



# BIRSA INSTITUTE OF LEGAL STUDIES

Bariatu, Ranchi, Jharkhand 834009, India

Website : [www.birsainstituteoflegalstudies.in](http://www.birsainstituteoflegalstudies.in)

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# SYLLABUS

For Three Years LL.B Degree Program with Semester System

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**Subject and Scheme of the examination of LL.B. Semester-I, II, III, IV, V & VI****Semester-1<sup>st</sup> & 2<sup>nd</sup>**

Papers	Subjects	Hours	Written exam	Internal assessment	Total
1	Jurisprudence	3	40	10	50
2	Contract-I	"	"	"	"
3	Contract-II	"	"	"	"
4	Family Law-I	"	"	"	"
5	Family Law-II	"	"	"	"
6	Law of Crimes	"	"	"	"
7	Constitutional Law	"	"	"	"
8	Legal Writing (Including General English)	"	"	"	"
9	Human Rights & International Law	"	"	"	"

**Semester-3<sup>rd</sup> & 4<sup>th</sup>**

Papers	Subjects	Hours	Written exam	Internal assessment	Total
1	Environmental Law	3	40	10	50
2	Land Laws	"	"	"	"
3	Criminal Procedure Code	"	"	"	"
4	Property Law	"	"	"	"
5	Administrative Law	"	"	"	"
6	Company Law	"	"	"	"
7	Legal History	"	"	"	"
8	Practical Training	2	50	Field Work 30 + Vivavoca 20	50

**Semester-5<sup>th</sup> & 6<sup>th</sup>**

Papers	Subjects	Hours	Written exam	Internal assessment	Total
1	Law of Evidence	3	40	10	50
2	Torts & Consumer Protection Laws	"	"	"	"
3	Civil Procedure Code & Limitation Act	"	"	"	"
4	Arbitration, Conciliation & Alternative Dispute Resolution System	"	"	"	"
5	Labour Law	"	"	"	"
6	Interpretation of Statute	"	"	"	"
Optional Papers (Any two of the following)					
	Law of Taxation	"	"	"	"
	Criminology & Penology	"	"	"	"
	Law and Medicine	"	"	"	"
	Intellectual Property Right	"	"	"	"
9	Practical Training	2	45	Field Work 45 + Vivavoca 10	100



## BIRSA INSTITUTE OF LEGAL STUDIES

### Programme Specific Outcomes (PSOs) for the UG Course (3 years LL.B program):

The program will help students cultivate the ability to:

- Acquire legal knowledge from various disciplines and professions to equip them to perform various roles of a professional lawyer beyond the traditional role of litigation linking their domain knowledge to legal profession.
- Gain hands on experience in legal knowledge, skills, ethics and values to be able to work in a fast-changing India set in a deglobalizing world by learning law in a profound way in response to contemporary developments
- Resolve the legal problems with the correct application of law.
- Deploy IT skills to use the electronic resources to find the legal information.
- Appreciate the role of lawyers in justice education in a globalizing world sensitive to the needs of sustainability, poverty, and vulnerability.
- Acquaint with the institutions of the legal systems including national, regional, international, and multiple aspects of dispute resolution, with intellectual integrity, critical thinking, and as practice-ready lawyers.
- Reflect on their values, learning and performance as these relate to their responsibilities as professionals to continuously learn, evolve and achieve self-fulfilment.
- Appreciate the role of the legal profession in fostering justice and diversity through leadership, public service, and community development.
- Demonstrate good judgment consistent with the legal profession's ethics, values and duties to clients, legal system, and society. They will be able to accurately articulate law governing lawyers and ethical rules and values of the legal profession.
- Accurately identify relevant legal issues raised by a set of facts, including conflicting rules and rules synthesized from multiple authorities pertinent to the issue.
- Effectively conduct legal research, investigate, advocate, collaborate and communicate with a variety of audiences.
- Apply ethical principles and commit to legal professional ethics, responsibilities, and norms of the established legal practices.



## LL.B PART-I

### PAPER-I

## JURISPRUDENCE

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

### Course Objective

Required lectures hours: 48 per semester

The students will learn the jurisprudential basis of various concepts which are continuously being dealt within law in all manifestations. The course will sensitize the students to adopt a pragmatic approach in studying all the subjects in the six semesters by teaching them how to read cases and ways to club theory with practice. It is a subject which forms the foundation of the law degree. It will make the students trace the evolution of law and legal systems in different countries. It will familiarize the students with linkage of law with other social science such as psychology, history sociology, economics history etc.

### SEMESTER-I

1. **Jurisprudence:** - Meaning, Definition, Nature, Purpose, Subject matter, and Importance.
2. **Schools of Jurisprudence:** - (i) Analytical (ii) Historical (iii) Natural Law (iv) Sociological (v) Realistic school (vi) Marxist School.
3. **State:-** Essentials and Functions of the State.
4. **Concept of Justice:** - (i) Nature, purpose, and different theories of Justice.

### SEMESTER-II

1. **Nature and Source of law:** i. Legislation ii. precedent iii. customs
2. **Legal Concepts:** i. Person ii. Rights iii. Duties iv. Ownership v. Possession.
3. **Relation between law and morals.**



## **Learning outcomes:**

The students will be acquainted with the basic ideas and fundamental principles of Law in the given society. The knowledge of Law and Legal precepts will help the students to face exigencies of life boldly and courageously. Students will be inculcated with standards of ideal for human conduct in terms of law for the maintenance of Public conscience.

## **Recommended Readings:**

- Jurisprudence and Legal Theory by Dr. V.D. Mahajan
- Studies In Jurisprudence & Legal Theory By Dr. V.N. Paranjape
- Jurisprudence and Legal Theory by P.S. Atchuthen Pillai
- Jurisprudence (Legal Theory) by Dr. S.R. Myneni
- Jurisprudence and Legal Theory by G.C. Venkata Subbarao
- Jurisprudence by R.W.M Dias



## PAPER-II

### CONTRACT-I

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The course will acquaint the students with fundamental concepts of law relating to contracts. They will study the Indian statutes specifically relating to contracts and learn to analyse the legal provisions through case laws and the related reference material. Additionally, they will analyse the practical application of law relating to contracts and of specific relief.

## SEMESTER-I

- 1. Definitions, elements and kinds of Agreement and Contract** - Meaning and feature of Proposal; Meaning and Features of Revocation and Acceptance.
- 2. Consideration** – Meanings Features, Present, Past & Future consideration with exception (if any).
- 3. Capacity to contract**  
Incapacity arising out of status and mental defects, minor's agreement.
- 4. Free Consent**-Meaning, Coercion-definition, essential elements, effect of coercion, Undue influence, Misrepresentation, misrepresentation of law & law & fact, Fraud, Mistake kinds of mistake, mistake of law and fact, when does a mistake vitiate free consent and does not.
- 5. Legality of objects & Void agreement** - Lawful and Unlawful considerations and objects -Void, Voidable, Illegal and Unlawful agreement, and their effects.
- 6. Wagering Contract, Contingent Contract.**
- 7. Part Performance, Anticipatory breach of contract.**



## SEMESTER-II

### PART-A

#### 24-MARKS

1. **Discharge of Contract-Modes** : i. Discharge by Performance. ii. Discharge by Agreement. iii. Discharge by Breach. iv. Discharge by Impossibility.
2. **Quasi - Contract**
3. **Remedies for breach of contract under Indian Contract Act, 1872.**

### PART- B

#### 16-MARKS

4. **Specific Relief Act, 1963**

#### **Learning Outcome:**

The students will be able to learn and understand the system of formation and discharge of contracts in India and the role of courts in enforcing them, along with the concept of voluntarily created civil obligations. They will also learn to analyse synthesis of case laws, identification of issues, applicability of relevant provisions and critical analysis of the judicial decisions with reference to the Indian Contract Act, 1872 and the Specific Relief Act, 1963.

#### **Recommended Readings:**

- Law of Contract and Specific Relief by Avtar Singh
- Law of Contract by R.K. Bangia
- Law Of Contract by Mulla and Pollock
- Laws of Contract I & II by Dr. S. S. Srivastava
- Law of Contract I & II by G.C.V. Subba Rao



## PAPER-III

### CONTRACT-II

## THE INDIAN CONTRACT ACT, INDIAN PARTNERSHIP ACT, SALE OF GOODS ACT AND OTHER SPECIFIC CONTRACTS

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

### Course Objective

Required lectures hours: 48 per semester

This is a follow up course on contract. When students are familiarized with the general principles of contract, special contracts are studied in the light of statutory provisions and decisional law. Some of growing sectors of economy such petroleum, mining, transportation and power etc. today require specialized legal professionals to handle growing contractual requirements, joint ventures etc. Special contracts justify special statutory provisions for some kinds of contracts. The law recognizes various Special Contracts, which includes the contract of Partnership and Sale of Goods. The present course is aimed at a study of the Indian Partnership Act, 1932, and Sale of Goods Act, 1930 in the light of judicial pronouncements.

### GROUP-A

## PARTNERSHIP ACT

30-MARKS

1. Definition, Nature and Essential of partnership.
2. Mode of determination of existence of partnership, relation of partners to one another, Relation of partners with third parties.
3. Position of minor in relation to partnership firm.
4. Partner by holding out, Incoming and outgoing partner – meaning, Rights and duties.
5. Registration and effects of non-registration of partnership firm.
6. Dissolution of partnership firm.



## GROUP-B

### SALE OF GOODS ACT

#### 10-MARKS

- (1) **Contract of sale** - Sale & Agreement to sell, Sale distinguished from agreement to sell.
- (2) **Conditions and Warrantee.**
- (3) **Caveat Emptor.**

## SEMESTER-II

### PART-A

#### 30-MARKS

1. **Contract of Indemnity** : Definition, nature and scope, Rights of indemnity-holders, Commencement of the indemnifier liability.
2. **Contract of Guarantee** : Definition Nature and Scope, Difference between contract of indemnity and Contract of Guarantee, Rights and Liabilities of Surety, Discharge of Surety.
3. **Bailment**: Definition and Essentials of Bailment; Rights & Duties of bailor and bailee.
4. **Pledge**: Definition, Difference between pledge and bailment, rights of pawnor and pawnee, pledge by the person other than owner.
5. **Agency**: Definition, Requisites, Creation of Agency, Rights and duties of agent, Relation of Principal with Third Parties, Personal liability of agent, Termination of Agency.

### PART-B

### SALE OF GOODS ACT

#### 10-MARKS

1. **Passing of property.**
2. **Transfer of title.**
3. **Rights of unpaid seller.**



## **Learning Outcome:**

The course will help the students understand the intricacies of partnership and sale of goods contracts. They will dive deep into the nitty-gritties of special contracts and become fully aware of the intricacies of drafting such technical contracts. The specific learning outcomes shall involve tracing the existing legal framework through latest Judgments and applicability of provisions in the evolving as well as technological driven society.

## **Recommended Readings:**

- Pollock & Mulla, The Sale of Goods Act, By Satish J. Shah
- Law of Sale of Goods by Avtar Singh
- Sale of Goods Act by Krishnamachari and Surinder K. Gogia, T.S. Venkatesalyer
- Indian partnership Act by Pollock & Mulla, G.C. Bharuka (ed)
- Law of Partnership in India by C. Mitra & Pradeep Kacker
- Law of partnership by Avtar Singh



## PAPER-IV

### FAMILY LAW-I (HINDU LAW)

FULL MARKS - 50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The course will create awareness and educate the students about rights and duties of members of family towards each other, with special reference to spousal relationship. It will give overview to the students and enhance their understanding on the current laws on marriage, divorce, maintenance, adoption and guardianship. Also the course aims to give practical exposure to students by field visit of Family Courts, Mediation and Conciliation Centres etc.

1. **Sources and Schools of Hindu Law.**
2. **Marriage and Kinship** : Marriage – Essential of valid marriage, Void and Voidable marriage.
3. **Matrimonial Remedies:-** Nullity of marriage. Restitution of conjugal rights. Judicial separation Divorce.
4. **Legitimacy** :- Legal status of children. Adoption. Hindu minority of guardianship.
5. **Alimony and Maintenance:** Maintenance of neglected wife, Divorced wives, Minor children, disable children, and parents who are unable to support themselves under the Code of Criminal Procedure, 1973.

## SEMESTER-II

1. **Joint Hindu Family : (Mitakshra and Dayabhaga)** i. Coparcenaries. ii. Kind of Property. iii. Rights & Duty of Karta. iv. Alienation of Coparcenary Property.
2. **Law of debt.**
3. **Law of Partition & Reunion.**
4. **Devolution of interest in Mitakshara, Coparcenary** with reference to the provisions of Hindu Succession Act. 1956.
5. **General rules of succession** – Male & Female, Disqualification, Testamentary succession U/S 30 of Hindu Succession.



6. **Indian Succession Act:** Intestate Succession.
7. **Indian Divorce Act :** Dissolution of Marriage and Custody of child.

### **Learning Outcome:**

Students will be able to practice in Law Courts as a specialized Matrimonial Lawyer. Additionally, the students will be able to join Research Houses, especially on issues relating to women and children at domestic and international level.

### **Recommended Readings:**

- Mayne's Treatise on Hindu Law & Usage by Ranganath Misra (Rev.)
- Mulla's Principles of Hindu Law by Satyajeet A. Desai
- Law of Marriage and Divorce by Paras Diwan
- Modern Hindu Law by paras diwan & peeyushi diwan

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## PAPER-V

### FAMILY LAW- II (MOHAMMADEN LAW)

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

Family law is the special branch of law which deals with the personal life of every individual of society. The Course covers areas of family law relating to the concept of Family. Evolution of family law and source of Muslim law, their school. The course also covers the institutions of marriage under both Muslim law and grounds of matrimonial remedies. The course is designed to analysis and discuss the above issues of Muslim law comparatively and separately both.

#### SEMESTER-I

1. **Sources of Muslim law and its Schools.**
2. **Marriage and kinship.** Evolution to the institution of marriage, kinds of marriage and its effect.
3. **Dower.**
4. **Matrimonial Remedies :** Non-Judicial resolution of marital conflict problems a) Divorce under Muslim personal law, Talaq and talaq-e- tafweez, Khula and Mubarat etc. b) Dissolution of Muslim marriage act, 1939.
5. **Alimony and Maintenance:** Maintenance of neglected wives, 125 Cr. P. C. The Muslim women (Protection of Rights on Divorce) Act, 1986; a critical review.
6. **Legitimacy and Parentage.**
7. **Conversion and its effect and family, Apostasy**

#### SEMESTER-II

1. **Inheritance :** General rules of succession and exclusion from succession, Classification of heirs under Hanafi and Ithna Asharia Schools and their shares and distribution of property.  
i. Securing Uniform Civil Code : ii. Religious pluralism and its implication iii. Connotation of the directives contained in Art 44 of the Constitution. iv. Impediments to the formation of the Uniform Civil Code.



2. Will.
3. Gift.
4. Waqf.
5. Preemption.
6. Guardianship.

### **Learning Outcome:**

The student will be able to analyse various provision of Muslim law, its sources, concept of marriage, and various matrimonial remedies available in case of a legal dispute under Muslim law and are able to develop social, moral and ethical values in family matters.

### **Recommended Readings:**

- Muslim Law in Modern India by Dr. Paras Diwan
- Mohammedan Law by Aqil Ahmad
- Mulla's Principles of Mohammedan Law by M. Hidayatulla and Arshad Hidayatulla,
- Outlines of Muhammedan Law by Tahir Mahmood, Fyzee

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## PAPER-VI

### LAW OF CRIMES

FULL MARK-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The primary objectives of this course are:- To familiarise the students with the key concepts regarding crime and criminal law, to expose the students to the range of mental states that constitute mens rea essential for committing crime and to teach specific offences under the Indian Penal Code, to familiarise the students with the concept of criminal liability and the vastness of its horizons and to keep students abreast of the latest legislative and judicial developments and changes in the field of criminal law.

#### SEMESTER-I

1. **General Concept of crime.** Distinction between crime and Torts.
2. **Elements of Criminal Liability.** Mens Rea- Intention-negligence and recklessness; strict liability principle.
3. **Group Liability Common intention and Common object.**
4. **Preliminary offences :-** Abetment criminal conspiracy, attempt.
5. **Factors Negating Guilty Intention.** a) Mental incapacity, emotional imbalance, involuntary intoxication. b) Private defence. c) Minority. d) Necessity and bound by duty. e) Mistake of Facts. (Chapter IV of the I.P.C.)

#### SEMESTER-II

1. **Specific Offences Against Human Body** -1. Culpable Homicide and Murder. 2. Hurt, grievous hurt offences relating to wrongful restraint and wrongful confinement assault. 3. Kidnapping, Abduction.
2. **Offences Against Women-** Insulting the modesty of a woman and assault of criminal force with intent to outrage the modesty of woman. Cruelty by husband and relatives of husband.
3. **Offences Against Property & Documents.** i. Theft, Cheating, Extortion, Robbery and dacoity, Mischief, Forgery. ii Criminal misrepresentation, and breach of trust.
4. **Offences Against Marriage –** Bigamy and adultery.



## 5. Offences Against State and Public Tranquility – Sedition, Unlawful Assembly, Riot, Affray.

### **Learning Outcome:**

Post completion of this course, the students should be able to identify the concept of criminal liability as distinguished from the civil liability. They will be able to identify the elements of crime in given factual situations entailing culpability and become familiar with the range of Specific Offences (Bodily offences and Property offences)

### **Recommended Readings:**

- Ratan Lal & Dhiraj Lal's The Indian Penal Code by K.T. Thomas, M.A. Rashid (Rev.)
- Criminal Law : Cases and Materials by K.D. Gaur
- Law of Crimes in India by R.C. Nigam
- Commentary on Indian Penal Code, 1860 (Vol. I & II) by V.B. Raju
- Essays on the Indian Penal Code by K.N.C. Pillai & Shabistan Aquil (Rev.)



## PAPER-VII

### CONSTITUTIONAL LAW

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The Constitution contains the fundamental law of the land. It is the source of all powers of, and limitations on, the three organs of the State, viz. the executive, legislature, and judiciary. No action of the State would be valid unless it is permissible under the Constitution. Therefore, it is imperative to have a clear understanding of the nature and working of the Constitution. This course is designed to orient the students towards said understanding and develop an analytical approach through case law.

1. **Nature of Indian Constitution** Essential Characteristics. Concept of Federalism, Indian Federalism.
2. **Amendment Power & Procedure.**
3. **Fundamental Rights.** a) State under Art. 12 b) Right to equality Art. 14, 15, 16, c) Fundamental Freedoms Art. 19 d) Right to Religion and minority rights Art. 15, 28 e) Right to life and personal liberty Art. 21 f) Right to accused and convicts.
4. **Relationship between Fundamental Rights & Directive Principles** Judicial process under the Constitution.
5. **Constitutional remedies Art. 32.**

## SEMESTER-II

1. **Executive** – Union and State Position and Power.
2. **Judiciary** – Union and State Appointment, Jurisdiction and Removal.
3. **Emergency** – Proclamation, President Rule and Financial Emergency.
4. **Trade, Commerce and Intercourse Finance Commission and Financial Relation.**
5. **Parliament & the State Legislature.** Functions of Parliament, Money Bill, Ordinary Bill, Financial Bill, Powers & Privileges of Parliament. Division of Legislative Scheme.



## **Learning Outcome:**

This Course is mostly focused on the learning outcomes: At the end of the course, students should be able to make students understand the art of reading and interpreting the Constitution. It will equip students in comprehending historical evolution of constitutional doctrines, standards, and tests. Also, it will make students examine and analyse the various interpretations given to Constitutional provisions by the Supreme Court of India and the High Courts.

## **Recommended Readings:**

- Shorter Constitution of India by D.D. Basu
- Constitutional Law of India by H.M. Seervai
- Indian Constitutional Law by M.P. Jain
- Constitution of India by M. P. Singh



**PAPER-VIII**

**LEGAL WRITING**

**(INCLUDING GENERAL ENGLISH)**

**FULL MARK-50**

**(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)**

**Course Objective**

**Required lectures hours: 48 per semester**

The course focuses on legal research and citation; legal reading, analysis, and synthesis; and the principles of effective writing. In addition, the course incorporates discussions of professional identity and professionalism and the values of cultural competence and reflection. Finally, it introduces students to lawyering skills including client interviewing and counselling, fact development, and development of important legal maxims.

**SELECTED LEGAL & EQUITABLE MAXIMS  
LEGAL MAXIMS**

**25-MARKS**

Actus Non- Facit Reum Nisimens Sit Rea Action- Personalis Moritur Cum Persona. Audi Alterm Partem.

Delegtus Non Potest Delegare. Ex Nudo Pacto Non Oritur Actio

Ignorantia Facti Excusat, Ignorantia Juris Non Excusat. Ignoranita Legis Eminem Excusat.

Res Ipsa Loquitur. Res Pondent Superior.

Administrator Pendente Lite.

Delegata Potest As Non Potest Delegari. Donation Mortis Causa.

Dormiunt Aliquando Leges Nunquam Moriuntur.

Durante Minore Aetate.

Ex Dolo Malo Non Oritur Actio

Expedit Relpublicae Ut Sit Finis Litium Facta Sunt Potentiore Verbis

Fiat Justitia, Ruat Caelum



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Fraus et Jun Nunquam Cohabitant Ignorantia Legis Eminem Excusat

Judex Not potest Esse Testes in Propria Causa Lex est dictamen Rationis

Nemo Debet bis puniri Pro Uno Delicto

Nemo Potest Facere Per Aliumquod per se non potest. Pacta dant legem contractui

Plus valet unus oculatus testis quam auriti decem Qui facit per alium facit per se

Salus populi est suprema lex

Semper Praesumitur pro matrimonio Vigilantibus non dormientibus jura subveniunt

### EQUITABLE MAXIMS

Equity will not suffer a wrong without a remedy

Equity follows the law.

He who seeks equity must do equity.

He who comes into equity come with clean hands Delay defeats equity.

### SELECTED LEGAL TERMS

#### 15-MARKS

Amicus-Curie, in limine, mutatis-Mutandis, inter alio, ad volarem, status quo, pendente lite, suo Moto, affidavit, decree, deposition, domicile, estoppel, equity, exhibit, Homicide, in camera, in testate, locus standi, Mens profit, motive, Oath, Overrule, Parole Polygamy, Prima facie, Proviso ratiodeciding, remission, repeal, respondent, sentence, statute law, substantive law, summons, trespass, trial, warrant, fait accompli, in re, in personam, in rem, intra vires, Ipso facto, quo pro quo, res nullius, sin qua non, ultravires, subpoena.

Amicus curiae, annus possidendi, caveat actor, caveat emptor corpus delicti culpaeata, culpa levis, ejusdem generis lex ferim lex loci mensrea nudum pactum obiter dictum particeps criminis protem, order sheet, court diary caveat.



## SEMESTER-II

1. **Application for Adjudgment** of case compromise applications, affidavit agreement interim maintenance general power of attorney, legal notice, application for grant of certified copy. Writing of case comments on specific 5 cases. 15 Marks.
2. **C. J. Registrar, Single Bench, Division Bench full Bench, Vacation Judge Legal aid board, Oath commissioner, Notary, Attesting office.** 10-Marks.
3. **Citation of Legal Journals and Periodicals** : i. Technique of citing a reference. ii. Use of words such as Ibid, Supra, Infra, Op.cit. 5-Marks.
4. **Essay writing** on topics of legal interest, translation & Precise writing, use of phrases & idioms. 10-Marks.

### Learning Outcome:

Post the completion of this course students decipher and understand legal citations in context, use a legal citation manual, and form proper legal citations. They shall be able to read, analyze, and synthesize primary and secondary legal authorities and apply law to fact to reach a well-supported prediction.

### Recommended Readings:

- Legal Language, Legal Writing & General English by B.M. Gandhi
- Legal Method, Legal Language and Legal Writing by Dr. Rakesh Kumar Singh, Souvik Dhar
- Legal Language, Legal Writing and General English by Prof. S.K Mishra
- Legal Language & Legal Writing by Dr. S. R. Myneni



## PAPER-IX

### INTERNATIONAL LAW

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The course will provide introduction to the relevance and scope of the Public International Law in the globalized world with special reference to India. It shall examine the jurisprudential doctrines, practices and legal instruments that have been instrumental in its formulation, development and functioning and create awareness about the structures and characteristics of Public International Law with emphasis on specific areas of the discipline and engage the students with the cases decided by ICJ and other relevant dispute settlement bodies.

## SEMESTER-I

### PART-A

### INTERNATIONAL LAW

1. Nature and definition of international Law
  - i. Origin
  - ii. Foundation of European International Law.
  - iii. Definitions of International Law.
  - iv. Basis of international Law, Theories relating to Basis of International Law.
  - v. Nature of International law, vanishing point of Jurisprudence, weak law.
2. **Sources of International Law**
  - i. Custom.
  - ii. Treaty .
  - iii. States Practices.
  - iv. General Principles Recognised by Civilised States.
  - v. Juristic Opinion.
  - vi. Decision of International Bodies:- General Assembly specialised united Nation Agencies.
3. **Subjects of International Law**
  - i. State as subject of international Law.
  - ii. Development of various non-entities & individual as subject of international Law.



4. Relationship between Municipal law and international Law
  - i. Theories relating to the relationship.
  - ii. Practices of states in application of international law in municipal sphere.
5. **State in International Law**
  - i. Characteristics of State.
  - ii. Mandated and trust territories.
  - iii. Modes of acquisition of loss of territory.
6. **Equitable resources utilisation and just world order**
  - i. Traditional concept of state jurisdiction.
  - ii. The law of sea.
  - iii. Territorial water.
  - iv. Continental shelf.
  - v. Seabed and ocean floor.
  - vi. Area and its resources as common heritage of Mankind.
7. **Recognition of States**
  - i. Meaning and Definition.
  - ii. Theories of Recognition- Constitutive and Declaratory.
  - iii. Forms of Recognition- express and implied, defacto & dejure.
  - iv. Recognition of state & Govt.
  - v. Legal Consequences of recognition.
8. **State Jurisdiction**
  - i. Territorial sovereignty, extra territorial, maritime.
9. **Succession of State**
  - i. Meaning and definition.
  - ii. Kinds- Universal, Partial.
  - iii. Consequences of succession.
10. **State and Individual**
  - i. Extradition- Meaning, Necessary Conditions, Provisions of Indian Extradition Act, 1962, the attentat clause.
  - ii. Asylum-Meaning , Kinds-principles of Non refoulment.
  - iii. Nationality-Meaning, Distinction from domicile and citizenship, Modes of acquisition and loss of Nationality.
11. **Intervention**
  - i. Meaning and definition
  - ii. Position in charter.
  - iii. Ground of intervention.
  - iv. Doctrines of intervention-Monroe, Drago, Brezhenev.



## SEMESTER-II

### PART-A

## INTERNATIONAL LAW

25-Marks

#### 1. State Responsibility

1. Meaning and Definition of State Responsibility.
2. Original and vicarious responsibility.
3. International Delinquency.
4. Notion of Immutability.
5. Calvo Doctrine.
6. State responsibility-a study of Bhopal Gas Leak Disaster Case.

#### 2. Diplomatic agents

1. Who is Diplomat ?
2. Classification of diplomatic agents.
3. Function, Immunities and Privileges.
4. Consule, Privilege & Immunities. i. Rebus sic Stantibus.

#### 3. Nuclear Proliferation and Disarmament

1. Nuclear proliferation and Disarmament under Charter.
2. Problems of Nuclear Proliferation and role of super power and balance of terror.
3. Test Ban Treaty and Legality of testing.
4. SALT
5. Disarmament under league and charter.

#### 4. Laws of War & Neutrality

1. Settlement of international disputes.
2. War and its effects.
3. United nation peace, keeping force.
4. War under U. N. Charter.
5. Concept of neutrality.



## **PART-B**

### **HUMAN RIGHTS**

**15-Marks**

1. **Charter.**
2. **Universal Declaration of Human Rights, 1948**
3. **International Commission on Human Rights, 1966.**
4. **Regional International Human Rights Bodies and their Role.**
  1. European Commission and court of Human Right ECHR, 1950.
  2. Inter American Commission and Courts of Human Rights. IACHR, 1969.
  3. Human Right Commission in India 1993.
5. **Role of Amnesty International U.N.G.A., S.C. & ICJ.**

#### **Learning Outcome:**

The course will help understand the meaning of Public International Law, its legal basis, development, approaches and its position vis-à-vis the

Indian legal system; distinguish between various sources of Public International Law and their respective use in any given dispute involving questions of law. Students will understand the relationship between Public International Law and the national legal system with special emphasis on India; & reflect upon the jurisprudential doctrines and law related to the principle of State Responsibility, Law of the Sea, State Jurisdiction, Diplomatic and Consular Immunities, conceptions of human rights, etc.

#### **Recommended Readings:**

- International Law & Human Rights by Dr. S.K. Kapoor
- International Law by Malcolm N. Shaw
- International Law and Human Rights by H.O. Agarwal
- International Law. by Gurdip Singh
- Public International Law by V. K. Ahuja



## LL.B Part II

### PAPER-I

## ENVIRONMENTAL LAW

FULL MARKS – 50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

### Course Objective

Required lectures hours: 48 per semester

The course aims to make the students understand the need of the environmental law keeping in mind the changes that are happening in today's time and also ensure that students learn the sources of environmental law and policies in India. The course also explores the role of community participation in promoting equal access to justice.

### SEMESTER-III

1. **Development and Environment the conflict of interest.**
2. **Early development of strict liability and environment concern.**
3. **Sources of Environmental Law:**
  - (a) Environmental Policy in India:
  - (b) Early environmental Legislation.
4. **Digest of environmental legislation:**
  - (a) Noise pollution
  - (b) Legal theories-concerning natural resources, Bio-diversity, treaty, liability to protect environment.
  - (c) Land conservation – Mining – Construction – Distribution of resources etc.
  - (d) Land acquisition Act and rehabilitation package.
  - (e) The Air (Prevention and Control of Pollution) Act, 1981.
  - (f) The Water Prevention and Control Act of 1974, water cess Act.
  - (g) The Environment (Protection) Act, 1986 – Scope and enforcement of the Act, International obligations.
  - (h) Prevention of Cruelty to Animals Act, 1960.



## 5. Pollution control boards and other authorities – enforcement of laws.

Environment protection – authority of the central government Independent commission on environment protection laws and planning, conservation and protection in connection with environment.

## 6. Hazardous waste disposal, Solid waste disposal.

### SEMESTER-IV

1. **Sustainable Development** and Equitable society, problems of developmental technology.

2. **European Communities Law** – International Law – Judicial Review, Remedies, Procedure – Restrictions on Judicial Review.

3. **Constitutional and Legislative Provisions.**

(a) Constitutional provisions and environment.

(b) Environmental protection and fundamental rights and duties

(c) The right to Wholesome Environment.

4. **Digest of environmental legislation:**

- The Wild life Protection Act of 1972.
- The Indian Forests Act of 1927.
- The Forest Conservation Act of 1980
- The Insecticides Act of 1968.
- Atomic Energy Act of 1962. The Factories Act of 1948.

5. **Judicial remedies and procedures Tort Law:**

(i) Damages and Injunction .

(ii) Nuisance, Negligence and strict liability.

(iii) Public interest litigation, Locus standi Principle.

(iv) Judicial Activism.

6. **Bio-Medical waste disposal.**

### Learning Outcome:

At the end of the course the students will be able to understand environmental legislations in India and the enforcement of laws. The students will be encouraged to understand the key issues related to environment at international, national and state levels.

### Recommended Readings:

Gurdip Singh- Environmental law: International and national perspectives

S.C. Shastri- Environmental law

S. Shanthakumar, Introduction to Environmental Law (2nd edn., Lexis Nexis 2008).

P. Leelakrishnan, Environmental Law in India (4th edn., Lexis Nexis 2016)



## PAPER-II

### LAND LAWS

(Including Ceiling and Local Laws)

FULL MARKS – 50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The students will be able to understand the spectrum of land reforms laws in the state of Jharkhand. The students will learn the procedure of revenue courts and disputes regarding land revenue could be decided by the revenue courts. The students will also learn and know the ceiling of lands and acquisition and settlement of land by the state government under the ceiling act of 1961. To know the laws relating to rental of commercial as well as residential building to let on rent and to control the relationship between the landlord and the tenant.

1. **Bihar Land Reforms Act, 1950.** (Act XXX of 1950)  
Amended up to date.
2. **The Bihar Land Reforms** (Fixation & Ceiling Area and acquisition of Surplus Land) Act, 1961. (Act, XII of 1961) amended upto date.
3. **The Jharkhand Buildings** (Lease, Rent and Eviction) Control Act, 2011.

## SEMESTER-IV

1. **Chotanagpur Tenancy Act, 1908**  
Chapter – I to VIII.  
Chapter – IX Section 51A, 55, 56, 57, 58, 59, 60, 61, 61A, 62, 63.  
Chapter – X Whole, except Sec. 75 amended upto date.  
Chapter – XII Section 83, 84, 91, 92.  
Chapter – XIV Whole.  
Chapter – XV Section 127, 134.  
Chapter – XVI Section 137, 139, 139A, 143, 144, 172, 173, 177, 178, 179, 182, 196, 206, 208, 210, 211, 212, 213, 213A, 215, 217, 218, 224.



Chapter – XVIII Whole.

Chapter – XIX Section 257, 258.

### **Learning Outcomes:**

At the end of the course the students will be able to demonstrate knowledge and understanding of land laws in the state of Jharkhand. The students will understand and able to analyse in the courts the practical aspects of land laws.

### **Recommended Readings:**

- Bihar Land Reforms Act, 1950
- Bihar Land Reforms (Fixation of ceiling Area and acquisition of surplus land) Act, 1961
- Jharkhand Buildings (Lease, rent and Eviction) Control Act, 2011
- Chotanagpur Tenancy Act, 1908



## PAPER-III

### **CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT & PROBATION OF OFFENDERS ACT**

**FULL MARKS-50**

**(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)**

#### **Course Objective**

**Required lectures hours: 48 per semester**

The course starts with the discussion of the importance, nature and salient features of criminal justice system of India. The focus of criminal law now shifts to the understanding of procedural aspects, which is vital to the effective and comprehensive understanding of criminal law and its implementation and to sensitize the students about critical issues in administration of criminal justice. The course also aims at understanding the Juvenile justice system in India and the constitutional powers of the JJ Board and how a juvenile is treated in the present times different from the adult trials in the court.

## **PART-A**

### **CRIMINAL PROCEDURE CODE, 1973**

**25-MARKS**

- 1. Constitution of Criminal Courts & its power. (chap. II)**
- 2. Arrest of persons.**
- 3. Process to compel appearance.**
  - (a) Summons.
  - (b) Warrant of arrest.
  - (c) Proclamation & attachment.
  - (d) Other rules regarding processes.
- 4. Process to compel the production of things.**
  - (a) Summons to produce.
  - (b) Search Warrant.
  - (c) General provisions relating to search.
  - (d) Miscellaneous



5. **Security for keeping the peace and for good behaviour.**
6. **Order for maintenance of wives children and parents.**
7. **Maintenance of public order and tranquillity.**
  - (a) Unlawful assemblies.
  - (b) Public nuisances.
  - (c) Urgent cases of nuisance.
  - (d) Dispute as to immovable property.
8. **Preventive action of the Police.**
9. **Information to the police and their powers to investigate.**

## **PART-B**

### **THE JUVENILE JUSTICE**

**(Care and Protection of Children) Act, 2015**

#### **15-MARKS**

1. **Meaning of Juvenile**, Juvenile in conflict with law, Juvenile in need of care and protection.
2. **Juvenile Justice Board** Constitution Power and Functions.
3. **Juvenile Institutions** : observation Homes, special Homes.
4. **Offences Against Juvenile.**
5. **Special Procedure to be followed in case of Juvenile.**

#### **SEMESTER-IV**

1. **Jurisdiction of the Criminal Courts in inquiry.**
2. **Conditions Requisite for Initiation of Proceedings.**
3. **Complaints to Magistrates.**
4. **Commencement of Proceedings before Magistrates.**
5. **Trials :**
  - (a) Trial before a Court of Session.
  - (b) Trial of warrant-cases by Magistrate.
  - (c) Trial of summons-cases by Magistrate.
  - (d) Summary Trials.



6. Charge – contents, Joinder of charges.
7. Appeals.
8. Reference and Revision.
9. Provisions as to bail and bonds.
10. Limitation for taking cognizance of certain offences.
11. Inherent powers of High Court.

## PART-B

### THE PROBATION OF OFFENDERS ACT, 1958

#### 15-MARKS

1. **Probation** – As a resocialization process.
2. **Objects and Reasons of the Act** – Historical perspective and Legislative History of probation laws in India.
3. Concept and Definition of Probation.
4. **Probation of Offenders Act, 1958 (All Sec.)**
5. Distinction between Probation and suspended sentences.
6. **Judicial Trend in Probation.**

#### Learning Outcome:

At the end of the course, the students will be able to Identify the stages in investigation and procedure of trial in criminal cases and explain the powers, functions, and duties of police and criminal courts. The students will be able to critically analyze the recent amendments in the CrPc and employ and promote adoption of humane and just practices in administration of criminal justice. The students will also be able to understand the need and importance of the special juvenile justice legislation in India which will enable them to take cases of practical importance related to the juveniles.

#### Recommended Readings:

- The Code of Criminal Procedure, 1973
- K.N. Chandrasekharan Pillai (Rev.), R. V. Kelkar's Lectures on Criminal Procedure, (5th ed., 2013)
- Ratanlal Ranchhoddas, Dhirajlal Keshavlal Thakore- The code of criminal Procedure.



## PAPER-IV

### PROPERTY LAW

(Transfer of Property Act.)

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

FULL MARKS-50

#### Course Objective

Required lectures hours: 48 per semester

Property is an important jurisprudential concept which has various facades. The object of this subject is to explore into those various concepts by dealing various principles laid down in Transfer of Property Act, 1882 with a contemporary analysis. The course explores the nature of property, the variety of property rights, how they are created and transferred, the priority of property rights and registration of property rights. Students will examine the interplay between statute, common law and equity insofar as they affect property rights in land, goods and forms of intangible property.

1. **General Principles of Transfer of Property** Different classification of Property – Ability to transfer Property – Transaction resembling transfer.
2. **Rule against inalienability.**
3. **Rule against restriction on enjoyment.**
4. **Conditional transfers and transfers containing directions of transfer.**
5. **Rule against perpetuity.**
6. **Condition Precedent and Condition Subsequent-Its fulfilment.**
7. **Vested interest and Contingent Interest.**
8. **Doctrine of Election.**
9. **Transfer by co-owner.**
10. **Joint Transfer.**
11. **Doctrine of Lispendents.**
12. **Fraudulent Transfer.**
13. **Part – Performance.**



## SEMESTER-IV

### PART-A

#### 25-MARKS

1. **Sale:** Definition – Mode of sale – Rights and Liability of seller and buyer Difference between Sale and Exchange.
2. **Mortgages:** Definition – Kinds of Mortgages and features – Rights of Mortgager and Mortgagee-Liabilities of Mortgager and Mortgagee – Right to Redeem, Partial Redemption, Clogon Redemption, securities – Marshalling and Contribution and subrogation and charge.
3. **Leases:** Definition – Scope – Leases how made - Determination of Lease– Holding over.
4. **Gifts:** Scope and meaning – Mode of Transfer – Onerous gift – Universal Donee.

### PART-B

## INDIAN EASEMENT ACT

#### 15-MARKS

1. **Easements:** Definition – classifications – characteristics
  - Mode of acquisition.
  - Kind of Easement
  - Extinction of easements.
  - Licence – Difference between Licence and Easements.

#### Learning Outcome:

The students at the end of the syllabus will be able to analyse the basic principles of property law through jurisprudential theories and able to explain about the basic principles and doctrines of Transfer of Property Act, 1882. They will understand the various modes of transferring a property and get accustomed to the drafting of various deed such as sale deed, mortgage deed, and be able to demonstrate and understand the essentials of lease, gift, actionable claims and draft deeds. The subject will also help them recognise contemporary legal developments in areas like real estates, land acquisitions etc.

#### Recommended Readings:

- Mulla, Transfer of Property Act, Lexis Nexis, Nagpur, 2013.
- R.K. Sinha, The Transfer of Property.
- G.P. Tripathi, The Transfer of Property.



## PAPER-V

### ADMINISTRATIVE LAW

FULL MARKS – 50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The objective of this course is to give the students an understanding of the evolution of administrative law, to make them appreciate the concepts and principles of administrative law and to help them understand the working of the administrative institutions within the norms of good governance and accountability. To understand the historical development and significance of administrative law from ancient to modern era.

#### 1. Evolution, Nature and Scope of Administrative Law.

Nature, Definition and scope of Administrative Law. Rule of Law; separation of power.

#### 1. Legislative Powers of Administration.

Meaning and Necessity for delegation of legislative Power, Constitutionality of delegated legislation, Consultation of affected interests and Public Participation in decision making, Publication of delegated Legislation (Administrative directions)

Legislative control of delegated Legislation, Committees on delegated Legislation.

Judicial Control of Delegated Legislation – Doctrine of Ultra vires.

#### 2. Judicial Powers of Administration.

Need for devolution of adjudicatory authority on administration. Administrative Tribunals and other adjudicatory authorities.

Nature of tribunals – Constitution, Procedure, rules of evidence etc.

#### 3. Natural Justice.

Right to hearing, Rule against bias, reasoned decisions, right to counsel, institutional decisions.



## SEMESTER-IV

### 1. **Judicial Control of Administrative Actions.**

Preliminary.

Scope of Judicial Review, Jurisdictional error/ultra vires, abuse and non-exercise of jurisdiction, error apparent on the face of the record, Violation of principles of natural justice, Mandamus, Certiorari, Prohibition, Quo-Warranto, Habeas Corpus, Declaratory judgments and injunctions.

### 2. **Administrative Discretion**

Need for administrative discretion, Administrative discretion and rule of law, Mala fide exercise of discretion.

### 3. **Liability for Wrongs (Tortious and Contractual)**

Tortious liability: sovereign and non-sovereign functions, Statutory immunity, Act of State, Promissory Estoppel and Waiver.

### 4. **Corporations and Public Undertakings**

Nature liability and control of public corporations.

### 5. **Ombudsman, Parliamentary Commissioner**

#### **Learning Outcome:**

The students will be able to understand the adjudicatory power & function of the judicial & quasi-judicial body and their jurisdiction. They will be able to analyse the various legislations related to central and state administrative tribunals which help them in understanding the judicial process of tribunals. The course will enable them to understand the exercise of discretionary power and judicial control within their limits. The students will be familiarized the students with various government privileges in legal proceedings.

#### **Recommended Readings:**

- C.K. Takwani, Lectures on Administrative Law
- Dr. U.P.D. Kesari, Administrative Law



## PAPER-VI

### COMPANY LAW

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The course aims at providing basic knowledge of the provisions of the Companies Act 2013. The course will enable the students to abide by the corporate laws and understand deeply the true meaning of a company and how a company actually works. The students will be able to understand the meaning and difference between articles of association and memorandum of association.

#### SEMESTER-III

1. **Company:** Meaning, Kinds and Distinction between a company and others firms of business organisation.
2. **Consequences and effect of incorporation** with particular emphasis on the doctrine of corporate personality.
3. **Memorandum of Association** – various clauses-Alteration therein – doctrine of ultra vires.
4. **Articles of Association** – binding force- alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.
5. **Prospectus** : meaning, importance and contents; liabilities for misstatement in the prospectus; statement in lieu of prospectus.
6. **Promoters** : Meaning of legal position; Promoter and pre- incorporation contracts.
7. **Shares** – General Principles of allotment statutory restrictions – share certificate its objects and effects – transfer of shares – restrictions on transfer – procedure for transfer – refusal of transfer – role of public finance institutions – relationship between transferor and transferee– issue of shares at premium and discount.
8. **Share capital** – kinds – alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital duties of court to protect the interests of creditors and shareholders.



## SEMESTER-IV

- a. **Directors** – Appointment and legal position – removal– role of nominee directors – managing directors and other managerial personnel.
- b. **Meetings** – kinds, procedure – voting.
- c. Audit and accounts.
- d. **Borrowing powers** and effects of unauthorised borrowing.
- e. **Debentures** – meaning and kind – floating charge; relation between shareholder and debenture holder; remedies of debenture holders.
- f. **Protection of minority rights** : oppression and mismanagement; meanings; conditions for the remedies against oppression and mismanagement and persons entitled to seek relief against oppression and mismanagement, powers of the court and of the Central Government for the prevention of oppression and mismanagement.
- g. **Winding up** : meaning, types, grounds and the persons entitled to apply for winding up; official liquidator and liquidator ; Appointment and Powers.

### Learning outcome:

Understand the various clauses of Indian Companies Act-2013 Know the procedure of formation of a company and winding up of a company. Describe the borrowing powers of a company. Know about the appointment and removal of directors. The students will develop an understanding of conducting of board and other meetings.

### Recommended Readings:

- Avtar Singh- Company Law, 17th edition
- G.K. Kapoor- Company Law and Practice, Taxmann, 26th edition
- Rinita Das, Company Law
- Krati Rajoria, Company Law, Allahabad Law Agency



## PAPER-VII

### LEGAL HISTORY

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The students while studying legal history will be able to appreciate and understand the history of India from the legal point of view. The subject will enable in understanding the evolution of present legal system in India and how the courts have evolved over time. The students will also learn the important case laws of the trial of Nand Kumar and Cassijurah case and various policies of Lord Cornwallis, Warren Hastings and William Bentick.

#### SEMESTER-III

1. **Formation of East India Company and Charter of 1600.**
2. **Administration of Justice in Madras (1639-1726) Bombay (1668-1726) Calcutta (1690-1726)**
3. **Mayor,s Court** – Provisions, Working & defects-charter of 1726,charter of 1753.
4. **Establishment of Supremes Court at Calcutta**, Regulating Act 1773,Merits & Demerits.  
The trial of Nand Kumar – Patna  
Case. The cassijurah case Act of Settlement. 1781.
5. **Supreme Court at Bombay & Madras.**
6. **Judicial measures of Lord Cornwallis, Warren Hastings & William Bentinck.**

#### SEMESTER-IV

1. **The Indian High Court Act, 1861.**
2. **The Government of India Act, 1909 and 1919.**
3. **Government of India Act, 1935.**
4. **Appeal to Privy Council.**
5. **Appeal to Federal Court.**
6. **Appeal to Supreme Court.**
7. **Development of Criminal Law 1772-1860.**
8. **Muslim law of crimes : Salient features**
9. **Development of Civil Law.**



10. Bengal Madras and Bombay Scheme.
11. Charter Act of 1833.
12. Justice, Equity & Good Conscience.
13. Law Commissions.

### **Learning Outcome:**

The students at the end of the course will be able to demonstrate the need of legal history in India and the contemporary developments that have taken place in modern Indian system. The subject will make them understand critically the past and the present judicial measures and their needs of implementation.

### **Recommended Readings:**

- M.P. Jain –Legal History
- M.P. Singh-Outline of Indian legal constitutional history
- M. Rama Jais-Legal history
- History of courts- Dr. Kailash Rai
- The constitutional history of England- F.W. Maitland
- J.K. Mittal- Indian Legal History
- Indian constitutional history- N.V Paranjape
- Indian Legal History- S.K. Puri



## PAPER-VIII

### PRACTICAL TRAINING

## Professional Ethics, Accountancy for Lawyers & Bar Bench Relations

FULL MARKS-100

### PART-A

#### CLASS ROOM INSTRUCTIONS

MARKS-50

#### Course Objective

Required lectures hours: 48 per semester

The students by learning Practical training will be able to understand about the constitution of Bar Council and the powers of BCI. The students in this subject will get to know what are professional ethics related to their stream and how advocates are enrolled as well as their duties and responsibilities. The subject will give them an overall experience of rules of courts of the High Court as well as the Supreme Court.

#### Professional Ethics

##### 1. Advocates Act, 1961.

- (I) Bar Councils, their constitutions, power and functions. Sec. 3, 4, 5, 6, 7, 9, 10, 10A, 10B, 15, 48, 48A, 48AA, 48B, 49, 49A.
- (II) Advocates on a state roll.  
Sec. 22, 24, 24A, 25, 26, 26A, 27, 28.
- (III) Conduct of Advocates.  
Sec. 35, 36, 36B, 37, 38, 39, 40, 41, 42, 42A, 43, 44, 45, 47.

##### 2. Bar Bench relations and Rules of Courts.

- (I) Senior and other Advocate and Right to Practice.
  - (a) Advocates Act, 1961 Sec. 16, 21, 29, 30, 32, 33, 34.
  - (b) Rules framed by High Court of Judicature at Patna under Advocates Act, 1961 and the Indian Bar Councils Act, 1926.  
Advocates in the Supreme Court of India Order IV of the
- (I) Supreme Court of India Rules, 1966.
- (II) Civil Court Rules of the High Court of Judicature at Patna. Preliminary, Chapters I, II, III, IV, V, X, XI of Part I, Chapter I and II of Part III, Chapter I of Part II.
- (III) Criminal Court Rules of the High Court of Judicature at Patna. Preliminary Part I, Part II, Chapter I, II, III of Part III, Chapter I of Part IV.

##### 3. Accountability for Lawyers.



## PART-B

### FIELD WORK

MARKS-30

## PART-C

### VIVA-VOCE

20-MARKS

## SEMESTER-IV

### 1. Acts, Laws, Rules etc. about Lok Adalat and Legal Aid.

- (a) Article 39A of the Constitution of India – Right to legal aid is a fundamental right under article 21 of the Constitution of India, Sec. 309 of Cr. P.C., 1973.

#### Important cases :-

- (i) Hussainara v. State of Bihar AIR 1979 SC 1369.
  - (ii) Khatri v. State of Bihar AIR 1981 SC 928.
  - (iii) Haskot v. State of Maharashtra AIR 1978 SC 1548.
  - (iv) Janardan Reddy v. Hyderabad AIR 1951 SC 217.
- (b) Legal Services Authority Act, 1987.
- Aims and Objective of the Act.
  - Different authorities and modes under the Act.
  - Class of peoples eligible to get legal aid.

### 2. Alternative Dispute Resolution Systems.

Mediation, Negotiation, Conciliation, and Arbitration.

### 3. Public Interest Litigation.

- Its development and effect on traditional rules, doctrine of locus standi.
- Its effect on society and executives.
- Its misuse – and unscrupulous person should prevented to vindicate his personal grudge in garb of protecting a publicor social interest.
- Recent trend of judiciary in PIL Cases.

#### Important cases :-

- (i) S. P. Gupta v. Union of India AIR 1982 SC 149, 194 (Scope and basic approach).
- (ii) D. C. Wadhwa v. State of Bihar AIR 1987 SC 579 Paragraph 38. (Locus Standi).



- (iii) Ratlam Municipality v. Vardi Chand AIR 1980 SC 1622 (General)
- (iv) Charan Lal Sahu v. Union of India AIR 1990 SC 1480 (Doctrine of Parens patriae)
- (v) Bandhua Mazdoor Case. AIR 1984 SC 802 (Proceeding can be continued even if petitioner withdraws himself from it).
- (vi) Rudal Sah v. State of Bihar AIR 1983 SC 1086 (Compensation to Victim).
- (vii) Olga Tellis v. Bombay Corporation. AIR 1986 SC 180 (Fundamental Rights can not be waived).
- (viii) Saheli v. Commissioner of Police AIR 1990 SC 513 (Compensation for Police atrocities)
- (ix) Sunil Batra v. Delhi Administration AIR 1980 SC 1579 (Treatment in Prisons)

#### 4. Para Legal Services :-

- (a) Social Profile of the Legal Profession.
  - Class/caste/education/sex composition of the different Bar.
  - Professional opportunities-Upward mobility.
  - How far have under privileged groups such as SC/ST advanced in the Profession.
  - Position of women lawyers-Career opportunities and Handicaps.
- (b) Non-State Legal System (NSLS).
  - Conceptions of NSLS.
  - Type NSLS
  - Interaction Between NSLS and SLS.
  - Law are instrument of Social Control-Impact of law in Society



## PART-B

### FIELD WORK

#### 30-MARKS

1. **Attending Lok Adalat**, Legal Aid Centre, Legal literacy, Camp and Para Legal training camp organised by the different Courts, University or College
2. **Legal research in support of PIL.**
3. **Reporting of cases** which students observed in different court rooms.

## PART-C

### VIVA-VOCE

20-MARKS

#### Learning outcome:

The students will learn the practical aspects of law by reading various acts in this subject which will help them to their accountability towards the society. The subject will make them understand their responsibilities towards a better society.

#### Recommended Readings:

- Advocates Act, 1961
- Kailash Rai- Professional Ethics
- Shashank Garg- Alternative dispute resolution- The Indian Perspective
- Legal Services Authority Act, 1987.



## LL.B PART-III

### PAPER-I

## LAW OF EVIDENCE (INDIAN EVIDENCE ACT, 1872)

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

### Course Objective

Required lectures hours: 48 per semester

The course will enable the students understand the relevance & importance of law of evidence in the adversarial process, expand the student's knowledge of the policy bases of law of evidence', enhance the student's awareness of the principles of law of evidence', enrich the students in grappling with the nuances of scientific & technological evidence, expose the students to a comparison of Indian law of evidence vis-a-vis other selected countries and finally enlighten the students of the skills & techniques of examination of witnesses.

### SEMESTER-V

- 1. Definition of facts.** Distinction between relevant facts and facts in issue. Oral and documentary evidence,. Circumstantial evidence and direct evidence. Proving and Disproving witnesses.
- 2. Relevancy**  
Doctrine of res-gestae.
- 3. Admissions and Confessions**  
General principles concerning admission and its admissibility. Difference between admission and confession. Non-admissibility of confession. Admissibility of custodial confession. Admissibility of "information" received from an accused person in custody with special reference, problems of discovery based on "joint statement." Confession by co-accused "Retracted Confession."
- 4. Dying Declaration**  
Justification for relevance on dying declaration. Judicial standards for appreciation of evidentiary value of dying declaration.



## 5. Other Statement by Persons who cannot be called as Witnesses

Section 32 entire. Special problems concerning violation of woman's right in maturity in the law of evidence, relevance of judgements, general principles, admissibility of judgements in civil and criminal matters, fraud and collusion.

## 6. Expert Testimony

General principles, who is an expert, type of expert, opinion on relevancy, special proof of maturity. Problems of judicial defence to expert testimony.

## 7. Character Evidence

### SEMESTER-VI

## 1. Oral and Documentary Evidence

General principles concerning oral evidence and documentary evidence, Exclusion of oral by documentary evidence, Hearsay evidence.

## 2. Burden of Proof

General conception to onus pro-bendi, general and special exceptions, the onus pro-bendi, justification of presumptions and of the doctrine of judicial notice. presumption as to certain offences. Presumption as to dowry death. The scope of doctrine of judicial notice.

## 3. Estoppel

Introduction as to the rationale (section 115) estoppel. Res judicata and waiver and presumption, estoppel as a matter, estoppel by deed, equitable and promissory estoppel.

## 4. Witnesses Examination and Cross Examination

Competency to testified, state privilege professional privilege, accomplice, general principle of examination and cross-examination, leading questions, lawful questions in cross-examination. Compulsion to answer questions put to witness, hostile witness, impeachment to the standing or credited witness.

### Learning Outcome:

After completing this course, you will be able to: know what evidence is, basic laws of evidence and their types, understand the issue of admissibility of evidence in Court, elaborate on the procedure of filing evidence in civil and criminal trials and finally draft evidence for filing before a court.

### Recommended Readings:

- The Law of Evidence by Ratanlal & Dhirajlal
- The Law of Evidence by Batuk Lal
- Law of Evidence by Vepa P. Sarathi
- Principal of The Law Of Evidence by Dr. Avtar Singh



## PAPER-II

### LAW OF TORTS

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The course aims -to introduce learners to the fundamental principles of tort law, to provide learners with an understanding of general principles of negligence, to familiarise learners with the personal interests protected by the law of torts to introduce learners to the defences and remedies available to tort actions and to enable learners to apply tort law principles to different factual scenarios.

## SEMESTER-V

1. **Evolution of Torts** in England and India.
2. **Definition, Nature, Scope and object of Tortious liability.**
3. **Distinction of Tort**, Crime, Breach of contract, Essentials of Tort. Principles of Liability in Tort.
4. **Defences and Justification for a Tortious conduct.**
5. **Assault, Battery, False Imprisonment.**
6. **Defamation.**
7. **Malicious Prosecution.**

## SEMESTER-VI

### PART-A

### TORTS

15-MARKS

1. **Negligence and Nervous shock.**
  - a. Strict liability.
  - b. Remoteness of damages.
  - c. Joint Tort Feasor and Several Tort Feasor.
  - d. Conversion.
  - e. Passing off.



## PART-B

### CONSUMER PROTECTION LAWS

#### 25-MARKS

1. **Concept of Consumer Sovereignty.** a. Need of Consumer Protection and Consumerism. b. Doctrine of Caveat Emptor. c. Consumer Protection and Doctrine of Negligence.
2. **Consumer Protection Act :** Salient Features and the Relationship of the Act with other Consumer Protection Legislations.
3. **Consumer Protection Act, 1986 : Important Definitions :** (a) Consumer (b) Consumer Dispute (c) Complaint (d) Complainant (e) Trader (f) Manufacturer (g) Service (h) Unfair Trade Practice (i) Defect and Deficiency (j) Restricted Trade Practices
4. **Consumer's Rights and Consumer Protection Councils :** Objective Jurisdiction and Procedure.
5. **Consumer Dispute Redressal Agencies :** Their Constitution, Jurisdiction and Procedure.
6. **Enforcement of Decrees and Order :** Dismissal of Frivolous or Vexatious Complaints, Limitation

#### Learning Outcome:

At the end of this course, the students shall demonstrate a specialised knowledge of the fundamental doctrines and principles of the law of torts and the characteristics of specific torts, elucidate an understanding of the inter-relationship between tort and the other branches of law particularly contract and constitutional law, grasp a foundation knowledge of the remedies available in tort and the legal underpinnings behind them and apply basic tort law principles to practical, abstract factual situations arising in a legal context.

#### Recommended Readings:

- Winfield & Jolowicz on Tort by W.V.H. Rogers
- Salmond & Heuston on The Law of Torts by R.F.V. Heuston and
- R.A. Buckley
- Ratanlal & Dhirajlal The Law of Torts by G.P. Singh and Akshay Sapre
- P.S. Atchuthen Pillai Law of Torts by Avtar Singh (Rev.)



## PAPER-III

### CIVIL PROCEDURE CODE & LIMITATION ACT

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

**Course Objective**

**Required lectures hours: 48 per semester**

This course introduces procedural rules that govern civil litigation in India. It contains various stages of a case-flow in civil court and application of the rules of civil procedures ranging from commencement of proceedings to enforcement of judgments. The aim is to give the student a practical insight into the civil courts' process in order to equip them to solve procedural issues and carve out options that may be adopted in any civil case. The teaching should involve a step by step guide of the case-flow and incidental and ancillary processes. A brief scheme of the case-flow is provided herewith for the students understanding to keep them informed about the various stages.

## PART-A

### CIVIL PROCEDURE CODE

30-MARKS

1. **Definitions Decree**, Decree-holder, Foreign Court, Foreign Judgment, Judgment, Judgment-Debtor, Legal representative Mesne profit, Order.
2. **Jurisdiction of courts** to try civil suits. Stay of Suits Res-Judicata, Place of suing.
3. **Parties to suits**. Necessary party and Proper Party. Mis-joinder and Non-joinder. Frame of suits. Institution of Suits. Pleadings. Complaint, written statement and set-off. Amendment of pleading.
4. **Suit by or against the Government** or public officer in their official capacity. Notice. Interpleader Suit. Suit by indigent persons. Suit by or against minor.



**PART-B**

**LIMITATION ACT**

**10-MARKS**

1. **Nature of the Law of Limitation.**
2. **Bar of Limitation.** Expiry of prescribed period when court is closed. Extension of prescribed period in certain cases.
3. **Legal disability. Disability of one several persons.**
4. **Special Exception.**
5. **Continuous running of time.** Exclusion of time in legal proceeding. Exclusion of time in cases where leave to sue or appeal as a pauper is applied for. Exclusion of time proceeding bona fide in court without jurisdiction.

**SEMESTER-VI**

**CIVIL PROCEDURE CODE**

**30-MARKS**

1. **Summons and Discovery.** Issue and service of summons.
2. **Appearance of parties and consequence of non-appearance.** Ex parte decree. Setting aside decree ex-parte. Discovery and Inspection. Settlement of issues and determination of suit on issue of law or on issue agreed upon.
3. **Summoning and attendance of witness.** Adjournment. Hearing of suit and Examination of witness Judgment and Decree. Execution of decree.
4. **Appeal from original Decree.** Second Appeal. Appeal to the Supreme Court. Cross-objection. Reference Revision and Review. Saving of inherent powers of court.
5. **Arrest before Judgment,** attachment before Judgment. Injunction. Receiver. Withdrawal of Suits. Compromise of suits.
6. **Commissions, Restitution.**

**PART-B**

**LIMITATION ACT**

**10-MARKS**

1. **Effect of death on or before the accrual of right to sue.**
2. **Effect of fraud or mistake.**



3. Effect of acknowledgement in writing.
4. Effect of substitution or adding new plaintiff or defendant. Continuing breach an tort.
5. Computation of time mentioned in instrument. Acquisition of ownership by possession.

### **Learning Outcome:**

The course will equip the learners with practical aspects of Code of Civil Procedure by equipping them with better understanding of: filing of Written Statement, Counter Claim, Set Off in Civil Cases; issues involved in examination of parties in civil proceedings; admissions & Framing of Issues which are critical stages of civil proceedings; and Judgment, Decree, Injunctions and Inherent Powers- from practical & theoretical perspective.

### **Recommended Readings:**

- Civil Procedure, Limitation and Commercial Courts by C.K. Takwani
- The Code of Civil Procedure by Avtar Singh
- The Key To Indian Practice by Sir Dinshaw Fardunji Mulla
- The Code of Civil Procedure by M.P. Jain



## PAPER-IV

### ARBITRATION, CONCILIATION & ALTERNATE DISPUTE RESOLUTION SYSTEM

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The course aims to develop ability to critically assess the legal, social and other issues associated with ADR, and to understand the implications of the operation of those theories in an adversarial legal context. The course will include a selection from the following or similar topics: the nature of disputes, including the psychological, political, cultural, economic and social issues of dispute resolution; acceptance and operation of ADR as a credible dispute resolution alternative to litigation; theory; features and values of various forms of ADR.

1. **Need of Alternative Dispute Resolution System;** to solve the litigation pending in different courts and maintain harmony in the society.
2. **Objects and principles of Arbitration,** kind and class of Arbitration, Arbitration agreement.
3. **Appointment of Arbitrator,** Composition of Arbitral Tribunal, Resignation by or removal of Arbitrator, venue of Arbitration.
4. **Mediation:** Meaning, nature and scope of mediation. Theory of Restorative Justice and its application, Gandhian Principles of nonviolent conflict resolution, traditional mediation practices in India and abroad.
5. **Mediation Laws in India:** Judicial interpretation and relevant case laws, dispute resolution Institutions in India, Essential elements of mediation, process and stages of mediation, approaches to mediation and role of the mediator.
6. **Importance of communication:** Elements of verbal and non-verbal communication, effective and ineffective communication techniques.
7. **Conciliation:** Meaning, nature and scope of conciliation.



## SEMESTER-VI

1. **Jurisdiction and procedure of Arbitral Tribunal**, Making of Arbitral Award and Termination of proceeding.
2. **Modification and Correction of the Arbitral Award**, setting aside of the Arbitral Award.
3. **Finalizing and enforcement of Arbitral Award**, appeals and Miscellaneous provisions of the Act, Supplementary provisions of the Act.
4. **Conducting effective mediation**: Decision making techniques, problem solving tactics, ensuring positive outcomes.
5. **Qualities and skills of Mediators**: Developing mediation skills, code of ethics, confidentiality requirements.
6. **Status of Mediated Agreements**: Sanctity of mediated agreements, enforcement laws and procedures.
7. **Conciliation** - As per statutorily valid procedure.

### Learning Outcome:

At the end of this course, students will develop capacity to identify and analyse the complex drivers of dispute behaviour in the community, build understanding of the theoretical models of dispute resolution and capacity to analyse their operation in both legal and social contexts and develop basic mediation skills, including communication, analysis, and issue identification and develop ability to adaptively apply ADR theory in varied practical contexts, including international, industrial, and socio political.

### Recommended Readings:

- P.C. Markanda, Law Relating to Arbitration And Conciliation, pp.1-8, (8th Edn. 2013) Lexis Nexis
- 222nd Report of the Law Commission of India on Need for Justice-Dispensation Through ADR, etc.
- Law & Practice of Alternative Dispute Resolution [ADR] In India - A Detailed Analysis by Anirban Chakraborty
- Alternate Dispute Resolution by Dr. S. R. Myneni



## PAPER-V

### LABOUR LAWS

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The course aims at equipping the students with the context of labour legislation and recent Labour jurisprudence. It shall help students to acquire the knowledge of substantive as well as procedural contents of Industrial Relations Law, to have an understanding of Social Security legislations to develop an insight into the Wage Law and to gather an understanding of the law relating to Contract Labour.

## SEMESTER-V

- 1. Factories Act, 1948** **15-Marks**  
Interpretation, Notice by occupier, General duties of the occupier, Powers of Inspectors, Health welfare, working hours of Adults, Weeks Hours, Weekly holidays, Compensatory holidays, Daily hours, Night shifts, Extra wages for overtime, Prohibition of employment of women and children, Prohibition of employment of young children, Working hours for children, Notice of certain accidents, Liability of owner of premises in certain circumstances.
- 2. Industrial Disputes Act, 1947** **15-Marks**  
Definition, Works committee, Conciliation officers, Boards of conciliation, Labour courts, Tribunals, National Tribunals, Reference of Disputes to Boards, Courts and Tribunals, Procedure and powers of conciliation officers, Boards Courts and Tribunals, Duties of Board- Courts, Labour Courts, Tribunals National Tribunals, Persons on whom settlements and Awards are binding, Period of operation of settlements and awards, Strikes and Lock outs, Definition of continuous Service, Conditions precedent to retrenchment workmen, Compensation to workmen in cases of closing down of undertaking, Recovery of money due from an employer.
- 3. Industrial Employment (Standing Order) Act, 1946** **10-Marks**  
Interpretation, Submission of Draft Standing Orders, Conditions for Certification of Standing Orders, Certification of Standing Orders, Appeals, Duration and Modification of Standing Orders, Certifying Officers and Appellate authorities to have powers of Civil Courts.



## SEMESTER-VI

- 1. Workmen's Compensation Act, 1923** **15-Marks**  
Definitions, Employer's Liability for Compensation, Amount of Compensation, Method of Calculating Wages, Distribution of Compensation, Notice and Claim, Reference to Commissioners, Appointment of Commissioners, Venue of proceedings and transfer, Form of application, Powers and Procedure of Commissioners, Appeals, Withholding of certain payments pending decision of Appeal.
  
- 2. Trade Unions Act, 1926** **15-Marks**  
Definitions, Mode of Registration, Application for Registration, Provisions to be contained in the Rules of Trade Union, Registration, Certificate of Registration, Cancellation of Registration, Appeal Registered office, Objects on which general funds may be spent, Constitution of a separate fund for political purposes, Amalgamation of Trade Unions, Notice of Change of Name or Amalgamation, Dissolution.
  
- 3. Payment of Wages Act, 1936** **10-Marks**  
Definitions, Responsibility for payment of Wages, Deductions for absence from duty, Deductions for damage or loss, Deduction for services rendered, Deductions for recovery of advances, Claims arising out of deductions from Wages or delay in payment of Wages and penalty for malicious or vexatious claims, Single application in respect of claims from unpaid group, Appeal.

### Learning Outcome:

At the end of this course, students will be able to demonstrate a detailed understanding of the concepts, rules and principles, and their practical application, across the breadth of labour law, critically evaluate the significance of (and misuse of) employment status as a gateway to employment rights, critically evaluate the suitability of the employment contract and other theoretical alternatives as a means of conceiving and regulating employment relationships and demonstrate an understanding of the diverse influences that shape Indian labour law including the role of trade unions and use the knowledge of the law gained, and of its contextual and socio-economic underpinnings, to critically analyse and evaluate labour law's role and effectiveness in regulating employment in India, including potential reforms.

### Recommended Readings:

- Freedom of Association in India and International Labour Standards by Kamala Sankaran
- Labour Law in India by G.B. Pai
- K.D. Srivastava's Law Relating to Trade Unions and Unfair Labour Practices in India by P.L. Malik
- O.P. Malhotra's The Law of Industrial Disputes by E. M. Rao



## PAPER-VI

### INTERPRETATION OF STATUTES

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

#### Course Objective

Required lectures hours: 48 per semester

The course aims to make students understand the concept of Interpretation and construction & difference thereto, understand and examine the relevancy of various principles of interpretation, identify the roles of judiciary in ascertaining meaning of any statute or in law making and assess the judicial trends in India.

#### SEMESTER-V

1. **Meaning of the word statute-** Different types of classifications meaning of the words construction and Interpretation-commencement, repeal and revival of legislation.
2. **Internal Aids to construction-** Title-Preamble-Headings-Marginal notes-Illustrations-Definition-Types of Definition-Utility and Importance of Definition-Proviso-Explanation-Schedule.
3. **External Aids to construction-** Parliamentary History-Historical facts-Reference to other statutes- Contemporanea Expositio (Effect of usage and custom)-Dictionaries-Foreign decisions-Government publications.
4. **Guiding rules: Rule of literal construction-**Mischief rule- Beneficial rule-Restrictive rule-Golden rule-words understood according to their subject matter-regard to consequences-Noscitur A Sociis.
5. **Operation of Statutes-commencement-** Retrospective operation- Operation controlled on considerations of constitutionality Operation controlled on considerations of territorial nexus-other relevant considerations relating to operations.

#### SEMESTER-VI

1. **Statutes affecting jurisdiction of courts:-** General principles-the extent of exclusion of jurisdiction of superior courts.
2. **Construction of taxing statutes and evasion of statutes:-** Strict construction of taxing statutes-General Principles of strict construction-Illustration cases-Limits of Rule of strict construction Evasion of Statutes.



3. **Remedial and Penal statutes**, Meaning, Distinction between the two, Liberal construction of Remedial statutes, Strict construction of penal statutes, Mens Rea in statutory offences.
4. **Use of different words**, Use of negative words, Affirmative words may imply a negative, use a of 'shall' or 'shall and may' 'must and should'- conjunctive words 'or' & 'and'.
5. **Principles of Legislation**, Distinction between Morals and Legislation, Political good and evil, Circumstances which affect sensibility, Methods of reasoning on subject of legislation.

### **Learning Outcome:**

On completion of this course, the students will be acquainted with the concept and various types of Statutes, appreciate the relevancy of interpretation of the statute, learn the mechanism to find out the real intent of the legislature in making of the particular Statutes, understand the relevancy of Internal and External Aid of Interpretation and apply the various doctrines of Constitutional Interpretation.

### **Recommended Readings:**

- Lexis Nexis's Principles of Statutory Interpretation by Justice G. P. Singh
- Lexis Nexis's Principles of Statutory Interpretation including General Clauses Act 1897 [HB] by Justice G. P. Singh, Justice A. K. Patnaik
- Maxwell On The Interpretation of Statutes by P. St. J. Langan
- Thomson Reuters Cases and Materials on Interpretation of Statutes [IOS-HB] by Adv. Hariharan Devaranjan



## OPTIONAL PAPERS

### PAPER-I

## LAW OF TAXATION

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

### Course Objective

Required lectures hours: 48 per semester

The students will be able to learn the historical development of taxation in India as well as the concepts of the Income Tax Act such as meaning of salary, assesses, capital gains. The students will be able to compute return of income and assessment of income tax.

### SEMESTER-V

1. **Concept of Taxation** and its historical development in India.
2. **Direct and Indirect tax:** Tax and Fee.
3. **Definition;** Income, Agricultural Income, Assessment year, Previous year, Person, Assesses.
4. **Income Tax Act 1961:**
  - (a) Basic concept.
  - (b) Residential status and Tax incidence.
  - (c) Salaries.
  - (d) Income from House Property.
  - (e) Profits and Gains of Business and Profession.
  - (f) Capital Gains.
  - (g) Income from other Sources.
  - (h) Return of Income and Assessment.
  - (i) Search and Seizure.
  - (j) Income Tax Authorities.
  - (k) Appeals and Revision.



## SEMESTER-VI

1. **Historical Background** and Basic Concept of GST. Comparison with earlier Indirect Taxes in India viz. VAT, CST, Central Excise, Service tax etc.
2. **GST Council**- Constitution and Procedure, Power and Responsibilities of GST Council.
3. Important definitions under GST.
4. **Concept and Scope of Supply.**
5. **Levy and Collection of Tax including Reverse Charge.**
6. **Registration.**
7. **Input Tax Credit.**
8. **Return, Payment of tax, Penalties and Assessment.**
9. **Appeal and Revision.**

### **Learning Outcome:**

The students by studying this subject will be able to analyse and identify the technical terms of income tax and the sources of income. This subject will enable the students to learn in detail the practical legal aspects of taxation law in India.

### **Recommended Readings:**

- Income Tax Act, 1961
- Vinod K. Singhania, Kapil Singhania- Direct Taxes law and practice
- Taxmann- Income Tax Act



## OPTIONAL PAPER

### PAPER-II

## CRIMINOLOGY AND PENOLOGY

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

### Course Objective

Required lectures hours: 48 per semester

Criminology and penology will enable the students to understand essential fundamentals of criminal law and relationship between criminology, penology and etiology. Criminology and Penology will make the students will exhibit the ability to apply criminological theory, research methods, and appropriate technology to assess, evaluate, and address issues in the practice of criminology and criminal justice. The students will have deep understanding of various schools of criminology and methods of studying criminology.

1. **Objectives of the study of Criminology and Penology.**
2. **Criminology.**
  - (a) Nature and Scope.
  - (b) Inter-relation between Criminology Penology & Etiology.
  - (c) Fundamentals of Criminal Law.
  - (d) Possibility of science of Criminology.
3. **Schools of Criminology.**
  - (a) Pre-classical School of Criminology.
  - (b) Classical School of Criminology.
  - (c) Typological School of Criminology.
    - i. Italian School
    - ii. Mental Tester School
    - iii. Psychiatric School
  - (d) Sociological School of Criminology
  - (e) Cartographic School.
4. **Methods of Study of Criminology.**
  - (a) Statistics of Crimes.
  - (b) Individual case study method.
  - (c) Limited case method



## 5. Causation of Crime.

- (a) Heredarity and Crime.
- (b) Biophysical factors and criminality.
- (c) Freuds Theory of Criminal behaviour-psychological concept.
- (d) Deferential Association Theory.
- (e) Anomie.

## 6. Crime and Economic Condition.

## 7. White Collar Crime.

- (a) Nature and Crime in India.
- (b) General approaches to crime control.
- (c) Crimes of the powerful organised and white collars- crimes in the profession viz. medical, legal, engineering etc.
- (d) Organised crime, sexual offences, prostitution & drugs abuse.
- (e) Perpetrators of ordinary crimes, the situational criminals, chronic offenders and criminal gangs.

## 1. Theories of Punishment.

- (a) Meaning of Punishment.
- (b) Forms of punishment.
- (c) Capital punishment.

## 2. The police and Criminal Justice.

- (a) The Police systems-structural organisations.
- (b) Power and duties of Police under Police Acts, Criminal Procedure Code and other laws-methods of Police Investigations.

## 3. The Prison Systems.

- (a) Evolution of Prison System.
- (b) Concept of Treatment in Prison.
- (c) Open prisons – Prisoners, rights and security compulsion.

## 4. Probation of offenders and Police.

## 5. Rehabilitations of convicts.

## 6. Recidivism.



## **Learning Outcome:**

The students at the end of the syllabus will be able to critically apply the basic concepts of criminology and penology to situations that demand justice, and other related aspects of law. The students will also be able to appreciate and understand the causation of crime as well as different behavioral psychological concepts. The students will be able to understand the diversity and the way criminal justice and penology are inter-connected.

## **Recommended Readings:**

- Brien, Martin O, 2008, Criminology, Routledge Publishers.
- Paranjape NV, 2001, Criminology and Penology, 2nd edition, Central Law Publication, Allahabad, U.P.
- Walsh, Anthony, Introduction to criminology, 2014



## OPTIONAL PAPER

### PAPER-III

## LAW AND MEDICINE

FULL MARKS-50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

### Course Objective

Required lectures hours: 48 per semester

The students by reading this subject will be able to understand how law is important to medical professions in India. The students will understand the various kinds of medical professions in India and the role of law in monitoring the various medical authorities while performing their roles and functions. The subject will enable the students to know and understand the emerging issues related to medicine and how law imposes penalties and punishments on various medical stakeholders. The students will also learn the landmark judgments related to medical fields and how judiciary has evolved from time to time in cases related to medicine.

#### 1. Notion of Profession.

- (a) Types of Medical Profession in India.
- (b) Para Professionals.

#### 2. Self regulation through codes of conduct and disciplinary Proceedings.

- (a) Self regulation through education-Institutional discipline viz. hospitals and research centres.
- (b) The Role of law in sustaining and monitoring self regulation.

#### 3. The Regulation and Organization of Medical Education and Profession in India.

- (a) Medical Degrees Act, 1916.
- (b) Pharmacy Act, 1948.
- (c) Indian Medical Council Act, 1956.
- (d) Nursing Council Act, 1947.

#### 4. Emerging Issues.

The Trans plantation of Human organs Act, 1994.

#### 5. Important Medico – Legal Cases.

- (i) Ratlam Municipality Vrs. Vardhichand. (AIR 1980 SC 1622)



- (ii) Rakesh Chandra Narayan Vrs. State of Bihar. (1989 supp (1) SCC. 644-656) (AIR 1995 SC 208)
- (iii) Indian Medical Association Vrs. V. P. Shantha & ors. (1995) 6 SCC. 651
- (iv) Dr. Laxman Balakrishna Joshi Vrs. Dr. Trimbali Babu Godbole and another. (AIR 1969 SC 123)

## SEMESTER-VI

### 1. Public Health

- (a) Health as a fundamental human right – role of medical professionals and courts in its realisation.
- (b) Important provision of law.
- (c) Constitution of India, Articles 21, 39, 47, 48A, 51A. I.P.C., 1860 Sec. 268, 269, 270, to 278, 284, 285, and 286.
- (d) Epidemic Diseases Act, 1897.
- (e) The Cigarettes (Regulation of Production, Supply and Distributions) Act, 1975.

### 2. Health and Drug Laws

- (a) International Convention for the Protection of Human Rights and Dignity of Human Beings with regard to the Application of Biology and Medicine, Convention on Human Rights and Bio-Medicine, 1997.
- (b) Important Legislation
- (c) Dangerous Drugs Act, 1930.
- (d) Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

### 3. Experimental Abuses Special Groups

- (a) Children, Men tally ill, Women, Prisoners.
- (b) Important legislation attached to Special Group.
- (c) Vaccination Act, 1880.(Sec. 6, 7, 9, 17 only)
- (d) Mental Health Act, 1987.  
(Sec. 1 to 6, 15, 16, 19 and 81 only)
- (e) Medical Termination of Pregnancy Act, 1971. (Sec. 3 & 4 only)
- (f) Prisoners Act, 1894.  
(Sec. 13, 14, 15, 24, 37, 38, 39, and 39A only)

### 4. Medical Insurance – Necessity



## **Learning Outcome:**

The students through this subject will be able to understand the complexity of law and medicine as well as the legal and ethical aspects of various medical professions in India. This subject will enable the students in courts also wherein they will be able to deal cases related to medicine and law such as medical negligence, etc., along with the role of policy in the formation of laws related to medicine.

## **Recommended Readings:**

- B.Richards and J.Louise, Medical Law and Ethics: A Problem- Based Approach (Lexis Nexis Butterworths, 2014)
- Dr. Nandita Adhikari- Law and Medicine
- Annu Bahl Mehra & Harshit Kiran-Laws on Medical Negligence and Legal Remedies



## OPTIONAL PAPER

### PAPER-IV

## INTELLECTUAL PROPERTY LAWS

FULL MARKS -50

(Theory Paper-40 Marks, Internal Assessment- 10 Marks)

### Course Objective

Required lectures hours: 48 per semester

The subject of IPR is designed to provide comprehensive knowledge to the students regarding the general principles of IPR, Concept and theories, Criticisms of Intellectual Property Rights. The subject aims at teaching the students national perspective of copyright, trademarks and broad understanding WIPO and functions of WIPO. The students will understand the statutory provisions of different forms of IPR's.

### SEMESTER-V

#### 1. Concept of Property vis a vis Intellectual Property.

- (a) Concept of Property and Theories of Property – An Overview.
- (b) Theories of Intellectual Property Rights.
- (c) Social and Economic Development and Role of Intellectual Property System.
- (d) Need for Protecting Intellectual Property, Policy Consideration, National Perspectives and International Demands.

#### 2. Types of Intellectual Property - Origin and Development – An Overview, Intellectual Property Rights as Human Right.

#### 3. Role of International Institutions.

- (a) World Intellectual Property Organization (WIPO).
- (b) Function of WIPO.
- (c) Membership of WIPO.
- (d) Agreement between the WIPO and the WTO.
- (e) Dispute Settlement – New Treaties.

#### 4. Copyright: National Perspective.

- (a) Copyright: What and Why?
- (b) Term of Copyright, Assignments and Licensing.
- (c) Registration and Regulatory Authority.
- (d) Procedure.
- (e) Infringements and Remedies- Contractual, Civil, Criminal and Administrative.



- (f) An Overview of International Perspective.

## 5. Trademarks:

- (a) Need and Emergence of Trade Marks Law.
- (b) The Register and Conditions for Registration.
- (c) Procedure for and Duration of Registration.
- (d) Effect of Registration.
- (e) Passing Off and Infringement of Trade Mark.
- (f) Assignment and Transmission.
- (g) Use of Trade Marks and Registered Users.
- (h) Rectification, Correction of the Register and Certification of Trademarks.
- (i) Appellate Board Offences, Penalties and Procedure.

## SEMESTER-VI

### 1. Geographical Indication:

- (a) The Geographical Indications of Goods Act, 1999.
- (b) The Semiconductor Integrated Circuits Layout Design Act, 2000.
- (c) The Protection of Plant varieties and Farmer's Right Act, 2001.

### 2. Patent:

- (a) Meaning of Patent, Inventions – Concept of Novelty.
- (b) Inventive Step and Utility – Inventions not Patentable – Process and Product Patents- TRIPS Agreement (Article 27) Implications to Indian Patent System.
- (c) Acquisition of Patent.
- (d) Rights of Parentees and Others Term.
- (e) Exclusive Marketing Rights.
- (f) Surrender License Revocation.
- (g) Functionaries under the Patent Act.
- (h) Infringement of Patens and Remedies.

### 3. The Designs Act, 2000:

- (a) Introduction to Designs Law.
- (b) Brief Introduction to related International Treaties and Conventions.
- (c) Definitions (s2), Registration of Designs and Procedure (ss3-9,s16, s21).
- (d) Cancellation of Registration of Design (s19).
- (e) Piracy of Registered Design (s22) and Remedies.
- (f) Overlapping Between Designs Copyrights and Trademark



#### 4. Topography & Folklore:

- (a) Semiconductor, Integrated Circuits Layout Design Act.
- (b) Folklore, Indigenous, Knowledge, Know how.

#### 5. Plant Variety and Bio Diversity:

- (a) Protection of plant varieties and Farmer's Right Act, 2001: Aims and Objects, Farmer's Rights.
- (b) Compulsory License, Registration, Infringement and Remedies.
- (c) Biological Diversity Act, 2002: An Overview, Salient Features of the Act, 2002- Brief Introduction.

#### Learning Outcome:

The students at the end of the syllabus will be able to demonstrate and exhibit a deeper understanding of the various technical concepts of intellectual property rights and the need of intellectual property in the present times. The students will be able to differentiate different forms of IPR and identify procedures to protect different forms of IPR.

#### Recommended Readings:

- D.P. Mittal (Taxman Publication), Indian Patents Law and Procedure
- B.L. Wadera, Patents, trademarks, copyright, Designs and Geographical Judications.
- P. Narayanan (Eastern Law House), Intellectual Property Law
- N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow



## PAPER-IX

(Compulsory Paper)

## PRACTICAL TRAINING

FULL MARKS-100

### Division of Marks

- (a) Theory Examination - 45 marks
- (b) Practical Work - 45 marks
- (c) Viva-Voce - 10 marks

### Course Objective

Required lectures hours: 48 per semester

The objective of practical training is to give the student supervised opportunities to experience the essential practical tasks emphasised in their professional study and also to provide opportunities to apply their acquired skills and knowledge in working life. The practical training period deepens students' expertise, allows them to learn on-the-job, supports and compliments the degree programme's courses. It also offers students the opportunity to recognise and analyse the development needs of the field.

#### 1. **Moot Court**, Pre-trial Preparations and Participation in Trial Proceeding.

This paper will have three components of 30 Marks each and a Viva for 10 Marks.

- (a) **Moot Court (30 Marks)**. Every students will do at least three moot courts in a year with 10 Marks for each. The moot court work will be on assigned problems and it will marks for oral advocacy.
- (b) **Observance of Trial** in two cases, one Civil and one Criminal (**30 Marks**): Students will attend two trials in the course of his final year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.
- (c) **Interviewing techniques** and pre-trial preparations (**30 marks**): Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.
- (d) **The fourth components of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.**



## PAPER-IX

### SEMESTER-V

## Compulsory Practical Training Paper Moot Court, Pre-Trial Preparations and Participation in Trial (Proceedings)

**Syllabus for Written Examination**

**FULL MARKS- 45**

**Course Objective**

**Required lectures hours: 48 per semester**

The students in this subject will learn the practical aspects of moot court along with the given judgments in the syllabus they will prepare arguments of both the sides. This will teach them the basics of drafting and also, they will learn the various stages of a civil as well as a criminal trial and how to prepare documents and court papers in the courts.

### 1. Moot Court (15-marks)

The students have prepared the following five cases for the Moot Court with a written arguments of both side.

- (a) Pakla Narain Swami v. Emperor.  
AIR 1939 P.C. 47
- (b) P. Kottayya v. Emperor.  
AIR 1947 P.C. 67
- (c) Mahboob Shah v. Emperor. 1945, BLR 941
- (d) Bangalore Water Supply Sevarage Board v. A. Ragappa AIR 1985  
S.C. 1430
- (e) Vellore Citizen Welfare Form v. Union of India 1996 (5) S.C.C 647

### 2. Observance of Trial (15-marks)

- (a) Civil Trial. (b) Criminal Trial.

Students are expected to know the different stages of Civil and Criminal Trial.

### 3. Interviewing Techniques & Pre-Trial Preparation (15-marks)

Students are expected to know interviewing sessions of client at the lawyers office

Legal Aid office. Students are also expected to know the preparation of documents and court papers by the Advocate and the procedures for filling of the Suits/Petition.

**NB :** The above referred cases for moot court are subject to change.

### Learning Outcome:

The students at the end of the practical training will learn the professional competencies and the application of theory to practical work situations.



## Recommended Readings:

- Abhinandan Malik -Moot court and Mooting
- Prof Dr. K.L. Bhatia- Moot court and mock trials

## SEMESTER-VI

### Course Objective

This course will be taught through class instructions and simulation exercises, preferable with assistance of practicing lawyers/ retired judges. Apart from teaching the relevant provisions of law, the course will include 15 exercises in Drafting carrying a total of 45 marks and 15 exercises in Conveyancing carrying another 45 marks. **(3 marks for each exercise)**

### Drafting, Pleading & Conveyancing :

#### NOTE :

#### (a) Drafting :

General principles of drafting and relevant substantive rules shall be taught.

#### (b) Pleadings :

1. **Civil:** (i) Complaint (ii) Written Statement (iii) Interlocutory Application (iv) Original Petition (v) Affidavit (vi) Execution petition and (vii) Memorandum of Appeal and Revision (viii) Petition under Article 226 and 32 of the Constitution of India.
2. **Criminal:** (i) Complaints (ii) Criminal Miscellaneous Petition (iii) Bail Application and (iv) Memorandum of Appeal and revision.
3. **Drafting of Mediation Agreement under Mediation Law.**

#### (c) Conveyancing :

- (i) Sale Deed (ii) Mortgage Deeds (iii) Lease Deed (iv) Gift Deed (v) Promissory Note (vi) Power of Attorney and (vii) Will The remaining 10 marks will be given in a viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

### Learning Outcome:

The students will gain experience and knowledge of moot court and by attending trials during the course will give them a better chance and understanding later in the courts.



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# SYLLABUS

For Three Years LL.B Degree Program with Semester System

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