

PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR UNIVERSITY, SOLAPUR



Name of the Faculty : Humanities

**Syllabus : B.A.LL.B FIVE YEAR
INTEGRATED LAW COURSE
(IX & X SEMESTERS)**

With effect from : August-2023

FROM THE ACADEMIC YEAR 2023-2024

B.A.LL.B – V YEAR SEMESTER - IX

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total
39	Core and Compulsory-XXXII	Law of Crimes – II (Cr. P. C)	6	4	80+20=100
40	Core and Compulsory-XXXIII	Law of Evidence	6	4	80+20=100
41	Core and Compulsory- XXXIV	Civil Procedure Code and Limitation Act	6	4	80+20=100
42	Core and Compulsory-XXXV	Principles of Taxation Law	6	4	80+20=100
43	Core and Compulsory-XXXVI	Company Law	6	4	80+20=100

BA.LL.B – V YEAR SEMESTER - X

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total
44	DISCIPLINE SPECIFIC ELECTIVE - IV	A) International Organization OR B) Equity & Trust	6	4	80+20=100
45	DISCIPLINE SPECIFIC ELECTIVE - V	A) Land Laws Including Tenure & Tenancy System OR B) Health Law	6	4	80+20=100
46	DISCIPLINE SPECIFIC ELECTIVE - VI	A) Women and Criminal Law OR B) International Human Rights	6	4	80+20=100
47	SKILL ENHANCEMENT COURSE - I	Drafting, Pleading & Conveyance (Clinical Course)	6	4	80+20=100
48	SKILL ENHANCEMENT COURSE - II	Moot Court, Exercise and Internship (Clinical Course)	6	4	Practical-100

PAPER NO. XXXIX: CORE AND COMPULSORY – XXXII

LAW OF CRIMES – II (Criminal Procedure Code)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The criminal process involves increasing expenditure of government resources. At the same time it confronts a crisis of instruction into individual rights in order to protect the common weal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure thus makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, to enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

Juvenile justice and probation of offenders are combined with the study of criminal procedure. These topics also do have their roots in criminal procedure. The rubrics under their head are intended to render as essential grasp of the areas.

UNIT NO.	TOTAL THEORY LECTURES-80
1 INTRODUCTORY	6 Lectures
The rationale of criminal procedure: the importance of fair trial.	
Constitutional perspectives: Articles 14, 20 & 21.	
The variety of criminal procedures (the class should examine, in particular the procedure for trial of special offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act)	
The organization of police, prosecutor, defense counsel and prison authorities and their duties, functions and powers.	
2 PRE- TRIAL PROCESS: ARREST	6 Lectures
The distinction between cognizable and non-cognizable offences. Relevance and adequacy problems	
Steps to ensure accused presence at trial: warrant and summons.	
Arrest with and without warrant (Section 70-73 and 41)	
The absconder status (Section 82, 83, 84 and 85)	
Rights of arrested person.	
Rights to know grounds of arrest (Section 50(1), 55, 57)	
Right to be taken to magistrate without delay (Section 56, 57)	
Right to not being detained for more than twenty-four hours (section57)	
Right to consult legal practitioner, legal aid and the right to be told of rights to bail. Article	

22(2) of the Constitution of India

Right to be examined by medical practitioner (S.-54)

3 PRE –TRIAL PROCESS: SEARCH AND SEIZURE

6 Lectures

Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103)

Police Search during investigation (Section 165, 166, 153)

General principles of search (Section 100)

Seizure (Section 102)

Constitutional aspects of validity of search and seizure proceedings.

4 PRE-TRIAL PROCESS: FIR

6 Lectures

F.I.R. (Section 154)

Evidentiary value of F.I.R. (See Section 145 and 157 of Evidence Act)

5 PRE-TRIAL PROCESS: MAGISTERIAL POWERS TO TAKE COGNIZANCE

3 Lectures

6 TRIAL PROCESS

3 Lectures

Commencement of proceedings: (Section 200, 201, 202)

Dismissal of complaints (Section 203, 204)

Bail: concept, purpose: constitutional overtones

Bailable and Non-Bailable offences (Section 436, 437, 438)

Cancellation of bail (Section 437(5))

Anticipatory bail (Section 438)

Appellate bail powers (Section 389 (1), 395(1), 437(5))

General principles of concerning bond (Sections 441-450)

7 FAIR TRIAL

6 Lectures

Conception of fair trial.

Presumption of innocence.

Venue of trial.

Rights of the accused to know the accusation (Section 221-224)

The right must generally be held in the accused presence (Section 221-224)

Right of cross-examination and offering evidence in defense: the accused statement.

Right to speedy trial.

8 CHARGE

6 Lectures

Framing of charge

Form and content of charge (Section 211, 212, 216)

Separate charges for distinct offence (Section 218, 219, 220, 221, 223)

Discharge-pre-charge evidence.

9 PRELIMINARY PLEAS TO BAR THE TRIAL

6 Lectures

Jurisdiction (Section 26,177-188,461,462,479)

Time limitation: rationale and scope (Section 468-473)

Pleas of autrefois acquit and autrefois convict (Section 300,22D)

Issue- estoppels.

Compounding of offences.

10 TRIAL BEFORE A COURT OF SESSIONS: PROCEDURAL STEPS AND SUBSTANTIVE RIGHTS

3 Lectures

11 JUDGMENT

6 Lectures

Form and content (Section 354)

Summary trial

Post-conviction order in lieu of punishment: emerging penal policy (Section 360, 361, 31)

Compensation and cost (Section 357,358)

Modes of providing judgment (Section 353,362,363)

12 APPEAL, REVIEW, REVISION

6 Lectures

No appeal in certain cases (Section 372,375,376)

The rationale of appeals, review revision.

The multiple ranges of appellate remedies:

Supreme Court of India (Section 374,379, Articles131,132,134,136)

High Court (Section 374)

Sessions Court (Section 374)

Special right to appeal (Section 380)

Governmental appeal against sentencing (Section 377,378).

Judicial power in disposal of appeals (Section 368)

Legal aid in appeals.

Revisional jurisdiction (Section 397-405)

Transfer of cases (Section 406-407)

13 JUVENILE DELINQUENCY

5 Lectures

Nature and magnitude of the problem

Causes

Juvenile court system

Treatment and rehabilitation of juveniles

Juvenile and adult crime

Legislative and judicial protection of juvenile offender

Juvenile justice Act 2000

14 PROBATION

6 Lectures

Probation of offenders law
The judicial attitude
Mechanism of probation: standard of probation services.
Problems and prospect of probation
The suspended sentence

15. REFORM OF CRIMINAL PROCEDURE

6 Lectures

SELECT BIBLIOGRAPHY

1. RatanlalDhirajlal, *Criminal Procedure Code* [1999] Universal, Delhi.
2. ChandrasekharanPillai(ed),*Kelkar Lectures on Criminal Procedure* [1998] Eastern, Luknow.
3. Princip“s, *Commentaries on the Code of Criminal Procedure*, 2 vol. [2000] Universal, Delhi.
4. Woodroffe:.,*Commentaries on code of Criminal Procedur*, 2-vol. [2000] Universal.
5. ChandrasekharanPillai (ed), *Kelkar Lectures on Criminal Procedure* [2001] Eastern, Luknow

PAPER NO. XXXX CORE AND COMPULSORY – XXXIII

LAW OF EVIDENCE

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to „facts“ before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized form of evidence and its sources. The subject seeks to impart the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

UNIT NO

TOTAL THEORY LECTURE- 80

1 INTRODUCTORY

5 Lectures

The main features of Indian Evidence Act 1861.
Other acts which deal with evidence (Special reference to CPC, Cr. PC)

2 CENTRAL CONCEPTIONS IN LAW OF EVIDENCE

6 Lectures

Facts: section 3 definitions: distinction-relevant facts/facts in issue.
Evidence: oral and documentary.
Circumstantial evidence and direct evidence
Presumption (Section 4)

“Proving”, “Not proving” and “disproving”

Witness

Appreciation of evidence.

3 FACTS: RELEVANCY

8 Lectures

The doctrine of res gestae (Section 6,7,8,10)

Evidence of common intention (Section 10)

The problems of relevancy of “Otherwise” irrelevant facts (Section 11)

Relevant facts for proof of custom (Section 13)

Facts concerning bodies & mental state (Section 14,15)

4 ADMISSIONS AND CONFESSIONS

8 Lectures

General principles concerning admission (Section 17,23)

Differences between “admission” and „confession”

The problems of non-admissibility of confessions caused by “any inducement, threat or promise” (Section 24)

Inadmissibility of confession made before a police officer (Section 25)

Admissibility of custodial confessions (Section 26)

Admissibility of “information” received from accused person in custody ; with special reference to the problem of discovery based on “joint statement” (Section27)

Confession by co-accused (Section 30)

The Problems with the judicial action based on a “retracted confession”

5 DYING DECLARATIONS

7 Lectures

The justification for relevance on dying declarations (Section 32)

The judicial standards for appreciations of evidentiary value of dying declarations.

6 OTHER STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESS

5 Lectures

General principles

Special problems concerning violation of women’s rights in marriage in the law of evidence.

7 RELEVANCE OF JUDGMENTS

6 Lectures

General Principles

Admissibility of judgments in civil and criminal matters (Section 43)

“Fraud” and “Collusion” (Section 44)

8 EXPERT TESTIMONY

7 Lectures

General principles

Who is an expert?: types of expert evidence

Opinion on relationship especially proof of marriage (Section 50)

The problems of judicial defense to expert testimony.

9 ORAL AND DOCUMENTARY EVIDENCE

7 Lectures

General principles concerning oral evidence (Section 59-60)

General principles concerning documentary Evidence (Section 67-90)

General principles Regarding Exclusion of Oral by Documentary Evidence
Special problems: re-hearing evidence.

Issue estoppel

Tenancy estoppel (Section 116)

10 WITNESSES, EXAMINATION AND CROSS EXAMINATION **6 Lectures**

Competency to testify (Section 118)

State privilege (Section 123)

Professional privilege (Section 126,127,128)

Approval testimony (Section 133)

General principles of examination and cross examination (Section 135-166)

Leading questions (Section 141-143)

Lawful questions in cross-examination (Section 146)

Compulsion to answer questions put to witness.

Hostile witness (Section 154)

Impeaching of the standing or credit of witness (Section 155)

11 BURDEN OF PROOF **8 Lectures**

The general conception of onus probandi (Section 101)

General and special exceptions to onus probandi

The justification of presumption and of the doctrine of judicial notice.

Justification of presumption as to certain offences (Section 111A)

Presumption as to dowry death (Section 113B)

The scope of the doctrine of judicial notice (Section 114)

12 ESTOPPEL **7 Lectures**

Why estoppel? The rationale (Section 115)

Estoppel, res judicata, waiver and presumption

Estoppel by deed

Estoppel by conduct

Equitable and promissory estoppel

Questions of corroboration (Section 156-157)

Improper admission and of witness in civil and criminal cases.

SELECT BIBLIOGRAPHY

1. Sarkar and Manohar, *Sarkar on Evidence* [1999], Wadhawa and Co., Nagpur.
2. Indian Evidence Act(Amenment up to date)
3. RatanlalDhirajlal, *Law of Evidence*, [1994] Wadhawa and Co., Nagpur.
4. Polein Murphy, *Evidence* [5th Edn. Reprint 2000] Universal, Delhi.
5. Allbert S. Osborn, *The Problem of Proof* (First Indian Reprint 1998) Universal Delhi.
6. Avtar Singh, *Principles of the law of Evidence* (1992), Central Law Agency, New Delhi.

PAPER NO. XXXXI CORE AND COMPULSORY - XXXIV

CIVIL PROCEDURE CODE AND LIMITATION ACT CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Civil Procedure Code is a subject of daily use by the courts and lawyers and a student cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary to have to have good grounding in the subject before one enters the profession. While the substantive law determines the rights of parties, procedural law sets down the norms for enforcement. Whenever civil rights of persons are affected by action, judicial decisions will supply the omissions in the law.

The code of civil Procedure in India has a chequered history and lays down the details of procedure for redressal of civil rights. Many questions may prop up when one goes to indicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for institution of suit, the suit is to in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal and revision are all matters which a lawyer for any side is to be familiar with.

A delay in filling the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter on time, may place courts in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed.

UNIT NO.

TOTAL THEORY LECTURE-80

1 INTRODUCTION

8 Lectures

Concepts

Order

Judgment

Decree

Plaint

Restitution

Execution

Decree-holder

Judgment- debtor

Mesne profits,

Written statement.

Distinction between decree and judgment and between decree and order.

2. JURISDICTION

8 Lectures

Kinds

Hierarchy of courts

Suit of civil nature-scope and limits

Res-subjudice and Resjudicata

Foreign judgement-enforcement

Place of suing

Institution of suit

Parties to suit: joinder, mis-joinder or non-joinder of parties: representative suit.

Frame of suit: cause of action

Summons.

3. PLEADINGS

9 Lectures

Rules of pleading, signing and verification.

Alternative pleadings

Construction of pleadings

Plaint: particulars

Admission, return and rejection

Written statement: particulars, rules of evidence.

Set off and counter claim: distinction

Discovery, inspection and production of documents

Interrogatories

Privileged documents.

Affidavits.

4. APPEARANCE, EXAMINATION AND TRIAL

6 Lectures

Appearance

Ex-parte procedure

Summary and attendance of witnesses

Trial

Adjournments

Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver.

Interests and cost.

5. EXECUTION

8 Lectures

The concept

General principles

Power for execution of decrees

Procedure for execution (ss. 52.54)

Enforcement, arrest and detention (ss.55.59)

Attachment (ss. 60 -64)

Sale (ss.65-97)

Delivery of property

Stay of execution

6. SUITS IN PARTICULAR CASES

9 Lectures

By or against government (ss.79-82)

By aliens and by or against foreign rules or ambassadors (ss. 83-87A)

Public nuisance (ss. 91-93)

Suits by or against firm

Suits in forma pauperis

Mortgages

Interpleader suits

Suits relating to public charities

7. APPEALS

8 Lectures

Appeals from original decree

Appeals from appellate decree

Appeals from orders

General provisions relating to appeal

Appeal to the Supreme Court

8. REVIEW, REFERENCE AND REVISION

6 Lectures

9. MISCELLANEOUS

5 Lectures

Transfer of cases

Restitution

Caveat

Inherent powers of courts

10. LAW REFORM: LAW COMMISSION ON CIVIL PROCEDURE AMENDMENTS

5 Lectures

11. LAW OF LIMITATION

8 Lectures

The concept-the law assists the vigilant and not those sleeps over the rights.

Object

Distinction with laches, acquiescence, prescription

Extension and suspension of limitation

Sufficient cause for not filling the proceedings

Illness
Mistaken legal advise
Mistaken view of law
Poverty, minority and Purdha
Imprisonment
Defective Vakalatnama
Legal liabilities
Foreign rule of limitation: Contract entered into under a foreign law
Acknowledgement-essential requisites
Continuing tort and continuing breach of contract.

SELECT BIBLIOGRAPHY

1. Mull, *Code of Civil Procedure* [1999], Universal, Delhi.
2. C.K. Thacker, *Code of Civil Procedure* [2000], Universal, Delhi.
3. M.R. Mallick (ed) B.B. Mitra on Limitation Act [1998] Eastern Book Co. Lucknow.
4. Mujumdar P.K & Kataria R.P., *Commentary on the Code of Civil Procedure, 1908* [1998], Universal, Delhi.
5. Saha A.N., *The Code of Civil Procedure*, (2000) Universal Delhi.
6. Sarkar's law of Civil Procedure, 2 Vols (2000), Universal, Delhi.
7. Universal Code of Civil Procedure, (2000)

PAPER NO XXXXII: CORE AND COMPULSORY-XXXV PRINCIPLES OF TAXATION LAW CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Power to tax had been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax. Is this true? Is it not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be conferred on the state? The power to tax shall not go unregulated. In the context of the federal structure the distribution of the taxing powers assumes added significance. Obviously, a study of the constitutional framework on taxation becomes important. Along with this, an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the States.

UNIT NO**TOTAL THEORY LECTURES-80****1 GENERAL PERSPECTIVE****10 Lectures**

History of the tax law in India.

Fundamental principles relating to tax laws

Governmental financial policy, tax structure and their role in the national economy.

Concept of tax:

Nature and characteristics of taxes

Distinction between: Tax and fee, Tax and cases, Direct and indirect taxes

Tax evasion and tax avoidance

Scope of taxing powers of Parliament, state Legislature and local bodies

2. INCOME TAX**25 Lectures**

Basic Concepts

Income

Total income

Income not included in total income

Deemed income

Clubbing of income

Assesses

Person

Tax planning

Chargeable income

Heads of income

Salaries

Income from house property

Income from business or profession

Capital gains

Income from other sources

Deductions, relief and exemptions

Rate of income tax

Income Tax Authorities

Power and functions

Offences and penal sanctions

Settlement of grievances

Authorities, power and functions

OTHER TAX LAWS

3 INTRODUCTION TO GST

5 Lectures

Historical background of GST

Constitutional provisions of Taxation & 101 Amendment to Constitution of India

Central and State Legislations Dealing GST.

Salient features of GST

4 CENTRAL CGST ACT 2017 AND MAHARASHTRA CGST ACT 2017 **10 Lectures**

Definitions section 2 of GST- Agent-Aggregate turnover-Agriculturist-Business-Consideration- Input Tax –Person- Supply- Taxable Person- Location of supplier of services- Works Contact- Non-taxable Supply- Voucher- Job- work- definitions related to Online trading & tax liability.

Authorities under GST (section 3)

Appointment of officers (section 4)

Powers of officers (section 5)

Inspection search seizure and arrest (section 67-72)

Levy of Tax, and exemption from Tax (section 7-11)

5. PROCEDURAL ASPECTS UNDER CGST AND MGST ACTS.

20 Lectures

Time and Value of Supply (section 12-15)

Input Tax Credit. (section 16-21)

Registration. (section 22-30)

Tax invoices, credit and Debit notes (section 31-34)

Accounts and Records (section 35-36)

Return under GST Acts

Payment of Tax (section 49)

Refund of tax (section 54)

Types of Assessment (section 59-66)

Offences , Penalties and Prosecution (section 122-138)

Appeal and Revision

Appeal to First Appealable Authority (section 107)

Powers of Revision Authority (section 108)

Appeal to the Appellate Tribunal (section 112)

Transitional Provisions- Migration of existing taxpayers to GST (section 139)

Reverse charge

Composition scheme for small trader.

Introduction to IGST Act

Definitions Section 2

Continuous Journey

Export of goods- Export of Service

Fixed establishment – Import of goods – Import of Services – Location of recipient of Services – Location of Supply of Services – Online Information and database access or retrieval services.

Levy, collection and refund of tax (section 5, 6, 15)

Inter- state supply, Intra – State-supply, supplies in territorial waters. (Sec.-7,8,9)

Zero rated supply (Section-16)

SELECT BIBLIOGRAPHY

1. Ramesh Sharma, *Supreme Court on Direct Taxes* [1998], Bharat Law House, New Delhi.
2. Sam path Iyengar, *Law of Income Tax* [1998], Bharat Law Housel, New Delhi.
3. Kanga and Palkiwala, *The Law and Practice of Income Tax*, [1999], Wahiwawa, Nagpur.
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6. S. Bhattacharyya & H.R. Greg, *Handbook of Direct Taxes*, (1990), Eastern Law House, Calcutta.
7. Goods and Service Tax Act 2017 Government of India Publication
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- 12 Dr Awdhesh Singh - GST Made Simple Centax Publication Pvt. Ltd., New Delhi.
- 13 C A SanjeevSaxena - Taxmanns Law Relating to GST Taxmann publications (P) Ltd.New Delhi.
- 14 PL. Subramanian – Guide to GST in Maharashtra Snow white Publications Pvt. Ltd. Mumbai.
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PAPER NO.XXXXIII: CORE AND COMPULSORY -XXXVI

COMPANY LAW

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Industrialization plays a very vital role in the economic development of India. In the Post-Independence era, industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, Vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risks.

Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles. Company law was amended in 2013.

UNIT NO.	TOTAL THEORY LECTURES- 80
1 MEANING OF CORPORATION	4 Lectures

Theories of corporate personality.

Creation and extinction of corporations.

2. FORMS OF CORPORATE AND NON- CORPORATE ORGANISATIONS 6 Lectures

Corporations, partnerships and other associations of persons, state corporations, government companies, Dormant companies, one person companies, small, subsidiary companies, sick companies and small scale, co-operative, corporate and joint sectors.

3. LAW RELATING TO COMPANIES-PUBLIC AND PRIVATE-COMPANIES ACT, 2013 25 Lectures

Need of company for development formation of a company registration and incorporation.

Memorandum of association – various clauses – alteration therein – doctrine of ultra-virus.

Articles of association – binding force – alteration – its relation with memorandum of

Association – doctrine of constructive notice and indoor management – exceptions.

Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus.

Promoters - position – duties and liabilities.

Shares – general principles of allotment statutory restrictions – share certificate its object and effects transfer of share – restrictions on transfer – procedure for transfer – refusal of transfer

– role of public finance institutions – relationship between transferor

and transferee – issue of shares at premium and discount – depository receipts – dematerialized shares.

Shareholder – who can be and who cannot be a shareholder – modes of becoming a shareholder – calls on share – forfeiture and surrender of shares – lien on shares.

Share capital – kinds-alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital – duties of courts to protect the interests of creditors and shareholders.

Directors – position – appointment – qualification – vacation of office – removal – resignation – powers and duties of directors – meeting, registration, loans – remunerations of directors – role of nominee directors – compensation for loss of office – managing directors and other managerial personnel.

4. LAW RELATING TO COMPANIES: COMPANIES ACT- 2013

25 Lectures

Meeting – Kinds – Procedure- Voting

Dividends – Payment – Capitalization – Profit.

Audit and accounts – Corporate Social Responsibility.

Borrowing powers – powers – effect of unauthorized borrowing – charges and mortgages – loans to other companies – investments – contracts by companies.

Debentures – meaning – fixed and floating charge – kinds of debentures – shareholder and debenture holder – remedies of debenture holders.

Protection of minority rights.

Protection of oppression and mismanagement – who can apply? – Powers of the company, court and of the central government.

Investigation – powers.

Private companies – nature and advantages – government companies – holding and subsidiary companies.

Merger and amalgamation

National Company Law Board

Winding up – types- by court - reasons – grounds – who can apply – procedure – powers of liquidator – powers of court – consequences of winding up order – voluntary winding by members and creditors – winding up subject to supervision of courts – liability of past members – payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company.

5. LAW AND MULTINATIONAL COMPANIES

12 Lectures

International norms for control.

National Law FEMA (Foreign Exchange Management Act 1999) controls joint ventures – investment in India – repatriation of project.

Collaboration agreements for technology transfer.

6. CORPORATE LIABILITY

8 Lectures

Legal liability of companies – civil and criminal.

Remedies against them civil, criminal and tortious – Specific Relief Act, writs, liability under special statutes.

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1. Avatar Singh, Indian Company Law, [1999], Eastern Book Co. Lucknow.
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3. Palmer, Palmers Company law, (1987), Stevens, London.
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B.A, LL.B- V YEAR: SEMESTER – X

PAPER NO-XXXXIV: DISCIPLINE SPECIFIC ELECTIVE – IV

A) INTERNATIONAL ORGANIZATION

(OPTIONAL PAPER-1)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The years following the Second World War have witnessed a phenomenal growth of international organization. The United Nations has become increasingly complex in its functioning and the range of its activities has widened beyond manageable proportions. It has therefore become imperative to understand the modes of operation of the numerous organs and agencies of the U.N. system, the decision-making pattern, financing and accountability. The interactions between the members and the organization over the years to cope-up with their numerous responsibilities have been handicapped with non-availability of funds and non-co-operation of the certain members.

In order to give students an in-depth understanding, it would be useful to conduct intensive studies of specialized agencies and regional organizations. The existence of well known non-governmental organizations whose exercise made use of by various UN Agencies in the capacity of consultants. The role played by such NGOs would also be assessed in the light of the objectives of the organization. The course will explore major issues of law and policies faced by the international organization and assess the role of international organization in fostering change. The following syllabus prepared with this perspective.

UNIT NO**TOTAL THEORY LECTURES-80****1. EVOLUTION & GROWTH OF INTERNATIONAL ORGANIZATION 10 Lectures**

Nature and scope of International organization.

Types of international organization- Public and Private.

League of nations- Function and failure

United nations organization principles and purpose

2. STRUCTURE & COMPOSITION OF UNITED NATIONS ORGANIZATION**12 Lectures**

General Assembly

Security Council

International court of justice

Economical Social Council

Trusteeship Council

Secretariat

3. FUNCTIONS OF UNITED NATIONS ORGANIZATION**10 Lectures**

Law Making process – Resolutions and Declarations

Executive Functions.

Promoting International Peace keeping

4. NON- ALIGNMENT**8 Lectures**

Evolution

Role of Non- Alignment

5. UNITED NATIONS AND ITS SPECIALIZED AGENCIES**12 Lectures**

International Labour Organization

World health Organization

World Trade organization

International Monetary Fund

United nations, International Children Emergency Fund

The Nations, Educational, Scientific and Cultural organization

International bank for reconstruction and development

The World intellectual Property Organization

International Finance Corporation

6. REGIONAL INTERNATIONAL ORGANIZATIONS**12 Lectures**

SAARC

European Communities

NATO

ASEAN- Association of South- East Asian Nation

OAS.

OAU.

Arab League

7. INTERNATIONAL NON- GOVERNMENTAL ORGANIZATION 13 Lectures

Amnesty International

International Red- Cross

Ford Foundation

Rocke Feller Foundation

Co-Operation for American Relief Every Where.

International Rotary club

International Lions Club

8. INDIA AND UNITED NATIONS 3 Lectures

SELECT BIBLIOGRAPHY

- 1) S. S. Goodspeed – The Nature and Function of International Organization.
- 2) Edward Yewin – Legislative Powers in the UN and Specialized Agencies (1969).
- 3) Ingrid Detter – Law Making by International Organization.
- 4) Higgins-The Development of International Law through the Political Organs of the UN (1963)
- 5) D. W. Rowett – The Law International Institution.
- 6) Buth Russell – A History of UN Charter.
- 7) A Cassess (Ed.) United Nations Peace Keeping Legal Essay (1978).
- 8) MeuriceRertrend – The Third General World Organization (1989).
- 9) M. Moskowitz – The Roots and Readhes of United Nations – Action and Decisions (1980).
- 10) Dr. J.N. Saxena (Ed.)United Nations for a Better World, Lancers Book, P.B.4236 New Delhi
- 11) Dr. Rahmatullah Khan – Implied Powers of the United Nations.
- 12) Sir Gerald Fitz Maurice – The Law and Procedure of the International Court of Justice, 1986.
- 13) SabltaiRosenne – The World Court, What it is and how it works? 1995.
- 14) FeliceMorgen Stern – Legal Problems of International Organization, 1986.
- 15) Dr.S.K.Kapoor-International Law and Human Rights, Fourteenth edition(2002)
- 16) R.B. Ananad International Courts and Conflict (1979)
- 17) Kelson – The law of United Nations
- 18) Potter – An Introduction to study of international organization Genks Wilfred – The proper law of International Organization

PAPER NO- XXXXV: DISCIPLINE SPECIFIC ELECTIVE – V

B) EQUITY & TRUST

(OPTIONAL PAPER-2)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Trust being an obligation connected with property, the law has to play a key role in protecting interests of person for whose benefit trust is created and for balancing the rights and duties of persons connected with trust transactions. There are also instances where even in the absence of specific trust, law has to protect the beneficial interests of persons on equitable considerations. Trusts may also be created for public purposes of charitable and religious nature. The existing laws in respect of trusts, equitable and fiduciary relations connected with property are to be taught in detail. Students should also be conscientized of the emerging public trust doctrine of common property resources.

UNIT NO

TOTAL THEORY LECTURES-80

1. INTRODUCTION

6 Lectures

The concept of trust: distinction with agency and contract.

Development of law: common law and equity

Trusts: classification

2. DEFINITION AND NATURE OF TRUSTS UNDER THE INDIAN LAW **4 Lectures**

Creation of trusts: rules

3. DUTIES OF TRUSTEES

6 Lectures

Execution

Acquaintance with the nature of property

Duties in respect of title

Duty of care

Conversion

Impartiality

Prevention of waste

Keeping of accounts and giving of information

Investment

Sale

Liability for breach of trust.

4. RIGHTS OF TRUSTEES

6 Lectures

Title deed
Reimbursement
Indemnity
Seeking direction from court
Settlement of accounts
General authority

5. POWERS OF TRUSTEES

6 Lectures

Sale
Varying of investment
Property of Minors
Giving receipts
Powers to compound, compromise and settle
Exercising authority on death or disclaimer of one of the trustees
Suspension of trustee's power

6. DISABILITIES OF TRUSTEES

6 Lectures

7. RIGHTS OF BENEFICIARIES

6 Lectures

Rents and profits
Specific execution
Inspection and information
Transfer
Suit for execution
To have proper trustees
Right to compel the trustee to do the duties
Rights on wrongful purchase or acquisition by trustees
Follow up of trust properties in the hands of third parties
Blending of property by trustee
Wrongful application of trust property by partner trustee for partnership purposes

8. LIABILITIES OF BENEFICIARIES

6 Lectures

9. DISCHARGE OF TRUSTEES

4 Lectures

10. APPOINTMENT OF NEW TRUSTEE

4 Lectures

11. EXTINCTION OF TRUST

4 Lectures

12. CONSTRUCTIVE TRUSTS: THE EQUITABLE AND FIDUCIARY RELATIONSHIP

6 Lectures

Transfer without intent to dispose beneficial interest

Trust incapable of execution and trusts executed fully without exhausting property –the cypress doctrine

Transfer and request for illegal purpose

Transfer pursuant to rescindable contract

Debtor becoming creditor's representative

Advantage from undue influence

Advantage by qualified owner

Property acquired with notice of existing contract

Purchase by person contracting to buy property to be held on trust

Possession of property without whole beneficial interest

Duties of constructive trustees

Rights of bonafide purchasers

13. SPECIAL LEGISLATION

8 Lectures

Charitable and religious trust

Budget Accounts and Audit

Public Trust Administration Fund

Offences and penalty

14. MAXIMS OF EQUITY

8 Lectures

BIBLIOGRAPHY

1. S. Krishnamurthy Aiyer and Hurbans Lal Swin, *Principles and Digest of Trusts Laws* [1998], University Book Agency, Allahabad
2. R.H. Mandsley and E.H. Burn, *Trust and Trustees: Cases and Material* [1978], Butterworth's London.
3. R.E. Megarry and P.V. Baker, *Snell's principles of Equity*, [1964], ELBS, Sneyd and Maxwell.
4. Philip H. Pettit, *Equity and Law of Trust*, [1970].
5. Lyer N., *Indian Trust Act*, (1997), Delhi Law House, New Delhi.
6. Ahmedullah Khan, *The Law of Wakf in India*, (1997), Delhi Law House, Delhi.
7. Rajarathnam, Natrajan and Thankaraj, *Commentary on Charitable Trust and Religious Institutions*, (2000), Universal, Delhi.
8. Mukerji, *Commentary on Indian Trust Act*, (1999), Universal, Delhi.
9. Rao C.R., *The Indian Trust Act and Allied Laws*, (1999)

PAPER NO. XXXXV - DISCIPLINE SPECIFIC ELECTIVE – V

**A) LAND LAWS INCLUDING TENURE & TENANCY SYSTEM
(OPTIONAL PAPER – 1)**

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The objectives of this course are to teach the law students:

I. Law for the acquisition of land needed for public purposes:

II. Law relating to land and revenue in the State of Maharashtra

III. Law in the State of Maharashtra relating to the control of rent and repairs of certain premises and of eviction of tenants.

UNIT NO.

TOTAL THEORY LECTURES-80

1. Maharashtra Land Revenue Code, 1966

30 Lectures

Introduction

Definition

Revenue arrears

Revenue officer

Use of land (Section 41 to 49)

Encroachment on land Section 50 to 54

Land Revenue Section 64 to 78

Revenue Survey Section 79 to 89

Assessment and settlement of land Revenues of land used for capital NA purpose

Assessment and settlement of land revenue of agricultural land

Boundary and Boundary marks

Land Records Section 147 to 167

Realization of land revenue and other revenue demands Section 168 to 223

2. Maharashtra Rent Control Act, 1999

25 Lectures

Short title and commencement

Applicability

Exemptions Section 3 to 6

Definition – Land laws, Licensee, Paying Guest, Permitted increase, premises, Slandered rents, tenant

Provisions regarding fixation of slandered rent and permitted increases Section 8 to 13

Relief against forfeiture

Recovery of possession Section 16 to 22

Special provisions for recovery of possession in certain cases Section 23

Provisions regarding sub-tenancies and other matters concerning tenancies Section 25 to 32

Provisions regarding the jurisdiction of the courts, appeal practices and procedure Section 33 to 38

Summary disposal of certain applications Section 39 to 52

Miscellaneous

3. THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

25 Lectures

Short Title, Extent and Commencement

Object, reasons

Application of the act

Definitions

Determination of social impact and public purpose

Notification and acquisition

Rehabilitation, resettlement, award

Procedure and manner of rehabilitation and resettlement

Apportionment of compensation

Payment

Offences and penalties

Miscellaneous

SELECTED BIBLIOGRAPHY

1. J.H.Dalal- the Maharashtra Rent Control act, 1999
2. A.K. Gupte and Dighe S.D – the Maharashtra Land revenue code, 1956
3. A.K.Gupte – Land laws in Maharashtra
4. Sunil Dhige – the Maharashtra rent control act. 1999
5. N.K. Acharya – Commentaries on right of fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013
6. Sanjiva Rows – Law of land acquisition and compensation

PAPER NO- XXXXV DISCIPLINE SPECIFIC ELECTIVE- V

**B) HEALTH LAW
(OPTIONAL PAPER – B)
CREDITS THEORY- 4**

OBJECTIVES OF THE COURSE

Health is a basic human right. It is declared as “Fundamental human right”, Hence it is basic Responsibility of the state to protect and promote the health of the Population under its jurisdiction. Public health has not received due attention in legal studies. In the era of globalization and increased awareness of the people, it is now necessary to know the various existing laws in respect of health.

Keeping this in mind, the following syllabus is prepared to study legal aspects of health.

UNIT NO.	TOTAL THEORY LECTURES-80
1. INTRODUCTION	12 Lectures
Right to health- International perspective Role of WHO Health as a human Right Constitutional perspective Fundamental Rights (Art-21 & 24) Directive principles of state policy (Art- 41,42) Fundamental Duties.(Art 51A(g) Regulation of Public Health & Private Health	
2 HEALTH: LEGISLATIVE PERSPECTIVE	18 Lectures
Constitutional perspective (Article 21, VII Schedule) Legislations relating to public health- Object, salient features of the Acts regarding health Drugs and cosmetic Act, 1940 Environment protection Act-1986. Epidemic Diseases Act, 1925 Indian Penal Code, 1860 Insecticides Act, 1968 Maternity benefits Act, 1961 Medical termination of Pregnancy Act, 1971 Mental health Act, 1987	

Narcotic drugs and Psychotropic substance, Act-1985

Poisons Act, 1919

Pre-Natal Diagnostic techniques (Regulation and prevention of misuse) Act, 1994

Prevention of food adulteration Act, 1954

3 INTER RELATION OF LAW AND HEALTH

15 Lectures

AIDS and the law.

Organ transplantation

Transplantation of Human organs Act-1994 and rules 1995.

Health relating to children

Health relating to women –

4 MEDICAL PROFESSION, PATIENT AND THE LAW

15 Lectures

Doctor and patient relationship

Medical negligence (Sec-304-A of I.P.C.) and medical malpractices.

Consent and Informed Consent.

Confidentiality

Duty to take care and duty to treat

Indian enactments on ethical obligation

Medical Council Act, 1956 and code of medical ethics 1972

The Dentist Act, 1984 and Dentist code of Medical Ethics Regulation, 1976.

The Homeopathy Central Council Act, 1973 and Homeopathic practitioner (Profession Conduct, Etiquette and Code of Ethics) Regulation, 1982.

The Indian Nursing Council Act. 1947.

Euthanasia- Marcy killing- role of Doctor

Patient rights.

5 HOSPITAL ADMINISTRATION

20 Lectures

Legal Regulation of Medical establishment – Registration.

Management of Hospital and legal Regulations

Professional liability of Hospitals

Civil liability –Tort

Criminal liability-Indian Penal Code.

Contractual liability

Statutory liability -consumer protection Act,1986

Medical waste disposal

Bio Medical waste (Management and handling) rules 1998

Health Insurance and Law.

SELECT BIBLIOGRAPHY

1. Barnard knight, *American medical Practice*, [1992], Churchill Livingstone, London
2. Bridgit Diamond, *Legal Aspect of Care in the Community*, (1997), Macmillan Press Ltd., London
3. David P.Filder, *International Law and Infection Diseases*, [1999], ClaredonPrss, Oxford.
4. Diane Longely, *Health Care Constitution*, [1996], Cavendish Publishing Ltd., London
5. Edward p. Rechards and Rathbun Katharine C., *Medical Care law*, [1999], An AspenPublication, Marryland.
6. J.K. Mason and R.A. Mc call Smith , *Law and Medical Ethics*, [1991], Butterworths, London
7. Marc Starch, kay When and John Tingle, *Sourcebook on medical Law*, [1998], Cavendish Publishing Ltd., London
8. MachelDavices, *Text Book on medical Law, Second edn.* [1998], Blackstone press Pvt. Ltd., London
9. Bakshi P.M. *Law and medicine*, [1993], UP Institute of Judicial Training and Research, Lucknow
10. Robert D. Miller and Rebecca C. Hutton, *Problems in Health Care Law*, [2000], Apen Publication, Maryland
11. Sally Sheldon and Michel Thomson (Eds.), *Feminist Perspectives on Health Care University Press*, [1998], Cavendish Publishing Ltd., London
12. Conventions-European Convention on Human Rights
 - ii. European Convention on Human Rights and Biomedicine of the Council of Europe
 - iii. European Social Charter.
 - iv. International Covenant on Civil and Political Rights.
 - v. International Covenant on Economical, Social Cultural Rights.
13. Reports-*Health for All: An Alternative Strategy*, Compiled by ICSSR & ICMR, New Delhi: Indian Institute of Education, 1981.
 - ii. The World Health Report 1999: Making a Difference, Delhi, Delhi, Bookwell, 1999.
14. Websites
 - i. www.bmj.com
 - ii. www.hri.ca
 - iii. www.thelancet.com
 - iv. www.who.org

PAPER NO- XXXXVI- DISCIPLINE SPECIFIC ELECTIVE – VI

A) WOMEN AND CRIMINAL LAW

(OPTIONAL PAPER – A)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

Object of the course is to explain all categories of crimes, which are committed against women; students are required to study this aspect in a socio-legal position of women India, which is affected by the male dominated system. Constitution of India also provided several safeguards to the women those safeguards are needs to understand in a contemporary scenario. The elimination and decreasing number of girl child poses serious questions before the Indian society, this social evil need to curb with stringent laws. Increase of crime against women is a Changing scenario and challenge before the criminal justice administration system. Students are required to study the problems of woman in the area of implementation of the criminal Justice administrative system.

UNIT NO.	TOTAL THEORY LECTURES-80
1. POSITION OF WOMEN IN INDIA	8 Lectures
Pre independence period	
Post- Independence Period	
Constitutional protection to women	
Preamble	
Fundamental rights , Directive principal is of State policy	
National Commission of women Act, 1990	
2. CRIMES AGAINST WOMEN	8 Lectures
Status of women and crime	
Theories of female criminality	
Nature and causes of female crimes	
3. SEXUAL WRONGS AGAINST WOMEN	8 Lectures
The protection of women against sexual harassment at work at place Act, 2007	
Indian Penal Code.	
Outraging the modesty of women S- 354,509.	
Rape Custodial, gang, marital S.375	
Sexual abuse of Children Sec-376	
Un-natural offences S-377	
Prostitution – Sec-372,373	
Immoral Traffic Prevention Act-1956.	

4. SEX DETERMINATION ABORTION: MEDICO- LEGAL ASPECTS 8 Lectures

Pre-natal Diagnostic Techniques (Regulation and prevention of misuse) Act,1994

Medical Termination of Pregnancy Act,1971

Causing of Miscarriage of Injuries to Unborn Children IPC S.-312 to 314

5. DOWRY AND DOWRY RELATED CRIMES 8 Lectures

Dowry Prohibition Act, 1961

Indian Penal Code

Dowry Death (Sec 304B)

Cruelty against Married Woman (Sec 498-A)

Abetment of Suicide (Sec 306)

6. KIDNAPPING AND ABDUCTION- S.-366, 366-A, 366-B OF IPC 5 Lectures

7. EVE- TEASING 5 Lectures

Indecent Representation of women (Prohibition) Act, 1986

8. WIFE BATTERING 8 Lectures

Protection of women from domestic violence

Domestic Violence Act, 2005

9. OFFENCE AGAINST MARRIAGE- S. 493 TO 498 OF I.P.C 7 Lectures

Bigamy

Adultery

Honor killings

10. PRACTICE OF SATI 7 Lectures

Commission of Sati Prevention Act, 1987, Rules of 1988

11. CYBER CRIMES AGAINST GIRLS AND WOMEN 8 Lectures

Information Technology Act, 2008

SELECT BIBLIOGRAPHY

1. Jain M.P., *Indian Constitutional law, third ed*(2008), Lexis Nexis, Butterworth's Wadhawa, Nagpur.
2. Sharma Rashmi, *Women Law and Judicial System*, [2009], Regal Publication, New Delhi.
3. PurviRamakant, *Handbook on Criminology*, [2006] Dominant Publishers and Distributors, New Delhi.
4. BhosaleSriti A. *Female Crime in India* (Theoretical perspectives of crime), [2009], Kalpaz Publication, Delhi.
5. RaoMamta., *Law Relating to Women and Children*, [2005], Eastern Book Company, Lucknow
6. Gour K.D. , *A Textbook on Indian Penal Code*, [2006], Universal law Publishing Co. Pvt. Ltd., Lucknow
7. Ratanlal and Dhirajlal, *The Code of Criminal Procedure*, [2006], Lexis Nexis, ButterworthsWadhawa, Nagpur. 24
8. Tripathi S.C. and VibhaArora , *Law Relating to Women and Children Law , third ed*[12008], Central Law Publications, Allahabad

PAPER NO XXXXVI - DISCIPLINE SPECIFIC ELECTIVE- VI

B) INTERNATIONAL HUMAN RIGHTS

(OPTIONAL PAPER – B)

CREDITS THEORY- 4

OBJECTIVES OF THE COURSE

The main thrust of this course shall be development of Human Rights law and Jurisprudence at International level. There need not be an attempt to teach the whole gamut of International Law applicable in this course. The Human Rights at International Level were based on conventions and Declaration proclaimed by U.N.O. from time to time. The Human Rights Instrument shall be discussed dealt with Women, Child, Disabled persons, Minorities etc. Needless to say that course is to be confined to deliberations of International Law Topics relevant to the growth of Human Rights Law and how International Norms and directives are reflected in Regional Instruments.

UNIT NO.	TOTAL THEORY LECTURES- 80
1. NATURE, MEANING AND CONCEPT OF HUMAN RIGHTS & ORIGIN AND DEVELOPMENT OF CONCEPT OF HUMAN RIGHTS	8 Lectures
Philosophical and Pragmatic Approach	
Classification of Human Rights	
American and French Revolution	
Bill of Human Rights	
Relevant Provision of U.N. Charter 1945	
2. UNIVERSAL DECLARATION ON HUMAN RIGHTS – 1948	12 Lectures
International Covenant on Civil and Political Rights 1966	
International Covenant on Economic Social and Cultural Rights -1966	
U.N. Bodies Concerned with Human Rights	
U.N. Commission of Human Rights	
Sub-Commission on Prevention of Discrimination and Protection of Minorities.	
Commission on the Status of Women	
U.N. Commissioner of Human Rights	
3. UNITED NATION WORLD CONFERENCE ON HUMAN RIGHTS INSTRUMENTS	7 Lectures
Proclamation of Teheran 1968	
Vienna Declaration and Programme of Action 1993	

4.ROLE OF REGIONAL ORGANIZATIONS

7 Lectures

European Convention for the Protection of Human Rights and Fundamental Freedoms

The American Convention on Human Rights 1969

The African Charter Convention on Human and Peoples Rights 1987

5. HUMAN RIGHTS AND VULNERABLE GROUPS

8 Lectures

Rights of Women

CEDAW-1979

World Conferences

Conventions on Political Rights of Women 1952

6. RIGHTS OF CHILD

8 Lectures

Convention on the Rights of Child 1989

The Declaration of the Rights of Child 1959

UNICEF

7. THE RIGHT OF DISABLED PERSONS

8 Lectures

Declaration on the Rights of Mentally Retarded Persons 1971

Declaration on the Rights of Disabled persons 1975

The Rights of Minorities

Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities 1992

8. IMPACT OF INTERNATIONAL HUMAN RIGHTS NORMS IN INDIA

10 Lectures

Indian Constitution

The Protection of Human Rights Act, 1993

9. ENFORCEMENT OF HUMAN RIGHTS IN INDIA

12 Lectures

Role of High Courts and Supreme Court

Human Rights Commissions – National, State

National Commission for Women

Commission for Scheduled Castes, Scheduled Tribes

Commissions for Minorities and Backward Class

SELECTED BIBLIOGRAPHY

1. S,K, Avasti And R.P. Kataria Law Relating to Human Rights
2. Human Rights watch Women's Rights Project. The Human Rights watch
3. Global Rights on women's Human Rights (2000) Oxford.
4. Ermacora, Nowak and trettor, International Human Rights (1993) Sweet and Maxwell.
5. Wallace, International Human Rights Text and Materials (1996) Sweet and Maxwell.
6. Muntarbhorm, The Status of Refugees in Asia (1983) Oxford

- 7.Nirmal B.C. The Rights to self Determination in International Law (1995) Deep & Deep
- 8.P.R. Gandhi International Human Rights Documents (1999) Universal Delhi.
- 9.S.K. Kapoor International Law & Human Rights.(2002)
10. G. Tunkin Theory of International Law -1974

PAPER NO-XXXXVII - SKILL ENHANCEMENT COURSE I
DRAFTING, PLEADING AND CONVEYANCE (CLINICAL COURSE)
CREDITS PRACTICAL-4

Objectives of the Course:

This course covers essential skills required of an Advocate: the skill of drafting conveyances and pleadings. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research, and of qualities of language, its clarity and precision. All of these qualities and skills develop by practice. The objective of the course is to introduce the student to these skills, and lead him through various basic documents that an Advocate would be called upon to prepare.

The subject of Conveyancing will enable a student to know the aspects of the drafting process, essential features of some transactions involving transfer of property and contracts, as also other documents that he would have to make for his clients. He will learn addressing the interests of all parties to the transaction, and the need for protecting to the best extent possible the interests of his own client as a transacting party.

The subject of Pleadings will alert the student towards the basic principles of drafting, pleadings that state the case of his client. He will understand the process of pleadings, particularly the interplay between different substantive laws applicable to the case. He will also understand the application of principles of pleadings, and the rules of procedure, and the mandatory contents in different categories of pleadings.

This paper will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/ retired judges. Apart from teaching the relevant provisions of Law, the course will include not less than 30 exercises in drafting, Pleading & Conveyance carrying a total of 20 marks (Internal- for 10 Marks student has to maintain a practical record consisting of Drafts regarding Pleading and Conveyancing and 10 marks for viva voce, the oral examination will be conducted by a team of two examiners; out of which one will be external. The external examiner shall verify the record maintained by each student in this regards as per the guidelines of the Bar Council of India.). And Theory paper will be of 80 marks (University examination).

1. DRAFTING:

10 Lectures

General principles of drafting and relevant substantive rules

2. PLEADING:

35 Lectures

- Meaning and purpose of pleadings, Importance of pleadings in the administration of Justice Rules of pleadings, Types of pleadings, Orders VI to VIII of Civil Procedure Code 1908, Relationship between pleadings and evidence. The pleading process: Know relevant substantive laws, Identify provisions applicable, Understand essential elements of provisions, Know presumptions, Ascertain facts, Select facts, Language, Style, Form, Need for precision and clarity, Use of precedents. Jurisdiction, Limitation, Valuation, Court fees and calculation Prayers and courtfees, Verification.
- **Civil**
 - Plaintiff, Suit for recovery of price of goods sold, Suit for declaration of share and partition of property of a joint Hindu Family, Suit for specific performance, Application for probate, Petition for divorce by mutual consent, Petition for divorce alleging grounds of divorce, Caveat application
 - Written Statement, Written statement in a suit for recovery of price of goods sold
Written statement in a suit for declaration of share and partition of property of a joint Hindu family, Written statement in a suit for specific performance, Objection to an application for probate contesting the will, Objection to an application for succession certificate giving consent to grant of Succession certificate, Say to a petition for divorce (contesting Matter), Say to a petition for restitution of conjugal rights
 - Other proceedings, Interlocutory application, Affidavit, execution petition, Memorandum of Appeal, Revision, Consumer complaint alleging defect in goods or deficiency in services with its Reply, Petition under Article 32 of the Constitution of India violating Articles 14 or Article 19 or Article 21 of the Constitution of India, Petition under Article 226 of the Constitution of India violating Articles 14 or Article 19 or Article 21 of the Constitution of India
- **Criminal**
 - Application for bail
 - Application for anticipatory bail
 - Criminal complaint alleging defamation, or affray and simple hurt Application to court for recovery of motor vehicle seized by police
 - Application for compounding an offence of defamation or an offence under 498A of IPC.

Application by a wife for maintenance for himself and herself and her children

Memorandum of Appeal

Revision

3 CONVEYANCING:

35 Lectures

➤ General principles relating to conveyancing:

➤ Object of Conveyancing, essentials of drafting The drafting process: Know the laws, Know the transaction, Scheme of the draft, Ascertain facts, Language, Style, Form, Need for precision and clarity, Use of precedents. Contents of a draft conveyance: Commencement, Parties, Recitals, Parcels, Operative part, Arrangement of obligations, Signatures, Attestation. Formalities: Writing, Attestation, Notarisation, Registration Investigation of title, Chain of title, Public notices and their purpose, search and title report.

➤ Transfers

Agreement to sell immovable property

Sale deed of immovable property

Development agreement

Lease deed of immovable property

Simple mortgage of immovable property

Gift of immovable property

Sale of raw materials by its supplier to a manufacturing company

➤ Contracts

Partition deed between members of a Joint Hindu Family

General power of Attorney

Partnership deed

Trust Deed

Indemnity bond

Leave and licence agreement

➤ Notice and other documents:

Will Affidavit

Acknowledgement in writing under section 18 of the Limitation Act 1963 Public notice inviting

Objections to a transactions of immovable property

➤ Notices

For dissolution of a partnership at will

Under section 106 of the Transfer of Property Act 1882 Under section 138 of the Negotiable Instruments Act, 1882

Reply to notice under section 138 of the Negotiable Instruments Act, 1882

Notice Under section 80 of the Civil Procedure Code

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- 1) MedhaKolhatkar, Drafting, Pleading and Conveyancing, Lexis-Nexis 2015
- 2) S P Aggarwal, Drafting and Conveyancing, Lexis Nexis 2015
- 3) DeSouza's Forms and Precedents of Conveyancing, C R Datta and M N Das (eds), Eastern Law House, 2017.
- 4) A B Majumder, Law relating to Notices, Eastern Law House, 1993
- 5) Mogha's Indian Conveyancer, 14th ed, G C Mogha (ed), Eastern Law House, 2009
- 6) Mogha's Law of Pleadings in India, 18th ed, P C Mogha et al (ed), EasternLawHous
- 7) P S Narayana, Criminal Pleadings and Practice, 9th ed, Asia Law House, 2013
- 8) P K Majumdar, Law of Pleadings, Conveyancing & Advocacy, 5th ed, Orient Publishing Company, 2013
- 9) P S Narayana, Civil Pleadings and Practice, 11th ed, Asia Law House, 2017

PAPER NO- XXXXVIII - SKILL ENHANCEMENT COURSE II MOOT-COURT, EXERCISE AND INTERNSHIP (CLINICAL COURSE) CREDITS PRACTICAL- 4

OBJECTIVES OF THE COURSE

The performance of the students for this paper will be assessed on annual basis for semester IX & X and at the end of the academic year viva voce examination will be conducted. This paper will have three components of 30 marks each and viva for 10 marks.

A. MOOT COURT (30 MARKS)

30 Lectures

Every student will do at least two moot courts in a year with 15 marks for each. The moot court work will be on assigned problems and it will be evaluated for 10 marks for written submissions and 5 marks for oral advocacy. [Each Moot Court Problem]

B. OBSERVANCE OF TRIAL IN TWO CASES ONE CIVIL AND ONE CRIMINAL (30 MARKS):

30 Lectures

Students will attend two trials in the course of the last 4th or 5th years of B.A. LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

C. INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATIONS AND INTERNSHIP DIARY (30 MARKS)

20 Lectures

Each student will observe two interviewing sessions of clients at the lawyer's Office/Legal Aid Office and record the proceeding in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the advocate

and the procedure for the filling of the suit/ petition. This should be recorded in the diary which will carry 15 marks.

D. THE FOURTH COMPONENT OF THIS PAPER WILL BE VIVA-VOCE EXAMINATION ON THE ABOVE THREE ASPECTS.

VIVA-VOCE will carry 10 Marks

NOTE:

In respect of, Skill Enhancement Course-II College will evaluate the performance of each student as per the guidelines of the Bar Council of India and assign the marks out of 90 for paper. However, oral examination for 10 marks will be conducted by a team of 2 examiners; out of which one will be external. The external examiner shall verify the record maintained by each student in this regards as per the guidelines of the Bar Council of India.
