UNIVERSITY OF RAJASTHAN
JAIPUR
SYLLABUS

Faculty of Law

L.L.B.

L.L.B. (P)/ L.L.B. (A) First Year Examination - 2019-20
L.L.B. (P)/ L.L.B. (A) Second Year Examination - 2020-21
L.L.B. (P) Third Year Examination - 2021-22
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**OPTIONAL PAPERS**

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LL.B. I Year (Three Year Course)

CONTRACT -I (GENERAL PRINCIPLES)

Max. Marks: 100

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. (a) Meaning, elements and characteristics of Contract
(b) Basis of Contract
(c) Classification of Contract, including the Standard form of Contract
(d) E- Contracts: Definition, Silent Features, Formation and types, Differences between E- Contract and Traditional Contract, Advantages and Disadvantages of E - Contracts

2. (a) Proposal : Meaning, Elements Characteristics and Kinds of Proposal
Distinction between Proposal and Invitation to Proposal
(b) Acceptance: Meaning, Modes and Characteristics of Acceptance
(c) Communication, Revocation and Termination of Proposal and Acceptance

3. Consideration:
(a) Meaning, Definition and Elements of Consideration
(b) Significance and adequacy of consideration
(c) Unlawful Consideration and Object
(d) Concept of Stranger to Contract

4. Capacity to Contract:
(a) Who cannot make a contract. Who is minor: The place of minor under the Law of Contract
(b) Person of unsound mind, nature of contract by person of unsound mind.
(c) Persons deprived of the Capacity to Contract.

5. Free Consent :
(a) Meaning of Consent and Free Consent;
(b) Factors rendering consent not free and their effect upon the validity of Contract.
Void Agreements:
(a) Agreements in restraint of marriage; freedom of trade and right to initiate legal proceedings;
(b) Agreements involving uncertainty, wager and impossibility Contingent Contract:
Certain relations resembling to those created by Contract (Quasi Contract)

6. Performance of Contract:
(a) Who is liable to perform. Joint rights and joint liability and performance of reciprocal promises.
(b) Time, Place and Manner of Performance.
(c) Discharge from liability to perform the contract.

Breach of Contract :
(a) Meaning and Kinds;
(b) Remedies for Breach of Contract:
   (i) Damages—Measure of damages and remoteness of damages;
   (ii) Specific Performance of contract and injunctions under Specific Relief Act,1963 and Amendments.
Leading Cases:
1. Carlill v. Carbolic Smoke Ball Co. (183) 1 QB 256
4. Lalman Shukla v. Gauri Datt (1913)
5. Mohori Bibi v. Dharmudas Ghose, (1903) 30 I.A. 114

Suggested Readings:
1. Atiyah P.S.: An Introduction to the Law of Contract
3. Pollock & Mulla: Indian contract and Specific Relief Act.
4. V.G. Ramchandra: The Law of Contract in India
7. R.K. Bangia: Contract I (English & Hindi)
CONTRACT—II (SPECIFIC CONTRACTS)

Max. Marks: 100
Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Contracts of Indemnity and Guarantee:
   (a) Meaning, Distinction between Indemnity and Guarantee and Kind of Guarantee
   (b) Rights of Indemnity Holder
   (c) Rights of the Surety, Extent of the Liability of the Surety
   (d) Discharge of liability of the Surety

2. Contracts of Bailment and Pledge:
   (a) Meaning and Kinds of Contracts of Bailment – Bailment without Consideration
   (b) Rights and Duties of Bailee and Bailor
   (c) Termination of Contract of Bailment
   (d) Contract of Pledge—Meaning and Definition, Pledge by Unauthorized Persons

3. Contract of Agency:
   (a) Definition, Kinds and Modes of Creation of Agency
   (b) Relation between
      i) The Principal and Agent
      ii) The Principal and Third Party, and
      iii) The Agent and the Third Party
   (c) Determination of Agent’s authority –
      i) By Act of Parties; and
      ii) By Operation of Law – Irrevocable Authority

4. Contract of Sale of Goods:
   (a) Sale—Meaning, Definition and Distinguish between Agreement to Sell, Hire-Purchase Agreement
   (c) Goods—Existing, Future and Contingent
   (d) Conditions and Warranties
   (e) Passing of Property from Seller to Buyer
   (f) Sale by Unauthorized Person
   (g) Law relating to Performance of Sale
   (h) Rights of Unpaid Seller

5. Contract of Partnership:
   (a) Meaning, Definition, Creation and the Characteristics of Contract of Partnership
   (b) Kinds of Partner and Partnership
   (c) Distinction between:

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i) Co-ownership and Partnership
ii) Joint Hindu Family Firm and Partnership;
iii) Company and Partnership
iv) Limited Liability Partnership and Partnership
(d) Position of Minor
(e) Relations inter-se of partners and relation of Partners with third parties
(f) Registration of Partnership firm
(g) Effect of Non - Registration of Partnership Firm
(h) Dissolution of Firm

Leading Cases :

Suggested Readings :
1. Atiyah P.S. : An Introduction to the Law of Contract
2. Pollock & Mulla : Indian Contract and Specific Relief Act
3. V.G. Ramchandra : The Law of Contract in India
4. V.G. Ramchandra : Law of Agency
5. R.K. Bangia : Contract II
6. Agarwal, O.P. : The Indian Partnership Act, 1932
8. Kapoor, N.D.: Mercantile Law
9. Avtar Singh ; Law of Contract(English and Hindi)
10. Avtar Singh : Law of Partnership (English and Hindi)
Paper 1.3.

LAW OF TORT & CONSUMER PROTECTION

Max. Marks: 100 Min. Pass Marks: 36

Note:  
1. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
2. Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition, Nature, Scope, Objects and Elements of Tort, Maxims, Extinction or Discharge of Tortious Liability, Joint Tort-feasors.
2. General Defenses of Tortious Liability.
4. Remedies, Kinds and Measure of Damages, Remoteness of Damage.
5. Torts to Person and Property – Assault, Battery and False Imprisonment, Negligence, Nuisance, Nervous Shock, Interference with Contract or Business, Intimidation, Conspiracy, Deceit or Fraud, Malicious Prosecution, Defamation.

Leading Cases:
1. Klaus Mittlebachert v. East India Hotels Pvt. Ltd. AIR 1997 Delhi 201
5. Rylands v. Fletcher, (1868) LP. 3 HL 330.
7. Donogue v. Stevenson (1932)
8. Carlill v. Carbolic Smoke Ball Company (1892)

Suggested Readings:
1. Winfield: Law of Tort
2. Ramswami Iyer: Law of Torts
3. B.S. Sinha: Law of Torts
4. Salmond: Law of Torts
5. Street: Law of Torts
6. G.S. Karkara: Contributory Negligence
8. P. Leelaakrishan: Consumer Protection & Legal Control
FAMILY LAW – I
(HINDU LAW)

Max. Marks: 100
Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.


2. The Hindu Marriage Act, 1955: (INCLUDING LATEST AMENDMENTS IF ANY)
   Conditions of a valid Hindu Marriage; Its ceremonies and registration, Void and Voidable Marriage : Restitution of Conjugal Rights; Judicial Separation, Legitimacy of Children of Void and Voidable Marriage; Divorce and its grounds; Alternative relief in divorce proceedings, Divorce by Mutual Consent, One year bar to Divorce; Divorced persons when may marry again; Jurisdiction and Procedure. The Prohibition of Child Marriage Act, 2006. Validity of Child Marriage.

3. The Hindu Secession Act, 1956: (INCLUDING LATEST AMENDMENTS IF ANY)
   Succession to the property of a Hindu male; Succession to interest in Coparcenary property, Property of a Female Hindu to be her absolute Property; Succession to the property of a Hindu female; General rules and disqualifications of succession, Escheat.

4. The Hindu Adoption and Maintenance Act, 1956: (INCLUDING LATEST AMENDMENTS IF ANY)
   Requisites of a valid adoption; Capacity to take in adoption; Capacity to give in Adoption, Effects of Adoption; Miscellaneous provisions of adoptions; Maintenance of wife, children and parents; Maintenance of widowed daughter-in-law; Dependants and their maintenance; Amount of Maintenance.

5. The Hindu Minority and Guardianship Act, 1956: (INCLUDING LATEST AMENDMENTS IF ANY)
   Natural Guardians and their powers; Testamentary guardian and their powers, De Facto Guardian, General Provisions of Guardianship.

6. Partition under Hindu Law – Meaning, Property for Partition, person entitled to sue for partition and allotment of shares, Partition, and allotment of shares, how effected, Determination of shares, Re-opening of Partition, Reunion, Debts – Doctrine of Pious Obligation; Antecedent Debts.

Leading Cases:
5. Dr. Narayan Ganesh Dastane v. Sucheta Dastane AIR (1975) SC 1534
6. Dharmendra Kumar v. Usha Kumar, AIR (1977) SC 2218

Suggested Readings:
1. Mulla : Principles of Hindu Law
2. Raghavachariar : Hindu Law – Principles and Precedents
3. Paras Diwan : Modern Hindu Law
4. Tahir Mehmood : Hindu Law

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FAMILY LAW – II
(MOHAMMEDAN LAW)

Max. Marks: 100
Min. Pass Marks: 36

Note:
(1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

   - Dissolution of marriage: By Death of either party, By Act of either parties, By Mutual Consent, By Court – Section 2 of the dissolution of Muslim Marriage Act, 1939 (including amendments if any); Legal effects of divorce, Iddat, Hiba-e-Muddat, Legal Status of Triple Talaq, Concept of Halala.
3. Pre-emption: Meaning, Nature and Classification of Haq Shufa (Pre-emption); Rights of pre-emption, when Conflict of Laws, Subject matter and Formalities of Pre-emption, legal effects of pre-emption, Devices for evading pre-emption.
   - Gift: Meaning and requisites to gift (Hiba); Gift of Musha, Conditional and Future Gifts, Life Estate, Life Interest, (Hiba-bil-Ewaj, Hiba-bil-Shartul-Ewaj).
4. Will (Vasiyat) Competence of Testator and Legatee, Valid subjects of Will:
   - Testamentary Limitations, Formalities of a Will and Abatement of Legacy.
   - Legitimacy and Acknowledgement: Legitimacy and Legitimation, Presumption of Legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, 1872 Conditions of a Valid Acknowledgement.
5. Wakf: Meaning, Essentials and Kinds, Beneficiaries of Wakf; The Wakf Validating Act, 1913; Formalities for Creation of Wakf; Wakf of Musha; Muslim religious institution and officers; Administration of Wakf; Mutawalli.
   - Inheritance: General Principles, Doctrines of Aul and Radd under Hanafi and Shia Law.

Leading Cases:
1. Maina Bibi v. Choudhary Vakil Ahmed, (1923) 52 IA 145
2. Habibur Rahman v. Altaf Ali (1921) 42 IA 114
4. Abul Fata Mohd. v. Russomoy Dhr Chowdhary (1894) 22 IA 76
7. Shayara Bano v. Union of India and Ors., (2017) 9 SCC 1
Suggested Reading:

1. Fyzee: Mohammedan Law
2. Mulla: Principles of Mohammedan Law
4. Aqil Ahmed: Mohammedan Law
5. Amir Ali: Mohammedan Law
CONSTITUTIONAL LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

4. Union and State Executive: The President- Powers and Functions of the President, position vis a vis Prime Minister, Governor.
5. Union and State Judiciary-Supreme Court and High Court, Composition, Appointment of Judges and Jurisdiction, Writs.
6. Right to Property

Leading Cases:
1. Minerva Mills v. Union of India, AIR (1978) SC 1789
6. Justice K.S. Puttaswamy v. Union of India and Ors. (Retd.) and Anr. 2017 SC

Suggested Readings:
1. Constitution of India as amended up to-date
2. Shukla, V.N.: Constitution of India
3. Jain, M.P.: Constitutional Law of India (English & Hindi)
5. Paras Diwan: Constitution of India
6. M.C.J., Kagzi: Constitution of India (English & Hindi)
7. Dr. Narendra Kumar: Constitution of India.

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LEGAL LANGUAGE AND LEGAL WRITING INCLUDING GENERAL ENGLISH

Max. Marks : 100
Min. Pass Marks: 36

Course Objectives:
This is designed to scientifically relate the Law and English Language as the means and methods for development of effective reading, writing, communication and presentation skills.

Teaching Method: Lectures, discussion, class activities/exercises and presentation.

1. Legal Language
   i. Introduction to Language and Communication
   ii. Use of Legal Phrases and Terms List of Legal Terms
   iii. Latin Maxims
   iv. Pair of words
   v. One-word substitution

2. Reading and Comprehension Skills
   i. Comprehension of Legal Texts
   ii. Prescribed Leading Cases
   iii. Newspaper Reading

3. Legal Writing
   i. Fundamental Principles of Legal Writing
   ii. General Guidelines Relating to Legal Writing
   iii. How to write a case comment
   iv. Precise Writing
   v. Brief Writing and Drafting of reports; letters and applications.
   vi. Essay writing and topics of legal interest.
   vii. Translation (from English to Hindi and Hindi to English).
   viii. Resume
   ix. Writing for Employment-Designing Cover letters

4. Communication & Presentation Skills
   i. Importance of communication skills for a legal professional
   ii. Verbal, Non-verbal and Paralinguistic Communication
   iii. Brevity, Clarity, Simplicity, Accuracy and Appropriateness
   iv. Barriers to good communication and how to avoid them
   v. Etiquettes and Manners for Law Professionals
   vi. Body Language
   vii. Group Discussion
   viii. How to Face an Interview
   ix. Presentation techniques

List of Legal terms:
Abet Abstain Act of God Accuse
Abate Accomplice Actionable Adjournment
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List of Latin Maxims:

1. A mensa et thoro (from table and bed)
2. Ab initio (from the beginning)
3. Actio personalis moritur cum persona (Personal right of action dies with the person)
4. Actus curiae neminem gravabit (an act of the Court shall prejudice no one)
5. Actus non facit reum, nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).
6. Actus reus (wrongful act)
7. Ad interim (in the meantime)
8. Ad litteram (for the suit)
9. Ad valorem (according to the value)
10. Adjournment sine die (adjournment without a day for a further meeting or hearing)
11. Alii (plea of being elsewhere)
12. Allegans Contraria Non Est Audiendus (One making contradictory statements is not to be heard)
13. Amicus curiae (friend of the Court)
14. Animus (intention)
15. Audi alteram partem (hear the other side)
16. Bonus judex secundum aequum et bonum judicat et aequitatem stricto juri praefert (A good judge decides according to justice and right and prefers equity to strict law.)
17. Caveat emptor (buyer beware)
18. Consensus ad idem (agreement by the persons upon the same thing in the same sense)
19. Corpus delicti (Body of the crime)
20. Corpus juris civilis (Body of civil law)
21. Dammum sine injuria (damage without injury)
22. De facto (in fact)
23. De jure (in law)
24. Decree nisi (a decree which takes effect after a specified period)
25. Delegates non potest delegare (a delegated power cannot be further delegated)
26. De minimis non curat lex (the law does not account of the trifles)
27. Denatio maris causa (gift by a person on the death-bed)
28. Doli incapax (incapable in malice)
29. Ei incumbit probatio qui dicit, non qui negat (The burden of proof is on the one who declares, not on one who denies)
30. Ejusdem generis (of the same category)
31. Eminent domain (the supreme rights)
32. Ex officio (from the office)
33. Ex specialis derogat legi generali (Specific law takes away from the general law)
34. Ex turpi causa non oritur actio (No action arises on an immoral contract.)
35. Ex parte (not in the presence of the opposite party)
36. Ex post facto (by subsequent act)
37. Factum valet (the fact which cannot be altered)
38. Fait accompli (an accomplished fact)
39. Fortior est custodia legis quam hominis (The custody of the law is stronger than that of man)
40. Fraus et jus nunquam cohabitant (Fraud and justice never dwell together.)
41. Ignorantia legis neminem excusat (ignorance of law is no excuse)
42. In pari materia (in an analogous case, cause or position)
43. Injuria sine damno (injury without damage)
44. Interest re publicate ut sit finis litium (It in the interest of the republic that there should be an end of law suit)
45. Interpretare et concordare leges legibus est optimus interpretandi modus (To interpret and harmonize laws is the best method of interpretation.)
46. Intra vires (within the powers)
47. Judex non potest esse testis in propria causa - A judge cannot be witness in his own cause.
48. Jus tertii (the right of a third party)
49. Justitia nemini neganda est (Justice is to be denied to no one)
50. Lex citius tolerare vult privatum damnum quam publicum malum (The law would rather tolerate a private injury than a public evil.)
51. Lis pendens (pending suit)
52. Mens rea (guilty mind)
53. Mesne profits (the profits received by a person on wrongful possession)
54. Mors dicitur ultimum supplicium (Death is called the extreme penalty.)
55. Nemo dat quod non habet (no man can transfer better title than he himself has)
56. Nemo Debet Bis Vexari Pro Una Et Eadem Causa (no man can be twice vexed for the same cause)
57. Nemo judex in causa sua (no one shall be a judge in his own case)
58. Nemo punitur pro alieno delicto - No one is punished for the crime of another.
59. Obiter dicta (an opinion of law not necessary to the decision)
60. Onus probandi (the burden of proof)
61. Pacta sunt servanda (pacts must be respected)
62. Pendent elite (during litigation)
63. Per capita (counting heads)
64. Per incuriam (though inadvertence or carelessness)
65. Post mortem - After death
66. Prima facie - On the face of it
67. Pro bono publico (for the public good)
68. Pro rata - In proportion.
69. Quoutes in verbis nulla est ambiguitas, ibi nulla expositio contra verba expressa fienda est - When there is no ambiguity in words, then no exposition contrary to the expressed words is to be made.
70. Ratio decindendi - Reason for the decision
71. Ratio est legis anima, mutata legis ratione mutatur et lex - Reason is the soul of the law; when the reason of the law changes the law also is changed.
72. Res gestae (connected facts forming the part of the same transaction)
73. Res ipsa loquitur (the thing speaks for itself)
74. Res judicata (a matter already adjudicated upon)
75. Res nallius (an ownerless thing)
76. Respondeat superior - let the master answer
77. Rule nisi (a rule or order upon condition that is to become absolute case is shown to the contrary)
78. Status quo (existing position)
79. Sub judice (in course of adjudication)
80. Sui juris (on one's own right)
81. Suo motu (of one's own accord)
82. Ubi jus ibi remedium (where there is a right, there is a remedy)
83. ultra vires (beyond the powers of)
84. Vigilantibus non dormientibus aequitas subvenit - Equity aids the vigilant, not the sleeping
85. Volenti non fit Injuria (Risk taken voluntarily is not actionable)
Suggested Readings:

1. Black's Law Dictionary
3. David Green: Contemporary English Grammar, Structure and Composition
4. Dr. Anirudh Prasad: Outlines of legal language in India
5. Ganga Sahai Sharma: Fundamental of Legal Writing
6. Glanville Williams: Learning the Law
7. H. K. Mukherjee: Legal Language, Legal Writing and General English
8. Ishtiaque Abidi: Law and Language
9. Mohan and Banerji: Developing Communication Skills
10. Paul Rylance: Legal Writing and Drafting
11. S. C. Tripathi: Legal Language, Legal Writing and General English
12. Seema Gupta: Correct Etiquette & Manners for all occasions
13. Thomson and Martinet: A practical English Grammar
14. Wren and Martin: English Grammar and Composition
OPTIONAL PAPERS

LEGAL AND CONSTITUTIONAL HISTORY OF INDIA

Max Marks: 100

Min. Pass Marks: 36


2. The beginning of the Adalat System; The Judicial Plans of 1772 and 1774 introduced by Warren Hastings; Judicial Reforms of Lord Cornwallis.

3. Charter Act of 1833, The High Court; Dual Judicature before 1861; Indian High Court Act, 1861, Development of Law in Mofussil (Justice, Equity and Good Conscience), Privy Council.


5. Government of India Act, 1858, Indian Councils Act, 1861; Indian Councils Act, 1892, Indian Councils Act, 1909 (Morley - Minto Reforms).


Leading Cases:
- Cossijurah Case, 1789-90
- Gorachand Dutt v. Hosea
- Kamaluddin Case, 1775
- Patna Case, 1777-79
- Trial of Raja Nand Kumar, 1775

Suggested Readings:
2. Keith, A.B., Constitutional History of India, Methuen and Co. Ltd.
4. Mahajan, V.D., Constitutional History of India.
5. Kulshrestha, V.D., Landmarks in Indian Legal and Constitutional History.
TRUSTS, EQUITY AND FIDUCIARY RELATIONS

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.


Dharmada – Procedure and Penalties.

Leading Cases :


Suggested Readings :

1. Upadhyaya, J.R. : Equity, Trusts with Fiduciary Relations and Specific Relief
2. Gandhi, B.M.: Equity, Trusts and Specific Relief
4. Varadachari, V.K : Public Trusts and Taxation
Paper 1.8. (c)

BANKRUPTCY AND INSOLVENCY LAWS

Max. Marks: 100. Min. Pass Marks: 36

Note: (1) In order to ensure that students do not ‘leave out important portions of the Syllabus. Examiners shall be free to repeat the questions set in the previous examinations.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Origin and History of Bankruptcy Law, Brief study of The Provincial Insolvency Act, 1920; The Presidency Towns Insolvency Act, 1909; The Rajasthan Insolvency Rules. The Insolvency and Bankruptcy Code, 2016: (INCLUDING LATEST AMENDMENTS IF ANY)
Object and Applicability of Act; Definitions.

2. Insolvency resolution and liquidation for corporate persons: Application and Definitions, corporate insolvency resolution process, liquidation process, fast track corporate insolvency resolution process, voluntary liquidation of corporate persons, adjudicating authority for corporate persons, offences and penalties.

3. Insolvency resolution and bankruptcy for individuals and partnership firms: Application and Definitions, fresh start process, insolvency resolution process, bankruptcy order for individuals and partnership firms, administration and distribution of the estate of the bankrupt, adjudicating authority for individuals and partnership firms, offences and penalties.

4. Regulation of insolvency professionals, agencies and information utilities: the insolvency and bankruptcy board of India, powers and functions of the board, insolvency professional agencies, insolvency professionals, information utilities, inspection and investigation, finance, accounts and audit.

Leading Cases:
4. M/s. Innovative Industries Limited v. ICICI bank & Anr., CA (AT) Insolvency No. 1 & 2 of 2017-15/05/2017
5. Smart Timing Steel Ltd v. National Steel and Agro Industries Ltd., C.P. No. 896/I & BP/NCLT/MB/MAH/2017-19/05/2017
6. Nikhil Mehta & Sons (HUF) & Ors. v. M/s AMR Industries Ltd., C.P. No. (ISB)-03/PB/2017-23/01/2017
7. JK Jute Mills Company Ltd. v. M/s. Surendra Trading Company, Company Appeal (AT) No. 09 of 2017- 01/05/2017

Suggested Readings:
1. Mulla—The Law of Insolvency in India
2. Williams on Bankruptcy
3. Khatavkar Pranav: Commentary on The Insolvency and Bankruptcy Code, 2016
4. Kothari Vinod and Bansal Sikha: Law relating to The Insolvency and Bankruptcy Code, 2016:
5. Myneni Dr. S. R.: Law of Insolvency and Bankruptcy
PRACTICAL PAPER

Paper 1.9. (a)

PUBLIC INTEREST LAWYERING
LEGAL AID, PARA-LEGAL SERVICES AND MOOT COURT

Max. Marks : 100

This paper shall consist of following two parts;
(a) Practical written paper — 80 marks
(b) Viva vice examination — 20 marks

Min. Pass Marks : 36

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

(a) Practical Written Paper:

(1) Meaning, nature, scope and object of Public Interest Litigation (PIL); PIL against the State and other Public bodies; Difference between Public Interest Litigation and Private Interest Litigation;—Meaning of Social Action Litigation, Concept of Locus Standi.

(2) Legal Aid under the :
(i) Constitution;
(ii) Code of Criminal Procedure; and

The Legal Services Authorities Act, 1987. Legal Aid and Law Schools. Legal Aid and Voluntary Organisations legal Aid and Legal Profession; District Legal Aid Committee.

(3) Lok Adalats —Their jurisdiction. working and Powers under the Legal Services Authorities Act, 1987. (INCLUDING LATEST AMENDMENTS IF ANY)

(4) Writing of Pubic Interest Litigation.
Writing of applications for Legal Aid.

Leading Cases :


Suggested Readings :

1. RN. Bhagwati—Legal Aid as a Human Right
2. Sujan Singh—Legal Aid-Human Right to Equality.
3. Sunil Deshita—Lok Adalats in India—Genesis and Functioning.
5. Awadh Prasad-Lok Adalat
6. S.S. Sharma—PIL, Legal Aid, Para Legal Services Moot Court.
7. RN. Bajpayee—Legal Aid and the Bar Council.
8. Kailash Rai—PIL, Legal Aid & Para Legal Services (English & Hindi)
Maintaining Diary on Court visits; Legal Aid and Lok Adalat Proceedings, Moot Court. Performance done on the basis of prescribed leading cases in LLB- I year paper under the supervision of the concerned teacher. The teacher(s) shall conduct at least two 'Moot Courts' during the session and it will be compulsory for the candidates to participate in at least fifty per cent of such Moot Courts. The teachers can also conduct Moot Court on the basis of the cases other than the prescribed leading cases. The Viva-voce examination shall be conducted by a Committee of three person. In this Committee, there shall be two internal examiners and one External examiner. The Committee shall award marks on the basis of Court diary and performance at the Moot Court and viva-voce examination.
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**OPTIONAL PAPERS**

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LL.B. II Year (Three Year Course)

Paper 2.1.  

JURISPRUDENCE

Max. Marks: 100  
Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

(1.) Jurisprudence:
   (i) Definition Nature, Scope and Importance - Salmond, Austin, Holland and Julius Stone
   (ii) Schools of Jurisprudence; Natural Law School, Analytical, Historical, Sociological, American Realism and Feminism

(2.) Sources of Law:
   (i) Custom, Meaning, Kinds, Tests of particular Legal Custom; Importance of Custom; Theories of Customary Law;
   (ii) Precedents, Kinds, Ratio Decidendi Obiter Dicta; Declaratory Theory of Precedent; Judge-made Law Theory;
   (iii) Legislation; Kinds, Comparison between Legislation and other sources of laws

(3.) Concepts of Law:
   (i) Rights and Duties: Nature of Rights and Duties; Correlation of Rights and Duties;
   (ii) Kinds of rights and Duties;
   (iii) Property; Definition and Kinds;
   (iii) Negligence;
   (iv) Criminal liability.
   (v) Ownership and Possession: Meaning of Ownership; Kinds, Definition of Ownership by Austin and Salmond, Relation between Ownership and Possession. Importance of Possession; Elements of Corporeal Possession and problems; Theories of Possession; Salmond and Savigny.
   (vi) Person: Nature of Personality; Corporate Personality and its Kinds, Theories of Corporate Personality
   (vii) Administration of Justice

Leading Cases:
2. Maharaja Shree Umaid Mills Ltd. v. Union of India, AIR 1963 SC 953 paras 12, 13, 14 (Per S.K. Das) Concept of Law; Legislative Agreements.


7. Minerva Mills Ltd. & Ors. v. Union of India & Ors. 1980 SC

Suggested Readings:
1. Salmond : Jurisprudence
2. Dias : Jurisprudence
4. Mahajan V.D. : Jurisprudence and Legal Theory

Dy. Registrar (Acad.)
University of Rajasthan
Jaipur
LAW OF CRIMES

Max. Marks: 100

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. General Principles of Criminal Law
2. The Indian Penal Code, 1860: (INCLUDING LATEST AMENDMENTS IF ANY)
3. General Exceptions:
   Mistake of facts and Mistake of Law, Judicial Act, Accident, Act done without criminal intention and to prevent other harm; Act of person of unsound mind, Act of Intoxicated Person, Acts done with consent, Act done in good faith without consent, Communication made in good faith: Acts done under compulsion, Act causing Slight Harm; Right of Private Defense.
6. Offences Affecting the Human Body: Culpable homicide, murder, Criminal negligence and rashness, Attempt of commit murder and suicide; miscarriage hurt, Grievous hurt, Voluntary restraint and wrongful confinement, force and criminal force, Assault, Kidnapping and abduction
7. Offences Against Property: Theft, Extortion, Robbery, Dacoity, Criminal misappropriation of property; Criminal breach of trust; receiving stolen properly Cheating, mischief, criminal trespass, House breaking
8. Offence Relating to Document: Forgery, Making a false document
9. Offence relating to Sex and Marriage: Rape, Sexual offences, Unnatural Offence, Adultery, Bigamy
10. Offences Affecting Personal Peace and Reputation: Defamation, Criminal Intimidation, Criminal Insult
Leading Cases:
1. Reg. v. Govinda (1876) ILR I Bom. 342
3. Laxman Kalu v. State of Maharashtra, AIR 968 SC 1890, 1968 Cr.LJ.

Suggested Readings:
1. Ratan Lal : The Indian Penal Code.
2. Kenny : Outlines of Criminal Law (First four chapters.)
4. Shamshul Huda : Principle of Criminal Law
5. Hari Singh Gaur : Penal Law of India
6. T. Bhattacharyya : Indian Penal Code (Hindi)
7. Amar Sing Yadav : Indiai Penal Code (Hindi)
8. Raja Ram Yadav : Indian Penal Code (Hindi)
THE LAW RELATING TO TRANSFER OF PROPERTY AND
EASEMENTS

Max. Marks: 100
Min. Pass Marks: 36

Note:  (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Transfer of Property Act, 1882 (INCLUDING LATEST AMENDMENTS IF ANY)
   Historical Background, Object, Scope and Scheme of the Act.
   Interpretation: Immovable Property, Attestation, Notice, Actionable Claim
   Preliminary: Definition and Essentials of Transfer of Property, What may be Transferred, Persons competent to transfer, Operation of transfer, Oral Transfer.
   (a) Conditions restraining Alienation, Enjoyment, Covenants affecting enjoyment, diverting on insolvency, Transfer to unborn person, Rule against perpetuities, Accumulation of income. Exceptions.
   (b) Vested and contingent interest, Conditional transfer: Condition precedent, Condition subsequent; Doctrine of acceleration

2. Election, Priority of rights, Implied transfers by limited owners, Transfer by Ostensible owner, Feeding the grant by Estoppels, Rule of Joint Transfers, Doctrine of Lis Pendens, Fraudulent Transfer, Doctrine of Part-Performance

3. Sale; Rights and Liabilities of Buyer and Seller
   Mortgage and Charge : Kinds of mortgage, Rights and liabilities of Mortgagee and mortgagee, priority, marshalling, contribution and subrogation

4. Lease, Exchange, Gift, Actionable Claims

5. Indian Easements Act, 1882: (INCLUDING LATEST AMENDMENTS IF ANY)
   Easements: Essentials of Easements, Imposition Acquisition, Incidents, Disturbance, Extinction. Suspension and Revival of Easement, Licence: Definition, Revocation, Rights of licensee’s on revocation Difference between Lease and Licence

Leading Cases:

5. Ram Kumar Koondoo, and others v. John and Maria Mequeen (1872) I Beng LR 46 (PC) XXII A.Vol.Suppl. (1872-73)
6. Webb v. Macpherson, ILR 31 Cal.57 (PC)
7. Associated Hostels of India Ltd. v. R.N. Kapoor, AIR 1959 SC 1262
8. Raja Bajrang Bahadur Singh v. Thukurani Bakhraj Kaur, AIR 1953 SC 7

Suggested Reading:
1. The Transfer of Property Act, 1882
2. Indian Easement Act, 1882
3. Mulla: Transfer of Property Act
4. Joshi: The Indian Easements Act, 1882
6. Sarathi, Vera P.: Law of Transfer of Property
7. Shukla, S.N.: Transfer of Property Act
8. Saxena, I.C.: Transfer of Property Act
9. Bhansali & Sharma: Transfer of Property Act (Hindi)
10. Kulshreshthan, J.N.: Transfer of Property Act (Hindi)
11. Tripathi, G.P.: Transfer of Property Act (Hindi)
12. Gupta, R.R.: Transfer of Property Act (Hindi)
COMPANY LAW

Max. Marks: 100
Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Companies Act 2013 with Recent Amendments:
1. Definition, Evolution, Characteristic and Nature of Company, Advantages and Disadvantages of Incorporation, Corporate Personality, Doctrine of Lifting of Corporate Veil and expectation, Kinds of Companies, Registration and Incorporation
2. Promoters and Pre-incorporation Contracts, Memorandum of Association and Articles of Association, Alteration of MoA and AoA, Doctrine of Ultra Vires, Constructive Notice of MoA & AoA, Doctrine of Indoor Management
3. Prospectus and its kinds, Civil and Criminal liabilities for misrepresentation in prospectus, Share capital, Shares, Transfer & Transmission of shares, procedures, restrictions on transfer, Call, forfeiture, surrender of shares, Share certificate, share warrant, Debentures, Borrowing powers, Charge, Membership of Company
4. Directors and its kinds, position, appointment, Powers and duties of Directors & Board, Others Managerial Personnel, appointment, their powers, duties, liabilities, functions, Meetings and its Kinds, voting, Resolutions, Majority powers and Minority Rights, NCLT & Appellate Tribunal, Special Courts
5. Oppression and Mismanagement, Compromise, Reconstruction and Amalgamation, Winding up of Companies, Dissolution of Companies, Legal liability of Companies – Civil and Criminal, Remedies against them Civil, Criminal and Tortious; Specific Relief Act, Writs, Liability under Special Statutes

Leading Cases:
2. Royal British Bank v. Turquand, (1856) 6 E &amp; B 327
6. Ashbury Railway Carriage and Iron Co Ltd v Riche (1875) LR 7 HL 653
7. Foss. v. Harbottle (1843) 67 ER 189

Suggested Readings:
1. Shah, S.M.: Lectures on Company Law
2. Avtar Singh: Company Law (English & Hindi)
4. Sanghal, P.S.: National and Multinational companies
6. Paranjape, N.V. : Company Law (English & Hindi)
7. Bangia, Dr. R.K. : Company Law (English & Hindi)
PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

Max. Marks: 100

Min. Pass Marks: 36

Note:  (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.


4. War, its Legal Character and Effects, Enemy Character, Armed Conflicts and other hostile relations. Belligerent Occupation, War Crimes. Termination of war and doctrine of Post liminium and Prize Courts.


Leading Cases:

2. Civil Air Transport Inc. v. Central Air Transport Corporation, Judicial Committee of the Privy Council, (1953) AC 70.
6. Right of Passing Over Indian Territory, ICJ Report, 1969 (6)

Suggested Readings:

1. Starke : An Introduction to International Law
4. S.K. Kapoor : International Law (English & Hindi)
5. Tandon, M.P. : International Law (English & Hindi)
LABOUR LAW

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.


2. Trade Unions Act, 1926 : (INCLUDING LATEST AMENDMENTS IF ANY)
The Philosophy of Trade Unionism, Trade Union Movement in India – Aims and Objects – Extent and Commencement of the Indian Trade Union Act. 1926 – Definition and Nature of Trade Union.

Registration of Trade Unions (INCLUDING LATEST AMENDMENTS IF ANY)

3. The Factories Act 1948 : (INCLUDING LATEST AMENDMENTS IF ANY)

4. The Minimum Wages Act, 1948 : (INCLUDING LATEST AMENDMENTS IF ANY)
Concept of Wages, particularly Minimum Fair and Living Wages, Need based minimum wage – Aims and objects of Minimum Wages Act – Application, Exceptions and Exemptions – Kinds of Wages.
Fixation and revision of minimum rates of wages Adjudication of claims relating to minimum wages and Miscellaneous provisions.

Nature, Eligibility, Other Privileges, Role of Inspectors.
Leading Cases:

5. P.U.D.R. and other v. Union of India, 1982 II LLJ 454 SC

Suggested Readings:

1. Indian Law Institute : Law and Labour Management Relations in India
2. Rustamajee : Law of Industrial Disputes
4. Srivastava, K.D. : Commentary on Factories Act, 1949
7. Myres, Charles : Industrial Relations in India
10. Srivastava, K.D. : Commentary on Trade Union Act, 1926.
ADMINISTRATIVE LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition, Evolution of Administration as the Fourth Branch of Government Necessity for Delegation of Powers on Administration, Tribalization in India.


3. Statutory Corporations including their control, the extent of executive power, Administrative Finality and the Court review.


5. Administrative Process – Administrative Action, Administrative Discretion and Quasi-Judicial Elements in Administrative Procedure. Administrative Discretion - Meaning of Discretion, Grounds of Judicial Review, Arbitrariness, Discrimination, Unreasonableness, Bad faith, Mala-fide, Ignoring relevant considerations or reliance on irrelevant considerations, Non-exercise of power

6. Grounds of Judicial Review and Scope of Judicial Review: Jurisdictional Error/Ultra Vires, Abuse and Non-Exercise Jurisdiction, Error Apparent on the Face of the Record, Violation of Principles of Natural Justice-Rule against Bias (Nemo Judex in Causa sua) and Audi Alteram Partam, rights to Consult, Reasoned Decision

7. Administrative Adjudication – Reasons for growth, Structure and Procedure of Administrative Bodies, like Tribunals; Finality of the Tribunal, Decisions, Administrative Tribunals Act, 1985

8. Judicial Redressal – Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto writs, Redressal of Citizens Grievances, Central Vigilance Commission, Commission of Enquiry Act, Ombudsman, Lokpal; Lokayukts of the State of Rajasthan


Leading Cases:


2. In Re-Delhi Laws Act. Etc. AIR 1951 SC 332
3. Raj Narain v. Chairman, Patna Administration, AIR 1954 SC 569
10. State of West Bengal v. Ashish Kumar Roy, AIR 2005 SC 254

Suggested Readings:
1. Indian Law Institute – Delegated (Legislation in India)
3. Kagzi, M.C.J. – Administrative Law in India
4. Kagzi, M.C.J. – A Case Book in Administrative Law
5. Dr. Jain, M.P. & Dr. Jain, S.N. – Principles of Indian Administrative
6. Kesari, U.P.D. – Administrative Law
7. Sathe, S.P. – Administrative Law
8. M.P. Jain & S.N. Jain, Principles of Administrative Law, 4th Edn, (Wadhwa and
   Company, Nagpur, 2005), Chapters – 1 (pages 9-26)
   Chapters 1 & 2 (pages 1- 33)
OPTIONAL PAPERS

TAXATION LAW

Max. Marks: 100

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. INDIAN INCOME TAX ACT, 1961 (INCLUDING LATEST AMENDMENTS IF ANY)

Income Tax Act:
Definitions – Assessment Year, Previous year Agriculture, Income Assessment, Capital Asset, Dividend, Income, Casual Income, Total Income, Gross Total Income; Maximum and Minimum marginal Rate, Person, Resident – Non-resident, Transfer.
Basic of Charge – Charges of Income-tax, Scope of Total Income, Residence in India, Income deemed to be received, Divided income, Income deemed to Accrue or Arise in India
Income which do not form part of total income.
Computation of total income – Head of Income – Salaries, Interest on securities, Income from House Property, Profit & Gains of business or Profession, capital gains, Income from other sources.
Income of other persons included in assesses total income
Deductions to be made in computing total Income.
Relief in respect of income-tax.
Determination of tax in certain specific cases.
Income Tax authorities – Appointment and Control; Jurisdiction, Powers, Procedure for Assessment, Liability in Special cases, Collection and recovery of Tax, Appeals, Revision and Reference.

2. GOODS AND SERVICES TAX, 2017 (G.S.T. hereinafter):
(INCLUDING LATEST AMENDMENTS IF ANY)

Introduction to G.S.T.- Indirect tax structure in India, Issues in Indirect Tax, Rationale for Transition to GST. GST-Meaning, Definition of GST, Types of GST, Features of GST, Benefits of GST, Problems on Introduction to GST

[Signature]
Dy. Registrar (Acad.) University of Rajasthan

Page 3 of 5
Levy and Collection of Tax: Introduction Supply-meaning and scope of supply, treatment of mixed and composite supply, Liability of taxable person, Rate and value of tax, transactions without considerations, list of transactions for goods and services and list of Transactions for non-supply of goods and services, Reverse charge mechanism and Exemptions from GST

Time of supply-Introduction, time of supply-forward charge, reverse charge, residuary, special charges, time of supply of service-forward charge, reverse charge, vouchers, residuary, and special charges. Problems on determination of time of supply

Value of taxable supply-conditions, inclusions, Consideration not wholly in money, Supply between two related persons, Supply through agent, Cost based value, Residual valuation, Specific supplies, Service of pure agent Problems on value of supply

Input tax credit-meaning, conditions for taking credit, ineligible input tax credit, availability of credit in special circumstances, input tax credit and change in form of registered person, income tax for the inputs and capital goods for input tax credit, Manner of Distribution of Credit by Input Service Distributor (ISD)

Registration under GST-Persons liable for registration, compulsory registration, Procedure for registration, Rejection of application for registration, cancellation of registration, Returns-Furnishing details of outward supplies and inward supply, GST forms-1 to 8, Steps for a brief introduction filing forms, Levy of late fee, Refund Assessment- meaning and an overview of various types of assessment


Integrated Goods and Service Tax (IGST) Meaning, levy and Collection of IGST Place of Supply of Goods and Services Apportionment of IGST between Central and State Governments

(All the provisions in the Central GST, State GST and Integrated GST Acts and Rules as amended up to date will be applicable)

Leading Cases:


Suggested Readings:

5. Indirect Taxes - Vinod K Singania, Taxmann’s Publications, New Delhi
8. All About GST - V. S. Datey, Taxmann Publications.
9. Beginner’s Guide to GST - Dr. Vandana Bangar and Dr Yogendra Bangar, Aadhya Prakashan Banagar
10. Bare Act of GST, IGST, SGST
INSURANCE LAW

Max. Marks: 100

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

The object of this course is to acquire specific knowledge of law and practice relating to Insurance. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law.

1. Historical Development of Insurance Law:

2. General Principles of Insurance:

3. Life Insurance:
Basic Principles of Life Insurance, Insurable Interest: Own Life Policy, Life of Spouse, Insurance taken on life of parent & child, other relations. Implications of Concealment, Non-Disclosures, Misrepresentation. Assignment and Nomination. Role & Function of Life Insurance Companies

4. Public Liability Insurance:
Definitions, Criminal liability based on no fault. Verification and publication of accidents by Collector. Application for claim for relief-Environmental. Relief Fund – Claim of Compensation under other laws, Powers of the Central Government or its authorized officers under the Act- Penalties-Liability of Companies or Government Departments

5. Fire, Health, Marine and Motor Vehicle Insurance:
Motor Insurance: Necessity for Insurance against Third Party Risk; No Fault Liability; Persons Insured in Respect of Third Party Risks; Transfer of insurance upon Sale of Vehicle; “Hit and Run” Accident; Motor Accidents Claim Tribunals.
Health Insurance: Mediclaim for Individual & Group Mediclaim
Marine Insurance: Insurable Interest; Utmost Good faith; Voyage and Time Policies; Double Insurance; Warranties; Deviation; Proximate Cause; Total Loss & Partial Loss; Subrogation & Contribution.

Legislations: (INCLUDING LATEST AMENDMENTS IF ANY)
1. The Insurance Act, 1938
2. THE INSURANCE LAWS (AMENDMENT) ACT, 2015
3. The Life Insurance Corporation Act, 1956
4. The Life Insurance Corporation (Amendment) Act, 2011
5. The Motor Vehicle Act, 1988
6. The Insurance regulatory Development Authority Act, 1999
7. The Marine Insurance Act, 1963

Leading Cases:
2. Prudential Insurance Co. v. Inland Revenue Commissioners, (1904) 2 KB 658.
4. Digby v. General Accident (1943) AC 121, 138
5. Glickman v. Lancashire and General Assurance Co. Ltd. (1978) ACT 139 (HL)

Suggested Readings:
**BANKING LAWS INCLUDING NEGOTIABLE INSTRUMENTS ACT**

Max. Marks : 100

Min. Pass Marks : 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. **Banking Regulation Act, 1949:** (as amended by the Banking Regulation Amendment Act, 2017) *(INCLUDING OTHER LATEST AMENDMENTS IF ANY)*
   Business of Banking Companies, Control over Management: Prohibition of certain activities in relation to banking companies. Acquisition of the undertaking of Banking Companies in certain cases. Suspension of Business and winding up of Banking Companies. Special provisions for speedy disposal, of ‘winding up proceedings. Miscellaneous, Application of the Act to the co-operative societies.

2. **Reserve Bank of India:** (as amended by the The Reserve Bank Of India (Amendment) Act, 2006) *(INCLUDING OTHER LATEST AMENDMENTS IF ANY)*
   Incorporation of Capital management and Business, Increase and reduction of Share Capital, Local Boards, Central Banking functions, Protection of action taken in good faith, Transactions in Foreign Exchange.

3. **Regional Rural Banks Act, 1976:** (as amended by Regional Rural Banks (Amendment) Act, 2015) *(INCLUDING OTHER LATEST AMENDMENTS IF ANY)*

4. **Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970:** *(INCLUDING LATEST AMENDMENTS IF ANY)*
   Definitions, Transfers of the Undertaking of existing Banks, Payment of Compensation, Management of corresponding New Banks, Indemnity, Dissolution.

5. **The Industrial Reconstruction Bank of India Act, 1984:** *(INCLUDING LATEST AMENDMENTS IF ANY)*

Object, Definitions, Parties to Notes, Bills and Cheques; Negotiations of Instruments; Presentment, Discharge from liability on Notices, Bills and Cheques. Dishonour and Notice of dishonour. Reasonable time for Notice, Noting and Protest, Acceptance a payment for honour and reference; Compensation: Rules of Evidence.

Leading Cases:
2. The Bharal Bank Ltd. Delhi v. The Employees of Bharat Bank Ltd. and the Bharal Bank Employee’s Union, AIR 1950 SC 188.
3. V. Ramaswami Aiyanger & others v. N.V. Kailasa Thever, AIR 1951 SC 185.

Suggested Readings:
4. Mahesh Wari, S.N. — Banking Law and Practice;
5. State Bank of India Act, 1955
PROFESSIONAL ETHICS, BAR - BENCH RELATIONS
AND MOOT COURT

Max. Marks : 100  
Min. Pass Marks : 36

This paper shall consist of following two parts ;
(a) Practical written paper — 80 marks
(b) Viva vice examination — 20 marks

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

(1.) Practical Written Paper :
Basic Postulates of Administration of Justice ; Image of Justice; Wheels of the Chariot of Justice; Bench-Judges in the image of justice; Bar - Act, Plead and Dress of Advocate.
Historical Evolution of Legal Profession; Legal Profession in Ancient India; Position of Legal Profession in Muslim Regime; Legal Profession during the British Regime; Autonomy of Legal Profession.
Indian Bar Committee, 1923; Indian Bar Council Act, 1926;
All India Bar Committee, 1951; Unified Bar - The necessity of Time; 14th Report of the Law Commission; Advocates Act, 1961; (INCLUDING LATEST AMENDMENTS IF ANY)
Provisions which strengthen Unified Bar; Organization of Bar on All India Basis; Constitution of Bar Council and Elections; Admission and Disciplinary action; Regulation of Legal Education
Image/Position of Legal Profession in Society; Advocacy is a profession not a business; Legal profession is a Noble Profession; Deterioration in Image of Legal Profession in Independent India; Role of Lawyers in Society.
The Necessity of the Professional Ethics; The Art of Advocacy; Professional Ethics; Nature of Professional Ethics and the Problems of the Code of Ethics; Advantages of having codified Professional Ethics; Professional Ethics - Rules of Conducts
Bar-Bench Relationship: General Conception; Advocates duty to the Court; Duty of Judge towards the Advocate; Duty of the Bar towards the Bench; Grounds of disputes in Bar-Bench Relations; Suggestions to improve Bar-Bench Relations.
Contempt of Court: Purpose and meaning of contempt of court; Contempt of Court by Judge; lawyers and state; Contempt by Judge ; Magistrate or other persons acting judicially; Contempt of Court by Advocates; Contempt of Court by State; Corporate bodies and their officers; Punishment - Nature and Extent; Power of Superior Courts in Contempt cases; Safeguards available in contempt cases.
Relationship between an Advocate and his client; Code of conduct
Lawyers-clients Relationship; Do's and Don't for advocates towards clients.
Accountability of lawyers:
Professional Ethics and Advocates Duties to colleagues and others; Advocate's duty to colleagues; Advocate's duty to opponents; Advocates duty towards witnesses; Advocate's duty to public.
Illustrations of other misconduct; Disciplinary committee’s approach in case of professional or other Misconduct.
Authorities and Procedures to deal with professional misconduct and remedies against their order; State Bar Council and its disciplinary committee; The Bar Council of India and its disciplinary committee; Remedies against the order of punishment; Quantum of punishment.

Leading Cases:
1. In Re Vinay Chandra Mishra, AIR 1995 SC 2348
3. P.D. Gupta v. Ram Murti and another. 7 S.C.C. 147 AIR 1998 SC 283

Suggested Readings:
2. The Contempt of Court Act.
3. Dr. Anirudh Prasad, Principles of the Ethics of Legal Profession in India.
6. Dr. Murlidhar Chaturvedi- Professional Ethics, Accountability of Lawyers and bench (Hindi)
Paper 2.9. (b)  

**VIVA-VOCE EXAMINATION**  

**Marks:** 20

Maintaining diary on court visits, recording the Bar-Bench relations and Professional Ethics. Moot Court Performance done on the basis of prescribed leading cases in LLB. II Year under the supervision of the concerned teacher. The teacher shall conduct at least two Moot Court and it will be compulsory for the candidates to participate in at-least fifty percent of such Moot Courts. The teacher can also conduct Moot Court on the basis of cases other than the prescribed leading cases. The viva-voce examination shall be conducted by a Committee of three persons. In this Committee there shall be two Internal Examiners and one External Examiner. The Committee shall award marks on the basis of Court diary, and performance at the Moot Court and viva-voce examinations.
LL.B. III Year 2021-22

Paper 3.1 : LAW OF EVIDENCE
Paper 3.2 : LAW RELATING TO CRIMINAL PROCEDURE, JUVENILE JUSTICE AND PROBATION OF OFFENDERS
Paper 3.3. : CODE OF CIVIL PROCEDURE AND LIMITATION ACT
Paper 3.4 : ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE RESOLUTION SYSTEMS
Paper 3.5 : LAND LAWS
Paper 3.6 : INTERPRETATION OF STATUTES
Paper 3.7 : ENVIRONMENTAL LAW

OPTIONAL PAPERS
Paper 3.8. (a) : CRIMINOLOGY AND PENOLOGY
Paper 3.8. (b) : INTELLECTUAL PROPERTY LAW
Paper 3.8. (c) : CYBER LAWS
Paper 3.9 (a) : DRAFTING, PLEADING AND CONVEYANCING; PRE-TRIAL PREPARATION; PREPARATION IN TRIAL PROCEEDING AND MOOT COURT
Paper 3.9 (b) : VIVA-VOCE EXAMINATION

Dy. Registrar (Acad.)
University of Rajasthan
JAIPUR
LL.B. III Year (Three Year Course)

Paper : 3.1.

LAW OF EVIDENCE

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to review the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Indian Evidence Act, 1872

(INCLUDING LATEST AMENDMENTS IF ANY)

1. Preliminary : Application of Indian Evidence Act, Definition : Court, Fact, Fact in Issue and Relevant Fact, Evidence-meaning and its kinds, proved, disproved, not proved, may presume, shall presume, and conclusive proof. Presumptions of fact and law, presumptions regarding documents.


2. Admission and Confession:

(a) Admission : Definition, whose admission is relevant, relevancy of admission in civil cases, admission not conclusive proof but act as an estoppel

(b) Confession : Definition, its kinds, confession caused by inducement, threat or promise, Confession to police officer, confession in the custody of police, confession to Magistrate, confession by co-accused.

(c) Difference between admission and confession. Relevancy of statements :

a) Statements by persons who cannot be called as witness.

b) Statement made under special circumstances.

c) Relevancy of judgment of a Court of Law

d) Opinions of Third Person.

e) Opinion of Experts (Relevancy of Polygraph test, Narco analysis, Brain Mapping)

f) Relevancy of Character.

3. Evidence :

Oral evidence, Documentary evidence, kinds of documentary evidence, when secondary evidence is relevant, public and private document.

Exclusion of oral evidence; by documentary evidence; Application of this principle, its exceptions. Ambiguous documents, kinds of ambiguity.

Burden of Proof : Meaning, general principles of burden of proof in civil and criminal cases and exceptions to it. When burden of proof shifts, proof of legitimacy of child, proof in dowry deaths and in the matters of rape.

Witness: Competency of witness, when persons can be compelled to appear as witnesses, privileged communications and documents, accomplice, hostile witness.

5. Examination of Witnesses: Order of examinations, Kinds of examination, leading questions, impeaching the credit of witness, questions which can and which cannot be asked, refreshing the memory of witness, production of document, judge’s power to put questions and to order productions, Effect of improper acceptance or rejection of evidence.

6. Special provisions as to evidence relating to electronic record and its admissibility; Witness Protection Scheme, Evidentiary value of D.N.A. test, Landmark judgments, recent developments in the law of Evidence.

Leading Cases:
2. Himachal Pradesh Administration v. Om Prakash, AIR 1972 SC 975
3. Satpaul v. Delhi Administration, AIR 1976 SC 294
5. Pakala Narayan Swami v. Emperor AIR 1939 PC 47
8. Selvi and others v. State of Karnataka and another AIR 2010 SC

Suggested Readings:
1. Ratan Lal: The Law of Evidence
2. Batukala: Law of Evidence
3. Vepa P. Sarathi: Law of Evidence
4. Avtar Singh: Law of Evidence
5. Raja Ram Yadav: Evidence Law
Paper 3.2.

LAW RELATING TO CRIMINAL PROCEDURE, JUVENILE JUSTICE
AND PROBATION OF OFFENDERS

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Code of Criminal Procedure, 1973 (INCLUDING LATEST AMENDMENTS IF ANY)

1. Preliminary:
   (a) Object, Extent and Definitions
   (b) Duties of Public:
      (i) To assist Police and Magistrate
      (ii) To give information about certain offences.

2. Criminal Courts:
   (a) Territorial Divisions and Classification
   (b) Powers

3. Pre-Trial Procedures:
   i. Process to compel appearance
   ii. Process to compel Production of things
   iii. Arrest of Persons
   iv. Information to the Police and their powers of Investigation
   v. Bail
   vi. Jurisdiction of the Courts in inquiries and Trial
   vii. Maintenance of Public Order and Tranquility

4. Jurisdiction of the Courts in inquiries and Trial

5. Complaints to Magistrates and Cognizance of Offence

6. Charge

7. Kinds of Trials:
   i. Trial before Court of Session
   ii. Trial of Summons and Warrant Cases
   iii. Summary Trials
   iv. Plea Bargaining
   iv. Judgment

8. Appeals
   Reference and Revision
   Miscellaneous Provisions:
   i. Period of Limitation
   ii. Irregular Proceedings

Dy. Registrar (Acad.)
iii. Autrefois acquit and Autrefois convict
iv. Legal Aid to accused at State expenses
v. Pardon to an accomplice
vi. Saving of inherent Powers of High Court
vii. Maintenance of wives, Children and Parents

9. **Juvenile Justice (Care and Protection of Children) Act, 2015**
10. **Probation of Offenders Act, 1958**

**Juvenile Justice (Care and Protection of Children) Act, 2015**
**(INCLUDING LATEST AMENDMENTS IF ANY)**

**Probation of Offenders Act, 1958**
**(INCLUDING LATEST AMENDMENTS IF ANY)**
Definitions – Power of Court to release certain offenders after admonition, On probation of good conduct – Power of Court to require released offenders to pay compensation under twenty one years of age, Variations of conditions of probation, Probation in case of ‘Offender’ failing to observe conditions of bond, Provision as to sureties, Probation Officers to observe conditions of bond, Provisions as to sureties, Probation Officers, Duties of Probation Officers.

**Leading Cases:**
1. Tahsildar Singh v. State of Delhi, AIR 1955 SC 196

**Suggested Readings:**
1. Ratan Lal – Criminal Procedure Code
4. Probation of Offender Act, 1950
CODE OF CIVIL PROCEDURE AND LIMITATION ACT

Max. Marks: 100
Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

(1.) Code of Civil Procedure, 1908  (INCLUDING LATEST AMENDMENTS IF ANY)


ii. Examination of the Parties, Admissions, Production of documents, Settlements of Issues, Hearing of the Suit and Examination of Witnesses, Judgment and Decree.

iii. Execution of Decrees and Orders, Courts by which Decrees may be executed, Powers of the Court executing the decrees, Questions to be determined by the Court Executing the decree. Transfer of decrees for execution, Stay of Execution. Modes of Execution- arrest and detention in civil prison, attachment of properties, sale and other modes.


v. Appeals from Original Decrees, Appeals from Appellate Decrees, Appeals from Orders, Appeals before the Supreme Court, Reference, Review and Revision.

(2.) The Limitation Act, 1963  (INCLUDING LATEST AMENDMENTS IF ANY)

i. The Limitation Act, 1963 (Omitting the Schedule) Purpose, Policy, Nature and Scope of the Act., Definitions : Applicant, bond, defendant, easement, good faith, plaintiff, period of limit at on.

ii. Relationship between Limitation, Laches, Acquiescence, Estoppels and Res Judicata; Limitation of Suits, Appeals and Applications, Disability, Computation of Period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

Leading Cases:
1. Bhanu Kumar Jain v. Archana Kumar, AIR 2005 SC 626
6. Garilapati Veerava v. N. Subhia Choudhary, AIR 1957 SC 540
7. Deoki Nadan v. Murlidhar, AIR 1957 SC 133
9. S.M. Jakati v. B.M. Borker, AIR 1959 SC 282

Suggested Reading:
2. Mulla – Civil Procedure Code
4. Gupta, R.R. – Civil Procedure Code (Hindi)
5. Tandon, M.P. – Civil Procedure Code (Hindi)
6. Mridul Srivastava – Civil Procedure Code (Hindi)
7. A.N. Pandey – Civil Procedure Code (Hindi)
ARBITRATION, CONCILIATION AND
ALTERNATE DISPUTE RESOLUTION SYSTEMS

Max. Marks: 100
Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. ADR (Alternate Dispute Resolution System)
   Introduction, Concept of ADR, History and Reasons for the growth of ADR, Advantages of ADR, Legislative and Judicial Sanction for ADR, Important forms of ADR, Mechanism of Alternative Dispute Resolution, ADRs and their Importance, Alternatives to Judicial Process, Negotiation, Mediation, Compromise, Conciliation, Arbitration, Ombudsman, Lok Pal and Lokayukta, Lok-Adalat, Distinction between ADR & Judicial Dispute Resolution.

2. The Arbitration and Conciliation Act, 1996 as amended in 2015:
   (INCLUDING LATEST AMENDMENTS IF ANY)

3. Lok Adalats –
   Objects, Role of Committee for Implementation of Legal Aid Schemes (CILAS) Permanent Conciliatory Centres in Gujarat – The Legal Services Authorities Act, 1987, (INCLUDING LATEST AMENDMENTS IF ANY) Functions of National Legal Services Authority, State Legal Services Authority and District Legal Services Authority; Organization of Lok Adalat, Jurisdiction and Powers of Lok Adalats, Procedure for determination of Dispute before the Lok Adalat.

Leading Cases:
2. Vallabhadas Meghji v. Cowosji Franceji, AIR 1925 Bom. 409
4. State Electricity Board, Tamil Nadu v. Sree Meenakshi Mills Ltd., AIR 1975 Mad. 139
5. Food Corporation of India v. M/s Thakur Shipping Co., AIR 1975 SC 465
6. The Bay of Bengal Maritime Boundary Arbitration between the People’s Republic of Bangladesh and The Republic of India (Bangladesh v India), Award of the Arbitral Tribunal, Permanent Court of Arbitration, dated 07 July 2014.

Suggested Readings:
1. Sunil Deshta Lok Adalats in India – Genesis & Functioning
2. Bakshi, P.M. - Arbitration Law
3. Paruck, P.L. – Indian Arbitration Act
LAND LAWS

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Acts of Study: (INCLUDING LATEST AMENDMENTS IF ANY)
1. Rajasthan Tenancy Act, 1955
2. Rajasthan Land Revenue Act, 1956
3. Rajasthan Rent Control Act, 2001

Rajasthan Tenancy Act, 1955:
1. Preliminary: Objects and Reasons, Definition, Khudkasht, Ijredars, Grove Holder: Classes of tenants: Conferment of rights on sub-tenants of Khud Kasht, Primary Right of Tenants: Surrender, Abandonment and Extinction of tenancies; Improvements and Trees: Declaratory Suits: Determination and Modification of Rent; Payment and Recovery of Rent: Grounds for Ejection of Tenants, Remedies for Wrongful Ejectment
2. Procedure and Jurisdiction of Court, Provisions for injunction and appointment of Receiver; Appeal, Review, Revision: Reference, Question of Proprietary Rights in Revenue Courts: Question of Tenancy right in Civil Court, Conflict of Jurisdiction

The Rajasthan Land Revenue Act, 1956:
3. The Board of Revenue, Revenue Courts and Officers; Appeal, Reference, Revision and Review; Land; Survey.
4. Record of Rights, Maintenance of maps and record, Annual Registers; Settlement operations; Rent Ratio, Determination of rent, Term of Settlement; Collection or Revenue

Rajasthan Rent Control Act, 2001:
5. Preliminary: Object and Reasons, Definition-Amenities, Landlord, Premises, Tenant. Revision of Rent, limited period tenancy, eviction of tenants, right of landlord to recover immediate possession in certain cases, restoration of possession of illegally evicted tenant and procedure thereof. Constitution of tribunals, procedure for revision of rent and eviction, Appeal and Execution Amenities.
6. Land Acquisition Law- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013- Preliminary: object and reason, Definition: affected family, agriculture land, cost of acquisition, displaced family, infrastructure project, marginal farmer, market value, person interested, public purpose, and resettlement area, Procedure of land Acquisition, Notification, Determination of social impact Consent of Land Owners – Award Inquiry and public purpose, special provision to
safeguard food security, Rehabilitation and Resettlement Award and procedure relating to it. Procedure relating to land acquisition, rehabilitation and resettlement authority, apportionment and payment of compensation, Reference to civil courts etc.

7. RERA Act 2016: Salient Features, Definitions. Real Estate Regulatory Authority, Registration with the Regulatory Authority, Carpet Area, 70% of realisation from allottees in a separate bank account, Acceptance or refusal of registration, Revocation or lapse of registration, Website of the Regulatory Authority, Advertisement or prospectus issued by the promoter, Limit on receipt of advance payment, Restriction on addition and alteration in the plans, Structural defect, Restriction on transfer and assignment, Refund of amount in case of delay in handing over possession, Other relevant provisions, Real Estate Appellate Tribunal, Adjudicating Officer, Offences and Penalty, Overriding effect.

Leading Cases:
1. Prabhu v. Ramdeo, AIR 1966 SC 172

Suggested Reading:
1. Shyam Lal Gupta - The Rajasthan Tenancy Act
2. Dutt, S.K. - Tenancy Law in Rajasthan
3. Dutt, S.K. - Rajasthan Land Revenue Act
4. Suresh Chand & H. Mathur - Law of Tenancy in Rajasthan
5. Dutta, S.K. - Rent Control in Rajasthan
6. Karkara, G.S. - Rajasthan Land Laws (English & Hindi)
INTERPRETATION OF STATUTES

Max. Marks: 100
Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. General Concepts: Interpretation of Statute; Meaning, Object and Scope; Importance, Advantages, Disadvantages; Interpretation and Construction, Differences between them; Intention of Legislature, Limits of Interpretation. Statutes: Nature and Classification; Structure of Statute.

2. Rules of Interpretation: Primary (Basic Rules) Secondary (subsidiary) Rules; Literal Rule; Golden Rule; Mischief Rule; Harmonious Construction

3. Maxims and Presumptions: Maxims of Statutory Interpretation:
   Ejusdem Generis; Noscitur a Sociis; Expressio Unius Exclusio Alterius; Ut Res Magis Valeat Quam Pereat; Delegatus Non Potest Delegare; Contemporanea Expositio Est Optima Et Fortissima in Lege; Construction Expressio Unius Est Exclusio Alterius; Reddendo Singula Singulis

4. Aids to Interpretation: Internal Aids: Title; Preamble; Headings; Marginal Notes; Interpretation Clauses; Proviso; Explanation; Exception & Saving Clause. External Aids: Parliamentary and Constitutional history; Historical facts and Surrounding Circumstances; Social, Political and Economic Developments and Scientific Inventions; Stare Decisis (Judicial Precedents); Dictionaries; Literature; Reference to other Statutes (Parl Materia).

5. Interpretation with reference to the Subject Matter and Purpose of Statutes:
   Interpretation of Penal Statutes (Strict Construction); Interpretation of Taxing Statutes; Interpretation of the Constitution: Principle of Pith and Substance; Principle of Colourable Legislation; Principle of Severability; Principle of Eclipse.

Leading Cases:
- Ramavtar v. Assistant Sales Tax Officer (1961 SC)
- Ranjit Udeshi v. State of Maharashtra (1965 SC)
- Bengal Immunity Company v. State of Bihar 1955 SC
• Mangoo Singh v. Election Tribunal 1957 SC
• Alamgir v. State of Bihar 1959 SC
• Smith v. Hughes 1960
• Heydon's Case
• Lily Thomas v. Union of India 2000 SC
• U.P. State Electricity Board v. Harishanker 1979 SC

Books:
• Vepa P. Sarathi, Interpretation of Statutes (4th ed., 2003)
• G.P. Singh, Principles of Statutory Interpretation (11th ed., 2008)
• S.G.G. Edgar, Craies on Statute Law (1999)
• Swarup Jagdish, Legislation and Interpretation
• P. St. Langan (Ed.). Maxwell on The Interpretation of Statutes (1976) N.M.Tripathi, Bombay
• V.Sarathi, Interpretation of Statutes, (1984) Eastern, Lucknow
ENVIRONMENTAL LAW

Max. Marks: 100
Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.


2. The Environment (Protection) Act, 1986: (INCLUDING LATEST AMENDMENTS IF ANY)
Objects, Definition, General powers of the Central Government, Prevention, Control and Abatement of Environmental Pollution; Penalties and Procedure, Power to make Rules
National Green Tribunal Act, 2010: (INCLUDING LATEST AMENDMENTS IF ANY)
Object, Definitions, Establishment of Tribunal, Jurisdiction, Powers, Proceedings and Penalty

3. The Wild Life (Protection) Act 1972: (INCLUDING LATEST AMENDMENTS IF ANY)
Need to conserve Wild Life, Definitions, Authorities under the Act, Hunting of Wild Life Animals, Protection of Specified Plants; Sanctuaries, National Parks and Closed Areas; Central Zoo Authority and Recognition of Zoos; Trade or Commerce in Wild Animals, Animal Articles and Trophies and its Prohibition; Prevention and Detection of Offences; Power to Make Rules.

4. The Water (Prevention and Control of Pollution) Act, 1974: (INCLUDING LATEST AMENDMENTS IF ANY)
Object and Application of the Act; Definitions; Constitution, Powers and Functions of Central, State and Joint Boards, Prevention and Control of Water Pollution, Water Laboratories, Funds Accounts and Audits, Penalties and Procedure, Power of Government to Supersede and make rules.

5. The Air (Preventions & Control of Pollution) Act, 1981: (INCLUDING LATEST AMENDMENTS IF ANY)
Object and Application of the Act; Definitions; the Constitution, Powers and Functions of Central and State Boards, Prevention and Control of Air Pollution, Funds Accounts and
Audits, Penalties and Procedures; Powers of the Government to supersede and Dissolution of the State Board and its effects, Powers of Government to Make Rules.
The Rajasthan Noise Control Act, 1963 (Basic Concepts) (INCLUDING LATEST AMENDMENTS IF ANY)

Leading Cases:
3. Mehta, M.C. v. Union of India, AIR 1987 SC 1086
6. A.P. Pollution Control Board v. Prof. M.V. Nayadu, AIR 1999 SC 812

Suggested Reading:
1. Shanta Kumar S. : Environmental Law
2. Karkara G.S. : Environmental Law
3. Singh C. P.: Environment Law (Hindi)
5. Jain, Suresh & Jain Vimla : Environmental Law in India.
6. Gurbax Singh : Environmental Law in India
OPTIONAL PAPERS

Paper 3.8. (a)

CRIMINOLOGY AND PENOLOGY

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

   Criminal Behaviour:
   (i) Explanations
   (ii) Psychological Theories – Alcoholisms and Drugs

2. Schools of Criminological Thought (Factors in causation of Criminal Behaviour)
   1. Ancient School
      (a) Demonological
      (b) School of Free-well
   2. Classical School
   3. Cartographic or Ecological school
   4. Socialistic School
   5. Typological School
      (a) Italian or Positive School
      (b) Mental Testers School
      (c) Psychiatrists School.
   6. Sociological School
   7. Multi-factor School


3. Definition of Punishment, Relationship between Criminology and Penology; Theories of Punishment, Expiatory, Preventive and Reformatory Theories and Purposes of Punishment.
   Penal Science in India: History of Punishment, Pre-classical school-classical school, Neo-classical Positive school, The Reformer, Clinical School and Multiple Causation approach.

Adolescent Offenders, Indevaminita Sentences, Borastal School, Criminal Procedural Jurisprudence.


6. **Victimology:**
   (a) Compensation, Restitution, Assistance and Rehabilitation
   (b) Compensation as a mode of Punishment
   (c) Constitutional Perspective for Compensation

**Leading Cases:**
3. Francis Coralie Mullin v. Union Territory Delhi, AIR 1981 SC 746

**Suggested Readings:**
1. Barnes, H.B. and Tectors – New Horizons in Criminology
2. Vold, G.S. – Theoretical Criminology
3. Edwin H. Sutherland and Donald R. Grussey – Principles of Criminology
4. Hon, Barren, Mays – Crime and the Social Structure
5. Ahmed Siddiqui – Criminology – Problems & Perspectives
7. S. Venugopala Rao – Facts of Crime in India
8. Korn, R.R. And Mc Gorble, LW – Criminology and Penology
9. Grunhut – Penal Reforms
10. Mandholm – Criminal Justice and Reconstruction
13. Shamsul Huda – Tagore Law Lectures on Criminal Law
15. Dequires - Modern Theories of Criminology
17. N.V. Puranjape–अपराधशास्त्र एवं दण्ड प्रशासन
18. MS. Chauhan— अपराधशास्त्र एवं अपराधिक विषयां विश्लेषण
19. Sky Thakur - Victim Compensation in India Criminal Justice System
INTELLECTUAL PROPERTY LAW

Max. Marks: 100

Min. Pass Marks: 36

Note: (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.


THE COPYRIGHT ACT, 1957: History, Enactment and Implementation etc.; Interpretation Clause; Copyright Office and Copyright Board; Copyright; Ownership of Copyright and the Rights of the Owner; Term of Copyright, Licences; Rights of Broadcasting Organization and of Performers; Registration of Copyright; Infringement of Copyright; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

THE DESIGNS ACT, 2000: History, Enactment and Implementation etc.; Interpretation Clause; Registration of Designs; Copyright in Registered Designs; Legal Proceedings; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

THE GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999: History, Enactment and Implementation etc.; Interpretation Clause; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Special Provisions relating to Trademarks; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

THE PATENTS ACT, 1970: History, Enactment and Implementation etc.; Interpretation Clause; Inventions Not Patentable; Applications for Patents; Publication and Examination of Applications; Opposition; and Anticipation; Grant of Patents and Rights Conferred Thereby; Restoration, Surrender and Revocation of Patents; Register of Patents; Patent Office and Its Establishment; Working of Patents, Compulsory Licenses and Revocation; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

THE TRADEMARKS ACT, 1999: History, Enactment and Implementation etc.; Interpretation Clause; Kinds of Trademarks; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Use of Trademarks and Registered Users;
Collective Marks and Certification Trademarks; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

Suggested Readings:

Leading Cases: (Not an Exhaustive List)
1. Biocon Ltd. & Mylan Pharmaceuticals Pvt. Ltd. v. F. Hoffmann-La Roche AG & Ors.
3. Indian Performing Right Society Ltd v/s. Eastern India Motion Picture Association
5. Natco Pharma Ltd. v. Bayer Corporation
6. Novartis A.G. v. Union of India 2013 SC
8. Tea Board India v. ITC Limited Kolkata HC
10. The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Ors.
11. Yahoo! Inc. v. Akash Arora & Anr 1999 PTC 201 (Delhi H.C.)
1. Introduction: Cyber Law- Genesis & Scope; Cyberspace and its components; Evolution of Internet and WWW; Defining computer, computer network, computer system, computer resource; Cyber Jurisprudence at International and National Level: UNCITRAL Model Law on Electronic Commerce 1996; Council Of Europe - Budapest Convention On Cybercrime; Role of ICANN; National Cyber Security Policy 2013
2. Information Technology Act and Amendments: (INCLUDING LATEST AMENDMENTS IF ANY)
   Salient features of the IT Act, 2000 (as amended in 2008); Impact on other related Acts (Amendments) : Amendments to Indian Penal Code, Indian Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act.
   Various authorities under IT Act and their powers: Controller of Certifying Authorities, Appellate Tribunal, Appropriate Authority – Central & State Government.
   National nodal agency: In-CERT; Liability of Intermediaries; Examiner of Electronic Evidence
3. Cyber Space Jurisdiction: Jurisdiction issues under IT Act, 2000; Traditional principles of Jurisdiction; Extra-terrestrial Jurisdiction; Case Laws on Cyber Space Jurisdiction
   E-Governance; concept and practical aspects in India; Concept of electronic records and electronic signatures; Rules for attribution, acknowledgement and dispatch of such records.
5. Cyber Crimes & Indian Legal Framework: Understanding Cyber Crimes -difference between traditional crime and cyber crimes; Classification of Cyber Crimes -against person, against property, against government; Penalties, Compensation and Adjudication; Offences under IT Act, 2000; Cyber Crimes under Indian Penal Code, 1860.

Suggested Readings:
1. Information Technology Act, 2000 and amendments
2. UNCITRAL Model Law on Electronic Commerce, 1996
7. S. K. Verma & Raman Mittal, Legal Dimensions of Cyber Space, Indian Law Institute
9. Anirudh Rastogi, Law of Information Technology and Internet, Lexis Nexis
11. Debarati Haldar & K. Jaishankar, Cybercrime against women in India, Sage Publishing
12. Prashant Mali, Cyber Law & Cyber Crimes Simplified, Cyber Infomedia
13. Talat Fatima, Cyber Crimes, Eastern Book Company
14. देबारती हालदर, केय्यापशरक, भारत में महिलाओं के विरुद्ध साइबर अपराध, सेलस पब्लिशिंग
15. जय प्रकाश मिर्जा, साइबर विधि, सेंट्रल लॉ प्रब्लिकेशन
16. तलत फातीमा, इंटरनेट विधि एवं साइबर अपराध, इस्टर्न बुक कंपनी
17. प्रशांत माली, साइबर कानून एवं साइबर अपराध, साइबर इफोमीडिया

Leading Cases:

1. Shreya Singhal v. Union of India AIR 2015 SC
2. P.U.C.L. v. Union of India AIR 2019 SC
3. Avnish Bajaj v. State (NCT of Delhi) (Bazee.com) 2008 Delhi HC
DRAFTING, PLEADING AND CONVEYANCING; PRE-TRIAL PREPARATION; PREPARATION IN TRIAL PROCEEDING AND MOOT COURT

Max. Marks : 100
Min. Pass Marks : 36

This paper shall consist of following two parts:

(a) Practical written paper — 80 marks
(b) Viva vice examination — 20 marks

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

(I.) Written Paper

(i.) Drafting & Pleading: General principles of Drafting and relevant substantive rules of pleading and their exceptions: Amendments of Pleading; Alternative and Inconsistent Pleadings.

(ii.) Drafting Exercise on Pleadings:


(b) Criminal- (i) Complaints ; (ii) Bail Applications; (iii) Reply by Accused ; (iv) Criminal Miscellaneous Petition, (v) Appeal, Reference and Revision(c) Conveyancing - Drafting exercise on conveyancing (i) Sale Deed; (ii) Mortgage Deed; (iii) Gift Deed; (iv) Lease Deed; (v) Rent Deed; (vi) Partnership Deed; (vii) Power of Attorney;(viii) Promissory Note and (ix) Will.

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(i.) Pre-trial Preparation: Each student will observe two interviewing session of clients at the advocate office/legal office and record the proceedings in a diary.

(ii.) Participation in Trial Proceedings: Each student will attend two trials during the session and maintain a record and enter the various steps observed during in a diary.

(iii.) Moot Court: Each student will participate in two Moot courts

(iv.) Viva-voce: The Viva-voce examination shall be conducted by a committee of two persons. In this committee, there shall be one Internal and one External Examiner. The committee shall award marks on the basis of Court diary, performance at the Moot court and Viva-voce Examination. The division of marks will be as under

1. Record maintained by the student (5 marks)
2. Participation in Moot court (5 marks)
3. Viva-voce (10 marks)