

GUJARAT UNIVERSITY

SYLLABI OF THREE YEARS LL.B. PROGRAMME WITH CREDIT BASED SYSTEM

**(As prescribed by the BAR COUNCIL OF INDIA and as per the Rules
of Legal Education, 2008)**

Effective from the academic year 2011-12

THREE YEARS' LL.B. PROGRAMME

First LL. B.

Semester – I

FIRST LL.B. - SEMESTER 1 (MONSOON)					
PER WEEK	SUBJECTS	LECTURES	OTHERS	TOTAL	CREDITS (SEM)29
CORE COURSE 101	Law of Tort including MV Accident And Consumer Protection Laws	4	1	5	5
CORE COURSE 102	Criminal Law Paper – I (General Principles of Penal Law)	4	1	5	5
CORE COURSE 103	Criminal Law Paper – II (Specific Offences)	4	1	5	5
CORE COURSE 104	Law of Contract	4	1	5	5
CORE COURSE 105	Special Contract	4	1	5	5
FOUNDATION 106 F	Constitutional History of India	1	1	2	2
SOFT SKILL 107 K	Use of Law Journals and Legal Software	1	1	2	2

Semester – I

Monsoon Semester

CORE COURSE 101 : LAW OF TORT INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAWS

Objectives of the course :

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

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

Syllabus :

1. General Principles of Tort

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

2. Torts against person, property, Freedom & Reputation

- 2.1 Trespass to person : Assault, Battery, Mayhem, False Imprisonment
- 2.2 Torts affecting Property (Movable & Immovable) : Trespass, Traspas
ab initio etc.
- 2.3 Torts related to Reputation (Defamation) & personal relations
- 2.4 Torts affecting person & Property : Nuisance, Negligence, Fraud
- 2.5 Third party liability of owner under the Motor Vehicles Act

3. Principles of Liability in Torts and Legal Remedies

- 3.1 Principle of Strict Liability : Ryland V. Fletcher case with exceptions
- 3.2 Principle of Absolute Liability : Bhopal Gas Disaster case and Shree
Ram Food Gas Leakage Case
- 3.3 Remoteness of damage – foresee ability and directness Injunction
Specific restitution of property
- 3.4 Extra-legal remedies – self-help, re-entry on land, re-capture of
goods, *distress damage feasant*

4. Concept of Consumer & Consumer Protection Act

4.1 Consumer : Definition,

4.2 Services : Types of services, Deficiency- meaning,

4.3 Commercial & Professional Services, Medical Services

4.4 Denial of Services

4.5 Consumer Protection Councils

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

Suggested Reading

Salmond and Heuston – On the Law of Torts (2000) Universal, Delhi

D.D. Basu. The Law of Torts (1982), Kamal , Calcutta.

D. M. Gandhi Law of Tort (1987) Eastern, Lucknow

P.S. Achuthan Pillai, The Law of Tort (1994) Eastern, Lucknow

Ratanlal & Dhirajlal.. The Law of Torts (1997) , Universal, Delhi.

Winfield and Jolowiz on Tort (1999) , Sweet and Maxwell, London.

Saraf, D. N. Law of Consumer Protection In India (1995), Tripathi, Bombay.

Avtar Singh. The Law of Consumer Protection, Principles and Practice (2000), Eastern
Book Co. Lucknow.

J. N. Barowalia, Commentary on Consumer Protection Act, 1986 (2000), Universal
Delhi.

P. K. Majundar, The Law of Consumer Protection In India (1998), Orient Publishing
Co. New Delhi.

R.M. Vats, Consumer and the Law (1994) , Universal, Delhi.

Winfield and Jolowiz on Tort (1999), Sweet and Maxwell London.

Saraf, D. n. Law of Consumer Protection In India (1995), Tripathi, Bombay.

Avtar Singh, The Law of Consumer Protection Principles and Practice (2000) Eastern
Book Co. Lucknow

J. N. Barowalia, Commentary on Consumer Protection Act, 1986 (2000) Universal
Delhi.

P. K. Majundar. The law of Consumer Protection In India (1998), Orient Publishing Co
. New Delhi.

R. M. Vats, Consumer and the Law (1994) Universal, Delhi.

Motor Vehicles Act, 1988 : Eastern Book Company

A. P. Mathur's Law Relating to Motor Vehicles : Eastern Book Company

(Revised by Justice G. C. Mathur(Retd.))

Semester – I

Monsoon Semester

Core Course 102 : CRIMINAL LAW PAPER – I (GENERAL PRINCIPLES OF CRIMINAL LAW)

Objective of the course :

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

SYLLABUS :

1. General :

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

2. Punishments

- 2.1 Theories of punishment
- 2.2 Kinds of Punishment :

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

2. General Defenses :

- 2.1 Mental Incapacity, Minority, involuntary intoxication and Insanity as a defence
- 2.2 Right of Private Defence : Justification and limits
- 2.3 When private defence extends to causing of death to protect body and property ?
- 2.4 Necessity
- 2.5 Mistake of facts

3. Offences Relating to Public Tranquility :

- 3.1 Unlawful Assembly
- 3.2 Rioting
- 3.3 Affray
- 3.4 Common Object
- 3.5 Distinction between Common Object & Common Intention

4. Offences against State, giving of false evidence, etc. :

- 4.1 Offences against State :
 - 4.1.1 Waging war against the Government of India etc.
 - 4.1.2 Sedition
- 4.2 Giving/fabricating false evidences : Offences & Punishment
- 4.3 Offences relating to election
- 4.4 Offences by or against Public Servants

Suggested Reading :

Kenny's Outlines of Criminal Law – Universal Law Publishing Co. 19th Edi.

Russell on Crime – Universal Law Publishing Co. (2 Volumes) 12th Edi.

K. D. Gaur, Criminal Law Cases and Materials (1999) Butterworths, India

Ratanlal & Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur

K. D. Gaur, A text Book on the Indian Penal Code (1998) Universal Delhi.

P. S. Achuthan Pillai, Criminal Law (1995) Eastern, Lacknow

B. M. Gandhi , Indian Penal Code (1996) Eastern, Nagpur.

Semester – I

Monsoon Semester

Core Course 103 : CRIMINAL LAW PAPER – II (SPECIFIC OFFENCES)

SYLLABUS :

1. Offences against Human Body - I

- 1.1 Culpable Homicide
- 1.2 Murder : Ingredients and exceptions
- 1.3 When Culpable Homicide is Murder ?
- 1.4 Suicide : Attempt punishable as offence & its Constitutionality
- 1.5 Causing death by rash or negligent Act
- 1.6 Death caused by consent of the deceased – euthanasia and surgical operation : Constitutionality

2. Offences against Human Body - II

- 2.1 Hurt, Grievous Hurt
- 2.2 Criminal Force, Wrongful Restraint, Wrongful Confinement
- 2.3 Kidnapping : Types, Abduction

3. Offences against Property

- 3.1 Theft & Extortion, Robbery, Dacoity
- 3.2 Criminal Misappropriation, Criminal Breach of Trust, Mischief
- 3.3 Cheating : types, Forgery and Making false documents
- 3.4 Defamation : Exceptions
- 3.5 Criminal Intimidation, Attempt to commit offence

4. Offences against Women

- 4.1 Rape : Custodial Rape, Relevancy of Consent,
- 4.2 Intercourse by man with his wife : When Rape, Un-natural offence
- 4.3 Dowry Death, Cruelty by Husband or Relatives of Husband
- 4.4 Offences relating to marriage
- 4.5 Outraging modesty of woman

Suggested Reading:

Kenny's Outlines of Criminal Law – Universal Law Publishing Co. 19th Edi.

Russell on Crime – Universal Law Publishing Co. (2 Volumes) 12th Edi.

K. D. Gaur, Criminal Law Cases and Materials (1999) Butterworths, India

Ratanlal & Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur

K. D. Gaur, A text Book on the Indian Penal Code (1998) Universal Delhi.

P. S. Achuthan Pillai, Criminal Law (1995) Eastern, Lacknow

B. M. Gandhi , Indian Penal Code (1996) Eastern, Nagpur.

Semester – I

Monsoon Semester

CORE COURSE 104 : LAW OF CONTRACT

Objectives of the course:

Every man in his day to day life from dawn to dusk makes a variety of contracts, Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognize this contract making power of person. This prompted Roscoe Pound to make his celebrated observation: "Wealth, in a commercial age, is made up largely of promises . In this sense India is also a "Promissory" Society.

The conferment and protection by the law of this contract making power of person gives them a considerable leeway to strike best bargain for the contract making person. In a way they are permitted to regulate and define their relations in a best possible manner they chose. However, the contours of contractual relations in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in an independent and developing Indian society. Whatever may be the nature of a given society, the contractual relations as are obtained in that society, are governed by certain principles which are more or less of a general and basic nature. In India these general principles are statutised in the form of the Indian Contract Act, 1972.

This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

SYLLABUS :

1. General Principles of Law of contract :

1.1 Agreement and contract definitions, elements and kinds

Proposal, Communication and revocation – proposal and invitation for proposal – floating offers

1.2 Acceptance – their various forms, essential elements

1.3 Consideration –its need, meaning, kinds, essential elements

1.4 Capacity to Contract

2. Capacity to contract & Free Consent :

2.1 Minor, Age of Majority, Nature of minor's agreement & effects

thereof, Accessories supplied to a minor, Agreement beneficial and detrimental to a minor

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

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

2.4 Legality of objects :

2.4.1 Unlawful Agreements: Kinds and effects thereof

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

3. Discharge of Contract & Quasi-Contracts :

3.1 Various modes of discharge of contract and effects thereof

3.2 Anticipatory Breach of Contract

- 3.3 Impossibility of performance – specific grounds of frustration – application to leases- theories of frustration – effect of frustration – frustration and restitution, by period of limitation
- 3.4 Rescission and alteration – their effect- remission and waiver of performance – extension of time – accord and satisfaction
- 3.5 Quasi-contracts or certain relations resembling those created by contracts, Quantum Meruit

4. Specific Relief Act

- 4.1 Persons against whom specific enforcement can be ordered
- 4.2 Rescission and cancellation
- 4.3 Injunction : Temporary and Perpetual
- 4.4 Declaratory orders
- 4.5 Discretion and power of court

Suggested Reading

Beasten (Ed), Anson's Law of Contract (2yth ed. 1998)

P. S. Atiya, Introduction to the Law of Contract 1992 reprint (Claredon Law Series)

Avtar Singh, Law of Contract (2000) Eastern Lucknow

G. C. Cheshire, and H. S. Fifoot and M. P. Formston Law Contract (1992) ELBS with Butterworths.

M. Krishnan Nair, Law of Contract, (1998)

G.H. Trinel , Law of Contract Sweet & Maxwell (1997 Reprint)

R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act (1999), Tripathi.

Benerjee S.C. Law of Specific Relief (1998) Universal

Anson, Law of Contract (1998) Universal

Dutt on Contract (2000) Universal

Anand and Aiyer, Law of Specific Relief (1999) Universal.

Semester – I

Monsoon Semester

CORE COURSE 105 : SPECIAL CONTRACT

Objectives of course :

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of valid contract and on the existence of contractual relationship in various instances. Obviously a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

SYLLABUS :

1. Indemnity and Guarantee

1.1 Indemnity : concept, Need for indemnity, definition

1.2 Methods of creating indemnity obligations

1.3 Commencement, Nature and extent of liability of the indemnifier

1.4 Situations of various type of indemnity creations, Documents/ agreements of indemnity, Nature of indemnity clauses

1.5 Guarantee : Concept, essentials for a valid guarantee contract

1.6 Rights & Liabilities of Surety

2. Bailment, Pledge and Agency :

2.1 Bailment : Essential Features, Rights & duties of Bailor & Bailee

2.2 Pledge : Definition Rights and duties of Pawnee, who can pledge?

2.3 Agency :

2.3.1 Definition, Essentials, kinds of agents, creation of Agency

2.3.2 Relations of Principal and Agent : Rights and duties of Agent

2.3.3 Relations of Principal with Third Parties

2.3.4 Methods of termination of Agency Contract

2.3.5 Liabilities of Principal and Agent before and after termination
of Agency Contract

3. Sale of Goods Act :

3.1 Contract of sale : Concept, Essentials, Implied Terms

3.2 Rule of Caveat Emptor

3.3 Conditions and Warranties

3.4 Transfer of title and passing of risk

3.5 various rules regarding delivery of goods

3.6 Unpaid Seller and his rights

4. Partnership Act :

4.1 Partnership : Nature, Scope, Definition, Kinds of Partnership

4.2 Rights and duties of Partners, Liabilities of Partners

4.3 Registration of Firm, Effect of non-Registration

4.4 Dissolution of firm and its effects

4.5 Liability of Partners under the Limited Liability Partnership Act

Suggested Reading

Beasten (Ed), Anson's Law of Contract (2yth ed. 1998)

P. S. Atiya, Introduction to the Law of Contract 1992 reprint (Claredon Law Series)

Avtar Singh, Law of Contract (2000) Eastern Lucknow
G. C. Cheshire, and H. S. Fifoot and M. p. Formston Law Contract (1992) ELBS with
Butterworths.
M. Krishnan Nair, Law of Contract, (1998)
G.H. Trinel , Law of Contract Sweet & Maxwell (1997 Reprint)
R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief
Act (1999), Tripathi.
Benerjee S.C. Law of Specific Relief (1998) Universal
Anson, Law of Contract (1998) Universal
Dutt on Contract (2000) Universal
Anand and Aiyer, Law of Specific Relief (1999) Universal.
Partnership Act : Pollock and Mulla

Semester – I

Monsoon Semester

FOUNDATION 106 F CONSTITUTIONAL HISTORY OF INDIA

1. Constitutional History of India

1.1 Government of India Act, 1935 : Federal Government, Federal Court and Provincial Government

1.2 The Cripps Mission, 1942, Cabinet Mission

1.3 Mountbatten Plan, 1947

2. Framing of the Constitution of India

2.1 Indian Independence Act, 1947 : Main Features

2.2 Framing of the Constitution of India

3. Committees to draft the Constitution of India

3.1 Constituent Assembly, Chairman, members and their contribution,

3.2 Drafting Committee, Chairman, members and their contribution,

3.3 Final Draft and adoption of the Constitution of India

Suggested Reading

D. D. Basu : Introduction to the Constitution of India

G. N. Singh : Landmark in Indian Constitutional & National Development

V. D. Kulshreshtha's Landmarks In Indian Legal & Constitutional History, Eastern Book Co.

J. N. Pandey : Constitutional Law of India

Keith : Constitutional History in India

M. P. Jain : Indian Constitutional Law

M. V. Pylee : Constitutional History of India

Shiva Rao : Framing of the Constitution of India (Vols. 1-4)

V. N. Shukla : Constitution of India

Semester – I

Monsoon Semester

SOFT SKILL 107 K Use of Law Journals and Legal Software

Objectives of the Course :

The purpose behind introduction of this course is to provide the law students basic information about various Indian and Foreign Law Journals and make them acquaint with the use thereof. An art to find out the judgments supporting a legal issue will be taught to the student. After having acquired basic knowledge, by continuous practice, students are expected to know how to read and interpret the judgments of court. In the era of ICT, knowledge of Legal Software and use thereof has become inevitable. In this course, with the theoretical background, the students will become familiar about the use of legal software and its application at the library or at the office of a law firm.

1. Requirements of Legal Journalism & Basic about Law Journals

- 1.1 Code of Ethics of Legal Journalism (Adopted at the Stockholm Symposiums, 1991)
- 1.2 Legal Reasoning & its Importance
- 1.3 Importance of Law Journals in the legal profession

2. Use of Law Journals and importance thereof

- 2.1 Format of Law Journals, Types of Law Journals
- 2.2 Art of finding relevant judgments from Law Journals
- 2.3 How to read a Judgment : Significance of Minority and Majority views

3. Legal Software : General Information and use :

- 3.1 Various types of Legal Softwares : General Information
- 3.2 Court Case : Commenting and Reporting, Crime Reporting

3.3 Legal Software : Operating System, Utility Programme, upgradation & Installation

Suggested Reading

Nandan Kamath :- Law Relating to Computers and Internet, Universal Law Publishing Co.

Allan M. Gahten :- Internet : Law and Legal Profession

Kant D. Stuckey :- Internet and online law (4th Edi)

Michael D. Rostoker :- Computer Jurisprudence and Legal Responses to the Information Revolution

Rega Rao :- Use of computer, Interned for Law students & Legal Profession (Asia Law Book House, Hyderabad)

Baxi Upendra :- Legal Education in 21st Century

THREE YEARS' LL.B. PROGRAMME

First LL. B.

Semester – II

FIRST LL.B. - SEMESTER 2 (WINTER)

PER WEEK	SUBJECTS	LECTURES	OTHERS	TOTAL	CREDITS (SEM)29
CORE COURSE 108	Constitutional Law Paper – I	4	1	5	5
CORE COURSE 109	Constitutional Law Paper – II	4	1	5	5
CORE COURSE 110	Company Law	4	1	5	5
CORE COURSE 111	Environmental Law	4	1	5	5
CORE COURSE 112	Property Law	4	1	5	5
FOUNDATION 113 F	Principles of Political Science & Theory	1	1	2	2
SOFT SKILL 114 K	Use of Internet in Legal Education	1	1	2	2

Semester – II

Winter Semester

CORE COURSE 108 CONSTITUTIONAL LAW- I

OBJECTIVES:

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

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

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

SYLLABUS :

1. Preamble of the Constitution :

- 1.1 Preamble : purpose, objectives importance
- 1.2 Preamble – Whether a part of the Constitution, Application of Basic Structure Theory to the Preamble
- 1.3 Amendment made in the Preamble : Effects thereof
- 1.4 Use of Preamble in Interpretation of Constitutional Provisions
- 1.5 Salient Features of the Constitution of India

2. Fundamental Rights - I :

- 2.1 Concept of “State” under Article 12 and judicial approach, Meaning of Law under Article 13
- 2.2 Right to equality and protective discrimination
- 2.3 Freedoms guaranteed to citizens of India under Article 19 and reasonable restrictions
- 2.4 Right of Self-incrimination and Principle of Double Jeopardy
- 2.5 Constitutional Remedy for the enforcement of Fundamental Rights (Writ remedies under Articles 32, 226)

3. Fundamental Rights - II

- 3.1 Right to life and personal liberty, due process of law (Article 21)
- 3.2 Safeguards against arbitrary Arrest and Detention
- 3.3 Right to Freedom of Religion & Secularism
- 3.4 Right to Education
- 3.5 Cultural and Educational Rights : Articles 29 & 30

4. Directive Principles of State Policy and Fundamental Duties :

- 4.1 Directive Principles : Nature, ideals, Distinction from Fundamental Rights & Inter-relationship with fundamental rights
- 4.2 Non-enforceability of Directive Principles before the court
- 4.3 Classification of Directive Principles, Uniform Civil Code
- 4.4 Reading Directive Principles into Fundamental Rights
- 4.5 Fundamental Duties

SUGGESTED READING :

Constitutional Law of India : D. D. Basu

Introduction to the Constitution of India D.D. Basu

Shorter Constitution of India : Durga Das Basu

Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitutional Law of India (Vol. 1-3) : H. M. Seervai

Constitutional law of India : P. M. Baxi

Introduction to the Constitutional Law of India : Narendra Kumar, Allahabad Law Agency

Semester – II

Winter Semester

CORE COURSE 109 CONSTITUTIONAL LAW- II

1. Executive, Legislature and Judiciary :

- 1.1 Union Executive : President, Prime Minister, their qualifications, position of the President vis-à-vis Prime Minister
- 1.2 State Executive : Governor, Chief Minister, Powers, Council of Ministers
- 1.3 Union Legislature : Composition of Parliament, Lok Sabha, Rajya Sabha, Qualifications and disqualifications of the Member of Parliament, Schedule X, Speaker, Dy. Speaker, Procedure for passing Ordinary Bill & Money Bill, Joint Session of House
- 1.4 State Legislature : Composition of House, Qualifications and disqualifications of MLAs
- 1.5 Union Judiciary : Supreme Court Judges & Chief Justice :Procedure for appointment and removal, qualifications, Jurisdiction of SC : Original, Appellate, Advisory, Article 141, 142
- 1.6 State Judiciary : Appointment, Transfer and removal procedure of High Court Judges and Chief Justice of High Court, Jurisdiction of High Courts, Writs

2. Amendment of the Constitution :

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

3. Emergency provisions :

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

4. Miscellaneous

- 4.1 Article 32-B & Schedule IX, Doctrine of Pleasure, Constitutional safeguards
to Civil Servants, Attorney General, Advocate General, Chief Election
Commissioner, Official Language
- 4.2 Freedom of Trade, Commerce and Intercourse
- 4.3 Special provisions relating to Jammu and Kashmir
- 4.4 Relations between Union and State : Legislative, Administrative and
Financial, Schedule VII
- 4.5 Consolidated funds, Contingency Funds, CAG, Public Service Commission

SUGGESTED READING :

Constitutional Law of India : D. D. Basu

Introduction to the Constitution of India : D. D. Basu

Shorter Constitution of India : Durga Das Basu

Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitutional Law of India : H. M. Seervai

Constitutional Law of India : P. M. Baxi

Introduction to the Constitutional Law of India : Narendra Kumar, Allahabad Law
Agency

Semester – II

Winter Semester

CORE COURSE 110 COMPANY LAW

1. Introduction, Memorandum & Article of Association :

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

2. Prospectus, Promoters, Shares, Share holder & Members, Share Capital etc.

- 2.1 Prospectus : contents, Shelf Prospectus, Misrepresentation in
prospectus, Remedies for misrepresentation and liabilities thereof
- 2.2 Promoters, Shares : General Principles for allotment, statutory
restrictions, Share Certificates, Transfer of shares, dematerialized
shares (DEMAT)
- 2.3 Shareholder and members of company : Distinction, Modes of
becoming members of company
- 2.4 Share Capital : Kinds, alteration and reduction of share capital, Buy-
back of shares

3. Directors, Dividends, Audit, Accounts, Oppression & Mismanagement etc.

- 3.1 Directors : Position, appointment, qualifications, vacation of office, removal, resignation, powers and duties of directors, Managing Director
- 3.2 Dividends, Audits and accounts, Debentures, Fixed and floating charges, kinds of debentures, protection of minority rights
- 3.3 Prevention of Oppression and Mismanagement

4. Provisions for Reconstruction, Amalgamation & Winding up of company :

- 4.1 Reconstruction and Amalgamation of Company
- 4.2 Types of winding up :Winding up by court : Reasons, grounds, who can apply? Procedure, powers of liquidator, powers of court
- 4.3 Voluntary Winding Up
- 4.4 Corporate liability : Civil and Criminal

SUGGESTED READING :

- Avtar Singh, Introduction to Company Law (10th Edi) Eastern Book Co., Lucknow
Avtar Singh, Company Law (15th Edi. , 2007) Eastern Book Co.
L.C.B. Gower, Principles of Modern Company Law (1997) Sweet and Maxwell, London
Palmer, Palmer's Company Law (1987), Stevens, London
R.R. Pennington, Company Law (1990) Butterworths.
A,Ramaiya, Guide to the Companies Act, (1998) Wadha
S.M. Shah, Lectures on Company Law (1988) Tripathi, Bombay.
Kailas Rai : CompanyLaw, Allahabad Law Agency

Semester – II

Winter Semester

CORE COURSE 111 ENVIRONMENTAL LAW

1. Environment & Environmental Pollution

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

2. Environment Protection : International Scenario & Constitutional Remedies :

- 2.1 International Scenario : Stockholm Conference, Rio de' Janeiro Conference Sustainable Development
- 2.2 Constitutional perspectives for protection of Environment : Article 21, 48-A, 51-A(g), 32 and 226 42nd Constitutional Amendment
- 2.3 Contribution of Judiciary in Environment Protection through PILs, relevant decisions of the Supreme Court
- 2.4 Public Trust Doctrine, Polluter Pays Principle

3. Legislations for the protection of Environment :

- 3.1 Offences, Remedies and Procedure for prevention of Water Pollution under the Water (Prevention and Control of Pollution) Act, 1974
- 3.2 Offences, Remedies and Procedure for prevention of Air Pollution under the Air (Prevention and Control of Pollution) Act, 1981

3.3 Environment (Protection) Act, 1986 : Need to enact this legislation, Powers of the Central Government, Provisions for Prevention, Control and Abatement of Environmental Pollution : Offences & Punishment

3.4 Special provisions relating to Hazardous Process : Chapter IV-A of the Factories Act, 1948

3.5 Criminal Procedure Code : Public Nuisance – Sec. 133-143

4. Miscellaneous :

4.1 Public Liability Insurance Act, 1991 : Liabilities of owners, Compulsory Insurance & Procedure for payment of compensation,

4.2 Wild Life (Protection) Act, 1972 : Authorities : Hunting of Wild Animals, Protected Areas, Offences

4.3 Forest Act, 1927 : Reserved Forests, Centuries, Powers of Forest Officer

4.4 National Environmental Tribunals Act : Functions, Jurisdiction

4.5 Prevention of Cruelty to the Animals Act : Objects & main features

SUGGESTED READING :

1. The Water (Prevention and Control of Pollution) Act, 1974
2. The Air (Prevention and Control of Pollution) Act, 1981
3. The Environment (Protection) Act, 1986
4. The National Environment Tribunal Act, 1995
5. The Public Liability Insurance Act, 1991
6. The Factories Act -1948 (Cpat. IV-A)
7. Environmental Law and Policy in India by Armin Rusencranz, Syam Divan Tripathi Publication
8. Lal's Commentaries on Water, Air Pollution and Environment (Protection) Laws by Law Publishers (India) Pvt. Ltd.
9. Environmental Law in India by Jain and Jain (Idnore Law House)
10. Environmental Law by Prof. S. C. Shastri, 3rd Edi, 2008, Eastern Book Co.
11. Environment Law by Sumeet Malik (2008) Edition, Eastern Book Co.

12. Aarmin Rosencranz, et. Al. (eds.) Environmental Law and Policy an India (2000), Oxford
13. R.B. Singh & Suresh Misra, Environmental law in India (19967) Concept Publishing Co. New Delhi.
14. Kailash Thakur, Environmental Protection Law and Policy in India (1997) Deep & Deep Publications, New Delhi.
15. Richard L . Riverz, Et. Al. (eds.) Environmental law, the Economy and Sustainable Development (2000) Cambridge.
16. Christopher D. Stone, Should Trees Have standing and other Essays on Law, Morals and the Environment (1996), Oceana.
17. Leelakrishanan, P. et. Al. (eds.) Law and Environment (1990) Eastern, Lucknow.
18. Leelakrishnan, P. The Environmental Law in India (1999) , Butterworths-India
19. Department of science and Technology, Government of India, Report of the committee for recommending legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)
20. Indian Journal of Public Administration, Specvial Number on Environment and Administration, July-September, 1988 Vol., XXXV No.3 PP 353-801 .
21. Centre for Science and Environment . The State of India's Environment 1982, the State of India, Environment 1984-85 and the State of Indian Environment 1999-2000.

Semester – II

Winter Semester

CORE COURSE 112 Property Law

1. General Principles of Transfer of Property - I

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

2. General Principles of Transfer of Property – II

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

3. Specific Transfers

- 3.1 Sale : Essentials, Rights & Liabilities of Buyer and Seller
- 3.2 Mortgage & Charge : Definition, Kinds of Mortgage, Rights & Liabilities of Mortgager – Mortgagee, Redemption-Clog on Redemption
- 3.3 Lease : Definition, Essentials, Rights & Liabilities of Lessor and Lessee
- 3.4 Gift : Definition, Essential requirements, Kinds of Gift, Onerous Gifts, Universal Donee, Exchange : Definition & Features
- 3.5 Actionable Claim : Definition & transfer of Actionable Claims

4. Easements :

4.1 Easements : Meaning, Nature, Essentials and Characteristics

4.2 Kinds of Easements, Incidents of Easements, Creation of Easement

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

4.4 Extinction, Suspension and Revival of Easements,

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

SUGGESTED READING :

Mulla, Transfer of Property Act, (1999), Universal Delhi

Subbarao, Transfer of Property Act, (1994) C. Subbiah Chetty, Madras

B. Sivaramayya, The equalities and the Law, (1997), Eastern Book Co. Lucknow.

P.C. Sen. The General Principles of Hindu, Jurisprudence (1984) reprint) Allahabad Law Agency.

B.H. Baden- Powell, Land Systems of British India, Vol. 1 to 3 (1892), Oxford

V. P. Sarthy, Transfer of Property (1995) Eastern Book Company, Lucknow.

Vepa P. Sarathi : Law of Transfer of Property 5th Edi. Eastern Book Company

T. R. Desai : The Indian Easements Act, 1982

B. B. Katiyar : Easements and Licences 13th Edi. Universal Law Publishing Co.

Sanjiva Row : The Indian Easements Act

K. Joshi : Easements and Licences

Peacock : The Law relating to Easements

Semester – II

Winter Semester

FOUNDATION 113 F PRINCIPLES OF POLITICAL SCIENCE & THEORY

1. Concept of Citizenship and Federalism :

- 1.1 Citizenship : Definition under the Constitution of India
- 1.2 State-Citizen : Inter-relationship, Rights-Duties towards each other
- 1.3 Federalism : True Federalism and Quasi-Federalism – meaning, distinction, Merits & Demerits of Quasi Federalism

2. Meaning of “State” under Article 12 and its Significance :

- 2.1 Definition of “State” under Article 12 of the Constitution of India
- 2.2 Changing notion of “State” under Article 12 of the Constitution of India through Judicial Pronouncements

3. Democratic Systems and Constitutional Doctrines :

- 3.1 Democracy : Parliamentary Democratic System vis-à-vis Presidential Democratic System, Merits & Demerits
- 3.2 Doctrine of Separation of Powers : Legislature, Judiciary & Executive
- 3.3 Doctrine of Eclipse : Application and Importance
- 3.4 Doctrine of Waiver of Fundamental Rights : Circumstances

SUGGESTED READING :

L. S. Rathore & S.A.H. Haqqi : Principles of Political Theory and Organisation, Eastern Book Co.

Gilchrist, R. N. : Principles of Political Science

Laski, Harold J. : The State in Theory & Practice

Fairlie J. A. : Separation of Powers

Lindsay A. D. : Essentials of Democracy

Constitutional Law of India : D. D. Basu

Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Semester – II

Winter Semester

SOFT SKILL 114 K USE OF INTERNET IN LEGAL EDUCATION

Objectives of course :

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

1. Theoretical Knowledge about Internet use in Legal Education :

1.1 Law Related Websites : Basic knowledge, Kinds and importance

1.2 Selection of Law Related Websites :

1.2.1 For finding out International Conventions & Treaties

1.2.2 For knowing legal situation in other countries

1.2.3 For finding out Indian Legislations

1.2.4 For searching Judgments of various courts & comments there upon

2. Application of ICT in Legal Field :

- 2.1 Search Engines & Websites : Use for legal education purpose
- 2.2 Use of Law related Internet Sites : Knowledge about pdf & ppt files
- 2.3 Use of Internet for searching Head-notes, Cases & Legal Articles

3. Use of ICT : Finding the status of cases & Legal Profession Office Management :

- 3.1 Knowledge of status of cases pending before High Courts and Supreme Court through Internet
- 3.2 Legal Profession Office Management through Internet : for knowing the case-list of the next day, to know about the business allotted to the judges etc.

Suggested Reading

Nandan Kamath :- Law Relating to Computers and Internet, Universal Law Publishing Co.

Allan M. Gahten :- Internet : Law and Legal Profession

Kant D. Stuckey :- Internet and online law (4th Edi)

Michael D. Rostoker :- Computer Jurisprudence and Legal Responses to the Information Revolution

Rega Rao :- Use of computer, Interned for Law students & Legal Profession (Asia Law Book House, Hyderabad)

Baxi Upendra :- Legal Education in 21st Century