

Pre litigation, conciliation and settlement

Permanent lok adalat: establishment, cognizance of cases, procedure and award

The Rajasthan State Legal Services Authority Regulations,1999: Legal literacy, legal awareness committee: Constitution and functions of High Court and District Legal awareness committee Organization of legal awareness camps by law schools Role of voluntary organizations

Leading Cases:

1. Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802, (1984) 3 SCC 161
2. Olga Tellis v. Bombay Municipal Corporation (1985) 3 SCC 545, AIR 1986 SC 180
3. Sukdas v. Union Territory of Arunachal Pradesh (1986) 2 SCC 401, AIR 1986 SC 991
4. Sheela Barse v. State of Maharashtra AIR 1983 SC 378

Select Bibliography

1. Dr. S.R. Myneni- Public Interest lawyering legal aid and para legal services
2. Sujan Singh- Legal aid-human right to equality
3. S.S. Sharma- legal assistance to Poor
4. P.N. Bhagwati- legal aid as human right
5. P.N. Bajpayee- Legal aid and the Bar council
6. Sunil Deshtra- lok adalats in India- genesis and functioning
7. Sampat Jain- Public Interst Litigation
8. Dr. Kailash Rai- Janhit Vakalat, vidhik sahyog evam ardh vidhik sevayen.
9. Suresh Bhatia- Nirdhan Vidhik Shayta, Rajasthan Hindi Granth Academy
10. P.M. Bakshi- Public Interest Litigation

B. PRACTICAL PAPER

The candidate shall be required to attend at least two legal aid camps organized by the college. The candidate shall also be required to present a report regarding the problem along with his suggestions.

- (1) Attendance at the legal aid camp and
Submission of report- 10 Marks
- (2) Viva voce- 10 Marks

The Viva-voce examination shall be conducted by a committee of 2 persons. In this committee there shall be one internal examiner and one external examiner.

LL.B. THIRD YEAR EXAMINATION

COURSE CONTENTS

Note: Theories Paper (Compulsory and Optional Both)

The syllabus has been divided into five units. Questions will be set from each unit.

The questions paper shall contain three sections. Section A shall contain 10 questions two from each unit of 2 marks each. The Candidate is required to answer all the questions.

The answers should not exceed 50 words. Section B shall contain 5 questions one from each unit with internal choice each question shall be of 8 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 5 questions of 20 marks each, one from each unit. The candidate is required to answer any 2 questions. The answers shall not exceed 500 words.

In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.

In the case of discrepancies between English and Hindi Version, English Version will prevail.

Acts are to be read with their Amendments

Practical Paper:

The syllabus has been divided into four units. Questions will be set from each unit.

The questions paper shall contain three sections. Section A shall contain 8 questions two from each unit of 2.5 marks each. The Candidate is required to answer all the questions. The answers should not exceed 50 words. Section B shall contain 4 questions one from each unit with internal choice each question shall be of 10 marks. The answers should not exceed 200 words. The candidate is required to answer all the questions. Section C shall contain 4 questions of 20 marks each, one from each unit. The candidate is required to answer any 1 question. The answers shall not exceed 500 words.

In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the question set in the previous examination.

In the case of discrepancies between English and Hindi Version, English Version will prevail.

Acts are to be read with their Amendments.

3.1 LAW OF EVIDENCE

Max. Marks: 100

Min. Pass Marks : 36

UNIT- I

Preliminary: Application of Indian Evidence Act. Definitions: Court, fact-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 not relevant when become relevant, accidental and incidental facts, Facts which need not be proved, improper admission and rejection of facts.

UNIT-II

Admission and Confession:

- (a) Admission: Definition, whose admission is relevant, relevancy of admission in civil cases, admission is not conclusive proof. Admission and 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.
- (d) Dying Declarations- The justification for relevance on dying declarations (Section 32), The judicial standards for appreciation of evidentiary value of dying declarations.

Other Statement by Persons who cannot be called as Witnesses - General Principles, Special problems concerning violation of women's rights in marriage in the law of evidence.

UNIT- III

Statement made under special circumstances

Relevancy of judgement of a court of law

Opinion of third person

Opinion of experts / third person

Relevancy of character

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 and its exceptions, ambiguous documents, kinds of ambiguity.

UNIT- IV

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.

Estoppels: meaning, essentials, nature and its kinds. Competency of witnesses, when a person can be compelled to appear as witness, privileged communications and documents, accomplice, hostile witness.

UNIT- V

Examination of Witnesses: Order of examinations. kinds of examinations. leading question, impeaching the credit of witness, questions which can and which cannot be asked, refreshing the memory of witness, production of documents, 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 Chorasias v. State of Maharashtra, AIR 1968 SC 938.
5. Pakala Narayan Swami v. Emperor, AIR 1939 PC 47.
6. Bhardwade Bhogin Bhan Herrji Bhai v. State of Gujarat AIR 1988 SC 753.
7. RM Malkani v. State of Maharashtra, AIR 1973 2SCR 417

Select Bibliography:

1. Ratan Lal - The law of Evidence
2. Batuklal- Law of Evidence
3. Vepa P. Sarathi - Law of Evidence
4. Raja Ram Yadav- Law of Evidence (Hindi)
5. Shyam Sunder Sharma- Law of Evidence (Hindi)

PAPER - 3.2, THE CODE OF CRIMINAL PROCEDURE, 1973, JUVENILE JUSTICE ACT, 2015 AND PROBATION OF OFFENDERS ACT, 1958.

Max. Marks: 100

Min. Pass Marks: 36

UNIT- I

The Code of Criminal Procedure, 1973

1. Preliminary:

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

- Criminal Courts** (a) Territorial divisions and Classifications (Chapter II, Ss 6 to 25).
(b) Powers (Chapter III, Ss. 26 to 31).

UNIT- II

Pre-Trial Procedure:

- (a) Arrest of Persons (Chapter V)
- (b) Process to compel appearance (Chapter VI).
- (c) Process to compel Production of things (Chapter VII).
- (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); Order to furnish security for keeping peace and good behaviour (ss. 106-124)
- (g) Maintenance of Public Order and Tranquillity (Chapter-X)

Conditions requisite for initiation of proceedings, Complaints to Magistrates, Cognizance of Offence and Charge (Chapter XIV, XV and XVII).

UNIT-III

Types of Trials

- (i) Trial before Court of Session (Chapter XVIII).

- (ii) Trial of Warrant and Summons Cases (Chapter XIX & XX)
- (iii) Summary Trials (Chapter XXI)
- (iv) Maintenance of Wife, Children and Parents (Sec. 125 to 128).

UNIT - IV

Judgment (Chapter XXVII)

- (a) Appeal (Chapter XXIX) Reference and revision (Chapter XXX).
- (b) Misc. Provisions:
 - (i) Irregular proceedings (Chapter XXXV)
 - (ii) Period of Limitation (Chapter XXXVI)
 - (iii) Autrefois acquit and Autrefois convict (Sec 300).
 - (iv) Legal Aid to the accused at State Expenses (S. 303 & 304)
 - (v) Pardon to an accomplice (Sec 306 to 308)
 - (vi) Saving of Inherent powers of High Court (Sec. 482).

UNIT- V

The Juvenile Justice Act, 2015.

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

Probation of offenders Act, 1958:

Definitions, Power of court to require released 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. Tehsildar Singh v. State of UP , AIR 1959 SC. 1012
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 1961 SC. 1589.
5. State of Andhra Pradesh v. Cheemalapati Ganeshwara Rao, AIR 1963 SC 1850
6. Satwant Singh v. State of Punjab, AIR 1960 S.C. 266.

Select Bibliography :

1. Ratan Lal : Criminal Procedure Code.
2. Bhadu Vinod :Criminal Procedure Code (Hindi/English)
3. Kelkar R.V. : Criminal Procedure Code
4. Probation of Offenders Act, 1958.
5. Chakravarti, N.K. - Probation system - in the Administration of Criminal justice.
6. Tiwari Y.K.- CR.P.C (Hindi)
7. Thakker C.K. : Criminal Procedure Code.

8. M.D. Chaturvedi- CR.P.C etc. (Hindi)
9. B.L. Babel- CR.P.C (Hindi)

**PAPER 3.3. THE CODE OF CIVIL PROCEDURE 1908
AND THE LIMITATION ACT, 1963**

Max. Marks: 100

Min. Pass Marks 36

UNIT-I

Definitions, suits in general, suits of civil nature, stay of suit, Res judicata, Res subjudice, Foreign Judgment

UNIT-II

Place of trial, Transfer of suits, Joinder, non-joinder and mis-joinder of parties and causes of action, Service of Summons, Attachment before judgment, Arrest before Judgment. Supplemental proceedings.

UNIT- III

Execution 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 xxxiii). Abatement of suits, summary proceedings.

UNIT- IV

Temporary injunction and Appointment of Receiver, Appeals-Appeals against order and appeal against decree, Review. Revision and Reference, Transfer of cases, Restitutions, Caveat, Inherent powers

UNIT- V

The Limitation Act, 1963 (Omitting the Schedule) Definitions: Purpose, Policy, Scope, Applicant, bond, Defendant, easement, good faith, plaintiff, period of limitation Relationship between limitation, laches, acquiescence, estoppels and res judicata; 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. Ranga Ramanuja, AIR 1961 SC 1720.
2. Seth Hukamchand v. Maharaja Bahadur Singh AIR 1933 PC 193
3. Narain Bhagwant Rao v. Gopal Vinayak AIR 1960 SC 100
4. Garikapati Veerava v. Subbiah Chaudhary, AIR 1957 SC 540.
5. Deoki Nandan v. Murlidhar, AIR 1957 SC 133.
6. Deity Pattabhirama Swamy v. Hanmayya, AIR 1959 SC 57.
7. S.M. jakati v. B.M. Borker, AIR 1959 S.C. 282.

Select Bibliography:

1. Mulla- Civil Procedure Code.
2. Singh S.N. - Civil Procedure Code.

3. Sahai on Civil Procedure.
4. Tandon, M.P. - Civil Procedure Code (English & Hindi)
5. Mridula Srivastava - Civil procedure Code (Hindi)
6. A.N. Pandey - Civil Procedure Code (Hindi)
7. C.K. Tekwani- Civil Procedure Code
8. T.P. Tripathi- Civil Procedure Code (Hindi)

**PAPER - 3.4 LEGAL LANGUAGE, LEGAL WRITING INCLUDING
GENERAL ENGLISH AND INTERPRETATION OF STATUTES.**

Max. Marks : 100

Min. Pass Marks:36

UNIT-I

Meaning of interpretation, its distinction from constructions, kinds of interpretation Grammatical and logical, intention of legislation Cardinal principles of interpretation; Plain meaning rule; Golden rule and mischief rule, Aids to interpretation, Internal : Long title, Preamble, Headings, marginal Notes, Non obstante clause, Punctuation, Proviso, External : Parliamentary History; legislative debate, Reports of Committees and Commission, Statement of Objects and Reasons, Historical facts and surrounding circumstance, Dictionary.

UNIT-II

Maxims of interpretation: Ejusdem Generies, Noscitur a Sociis, Utres magis valeat qavam pereat, Statute in pari materia, Operation of statutes, Expiry and repeal of Statutes, Mandatory provisions, Use of Statutes, Construction of Fiscal Statutes Interpretation of Penal Statutes and Interpretation of Constitution, colourable legislation, Doctrine of pith and substance and Doctrine of eclipse, etc.

UNIT-III

Vocabulary: Use of legal phrases and terms; pairs of words; one word substitution

(A) Vocabulary:

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 | Excheat | Estoppel |
| Eviction | Executive | Ex-parte |
| Finding | Floating charge | Forma Pauperis |
| Franchise | Fraud | Frustration |
| Goodfaith | Guardian | Habeas Corpus. |
| Hearsay | Homicide | Hypothication |
| 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 | Lien | Liquidation |
| Maintenance | Malafide | Malfeasance |
| Minor | Misfeasance | Mortgage |
| Murder | Negligence | Negotiable |
| Instruments | Neutrality | Non-feasance |
| Notification | Novation | Nuisance |
| Oath | Obscene | Offender |
| Order | Ordinance | Over-rule |
| De-facto | De Jure | Deposit |
| Detention | Discretion | Distress |
| Earnest Money | Enact | Enforceable |
| Equality | Partition | Perjury |
| Petition | Plaintiff | Pledge |
| Preamble | Pre-emption | Prescription |
| Presumption | Privilege | Privity |
| Prize | Process | Promissory Note |
| Proof | Proposal | Prosecution |
| Proviso | Ratify | Receiver |
| Redemption | Reference | Regulation |
| Remand | Remedy | Rent |
| Repeal | Res Judicata | Respondent |
| In Limine | Insanity | Institute |
| Insurance | Interstate | Issue |
| Judgement | Judicial | Jurisdiction |
| Justice | Restitution | Rule |

| | | |
|-------------------|-----------------|----------------------|
| Ruling | Schedule | Section |
| Settlement | Sovereignty | Specific Performance |
| Stamp duty | Status quo | Statute |
| Stay of execution | Succession | Summons |
| Surety | Tenant | Testator |
| Testatrix | Title | Tort |
| Trade Mark | Treason | Treaty |
| Trespass | Trial | Tribunal |
| Ultra Vires | Undue influence | Usage |
| Valid | Verdict | Vested |
| Violate | Vis-major | Void |
| Voidable | Wager | Waiver |
| Warrant | Warranty | Will |
| Writ | Wrong | |

UNIT-IV

Latin maxims: Meaning and use in sentences; Comprehension of legal texts; précis writing

LIST OF LATIN MAXIMS:

1. Ab initio (from the beginning)
2. Actio personalis moritur cum persona (Personal actions die with the death of 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 curaie (friend of the court)
11. Animus (Intention)
12. Audi alterem 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 takes no account of trifling matters).
19. Decree nisi (a decree which takes effect after a specified period).
20. Delegatus non potest delegare (a delegated power can not be further delegated).
21. Doli incapax (incapable in malice).

22. Donatio mortis causa (gift by a person on the death bed).
23. Ejusdem generis (of the same category).
24. Eminent domain (the supreme right).
25. Ex-officio (by virtue of an office).
26. Ex-parte (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 excuset (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 republicae ut sit finis litium (it is in the interest of the republic that there should be an end of law suit).
34. Intra-vires (within the powers)
35. Jus tertii (The right of a third party)
36. Lis pendens (pending suit)
37. Mens rea (a guilty mind)
38. Mesne profits (the profits received by a person on wrongful possession).
39. Nemo det quod non habet (no man can't transfer better title than he has himself).
40. Nemo det bis vexari pro et idem 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 case)
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 (pact must be respected)
46. Pendente lite (during litigation)
47. Per Capita (per head)
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, principles of the case).
53. Res geste (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 when cause is shown to the contrary).
58. Status quo (existing position)
59. Sub judice (in course of adjudication).

60. Sui juris (one's own right).
61. Suo motu (of ones 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 unjuria (Risk taken voluntarily is not actionable).

UNIT-V

Writing of legal drafts letters and applications; Essay writing on topics of legal interest;
Translation from Hindi to English and English to Hindi.

Note : Except in a question relating to translation from English to Hindi; answers to Questions asked in unit 3, 4 & 5th are to be given in English.

Select Bibliography:

1. Galnville William : Learning the Law.
2. Wren & Martin : English Grammar.
3. Ganga Sahai Sharma : Fundamental 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 Venketaramanaija.

Leading Cases :

1. Heydon's Case (1584) 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.

Select Bibliography:

1. Maxwell - The interpretation of Statutes.
2. Crawford - Statutory constitution.
3. Craies - Statute Law.
4. Swarup - Interpretation of Statutes.
5. Bindra - Interpretation of Statutes.
6. Sarathi - Interpretation of Statutes.
7. Bhattacharya, T., - Interpretation of Statutes (English & Hindi)
8. Radha Gupta- Interpretation of Statutes (Hindi)
9. Anirooudh Prasad : Interpretation of Statues (Hindi)
10. Jain R.L. : Legal Writing and Legal Language.

**PAPER - 3.5 TRUST, EQUITY AND
FIDUCIARY RELATIONS**

Max. Marks: 100

Min. Pass Marks: 36

UNIT- I

Equity: Concept of Equity – Place function Nature of Equity, Origin and Growth of Equity in England-

UNIT- II

Maxims of equity: Equitable rights - Equitable remedies.

UNIT-III

Indian Trust 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 Trust- Certain obligations in the nature of Trust.

UNIT- IV

Rajasthan Public Trust Act, 1959: Definition and Validity of certain public trust- Registration of Public Trust- Management of Public Trust property- Powers of officers in relations to Public Trust-

UNIT- V

Control of Public Trust- Special provisions in respect of certain trust- Dharmada, Procedure and Penalties.

Fiduciary Relation: Fiduciary Relationship, Definition, Kinds, classification, Fiduciary principle.

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. Syed Hussain Ali AIR 1961 SC 1402.
3. Surajmal Singhvi v. State of Rajasthan , 1966 RLW 556.
4. Tilakayat Shri Govindlalji v. State of Rajasthan, AIR 1963 SC 1630.

Select Bibliography:

1. Upadhyaya, J.J. R.- Equity, Trusts with Fiduciary Relation 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. : साम्या, न्यास एवं विशिष्ट अनुतोष अधिनियम

PAPER 3.6 OPTIONAL PAPER (ANY ONE)
PAPER - 3.6 (A) CRIMINOLOGY AND PENOLOGY

Max. Marks : 100

Min. Pass Marks : 36

UNIT-I

Criminology: Definition, nature and scope, method of studying, importance and classification of crime.

Criminal behaviour: (a) Explanations. (b) Psychological theories, Alcoholism and Drugs. (c) Crime and social process: Economic Motivation, Socio-cultural Motivations, home and community influences, white collar crime, Female offender, juvenile Delinquency, influence of mass-media

UNIT- II

Schools of Criminological Thought (Factors in causation of criminal behaviour)

- i. Ancient School
 - (a) Demonological
 - (b) School of Free Will
- ii. Classical School.
- iii. Cartographic or ecological school.
- iv. Socialistic School
- v. Typological School
 - (a) Italian or positive school
 - (b) Mental Testers School
 - (c) Psychiativists School
- vi. Sociological School.
- vii. Multi factor School.

UNIT- III

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

UNIT-IV

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, Neoclassical, Positive School. Reformers, Clinical School and multiple causation approach.

UNIT- V

Miscellaneous: modes of treatment of offenders, corporeal punishment, Transportation of criminals, Capital punishment, imprisonment, reactional treatment, parole, compensation, admonition, sex and adolescent offenders, indeterminate Sentences, Borstal School, Criminal procedural Jurisprudence. Constitutional Guarantees - Principles of natural Justice as applicable in procedural law, Protection to arrested

persons. Under-trials, detenué and convicted persons. Double jeopardy, self-incrimination and right to life and legal aid.

Leading Cases:

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

Select Bibliography:

1. Barnes, H.B. - Teeters - 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. Grussey- 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 Mc Gorble, LW - Criminology and Penology.
12. Grunhut - Penal Reforms.
13. Mandholm - Criminal Justice and Reconstruction.
14. Garden Rose - The Struggle for Penal reform.
15. I.L.I. - Essays on Indian Penal Code.
16. Ben - Penology - Old and New - Tagore Law Lectures.
17. Elliot - conflicting Penal Theories in Statutory in Criminal Law.
18. Shamshul 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. Paranjape - 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 - 3.6 (B) INTELLECTUAL PROPERTY LAW

Max. Marks: 100

Min. Pass Marks: 36

UNIT- I

Introductory : The meaning of intellectual property, Competing rationales of the legal regimes for the protection of intellectual property, The main forms of intellectual property : copyright trademarks, patents, designs, The competing rationales for protection of rights in, Copyright, Trademarks, Patents, Design, Trade secrets, Other new forms such as plant varieties and geographical Indians, Introduction to the leading international instrument concerning intellectual property right : the Berne Convention, Universal Copyright Convention, the Paris Union TRIPS the World intellectual Property Right Organization (WIPO) and the UNESCO.

UNIT - II

Copyright in India : Historical evolution of the law, Meaning of copyright, Copyright in literary, dramatic and musical works, Copyright in sound records and cinematograph films, Copyright in computer programme, Ownership of copyright, Assignment of copyright, Author's special right, Notion of infringement, Criteria of infringement, Infringement of copyright by films of literary and dramatic works, Importation and infringement, Fair use provisions, Piracy in internet, Aspects of copyright justice, Remedies, especially, the possibility of Anton pillar injunctive relief in India.

UNIT- III

Intellectual Property in Trademarks: The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights, Definition and concept of trademarks, Registration, Distinction between trademark and property mark, The doctrine of honest Current User, The doctrine of deceptive similarity, Protection of well-known marks, Passing off and infringement, Criteria of infringement, Standards of proof in passing off action, Remedies.

UNIT- IV

Patents (A): Concept of patent, Historical view of the patents law in India, Patentable inventions with special reference to biotechnology products entailing creation of new forms of life, Patent protection for computer programme, Process of obtaining a patent : application, examination, opposition and sealing of patents : general introduction, Procedure for filing patents, patent co-operation treaty, Some grounds for opposition, The problems of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters, Wrongfully obtaining the invention, Prior publication of anticipation, Obviousness and the lack of inventive step, Insufficient description.

UNIT- V

Patents (B) Rights and obligations of a patentee, Patents as chose in action, Duration of patents : law and policy considerations, Use and exercise rights, Right of secrecy, The

notion of "abuse" of patent rights, Compulsory licenses, Special Categories, Employee invention : Law and Policy Consideration, International Patents, Transfer of Technology, Know-How and problems of self reliant development, Infringement

Leading Cases:

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

Select Bibliography:

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

PAPER - 3.6 (C) LAW OF MEDICINE

Max. Marks: 100

Min. Pass Marks: 36

UNIT- I

The Establishment of Identity of Individuals: Branding, tattooing, Mutiating, Scars and Moles, Bantillon system: photography: fingerprints: ridge characteristics: Proscopy.

UNIT- II

Injuries: (HURT) : Definition in law (Sec. 319, 320 I.P.C.) Grievous Injury, Classification, Cardinal fractures of different types of injuries, Age of injuries.

Burns & Scars: Classification of burns (Depurants), Causes of death after burns, Simple and grievous burns, Area of the body surface in burns and its relationships, Ante-mortem and post-mortem burns.

UNIT- III

Ashpyxia and Drowning: Cause of asphyxia, post-mortem appearances, Various types of violent asphyxial deaths like hanging, Strangulation, throttling and traumatic asphyxia, and the post mortem appearances commonly seen in these conditions, Drowning - Cardinal post-mortem signs : Cadaveric apasm of hands, Signs in the air passages, Stomach contents, Sign in the lungs, Demonstration of diatoms in the viscera.

UNIT-IV

Sexual Offence: Rape: Definition (Sec 375 I.P.C.), Examination of victim - Anatomy of hymen, Positive signs of rape, Examination of the accused, Medico legal aspects, Sodomy: Examination of the victim, Signs in the habitual passive agent, Examination of the accused,

Examination of Blood Stains: Physical, Chemical & Serological, Blood grouping its basic principles.

UNIT- V

- Autopsy:** Procedure - Aims & Objects - Difficulties, Problems, Times since death - Description of post- mortem changes, Estimation of time since death from rigor post-mortem staining, putrefaction, adipocere formation nummification changes in the eyes, skin, primary and secondary relaxation. In drowning cases from floatation of the body, In dead bodies after burial From the change in the degree of digestion of stomach contents, from the change of the cerebo spinal fluid and the narrow cells of the sternum, Cause and manner of a death, Ante mortem or post-mortem injuries, Examination of human remains skeletal and mutilated remains, Establishment of age, Sex and Stature for the purpose of identity, Infanticide, Definition dead born, still born viable foetus, criteria for separate existence, Exhumation : Rules and Procedure,
8. Poisons : Classification of poisons, Diagnosis of poisoning. Examination of poisoning case. Brief Toxicology of the following common poisons-Opium, Dhatura Barbivaratcs, Cannabis India, Arsenic, Copper Sulphate, Lead Stryehnine, Cocaine, Alcohol Organo Phosphours Compunds, Carbonmonoxide, Hytiocyanci Acid, Pot Cynide, Phosphorus, Snake bite.

Select Bibliography:

1. Parikh'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.
4. B.L.Babel- Medical Jurisprudence (Hindi)

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
3. Jose v. State of Kerala, 1994 SCC (Cr.) 1659
4. Miss Narayanamma v. State of Karnataka, 1994 SCC 573.
5. Hemchandra v. State of Haryana, AIR 1995 SC 120.

PAPER - 3.7 LAND LAWS

Max. Marks: 100

Min. Pass Marks: 36

UNIT-I

THE RAJASTHAN TENANCY ACT, 1955

Preliminary Objects and Reasons Definitions (S.5) : Agricultural year, Grove holder Grove Land, Improvement, Land, Tenant, Trespasser, Classes of Tenants, (S.14, 15, 17, 17-a) Lands on which Khatadari Rights do not accrue (S. 16), Primary Rights of tenants (Ss. 31 to 37) Devolution of tenancies, Transfer of tenancies, Exchange of tenancies, Surrender.

Abandonment and extinction of tenancies, improvement and trees (Ss. 38 to 87)
Groveholders (Ss. 194 to 205)

UNIT-II

Grounds for Ejectment of tenants and Remedies for Wrongful ejectment (Ss. 169 to 188), Provision for injunction and appointment of Receiver (S. 212), Procedure and Jurisdiction of Courts (Ss. 216 to 221), Appeal, Review, Revision, Reference (Ss. 222 to 232), Question of tenancy right in Civil Courts (S. 242) Conflict of Jurisdiction (S. 243)

UNIT-III

THE RAJASTHAN LAND REVENUE ACT, 1956

The Board of Revenue (Ss. 4 to 14), Revenue Courts and Officers (Ss. 15 to 36), Appeal, Reference, Revision and Review (Ss. 74 to 87); Land : use of Agricultural Land for Non-Agricultural purposes (s. 90-A), unauthorised Occupation of Land (S. 91), Allotment of Land for Agricultural purpose (S. 101), Survey and Record operations: General (Ss. 106 to 109) Boundary Marks (Ss. 110 to 111) Maps and Field Books (S. 112)

UNIT-IV

Record of Rights (Ss. 113 to 121) Mutations (Ss. 122 to 137). Settlement operation: General (Ss. 142 to 146), Economic Survey (S. 148) Formation of Assessment Circles (S. 149), Soil classification (S. 150), Evolution and Modification of rent rates, preparation of rent rate reports. its submission and finalisation (Ss. 151 to 167), Tenants option to refuse rent determined and its effect (Ss. 168 to 172), Preparation of Dastoor Ganwai (Ss. 173 to 174), Term of settlement (Ss. 175 to 177), Processes for Recovery of Revenue (S. 228), Writ of demand and citation to appear (Ss. 229 and 229- A), Attachment and Sale of movable property (S. 230), Attachment of the Land (Ss. 231 to 233), Sale of defaulters specific Area, Path or estate (Ss. 235 to 253)

UNIT-V

The Rajasthan Rent Control Act, 2001 (Act No. 01 of 2003 as amended by Rajasthan Act No. 21 and 22 of 2005): Definition, Application Preliminary, Revision of Rent, Determination of rent, Tenancy- Limited period tenancy, eviction of tenants, rights of landlord, Restoration of possession of illegally evicted tenant and procedure thereof. Constitution of Tribunals, Jurisdiction, Appeal and Execution, Amenities and Miscellaneous provisions.

Selected Bibliography :

1. S.K. Dutta- Rajasthan Tenancy Act, Rajasthan Land Revenue Act, Rent Control in Rajasthan.
2. Mathur & Mathur- Land Laws in Rajasthan.
3. Dr. G.S. Karkara- Land Laws in Rajasthan.

Leading Cases :

1. Ugam Raj v. Civil Judge(SD) Sojat City & ors. 2005(6) RRD 2180 (Raj.)
2. Heera Lal v. Rent Tribunal, Bikaner & ors. 2005(7) RRD 2648 (Raj.)

3. Nathu Singh v. Laxman Singh 1995 RRD 124
4. Panne Singh v. Guman Singh 1964 RRD 101
5. Shivshankar v. Murli Sri Bade Mathureshji 1996 RRD 316
6. Bhohra v. Ganesh 1996 RRD 71

PAPER - 3.8 HUMAN RIGHTS LAW AND PRACTICE

Max. Marks: 100

Min. Pass Marks: 36

Unit - I

1. Human Rights : Concept

- a. Human Rights Meaning and Nature
- b. Human rights in Indian tradition : ancient, medieval and modern
- c. Human rights in western tradition
- d. Development of natural rights
- e. Human Rights in international law and national law

Unit - II

2. Classification of Human Rights – First, Second and Third Generations : Historical Development

Unit - III

3. Human Rights Under International Law

- a. Universal Declaration of Human Rights (1948)
- b. Covenant of Political and Civil Rights (1966)
- c. Covenant of Economic, Social and Cultural Rights (1966)

Unit - IV

4. Role of Regional Organizations

- a. European Convention of Human Rights
- b. American Convention on Human Rights
- c. African Convention of Human Rights

Unit - V

5. Enforcement of Human Rights in Indian Perspective

- a. Role of Supreme Court
- b. Role of High Courts
- c. Role of National Human Rights Commission
- d. Role of State Human Rights Commissions

Select Bibliography

- D.D.Basu, Human Rights in Indian Constitutional Law, (1994).
 Vijay Chitnis,(et.al.). Human Rights and the Law. National and Global Perspectives, (1997).
 B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993).
 James Vadakkumchery, Human Rights and the Politics in India, (1996).

D.R.Saxena, Tribals and the Law, (1997).
Poornima Advani, Indian Judiciary: A Tribute, (1997).
Justice Venkataramiah, Human Rights in the Changing World, (1998)
Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996).

**PAPER - 3.9 ARBITRATION, CONCILIATION AND ALTERNATIVE DISPUTES
RESOLUTION SYSTEMS**

(A) Written Paper: 80 marks **Min. Pass Marks : 29**
(B) Practical Paper: 20 marks **Min. Pass Marks : 07**

The Practical examination shall be conducted by a committee of 2 examiners. In this committee there shall be one internal and one external examiner.

(A)Written Paper

UNIT-I

Arbitration and Conciliation Act, 1996: General provisions: Arbitration agreement; Arbitral Tribunal: Composition and Jurisdiction; Conduct of Arbitral Proceeding.

UNIT-II

Arbitral awards: Termination of proceedings, setting aside the Arbitral award; Enforcement of Arbitral awards, Appeals; Code of ethics for Arbitrators.

UNIT-III

Enforcement of Foreign-awards; Geneva Convention International arbitration institutions
Conciliation : conciliators, appointment of conciliators, relationship of conciliators with the parties, settlement agreement status and effect of settlement agreements. Terminations of conciliation proceedings, resort to judicial proceedings, cost and deposits.

UNIT- IV

Alternative dispute & resolution system: Objects and role of committee for implementation of legal aid schemes (CILAS). The Legal services authorities act, 1987 (as amended by the act of 2002)- The national legal service authority, State legal service authority and District legal service authority- constitution and functions;

Lok Adalat- Organisation, cognizance of cases, award and powers. Permanent Lok Adalat-establishment, cognizance of cases, procedure and award. Study of other alternative dispute resolution system in brief such as Nyay Panchayat and Family courts.

Leading Cases:

1. Sundaram Finance Ltd. v. NIPC India Ltd. (1999) 2 SCC 479
2. NMTC Ltd. v. Sterlite Industries Ltd. 1996(4) SCC 219
3. Lotus Investment and Securities v. Pramod S. Tiberwal 1996(2) SCC 579
4. State of Rajasthan v. Bharat Construction Co. 1998 (4) CCs 172 (Raj.)

Selected Bibliography:

1. G.C. Mathur, Arbitration and Conciliation Act, 1996.

2. S. Krishnamurthy: Law of Arbitration and Conciliation.
3. P.M.Bakshi: Arbitration Law.
4. O.P. Tiwari: The Arbitration and Conciliation Act, 1996
5. Avtar Singh: Law of Arbitration and Conciliation.

**PRACTICAL PAPER : 3.10
DRAFTING, PLEADING, CONVEYANCING
AND MOOT COURT TRIAL**

This paper will consist of following two parts –

(A) Written Paper: 80 marks

Min. Pass Marks: 29

(B) Practical Paper: 20 marks

Min. Pass Marks: 07

The Practical examination shall be conducted by a committee of 2 examiners. In this committee there shall be one internal and one external examiner.

(A)Written Paper

UNIT- I

Pleading: Meaning, Kinds; Fundamental principles of pleading and their exceptions, amendment of pleadings, alternate and inconsistent pleadings Doctrine of set-off: Legal set-off and equitable set-off

UNIT- II

Drafting of pleadings Civil: Plaints, written statement, Original Petition, Affidavit, Notice, Execution Petitions, Memorandum of Appeal, Execution of Writ Petition. and Judgement writing

UNIT- III

Criminal complaints, Bail Application, Accusi Reply, criminal Miscellaneous Petition, Appeal, Reference and Revision.

UNIT- IV

Conveyancing: Meaning, General Rules of Conveyancing, Salient parts of conveyancing, rules relating to their drafting

Drafting of Deeds: Partnership deed, mortgage by conditional sale, notice for eviction, writing of government contract, sale deed, Mortgage Deed, Gift Deed, Lease Deed, Rent Deed, Power of Attorney, Provisory Note and will .

(B)Practical Paper:

- (1) Pre-trial Preparation :** Each student will observe two interviewing session of clients at the advocate office / legal office and record the proceedings in a diary.
- (2) Participation in Trial Proceedings :** Each student will attend two trials during the session and maintain a record and enter the various steps observed during in a diary.
- (3) Moot Court :** Each student will participate in two Moot courts

(4) **Viva-voce:** The Viva-voce examination shall be conducted by a committee of two persons. In this committee there shall be one Internal and one External Examiner. The committee shall award marks on the basis of Court diary, performance at the Moot court and Viva-voce Examination.

The division of marks will be as under:

- | | |
|--------------------------------------|----------|
| (1) Record maintained by the student | 5 marks |
| (2) Participation in Moot court | 5 marks |
| (c) Viva-voce | 10 marks |

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