

**COOCH BEHAR PANCHANAN BARMA UNIVERSITY**

**S Y L L A B U S**

**(w.e.f. 2024-2025 Session)**

**LL.B. DEGREE COURSE (3 YEAR)**

**UNDER CBCS MODE**

|  |  |  |  |  |  |  |  |
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| **COOCH BEHAR PANCHANAN BARMA UNIVERSITY** | | | | | | | |
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| **LL.B. (3 YEAR) DEGREE COURSE SYLLABUS WITH CBCS AT A GLANCE:** | | | | | | | |
|  |  |  |  | | |  |  |
|  |  | **DESCRIPTION** | **PAPER CODE** | | | **CREDIT** | **MARKS** |
|  | **Semester – I** |  |  | | |  |  |
| 1 | Jurisprudence (Basic Theory of Law) | CORE COURSE | CC3101 | | | 4 | 100 |
| 2 | Contract- I | CORE COURSE | CC3102 | | | 4 | 100 |
| 3 | Law of Torts including Motor Vehicle Accidents and Consumer Protection Laws | CORE COURSE | CC3103 | | | 4 | 100 |
| 4 | Constitutional Law-I | CORE COURSE | CC3104 | | | 4 | 100 |
| 5 | Family Law-I | CORE COURSE | CC3105 | | | 4 | 100 |
| 6 | Legal Writing | ABILITY  ENHANCEMENT  COURSE | | AEC3106 | | 4 | 100 |
|  |  |  | |  | |  |  |
|  | **Semester – II** |  | |  | |  |  |
| 1 | Administrative Law | CORE COURSE | | CC3201 | | 4 | 100 |
| 2 | Law of Crimes-I (Bharatiya Nyaya Sanhita, 2023) | CORE COURSE | | CC3202 | | 4 | 100 |
| 3 | Constitutional Law-II | CORE COURSE | | CC3203 | | 4 | 100 |
| 4 | Family Law-II | CORE COURSE | | CC3204 | | 4 | 100 |
| 5 | Contract-II (Special Contract) | CORE COURSE | | CC3205 | | 4 | 100 |
| 6 | Service Learning under Consumer Protection Act | ABILITY  ENHANCEMENT  COURSE | | AEC3206 | | 4 | 100 |
|  |  |  | |  | |  |  |
|  | **Semester – III** |  | |  | |  |  |
| 1 | Labour and Industrial Law-I | CORE COURSE | | CC3301 | | 4 | 100 |
| 2 | Law of Crimes -II (Bharatiya Nagarik Suraksha Sanhita, 2023) | CORE COURSE | | CC3302 | | 4 | 100 |
| 3 | Interpretation of Statutes and Principles of Legislation | DISCIPLINE ELECTIVE | | DC3303 | | 4 | 100 |
| 4 | Environmental Law | CORE COURSE | | CC3304 | | 4 | 100 |
| 5 | Professional Ethics and Professional Accounting System (Practical-I) | PRACTICAL | | PC3305 | | 4 | 100 |
| 6 | Service Learning under Motor Vehicles Act | ABILITY  ENHANCEMENT  COURSE | | AEC3306 | | 4 | 100 |
|  | **Semester – IV** |  | | |  |  |  |
| 1 | Civil Procedure Code and Limitation Act | CORE COURSE | | | CC3401 | 4 | 100 |
| 2 | Bharatiya Sakshya Adhiniyam, 2023 | CORE COURSE | | | CC3402 | 4 | 100 |
| 3 | Company Law | DISCIPLINE ELECTIVE | | | DC3403 | 4 | 100 |
| 4 | Labour and Industrial Law-II | CORE COURSE | | | CC3404 | 4 | 100 |
| 5 | Alternative Dispute Resolution (Practical-II) | PRACTICAL | | | PC3405 | 4 | 100 |
| 6 | Legal Aid in surrounding villages in consultation with Legal Services Authority | ABILITY  ENHANCEMENT  COURSE | | | AEC3406 | 4 | 100 |
|  |  |  | | |  |  |  |
|  | **Semester – V** |  | | |  |  |  |
| 1 | Insurance Law | GENERIC ELECTIVE | | | GE3501 | 4 | 100 |
| 2 | Land Laws including Tenure and Tenancy System | CORE COURSE | | | CC3502 | 4 | 100 |
| 3 | Property Law | CORE COURSE | | | CC3503 | 4 | 100 |
| 4 | Health Law | GENERIC ELECTIVE | | | GE3504 | 4 | 100 |
| 5 | Drafting, Pleading and Conveyance | PRACTICAL | | | PC3505 | 4 | 100 |
| 6 | Service Learning under Environmental Protection Act, Air, Water, Forest, Wild Life, Persons with Disabilities Act, Juvenile Justice Act | ABILITY  ENHANCEMENT  COURSE | | | AEC3506 | 4 | 100 |
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|  | **Semester – VI** |  | | |  |  |  |
| 1 | Corporate Governance | DISCIPLINE ELECTIVE | | | DE3601 | 4 | 100 |
| 2 | Public International Law | GENERIC ELECTIVE | | | GE3602 | 4 | 100 |
| 3 | Human Rights Law and Practice | DISCIPLINE ELECTIVE | | | DE3603 | 4 | 100 |
| 4 | Principles of Taxation Law | CORE COURSE | | | CC3604 | 4 | 100 |
| 5 | Moot Court Exercise and Internship | PRACTICAL | | | PC3605 | 4 | 100 |
| 6 | Experiential Learning and Field Work (Special focus on Disability, Children, Environment, Health, Infrastructure and Development) | ABILITY  ENHANCEMENT  COURSE | | | AEC3606 | 4 | 100 |
|  |  | **TOTAL** | | | | **144** | **3600** |
|  |  |  | | | |  |  |

# DETAILED SYLLABUS OF 3 (THREE) YEAR LL.B. DEGREE COURSE

# SEMESTER-I

**JURISPRUDENCE**

**(Basic Theory of Law)**

**Marks – 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT**: Jurisprudence is a window that gives into the making, mechanics and meaning of law. It also throws light on all intricate factors that go on to make up what is known as law. This subjectintends to take the students to journey into law and legal concepts.

**MODULE-I:** Nature and Scope of JurisprudenceLaw and Jurisprudence- A study in relationship

**MODULE-II:**Natural Law: History, Characteristics, Classical Natural Law, Natural Law during the medieval period, Decline and Revival of Natural Law

* Fuller
* Finnis

**MODULE-III:**Positivism- Ideological basis for the rights

* Bentham
* Austin
* H.L.A. Hart

**MODULE IV:**Pure Theory of Law

* Hans Kelsen

**MODULE V:** Sociological School

* Rosco Pound

**MODULE VI:** Historical School

* Henry Maine
* Savigny

**MODULE-VII:**Realist School

* AmericanRealism-
* HOLMES
  + ScandinavianRealism-
* AXEL HAGERSTORM

**MODULE- VIII:**LEGAL CONCEPTS

1. RIGHT ANDDUTIES
2. LAW ANDMORALS
3. PERSONALITY
4. PROPERTY
5. OWNERSHIP
6. POSSESSION
7. JUSTICE

# \*\*\*\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READING:**

**\*\*\*\* Only current editions are to be read.**

1. W. Friedmann, Legal Theory, Universal Law Publishing Co. Pvt. Ltd.
2. H.L.A. Hart, The Concept of Law, Oxford University Press
3. M.D.A. Freeman(Ed), Lloyd’s Introduction to Jurisprudence, Sweet &Maxwell
4. R.M.V. Dias, Jurisprudence,Butterworth
5. C.K. Allen, Jurisprudence, Oxford University Press
6. G.W. Paton, Text Book of Jurisprudence, Oxford University Press.

# CONTRACT – I

# Marks- 100 Credit- 04

**OBJECTIVE OF THE SUBJECT:** This is a law that helps establish a legal relationship and regulate the same between two individuals in the public domain. This law is a very important tool of commerce in globalised era. This subject will help and prepare the students for understanding the world of contract.

# GENERAL PRINCIPLES OF CONTRACT:

**[Indian Contract Act, 1872 (As amended up to date) Sections 1- 75]**

**MODULE – I:** History and Nature of Contract -Agreement and Contract: Definitions- Elements and Kinds-Legality of object

**MODULE–II:** Proposals and Acceptance : Dorms, Elements-Communications- Revocations- Invitations for proposals, float offers–Tenders.

**MODULE – III:** Considerations: Need-Meaning-Kids-Elements-Legality-NudumPactum - Privity of Consideration-Exceptions-Adequacy of Consideration-Legality of Consideration

**MODULE–IV:** Capacity to Contract: Meaning –Effect of Status, Mental defect, Minor- Affirmation-Restitution-Minor’s Agreement and Estoppel-Evaluation of Minor’sAgreement

**MODULE – V:** Consent: Need, Definition-Free Consent-Factors vitiating Free Consent

Coercion: definition -Elements-Duress-Doctrine of Economic Duress-Effect

Undue Influence: Definition- Elements-Parties-Burden of Proof-Independent Advice-Effect

Misrepresentation: Definition-Elements-Effects-Misrepresentation of Law andFact

Fraud: definition- Elements-Effects- Suggestion False- SuppresioVeri- Silence as Fraud- Active concealment of truth-intention

Mistake:Definition-Elements-Kinds-Effects-Fundamental error- Mistake of Law and fact- effect on Consent

**MODULE – VI:** Void and Voidable Agreements: Lawful and unlawful Consideration and objects- wagering and contingent Agreement- Illegal, Void and Voidable agreements and their effect

Discharge of Contract: Meaning – Modes

**MODULE – VII:** Performance of Contract: Valid tender of performance- Reciprocal performance- Impossibility of Performance-Time as essence of Contract

**MODULE – VIII:** Discharge of Contract: Meaning – Modes-

Breach of Contract**:** definition – Elements – Effects

Frustration: definition – Elements – Effects Rescission, Alternation –Waiver

**MODULE – IX:** Quasi Contract

**MODULE – X:** Remedies in Contract

# SPECIFIC RELIEF:THE SPECIFIC RELIEF ACT, 1963 [Specific Relief (Amendment) Act, 2018]

**MODULE XI:** Specific performance of contract

**MODULE XII:** Specific Enforcement of Contract – against whom ordered

**MODULE XIII:** Rescission of Contract and Cancellation of Instruments

**MODULE XIV:** Injunction- definition- Elements – Effects

**MODULE XV:** Discretion and powersof Court

# \*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READING**

**\*\*\*\* Only current editions are to be read.**

* 1. Chesire & Fifoot, Cases on Law of Contract, Butterworths.
  2. G. Treitel, The Law of Contract, Sweet and Maxwell
  3. Anson, The Law of Contract, Oxford University Press
  4. Cheshire and Fifoot, Cases on Law of Contract, Oxford University Press
  5. Chitty, Contracts, Vol. I andXXIX, Sweet and Maxwell
  6. Avtar Singh, Principles of Mercantile Law, Eastern Book Co.
  7. R.K. Bangia, Contract I, [Allahabad Law Agency](https://zamwel.com/publisher/allahabad-law-agency/)
  8. Dr. Kailash Rai, Law of Contract 1 General Principles of Specific Relief Act, Central Law Publications.

# LAW OF TORTS INCLUDING MOTER VEHICLE ACCIDENTS AND CONSUMER PROTECTION LAWS

# Marks- 100 Credit- 04

**OBJECTIVES OF THE SUBJECT:** There is a twilight zone between Contract and crime where there is only the concept of wrong and not offence and breach. Law of Torts along with other enactment introduces the student to this unique world of wrongs.

**MODULE – I:** Origin of Tort Theory, Development of Law of Torts in England and in India Definition, Nature and Scope of Torts

**MODULE – II:** GENERAL PRINCIPLES OF TORTS

1. Essential of Torts- Act or Omission, Mental element, Damages (*Injuria sine Damnum* and *Damnum sine Injuria*)
2. Damages – (Remoteness of damage causation)
3. Capacity
4. General Defence (General Exception to liability) – Act of State, Judicial and Quasi Judicial Acts, Parental and Quasi Parental Act, Necessity, Inevitable Accident, Mistake, Leave and license, Act of God, Self Defence.
5. Vicarious liability
6. Joint and Several liability
7. Tort feasor,
8. Extinction of liability etc.

# MODULE – III: SPECIFIC TORTS

1. Torts based on intentional wrong-doing (Trespass to person-assault, Battery, False Imprisonment, Trespass to land and Chattel, Deceit, Malicious Prosecution)
2. Negligence- Torts based on negligent wrongdoing (Nervous shock, *Res ipsa loquitur*)
3. Nuisance
4. Defamation
5. Strict and Absolute liability

# MODULE – IV: CONSUMER PROTECTION ACT, 2019

1. Aims and objectives of the Act
2. Definition
3. Rights of the consumer in Consumer Protection Councils
4. Complaints and process of making of Complaints
5. Composition, Powers, functions and Jurisdiction of Consumer Dispute Redressal Agencies Reliefs and Redressal

# MODULE – V: MOTOR VEHICLES ACT, 1988[Motor Vehicles (Amendment) Act, 2019]

1. Objects and Reasons
2. Definitions
3. Licensing of Drivers of Motor Vehicle Registration of Motorvehicles
4. Liability without fault in certain cases
5. Insurance of Motor vehicles against third party risk

# \*\*\*\*\*\*\*Students are expected to read current case laws. Only the current enactments and enactments as amended upto date will be taught.

**Recommended READING**

**\*\*\*\*\*\*\* Only current editions are to be read**

1. Mark Luney & Ken Oliphant, Tort Law: Text and Material, Oxford University Press
2. W.V.H. Rogers, Winfield & Jolowicz On Torts, Sweet &Maxwell
3. R.F.V. Heuston (Ed), Salmond and Heuston on Law of Torts, Sweet &Maxwell.
4. Ratanlal & Dhirajlal, The Law of Torts, Wadhwa &Company
5. P.S. Achuthan Pillai, Eastern Book Company
6. Dr.R.K.Bangia, Law Of Torts Including Compensation Under The Motor Vehicles Act And Consumer Protection Act, Allahabad Law Agency.

**CONSTITUTIONAL LAW– I**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:**Constitution is the foundation of a nation and fountain head of all laws. This subjectintroduces the students to the characteristics of the Constitution and the fundamental rights,directive principle of state, that are enshrined in the Constitution.

**MODULE – I:**Constitutional Developments since 1858-1947

**MODULE – II:**Characteristics of Constitution of India 1950

**MODULE – III:**Definition of the State- Laws inconsistent with or inderogation of the Fundamental Rights

**MODULE – IV:**Fundamentals Rights – Right to Equality – Right to freedom of Speech and Expression- Right to life and Personal Liberty- Right Against Exploitation- Right to Religion- Cultural and Educational Rights- Right to Constitutional Remedies-

**MODULE -V:** Directive Principles of State Policy**-**Fundamental Duties-Relationship between Fundamental Rights and Directive Principles of State Policy

**MODULE – VI:**The Union Executive – The President: Powers, Functions and Procedure for Impeachment; Council of Ministers and Formation of the Government.

**MODULE – VII:**The State Executive – the Governor: Powers, Functions and the Role of Governor.

# RECOMMENDED READINGS:

**\*\*\*\*\* Only current editions are to be read.**

1. The Constitution of India, 1950 (Bare Act with latest Amendment)
2. V.N.Shukla, Constitutional Law, Eastern Book Company
3. J.N. Pandey, Constitutional Law, Central Law Agency
4. D.D. Basu, Constitution of India, Lexis Nexis
5. M.P. Jain, Indian Constitutional Law, Lexis Nexis.
6. H.M. Seeravai, Constitution of India, Universal Law Publishing Co Ltd.

# FAMILY LAW-I

# Marks- 100 Credit-04

**OBJECTIVE OF THE SUBJECT:** Family is the smallest yet a very important unit of the society. The issues within the family are a concern for law but also of religion, culture and custom. in.This subject student will become familiar with family law relating to Hindus.

**MODULE – I:** Introduction- Nature, Origin, Characteristics, Philosophy, Concept and Application of Hindu Law

**MODULE – II:** Sources of Hindu Law

**MODULE – III:** Schools of Hindu Law

**MODULE – IV:** Marriage, Divorce and Maintenance

Historical Background, Forms of Marriage, Legal effects of Marriage, Capacity of Marriage, Ceremonies and Registration of Marriage, Restitution of Conjugal Rights, Dowry, Nullity of Marriages, Judicial Separation, Divorce and its various theories, Maintenance and Custody of Children. The Hindu Marriage Act, 1955;Section 144 to 147 of The Bharatiya Nagarik Suraksha Sanhita, 2023; The Special Marriage Act, 1954(Section 1-51); The Hindu Adoptions and Maintenance Act, 1956 (Section 1 to 4 and 18 to 30), the Dowry Prohibition Act, 1961; The Protection of Women from Domestic Violence Act, 2005; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

**MODULE – V:** Law relating to Property

Early law of Property, Joint Family, Liability of debts, Alienations, Partition, Women’s Property, and The Hindu Women’s Right to Property Act, 1937, Succession under the Mitakshara and Dayabhaga School, Succession (The Hindu Succession Act, 1956- Sections 1 to 30), Gifts, Wills, Impartible Estates.

**MODULE – VI:** Minority and Guardianship:

Guardianship of a person, Types of Guardian, Powers, Rights, Duties and Liabilities of Guardians, Removal of Guardians. The Hindu Minority and Guardians Act, 1956 (Section 1 to 13)

**MODULE – VII:** Adoption

Sonship, Adoption, Evolution of Adoption, Types of Adoption, Ceremonies and Methods to be followed in Adoption, Disqualification for Adoption, Valid and invalid Adoption, Doctrine ofFactum Valet, who may give in adoption, who may be taken in Adoptions and Maintenance Act, 1956 (Section 1 to 17)

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

* 1. J.D.Mayne- Hindu Law and Usage, Bharat Law House.
  2. [Dinshaw Fardunji Mulla](https://www.amazon.in/s/ref=dp_byline_sr_book_1?ie=UTF8&field-author=Dinshaw+Fardunji+Mulla&search-alias=stripbooks) (Author), [Satyajeet A.Desai](https://www.amazon.in/s/ref=dp_byline_sr_book_2?ie=UTF8&field-author=Satyajeet+A.+Desai&search-alias=stripbooks) (Editor), Mullas Hindu Law, LexiNexis
  3. Dr. Paras Diwan, Modern Hindu Law, Allahabad Law Agency
  4. Sumeet Malik, B.M. Gandhi’s, Hindu Law, Eastern Book Company
  5. Dr. Sir Hari Singh Gour- Hindu Code, Butterworth & co. (India)
  6. M.N. Das, A.N. Saha’s Marriage and Divorce, Eastern Law House
  7. H.K. Saharay- Law of Marriage and Divorce, Eastern Law House
  8. G. Chakraborty, Law of Maintenance, Sodhi Publications (Allahabad)

**LEGAL WRITING**

**(Ability Enhancement Course)**

**Marks- 100 Credit- 04**

**[Written Submission Marks:90**

**Viva-Voce Marks: 10]**

**OBJECTIVE OF THE SUBJECT:**This paper will help and prepare the students in acquiring the practical knowledge and skills of advocacy.

1. Put up Petition

2. *Hazira*Petition

3. F. I. R.

4. Petition for birth Certificate

5. Affidavit

6. Adjournment Petition

7. Money Receipts

8. Promissory Note

10. Simple Business Letter

11 Lawyer’s Notice

12. Application for Bail

13. Searching Report (Model form)

14. Commission Report (Model form)

15. Complaint (Model form)

16. Transfer Petition (Model form)

17. Petition under Section 228BNSS

18. Amendment petition (Model form)

19. General Power of Attorney (Model form)

20. Special Power of Attorney (Model form)

21. Petition to Plead Guilty (Model form)

22. Condition Waiver Petition (Model form)

23. Judgment Writing

**\*\*\*Students are required to prepare Written Submission under the guidance of concerned mentor and the same shall be evaluated at the end of the semester.**

**SEMESTER-II**

**ADMINISTRATIVE LAW**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** This subject will make familiar the students with law which regulate administrative function and the rules that ensure a fair deal when a person is working. It has a close relationship with constitution help that students understand the importance of fairness.

**MODULE – I:** Definition, Nature, Scope and Development of Administrative Law

**MODULE – II:** Sources of Administrative Law, Relationship between Constitutional Law and Administrative Law

**MODULE – III:** Rule of Law

**MODULE – IV:** Separation of Powers

**MODULE – V:** Classifications of Administrative Action

Rule-making action or quasi legislative action

Rule – decision action or quasi- judicial action

Rule application action or administrative action

Ministerial action

**MODULE – VI:** Natural Justice – Rule against bias, *Audi Alterm Partem*, Post decision hearing

– Exception to the Rule of Natural Justice – reason decision

**MODULE – VII:** Delegated Legislation –Definition, Nature, Scope and Classification

**MODULE – VIII:** Control Mechanism of Delegated legislation

Parliamentary Control

Procedural Control

JudicialControl

**MODULE – IX:** Judicial Review of Administrative Action

Principles

Modes- Habeas Corpus, Mandamus, Certiorari, Prohibition, Quo-warranto

Declaratory decree andInjunction

**MODULE – X:** Suit against the Government in Torts and Contract, Liability of the Administration

**MODULE – XI:** Public Corporation- Statutory Public Corporation- characteristic, Classification and their control

**MODULE – XII:** Ombudsman: Lokpal, Lokayukta and Vigilance Commission

**MODULE- XIII:** The Administrative Tribunal Act, 1985 – Its constitutionality and working

**MODULE - XIV:** Public Interest Litigation

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. Jain and Jain, *Principles of Administrative Law*, Lexis Nexis.
2. I.P. Massey, *Administrative Law*, Eastern Book Company
3. U.P.D. Kesari, *Administrative Law*, Central Law Publication
4. H.W.R. Wade, *Administrative Law*, Oxford University Press.
5. S P Sathe, *Administrative Law*, Lexis Nexis
6. J.J. R. Upadhyay, *Administrative Law*, Central Law Agency
7. D.D. Basu, *Administrative Law*, Kamal Law House.

**LAW OF CRIMES – I**

**BHARATIYA NYAYA SANHITA, 2023**

**Marks- 100               Credit-04**

**OBJECTIVE OF THE SUBJECT:** This paper aims to familiarize the students to a new area of law called crimes. Here the students will learn about offences, element and punishment thereof.

**MODULE-I:** Elements and Stages of Offences, Definition Clause and Joint Liability for Common Intention.

**MODULE-II:** Punishments and its kinds

**MODULE-III:** General Exceptions

1. Mistake of Fact
2. Misconception of Fact
3. Act or Order of the Court
4. Accident or Act to Prevent Other Harm
5. Necessity
6. *Doli Incapax* and Qualified Immunity
7. Unsoundness of Mind
8. Voluntary or Involuntary Intoxication
9. Act Done in Good Faith
10. Consent
11. Exclusion of acts which are Offences Independently of Harm Caused
12. Communication in Good Faith
13. Act under Compulsion of Threat
14. Act Causing Slight Harm
15. Private Defence of Body and Property

**MODULE-IV:**

1. Abetment- Instigation, Conspiracy and Intentional Aid
2. Criminal Conspiracy
3. Attempt to Commit Offence

**MODULE-V:** Offences Against Women and Children

1. Sexual Offences
2. Criminal Force and Assault Against Women
3. Offences Relating to Marriage, Dowry Death, Bigamy, Cruelty
4. Offences of Causing Miscarriage, Injuries to Unborn Children, Exposure of Infants, Concealment

**MODULE-VI**: Offences Affecting Human Body

1. Offences Affecting Life
2. Organized Crime, Petty Organized Crime, Terrorist act
3. Wrongful Restraint and Wrongful Confinement
4. Criminal Force and Assault
5. Kidnapping, Abduction, Slavery and Force Labour

**MODULE-VII**: Offences Against the State

**MODULE –VIII:** Offences Against Public Tranquility- Unlawful Assembly, Riot, Affray

**MODULE- IX:** False Evidence and Offence Against Public Justice

**MODULE X:** Offences Relating to Religion

**MODULE XI**: Offences Against Property

1. Theft, Snatching, Extortion, Robbery, Dacoity
2. Criminal Misappropriation, Criminal Breach of Trust, Dishonestly Receiving Stolen Property, Cheating, Mischief, Criminal Trespass

**MODULE XII**: Criminal Intimidation, Insult, Annoyance

**MODULE XIII:** Defamation

**\*\*\*\*Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught. All books are to be read in the current edition.**

**RECOMMENDED READINGS**

**\*\*\*\* All books are to be read in the current edition.**

1. Ratanlal and Dhirajlal, Bharatiya Nyay Sanhita,2023, LexisNexis.
2. K.D. Gaur, Text book on The Bharatiya Nyay Sanhita,2023LexisNexis
3. S.N. Mishra, Bharatiya Nyay Sanhita, 2023, Central Law Publication
4. Y P Bhagat and Kumar Keshav, Bhagat's Commentary on Bharatiya Nyay Sanhita, 2023, Whitesmann Publishing.

# CONSTITUTIONAL LAW-II

# Marks- 100 Credit- 04

**OBJECTIVE OF THE SUBJECT:**In this subject the students will be taught intricacies of governance. They will get an insight into Centre–State relations and also that of the executive, judiciary and the legislature.

**MODULE – I:** Federalism, Co-Operative Federalism, Nature of Indian Federalism from British Raj to Swaraj

**MODULE – II:** Centre-State Relations

1. LegislativeRelations
2. AdministrativeRelations
3. FinancialRelations

**MODULE – III:** Supreme Court of India: Constitution and Jurisdiction- High Courts – Constitution and Jurisdiction

**MODULE – IV:** Freedom of Trade, Commerce and Intercourse

**MODULE – V:** Doctrine of Pleasure and Constitutional Safeguards to Civil Servants

**MODULE – VI:** The emergency Provisions- National, State and Financial **MODULE – VII:** The Amendment of the Constitution

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED BOOKS:**

1. The Constitution of India, 1950 (Bare Act with latest Amendment)
2. V.N. Shukla, *Constitutional Law*, Eastern Book Company
3. J.N. Pandey, *Constitutional Law*, Central Law Agency
4. D.D. Basu, *Constitution of India*, Lexis Nexis
5. M.P. Jain, *Indian Constitutional Law*, Lexi Nexis
6. H.M. Seeravai, *Constitution of India*, Universal Law Publishing Co Ltd.

**FAMILY LAW – II**

# Marks- 100 Credit- 04

**OBJECTIVE OF THE SUBJECT:**Family is the smallest yet a very important unit of the society. The issues within the family are a concern for law but also of religion, culture and custom. In this subject, the student will become familiar with family law relating to Muslims.

**MODULE – I:** Introduction – nature, Origin, Philosophy, Concept and Application of Mohammedan Law

**MODULE – II:** Sources of Mohammedan Law

**MODULE – III:** Schools of Mohammedan Law

**MODULE – IV:** Marriage (Nikah)

**MODULE – V:** Dower

**MODULE – VI:** Talaq, Divorce under the Dissolution of Muslim Marriage Act, 1939

**MODULE – VII:** Maintenance: under customary law and under the Muslim Women (Protection of Right on Divorce) Act, 1986 and Section 144 to 147 of The Bharatiya Nagarik Suraksha Sanhita, 2023.

**MODULE – VIII:** Acknowledgement

**MODULE – IX:** Guardianship

**MODULE – X:** Gift

**MODULE- XI**: Waqf

**MODULE – XII:** Wills

**MODULE – XIII:** Pre –emption

**MODULE – XIV:** Succession and Inheritance: General Principles, Hanafi and Shia Law

**MODULE – XV:** The Divorce Act, 1869- Sections 1 to 62

**MODULE – XVI:** The Indian Succession Act, 1925 – Applicability, Intestate Succession (Section 29 to 56), Succession Certificate (Section 370 to390)

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. Dinshaw Fardunji Mulla, *Mulla Principles of MahomedanLaw*, Lexis Nexis
2. Asaf A. A. Fyzee, *Outlines of MuhammadanLaw*, Oxford University Press.
3. Syed Ameer Ali, *MuhammadanLaw*, Kitab Bhavan
4. Tahir Mahmood, Introduction to MuslimLaw, Universal Law Publishing.
5. Aquil Ahmed, *MuhammadanLaw*, Central Law Agency.
6. S.A. Kader, *Muslim Law of Marriage and Succession inIndia*, Eastern Law House.
7. Sukumar Ray, *B.B. Mitra-The Inidan SuccessionAct*, Eastern Law House
8. N.D. Basu, Law of Succession, Eastern Law House

# CONTRACT –II

# (Special Contract)

# Marks- 100 Credit- 04

**OBJECTIVE OF THE SUBJECT:** In previous semester the students became familiar with general principle of contract. This subject will initiate the students to different kinds of contract and their intricacies.

**MODULE – I: INDEMNITY-** Concept – definition- Nature- Creation- Classification – Right, Duty and Liability of Indemnifier- agreement of Indemnity

**MODULE – II: GUARANTEE:**Concept – definition- essential- Consideration &criteria – Capacity- Surety’s Liability (duration & termination) letters of credits and bank guarantee- Liabilities, Rights & Duties of Co- Sureties – Discharge.

**MODULE – III: BAILMENT**- definition – Creation – Bailment Contracts- kinds ofBailee’s – Right and duties of Bailor and Bailee (Individually and mutually) – Finder of goods – Liability toward owner – Obligation of safe keeping – Disposing off of goods.

**MODULE – IV: PLEDGE –**Definition- bailment and pledge compared – Pledge transactions – statutory regulations – Right and duties of Pawner and Pawnee (Individually and mutually) – Pledge in Indian Contract Act,1872

**MODULE – V: AGENCY –** Identification, classification- Difference between agent and servant- essentials- Methods of creation – delegation – Rights and Duties of Agent – Scope of Agent’s authority- Liability towards Owner – Obligation of safe keeping – Disposing off of goods.

**MODULE – VI: SALE OF GOODS-** Concept of sale as contract – Nature of such Contract – Essential conditions – Implied terms – Caveat Emptor, its exceptions & emerging changes – warranties in sale – Transfer of Titles and passing of Risks – Delivery of Goods – Unpaid seller & his rights- Remedies for breach.

**MODULE – VII: PARTNERSHIP –** Definition- Nature – Advantage & Disadvantages – Registration – Mutual relationship between partners – Admission, Authority and Outgoing of Partners-Dissolution.

**MODULE – VIII:NEGOTIABLE INSTRUMENTS –** Concepts – Kinds- Essentials- Competent parties – Acceptance – Dishonour – Holder & Holder in due course – Presentation of Instruments – Cheques – Liability of collecting and paying bankers – Discharge from liability – Kinds of Bills – Evidence.

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. R.K. Abhichandani (Ed.), *Pollock and Mulla on Contract and Specific Relief*, Butterworth India
2. Krishnan Nair, *Law of Contract*, Orient Law House
3. J.P. Verma (Ed) Singh & Gupta, *The Law of Partnership in India*, Orient Law House
4. A. G. Guest (Ed), *Benjamin’s Sale of Goods*, Sweet & Maxwell.
5. Bhashyam & Adiga, *The Negotiable Instruments Act*, Bharat Law Publishers.
6. M.S. Partasarathy (Ed), J.S. Khergamvala on the Negotiable Instruments Act
7. Jack Beatson (Ed), *Anson’s Law of Contract*, Oxford University Press
8. Avtar Singh, *Contract and Specific relief*, Eastern Book Co.
9. T.R. Desai, *The Indian Contract Act and the Sale of Goods Act*,LexisNexis Butterworths

**SERVICE LEARNING UNDER CONSUMER PROTECTION ACT**

**(Ability Enhancement Course)**

# Marks- 100 Credit- 04

# (Written Submission= 90 Marks

# Viva Voce= 10 Marks)

**OBJECTIVE OF THE SUBJECT:** This paper aims to provide the students with knowledge on the consumer protection law and drafting and pleading relating to consumer cases.

**Part A**- Students are expected to know the following:

1. Introduction to Consumer Protection and policies in India

* 1. Development of market and consumer relations
  2. Globalization and consumerism
  3. Consumer movement in the global context

1. Legal frame work and policy challenges
2. Consumer’s Rights- UN role, Right to safety, Right to be informed, Right to choose, Right to be heard and assured, Right to redressal, Right to consumer education

2. Legislative Framework on Consumer Protection

* 1. Consumer friendly Legislations
  2. Prevention of Food Adulteration Act, 1954
  3. Standards of Weights and Measures Act, 1976
  4. The Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954
  5. Monopolistic and Restrictive Trade Practice Act, 1969
  6. Sale of Goods Act, 1930
  7. Consumer Protection Act, 2019-the vision of the legislation

3. Drafting of complaint under the Consumer Protection Act, 2019.

4. Analysis of legal issues arising under Consumer Laws.

5. Drafting on different litigation topic arising out of following issues

* 1. Repairing of rented shop.
  2. Bad condition of recently purchased flat.
  3. Exchange of products purchased online.

**Part B**- Students are expected to do the following exercises for evaluation:

1. **Students are expected to maintain a diary reporting 5cases (of 18 marks each), to be observed in Consumer Courts during their visit.**

**SEMESTER-III**

# LABOUR & INDUSTRIAL LAW-I

# Marks- 100 Credit- 04

**OBJECTIVE OF THE SUBJECT:** Economy of a country is dependent on its industry and agriculture. One of the most important factors of both agricultural and industrial production is labour. In this subject the students will be introduced to law relating to labour & industry

# MODULE – I: Industrial Disputes Act, 1947

Object and Reason; Definitions; Authority under the Act; Strike; Lock- out; Public utility service; Lay off; Retrenchment and Closure in certain Establishments; Unfair Labour Practice.

# MODULE – II: Employee’s Compensation Act, 1923

Object and reason- definitions; Employer’s liability for compensation; Determination of quantum of compensation; Distribution of Compensation; Indemnity and Benefits of employers.

# MODULE – III: Factories Act, 1948

Object and Reason; definition; Health-Safety and Welfare measurer; Employment of young person’s; Working hours of adult.

# MODULE – IV: Maternity Benefit Act, 1961

Object and Reason; Definitions; Right to payment of Maternity Benefit; Payment of Maternity Benefit in certain cases; Maximum period of entitlement; Prohibition of pregnant employment; Benefit in certain cases; Payment in case of death; Leave – miscarriage; Dismissal during absence due to pregnancy; Inspector – Penalties

# Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READINGS:**

Only current editions are to be read.

1. P.L. Malik (Rev.), K.D. Srivastava’s Industrial Employment (Standing Orders) Act, 1946, Eastern Book Company.
2. S.N. Mishra, Labour and Industrial Law, Central Law Publication
3. Indian Law Institute – Labour Law and Labour Relations, ILI (New Delhi)
4. O.P. Malhotra- The Law of Industrial Disputes, Lexis Nexis.
5. V.V. Giri, Labour Problems in Indian Industry, Asia Publishing House**.**
6. S.C. Srivastava, Social Security and Labour Laws, Eastern Book Co.
7. S.K. Puri, Labour and Industrial Law, Allahabad Law Agency.
8. R. Dayal – Labour and Industrial Law, Allahabad Law Agency.

**LAW OF CRIMES - II**

**BHARATIYA NAGARIK SURAKSHA SANHITA 2023**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** The students are now familiar with the substantive part of criminal law. However, there is a process to punish the offence committed which will be taught in this subject.

**MODULE-I:** Object andPurpose of the Bharatiya Nagarik Suraksha Sanhita

**MODULE-II:** Definitions (Sec. 2)

**MODULE-III**: Constitution and Powers of Criminal and Executive Courts (Sec. 6-29)

**MODULE-IV**: Arrest of Persons (Sec. 35-62)

**MODULE-V**: Process to Compel Appearance and Production of Things and Reciprocal Arrangements.  (Sec. 63-111)

**MODULE-VI**: Preventive and Precautionary Measures of Security Proceedings (Sec.125-143, 148-172)

**MODULE-VII**: Maintenance of Wives, Children and Parents (Sec.144-147)

**MODULE-VIII**: Information to the Police and their Powers to Investigate (Sec.173-196)

**MODULE-IX**: Jurisdiction of the Criminal Courts in Inquiries and Trials (Sec.197-209)

**MODULE-X**: Cognizance of Offences and Commencement of Judicial Proceedings (Sec.210-233)

**MODULE-XI**: Charge (Sec.234-247)

**MODULE-XII**: Trial before Various Courts:

a)  Court of Sessions (Sec.248-260)

b)  Warrant Cases by Magistrates (Sec.261-273)

c)  Summons Cases by Magistrates (Sec.274-282)

d)  Summary Trial (Sec.283-288)

**MODULE-XIII**: Plea Bargaining (Sec.289-300)

**MODULE-XIV**: Mode of Taking and Recording Evidence and General Provisions as to Inquiries and Trials (Sec.301-391)

**MODULE-XV**: Judgment (Sec.392-406)

**MODULE-XVI**: Appeals (Sec.413-435)

**MODULE-XVII**: Reference and Revision (Sec.436-445)

**MODULE-XVIII**: Provisions as to Bails and Bonds (Sec.478-496)

**MODULE-XIX**: Irregular Proceedings (Sec.506-512)

**MODULE-XX**: Limitation for Taking Cognizance (Sec.513-519)

**MODULE-XXI:** The Probation of Offenders Act, 1958

**MODULE-XXII**: The Juvenile Justice (Care and Protection of Children) Act, 2015

**Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**RECOMMENDED READINGS**

**\*\*\*\* All books are to be read in the current edition.**

1. Ratanlal and Dhirajlal, Bharatiya Nagrik Suraksha Sanhita, Lexi Nexis.
2. S.N. Mishra, Bharatiya Nagrik Suraksha Sanhita, 2023, Central Law Agency
3. J.K. Verma, Bharatiya Nagrik Suraksha Sanhita, 2023 (Criminal Procedure) A Commentary, EBC
4. Dr. Ashok K. Jain, Bharatiya Nagrik Suraksha Sanhita (BNSS) (Criminal Law II), Accent Publication

# INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

# Marks- 100 Credit- 04

**OBJECTIVE OF THE SUBJECT:** Legislation is a major source of Law. Legislators create law after much deliberation. This process takes into account the present and future need of the nation. Interpretation of statute is a method by which the judiciary explores the intention of the legislators behind the statute. This involves a method which will be taught in this subject

**MODULE – I: PRINCIPLES OF LEGISLATION-** Law making (legislature, executive, Judiciary)- Principles of utility

**MODULE – II: INTERPRETATION OF STATUTE –** Meaning of the term Statute- Component, operation and Repeal-Internal Aids to interpretation [Title, Preamble, Headings & Marginal notes, Sections & Subsections, Punctuations, Illustrations, Exceptions, proviso & saving clauses, Schedules, Non Obstante clause]-External Aids to interpretation [ Dictionary, Translation TravauxPreparatiores, Statutes in pari material, ContemporaneExposito, Debates, Reports]

**MODULE – III: RULES OF STATUTORY INTERPRETATION-** Primary Rules [ Literal

rule, Golden rule, Mischief rule, harmonies Construction] Secondary Rules [ Noscitur a sociis, ejusdem generic, Reddendo singular singulis]

# MODULE – IV: PRESUMPTION IN STATUTORY INTERPRETATION- Statues are

Valid-Statutes are territorial in Operation-Presumption as to jurisdiction-presumption against the inconvenient and absurd – Presumption against intended injustice – Presumption against impairing obligations or permitting advantage from one’s own wrong –Prospective operation of statutes.

# MODULE – V: MAXIMS OF STATUTORY INTERPRETATION

1. Delegatus non potestdelegare
2. Expression unius exclusionalterius
3. Generillisspecialibus nonderogant
4. In pari delicto potiorest conditionpossidentis
5. Utres valet potior quampariat
6. Expressumfacitcessaretacitum
7. In bonampartem

# MODULE – VI: INTERPRETATION WITH REFERENCE TO SUBJECT MATTER AND PURPOSE

1. Restrictive and beneficialconstruction
2. Taxingstatutes
3. Penal Statues
4. Welfare Legislations
5. Substantive and Adjective Statute
6. Discretionary and mandatoryprovisions
7. Enabling statutes
8. Codifying and Consolidatingstatute
9. Right conferringstatute
10. Power conferringstatute

# MODULE – VII: PRINCIPLES OF CONTITUTIONAL INTERPRETATION

1. Doctrine of Pith andSubstance
2. Doctrine of ColourableLegislation
3. Doctrine of ResiduaryPower
4. Doctrine ofRepugnancy
5. Doctrine of AncillaryPowers
6. OccupiedField

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. G.P. Singh, Principles of Statutory Interpretation, Wadhwa& Co.
2. P. St. Langan (Ed), Maxwell on Interpretation of Statute,
3. N.M. TripathyK.Shanmukham, N.S. Bindras, Interpretation of Statue, The Law Book Co.
4. V. Sarathi, Interpretation of Statue, Eastern Law Book Co.
5. M.P. Singh (Ed), V.N. Shukla’s Constitution of India, Eastern Law Book Co.
6. M.P. Jain, Constitution Law of India, Wadhwa & Co.

# ENVIRONMENTAL LAW

# Marks- 100 Credit- 04

**OBJECTIVE OF THE SUBJECT:** The Environment in which we live is in danger. In this subjectthe students will learn the laws which are enacted to protect and preserve the environment.

**MODULE – I:** Concept of Environment and Its Important – Pollution and Health Hazard

**MODULE – II:** National Policy of Environment

**MODULE – III:** Common Law Perspective

**MODULE – IV:** Constitutional Law Perspective

**MODULE – V:** Sustainable Development- Precautionary Principle –

Polluter Pay Principle – Public Trust Doctrine

**MODULE – VI:** Principle of Liability and Public Liability Insurance

**MODULE – VII:** The Environment (Protection) Act, 1986**-** Preamble – Definition – General Powers of Central Government – Prevention, Control and Abatement of Environment Pollution

**MODULE – VIII:** Prevention and Control of Air Pollution

**MODULE – IX:** Prevention and Control of Water Pollution

**MODULE – X:** Wild Life Protection

**MODULE – XI**: Forest Conservation

**MODULE – XII**: National Green Tribunal

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981
2. THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974
3. THE WILD LIFE (PROTECTION) ACT, 1972
4. THE FOREST (CONSERVATION) ACT, 2023
5. THE NATIONAL GREEN TRIBUNAL ACT, 2010
6. A.K. Tiwari, Environmental Laws in India, Deep & Deep Publications
7. P. Leelakrishnan, Environmental Law in India, Lexis Nexis
8. Divan Shyam &Rosencranz Armin, Environmental Law and Policy in India, Oxford
9. Shastri. S.C., Environmental Law, Eastern Book Company.
10. Dr. H.N. Tiwari, Environmental Law, Allahabad Law Agency
11. P.S. Jaswal, Environmental Law, Allahabad Law Agency

**PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM**

**(Practical)**

# Marks- 100 Credit- 04

(Written submissions Marks – 90

Viva voce: Marks – 10)

**OBJECTIVE OF THE SUBJECT:** The lawyers, like other professionals have a code of conduct and basic knowledge of professional accounting. This subject deals with them.

**MODULE – I:** Advocacy

**MODULE – II:** The Contempt Law and Practice

**MODULE – III:** The Bar Council Code of Ethics

**MODULE – IV:** 50 selected opinions of the Disciplinary Committees of Bar Councils.

**MODULE – V:** 10 major judgements of the Supreme Court on above subjects.

**NOTE:** Students will have to put in four weeks of internship compulsorily in Semesters II, III, IV, V and VI and obtain internshipcertificate without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the **VI Semester along with Moot Court Exercise and Internship.** The internship should be in the following Institutions or Organizations:

* 1. NGO
  2. Trial and Appellate Advocates (compulsory)
  3. Judiciary
  4. Legal Regulatory Authorities
  5. Legislatures andParliament
  6. MarketInstitutions
  7. LawFirms
  8. Companies
  9. Local Self–Government
  10. Other LegalFunctionaries

(Any other body approved by theUniversity)

**SERVICE LEARNING UNDER MOTOR VEHICLES ACT**

**(Ability Enhancement Course)**

# Marks- 100 Credit- 04

(Written submissions Marks – 90

Viva voce: Marks – 10)

**OBJECTIVE OF THE SUBJECT:** The paper will teach the students about the important features of the laws regulating motor vehicles and details about accident claim.

Part A- (Students are expected to know the following)

1. Introduction to Motor Vehicles Act in India

a. Motor Vehicles Act, 1988

b. The Central Motor Vehicles Rules, 1989

c. The Motor Vehicles (Amendment) Act, 2019

2. Drafting of Complaint under the Motor Vehicles Act, 1988 [ Motor Vehicles (Amendment) Act, 2019]

3. Liabilities under the Motor Vehicles Act, 1988 [Motor Vehicles (Amendment) Act, 2019]

a. No fault liability under section 140.

b. Liability under section 163 A

c. Liability under section 166

4. Analysis of legal issues arising out of Motor Accident Claim Cases

Part B- (Students are expected to do the following exercises for evaluation)

Students are expected to maintain a diary reporting 5 cases (of 18 marks each), to be observed in Motor Accidental Claims Tribunal during their visit.

**Viva Voce = 10 Marks**

**NOTE**: Students will have to put in four weeks of internship compulsorily in Semesters II, III, IV, V, VIand obtain a certificate of internship without which the Bar Council may not enrol them. The students must maintain diary. They will be evaluated in the VIth Semester along with **Moot Court Exercise and Internship**. The internship should be in the following Institutions or Organizations:

1. NGO

2. Trial and Appellate Advocates [compulsory]

3. Judiciary

4. Legal Regulatory Authorities

5. Legislatures and Parliament

6. Market Institutions

7. Law Firms

8. Companies

9. Local Self-government

10. Other Legal Functionaries

Any other body approved by the University.

# SEMESTER – IV

**CIVIL PROCEDURE CODE AND LIMITATION ACT**

# Marks- 100 Credit- 04

**OBJECTIVE OF THE SUBJECT:**All substantive law find expression in procedure. This subject describes the procedure for trial in civil cases.

**MODULE – I:** History, Object and Purpose of the Code of Civil procedure, 1908

**MODULE – II:** Definitions

**MODULE – III:** Jurisdiction of Civil Courts **MODULE – IV:** Res Sub Judice and Res Judicata **MODULE – V:** Foreign Judgement

**MODULE – VI:** Place of Suing

**MODULE – VII:** Institution of Suits, parties to Suits, Suits in Particular Cases (By or against governments or Public Officers; Substantial questions of Law; By or against Corporations; By or against Firms; By or against Trustees, Executors and administrators; By or against Minors and Lunatics; Matters concerning family; By Indigent Persons; Mortgages; Interpleader Suits)

**MODULE – VIII:** Issue and Service of Summons

**MODULE – IX:** Pleadings

**MODULE – X:** Plaint and Written Statement

**MODULE – XI:** Set- off and Counter – Claim

**MODULE – XII:** Discover and Inspection

**MODULE – XIII:** Production, Impounding and Return of Documents

**MODULE – XIV:** Interim Orders: Commissions, Arrest before judgement, Attachment before judgement, Temporary Injunctions, Interlocutory Orders, Receivers, Costs and Security for Costs.

**MODULE – XV:** Withdrawal and Compromise of Suits

**MODULE – XVI:** Death, Marriage and Insolvency of Parties

**MODULE – XVII:**Framing and Settlement of Issues

**MODULE – XVIII:** Appearance and Non-appearance of Parties, Summoning and Attendance of Witnesses, Hearing of the Suit and Examination of Witnesses

**MODULE – XIX:** Judgement and Decree

**MODULE – XX:** Execution of Decrees and Orders

**MODULE – XXI:** Appeals, Reference, Review and Revision

**MODULE – XXII:** Restitution, caveat and Inherent Powers of Courts

**MODULE – XXIII:** The Limitation Act, 1963 – Sections 1 to 27

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will betaught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. C.K. Thakker (Takwani), Civil Procedure,Eastern Book Company
2. Mulla, Civil Procedure Code, Lexis Nexis
3. Sarkar, Code of civil Procedure Code (2Volumes), Lexis Nexis
4. M. R. Mallick, Ganguly’s Civil Court Practice and Procedure, Eastern Law House
5. A.N. Saha, The Code of Civil Procedure Code (3 Volume Set), Premier Publishing Company
6. P.K. Majumder – Code of Civil Procedure Code
7. M. R. Mallick, B.B. Mitra-Limitation Act, Eastern Law House

**BHARATIYA SAKSHYA ADHINIYAM, 2023**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** The students are by now familiar with the procedures but trial is incomplete unless proper evidence is adduced and appreciated. This subject will introduce the students to the world of evidence.

**MODULE-I:** Nature, Functions, Object, History, Salient Features, Application and Non-application of the Bhartiya Sakshya Adhiniyam

**MODULE-II:** Definitions-Section 2

**MODULE-III:**

1. Relevancy of Facts (Sections 3 to 50)
2. Evidence of Facts in Issue and Relevant Fact-Section 3
3. Doctrine of Res Gestae-Section 4
4. Occasion, Cause or Effects of Facts in Issue-Section 5
5. Motive, Preparation and Conduct-Section 6
6. Introductory or Explanatory Facts-Section 7
7. Conspiracy-Section 8
8. Inconsistent Facts-Section 9
9. Damages-Section 10
10. Right or Custom-Section 11
11. State of mind, Body or Bodily Feeling-Section 12
12. Accidental or Intentional Acts-Section 13
13. Existence of Course of Business-Section 14
14. Admission and Confession-Section 15 to 25
15. Statements by Persons who cannot be called as Witnesses-Section 26
16. Statements made under Special Circumstances-Section 28 to 33
17. Extent of proving a Statement-Section 33
18. Relevancy of Judgments-Sections 34 to 38
19. Opinion of Third Persons-Sections 39 to 45
20. Relevancy of Character-Section 46 to 50

**MODULE-IV:**

1. On Proof (Sections 51 to 103)
2. Facts which need not be proved -Sections 51 to 53
3. Oral evidence -Sections 54 to 55
4. Documentary Evidence-Sections 56 to 73
5. Public and Private Documents-Sections 74 to 77
6. Presumptions as to Documents-Sections 78 to 93
7. Exclusion of Oral by Documentary Evidence-Sections 94 to 103

**MODULE-V:**

1. Production and Effect of Evidence (Sections 104 to 169)
2. Burden of Proof-Sections 104 to 120
3. Estoppel-Sections 121 to 123
4. Witnesses-Sections 124 to 139
5. Examination of Witnesses-Section Sections 140 to 168
6. Improper Admission and Rejection of Evidence-Section 169

**\*\*\*\*Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**RECOMMENDED READINGS**

**\*\*\*\* All books are to be read in the current edition.**

1. M. Monir, Text book on the Bharatiya Sakshya Adhiniyam,2023, LexisNexis
2. Ratanlal and Dhirajlal, Bharatiya Sakshya Adhiniyam, 2023, LexisNexis
3. C.K. Takwani, Bharatiya Sakshya Adhiniyam,
4. Justice M.L.Singhal and Yashpal Pullani, Sarkar's The Bharatiya Sakshya Adhiniyam,2023, Pullani and Pullani
5. Dr. Absar Kidwal -The Bharatiya Sakshya Adhiniyam, 2023

**COMPANY LAW**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** Company is legal person who is as important for a nation as an individual is. This subject familiarize the student with formation and managing a company.

**MODULE – I:** Formation ofCompanies

1. Promoting
2. Memorandum of Association
3. Articles of Association
4. Registration

**MODULE–II:** Kinds of Companies and the Process of their Transformation from one kind toanother

**MODULE – III:** Advantages and Disadvantages of Incorporation

**MODULE – IV:** Prospectus

**MODULE – V:** Shares and related matters

**MODULE – VI:** Debentures and Related Matters

**MODULE – VII:** Company and its Organs: Their Power, Function, Duty and Interrelationship

**MODULE – VIII:** Foss v. Harbottle Rule and Its Exceptions

**MODULE – IX:** Merger and De-Merger

**MODULE – X:** Winding Up (By Court and Voluntary)

**MODULE – XI:** Company Law Board and National Company Law Tribunal

**MODULE – XII:** Brief Overview of SEBI Guidelines

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**RECOMMENDED READINGS: \*\*\*\*\*\*** All books are to be read in current edition.

1. Avatar Singh, Company Law, Eastern Book Company
2. A. Ramaiya, Guide to The Companies Act (6 Volumes), LexisNexis
3. Paul.L Davies, Gower & Davies-Principles of Modern Company Law, Sweet & Maxwell
4. N.K. Jain, CompanyLaw: Law & Practice, Deep and Deep Publications
5. Palmer,Wright & Dunlop, Palmer’s CompanyPrecedents, Sweet & Maxwell Ltd
6. M.C. Bhandari, Guide to Company LawProcedures, LexisNexis.
7. Michael A. Hitt, Merger andAcquisition, Oxford University Press

**LABOUR AND INDUSTRIAL LAW – II**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** Thestudents are already familiar with labour and the law that relate to them. This is another aspect of the same law.

**MODULE – I:** The Indian Trade Unions Act, 1926

Object and Reason; Definitions; Registration of Trade Union; Right and Liabilities of Registered Trade Unions; Recognition of Trade Unions; Penalties

**MODULE – II:** The Employees State Insurance Act, 1948

Object and Reason; Definition; Corporation Standing Committee and Medical BenefitCouncil; Contribution, benefits; Adjudication of disputes and claims; Penalties

**MODULE – III:** Minimum Wages Act, 1948

Object and Reason; Definitions; Fixation of Minimum rate of wages’ Working weeks and determination of Wages and claims etc; Penalties

# MODULE –IV:The Employees Provident Fund and Miscellaneous Provisions Act 1952 Object and Reason; Definitions; Employees’ Provident Fund Scheme and Authorities; Penalties

**MODULE –V:** Child Labour (Prohibition and Regulation) Act, 1986

Object and Reason; Definitions; Prohibition of employment of children in certain Occupations and Processes; regulation of Conditions of Work of Children; Penalties &Procedures.

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will betaught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\***Only current editions are to be read

1. K.D. Srivastava, The Industrial Disputes Act,
2. S.N. Mishra, Labour and Industrial Laws, Central Law Publications.
3. Indian Law Institute, Labour Law and Labour Relations, ILI (New Delhi)
4. O.P. Mishra – The Law of Industrial Disputes
5. V.V. Giri, *Labour Problems in Indian Industry*, Asia Publishing House**.**
6. S.C. Srivastava , *Social Security and Labour Laws*, Eastern Book Co.
7. S.K. Puri, *Labour and Industrial Law*, Allahabad Law Agency.
8. R. Dayal- Labour and Industrial Law, Allahabad Law Agency.

**ALTERNATIVE DISPUTE RESOLUTION**

**(Practical)**

**Marks- 100 Credit- 04**

**(**Written submissions Marks – 90

Viva Voce Marks –10**)**

**OBJECTIVE OF THE SUBJECT:** The formal dispute resolution system is too overburdened. Further the formal system is not very accessible to the common man. So an alternative dispute resolution system has been evolved. The students will be exposed to this process in this module.

**MODULE – I:** Negotiation Skills to be learnt through simulated Programme and case studies

**MODULE – II:** Conciliation Skills to be learnt through simulated Programme and case studies

**MODULE – III:** Arbitration Lawn and Practice including International Arbitration and Arbitration Rules

**NOTE:** Students will have to put in four weeks of internship compulsorily in Semesters II, III, IV, V, VI, and obtain a certificate of internship without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the **VIth Semester along with Moot Court Exercise and Internship.** The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates {compulsory}
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures andParliament
6. MarketInstitutions
7. LawFirms
8. Companies
9. Local Self–Government
10. Other LegalFunctionaries
11. Any other body approved by theUniversity.

**LEGAL AID IN SURROUNDING VILLAGES IN CONSULTATION WITH LEGAL SERVICES AUTHORITY**

**(Ability Enhancement Course)**

**Marks- 100 Credit- 04**

**(**Written submissions Marks – 90

Viva Voce Marks –10**)**

**OBJECTIVE OF THE SUBJECT:**This subject intends to equip the students with training and knowledge for legal aid services. The students will be taken on surveys and legal awareness camp in the village areas to fulfill above mentioned objective.

**Part A-** Students are expected to know the following:

1. Introduction of Legal Aid Service

a) Legal Services Authorities Act, 1987

b) Fundamental Right to free legal aid

2. Legal Services Authorities under the Act

a) Legal Services Authorities

b) Legal Aid Service, West Bengal (LASWEB)

3. Client Counselling

a) Training regarding client counselling/ Interviewing technique

b) Intra Class Client Counselling competition

c) Inter Class Client Counselling competition

4. Organisation of Legal Aid camps in consultation with the Centre for Clinical Legal Aid, Department of Law, Cooch Behar Panchanan Barma University.

**Written Submission = 30 Marks**

**Part B-**Students are expected to do the following exercises for evaluation:

1. Visiting schools for awareness of legal service (any two schools) **[2x10=20]**

2. Survey in villages awareness camp- **[2x20=40]**

a) Sanitation

b) Maternal mortality

c) Health

d) Education

e) Banking

f) Legal

g) Family related issues

**Viva Voce = 10 Marks**

**SEMESTER-V**

**INSURANCE LAW**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** There are risks at every walk of life. Sometimes it is difficult to pay up and more difficult to receive payment. Insurance is a good method of overcome the difficulties relating to risk. This law introduces the students to the intricacies of Insurance.

**MODULE – I:** Introduction [ History, Nature]- definition- Concept of Insurance compared with contract and Tort- Insurance in globalised economy.

**MODULE – II:** General principles of Law of Insurance – nature, scope and classification of Insurance Contracts-Insurable interest- the risk – policy [ form, content, commencement, duration, alternation, cancellation, rectification, renewal, assignment, construction]- conditions ofpolicy.

**MODULE – III:** Life Insurance [nature, scope, definition, classification], formation of life insurance contract- event insured against life insurance contract – Circumstances affecting the risk- amount recoverable under life policy- persons entitled to payment- settlement of claim.

**MODULE – IV:** The Insurance Act, 1938, [Section 1-64], IRDA Act, 1999

**MODULE – V:** The General Insurance Business [Nationalisation] Act, 1972. [Section 1-15]

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. Bridge Anand Singh, New Insurance Law, Union Book Publishers, Allahabad.
2. E.R. Hardy Ivamy, Case Book On Insurance Law, Butterworths
3. E.R. Hardy Ivamy, General Priciples of Insurance Laws, Butterworths.
4. John Birds, Bird’s Modern Insurance Law, Sweet &Maxwell Ltd.
5. M.N. Srinivasan, Principles of Insurance Law, LexisNexis.

**LAND LAWS INCLUDING TENURE & TENANCY SYSTEM**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** The three factors of production are land, labour and capital. The students have already been exposed to the issues relating to labour; this paper discusses the issues relating to land.

**MODULE – I:** Concept of land reform; Land reforms and India **MODULE – II:** Land Reforms in West Bengal; Operation Barga

**MODULE – III: THE WEST BENGAL LAND REFORMS ACT, 1956**

1. Definitions. [Section2]
2. Raiyats: Various rights; restrictions on rights [Section 4-7]
3. Pre-emption (Section 8)
4. Powers of revenue Officer (Section 9, and powers under other provisions under theAct)
5. Diluvated Land (Section11)
6. Partition of holding among Co-Sharer Raiyats (Section14)
7. Restrictions on alienation of Land by Schedule tribes (Section 14A –14I)
8. Ceiling on Holding (Sections 14J – 14Z)
9. Bargadars (Section15-21E)
10. Principles of Distribution of Land (Section49-49A)

# MODULE – IV: THE LAND ACQUISITION ACT, 1894

1. Definitions. (Section3)
2. Acquisition (Sections4-10)
3. Enquiry into measurements, value and chains and award by the Collector (Section 11-17)
4. Reference to Court and Procedure thereon (Section 18-28A)
5. Acquisition of land for Companies (Section 38A –44B)

# MODULE – V: THE WEST BENGAL PREMISES TENANCY ACT, 1997

1. Definitions (Section2)
2. Eviction: (Section6-7)
3. Fair rent: (Section17-22)
4. Appointment of Controller, Additional and Deputy Controller and Registrar; (Section 39)
5. Final Hearing of certain applications (Section42)
6. Appeal, Revision and Review: Fair Rent: (Section43)

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. Sukumar Ray, A.N.Saha-The West Bengal Land Reforms Act, 1955, Eastern Law House.
2. The West Bengal Land Reforms Act: SusantaSen
3. D.P. Chatterjee, The West Bengal Land Reforms Act
4. The West Bengal Land Reforms Act: AsutoshMukherjee

**PROPERTYLAW**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** The world of property is a very important part of a national as well as individual life. This law regulates the transfer of property.

**MODULE – I:** Interpretation Clause

**MODULE – II:** Transfer of Property- What may be transferred – Person Competent to Transfer

**MODULE – III:** Conditions restraining alienation

**MODULE – IV:** Transfer for the benefit of unborn person- Rule against perpetuity- Direction for accumulation- Vested Interest- Contingent Interest-Fulfillment of Condition precedent & conditionsubsequent

**MODULE – V:** Doctrine of Election

**MODULE – VI:** Transfer where third person is entitled tomaintenance

**MODULE – VII:** Transfer by ostensible owner- By unauthorized person who subsequently acquires interest in property concerned {Feeding the Estoppel bygrant}

**MODULE – VIII:** Doctrine of lis pendens

**MODULE – IX:** Fraudulent Transfer

**MODULE – X:** Doctrine of partperformance

**MODULE – XI:** Sale of immovable property

**MODULE – XII:** Mortgage

**MODULE – XIII:** Lease of immovable property

**MODULE – XIV:** Exchange

**MODULE – XV:** Gifts

**MODULE – XVI:** Easement – definition- kinds – Imposition, acquisition and transfer of easement – incidents of easements- disturbance of easement – extinction, suspension and revival of easement – License

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will betaught.**

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. Transfer of Property Act, 1882 (Bare Act)
2. The Indian Easement Act,1882 (Bare Act)
3. G.P.Tripathi, The Transfer of Property Act, Central Law Publications.
4. Dr. Poonam Pradhan Saxena, Mulla: Transfer of PropertyAct, Lexis Nexis
5. S.N.Shukla, Transfer of PropertyAct, Allahabad Law Agency.
6. B.B.Mitra, Transfer of PropertyAct, Kamal Law House.
7. R. Dayal, Transfer of PropertyAct
8. S.K.Agarwal, EasementAct

**HEALTH LAW**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:**Health is not only the wealth of an individual alone but also that of the nation. A nation cannot progress without the health of its people and society. In this subject student become familiar with health law.

# MODULE – I: INTORDUCTION

1. Right to Health as emergent from Constitution Parts III &IV
2. National HealthPolicy

# MODULE – II: DUTIES OF EMPLOYER, COMMUNITY AND STATE

Industrial Accidents (e.g. Bhopal Gas Tragedy) –Rail, Air, Eco disaster (Duties of Carriers aswell)

# MODULE – III: ORGANISATION OF PUBLIC HEALTH CARE IN INDIA

1. Legal organization of public hospitals.
2. Medico-Legal cases and duties ofhospitals
3. Mental Health care in Public hospitals: duties andliabilities
4. Rural Health Care – National Health Mission

# MODULE – IV: ORGANISATION OF PRIVATE HEALTH CARE

1. MedicalNegligence
2. Amniocentesis
3. Public Service Related situations-Negligence of Private doctors in eye camps etc.
4. Disposal and surgical waste –Liability of public and private health care units

# MODULE – V: CONTRACTUAL LIABILITY OF A DOCTOR

1. Doctor-patient relationship
2. Contracts involving warranty andguaranty
3. Doctors guaranty to a particular result

# MODULE – VI: MEDICAL JURISPRUDENCE

1. Medical Evidence –meaning, use, andvalue
2. Post mortem-examination, exhumation, post-mortemreport
3. Post mortem examination of gunshot wounds, burntbodies
4. Identification –Living persons- dead persons – foetus –age
5. Identification of mode of Death-Asphyxiation, Suffocation, Hanging, Strangulation, Poison, Stabbing
6. Identification of Sexual Offences –Rape, Interest, Unnatural Sexual offences – Examination of accused, victims, -Law relating to sexualoffences.

# MODULE – VII: ACQUIRED IMMUNE DEFICIENCY SYNDROME [AIDS]

Nature and Scope – Issues relating to blood bank- Privacy and public health- Marriage and finding a family – Right to dignified treatment – rights, duties, freedom of HIV / AID patients – Education for affected persons and others.

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** All books are to be read in current edition.

1. Jonathan Montogomery, Health care LAW, Oxford UniversityPress.
2. S.V. JogaRao, Current Issues in Criminal Justice and Medical Law, Eastern LawHouse.
3. Garcius Thorman, N.P. Sinha & Johnson Thorman, AIDS, Social Work and Law, Rawat Publication.
4. NanditaAdlikani, Law and Medicine, Central LawPublication.

**DRAFTING, PLEADING AND CONVEYANCE**

**(Practical)**

**Marks- 100 Credit- 04**

(Written Submission= 90

Viva Voce= 10)

**OBJECTIVE OF THE SUBJECT:** Draftsman ship is one compulsory skill for every lawyer. This subject is intended to teach drafting to the students.

**MODULE – I: DRAFTING:** General principles of drafting and relevant substantive rules

# MODULE – II: PLEADINGSMarks- 45 (Practical exercises–3 X 15)

**Civil:** Plaint, Written Statements, Affidavit, Execution Petition,

Interlocutory application, Original Petition, Memorandum of Appeal and Revision, Petition under Articles 32 & 226 of the Constitution of India, PILPetition.

**Criminal:** Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and revision

# MODULE –III: CONVEYANCE Marks- 45 (Practical exercises–3 X 15)

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

**MODULE –IV:VIVA-VOCE Marks –10**

**NOTE:** Students will have to put in four weeks of internship compulsorily in Semesters II, III, IV, V, VI and obtain a certificate of internship without which the Bar Council may not enrol them. The students must maintain diary. They will be evaluated in the **Semester VI along with Moot Court Exercise and Internship Practical Paper.** The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates {compulsory}
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures andParliament
6. MarketInstitutions
7. LawFirms
8. Companies
9. Local Self–Government
10. Other LegalFunctionaries
11. Any other body approved by the University.

**SERVICE LEARNING UNDER THE ENVIRONMENT PROTECTION ACT, AIR, WATER, FOREST, WILD LIFE; PERSONS WITH DISABILITIES ACT, JUVENILE JUSTICE ACT**

**(Ability Enhancement Course)**

**Marks- 100 Credit- 04**

(Written Submission Marks: 90

Viva Voce Marks: 10)

**OBJECTIVE OF THE SUBJECT:**This paper is designed to familiarize the students with knowledge and practicalities of environmental law, juvenile justice and rights of disabled.

**Part A**- Students are expected to know the following:

1. Overview of Environment and Law

a) Environment, Nature & Ecosystem

b) Origin of Environmental Law

c) Need of Environmental Law

2. Introduction to Environmental Law

a) Policy

b) Act to protect Environment, Air, Water, Forest, Wild life

c) Other Major Laws and Environment (BNS, BNSS, Torts)

3. Environment Management

a) Meaning of Environment Management

b) Air, Water and Land Management

c) Forest Management

4. Public Interest Litigation & Protection of Environment

a) Meaning and Importance of PIL

b) Drafting of PIL related to environmental issues.

5. National Green Tribunal

a) Composition of NGT

b) Study of cases instituted before the NGT

c) Study of cases decided by NGT

6. Legal Rights of Disabled in India

a) Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

b) Rights of Persons with Disabilities Act, 2016

c) Office of Chief Commissioner for persons with Disabilities

d) Registration of complaint in case rights of a disabled is violated

7. Juvenile Justice Act

a) Juvenile Justice (Care and Protection of Children) Act, 2015

b) Juvenile Justice (Care and Protection of Children) Model Rules, 2016

c) Registration of a complaint against a juvenile

d) Visit to Juvenile Justice Home ‘KOROK’ (for the district of Darjeeling, Jalpaiguri& Cooch Behar)

e) Juvenile justice and role of police

f) Rehabilitation of juvenile offenders in juvenile homes

**Part B-**Students are expected to do the following exercises for evaluation: (30X3= 90 Marks)

1. Report five cases of environmental pollution relating to air, water, forest, noise and waste disposal

2. Preparation of documentation of NGO

a) Reporting of violation of rights of disabled

b) Reporting of refusal of admission of disabled students

c) Disabled friendly infrastructure

3. Reporting of five cases of Juvenile Justice related incidents/offences (Police Stations)

**SEMESTER-VI**

**CORPORATE GOVERNANCE**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:**Corporate world is a capital- technology intensive organization and it tends to get alienated from the society. This subject demonstrates that the law ensures that such alienation does not take place.

**MODULE – I:** Board of Directors –Functions, Appointments, removal –Structure and functions

**MODULE – II:** Share Holder’s Decision making

**MODULE – III:** Director’s Duties – Enforcement of Director’s Duties

**MODULE – IV:** Breach of Corporate Duties – Administrative Remedies

**MODULE – V:** Controlling Members’ Voting

**MODULE – VI:** Unfair Prejudice

**MODULE – VII:** Corporate Social Liability

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will betaught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** All books are to be read in current edition.

1. Gower & Davies, Principles of Modern Company Law, Sweet &Maxwell
2. Adrian Cadbury, Corporate Governance and Chairmanship, Oxford UniversityPress
3. Avtar Singh, Company Law, Eastern BookCompany.

**PUBLIC INTERNATIONAL LAW**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** The students have so far studied the domestic law and have also been exposed to the fact that neither an individual nor a nation can survive in isolation. The students will learn international relationsfrom the legal point of view.

**MODULE I:** Definitions, Nature and basis of International Law

**MODULE II:** Sources: Treaties, Customs, General Principles, United Nations General Assembly Resolution, Secondary sources of InternationalLaw.

**MODULE III:** Relationship of International Law and MunicipalLaw.

**MODULE IV:** Individuals as Subjects of InternationalLaw

**MODULE V**: Jurisdiction of States-Basicprinciples

**MODULE VI**: Recognition

**MODULE VII**: Nationality

**MODULE VIII**: Asylum andExtradition

**MODULE IX**: Peaceful Settlement ofDisputes

**MODULE X**: Neutrality

**MODULE XI**: Law of the Sea-Continental Shelf, Exclusive Economic Zone, International Sea Bed Authority: Its Functions and Powers;Piracy.

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will betaught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. H.O. Agarwal, *Human Rights and International Law*, Central Law Publications.
2. S.K. Kapoor, *International Law*, Central Law Agency.
3. Justice Palok Basu, *Law Relating to Protection of Human Rights*, Modern Law Pulications (New Delhi).
4. M.P. Tandon and Dr. V.K. Anand, *International Law and Human Rights*, Allahabad Law Agency.
5. Dr. S. Subramanian, *Human Rights: International Challenges*, Manas Publications.

# HUMAN RIGHTS LAW AND PRACTICE

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** Human rights are a set of right which go beyond the realm of formally conferred rights. These rights defy definition and have to be understood in context. This subjectdeals with such rights.

**MODULE I:** Origin and development of Human Rights

**MODULE II:**Enumeration and Classification of Human Rights

**MODULE III:** Civil and Political Rights; International Instruments, Part III of the Constitution of India

**MODULE IV:** Social and Economic Rights: International Instruments, Part IV of the Constitution of India

**MODULE V:** Human Rights and Vulnerable Groups

1. Prisoners,
2. Child
3. Migrant Workers
4. Disabled Persons and Minorities
5. Women

**MODULE VI:** Collective Rights

1. Right to development
2. Right to self-determination
3. Right to clean environment

**MODULE VII:** Human Right Commissions in India, Role of NHRC, Enforcement of Human Rights- National Mechanism, The Protection of Human Rights Act,1994

**MODULE VIII:** Regional Conventions on Human Rights

a) European Convention on Human Rights

b) Body of Principles for the Protection of all persons under any form of Detention or Imprisonment, 1988.

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will betaught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. H.O. Agarwal, *Human Rights and International Law*, Central Law Publications.
2. S.K. Kapoor, *International Law*, Central Law Agency.
3. S.K. Awasti and R.P. Kataria,*Law Relating to Protection of Human Rights*, Orient Publishing Company.
4. S.K. Verma, *An Introduction to Public International Law*, Satyam Law International.
5. Nirmal C. J. (Ed)- *Human Rights in India: Historical, Social and Political Perspectives*, Oxford University Press.

**PRINCIPLES OF TAXATION LAW**

**Marks- 100 Credit- 04**

**OBJECTIVE OF THE SUBJECT:** Taxation is a very important aspect of law and one of the largest contribution to a nation’s economy. This subjectteaches about the law which regulates and controls imposition, avoidance and evasion of tax.

# MODULE – I: GENERAL PRINCIPLES OF TAXATION LAWS:

History and Development of Tax Laws in India.

Fundamental Principles Relating to Tax Laws

Taxing Power and Constitutional Limitations

Distinction between:Tax, Fee and Cess

Tax Avoidance and Tax Evasion.

# MODULE – II: BASIC CONCEPTS OF INCOME TAX

Income, Previous Year, Assessment Year, Person, Assesse and Total Income

Income not included in the Total Income

Clubbing of Income Tax Planning

Rate of Income Tax

Heads of Income Salaries

Income from House Property Income from Business or Profession Capital Gains

Income from other Sources

Deductions under the Income Tax Act, 1961

Income Tax Authorities: Power and Functions Filling of Returns and Procedure for Assessment Offences and Penal Sanctions.

# MODULE – III: WEALTH TAX

Taxable Wealth, Determination of Assets, Exemptions and Rate of Wealth Tax Wealth Tax Authorities

Offences and Penalties

# MODULE – IV: SERVICE TAX

Taxable Service

Meaning and Importance of Service Tax Valuation of Taxable Service

Offences and Penalties

**MODULE-VII: CONSTITUTIONAL ASPECTS OF GST**

Existing Indirect Taxes vis-a-vis GST

Features of the Constitution (l0lth Amendment) Act, 2016

Impact of GST on Centre-State financial relations

**MODULE-VIII**: **GST LAW IN INDIA**

GST Model law, 2016- CGST, SGST, IGST

GST Council

Taxable Event (supply of goods and services); time, place and value of supply; Exemptions; Input Tax Credit; Registration; Payment; Returns; Administration

# \*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.

**RECOMMENDED READINGS:**

**\*\*\*\*\*\*** Only current editions are to be read.

1. Taxman-Tax Planning andManagement
2. N.K. Palkhivalaand B.A.Palkhivala, *Kanga and Palkhivala’s Income Tax Law and Practice*
3. V.S.Agarwal, Taxation of Salaries with Tax Planning
4. V.S.Sunderam-Law of Income Tax in India
5. V.P.Gandhi, Some Aspects of Indian Tax Structure – An EconomicAnalysis
6. H.M.Seervai, *Constitutional Law ofIndia*, Universal Law Publishing.
7. Liam P.Ebrill, Michael Keen, Jean-Paul Bodin,Victoria Summers, *The modernVAT*, International Monetary Fund.
8. Alan A. Tait, *Value Added Tax: International Practice andProblems*, International Monetary Fund.
9. C.A. Gularickar, Law and Practice of Wealth Tax andValuation

**MOOT COURT EXERCISE AND INTERNSHIP**

# (Practical)

**Marks- 100 Credit- 04**

(Written Submission= 90

Viva Voce= 10)

**OBJECTIVE OF THE SUBJECT:** Legal study cannot remain confined to the class room alone. This subject offers chance for the students to be familiar to the real legal world.

# MODULE – I: MOOT COURT Marks-30 (10X3=30)

Each student will do at least three Moot Courts Prepare memorial & Argument presentation

# MODULE – II: OBSERVANCE OF TRIALS Marks-30

Civil Trial–1 15

Criminal Trial– 1 15

(To be recorded in a diary)

# MODULE – III: INTERVIEWING TECHNIQUE,PRE-TRIAL PREPARATION &INTERNSHIPDIARY Marks-30

Observance of Interviewing session in Lawyer’s office–2 15

(To be recorded in a diary)

Preparation of documents and court papers- Recorded inadiary 15

# MODULE – IV: VIVA VOCE ON THE ENTIRE ABOVE MODULE Marks -10

**NOTE:** Students will have to put in four weeks of internship compulsorily in Semesters II, III, IV, V, VIand obtain a certificate of internship without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the **Semester VI along with Moot Court Exercise and Internship.** The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates {compulsory}
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures andParliament
6. MarketInstitutions
7. LawFirms
8. Companies
9. Local Self–Government
10. Other LegalFunctionaries
11. Any other body approved by the University.

**EXPERIENTIAL LEARNING AND FIELD WORK**

**(Special focus on Disability, Children, Environment, Health, Infrastructure and Development)**

**(Ability Enhancement Course)**

**Marks=100 Credit=04**

(Written Submission=90 marks

Viva Voce= 10 marks)

**OBJECTIVE OF THE SUBJECT:**This paper aims to impart experiential learning on the given topics and conduct field work for this purpose.

Students have to compulsorily perform group field work and submit a Report of the same.

In the following areas

* + 1. Disability and Aged Persons
    2. Children
    3. Women
    4. Environment
    5. Health
    6. Infrastructure and development

**EXAMINATION: (LL.B. Three Year Course)**

There shall be written examinations at the end of each semester namely I, II, III, IV, V and VI.

A candidate has to pass in each of these examinations to qualify for the LL.B. (3 Year) degree.

1. Practical Paper/Ability Enhancement Course shall be of 100 marks, of which 90 marks shall be for written submissions and 10 marks for viva voce.
2. A candidate who has prosecuted a regular course of study in Semester I shall be admitted to that examination subject to submission of “Examination Enrolment Form” together with the prescribed fee and other requirements in such forms and within such time as may be notified by the University.

A candidate who fails to be present at the examination shall not be entitled to refund of fees.

1. A candidate who has passed examination of Semester I/II/III/IV/V and prosecute the

regular course of study in semester II/III/IV/V/VI, as case may be admitted to the respective examinations subject to submissions of “Examination Enrolment Form” together with the prescribed fee and other requirements in such forms and within the such time as may be notified by the University.

The list of qualified students who has passed the semester I/II/III/IV/V examination as the case may be shall be published by the University as soon as possible after the examination.

1. As soon as possible after the LL.B. Semester VI examination, the University shall publish a list of successful candidates arranged in two classes viz. First Class (Marks60% and above) and Second Class (Marks 40 % and above but below 60 %) each in order of merit.
2. If a candidate, after completion of a regular course of study in asemester:
   1. Fails to enroll as a candidate for the respective semester examination or fails to be present at the examination or appears but fails to complete the examination on account of illness or any other reason considered sufficient by the University or appear but fails to pass the examination in more than two papers, he / she shall be eligible to appear at any one or, if necessary, both of the two immediately following examination of the same standard to be held in the subsequent semester as a casual candidate without attendingclasses.
   2. The casual candidate can avail not more than two consecutive chances to pass the semesterexamination.
3. In order to pass examination in any Semester, a candidate must secure 40 % marks in each paper including practical paper as well as in theaggregate.
4. There shall be no post publication reassessment of papers in any semester of LL.B. (3 year) degree course.
   1. A student must pass separately in each paper of different examinations. Those who pass in a paper shall not be permitted to sit for examination in that paper again. Non-appearance in a paper will count as failure in thatpaper.
   2. All candidate shall be provisionally admitted to the next semester class of a year after the examination of the previous semester irrespective of marks scored at the said semester subject to fulfillment of conditions laid downhereunder:
      1. A candidate of Semester I shall be provisionally admitted in semester II if he/she does not have more than two back papers out of all semester papers of semester–I.
      2. A candidate of semester II shall be provisionally admitted in semester III if he / she does not have more than four back papers out of all semester papers of semester –I and semester II provided that number of back papers of Semester II shall not exceedtwo.
      3. A candidate of Semester III shall be provisionally admitted in semester IV if he / she does not have more than four back papers out of all semester papers of semester –II and Semester III provided that number of back papers of semester III shall not exceed two and has cleared all the back papers of Semester-I.
      4. A candidate of Semester IV shall be provisionally admitted in semester V if he / she does not have more than four back papers out of all semester papers of semester–III and Semester IV provided that number of back papers ofSemester IV shall not exceed two and has cleared all the back papers of semester-II.
      5. A candidate of Semester V shall be provisionally admitted in semester VI if he / she does not have more than four back papers out of all semester papers of semester –IV and Semester V provided that number of back papers of semester V shall not exceed two and has cleared all the back papers of semester-III.
   3. Candidate failing in one or two papers of any examination of semester I/II/III/IV/V shall be eligible to clear those back papers in the regular examinations of the same standard / syllabus or back paper examination of same standard/ syllabus to be held in the subsequentsemesters.
   4. Candidates who fail to get admitted in higher semester due to having failed in more than two papers in semester I/II/III/IV/V shall be eligible to clear all the papers of that semester in the regular examination of the same standard/ syllabus to be held in the following examination of the respective semester as a casual candidate in order to pass thatsemester.

The maximum number of each chances shall however be governed by provisions of regulation 4(a) and 4(b).

* 1. In order to clear the above mentioned back papers, a candidate shall get two more chances in addition to the regular chance in immediate followingexaminations.
  2. Candidates, who fail to pass in all papers of their examinations when they first appear in the semester VI examination, shall be eligible to appear as a casual candidate in the semester VI examination of the next session. The maximum be number of each chances shall however be governed by provisions of regulation 4(a)and4(b).

1. A candidate securing at least 60 % marks in the aggregate in all semester examination taken together shall be placed in First Class and all the candidate securing 40 % and above but less than 60 % in the aggregate shall be placed in the SecondClass.

# BOARD OF STUDIES IN LAW:

The board of studies in aw recommends names of paper setters, examiners, moderators and scrutinizers.

1. The paper setters and examiners for answer scripts of all LL.B. (3 year) examination shall ordinarily be the teachers holding substantive posts or visiting/part time/guest/contractual appointments.
2. The board of moderators shall be appointed by the Vice Chancellor on recommendations of the Board of Studies. The Board of Moderators shall moderate the questions in order to

ensure that the questions are in conformity with the syllabus and that the students are required to answer questions of all types.

1. If the Board of Moderators is of the opinion that the questions have not covered the syllabus, it may set questions from those parts of the syllabus which have not been covered.

# OVERRIDING POWERS:

In any situation covered or not under these Regulations the Vice Chancellor of Cooch Behar Panchanan Barma University shall have power to issue directions not inconsistent with the Acts/Statutes/Ordinances of Cooch Behar Panchanan Barma University in respect of those matters.