

MOTHERHOOD
UNIVERSITY, Roorkee
ENLIGHTENING WORLD

A
NEW
STUDY AND EVALUATION SCHEME
OF
BACHELOR OF LAW
(LL.B.)

[w.e.f Academic Session 2020-21 onwards]



Roorkee-Dehradun Road, Village Karoundi,
Post Bhagwanpur, Tehsil-Roorkee
Pin -247661
Distt-Haridwar
Uttarakhand

STUDY AND EVALUATION SCHEME

OF

BACHELOR OF LAW

[w.e.f Academic Session 2020-21 onwards]

SUMMARY

Programme	LL.B.
Duration	Three year (Six Semesters)
Medium	English and Hindi
Credits	146

**MOTHERHOOD UNIVERSITY,
LL.B. 3 YEAR (SIX SEMESTER) COURSE SYLLABUS
(w.e.f.: 2020 – 21 Session)**

SCHEME OF EXAMINATION

SEMESTER – I (Total: 500 Marks)

Paper No.	Subject Code	Title of Paper	Effective Teaching				Evaluation scheme		
			L	T	P	C	Internal Assessment	End Term	Total Marks
1	MULLB 101	Jurisprudence	4	1	0	5	30	70	100
2	MULLB 102	Constitutional Law of India I (Nature of the Constitution And Fundamental Rights)	4	1	0	5	30	70	100
3	MULLB 103	Legal Language and Legal Writing Including Proficiency In General English	4	1	0	5	30	70	100
4	MULLB 104	Law of Property And Easement Act	4	1	0	5	30	70	100
5	MULLB 105	Contract – I (General Principles of Contract)	4	1	0	5	30	70	100
Total			20	5	0	25	150	350	500

SEMESTER – II (Total: 500 Marks)

Paper No.	Subject Code	Title of Paper	Effective Teaching				Evaluation scheme		
			L	T	P	C	Internal Assessment	End Term	Total Marks
1	MULLB 201	Law of Torts & Consumer Protection Act.	4	1	0	5	30	70	100
2	MULLB 202	Constitutional Law of India II (Structure And Working of the Indian Constitution)	4	1	0	5	30	70	100
3	MULLB 203	Family Law – I (Hindu Law)	4	1	0	5	30	70	100
4	MULLB 204	Contract – II (Specific Contract And Law of Partnership)	4	1	0	5	30	70	100
5	MULLB 205	Administrative Law	4	1	0	5	30	70	100
Total			20	5	0	25	150	350	500

SEMESTER – III (Total : 500 Marks)

Paper No.	Subject Code	Title of Paper	Effective Teaching				Evaluation scheme		
			L	T	P	C	Internal Assessment	End Term	Total Marks
1	MULLB 301	Family Law – II (Muslim Law)	4	1	0	5	30	70	100
2	MULLB 302	Public International Law	4	1	0	5	30	70	100
3	MULLB 303	Mediation, Conciliation and Arbitration (Theory)	4	1	0	5	30	70	100
4	MULLB 304	Law of Crimes – I (Indian Penal Code)	4	1	0	5	30	70	100
5	MULLB 305	Professional Ethics, Accountability of Lawyers and Bar Bench Relation (Practical Training)			8	4		100	100
Total			16	4	8	24	120	380	500

SEMESTER – IV (Total : 500 Marks)

Paper No.	Subject Code	Title of Paper	Effective Teaching				Evaluation scheme		
			L	T	P	C	Internal Assessment	End Term	Total Marks
1	MULLB 401	Company Law	4	1	0	5	30	70	100
2	MULLB 402	Labour And Industrial Law	4	1	0	5	30	70	100
3	MULLB 403	Environmental Law	4	1	0	5	30	70	100
4	MULLB 404	Law of Trust, Equity And Fiduciary Relation	4	1	0	5	30	70	100
5	MULLB 405	Arbitration, Conciliation And Alternate Dispute Resolution (Practical Training)			8	4		100	100
Total			16	4	8	24	120	380	500

SEMESTER – V (Total : 500 Marks)

Paper No.	Subject Code	Title of Paper	Effective Teaching				Evaluation scheme		
			L	T	P	C	Internal Assessment	End Term	Total Marks
1	MULLB 501	Civil Procedure Code And Limitation Act	4	1	0	5	30	70	100
2	MULLB 502	Law of Crimes – II (Code of Criminal Procedure, Juvenile Justice Act And Protection of Offenders Act)	4	1	0	5	30	70	100
3	MULLB 503	Law of Evidence	4	1	0	5	30	70	100
4	MULLB 504	Land Laws Including Ceiling And Other Local Laws	4	1	0	5	30	70	100
5	MULLB 505	Drafting of Pleading And Conveyancing(Practical Training)			8	4		100	100
Total			16	4	8	24	120	380	500

SEMESTER – VI (Total : 500 Marks)

Paper No.	Subject Code	Title of Paper	Effective Teaching				Evaluation scheme		
			L	T	P	C	Internal Assessment	End Term	Total Marks
1	MULLB 601	Interpretation of Statutes	4	1	0	5	30	70	100
2	MULLB 602	Defence law	4	1	0	5	30	70	100
3	MULLB 603	Law of Human Rights	4	1	0	5	30	70	100
4	MULLB 604	Intellectual Property Law	4	1	0	5	30	70	100
5	MULLB 605	Moot Court, Pre-Trial Preparation And Participation In Trial Proceedings' (Practical Training)			8	4		100	100
Total			16	4	8	24	120	380	500

SEMESTER – I

PAPER – I JURISPRUDENCE (Paper Code: MULLB -101)

Credit: 5

The course shall comprise of the following:

1. Introduction

- a. Meaning, Content and Nature of Jurisprudence
- b. Classical Schools of Jurisprudence
- c. Analytical Positivism

2. Schools of Jurisprudence

- a. Historical Schools of Jurisprudence
- b. Sociological Schools of Jurisprudence
- c. Economic and Realist School of Jurisprudence

3. Legal Concepts

- a. Rights and Duties
- b. Personality
- c. Property, Possession and Ownership

4. Theories and Concepts of Justice

- a. Concepts of Natural and Social Justice
- b. Theories of Justice: Rawls, Fuller, Nozick
- c. Indian Concepts of Justice: Constitution Imperatives, Amartya Sen's *The Idea of Justice*

BOOKS RECOMMENDED

Bodenheilmer : *Jurisprudence*.

Dias, *Jurisprudence*.

Friedman, *Law in Changing Society*.

Llyoyd, *Introduction of Jurisprudence*.

Mahajan V.D., *Jurisprudence*.

Paton : *Jurisprudence*.

Salmond : *Jurisprudence*.

PAPER – II CONSTITUTIONAL LAW OF INDIA - I

(Nature of the Constitution and Fundamental Rights)

(Paper Code: MULLB -102)

Credit: 5

The course shall comprise of the following:

- (1). Nature of the Indian Constitution. Special emphasis shall be placed on
 - (a) Federal Structure and
 - (b) Form of the Government.
- (2). Preamble of the Constitution
- (3). Fundamental Rights –
 - (a) **General** : Scheme of Fundamental Rights, Who can claim Fundamental Rights : Against whom Fundamental Rights are available ? Suspension of Fundamental Rights.
 - (b) **Specific Fundamental Rights-**
 - Right to Equality (Articles 14 to 18)
 - Right to Freedom of Speech and Expression (Article 19(1)(a))
 - Protection in respect of Conviction for offences (Article 20)
 - Right to Life and Personal Liberty (Article 21)
 - Right to Education (Article 21A)
 - Right against Exploitation (Articles 23 to 24)
 - Right to Freedom of Religion (Articles 25 to 28)
 - Cultural and Educational Rights of Minorities (Articles 29 to 30)
 - Right to Constitutional Remedies (Article 32)
- (4) Directive Principles of State Policy, their importance and relationship with Fundamental Rights.
- (5) Fundamental Duties

BOOKS RECOMMENDED

Chander Pal, *Centre State Relations and Indian Cooperative Federalism.*

Chander Pal, *State Autonomy in Indian Federation: Emerging Trends.*

Hidayatullah M., *Constitutional Law of India.*

Jain M.P., *Constitutional Law.*

Pandey J.N., *Constitutional Law of India.*

Seervai H.M., *Constitutional Law of India.*

Shukla V.N., *Constitutional Law of India.*

Tope T.R., *Constitutional Law of India.*

PAPER – III
LEGAL LANGUAGE AND LEGAL WRITING INCLUDING
PROFICIENCY IN GENERAL ENGLISH
(Paper Code : MULLB -103)

Credit: 5

The course shall comprise of the following :

1. Need and Importance of Legal Language
2. Proficiency in General English
 - (a) Parts and Types of Sentences
 - (b) Parts of Speech – A Brief Introduction
 - (c) Tenses: Forms and Use
 - (d) Active and Passive Voice
 - (e) Direct and Indirect (or Reported) Speech
 - (f) Some Common Mistakes in English
3. Legal Terminology
4. Writing of Case Comment
 - (a) Understanding physical structure of a case reported in a Legal journals such as A.I.R., S.C.C., Scale, J.T. etc.
 - (b) General introduction of doctrine of precedent
 - (i) Precedent as source of Law (Ratio Decidendi and Obiter dictum).
 - (ii) Circumstances which destroy or weaken the binding force of precedent
 - (iii) Circumstances which increases the authority of a precedent.
 - (c) Method of writing a case comment
5. System for Citing Documents in Written Work
 - (a) Various systems of citation
(Numeric System, Harvard System, Harvard Law Review Association System and Indian Practice)
 - (b) First Footnote References (Books, Journal, Electronic sources etc.)
 - (c) Subsequent Footnote References and other Terms used in the Footnotes. Following Terms shall be explained:
Ibidem/Idem, Supra, Infra, Et.seq., Op.cit., Loc. cit., Cf., See, See also, See generally, But see, contra, In re etc.
 - (d) Preparation of Bibliography
 - (e) Abbreviations
 - (i) Common abbreviations used in footnotes and general legal writings
 - (ii) Abbreviation used for Indian and foreign legal periodicals
6. Standard Markings in Proofreading
 - (a) –Use and importance of Standard Markings
 - (b) – Marginal Marks and their explanations
7. Essay Writing on Topics of Legal Interest in English
8. Letter Writing in English

BOOKS RECOMMENDED

Abidi Ishtiaque, *Law and Language*.
Sharma K.S. (Dr.), *Legal Language, Legal Writing and English Usage*.
Hindi English Legal Glosary, Vidhi Sahitya Prakashan, Ministry of Law,
New Delhi.

PAPER – IV
LAW OF PROPERTY AND EASEMENT ACT.
(Paper Code : MULLB -104)

Credit: 5

The course shall comprise of the following :

- (1) General Principles of the Law of Transfer of Property, Kinds of Property, Ownership.
- (2) **Sale of Immoveable Property** : Definition and Mode of Sale and Exchange (Sections 54 and 118).
- (3) **Mortgages** : Definitions: Mortgage, Mortgagor, Mortgagee, Mortgage Money, Mortgage Deed (Section 58), Charge (Section 100), Kinds of Mortgage (Section 58), Mode of Formalities for Creation of Mortgage (Section 59) Right to Redeem, Partial Redemption, Clog on Redemption, (Section 60), Marshalling and Contribution (Sections 81 and 82), Subrogation (Sections 91 and 92).
- (4) **Leases of Immoveable Property** : Definition of Lease (Section 105) and License, Leases How Made (Section 107), Determination of Lease (Section 111), Effect of Holding Over (Section 116).
- (5) **Gift** : Definition of Gift (Section 122), Transfer how Effected (Section 123), Onerous Gift (Section 127), Universal Donnie (Section 128).
- (6) **Easements** : Definition, Acquisition and Kinds of Easements (Sections 4 to 18).

BOOKS RECOMMENDED

Diwan Paras, *Transfer of Property*. Lahri S.M., *Transfer of Property*.
Mulla D.F., *Transfer of Property Act* .
Shah S.M., *Lecturers of Transfer of Property*.
Shukla S.N., *Transfer of Property*.
Shukla V.N., *Transfer of Property*.
Sinha S.N., *Transfer of Property*.
Tripathi G.P., *Transfer of Property*.

PAPER – V
CONTRACT - I
(General Principles of Contract)
(Paper Code : MULLB -105)

Credit: 5

The course shall comprise of the following :

- (1) Purpose, Evolution and Scope of Law of Contracts
- (2) Proposal and Promise Including Communication of Proposal, Acceptance and Communication of the Revocation of Proposal and Acceptance.
- (3) Consideration and Doctrine of Privity of Contract.
- (4) Lawful Object and Consideration.
- (5) Capacity to Contract : Minors, Persons of Unsound Mind and Others Disqualified by Law ; Nature and Effects of Minor's Agreements; Doctrine of Restitution.
- (6) Consent and Free Consent.
- (7) Standard Form of Contracts
- (8) Agreements Declared Void and Voidable Under the Contract Act.
- (9) Contingent Contracts
- (10) Law Relating to Certain Relations Resembling those Created by Contracts, viz., Quasi-Contracts.
- (11) Discharge of contracts with special reference to the doctrine of frustration.

BOOKS RECOMMENDED

Anson's *Law of Contract*.

Bangia R.K. (Dr.), *Indian Contract Act*

Desai S.T., *The Indian Contract Act*

Kapoor S.K., *Contract*

Moitra A.C., (Dr.), *Principles and Digest of Indian Contract Act*.

Pollock and Mulla, *Indian Contract and Specific Relief Act*

Singh Avtar (Dr.), *Law of Contract*

SEMESTER – II

PAPER – I

Law of Torts and Consumer Protection Act (Paper Code : MULLB -201)

Credit: 5

The course shall comprise of the following:

1. Introduction and Principles of Liability in Tort

- a. Definition of Tort
- b. Development of Law of Torts
- c. Distinction between Law of Tort, contract, Quasi-contract and crime
- d. Constituents of Tort: Injuria sine damnum, Damnum sine injuria
- e. Justification in Tort, Volenti non-fit Injuria, Necessity, Plaintiff's default, Act of God, Inevitable accidents, Private defense

2. Specific Torts-I

- a. Negligence
- b. Nervous Shock
- c. Nuisance
- d. False Imprisonment and Malicious Prosecution
- e. Judicial and Quasi: Judicial Acts
- f. Parental and Quasi-Parental authority

3. Specific Torts-II

- a. Vicarious Liability
- b. Doctrine of Sovereign Immunity
- c. Strict Liability and Absolute Liability
- d. Defamations

4. The Consumer Protection Act.

- a. Definitions of Consumer, Goods and Services
- b. Rights and Duties of Consumer
- c. Authorities for Consumer Protection
- d. Remedies

BOOKS RECOMMENDED

1. B.M. Gandhi, *Law of Torts with Law of Statutory Compensation and Consumer Protection*, Eastern Book Company, 2011 (4th Edn)
2. R.K. Bangia, *Law of Torts including Compensation under the Motor Vehicles Act and Consumer Protection Laws*, Allahabad Law Agency, 2013
3. Ramaswamy Iyer's , *The Law of Torts*, Lexis Nexis, 2007 (10th Ednt

PAPER – II
CONSTITUTIONAL LAW OF INDIA – II
(Structure and Working of the Indian Constitution)
(Paper Code: MULLB -202)

Credit: 5

The course shall comprise of the following

1. Union P a r l i a m e n t : Organization, Procedure regarding Enactment of Legislation, Parliamentary Privileges.
2. Union E x e c u t i v e : The President, his Powers and Position including Ordinance Making Power.
3. Prime Minister and the Cabinet. Is the Prime Minister Real Head?
4. Distribution of Legislative Powers between Union and the States. Territorial and Topical Distribution of Powers. Power of Parliament to Legislate on State Matters. Doctrine of Territorial Nexus. Doctrine of Pith and Substance, Doctrine of Colourable Legislation.
5. Emergency Provisions with Special References to Proclamation of Emergency and President's Rule.
6. Union Judiciary: Supreme Court of India. Composition and Jurisdiction
7. Tortious Liability of State.
8. Protection of Civil Servants.
9. Amendment of the Constitution. Power and Procedure; Basic Structure of the Constitution.

BOOKS RECOMMENDED

Chander Pal, *Centre State Relations and Indian Cooperative Federalism.*

Chander Pal, *State Autonomy in Indian Federation: Emerging Trends.*

Hidayatullah M., *Constitutional Law of India.*

Jain M.P., *Constitutional Law.*

Pandey J.N., *Constitutional Law of India.*

Seervai H.M., *Constitutional Law of India.*

Shukla V.N., *Constitutional Law of India.*

Tope T.R., *Constitutional Law of India.*

PAPER – III
FAMILY LAW - I
(Hindu Law)
(Paper Code: MULLB -203)

Credit: 5

The course shall comprise of the following:

- (1) Sources of Hindu Law
- (2) Schools and Sub-Schools of Hindu Law
- (3) Marriage : Essentials of a Valid Marriage, Void and Voidable Marriage
- (4) Matrimonial Relief : Concept and Grounds of Various Matrimonial Reliefs *viz.*
 - Restitution of Conjugal Rights
 - Judicial Separation
 - Nullity of Marriage
 - Divorce
- (5) Legitimacy - Legal Status of Children Born of Void and Voidable Marriage.
- (6) Adoption
- (7) Hindu Minority and Guardianship Act, 1956
- (8) Law of Maintenance - Hindu Adoption and Maintenance Act, 1956.

BOOKS RECOMMENDED

Mulla, *Principles of Hindu Law*
Diwan Paras (Dr.), *Modern Hindu Law*
Mayne's, *Hindu Law and Usage*
Kesari U.P.D. (Dr.), *Modern Hindu Law*
Sharma B. K.- *Modern Hindu Law*

PAPER – IV
CONTRACT - II
(Specific Contract and Law of Partnership)
(Paper Code: MULLB -204)

Credit: 5

The course shall comprise of the following:

1. Contract of Indemnity, Contract of Guarantee, Bailment and Pledge.
2. Contract of Agency.
3. Definition of Sale, Essentials of Contract of Sale and Agreement to Sale, Duties of Sellers and Buyers, Sale by Sample, Sale by Description, Conditions and Warranties, Rule of Caveat Emptor.
4. Transfer of Title, Passing of Property in Goods, Delivery of Goods – Rules regarding Delivery of Goods, Unpaid Seller and his Rights, Remedies for the Breach of Contract.
5. Network of Partnership, Difference between Partnership and a Company, Mutual relationship between Partners, Authority of Partners, Dissolution of Partnership, Minor as Partner.

BOOKS RECOMMENDED

Anson, *Law of Contract*.

Bangia R.K. (Dr.), *Indian Contract Act*.

Desai S.T., *The Indian Contract Act*.

Kapoor S.K., *Contract*.

Moitra A.C., (Dr.), *Principles and Digest of Indian Contract Act*.

Narayana P.S., *The Law of Partnership*.

Pollock and Mulla, *Indian Contract and Specific Relief Act*.

Singh Avtar (Dr.), *Introduction to Law of Partnership*.

Singh Avtar (Dr.), *Law of Contract*.

PAPER – V
ADMINISTRATIVE LAW
(Paper Code: MULLB -205)

Credit: 5

The course shall comprise of the following:

1. Evolution of Administrative Law, Definition and its Scope.
2. Rule of Law.
3. Separation of Powers
4. **Delegated Legislation :**
 - a. Necessity of Delegated Legislation
 - b. Constitutionality of Delegated Legislation
 - c. Control Over Delegated Legislation
 - a. Judicial Control,
 - b. Parliamentary Control,
 - c. Procedural Control.
5. **Principles of Natural Justice :**
 - a. Nemo judex in sua causa (Rule Against Bias),
 - b. Audi alteram partem,
 - c. Reasoned decision,
 - d. Doctrine of Legitimate Expectation.
6. **Writs with Special Reference to :**
 - a. Writ of Habeas Corpus
 - b. Writ of Prohibition
 - c. Writ of Certiorari
 - d. Writ of Mandamus
 - e. Writ of Quo-Warranto
7. **Public Interest Litigation.**
8. **Ombudsman (Lokpal) in India & Lokayukta in State of U.P.,**
9. **Administrative Tribunals - With Special Reference to Central Administrative Tribunals.**

BOOKS RECOMMENDED

Basu D.D., *Comparative Administrative Law.*

Jain M.P. & Jain S.N., *Principles of Administrative Law.*

Joshi K.C., *Administrative Law.* Massey

I.P., *Administrative Law.*

S.P.Sathe, *Administrative Law.*

Takwani C.K., *Lectures on Administrative Law.*

Thakkar C.K., *Administrative Law.*

Wade H.P.W., *Principles of Administrative Law.*

SEMESTER – III

PAPER – I

FAMILY LAW - II (Muslim Law) (Paper Code: MULLB -301)

Credit: 5

The course shall comprise of the following:

1. Introduction: Who is Muslim, Conversion, and Apostasy.
2. Sources of Muslim Law
3. Schools of Muslim Law
4. **Marriage:** Definition, Nature, Capacity, Classification and Legal Effect of Marriage.
5. Dower, Will, Gifts, Wakf and Pre-emption.
6. **Dissolution of Marriage under Muslim Law:** (Divorce) Talaq, Ila, Khula, Mubarrat, Talaq-e-Tafweed, Lian, Faskh etc., Dissolution of Muslim Marriage Act, 1939.
7. Maintenance of Wives with special reference to Section 125 Cr.P.C.
8. Shah Bano Case and the ensuing Legislation.
9. **Parentage and Legitimacy:** Acknowledgement of Legitimacy. Brief Study of Section 112 of the Evidence Act.
10. Indian Succession Act, Part VII (Protection of Deceased, Section : 192 to 210), Part VIII (Representative Title to Property of Deceased on Succession, Section : 211 to 216).

BOOKS RECOMMENDED

Ali Ameer, *Principles of Mohammadan Law.*

Fyzee, *Outlines of Mohammedan Law.*

Mahmood Tahir, *Civil Marriage Law.*

Mahmood Tahir, *Muslim Law of India.*

Mulla, *Principles of Mohammadan Law.*

Rashid Khalid, *Muslim Law.*

Wilson, *Muslim Law.*

PAPER – II
PUBLIC INTERNATIONAL LAW
(Paper Code: MULLB -302)

Credit: 5

The course shall comprise of the following:

- 1. Theoretical Foundation of International Law:**
 - a. Definition,
 - b. Nature and Scope
- 2. Sources of International Law:**
 - a. Custom,
 - b. International Conventions,
 - c. General Principles of Law,
 - d. Judicial Decisions and Juristic Works
- 3. Relation between International Law and Municipal Law:**
 - a. Theories of Relationship,
 - b. Indian and British Practices
- 4. State:** State Sovereignty, State Territories and Jurisdiction, Recognition, Succession, Intervention, Nationality, Diplomatic Agents, Extradition and Asylum.
- 5. Laws of War :** War Crimes and Crime against Peace, Settlement of International Disputes – Pacific and Coercive, Hijacking Narcotics, Treatment of Aliens, Enemy Character, Contraband, Blockade, State Jurisdiction on Terrorism.
- 6. Law of the Sea:** Maritime Belt, Contiguous Zone, EEZ, Continental Shelf Jurisdiction.

BOOKS RECOMMENDED

Aggarwal, H.O., *Public International Law and Human Rights*.
Greig, D.W., *International Law*.
Harris, D.J., *Cases and Material on International Law*.
Kappor, S.K., *International Law*.
Starke, J.G., *An Introduction to International Law*.

PAPER – III

Mediation, Conciliation and Arbitration (Paper Code: MULLB -303)

Credit: 5

The course shall comprise of the following:

1. Mediation

- a) Mediation: Meaning, Scope and importance of Mediation
- b) Mediation Ethics and Obligations of Mediation
- c) Techniques of Mediation
- d) Civil and Commercial Mediation
- e) Family Mediation

2. Arbitration under Arbitration and Conciliation Act 1996

- a) Definitions: Arbitration Agreement, Arbitral Award.
- b) Power of the Court to refer to arbitration
- c) Appointment of Arbitration
- d) Conduct of Arbitral Proceedings
- e) Arbitration-award
- f) Setting aside of Arbitral award

3. Conciliation:

- a) Meaning and scope
- b) Appointment and Role of Conciliators
- c) Conciliation proceedings
- d) Settlement Agreements: Status and Effect of Settlement agreement

BOOKS RECOMENDED

Avtar Singh, Law of Arbitration and Conciliation, Eastern Book Company, 2013(10th Edition)

Bansal, A. K. Law of international commercial arbitration, Universal, Delhi, (2010)

David St. John, Judith Gill, Mathew Gearing, Russell on Arbitration, Sweet & Maxwell, 23rd ed. 2013.

M.Sridhar- Altemate Dispute Resolution : Negotiation & Mediation .

Anirban Chakraborty- Law & Practice of ADR in India

Dr. S.C. Tripathi- Altemate Dispute Resolution System

P.C.Rao- Altemate Dispute Resolution .

Madhusudan Saharay- Textbook on Arbitration & Conciliation with ADR

PAPER – IV
LAW OF CRIMES - I (Indian Penal Code)
(Paper Code : MULLB -304)

Credit: 5

The course shall comprise of the following:

1. General Principles of Crime :

- a. Historical background of criminal law in India;
- b. Concept of crime; Element of crime-external and internal; Motive;
- c. Concept of Strict Liability; General Exceptions *viz.* Mistake, Superior order, Action in pursuance of legal obligation, accident, necessity, young age, unsoundness of mind, drunkenness, consent compulsion, trifling act, communication made in good faith;
- d. Right of Private Defence;
- e. Joint and constructive liability;
- f. Preliminary offences *viz.* Abetment, conspiracy and attempt.

2. Specific Offences:

- a. **Offences Affecting Human Body** : Culpable Homicide, Murder, Homicide by Rash and Negligent Act, Hurt and Grievous Hurt; Wrongful Restraint and Wrongful Confinement; Criminal Force; Assault; Outraging the Modesty of Woman; Rape and Unnatural sexual Offences; Kidnapping and Abduction; Dowry death and Cruelty.
- b. **Offences Against Property** : Theft; Extortion; Robbery; Dacoity; Criminal Misappropriation; Criminal Breach of Trust; Cheating; Mischief; Criminal Trespass.
- c. **Offences against State and Public Tranquility**: Sedition; Unlawful Assembly; Rioting and Affray.
- d. **Offences against Marriage**: Bigamy and Adultery.

BOOKS RECOMMENDED

Gaur Hari Singh (Dr.), *Penal Law of India*.
Gaur K.D., *Criminal Law cases and materials*.
Lal Rattan Lal Dhiraj, *Indian Penal Code*.
Misra S.N., *Indian Penal Code*.
Nigam R.C., *Principles of Criminal Law*.

PAPER – V
PROFESSIONAL ETHICS, ACCOUNTABILITY OF LAWYERS AND BAR
BENCH RELATION (Practical Training)
(Paper Code: MULLB -305) Credit: 4

This course will be taught in association with the practicing Lawyers / retired Judges / retired Law Teachers. This paper will carry **Maximum 100 Marks**. The written examination on this paper (Theory Paper) will be in **descriptive form** and of **two (02) hours duration** and will carry **50 Marks**. The written examination (Theory Paper) shall be held by way of paper with the other theory papers. **The Practical / Viva-voce Examination will carry 50 Marks**. The students will be given **Assignment** by the subject teacher. Students will record answer to all the Assignment by preparing a **Project File**. **The Project File will carry 30 Marks. The Project File will be evaluated by the Internal Examiner/External Examiner, Dean/HOD at the time of Practical / Viva-voce examination.** The Viva-voce will carry **20 Marks**.

The course shall comprise of the following:

1. Historical Perspective and Regulation of Legal Profession.
2. Admission, Enrolment and Rights of Advocate, Bar Councils.
3. Nature and Characteristics of:
 - a. Ethics of Legal Profession,
 - b. Legal Profession
4. Contempt of Court:
 - a. Civil Contempt
 - b. Criminal Contempt
 - c. Punishment for Contempt
 - d. Defences against Contempt.
 - e. Constitutional Validity of Contempt Law.
 - f. Contempt by Lawyers, Judges, State, and Corporate Bodies
5. Strike by the Lawyers
6. Extent of Professionalization of Legal Profession
 - a. Code of Ethics for Lawyers
 - b. Professional Misconduct and its Control
 - c. Bar-Bench Relations
 - d. Accountability of Lawyers towards Court, Clients and Society
 - e. Role of Law and Legal Profession in Social Transformation

BOOKS RECOMMENDED

Gupta S.P., *Professional Ethics, Accountancy for Lawyers & Bench Bar Relations*.

Rai Kailash, *Professional Ethics, Accountancy for Lawyers & Bench Bar Relations*.

Sirohi (Dr.), *Professional Ethics, Accountancy for Lawyers & Bench Bar Relations*.

SEMESTER – IV
PAPER – I
COMPANY LAW
(Paper Code: MULLB -401)

Credit: 5

The course shall comprise of the following:

A. Formation of Companies:

1. History of Company Legislation in India
2. Meaning and Nature of Company with Emphasis on its Advantages and Disadvantages over Other Forms of Business Organizations.
3. Kinds of Companies
4. Corporate Personality and Lifting the Corporate Veil
5. Promotion of Companies:
 - a. Promoters and Pre-Incorporation Contracts
 - b. Registration of Companies
6. Memorandum of Association and Articles of Association :
 - a. Meaning, Nature and Contents and Relationship Between the two
 - b. Objects Clause and Doctrine of *Ultra-vires*
7. Prospectus and Statement in Lieu of Prospectus
8. Membership of Company - Its Acquisition and Termination.

B. Corporate Capital :

1. Share and Share Capital : Meaning, Nature and Kinds; Various Rights and Duties Attached to these Shares.
2. Issuance and Allotment of Shares
3. Alteration of Share Capital :
 - a. Increase in Share Capital
 - b. Reduction of Share Capital
 - c. Pre-Emptive Rights and Variation of Class Rights

C. Company Management and Administration :

1. Company and its Various Organs Including Division of Powers between Board of Directors and Company in General Meeting.
2. Company Meetings and Resolutions : Types / Kinds of Meetings, Essential Conditions of a Valid Meeting, Procedure for Calling Company Meetings, Resolution Kinds and Procedures Relating Thereto.
3. **Directors and Managing Director** : Appointment and Legal Position.
4. Oppression and Mismanagement
5. Investigation into the Affairs of Companies
6. Reconstruction and Amalgamation
7. **National Company Law Tribunal** : Composition and Powers

D. Winding up of Company: Modes of Winding Up, Compulsory Winding Up - Conditions and Positions, Voluntary Winding Up : Kinds and Distinctions, Officials Liquidator and Liquidator : Appointment and Powers.

BOOKS RECOMMENDED

Majumdar A.K., *Company Law and Practice*.

Kapoor G.K. (Dr.) & Gower L.C.B., *Principles of Modern Company Law*.

Singh Avtar (Dr.), *Indian Company Law*.

Ramayya A., *A Guide to Companies Act*. Rai Kailash,
Principles of Company Law.

Dhingra L.C. (Dr.), *Principles of Company Law*

Tripathi S.C. (Dr.), *Modern Company Law*.

PAPER – II
LABOUR AND INDUSTRIAL LAW
(Paper Code: MULLB - 402)

Credit: 5

The course shall comprise of the following:

1. Evolution of Industrial Legislation in India.

2. Industrial Disputes Act, 1947.

- a. Scope and Object, Main Features, Important Definitions
- b. Industry
- c. Industrial Dispute and Individual Dispute
- d. Workman and Employee
- e. Reference of Disputes
- f. Voluntary Arbitration (Section 10 A)
- g. Award
- h. Authorities under the Act.
- i. Procedures, Powers and Duties of Authorities
- j. Strike
- k. Lock- out
- l. Retrenchment
- m. Lay-off
- n. Transfer and Closure
- o. Regulation of Managements Prerogative During Pendency of Proceedings

3. Trade Unions Act, 1926

- a. Growth of Unions
- b. Important Definitions
- c. Registration of Trade Unions
- d. Rights and Liabilities of Registered Trade Unions
- e. Collective Bargaining.

BOOKS RECOMMENDED

Bangri P.R., *Law of Industrial Disputes*.
Dhingra L.C., *Law on Industrial Adjudication in India*.
Kothari G.M. (Dr.), *A Study of Industrial Law*.
Malhotra O.P., *Law of Industrial Disputes (Volume-I)*.
Mishra S.N., *Labour and Industrial Law*.
Puri S.K., *Labour and Industrial Law*.
Srivastav K.D., *Law relating to Trade Unions Indian Act* .

PAPER – III
ENVIRONMENTAL LAW
(Paper Code: MULLB -403)

Credit: 5

The course shall comprise of the following:

1. General Background
 - a. Problems of Environmental Pollution and Protection
 - b. History of Indian Environmental Laws
 - c. Importance and Scope of Environmental Laws
2. Constitutional Aspects:
 - a. Distribution of Legislative Power,
 - b. Directive Principles of State Policy
 - c. Fundamental Duties,
 - d. Fundamental Rights.
3. Select Legal Controls - The Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
 - a. Salient Features of the Acts,
 - b. Definitions
 - c. Authorities - Composition, Power and Function,
 - d. Mechanism to Control the Pollution,
 - e. Sanctions
4. Environment (Protection) Act, 1986 : Definition of 'Environment', Salient Features of the Act, Authorities - Composition, Powers, Functions, Mechanism to Control Environmental Pollution, Sanctions.
5. Control of Noise Pollution : Legal Control, Judicial Control.
6. Emerging Principles : Historical Background and Judicial Approach in India
 - a. Polluter Pays Principle,
 - b. Precautionary Principle,
 - c. Public Trust Doctrine,
 - d. Sustainable Development
7. Environmental Dispute and Grievance Settlement Mechanism :National Environment Tribunal Act,
8. 1995-Powers, Functions and Jurisdiction of the National Environment Tribunal; National Environment Appellate Authority Act, 1997- Powers, Functions and Jurisdiction of the National Environment Appellate Authority.

BOOKS RECOMMENDED

Diwan Paras, *Environment Administration, Law and Judicial Attitude.*

Jaswal P.S., *Environmental Law.*

Kumar Naresh : *Air Pollution and Environment Protection.* Pal Chandra, *Environmental Pollution & Development.*

Singh Gurdip, *Environmentl Law.*

Central Legislations :

The AIR (Prevention and Control of Pollution) Act, 1981.

The Environment (Protection) Act, 1986

The National Environment Tribunals Act, 1995. The Public

Liability Insurance Act, 1991

The Water (Prevention and control of Pollution) Act, 1974; Victimology.

PAPER – IV
LAW OF TRUST, EQUITY AND FIDUCIARY RELATION
(Paper Code: MULLB -404)

Credit: 5

The course shall comprise of the following:

History, nature and principles of Equity-Emergence of law of trust from Equity—
The making of Indian Law of Trust and provisions of law of Trust-Religious Trusts- Principles of Equity and Equitable Remedies, Equitable Relief in different branches of law with special reference to property law.

1. Equity

- a. Nature of Equity,
- b. History of Courts of Equity,
- c. Relations of law of Equity,
- d. The maxims of equity,
- e. Different Equitable remedies.

2. Trust & Fiduciary Relations :

- a. Essentials of Trust
- b. Fiduciary Relationship— Concept, kinds *vis-a-vis* Trusteeship
- c. Trust and contract, Power, condition, charge and personal obligations— distinguished
- d. Classification of Trust and its importance
- e. Private Trusts
- f. Public Trusts
- g. Appointments, Retirement and removal of Trustee
- h. Rights, Power, Discretion and control of Trustees
- i. Duties of trustee in relation to :
 - i. Trust property;
 - ii. Beneficiary
- j. The Administration of Trust
- k. Liability for Breach of Trust
- l. Rights and Remedies of the Beneficiary
- m. Constructive Trusts.

BOOKS RECOMMENDED

- Ahmad Aquil, *Equity, Trusts and Specific Relief*.
Desai S.T., *Equity, Trusts and Specific Relief*.
Hansbury & Mousley, *Modern Equity*.
Jhabwala N.H, *Elements of Equity, Trusts and Specific Relief*.
Rao GCV Subha, *Equity, Trust and Fiduciary Relation*.
Singh G.P., *Principles of Equity*.
Snell, *Principles of Equity*.
Tondon M.P., *Principles of Equity and Trusts*.

PAPER – V
ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE
RESOLUTION (Practical Training)
(Paper Code : MULLB -405) **Credit: 4**

The Course will be taught partly through class room lectures including simulating exercise and partly through extension programme like Lok-Adalat, etc. The Course will be taught in association with **practicing lawyers / retired Judges / retired Law Teachers**. The Class room instructions shall include lessons on the concepts and practice of Arbitration, Conciliation and Alternate Dispute Resolution. Students shall be required to maintain the **Diary of the Work** for this paper in which they shall **record the written exercises assigned to them** by the subject teacher during the session. **This Paper will carry Maximum 100 Marks. The Diary will carry 80 Marks and will be evaluated by the Internal Examiner, External Examiner & Dean/HOD at the time of Semester Practical / Viva-voce examination. The Viva-voce will carry 20 Marks.**

Guidelines: It is advisable that the faculty of legal studies should organize field work in such a manner that all the students get an opportunity to participate in field work so that each candidate may be able to attend at least two such field assignments.

The course shall comprise the followings:

- (1) **Existing Justice Delivery System in India** - Effectiveness and Menaces.
- (2) Reforms in the Legal System for Achieving Effective and Speedy Resolution of Disputes - Public Interest Litigation
- (3) **Alternate Dispute Resolution System** - Objectives, Meaning and Advantages.
- (4) **Types of ADR System** - Mini Trial, Mediation – Arbitration, Neutral Fact Finding Expert, Early Neutral Evaluation, Court-annexed Arbitration, Mediation and Hybrid Process, Judicial Settlement Conferences etc., Multi-Door Court House.
- (5) Other Amicable Settlement Process - LOK ADALAT
- (6) Arbitration Agreement, International Commercial Arbitration, Composition and Jurisdiction of Arbitral Tribunals.
- (7) Conduct of Arbitral Proceedings and its Termination and Making of Arbitral Award
- (8) **Finality and Enforcement of Arbitral Award** - Recourse Against Arbitral Award, Enforcement of Foreign awards (New York Convention Awards and Geneva Convention Awards).
- (9) **Conciliation** - Commencement of Proceedings, Appointment and Role of Conciliators, Submission of Statement to Conciliators, Settlement Agreement, Termination, Cost and Deposits of Proceedings, Protection for Conciliation Proceedings.
- (10) **Mediation** - Meaning, Advantages, Techniques, Common Errors of Mediation Advocacy.

BOOKS RECOMMENDE

Basu N.D., *Law of Arbitration and Conciliation*.
Kwatra G.K., *The Arbitration and Conciliation Law of India*. Bansal A.K.,
Law of International Commercial Arbitration. Saraf B.P. & Jhunjhnuwala M.,
Arbitration and Conciliation.
Malhotra O.P., *The Law and Practice of Arbitration and Conciliation* Shaffer Thomas L.,
Legal Interviewing and Counseling in Nutshell.
Binder David A. & Bergman Paul et al, *Lawyers as Counselors*.

SEMESTER – V
CIVIL PROCEDURE CODE AND LIMITATION ACT
(Paper Code : MULLB -501)

Credit: 5

The Course shall comprise of the following :

- (1) Preliminary, Definitions, Suits of civil nature, Principles of Res-judicata and Res subjudice, Foreign judgement, place of suing.
- (2) Parties to suit, Frame of suit, Pleading : Plaintiff, Written statement, Set-off, Counter claim, Suits by indigent persons, Suits in particular cases.
- (3) Summons and Discovery, Issues of Summons, Appearance of parties, Summoning and Attendance of witness, Execution of Decrees.
- (4) Incidental proceedings : Commission, Letter of request, Supplemental proceedings : Arrest and Attachment before judgement, Temporary injunction, Interlocutory orders, Receiver appeals, References, Review, Revision, Restitution, Caveat, Inherent powers of court.
- (5) Limitation of suits, appeals and applications, Period of Limitation, Continuous running of time, Effect of sufficient cause for not preferring appeals or making applications within the period of limitation, Legal disability, Computation of period of Limitation and Execution of time in legal proceedings, Effect of Death, Fraud, Acknowledgement in writing, Acquisition of ownership by possession.

BOOKS RECOMMENDED

Mulla, *Code of Civil Procedure*.
Takwani C.K., *Civil Procedure*.
Mathur D.N., *The Code of Civil Procedure*.
Jain J.D., *Indian Limitation Act*.

PAPER – II
LAW OF CRIMES - II
(CODE OF CRIMINAL PROCEDURE, JUVENILE JUSTICE ACT AND
PROBATION OF OFFENDERS ACT)
(Paper Code : MULLB -502) Credit: 5

The course shall comprise of the following :

- (1) Constitution of Criminal Courts and their Powers
- (2) Arrest of Persons and the Rights of Arrested Persons : Meaning of Arrest, Powers of Police to Arrest, Bail.
- (3) Information to the Police and their Powers to Investigate
- (4) Cognizance of Offences by the Magistrate and Court of Sessions.
- (5) Complaints to Magistrates and Commencement of Proceedings before Magistrates.
- (6) The Charges :
 - (a) Forms of Charges,
 - (b) Joinder of Charges
- (7) Trials of the Cases :
 - (a) Sessions Trial,
 - (b) Warrant Trial
 - (i) Cases Instituted upon a Police Report
 - (ii) Cases Instituted Otherwise than on a Police Report
 - (iii) Conclusion of Trial
 - (c) Summons Trial by Magistrates,
 - (d) Summary Trial
- (8) Juvenile Justice (Care & Protection of Children) Act, 2002; Probation of Offenders Act, 1958 along with Section 360 of Criminal Procedure Code.

BOOKS RECOMMENDED

Banerjee P.C., *Criminal Trial and Investigation*.
Kelkar R.V., *Criminal Procedure Code*.
Kelkar R.V., *Lecturers on Criminal Procedure*.
Lal Ratan & Lal Dhiraj, *The Code of Criminal Procedure*.
Mishra S.N., *The Code of Criminal Procedure*.
Sarkar S.C., *Law of Criminal Procedure*.

PAPER – III
LAW OF EVIDENCE
(Paper Code : MULLB -503)

Credit: 5

The course shall comprise of the following :

- (1) Fact In-Issue; Relevant Facts; Document
- (2) Evidence : Proved; Disproved; Not proved;
- (3) May Presume, Shall Presume, and Conclusive Proof
- (4) Circumstantial Evidence
- (5) Relevancy and Admissibility; Res Gestae (Sections 6 to 13)
- (6) Admission ; Confession (Sections 17 to 31)
- (7) Dying Declaration (Section 32(1))
- (8) Relevancy of Judgments (Sections 40 to 44)
- (9) Opinion of Experts; Opinion of Third Persons (Sections 45 to 47)
- (10) Conduct and Character of Parties (Sections 52 to 55)
- (11) Judicial Notice (Sections 56 to 57)
- (12) Estoppel (Sections 115 to 116)
- (13) Means of Proof : Oral Evidence; Documents - Public Document, Private Document, Primary and Secondary Evidence; (Sections 59 to 65 and 74 to 78); Exclusion of Oral by Documentary Evidence (Sections 91 to 92)
- (14) Burden of Proof (Sections 101 to 106)
- (15) Witnesses : Competency and Compellability of Witnesses; Examination of Witnesses; Privileges : State Privilege and Private Privilege (Sections 118 to 155).

BOOKS RECOMMENDED

Lal Batuk, *Law of Evidence*.
Ratanal & Dhiraj Lal, *The Law of Evidence*.
Sarathi Vepa P, *Law of Evidence*.
Sarkar M.C. & Sarkar S.C., *Law of Evidence in India*.
Sarkar S. & Ejaz Ahmed, *Law of Evidence*.
Singh Avatar (Dr.), *Law of Evidence*.

PAPER – IV
LAND LAWS INCLUDING CEILING AND OTHER LOCAL LAWS
(Paper Code : MULLB -504)

Credit: 5

The course shall comprise of the following :

(1) U.P. Zamindari Abolition and Land Reforms Act, 1950

- (1) The Political-socio and economic factors responsible for the Z.A. & L.R. Act, 1950 and its objects.
- (2) Definitions of (i) Agricultural Year (ii) Date of vesting (iii) Estate (iv) Intermediary (v) Khud Kasht Land (vi) Sir.
- (3) Acquisition of the interests of intermediaries and its consequences – Sections 4-26, with emphasis on Sections 4-9.
- (4) Mines and Minerals – Sections 106-112.
- (5) Gaon Sabha – Power and Duties – Sections 117-128
- (6) **Tenure-**
 - (a) Classes of Tenure – Section 129
 - (i) Bhumidhar with transferable rights.
 - (ii) Bhumidhar with Non-transferable rights.
 - (iii) Asami.
 - (b) Their rights and liabilities;
 - (i) Use of land and improvements- Sections 142-146
 - (ii) Transfer – Sections 152-167.
 - (iii) Devolution – Sections 169-175.
 - (iv) Division – Sections 176-182.
 - (v) Surrender, Abandonment, extinction and acquisition Sections 183-198 A.
 - (vi) Ejectment – Sections 199-212 C
- (7) Declaratory Suit – Sections 229-229 D.
- (8) Land Revenue and Collection of Land Revenue- Sections 241-294.

(2). U.P. Land Revenue Act 1901

- (1) Maintenance of Maps and Records – Sections 21-47
- (2) Revision of Maps and Records – Sections 47-48
- (3) Appeals, Reference, Revision, Review – Sections 210-220.”

BOOKS RECOMMENDED

Maurya R.R., *Uttar Pradesh Land Laws*.
Singh Yatindra, *The Uttar Pradesh Imposition of Ceiling of Land Holding Act, 1960*.

PAPER – V
DRAFTING OF PLEADING AND CONVEYANCING
(Practical Training) (Paper Code : MULLB -505) Credit: 4

This paper will carry **Maximum 100 Marks** which will be divided into **Theory Paper** and **Practical / Viva-voce examination carrying 50 Marks each**. The Theory paper will be conducted at the time of other Theory papers. This course will be taught through class instructions and simulation exercises, preferably with the assistance of practicing Lawyers / retired Judges. Apart from teaching the relevant provisions of law, the course will include **10 written exercises in Drafting of Pleading and 10 written exercises in Conveyancing** carrying **40 Marks**. Each student will maintain a **Sessional Exercise Book** for the purpose and write down all the exercise in Pleading and Conveyancing during regular classes. **It will be assessed by the Internal/External Examiner, Dean/HOD. The Viva-voce will be of 10 Marks.**

The course shall comprise the following:

I. Drafting :

General Principles of Drafting and Relevant Substantive Rules shall be taught.

II. Pleadings :

(1) Civil

- (a) Plaint
- (b) Written Statement
- (c) Interlocutory Application
- (d) Original Petition
- (e) Affidavit
- (f) Execution Petition
- (g) Memorandum of Appeal
- (h) Memorandum of Revision
- (i) Petition under Articles 226 and 32 of the Constitution of India.

(2) Criminal

- (a) Complaints
- (b) Criminal Miscellaneous Petition
- (c) Bail Application
- (d) Memorandum of Appeal and Revision.

III. Conveyancing : Essentials of Deed, Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Agreements.

BOOKS RECOMMENDED

Chaturvedi A.N., *Pleadings, Conveyancing and Drafting and Legal Professional Ethics*. Chaturvedi R.N., *Pleading, Drafting and Conveyancing*.

Moga P.C., *The Law of Pleadings in India*.

Singh B.P., *Pleadings, Conveyancing and Drafting*.

SEMESTER – VI

INTERPRETATION OF STATUTES (Paper Code: MULLB -601)

Credit: 5

The course shall comprise of the following:

- (1) **Introductory:** Meaning, Purpose and Scope of Interpretation of Statutes; Nature of Statutes and their Classification
- (2) **Internal Aids to Interpretation:** Title; Preamble; Headings and Marginal Notes.
- (3) External Aids to Interpretation; Parliamentary History; Stare Decisis (Judicial Precedents); Dictionaries.
- (4) **Rules of Statutory Interpretation :** Primary (Basic) Rules; Secondary (Subsidiary) Rules; Literal Rule; Golden Rule; Mischief Rule.
- (5) **Judicial Activism:** Nature and Scope.
- (6) **Presumptions in Statutory Interpretation :** Presumption as to Jurisdiction; Presumption as to Prospective Operation of Statutes; Presumption Against Violation of International Law.
- (7) **Maxims of Statutory Interpretation:** Ejusdem Generis; Expressio Unius Est Exclusio Alterius; Ut Res Magis Valeat Quam Paraeat, Noscitur a sociis, Raddendo singular singularis.
- (8) **Interpretation with Reference to the Subject Matter and Purpose of Statutes :** Penal Statutes; Taxing Statutes, Welfare Legislation, Prospective and Retrospective Operation.
- (9) **Principles of Constitutional Interpretation :** Harmonious Construction; Doctrine of Pith and Substance; Doctrine of Colourable Legislation; Occupied Field; Repugnancy.

BOOKS RECOMMENDED

Langan P.St., *Maxwell on the Interpretation of Statutes.*

Mathur D.N., *Interpretation of Statutes.*

Miers David R., *Sweet & Maxwell (Interpretation of Statute).*

Sarathi V.P., *Interpretation of Statutes.*

Singh Avtar (Dr.), *Interpretation of Statutes.*

Singh G.P., *Principles of Statutory Interpretation.*

Srivastva R.D., *Interpretation of Statutes and Legislation.*

PAPER – II
Defence law
(Paper Code : MULLB -602)

Credit: 5

The course shall comprise of the following:

1. **Military History and Psychology of India and world**
2. **Conceptual Aspects of War and Strategic Thought**
3. Specialized and Limited Warfare in general and in respect to India.
4. Organization of management of Indian Defence/ Armed Forces.
5. National Security (The Border Security Force, The Special Frontier Force, Assam Rifles, The Indo-Tibetan Border Police Force, The National Security Guard, The Sashastra Seema Bal, The Central Reserve Police Force, The Central Industrial Security Force, The National Investing Agency, The Defence Security Corps.
6. Insurgency and Counter insurgency
7. Economic Aspect of National Security.
8. Maritime Security politics and Security of Indian ocean
9. Strategic Studies
10. Contemporary Strategic Environment in India- Geo Politics and Military Geography Conceptual Aspects and Strategic Thought,
11. Regional Security and Cooperation,
12. National Agencies Research and Analysis Wing(RAW)
13. Intelligence Bureau (I.B)
14. Central Bureau of Investigation(C.B.I)
15. Defence Aspects/ Security aspects in International Relations
16. International Law
17. International Organization
18. Contemporary Strategic Environment in Science and Technology in Relation to Warfare
19. Disaster Management

BOOKS RECOMMENDED

National Security Challenges, Ramandeep Singh Sandhu, Manju Singh.

PAPER – III
Law of Human Rights
(Paper Code : MULLB -603)

Credit: 5

The course shall comprise of the following :

- (1) Meaning and Definition of Human Rights, Concept of Human Rights.
- (2) Human Rights and the United Nations.
 - (a) Charter Provisions.
 - (b) International Protection of Human Rights.
- (3) Universal Declaration of Human Rights
- (4) **Generations of Human Rights (Three Generations) :**
 - (a) International Covenant on Civil and Political Rights and Two Protocols
 - (b) International Covenant on Economic, Social and Cultural Rights
 - (c) Collective Rights
- (5) European Convention on Human Rights and Fundamental Freedoms
- (6) American Convention on Human Rights
- (7) National Human Rights Institutions with Special reference to National Human Rights Commission (NHRC) and National Commission for Women (NCW).
- (8) Inclusion of Human Rights Jurisprudence Under the Constitution of India Through Judicial Interpretation

BOOKS RECOMMENDED

Agrawal H.O., *Human Rights*.
Basu D.D., *Human Rights in Constitutional Law*.
Khera S.C., *Human Rights and United Nation*.

PAPER – IV
INTELLECTUAL PROPERTY LAW
(Paper Code : MULLB -604)

Credit: 5

The course shall comprise of the following :

- (1) **Concept of Property *vis-a-vis* Intellectual Property** : Concept of Property and Theories of Property - An Overview, Theories of Intellectual Property Rights, Social and Economic Development and Role of Intellectual Property System, Need for Protecting Intellectual Property - Policy Consideration - National Perspectives and International Demands, Types of Intellectual Property - Origin and Development - an Overview, Intellectual Property Rights as Human Right.
- (2) **Role of International Institutions** : World Intellectual Property Organisation (WIPO), Function of WIPO, Membership of WIPO, Agreement between the WIPO and the WTO, Dispute Settlement - New Treaties.
- (3) **Copyright – National Perspective** : Copyright : What and Why?, Term of Copyright, Assignments and Licensing, Registration and Regulatory Authority, Procedure, Infringements and Remedies - Contractual, Civil, Criminal and Administrative, An Overview of International Perspective
- (4) **Trademarks** : Need and Emergence of Trade Marks Law, The Register and Conditions for Registration, Procedure for and Duration of Registration, Effect of Registration, Passing-Off and Infringement of Trade Mark, Assignment and Transmission, Use of Trade Marks and Registered Users, Rectification, Correction of the Register and Certification of Trademarks, Appellate Board, Offences, Penalties and Procedure
- (5) **Patent** : Meaning of Patent - Inventions - Concept of Novelty, Inventive Step and Utility - Inventions not Patentable - Process and Product, Patents - TRIPS Agreement (Article 27) Implications to Indian Patent System, Acquisition of Patent, Rights of Patentees and Others – Term, Exclusive Marketing Right, Surrender, Licence, Revocation, Functionaries Under the Patent Act, Infringement of Patents and Remedies

BOOKS RECOMMENDED

Narayanan P., *Law of Copy Right and Industrial Designs.*

Narayanan P., *Intellectual Property Law.*

Copinger, *Law of Copy Right.*

Iyenger, *Law of Copy Right.*

Narayanan P., *Patent Law.*

Faizan Mustafa (Dr.), *Copy Right Law (A Comparative Study).*

PAPER –V
MOOT COURT, PRE-TRIAL PREPARATIONS AND PARTICIPATION
IN TRIAL PROCEEDINGS (Practical Training)
(Paper Code : MULLB -605) Credit: 4

The course shall comprise of the following

(A). Moot Court : The **Maximum Marks to this Paper will be 100.** Each student will do **at least Two Moot Courts** in a Semester with **10 Marks each.** The Moot Court work will be on assigned problem and will be evaluated for **5 Marks** for written submissions (to be recorded in Sessional Diary) and **5 Marks** for Oral Advocacy.

Guidelines : For the purpose of Moot Court, groups will be formed of 8/10 students and cases involving several issues shall be assigned in Court practice *i.e.* Operation of Courts and legal professionals on panel of the University may be sought, especially in the matter of getting copies of paper books of cases which have been decided by various Courts.

The Course shall emphasize points of Court craft and decorum. The **male students shall wear Black pant, white shirt and a Black Tie and female students shall wear white dress with black scarf** while addressing a Moot Court and during their visits to the Court / Advocates chambers and other practical training programmes. Practice Moots shall be held as a routine in the class itself and the three compulsory test Moots for examination shall be held after such practice Moots near the end of semester term.

Attendance at such practice Moot Courts shall be counted. Each student shall be required to maintain a regular record of his / her preparation for all the Moot Courts attended by him / her in the Sessional Diary. **The Sessional Diary will carry 15 Marks (5 Marks for each Test Moot).**

(B). Court Assignments : Observation of Trial in **Four Cases i.e. Two Cases in Civil and Two in Criminal.** Each student will attend **Four Trial Courts during the Semester term.**

He / She will maintain record of his / her visits in his / her Diary of Sessional Work and enter the various steps observed during his / her attendance on different days in the Court assignment. This Scheme will carry **25 Marks.**

(c). Interviewing Techniques And Pre-Trial Preparation :

(i). Each student will observe for Interviewing Sessions of Clients at the Lawyer's Office / Legal Aid Office and record the proceedings in the Diary of Sessional Work, which will carry

(ii). Each student will further observe the preparation of documents and Court Papers by the Advocate and procedure for filing the Suit / Petition. This will be recorded in Sessional Diary which will carry

Guidelines : To make the training meaningful, students visits have to be organized for a continuous period, sufficiently long to observe and understand the process taking place in their proper context. Efforts should be directed to acquaint the students in the different branches of legal practice including **Civil, Criminal, Revenue, and Labour Court Practice.** Besides the legal Professionals on the University Panel, the students should regularly be supervised and helped by the subject teacher. It is desirable that besides Advocates Chambers the students are taken for academic Family Court / Revenue Court / Income Tax & Sales Tax Offices and other venues where judicial administrative proceedings are held. The **Indian Law Institute, Parliament, Supreme Court, and High Courts, Tribunals etc.,** may be visited to make the training academically multifarious. This programme can be intellectually and professionally challenging if properly organized and integrated with Curriculum.

(D). Viva-voce : The **Fourth Component** of this Paper will be **Viva-voce examination** by the

Internal/External Examiner, Dean/HOD on the above three aspects. This will carry 30 Marks.

BOOKS RECOMMENDED

Rai Kailash (Dr.), *Moot Court, Pre-Trial Preparations & Participation in Trial Proceedings.*

Awasthi S.K. (Prof.), *Practical Training of Law, Moot Court & Viva-Voce.*