

LL.B. THIRD YEAR EXAMINATION

Paper 3.1

Law of Evidence

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.

Indian Evidence Act, 1872

1. **Preliminary : Application of Indian Evidence Act, Definition : Court, fact-in-issue and relevant fact, evidence-meaning and its kinds, proved, disproved, not proved, may presume, shall presume, and conclusive proof. Presumptions of fact and law, presumptions regarding documents.**

Relevancy of facts : Explaining—Res-gestae, occasion, cause, effect, motive, intention, preparation, previous and subsequent conduct, introductory and explanatory facts, facts and otherwise relevant become relevant, accidental and incidental facts.

Facts which need not be proved, improper admission and rejection of facts.

2. **Admission and Confession :**

(a) **Admission :** Definition, whose admission is relevant, relevancy of admission in civil cases, admission is not conclusive proof, admission as an estoppel.

(b) **Confession :** Definition, its kinds, confession caused by inducement, threat or promise, confession to police officer, confession in the custody of police, confession to Magistrate, confession by co-accused.

(c) **Difference between admission and confession. Relevancy of statements:**

(a) Statements by persons who cannot be called as witness.

(b) Statement made under special circumstances.

(c) Relevancy of judgment of a Court of Law.

(d) Opinions of third person.

(e) Opinion of experts.

(f) Relevancy of character.

3. **Evidence : Oral evidence, documentary evidence, kinds of documentary evidence, when secondary evidence is relevant, public and private document.**

Exclusion of oral evidence; by documentary evidence; Application of this principle, its exceptions, ambiguous documents, kinds of ambiguity.

Burden of Proof: Meaning, general principles of burden of proof in civil and criminal cases and exceptions to it. When burden of proof shifts, proof of legitimacy of child, proof in dowry deaths and in the matters of rape.

4. *Estoppel*: Meaning, essentials, nature and its kinds.

Witness: Competency of witness, when persons can be compelled to appear as witnesses, privileged communications and documents, accomplice, hostile witness.

5. *Examination of Witnesses*: Order of examinations, Kind of examination, leading question, impeaching the credit of witness, questions which can and which cannot be asked, refreshing the memory of witness, production of document, Judge's power to put questions and to order production. Effect of improper acceptance or rejection of evidence.

Leading Cases :

1. Nishi Kant Jha v. State of Bihar, AIR 1969 SC 422.
2. Himachal Pradesh Administration v. Om Prakash, AIR 1972 SC 975.
3. Sat Paul v. Delhi Administration, AIR 1976 SC 294.
4. Laxmipat Chorasia v. State of Maharashtra, AIR, 1968 Sc 938.
5. Pakala Narayan Swami v. Emperor AIR 1939 PC 47.
6. Bhardwada Bhogin Bhan Heerji Bhai v. State of Gujarat, AIR 1988 SC 753.
7. R.M. Malkani v. State of Maharashtra, AIR 1973 Sc 157.

Suggested Readings :

1. Ratan Lal : The Law of Evidence.
2. Batuklal : Law of Evidence.
3. Vepa P. Sarathi : Law of Evidence.

Paper 3.2 Law Relating to Criminal Procedure, Juvenile Justice and Probation of Offenders

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. Preliminary :

- (a) Object, Extent and Definitions (Chapter 1).
- (b) Duties of Public :
 - (i) To assist police and Magistrate,
 - (ii) To give information about certain offences
(Chapter IV, Ss. 37 to 40)

2. Criminal Courts :

- (a) Territorial Divisions and Classification
(Chapter II, Ss. 10, 14, 15, 19, 22 and 23).
- (b) Powers (Chapter III, Ss. 26 to 31).

Pre-Trial Procedures :

- (a) Process to compel appearance (Chapter VI).
- (b) Process to compel Production of things
(Chapter VII).
- (c) Arrest of Persons (Chapter V).
- (d) Information to the Police and their powers of Investigation. (Chapter XII).
- (e) Bail (Chapter XXXIII).
- (f) Jurisdiction of the Courts in inquiries and trials (Chapter XIII).
- (g) Maintenance of Public Order and Tranquility (Chapter X).
- 3. Jurisdiction of the Courts in inquiries and Trials, (Ch. XIII).
- 4. Complaints to Magistrates and Cognizance of Offence (Chapter XV and XIV).
- Charge (Chapter XVII).

a. Types of Trials :

- (i) Trial before Court of Session (Chapter XVIII).
- (ii) Trial of Summons and Warrant Cases
(Chapter XIX and XX).
- (iii) Summary Trials (Chapter XXI).
- (iv) Judgment (Chapter XXVII).
- 5. (a) Appeals (Chapter XXIX).
- Reference or Revision
(Chapter XXX).

(b) *Misc. Provisions :*

- (i) Period of Limitation (Chapter XXXVI)
- (ii) Irregular Proceedings (Chapter XXXV).
- (iii) Autrefois acquit and Autrefois convict.
- (iv) Legal Aid to accused at State expenses (S. 304).
- (v) Pardon to an accomplice.
- (vi) Saving of Inherent Powers of High Court.
- (vii) Maintenance of wives, Children and Parents.

Juvenile Justice Act.

Probation of Offenders Act.

Juvenile Justice Act, 2000

Definitions—Competent authorities and institutions for juveniles, Neglected Juveniles, Delinquent Juveniles, Procedures of competent authorities, special offences in respect of juveniles.

Probation of Offenders Act, 1958 :

Definitions—Power of Court to release certain offenders after admonition, on probation of good conduct—Power of Court to require released offenders to pay compensation under twenty one years of age, Variations of conditions of probation, Probation in case of 'Offender' failing to observe conditions of bond, Provision as to sureties, Probation Officers, Duties of Probation Officers.

Leading Cases :

1. Tahsildar Singh v. State of Delhi, AIR 1955 SC 196.
2. State of U.P. v. Singhara Singh, AIR 1964 SC 359.
3. Nisar Ali v. State of U.P., AIR 1957 SC 336
4. Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1589.
5. State of Andhra Pradesh v. Ganeshwara Rao, AIR 1968 SC 1050.
6. Satwant Singh v. State of Punjab, AIR 1956 SC 286.
7. Pritam Singh v. State of Punjab, AIR 1956 SC 415.

Suggested Readings :

1. Ratan Lal—Criminal Procedure Code.
2. Ganguly, A.C.—A Guide to Criminal Code Practice.
3. Juvenile Justice Act, 1980.
4. Probation of Offenders Act, 1950.

5. Khatri B.D.—Law of Probation in India alongwith Juvenile Justice Act, 1988.
6. Chakravarti, N.K. —Probation System—in the Administration of Criminal Justice.
7. तिवाड़ी, वाई.के. : दण्ड प्रक्रिया संहिता
8. जैन, पी.सी. : दण्ड प्रक्रिया संहिता

Paper 3.3 Law of Civil Procedure and Limitation

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. Code of Civil Procedure, 1908.

Definitions—suits in general, suits of civil nature, stay of suit, Res Judicata, Res Subjudice, Foreign Judgment, Place of trial, Transfer of suits, Joinder, non-joinder and mis-joinder of parties and causes of action Service of summon and pleadings.

2. Executive in general—Courts by which decrees may be executed, powers of the Court executing the decrees. Transfer of decrees for execution and modes of execution, Stay of execution, Suits in particular cases (Orders XXIX to XXIII). Abatement of suits.

3. Supplemental proceedings, Attachment before judgement, Arrest before judgement, Temporary injunction and Appointment of Receiver.

4. Appeals—Appeals against order and appeals against decrees, Review, Revision and Reference.

5. The Limitation Act, 1963 (Omitting the Schedule).

Purpose, policy, nature and scope of the Act.

Definitions : Applicant, bond, defendant, easement, good faith, plaintiff, period of limitation.

Relationship between limitation, laches, acquiescence, estoppel and res judicate; Limitation of suits, appeals and applications, disability, computation of period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

Leading Cases :

1. Shri Sinha Ramanuja v. Ramanuja, AIR 1961 SC 1720.
2. Seth Hukamchand v. Maharaja Bahadur Singh, 60 IA 313.

3. Narain Bhagwantrao v. Gopal Vinayak, AIR 1960 SC 104.
4. Garikapati Veerava v. N. Subhia Chaudhary, AIR 1957 SC 540.
5. Deoki Nandan v. Murlidhar, AIR 1957 SC 133.
6. Deity Pattabhiraama Swamy v. Hanmayya, AIR 1959 Sc 57.
7. S.M. Jakati v. B.M. Borker, AIR 1959 SC 282.

Suggested Readings :

1. Mulla—Civil Procedure Code.
2. Singh, S.N.—Civil Procedure Code.
3. Sahai—On Civil Procedure.
4. Tandon, M.P.—Civil Procedure (English & Hindi).
5. Mridul Srivastava—Civil Procedure Code (Hindi).
6. A.N. Pandey—Civil Procedure Code (Hindi).

Paper 3.4 Arbitration, Conciliation and Alternate Dispute Resolution System

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. *The arbitration and Conciliation Act, 1996 :*

(a) General provisions—Arbitration agreement—Arbitral Tribunals (Composition and Jurisdiction)—Conduct of arbitral proceedings—Arbitral awards—Termination of Proceedings—Setting aside of arbitral award—Enforcement of arbitral awards.

Enforcement of foreign awards—New York Convention-Awards, Geneva Convention Awards.

(b) *Conciliation*—Conciliators-Procedure of Conciliation Relationship of conciliator with parties—Settlement-agreement—Termination of Conciliation Proceedings—Resort to Arbitral or Judicial proceedings-Costs and Deposits.

2. *Lok Adalats—*

Objects, role of Committee for implementation of Legal Aid Schemes (CILAS) Permanent Conciliatory Centres in Gujarat—The Legal Services Authorities Act, 1987 Functions of National Legal Services Authority, State Legal Services Authority and District Legal Services Authority; Organisation of Lok Adalat, Jurisdiction and powers of Lok Adalats, Procedure for determination of Dispute before the Lok Adalat.

Alternate Dispute Settlement System for Multinational corporations :

Leading Cases :

1. State of Bihar v. Kameshwar Singh, AIR 1952 SC 252.
2. Vallabhdas Meghji v. Cowosji Franeji AIR 1925 Bom. 409.
3. Firm Madanlal Roshanlal Mahajan v. Hukum Chand Mills Ltd. AIR 1967 Sc 1030.
4. State Electricity Board, Tamil Nadu v. Sree Meenakshi Mills Ltd., AIR 1975 mad. 139.
5. Food Corporation of India v. M/s Thakur Shipping Co., AIR 1975 Sc 469.

Suggested Readings :

1. The Arbitration and Conciliation Act, 1996.
2. Sunil Deshta-Lok Adalats in India-Genesis & Functioning.
3. Bakshi, P.M.-Arbitration Law.
4. Paruck, P.L.-Indian Arbitration Act.
5. Avtar Singh-Law of Arbitration and Conciliation.

Paper 3.5

Land 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.

Acts of Study :

1. Rajasthan Tenancy Act, 1955.
2. Rajasthan Land Revenue Act, 1956.
3. Rajasthan Rent Control, 2002.

Rajasthan Tenancy Act, 1955 :

1. Preliminary : Objects and Reasons, Definition, Khudkasht (Sections 1 to 130, Ijredars, Grove Holder (sections 194 to 205) : Classes of tenants (Section 14 to 17-A) : Conferment of rights on sub-tenants or tenants of Khud Kasht (19), Primary right of tenants (Section 31 to 37) : Surrender, Abandonment and Extinction of tenancies of tenancies (Sections 55 to 64). Improvements and Trees (Sections 65 to 87) : Declaratory Suits (Ss. 88 to 92) : Determination and Modification of Rent (Sc. 93 to 129) : Payment and Recovery of Rent (Sc. 130 to 160) : grounds for Ejectment of Tenants, Remedies for wrongful ejectment (Sections 169 to 188).

2. Procedure and Jurisdiction of Courts (Sc. 216 to 221). Provision for injunction and appointment of Receiver (Section 212). Appeal, Review, Revision (Sc. 222-232) : Reference, Question of Proprietary Rights in Revenue Courts (S. 239) : Question of Tenancy Right in Civil Court (S. 242), Conflict of Jurisdiction (Sec. 243).

The Rajasthan Land Revenue Act, 1956 :

3. The Board of Revenue, Revenue Courts and Officers (Sc 4-30) Appeal, Reference, Revision and Review (Sc. 74-87); Land (Sc. 88 to 105; Survey (Sc. 100-112).
4. Record of Rights, Maintenance of maps and record, Annual Registers (Ss. 113-137); Settlement operations; Rent Ratio, Determination of rent, Term of Settlement-(Ss. 142-177); Collection of Revenue (Ss. 224 to 257).

Rajasthan Rent control Act, 2002

Leading Cases :

1. Prabh V. Ramdeo, AIR 1966 SC 172.
2. Kanaimal V. Kanhaiya Lal, 1966 RLW 179.
3. Bohra V. Ganesh, 1966 RRD 71 (FB) 1966 RLW.
4. Yasin Shah V. Munir Shah, 1967 RRD 37.
5. Mangi Lal V. Chottu, 1967 RRD 433.
6. Smt. Mulashi V. Ram Lal, 1976 RRD 88.

Suggested Readings :

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|------------------------------|---|---|
| 1. Shyam Lal Gupta | - | The Rajasthan Tenancy Act. |
| 2. Dutt, S.K. | - | Tenancy Law in Rajasthan. |
| 3. Dutt, S.K. | - | Rajasthan Land Revenue Act. |
| 4. Suresh Chand
H. Mathur | - | Law of Tenancy in Rajasthan. |
| 5. Datta, S.K. | - | Rent Control in Rajasthan. |
| 6. Karkara, G.S. | - | Rajasthan Land Laws
(English & Hindi). |
| 7. Babel, B.L. | - | Rajasthan Land Laws (Hindi). |

Paper 3.6

Interpretation of Statutes

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.

Meaning of Interpretation—Basic principles of interpretation—Intention of the Legislature, Statute be read as a whole. Plain meaning rule, Harmonious Construction, Golden and Mischief Rule—*Utresmagic quam valeat pareat*.

Aids to Interpretation : External—Parliamentary—Legislative debates, Statement of objects and reasons, Dictionary, Statute in *Peri-materia*. Contemporanea, Expositio, Internal : Title, Preamble, heading, Marginal Notes, Proviso and function.

Principle of Interpretation of Constitution and Penal and Fiscal Statutes.

Delegatus non potest delegare, *Ejusdem Generis*, Pith and Substance Rule. Expression—*Unine exclusio*, *Alterios Non-obstante* clause, Mandatory and Directory provision. *Noscitur A Sociis*, *Reddendo Singula Singulis*, Operation, Expiry and Repeal of Statutes.

Leading Cases :

1. Haydon's Case (15840 3 Co. Rep. 7a, p. 76 : ER 637.
2. Bengal Immunity Company v. State of Bihar, AIR 1955 SC 661.
3. Alamgir v. State of Bihar, AIR 1959 SC 436.
4. Inder Singh v State of Rajasthan, AIR 1957 Sc 510.
5. Ram Avatar v. Assistant Sales Tax Officer.

Suggested Readings :

- | | | |
|---------------------|---|--|
| 1. Maxwell | — | The Interpretation of Statute, |
| 2. Crawford | — | Statutory Constitution. |
| 3. Craies | — | Statute Law. |
| 4. Swarup | — | Interpretation of Statutes. |
| 5. Bindra | — | Interpretation of Statutes. |
| 6. Sarathi | — | Interpretation of Statutes. |
| 7. Bhattacharyya. T | — | Interpretation of Statutes
(English & Hindi). |

Paper 3.7

Environmental 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. The Environment (Protection) Act, 1986 : Objects and reasons of the Act, Definition : General powers of the Central Government to issue directions, Prevention, Control and Abatement of Environmental

- Pollution; Penalties and Procedure. Standards for emission or discharge of environmental pollutants.
2. The Air (Prevention & Control of Pollution) Act, 1981; Application of the Act; Definitions; the Constitution powers and functions of Central and State Boards for Prevention and control of air pollution. Powers of the State Government, Penalties and Procedures; rules and procedures.
 3. The Water (Prevention and Control of Pollution) Act, 1974-Application of the Act Definitions; Constitution, Powers and functions of Central and State Boards. Joint Boards for Prevention and control of water pollution; Power of State Governments; Penalties and Procedures.
 4. Law relating to prevention and control of air, water and noise pollution in Rajasthan.
The Rajasthan Water (Prevention & Control of Pollution) Rules, 1974.
The Rajasthan Water (Prevention & Control of Pollution) Appeal Rules, 1977.
The Rajasthan Air (Prevention & Control of Pollution) Rules, 1983.
The Rajasthan Noise Control Act, 1963-Judicial activism to protect environmental pollution.

Leading Cases :

1. Charan Lal Sahu v. Union of India, AIR 1990 SC 1480.
2. Rural Litigation & Entitlement Kendra, Dehradun vs. State of U.R, AIR 1985 SC 659
3. Mehta, M.C. v. Union of India, AIR 1987 SC. 1086.
4. Mehta, M.C. v. Union of India, AIR 1988 SC. 1115.
5. House of God (Full Gospel) of India v. K.K. R.M.C. Wilfare ASCO AIR 2002 SC 2237
6. A.P. Pollution Control Board v. Prof. M.V. Nayadu AIR 1999 SC 812

Suggested Readings:

1. The Water (Prevention & Control of Pollution) Act, 1974 as amended up-to-date.
2. The Air (Prevention & Control of Pollution) Act. 1981 as amended up -to-date.
3. Shanta Kumar S.—Environmental Law.
4. Karkara G.S. Environmental Law.
5. The Rajasthan Noise Act, 1963.
6. सिंह, सी.पी. : पर्यावरण विधि
7. शास्त्री, सतीश: ध्वनि प्रदूषण (1990)
8. Jain, Suresh & Jain Vimla-Environmental Law in India.
9. Gurbax Singh Environmental Law in India.
10. Shastri, Satish: Environmental Law in India (2004)
11. Divan Shyam & Arvin Rosencronz-Environmental Law & Policy in India 2002

Paper 3.8 (a)

Criminology and Penology

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. Criminology : Definition, nature and scope, methods of Studying, importance and classification of crime.

Criminal behaviour :

(1) Explanations.

(2) Psychological theories—Alcoholisms and Drugs.

Crime and social processes : Economic Motivation, Socio-cultural movements, crime and community influences, white-collar crime, Female offender, Juvenile Delinquency, Influence of mass-media.

2. Schools of Criminological Thought (Factors in causation of Criminal Behaviour).

1. Ancient School

(a) Demonological

(b) School of Free-will.

2. Classical School

3. Cartographic or econological school.

4. Socialistic School.

5. Typological School

(a) Italian or Positive School.

(b) Mental testers School.

(c) Psychiativists School.

6. Sociological School.

7. Multi-factor School.

Control of crime : Police and Law Courts; Prison system-Re-socialisation of the offender, Rehabilitation of discharged prisoners in the administration of Criminal justice, prevention of crime delinquency.

3. Definition of Punishment, Relationship between Criminology and Penology; Theories of Punishment, Expiatory, Preventive and reformative and purposes of punishment.

Penal Science in India : History of Punishment, Pre-classical school—classical school, Neo-classical Positive school, The reformers, Clinical school and multiple Causation approach.

4. Kinds of Punishment : Modes of treatment of offenders, Corporeal punishment, Transporation of Criminals, Capital Punishment.

imprisonment, reactional, treatment, probation, parole, compensation, admonition, treatment of habitual juvenile, sex and adolescent offenders, indevaminita sentences, Borastal School, Criminal Procedural Jurisprudence.

5. Constitutional Guarantees -- Principle of natural justice as applicable to procedural law, Protection to arrested persons, Under-trials, detenue and convicted persons.

Double jeopardy and self-incrimination, rights to life and legal aid.

Leading Cases :

1. Gura Singh v. State of Rajasthan, 1984 Cr. LJ 1423 (1428).
2. Bandhua Mukti Morcha v. Union of India. AIR (1984) SC 802.
3. Francis Coralie Mullin v. Union Territory Delhi, AIR (1981) Sc 746.
4. R.K. Garg v. Union of India (1981) 133 ITR 239.
5. Mithu v. State of Punjab, AIR 1983 SC 473.

Suggested Readings ;

1. Barnes, H.B. and Tectors—New Horizons in Criminology.
2. Vold, G.S.—Theoretical Criminology.
3. Pillai, K.S.—Criminology.
4. R. Taft, Donald—Criminology.
5. Edwin H. Sutherland and Donald R. Crusey—Principles of Criminology.
6. Horman, Mannheim—Pioneers in Criminology.
7. Hon, Barren, Mays—Crime and the Social Structure.
8. Ahmed Siddiqui—Criminology-Problems & Perspectives.
9. Lord Pakenham—Causes of Crime.
10. S. Venugopala Rao—Facts of Crime in India.
11. Korm, R.R. and McGorble, LW—Criminology and Penology.
12. Grunhut—Penal Reforms.
13. Mandholm—Criminal Justice and Reconstruction.
14. Gorden Rose—The Struggle for Penal Reform.
15. I.L.I.—Essays on Indian Penal Code.
16. Ben—Penology-Old and News-Tagore Law Lectures.
17. Elliott—Conflicting Penal Theories in Statutory Criminal Law.
18. Shamsul Huda—Tagore Law Lectures on Criminal Law.
19. Lawburse—Crime, Its Causes and Remedies.
20. Dequires—Modern Theories of Criminology.

21. Gillin--Criminology and Penology.
22. Deccaria--Crime and Punishment.
23. N.V. Puranjape--अपराधशास्त्र एवं दण्ड प्रशासन
24. M.S. Chauhan--अपराधशास्त्र एवं अपराधिक विज्ञान सिद्धान्त
25. B.L. Babel अपराधशास्त्र
26. The Criminal Procedure Code.
27. The Constitution of India.

Paper 3.8 (b)

Intellectual Property 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. Law relating to Copy-right :

Preliminary, Copyright Office and Board; Ownership of Copyright and the right of owners; Form of copyright; Licences, Performing rights Societies; Rights of Broadcasting Authorities, Registration of Copyright, Civil Remedies; Offences, Appeals.

2. Law relating to Patents.

Leading Cases :

1. Manu Bhandari v. Kalankas Pictures Pvt. Ltd., AIR (1987) Del. 13.
2. Nav Sahitya Prakash v. Anand Kumar, AIR 1981 All. 200 at p. 203.
3. Brundaban Sahu v. B. Rajendra Subudhi, AIR 1986 Orissa 210 at p. 211.
4. R.G. Anand v. Messers Deluxe Films, AIR 1978 SC 1513 p. 1627.

Suggested Readings :

1. Designs and Patents Act, 1988.
2. International Copy-right and Neighbouring Rights—S.M. Stewart.
3. Indian Copy-right Act, 1957.
4. Borne Convention Implementation Act, 1988.

Paper 3.8 (c)

Law & Medicine

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 are relevant.

Medical Jurisprudence :

Introduction and Legal Procedure, Identification of Person; Medical Aspect of Death, Death from Asphyxia, Starvation, Cold and Head Injuries, Sexual offences, Infanticide, Abortion.

Forensic Science :

Examination of Biological Fluids, Stains and other materials; Introduction and law relating to poison, Drug Addition, Sedatives.

Suggested Readings :

1. Patikh's Text Book of Medical Jurisprudence and Toxicology, by Dr. C.K. Parikh.
2. Medical Jurisprudence and Toxicology by Jai Singh S. Modi.
3. Forensic Chemistry and Scientific Criminal Investigation, by Lucas, A.

Leading Cases :

1. Sada Shiv Mohan Chandra V. State of Kerala, AIR 1994 SC 565.
2. Keru Singh v. State of Rajasthan, 1994 Cr. LJ 187 SC. 1843, 8 E.R. 718.
3. Jose v. State of Kerala, 1994 S CC (Cr.) 1659 SC.
4. Miss Narayanamma v. State of Karnataka, 1994 SCC 1573.
5. Hem Chandra v. State of Haryana, AIR 1995 SC 120.

PRACTICAL PAPER

Paper 3.9 Drafting, Pleading, Conveyancing, Pre-trial Preparations, Participation in Trial Proceeding and Moot Court

Max. Marks : 100

Min. Pass Marks : 36

This paper shall consist of following two parts :

Practical Written Paper —80 Marks

Viva-voce Examination —20 Marks

The candidate must pass in paper (a) and (b) separately, i.e. 29 marks out of 80 and 7 marks out of 20 marks :

PRACTICAL WRITTEN PAPER

Drafting & Pleading :

General principles of Drafting and relevant substantive rules of pleading and their exceptions; Amendment of Pleadings; Alternative and Inconsistent Pleadings.

Drafting Exercise on Pleadings :

(A) (i) Civil—(i) Plaints, (ii) Writenstatement; (iii) Interlocutory application, (iv) original petition; (v) Affidavit, (vi) Notice, (vii) Execution Petition; (viii) Memorandum of Appeal and Revision, (ix) Writ petition and its appeal.

(ii) Criminal—(i) Complaints, (ii) Bail Application, (iii) Accused's reply; (iv) Criminal Miscellaneous Petition, (v) Memoradnum of Appeal, Reference and Revision.

(B) Conveyancing :

Drafting exercise on Conveyancing—(i) Sale Deed; (ii) Mortgage Deed; (iii) Gift Deed; (iv) Lease Deed; (v) Rent Deed; (vi) Partnership Deed; (vii) Power of Attorney; (viii) Promissory Note and (x) Will.

(C) Pre-Trial Preparations :

Each student will observe two interviewing sessions of clients at the Advocate's Office/Legal Office and record the proceedings in a diary.

(D) Participation in Trial Proceedings :

Each student will attend two trials in the Final Year Course and maintain a record and enter the various steps observed during his/her attendance in a diary.

(E) Moot Court :

Each student will do at least two Moot Courts in the Final year.

Paper 3.9 (b)

Viva-Voce Paper

Maintaining diary on Court visit, recording pre-trial preparation and participations in trial proceedings.

Moot Court performances done on the basis of prescribed leading cases in LL.B. III year under the Supervision of concerned teacher. The teacher shall conduct at least two Moot Courts and it will be compulsory for the candidates to participate in at least fifty percent of such Moot Courts. The teacher can also conduct Moot Court on the basis of 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 Examinations.

In order to frame the scheme of examination for the LL.B. Course, the Committee has looked into the provisions of the Act, Statutes, Ordinances and Regulations, and has also discussed at length the necessity of suggesting changes in the scheme of examinations.

According to Section 8(2) of the University of Rajasthan Act, the courses of studies and curriculae to be followed in the University, or its affiliated colleges may be prescribed by the Statutes and Ordinances and subject thereto by the regulations.

According to Ordinance 48, the following subjects have been assigned to the Faculty in place of these subjects. The Committee suggests that names of the subjects stated in Column 1. may be substituted, as suggested in Column 2 :

Col 1	Col 2
(1) Substantive Private Law in force in India, Law of Contracts, Transfer of Property, Trusts, Specific Relief, Torts and Easements. Hindu Law, Mohammedan Law and Company Law.	(1) Contract, Law of Torts and Consumer Protection. Family Law, Constitutional Law, Legal Writing including General English, Legal and Constitutional History of India, Trust, Equity and Fiduciary Relationship, Public Interest Lawyering, Legal Aid Para-Legal Services and Moot Courts.
(2) Adjective Private Law in force in India, Law of Evidence, Civil procedure and Limitation.	(2) Jurisprudence. Law of Crimes, Law relating to Transfer of Property and Easement, Company Law Public International Law and Human Rights, Labour Law. Administrative Law, Taxation Law, Insurance Law, Banking Law. Including Negotiable Instruments Act, Professional Ethics, Bar-Bench Relations.
(3) Public Law of India, Constitutional Law, Revenue Law, Income Tax Law, Criminal	(3) Law of Evidence, Law relating to Criminal Procedure— Juvenile Offenders, Civil

Law and Procedure.

Procedure and Limitation,
Arbitration, Conciliation and
Alternate Dispute Resolution
System, Land Laws,
Interpretation of Statutes,
Environmental Law,
Criminology and Penology;
Intellectual Property Law, Law
& Medicine, Drafting, Pleading
& Conveyancing, Trial
Proceedings.

(4) Legal Theory, Principles of
English Common Law &
Equity; Jurisprudence &
Principles of Legislation
International Law and
Conflict of Law.

(4) Substantive Private Law,
Adjective Private Law & Public
Law in India; Principles of
Legislation, Conflict of Laws,
Legislative Research and
Philosophy of Law.

Ordinance 251 provides for new scheme of LL.B. (Professional) Five
Years Course. Ord. 251-A provides for the transitory provisions applicable to
the students admitted to three year LL.B. (P) and two years LL.B.(A) Course.

Before coming to any conclusion on the main recommendations of this
Committee, it would be proper to suggest as follows :

1. Ordinance 48 may be amended as suggested above.
2. The term new scheme above the Ordinance 251 may be deleted.
3. The following words appearing above Ordinance 251-A may also be
deleted.

"Old Scheme—transitory provisions applicable to students admitted to
three year LL.B.(P)/two years LL.B. (A) Course."

In order to frame the scheme of examinations for the proposed course
of LL.B. three years, the Committee has resolved to recommend, that the
following basic principles may first be accepted by the BOS and the Faculty
of Law and thereafter necessary scheme should be prepared—

- (1) All students would be admitted in LL.B. I year professional Course only
and those who would like to take admission in LL.B. I Year Academic
Course will have to apply separately. Those who do not apply separately
wouly be deemed to have been admitted to Professional Course.
- (2) The teaching shall be conducted through the lectur-method, practicals
and class performance during the Session and examination shall be
conducted through written papers. practicals and viva-voce at the end
of each year.

- (3) The instructions shall be provided in each paper of LL.B. I, II and III year for 3 hours a week by all the institutions running the LL.B. Classes.
- (4) Each theory paper in LL.B. I, II and III year shall be of 100 marks—the practical paper in each year of LL.B. I, II and III year has been divided into two parts : Part 'A' shall be of Practical Written Examination of 80 marks and Part 'B' shall be of viva-voce of 20 marks. A candidate shall be required to pass separately in Practical written and viva-voce examinations.
- (5) For a pass, in each of the LL.B. I year, II year or III year Examination, a candidate will be required to obtain not less than 48% marks in aggregate of theory and practical papers prescribed for the examination concerned, provided further that :
- A candidate who fails at the LL.B. First Year/Second Year or Third Year Examinations and has obtained not less than 36% marks in atleast 5 theory papers and practical or 6 theory papers shall be permitted to reappear in one or two theory papers and practical, or at the most three theory papers of his choice at the three successive subsequent examinations.
 - If a candidate fails to clear the LL.B. First Year or Second Year or Third Year Examination, as the case may be, in the aforesaid manner, he will be required to reappear in all the papers afresh as an ex-student, subject to the provisions of Clause (ii) or Ord. 163.
- N.B.* Actual marks obtained by a candidate in the papers in which he reappears will be taken into account and the earlier marks of other papers will be carried forward for working out his result. In carrying forward the earlier marks of other papers, the marks obtained by the candidate in each paper in the last of the attempts made by him will be taken into account.
- 6) A candidate who has passed LL.B. I year, II year or III year examination and desires to improve his performance may be permitted to re-appear at the same examination in the same subject(s)/Papers in the immediately following year on the conditions mentioned in Ordinance 169-E.

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