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Detailed Syllabus

LL.B. FIRST YEAR EXAMINATION

Paper 1.1—

Contract—I

(General Principles)

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1 (a) Meaning, elements and characteristics of Contract.

(b) Basis of Contract.

(c) Classification of Contract, including the Standard form Contract.

2. (a) Proposal : Meaning, Elements Characteristics and Kinds of proposal, Distinction between Proposal and Invitation to Proposal.

(b) Acceptance : Meaning, Modes and Characteristics of Acceptance.

(c) Communication, revocation and termination of proposal and acceptance.

3. Consideration :

(a) Meaning, definition and Elements of Consideration.

(b) significance and adequacy of consideration.

(c) Unlawful consideration and object.

(d) Concept of stranger to contract.

4. Capacity to Contract :

(a) Who cannot make a contract: Who is minor. The place of minor under the Law of Contract.

(b) Person of unsound mind, nature of contract by person of unsound mind.

(c) Persons deprived of the capacity to contract.

5. Free consent :

(a) Meaning of consent and free consent;

(b) Factors rendering consent not free and their effect upon the validity of contract.

Void Agreements :

(a) Agreements in restraint of marriage; freedom of trade and right to initiate legal proceedings;

(b) Agreements involving uncertainty, wager and impossibility.

Contingent Contract :

Certain relations resembling to those created by Contract (Quasi contract).

6. Performance of Contract :

(a) Who is liable to perform? Joint rights and joint liability and performance of reciprocal promises.

- (b) time, place and manner of performance.
- (c) Discharge from liability to perform the contract.

Breach of Contract :

- (a) Meaning and kinds;
- (b) Remedies for breach of contract :
 - (i) Damages—Measure of damages and remoteness of damage;
 - (ii) Specific Performance of contract and Injunctions under Specific Relief Act.

Leading Cases :

1. Carlill v. Carbolic Smoke Ball Co. (183) 1 QB 256.
2. Bhagwandas v. Girdhari Lal & Co. AIR / 1966 / SC / SC 543.
3. Motilas Padampur Sugar Mill co. Ltd. v. State of U.P., AIR / 1979 / SC 621.
4. Lalman Shukla v. Gauri Dutt, (1913) II All LJ 489.
5. Mohori Bibi v. Dharmodas Ghosh, (1903) 30 I.A. 114.

Suggested Readings :

1. Atiyah P.S. : An Introduction to the Law of Contract.
2. Pollock : Principles of the Law of Contract.
3. Pollock & Mulla : Indian contract and Specific Relief act.
4. V.G. Ramchandra : The Law of Contract in India.
5. P.R. Desai : Principles of Law of Contract.
6. Avtar Singh : Law of Contract . (English & Hindi)
7. R.K. Bavegia Contract I (English & Hindi)
8. I.C. Saxena & R.L. Nawalkha : संविदा विधि ।
9. S.K. संविदा विधि I
10. शर्मा, सत्येन्द्र कुमार : संविदा विधि प्रथम

LAW OF CONTRACT—II

Paper I.2—

(General Principles)

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

- (2) Leading cases prescribed under this paper may be read wherever they are relevant.

✓ A. Contract of Indemnity and Guarantee :

- (a) Meaning. Distinction between indemnity and guarantee and kind of guarantee.
- (b) Rights of Indemnity holder.
- (c) Rights of the Surety, Extent of the Liability of the Surety.
- (d) Discharge of liability of the Surety.

2. Contracts of Bailment and Pledge :

- (a) Meaning and kinds of contracts of Bailment—Bailment without consideration.
- (b) Rights and duties of bailee and bailer.
- (c) Termination of Contract of Bailment.
- (d) Contract of Pledge—meaning and definition, Pledge by unauthorised persons.

3. Contract of Agency :

- (a) Definition, kinds and modes of creation of Agency.
- (b) Relation between :
 - (i) The Principal and agent,
 - (ii) The Principal and third party, and
 - (iii) The agent and the third party.
- (c) Determination of agent's authority—
 - (i) By act of parties; and
 - (ii) By operation of Law—Irrevocable authority.

4. Contract of Sale of Goods :

- (a) Sale—Meaning, Definition and Elements.
- (b) Agreement to sell, hire-purchase, agreement and a contract for work and labour—meaning and distinction from sale.
- (c) Goods—existing, future and contingent.
- (d) Condition and warranties.
- (e) Passing of property and from seller to buyer.
- (f) Sale by unauthorised person.
- (g) Law relating to performance of sale.
- (h) Rights of unpaid seller.

5. Contract of Partnership :

- (a) Meaning, definition, formation and the characteristics of contract of partnership.
- (b) Distinction between :
 - (i) Co-ownership and partnership;
 - (ii) Joint Hindu Family Firm and Partnership; and
 - (iii) Company and Partnership.
- (c) Position of Minor.
- (d) Relations inter se of partners and relation of Partners with third parties.
- (e) Registration of Partnership firm.

Leading Cases :

1. National Bank of India Ltd. v. Sohan Lal, AIR (1962) Punj. 534.
2. Amritlal Goverdhan Lallan v. State Bank of Travancore, AIR (1960) SC 1432.
3. Patnaik & Co. v. State of Orissa, AIR (1965) SC 1.
4. State of Gujarat v. Mamon Mohd, AIR (1967) SC 1382.

Suggested Readings :

1. Atiyah P.S. : An Introduction to the Law of Contract.
2. Pollock & Mulla : Indian Contract and Specific Relief act.
3. V.G. Ramchandra : The Law of Contract in India.
4. V.G. Ramchandra : Law of Agency.
5. R.K. Bangia : Contract II
6. Agarwal, O.P. : The Indian Partnership Act, 1932.
7. Agarwal, O.P. : The Sale of Goods Act, 1930.
8. Kapoor, N.D. : Mercantile Law.
9. Avtar Singh : Law of Contract (English and Hindi).
10. Avtar Singh : Law of Partnership (English and Hindi).
11. Avtar Singh : Principal of the Law of Sale of goods (English and Hindi).
12. Saxena & Nawalkha :
13. Kapoor : संविदा विधि II
14. R.L. Rathi : संविदा विधि II

Paper I.3. Tort and Consumer Protection Law

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Definition, Nature, Scope, Objects and Elements of Tort, Maxims, Extinction or discharge of Tortious Liability, Joint Tort-feasors.
2. General Defences of Tortious Liability.
3. Vicarious Liability, Doctrine of Common employment, State Liability, Absolute of Strict Liability.

4. Remedies, Kinds and measure of damages. Remoteness of damage.
5. Torts to person- Assault, Battery and False Imprisonment.
6. Torts to person and property including Negligence, Nuisance, Nervous Shock, interference with contract or business, Intimidation, Conspiracy, deceit or fraud, malicious prosecution, Defamation.
7. Consumer Protection Act, 1986, Definitions—consumer Protection Councils, Consumer Disputed, Redressal Agencies—Establishment, Jurisdiction, Procedure, Orders.

Leading Cases :

1. Ushaben v. Bhagya Laxmi Chitra Mandir, AIR (1978) Guj. 13.
2. N. Nagendra Rao v. State of Andhra Pradesh, AIR (1994) SC 2663.
3. Municipal Corporation of Delhi v. Smt. Subhagwati, AIR (1966) SC 17.
4. Rylands v. Fletcher, (1868) LR 3 HL 330.
5. Indian Medical Association v. V.P. Shantha, AIR (1996) SC 558.

Suggested Readings :

1. Winfield Law of Tort.

Add more Act along with Tort

with specific contract II Sem

[Signature]

अकादमिक प्रभारी

2. Ramswami Iyer : Law of Torts.
3. B.S. Sinha : Law of Torts.
4. Salmond : Law of Torts.
5. Street : Law of Torts.
6. G.S. Karkara : Contributory Negligence.
7. पाण्डे, जयनारायण : अपकृत्य विधि :
8. अग्रवाल शर्मनलाल : अपकृत्य विधि :
- ✓ 9. बाँगिया, आर. के : अपकृत्य विधि एवं उपभोक्ता संरक्षण अधिनियम
10. शुक्ला, एम.एन. : अपकृत्य विधि ।
- ✓ 11. Gurbax Singh : Law of Consumer Protection.
- ✓ 12. P. Leelakrishnan : Consumer Protection & Legal Control.
- ✓ 13. के. दीक्षित - अपकृत्य विधि उपभोक्ता संरक्षण कानून
14. Avtar Singh : Law of Consumer Protection (Principles and Practice).

Paper 1.4.

Family Law-I

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Hindu Law : Sources, school and application, Coparcenary, Joint family property and Self-acquired property; Karta and his powers and obligation, Religious and Charitable endowments—Essentials of an endowment, kinds, shebait and Mahant.
2. The Hindu Marriage Act, 1955 : conditions of a Hindu Marriage. Its ceremonies and registration, Void and voidable marriage : Restitution of conjugal rights; Judicial Separation, Legitimacy of children of void and voidable marriage; Divorce; Alternative relief in divorce proceedings, Divorce by mutual consent, One year bar to divorce; divorced persons when may marry again; Jurisdiction and procedure.
3. The Hindu Secession Act, 1956 : Succession to the property of a Hindu male; Succession to interest in Coparcenary property, property of a Hindu female; Succession to the property of a Hindu female; General rules and disqualifications of succession, Escheat.
4. The Hindu Adoption and Maintenance Act, 1956 : Requisites of a valid adoption; Capacity to take in adoption; Capacity to give in adoption, Effects of Adoption; Miscellaneous provisions of adoptions; Maintenance of wife, children and parents; Maintenance of widowed daughter-in-law; Dependents and their maintenance; Amount of Maintenance.
5. The Hindu Minority and Guardianship Act, 1956 : Natural Guardians and their powers; Testamentary guardian and their powers, de facto

guardian, general provisions of guardianship.

6. Partition under Hindu Law—Meaning. Property for partition, persons entitled to sue for partition and allotment of shares, partition how effected, Determination of shares, Re-opening of partition, Reunion, Debts—Doctrine of pious obligation; Antecedent Debts.

Leading Cases :

1. Shastri Yajna Purusdasji v. Muldas, AIR 1966 SC 1119.
2. Hanooman Prasad v. Mussamat Babooes Munraj Koonware; (1856) 6 MIA 395.
3. Brij Narayan v. Mangla Prasad, (1924) 51 IA 129.
4. Bipin Chandra v. Prabhavati, AIR (1957) SC 176.
5. Dr. Narayan Ganesh Dastane v. Sucheta Dastane AIR (1975) SC 1534.
6. Dharmendra Kumar v. Usha Kumar, AIR (1977) SC 2218.
7. Tulsamma v. Sesha Reddi, AIR (1977) SC 1944.

Suggested Readings :

1. Mulla : Principles of Hindu Law.
2. Raghavachariar : Hindu Law—Principles and Precedents.
3. Paras Diwan : Modern Hindu Law.
4. Tahir Mehmood : Hindu Law.
5. पारस दीवान : आधुनिक हिन्दू विधि।
6. केसरी, यू.पी.डी. : हिन्दू विधि।

Paper 1.5. Family Law—II

(Mohammedan Law)

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Mohammedan Law : Origin, development, sources, Schools, Application. Interpretation and conversion.
2. Marriage : Nature of marriage, essentials of marriage; Khwar-bulugh, Iddat, Khalwat-us-sahiha, Matrimonial stipulation, kinds of marriage and effects of marriage.

Mahr : Meaning, nature, kinds, object and subject-matter. Wife's rights on non-payment of dower.

Dissolution of marriage : Talaq Ila, Zihar, Talaq-e-Tweez, Mubarat, Khula, Lian, Faskh—Section 2 of the dissolution of Muslim Marriage Act, 1939; Legal effects of divorce.

Guardianship—Appointment of guardian, kinds of guardianship.

3. Pre-emption : Meaning, nature and classification of Haq shufa (Pre-emption); Rights of pre-emption, when conflict of laws, subject matter and formalities of pre-emption, legal effects of pre-emption, Devices for evading pre-emption.

Gift : Meaning and requisites of gift (Hiba); Gift of Musha; Conditional and future gifts, Life estate, Life interest, Hiba-bil-iwaj, Hiba-ul-iwaj.

4. Will (Wasayat) Competence of testator and legatee, Valid subjects of will : Testamentary limitations, Formalities of a will and abatement of Legacy.

Legitimacy and acknowledgement : Legitimacy and legitimation, Presumption of legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, conditions of a valid acknowledgement.

Maintenance : Persons entitled to maintenance, Principles of maintenance; The Muslim Women (Protection of Rights on Divorce) Act, 1986.

Death Bed Transactions : Meaning and effect of Marj-ul-maut.

5. Wakf : Meaning, essentials and kinds, Beneficiaries of wakf; The Wakf Validating Act, 1913; Formalities for creation of Wakf; Wakf of Musha; Muslim religious institution and officers; Administration of Wakf; Mutawalli.

Inheritance : General Principles of Law of inheritance, Doctrines of Aul and Radd under Hanafi and Shia Law.

Leading Cases :

1. Maina Bibi v. Choudhary Vakil Ahmed, (1923) 52 IA 145.
2. Habibur Rahman v. Altaf Ali (1921) 42 IA 114.
3. Moonshee Buzul-ul-Raheem v. Luteefauia Nissa, (1061) 8 MLA 379.
4. Abu Fata Mohd. v. Russomoy Dhar Chowdhary (1894) 22 IA 76.
5. Mohd. Ahmed Khan v. Shah Bano Begum, AIR (1985) SC 945.

Suggested Reading :

1. Fyze : Mohammedan Law
2. Mulla : Principles of Mohammedan Law.
3. Verma, B.R. : Islamic Law.
4. Aqil Ahmed : Mohammedan Law.
5. Amir Ali : Mohammedan Law.
6. शर्मा के.पी. : मुस्लिम विधि।
7. हफीजुर्रहमान : मुस्लिम विधि।
8. वर्मा, बी.एल. : मुस्लिम विधि।

Paper 1.6. Constitutional Law of India

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

I. Introductory : Salient features of the Constitution; Nature of the Indian

Federalism : Preamble, Citizenship and State; Fundamental Rights,

24-1 University of Rajasthan

Directive Principles and Fundamental Duties.

2. Union and State Executive : President, Governor-Election, appointment, Powers, Position, Council of Ministers, Prime Minister, Parliamentary System of Government; Union and State Legislature; Lok Sabha; Rajya Sabha, Vidhan Sabha and Vidhan Parishad-Composition. Speaker, Chairman, privileges, Legislative Procedure.
3. Union and State Judiciary-Supreme Court and High Court, Composition and powers, Writs.
Union State Legislative Relationship-Distribution of Legislative power; Administrative and Financial relationship.
4. Services under the Union and State; Constitutional protection to civil servants; Public Service Commissions of the Union and States. Article 300-D-A-Property Rights :
Freedom of Trade, Commerce and Inter-course; State liability in Contracts and Torts, Suit by and against the State.
5. (a) Emergency provisions : National, State & Financial.
(b) Amendment of the Constitution-Constitutionality of ordinary Laws and Constitutional Amendment,; Judicial Review of Amendment and the Doctrine of Basic Structure-Major Amendments and their Constitutional Values.

Leading Cases :

1. Minerva Mills V. Union of India, AIR (1978) SC 1789.
2. Maneka Gandhi V. Union of India, AIR (1978) SC 597.
3. Union of India V. Tulsiram Patel, AIR (1985) SC 1416.
4. Kesavananda Bharthi V. State of Kerala, AIR (1973) SC.1476.
5. Kehar Singh V. Union of India, AIR (1989) SC 653.

Suggested Readings :

1. Constitution of India as amended upto-date.
2. Shukla, V.N. : Constitution of India.
3. Jain, M.P. : Constitutional Law of India (English & Hindi).
4. Basu, D.D. : Introduction to the Constitution of India (English & Hindi).
5. Paras Diwan : Constitution of India.
6. M.C.J., Kagzi : Constitution of India (English & Hindi).
7. गंगा सहाय शर्मा : भारत का संविधान।
8. जय नारायण पाण्डे : भारत की संवैधानिक विधि।

Paper 1.7 Legal Language/ Legal D, Writing including General English

Max. Marks : 100

Min. Pass Marks : 36

(A) Vocabulary :

1. Use of legal phrases and terms (list of legal terms given below).
2. Pair of words.
3. One word substitution.
4. Latin Maxims (Listed below).

(B) Comprehensive Skills :

1. Common Logical Fallacies.
 - (a) Valid Rules of Syllogism.
 - (b) Syllogistic fallacies.
 - (c) Other types of Material or Verbal Fallacies.
2. Comprehension of Legal Texts : Reading materials.
The prescribed leading cases.

(C) Composition Skills :

1. Use of Cohesive devices (Legal drafting).
2. Precise Writing.
3. Brief writing and drafting of reports; letters and applications.
4. Essay writing and topics of legal interest.
5. Varieties of sentence structures and verb patterns.
6. Translation (from English to Hindi and Hindi to English).

List of Legal terms which are relevant for LL.B. students :

Abet	Abstain	Accomplice
Act of God	Actionable	Accused
Adjournment	Adjudication	Admission
Affidavit	Amendment	Appeal
Acquittal	Articles	Assent
Attested	Attornment	Averment
Bail	Bailment	Citation
Clause	Coercion	Code
Cognizable	Confession	Compromise
Consent	Conspiracy	Contempt
Contingent	Contraband	Conviction
Convention	Corporate	Custody
Damages	Decree	Defamation
Defence	Escheat	Estoppel
Eviction	Executive	Ex parte
Finding	Floating charge	Forma Pauperis.
Franchise	Fraud	Frustration
Good Faith	Guardian	Habeas Corpus
Hearsay	Homicide	Hypothecation
Illegal	Indemnity	Inheritance
Bench	Bill	Bill of attainder
Bill of Rights	Blockade	Bonafide
By-laws	Capital Punishment	Charge
Chattles	Justiciable	Legislation
Legitimacy	Liability	Liberty
Licence	Lieu	Liquidation
Maintenance	Malafide	Malfeasance
Minor	Misfeasance	Mortgage

Murder	Negligence	Negotiable Instruments
Notification	Neutrality	Non-feasance
Oath	Novation	Nuisance
Order	Obscene	Offender
De facto	Ordinance	Overrule
Detention	De Jure	Deposit
Earnest Money	Discretion	Distress
Equality	Enact	Enforceable
Petition	Partition	Perjury
Preamble	Plaintiff	Pledge
Presumption	Pre-emption	Prescription
Prize	Privilege	Privity
Proof	Process	Promissory Note
Proviso	Proposal	Prosecution
Redemption	Ratify	Receiver
Remand	Reference	Regulation
Repeal	Remedy	Rent
In limine	Res Judicata	Respondent
Insurance	Insanity	Institute
judgement	Intestate	Issue
Justice	judicial	Jurisdiction
Ruling	Restitution	Rule
Settlement	Schedule	Section
Stamp duty	Sovereignty	Specific Performance
Stay of execution	Status quo	Statute
Surety	Succession	Summons
Testatrix	Tenant	Testator
Trade Mark	Title	Tort
Trespass	Treason	Treaty
Trust	Trial	Tribunal
Usage	Ultra vires	Undue influence
Vested	Valid	Verdict
Void	Violate	Vismajor
Waiver	Voidable	Warranty
Will	Warrant	Wrong
	Writ	

List of Latin Maxims :

1. Ab initio (from the beginning)
2. action personal is moritur cum persona (Personal right of action dies with the person).
3. actus curae neminem gravabit (an act of the Court shall prejudice no one).
4. actus non facit reum, nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).

5. actus reus (wrongful act).
6. ad interim (in the meantime).
7. ad litem (for the suit).
8. ad valorem (according to the value).
9. alibi (plea of being elsewhere)
10. Amicus curiae (friend of the Court).
11. animus (intention).
12. audi alteram partem (hear the other side).
13. caveat emptor (buyer beware).
14. consensus ad idem (agreement by two persons upon the same thing in the same sense).
15. damnum sine injuria (damage without injury).
16. de facto (in fact).
17. de jure (in law.)
18. de minimis non curat lex (the law does not account of the trifles).
19. decree nisi (a decree which takes effect after a specified period).
20. delegatus non potest delegare (a delegated power cannot be further delegated).
21. doli incapax (incapable in malice).
22. denatio martis cause (gift by a person on the death-bed).
23. ejusdem generis (of the same category).
24. eminent domain (the supreme rights).
25. ex officio (by subsequent act).
26. exparte (not in the presence of the opposite party)
27. ex post facto (by subsequent act).
28. factum valet (the fact which cannot be altered).
29. fait accompli (an accomplished fact).
30. ignorantia legis neminem excusat (ignorance of law is no excuse).
31. in pari materia (in an analogous case, cause or position).
32. injuria sine damno (injury without damage).
33. interest re publicate ut sit finis litium (it in the interest of the republic that there should be an end of law suit).
34. intra vires (within the powers)
35. jus terti (the right of a third party).
36. Lis pendens (pending suit) :
37. mens rea (guilty mind).
38. mesne profits (the profits received by a person on wrongful possession).
39. nemo dat quod non habet (no man can transfer better title than he himself has).
40. nemo degat bis vexari pro una et eadem causa (no man be twice vexed for the same cause).
41. nemo in propria causa judex esse debet (no one ought to be a judge in his own cause).

42. nolle prosequi (to be unwilling to prosecute).
43. Obiter dicta (an opinion of law not necessary to the decision).
44. onus probandi (the burden of proof).
45. pacta sunt servanda (pacts must be respected).
46. pendente lite (during litigation).
47. per capita (counting heads).
48. per incuriam (through inadvertence or carelessness).
49. per stripes (by stocks).
50. plenum dominium (full stocks).
51. pro bono publico (for the public good).
52. ratio decidendi (grounds for decision, principle of the case).
53. res gestae (connected facts forming the part of the same transaction).
54. res ipsa loquitur (the thing speaks for itself).
55. res judicata (a matter already adjudicated upon).
56. res nullius (an ownerless thing).
57. rule nisi (a rule or order upon condition that is to become absolute if cause is shown to the contrary).
58. status quo (existing position).
59. sub judice (in course of adjudication).
60. sui juris (on one's own right).
61. suo motu (of one's own accord).
62. ubi jus ibi remedium (where there is a right, there is a remedy).
63. ultra vires (beyond the powers of).
64. volenti non fit injuria (Risk taken voluntarily is not actionable).

Leading Cases :

1. State of Rajasthan v. Smt Kalbki & another.
AIR 1981 SC 1980.
2. Kuljeet Singh alias Ranga v. Union of India,
AIR 1981 SC 1572.
3. State of Maharashtra v. Champalal Punjaji Shah,
AIR 1981 SC 1675.
4. Nand Lal Bajaj v. State of Punjab and another
AIR 1981 SC 2041.
5. Smt. Jewanti Pandey v. Kishan Chandra Pandey,
(1980) SCC 517.

Suggested Readings :

1. Glanville Williams : Learning the Law.
2. Wren & Martin : English Grammar
3. Ganga Sahai Sharma : Fundamentals of Legal Writing.
4. Hindi-English Legal Glossary : Vidhi Sahitya Prakashan, Ministry of Law, Government of India, New Delhi.
5. David Green : Contemporary English Grammar, Structure and Composition.

6. Ishtiaque Abidi : Law and Language.
7. Law Lexicon & Legal Maxims by Venkataramaiya.
8. Richard C. Wydick : Plain English for Lawyers.
9. Surendra yadav - Legal Language.

OPTIONAL PAPER

Paper 1.8. (a) Legal and Constitutional History of India

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. Administration of Justice in Madras, Bombay and Calcutta before 1726.
2. Importance and necessity of legal history; Charter of 1726 and Establishment of Mayor's Court; Charter of 1753; The Madras, Act of Settlement, 1781; Nand Kumar Trial, Patna Case, Cossijurah case.
3. The beginning of the Adalat System; The Judicial Plans of 1772 and 1774 introduced by Warren Hastings. Judicial Reforms of Cornwallis and William Bentinck.
4. The High Court : Dual Judicature before 1861; Indian High Court Act, 1861; Indian Council Act, 1861 Privy Council; Federal Court; Development of Law in Mofussil (Justice, Equity and Good Conscience) Development of Criminal Law.
Charter Act of 1833 :
Condification of Law; Law Commission, Legislative Council, First Second and Third Law Commissions; The Le Loci Report.
5. Government of India Act, 1858 and 1892 :
6. Simmon Commission, Round Table Conference :
Federalism—Nature and Characteristics under Government of India Act, 1935; Provincial Autonomy, Cabinet Mission; Crips Mission Indian Independence Act, 1947; Abolition of Jurisdiction of Privy Council; Constituent Assembly—Its formation, working and contributions.

Leading Cases :

- | | |
|-----------------------------------|---------------------------|
| 1. Trial of Raja Nand Kumar, 1775 | 2. Patna Case, 1777-79. |
| 3. Cossijurah Case, 1789-90. | 4. Kamaluddin Case, 1775. |
| 5. Gorachand Dutt v. Hosea. | |

Suggested Readings :

1. Jain M.P.—Outlines of Indian Legal History (English and Hindi).
2. Keith, A.B.—Constitutional History of India.
Chapters VII, VIII, X, XI and XII only.
3. Banerjee, A.C.—The Making of the Indian Constitution.
4. Mahajan, V.D.—Constitutional History of India.

5. Singh M.P.—Legal and Constitutional History of India.
6. Kulshrestha, V.D.—Landmarks in Indian Legal and Constitutional History (English & Hindi).
7. Bhansali, S.R.—Legal System in India.
8. बाबेल एवं शास्त्री : भारतीय विधिक एवं संवैधानिक इतिहास
9. परांजणे, एन. बी. : भारतीय विधिक एवं संवैधानिक इतिहास

Paper 1.8 (b)— Trusts. Equity and Fiduciary Relations

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. *Equity* : Concept of equity—Origin and Growth of Equity in England—Maxims of equity—Equitable rights—Equitable remedies.
2. *Indian Trusts Act, 1882* : Definition—Creation of Trusts—Duties and Liabilities of Trustees—Rights and Powers of Trustees—Disabilities of Trustees—Rights and Liabilities of the Beneficiary—Vacating the office of Trustees Extinction of Trustees—Certain obligations in the nature of Trusts.
3. *Rajasthan Public Trusts Act, 1959* : Definition and validity of certain public trusts—Registration of Public Trusts—Management of Public Trust Property—Powers of Officers in relation to Public Trusts—Control of Public Trusts—Social provisions in respect to certain trusts—Dharmada—Procedure and Penalties.

Leading Cases :

1. Hindu Religious Endowments, Madras v. Shri Lakshmindar Thiratha Swamiar of Shri Shirur Mutt, AIR 1954 SC 282.
2. Durgah Committee, Ajmer v. Syad Hussain Ali,
3. Surajmal Singhvi v. State of Rajasthan, 1966 RLW 566.
4. Tilkayat Shri Govindlalji v. State of Rajasthan, AIR 1963 SC 1630.

Suggested Readings :

1. Upadhyaya, J.J.R. : Equity, Trusts with Fiduciary Relations and Specific Relief.
2. Gandhi, B.M.; Equity, Trusts and Specific Relief.
3. Varadachari, V.K. : Law of Hindu Religious and Charitable Endowments.
4. Varadachari, V.K. : Public Trusts and Taxation.
5. सिंह जी.पी. : साम्य न्याय एवं विशिष्ट साहान्य अधिनियम
6. बाबेल : साम्य न्याय एवं विशिष्ट अनुतोष अधिनियम

Paper 1.8(c)—

Bankruptcy Law

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the Syllabus, Examiners shall be free to repeat the questions set in the previous examinations.

(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Acts for Study :

1. The Provincial Insolvency Act, 1920.
2. The Presidency Towns Insolvency Act, 1909.
3. The Rajasthan Insolvency Rules.

Contents :

- Definitions.
- Origin and History of Bankruptcy Law.
- Constitution and Power of Court.
- Proceedings from act of insolvency to discharge.
- Order of adjudication.
- Proceedings consequent on order of adjudication.
- Discharge
- Annulment of Adjudication.
- Administration of Property.
- Realisation of Property.
- Distribution of Property.
- Appeal to Court against receiver.
- Penalties.
- Summary Administration.
- Appeals.
- Miscellaneous.

Leading Cases :

1. Official Assignee v. Tehmina Dinshaw Tehrani, AIR 1971 Mad. 187.
2. Addul Shukoor v. Arji Papa Lao, AIR 1967 SC 1150.
3. Gandhi v. Gitanjali, (1972) 1 MLJ 234.
4. Mahomed Siddiqui v. The Official Assignee (1943) 70 IA 93.
5. Khetmal v. Chaggaraj, AIR 1968 Raj. 123.

Suggested Readings :

1. Mulla—The Law of Insolvency in India.
2. Williams on Bankruptcy.
3. Rameshwar Dyal : Commentary on the Provincial Insolvency Act, 1920.
4. Mulla & Bhagwati—The Law of Insolvency in India.

PRACTICAL PAPER

Paper 1.9— Public Interest Lawyering ;

Legal Aid, Para-legal Services and Moot Court.

Max. Marks : 100

Min. Pass Marks : 36

This paper shall consist of following two parts :

- | | |
|-----------------------------|-----------|
| (a) Practical written paper | —80 marks |
| (b) Viva-voce examination | —20 marks |

The candidate must pass in part (a) and (b) separately. For pass, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

(a) **Practical Written Paper :**

- (1) Meaning, nature, scope and object of Public Interest Litigation (PIL). PIL against the State and other Public bodies. Difference between Public Interest Litigation and Private Interest Litigation;—Meaning of Social Action Litigation, Concept of Locus standi.

(2) Legal Aid under the—

- (i) Constitution;
- (ii) Code of Criminal Procedure; and
- (iii) Code of Civil Procedure.

The Legal Services Authorities Act, 1987. Legal Aid and Law Schools, Legal Aid and Voluntary Organisations. Legal Aid and Legal Profession; District Legal Aid Committee.

(3) Lok Adalats—Their jurisdiction, working and Powers under the Legal Services Authorities Act, 1987.

(4) Writing of PIL petitions.

Writing of applications for Legal Aid.

Leading Cases :

1. Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.
2. Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545.
3. Sukhdas v. Union Territory of Arunachal Pradesh, AIR 1986 SC 928.
4. Sheela Barse v. State of Maharashtra, AIR 1988 SC 378.

Suggested Readings :

1. P.N. Bhagwati—Legal Aid as a Human Right.
2. Sujan Singh—Legal Aid—Human Right to Equality.
3. Sunil Deshta—Lok Adalats in India—Genesis and Functioning.
4. L.M. Singhvi—Law and—Law and Poverty—Cases and Material.
5. Awadh Prasad—Lok Adalat (Lterling Publishers, New Delhi).
6. S.S. Sharma—PIL, Legal Aid, Para Legal Services Moot Court.
7. P.N. Bajpayee—Legal Aid and the Bar Council.
8. Kalash Rai—PIL, Legal Aid & Para Legal Services (Eng. & Hindi).
9. मित्तल हरिमोहन-लोकहित मुकदमा, विधिक सहायता एवं विधिक सेवार्थें

Paper 1.9 (b)

VIVA-VOCE

20 marks

Maintaining Diary on Court visits; Legal Aid and Lok Adalat Proceedings, Moot Court, Performance done on the basis of prescribed leading cases in LL.B. I year paper under the supervision of the concerned teacher. The teacher(s) shall conduct at least two 'Moot Courts' during the session and it will be compulsory for the candidates to participate in atleast fifty per cent of such Moot Courts. The teachers can also conduct Moot Court on the basis of the cases other than the prescribed leading cases. The Viva-voce examination shall be conducted by a Committee of three persons. In this Committee, there shall be two Internal examiners and one External examiner. The Committee shall award marks on the basis of Court diary and performance at the Moot Court and viva-voce examination.

SECOND YEAR LL.B. (A/P) EXAMINATION

Paper 2.1

Jurisprudence

Max. Marks : 100

Min. Pass Marks : 36

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

Contents :

Jurisprudence :

Definition Nature and Scope.

- (i) Importance of Jurisprudence.
- (ii) Schools of Jurisprudence; Analytical, Historical and Sociological including American Realism and Natural Law School.

Nature of Law :

Definition—Austin, Salmond, Holland, Gray, Hart.

Sources of Law :

- (A) Meaning, Custom, Kinds, Tests of particular legal custom; Importance of custom; Theories of customary law.
- (B) Precedents, kinds, Ratio decidendi obiter dicta; Declaratory theory of precedent; judge-made law theory.
- (C) Legislation; kinds, comparison between legislation and other sources of law.

Concepts of Law :

Rights and Duties : Nature of Rights and Duties; Correlation of Rights and Duties; Kinds of Rights and Duties; Property; Definition and kinds; Negligence; Criminal liability.

Ownership and Possession :

- (A) Meaning of Ownership; Kinds, Definition of ownership by Austin and Salmond