



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

BACHELOR OF LAWS (LL.B.)

(06 SEMESTER COURSE)

SYLLABUS

LL.B. PART- I (I SEM)		Total Marks
1	Law Of Tort.	100
2	Law Of Crime.	100
3	Constitutional Law	100
4	Contract - I	100
5	Practical Training (Professional Ethics)	100

LL.B. PART- I (II SEM)		
1	Criminal Proc. Code, Juvenile Justice Act And Prob. Of Offe. Act.	100
2	Law Of Evidence	100
3	Labour Law -I-	100
4	Trust Equity	100
5	Environmental Studies. (Optional)	100

LL.B. PART- II (I SEM)		
1	Family Law {Hindu Law}	100
2	Family Law {Mohammaden Law }	100
3	Indian Legal And Constitutional History	100
4	Labour Law -li-	100
5	Practical Training (Adr)	100

LL.B. PART- II (II SEM)		
1	Administrative Law	100
2	Environmental Laws	100
3	Contract - li	100
4	C.G. Land Revenue Code 1959 & Indian Regis. Act 1908.	100

LL.B. PART- III (I SEM)		
1	Legal Language & General English	100
2	Civil Procedure Code & Limitation Act.	100
3	Transfer Of Property Act.	100
4	Taxation Law.	100
5	Practical Training { Drafting }	100

LL.B. PART- III (II SEM)		
1	Jurisprudence, Legal Theory & Comparative Law.	100
2	Interpretation Of Statutes.	100
3	Company Law.	100
4	International Law And Human Rights	100
5	Practical Training (Moot Court)	100



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PART- I (I SEM.)

PAPER - I

LAW OF TORT, THE MOTOR VEHICLES ACT 1988, AND CONSUMER PROTECTION ACT, 1986

Marks: 100

Unit – I

Tort: Definition, Nature, Scope and Objects A wrongful act- violation of duty imposed by law, duty which is owed to people generally (in rem) - damnum sine injuria and injuria sine damnum. Justification in Tort Volenti non fit injuria Necessity, private and public Plaintiff's default, Act of God, Inevitable accident, Private defence, Statutory authority, Judicial and quasi-judicial acts, Parental and quasi-parental authority ,Doctrine of sovereign immunity and its relevance in India.

Unit – II

Liability, Principles of Liability in Torts, Fault ,Wrongful intent ,Negligence, Liability without fault, Violation of ethical codes, Statutory liability ,Place of motive in torts, Vicarious Liability ,Basis, scope and justification, Express authorization, Ratification, Abetment. Special Relationships, Master and servant - arising out of and in the course of employment - who is master? - The control test - who is servant ? - Borrowed servant, independent contractor and servant, distinguished, Principal and agent, Corporation and principal officer, Motor Vehicles Accident: Motor Vehicles Act, 1988,Evolution of law relating to compensation in accidents involving motor vehicles, No fault liability, Hit and run motor accident, Insurance, against third party risks-liability of insurer-owner-driver, Compensation-who can claim-how to claim-where to claim

Unit – III

Torts against persons and property, Assault, battery, mayhem, False imprisonment, Defamation- libel, slander including law relating to privileges, Marital relations, domestic relations, parental relations, master and servant relations, Malicious prosecution, Shortened expectation of life, Nervous shock, Torts generally & remedies, Trespass to land, trespass ab initio, dispossession, Movable property- trespass to goods, detinue , conversion, Torts against business interests - injurious falsehood, misstatements, passing off ,Legal remedies , Award of damages- simple, special, punitive, Injunction, Specific restitution of property.

Unit – IV

Negligence, Basic concepts, Theories of negligence, Standards of care, duty to take care, carelessness, inadvertence, Doctrine of contributory negligence, Res ipsa loquitor and its , importance in contemporary law, Liability due to negligence: different professionals, Liability of common carriers for negligence, Product liability due to negligence: liability of manufacturers and business houses for their products, Nuisance, Definition, essentials and types, Acts which constitute nuisance- obstructions of highways, pollution of air, water, noise, and interference with light and air, Absolute/Strict liability, The rule in Rylands v. Fletcher , Liability for harm caused by inherently dangerous industries



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The Consumer Protection Act 1986 (Section 1 to 22 A Only)

Unit – V-Leading Cases:

- (1) Kasturilal Ralia Ram Jain Vs. State of U.P. AIR 1965 SC. 1039.
- (2) Khusal Rao and Others Vs. Baparao Ganpatrao and others. AIR 1942 Nag. 52.
- (3) Indian Trade and General Insurance Co. V/s. Madhukar Govind Rao. MPLJ. 1966, 482.
- (4) Lucknow Development Authority V/s. M.K. Gupta.1994 MPLJ 461 AIR 1994 SC 787.

Prescribed Books:

1. W.V.H. Rogers, Winfield & Jolowicz on Tort (16th ed., 2002)
2. G.P. Singh, Ratanlal & Dhirajlal, *The Law of Torts* (24th ed., 2004)

Recommended Books:

1. P.S.Achuthan Pillai, *The law of Tort* (1994) Eastern, Lucknow
2. A.S. Bhatnagar, *Motor Accident Compensation*, Orient Law House, New Delhi, 2008
3. Ratanlal & Dhirajlal: *The law of Torts* (1997), Universal, Delhi.
4. Avtar Singh: *The law of consumer protection-principles and practice* (2000), Eastern Book Co., Lucknow.
5. D.D. Basu: *Law of Torts* (1982), Kamal, Calcutta.
6. Salmond and Houston: *On the law of Torts* (2000) Universal, Delhi.
7. B.M. Gandhi: *Law of Torts* (1987), Eastern, Lucknow.
8. Ramaswani Aiyer: *Law of Torts*.
9. Saraf D.N.: *Law of consumer protection in India* (1995), Tripathi Sombay.
10. Winfield and Jolowiz on Tort (1999), Sweet and Maxwell, London.
11. Avtar Singh (Rev.) P.S. Atchuthen Pillai. *Law of Torts* (9th ed. 2004)
12. *Motor Vehicles Act, 1988*
13. डॉ. एस. के. कपूर – अपकृत्य विधि ।
14. एम. एन. शुक्ला – अपकृत्य विधि



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PART- I (I SEM.)

PAPER- II

LAW OF CRIME – I

Indian Penal Code 1860 (excluding the sections relating to quantum of punishment and chapter IX A) with special reference to the following:

Unit – I

General:

Conception of Crime- Macaulay's draft based essentially on British notions. Distinction between crime and other wrongs. IPC : a reflection of different social and moral values. Applicability of I.P.C.: Territorial, Personal. Salient features of the I.P.C., Definition clause.

Elements of Criminal liability:

Author of crime - natural and legal person. Mens rea - evil intention. Importance of mens rea. Recent trends to fix liability without mens rea in certain socio-economic offences. Act in furtherance of guilty intent. Omission. Injury to another.

Stages of a crime :

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

Unit – II

Group liability:

Stringent provision in case of combination of persons attempting to disturb peace. Common intention. Abetment : Instigation, aiding and conspiracy., Mere act of abetment punishable. Unlawful assembly, Basis of liability. Criminal conspiracy. Rioting as a specific offence.

Factors negating guilty intention:

Mental incapacity: Minority. Insanity - impairment of cognitive faculties, emotional imbalance. Medical and legal insanity. Intoxication - involuntary. Private defense justification and limits. When private defence extends to causing of death to protect body and property. Necessity & Compulsion, Mistake of fact & Mistake of law

Unit – III-

Specific offences against human body:

Causing death of human beings: Culpable homicide.. Murder. Distinction between culpable homicide and murder. Specific mental element: requirement in respect of murder. Situation justifying treating murder as culpable homicide not amounting to murder. Grave and sudden provocation. Exceeding right to private defence. Public servant exceeding



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legitimate use of force. Death in sudden fight. Death caused by consent of the deceased - euthanasia and surgical operation. Death caused of person other than the person intended. Miscarriage with or without consent. Rash and negligent act causing death. Hurt - grievous and simple. Assault and criminal force. Wrongful restraint and wrongful confinement - kidnapping from lawful guardianship and from outside India. Abduction.

Offences against women:

Insulting the modesty of woman. Assault or criminal force with intent to outrage the modesty of woman. Causing miscarriage without woman's consent: Causing death by causing miscarriage without woman's consent. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse. Buying a minor for purposes of prostitution. Rape; Custodial rape. Marital rape. Prevention of immoral traffic. Cruelty by husband or his relatives. Prohibition of indecent representation of women.

Unit – IV

Types of punishment:

Death : Social relevance of capital punishment. Alternatives to capital punishment. Imprisonment - for life, with hard labour, simple imprisonment. Forfeiture of property. Fine. Discretion in awarding punishment. Minimum punishment in respect of certain offences.

Offences against Property :

Theft. Cheating. Extortion. Robbery and dacoit. Mischief. Criminal misrepresentation and criminal breach of trust. House Breaking.

Defamation.

Unit – V-

Leading Cases:

- (1) Reg V/s. Govinda: ILR 1876 Bombay 342.
- (2) Inzargul Khan V/s. King Emperor: ILR 1936 Nag. 194.
- (3) Mehboob Shah V/s. Emperor: AIR 1945 P.C. 118.
- (4) Amzad Khan V/s. State: AIR 1952 SC 165.

Books Recommended:

- (1) K.D. Gaur: Criminal Law - Cases and Materials (1999), Butter worths, India.
- (2) Ratanlal-Dhirajlal: Indian Penal Code (1994 Reprint).
- (3) B.M. Gandhi: Indian Penal Code (1996), Eastern, Nagpur.
- (4) K.D. Gaur, A text book on the Indian Penal Code (1998), Universal, Delhi.
- (5) P.S. Achuthan Pillai; Criminal Law (1995), Eastern, Lucknow.
- (6) Indian Penal Code (1860)
- (7) भारतीय दण्ड संहिता- एन.व्ही.परांजपे,
- (8) भारतीय दण्ड संहिता- अमर सिंह यादव,



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PART- I (I SEM.)

PAPER - III

CONSTITUTIONAL LAW OF INDIA

100 Marks

Unit – I

Historical Perspective:

Making of the Indian Constitution. Nature and special features of the Constitution.

Parliamentary Government:

Westminster model - choice of parliamentary government at the Centre and States. President of India: Election, qualifications, salary and impeachment. Powers legislative, executive and discretionary powers. Council of Ministers. Governor and state government - Constitutional relationship. Legislative process: Practice of law-making. Legislative privileges and fundamental rights. Prime Minister-cabinet system-collective responsibility-individual responsibility. Coalition Government: Anti-defection Law.

Unit – II

Federalism:

Federalism - principles: comparative study. Indian Federalism: identification of federal features. Legislative relations, Administrative relations, Financial relations. Governor's role. Centre's powers over the states - emergency. J & K - special status. Challenges to Indian federalism.

Constitutional Processes of Adaptation and Alteration :

Methods of constitutional amendment. Limitations upon constituent power, Development of the basic structure: Doctrine of judicial activism and restraint.

Unit – III-

Secularism:

Concept of secularism: historical perspective. Indian Constitutional Provision. Freedom of religion scope. Religion and the state: the limits. Minority rights.

Equality and Social Justice:

Equality before the law and equal protection of laws, Classification for differential, treatment: Constitutional validity. Gender justice. Justice to the weaker sections of society : scheduled caste, scheduled tribes and other backward classes, Strategies for ameliorative justice.

Freedoms and Social Control:

Speech and expression. Media, press and information. Freedom of speech and contempt of court. Freedom of assembly. Freedom of association. Freedom of movement. Freedom to reside and settle. Freedom of profession/business, Property: from fundamental right to constitutional right.

Unit – IV

Personal Liberty:



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Rights of an accused - double jeopardy - self-incrimination retrospective punishment. Right to life and personal liberty: meaning, scope and limitations. Preventive detention - constitutional policy.

Fundamental Rights and Directive Principles :

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

Fundamental Duties:

The need and status in constitutional set up, Interrelationship with fundamental rights and directive principles.

Emergency:

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

Unit – V

Judiciary under the Constitution:

Judicial process: Court System, The Supreme Court. High Courts. Subordinate judiciary. Judges appointment, removal transfer and condition of service, judicial, independence. Judicial review: nature and scope.

Services under the Constitution:

Doctrine of pleasure (Article 310). Protection against arbitrary dismissal, removal, or reduction in rank,(Article 311). Exception to Article 311.

Leading Cases:

- (1) Syed Yakooob V/s. K.S. Radha Krishnan and others : AIR 1964 SC 477.
- (2) Pt. M.S.M. Sharma V/s Sri Krishna Sinha & Others, AIR .1959 SC 395.
- (3) Bishan Das & Others V/s State of Punjab & Others : AIR 1961 SC 1570.
- (4) P.L. Dingra V/s. Union of India. : AIR 1958 SC 36.

Select Bibliography:

- (1) Dr. V.N. Shukia: Constitution of India.
- (2) Prof. M.P. Jain: Constitution of India.
- (3) J.N. Pandey: Constitution of India.
- (4) H.M. Seervai: Constitution of India. Vol. 1 to 3 (1992), Tripathi, Rombay.
- (5) D.D. Basu: Commentaries on the Constitution of India.
- (6) D.D. Basu: Shorter Constitution of India, (1996), Prentice Hall of India, Delhi.
- (7) Constituent Assembly Debates. Vol. 1 to 12 (1989).
- (8) S.C. Kashyap, Human Rights and Parliament (1978), Metropolitan, New Delhi.



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(9) जयनारायण पाण्डेय, भारत का संविधान.



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PART- I (I SEM.)

PAPER - IV

Contract- I

(GENERAL PRINCIPLES OF LAW OF CONTRACT AND COPY RIGHT ACT 1957)

Marks: 100

Unit –I

History and nature of contractual obligations, Formation of an Agreement, Intention to create, legal relationship, Proposal and acceptance- their various forms, essential elements, communication and revocation- mode of revocation of offer- proposal and invitations for proposal, Making of an Agreement – Special Situations, Tenders and Auctions, Consideration. Meaning- basis and the nature of consideration- kinds-essential elements Doctrine of Privity of Contract and of consideration, its exceptions (nudum pactum), Adequacy of consideration-present, past and adequate consideration, Unlawful consideration and its effects views of Law Commission of India on consideration- evaluation of the doctrine of consideration.

Unit –II

Capacity to Contract, Legal disability to enter into contract - Minors, persons of unsound mind- person under legal disability- lunatics, idiots, Restitution in cases of minor's agreement- Liability for necessities supplied to the minor - fraud by a minor- agreements made on behalf of a minor's agreements and estoppels- evaluation of the law relating to minor's agreements other illustrations of incapacity to contract. Free consent- Its need and definition- factors vitiating free consent. Coercion- definition- essential elements- duress and coercion- various illustrations of coercion- doctrine of economic duress- effect of coercion, Undue Influence- definition- essential elements- between which parties can it exist? Who is to prove it? Illustrations of undue influence- independent advice- pardahanashin women- unconscionable bargains - effect of undue influence. Misrepresentation - definition - misrepresentation of law and of fact- their effects and illustration., Fraud - definition - essential elements - suggestion falsi-suppressio 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 effects - when does a mistake vitiate free consent and when does it not vitiate free consent? Legality of objects: Limitations on Freedom of Contract Void agreements - lawful and unlawful considerations, and objects – Distinction between void and voidable agreement, illegal and unlawful agreements and their effects. Unlawful considerations and objects, Forbidden by law Defeating the provision of any law, Fraudulent Injurious to person or property, Immoral Against public policy.

Unit –III

Void Agreements: Agreements without consideration, Agreements in restraint of marriage, Agreements in restraint of trade- its exceptions- sale of goodwill, restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service. Agreements in restraint of legal proceedings- its exceptions. Uncertain and ambiguous agreements, Wagering agreement - its exception.



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Contingent Contract. Discharge of a contract and its various modes. By performance- conditions of valid tender of performance- How? By whom? Where? When? In what manner? Performance of reciprocal promises- time as essence of contract. By breach - anticipatory breach and present breach. Supervening Impossibility of performance- specific grounds of frustration application to leases theories of frustration- effect of frustration- frustration and restitution.

By period of limitation, By agreement and Notation- rescission and alteration - their effect remission and waiver of performance - extension of time- accord and satisfaction. Quasi-contracts Certain relations or obligations resembling those created by contract.

Unit –IV

Concept and classification Remedies for Breach of Contract, Damages-kinds-remoteness of damages- ascertainment of damages Mitigation of Damages- Penalty & Liquidated Damages Injunction- when granted and when refused- Why? Refund and restitution Specific performance- When? Why?

The Copyright Act 1957

The following sections are prescribed for study-

Section 1 to 32 B, Section 37 to 39 A, Section 44 to 73

Unit –V

Leading Cases:

1. Carlill v. Carbolic Smoke Ball Company (1891-4) AIR. 127
2. Bhagwandas Goverdhandas Kedia v. Girdharilal Parshottamdas & Co., AIR 1966 SC 543
3. Mohri Bibi V/S Dharmodas Ghosh 300Cal. 538 P.C
4. Fateh Chand V/S Balkishan Das AIR 1963 S.C. 1403

Prescribed Legislations:

1. The Indian Contract Act, 1872

Books Recommended:

1. P.S. Atiya, Introduction to the Law of Contract 1992 reprint (Claredon Law Series)
2. Avtar Singh : Law of Contract (2000), Eastern, Lucknow.
3. Mulla's : Contract Act.
4. Beatesen (ed.) Anson's : Law of Contract.
5. M.Krishnan Nair: Law of Contract. (1998).
6. Dutt on Contract 2000.
7. संविदा विधि – अवतार सिंह
- 8^प भारतीय संविदा – अधिनियम 1872
9. Copyright Act 1957
10. संविदा –८ – एस.एस. श्रीवास्तव,
- 11^प संविदा –८ – एस.के. कपूर ,



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PART- I (I SEM.)

PAPER- V

CLINICAL (PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM)

Marks: 100

Outline of the Course

- (1) Professional Ethics.
- (2) Accountancy for Lawyer's.
- (3) Bar Bench Relation

The above Course will be taught in association with the practicing lawyers on the basis of the following materials.

- (A) Mr. Krishnamurthy Ayer's Book on Advocacy.
- (B) The Contempt law & practice.
- (C) The Bar Council Code of Ethics.
- (D) 50 Selected opinions of the disciplinary committee of Bar Council of India and 10 major Judgments of the Supreme Court on the subject. Out of the 100 marks, 20 marks will be reserved for Viva-Voce test, 40 marks for seminars during the course. On The Bar bench relation & Professional Ethics and remaining 40 marks for two written test on professional ethics. Accountancy for lawyers and Bar bench-relation. The duration of written test shall be one and half hrs. each



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PART- I (II SEM.)

PAPER – I

CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT

Marks: 100

Unit – I

The Criminal Procedure Code 1973 with the special reference of the following topics.

Definition Clause (Section 2), Constitution and power of the criminal courts (Section 6 to 35), Power of the superior police officer and aid to the police and Magistrate (Section 36 to 40), Pre-trial process: arrest:, The distinction between cognizable and non-cognizable offences: relevance and adequacy problems, Steps to ensure accuser's presence at trial: warrant and summons, Arrest with and without warrant (Section 70-73 and 41), The absconder status (Section 82, 83, 84 and 85). Right of the arrested person, Right to know grounds of arrest (Section 50(1), 55, 75) Right to be taken to magistrate without delay (Section 56, 57), Right of not being detained for more than twenty four hours (Section 57): 2.9, Article 22(2) of the Constitution of India, Right to consult legal practitioner, legal aid and the right to be told of rights to bail, Right to be examined by medical practitioner (Section 54).

Pre-trial process: Search and Seizure:

Search warrant (Section 83, 94, 98) and searches without warrant (Sec. 1G3), Police search during investigation (Section 165, 166, 153), General principles of search (Section 100), Seizure (Section 102), Constitutional aspects of validity of search and seizure proceedings.

Maintenance under section 125-127 Criminal Procedure Code.

Pre-trial Process: FIR, F.I.R. (Section 154), Evidentiary value of F.I.R. (See sections 145 and 157 of Evidence Act)

Unit – II

Pre-trial Process: Magisterial Powers to Take Cognizance. (Section 190 to 197)

Trial Process:

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

Fair Trial

Conception of fair trial. ,Presumption of innocence. Venue of trial. Right of the accused to know the accusation (Section 221-224). The trial must generally be held in the accused's presence (Section 221-224). Right of cross-examination and offering evidence in defence : the accused's statement. Right to speedy trial.



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Charge:

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

Unit – III

Preliminary pleas to bar the trial:

Jurisdiction (Section 26, 177 - 188, 461, 462, 479). Time limitations : rational and scope (Section 468-473). Pleas of autrefois acquit and autrefois convict (Section 300, 22D). Issue-Estoppels. Compounding of offences.

Trial before a court of Sessions:

Procedural steps and substantive rights.

Judgment:

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

Appeal, Review, Revision:

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

Unit – IV

Juvenile Justice Act 2000 with the special reference of the following.

Nature and magnitude of the problem., Causes. Juvenile court system Treatment and rehabilitation of juveniles. Juveniles and adult crime. Legislative and judicial protection of juvenile offender.

Probation of Offenders Act 1958. with the special reference of the following.

The judicial attitude. Mechanism of probation : Standards of probation services. Problems and prospects of probation. The suspended sentence. Concept of Parole.

Parole System

Unit – V

Leading Cases:

1. Savitri V/s. Govind Singh: 19⁵MPLJ Page 662 SC.
2. R. Balkrishna Pillai V/s. State of Kerala: AIR 1996 SC 901.
3. Inder Singh V/s. State of M.P.: MPLJ 1990 p. 365.
4. State of M P Vs. Ramesh Nai MPLJ 1975.

Books Recommended:

1. Ratanlal Dhirajlal: Criminal procedure code (1999), Universal, Delhi.



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2. Juvenile Justice (case & protection of children) Act 2000.
3. Probation of Offender's Act. 1958.
4. Principles Commentaries on the Code of Criminal Procedure, 2 Vol. (2000), Universal.
5. Principles of Criminology By Sutherland & Cressy. (7th Edition)
6. अपराध शास्त्र एवं आपराधिक न्याय प्रशासन, डॉ.एन.व्ही.परांजपे (1982)
7. दण्ड प्रक्रिया संहिता – डॉ.एन.व्ही.परांजपे,
8. दण्ड प्रक्रिया संहिता – बसंती लाल बावेल,



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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(06 SEMESTER COURSE)

SYLLABUS

PART- I (II SEM.)

PAPER – II

LAW OF EVIDENCE

Marks: 100

Unit – I

The Indian Evidence Act 1872 with the special reference of the following topics.

The main features of the Indian Evidence Act 1872. Other acts which deal with evidence (Special reference to CPC. Cr.P.C.). Problem applicability of Evidence Act. Administrative. Administrative Tribunals. Industrial Tribunals. Commissions of Enquiry. Court-martial. Disciplinary authorities in educational institutions.

Central Conceptions in law of evidence :

Facts: section 3 definition: distinction- relevant facts/ facts in issue. Evidence: oral and documentary. Circumstantial evidence and direct evidence. Presumption (Section 4). Proved, Disproved, Not proved, witness. Appreciation of evidence.

Facts: relevancy:

The Doctrine of res gestate (Section 6, 7, 8, 10). Evidence of common intention (Section 10). The problems of relevancy of "Otherwise" irrelevant facts (Section 11). Relevant facts for proof of custom (Section 13). Facts concerning bodies & mental state (Section 14, 15).

Unit – II

Admission and Confessions:

General principles concerning admission (Section 17, 23). Differences between "Admission" and "Confession". The problems of non-admissibility of confessions caused by "any inducement" threat or promise" (Section 24). Inadmissibility of confession made before a police officer (Section 25). Admissibility of custodial confessions (Section 26). Admissibility of "information" received from accused person in custody, with special reference to the problem of discovery based on "joint statement (Sec. 27). Confession by co-accused (Section 30) The problems with the judicial action based on a "retracted confession".

Dying Declarations:

The justification for relevance on dying declaration (Section 32). The judicial standards for appreciation of evidentiary value of dying declaration.

Unit – III

Statements by Person who cannot be called Witnesses:

General principles. Special problems concerning violation of women's rights in marriage in the law of evidence.

Relevance of Judgments:

General principles. Admissibility of judgments in civil and criminal matters (Section 43). "Fraud" and "Collusion" (Section 44).

Expert Testimony:



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SYLLABUS

General principles. Who is an expert? : types of expert evidence. Opinion on relationship especially proof of marriage (Section 50) The problems of judicial defiance to expert testimony.

Oral & Documentary Evidence:

General principles concerning oral evidence (Sections 59-60). General principles concerning Documentary Evidence (Sections 67-90). General principles regarding exclusion of Oral by Documentary Evidence. Special problems; re-hearing evidence. Issue estoppel. Tenancy estoppel (Section 116).

Unit – IV

Witnesses, Examination and Cross Examination:

Competency to testify (Section 118). State privilege (Section 123). Professional privilege (Section 126, 127, 128). Approval testimony (Section 133). General principles of examination and cross examination (Section 135-166). Leading questions (Section 140-143). Lawful questions in cross-examination (Section 146). Compulsion to answer questions put to witness. Hostile witness (Section 154). Impeaching of the standing or credit of witness (Section 155).

Burden of Proof:

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

Estoppel :

Why estoppel? The rationale (Section 115). Estoppel, res judicata and waiver and presumption. Estoppel by deed Estoppel by conduct, Equitable and promissory estoppel. Questions of corroboration (Section 156-157) Improper admission and of witness in civil and criminal cases.

Unit – V

Leading Cases:

1. Pulukuri Kotayya V/s. Emperor: AIR 1947 PC 67.
2. Pakala Narayan Swami V/s. King Emperor: AIR 1939 PC 47.
3. Kasmira Singh V/s. State of M.P.: AIR 1952 SC 159.
4. State of Punjab V/s. Sodhi Sukhdeo Singh: AIR 1961 SC 493.

Books Recommended:

1. Ratanlal Dhirajlal: Law of Evidence (1994), Wadhwa & Co., Nagpur.
2. Avtar Singh : Principles of the law of Evidence (1992), Central Law Agency, New Delhi.
3. Sarkar and Manohar: Sarkar on Evidence (1999), Wadhwa & Co., Nagpur
4. Indian Evidence Act, (As amended up to date).
5. Law of Evidence By Batuk Lal.
6. साक्ष्य विधि – डॉ. अवतार सिंह,
7. भारतीय साक्ष्य अधिनियम – राजा राम यादव ,



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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SYLLABUS

PART- I (II SEM.)

PAPER – III

LABOUR LAW & INDUSTRIAL LAW - I

Marks: 100

The following Acts are prescribed for study:-

Unit – I

Factory Act. 1948.

Unit – II

Payment of wages Act. 1936, Minimum Wages Act. 1948.

Unit – III

Trade Union Act. 1926, Workman Compensation Act 1923

Unit – IV

The Maternity Benefit Act. 1961, The Child Labour (Prohibition & Regulation Act.) 1986

Unit – V

Leading Cases :

- (1) Pottery Mazdoor Panchayat V/s. The Perfect Pottery Co. Ltd. S. Others. AIR 1979 SC 1356.
- (2) Sarguja Raigarh Moter Karmchari Sangh V/s. Managing Director Sarguja Raigarh Roadways Pvt. Ltd & others. 1968 J.L.J. 942. (M.P.L.J. 1968, P. 470.
- (3) Bala S.R. V/S B.C.Patil and other 1948 SC 518.
- (4) Indian Oil Corporation Ltd. V/S Chief Industrial Inspector (1958) SCC 738

Books Recommended :

- (1) Shrivastava K.D., Commentaries on Minimum Wages Act 1948 ('995), Eastern, Lucknow.
- (2) R.C. Saxena. Labour Problems & Social Welfare
- (3) O.P. Malhotra The Law of Industrial Dispute.
- (4) S.C. Shrivastava, Social Security & Labour Laws, 1985.
- (5) Labour Laws & by Goswami
- (6) इंद्रजीत सिंह, श्रमिक विधियों
- (7) गंगा सहाय शर्मा श्रमिक विधि



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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SYLLABUS

PART- I (II SEM.)

PAPER – IV

TRUST AND EQUITY

Marks: 100

Unit – I

The concept of trust: distinction with agency and contract, Development of law common law and equity Trusts, classification. Definition and Nature of Trusts under the Indian Law , Creation of trusts , rules, Duties of trustees ,Execution., Acquaintance with the nature of property, Duties in respect of title, Duty of care, Conversion. Impartiality, Prevention of waste. Keeping of accounts and giving of information. Investment, Sale, Liability for breach of trust, Rights of Trustees, Title deed, Reimbursement. Indemnity. Seeking direction from court, Settlement of accounts, General authority, Powers of Trustees, Sale, Varying of investment., Property of minors, Giving receipts, Power to compound, compromise and settle., Exercising authority on death or disclaimer of one of the trustees, Suspension of trustee's power.

Unit – II

Disabilities of trustees, Rights of Beneficiaries ,Rents and profits, Specific execution, Inspection and information, Transfer, Suit for execution, To have proper trustees, Right to compel the trustee to do the duties, Rights on wrongful purchase or acquisition by trustees, Follow up of trust properties in the hands of third parties. Blending of property by trustee, Wrongful application of trust property by partner trustee for partnership purposes, Liabilities of Beneficiaries, Discharge of Trustees., Appointment of New Trustees, Extinction of Trust.

Unit – III

Constructive Trusts , the equitable and Fiduciary Relationship, Transfer without intent to dispose beneficial interest, Trust incapable of execution and trusts executed fully without exhausting property - the cypress doctrine, Transfer and request for illegal purpose, Transfer pursuant to rescindable contract, Debtor becoming creditor's representative, Advantage from undue influence, Advantage by qualified owner, Property acquired with notice of existing contract, Purchase by person contracting to buy property to be held on trust, Possession of property without whole beneficial interest, Duties of constructive trustees. Rights of bonafide purchasers. Special Legislation Charitable and religious trust. Common property resources and public trust doctrine.

Unit – IV

Equity, Nature, History & Court of Equity, Equities Maxims, Equitable Rights, Priorities, Assignments

Unit – V



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SYLLABUS

Fiduciary Relationship, Definition, Nature & Scope, Kinds of Guardian and Fiduciary Relationship, Relationship between Trust and Fiduciary Relationship



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(06 SEMESTER COURSE)

SYLLABUS

Leading Cases:

- (1) Deoke Nandan V/s. Murlidhar & Others : AIR 1957 SC 133.
- (2) Jankiram Ayyar V/s. Nilkant Ayyar: 1962 SC 633.

Books Recommended:

- (1) R.E. Megarry and P.V. Baker: Snell's principles of Equity.
- (2) Ouer N.: Indian Trust Act (1997), Delhi Law House.
- (3) Rao C.R. : The Indian Trust Act and Allied laws.
- (4) S. Krishnamurthy Aiyar and Harbans La' Swin, Principles and Digest of Trusts (1998), University Book Agency, Allahabad.
- (5) Lyer, Indian Trust Act (1997)
- (6) Equity –Mortgages, Trust & Fiduciary Relationship –S.C.Tripathi
- (7) साम्या एवं न्यास – बसंती लाल बावेल,



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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SYLLABUS

PART- II (I SEM.)

PAPER - I

FAMILY LAW - I (HINDU LAW)

Marks:

100

Unit – I

Hindu and Hindu religion, Schools of Hindu Law,

Hinduism Dharma- Meaning, Sources, Nature & Purpose, Shrutis, Vedas, Smritis, Dharmashastras as Sources of Hindu Law, Comparison of Hindu Dharma with other Dharma, Characteristics of Hinduism.

Mitakshara and dayabhag Schools. Concept of Hindu Family, Manager or Karta of Joint Hindu family. Pious Obligation, Partition and Reunion, Impartible Estates, Women's Estate Stridhan, Rule of Damdupat, Benami Transactions, Will, Gifts, Debts, Coparcenary, Inheritance.

Unit – II

Hindu Marriage Act 1955.

Unit – III

Hindu Succession Act 1956 and Hindu Minority and Guardianship Act 1956.

Unit – IV

Hindu Adoption and Maintenance Act 1956, The Family Court Act. 1984,

Unit – V

Leading Cases -

1. Smt. Rukhma Bai Vs. Lala Laxminai-ayan and others AIR (1960) Sc.335
2. Luhari Amritlal Nagji Vs Jayantilal Jethalal and others AIR (1960) S.C.964.
3. Abhiraj Kunwar Vs Davendra Singh AIR 1962 SC 351
4. Mullesappa Bandeppa Desai and another Vs. Desai Mellappa Alias Mallesappa, A.I.R. 1961 S.C. 1268.

Books Recommended -

1. Paras Diwan - Hindu Law (1985)
2. S.T. Desai - Mulla's Principles of Hindu Law (1998) Butterworths India.
3. Paras Diwan - Family Law : Law of marriage and Divorce in India (1984).
4. A.M. Bhattachargee Hindu Law : Past and Present.
5. Paras Diwan - Law of Adoption, Ministry, Guardianship and custody (2000) Universal.
6. J.D.M Derrett - Hindu Law : Past and Present.
7. J.D.M Derrett - A critique of modern Hindu Law
8. आर.आर. मौर्य – हिन्दु विधि,



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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9. चन्द्रनाथ झा – हिन्दु विधि,
10. यू.पी.डी.केशरी – हिन्दु विधि,

PART- II (I SEM.)

PAPER- II

FAMILY LAW- II

Mohammedan Law with Family Courts Act, The Muslim Women

(Protection of Rights on divorce) Act 1986 and Special Marriage Act 1954.

Marks: 100

Unit – I

Conception, origin and development of Muslim Law. Sources of Muslim Law., Schools of Muslim Law, Conversion to Islam., Marriage., Dower. Divorce.

Unit – II

Parentage, Legitimacy and Acknowledgement., The Law of Minority and Guardianship. The Law of maintenance. The Law of Gift & Will. The Law of Waqf in India., Death - Bed transactions, Pre - emption .The Law of Succession and administration Inheritance. Uniform Civil Code - need for.

- (a) Religious pluralism and its implications.
- (b) Connotations of the directive contained in Article 44 of the Constitution .
- (c) Impediments to the formulation of the Uniform Civil Code.
- (d) The idea of optional Uniform Civil Code.

Unit – III

Muslim Shariyat Act, 1937, Dissolution of Muslim Marriage Act 1939, Family Courts Act, 1984.

Unit – IV

The Muslim Women (Protection of rights on Divorce) Act 1986. With special study of the case of - Mohd. Ahmad Khan Vs Shah Bano A.I.R 1985 S.C.945, Special Marriage Act 1954.

Unit – V

Leading Cases -

1. Maina Bibi Vs Chowdhari Vakil Ahmad 30 CWN 673 (PC) A.I.R (1925) PC 63.
2. Mohd. Aladad Khan Vs Mohd. Ismail Khan.- ILR 10 Alld. 289 (Judgement of Justice Mahmood only).
3. Janjira Khatoon Vs. Mohd. Fakrulla, ILR 49. Calcutta 477 AIR 92 Cal. 429.
4. Kappor Chand. Vs Kida Nisha Air 1953 5 C 413

Books Recommended-

1. A.A.A Fyzee - Outline of Muhammadan Law
2. A.M. Bhattachargee - Muslim Law and the Constitution (1994) Eastern Law House, Calcutta.
3. Mulla's Mohammadan Law.
4. Family Courts Act 1984.



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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SYLLABUS

5. The Muslim Women (Protection of Rights of Divorce) Act 1986.
6. Special Marriage Act 1954.

PART- II (I SEM.)

PAPER - III

INDIAN LEGAL & CONSTITUTIONAL HISTORY

M.M. 100

Unit – I

- (1) (a) Charter of 1726, (b) Charter of 1753 (The Mayors Court), (c) Charter of 1797 (Recorder's Court)
- (2) Grant of Diwani.
- (3) The Regulating Act 1773.
- (4) The Act of settlement 1781.
- (5) Charter of 1774 and Establishment of Supreme Court at Calcutta, Bombay, and Madras.
- (6) Some Landmark Cases -
 - (a) Issue of Raja Nand Kumar (1775):
 - (b) The Patna Case (1777-79).
 - (c) The Cossijurah Case (1779-80)

Unit – II

- (1) Judicial Reforms -
 - (a) Judicial Reforms of Warren Hasting.
 - (b) Judicial reforms of Cornwallis.
 - (c) Reforms of Sir John Shore.
 - (d) Reforms of Lord Wellesley.
 - (e) Reforms of Lord Minto.
 - (f) Reforms of Lord William Bentick.
 - (g) Judicial Reform of Amherst.
- (2) Charter Act 1833; Codification of Laws; Law Commission.
- (3) Charter of 1853.
- (4) Growth of Criminal Law.
- (5) Growth of Personal Law of Hindus & Muslims.
- (6) Influence of English Law in India.
- (7) Prerogative writs in India.
- (8) Racial discrimination.
- (9) History of the Doctrine of Justice equity and good conscience, Gentoo Code.



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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SYLLABUS

Unit – III –

(1) Establishment of High Courts -

- (a) The Indian High Court Act 1861.
- (b) Government of India Act 1935: more High Courts created.
- (c) Government powers & Jurisdiction of High Courts.
- (d) Post constitutional developments.

(2) The federal Court of India.

(3) Privy Council

- (a) History.
- (b) Jurisdiction.
- (c) Appeals from India.
- (d) A unique institution.

(4) Modern or present Judicial System of India -

- (a) Supreme Court
- (b) High Courts
- (c) Subordinate Courts, Labour Courts. (With special reference of Chhattisgarh)

Unit – IV

Constitutional development since 1858 to 1947 with special reference to the following topics -

- (1) The Govt. of India Act 1858.
- (2) The Indian Councils Act of 1861.
- (3) The Indian Councils Act of 1892.
- (4) Morley-Minto reforms, 1909/ Indian Council Act 1909.
- (5) Montague - Chemsford reforms, 1919.

Unit – V

- (1) The Simon Commission. Nehru Report. First, Second and Third round table Conference.
- (2) Government of India Act 1935 - Federal system of government.
- (3) The Cripps mission, 1942; Cabinet Mission. 1946; Lord Wavell Plan, Mountbatten Plan.
- (4) Formation of the Interim Government, Constituent Assembly of India.
- (5) The Indian Independence Act, 1947.

Books Recommended -

- (1) M.P. Jain - Outlines of Legal History (1998) Tripathi.
- (2) M.Rama Jois - Legal and Constitutional History of India (1984) Two Volumes.
- (3) V.D Kulshrestha's Landmarks in Indian Legal History (1992), Eastern Lucknow.
- (4) A.B. Keith - Constitutional History of India (1600 - 1936).
- (5) Dr. N.V.Paranjape - Constitutional History of India.
- (6) Tripathi - Legal and Constitutional History



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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SYLLABUS

PART- II (I SEM.)

PAPER - III

LABOUR & INDUSTRIAL LAW - II

M.M. 100

The Following Acts are prescribed for Study -

Unit – I

C.G. Industrial Relation Act.

Unit – II

Fatal Accident Act ,1855,The Employees State Insurance Act,1948.

Unit – III

Industrial Dispute Act, 1947.

Unit – IV

The Gratuity Act, 1972.

Unit – V

Leading Cases :

- (1) Maikenji Vs. J.S. Ishaq AIR 1970 SC 1906.
- (2) Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and Others AIR 1978 SC 553.
- (3) Ahemdabad Pvt. Primary Education Association Vs. Administrative Officers (2004) I SCC 755.
- (4) Peoples Union for Democratic Rights Vs. Union of India AIR 1982 SC 1480.

Books Recommended :

- (1) The Employees State Insurance Act,1948..
- (2) R.C. Saxena. Labour Problems & Social Welfare
- (3) V.V. Giri, Labour Problems in Indian Industries. 1972
- (4) O.P. Malhotra The Law of Industrial Dispute.
- (5) C.G. Industrial Relation Act.
- (6) S.C. Shrivastava, Social Security & Labour Laws, 1985.
- (7) Labour Laws & by Goswomi
- (8) The Gratuity Act, 1972.
- (9) इंद्रजीत सिंह, श्रमिक विधियाँ
- (10) गंगा सहाय शर्मा, श्रमिक विधि



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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SYLLABUS

PART- II (I SEM.)

PAPER - V

PRACTICAL TRAINING (SESSIONAL)

M.M. 100

(ALTERNATE DISPUTE RESOLUTION)

Outline of the course

- I Negotiation skills to be learned with simulated program.
- II Conciliation skills.
- III Arbitration law and practice including International arbitration and arbitration rules.

The course is required to be conducted by senior legal practitioners through simulation and case studies. Evaluation may also be conducted in practical exercise at least for a significant part of evaluation.



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SYLLABUS

PART- II (II SEM.)

PAPER - I

ADMINISTRATIVE LAW

WITH THE RIGHT TO INFORMATION ACT. 2005

Marks: 100

Unit – I

Evolution, Nature and Scope of Administrative Law.

From a Laissez - faire to a social welfare state. State as regulator of private interest. Other functions of modern state: relief, welfare. Evolution of administration as the fourth branch of government – necessity for delegation of powers of administration. Evolution of agencies and procedures for settlement of dispute between individual and administration. Definition and scope of administrative law. Relationship between Constitutional law and administrative law. Separation of powers. Rule of Law.

Legislature Powers of Administration -

Necessity for delegation of legislative power. Constitutionality of delegated legislation powers of exclusion and inclusion and power to modify statute. Requirements for the validity of delegated legislation. Publication of delegated legislation. Legislative control of delegated legislation. Laying procedures and their efficiency. Committees on delegated legislation - Their Constitution, Function and effectiveness. Hearing before legislative Committees. Judicial control of delegated legislation. Sab - delegation of legislative powers.

Unit – II

Judicial Powers of Administration -

Need for devolution of adjudicatory authority on administration. Administrative tribunals and other adjudicating authorities: their ad – hoc character. Tribunals - need, nature, constitution, jurisdiction and procedure. Jurisdiction of administrative tribunals and other authorities. Distinction between quasi -judicial and administrative functions. Natural Justice and its Implementations. The right of hearing - essentials of hearing process. No man shall be judge in his own cause. No man shall be condemned unheard. The right to Counsel. Institutional decisions. Administrative appeals.

Judicial control of Administrative Action -

Exhaustion of administrative remedies. Standing : standing for Public Interest litigation (Social action litigation) Collusion, bias. Laches. Resjudicata. Grounds. Jurisdictional error / ultra vires. Abuse and non exercise of jurisdiction. Error apparent on the face of the record. Violation of principles of natural justice Remedies in Judicial Review. Statutory appeals. Mandamus. Certiorari. Prohibition. Quo – warranto (P) Habeas corpus. Declaratory judgments and injunctions. Specific performance and civil suits for Compensation.



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SYLLABUS

Unit – III

Administrative Discretion -

Need for Administrative Discretion. Administrative Discretion and rule of law. Limitations on exercises of discretion. Modified exercises of discretion. Constitutional imperatives and use of discretionary authority. on - exercise of discretionary power.

Liability for wrongs (Tortious and contractual)

Tortious Liability : Sovereign and no sovereign functions. Statutory immunity. Act of state. Contractual liability of Government. Government privilege in legal proceeding state secrets, and right to interest. Transparency and right to information. Estoppels and waiver.

Unit – IV

Corporations and public undertakings -

State monopoly - remedies against arbitrary action or for acting against public policy. Liability of public and private Corporations - departmental undertakings. Legislative and Governmental Control. Legal remedies. Accountability - Committee on public undertaking, Estimates Committee etc.

Informal Methods of Settlement of Disputes and Grievance Redressal Procedure -

Public inquiries and commissions of inquiry. Ombudsman : Lok Pal, Lok Ayukta. Vigilance Commission.

The Right to Information Act. 2005 (Section 1 to 20 Only)

Unit – V -

Leading Cases -

- (1) Bharat Bank Ltd Vs Employees of Bharat Bank Ltd AIR (1950) SC. 188
- (2) A.K. Kripak and others Vs Union of India and others - AIR (1970) SC 150.
- (3) Bhagat Raja Vs Union of India AIR (1967) SC 1606.
- (4) Harishankar Bagla Vs state of M.P. AIR (1954) SC 465.

Books Recommended -

- (1) Peter Cane - An Introduction to Administrative Law (1996) Oxford..
- (2) Wade - Administrative Law (1989), Butterworth ed. (B.L.Jones).
- (3) J.C.Garner - Administrative Law (1989), Butterworth ed (B.L.Jones).
- (4) Jain & Jain - Principles of Administrative law (1997) Universal, Delhi.
- (5) M.P. Jain - Cases and Materials on Indian Administrative law Vol I and II 1996.
- (6) S.P. Same - Administrative Law (1998) Butterworths - India, Delhi.
- (7) De Smith - Judicial Review of Administrative Action (1995 Sweet and Maxwell with supplement.
- (8) D.D.Basu - Comparative Administrative law (1998).



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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SYLLABUS

- (9) M.A.Fazal - Judicial Control of Administrative Action In India, Pakistan & Bangladesh.
- (10) The Right to Information Act. 2005.



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SYLLABUS

PART- II (II SEM.)

PAPER - II

Contract - II

(Sections 124 to 238 of Contract Act, 1872 Sale of Goods Act 1930 And Partnership Act, 1932)

M.M. 100

Unit – I-

Indian Contract Act 1872 (Sections 124 to 238) :- Indemnity -

Need for indemnity to facilitate commercial transactions.

Methods of creating indemnity obligations.

Definition of indemnity.

Nature and extent of liability of the indemnifier.

Situations of various types of indemnity creations

Documents/ agreements of indemnity.

Indemnity in cases of international transactions.

Indemnity by government during interstate transactions.

Unit – II- Guarantee -

Definition of guarantee: as distinguished from indemnity.

Basic essentials of a Valid guarantee contract.

Position of minor and validity of guarantee when is the principal debtor, creditor and surety.

Continuing guarantee. Nature of surety's liability.

Illustrative situations of existence of continuing guarantee.

Creation and identification or continuing guarantee. Right of surety.

Position of surety in the eye of law.

Various judicial interpretations to protect the surety.

Co-surety and manner of shaving liabilities and rights.

Extent of surety's liability. Discharge of surety's liability.

Bailment -

Pledge.

Agency.



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Unit – III-

Sale of Goods Act 1930 with the special reference of the following -

Concept of Sale as a contract. Nature and Subject Matter.

Essentials of contract of Sale, Transfer of Property or Goods between buyer and seller. Caveat Emptor, Transfer of Title, Delivery of goods. Unpaid seller, Performance of Contract, Breach of Contract.

Unit – IV-

Partnership Act. 1932 with the special reference of the following:

Definition, Nature and legal aspects. Relationship among partners. Relation of Partners/Partner with others. Authority of partner, Duty of Partner, Incoming & outgoing partner. Death of the Partner, Registration of partnership firm. Dissolution of firm.

Unit – V-

Limited liability partnership Act 2008

Leading Cases:

1. Commissioner of Income Tax Vs. M/s. Omprakash Premchandra Company, Indore (1996), MPLJ 876.
2. Smt. Phuljhari Devi Vs. Mithai Lal and others. AIR 1971 Allahabad 494.
3. Bhuwanilal Vs. Bhoor Singh. MPWN (1986) (11) 50.

Books Recommended:

1. Indian Contract Act by Mulla (Student Edition).
2. Sale of Goods Act, 1930.
3. Partnership Act. 1932.
4. Indian Contract Act- Eastern, Lucknow- by Avtar Singh
5. Limited liability partnership Act 2008



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PART- II (II SEM.)

PAPER - III

Environmental Laws

(Laws for the protection of Wild life and Welfare of other living creatures and Animals)

M.M. 100

Unit – I

Concept of environment and pollution : Environment: Meaning and contents. Pollution: Meaning, Kinds of pollution. Effects of pollution. Constitutional Perspectives: Directive Principles. Fundamental Duty Fundamental Right. Right to clean & healthy environment.

Unit – II

Environment Protection: Protection Agencies: Powers and Function. Protection: Means and Sanctions. The Environment Protection Act 1986.

Unit – III

Water (Prevention and Control of Pollution) Act. 1974 and Air (Prevention and Control of Pollution) Act. 1981. With special reference to: Meaning and Standards. Culprits and victims. Offences and Penalties. Judicial Approach. Noise Pollution : Legal Control. Court's of Balancing : Permissible and impermissible Noise.

Unit – IV

Wild Life (Protection) Act, 1972. With special reference to:

Wild Life. Sanctuaries and national Parks. Licensing of Zoos and Parks. State Monopoly in the sale of Wild life and Wild life articles. Offences against wild life. The Prevention of Cruelty to Animals Act, 1960.

Unit – V

Leading Cases:

1. M.C. Mehta V/s. Union of India AIR 1992 SC 382.
2. Mandu Distilleries Pvt. Ltd. V/s. Pradooshan Niwaran Mandal AIR 1995 M.P. 57.
3. Moorena Mandal Sakhari Sakhar Karkhana and other Vs. M.P. Board for Prevention and Control of Water Pollution Bhopal 1993 MPLJ 487.
4. Santosh Kumar Gupta Vs. Secretary Ministry of Environment New Delhi 1997 (2) 602 AIR 1998 (M.P) 43.

Books Recommended:

- (1) The Environment Protection Act, 1986.
- (2) The Air (Prevention and Control of Pollution) Act, 1981.
- (3) Water (Prevention and Control of Pollution) Act. 1974.
- (4) The Wild-Life Animal (Protection) Act. 1972.



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- (5) Prevention of cruelty to Animal Act 1960.
- (6) R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.
- (7) Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep Publications, New Delhi.
- (8) Indian Journal of Public Administration, Special Number of Environment and Administration, July-September 1988. Vol. XXXV, No. 3, pp. 353-801.



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PART- II (II SEM.)

PAPER-IV

LAND LAWS

(C.G. Land Revenue Code 1959 And Indian Registration Act 1908).

M.M. 100

Unit – I

CHAPTER – I, II, III, IV, (SECTION 1 To 43)

Unit – II

CHAPTER – V VI, VII, VIII, IX, (SECTION 44 To 123)

Unit – III

CHAPTER – X, XI, XII, XIII, XIV, XV (SECTION 124 To 204)

Unit – IV

CHAPTER – XVI, XVII, XVIII, (SECTION 205 To 254)

And Indian Registration Act, 1908.

Unit – V

Leading Cases-

- (1) Harprasad B. Horelal Vs Board of Revenue (1964) M.P.L.J. 370.
- (2) Nandoo Vs Babu and others (1965) M.P.L.J. 178.
- (3) ManMohan Lal Shukia Vs Board of Revenue (1964) M.P.L.J. 32.
- (4) Santosh Jayaswal and others Vs state of M.P and others J.LJ 1966 S.C.152.

Books Prescribed -

- (1) Chhattisgarh Land Revenue Code 1959. (By S.K. Awasthi)
- (2) Indian Registration Act 1908.
- (3) Chhattisgarh Land Revenue Code -
H.K. Mishra & Aashutosh Divedi (India Publishing Co.)



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LL.B Part PART- II (II SEM.)

PAPER-V

PRACTICAL TRAINING (SESSIONAL) DRAFTING, PLEADING AND CONVEYANCING

100 Marks

This course will be taught through class instructions and simulation Exercises, preferably with assistance of practicing lawyer, retired judges, Apart from teaching the relevant provisions of law, the course will include 15 exercise in drafting carrying a total 45 marks and 15 exercises in convincing carrying another 45 marks (3 marks for each exercise)

Note:

1. Drafting :

General principles of drafting and relevant substantive rules shall be taught.

2. Pleading :

Civil, Complaint, Written Statement, Interlocutory Application, Execution Petition and Memorandum of Appeal and Revision. Petitions under Articles 226 and 32 of the Constitution of India.

Criminal:

Complaints, Criminal Miscellaneous Petition, Bail application, Memorandum of Appeal and Revision.

3. Convincing:

Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will.

The remaining 10 marks will be given in a viva-voice examination which will test the understanding of legal practice in relation to drafting, pleading and conveyancing.

Book Recommended:

1. Moghas Pleading
2. Moghas Conveyancing.
3. अभिवचन एवं प्रलेखन शास्त्र—बसंतिलाल बावेल
4. दस्तावेज लेखन विधि—राजाराम यादव



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PART- III (I SEM.)

PAPER -1

LEGAL LANGUAGE AND GENERAL ENGLISH

M.M. 100

Unit – I

Legal Language:

Legal terminology. Legal terms - meaning.

Explanation of the following Latin Glossary/Maxims either in English or Hindi-Ab-initio, Ad hoc, Ad-interim, Ad-litem guardian, Actus non-faciet reum nisi mens sit rea, Abuse of process, Injuria sine Damnum, Damnum sine injuria, Novus actus interveniens, Respondent superior, Res Ipsa loquitur, Restitution in integrum, Caveat emptor, Res-judicata, Prima facie, Malafides, Bonafides, Expost facto, Ex-parte, Ex-gratia, Tresspass-ab-initio, Sine-die, Non-compos mentis, Nemo-dat-quod-non habeat.

Unit – II –

Abbreviation of Law Magazines & Journals:

The following Abbreviations are prescribed for study.

AIR, S.C.C.,M.P.L.J., J.L.J., M.P.W.N., Cal.LR, S.C.R, S.C.W.R., AL.I.L.J., Cal.L.J., O.LR, Cr. L.J., All L.J., I.B. Rev., I.L.R., Al. Cr.C., S.C.J., I.T.R., I.T.J., Bomb. L.R., An. L.T., M.W.N.,M.H.C., My. L.J.,

Unit – III –

Translation of the Hindi passage into English :

Proficiency in regional language : Translation of the English passage into Hindi.

Unit – IV –

Precise writing.

General English:

Gender, Number (Singular, Plural), Article, Tenses, Active and Passive voice, Preposition, Narration, One word Substitution, Antonyms and synonyms, Correction of Common Errors.

Unit – V –

Essay writing on the following topics of legal interest:

(Any One from Option of Four Essays)

Marriage under Hindu Law, Marriage and Divorce under Mohmmedan Law, Essentials of a valid contract, Master's liability under the law of Tort, Right of private defense under Criminal Law, Fundamental Rights under the Indian Constitution, Emergency provisions, Theories of punishment, Independence of Judiciary.

Book Recommended :

1. Prof Shaji Thomas & Dr. Anupa Thomas- Legal and General English.
2. Dr. Madabhushi Sridhar- Language – Legal Language
3. Dr. S.C. Tripathi -Legal Language and Legal Writing General English.
4. R. C. Jain - Legal Language.



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5. Anirudha Prasad - Legal and General English.

PART- III (I SEM.)

PAPER –II

CIVIL PROCEDURE CODE AND LIMITATION ACT

Marks: 100

Unit – I

Introduction:

Concepts. Decree - holder, judgment - debtor, Mesne profits, Plaint, Written statement. Affidavit, Judgment, Decree, Order, Execution Restitution. Distinction between decree and judgment and between decree and order. Jurisdiction: Kinds - Hierarchy of courts, Suit of civil nature - scope and limits. Resubjudice and Resjudicata. Foreign judgment - enforcement. Place of suing. Institution of suit- Parties to suit: Joinder, mis-joinder or non-joinder of parties-representative suit. Frame of suit: Cause of action. Alternative disputes resolution (ADR). Summons. Transfer of suits.

Unit – II

Pleadings:

Rules of pleading, signing and verification. Alternative pleadings. Construction of pleading, Plaint: particulars. Admission, return and rejection. Settlement of Issues. Written statement/particulars, rules of evidence. Set off and counter claim : Distinction, Discovery, inspection and production of documents. Interrogatories. Privileged documents. Affidavits.

Appearance, examination and trial :

Appearance: Ex-parte procedure. Summary and attendance of witnesses. Trial. Adjournments. Interim orders: commission arrest or attachment before judgment, injunction and appointment of receiver, Interests and costs, Judgment & Decrees.

Execution:

The concept, General principles. Power for execution of decrees, Procedure for execution (ss. 52-54). Enforcement, arrest and detention (ss. 55-59). Attachment (ss. 60-64). Sale (ss. 65-97). Delivery of property, Stay of execution.

Unit – III

Suits in particular cases:

By or against government (ss. 79-82). By aliens and by or against foreign rulers or ambassadors (ss.83-87A). Public nuisance (ss. 91- 93). Suits by or against firm. Suits in forma pauperis. Mortgages. Inter pleader suits. Suits relating to public charities.

Appeals:

Appeals from original decree, Appeals from appellate decree, Appeals from orders, General provisions relating to appeal, Appeal to the Supreme Court.

Review, Reference and revision , Temporary injunction. Miscellaneous:

Transfer of cases, Restitution, Caveat, Inherent powers of courts.

Unit – IV

Law of Limitation:

Indian Limitation Act 1963 (Section 1 to 24 only)



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Unit – V

Leading Cases:

1. Pir Gouda Hangouda Patil Vs. Kalgouda Sidha Gound and others. AIR -1957. S.C. 363.
2. Tek Bahadur Bhujil Vs. Devi Singh & Others. AIR 1966. S.C.292,
3. Kiran Singh & Others Vs. Chaman Paswan & Others. AIR 1954 S.C. 340.
4. M.P. Shrivastava Vs. Beena . AIR 1967 S.C. 1193.

Books Recommended:

1. Mulla, Code of Civil Procedure (1999), Universal, Delhi.
2. C.K. Thacker, Code of Civil Procedure (2000), Universal, Delhi.
3. M.R. Mallick (ed.), B.B.Mitra on Limitation Act (1998), Eastern, Lucknow.
4. P.K. Majumdar and R.P. Kataria, Commentary on the Code of Civil Procedure, 1908 (1998), Universal, Delhi.
5. A.N. Saha, The Code of Civil Procedure (2000), Universal, Delhi.
6. Sarkar's Law of Civil Procedure, Vols. (2000), Universal, Delhi.
7. Universal's Code of Civil Procedure (2000).



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PART- III (I SEM.)

PAPER –III

TRANSFER OF PROPERTY ACT & INDIAN EASEMENT ACT

Marks: 100

Unit – I

Section –1 to 37

Unit – II

Section –38 to 53 A

Unit – III

Section –54 to 104

Unit – IV

Section –105 to 137 and Indian Easement Act. 1882.

Unit – V

Leading Cases:

1. Nain Sukh Das Satyanarayan Vs. Goverdhan Das. AIR 1948. Nag.110
2. Associated Hotel of India Vs. R.N. Kapoor. AIR 1959. S.C.1262.
3. Jama Masjid Vs. Roiamaniandra Devish other. AIR 1962. S.C.847.
4. Murarilal Vs. Deokaran. AIR 1965 S.C. 225.

Book Recommended:

1. Transfer of Property Act. by Mitra.
2. Transfer of Property Act. by Mulla.
3. Law of Easement by T.S. Dessai.
4. संपत्ति अंतरण विधि – जी.पी. त्रिपाठी



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PART- III (I SEM.)

PAPER-IV

TAXATION LAWS

(Indian Income Tax Act. 1961)

M.M. 100

Indian Income Tax Act, 1961 (as amended). The following chapters are prescribed:

Unit – I –

Chapters - I, II, III, IV, V and VI.

Unit – II –

Chapter - VI (A) (Section 80 A to 80 G and 80 G to 80 Q only).

Chapters - XIII and XIV

Chapter - XV (Section 159 to 162, 170, 175 only).

Unit – III –

Chapter - XVI.

Chapter - XVII (Section 220 only).

Chapter - XX (Section 246 to 269 only).

Unit – IV –

Chapter - XXI.

Chapter - XXII (Sections 275 to 280 only).

Excluding quantum of Punishment.

Unit – V –

Leading Cases:

1. Commissioner of I.T. (W.B.) Vs. Anwar Ali. AIR 1970 S.C. 1782.
2. Gowli Budanna Vs. Commissioner I.T. (Mysore). AIR. 1966 S.C. 1523.
3. Kyalsa Sara Bhai Vs. Commissioner I.T. (Hyderabad). AIR. 1996. S.C. 1141.

Book Recommended:

1. Indian Income Tax Act. 1861 (As amended up to date).



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PART- III (IISEM.)

PAPER- I

JURISPRUDENCE, LEGAL THEORY AND COMPARATIVE LAW

Marks: 100

Unit – I

Introduction:

Meaning of the term 'Jurisprudence'. Scope of Jurisprudence. Nature and definition of Law. Various theories of Law, Thinkers and Jurists. Purpose of Law : Justice. Meaning and kinds, Justice and law: approaches of different schools, Power of Supreme Court of India to do complete justice in a case : Article 142. Administration of Justice :

Unit – II

Schools of Jurisprudence:

Unit – III

Administration of Justice : Sources of Law: Legislation, Precedents: concept of stare decisis, Customs. Legal rights : The concept: Rights kinds, Right duty correlation. Persons: Nature of Personality, Status of unborn, minor lunatic and dead persons. Corporate personality.

Unit – IV

Possession : The concept: Kinds of Possession. Ownership: The concept: Kinds of Ownership. Deference between possession and ownership. Title. Property : The concept: Kinds of Property Liability: Conditions for imposing liability, Wrongful Act, Damnum sine injuria, Mensrea, Intention, Negligence, Strict Liability, Vicarious Liability. Obligation.

Unit – V

Procedure: Substantive and procedural laws: difference. Evidence: Nature and kinds.

Comparative Law : The nature and scope of comparative law. The importance and utility of comparative law. Historical Development.

World's Major Legal System :

An overview : Hindu Law. Islamic Law, Roman Law.

Books Recommended:

1. R.W.M. Dias - Jurisprudence.
2. Paton - Jurisprudence.
3. Hart - The Concept of Law.
4. Salmond - Jurisprudence.
5. एन.व्ही. परांजपे – विधि शास्त्र एवं विधि के सिद्धांत
6. विधि शास्त्र – मंजूपूरिया (हिन्दी ग्रंथ अकादमी)
7. V.D. Mahajan - Jurisprudence & Legal Theory.



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PART- III (II SEM.)

PAPER- II

INTERPRETATION OF STATUTES AND GENERAL CLAUSES ACT 1897

Unit – I

Interpretation of Statutes: Meaning of the term statutes, Commencement, operation and repeal of statutes, Purpose of interpretation of statutes.

Aids of Interpretation: Internal aids: Title Preamble, Headings and marginal notes. Sections and sub-sections, Punctuation marks, Illustrations. Exceptions, Provisos and saving clauses, Schedules, Non-obstante clause.

External aids: Dictionaries, Translations, Travaux preparatoires, Statutes in pari materia, Contemporanea expositio, Debates, inquiry commission reports, and Law Commission reports.

Unit – II

Rules of Statutory Interpretation: Primary rules-Literal rule, Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction, Secondary rules, Noscitur a sociis, Ejusdem generis, Reddendo singula singulis.

Unit – III

Maxims of Statutory Interpretation: Delegatus non potest delegate., Expressio unius exclusio alterius, Generalia specialibus non derogant, In pari delicto potior est conditio possidentis, Utresvaletpotiorquam pareat, Expressum tacit cessare taciturn, Jure Nature sunt immutabilia.

Unit – IV

Presumptions in statutory interpretation. Statutes are valid, Presumption as to jurisdiction, Presumption against what is inconvenient or absurd, Presumption against intending injustice, Presumption against impairing obligations or permitting from one's own wrong, Prospective operation of statutes.

Interpretation with reference to the subject matter and purpose: Restrictive and beneficial construction. Welfare legislation. Interpretation of Directory and mandatory provisions, Interpretation of enabling statutes.

Unit – V

Principles of Constitutional Interpretation: Harmonious Construction, Doctrine of pith and substance. Colourable legislation, Ancillary powers, Residuary power, Doctrine of repugnancy, Doctrine of eclipse, Doctrine of severability.

General Clauses Act 1897 (Excluding section 2,5A, 13A, 30A&31).



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Books Recommended.

1. G P.Singh .Principles of Statutory Interpretation (7th Edition)1999, Wadhwa. Nagpur,
2. P. St. Langan (ed.) Maxwell on the Interpretation of Statutes (1976), N.M.Tripathi, Bombay.
3. K. Shanmukham, N.S. Bindra's Interpretation of Statutes (1997), The Law Book Co, Allahabad.
4. V. Sarathi, Interpretation of Statutes (1984), Eastern Lucknow.
5. M.P. Jain Constitutional Law of India (1994) .Wadhwa & Co.
6. M.P. Singh, (ed) V.N. Shukla's Constitution of India (1994) Eastern Lucknow.
7. U.Baxi Introduction to justice K.K. Mathew's Democracy Equality and Freedom (1978), Eastern, Lucknow.
8. General Clauses Act. 1897.
9. कानूनों का निर्वचन – दान सिंह चौधरी
10. संविधियों की व्याख्या – एम.पी. टण्डन.



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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PART- III (II SEM.)

PAPER- III

COMPANY LAW

(THE COMPANIES ACT, 2013)

(Act 18 of 2013)

Marks: 100

Unit – I

Statement of Objects and Reasons, Definitions, Incorporation of company and matters incidental thereto, Prospected and allotment of securities, Share capital and debenture, Acceptance deposits by company, Registration of charges.

Unit – II

Management and administration, Accounts of companies, Audit and Auditors, Appointment and qualification of directors, Meeting of board and its powers.

Unit – III

Appointment and remuneration of management personnel, Inspection, Inquiry and investigation, Compromises, Arrangements and amalgamations, Registered values, Revival and rehabilitation of sick companies.

Unit – IV

Winding Up, Official Liquidators , Companies authorized to register under this act., Companies incorporated outside India. Government Companies.

Unit – V

Registration offices and fees, Special Courts, Miscellaneous.

Books Recommended :

1. The Companies Act, 2013 (Act 18 of 2013) By Vinod Kothari -Lexis Nexis.
2. The Companies Act, 2013 (Act 18 of 2013) By Universal Law Publishing.
3. कम्पनी विधि (कम्पनी अधिनियम 2013) – डॉ. बसंती लाल बावेल ।



अटल बिहारी वाजपेयी विश्वविद्यालय, बिलासपुर (छत्तीसगढ़)

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PART- III (II SEM.)

PAPER- IV

INTERNATIONAL LAW AND HUMAN RIGHTS

M.M. 100

Unit – I

Sources of International Law, Development of International Law.
Status of individual in International Law.

Unit – II

Recognition of states and its consequences, Terrorism and Intervention. Asylum, Extradition, Blockade, Nationality, Neutrality, Treaties.

Unit – III

U.N.O and Its Organs, Diplomatic Agents, Health Care, U.N.I. C.E.F. Law of Sea, Continental shelf, jurisdiction of Territorial waters, Sea piracy.

Unit – IV

Human Rights, Indian Traditional concept of Natural rights, Human Rights in Indian law and International Law (Specially in the Indian Constitution.) Human Rights Act. 1993.

Unit – V

Leading Cases:

1. Maneka Gandhi Vs. Union of India AIR 1978 S.C. 597.
2. Wikram Deo Singh Tomer Vs. State of Bihar. AIR 1988 S.C. 1782.
3. Anglo Norwegian Fisheries Case 19511.C.J. Reb. 166.
4. Cable & Wireless Co. Ltd. Vs Haiteselassie. 54 AIR 629.

Books Recommended:

1. Public International Law by S.K. Kapoor.
2. International law of Human Rights (O.U. P.) by Sieghart Paul.
3. Human rights in State of Emergency in International Law (O.U.P.) by Orra Jaime.
4. International Law & Fact finding in the field of human rights by Ramchandran. B.C.(Ed).
5. Human Rights in India. (Amnesty International)
6. अंतर्राष्ट्रीय विधि – इंद्रजीत सिंह
7. मानव अधिकार संरक्षण अधिनियम-बसंतीलाल बावेल



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PART- III (II SEM.)

PAPER- V

PRACTICAL TRAINING (SESSIONAL)

MOOOT COURT EXERCISES AND INTERNSHIP

100 Marks

This Paper will have three components of 30 marks each and a viva voce for 10 marks.

(a) Moot Court (30 marks)

Every student will do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problems. It will be evaluated for 5 marks for written submission and shall be in the form of the written test organized by the college. The duration of the test will be one and half hours (90 Minutes)

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

Students will attend two trials. They will maintain a record and enter the various steps observed during their attendance of different days in the court assignment. This scheme will carry 30 marks. (20 mark for diary and 10 Marks for written test.)

(c) Interviewing techniques and Pre- Trail Preparation (30 Marks):

Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate on the procedure for the filling of the suit/petition. This will be in the form of written test.

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