

Publisher's Note

The University of Pune has great pleasure in publishing the Revised Syllabus for the **III Year LL.B. (Three-Year Law)** under the Faculty of Law.

It is hoped that this syllabus will be most useful to the students of this course.

On behalf of the University, I thank the experts and authorities of the University for their keen interest and whole-hearted co-operation extended by them in bringing out this publication.

University of Pune
Ganeshkhind, Pune-411 007.

Dr. D. D. Deshmukh
Registrar

पुणे विद्यापीठ

परिपत्रक क्र. १७५/२००४

विषय : विधी अभ्यासक्रमातील तिसऱ्या वर्षाच्या (तीन व पाच वर्षीय) सत्र ५ व ६ च्या सुधारित अभ्यासक्रमाबाबत.

या परिपत्रकाद्वारे सर्व संबंधितांस विद्यापीठ अधिकार मंडळाने घेतलेल्या निर्णयानुसार कळविण्यात येते की, शैक्षणिक वर्ष २००४-२००५ पासून सुरू पासून होणाऱ्या विधी अभ्यासक्रमातील तिसऱ्या वर्षाचा (तीन व पाच वर्षीय) सत्र ५ व ६ चा सुधारित अभ्यासक्रम सोबत जोडण्यात येत आहे.

सोबत : सत्र ५ व ६ सुधारित अभ्यासक्रम

गणेशखिंड, पुणे-४११ ००७

जावक क्र. : सीबी/३५६१

दिनांक : २१/६/२००४

सही/-एल. एफ. वसावे

संचालकांकरिता

(म.वि.वि.मं.)

Third Year of LL.B (3 Year Course)

(Semester Pattern-2003)

Semester Vth (June - October)

(Each paper carries 100 marks)

- Paper-19 : Code of Civil Procedure and Limitation Act
- Paper-20 : Land Laws Including ceiling and other local laws
- Paper-21 : Interpretation of Statutes
- Paper-22 : Legal Writing
- Paper-23 : Administrative Law

Semester VI (November-April)

- Paper-24 : Code of Criminal Procedure, Juvenile Justice (Care and Protection of Children) Acts and Probation of Offenders Act
- Paper-25 : The Company Law
- Paper-26 : Practical Training I : Moot Courts. Pre Trial Preparations and Participation in Trial Proceedings - (To be conducted throughout the academic year viva will be held at the conclusion of academic year)
- Paper-27 : Practical Training-II : Drafting, Pleadings and Conveyancing- (To be conducted throughout the academic year. Viva will be held at the conclusion of academic year)
- Paper-28 : Optional Papers (Any One)
 - (a) Investment and Securities Laws
 - (b) Law of Taxation

- (c) Banking Laws Including Negotiable Instruments Act
- (d) Cooperative Law

Third Year of LL.B (3 Year Course)
(Semester Pattern-2003)

Semester Vth (June-October)

(Each paper carries 100 marks)

Paper-19 : Code of Civil Procedure and Limitation Act

- 1. Code of Civil Procedure, 1908 (As amended up to date) (80 Marks)
- 2. The Limitation Act, 1963 (20 Marks)

Books Recommended :

- 1. Mulla - The Code of Civil Procedure
- 2. Takwani C. K. - The Code of Civil Procedure
- 3. Civil Manuat - Issued by the High Court Bombay
- 4. Ganguly A. C. - Civil Court Practice and Procedure
- 5. Mitra B. R. - Limitation Act
- 6. Taxman's - The Code of Civil Procedure 1908
- 7. Sanjiwa Rao - Civil Procedure Code.
- 8. Justice C. K. Takkar (Takwani) - Code of Civil Procedure.
- 9. Dr. S.R. Myneni-Code of Civil Procedure and Limitation.

Paper-20 : Land Laws including ceiling & other local laws

- 1. The Maharashtra Rent Control Act, 1999 (30 Marks)
- 2. The Maharashtra Land Revenue Code, 1966 (30 Marks)
- 3. The Bombay Tenancy and Agricultural Lands Act, 1948 (30 Marks)
- 4. The Maharashtra Agricultural Land (Ceiling) Act, 1961 (10 Marks)

Books Recommended :

1. D. V. Parulekar - The Bombay Tenancy and Agricultural Land Act, 1948.
2. D. H. Choudhary - The Maharashtra Land Revenue Code, 1966.
3. Govt. Publication - Agricultural Land Ceiling Act, 1961.
4. Gupte A. K. and Dighe S. D. - Maharashtra Land Revenue Code, 1966.
5. Gupte K. S. - Bombay Tenancy and Agricultural Land Act, 1948.
6. The Maharashtra Rent Control Act, 1999.

Paper-21 : Interpretation of Statutes

1. Introduction :

Meaning and objects of Interpretation, General Clauses Act.

2. General Principles of Interpretation

Literal Rule, Golden Rule, Mischief Rule, Statute must be read as a whole, Statute to be construed to make it effective and workable, omissions not to be inferred. Every word in a statute to be given a meaning.

3. Internal Aid to Construction

Preamble, Definition, Sections, Heading, Marginal Notes, Punctuation, Illustrations, Provisions, Explanation and Schedule.

4. External Aid to Construction

Parliamentary History, Historical Facts and surrounding circumstances, socio-political and economic developments, reference to other statutes, contemporanea exposition and other external aids.

5. Subsidiary Rules

Same word same meaning, use of different words, Rule of Last Antecedent, Non Obstinate Clause, legal fiction, Mandatory and Directory Provisions, Conductive and Disjunctive words 'or'/'and', construction of general words - Noscitur A Socis Rule of ejusdem generis, Words of rank, Redendo Singula Singulis etc.

6. Interpretation of Statute affecting Jurisdiction of Courts

General Principles, the extent of exclusion of Jurisdiction of superior Courts.

7. Interpretation of Penal and Taxing Statutes

Rule of Strict Interpretation, General Principle, Limits of the Rule of Strict Construction, Mens Rea in statutory offences and Indian Penal Code, Vicarious responsibility in statutory offences.

8. Interpretation of Remedial Statutes

Distinction between Remedial and Penal Statutes. Liberal construction of remedial statutes.

9. Commencement, Operation, Expiry and Repeal of Statutes

Commencement, Effect of Expiry of temporary Statutes, Express or Implied repeal, Consequences of repeal, Consolidating and codifying statutes.

10. Interpretation of Constitutional documents

Rules of Interpretation of constitutional documents as developed by the Courts of India.

Books Recommended

1. Rupert Cross : Statutory Interpretation (London Butterworths)
2. G. P. Singh : Interpretation of Statute (Eastern Book Company)
3. Maxwell : Interpretation of Statute (Sweet and Maxwell)
4. Sarathi Vepa P. : Interpretation of Statute
5. Bindra N. S. : Interpretation

Paper-22 : Legal Writing

The object of the paper is to lay the foundation of legal language and legal drafting. The course intends to encourage the students to handle both Hindi/Marathi and English with fluency, accuracy and precision. Moreover it is expected that it will help to develop argumentative skills (Legal reasoning) amongst the students. Exposure to specimens of legal writing and active practice in handling language are the desired effects.

1. Introduction to Legal writing

- (a) Words, phrases and abbreviations in common use in legal language
- (b) How to use thesaurus and legal encyclopaedias
- (c) Selected legal terms (50)

2. Legal Reasoning and Judicial Process

- (i) Meaning of Judicial Process
- (ii) Judicial discretion how do judges exercise it
- (iii) Legal reasoning
- (iv) Doctrine of Precedent and rules of Precedent

3. Comprehension
4. Essay on the topic related with Law.
5. Drafting a legal notice, statutory notice and replies.
6. Critical Analysis of decided cases as mentioned below

Reference Books

1. Ishtiaq Abidi - Law and Language,
2. R. P. Bhatnagar and Rajual Bhargava - Law and Language. MC Macmillan
3. Avhad S. E. - Draftsman
4. Mac Cormik - Legal Reasoning and Legal Theory.
5. Paul Rylance - Legal Writing and Drafting.
6. Dr. Mishra - Legal Language and Legal Writing, Pioneer Publications
7. Dr. Sen Amit - Legal Language, Legal Writing, and Legal Drafting, Karnal Law House, Calcutta
8. Tandon M. P. - Legal Language and Legal Writing

Cases :

1. Sarbati Devi v. Usha Devi. AIR 1984 SC 346
(Succession and Nomination)
2. R. D. Saxena v. Balaram Prasad Sharma, AIR 2000 SC 2912
(Advocate's right to retain documents)
3. Sarita Sharma v. Sushil Sharma, AIR 2000 SC 1019
(Custody of child, Orders of foreign Court)
4. Ratan Gond v. State of Bihar, AIR 1959 SC 18
(Extra-judicial confession)
5. Baniben v. State of Gujarat, AIR 1992 SC 1817
(Dying declaration)
6. Dr. Surajmani Stella Kujur v. Durga Charan Hansdah, AIR 2001 SC 938

(Applicability of Hindu Marriage Act to Scheduled Tribes, and Offence of Bigamy)

7. Gautam Paul v. Debi Rani Paul, AIR 2001 SC 61
(Right of co-sharer, obligation to sell to other sharer)
8. Balaji Raghvan v. Union of India, AIR 1996 SC 770
(Abolition of titles under Constitution of India)
9. Chairman Railway Board v. Chandrima Das, AIR 2000 SC 988
(Compensation to victim of rape)
10. Daniel Latifi v. Union of India, AIR 2001 SC 3958
(Term 'Provision' under the Muslim Women (Protection of Rights on Divorce) Act).

Points :

1. Provisions of law involved
2. Principles of law involved
3. Finding the facts and arguments for both the sides
4. Drawing issues involved and answers to the issues
5. How the case reached the Supreme Court, history of the litigation
6. Drawing the ratio, if any
7. Various views about the questions arisen
8. Criticism of the judgement
9. Debate on the decision
10. Relevance of the law settled by the Supreme Court today

Paper-23 : Administrative Law

1. Nature and Scope Administrative Law.
2. Necessity of Administrative Law in Modern State.
3. Rule of Law and separation of Powers.

4. Delegated Legislation :

- (a) Nature Meaning and Growth.
- (b) Constitutional Validity
- (c) Judicial Control, doctrine of ultravires, legislative control (Parliamentary Control) Sub delegation.

5. Administrative Tribunals :

- (a) Nature, growth and need.
- (b) Judicial control on administrative Tribunals
Doctrine of Ultravires lack of Jurisdiction, delinking Jurisdiction.
- (c) Principles of Natural Justice bias. Audi alteram partem, Hearing, Administrative discretion.
 - (i) Judicial review of administrative discretion.
 - (ii) Judicial control of exercise of administrative discretion.

6. Commission of Inquiry :

- (a) Nature, Scope, need and functions.
- (b) Procedure and legal status.

7. Judicial control of administrative action through writs :

- (a) General conditions for using writs.
- (b) The writs
- (c) The scope of review through writs.

8. Public Corporations :

- (i) Growth, need, rights and liabilities of Public Corporations.
- (ii) Parliamentary Control.

9. Suits against the Govt. in Torts and Contract, Court Privileges in Legal Proceeding.

10. The ombudsman : The necessity of ombudsman, judicial control of administrative action.
Ombudsman in India - The Lokpal and Lokayukta

Text Books :

1. Administrative Law - S. P. Sathe
2. Principles of Administrative Law - M. P. Jain and S. N. Jain
3. Lectures on Administrative Law - Takwani K. C.
4. Administrative Law by Massey

Recommended & Reference Books

1. Comparative Administrative Law - D. D. Basu
2. Indian Administrative Law - M. C. Jain

Third Year of LL.B. (3 Year Course)

(Semester Pattern-2003)

Semester VI-Nov. to April

Paper-24 : Code of Criminal Procedure, Juvenile Justice (Care & Protection of Children) Act and Probation of Offenders Act

1. Code of Criminal Procedure, 1973 (as Amended upto date) 80 Marks
 2. The Juvenile Justice Act (Care & Protection of Children) Act, 2000 10 Marks
 3. The Probation of offenders Act, 1958 10 Marks
- All the above Acts with latest amendments are required to be studied.

Books Recommended :

1. Rantlal and Dhiraj Lal - The code of Criminal Procedure
2. Kelkar R. V. - Outline on Criminal Procedure Code.
3. Kelkar R. V. - The lectures on Criminal Procedure Code.
4. Vedkumari - Juvenile Justice Act.
5. Paranjape - The law Relating to Probation of offenders in India.
6. K. S. Verma - The Juvenile Justice Act (Care and Protection of Children) Act, 2000
7. R. B. Sethi - Probation of offenders Act
8. BASU's Code of Criminal Procedure Vol.1 and 2

Paper 25 : Company Law

1. Introductory :

Definition and characteristics of company, lifting of corporate veil, company and partnership firm, classes of companies.

2. Formation of company :

Registration, documents to be filed with the registrar, promoter, pre-incorporation contracts.

3. Memorandum of association :

Meaning, purpose, form, contents, alterations, doctrine of ultra virus.

4. Articles of Association :

Meaning, purpose, form, contents, alterations, doctrine of indoor management, relation between Memorandum and Articles.

- 5. Prospectus :**
Definition, contents, registration, effects of mis-statement, penalty statement in lieu of prospects.
- 6. Membership in a Company :**
Members and share holders, qualifications, modes of becoming member, cessation of membership rights and liabilities, register of members index of members.
- 7. Share Capital :**
Meaning, Kinds, alterations, reductions, voting rights, buy back of shares.
- 8. Shares :**
Definition, nature, types, issues, allotment of share, share transfer, surrender, forfeiture, transmission of shares, share certificate, Share warrant dividends.
- 9. Borrowing Powers :**
Debentures : kinds of debentures, creation of charges, fixed and floating charges, effects of winding up on floating charge.
- 10. Management and Administration :**
Directors, appointments, restriction on their appointments, position of directors, disqualifications, their duties and liabilities, board of directors : Meaning and Powers
- 11. Meetings :**
Meaning, Kinds of Meeting, Notice of Meetings, contents of notice, conduct of Meeting, quorum, minutes, proxies, voting and poll resolutions, kinds of resolutions, appointment of auditor, powers, rights and liabilities of auditor.
- 12. Majority rule and minority rights :**
Foss V/s Harbottle case.

- 13. Prevention of Oppression and mismanagement :**
Meaning, who can apply to company law board, powers of company law board and central government.
14. Compromises and arrangements reconstruction and amalgamation.
- 15. Winding up :**
Meaning, types of Winding up, petition for winding up, commencement of winding up Liquidator : his rights duties and liabilities Creditors, consequences of winding up, dissolution of company.
16. The Companies Amendment Act, 2001 and 2002

Books Recommended

1. The Companies 1956 as amended up to the date
2. S. M. Shah : Lectures on Company Law
3. Avtar Singh : Company Law
4. Dutta on Company Law
5. N. D. Kapoor on Company Law

Note : Those Students who have been exempted in company law in second LL.B. (3 Year) New Course, should opt for Law of Evidence.

Paper-26 : Practical Training Paper-I

Moot Court, Pre Trial Preparations and participation in Trial Proceedings

This paper will have three components of 30 marks each and a viva for 10 marks.

1. Moot Court

Every Student should participate in at least three Moot Courts in a year. The moot Court work will be on assigned problems.

2. Observance of trial

It is expected that students should observe trial at least in two cases, one civil and one criminal. A student will maintain a Journal for the year's work and the all written submissions and assignments will be written in the journal provided by the college. A student will maintain a record of all steps observed in the trials (including the facts of the case, the arguments and findings of the Court)

3. Interviewing techniques and pre-trial preparations

Each student should observe two interviewing sessions of clients at the lawyer's office/legal aid office and record the proceeding in the journal. Each student will further observe the preparation of documents and court papers by an Advocate and the procedure for filling of the suit/petition. This will be recorded in the Journal.

4. Viva-voce

The fourth component of this paper will be viva-voce on the basis of above mentioned topics.

Distribution of Marks :

- | | |
|---|----------|
| (i) Moot Court, Pre-Trial Preparation and Participation in trial Proceeding (10 Marks for each Moot court, 5 Marks for written submissions, 5 Marks for oral submissions) | 30 Marks |
| (ii) Observance of trial in two cases | 30 Marks |
| (iii) Interview Techniques and Pre Trial Preparations | 30 Marks |
| (iv) Viva-voce | 10 Marks |

100 Marks

Paper-27 : Practical Training Paper-II
Drafting, Pleading and Conveyancing - 100 Marks

Course will include.

- I. 15 Exercises in Drafting
(3 Marks for each Exercises) - 45 Marks
- II. 15 Exercises of Conveyancing
(3 Marks for each Exercises) - 45 Marks
- III. Viva-voce - 10 Marks

Total - 100 Marks

Drafting/Pleadings :

1. Civil

- (i) Complaint
- (ii) Written Statement
- (iii) Interlocutory Application
- (iv) Original Petition
- (v) Affidavit
- (vi) Execution Petition
- (vii) Memorandum of Appeal and Revision
- (viii) Petition under 226 and 32 of the Constitution
- (ix) Application under Indian Succession Act
- (x) Caveat Application
- (xi) Special leave petition under Article-136

II. Criminal

- (xii) Complaints
- (xiii) Criminal Miscellaneous Petition.
- (xiv) (a) Bail Application
(b) Anticipatory Bail
- (xv) Memorandum of Appeal and Revision

III. Conveyancing

- (i) Sale Deed
- (ii) Mortgage Deed
- (iii) Lease Deed
- (iv) Gift Deed
- (v) Promissory Note
- (vi) Power of Attorney
- (vii) Will Deed
- (viii) Legal Notices, License
- (ix) Assignments, Deed of Exchange
- (x) Adoption Deed
- (xi) Deed of Dissolution of Partnership
- (xii) Deed of Public Trust
- (xiii) Partition Deed
- (xiv) Partnership Deed
- (xv) Leave and License

List of Books for Reference

1. Mogha P. C. - Indian Conveyancing
2. D'souza - Conveyancing
3. Tijoriwala M. T. - Law and Practice of Conveyancing
4. Bindra N. S. - Conveyancing, Draftsman, Interpretation Deed
5. Mogha's Law of Pleading
6. Banerjee B. N. - Criminal Pleading
7. G. M. Kothari - Drafting, Conveyancing and Pleading
8. Stone and Iyer - Pleadings.
9. Shiva Gopal - Conveyancing, Precedent and Forms.
10. Adv. B. E. Avad - Draftsman
11. Chaturvedi - Law of Pleadings, Conveyancing
12. Civil Manual

13. Criminal Manual
14. Taxman's - The Code of Civil Procedure, 1908
15. Taxman's - The Code of Criminal Procedure, 1973
16. Law of Evidence
17. Law of Limitation

Paper-28 Optional Papers (any one) - 100 Marks

(A) Investment & Securities Laws

- I. (A) Historical evolution of securities laws.
 - (a) International perspective
 - (b) Indian Perspectives.
 - i. Pre-independence period.
 - ii. Post-independence period
 - iii. History of capital markets in India.
 - (B) Need for securities legislation and investor protection.
- II. Statutory provisions regarding securities.
 - (a) Classification of Securities
Ownership instruments, Shares, Stocks.
 - (b) Debt instruments :
Debentures and Bonds.
- III. Offered documents
Prospectus
Norms of disclosure under :
 - (a) The Companies Act, 1956
 - (b) The Securities Contract Regulation Act, 1957
 - (c) The Securities Exchange Board of India Act, 1988

IV. Concept of Securities Market.

Primary Market :

(a) Scheme of Primary Market.

Advantages and Dis-advantages to companies and investors.

(b) Players in Primary Market.

Underwriters, Brokers to an issue, Managers to the issue, Bankers to the issue and Registrar to the issue

Secondary Market :

Players in the Secondary Market,

Brokers,

Over the Country Exchange of India (OCTEL)

V. Stock Exchange and Listing of Shares.

(a) Trading

(b) Spot delivery contract

(c) Badla Contract

(d) Future contracts

(e) Options

(f) Derivatives

(g) Listing of Shares

Relevant Provisions of

(1) The Companies Act, 1956.

(2) The Securities Exchange Board of India Act, 1988.

(3) The Securities Contract Regulation Act, 1957.

(4) The Stock Exchange Act.

- VI. Investors Protection.
 - Role and functions of SEBI Tribunal
 - Depositories Act.
 - Dematerialisation
 - Advantages and Dis-advantages.
- VII. (A) Investment in Mutual Funds.
 - (B) Investment by
 - 1. Financial Institutions.
 - 2. Foreign Financial Institutions.

Note : In addition to the Acts mentioned above, relevant provisions of the following Acts must be studied in the appropriate places :

- 1. Law regarding Foreign Exchange
- 2. Public Debt Act.
- 3. Reserve Bank of India Act.

In addition to above in order to get the latest information regarding these topics law students can go through the following website

<http://www.sebi.com>

(B) Law of Taxation

For this paper the following Statutes are prescribed

- I. The Income Tax Act, 1961 (up to date) 60 Marks
- II. The Wealth Tax Act, 1958 (up to date) 15 Marks
- III. The Central Excise Act, 1944 (up to date) 25 Marks

Books Recommended

- 1. V. K. Singhania - Students guide to direct Taxes
- 2. Nani Palkhiwala - Income Tax Law & Practice
- 3. Taxman - Taxation Law

(C) Banking Laws Including Negotiable Instruments Act

For this paper the following Statutes are prescribed

- | | | |
|------|--------------------------------------|----------|
| I. | The Reserve Bank of India Act, 1934 | 35 Marks |
| II. | The Banking Regulations Act, 1949 | 30 Marks |
| III. | The Negotiable Instruments Act, 1881 | 35 Marks |

Books Recommended

1. K. B. Dawra and Alok Mishra - Banking Laws (Vinod Laws Publications, Lucknow)
2. Seth's Commentaries on Banking Regulation Act, 1949. Law Publishers (India) Pvt. Ltd.
3. (A) Bhashyam and Adiga - Negotiable Instrument Act, 1881.
4. (B) Khergamvala - Negotiable Instrument Act, 1881.
5. (C) Bangia R. K. - Negotiable Instrument Act, 1881.
6. (D) Avtar Singh - Negotiable Instrument Act, 1881.

(D) Co-operative Law

- I. Theory and definition of Co-operation.
- II. Principles of Co-operation
- III. History and Growth of Co-operative movement in India
 - (a) Before independence
 - (b) After independence through five year plans

15 Marks
- IV. History of Co-operative Legislation

This topic consists of the study of

(A)	The Maharashtra Co-operative Societies Act, 1960 and Rules 1961	60 Marks
(B)	(a) The Maharashtra Ownership Flats (Regulation, Promotion, Construction and Sale) Management and Transfer Act, 1963.	
	(b) The Maharashtra Apartment Ownership Act, 1970	25 Marks

Recommended Reference Books

1. A. D. Chaudhari and D. H. Chaudhari - Co-operative Societies Act, 1960 with rules of 1961.
 2. K. S. Gupta - Co-operative Societies Act, 1960.
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