



Progressive Education Society's

Modern Law College,

Ganeshkhind, University Circle, Pune- 411016

Permanently Affiliated to the University of Pune, Recognised by the Government of Maharashtra and Approved by the Bar Council of India, New Delhi

Phone: 020-25638987, 25635396

Email: info.modernlaw@gmail.com website: www.modernlawcollege.org

Syllabus

IIIrd Year of the B.A. LL.B.

(Five-Year Law Course)

(From 2003-2004)

INDEX

Sr. No.	Content	Page No.
I.	Pune University Rules for B.A. LL.B. Course	3
II.	B.A. LL.B. (Semester-V)	4
	Paper 13 – Family Laws - I	4
	Paper 14 – Law of Crimes	5
	Paper 15 - Labour Laws	6
	Paper 16 - Optional Papers (any one)	
	a. Trust, Equity and Fiduciary Relationships	6
	b. Criminology and Penology	8
	c. Women and Law, and Law relating to the Child	10
	d. International Economic Law	12
III.	B.A. LL.B. (Semester-VI)	16
	Paper 17 – Family Laws - II	16
	Paper 18 – Constitutional Law	17
	Paper 19 – Law of Torts and Consumer Protection Act	19
	Paper 20 – Practical Training III (Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations)	21

Disclaimer: For information and internal circulation only. For further information refer to official publication and website of University of Pune at www.unipune.ac.in . College Authorities are not responsible for any omission, deletion or mistake.

Rules for Standard of Passing, Benefit etc.

1. Standard of Passing:

To pass the Ist and IInd year of B.A. LL.B. Examination (Five-Year law course), a candidate must obtain

- a) 40% of the full marks in each paper
- b) 40% of the total marks in the examination.

To pass the IIIrd year of B.A. LL.B. and IVth and Vth year B.A. LL.B. (Five-Year Law Course) a candidate must obtain.

- c) 35% of the full marks in each paper and
- d) 50% of the total marks in the examination.

2. Entitlement to appear at the end of the academic year:

A candidate who has completed his term for semester I, II, V, VII or IX of the five-year B.A. LL.B. Course, and has paid examination fees for such the examination for such Semester Examination, but has remained absent for any or all papers, or has failed in any or all papers at such Semester Examination, shall be entitled to appear for any or all of such papers respectively along with the Semester II, IV, VI, VIII or X examinations respectively.

Any student who has appeared for Semester I, III, V, VII or IX Examination of the B.A. LL.B. Course shall be entitled to re-appear for all or any of the paper along with the Semester II, IV, VI, VIII or X examinations for improving his marks.

3. Exemption:

A candidate who obtains at least 50% of the full marks in a paper shall at his option be exempted from that paper at a subsequent examination. He shall however have to pass in the remaining paper or papers in accordance with the standard of passing laid down above. The benefit of exemption so earned may be available for six years only.

4. First-Second Class:

At the end of the academic year, those of the successful candidates who obtain 50% or more of the total marks will be placed in the Second Class, and those who obtain 60% or more of the total marks will be placed in the First Class, and those who obtain 70% or more marks will be placed in First Class with Distinction.

5. Allowed to keep terms:

A candidate who obtains at the Ist, IInd, IIIrd year of B.A. LL.B., or IVth year of LL.B. (five-year B.A. LL.B. course) (hereafter earlier year) 50% of the full marks in the number of subjects given below out of the total number of papers prescribed for the respective academic year shall be allowed to keep terms respectively for next year, i.e. the IInd, IIIrd year of B.A. LL.B. and IVth and Vth year of B.A. LL.B. Examination i.e. ATKT for 1/3 of the total subjects.

Ist B.A. LL.B. examination- 4 subjects

IInd B.A. LL.B. examination- 4 subjects

IIIrd B.A. LL.B. examination- 5 subjects

IVth B.A. LL.B. examination- 5 subjects

Provided however that he shall be required to clear such subjects before he required to clear such subjects before he joins the class following such next year, or shall not be declared to have passed the Vth year of B.A. LL.B. unless he has passed such subjects and the examination of the previous year.

Such a candidate shall not be eligible for a Class prize or scholarship awarded at the examination.

OR

Provided however that he shall not be declared to have passed the examination of such next year, i.e. IInd and IIIrd year of B.A. LL.B. and IVth and Vth year of B.A. LL.B. unless he has passed such subjects and the remaining papers in the examination of such previous year according to the standard of passing laid down above.

Such a candidate shall not be eligible for a Class prize or scholarship awarded at the examination.

Semester V(June to Oct.)

Paper 13 - Family Laws I

(With Latest amendments and case Law)

Family Relations – Hindus , Muslims, Christians and Parsis

1. Nature, Sources and Schools of
 - a) Hindu Law
 - b) Muslim Law
2. Marriage
 - a) Formation
 - b) Duration
 - c) Disruption
3. Marital Relief
 - a) Judicial separation
 - b) Divorce
 - c) Nullity of Marriage
 - d) Restitution of Conjugal Nights
 - e) Dissolution
4. Law of Maintenance (Hindu and Muslim Law)
 - a) Claim of Spouses
 - b) Claim of Parents and Children
 - c) Alimony (Pendente Life and Permanent)
5. Adoption
6. Minority and Guardianship
7. The special Marriage Act, 1954

Statutes

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

Recommended Books and Readings

1. Desai, Kumud Law of Marriage and Divorce
2. Diwan, Paras Modern Hindu Law
3. Mayne Hindu Law
4. Diwan, Paras Family Law
5. Subbarao, T.V. Family Law In India
6. Mulla Principles of Mohammedian Law
7. Mahmood, Tahir Muslim Law

Paper 14 – Law of Crimes

1. Indian Penal Code 1860 – sections 1 to 511
2. Criminal Jurisprudence – Essentials of a crime and offence, related maxims, theories of punishments with relevant case law

Recommended Books And Readings

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

References

- 1) Basu Indian Penal Code Vol. 1 & 2

- | | | |
|----|--------------|------------------------------------|
| 2) | Gour | Penal Law of India Vol. 1 To 4 |
| 3) | Gaur, K.D. | Criminal Law – Cases and Materials |
| 4) | Jaspal Singh | Indian Penal Code |
| 5) | Kenny | Outlines of Criminal Law |
| 6) | Nigam, R.C. | Principles of Criminal Law |

Paper 15 – Labour Laws

(With latest amendments and case-law)

1. The Industrial Disputes Act, 1947
2. The Trade Unions Act, 1926
3. The Maharashtra Recognition of Trade Unions and Prevention of Unfair Trade Practices Act, 1971
4. The Factories Act, 1948
5. The Minimum Wages Act, 1948
6. The Workmen's Compensation Act, 1923
7. The Employees' state Insurance Act, 1945
8. The Employees' Provident Fund and Miscellaneous Provisions Act, 1952
9. The Payment of Wages Act, 1936

Recommended Books And Readings

- | | | |
|----|-------------------|--|
| 1. | Malik, P.C. | Labour Law of India |
| 2. | Malhotra, O.P. | Industrial Disputes Act, 1947 |
| 3. | Shrivastava, K.D. | Commentaries on all Labour Laws |
| 4. | Kothari, G.M. | A Study of Industrial Law |
| 5. | Sachedeva | Industrial and Labour Law |
| 6. | ---- | Reports of the National Commission on Labour |
| 7. | --- | Recommendation and convention of ILO |

Paper 16 – Optional Paper

- (1) Trust, Equity and Fiduciary Relationships
(With latest Amendments and Case-Law)

Division of Marks:--

- | | | |
|----|------------------------------------|----------|
| 1) | The Indian Trusts Act, 1882 | 40 Marks |
| 2) | Fiduciary Relations | 10 Marks |
| 3) | The Bombay Public Trusts Act, 1950 | 35 Marks |
| 4) | Principles of Equity and Maxims | 15 Marks |

A. The Indian Trusts Act, 1882

1. Preliminary

- a) Definitions – Trust, Author of the Trust, Trustee, Beneficiary, Trust property, Beneficial Interest, Instrument of Trust, Breach of Trust, Cestui que trust
- b) Comparison of Trust with other relationships
 - i. Private trust and public / charitable trust
 - ii. Trust and debt
 - iii. Trust and ownership
 - iv. Trust and bailment
 - v. Trust and agency
 - vi. Trust and contract
 - vii. Trust and conditions
 - viii. Trust and equitable charge
 - ix. Trust and mortgage
 - x. Trust and administration
- 2. Kinds of trusts
- 3. Creation of trusts
- 4. Appointment of trustees
- 5. Duties and Liabilities of trustees
- 6. Rights and Powers of trustees
- 7. Disabilities of trustees
- 8. Rights and liabilities of the beneficiary
- 9. Vacating the office of trustee
- 10. Extinction of trusts
- 11. Certain Obligations in the nature of the trusts

B. Fiduciary relations - Concepts and Kinds

C. The Bombay Public Trusts Act, 1950

- 1. Definitions – public trust, math, person having interest, temple, wakf, trustee
- 2. Establishments
- 3. Charitable purposes and validity of certain public trusts
- 4. Registration of public trust
- 5. Budget, Accounts and Audit
- 6. Powers and duties and restrictions on trustees etc.
- 7. Control, Powers and Functions of Charity Commissioner
- 8. Other functions and Powers of Charity Commissioner dhormodo, cypress
- 9. Special provision as respects religious and charitable institution and endowment
- 10. Public Trusts Administration Fund
- 11. Offences and penalties
- 12. Function of Charity Commissioners, Procedure, Jurisdiction and Appeals

D. Principles of equity and maxims

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

Recommended Books And Readings

- | | |
|-------------------------|-----------------------------------|
| 1) Iyer, Suryanarayanan | The Indian Trust Act |
| 2) Rangacharya, I.V. | The Indian Trust Act |
| 3) Agarwal, O.P. | The Indian Trust Act |
| 4) Tandon, M.P. | The Indian Trust Act |
| 5) Chaudhari, D.H. | The Bombay Public Trust Act, 1950 |
| 6) Shah, K.N. | The Bombay Public Trust Act, 1950 |
| 7) Apte, M.S. | The Bombay Public Trust Act, 1950 |
| 8) Gupte & Dighe | The Bombay Public Trust Act, 1950 |
| 9) ---- | Snell's Principles of Equity |
| 10) Ahmed, Aquil | Equity, Trust and Specific Relief |
| 11) Basu, D.D. | Equity, Trust and Specific Relief |

Paper 16– Optional Paper

(2) Criminology and Penology

1. Criminology

- A) Definition
- B) Nature and scope of criminology and penology and the nature extent of crime in India.
- C) The concept of crime and characteristic of Criminal Law.

- D) Determination and differential of Crime.
- E) The criminal – Who is a Criminal ?
- F) Whether criminology is a science ?
- G) Objective of criminal justice system

2. Schools of Criminology

- A) Classical school and neo-classical school
- B) Cartographic
- C) Socialist
- D) Typological
- E) Lombrosian
- F) Psychiatric
- G) Sociological and socio-psychological

3. I. Prevalence of crime

II. Study of crime and criminal justice

III. Identification of the causes of crime - Theories

IV. Approaches to crime problem

V. Focus on individual and environment

4. Role and Function of Police

- A) In action
- B) Police goals, objectives and functions
- C) National Police Commission (Recommendations)
- D) Appointment of Police Commissioner
- E) Judicial Powers (Executive)
- F) Organised crimes
- G) Rights of Victims
- H) Protection of the accused

5. A. Imprisonment – History of Prisons

a) Aims and objectives, and conditions

b) Types of prisons

c) I. Success and failure of prisons

II. Discipline and control

D) Open an instructions

B. 1. Prison work

2. Education

3. Prison reform – schools and reformations

4. Rights of prisoners (Contribution of the Supreme Court)

6. Presentation of crime and definquency

A) Punitive approach

B) Defence approach

C) Interventionist approach – Prevention policies, recidivism, intervention, mechanical approach, comical approach

7. White Collar Crime

- A) Nature and definition
- B) Types of white collar crime and development
- C) Some Legislation to meet white collar crimes
- D) Judicial trends

Recommended Books And Readings

- | | | |
|-----|------------------|---|
| 1. | Siddique, Ahmed | Criminology |
| 2. | Sethna, M.J. | Society and Criminal |
| 3. | Sirohi, P.S. | Criminology and Criminal Administration |
| 4. | Paranjpe, N.V. | Criminology and Penology |
| 5. | Mehta, Rohinton | Crime and Criminology |
| 6. | Sutherland, E.H. | Principles of Criminology |
| 7. | Sutherland, E.H. | White collar crime |
| 8. | Reckless, W.C. | The crime problem |
| 9. | Bhudhan, Vidya | Prison System in India |
| 10. | Mulla | Mulla Committee Report |

Paper 16– Optional Paper

(3) Woman and Law, and Law relating to the Child

Division of marks

- a. Woman and Law – 50 marks
 - b. Law relating to the child – 50 marks
- A. Woman and Law (50 marks)
- 1. Constitution of India (Provisions regarding women)
 - 1. Constitution of India – Articles 14, 15(1), 15(3), 16 (1), 23 and (2), 39 (d), 51
 - 2. Reservation of seats for women in local bodies – Article 243.
 - 2. Violence against women**
 - A) Domestic Violence
 - i. Protection against cruelty
 - ii. Harassment for dowry
 - iii. Forced prostitution
 - iv. State intervention

B) Relevant provisions of

- i. The Indian Penal Code 1890.
- ii. The Criminal Procedure Code 1973.
- iii. The Indian Evidence Act. 1872.
- iv. The Dowry Prohibition Act. 1961.
- v. The Immoral Traffic (Prevention) Act. 1956.

3. Women and Labour laws

Relevant provisions of

1. The Equal Remuneration Act. 1976.
2. The Maternity Benefits Act. 1961.
3. The Factories Act. 1948.
4. The Mines Act. 1952.
5. The Employee's State Insurance Act. 1948.

4. Other protective legislations

1. The National Commission for Women Act. 1990.
2. The Indecent Representation of Women (Prohibition) Act.
3. The Commission of Sati (Prevention) Act. 1987
4. The Medical Termination of Pregnancy Act. 1971.
5. The Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act. 1994.

5. Need for gender justice, Uniform Civil Code.

Recommended books and readings

1. Diwan Paras and Divan Peeyushi, Women and Legal Protection (Deep and Deep Publications, New Delhi)
2. Shanmsi Shamsuddin, Women, Law and Social Change (Ashish Publishing House, New Delhi)
3. "Towards Equality", Report on the Commission on Status of Women Empowerment in India, Chapters IV and Sec. IV.
4. The Hindu Widow's Re-marriage (Repeal) Act. 1983.
5. Gangrade K.D. Social Legislation in India. Vols. II and I.
6. Bhattacharjee A.M. Matrimonial Laws and the Constitution.
7. Kant Anjani, Women and Law.
8. Dewan- Offences against Women.
9. Mishra O.P., Law relating to Women and Child.
10. Reddy G. B. Women and the Law.
11. Betra Manjula, Women.
12. The Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act. 1994.
13. The Medical Termination of Pregnancy Act. 1971.
14. The Muslim Women's (Protection of Rights on Divorce) Act.

B. Law relating to the child (50 marks)

1. Social and legal status of child.
2. Constitutional protection to children under Articles 15 (3), 24, 39(c) and (f), 45 of the Constitution of India.
3. The National Commission for Child.
4. Legal control of employment of child labor under the following enactments.
 - a. The Factories Act. 1948.
 - b. The Apprentices Act. 1961.
 - c. The Bombay Shops and Establishments Act. 1948.
 - d. The Child Labour (Prohibition and Regulation) Act. 1986.
5. Protective legislations for the child.
6. Child under litigation with reference to Civil Procedure Code 1908.

Suggested reading

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

Paper 16 – Optional Paper

(4) International Economic Law

1. Nature, development, scope and sources of International Economic Law.
 - a. International Law – is it true law?
 - b. Theories of international law, private international law and public international law.
2. International institutions, their functions and role in International Economic law.
 - a. New International Economic Order (NIEO), Charter on Economic Rights and Duties of States (ERDS).
 - b. United Nations Conference on Trade and Development (UNCTAD).
 - c. United Nations Conference on International Trade Law (UNCITRAL).
 - d. World Intellectual Property Organization (WIPRO).
 - e. Paris Convention, Berne Convention.
 - f. International Bank for Reconstruction and Development (BRD).
 - g. International Finance Corporation (IFC).
 - h. International Development Association (IDA).

- i. United Nations Development Programme (UNDP).
- j. World Trade Organization (WTO).
- k. Organization for Economic Co-operation and Development (OECD).

3. Foreign Investment

- a. Types and role of foreign investment.
- b. Measures to regulate and control foreign investment.
- c. World Bank guideline.
- d. Introduction to International Finance.

4. International Trade.

-) Unification of the law of International Sale of Goods.
-) Uniform Customs and Practice for Documentary Credits and the International Chamber of Commerce.
-) Conventions for Enforcement of Arbitration Awards. Geneva Protocol and Convention. New York Convention 1958. UNCITRAL model law on International Commercial Arbitration.
-) International Convention governing Bill of Lading. Brussels Convention
-) The Hague Draft Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters Recognition and enforcement

5. A. General Agreement on Tariffs and Trade.

-) The legal and institutional aspects of GATT.
-) Historical evolution of the GATT.
-) Objectives and main principles of GATT.
-) Procedure of negotiation.
-) Negotiation Rounds.
-) The GATT 1994, salient features of the GATT 1994 (Final Act of Uruguay Round).
-) World Trade Organization (WTO).

B. Basic principles and core concepts of the GATT/WTO, Most Favoured Nation (MFN) Treatment, National Treatment, Tariffs and Quotas.

- a. GATT 1994 – Articles I-V, VII, XIII, XVII-XXI, XVII (Also GATT 1994 – Articles XXII, XXIII).
- b. Relevant Cases.
- c. Dumping and subsidies.
- d. GATT 1994 Articles VI, XVI.
- e. WTO agreement Annexure IA.

- f. WTO agreement Annexure IA.
- C. Exceptions to the GATT/WTO
 - GATT 1994 Articles XX, XXI, XII, IX, XXIII, XXIV, XXIV, XXXV, XIX
 - WTO Agreement on Safeguards of GATT 1994.
- D. Agreement of GATT 1994.
 - Controversial Agreement of GATT 1994
 - Less controversial agreements of GATT 1994
- E. Implications and Opportunities of GATT 1994 for India with particular reference to Agreement on Agriculture, Agreement on TRIPS, Agreement on Textiles and Clothing GATs, TRIMs.
- F. Trade and Environment
 - GATT and the Environment with relevant cases
- 6. Settlement of Disputes in International Economic Law
 - a. WTO/GATT System
 - Article XXIII of GATT, Dispute Settlement.
 - b. International Court of Justice (ICJ)
 - Constitution, Procedure, Jurisdiction Relevant Cases (as enclosed)
 - c. World bank Inspection Panel
 - Function, Procedure.
 - d. International Court for settlement of investment Disputes (ICSID), US-Iran Claims Tribunal Function, Procedure.

CASES PANEL REPORTS

1. Topic: Basic Principles and Core Concepts of GAAT/WTO: MEN, National Treatment, Tariffs and Quotas.
 - a. Belgium – I Unity Allowances: G/32 adopted on 7 November 1952, IS/39.
 - b. Spain-Tariff Treatment of Unfrosted Coffee from Brazil, L/5:35, adopted on 11 June 1981 288/02.
 - c. United States – Denial of Most Favored Nation Treatment as to Non-rubber Footwear from Brazil, DS/18/R adopted on 19 June 1992, 39S/128.
 - d. Japan-Tariff on Import of Spruce-Pine-Fir (“Dimension Lumber”) adopted 19 July 1989, 36S/167.
 - e. Thailand-Restrictions on Importation of and Internal Taxes on Cigare BISD 37s/200.
 - f. US-Section 337 of the Tariff Act of 1930, BISD 36s/345.
 - g. Japan-Taxes on Alcoholic Beverages, WT/DSS/AB/R,WTO Panel report issued 11 July 1996, appeal filed by Japan, 8 August 1996.

- h. Japan- Taxes on Alcoholic Beverage, WT/DS8/R, WTO Appellate Body report circulated 4 October 1996.
 - i. United States- taxes on Petroleum and Certain Imported Substances, BISD 34s/136:27 ILM (1988, pp. 1596-1616) Trade and Environment.
 - j. United States- Prohibition of Import of Tuna and Tuna Products from Canada, Report of the Panel adopted on 22 February 1982, BISD/29s/91.
 - k. United States- Taxes on Petroleum and Certain Imported Substances, Report of the Panel adopted on 17 June 1987, BISD/34S/160.
 - l. Canada- Measures affecting Exports of Unprocessed Herring and Salmon, Report of the Panel adopted on 22 March 1988, BISD/35/98.
 - m. United States- Section 337 of the Tariff Act of 1930. Report of the Panel adopted on 7 November 1989, BISD/36S/345.
 - n. EEC-Regulation on Imports of Parts and Components (Screwdriver Case), Report of the Panel adopted on 16 May 1990, BISD/37S/132.
 - o. Thailand-Restrictions on Importation of and Internal Taxes on Cigarettes, Report of the Panel adopted on 7 November 1990, BISD/37S/200.
 - p. United States-Restrictions on Imports of Tuna from Mexico, Report of the Panel. GATT DOCUMENT ds21/R, 3 September 1991, 30 ILM 91991 1594.
 - q. United States- Standards for Reformulated and Conventional Gasoline. WT/DS2/AB/R, AB-1996-1, 29 April 1996.
2. Topic: ICJ
- a. Anglo-Iranian Oil Co Case, ICJ Reports 1952, P.93: 19ILR 507.
 - b. Monetary Gold Case (Preliminary Question), ICJ Reports, 1954 p.29: 20 IL 441.
 - c. Norwegian Loans Case, ICJ Reports 1957, p.9: 24 ILR 782.
 - d. Barcelona Traction Case, (New Application).
Preliminary Objection, ICJ Reports 1964, p.4: 46ILR 18
Secondary phase, ICJ Reports 1970, p.3:46 ILR 178.
 - e. Electronic Sicula SPA (ELSI) Case, ICJ Reports 1989: 89 ILR 311.
 - f. Certain Phosphates (Nauru v. Australia), ICJ Reports 1982, n 240: 97 ILR 111.

Recommended books and readings.

1. Dr. Rao Myneni Srinivasa "International Economic Law, Pioneer Books, Delhi.
2. Jackson, Davey, Sykes, " Legal Problems of International Economic Relations". West Publishing Co. Minn. United States of America.
3. Trebilcock, Howse, " The Regulation of International Trade" Routledge, London.

4. John Jackson, "The World Trade System" The MIT Press, Cambridge.
5. Tandon. "Public International Law" Allahabad Law Agency, Allahabad.
6. P. Narayan. "Intellectual Property Law". Eastern Law House, Delhi.
7. Primary texts and general reference texts for the Trade Section of the Course.
8. The Result of the Uruguay Round of Multilateral Trade Negotiations: The legal texts. GATT Secretariat (1994). WTO Home Page [http:// www.wto.org/Welcom.html](http://www.wto.org/Welcom.html)
9. For Panel Reports – Handbook of GATT Dispute Settlement (loose-leaf), P. Scatore, Davey and Lowenthal, Kuwer, 1991, Regularly updated loose-leaf reference of GATT and WTO Panel Reports.

Semester V (June to Oct.)

Paper 17 Family Laws – II

Law relating to succession and property to Hindus, Muslims, Christians and Parsis (including State laws)

- A. Hindu Law
 1. Hindu Joint Family System
 2. Mitakshara Joint Family.
 3. Dayabhaga Joint Family
 4. Son's pious obligation
 5. Partition
 6. Stridhan
 7. The Hindu Succession Act, 1956.
- B. Law relating to Muslims, Christians and Parsis
 1. Mohammedan law of succession – principles of inheritance
 2. Wakf
 3. Gift
 4. Pre-emption
 5. Wills
- C. The Indian Succession Act 1925 (Sections 1 to 191)

Recommended books and reading

1. Diwan Paras, Family Law.
2. Mulla, Principles of Mohammedan Law.

3. Mulla, Principles of Hindu Law.
4. Tahir Mahmood, Hindu Law.
5. Mayne, Hindu Law and Usage.
6. Derrett J.D. M., Introduction to Modern Hindu Law
7. Paruck, The Indian Succession Act (latest edition)
8. Tahir Mahmood, Mohammedan Law.
9. Subba Rao G.C.V., Family Law.

Paper 18 - Constitutional Law

Note: All inter-related Articles have to be so mentioned the taught accordingly.

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

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

1. The nature of the Constitution
2. Salient features of the Constitution
3. The Preamble of the Constitution
4. The Union and its Territory (Articles 1-4)
5. Citizenship (Articles 5- 11)
6. Fundamental Rights (also with reference to Emergency Articles 352-360 and Amendment provisions Art 368)
 - a. General – Article 12, Definition of State – Article 13
 - b. Right to Equality – Article 14-18.
 -) Equality before Law – Article 14
 -) Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth – Article 15.
 -) Equality of Opportunity in matters of Public Employment – Article 16
 -) Abolition of Untouchability – Article 17.
 -) Abolition of Titles – Article 18

- c. Rights to Freedom- Articles 19-22.
 - Protection of certain Rights regarding Freedom of Speech, etc.
 -
 - Article 19.
 - Protection in respect of Conviction of Offences – Article 20.
 - Protection of Life and Personal Liberty – Article 21.
 - Protection against Arrest and Detention in certain Cases – Article 22.
 - d. Rights against Exploitation - Article 23-24.
 - Prohibition of Traffic in Human Beings and Forced Labour – Article 24.
 - Prohibition of Employment of Children in Factories etc. – Article 24.
 - e. Right to Freedom of Religion – Articles 25-28
 - f. Cultural and Educational Rights – Articles 29-30.
 - g. Right to Constitutional Remedies- Articles 32-35
7. Directive Principles of State Policy – Articles 36-51
Relation between Directive Principles of State Policy and Fundamental Rights.
8. Fundamental Duties- Article 51-A
9. The Union Executive – The President, Vice President, Council of Ministers – Articles 52-78 & 129
10. The Parliament – Articles 79-122
11. The Union Judiciary – Articles 124-147
12. The Comptroller and Auditor General of India – Articles 148-151

B. Centre-State Relations

- 1. Introduction and Concept of Federalism, Developments of Federation
- 2. The State Executives – Articles 153-167, 213

3. The State Legislature – Articles 168-212
4. The State Judiciary – Articles 214-237
5. The Panchayats – Articles 243, The Municipalities – Articles 243 P-243 ZG
6. Relations between the Union and States Articles 245-293
 - a. Legislative Relations
 - b. Administrative Relations
 - c. Financial Relations
7. The State Liability Articles 299-300
8. Right to Property – Articles 300 A
9. Freedom of Trade, Commerce and Intercourse – Article 301-307
10. Services under the Union and States – Article 308-323
11. Tribunals – Articles 323A-323B
12. Elections and Emergency (all articles), Amendment and related Articles-Articles 324-329

Recommended books and readings

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

Paper 19 - Law of Torts and Consumer Protection Act

Division of marks

Law of Torts – 80 marks

Consumer Protection Act 1986 – 20 marks

A. Law of Tort (80 marks)

1. Nature of Tort
History, Definition of tort, Distinction between tort, crime and contract.
2. General Principles

Constituents of tort, *damnum sine injuria*, *sine damno*, *ubi jus ibi remedium*, General elements in tort, act and omission, voluntary act, malice, motive, intention, negligence and recklessness, fault, general principle of liability.

3. Personal Capacity

Convict, Alien enemy, Husband and Wife, Corporation, Trade unions, Insolvent, State and its subordinates, Minor, Lunatic, Foreign sovereign.

4. General Defenses

Act of State, act of God, judicial acts, executive act, Leave and license (consent), necessity, Private Defence, inevitable accident, statutory authority, parental and quasi-parental authority, plaintiff a wrongdoer, acts causing slight harm.

5. Discharge of Torts

Waiver, accord and satisfaction, release, acquiescence, judgment recovered, statutes of limitation.

6. Vicarious Liability – Liability by Relation

- a. Master and servant – principle of liability, vicarious liability of State
- b. Principle and agent
- c. Guardian and ward
- d. Company and director
- e. Employer and independent contractor

7. Remedies

Damages, injunctions, specific restitution of property, extra-judicial remedies

8. Trespass to Person

Assault and battery, false imprisonment, damages, justification.

9. Defamation

Libel and slander essentials of defamation, innuende, defenses, remedies.

10. Trespass to Property

- a. Trespass to immovable property
Trespass to land trespass by animal, Defence to trespass ab initio
- b. Trespass to movable property
Trespass to goods, by conversion, by detention.

11. Negligence

Meaning, essentials, burden of proof, *res ipsa loquitur*, contributory negligence, strict and absolute liability.

12. Nuisance

Kinds of nuisance, public nuisance and private nuisance, essentials, Defence, remedies.

13. Malicious Proceedings

- Malicious prosecution, malicious civil proceedings.
14. Liability for misstatements.
Deceit or fraud, negligent misstatements, innocent misrepresentations
 15. Death in relation to tort- English law and Indian law

B. Consumer Protection Act 1986 (20 marks)

1. Object, definitions, Consumer Protection Councils, Consumer Dispute Redressal Agencies composition and jurisdiction.
2. Procedure for filing complaint, appeals, enforcement of orders, penalties.

Recommended books and readings

1. Ratanlal and Dhirajlal, The Law of Torts.
2. Winfield on Tort, The Law of Torts.
3. Ramaswamy Iyer, The Law of Torts.
4. Pandey J. N. Law of Torts with Consumer Protection
5. Bangia R. K. Law of Torts
6. Shukla S. N. Law of Torts
7. Tiwari O.P. The Consumer Protection Act
8. Gurjeet Singh, Law of Consumer Protection in India (Deep & Deep Publication, New Delhi).
9. Gurbax Singh, Law of Consumer Protection (Bharat Law Publication, Jaipur)
10. Avtar Singh, Introduction to Law of Torts.

Paper 20 - Professional Ethics Accountancy for Lawyers and Bar-Bench Relations Theory paper

- A.
1. Development of legal Profession in India.
 2. Concept, need and importance of Professional Ethics.
 3. Bar Council of India Rules on standards of professional Conduct And Etiquette.
 4. Duties and Obligations of Advocate. (Norms of Prof. Ethics)

Section I	- Duty to the Court
Section II	- Duty to Client
Section III	- Duty to Opponent
Section IV	- Duty to Colleagues
	- Duty to Profession
	- Duty to Render Legal Aid.
	- Restrictions on other employments

- Senior Advocates and Restrictions on Senior Advocates
- Form of Dresses or Robes to be Worn by Advocate
- Vakalatnama

B. Advocate Act, 1961

Chapter I (Sections 1 &2)

Definitions – Advocate, Legal Practitioner, Law Graduate.

Chapter II (Sections 3 to 15) – Bar Councils Functions

Chapter III (Sections 16 to 28) – Admission and Enrolment of Advocates for misconduct.

Chapter IV (Sections 29 to 34) – Right to Practice.

Chapter V (Sections 35 to 44) – Conduct of Advocates.

– Punishment of Advocates for Misconduct.

Chapter V (Sections 45 onwards) – Miscellaneous.

C. Bar- Bench Relations and Contempt of Court.

1. Concept and Role of Bar- Bench Relation with reference to Administrations of Justice.
2. The Contempt of Courts Act, 1971 Sections 1 to 24

D. Accountancy for Lawyers

1. Definition, Object, Importance and Utility of Book Keeping.
2. Principles of Book keeping and Accountancy, Accounting concepts and Accounting conventions.
3. Meaning and Advantages of Double Entry Book Keeping.
4. Classification of Accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.
5. Types of Cash Book.
 - I. Simple Cash Book.
 - II. Cash Book with Cash and Discount columns.
 - III. Cash Book with Cash, Bank and Discount columns.
6. Bank Reconciliation Statement.
7. Rectification of Errors.
8. Preparation of Trail Balance.
9. Preparation of Trading, Profit and Loss Account and Balance Sheet.
10. Preparation of Income and Expenditure account.
11. Assessment of income and expenditure and payment of taxes by Advocates.

E. Cases Prescribed for Study.

- 1) P.D. Khandekar Vs Bar Council of Maharashtra (1984)2, S.C.C., 556.
- 2) M. Veerabhadra Rao Vs Tek Chand (1984) Supplement S.C.C., 571.

- 3) Prahlad Saran Gupta Vs Bar Council of India (1997) 3, S.C.C., 585.
- 4) V.P. Kumaravelu Vs Bar Council of India (1997) 4, S.C.C., 266.
- 5) Brajendra Nath Bhargava Vs Ramchandra Kaslival (1998) 9, S.C.C., 169.
- 6) Ramon Services Pvt. Ltd. Vs Subash Kapoor (2001) 2, S.C.C., 365
- 7) Shambhu Ram Yadav Vs Hanumandas Khatry AIR 2002 S.C. 548
- 8) D.P. Chadha Vs P.N. Mishra AIR 2001 S.C. 457
- 9) Harish chandra Tiwari Vs Baiju AIR 2002 S.C. 548
- 10) Prem Surana Vs Additional Munsif and Judicial Magistrate AIR 2002 S.C. 2956
- 11) Bhupinder Kumar Sharma Vs Bar Association Pathankot (2002) 1, S.C.C., 470
- 12) Rajendra V Pai Vs Alex Fernades and others (2002) 4, SCC., 212
- 13) Vikas Deshpande Vs Bar Council of India (2003) 1, S.C.C., 384.
- 14) Bar Council of Andhra Pradesh Vs Kurapati Satyanarayanaa (2003) 1, S.C.C., 102
- 15) Bar Council of India Vs High Court of Kerala (2004) 6, SCC,311.
- 16) Suresh Chandra Poddar Vs Dhani Ram and others (2002) 1, S.C.C., 766.
- 17) Arundhati Roy in RE (Contemmer) (2002) 3, S.C.C., 343
- 18) Bijay Kumar Mahanty Vs Jadu Alisis Ram Chandra Sahoo (2003) 1, S.C.C., 644.
- 19) Ex. Capt Harish Uppal Vs Union of India (2003) 2, S.C.C., 45.
- 20) Radha Mohan Lal Vs Rajasthan High Court (2003) 3, SCC, 42.
- 21) Case Relating to V.C. Mishra Chairman, B.C.I.

Recommended books and readings

1. Sanjiva Row's Advocates Act, 1961.
2. Iyer's Law of Contempt of Courts.
3. Bar Council of India Trust Selected Judgments on Professional Ethics.
4. Bar Council of India Rules on Standards of professional conduct and Etiquette.
5. Dr. Kailash Rai – Legal Ethics, Accountancy for Lawyers and Bench – Bar Relations.
6. Dr. S.P. Gupta Professional Ethics, Accountancy for Lawyers and Bench – Bar Relations.
7. M.G. Patkar – Book Keeping and Accountancy.
8. Mrs. Jayshree Kotibhaskar – Book Keeping and Accountancy.
9. Krishnamurti Iyer Advocacy.
10. Shukla and Grewal – Advance Accountancy.
11. R.L. Gupta – Advanced Accountancy.
12. S.N. Maheshwari – Introduction to accountancy.
13. India Bar Review – Journal.

14. M.P. Jain – Outline Indian Legal History – Chapter Development of Legal Profession.
15. V.K.V. Krishna Swami Iyer – Professional Conduct and Advocacy and Chapters 10 to 17.
16. M.R. Mallick – Advocates Act 1961 with Professional Ethics Advocacy and Bar Bench Relationship.
17. P.L. Mehta , Sushma Gupta – Legal Education and Legal Profession in India.
18. Law Reporters – AIR , S.C.C. (Relevant cases).
19. J.P.S. Sirohi – Professional Ethics, Accountancy for Lawyers and Bench – Bar Relations.
20. Agarwal A.N. – Practical Aspects of Higher Accountancy.
21. Anand – Professional Ethics of Bar.
22. Jha Shriram Chandra – Selected Judgements on Prof. Ethics
23. Myneni S.R.- Professional Ethics, Accountancy for Lawyers and Bench – Bar Relations.
24. Reddy G.B. – Practical Advocacy for Lawyers.