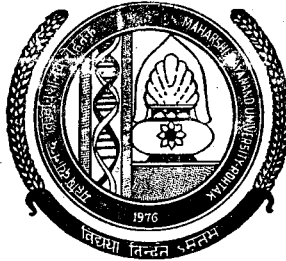


# Maharshi Dayanand University Rohtak



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## Ordinances, Syllabus and Courses of Reading for LL.B. Part-IV Examination

Session—2002-2003

*Available from :*

Deputy Registrar (Publication)  
Maharshi Dayanand University  
Rohtak 124 001 (Haryana)

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**ORDINANCE : BACHELOR OF LAWS (LL.B. 5-YEAR COURSE)  
(ANNUAL SYSTEM)**

1. The duration of the course leading to the degree of the Bachelor of Laws (LL.B.) shall be five academic years and the examinations shall be held in five parts viz. part-I at the end of the course of 1st year, part-II, at the end of the course of 2nd year, part-III at the end of the third year, part-IV at the end of the course of 4th year and part-V at the end of the course of 5th year. The examinations shall ordinarily be held in the month of April/May or on such dates as may be fixed by the Vice-Chancellor.

A supplementary examinations shall be held in December on dates fixed by the Vice-Chancellor for these LL.B. (Final Year) candidates who have passed all the papers of LL.B. Part-I, II, III and IV (5 year course)/LL.B. Part-I and Part-II (3 years course) examination and have been permitted to reappear or have failed in paper(s) of part-III/V examination, as the case may be. However, total number of chances will not exceed as given in the Ordinance.

The students who have to appear in the Supplementary examination (September/December) immediately after annual examination will be governed by the old syllabus.

2. The schedule of dates fixed in accordance with Clause-1 shall be notified by the Controller of Examinations to the Head of the Deptt. of Law.
3. The last date for the receipt of examination form and fee without late fee as fixed by the Vice-Chancellor, shall be notified to the Head of the Department of Law.
4. A candidate's examination form and fee may be accepted after the last date on payment of Rs. 105/- upto the date notified by the University.
- 5.1 A candidate who fulfils the following conditions shall be eligible to seek admission in the 1st year of LL.B.(5 year) course :-
  - i) has passed pre-medical/pre-Engineering examination with 40% marks in aggregate of this University or of any other University recognised as equivalent thereto; or

(ii)

- ii) has passed B.A./B.Sc./B.Com. part-I examination (old scheme) of this University or of any other University recognised as equivalent thereto with 40% marks in aggregate or
- iii) has passed an examination in 10+2 course of schooling recognised by the educational authority of Central or State Govt. with 40% marks in aggregate; or
- iv) possesses any other equivalent academic qualifications recognised by this University.

Those who have done graduation or post-graduation or have appeared in the final year of graduation or are placed in compartment in the qualifying examination shall not be allowed admission to 1st year of five year law course.

5.2 A candidate who has passed graduation in any discipline or a higher degree from this University or any other University recognised by this University with 40% marks in aggregate shall be eligible for direct admission to 3rd year of 5 years LL.B. course. Such students shall however have to study and pass additional papers of history of courts and History of Legislature of 2nd year. However, those placed in compartment in the qualifying examination shall not be eligible for admission.

5.3 No migration shall be allowed to five years course or to three year course.

6. A person who has passed 1st or 2nd or 3rd or 4th year shall be eligible to join the 2nd or 3rd or 4th or 5th year respectively of the LL.B. Course. This is, however, subject to clauses 13, 14.1 and 14.2 below.

7. The examination of part-I/II/III/IV/V shall be open to a student who :-

- i) has passed requisite examination as laid down above in clause 5 & 6, as the case may be or is covered under clause 13 below; and
- ii) has his name submitted to the Controller of Examinations by the Head of the Department of Law

and produced the following certificates signed by him :-

- a) of having good character ;
  - b) of having remained on the rolls of the Dept. for the year preceding the examination;
  - c) of having satisfactorily performed the work of his class of having attended not less than 75% of the lectures in each year as also in practical training prescribed in the syllabus to be counted upto to the last day when the classes break up for the preparatory holidays.
8. A candidate on the rolls of the Department of Law or an ex-student shall submit his application for admission to an examination on the prescribed form with the requisite certificates duly countersigned by the head of the Department or a Senior member of the teaching staff authorised by him.
9. The amount of examination fee to be paid by a candidate for each examination shall be as under :-
- |                     |           |
|---------------------|-----------|
| i) Regular Students | Rs. 90/-  |
| ii) Ex-Student      | Rs. 100/- |
10. The medium of instructions shall be Hindi in case of Hindi and English in case of other subjects. The medium of Examination shall be English/Hindi.
11. Candidate shall be examined according to the scheme of examination and syllabus approved by the Academic Council from time to time.
12. The minimum number of marks required to pass in each paper of LL.B. Part-I & II shall be 36% and it shall be 45% in each paper of LL.B. Part-III, IV and V examination.
13. A candidate who has failed in an examination or having been eligible fails to appear therein, may be allowed on the recommendation of the Head of the Department of Law to appear-reappear in the examination/paper(s), as the case may be in accordance with clause-I. Such a

candidate may be exempted from appearing in the paper(s) in which he obtains at least 45% marks in LL.B. 3rd, 4th & 5th year and 36% marks in LL.B. 1st, 2nd year. Provided that a candidate for the LL.B. Degree must pass the whole examination part-I, II, III, IV & V within seven years of his admission to the LL.B. First Year class failing which he will be deemed to be unfit for the course and shall not be allowed to appear in the same either by attending classes again as a regular student or as an ex-student.

**Note** The candidate admitted to LL.B. course shall not be allowed to switch over to any other course otherwise his candidature for LL.B. course shall be cancelled forthwith.

14.1 A candidate who has appeared and failed in an examination shall be promoted from Part-I to II, Part-II to III, Part-III to IV and Part IV to V subject to the Provision of clause 14.2.

14.2 A candidate who has failed in Part-I and II or II & III or III and IV shall be promoted to Part-II<sup>nd</sup>, III<sup>rd</sup>, IV<sup>th</sup> and V<sup>th</sup> as the case may be only if he has got exemption in the papers as mentioned below :-

From part-I to part-II                      If he has passed atleast three papers of part-I

From part-II to part-III                      If he has passed seven papers of part-I and II including atleast three papers of part-I and three papers of part-II.

From part III to part-IV                      If he has passed all the papers of part-I and seven papers of part-II and III with atleast three papers of part-II and three papers of part-III.

From part-IV to part-V                      If he has passed all the papers of part-I and II and seven papers of part-III and IV with atleast three papers of part-III and three papers of IV.

Every student of part-I, II, III and IV who is entitled to be promoted to LL.B. part-II, III, IV and V respectively shall submit an application form on the prescribed form for admission to the part-II, III, IV and V. Any such admission may be refused by the Head, Deptt. of Law on reasonable grounds.

15. The details of the practical training (Legal Method, Moot Court etc.) to be imparted as per syllabus and the dates will be notified by the Head of the Deptt. of Law from time to time.

16. Four weeks after the termination of the examination, or as thereafter as is possible, the Controller of Examinations shall publish the result and issue Detailed Marks Card.

17.1 The successful candidate after passing Part-I, II and III examinations of 5 years LL.B. course will be awarded as graduate degree of B.A. (Law). Such candidates will not be entitled to practice. Classification of division for the successful candidates of B.A. Law shall be arranged as under on the aggregate marks of part-I, II and III examinations :-

- |   |              |
|---|--------------|
| a) Those who obtain 60% marks or more                         | 1st division |
| b) Those who obtain 50% or more marks but less than 60% marks | 2nd division |
| c) Those who obtain less than 50% marks                       | 3rd division |

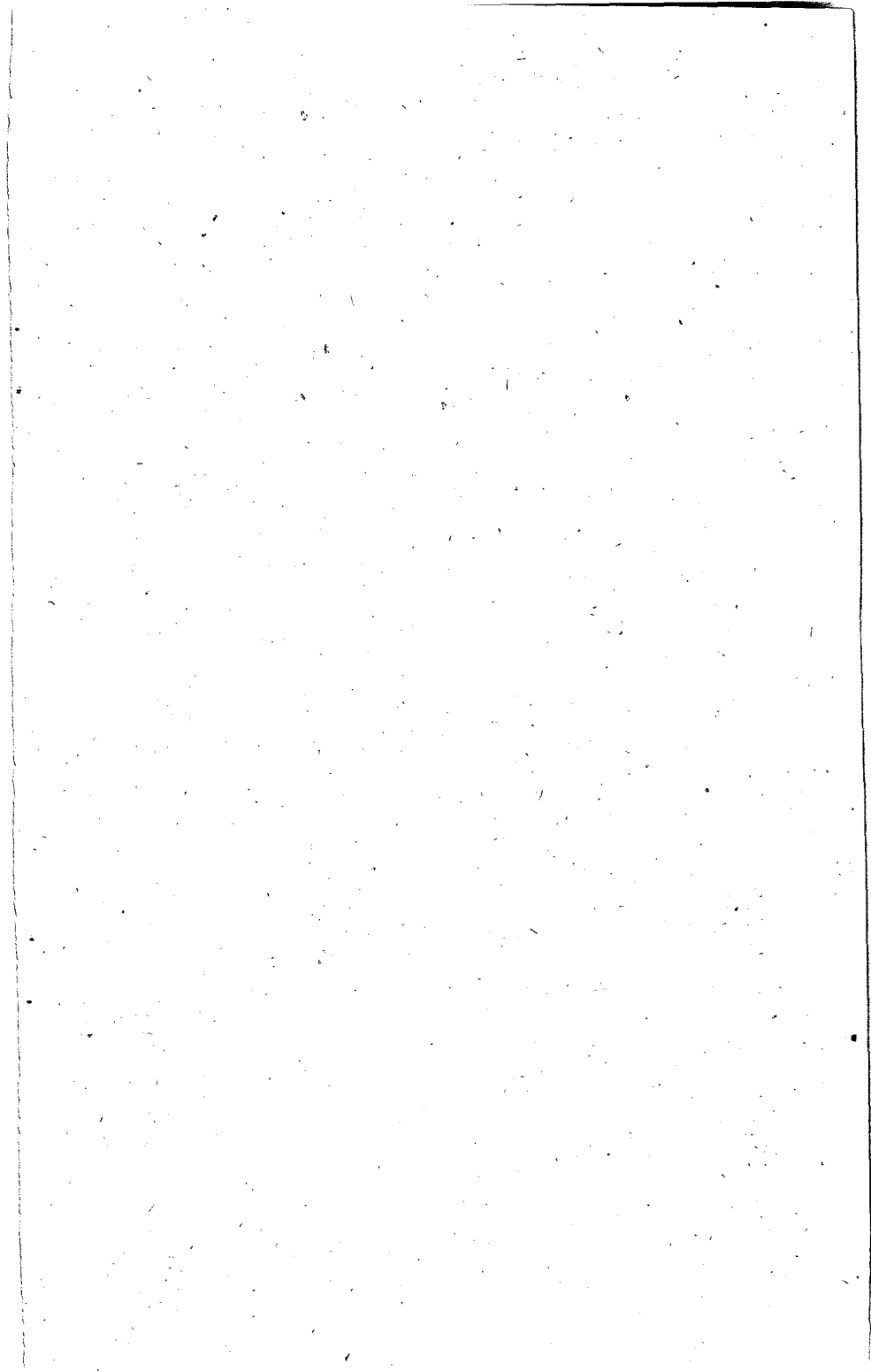
17.2 Three candidates who successfully complete the five years or three years in case of those who seek direct admission to 3rd year LL.B. Course will be awarded LL.B. Degree. A list of successful candidates shall be prepared in the aggregate marks obtained in part-III, IV and examinations and shall be arranged in divisions as under :-

- |  |              |
|--|--------------|
| a) Those who obtain 60% or more marks                          | 1st division |
| b) Those who obtain 45% or more marks but less than 60% marks. | 2nd division |

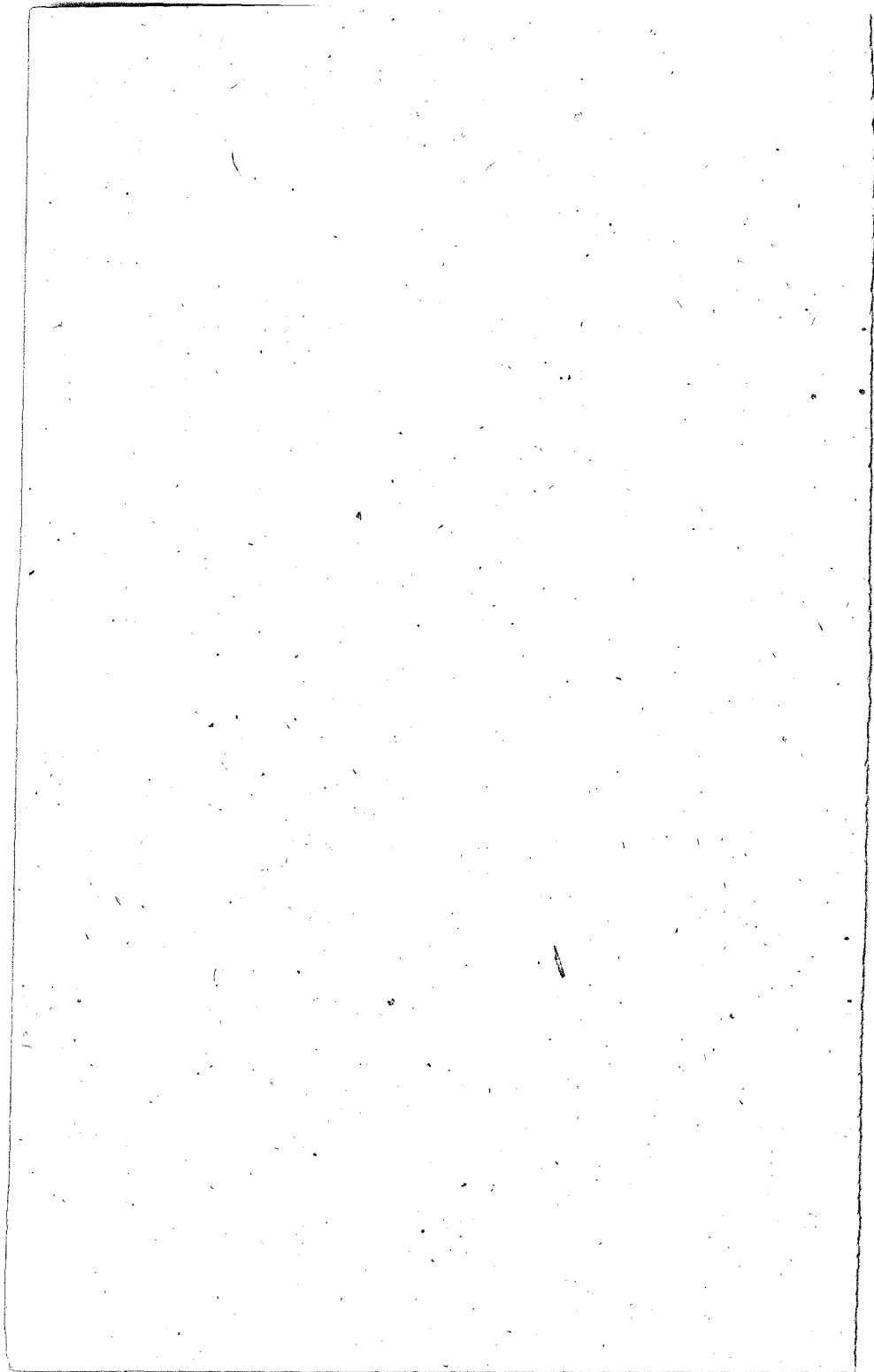
18. The candidates who have passed the B.A. (law) exam. in the second or third division may be allowed to re-appear in one or more theory paper(s) of the part-I and/or part-II examinations for improvement of division III to II, II to I. or for improvement of 45%. However, for improvement of division from III and II to I as well as improvement of score of marks upto 45% only one chance for each part shall be allowed. Such a candidate shall appear for improvement in the paper(s) within a period of two years of his passing B.A. Law exam. a candidate appearing in one or more paper(s) for the purpose of improvement of division shall pay fee as for the whole examination. The higher score in the paper(s) for the purpose of improvement of division shall pay fee as for the whole examination. The higher score in the paper(s) in which the candidates re-appears for improvement will be taken into account towards the final result and the marks already obtained by the candidate in the paper(s) in which he has not opted to improve his result shall be carried forward. In case the candidate does not improve the division, his result shall be declared as previous result stand.

The students who are appearing for improvement of marks under this clause will be required to appear according to current syllabus. No separate paper under old syllabi will be set for such students.

19. Notwithstanding the integrated nature of this course, which is spread over more than one academic year, the ordinance in force at the time a student joins the course shall hold good only for the examination held during or at the academic year and nothing in this ordinance shall be deemed to debar the University from amending the Ordinance and the amending ordinance, if any, shall unless specified otherwise, apply to all students whether old or new.







**SCHEME OF EXAMINATION LL.B. IVTH YEAR**

		<b>M. Marks</b>	<b>Time</b>
Paper-I	Law of Contract-II (Specific Contracts, Sales of Goods Act and the Indian Partnership Act.)	100	3 hours
Paper-II	Jurisprudence and Comparative Law	100	3 hours
Paper-III	Labour Law	100	3 hours
Paper-IV	Administrative Law	100	3 hours
Paper-V	Company Law	100	3 hours
Paper-VI	Criminal Procedure Code, Juvenile justices act and Probation of Offenders Act	100	3 hours
Paper-VII	Environmental Law	100	3 hours
Paper-VIII	Practical Training : Professional Ethics, Accountability for Lawyers and Bar Bench Relationship	100	3 hours
	Theory	80	
	Practical	20	
Paper-IX	One optional paper from the following subjects :		
(i)	Banking Law's Negotiable Instruments and Law of Insurance	100	3 hours
(ii)	Criminology, Penology and Criminal Administrative	100	3 hours

**Paper-I LAW OF CONTRACT-II (SPECIFIC CONTRACTS, SALE OF GOODS ACT AND THE INDIAN PARTNERSHIP ACT)**

**Max. Marks : 100**

**Time : 3 hours**

*Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.*

**Specific Contracts :**

**The Indian Contract Act, 1872 :**

- Unit I**
1. Contract of indemnity and Guarantee : Definition of indemnity, rights of indemnity holder, definition of guarantee and its essentials, extent of surety's liability, discharge of surety, rights of surety, co-sureties and their liabilities, difference between Indemnity and Guarantee (Ss 124-147).
  2. Bailment :- Definition and essentials, creation and termination, rights and duties of bailor and bailee, position of finder of goods (Ss 148-171).

**Leading Case :** Bank of Bihar Vs. Damodar Persad, AIR 1969 SC 279.

- Unit II**
1. Pledge : definition and essentials, rights and duties of Powner and Pownee (Ss 172-181)
  2. Agency : Definition, Kinds of agents, creation of agency, termination and ratification of agency, rights and duties of agent and principal, duties of agent and principal towards third party (Ss 182-238).

**Leading Case :** Mulam Chand Vs. State of M.P. (1968) 3, S.C.R. 214.

**Unit III The Sale of Goods Act, 1930.**

1. Formation of Contract of Sale (Ss 4-10),

difference between Sale and Agreement to sell and Hire purchase

2. Conditions and warranties in Contract of Sale (Ss 11-17)
3. Transfer's of property in goods (Ss 18-30)
4. Unpaid sellers rights against goods (Ss 45-54)

**Leading Case :** Sales Tax Officer Vs. Bud Parkash Jai Parkash, AIR 1954 S.C. 450

The Indian Partnership Act, 1932.

- Unit IV**
1. Nature and definition of Partnership (Ss 4-8).
  2. Relation of partners with one another (Ss 9-17).
  3. Relation of partners to third parties, Implied Authority of Partners, liability of partners for acts of firm, liability of firm for act of partners, Doctrine of holding out, miner's admission to partnership (Ss 18-30).

**Leading Case :** C.I.T. Vs. Shah Mohandas Sadhu Ram, A.I.R. 1966 S.C. 15.

- Unit V**
1. Incoming and outgoing partners (Ss 31-38).
  2. Introduction, retirement, expulsion and insolvency of partners (Ss 31-37).
  3. Dissolution of firms (Ss 39-55).
  4. Registration of firms (Ss 56-77).

**Leading case :** M/s Jammu Cold Storage Vs. Sherti Lal and Sons A.I.R. 1960 J & K 101.

**Note :** *Not more than one question shall be set directly from the leading cases.*

**Books recommended**

- |                    |                     |
|--------------------|---------------------|
| 1. Dr. Avtar Singh | Law of Contract     |
| 2. Dr. R.K. Bangia | Indian Contract Act |
| 3. S.T. Desai      | Indian Contract Act |
| 4. J.D. Jain       | Indian Contract Act |
| 5. S.K. Kapoor     | The Law of Contract |

- |                     |                                      |
|---------------------|--------------------------------------|
| 6. Dr. Avtar Singh  | The Sale of Goods Act                |
| 7. Dr. R.K. Bangia  | Sale of Goods Act                    |
| 8. Dr. Avtar Singh  | Law of Partnership                   |
| 9. Mulla            | Law on Sale of Goods and Partnership |
| 10. Dr. R.K. Bangia | Indian Partnership Act               |

**Paper-II JURISPRUDENCE AND COMPARATIVE LAW**

**Max. Marks : 100**

**Time : 3 hours**

*Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.*

**Unit-I** Definition, Nature and scope of Jurisprudence.

Schools of Jurisprudence :

- (a) Analytical Legal Positivism School
- (b) Historical School
- (c) Sociological School
- (d) Philosophical School and Natural Law
- (e) Realist School

**Unit-II** Definition and nature of Law :

- (a) Imperative Theory of Law
- (b) Pure Theory of Law
- (c) Hindu Concept of Law
- (d) Administration of Justice

**Unit-III** Sources of Law :

- (a) Custom,
- (b) Legislation &
- (c) Judicial Precedent

**Unit-IV** Legal Concepts :

- (a) Legal Rights and Duties

- (b) Ownership and possession
- (c) Persons
- (d) Liability

**Unit-V Comparative Law :**

- (a) Definitions and nature of comparative Law.
- (b) Historical Development of comparative Law.
- (c) Utility of comparative Law.

**Books recommended**

- |                                       |  |
|---------------------------------------|--|
| 1. Salmond                            | Jurisprudence                            |
| 2. Dias, R.W.                         | Jurisprudence                            |
| 3. Paton, G.W.                        | Jurisprudence                            |
| 4. Dhyan, S.N.                        | Jurisprudence                            |
| 5. Mahajan, V.D.                      | Jurisprudence                            |
| 6. Tripathi, B.N.                     | Jurisprudence (Legal theory)             |
| 7. Gutteridge, HC                     | Comparative Law (Col Laptus I, II & III) |
| 8. Indian Law Institute,<br>New Delhi | Comparative Law                          |

**Reference Books**

- |                 |                               |
|-----------------|-------------------------------|
| 1. Lyoyd.       | Introduction of Jurisprudence |
| 2. Bodenheimer  | Jurisprudence                 |
| 3. Friedman, W. | Legal Theory                  |

**Paper-III LABOUR LAW**

**Max. Marks : 100**

**Time : 3 hours**

*Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.*

**Unit-I The Trade Unions Act, 1926 :-**

**Development of Trade Unions Law in India :**

Definitions : Executive, Registrar, Trade dispute, Trade Union, Registration of Trade Unions (Ss 3-9), Cancellation of Registration (S-10), Appeals (S-11), Incorporation of Registered Trade Union (S-13), Rights and Liabilities of Registered Trade Union (Ss 15-18), Rights to inspect books of Trade Union (S-20), Rights of minors to membership of trade union (S-21), Disqualifications of Office bearers of trade unions (S 21-A), Proportion of office bearers to be connected with the industry (S. 22), Change of name and amalgamation of trade union (Ss 23-26), Dissolution and Returns (Ss 27-28).

Leading Case : In Re-Indian Steam Navigation Workers' Union AIR 1936 Cal. 57.

The Workmen's Compensation Act, 1923 :

Main features of the Act, Definitions : Compensation, dependent, Employer, workman, partial disablement, total disablement, Employer's liability for compensation (S. 3). Compensation to be paid when due and penalty for default (S. 4A), Review (S. 6), Distribution of Compensation (S. 8), Notice and claims of the accident (S. 10), Penalties (S. 18-A), Commissioners (Ss. 19 to 29), Appeals (S. 30).

Leading Case : S.S. Mfg. Co. Vs. Bal Valu Raja, AIR 1958 SC 881

Unit-II The Minimum Wages Act, 1948 :

Objects and Constitutional Validity of the Act, Salient features of the Act, Definitions : Employer, Cost of living index, Scheduled employments, Wages - minimum wages, fair wage and living wage, Fixation and Revision of minimum rates of wages working hours and determination of wages and claims (Ss 3-20 and 21).

Leading Case : Bijay Cotton Mills Ltd. Vs. State of Ajmer, AIR 1955 Sc 33.

The Payment of Wages Act, 1936 :

Definitions : Employer, Industrial or other

establishment, Wages, Payment of Wages and deduction from wages (Ss 3-13), Inspector (S. 14), Authority to hear claims (S. 15), Appeal (S. 17)

**Unit-III The Industrial Disputes Act, 1947 :**

Objects and main features of the Act, Definitions, Appropriate Government, Employer, Industry, Industrial disputes, workman, Public Utility Service, Industrial establishment or undertaking, Authorities under the Act (Ss. 3-9 and 11-15), Notice of Change (S. 9-A), Reference of disputes to Boards, Courts and Tribunals (S. 10), Voluntary Reference of disputes to arbitration (S. 10A), Powers of Labour Courts and Tribunals to give relief in case of discharge or dismissal of workman (S. 11-A), Awards and Settlements (Ss. 2, 16 to 21).

**Leading Cases :** i) Management of Safdarjung Hospital, New Delhi Vs. Kuldip Singh, AIR 1970 SC 1406.

ii) Bangalore Water Supply Vs. Rajappa, AIR 1978 SC 548.

**Unit-IV The I.D. Act, 1947 :-**

Definitions of 'Strike' and 'Lock-out' (S-2), The other Statutory provisions of the I.D. Act, 1947 relating to strikes and lock-outs (Ss 22-28), Definitions of 'Lay off' and 'Retrenchment' (S. 2), Other Statutory provisions regarding 'Lay off and Retrenchment' (Ss. 25A to 25E and 25F to 25H), Compensation to Workman in case of transfer of undertakings (Ss. 25FF), Sixty days' Notice to be given of intention to close down the undertaking (S. 25FFA) compensation to workman in case of closing down of undertaking (S. 25FFF), Special Provisions Relating to Layoff, Retrenchment and closure in certain establishments (Ss. 25-K to 25-S), Unfair Labour Practices (Ss 25-I to 25-U), Scope of Sections 33 and 36 of the I.D. Act, 1947.

**Leading Case :** Delhi Cloth and General Mills Vs. Shambhu Nath, AIR 1978 SC 88.



## UnitV The Factories Act, 1948 :

Definitions : Adult Adolescent, Child, Hazardous Process, Manufacturing Process, Worker, Factory, Approval of Licensing and registration of factories (S. 6), Notice by occupier and duties of the occupier (Ss. 7 and 7-A). Inspectors and Certifying Surgeons (Ss. 11-41); Welfare (Ss. 42-50); Working Hours of Adults (Ss. 51-66); Employment of young persons (S. 67 to 77); Annual Leave with Wages (Ss. 78-84).

Leading Case : Hathras Municipality Vs. Union of India, AIR 1975 ALL. 364.

Note : *Not more than one question shall be set directly from the leading cases.*

**Books recommended**

- |                        |   |
|------------------------|---|
| 1. O.P. Malhotra       | Law of Industrial Disputes (Vol. 1).        |
| 2. Dr. G.M. Kothari    | A Study of Industrial Law.                  |
| 3. P.R. Bangri         | Law of Industrial Disputes.                 |
| 4. S.N. Mishra         | Labour and Industrial Law.                  |
| 5. K.D. Srivastava     | Law Relating to Trade Unions in Indian Act. |
| 6. Dr. S.C. Srivastava | Labour Laws and Industrial Relations        |
| 7. Mahesh Chandra      | Minimum Wages Act, 1948                     |
| 8. H. Saharary         | Industrial and Labour Laws of India.        |
| 9. Dr. S.K. Puri       | Labour and Industrial Laws.                 |
| 10. Dr. L.C. Dhingra   | Law on Industrial Adjudication in India.    |

## Paper-IV ADMINISTRATIVE LAW

Max. Marks : 100

Time : 3 hours

*Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.*

- Unit-I
1. Nature and Scope of Administrative Law, Rule of Law, Separation of Powers.
  2. Delegated Legislation; Factors leading to the growth of Delegated Legislation; Excessive delegation, permissible and Non-Permissible delegation judicial Control of delegated legislature.
    - i) Constitutionality of the Parent Act
    - ii) Constitutionality of Delegated Legislation
    - iii) Substantive ultravires
    - iv) Procedural ultravires
    - v) Exclusion of Judicial ReviewLegislative Control of delegated legislature  
Subdelegation of legislative power.
- Unit-II
1.
    - i) Principles of Natural Justice
    - ii) Bias
    - iii) Audi-Alteram Partem
    - iv) Right to Counsel
    - v) Reasoned Decisions
  2. Administrative Tribunals
    - i) Distinction from Courts
    - ii) Growth of Tribunals
    - iii) How far bound by rule of evidence.

Leading Case : A.R. Kripak Vs. Union of India, AIR 1970 SC

- Unit-III
1. Judicial control of Administrative Action : Writ Jurisdiction Scope of Art. 32 and Art. 226 Exhaustion of Alternative Remedies Laches Against whom writ can be issued who can supply for Writ Public Interest Litigation Nature of Writs (Habeas Corpus, Mandamus, Certiorari (Prohibition and Qua Warrants) Grounds for issue of Writs.
  2. Statutory Judicial Remedies Injunctions and Declaratory Actions.
  3. Judicial Control of Administrative Discretion : Courts do not go into the merits of exercise of Discretion Abuse of Discretion Non-application of Mind Non-compliance with procedural norms Administrative discrimination.

Leading Case : Partap Singh Vs. State of Punjab, AIR 1964 SC 72.

Unit-IV Govt. Privileges in legal proceedings whether State bound by a Statue Govt. privilege not to produce documents Miscellaneous privileges of the Govt. Notice Limitation Official Secrets Act and Right to information.

Leading Case : State of Punjab Vs. Sodhi Sukhdev Singh, AIR 1961 SC 493.

2. Doctrine of Promissory Estoppel.

Leading Case : Moti Lal Padam Pat Sugar Mill Vs. Uttar Pradesh (1979) SC (Section 409)

Public Undertakings

Govt. Control

Parliamentary Control

Judicial Control

Unit-V Tortious Liability of Govt.

Govt. Contracts.

Introductory, formation of Govt. Contract Art. 14, 19 (g) & Govt. Contracts Institution of Ombuds men

*Note : Not more than one question shall be set directly from the leading cases.*

**Books recommended :**

- |    |                |                                  |
|----|----------------|----------------------------------|
| 1. | M.P. Jain      | Principles of Administrative Law |
| 2. | J.R. Upadhyaya | Administrative Law               |
| 3. | Paras Diwan    | Administrative Law               |
| 4. | Garner         | Administrative Law               |
| 5. | H.P.W. Wade    | Administrative Law               |
| 6. | I.P. Massey    | Administrative Law               |
| 7. | S.P. Sathe     | Administrative Law               |
| 8. | K.C. Joshi     | Administrative Law               |

**Paper-V COMPANY LAW**

**Max. Marks : 100**

**Time : 3 hours**

*Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.*

**Unit-I** Company : Nature, Definition, Characteristic and Kinds of Companies. Incorporation of a company, corporate veil and lifting the corporate veil, Promot Status, position, function and remuneration; Memorandum of Association; objects, contents, clauses and their alternation; doctrine of ultravires articles of Association and Memorandum : their relation, distinction and effects; constructive notice of Memorandum and articles; Doctrine of Indoor Management and its exceptions.

**Leading Case :** Ashburry Railway Carriage and Iron Co. Vs. Riche, (1875) L.R. 7 H.L. (653).

**Unit-II** Prospectus : definition, contents, registration, Golden Rule for framing Prospectus; liabilities for mis-statement in the Prospectus, Acceptance of Public

Deposites Commencement of Business, Brokerage; Shares and debentures; Their kinds and Allotment; Share-capital- Reduction of capital; Voting Rights. Membership and their classification; Register and Index of Members. Distinction between share Warrant and Share Certificate; Transfer and Transmission of shares; Surrender of Shares and Forfeiture of shares; Purchase of its own shares by the Company; Issue of share as Premium and Discount; Dividends; Rules interim dividend, Dividend warrant. Bonus shares and the guidelines for their issue. Borrowing Powers; Mortgages and charges (fixed and floating charges); Loans and Investments.

Leading Cases : Derry Vs. Peek, (1889) 14 App. Sec. 337.

Unit-III Company Management : Directors their appointment, qualifications, position, duties, liabilities and powers, removal of Directors. Statutory provisions relating to Managerial Remunderation. Company Law Boards : their powers, functions and duties. Other Managerial Persons; Managing Director, Managers and Secretary. Meetings and their Proceedings; Accounts and the audit; Investigators.

Leading Case : In Re City Equitable Fire Insurance Co., (1925) 4 Ch. 407.

Unit-IV The Majority Rule and Minority Protection; Rule in Foss Vs. Harbottle (1843) 2 Hare 461; Prevention of oppression and Mismanagement (Ss. 398-402); Compromise, arrangements, reconsiderations and amalgamation, Take-over bids.

Leading Case : Kalinga Tubes Ltd. Vs. Shanti Prasad Jain, (1964) 1 L.J. 117 (SC).

Unit-V Winding up of Companies : Meaning of winding up. Modes of winding up by Court, Voluntary winding up and classification, winding up subject to the supervision of the court. Grounds of the winding up. Consequences of winding up; order and the procedure involved. Official Liquidation, Duties,

Powers, Liabilities. Statement of affairs (S, 454), Committee for Inspection (S 464 and 465), General power of the court (S 443). Contributories - Liabilities, Right of Set Off (S. 469), Role of Liquidator in Voluntary winding up. Winding up of unregistered companies and Insolvent Companies. Antecedent and other Transactions (Ss 531-537); Offences antecedent to in the course of winding up (Ss 538-545).

Leading Case : Hindi Overseas Private Ltd. Vs. R.P. Jhunjhunwala A.I.R. 1976, SC 565.

Note :- Not more than one question shall be set directly on leading cases.

**Books Recommended :**

- |                        |                                  |
|------------------------|----------------------------------|
| 1. Gower, L.C.B.       | Principles of Modern Company Law |
| 2. Singh, Avtar (Dr.)  | Indian Company Law               |
| 3. Kapoor, N.D. (Dr.)  | Company Law                      |
| 4. Shan                | Lectures on Company Law          |
| 5. Ramayya, A          | A Guide to Companies Act         |
| 6. Rai, Kailash        | Principles of Company Law        |
| 7. Penningom           | Principle of Company Law         |
| 8. Sethna, A           | Company law                      |
| 9. Dhingra, L.C. (Dr.) | Principles of Company Law        |

**Paper-VI CRIMINAL PROCEDURE CODE, 1973 JUVENILE JUSTICE ACT 2000 AND PROBATION OF OFFENDERS ACT, 1958.**

**Max. Marks : 100**

**Time : 3 hours**

*Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.*

- Unit-I**
1. Preliminary (Sec. 1 to 5)
  2. a) Constitution of Criminal Courts and Offices (Sec. 6-25)  
b) Power of Courts (Sec. 26-35)
  3. Arrest of persons (Sec. 41-60)
  4. Remand of the accused (Sec. 167)
  5. Provisions as to bail and bounds (Sec. 436-450)

**Leading Case : Gurbax Singh Sibia Vs. State of Punjab AIR 1980 SC 1632**

- Unit-II**
1. Search and Seizure (Sec. 91-105, 165 & 166)
  2. Order for Maintenance of Wives, Children and Parents (Sec. 125-128)
  3. Information to the police and their powers to investigate (Sec. 154-176)
  4. Jurisdiction of the Criminal Courts in inquiries and trials, cognizance of offences by magistrate (Sec. 177-189 & 190)

**Leading Case : Narayan Dass, Bhahwan Dass Vs. State of West Bengal AIR 1959 SC 1118.**

- Unit-III**
1. Complaints to Magistrates and commencement of proceedings before magistrates (Sec. 200-210)
  2. Charge (Sec 211-224)
  3. a) Trial before Court of Sessions (Sec. 225-237)

- b) Trial of Warrant Cases by Magistrates (Sec. 238-250).
- 4. a) Trial of Summons cases by magistrates (Sec. 251-259)
- b) Summary trial (Sec. 260-265)

Leading Case : Banwari Lal Vs. Union of India AIR 1963 SC 1620

- Unit-IV
- 1. Judgment (Sec. 353-356)
  - 2. Appeals (Sec. 372-394)
  - 3. "REFERENCE and Revision (Sec. 395-405)
  - 4. Limitation for taking cognizance of certain offences (Sec. 467-473)

Leading Case : Amar Nath Vs. State of Jaryana AIR 1977 SC 2185.

- Unit-V
- 1. Probation of Offenders Act, 1958 (Sec, 1-5 & 12-14)
  - 2. The Juvenile Justice (Care and Protection of Children) Act, 2000 (Sections 1 to 40)

Leading Case : Masarullas Vs. State of Tamil nadu AIR 1983 SC 654.

#### **Books Recommended**

- 1. Code of Criminal procedure, 1973 (Bare Act amended upto date)
- 2. Probation of Offenders Act, 1958
- 3. The Juvenile Justice , (Care and Protection of Children) Act, 2000.
- 4. Kelkar, R.V. : Lectures on Criminal Procedure
- 5. Kelkar, R.V. : Code of Criminal Procedure
- 6. Rattan Lal Dheeraj Lal : Law of Crime II
- 7. Sohni : Code of Criminal Procedure in four volumes



**Paper-VII ENVIRONMENT LAW****Max. Marks : 100****Time : 3 hours**

*Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks.*

- Unit-I
- A) Meaning and definition of environment, environmental pollution, Factors responsible for environmental pollution. Provisions of following general laws for protecting environment in general;
    - a). Constitution of India.
    - b) Indian Penal Code.
    - c) Criminal Procedure Code.
    - d) The Factories Act, 1948
  - B) Noise - its definition, sources and its harmful effects. Remedies for noise pollution
  - C) Leading Case : Ratlam Municipality Vs. Varohi Chand & Ors AIR 1980 SC 1622.
- Unit-II
- A) The Water (Prevention & Control of Pollution) Act, 1974.
  - B) Leading Case : M.C. Mehta Vs. Union of India (The Ganga Pollution Case), AIR 1988 SC 1115.
- Unit-III
- A) The Air (Prevention & Control of Pollution) Act, 1981
  - B) The Environment (Protection) Act, 1986.
- Unit-IV
- A) Role of Public Interest Litigation in Protection of Environment.
  - B) Role of Judiciary in protection of Environment Case : Rural Litigation Kendra, Dehradun Vs. State of U.P., AIR 1987, SC. 305.
  - C) The National Environment Tribunals Act, 1995.

Unit-V A) The Doctrine of Absolute Liability Case : M.C. Mehta V. Union of India (SFFI Case) AIR 1987 SC 965.

B) The Public Liability Insurance ACT, 1991.

*Note : Not more than one question shall be set directly from the leading cases.*

### Books Recommended

1. Diwan Paras Environment Administration, Law and Judicial Attitude' (1992) Vol. I, II.
2. The Water (Prevention and Control of Pollution) Act, 1974.
3. The AIR (Prevention and Control of Pollution) Act, 1981.
4. The Environment (Protection) Act, 1986.
5. The Public Liability Insurance Act, 1991.
6. The National Environment Tribunals Act, 1995.
7. Chandra Pal Environmental Pollution & Development.
8. Naresh Kumar Air Pollution & Environmental Protection

### Paper-VIII PRACTICAL TRAINING :

#### PROFESSIONAL ETHICS, ACCOUNTABILITY FOR LAWYERS AND BAR BENCH RELATIONSHIP

#### Part - I

Max. Marks : 80

Time : 3 hours

*Note : Eight questions will be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each unit. All questions shall carry equal marks.*

- Unit-I
- i) Nature of legal profession
  - ii) Heights and Privileges of an Advocate
  - iii) Duties and responsibilities of an advocate
  - iv) Preparation of case brief and fee

- Unit-II
- i) Necessity of an Ethical Code Bar Council Code of Ethics
  - ii) Accountability for lawyers
  - iii) Standard of professional conduct
  - iv) Professional misconduct
- Unit-III
- i) Powers and procedure of Disciplinary Committee
  - ii) Appeals
  - iii) Bar-Bench relations
  - iv) Contempt Law and Practice
- Unit-IV Ten major judgements of the Supreme Court of India on the Subject
1. P.J. Ratnam Vs. J. K. Nikeram, AIR 1964 SC 244.
  2. Shiv Narayan Vs. Hon'ble Judges of High Court of Allahabad, AIR 1953 SC 368.
  3. In re 'P' An Advocate, AIR 1963 SC 1313
  4. Ali Mohd. Kashnuri. Vs. An Advocate, AIR 1960 All. 660.
  5. Manak Lal Vs. Pran Chand, AIR 1957 SC 425
  6. Mulchand Vs. Mukund Shivram, AIR 1952 Bom. 296
  7. In the matter of Mr. 'G' 1954 S.C.R. 490.
  8. In the matter of Mr. 'A' An Advocate, AIR 1962 SC 1337.
  9. Mr. C.V. Advocate General Madras, 1957 S.C.R. 1092.
  10. District Judge Vs. J. G. Gandhi, AIR 1956 Bom. 739

#### Books Recommended

1. Mr. Krishnamurthy Iyer's book on 'Advocacy'.
2. The Contempt of Courts Act.
3. The Bar Council Code of Ethics
4. The Advocates Act, 1961.

**Part - II****Max. Marks : 20**

This part is of practical nature. The performance of a student shall be evaluated by a committee consisting of three teachers of the Dept. of Law appointed by the B.O.S. in Law every year. The students shall maintain the diary of the work done under the directions of the teacher incharge of the class.

**Paper-IX(i) BANKING LAWS, NEGOTIABLE INSTRUMENTS AND LAW OF INSURANCE****Max. Marks : 100****Time : 3 hours**

*Note :* Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

**Unit-I The Banking Law :**

1. The Banking Regulation Act, 1949.
  - i) Definitions, Business of Banking companies (Ss 5, 6-12), audit (S. 30), Inspection (S. 35)
  - ii) Powers of Reserve Bank to give directions (S. 35A, 35B, 36)
  - iii) Control over management (Ss 36A, A, 36AB).
  - iv) Suspension of business and winding up of banking Companies (Ss 36B, 38-45).
2. The Reserve Bank of India Act, 1934 :
  - i). Incorporation, capital, management and business (Ss 3-18).
  - ii) Collection and furnishing of credit business (Ss. 45A-45G)
  - iii) Prohibition of Acceptance of deposits by union Corporated Bodies (Ss 45R-45T)

Leading Case : Sajjan Bank (P) Ltd., Vs. Reserve Bank of India, 30 comp. Cas. 146.

Unit-II The Negotiable Instrument Act, 1881 :

1. Negotiable instruments, Promissory notes, Bills and cheques (Ss 4-7)
2. Holder in due course, payment in due course (Ss 8-10).
3. Indorsement in blank and indorsement in full :
4. Maturity and cancellation (Ss 22-24), Liability of drawer and drawee of a cheque (Ss 30-31)

Leading Case : Bangal Bank Vs. Satinder Nath, AIR, 1952 Cal. 385

Unit-III 1. Negotiation by delivery and by indorsement, effect of Indorsement.

2. Holder deriving title from holder in due course
3. Negotiable instruments obtained by unlawful means and for unlawful consideration (Ss 47-48, 50, 53, 58)
4. Cheque payable to order, cheque crossed generally and specially (Ss 85-87) crossing after issue, payment of cross cheque out of due course, cheque bearing not negotiable, liability of banker receiving payment of cheque.

Leading Case : Great Western Railway Vs. London and County Banking Co. (1901), A.C. 414.

Unit-IV The Law of Insurance :

1. Concept, nature, principles of insurance
2. The Insurance Act, 1938
  - (a) Requirement as to capital,
  - (b) Registration,
  - (c) Licensing of Insurance Agents,
  - (d) Investigation,
  - (e) duties and powers of Controller of Insurance.

Leading Case : M.B. Mehta Vs. D.K. Ramchandra Naik, AIR 1967 SC 108.

- Unit-V
1. The Life Insurance Corporation Act, 1956 :
    - a) Constitution, Capital and functions of corporation
    - b) Set up of Corporation and Committees.
    - c) Authorities of Corporation
    - d) Rights of Policy holders
  2. Miscellaneous Insurance : fire, Marine and Aviation Insurance.

Leading Case : Mithulal Vs. L.I.C. of India, AIR 1962 SC 814

*Note : Not more than one question shall be set directly from the leading case.*

**Books recommended :**

1. M.N. Misra Insurance, Principles and Practices
2. M.N. Misra Principles of Insurance
3. C.R. Rao Treaties on the Law of Insurance
4. Avtar Singh (Dr.) Negotiable Instrument Act
5. R.K. Bangia (Dr.) Negotiable Instrument Act
6. The Banking Regulation Act, 1949.
7. The Reserve Bank of India Act, 1934.

**Paper-IX(ii) CRIMINOLOGY, PENOLOGY AND CRIMINAL ADMINISTRATION**

**Max. Marks : 100**

**Time : 3 hours**

*Note : Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.*

- Unit-I The concept of crime, nature and scope of criminology. Schools of criminology; Pre classical

School; Classical School; Neo-Classical; Positive School; Sociological School.

Unit-II Causation of crime; Economic Theories of crime causation; Multifactor approach to crime causation; Tentative-theory of crime.

Unit-III White collar crime; organized crimes; Alcoholism, Drug Addiction and Crime; Juvenile Delinquency; Modern Crimes.

Leading Case : Sheela Barse Vs. Union of India, AIR 1986 SC 1773.

Unit-IV Concept and theories of Punishment; Modes of Punishment and Judicial Sentencing; Prison Administration and Open Prison Constitutional Imperative (with special reference to Article 20, 21 & 22) and prison reform; Capital punishment and its relevance in the modern context.

Leading Case : Sunil Batra Vs. Delhi Administration, AIR 1978 SC 1675.

Bachan Singh Vs. State of Punjab, AIR 1980 SC 898.

Unit-V The Police System; Probation; Parole; Crime Prevention; Concept and scope of Victimology.

Leading Case : Geoch Vs. Eling (1985) 3 All ER 654.

*Note : Not more than one question shall be set directly from the leading cases.*

#### Books recommended

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|-------------------------------|--|
| 1. A. Siddique                | Criminology Problems and Perspectives. |
| 2. S.M. Sethna                | Society and Criminology                |
| 3. Jamens Teary               | Introduction to Criminology            |
| 4. M. Pannanan                | criminology and Penology               |
| 5. N.V. Paranjape             | Criminology and Penology               |
| 6. Sutherl and; E. and Cressy | Principles of Criminology              |