

Publisher's Note

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

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

On behalf of the University, I thank the experts and authorities of the University for the interest taken and co-operation extended by them whole-heartedly 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 होणाऱ्या विधी अभ्यासक्रमातील तिसऱ्या वर्षाचा (तीन व पाच वर्षीय) सत्र ५ व ६ सुधारित अभ्यासक्रम सोबत जोडण्यात येत आहे.

सोबत : सत्र ५ व ६ सुधारित अभ्यासक्रम.

गणेशखिंड, पुणे-४११ ००७

आवक क्र. : सीबी/३५६१

दिनांक : २६/६/२००४

सही/- डी. एम. देवके

संचालकांकरिता

(म.वि.वि.मं.)

III Year LL.B. (Five Years Law) Syl. / 4
University of Pune
Faculty of Law
Syllabus for IIIrd Year of Five-Year Law Course
Semester V : June to October

Paper No. 13 : Family Laws - I	100 Marks
Paper No. 14 : Law of Crimes	100 Marks
Paper No. 15 : Labour Laws	100 Marks
Paper No. 16 : Optional Papers	100 Marks

(any one)

- (a) Trust, Equity and Fiduciary Relationships
- (b) Criminology and Penology
- (c) Woman and Law, and Law relating to the Child
- (d) International Economic Law

Semester VI : November to April

Paper No. 17 : Family Laws - II	100 Marks
Paper No. 18 : Constitutional Law	100 Marks
Paper No. 19 : Law of Torts and Consumer Protection Act	100 Marks
Paper No. 20 : Practical Training III (Professional Ethics, Accountancy for Lawyears and Bar-Bench Relations)	100 Marks

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Semester V June to October

Paper 13 : Family Laws - I

100 Marks

(With latest amendments and case-law)

Family Reactions-Hindus, Muslims, Christians and Parsis.

1. Nature. Sources and Schools of
 - (a) Hindu Law
 - (b) Muslim Law
2. Marriage
 - (a) Formation
 - (b) Duration
 - (c) Disruption
3. Marital Relief
 - (a) Restitution of Conjugal Rights
 1. Judicial Separation
 - (b) Divorce
 - (c) Nullity of marriage
 - (d) Dissolution
4. Law of Maintenance (Hindu and Muslim Law)
 - (a) Claim of spouses
 - (b) Claim of parents and children
 - (c) Alimony (pendente lite and permanent)
5. Adoption
6. Minority and Guardianship
7. The Special Marriage Act, 1954

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Statutes

1. The Hindu Marriage Act 1955
2. The Hindu Adoptions and Maintenance Act 1956
3. The Hindu Minority and Guardianship Act 1956
4. The Christian Marriage Act 1872
5. The Indian Divorce Act 1869 (as ammended by Ammendment Act 49 and 51 of 2001)
6. The Parsi Marriage and Divorce Act 1936
7. The Special Marriage Act 1954
8. The Muslim Women (Protection of Rights on Divorce) Act 1986
9. The Dissolution of Muslim Marriage Act 1939

Recommended Books and reading

1. Desai Kumud—Law of Marriage and Divorce
2. Diwan Paras—Modern Hindu Law
3. Mayne—Hindu Law
4. Diwan Paras—Family Law.
5. Subbarao Dr T.V.—Family Law in India
6. Mulla—Principles of Mohammendan Law
7. Mahmud Tahir—Muslim Law
8. B. M. Gandhi—Hindu Law

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Semester V : June to October

Paper 14 : Law of Crimes

100 Marks

1. Indian Penal Code 1860 - Sectional I - 511 80 Marks
2. Criminal Jurisprudence-Definition and Essentials of crime, Criminal liability, related maxims, types and theories of punishment with relevant case law
20 Marks

Recommended Books

1. Ratanlal and Dheerajlal—The Indian Penal Code
2. Gaur. K. D. A.—Text Book on The Indian Penal Code
3. Pillai. P. S. A.—Criminal Law
4. Mishra S. N.—Indian Penal Code.
5. Bhattacharya T.—The Indian Penal Code

References

1. Basu. Indian Penal Code, Vol I & II
2. Gaur Dr. S. Singh—Penal Law of India Vol I to IV
3. Gaur K. D.—Criminal Law- Cases and Materials
4. Jaspal Singh—Indian Penal Code
5. Kenny—Outlines of Criminal Law
6. Nigam R. C.—Principles of Criminal Law.

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Semester V : June to October

Paper 15 : Labour Laws

100 Marks

(With latest amendments and case - law)

1. The Industrial Disputes Act 1947 30 Marks
2. The Factories Act 1948 20 Marks
3. The Minimum Wages Act 1948 10 Marks
4. The Workmen's Compensation Act 1923 15 Marks
5. The Employee's State Insurance Act 1948 15 Marks
6. The Payment of Wages Act 1936 10 Marks

Recommended books and reading

1. Malik P. L.—andbook of Labour Law and Industrial Law
2. Malhotra O. P.—Industrial Disputes Act 1947
3. Shrivastava K. D.—Commentaries on all Labour Laws
4. Kothari G. M.—A Study of Industrial Law
5. Sachadeva Industrial Labour Law
6. Reports of the National commission on Labour I/II
7. Taxmann's Labour Laws

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Semester V : June to October
Paper 16 : Optional Paper (a)
Trust Equity and Fiduciary Relationships
100 Marks

Division of Marks

- | | |
|--------------------------------------|----------|
| 1. Principles of equity and maxims | 15 Marks |
| 2. The Indian Trusts Act 1882 | 40 Marks |
| 3. The Bombay Public Trusts Act 1950 | 45 Marks |

(With latest ammendments and case-law)

A. The Indian Trusts Act 1882

1. Preliminary
 - (a) **Definitions-Trust, author of the trust, trustee, beneficiary, trust property, beneficial interest, instrument of trust, breach of trust, cestui que trust.**
 - (b) **Comparison of trust with other relationships**
 - (i) Private trust and public/charitable trust
 - (ii) Trust and debt
 - (iii) Trust and ownership
 - (iv) Trust and bailment
 - (v) Trust and agency
 - (vi) Trust and contract
 - (vii) Trust and conditions
 - (viii) Trust and equitable charge
 - (ix) Trust and mortgage
 - (x) Trust and administration

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2. Kinds of trusts
3. Creation of trusts
4. Appointment of trustees
5. Duties and liabilities of trustees
6. Rights and powers of trustees
7. Disabilities of trustees
8. Rights and liabilities of the beneficiary
9. Vacating the office of trustee
10. Extinction of trusts

B. Fiduciary relations-concept and kinds.

C. The Bombay Public Trusts Act 1950

1. Definitions - Public trust, math, person having interest, temple, wakf, trustee.
2. Establishments
3. Charitable purposes and validity of certain public trusts.
4. Registration of public trust
5. Budget accounts and audit
6. Powers duties and restrictions of trustees etc
7. Control power, and functions of Charity Commissioner, Deputy and Assistant Charity Commissioner.
8. Dharmada, Cypress.
9. Special provision as respects religious and charitable institution and endowment.
10. Public Trusts Administration Fund.
11. Offences and penalties.
12. Procedure, jurisdiction and appeals.

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D. Principles of equity and maxims

1. Concept and definition of equity.
2. Origin and development.
3. Maxims of equity.
 - (a) Equity will not suffer a wrong to be without a remedy.
 - (b) Equity follows the law.
 - (c) Where there is equal equity, the law shall prevail.
 - (d) Where the equities are equal, the first in time shall prevail.
 - (e) He who seeks equity must do equity.
 - (f) He who comes into equity must come with clean hands.
 - (g) Delay defeats equities.
 - (h) Equality is equity
 - (i) Equality looks to the intent rather than to the form
 - (j) Equality looks on that as done which ought to be done.
 - (k) Equity inputs an intention to fulfill an obligation
 - (l) Equity acts in personam.

Recommended Books and Reading

1. Iyer Suryanarayanan—The Indian Trust Act.
2. Rangacharya I. V.—The Indian Trust Act.
3. Agarwal O. P.—The Indian Trust Act.
4. Tandon M. P.—The Indian Trust Act.
5. Chaudhari D. H.—The Bombay Public Trust Act 1950

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6. Shah K. N.—The Bombay Public Trust Act 1950
7. Apte M. S.—The Bombay Public Trust Act 1950
8. Gupte and Dighe—The Bombay Public Trust Act 1950
9. Snell's Principles of Equity
10. Ahmad Aquil—Equity, Trust and Specific Relief
11. Basu D. D.—Equity, Trust and Specific Relief

Semester V : June to October

Paper 16 : Optional Paper (b)

Criminology and Penology

100 Marks

1. Criminology.

- (a) Definition
- (b) Nature and scope of criminology and penology in India.
- (c) The concept of crime and characteristic of criminal law, classification of criminals
- (d) Determination and differential of crime.
- (e) The criminal - who is a criminal ?
- (f) Whether criminology is a science ?
- (g) Objective of criminal justice system.

2. Schools of criminology.

- (a) Classical school and neo-classical school.
- (b) Cartographic
- (c) Socialist
- (d) Typological

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- (e) Lombrosian
 - (f) Psychistic
 - (g) Sociological and socio-psychological
- 3.** (a) Prevalence of crime.
(b) Study of crime and criminal justice.
(c) Identification of the causes of crime-theories
(d) Approaches to crime problem.
(e) Focus on individual and environment
- 4. Role and function of police.**
- (a) In action.
 - (b) Police goals, objectives and functions
- 5. A. History of Prisons in comparison to American Prison System.**
- (a) Aims and objectives and conditions.
 - (b) Types of prisons.
 - (c) (i) Success and failure of prisons
(ii) Discipline and control
 - (d) Open air institutions
- B. Prison Jurisprudence**
- 1. Prison work
 - 2. Education.
 - 3. Problems in prisons.
 - 4. Prison reform-schools and reformations.
 - 5. Rights of prisoners (Contribution of the Supreme Court) and rights of victims and protection available to an accused person.

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6. Presentation of crime and delinquency

- (a) Punitive approach.
- (b) Defence approach.
- (c) Interventionist approach-prevention policies, recidivism, intervention, mechanical approach, clinical approach.

7. White collar crimes/Organized crimes.

- (a) Nature and definition.
- (b) Types of white collar crimes and development.
- (c) Some legislation to meet white collar crime
- (d) Judicial trends.
- (e) Recidivism.

Recommended Books and readings.

1. Siddique Ahmed—Criminology.
2. Sethna M. J.—Society and Criminal
3. Sirohi J. P. S.—Criminology and Criminal Administration
4. Paranjpe N. V.—Criminology and Penology.
5. Mehta Rohinton—Crime and Criminology
6. Reports of National Police Commission
7. Sutherland E. H. and Cressy D. R.—Principles of Criminology
8. Sutherland E. H.—White Collar Crime
9. Reckless W. C.—The Crime Problem
10. Bhushan Vidya—Prison system in India
11. Mulla Committee Report.

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Semester V : June to October

Paper 16 : Optional Paper (c)

Woman and Law, and Law relating to the Child

100 Marks

Division of Marks.

- (m) Woman and Law 50 Marks.
- (n) Law relating to the child 50 Marks.

(With latest amendments and case law)

A. Woman and Law (50 Mark)

1. Constitution of India-Provisions regarding women
 - (a) Constitution of India-Articles 14, 15(1), 15(3), 16(1), 23 and (2), 39(d), 51
 - (b) Reservation of seats for women in local bodies-Article 243.
2. Violence against women.
 - (a) Domestic violence
 - (i) Protection against cruelty
 - (ii) Harassment for dowry.
 - (iii) Forced prostitution.
 - (iv) State intervention.
 - (b) Relevant provisions of
 - (i) The Indian Penal Code 1890
 - (ii) The Criminal Procedure Code 1973
 - (iii) The Indian Evidence Act 1872
 - (iv) The Dowry Prohibition Act 1961
 - (v) The Immoral Traffic (Prevention) Act 1956

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3. Women and Labour Laws.
Relevant provision of
 - (i) The Equal remuneration Act 1976
 - (ii) The Maternity Benefits Act 1961
 - (iii) The Factories Act 1948
 - (iv) The Mines Act 1952
 - (v) The Employees State Insurance Act 1948
4. Other protective legislations
 - (a) The National Commission for Women Act 1990
 - (b) The Indecent Representation of Women (Prohibition) Act 1986.
 - (c) The Commission of sati (Prevention) Act 1987
 - (d) The Medical Termination of Pregnancy Act 1971
 - (e) The Prenatal Diagnosis Techniques (Regulation and Prevention of Misuse) Act 1994.
5. Need for gender justice, Uniform civil Code.

Recommended Books and Readings

1. Diwan Paras and Diwan Piyushi—Women and Legal Protection (Deep & Deep Publications, New Delhi).
2. Shyamsi Shamuddan—Women Law and Social Change (Ashish Publishing House, New Delhi)
3. “Towards equality Report on the Commission on Status of Women Equipment in India, Chapters, IV & Sec IV.
4. The Hindu Widow’s Remarriage (Repeal) Act 1983.
5. Gangrade K. D.—Social Legislation in India Volume I & II
6. Bhattacharjee A. M.—Matrimonial Laws and the Constitution.
7. Kant Anjani—Women and Law.

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8. Diwan—Offences against Women.
9. Mishra O. P.—Law relating to Women and Child.
10. Reddy G. B.—Women and the Law.
11. Batra Manjula—Women show.
12. The Prenatal Diagnostics Techniques (Regulation and Prevention of Misuse) Act 1994.
13. The Medical termination of Pregnancy Act 1971
14. The Muslim Women (Protection of Rights on Divorce) Act 1986.

B. Law relating to the Child **50 Marks**

1. Social and legal status of child.
2. Constitutional protection of children under Articles 15(3), 24, 39(c), and (f), 45 of the Constitution of India.
3. The National Commission for Child.
4. Legal control of employment of child labour under the following enactments.
 - (a) The Factories Act 1948.
 - (b) The Apprentice Act 1961.
 - (c) The Bombay Shops and Establishments Act 1948.
 - (d) The Child Labour (Prohibition and Regulation) Act 1986.
5. Protective legislations for the child
 - (a) The Juvenile Justice (Care and Protection of Children) Act 2000
 - (b) The Protection of Human rights Act 1993.
 - (c) The Child Marriage Restraint act 1929.
6. Child under litigation with reference to Civil Procedure Code 1908.

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Suggested Reading

1. The National Commission for Child.
2. Indian Law Institute, Child and the Law.
3. Upendra Bakshi, Law and Poverty.
4. National Law School Seminar Report on the Rights of the Child (1991).

Semester V : June to October

Paper 16 : Optional Paper (d)

International Economic Law

100 Marks

1. A. Nature, development, scope and sources of International Economics Law
B. International Law - Is it true law?
Theories of International law, Private and Public International Law.
2. International Institutions, their functions and role in international Economic Law.
New International Economic Order (N.I.E.O.),
Charter on Economic Rights and Duties of States (E.R.D.S.)
United Nations Conference on Trade and Development (U.N.C.T.A.D.)
United Nations Conference on International Trade Law (U.N.C.I.T.R.A.L.)
World Intellectual Property Organization (W.I.P.O.)
Paris Convention, Bern Convention Trade Marks
International Bank for Reconstruction and development (B.R.D.)

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International Finance Corporation (I.F.C.)
International Development Association (Indian
Divorce Act 1869)

United Nations Development Programme
(U.N.D.P.)

International Monetary Fund (I.M.F)

World Trade Organisation (W.T.O.)

Organisation for Economic Co-operation and
Development (O.E.C.D)

3. Foreign Investment

Types and Role of Foreign Investment

Majors to regulate and control Foreign Investment

World Bank Guidelines

Introduction to International Finance

4. International Trade

1. Unification of the Law of International Sale of
Goods.

II. Uniform Customs and Practice for Documentary
Credits and the International Chamber of
Commerce

III. Conventions for Enforcement of Arbitration
Awards.

Geneva Protocol and Convention

New York Convention 1958

UNCITRAL Model Law on International
Commercial Arbitration

IV. International Convention governing the Bill of
Lading

The Brussetes Convention

The UNCITRAL Convention

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- V. The Hague Draft Convention on the Recognition and enforcement of Foreign Judgements in Civil and Commercial Matters.
Recognition and Enforcement.
- 5. General Agreement on Tariffs and Trade.
 - I. The Legal and Institution aspects of GATT
Historical Evolution of the GATT
Objectives and main principles GATT
The Procedure of Negotiation
Negotiation Rounds
The GATT 1994 - Salient features of the
GATT 1994 (Final Act Of Uruguay Round)
World Trade Organisation (W.T.O.)
 - II. Basic Principles and Core concepts of the GATT/
WHO. Most Favoured Nation Treatment
(M.F.N.). National Treatment, Tantis and Quotes.
GATT 1994 Art-I-V, VII, XIII, XVII, -XXI,
XXVII (also GATT 1994, Articles XXII,
XXIII)
Relevant Cases (list enclosed)
Dumping and Subsidies
GATT 1994 Articles VI, XVI
WTO Agreement Annex 1A.
 - III. Exceptions to the GATT/WTO
GATT 1994 Articles, XX, XXI, XII, IX, XXV,
XXIII, XXIV, XXXV, XXIV, XIX.
Who on Safeguards of GATT 1994.
 - IV. Agreement of GATT 1994
Contraversal Agreements of GATT 1994
Less Contraversal Agreements of GATT 1994

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- V. Implications and Opportunities of GATT 1994 for India with particular reference to Agreement on Agriculture, Agreement on TRIPS. Agreement on Textiles and Clothing GATTs and TRIMs.
- VI. Trade and Environment
GATT and the Environment with relevant cases
- 6. Settlement of Disputes in International Economic Law
 - I. WHO/GATT System
Article XXIII GATT, Dispute, Settlement Understanding
 - II. International Court of Justice (ICJ)
 - III. World Bank Inspection Panel
Function procedure
 - IV. International Centre for Settlement of Investment Disputes (ICSID). US-train Claims Tribunal
Function procedure

CASES PANEL REPORTS

- Topics :** Basic Principles and Core Concepts of the GATT/
WHO : MEN, National Treatment, Tariffs and Quotas.
- Belgium - I unity Allowances, G/32 adopted on 7th Nov 1952, IS/39.
 - Spain - Tariff Treatment of Unroasted Coffee from Brazil L/5: 35, adopted on 11 June 1981 28S/02.
 - United Stages - Denial of Most Favoured Nation Treatment as to Non-rubber Footwear from Brazil DS/18/R adopted on 19 June 1992. 39S/128.
 - Japan - Tariff on Import of Spruce - Pine - Fir ("Dimension Lumber") adopted 19 July 1989 36S/167.

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- Thailand - Restrictions on Importation of and Internal Taxes on Cigarettes BISD 37s/ 200
- US - Section 337 of the Tariff Act 1930 BISD 36s/345.
- Japan - Taxes on Alcoholic Beverages. WT/DDS/AB/R. WTO Panel Report issued 11 July 1996. appeal filed by Japan, 8 Aug 1996.
- Japan - Taxes on Alcoholic Beverages, WT/DS8/R. WTO Appellate Body report circulated 4 Oct 1996.
- US - Taxes on Petroleum and Certain Imported Substances, BISD 34s/136; 27 ILM (1988.PP.1596 - 1616) Trade and Environment
- US - Prohibition of Import of Tuna and Tuna Products from Canada. Report of the Panel Adopted on 22 Feb 1982, BISD/29s/91.
- US - Taxes on Petroleum and Certain Imported Substances, Report of the Panel adopted on 17 June 1987. BISD/34s/160.
- Canada - Measures affecting Exports of Unprocessed Herring and Salmon, Report of the Panel adopted on 22 March 1988, BISD/35/98
- US - Section 337 of the Tariff Act of 1930. Report of the Panel adopted on 7 Nov 1989 BISD/36S/345
- EEC - Regulation on Imports of Parts and Component (Screwdriver Case), Report of the Panel adopted on 16 May 1990, BISD/37S/132.
- Thailand - Restrictions on Importation of and Internal Taxes on Cigarettes, Report of the Panel adopted on 7 Nov 1990 BISD/37S/200
- US - Restriction on Imports of Tuna from Mexico, Report of the Panel, GATT DOCUMENT ds 21/R, 3 Sept 1991, 30 ILM 91991 1594
- US - Standards for Reformulated and Conventional Gasoline. WT/DS/2/AB/R, 1996 - 1- 29 Apr 1996

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Topic : Icj

Anglo - Iranina Oil Co Case, Icj Reports 1952, p.93; 19 ILR 507

Monetary Gold Case (Preliminary Question), ICJ Reports, 1954 p. 29 ; 20 IL 441

Novagian Loans Case, ICJ Reports 1957, p.9;24 ILR 782.

Barcelona Traction Case (New Application)

- Preliminary Objection, ICJ Reports 1964, p.6, 46 ILR 18
- Secondary phase, ICJ Reports 1970, p.3 ; 46 ILR 178.
- Electronica Sicula SPA (ELSI) CASE, ICJ Reports 1989; 89 ILR 311

Certain Phosphates (Nauru V. Australia), ICJ Reports 1982,n 240;97 ILR III

Books

1. Dr. Rao Myneni Shrinivasa, International Economic Law : Pioneer Books Delhi
2. Jackson, Devery Sykes, Legal Problems of International Economic Relations : West Publishing Co. Minn.U.S.A.
3. Trebilcock, Howse, The Regulation of International Trade : Routledge London
4. John Jackson, The World Trading System. : The Mit Press, Cambridge.
5. Tandon, Public International Law : Allahabad Law Agency, Allahbad.
6. P. Narayan, Intellectual Property Law : Eastern Law House Delhi.
7. Primary text and general reference text for the Trade Section of the Course.
8. The Result of the Uruguay Round of Multilateral Trade Negotiations : The Legal Texts, GATT Secretariat (1994). The full text of GATT 1947 and the Multi lateral agreements resulting from the Uruguay Round.

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9. WTO Home Page <http://www.wto.org/Welcome.html>
10. For Panel Reports - Handbook of GATT Dispute Settlement (loose-leaf), P.Scatter, Davey and Lowented, Kluwer 1991, regularly updated loose - leaf reference of GATT and WTO Panel Reports.

Semester VI : November to April

Paper 17 : Family Laws -II

100 Marks

Law relating to succession and property to Hindus, Muslims, Christians and Parsis (Including State Laws)
(With latest amendments and up-to-date case law)

A. Hindu Law

1. Hindu Joint Family System
2. Mitakshara Joint Family
3. Dayabhaga Joint Family
4. Son's Pious obligation
5. Patition
6. Streedhan
7. The Hindu Succession Act 1956

B. Law relating to Muslims, Christians and Parsis

1. Mohammedan Law of Succession - Principles of Inheritance
2. Wakf
3. Gift
4. Pre-emption
5. Wills

C. The Indian Succession Act 1925 (Secs 1 To 191)

Recommended Books and Readings

1. Diwan Paras—Family Law
2. Muula—Principles of Mohammedan Law
3. Mulla—Principles of Hindu Law.
4. Tahir Mahmood—Hindu Law.
5. Mayne—Hindu Law and Usage.

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6. Derrett J. D. M.—Introduction to Modern Hindu Law
7. Paruck—The Indian Succession Act (Latest edititon)
8. Tahir Mahmood—Mohammedan Law.
9. Subba Rao G. C. V.—Family Law.

Semester VI : November to April

Paper 18 : Constitutional Law

100 Marks

Note : All interrelated articles have to be so mentioned and taught accordingly.

To be studied with latest amendments and up-to-date case law.

(A) Constitution of India-Features, Preamble, Territory, Citizenship, Fundamental Rights and Directive principles, Legislature, Executive and Judiciary.

1. The nature of the Constitution
2. Salient features of the Constitution
3. The Preamble of the Constitution
4. Fundamental Rights
 - (a) General - Article 12, Definition of State - Article 13
 - (b) Right to Equality - Article 14 to 18.
 - (i) Equality before law - Article 14
 - (ii) Prohibition of Discrimination on Grounds of Religion, Race, Cast, Sex or Place of Birth - Article 15.
 - (iii) Equality of Opportunity in matters of Public Employment - Article 16
 - (iv) Abolition of Untouchability - Article 17.
 - (v) Abolition of Titles - Article 18.
 - (c) Right to Freedom - Article 19 to 22
 - (i) Protection of certain Rights regarding Freedom of Speech, etc - Article 19.
 - (ii) Protection in respect of Conviction of Offences - Article 20.

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- (iii) Protection of Life and Personal Liberty - Article 21.
- (iv) Protection against Arrest and Detention in certain cases-Article 22.
- (d) Rights against Exploitation - Article 23 to 24.
 - (i) Prohibition of Traffic in Human Beings and Forced Labour - Article 23.
 - (ii) Prohibition of Employment of Children in Factories etc - Article 24.
- (e) Right to Freedom of Religion - Article 25 to 28
- (f) Cultural and Educational Rights - Article 29 to 30.
- (g) Right to Constitutional Remedies - Article 32 to 35
Article 226, 136
- 5. Directive Principles of State Policy - Article 36 to 51.
Relation between Directive Principles of State Policy and Fundamental Rights.
- 6. Fundamental Duties - Article 51 - A
- 7. The Union Executive - The President Vice - President, Council of Ministers - Article 52 to 78 and 129
- 8. The Parliament - Article 79 to 122.
- 9. The Union Judiciary - Article 124 to 147
- 10. Comptroller and Auditor General of India - Article 148 to 151.

B. Centre-State Relation

- 1. Introduction and Concept of Federalism Developments of Federation.
- 2. The State Executives - Article 153 to 167, 213
- 3. The State Legislature - Articles 168 to 212
- 4. The State Judiciary - Articles 214 to 237
- 5. The Panchayats - Article 243, The Municipalities - Article 243 P - 243 ZG

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6. Relation between the Union and States Articles - 245 to 293
 - (a) Legislative Relations.
 - (b) Administrative Relations
 - (c) Financial Relations
7. Freedom of Trade, Commerce and Intercourse - Article 301 to 307
8. Elections - Articles 324 to 329
9. Emergency Provisions - Article 352 to 360
10. Amendment Provisions Article 368

Recommended Books and Readings

1. Basu Durga Das—Introduction to the Constitution of India
2. Basu Durga Das—Shorter Constitution of India.
3. Dr. Pandey J. N.—Constitutional Law of India.
4. Jain M. P.—Indian Constitutional Law.
5. Seervai H. M.—Constitutional Law of India
6. Dr. Shukla V. N.—The Constitution of India
7. Tope T. K.—Constitutional Law of India

Semester VI : November to April

Paper 19 : Law of Torts and Consumer Protection Act

100 Marks

Division of Marks. :

Law of Torts	80 Marks
Consumer Protection Act 1986 (With latest amendments and case law)	20 Marks

A. Law of Tort (80 Marks)

1. Nature of Tort

History, Definition of Tort, Distinction between Tort, Crime, and Contract.

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- 2. General Principles**
Constituents of Tort, Act and Omission, Voluntary Act
Malice, Motive, Intention, Negligence and
Recklessness, Fault, General Principle of Liability
- 3. Personal Capacity**
Convict, Alien Enemy, Husband and wife, Corporation,
Trade Union, Insolvent, State and its Subordinates,
Minor, Lunatic, Foreign Sovereign.
- 4. General Defences**
Act of State, Act of God, Judicial Acts, Executive
Acts, Leave and License (Consent), Necessity, Private
Defence, Inevitable Accident, Statutory Authority,
Parental and Quasi Parental Authority, Plaintiff a
Wrongdoer, Acts Causing Slight Harm.
- 5. Discharge of Torts**
Waiver, Accord and Satisfaction, Release,
Acquiescence, Judgement recovered, Status of
Limitation.
- 6. Vicarious Liability - Liability by Relation**
 - (a) Master and servant - Principles of liability,
Vicarious Liability of State
 - (b) Principle and Agent.
 - (c) Guardian and ward.
 - (d) Company and Director
 - (e) Employer and Independent Contractor.
 - (f) Firm and Partner.
- 7. Remedies**
Damages, Injunctions, Specific restitution of Property,
Extra - Judicial remedies.
- 8. Trespass to Person**
Assault and battery, False imprisonment, Damages,
Justifications.
- 9. Defamation**
Libel and slander, Essentials of defamation, Innuendo,
Defences, Remedies.

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- 10. Trespass to Property**
 - (a) Trespass to immovable property
Trespass to land, Trespass by animal, defences to Trespass, Remedies, Trespass ab initio.
 - (b) Trespass to movable Property
Trespass to goods, by conversion
 - 11. Negligence**
Meaning, Essentials, Burden of proof, Res ipsa loquitor,
Contributory negligence, strict and absolute liability.
 - 12. Nuisance**
Kinds of nuisance, public nuisance and private nuisance, Essentials, Defences, Remedies.
 - 13. Malicious Proceedings**
Malicious prosecution, Malicious Civil proceedings.
 - 14. Liability for Misstatements**
Deceit of Fraud, Negligent misstatements, Innocent Misrepresentations.
- B. Consumer Protection Act 1986 (20 Marks)*
1. Object, Definitions, Consumer Protection Councils, Consumer Dispute Redressal Agencies, composition, Jurisdiction and powers.
 2. Procedure for filling complaint, Appeals, Enforcement of orders, Penalties.
- Recommended Books and Readings*
1. Ratanlal and Dhirajlal—The Law of Torts
 2. Winfield on Torts—The Law of Torts
 3. Ramaswamy Iyer—The Law of Torts
 4. Pandey J. N.—Law of Torts with Consumer Protection
 5. Bangia R. K.—Law of Torts.
 6. Shukla S. N.—Law of Torts

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7. Tiwari O. P.—The Consumer Protection Act
8. Gurujeeet Singh—Law of Consumer Protection in India (Deep & Deep Publication New Delhi)
9. Gurubax Singh Law of Consumer Protection (Bharat Law Publication Jaypur)
10. Awtar Singh—Introduction to Law of Torts.

Semester VI : November to April

Paper 20 : Practical Training III - (Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations)

100 Marks

Note :

1. The course will be taught in association with practising lawyers.
 2. The examination consists of two parts
 - A Journal work through the semester to be assessed by the teacher, and Viva-voce examination at the end of year carrying 20 marks
 - B. Written examination at the end of the semester 80 marks
 3. Division of marks for written examination
 - (i) Professional Ethics 35 marks
 - (ii) Bar-Bench Relations 15 marks
 - (iii) Accountancy for Lawyers 30 marks
- (i) Professional Ethics :** 35 Marks
Standards of Professional Conduct and Etiquette, rules framed by Bar Council of India
- (ii) Bar-Bench Relations :** 15 Marks
With reference to the following as affecting the legal profession and with relevant cases
1. The Advocates Act 1961
 2. The Contempt of Courts Act 1971

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(iii) Accountancy for Lawyers

**30
Marks**

Purpose

1. The Purpose is to have basic knowledge of rules and practices required to be followed.
2. Fundamental rules of preparation of Trading and Profit and Loss Account and Balance Sheet
3. To be able to write own cash book and file Income Tax Returns
4. Double-Entry method of accounting - Concepts of Accounting Types of Accounts - Rules for Debiting and Crediting the Account - Ledger Posting Purchase Register.
5. Making entries in Cash Books with Bank column - Rectification of errors.
6. Client's Register.
7. Revenue Expenditure and Revenue Income
8. Capital Expenditure and Capital Income
9. Income Tax Law relating to Income from Business and profession including exemption of Income, deduction of expenses and rebates available to Lawyers, filing of returns.
10. Uses of a Computer in a Lawyer's office

Cases Prescribed for Study

1. P. D. Khandekar v Bar Council of Maharashtra (1984) to S.C.C. 556
2. M.Vireerabhadra Rao v Tek Chand (1984) Supplement S.C.C. 571
3. Prahlantaran Gupta v. Bar Council of India (1997) 3 S.C.C. 585
4. V. P. Kumaravelu v Bar Council of India (1997) 4 S.C.C. 226

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5. Brajendra Nath Bhargava v Ramchandra Kaslival (1998) 9 S.C.C. 169
6. Ramon Services Pvt. Ltd. v Subash Kapoor (2001) 2 S.C.C. 365
7. Shambhu Ram Yadav v Hanumandas Khattry AIR 2001 S.C. 2509
8. D.P. Chadha v. P.N. Mishra AIR 2001 S.C. 457
9. Harish Chandra Tiwari v. Baiju AIR 2002 S.C. 548
10. Prem Surana v Additional Munsif and Judicial Magistrate AIR 2002 S.C. 2956

Books Recommended for Study

1. J. R. Batliboi—Book Keeping and Accountancy
2. M. G. Patkar—Book Keeping and Accountancy
3. I - Tax Reckoner—Current year
4. Mrs Kotibhaskar—Book Keeping and Accountancy

Recommended Books and Readings

1. Krishnamurti Iyer Advocacy
2. Rao Sanjev—Advicates Act
3. Iyer K. R.—Law of Contempt of Court, Legislature and Public Servants.
4. Batliboi—Book-Keeping and Accountancy
5. Shukla and Grewal—Advance Accountancy
6. Rules framed by Bar Council of India
7. Indian Bar Review (Journal)
8. Bar Council Trust—Selected Judgements on Professional Ethics
9. Standard of Professional Conduct and Etiquette.