



**GOVERNOR'S SECRETARIAT, BIHAR**  
**RAJ BHAVAN, PATNA-800022**

Letter No.- PPU-06/2023- / GS(I), Dated-  
From,

**Balendra Shukla**  
Officer on Special Duty (Judl.)

To,

**The Vice-Chancellor,**  
Patliputra University,  
Patna-800020

**Subject:- Suggestion regarding approval of Draft Ordinance Regulation and syllabus of a course namely L.L.B (3-Years) course of Patliputra University, Patna.**

Sir,

I am directed to invite a reference to letter No.- BSHEC/O&R/PPU/LLB/09/2023-148 dated-21.04.2023 received from the Member Secretary-Cum-State Project Director, State Higher Education Council, Government of Bihar, Patna on the subject mentioned above and to inform that the Hon'ble Chancellor after due consideration of the recommendation made by the Member Secretary-Cum-State Project Director, State Higher Education Council, Government of Bihar, Patna and in exercise of the powers conferred upon him under section 38(2) and 39(2) (ii) of the Bihar State Universities Act, 1976 (as amended up-to-date) has been pleased to approve the Draft Ordinance, regulations and Syllabus of L.L.B (3-Years) course of Patliputra University, Patna.

Further necessary action may kindly be taken accordingly.

Yours faithfully

**Encls:- As above.**

**Sd/-**  
**(Balendra Shukla)**  
Officer on Special Duty (Judl.)

Memo No.- PPU-06/2023- / GS(I), Dated-

Copy alongwith copy of approved Ordinance, Regulations and syllabus of L.L.B (3-Years) course of Patliputra University, Patna forwarded to the Special Secretary, Education Department, Government of Bihar, Patna for information and necessary action.

**Sd/-**  
Officer on Special Duty (Judl.)

Memo No.- PPU-06/2023- / GS(I), Dated-

Copy forwarded to the Member Secretary-Cum-State Project Director, State Higher Education Council, Government of Bihar, Patna, for information.

**Sd/-**  
Officer on Special Duty (Judl.)

Memo No.- PPU-06/2023- 164 / GS(I), Dated- 25/01/2024  
Copy alongwith copy of approved ordinance, Regulation and Syllabus forwarded to I/C NIC, Rajbhavan, Patna for uploading on website.

*B. Shukla*  
25/1/24  
Officer on Special Duty (Judl.)

159


## PATLIPUTRA UNIVERSITY

### Ordinance for admission of students to the LL.B (Three Years i.e. Six Semesters) Degree Course in Patliputra University; Patna.

- (1) No one shall be admitted to LL.B, Semester I course who has not passed bachelors examination of Patliputra University or equivalent examination from any university or institution recognised for the purpose.
- (2) Admission of students to the LL.B Course will be based on merit obtained by them in Patliputra Law Admission Test conducted by the Patliputra University in accordance with the reservation policy followed by the University.
- (3) Eligibility Criteria: As Per rule 7(Rules of Legal Education 2008) of Bar Council of India  
Minimum qualification for LL.B For General Category students - 45%, OBC students - 42% and SC & ST students - 40% in Graduation.
- (4) On the approval of the vice-Chancellor 2 seats shall be filled up by students who have distinguished themselves as players or athletes even though they are not eligible to be included in the merit list of candidates for admission.
- (5) Seats left unfilled in any of the reserved categories by reason of the fact that no eligible candidates are available shall be filled up by admitting applicants available in accordance with the merit list.
- (6) The number of reserved seats for the categories shall be reduced by the number of seats filled up by applicants of the category on the non-reserved seats on the basis of merit list.
- (7) When there are several candidates of equal merit (then merit being considered on the above mentioned criteria) and the vacancies less than the number of such candidates, the candidate will be selected on the basis of previous record.
- (8) Foreign Students seeking admission shall not be governed by the above mentioned rules, they may be admitted on the discretion of the Vice- Chancellor.
- (9) A student taking admission in Law shall not be allowed to take any other course either degree or diploma in any other faculty.
- (10)(a) No applicant shall be admitted who in the opinion of the Vice-Chancellor should not be admitted in the best interest of the university.
- (10)(b) No applicant shall be admitted who has not applied for admission within the notified time, or who, on being selected for admission doesn't get himself enrolled within the specified time except when the delay is condoned by the Vice- Chancellor or the person to whom power has been delegated by him.

  
Balendra Shukla  
on Special Duty (Judicial)






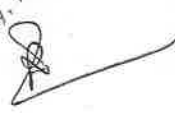
  
Dean of Law  
Faculty of Law  
Patliputra University, Patna

11. (i) Age of Candidates: As per Bar Council Legal Education Rules 2008

(ii) Student who has been admitted to the respective law colleges shall not be permitted to pursue any other Course such as Master's or Diploma Course simultaneously. Provided that it is in agreement with the amendments made from time to time by the Bar Council of India regarding the exemption to pursue any other course.

12. In case of any discrepancy/lacuna, the Dean. Faculty of Law with the consent of Vice Chancellor will resolve the same.

  
Balendra Shukla  
Officer on Special Duty (Judicial)

  
Dean  
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 2

152

**PATLIPUTRA UNIVERSITY**  
**PROPOSED**  
**LL.B REGULATION (2022)**  
**THREE YEAR LAW COURSE**  
**FOR THE AWARD OF LLB. DEGREE**

Under the provisions of the Advocate Act, 1961 the Bar Council of India has prescribed a THREE YEAR LAW COURSE BASED ON SEMESTER SYSTEM. Accordingly, University Grant Commission has revised the syllabus for Three Year Law Course for its implementation.

**I. Semester Regulation:** An admitted student is required to undergo a Regular Course of Study and to attend required number of classes in each Semester in order to be eligible to appear in the University Examination to be conducted by the University for each of the Six Semester and fashioned in the following manner:

- |    |                   |                           |
|----|-------------------|---------------------------|
| 1. | LL.B. Part — I    | Semester 1 and Semester 2 |
| 2. | LL.B. Part — II   | Semester 3 and Semester 4 |
| 3. | LL.B. Part ---III | Semester 5 and Semester 6 |

The Academic Session shall extend from the day of the reopening of the University after summer vacation to the last working day of the concerned Academic Session. The First, Third, Fifth Semesters shall ordinarily extend from the day of reopening of the university after summer vacation to the last week of December as the case may be; The Second, Fourth and Sixth Semester shall ordinarily extend from the first week of January to the last day of the concerned Academic Year/Commencement of summer vacation.

**II. Category of Papers :** A Student must take thirty papers as per Bar Council Legal Education Rules 2008 which shall include 20 Compulsory Papers, 4 Clinical papers and six optional papers from among list of optional papers and also additional papers prescribed by the University from time to time.

**III. Class Duration :** The Three year course leading to Degree in Law shall be conducted in Semester system in not less than 15 weeks for each Semester with not less than 30 class hours per week including Tutorials, Moot-court room exercise, Written test, Presentation of Project works, Seminars, provided there shall be at least 24 Lecture hours per week


**IV. CURRICULAM**

1. As per the directives of the Bar Council of India, instructions shall be imparted and University Examinations shall be conducted Semester wise in the subjects herein after given below.

2. The contents of the Course of Study shall be such as set out as per Schedule II of Bar Council of India Legal Education rules 2008.

Provided that the Academic Council may make such changes in the contents of the courses of study as and when it deem necessary. Detailed syllabus of LL.B is attached with this regulation as an Annexure – I (page 1 to 101).

  
Balendra Shukla  
Member on Special Duty (Judicial)

  
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151

The marking scheme of all the semester examination is as per UGC Regulation. The internal examination will be conducted by respective college which will be of 40 marks and the external examination will be conducted by University which will be of 60 marks. Details of which has been provided with the syllabus.

#### **V. ATTENDANCE**

(a) Every student shall be required to attend at least (minimum) 75% of the total number of lectures delivered in each subject including Moot Courts and Tutorials Seminars & project works. However, lecturer below 75% up to 60% may be allowed as per general provisions of the Patliputra University regulation for eligibility to appear at University Examinations.

(b) (i) A total number of about 90 lectures shall be delivered in a subject or group of subjects forming a separate paper subject including Moot Courts and Tutorials, Seminar and Projects

(ii) Moot Court shall be arranged in each subject except the following:-

- I. Jurisprudence
- II. Legal History
- III. Banking Law and Negotiable Instruments Act.
- IV. Legal writing and General English.
- V. Arbitration, Conciliation and Alternative Dispute Resolution System
- VI. Interpretation of Statutes.
- VII. Environmental Law.

(C) Moot- Court, Tutorials, Seminars & Project works etc. shall be conducted as per the guidelines of BCI, New Delhi issued from time to time.

#### **VI. PROMOTION AND UNIVERSITY EXAMINATION**

a. University shall conduct University Examinations at the end of each Semester. The result of such Examination shall be published by the University within 30 days of the Examinations.

b. No student shall be allowed to appear at LL.B. all end Semester Examinations of Patliputra University unless he has been sent-up for the said Examinations.


c. A student appearing in the University Examinations of any semester shall be promoted to next Semester but Student who failed to pass the previous semester examination have to pass the previous Semester Examinations in next three consecutive examination and not thereafter. Same rule will apply till the last semester.

d. Supplementary examination may be conducted only in the last 5<sup>th</sup> and 6<sup>th</sup> Semester.

#### **Supplementary Examination**

University shall hold a Supplementary Examinations within 60 days of the end term Examinations of 5<sup>th</sup> & 6<sup>th</sup> Semester to provide an opportunity to such students to clear papers in which they have failed. Students should be required to appear in the supplementary Examinations only in those paper/papers in which they have failed/absent.

  
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Officer on Special Duty (Judicial)

  
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## VII. DIVISION

In order to pass and to be placed in 2<sup>nd</sup> class an examinee must obtain a minimum of 45% marks in each theory paper including internal assessment and at least 50% marks in the aggregates of all papers taken together including the marks obtained in internal assessment.

In order to pass and to be placed in 1<sup>st</sup> class an examinee must obtain minimum of 45 % marks in each theory paper including internal assessment and at least 65% marks in the aggregates of all papers taken together including the marks obtained in internal assessment.

In order to pass 1<sup>st</sup> class with distinction an examinee must obtain minimum 45 % marks in each theory paper including internal assessment and least 75% marks in the aggregates of all papers taken together including the marks obtained in internal assessment.

In order to be Gold Medallist the eligibility should be as per the University Rules.

Class/ division will be awarded on the basis of results of all the six semesters

The degree shall be awarded on the basis of total aggregate marks obtained in all the six semesters university examinations that is 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> semester examination taken together conducted by the Patliputra University.


## VIII. OPERATION OF THE REGULATION


These regulations for three years Law Course (Semester system) shall come into force from session 2023-2024 for which students have been admitted to LL.B. Semester—I Course.

The Principal of Respective Law Colleges shall be authorized to take decisions regarding teaching of any optional subject with the consent of Dean Faculty of Law, Patliputra University.

**IX. IMPLEMENTATION AND AMENDMENT:** All the Acts and Rules mentioned in the subjects taught will be imparted to the students as per the latest amendments if any. The students are also expected to answer the questions asked in the University Examinations accordingly.

X. In case of any discrepancy/lacuna, the Dean. Faculty of Law with the consent of Vice Chancellor will resolve the same.

  
Balendra Shukla  
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**PATLIPUTRA UNIVERSITY, PATNA**

**Syllabus scheme for 3 years LL.B Course**

**Semester-wise arrangement of subjects for integrated three year LL.B Course**

Year 1					
Semester 1			Semester 2		
BL1.1	Legal Language		BL2.1	Environmental law	
BL1.2	Constitution I		BL2.2	Constitution II	
BL1.3	Contract I		BL2.3	Contract II	
BL1.4	Tort, Motor Vehicle Act, Consumer Protection Act		BL2.4	Jurisprudence	
BL1.5	International Law		BL2.5	Family Law I	
BL1.6	Indian Penal Code		BL2.6	Family Law II	

Year 2					
Semester 3			Semester 4		
BL3.1	Criminal Procedure Code		BL4.1	Law of Evidence	
BL3.2	Property Law		BL4.2	Labour Law I	
BL3.3	Administrative Law		BL4.3	Principles of Taxation	
BL3.4	Criminology and Penology		BL4.4	Information Technology Laws	
BL3.5	Intellectual Property Rights		BL4.5	Health Laws	

Year 3					
Semester 5			Semester 6		
BL5.1	ADR		BL6.1	Company Law	
BL5.2	Labour Law II		BL6.2	Pleading and Drafting	
BL5.3	Civil Procedure Code and Limitation Law		BL6.3	Professional Ethics	
BL5.4	Media Law		BL6.4	Moot Court	
BL5.5	Banking and Negotiable Instrument				

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## Detailed Semester-wise marking schemes

### Semester - I

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL1.1	English (Legal Language)	40	16	60	24	----	----	100
2	BL1.2	Constitution I	40	16	60	24	----	----	100
3	BL1.3	Contract I	40	16	60	24	----	----	100
4	BL1.4	Tort, Motor Vehicle Act, Consumer Protection Act	40	16	60	24	----	----	100
5	BL1.5	International law	40	16	60	24	----	----	100
6	BL1.6	IPC	40	16	60	24	----	----	100
Total			240	96	360	144	----	----	600

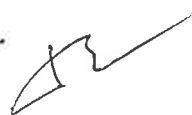
## Detailed Semester-wise marking schemes

### Semester - II

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL2.1	Environmental law	40	16	60	24	----	----	100
2	BL2.2	Constitution II	40	16	60	24	----	----	100
3	BL2.3	Contract II	40	16	60	24	----	----	100
4	BL2.4	Jurisprudence	40	16	60	24	----	----	100
5	BL2.5	Family Law I	40	16	60	24	----	----	100
6	BL2.6	Family Law II	40	16	60	24	----	----	100
Total			240	96	360	144	----	----	600

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142

## Detailed Semester-wise marking schemes

### Semester - III

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL3.1	Criminal Procedure Code	40	16	60	24	----	----	100
2	BL3.2	Property Law	40	16	60	24	----	----	100
3	BL3.3	Administrative Law	40	16	60	24	----	----	100
4	BL3.4	Criminology and Penology	40	16	60	24	----	----	100
5	BL3.5	IPR	40	16	60	24	----	----	100
Total			200	80	300	120	----	----	500

## Detailed Semester-wise marking schemes

### Semester - IV

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL4.1	Law of Evidence	40	16	60	24	----	----	100
2	BL4.2	Labour Law I	40	16	60	24	----	----	100
3	BL4.3	Principles of Taxation	40	16	60	24	----	----	100
4	BL4.4	IT Laws	40	16	60	24	----	----	100
5	BL4.5	Health Laws	40	16	60	24	----	----	100
Total			200	80	300	120	----	----	500

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Signature

## Detailed Semester-wise marking schemes


### Semester - V

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL5.1	ADR	40	16	60	24	----	----	100
2	BL5.2	Labour Law II	40	16	60	24	----	----	100
3	BL5.3	CPC and Limitation Law	40	16	60	24	----	----	100
4	BL5.4	Media Law	40	16	60	24	----	----	100
5	BL5.5	Banking and NI	40	16	60	24	----	----	100
Total			200	80	300	120	----	----	500

## Detailed Semester-wise marking schemes

### Semester - VI

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL6.1	Company Law	40	16	60	24	----	----	100
2	BL6.2	Pleading and Drafting	15 Practical exercises for pleading- 45 Marks 15 Practical Exercises for conveyancing- 45 Marks				10	4	100
3	BL6.3	Professional Ethics	40	16	60	24	----	----	100
4	BL6.4	Moot Court	Moot Court- 30 Marks Observance of Trial- 30 Marks Internship Diary- 30 Marks				10	4	100
Total			260	104	120	48	20	8	400

  
**Balendra Shukla**  
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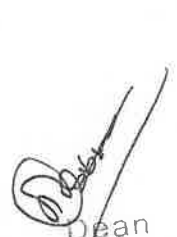


# **Semester-I**

## Detailed Semester-wise marking schemes

### Semester - I

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL1.1	English (Legal Language)	40	16	60	24	----	----	100
2	BL1.2	Constitution I	40	16	60	24	----	----	100
3	BL1.3	Contract I	40	16	60	24	----	----	100
4	BL1.4	Tort, Motor Vehicle Act, Consumer Protection Act	40	16	60	24	----	----	100
5	BL1.5	International law	40	16	60	24	----	----	100
6	BL1.6	IPC	40	16	60	24	----	----	100
Total			240	96	360	144	----	----	600

  
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 Faculty of Law  
 Patliputra University, Patna

1144

## **~~BL22~~ LEGAL LANGUAGE**

### **OBJECTIVE OF THE COURSE:**

Command of language is an essential quality of a lawyer for presentation of not only pleadings but also arguments before a court of law. Efficiency of advocacy depends upon communication skill to a substantial extent. No doubt, he should be conversant with the legal terminology. Precision, clarity, and cogence are governing principles of legal writing and dialogue. A student of law should get an opportunity to be familiar with the writings of eminent jurists of the past. This exposition will stand him in good stead in understanding the intricate problems of law and will equip him with the faculty of articulation and sound writing.

### **Unit 1-Introduction to Legal Language**

1. Characteristics of Legal Language
2. History of Legal Language
3. Legal Language in India
4. English as a medium of communication for legal transaction in India

### **Unit 2-Introduction to oral communication skills**

1. Passive and active listening - questioning - non-verbal communication
2. Listening comprehension
3. Passive and active listening - questioning - non-verbal communication

### **Unit 3-Vocabulary**

1. Consulting a dictionary - consulting a thesaurus
2. Synonyms and antonyms - related words - regular vocabulary exercises

### **Unit 4-Phonetics theory and practice**

1. The phonetic script
2. Consulting a dictionary for pronunciation - exercise with audio aids
3. Reading exercises - stress, accent and intonation suitable for Indian speaker with emphasis on clarity of speech and felicity of expression
4. Reading comprehension of principles and practice



### **Unit 5- Legal terminology**

1. Terms used in civil law and criminal law
2. Latin words and expressions - law register

### **Unit 6- Fundamental principles of Legal Writing**

1. Concision - clarity - cogency - simplicity of structure
2. Attention and awareness of practical legal import of sentences
3. Brief writing and drafting of law reports


  
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4. Writing of case comments
5. Essay writing on topics of legal interest

**Suggested Readings:**

- Bhatnagar, R.P. & R. Bhargava, Law and Language, New Delhi: Macmillan,
- Brown, Gordon W. Legal Terminology, New Jersey: Prentice Hall, 1990
- Cochrane, Michael, Legal English, Paris Cujas, 1979
- Cross, Ian et al. Skills for Lawyers, Jordan Publishing Co., 1997 Bristol.
- Cutts, Martin, The Plain English Guide, Oxford University Press, 1995
- Kelkar, Ashok R. "Communication and Style in Legal Language", Indian Bar Review Vol.10(3):1993

  
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## CONSTITUTIONAL LAW I

### OBJECTIVE OF THE COURSE

India is a democracy and her Constitution embodies the main principles of the democratic government- how it comes into being, what are its powers, functions, responsibilities and obligation show power is limited and distributed. Whatever might have been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. Pari pasu the concept of secularism and federalism engraved in the constitution are, and are to be, interpreted progressively. The following syllabus prepared with this perspective will comprise of about 84 Units of one-Hour duration.

### SYLLABUS

#### Unit 1- Historical Perspective

- Constitutional developments since 1858 to 1947
- Gandhi Era - 1919 to 1947: social, political, economic and spiritual influence.
- Making of Indian Constitution
- Nature and special features of the constitution.


#### Unit 2- Parliamentary Government

1. Westminster model - choice of parliamentary government at the Centre and States.
2. President of India
  - Election, qualifications, salary and impeachment
  - Powers : legislative, executive and discretionary powers
3. Council of Ministers
4. Governor and state government - constitutional relationship.
5. Legislative process
6. Practice of Law Making
7. Legislative Privileges and Fundamental Rights
6. Prime Minister - cabinet system - collective responsibility-individual responsibility.
7. Coalition Government: Anti-defection Law.

#### Unit 3- Federalism

1. Federalism - principles: comparative study
2. Indian Federalism: identification of federal features
  - Legislative Relations
  - Administrative Relations
  - Financial Relations
3. Governor's role

  
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4. Centre's powers over the states - emergency
5. J & K - special status
6. Challenges to Indian federalism

#### **Unit 4- Constitutional Processes of Adaptation and Alteration**

1. Methods of constitutional amendment
2. Limitations upon constituent power
3. Development of the basic Structure: Doctrine judicial activism and restraint

#### **Unit 5- Secularism**

1. Concept of secularism: historical perspective
2. Indian constitutional provision
3. Freedom of religion - scope
4. Religion and the state: the limits
5. Minority rights

#### **Unit 6- Equality and Social Justice**

1. Equality before the law and equal protection of laws
2. Classification for differential treatment: constitutional validity
3. Gender justice
4. Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backwards classes
5. Strategies for ameliorative justice

#### **Unit 7- Freedoms and Social Control**

1. Speech and expression
2. Freedom of speech and contempt of court
3. Freedom of assembly
4. Freedom of association
5. Freedom of movement
6. Freedom to reside and settle
7. Freedom of profession/business
8. Property: from fundamental right to constitutional right

#### **Unit 8- Personal Liberty**

1. Rights of an accused - double jeopardy - self-incrimination retroactive punishment
2. Right to life and personal liberty : meaning, scope and limitations
3. Preventive detention - constitutional policy

#### **Suggested Readings:-**


- G. Austin, History of Democratic Constitution: The Indian Expenditure (2000) Oxford
- D.D.Basu, Shorter Constitution of India, (1996), Prentice Hall of India, Delhi
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay
- M.P.Singh(ed.), V.N.Shukla, Constitutional Law of India (2000)' Oxford
- G. Austin, Indian Constitution: Cornerstone of a Nation (1972).



• M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford  
**Leading Cases**

- Shankari Prasad vs. Union of India, AIR 1951 SC 458
- Sajjan Singh v State of Rajasthan, AIR 1965 SC 845.
- Golaknath v State of Punjab, AIR 1967 SC 1643.
- Keshavananda Bharti v State of Kerala, AIR 1973 SC 1461.
- Maneka Gandhi v. Union of India, AIR 1978 SC 597
- A.K. Gopalan v. State of Madras, AIR 1950 SC 27
- Indra Sawhney v. Union of India
- State of Madras v. Smt. Champakan Dorairajan [1951] S.C.R. 525
- M.R. Balaji and Ors. v. State of Mysore [1963] Suppl. 1 S.C.R. 439.
- T. Devadasan v. Union of India AIR 1964 SC 179
- State of Kerala v. N.M. Thomas AIR 1976 SC 490
- L. Chandra Kumar v. The Union Of India & Ors 1995 AIR 1151
- Romesh Thappar vs. The State Of Madras 1950 AIR 124

  
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Manish Shukla  
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## CONTRACT – I (General Contract and Specific Relief)

### OBJECTIVE OF THE COURSE

Every man in his day to day life from dawn to dusk makes a variety of contracts. Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognise this contract making power of a person. This prompted Roscoe Pound to make his celebrated observation: "Wealth, in a commercial age, is made up largely of promises". In this sense India is also a "promissory" society. The conferment and protection by the law of this contract making power of persons gives them a considerable leeway to strike best bargain for the contract making persons. In a way they are permitted to regulate and define their relations in a best possible manner they chose. In India these general principles are statutised in the form of the Indian Contract Act 1972.

### SYLLABUS

#### Unit 1-General Principles of Law of contract

1. History and Nature of Contractual Obligations
2. Agreement and contract: definition, elements and kinds
3. Proposal and acceptance
4. Consideration
5. Capacity to contract
6. Communication and Revocation

#### Unit 2- Free Consent

1. Need and definition of consent and free consent
2. Coercion
3. Undue Influence
4. Misrepresentation
5. Fraud
6. Mistake

#### Unit 3- Legality of objects

1. Void Agreements
2. Agreements without consideration
3. Agreement in restraint of : marriage, trade and legal proceedings
4. Discharge of a contract and its various modes.

#### Unit 4- Consideration

1. Definitions, meaning and importance, essential elements
2. Act, forbearance and promise
3. Present, past and future consideration
4. Adequacy of consideration and effect of inadequacy
5. No consideration, no contract, and exceptions to the rule
6. Doctrine of privity and exceptions

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### Unit 5- Contingent Contracts and Quasi Contracts

1. Contingent Contracts and their enforcement
2. Wagering Contracts
3. Quasi-contracts and their kinds
4. Doctrine of Restitution
5. Effect of breach of quasi contractual obligations

### Unit 6- Discharge of a Contract

1. By offer of performance
2. By non-performance by one party
3. Doctrine of impossibility and breach
4. Doctrine of impossibility and effect
5. By agreement : novation, alteration and rescission: Section 62 of ICA
6. By act of promisee : dispensing, remission and waiver, extension of time, accord and satisfaction : Section 63 of ICA
7. Termination or discharge under contract provisions

### Unit 7- Remedies in Contractual relations

1. Damages
2. Injunction
3. Refund
4. Restitution
5. Specific Performance
6. Recession and Cancellation

### Unit 8- Specific Relief

1. Specific Performance
2. Defences in suits of specific performance - Section 9 of SRA
3. Contract that can be specifically enforced
4. Persons against whom specific enforcement can be ordered
5. Rescission and cancellation
6. Injunction
  - Temporary
  - Perpetual
7. Declaratory orders
8. Discretion and powers of court

### Suggested Readings:-

- Avtar Singh, Law of Contract (2000) Eastern, Lucknow
- R.K.Abichandani,(ed.), Pollock and Mulla on the Indian Contract and the Specific Relief Act
- Anand and Aiyer, Law of Specific Relief Act, Universal

  
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**List of Cases:-**

- Balfour v. Balfour (1919)
- Lalman Shukla v. GauriDutt (1913)
- Rose and Frank Co v. Crompton and Brother Ltd (1925)
- Harvey v. Facey (1893)
- Ramsgate Victoria Hotel v. Montefiore (1866)
- BhagwandasKedia v. Girdharilal& Co (1959)
- KedarnathBhattacharjivsGorieMahomed (1886)
- Durga Prasad v. Baldeo (1880)
- Mohori Bibee v. DharmodasGhose(1903)

  
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## LAW OF TORTS, Motor Vehicle and Consumer Protection Law

### OBJECTIVE OF THE COURSE

With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings. Presently, the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed economics. In the modern era of consumer concern of goods and services, the law of torts has an added significance with this forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in provisions of various legislation and judicial decisions in India, so connected with the human rights for a healthy life and environment, has now a core subject to be taught as an indispensable part of a socially relevant curriculum.

### SYLLABUS

#### Unit 1 - Evolution of Law of Torts

1. England - forms of action - specific remedies from case to case
2. Principles of Liability in Torts
3. Justification in Torts
4. India - principles of justice equity and good conscience – uncodified character advantages and disadvantages

#### Unit 2- Definition, Nature, Scope and Objects

1. A wrongful act- *damnum sine injuria* and *injuria sine damnum*
2. Tort distinguished from crime and breach of contract
3. The concept of unliquidated damages,
4. Changing scope of law of torts: complexities of modern society
5. Objects- prescribing standards of human conduct
  - redressal of wrongs by payment
  - compensation, injunction.

#### Unit 3- Principles of Liability in Torts

1. Fault:
  - Wrongful intent
  - Negligence
2. Liability without fault
3. Violation of ethical codes
4. Statutory liability:
5. Place of motive in torts

#### Unit 4- Justification in Tort

1. Volenti non fit injuria
2. Necessity, private and public
3. Plaintiff's default
4. Act of God
5. Inevitable accident

6. Private defense  
7. Statutory authority  
8. Judicial and quasi-judicial acts  
9. Parental and quasi-parental authority

#### **Unit 5- Extinguishment of liability in certain situations**

1. Actiopersonalismoritur cum persona - exceptions
2. Waiver and acquiescence
3. Release
4. Accord and satisfaction
5. Limitation

#### **Unit 6- Standing**

1. Who may sue - aggrieved individual - class action - social action group
2. Statutes granting standing to certain persons or groups
3. Who may not be sued ?

#### **Unit 7- Doctrine of sovereign immunity and its relevance in India**

#### **Unit 8- Vicarious Liability**

1. Basis, scope and justification
  - Express authorization
  - Ratification
  - Abetment
2. Special Relationships:
  - Master and servant
  - Principal and agent
  - Corporation and principal officer

#### **Unit 9- Torts against persons and personal relations**

1. Assault, battery, mayhem
2. False imprisonment
3. Defamation- libel, slander including law relating to privileges
4. Malicious prosecution
5. Nervous shock

#### **Unit10- Wrongs affecting property**


1. Trespass to land, trespass ab initio, dispossession
2. Movable property- trespass to goods, detainue, conversion
3. Torts against business interests - injurious falsehood, misstatements, passing off




#### **Unit 11- Negligence**

1. Basic concepts
  - Theories of negligence
  - Standards of care, duty to take care, carelessness, inadvertence
  - Doctrine of contributory negligence
  - Res ipsaloquitor and its importance in contemporary law
2. Liability due to negligence: different professionals

#### **Unit 12-Nuisance**

1. Definition, essentials and types

  
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2. Acts which constitute nuisance- obstructions of highways, pollution of air, water, noise, and interference with light and air

### Unit 13- Absolute/Strict liability

1. The rule in Rylands v. Fletcher
2. Liability for harm caused by inherently dangerous industries

### Unit 14- Legal remedies

1. Legal remedies:

- Award of damages- simple, special, punitive
- Remoteness of damage- foreseeability and directness
- Injunction
- Specific restitution of property

2. Extra-legal remedies- self-help, re-entry on land, re-capture of goods, distress damagefeasant and abatement of nuisance.

### Unit 15- Consumer movements: historical perspectives

1. Common law protection: contract and torts
2. Consumerism in India: food adulteration, drugs and cosmetics
  - Criminal sanction: Sale of noxious and adulterated substances,
  - False weights and measures.
  - Use of unsafe carriers

### Unit 16- Concept of Consumer

1. General Perspectives
2. Definition and scope of the Consumer Protection Act 1986 (CPA)

### Unit 17- Unfair Trade Practices

1. Misleading and false advertising
2. Unsafe and hazardous products
3. Disparaging competitors
4. Business ethics and business self-regulation
5. Falsification of trade marks.

### Unit 18- Consumer of goods

1. Meaning of defects in goods.
2. Standards of purity, quality, quantity and potency
3. Price control
4. Supply and distribution of goods

### Unit 19- Supply of essential commodities

1. Quality control
2. Sale of goods and hire purchase law
3. Prescribing standards of quality - BIS and Agmark, Essential commodities law.

### Unit 20- Consumer Safety

1. Starting, distribution and handling of unsafe and hazardous products.
2. Insecticides and pesticides and other poisonous substances

### Unit 21- Service

1. Deficiency - meaning
2. Violation of statute

### Unit 22- Public Utilities Services

1. Supply of electricity



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2. Telecommunication and postal services
3. Housing
4. Banking

**Unit 23- Commercial services**

1. Hiring
2. Financing
3. Agency services

**Unit 24- Enforcement of consumer rights**

1. Consumer fora under CPA: jurisdiction, powers and functions
2. PIL
3. Class action
4. Remedies:
5. Administrative remedies

**Unit 25- Motor Vehicle Act**

1. Liability without fault in certain cases
2. Fault Liability
3. Provisions and Schemes of compensation in case of hit and run motor accidents
4. Insurance of Motor Vehicles against third party risks
5. Claims Tribunals

**Suggested Readings**

- Salmond and Heuston - On the Law of Torts, Universal, Delhi.
- D.D.Basu, The Law of Torts.
- Ratanlal&Dhirajlal, The Law of Torts
- Avtar Singh, The Law of Consumer Protection: Principles and Practice , Eastern Book Co.,
- R.M. Vats, Consumer and the Law, Universal, Delhi

**Leading Cases**

- Rylands v. Fletcher (1868) L.R. 3 H.L. 330
- Donoghue v. Stevenson (1932) A.C. 562
- Kasturilal Ralia Ram v. State of U.P , AIR 1965 S.C. 1039
- Bhim Singh v. State of J & K AIR 1986 S.C. 494
- Gloucester Grammar School Case
- Ram Ghulam v. State of U.P AIR 1950
- Woodley v Metropolitan District Railway Company (1877)
- Smith v Littlewoods Organisation Ltd (1985)

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## PUBLIC INTERNATIONAL LAW

### OBJECTIVE OF THE COURSE

This course provides an insight into Public International Law and its significance in the economically globalised world. It enables the students to understand the interdependence of the countries and how they are constantly addressing the global issues through peaceful measures. In view of the vastness of the subject, only important chapters have been covered here. An Introductory perspective to International Law is aimed to provoke the inquisitiveness of the students. A grasp on the key features and subtle perspective of the law and its relevance will help the students in the preparation of various competitive examinations.

### SYLLABUS

#### Unit 1- Nature and Development of International Law

1. Meaning and Definition of International Law
2. Theoretical Basis of International Law
  - Natural law Theory,
  - Positive Law Theory,
  - Grotius Theory
  - Consent theory
1. Historical perspective of International Law
2. Codification of International Law
3. Work of International Law Commission

#### Unit 2- Sources of International Law

1. Statute of the International Court of Justice, 1945 (Article 38)
  - International Treaties and Conventions,
  - International Custom,
  - General
  - Principles of Law Recognized by Civilized Nations,
  - Judicial Decisions of International and National Courts, and
  - Juristic Opinion
2. Other Sources of International Law –
  - Resolutions of General Assembly,
  - Resolutions of Security Council

#### Unit 3- Relationship between International Law and Municipal Law

1. Theoretical Perspectives
  - Monistic Theory
  - Dualistic Theory,
  - Transformation theory,
  - Delegation Theory,
  - Specific Adoption theory

2. Practice of States - United Kingdom, United States of America and India

#### **Unit 4- Subjects of International Law**

1. Meaning and Definition of State
2. Kinds of Different States in International Law
3. Individuals as subjects and object of Public International Law
4. Role and Status of Multi-National Companies

#### **Unit 5- Recognition of States**

1. Meaning and Significance of Recognition
2. Theories of Recognition
3. Types of Recognition
4. Recognition of Insurgency and Belligerency

#### **Unit 6- State Territory and State Succession**

1. Meaning and Definition of State Territory
2. Types of Acquiring and Loss of State Territory
3. Meaning and Concept of State Succession
4. States Succession to Treaties
5. Theories of State Succession to Treaties

#### **Unit 7- State Jurisdiction**

1. Territorial Jurisdiction
2. Jurisdiction based on Nationality - Modes of Acquiring and Losing Nationality, Double Nationality,
3. Meaning and Significance of Statelessness - Role of UNHCR
4. Meaning and Definition of Extradition - Types of offenders and Process of Extradition
5. Definition and Significance of Asylum - Territorial and Extra-Territorial Asylum

#### **Unit 8- State Immunities and Privileges**

1. State Immunity - Absolute theory and Restrictive Theory of Immunity, Views of the International Law Commission, and Waiver of Immunity
2. Significance and functions of Diplomatic Agents and Classification of Diplomatic Agents
3. Immunities and Privileges of Diplomatic Agents - Inviolability of Diplomatic Agents
4. Inviolability of Premises - Immunity from local, Civil, Administrative
5. Criminal Jurisdiction, Immunity from Taxes and Custom Duties, Freedom of Movement, Travel, Communication and Worship

#### **Unit 9- Law of State Responsibility**

1. Nature and Basis of State Responsibility
2. Elements of State Responsibility,
3. Theories of State Responsibility
4. Significance of Doctrine of Culpa
5. Defences precluding State Responsibility

### Unit 10 - Law of Treaties

1. Meaning and Definition of a Treaty, Types of Treaties
2. Parties to a treaty - Formation of a Treaty, Significance of Pact Sunt Servanda
3. Significance of Jus Cogens, Role of Rebus Sic Stantibus (Changed Circumstances) in Treaties
4. Procedure for Termination of Treaties

### Unit 11- Settlement of Disputes

1. Legal and Political Disputes
2. Pacific Means
3. Extra-judicial Pacific Means-
  - Coercive and Compulsive Measures
  - Retortion
  - Reprisals
  - Embargo
  - Pacific Blockade
  - Intervention

### Unit 12- International Institutions

1. Historical Origin of League of Nations
2. An overview of United Nations
3. Structure, Powers and functions of (a) Security Council, (b) General Assembly, (c) Economic and Social Council, (d) Trusteeship Council, (e) Secretary General
4. International Court of Justice - Historical Evolution and Composition,
5. Types of Jurisdiction of the Court - Contentious and Advisory, Law applied by the Court and binding nature of judgment
6. Legal Status of International Organizations




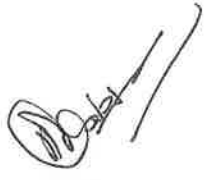
### Suggested Readings

- I.A. Shearer, Starke's International Law, 1st Indian ed., Butterworths (2007).
- H.O. Agarwal, International Law and Human Rights, Central Law Publications, 21st ed., (2016).
- Malcolm N. Shaw, International Law, Cambridge University Press, 7th ed., (2015).
- J.G. Strake, Introduction to International Law, 10th Edition, Butterworth-Heinemann; (1989).
- S.K. Verma, An introduction to Public International Law, Prentice Hall (1998).
- Gurdip Singh, International Law, Eastern Book Company, (2015).
- V.K. Ahuja, Public International Law, Lexis Nexus (2016).
- S.K. Kapoor, International Law and Human Rights, Central Law Agency.

### Leading Cases

- The West Rand Central Mining Gold Company Vs. The King, 1905
- Anglo Norwegian Fisheries Case
- Germany v Italy
- Nicaragua v United States (CIL)

- North Sea Continental Shelf Cases
- Lotus Case



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## INDIAN PENAL CODE (IPC)

### OBJECTIVE OF THE COURSE

The Indian society has changed very rapidly since Independence. A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development, if students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new perspectives.

### SYLLABUS

#### Unit 1- General Concept

1. Conception of crime
  - Pre-colonial notions of crime as reflected in Hindu, Muslim and tribal law.
  - Macaulay's draft based essentially on British notions.
2. State's power to determine acts or omissions as crimes
3. State's responsibility to detect, control and punish crime.
4. Distinction between crime and other wrongs.
5. IPC: a reflection of different social and moral values.
6. Applicability of I.P.C.
  - Territorial
  - Personal
7. Salient features of the I.P.C

#### Unit 2- Elements of criminal liability

1. Author of crime - natural and legal person
2. Men rea - evil intention
3. Importance of mens rea
4. Recent trends to fix liability without mens rea in certain socio-economic offences.
5. Act in furtherance of guilty intent
6. Omission
7. Injury to another

#### Unit 3- Group liability

1. Stringent provision in case of combination of persons attempting to disturb peace.
2. Common intention
3. Abetment:
  - Instigation, aiding and conspiracy
  - Mere act of abetment punishable
4. Unlawful assembly:
5. Criminal conspiracy
6. Rioting as a specific offence

#### Unit 4- Stages of a crime

1. Guilty intention - mere intention not punishable
2. Preparation
  - Preparation not punishable

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- Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures.

3. Attempt:

- Attempt when punishable - specific provisions of IPC
- Tests for determining what constitutes attempt - proximity, equivocality and social danger
- Impossible attempt

**Unit 5- Factors negating guilty intention**

1. Mental incapacity

- Minority
- Insanity- impairment of cognitive faculties, emotional imbalance
- Medical and legal insanity

2. Intoxication - involuntary

3. Private defence- justification and limits

- When private defence extends to causing of death to protect body and property
- Necessity
- Mistake of fact

**Unit 6- Types of punishment**

1. Death:

- Social relevance of capital punishment
- Alternatives to capital punishment

2. Imprisonment - for life, with hard labour, simple imprisonment

3. Forfeiture of property

4. Fine

5. Discretion in awarding punishment:

**Unit 7- Specific offences against human body**

1. Causing death of human beings

- Culpable homicide
- Murder

2. Distinction between culpable homicide and murder

3. Situation justifying treating murder as culpable homicide not amounting to murder

- Grave and sudden provocation
- Exceeding right to private defense
- Public servant exceeding legitimate use of force
- Death in sudden fight
- Death caused by consent of the deceased- euthanasia and surgical operation
- Death caused of person other than the person intended
- Miscarriage with or without consent

4. Rash and negligent act causing death

5. Hurt- grievous and simple

6. Assault and criminal force

7. Wrongful restraint and wrongful confinement

122

## 8. Abduction and Kidnapping

### Unit 8- Offences against women

1. Insulting the modesty of woman
2. Assault or criminal force with intent to outrage the modesty of woman
3. Causing miscarriage without woman's consent:
4. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse
5. Buying a minor for purposes of prostitution
6. Rape, Custodial Rape and Marital Rape
7. Prevention of immoral traffic
8. Offence Against Marriage: Bigamy, Adultery
9. Cruelty by husband or his relatives
10. Prohibition of indecent representation of women

### Unit 9- Offences against Property

1. Theft
2. Cheating
3. Extortion
4. Robbery and dacoity
5. Mischief
6. Criminal misrepresentation and criminal breach of trust

### Unit 10 – Offences Related to Documents and Property Marks

1. Forgery
2. Making False Document
3. Counterfeit Seal
4. Using False Trade Marks and Property Marks
5. Counterfeit Currency Notes and Bank Notes

### Unit 11- New kinds of crimes such as terrorism, pollution and adulteration

#### Suggested Readings

- K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
- Ratanlal-Dhirajlal's Indian Penal Code (1994 reprint)
- K.D.Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.
- P.S.Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.
- B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur

#### Leading Cases

- Reg versus Govinda (1876)ILR I Bom.342
- KedarNath versus State of Bihar, AIR 1962 SC 955
- LaxmanKalu versus State of Maharashtra, AIR 968 SC 1980
- T.V.Vadgama versus State of Gujarat, AIR 1973 SC 2213
- K.M.Nanavati versus State of Maharashtra, AIR 1962 SC 605
- Bachan Singh versus State of Punjab , AIR 1980 SC 896

# **Semester-II**

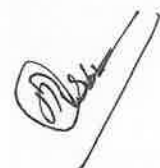


125

## Detailed Semester-wise marking schemes

### Semester - II

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL2.1	Environmental law	40	16	60	24	----	----	100
2	BL2.2	Constitution II	40	16	60	24	----	----	100
3	BL2.3	Contract II	40	16	60	24	----	----	100
4	BL2.4	Jurisprudence	40	16	60	24	----	----	100
5	BL2.5	Family Law I	40	16	60	24	----	----	100
6	BL2.6	Family Law II	40	16	60	24	----	----	100
Total			240	96	360	144	----	----	600






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## ENVIRONMENTAL LAW

### OBJECTIVES OF THE COURSE

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific

individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter-generational equity and prevention of pollution. All these issues relate to problematic about construction of a just, humane and healthy society. Secondly, environmental law necessarily demands an inter-disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology-related knowledge has brought about in recent times.

For the development of the environmental law, the following acts to study:-

1. Environment Protection Act, 1986;
2. National Green Tribunal Act, 2010
3. The Forest (Conservation) Act, 1980;
4. The Wildlife Protection Act, 1972;
5. Water (Prevention and Control of Pollution) Act, 1974;
6. Air (Prevention and Control of Pollution) Act, 1981
7. The Indian Forest Act, 1927.

### SYLLABUS

#### Unit 1- Concept of environment and Pollution

1. Environment
2. Meaning and contents
3. Pollution
4. Kinds of pollution
5. Effects of pollution

#### Unit 2- Legal control: Historical perspectives

1. Indian tradition: dharma of environment
2. British Raj - industrial development and exploitation of nature
3. Nuisance: penal code and procedural codes
4. Free India - continuance of British influence
5. Old laws and new interpretations

#### Unit 3- Constitutional Perspectives

1. Constitution making - development and property oriented approach
2. Directive principles
3. Status, role and interrelationship with fundamental rights and fundamental duties.
4. Judicial approach
5. Fundamental Rights

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- Rights to clean and healthy environment
  - Right to education
  - Right to information
6. Environment v. Development
  7. Enforcing agencies and remedies
  8. Emerging principles
    - Polluter pays: public liability insurance
    - Precautionary principle
    - Public trust doctrine
    - Sustainable development

#### **Unit 4- Role of Tribunal**

1. Aims and Objectives of the Tribunal
2. Jurisdiction
3. Power
4. Proceedings and Penalty

#### **Unit 5- Water and Air Pollution**

1. Meaning and standards
2. Culprits and victims
3. Offences and penalties
4. Judicial approach

#### **Unit 6- Noise Pollution**

1. Legal control
2. Court's of balancing: permissible and impermissible noise

#### **Unit 7- Environment Protection**

1. Protection agencies: power and functions
2. Protection: means and sanctions
3. Emerging protection through delegated legislation
  - Hazardous waste,
  - Bio-medical waste
  - Genetic engineering
  - Disaster emergency preparedness
  - Environment impact assessment.
  - Coastal zone management
  - Environmental audit and eco mark
1. Judiciary: complex problems in administration of environmental justice

#### **Unit 8- Town and country planning**

1. Law: enforcement and constrain
2. Planning - management policies

#### **Unit 9- Forest and greenery**

1. Greenery conservation laws



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1129

- Forest conservation
  - Conservation agencies
  - Prior approval and non-forest purpose
  - Symbiotic relationship and tribal people
  - Denudation of forest : judicial approach
2. Wild life
- Sanctuaries and national parks.
  - Licensing of zoos and parks
  - State monopoly in the sale of wild life and wild life articles
  - Offences against wild life.

### Unit 10- Bio-diversity

1 Legal control

2 Control of eco-unfriendly experimentation on animals, plants, seeds and micro organism.

### Unit 11- International regime

1. Stockholm conference
2. Green house effect and ozone depletion
3. Rio conference
4. Bio-diversity
5. U.N. declaration on right to development.
6. Wetlands

### Suggested Readings

- R.B.Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.
- Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
- Leelakrishnan, P, The Environmental Law in India (1999), Butterworths-India
- Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).
- Indian Journal of Public Administration, Special Number on Environment and Administration, July- September 1988, Vol. XXXV, No.3, pp.353-801
- World Commission on Environment and Development, Our Common Future (1987), Oxford.

### Leading Cases

- Municipal Council , Ratlam versus Shri Vardhichand, 1980 AIR 1622
- Rural Litigation & Entitlement Kendra, Dehradun versus State of U.P, AIR 1985 SC 659
- Charan Lal Sahu versus Union of India, AIR 1990 SC 1480
- M.C. Mehta versus Union of India AIR 1987 SC 1086 (Taz Trapezium Case)
- M.C.Mehta versus Union of India AIR 1988 SC 1115
- A.P.Pollution Control Board versus Prof. M.V.Nayadu AIR 1999 SC 812
- Vellore Citizen's Welfare Forum versus Union of India AIR 1996 SC 2715
- M.C.Mehta versus Kamal Nath, (1997) 1 SCC 388

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## CONSTITUTIONAL LAW II

### OBJECTIVE OF THE COURSE

The purpose of teaching constitutional law is to highlight its never-ending growth. Constitutional interpretation is bound to be influenced by one's social, economic or political predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law. Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments.

### SYLLABUS

#### Unit 1- Fundamental Rights and Directive Principles

1. Directive Principles- directions for social change- A new social order.
2. Fundamental Rights and Directive Principles - inter-relationship - judicial balancing.
3. Constitutional amendments - to strengthen Directive Principles.
4. Reading Directive Principles into Fundamental Rights

#### Unit 2- Fundamental duties

1. The need and status in constitutional set up
2. Interrelationship with fundamental rights and directive principles

#### Unit 3- Emergency


1. Emergency meaning and scope
2. Proclamation of emergency - conditions -effect of emergency on Centre- State relations.
3. Emergency and suspension of fundamental rights

#### Unit 4-Judiciary under the Constitution

1. Judicial process
  - Court system
  - The Supreme Court
  - High Courts
  - Subordinate judiciary
  - Judges: appointment, removal, transfer and condition of service: judicial independence
2. Judicial review: nature and scope

#### Unit 5- Services under the Constitution

1. Doctrine of pleasure (Art. 310)
2. Protection against arbitrary dismissal, removal, or reduction in rank (Art.311)
3. Exceptions to Art.311

  
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### Suggested Readings

- G. Austin, History of Democratic Constitution: The Indian Expenditure (2000) Oxford
- D.D.Basu, Shorter Constitution of India, (1996), Prentice Hall of India, Delhi
- Constituent Assembly Debates Vol. 1 to 12 (1989)
- H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay
- M.P.Singh(ed.), V.N.Shukla, Constitutional Law of India (2000)' Oxford

### Leading Cases



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120

## CONTRACT – II

### OBJECTIVE OF THE COURSE

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphases is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

### SYLLABUS

#### Unit 1- Contracts of Indemnity

1. Principle and definition of indemnity in general
2. Formation and essential features
3. Purpose of the contract of indemnity
4. Nature and extent of liability of the indemnifier
5. Commencement of liability of the indemnifier

#### Unit 2- Contract of Guarantee


1. Definition of a contract of guarantee
2. Formation and essentials features of a contract of guarantee.
3. Difference between contract of guarantee and contract of indemnity
4. Consideration for a contract of guarantee
5. Continuing guarantee, and its revocation
6. Nature and extent of surety's liability
7. Surety's rights against the principal debtor
8. Surety's rights against the creditor
9. Discharge of surety's liability
10. Co-surety and manner of sharing liabilities and rights




#### Unit 3- Contract of Bailment

1. Definition of a contract of bailment
2. Formation and essential features of a contract of bailment, Parties to the contract
3. Creation of a contract of bailment
4. Kinds of bailees
5. Rights, duties, disabilities and liabilities
  - of a bailor
  - of a bailee vis-à-vis the bailor
  - of a bailee vis-à-vis the third parties, and the true owner
6. Termination of bailment, and consequences of termination
7. Finder of goods as a bailee

#### Unit 4- Contract of Pledge

1. Definition of pledge

  
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31

2. Essential features and creation of contract of pledge
3. Pledge: comparison with bailment
4. Commercial utility of pledge transactions
5. Rights, liabilities and duties of the pawner and pawnee.
6. Pownee's right of sale as compared to that of an ordinary bailee
7. Pledge by certain specified persons mentioned in the Indian Contract Act.

#### Unit 5- Contract of Agency

1. Definition of contract of agency
2. Kinds of agents and agencies.
3. Distinction between agent and servant.
4. Essentials of agency transaction
5. Various methods of creation of agency
6. Delegation of authority, Relationship between a principal, agent and sub-agent, substituted agents
7. Ratification
8. Duties and rights of agent
9. Scope and extent of agent's authority.
10. Liability of the principal for acts of the agent.
11. Liability of the agent towards the principal.
12. Methods of termination of agency contract
13. Liability of the principal and agent before and after such termination
14. Personal liability of an agent
15. Revocation and other modes of termination of agency, Irrevocable agency Effect of termination, Liability of the principal and agent before and after termination

#### Unit 6- Sales of Goods

1. Concept of sale as a contract
2. Illustrative instances of sale of goods and the nature of such contracts.
3. Essentials of contract of sale
4. Essential conditions in every contract of sale
5. Implied terms in contract of sale
6. The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act.
7. Changing concept of caveat emptor
8. Effect and meaning of implied warranties in a sale
9. Transfer of title and passing of risk
10. Delivery of goods: various rules regarding delivery of goods.
11. Unpaid seller and his rights
12. Remedies for breach of contract

#### Unit 7- Partnership

1. Nature of partnership: definition
2. Distinct advantages and disadvantages vis-à-vis partnership and private limited
3. company
4. Mutual relationship between partners
5. Authority of partners

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6. Admission of partners.
7. Outgoing of partners.
8. Registration of Partnership
9. Dissolution of Partnership

#### List of Suggested Readings

- R.K.Abhichandani (ed.), Pollock and Mulla on Contracts and Specific Relief Acts (1999) Tripathi, Bombay
- Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- Krishnan Nair, Law of Contract, (1999) Orient
- Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern, Lucknow
- J.P.Verma (ed.), Singh and Gupta, The Law of Partnership in India (1999), Orient Law House, New Delhi.

#### Leading Cases

- Osman Jamal And Sons Ltd. v. Gopal Purshottam on 19 July, 1928
- K. Bhattacharjee vs. Nomo Kumar [1899], Shyamlal vs. Abdul Salal [1931]
- G. Moreshwar R vs. M. Madan
- The Britannia Biscuit Co. Ltd. vs The State Of Maharashtra on 2 March, 1983
- TajMahal Hotel vs. United India Insurance Co. Ltd.
- Lallan Prasad v. Rahmat Ali & Anr. 1967 SCR (2) 233
- The Official Assignee of Madras v. The Mercantile Bank Of India Ltd. (1935) 37 BOMLR 130
- Ram Narain vs. Lt. Col. Hari Singh, AIR 1964 Rajasthan 76

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## JURISPRUDENCE

### OBJECTIVES OF THE COURSE

The subject Jurisprudence is taught to make students understand about the nature of law and development of law. Further, with the study of jurisprudence students will learn about different legal theories provided by different jurists which will help students to develop an analytical approach. The study of jurisprudence will sharpen student's logical techniques and will also clear the overlapping rules. These points will help to understand the legal system in a better way. It is one of the compulsory paper of law as prescribed by Bar Council of India.

### SYLLABUS

#### UNIT I- UNDERSTANDING OF JURISPRUDENCE

1. Meaning, Definitions of Jurisprudence
2. Nature, Scope and Importance of Jurisprudence
3. Relation of Jurisprudence with other sciences
4. Law and Morality
5. Major Global Legal System

#### UNIT II- SOURCES OF LAW

1. Legislation
2. Precedent
3. Custom

#### UNIT III- SCHOOL OF JURISPRUDENCE

##### 1. Analytical School

Austin Theory of Law and Theory of Sovereignty  
Kelsen Pure Theory of Law  
H.L.A Hart Combination of Rules

##### 2. Natural Law School

Evolution and Development of Natural Law School  
Views of prominent jurists including Thomas Aquinas, Immanuel Kant, John Locke  
Social Contract Theory by Thomas Hobbes  
Dialectical Interpretation by Hegel  
Influence of Natural Law School with respect to USA, England and India

##### 3. Historical School

Savigny Concept of Law  
Understanding of Volksgeist  
Theory of Law by Sir Henry Maine  
Georg Friedrich Puchta Contribution to Historical School

##### 4. Realist School

Understanding and meaning of American Realism  
Theory of Law by Jerome Frank-fact scepticism and rule scepticism  
Bad Man's Theory by Oliver Wendell Holmes  
Theory by John Chipman Gray and Karl Llewellyn  
Basic of Scandinavian Realism

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116

## 5. Sociological School

Emergence and need for Sociological School

Impact of Law on Society

Living Law Theory by Eugen Ehrlich

Social Engineering and Jural Postulates by Roscoe Pound

Theory of Social Solidarity by Leon Duguit

Theory by Ihering

## 6. Modern Trends and Theories

Critical Legal Studies

Post Modern Legal System

Feminist Jurisprudence

## UNIT IV- LAW AND JUSTICE

### 1. Justice

Nature and Kind of Justice

John Rawl's Theory of Justice

Justice: Indian Perspective

### 2. Administration of Justice

Difference between Civil and Criminal Justice

Theories of Punishment

Distinction between Legal Justice and Natural Justice

## UNIT V- ELEMENTS OF LAW

### 1. Rights and Duties

Different Meaning of Rights

Classification of Legal Rights

Hohfeld's Analysis of Rights

Theories on the Nature of Rights

Natural Rights and Human Rights

### 2. Ownership

Definition of Ownership

Kinds of Ownership

### 3. Possession

Definition of Possession

Understanding of Animus Possidendi and Corpus Possessionis

Kinds of Possession

Modes of Acquisition

Possessory Remedies

### 4. Persons

Nature of Legal Personality

Concept of Corporation

- Basic Principles of Corporation
- Acts and Liabilities of Corporation
- Importance of Incorporation

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- Lifting of Corporate Veil
- Theories of Legal Personality
- Legal Status of State
- Legal Status of Animal
- Legal Status of Deceased
- Legal Status of Unborn Persons
- 5. Property**
- Meaning and Definition of Property
- Kinds of Property
- Modes of Acquisition of Property
- 6. Obligations**
- Concept of Obligations
- Solidary Obligations
  - Several
  - Joint
  - Joint and Several
- Sources of Obligation
  - Contractual
  - Delictal
  - Quasi-contractual
  - Innominate
- 7. Liability**
- Definition and Meaning of Liability
- Kinds of Liability
- Remedial and Penal Liability
- Kinds of Acts
- Wrongful Acts
- Exemption from Liability
- Vicarious Liability

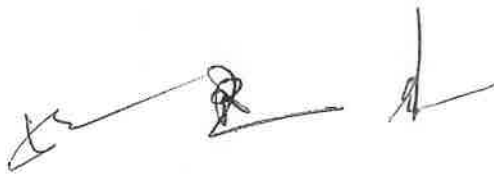
#### Suggested Readings

- W. Friedmann, Legal Theory (1999) Universal, Delhi.
- V.D. Mahajan, Jurisprudence and Legal Theory (1996 re-print) , Eastern, Lucknow
- H.L.A. Hart, The Concepts of Law (1970) Oxford, ELBS
- Roscoe Pond, Introduction to the Philosophy of Law (1998 Re-print) Universal, Delhi.
- Dhyani S.N., Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.

#### Leading Cases

- Kesavananda Bharati versus State of Kerala & Anr, AIR 1973 SC 1461
- Maharaja Shree Umaid Mills Ltd versus Union Of India, 1963 AIR SC 953 (Concept of Law; Legislative Agreements)
- Bengal Immunity & Co. versus. State of Bihar, AIR 1955 SC 561 (Precedent)
- Maneka Gandhi versus Union of India, AIR 1978 SC 597

  
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## FAMILY LAW I

### OBJECTIVE OF COURSE

The course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful. The following acts to be studied:

- HINDU MARRIAGE ACT, 1955
- HINDU ADOPTION AND MAINTAINENCE ACT, 1956
- HINDU ADOPTION AND GUARDIANSHIP ACT, 1956
- HINDU SUCCESSION ACT, 1956

#### Unit 1- Marriage and Kinship

1. Evolution of the institution of marriage and family.
2. Role of religious rituals and practices in moulding the rules regulating to marital relations
3. Types of family based upon
4. Lineage- patrilineal matrilineal
5. Authority structure- patriarchal and matriarchal
6. Location- patrilocal and matrilocal
7. Number of conjugal units - nuclear, extended, joint and composite.
8. Emerging concepts: maitrisambandh and divided home

#### Unit 2- Concept of Marriage under Hindu Law

1. Sources of Hindu Law
2. Schools of Hindu Law
3. Marriage under Hindu Law
4. Nature , Definition and Forms of Marriage
5. Conditions for Marriage & Registration of Marriage
6. Marriage Ceremonies and proof of Marriage
7. Degree of Prohibited relationship and Sapinda relationship
8. Grounds of Void & Voidable Marriage

#### Unit 3- Customary practices and State regulation

1. Polygamy
2. Concubinage
3. Child marriage
4. Sati
5. Dowry

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#### Unit 4- Joint Family

1. Mitakshara joint family
2. Mitakshara coparcenary- formation and incidents
3. Property under Mitakshara law- separate property and coparcenary property
4. Dayabhaga coparcenary- formation and incidents
5. Property under Dayabhaga law.
6. Karta of the joint family - his position, powers, privileges and obligations
7. Alienation of property- separate and coparcenary.
8. Debts - doctrines of pious obligations and antecedent debt.
9. Partition and re-union

#### Unit 5- Regulation under Hindu Marriage Act, 1955

1. Essentials of a valid marriage under the Hindu Marriage Act, 1955;
2. ceremonies of marriage; valid, void and voidable marriages;
3. importance of custom; marriage with a non-Hindu;
4. registration of marriage;
5. effect on legitimacy of children
6. Divorce
  - theories of divorce,
  - grounds of divorce,
  - customary divorce,
  - effect of divorce,
  - emerging trends;
  - Bar to remarriage after a divorce
7. Other matrimonial reliefs
8. Nullity of marriage
9. Judicial separation
10. Repudiation of marriage
11. Restitution of conjugal rights
12. Other reliefs granted by a court in matrimonial proceedings (other than
13. maintenance)
14. Bar to matrimonial reliefs
15. Jurisdiction of courts: under the Hindu Marriage Act, 1955 and the Family Courts Act, 1984

#### Unit 6 -Inheritance

1. Historical perspective of Hindu Succession Act 1956.
2. Succession to property of a Hindu male dying intestate
3. Devolution of interest in Mitakshara coparcenary
4. Succession to property of Hindu female
5. Disqualification relating to succession
6. General rules of succession of property under the Indian Succession Act

#### Unit 7- Maintenance

1. Maintenance under Hindu Law
2. Provisions under the Hindu Marriage Act, 1955
3. Provisions under the Hindu Adoption & Maintenance Act, 1956

  
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- 112
4. Provisions under the Cr.P.C, 1973
  5. Adoption under Hindu Law
  6. Who may adopt, who may give in adoption and who can be adopted
  7. Ceremonies of Adoption & Effects of Adoption
  8. Relationship of Adopted Child & Proof of Adoption

#### **Unit 8- Guardianship**

1. Guardianship of person– Natural, Testamentary and Guardian appointed by court
2. Guardianship of minors property
3. Defacto Guardian

#### **Unit 9- Establishment of Family Courts**

1. Constitution, power and functions
2. Administration of gender justice

#### **Unit 10- Uniform Civil Code**


1. Religious pluralism and its implications
2. Connotations of the directive contained in Article 44 of the Constitution
3. Impediments to the formulation of the Uniform Civil Code
4. The idea of Optional Uniform Civil Code.


#### **Suggested Readings**

- Basu, N.D., Family Law
- S.T.Desai (ed.) Mulla's Principles of Hindu Law
- Paras Diwan, Family Law

#### **Leading Cases**

- Harvinder Kaur v. Harmander Singh Choudhary AIR 1984 SC 1562
- Dastane v. Dastane AIR 1975 SC 1534
- SarlaMudgal v. Union of India AIR 1995 1531
- Seema v. Ashwani Kumar, AIR 2006 S.C 1158
- Saroj Rani v Sudarshan Kumar AIR 1984, 1562
- Prakash v. Phulavati and Ors., 2016
- Vineet Sharma v. Rakesh Sharma & Ors., 2018
- M. Vanaja vs. M. Sarla Devi AIR 2020
- VasudhaSethi v. Kiran V. Bhaskar AIR 2022

  
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## **FAMILY LAW II (Mohameddan law)**

### **OBJECTIVE OF THE COURSE**

The course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

### **SYLLABUS**

#### **Unit 1- Development of Islamic Law**

1. Advent of Islam and development of Muslim Law
2. Sources of Muslim Law
3. Schools of Muslim Law

#### **Unit 2- Marriage under Muslim Law**

1. Definition, Nature and Scope of Muslim Marriage (Nikah)
2. Difference between Hindu & Muslim Marriage
3. Essential requirements of Muslim Marriage
4. Classification of Muslim Marriage
5. Distinction between Shia & Sunni Law of Marriage
6. Concept of Dower
7. Legal effects of valid, void and irregular marriage-muta marriage

#### **Unit 3- Dissolution of Marriage under Muslim Law**


1. Essentials of Talaq
2. Modes of Talaq
3. Dissolution of marriage under the Dissolution of Muslim Marriage Act, 1939
4. Distinction between Shia & Sunni Law of Divorce




#### **Unit 4-Maintenance under Muslim Law**

1. Maintenance to Muslim Wife
2. Divorced Wife's Right to Maintenance under Muslim Women (Protection of Rights on Divorce) Act, 1986
3. Maintenance to Muslim Children
4. A review under Muslim Law, Indian Divorce Act, 1869 and CrPC.

#### **Unit 5- Will and Gifts**

1. Meaning, limitations on a Mohammedan in making a will
2. Construction of Will in brief
3. Difference between will and gift
4. Gifts (Hiba) : Essentials of a valid gift
5. Kinds of Hiba

  
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6. Oral gifts and its validity
7. Registration of gifts
8. Revocation and revival of gifts
9. Marz-ul-mouth (death-bed gift)
10. Law of Inheritance under Shia and Sunni Schools

#### **Unit 6- Right of Pre-emption**

1. Pre-emption under Muslim law
2. Meaning, nature, who can claim the right;
3. Formalities and legal effect;
4. Legal devices of evading right of pre-emption
5. Loss of the right

#### **Unit 7- Wakf**

1. Origin and Development of Wakf
2. Importance, Meaning and Definition, Characteristics
3. Essentials, Kinds, formalities for creation, the Wakif,
4. Objects and Purposes of the Wakf
5. Administration of Wakf under the Wakf Act,
6. Appointment, Removal, Powers and Duties of Mutawalli

#### **Unit 8- Guardianship under Muslim Law**


1. Meaning , Appointment and Removal of Guardianship
2. Kinds of guardianship- guardianship in marriage, person and property


#### **Suggested Readings**

- Poonam Pradhan Saxena, Family Law Lectures: Family Law II, LexisNexis, New Delhi.
- Paruck, The Indian Succession Act, 1925, N M Tripathi Private Ltd.
- Row Sanjiva, The Indian Succession Act, Law Book Co.
- Basu, Indian Succession Act, Eastern Book Publication.
- Diwan, Law of Intestate and Testamentary Succession, Wadhwa
- Mulla, Principles of Mohammedan Law, LexisNexis, Nagpur.

#### **Leading Cases**

- DanialLatifi and another v. Union of India (2001) 7 SCC 740
- Mohd. Ahmad Khan v. Shah Bano Begum and ors 1985 SCR (3) 844
- ShayaraBano v. Union of India and others AIR 2017
- Ahmedabad Women Action Group (AWAG) v. Union of India (AIR (1997) 3 SCC 573
- ShamimAra v. State of U.P. (MANU/SC/0850/2002)
- Smt. SarlaMudgal, President v. Union Of India &Ors on 10 May, 1995

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41



# **Semester-III**

## Detailed Semester-wise marking schemes

### Semester - III

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL3.1	Criminal Procedure Code	40	16	60	24	----	----	100
2	BL3.2	Property Law	40	16	60	24	----	----	100
3	BL3.3	Administrative Law	40	16	60	24	----	----	100
4	BL3.4	Criminology and Penology	40	16	60	24	----	----	100
5	BL3.5	IPR	40	16	60	24	----	----	100
							----	----	
Total			200	80	300	120	----	----	500

  
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108

## CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT

### OBJECTIVE OF THE COURSE

The criminal process involves increasing expenditure of government resources. At the same time it confronts a crisis of intrusion into individual rights in order to protect the common weal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Criminal procedure, thus, makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, too enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure. Juvenile justice and probation of offenders are combined with the study of criminal procedure. These topics also do have their roots in criminal procedure. The rubrics under their head are intended to render an essential grasp of the areas.

### SYLLABUS

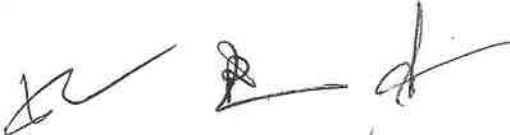
#### Unit 1- Introductory

1. The rationale of criminal procedure: the importance of fair trial.
2. Constitutional perspectives: Articles 14, 20 & 21.
3. The variety of criminal procedures ( the class should examine, in particular the procedure for trial of special offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act )
4. The organisation of police, prosecutor, defence counsel and prison authorities and their duties, functions and powers.

#### Unit 2- Pre-trial process: Arrest

1. The distinction between cognisable and non-cognisable offences
2. Steps to ensure accused's presence at trial : warrant and summons.
3. Arrest with and without warrant (Section 70-73 and 41).
4. The absconder status (Section 82, 83, 84 and 85)
5. Right of the arrested person
  - Right to know grounds of arrest (Section 50(1), 55, 75).
  - Right to be taken to magistrate without delay (Section 56, 57).
  - Right of not being detained for more than twenty-four hours (section 57):
  - Right to consult legal practitioner, legal aid and the right to be told of rights to bail
  - Right to be examined by a medical practitioner (Section 54).

  
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### Unit 3- Pre-trial process: Search and Seizure

1. Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103)
2. Police search during investigation (Section 165, 166, 153)
3. General principles of search (section 100)
4. Seizure (Section 102)
5. Constitutional aspects of validity of search and seizure proceedings

### Unit 4- Pre-trial Process: FIR

1. F.I.R. (section 154)
2. Evidentiary value of F.I.R. (See Sections 145 and 157 of Evidence Act)
3. Pre-trial Process: Magisterial Powers to Take Cognizance units 5

### Unit 5- Trial Process

1. Commencement of proceedings: (Section 200, 201, 202)
2. Dismissal of complaints (Section 203, 204)
3. Bail: concept, purpose: constitutional overtones
4. Bailable and Non- Bailable offences (Section 436, 437, 439)
5. Cancellation of bail (Section 437 (5))
6. Anticipatory bail (Section 438)
7. Appellate bail powers (Section 389(1), 395 (1), 437(5))
8. General principles concerning bond (Sections 441-450)

### Unit 6- Fair Trial

1. Conception of fair trial
2. Presumption of innocence.
3. Venue of trial.
4. Right of the accused to know the accusation (Section 221-224)
5. The right must generally be held in the accused's presence (Section 221-224)
6. Right of cross -examination and offering evidence in defence: the accused's statement
7. Right to speedy trial

### Unit 7- Charge

1. Framing of charge
2. Form and content of charge (Section 211, 212, 216)
3. Separate charges for distinct offence (Section 218, 219, 220, 221, 223)
4. Discharge - pre-charge evidence

### Unit 8- Preliminary pleas to bar the trial

1. Jurisdiction (Section 26, 177-188, 461, 462, 479)
2. Time limitations: rationale and scope (section 468-473)
3. Pleas of autrefois acquit and autrefois convict (Section 300, 22D)
4. Issue-Estoppel
5. Compounding of offences
6. Trial Before a Court of Sessions: Procedural Steps and Substantive Rights
7. Trials before High Court and Inherent Powers of High Court ( Section 474-484)



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### Unit 9- Judgment

1. Form and content (Section 354)
2. Summary trial
3. Post-conviction orders in lieu of punishment: emerging penal policy
4. (Section 360, 361, 31)
5. Compensation and cost (Section 357, 358)
6. Modes of providing judgment (Section 353, 362, 363)
7. Appeal, Review, Revision units 7
8. No appeal in certain cases (Section 372, 375, 376)
9. The rationale of appeals, review, revision.
10. The multiple range of appellate remedies:
11. Supreme Court of India (Sections 374, 379, Articles 31, 132, 134, 136)
12. High Court (Section 374)
13. Sessions court (Section 374)
14. Special right to appeal (Section 380)
15. Governmental appeal against sentencing (Section 377, 378)
16. Judicial power in disposal of appeals (Section 368)
17. Legal aid in appeals.
18. Revisional jurisdiction (Sections 397-405)
19. Transfer of cases (Section 406, 407)

### Unit 10- Juvenile delinquency


1. Nature and magnitude of the problem
2. Causes
3. Juvenile court system
4. Treatment and rehabilitation of juveniles
5. Juveniles and adult crime
6. Legislative and judicial protection of juvenile offender
7. Juvenile Justice Act 1988

### Unit 11- Probation of offender's law

1. The judicial attitude
2. Mechanism of probation: standards of probation services.
3. Problems and prospects of probation
4. The suspended sentence
5. Reform of criminal procedure

### Suggested Readings

- Retanlal Dhirajlal, Criminal Procedure Code (1999) Universal, Delhi.
- Chandrasekharan Pillai ed., Kelkar Lectures on Criminal Procedure (1998) Eastern, Lucknow
- Woodroffe: Commentaries on Code of Criminal Procedure, 2 vol. (2000) Universal.
- Chandrasekharan Pillai (ed.) Kelkar's Outlines of Criminal Procedure (2001), Eastern, Lucknow.



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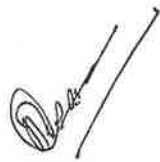




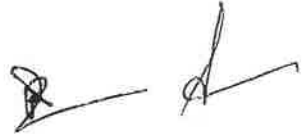
Balendra Prasad  
Officer on Special Duty (Judicial) 45

### Leading Cases

- Lalita Kumar v. Govt. of U.P, AIR 2008 (11) 154
- State of Orissa v. Sharat Chandra Sahu AIR (1996) 6 SCC 435
- MadhuBala v. Suresh Kumar AIR 1997
- SakiriVasu v. State of U.P AIR (2008) 2 SCC 409
- D.K Basu v. State of W.B. AIR 1997 SC 610
- Gurbaksh Singh Sibba v. The State of Punjab, AIR 1982 SC 1632
- Mohd. AjmalKasab v. The State of Maharastra AIR (2012)9 SCC 1
- Mohd. Ahmad Khan v. Shah Bano Begum and ors 1985 SCR (3) 844
- Mukesh & ors. V. State of Delhi (Delhi Gang rape Case)



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## PROPERTY LAW

### OBJECTIVE OF THE COURSE

The course on property conventionally deals with the Transfer of Property Act 1882. More than a century has elapsed since the passing of the Act and far-reaching changes have occurred in the field in property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the rule against perpetuities find a place in the Act, the post-independence development relating to control and use of agricultural land do not find a place. The obsolescence of the Transfer of Property Act, can be best illustrated by citing the provisions relating to leases on immovable properties. The provisions relating to leases under the Act are not applicable to agricultural leases; and even with respect to urban immovable property, the provisions are not applicable to the most dominant type, namely, housing under the rent control legislation. Thus the existing syllabus does not touch upon agrarian property relations, which affect the vast majority of people or aspects relating to intellectual property which are important in the context of development. The proposed syllabus attempts at overcoming these deficiencies and imbalances.

### SYLLABUS

#### UNIT - 1

1. Jurisprudential Controls of Property
2. Possession and ownership as man - property relationship - finder of lost goods
3. Pre-colonial position, Introduction of permanent settlement
4. Effects of colonial revenue administration, Intermediaries, Tenancies
5. Land Acquisition: inquiry- notice and hearing

#### UNIT- 2

1. Forms of Control Urban Property
2. Rent Control. Urban development authority
3. Post-constitutional Developments with Respect to Agricultural Land
4. Land ceiling legislation

#### UNIT- 3

1. Law Relating to Transfer of Property
2. General principles of transfer of property
3. Trusts

#### UNIT - 4

1. Easements, Nature, characteristics and extinction, Creation of easements
2. Riparian rights, Licenses
3. Recordation of Property Rights

#### List of Cases

- Jilubhai Khachar v. Gujarat, AIR 1995 SC 142
- Shantabai v. State of Maharashtra AIR 1958 SC 532
- Lloyds Bank Ltd. v. P.E. Guzdar AIR 1930 Cal 22

  
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- Rosher v. Rosher (1884) 26 chd 801
- Grijesh Dutt v. Datadin AIR 1934 Oudh 35
- Tagore v. Tagore (1872) Ind App Sup Vol. 47
- Cooper v. Cooper L.R.7, H.L.53
- Tulk v. Moxhey (1848) 2 Ph 774
- Jumma Masjid v. K. Deviah AIR 1962 SC 847
- Bellamy v. Sabina ( 1857) 44 ER 842
- Associated Hotel of India v. R. N. Kapoor AIR 1959 SC 1262

### Suggested Readings

- Mulla, Transfer of Property Act, Universal, Delhi.
- Subbarao, Transfer of Property Act, C. Subbiah Chetty, Madras
- B.Sivaramayya, The equalities and the Law, Eastern Book Co., Lucknow.
- B.H.Baden-Powell, Land Systems of British India, Vol.1 to 3., Oxford.
- V.P.Sarathy, Transfer of Property , Eastern, Lucknow.

  
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## ADMINISTRATIVE LAW

### OBJECTIVES OF THE COURSE

The modern state governs in the traditional sense, that is, it maintains law and order, adjudicate upon disputes and regulates economic and social life of individuals and groups in the state. At the same time it is also the provider of essential services. In the event of need occasioned by unforeseen hazards of life in a complex society, it engages itself in giving relief and helps the citizenry towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution on authority of numerous state functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs in an age of science and technology. The aggregate of such functionaries is an essential component of modern administration.

### SYLLABUS

#### UNIT 1-Evolution, Nature and Scope of Administrative Law

1. From a laissez-faire to a social welfare state
2. State as regulator of private interest
3. State as provider of services
4. Other functions of modern state : relief, welfare
5. Evolution of administration as the fourth branch of government- necessity for delegation of powers on administration.
6. Evolution of agencies and procedures for settlement of disputes between individual and administration
7. Regulatory agencies on the United States
8. Conseil d'Etat
9. Tribunalization in England and India
10. Definition and scope of administrative law
11. Relationship between constitutional law and administrative law
12. Separation of powers
13. Rule of law

#### UNIT 2- Civil Service in India

1. Nature and organization of civil service: from colonial relics to democratic aspiration
2. Powers and functions
3. Accountability and responsiveness: problems and perspectives
4. Administrative deviance- corruption, nepotism, mal-administration.

#### UNIT 3- Legislative Powers of Administration

1. Necessity for delegation of legislative power
2. Constitutionality of delegated legislation - powers of exclusion and inclusion and power to modify statute
3. Requirements for the validity of delegated legislation
4. Consultation of affected interests and public participation in rule-making
5. Publication of delegated legislation
6. Administrative directions, circulars and policy statements

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7. Legislative control of delegated legislation
8. Laying procedures and their efficacy
9. Committees on delegated legislation - their constitution, function and effectiveness
10. Hearings before legislative committees
11. Judicial control of delegated legislation
12. Sub-delegation of legislative powers


#### UNIT 4- Judicial Powers of Administration

1. Need for devolution of adjudicatory authority on administration
2. Administrative tribunals and other adjudicating authorities : their ad-hoc character
3. Tribunals - need, nature, constitution, jurisdiction and procedure
4. Jurisdiction of administrative tribunals and other authorities
5. Distinction between quasi-judicial and administrative functions
6. The right to hearing- essentials of hearing process
7. No man shall be judge in his own cause
8. No man shall be condemned unheard
9. Rules of evidence - no evidence, some evidence and substantial evidence rules
10. Reasoned decisions
11. The right to counsel
12. Institutional decisions
13. Administrative appeals

#### UNIT 5- Judicial Control of Administrative Action

1. Exhaustion of administrative remedies
2. Standing : standing for Public interest litigation (social action litigation) collusion, bias  
Laches
3. Res judicata
4. Grounds
5. Jurisdictional error/ultra vires
6. Abuse and non exercise of jurisdiction
7. Error apparent on the face of the record
8. Violation of principles of natural justice
9. Violation of public policy
10. Unreasonableness
11. Legitimate expectation
12. Remedies in judicial Review:
13. Statutory appeals
14. Mandamus
15. Certiorari
16. Prohibition
17. Quo-Warranto
18. Habeas Corpus
19. Declaratory judgments and injunctions
20. Specific performance and civil suits for compensation

  
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1100

#### UNIT 6- Administrative Discretion

1. Need for administrative discretion
2. Administrative discretion and rule of law
3. Limitations on exercise of discretion
4. Malafide exercise of discretion
5. Constitutional imperatives and use of discretionary authority
6. Irrelevant considerations
7. Non-exercise of discretionary power

#### UNIT 7- Liability for Wrongs (Tortious and Contractual)

1. Tortious liability: sovereign and non-sovereign functions
2. Statutory immunity
3. Act of state
4. Contractual liability of government
5. Government privilege in legal proceedings- state secrets, public interest
6. Transparency and right to information
7. Estoppel and waiver

#### UNIT 8- Corporations and Public Undertakings

1. State monopoly- remedies against arbitrary action or for acting against public policy
2. Liability of public and private corporations - departmental undertakings
3. Legislative and governmental control
4. Legal remedies
5. Accountability- Committee on Public Undertakings, Estimates Committee, etc.

#### UNIT 9- Informal Methods of Settlement of Disputes and Grievance Redressal Procedures

1. Conciliation and mediation through social action groups
2. Use of media, lobbying and public participation
3. Public inquiries and commissions of inquiry
4. Ombudsman : Lok Pal, LokAyukta
5. Vigilance Commission
6. Congressional and Parliamentary Committees

#### Suggested Readings

- C.K.Allen, Law & Orders (1985)
- D.D.Basu, Comparative Administrative Law (1998)
- M.A.Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000),
- Wade, Administrative Law (Seventh Edition, Indian print 1997), Universal, Delhi.
- J.C.Garner, Administrative Law (1989), Butterworths (ed. B.L. Jones)
- M.P.Jain , Cases and Materials on Indian Administrative Law, Vol.I and II (1996), Universal, Delhi.
- Jain & Jain, Principles of Administrative Law (1997), Universal, Delhi.
- S.P.Sathe, Administrative Law (1998) Butterworths-India, Delhi

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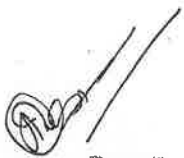
Dr. P. S. Sathe


Dr. P. S. Sathe

Dr. P. S. Sathe

## Leading Cases

- Ram Jawaya Kapoor v. State of Punjab 1955
- Motilal vs. State of UP
- In Re. Delhi Laws
- ADM Jabalpur v. Shivkant Shukla
- Sunil Bhatra v. Delhi Administration AIR (1980) SCC 1795
- D.S Nakara v/s Union of India AIR (1983) 1 SCC 304
- *A.K. Kraipak V. Union of India* AIR 1970 SC 150
- *Maneka Gandhi v. Union of India* AIR 1978 SC 597.
- *E.P. Royappa v State of Tamil Nadu* AIR 1974 SC 555.
- Smt. Indira Nehru Gandhi v. Shri Raj Narain, AIR 1975 SC 2299.
- Chandra Kumar v. Union of India, (1997) 3 SCC 261

  
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## CRIMINOLOGY AND PENOLOGY

### OBJECTIVE OF THE COURSE

The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behaviour, particularly, deviant behaviour. In the past criminality was confined to acts of violence or unlawful acts of commission or omission. The concept of crime has changed considerably in recent years. Unscrupulous members of society to indulge in anti-social behaviour with impunity have devised sophisticated methods. In view of the magnitude of the problem the existing machinery for control of crime, namely the police and the courts have come under severe criticism. Emphasis will be laid on understanding the weak and strong points of the existing system in order to determine whether it can meet the challenge and carry new burdens. Much has been said against capital punishment and imprisonment as methods of preventing and control of crime. Nevertheless these continue to be the backbone of the system in India. Several alternatives such as conditional release, parole and commutation of sentences have been suggested in this regard. The course shall dwell on these themes with a view to develop among students a greater understanding of social costs of crime and the effective ways of lessening them. Rehabilitation process is undoubtedly an important component of criminal justice system

### SYLLABUS

#### UNIT - 1 Dimensions of Crime in India

1. Nature and extent of crime in India
2. General approaches to crime control.
3. Crimes of the powerful
4. Organised crime - smuggling, traffic in narcotics.
5. White collar crime - corruption in public life
6. Socio-economic crime: adulteration of foods and drugs; fraudulent trade practices.
7. Crimes in the professions - medical, legal, engineering.
8. Criminality by agencies of the state.
9. Perpetrators of ordinary crime
10. The situational criminal.
11. The chronic offender.
12. Criminality of women
13. Young offenders
14. Criminal gangs.

#### UNIT 2- Causes of Criminal Behaviour

1. Nature of the problem : some unscientific theories
2. The constitutional School of Criminology - Lombroso and others (heredity and mental
3. retardation as causes of crime)
4. Sociological theories Anomies
5. Modern sociological theories - Sutherland's differential association theory: Reckless's social vulnerable theory.

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6. Economic theories and their relevance.
7. Environment - home and community influences, urban and rural crimes.
8. The ghetto, broken homes, the effect of motion pictures, T.V. and video, press, narcotics and alcohol.
9. Caste and community tensions : caste wars and communal riots - their causes and demoralising effects; atrocities against scheduled cadres.
10. Emotional disturbance and other psychological factors.
11. Multiple causation approach to crime.


### UNIT 3- Police and the criminal justice

1. The police system
2. Structural organisation of police at the centre and the states.
3. Mode of recruitment and training.
4. Powers and duties of police under the police acts, Criminal Procedure Code and other laws.
5. Arrest, search and seizure and constitutional imperatives.
6. Methods of police investigation
7. Third degree methods
8. Corruption in police
9. Relationship between police and prosecution.
10. Liability of police for custodial violence.
11. Police public relations
12. Select aspects of National Police Commission report.

### UNIT4- Punishment of Offenders

1. Some discarded modes of punishment
2. Corporal punishment : whipping and flogging : mutilation and branding
3. Transportation
4. Public execution
5. Punishments under the Indian criminal law
  - Capital punishment
  - Imprisonment
  - Fine
6. Cancellation or withdrawal of licences
7. The prison system:
  - Administrative organisation of prisons.
  - Mode of recruitment and training
8. The Jail Manual.
9. Powers of prison officials.
10. Prisoners classification - male, female : juvenile and adult : undertrial and convicted prisoners
11. Constitutional imperatives and prison reforms
12. Prison management: prisoners right and security compulsions.
13. Open prisons
14. Prison labour
15. Violation of prison code and its consequences.
16. Appraisal of imprisonment as a mode of punishment.

  
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### UNIT 5- Treatment of Correction of Offenders units

1. The need for reformation and rehabilitation of offenders undergoing punishment/ imprisonment.
2. Classification of offenders through modern diagnostic techniques.
3. The role of psychiatrists, psychoanalysts and social workers in the prison.
4. Vocational and religious education, and apprenticeship programmes for the offenders.
5. Group counselling and re-socialisation programmes.
6. Prisoners organisations for self-government.
7. Participation of inmates in community services.
8. An appraisal of reformatory techniques.
9. Efficacy of imprisonment as a measure to combat criminality and the search for substitutes

### UNIT 6- Re-socialisation processes

1. Parole:
  - Nature of parole.
  - Authority for granting parole.
  - Supervision of parolees.
  - Parole and conditional release.
2. Release of the offender:
  - Problems of the released offender.
  - Attitudes of the community towards released offender.
3. Prisoner aid societies and other voluntary organisations.
4. Governmental action.
5. An appraisal.

### Suggested Readings

- Sutherland, E. and Cressy, Principles of Criminology (1978).
- J.M. Sethna, Society and the Criminal (1980).
- Siddique, Criminology : Problems and Perspectives (1997).
- E. Sutherland, White Collar Crime (1949).
- D.C.Pandey, Habitual Offenders and the law (1983).
- D. Abrahamsen, David : Crime and the Human Mind (1979).
- Krishna Iyer Report on Female Prisoners (1986).
- Mulla Committee Report, (1983).
- P. Rajgopal, Violence and Response: A Critique of Indian Criminal Justice System (1988).

### Leading Cases

- Tukaram vs. State Of Maharashtra
- Vishaka vs. State Of Rajasthan And Ors
- Ramchit Rajbhar vs. State Of West Bengal, Air 1992
- Hiralal Mirdha vs.State Of Bihar, Air 2007

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## INTELLECTUAL PROPERTY RIGHTS

### OBJECTIVE OF THE COURSE

The importance of this branch of the law is to be sufficiently realised in the Indian legal education. The copyright, trademark and patent are now internationally conceptualised as representing intellectual property. It is often the case that while the law of patents and trademarks is referred to as industrial property, the law relating to copyright is named intellectual property. While both these terms could be suitably invoked, we here speak of intellectual property as signifying all the three bodies of the law as well as the law on industrial designs.

Unlike other forms of property, intellectual property refers to regimes of legal recognition of, primarily, the products of the mind or imagination. The subject matter of property relations is here preeminently based on mental labour. The law relating to intellectual property protects the right to mental labour. As concerns 'modernization' crucial questions arise in the field of copyright protection in computer software and hardware, internet, electronic music and scientific research. Both from the standpoint of human resources development, modernisation and justice it is important that the curricular should include this as one of the major subjects.

#### Unit 1- Introduction

1. The meaning of Intellectual property
2. Competing rationales of the legal regimes for the protection of intellectual property
3. The main forms of intellectual property: copyright trademarks, patents, designs
4. The competing rationales for protection of rights in
  - Copyright
  - Trade marks
  - Patents
  - Designs
  - Trade secrets
  - Other new forms such as plant varieties and geographical Indians
5. Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright Convention, the Paris Union TRIPS the World Intellectual Property Rights Organisation (WIPO) and the UNESCO.

#### Unit 2- Law of copyright in India

1. Historical evolution of the law
2. Meaning of copyright
3. Copyright in literary, dramatic and musical works
4. Copyright in sound records and cinematograph films
5. Copyright in computer programme
6. Ownership of copyright
7. Assignment of copyright
8. Author's special rights
9. Notion of infringement
10. Criteria of infringement
11. Infringement of copyright by films of literary and dramatic works.

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12. Importation and infringement
13. Fair use provisions
14. Piracy in internet
15. Aspects of copyright justice
16. Remedies, especially, the possibility of Anton pillar injunctive relief in India.

### Unit 3- Intellectual Property in Trademarks

1. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights.
2. Definition and concept of trademarks
3. Registration
4. Distinction between trademark and property mark
5. The doctrine of honest Current User
6. The doctrine of deceptive similarity
7. Protection of well-known marks
8. Passing off and infringement
9. Criteria of infringement
10. Standards of proof in passing off action
11. Remedies

### Unit 4- The law of intellectual property: patents

1. Concept of patent
2. Historical view of the patents law in India
3. Patentable inventions with special reference to biotechnology products entailing creation of new forms of life.
4. Patent protection for computer programme
5. Process of obtaining a patent : application, examination, opposition and sealing of patents : general introduction
6. Procedure for filing patents. Patent co-operation treaty
7. Some grounds for opposition
  - The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters
  - Wrongfully obtaining the invention
  - Prior publication or anticipation
  - Obviousness and the lack of inventive step
  - Insufficient description
8. Rights and obligations of a patentee
  - Patents as chose in action
  - Duration of patents : law and policy considerations
  - Use and exercise rights
  - Right to secrecy
  - The notion of "abuse" of patent rights
  - Compulsory licenses
9. Special Categories
10. Employee Invention : Law and Policy Consideration

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11. International Patents, Transfer of Technology, Know-How and problems of self-reliant development

12. Infringement

- Criteria of infringement
- Onus of Proof
- Modes of Infringement : the Doctrine of Colourable Variation
- Defences in suits of infringement
- Injunctions and related remedies.

### Suggested Readings

- Cormish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights (1999), Asia Law House, Hyderabad.
- Vikas Vashishth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi.
- P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta.
- Bibeck Debroy (ed.) Intellectual Property Rights (1998) Rajiv Gandhi Foundation, Delhi.
- K. Thairani, Copyright : The Indian Experience (1987)
- W.R. Cornish, Para and Materials on Intellectual Property (1999), Sweet & Maxwell

### Leading Cases

- Novartis AG vs. Union of India, AIR 2013 SC 1311
- Star India Pvt. Ltd. vs. moviestrunk.com and Ors., Delhi High Court. MANU/DE/0585/2020
- Yahoo! Inc. v. Akash Arora & Anr, 1999 PTC (19) 201 (Delhi)
- Sameer Wadekar & Anr. vs. Netflix Entertainment Services Pvt. Ltd & Ors., 2020 SCC Online Bom 659
- International Society for Krishna Consciousness (ISKCON) vs. Iskcon Apparel Pvt. Ltd & Ors., COMMERCIAL IP SUIT (L) NO. 235 OF 2020

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# **Semester-IV**

## Detailed Semester-wise marking schemes

### Semester - IV

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL4.1	Law of Evidence	40	16	60	24	----	----	100
2	BL4.2	Labour Law I	40	16	60	24	----	----	100
3	BL4.3	Principles of Taxation	40	16	60	24	----	----	100
4	BL4.4	IT Laws	40	16	60	24	----	----	100
5	BL4.5	Health Laws	40	16	60	24	----	----	100
							----	----	
Total			200	80	300	120	----	----	500

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## INDIAN EVIDENCE ACT

### OBJECTIVE OF THE COURSE

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

### SYLLABUS

#### UNIT 1- Introduction

1. The main features of the Indian Evidence Act 1861.
2. Other acts which deal with evidence (special reference to CPC, CrPC).
3. Problem of applicability of Evidence Act
4. Administrative
5. Administrative Tribunals
6. Industrial Tribunals
7. Commissions of Enquiry
8. Court-martial
9. Disciplinary authorities in educational institutions

#### UNIT 2- Central Conceptions in Law of Evidence

1. Facts : section 3 definition: distinction -relevant facts/facts in issue
2. Evidence: oral and documentary.
3. Circumstantial evidence and direct evidence
4. Presumption (Section 4)
5. "Proving", "not providing" and "disproving"
6. Witness
7. Appreciation of evidence

#### UNIT 3- Facts: Relevancy

1. The Doctrine of res gestae (Section 6,7,8,10)
2. Evidence of common intention (Section 10)
3. The problems of relevancy of "Otherwise" irrelevant facts (Section 11)
4. Relevant facts for proof of custom (Section 13)
5. Facts concerning bodies & mental state (Section 14, 15)

#### UNIT4- Admissions and Confessions

1. General principles concerning admission (Section 17, 23)
2. Differences between "admission" and "confession"
3. The problems of non-admissibility of confessions caused by "any inducement, threat or promise" (Section 24)

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5. Inadmissibility of confession made before a police officer (Section 25)
6. Admissibility of custodial confessions (Section 26)
7. Admissibility of "information" received from accused person in custody; with special
8. reference to the problem of discovery based on "joint statement" (Section 27)
9. Confession by co-accused (Section 30)
10. The problems with the judicial action based on a "retracted confession"

**UNIT 5- Dying Declarations**

1. The justification for relevance on dying declarations (Section 32)
2. The judicial standards for appreciation of evidentiary value of dying declarations.

**UNIT 6- Other Statements by Persons who cannot be called as Witnesses**

1. General principles.
2. Special problems concerning violation of women's rights in marriage in the law of evidence

**UNIT 7- Relevance of Judgments**

1. General principles
2. Admissibility of judgments in civil and criminal matters (Section 43)
3. "Fraud" and "Collusion" (Section 44)

**UNIT 8- Expert Testimony**

1. General principles
2. Who is an expert? : types of expert evidence
3. Opinion on relationship especially proof of marriage (Section 50)
4. The problems of judicial defence to expert testimony.

**UNIT 9- Oral and Documentary Evidence**

1. General principles concerning oral evidence (Sections 59-60)
2. General principles concerning Documentary Evidence (Sections 67-90)
3. General Principles Regarding Exclusion of Oral by Documentary Evidence
4. Special problems: re-hearing evidence
5. Issue estoppel
6. Tenancy estoppel (Section 116)

**UNIT 10- Witnesses, Examination and Cross Examination**

1. Competency to testify (Section 118)
2. State privilege (Section 123)
3. Professional privilege (Section 126, 127, 128)
4. Approval testimony (Section 133)
5. General principles of examination and cross examination (Section 135-166)
6. Leading questions (Section 141-143)
7. Lawful questions in cross-examination (Section 146)
8. Compulsion to answer questions put to witness
9. Hostile witness (Section 154)
10. Impeaching of the standing or credit of witness (Section 155)

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### UNIT 11- Burden of Proof

1. The general conception of onus probandi (Section 101)
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice
4. Justification as to presumptions as to certain offences (Section 111A)
5. Presumption as to dowry death (Section 113-B)
6. The scope of the doctrine of judicial notice (Section 114)

### UNIT 12- Estoppel


1. Why estoppel? The rationale (Section 115)
2. Estoppel, res judicata and waiver and presumption
3. Estoppel by deed
4. Estoppel by conduct
5. Equitable and promissory estoppel
6. Questions of corroboration (Section 156-157)
7. Improper admission and of witness in civil and criminal cases.


### Suggested Readings

- Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur
- Indian Evidence Act, (Amendment up to date)
- Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur
- Polein Murphy, Evidence (5th Edn. Reprint 2000), Universal, Delhi.
- Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998), Universal, Delhi.
- Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New Delhi.

### Leading Cases

- Pakala Narayan Swami v. Emperor AIR 1939 PC 47
- Sharad Birdichand v. The State of Maharashtra AIR 1984 SC 1622
- Singh v. Emperor 25 Cr LJ 574
- R.M Malkani v. The State of Maharashtra AIR 1975 SC 157
- Kalu Mirza v. Emperor 1909 37 Cal 91
- Aghnoo Nagesia v. The State of Bihar AIR 1966 SC 119
- Kehar Singh v Delhi Administration AIR 1980 SC 1883
- State of U.P v. Sukhpal AIR 2009
- Abdul Razak v. The State of Maharashtra AIR 1970 SC 283
- Yusufalli v. The State of Maharashtra AIR 1967
- Mahabir Prasad v. Surinder Kaur AIR 1982

  
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## LABOUR LAW I

### OBJECTIVE OF THE COURSE

Protection of labour is a constitutional mandate. A constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is a factor of national progress. Labour makes significant contribution in this respect. The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence.

The labour law is divided into four codes namely Industrial relations Code, The code on wages, Social Security Code, Occupational Safety, Health and Working Conditions Code. The Labour Law I includes the first two code which are Industrial Relation Code and the Code of Wages.

**Industrial Relation Code includes the following acts.**

1. The Industrial Disputes Act, 1947
2. The Trade Union Act, 1926
3. The Industrial Employment (Standing Orders) Act, 1946;

**The Code of Wages includes the following acts**

1. Minimum Wages Act, 1948
2. Payment of Bonus Act, 1965
3. Equal Remuneration Act, 1976
4. Payment of Wages Act, 1936

### SYLLABUS

#### Unit I-The Industrial Dispute Act, 1947

1. Historical Background and Introduction to Industrial Dispute Act
2. Concept and Analysis of Lay off , Retrenchment and Closure
3. Concept, Legality and Justification of Strike and Lock out.
4. Distinction between contract for services and contract of service
5. Due control and super-vision test
6. Predominant nature of duty test
7. Industrial Dispute to resolution machinery- Works Committee
8. Powers and Function of Board of Conciliation
9. Binding nature and Juridical review of Award and Settlement
10. Doctrine of hire and fire - history of management's prerogative.
11. Punishment for misconduct - meaning of misconduct
12. The right to defend: domestic enquiry, notice, evidence, cross-examination, representation, unbiased inquiry officer and reasoned decision.
13. Prenatal (permission) and postnatal (approval) control during pendency of proceedings (S.33 of the I.D. Act.)

#### Unit 2- The Trade Union Act, 1926

1. Historical aspect of Master Slave Relationship

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2. Concept, Growth and Structure with special reference to India, UK, USA
3. ILO Convention relating to Trade Union
4. Position of Trade Union in India
5. Legal control and protection of trade union: registration, amalgamation, rights, immunities, liabilities and dissolution.
6. Problems: multiplicity of unions, over politicisation – intra-union and inter-union rivalry, outside leadership, closed shop and union-shop, recognition of unions.

### **Unit 3- The Industrial Employment (Standing Orders) Act, 1946;**

1. Certification of draft standing orders
2. Appeals
3. Date of Operation of Standing Orders
4. Posting of Standing Orders
5. Duration and Modification of Standing Orders
6. Payment of Subsistence Allowance
7. Interpretation of Standing Orders
8. Temporary Application of Model Standing Orders

### **Unit 4-Minimum Wages Act, 1948**

1. Concept of wages (minimum wages, fair wages, living wages)
2. Component of wages : dearness allowances, price of fixation
3. Wage determining process- modes and modalities
4. Procedure for fixing and minimizing minimum wages
5. Concept of bonus - computation of bonus
6. Protection of wages : non-payment, delayed payment, unauthorised deductions
7. Wage Board and Pay Commission
8. Authorities and Claims

### **Unit 5- The Payment of Bonus Act, 1965**

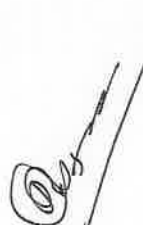

1. Application of the Act
2. Calculation of amount payable as Bonus
3. Eligibility for bonus and its payment
4. Bonus linked with production or productivity

### **Unit 6-Equal Remuneration Act, 1976**

1. Duty of employer to pay equal remuneration to men and women
2. Discrimination not to be made by employer
3. Authorities for hearing and deciding claims

### **Unit 7- Payment of Wages Act, 1936**

1. Responsibility for payment of wages
2. Medium for the payment of wages
3. Deduction from the wages of an employee
4. Claims arising out of deduction

  
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### Suggested Readings:

- P. Malhotra, The Law of Industrial Disputes (6th ed., 2004)
- B. Pai, Labour law in India (2001)
- L. Malik (Rev.), K.D. Srivastava's Industrial Employment (Standing Orders) Act. 1946 (4th ed., 2000)
- L. Malik's Industrial Law (21st ed., 2008)
- C. Srivastava (Rev.) Labour Law and Labour Relation : Cases and Materials (3rd ed., 2007)
- D. Srivastava, Minimum Wages Act, 1948 (1995)

### Leading Cases

- Bengaluru Water Supply and Sewerage Board v. A Rajappa AIR 1978, 1978 AIR 548, 1978 SCR (3) 207
- Central Provinces Transport Limited Nagpur, v. Raghunath Gopal Patwardhan 1957 AIR 104
- Sanjit Roy v. State of Rajasthan, AIR 1983 SC 328
- Deena v. Union of India, AIR 1983 SC 1155.
- Gammon India Ltd Vs Niranjana Das 1984 (1) S.C.C. 509
- J.K. Chemicals Ltd. vs. Govt. of Maharashtra 1996 (1) BomCR 197
- Randhir Singh v. Union of India, 1982 SCC (1) 618

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## PRINCIPLES OF TAXATION LAW

### OBJECTIVES OF THE COURSE

Taxation is one of the most important field of law. This law is implemented with help of large number of professionals like Lawyers, Chartered Accountants, company secretaries etc. There is always paucity of competent professionals in the field. Tax is the largest contributor to a nation's economy. Policy decisions of a country are largely dependent upon tax collection in the country.

### SYLLABUS

#### Unit 1-General Principles of Taxation


1. History and Development of Tax Laws in India.
2. Fundamental Principles Relating to Tax Laws
3. Taxing Power and Constitutional Limitations
4. Concept of Direct and Indirect Tax
5. Concept of progressive and Regressive Taxation
6. Distinction between: Tax, Fee and Cess
7. Tax Avoidance and Tax Evasion.
8. Finance Acts and Budgets


#### Unit 2- Basic Concepts of Income Tax

1. Income, Previous Year, Assessment Year, Person, Assessee and Total Income
2. Income not included in the Total Income
3. Clubbing of Income
4. Tax Planning
5. Rate of Income Tax
6. Heads of Income
7. Salaries
8. Income from House Property
9. Income from Business or Profession
10. Capital Gains
11. Income from other Sources
12. Deductions under the Income Tax Act, 1961
13. Income Tax Authorities: Power and Functions
14. Filling of Returns and Procedure for Assessment
15. Offences and Penal Sanctions.

#### Unit 3-Basic Concept of Indirect Taxation:

1. Indirect taxation in historical aspect.
2. Basic understanding of Excise, Customs and Service tax.
3. 101<sup>st</sup> Amendment of the constitution.

  
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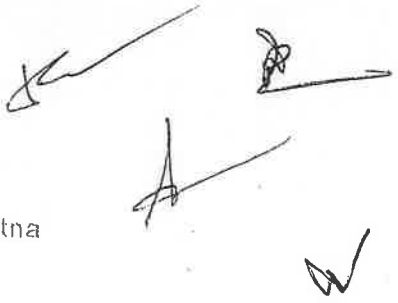
#### Unit 4- The Central Goods and Service Tax Act 2017

1. Nature and definitions in GST
2. Administration and Collection of Tax
3. Time and Value of supply, Input tax credit
4. Registration
5. Accounts and records, Returns
6. Assessment
7. Payment of Tax, Refund, Audit
8. Search and seizure, Appeals and revision
9. Advance Ruling

#### Unit 5- Customs Act, 1962 with amendments

1. Role of customs in international trade.
2. Important terms and definitions
3. Assessable value Baggage
4. Bill of entry Dutiable goods Duty Exporter
5. Foreign going vessel
6. Aircraft goods
7. Import
8. Import Manifest
9. Importer
10. Prohibited goods
11. Shipping bill
12. Store
13. Bill of lading
14. Export manifest
15. Letter of Credit
16. Kinds of duties
  - Basics auxiliary
  - Basics of levy
  - Advalorem
  - Specific duties
17. Prohibition of export and import of goods and provisions regarding notified and specified goods.
18. Import of goods - Free import and restricted imports.
  - Types of import – import of cargo, import of personal baggage, import of stores.

  
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### Suggested Readings

- Sampath Iyengar, Law of Income Tax (1998), Bharath Law House, New Delhi.
- Diwan B.K. and Sanjay Mehtani, Formation, Taxation and Assessment Charitable and Religious
- Trusts (1999), Bharath Law House New Delhi
- Kanga and Palkiwala, The Law and Practice of Income Tax (1999), Wadha, Nagpur.
- K. Parameswaran, Power of Taxation under the Constitution (1987), Eastern, Lucknow
- V. Ramachandran & T.A. Ramakrishnan (eds.) A.N.Aiyar's Indian Tax Laws (2000) Company Law

### Leading Cases

- CIT v. Reliance Telecom Ltd. v [2021] 133 taxmann.com 41 (SC)
- Board of Control for Cricket in India v. PCIT [2021] 132 taxmann.com 132 (Mumbai – Trib.)
- Mon Mohan Kohli v. ACIT [2021] 133 taxmann.com 166 (Delhi)
- PCIT v. Tally Solutions (P.) Ltd. [2021] 123 taxmann.com 21 (Karnataka)

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# ~~CYBER LAW~~ INFORMATION TECHNOLOGY LAW

## OBJECTIVE OF THE COURSE

India is a rapidly advancing country in the technology sector. Cyber law is the newest and is slowly becoming one of the most successful careers in law. Now through the computers and the internet, the information can be accessed, stored, retrieved and distributed speedily and easily. The traditional paper documents are now being replaced by their electronic equivalents. The commercial transactions and individual functioning are more and more driven by the digital technology. This changeover felt the requirement of introducing the new law which will facilitate and govern activities in the information society and has thus led to the passing of the Information Technology Act, 2000 (IT Act). The main objective of the course will be on studying the information technology law. The learning outcome of the course will be understanding the provisions of Information Technology laws.

## SYLLABUS

### Unit I- An overview of Cyber Law

1. Introducing cyber space
2. Understanding cyberspace
3. Regulation of cyber space- introducing cyber law
4. Scope of Cyber laws- e-commerce, online contracts, e-governance, e-taxation, trademarks and domain names

### Unit II- Regulatory framework


1. Evolution and Necessity of Information Technology Act, 2002
2. Salient features of IT Act, 2002- Digital Signature; E-Governance; Regulation of Certifying Authorities; Duties of Subscribers; Penalties and Adjudications; Offences under the Act; Making of Rules and Regulations etc.
3. Dispute Resolution under IT Act – Adjudicating officer and cyber appellate tribunal under the Information Technology Act, 2000 (s.46 and s.57)


### Unit III- International Perspective

1. UNCITRAL Model Law on Electronic Commerce, and e-signatures (1996 and 2001)
2. Hague Convention on Jurisdiction and Foreign Judgments: Jurisdiction Agreement
3. OECD convention on Database protection

### Unit IV- Cyber Crime

1. Introduction to Cyber Crime
2. Classification of cyber crimes
  - Data Theft
  - Hacking
  - Spreading Virus & Worms
  - Phishing
  - Cyber Stalking / Bullying
  - Identity Theft & Impersonation

  
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- Credit card & Online Banking Frauds
  - Cyber Defamation, Defacement,
  - Illegal online selling & Gambling
  - Denial of Service Attacks
  - Cyber terrorism
  - Software Piracy & illegal downloading
3. Regulation of cyber crimes
  4. Issues relating to Investigation
  5. Issues relating to Jurisdiction
  6. Issues relating to Evidence
  7. Reasons for cyber crime
  8. Cyber Criminal Mode and Manner of Committing Cyber Crime
  9. Cyber Crimes: Freedom of speech in cyber space & human right issues

#### Unit V- Online business

1. Definition of E-commerce
2. Types of E-commerce
3. Important Issues in Global E-commerce
  - Issues relating to Access (to infrastructure; to contents; universal access; Digital Divide and Universal Divide);
  - Trust, Privacy
  - Security
  - Consumer Protection
  - Content Regulation; Uniformity in Legal Standards pertaining to internet.

#### Unit VI- IPR Issues

1. Copyright Issues in Cyberspace
  - Linking
  - Inlining
  - Framing
  - Protection of content on web site
2. Trademark Issues in cyberspace
  - Domain Name Dispute
  - Cybersquatting
  - Uniform Dispute Resolution Policy
  - Meta-tags and Key words

#### Suggested Readings:-

- Karnika Seth, Computers Internet and New Technology Laws (2013)
- Kamlesh K Bajaj, Debjani Nag, E-commerce: the cutting edge of business, 2nd Ed. (2005)
- Apar Gupta Commentary on Information Technology Act (2016)
- Aparna Viswanathan, Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes) (2012)

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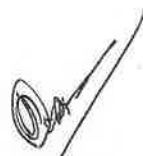
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- SK Verma and Raman Mittal (Eds.), Legal Dimensions of Cyberspace
- Prashant Mali, Cyber Law and Cyber Crimes, 2nd Ed. (2015)

**Leading Cases:-**

- Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
- NAASCOM v. Ajay Sood, 119 (2005) DLT 596 (Phishing)
- Shreya Singhal v U.O.I, SC decided on 24/03/2015 (s. 66A)
- Anuradha Bhasin v. Union of India, (2020) 3 SCC 637
- Satyam Infoway Ltd v Sify net solutions Pvt. Ltd., AIR 2004 SC 3540

  
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## HEALTH LAW

### OBJECTIVE OF THE COURSE

Medical law is a branch of law concerned with the legal rights and responsibilities of both patients and medical care providers. It may include a wide variety of topics, but is considered to have three primary branches: confidentiality, criminal law, and negligence. Laws made for these three branches provide a basis for both legal and disciplinary actions against medical professionals. They may also be used to affirm that a medical practitioner acted according to the law and in the manner expected of him. Thus, this course helps the students to study the correlation between medicine, legal and ethics along with the human rights. Other than the penal code, the students should closely study these acts and codes.

- Drug and Magic Remedies (Objectionable Advertisement) Act, 1954
- Uniform Code of Pharmaceutical Marketing Practices (UCPMP Code)
- Drug (Price Control) Order 2013

### SYLLABUS

#### Unit 1- Introduction

1. Concept of Health and Health Care and Medical Jurisprudence
2. Constitutional Perspective
  - Fundamental Rights
  - Directive Principles
3. Judicial Decisions relating to Health
  - Right to health during emergency
  - Worker's right to health
  - Children and Health
  - Environment and Health

#### Unit 2- Medical Negligence and Legal Incapacity

1. Liability under civil and criminal law
2. Contractual Liability
3. Liability of Doctors under the Consumer Protection Act, 1986
4. Liability under Medical Councils
5. Case History and its importance in criminal trials
6. Mental Disorder and Legal Incapacity
7. Intoxications

#### Unit 3- Consent and Refusal

1. Rights of Patients and Consent
  - Abortion and Medical Termination of Pregnancy
  - Sterilization

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#### Unit 4- Concepts of ethics and human rights in medical law

1. Access to claimant's medical records
2. Disclosure of medical records
3. Code of Medical Ethics Regulations

#### Unit 5- Medicinal Products Advertisement and Marketing

1. Drugs and Cosmetics Act, 1940
2. Advertising: Drugs and Magic Remedies (Objectionable Advertisement Act), 1954
3. Pharmacy Act, 1948
4. Uniform Code of Pharmaceutical Marketing Practices (UCPMP Code)
5. Drug (Price Control) Order 2013

#### Unit 6- Regulation of Medical Profession

1. Indian Medical Council Act, 1956
2. Indian Medicine Central Council Act, 1970

#### Unit 7- Euthanasia and assisted dying

1. Concept of Euthanasia and its type
2. Legality of Euthanasia in India
3. Analysis of Aruna Shanbaug case and the latest guidelines

#### Unit 8- Contemporary Issues on Health

1. Bio Ethics- Challenges
2. Surrogacy
3. Patenting of Drugs and Health
4. Clinical Trials

#### Suggested Readings

- Modi Textbook on Medical Jurisprudence and Toxicology
- Medical Jurisprudence and Toxicology by Dr. S. Siddiq Husain and N. Pervaiz Ahmed Buttar.

#### Leading Cases

- Amit Singh Anr. v. State (2011), Delhi HC
- Hamdard Dawakhana v. Union of India (1959), the Supreme Court
- Sablok Clinic v. The State of Delhi (1984)
- Mahesh Ramnath Sonawane v. Union of India (2014), the Supreme Court

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# **Semester-V**

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## Detailed Semester-wise marking schemes

### Semester - V

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL5.1	ADR	40	16	60	24	----	----	100
2	BL5.2	Labour Law II	40	16	60	24	----	----	100
3	BL5.3	CPC and Limitation Law	40	16	60	24	----	----	100
4	BL5.4	Media Law	40	16	60	24	----	----	100
5	BL5.5	Banking and NI	40	16	60	24	----	----	100
							----	----	
Total			200	80	300	120	----	----	500

  
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# ALTERNATIVE DISPUTE RESOLUTION

## OBJECTIVES OF THE COURSE

The major concern of law is conflict resolution. Familiarization with the modalities and techniques of resolution of conflict is a necessary component in the endeavours of developing expertise in juridical exercise. The traditional justice delivery system through adjudication by courts had already given way to a large extent to many an alternative mode of dispute resolution in the common law countries. The advent of globalisation has enthused this transformation everywhere. The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the ever changing socio-economic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its sway in the past and in the new areas of conflicts that demand resolution by alternative methods. No doubt, the course has to be taught with comparative and international perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context.

## SYLLABUS

### Unit 1- Arbitration: meaning, scope and types

#### 1. Distinctions

- 1940 law and 1996 law: UNCITRAL model law
- Arbitration and conciliation
- Arbitration and expert determination
- Extent of judicial intervention

#### 2. International commercial arbitration

### Unit 2- Arbitration agreement

#### 1. Essentials

#### 2. Kinds

#### 3. Who can enter into arbitration agreement

#### 4. Validity

#### 5. Reference to arbitration

#### 6. Interim measures by court

### Unit 3- Arbitration Tribunal

#### 1. Appointment

#### 2. Challenge

#### 3. Jurisdiction of arbitral tribunal

- Powers
- Grounds of challenge


#### 4. Procedure


#### 5. Court assistance

### Unit 4-Award

#### 1. Rules of guidance

#### 2. Form and content

  
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- 174
3. Correction and interpretation
  4. Grounds of setting aside an award
    - Want of proper notice and hearing
    - Beyond the scope of reference
    - Contravention of composition and procedure
    - Breach of confidentiality
    - Impartiality of the arbitrator
    - Bar of limitation, res judicata
    - Consent of parties
  5. Enforcement
  5. Appeal and revision
  6. Enforcement of foreign awards
    - New York convention awards
    - Geneva convention awards

### **Unit 5- Appeal and Revision**

### **Unit 6- Enforcement of foreign awards**

1. New York convention awards
2. Geneva convention awards

### **Unit 7- Conciliation**

1. Distinction between "Conciliation", "negotiation", "mediation", and "arbitration".
2. Appointment
3. Statements to conciliator
4. Interaction between conciliator and parties
  - Communication
  - Duty of the parties to co-operate
  - Suggestions by parties
  - Confidentiality
5. Resort to judicial proceedings
6. Costs

### **Unit 8- Rule making power**

1. High Court
2. Central Government

### **Unit 9- Key Concepts of Mediation**

1. Essential Elements, Process and Stages
2. Qualities and Skills of mediator
3. Mediation and Restorative Justice
4. Gandhian Principle of Non – Violent Conflict Resolution

### **Unit 10 – Mediation Laws and Agreement**

1. Judicial Interpretation and case laws
2. Status of Mediated Agreements

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3. Growth of Virtual Dispute Resolution
4. UNCITRAL
5. Singapore Convention




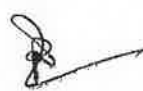
### Unit 9- Legal Services Authorities Act: Scope

#### Suggested Readings


- A.K.Bansal, Law of International Commercial Arbitration (1999) , Universal, Delhi
- G.K.Kwatra, The Arbitration and Conciliation Law of India (2000), Universal, Delhi
- Basu.N.D, Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi
- Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi
- Markanda.P.C, Law relation to Arbitration and Conciliation (1998) Universal, Delhi

#### Leading Cases

- VallabhdasMeghji vs. Cowosji Franceji , AIR 1925 Bom. 409
- Food Corporation of India vs. M/s Thakur Shipping Co., AIR 1975 SC 465
- Board of Control for Cricket in India vs. Kochi Cricket Pvt. Ltd. AIR 2018 SC 1549
- Swastik Gases (P) Ltd. vs. Indian Oil Corporation Ltd. (2013) 9 SCC 32
- National Insurance Co. Ltd. vs. BogharaPolyfab Pvt. Ltd. AIR 2009 SC 170.

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## LABOUR LAW II

### OBJECTIVE OF THE COURSE

The labour law is formed to promote the welfare of the workers. The labour law is to protect the interest of the workers. The labour code cover two main subjects for labour for the interest of the labour. The first is social security code and occupational safety. While working labour should be provided with all the security and safety. The labours should be provided with all the benefits for which they are entitled. The second is health and working conditions code. The health of any individual is important and so is for labours. All the measures to be taken by the organization to safeguard the health of the workers. These codes and laws are essential to study so that lawyers can protect the rights and interest of the labours as and when necessary. Further, this subjects helps to develop the negotiation skill, critical thinking among the students.

Labour Law II covers the two codes which includes Social Security and Occupational Safety and Health and Working Condition Code

The acts which are covered under Social Security and Occupational Safety are as follow:-

- Employee State Insurance Act, 1948
- Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- Payment of Gratuity Act, 1972
- Employee's Compensation Act, 1923
- Maternity Benefit Act, 1961
- The Unorganised Workers Social Security Act, 2008

The acts which are covered under Health and Working Condition Code are as follow:-

- Factories Act
- Contract Labour (Regulation and Abolition) Act, 1970

### SYLLABUS

#### Social Security Code and the Occupational Safety

##### Unit 1-Employee State Insurance Act, 1948

1. Registration of factories and establishments under the act
2. Administration of Employees' State Insurance Scheme 82
3. Employees' State Insurance Corporation 82
4. Wings of the Corporation 83
5. Employees' State Insurance Fund 83
6. Contributions 84
7. Employees' Insurance Court (E.I. Court)

##### Unit 2-Employees' Provident Funds and Miscellaneous Provisions Act, 1952

1. Employees Provident Fund Scheme
2. Employees' Pension Scheme
3. Employees' Deposit-Linked Insurance Scheme
4. Determination of Moneys Due from Employers
5. Employer not to Reduce Wages
6. Protection against Attachment

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### Unit 3- Payment of Gratuity Act, 1972

1. Definition of employee
2. Conditions for payment of gratuity
3. Rights and Obligations of Employees
4. Rights and Obligations of the Employer
5. Recovery of Gratuity
6. Protection of Gratuity

### Unit 4-Employee's Compensation Act, 1923

1. Scope of Disablement
2. Employer's Liability for Compensation
3. Obligations and Responsibility of an Employer
4. Notice and Claim
5. Medical Examination
6. Procedure in the Proceedings before the Commissioner
7. Provision for Appeals

### Unit 5- Maternity Benefit Act, 1961

1. Employment of or work by women prohibited during certain periods
2. Right to payment of maternity benefits
3. Notice of claim for maternity benefit
4. Nursing breaks
5. Penalty for contravention of Act by employer

### Unit 6- The Unorganised Workers Social Security Act, 2008

1. Scope for framing of scheme
2. Social Security Board for State and Nation
3. Funding of Central and State Government Scheme
4. Eligibility for registrations and social security benefits
5. Rule making power by State and Central Government
6. Laying of rules

### Health and Working Conditions Code

#### Unit 7- Factories Act

1. Approval, Licensing and Registration of Factories
2. Notice by Occupier
3. General Duties of the Occupier
4. General Duties of Manufacturers Etc.
5. Measures to be taken by Factories for Health, Safety and Welfare of Workers
6. Special Provisions Relating to Hazardous Processes
7. Additional Provisions Regulating Employment of Women in a Factory
8. Employment of Young Persons and Children
9. Annual Leave with Wages

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### Unit 8- Contract Labour (Regulation and Abolition) Act, 1970





1. Role of Advisory Board
2. Registration of Establishments Employing Contract Labour
3. Effect of Non-registration
4. Prohibition of Employment of Contract Labour
5. Appointment of Licensing Officer and Licensing of Contractors
6. Welfare and Health of Contract Labour

#### Suggested Readings:

- P. Malhotra, The Law of Industrial Disputes (6th ed., 2004)
- B. Pai, Labour law in India (2001)
- L. Malik (Rev.), K.D. Srivastava's Industrial Employment (Standing Orders) Act. 1946 (4th ed., 2000)
- L. Malik's Industrial Law (21st ed., 2008)
- C. Srivastava (Rev.) Labour Law and Labour Relation : Cases and Materials (3rd ed., 2007)
- D. Srivastava, Minimum Wages Act, 1948 (1995)

#### Leading Cases

- Ardeshir H. Bhiwandiwalla vs The State Of Bombay 1962 SCR (3) 592
- U.P. Cooperative Federation Ltd. v. Employees State Insurance Corporation, 2022 SCC OnLine All 227
- Hemant Madhusudan Nerurkar v. State of Jharkhand, 2021 SCC OnLine Jhar 624
- Treasa Josfine v. State of Kerala, WP (C) No. 25092 of 2020
- Steel Authority Of India Ltd. & ... vs National Union Water Front Workers, 2001 LLR 961

     
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~~CIVIL PROCEDURE AND LIMITATION ACT~~

## CIVIL PROCEDURE AND LIMITATION ACT

### OBJECTIVE 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 practise as a lawyer. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary 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 documents 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.

### SYLLABUS

#### Unit 1- Introduction

##### 1. Concepts

- Affidavit, order, judgement, decree, plaint, restitution, execution, decree-holder, judgment-debtor, mesne profits, written statement.
- Distinction between decree and judgment and between decree and order.

#### Unit 2- Jurisdiction

1. Kinds
2. Hierarchy of courts
3. Suit of civil nature - scope and limits
4. Res-subjudice and Resjudicata
5. Foreign judgment - enforcement
6. Place of suing
7. Institution of suit
8. Parties to suit: joinder, mis-joinder or non-joinder of parties: representative suit.
9. Frame of suit: cause of action
10. Summons

#### Unit 3- Pleadings

1. Rules of pleading, signing and verification.
2. Plaint: particulars
3. Admission, return and rejection
4. Written statement: particulars, rules of evidence
5. Discovery, inspection and production of documents.
6. Interrogatories

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- 68
7. Privileged documents
  8. Affidavits

#### **Unit 4- Appearance, examination and trial**

1. Appearance
2. Ex-parte procedure
3. Summary and attendance of witnesses
4. Trial
5. Adjournments
6. Interim orders: commission, arrest or attachment before judgment, injunction and receiver
- 4.7. Interests and costs

#### **Unit 5- Execution**

1. The concept
2. General principles
3. Power for execution of decrees
4. Procedure for execution (ss. 52-54)
5. Enforcement, arrest and detection (ss. 55.59)
6. Attachment (ss. 60-64)
7. Sale (ss.65-97)
8. Delivery of property
9. Stay of execution

#### **Unit 6- Suits in particular cases**

1. By or against government (ss.79-82)
2. By aliens and by or against foreign rulers or ambassadors (ss.83-87A)
3. Public nuisance (ss.91-93)
4. Suits by or against firm
5. Suits in forma pauperis
6. Mortgages
7. Interpleader suits
8. Suits relating to public charities


#### **Unit 7- Appeals**


1. Appeals from original decree
2. Appeals from appellate decree
3. Appeals from orders
4. General provisions relating to appeal
5. Appeal to the Supreme Court

#### **Unit 8- Review, reference and revision**

#### **Unit 9-Miscellaneous**

1. Transfer of cases
2. Restitution
3. Caveat

  
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#### 4. Inherent powers of courts

### Unit 10- Law of Limitation

1. The concept - the law assists the vigilant and not those who sleep over the rights.
2. Object
3. Distinction with laches, acquiescence, prescription.
4. Extension and suspension of limitation
5. Sufficient cause for not filing the proceedings
  - Illness
  - Mistaken legal advise
  - Mistaken view of law
  - Poverty, minority and Purdha
  - Imprisonment
  - Defective vakalatnama
  - Legal liabilities
  - Foreign rule of limitation : contract entered into under a foreign law
  - Acknowledgement - essential requisites
  - Continuing tort and continuing breach of contract.

### Suggested Readings

- Mulla, Code of Civil Procedure (1999), Universal, Delhi.
- Takwani, C.K., Code of Civil Procedure, 1908, Eastern Book Company (2015)
- M.R. Mallick (ed.), B.B. Mitra on Limitation Act (1998), Eastern, Lucknow
- Majumdar, P.K. and Kataria, R.P., Commentary on the Code of Civil Procedure, 1908 (1998), Universal, Delhi.

### Leading Cases

- A.B.C Laminart (P) Ltd. Versus A.P. Agencies
- Bhanu Kumar versus Archana Kumar AIR 2005 SC 626
- Narain Bhagwantrao versus Gopal Vinayak AIR 1960 SC 104
- Deoki Nandan versus Murlidhar AIR 1957 SC 133
- Satya versus Teja Singh (1975) 1 SCC 120
- Hira Lal versus Kali Nath, AIR 1962 SC 199
- Gurbux Singh versus Bhooralal, AIR 1964 SC 1810
- Badat & Co versus East India Trading Co., AIR 1964 SC 538
- Morgan Stanley Mutual Fund versus Kartick Das, (1994) 4 SCC 225
- Charan Singh versus Darshan Singh, (1975) 1 SCC 298
- Ramesh Kumar versus Kesho Ram, AIR 1992 SC 700
- Mohan Lal versus Anandibai, AIR 1971 SC 2177

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## MEDIA LAW

### OBJECTIVE OF THE COURSE

In the era of technology, media law is one of the emerging topic which need attention. The study of media law help students to understand the legal and ethical issues related to mass media. Media law help students to understand the implication on the profession of journalism. Through this course, students learn to apply media laws to case studies and evaluate the relative merits and demerits of laws and ethical questions pertaining to media. Further, it creates an understanding among students about the importance of responsible Journalism which works within the framework of laws and ethics

### SYLLABUS

#### Unit 1- Mass media and its types

1. Ownership patterns - Press - Private - Public
2. Ownership patterns - Films - Private
3. Ownership patterns - Radio & Television, Public
4. Difference between visual and non- Visual Media- impact on Peoples minds.

#### Unit 2- Press and Freedom of Speech and Expression - Article 19 (1) (a)

1. Includes Freedom of the Press.
2. Laws of defamation, obscenity, blasphemy and sedition.
3. The relating to employees wages and service conditions,
4. Price and Page Schedule Regulation
5. Newsprint Control Order
6. Advertisement - is it included within freedom of speech and expression?
7. Press and the Monopolies and Restrictive Trade Practices Act.

#### Unit 3- Films - How far included in freedom in of speech and expression?

1. Censorship of films - constitutionality
2. The Abbas Case.
3. Difference between films and Press - why pre-censorship valid for films but not for the press?
4. Censorship under the Cinematograph Act.

#### Unit 4- Radio and Television - Government monopoly.

1. Why Government department?
2. Should there be an autonomous corporation?
3. Effect of television on people.
4. Report of the Chanda Committee.
5. Government policy.
  - Commercial advertisement.
  - Internal Scrutiny of serials, etc.
6. Judicial Review of Doordarshan decisions: Freedom to telecast.

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### Unit 5- Constitutional Restrictions

1. Radio and television subject to law of defamation and obscenity.
2. Power to legislate - Article 246 read with the Seventh Schedule.
3. Power to impose tax - licensing and licence fee.

#### Suggested Readings:--

- M.P. Jain, Constitutional Law of India (1994) Wadhwa.
- H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
- Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
- Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the
- D D. Basu, The Law of Press of India (1980).
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

#### Leading cases:-

- Re Daily Zemmedar, (Printing and publication of news.)
- Brij Bhushan v State of Delhi
- Virendra v State of Punjab
- Sharma v. Srikrishna
- Sankal Papers (P) Ltd. v Union of India
- Bennett Coleman & Co. v Union of India
- Indian Express Newspapers v. Union of India
- Bennett Coleman v. State of Jammu and Kashmir
- Hamdard Dawakhana v. Union of India
- Tata Press case
- S Rangarajan v P Jagjivanram
- Prakash Jha Productions v Union of India

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## BANKING LAWS INCLUDING NEGOTIABLE INSTRUMENTS ACT, 1881

### OBJECTIVES OF THE COURSE

The modern society functions, contrary to the old barter system, on monetary transactions. In a developing country like India, the banking system takes off and becomes quite common even among the common people. The services banks render to the general public do have a significant contribution to the development of the economy. Paripassu, the security to the assets money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the banks. The variety of assistance tended by the banks to the common people and business community cannot be overemphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

### SYLLABUS

#### Unit 1- Introduction

1. Banking: definition- common law and statutory
2. Commercial banks: functions.
  - Essential functions
  - Agency services
  - General utility services
  - International trading service
  - Information services
  - Emergence of multi-functional dimensions.
3. Systems of Banking: Unit banking, branch banking, group banking and chain banking
4. Banking companies in India

#### Unit 2- Banks and Customers

1. Customer: meaning
2. Legal character of banker- customer relationship
3. Rights and obligations of banks
  - Right of set-off
  - Banker's lien
  - Right to charge interest and commission
  - Obligation to honour customers' cheques
  - Duty of confidentiality
  - Nature and justification of the duty
  - Exceptions to the duty
  - Garnishee orders
4. Accounts of customers
  - Current Accounts
  - Deposit Accounts
  - Joint Accounts
  - Trust Accounts
5. Special types of customers:- Lunatics, minors, agents, administrators and executors,

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partnership firms and companies

### Unit 3- Control over Banks

1. Control by Government and its agencies
  - Need for- elimination of systemic-risk, avoidance money laundering, consumer protection, promotion of fair competition.
  - On account and audit
  - On money lending
  - Reorganization and reconstruction
  - On suspension and winding up
2. Control by Ombudsman
3. RBI

### Unit 4- Control Banking Theory and the RBI

1. Evolution of Central Banks
2. Characteristics and functions of central banks
3. Central bank as banker and adviser of the State
4. Central bank as banker's bank
5. The Reserve Bank of India as central bank in India
  - Objectives and organizational structure
  - Functions
  - Regulations of the monetary system
  - Monopoly of note issue
  - Credit control
  - Determination of bank rate policy
  - Open market operations
  - Banker to government
  - Control over Non-banking financial institutions
  - Economic and statistical research.
  - Staff training
  - Control and supervision of other banks

### Unit 5- Lending by Banks

1. Principles of good lending
2. Securities for bank advances
  - pledge
  - mortgage
  - charge
  - goods or documents of title to goods
  - life insurance policies as security
  - debentures as security
  - guarantees as security
  - contract of guarantee and contract of indemnity
  - kinds of guarantees: specific & continuing
  - surety's rights and liabilities.

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### 3. Repayment

- Interest: Rule against penalties
- Default and Recovery
- Recovery of Debts Due to Banks and Financial Institutions Act, 1993
- Establishment of; debt recovery tribunals- constitution and functioning

### Unit 6- Merchant Banking

1. Merchant Banking in India
2. SEBI (Merchant Bankers) Regulations, 1992

### Unit 7- Letter of Credit and Demand Guarantee

1. Letter of Credit
  - Basic features
  - Parties to a letter of credit
  - Fundamental principles
2. Demand Guarantee
  - Legal character
  - Distinction between irrevocable letter of credit and demand guarantees

### Unit 8- Law Relating to Negotiable Instruments

1. Negotiable instruments Kinds
2. Holder and Holder in due course
3. Parties
4. Negotiation
5. Presentment
6. Discharge from liability
7. Dishonour
8. Civil liability
9. Liability: procedure for prosecution: extent of penalty
10. The Paying Banker
11. Duty to honour customers' cheques
12. Conditions
13. Exceptions to the duty to honour cheques
14. Money paid by mistake
15. The Collecting Banker
  - Liability for conversion
  - Duties
  - Good faith and statutory protection to the collecting banker

### Suggested Readings



- M.L.Tannen, Tannen's Banking Law and Practice in India, (2000) India Law House, New Delhi.
- S.N.Gupta, The Banking Law in Theory and Practice, (1999) Universal, New Delhi
- G.S.N.Tripathi (Ed.), Sethi's Commentaries on Banking Regulation Act 1949 and Allied Banking Laws (2000) Law Publishers, Allahabad.
- Mukherjee. T.K., Banking Law and Practice (1999), Universal, Delhi.

*[Handwritten signatures and stamps]*

### Leading Cases

- Rustom Cavasjee Cooper and Ors. vs. Union of India 1970 AIR 564
- New Bank of India Ltd. vs. PeareyLal( A.I.R. 1962, Supreme court 1003)
- Canara Bank vsCanara Sales Corporation and Others [(1987) 2 Supreme Court Cases 666]
- Bank of Bihar vsMahabirLal (AIR 1964 Supreme Court 397)
- New Bank of India Ltd. vs. PeareyLal( A.I.R. 1962, Supreme court 100)

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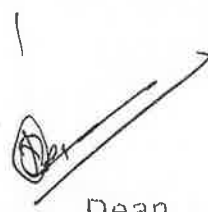
# Semester-VI

60

## Detailed Semester-wise marking schemes

### Semester - VI

No	Subject Code	Subject Name	Allotment of Marks						
			Internal Assessment		University Assessment		Practical /viva-voce		total
			Max	Pass	Max	Pass	Max	Pass	
1	BL6.1	Company Law	40	16	60	24	----	----	100
2	BL6.2	Pleading and Drafting	15 Practical exercises for pleading- 45 Marks 15 Practical Exercises for conveyancing- 45 Marks				10	4	100
3	BL6.3	Professional Ethics	40	16	60	24	----	----	100
4	BL6.4	Moot Court	Moot Court- 30 Marks Observance of Trial- 30 Marks Internship Diary- 30 Marks				10	4	100
							----	----	
Total			260	104	120	48	20	8	400


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## COMPANY LAW

### 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 and for the development of the nation. Companies are no doubt powerful instruments for development. Hence, students through these course, will learnt about the basic understanding of the company and it's functioning which is very much required in their professional field. This segment of the company law help the students to learn the new concept of the company law like Majority rule, Minority rights, winding up. This course also brings out the new insolvency and bankruptcy code, 2016 which is very important in today's time. Company these days rapidly presenting the petition for insolvency to NCLT and for this students must have better understanding of the 2016, Code. All these topics will very much help the students in learning the different and the new topics of the company and will prepare them for better handling of different cases.

### SYLLABUS

#### Unit 1- Introduction to Company

1. Origin, Nature and Definition of Company
2. Characteristics of Company
3. Theories of corporate personality
4. Different kinds of company
  - Corporations, partnerships and other associations of persons, state corporations, Government companies, small scale, co-operative, corporate and joint sectors.

#### Unit 2- Incorporation of Company

1. Company Registration and Incorporation
2. Memorandum of association
3. Articles of association
4. Prospectus
5. Meaning and role of promoter

#### Unit 3- Share Capital and Payment of Dividends

1. Meaning and types of shares
2. Issue, Allotment and Transfer of Shares
3. Modes of becoming shareholder: calls on shares, forfeiture and surrender of shares, lien on shares
4. Meaning and types of dividends

#### Unit 4- Company Directors and KMP

1. Position, appointment, qualifications, vacation of office, removal, resignation, powers and duties of directors,
2. Remuneration of directors, compensation for loss of office
3. Position of managing directors and other key managerial personnel

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4. Meetings, kinds, quorum and procedure for conducting
5. Procedure for voting

#### **Unit 5- Loans and Debentures**

1. Borrowing powers and effect of unauthorised borrowing
2. Charges and mortgages
3. Loans to other companies, contracts by companies and investment
4. Debentures- meaning, kinds and remedies of debenture holders

#### **Unit 6- Accounts and Audits**

1. Books of A/c and financial statement
2. Internal Audit
3. Corporate Social Responsibility
4. Appointment, Removal, Qualification and Remuneration of Auditors
5. Other Committees

#### **Unit 7 - Compromise, Arrangement, Amalgamation and Merger**

1. Compromise and Arrangement
2. Amalgamation and Merger
3. Anti- Competitive Agreements
4. Regulation of Abuse of Dominant Position

#### **Unit 8- Protection of minority rights**

1. Understanding of oppression and mismanagement
2. Majority Rule in Foss vs. Harbottle
3. Exception to Majority Rule
4. Provisions for the protection of minority

#### **Unit 9 – Winding Up**

1. Modes, grounds and procedure of winding up
2. Powers of liquidators, power of courts
3. Consequences of winding up order
4. Liability of past members and payment of liabilities,
5. Preferential payment , unclaimed dividends
6. Winding up of unregistered company

#### **Unit 10- Insolvency and bankruptcy Code, 2016**

1. Origin and History of Bankruptcy law
2. The concept: inability to pay debt
3. Comparative perspectives with reference to England, USA, India

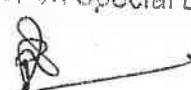
#### **Unit 11- Procedure**

1. Corporate Resolution Insolvency Process
2. Fast Track Corporate Insolvency Resolution Process
3. Corporate Liquidation Process



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## Unit 12- Regulation for Insolvency Professional

1. Powers and Functions of Insolvency and Bankruptcy Board of India
2. Insolvency Professional agencies
3. Information utilities

### Suggested Readings

- Avtar Singh: Company Law
- S.M. Shah: Lectures on Company Law
- L.C.Dhingra: Principles on Company Law Avtar Singh: Company Law
- Mulla- The law of insolvency in India
- Pranav Khataavkar – Commentary on the Insolvency and the Bankruptcy Code, 2016

### Leading Cases

- Avon Soloman versus Soloman Co. Ltd. (1897) AC 22.
- Ramkrishna Das Dhanuka versus Satya Gharan , AIR 1950 PC51
- Sri Gopal Jalan & Co. Vs Calcutta Stock Exchange Association Ltd, 1964 AIR 250
- Official Assignee versus Tehmina Dinshaw Tehrani, AIR 1971 Mad. 187
- Macquarie Bank Limited versus Shilpi Cable Technologies Limited, Civil Appeal No. 15135 of 2017
- M/s Innovative Industries Limited versus ICICI Bank & Anr., CA (AT) Insolvency No. 1 & 2 of 2017- 15/05/2017
- Swiss Ribbons Pvt. Ltd. versus Union of India (2019) 4 SCC 17



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## DRAFTING, PLEADING AND CONVEYANCING

### OBJECTIVES OF THE COURSE

Legal drafting skills are of utmost importance to all lawyers but are often difficult to master. Despite the challenges of mastering the art, the most effective lawyers are those who actively implement strategies to improve their drafting skills. Drafting requires a host of skills to be effective. This course will help the students to enhance legal drafting skills. It not only focuses on the theory of effective drafting guidelines but also provides relevant formats to assist in understanding practical application of concepts and develop necessary skills for drafting legal documents. The course is intended to improve the ability to draft quality legal documents.

It is one of the compulsory legal course. The marking distribution is as follow:

- There will be 15 practical exercises in drafting which in total carry **45 marks**. (3 Marks for each draft)
- There will be 15 practical exercises in conveyancing which in total carry **45 marks**. (3 Marks for each draft)
- Viva voice on the above exercises- **10 Marks**

### SYLLABUS

#### UNIT 1- Concept of Pleading


1. Meaning and Importance of Pleading
2. Applicability of Order – VI of CPC
3. Mis Joinder and Non Joinder of Parties
4. Cause of Action


#### UNIT 2- Drafting under Civil Law

1. Rules of drafting
2. Drafting of Complaint
3. Drafting of Written Statement, Set off, Counter Claim
4. Interlocutory Application
5. Execution Petition
6. Temporary injunction
7. Memorandum of Appeals
8. Revision
9. Petition under Article 32 and 226 of the Constitution of India
10. Affidavit

#### UNIT 3- Drafting under Criminal Law

1. Drafting of Complaint
2. Criminal Miscellaneous Petition
3. Application For Bail
4. Application for Maintenance
5. Complaint u/s – 138 of N.I Act
6. Memorandum for Appeal and Revision

  
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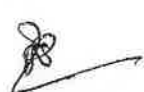


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#### UNIT 4- Conveyance

1. Sale Deed
2. Mortgage Deed
3. Lease Deed
4. Gift Deed
5. Promissory Note
6. Power of Attorney
7. Will
8. Trust Deed

#### Suggested Readings

- Banerjee B.N. Criminal Pleadings: Law, Practice and Procedure 3rd Ed-Allahabad
- Chaturvedi B.N: Pleadings, Drafting and Conveyancing, Central Law Publication
- Singhal's: Drafting, Pleading and Conveyancing, Singhal Law Publication

    
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## PROFESSIONAL ETHICS AND ACCOUNTANCY

### OBJECTIVES OF THE COURSE

Lawyers are supposed to perform an important function of helping people to abide by the law. They are officers of courts and supposed to help them arrive at the truth and just resolution of disputes. In the successful operation of the lawyers to the cause of Justice, various ethical questions arise. The purpose of this paper is to acquaint the student with:

- (a) Social background of the lawyers;
- (b) How far career opportunities in the profession are determined by their caste/class/sex context and public relations backgrounds?
- (c) How far legal profession is appraised of the law as an instrument of social change?
- (d) How far legal profession is appraised of the law as an instrument of social change?
- (e) How far it can participate meaningfully in the transformation effort?
- (f) What ethical standards are expected of the lawyers and how are such standards Enforced?

### SYLLABUS

#### UNIT 1- Legal Profession - Historical Perspective

1. Existence of lawyers in ancient India
2. Role of the jurists in development of Hindu Law, Mahommedan Law
3. Origin of common law lawyering in India.
4. Barrister - vakils - high court pleaders, advocates etc.
5. Legal Practitioners Act
6. Origin of Legal education in India.

#### UNIT 2- Lawyers in Politics

1. Role of lawyers in the forefront in the national movement for independence
2. Lawyers in the Constituent Assembly - Successive Parliaments.
3. Role Allocation for the Legal Profession in Independent India
4. Judicial Review: Fundamental Rights, Directive Principles.
5. Advocates Act - Uniform Bar, All India Bar
6. Lawyer's Role in Accelerating and facilitating the social change visualized by the Indian Constitution
7. Right to legal aid
8. Monopoly of representation
9. Exclusion of lawyers
10. Self-representation by Litigants

#### UNIT 3- Professional Ethics

1. Bar against soliciting work
2. Under-cutting: An Unethical Practice
3. Brief - Stealing
4. Lawyer not to advertise
5. Not to use touting

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53

6. Fee structure - Black Money and High Fees
7. Acceptance of brief by lawyers
8. Accountability to the client
9. Self Regulation/Legal Regulation
10. Collusion with the opposite party
11. Legal profession and strike

#### **UNIT 4- Statues of the legal profession**

1. Advocates Act
2. Function of the Bar Councils
3. Disciplinary committees - tribunals
4. Appeals to the Supreme Court, etc.
5. Contempt proceedings against lawyers

#### **UNIT 5- Types and classes of Lawyers**

1. Delhi - Supreme Court, Senior Advocates, Advocates on Record
2. Bombay, Calcutta, etc. - Advocates: Original side- Advocates: Appellate side - Solicitors
3. Mofussil - Advocates
4. Muktiars
5. Bare - Footed lawyers
6. Lawyers' collectives and firms
7. Senior - Junior relationship
8. Problems of retired high court judges

#### **UNIT 6- Lawyers in Court**

1. How to address the court?
2. Attitude towards opponent counsel
3. Duty to cite all relevant authorities
4. Arguments should be precise and brief
5. Selective use of precedents

#### **UNIT - 7**

Accountability and role conflicts - the Bar Council of India and University Grants Commission

#### **UNIT 8- Accountancy for Lawyers:**

1. Nature and functions of accounting
2. Importance branches of accounting
3. Accounting and law
4. Use of knowledge of accountancy in legal disputes
5. Accountancy in lawyers' office

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#### **Suggested readings**

- Bhagavati, P.N., Challenges to the Legal Profession - Law and Investment in Developing Countries
- J.B.Gandhi, Sociology of Legal Profession and Legal System (1987).

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54

- Sathe, Kunchur, Kashikar - "Legal Profession: Its Contribution to Social Change" in to 13 ICSSR
- Research Abstracts Quarterly 111-127 (1984), also see 10 Ind. Bar Rev. 47-81 (1983).
- K.L.Sharma "Sociology of Law and Legal Profession: Cross Cultural Theoretical perspective" 24 J.I.L.I. 528 (1982).
- A.N.Veeraraghavan "Legal Profession and the Advocates Act, 1961" 14 J.I.L.I. 229 (1972)
- Upendra Baxi, "The Pathology of the India Legal Profession", 13 Ind. Bar. Rev. 455 (1986)

#### Leading Cases

- K.S.Panduranga vs State Of Karnataka on 1 March, 2013
- Bar Council Of Maharashtra vs M. V. Dabholkar Etc. Etc on 3 October, 1975
- Thyssen Krupp Industris vs Suresh Maruti Chougule, Union of India, Bar Council of India and Others AIR 2019
- Mahipal Singh Rana vs State of UP AIR 2016
- Pratap Chandra Mehta vs. State Bar Council of Madhya Pradesh AIR 2011
- Hari Singh Nagra v. Kapil Sibal AIR 2010

    
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5

## MOOT COURT, INTERNSHIP AND PRESENTATION

### OBJECTIVES OF THE COURSE

Moot Court is one of the practical applications of the law. The Moot Court Exercise will help students to develop their advocacy skills. In the process, students will also prepare written documents which include plaint, written statement, writ, SLP. The students will familiarize with the trial process of court of both the civil and criminal matters. They will also learn the court mannerism and will imbibe the skill of client interviewing. Along with this, while preparing the documents, they will also learn about legal research and using of different legal databases like SCC, Manupatra, Lexis Nexis which will help them to keep updated.

All students of LLB (three year course) has to mandatorily undergo Moot Court Exercise in the last year of their course. The LLB students will have moot court in the 6<sup>th</sup> Semester.

Moot Court is the Compulsory Clinical Course as prescribed by Bar Council of India. This paper will have three components of 30 marks each and Viva Voce for 10 marks.

### Course Content

During the class, students will be taught about court mannerism, preparing of the draft, developing of their pleading skills. The way of interacting with the clients, doing of legal research are some other skills which will be taught to the students during class.

#### A. MOOT COURT [30 MARKS]


1. There will be three moot court in a year where every student will be provided with three moot problem where they also have to draft the written submission for it.
2. The student shall make written submission on behalf of the party for whom he makes oral advocacy as assigned by the course in charge. Each student will make submission on one side of the party only.
3. It is to note that the memorial shall not be accepted after the assigned date.
4. Further, the date will be provide by the course in-charge where on that day they have to argue their cases. The marks will be assigned both on the written document as well as on the pleading.


#### Guidelines regarding memorial submission

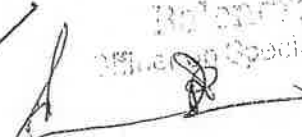
1. It can be handwritten or typed.
2. It should be on A4 size paper.
3. The maximum limit of pages is 20.
4. One copy of the written submission to be submitted to the course in-charge on the assigned date.


Memorials will consist of the following parts.

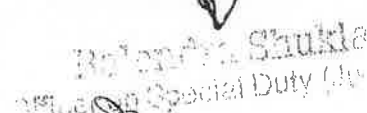
- Table of content
- Statement of Facts

  
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- Statement of Jurisdiction
- Statement of Issues
- Summary of Arguments
- Detailed Pleadings
- Prayer
- Affidavit, if necessary

### Rules regarding oral submission

Each students will be given fifteen minutes to present their case. However, further five minutes will be extended by the judges.

On the day of the pleading, students should compulsory come in the court uniform.

### [B]. OBSERVANCE OF TRIAL IN TWO CASES, ONE CIVIL AND THE CRIMINAL CASE – [30 MARKS]

1. Every student need to go to the court for minimum period of 30 days to observe trial proceeding for both civil and criminal cases.
2. For one day, he/she will make observation in civil court, and, in second day, he/she will make observation in criminal court.
3. It is obvious that students would not get time to write detailed notes on each proceeding in the court room. Hence they can write in short notes and later they can prepare the write up in the set format provided below.
4. The students need to prepare a separate write up for both civil and criminal proceedings.
5. The marks allotment is for both civil and criminal proceeding where 15 marks is for civil proceeding and 15 marks is for criminal proceeding.



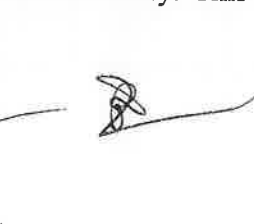
### Format of the write up on observation of Court Proceedings (Civil/Criminal)

#### Case No. I:

- Name of the Court:
- Date of Observation:
- Title of the Case:
- Appearance made by the parties: (it should mention if any of the party was absent, or, both the parties were present)
- Proceedings of the case:
- Order of the court for that day:
- Next date of hearing:

### [C]. INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATION AND INTERNSHIP DIARY – [30 MARKS]

1. **Interview Techniques-** Students need to observe interviewing session of clients either in the Lawyers office or in the legal aid office. This shall be recorded in the Diary. This carries [5 marks].



  
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Later, the students should also write their observation in their dairy and the keys elements which they learnt from the interviewing session.

2. **Pre-Trial Preparations-** Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry [5 marks].
3. **Internship Diary-** Every students need to maintain a diary called as Internship diary. Every internship diary should contain the name of the organization, duration and the learning which the students learnt during their internship. The maintenance of diary will carry [10 marks].

[D]. **Viva Voce-** At the end of the semester there will be viva voce on all the three aspects which will carry 10 marks.



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