

# GUJARAT UNIVERSITY



Courses of Studies prescribed for the

## **FACULTY OF LAW**

*( In force from June, 1962 )*

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# GUJARAT UNIVERSITY

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**Courses of Studies prescribed for the**

**Faculty of Law**

**Degree of the Bachelor of Laws**

**General**

**O. 242 :**

Candidates for the Degree of LL.B. must have passed a Bachelor's Degree examination of this University in any Faculty or of any other University recognised as equivalent to the corresponding examination of this University, and will be required to pass two examinations, the first to be called "First examination for the Degree of LL.B." and the second to be called the "Second examination for the Degree of LL.B.", provided that candidates who have passed Law Preliminary Examination of this University or the Law Preliminary Examination of any other University recognised as equivalent thereto before June, 1963, will be eligible for admission to the course of First examination for the Degree of LL.B.

**O. 243 :**

~~Candidates who have passed the Bachelor's Degree Examination of this University in the Faculties of Arts or Science or Commerce or of any other University recognised as equivalent thereto, will not be required to pass the Law Preliminary Examination and will be entitled to enter upon the course for the 1st Examination for the Degree of LL.B.~~

**O. 244 :**

Candidates who have passed the Bachelor's Degree Examination of this University in Agriculture, Medicine or Engineering or in any other Faculty except Arts or Science or Commerce, or of other University recognised as equivalent thereto, will be eligible for admission to the Law Course but will be required to pass the Law Preliminary Examination as mentioned in O. 242.

**FIRST LL.B EXAMINATION COURSE\*****O. 247 :**

No candidate will be admitted to this examination unless he shall have passed the Bachelor's Degree examination of this University in any Faculty or an examination of any other University recognised by this University as equivalent thereto, and have thereafter, kept two terms in a Law College affiliated to this University.

Provided that candidates who have passed Law Preliminary Examination of this University or the Law Preliminary Examination of any other University recognised as equivalent thereto before June, 1963, and have thereafter kept two terms in a Law College affiliated to this University, will be admitted to this examination.

**R. 148 :**

Candidates will be required to answer the following five papers, each carrying 100 marks and of three hour's duration.

***Paper I :***

Law of Crimes with special reference to Indian Penal Code.  
Indian Penal Code.

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\*Examinations will be taken on the strength of the laws as they stood before six months of the examinations, i.e., as they stood on the 1st April for October examination and on 1st October for April examination.

**Paper II :**

The Law of Torts.

**Paper III :**

Principles of the Law of Contract with special reference to the first 75 sections of the Indian Contract Act.

## (1) Principles of the Law of Contract :

Principles of the Law of Contract as dealt with in Anson's Law of Contract with special reference to the first 75 sections of the Indian Contract Act.....50 marks.

and

## (2) The Principles of the Law of Indemnity, Bailments, Surety, Agency, Sale of Goods, Partnerships &amp; Negotiable Instruments.....50 marks.

**Paper IV :**

Elements of Constitutional Law : Syllabus —

(1) *Parliamentary Government (U.K.)*

- (a) Sovereignty of Parliament.
- (b) Constitutional Position of the King.
- (c) Principles of Cabinet Government.

(2) *Federal Government*

- (a) Pre-requisites of a Federation.
- (b) History and Development of Federal Government.
- (c) Essentials of Federal Constitution.
- (d) Outlines of the Constitutions of U.S.A., Canada and U.S.S.R.

## (3) Theory of Separation of Powers.

## (4) Delegated Legislation.

## (5) Theory of Fundamental Rights.

## (6) Rule of Law.

## (7) Administrative Law.

## (8) Principles of Administration of Justice.

## (9) Conventions and Constitution.



**Paper V :**

Indian Constitution.

(1) For the Second LL.B. Examination, —

- (a) students who have completed both terms on or before March, 1960, shall have the option to appear under the Old Course;
- (b) students who having completed only one term before March, 1960, but completed their second term in October, 1960 and who have thereupon appeared at the examination in October, 1960 but failed therein, shall have the option to appear under the Old Course;
- (c) students who have completed their terms by October, 1960 but have not appeared at the examination in October 1960, shall be required to appear under the New Course.

(2) The First LL.B. Examination shall be held hereafter only under the New Course.

**R. 151 :**

Candidates will be required to answer to following six papers, each carrying 100 marks and of three hours' duration;

**HINDU LAW****Paper I :**

*"Mulla's Hindu Law" (Edition 1959)*

Omitting the portion which are abrogated by the following Acts :

- (1) Hindu succession Act, 1956.
- (2) Hindu Marriage Act, 1955.
- (3) Hindu Adoption and Maintenance Act, 1956.
- (4) Hindu Minority and Guardianship Act, 1956.

The portion thus abrogated to be replaced by the Acts mentioned above.

The Special Marriage Act, 1954, not to be studied.

In Hindu Succession Act, 1956, Sections relating to Morumakkatayyam and Aliasantana Succession to be omitted.

***Paper II :***

- (1) Mohamedan Law —
- (2) Indian Succession Act, 1925, Section 1-191.

***Paper III :***

Law of Property, Easements and Registration.

- (1) Transfer of Property Act, 1882.
- (2) Indian Easements Act.
- (3) Following only from the Indian Registration Act, 1908:
  - (i) Part III (of Registration Documents).
  - (ii) Part IV (of Registration Documents for Registration).
  - (iii) Part X (of the effects of Registration & Non-registration).
  - (iv) Part XII (of Refusal to Register).

***Paper IV :***

Equity, Trusts and Specific Relief:

- (1) Equity —
  - Snell: 'Principles of Equity' (1954 edition), Chapters 1, 2, 3.
- (2) Trust —
  - Indian Trusts Act —
  - Snell: 'Principles of Equity' (1954 edition), Chapter 4.
- (3) Specific Relief —
  - (i) Snell: 'Principles of Equity' (1954 edition), Chapter 18, Part 1, Specific Performance.
  - Part V — Injunctions.
  - (ii) Specific Relief Act, 1877.

***Paper V***

Public International Law and Private International Law  
(Conflict of Laws).

***Paper VI:***

Jurisprudence.

**R. 152 :**

A candidate who has been declared to have passed in Group A or Group B at the 2nd LL.B. examination (Old Course) only shall be allowed to claim exemption at his option as under at the 2nd LL.B. Examination (New Course).

***Old Course******New Course***

Group A	Exemption under 2nd LL.B. (New Course) Paper I—Hindu Law Paper II—Mohamedan Law and the Indian Succession Act. Paper IV—Equity, Trust and Sp. Relief.
Group B	Paper III—Law of Property, Easements and Registration Act Including Law of Mortgages.

**R. 152-A :**

A candidate who has earned exemption under old course in —

1. Paper V—Elements of Public International Law and Jurisprudence *or* Paper VI—Conflict of Laws will be allowed to claim exemption at his option in Paper V—Public International Law and Private International Law (Conflict of Laws) under new rules.
2. Paper V—Elements of Public International Law and Jurisprudence *and* Paper VI—Conflict of Laws, will be allowed to claim exemption at his option in Paper V—Public International Law and Private International Law (Conflict of Laws) and Paper VI—Jurisprudence under new rules.

**R. 153 :**

Text-books on the subject matter of the above papers will be prescribed or recommended from time to time by the Academic Council on the recommendation of the Board of Studies.

*Standard for passing the Examination***R. 154 :**

To pass the examination the candidate must (a) obtain one-third of the full marks in each paper and (b) Obtain one-half of the total marks obtainable. Those of the successful candidates who obtain two third or more of the total marks obtainable will be placed in the First Class.

**R. 155 :**

A candidate who has passed with 50% of the full marks in all subjects but one at the First Examination of the Degree of LL.B., will be allowed to keep terms and to appear for 2nd examination for the degree of LL.B. after keeping two terms, provided however that he shall not be declared to have passed 2nd Examination for the degree of LL.B. unless he has passed, in accordance with R. 150 in the remaining subject of the 1st examination for the Degree of LL.B., held either in a previous or in the same examination season.

**R. 156 :**

The students who have secured 50% marks in atleast 2 papers at one sitting at an examination under the New Rules shall be exempted from appearing at the said papers at any of three Law Course Examination.

**DEGREE OF THE MASTER OF LAWS  
(LL.M.)**

**O. 251 :**

No candidate shall be admitted to the Examination for the Degree of LL.M. unless he has passed the Second Examination

for the Degree of LL.B., in this University or an Examination of the another University recognised as equivalent thereto—

(a) not less than two years previously, if he has passed the Second Examination for the Degree of LL.B., under the new rules,

and

(b) not less than three years previously, if he has passed the Second Examination for the Degree of LL B. under the old rules, provided that the candidate need not read for more than 2 years under the guidance of a recognised University Teacher.

#### **O. 252 :**

A candidate shall not be permitted to present a thesis for the Degree of LL.M. unless he shall have worked under the guidance of a recognised University Teacher for the required period, i.e. two years, if he has passed the LL.B. degree examination under the new rules and three years if he has passed the said examination under the old rules.

#### **R. 157 :**

The degree of LL.M. may be taken either by written examination or by thesis.

#### **R. 158 :**

Candidates for the written examination will be examined in any *one* of the following four branches—

#### **Branch I**

*Paper I* : Jurisprudence.

*Paper II* : Roman Law.

*Paper III* : International Law (public and private.)

*Paper IV* : Principles of Legislation.

*Paper V* : Constitutional Law (British and Indian).

*Paper VI* : Essay.

**Branch II**

- Paper I :* }  
*Paper II :* } Hindu or Mohamedan Law, as the case may be.  
*Paper III :* }  
*Paper IV :* Testamentary and Intestate Succession (excluding Hindu and Mohamedan Law).  
*Paper V :* Marriage, Divorce and Guardianship (excluding Hindu and Mohamedan Law).  
*Paper VI :* Essay.

**Branch III**

- Paper I :* }  
*Paper II :* } Real property (including the Law—Vendors and Purchasers, Mortgages, Gifts and Leases and the Law relating to Mines and Minerals, Foreshore and Seashore).  
*Paper III :* Principles of Equity, with special reference to the Law of Trusts and Specific Relief.  
*Paper IV :* The Law of Easement and Prescription.  
*Paper V :* Customary and Statute Law relating to Land Tenure in British India.  
*Paper VI :* Essay.

**Branch IV**

- Paper I :* The Law of Contracts (including Sale of Goods Agency and Partnership)  
*Paper II :* Companies and Insolvency.  
*Paper III :* Mercantile and Maritime Law.  
*Paper IV :* The Law of Torts.  
*Paper V :* The Law of Crimes.  
*Paper IV :* Essay.

**R. 159:**

A candidate shall be permitted to submit his thesis at any time during the year, provided that two months before sub-

mitting it he shall forward to the Registrar through the recognised University Teacher guiding him a statement giving the title and a synopsis of the thesis, along with a fee of Rs. 100.

**R. 160 :**

The thesis shall be submitted in triplicate. It shall be the candidate's own work, carried out under the guidance or supervision of a recognised University Teacher. It shall be either (i) a critical analysis of existing date or (ii) record of investigation or (iii) a combination of both.

**R. 161 :**

The Academic Council having before it the suggestion or suggestions of the Board of Studies in Law shall recommend to the Syndicate the names of two referees, one of whom shall be the University Teacher who has guided the candidate's work. When the Syndicate have appointed the referees, the Registrar shall forward the thesis to them. The referees shall report to the Syndicate whether the thesis shall be accepted or rejected and their report shall be final. In the event of a difference of opinion between the referees, the Syndicate shall appoint a third referee and the Syndicate shall decide after considering the reports of all the three referees, whether the degree shall be conferred. All the reports shall be circulated to the members of the Board of Studies in Law and placed before the Academic Council for information.

**R. 162 :**

A thesis that has been rejected may be resubmitted after due revision on payment of a fresh fee.

**R. 163 :**

To pass the examination the candidate must obtain 50 per cent of the full marks in each paper. Those of the successful candidates who obtain 66 per cent of the total marks obtainable will be placed in the First Class.

## DIPLOMA IN LABOUR LAWS AND PRACTICE\*

### O. 252-A :

No candidate shall be admitted to the Examination of the Diploma in Labour Laws and Practice unless he has passed the LL.B. Degree Examination of this University, or of any other University recognised as equivalent thereto and after passing the said examination has duly kept two terms. The candidate shall be required to keep two-third of the attendance of the total number of lectures.

### R. 163-A :

Candidates will be required to answer the following three papers each carrying 100 marks and of three hours duration:

#### *Paper I :*

(i) Factories Act	50 marks
(ii) Workmen's Compensation Act	} 50 marks
(iii) Payment of Wages Act	
(iv) State Employees Insurance Act	

#### *Paper II :*

(i) Bombay Industrial Relations	40 marks
(ii) Industrial Disputes Act	40 marks
(iii) Provident Fund Act	20 marks

#### *Paper III :*

(i) Labour Economics:—General Principles, Labour movement Relationship between Labour and Capital.	70 marks
(ii) Trade Unions Act	30 marks

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\* Examinations will be taken on the strength of the laws as they stood before six months of the examinations i.e. as they stood on the 1st April for October Examination and on 1st October for April Examination.



*Standard of Passing***R. 163-B :**

To pass the examination the candidate must have (a) obtained 33% marks in each paper and (b) obtained 50% of the marks obtainable.

Those of the successful candidates who obtain 65% of the total marks obtainable will be awarded the Diploma with Distinction.

**DIPLOMA IN TAXATION LAWS AND PRACTICE\*****O. 252-B :**

No candidate shall be admitted to the examination of the Diploma in Taxation Laws and Practice unless he has passed the B.Com. or the LL.B. Degree Examination of this University recognised as equivalent thereto and has after passing the said examination duly kept his terms in this University. The candidate shall be required to keep two-third of the attendance of the total number of lectures.

**R. 163-C :**

Candidates will be required to answer the following three papers each carrying 100 marks and of three hours' duration.

***Paper I :***

Income Tax and Practice	100 marks.
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***Paper II :***

(i) Sales Tax Law	50 marks.
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(ii) General Principles of Accountancy	50 marks.
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***Paper III :***

Estate Duty	100 marks.
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\* Examination will be taken on the strength of the laws as they stood before six months of the examinations i.e. as they stood on the 1st April for October Examination and on 1st October for April Examination.

**R. 163-D :**

The syllabus in the various subjects will be as under :—

**Paper I : Income Tax and Practice**

1. The general system of administration of Indian Income Tax, procedure for making and adjusting assessments and for refund of claims.
2. Study of important rules, notifications, orders and the methods of computations of assessments.
3. Methods of assessment under various sections, particularly, Sec. 7 to 12C, 13, 23A, 24, 25A, 26A, 28, 30 to 33B, 35, 48 to 490 of the Income Tax Act.
4. The computations of the assessable profits for Income Tax purposes.
5. "Pay as you earn" scheme and its practical effect.
6. The preparation of the usual forms of Return, and Repayment Claims.
7. General Reliefs and Allowances.
8. The computation of Tax payable and Tax repayable including Refunds of various types.
9. Appellate Tribunal Rules.
10. General principles regarding double taxation relief.
11. General principles relating to fraud and incorrect returns.

**Paper II : Sales Tax Law and General Principles of Accountancy**

1. Central Sales Tax and Bombay Sales Tax Act with Rules and Practice.
2. General Principles of the Sales Tax Act.
3. Accountancy — Accounts including Liquidator's Accounts; Partnership Accounts; and Company Accounts including Reconstruction and Amalgamation.

**Paper III : Estate Duty**

1. Provisions of the Estate Duty Act.
2. Rules and Practice, and Case Law

*Standard of Passing*

**R. 163-E:**

To pass the examination, the candidate must have (a) obtained 33% marks in each paper and (b) obtained 50% of the total marks obtainable.

Those of the successful candidates who obtain 66% of the total marks obtainable shall be awarded the Diploma with Distinction.

*Books recommended*

**FIRST LL.B. EXAMINATION (New)**

***Paper I :***

**Law of Crimes with special reference to the Indian Penal Code**

*Books recommended*

1. 'Indian Penal Code'
2. 'Mayne's Criminal Law of India' -- Part II
3. 'Indian Penal Code' by Ratanlal and Dhirajlal (Students' edition).

***Paper II :***

**The Law of Torts**

*Books recommended*

1. 'Salmond's Torts'
2. 'The English and the Indian Law of Torts' by Ratanlal and Dhirajlal.

***Paper III :***

Principles of the Law of Contract with special reference to the first 75 sections of the Indian Contract Act.

**(1) Principles of the Law of Contract**

*Books recommended*

1. 'Anson's Law of Contract'
2. 'Mulla's Contract Act'
3. 'Indian Contract Act.'

**(2) The Principles of the Law of Indemnity, Bailments, Surety, Agency, Sale of goods. Partnership and Negotiable Instruments**

*(a) Books recommended*

1. 'The Indian Contract Act' (from Section 124 to the end)
2. 'The Sale of Goods Act'
3. 'The Indian Partnership Act'
4. 'The Negotiable Instruments Act'

*(b) Books recommended*

1. 'Mulla's Indian Contract Act' (Students' edition)
2. 'Anson's Law of Contract Act' (Chapters XVIII to XX on Agency)
3. 'Chalmer's Sale of Goods Act'
4. 'Mulla's Indian Sale of Goods Act'
5. 'Pollock's Law of Partnership Act'
6. 'S. T. Desai's Indian Partnership Act'
7. 'Steven's Mercantile Law' (Chapters XVIII to XXIII Negotiable Instruments: XXIII—XXIV Suretyship, Guarantee's Power, Mortgage and Lien).

**Paper IV :**

**Elements of Constitutional Law**

*Books recommended*

1. G. N. Joshi : 'Elements of Constitutional Law'
2. M. M. Gharekhan : 'The Indian Constitution'
3. 'Outline of the Constitution of U.S.A., Canada and U.S.S.R.' (Bare Text)
4. 'Elements of Constitutional Laws' : K. S. Cooper & S. K. Desai

5. F. N. Balsara—'Elements of Constitutional Law in Indian Constitution'

**Paper V :**

**Indian Constitution**

*Books recommended*

1. 'Constitution Act'
2. 'Constitution of India'
3. 'Studies in Constitution of India' by L. C. Gandhi
4. 'Elements of Constitutional Law in Indian Constitution' by F. P. N. Balsara.

**SECOND LL.B. EXAMINATION (New)**

**Paper I :**

**Mulla's Hindu Law (Edition 1959)**

*Books recommended*

'Mulla's Hindu Law' as prescribed in the course.

**Paper II :**

**Mohammedan Law and the Indian Succession Act (1952)**

*(Sections I-181)*

*Books recommended*

1. 'Mulla's Mohammedan Law'
2. 'The Indian Succession Act' with the omission of the sections relating to procedure.

**Paper III :**

**Law of Property, Easements and Registration**

*Books recommended*

1. 'The Transfer of Property Act'
2. 'The Indian Easements Act'
3. 'The Indian Registration Act, 1908 —  
(i) Part III (of Registration Documents)  
(ii) Part IV (of Registration Documents for Registration)

- (iii) Part X (of the Effects of Registration and non-Registration)
- (iv) Part XII (of Refusal to Register).
- 4. 'Principles of Law of Transfer'—(II Edition) by S. M. Shah (Publisher : N. M. Tripathi (Private) Ltd. )

*Paper IV :*

**Equity, Trusts and Specific Relief**

*Books recommended*

- 1. 'The Indian Trusts Act'
- 2. 'The Indian Specific Relief Act'
- 3. 'Snell Principles of Equity', Chapter I-IV, XVIII—Part I-Specific performance and Part V-Injunction.

*Paper V :*

**Public International Law and Private International Law**

**(Conflict of Laws)**

*Books recommended*

- (i) 'An Introduction to International Law' by J. S. Stark, omitting the following Chapters :

7-State Succession	..	Chapter	10
8-State Territory	..	„	7
13-Treaties	..	„	13
15-War	..	„	15
16-Neutrality	..	„	16

- (ii) R. H. Graveson : 'The Conflict of Laws', omitting Chapters 11, 12, 13, 14, 15, 18 and 19.

*Paper VI :*

'Jurisprudence' : Salmend's Jurisprudence.