

**PUNYASHLOK AHILYADEVI HOLKAR
SOLAPUR UNIVERSITY, SOLAPUR**



पुण्यश्लोक अहिल्यादेवी होळकर
सोलापूर विद्यापीठ

॥ विद्यया संपन्नता ॥

NAAC Accredited 2022
'B++' Grade (CGPA 2.96)

**SYLLABUS FOR
LL.B III YEAR (THREE YEAR LAW COURSE)
(FIFTH & SIXTH SEMESTER)
CHOICE BASED CREDIT SYSTEM (CBCS) PATTERN
2019
w.e.f. JULY 2024**

From the Academic Year 2024-25

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LL.B – III SEM – V

S.No	Course And Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total	Duration Of Exam
21	Core And Compulsory-XVI	Bharatiya Nagrik Suraksha Sanhita 2023 (BNSS)	6	4	80+20=100	3-Hrs
22	Core And Compulsory-XVII	Bartiya Sakshya Adhinyam 2023 (BSA)	6	4	80+20=100	3-Hrs
23	Core And Compulsory-XVIII	Civil Procedure Code And Limitation Act	6	4	80+20=100	3-Hrs
24	Core And Compulsory-XIX	Principal Of Taxation Law	6	4	80+20=100	3-Hrs
25	Core And Compulsory-XX	Company Law	6	4	80+20=100	3-Hrs

LL.B – III SEM – VI

S.No.	Course And Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int =Total	Duration Of Exam
26	Discipline Specific Elective-IV	A)International Organization Or B)Equity And Trust	6	4	80+20=100	3-Hrs
27	Discipline Specific Elective-V	A)Land Laws Including Tenure & Tenancy System Or B)Health Law	6	4	80+20=100	3-Hrs
28	Discipline Specific Elective-VI	A) Women And Criminal Law Or B)International Human Rights	6	4	80+20=100	3-Hrs
29	Skill Enhancement Course - I	Drafting, Pleading & Conveyance (Clinical Course)	6	4	80+20=100	3-Hrs
30	Skill Enhancement Course - II	Moot Court, Exercise And Internship (Clinical Course)	6	4	CA	CA

PAPER NO- XXI- -CORE AND COMPULSORY – XVI
Bharatiya Nagrik Suraksha Sanhita 2023
(CRIDITS; THEORY (4))

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OBJECTIVES OF THE COURSE:-

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) was enacted with an objective of repealing pre-independence, 19th century colonial-era criminal laws. It aims to modernize and streamline India's criminal justice system. The BNSS aims to address the issues of delay in delivery of justice due to complex procedures, large pendency of cases in courts, low conviction rates, low level of use of technology in legal system, delays in investigation and inadequate use of forensics. The BNSS 2023 modernizes criminal justice procedures with mandatory forensic investigations, stricter timelines for judicial processes, enhanced police powers with safeguards, and comprehensive revisions to bail and detention rules.

UNIT NO

TOTAL NO OF THEORY LECTURES-80

1. Introductory	12 Lectures
1.1 History and object of BharatiyaNagarikSurakshaSanhita	
1.2 Constitutional Perspectives: Art 14, 20& 21	
1.3 Importance of fair Trial	
1.4 The organization of Police, Prison authorities and their duties, functions & powers	
1.5 Definitions	
1.6 Constitution of Criminal Courts and offices and their powers	
2. Pre-Trial Process- Arrest	6 Lectures
2.1 Arrest With or Without Warrant	
2.2 Procedure of Arrest	
2.3 Rights of Arrested Person	
3. Process to compel appearance	6 Lectures
3.1 Summons	
3.2 Warrant of Arrest	
3.3 Proclamation and Attachment	
4. Process to compel the production of things	6 Lectures
4.1 Summons to Produce	
4.2 Search Warrants	
4.3 Recording of Search and Seizure through audio-video electronic means	

5. Security for keeping the peace and good behavior	3 Lectures 4
6. Order for maintenance of wives, children and parents	2 Lectures
7. Preventive action of the police	2 Lectures
8. Information to the police and their power to investigate	2 Lectures
9. Jurisdiction of criminal court in inquiries and trials	2 Lectures
10. Magistrate power to take cognizance	3 Lectures
10.1 complaints to Magistrate	
10.2 Commencement of Proceedings before Magistrate	
11. Charge	2 Lectures
12. Trial before a court of session	3 Lectures
13. Trial of warrant cases by magistrate	3 Lectures
14. Trial of summons cases by magistrate	3 Lectures
15. Summary Trial	2 Lectures
16. Plea Bargaining	2 Lectures
17. Mode of taking and recording evidence	2 Lectures
18. General provisions as to inquiries and trial	3 Lectures
18.1 Persons once convicted or acquitted not to be tried for same offence	
18.2 Tender of Pardon	
18.3 Compounding of Offence	
19. Judgment	3 Lectures
20. Appeals, Reference and Revision	3 Lectures
21. Mercy petition in death sentence cases	2 Lectures
22. Provisions as to Bail and Bonds	4 Lectures
23. Disposal of cases	2 Lectures
24. Limitation for taking cognizance	2 Lectures

SELECT BIBLIOGRAPHY:-

- 1) EBC's Combo of Commentaries on New Criminal Laws by J K Verma Edition: 1st Edition, 2024
- 2) Criminal Manual (Containing Nagarik Suraksha Sanhita, Nyaya Sanhita and Sakshya Adhinyam, 2023) by EBC
- 3) The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 Bare Act 2024 EDITION Law & Justice (New Criminal Law) Paperback – 2 January 2024 by [Law & Justice](#) (Author)
- 4) Professional's 2023 (BNSS) With Comparative Table Bharatiya Nagarik Suraksha Sanhita, 2023, W.e.f 1-7-2024 Notification Incorporated (Paperback, Professional Ed team)

- 5) LAWMANN's New Criminal Laws Combo | Set Of 3 Books | (BNSS) Bharatiya Nagarik Suraksha Sanhita | (BNS) Bharatiya Nyaya Sanhita | (BSA) Bharatiya Sakshya Adhiniyam | W.e.f. 1.7.2024 (Paperback, Lawmanns)

PAPER NO-XXII-CORE AND COMPULSORY - XVII

Bharatiya Sakshya Adhiniyam

(CRIDITS; THEORY (4))

OBJECTIVES OF THE COURSE:-

Bharatiya Sakshya Adhiniyam 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 the facts before the forum. This paper enables the student to appreciate the concepts and principles underlying the Bharatiya Sakshya Adhiniyam 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 repealing the Indian Evidence Act, 1872 are significant parts of study in this course.

UNIT NO

TOTAL THEORY LECTURE- 80

1. Introductory

7 Lectures

1.1 The Main Features of Bharatiya Sakshya Adhiniyam, 2023

1.2 Definitions

Court, Evidence, Document, Fact, Fact in Issue, Relevant, Proved, Disproved, Not Proved, May Presume, Shall Presume, Conclusive Proof

2. Facts: Relevancy

5 Lectures

2.1 The Doctrine of res gestae

2.2 Test of Identification Parade

2.3 Evidence of Common Intention

2.4 The problem of relevancy of "otherwise" irrelevant facts

2.5 Relevant facts for proof of custom

2.6 Facts concerning bodies and mental state	6
3. Admissions and Confessions	8 Lectures
3.1 General principle concerning admission	
3.2 The problem of non-admissibility of confessions caused by "any inducement, threat Or promise"	
3.3 Inadmissibility of confession made before a police officer	
3.4 Admissibility of custodial confessions	
3.5 Admissibility of "information" received from accused person in custody: with special reference to the problem of discovery based on "joint statement"	
3.6 Confession by co-accused	
3.7 The problem with the judicial action based on a "retracted confession" differences between "admission" and "confession"	
4. Statements of persons who cannot be called as witness	6 Lectures
4.1 Dying Declarations	
The justification for relevance on dying declarations	
The judicial standards for appreciations of evidentiary value of dying declarations	
4.2 Other statements by persons who cannot be called as witness	
General principles	
Statements made under special circumstance	
5. Relevancy of judgments	6 Lectures
5.1 General principles	
5.2 Admissibility of judgments in civil and criminal matters	
5.3 Fraud and collusion	
6. Opinion of third person	4 Lectures
6.1 General principles	
6.2 Who is an expert? Types of an expert evidence	
7. Evidence of character	2 Lectures
8. Facts which need not be proved	2 Lectures
Judicial Notice	
9. Oral and documentary evidence	9 Lectures
9.1 General principles concerning oral evidence	
9.2 Exception to hearsay evidence	
9.3 General principles concerning documentary evidence	
9.4 Primary Evidence, Secondary Evidence	

9.5 Special provisions as to evidence relating to electronic record	7
9.6 Admissibility of electronic record (Schedule)	
9.7 Public document, Private document	
10. Burden of proof	6 Lectures
10.1 The general conception of onus probandi	
10.2 General and special exceptions to onus probandi	
10.3 The justification of presumption and of the doctrine of judicial notice	
10.4 Justification of presumption as to certain offences	
10.5 Presumption as to dowry death	
10.6 The scope of the doctrine of judicial notice	
11. Estoppel- Concept and Kinds	3 Lectures
12. Competency of witness	5 Lectures
12.1 Competency to testify	
12.2 Deaf and dumb witness	
12.3 Competency of husband and wife	
12.4 State Privilege	
12.5 Professional Privilege	
12.6 Accomplice	
13. Examination of witness	15 Lectures
13.1 General principles of examination and Cross- Examination	
13.2 Leading questions	
13.3 Cross examination as to previous statement in writing	
13.4 Lawful question in cross examination	
13.5 Compulsion to answer questions put to witness	
13.6 Impeaching credit of witness	
13.7 Hostile witness	
13.8 Questions of Corroboration	
13.9 Refreshing memory	
13.10 Production of documents	
13.11 Power to put questions	
14. Comparative analysis of Indian Evidence Act, 1872 and Bharatiya Sakshya Adhiniyam , 2023; Repeal and Savings	2 Lectures

- 1) EBC's Combo of Commentaries on New Criminal Laws by J K Verma Edition: 1st Edition, 2024
- 2) Criminal Manual (Containing Nagarik Suraksha Sanhita, Nyaya Sanhita and Sakshya Adhinyam, 2023) by EBC
- 3) BHARTIYA SAKSHYA ADHINIYAM, 2023 Paperback – 1 January 2024 by Universal's (Author)
- 4) BHARATIYA SAKSHYA ADHINIYAM, 2023 BSA MUKUND PRAKASHAN
Author : Adv. P. R. Chande , R. S. Gore Edition : 2024, Language : Marathi ,Publisher : Mukund Prakashan.
- 5) Taxmann Combo Bare Acts New Criminal Laws, Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023, Bharatiya Saksha Adhinyam 2023, Set of three Books Edition 2024.
- 6) Professionals ,New Criminal Laws combo: Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023, Bharatiya Saksha Adhinyam 2023, Set of three Books Edition 2024.
- 7) Lawmann New Criminal Laws (Criminal Manual) Containing Bharatiya Nagrik Suraksha Sanhita 2023, Bharatiya Nyaya Sanhita 2023 , Bharatiya Saksha Adhinyam 2023,

PAPER NO-XXIII- CORE AND COMPULSORY-XVIII
CIVIL PROCEDURE CODE AND LIMITATION ACT
CRIDITS; 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 filing 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 LECTURES-80

1 INTRODUCTION

8 Lectures

- 1.1. Concepts
- 1.2 Order,
- 1.3 judgment,
- 1.4 Decree,
- 1.5 Plaint,
- 1.6 Restitution,
- 1.7 Execution,
- 1.8 Decree-holder,
- 1.9 Judgment -debter,
- 1.10 Mesne profits,
- 1.11 Written statement.
- 1.12. Distinction between decree and judgment and between decree and order.

2. JURISDICTION

8 Lectures

- 2.1. Kinds
- 2.2 Hierarchy of courts
- 2.3 Suit of civil nature-scope and limits
- 2.4 Res-subjudice and Resjudicata
- 2.5. Foreign judgment-enforcement
- 2.6. Place of suing
- 2.7. Institution of suit
- 2.8 Parties to suit: joinder, mis-joinder or non-joinder of parties: representative suit.
- 2.9 Frame of suit: cause of action
- 2.10 Summons.

3. PLEADINGS

9 Lectures

- 3.1. Rules of pleading, signing and verification.
- 3.2 Alternative pleadings
- 3.3 Construction of pleadings
- 3.4 Plaint: particulars
- 3.5 Admission, return and rejection
- 3.6 Written statement: particulars, rules of evidence.
- 3.7 Set off and counter claim: distinction
- 3.8 Discovery, inspection and production of documents
- 3.9 Interrogatories

3.10 Privileged documents.	10
3.11 Affidavits.	
4. APPEARANCE, EXAMINATION AND TRIAL	6 Lectures
4.1. Appearance	
4.2. Ex-parte procedure	
4.3. Summary and attendance of witnesses	
4.4. Trial	
4.5. Adjournments	
4.6. Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver.	
4.7. Interests and cost.	
5. EXECUTION	8 Lectures
5.1. The concept	
5.2. General principles	
5.3. Power for execution of decrees	
5.4. Procedure for execution (ss. 52-54)	
5.5. Enforcement, arrest and detention (ss.55-59)	
5.6. Attachment (ss. 60-64)	
5.7. Sale (ss.65-97)	
5.8. Delivery of property	
5.9. Stay of execution	
6. SUITS IN PARTICULAR CASES	9 Lectures
6.1. By or against government (ss.79-82)	
6.2. By aliens and by or against foreign rules or ambassadors (ss. 83-87A)	
6.3. Public nuisance (ss. 91-93)	
6.4. Suits by or against firm	
6.5. Suits in forma pauperis	
6.6. Mortgages	
6.7. Interpleader suits	
6.8. Suits relating to public charities	
7. APPEALS	8 Lectures
7.1. Appeals from original decree	
7.2. Appeals from appellate decree	
7.3. Appeals from orders	
7.4. General provisions relating to appeal	
7.5. Appeal to the Supreme Court	
8. REVIEW, REFERENCE AND REVISION	6 Lectures
9. MISCELLANEOUS	5 Lectures
9.1. Transfer of cases	
9.2. Restitution	
9.3. Caveat	
9.4. Inherent powers of courts	
10. LAW REFORM: LAW COMMISSION ON CIVIL PROCEDURE AMENDMENTS	5 Lectures

11. LAW OF LIMITATION

8 Lectures

- 11.1. The concept-the law assists the vigilant and not those sleeps over the rights.
- 11.2. Object
- 11.3. Distinction with laches, acquiescence, prescription
- 11.4. Extension and suspension of limitation
- 11.5. Sufficient cause for not filling the proceedings
- 11.6. Illness
- 11.7 Mistaken legal advice
- 11.8 Mistaken view of law
- 11.9 Poverty, minority and Purdha
- 11.10 Imprisonment
- 11.11 Defective Vakalatnama
- 11.12 Legal liabilities
- 11.13 Foreign rule of limitation: Contract entered into under a foreign law
- 11.14 Acknowledgement-essential requisites
- 11.15 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-XXIV- CORE AND COMPULSORY - XIX

PRINCIPLES OF TAXATION LAW

(CRIDITS; 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 12

GENERAL PERSPECTIVE

10 Lectures

- 1.1. History of the tax law in India.
- 1.2. Fundamental principles relating to tax laws
- 1.3. Governmental financial policy, tax structure and their role in the national economy.
- 1.4. Concept of tax:
- 1.5 Nature and characteristics of taxes
- 1.6 Distinction between: Tax and fee ,Tax and cases, Direct and indirect taxes
- 1.7 Tax evasion and tax avoidance
- 1.8 Scope of taxing powers of Parliament, state Legislature and local bodies.

2. INCOME TAX

25 Lectures

- 2.1. Basic Concepts:
- 2.2. Income
- 2.3 Total income
- 2.4. Income not included in total income
- 2.5. Deemed income
- 2.6 Clubbing of income
- 2.7 Assesses.
- 2.8. Person.
- 2.9 Tax planning
- 2.10. Chargeable income
- 2.11 Heads of income
- 2.12. Salaries
- 2.13 Income from house property
- 2.14. Income from business or profession
- 2.15. Capital gains
- 2.16. Income from other sources
- 2.17. Deductions, relief and exemptions
- 2.18. Rate of income tax
- 2.19. Income Tax Authorities:
- 2.20. Power and functions
- 2.21. Offences and penal sanctions:
- 2.22. Settlement of grievances:

2.23. Authorities, power and functions

13

Other Tax laws

3 INTRODUCTION TO GST

5 Lectures

3.1 Historical background of GST

3.2 Constitutional provisions of Taxation & 101 Amendment to Constitution of India.

3.3 Central and State Legislations Dealing GST.

3.4 Salient features of GST

4. CENTRAL CGST ACT 2017 AND MAHARASHTRA CGST ACT 2017

10 Lectures

4.1 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.

4.2 Authorities under GST (section 3)

4.3 Appointment of officers (section 4)

4.4 Powers of officers (section 5)

4.5 Inspection search seizure and arrest (section 67-72)

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

5. PROCEDURAL ASPECTS UNDER CGST AND MGST ACTS.

20 Lectures

5.1 Time and Value of Supply (section 12-15)

5.2 Input Tax Credit. (Section 16-21)

5.3 Registration. (Section 22-30)

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

5.5 Accounts and Records (Section 35-36)

5.6 Return under GST Acts

5.7 Payment of Tax (Section 49)

5.8 Refund of tax (Section 54)

5.9 Types of Assessment (Section 59-66)

5.10 Offences, Penalties and Prosecution (Section 122-138)

5.11 Appeal and Revision

5.12 Appeal to First Appealable Authority (Section 107)

5.13 Powers of Revision Authority (Section 108)

5.14 Appeal to the Appellate Tribunal (Section 112)

5.15 Transitional Provisions- Migration of existing taxpayers to GST (Section 139) 14

5.16 Reverse charge

5.17 Composition scheme for small trader.

6. INTEGRATED GOODS AND SERVICES TAX ACT, 2017 10 Lectures

6.1 Introduction to IGST Act

6.2 Definitions Section 2

6.3 Continuous Journey

6.4 Export of goods- Export of Services –

6.5 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.

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

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

6.8 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 House, New Delhi.
3. Kanga and Palkiwala, The Law and Practice of Income Tax, [1999], Wahiwala, Nagpur.
4. K. Parmrswaram, Power of Taxation under the Constitution, [1987], Eastern Book Co., Lucknow.
5. V. Ramchandran & T.A. Ramakrishna (eds.), A.N. Ayer's Indian Tax Laws,,(2000) Company Law Institute of India Pvt. Ltd Chennai.
6. S. Bhattacharyya & H.R. Greg, Handbook of Direct Taxes, (1990), Eastern Law House, Calcutta.
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8. Abhishek- Goods and Service Tax – New Face of Indirect Taxes in India “Govt. of India 2 nd Edition, April 2009
9. Sharma K.K. “A Guide on Goods and Service Tax-An Introductory Study” Sterling House, New Delhi
- 10 Taxmann's GST Manual - Enforced w.e.f. 1-7-2017 4 th Ed. 2017
- 11 web- www.CBEC.gov.in
- 12 Dr Awdhesh Singh - GST Made Simple Centax Publication Pvt. Ltd., New Delhi.

13 C A Sanjeev Saxena - 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.

15 Professionals Goods & Services Tax- Bare Act with short comments – Professional Book publishers Delhi

PAPER NO-XXV- CORE AND COMPULSORY-XX

COMPANY LAW

(CRIDITS; 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

1.1. Theories of corporate personality.

1.2. Creation and extinction of corporations.

2. FORMS OF CORPORATE AND NON- CORPORATE ORGANIZATIONS

6 Lectures

2.1. 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

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

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

3.3. Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.

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

3.4. Promoters - position – duties and liabilities.

3.4.1. 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.

3.4.2. 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.

3.4.3. 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 share holders.

3.5. 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

4.1. Meeting – Kinds – Procedure- Voting

4.2. Dividends – Payment – Capitalization – Profit.

4.3. Audit and accounts – Corporate Social Responsibility.

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

4.5. Debentures – meaning – fixed and floating charge – kinds of debentures – shareholder and

debenture holder – remedies of debenture holders.

17

4.6. Protection of minority rights.

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

4.8. Investigation – powers.

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

4.10. Regulation, merger and amalgamation.

4.11. National Company Law Board.

4.12. 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

5.1. International norms for control.

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

5.3. Collaboration agreements for technology transfer.

6. CORPORATE LIABILITY

8 Lectures

6.1. Legal liability of companies – civil and criminal.

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

SELECT BIBLIOGRAPHY-

1. Avatar Singh, Indian Company Law, [1999], Eastern Book Co. Lucknow.
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3. Palmer, Palmers Company law, (1987), Stevens, London.
4. R.R. Pennington, Company Law, (1990), Butterworth's.
5. A. Ramaiya, Guide to the Companies Act, (2005), Wadhawa.
6. S.M. Shaha, Lectures on Company Law, (1998), Tripathi, Bombay.

INTERNATIONAL ORGANISATION

(OPTIONAL PAPER – A)

(CRIDITS; 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 exercises are used by various U.N. 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

- 1.1. Nature and scope of International organization.
- 1.2. Types of international organization- Public and Private.
- 1.3. League of nations- Function and failure
- 1.4. United nations organization principles and purpose

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

- 2.1. General Assembly
- 2.2. Security Council
- 2.3. International court of justice
- 2.4. Economical Social Council
- 2.5. Trusteeship Council

2.6. Secretariat	19
3. FUNCTIONS OF UNITED NATIONS ORGANIZATION.	10 Lectures
3.1. Law Making process – Resolutions and Declarations	
3.2. Executive Functions.	
3.3. Promoting International Peace keeping	
4. NON- ALIGNMENT	8 Lectures
4.1. Evolution	
4.2. Role of Non- Alignment	
5. UNITED NATIONS AND ITS SPECIALIZED AGENCIES	12 Lectures
5.1. International Labour Organization	
5.2. World health Organization	
5.3. World Trade organization	
5.4. International Monetary Fund	
5.5. United nations, International Children Emergency Fund	
5.6. The Nations, Educational, Scientific and Cultural organization	
5.7. International bank for reconstruction and development	
5.8. The World intellectual Property Organization	
5.9. International Finance Corporation	
6. REGIONAL INTERNATIONAL ORGANIZATIONS	12 Lectures
6.1. SAARC	
6.2. European Communities	
6.3. NATO	
6.4. ASEAN- Association of South- East Asian Nation	
6.5. OAS.	
6.6. OAU.	
6.7. Arab League	
7. INTERNATIONAL NON- GOVERNMENTAL ORGANIZATION	13 Lectures
7.1. Amnesty International	
7.2. International Red- Cross	
7.3. Ford Foundation	
7.4. Rockefeller Foundation	
7.5. Co-Operation for American Relief Every Where.	
7.6. International Rotary club	
7.7. International Lions Club	
8. INDIA AND UNITED NATIONS.	3 Lectures

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20

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- 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 United Nations (1963).
- 5) D. W. Rowett – The Law International Institution.
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- 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) Sabltai Rosenne – The World Court, What it is and how it works? 1995.
- 14) Felice Morgen 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
- 19) Genks Wilfred – The proper law of International Organization.

PAPER NO-XXVI DESCIPLINE SPECIFIC ELECTIVE - IV

EQUITY AND TRUST

(Optional Paper- B)

(CRIDITS; 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 20 trusts, equitable and fiduciary relations connected with

property are to be taught in detail. Students should also to be conscientized of the emerging public trust doctrine of common property resources.

UNIT NO:-

TOTAL THEORY LECTURES-80

1. INTRODUCTION

6 Lectures

- 1.1 The concept of trust: distinction with agency and contract.
- 1.2 Development of law: common law and equity
- 1.3 Trusts: classification

2. DEFINITION AND NATURE OF TRUSTS UNDER THE INDIAN LAW.

4 Lectures

- 2.1 Creation of trusts: rules

3. DUTIES OF TRUSTEE

6 Lectures

- 3.1 Execution
- 3.2 Acquaintance with the nature of property
- 3.3 Duties in respect of title
- 3.4 Duty of care
- 3.5 Conversion
- 3.6 Impartiality
- 3.7 Prevention of waste
- 3.8 Keeping of accounts and giving of information
- 3.9 Investment
- 3.10 Sale
- 3.11 Liability for breach of trust.

4. RIGHTS OF TRUSTEES

6 Lectures

- 4.1 Title deed
- 4.2 Reimbursement
- 4.3 Indemnity
- 4.4 Seeking direction from court
- 4.5 Settlement of accounts
- 4.6 General authority

5. POWERS OF TRUSTEES

6 Lectures

- 5.1 Sale
- 5.2 Varying of investment
- 5.3 Property of Minors

5.4 Giving receipts	22
5.5 Powers to compound, compromise and settle	
5.6 Exercising authority on death or disclaimer of one of the trustees	
5.7 Suspension of trustee's power	
6. DISABILITIES OF TRUSTEES	6 Lectures
7. RIGHTS OF BENEFICIARIES	6 Lectures
7.1 Rents and profits	
7.2 Specific execution	
7.3 Inspection and information	
7.4 Transfer	
7.5 Suit for execution	
7.6 To have proper trustees	
7.7 Right to compel the trustee to do the duties	
7.8 Rights on wrongful purchase or acquisition by trustees	
7.9 Follow up of trust properties in the hands of third parties	
7.10 Blending of property by trustee	
7.11 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
12.1 Transfer without intent to dispose beneficial interest	
12.2 Trust incapable of execution and trusts executed fully without exhausting property – the cypress doctrine	
12.3 Transfer and request for illegal purpose	
12.4 Transfer pursuant to rescindable contract	
12.5 Debtor becoming creditor's representative	
12.6 Advantage from undue influence	
12.7 Advantage by qualified owner	
12.8 Property acquired with notice of existing contract	
12.9 Purchase by person contracting to buy property to be held on trust	
12.10 Possession of property without whole beneficial interest	
12.11 Duties of constructive trustees	

12.12 Rights of bonafide purchasers

23

13. SPECIAL LEGISLATION

8 Lectures

13.1 Charitable and religious trust

13.2 Budget Accounts and Audit

13.3 Public Trust Administration Fund

13.4 Offences and penalties

14. MAXIMS OF EQUITY

8 Lectures

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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, Sneet and Maxwell.
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PAPER NO-XXVII DISCIPLINE SPECIFIC ELECTIVE-V

LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM

(Optional Paper –A)

CRIDITS; THEORY (4)

OBJECTIVES OF THE COURSE

The objectives of this course are to teach the law students following aspects in detail.

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

1. MAHARASHTRA LAND REVENUE CODE, 1966**30 Lectures**

- 1.1 Introduction
- 1.2 Definition
- 1.3 Revenue areas
- 1.4 Revenue officer
- 1.5 Use of land (sections 41 to 49)
- 1.6 Encroachment on Land (Section 50 to 54)
- 1.7 Land revenue (Section 64 to 78)
- 1.8 Revenue surveys (section 79 to 89)
- 1.9 Assessment and settlement of land revenues of land used for NA purpose
- 1.10 Assessment and Settlement of Land Revenue of Agricultural Land
- 1.11 Boundary and Boundary Marks
- 1.12 Land Records (Sections 147 to 167)
- 1.13 Realizations of Land Revenue and Other revenue Demands (section 168 to 223)

2 MAHARASHTRA RENT CONTROL ACT, 1999**25 Lectures**

- 2.1 Short Title, Commencement
- 2.2 Applicability
- 2.3 Exemptions Section 3 to 6
- 2.4 Definitions- landlords, Licensee, Paying Guest, Permitted Increase, Premises, Standard rents. Tenant
- 2.5 Provisions Regarding Fixation of Standard Rent and Permitted Increases (Section 8 to 13)
- 2.6 Relief against forfeiture
- 2.7 Recovery of Possession (Section 16 to 22)
- 2.8 Special Provisions for recovery of possession in certain cases (Section 23, 23)
- 2.9 provisions regarding Sub tenancies and Other Matters concerning tenancies (Section 25 to 32)
- 2.10 provisions regarding jurisdiction of the Courts, Appeal Practices and Procedure (Section 33 to 38)
- 2.11 Summery disposal of certain applications (Section 39 to 52)
- 2.12 Miscellaneous (Section 53 to 60)

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

- 3.1 Short title, extent and commencement
- 3.2 object, reasons
- 3.3 Application of the act
- 3.4 Definitions
- 3.5 determinations of social Impact and public purpose
- 3.6 Notification and Acquisition
- 3.7 Rehabilitation, resettlement, award
- 3.8 Procedure and Manner of Rehabilitation and Resettlement
- 3.9 Apportionment of compensation
- 3.10 Payment
- 3.11 Offences and penalties
- 3.12 Miscellaneous

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2. A.K. Gupte & Dighe S.D, The Maharashtra Land Revenue Code, 1956 (Hind Law House) Pune.
3. A.K. Gupte, Land Laws in Maharashtra (Hind Law House) Pune.
4. Sunil Dighe, The Maharashtra Rent Control Act, 1999 (Snow–White Publication, Mumbai)
5. N.K. Acharya, Commentaries on Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Asia Law House Hyderabad)
6. Sanjiva Rows (K. Shanmukham El.br), Law of Land Acquisition and Compensation (Butterworth's New Delhi)

PAPER NO- XXVII- DISCIPLINE SPECIFIC ELECTIVE- V

HEALTH LAW

(Optional Paper- B)

CRIDITS; 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:-**1. INTRODUCTION****12 Lectures**

- 1.1. Right to health- International perspective
- 1.2. Role of WHO
- 1.3. Health as a human Right
 - 1.3.1 Constitutional perspective
 - 1.3.1.1 Fundamental Rights (Art-21 & 24)
 - 1.3.1.2. Directive principles of state policy (Art- 41, 42)
 - 1.3.1 3. Fundamental Duties (Art 51 A (g))
- 1.4. Regulation of Public Health & Private Health

2. HEALTH: LEGISLATIVE PERSPECTIVE**18 Lectures**

- 2.1. Constitutional perspective (Article 21, VII Schedule)
- 2.2. Legislations relating to public health- Object, salient features of the Acts regarding health
 - 2.2.1. Drugs and Cosmetic Act, 1940
 - 2.2.2. Environment Protection Act-1986.
 - 2.2.3. Epidemic Diseases Act, 1925
 - 2.2.4. Indian Penal Code, 1860
 - 2.2.5. Insecticides Act, 1968
 - 2.2.6. Maternity Benefits Act, 1961
 - 2.2.7. Medical Termination of Pregnancy Act, 1971
 - 2.2.8. Mental Health Act, 1987
 - 2.2.9. Narcotic Drugs and Psychotropic Substance, Act-1985
 - 2.2.10. Poisons Act, 1919
 - 2.2.11. Pre-Natal Diagnostic Techniques (Regulation and prevention of Misuse) Act, 1994
 - 2.2.12. Prevention of Food Adulteration Act, 1954

3. INTER RELATION OF LAW AND HEALTH**15 Lectures**

- 3.1. AIDS and the law.
- 3.2. Organ transplantation
 - 3.2.1 Transplantation of Human organs Act-1994 and rules 1995.
- 3.3. Health relating to children
- 3.4. Health relating to women – Reproductive rights and family planning.

4. MEDICAL PROFESSION, PATIENT AND THE LAW

15 Lectures

- 4.1. Doctor and patient relationship
- 4.2. Medical negligence (Sec-304-A of I.P.C.) and medical malpractices.
- 4.3. Consent and Informed Consent.
- 4.4. Confidentiality
- 4.5. Duty to take care and duty to treat
- 4.6. Indian enactments on ethical obligation
 - 4.6.1. Medical Council Act, 1956 and code of medical ethics 1972
 - 4.6.2. The Dentist Act, 1984 and Dentist code of Medical Ethics Regulation, 1976.
 - 4.6.3. The Homeopathy Central Council Act, 1973 and Homeopathic practitioner (Profession Conduct, Etiquette and Code of Ethics) Regulation, 1982
 - 4.6.4. The Indian Nursing Council Act. 1947.
- 4.7. Euthanasia- Marcy killing- role of Doctor
- 4.8. Patient rights.

5. HOSPITAL ADMINISTRATION

20 Lectures

- 5.1. Legal Regulation of Medical establishment – Registration.
- 5.2. Management of Hospital and legal Regulations
- 5.3. Professional liability of Hospitals
 - 5.3.1. Civil liability -Tort
 - 5.3.2. Criminal liability-Indian Penal Code.
 - 5.3.3. Contractual liability
 - 5.3.4. Statutory liability -Consumer Protection Act, 1986
- 5.4. Medical Waste Disposal
 - 5.4.1 Bio Medical waste (Management and Handling) Rules 1998
- 5.5. Health Insurance and Law.

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1. Barnard knight, *American medical Practice*, [1992], Churchill Livingstone, London
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3. David P.Filder, *International Law and Infection Diseases*, [1999], Claredon Prss, Oxford.
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- ii. European Convention on Human Rights and Biomedicine of the Council of Europe
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- iv. International Covenant on Civil and Political Rights.
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- ii. www.hri.ca
- iii. www.thelancet.com
- iv. www.who.org

PAPER NO-XXVIII – DISCIPLINE SPECIFIC ELECTIVE – VI

A) WOMEN AND CRIMINAL LAW

(OPTIONAL PAPER- A)

CRIDITS; 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
1.1. Pre independence period	
1.2. Post- Independence Period	
1.2.1. Constitutional protection to women	
1.2.1.1. Preamble	
1.2.1.2. Fundamental Rights, Directive Principal is of State policy	
1.2.1.3. National Commission of Women Act, 1990	
2. CRIMES AGAINST WOMEN.	8 Lectures
2.1. Status of women and crime	
2.2. Theories of female criminality	
2.3. Nature and causes of female crimes	
3. SEXUAL WRONGS AGAINST WOMEN	8 Lectures
3.1. The protection of women against sexual harassment at work at place Act, 2007	
3.2. Indian Penal Code.	
3.2.1 Outraging the modesty of women S- 354,509.	
3.2.2 Rape-Custodial, gang, marital S.375	
3.2.3 Sexual abuse of Children Sec-376	
3.2.4 Un-natural offences S-377	
3.3. Prostitution – Sec-372,373	
3.4. Immoral Traffic Prevention Act-1956.	
4. SEX DETERMINATION ABORTION: MEDICO- LEGAL ASPECTS	8 Lectures
4.1 Pre-natal Diagnostic Techniques (Regulation and prevention of misuse) Act, 1994	
4.2 Medical Termination of Pregnancy Act,1971	
4.3 Causing of Miscarriage of Injuries to Unborn Children IPC S.-312 to 314	
5. DOWRY AND DOWRY RELATED CRIMES	8 Lectures
5.1 Dowry Prohibition Act, 1961	
5.2 Indian Penal Code	
5.2.1 Dowry Death (Sec 304B)	
5.2.2 Cruelty against Married Woman. (Sec 498-A)	
5.2.3 Abetment of Suicide (Sec 306)	
6. KIDNAPPING AND ABDUCTION- S.-366, 366-A, 366-B OF IPC.	5 Lectures
7. EVE- TEASING	5 Lectures
7.1. Indecent Representation of women (Prohibition) Act, 1986	
8. WIFE BATTERING	8 Lectures
8.1. Protection of women from domestic violence	
8.2. Domestic Violence Act, 2005	
9. OFFENCE AGAINST MARRIAGE- S. 493 TO 498 OF I.P.C.	7 Lectures
9.1. Bigamy	
9.2. Adultery	
9.3. Honor killings	

10. PRACTICE OF SATI**7 Lectures**

10.1. Commission of Sati Prevention Act, 1987, Rules of 1988

11. CYBER CRIMES AGAINST GIRLS AND WOMEN**8 Lectures**

11.1. Information Technology Act, 200

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PAPER NO-XXVIII - DISCIPLINE SPECIFIC ELECTIVE- VI**B) INTERNATIONAL HUMAN RIGHTS****(OPTIONAL PAPER – B)****CRIDITS; 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**

- 1.1. Philosophical and Pragmatic Approach.
- 1.2. Classification of Human Rights
- 1.3. American and French Revolution
- 1.4. Bill of Human Rights
- 1.5. Relevant Provision of U.N. Charter 1945

2. UNIVERSAL DECLARATION ON HUMAN RIGHTS – 1948**12 Lectures**

- 2.1. International Covenant on Civil and Political Rights 1966
- 2.2. International Covenant on Economic Social and Cultural Rights -1966.
- 2.3. U.N. Bodies Concerned with Human Rights
- 2.4. U.N. Commission of Human Rights
- 2.5. Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- 2.6. Commission on the Status of Women
- 2.7. U.N. Commissioner of Human Rights

3. UNITED NATION WORLD CONFERENCE ON HUMAN RIGHTS INSTRUMENTS.**7 Lectures**

- 3.1. Proclamation of Teheran 1968
- 3.2. Vienna Declaration and Programme of Action 1993.

4. ROLE OF REGIONAL ORGANIZATIONS**7 Lectures**

- 4.1 European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 4.2 The American Convention on Human Rights 1969
- 4.3 The African Charter Convention on Human and Peoples Rights 1987

5. HUMAN RIGHTS AND VULNERABLE GROUPS**8 Lectures**

- 5.1. Rights of Women.
- 5.2. CEDAW-1979
- 5.3. World Conferences
- 5.4. Conventions on Political Rights of Women 1952

6. RIGHTS OF CHILD**8 Lectures**

- 6.1. Convention on the Rights of Child 1989
- 6.2. The Declaration of the Rights of Child 1959
- 6.3. UNICEF

7. THE RIGHT OF DISABLED PERSONS.**8 Lectures**

- 7.1. Declaration on the Rights of Mentally Retarded Persons 1971
- 7.2. Declaration on the Rights of Disabled persons 1975
- 7.3. The Rights of Minorities
- 7.4. 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

8.1 Indian Constitution

8.2 The Protection Of Human Rights Act, 1993

9 ENFORCEMENT OF HUMAN RIGHTS IN INDIA

12 Lectures

9.1 Role of High Court, Supreme Courts.

9.2 Human Rights Commissions- National, State

9.3 National Commission for women

9.4 Commission for Scheduled Caste, Scheduled Tribe.

9.5 Commission for Minority and Backward class.

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PAPER NO-XXIX - SKILL ENHANCEMENT COURSE- I

DRAFTING, PLEADING AND CONVEYANCE

(CLINICAL COURSE)

CRIDITS 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 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 30 marks (Internal- for 20 Marks student has to maintain a practical record consisting of Drafts regarding Pleading and Conveyancing and 10 marks for viva voce, the oral examination for 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 of 70 marks (University examination).

Unit no:

Total Theory Lecture 80

1. DRAFTING:

10 Lectures

1.1 General principles of drafting and relevant substantive rules

2. PLEADING:

35 Lectures

2.1.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 court fees, Verification.

2.2 Civil:

2.2.1 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

2.2.2 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 jointHindu 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

2.2.3 Other Proceedings, Interlocutory application, Affidavit Execution petition, Memorandum of Appeal , Revision, Consumer complaint alleging defect in goods or deficiency in services with it's Reply, Petition under Article 32 of the Constitution of India violating Articles 14 or Article 19or 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

2.3 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 498-A of IPC

Application by a wife for maintenance for himself and herself and her children Memorandum of Appeal

Revision

CONVEYANCING:

35 Lectures

3.1 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.

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.

3.3 Contracts

Partition deed between members of a Joint Hindu Family

General power of Attorney

Partnership deed

Trust Deed

Indemnity bond

Leave and licence agreement

3.4 Notice and other documents:

Will

Affidavit

Acknowledgement in writing under section 18 of the Limitation Act 1963

Public notice inviting Objections to a transaction of immovable property

3.5 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

Selected Bibliography:

1. Medha Kolhatkar, Drafting, Pleading and Conveyancing, Lexis-Nexis 2015

2. S P Aggarwal, Drafting and Conveyancing, Lexis Nexus 2015

3. DeSouza's Forms and Precedents of Conveyancing, C R Datta and M N Das (eds), Eastern

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), Eastern Law House
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-XXX- SKILL ENHANCEMENT COURSE - II

MOOT COURT, EXERCISE AND INTERNSHIP

(Clinical Course)

(CRIDITS; PRACTICAL (4))

OBJECTIVES OF THE COURSE

The performance of the students for this paper will be assessed on annual basis for semester V & VI / 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 three moot courts in a year with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

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 2 or 3 years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

C. INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATIONS 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 will 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.

This will carry 10 marks

NOTE:

In this paper 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 each paper. However, oral examination for each individual paper (10 marks) 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 regard as per the guidelines of the Bar Council of India.
