

**Syllabus and Course Scheme**  
**Academic year 2014-15**



**LL.B. PROFESSIONAL THREE YEAR (SEMESTER SCHEME) DEGREE COURSE**  
**UNIVERSITY OF KOTA**  
MBS Marg, Swami Vivekanand Nagar,  
Kota - 324 005, Rajasthan, India  
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# University of Kota, Kota

Ordinance and Scheme of Papers, Examination etc. for LL.B. Professional  
Three Years (Semester Scheme) Degree Course 2014 – 2017 under the scheme  
prescribed by the Bar Council of India

LL.B. Professional Three Years (Semester Scheme) Degree Course 2014 – 2017  
Ordinance relating to the Examination etc.

O. 256 D-1

There shall be a three years course for the degree of LL.B. (Professional) with two semesters in each year and examinations shall be conducted at the end of each semester namely.

1. LL.B. (P) First Semester examination at the end of the First Semester.
2. LL.B.(P) Second Semester examination at the end of the Second Semester.
3. LL.B. (P) Third Semester examination at the end of the Third Semester.
4. LL.B. (P) Fourth Semester examination at the end of the Fourth Semester.
5. LL.B. (P) Fifth Semester examination at the end of the Fifth Semester.
6. LL.B. (P) Sixth Semester examination at the end of the Sixth Semester.

O.256 D-2

(1) Eligibility for admission:

An applicant who has graduated/post graduated in any discipline of knowledge from a university established by an act of Parliament or by a State legislature or an equivalent national institution recognized as a deemed to be University or foreign University recognised as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of LL.B. degree on successful completion of the regular program conducted by the University. For the purpose of applying for and getting admission the minimum percentage of marks not below 45% of the total marks in case of general category applicant and 40% of the total marks in case of SC and ST applicant, to be obtained for the graduate/post graduate qualifying examination. Provisions regarding age declared by BCI time to time shall be applicable.

**Explanation:** The applicants who have obtained graduation/ post graduation through open universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the LL.B. degree course.

- (a) Admission shall be made on the basis of merit and in accordance with rules made by the competent authority.
- (b) For the purpose of this Ordinance marks of only those subjects/ papers shall be taken into account which had been considered for awarding division at the Bachelor/Master's Degree Examination.
- (c) Not more than 20% of the total seats in LL.B. First Year shall be reserved for the candidates who will become eligible on the basis of Master's degree as defined above.
- (d) No student shall be allowed to simultaneously register for a Law degree program with any other graduate or post graduate or certificate course run by the same or any other University or an institute for academic or professional learning.

Provided that any short period part time certificate course on language, computer science or computer application of an institute or any course run by a center for Distance Learning of a University however, shall be exempted

O.256 D-3

- (a.) A Candidate who has completed a regular course of study in the University Teaching Department of law or in an affiliated college for first semester will, subject to the other provisions of the Act, Statutes Ordinances. Rules and Regulations be admitted to the first semester examination of LL.B. (P) first year.
- (b.) A candidate who after passing the examination of the first semester has completed a regular course of study in the University. teaching department of law Or in an affiliated college for the second semester of LL.B. (P) course will, subject to the other provisions of the Act, statutes, Ordinances, Rules and Regulations, be admitted to the second semester examination of LLB. (P) First Year.
- (c.) A candidate who after passing the examination of the second semester has completed a regular course of study in the University Teaching Department of law or in an affiliated college for the third semester of LL.B. (P) First Year course will, subject to the other provisions of the act, statutes, Ordinances Rules and Regulations, be admitted to the Third semester examination of LL.B. (P) Second Year.
- (d.) A candidate who after passing the examination of the third semester has completed a regular course of study in the University Teaching Department of law or in an affiliated college for the fourth semester of LL.B. (P) Second Year course will, subject to the other provisions of the act, statutes, Ordinances Rules and Regulations, be admitted to the fourth semester examination of LL.B. (P) Second Year.
- (e.) A candidate who after passing the examination of the fourth semester has completed a regular course of study in the University Teaching Department of law or in an affiliated college for the fifth semester of LL.B. (P) Second Year course will, subject to the other provisions of the act, statutes, Ordinances Rules and Regulations, be admitted to the fifth semester examination of LL.B. (P) Third Year.
- (f.) A candidate who after passing the examination of the fifth semester has completed a regular course of study in the University Teaching Department of law or in an affiliated college for the sixth semester of LL.B. (P) Third Year course will, subject to the other provisions of the act, statutes, Ordinances Rules and Regulations, be admitted to the sixth semester examination of LL.B. (P) Third Year.

O.256 D-4

A Candidate who has completed a regular course of study in the University Teaching Department of law or in an affiliated college for all six semesters will, subject to the other provisions of the Act, Statutes Ordinances. Rules and Regulations shall be awarded the degree of the “Bachelor of Laws”/ LL.B.(Professional) three years (Semester Scheme) Degree Course.

O. 256 D-5: Every candidate of three years degree (semester scheme) course for the degree of LLB. (Professional) shall present himself for examination in the papers prescribed in the Regulations.

O. 256 D-6

Each paper in I, II, III, IV, V and VI semester in the LL.B. (Professional) Course Examination shall be of 100 marks.

O.256 D-7

A Candidate appearing for LL.B. II year and III year (III to VI semester) examination may choose any one of the optional paper prescribed for semester III, IV, V and VI as per the allocation of subject for each semester. The Principal or the Head of the Law Department will determine in the beginning of each session/ semester the optional papers and the options for which instructions will be provided during the session/semester. The choice of the candidate will be limited to the options so provided for instructions.

Candidates holding LL.B. degree of this University or of any other University recognised by the Board of Management of the University as equivalent there to may also take one of the enumerated options not already passed by the candidate as an additional paper. Such candidates will not be required to join any affiliated college for this purpose.

The marks of all the semester examination viz I and II semester examinations in first year, III and IV semester examinations in second year and V and VI semester examinations in third Year examination of the LL.B. (P) Degree will be counted together for classification of results.

O.256 D-8 - First Year: (Scheme of Examination)

- (a) The minimum marks for passing each year { both semesters in first year, second year and third year of LL.B. degree(P) Course taken together} shall be 36% in each theory and / or practical papers of the semester examinations and 48% marks in the aggregate of papers prescribed in aforesaid examinations.
- (b) The minimum marks for passing first year (I & II Semester taken together) shall be 36% in each theory paper of semester examinations and 48% marks in the aggregate of papers prescribed in I and II semester.
- (c) A candidate may be promoted to second year i.e. III semester if he/she secured at least 36% marks in at least five papers out of eight theory papers prescribed in I & II semesters taken together provided that the aggregate of marks in five papers of I and II semesters taken together is at least 48%. Such candidate shall be required to appear in not more than three papers of I & II semester so as to make his aggregate atleast 48% marks alongwith the theory and practical papers of III & IV semesters.
- (d) A candidate who fails to satisfy the passing criteria as prescribed in 256 D-8 (a), 256 D-8 (b), and 256 D-8 (c) for promotion to second year shall be required to reappear in consecutive semester in back papers of I & II semesters with satisfying the contents of Ord. 256 D-9 (c) and 256 D-11 (b), if otherwise eligible in accordance with the university regulations laid in this regard.

O.256 D-9 - Second Year: (Scheme of Examination)

- (a) The minimum marks for passing second year (III & IV semesters & including I & II semesters taken together) shall be 36% in each theory and practical papers of semester examinations and 48% marks in the aggregate of papers prescribed in aforesaid semesters.
- (b) A candidate may be promoted to third year that is V semester if he has secured at least 36% marks in Six theory and practical papers out of ten papers prescribed in III & IV semesters taken together provided that the aggregate of marks in six papers of III & IV semesters taken together is atleast 48%. Such a candidate shall be required to appear in not more than four theory and practical papers of III & IV semesters so as to make his aggregate at least 48% alongwith the theory and practical papers of V and VI semester. To be declared pass in Second Year he should secured atleast 36% marks in all eight papers of I & II semesters of the First year and 48% marks in aggregate taken together in these papers.
- (c) To promote in V semester a candidate should have passed in I and II semester completely and must have secured at least 36% marks in 6 theory and practical papers of III and IV semester taken together and 48% marks in aggregate in these papers.
- (d) A candidate who fails to satisfy the passing criteria as prescribed in 256 D-9 (a) 256 D-9 (b), and 256 D-9 (c) for promotion to third year shall be required to reappear in consecutive semester in back papers of III & IV semesters with satisfying the contents of Ord. 256 D-9 (b) and 256 D-11 (b), if otherwise eligible in accordance with the university regulations laid in this regard.

O.256 D-10 - Third Year: (Scheme of Examination)

- (a) The minimum marks for passing third year (V & VI Semesters and including I, II & III & IV

semester) shall be 36% in each theory and practical papers of semester examinations separately and 48 % marks in aggregate of papers prescribed in aforesaid semesters.

- (b.) If a candidate has secured 36% marks in six papers out of ten papers prescribed in V & VI semesters taken together provided that the aggregate of marks in six papers of V & VI semester taken together are atleast 48%. Such a candidate shall be required to appear in not more than four theory and practical papers of V & VI semesters to make his aggregate atleast 48% in the following semester examination. To be declared pass in Third Year he should secured atleast 36% marks in all eight papers of I & II semesters and all ten papers of III & IV semesters of the First and Second Year respectively and 48% marks in aggregate taken together in these papers.
- (c) A candidate who fails to satisfy the passing criteria in 256 D-10 (a) and 256 D-10 (b) at the end of VI semester, he/she shall be required to reappear in consecutive semester in back papers of V & VI semesters with satisfying the contents of ordinance 256 D-11 (b), if otherwise eligible in accordance with the university regulation laid in this regard.

O-256 D-11 (Scheme of Examination)

- (a.) No student of the LL.B. degree program shall be allowed to take semester examination in a subject if the student concern has not attended minimum of 70% of the classes held in the subject concern as also the moot court room exercises, tutorials and practical training conducted in the subject taken together.

Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the college, as the case may be, may allow the student to take the examination if the student concern attended atleast 65% of the classes held in the subject concern and attended 70% of the classes in all the subject taken together.

Provided further that a list of such students allowed to take the examination with reasons recorded be forwarded to the Bar Council of India.

- (b.) At the end of final examination, the candidate eligible for the award of LL.B. degree 'shall be classified on the basis of the marks obtained in all the semester examination taken together, as follows:

1<sup>st</sup> Division: 60% OR more marks in aggregate in all six semester

2<sup>nd</sup> Division: all others will be awarded II division if secure 48% marks in aggregate in all semester.

- (c) To award LL.B.(P) Degree a candidate must have passed the LL.B. three years examinations with in Six years from the year of initial admission in first semester of the course. If a candidate drops out after passing I and/or II year ( I to IV semesters) with 48% aggregate of marks due to some satisfactory grounds, may, with the permission of Principal be permitted up to eight year from the year of initial admission to I semester.
- (d) The marks actually obtained by a candidate in the back papers of the previous semester examination shall be taken into account for awarding division.
- (e) 1% grace marks of maximum marks in each Semester, including back papers, may be awarded in either aggregate or in one paper only to make 36% in individual paper or 48% in aggregate.
- (f) For distribution of marks and procedure of examination in practical papers see the details of practical papers prescribed in the contents of papers.
- (g) University teaching department of Law and affiliated colleges are advised to conduct practical as per the instruction of the University examination department and as per the guidelines prescribed by the B.O.S. for this purpose. (including fee to be charged from the students for regular & back papers).

**Explanation : The ordinances 256 D-1 to 256 D-11 will apply to the candidates to be admitted to LL.B. Professional Three year (Semester Scheme) Degree course in the session 2009-10 and onwards.**

## Innovation & Employability of LL.B. Course :

The course is essential for the following jobs :

- Judicial Services; (RJS, RHJS) in other states also.
- Legal Services – such as – LA, APP, Law Officer, Law advisor in various institutions etc..
- Practice in Law as an advocate.
- Part-time law teaching by practicing lawyer.
- Arbitrators, Mediator, conciliators etc..
- Essential for teaching job in law classes.

Certain new concepts and law have been incorporated in law courses such as :

- Human Rights & Practice.
- Alternative Dispute Resolution.
- Information Technology
- Right to Information Law.
- Copy Right, Patent, Trade Mark etc..

### LL.B. II Year (Semester Scheme) Exam. - Semester (III & IV)

In LL.B. III & IV Semester there shall be 5 papers including four theory papers alongwith one practical paper of 100 marks in each semester.

Student of LL.B. II yr shall be examined at the end of LL.B. III & IV semester each in the following theory papers of 100 marks and of three hours duration. For practical paper see the 'Note' below:

#### Scheme of Papers

##### Semester – III

	(A) Compulsory Papers	M. M. : 100 Time : 3 Hr.
Paper 9	Jurisprudence	- do -
Paper 10	Law of Crimes – I (I. P.C.)	- do -
Paper 11	Property Law	- do -
Paper 12	Information Technology Law & Right to Information Law	- do -
	<b>Clinical Paper</b>	
Paper 13	Professional Ethics and Professional Accounting System  <b>Note (I– theory ) :</b> There shall be a written examination of 70 marks of three hours duration. The question paper shall be in two parts. In part I, there shall be six questions of descriptive nature of 10 marks each, out of which examinee shall have to attend four questions. In part II, there shall be 5 questions of practical nature of 10 marks each, out of which examinee shall have to attend three questions. <b>Note ( II – practical ) :</b> There shall be a practical examination of 30 marks by an external examiner appointed by the University and an internal examiner appointed by the Principal will take the Exam: (a) <b>Submission</b> of record – 15 marks. (b) <b>Viva voce</b> – 15 marks. Record shall content decisions of B C I and five judgments of H.C. & S.C.	Theory: 70, (3 Hrs.) Practical : 30

##### Semester – IV

	(A) Compulsory Papers	M. M. : 100 Time : 3 Hr.
Paper 14	Company Law	- do -
Paper 15	Public International Law	- do -
Paper 16	Labour & Industrial Law	- do -

Paper 17	Copy right, Patent, Trade Mark and Design Laws	- do -
	<b>Clinical Paper</b>	
Paper 18	<p>Alternative Dispute Resolution</p> <p><b>Note (I – theory):</b> There shall be a written examination of 70 marks of three hours duration. The question paper shall be in two parts. In part I, there shall be six questions of descriptive nature of 10 marks each, out of which examinee shall have to attend four questions. In part II, there shall be 5 questions of practical nature of 10 marks each, out of which examinee shall have to attend three questions.</p> <p><b>Note (II – practical):</b> There shall be a practical examination of 30 marks by an external examiner appointed by the University and an internal examiner appointed by the Principal will take the Exam:</p> <p>(a) <b>Submission</b> of record – 15 marks. (b) <b>Viva voce</b> – 15 marks. Record shall content 10 case studies and five judgments of H.C. &amp; S.C.</p>	<p>Theory: 70, (3 Hrs.) Practical : 30</p>

## Details of Course Contents of LL.B. II Year (Semester Scheme) Exam. - LL.B. III Semester Examination (Second Year);

### Paper – 9 - Jurisprudence

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

1. Meaning, definition of Jurisprudence, General and particular Jurisprudence, Importance of Jurisprudence.
2. Positive Law School of Jurisprudence: Chief Exponents, background, basic tenets of school, law in terms of and a product of state.
3. Historical School; Its basic tenets, thinkers mainly Savigny & Henry Main ; their theories and contribution;
4. Sociological School: its basic tenets; Theory of Roscoe Pound & its Principal about the Social Engineering: his Contribution of the school.
5. Natural Law School: Principles and Contribution; Definition of Law given by different jurists and its relevance.
6. Realist School: Principles and Contribution; Definition of Law given by different jurists and its relevance.
7. Administration of Justice and Theories of Punishment.
8. Sources of law; customs, judicial precedent and legislation.
9. Concepts of Rights and Duties; Theories & Their relationship,
10. Legal Person, personality, kinds of person. Theories of personality.
11. Concept of Possession & Ownership; meaning, definition, kinds and utility in modern law.
12. Concept of Liability & Obligation.
13. Concept of Property.

**Leading Cases:**

1. Keshavanand Bharati V. State of Kerala, AIR 1973 SC 1461 (Per Mathew J.) 1974; Paras 1617-1620 (Sovereignty) 1685-1698 (Natural law and natural rights) 1726-1729 (Roscoe pound and Sociological Jurisprudence) 1738- 1751 (Property rights and Social Justice).
2. A.K. Gopalan V. State of Madras, AIR 1950 SC 970 (S.970 paras 18, 19 Per Kania C.J.) Paras 107-109 (Per Patanjali Shastri) Para 192 (Per Mukherji 3.) Paras 228 (Per Das J. Natural Law and Positive Law)
3. Maharaja Shree Umed Mills Ltd. V. Union of India, AIR 1963 SC 953 Paras 12,13,14 (Per S.K. Das J.) Concept of Law; Legislative agreements).

4. Jaipur udyog Ltd. V. Income Tax Commissioner, AIR 1965 Raj 162 Paras 12,13,14 (Per Tyagi J.) (Sovereignty, separation of powers and functions).
5. Shrimati Indira Gandhi V. Rajanarayan, AIR 1975 SC Paras 219 and 299 (Per Mathew J.) (generally as 'a property of law.)
6. In Re article 143 (Keshav Singh) AIR 1965 SC 745 paras 9-17 (Per Sarkar J. Law making by judicial and legislative comity).
7. Bengal Immunity co. V. State of Bihar, AIR 1955 SC 62 (Precedent)
8. Trilokchand Motichand V. H.B. Munshi AIR 1970 SC 893. (Para 4 to 11, per Hidayatulla C.J.) Para 36 per Bhachawat J.; paras 59-63 per Hegde J.). These excerpts illustrate problems and uses of Hohfeld analysis.
9. Maneka Gandhi v. Union of India, AIR 1978 SC 597.

**Suggested Readings:**

1. Salmond: Jurisprudence.
2. Dias : Jurisprudence.
3. S.N. Dhyani : Jurisprudence .A study of Indian Legal Theory.
4. Henry Maine : Ancient Law.
5. Vijay Mani Tripathi : Jurisprudence.
6. N.Y. Paranjape : Vidhi Shastra.
7. Anirudd Prasad : Vidhi Shastra ke mul Shidhant.

## **Paper -10 - Law of Crimes (I.P.C.)**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

1. **General Introduction** : Nature, Scope and definition, of crime; Mental elements in crimes, intention, motive, knowledge; extent and operation in case of intra and extra territorial operation; General explanation, common intention and common object, punishments and its kinds.
2. **General Exceptions** : Mistake of fact and mistake of law; judicial act, accident, necessity, child's act, act of person of unsound mind, intoxication, trifling act ; right of private defence of body and property ; abetment ; criminal conspiracy.
3. **Offences against the State** : Waging war against the state and sedition etc.
4. **Offences against public tranquility** : Unlawful Assembly; rioting ; promoting enmity between different classes, affray; contempt of lawful authority of public servants; False evidence and offences against public justice; Public nuisance, rash driving or riding.
5. **Offences relating to Religion** : Injury of defiling place of worship; Disturbing religious assembly, trespassing on burial places, uttering words to injure religious feelings.
6. **Offences affecting Human body** : Culpable homicide, murder, homicide by rash or negligent acts, dowry deaths; Hurt-simple and grievous, wrongful restraint and wrongful confinement; criminal force and assault; Kidnapping, abduction, rape, unlawful sexual intercourse and unnatural offences.
7. **Offences against property** : Theft, extortion, robbery, dacoity; Criminal misappropriation of property, criminal breach of trust, receiving and retaining or concealment of state property; Cheating mischief and criminal trespass.
8. **Offences relating to documents** : Forgery or making a forged document.



9. **Offences relating to marriage** : Bigamy, marriage or fraudulently gone through without lawful marriage, adultery, enticing or deceiting a married woman; Cruelty by husband or relatives of husband.
10. **Definition** : Criminal intimidation and words leading to the insulting the modesty of woman.
11. **Stage of Crime** : Intention, preparation and act.

**Leading Cases :**

1. Reg. v. Govinda IR 1876 I Bom 342.
2. Kedarnath v. State of Bihar AIR 1962 SC 955.
3. T.D. Vadgama v. State of Gujrat, AIR 1973 SC 2215.
4. Velji Raghavji v. State of Maharashtra, AIR 1965 SC 1433.
5. K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605.

**Suggested Readings :**

1. Ratanlal and Dhirajlal : The Indian Penal Code.
2. T. Bhattacharya : The Indian Penal Code.
3. Hari Singh : Indian Penal Law of India.
4. Jaspal Singh : Indian Penal Code.
5. T. Bhattacharya : Bhartiya Dand Samhita.
6. Amar Singh and Vimla Yadav : Dand Vidhi ke sidhant evam bhartiya Dand Samhita.

## **Paper -11 - Property Law (T. P. Act) & Law of Easement**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

**Concept of Property and General Principles Relating to Transfer of Property  
(The Transfer of Property Act, 1882)**

Concept of property: distinction between moveable and immoveable property

Definition clause: Immoveable property, Attestation, Notice, Actionable claim

Definition to transfer of property (Sec.5)

Transfer and non-transfer property (Sec.10-12)

Transfer to an unborn person and rule against perpetuity (Sec.13, 14)

Vested and Contingent interest (Sec.19 & 21)

Rule of Election (Sec.35)

**General Principles Governing Transfer of Immoveable Property**

Transfer by ostensible owner

Rule of feeding the grant by estoppel

Rule of Lis pendens

Fraudulent transfer

Rule of part performance

Vested and contingent interest

Conditional transfer

**Specific Transfers**

Sale and Gift, Mortgage and Charge, Lease and Licence, Exchange and

Actionable Claims.

**Easement Act**

The Indian Easement Act, 1882; Easement in general ; imposition and transfer of easements; incident of easements; distribution of easements; extinction, suspension and revival of easements ; and license.

**Leading Cases :**

1. Smt. Shanta Bai v. State of Bombay and others, AIR 1985 SC 532.
2. Rajendra v. Santa Singh, AIR SC 2537.
3. Kreglinger v. New Patagonia Meat and Cold Storage Comp. Ltd., (1914) AC 25.
4. Union of India v. Sharda Mills Ltd., AIR 1973 SC 281.
5. Nathu Lal v. Phool Chand, AIR 1970 SC 54.
6. Jumma Masjid v. Danish and others, AIR 1962 SC 847.

**Suggested Readings :**

1. Mulla : Transfer of property Act.
2. S. Shah : Lecturers on Transfer of property.
3. I.C. Saxena : Transfer of property.
4. B.B. Mitra : Transfer of property.
5. S.R. Bhansali and Sharma : Sampatti Antaran Adhiniyam.
6. J.N. Kulshreshtra : Sampatti Antaran Adhiniyam.
7. S.N. Shukla : Sampatti Antaran Adhiniyam.
8. G.P. Tripathi : Sampatti Antaran Adhiniyam.

**Acts:** The Transfer of Property Act, 1882 & The Indian Easement Act, 1882.

## **Paper -12 - Information Technology Law & Right to Information Law**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

**The Information and Technology Act,2000:-**

1. Aims and Objectives of the I.T. Act, 2000, Definition, Authentication of Electric records.
2. Introduction to Development of Science and Technology and its impact on Human Rights and Duties.
3. Definitions of Information Technology and its scope.
4. Electronic Governance; Digital Signature & its legal perspective.
5. Cyber Crimes; Obscenity, Defamation, Hacking and Cracking, Crime through Mobile Phones, Regulations of Certifying Authorities cyber crime, Penalties and Adjudication, Cyber Regulations Appellate Tribunal.
6. Regulating Authorities & penalties.

**The Right of Information Act, 2005-**

1. Definition of Information law and its importance. Historical Background before RTI Act.2005. Significance in democracy; constitutional basis.
2. Type of Information; Restricted Information.
3. Application about information & its formalities.
4. Obligation of public authorities .
5. Appeal and penalties.

**Leading Cases-**

- a.- Yousafalli Esmail Nagree v. State of Maharashtra, AIR 1986 SC 147
- b.- Sidhath Kejiwal v. E.S.I.; 1997, Comp. Cas (Ker.) 496.

**Suggested Readings:**

**Act -**

- a. The Information and Technology Act, 2000.
- b. The Right of Information Act, 2005.

**Books-**

1. Prof. S.R. Bhansali, Information Technology Act, 2000
2. Gerald R. Ferrera, Cyber law (Text and Cases)
3. Vikul Sharma, Cyber Crime.
4. J.N. Barowalia; Commentary on the RTI Act.
5. S.V. Joga Rao; Law Relating to RTI.
6. Dr. P.M. Bakshi and Dr. R.K.Suri; Hand book of Cyber & E- Commerce Laws.

## **Paper- 13 - Professional Ethics and Professional Accounting System**

**Note-** This paper shall consist of the following two part :

Written paper	70 Marks
Practical (Viva-Voce) Exam	30 Marks

### **Written Paper**

**Max. Marks: 70**

**Min. Passing Marks: 25**

**Duration: 3 Hrs.**

1. Meaning and scope of this paper; the legal profession and its duties, responsibilities towards court and client, bar and bench relations its necessity, nature and scope, the equipments of lawyers, conduct in court; privileges of lawyers, with light of Advocate Act 1961. The law of Contempt; Practice in High Court & Supreme Court & Bar.
2. Advocates & Judges; Duty to the court, duty to the opponent, duty to the client, duty to the self, duty to the public and the state also.

### **Suggested Redaings :**

1. The Bar Council Code of ethics.
2. The cintempt of Court Act
3. Mr. Krishnamurthy Laivyer's book on "Advocacy".
4. major judgements of the supreme court on misconduct.

### **Practical (Viva-Voce)**

**Max. Marks: 30**

**Min. Passing Marks: 11**

- (a) There shall be a practical examination of 30 marks by an external examiner appointed by the University and an internal examiner appointed by the Principal will take the Exam:
- (b) Submission of record – 15 marks. (b) Viva voce – 15 marks.  
Record shall content 10 case studies and five judgments of High Court & Supreme Court.

## **LL.B. IV Semester Examination (Second Year);**

### **Paper- 14 - Company Law**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

1. Definition and Nature of Company - classification of companies, formation, promotion, promotion and incorporation of companies.
2. Memorandum, Doctrine of ultra vires, Articles of Association, Doctrine of indoor management, prospectus of a company.
3. Share capital issue and allotment of share, members, dividends, interest and commission.
4. Borrowing powers, charges, mortgages and debentures.
5. Directors, other managerial persons, accounts and audit.
6. Meetings, majority powers and rights of minority of share holders, protection of a company from oppressions and mismanagement, investigation of company's affairs.
7. Reconstruction and amalgamation of company.
8. Winding up-General provisions, illegal Association and Defunct companies.
9. Concept of Multinational Companies and Corporate Liability.

#### **Leading Cases :**

1. Aron Soloman v. Soloman and Co. (1897) AC 22.
2. Royal British bank v. Turkund (1856) 119 ER 886.
3. Deputy Secretary to Government of India, Ministry of Finance v.S.N. Das Gupta AIR 1956 Cal 414.
4. Tata Engg. and Locomotive Co. Ltd. v. State of Bihar, AIR 1966 SC 40.
5. Shanti Pd. Jain v. Kalinga Tyre and Tube co. AIR 1956 SC.
6. Vasudev Ram Chandra Shetal v. Pranla Jaya and Thakur.
7. Bajaj Auto Ltd. v.N.K. Farodia & Others (1970) 2 SC.
8. Bell House Ltd. v. City wall Properties Ltd. (1966) SC.
9. Seth Mohan Lal v. Grain Chambers Ltd., AIR 1968 SC 777.

10. Bharat Commerce and Industries Ltd. v. Registrar Com. West Bengal (1973) 43 Company cases 775.

**Suggested Readings :**

1. Indian Companies Act 1956 with upto date amendments.
2. Aiyas : The companies Act 1956.
3. Lectures on Company Law.
4. Avtar Singh : Company Law (English and Hindi)
5. Ramayan : A guide to Company Law.

**Paper- 15 - Public International Law**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

1. Definition of International law. Nature and Basis of International law.
2. Sources of International Law.
3. Relationship of International law and Municipal law, codification of International law, Subjects of International law, place of individual in International law.
4. State Territory : Theory of recognition of state, acquisition and loss of state territory, state jurisdiction, state succession.
5. Law relating to Sea, Outer Space, Asylum.
6. Extradition; Diplomatic Agents.
7. U.N.O. - General Assembly; Security Council; International court of Justice.
8. Settlements of Disputes, intervention, war, laws of war, war crimes, aggression.
8. Belligerent Occupation: Neutrality, Blockade and control.
10. Asylum.
11. War crimes & War trials.
12. Terrorism.

**Leading Cases :**

1. United Kingdom v. Norway (Anglo Norwegian Case) ICJ Report 1951 p. 116.
2. The Nuremberg Judgement, International Military Tribunal, Nuremberg 1946 AJIL Vol. 41, 1947 p. 12
3. In Re Govt. of India and Mubarak Ali Ahamd 1952, 1 IIER 2060.
4. Kutch tribunal Award Case-Foreign Affairs Report volume XVII March 68.
5. Right to passage over Indian Territory case ICJ Report 1960 p. 06.

**Suggested Readings :**

1. Strark : An introduction to International Law.
2. Oppenheim : International Law vol. I and II.
3. Breirly : The Law of Nations.
4. S.K. Kapur : International law (English and Hindi)
5. M.P. Tondon : International Law (English and Hindi)
6. Nagendra Singh : Lectures on International Law.

## **Paper- 16 - Labour and Industrial Law**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

- 1. The Industrial Disputes Act 1947:** Scope and objects, definitions, works committee, Authorities for solving disputes, Notice of Change, Reference power, Lay Off, Retrenchment, Closure, Strike, Lock Out, Penalties, Recovery, Unfair Labour Practices.
- 2. The Minimum Wages Act 1948:** Objects, definitions. Concept of minimum wage, fair wage and living wage, fixation of minimum rates of wages, advisory boards, committees, inspectors, payment of minimum rates of wages, overtime claims and miscellaneous provisions in the Act.
- 3. The Trade Union Act:** Definitions, registration of Trade Union, functions of registrar, cancellation of registration, appeal, incorporation of registered Trade Union, Fund of Trade Union and liabilities of registered trade union, including immunities, office bearers change of name, amalgamation, dissolution of trade union, and recognition of trade union, Penalties.
- 4. The Industrial Employment (Standing Order) Act, 1946 :** Definitions and other essential feature of this act.

### **Leading Cases :**

1. Workmen of Indian standard Institution v. Indian Standard Institution AIR 1976 SC 145.
2. Burmah Shell Co. v. Burmeh Shell Management Staff Association 1970 IFLJ 590 SC AIR (1971) SC 922.
3. Workmen of firestone Tyre and Rubber Co. Ltd. v. The Management of Firestone Tyre and Rubber Co. Ltd. AIR 1973 SC.
4. Delhi Cloth and General Mills co. Ltd. v. Ludh Budh Singh (1970) LLJ 180 AIR 1972 SC 103.
5. Jay Engineering Works v. State of West Bengal AIR 1990 Cal 406.
6. Bidi Leaves and Tobacco Merchants Association Gondia and other v. State of Bombay AIR 1962 SC 486.
7. Bangalore Water Supply v.A. Rajappa AIR 1978 SC 5.
8. Express Newspapers Ltd. v. Union of India and others AIR 1958 SC 578.

### **Suggested Readings :**

1. Indian Law Institute : Law and labour Management relations in India.
2. Rustamjee : The Law of industrial disputes.
3. O.P. Malhotra : Law of Industrial disputes vol. 1.
4. S.N. Mishra : Labour and Industrial Laws (English and Hindi).
5. Gopikrishna Arora : Shram Vidhi.
6. Ganga Sahai Sharma : Shram Vidhi.
7. N.D. Sharma : Shram Vidhi.
8. S.C. Srivastava: Social Security and Labour Laws.

## **Paper- 17 - Copy Right, Patent, Trade Mark and Design Laws**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

1. Historical Back Ground and Jurisprudence of Intellectual Property Right with International Perspective.

2. Nature, need, scope and importance of Copy Right, Patent, Trade Mark and Design Laws.
3. Meaning and definition of Copy Right, Patent, Trade Mark and Design Laws.
4. Law and Practice of Copy Right, Patent, Trade Mark and Design Laws.
5. Application of Patent; Copy Right; Trade Mark and Design Laws.

**Leading Cases-**

1. Manu Bhandari v. Kalankas Pictures Pvt. Ltd., AIR (1987) Del.13.
2. Nac Sahitya Prakash v. Anand Kumar, AIR 1981 All 200.
3. Brudaban Sahu v. Rajengra Subudhi, AIR 1986 Orrisa 210.
4. R.G.Anand v. Messers Delux Film, AIR 1987 SC 1513.

**Suggested Readings:**

1. Copy Right Act, 1957
2. Copy Right Order, 1999
3. Patent Act, 1970
4. Trade Mark Act, 1999
5. Design Act, 1999

## **Paper- 18 - Alternative Dispute Resolution**

**Note-** This paper shall consist of the following two part :

Written paper	70 Marks
Practical (Viva-Voce) Exam	30 Marks

### **Written Paper**

**Max. Marks: 70**

**Min. Passing Marks: 25**

**Duration: 3 Hrs.**

1. Alternative dispute & resolution system: meaning of different methods of dispute resolution; object and role of committee for implementation of Legal Aid schemes (CILAS). The legal services authorities Act, 1987. Functions of National Legal Services Authority. State Legal Services Authority and District Legal Services Authority. Organizations of Lok Adalats. Jurisdictions and powers of Lok Adalat. Procedure of determination of disputes before the 'Lok Adalat'. Study of other alternative dispute resolution system in brief such as Gram Panchayat. Family courts and commissioner for a Panchayat.
2. The Arbitration and conciliation act 1996: General provisions, arbitration agreements, arbitral tribunals (composition and jurisdiction) conduct of arbitral proceedings, arbitral awards, termination of proceedings, settings aside of arbitral award – enforcement of arbitral awards, New York Convention and Geneva Convention.
3. Conciliation – Conciliators – appointment of conciliators. Relationship of conciliators with the parties, settlement agreement status and effect of settlement agreements. Termination of conciliation proceedings. Resort to arbitral of judicial proceedings costs and deposits.
4. Negotiation and Mediation; its meaning, importance, role and process.

**Leading Cases:**

1. Sundaram Finance Ld. (1999) 2 SCC 479 NIPC India Ltd. Interpretation of provisions 96 Act, 1940, section 9.21 discussed (The scope of the Act discussed).

2. State of U.P. v. Harishchandra & Co. Arbitration Power to grant interest.
3. Union of India v. Girdhari Lal 1998 (2) 1403 the scheme of the Act Discussed whether D.J. Designation by C.J. as subordinate authority to H.C. (Section 6 of the Act)
4. NMTC Ltd. V. Sterlite Industries Ltd. 1996 (4) CCS 219 (S) appointment arbitrator 7, 10, 11.
5. Lotus investment and securities v. Pramod S. Tiberwal 1996 (2) CCS 579 (Bom) settings aside of award.
6. State of Rajasthan v. Bharat Construction Co. 1998 (4) CCS 172 (Raj.).

**Suggested Readings:**

1. G.C. Mathur, Arbitration and Conciliation Act, 1996.
2. S. Krishnamurthy : Law of Arbitration and Conciliation.
3. P.M. Bakshi: Arbitration Law.
4. O.P. Tiwari: The Arbitration Conciliation Act, 1996.
5. Avtar Singh: Law of Arbitration and Conciliation
6. Sunil Deshtha: Lok Adalats in India.

**Practical (Viva-Voce)**

**Max. Marks: 30**

**Min. Passing Marks: 11**

- (a) There shall be a practical examination of 30 marks by an external examiner appointed by the University and an internal examiner appointed by the Principal will take the Exam:
- (b) Submission of record – 15 marks. (b) Viva voce – 15 marks.  
Record shall content 10 case studies and five judgments of High Court & Supreme Court.

