. Constitutional Law-1 (Article 1 To 51 A) Right to Information

### Course Objectives:

- The purpose of teaching constitutional law is to highlight its never-ending growth.
- Fundamental Rights and Duties of the Citizens of India.
- Constitutional interpretation is bound to be influenced by one's social, economic or political Rights.
- 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.

### Course Contents:

#### Unit - 1. Historical Perspective.

- 1.1. Constitutional development since 1858 to 1947.
- 1.2. Gandhi Era – 1919 to 1947 : social political, economic and spiritual influence.
- 1.3. Making of Indian Constitution.
- 1.4. Nature and special features of the constitution.
- 1.5. Federalism.

#### Unit-2. Equality and Social Justice.

- 2.1. Equality before the law and equal protection of laws.
- 2.2. Classification for differential treatment: constitutional validity.
- 2.3. Gender justice.
- 2.4. Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backwards classes.
- 2.5. Strategies for ameliorative justice.

#### Unit-3. Freedoms and Social control.

- 3.1. Speech and expression.
  - 3.1.1. Media, press and information.
- 3.1. Freedom of speech and contempt of court.
- 3.2. Freedom of assembly.
- 3.3. Freedom of association.
- 3.4. Freedom of movement.
- 3.5. Freedom to reside and settle.
- 3.6. Freedom of profession/business.
- 3.7. Property: from fundamental right to constitutional right.



**Unit-4. Personal Liberty.**

- 4.1. Rights of an accused – double jeopardy – self-incrimination retroactive punishment.
- 4.2. right to life and personal liberty: meaning, scope and limitations.
- 4.3. Preventive detention – constitutional policy.

**Unit-5. Fundamental Rights and Directive Principles.**

- 5.1. Directive Principles-directions for social change – A new social order.
- 5.2. Fundamental Rights and Directive Principles-inter-relationship – judicial balancing.
- 5.3. Constitutional amendments – to strengthen Directive Principles.
- 5.4. Reading Directive Principles into Fundamental Rights.

**Unit-6. Fundamental duties.**

- 6.1. The need and status in constitutional set up.
- 6.2. Interrelationship with fundamental rights and directive principles.

**Unit-7. Secularism.**

- 7.1. Concept of secularism: historical perspective.
- 7.2. Indian constitutional provision.
- 7.3. Freedom of religion – scope.
- 7.4. Religion and the state: the limits.
- 7.5. Minority rights.

**Unit-8. Right to Information Act.**

**Select Bibliography:**

1. M.P.Singh(ed.), V.N.Shukla, Constitutional law of India (2000) Oxford.
2. Right to Information Act – Krishna Pal Malik.
3. D.D.Basu, Shorter Constitution of India, (1996), Prentice Hall of India, Delhi
4. H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay
5. Dr. J. N. Pandey, Constitution of India.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core	1604010001010300	Constitutional Law-2	5	30	70	-	Two Hours Thirty Minutes

### 3. Constitutional Law - 2 Article 52 to Onward

#### Course Objectives:

- 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.

#### Course Contents:

##### Unit - 1. Parliamentary Government.

- 1.1. Westminster model – choice of parliamentary government at the Centre and States.
- 1.2. President of India.
  - 1.2.1. Election, qualifications, salary and impeachment.
  - 1.2.2. Powers: legislative, executive and discretionary powers.
- 1.3. Council of Ministers.
- 1.4. Governor and state government – constitutional relationship.
- 1.5. Legislative process.
  - 1.5.1. Practice of law-making.
  - 1.5.2. Legislative privileges and fundamental rights.
- 1.6. Prime Minister – cabinet system – collective responsibility-individual responsibility.
- 1.7. Coalition government: Anti-defection Law.

##### Unit - 2. Constitutional Processes of Adaptation and Alteration.

- 2.1. Methods of constitutional amendment.
- 2.2. Limitations upon constituent power.
- 2.3. Development of the basic Structure : Doctrine judicial activism and restraint.

##### Unit - 3. Emergency.

- 3.1 Emergency, meaning and scope.
- 3.2 Proclamation of emergency – conditions – effect of emergency on Centre – State relations.
- 3.3 Emergency and suspension of fundamental rights.

**Unit - 4.            Judiciary under the Constitution.**

- 4.1 Judicial process.
  - 4.1.1. Court system.
  - 4.1.2 The Supreme Court.
  - 4.1.2 High Courts.
  - 4.1.3 Subordinate judiciary.
  - 4.1.4 Judges: appointment, removal, transfer and condition of service: judicial independence.
- 4.2. Judicial review : nature and scope.

**Unit - 5.            Services under the constitution.**

- 5.1 Doctrine of pleasure (Art. 310)
- 5.2 Protection against arbitrary dismissal, removal, or reduction in rank (Art.311).
- 5.3 Exceptions to Art. 311.

**Select Bibliography:**

- 1. M.P.Singh(ed.), V.N.Shukla, Constitutional law of India (2000) Oxford.
- 2. D.D.Basu, Shorter Constitution of India, (1996), Prentice Hall of India, Delhi
- 3. H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay

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**Saurashtra University, Rajkot**  
**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core	1604010001010400	Law of Crime – 1	5	30	70	-	Two Hours Thirty Minutes

#### **4. Law of Crime - 1** **Indian Penal Code**

##### **Course Objectives:**

- The Indian society has changed very rapidly since Independence.
- A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development, if students are to use their knowledge and skills to build a just and humane society.
- The curriculum outlined here attempts to bring in these new perspectives.

##### **Course Contents:**

##### **Unit - 1. General.**

- 1.1. Conception of crime.
  - 1.1.1. Pre-colonial notions of crime as reflected in Hindu, Muslim and tribal law.
  - 1.1.2. Macaulay's draft based essentially on British notions.
- 1.2. State's power to determine acts or omissions as crimes.
- 1.3. State's responsibility to detect, control and punish crime.
- 1.4. Distinction between crime and other wrongs.
- 1.5. IPC : a reflection of different social and moral values.
- 1.6. Applicability of I.P.C.
  - 1.6.1. Territorial.
  - 1.6.2. Personal.
- 1.7. Salient features of the I.P.C.

##### **Unit - 2. Elements of criminal liability.**

- 2.1. Author of crime – natural and legal persons.
- 2.2. Men rea – evil intention.
- 2.3. Importance of mens rea.
- 2.4. Recent trends to fix liability without mens rea in certain socio-economic offences.
- 2.5. Act in furtherance of guilty intent.
- 2.6. Omission.
- 2.7. Injury to another.

##### **Unit - 3. Group liability.**

- 3.1. Stringent provision in case of combination of persons attempting to disturb peace.
- 3.2. Common intention.
- 3.3. Abetment :
  - 3.3.1. Instigation, aiding and conspiracy.
  - 3.3.2. Mere act of abetment punishable.
- 3.4. Unlawful assembly :
  - 3.4.1. Basis of liability.
- 3.5. Criminal conspiracy.
- 3.6. rioting as a specific offence.

**Unit - 4. Stages of a Crime.**

- 4.1. Guilty intention – mere intention not punishable.
- 4.2. Preparation.
- 4.2.1. Preparation not punishable.
- 4.2.2. Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures.
- 4.3. Attempt:
- 4.3.1. Attempt when punishable – specific provisions of IPC.
- 4.3.2. tests for determining what constitutes attempt – proximity, equivocality and social danger.
- 4.3.3. Impossible attempt.

**Unit - 5. Factors Negating Guilty Intention.**

- 5.1. Mental incapacity.
- 5.1.1. Minority.
- 5.1.2. Insanity-impairment of cognitive faculties, emotional imbalance.
- 5.1.3. Medical and legal insanity.
- 5.2. Intoxication – involuntary.
- 5.3. Private defence-justification and limits.
- 5.3.1. When private defence extends to causing of death to protect body and property.
- 5.3.2. Necessity.
- 5.3.3. Mistake of fact.

**Unit - 6. Types of punishment.**

- 6.1. Death:
- 6.1.1. Social relevance of capital punishment.
- 6.1.2. Alternatives to capital punishment.
- 6.2. Imprisonment – for life, with hard labour, simple imprisonment.
- 6.3. Forfeiture of property.
- 6.4. Fine.
- 6.5. Discretion in awarding punishment :
- 6.6. Minimum punishment in respect of certain offences

**Unit - 7. Specific Offences against Human Body.**

- 7.1. Causing death :
- 7.1.1. Culpable homicide.
- 7.1.2. Murder.
- 7.2. Distinction between culpable homicide and murder.
- 7.2.1. Specific mental element : requirement in respect of murder.
- 7.3. Situation justifying treating murder as culpable homicide not amounting to murder.
- 7.3.1. Grave and sudden provocation.
- 7.3.2. Exceeding right to private defence.
- 7.3.3. Public servant exceeding legitimate use of force.
- 7.3.4. Death in sudden fight.
- 7.3.5. Death caused by consent of the deceased – euthanasia and surgical operation.
- 7.3.6. Death caused of person other than the person intended.
- 7.3.7. Miscarriage with or without consent.
- 7.4. Rash and negligent act causing death.
- 7.5. Hurt-grievous and simple.
- 7.6. Assault and criminal force.
- 7.7. Wrongful restraint and wrongful confinement – kidnapping from lawful guardianship and from outside India.
- 7.8. Abduction.

**Unit - 8. Offences against Women.**

- 8.1. Insulting the modesty of women.
- 8.2. Assault or criminal force with intent to outrage the modesty of woman.
- 8.3. Causing miscarriage without woman's consent:
- 8.3.1. Causing death by causing miscarriage without woman's consent.
- 8.4. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse.
- 8.5. Buying a minor for purposes of prostitution.
- 8.6. Rape:
- 8.6.1. Custodial rape.
- 8.6.2. Marital rape.
- 8.7. Prevention of immoral traffic.
- 8.8. Cruelty by husband or his relatives.
- 8.8.1. Prevention of Sati.
- 8.9. Prohibition of indecent representation of women.

**Unit - 9. Offences against Property.**

- 9.1. Theft.
- 9.2. Cheating.
- 9.3. Extortion.
- 9.4. Robbery and dacoity.
- 9.5. Mischief.
- 9.6. Criminal misrepresentation and criminal breach of trust.

**Select Bibliography:**

- 1. K.D. Gaur, A Text book on the Indian Penal code (1998), Universal, Delhi.
  - 2. Ratanlal-Dhirajlal's Indian Penal Code (1994 reprint)
  - 3. B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur
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## Saurashtra University, Rajkot

## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core	1604010001010500	Human Rights Law and Practice	5	30	70	-	Two Hours Thirty Minutes

## 5. Human Rights Law And Practice

### Course Objectives:

- The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels.
- To acquaint students with violence of Human Rights and Vulnerable Groups.
- To make aware regarding Violation and Remedies of Human Rights.
- To evaluate Impact and implementation of international human rights norms in India .

### Course Contents:

#### Unit – 1. The Framework of the UN charter and the role of the United Nations.

1. The UN Charter, 1945.
2. Normative and Institutional framework of the United Nations.
3. Role of the UN General Assembly, the Economic and Social Council And other UN Bodies.

#### Unit -2 The International Bill of Human Rights.

1. The Universal Declaration of Human Rights 1948.
2. International Covenant on Economics Social and Cultural Rights, 1966.
3. International Covenant on Civil and Political Rights, 1966.
4. Optional Protocols.
5. American Convention on Human Rights, 1969

#### Unit -3 Human Rights and Vulnerable Groups

#### Unit -4 Violation and Remedies of Human Rights

#### Unit -5 International Humanitarian Law and Terrorist

#### Unit -6 Impact and implementation of international human rights norms in India

- 6.1. Human rights norms reflected in fundamental rights in the Constitution
- 6.2. Directive Principles: legislative and administrative implementation of international human rights norms
- 6.3. Implementation of international human rights norms through judicial process

#### Unit 7 The Protection of Human Rights Act, 1993

#### Unit 8 Enforcement of Human Rights in India units

- 8.1. Role of courts: the Supreme Court, High Courts and other courts
- 8.2. Statutory commissions- human rights, women's, minority and backward class

**Select Bibliography:**

1. S.K.Avesti and R.P.Kataria, *Law Relating to Human Rights*, Chh IV, V, VIII, XIV, XXIX and XXXIX (2000) Orient, New Delhi
2. Nirmal.C.J. (ed.), *Human Rights in India* (2000), Oxford
3. S.K. Varma, *Public International Law* (1998), Prentice-Hall, New Delhi.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Core	1604010001020100	Law of Contract-1	5	30	70	-	Two Hours Thirty Minutes

**1. Law of Contract - 1****Course Objectives:**

- Every man in his day to day life from dawn to dusk makes a variety of contracts.
- Man's contract making activities increase with the increasing trade, commerce and industry.
- This course is designed to acquaint a student with the conceptual and operational parameters of various general principles of contractual relations.
- Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

**Course Contents:****Unit -1. General Principles of Law of Contract.**

- 1.1. History and nature of contractual obligations.
- 1.2. Agreement and contract : definitions, elements and kinds.
- 1.3. Proposal and acceptance-their various forms, essential elements, communication and revocation-proposal and invitations for proposal-floating offers-tenders-dumping of goods.
- 1.4. Consideration-its need, meaning, kinds, essential elements-nudum pactum-privity of contract and of consideration-its exceptions-adequacy of consideration-present, past and adequate consideration-unlawful consideration and its effects views of Law Commission of India on consideration-evaluation of the doctrine of consideration.
- 1.5. Capacity to contract-meaning-incapacity arising out of status and mental defect-minor's agreements-definition of 'minor' – accessories supplied to a minor agreements beneficial and detrimental to a minor affirmation-restitution in cases of minor's agreements-fraud by a minor-agreements made on behalf of a minor-minor's agreements and estoppels-evaluation of the law relating to minor's agreements-other illustrations of incapacity to contract.
- 1.6. Free consent-its need and definition-factors vitiating free consent.
- 1.6.1. Coercion-definition-essential elements-elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion.
- 1.6.2. Undue Influence-definition-essential elements-between which parties can it exist? Who is to prove it? Illustrations of undue influence-independent advice-pardahanashin women-unconscionable bargains-effect of undue influence.
- 1.6.3. Misrepresentation-definition-misrepresentation of law and of fact-their effects and illustration.
- 1.6.4. Fraud-definition-essential elements-suggestion falsi-suppressio veri-when does silence amounts to fraud ? Active-concealment of truth-importance of intention.
- 1.6.5. Mistake-definition-kinds-fundamental error-mistake of law and of fact-their effects-when does a mistake vitiate free consent and when does it not vitiate free consent ?
- 1.7. Legality of objects :
- 1.7.1. Void agreements-lawful and unlawful considerations, and objects-void, voidable, illegal and unlawful agreements and their effects.

- 1.7.2. Unlawful considerations and objects :
  - 1.7.2.1. Forbidden by law.
  - 1.7.2.2. Defeating the provision of any law.
  - 1.7.2.3. Fraudulent.
  - 1.7.2.4. Injurious to person or property.
  - 1.7.2.5. Immoral
  - 1.7.2.6. Against public policy.
- 1.7.3. Void Agreements:
  - 1.7.3.1. Agreements without consideration.
  - 1.7.3.2. Agreements in restraint of marriage.
  - 1.7.3.3. Agreements in restraint of trade-its exceptions-sale of goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.
  - 1.7.3.4. Agreements in restraint of legal proceedings-its exceptions.
  - 1.7.3.5. Uncertain agreements.
  - 1.7.3.6. Wagering agreement-its exception.
- 1.8. Discharge of a contract and its various modes.
  - 1.8.1. By performance-conditions of valid tender of performance-How? By whom? Where? When ? In what manner ? performance of reciprocal promises-time as essence of contract.
  - 1.8.2. By breach-anticipatory breach and present breach.
  - 1.8.3. Impossibility of performance-specific grounds of frustration-application to leases-theories of frustration-effect of frustration-frustration and restitution.
  - 1.8.4. By period of limitation.
  - 1.8.5. By agreement-rescission and alteration – their effect-remission and waiver of performance-extension of time-accord and satisfaction.
- 1.9. Quasi-contracts or certain relations resembling those created by contract.
- 1.10. Remedies in contractual relations :
  - 1.10.1. Damages-kinds-remoteness of damages-ascertainment of damages.
  - 1.10.2. Injunction-when granted and when refused-Why?
  - 1.10.3. Refund and restitution.
  - 1.10.4. Specific performance-When ? Why ?

**Unit - 2. Government as a Contracting Party.**

Constitutional provisions-government power to contract-procedural requirements-kinds of government contracts-their usual causes-performance of such contracts-settlements of disputes and remedies.

**Unit - 3. Standard Form Contracts.**

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

**Unit - 4. Multi-national Agreement.**

**Unit - 5. Strategies and constraints to enforce contractual obligations.**

- 5.1. Judicial methods-redressal forum, remedies.
- 5.2. Other methods like arbitration, Lok Adalat, Nyaya Panchayat and other such non formal methods.
- 5.3. Systemic constraints in settling contractual disputes.
- 5.4. Court fees, service of summons, injunctions, delay.

**Select Bibliography:**

1. Avtar singh, law of Contract (2000)Eastern, Lucknow.
2. Anand and Aiyer, law of Specific Relief (1999), Universla.
3. Law of Contract (Studer Edition) – D.F. Mulla

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Core	1604010001020200	Special Contract	5	30	70	-	Two Hours Thirty Minutes

**2. Special Contract**  
**Guarantee & Indemnity**  
**Bailment Pledge &**  
**Hypothecation**  
**Agency**  
**Sale of Goods, Partnership**

**Course Objectives:**

- This course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis 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.

**Course Contents:****Unit - 1. Indemnity.**

- 1.1. The concept.
- 1.2. Need for indemnity to facilitate commercial transactions.
- 1.3. Methods of creating indemnity obligations.
- 1.4. Definition of Indemnity.
- 1.5. Nature and extent of liability of the indemnifier.
- 1.6. Commencement of liability of the indemnifier.
- 1.7. Situations of various types of indemnity creations.
- 1.8. Documents/agreements of indemnity.
- 1.9. nature of indemnity clauses.
- 1.10. Indemnity in cases of International Transactions.
- 1.11. Indemnity by governments during interstate transactions.

**Unit - 2. Guarantee.**

- 2.1 The concept.
- 2.2 Definition of guarantee: as distinguished from indemnity.
- 2.3 Basic essentials for a valid guarantee contract.
- 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
- 2.5 Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety.

- 2.6 Continuing guarantee.
- 2.6.1. Nature of surety's liability.
- 2.6.2. Duration and termination of such liability.
- 2.7. Illustrative situations of existence of continuing guarantee.
- 2.7.1. Creation and identification of continuing guarantees transactions.
- 2.8 Rights of surety:
- 2.8.1. Position of surety in the eye of law.
- 2.8.2. Various judicial interpretations to protect the surety.
- 2.9. Co-surety and manner of sharing liabilities and rights.
- 2.10. Extent of surety's liability.
- 2.11 Discharge of surety's liability.

**Unit - 3. Bailment.**

- 3.1. Identification of bailment contracts in day today life.
- 3.1.1. Manner of creation of such contracts.
- 3.2. Commercial utility of bailment contracts.
- 3.3. Definition of bailment.
- 3.4 Kinds of Bailees.
- 3.5 Duties of Bailor and Bailee towards each other.
- 3.6 Rights of bailor and bailee.
- 3.7 Finder of goods as a bailee.
- 3.7.1. Liability towards the true owner.
- 3.7.2. Obligation to keep the goods safe.
- 3.7.3. Right to dispose of the goods.

**Unit - 4. Pledge.**

- 4.1. Pledge: comparison with bailment.
- 4.2. Commercial utility of pledge transactions.
- 4.3 Definition of pledge under the Indian contract Act.
- 4.4 Other statutory regulations(State & Centre) regarding pledge, reasons for the same.
- 4.5 Rights of the pawner and pawnee.
- 4.5.1. Pawnee's right of sale as compared to that of an ordinary bailee.
- 4.6. Pledge by certain specified persons mentioned in the Indian contract Act.

**Unit - 5. Agency.**

- 5.1. Identification of different kinds of agency transactions in day to day life in the commercial world.
- 5.2. Kinds of agents and agencies.
- 5.2.1. Distinction between agent and servant.
- 5.3. Essentials of a agency transaction.
- 5.4. Various methods of creation of agency.
- 5.5. Delegation.
- 5.6. Duties and rights of agent.
- 5.7. Scope and extent of agent's authority.
- 5.8. Liability of the principal for acts of the agent including misconduct and tort of the agent.
- 5.9. Liability of the agent towards the principal.
- 5.10. personal liability towards the parties.
- 5.11. Methods of termination of agency contract.
- 5.12. Liability of the principal and agent before and after such termination.

**Select Bibliography:**

1. Avtar Singh, Contract Act (2000), Eastern, Lucknow.
2. Krishnan Nair, Law of Contract.
3. Anson, Law of Contract(1998), Universal.
4. Anand and Aiyer, Law of Specific Relief (1999), Universal.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Core	1604010001020300	Property Law	5	30	70	-	Two Hours Thirty Minutes

**3. Property Law****Course Objectives:**

- 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 conditions. 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 provisions relating to leases on immovable properties.
- The provisions relating to leases under the Act are not applicable to agricultural leases; and even with respect to urban immovable property, the provisions are not applicable to the most dominant type, namely, housing under the rent control legislation.
- Thus the existing syllabus does not touch upon agrarian property relations, which affect the vast majority of people or aspects relating to intellectual property which are important in the context of development.
- The proposed syllabus attempts at overcoming these deficiencies and imbalances.

**Course Contents:****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

**2. Doctrine of Election**

- 2.1 LisPendens : 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

**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.

**4. Easements:**

- 4.1 Easements: Meaning, Nature, Essentials and Characteristics
- 4.2 Kinds of Easements, Incidents of Easements, Creation of easement
- 4.3 Various Sedentary Rights: Right of Air, Right of support ,Right of water etc.
- 4.4 Extinction, Suspension and Revival of Easements,
- 4.5 Licenses :Meaning, elements, Grant and Revocation of Licenses

**Select Bibliography:**

- 1. Mulla, Transfer of Property Act, Universal Delhi
- 2. Subbarao, Transfer of Property ACT,C.SubbiahChetty, Madras
- 3. B.Sivaramayya, The equalities and the Law, Easten Book Co. Lucknow.
- 4. P.c Sen. The General Principal Of Hindu, Jurisprudence ( reprint) Allahabad Law Agency.
- 5. B.H den- Powell, Land Systems Of British India, Vol. 1 to 3 (1892)
- 6. Oxford V.P. Sarthy, Transfer of Property, Eastern Book Company, Lucknow,
- 7. Vepa P. Sarathi : Law of Transfer of Property, Eastern Book Company
- 8. T.R. Desai : The Indian Easements Act

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Core	1604010001020400	Administrative Law	5	30	70	-	Two Hours Thirty Minutes

**4. Administrative Law****Course Objectives:**

- 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, mal 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 vires or in violation of procedural norms; however, not much has so far been achieved in compelling the administration to 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.

**Course Contents:****Unit - 1. Evolution, Nature and Scope of Administrative Law.**

- 1.1 From a laissez-faire to a social welfare state.
  - 1.1.1. State as regulator of private interest.
  - 1.1.2. State as provider of services.
  - 1.1.3 Other functions of modern state : relief, welfare.
- 1.2. Evolution of administration as the fourth branch of government – necessary for delegation of powers on administration.
- 1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration.
  - 1.3.1. Regulatory agencies on the United States.
  - 1.3.2. Conseil d'Etat.
  - 1.3.3. Tribunalization in England and India.
- 1.4. Definition and scope of administrative law.
- 1.5. Relationship between constitutional law and administrative law.
- 1.6. Separation of powers.
- 1.7. Rule of Law.

**Unit - 2. Civil Service in India.**

- 2.1. Nature and organization of civil service : from colonial relics to democratic aspiration.
- 2.2. Powers and functions.
- 2.3. Accountability and responsiveness: problems and perspectives.  
Administrative deviance-corruption, nepotism, mal-administration.



**Unit - 3. Legislative Powers of Administration.**

- 3.1. Necessity for delegation of legislative power.
- 3.2. Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
- 3.1. Requirements for the validity of delegated legislation.
- 3.3.1. Consultation of affected interests and public participation in rule-making.
- 3.3.3. Publication of delegated legislation.
- 3.4. Administrative directions, circulars and policy statements.
- 3.5. Legislative control of delegated legislation.
- 3.5.1. Laying procedures and their efficacy.
- 3.5.2. Committees on delegated legislation – their constitution, function and effectiveness.
- 3.5.3. Hearings before legislative committees.
- 3.6. Judicial control of delegated legislation.
- 3.7. Sub-delegation of legislative powers.

**Unit - 4. Judicial Powers of Administration.**

- 4.1. Need for devolution of adjudicatory authority on administration.
- 4.2. Administrative tribunals and other adjudicating authorities : their ad-hoc character.
- 4.3. Tribunals – need, nature, constitution, jurisdiction and procedure.
- 4.4. Jurisdiction of administrative tribunals and other authorities.
- 4.5. Distinction between quasi-judicial and administrative functions.
- 4.6. The right to hearing – essentials of hearing process.
- 4.6.1. No man shall be judge in his own cause.
- 4.6.2. No man shall be condemned unheard.
- 4.7. Rules of evidence – no evidence, some evidence and substantial evidence rules.
- 4.8. Reasoned decisions.
- 4.9. The right to counsel.
- 4.10. Institutional decisions.
- 4.11. Administrative appeals.

**Unit - 5. Judicial Control of Administrative Action.**

- 5.1. Exhaustion of administrative remedies.
- 5.2. Standing : standing for Public interest litigation (social action litigation) collusion, bias.
- 5.3. Laches.
- 5.4. Res judicata.
- 5.5. Grounds.
- 5.5.1. Jurisdictional error/ultra vires.
- 5.5.2. Abuse and non exercise of jurisdiction.
- 5.5.3. Error apparent on the face of the record.
- 5.5.4. Violation of principles of natural justice.
- 5.5.5. Violation of public policy.
- 5.5.6. Unreasonableness.
- 5.5.7. Legitimate expectation.
- 5.6. Remedies in judicial Review:
  - 5.6.1. Statutory appeals.
  - 5.6.2. Mandamus.
  - 5.6.3. Certiorari.
  - 5.6.4. Prohibition.
  - 5.6.5. Quo-Warranto.
  - 5.6.6. Habeas Corpus.
  - 5.6.7. Declaratory judgments and injunctions.
  - 5.6.8. Specific performance and civil suits for compensation.

**Unit - 6. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures.**

- 6.1. Conciliation and mediation through social action groups.
- 6.2. use of media, lobbying and public participation.
- 6.3. Public inquiries and commissions of inquiry.
- 6.4. ombudsman : Lok Pal, Lok Ayukta.
- 6.5. Vigilance Commission.
- 6.6. Congressional and Parliamentary Committees

**Unit - 7. Administrative Discretion.**

- 7.1 Need for administrative discretion.
- 7.2 Administrative discretion and rule of law.
- 7.3 Limitations on exercise of discretion.
  - 7.3.1. Malafide exercise of discretion.
  - 7.3.2 Constitutional imperatives and use of discretionary authority.
  - 7.3.3 Irrelevant considerations.
  - 7.3.3 Non-exercise of discretionary power.

**Unit -8. Liability for Wrong (Tortuous and Contractual)**

- 8.1 Tortious liability: sovereign and non-sovereign functions.
- 8.2 Statutory immunity.
- 8.3 Act of state.
- 8.4 Contractual liability of government.
- 8.5 Government privilege in legal proceedings-state secrets, public interest.
- 8.6 Transparency and right to information.
- 8.7 Estoppel and waiver.

**Unit - 9. Corporations and Public Undertakings.**

- 9.1. State monopoly – remedies against arbitrary action or for acting against public policy.
- 9.2. liability of public and private corporations – departmental undertakings.
- 9.3. Legislative and governmental control.
- 9.4. Legal remedies.
- 9.5. Accountability-Committee on Public Undertakings, Estimates Committee, etc.

**Select Bibliography:**

- 1. S.P.Sathe, **Administrative Law (1998) Butterworths-India, Delhi.**
  - 2. **Administrative Law – C.K.Takwani.**
  - 3. **Vahivati Kanoon – Harubhai Mehta.**
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**Saurashtra University, Rajkot**  
**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	2	Core	1604010001020500	Offences against Children and Juvenile Offences	5	30	70	-	Two Hours Thirty Minutes

### 5. Offences against children And Juvenile Offences

#### Course Objectives:

- Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable.
- No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.
- Increasingly, it is being also realized that young offenders require a wholly different centre of criminal justice system and should not be treated in the same way as the adult offenders.
- Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

#### Course Contents:

#### Unit-1 Juvenile delinquency.

- 1.1. Nature and magnitude of the problem.
- 1.2. Causes.
- 1.3. Juvenile Court System.
- 1.4. Treatment and rehabilitation of juveniles.
- 1.5. Juvenile and adult crime.
- 1.6. Legislative and judicial protection of juvenile offender.
- 1.7. Juvenile Justice Act 2015.

#### Unit-2 Probation

- 2.1. Probation of offenders Law.
- 2.2. The judicial attitude.
- 2.3. Mechanism of probation : Standard of Probation services.
- 2.4. Problems and prospects of probation.
- 2.5. The suspended sentence.

#### Unit-3 Sexual offences against children (Protection of Children from Sexual offences Act, 2012.)

- 3.1. Nature of the offence.
- 3.2. Sexual Assault and Punishment for offence.
- 3.3. Aggravated sexual Assault and Punishment for Offence.
- 3.4. Sexual Harassment and Punishment for Offence.
- 3.5. Abetment of and attempt to commit an offence.

**Unit-4 Using Child for Pornographic purposes and punishment for offence.**

**Unit-5 Procedural Aspect**

- 5.1. Procedure for reporting of cases.
- 5.2. Procedure for recording statement of the child.

**Unit-6 Special Court.**

**Select Bibliography:**

1. Myron Weiner, **The Child and State in India (1990)**
2. National institute of Social Defence, **Model Rules under the Juvenile Justice Act, 1986, (1986)**
3. **Juvenile Justice Case and Protection Act, 2015.**
4. **POCSO Act, 2012.**
5. **Privation of offenders Act.**

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Core	1604010001030100	Principles of Taxation Law	5	30	70	-	Two Hours Thirty Minutes

**1. Principles of Taxation Law**  
**Income Tax Law**  
**GST [Goods and Service Tax Act, 2016]**

**Course Objectives:**

- Power to tax had been described as the power to destroy.
- This idea is being floated often whenever the state introduces a new tax. Is this true? Is it not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be conferred 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.
- 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.
- Obviously, a study of the constitutional framework on taxation becomes important.

**Course Contents:****Unit - 1. General Perspective.**

- 1.1. History of tax law in India.
- 1.2. Fundamental principles relating to tax laws.
- 1.3. Governmental financial policy, tax structure and their role in the national economy.
- 1.4. Concept of tax :
  - 1.4.1. Nature and characteristics of taxes.
  - 1.4.2. Distinction between :
    - 1.4.2.1. Tax and fee
    - 1.4.2.2. Tax and cess.
    - 1.4.2.3. Direct and indirect taxes.
    - 1.4.2.4. Tax evasion and tax avoidance.
- 1.5. Scope of taxing powers of Parliament, state Legislature and local bodies.

**Unit - 2. Income Tax.**

- 2.1. Basic Concepts :
  - 2.1.1. Income
    - 2.1.2. Total income.
    - 2.1.3. income not included in total income.
    - 2.1.4. Deemed income.
    - 2.1.5. Clubbing of income.
  - 2.2. Assessee.
  - 2.3. Person.
  - 2.4. Tax Planning.
  - 2.5. Chargeable income.
    - 2.5.1. Heads of income.
      - 2.5.1.1. Salaries.
      - 2.5.1.2. Income from house property.
      - 2.5.1.3. Income from business or profession.

- 2.5.1.4. Capital gains.
- 2.5.1.5. Income from other sources.
- 2.5.2. Deductions, relief and exemptions.
- 2.5.3. Rate of income tax.
- 2.6. Income Tax Authorities :
- 2.6.1. Power and functions.
- 2.7. Offences and penal sanctions :
- 2.8. Settlement of grievances :
- 2.8.1 Authorities, powers and functions.

**Unit – 3            Section II.**

**G.S.T. [Goods and Service Tax Act,2016]**

- 3.1 Concept, Object and Constitutional Amendment.
- 3.2 Kinds of GST ( CGST, SGST and IGST)
- 3.3 Important Definitions of the GST.  
Aggregate Turnover, Place of Supply, Address of Delivery, Business, Capital Goods, Consideration, Continue supply of Goods and Services, E Commerce and E Commerce Operator, Agent Supply, Goods and Services, Input and Input Services.
- 3.4 Scope of Supply, Composite and mixed supply.
- 3.5 Composition Levy.
- 3.6 Provisions of Input Tax Credits.
- 3.7 Penalty Provisions for -
  - 3.7.1 Registration
  - 3.7.2 Tax Invoice,
  - 3.7.3 Accounting Records
  - 3.7.4 Return requirement

**Select Bibliography:**

- 1. Sampath iyenger, Law of Income Tax (1998), Bharat Law House, New Delhi.
  - 2. GST Law Manual
  - 3. R.V. Patel, The Central Sales Tax Act (1966), Thripathi, Bombay.
  - 4. S.D. Singh, Principles of Law of Sales Tax (1973), Eastern, Lucknow.
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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Core	1604010001030200	Labour & Industrial Law -1	5	30	70	-	Two Hours Thirty Minutes

**2. Labour & Industrial Law -1**  
**Industrial Disputer Act**  
**Trade Union Act.**  
**Factory Act.**  
**Employees Provident Fund Act.**  
**Industrial Employment**  
**(Standing Orders) Act.**

**Course Objectives:**

- 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 jurisprudence.
- Protection of labour is a constitutional mandate.
- A constitution inspired 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 a factor of national progress. Labour makes significant contribution in this respect.

**Course Contents:****Units - 1. Historical perspectives on Labour**

- 1.1. Labour through the ages - slave labour - guild system - division on caste basis - labour during feudal days.
- 1.2. Colonial labour law and policy
- 1.3. Labour capital conflicts: exploitation of labour, profit motive, poor bargaining power, poor working conditions, unorganised labour, bonded labour, surplus labour, division of labour and super-specialisation - lack of alternative employment.
- 1.4. Theories of labour and surplus value
- 1.5. From laissez faire to welfarism and to globalisation: transition from exploitation to protection and from contract to status : changing perspectives on labour.

**Unit- 2. Trade unionism**

- 2.1. Labour movement as a counter measure to exploitation - history of trade union movement in India.
- 2.2. Right to trade union as part of human right to freedom of association – international norms and the Indian Constitution.
- 2.3. Legal control and protection of trade union: registration, amalgamation, rights, immunities, liabilities and dissolution.
- 2.4. Problems: multiplicity of unions, over politicisation - intraunion and inter-union rivalry, outside leadership, closed shop and union-shop, recognition of unions.

**Unit - 3. Collective Bargaining.**

- 3.1. The concept.
- 3.2. International norms – conditions precedent – merits and demerits
- 3.3. Bargaining process.
  - 3.3.1. Negotiation.
  - 3.3.2. Techniques of Pressurization : strike and lockout, go-slow, work to rule, gherao, bundh.
- 3.4. *Structure of bargaining : plant, industry and national levels.*
- 3.5. Duration and enforcement of bipartite agreement.
- 3.6. Reforms in Law

**Unit - 4 Industrial Employment[Standing Orders] Act, 1946**

**Unit – 5 Industrial Disputes Act 1947**

**Unit – 6 Factory Act, 1948**

**Select Bibliography:**

1. Labour Problems in India –V.V. Giri
2. Industrial Relations and Labour Laws – S.C. Srivastava.
3. Industrial & Labour Laws - S.P. Jain.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Core	1604010001030300	Labour & Industrial Law -2	5	30	70	-	Two Hours Thirty Minutes

**3. Labour & Industrial Law -2**  
**Employee's State Insurance Act**  
**Payment of Bonus Act.**  
**Payment of Wages Act.**  
**Minimum Wages Act.**  
**Gratuity Act.**  
**Workmen Compensation Act.**

**Course Objectives:**

- Labour is not merely a commodity.
- It is not only a factor in production.
- Today's labour is engaged in a battle for position of honour and status equal with management.
- He needs appropriate wages, regular payment without illegal deduction, equal pay for equal work.
- He needs security at work place, compensation at the instance of loosing earning capacity due accident at work place.
- He needs economic security at the time of his rainy days.
- This course requires to learn all these necessities of life of the labour.

**Course Contents:****UNIT – 1****Employee's State Insurance Act.**

- 1.1 Application and coverage of Act
- 1.2 Important Definitions: Workmen, Benefit Period, Contribution Period, Wages, Employer.
- 1.3 Benefits available to the Employees under the Act.

**UNIT – 2****Payment of Bonus Act.**

- 2.1 Application and concept of Bonus
- 2.2 Important Definitions : Bonus, Employees, continuous Services
- 2.3 Calculation of Bonus : Available surplus and allocable surplus
- 2.4 Provisions for new establishments relating to calculation of Bonus, Calculation of Bonus : Available surplus and allocable surplus
- 2.5 Minimum Bonus & Maximum Bonus ,Qualifications & Disqualifications for Bonus, Recovery of Bonus

**UNIT – 3**

**Payment of Wages Act.**

- 3.1 Application and concept of Wages
- 3.2 Important Definitions: Wages, Workman etc.
- 3.3 Liabilities of employer for payment of wages
- 3.4 Authorized and Unauthorized Deductions
- 3.5 Remedies against unauthorized deductions (u/s.15)

**UNIT – 4**

**Minimum Wages Act.**

- 4.1 Aims and Objects.
- 4.2 Different concept of Wages.
- 4.3 Fixing of minimum rates of wages.
- 4.4 Minimum rates of wages.
- 4.5 Procedure for fixing and revising minimum wages.
- 4.6 Constitution of Committees and Advisory Board.
- 4.7 Minimum time rate wages of Piece work.
- 4.8 Claims.

**UNIT – 5**

**Payment of Gratuity Act.**

- 5.1 Application and coverage of Act
- 5.2 Important Definitions: Wages, employees, continuous service
- 5.3 Qualifications and disqualifications of Gratuity
- 5.4 Formula for calculation of Gratuity and related judicial Pronouncements
- 5.5 Recovery of Gratuity and authorities under the Act

**UNIT – 6**

**Workmen Compensation Act.**

- 6.1 Object and Reasons
- 6.2 Employer's Liability for compensation
- 6.3 Amount of Compensation.
- 6.4 Method of Calculating wages.
- 6.5 Distribution of Compensation
- 6.6 Medical Examination
- 6.7 Notice and Claims.
- 6.8 Remedies of Employers against Stranger.
- 6.9 Insolvency of Employer
- 6.10 Reference to Commissioners.
- 6.11 Penalties.
- 6.12 Power to Submit Cases.
- 6.13 Appeals.

**Select Bibliography:**

- 1. Industrial Law – P.L.Malik.
- 2. Srivastava K.D., Commentaries on Payment of Wages Act 1936 (1998), Eastern, Lucknow
- 3. Srivastava K.D., Commentaries on Minimum Wages Act 1948 (1995), Eastern, Luknow

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Core	1604010001030400	Environmental Laws	5	30	70	-	Two Hours Thirty Minutes

**4. Environmental Laws****Course Objectives:**

- 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.

**Course Contents:****Unit - 1. Concept of environment and Pollution.**

- 1.1. Environment.
  - 1.1.1 Meaning and contents.
- 1.2. Pollution.
  - 1.2.1. Meaning.
  - 1.2.2. Kinds of pollution.
  - 1.2.3. Effects of pollution.

**Unit - 2. Legal control: historical perspectives.**

- 2.1. Indian tradition : dharma of environment.
- 2.2. British Raj – Industrial development and exploitation of nature.
  - 2.2.1. Nuisance : penal code and procedural codes.
- 2.3. Free India – continuance of British influence.
  - 2.3.1. Old law and new interpretations.

**Unit - 3. Constitutional Perspectives.**

- 3.1. Constitution making – development and property oriented approach.
- 3.2. Directive principles.
  - 3.2.1. Status, role and interrelationship with fundamental rights and fundamental duties.
- 3.3. Fundamental Duty.
  - 3.3.1. Contents.
  - 3.3.2. Judicial approach.
- 3.4. Fundamental Rights.
  - 3.4.1. Rights to clean and healthy environment.

- 3.4.2. Right to education.
- 3.4.3. Right to information.
- 3.4.4. Environment v. Development.
- 3.5. Enforcing agencies and remedies.
- 3.5.1. Courts.
- 3.5.2. Tribunal.
- 3.5.3. Constitutional, statutory and judicial remedies.
- 3.6. Emerging principles.
- 3.6.2. Precautionary principle.
- 3.6.3. Public trust doctrine.
- 3.6.4. Sustainable development.

**Unit - 4. Water and Air Pollution.**

- 4.1. Meaning and standards.
- 4.2. Culprits and victims.
- 4.3. Offences and penalties.
- 4.4. Judicial approach.

**Unit - 5. Noise Pollution.**

- 5.1. Legal control.
- 5.2. Court's balancing : permissible and impermissible noise.

**Unit - 6. Environment Protection.**

- 6.1. protection agencies : power and functions.
- 6.2. Protection : means and sanctions.
- 6.3. Emerging protection through delegated legislation.
- 6.3.1. Hazardous waste,
- 6.3.2. Bio-medical waste.
- 6.3.3. Genetic engineering.
- 6.3.4. Disaster emergency preparedness.
- 6.3.5. Environment impact assessment.
- 6.3.6. Coastal zone management.
- 6.3.7. Environmental audit and eco mark.
- 6.4. Judiciary : complex problems in administration of environmental justice.

**Unit - 7. Forest and greenery.**

- 7.1 Greenery conservation laws.
- 7.1.1. Forest conservation.
- 7.1.2. Conservation agencies.
- 7.1.3. Prior approval and non-forest purpose.
- 7.1.4. Symbiotic relationship and tribal people.
- 7.1.5. Denudation of forest : judicial approach.
- 7.1.6. Wild life.
- 7.1.7. Sanctuaries and national parks.
- 7.1.8. Licensing of zoos and parks.
- 7.1.9. State monopoly in the sale of wild life and wild life articles.
- 7.1.10. Offences against wild life.

**Unit - 8. Bio-diversity.**

- 8.1 Legal control.
- 8.2 Control of eco-unfriendly experimentation on animals, plants, seeds and micro organism.

**Unit - 9. International regime.**

- 9.1 Stockholm conference.
- 9.2 Green house effect and ozone depletion.
- 9.3 Rio conference.
- 9.4 Bio-diversity.
- 9.5 U.N. declaration on right to development.
- 9.6 Wetlands.

**Select Bibliography:**

1. **R.B. Singh & Suresh Misra, Environmental law in India (1996), concept Publishing Co., New Delhi.**
  2. **Environmental Law – Meet publication.**
  3. **Kailash Thakur, Environmental Protection : Law and Policy in India (1997), Deep & Deep Publicaitons, New Delhi.**
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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Elective	1604020001030500	Banking Law	5	30	70	-	Two Hours Thirty Minutes

**5. Banking Law**  
**Banking Regulation Act.**  
**Negotiable Instruments Act.**

**Course Objectives:**

- The modern society functions, contrary to the old barter system, on monetary transactions.
- In a developing country like India, the banking system takes off and 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.
- Pari passu, the security to the assets money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the banks.
- The variety of assistance tended by the banks to the common people and business community cannot be overemphasized 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.

**Course Contents :****Unit - 1. Introduction.**

- 1.1. Banking : definition – common law and statutory.
- 1.2. Commercial banks : functions.
  - 1.2.1. Essential functions.
  - 1.2.2. Agency services.
  - 1.2.3. General utility services.
  - 1.2.4. International trading service.
  - 1.2.5. Information services.
  - 1.2.6. Emergence of multi functional dimensions.
- 1.3. Systems of Banking : Unit banking, branch banking, group banking and chain banking.
  - 1.3. Banking companies in India.

**Unit - 2. Banks and Customers.**

- 2.1. Customer : meaning.
- 2.2. Legal character of banker – customer relationship.
- 2.3. Rights and obligations of banks.
  - 2.3.1. Right of set-off.
  - 2.3.2. Banker's lien.
  - 2.3.3. Right to charge interest and commission.
  - 2.3.4. Obligation to honour customers' cheques.
  - 2.3.5. Duty of confidentiality.
    - 2.3.5.1. Nature and justification of the duty.
    - 2.3.5.2. Exceptions to the duty.

- 2.3.6. Garnishee orders.
- 2.4. Accounts of customers.
- 2.4.1. Current Accounts.
- 2.4.2. Deposit Accounts.
- 2.4.3. Joint Accounts.
- 2.4.4. Trust Accounts.
- 2.5. Special types of customers : - Lunatics, minors, agents, administrators and executors, partnership firms and companies.

**Unit - 3. Control over Banks.**

- 3.1. Control by Government and its agencies.
- 3.1.1. Need for elimination of systemic risk, avoidance money laundering, consumer protection, promotion of fair competition. On management.
- 3.1.2. On account and audit.
- 3.1.3. On money lending.
- 3.1.4. Reorganization and reconstruction.
- 3.1.5. On suspension and winding up.
- 3.2. Control by ombudsman.
- 3.3. RBI.

**Unit - 4. Control Banking Theory and the RBI.**

- 4.1. Evolution of Central Banks.
- 4.2. Characteristics and functions of central banks.
- 4.3. Central bank as banker and adviser of the State.
- 4.4. Central bank as banker's bank.
- 4.5. The Reserve Bank of India as central bank in India.
- 4.5.1. Objectives and organizational structure.
- 4.5.2. Functions.
- 4.5.3. Regulations of the monetary system.
- 4.5.4. Monopoly of note issue.
- 4.5.5. Credit control.
- 4.5.6. Determination of bank rate policy.
- 4.5.7. Open market operations.
- 4.5.8. Banker to government.
- 4.5.9. Control over Non-banking financial institutions.
- 4.5.10. Economic and statistical research.
- 4.5.11. Staff training.
- 4.5.12. Control and supervision of other banks.

**Unit - 5. Lending by Banks.**

- 5.1. Principles of good lending.
- 5.2. Securities for bank advances.
- 5.2.1. Pledge.
- 5.2.2. Mortgage.
- 5.2.3. Charge.
- 5.2.4. Goods or documents of title to goods.
- 5.2.5. Life insurance policies as security.
- 5.2.6. Debentures as security.
- 5.2.7. Guarantees as security.
- 5.2.7.1. Contract of guarantee and contract of indemnity.
- 5.2.7.2. Kinds of guarantees : specific & continuing.
- 5.2.7.3. Surety's rights and liabilities.
- 5.3. Repayment.
- 5.3.1. Interest : Rule against penalties.
- 5.4. Default and Recovery.
- 5.4.1. Recovery of Debts Due to Banks and Financial Institutions Act, 1993.
- 5.4.2. Establishment of; debt recovery tribunals – constitution and functioning.

**Unit - 6. Law Relating to Negotiable Instruments.**

- 6.1 Negotiable instruments kinds.
- 6.2 Holder and Holder in due course.
- 6.3 Parties.
- 6.4 Negotiation.
- 6.5 Presentiment.
- 6.6 Discharge from liability.
- 6.7 Dishonor.
- 6.8 Civil liability.
- 6.9 Liability: procedure for prosecution: extent of penalty.
- 6.10 The Paying Banker.
- 6.11 Duty to honour customers' cheques.
- 6.12 Conditions.
- 6.13 Exceptions to the duty to honour cheques.
- 6.14 Money paid by mistake.
- 6.15 The Collecting Banker.
- 6.16 Liability for conversion.
  
- 6.17 Duties.
  
- 6.18 Good faith and statutory protection to the collecting banker.

**Select Bibliography:**

1. **M.S. Parthasarathy (Ed.), Kherganvala on the Negotiable Instruments Act (1998) Buterworth, New Delhi.**
  2. **M.L. Tannen, Tannen's Banking Law and Practice in India, (2000) India Law House, New Delhi.**
  3. **Mukherjee. T.K., Banking Law and Practice (1999), Universal, Delhi.**
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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Core	1604010001040100	Family Law -1	5	30	70	-	Two Hours Thirty Minutes

**1. Family Law – 1****Course Objectives:**

The course structure is designed mainly with three objectives in view.

- One is to provide adequate sociological perspectives so that the 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 writ 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 religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code.

**Course Contents:****UNIT – I**

Introduction - Concept of Dharma - Sources of Hindu Law – Modern and Ancient - Importance of Dharma Shastra on Legislation – Two Principal Schools of Hindu Law - Application of Hindu Law.

**UNIT – II**

Marriage and Kinship - Evolution of the Institution of Marriage and Family- Law Prior to Hindu Marriage Act -A detailed study of Hindu Marriage Act, 1955 -Matrimonial Remedies - Maintenance and Alimony; Customary Practices and legislative provisions relating to dowry prohibition.

**UNIT – III**

Hindu undivided family – Mitakshara Joint Family - Formation and Incidents - Property under both Schools – Kartha: His Position, Powers, Privileges and Obligations - Debts – Doctrine of Pious Obligation - Partition and Reunion –Religious and Charitable Endowment.

**UNIT – IV**

Inheritance and Succession - Historical perspective of traditional Hindu Law relating to Inheritance - A detailed study of Hindu Succession Act, 1956.  
Stridhana- Woman's Property - Recent State and Central Amendments to Hindu Succession Act; Gifts and Testamentary Succession – Wills.

**UNIT – V**

Law relating to Hindu Minority and Guardianship: Kinds of Guardians; Duties & Powers of Guardians; A detailed study of Hindu Adoption and Maintenance Act, 1956; Maintenance: Traditional Rights and Rights under Hindu Adoption & Maintenance Act 1956.

**Select Bibliography:**

1. **Paras Diwan – Modern Hindu Law .**
  2. **John D. Mayne – Hindu Law Usages .**
  3. **Mulla – Principles of Hindu Law.**
  4. **Paras Diwan – Law of Adoption, Ministry Guardianship’s custody.**
  5. **J. D. M. Derrett – Hindu Law – Past and Present.**
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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Core	1604010001040200	Family Law -2	5	30	70	-	Two Hours Thirty Minutes

**2. Family Law – 2****(MOHAMMEDAN LAW, PARSIS LAWS AND CHRISTIAN LAWS)****Course Objectives:**

The course structure is designed mainly with three objectives in view.

- One is to provide adequate sociological perspectives so that the 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 writ 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 religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code.

**Course Contents:****UNIT-I**

Development of Islamic Law: Advent of Islam & development of Muslim Law, Schools of Islamic Law, the *Shariat Act, 1937*; Concept of Marriage: Definition, object, nature, essential requirements of a Muslim marriage, classification of marriage - Legal effects of valid, void and irregular marriage - Muta marriage; Sources of Islamic law; Customary practices and State regulation: Polygamy; Child marriage; Pre-emption; Wakf; Dower.

**UNIT-II**

Conversion and its consequences on family: Marriage, Guardianship, Succession; Child and Family: Legitimacy, Custody, maintenance and education, Guardianship and parental rights.

**UNIT-III**

Matrimonial Remedies under Islamic Law and Indian Divorce Act, 1869(Amended Act) - Nullity of marriage - Bar to matrimonial relief; Alimony and Maintenance: Alimony and Maintenance as an independent remedy- A review under Muslim law, Indian Divorce Act, 1869, provisions under the *Criminal Procedure Code, 1973*; Maintenance of divorced Muslim Women under the *Muslim Women (Protection of Rights on Divorce) Act, 1986*.

**UNIT-IV**

*Will and Inheritance*: Will-Meaning, difference between will and gift, Will made in death bed or during illness; Muslim law of Inheritance- Shia and Sunni schools; Distribution of property under Indian Succession Act of 1925(Of Christians, Parsis and Jews)- Domicile - Parsis Intestate succession and Non Parsis Intestate succession, Succession certificate, Probate and letters of administration, powers and duties of executor.

### **UNIT-V**

Wills – Privileged and unprivileged wills - Construction of Wills in brief - Void bequests, void wills, kinds of legacies - Protection of property of the deceased; Family Courts Act, 1984- Constitution, powers, and its functions; Need for Uniform Civil Code- Article 44 of Indian Constitution.

### **UNIT-VI**

#### **Parsi Laws**

### **UNIT-VII**

#### **Christian laws**

#### **Select Bibliography:**

1. Mulla - Principles of Mohammedan Law.
  2. Paras Diwan - Law of Intestate and Testamentary Succession.
  3. B. B. Mitra - Indian Succession Act, 1925.
  4. A. A. A Fyzee - Outlines of Mohammedan Law.
  5. D. D. Basu - Law of Succession.
  6. Paras Diwan - Family Law: Law of Marriage and Divorce in India.
  7. A. M. Bhattachargee - Muslim Law and the Constitution.
  8. Tahir Mohamood - Mohammedan Law.
  9. Indian Divorce Act, 1869 – Bare Act
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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Core	1604010001040300	Jurisprudence	5	30	70	-	Two Hours Thirty Minutes

### 3. Jurisprudence (Legal Method Indian Legal System) Basic Theory of Law

#### Course Objectives:

- At the heart of the legal enterprise is the concept of law. Without a deep understanding of this 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 foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is 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 or complexity and is driven to seek out answers for himself it.

#### Course Contents:

##### Unit - 1. Introduction.

- 1.1. Meaning of the term 'jurisprudence'.
- 1.2. Norms and the normative system.
  - 1.2.1. Different types of normative systems, such as of games, languages, religious orders, unions, clubs and customary practice.
  - 1.2.2. Legal system as a normative order : similarities and differences of the legal system with other normative systems.
  - 1.2.3. Nature and definition of law.

##### Unit - 2. Schools of Jurisprudence.

- 2.1. Analytical positivism.
- 2.2. Natural law.
- 2.3. Historical school
- 2.4. Sociological school
- 2.5. Economic interpretation of law
- 2.6. The Bharat jurisprudence.
  - 2.6.1. The Ancient : the concept of 'Dharma'.
  - 2.6.2. The Modern : PIL, social justice, compensatory jurisprudence.

**Unit - 3. Purpose of Law.**

- 3.1. Justice.
- 3.1.1. Meaning and kinds.
- 3.1.2. Justice and law : approaches of different schools.
- 3.1.3. Power of the Supreme Court of India to do complete justice in a case : Article 142.
- 3.1.4. Critical studies.
- 3.1.5. Feminist jurisprudence.

**Unit - 4. Sources of Law.**

- 4.1. Legislation.
- 4.2. Precedents : concept of stare decisis.
- 4.3. Customs.
- 4.4. Juristic writings.

**Unit - 5. Legal Rights : the Concept.**

- 5.1. Rights : kinds.
- 5.2. Right duty correlation.

**Unit - 6. Persons.**

- 6.1. Nature of personality
- 6.2. Status of the unborn, minor, lunatic, drunken and dead persons.
- 6.3. Corporate personality.
- 6.4. Dimensions of the modern legal personality : Legal personality of non-human beings.

**Unit - 7. Possession : the Concept.**

- 7.1. Kinds of possession.

**Unit - 8. Ownership : the Concept.**

- 8.1. Kinds of ownership.
- 8.2. Difference between possession and ownership.

**Unit - 9. Title.**

**Unit - 10. Property : the concept.**

- 10.1. Kinds of property.

**Unit - 11. Liability.**

- 11.1. Conditions for imposing liability.
- 11.1.1. Wrongful act.
- 11.1.2. Damnum sine injuria.
- 11.1.3. Causation.
- 11.1.4. Mens rea.
- 11.1.5. Intention.
- 11.1.6. Malice.
- 11.1.7. Negligence and recklessness.
- 11.1.8. Strict liability.
- 11.1.9. Vicarious liability.

**Unit - 12. Obligation: Nature and kinds.**

12.1. Sources of obligation.

**Unit - 13. Procedure.**

13.1. Substantive and procedural laws: difference.

13.2. Evidence: Nature and Kinds.

**Select Bibliography:**

1. V.D. Mahajan, **Jurisprudence and Legal Theory (1996 re-print)**, Eastern, Lucknow.
2. **Kaydana Khyalo – B.M. Sukla.**
3. **Dias – Jurisprudence, Adithya Books, New Delhi.**

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**Saurashtra University, Rajkot**  
**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Core	1604010001040400	Company Law	5	30	70	-	Two Hours Thirty Minutes

#### 4. Company Law

##### Course Objectives:

- 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, vast 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.

##### Course Contents:

##### Unit - 1. Meaning of Corporation.

- 1.1. Theories of corporate personality.
- 1.2. Creation and extinction of corporations.

##### Unit - 2. Forms of corporate and Non-corporate Organisations.

- 2.1. Corporations, partnerships and other associations of persons, state corporations, government companies, one person company, small scale, co-operative, corporate and joint sectors.

##### Unit - 3. Law relating to companies – public and private – Companies Act, 2013.

- 3.1. Need of company for development formation of a company registration and incorporation.
- 3.2. Memorandum of association – various clauses – alteration therein – doctrine of ultra vires.
- 3.3. Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.
- 3.3.1. Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus, private placement of securities
- 3.4. Promoters – position – duties and liabilities.
- 3.4.1. Shares – general principles of allotment statutory restrictions – share certificate its objects and effects – transfer of share – restrictions on transfer – procedure for transfer – refusal of transfer – role of public finance institutions – relationship between transferor and transferee – issue of shares at premium and discount – depository receipts – dematerialised shares.
- 3.4.2. Shareholder – who can be and who cannot be a shareholder – modes of becoming a shareholder – calls on shares – forfeiture and surrender of shares – lien on shares.



- 3.4.3. Share capital – kinds – alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital – duties of courts to protect the interests of creditors and share holders.
- 3.5. Directors – position – appointment – qualifications – vacation of office – removal – resignation – powers and duties of directors – meeting, registers, loans – remuneration of directors – role of nominee directors – compensation for loss of office – managing directors – compensation for loss of office – managing directors and other managerial personnel.
- 3.5.1. Meetings – kinds – procedure – voting.
- 3.5.2. Dividends – payment – capitalisation – profit.
- 3.6. Internal Audit, Secretarial Audit, Internal accounts and Financial Reporting, Corporate Social Responsibility, Corporate Governance, Role of Company Secretaries
- 3.7. Borrowing powers – powers – effect of unauthorised borrowing – charges and mortgages – loans to other companies – investments – contracts by companies.
- 3.8. Debentures – meaning – fixed and floating charge – kinds of debentures – shareholder and debenture holder – remedies of debenture holders.
- 3.9. Protection of minority rights.
- 3.10. Protection of oppression and mismanagement – who can apply? – Powers of the company, court and of the central government.
- 3.11. Investigation – powers.
- 3.12. Private companies – nature and advantages – government companies – holding and subsidiary companies.
- 3.13. Regulation and amalgamation.
- 3.14. Winding up – types – by court – reasons – grounds – who can apply – procedure – powers of liquidator – powers of court – consequences of winding up order – voluntary winding up by members and creditors – winding up subject to supervision of courts – liability of past members – payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company.

**Unit - 4. Law and Multinational companies.**

- 4.1. International norms for control.
- 4.2. National law FEMA (Foreign Exchange Management Act 1999) controls joint-ventures – investment in India – repatriation of project.
- 4.3. Collaboration agreements for technology transfer.

**Unit - 5. Corporate liability.**

- 5.1. Legal liability of companies – civil and criminal.
- 5.2. Remedies against them civil, criminal and tortious – Specific Relief Act, writs, liability under special statutes.

**Select Bibliography:**

- 1. Avtar Singh, Indian Company law (1999), Eastern, Lucknow.
- 2. Company Law – Ashwin Shah.
- 3. A. Ramaiya, Guide to the Companies Act, (1998), Wadha.

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**Saurashtra University, Rajkot**  
**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Elective	1604020001040500	Public International Law	5	30	70	-	Two Hours Thirty Minutes

### 5. Public International Law

#### Course Objectives:

- There need not be an attempt to teach the whole gamut of international law in this course.
- This course is to be confined to deliberation of international law topics relevant to the growth of law and how international norms and directions are applied in the municipal law of the country.
- In ancient times, the interaction between different States was not so common
- The industrial revolution, scientific and technological advancement brought the States close, the interaction between different States became very frequent.
- All these necessitated creation, acceptance and recognition of international law.

#### Course Contents:

##### Unit -1. Definition, Nature and Basis of International law.

Is International Law a true Law ? Weakness of International Law. Codification and development of International Law. Relation between international Law and State Law. Sources of International Law, Subjects of International Law, Place of Individual in International Law, Nationality. Extradition and Asylum, Human Rights.

##### Unit -2 State in general.

Kinds of States and Non-States entities, Acquisition and loss of State Territory. Territorial water, Continental shelf, Contiguous Zone and exclusive economic zone. Recognition of states and Governments. Recognition of insurgency and belligerency, de facto and de-jure recognition. State succession. State Jurisdiction, Territorial sovereignty, Criminal jurisdiction in International Law. Intervention. Freedom of the High Sea, Piracy.

##### Unit -3 Diplomatic agents, Consultants

Classification and Functions of diplomatic agents. Privileges and immunities with reference to Vienna Convention on Diplomatic relation 1961. Treaties definition, basis, classification and formation of treaties, Interpretation and revision of treaties, principles of jus cogens and pacta sunt servanda, termination of treaties, Vienna convention on the law of treaties, Peaceful and compulsive means of settlement of International disputes. International court of justice Jurisdiction and contribution towards development of international law.

##### Unit -4 International institution :

League of Nations. United Nations, History and formation of United Nations, organs of United Nations with specific reference to General Assembly, Security council and International Court of Justice. International Law Commission. War, its legal character and effects, enemy character, Armed conflicts and other hostile relations. Belligerent occupation. War Crimes, Termination of war and doctrine of postliminium Prize courts.

Unit -5 **The Law of Neutrality**

Basis of neutrality. Rights and duties of neutral states, neutrality, neutrality and U.N. Charter. Right of Angray. Contraband, Blockade Un-neutral service. Right of visit and search.

**Select bibliography :**

1. S.K.Varma, **Public International Law (1998)**, Prentice-Hall, New Delhi
2. **Starke : An Introduction to International Law**
3. **Briggs : Law of Nations.**
4. **S.K. Varma, Public International Law (1998)**, Prentice-Hall, New Delhi.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Core	1604010001050100	Law of Crime - 2[CrPC]	5	30	70	-	Two Hours Thirty Minutes

1. **Law of Crime - 2 Criminal Procedure Code****Course Objectives:**

- 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.

**Course Contents:****Unit - 1. Introductory.**

- 1.1. The rationale of criminal procedure: the importance of fair trial.
- 1.2. Constitutional perspectives : Articles 14, 20 & 21.
- 1.3. The variety of criminal procedures (the class should examine, in particular the procedure for trial of special offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act).
- 1.4. The organisation of police, prosecutor, defence counsel and prison authorities and their duties, functions and powers.

**Unit -2. Pre-trial process : arrest:**

- 2.1. The distinction between cognisable and non-cognisable offences : relevance and adequacy problems.
- 2.2. Steps to ensure accused's presence at trial : warrant and summons.
- 2.3. Arrest with and without warrant (Section 70-73 and 41).
- 2.4. The absconder status (Section 82, 83, 84, and 85)
- 2.5. Right of the arrested person.
- 2.6. Right to know grounds of arrest (Section 50(1), 55, 75)
- 2.7. Right to be taken to magistrate without delay (Section 56, 57)
- 2.8. Right to not being detained for more than twenty-four hours (Section 57) : 2.9 Article 22(2) of the Constitution of India.
- 2.9. Right to consult legal practitioner, legal aid and the right to be told of rights to bail.
- 2.10. Right to be examined by a medical practitioner (Section 54).

**Unit -3. Pre-trial process : Search and Seizure.**

- 3.1. Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103).
- 3.2. Police search during investigation (Section 165, 166, 153).
- 3.3. General principles of search (Section 100).
- 3.4. Seizure (Section 102).
- 3.5. Constitutional aspects of validity of search and seizure proceedings.

**Unit -4. Pre-trial Process : FIR.**

- 4.1. F.I.R. (Section 154).
- 4.2. Evidentiary value of F.I.R. (Section 145 and 157 of Evidence Act).

**Unit -5. Pre-trial Process : Magisterial Powers to take Cognizance.**

**Unit -6. Trial Process.**

- 1.1. Commencement of proceedings : (Section 200, 201, 202)
- 1.2. Dismissal of complaints (Section 203, 204).
- 1.3. Bail: concept, purpose : constitutional overtones.
- 1.3.1. Bailable and Non-Bailable offences (Section 436, 437, 439).
- 1.3.2. Cancellation of Bail (Section 437 (5) )
- 1.3.3. Anticipatory bail (Section 438).
- 1.3.4. Appellate bail powers (Section 389(1), 395(1), 437(5) ).
- 1.3.5. General principles concerning bond (Sections 441-450).

**Unit -7. Fair Trial.**

- 7.1. Conception of fair trial.
- 7.2. Presumption of innocence.
- 7.3. Venue of Trial.
- 7.4. Right of the accused to know the accusation (Section 221-224).
- 7.5. The right must generally be held in the accused's presence (Section 221-224).
- 7.6. Right of cross-examination and offering evidence in defence : the accused's statement.
- 7.7. Right to speedy trial.

**Unit -8. Charge.**

- 8.1. Framing of charge.
- 8.2. Form and content of charge (Section 211, 212, 216).
- 8.3. Separate charges for distinct offence (Section 218, 219, 220, 221, 223).
- 8.4. Discharge – pre-charge evidence.

**Unit -9. Preliminary pleas to bar the trial.**

- 9.1. Jurisdiction(Section 26, 177-188, 461, 462, 479).
- 9.2. Time limitations : rationale and scope (Section 468-473).
- 9.3. Pleas of autrefois acquit and autrefois convict (Section 300, 22D).
- 9.4. Issue-Estoppel.
- 9.5. Compounding of offences.

**Unit -10. Trial Before a Court of Sessions : Procedural Steps and Substantive Rights.**

**Unit -11. Judgement.**

- 11.1. Form and content (Section 354).
- 11.2. Summary trial.
- 11.3. Post-conviction orders in lieu of punishment : emerging penal policy. (Section 360, 361, 31)
- 11.4. Compensation and cost (Section 357, 358).
- 11.5. Modes of providing judgement (Section 353, 362, 363).

**Unit -12. Appeal, Review, Revision.**

- 12.1. No appeal in certain cases (Section 372, 375, 376).
- 12.2. The rationale of appeals, review, revision.
- 12.3. The multiple range of appellate remedies :
  - 12.3.1. Supreme Court of India (Section 374, 379, Articles 31, 132, 134, 136).
  - 12.3.2. High Court (Section 374).
  - 12.3.3. Sessions Court (Section 374).
  - 12.3.4. Special right to appeal (Section 380).
  - 12.3.5. Governmental appeal against sentencing (Section 377, 378).
  - 12.3.6. Judicial power in disposal of appeals (Section 368).
  - 12.3.7. Legal aid in appeals.
  - 12.4. Revisional jurisdiction (Sections 397-405).
- 12.5. Transfer of cases (Section 406, 407).

**Unit -13. Reform of criminal procedure.**

**Select Bibliography:**

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999) University, Delhi.
2. Chandrasekharan Pillai (ed.) Kelkar's Outlines of Criminal Procedure (2001), Eastern, Lucknow.
3. K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Core	1604010001050200	Legal English	5	00	100	-	Three Hours

**2. Legal English****Course Objectives:**

Command of language is an essential quality of a lawyer for presentation of not only pleadings but also arguments before a court of law. Efficiency of advocacy depends upon communication skill to a substantial extent. No doubt, he should be conversant with the legal terminology. Precision, clarity and cogence are governing principles of legal writing and dialogue. A student of law should get an opportunity to be familiar with the writings of eminent jurists of the past. This exposition will stand him in good stead in understanding the intricate problems of law and will equip him with the faculty of articulation and sound writing.

**Course Contents:**

1	Legal Essay	20
2	Legal Maxims.	20
3	Reference to Context.	20
4	Drafting, Pleading.	20
5	Translations.	10
6	Comprehension or Pricy Writing.	10

**Select Bibliography:**

1. Selection in English.
2. Legal Language.
3. Legal English.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Core	1604010001050300	Clinical Paper [DPC]	5	90	10	-	

**3. CLINICAL PAPER**  
**Drafting Pleading and Conveyance**

**Internal**  
**90 + 10**  
**Viva**

**Syllabus :**

Outline of the course : (a) Drafting :- General principles of drafting and relevant substantive rules shall be taught.

(b) **Pleadings :-**

- (i) **Civil :** Plaint, Written Statement, Interlocutory Application, Original Petition, affidavit, Execution Petition, memorandum of Appeal and Revision, Petition under article 226 and 32 of the Constitution of India.
- (ii) **Criminal :** Complaint, Criminal Miscellaneous petition, Bail Application, memorandum of Appeal and Revision.
- (iii) **Conveyance :** Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, trust Deed.
- (iv) Drafting of writ petition and PIL petition.

The course will be taught class instructions and simulation exercises, preferably with assistance of practising lawyers / retired judges.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Core	1604010001050400	Clinical Paper [Professional Ethics & Pro. Accounting System	5	80	20	-	

**4. CLINICAL PAPER**  
**Professional Ethics &**  
**Professional Accounting system.**

**Internal**  
**80 + 20**  
**Viva**

**Syllabus :**

Outline of the course : Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations.

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy".
- (ii) The contempt Law and Practice.
- (iii) The Bar Council code of Ethics.
- (iv) 50 selected opinions of the Disciplinary committees of Bar councils and 10 major judgments of the Supreme Court on the subject.
- (v) other reading material as may be prescribed by the University.

Examination rules of the University shall include assessment through case-study, viva, and periodical problem solution besides the written tests.

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Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	5	Elective	1604020001050500	Equity Trust	5	30	70	-	Two Hours Thirty Minutes

### 5. Equity, Trust Fiduciary Relationship and Specific Relief Act.

#### Course Objectives:

- Principles of Equity
- Trust being an obligation connected with property, the law has to play a key role in protecting interests of persons for whose benefit trust is created and for balancing the rights and duties of persons connected with trust transactions.
- There are also instances where even in the absence of specific trust, law has to protect the beneficial interests of persons on equitable considerations.
- Trusts may also be created for public purposes of charitable and religions nature.
- The existing laws in respect of trusts, equitable and fiduciary relations connected with property are to be taught in detail.
- Students should also to be conscientized of the emerging public trust doctrine of common property resources.

#### Course Contents:.

##### Unit - 1. Introduction.

- 1.1. The concept of trust : distinction with agency and contract.
- 1.2. Development of law : common law and equity.
- 1.3. Trusts : classification.

##### Unit - 2. Definition and Nature of trusts under the Indian Law.

- 2.1. Creation of trusts : rules.

##### Unit - 3. Duties of trustees.

- 3.1. Execution.
- 3.2. Acquittance with the nature of property.
- 3.3. Duties in respect of title.
- 3.4. Duty of care.
- 3.5. Conversion.
- 3.6. Impartiality.
- 3.7. Prevention of waste.
- 3.8. Keeping of accounts and giving of information.
- 3.9. Investment.
- 3.10. Sale.
- 3.11. Liability for breach of trust.

**Unit - 4. Rights of trustees.**

- 4.1. Title deed.
- 4.2. Reimbursement.
- 4.3. Indemnity.
- 4.4. Seeking direction from court.
- 4.5. Settlement of accounts.
- 4.6. General authority.

**Unit - 5. Powers of trustees.**

- 5.1. Sale.
- 5.2. Varying of investment.
- 5.3. Property of minors.
- 5.4. Giving receipts.
- 5.5. Power to compound, compromise and settle.
- 5.6. Exercising authority on death or disclaimer of one of the trustees.
- 5.7. Suspension of trustee's power.

**Unit - 6. Disabilities of trustees.**

**Unit - 7. Rights of beneficiaries.**

- 7.1. Rents and profits.
- 7.2. Specific execution.
- 7.3. Inspection and information.
- 7.4. Transfer.
- 7.5. Suit for execution.
- 7.6. To have proper trustees.
- 7.7. Right to compel the trustee to do the duties.
- 7.8. Rights on wrongful purchase or acquisition by trustees.
- 7.9. Follow up of trust properties in the hands of third parties.
- 7.10. Blending of property by trustee.
- 7.11. Wrongful application of trust property by partner trustee for partnership purposes.

**Unit - 8. Liabilities of beneficiaries.**

**Unit - 9. Discharge of Trustees.**

**Unit - 10. Appointment of New Trustees.**

**Unit - 11. Extinction of Trust.**

**Unit - 12. Constructive Trusts : the equitable and fiduciary Relationship.**

- 12.1. Transfer without intent to dispose beneficial interest.
- 12.2. Trust incapable of execution and trusts executed fully without exhausting property the cypress doctrine.
- 12.3. Transfer and request for illegal purpose.
- 12.4. Transfer pursuant to rescindable contract.
- 12.5. Debtor becoming creditor's representative.
- 12.6. Advantage from undue influence.
- 12.7. Advantage by qualified owner.
- 12.8. Property acquired with notice of existing contract.
- 12.9. Purchase by person contracting to buy property to be held on trust.
- 12.10. Possession of property without whole beneficial interest.
- 12.11. Duties of constructive trustees.
- 12.12. Right to bonafide purchasers.

**Unit - 13. Special legislation.**

- 13.1. Charitable and religious trust.

**Unit - 14. Common property resources and public trust doctrine.**

**Unit - 15. Specific relief.**

- 6.1. Specific performance of contract.  
6.1.1. Contract that can be specifically enforced.  
6.1.2. Persons against whom specific enforcement can be ordered.  
6.2. Rescission and cancellation.  
6.3. Injunction.  
6.3.1. Temporary.  
6.3.2. Perpetual  
6.4. Declaratory orders.  
6.5. Discretion and powers of court.

**Select Bibliography:**

1. Rao.C.R., **The Indian Trust Act and Allied Laws (1999).**
  2. **Specific Relief Act 1963.**
  3. Iyer N., **Indian Trust Act (1997), Delhi Law House, New Delhi.**
  4. Philip H. Pettit, **Equity and Law of Trust (1970).**
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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Core	1604010001060100	Law of Evidence	5	30	70	-	Two Hours Thirty Minutes

**1. Law of Evidence****Course Objectives:**

- The law of evidence, is an indispensable part of both substantive and procedural 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 student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms 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 truth. 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.

**Course Contents:****Unit - 1. Introductory.**

- 1.1. The main features of the Indian Evidence Act 1861.
- 1.2. Other acts which deal with evidence (Special reference to CPC, Cr.PC).
- 1.3. Problem of applicability of Evidence Act.
  - 1.3.1. Administrative.
  - 1.3.2. Administrative Tribunals.
  - 1.3.3. Industrial Tribunals.
  - 1.3.4. Commissions of Enquiry.
  - 1.3.5. Court-martial.
- 1.4. Disciplinary authorities in educational institutions.

**Unit - 2. Central Conceptions in Law of Evidence.**

- 2.1. Facts : section 3 definition : distinction – relevant facts / facts in issue.
- 2.2. Evidence : oral and documentary.
- 2.3. Circumstantial evidence and direct evidence.
  - 2.2. Presumption (Section 4).
  - 2.3. “Proving”, “not providing” and “disproving”.
  - 2.4. Witness.
  - 2.5. Appreciation of evidence.

**Unit - 3. Facts : relevancy.**

- 3.1. The doctrine of res gestae (Section 6,7,8,10).
- 3.2. Evidence of common intention (Section 10).
- 3.3. The problems of relevancy of “Otherwise” irrelevant facts (Section 11).
- 3.4. Relevant facts for proof of custom (Section 13).
- 3.5. Facts concerning bodies & mental state (Section 14, 15).

**Unit - 4. Admissions and confessions.**

- 4.1. General principles concerning admission (Section 17, 23).
- 4.2. Differences between “admission” and “confession”.
- 4.3. The problems of non-admissibility of confessions caused by “any inducement, threat or promise (Section 24).
- 4.4. Inadmissibility of confession made before a police offer (Section 25).
- 4.5. Admissibility of custodial confessions (Section 26).
- 4.6. Admissibility of “information” received from accused person in custody; with special reference to the problem of discovery base on “joint statement” (Section 27).
- 4.7. Confession by co-accused (Section 30).
- 4.8. The problems with the judicial action based on a “retracted confession”.

**Unit - 5. Dying Declarations.**

- 5.1. The justification for relevance on dying declarations (Section 32).
- 5.2. The judicial standards for appreciation of evidentiary value of dying declarations.

**Unit - 6. Other statements by Persons who cannot be called as Witnesses.**

- 6.1. General principles.
- 6.2. Special problems concerning violation of women’s rights in marriage in the law of evidence.

**Unit - 7. Relevance of Judgements.**

- 7.1. General principles.
- 7.2. Admissibility of judgements in civil and criminal matters (Section 43).
- 7.3. “Fraud” and “Collusion” (Section 44).

**Unit - 8. Expert Testimony.**

- 8.1. General principles.
- 8.2. Who is an expert ? : types of expert evidence.
- 8.3. Opinion on relationship especially proof of marriage (Section 50).
- 8.4. The problems of judicial defence to expert testimony.

**Unit - 9. Oral and Documentary Evidence.**

- 9.1. General principles concerning oral evidence (Section 59-60).
- 9.2. General principles concerning Documentary Evidence (Section 67-90).
- 9.3. General Principles Regarding Exclusion of Oral by Documentary Evidence.
- 9.4. Special problems : re-hearing evidence.
- 9.5. Issue estoppel.
- 9.6. Tenancy estoppel (Section 116).

**Unit - 10. Witnesses, Examination and Cross Examination.**

- 10.1. Competency to testify (Section 118).
- 10.2. State privilege (Section 123).
- 10.3. Professional privilege (Section 126, 127, 128).
- 10.4. Approval testimony (Section 133).

- 10.5. General principles of examination and cross examination (Section 135-166).
- 10.6. leading questions (Section 141-143).
- 10.7. lawful questions in cross-examination (Section 146).
- 10.8. Compulsion to answer questions put to witness.
- 10.9. Hostile witness (Section 154).
- 10.10. Impeaching of the standing or credit of witness (Section 155).

**Unit - 11. Burden of Proof.**

- 11.1. The general conception of onus probandi (Section 101).
- 11.2. General and special exceptions to onus probandhi.
- 11.3. The justification of presumption and of the doctrine of judicial notice.
- 11.4. Justification as to presumptions as to certain offences (Section 111A).
- 11.5. Presumption as to dowry death (Section 113-B).
- 11.6. The scope of the doctrine of judicial notice (Section 114).

**Unit - 12. Estoppels.**

- 12.1. Why estoppel ? the rationale (Section 115).
- 12.2. Estoppel, res judicata and waiver and presumption.
- 12.3. Estoppel by deed.
- 12.4. Estoppel by conduct.
- 12.5. Equitable and promissory estoppel.
- 12.6. Questions of corroboration (Section 156-157).
- 12.7. Improper admission and of witness in civil and criminal cases.

**Select Bibliography:**

1. Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New Delhi.
2. Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur.
3. Polein Murphy, Evidence (5th Edn. Reprint 2000), Universal, Delhi.
4. Indian Evidence Act, (Amendment up to date)

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Core	1604010001060200	Civil Procedure Code	5	30	70	-	Two Hours Thirty Minutes

## 2. Civil Procedure Code & Limitation Act

### Course Objectives:

- 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 court 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 and revision are all matters which a lawyer for any side is to 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.

### Course Contents:

#### Unit - 1. Introduction.

- 1.1. Concepts.
- 1.1.1. Affidavit, order, judgement, decree, plaint, restitution, execution, decree-holder, judgement-debter, mesne profits, written statement.
- 1.1.2. Distinction between decree and judgement and between decree and order.

#### Unit -2. Jurisdiction.

- 2.1. Kinds.
- 2.1.1. Hierarchy of courts.
- 2.2. Suit of civil nature – scope and limits.
- 2.3. Res-subjudice and Resjudicata.
- 2.4. Foreign judgment – enforcement.
- 2.5. Place of suing.
- 2.6. Institution of suit.
- 2.6.1. Parties to suit : joinder, mis-joinder or non-joinder of parties : representative suit.
- 2.6.1.1. Frame of suit : cause of action.
- 2.6.2. Alternative disputes resolution (ADR).
- 2.6.3. Summons.

#### Unit -3. Pleadings.

- 3.1. Rules of pleading, signing and verification.
- 3.1.1. Alternative pleadings.
- 3.1.2. Construction of pleadings.



- 3.2.                   Plaint : particulars.
- 3.2.1.                Admission, return and rejection.
- 3.3.                   Written statement : particulars, rules of evidence.
- 3.3.1.                Set off and counter claim : distinction.
- 3.4.                   Discovery, inspection and production of documents.
- 3.4.1.                Interrogatories.
- 3.4.2.                Privileged documents.
- 3.4.3.                Affidavits.

**Unit -4.                Appearance, examination and trial.**

- 4.1.                   Appearance.
- 4.2.                   Ex-parte procedure.
- 4.3                   Summary and attendance of witnesses.
- 4.4                   Trial.
- 4.5                   Adjournments.
- 4.6                   interim orders : commission, arrest or attachment before judgement, injunction and appointment of receiver.
- 4.7                   Interests and costs.

**Unit -5.                Execution.**

- 5.1.                   The concept.
- 5.2.                   General principles.
- 5.3.                   Power for execution of decrees.
- 5.4.                   Procedure for execution (ss.52-54).
- 5.5.                   enforcement, arrest and detention(ss.55.59).
- 5.6.                   Attachment (ss.60-64).
- 5.7.                   Sale(ss.65-97).
- 5.8.                   Delivery of property.
- 5.9.                   Stay of execution.

**Unit -6.                Suits in particular cases.**

- 6.1.                   By or against government (ss.79-82)
- 6.2.                   By aliens and by or against foreign rulers or ambassadors (ss.83-87A).
- 6.3.                   Public nuisance (ss.91-93).
- 6.4.                   Suits by or against firm.
- 6.5.                   Suits in forma pauperism.
- 6.6.                   Mortgages.
- 6.7.                   Interpleader suits.
- 6.8.                   Suits relating to public Charities.

**Unit -7.                Appeals.**

- 7.1.                   Appeals from original decree.
- 7.2.                   Appeals from appellate decree.
- 7.3.                   Appeals from orders.
- 7.4.                   General provisions relating to appeal.
- 7.5.                   Appeal to the Supreme Court.

**Unit -8.                Review, reference and revision.**

**Unit -9.                Miscellaneous.**

- 9.1.                   Transfer of cases.
- 9.2                   Restitution.
- 9.3.                   Caveat.
- 9.4                   Inherent powers of courts.

**Unit -10. Law reform : Law Commission on Civil Procedure-amendments.**

**Unit -11. Law of Limitation.**

- 11.1. The concept – the law assists the vigilant and not those who sleep over the rights.
- 11.2. Object.
- 11.3. Distinction with laches, acquiescence, prescription.
- 11.1. Extension and suspension of limitation.
- 11.2. Sufficient cause for not filing the proceedings.
- 11.5.1. Illness.
- 11.5.2. Mistaken legal advice.
- 11.5.3. Mistaken view of law.
- 11.5.4. Poverty, minority and Purdha.
- 11.5.5. Imprisonment.
- 11.5.6. Defective vakalatnama.
- 11.6. Legal liabilities.
- 11.7. Foreign rule of limitation : contract entered into under a foreign law.
- 11.8. Acknowledgement – essential requisites.
- 11.9. Continuing tort and continuing breach of contract.

**Select Bibliography:**

1. Mulla, code of Civil Procedure (1999), Universal, Delhi.
  2. C.K. Thacker, code of Civil Procedure (2000), Universal, Delhi.
  3. M.R..Mallick(ed.), B.B.Mitra on Limitation Act (1998), Eastern, Lucknow
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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Core	1604010001060300	Clinical Paper [ADR]	5	100	-	-	

**3. CLINICAL PAPER ADR  
Alternative Dispute Resolution  
Legal Aid Clinic – Lock Adalat)**

**Internal  
100**

**Course Objectives:**

- The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the ever-changing socio-economic scenario.
- The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its sway 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 perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context.

**Course Contents:**

**Unit-1. Arbitration : meaning, scope and types units**

- 1.1. Distinctions
  - 1.1.1. 1940 law and 1996 law: UNCITRAL model law
  - 1.1.2. Arbitration and conciliation
  - 1.1.3. Arbitration and expert determination
- 1.2. Extent of judicial intervention
- 1.3. International commercial arbitration

**Unit -2. Arbitration agreement units**

- 2.1. Essentials
- 2.2. Kinds
- 2.3. Who can enter into arbitration agreement
- 2.4. Validity
- 2.5. Reference to arbitration
- 2.6. Interim measures by court

**Unit -3. Arbitration Tribunal units**

- 3.1. Appointment
- 3.2. Challenge
- 3.3. Jurisdiction of arbitral tribunal
  - 3.3.1. Powers
  - 3.3.2. Grounds of challenge
- 3.4. Procedure
- 3.5. Court assistance

**Unit -4. Award units**

- 4.1. Rules of guidance
- 4.2. Form and content
- 4.3. Correction and interpretation
- 4.4. Grounds of setting aside an award
  - 4.4.1. Can misconduct be a ground?
  - 4.4.2. Incapacity of a party, invalidity of arbitration agreement
  - 4.4.3. Want of proper notice and hearing
  - 4.4.4. Beyond the scope of reference
  - 4.4.5. Contravention of composition and procedure
  - 4.4.6. Breach of confidentiality
  - 4.4.7. Impartiality of the arbitrator
  - 4.4.8. Bar of limitation, res judicata
  - 4.4.9. Consent of parties
- 4.5. Enforcement

**Unit -5. Appeal and revision units**

**Unit -6. Enforcement of foreign awards units**

- 6.1. New York convention awards
- 6.2. Geneva convention awards

**Unit -7. Conciliation units**

- 7.1. Distinction between "Conciliation", "negotiation", "mediation", and "arbitration".
- 7.2. Appointment
- 7.3. Statements to conciliator
- 7.4. Interaction between conciliator and parties
  - 7.4.1. Communication
  - 7.4.2. Duty of the parties to co-operate
  - 7.4.3. Suggestions by parties
  - 7.4.4. Confidentiality
- 7.5. Resort to judicial proceedings
- 7.6. Costs

**Unit -8. Rule -making power units**

- 8.1. High Court
- 8.2. Central Government

**Unit -9. Legal Services Authorities Act : Scope units**

**Select Bibliography:**

- 1. B.P.Saraf and M.Jhunjhunwala, *Law of Arbitration and Conciliation (2000)*, Snow white, Mumbai
- 2. A.K.Bansal, *Law of International Commercial Arbitration (1999)*, Universal, Delhi.
- 3. G.K. Kwatra, *The Arbitration and Conciliation Law of India (2000)*, Universal, Delhi.
- 4. Basu.N.D., *Law of Arbitration and Conciliation (9<sup>th</sup> Edition reprint 2000)*, Universal, Delhi.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Core	1604010001060400	Clinical Paper [Moot Court Exercise and Internship]	5	10	90	-	

**4. CLINICAL PAPER** **90 + 10 = 100**  
**Moot Court Exercise and Internship** **(Viva)**

**Syllabus :**

This paper may have three components of 30 marks each and a viva for 10 marks.

- (a) Moot Court (30 Marks).

Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

- (b) Observance of Trial in two cases, one Civil and one Criminal (30 marks) :

Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

- (c) Interviewing techniques and Pre-trial preparations and Internship diary (30 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, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This will be recorded in the diary, which will carry 15 marks.

- (d) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Core	1604020001060500	Interpretation of Statutes & Principles of Legislation	5	30	70	-	Two Hours Thirty Minutes

### 5. Interpretation of Statutes and Principles of Legislation.

#### Course Objectives:

- Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation.
- With the emergence of legislation, interpretation of statutes 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 and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation.
- Judiciary plays a highly creative role in this respect.
- What are the techniques adopted by courts in construing statutes?
- How far are they successful in their strategy?

#### Course Contents:

##### Unit - 1. Principles of Legislation.

- 1.1. Law –making-the legislature, executive and the judiciary.
- 1.2. Principles of utility.
- 1.3. Relevance of John Rawls and Robert Nozick – individual interest to community interest.
- 1.4. Operation of these principles upon legislation.
- 1.5. Distinction between morals and legislation.

##### Unit - 2. Interpretation of Statutes.

- 2.1. Meaning of the term ‘statutes’.
- 2.2. Commencement, operation and repeal of statutes.
- 2.3. Purpose of interpretation of statutes.

##### Unit - 3. Aids to Interpretation.

- 3.1. Internal aids.
  - 3.1.1. Title.
  - 3.1.2. Preamble.
  - 3.1.3. Headings and marginal notes.
  - 3.1.4. Sections and sub-sections.
  - 3.1.5. Punctuation marks.
  - 3.1.6. Illustrations, exceptions, provisos and saving clauses.
  - 3.1.7. Schedules.
  - 3.1.8. Non-obstante clause.
- 3.2. External aids.
  - 3.2.1. Dictionaries.
  - 3.2.2. Translations.

- 3.2.3. Travaux Preparatoires.
- 3.2.4. Statutes in pari material.
- 3.2.5. Contemporanea Exposito.
- 3.2.6. Debates, inquiry commission reports and Law Commission Reports.

**Unit - 4. Rules of Statutory Interpretation.**

- 4.1. Primary Rules.
  - 4.1.1. Literal rule.
  - 4.1.2. Golden rule.
  - 4.1.3. Mischief rule (rule in the Heydon's case)
  - 4.1.4. Rule of harmonious construction.
- 4.2. Secondary Rules.
  - 4.2.1. Noscitur a sociis.
  - 4.2.2. Ejusdem generis.
  - 4.2.3. Reddendo singula singulis.

**Unit - 5. Presumptions in statutory interpretation.**

- 5.1. Statutes are valid.
- 5.2. Statutes are territorial in operation.
- 5.3. Presumption as to jurisdiction.
- 5.4. Presumption against what is inconvenient or absurd.
- 5.5. Presumption against intending injustice.
- 5.6. Presumption against impairing obligations or permitting advantage from one's own wrong.
- 5.7. Prospective operation of statutes.

**Unit - 6. Maxims of Statutory Interpretation.**

- 6.1. Delegatus non potest delegare.
- 6.2. Expressio unius exclusio alterius.
- 6.3. Generalia specialibus non derogant.
- 6.4. In pari delicto potior est conditio possidentis.
- 6.5. Ultes valet potior quam pareat.
- 6.6. Expressum facit cessare tacitum.
- 6.7. In bonam partem.

**Unit - 7. Interpretation with reference to the subject matter and purpose.**

- 7.1. Restrictive and beneficial construction.
  - 7.1.1. Taxing statutes.
  - 7.1.2. Penal statutes.
  - 7.1.3. Welfare legislation.
- 7.2. Interpretation of substantive and adjunctival statutes.
- 7.3. Interpretation of directory and mandatory provisions.
- 7.4. Interpretation of enabling statutes.
- 7.5. Interpretation of codifying and consolidating statutes.
- 7.6. Interpretation of statutes conferring rights.
- 7.7. Interpretation of statutes conferring powers.

**Unit - 8. Principles of Constitutional Interpretation.**

- 8.1. Harmonious construction.
- 8.2. Doctrine of pith and substance.
- 8.3. Colourable legislation.
- 8.4. Ancillary powers.

- 8.5. "Occupied field".
- 8.6. Residuary power.
- 8.7. Doctrine of repugnancy.

**Select bibliography :**

- 1. G.P. Singh, Principles of Statutory Interpretation, (7<sup>th</sup> Edition) 1999, Wadhwa, Nagpur.
- 2. V. Sarathi, Interpretation of Statutes, (1984) Eastern, Lucknow.
- 3. P.St. Langan (Ed.) Maxwell on the Interpretation of Statutes (1976) N.M. Tripathi, Bombay.

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## Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	6	Core	1604020001060600	Intellectual Property Law	5	30	70	-	Two Hours Thirty Minutes

**6. Intellectual Property Law****Course Objectives:**

- Unlike other forms of property, intellectual property refers to regimes of legal recognition of, primarily, the products of the mind or imagination.
- The subject matter of property relations is here pre-eminently based on mental labour.
- The law relating to intellectual property protects the right to mental labour.
- Both from the standpoint of human resource development, modernization and justice it is important to study the subject in detail.

**Course Contents:**

## Unit-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. The competing rationales for protection of rights in,
  - 1.4.1. Copyright.
  - 1.4.2. Trade marks.
  - 1.4.3. Patents.
  - 1.4.4. Designs.
  - 1.4.5. Trade secrets.
  - 1.4.6. Other new forms such as plant varieties and geographical Indians.
- 1.5. Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright Convention, the Paris Union TRIPS the World Intellectual Property Rights Organisation (WIPO) and the UNESCO.

## Unit-2 Select aspects of the law of copyright in India.

- 2.1. Historical evolution of the law.
- 2.2. Meaning of copyright.
- 2.3. Copyright in literary, dramatic and musical works.
- 2.4. Copyright in sound records and cinematograph films.
- 2.5. Copyright in computer programme.
- 2.6. Ownership of copyright.
- 2.7. Assignment of copyright.
- 2.8. Author's special rights.
- 2.9. Notion of infringement.
- 2.10. Criteria of infringement.
- 2.11. Infringement of copyright by films of literary and dramatic works.
- 2.12. Importation and infringement.
- 2.13. Fair use provisions.

- 2.14. Piracy in internet.
- 2.15. Aspects of copyright justice.
- 2.16. Remedies, especially, the possibility of Anton pillar injunctive relief in India.

Unit-3 Intellectual Property in Trademarks.

- 3.1. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights.
- 3.2. Definition and concept of trademarks.
- 3.3. Registration.
- 3.4. Distinction between trademark and property mark.
  
- 3.5. The doctrine of honest Current User.
- 3.6. The doctrine of deceptive similarity.
- 3.7. Protection of well-known marks.
- 3.8. Passing off and infringement.
- 3.9. Criteria of infringement.
- 3.10. Standards of proof in passing off action.
- 3.11. Remedies.

Unit-4 The law of intellectual property : patents

- 4.1. Concept of patent.
- 4.2. Historical view of the patents law in India.
- 4.3. Patentable inventions with special reference to biotechnology products entailing creation of new forms of life.
- 4.4. Patent protection for computer programme.
- 4.5. Process of obtaining a patent : application, examination, opposition and sealing of patents : general introduction.
- 4.6. Procedure for filing patents. Patent co-operation treaty.
- 4.7. Some grounds for opposition.
  - 4.7.1. The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters.
  - 4.7.2. Wrongfully obtaining the invention.
  - 4.7.3. Prior publication or anticipation.
  - 4.7.4. Obviousness and the lack of inventive step.
  - 4.7.5. Insufficient description.
- 4.8. Rights and obligations of a patentee.
  - 4.8.1. patents as chose in action.
  - 4.8.2. Duration of patents : law and policy considerations.
  - 4.8.3. Use and exercise rights.
  - 4.8.4. Right to secrecy.
  - 4.8.5. The notion of “abuse” of patent rights.
  - 4.8.6. Compulsory licenses.
- 4.9. Special Categories.
  - 4.9.1. Employee Invention : Law and Policy Consideration.
  - 4.9.2. International Patents, Transfer of Technology, know-How and problems of self reliant development.
- 4.10. Infringement.
  - 4.10.1. Criteria of infringement.
  - 4.10.2. Onus of Proof.
  - 4.10.3. Modes of Infringement : the Doctrine of Colourable Variation.
  - 4.10.4. Defences in suits of infringement.
  - 4.10.5. Injunctions and related remedies.

Select bibliography :

1. Cormish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights (1999), Asia Law House, Hyderabad.
2. Vikas Vashishth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi.
3. Narayanan, Intellectual Property Law (1999), (ED) Eastern Law House, Calcutta.

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## LL.B. - 2016

## Semester - 01

નં.	સબજેક્ટ	કોર્ષ કોડ વર્ષ	ફેકલ્ટી લો 04	વિષય કોર - 01 ઇલેક્ટીવ - 02	કોર્ષ ગ્રુપ	લેવલ યુજી - 01	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
૧.	Law of Torts, etc	16	04	01	00	01	01	01	00
૨.	Constitutional Law - I	16	04	01	00	01	01	02	00
૩.	Constitutional Law - II	16	04	01	00	01	01	03	00
૪.	Law of Crime – 1 (IPC)	16	04	01	00	01	01	04	00
૫.	Human Rights Law and Practice	16	04	01	00	01	01	05	00

## LL.B. - 2016

## Semester - 02

નં.	સબજેક્ટ	કોર્ષ કોડ વર્ષ	ફેકલ્ટી લો 04	વિષય કોર - 01 ઇલેક્ટીવ - 02	કોર્ષ ગ્રુપ	લેવલ યુજી - 01	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
૧.	Law of Contract - I	16	04	01	00	01	02	01	00
૨.	Special Contract	16	04	01	00	01	02	02	00
૩.	Property Law	16	04	01	00	01	02	03	00
૪.	Administrative Law	16	04	01	00	01	02	04	00
૫.	Offences against Children and Juvenile Offences	16	04	01	00	01	02	05	00

## LL.B. - 2016

## Semester - 03

નં.	સબજેક્ટ	કોર્ષ કોડ વર્ષ	ફેકલ્ટી લો 04	વિષય કોર - 01 ઇલેક્ટીવ - 02	કોર્ષ ગ્રુપ	લેવલ યુજી - 01	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
૧.	Principle of Taxation Laws	16	04	01	00	01	03	01	00
૨.	Labour and Industrial Law - I	16	04	01	00	01	03	02	00
૩.	Labour and Industrial Law - II	16	04	01	00	01	03	03	00
૪.	Environment Law	16	04	01	00	01	03	04	00
૫.	Banking Laws	16	04	02	00	01	03	05	00

## LL.B. - 2016

## Semester - 04

નં.	સબજેક્ટ	કોર્ષ કોડ વર્ષ 16	ફેકલ્ટી લો 04	વિષય કોર - 01 ઇલેક્ટીવ - 02	કોર્ષ ગ્રુપ	લેવલ યુજી - 01	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
૧.	Family Law - I	16	04	01	00	01	04	01	00
2.	Family Law - II	16	04	01	00	01	04	02	00
3.	Jurisprudence	16	04	01	00	01	04	03	00
4.	Company Law	16	04	01	00	01	04	04	00
5.	Public international Law	16	04	02	00	01	04	05	00

## LL.B. - 2016

## Semester - 05

નં.	સબજેક્ટ	કોર્ષ કોડ વર્ષ 16	ફેકલ્ટી લો 04	વિષય કોર - 01 ઇલેક્ટીવ - 02	કોર્ષ ગ્રુપ	લેવલ યુજી - 01	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
૧.	Law of Crime – II (Cr. P.C.)	16	04	01	00	01	05	01	00
૨.	Legal English	16	04	01	00	01	05	02	00
૩.	Clinical Paper (Drafting & Pleadings etc.)	16	04	01	00	01	05	03	00
૪.	Clinical Paper (Professional Ethics)	16	04	01	00	01	05	04	00
૫.	Equity Trust etc.	16	04	02	00	01	05	05	00

## LL.B. - 2016

## Semester - 06

નં.	સબજેક્ટ	કોર્ષ કોડ વર્ષ 16	ફેકલ્ટી લો 04	વિષય કોર - 01 ઇલેક્ટીવ - 02	કોર્ષ ગ્રુપ	લેવલ યુજી - 01	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
૧.	Law of Evidence	16	04	01	00	01	06	01	00
2.	Civil Procedure Code, etc	16	04	01	00	01	06	02	00
3.	Clinical Paper (Alternative Dispute Resolution)	16	04	01	00	01	06	03	00
4.	Clinical Paper (Moot Court etc.)	16	04	01	00	01	06	04	00
5.	Interpretation of Statutes & Principles of Legislation	16	04	02	00	01	06	05	00
6.	Intellectual Property Law	16	04	02	00	01	06	06	00

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