

VITASTA
SCHOOL
OF
LAW
&
HUMANITIES

LL.B. - FIVE YEARS SYLLABUS

(As Prescribed by University Of Kashmir)
2009 & Onwards

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IST SEMESTER:

PAPER – I: LEGAL HISTORY.

PAPER – II: GENERAL ENGLISH.

PAPER – III: POLITICAL SCIENCE – I.

PAPER – IV: ECONOMICS – I.

PAPER – V: LAW & SOCIETY.

LEGAL HISTORY

Max. Marks=100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 hours.

Paper – I

Note: - The subject includes a comprehensive and up to date study of various aspects of Legal History. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Administration of Justice in Bombay, Madras and Calcutta:

- 1.1 Emergence of the east India Company: development of authority under charters.
- 1.1. Trading body to a territorial power: subsequent Charters.
- 1.2. Administration of justice in Madras from 1639 to 1726.
- 1.3. Administration of justice in Bombay 1668 – 1726.
- 1.4. Administration of justice in Calcutta 1619 – 1726.

2. The Mayors Court:

- 2.1. Genesis of the Charters of 1726.
- 2.2. Provisions of the Charter.
- 2.3. Working of Judicial System.
- 2.4. Charter of 1753.
- 2.5. Defects of Judicial Systems.

UNIT – II:

1. Adalat System:

- 1.1. Grant of Diwani.
- 1.2. Execution Diwani functions.
- 1.3. Judicial Plan of 1772.
- 1.4. Defects of the plan.
- 1.5. New Plan of 1774.
- 1.6. Reorganization of adalats in 1780.
- 1.7. Reforms of 1781.
- 1.8. The first civil code.
- 1.9. Reforms in the administrations of Criminal Justice.

UNIT – III:

1. The Regulating Act 1773:

- 1.1. Charter of 1774 and the Supreme Court of Calcutta.
- 1.2. Some land mark cases.
 - 1.2.1. Trial of Raj Nandkumar (1775):
 - 1.2.2. The Patna case (1777 - 79).
 - 1.2.3. The Cossijurah case (1779 - 80).
- 1.3. Act of settlement 1781.
- 1.4. Major defects of Act of Settlement.
- 1.5. Supreme Courts at Calcutta, Madras and Bombay.
- 1.6. Law and administration in the Supreme Court.

Unit – IV:

1. Process of Codification of India.

- 1.1. The Charter Act of 1833.
- 1.2. The First Law Commission.
- 1.3. The Second Law Commission.
- 1.4. The Third Law Commission.
- 1.5. The Fourth Law Commission.

UNIT – V:

1. Establishment of the High Courts.

- 1.1. The India High Court Act 1861.

2. The Federal Court of India.

- 2.1. Foundation of the Federal Court.
- 2.2. Jurisdiction.
- 2.3. Authority of Law.
- 2.4. Expansion of jurisdiction.
- 2.5. Abolition of the Federal Court.

RECOMMENDED READINGS:

- Courtney Illbert - Government of India (1962).
- Courtney Illbert - The Mechanics of Law making (1914).
- M. P. Jain - Constitutional Law of India (1987) Tripathi, Bombay.
- M. P. Jain - Outline of Legal History 2006 ed. Wadhwa Nagpur.
- M. Rama Jois - legal & constitutional History of India 1600-1936 (1936).
- Rankin, G. C. - Background to India Law (1946)
- V. D. Kulshreshtha's - Landmarks in Indian Legal History (1992), Eastern Book Company.
- Eric Stakes - The English Utilitarian and India (1992) Oxford Delhi.
- Mittal J.K. - Legal & Constitutional History of India.

GENERAL ENGLISH

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 hours.

Paper – II

Note: - The Subject includes a comprehensive and up to date study of various aspects of General English. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Language and Communication.
2. Barriers in Communication.
3. Body Language or non-verbal Communication.

UNIT – II:

1. Interpersonal communication.
2. Small group communication.
3. Listening effectively to other speakers.

UNIT – III:

1. Using Legal terminology in oral and written communication; using legal dictionary.
2. Comprehending and summarizing texts related to legal matters.
3. Developing a written text from notes.

UNIT – IV:

1. Writing formal letters and memoranda.
2. Writing reports.
3. Writing legal documents: deeds, appeals etc.

UNIT – V:

1. Pronunciation of English: Word, syllable, stress.
2. English intonation.
3. English words and sentences for practice in pronunciation.

RECOMMENDED READINGS:

- Larry L Barker: Communication (Prentice Hall).
- Akmajina, Demers, Farmer & Harnish: Linguistics: An introduction to language & communication: chapter: 9 (Prentice Hall).
- Raymond Murphy: Murphy's English Grammar (3rd ed.) with CD (Cambridge University Press).
- O' Connor: Better English Pronunciation (with Cassettes) (Cambridge University Press).

POLITICAL SCIENCE – I

Max. Marks=100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 hours

Paper – III

Note: - The Subject includes a comprehensive and up to date study of various aspects of Political Science. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Nature of Political Science:

- 1.1. Definition, Nature and Scope.
- 1.2. Approaches to the Study of Political Science.
 - a) Legal / Institutional.
 - b) Normative / Philosophical.

UNIT – II:

1. State Origin:

- 1.1 Meaning, Essential Elements.
- 1.2 Theories of its origin.
 - a) Divine origin Theory.
 - b) Social Contact Theories: An Introduction.

UNIT – III:

1. Sovereignty:

- 1.1 Definition and Characteristics, Different Views of Sovereignty.
- 1.2 Austinian Concept of Sovereignty.
- 1.3 Pluralistic Views of Sovereignty.

UNIT – IV:

1. Types of Political Structure:

- 1.1 Unitary and Federal Structure of State.
- 1.2 Presidential and Parliamentary System of Government.

Unit – V:

1. Democracy:

- 1.1 Meaning Conditions and Development.
- 1.2 Welfare State.

RECOMMENDING READINGS:

1. A. C. Kapoor: Principles of Political Science.
2. J. C. Johri: Political Theory.
3. S. P. Verma: Modern Political Theory Science.
4. S. E. Finar: Five Constitutions.

ECONOMICS – I

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 hours

Paper – IV

Note: - The Subject includes a comprehensive and up to date study of various aspects of Economics. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT-I:

Definition of Economics: Microeconomics and Macroeconomics; market Command and mixed economics; Society's technological possibilities; Market mechanism; market solution of economic problem; trade, Money and Capital. The Economic role of Government.

UNIT-II:

Basic elements of supply and demand- the demand curve, market demand, the supply curve; equilibrium of supply and demand; elasticity of demand; elasticity of supply; prices fixed by law; Marginal utility and the law of diminishing marginal utility; the indifference curve; Budget line; consumer's equilibrium; consumer surplus.

Unit-III:

Theory of product- production function, law of diminishing returns, returns to scale, short run and long run; business organization; analysis of costs- various types of costs; link between production and costs; choice of inputs by the firm; Business accounting- profit and loss balance sheet; opportunity costs.

UNIT-IV:

Behaviour of a competitive firm; the shutdown rule; supply behavior in competitive industries; short run and long run equilibrium; efficiency and equity of competitive markets; patterns of imperfect competitive; sources of market imperfections; Monopoly equilibrium; collusive oligopoly; monopolistic competition.

UNIT-V:

Distribution of income and wealth; Marginal productivity and the price of inputs; Demand for labour, wage differences, the economics of discrimination, supply of labour, collective bargaining; Rent as return to fixed factors; capital – basic concepts, classical theory of capital; profits main determinants.

RECOMMENDED READINGS:

- Paul A. Samuelson & William D. Nordhaus (1995): Economics.

LAW & SOCIETY

Max. Marks=100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 hours

Paper – V

Note: - The Subject includes a comprehensive and up to date study of various aspects of Law & Society. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

The subject involves study of law, in context of some contemporary social problems and some vulnerable groups of the society

UNIT- I: Law & Poverty.

- Legal Aid.
- Lawyering for the poor.

Unit – II: Bonded Labour.

- Modern form of bondage.
- Globalisation, Privatization & Labour.

Unit – III: Women & the Law – I.

- Constitutional protection.
- Dowry & dowry related crimes.

UNIT – IV: Women & the Law – II.

- Harassment of women at work places.
- Female infanticide & Female feticide.
- Women in conflict situations.

UNIT – V: Child & the Law.

- Child Labour.
- Child Marriage.
 - a) Children as victims of conflict.

RECOMMENDED READINGS:

- Upendra Baxi: Law & Poverty, N. M. Tripathi Private Ltd. Bombay 1988.
- A. T. Singh: Poverty & Social Change (2nd 1969).
- Chutkarm M. G Mehta P I: Law & the Poor. A Socio-Legal Study (1991).
- K. Kumar & Punam Ravi: Offences against women Socio-legal. Perspective (1996) (Regency Publication New Delhi).
- Paras Diwan Dowry & Protection to Married Women (1995) Deep & Deep Publications.
- Child Labour & Legal Control – A Socio-legal Study (Altaf Ahmad Mir).

IIND SEMESTER:

PAPER – I: CONSTITUTIONAL HISTORY OF INDIA.

PAPER – II: LEGAL LANGUAGE.

PAPER – III: POLITICAL SCIENCE – II.

PAPER – IV: ECONOMICS – II.

PAPER – V: CRIMINOLOGY & PENAL ADMINISTRATION.

CONSTITUTIONAL HISTORY OF INDIA

Max. Marks=100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 hours.

Paper – I

Note: - The subject includes a comprehensive and up to date study of various aspects of Constitutional History. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. The Charter Acts of 1833 & 1853.
2. The Government of India Act, 1858.

Unit – II:

1. The Government of India Act, 1861.
2. Indian Councils Act, 1909.

Unit – III:

1. Government of India Act – 1919 - features of Diarchy.
2. Government of India Act, 1935 with special emphasis on the concept of provincial autonomy & federalism.

UNIT – IV:

1. The Federal Court - Constitution & jurisdiction.
2. Cripps Mission, Wavell Plan & Cabinet Mission.

UNIT – V:

1. Indian Independence Act, 1947.
2. The Constituent Assembly of India.

RECOMMENDED READINGS:

- Keith – Constitutional History of India.
- Mittal J.K. – Constitutional History of India.
- Bhagwan V. - Constitutional History of India.
- Kulsheshtra – Indian Legal and Constitutional History.
- Seerai H.M. – Constitutional Law of India.
- Mahajan V. D. - Constitutional History of India.
- M. P. Jain - Outlines of Indian Legal and Constitutional History (6th ed.2006)
Wadhwaan Company Nagpur.

LEGAL LANGUAGE

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – II

Note: - The subject includes a comprehensive and up to date study of various aspects of Legal Language. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT- I:

1. What is Legal Language.
2. Nature and Scope of legal Language.
3. Legal Language in J&K.

Unit - II:

1. Reading skills: skimming, scanning, intensive and extensive reading.
2. Making précis of a long text (Preferably related to law).
3. Reading: comprehending & answering questions based on unseen legal.

Unit-III:

1. Oral communication / presentation-Techniques of.
2. Effective oral communication using audio-visual aids.
3. Use of Modal Verbs.

UNIT-IV:

1. Translation and transliteration: theory.
2. Translating an Urdu text into English.
3. Translating English into Urdu: Problems and solutions.

UNIT-V:

1. Legal Essays.
2. Legal Maxims – Meanings.
3. Legal Terminology in Urdu.

RECOMMENDED READINGS:

- Francoise Grellett: Developing Reading skills (Cambridge University Press).
- Mohammad Aslam: Teaching of English for B. Ed students Foundation Books.
- Any book or official document that talks about Urdu in J&K.
- MK Gandhi: The Law and the Lawyers Navjivan Publications, Ahmedabad.
- Ishtiaque Abidi: Law and Language (University Publishers, Aligarh).
- Raymond Murphy: Murphy's English Grammar (3rd ed.) with CD (Cambridge University Press)
- G. M. D. Baba's : Fundamentals of Legal Learning & Patwar Record Formation (Urdu)2005

POLITICAL SCIENCE – II

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper –III

Note: - The subject includes a comprehensive and up to date study of various aspects of Political Science-II. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. **Plato.**
 - 1.1 Concept of Ideal state.
 - 1.2 Justice.
 - 1.3 Communism.

UNIT – II:

1. **Aristotle.**
 - 1.1 Concept of Revolution.
 - a) Views of Slavery.

UNIT – III:

1. **Machiavelli.**
 - 1.1 Views on the State Craft.
 - 1.2 Views on the Relationship between Ethics & Politics.

UNIT – IV:

1. **Hobbes.**
 - 1.1 Views on the State of Nature.
 - 1.2 Views on Social contract.

UNIT – V:

1. **Locke.**
 - 1.1 Locke's Concept of Natural Rights.
- Rousseau:
State of Nature.
- Bentham:
Bentham as Utilitarian.

RECOMMENDED BOOKS:

- George E. Sabine: A History of Political Thought.
- Earnest Barker: The Political Thought of Plato & Aristotle.
- J. P. Suda: History of Political Thought.
- Brain R. Nelson: Western Political Thought from Socrates to the Age of Ideology.

ECONOMICS – II

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – IV

Note: - The subject includes a comprehensive and up to date study of various aspects of Economics. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

Gross domestic product-Concept of measurement; Problem of double counting; Details of the national accounts-real Vs. nominal GDP, net Vs. gross investment, government expenditure, net exports, net domestic product, gross national product, disposable income; GDP and net economic welfare; National income estimation in India-methodology and conceptual problems; trends in national and per capita income in India.

UNIT – II:

Income distribution – measurement of inequality sources of inequality; concept of absolute poverty; equity vs efficiency; Income inequality in India- sources, government policy and measures. Incidence of poverty in India; Population in India- size and growth rate, causes of rapid growth of population; Human resource development – importance of education, health and nutrition in India.

UNIT – III:

Government control of the economy; public choice theory; Government failure; objectives of public expenditure; Growth of public expenditure in India; composition of public expenditure in India; principles of taxation; Horizontal vs. vertical equity; classification of taxes; The Indian structure –tax burden in burden in India, taxes on income wealth; indirect taxes.

UNIT – IV:

Public debt in India- debt obligation of central & state governments. Deficit financing in India- rationale and consequences; objectives of fiscal policy; fiscal imbalance in India and the new fiscal approach; Fiscal federalism in India- transfer of resources through finance commissions; XIth Finance Commission's Awards.

UNIT - V:

Basis of international trade; Foreign exchange rates; Foreign exchange market; Purchasing power parity and exchange rates; balance of payments accounts; Ricardo's analysis of comparative advantage; protectionism and its economic costs; Negotiating free trade functions and agreements of WTO; India's balance of payments problems, Indian and WTO.

RECOMMENDED READINGS:

- Paul A. Samuelson & William D. Nordhaus (1995), Economics.
- S. K. Misra & V. K. Puri (2003), Indian Economy.

CRIMINOLOGY & PENAL ADMINISTRATION

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours

Paper – V

Note: - The subject includes a comprehensive and up to date study of various aspects of Criminology and Penal Administration. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Nature and scope of Crime and Criminology.
2. Schools of criminology.

UNIT – II:

1. Factors in Relation to Criminal Behaviour:
 - Physical and Physiological factors.
 - Psychological factors and
 - Economic factors
2. Social factors with special emphasis on:
 - i) Home and Family in relation to Crime;
 - ii) Mass Media and Crime;
 - iii) Theory of Differential Association;
 - iv) Multiple factor: Approach of Crime Causation

UNIT – III:

1. Punishment of Offenders: Evolution, Nature and Theories of Punishment;
2. Kinds of Punishment with special emphasis on Imprisonment and Capital.

UNIT – IV:

1. Prison system in India.
2. Police system in India.

UNIT – V:

1. Recidivism: Causes of Recidivism, Prevention of Recidivism.
2. Prevention and Control of Crimes and Delinquency.
- 3) Drug Addiction:
 - i) Extent, Causes and Effects.
 - ii) Control of Drug Addiction.

RECOMMENDED READINGS:

- Sutherland: Principles of Criminology.
- Ahmad Siddique: Criminology Problems and Perspectives.
- Gillin: Criminology and Penology.
- Sirohi: Criminology and Criminal Administration.
- Sethna: Society and the Criminal.
- Qadri, M. A: Police and Law- A Socio Legal Analysis.
- Chadha, K. K: The Indian Jail: A Contemporary Study.
- Sharma, P. D: Police And Criminal Administration i n India.
- Carry, J. C: Indian Police.

IIIRD SEMESTER:

PAPER – I: SOCIOLOGY.

PAPER – II: FAMILY LAW – I.

PAPER – III: CONTRACT – I.

PAPER – IV: LABOUR LAW – I.

PAPER – V: LAW OF TORTS & MOTOR VEHICLES ACT.

SOCIOLOGY

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – I

Note: - The subject includes a comprehensive and up to date study of various aspects of Sociology. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

. 1 Introduction.

- a) Nature, Scope & subject matter.
- b) Sociology, Psychology & Anthropology.
- c) Sociological Theories.
 - i) Functionalism.
 - ii) Symbolic inter-actionism.
 - iii) Conflict theories.
- d) Sociological Methods.
 - i) Weber.
 - ii) Durkhain.

UNIT – II:

1. Basic Concepts.

- a) Society, Community & Association.
- b) Norms, Values, Role, Culture & Folkways.
- c) Primary, Secondary & Reference groups.

UNIT – III:

1. Social Institutions.

- a) Family, Marriage & kinship.
- b) Economy, Religion, Political.
- c) Socialization.
- d) Social change & Social control.

UNIT – IV:

1. Indian Society.

- a) Rural-urban Structure.
- b) Caste & Class in India.
- c) Approaches to Indian Society.

UNIT – V:

1. Social Change in India.

- a) Modernization.
- b) Urbanization.
- c) Industrialization.
- d) Secularization.

RECOMMENDED READINGS:

- Bottomore: Selected Texts from Marx. PP. 186 – 209.
- Max Weber: Class, Status and Party (articles).
- Hutton: Caste in India.
- Johnson: Sociology.
- Srinivas: Social Change in Modern India.
- Andre Baiteille: Studies in Agrarian Structure.
- Durkheim: Rules of sociology Methods.
- M. Weber: Methodology of Social Sciences.
- Timansheff: An Introduction to Sociology Theory.

FAMILY LAW – I

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – II

Note: - The subject includes a comprehensive and up to date study of various aspects of Family Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Sources & Schools of Muslim Law.

UNIT – II:

1) Marriage.

- a) Nature of Muslim Marriage.
- b) Essential Conditions of a valid marriage and legal effects of valid Marriage.
- c) Classification of marriage and Effects of valid, Void and Irregular Marriage.

2) Dower.

Definition and Nature, Classification of Dower, Enforcement of Dower including Widow's Right of Retention.

UNIT – III:

1) Divorce.

- a) Nature, Classification.
- b) Dissolution of Muslim Marriage Act, 1939.

2) Maintenance.

- a) Maintenance of Divorcee under the (Muslim Women Protection of Right of Divorce) Act, 1986.
- b) Maintenance under Muslim Personal Law.

UNIT – IV:

1. Wills and Gifts.
2. Wakfs.

UNIT – V:

- 1) General Principles of Inheritance.
- 2) Guardianship.

LEADING CASES ON MUSLIM LAW:

- Sarla Mudgal V. Union of India (1995) 3 SCC 635.
- Sayyed Ali V. Andhra Pradesh Wakf Board AIR 1998 SC 972.
- Mohammad Ahmad Khan V. Shah Banu Begum AIR 1985 SC 945.
- Ghousiyar Khan V. Fatima Begum AIR 1988 AP 354.
- Begum Sabanu V. A. M. Abdul Gafoor AIR 1987 SC 1103.

RECOMMENDED READINGS:

- 1) Fyzee A. A. A.: Outlines of Mohammadan Law.
- 2) Tahir Mohmood: The Muslim Law of India.
- 3) Paras Diwan: Muslim Law in Modern India.
- 4) S. Athar Hussain & S. Khalid Rashid: Wakf Laws and Administration in India.
- 5) Al - Haji Muhammad - Ullah: The Muslim Law of Inheritance.
- 6) Paras Diwan: Law of Intestate & testamentary succession (1998).
- 7) Basu N. D.: Law of Succession (2000), Universal.
- 8) Kusem-Marriage & Divorce Law Manual (2000) Universal.
- 9) Machanda S.C., Law & Practice of Divorce in India (2000) Universal.
- 10) Paras Diwan: Family Law of Marriage & Divorce in India (1984).
- 11) A. M. Bhattacharjee: Muslim Law & the Constitution (1994).
- 12) Paras Diwan: Law of Adoption Minority Guardianship & custody (2000) Universal.

CONTRACT – I

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – III

Note: - The subject includes a comprehensive and up to date study of various aspects of Contract. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

- General Principles of Law of Contract.
Agreement and contract: definitions, elements and kinds.
Proposal-acceptance – their various forms, essential elements, communications & revocation-proposal and invitations for proposal-tenders.

UNIT - II:

- Consideration-its need, meaning, kinds, essential elements-privity of contract and of consideration-its exceptions-adequacy of consideration-present, past and adequate consideration-unlawful consideration and its effects-
- Capacity to contract-meaning –definition of minor, accessories supplied to a minor, agreements beneficial and detrimental to a minor affirmation- restitution in cases of minor's agreement- fraud by minor-agreements made on behalf of a minor minor's agreement and tested-evaluation of the law relating to minor's agreement.

UNIT – III:

Free consent-definition-essential factors vitiating free consent.

Coercion-definition-essential-elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion.

Undue influence-independent advice-pardahanashin women- unconscionable bargains-effect of undue influence.

Misrepresentation-definition-misrepresentation of law & of fact their effects & Illustration.

Fraud-definition-essential elements-suggestion falsi-suppresio veri- when does silence amounts to fraud? Active-concealment of truth-importance of intention.

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

▪ **Legality of objects:**

Void agreements – lawful and unlawful considerations and objects- void, violable, illegal and unlawful agreements and their effects.

Forbidden by law.

Defeating the provision of any law.

Fraudulent.

Injurious to person or property.

Immoral.

Against public policy.

Void agreements:

Agreements in restraint of trade – its exceptions- sale of good will, section 11 or the Partnership Act, trade combinations exclusive dealing agreements, restraint on.

Employees under agreements of service.

Agreement in restraints of legal proceedings – its exceptions.

UNIT – IV:

Discharge of contract and its various modes.

By breach- anticipatory breach and present breach.

Impossibility or performance – specific grounds of frustration – application to leases-theories of frustration – effect of frustration – frustration and restitution

By period of limitation.

UNIT – V:

▪ Quasi-contracts of Certain relations Resembling those Created by Contract.

▪ Damages Kinds-Remoteness of damages-ascertainment of damages.

LEADING CASES:

- Carlill V. Carbolic Smoke Ball Co. (1892) 2 QB. 484.
- Chinnaya V. Ramayya (1882) 4 Mad.137.
- Mohori Bibee V. Dhurmodas Ghose (1903) ILR 30 Cal. 539 (PC).
- Nordenfelt V. Maxim Nordenfelt Guns & Ammunition Co. Ltd. (1894) AC 535.
- Satyabrata Ghose V. Mugneeram Bangur & Co. AIR 1954 SC 44.
- Hadley V. Baxendale 16 LQR 275 (1900).

RECOMMENDED READINGS:

- 1) Mulla: Indian Contract Act.
- 2) R. K. Bangia: Indian Contract Act.
- 3) Desai: Indian Contract Act.
- 4) Anson: Law Contract.
- 5) Pollock & Mulla: Indian Contract and Special Relief Acts.
- 6) Beatesen (ed.): Anson's Law of contract (27th ed. 1998).
- 7) P.S Atiya, Introduction to the law of contract 1992 reprint.
- 8) Avtar Singh: Law of Contracts (1998).
- 9) M. Krishanan Nair: Law of Contracts (1998).
- 10) G.H. Treitel: Law of Contract.
- 11) Anson: Law of Contracts (1998).
- 12) Dutt on Contract (2000).

LABOUR LAW – I

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours

Paper – IV

Note: - The subject includes a comprehensive and up to date study of various aspects of Labour Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Labour – Changing Perspectives and Labour Policy.
2. History of Trade Union Movement in India.
3. Definition of Trade Union and the right to form the Trade Union.
4. Legal control and Protection of Trade Union: Registration, amalgamation, rights, immunities liabilities and dissolution, Trade Union Funds.

UNIT – II:

1. Problems: multiplicity of unions, over politicization – intra-union and inter-union rivalry, Outside leadership, closed shop and union shop, recognition of unions,
2. Collective bargaining.
3. Theoretical foundations of state regulations of Industrial relation: social justice, labour welfare, public interest, and productivity.
4. The conceptual conundrum: industry, industrial dispute & workmen.

UNIT – III:

1. Machinery for settlement of industrial disputes and power of reference.
2. Strikes, lock-outs, lay off and retrenchment Transfer and Closure.

UNIT – IV:

1. Unfair labour practices.
2. Disciplinary proceedings.
3. Labour welfare: concept, classification and importance.
4. Obligations of employer for health, safety and welfare.
5. Working hours of adults” and “Annual Leave with wages

UNIT – V:

1. Liability for hazardous and inherently dangerous industries- environmental protection.
2. Employment of young persons: prohibition of employment of children, regulation of employment of young persons.
3. Women and labour force; equal remuneration Law, maternity benefits, and protective provisions for women under factories Law.
4. Sexual harassment of women at work places.

LEADING CASES:

- Air India V Nergesh Meerza and other AIR 1981 SC 1929.
- Assistant General Manager, S. B. I. V Thomas Jose (2000) 10 SCC280.
- Bangalore Water Supply V A. Rajappa, AIR 1978 SC 548.
- Hari Prasad Shiv Shanker Shukla V A. D. Divakar AIR 1957 SC 121.
- Mackinon Mackenzie & Co Ltd V Andrey D'costa AIR 1987 SC 1281.
- Mihir Kumar Guha V Registrar of Trade Unions West Bengal Calcutta AIR 1961 Calcutta 165.
- Municipal Corporation of Delhi V Prem Chand Gupta (2000) 10SCC115.
- Municipal Corporation of Delhi V Female Workers AIR 2000 S.C. 1275.
- Omana corporation V F.A.C.T. Ltd (1991)2 LLJ 541.
- People's Union for civil Liberties V Union of India (1998)8SCC485.
- Rohtas Industries Staff Union V State of Bihar AIR 1963 Pat. 531.
- Santosh Gupta V State Bank of India (1980) II LLJ 72 (SC).
- Syndicate Bank V K. Umesh Nayak AIR 1995 SC 319.
- Tamil Nadu NGO Union V Registrar of Trade Unions AIR 1962 Madras 234.
- Rajangam V State of Tamil Nadu (1991) Lab. IC 241.

RECOMMENDED READINGS:

- John Bowers and Simon
- Honey Ball : Text book on labour Law.
- O.P. Malhotra : The law of Industrial Disputes.
- R. C. Saxena : Labour Problems and Social Welfare.
- V. V. Giri : Labour Problems in Indian Industry.
- S. C. Srivastava : Commentary on factories Act.
- S. C. Srivastava : Industrial Relations and Labour Laws.
- S. N. Dhyani : Trade Unions and the right to strikes.
- G. Q. Mir : Women workers and the Law.
- Report of the National Commission on Labour 1969.

LAW OF TORTS & MOTOR VEHICLES ACT

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours

Paper – V

Note: - The subject includes a comprehensive and up to date study of various aspects of Law of Torts and Motor Vehicles Act. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT-I: Introduction and Principles of Liability in Torts.

1. Definition of Torts.
2. Development of Tort actions in England and India Tort distinguished from contract, quasi contract & crime.
3. Constituents of Torts – wrongful act, Damage – Injuria sine Damno & Damnum sine Injuria;
4. Strict liability & Absolute liability.
5. Vicarious liability.

UNIT - II: Justification in Tort.

1. Volunti non fit Injuria.
2. Act of God.
3. Inevitable Accident.
4. Necessity.
5. Private defence.
6. Judicial & quasi Judicial acts.

UNIT - III: Specific Torts.

1. Defamation.
2. Negligence.
3. Nuisance.
4. Trespass to Person.
5. Malicious prosecution and Nervous Shock.

UNIT - IV: Consumer Protection.

1. Basic Concepts: Consumer, service and goods.
2. Authorities for consumer protection.
3. Remedies.

UNIT - V: Motor Vehicles Act.

1. General overview of the Law.
2. Rule for payment of compensation.
3. Fault based liability.
4. No-fault liability.
5. Liability of insurer.
6. Claims Tribunals.

LEADING CASES:

LAW OF TORTS:

- 1) Ashby V. White (1703) Ld.Raym.938.
- 2) Haynes V. Harwood (1932) 1 KB 146.
- 3) Donoghue V. Stevenson (1932) AC 562.
- 4) Municipal Corporation of Delhi V. Subhangwanti AIR 1966 SC 1750.
- 5) Re Polemis and Furness Withy & Co. Ltd. (1920) 2 KB 560.
- 6) Ryland V. Fletcher (1868) LR-1 Ex.265.
- 7) M.C Mehta V. Union of India AIR 1987 SC.1086.
- 8) Bhim Singh V. State of J&K AIR 1986 SC 494.
- 9) Town Area Committee V. Prabudayal AIR 1975 All 132.
- 10) Kasturi Lal Ralia Ram Jain V. State of U.P AIR 1965 SC 1039.
- 11) Union Carbide Corporation V. Union of India AIR 1990 SC 273.

MOTOR VEHICLES ACT:

- 1) Prabhu Dhayal Agarwal V. Saraswati Bhai 1975 ACJ.355.
- 2) Divisional Manager L. I. C. V. Raj Kumari Mittal 1985 ACJ 179 (DB).
- 3) B.P. Venkatapa V. B.L. Lakshmiah AIR 1973 Mysore 350.
- 4) Gyarsilal V. Sitacharm AIR 1963 MP 164.
- 5) Minu B. Mehta V. Balkrishna AIR 1977 SC 1248.

RECOMMENDED READINGS:

- 1) Bangia R. K: Law of Torts.
- 2) Ratanlal Dhirajlal: Cases on Law of Torts.
- 3) Rogers, W. H. V.: Winfield and Jolowicz on Torts.
- 4) Heuston R. V. F.: Salmond on Law of Torts.
- 5) Arora J. C.: Motor Vehicles Act with Ready Referencer.
- 6) Salmond & Heuston: On the Law of Torts (2000).
- 7) D. D. Basu: The Law of Torts (1982).
- 8) B. M. Gandhi: Law of Torts (1987).
- 9) P. S. Achuthan Pillai: The Law of Torts (1994).
- 10) Ratanlal Dhirajlal: The Law of Torts (1997).

IVTH SEMESTER:

PAPER – I: CONSUMER PROTECTION.

PAPER – II: FAMILY LAW – II.

PAPER – III: CONTRACT – II.

PAPER – IV: LABOUR LAW – II.

PAPER – V: CRIMINAL LAW – I.

CONSUMER PROTECTION

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – I

Note: - The subject includes a comprehensive and up to date study of various aspects of Consumer Protection Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. **Consumer, the concept (The Consumer Protection Act).**

Need of consumer protection law.

Definitions and scope:

Who is a consumer?

2. **Consumer of Goods:**

Meaning of Goods; Defect in Goods.

Commercial purpose of Goods.

UNIT – II:

1. **Service:**

Deficiency – Meaning .

Contract of Personal Service.

Professional services.

Medical Services.

Architects and Engineers.

Lawyering services:

UNIT – III:

Public Sector Services.

Electricity Services.

Telecommunication and Postal Services.

Insurance Service.

Banking Service.

Transport Service.

- **Private Sector Services.**

Housing Service.

Financing.

Education.

UNIT – IV:

- **Constitution and Jurisdiction of consumer Forum:**
District Forum.
State Commission.
National Commission.

UNIT – V:

- **Enforcement of Consumer Rights.**
Consumer for a under CPA: Jurisdiction, Powers & Functions.
Remedies.

LEADING CASES:

- 1) Lucknow Development Authority V.M.K. Gupta 1994 SCC 243, 252 (1994) ICPR 469 (SC).
- 2) Consumer Unity & Trust Society V. State of Rajasthan (1990)1. Comp. L. J.314.
- 3) A. C. Modagi V. Cross Well Tailor. (1991) II CPR 432 NCDRC; 1991 II CPT 586 NCDRC.
- 4) P. B. Khait Mazdoor Sangh V. State of West Bengal 1996 SC 2426.
- 5) V. P. Shanta V. Indian Medical Association AIR 1995 SC.

RECOMMENDED READINGS:

1. Farooq Ahmad: Consumer Protection Law in India (problems & Prospects).
2. Avtar Singh: Law of Consumer Protection (Principles and Practices).
3. Gurjeet Singh: The Law of Consumer Protection in India (Justice within Reach).
4. Farooq Ahmad & Mushtaq Ahmed Dar: Law on Consumer Services (2003) Valley Publishers.

FAMILY LAW – II

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – II

Note: - The subject includes a comprehensive and up to date study of various aspects of Hindu Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT- I:

1) Sources & Schools of Hindu Law:

a) Ancient Sources:

- i) Sruti.
- ii) Smritis.
- iii) Digest & Commentaries.
- iv) Custom.

b) Modern Sources:

- i) Equity Justice and Good Conscience.
- ii) Precedent.
- iii) Legislation.

2) School of Hindu Law:

- a) Mitakshra School.
- b) Dayabhaga School.

UNIT – II:

3) Hindu Marriage Act, 1955:

- a) Origin and Evolution of Marriage and Family.
- b) Nature and Concept of Hindu Marriage.
- c) Essential conditions of a Hindu Marriage.
- d) Grounds for Divorce under Hindu Law.
- e) Divorce by mutual consent.
- f) Matrimonial Causes.
 - i). Nullity of Marriages.
 - ii). Separation.
 - iii). Cruelty.
 - iv). Adultery.
 - v). Bar to Matrimonial:
 - (a) Taking advantage of One's own wrong or disability.
 - (b) Accessory.
 - (c) Connivance.
 - (d) Condonation.
 - (e) Collusion.

UNIT – III:

- 1) Mitakshra Joint Family.
- 2) Dayabhaga Joint Family.
- 3) Karta (Position Powers).

UNIT – IV:

- 1) Hindu Minority and Guardianship Act, 1956.
- 2) Hindu Succession Act.

UNIT – V:

- 1) Hindu Adoption and Maintenance Act 1956.

LEADING CASES:

- 1) Sarla Mudgal V. Union of India (1995) 3 SCC 635.
- 2) Kapoor Chand V. Ganesh Dutt AIR (1993) SC 1145.
- 3) Gurpad Khandappa Medgum V. Hereibai AIR 1978 SC 1239.
- 4) Sawan Ram V. Kulwati 1967 SC 1761.

RECOMMENDED READINGS:

- Paras Diwan: Law of Interstate & testamentary succession (1998) Universal.
- Basu N. D. Law of Succession (2000) Universal.
- Kusem – Marriage and Divorce Law Manual (2000) Universal.
- Machanda S.C. Law and Practice of Divorce in India (2000) Universal.
- P.V. Kane, History of Dharmasatras Vol 2. Pt. 1. At 624-632 (1974).
- Kuppaswami (ed); Maynis Hindu Law & Usage ch 4(1986).
- B. Sivaramayy's Inequities & the Law (1985).
- J. D. M. Derrett. Hindu Law: Part & Present.
- J. D. M. Derrett; Death of Marriage Law.
- Arradi Kuppaswami (ed) Mayn's Hindu Law & Usage (1986).
- J.D.M Derret. A Critique of Modern Hindu Law (1970).
- Paras Diwan: Hindu Law (1985).
- S. T. Desai (Ed); Mulla's Principles of Hindu Law (1998).
- Paras Diwan: Family Law of Marriage & Divorce in India (1984).
- A. M. Battachargee: Hindu Law & Constitution (1994).
- Paras Diwan: Law of Adoption Ministry Guardianship & custody (2000) Universal.

CONTRACT – II

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – III

Note: - The subject includes a comprehensive and up to date study of various aspects of Indian Contract Act. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

- **Indemnity.**
 - Definition of Indemnity.
 - Nature and extent of liability of the Indemnifier.
 - Commencement of liability of the indemnifier.

UNIT – II:

- **Guarantee.**
 - The Concept.
 - Definition of guarantee: as distinguished from indemnity.
 - Basic essentials for a valid guarantee contract.
 - Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety.
 - Continuing Guarantee.
 - Nature of surety's liability.
 - Illustrative situations of existence of Continuous guarantee.
 - Rights of surety.
 - Position of surety in the eyes of law.
 - Various judicial interpretations to protect the surety.
 - Co-surety and manner of sharing liabilities and rights.
 - Extent of surety's liability.
 - Discharge of surety's liability.

UNIT – III:

- **Bailment.**
 - Definition of bailment.
 - Kinds of bailee.
 - Duties of bailor and bailee towards each other.
 - Rights of bailor and bailee.
 - Finder of goods as a bailee.

UNIT – IV:

- **Agency.**

- Kinds of agents and agencies.
- Distinction between agent and servant.
- Essentials of a agency transaction.
- Various methods of creation of agency.
- Delegation.

UNIT – V:

- Nature and Scope of Pledge.
- Definition of pledge.
- Rights of pounce pledge by pledge – who can pledge.

LEADING CASES:

1. Somnath Berman V. Dr. S P Raju AIR 1970 SC 846.
2. Beswick V. Beswick (1967) 2 All ER 1197 HL.
3. Cicka Lingam V. T. Lanickavasagam AIR 1974 SC 104.
4. M/S Balga V. Mangalore City Corporation AIR 1998 Kant.
5. Kaliram V. V. Durai AIR 1998 Mad. 657 B.
6. Rather Ford V. Acton Adams 1915 AC 866.
7. Munawat Hussan V. Zakir Hussan 1984 (10) ALR 73 (FB).

RECOMMENDED READINGS:

1. R. K. Abhichandani (ed) Pollock & Mulla on Contracts & Specific Relief Acts (1999), Tripathi, Bombay.
2. Avtar Singh: Law of Contract (2000), Eastern, Lucknow.
3. Krishnan Nair: Law of Contract (1999), orient, New Delhi.
4. Beatson (ed), Ansons: Law of Contract, (1998), Oxford, London.

LABOUR LAW – II

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – IV

Note: - The subject includes a comprehensive and up to date study of various aspects of Labour Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Concept of Minimum Wage, Fair Wage, Living Wage & need based Minimum Wage;
2. Constitutional validity of the Minimum wages Act, 1948.
3. Procedure for Fixation & Revision of Minimum Wages.
4. Procedure for hearing & deciding claims.
5. Components of wages: dearness allowance, principles of fixation.

UNIT – II:

1. National Wage policy.
2. Principles of wage fixation by adjudication and by wage Board and Pay Commission.
3. Definition of wage under Payment of Wages Act 1936 and responsibility for payment of wages.
4. Fixation of wage period and time of payment of wage.
5. Deductions from wages.
6. Remedial measures.

UNIT – III:

1. Social security: Concept and scope.
2. Concept of employer, workmen, dependent, disablement.
3. Workmen's compensation: employer's liability for compensation, amount and distribution of compensation.

UNIT – IV:

1. Employee's state insurance: benefits, ESI fund and contribution.
2. Concept of bonus: Computation of bonus.
3. Gratuity.
4. Provident fund and family pension.

UNIT – V:

1. Unorganized labour: problems and perspectives.
2. Agricultural labour.
3. Bonded labour.
4. Contract labour.
5. Tribal labour.
6. Domestic labour.
7. Daily wage workers.
8. Inter-state migrant workmen: regulation of employment and conditions of service.

LEADING CASES:

- Air India Statutory Corporation V United Labour Union (1997) 9SCC 377.
- Airfreight Ltd. V State of Karnataka (1999) 6SCC 567.
- Arya Munni V. Union of India (1965) ILLJ 24.
- B. Shah V. Labour Court Coimbatore AIR 1978 SC 12.
- Kerala State Electricity Board V. Valsala K (1999) 8 SCC 254
- Manganese Ore (India) Ltd. V. Chandi Lal Sinha 1991 Lab. IC 524.
- National Insurance Co. Ltd. V. Balawwa 1994 I L L J 433 (Karnataka).
- Peoples Union for Democratic Rights V. Union of India (1982) II L L J. 454 (SC).
- Pratap Narain Singh Deo V. Srinivas IR 1976 SC 222.
- Regional Provident Fund Commissioner V Shiv Kumar Joshi 200 LLR 217.
- Royal Talkies Hyderabad V. E.S.I. Corporation AIR 1978 SC 1478.
- State Bank Staff Union V. State Bank of India 1991 Lab. I 197.
- Steel Authority of India Ltd V. National Union Water Front Workers 2001 L/L r 961.

RECOMMENDED READINGS:

1. K. D. Srivastava: Commentaries on the payment of wages Act.
2. K. D. Srivastava: Commentaries on Minimum Wages Act.
3. R. C. Saxena: Labour Problems & social welfare.
4. S. C. Srivastava: Social Security & Labour Laws.
5. Abdul Majid: Legal Protection to Un-organised Labour.
6. Indian Law Institute: Labour Law & Labour Relations.
7. Report of the National Commission on Labour, 1969.

CRIMINAL LAW – I

Max. Marks =100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – V

Note: - The subject includes a comprehensive & up to date study of various aspects of Criminal Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 – 20 words) shall have 10 questions, two questions from each unit carrying 2 marks each. Section B (Short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from sections A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. **Introduction to Criminal Law:**
 - a) Purpose and scope of Criminal Law.
 - b) Nature and concept of crime.
2. **Definition under sections 21, 22, 23, 24, 25, 39, 40 and 52 of IPC.**
3. **Elements of criminal liability:**
 - a) Actus Reus.
 - b) Mensrea-Importance of Mensrea and recent trends to fix liability without mansrea in certain socio-economic offences.

UNIT – II:

General Defences:-

1. Mistake.
2. Judicial and Executive acts.
3. Accident.
4. Necessity.
5. Infancy.

UNIT - III:

General Defences: (Continued)

1. Insanity.
2. Intoxication.
3. Consent.
4. Right of Private Defence.

UNIT – IV:

1. Group liability under sections 34 and 149 of the IPC.
2. Unlawful Assembly, Rioting and Affray.

UNIT – V:

Preliminary Crimes:

1. Abetment: Section 107-109 IPC.
2. Criminal Conspiracy: Section 120A and 120B of IPC.
3. Criminal Attempt: Sections 511 and 307 of IPC.
 - a) Attempt when punishable.
 - b) Tests for determining what constitutes attempt.
 - c) Impossible attempt.

LEADING CASES:

1. Queen V. Prince, (1875) LR 2CCR 154 (HL).
2. Queen V. Tolson, (1889) 23 QBD 168 (HL).
3. State of Maharashtra V. M .H. George, AIR 1965 SC 722.
4. Lim Chin Aik V. The Queen, (1963) 1 All ER 23 (PC).
5. Nathulal V. State of M.P., AIR 1966 SC 43.
6. State of West Bengal V. Shew Mangal Singh AIR 1981 SC 1917.
7. R. V. Daniel M’Naughten (1843) Revised Reports Vol.59: 8ER 718 (HL).
8. Shrikant Anandrao Bhosale V. State of Maharashtra, (2002) 7 SCC 748.
9. Vishwanath V. State of U.P AIR 1960 SC 67.
10. Bhupinder Singh A.V. Chudasama V. State of Gujarat 1998 2SCC 603.
11. Moti Singh V. State of Maharashtra (2002) 9 SCC 494.
12. Mehboob Shah V. Emperor, AIR 1943 PC 118.
13. Barendra Kumar Ghosh V. King Emperor AIR 1925 PC 1.
14. Faguna Kanta Nath V. State of Assam, AIR 1959 SC 673.
15. State (CBI/SIT) V. Nalini (Rajiv Gandhi Murder Case), (1995) 5 Supreme 60.
16. Mohd. Khalid V. State of W.B, (2002) 7 SCC 334.
17. Devendra Pal Singh V. State of NCT of Delhi, (2002) 5 SCC 234.
18. Abhayanand Mishra V. State of Bihar, AIR 1961 SC 1698.
19. Om Prakash V. State of Punjab, AIR 1961 SC 1782.

RECOMMENDED READINGS:

1. Pillai, P. S: Criminal Law.
2. Nigam R.C: Law of Crimes in India.
3. K. D. Gaur: Cases and Materials on Criminal Law.
4. H. S. Gour: Penal Law of India.
5. S. N. Mishra: Indian Penal Code.

VTH SEMESTER:

PAPER – I: CONSTITUTIONAL LAW – I.

PAPER – II: JURISPRUDENCE – I.

PAPER – III: MERCANTILE LAW.

PAPER – IV: INTERNATIONAL LAW – I.

PAPER – V: CRIMINAL LAW – II.

CONSTITUTIONAL LAW – I

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – I

Note: The subject includes a comprehensive and up to date study of various aspects of Constitutional Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

- Constitutional law: Salient features – Written Constitution- Preamble- Federal Constitution.
- Parliamentary form of government:

Unit – II:

- Westminster Model - President of India - Election, Qualifications, Impeachment.
- Position & Powers.
- Legislative Privileges- Privileges V. Fundamental Rights.
- Cabinet System, Collective responsibility - Individual responsibility, President - Prime Minister relationship.

Unit – III:

- Federalism:
- Principles- Distribution of Legislative Powers—Arts. 245, 246 & 254. Failure of Constitutional Machinery (Art.356) – J&K Special Status (Art 370).

Unit – IV:

- Constitutional Amendment - Methods of Constitutional Amendment - Limitation. (Article 368).
- Freedom of Trade and Commerce - Position in other countries, Position in India.
- Regulatory and Compensatory measures (Article 301 – 304).

Unit – V:

- Articles 141 & 143.
- Appointment and impeachment of the Judges of the High Courts and Supreme Court.
- Services under the Constitution – Doctrine of Pleasure 310, Restrictions 311.

LEADING CASES:

- Ramjawaya V. State of Punjab AIR 1955 SC 549.
- U. N. Rao V. Indira Gandhi AIR 1971.
- Shamsheer Singh V. State of Punjab AIR 1955 SC 556.
- K. Roy V. Union of India 1982 SC 710.
- K. M. Nanavati V. State of Bombay AIR 1961 SC 112.
- Gunupati V. N. Hasan AIR 1959 SC 395.
- Keshav Singh V. Speaker Legislative Assembly AIR 1965 All. 359.
- In re Keshav Singh AIR 1965 SC 745.
- M. S. M. Sharma V. Sri Krishnan Sinha AIR 1959 SC 395.
- State of Bombay V. R. M. D. Chamarbaugwala AIR 1957 SC 699.
- Prafulla Kumar V. Bank of Commerce, Khulna 74 I. A.
- Moopit Nair V. State Bank of Kerala, AIR 1959 SC 648.
- Purshotam Lal Dhingra V. Union of India AIR 1958 SC 316.
- Union of India V. Tulsiram Patel AIR 1985 SC 1416.
- Deep Chand V. State of U.P. AIR 1959 SC 648.
- Zaverbhai V. State of Bombay AIR 1954 SC 752.
- In Re-presidential Reference AIR 1999. SC 1.
- Advocates on Record Association v Union of India AIR 1994. SC 268.
- Dharam Dutt V. Union of India (2004) ISCC 712.
- Raja Rampal V. Hon'ble Speaker Lok Sabha (2007) 35CC 184.

RECOMMENDED READINGS:

1. D. D. Basu: Commentary on Constitution of India.
2. M. P. Jain: Indian Constitutional Law.
3. M. P. Singh: Shukla's Constitutional law.
4. H. M. Seervai: Constitution of India.
5. K. C. Wheare: Modern Constitution.
6. Dicey: Law of the Constitution.

JURISPRUDENCE – I

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – II

Note: The subject includes a comprehensive and up to date study of various aspects of Jurisprudence. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Introduction:

- 1.1. Meaning and scope of term “Jurisprudence”.
- 1.2. Nature and definition of “Law”.

UNIT – II:

1. Analytical Positivism.

UNIT – III:

1. Nature Law.

UNIT – IV:

1. Historical School.
2. Sociological School.

UNIT – V:

1. Sources of Law.

- 1.1 Legislation.
- 1.2 Precedents: concept of stare decisis.
- 1.3 Customs.

LEADING CASES:

- A. K. Gopalan V. State of Madras AIR 1950 SC 27 – 137.
- Maneka Gandhi V., Union of India AIR 1978 SC 597.
- Gokhul Chand V. Parvin Kumar AIR 1952 SC 862.
- Bengal Immunity Co. V. State of Bihar AIR 1955 SC 661.
- Ganga Sugar Corporation V. State of U.P AIR 1980 SC 286.

RECOMMENDED READINGS:

1. Salmond: Jurisprudence.
2. Dias: Jurisprudence.
3. Friedman: Legal Theory.
4. Paton G. W.: A Text Book of Jurisprudence.
5. S. N. Dhyani: Jurisprudence: A study on Legal Theory.

MERCANTILE LAW

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – III

Note: The subject includes a comprehensive and up to date study of various aspects of Mercantile Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section - A (very short answer type questions in about 10 - 20 words) shall have 10 questions two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I: Sale of Goods:

1. Concept of sale as a contract.
2. Essentials of contract of sale.

UNIT – II:

1. Conditions & Warranties.
2. Passing of Property.

UNIT – III:

1. Transfer of Title.
2. Unpaid seller & his rights.

UNIT – IV: Partnership:

1. Nature of partnership: definition.
2. Mutual relationship between partners.
3. Relation of Partners to third parties.

UNIT – V:

1. Incoming and outgoing partners.
2. Registration of Partnership.
3. Dissolution of Partnership.

LEADING CASES:

1. Somnath Berman V. Dr S. P. Raju AIR 1970 SC 846.
2. Beswick V. Beswick (1967) All ER 1197 HL.
3. Cicka Lingam V. T Lanickavasagam AIR 1974 SC 104.
4. M/S Balga V. Mangalore City Corporation AIR 1998 Kant.
5. Kaliram V. V. Durai AIR 1998 Mad. 657 B.
6. Rather Ford V. Acton Adams 1915 AC 866.
7. Munawar Hussan V. Zakir Hussan 1984 (10) ALR 73 (FB).

RECOMMENDED READINGS:

1. Krishnan Nair: Law of Contract (1999), Orient, New Delhi.
2. Avtar Singh: Principles of the Law of Sale of Goods & Hire Purchase (1998), Eastern.
3. J. P Verma (ed): Singh & Gupta, the Law Partnership in India (1999), Orient, New Delhi.
4. A. G. Guest (ed.): Benjamin's sale of Goods (1992), Sweet & Maxwell.
5. Saharay, H. K.: Indian Partnership and sale of goods Act (2000), Universal.
6. Ramnainga: The Sales of Goods Act (1998), Universal.

INTERNATIONAL LAW – I

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – IV

Note: The subject includes a comprehensive and up to date study of various aspects of International Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Origin, Development.
2. Definition, Nature and Theories;

UNIT – II:

1. Sources of International Law: Custom, Treaties, General Principles & Judicial Decisions.
2. Treaties: Ratification, Reservations, Amendment, Modification.

UNIT – III:

1. Subjects of International Law:
 - State including an overview of Rights and Duties.
 - International Organizations.
 - Individuals.
2. Recognition: Nature, Forms, Theories & effects.

UNIT – IV:

1. Jurisdiction: territorial, Personal and Universal.
2. Modes of Acquisition of State territories.

UNIT – V:

1. Extradition and Asylum.
2. Privileges and immunities of Diplomatic Envoys.

LEADING CASES:

- I. Asylum case, (1950) ICJ.
- II. The Lotus case, (1927) ICJ.
- III. Luther V. Sagor, (1921)3II B532.
- IV. Corfu channel case, (1949) ICJ).
- V. South West Africa Namibia case. (1962) ICJ, 2319, (1966) ICJ 6.
- VI. Reparations for injuries case, (1949 ICJ).
- VII. Hostage case, ICJ (1980).
- VIII. Lockerbie and Pinochet case.
- IX. Island of Palm's case.

RECOMMENDED READINGS:

1. Oppenheim: International Law.
2. Stark, J. G.: Introduction to International Law.
3. Max Sorenson: A manual of public International Law.
4. M. P. Tandon: International Law.
5. S. K. Kapoor: International Law.
6. S. K. Verma: Public International Law.
7. R. C. Hingorani: Modern International Law.
8. Tim Hillier: Source-book on Public International Law.

CRIMINAL LAW – II

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Paper – V

Time Duration: 3 Hours.

Note: The subject includes a comprehensive and up to date study of various aspects of Criminal Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 - 20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I: Specific Offences against Human Body.

- a. Causing death of human beings.
- b. Culpable homicide and murder.
- c. Distinction between culpable homicide and murder.
- d. Situations justifying treating murder as culpable homicide not amounting to murder
 - i. Grave and sudden provocation.
 - ii. Exceeding right to private defence.
 - iii. Public servant exceeding legitimate use of force,
 - iv. Death in sudden fight.
 - v. Death caused by consent of deceased.
- e. Death caused of a person other than the person intended.
- f. Death due to rash and negligent act.
- g. Dowry death and cruelty by husband and his relatives.

UNIT – II:

- a) Hurt and grievous hurt Sections 319 - 326 IPC.
- b) Wrongful restraint and wrongful confinement: Sections 339 - 343 IPC.
- c) Kidnapping and abduction: section 359 - 363 IPC.
- d) Criminal Force and Assault: Sections 349 - 352 IPC.

UNIT – III:

- a) Obscenity – Sections 292 - 294 of IPC.
- b) Forgery – Sections 463 - 465 of IPC.
- c) Bigamy – Sections 494 & 495 of IPC.
- d) Adultery – Section 497 of IPC.

UNIT-IV

- 1) Offences against Property.
 - a) Theft: Sections 378 & 379 of IPC.
 - b) Extortion: Sections 383 & 384 of IPC.
 - c) Robbery: Sections 390 & 392 of IPC.
 - d) Dacoity: Sections 391 & 395 of IPC.

UNIT-V

- 1) Criminal Misappropriation and Criminal Breach of Trust: Sections 403 & 405 of IPC.
- 2) Cheating: Section 415 – 417 of IPC.
- 3) Mischief: Sections 425 & 426 of IPC.

LEADING CASES:

- Reg. V Govinda ILR (1876) 1 Bombay 342.
- Abdul Waheed Khan V State of A.P. (2002) 7 SCC 175.
- Virsa Singh V State of Punjab AIR 1958 SC 465.
- K. M. Nanavati V State of Maharashtra AIR 1962 SC 605.
- Bachan Singh V State of Punjab AIR 1980 SC 898 & AIR 1982 SC 1325.
- Machhi Singh V State of Punjab AIR 1983 SC 957.
- Suresh Gupta V Govt. Of NCT of Delhi AIR 2004 SC 4091.
- K. Prema S. Rao V Yadla Srinivasa Rao (2003) 1 SCC 217.
- State (Delhi Admin.) V Laxman Kumar & Indian Federation of woman lawyers V Shakuntala AIR 1986 SC 250.
- S. Varadarajan V State of Madras AIR 1965 SC 942.
- State of Punjab V Gurmit Singh AIR 1996 SC 942.
- Rajit D. Udeshi AIR 1965 SC881.
- Body Art International V Om Pal Singh Hoon AIR (1996) 4 SCALE 75.
- Dr. Vimala V Delhi Admin. AIR 1963 SC 1572.
- Sarla Mudgal V Union of India AIR 1995 SC 1531.
- Lily Thomas V Union of India AIR 2000 SC 1650.
- Yusuf Abdul Aziz V State of Bombay 1954 Cri. L. J. 886 SC.
- K. N. Mehra V State of Rajasthan AIR 1957 SC 369.
- Common Cause, A Registered society V Union of India (1996) 6 SCC 530 & AIR 1999 SC 2979.

RECOMMENDED READINGS:

- Pillai P. S.: Criminal Law.
- Nigam R. C.: Law of Crimes in India.
- H. S. Gour: Penal Law of India.
- K. D. Gaur: Cases & Material on Criminal Law.
- S. N. Mishra: Indian Penal Code.

VITH SEMESTER:

PAPER – I: CONSTITUTIONAL LAW – II.

PAPER – II: JURISPRUDENCE – II.

PAPER – III: CORPORATE LAW.

PAPER – IV: INTERNATIONAL LAW – II.

PAPER – V: INSURANCE & BANKING.

CONSTITUTIONAL LAW – II

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – I

Note: The subject includes a comprehensive and up to date study of various aspects of Constitutional Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 - 20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

- Fundamental Rights - Concept of State (Art. 12).
- Justifiability of Fundamental Rights (Art. 13).

UNIT – II:

- Right to equality - Articles 14, 15 & 16.
- Right to freedom - Art. 19.

UNIT – III:

- Personal Liberty Arts, 20 – 22.
- Freedom of Religion - Arts 25 - 28.

UNIT – IV:

- Cultural and Educational Rights - Arts 29 & 30.
- Constitutional Remedies.
- Writ Jurisdiction:
 - Scope of Article – 32.
 - Scope of Article – 226.

UNIT – V:

- Directive Principles - Relationship between Directive Principles & fundamental Rights.
- Emergency Provisions: Arts 352 to 354, 358 & 359.

LEADING CASES:

1. Electricity Board Rajasthan V. Mohan Lal AIR 1967 Sc 1857.
2. R. D. Shetty V. The International Airport Authority AIR 1979 SC 1628.
3. Sodan Singh V. New Delhi Municipal Committee AIR 1984 SC 1966.
4. Air India Cabin Crew Assn V. Yesaswinee Merchant 2003 111 LLJ SCI.
5. M. Nagraj V Union of India 2006 8SCC 212.
6. State of Bihar V. Project Uchala Vidya Shikshak (2006) 2SCC 545.
7. Ajay Hashia V. Khalid Mujib AIR 1981 SC 487.
8. State of West Bengal V. Anwasr Ali Sarkar AIR 1952 SC 75.
9. Kathi Ranni Rawat V. State of Saurashtra AIR 1952 SC 123.
10. In re Special Court Bill, 1978, AIR 1979 SC 478.
11. AIR India V. Nargesh Meerza AIR 1981 SC 1829.
12. Indra Sawhney V. Union of India AIR 1993 SC 477.
13. L. I. C. India V.M.D Shah (1992) 3 SCC 615.
14. Bijoe Emmanuel V. State of Kerala (1986) 3 SCC 615.
15. Mohani Jain V. State of Karnataka (1993) 1 SCC 666.
16. Unni Krishnan V. State of A,P (1993) 1 SCC 645.
17. A. K. Gopalan V. State of Madras AIR 1950 SC 597.
18. Kharak Singh V. State of U.P AIR 1963 SC 1295.
19. Francis Coralie V. Union Territory of Delhi AIR 1978 Sc 597.
20. Manika Gandhi V. Union of India AIR 1981 SC 597.
21. Ministry of I. & B. V. Cricket Association of West Bengal 1995 2 SCC 161.
22. Shankri Prasad V. Union of India 1951 SC 455.
23. Sajjan Singh V. State of Rajasthan AIR 1965 SC 845.
24. Golak Nath V. State of Punjab AIR 1971 SC 1643.
25. Kesavananda Bharati V. State of Kerala AIR 1973 Sc1461.
26. Minerva Mills V. Union of India AIR 1980 SC 1789.
27. A.D.M Jabalpur V. S. Shukla AIR 1976 SC 127.
28. Mr. "X" V. Hospital Z AIR 1999 SC 495.
29. Ahmadabad municipal Corporation V Nawab Khan Gulab Khan (1997) II SCC 21.
30. D.K.V. Basu V State of West Bengal (1997) I SCC 416.
31. Vishaka V State of Rajasthan AIR 1997 SC 3011.
32. T.A. Pai Foundation V. State of Karnataka (200) 8 SCC 481.
33. Union of India V. Association for Democratic Reforms (2000) 5 SCC 294.
34. Air India Cabin Crew Association V. Yeshaswinee Merchant (2003) 6 SCC 277.
35. Islamic Academy of Education V. State of Karnataka (2003) 6 SCC 697.

RECOMMENDED READINGS:

1. D. D. Basu: Commentary on Constitution of India.
2. M. P. Jain: Indian Constitutional Law.
3. M. P. Singh: Shukla`s Constitutional Law.
4. H. M. Seervai: Constitution of India.
5. K. C. Wheare: Modern Constitution.
6. Dicey: Law of the Constitution.

JURISPRUDENCE – II

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – II

Purpose of this course is to impart analytical skill among students and equip them with an understanding of basic concepts concerning law and suggested solutions propounded by various schools of Jurisprudence.

Note: The subject includes a comprehensive and up to date study of various aspects of Jurisprudence. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. **Legal Rights: The Concept.**
 - 1.1. Rights: Kinds.
 - 1.2. Right-duty correlation.

UNIT – II:

1. **Persons.**
 - 1.1 Nature of personality.
 - 1.2 Status of unborn, minor, lunatic drunken and dead person.
 - 1.3 Corporate personality.

UNIT – III:

1. **Possession of Concept.**
 - 1.1 Kinds of possession.

UNIT – IV:

1. **Ownership: The Concept.**
 - 1.1 Kinds of Ownership.
 - 1.2 Difference between possession & Ownership.
2. **Property: The Concept.**
 - 2.1 Kinds of property.

UNIT – V:

1. **Administration of Justice, Civil & Criminal.**
 - 1.1 Theories of punishment.
2. **Liability, Concept, Civil & Criminal Liability.**

RECOMMENDED READINGS:

1. Bodenheimer Jurisprudence –The Philosophy & Methods of Law (1996), Universal Delhi.
2. Fitzgerald (ed.) Salmond on Jurisprudence (1999) Taipati, Bombay.
3. Friedmann: Legal theory (1999) Universal Publishers Delhi.
4. Mahajan V. D.: Jurisprudence & Legal theory (1996 reprint) Eastern, Lucknow.
5. Lloyds introduction to Jurisprudence, M.D.A Treeman (ed) (1994) Sweet & Maxwell.
6. Paton G.W. Text Book Ed. Jurisprudence (1972) Oxford, ELBS.
7. Hart H.L.A, The concept of Law (1970) Oxford, ELBS.
8. Rosecoe Pound, introduction to philosophy of the Law (1998 Reprint) Universal Delhi.
9. Dias, Jurisprudence (1994 first Indian Reprint) Adithya Books, New Delhi.
10. Dhyani S.N. Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.

CORPORATE LAW

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – III

Note: The subject includes a comprehensive and up to date study of various aspects of Corporate Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

LAW RELATION TO COMPANIES - COMPANIES ACT, 1956.

UNIT – I:

Need to company for development, formation of a company, registration and incorporation. Memorandum of association- Various clauses-alteration therein - doctrine of ultra vires.

UNIT – II:

Articles of association-binding force-alteration- its relation with memorandum of association- doctrine of conservative notice and indoor management-exceptions. Prospectus-issue-contents-Liability for misstatements-statement in Lieu of prospectus promoters-position-duties and Liabilities.

UNIT – III:

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-dematerialized shares (DEMAT) and relevant provisions of SEBI. Shareholder-calls on share-forfeiture and surrender of shares-lies on shares.

UNIT – IV:

Share capital-kinds-alteration and reduction of share capital-further issue of capital-conversion of loans & debentures into capital duties of courts to protect the interests of creditors & share holders. Directors-position-appointment-qualifications-verification of office-removal resignation-powers & duties of directors. Debentures-meaning-fixed & floating charge-kinds of debentures-shareholder & debenture holder-remedies of debenture holders.

UNIT –V:

Prevention of Oppression & Mismanagement.

Winding up-types-who can apply? - Consequences of winding up.

LEADING CASES:

- Solomon V. Soloman & Co. 1897 AC 22.
- Daimler Co. Ltd. V. Continental Tyre & Rubber Co. 1916 2 AC 307.
- Lakshmanasawami Mudaliar V. Life Insurance Corporation on India AIR 1963 SC 1185
- Royal British Bank. V. Turquand (1856) 119 ER 886.
- T. R. Pratt (Bombay) Ltd. V.M.T.LTD AIR 1938 PC 159.
- Foss V. Harbottle (1957) Camp. L J. 194.
- Shanti Prasad Jain V. Kalinga Tubes AIR 1965 IC 1535.

RECOMMENDED READINGS:

- Avtar Singh: Indian Company Law (1999).
- L. C. B. Gower: Principles of Modern Company Law.
- Palmer: Palmer`s Company law (1987).
- R. R. Pennington: Company law (1990).
- A. Ramaiya: Guide to Companies Act (1998).
- S. M. Shah: Lectures on Company law (1998).

INTERNATIONAL LAW

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – IV

Note: The subject includes a comprehensive and up to date study of various aspects of International Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. State Succession.
2. State Responsibility: Introduction, theories and the responsibility for the treatment of aliens.

UNIT – II:

1. The Law of neutrality:
 - Neutrality in historical perspective;
 - Permanent neutrality;
 - Rights and duties of neutral states.
2. Pacific settlement of international disputes Negotiations, mediation, conciliations & arbitration.

UNIT – III:

1. The use of force:
 - The Law before 1945.
 - Article 2(4) of the UN charter.
 - Enforcement actions under chapter VII.
 - Self defence.

UNIT – IV:

1. The Law of international institutions:
 - Covenant of the League of Nations: An overview.
 - United Nations: Purpose, principles, Membership.
 - General Assembly: Composition, nature of powers, scope of jurisdiction.
 - Security Council: composition, nature of powers including VETO power security council and the General Assembly relationship.
 - International court of justice: composition and jurisdiction.

LEADING CASES:

1. Corfu Channel Merits cases (1949) ICJ.
2. Alabama Claim`s Award (1872).
3. Legality of the threat or use of Nuclear Weapons - (ICJ 1996).
4. Admission to the membership case.
5. Caroline case (1841).
6. Lockerbie case (1992).

INSURANCE & BANKING

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – V

Note: The subject includes a comprehensive and up to date study of various aspects of Banking & Insurance. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. General principles of Insurance.
2. Nature of Insurance contract.
3. Insurable interest.
4. Premium, risk.
5. Assignment of insurance policy.
6. Socio-economic significance on Insurance.

UNIT – II:

1. The definition, nature and scope of:
 - a. Life Insurance.
 - b. Fire Insurance.
 - c. Marine Insurance.

UNIT – III:

1. Organization, Operation and Functions of bank.
2. Banker- Customer relationship.
3. Bank Guarantee.
4. Letters of credit.

UNIT – IV:

1. Nature of Negotiable instrument.
2. Definition and nature of Promissory Notes, bill of exchange & Cheaques.
3. Holder and Holder-in-due course and his special privileges.

UNIT – V:

1. Parties.
2. Endorsement.
3. Negotiation, Presentment, Dishonor.
4. Maturity and Grace period.
5. Liability of Parties.

LEADING CASES:

1. Union of India V. Sri Sarda Mills AIR S.C 281.
2. Vulacari Insurance Co. Ltd. V. Maharaj Singh AIR 1976 S.C 287.
3. LIC of India V.G.M. Channabasemine AIR 1991 S.C 393.
4. Congoganis V. Guardian Assurance Co. Ltd. AIR 1921 P.C.95.
5. L. I. C. of India V. Raga Basi Reddy Komalawalli Kamba & Other AIR 1948 S.C. 1014.
6. Mithoo Lal Naik V. L. I. C. of India AIR 1962 SC 814.
7. Reserve Bank of India V. Peerless General Finance & investment Co. AIR SC 1023.
8. General Assurance Society Ltd. V. Chand Mull Jain and others AIR 1996 SC 1644.

RECOMMENDED READINGS:

- M.S Parthasarathy (ed.): Khergamvala on the negotiable Instruments Act 1898 Butterworth, New Delhi.
- M.L. Tannen: Tannen`s Banking Law & Practice in India (2000) India Law House, New Delhi.
- S. N. Gupta: The Banking Law in Theory and Practice (1999) Universal, New Delhi.
- G. S. N. Tripathi (ed.): Sethi`s Commentaries on Banking regulation Act 1949 & Allied Banking Laws (2000) Law publishers, Allahabad.
- Bashyam & Adiga: The Negotiable Instrument Act (1997) Bharath Law House, New Delhi.
- S. N. Gupta: Banks & the consumer protection Law (2000) Universal, Delhi.
- Mukherjee T. K.: Banking Law & Practice (1999) Universal, Delhi.

VIITH SEMESTER:

PAPER – I: ADMINISTRATIVE LAW – I.

PAPER – II: CIVIL PROCEDURE CODE & SPECIFIC RELIEF.

PAPER – III: PROPERTY LAW.

PAPER – IV: TAXATION LAW – I.

PAPER – V: LOCAL LAWS – I.

ADMINISTRATIVE LAW – I

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – I

Note: The subject includes a comprehensive and up to date study of various aspects of Administrative Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 - 20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. Evolution, Nature and Scope of Administrative Law.

- 1.1. From Laissez-faire to a social welfare state.
 - 1.1.1 State as regulator of private interest.
 - 1.1.2 State of provider of services.
 - 1.1.3 Other functions of modern state: relief and welfare.
- 1.2. Necessity of delegation of powers on administration.
- 1.3. Definition, nature and scope of administrative Law.

2. Some constitutional Principles and their impact on Administrative Law.

- 2.1. Relation between constitutional law and administrative law.
- 2.2. Rule of law.
- 2.3. Separation of powers.
- 2.4. Droit administrative.

UNIT – II:

1. Classification of Administrative Action:

- 1.1. Definition of Administrative Action.
- 1.2. Need for classification.
- 1.3. Identification of legislative action.
- 1.4. Distinction between Judicial, quasi-Judicial and Administrative Actions.

2. Legislative powers of administration:

- 2.1. Necessity for delegation of legislative powers.
- 2.2. Constitutionality of delegation legislation.
- 2.3. Delegation of various types of legislative powers, power of inclusion and exclusion, taxing power, power of modification including Henry VIII clause.
- 2.4. Some procedural safeguards.
 - 2.4.1. Consultation of affected interests and public participation in rule-making.
 - 2.4.2. Publication of delegating legislation.
- 2.5. Judicial control of delegated legislation.

UNIT – III:

1. Judicial powers of Administration.

- 1.1. Need for devolution of adjudicatory authority on administration:
- 1.2. Administrative tribunals & other adjudicatory authorities: their adhoc character.
- 1.3. Tribunals-need, nature, constitution, jurisdiction and procedure.
- 1.4. Problems of administrative adjudication.

1.5. Articles 323 A and 323B.

1.5.1. CAT and SAT.

2. Natural Justice-Applicability:

2.1. Natural Justice: Principles.

2.2. The right to hearing: when can it be claimed.

2.3. Doctrine of fairness.

2.4. Doctrine of legitimate expectation.

2.5. Exclusion of natural justice.

2.6. Post-decisional hearing.

UNIT – IV:

1. Natural Justice: Principles.

1.1. No man shall be judge in his own cause.

1.2. No man shall be condemned unheard.

1.3. Rules of evidence- no evidence, some evidence and substantial evidence rules.

1.4. Reasoned decisions.

1.5. Institutional decisions.

1.6. Failure of natural justice.

UNIT – V:

1. Judicial control of Administrative Action.

1.1 Exhaustion of administrative and other remedies.

1.2 Locus standi.

1.3 Public interest litigation.

1.4 Laches.

1.5 Res-Judication.

1.6 Grounds of judicial control.

1.6.1. Error of jurisdiction.

1.6.2. Error of apparent on the face of the record.

1.6.3. Jurisdictional fact.

1.6.4. Findings of fact.

1.6.5. Molding of relief.

2. Specific Writs.

2.1 Mandamus.

2.2 Certiorari.

2.3 Prohibition.

2.4 Habeas Corpus.

RECOMMENDED READINGS:

1. D. D. Basu: Comparative Administrative Law (1998).
2. Wade: Administrative Law (Seventh edition, Indian Print 1997) Universal Delhi M. P. Jain, Cases and materials on Indian Administrative Law, Vol. I & II (1996) Universal, Delhi.
3. Jain & Jain: Principles of Administrative Law (1997) Universal, Delhi.
4. S. P. Sathe: Administrative Law (1998) Butterworth-Indian, Delhi.
5. Schwartz, An introduction to American Administrative Law.
6. Massey Administrative Law.

CIVIL PROCEDURE CODE & SPECIFIC RELIEF

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – II

Note: The subject includes a comprehensive and up to date study of various aspects of C.P.C. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10-20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT - I:

1. Preliminary Section Jurisdiction of Courts, Sec. 2 to 14.

UNIT – II:

1. Place of suing institutions of suits, Service of Summon, appearance of Parties & consequences for non-appearance Section 15 – 32.

UNIT – III:

1. Amendment of Pleadings, settlement of issues o.6, r.17, & 014, 018 rr. 1 – 6, 11 – 18.
2. Parties to suit, Addition of parties o1 rr 1 – 8.

UNIT – IV:

1. Judgment and decree and execution of decree Sec. 33, 020 rr 1 – 8 & Section 36 – 44A.
2. Specific Relief Act. Preliminary Sections & recovery of possession of property Sec. 1 – 8.

UNIT – V:

1. Specific performance of Contracts (Sections 9 - 25).
2. Temporary and Perpetual Injunctions (Sections 37 - 42).

LEADING CASES:

1. Somnath Berman V. Dr S. P. Raju AIR 1970 SC 846.
2. Beswick V. Beswick (1967) 2 All ER 1197 HL.
3. Cicka Lingam V. T Lanickavasagam AIR 1974 SC 104.
4. M/s Balga V. Mangalore City Corporation AIR 1998 Kant.
5. Kaliram V. V. Durai AIR 1998 Mad. 657 B.
6. Rather Ford V. Action Adams 1915 AC 866.
7. Munawer Hussan V. Zakir Hussan 1984 (10) ALR 73 (FB).

RECOMMENDED READINGS:

1. Pollock & Mulla: Indian Contract and specific Relief Acts
2. Suba Roa: Specific Relief Act.

PROPERTY LAW

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – III

Note: The subject includes a comprehensive and up to date study of various aspects of Property Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 - 20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

- Interpretation Clause – Section - 3 & Transfer of property by Section 5 – 10 Act of Parties

UNIT – II:

- Transfer of property by Act of Parties continued Sections 11 - 21 & Sections 25 – 29.

UNIT – III:

- Doctrine of Election Section 35, 54, Sale of Immovable Property Section 55, Mortgage of Immovable Property Section 58, 60, 67, 81, 82, 91, 92, 93.

UNIT – IV:

- Charge & Lease of Immovable Property - Sections 100, 101, 105 - 108 & 111. Section 139 & 140 of the J & K Transfer of Property Act.

UNIT – V:

- The Indian Easement Act, 1882.
 1. Easement generally.
 2. The incidents & disturbance of Easements.
 3. Licenses Lease Easement, distinction.

LEADING CASES:

1. Associated Hostels V. R. N. Kapoor AIR 1959 SC 1262.
2. Mrs. Achama Cyriac V. The Kerala Financial Corpn. & Others AIR 1997 Kerala.
3. Nemi Chand V. Onkar Lal AIR 1991 SC 2046.
4. Munisami Naidu V. R. Ranganathan AIR 1991 Sc 492.
5. A. K. Veeraghava Lyengar V. N. V. Prasad AIR 1994 SC 2357.
6. Shanta Bai V. State of Bombay, AIR 1958 SC 582.
7. Barndev Panigrahi V. Smt. Moharama AIR 1974 AP.
8. Ahmadabad Municipal Corporation V. Haji Abdul Gofoor, AIR 1971 SC 1201.
9. Ram Baran V. Ram Mohit AIR 1967 SC 755.
10. R. Kempraj V. Barton Sons & Co. AIR 1970 SC 1872.
11. Rajesh Kanta Roy V. Smt. Shanti Devi AIR 1957 Sc 255.
12. Aamirtham Kudumbah V. Sarnam Kudumbah AIR 1991 SC 1256.

RECOMMENDED READINGS:

1. Mulla: Transfer of Property Act.
2. B. B. Mitra: Transfer of Property Act.
3. Suba Rao: Lecturers & Commentaries on Transfer of Property.
4. Shukla: Transfer of Property.
5. Tripathi G.P: The Indian Easement Act.
6. Jain J. D.: The Indian Easement Act.

TAXATION LAW – I

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – IV

Note: The subject includes a comprehensive and up to date study of various aspects of Taxation Law. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 - 20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

Income Tax:

UNIT – I:

1. Definitions Sec. 2 – 3.
2. Basis of Charge Sec. 4 – 9.

UNIT – II:

1. Head of Income.
 - 1.1 Salaries.
 - 1.2 Income from House Property.
 - 1.3 Income from Business or Profession.
 - 1.4 Capital Gains.
 - 1.5 Income from other sources.

UNIT – III:

1. Incomes not included in Total Income Sec. 10 – 13.

UNIT – IV:

1. Setoff & Carry forward.
2. Avoidance of Double Taxation Sec. 90 – 91.
3. Deductions, Sec. 80 – 88.

UNIT – V:

1. Income Tax Authorities Sec. 116 – 119, 120, 124, 131 – 132.
2. Procedure for Assessment Sec. 139 – 148.

LEADING CASES:

1. Madhu Kishwar V. State of Bihar 1996 5 SCC 125.
2. Union of India V. Raghbir Singh 1989 178 ITR 548 SC.
3. CIT V. Carew & Co. Ltd 1979 12 ITR 540 SC.
4. CIT V. G. K. Karthi Keyen 1993 201 ITR 866 SC.
5. Income Tax Officer V. Sarabai M. Lakhani & Anr (2000) 243 ITR.
6. Trustee of HEH Nizam`s Trust V. CIT (2000) 242 ITR 381.

RECOMMENDED READINGS:

1. Taxman: Tax Planning & Management (1998).
2. Kanga & Palkhivala: Income Tax Law (1991).
3. A. C. Sampat Iyengar: Three Taxes.
4. K. Chaturvedi & S. M. Pithisaria: Income Tax Law.
5. Bhagwati Prasad, Direct Taxes: Law & Practice (1996) Wisha Prakasan, New Delhi.
6. Income Tax in India 1860-2001 by Indian Tax foundation, India.
7. Policy issue in designing a system of Income Tax (2001) Indian Tax foundation, India.
8. Tax incidence studies in India - A survey, Indian Tax Foundation (2001).
9. Tax Reforms in India 1991 - 2001 Indian Tax Foundation (2001).
10. Kunwar Deo Prasad: Taxation in Ancient India, 1987.

LOCAL LAWS – I

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper –V

Note: The subject includes a comprehensive and up to date study of various aspects of Local Laws. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section A (very short answer type questions in about 10 - 20 words) shall have 10 questions, two questions from each unit carrying 2marks each. Section B (short answer type questions in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A and B have to be attempted. Section C (Long answer type questions in about 400-500 words) shall have 5 question, one from each unit carrying 10 marks each. Any three questions out of 5 have to be attempted from this section.

UNIT – I:

1. The J&K Agrarian Reforms Act, 1976:

- 1.1. Definition (Sec. 2 – 3).
- 1.2. Vesting of rights in State (Sec. 4 – 8).
- 1.3. Restrictions on rights in land (Sec. 9 – 17).
- 1.4. Jurisdiction & procedure for settlement of disputes (Sec. 18 – 25).

UNIT – II:

1. The J&K Land Revenue Act, Samvat 1996:

- 1.1. Definitions (Sec. 3).
- 1.2. Revenue officers- Classification, appointment & powers (Sec. 6 – 19A).
- 1.3. Record of Rights & Annual Records & procedure for making records (Sec. 21 – 34).

UNIT – III:

1. The Jammu & Kashmir Houses & Shops Rent Control Act, 1966:

- 1.1. Definition (Sec. 2).
- 1.2. Payment of Rent and Fixation of fair Rent (Sec. 3 – 10).

UNIT – IV:

1. Rent Control Act:

- a) Protection of a tenant against Eviction (Sec. 11 – 13).
- b) Deposit of Rent (Sec. 14 – 16).

UNIT – V:

1. Rent Control:

- a) Powers of Controller (Sec. 17 – 20).
- b) Appeals (Sec. 21).
- c) Repairs and maintenance of Essential Supply (Sec. 27 – 29).

LEADING CASES:

1. Jai Manmohan Kapoor V Kedar Nath Sekhri JKLR (1991) Vol. 21.
2. Mst. Bega Begum & Others V Abdul Ahad Khan AIR 1979 Sc 272 Vol. 66.
3. Abdul Rashid Bakshi V Devki Durrani JKLR P 382 Vol. 10.
4. Haji Gh. Mohd Bhat V Gh. Hassan Nahavi JKLR. 1981 at 433.
5. Thuru V. Rasal Sing AIR 1997, J&K.
6. Asha V. Rasaloo AIR 1997), J&K 39.
7. Premnath Raina & Others V State of Jammu & Kashmir, AIR 1883 SC 920.

RECOMMENDED READINGS:

1. J&K Houses & Shops Rent Control Act, 1966.
2. Commentary on J&K Houses & Shops Rent Control Act , 1966.
3. J&K Land Revenue Act, 1996 (Smtv.)
4. J&K Agrarian Reforms Act, 1976.
5. Constitution of India. (Relevant Provisions).

VIIITH SEMESTER:

PAPER – I: ADMINISTRATIVE LAW – II.

PAPER – II: CIVIL PROCEDURE CODE & LIMITATION ACT.

PAPER – III: CYBER LAW.

PAPER – IV: TAXATION LAW – II.

PAPER – V: LOCAL LAWS – II.

PAPER – VI: ENVIRONMENTAL LAW.

ADMINISTRATIVE LAW – II

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – I

Note: The subject includes a comprehensive and up to-date study of various aspects of Administrative Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type question in about 10-20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

1. Administrative Discretion:

- a) Need for administrative discretion.
- b) Administrative discretion and rule of law.
- c) Need for safeguards.

2. Doctrine of Excessive Delegation Discretion:

- a) Constitutionality of discretionary powers.
- b) Administrative discrimination & arbitrariness.

UNIT – II:

1. De tournament De peuvor:

- a) Malafide exercise of discretion.
- b) Improper purpose.
- c) Irrelevant considerations.
- d) Unreasonableness.
- e) Non- exercise of discretionary powers.

UNIT – III:

1. Liability of the Government:

- a) Tortions Liability: sovereign and non-sovereign.
- b) Statutory - immunity.
- c) Act of state.
- d) Contractual liability of government.
- e) Freedom of information.

UNIT – IV:

1. Corporation & Public Undertakings.

- a) Characteristics & classification.
- b) Liabilities of public corporations.
- c) Legislative & government control.
- d) Legal Remedies.

2. Statutory Judicial Remedies: General:

- a) Declaratory judgment compared with certiorari.
- b) Injunctions.
- c) Injunctions compared with Mandam us.
- d) Specific performance and civil suits for compensation.
- e) Specific statutory remedies.

UNIT – V:

1. Exclusion of Judicial Review.

- a) Scope of exclusionary & finality clauses.
- b) Impact of doctrine of ultra vires on private clauses.

2. Ombudsman.

- a) Central Vigilance Commission.

RECOMMENDED READINGS:

1. D. D. Basu: Comparative Administrative Law (1998).
2. Wade: Administrative Law (Seventh Edition, Indian print 1997) Universal, Delhi.
3. M. P. Jain: Cases & Materials on Indian Administrative Law, Vol. I & II (1996), Universal, Delhi
4. Jain & Jain: Principles of Administrative Law (1997) Universal, Delhi.
5. S. P. Sathe: Administrative Law (1998) Butterworth-Indian, Delhi.
6. Schwartz: An Introduction to American Administrative Law.
7. Massey: Administrative law.

CIVIL PROCEDURE CODE & LIMITATION ACT

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper –II

Note: The subject includes a comprehensive and up to-date study of various aspects of C.P.C & Limitation Act. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

1. Powers of executing court Sec. 47 – 58 & 021 rr 1 – 17 & r 26, 30, 37, 64 – 68 r 74.
2. Attachment of property, Sec. 60 – 63, o xxx viii rr 1 – 9.
3. Commissions,, Sec. 75 – 76.
4. Suits by and against Govt. Sec. 79 – 80.

UNIT – II:

1. Public Nuisance & procedure for such suits Sec.91 – 92.
2. Appeals, Reference, Sec. 96 – 109.
3. Review, Revision – Sec. 113 – 115.
4. Application for Restitution, Section 144.

UNIT – III:

1. Enlargement of time & powers of courts in terms of Section 148, 151 – 153.
2. Law of Injunctions in terms of Sections 0 39 rr 1 – 9.
3. Suits by & against Minors & persons of Unsound Mind – O XXXII rr 1 – 5 only.

UNIT – IV:

1. Suits by indigent persons – O XL. rr. 1 – 8.
2. Appointment of Receivers – O XL. rr. 1 – 5.
3. Limitation of suits, Appeals and applications & law of computation of period of limitation Sec. 3 – 14.

UNIT – V:

1. Computation of period of limitation, & acquisition of ownership by possession, etc - Sections 15 – 27.

LEADING CASES:

1. Smt. Isabella Johnson V. M. A. Sausi AIR 1991 SC 993.
2. Dalpat Kumar & Others V. Prahlad Singh & Others AIR 1993 SC 276.
3. Premier Tyres Ltd. V. Kerala State Road Transport Corporation, AIR 1993 SC 1202.
4. P. K. Vijayan V. K. Amma & Others AIR 1994 SC 2145.
5. Bijendra Nath Srivastva V. Mayank Srivastawa AIR 1994 SC 2562.
6. Durga Prasad V. Deep Chand AIR 1954 SC 75.
7. Udyan Chand Bhai V. R. C. Bala AIR 1977 SC 319.
8. M/s Lakeshmi Rathan Cotton Mills Co. Ltd. V. Aluminium Corporation of India Ltd AIR 1971 SC 1482.

RECOMMENDED READINGS:

1. Mulla: Code of Civil Procedure.
2. Sarkar: Civil Procedure Code.
3. Tandon: Civil Procedure Code
4. B. B. Mitra: The Limitation Act.
5. J. D. Jain: Limitation Act.
6. T. R. Desai: The Limitation Act.

CYBER LAW

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper –III

Note: The subject includes a comprehensive and up to-date study of various aspects of Cyber Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10- 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

1) History of Internet:

- a) Genesis of Internet.
- b) Internet Functioning.
- c) Access to Internet.
- d) Modes of Communication.
 - I. E – Mail.
 - II. Listserve.
 - III. Distributed Message based Databases.
 - IV. Real Time Text based Communications.
 - V. Real Time Remote Computer Utilization.
 - VI. Remote Retrieval of Information.

2) Genesis, Object & Scope of the I.T. Act.

- a) Genesis.
- b) Object.
- c) Scope.

UNIT – II:

• Authentication of Electronic Records of Electronic Governance.

1. Authentication of Electronic Records.

- I. Digital Signatures.
- II. Hash Functions.
- III. Digital Signatures in Practice.
- IV. Secure Electronic Record & Secure Digital Signatures.

2. Electronic Governance.

- I. Legal Recognition of Electronic Records.
- II. Legal Recognition of Digital Signatures.
- III. Use of Electronic Records & Digital Signatures in Government & its Agencies.
- IV. Retention of Electronic Records.

UNIT – III:

- **CERTIFYING AUTHORITIES.**
 - I. Need for Certifying Authority.
 - II. Functioning of the Certifying Authority.
 - III. Types of Certificates:
 - a) Identification Certificate.
 - b) Transactional Certificate.
 - c) Digital Time Stamping Service.
 - d) Authorizing Certificate.
 - IV. Validity Period for Digital Signatures.
 - V. Certificate Chain.
 - VI. Appointment of Controller.
 - VII. Functions of Controller.
 - VIII. Controller to act as a Repository.
 - IX. Powers of Controller
 - a) Power to recognize foreign Certifying Authorities.
 - b) Power to issue License.
 - c) Power to renew License.
 - d) Power to Suspend or Revoke License.
 - e) Power to Delegate & Investigate.
 - f) Power to Search & Seizure.
 - g) Power to call for information.
 - h) Power of Survey.
 - i) Power to Collect certain Information
 - j) Power to Inspect Registers of Companies.
 - k) Power to have access to Computers & data.
 - l) Power to issue Directions.
 - m) Power to Decrypt Information.
 - n) Power to make Regulations.
 - X. Database for Certifying Authorities.
 - XI. Who can be a Certifying Authority?
 - XII. Application for License.
 - XIII. Certification practice Statement.
 - XIV. Issuance of License.
 - XV. Refusal of License.
 - XVI. Surrender of License.
 - XVII. Cross Certification.
 - XVIII. Duties of Certifying Authorities.
 - XIX. Certifying Authority to follow Procedures.
 - XX. Certifying Authority as an Indemnifier.
 - XXI. Commencement of commercial operation by the licensed certifying authority.
 - XXII. Requirement prior to Cessation as Certifying Authority.

- XXIII. Digital Signature Certificates.
- XXIV. Digital Signature Standard.
- XXV. Representation upon issuance of Digital Signature Certificate.
- XXVI. Generation of Digital Signature Certificate.
- XXVII. Issuance of Digital Signature Certificate.
- XXVIII. Certificate Life Time.
- XXIX. Suspension of Digital Signature Certificate.
- XXX. Revocation of Digital Signature Certificate.
- XXXI. Certification Revocation List (CRL).
- XXXII. Compromise of Digital Signature Certificate.
- XXXIII. Duties of Subscribers.
 - a) Generating Key Pair.
 - b) Acceptance of Digital Certificate.
 - c) Control of Private Key.

UNIT – IV:

- **ELECTRONIC COMMERCE.**
 - I. Introduction.
 - II. Formation of Electronic Contracts.
 - a. Contract by Electronic Data Inter changer.
 - b. Cyber Contracts.
 - i. E - Mail.
 - ii. World Wide Web (www).
 - iii. Validity of Electronic Transactions.
 - iv. Dichotomy of Offer & Invitation to Treat.
 - v. Application of Minor Image Rule.
 - vi. Communication of Offer & Acceptance.
 - vii. Revocation of Offer & Acceptance.
 - viii. Incorporation of Terms by Reference.
 - ix. Attribution of Electronic Records.
 - x. Time & Place of Despatch & receipt of Electronic Record.
 - xi. Jurisdiction.
 - xii. Identity of the Parties

UNIT – V:

- **CYBER REGULATIONS APPELLATE TRIBUNAL.**
 - I. Establishment & Composition of Cyber Appellate Tribunal.
 - II. Qualifications of Presiding Officer.
 - III. Resignation, Removal & Filling up of Vacancies.
 - IV. Jurisdiction of Cyber Appellate Tribunal.
 - V. Adjudicating Officer.
 - VI. Powers of the Adjudicating Officer.
 - VII. Factors to be taken into account by Adjudicating Officer.

- VIII. Power to award Compensation.
- IX. Power of the Adjudicating Officer to impose Penalty.
- X. Compounding of Contraventions.
- XI. Appeal to Cyber Regulations Appellate Tribunal.
- XII. Procedure & Powers of the Cyber Appellate Tribunal.

- **COMPUTER SYSTEMS & LIABILITY ISSUES. (Cyber Crimes).**

- I. Definition of Cyber Crimes.
- II. Classification of Cyber Crimes.
- III. Target of computer crime.
- IV. Challenges of Cyber crime.
- V. Indian Scheme of offences and Punishment.
 - a. Damage to Computer, Computer System etc.
 - b. Unauthorised access.
 - c. Computer Contaminant or Computer virus.
 - I. Virus.
 - II. Logic Bomb.
 - III. Worms.
 - IV. Trojan horse Programme.
 - V. Denial of Service.
 - d. Tampering with computer source Documents.

RECOMMENDED READINGS:

- Cees J. Hamelink: The Ethics of Cyberspace (2001), Sage.
- Markandey Katju: Law in the Scientific Era (2000), Universal, N. Delhi.
- Farooq Ahmed: Cyber Laws in India (2000), Pioneer Book Publishers.
- Chris Reed: Computer Law, Universal, N. Delhi.
- Nandi Kamath: The Law relating to Computers.

TAXATION LAW – II

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper –IV

Note: The subject includes a comprehensive and up to-date study of various aspects of Taxation Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 -20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I: (Income Tax):

1. Appeals.
2. Reference and Revisions.
3. Advance Rulings mechanism Sec. 245.

UNIT – II: (Income Tax):

1. Concept of Fringe benefits under Income Tax Law.
2. Penalties – Sec. 271 – 280.

UNIT – III: J&K Professions, Traders, Callings & Employment Tax Act, 2005 .

1. Definition Sec. 2.
2. Levy of Tax Sec. 3.
3. Authorities: Powers & Functions: Sec. 4 – 6.
4. Registration: Sec. 7 – 8.
5. Procedure for Administration of the Self – Employment Fund: Sec. 18 – 19.
6. Appeal Review and Revisions: Sec. 14 – 17.

UNIT – IV: (Service Tax):

1. Introduction.
 - 1.1 Definition.
 - 1.2 Scope and Nature.
2. Basis of charge.
3. Registration.
4. Procedure for assessment.
5. Penalties.
6. Appeals and revision.

UNIT – V: J & K Value Added Tax-2005: (VAT)

1. Definition: Sec. 2.
2. Taxation Authorities: Sec. 3 – 10.
3. The incidence and Levy of Tax: Sec. 12 – 26.
4. Returns, Assessment, Recovery (Sec. 31 – 33, 37 – 40, 42).

LEADING CASES:

1. Leghu Vdyog Bharati V. Union of India (1999) IIL ELT 365(SC).
2. State of U.P. V. Union of India (2004) 170 ELT 385.
3. Chartered Accountants Association V Union of India (2005) 179 ELT 12.
4. Baja Auto Ltd. V Commissioner of Central Excise & Customs, Aurangabad (2005) 1 STJ 58.

RECOMMENDED READINGS:

1. J&K Laws, Vol. 23 Ed (2006).
2. Kanga Palkhivala & Vyas: The Law and Practice of Income Tax, Vol. II 9th Ed (2004). Lexis - Nexis Butterworth.
3. Rohni Aggarwal: Service Tax, Law & Practice, Ed. (2005), Eastern Book Co.
4. Mohan R. Levi: Service Tax 15th Ed (2005), Bharat Law House.
5. Report of the Kelkar Task Force Regarding service Tax.
6. Chaturvedi M.K & Nirmala Asokan: Guide to Mastering VAT, Ed (2005)Wadhwa & Co.
7. Chandra Kant T. Shah: Value Added Tax, Insta Vat, 2004.
8. Taxman's CENVAT, Law & Practice, 2003.
9. J&K Statutes Vol. 3 (2005) Jay & Kay Law Reporter.
10. Ajay Joshi Concept & Procedure of VAT in India, Ed (2005) Bharat Law House.

LOCAL LAWS – II

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper –V

Note: The subject includes a comprehensive and up to-date study of various aspects of Local Laws. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10-20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

- 1) Registration Act. 1977.
 - a) Registration Establishment (Sec. 5 – 12).
 - b) Time for presenting a place for registration (Sec. 23 – 31).

UNIT – II:

- 1) Registerable Documents (Sec. 17 – 21).
- 2) Of Registration & Non-registration (Sec. 47 – 50 & 60).

UNIT – III:

- 1) Persons to present Documents for Registration (Sec. 32 – 35).
- 2) Refusal to Register (Sec. 71 – 77).
- 3) Registration fees (Sec. 78 – 80).

UNIT – IV:

- 1) Court Fees Act, 1977 & Suit Valuation Act 1977.
 - a) Exemptions (Sec. 19).
 - b) Mode of Levying Fees Schedule I and II (Sec. 25 – 30).
 - c) Suit valuation in suit (Sec. 4, 8 & 11).

UNIT – V:

- 1) Self Reliant Co-operatives Act, 1999.
 - a) Definition (Sec. 2).
 - b) Incorporation (Sec. 3 – 15).
 - c) Membership (Sec. 16 – 29).
 - d) Management (Sec. 31 – 36).
 - e) Finance (Sec. 39 – 41).
 - f) Dispute Resolution (Sec. 49).
 - g) Dissolution (Sec. 51 – 56).

LEADING CASES:

1. General Manager, J&K Cooperative Supply & Marketing Federation V. M/s Rama Rice & General Mills, JKLR Vol.23 (1993) p 135.
2. Chairman, J&K Central Cooperative Land Development Bank Ltd. & anr V. Krishan Chand JKLR Vol 23 (1993) P 369.
3. Ramzan Rather & Others V. Khalik Bhat & Others JKLR Vol. 12 (1993) P. 321 .
4. Life Insurance Corporation of India V. Smt. Iqbal Kour & others JK LR Vol. 13 (1983) P. 293
5. Kasturi Lal V. Bharat Finance Co & anr JKLR Vol. II (1980) P. 207.
6. Harnam Singh V. Dharshan Singh & anr JKLR Vo. II (1980) P. 240 .
7. Mst. Kamla Devi & Others V. Mst. Sianpo JKLR (1980) P.249 (June).

RECOMMENDED READINGS:

1. Mulla: The Indian Registration Act, N. M. Tripathi (1992).
2. J & K Registration Act.
3. Court Fees Act.
4. Stamp Duty Act, 1929.
5. The Jammu & Kashmir Self Reliant Cooperatives Act, 1999.

ENVIRONMENTAL LAW

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper –VI

Note: The subject includes a comprehensive and up to -date study of various aspects of Environmental Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each . All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section .

UNIT – I:

1. Environment: Meaning, Environment Pollution, Meaning & issues.
2. Historical development of Environmental Laws in India.
Nuisance: Penal Code, Criminal & Civil procedure codes, old laws & new Interpretations-Absolute & no fault liability under Environmental Laws.
3. Constitutional provisions – Articles 14, 19(1)(g), 48 – A, 51A, G, Art. 21, right to Whole some environment – Evolution & Application.PIL & Protection of E nvironment.

UNIT – II: The water & Air Pollution control Acts:

- Standards, CPCB & SCPB Consent mechanism, Control areas & restrained orders.
- a) Citizen Suit & Access to Environment information.
 - b) Corporate & Government liability for Environment offences.

UNIT – III: Environment Protection Act 1986 & other Environmental Legislation.

- Powers of Central Govt. Citizen Suit Policing of Pollution.
- a) Rules
 - Bio Medical waste Rules, 1998.
 - Hazardous waste Rules, 1998.
 - Ozone deleting substance Rules.
 - Noise Pollution control Rules, 2000.
 - b) EIA, Bio-logical Diversity Act 2003 &National Environment Appellate Authority Act, 1997.

UNIT – IV: International Environment Law & Norms.

- a) Stockholm Declaration, Global Warming & Ozone conventions.
- b) Sustainable Development, Public trust Doctrine.
- c) Precautionary Principles, Polluter Pays Principle.

UNIT – V:

- **Local Environmental Laws & Problems in Jammu & Kashmir.**
- a) Forest Act 1930, J & K Wild Life Protection Act, J & K Forest Conservation Act (Summary of the Provisions with special emphasis on forest dwellers & forests, Medical Plants & related traditional knowledge).
- b) Protection of Bio Diversity in J& K - Local Laws & Central Acts Forests Force Acts.
- c) Preservation & Protection of Lakes & water ways in J & K:
Existing related Laws & future legal needs.

RECOMMENDED READINGS:

- Centre for Science & Environment Citizen's Reports: Anil Aggarwal.
- Rosencranz, Diwan Noble: Environmental Laws & Polices in India.
- Lal: Commentaries on Water & Air Pollution Law.
- Baxi Upendra: The Environment Protection Act, An Agenda for Implementation.
- Bakshi P. M: The Air Act, 1986.
- Bakshi P. M: The Environment Protection Act.
- P. LeelaKrishnan: Environmental Law in India.
- Iyer V. R Krishna: Environmental Pollution & the Law.
- Kashmir University Law Review - Relevant Papers.
-

INTERNATIONAL DOCUMENTS:

- Stockholm Conference, Ozone Convention, Climate Change Convention.

LOCAL LEGISLATION:

- J & K Wild life Protection Act, 1978.
- J & K Prevention of Cruelty to Animals Act, 1934.
- J & K Forest Protection Force Act, 2001.
- J & K Kuth Act, 1921. J & K Preservation of Special Trees Act, 1969.

CENTRAL LEGISLATION:

- The Water (Prevention & Control of Pollution) Act, 1974.
- The Air (Prevention & Control of Pollution) Act, 1981.
- The Environment (Protection) Act, 1986.
- Noise Pollution Control Rules, 2000.
- Bio Medical Waste Management Rules, 1998 as amended.
- Ozone depletion (substances & Control) Rules.
- Hazardous Waste Management Rules.
- Ozone depleting substances & Control Rules.
- Hazardous Waste Management Rules, 1989.
- Ozone Depleting Substances Rules.
- Biological Diversity Act, 2003.

ESSENTIAL CASE LAW:

1. Subhash Kumar V. State of Bihar, AIR 1991 SC 420 .
2. M. C. Mehta V. Union of India, AIR 1997 SC 734 .
3. M. C. Mehta V. Kamal Nath. AIR 2000 SC 1997 .
4. M/s Abhilash Textiles V. Rajkot Municipal Corpn, AIR 1988 Guj. 57 .
5. Indian Council for Enviro-Legal Action V. Union of India, AIR 1996 SC 1446 .
6. Vellore Citizen Welfare forum V. Union of India AIR 1999 SC 2715 .
7. A. P. Pollution Control Board V. M. V. Nayudu, AIR 1999 SC 812 .
8. Narmada Bachao Andolen V. Union of India AIR 2000 SC 3751 .
9. M. C. Mehta V. Union of India, AIR 2002 SC 1696 .
10. M. C. Mehta V. Union of India, AIR 1988 SC 1037 .
11. M. C. Mehta V. Union of India, AIR 1988 SC 1115 .
12. M/s Delhi Bottling Co. Pvt. Ltd. V. Central Board for the Prevention & Control of Water Pollution AIR 1986 Del. 152 .
13. Tata Tea Ltd. V. State of Kerala 1984, KLT 645 .
14. M. C. Mehta V. Union of India, AIR 2001 SC 1949 .
15. M. C. Mehta V. Union of India, AIR 1998 (4) SCALE 196 .
16. Orissa State Pollution Control Board V. M/s Orient Paper Mills, AIR 2003 SC 1966 .
17. Tarun Bharat Singh V. Union of India (1994) 2 SCALE 68 .
18. T.N. Godavarman Thirumulkpad V. Union of India AIR 1998 SC 769 .
19. Vellore Citizens Welfare Forum V. Union of India, AIR 1996 SC 2715 .
20. S. Jagannath V. Union of India, AIR 1997 SC 811 .
21. M. C. Mehta V. Union of India, AIR 2002 SC 1696 .
22. M. C. Mehta V. Union of India, AIR 1987 SC 965 .
23. M. C. Mehta V. Union of India, AIR 1987 SC 982 .
24. M. C. Mehta V. Union of India, AIR 1987 SC 1085 .
25. M. C. Mehta V. Union of India, AIR (Relocation of Industries in Delhi), AIR 1996 SC 2231 .

IXTH SEMESTER:

PAPER – I: CODE OF CRIMINAL PROCEDURE – I.

PAPER – II: LAW OF EVIDENCE – I.

PAPER – III: INTERPRETATION OF STATUTES.

PAPER – IV: CLINIC – I.

- **ARBITRATION, CONCILIATION & ALTERNATE DISPUTE RESOLUTION SYSTEM.**

PAPER – V: SEMINAR – I.

- **INTELLECTUAL PROPERTY.**
- **SOCIAL & ECONOMIC OFFENCES.**

PAPER – VI: SEMINAR – II.

- **PROFESSIONAL ETHICS.**

CODE OF CRIMINAL PROCEDURE – I

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – I

Note: The subject includes a comprehensive and up to-date study of various aspects of Cr. P. C. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10-20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

1. Definition – Section.
2. Constitution of Criminal Courts - Powers and Function. (SS 6 – 31).
3. Jurisdiction of Criminal court - (SS 177 – 189).

UNIT – II: Arrest, and Compelled Procedure for Appearance:

- a) Arrest by Police & Public (SS 36, 41 – 49).
- b) Rights of Arrested Persons & Production of things (S. 61 – 90, 90 – 101).
- c) Production & attachment (SS. 82 – 86).

UNIT – III:

- a) Conditions necessary to initiate proceedings.
- b) Cognizance by Courts (SS. 190 – 199).
- c) Filing of Complaints (SS. 200 – 203).
- d) Commencement of Proceedings Before magistrate (S S. 204 – 210).

UNIT – IV: Security for keeping peace and good behaviour (SS 106 – 124, 151).

UNIT – V: Definition and Framing of charges.

- a) Joinder of Charge.
- b) Sessions Trials.
- c) Warrant Trials.
- d) Summons Trials.
- e) Summary Trials.

LAW OF EVIDENCE – I

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – II

Note: The subject includes a comprehensive and up to -date study of various aspects of Law of Evidence. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10-20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

1. Interpretation Clause (Sec. 3 – 4).
2. Relevancy of Facts (Sec. 5 – 16).

UNIT – II:

1. Admissions and Relevancy of Admissions (Sec. 17 – 23).

UNIT – III:

1. Relevancy and Admissibility of Confessions (Sec. 24 – 31).

UNIT – IV:

1. Relevancy of Statements by Persons who cannot be called as Witness (Sec. 32, 33).
2. Relevancy of Statements made under special circumstances (Sec. 34 – 39).

UNIT – V:

1. Judgements of Courts when relevant (Sec. 40 – 44).
2. Opinion of third person when relevant (Sec. 45 – 51).
3. Character when relevant (Sec. 52 – 55).
4. Facts which need not be proved (Sec. 56 – 58).

LEADING CASES:

- R.V. Foster, 172 ER 1261.
- Awadesh V State of U.P., AIR 1995 SC 375.
- Brij Mohan V Amar Nath AIR 1980 JK 54.
- Pakala Naryan Swami V Emp. AIR 1939 PC 47.
- Dagdu V State of Maharashtra 1977 SC 3.
- State of U.P. V Deoman Upadhya AIR 1960 SC 1125.
- R. Singh V State of Punjab 1976 1SCC 181
- State V Bal Krishnan 1992 CRLJ 1872.
- Tuka Ram V State of Maharashtra AIR 1979 SC 185.
- Union of India V Ramaswamy AIR 1997 SC 205.
- R. K. Dalmia V Delhi Administration AIR 1962 SC 1821.
- Ram Krishan V Savitri Devi AIR 1982, Delhi.
- Rafiq V State of U.P. AIR 1981 SC 559.

RECOMMENDED READINGS:

- Sarkar: Evidence.
- Field C.D.: Law of Evidence.
- Monir, M.: Law of Evidence.
- Rattan Lal & Dhiraj Lal: Law of Evidence.
- Amir Ali & Woodroff: Law of Evidence.
- Sarathi V.P.: Elements of Law of Evidence.

INTERPRETATION OF STATUTES

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper –III

Note: The subject includes a comprehensive and up to-date study of various aspects of Interpretation of Statutes. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

- a. Introduction.
- b. Classification of Statutes.

UNIT – II: Methods of Interpretation:

- a. Literal Rule.
- b. Golden Rule.
- c. Mischief Rule.

UNIT – III: Aids of construction:

- a. Intrinsic.
- b. Extrinsic.

UNIT – IV: Specific Interpretations:

- a. Taxing Statutes.
- b. Penal Statutes.

2. Interpretation of Constitution.

UNIT – V:

1. Repeal, Repugnance & Retrospective Doctrine.

LEADING CASES:

1. Surajeet Singh V. State of U.P. 1984 AIR SC 98.
2. London Rubber Co. Ltd. V. Durex Productions Incorporated & Others AIR 1963 SC 1982.
3. Maneka Gandhi V. Union of India AIR 1978 Sc 597.
4. Reserve Bank of India & others V. Peerless General Finance & Investment Co. Ltd & Others 1996 1 SCC 642.
5. State of Patiala & Others V. S. K. Sharma 1996 3 SCC 364.
6. S. Gopal Reddy V. State of A. P. AIR 1996 SC 2184.
7. Shanmugam Servai V. P. Periyankaruppan Seervai AIR 1996 Madras 411.

RECOMMENDED READINGS:

1. Maxwell: Interpretation of Statutes.
2. Bindra N. S.: Interpretation of Statutes.
3. Chattarji: Interpretation of Statutes.
4. Sarathi Vepa: Interpretation of Statutes.

CLINIC – I

ARBITRATION, CONCILIATION & ALTERNATE DISPUTE RESOLUTION SYSTEM

Max Marks = 100

Time Duration: 2 Hours.

Paper – IV

The paper will carry 100 marks, out of which 60 marks will be for theory and 40 marks for clinic. The break-up of marks for clinic will be as under:

- 1. Practice Exercise and Case Studies: 30 Marks**
- 2. Viva – Voce: 10 Marks**

This course will focus on dispute resolution methods, client interviewing and counseling, litigation planning, investigation strategies, negotiation and mediation. The students will be required to learn the language of negotiation, mediation and settlement conferences, so that all these processes can be placed in a practical, conceptual framework. To understand latest empirical studies in business, communication psychology and law their application to negotiation, mediation and settlement conferences.

The students will be also required to identify strategies in dispute resolution and apply them to actual cases.

The whole exercise will be done by the student in the presence of the Board of examiners to be nominated by the Head, Department of Law, which will include the teacher concerned. The student will be required to secure the minimum pass marks in both theory and clinic separately.

Note: The subject includes a comprehensive and up to-date study of various aspects of ADR. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 1 mark each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I: INTRODUCTION:

- a. Alternate Dispute resolution system (ADR): Concept & Need.
- b. International Commercial dispute arbitration & ADR under Legal Services Schemes
 - Concept. Dimensions & Practice of International Commercial arbitration.
 - Legal Services Authority Act 1987 / Section 89 CPC.
 - Legal Literacy Mission.

UNIT – II: TECHNIQUES OF ADR – I.

- Negotiation / Conciliation.
- Mediation.
- Good Offices.

UNIT – III: TECHNIQUES OF ADR – II.

- Conciliation: Nature, Scope & methods, applicable Law.
- Arbitration: Arbitration agreement / Clause, Jurisdiction of the arbitral Tribunal, Applicable Law, IIC, UNCITRAL, KSID.

UNIT –IV: THE ARBITRATION & CONCILIATION ACT 1996.

- Arbitration Sections 3 – 34.

UNIT – V: RECOGNITION & ENFORCEMENT.

- Indian Practice.
- International Practice.

LEADING CASES:

- State of Jharkhand V R. K. Constructions Pvt. Ltd. AIR 2006 Jhar. 98.
- Rashtriya Ispat Nigam Ltd. V Verma Transport Company AIR 2000 SC 2800 .
- P. Anand Gajapathi Raju V P. V. G. Raju (Dead), 2000(4) SCC 539.
- Mahesh Kumar V Rajasthan State Road Transport Corp. AIR 2006 Raj. 56.
- Kalpana Kothari V Sdha Yadav AIR 2001 SC 404.
- Baby Arya V Delhi Vidyut Board AIR 2002 Del 50.
- M. M. T. C. Ltd. V Sterlite Industries (Indir) Lt. AIR 1997 SC 60.
- Sanshin Chemicals Ltd. AIR 2001 SC 1219.
- Tamil Nadu Electricity Board V Bridge Tunnel Constructions AIR 1997 SC 1376.
- T. P. George V State of Kerala AIR 1997 SC 816.
- Union of India V G. S. Atwal & Co. AIR 1996 SC 2965.
- National Thermal Power Corp. V Singer Co.
- First Lady Lawson Ltd. V Jindal Export Ltd. AIR 2001 SC 2293.

RECOMMENDED READINGS:

- P. C. Rao et al.: Alternate Dispute Resolution: What It is & how it Works? ICADR(1999)
- M. Menon: Clinical Legal Education Relevant Chapters.

LEGISLATION:

- The Arbitration and Conciliation Act, 1996 with up-to date amendments.

SEMINAR – I

INTELLECTUAL PROPERTY

Max Marks = 100

Time Duration: 2 Hours.

Paper – V

The paper Intellectual property will carry 60 marks for theory examination and 40 marks for the seminar. The seminar will be purely research oriented with a focus on empirical research. The students will be divided into groups depending upon the availability of the teachers. The teacher in-charge of the group will assign topic to each student on which research has to be conducted. However, teacher concerned is free to allow joint research. The report is forwarded to the Head of the Department for presentation before the Board of Examiners. The Head of the Department will constitute the Board of Examiners comprising of the Head of the department, or his nominee having specialization in the field and the teacher concerned. The breakup of the marks shall be as follows:

1. Field work / Research tools and techniques:	10 marks.
2. Assignment / Project:	15 marks
3. Presentation / Viva voce:	15 marks
TOTAL:	40 marks

Note: The subject includes a comprehensive and up to-date study of various aspects of Intellectual Property. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section - B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

- Copyright.
- Definition.
- Nature & scope of Copyright law – Types.
- Assignment & Licensing.

UNIT – II:

- Infringement.
- Remedies.
- Copyrights & Technology.

UNIT – III:

- Trade marks.
- Nature, purpose & transmission.
- Infringement of Trade mark & passing off .
- Remedies.

UNIT – IV:

- Patents.
- Nature & Scope of patents .
- Types of patents.

UNIT – V:

- Rights & obligations of a patentee .
- Infringement.
- Relevant provisions of TRIPS.

LEADING CASES:

1. Najma Heptulla V Orient Longman Ltd. AIR 1989, Del 63 .
2. Anand V Delux Films AIR 1978 SC 1613 .
3. Apple Computers V Apple Leasing (1993) IPLR 63 .
4. Whirlpool Corporation V N. R. Donga 56 DLT 304 (Del).
5. Mishra Bandhu Karyalya V S. Koshat AIR 1970 MP. 261.

RECOMMENDED READINGS:

1. W.R. Cornish: Intellectual property: patents Copyright, Trade Marks & Allied Rights 1999, Sweet & Maxwell Lord.
2. Michael F. Flint: A User's Guide to Copyright. (1990), Butterworth London.
3. Jeremy Phillips & Alison Firth: Introduction to Intellectual Property Law (1995), Butterworth, London.
4. P. Narayanan: Intellectual Property Law, (1997), Eastern Law House.

SEMINAR – II

SOCIAL & ECONOMIC OFFENCES.

Max Marks = 100

Time Duration: 3 Hours.

Paper – V

The paper Social and Economic offences will carry 60 marks for theory examination and 40 marks for the seminar. For the Seminar the students will be divided into groups. The teacher concerned will assign a topic contemporary relevance to a student/group of students. The student shall be required to conduct a field study on the subject and prepare a complete assignment based on his observations. He will analyze the problem critically and will present it to the concerned teacher.

In his field survey the student will apply various tools of research which are essential for Socio legal research i.e. questionnaire/interview schedule. He will prepare a complete report/assignment in consultation with his teacher concern. After submitting his assignment the student will present his findings before Board of examiners. The Head of the Department will constitute the Board of Examiners comprising of the Head of the Department, or his nominee having specialization in this field and the teacher concerned.

The breakup of the marks shall be as follows:

1.	Field work:	10 marks
2.	Writing:	15 marks
3.	Presentation:	15 marks

Note: The subject includes a comprehensive and up to -date study of various aspects of Socio-Economic Offences. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section - B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

- Evaluation & Concept of Socio-economic offences & its comparisons with that of white-collar crimes.
- Differences between Social and Conventional Crimes.
- Criminological explanations of Socio-economic offences: study of causes with special reference to social disorganization & economic theories. Sutherland's Differential Associations theory and Socio-economic offences.

UNIT – II:

1. Traditional criminal Jurisprudence & principles of liability.
 - a) Strict Liability.
 - b) Vicarious Liability.
 - c) Corporate Liability.
 - d) Burden of Proof.
2. Sentencing policy under the Socio-economic offences.

UNIT – III:

1. Bail & Socio-Economic offences.
2. Forfeiture of Property under Socio-economic offences with special reference to NDPS Act, 1985.

UNIT – IV:

1. Enforcement of Laws dealing with Socio-economic offences.
 - a. Efficacy of enforcement machinery.
 - b. Difficulties in enforcement.
2. Courts & Socio-economic offences including probation & Socio-economic offences.

UNIT – V:

1. Specific areas in-depth study of the following Socio-economic legislations.
2. Prevention of corruption Act, 1988.
3. Dowry prohibitions Act, 1961.

RECOMMENDED READINGS:

- Mahesh Chandra: Socio - Economic offences.
- Ghosh, S. K: Economic offences.
- Sutherland: White - Collor crime.
- Haikerwal: Economic & social Aspects of Crime.
- Prevention of corruptions Act, 1988.
- Dowry Prohibition Act, 1961.
- Santhanam Committee Report on Corruption.

SEMINAR – II

PROFESSIONAL ETHICS.

Max Marks = 100

Time Duration: 2 Hours.

Paper – VI

The paper Professional Ethics will carry 60 marks for theory examination and 40 marks for the seminar.

For the Seminar the students will be divided into groups depending upon the availability of the teachers. The teacher in-charge of the group will assign topics to the students on which research has to be conducted. The teacher concerned will assign topic to each student or will allow 3-4 students to carry joint research. However, submission of assignment presentation has to be made separately. The students will submit their report to the concerned teacher who after certification will forward that to the Head of the Department for presentation before the Board of examiners. The Head of the Department will constitute the Board of Examiners comprising of the Head of the department, teacher concerned or a nominee of the Head having knowledge of the subject. The student will be required to secure minimum pass marks in both theory and seminar separately.

The break - up of the marks shall be as follows:

1.	Field work / Research tools & teachings:	10 marks
2.	Assignment:	15 marks
3.	Presentation:	15 marks
	Total:	40 Marks

Note: The subject includes a comprehensive and up to-date study of various aspects of Professional Ethics. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section - B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT– I:

1. Supreme Court Rules, 1966.
2. J & K High Court Rules, 1995.

UNIT– II:

1. J & K Limitation Act, 1938 as amended.
2. J & K Registration Act, 1920 A. D. as amended.

UNIT – III: BENCH BAR RELATIONS.

1. Bar Council Of India: Powers & Functions.
2. State Bar Council: Powers & Functions.
3. Professional & other Misconduct.
4. Right & Privileges of Advocates.
5. Reciprocity as Partners in administration of Justice.

UNIT –IV: LEGAL ETHICS.

1. Ethics in present Era.
2. Ethics & Statutory sanctions.
3. Ethics & Professional Duty.
4. Conflict between Interest & Duty.
5. Duty of Court.
6. Duty of Client.
7. Duty of Opponent.
8. Duty of Colleague.
9. Duty towards Society & Obligation to render Legal Aid.

UNIT – V: CONTEMPT OF COURT.

1. Classification.
2. Constitutional Validity of Contempt Law.
3. Contempt Law in J & K.

LEADING CASES:

- A. M. Mathur V Pramod Kumar Gupta, 1990(2) SCC 533.
- Bar Council of Maharashtra V M. V. Dabhulkar, 1976(1) SCR 303 also 1976(2) SCR.
- Hanraj L. Chulani V Patna High Court 1986.
- K. Daniel V Hymavathy Amma AIR 1985 Ker. 233.
- Advocate General Bihar V Patna High Court 1986(2) SCC 577.
- P. D. Gupta V Ram Murti 1977(7) SCC 147.
- H. D. Srivastava V G. N. Verma 1977 (2) SCR 6011.
- Mangi Lal V State of M. P. 1994 (4) SCC 564.
- Harish Uppal V Union of India AIR 2003 SC 739.
- Copeland V Smth. 2000(1) All. E. R. 457.
- In the matter of P an Advocate AIR 1963 SC 1313.
- R. D. Saxena V Balram Prasad AIR2000 SC 2912.
- Indian Council of Legal Aid V Bar Council of India AIR 1995 SC 691.
- In Re Sanjiv Dutta 1995(3) SCC 619.
- Vikas Deshpande V Bar Council AIR 2003 SC 309.

RECOMMENDED READINGS:

- Kailesh Rai: Legal Ethics, Accountancy for lawyers & Bench Bar Relation.
- B. R. Aggarwal: Supreme Court Practice & Procedure.

REFERENCES:

- P. Ramanatha Iyer: Legal & Professional Ethics.
- B. B. Mitra: The Limitation Act.

XTH SEMESTER:

PAPER – I: CODE OF CRIMINAL PROCEDURE – II.

PAPER – II: LAW OF EVIDENCE – II.

PAPER – III: HUMAN RIGHTS, HUMANITARIAN LAW & REFUGEE LAW.

PAPER – IV: CLINIC – II.

- **PLEADING, DRAFTING & CONVEYANCING.**

PAPER – V: SEMINAR – III.

- **CHILD LAW JUVENILE JUSTICE.**
- **INTERNATIONAL TRADE LAW.**

**PAPER – VI: PUBLIC INTEREST LAWYERING, LEGAL AID &
PARA LEGAL SERVICES.**

CODE OF CRIMINAL PROCEDURE – II

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – I

Note: The subject includes a comprehensive & up to-date study of various aspects of Cr. P. C. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section - B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section -C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

2. Maintenance of Wives, children & Parents (SS. 125 – 128).
3. Maintenance of Public order & Tranquility (SS. 133 – 144).
4. Disputes regarding immovable Property (S. 145 – 146).

UNIT – II:

1. Powers of Police & their powers to investigate (Sec. 154, 155, 156, 160, 161, 162, 164)
2. Remand (Sec. 167).
3. Rights of Accused (Sec. 50, 51, 56, 57).

UNIT – III:

1. General Provisions of Trials & inquiries, (Sec. 300, 319, 320, 321, 323).
2. Provision relating Bail & Bond (S. 436 – 450).
3. Limitation for taking cognizance (S. 468 – 473).

UNIT – IV:

- a. Mode of Judgment SS. 354, 365.
- b. Confirmation of Death Sentence SS. 366 – 371.
- c. Suspension, Remission & Communication of Sentence (SS. 418 – 435).

UNIT – V:

1. Appeal, Revision & Reference (Section 372, 376, 378, 382, 394 – 397, 399, 405).

RECOMMENDED READINGS:

- Misra. S. N: The Code of Criminal Procedure.
- Rathanlal, Dhiraj Lal: The Code of Criminal Procedure.
- Kolker, R. V.: Out Lines of Criminal Procedure.
- Qadri, S. M. A: Police & the Law- A Socio Legal Analysis.

LAW OF EVIDENCE – II

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – II

Note: The subject includes a comprehensive and up to-date study of various aspects of Law of Evidence. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section - B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

- Principles, Proof & Exclusion of Oral Evidence (Sec. 59, 60, 91 – 95).

UNIT – II:

- Principles, Proof of Primary & Secondary Documents (Sec. 61 - 76).

UNIT – III:

- Burden of Proof in Civil & Criminal cases (Sec. 101 – 114A).
- Estoppel (Sec. 115 – 117).

UNIT – IV:

- Competence of Witness to Testify & Privileges of Witness (Sec. 118 – 134).

UNIT – V:

- Examination of Witness & Questions to be asked (Sec. 135 – 167).

LEADING CASES:

- R.V. Foster, 172 ER 1261.
- Awadesh V State of U.P., AIR 1995 SC 375.
- Brij Mohan V Amar Nath AIR 1980 JK 54.
- Pakala Naryan Swami V Emp. AIR 1939 PC 47.
- Dagdu V State of Maharashtra 1977 SC 3.
- State of U.P. V Deoman Upadhya AIR 1960 SC 1125.
- R. Singh V State of Punjab 1976 1SCC 181.
- State V Bal Krishnan 1992 CRLJ 1872.
- Tuka Ram V State of Maharashtra AIR 1979 SC 185.
- Union of India V Ramaswamy AIR 1997 SC 2055.
- R. K. Dalmia V Delhi Administration AIR 1962 SC 1821.
- Ram Krishan V Savitri Devi AIR 1982, Delhi.
- Rafiq V State of UP AIR 1981 SC 559.

RECOMMENDED READINGS:

- Sarkar: Evidence.
- Field C.D.: Law of Evidence.
- Monir, M.: Law of Evidence.
- Rattan Lal & Dhiraj Lal: Law of Evidence.
- Amir Ali & Woodroff: Law of Evidence.
- Sarathi V. P.: Elements of Law of Evidence.

HUMAN RIGHTS, HUMANITARIAN LAW & REFUGEE LAW

Max Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – III

Note: The subject includes a comprehensive and up to-date study of various aspects of Human Rights. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT - I:

1. **Human Rights, Nature, Concept, Origin & development.**
2. **Human Rights some contemporary Issues:**
 - i) Role of NGO's.
 - ii) Cultural Relativism.
 - iii) Self - Determination.

UNIT - II:

1. **The United Nations & Human Rights.**
 - a) The UN Charter & Human Rights.
 - b) International Bill of Human Rights.
 - i) The Universal Declaration of Human Rights.
 - ii) The Covenant on Civil & Political Rights.
 - iii) Covenant on Economic, Social & Cultural Rights.
 - iv) UN Charter based Institutions for implementation.

UNIT - III:

1. **Human Rights and Vulnerable Groups.**

Rights of Women, Children, Minorities & Refugees.

 - i) The African Charter on Human Rights.

UNIT - IV:

- 1) **Regional Convention of Human Rights:**
 1. 1. 1 European Convention of Human Rights.
 1. 1. 2 The American Convention on Human Rights.

2) India & International Humanitarian Law:

2. 1. 1 India & International Humanitarian Treaties.
2. 1. 2 Non Judicial: Enforcement of Human Rights Commission.

UNIT - V:

1. International Humanitarian Law

- a) Definition, Origin & Development.
- b) Protection of Defenceless in war.
- c) Limitation on methods & use of force during armed conflicts contemporary issues & challenges.

LEADING CASES:

- Namibia Case.
- Ireland V United Kingdom.
- Golder V United Kingdom.
- South - West Africa Cases. ICJ, 1962, 319, 1966, 6, 1971, 16.
- Filartiga v. Pina Irafa 630 F 2d (1980) 876.
- Sunil Batra V Delhi Administration AIR- 1978 SC 1675, AIR- 1980 SC 1579.
- Hussain Ara Khatoon V. Home Secretary AIR-1976 SC 1360, AIR-1976 SC 1365
AIR - 1979 Sc 1377.
- Maneka Gandhi V Union of India AIR- 1978 SC 597.

RECOMMENDED READINGS:

- Lauterpacht: International Law & Human Rights.
- Lavis & Burgemtja: International Protection of Human Rights.
- S. K. Avesti & R. P. Kataria: Law Relating to Human Rights.
- Wallace: International Human Rights –Text & Materials.
- Nirmal C. J: Human Rights in India.
- I. Menon: Human Rights in International Law.
- A. B. Kailash: Human Rights in International Law.
- S. C. Khare: Human Rights and United Nations.
- Krishna Iyer: Human Rights and Inhuman wrongs.
- Upendra Baxi: The Right to be Human.
- C. K. Aggarwal: Human Rights.
- H. O. Aggarwal: International Law and Human Rights.

CLINIC – II

PLEADING, DRAFTING & CONVEYANCING.

Max. Marks =100

Time Duration: 2 Hours.

Paper-IV

Pleading Drafting and Conveyancing paper will carry 100 marks. Out of 100 marks 60 marks will be for theory and 40 marks for clinic. The break-up of marks for clinic will be as under:

- | | |
|--|-----------------|
| 1. Contents of Form (Drafting Plaint written statement, Application, Petition, Affidavit, Deeds etc): | 20 Marks |
| 2. Typing by Computer: | 15 Marks |
| 3. Fulfillment of requirements under Stamp & Suit valuation: | 05 Marks |

This student will be provided intensive training in type writing / computer, to enable him to draft petitions, deeds etc. at the end of the clinic the student will be required to draft petition/Deed etc.(Pleading & Drafting within a period of two hours. The student will draft the form/petition etc. by computer on Judicial / Non-Judicial paper as required under the stamp and suit valuation Act The student will not be required to fix the Judicial / Non-judicial paper of actual but will draft on the Judicial / Non-judicial paper of minimum value. However, he will state the actual value of Judicial / Non Judicial paper/ Court fee on the opposite side of the drafting's and also the required documents to be produced before the Court at the time of Registration / filling of Petition / Suit etc. as the case may be.

The whole exercise will be done by the student in the presence of the Board of examiners. The Board of examiner will constituted by the Head of the Department, consisting of Head of the Department or his nominee & the teacher concerned. The student will be required to secure the minimum pass marks in both theory and clinic separately.

Note: The subject includes a comprehensive and up to-date study of various aspects of Pleading & Drafting. The question paper shall be of 60 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10-20 words) shall have 10 questions, 2 questions from each unit carrying 1 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 4 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I: FUNDAMENTAL RULES OF PLEADING.

- a. Plaint Structure.
- b. Description of Parties.
- c. Written statement & Affidavit.
- d. Application for setting Ex- parte Decree.

UNIT – II: ORDINARY SUIT FOR RECOVERY.

- a. Suit under order XXXVII of CPC.
- b. Suit for permanent Injunction.
- c. Application for temporary Injunction, order XXXIX of IPC.
- d. Suit for Specific Performance.
- e. Petition for Eviction & Fair rent, J & K House & Shops Rent Control Act.

UNIT – III: GENERAL PRINCIPLES OF CRIMINAL PLEADING.

- a. Application for Bail.
- b. Application under Section 125 Cr. P. C.
- c. FIR under Section 154 Cr. P. C.

UNIT –IV: MODEL DRAFTS – I.

• FORMS:

- I. Notice to the Tenant under Section 106 of Transfer of Property Act.
- II. Notice under Section 80 of CPC.
- III. Reply to Notice.
- IV. General Power of Attorney.
- V. Will.
- VI. Agreement to Sell.
- VII. Sale Deed.
- VIII. Suit for Dissolution of Partnership.
- IX. Petition for grant of Probate/ Letters of Administration.
- X. Application for Appointment of Receiver/ Local Commissioner.
- XI. Application for Compromise of Suit.
- XII. Application for Appointment of Guardian.
- XIII. Application to Sue as an indigent person under order 33 CPC.
- XIV. Application from Original Decree under order 41 of CPC.
- XV. Appeal from orders under order 43 of CPC.
- XVI. Revision Petition.
- XVII. Review Petition.
- XVIII. Application under 5 of Limitation Act.
- XIX. Application for Execution.

UNIT – V: MODEL DRAFTS – II.

- I. Writ Petition under Article 32 & 226.
- II. Application under Section 148A of CPC.
- III. Compounding of Offences by way of compromise under Sec. 320(1) Cr. P. C.
- IV. Lease Deed.
- V. Special Power of Attorney.
- VI. Relinquishment Deed.
- VII. Partnership Deed.
- VIII. Mortgage Deed.
- IX. Reference to Arbitration & Deed of Arbitration.
- X. Deed of Gift.
- XI. Notice under Section 434 of the Companies Act.
- XII. Notice for Specific performance of Contract.
- XIII. Complaint.

BOOKS RECOMMENDED:

1. Conveyancing – N. S. Bindra.
2. Conveyancing – A.N. Chaturvedi.
3. Mogh's - Law of Pleading.
4. Conveyancing – D'Souza.

LEADING CASES:

- Brij Mohan & Others V Sughra Begum & Others 1990 4 SCC 147 – 148.
- Nana Tuka Ram V Sona Bai AIR 1982 Born 437.
- Sait Tarajee Khim Chand V Yelamatri Satyam AIR 1971 SC 1865.
- Datatraya V Rangnath Gopalra Kawatherkar AIR 1971 SC 2548 – 2549.
- Rama Shankar Pathak V Collector Central Excise AIR 1971 ALL. 287 & 289.
- K. Appu Kuttan Panicker V K. R. Athapachetlier AIR 1966 Ker 303.

SEMINAR – III

CHILD LAW & JUVENILE JUSTICE.

Max. Marks = 100

Time Duration: 2 hours.

Paper - V

The paper Child, Law and Juvenile Justice will carry 60 marks for theory examination and 40 marks for the seminar. For the Seminar the students will be divided into groups and each group will be assigned to a teacher.

The teacher concerned will assign a topic of contemporary relevance to a student/group of students. The student/s shall be required to conduct a field study on the subject and prepare a complete assignment based on his / her observations. He/they will analyze the problem critically and will present it to the concerned teacher.

In his field survey the student will apply various tools of research which are essential for Socio legal research i.e. questionnaire / interview schedule. He will prepare a complete report/assignment in consultation with his teacher concern. After submitting his assignment the student will present his findings before the teacher/ Board of examiners on a date to be fixed by the teacher / department. The Board of examiners will be nominated by the HOD in consultation with teacher concerned. The teacher concerned shall be one of the examiners in case the presentation is made before the Board of examiners. The students will have to appear for a viva-voce relating to the assignment before the teacher concerned/ Board of examiners.

The break - up of the marks shall be as follows:

- | | | |
|-----------|----------------------|------------------|
| 1. | Field work: | 10 marks. |
| 2. | Writing: | 20 marks. |
| 3. | Presentation: | 10 marks. |

Note: The subject includes a comprehensive and up to-date study of various aspects of Child & the Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10 - 20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section - B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

1. The concept of Juvenile Delinquency.
 - i) Defining Juvenile Delinquency.
 - ii) Scope of Juvenile Delinquency.
 - iii) Delinquent and Status offences.
2. Genesis of Juvenile delinquency with particular reference to the role of following institution.
 - i) Family functioning.
 - ii) Mass Media and violence aggressive delinquent Behaviour.
 - iii) The School as a delinquency producing Institutions.

UNIT – II:

1. Juvenile Delinquency & Juvenile Justice Process.
 - i) The concept of juvenile Justice.
 - ii) The History and Philosophy of Juvenile Justice.
 - iii) The evolution of Juvenile Justice in India starting from the children Acts of 1920 & culminating in the Juvenile Justice (Care & Protection of Children) Act, 2000.
2. Definitions of various terms under the Act of 2000:
 - i) Juvenile in conflict with law.
 - ii) Child in need of care & protection.

UNIT – III:

1. Constitution procedure & powers of Juvenile Justice Board, Section 14 – 18 of the Act of 2000.
2. Bail of Juvenile – Section 12.

UNIT – IV:

1. Constitutions Procedure and powers of child welfare committee, Sections 29 – 33 of the Act of 2000.
2. Rehabilitation and social reintegration, sections 40 – 45 of the Act of 2000.

UNIT – V:

1. Constitutional provisions.
 - i) Articles 23 & 24 of the Constitution.
 - ii) Articles 45 & 47 of the Constitution.
2. Substantive criminal law relating to children: section 82, 83, 2099 (explanation - 3) 317 & 318.

RECOMMENDED READINGS:

- Ved Kumari: A Treatise on Juvenile Justice Act.
- N. K. Chakraborti: Juvenile Justice.
- Ahmad Siddiqe: Criminology: Problems and perspectives .
- Mishra: The Code of Criminal Procedure .
- Panday: Constitutional Law of India .
- Pallai: Criminal Law .

SEMINAR – III

INTERNATIONAL TRADE LAW

Max. Marks = 100

Time Duration: 2 hours.

Paper - V

The Paper International Trade Law will carry 60 marks for theory examination & 40 marks for the seminar

The Seminar paper will be purely research oriented with a focus on empirical research. The students will be divided into groups depending upon the availability of the teachers. The teacher in charge of the group will assign topic to each student on which research has to be conducted. However, teacher concerned is free to allow joint research. The report will be submitted to the concerned teachers, who will after proper certification of the report forward it to the Head of the Department. The Head of the Department will constitute the Board of examiners comprising of the HOD, his nominee having specialization in the field and the teacher concerned. The student will be required to secure minimum pass marks in both theory & seminar separately

The breakup of the marks shall be as follows:

1.	Field work / Research tools & techniques:	10 marks.
2.	Assignment / Project:	15 marks.
3.	Presentation / Viva – Voce:	15 marks.
	TOTAL:	40 marks.

Note: The subject includes a comprehensive and up to-date study of various aspects of International Trade Law. The question paper shall be of 100 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type questions in about 10-20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 7 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 15 marks each. Any three questions out of five have to be attempted from this section.

UNIT – I:

1. Nature & Scope of International Trade Law .
2. Formation of the Contract.
3. Performance of the Contract.
4. Incoterms.

UNIT – II:

1. Frustration of the Contract.
2. Acceptance & Rejection of Goods .
3. Rights of Unpaid seller.

UNIT – III:

1. Carriage by Sea.
2. Marine Insurance.
3. Product Liability.
4. Licensing.

UNIT – IV:

1. Bills of Exchange.
2. Letters of Credit.
3. Bank Guarantee.
4. Collection Arrangements.

UNIT – V:

1. World Trade Organization.
2. International Court of Commercial Arbitration.
3. Indian Law of Arbitration.
4. Enforcement of Arbitral Awards & Jurisdiction.

RECOMMENDED READINGS:

1. Schmitthoff: Export Trade Law & Practice.
2. Day, D.M & Gritten B: the Law of International Trade.
3. Moens, G. & Gillies, P: International Trade & Business Law, Policy & Ethics.
4. David Tafled: Introduction to the Law of International Trade .
5. I. L. I.: The Law of International Trade transactions .
6. Arun: The WTO in the New Millennium .

PUBLIC INTEREST LAWYERING, LEGAL AID & PARA LEGAL SERVICES

Max. Marks = 100

Theory = 80

Continuous Assessment = 20

Time Duration: 3 Hours.

Paper – VI

Note: The subject includes a comprehensive and up to -date study of various aspects of Public Interest Lawyering. The question paper shall be of 80 marks, spread over the whole syllabus comprising of three sections. Section- A (Very short answer type question in about 10-20 words) shall have 10 questions, 2 questions from each unit carrying 2 marks each. Section- B (Short answer type question in about 200-250 words) shall have 5 questions, one question from each unit carrying 6 marks each. All questions from section A & B have to be attempted. Section-C (Long answer type questions in about 400-500 words) shall have 5 questions, one from each unit carrying 10 marks each. Any three questions out of five have to be attempted from this section.

Part II of the subject shall be of 20 marks to be evaluated by the internal examiner

PART–I:

UNIT – I:

1 Legal Aid:

- Concept, Constitutional Mandate & historical Perspective.
- Historical perspective of legal Aid in India & Jammu & Kashmir.
- Legal Aid to scheduled castes & defence Personnel Rules.
1971, 1973, legal Aid to the Poor rules – 1984 & 1987.

UNIT – II:

1. The J & k Legal Services Authorities Act, 1987.

- Legal Services Authorities & their Power & Functions.
- Entitlement to Legal Aid – Beneficiaries: Modes & Procedure.
- Working of Legal Service Authorities.
- Duties of Lawyers & Aided Persons.

UNIT–III:

1. Lok Adalat & other forms of Alternate Disputes Resolution System.

- Organization of Lok Adalats, Cognizance of Cases, Awards:
Procedure & Practice.
- Lok Adalats: Procedural & other Socio – Legal problems.

UNIT– IV:

1. Legal Aid, Para Legal Services & Clinical Legal Education & Other forms of ADR & their application in J & K.

- Clinical Legal Education: Concept & Contemporary Practices.
- Need for Legal & Para Legal Services.
- Role of Lawyers, Law students & NGO's in Legal Aid & Para Legal Services.
- Para Legal Service Training.

UNIT–V:

1. Public Interest Lawyering.

- a) Public Interest Litigation in India.
- b) PIL: Consumer & Environmental Protection, Scope of Public Interest Lawyering.
- c) PIL & Public Involvement.
- d) Law Student & PIL: Incentives & Scope of Involvement.

PART-II:

1. Simulation Exercises.

- a) Lok Adalat, Legal Aid Camp, Legal Literacy Programmes, Clinical Services, & Services in Legal Aid Offices.
- b) Legal Research, Case comments & Editing skills.

RECOMMEDED READINGS:

1. Menon, N. R. Madhave: Clinical Legal Education (1998).
2. Baxi, Uperdra: Law & Poverty, Critical Essays (1988).
3. Iyer V. R. Krishna: Law & the Urban Poor (1988).
4. Dar, M. Ayub: Free Legal Aid movement in India with special reference to J & K State LL.M. Dissertation, (Department of Law).

REPORTS:

1. Iyer V. R. Krishna: Report on the Committee on Legal Aid, 1973
2. Bhagwati P. N.: Report of the Committee on Legal Aid - Processal Justice 1977.

ACTS:

1. The Legal Services Authorities Act, 1987.
2. The Jammu & Kashmir Legal Services Authorities Act, 1997.