

PUNYASHLOK AHILYADEVJI HOLKAR SOLAPUR UNIVERSITY, SOLAPUR



Faculty of Humanities SYLLABUS FOR LL.B Third Year THREE YEAR LAW COURSE (V & VI SEMESTERS)

**CHOICE BASED CREDIT SYSTEM (CBCS)
FROM THE ACADEMIC YEAR 2021-2022 AND ONWARDS
w.e.f. JULY 2021**

FROM THE ACADEMIC YEAR 2021-2022

LL.B – III YEAR SEMESTER - V

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total
21	Core and Compulsory-XVI	Law of Crimes – II (Cr. P. C)	6	4	80+20=100
22	Core and Compulsory-XVII	Law of Evidence	6	4	80+20=100
23	Core and Compulsory- XVIII	Civil Procedure Code and Limitation Act	6	4	80+20=100
24	Core and Compulsory-XIX	Principles of Taxation Law	6	4	80+20=100
25	Core and Compulsory-XX	Company Law	6	4	80+20=100

LL.B – III YEAR SEMESTER - VI

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total
26	DISCIPLINE SPECIFIC ELECTIVE - IV	A) International Organization OR B) Equity & Trust	6	4	80+20=100
27	DISCIPLINE SPECIFIC ELECTIVE - V	A) Land Laws Including Tenure & Tenancy System OR B) Health Law	6	4	80+20=100
28	DISCIPLINE SPECIFIC ELECTIVE - VI	A) Women and Criminal Law OR B) International Human Rights	6	4	80+20=100
29	SKILL ENHANCEMENT COURSE - I	Drafting, Pleading & Conveyance (Clinical Course)	6	4	80+20=100
30	SKILL ENHANCEMENT COURSE - II	Moot Court, Exercise and Internship (Clinical Course)	6	4	Practical-100

PAPER NO. XXI-CORE AND COMPULSORY – XVI

LAW OF CRIMES – II (Criminal Procedure Code)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The criminal process involves increasing expenditure of government resources. At the same time it confronts a crisis of instruction into individual rights in order to protect the common weal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure thus makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, to enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

Juvenile justice and probation of offenders are combined with the study of criminal procedure. These topics also do have their roots in criminal procedure. The rubrics under their head are intended to render as essential grasp of the areas.

UNIT NO.	TOTAL THEORY LECTURES-80
1 INTRODUCTORY	6 Lectures
1.1 The rationale of criminal procedure: the importance of fair trial.	
1.2 Constitutional perspectives: Articles 14, 20 & 21.	
1.3 The variety of criminal procedures (the class should examine, in particular the procedure for trial of special offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act)	
1.4 The organization of police, prosecutor, defense counsel and prison authorities and their duties, functions and powers.	
2 PRE- TRIAL PROCESS: ARREST	6 Lectures
2.1 The distinction between cognizable and non-cognizable offences. Relevance and adequacy problems	
2.2 Steps to ensure accused presence at trial: warrant and summons.	
2.3 Arrest with and without warrant (Section 70-73 and 41)	
2.4 The absconder status (Section 82, 83, 84 and 85)	
2.5 Rights to arrested person.	
2.6 Rights to know grounds of arrest (Section 50(1), 55, 57)	
2.7 Right to be taken to magistrate without delay (Section 56, 57)	
2.8 Right to not being detained for more than twenty-four hours (section 57)	
2.9 Right to consult legal practitioner, legal aid and the right to be told of rights to bail. Article	

22(2) of the Constitution of India

2.10 Right to be examined by medical practitioner (S.-54)

3 PRE –TRIAL PROCESS: SEARCH AND SEIZURE

6 Lectures

3.1 Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103)

3.2 Police Search during investigation (Section 165, 166, 153)

3.3 General principles of search (Section 100)

3.4 Seizure (Section 102)

3.5 Constitutional aspects of validity of search and seizure proceedings.

4 PRE-TRIAL PROCESS: FIR

6 Lectures

4.1 F.I.R. (Section 154)

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

5 PRE-TRIAL PROCESS: MAGISTERIAL POWERS TO TAKE COGNIZANCE

3 Lectures

6 TRIAL PROCESS

3 Lectures

6.1 Commencement of proceedings: (Section 200, 201, 202)

6.2 Dismissal of complaints (Section 203, 204)

6.3 Bail: concept, purpose: constitutional overtones

6.3.1 Bailable and Non- Bailable offences (Section 436, 437, 438)

6.3.2 Cancellation of bail (Section 437(5))

6.3.3 Anticipatory bail (Section 438)

6.3.4 Appellate bail powers (Section 389 (1), 395(1). 437(5))

6.3.5 General principles of concerning bond (Sections 441-450)

7 FAIR TRIAL

6 Lectures

7.1 Conception of fair trial.

7.2. Presumption of innocence.

7.3 Venue of trial.

7.4 Rights of the accused to know the accusation (Section 221-224)

7.5 The right must generally be held in the accused's presence (Section 221-224)

7.6 Right of cross-examination and offering evidence in defense: the accused's statement.

7.7 Right to speedy trial.

8 CHARGE

6 Lectures

8.1 Framing of charge

8.2 Form and content of charge (Section 211, 212, 216)

8.3 Separate charges for distinct offence (Section 218, 219, 220, 221, 223)

8.4 Discharge-pre-charge evidence.

9 PRELIMINARY PLEAS TO BAR THE TRIAL

6 Lectures

9.1 Jurisdiction (Section 26,177-188,461,462,479)

9.2 Time limitation: rationale and scope (Section 468-473)

9.3 Pleas of autrefois acquit and autrefois convict (Section 300,22D)

9.4 Issue- estoppels.

9.5 Compounding of offences.

10 TRIAL BEFORE A COURT OF SESSIONS: PROCEDURAL STEPS AND SUBSTANTIVE RIGHTS

3 Lectures

11 JUDGMENT 6 Lectures

11.1 Form and content (Section 354)

11.2 Summary trial

11.3 Post-conviction order in lieu of punishment: emerging penal policy (Section 360, 361, 31)

11.4 Compensation and cost (Section 357,358)

11.5 Modes of providing judgment (Section 353,362,363)

12 APPEAL, REVIEW, REVISION

6 Lectures

12.1 No appeal in certain cases (Section 372,375,376)

12.2 The rationale of appeals, review revision.

12.3 The multiple ranges of appellate remedies:

12.3.1 Supreme Court of India (Section 374,379, Articles131,132,134,136)

12.3.2 High Court (Section 374)

12.3.3 Sessions Court (Section 374)

12.3.4 Special right to appeal (Section 380)

12.3.5 Governmental appeal against sentencing (Section 377,378).

12.3.6 Judicial power in disposal of appeals (Section 368)

12.3.7 Legal aid in appeals.

12.3.8 Revisional jurisdiction (Section 397-405)

12.3.9 Transfer of cases (Section 406-407)

13 JUVENILE DELINQUENCY

5 Lectures

13.1 Nature and magnitude of the problem

13.2 Causes

13.3 Juvenile court system

13. 4 Treatment and rehabilitation of juveniles

13. 5 Juvenile and adult crime

13.6 Legislative and judicial protection of juvenile offender

13. 7Juvenile justice Act 2000

14 PROBATION

6 Lectures

- 14.1 Probation of offenders law
- 14. 2 The judicial attitude
- 14.3 Mechanism of probation: standard of probation services.
- 14. 4 Problems and prospect of probation
- 14. 5 The suspended sentence. 15 Reform of criminal procedure

15. REFORM OF CRIMINAL PROCEDURE

6 Lectures

SELECT BIBLIOGRAPHY

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2. ChandrasekharanPillai(ed),*Kelkar Lectures on Criminal Procedure* [1998] Eastern, Luknow.
3. Princip’s, *Commentaries on the Code of Criminal Procedure*, 2 vol. [2000] Universal, Delhi.
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5. ChandrasekharanPillai (ed), *Kelkar Lectures on Criminal Procedure* [2001] Eastern, Luknow

PAPER NO. XXII- CORE AND COMPULSORY – XVII

LAW OF EVIDENCE

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to ‘facts’ before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized form of evidence and its sources. The subject seeks to impart the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

UNIT NO

TOTAL TJEORY LECTURE- 80

1 INTRODUCTORY

5 Lectures

- 1.1 The main features of Indian Evidence Act 1861.
- 1.2 Other acts which deal with evidence (Special reference to CPC, Cr. PC)

2 CENTRAL CONCEPTIONS IN LAW OF EVIDENCE

6 Lectures

- 2.1 Facts: section 3 definitions: distinction-relevant facts/facts in issue.
- 2.2 Evidence: oral and documentary.
- 2.3 Circumstantial evidence and direct evidence
- 2.4 Presumption (Section 4)

2.5 “Proving”, “Not proving” and “disproving”

2.6 Witness

2.7 Appreciation of evidence.

3 FACTS: RELEVANCY

8 Lectures

3.1 The doctrine of res gestae (Section 6,7,8,10)

3.2 Evidence of common intention (Section 10)

3.3 The problems of relevancy of “Otherwise” irrelevant facts (Section 11)

3.4 Relevant facts for proof of custom (Section 13)

3.5 Facts concerning bodies & mental state (Section 14,15)

4 ADMISSIONS AND CONFESSIONS

8 Lectures

4.1 General principles concerning admission (Section 17,23)

4.2 Differences between “admission” and ‘confession”

4.3 The problems of non-admissibility of confessions caused by “any inducement, threat or promise” (Section 24)

4.4 Inadmissibility of confession made before a police officer (Section 25)

4.5 Admissibility of custodial confessions (Section 26)

4.6 Admissibility of “information” received from accused person in custody ; with special reference to the problem of discovery based on “joint statement” (Section27)

4.7 Confession by co-accused (Section 30)

4.8 The Problems with the judicial action based on a “retracted confession”

5 DYING DECLARATIONS

7 Lectures

5.1 The justification for relevance on dying declarations (Section 32)

5.2 The judicial standards for appreciations of evidentiary value of dying declarations.

6 OTHER STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESS

5Lectures

6.1 General principles

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

7 RELEVANCE OF JUDGMENTS

6 Lectures

7.1 General Principles

7.2 Admissibility of judgments in civil and criminal matters (Section 43)

7.3 “Fraud” and “Collusion” (Section 44)

8 EXPERT TESTIMONY

7 Lectures

8.1 General principles

8.2 Who is an expert?: types of expert evidence

8.3 Opinion on relationship especially proof of marriage (Section 50)

8.4 The problems of judicial defense to expert testimony.

9 ORAL AND DOCUMENTARY EVIDENCE

7 Lectures

9.1 General principles concerning oral evidence (Section 59-60)

9.2 General principles concerning documentary Evidence (Section 67-90)

9.3 General principles Regarding Exclusion of Oral by Documentary Evidence

9.4 Special problems: re-hearing evidence.

9.5 Issue estoppel

9.6 Tenancy estoppel (Section 116)

10 WITNESSES, EXAMINATION AND CROSS EXAMINATION **6 Lectures**

10.1 Competency to testify (Section 118)

10.2 State privilege (Section 123)

10.3 Professional privilege (Section 126,127,128)

10.4 Approval testimony (Section 133)

10.5 General principles of examination and cross examination (Section 135-166)

10.6 Leading questions (Section 141-143)

10.7 Lawful questions in cross-examination (Section 146)

10.8 Compulsion to answer questions put to witness.

10.9 Hostile witness (Section 154)

10.10 Impeaching of the standing or credit of witness (Section 155)

11 BURDEN OF PROOF **8 Lectures**

11.1 The general conception of onus probandi (Section 101)

11.2 General and special exceptions to onus probandi

11.3 The justification of presumption and of the doctrine of judicial notice.

11.4 Justification of presumption as to certain offences (Section 111A)

11.5 Presumption as to dowry death (Section 113B)

11.6 The scope of the doctrine of judicial notice (Section 114)

12 ESTOPPEL **7 Lectures**

12.1 Why estoppel? The rationale (Section 115)

12.2 Estoppel, res judicata, waiver and presumption

12.3 Estoppel by deed

12.4 Estoppel by conduct

12.5 Equitable and promissory estoppel

12.6 Questions of corroboration (Section 156-157)

12.7 Improper admission and of witness in civil and criminal cases.

SELECT BIBLIOGRAPHY

1. Sarkar and Manohar, *Sarkar on Evidence* [1999], Wadhawa and Co., Nagpur.
2. Indian Evidence Act (Amendment up to date)
3. Ratanlal Dhirajlal, *Law of Evidence*, [1994] Wadhawa and Co., Nagpur.
4. Polein Murphy, *Evidence* [5th Edn. Reprint 2000] Universal, Delhi.
5. Allbert S. Osborn, *The Problem of Proof* (First Indian Reprint 1998) Universal Delhi.
6. Avtar Singh, *Principles of the law of Evidence* (1992), Central Law Agency, New Delhi.

PAPER NO. -XXIII- CORE AND COMPULSORY - XVIII

CIVIL PROCEDURE CODE AND LIMITATION ACT CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Civil Procedure Code is a subject of daily use by the courts and lawyers and a student cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before one enters the profession. While the substantive law determines the rights of parties, procedural law sets down the norms for enforcement. Whenever civil rights of persons are affected by action, Judicial decisions will supply the omissions in the law.

The code of civil Procedure in India has a chequered history and lays down the details of procedure for redressal of civil rights. Many questions may pop up when one goes to indicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for institution of suit, the suit is to in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal and revision are all matters which a lawyer for any side is to be familiar with.

A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter on time, may place courts in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed.

UNIT NO.

TOTAL THEORY LECTURE-80

1 INTRODUCTION

8 Lectures

- 1.1 Concepts
- 1.2 Order
- 1.3 Judgment
- 1.4 Decree
- 1.5 Plaint
- 1.6 Restitution
- 1.7 Execution
- 1.8 Decree-holder
- 1.9 Judgment- debtor
- 1.10 Mesne profits,
- 1.11 Written statement.
- 1.12 Distinction between decree and judgment and between decree and order.

2. JURISDICTION

8 Lectures

- 2.1 Kinds
- 2.2 Hierarchy of courts
- 2.3 Suit of civil nature-scope and limits
- 2.4 Res-subjudice and Resjudicata
- 2.5 Foreign judgement-enforcement
- 2.6 Place of suing
- 2.7 Institution of suit
- 2.8 Parties to suit: joinder, mis-joinder or non-joinder of parties: representative suit.
- 2.9 Frame of suit: cause of action
- 2.10 Summons.

3. PLEADINGS

9 Lectures

- 3.1 Rules of pleading, signing and verification.
- 3.2 Alternative pleadings
- 3.3 Construction of pleadings
- 3.4 Plaint: particulars
- 3.5 Admission, return and rejection
- 3.6 Written statement: particulars, rules of evidence.
- 3.7 Set off and counter claim: distinction
- 3.8 Discovery, inspection and production of documents
- 3.9 Interrogatories
- 3.10 Privileged documents.
- 3.11 Affidavits.

4. APPEARANCE, EXAMINATION AND TRIAL

6 Lectures

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

5. EXECUTION

8 Lectures

- 5.1 The concept
- 5.2 General principles
- 5.3 Power for execution of decrees

- 5.4 Procedure for execution (ss. 52.54)
- 5.5 Enforcement, arrest and detention (ss.55.59)
- 5.6 Attachment (ss. 60-64)
- 5.7 Sale (ss.65-97)
- 5.8 Delivery of property
- 5.9 Stay of execution

6. SUITS IN PARTICULAR CASES

9 Lectures

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

7. APPEALS

8 Lectures

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

8. REVIEW, REFERENCE AND REVISION

6 Lectures

9. MISCELLANEOUS

5 Lectures

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

10. LAW REFORM: LAW COMMISSION ON CIVIL PROCEDURE AMENDMENTS

5 Lectures

11. LAW OF LIMITATION

8 Lectures

- 11.1 The concept-the law assists the vigilant and not those sleeps over the rights.
- 11.2 Object
- 11.3 Distinction with laches, acquiescence, prescription
- 11.4 Extension and suspension of limitation
- 11.5 Sufficient cause for not filling the proceedings
- 11.6 Illness

- 11.7 Mistaken legal advise
- 11.8 Mistaken view of law
- 11.9 Poverty, minority and Purdha
- 11.10 Imprisonment
- 11.11 Defective Vakalatnama
- 11.12 Legal liabilities
- 11.13 Foreign rule of limitation: Contract entered into under a foreign law
- 11.14 Acknowledgement-essential requisites
- 11.15 Continuing tort and continuing breach of contract.

SELECT BIBLIOGRAPHY

1. Mull, *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 Book Co. Lucknow.
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7. Universal Code of Civil Procedure, (2000)

PAPER NO.-XXIV

CORE AND COMPULSORY-XIX

PRINCIPLES OF TAXATION LAW

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Power to tax had been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax. Is this true? Is it not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be conferred on the state? The power to tax shall not go unregulated. In the context of the federal structure the distribution of the taxing powers assumes added significance. Obviously, a study of the constitutional framework on taxation becomes important. Along with this, an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the States.

1 GENERAL PERSPECTIVE**10 Lectures**

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

2. INCOME TAX**25 Lectures**

- 2.1 Basic Concepts
- 2.2 Income
- 2.3 Total income
- 2.4 Income not included in total income
- 2.5 Deemed income
- 2.6 Clubbing of income
- 2.7 Assesses
- 2.8 Person
- 2.9 Tax planning
- 2.10 Chargeable income
- 2.11 Heads of income
- 2.12 Salaries
- 2.13 Income from house property
- 2.14 Income from business or profession
- 2.15 Capital gains
- 2.16 Income from other sources
- 2.17 Deductions, relief and exemptions
- 2.18 Rate of income tax
- 2.19 Income Tax Authorities
- 2.20 Power and functions
- 2.21 Offences and penal sanctions
- 2.22 Settlement of grievances
- 2.23 Authorities, power and functions

OTHER TAX LAWS

3 INTRODUCTION TO GST

5 Lectures

- 3.1 Historical background of GST
- 3.2 Constitutional provisions of Taxation & 101 Amendment to Constitution of India.
- 3.3 Central and State Legislations Dealing GST.
- 3.4 Salient features of GST

4 CENTRAL CGST ACT 2017 AND MAHARASHTRA CGST ACT 2017 **10 Lectures**

- 4.1 Definitions section 2 of GST- Agent-Aggregate turnover-Agriculturist-Business- Consideration- Input Tax –Person- Supply- Taxable Person- Location of supplier of services-Works Contact- Non-taxable Supply- Voucher- Job- work- definitions related to Online trading & tax liability.
- 4.2 Authorities under GST (section 3)
- 4.3 Appointment of officers (section 4)
- 4.4 Powers of officers (section 5)
- 4.5 Inspection search seizure and arrest (section 67-72)
- 4.6 Levy of Tax, and exemption from Tax (section 7-11)

5. PROCEDURAL ASPECTS UNDER CGST AND MGST ACTS.

20 Lectures

- 5.1 Time and Value of Supply (section 12-15)
- 5.2 Input Tax Credit. (section 16-21)
- 5.3 Registration. (section 22-30)
- 5.4 Tax invoices, credit and Debit notes (section 31-34)
- 5.5 Accounts and Records (section 35-36)
- 5.6 Return under GST Acts
- 5.7 Payment of Tax (section 49)
- 5.8 Refund of tax (section 54)
- 5.9 Types of Assessment (section 59-66)
- 5.10 Offences , Penalties and Prosecution (section 122-138)
- 5.11 Appeal and Revision
- 5.12 Appeal to First Appealable Authority (section 107)
- 5.13 Powers of Revision Authority (section 108)
- 5.14 Appeal to the Appellate Tribunal (section 112)
- 5.15 Transitional Provisions- Migration of existing taxpayers to GST (section 139)
- 5.16 Reverse charge
- 5.17 Composition scheme for small trader.

- 6.1 Introduction to IGST Act
- 6.2 Definitions Section 2
- 6.3 Continuous Journey
- 6.4 Export of goods- Export of Service
- 6.5 Fixed establishment – Import of goods – Import of Services – Location of recipient of Services – Location of Supply of Services – Online Information and database access or retrieval services.
- 6.6 Levy, collection and refund of tax (section 5, 6, 15)
- 6.7 Inter- state supply, Intra – State-supply, supplies in territorial waters. (Sec.-7,8,9)
- 6.8 Zero rated supply (Section-16)

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1. Ramesh Sharma, *Supreme Court on Direct Taxes* [1998], Bharat Law House, New Delhi.
2. Sam path Iyengar, *Law of Income Tax* [1998], Bharat Law Housel, New Delhi.
3. Kanga and Palkiwala, *The Law and Practice of Income Tax*, [1999], Wahiwala, Nagpur.
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PAPER NO.- XXV- CORE AND COMPULSORY – XX

COMPANY LAW

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Industrialization plays a very vital role in the economic development of India. In the Post Independence era, industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, Vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risks.

Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles. Company law was amended in 2013.

UNIT NO.

TOTAL THEORY LECTURES- 80

1 MEANING OF CORPORATION

4 Lectures

1.1 Theories of corporate personality.

1.2 Creation and extinction of corporations.

2. FORMS OF CORPORATE AND NON- CORPORATE ORGANISATIONS 6 Lectures

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

3. LAW RELATING TO COMPANIES-PUBLIC AND PRIVATE-COMPANIES ACT,

2013

25 Lectures

3.1 Need of company for development formation of a company registration and incorporation.

3.2 Memorandum of association – various clauses – alteration therein – doctrine of ultra virus.

3.3 Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.

3.3.1 Prospectus – issue – contents –liability for misstatements – statement in lieu of prospectus.

3.4 Promoters - position – duties and liabilities.

3.4.1 Shares – general principles of allotment statutory restrictions – share certificate its object and effects– transfer of share – restrictions on transfer – procedure for transfer – refusal of transfer – role of public finance institutions – relationship between transferor

and transferee – issue of shares at premium and discount – depository receipts – dematerialized shares.

3.4.2 Shareholder – who can be and who cannot be a shareholder – modes of becoming a shareholder – calls on share – forfeiture and surrender of shares – lien on shares.

3.4.3 Share capital – kinds-alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital – duties of courts to protect the interests of creditors and share holders.

3.5 Directors – position – appointment – qualification – vacation of office – removal – resignation – powers and duties of directors – meeting, registration, loans – remunerations of directors – role of nominee directors – compensation for loss of office – managing directors and other managerial personnel.

4. LAW RELATING TO COMPANIES: COMPANIES ACT- 2013 **25 Lectures**

4.1 Meeting – Kinds – Procedure- Voting

4.2 Dividends – Payment – Capitalization – Profit.

4.3 Audit and accounts – Corporate Social Responsibility.

4.4 Borrowing powers – powers – effect of unauthorized borrowing – charges and mortgages – loans to other companies – investments – contracts by companies.

4.5 Debentures – meaning – fixed and floating charge – kinds of debentures – shareholder and debenture holder – remedies of debenture holders.

4.6 Protection of minority rights.

4.7 Protection of oppression and mismanagement – who can apply? – Powers of the company, court and of the central government.

4.8 Investigation – powers.

4.9 Private companies – nature and advantages – government companies – holding and subsidiary companies.

4.10 Regulation, merger and amalgamation.

4.11 National Company Law Board.

4.12 Winding up –types- by court - reasons – grounds – who can apply – procedure – powers of liquidator – powers of court – consequences of winding up order – voluntary winding by members and creditors – winding up subject to supervision of courts – liability of past members – payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company.

5. LAW AND MULTINATIONAL COMPANIES **12 Lectures**

5.1 International norms for control.

5.2 National Law FEMA (Foreign Exchange Management Act 1999) controls joint ventures – investment in India – repatriation of project.

5.3 Collaboration agreements for technology transfer.

6. CORPORATE LIABILITY

8 Lectures

6.1 Legal liability of companies – civil and criminal.

6.2 Remedies against them civil, criminal and tortious – Specific Relief Act, writs, liability under special statutes.

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LL.B- III YEAR: SEMESTER – VI

PAPER NO-XXVI- DISCIPLINE SPECIFIC ELECTIVE – IV

A) INTERNATIONAL ORGANIZATION

(OPTIONAL PAPER-1)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The years following the Second World War have witnessed a phenomenal growth of international organization. The United Nations has become increasingly complex in its functioning and the range of its activities has widened beyond manageable proportions. It has therefore become imperative to understand the modes of operation of the numerous organs and agencies of the U.N. system, the decision-making pattern, financing and accountability. The interactions between the members and the organization over the years to cope-up with their numerous responsibilities have been handicapped with non-availability of funds and non-cooperation of the certain members.

In order to give students an in-depth understanding, it would be useful to conduct intensive studies of specialized agencies and regional organizations. The existence of well known non-governmental organizations whose exercise made use of by various UN Agencies in the capacity of consultants. The role played by such NGOs' would also be assessed in the light of the objectives of the organization. The course will explore major issues of law and policies faced by the international organization and assess the role of international organization in fostering change. The following syllabus prepared with this perspective.

UNIT NO

TOTAL THEORY LECTURES-80

1. EVOLUTION & GROWTH OF INTERNATIONAL ORGANIZATION 10 Lectures

- 1.1 Nature and scope of International organization.
- 1.2 Types of international organization- Public and Private.
- 1.3 League of nations- Function and failure
- 1.4 United nations organization principles and purpose

2. STRUCTURE & COMPOSITION OF UNITED NATIONS ORGANIZATION

12 Lectures

- 2.1 General Assembly
- 2.2 Security Council
- 2.3 International court of justice
- 2.4 Economical Social Council
- 2.5 Trusteeship Council
- 2.6 Secretariat

3. FUNCTIONS OF UNITED NATIONS ORGANIZATION

10 Lectures

- 3.1 Law Making process – Resolutions and Declarations
- 3.2 Executive Functions.
- 3.3 Promoting International Peace keeping

4. NON- ALIGNMENT

8 Lectures

- 4.1 Evolution
- 4.2 Role of Non- Alignment

5. UNITED NATIONS AND ITS SPECIALIZED AGENCIES

12 Lectures

- 5.1 International Labour Organization
- 5.2 World health Organization
- 5.3 World Trade organization
- 5.4 International Monetary Fund
- 5.5 United nations, International Children Emergency Fund
- 5.6 The Nations, Educational, Scientific and Cultural organization
- 5.7 International bank for reconstruction and development
- 5.8 The World intellectual Property Organization
- 5.9 International Finance Corporation

6. REGIONAL INTERNATIONAL ORGANIZATIONS

12 Lectures

- 6.1 SAARC
- 6.2 European Communities
- 6.3 NATO
- 6.4 ASEAN- Association of South- East Asian Nation

6.5 OAS.

6.6 OAU.

6.7 Arab League

7. INTERNATIONAL NON- GOVERNMENTAL ORGANIZATION 13 Lectures

7.1 Amnesty International

7.2 International Red- Cross

7.3 Ford Foundation

7.4 Roche Feller Foundation

7.5 Co-Operation for American Relief Every Where.

7.6 International Rotary club

7.7 International Lions Club

8. INDIA AND UNITED NATIONS 3 Lectures

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- 2) Edward Yewin – Legislative Powers in the UN and Specialized Agencies (1969).
- 3) Ingrid Detter – Law Making by International Organization.
- 4) Higgins-The Development of International Law through the Political Organs of the UN (1963)
- 5) D. W. Rowett – The Law International Institution.
- 6) Buth Russell – A History of UN Charter.
- 7) A Cassess (Ed.) United Nations Peace Keeping Legal Essay (1978).
- 8) MeuriceRertrend – The Third General World Organization (1989).
- 9) M. Moskowitz – The Roots and Readhes of United Nations – Action and Decisions (1980).
- 10) Dr. J.N. Saxena (Ed.)United Nations for a Better World, Lancens Book, P.B.4236 New Delhi
- 11) Dr. Rahmatullah Khan – Implied Powers of the United Nations.
- 12) Sir Gerald Fitz Maurice – The Law and Procedure of the International Court of Justice, 1986.
- 13) SabltaiRosenne – The World Court, What it is and how it works? 1995.
- 14) FeliceMorgen Stern – Legal Problems of International Organization, 1986.
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- 16) R.B. Ananad International Courts and Conflict (1979)
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- 18) Potter – An Introduction to study of international organization Genks Wilfred – The proper law of International Organization

PAPER NO- XXVI - DISCIPLINE SPECIFIC ELECTIVE – IV

B) EQUITY & TRUST

(OPTIONAL PAPER-2)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

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

UNIT NO

TOTAL THEORY LECTURES-80

1. INTRODUCTION

6 Lectures

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

2. DEFINITION AND NATURE OF TRUSTS UNDER THE INDIAN LAW 4 Lectures

- 2.1 Creation of trusts: rules

3. DUTIES OF TRUSTEES 6 Lectures

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

4. RIGHTS OF TRUSTEES	6 Lectures
41. Title deed	
42. Reimbursement	
43. Indemnity	
44. Seeking direction from court	
45. Settlement of accounts	
46. General authority	
5. POWERS OF TRUSTEES	6 Lectures
5.1 Sale	
5.2 Varying of investment	
5.3 Property of Minors	
5.4 Giving receipts	
5.5 Powers to compound, compromise and settle	
5.6 Exercising authority on death or disclaimer of one of the trustees	
5.7 Suspension of trustee's power	
6. DISABILITIES OF TRUSTEES	6 Lectures
7. RIGHTS OF BENEFICIARIES	6 Lectures
7.1 Rents and profits	
7.2 Specific execution	
7.3 Inspection and information	
7.4 Transfer	
7.5 Suit for execution	
7.6 To have proper trustees	
7.7 Right to compel the trustee to do the duties	
7.8 Rights on wrongful purchase or acquisition by trustees	
7.9 Follow up of trust properties in the hands of third parties	
7.10 Blending of property by trustee	
7.11 Wrongful application of trust property by partner trustee for partnership purposes.	
8. LIABILITIES OF BENEFICIARIES	6 Lectures
9. DISCHARGE OF TRUSTEES	4 Lectures
10. APPOINTMENT OF NEW TRUSTEE	4 Lectures
11. EXTINCTION OF TRUST	4 Lectures
12. CONSTRUCTIVE TRUSTS: THE EQUITABLE AND FIDUCIARY RELATIONSHIP	6 Lectures

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

13. SPECIAL LEGISLATION

8 Lectures

- 13.1 Charitable and religious trust
- 13.2 Budget Accounts and Audit
- 13.3 Public Trust Administration Fund
- 13.4 Offences and penaltie

14. MAXIMS OF EQUITY

8 Lectures

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1. S. Krishnamurthy Aiyer and Hurbans Lal Swin, Principles and Digest of Trusts Laws [1998], University Book Agency, Allahabad
2. R.H. Mandsley and E.H. Burn, *Trust and Trustees: Cases and Material* [1978], Butterworth's London.
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PAPER NO.- XXVII- DISCIPLINE SPECIFIC ELECTIVE – V

**A) LAND LAWS INCLUDING TENURE & TENANCY SYSTEM
(OPTIONAL PAPER – 1)**

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The objectives of this course are to teach the law students:

- I. Law for the acquisition of land needed for public purposes:
- II. Law relating to land and revenue in the State of Maharashtra
- III. Law in the State of Maharashtra relating to the control of rent and repairs of certain premises and of eviction of tenants.

UNIT NO.

TOTAL THEORY LECTURES-80

1. Maharashtra Land Revenue Code, 1966

30 Lectures

- 1.1 Introduction
- 1.2 Definition
- 1.3 Revenue arrears
- 1.4 Revenue officer
- 1.5 Use of land (Section 41 to 49)
- 1.6 Encroachment on land Section 50 to 54
- 1.7 Land Revenue Section 64 to 78
- 1.8 Revenue Survey Section 79 to 89
- 1.9 Assessment and settlement of land Revenues of land used for capital NA purpose
- 1.10 Assessment and settlement of land revenue of agricultural land
- 1.11 Boundary and Boundary marks
- 1.12 Land Records Section 147 to 167
- 1.13 Realization of land revenue and other revenue demands Section 168 to 223

2. Maharashtra Rent Control Act, 1999

25 Lectures

- 2.1 Short title and commencement
- 2.2 Applicability
- 2.3 Exemptions Section 3 to 6
- 2.4 Definition – Land laws, Licensee, Paying Guest, Permitted increase, premises, Slandered rents, tenant
- 2.5 Provisions regarding fixation of slandered rent and permitted increases Section 8 to 13
- 2.6 Relief against forfeiture
- 2.7 Recovery of possession Section 16 to 22

- 2.8 Special provisions for recovery of possession in certain cases Section 23
- 2.9 Provisions regarding sub-tenancies and other matters concerning tenancies Section 25 to 32
- 2.10 Provisions regarding the jurisdiction of the courts, appeal practices and procedure Section 33 to 38
- 2.11 Summary disposal of certain applications Section 39 to 52
- 2.12 Miscellaneous

3. THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

25 Lectures

- 3.1 Short Title, Extent and Commencement
- 3.2 Object, reasons
- 3.3 Application of the act
- 3.4 Definitions
- 3.5 Determination of social impact and public purpose
- 3.6 Notification and acquisition
- 3.7 Rehabilitation, resettlement, award
- 3.8 Procedure and manner of rehabilitation and resettlement
- 3.9 Apportionment of compensation
- 3.10 Payment
- 3.11 Offences and penalties
- 3.12** Miscellaneous

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2. A.K. Gupte and Dighe S.D – the Maharashtra Land revenue code, 1956
3. A.K.Gupte – Land laws in Maharashtra
4. Sunil Dhige – the Maharashtra rent control act. 1999
5. N.K. Acharya – Commentaries on right of fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013
6. Sanjiva Rows – Law of land acquisition and compensation

PAPER NO- XXVII- DISCIPLINE SPECIFIC ELECTIVE- V

**B) HEALTH LAW
(OPTIONAL PAPER – B)
CREDITS THEORY- 4**

OBJECTIVES OF THE COURSE

Health is a basic human right. It is declared as “Fundamental human right”, Hence it is basic Responsibility of the state to protect and promote the health of the Population under its jurisdiction. Public health has not received due attention in legal studies. In the era of globalization and increased awareness of the people, it is now necessary to know the various existing laws in respect of health.

Keeping this in mind, the following syllabus is prepared to study legal aspects of health.

UNIT NO.	TOTAL THEORY LECTURES-80
1. INTRODUCTION	12 Lectures
1.1 Right to health- International perspective	
1.2 Role of WHO	
1.3 Health as a human Right	
1.3.1 Constitutional perspective	
1.3.1.1 Fundamental Rights (Art-21 & 24)	
1.3.1.2. Directive principles of state policy (Art- 41,42)	
1.3.1 3. Fundamental Duties.(Art 51A(g)	
1.4 Regulation of Public Health & Private Health	
2 HEALTH: LEGISLATIVE PERSPECTIVE	18 Lectures
2.1 Constitutional perspective (Article 21, VII Schedule)	
2.2 Legislations relating to public health- Object, salient features of the Acts regarding health	
2.2.1 Drugs and cosmetic Act, 1940	
2.2.2 Environment protection Act-1986.	
2.2.3 Epidemic Diseases Act, 1925	
2.2.4 Indian Penal Code, 1860	
2.2.5 Insecticides Act, 1968	
2.2.6 Maternity benefits Act, 1961	
2.2.7 Medical termination of Pregnancy Act, 1971	
2.2.8 Mental health Act, 1987	

- 2.2.9 Narcotic drugs and Psychotropic substance, Act-1985
- 2.2.10 Poisons Act, 1919
- 2.2.11 Pre-Natal Diagnostic techniques (Regulation and prevention of misuse) Act, 1994
- 2.2.12 Prevention of food adulteration Act, 1954

3 INTER RELATION OF LAW AND HEALTH

15 Lectures

- 3.1 AIDS and the law.
- 3.2 Organ transplantation
 - 3.2.1 Transplantation of Human organs Act-1994 and rules 1995.
- 3.3 Health relating to children
- 3.4 Health relating to women –

4 MEDICAL PROFESSION, PATIENT AND THE LAW

15 Lectures

- 4.1 Doctor and patient relationship
- 4.2 Medical negligence (Sec-304-A of I.P.C.) and medical malpractices.
- 4.3 Consent and Informed Consent.
- 4.4 Confidentiality
- 4.5 Duty to take care and duty to treat
- 4.6 Indian enactments on ethical obligation
 - 4.6.1 Medical Council Act, 1956 and code of medical ethics 1972
 - 4.6.2 The Dentist Act, 1984 and Dentist code of Medical Ethics Regulation, 1976.
 - 4.6.3 The Homeopathy Central Council Act, 1973 and Homeopathic practitioner (Profession Conduct, Etiquette and Code of Ethics) Regulation, 1982.
 - 4.6.4 The Indian Nursing Council Act. 1947.
- 4.7 Euthanasia- Marcy killing- role of Doctor
- 4.8 Patient rights.

5 HOSPITAL ADMINISTRATION

20 Lectures

- 5.1 Legal Regulation of Medical establishment – Registration.
- 5.2 Management of Hospital and legal Regulations
- 5.3 Professional liability of Hospitals
 - 5.3.1 Civil liability –Tort
 - 5.3.2 Criminal liability-Indian Penal Code.
 - 5.3.3 Contractual liability
 - 5.3.4 Statutory liability -consumer protection Act,1986
- 5.4 Medical waste disposal
 - 5.4.1 Bio Medical waste (Management and handling) rules 1998
- 5.5 Health Insurance and Law.

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 - iii. www.thelancet.com
 - iv. www.who.org

PAPER NO- XXVIII - DISCIPLINE SPECIFIC ELCTIVE – VI

A) WOMEN AND CRIMINAL LAW

(OPTIONAL PAPER – A)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Object of the course is to explain all categories of crimes, which are committed against women; students are required to study this aspect in a socio-legal position of women India, which is affected by the male dominated system. Constitution of India also provided several safeguards to the women those safeguards are needs to understand in a contemporary scenario. The elimination and decreasing number of girl child poses serious questions before the Indian society, this social evil need to curb with stringent laws. Increase of crime against women is a Changing scenario and challenge before the criminal justice administration system. Students are required to study the problems of woman in the area of implementation of the criminal Justice administrative system.

UNIT NO. TOTAL THEORY LECTURES-80

1. POSITION OF WOMEN IN INDIA

8 Lectures

1.1 Pre independence period

1.2 Post- Independence Period

1.2.1 Constitutional protection to women

1.2.1.1 Preamble

1.2.1.2 Fundamental rights , Directive principal is of State policy

1.2.1.3 National Commission of women Act, 1990

2. CRIMES AGAINST WOMEN

8 Lectures

2.1 Status of women and crime

2.2 Theories of female criminality

2.3 Nature and causes of female crimes

3. SEXUAL WRONGS AGAINST WOMEN

8 Lectures

3.1 The protection of women against sexual harassment at work at place Act, 2007

3.2 Indian Penal Code.

3.2.1 Outraging the modesty of women S- 354,509.

3.2.2 Rape Custodial, gang, marital S.375

3.2.3 Sexual abuse of Children Sec-376

3.2.4 Un-natural offences S-377

3.2.5 Prostitution – Sec-372,373

3.2.6 Immoral Traffic Prevention Act-1956.

4. SEX DETERMINATION ABORTION: MEDICO- LEGAL ASPECTS 8 Lectures

4.1 Pre-natal Diagnostic Techniques (Regulation and prevention of misuse) Act,1994

4.2 Medical Termination of Pregnancy Act,1971

4.3 Causing of Miscarriage of Injuries to Unborn Children IPC S.-312 to 314

5. DOWRY AND DOWRY RELATED CRIMES 8 Lectures

5.1 Dowry Prohibition Act, 1961

5.2 Indian Penal Code

5.3 Dowry Death (Sec 304B)

5.4 Cruelty against Married Woman (Sec 498-A)

5.5 Abetment of Suicide (Sec 306)

6. KIDNAPPING AND ABDUCTION- S.-366, 366-A, 366-B OF IPC 5 Lectures

7. EVE- TEASING 5 Lectures

7.1 Indecent Representation of women (Prohibition) Act, 1986

8. WIFE BATTERING 8 Lectures

8.1 Protection of women from domestic violence

8.2 Domestic Violence Act, 2005

9. OFFENCE AGAINST MARRIAGE- S. 493 TO 498 OF I.P.C 7 Lectures

9.1 Bigamy

9.2 Adultery

9.3 Honor killings

10. PRACTICE OF SATI 7 Lectures

10.1 Commission of Sati Prevention Act, 1987, Rules of 1988

11. CYBER CRIMES AGAINST GIRLS AND WOMEN 8 Lectures

11.1 Information Technology Act, 2008

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1. Jain M.P., *Indian Constitutional law, third ed*(2008), Lexis Nexis, Butterworth's Wadhawa, Nagpur.
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PAPER NO XXVIII - DISCIPLINE SPECIFIC ELECTIVE- VI

B) INTERNATIONAL HUMAN RIGHTS

(OPTIONAL PAPER – B)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The main thrust of this course shall be development of Human Rights law and Jurisprudence at International level. There need not be an attempt to teach the whole gamut of International Law applicable in this course. The Human Rights at International Level were based on conventions and Declaration proclaimed by U.N.O. from time to time. The Human Rights Instrument shall be discussed dealt with Women, Child, Disabled persons, Minorities etc. Needless to say that course is to be confined to deliberations of International Law Topics relevant to the growth of Human Rights Law and how International Norms and directives are reflected in Regional Instruments.

UNIT NO.

TOTAL THEORY LECTURES- 80

1. NATURE, MEANING AND CONCEPT OF HUMAN RIGHTS & ORIGIN AND DEVELOPMENT OF CONCEPT OF HUMAN RIGHTS 8 Lectures

- 1.1 Philosophical and Pragmatic Approach
- 1.2 Classification of Human Rights
- 1.3 American and French Revolution
- 1.4 Bill of Human Rights
- 1.5 Relevant Provision of U.N. Charter 1945

2. UNIVERSAL DECLARATION ON HUMAN RIGHTS – 1948 12 Lectures

- 2.1 International Covenant on Civil and Political Rights 1966
- 2.2 International Covenant on Economic Social and Cultural Rights -1966
- 2.3 U.N. Bodies Concerned with Human Rights
- 2.4 U.N. Commission of Human Rights
- 2.5 Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- 2.6 Commission on the Status of Women
- 2.7 U.N. Commissioner of Human Rights

3. UNITED NATION WORLD CONFERENCE ON HUMAN RIGHTS INSTRUMENTS 7 Lectures

- 3.1 Proclamation of Teheran 1968
- 3.2 Vienna Declaration and Programme of Action 1993

4.ROLE OF REGIONAL ORGANIZATIONS 7 Lectures

4.1 European Convention for the Protection of Human Rights and Fundamental Freedoms

4.2 The American Convention on Human Rights 1969

4.3 The African Charter Convention on Human and Peoples Rights 1987

5. HUMAN RIGHTS AND VULNERABLE GROUPS

8 Lectures

5.1 Rights of Women

5.2 CEDAW-1979

5.3 World Conferences

5.4 Conventions on Political Rights of Women 1952

6. RIGHTS OF CHILD

8 Lectures

6.1 Convention on the Rights of Child 1989

6.2 The Declaration of the Rights of Child 1959

6.3 UNICEF

7. THE RIGHT OF DISABLED PERSONS

8 Lectures

7.1 Declaration on the Rights of Mentally Retarded Persons 1971

7.2 Declaration on the Rights of Disabled persons 1975

7.3 The Rights of Minorities

7.4 Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities 1992

8. IMPACT OF INTERNATIONAL HUMAN RIGHTS NORMS IN INDIA

10 Lectures

8.1 Indian Constitution

8.2 The Protection of Human Rights Act, 1993

9. ENFORCEMENT OF HUMAN RIGHTS IN INDIA

12 Lectures

9.1 Role of High Courts and Supreme Court

9.2. Human Rights Commissions – National, State

9.3 National Commission for Women

9.4 Commission for Scheduled Castes, Scheduled Tribes

9.5 Commissions for Minorities and Backward Class

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PAPER NO-XXIX - SKILL ENHANCEMENT COURSE I
DRAFTING, PLEADING AND CONVEYANCE (CLINICAL COURSE)
CREDITS PRACTICAL-4

Objectives of the Course:

This course covers essential skills required of an Advocate: the skill of drafting conveyances and pleadings. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research, and of qualities of language, its clarity and precision. All of these develop by practice. The objective of the course is to introduce the student to these skills, and lead him through various basic documents that an Advocate would be called upon to prepare.

The subject of Conveyancing will enable a student to know the aspects of the drafting process, essential features of some transactions involving transfer of property and contracts, as also other documents that he would have to make for his clients. He will learn addressing the interests of all parties to the transaction, and the need for protecting to the best extent possible the interests of his own client as a transacting party.

The subject of Pleadings will alert the student towards the basic principles of drafting pleadings that state the case of his client. He will understand the process of pleadings, particularly the interplay between different substantive laws applicable to the case. He will also understand the application of principles of pleadings, and the rules of procedure, and the mandatory contents in different categories of pleadings.

This paper will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/ retired judges. Apart from teaching the relevant provisions of Law, the course will include not less than 30 exercises in drafting, Pleading & Conveyance carrying a total of 30 marks (Internal- for 20 Marks student has to maintain a practical record consisting of Drafts regarding Pleading and Conveyancing and 10 marks for viva voce, the oral examination for will be conducted by a team of two examiners; out of which one will be external. The external examiner shall verify the record maintained by each student in this regards as per the guidelines of the Bar Council of India.). And Theory paper will of 70 marks (University examination).

1. DRAFTING:

10 Lectures

General principles of drafting and relevant substantive rules

2. PLEADING:

35 Lectures

2.1. Meaning and purpose of pleadings, Importance of pleadings in the administration of Justice Rules of pleadings, Types of pleadings, Orders VI to VIII of Civil Procedure Code 1908, Relationship between pleadings and evidence. The pleading process: Know relevant substantive laws, Identify provisions applicable, Understand essential elements of provisions, Know presumptions, Ascertain facts, Select facts, Language, Style, Form, Need for precision and clarity, Use of precedents. Jurisdiction, Limitation, Valuation, Court fees and calculation Prayers and court fees, Verification.

2.2 Civil

2.2.1. Plaint, Suit for recovery of price of goods sold, Suit for declaration of share and partition of property of a joint Hindu Family, Suit for specific performance, Application for probate, Petition for divorce by mutual consent, Petition for divorce alleging grounds of divorce, Caveat application

2.2.2 Written Statement, Written statement in a suit for recovery of price of goods sold

Written statement in a suit for declaration of share and partition of property of a joint Hindu family, Written statement in a suit for specific performance, Objection to an application for probate contesting the will, Objection to an application for succession certificate giving consent to grant of Succession certificate, Say to a petition for divorce (contesting Matter), Say to a petition for restitution of conjugal rights

2.2.3 Other proceedings, Interlocutory application, Affidavit, execution petition, Memorandum of Appeal, Revision, Consumer complaint alleging defect in goods or deficiency in services with it's Reply, Petition under Article 32 of the Constitution of India violating Articles 14 or Article 19 or Article 21 of the Constitution of India, Petition under Article 226 of the Constitution of India violating Articles 14 or Article 19 or Article 21 of the Constitution of India

2.3 Criminal

Application for bail

Application for anticipatory bail

Criminal complaint alleging defamation, or affray and simple hurt

Application to court for recovery of motor vehicle seized by police.

Application for compounding an offence of defamation or an offence under 498A of IPC.

Application by a wife for maintenance for himself and herself and her children

3 CONVEYANCING:

35 Lectures

3.1 General principles relating to conveyancing:

Object of Conveyancing, essentials of drafting The drafting process: Know the laws, Know the transaction, Scheme of the draft, Ascertain facts, Language, Style, Form, Need for precision and clarity, Use of precedents. Contents of a draft conveyance: Commencement, Parties, Recitals, Parcels, Operative part, Arrangement of obligations, Signatures, Attestation. Formalities: Writing, Attestation, Notarisation, Registration Investigation of title, Chain of title, Public **notices and their purpose, search and title report.**

3.2 Transfers

Agreement to sell immovable property

Sale deed of immovable property

Development agreement

Lease deed of immovable property

Simple mortgage of immovable property

Gift of immovable property

Sale of raw materials by its supplier to a manufacturing company.

3.3 Contracts

Partition deed between members of a Joint Hindu Family

General power of Attorney

Partnership deed

Trust Deed

Indemnity bond

Leave and licence agreement

3.4 Notice and other documents:

Will

Affidavit

Acknowledgment in writing under section 18 of the Limitation Act 1963

Public notice inviting Objections to a transactions of immovable property

3.5- Notices:

For dissolution of a partnership at will

Under section 106 of the Transfer of Property Act 1882

Under section 138 of the Negotiable Instruments Act, 1882

Reply to notice under section 138 of the Negotiable Instruments Act, 1882

Notice Under section 80 of the Civil Procedure Code

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- 1) MedhaKolhatkar, Drafting, Pleading and Conveyancing, Lexis-Nexis 2015
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- 3) DeSouza's Forms and Precedents of Conveyancing, C R Datta and M N Das (eds), Eastern Law House, 2017.
- 4) A B Majumder, Law relating to Notices, Eastern Law House, 1993
- 5) Mogha's Indian Conveyancer, 14th ed, G C Mogha (ed), Eastern Law House, 2009
- 6) Mogha's Law of Pleadings in India, 18th ed, P C Mogha et al (ed), EasternLawHous
- 7) P S Narayana, Criminal Pleadings and Practice, 9th ed, Asia Law House, 2013
- 8) P K Majumdar, Law of Pleadings, Conveyancing & Advocacy, 5th ed, Orient Publishing Company, 2013
- 9) P S Narayana, Civil Pleadings and Practice, 11th ed, Asia Law House, 2017

PAPER NO- XXX - SKILL ENHANCEMENT COURSE II MOOT-COURT, EXERCISE AND INTERNSHIP (CLINICAL COURSE) CREDITS PRACTICAL- 4

OBJECTIVES OF THE COURSE

The performance of the students for this paper will be assessed on annual basis for semester V & VI and at the end of the academic year viva voce examination will be conducted. This paper will have three components of 30 marks each and viva for 10 marks.

A. MOOT COURT (30 MARKS)

30 Lectures

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 and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

B. OBSERVANCE OF TRIAL IN TWO CASES ONE CIVIL AND ONE CRIMINAL

(30 MARKS):

30 Lectures

Students will attend two trials in the course of the last 2 or 3 years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

C. INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATIONS AND INTERNSHIP DIARY (30 MARKS)

20 Lectures

Each student will observe two interviewing sessions of clients at the lawyer's Office/Legal Aid Office and record the proceeding in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the advocate

and the procedure for the filling of the suit/ petition. This will recorded in the diary which will carry 15 marks.

D. THE FOURTH COMPONENT OF THIS PAPER WILL BE VIVA-VOCE EXAMINATION ON THE ABOVE THREE ASPECTS.

This will carry 10 Marks

NOTE:

In respect of , Skill Enhancement Course I College will evaluate the performance of each student as per the guidelines of the Bar Council of India and assign the marks out of 90 for each paper. However, oral examination for 10 marks will be conducted by a team of 3 examiners; out of which one will be external. The external examiner shall verify the record maintained by each student in this regards as per the guidelines of the Bar Council of India.
